The God of Compassion at Mount Sinai – A Literary and Theological Interpretation of the Tangled Mix of Law and Narrative in the Sinai Pericope (Exodus 19:1-24:11)

by

Heun Kyu Joo

A Thesis submitted to the Faculty of Knox College and the Biblical Department of the Toronto School of Theology in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Theology awarded by the University of St. Michael’s College

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Heun Kyu Joo

Doctor of Philosophy

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Abstract

This dissertation sets out a new understanding of the canonical relationship of the inextricably mixed law and narrative material in the Sinai Pericope in Exodus 19:1-24:11. Traditional historical-critics assume that the Sinai Pericope’s textually irregular mix of law and narrative was an arbitrary arrangement that points to the text’s complicated prehistory. Over against such a reading, this dissertation argues that thematic and theological coherence can be discerned in the Sinai Pericope. More specifically, it argues that the final form of the Sinai Pericope itself provides canonical pressure for reading it as a theologically and thematically coherent corpus. This dissertation surveys diachronic and synchronic discussions of the formation of the legal and narrative material in the Sinai Pericope. Drawing upon insights from such discussions, it demonstrates that the disparate literary genres in the Sinai Pericope are purposefully mingled by the final author, a phenomenon that suggests that the mix of law and narrative itself functions as the major literary feature which points to the literary and theological coherence of the Sinai Pericope as a whole.
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Abbreviations

AB  The Anchor Bible
ABRL  The Anchor Bible Reference Library
AIIL  Ancient Israel and Its Literature
AJSR  *Association of Jewish Studies Review*
AnBib  Analecta Biblica
ATANT  Abhandlungen zur Theologie des Alten und Neuen Testaments
ATR  *Anglican Theological Review*
ATSAT  Arbeiten zu Text und Sparche im Alten Testament
AYBRL  Anchor Yale Bible Reference Library
BETL  Bibliotheca Ephemeridum Theologicarum Lovaniensium
BI  *Biblical Interpretation*
Bib  *Biblica*
BJS  Brown Judaic Studies
BLS  Bible and Literature Series
BS  The Biblical Seminar
BT  *Bible Translator*
BTS  *Baekseok Theological Journal*
BZABR  Beihefte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte
CBQ  *Catholic Biblical Quarterly*
CBSC  Cambridge Bible for Schools and Colleges
CP  Changing Perspective Series
CRB  Cahiers de la Revue biblique
CSHB  Critical Studies in Hebrew Bible
CTJ  *Calvin Theological Journal*
ECC  Eerdmans Critical Commentary
FAT  Forschungen zum Alten Testament
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<tr>
<th>Abbreviation</th>
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<td>Formation and Interpretation of Old Testament Literature</td>
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<td>JBL</td>
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<td>OBS</td>
<td>Oxford Bible Series</td>
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Introduction

Thesis Statement

This present study argues on the basis of a canonical reading of the Sinai Pericope that the disparate literary strands, narrative and law, which are interwoven together in Exodus 19:1-24:11, constitute a literary unity which presents a coherent portrait of Yahweh, the God of compassion. The key features of this literary unity are as follows: (1) the narrative framework (19:1-25; 24:1-11) which brackets the Decalogue (20:1-17) and the Book of the Covenant (20:22-23:33); and (2) Moses' mediation between God and the Israelites which links those two law collections with the narrative context of the Sinai Pericope.

1 At the outset of this present study, it is crucial to define the denotation of the two literary genres. First of all, narrative can be defined as story having plot. The law is expressed by a variety of words and materials related to it throughout Exodus, but, in this study, the law is understood as a literary genre, including the ten commandments, various legal cases, cultic regulations, and other priestly instructions in the Sinai Pericope and in the larger context of Exodus, as distinct from narrative. Narrative and law as literary genres will be dealt with in Chapters 4 literarily and in Chapter 6 theologically.


3 Thomas B. Dozeman, Exodus, ECC (Grand Rapids: Eerdmans, 2009), 495. As Dozeman notes, the narrative account of Moses’ mediation between God and the Israelites in 20:18-21 functions as a transition from the Decalogue, delivered in the form of a “public conversation” between God and Moses, to the Book of the Covenant delivered through Moses’ personal mediation. I would like to argue that Moses’ office of mediation between God and the Israelites also plays a key role in linking all the literary units of the Sinai Pericope together in three respects: (1) Moses’ mediation of God’s theophany which involves God’s proposal and ratification of covenant in ch.19 and 24:1-11; (2) Moses’ mediation of law which is triggered by the Israelites’ experience of a divine theophany as described in the narrative account in 20:18-21.
By way of these two features, the Sinai Pericope presents a neat parallel structure:

A  Narrative frame: Moses’ mediation of theophany between God and the Israelites (ch. 19)
   - God’s proposal of covenant

B  The first law collection: the Decalogue (20:1-17)
   - Moses’ public promulgation of the divine speech of laws

A’  Narrative interlude: Moses’ mediation of law between God and the Israelites (20:18-21)

B’  The second law collection: the Book of the Covenant (20:22-23:33)
   - Moses’ personal mediation of laws

A’  Narrative frame: Moses’ mediation of theophany between God and the Israelites (24:1-11)
   - God’s ratification of covenant

In supporting this thesis, secondary observations concerning the following characteristics of
the law collections that anchor the Sinai Pericope as a whole in the larger narrative context of
the Book of Exodus should be weighed:

1. The narrative introduction of the Decalogue retrospectively recalling the Israelites’ past
   experience of bondage in Egypt.
2. The narrative-like concluding divine sanctions of the Book of the Covenant in 23:20-33
   anticipating Israelites’ future life in the Promised Land.
3. The identical motive clauses for laws regarding social responsibility for sojourners in 22:21
   [BHS] and 23:9.
4. The laws in the Decalogue and the Book of the Covenant which reflect the exodus motif,
   whether directly or indirectly (e.g., Sabbath principle in 23:10-13; laws of liberation of
   Hebrew slaves in 21:2-11, laws of social responsibility for sojourners, widows, orphans, and
   the poor in 22:20-26[BHS], admonitions on judges, first-fruits/born and holiness in 22:27-
   23:19).

Status Quaestionis

The Sinaitic narratives in 19:1-24:11 describe Yahweh’s divine theophany at Mount Sinai
which involves his proposal to the Israelites (19:1-25) and ratification of the covenant (24:1-
11). These Sinaitic narratives surround two law collections, the Decalogue and the Book of
the Covenant. For more than a century, scholars have wrestled with the phenomenon of the
literary tension between the law and narrative sections in 19:1-24:11. Many historical-

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4 Bruno Bänch, *Das Bundesbuch: Ex. Xx 22-xxiii 33* (Halle: Max Niemeyer, 1892); Julius Wellhausen, *Die
Composition des Hexateuchs und der historischen Bücher des Alten Testament* (Berlin: Reimer, 1899), 73-91;
critical scholars have analyzed and interpreted the legal materials separately from their surrounding Sinaitic narratives.\textsuperscript{5}

Consequently, many scholars have regarded the narrative disruptions as the result of secondary additions of the law collections to the Sinaitic narratives. More specifically, most critical scholars have argued that redundant reports of Moses’ ascents and descents of Mount Sinai to mediate between God and the Israelites (19:1-20:21; 24:1-3a; especially, 19:24-25; 24:1ff.) are chronologically inconsistent.\textsuperscript{6} They then have concluded that the Sinai Pericope is an arbitrary literary arrangement and that therefore has “no thematic and theological coherence.”\textsuperscript{7} For example, Paul D. Hanson argued that the literary tension between law and narrative in the Sinai Pericope culminates in distinctive depictions of God’s character: the covenant-making God versus the lawgiving God (e.g., the “humane, egalitarian and liberating

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\textsuperscript{7} As cited by Dozeman, Exodus, 500.

More recently, a number of scholars have approached this text synchronically as well, as noted below. I believe that this approach marks a move in the right direction. This thesis will also read the Sinai Pericope synchronically, building on the work of James W. Watts, Joe M. Sprinkle, Assnat Bator, and many others. However, it will take their discussions to a new level and explore particularly the question of the character of God as presented in the Sinai Pericope.

**History of Scholarship**

The Sinai Pericope with its many interpretive challenges has attracted the attention of biblical scholars using a variety of approaches. Most historical-critical scholars have deliberated about the prehistory of 19:1-24:11. Before Julius Wellhausen, source critics attempted to evaluate the historical value of the Sinai Pericope by defining and dating its sources and considered it to be a “postexilic, post-Priestly, and post-Deuteronomistic” composition.

Form critics shifted the focus from sources to various formulations of biblical laws found in the Sinai Pericope. They also classified them into their categories and then postulated their plausible settings in life. For example, Albrecht Alt, who identified two major different types

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9 See Chapters 2 to 3.


11 For examples of totally different views of this issue, see Wellhausen, *Composition*, 83-99 and 331-33; Van Seters, “‘Comparing Scripture’,” 111-30; and idem, *The Life of Moses*, 247-89.
of biblical law (“apodictic” and “casuistic”) and posited their different cultural origins, established the starting point for all subsequent form-critical studies of biblical law.\textsuperscript{12}

Tradition-oriented critics then noticed the problem of a “wild growth” in the Sinai Pericope which contains “an assortment of narrative, cultic, and legal material.”\textsuperscript{13} Gerhard von Rad, for example, posited that God’s lawgiving through Moses’ mediation was originally related to the “Tradition of Kadesh” rather than the “Tradition of Sinai.”\textsuperscript{14} Although tradition-critical studies into the pre-history of the Sinai Pericope attracted much attention and bore considerable fruit, a number of scholars began to ask different questions of the text. Rolf Rendtorff, for instance, raised the significant question as to how the divergent traditions of the Sinai Pericope came together into a literary whole.\textsuperscript{15}

To answer the question, drawing upon Rendtorff’s theory that the Pentateuch is a composition made up of a number of larger units which originally existed independently of one another, Erhard Blum proposed two redactional stages of the Pentateuch:\textsuperscript{16} (a) a “K-D” stage that integrated Genesis 12-50 and the books of Exodus to Numbers; and then (b) a “K-P” stage that added Genesis 1-11 to the Pentateuch. Ernest W. Nicholson then argued that

\begin{itemize}
\end{itemize}
Deuteronomistic redactions involved the secondary “interpolation” of both the Decalogue and the Book of the Covenant into their surrounding Sinaitic narratives.¹⁷

As this brief history of scholarship suggests, source-, form-, tradition-, and redaction-approaches to the Sinai Pericope have placed a strong emphasis on assumed “incongruities” in the text, or “textual corruptions,” or “disordering by rearrangement,” or “secondary insertions.”¹⁸ What most critics have suggested about the prehistory of the Sinai Pericope can be summarized as follows:

1. The references to the Decalogue (כְּלָלְתָּן הָעֵדֹת) and the Book of the Covenant (כְּלָלְתָּן הָסָמֶהֱסָפֶּהֶךְ) in 24:3 are redactional.¹⁹

2. The legal cases showing redundancy and inconsistency in the Book of the Covenant are evidence of an independent history of development or redaction, originally having no relation to the Tradition of Sinai.²⁰

3. The *Sitz-im-Leben* of the Book of the Covenant points, not originally to the covenant, but to a much later time of settled life of Israel.²¹

Meanwhile, a number of interpreters have turned their attention to the final form of the Sinai Pericope and the relationship between the two law collections and their narrative framework.

Scholars such as Umberto Cassuto, Raymond Westbrook, T. Desmond Alexander, and

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Richard B. Averbeck have attempted to interpret the text as an independent literary complex. Although these scholars do not deny the composite nature of the Sinai Pericope, they have argued that the placement of the Decalogue and the Book of the Covenant in their surrounding narratives reflects the authorial intention and thus provides an interpretive window into the whole Sinai Pericope.

These synchronic readings have spawned a variety of theories concerning the literary structure of the entire Sinai Pericope. Shalom Paul posited a “threefold structure” (prologue-law-epilogue). Watts proposed a “list and narrative” paradigm as a stereotyped “rhetorical device” which constitutes a major theme of the whole unit. Bator, analyzing mainly the casuistic laws of the Book of the Covenant, argued that law itself should be read as narrative. Bernard S. Jackson and Bernon P. Lee, somewhat differently from each other, spoke about the “bi-polar structure” of the Sinai Pericope forming a “cognitive development” of its thematization. While previous scholars, whether diachronically or synchronically, have made great strides in their work on the complex issues related to the Sinai Pericope, this

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present study will pursue a new approach which yields a more convincing understanding of
the literary intentionality of the final form of the Sinai Pericope.

**Methodology**

More recent scholars, who take a serious view of the importance of the final form of the
biblical text, also want to take into consideration the text’s prehistory and bridge the gap
between the diachronic and synchronic approaches to the study of biblical texts such as the
Sinai Pericope. Among them, Brevard S. Childs pointed to the “inward dissolutions” and
“final collapse” of meaning in the biblical texts analyzed by a variety of historical-critical
methods. He emphasized the importance of the final form of the canon, and at the same time
he did not deny the need for diachronic studies, often using the results of such studies in his
own work. So this study will use, but also move beyond a strictly diachronic historical-
critical approach. It will read the text in the larger context of the final form of the canon in
order to look for the theological significance of the Sinai Pericope, particularly as it relates to
the character of God.

For this purpose, this study will proceed by means of a three-step method. The first step will
take place at the diachronic level, illuminating both the findings and limits of the various
conventional historical-critical studies of the Sinai Pericope. Accordingly, previous critical
studies of the history of the composition of the Sinai Pericope will be briefly examined. The
conclusion of most critics that there is no theological or thematic organization in what they

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regard as the arbitrary literary arrangement of the Sinai Pericope will also be re-examined and ultimately rejected.

It is at the second step that a synchronic analysis will take place to explore why biblical author(s) placed two law collections within the Sinaitic narrative discourses and what those insertions previously regarded as “splitting up what has been put together” might signify. In this step, building on the relatively recent synchronic work which places more focus on the canonical context of the Sinai Pericope, this study will pursue a holistic reading of the Sinai Pericope as a literary whole.

Crucial to the proposed literary reading are: (1) Watts’ idea that Moses’ public reading of a list of laws juxtaposed with narratives is a core rhetorical pattern of the Pentateuch and that “the kingship of Yahweh” is the central theme of the Sinai Pericope; and (2) Sprinkle's literary technique of “synoptic/resumptive (or synoptic/resumptive-expansive) repetition” to solve the problems of the awkward chronological sequence of events at Mount Sinai and the discursive or competing voices of legal cases.

In addition, Dale Patrick and Bator’s several observations are also very significant for this study: (1) the act of legislation is presented as a kind of “face to face meeting” between the lawgiver (Yahweh) and the addressees (the Israelites); and (2) in the process of the

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32 Sprinkle, “‘The Book of the Covenant’,” 17- 34 (esp. 19 and 26).
covenant-making, the divine lawgiver and the addressees form the “I-Thou” relationship which takes place in narrative “reality.”

Although this study will be informed by the creative literary insights as mentioned above, unlike the work of previous scholars, it will explore the question of how the Sinaitic narratives organize narrative-time as the narrative plot is unfolding. This study will thus focus primarily on Moses’ mediation of a divine theophany and two law collections between God and the Israelites in accordance with the plot development of the literary structure of the Sinaitic narratives. Furthermore, while its core elements of plot, repetition, dialogue, time sense, and characterization will be discussed, this study will seriously consider how the Sinaitic narratives anchors itself within the larger canonical context of the Book of Exodus.

Finally, drawing upon the issues outlined by Childs, the third step will discern the theological implications of the Sinaitic Pericope. As he notes regarding the Sinaitic Pericope, “its authoritative theological norms lie in constant relation to its object to which it bears witness,” my third step will therefore follow up the synchronic study of the canonical shape of the Sinaitic Pericope.

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34 Dale Patrick, “I and Thou in the Covenant Code,” SBLSP 13 (1978): 71-86; and Bator, “Dialogical Laws,” 3-4. Although Patrick notes the “I-Thou” relationship between Yahweh and the Israelites, the switches from the plural “you” to the singular “you” found in the Sinaitic narratives are not clear at all. Furthermore, the relationship between Yahweh and the narrator as lawgiver, as well as the relationship between Moses and the narrator as lawgiver are also problematic. I will deal with this problem in Chapter 2 of my dissertation.

35 Watt’s hypothesis regarding a plausible historical setting for the juxtaposition of law and narrative will not be considered. Sprinkle’s methodological propensity to relativize or over-generalize the divergent voices in the Sinaitic Pericope will be examined and, in some cases, rejected.

36 See Chapters 2 to 4 below.

37 Many literary critics, in one way or another, argue for theories concerning the problem of redundancy and repetition in the Old Testament. This study builds on Ricoeur’s hermeneutical insights of the “temporal logic of plot,” instead of Alter’s flashback and Sprinkle’s “synoptic/resumptive repetition.” In my view, the “temporal logic of plot,” the organizing principle of “narrative-plot” and “narrative-time,” is the key to solving the problem of Moses’ chronologically inconsistent ascents and descents of Mount Sinai to mediate between God and the Israelites.

38 Childs, Biblical Theology, 70-1.
Pericope by exploring the theological implications of the covenantal relationship between
God and the Israelites.

Significant for the task are (1) the basic assumption of the literary tension between law and
narrative that the fact that the two law collections were interwoven into the Sinaite narratives
signifies, as Terence E. Fretheim proposes, that “law emerges from within the matrix of life
itself” and “is woven back into the very fabric of life”;\(^{39}\) (2) some previous scholars’ work on
the theological context of the dialogue between God and the Israelites, forming a “face to
face meeting between the lawgiver and the addressees”\(^{40}\) for the establishment of their
covenantal relationship through which the “I-Thou” language ensures God’s presence to the
community;\(^{41}\) (3) the argument for God’s compassion, which was expressed as God’s past
merciful acts of exodus for the Israelites and which motivates Yahweh the lawgiver to emerge
as an “active participant” of that legislation by disclosing compassion in the dialogue with the
addressees;\(^{42}\) and (4) the observation that the narrative framework of the Sinai Pericope, in
particular 19:1-8, presents Israel’s covenantal status as a kingdom of priests.

Drawing upon these basic findings and insights, this final step will investigate the theological
implications of the major themes of the Sinai Pericope, especially with respect to God’s self-
disclosing his compassion in 22:20-26[BHS]. This self-disclosure is integral to the logic of
the covenant that God makes with the Israelites in the Sinai Pericope, and which later appears


\(^{40}\) Bator, “Dialogical Laws,” 1-10.

\(^{41}\) Dennis T. Olson, “The Jagged Cliffs of Mount Sinai: A Theological Reading of the Book of the Covenant

as a “settled statement” stressing his full character in 34:6-7 (cf. Nm14:18; Dt 4:31; 5:9-10).  

Procedure

The procedure of this dissertation is founded upon the three-step methodology outlined above. Chapters 1 to 2 will contain a review of modern studies of the Sinai Pericope, both diachronic and synchronic, which focus especially on its composite nature. Chapter 1 will highlight modern scholars’ findings of the historical-critical problems of the Sinai Pericope in source-, form-, tradition-, and redaction-oriented methods. Chapter 2 will shift attention from the diachronic to the synchronic approaches, for the shift makes it possible to explore the relation of disparate Sinaitic law collections to their surrounding narrative context.

Chapter 3 will proceed to a literary and structural analysis of the final form of the Sinai Pericope according to its canonical context. Building on the work of several earlier synchronic studies which consider the relationship between law and narrative, this chapter will first seek to answer the question of the literary relationships between the major sections in parallel within the Sinai Pericope: (1) the relationship between its narrative frames (19:1-25 and 24:1-11); (2) the relationship between the law collections (the Decalogue and the Book of the Covenant); and (3) the relationship between those law collections and their surrounding narratives.

On the basis of the literary and structural analysis of the Sinai Pericope done in Chapter 3, a further study of the literary coherence of the text will be conducted in Chapter 4. This chapter will investigate the plot development of the Sinai Pericope and the characterization of its

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43 Gerald J. Jansen, At the Scent of Water: The Ground of Hope in the Book of Job (Grand Rapids: Eerdmans, 2009), 36. This statement in different forms reappears in many other passages throughout the Hebrew Bible (2 Chr 30:9; Neh 9:17b, 31; Pss 78:38; 86:5; 103:8; 111:4; 112:4; 116:5; 145:8; Jl 2:13; Jon 4:2; and Na 1:3).
major characters, Yahweh, Israel, and Moses. It will explore the manner in which the core elements of the plot such as repetition, dialogue, and time sense contribute to the coherence of the Sinai Pericope. In accordance with the plot development, the characterization of Yahweh, Israel, and Moses is also very important for understanding the literary irregularities of the Sinai Pericope. What Chapter 4 will especially illuminate is the literary function of Moses’ mediation between Yahweh and the Israelites. His role as mediator anchors the two law collections in the narrative sequence of Yahweh’s making a covenantal relationship with the Israelites and consequently plays the central role in linking all the units of the Sinai Pericope into a literary whole.

Chapter 5 will discuss the canonical force of the inextricable mix of law and narrative in the Sinai Pericope, which forms a “liminal moment,” in a “dynamic, inter-categorical position,” in the larger literary context of the Book of Exodus: (1) the final section of the plague narratives in 11:1-13:22; (2) the wilderness wandering narratives in 15:22-18:27; and (3) the golden calf narratives in 32:1-34:35. Similar to the pattern seen in 19:1-24:11, these three texts, involving a pivotal transition from one period to another, consist of various types of commissioned communications between characters. Although these texts present a variety of aspects of Yahweh’s nature, I will argue in Chapter 5 that the final form of each text provides a hint of literary and theological coherence by virtue of its literary assignment and canonical placement, especially based on Yahweh’s compassion, as will be dealt with in more detail in Chapter 6.

44 As cited by Nanette Stahl in Law and Liminality in the Bible, JSOTSup 202 (Sheffield: Sheffield Academic Press, 1995), 12-3. While arguing that such liminal moments very often involve a divine-human communication and interaction, Stahl says:

They [the liminal moments] are far from being uniformly positive, however; rather, they are fraught with ambiguities and the threat of instability. This could be expected within a system-theoretical view of change, where transitions enable continuity even as they destabilize the system.

45 Stahl, Law and Liminality, 12.
Lastly, Chapter 6 will conduct the final task of the present study. Based on the insights from the synchronic reading of the Sinai Pericope in Chapters 3 to 5, Chapter 6 will discern the theological implications of the unique relationship between Yahweh and Israel in the following two respects: (1) Yahweh’s divine theophany to the community and Moses’ mediation of the theophany and two law collections, both of which develop their covenantal relationship by way of the “I-Thou” language; and (2) how unexpected shifts in the traditions, forms, and themes of the Sinai Pericope can be theologically harmonized in terms of Yahweh’s compassion. I believe that Yahweh’s compassion functions as the unifying theme through which the reader can interpret the various traditions, themes, and ideas of the Sinai Pericope coherently.

This present study will conclude with a summary of what it proposes and its subsequent potential contributions. It will especially provide a crucial rationale for the question of how the heterogeneous combination of the various forms of the cultic, legal and moral injunctions in the Book of the Covenant, along with the Decalogue, bracketed with the surrounding Sinaitic narratives, can be interpreted literarily and theologically. Therefore, I will show how disparate literary strands in the Sinai Pericope have been interwoven together to constitute the literary and theological coherence portraying Yahweh as the God of compassion.
Chapter 1

A Historical Overview of the Sinai Pericope

If I insist on a documentary setting, or a historical setting in which the text was composed, I am often, even usually, tied to pure hypothesis: the connection with a source is dubious, the existence of the source is in question....And still the text itself in its most important setting, its actual place in scripture, lies before me to study as a grammatical and literary structure that I can analyze with some confidence without beginning with a chancy guess about origin.46

Dennis J. McCarthy

The Sinai Pericope in Exodus 19:1-24:11 involves not only the divine theophany but also the covenant, legal norms, and regulations pertaining to the “institutionalized expression of a religious edifice with priesthood and the offering of God’s relationship to the Israelites.”47 Yet, given the complex textual irregularities, the text is marked by its profound historical-critical problems all of which highlight its incoherence.48 To unravel the problems, many critical scholars throughout the last century have wrestled with the combination of law and narrative found in the Sinai Pericope,49 as well as textual irregularities in time sense, genre, stylization, legal case, and theology.50 By analyzing and interpreting the legal material of the Sinai Pericope separately from its surrounding narratives, critics have reached a consensus that the Decalogue and the Book of the Covenant were independent law collections prior to their incorporation into the Sinai Pericope by the final redactor without any literary and theological consideration.51 In contrast, some commentators have attempted to understand the literary intentionality of the final form of the Sinai Pericope and to find coherence in a unified view

48 Meyers, Exodus, 142.
49 As cited by Dozeman, Exodus, 418.
50 For example, Wellhausen, Composition, 88-93; Noth, Exodus, 154; Eissfeldt, Old Testament, 157 and 212-23; Hyatt, Exodus, 197; Boecker, Law and Administration, 156; and Schmid, The Old Testament, 96-9.
51 As commented on by Childs, Exodus, 459-60; Propp, Exodus 19-40, 141-54; and Van Seters, “Comparing Scripture.” 127.
of Exodus 19:1-24:11, in spite of its composite textual irregularities.\(^{52}\)

This chapter will review scholarship, beginning with the work of Wellhausen, on the apparent textual irregularities of the Sinai Pericope. It will also argue for the importance of the final form of the Sinai Pericope for its interpretation and theology. Since the irregularities of the Sinai Pericope have been rehearsed many times, this present study will introduce and examine only selected studies related to the present thesis.\(^{53}\)

1.1. The Incoherence of the Sinai Pericope on the Diachronic Plane\(^ {54}\)

The Sinai Pericope with its many interpretive challenges has attracted the attention of biblical scholars using a variety of approaches. As many scholars have pointed out, the problematic relationship between law and narrative in Exodus 19:1-24:11 has set the framework for subsequent diachronic discussions of the prehistory of the Sinai Pericope\(^ {55}\) in two respects: (1) the inconsistent chronology of Moses’ ascending and descending Mount Sinai;\(^ {56}\) and (2) Moses’ role as mediator between God and the Israelites.

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\(^{54}\) Hanson, “The Theological Significance,” 110-31. Hanson describes theological impasse of the “diachronic plane” when focusing on diversity and contradiction of the Sinai Pericope. He also questions whether they lead to a kind of “deeper understanding” of the text.

\(^{55}\) Dozeman, *Exodus*, 419.

\(^{56}\) Meyers, *Exodus*, 144-156. Meyers argues that Ex 19 falls into its several subsections according to a “chronological morass.” By this phrase Meyers means Moses’ inconsistent movements, ascents and descents of Mount Sinai. Basically, I agree with Meyers’ argument that accounts of Moses’ ascents up to and descents down from the mount are closely related to his office of mediator between God and the Israelites, and that they play a crucial role of connecting all the sub-units of the Sinai Pericope as a whole.
Concerning these two core issues, Wellhausen in 1899 laid the foundation for subsequent historical-critical analyses of the literary tensions found in the Sinai Pericope by identifying three different sources (J, E, and P) in the final form of the text. Wellhausen first attributed to J Moses’ ascents up Mount Sinai during the “climax” of the divine theophany in 19:20-25, chapters 21-23, and 24:3-8. Wellhausen then assigned to E the divine theophany (19:10-19), the Decalogue (20:1-19), and some other verses (24:1-2 and 9-14), all of which describe events before and after Moses’ ascending the mountain to receive covenant law. Wellhausen also allocated the Book of the Covenant (20:22-23:33) to J. In Wellhausen’s view, 19:1-2a is the only P material in the whole Sinai Pericope.

After separating J and E in 19:1-24:11 and attributing the Book of the Covenant to J and the Decalogue to E, Wellhausen argued that J and E were “expanded, reorganized, and combined” by the “Yahwistic redactor” who was in the tradition of Deuteronomy. Wellhausen’s reconstruction means that the Yahwistic redaction of J and E functioned as “the springboard for the P author” to make God’s lawgiving the main event of the divine theophany on Mount Sinai. This hypothesis was generally adopted by the following

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60 Wellhausen, *Composition*, 88.
63 Childs, *Exodus*, 345. According to Childs, Wellhausen revoked this argument later by attributing the Book of the Covenant to E again according to Kuenen’s criticism. Weinfeld also pointed out the problems of Wellhausen’s source division between the “Priestly Code” (Ex 16; 31:12-17; 35:1-3; cf. Gn 17; Nm 15:32-36; 29:1-6; Lv 11; 12-15; 16; 23:23-25) and the Book of the Covenant (cf. Dt 12-26).
64 Dozeman, *Exodus*, 422.
65 Dozeman, *Exodus*, 419.
subsequent source-, tradition-, and redaction-critical studies of the Sinai Pericope.  

1.2. Source-Critical Approach

Although there are many critical issues related to the Sinai Pericope, the question of how the two different sources J and E were interwoven to become its narrative framework (Ex 19 and 24:1-11) has long been regarded as the main crux of interpretation.  

1.2.1. Exodus 19

Exodus 19, which focuses primarily on the event of the divine theophany, falls into five subsections (vv. 1-2; vv. 3-8; vv. 9-15; vv. 16-20; and vv. 21-25) based on Moses’ repeated ascending and descending Mount Sinai. Many critics have, in one way or another, proposed various source divisions of this chapter, building on Wellhausen’s previous hypothesis. Most source critics attributed verses 1-2a to P or to the final “redactor,” who had put all those sources together into the Pentateuch. They then assigned verses 3-8 to a “Deuteronomic editor.”

However, most critics considered Exodus 19 as a whole to be a “secondary addition,” which introduces the entire Sinai Pericope. The scholarly discussion about the sources of vv. 9-15 has not been settled between J and E. Whereas Noth, for example, attributed verses 9-15 to...

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67 Wellhausen, Composition, 81-9.

68 As cited by Noth, Exodus, 153-5 and 194-9; Childs, Exodus, 344-7; and Averbeck, “Pentateuchal Criticism,” 151-79 (esp. 159).

69 Richard Elliot Friedman, The Bible with Sources Revealed (San Francisco: HarperCollins, 2003), 5 and 151.

70 For an additional review of 19:1-2, see Cornelis Houtman, Exodus 7:14-19:25, HCOT (Kampen: Kok Publishing House, 1996), 439; Propp, Exodus 19-40, 141-2; and Friedman, The Bible with Sources, 151.

71 Childs, Exodus, 360; Ernest W. Nicholson, God and His People: Covenant and Theology in the Old Testament (Oxford; Clarendon Press, 1986), 69; and Ska, Reading the Pentateuch, 29.

72 Childs, Exodus, 360; Nicholson, God and His People, 69; and Ska, Reading the Pentateuch, 29.
“the J variant,” Richard E. Friedman allocated verse 9 to E and verses 10-15 to J. Van Seters, with the thought that there is a fracture between verses 10-11 (with 13b) and 12-13a, proposed that vv. 9-11 are J and verses 13b-15 and 12-13a are P. The uncertainty of scholars’ analyses of 19:9-15 is highlighted by William H. C. Propp’s unclear attribution of this section to J, which is “not Priestly but like P.”

While there is general agreement about how to divide the report regarding the theophany on Mount Sinai in 19:16-25 into sources, many critics continue to be bothered by the literary incongruity found “at the apparent climax of the theophany,” when the narrative scene appears to be interrupted by Yahweh’s abrupt summons of Moses to ascend the mountain again to receive further instructions about the danger of holiness (vv. 21-22 and v. 24). It is also difficult to attribute verses 16-19 to either J or E. Noth attributed verses 16αα and 20 to J; verses 16άβ, 17, and 19 to E; and verses 20-25 to later “secondary additions.” Somewhat differently, J. P. Hyatt assigned verses 16α and 18 to J; verses 16β-7, 19, and 25 to E; and verses 20-23 to be the work of the “J supplementer.” Furthermore, Van Seters’s attribution of verses 19:20-24 to P, which the priestly writer revised, makes the source-related issue of this section even more uncertain.

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73 Noth, Exodus, 158.
74 Friedman, The Bible with Sources, 152.
76 Propp, Exodus 19-40, 143.
77 As cited by Alexander, “The Sinai Narrative,” 76.
78 Childs, Exodus, 361.
79 Noth, Exodus, 160.
80 Hyatt, Exodus, 199-203.
1.2.2. Exodus 24:1-11

The event of the divine theophany on Mount Sinai, already announced in 19:3-8, ends with the ratification of the covenant between Yahweh and the Israelites in 24:1-11 (especially vv. 3-8). Thus Childs rightly suggested that “the repetition by the people of the same response (19:8 and 24:3, 7) marks the beginning and end of the one great covenant event.” However, it is still difficult to figure out the logic of Moses’ ascents and descents of the mountain in 24:1-11. After the Book of the Covenant is given to Moses, Yahweh commands Moses to ascend the mountain with Aaron, Nadab, Abihu, and seventy elders (24:1). But in 24:2 Yahweh commands Moses not to climb with them again. Moreover, verses 3-8, by describing an unexpected scene that involves making a covenant associated with the “reading, writing, and learning” of the Book of the Covenant (24:4 and 7), constitute a “self-evident unit.” Yahweh’s command in 24:1 is then carried out in 24:9.

Scholars have debated the incongruities in 24:1-11 for more than a century. Based on Wellhausen’s source division of this passage (24:1-2 and 9-11 to E and 24:3-8 to J), Noth separated the description of the covenant made “on the mountain” (vv. 1-2 and vv. 9-11) from the description of the covenant made “at the foot of the mountain” (vv. 3-8). Walter Beyerlin also argued that the account of the ratification of the covenant and the sacrificial offering in 24:3-8 came from a later period than verses 1-2 and 9-11, while assigning verses 3-8 to an “Elohistic unit.”

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83 Noth, *Exodus*, 197.
85 Wellhausen, *Composition*, 88
Crucial for this present study is a review of the scholarly discussion concerning the correspondence between 19:3-8 and 24:3-8. Building upon Beyerlin’s hypothesis, Childs pointed out the close relationship between 19:3-8, which summarizes the entire Sinai Pericope, and 24:3-8, which presents the “covenant renewal ceremony.”\textsuperscript{88} Nicholson went further to propose that 19:3b-8 is a “later-Deuteronomic”\textsuperscript{89} addition that demonstrates the importance of the covenant renewal ritual as shown in 24:3-8, which he judged to be “proto-Deuteronomic.”\textsuperscript{90}

By contrast, Van Seters criticized both Childs’ and Nicholson’s views and attributed both 24:3-8 and 19:3b-8 to a “post-Deuteronomic Yahwist,”\textsuperscript{91} while acknowledging the correspondence between the two sections. However, Friedman agreed with Beyerlin and assigned 24:3-8 to E again,\textsuperscript{92} and Jean-Louis Ska, building on Childs’ interpretation, asserted that this passage, with its concern for the ratification of the covenant, is a sort of “redactional insertion” into its present place.\textsuperscript{93} This discussion ties into one of the tradition- and redaction-critical issues which will be discussed more below.

While source analyses have established the “independent status”\textsuperscript{94} of the Book of the Covenant by illuminating underlying discursive literary genres in the Sinai Pericope, the criteria used to identify and distinguish the sources of every single passage of Exodus 19 and 24:1-11 are inconsistent. First of all, although most source critics attributed 19:1-2 to P

\begin{itemize}
  \item \textsuperscript{88} Childs, \textit{Exodus}, 360-1 and 499-502.
  \item \textsuperscript{89} Nicholson, “The Decalogue,” 423-4.
  \item \textsuperscript{90} Nicholson, \textit{God and His People}, 169-72.
  \item \textsuperscript{91} Van Seters, “Comparing Scripture”, 124-5.
  \item \textsuperscript{92} Friedman, \textit{The Bible with Sources}, 160-1.
  \item \textsuperscript{93} Ska, \textit{Reading the Pentateuch}, 92.
  \item \textsuperscript{94} Marshall, \textit{Israel and the Book of the Covenant}, 5-6.
\end{itemize}
because it presents a “sharp break”\textsuperscript{95} in the narrative, they did not set out criteria for differentiating between chronological (v. 1) and geographical formulas (v. 2).\textsuperscript{96}

Secondly, critics’ allocation of 19:3-8 to E is problematic. The passage uses the divine name inconsistently (\(\text{ךָסַפְּרֶה} \) once in v. 3; \(\text{שָׁמָיִם} \) four times in v. 3, v. 7, and v. 8).\textsuperscript{97} Besides, many critics have argued that Deuteronomistic language can be found in this unit and therefore conclude that it is a later addition.\textsuperscript{98} Still, Childs, Ska, Meyers, and Alexander acknowledged that 19:3-8 is an integral part of the present text in parallel with 24:3-8, and that it plays a key role in both “introducing” and “summarizing” the whole Sinai Pericope.\textsuperscript{99} I agree with Alexander that 19:3-8 does not have to be regarded as a later addition in isolation.\textsuperscript{100}

Thirdly, the division of 19:9-15 between J and E is uncertain. The same passage has been considered by some scholars (e.g., Alexander and Sprinkle) to be a coherent unit focusing on Yahweh’s instructions about the Israelites’ preparation for his divine theophany. The passage follows on the account of Moses’ return to Yahweh to report the people’s acceptance of his offer of the covenant described in verse 8. This means that 19:9-15 coherently follows its previous narrative sequence of verses 3-8.\textsuperscript{101}

\textsuperscript{95} Childs, \textit{Exodus}, 366.

\textsuperscript{96} Alexander, “Sinai Narrative,” 74-5.

\textsuperscript{97} Wellhausen, \textit{Composition}, 91; Noth, \textit{Exodus}, 157-8; and Van Seters, “‘Comparing Scripture’, ” 112.

\textsuperscript{98} See the previous section above.


\textsuperscript{100} Alexander, “Sinai Narrative,” 65-6 and 74-6.

\textsuperscript{101} Alexander, “Sinai Narrative,” 76.
Fourthly, critics have not agreed as to the division of sources in 19:16-25. Most identified either J or E and some thought of verses 20-25 as a “secondary addition”\textsuperscript{102} or “J supplement,”\textsuperscript{103} on the one hand; and others, such as Van Seters, have attributed verses 20-24 to P,\textsuperscript{104} on the other hand. However, the uncertain source division of verses 20-25 leads to a suspicion that the description of the divine theophany in verses 16-19 needs to be considered to be an “amalgam of unidentifiable sources.”\textsuperscript{105} Furthermore, many interpreters have suggested some points at which it is difficult to regard 19:20-25 as a later addition, as follows:

1. Yahweh’s command not to transgress the boundary of the mountain in verses 20-22 and verse 24 as a “loose paraphrase of the command”\textsuperscript{106} of verses 10-13 is not necessarily a sign of its secondary addition but rather implies that Yahweh has descended to the mountain.\textsuperscript{107}

2. Moses’ reply in verse 23 to Yahweh’s unexpected summon to ascend the mountain again in verses 20-22 alludes to Yahweh’s previous commands in verses 10-13.

3. Therefore, it is not too much to say that 19:16-25 forms a neat structure with respect to Moses’ ascent on (v. 20) and descent from (v. 25) the mountain. It is also a typical scene in which Moses’ role of mediator between Yahweh and the Israelites (vv. 21-22 and v. 24) constitutes the sequence of the whole Sinaitic narrative as it progresses.

Meanwhile, with regard to the source analysis of 24:1-11, two commonly agreed-upon conclusions can be made: (1) the passage in 24:1-11 falls into three subsections (vv. 1-2; vv. 3-8; and vv. 9-11), even though the debate about the sources in 24:1-11 has not yet decided among J, E, and Deuteronomic Yahwist (or late J); and (2) a close correspondence between 19:3-8 and 24:3-8 is confirmed.

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\textsuperscript{102} Noth, \textit{Exodus}, 160.
\textsuperscript{103} Hyatt, \textit{Exodus}, 199-203.
\textsuperscript{106} Childs, \textit{Exodus}, 364.
\textsuperscript{107} Alexander, “Sinai Narrative,” 79.
However, previous source analyses of the pre-literary levels of 24:1-11 are critically problematic. Similar to 19:3-8, the divine name ע"ה occurs six times in 24:3-8, even though it is normally assigned to E. Furthermore, critics’ attempts to separate verses 3-8 from their surrounding narrative sections (vv. 1-2 and vv. 9-11) make the core issue related to Moses’ movements up and down Mount Sinai more complicated. As Noth noticed, it is difficult to figure out how the different sources of 24:1-11 fit into the narrative sequence within this passage. After acknowledging the problems of traditional scholars’ source analysis of the present text, Childs chose to focus rather on the work of the final redactor(s) who had put the various sources of this passage together into a “unified narrative.” Childs thus raised the essential question of how the disparate literary strands of the Sinai Pericope came together into a literary whole. This question opened a new phase of tradition- and redaction-critical studies of the entire Sinai Pericope. To this matter we will return after the following examination of form-critical studies of this material.

1.3. Form-Critical Approach

As W. Malcom Clark observed, the history of form-critical studies on law can be divided into three stages: (1) the types of biblical law, as analyzed by Albrecht Alt and subsequent critics; (2) ancient Near Eastern parallels to the covenant code; and (3) a number of intensive studies of specific genres of biblical law.

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108 Noth, Exodus, 196.


1.3.1. “Typological” Identification of Various Forms of Biblical Law

Although even before Wellhausen a number of scholars studied the forms of biblical law, it was Alt with his 1934 epoch-marking work “The Origin of Israelite Law” who established the starting point for all subsequent form-critical studies of biblical law by identifying two distinctive legal forms in the Pentateuch: casuistic and apodictic. According to Alt, casuistic law is concerned with scenarios in which a “particular [secular] case set the pattern for the trial.” By contrast, apodictic law (such as reflected in the Decalogue) is generally “unconditional” and metrical in form, occurs in series, is cultic in its setting (the annual covenant renewal) and has nothing to do with secular justice in content. For each of his categories of biblical law, Alt proposed two different cultural origins: (1) casuistic law - Canaanite in origin post Israel’s settlement; and (2) apodictic law - Israelite in origin.

While Alt laid a theoretical foundation for subsequent form-critical inquiries into biblical law, his distinction between casuistic and apodictic laws and his assumptions about their settings in life immediately raised many questions. Among the first scholars to react was W. Kornfeld, who by including participial laws under the category of casuistic instead of apodictic, cast doubt on Alt’s analysis of biblical law. Stanley Gevirtz then proposed that all differences in

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111 Clark, “LAW,” 105-9.
112 As shown in the survey by Clark, “Law,” 99-139.
biblical legal formulations including apodictic were purely stylistic. Furthermore, after rejecting Alt’s thesis Erhard Gerstenberger questioned the view that the apodictic prohibitions did not have to be formally separate from the formulations stipulating capital punishment or pronouncing a curse, or that they necessarily emerged out of the Israelite cultic setting. While noticing a closer relationship between law and covenant in the “Sinai tradition,” Noth argued even more strongly for the cultic joining of casuistic and apodictic law:

There is therefore no difference between the two in the Old Testament; apodictic and casuistic sentences side by side in immediate proximity. We have in the Book of the Covenant a collection of apodictic and casuistic laws whose judgments were at one time regarded as important and binding upon Israel….The Book of the Covenant has been incorporated into the Sinai narrative although it was only compiled at the time of the settlement in an agricultural land.

Clark concluded that Alt’s thesis that the apodictic law had no relationship with secular justice does not solve the question of what pre-settlement law in Israel looked like. With these scholars’ suspicions regarding Alt’s hypothesis, form-critical scholarship moved to the next stage.

1.3.2. “Covenantal” Links of the Sinai Pericope

The second stage in the form-critical scholarship on Israelite law, according to Clark, focused on ancient Near Eastern parallels. It began with George E. Mendenhall and Klaus Baltzer, who compared the Old Testament covenant with Hittite suzerainty treaties. They proposed that the Old Testament covenant was patterned after the Hittite suzerainty treaties of the Late

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122 Noth, Exodus, 173.
Bronze Age. In particular, Mendenhall argued in 1951 that the Decalogue should be read as covenant law, and he analyzed the Sinai Pericope into the following sections: the historical prologue (19:3-6), stipulations (Decalogue and the Book of the Covenant), and the ceremony of covenant ratification (24:1-11).

Mendenhall’s and Baltzer’s identification of a treaty pattern in the Sinai Pericope was refuted by McCarthy and Gerstenberger. In 1977, however, Patrick returned to Mendenhall’s thesis in his discussion about the issue of the genre in the Sinai Pericope. Questioning McCarthy’s presuppositions, Patrick demonstrated that the covenant-making accounts of the Sinai Pericope exhibit traces of a more general form or type of covenant-making, and that the form-critical features observed in the Sinai Pericope’s three main narrative passages (19:3b-8; 20:22-23; and 24:3-8) present “royal imagery” as a window into the entire Sinai Pericope. These scholarly analyses set the third stage of form-critical studies of Israelite law.

1.3.3. Relationship between Law and Wisdom

The third stage of form-critical scholarship on the Sinai Pericope began with the proposition that the origin of some Old Testament laws might be found in the wisdom schools. Initially,


126 Mendenhall, Law and Covenant, 44.


Gerstenberger proposed that “the apodictic prohibitive originated as a genre by which the father passed on to the next generation the common ‘clan ethos’ (cf. Prv 3:27-30; Jer 35:6).” In 1968, B. Gemser, taking a different track, argued that wisdom tradition provided a teaching rather than a cultic setting for Israelite apodictic law and identified four different types of motive clauses: “explanatory,” “ethical,” “religious - cultic,” and “religious - historical.”

A number of scholars then focused their research on specific legal genres. In 1971, F. L. Horton departed from Alt’s division by proposing three groups of laws: participial; casuistic, including mixed and relative forms (“he who…”); and apodictic, including prohibitive (“lo’ + an imperfect verb”), wisdom-prohibitive (“lo’ + a jussive verb”), and positive commandments. Moreover, in 1975, Harry W. Gilmer opined that apodictic laws were often used interchangeably with the casuistic “if-you” form, which is a characteristic of humanitarian laws, with its three other sub-groups, “the ceremonial, the Holy War, and the juridical.” In 1980, based on these studies of the specific legal genres, Hans J. Boecker concluded that the apodictic laws are not homogeneous but embrace many different types.

Westbrook and Jackson have proposed alternative models for approaching the study of formal features of biblical law since 1994. Westbrook attempted to show the coherence of biblical

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130 Clark, “LAW,” 112-3. As Clark pointed out in his article, Gerstenberger’s thesis has been accepted by subsequent scholars. However, some issues still remain unsolved: (1) the use of ‘al in admonition in contrast to lo in apodictic law; (2) the non-independence of the positive command; (3) the secondary nature of all motivations; and (4) possible multiple origins; and (5) the asserted non-legal nature of these norms.


133 Harry W. Gilmer, The If-You Form in Israelite Law, SBLDS 15 (Missola: Scholars Press, 1975); see also the survey of the past research on the Book of the Covenant done by Van Seters, A Law Book, 19.

134 Boecker, Law and the Administration, 137-205.
law with his unitary conception of the ancient Near Eastern Law Codes, “general principles of law.”

Although he was looking for general principles found in the ancient Near Eastern Law Codes, Westbrook together with Bruce Wells recently reached the conclusion that “there is no especially obvious relationship between the biblical law codes and the narratives into which they have been placed.” In 2006, unlike Westbrook, Jackson demonstrated that a number of substantive connections between the Book of the Covenant and wisdom teachings indicate, at the very least, that the Book of the Covenant developed in a context in which wisdom teachings were known. Jackson’s findings are crucial to this present study, insofar as he argues that what the wisdom-law documents associated with speech evoke is not just “literal meaning” of the words of a sentence but “narrative images.” This means that the Sinaitic legal material (as wisdom law) of the Sinai Pericope by being incorporated into its literary and theological framework evokes its narrative meaning. This change in analytical perspective, from a specific formal feature to a larger literary unit in order to understand the textual irregularities of the Sinai Pericope, becomes more manifest in the following tradition- and redaction-critical discussions of the corpus.

1.4. Tradition- and Redaction-Critical Approach

Since previous source- and form- critical approaches to Israel’s legal material have provided


138 Jackson, Wisdom-Laws, 24-5 and 29. Jackson distinguishes the “literal meaning” of speech from the “narrative meaning” of speech evoked by the narrative images of situation associated with “typical social situations” and “orally transmitted custom.”

139 Jackson, Wisdom-Laws, 30.
unsatisfactory answers to our key question of how disparate literary strands were put together in the Sinai Pericope, the tradition- and redaction-critical studies of the Sinai Pericope took up the challenge. The tradition- and redaction-critical debate about the literary development of the text can be examined on three levels: (1) the general understanding of the formation of the entire Sinai Pericope; (2) the unsettled recent debate about redaction (P-authorship vs. Deuteronomic-Deuteronomistic redaction); and (3) the Book of the Covenant itself.

1.4.1. The Sinai Pericope as a Whole

Wellhausen built the platform for subsequent tradition- and redaction-critical studies of the Sinai Pericope by proposing the following basic but essential assumptions:  

1. The divine revelation at Sinai in Exodus 19-24 was a later insertion into the Pentateuch and created a literary interlude between Exodus 18 to Numbers 10.
2. The earlier tradition of Sinaitic narratives included only the account of Yahweh’s divine theophany at Sinai.
3. The P author made Yahweh’s lawgiving the primary event of the entire Sinai Pericope.

In 1938, von Rad assessed Wellhausen’s three assumptions differently. Even though he also noticed the literary interlude from Exodus 18 to Numbers 10, von Rad considered the break to be a tradition-critical window into the profound distinction between what he called the “Exodus-Conquest tradition” (Ex 17-18; and Nm 10-14) and the “Sinai tradition” (Ex 19-24 and 32-34, a “cult-legend”). These different traditions, according to von Rad, were associated with separate cultic traditions, the former with Gilgal and the latter with Schechem, and preceded the literary formation of the Hexateuch.

140 Wellhausen, Prolegomena, 345-7.
141 Von Rad, “The Form-Critical Problem,” 14-15 and 21-22. Von Rad argued that the Sinai tradition as a “cult-legend” proposes the following procedure in sequence: “a preparatory ritual cleansing of the assembly”; “the assembly draws near to God”; the theophany of Yahweh and the revelation of “his demands” (by this von Rad means law in the form of divine speech to the people); and then “sacrifice is offered and the covenant is sealed.”
Von Rad’s thesis was then accepted by Noth in the 1940’s. Noth made the following observations on two aspects of the arrangement of the disparate literary strands within the Sinai Pericope: (1) on the one hand, the arrangement seems to disturb the tight structure of its surrounding narratives; (2) on the other hand, the arrangement gives central place to the divine revelation at Sinai and the making of the covenant in the narrative sequence.\(^{143}\) Noth thus furthered the argument for a closer relationship between law and covenant in the “Sinai tradition.”\(^{144}\)

The tradition-historical debate regarding the pre-literary growth of the Sinai Pericope shifted significantly with the work of Rendtorff. In his book published in 1976 on the stages between the “smallest units” and the “overall presentation” of the Pentateuch,\(^{145}\) Rendtorff critiqued the previous source-based scholarship, which had separated out certain blocks of material, especially legal material.\(^{146}\) Based on this criticism, Rendtorff maintained that the Sinai Pericope in some way constitutes a “literary entity in itself” related to “divine worship” despite the fact that it reflects “wild growth” with an assortment of extremely different elements such as narrative, cultic, and legal material.\(^{147}\) This shift of perspective affected by Rendtorff precipitated a further change in method from tradition criticism to redaction criticism. This shift is relevant to the present study insofar as it concerns the manner in which the larger units of the Book of Exodus (e.g., Ex 13-4; 15-18; 19-24 and 33-34) have been put together.

\(^{143}\) Noth, *Exodus*, 13. Noth thought that “the law-giving has obviously given occasion for all sorts of subsequent expansions and statements.”


\(^{147}\) Rendtorff, *Problem of Transmission*, 186
1.4.2. P-Authorship versus Deuteronomic-Deuteronomistic Redaction

The tradition-historical debate concerning the pre-literary growth of the Sinai Pericope took a new turn when scholars such as Lothar Perlitt and Nicholson disagreed with Wellhausen’s position regarding the P authorship of the Sinai Pericope. In the 1970s’ Nicholson combined Perlitt’s and Rendtorff’s theses and argued that the secondary insertion of the legal material into its surrounding Sinai narratives was part of the work of “Deuteronomic redaction.” Along with Nicholson, Blum in 1990 proposed two different redactional stages of the Pentateuch and identified a non-P portion of the Sinai Pericope in the “D-Komposition.” Blenkinsopp also clearly designated the non-P literature of Exodus 19-24 as part of the Deuteronomic redaction.

However, the question of the redaction of the Sinai Pericope has continued to be debated. For example, Patrick identified the narrative framework of the Sinai Pericope (19:3b-8, 22:22-23, and 24:3-8), suggesting that it ultimately presents the “underlying theological conception of

148 As examined by Dozeman, Exodus, 422-3. For example, Perlitt argued for the Deuteronomistic redaction of Sinaitic narratives in at least three places in the Sinai Pericope (Ex 19:3-8; 20:1-17; and 24:3-8), dating the redaction to the monarchical period and surmising that the redactors made them for their own theological purpose. Based on this thesis, Perlitt concluded that both the central theme of covenant and the prominent role of law in the entire Sinai Pericope were late developments in the history of Israelite religion.


150 Blum, Studien, 47-53. According to Blum, Gn 12-50 and the books of Exodus to Numbers were first integrated in the stage of the “D-Komposition.” Gn 1-11 was added to the Pentateuch in the “P-Komposition” by deuteronomistic editors.

151 Blum, Studien, 47-53.

According to Patrick, these passages not only share the same linguistic and stylistic features but also have a very similar structure. Patrick further asserted that these passages progress toward a finale. With regards to the date and setting in life of the narrative framework, Patrick argued for its “pre-Deuteronomic” redaction. By critiquing the widely held view of the Sinai Pericope’s dependence upon the Deuteronomic-Deuteronomistic literature, Patrick maintained that the corpus was combined by E to provide a setting for the Covenant Code after the destruction of the Northern Kingdom in 722 B.C.E. and before the combination of E and J.

In 1984, partly supporting Patrick, Anthony Phillips identified the redactional activity of the “Proto-Deuteronomists” in the Sinai Pericope. With his recognition of the key position of 20:22-26 (especially, vv. 22-23) Phillips tried to answer the question of how 19:1-24:11 reached its present shape. Unlike Nicholson’s argument for the “later Deuteronomic addition” of 19:3b-8 to the Sinai Pericope in order to highlight the significance of the cultic rite in 24:3-8, which is “pre-Deuteronomic,” Phillips thought that 20:22-23 came “from the

162 Nicholson, God and His People, 169-71.
same hand” as 19:3-8, which is related to 24:3-8. Phillips then argued that the narrative framework of the Sinai Pericope, demonstrating the establishment of the covenant at Sinai on the basis of obedience of law, must be the redactional work of the “Proto-Deuteronomists” in the time of “Hezekiah’s reform.” In doing so, Phillips reached the conclusion that the final form of the Sinai Pericope represents a “pre-Deuteronomic attempt to reform of Israel’s worship” by way of a “deliberate combination and elaboration of laws drawn from the Decalogue and the Book of the Covenant.”

In spite of their partial agreement with Phillips’ argument against the Deuteronomistic redaction of the Sinai Pericope, Alexander has recently returned to the position of the “pre-Deuteronomic” redaction of the Sinai Pericope. He has modified Phillips’s case in two respects: (1) Phillips’ failure to observe the “close link” between 20:24-26 and 24:4-5; and (2) the unclear implication of Phillips’ designation of “Proto-Deuteronomic” redaction. In Alexander’s view, 20:24-26 and 24:4-5, as core texts of the narrative framework of the Sinai Pericope (with 19:2b-8), “display no awareness of either a special priesthood or a central sanctuary,” a fact that indicates an early, pre-monarchic date. Such ideas, as Alexander rightly points out, do not support Phillips’ “Proto-Deuteronomic” redaction of the

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Blenkinsopp and Dozeman in 2004 put forward a synthetically compromising position that sits between the notion of a later P redaction and the previously proposed Deuteronomic-Deuteronomistic redaction. In a brief statement, Blenkinsopp set out his view that “the core Sinai/Horeb narrative (Exodus 19-34) basically results from the combination of a Deuteronomistic (D) and a Priestly (P) narrative.”\(^\text{173}\) Dozeman postulated his position in more detail, suggesting that the “P redaction” provides a narrative context and “Mosaic authority for P legislation.”\(^\text{174}\) In other words, according to Dozeman, the “public revelation of law and the creation of covenant (19:2-5ba, 6b, 7-8a), the theophany (19:8b-17, 19), the revelation of law (20:1-20; 20:21-24:1a), and the covenant closing ceremony (24:3-5, 7, 9aa, bb, 10-11)” are all part of the work of the Non-P History.\(^\text{175}\) Dozeman also posited that the “P History” indicates that Mount Sinai is the mountain of revelation (19:1, 2, 11, 18, 20, 23; cf. 24:16; 34:2, 4, 29, 32) and describes a divine descent (19:18, 20; cf. 34:5; 24:16) to the “top of the mountain” (19:20).\(^\text{176}\)

If Dozeman’s postulation is correct, it was the P historian who highlighted Moses’ office of mediator between Yahweh and the Israelites and the notion that Moses alone was the one called by Yahweh to the top of Mount Sinai (19:20; cf. 24:18; 34:2).\(^\text{177}\) These changes proposed by Dozeman regarding the work of the Non-P and P historians provide important


\(^{174}\) Dozeman, God on the Mountain, 37-66 and 87-144; and idem, Exodus, 424-6.

\(^{175}\) Dozeman, Exodus, 426-8.


\(^{177}\) Dozeman, Exodus, 431.
interpretive insights: (1) the Sinai narratives describe the Decalogue as delivered only to Moses in the experience of the holy theophany; and (2) Moses instructs the people, who neither hear the direct speech of God nor participate in the divine theophany on top of the mountain (19:25; cf. 20:18-21).\(^{178}\)

1.4.3. The Law Materials

The previous discussion about the redaction of the whole Sinai Pericope sheds light on the formation of its law material. Nicholson, who focused on the Deuteronomic influence on the Sinai Pericope, raised the following question: why was Exodus 20:22-23 (referring to the Decalogue) proclaimed directly to the people as “God’s direct address to Israel … from heaven” when the Book of the Covenant was delivered to Israel by the mediation of Moses in spite of its being in the “first person singular as a speech of God”?\(^{179}\) His answer to this question was that Exodus in 20:22-23, which originally had nothing to do with the theophany tradition of Exodus 19, functions as the preface to the Book of the Covenant.\(^{180}\)

In addition, Nicholson argued for different settings for two legal sections of the Sinai Pericope.\(^{181}\) Whereas the Book of the Covenant was added to the Sinai narratives in an earlier stage of the development of the Sinai Pericope,\(^{182}\) the Decalogue in the pericope was redacted by a Deuteronomic redactor ( Dt 4:16-28). Based on this argument, he rejected the widely held view that the Decalogue originally followed 20:18-21 but was later transposed to its

\(^{178}\) Dozeman, Exodus, 431-2. Dozeman regarded it as part of the P historian’s redaction.


\(^{182}\) Carr, The Formation of the Hebrew Bible, 470-2. Carr has recently mentioned this view in 2011. Yet, he indicates that there is no Deuteronomic influence upon the Book of the Covenant by saying that “the Covenant Code is another candidate to be an early monarchical adaptation of a pre-Israelite literary model….Still, it predates Deuteronomy at the very least” (472).
present place to “accommodate the incorporation of the Book of the Covenant” into the Sinai Pericope.\(^\text{183}\) While arguing for an exilic insertion of the Decalogue into the Sinai Pericope, Nicholson concluded that the Decalogue and the Book of the Covenant received their present place for their theological reasons, specifically because of the “apologetical emphasis” they placed on Israel’s election.\(^\text{184}\)

Previous arguments for the Deuteronomistic-Deuteronomistic redaction of the law materials of the Sinai Pericope, however, were challenged by Van Seters’ argument made in 1988 that “the Deuteronomistic character of Exodus 19-24 cannot be limited to a few redactional touches.”\(^\text{185}\) Based on his comparison of Exodus 19-24 with Deuteronomy, Van Seters identified the author of the Sinai Pericope as an “exilic Yahwist,” who reinterpreted the account of the divine revelation in Deuteronomy in the Babylonian period.\(^\text{186}\) Van Seters then reconstructed the history of the literature:

> Without the assumption of the priority or of the Covenant Code’s great antiquity, there is likewise no basis for the code’s original independence from its narrative setting, and this has made it possible to relate the code of laws more closely within the literary work of the exilic Yahwist. All the strained arguments for maintaining its independence can be seen as special pleading for the code’s antiquity. The code is the single unified work of the author J, which he calls “the Book of the Covenant” and which he makes the sole basis of the law given by Yahweh through Moses at Sinai. The scene on the mountain between Moses and the deity leads seamlessly into the opening laws,…[T]his framework of the code shows unmistakable dependence upon the Deuteronomistic tradition.\(^\text{187}\)

This thesis, as Bernard M. Levinson observed in 2004, led to two further significant claims:\(^\text{188}\) (1) there is no reason to posit any redaction of the whole Book of the Covenant,

\(^{185}\) Van Seters, “‘Comparing Scripture’,” 126.
\(^{186}\) Van Seters, “‘Comparing Scripture ’,” 127.
which is a unified coherent literary composition; and (2) the literature along with its setting in
the entire Sinai Pericope is the composition of a single author.\footnote{Van Seters, “Is There Evidence of a Dtr Redaction?” 160-70. Van Seters’ reconstruction of the text as part of the work of the exilic Yahwist in the Babylonian period has nothing to do with the subject matter of my thesis. Nevertheless, his synchronic understanding of the text as a unified literary whole sheds some light on the literary structure and theological implications of the final shape of the Sinai Pericope.}

In spite of the lack of consensus regarding the ordering and dating of the redaction of the
Sinai Pericope’s law collections—dates ranging from the early monarchial to the postexilic periods\footnote{Ska, Reading the Pentateuch, 213-4.}—tradition- and redaction-critical understandings of the Sinai Pericope have led
many scholars to a number of useful insights about the canonical shape of the Book of the
Covenant in the Sinai Pericope:


3. Ludger Schwienhorst-Schönberger and Yuichi Osumi’s structuring of the Book of the
Covenant with the recognition of the importance of 23:20-33, which has normally been regarded as a secondary addition to 20:22-23:19 by the Deuteronomistic redactor(s).\footnote{Ludger Schwienhorst-Schönberger, Das Bundesbuch (Ex 20, 22-23, 33): Studien zu seiner Entstehung und Theologie, BZAW 188 (Berlin: de Gruyter, 1990); and Yuichi Osumi, Die Kompositionsgeschichte des Bundesbuchs Exodus 20, 22b-23, 33, OBO 105 (Göttingen: Vandenhoeck & Ruprecht, 1991).}

4. Wolfgang Oswald’s argument for the incorporation of Moses’ office as mediator between
Yahweh and the Israelites in the final stage of the Deuteronomistic redaction of the Sinai
Pericope.\footnote{Wolfgang Oswald, Israel am Gottesberg: Eine Untersuchung zur Literargeschichte der vordeuen Sinaiperikope Ex 19-24 und deren historischen Hintergrund, OBO 159 (Freiburg: Universitätsverlag, 1998). According to Oswald’s four stages of the redaction of the whole Sinai pericope, the Book of the Covenant was incorporated into the story of God on the mountain in the first stage; the Decalogue was then included; the third stage was mainly related to the theme of covenant; and lastly the mediating role of Moses was incorporated.}
There is no doubt that the work of recent scholars sheds light on both diachronic and synchronic studies of the structure of the Sinai Pericope with respect to the Book of the Covenant. Consequently, as Dozeman concluded, the critics’ various observations have carried the analysis of the Sinai Pericope forward by way of illuminating the importance of the literary structure of the final form of the Sinai Pericope for its interpretation.\textsuperscript{195}

\textbf{1.5. Summary of Findings}

This chapter’s primary purpose was to explore how past historical-critical scholarship interpreted the complex textual irregularities of the Sinai Pericope. Critical scholars studied the pre-literary stages of the Sinai Pericope in terms of its discursive literary genres (law and narrative) and the inconsistent time sense regarding Moses’ ascending and descending Mount Sinai as literary irregularities which disturb the tight literary structure and coherent overall theme of the corpus. Their scholarship, however, led to unsatisfactory conclusions regarding the thematic and theological coherence of the Sinai Pericope. In my opinion, it is not the text itself but the methodologically inconsistent modern critical hypotheses that have produced unsuitable conclusions.

First of all, many critics acknowledged how difficult it was to divide the sources of the narrative framework of the Sinai Pericope exactly.\textsuperscript{196} Noth, for example, said that “the criteria for source criticism have proved unsuitable to explain the literary problem of the Sinai Pericope.”\textsuperscript{197} Although some source critics discovered the corresponding relationship

\textsuperscript{195} Dozeman, \textit{Exodus}, 501.

\textsuperscript{196} See the source analysis of the Sinai Pericope and my comments on it above.

\textsuperscript{197} Noth, \textit{Exodus}, 112.
between Exodus 19:3-8 and 24:3-8, it is not surprising that they have failed to further
develop an interpretation of larger literary blocks or of the whole the Sinai Pericope.

Secondly, with regard to the form-critical approach, the debate about various types of biblical
law still remains unsolved. Alt’s observation on differences between casuistic and apodictic
laws provoked intensive subsequent studies of their plausible origin and Sitz-im-Leben. As
Jay W. Marshall critically evaluated, the form-critical approach to the Sinai Pericope
provided only conjectures having little to do with exact information about the cultural context
of the ancient Near Eastern area. Nevertheless, the recent scholarly tendency to bridge
diachronic and synchronic dimensions by means of form criticism is inspiring an alternative
method for further studies of the Sinai Pericope.

Compared to previous methods, the tradition- and redaction-critical approach has, in my
opinion, provided an advance in our understanding of the Sinai Pericope’s larger units and the
relationship between law and narrative that those units manifest. However, the basic thesis of
tradition- and redaction-criticism still seems problematic. Indeed, as Beyerlin pointed out
along with Noth, two crucial problems remain to be addressed: (1) when and how the two
major traditions of the Sinai Pericope - “Exodus tradition” and “Sinai tradition” - were put
together; and (2) in what ways these two traditions were tied to the cultic setting. Furthermore,
many critics employing this method still ignore the final shape of the canon in order to
propose a plausible solution to the arrangement of law and narrative, especially in terms of

198 Most source critics have argued that 19:3-8 is an initial section summarizing the whole Sinai Pericope by
describing Yahweh’s offer the covenant to the people, and that 24:3-8 is a concluding section presenting the
renewal ceremony of the covenant. For this, see my Source-Critical Approach section above.

199 Rendtorff, *Problem*, 181.


201 Beyerlin, *Sinaitic Traditions*, xv-xvii.
Moses’ chronologically inconsistent movements up and down the mountain, as well as the different descriptions of the same event of divine theophany.²⁰²

Accordingly, this study aligns with the methodological shift from diachronic to synchronic. It adopts a synchronic approach, insofar as it offers more possibilities for a coherent literary and theological interpretation of the final form of the Sinai Pericope. With the shift from diachronic to synchronic comes an awareness of the inadequacy of the earlier methods to resolve many issues related to the textual irregularities of the Sinai Pericope, even though previous critical scholars have made great strides in their work on them. The problematic textual irregularities which are observed from the diachronic perspective, such as Moses’ frequently inconsistent vertical movements up and down the mountain and his office of mediator between Yahweh and the Israelites, will thus be viewed as literary features which construct literary coherence according to the canonical shape of the Sinai Pericope.

Chapter 2

A Synchronic Overview of the Sinai Pericope

It is often unclear whether the Bible uses narrative as a didactic prop for the laws, or the presentation of laws as events in the narrative. For a full understanding, we must be prepared to read the text both ways. This situation is analogous with narrative and poetry: sometimes the poetry seems to punctuate the narrative; at other times the narrative seems to be a commentary on the fragmentary poems. This dual valence, this sense of the interdependence of the tradition’s various modes of discourse, may likewise be part of what the narrative is saying. 203

Joel Rosenberg

Modern critics’ quest for the prehistory of compositional levels in the disparate literary genres of law and narrative has led to doubts that the Sinai Pericope in Exodus 19:1-24:11 constitutes a coherent literary structure. As shown in the previous chapter, Wellhausen’s source-critical understanding of the Sinai Pericope as a text which reflects “monstrous growth” 204 and Alt’s form-critical distinctions of two categories of apodictic and casuistic biblical law affected subsequent scholarly judgments regarding the lack of literary coherence of the text. 205 Indeed, many critics have assumed that two Sinaitic law collections, the Decalogue in 20:1-17 and the Book of the Covenant in 20:22-23:33, were inserted into the narrative sequence at the end of the process of redaction, and they have interpreted the law collections and Sinaitic narratives separately. 206

204 Wellhausen, Prolegomena, 342.
205 Dozeman, Exodus, 500.
206 As shown in the previous chapter, most critics have treated the two Sinaitic law collections and the surrounding narratives separately. But building on the critical presupposition, many scholars who attempted to interpret the Sinai Pericope as a whole have also treated these two disparate literary strands separately. For example, Chirichigno, “The Narrative Structure,” 457-79; and Christiana van Houten, The Alien in Israel Law, JSOTSup 107 (Sheffield Academic Press, 1991), 11-22.
However, Childs’ claim that the core issue in discerning the canonical shape of Exodus is related to the relationship between law and narrative rather than its “loosely unified composition” has opened a new horizon for studies of the Sinai Pericope. Unlike previous critics who emphasized incongruity within the Sinai Pericope on the basis of the assumption that its legal materials interrupt the narrative sequence, many recent interpreters look for inner cohesion in the final form of the Sinai Pericope. They assume literary unity and posit theological significance in spite of literary irregularities.

The main task of this chapter is to explore synchronic approaches to reading the Sinai Pericope with regard to its two major literary features. Accordingly, this chapter will explore the interrelationship between law and narrative in the Sinai Pericope. It will also elucidate Moses’ role as mediator between Yahweh and the Israelites, insofar as it is achieved through his repeated ascents and descents of Mount Sinai. I will argue that Moses’ office as mediator plays a key role in linking the Decalogue and the Book of the Covenant to the surrounding Sinaitic narratives.

### 2.1. Law and Narrative

The critical challenges that scholars pursuing a canonical interpretation of the Sinai Pericope face are the relationship between the law collections and the surrounding narratives and Moses’ repeated vertical movements of Mount Sinai.

#### 2.1.1. Setting the Stage: Synchronic Approaches to Law and Narrative

In response to diachronic studies which treat law and narrative in the Pentateuch separately, a number of scholars have tried to identify links between these seemingly disparate literary

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genres. Since 1947, David Daube’s work, which points out allusions to the laws of the Book of the Covenant in the Pentateuchal narratives,\(^{208}\) has encouraged others to pursue the question of the links between law and narrative. Many subsequent scholars have defended the notion of indissoluble bonds between law and narrative in a general literary sense. For example, Robert M. Cover asserted that the reader of biblical texts can determine the normative significance of law which “justifies” its surrounding narratives.\(^{209}\) Rosenberg further underscored the “dual valence” between law and narrative and proposed that the Book of the Covenant begins with the laws of the release of slaves (Ex 21:2-6) because of the Sinaitic narratives.\(^{210}\) These narratives are composed of stories about the Israelites who escaped from slavery in Egypt, and thus the emancipation of slaves frames the entire Sinai Pericope.

These other text-oriented approaches to the links between law and narrative in the Pentateuch were refined by Calum M. Carmichael in 1983. With his emphasis on the editorial links between law and narrative, Carmichael attempted to read the Pentateuchal law together with narrative traditions found in Genesis to Kings. Regarding the Decalogue in Exodus 20:1-17, for instance, Carmichael suggested that the narrative of creation in Genesis 1:1-2:3 provides a setting for the interpretation of the law.\(^{211}\)


\(^{210}\) Rosenberg, “Bible: Biblical Narrative,” 65. Similarly, Rosenberg insisted that the laws of the Passover be read according to the narratives which were intertwined with the laws in Ex 12-14.

Unlike Carmichael who stressed the editorial work done by the Deuteronomistic writer, David Damrosch argued in 1987 that the Priestly writers played a key role in linking law and narrative together in the Pentateuch. Damrosch observed the Priestly writers’ “intense interest in law” and their concomitant “relative lack of interest in story-telling.” But, based on the reciprocal influence of law and narrative, Damrosch speculated on the Priestly writers’ work of shaping the final form of the Pentateuch in which law is interwoven with narrative:

On the one hand, the narrative focus is altered, and the very representation of history is affected, by the prominence of ritual/legal material (and ritual/legal perspectives) in the Priestly Pentateuch. At the same time, on the other hand, the presentation of the Law is in turn affected by the great body of narrative around it, and the laws themselves are typically presented in narrative form.

Damrosch concluded that, although it was composed as a “confused textual patchwork,” literally speaking, the “narrative covenant” was reshaped as a “purposeful pattern.” Accordingly, he indirectly proposed a method for the interpretation of law and narrative which integrates both of them into a whole.

Studies on the relationship between law and narrative moved into a new phase in 1995 when James W. Watts argued that the narrative framework which encases legal materials provides the literary and theological context for interpretation. Watts proposed that the “list [or law] and narrative” paradigm found in the Pentateuch is a stereotyped rhetorical strategy which constitutes a coherent unit. Watts believed that biblical law was not composed for “oral delivery” and “aural reception,” but for “public reading” (as portrayed in Ex 24:3-4, 7; Dt 212 David Damrosch, The Narrative Covenant: Transformations of Genre in the Growth of Biblical Literature (New York: Cornell University, 1987), 261.
213 Damrosch, The Narrative Covenant, 262.
214 By the term “narrative covenant” Damrosch meant the “genre” of the text from Genesis to Kings.
215 Damrosch, The Narrative Covenant, 2.
216 Damrosch, The Narrative Covenant, 324-6.
31:9 and 11; Jo 8: 34-35; 2 Kgs 23:2-3 // 2 Chr 34:30-31; Neh 8: 1, 3, 5). Thus he maintained that the law’s compositional purpose for public reading not only influenced the genre of the law material but also shaped its literary convention.

By this hypothesis, Watts meant that law was intended to be heard in the narrative context and the narrative functions as the key to the rhetorical strategy which brackets the law. Watts thus argued that alongside the frequent references to the public reading of law, the placement of the law within the narrative calls for a way of reading similar to that of the Torah, which is to be read as a whole and in order.

Building on Watts’ work, a number of recent scholars have attempted to demonstrate the intertextuality of Sinaitic laws and the Old Testament narratives. In 2001, for example, in his work on allusions to selected laws in the Abraham narrative in Genesis, James K. Bruckner argued for “a narrative category for commandments that are intrinsic to the text”:

Law is a particular category (genre) of principle not to be absolutized or detached from the prior values that generate it. Old Testament laws are firmly embedded in Israel’s story account of her faith and interpreted by the narrative framework of meaning inherent in the story. Law must not function as the chief locus of Old Testament ethics, but must work together with other genres to evoke paradigms in Israel’s and our ethical imagination. These paradigms are usable on a middle level between general principles and multiplicity of genres.

218 Watts, “The Rhetorical Strategy,” 3-4; and idem, “Public Readings and Pentateuchal Law,” 543. According to Watts, on the one hand, the intended setting by editors was for the “first readers” of the final form of the Pentateuch from a diachronical perspective; on the other hand, the setting shaped the “literary conventions” from a synchronic perspective.

219 Watts, “Public Readings,” 540. Watts’ case study of the rhetorical link between law and narrative in the Sinai Pericope will be discussed below.


221 Watts, “Public Readings,” 543. Watts said that the placement of law within the narrative “confirms (at least in part) the way of reading law to the conventions of narrative.”


Consequently, Bruckner’s approach sheds light on how the conduct of characters in the narratives in which they fail to obey the laws is to be understood with respect to the implied imperatives presented in Pentateuchal law collections.

In 2010, building upon Daube, Carmichael, and Damrosch, Gershon Hepner produced an extensive study of almost forty narrative units of the Old Testament from Genesis to Kings alluding to Pentateuchal laws, especially Sinaitic laws:224 (1) Sarah’s expulsion of Hagar in Genesis 21, thus calling attention to the slave laws in Exodus 22:20-22 and 23:1-2; (2) Abimelech’s gift to Sarah in Genesis 20:16, hinting at laws of marriage in Exodus 21:10, both of which contain the word-play of “a covering of the eyes”;225 (3) Laban’s exploitation of Jacob in servitude in Genesis 31:15 and 24, violating the slave laws in the Book of the Covenant in Exodus 21:7-8; (4) Moses’ failure to administer justice to the Israelites fighting with each other in Exodus 2, foreshadowing laws related to such a conflict in Exodus 21:18-21; and (5) Pharaoh’s decree regarding construction in Exodus 5, threatening the fundamental system of Israel based on the Sabbath by “backdating” its laws in Exodus 23:9 and 12.

In 2011, Steven D. Fraade explored intertextual allusions to Pentateuchal laws in the Dead Sea scrolls and rabbinic literature. Fraade proposed that modern scholarship on how law and narrative “frame, justify, and authorize” each other should proceed to explore the question of how law and narrative “interpenetrate” each other, especially in relation to the “normative force of narrative” and the “narrativity of law.”226

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225 Hepner, Legal Friction, 258-73.
226 Steven D. Fraade, “Introduction: of Legal Fictions and Narrative” and “Nomos and Narrative before “Nomos
Other recent scholars, such as Walter L. Reed, Stahl, Bator, and Barry Scott Wimpfheime have investigated the relations of law and narrative based on Russian literary critic Mikhail M. Bakhtin’s dialogical understanding of the discursive literary genres of law and narrative in the biblical text.\textsuperscript{227} Especially, in her seminar paper at the annual meeting of the SBL in 2012, Bator used the casuistic laws of the Book of the Covenant to illustrate her argument that law itself should be read as narrative.\textsuperscript{228} According to Bator, casuistic laws embody the concrete experiences of individuals and communities, and thus can reflect narrative elements such as characters and implied narrative situations.\textsuperscript{229}

So far, this chapter has provided a brief introduction to two types of synchronic approaches to the relations of law and narrative in the Old Testament: (1) the intertextual incorporation of Pentateuchal laws and narratives from Genesis to Kings; and (2) the close literary relationship between law and narrative, especially in the Pentateuch. This study will now focus especially on the second approach with a view to seeking an alternative approach to the literary irregularities that the integration of two law collections, the Decalogue and the Book of the Covenant, and the Sinaitic narratives, creates.


\textsuperscript{228} Bator, “Dialogical Laws,” 1-10.

\textsuperscript{229} Some cases of casuistic laws, which can be read as narrative, as Bator argues, will be introduced in Chapter 3.
2.2. The Literary Integration of Law and Narrative

Cassuto’s commentary on Exodus in 1951 marked the starting point for understanding the problematic relationship between the two law collections and their surrounding narratives in the Sinai Pericope. Cassuto not only cast doubt on the widely held view that the term פָּרָשָׂה in 24:7 indicates especially the Book of the Covenant, but also rejected various critical theses regarding the compositional history of the Sinai Pericope and its lack of literary design. Instead, Cassuto argued that numerous themes are presented together in the Sinai Pericope “on the principle of analogy and association,” even though he was doubtful of a systematic relationship between law and narrative in the text.

Unlike Cassuto, Paul did not deny the composite prehistory of the Sinai Pericope in 19:1-24:11. In his work in 1970, building on Otto Eissfeldt’s interpretive viewpoint, Paul emphasized the importance of a “total out-look” for the analysis of the text. Paul answered a series of critical questions about the textual irregularities of the Sinai Pericope based on his argument that the final form of the text presents a “prologue-epilogue” frame which inextricably binds the Sinaitic narrative accounts of Israel’s redemptive history and the two law collections to fashion the new constitution of the holy nation. He maintained that the

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230 For example, Childs, *Exodus*, 459-60. As Childs briefly summarizes, the following issues are still widely held by critical scholars: (1) the arrangements of law and narrative seem to be quite arbitrary; (2) there is no “close logical order” in the Book of the Covenant; and (3) a consistent literary and theological parallelism between the Decalogue and the Book of the Covenant is not to be found.


235 Paul, *Studies in the Book of the Covenant*, 27-42 (esp. 35-6). Paul raised and tried to answer the following issues: (1) how interpreters can divide literary sub-units which had been put together to constitute a scene describing the Israelites’ preparation for the divine theophany in Ex 19; (2) whether the word mishpatim in Ex 24:7 originally refers to the Book of the Covenant or to the Decalogue; (3) what relationship the Book of the Covenant has with the Decalogue; (4) how the short narrative section in 20:18-21, which describes the Israelites’ response to the divine theophany, relates the Decalogue and the Book of the Covenant; (5) how the
narrative prologue clarifies the subject matter which was the birth of the new constitution through the making of the covenant between Yahweh and the Israelites. The epilogue, Paul said, points to “further divine protection” based on the covenantal relationship. Finally, he suggested that the Decalogue and the Book of the Covenant occupy a central place between the prologue and the epilogue, and function as the means to realize the covenant. Paul then concluded that the framework of the Sinai Pericope shaped the legal corpus, which referred directly to Yahweh as “a revelation of the divine will” in the Sinaitic narrative context of theophany.  

Similarly to Paul, Fokkelman in 1987 explored the structure of the Book of the Covenant, especially the interaction between law and narrative in the Sinai Pericope. Fokkelman considered the legal corpus according to its literary function as God’s “spoken word” addressed directly to the Israelites. He further proposed that the given “embedded speech” reflects “enactments of God” and should be interpreted in its full interaction with the Sinaitic narratives in terms of the themes which both share.

Together with the previous interpreters, Nahum M. Sarna noted in 1991 that the Sinai Pericope constitutes the “culminating stage” of Israel’s relationship with Yahweh, and regarded the embeddings of the law collections within the Sinaitic narrative frame as an heterogeneous legal materials, such as cultic prescriptions, legal precepts, moral instructions, and religious obligations are related to each other; and (6) what is the nature of the concluding section of the Book of the Covenant.

“innovative feature.” In his view, the narrative context forms and justifies the literary shape and theological significance of the entire Sinai Pericope and further affects all subsequent narratives in the Book of Exodus. Sarna’s emphasis on the canonical function of the narrative context further led to his argument that “the covenant would be devalued” without consideration of the relationship of the law collections to their surrounding narratives.

Regarding the Decalogue, Sarna identified its close parallel with the wisdom and ethical literature of the ancient Near Eastern world. Accordingly, he viewed the contents of the Decalogue not only as “expressions of divine will,” but also as norms that weld both “individual and society” into one body. The Sinai Pericope then made no distinction between religious and secular obligations.

With regard to the Book of the Covenant, Sarna, like Cassuto and Paul, noted the importance of its title according to Exodus 24:4 and 7, for in both texts Moses wrote the divine commands, instructions, and ordinances and then read the covenant document to the people aloud in public as part of the ratification ceremony. Based on comparisons with other ancient Near Eastern law codes, Sarna, unlike Cassuto and Paul, however, regarded the inclusion of diversely formulated laws as the unique characteristic of the Book of the Covenant. He thought it significant that the Book of the Covenant was not a “self-contained, independent entity.” Rather, it was encased by the Sinaitic narratives, which provide the context for the

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240 Sarna, Exodus, 102.
242 Sarna, Exodus, 102.
243 Sarna, Exodus, 102-3.
interpretation of the whole Sinai Pericope.\textsuperscript{244}

However, Sarna’s major focus was not on the narrative framework of the Sinai Pericope, but rather on the larger narrative context of Exodus. For that reason, I believe, he failed to discern the canonically crucial role of the Sinaitic narratives (Ex 19, 20:18-21, and 24:1-11) with respect to Yahweh’s offering of the covenant to the people, Moses’ role as mediator between them, and the ceremony ratifying the covenant. Nonetheless, Sarna provided an interpretive window into the intertextual relationship of the Sinai Pericope and the larger narrative blocks in the whole Book of Exodus, especially with 11:1-13:22, 15:22-18:27, and 32-34 with respect to the mingled mix of law and narrative. To this matter I will return later in Chapter 5.

In his 1994 monograph about the Book of the Covenant, Joe M. Sprinkle tried to discern the “inner cohesion” of the Sinai Pericope using a literary approach,\textsuperscript{245} associated with Robert Alter, Adele Berlin, Edward L. Greenstein, Meir Sternberg, Fokkelman, and Herbert C. Brichto.\textsuperscript{246} Sprinkle denied the historical-critical assumption of the later “literarily awkward insertion” of the Book of the Covenant into its surrounding narratives. Instead, he thought that the interweaving of law and narrative in the Sinai Pericope exhibits an authorial intention which should be recognized as “a consistent stylistic feature of Exodus.”\textsuperscript{247} This recognition, Sprinkle argued, supports the idea that the two law collections of the Sinai Pericope should be

\begin{footnotesize}
\textsuperscript{244} Sarna, \textit{Exodus}, 117.
\textsuperscript{245} Sprinkle, \textit{‘The Book of the Covenant,’} 13.
\textsuperscript{247} Sprinkle, \textit{‘The Book of the Covenant,’} 17-18.
\end{footnotesize}
read as Yahweh’s direct speeches in a narrative context which focuses on the divine theophany.\textsuperscript{248}

Since 1995, Watts has subsequently advanced the previous scholarly discussion of the placement of the law collections within the narrative discourse by considering the placement to be a rhetorical strategy for emphasizing the public reading of entire law collections.\textsuperscript{249} Watts also called attention to the importance of the speeches which narrate God’s past salvific work for the Israelites (19:4-6) and the repetition of the obligations which follow in the laws (19:8; 24:7). To Watts’ view of the function of 20:18-21 I will return later below.

Watts’ understanding of the relationship between the discursive literary genres of the Sinai Pericope is of special note. While he attempted to demonstrate how narratives, lists (or laws) and sanctions interact in the biblical text, and while he defined the genre of the Sinai Pericope as Torah in the broad sense,\textsuperscript{250} Watts rejected the widely-held presupposition that the entire Sinai Pericope could be read as narrative.\textsuperscript{251}

In 1995, Stahl also dealt with the same issue, but, in a different way. Building on Bakhtin’s ground-breaking notion that discursive genres, voices, and themes may coexist and should not necessarily be understood as being absorbed into one another in the novel,\textsuperscript{252} Stahl argued

\begin{itemize}
\item \textsuperscript{248} Sprinkle, \textit{The Book of the Covenant}, \textsuperscript{18}.
\item \textsuperscript{249} Watts, “Public Readings,” 540-42; idem, “Rhetorical Strategy,” 3-6; and idem, \textit{Reading Law}, 15-22 and 49-60. Crucial for Watts’ thesis are Ex 24:3-7; Dt 31:9-11; Jo 8:30-35; 2 Kgs 23:2-3 // 2 Chr 34:30-31; and Neh 8-9.
\item \textsuperscript{250} Watts, \textit{Reading Law}, 147-52, and 154-57.
\item \textsuperscript{251} James W. Watts, “The Theological Meaning of Biblical Law,” a paper read in the seminar of the department of law at the annual meeting of the SBL in 2012.
that God’s act of lawgiving and the Israelites’ responses to him in the Sinai Pericope should not be analyzed separately.\textsuperscript{253} Significant to Stahl was Bakhtin’s distinction of the polyphonic nature of the biblical discourses and the story-telling of novels, as well as his view that the Bible is a monolithic text.\textsuperscript{254}

Thus Stahl combined Bakhtin’s understanding of the dialogical nature of the biblical text together with Fokkelman’s and Josipovici’s literary consideration of the Sinai Pericope.\textsuperscript{255} He then proposed a thesis about the dialogical interaction between law and narrative, both of which form the polyphonic nature of the Sinai Pericope:

The communications between Yahweh and humanity are neither monolithic nor uniform. What does it mean for a monotheistic text to valorize discursive plural voices so strongly and consistently? … The biblical mixture of genres and voices is the manifestation of a series of underlying tensions, a way to allow for the expression of a complex, even contradictory, ideology. Law, perhaps more than any other discursive practice in the Bible, plays a crucial role in articulating and highlighting these tensions.\textsuperscript{256}

It is true that Stahl admitted a certain tension within the Sinaitic narratives caused by the repetition of certain laws. But he tried to reconcile the tension between the “optimistic fulfillment of divine will” and the people’s “inevitable failure/rebellion against it.”\textsuperscript{257} In Stahl’s view, this tension ultimately forges a link between law and narrative within the Sinai


\textsuperscript{254} Bakhtin, \textit{Dialogic Imagination}, xxxiii; Harold Fisch, “Bakhtin’s Misreadings of the Bible,” \textit{Hebrew University in Literature and the Arts} 16 (1988): 139; and Stahl, \textit{Law and the Liminality}, 24. For this reason, Harold Fisch criticizes Bakhtin for misreading the Bible and Stahl sees an irony in the sense that “one must first refute Bakhtin in order to apply him.” However, it should be noted that Bakhtin’s dialogical perception regarding the Bible differs sharply from that of Algirdas J. Greimas, who does not see the Bible as a monolithic text. In my view, many scholars actually have the Greemassic perspective even though they believe that they accepted Bakhtin’s.

\textsuperscript{255} Fokkelman, “Exodus,” 56-65; and Josipovici, \textit{The Book of God}, 92. First of all, Fokkelman points out that what scholars should do is to explore the relation of disparate speeches instead of detaching them from their literary context. Josipovici also maintains that our task is to examine why the biblical author(s) placed law within narrative discourses and what that insertion might imply rather than splitting up what has been put together.

\textsuperscript{256} Stahl, \textit{Law and Liminality}, 12.

Accordingly, Stahl’s synthetic thesis sheds light on the understanding of the literary tension created by the discursive genres. In other words, the combination of law and narrative in the Sinai Pericope plays a crucial role in constituting a coherent literary structure through its dialogical interactions in spite of its underlying tensions.\footnote{Stahl, \textit{Law and Liminality}, 17-26.}

Stahl’s work on the dialogical nature of the Sinai Pericope laid the foundation of the synchronic work of other scholars, such as Berlin and Carmichael. Firstly, in her article published in 2000, Berlin raised two questions:\footnote{Berlin, “Numinous Nomos,” 25-31.} (1) is the Torah a series of legal collections with its narrative sections which serve as the glue that holds them together? and (2) is the Torah a narrative, with some blocks of legal material inserted here and there?

To answer these questions, Berlin, similar to Damrosch and Sarna, considered the genre-mixing of the Torah to be “generic innovation,” which leads to a rethinking of the structure of the Sinai Pericope. Yet Berlin, unlike Damrosch and Sarna, went further to argue that the innovation ultimately forges a new genre.\footnote{Berlin, “Numinous Nomos,” 28. By this Berlin argues that in the Torah “a genre subordinates other genres for its own ends.”} In this sense, Berlin identified the parallel between Exodus 19:1-24:11 and 32-34 which presents “a strong sense of the numinous to the giving of the law.”\footnote{Berlin, “Numinous Nomos,” 29.} Berlin especially focused on the radiance of Moses’ face in his role as mediator in Exodus 32-34 and emphasized the fact that Yahweh’s lawgiving to the people is enveloped by the events related to the divine presence:
The commands, that is, the laws, partake of the numinousness of God’s presence. It is not only numinous nomos, but also luminous nomos. It is true, but perhaps too simple, to say that when Moses’ radiant face is visible he is acting as the spokesman for God….Communion with God is in effect through the people’s experience of hearing and seeing: They see the radiance of Moses’ face and they hear the laws. The laws, then, become an aural radiance. The laws are a vehicle through which Israel apprehends God.263

Berlin thus came to the conclusion that there is no set of laws without the narrative of divine presence in the Torah and suggested that further studies should explore the deeper literary and theological implications that the juxtaposition of law and narrative evokes.264

Carmichael’s work in 1995 and 2006 on biblical law also moved toward a more synchronic approach. Carmichael discerned textual features of the biblical laws contained in the Decalogue and the Book of the Covenant which are incorporated into the Sinaitic narratives.265 He also regarded the Decalogue as having been given to the people in public, in contrast to the Book of the Covenant, which was addressed to the people through Moses’ mediation.266 Although he did not deny the possibility that various law collections were incorporated “at different points in a narrative history,”267 Carmichael asserted that each legal collection was inspired and created according to its corresponding narrative context.268

Up to this point, this chapter has explored various synchronic studies concerning the relationship between law and narrative in the Sinai Pericope. Many modern interpreters following Cassuto and Paul, as well as recent scholars such as James Kugel, Marc Zvi Brettler, Diana Lipton, Bator, John H. Sailhamer, and Fraade have emphasized the

266 Carmichael, Illuminating Leviticus, 1.
267 Carmichael, Illuminating Leviticus, 1.
268 Carmichael, Illuminating Leviticus, 3.
importance of the link between law and narrative for the coherent interpretation of the Sinai Pericope. But there are still scholarly debates about whether law does indeed form, justify, and determine the context of the narratives which bracket it, as Cover proposed, or whether the narratives give the law its normative significance, as Watts argued. These debates raise these further problems: (1) whether the integration of law and narrative creates a new literary genre in the Sinai Pericope; or (2) whether it is plausible to read the Sinai Pericope as either an extended law code or as narrative.

Briefly, most recent scholars tend to interpret the Sinai Pericope as narrative based on the recognition that the law is located within the larger narrative context. For instance, Watts argues for the Torah as the genre of the Sinai Pericope; Fokkelman attempts to prove that the combination of law and narrative creates a totally new genre of the Sinai Pericope; and Bator reads law itself as narrative by exploring characters, events, and the plots of biblical laws (mostly casuistic), especially in terms of seeing the “lawgiver as narrator.”

The basic premise of this study is that the law materials and the surrounding narratives in the Sinai Pericope are inextricably related on the basis of their reciprocal influence. On the one hand, this thesis assumes that the establishment of the covenantal relationship between Yahweh and the people needs a legal corpus. On the other hand, it argues that the Sinaitic narratives provide the concrete context according to which the laws of the Decalogue and the

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Book of the Covenant were applied and interpreted. This view regarding the interdependence of law and narrative, intrinsic to the present form of the Sinai Pericope, is key to understanding the chronological problem of the Sinaitic narratives.

2.3. The Chronological Problem of the Sinaitic Narratives

The integration of the disparate genres of law and narrative in the Sinai Pericope results in the literary irregularity that is present in the short narrative section in 20:18-21 between the Decalogue and the Book of the Covenant. Indeed, Moses’ mediation is authorized at the people’s request after they experience the divine theophany described in 20:18-21; yet the theophany seems to have occurred already in chapter 19 before the Decalogue is addressed directly to the people.

Concerning this irregularity, many scholars have challenged previous historical-critical approaches and proposed synchronic approaches, which treat 20:18-21 together with Moses’ repeated ascending and descending Mount Sinai to mediate between God and the people. They have also attempted to reconstruct the original narrative sequence of the Sinai Pericope.273 These scholars have in one way or another taken into consideration the combination of law and narrative in the final form of the Sinai Pericope and claimed that the arrangement of the events in the literary corpus is not necessarily chronological. In this section, I will explore selected synchronic approaches which reconstruct two aspects of the temporal sequence of the Sinai Pericope: (1) Moses’ ascents up and descents down the mountain; and (2) Moses’ mediation between Yahweh and the people. This exploration will provide a key to understanding how the integration of law and narrative, which is related to

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273 For those critical scholars, this irregularity shows the later awkward additions of the law collections to the larger surrounding narrative units. According to their argument, 20:18-20 was originally placed before the Decalogue but later transferred to the preset place to provide a brief introduction to the Book of the Covenant.
the temporal sequence of the Sinai Pericope, underscores its characterization and setting.

2.3.1. Cassuto’s Reconstruction of the Chronology of Moses’ Movement

Regarding the chronological problem, it is crucial to note that the narrator describes the narrative sequence with respect to Moses’ ascents and descents. It is reasonable to begin our exploration with Cassuto’s reconstruction of the narrative chronology of the Sinai Pericope.

Like previous critical scholars, Cassuto acknowledges that it is not clear how many times Moses ascends Mount Sinai to receive Yahweh’s words and descends the holy mountain to deliver them to the people in Exodus 19. Cassuto nevertheless proposes that Exodus 19 as a whole presents a “single sequence” with respect to Moses’ repeated movements up and down the mountain. He reconstructs the chronology of Moses’ movements based on what he suggests are “customary stylistic devices of the ancient narrative literature”:

1. Moses ascends the mountain in 19:3 before God summons him (cf. Ex 3:12) and then descends to the camp in 19:7 in order to deliver all that Yahweh has spoken to him in verses 4-6.

2. The parallel three-fold reference to Moses’ bringing back the people’s words to God in 19:8b-9 implies another ascent of the mountain, which should be “self-understood.” Then he comes down from the mountain again in 19:14 in order to consecrate the people and get them ready for the theophany as he is commanded in 19:10-12.

3. After the arrival of Yahweh on Mount Sinai, Moses goes up the mount again in 19:20 to receive the “two-fold admonition” and down to the people to warn them in 19:25 as Yahweh commands him.

274 For example, Childs, Exodus, 344.
275 Cassuto, Exodus, 223-32. Along with this problem, Cassuto raises another issue related to the natural phenomena described in v. 17. They are not Yahweh’s theophany itself but only the “signs” of Yahweh’s advent upon the mountain, which occurs later in v. 18.
276 Cassuto, Exodus, 235.
277 Cassuto, Exodus, 228.
278 Cassuto, Exodus, 226-7.
279 Cassuto, Exodus, 228-9.
280 Cassuto, Exodus, 230.
281 Cassuto, Exodus, 233-4. It is a twofold admonition: (1) “to stress still further the thought that the boundary

5. In addition, Cassuto proposes a “self-understood” ascent of the mountain with Aaron in 19:24b.

Cassuto argues that the Decalogue was presented directly to the Israelites in Exodus 20.283 Of significance to the coherence of the chapter, Cassuto asserts, is its concluding section, 20:18-21, which describes the people’s reaction to the divine revelation “as a whole” after the direct divine address of the Decalogue.284 After the people heard the Decalogue from Yahweh while experiencing the supernatural phenomena accompanied by the theophany, they trembled and stood at a distance on account of their terror in 20:18 (cf. 19:16). Then Moses came back to them.285 Therefore, in 20:19 the people asked him to mediate between Yahweh and them. Moses ascended Mount Sinai again in 20:20 to receive Yahweh’s further instructions in 20:21.286

Cassuto’s reconstruction of the chronological sequence of Exodus 24 begins with his paraphrase of the first two verses:

After you have delivered all My words to the people, and have arranged, in accordance with these directives, the ceremony of the making of the Covenant, come up again to Me…in the direction of the top of the mountain, where the Lord had revealed Himself to Israel.287

And then a command pertaining to Moses and Aaron, Nadab and Abihu, and seventy of the elders of Israel follows. They prostrated themselves to “express the people’s gratitude to the

282 Cassuto, Exodus, 234-5.
283 Cassuto, Exodus, 240.
284 Cassuto, Exodus, 252.
285 Cassuto, Exodus, 253.
286 Cassuto, Exodus, 253.
287 Cassuto, Exodus, 310.
Lord for His having vouchsafed them a deed of covenant.” Yet their prostration happened by way of Moses’ mediation; except for Moses, who alone was permitted to come near to the place of Yahweh’s theophany in 24:2, the people had to keep a distance from the top of the mountain.

At this point, one may raise the question of where Moses was when the command was given to him in 24:1-2. Cassuto assumes that Moses was still standing on top of the mountain after his ascent in 20:21 and that he then came down from the mountain to the camp in 24:3 to teach the people all the words, instructions, admonitions, and ordinances of the Lord, as written in the Book of the Covenant. According to Cassuto, the covenant was ratified by Moses’ reading of the Book of the Covenant and by the people’s assent (24:6-8) between the blood-throwing rituals. The people’s prostration then took place far from the summit of the mountain in accordance with the command written in 24:1. In other words, Moses and Aaron, Nadab and Abihu, seventy elders of Israel, and the representatives of the people went up the mountain only after the completion of the ritual ceremony of the making of the Covenant. It was at that point then that they could “see” (אַרְאֵה) the God of Israel (24:10) and “eat” (לְהִלְכָּבְנָה) and “drink” (טַבֶּנֶת) with Yahweh (24:11).

In my view, Cassuto’s reconstruction of the chronology of the narrative sequence of the Sinai Pericope with respect to Moses’ movements points to the way forward regarding how the literary corpus can be read coherently. Nevertheless, his reconstruction needs some

288 Cassuto, Exodus, 310.
289 Cassuto, Exodus, 310-11.
291 Cassuto, Exodus, 314-5.
modification. First, Cassuto does not mention Moses’ ascent and descent in 19:19b.\footnote{Cassuto, \textit{Exodus}, 232-33.} This movement can also be viewed as a self-understood implication. Indeed, verse 19 describes a dialogue between Yahweh and Moses on the mountain. Besides, contrary to Cassuto’s analysis,\footnote{Cassuto, \textit{Exodus}, 234-5.} it is not clear when and how the Decalogue was delivered to the people. For example, Chirichigno argues that the Decalogue was directly given to the people while Moses was coming down from the mountain but had not yet arrived at the camp.\footnote{Chirichigno, “The Narrative Structure,” 470-75.} Dozeman, by contrast, posits that the laws in the Decalogue were God’s words spoken to the people through Moses’ mediation, by translating 19:25-20:1a as “And Moses descended to the people, and he [Moses] said to them, “God spoke all these words.””\footnote{Dozeman, \textit{Exodus}, 465.}

Secondly, Cassuto places too much weight on simple reports of a series of narrative events in the sense of linear time. Indeed, the literary concern of the Sinai Pericope is so complicated that it may not be properly evaluated according to Cassuto’s timeline alone. Indeed, Cassuto’s work does not offer an account of the relation of Moses’ repeated trips up and down Mount Sinai to achieve his role as mediator between God and the people. Not surprisingly, subsequent scholars have proposed alternative literary interpretations of the Sinai Pericope by inquiring into the purpose of Moses’ movements rather than the chronological problem itself: namely, Moses’ mediation of the covenant through the lawgiving.

\textbf{2.3.2. The Narrative Chronology in terms of Moses’ Role as Mediator}

Crucial to the elucidation of the relationship between the various narrative scenes repeatedly describing Moses’ movements up and down Mount Sinai is the literary viewpoint that the
chronological problem of the narrative sequence does not necessarily cause damage to the inner cohesion of the entire Sinai Pericope. Thus a number of scholars, as will be shown below, focus on 20:18-21 as the passage in which Moses’ role as mediator is authorized based on the people’s request. The importance of this short narrative unit is that it bridges the two law collections through the account of Moses’ mediation of the covenant between Yahweh and the people, as well as the account of the people’s obedience which Yahweh’s divine speech requires.\textsuperscript{296}

\textbf{2.3.2.1. Rhetorical Strategy}

Watts proposes a basic but influential answer to the question of how Exodus 20:18-21 relates to the preceding and following literary sections of the Sinai Pericope. Watts argues for the “rhetoric of persuasion”\textsuperscript{297} while explaining the whole structure of the presentation of the Sinai Covenant. According to Watts, Yahweh’s direct speeches, which retrospectively mention his past work of salvation for Israel (19:4-6), and the people’s repeated promise to obey the covenantal obligations (19:8; 24:7) are highlighted in the Sinaitic narratives. Watts regards 20:18-21 as a “narrative interlude,” between the Decalogue and the Book of the Covenant, which emphasizes Moses’ role as mediator, and presents him as a law-giver as the people request.\textsuperscript{298} Based on his idea of the rhetorical strategy of the public readings of the Decalogue and the Book of the Covenant in relation to Sinaitic narratives, Watts speculates on the canonical function of 20:18-21 as follows:

These stories serve to (1) establish YHWH’s legitimacy on the basis of past and present events, (2) ground Israel’s legal obligations on communal self-committal, and (3) explain and authorize Moses’ role as mediator on the basis of the people’s request.\textsuperscript{299}

\textsuperscript{296} Lipton, “A (Very) Fresh Look at Biblical Law,” 173-5.
\textsuperscript{297} Watts, \textit{Reading Law}, 49-50.
\textsuperscript{298} Watts, \textit{Reading Law}, 50.
\textsuperscript{299} Watts, \textit{Reading Law}, 50.
Watts’ discernment of the literary strategy through which the surrounding narratives can be thought to provide the legitimate context for the legal materials has been refined by the following scholars. They all identify specific literary devices that aid in understanding the chronological problem created by Moses’ repetitive trips up and down the mountain.

2.3.2.2. Spatial-Form Techniques

When it comes to the chronological problem, Dozeman proposes “spatial-form devices,” which “subvert…the chronological sequence inherent in narrative.” By means of the spatial-form devices, Dozeman indicates that Sinaitic narratives do not progress chronologically from the consequences of the characters’ action. He thus suggests that the “characterization and setting predominate over chronology and the plot [in the Sinai Pericope].” Moreover, he proposes that redactors employed various spatial-form devices to shape the canonical form of the Sinai narratives, and he also explores the effect of the spatial-form on the reader who interprets the promulgation of law in the Sinai Pericope.

Specifically, Dozeman points out the “priestly itinerary” in Exodus 19:1-2a, which disrupts the temporal sequence. In his view, the itinerary consists of two repetitions and leads the

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300 Thomas B. Dozeman, “Spatial Form in Exodus 19:1-8a and in the Larger Sinai Narrative,” _Semeia_ (1989): 87-100 (esp. 88). While introducing the concept of the spatial-form devices, which builds on the work of René Wellek and Tzvetan Todorov, Dozeman cites some points mentioned by Jeffrey R. Smitten and Ann Daghistany:

We read narratives one word after another, and in this sense all narratives are chronological sequences. But the arrangement of events within this linear flow of words often departs in varying degrees from strict chronological order. Also, portions of a narrative may be connected without regard to chronology through such devices as image patterns, leitmotifs, analogy, and contrast. “Spatial form” is simply the general label for all these different narrative techniques.

For a full understanding of the spatial-form devices, see Wellek and Warren, _Theory of Literature_ (New York: Harcourt Brace Jovanovich, 1977); Tzvetan Todorov, _The Poetics of Prose_ (Ithaca: Cornell University, 1977); and idem, _Introduction to Poetics_, THL1 (Minneapolis: University of Minnesota, 1980).

301 Dozeman, “Spatial Form,” 87-90. Dozeman argues that the Sinai Pericope constitutes its temporal sequence not in a chronological way but in a literary way, which is rather subordinated to characterization and setting. Therefore, Dozeman concludes that “the primary focus in Exodus 19-34 is on the interrelationship of characters - Yahweh, Moses, and Israel - within the narrowly defined setting of Mount Sinai.” Dozeman’s view is convincing as a solution for the chronological problem of Moses’ trips up and down Mount Sinai, and for the literary irregularity that 20:18-20 creates.
reader to expect that what happens next does not happen “so much forward as backward or sideways.” Then he links “the Mountain of God tradition,” a third repetition in 19:2b-3a, to the previous itinerary account. Through this link, as Dozeman supposes, 19:2b-3 introduces a “pre-exilic account of Elohim’s appearance to Israel at a cosmic mountain.”

Dozeman argues that spatial-form devices now subvert the temporal sequence and stop the action; Yahweh is at the top of Mount Sinai and the people are at the bottom of the mountain. The specific setting of the Sinaic narratives is provided through the repetition of the verb “to camp” in 19:2ac and 2b. Drawing upon Thijs Booij’s argument, Dozeman explains what the spatial-form devices accomplish in the text:

It [the narrative setting created by spatial-form devices] also demonstrates how the linking of the wilderness of Sinai with the unnamed Mountain of God lays the foundation for the important role that Mount Sinai will play as the location for the revelation of Torah in the canonical form of the Sinai narrative.

With this statement, Dozeman specifies that the role of Moses is problematic in two respects: (1) although 19:1-8a constitutes a unit with respect to verbs of speech (speech of Yahweh in vv. 3b and 4; speech of Moses in v. 7; and speech of Israel in v. 8), the placement of Moses in relation to Yahweh and to the Israelites is not clear; and (2) Moses’ approach to the people is not easily configured because Yahweh’s first speech in 19:3 is addressed to the people without Moses’ ascent of the mountain.

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305 Dozeman, “Spatial Form,” 91.
308 Dozeman, “Spatial Form,” 92-93.
309 Dozeman, “Spatial Form,” 93. Dozeman argues that the “commissioning formula” in 19:4 (“Therefore you shall say to…”) reinforces Moses’ role of prophet rather than mediator. So Dozeman calls Moses a “priestly mediator.” This is crucial for understanding the function of the narrative section (Ex 20:18-20) in which Moses’ office of mediator between Yahweh and the Israelites, instead of prophet, is inaugurated by the request of the people. Indeed, the manner of delivery for Yahweh’s speech (the Decalogue vs. the Book of the Covenant) is shifted before and after the authentification of his role as mediator.
Regarding these problems, Dozeman draws upon Cassuto’s previous interpretation that Moses’ ascent to the top of Mount Sinai in Exodus 19:2b to receive Yahweh’s direct speech hints at Moses’ descent, which implies his returning to the people to convey the speech in 19:7. Therefore, Dozeman regards “the vertical movement of Moses between Yahweh and Israel” as a key to understanding the canonical form of the text. Dozeman says that, although Moses’ role as a mediator is added to his movements, it locates three major characters - Yahweh, Moses, and the people – within the setting of Mount Sinai. Furthermore, Dozeman maintains that “the vertical movement of Moses as a mediator on Mount Sinai even becomes the primary structuring device in the canonical form of the proposal of covenant.”

In this way, Dozeman argues that Yahweh’s prophecy to Moses in 19:9 through which the people hear the divine speech and believe in Moses comes true in 20:18 where they are “seeing” Yahweh’s divine speech and the sounds of the thunder, lightning, and the horn. But Dozeman also argues that the people’s experience of theophany prophesied in 19:9 and confirmed in 20:18 made them fear, and their fear pushed them to ask Moses to mediate for them before Yahweh in 20:19. In this sense, Dozeman underscores inter-connected links of law and narrative in the Sinai Pericope, such that they provide a “coherent symbol system” by forming the plot structure of the Book of Exodus, not simply of the Sinai Pericope.

311 Dozeman, “Spatial Form,” 94.
312 Dozeman, “Spatial Form,” 94.
313 Dozeman, Exodus, 495-96.
314 Dozeman, “Spatial Form,” 95-97; and idem, God at War, 102.
2.3.2.3. Resumptive Repetition or Synoptic/Resumptive Expansive

Alongside spatial-form devices, resumptive repetition is another literary technique that recent scholars have proposed in order to solve the chronological problem created by the awkward disruption of the Decalogue and the Book of the Covenant. While Berlin briefly proposes only one case of the resumptive repetition in 21:18 and 21, and Kristi B. Miller identifies overall synoptic resumptive patterns in Exodus 19-34, Sprinkle provides a full analysis of the Sinai Pericope in terms of the resumptive repetition. The present study will therefore mainly deal with Sprinkle’s analysis.

Sprinkle defines the resumptive repetition as a literary device through which biblical writers deal with the same event twice:

The essence of this technique is that the narrator tells a story once, then picks up the story again somewhere in the chronological sequence and retells it, often expanding the story or telling it from a different point of view....The problem is not in the narrative, but in the reader’s trying to read these two sections [i.e. the same event treated two times] as a chronological sequence.

On the basis of this definition, Sprinkle argues that 24:1-3a is a resumptive repetition of 19:21-25; namely, 24:1-3a describes 19:21-25 in an expanded form. Furthermore, Sprinkle discerns a striking literary parallel between 19:16-19 and 20:18-21: (1) in 19:16-19, the narrative describes the preliminary signs of the theophany upon Mount Sinai with specific nouns of natural phenomena such as thunder, lightning, and smoke on the mountain, along with the sound of the ram’s horn, all of which result in the people’s fear of God; and (2) 20:18-21 describes the people’s reaction to the theophany through the use of the participle.

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316 Berlin provides only one case of the resumptive repetition in 21:18 and 21, and not in detail. In contrast, Miller identifies overall synoptic resumptive patterns in Ex19-34.


thereby linking the narrative to the story narrated in 19:16-19.\textsuperscript{320}

While he reads the literary corpus in terms of the resumptive repetition, Sprinkle suggests that the Decalogue did not occur between Moses’ descending the mountain to the people (19:24-25) and their request for mediation (20:18-21), and that the event described in 19:21-25 is the same as that in 24:1-3a which ends with the accounts of Moses’ stay on the mountain with Yahweh after he received and wrote the Book of the Covenant (24:3a).\textsuperscript{321}

Sprinkle’s non-chronological literary reading suggests the possibility that the Book of the Covenant itself is a redsumptive repetition of the Decalogue:

> The Decalogue and 20:22-23:33 [the Book of the Covenant] are not two independent law collections, but the former [the Decalogue] is a ‘synopsis,’ a summary statement, ‘a bottom line’ of the minimum principles of the covenant, while 20:22-23:33 is ‘expansive,’ telling in more detail how some (not necessarily all) of those principles can be worked out in daily life.\textsuperscript{322}

Consequently, Sprinkle argues for a chiastic structure for the entire Sinai Pericope. This structure implies the establishment of the covenant between Yahweh and the people, and then it “portray[s]” and “redirect[s]” the people’s fear of Yahweh in the central place of the pericope by means of the literary technique of resumptive repetition.\textsuperscript{323}

\textbf{2.4. Summary of Findings}

To summarize, as many scholars such as Watts, Dozeman, and Sprinkle have shown above, the present literary form of the Sinai Pericope is intentional. Various discursive genres, law and narrative, as well as the problematic narrative sequence of the text are explained as redactions by the final writer for literary and theological purposes.

\textsuperscript{320} Sprinkle, ‘The Book of the Covenant,’ 21-22.

\textsuperscript{321} Sprinkle, ‘The Book of the Covenant,’ 23.

\textsuperscript{322} Sprinkle, \textit{The Book of the Covenant}, 24-7 (esp. 25).

\textsuperscript{323} Sprinkle, \textit{The Book of the Covenant}, 27. I will deal with this view again in Chapter 3.
I am not saying that Watts’, Dozeman’s, Sprinkle’s studies of the Sinai Pericope are without problems: (1) one may think that Watts does not explain adequately how the laws in the Decalogue and the Book of the Covenant are literarily related and constitute the structure of the Sinai Pericope; (2) Dozeman’s presupposition that the plot of the Sinai Pericope becomes subordinated to its characterization and setting is also doubtful; and (3) Sprinkle’s thematic structuring of the whole Sinai Pericope ignores the disparate literary characteristics of law and narrative as well as the formal distinctions of biblical law, apodictic and casuistic.

Nevertheless, the work of these previous scholars on the relationship between law and narrative, the problem of repetition, and the narrative time sense in the plot of the Sinai Pericope are important to this study. Their creative literary insights, mentioned above, will generally be considered again in the following chapters, while the canonical significance of the inextricable integration of the two law collections and the surrounding Sinaitic narratives with respect to Moses’ recurrent movements up and down the mountain will be reevaluated.

In addition, this study will advance the discussion of the literary features of the Sinai Pericope. It will explore the whole structure of the Sinai Pericope in terms of the narrative chronology as the plot of the text unfolds, based on the recognition of the intrinsic connectedness between the temporality and spatiality of a literary structure which is arranged by the plot. Furthermore, unlike the preceding works, this thesis will argue that the literary irregularities are the key features which link the subliterary units and consequently present a coherent structure of the Sinai Pericope.

The focused literary study of the Sinai Pericope will proceed in next two chapters. First, Chapter 3 will deal with the literary structure of the Sinai Pericope as it is constituted by the
plot with respect to Moses’ repeated ascent and descent of Mount Sinai, for the sake of achieving his mediation of a divine theophany and the two law collections. Second, Chapter 4 will explore the major organizing principles of the Sinai Pericope and the characterization of the major figures in the text.
Chapter 3

The Sinai Pericope as a Literary Whole

“A major purpose of biblical exegesis is the interpretation of the final form of the text. The study of the earlier dimensions of historical development should serve to bring the final stage of redaction into sharper focus.”

Childs

“The biblical literature was deliberately so moulded that its final form would function as a permanently valid theological witness. This means that it must be the final form of the text which is the locus of theological meaning and authority.”

Moberly

In this chapter, I will conduct a literary reading of the Sinai Pericope as a whole drawing upon many interpreters, especially Childs and Dozeman. But unlike Childs, who deals with Sinaitic narratives and law collections separately, and Dozeman, who does not explain various literary aspects which work together to constitute the coherent structure of the Sinai Pericope, I will show that the Sinai Pericope forms an elaborately designed literary structure in terms of its themes. By this statement, I do not mean that the delimited literary units of the Sinai Pericope should be treated without consideration for the differences in literary genre and form. Nevertheless, the Sinaitic narratives are arranged in sequence through the motif of Moses’ ascent and descent of the mountain, in such a way that they focus on the major theme of the Sinai Pericope, the covenantal relationship between Yahweh

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324 Childs, Exodus, 393.
325 Moberly, At the Mountain of God, 21.
326 The basic thesis that I argue is that the integration of law and narrative reflects the final writer’s intention of composition from a synchronic perspective. See also James L. Kugel and Mark Zvi Brettler, “Some Unanticipated Consequences of the Sinai Revelation: A Religion of Laws,” in The Significance of Sinai: traditions about Sinai and divine revelation in Judaism and Christianity, eds. George J. Brooke et al, TBNICT (Leiden: Brill, 2008), 1-13; and Marc Zvi Brettler, “Fire, Cloud, and Deep Darkness” (Deuteronomy 5:22),” in The Significance of Sinai, 15-29.
327 Childs, Exodus, 459-60; and Dozeman, “Spatial Form,” 87-100. Childs’ well-known methodology, canonical approach, is not well harmonized with his treatment of the Sinai Pericope. In his commentary on Exodus, Childs deals with Sinaitic narratives and law collections separately, not following their canonical order. Unlike Childs, Dozeman explains the coherent literary structure of the Sinai Pericope. However, he argues for the spatial form to explain the problem of the chronology of Moses’ movement up to and down from the mountain (19:1-8a). In my view, other literary features such as plot and characterization should also be examined to study the structure of the Sinai Pericope. I will deal with the features in the following chapter.
and Israel. Moreover, various Sinaitic laws are related to the motif of the exodus event, which thematically connects the Decalogue and the Book of the Covenant to their surrounding narrative context.

To this end, I will examine following questions concerning how various Sinaitic materials work together to form the coherent structure: (1) in what ways are the Sinaitic narratives arranged within the whole Sinai Pericope; (2) what functions do the Sinaitic narratives (19:1-25 and 24:1-11) fulfill by framing the Decalogue and the Book of the Covenant, and how does the narrative interlude in 20:18-21 distinguish the two law collections; (3) how is each law collection formally and thematically formulated; and (4) what motifs and themes are employed to relate legal materials to others or to connect them to the surrounding narrative context.

3.1. The Sinai Pericope as a Tangled Mix of Law and Narrative

Central to the Sinaitic narratives (19:1-25; 20:18-21; and 24:1-11) is the covenantal relationship between Yahweh and the Israelites on top of and at the foot of Mount Sinai, as mediated through Moses. Its “mountain setting” engenders two categories of events that move the plot forward: (1) events related to Yahweh’s divine theophany on the mountain; and (2) events having to do with the Israelites facing the climactic scene of Yahweh’s revelation to the people at the base of the mountain. Furthermore, by virtue of Moses’ movements up and down the mountain, the narrative sequences in 19:1-25 and 24:1-11 frame

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328 Dozemann, *God on the Mountain*, 12-7, 145-6, and 197-99; and Martin Ravndal Hauge, *The Descent from the Mountain: Narrative Patterns in Exodus 19-40*, eds. David J. A. Clines and Philip R. Davies, JSOTSap 323 (Sheffield: Sheffield Academic Press, 2001), 21-96. Dozeman thinks that the mountain setting plays a symbolic role as “a structuring device within narrative” and “a channel for theological discourse concerning divine cultic presence” (14). Similar to Dozeman, Hauge argues that the setting forms successive scenes related to Yahweh’s theophany on the mountain.

two law collections, the Decalogue in 20:1-17 and the Book of the Covenant in 20:22-23:33. The narrative interlude in 20:18-21 between the two law collections distinguishes them. Based on these effects of the Sinaitic narratives, the Sinai Pericope integrates the disparate genres and also focuses on the role of Moses as mediator between Yahweh and the Israelites, both before and after the divine theophany at Sinai:330

A  The First Narrative Frame: Moses’ mediation of the theophany (19:1-25)
   - God’s proposal of the covenant
B  The First Law Collection: the Decalogue (20:1-17)
   - Moses’ public promulgation of the divine laws
A’  Narrative Interlude: Moses’ mediation of the law (20:18-21)
   - Moses’ personal mediation of the laws
A’  The Second Narrative frame: Moses’ mediation of the theophany (24:1-11)
   - Yahweh’s ratification of the covenant

3.1.1. The Sinaitic Narratives (A – A” – A’)
The Sinaitic Pericope begins with adverbial clauses (19:1) which provide chronological and geographical introductory notices of the Israelites’ going out from Egypt and their entrance into the Sinai wilderness. Exodus 19:2 then sets the stage for the narrative and triggers the narrative sequences by describing the Israelites’ arrival and encampment at Sinai:

330 Sprinkle, ‘The Book of the Covenant,’ 27; and Dozeman, Exodus, 435. Many scholars have proposed a similar structuring of the Sinaitic Pericope in terms of disparate literary genres. Among them, here are only two exemplary models of the structuring of the Sinaitic Pericope.

<table>
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<th>Dozeman’s Model</th>
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<td>A’ Narrative, the Covenant consummated (ch. 24)</td>
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</table>

Whereas in Sprinkle’s model the fourth narrative section in 20:18-21 functions as the core of the chiastic structure of the entire Sinaitic Pericope, Dozeman includes the same narrative section into the third part (Revelation of Law) and does not categorize the Decalogue and the Book of the Covenant separately. To the matter of what this difference implies we will return later.
Exodus 19:1-2

Narrative Settings (19:1-2)

19:1a The date of Israelites’ going out from Egypt

19:1b Their entrance into the Sinai wilderness in a specific date

19:2a Their arrival at Sinai (apposition of 19:1b)

19:2b Their encampment (apposition of 19:2c)

19:2c Their encampment

19:2d (apposition of 19:2c)

The narrative settings in Exodus 19:1-2 also lead readers to wonder what will happen to the people who arrive at Sinai.331

However, it is the description of Moses’ first ascent of Mount Sinai in the main clause, מִשְׁפַּת, in 19:3a that signals the beginning of the narrative sequence. Verses 19:3a-7a, 8c-14a, 20c, and 24abc-25a begin and end with the significant motif of Moses’ ascending and descending the mountain.332 The final clauses, יהוה מ=model יִתְנַחֲנֵה in 20:21bc in the narrative interlude (20:18-21) between the two Sinaitic law collections also alludes to the motif of Moses’ vertical movement by describing his ascending of the mountain to the presence of Yahweh. When the narrative sequence (24:1-11) continues after the Book of the Covenant, the clauses in 24:1-3 (יהוה אֶלֶּה in 1ab, יהוה אֶלֶּה אֲחֵד in 2a, and יהוה אֶלֶּה אֲחֵד in 3ab) report Moses’ descending to

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331 Chirichigno, “The Narrative Structure,” 461; Douglas K. Stuart, Exodus: An Exegetical and Theological Exposition of Holy Scripture, NAC 2 (Nashville: B&H Publishing Group, 2006), 420; and Hauge, The Descent from the Mountain, 19. Hauge especially considers that the itinerary introduced in 19:1-2 refers to 15:22-23, 27-16:1 and 17:1. Even though he does not clearly say whether this link is a case of redemptive repetition or spatial-form, Hauge argues that the account of the Israelites’ arrival at Sinai implies that earlier events which happen in Ex 15-17 are linked to the present narrative reality.

the people below the mountain. The motif of Moses’ ascent is found again in 24:9 where he climbs up the mountain, together with Aaron, Aaron’s two sons, and the seventy elders, to confirm the establishment of the covenantal relationship between Yahweh and the people.

The most vivid description of the people’s seeing of Yahweh’s theophany in 24:10-11 (יִרְאָא אֱלֹהִים and יִרְאָא אֱלֹהִים in 10a and יָרָא אֱלֹהִים in 11b in parallel) supports this point, together with the use of the chain of the verbs יְהַלְלָא and יִנָּשֶׁת in 11cd.  

Therefore, it is not too much to say that the literary linkages by way of Moses’ successive vertical movements up and down the mountain form the narrative framework of the entire Sinai Pericope through five narrative units within which the theme of theophany is interwoven.  

The First Narrative Unit (19:3a-8d):

Moses’ ascending

The Second Narrative Unit (19:8e-20a):

Moses’ ascending

The Third Narrative Unit (19:20b-25b):

Moses’ ascending

The Fourth Narrative Unit (20:18a-21c):

Moses’ ascending

The Fifth Narrative Unit (24:1a-11d):

Moses’ descending

Moses’ descending

333 How the motif of seeing is related to the ratification of the covenant will be explained in Chapter 4.

Concerning the narrative framework, many scholars have argued for the convincing thesis on which this study builds. D. Arichea proposes that the narrative accounts regarding Moses’ movements up and down the mountain form a literary pattern throughout Exodus 19-33 in which Moses speaks to Yahweh only on top of the mountain. G. C. Chirichigno specifically identifies five single narrative sequences in Exodus 19-24 in terms of Moses’ ascents (MU) and descents (MD) from the mountain, and he distinguishes “Yahweh’s address to Moses” (YM), “Moses’ address to the people” (MP), and “the people’s answer/address to Moses” (PM), though he does not notice the verbal linkage between the fourth (20:21b-c) and the fifth sequences (24:3a-9a). Although he does not clearly mention how many narrative subsections or sequences comprise the entire corpus, Hauge also notices its successive two patterns, “encounter episodes” and “dialogue episodes,” around both of which the theme of the theophany is centred. William Johnstone has recently proposed a more specific structuring of the Sinaitic narrative episodes while distinguishing “the D-expression” of the

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335 Arichea, “The Ups and Downs of Moses,” 244-6.
336 Chirichigno, “The Narrative Structure,” 458-3. Chirichigno identifies “five propositions” or “rhetorical elements” which formulate the basic reiterated pattern of the Sinaitic narratives.

A. **MU**- Moses goes up to the mountain  
B. **YM**- Yahweh addresses Moses  
C. **MD**- Moses comes down from the mountain  
D. **MP**- Moses addresses the people  
E. **PM**- the People answer/address Moses


A. God speaks with Moses, and the people overheard.  
B. God speaks with Moses, and then Moses transmitted His words to the people.  
C. God speaks to the people directly.

338 Hauge, *The Descent from the Mountain*, 29-31 and 34-50. According to Hauge, all the Sinaitic narratives are composed by two kinds of repeated episodes:

A. Repeated Encounter Episodes  
   Encounters of God and Moses / Encounters of God and the people  
   Encounters of God and Moses, Aaron, Aaron’s two sons, and seventy elders

B. Repeated Dialogue Episodes  
   Dialogues between God and Moses  
   Dialogues between Moses and the people
encounters between Yahweh and Moses from “the P-expression.”

These arguments in one way or another imply that the Sinaitic narrative units were elaborately arranged in their present place, not only to frame but also to distinguish the Decalogue and the Book of the Covenant. Moreover, they suggest that the narrative framework enhances the major theme of the whole Sinai Pericope – that is, the establishment and confirmation of the covenantal relationship between Yahweh and the people through Yahweh’s theophany to them.

However, it is much more significant to note what literary effects the narrative framework creates for interpretation. In my view, there is a dynamic relation between the two reiterated patterns: the former reiterated pattern in terms of the motif of the divine theophany stresses the latter successive pattern of the communication between Yahweh and the people. This communication can further be delimited into four types, highlighted by means of Moses’ vertical movements up and from the mountain:

- **SYM** - Yahweh’s speech to Moses
- **SMY** - Moses’ speech to Yahweh
- **SMP** - Moses’ speech to the people
- **SPM** - The people’s speech to Moses

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339 William Johnstone, *Exodus 1-19*, ed. Samuel E. Balentine, SHBC (Macon: Smyth & Helwys Publishing, 2014), 395. Johnstone’s structuring of the Sinai Pericope based on the distinction between “the D-expression” and “the P-expression” is as follows:

A. 19:3b-6: Yahweh “calls” to Moses “from” the mountain; 19:7: Moses “goes” and correspondingly “calls” the elders.

B. 19:8, 10-11a, 13b: Moses “reports back” the unqualified agreement of the people…; 19:14-15: Moses “descends” (P-adjustment?) and hallows them.


D. 20:21: Moses “draws near” to the thick cloud…; 19:20-25: he warns the people not to “ascend”; Moses “descends”; 24:1-2, 9-11: the “ascent” of Moses, Aaron, Aaron’s two sons, and seventy elders; “descent” not explicitly recorded but implied by the command to “ascend” in 24:12 (D), picked up by 24:15 (P).
The five narrative units of the entire Sinai Pericope will be explored with respect to the literary function of the two combined patterns below: three units within the first narrative frame, 19:3a-8d, 8e-20a, and 20b-25b; one unit, the narrative interlude in 20:18-21, and the final narrative unit in the second narrative frame in 24:1-11.

3.1.2. Two Sinaitic Law Collections (B – B’)

In the final form of the Sinai Pericope, the Decalogue and the Book of the Covenant are encased by the Sinaitic narratives. Sinaitic narrative accounts of the divine theophany surround each law collection, making it “an integral part” of the story line. Moreover, the fourth narrative unit in 20:18-21 distinguishes the two law collections in speech; the former is the direct divine speech to the people and the latter is Moses’ personal instructions.

Concerning the relationship between the Decalogue and the Book of the Covenant, there is a general consensus among scholars that the Decalogue’s laws toward Yahweh and toward one’s neighbor(s) are applied to specific cases of laws in the Book of the Covenant, even though they may have a different prehistory of composition. As Johnstone points out, Moses in Deuteronomy 5:31 recalls these two Sinaitic law collections as the core of the covenant that Yahweh made with Israel based on “all the commandments, the statutes, and

340 Durham, Exodus, 278.
341 Durham, Exodus, 278; Meyers, Exodus, 162-3; and Sailhamer, The Meaning of the Pentateuch, 44. I do not think that each commandment of the Decalogue needs to be enumerated here. However, some selected stipulations and regulations of the Book of the Covenant will be dealt with below, insofar as they are relevant to this study.
342 For this view, see, for example, Childs, Exodus, 370-1, 393-401, and 451-8; Christopher Seitz, “The Ten Commandments: Positive and Natural Law and the Covenants Old and New – Christian Use of the Decalogue and Moral Law,” in I am the Lord your God: Christian Reflections of the Ten Commandments, eds. Carl E. Braaten and Christopher Seitz (Grand Rapids: Eerdmans, 2005), 25; Dozeman, Exodus, 474 and 496-506; and Victor P. Hamilton, Exodus: An Exegetical Commentary (Grand Rapids: Baker Academic, 2011), 312-21 and 358-61.
Christopher Seitz rightly postulates that the context of the Sinaitic law collections focuses on the major theme of the Sinai Pericope: namely, the covenantal relationship between Yahweh and the people of Israel. The question of how the various Sinaitic laws are related to the theme of the surrounding Sinaitic narratives will thus be explored in more detail in the following exegesis of the texts.

### 3.2. A Literary Structuring of the Sinai Pericope

#### 3.2.1. The First Narrative Unit (19:3a-8d)

As soon as the Israelites arrive at Sinai, Moses ascends the mountain (3a) to enter into the presence of Yahweh, who calls him from the mountain (3b). The narrator’s description of Moses’ first ascent and Yahweh’s immediate call reveals the purpose of the imminent encounter between Yahweh and the people through the mediation of Moses. Yahweh’s first command to Moses in 3de is that he speak to the Israelites, “the house of Jacob” (3d) and “the sons of Israel,” (3e) and remind them of Yahweh’s past salvific work for them in Egypt...
(4a-d).

Exodus 19:3-4

Moses’ Ascending to God

Moses’ Ascending to God

Motif of calling

SYM (direct speech)

Command to tell

SYP (direct speech) through Moses

Historical preamble

A direct divine speech in the form of command is then addressed to the people through Moses: Yahweh’s proposal of the covenantal relationship to the Israelites (vv. 5-6).

Exodus 19:5-6

This proposal begins with the conditional clause יְהֹוָה in 5a, in which Yahweh as a partner of the covenant calls on the Israelites to respond in accordance with what he has done for them. This is supported by the parallelism between 5ab and 5c by virtue of the emphatic chains of verbs and similar nouns, שָׁמַעְתָּם בְּכֶלֶל (the infinitive absolute and the qal imperfect of שָׁמַעְתָּם) in 5ab and שָׁמַעְתָּם אֲנָוִי in 5c. In the continuing direct divine speech, Yahweh clearly makes the point regarding the core of the covenant that the people’s affirmative response to his proposal of the covenant will create their new and unique identity in relation to Yahweh. He uses three images: מִקְח הָאָדָם in 5d, מְמַלֵּקָה מְמַלֵּקָה and נִי גְּדֹר in 6a.

The first narrative unit then ends with the account of Moses’ descent from the mountain (7a) and his calling of the elders of Israel (7b) in order to speak to the people about what Yahweh has said in verses 4 and 5-6.

345 Muilenburg, “The Covenantal Formulations,” 349-65. To the theological implication of these images I will return in Chapters 4 and 6.
3.2.2. The Second Narrative Unit (19:8e-20a)

The second narrative unit begins again with the accounts of Moses’ ascent of the mountain (self-understood in 8e) to report the people’s affirmative response to Yahweh’s offering of the covenant (9a and 9f).

Exodus 19:9

After receiving their response, Yahweh makes a promise of his advent to Moses (9b). Together with the theophany, the authentification of the role of Moses as mediator is emphasized in 9c-e. Yahweh clearly makes the point that the purpose of his communication with Moses (9d) is to let the people hear (in 9c) and believe in Moses (in 9e).

While some scholars understand the section of 9c-e as a secondary insertion interrupting the narrative sequence, it is not necessary to regard it as an interruption. The emphasis on Moses’ mediation in the present place is followed by instructions about the preparation for the impending revelation of Yahweh on the top of the mountain in the form of the direct speech (vv. 10b-13 and 15b-c):

Exodus 19:10-15

346 Greenberg, “The Tradition,” 84-96. Greenberg introduces views which Ibn Ezra, Rashi, and Rabbi Meyuhas Elijah have proposed on the relationship between 19:9 and 19:19, both of which contain accounts of Yahweh’s revelation to the people of Israel which may refer to the Decalogue.

347 Childs, Exodus, 368; Durham, Exodus, 264; and Dozeman, Exodus, 450.
The instructions regarding the preparation for the theophany involve consecrating the Israelites (10c and 14b) and washing their clothes (10d and 14c). Although what Moses does to consecrate the people is unspecified, he is commanded to set boundaries to not let them break through (12c-13). To this command Moses adds a prohibition against sexual intercourse (15d). However, it should also be noted that the instructions in this section contain a command that the people go up to the mountain beyond the boundaries nearer to the holy presence of Yahweh, as signaled with the sound of a ram’s horn in 13d.

Finally, the subsequent narrative account dealing with the theophany contains divergent motifs. On the third day, with the sound of thunder and lightning, and a thick cloud and the sound of ram’s horn (16c), Yahweh descends to the mountain in smoke (18abc); the people

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348 Childs, Exodus, 368-9.
349 This observation is very important for understanding the conflict created by two opposite accounts of Yahweh’s prohibitions regarding the peoples’ approach to the holy presence and their experience of the theophany. The problem will be discussed further in the section on the fifth narrative unit (A’) in 24:1-11.
350 Noth, Exodus, 158-9; Childs, Exodus, 368-9; and Dozeman, Exodus, 455-7. Given the utmost importance of Yahweh’s coming to Israel at Sinai, there is no doubt that the event of the theophany is central not only to the second narrative sequence, which contains it, but also to its preceding and following narrative sequences. The first narrative sequence (19:3a-8d) is the introduction of the whole Sinaic narrative; the third (19:20b-25) and fourth (20:18-21) sequences depict the aftermath of the theophany; and the last one deals with the covenant making (24:1-11).
who tremble in the camp (16ef) then approach to the foot of the mountain (17b) to meet Yahweh.

**Exodus 19:16-17: The Theophany Itself**

<table>
<thead>
<tr>
<th>Verse</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>16ab</td>
<td>Narrator’s description of the theophany</td>
</tr>
<tr>
<td>c</td>
<td>Theophanic phenomena</td>
</tr>
<tr>
<td>d</td>
<td>People’s reaction to the theophany</td>
</tr>
<tr>
<td>e</td>
<td>People’s standing at the foot of the mountain to meet Yahweh</td>
</tr>
</tbody>
</table>

Verses 18-20b then provide the narrator’s summary explanation of the circumstances of the event: (1) the theophanic phenomena that occur with the advent of Yahweh in verse 18; (2) a note about the manner of communication between Yahweh and Moses in verse 19; and (3) the additional reference to Yahweh’s coming to the mountain (20a).

**Exodus 19:18a-20a**

<table>
<thead>
<tr>
<th>Verse</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>18a</td>
<td>Narrator’s additional explanation of the circumstances of the theophany</td>
</tr>
<tr>
<td>b</td>
<td>Theophanic phenomena</td>
</tr>
<tr>
<td>c</td>
<td>Manner of the communication between God and Moses</td>
</tr>
<tr>
<td>d</td>
<td>Yahweh’s descending to the top of the mountain</td>
</tr>
</tbody>
</table>

In this way the present narrative unit is linked to the next in 19:20b-25 as Yahweh summons Moses again to the mountain. This link raises a concern about Yahweh’s direct speech addressed to the people by Moses’ mediation in the next narrative unit.³⁵¹

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³⁵¹ Childs, *Exodus*, 369-10; and Dozeman, *Exodus*, 474-7. Many scholars have difficulty understanding the role of this section. So Childs regards it as “a dismal anti-climax which disturbs the ongoing movement” of the Sinaitic narratives. Based on a similar perception, Dozeman attributes these verses to the general “introduction” of the following Decalogue in 20:1-17.
3.2.3. The Third Narrative Unit (19:20b-25b)

The third narrative unit mostly deals with the aftermath of Yahweh’s coming to Mount Sinai. The Israelites’ theophanic experience results in their exposure to the holy presence of Yahweh. This narrative unit begins with the account of Yahweh’s additional summon of Moses to the top of the mountain (v. 20bc) and warnings (SYM) against the people (SMP) not to break through the boundaries (21cd and 23b-f, cf. 10c and 14b, and 12c-13). Moses is then commanded to go down the mountain to the people (21b), but new commands are given to him to consecrate the priests with prohibitions (22 and 24cd) and to ascend the mountain with Aaron (24b).

Exodus 19:20b-25

Moses’ repeated vertical movements up and down the mountain to deliver Yahweh’s commands and warnings consequently reinforce the special position of Moses between Yahweh and the people, even between Yahweh and the priests.\(^{352}\)

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\(^{352}\) As dramatically described in the second narrative frame, the fifth narrative unit in 24:1-11 after the second law collection far below.
3.2.4. The First Law Collection – The Decalogue (20:1-17)

As is well known, the Decalogue falls into two sections. It progresses from cultic laws to their social implications, with the fifth commandment functioning as a transition between the first section (first to fourth commandments) and the second section (sixth to tenth commandments). The first four commandments comprise cultic laws (20:3-11) based on the revelation of Yahweh’s name, and the latter five (20:13-17) consist of prohibitions which demonstrate the social implications of the revelation of the divine name. The Decalogue thus reveals Yahweh’s expectation of the divine-human relationship.

3.2.4.1 The Prologue (20:1-2)

The Decalogue begins with a narrative-like prologue in 20:1-2, introducing the context for the present legal corpus. The introductory formula, which refers to Yahweh’s divine speech, אֱלֹהֵינוּ אֱלֹהֵי יָהֹוָה (1a), indicates that Yahweh himself uttered the commandments. It also emphasizes the following two pronouncements in verse 2:

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353 Childs, *Exodus*, 393-5; Sarna, *Exodus*, 108; Dennis Olson, *Deuteronomy and the Death of Moses: A Theological Reading*, OBT (Minneapolis: Fortress, 1994); Greenberg, “The Tradition,” 112 and 117; David N. Freedman, *Nine Commandments: uncovering a hidden pattern of crime and punishment in the Hebrew Bible* (New York: Doubleday, 2002); Meyers, *Exodus*, 163-4; and Dozeman, *Exodus*, 479. Almost every scholars mention that the number of the commandments within 20:3-17 is obscure. As Childs pointed out, the reference to “ten words” appears first in Ex 34:28. Nevertheless, scholars notice a pattern in the sequence of the commandments: whereas the first four commandments are mainly about Yahweh, the rest of them involve other person(s). Furthermore, as cited by Dozeman, Olson and Freedman notice that the progression from cultic to social law found in the Decalogue is a “template,” and that it provides a “blueprint” for the formulation of laws not only throughout the Pentateuch from Exodus to Deuteronomy but also throughout the Enneateuch from Genesis to Kings.


356 Sarna, *Exodus*, 109; Enns, *Exodus*, 412; Propp, *Exodus*, 166; Douglas, *Exodus*, 440-6; and Dozeman, *Exodus*, 479. As Propp points out, it is not clear whether 20:1 is Yahweh’s speech directly given to the people or the final writer’s narration. Nevertheless, Enns, Douglas, Propp, and Sarna argue that the text itself claims that Yahweh speaks the words. Among these scholars, Enns proposes that 19:16 and 20:18 form a resumptive repetition with respect to the series of words: “thunder, lightening, trumpet, and smoke/cloud.” By means of the repetition, the Decalogue is located in its present place as an “interlude” before the accounts of Moses’ descent (19:25), which resumes the mountain scene in 20:18.
These pronouncements, expressed through a self-identifying formula in the historical preamble, consist of references to the exodus event and to Yahweh’s divine redemption of Israel from slavery.\(^{357}\) By referring to Yahweh’s past work of salvation for Israel in Egypt, both pronouncements anchor the relevant law collection to the surrounding larger narrative context.\(^{358}\)

The introductory pronouncements are followed by two subsequent sections of law. Formally, the Decalogue contains two different styles of apodictic law, as Weinfeld suggests, though all are “universally applicable, timeless, not dependent on any circumstances.”\(^{359}\) imperfect prohibitions and positive commands (only the fourth and the fifth commandments in 20:8a and 12a).\(^{360}\)

### 3.2.4.2. The First Group of Commandments – Cultic Laws (20:3-12)

The first commandment in verse 3 is a very short prohibitive which demands the exclusive worship of Yahweh:

\[ לא יְהִי לָהֶם אֲלֹהֵי אֱלֹהִים \]

\(^{357}\) Moshe Weinfeld, “The Uniqueness of the Decalogue,” in The Ten Commandments, 10; Sarna, Exodus, 109; and Douglas, Exodus, 446-7. These two pronouncements in apposition enhance the meaning of the covenantal relationship between Yahweh ("I") and Israel ("you," sg.).

\(^{358}\) Sailhamer, The Meaning of the Pentateuch, 44-8.


\(^{360}\) Weinfeld, “The Uniqueness of the Decalogue,” 4-5. Weinfeld points out that, although the fourth and the fifth commandments are positive commands, they contain “a negative thrust” and so part of them should be interpreted as a prohibition. In his view, the negative formulation reflects the fact that there were “fundamental terms of agreement which will be readily acceptable by the people.”
This commandment is related to the reference to the exodus event mentioned in the prologue in 20:2 and also in the first Sinaitic narrative unit in 19:5-6.\textsuperscript{361} In view of its short form, scholars debate about whether it should be interpreted as indicative or imperative.\textsuperscript{362} The main verb הָיָה in verse 3 is indicative; and some scholars, for example Jeffrey H. Tigay, regard verse 3 not as a command but as an introductory statement to the subsequent commandments.\textsuperscript{363} Most compelling in my opinion is the view that the verb should be interpreted as an apodictically formulated prohibition, rather than an indicative. This interpretation takes into account the syntactical relationship of the prepositional phrase פֶּה יְהֹוָה which immediately follows in 4a, as well as the יְהֹוָה motive clause together with its subordinate clauses in 5c-6c,\textsuperscript{364} which demonstrate Yahweh’s nature as a rationale for the prohibition against idolatry:

Exodus 20:4-6

\begin{verbatim}
Exodus 20:4-6
4a Prohibition: no images
La heshatukh peleh, yovel haomah
La’at shemah lahem
Ve-ki yishuah al dera
Pekul yon achat shemah
Le’hishespim nitkipim lehem
Yehosh yuchu le’alpi
Ve-leneha hakol
Ve-leneha m’mah

5a Additional prohibitions (5ab)

5b Motivation clause: “impassioned” Yahweh

5c Double duty and ellipsis (5d-6a)

6a Yahweh’s Identity based on his own nature (5d-6a)

6b

6c
\end{verbatim}

A similar formulation of law by means of the apodictic prohibition and the יְהֹוָה motive clause is found in the discourse of the third commandment (esp. 20:7a-b) and even the fourth commandment which primarily sets out positive commands (10b-11a, cf. 8ab and 9ab). The second commandment in verses 4-6 is considerably longer in length and constitutes a

\textsuperscript{361} Dozeman, Exodus, 480.


\textsuperscript{363} Jeffrey H. Tigay, Deuteronomy, JPSTC (Philadelphia: JPS, 1996), 63.

prohibition against making and serving images. This commandment contains three prohibitive clauses, the main prohibitive clause in verse 4 and two additional prohibitions in 5a and 5b, which provide a full description of the idolatry. Yet of greater importance than the commandment itself is the lengthy rationale beginning with the יִּקְרָא clause and its subordinate clauses in 5c-6c, which introduce “climatic divine self-asseverations”⁶⁵ about the nature of Yahweh.

This lengthy rationale given for the second commandment is stated through “I-You” language that is similar to the self-identifying formula employed in 2a. Yahweh’s compassion implicit in the first commandment is now explicitly expressed; Weinfeld, Sarna, and Dozeman translate יִּקְרָא in 5c as “passion.”⁶⁶ The passion or love of God thus provides the chief rationale for the covenantal relationship between Yahweh and the people of Israel.

The third commandment in verse 7 contains a prohibition of the misuse of Yahweh’s name (7a) and is grounded in the motivational יִּקְרָא clause (7b) related to Yahweh’s nature.

Exodus 20:7

7a  Prohibition
    הלָּא תַּעֲשֶׂה נְעָשָׁה לְךָ לְאָדָם אַלָּבֶּד יִּקְרָא

7b  Motivation clause: the nature of Yahweh
    יִּקְרָא לְאָדָם אַלָּבֶּד יִּקְרָא יִּקְרָא לְאָדָם אַלָּבֶּד

The phrases “to lift up” the divine name (דְּרָשָׁה יִּשָּׁהוּ לְחַד) “in vain” (וֹלַע תֵּל) in v. 7a can be variously translated.⁶⁷ However, as Childs concluded, there is no doubt that the proper use of the divine name was the core of the ancient Israelite cult.⁶⁸

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⁶⁵ Muilenburg, “The Particle יִּקְרָא,” 135-60 (esp. 147).

⁶⁶ Moshe Weinfeld, Deuteronomy 1-11, AB 5 (New York: Doubleday, 1991), 295; Sarna, Exodus, 110; and Dozeman, Exodus, 485. Weinfeld translates יִּקְרָא לְאָדָם אַלָּבֶּד into “impassioned God” and Sarna accepts Weinfeld’s translation of the clause. Drawing upon these scholars, Dozeman asserts that the phrase implies “Love’s passion” which becomes a significant motif to describe the relationship between Yahweh and the people of Israel.

⁶⁷ Noth, Exodus, 163; Childs, Exodus, 409-12; and Dozeman, Exodus, 486-8. Many interpreters argue that the verbal clause “to lift up the name of the name” in v. 7 may indicate the behavior of making an oath. If so,
The fourth commandment concerns the institution of the Sabbath (vv. 8-11). This commandment is the longest in the Decalogue. It is also replete with historical-critical issues in regard to its etymology, its origin, and its striking difference in form from its parallel passage in Deuteronomy 5:12ff. Its prose-like structure unfolds as follows:

**Exodus 20:8a-11**

<table>
<thead>
<tr>
<th>Verse</th>
<th>Translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>8a</td>
<td>Positive command</td>
</tr>
<tr>
<td>8b</td>
<td>Purpose</td>
</tr>
<tr>
<td>9a</td>
<td>Additional positive commands (9ab)</td>
</tr>
<tr>
<td>9b</td>
<td></td>
</tr>
<tr>
<td>10b</td>
<td>Additional imperf prohibition</td>
</tr>
<tr>
<td>11a</td>
<td>Rationale (11ac)</td>
</tr>
<tr>
<td>11c</td>
<td>Final statement (c-e)</td>
</tr>
</tbody>
</table>

Verse 8 contains an infinitive absolute, which syntactically functions as a positive command to hallow the Sabbath, unlike the preceding and following commandments (cf. v. 12). The main command (8ab) is followed by two additional positive commands (9a and 9b) and a negative command introduced by means of imperf (v. 10b) outlining the ways the Sabbath should be hallowed in terms of what a person does prior to the Sabbath and what a person cannot do on the Sabbath (vv. 9-10). Here, as Sarna suggests, the order of creation is applied “a social pattern and woven into the fabric of society,” as the motif of the

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368 Childs, Exodus, 412.


370 Childs, Exodus, 414.

371 Interestingly, the sojourner is included in the list of the people who must keep the Sabbath. Most scholars have thought that the list did not originally contain the sojourner. Legal stipulations concerning the sojourner are far more expansive in the Book of the Covenant. For this point, see Houten, The Alien in Israelite Law, 62-6.

372 Sarna, Exodus, 112. In light of this commandment addressed in Exodus and Deuteronomy, Sarna points out that the “social function” of the Sabbath should be considered as one of the rationales for the commandment.
creation in the clause (11a-c) comprises the rationale for the commandment. And lastly, the clauses in 11d-e comprise the statement that concludes the first section of the Decalogue as well as the present commandment based on the action of Yahweh: “Therefore Yahweh blessed the Sabbath and made it holy.”

The fifth commandment, which sets out obligations toward a person’s parents, makes a transition between the preceding four and the following five commandments. 

Exodus 20:12

About this bridging commandment, some observations should be made. First, this positive command in 12a forms a linkage with the two positive commands in 8a and 9a, thereby intertwining the two horizons of cult – namely, the hallowing the Sabbath and the honoring parents. Second, the references to Yahweh in 20:2a, 5c, 7a, and 10a are found again in 12a even though the previous references occur only in the “homiletical expansion of the commandments toward Yahweh.” Third, as Childs suggested, the motivational promise of the prolonged life in the Promised Land, provided that one honors one’s parents, is originally made not to the present generation of the people who arrive at Sinai but to their ancestors. Childs indicated that this promise, “not only envisages chronological extension of time, but

For this Sarna quotes the Deuteronomic version of the Sabbath commandment: “Remember that you were a slave in the land of Egypt and the Lord your God freed you from there with a mighty hand and an outstretched arm; therefore the Lord your God has commanded you to observe the Sabbath day.”

373 Childs, Exodus, 415-6; and Dozeman, Exodus, 488 and 490-1.
374 Childs, Exodus, 417-8; Greenberg, “The Tradition,” 112 and 117; Sarna, Exodus, 113; Douglas, Exodus, 461-2; and Dozeman, Exodus, 493.
375 Childs, Exodus, 418.
points to the rich blessing of the society which is in harmony with the divine order, while functioning as a transition to the second phase of the Decalogue.

3.2.4.3. The Second Group of Commandments – Civil Laws (20:13-17)

The sixth to tenth commandments within the Decalogue also form a group: (1) formally, they are made up of short negative imperatives by means of the imperfect (especially the sixth, seventh, and eighth commandments, which are composed of just two words); and (2) thematically, these commandments concern a person’s neighbours.

The sixth commandment, לֶאֶשָּׂה, in verse 13 prohibits the killing of one’s neighbour and assumes the dignity of human life. Scholars wonder about the original connotation of the main verb לֶאֶשָּׂה. The verb indicates a special type of premeditated or unpremeditated killing that does damage to the community based on the setting of the covenant. Given its present context, however, it is plausible to think that the negative command prohibits both premeditated and unpremeditated killings which lead to either legal or illegal “blood vengeance.”

The seventh commandment, אִשָּׂה אִשָּׂה, in 20:14 prohibits adultery. As formulated, this negative imperative does not include specific cases or circumstances of adultery. Nevertheless, it can be surmised that this commandment forbids sexual intercourse between a man and the wife of

376 Childs, Exodus, 419.
377 Douglas, Exodus, 462-3. Concerning the negative imperatives, formulated by imperfect, Douglas claims that they are not “the vetititive (e.g., ‘al + imperfect)” but should be considered permanent injunctions.
378 Childs, Exodus, 419-21; Sarna, Exodus, 113; and Dozeman, Exodus, 494. Childs, Sarna, and Dozeman introduce the issue concerning the various translations of the verb. Among them, Childs and Dozeman deal with the problematic connotation of the verb.
379 Childs, Exodus, 419-21; and Dozeman, Exodus, 494.
another as it violates the sanctity of marriage. Although the consequences of violating this commandment are not set out, the severe penalties of adultery are attached to it: namely, stoning (Dt 22:24) and burning (Lv 20:14).

Similarly, the prohibitive command against stealing in the eighth commandment, און, in 20:15 lacks an explanation of the details and does not even specify the object of stealing. It is no surprise that scholarly debate on the original form and meaning of this commandment still remains unresolved, especially regarding its relation to the tenth commandment. Concerning the prehistory of the present commandment, Alt, for example, proposes that this commandment originally concerned kidnapping of persons, as shown in its parallel passages in Exodus 21:16 and Deuteronomy 24:7. While determining the original form of the eighth commandment is not the main purpose of the present study it is quite doubtful that Alt’s argument can be confirmed. Nevertheless, Alt’s suggestion that the commandment was originally about stealing a person rather than his property fits better with the preceding two commandments, which focus on basic human rights within the community of the covenant, and which consequently provide an interpretive guide for the tenth commandment.

Similar to the previous two-word negative imperatives (20:13-15), the ninth commandment, לארשי הבשיט ונשא, in 20:16 does not specify either a case or a concrete legal procedure. Unlike the previous imperatives, however, this prohibitive command introduces a judicial setting which forbids false testimony in the court. Its scope therefore is narrower than the previous three negative imperatives (20:13-15). Nevertheless, this commandment overlaps

380 Childs, Exodus, 422-3; Sarna, Exodus, 114; Frank. M. Cross, From Epic to Canon: History and Literature in Ancient Israel (Baltimore: Johns Hopkins University Press, 2000), 3-21; Douglas, Exodus, 464; and Dozeman, Exodus, 494.

381 As cited by Childs, Exodus, 423-4.
with the implications of the seventh commandment, and it also shares its primary purpose with the seventh and eighth commandments.

Finally, the tenth commandment is formulated differently from all the previous ones. The verb הִשָּׁבֵעַ is repeated to construct negative imperatives with different objects: לָא in 17a and 17b. The repetition of the verb can be thought of as a device by which Exodus 20:17 is divided into two clauses and formulates two independent commands (17a and 17b).

Although there is the tradition that Yahweh spoke “ten words” to the Israelites at Sinai (Ex 34:28; Dt 4:13; 10:4), many scholars still debate about the way of numbering and dividing the ten commandments, depending on how they treat הִשָּׁבֵעַ in 20:17. In a general sense, Patrick D. Miller focuses on the problem of the verb in verse 17 and enumerates three traditions of numbering the “ten words”: (1) the Reformed tradition – counting the two commandments against other gods and images separately; (2) the Jewish tradition – reading the prologue as the first commandment, or counting it together with the commandments regarding other gods and images as a single commandment; and (3) the Lutheran and Catholic tradition – counting commandments against the other gods and images as a single commandment, and reading the commandments against false witness and coveting separately.

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382 Dozeman, Exodus, 495.
383 Childs, Exodus, 424-5.
However, the repetition of the initial prohibitive command ֵָֽלַּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּּ
narrative unit in 20:18-21 to other narrative units is problematic.

Exodus 20:18-21

However, this narrative unit functions as a transition point in the entire Sinai Pericope. The theme of the theophany found in all the Sinaitic narrative units is also present in 20:18-21, in which the divine theophany results in the people’s fear. Moreover, it is this very theme of the theophany that evokes the people’s fear, thus leading to Moses’ special role as mediator between Yahweh and the people who ask for Moses to mediate between Yahweh and themselves.

Furthermore, this narrative unit in 20:18-21 is the interlude between the Decalogue and the Book of the Covenant. As such, it has an important role in distinguishing the two law collections. On the one hand, the Decalogue is placed before this interlude in the style of direct speech. On the other hand, the Book of the Covenant is placed after Moses’ role as mediator is established in this narrative interlude, and it is stylized as Moses’ personal

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19:16-19a and the Decalogue in 20:1-17 is the central narrative, and it moves from 19:9-15 to 20:1-17, reaches its conclusion in 20:18-21. This is so even though 19:19b-25, which involves the “sacerdotal/prophetic intermediacy of Moses,” disrupts the central narrative flow. Unlike Durham, Propp introduces two opposite views: (1) the narrative account in 20:18 refers to the Decalogue; and (2) Dt 5 may follow the “superficial order” of Ex 20. Furthermore, Dozeman and Van Seters include this narrative unit with the Decalogue as its conclusion.

391 Childs, Exodus, 371-3; Sarna, Exodus, 115; Sprinkle, ‘Book of the Covenant’, 18-27; and Douglas, Exodus, 469.

392 Durham, Exodus, 302-3.
teaching. In doing so, 20:18-21 ends with the account of Moses’ approach to the place where Yahweh is in the darkness (21bc), and it is thereby connected to the fifth narrative unit in 24:1-11, which describes Moses on the mountain.


The second Sinaitic law collection—the Book of the Covenant—falls into six sections: (1) the introductory prologue (20:22); (2) the initial cultic frame (20:23-26) (3) mostly casuistically-formulated civil laws (21:1-22:16[BHS]);\(^{393}\) (4) mostly apodictically-formulated religious and social laws (22:17-23:19[BHS]);\(^{394}\) (5) the concluding cultic frame (23:10-19); and (6) the concluding divine narrative-like sanction which encourages the people of Israel to obey the laws of the covenant in the Promised Land (23:20-33).

3.2.6.1. The Introductory Prologue (20:22)

The Book of the Covenant, like the Decalogue (20:1), begins with a prologue introducing Yahweh’s lawgiving to the people as mediated by Moses. However, unlike the Decalogue, this series of laws is introduced with the motif of seeing in 20:22c. The motif links the entire Book of the Covenant to the surrounding narrative frames. Although this prologue lacks historical reference to the Israelites’ past servitude in Egypt and to their experience of the exodus event, the SYM creates a parallelism with in 20:22b in 19:3d and thus recalls Yahweh’s past salvific action on Israel’s behalf in 19:3-8.\(^{395}\)

\(^{393}\) 21:1-2 is a transition from the first initial cultic frame (20:23-21:2) to the civil laws (21:1-22:17), the turning point being the cultic concept of the Sabbath and its secular application for liberating slaves.

\(^{394}\) This section (22:18-23:19) contains participially formulated laws in 22:18-20, parallel to 21: 12-17 with respect to the death penalty.

In addition, the motif of “seeing” related to Yahweh’s speaking to Moses from heaven is found in 20:22cd. This connects the present law collection to the previous sections, the Decalogue and the fourth narrative unit. The Decalogue and the fourth narrative unit are inextricably bound to the Book of the Covenant: (1) the account of the proclamation of the divine speech (both SYM and SYP) sounded from heaven  in 20:22d refers to the preceding Decalogue, and (2) the “I-You” language describes the relation of Yahweh and the people of Israel in the Book of the Covenant but also assumes Moses’ personal mediation of Yahweh’s lawgiving, which is authorized officially in the fourth narrative unit above.

3.2.6.2. The First Cultic Frame (20:23-26)

What follows in 20:23-26 is a demand for exclusive loyalty towards Yahweh in terms of cultic law, which applies the second commandment of the Decalogue in 20:4 correctly. This imperative statement is composed of four prohibitives, two apodictic in 23a and 23b, and two casuistic in 25ab, and 26a, two positive apodictic commands in 24a and 24b, and a rationale in 24de.

Exodus 20:23a-26b

It is significant to note that the prohibitives in 23a, 23b, 25ab, and the positive command in 24a are syntactically linked to each other with respect to their formulation of the same verb נָאָה. In spite of the verb’s various forms, the cultic laws deal with two subjects: first, the

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prohibition against making gods (v. 23); and second, the cultic prescriptions specifying proper materials for the altar and enforcement of sacrifices (vv. 24-26).


The first clause of the opening verse of this collection of civil laws introduces the entire section 21:1-23:9 with the title אֶלְהָלָה הַשֵּׁם אַל תִּשְׁמַע לְעָנָיו (21:1) and also calls attention to Moses’ mediation of Yahweh’s lawgiving (1b). The conjunction γ, the plural form of the demonstrative pronoun הַלָּא, and the noun מְסֹפֵר יִהְיוּ כָּלָה indicate specific legal enactments in casuistic style, and then הַלָּא is followed in the second person singular in 1b. The introductory statement begins with the “impersonally formulated” stipulations.

398 Sarna, Exodus, 118; and Douglas, Exodus, 473. Sarna and Douglas support the consistent continuity between the preceding Decalogue and the Book of the Covenant by virtue of this verse.

399 Sarna, Exodus, 117-8; Douglas, Exodus, 476; and Dozeman, Exodus, 524. As Dozeman points out, although there is a scholarly trend that considers the מְסֹפֵר to be the casuistic law separated from מְסֹפֵר formulated in the apodictic style, this separation derives not from the “internal structure of the laws” but from 24:3, where the two words seem to be distinguished from each other. For the difference between the basic connotations of these two words in this verse, see W. H. Schmidt, "מְסֹפֵר", in TDOT, 3:94-125 (esp. 107, 114, and 116-7); B. Johnson "מְסֹפֵר", in TDOT, IX:86-98 (esp. 94-6); and Ludwig Koehler and Walter Baumgartner, A Bilingual Dictionary of the Hebrew and Aramaic Old Testament: English and German (Leiden: Brill, 1998), 201 and 579.

400 Gemser, “The Importance of the Motive Clause,” 50-66; Boecker, Law and the Administration of Justice, 152; Rifat Sonsino, Motive Clauses in Hebrew Law: Biblical Forms and Near Eastern Parallels, SBLDS 45 (Chico: Scholars Press, 1980), 21; Patrick, Old Testament Law, 23-4 and 69-70; G. C. Chirichigno, Debt-Slavery in Israel and the Ancient Near East, JSOTSup 141 (Sheffield: Sheffield Academic Press, 1992), 196-8. Since Alt’s division of biblical law into apodictic and casuistic, the characteristics and functions of the motive clause have been studied by many scholars. Patrick notes that the casuistic formulation of law can be divided into two categories according to their content: (1) “primary law” - its protasis describes a legal relationship while the apodosis prescribes the terms of the relationship; and (2) “remedial law” - its protasis describes the case while the apodosis sets out the legal remedy (compensation and/or punishment). While Patrick concludes that most casuistic laws in the Book of the Covenant belong to his second category, Chirichigno, building upon Patrick, argues that 21:1-11 (dealing with the laws about the release from Hebrew debt-slavery) belongs to the first category. As he notes, “the legal relationship of the two debt-slaves is set forth in the protases while the terms of the relationship are discussed in the apodoses” (198).

401 Chirichigno, Debt-Slavery in Israel, 189.
3.2.6.3.1. Laws of the Liberation of Hebrew Debt-Slaves (21:1-11)

The first ordinance involves the manumission of Hebrew debt-slaves. It is structurally parallel to the Decalogue and thematically linked to the exodus event through the use of the verb אכ"י, which is used to describe Yahweh’s past salvific actions in the first Sinaitic narrative unit (19:1). This verb is also used in the concluding sanctions (23:15) and the formulation of the laws related to the release of debt-slaves in 20:2; 21:2, 3, 4, 5, 7, 11. In addition, this series of laws is based on the concept of the Sabbath: verses 2-6 concern male slaves, and verses 7-11 deal with the female slaves.

Exodus 21:2-6: The First Manumission Laws

Exodus 21:7-11: The Second Manumission Laws

The א-clauses (3a, 3c, 4a, 5ab, 8a, 9a, 10a, 11a) and the ם clauses (2a, 7a) alternatively formulate ten specific conditions and regulations regarding the Hebrew slaves. Building on the first condition that uses the three verbal expressions אכ"י (2a), אכ"י (2b), and אכ"י (2c), verses 3-4 introduce four concrete conditions regarding the rules for emancipating a married or unmarried male debt-slave. While verses 5-6 provide an additional option for a male slave to stay intentionally with his master’s family, it is interesting to note that this law

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402 Cassuto, Exodus, 266; and Paul, Studies in the Book of the Covenant, 106-7; and Chirichigno, Debt-Slavery in Israel, 186-255. Although there is scholarly debate about the identification of the Hebrew debt-slaves in 21:2-6, as Chirichigno points out, the slaves were allowed to take part in the Israelite cults that some laws stipulate, for example, Ex 12:42-51 and 20:10.

403 Chirichigno, Debt-Slavery in Israel, 188.
provides a specific condition for a male’s release from his slavery based on his marriage status. Verses 7-11 then deal with the case of a female Hebrew slave sold by her father (יִשְׂרָאֵל) as a concubine (אָשֶׁר). Both of these laws are connected to marriage and reinforce their literary relationship, even though the law of a female Hebrew slave does not allow her to go out free since she was sold to slavery as part of a marriage contract.

3.2.6.3.2. Laws of Offenses of Man against Neighbors (21:12-17)

The laws listed in this section share a participial formulation (12a, 15a, 16a, 17a) and the death penalty has an infinitive and imperfect construction, even though the law of a female Hebrew slave does not allow her to go out free since she was sold to slavery as part of a marriage contract.

Exodus 21:12-17

The principal case of the law described in verses 12-14 involves a fatal striking of a person by his neighbor, (12a). It is to be distinguished from the law against striking one’s parents, in verse 15. The former law in verses 12-14 has two motive clauses,

404 Bernard S. Jackson, “Some Literary Features of the Mishpatim,” in Wünschet Jerusalem Frieden: Collected Communications to the XIth Congress of the International Organization for the Study of the Old Testament, Jerusalem 1986 (New York: Peter Lang, 1988), 235-42; and Chirichigno, Debt-Slavery in Israel, 196-9. As cited by Chirichigno, Yair Zakovitch proposes a literary pattern forming a “three-four (three plus one)” structure in 21:2-11 which address two laws of slaves: I. v. 3ab and v. 11; II. v. 9 and v. 3cd; III. v. 10 and v. 4; IV. v. 5 and v. 11. Furthermore, Chirichigno, building on Zakovitch and Jackson, argues that there is a chiastic structure in 21:1-27:

A. 21:2-11
B. 21:12-17
Ca. 21:18-19
Cb. 21:20-21
Ca’. 21:22-23
B’. 21:24-25
A’ 21:26-27

Release of male and female debt-slaves
Capital provisions
Assault on a pregnant woman
Assault on one’s own chattel-slave
Assault on a pregnant woman
Talionic provisions
Release of male and female chattel-slaves

405 Paul, Studies in the Book of the Covenant, 52; and Dozeman, Exodus, 529.
the clause in verse 13 and the clause in verse 14, both of which provide exactly opposite additional circumstances to the principal case. Besides, the laws in verses 13-14 do not contain the death penalty. The latter in verse 15 stipulates an unconditional death penalty. The law of asylum for an unintentional death added to the law concerning striking one’s neighbour is distinguished by the divine speech in the first person singular in verse 13. This feature strengthens the thematic relation of 21:12-15 to the cultic norms concerning the altar (20:24, esp. 24cde), as well as the relation to the sixth commandment in the Decalogue (20:13).

Like the law of striking one’s neighbour (vv. 12 and 15), laws about kidnapping, in verse 16, and cursing parents, in verse 17, stipulate the death penalty without adding conditions or circumstances. Some scholars argue for differences between the meaning of the verbs (16a) and (16b). For instance, Daube proposes that this law shows an extension of the original laws against kidnapping and selling a person’s neighbour. To resolve the problem, Levinson translates the verse as “whether the person is sold, or is still held in possession,” and Westbrook posits three different parties in the law: “the owner of property,” “the thief,” and “a third party who receives stolen property.” Although these scholars’ arguments for the original Sitz-im-Leben of the law are insightful, it should be noted that the verb (16a) is also used in the eighth commandment of the Decalogue (20:15). This means that the law of kidnapping can be regarded as an extended

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406 Milgrom, Numbers, 504.
409 As cited by Dozeman, Exodus, 532-3.
application of the commandment, and that it addresses human rights in the covenant society together with other statutes.

The final law involving the death penalty in this section (v. 17) concerns cursing parents אביו ואמו. Drawing upon Cassuto’s observation on the connection between this law and the fifth commandment of the Decalogue given in 20:12a (רבך), Dozeman convincingly argues that cursing can be understood as “the opposite of blessing,” and that this law may have the wider context of “life or death.” The act of cursing parents may metaphorically imply the murder of parents and thus deserves the death penalty.

3.2.6.3.3. Legal Matters Dealing with Specific Cases (21:18-22:16)

This section contains a variety of laws which fall into three categories: (1) human offenses against others in 21:18-27; (2) offenses of a person’s property against others in 21:28-36; and (3) human offenses against another person’s property in 21:37-22:16.

3.2.6.3.3.1. Human Offenses against Others (vv. 18-27)

Several legal matters are introduced in this section, relating to human actions which cause bodily harm to others (to free persons in 21:18-19, to slaves in 21:20-21, and to pregnant women in 21:22-23). The legal unit describes the case of an intentional quarrel between two free Hebrews (18a and 18b). To this major case other specific circumstances are joined in the form of casuistic laws regulating different kinds of physical harm which results from a

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411 Cassuto, Exodus, 271. Cassuto thinks that הָרָא קְלֵי, piel of קְלָי, is the opposite expression of קָרֹא קְלֵי, piel of קָרָא.
412 Dozeman, Exodus, 533.
413 In the BHS, the Hebrew words איש and בָּעָל are used to indicate “a man” and “men.” In this dissertation, however, I will translate the two Hebrew words into “a person” and “persons/others.”
quarrel: clauses in 19a, 21a, 23a, 27a; and clauses in 20a, 22a, 26a.

In 21:20-21, the clause in 20a and the clause in 21a introduce a casuistic law concerning a person’s property, specifically male and female slaves. The case involves a master’s intentional striking of his male or female slave with a rod. The question remains, however, as to whether or not the verbal chain in 20cd (the qal infinitive absolute and the niphal imperfect) refers to the lex talionis. A number of scholars including Driver, Childs, and Patrick have understood the slaves as chattel slaves based on the explanatory motivation clause in 21c, and they have not interpreted that verbal chain as the death penalty. As Mendenhall points out, however, the verbal chain implies the legal vengeance. In my opinion, as many scholars argue, it is reasonable to surmise that the violence normally results in death.

The specific case of the bodily injury of a pregnant woman begins with the initial clause, in 21:22. It is caused by a quarrel that leads to a miscarriage in 22c). The offenders in this accident are obliged to compensate the victim financially (22d-h). Yet if there is loss of life related to this accident, as the casuistic

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414 Chirichigno, Debt-Slavery in Israel, 149.
417 Cassuto, Exodus, 273; Noth, Exodus, 181; Paul, Studies in the Book of the Covenant, 60-70; Boecker, Law and the Administration of Justice, 160-3; Chirichigno, Debt-Slavery in Israel, 162-3; Moshe Greenberg, “More Reflections on Biblical Criminal Law,” in Studies in Bible 1986, ed. S. Japhet, SH 31 (Jerusalem: The Magnes Press, 1986), 1-17 (esp. 12-4); and Sprinkle, 'Book of the Covenant', 91 and 100. Some of these scholars also consider the slaves to be “chattel-salves” instead of debt-slaves.
clause in verse 23 states, the offender is required to pay his life as equal restitution, as the summary statement of the *lex talionis* in verse 24-25 makes clear:

*Exodus 21:24-25*

<table>
<thead>
<tr>
<th>Verse</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>24a</td>
<td>Non-verbal</td>
</tr>
<tr>
<td>b</td>
<td>Non-verbal</td>
</tr>
<tr>
<td>25a</td>
<td>Non-verbal</td>
</tr>
<tr>
<td>b</td>
<td>Non-verbal</td>
</tr>
</tbody>
</table>

Through a comparative study of Israel’s *lex talionis* with the cuneiform laws of the ancient Near Eastern societies, Paul suggests that the basic principle of the *lex talionis* within the Book of the Covenant makes an advancement forward in stipulating civil laws in terms of social justice.  

Drawing upon Paul, Childs points out a further significance of it:

The effect was to provide protection to members of inferior social standing and provide equality before the law from acts of physical violence. The wealthy could no longer escape punishment for their crime by simply paying a fine. Thus the principle of the *lex talionis* marked an important advance in the history of law and was far from being a vestige from a primitive age.

In the final case of human offenses against others in 21:26-27, the principle of the *lex talionis* is immediately applied in other cases between a slave and his or her master. The two casuistic clauses, the יק clause (26a) and the יק clause (27a), recall the preceding legal cases of the slaves described in verses 20-21 and address the circumstances in which the master’s act of violence causes any type of permanent damage to the slaves, specifically damage to an eye or a tooth (26ab and 27a).

### 3.2.6.3.3.2. Offenses Caused by One’s Property against a Person (vv. 28-32)

Laws that follow the fleshing out of the principles of the *lex talionis* respectively in verses 24-27 address specific situations involving offenses caused by a person’s property or offenses

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419 Childs, *Exodus*, 472.
that cause damage to a person’s property (for instance an ox in vv. 28-32). The principal case of the first section in verses 28-32 is introduced with a יָּולי clause (28ab): “if an ox gores a man or a woman so that he or she may die….” The punishment given to the ox is stoning (28cd), which is a type of the lex talionis even though the law prohibits eating its flesh (28e) as well as any type of punishment to the owner (28f).

The laws that follow in verses 29-32 are introduced by three casuistic יָּולי clauses (29a, 30a, and 32a) that legislate various conditions related to the preceding case in verse 28 regarding death caused by an ox. Firstly, if the ox that killed a person had a habit of goring and the owner did not confine it (29a-d), the owner is put to death (29f). However, a further law mandates that the owner can be ransomed (v. 30). Secondly, the law is similarly applied to the case of a child, son or daughter, in verse 31. Lastly, in the case that an ox kills a male or female slave, the owner of the ox is obliged to pay the owner of the slave thirty shekels and the ox is to be stoned (v. 32).

3.2.6.3.3.3. Offenses Caused by a Person’s Property against another Person’s Property (vv. 33-36)

The subject matter shifts from damage to humans to damage to property, especially damage to an ox in 21:33-36. The first law in verses 33-34 uses two יָּולי clauses (33ab) and stipulates a

420 Jackson, Studies in Semiotics, 189. Jackson regards and deals with this section as one unit.

421 Bernard S. Jackson, “The Goring Ox,” in Essays in Jewish and Comparative Legal History, SJLA 10 (Leiden: Brill, 1975), 108-16; J. Israel Finkelstein, The Ox That Gores (Philadelphia: American Philosophical Society, 1981), 27-29; Raymond Westbrook, Studies in Biblical and Cuneiform Law, CRB 26 (Paris: J. Gabalda at Cie, 1988), 83-6; and Dozeman, Exodus, 537. Scholars have attempted to explain the religious and civil background of this law according to its fundamental but major principle:

1. Dozeman: the ox is required to be stoned in terms that indicate that it has acquired “bloodguilt from killing a human.”
2. Finkelstein: by goring a man the ox violates “the hierarchy of creation.”
3. Jackson: the stoning of the ox that gores a man, is a means of “community protection.”
4. Westbrook: the ox is not suitable for “sacrifice” and its stoning should not be performed at “a cultic site.”
restitution of equivalent economic value if an ox is killed from falling into a pit negligently left uncovered. However, in this case, the offender is permitted to eat the meat of the dead ox. The second law in verse 35 outlines the case involving the death of an ox when it is gored by another person’s ox. In this case, the living ox is sold, and the owners share the price. In the specific case in which the ox gored habitually and was not confined, as the implied י signifies by means of its ellipsis and double duty in 36a, the owner of the ox that kills another’s ox has to fully compensate for the death of the ox (36ef).

3.2.6.3.3.4. Offenses Caused by a Person against another Person’s Property (21:37-22:16)

The legal discourse in 21:37-22:16 [BHS] can be divided into seven units, each of which begins with a י clause (21:37; 22: 4, 5, 6, 9, 13, 15). These cases concern a person’s offense against his neighbour’s property. Each unit of this section contains additional legislation regarding suitable restitution for each legal case. These laws have in common: (1) the frequent use of the piel imperfect שָלָם with or without שָלָשָׁנָה in 21:37d; 22:3c, 4d, 6e, 8f, 10d, 11c, 12d, and 14b; (2) the repetitive use of a chain of the piel infinitive and imperfect of the same verb, שָלָקָם, in 22:2cd, 5de, and 13ef; and (3) the use of alternative verbs for laws regarding the seduction of a virgin daughter in 22:15-16, particularly the qal infinitive absolute and the imperfect, שָלָם יִשָּׁחֵת, in 15de and the qal imperfect, שָלָם, in 16d.

First, 21:37-22:3 comprises a series of laws legislating penalties against theft. Scholars hold different views of the composition of this legal corpus especially given the order of the laws

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422 Childs, Exodus, 474-7; Sprinkle, ‘Book of the Covenant,’ 129; and Dozeman, Exodus, 538. Childs assigns 22:6-14 as a subunit. Although he notices that the final two laws of this section are formulated with the conjunction as י in vv. 13a and 15a, Dozeman proposes that 21:37-22:16 can be divided into seven subunits. Unlike Dozeman, Sprinkle argues for five sub-divisions of the unit by tying 22:4 to 22:5, and also 22:6-8 to 22:9-12.
in 22:1d-2b and the shift from theft to bloodguilt.\textsuperscript{423} Nevertheless, the iterative use of the \textsuperscript{\textbullet}\textsuperscript{\textbullet} clause in those verses (21:37d; 22:1a, 2a, 2cd, and 3c) can also be considered to provide specific circumstances related to theft and ways of restitution.

Second, as the \textsuperscript{\textbullet}\textsuperscript{\textbullet} clause in 4a addresses, 22:4 simply regulates the punishment of a man who carelessly lets his cow graze in a neighbour’s field.\textsuperscript{424}

Third, in 22:5 a fire instead of a cow’s grazing is the subject of the legislation. This law concerns the punishment of a person who negligently starts a fire which consumes his neighbour’s grain (the \textsuperscript{\textbullet}\textsuperscript{\textbullet} clause in 5a). Full restitution for the damage is to be made.

Fourth, the laws listed in 22:6-8 deal with specific circumstances related to property left in the keeping of another. The property is stolen or damaged, as described in the principal case in verse 6 (the \textsuperscript{\textbullet}\textsuperscript{\textbullet} clause in 6a\textsuperscript{425} and the \textsuperscript{\textbullet}\textsuperscript{\textbullet} clauses in 6d), and the secondary case in 7a. According to Dozeman, the laws throughout this section share the problem of a “lack of evidence for wrongdoing requiring a judgment about guilt and innocence.”\textsuperscript{426} Unlike other civil laws in the Book of the Covenant, these laws contain a cultic procedure to resolve the problem of a lack of evidence (vv. 7-8) even though the process of the cultic procedure is not explained.\textsuperscript{427}


\textsuperscript{424} The double duty and the ellipsis of the particle \textsuperscript{\textbullet} in 22:4b.

\textsuperscript{425} The double duty and the ellipsis of the particle \textsuperscript{\textbullet} in 22:6c.

\textsuperscript{426} Dozeman, \textit{Exodus}, 540.

\textsuperscript{427} Childs, \textit{Exodus}, 476.
Fifth, the subject matter shifts from money to livestock in 22:9-12. The laws stipulate the legal liability of the person who has the care of another person’s money or livestock at the time when it is injured (9c), or killed (9d), or missing (9e). The entrusted person is required to take an oath that he or she is innocent (10a), if he or she did not lay a hand upon it (10b). The entrusted person has to make a full restitution for it if it is stolen (11ab). In the case that the animal is killed (12ab), the entrusted person is obliged to show the dead body of the animal to avoid the legal liability (12cd).

Sixth, 22:13-14 introduces cases in which a person borrows his neighbour’s animals (13a). The borrower is required to make restitution for the injury (13b) or death (13c) of the animals. The exceptions to the law are as follows: (1) if the owner of the animals was present at the site (14a); and (2) if the person is hired (14b).

Lastly, the laws in 22:15-16 state the penalty for a man’s having sexual intercourse with a virgin who is not yet engaged. The placement of these verses is problematic, since they are formally connected by virtue of the initial phrase יִקְיָ֣ה in 15a to the preceding legal discourse stipulating a person’s offenses against another’s property. However, in these verses the virgin is not considered as her father’s property unlike entrusted or borrowed animals in the previous laws. Furthermore, no distinction of the virgin’s legal status is noted, whether she is a free woman or a slave. In this respect, the laws stipulated in this short section form an emphatic ordinance that the man is surely required to make restitution by marrying her (15de). The offender must either marry her or pay the bride price to her family if her father really refuses to give the offender his daughter (v. 16).\footnote{Childs, Exodus, 477; and Dozeman, Exodus, 541.} The laws of the virgin, as Childs points out, form
then “a transition sequence”\textsuperscript{429} to the following laws for socially vulnerable people in 22:20-26.


Unlike the laws in the first half of the Book of the Covenant (21:1-22:16), which are predominantly casuistic, the laws in the second half (22:17-23:9) are formulated variously.\textsuperscript{430} Many scholars distinguish the latter (called הָנְפָךְ נַחֲלָה, cf. 24:3b, e-f) from the former (called מְנַעֲשָה, cf. 24:3b).\textsuperscript{431}

3.2.6.4.1. Religious Principles for Offenses of Man against Yahweh (22:17-19)

The first unit in this section categorically prohibits three human actions that are punishable by death: sorcery (םֵמלָּת in v. 17), bestiality (שם צֶבֶּה in v. 18), and idolatry (יְהֹואַדָּה in v. 19). These three human actions refer back to the laws (esp. 20:23-24) in the cultic frames of the Book of the Covenant (20:23-26 // 23:10-19) and to the second commandment (20:4-6). Together with the similarity in form and content (regarding punishment) these laws all concern offenses against Yahweh. As Dozeman notes, they are also formally and thematically parallel to the laws in 21:12-17 regulating civil principles concerning the offenses of a person against his neighbour.\textsuperscript{432} The parallel relationship of these two sections suggests that a person’s actions toward one’s neighbour(s) are not to be separated from those toward Yahweh. This implication becomes much clearer in the following unit in 22:20-26.

\textsuperscript{429} Childs, Exodus, 476.

\textsuperscript{430} As demonstrated in the hierarchy of the whole Book of the Covenant, the main body of the Book of the Covenant (21:1-23:9), except its cultic frames and narrative-like conclusion, consists of two halves: (1) civil laws (21:1-22:17), mostly casuistically formulated (except 21:12-17); and (2) a collection of religious and social laws (22:17-23:9), formulated with variety of styles.

\textsuperscript{431} Childs, Exodus, 477; and Dozeman, Exodus, 541.

\textsuperscript{432} Dozeman, Exodus, 542.
3.2.6.4.2. Social Responsibility for the Vulnerable (22:20-26)

The rest of the body of the Book of the Covenant (22:20-23:9) consists of social and religious laws that protect the vulnerable. It is framed by laws prohibiting the wrongdoing to and the oppression of sojourners (יהי לארשי ולָא הַלּוּדִים in 22:20ab and יהי לארשי ולָא הַלּוּדִים in 23:9a).

The verses in 22:20-26 describe the social responsibility for the poor, the widows, the orphans, and the resident sojourners by legislating prohibitions against a variety of forms of oppression against them:433

Exodus 22:20-26 (BHS)

<table>
<thead>
<tr>
<th>Verse</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>20ab</td>
<td>Two-fold prohibitive</td>
</tr>
<tr>
<td>c</td>
<td>Rationale (exodus theme related)</td>
</tr>
<tr>
<td>21</td>
<td>Prohibitive</td>
</tr>
<tr>
<td>22ab</td>
<td>Emphatic chains</td>
</tr>
<tr>
<td>cd</td>
<td>- Piel infinitive absolute and piel imperfect</td>
</tr>
<tr>
<td>ef</td>
<td>- Qal infinitive absolute and qal imperfect</td>
</tr>
<tr>
<td>23ab</td>
<td>Consequences of the wrongdoings</td>
</tr>
<tr>
<td>cd</td>
<td>Lex talionis style</td>
</tr>
<tr>
<td>24a</td>
<td>Prohibitives</td>
</tr>
<tr>
<td>bc</td>
<td></td>
</tr>
<tr>
<td>d</td>
<td></td>
</tr>
<tr>
<td>25ab</td>
<td>Circumstance (emphatic)</td>
</tr>
<tr>
<td>c</td>
<td>Qal infinitive absolute and qal imperfect</td>
</tr>
<tr>
<td>d</td>
<td>Command</td>
</tr>
<tr>
<td>26a</td>
<td>Non-verbal</td>
</tr>
<tr>
<td>b</td>
<td>Non-verbal</td>
</tr>
<tr>
<td>e</td>
<td>Rhetorical question</td>
</tr>
<tr>
<td>de</td>
<td>Temporal</td>
</tr>
<tr>
<td>f</td>
<td></td>
</tr>
<tr>
<td>26g</td>
<td>Final clause – motivation</td>
</tr>
</tbody>
</table>

433 Houtman, Exodus 20-40, 225; Sarna, Exodus, 137; and Douglas, Exodus, 515-6. Scholars have noted that the focal point of this section is the disadvantaged, the sojourners, the widows, the orphans, and the poor who are semantically synonymous. These terms seem to be used interchangeably in the context.
The verse in 22:20 begins with a two-fold prohibitive against wrongdoing toward resident sojourners (יִשָּׁב in 20a and יָרֵד in 20b) and its rationale is based on the Israelites’ own experience of being wronged as sojourners in Egypt (20c). The laws forbidding the wrongdoings against the orphan and the widow (sg. in v. 21 and pl. in v. 23) and the poor (v. 24) follow. As Muilenburg points out, the grammar of these laws especially suggests that the initial יִשָּׁב clause in 22a, the יִשָּׁב יִפְרָט clause in 22c, and the three infinitive absolutes in verse 22 stress “the emphatic character of the casuistic law.”

The laws mandate the basic rights of the poor in terms of a certain type of claim-obligation relationship specified by the two יִשָּׁב clauses (24a and 25a). The consequences for the oppression of the sojourner, the widow, and the orphan involve Yahweh’s personal wrath (23ab): “My wrath will be kindled and I will kill you.” And then two more legal discourses given in the style of the lex talionis follow (23cd): “Your wives will be widows and your children will be orphans.”

The rationale of the legal stipulations regarding the vulnerable recalls the יִפְרָט clauses in 22c-f and 26e-g. If the oppressed people cry out (נָא) to Yahweh, Yahweh hears (שָׁמָע) them in response. To enhance the significance of the rationale, similar patterns of the two verbs are used: (1) the qal infinitive absolute and the imperfect of נָא in the first person singular (22cd); (2) the qal infinitive absolute and the imperfect of שָׁמָע in the third person singular (22ef); and (3) the qal imperfect of נָא (26e) and the qal perfect (waw consecutive) of שָׁמָע (26f). The motivation for Yahweh’s response to the people’s crying out is based on Yahweh’s

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434 Muilenburg, “The Particle יִפְרָט,” 140.
nature, specifically Yahweh’s compassion, as declared in the נא clause in 26g: 435

Yet the “personal” contents of the laws in this section contrast with their “impersonal style.” 436 Indeed, the verses in 22:20-26 do not mention the specific rights of sojourners, orphans, and widows in the third-person (21d, 23a, 23cd, 26a-e). Dozeman convincingly argues that the shift of the legal formulation from “I-You” language to the impersonal style of the laws (by this Dozeman means the “if-you” formulation) in 22:20-26, as well as 22:27-23:9, means that the phrases should be regarded as “theological statements” instead of law itself. 437 The importance of the rationale of Yahweh’s compassion cannot be overstated. Yahweh’s compassion theologically motivates not only the laws for the marginalized in this section but also all the other laws in the Book of the Covenant and the Decalogue (20:5c, 6a; cf. 10bc). To this matter we will return in Chapter 6.

Moreover, it is possible to note that this present legal unit in 22:20-26 can be seen as a microcosm of the entire Book of the Covenant in the way it reflects Yahweh’s compassion. Firstly, the legal discourse in 22:20-26 is a consistent unit in spite of its various formulations of casuistic and apodictic laws. Secondly, religious prohibitives and civil laws are not distinguished from each other in the unit. Similar to the entire Book of the Covenant which is encased by the cultic frames (20:23-26 // 23:10-19), this legal unit is also framed by the cultic laws (22:17-19 // 22:27-30). Lastly, the laws in this section are closely related to the motif of the exodus by which Yahweh redeemed the Israelites from their servitude in Egypt. Israel’s suffering in Egypt is also the rationale for other laws in the Decalogue (20:2, 10) as well as

435 Muilenburg, “The Particle נא,” 150-1. Muilenburg surmises that this verse is an example showing that “the casuistic law was expanded by motivations” added to the original.

436 Dozeman, Exodus, 545.

437 Dozeman, Exodus, 545.
the Book of the Covenant (22:20; 23:9, 12). In 22:20-26, however, the given rationale consists of Yahweh’s compassion. The nature of Yahweh is revealed in his proposal of a covenantal relationship with Israel in the Sinaitic narrative frames, as well as in the following legal sections.

3.2.6.4.3. Admonitions regarding Judges, First-Fruits/Born and Holiness (22:27-23:9)

Shifting its subject matter from social responsibility for the vulnerable to the laws relating to Yahweh, the verses in 22:27-30 mark the beginning of a new legal section. After the prohibitive לֹא כִּכְרֵבָן (You shall not curse God) in 27a, an additional prohibition about cursing a leader (ﬠַנִּיז) follows in 27b. Scholars have debated about the identity of the leader, wondering if it may even refer to God. Still, Dozeman’s alternative understanding of the noun is that it is God who is not to be “treated lightly” (27a). The laws in verses 28-30 are then seen as concrete guidelines for the fulfillment of the requirement. Indeed, the laws in verses 28-29 stipulate Yahweh’s claim not only on produce and wine (28a), but also on firstborn sons (28b) and livestock (v. 29), which recalls the Israelites’ Passover in Egypt described in Exodus 13.

Verse 30 concludes the unit in verses 27-30. The second-person plural form of the three verbs in the verse, יְהֹוָה, יְהֹוָה, יְהֹוָה, and יְהֹוָה, is distinctive from the other verbs in surrounding

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438 Childs, *Exodus*, 454; and van Houten, *The Alien in Israelite Law*, 53. Critical scholars have debated about the motivational clause (20c) of the prohibitive against the abuse of a sojourner: whether the rationale clause is a Deuteronomistic gloss, or whether it was originally attached to another prohibitive against ill-treating a sojourner. From a synchronic perspective, I surmise that the clause which occurs in both the Sinaitic narratives and law collections, play an important role of linking each unit within the Sinai pericope by virtue of the motif of the Israelites’ exodus event.


passages (22:27-29 and 23:1-8). However, as Dozeman points out, the syntax of the demand
\textit{אֶמָרְךָ לְךָ} in 22:30a appears to echo Yahweh’s earlier offering of the covenant to the
people with a future promise: \textit{אַשֶּׁר נֶאה אַשֶּׁר וַעֲבֹדָתָהּ} in 19:6a, even though the
demand for holiness is more oriented to the instruction about holiness in accordance with the
following consequences in 22:30bc:
\textit{כִּי אֶנֶּרֶנֶךָ לְךָ, אָמֵם בְּשֶׁכֶרֶנֶךָ, וְאֵלֶּה יִתְנָאָה לְךָ, לֵאמָּר, אֶ-ל אֱלֹהֵי אָבֵדְךָ.}

The passage in 23:1-9 signals a new subunit which contains laws regulating the judicial
procedures. Some scholars point out that the casuistic laws in 23:4-5 regulate human acts of
Black, 1966), 188-9; Calum M. Carmichael, “A Singular Method of Codification of Law in the Mishpatim,”
\textit{ZAW} 84 (1972): 19-25; Childs, \textit{Exodus}, 480; Durham, \textit{Exodus}, 330-1; and Dozeman,
\textit{Exodus}, 548.} According to them, the casuistic laws in verses 4-5 do not fit
well with their surrounding prohibitives in 23:1-9.\footnote{Childs, \textit{Exodus}, 480. Furthermore, Childs points out that the use of the \textit{כִּי} clause with the conjunction \textit{אֲרָמָּה},
which is found only in v. 4, occurs in the first half of the section (\textit{mishpatim}, in 21:1-22:16) of the Book of the
Covenant.} But the laws concerning one’s enemy
are related to the laws for the needy (v. 3 and v. 6), as well as the poor in the court (vv. 1-3)
and the sojourners (vv. 6-9).

Verses in 23:1-3 stipulate injunctions for fair judicial procedures by forbidding false witness
(1c) in terms of prohibitions on a false report (1a) and on a prejudiced adjudication (1b).

Added to the injunctions are prohibitives against connections to any special interest groups or
“the mighty”\footnote{Childs, \textit{Exodus}, 481.} (יָרֵד in 2a and c), or even the poor (יָל in v. 3).

Similarly, the verses in 23:6-9 address legal prohibitives for fair judicial procedure against a
false witness (7a). For instance, the case of the poor is not to be perverted (v. 6). Significantly,
the nature of God is briefly mentioned as a rationale for the laws in 7c. Additionally, taking a bribe as an act of forming a connection to a certain person or interest group (cf. vv. 2-3) is prohibited for the sake of righteousness in verse 8. Finally, as mentioned above, a law prohibiting the oppression of a sojourner (9a) occurs again to conclude this unit (22:27-23:9). The second half of the Book of the Covenant ends with the account of the Israelites’ past sojourning in the land of Egypt as its fundamental and crucial rationale (9bc).

3.2.6.5. The Second Cultic Frame (23:10-19)

Exodus 23:10-19 forms a bookend of the Book of the Covenant. This passage concerns two subjects: the laws of the Sabbath (vv. 10-13) and the laws of worship according to cultic seasons (vv. 14-19). The former falls into two subsections each of which applies the meaning of the fourth commandment of the Decalogue in 20:8-11: the laws of the Sabbath year (23:10-11) and the laws of the Sabbath day (23:12).

What is emphasized in this frame, however, are not the commands per se regarding the Sabbath year for the land in 11ab and the Sabbath day for the laborer in 12b. Rather, what is emphasized are the “ethical" motivations for the land’s rest - namely, the provision of food for the needy and the wild animals in 11cd, as well as for domestic animals, slaves, and sojourners in 12cd:

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445 Paul, *Studies in the Book of the Covenant*, 34; and Douglas, *Exodus*, 529-40. On the one hand, Paul argues that, although this cultic framework through 20:23-26 and 23:10-19 seems to be an appendix to the larger body of laws in 21:1-23:9, the arrangement of the laws concerning cultic rites in its present place is intentional from a structural point of view. As Paul points out, other law codes in the Pentateuch also share the feature of a cultic framework around a legal corpus. On the other hand, Douglas contends that two sets of laws in this portion of the Book of the Covenant, a set of laws about the Sabbath (23:10-12) and a set of laws dealing with cultic calendars (23:10-19), are purposefully arranged to surround the command in 23:13. This command mandates “exclusive covenant obedience to and faith in Yahweh.”

446 Dozeman, *Exodus*, 549.
Exodus 23:11cd and 12cd

The laws reflect not just humanitarian sympathy but Yahweh’s compassion for the members of the covenantal community (עַדְנֵיהֶם in 11c, together with 22:20-26). This is the most crucial theological theme in the Book of the Covenant to which we will later return in Chapter 6. Verse 13 provides a “homiletical conclusion” to the sabbatical laws in 23:10-12, and returns to the “I-You” language in which Yahweh speaks in the first-person singular to the people of Israel in the second person plural (esp. 13a):

Exodus 23:13

The location of verse 13 seems problematic, however, as it concludes the collection of civil and religious laws in 21:1-23:9 with two prohibitive commands against idolatry (13cd) before and after the ethical motivations in verses 11-12. Moreover, the narrative-like sanctions that follow in 23:20-33 also function as the conclusion of the Book of the Covenant. As Childs suggests, the present placement of 23:13 should not be regarded as evidence of the original ending of the laws because such homiletical summary comments are a literary feature often found within ancient law codes. It follows then that the homiletic conclusion in 23:13 does not necessarily point to incoherence in the literary construction of the second cultic frame.

The cultic laws regarding the seven-year and the weekly sabbatical rest, enumerated in the previous section (vv. 10-13), are followed by the laws related to the annually-held cultic

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447 Childs, Exodus, 483.
448 Childs, Exodus, 483.
seasons in 23:14-19. These laws relate to the feast of unleavened bread in 23:15, with an additional positive command (15b) and an additional prohibitive command (15e); to the feast of the harvest of the first-fruits (16a); and to the feast of the ingathering (16c). A summary command concerning the cultic season occurs (v. 17), followed by two additional prohibitive commands concerning the sacrifices of the feast of unleavened bread (v. 18), as well as both an additional positive command (19a) and an additional prohibitive command (19b) concerning the sacrifices of the harvest of the first-fruits.

The “I-You” language and the motif of the Sabbath support the structural coherence of 23:10-19.\(^\text{449}\) Furthermore, the sole rationale given for the laws in the two cultic frames in 20:23-26 and 23:10-19 is found in 23:15d (כִּי לְיִשְׂרָאֵל מְצָא עַל הַשַּׁבָּת), which refers to the past event of Israel’s coming out from the land of Egypt. The rationale relates the various civil laws in 21:1-22:17, discussed above, to the larger context of the Sinaitic narratives which surround them.\(^\text{450}\)

3.2.6.6. The Epilogue – Concluding Divine Sanctions (23:20-33)

After the covenant stipulations, a sermonic narrative-like divine speech follows in 23:20-33. This speech constitutes the epilogue of the Book of the Covenant.\(^\text{451}\) The epilogue, alongside

\(^{449}\) Childs, Exodus, 483; and Dozeman, Exodus, 550. Although Childs points out that the subject of 23:17 is shifted from the second person plural to the third person singular, the second person plural suffix of the same phrase suggests that the “I-You” language is still used even in v. 17. In contrast, Dozeman proposes that the focus of the cultic law is consistently put on the land itself, established according to the Sabbath law; and this focus consequently constitutes the structural coherence of 23:10-19. I am partly convinced by Dozeman’s proposal.

\(^{450}\) Childs, Exodus, 495; Boecker, Law and the Administration of Justice, 138-45; and Joseph Blenkinsopp, Wisdom and Law in the Old Testament: the Ordering of Life in Israel and early Judaism (New York: Oxford University Press, 1983), 82. Blenkinsopp points out that the cultic framework provides a “religious” foundation for the civic code. Furthermore, Boecker argues that the final shape of the Book of the Covenant in which the civic code is encased by the cultic frames constitutes a “theological statement.” In other words, according to Boecker, the cultic framework juxtaposes laws which regulate how the people of covenant are and how they are to live together with their neighbors, based on laws which regulate how they should live to keep the covenantal relationship with God valid.

\(^{451}\) Sarna, Exodus, 147; and Watt, Reading Law, 51.
the divine speech in the prologue (20:22), reinforces the fact that the whole series of the preceding laws was legislated by Yahweh’s authority and mediated to the people through Moses. The epilogue concludes the Decalogue as well as the Book of the Covenant by setting out the reason why the Israelites should obey the law – namely, they will receive the Promised Land.

The structure of this unit is discernible through the shifts in the form of the promise. As Childs notes, the “unconditional promise” in verse 20 is first shifted to a “warning,” especially by means of two rationale י TIMES clauses (21d and 21e), and then a “conditional” promise (the כ TIMES clause in 22a). Building upon Childs’ structuring, Dozeman proposes a two-part structure, 23:20-26 and 23:27-33, with respect to the similar formula-like expression in 20a, 27a, and 28a as shown below:

The Similar Formula-like Expressions in Exodus 23:20a, 27a, and 28a

<table>
<thead>
<tr>
<th>Verse</th>
<th>Expression</th>
<th>Translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>23:20a</td>
<td>אַגַּדְתִּי מִלְּאָדָר, לְפָנֵיכָה</td>
<td>“a messenger before you”</td>
</tr>
<tr>
<td>27a</td>
<td>אָשָׁר מִשָּׁתֶר, לְפָנֶיךָ</td>
<td>“my terror before you”</td>
</tr>
<tr>
<td>28a</td>
<td>אֲרַגָּם, אַשָּׁתֶר, לְפָנֶיךָ</td>
<td>“the hornet before you”</td>
</tr>
</tbody>
</table>

Childs’ and Dozeman’s proposals of the structure of the epilogue both have merit as they account for shifts in the divine promise which point to the subunits of the epilogue: verses 20-26 and 27-33. In verses 20-26, the first section of the epilogue, Yahweh promises that he will send his messenger to guide the Israelites into the land of Canaan. At this point, Dozeman

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452 Durham, Exodus, 334.

453 Muilenburg, “The particle כי,” 140; and Childs, Exodus, 486.

454 Dozeman, Exodus, 548.

455 There is a scholarly debate about the identification of the messenger. Whereas some scholars consider the messenger to be Moses (Childs and Dozeman), others regard him as an angel. Douglas, Propp, and Sarna especially argue that the angel is Yahweh. For a full review of the discussion, see Childs, Exodus, 487; Sarna, Exodus, 147-8; Douglas, Exodus, 110-13 and 542; Propp, Exodus 19-40, 287; Van Setsers, A Law Book, 72-3;
correctly points out the syntax of 20a, which demonstrates the same formulation found in 19:9b and in 34:10b. The formulation uses the combination of the particle הוהי, the first-person common singular pronoun אֲנִי, and the participle form of the main verb.\footnote{Dozeman, Exodus, 557.}

**Exodus 19:9b, 23:20a, and 34:10b**

\begin{align*}
\text{19:9b} & \quad \text{יהוה אֲנִי בָּעָלְךָ} \text{ נֶפֶשׁ חָיָה}

\text{23:20a} & \quad \text{יהוה אֲנִי שֵלָה מֶלֶךְ} \text{ הָאָבִיב}

\text{34:10b} & \quad \text{יהוה אֲנִי בָּרָהָ נֶפֶשׁ חָיָה}
\end{align*}

The opening section (19:9b) of the second Sinaitic narrative unit accounts for the climactic scene of the theophany, and 34:10b describes the re-establishment of the covenant previously confirmed in 24:1-11. These syntactically parallel formulations in 19:9b, 23:20a, and 34:10b hold great significance as literary linkages between the epilogue of the Book of the Covenant and the Sinaitic narrative frame. Moreover, these formulations imply the authority and credence of the divine promise, and consequently reinforce the messenger’s guiding of the people, together with the additional promise for their future prosperity (vv. 25b-26).

The promise thus requires the people to “listen to” the voice of Yahweh, in spite of the threatening imagery of the conquest (22fg and 23bc) which is formed by a pair of cognate objects (22ef and gh):

**Exodus 23:22**

\begin{align*}
\text{22ef} & \quad \text{וַיְהִי אֲנִי בָּעָלְךָ} \quad \text{וַיְרַעְתֶּנָּהּ}

\text{gh} & \quad \text{וַיְרַעְתֶּנָּהּ}
\end{align*}

The syntax of the clauses in verses 21-24 supports this point: (1) the strong imperative constructed by the infinitive absolute and the imperfect of פָּשַׁע (21b); (2) the adversative רָשַׁע clause, with the formation of the infinitive absolute and the imperfect of קָשַׁע

and Dozeman, Exodus, 554-7.

\footnote{Dozeman, Exodus, 557.}
(22ab) and the perfect waw consecutive of (22cd); (3) three prohibitives (24abc); and (4) positive commands (24de, fg, and 25a):457

Exodus 23:21b

Exodus 23:22a-d

Exodus 23:24abc

Exodus 23:24d-25a

Finally, in the passage in 23:27-33, by virtue of the formula-like expressions in 27a and 28a--each of which implies a holy conquest--the messenger is identified as an agent who will lead the people in war. Yahweh’s promises to send his terror and throw the people of Canaan into confusion before the Israelites (27ab) and to send hornets (28a) mean that Yahweh himself will drive out the Canaanites from the Promised Land (27d, 28b, 29-30a, and 31cde), that Yahweh sets the boundary of the land (31ab):

Exodus 23:31

Yahweh’s preceding commands in verses 24-25 that the Israelites are exclusively loyal to Yahweh are now combined with his new commands that they not make covenants with the indigenous people and their gods (v. 32). The commands are motivated by the negative statements in verse 33 as the concluding section of the epilogue (23:32-33):

457 The wording of 24de and 24fg construct two strong commands by means of the piel infinitive absolute and the imperfect construction, but the form of the command formulated in 25a is the qal waw-consecutive.
Exodus 23:32, 33a-d

These negative commands are followed by the fifth narrative unit (24:1-11) in which the covenantal relationship between Yahweh and Israel is ratified.

In conclusion, the complex hierarchical structure of the Book of the Covenant can be discerned based on its basic literary characteristics in form and theme, as is evident in the exegetical work above:

Prologue - Identification of Yahweh’s Law-Giving as a Divine Speech (20:22)

The First Cultic Frame (20:23-26)
A Cultic Prescriptions for an Exhortation to Worship Yahweh Alone

The Body of the Book of the Covenant Itself (21:1-23:9)
   [B The Sabbath Principle, Repeated in 21:1-2][459]
   D’ Death Penalty Laws: participially formulated (22:12-17)
      (civil principles for offenses of a person against another person)
   E Legal Matters about Specific Civil Cases (21:18-22:17).
      b. Offenses of a Person’s Property against a Person (21:28-36).

   D’ Death Penalty Laws: participially formulated (22:18-19)
      (religious principles for offenses of man against Yahweh)
   E’ Social Responsibility for the Socially Vulnerable (22:20-22:26), based on Yahweh’s Compassion, with the Exodus Motif
   E’’ Admonitions regarding Judges, First-Fruits/Born and Holiness (22:27-23:9) with the Exodus Motif (esp. the Passover in Egypt)

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458 Dohmen’s recent structuring of the Book of the Covenant is similar to mine. See Dohmen, Exodus 19-40, 150.
460 The clauses (22a, 24a, 25a), the clause (22c), the clause (26c) formulate the “if-you” laws in 22:20-26. Although 22:18-19 (D’) and 22:27-30 (in 22:27-23:9, E’’) thematically bracket 22:20-26 (E’), those sections do not have the same syntax.
The Second Cultic Frame (23:10-19)
   B’ The Sabbath Principle for Protection of the Socially Vulnerable (23:10-13),
       with the Exodus Motif
   A’ Cultic Prescriptions with a Strong Exhortation to Worship Yahweh Alone (23:14-19)

Epilogue - Concluding Narrative-like Divine Sanctions (23:20-33)

3.2.7. The Second Narrative Frame – The Fifth Narrative Unit (24:1-11)
Exodus 24:1-11 comprises the fifth Sinaitic narrative unit, and it describes the ratification of
the covenant between Yahweh and the people of Israel. But this unit is also replete with
literary complexity. In these eleven verses, the chronological sequence of Moses’ trips
down from (v. 3) and up to (v. 9) the mountain is again perplexing.

In the initial verses of this unit, Moses is ordered to descend the mountain only to ascend it
again with other people (24:1b-2, SYM). The people asked for Moses to perform an
intermediary role between them and Yahweh (20:18-21) immediately after they hear
Yahweh’s direct voice (SYP), the Decalogue in 20:1-17. In response to the people’s request,
Moses, in the position of the mediator, instructed the people regarding various commands,
statutes, and regulations in the second law collection, the Book of the Covenant in 20:22-
23:33. Therefore it is possible that Moses stays at the foot of the mountain with the people
after they hear the Decalogue from heaven, as the fourth narrative unit and the second law
collection imply.

461 Similar to the Sabbath principle in 20:23-26, the Sabbath principle in 23:10-13 functions as the rationale for
the cultic prescriptions in 24:14-19. It also connects the second cultic frame to the E” section (22:27-23:9) and
to the preceding body of the Book of the Covenant.
462 Nicholson, God and the People, 164-78; and van Seters, Life of Moses, 282-6.
463 Childs, Exodus, 502-3; Houtman, Exodus 20-40, 285, Propp, Exodus 19-40, 146-50; and Dozeman, Exodus,
562-3.
465 See the discussion about the narrative interlude (20:18-21) below.
But 24:1-2 depicts Moses on the mountain and Yahweh commands him (SYM) to go down the mountain to the people:

Exodus 24:1-3

Another apparent contradiction is formed in this narrative unit (24:1-11). According to 24:1b, the purpose of Moses’ descent (3a) is to go up the mountain again with Aaron, his two sons, and seventy elders. The command is followed by Yahweh’s further commands which prohibit the people’s approach to the holy presence (1c-2abc). In contrast, the people are commanded to ascend the mountain in verse 9 and shortly after their ascent of it they see Yahweh (רְאוּ אֵל in 10a and מֵי נַחַת and 11b), eat before him (יֹאכַל in 11c), and drink (וַיֶּבֶשׁ in 11d).

Exodus 24:9-11

To resolve the problem of the puzzling encounters between Yahweh and the people on the mountain in this narrative unit, it is to be noted that both accounts of the divine presence and of the cultic rituals in 24:1-11 represent the ratification of the covenant between Yahweh and the Israelites. Moreover, both accounts represent the ratification occurring by virtue of the following three modes of actions done by Yahweh, the people, and Yahweh and the

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466 Childs, Exodus, 506-7; Durham, Exodus, 340; Douglas, Exodus, 556-7; and Dozeman, Exodus, 567-8.
people together:

(1) Ratification by means of cultic ceremonies performed by the people (vv. 3-8)
   - Moses’ recounting and writing the words of Yahweh (3b and 4a)
   - Moses’ building an altar (4c), offering a burnt offering and a peace offering (5), and
     sprinkling blood on the altar and onto the people (6, 8a-b).
   - Moses’ reading the Book of the Covenant (7a-b)
   - The people’s responding to Moses to keep the words of Yahweh (3c-f, 7c-f)
   - Moses’ promulgation of the establishment of the covenant (8c-e)

(2) Yahweh’s theophany involving a ceremonial meal with the people on the mountain (vv. 9-11)
   - Moses, Aaron, Nadab and Abihu, and seventy elders ascend the mountain (9)
   - Yahweh’s response (10): Yahweh reveals his presence to the people
   - Ceremony for the establishment of the covenant between Yahweh and the people (11)
   - Yahweh does not stretch out his hands against the people on top of the mountain
   - The people eat and drink before Yahweh

Based on the previous syntactic and thematic linkages to the first narrative frame in 19:1-25
(esp. 19:3-8), this narrative unit in 24:1-11 forms the conclusion of the whole Sinaitic
narrative. In doing so, it confirms the establishment of the covenantal relationship between
Yahweh and the Israelites based on the mutual agreement of the two legal provisions.

3.3. Summary of Findings

This chapter has examined the structure of the entire Sinai Pericope in terms of how disparate
literary genres and discursive formulations of law work together to form a coherent structure.
I have not negated the fact that the Sinai Pericope displays an apparent incoherence in genre
and form and thus presents many literary problems. Instead, I have shown that the problems
can also be understood as literary features invoking dynamic relationships between texts
which constitute what can be seen to be an elaborate literary structure of the Sinai Pericope.
The following chapter will reflect further on problematic literary matters I have not yet
discussed: repetitions in plot and characterization, and the way in which of the Sinaitic
narrative context is connected to the Decalogue and the Book of the Covenant.

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467 To this matter I will return in Chapters 4 and 6.

Chapter 4

The Literary Coherence of the Sinai Pericope
in terms of Plot and Characterization

A story is made out of events to the extent that plot makes events into a story. A plot, therefore, places us at the crossing point of temporality and narrativity: to be historical, an event must be more than a singular occurrence, a unique happening. It receives its definition from its contribution of the development of a plot.\footnote{Paul Ricoeur, “Narrative Time,” in Narrative Dynamics: Essays on Time, Plot, Closure, and Frames, ed. Brian Richardson, TINS (Columbus: The Ohio State University Press, 2002), 36-7.}

Ricoeur

Characters, situated in settings of time and place, act, or are acted upon, in a connected series of events [plot]....Such tales and accounts, whose purpose is to communicate information, will more often than not eschew such artistic frills...probing of character in monologue or dialogue, and revelations between events and the characters of the protagonists and antagonists. The author of a story may, in keeping with his artistic purpose, give prominence to all three features or may scant on one or two of them.\footnote{Brichto, Toward a Grammar, 5.}

Brichto

The plot created by virtue of Moses’ frequent ascents to and descents from Mount Sinai contributes to the literary coherence of the Sinai Pericope.\footnote{Peter Brooks, Reading for the Plot: Design and Intention in Narrative (Cambridge: Harvard University Press, 1984), 4-7; and idem, “Narrative in and of the Law,” in A Companion to Narrative Theory, eds. James Phelan and Peter J. Rabinowitz (Oxford: Blackwell Publishing, 2005), 415-26.}

In the first place, the Sinaitic narratives repeatedly involve the events of the elusive divine theophany and the encounter between Yahweh and Israelites. In the second place, the various laws within the Decalogue and the Book of the Covenant formulate dialogues, speeches between Yahweh and Moses (SYM/SYP and SMP) and speeches between Moses and the Israelites (SMP and SPM), to remind the people of “the importance of the laws and reasons for observing them.”\footnote{Watts, Reading Law, 61 and 70. Watts points out that the motif of the public reading of the law may result in the diverse forms of laws and “mnemonics,” as well as the “rhetorical structure” of the biblical legal corpus.}
This chapter will therefore focus on the two organizing principles of the Sinai Pericope which shape its plot: repetition and dialogue. In addition, it will explore the sense of time which is subordinated to these major principles of the plot, in order to examine how the Sinai Pericope’s “closely packed” timeline of events extends or shortens the narrative by virtue of repetition and dialogue. Finally, this chapter will examine the characterization of the three major figures in the Sinai Pericope: (1) Yahweh, the covenant proposer who gives law; (2) Moses, the covenant mediator; and (3) the Israelites, the covenant addressees. The dynamic literary functions of plot and characterization, I believe, will reveal the underlying literary coherence of the Sinai Pericope.

4.1. The Plot Development of the Sinai Pericope

As examined in the previous chapters, the Sinai Pericope’s chronological sequence of narrative events, especially Moses’ frequent movements up and down Mount Sinai, is a puzzling problem to solve. But the problem is closely related to the story’s plot, which


476 Amit, Reading Biblical Narratives, 110. Amit does not deal with the Sinai Pericope per se. However, she points to the significant function of the narrative techniques of repetition and dialogue for understanding the literary coherence of the Sinai Pericope’s parallel passages (Ex 7:1-12:36, chs. 25-31 and 35-40).
develops by means of repetition and dialogue, which in turn influence the narrated time of the Sinai Pericope.

### 4.1.1. Repetition

Even first-time readers of the Sinai Pericope notice the phenomenon of repetition. Firstly, Moses’ repeated movements up and down the mountain connect the reiterative narrative accounts of Yahweh’s theophany at Sinai and the series of encounters between Yahweh and the Israelites. Secondly, not only does the subject matter of the two distinct law collections overlap but also some laws are repeated (e.g., the repetition of the Sabbath commands and cultic regulations against idolatry, and civil laws regarding theft, adultery, murder and their punishment). Thirdly, together with the successive reuses of such motifs as seeing and calling that are related to previous events, the theme of the exodus recurs in both the Sinaitic narratives and the legal materials. Such repetitions join the disparate parts of the laws and the narrative framework of the Sinai Pericope.

On the one hand, modern historical critics regard the complex textual irregularities created by repetition/redundancy in the Sinai Pericope as evidence of its “diachronic development.” On the other hand, the same recurrent themes and motifs in the narrative framework of the Sinai Pericope can also be synchronically seen as literary tools binding its narrative units and

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481 Watts, *Reading Law*, 69. For the arguments made by the modern critical-historical scholars, see Chapter 1.
law collections together. Moses’ successive trips up and down the mountain not only distinguish but also link five distinct Sinaitic narrative units within which the theme of Yahweh’s divine theophany to the people is prominent according to the plot development of the whole Sinai Pericope. The repetitions of commandments, regulations, and instructions also strongly indicate “thematic consistency.” In other words, the repetitions of law and narrative within the Sinai Pericope, which critics see as evidence of the redundancy of sources, can also be regarded as a sign of the unity of the text.

Muilenburg lays the groundwork for the understanding of the literary roles that repetition plays in the biblical text. By giving continuity to the final writer’s thought and emphasis in theology, he argues that “the repeated word (phrase or line), motif, or theme which are often located in a strategic place, gives a clue to the structure of the corpus.” Commenting further on plot development of the biblical texts such as “the epic events associated with Exodus and with the covenant at Sinai,” Muilenburg observes:

In [biblical] narrative…repetition appears as a major stylistic feature used with a high degree of artistic skill, both because of its great variety and because of its power to relate speaker and hearer in the immediacy and concreteness of dialogue or bring them into participation with command words.

Building on Muilenburg’s insight about how repetition functions in biblical texts, a number of scholars have argued that repetition can be used by a final author intentionally to make patterns that organize narrative events to develop a plot. Alter, for example, says that biblical authors used repetition to constitute “a concerted whole.” Berlin specifies the further

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486 Muilenburg, “Repetition and Style,” 100.
487 Alter, *Biblical Narrative*, 88-113 (esp. 89, 95 and 99). Alter does not deny the historical-critical assumption
literary features - *leitwörter* and resumptive repetition - as ways in which biblical narratives set up relationships between narrative scenes.\(^{488}\) By regarding repetition as “a key to perception, to interpretation”\(^{489}\) of the Sinaitic narratives, Berlin argues that Exodus 20:18-21 is a resumptive repetition in terms of the narrative time sense; as part of the larger work of the whole Sinaitic narrative section, it presents the “onset of a new episode or a new development.”\(^{490}\)

In my own analysis of the Sinai Pericope, I will draw on the work of Sternberg and Fokkelman, who have used the literary dynamics of repetition in plot development to explain the progression of the entire literary corpus. In his attempt to explain how repetition constitutes literary coherence, Sternberg proposes a “multi-lateral principle of analogy” that considers both levels of narrative, “the level of plot” and “the thematic level.”\(^{491}\) According to Sternberg, the former is in charge of “the form of equivalences and contrasts between events, characters, and situations”\(^{492}\) and the latter is composed of “more abstract linkages: variations on a theme.”\(^{493}\) Sternberg argues that the multi-lateral components of analogy ultimately establish literary logic for the plot development by means of their “integral linkage.”\(^{494}\)

Fokkelman shifts the stress from similitude to “variations-within-repetition,” pointing out the


\(^{490}\) Berlin, *Poetics of Interpretation*, 128.

\(^{491}\) Sternberg, *The Poetics of Biblical Narrative*, 365-440 (esp. 365-8). Sternberg deals with the patterns by examining “the interplay of three structural logics,” repetition, similarity, and difference, on the principle of analogy. He demonstrates four levels constituting the structure of repetition: (1) “on the levels sound and linguistic,” (2) “on the level of plot,” (3) “on the thematic level,” and (4) “on the generic level.”


sophisticated play of the dialectics of repetition.\(^{495}\) In view of the dialectical interaction between similarity and difference, Fokkelman speculates about “the parallel pattern” or “the mirror-image articulation” which the corresponding elements elaborate.

Sternberg’s and Fokkelman’s synthetic theories can be applied to the Sinai Pericope. They effectively explain the thematic unity present in the two Sinaitic law collections. First of all, Sternberg’s analysis is useful to disclose the different narrative events and themes, on the one hand; the overarching theme of the entire Sinaitic narrative, on the other hand. Secondly, Fokkelman’s dialectic understanding of a text is also useful to synthesize various themes for the plot development of the Sinaitic narrative units which frame the legal materials.

### 4.1.2. Dialogue

Dialogue also plays a central role of organizing both narrative events and legal materials in the Sinai Pericope. The plot unfolds in the direct and indirect speeches between the characters (Yahweh, Moses, and the Israelites).\(^{496}\) The dialogues in the Sinai Pericope vary in terms of degrees of directness. In the Sinaitic narratives, the direct speeches of the major figures are represented in third-person narration, which links the direct speeches to the surrounding narratives.\(^{497}\) Meanwhile, the legal collections, which are framed by these narratives, function as instruction using a variety of styles of hortatory address:\(^{498}\) the Decalogue is Yahweh’s

\(^{495}\) Fokkelman, *Reading Biblical Narrative*, 114 and 121-2.


\(^{497}\) Alter, *The Art of Biblical Narrative*, 65. In regard to the perspective of biblical narrative, Alter asserts, “the third person restatement of what has been said in dialogue directs our attention back to the speakers, to the emphases they choose, the ways their statements may diverge from the narrator’s authoritative report of what occurs.”

\(^{498}\) Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1988), 163; and Bernard M.
direct speech to the Israelites, and the Book of the Covenant is Moses’ transmission of Yahweh’s words for the people.

4.1.2.1. The Sinaitic Narratives

The Sinaitic narratives centre on the theme of the covenantal relationship between Yahweh and the people of Israel. Yahweh’s proposal of the covenant to the Israelites and their response to it are mediated by Moses. Licht, Chirichigno, and Ann M. Vater call attention to the role of direct speeches in the plot of the Sinaitic narrative. Vater especially notes that the Sinai narratives are replete with the direct voices of Yahweh, Moses, and the Israelites. Based on her form- and rhetorical-critical approach Vater thus argues that the “commissioned messages” in Exodus 19:3-25 exhibit the following patterns: “double scene - a both commissioning and delivery” in verses 10-15 (Pattern I); a “commissioning scene - no delivery” in verses 16-19 (Pattern II); “delivery scene - no commissioning” in verses 19:20-25 (Pattern III); and “citation of message - neither a commissioning nor delivery scene” in verses 20-21 (Pattern IV).


Vater, “Narrative Patterns,” 365-7. By the term Vater means “direct speech in a specific narrative situation, in the first person of the sender [Yahweh], with second person reference to the addressee [Israel or Moses], sent from one party to the other by means of a messenger.” According to the definition of commissioned communication, Vater proposes eight patterns of commissioned communication presented in the Old Testament narrative, though she summarizes them into four types combining patterns: (1) double scene -both commissioning and delivery (Pattern I); (2) commissioning scene - no delivery (Patterns II, III); (3) delivery scene - no commissioning (Patterns IV, V); and (4) “citation of message - neither a commissioning nor delivery scene” (VI, VIII, and VIII).

Vater, “Narrative Patterns,” 367. According to Vater, the double scene pattern consists of “Commissioning Scene (Message) + Delivery (Message).” In this pattern, “the message is narrated twice; once in the situation of its commissioning, and again in the situation of its delivery.” This pattern may occurs in three variations:

- C (M) + D (M): the messages are identical.
- C (M) + D (M’): one message is a slight modification of the other.
- C (M) + D (M’’): two different wordings of the same message.
delivery” in verses 3-7, 8-9, and 20-25 (Pattern II); and a “grandiose presentation of Moses and God speaking together through the thunder” in verses 16-19. Vater thus posits a coherent view of the plot development by means of the formal and rhetorical characteristics of the direct speeches.

What is to be noted at this point is not merely the presence of the patterns of the commissioned messages but rather their function for the plot of the Sinaitic narratives. While Vater does not reject the view that Exodus 19 (esp. 19:10-15, 23) is a puzzling text in which various sources and traditions are mixed together, she exhibits the work of the final writer as one whose “words are directed to an audience greater than the immediate group in the story, or than the first generations which heard the story.” In Vater’s first pattern, which represents a double scene of commissioning, “the sender’s voice [Yahweh’s speech] is eclipsed in the varying words of the messenger’s delivery [Moses’ speech],” and this shifts to the scene of the delivery of the commissioned message. Meanwhile, in her second and third patterns, the emphasis of the commissioned message is on the addressees. Consequently, Vater concludes that “on the more synchronic level of final narration,” the messenger’s [Moses’] voice is swallowed up by the words of the sender [Yahweh] which are

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503 Vater, “Narrative Patterns,” 367. Vater explains her second pattern of the commissioned communication:

\[
C (\text{M}) + \text{Dd (delivered): the message is narrated in the situation of its commissioning, and a brief notice of its deliverance is added.}
\]

In Vater’s classification of commissioned communications, Ex 19:3-8 can be categorized as an instance of the second pattern. It introduces the initial dialogue, a “commissioned oracular communication” between Yahweh and the people of Israel as mediated by Moses. Although there is no messenger formula, a first-person reference to the sender is used in this dialogue.

504 Vater, “Narrative Patterns,” 367.

505 Vater, “Narrative Patterns,” 370-1.


508 Vater, “Narrative Patterns,” 373.
directed to the addressees [the Israelites].

Vater’s proposal, however, does not adequately explain the literary coherence of all of the Sinaitic narratives. Although Vater convincingly demonstrates the role of commissioned communication between characters within Exodus 19, the other direct speeches presented in the fourth and fifth narrative units (20:18-21 and 24:1-11) do not fit the narrative patterns that she identifies. In the fourth narrative unit (20:18-21), for example, there is a brief dialogue between the obedient but frightened Israelites and Moses (20:19b-e, 20b-f) as the Israelites make the request for Moses’ mediation. Moreover, although the direct speeches (between Yahweh and Moses in 24:1b-2c and between the Israelites and Moses in 24:3ef) in the fifth narrative unit (24:1-11) form a double scene of commission (Vater’s Pattern I), Vater does not think that the direct speeches between Moses and the Israelites in 24:4-8 (esp. 7d-f and 8d) constitute a commissioned communication. In her view, they are included in the third-person narration of the ratification of the covenantal relationship between Yahweh and Israel.

To better understand the literary coherence of the Sinai Pericope, it is necessary to invoke the narrative aspect of time sense. Below I will show how time sense can succeed in forming the unity of the narratives in a way that mere patterns do not. But before discussing time, it is important to examine one further aspect of the dialogue in the Sinaitic narratives: the content of the dialogue itself as represented in the Decalogue and the Book of the Covenant.

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509 Vater, “Narrative Patterns,” 373.
510 Vater, “Narrative Patterns,” 375.
4.1.2.2. The Sinaitic Law Collections

In the Decalogue and the Book of the Covenant, the narrator’s role is reduced as the focus shifts to the voices of Yahweh and Moses. Apodictic law formulations, which take the form of direct second-person address, generate an immediate and urgent hortatory tone. This is evident as Yahweh commands or prohibits; as Watts points out, “[h]earers and readers are likely to feel directly addressed and therefore obliged to respond.” The laws in the Book of the Covenant are also Yahweh’s words but delivered to the Israelites through Moses’ mediation in the style of his personal instruction. Its cultic frames (20:23-26; 23:10-19) encase the central part, the third-person casuistic legislation (except 21:12-17, which is participially formulated). Yet the prohibitions and ethical commands regarding social responsibility for the vulnerable in 22:20-26 and the laws of admonitions regarding judges, first-fruits, and holiness in 22:27-23:9 are formulated as direct second-person address.

Second, the casuistic laws contained in the Book of the Covenant also present thematic coherence that encompasses various themes of civil laws in 21:1-22:16 (except 21:12-17, which is formulated participially). Bator suggests that casuistic laws present speech events in two ways, “telling” and “showing,” to dramatize scenes of legal cases. Readers are then left to imagine a case’s narrative reality. As Bator pertinently concludes, through the impersonal narration of the casuistic laws formulated by direct and indirect speeches, or combined speeches of both, the final author reflects “the style,” “position,” and “ethical or

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511 Watts, Reading Law, 64.
512 See my structural analysis and exegesis especially of the Book of the Covenant as shown in Chapter 4.
515 Bator, Reading Law as Narrative, 85-117 and 125-7. Bator illustrates how the narrative reality functions as a mode of communication for the casuistic laws, and how they affect the reader especially in direct speeches and
legal perspective of the lawgiver,” as well as “voices of the characters.” All of these illuminate the “engagement of the divine lawgiver and his concern for the welfare” of the covenant people.\footnote{516}

In summary, the dialogues which represent the direct or indirect speeches between Yahweh, Moses, and the Israelites provide a hint as to the relationship between the Sinaitic narratives and the law collections. Indeed, it allows us to see the Sinai Pericope as a tangled mix of law and narrative. Let us then turn our attention to narrative time sense, and to its possible solutions to the chronological problems created by the repetition of Moses’ vertical movements up and down the mountain.

\subsection*{4.1.3. Time Sense}

The mountain setting for the Sinai Pericope connects events on the mountain and events below the mountain.\footnote{517} The narrative events of Yahweh’s theophany on the mountain in 19:3b-8, 20:18-22, 24:3-8 lead to the ratification of the covenant relationship between Yahweh and Israel. Both events on and below the mountain mark the development in the plot and clarify Moses’ role as mediator.\footnote{518}

\footnotetext{516}{Bator, \textit{Reading Law as Narrative}, 127.}
\footnotetext{517}{Dozeman, \textit{God on the Mountain}, 12-9, 145-6, 197-9; and Hauge, \textit{The Descent from the Mountain}, 21-96.}
\footnotetext{518}{Booij, “Mountain and Theophany,” 1-26; Van Seters, \textit{The Life of Moses}, 254, and 266-7; and Hauge, \textit{The Descent from the Mountain}, 21. As this thesis has explored in the previous chapters, many critics like Booij and Van Seters have attempted to see these literary ambiguities as tradition- or redaction-historical categories. However, Hauge, drawing upon Alter, Sternberg, and Dozeman argued that the mode of repetition can also be regarded as a literary technique. This study is basically in agreement with Hauge’s argument, and it will provide a literary analysis of the structure of the canonical shape of the Sinai Pericope.}
However, as I pointed out previously in Chapters 1 to 3, Moses’ ascents to and descents from the mountain create problems in the narrative’s chronology. Scholars still debate about the number of Moses’ ascents and descents. Indeed, quite similar narrative events related to theophany are described repeatedly in Exodus 19. Although Moses already assumes his role as mediator in narrative units one to three (19:3-25), his mediation is again asked for and confirmed by the Israelites in the fourth narrative unit (20:18-21) after the Decalogue is given to the people in the voice of Yahweh and before the Book of the Covenant is delivered to them through Moses. Furthermore, while the fourth narrative unit describes Moses staying below the mountain during the people’s experience of the theophany, the fifth narrative unit (24:1-11) begins with a scene describing Moses’ encounter with Yahweh on the mountain.

Concerning the problems of narrative time sense and the repeatedly changing space provoked by Moses’ frequent movements on the mountain, scholars such as Todorov, Shimeon Bar-Efrat, Ricoeur, Boris Tomashevsky, E. M. Forster, Miek Bal, and Brian Richardson have suggested that the time sense of plot should be distinguished from that of story. In other words, unlike the chronological sequence of events in a story, narrative events in a plot are arranged and connected according to their narrative logic. This means that the “unchronologically” arranged narrative sequences and legal materials within the Sinai Pericope do not necessarily disturb its literary coherence.

519 Bar-Efrat, Narrative Art, 141-2; Forster, “Story and Plot,” 71-3; Ricoeur, “Narrative Time,” 36-7; Todorov, Introduction to Poetics, 41-59; Tomashevsky, “Story, Plot, and Motivation,” 164-78; Amit, Reading Biblical Narratives, 47; H. Porter Abbott, “Story, Plot, and Narration,” in The Cambridge Companion to Narrative, 39; Bal, Narratology, 8; and Brian Richardson, “Time, Plot, Progress,” in Narrative Theory: Core Concepts & Critical Debates, eds. David Herman, Robyn Warhol, and et al, TINS (Columbus: The Ohio State University Press, 2012), 77. For example, Richardson points out the fundamental distinction between the fabula and the sjuzhet: (1) the story (fabula) “that one derives from the text”; and (2) the plot (sjuzhet) is “the presentation of that story in the order that it appears in the text.”
Moreover, Ricoeur and Tomashevsky argue that the temporal structure of a narrative corpus shaped by plot constitutes a thematically coherent literary whole, even though it may present distinct themes.\(^{520}\) Indeed, although the Sinai Pericope represents diverse themes, it has the overarching theme of the establishment of the covenant between Yahweh and Israel. But it is still to be asked how Exodus 19:1-24:11 coheres literarily in terms of time sense.

Concerning this question, I would like to draw upon theories about the literary functions of time sense proposed by Amit and Bal. Agreeing with the view that plot reflects the authorial intention of organizing narrative events or literary units to form the overall structure of the text, Amit argues that repetition and dialogue are two ways of “extending” the time span\(^ {521}\) by which narrative events or literary units may be “unchronologically” arranged.\(^ {522}\) She points out that they also play key roles in plotting the “closest match between the time of narration and the narrated time” and point to the main theme in a biblical text.\(^ {523}\) Furthermore, she distinguishes two kinds of time sequences, *analepsis* and *prolepsis*,\(^ {524}\) both of which are

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\(^{520}\) Ricoeur, “Narrative Time,” 37; and Tomashevsky, “Stoy, Plot, and Motivation,” 165. By the term “motif” Tomashevsky means “a thematic unit.” Concerning the thematic whole constituted by means of motifs, Tomashevsky writes:

> [T]he story is the aggregate of motifs in their logical, casual-chronological order; the plot is the aggregate of those same motifs but having the relevance and the order which they had in the original work. The place in the work in which the reader learns of an event, whether the information is given by the author, or by a character, or by a series of indirect hints – all this is irrelevant to the story. But the aesthetic function of the plot is precisely this bringing of an arrangement of motifs to the attention of the reader. Real incidents, not fictionalized by an author, may make a story. A plot is wholly an artistic creation.


\(^{522}\) Amit, *Biblical Narratives*, 47.


\(^{524}\) Amit, *Biblical Narratives*, 110-4. While introducing Rimmon-Kenan’s definitions of *analepsis* and *prolepsis*, Amit postulates how significant and functional are these two categories of narrated time in the biblical narrative. Firstly, Rimmon-Kenan’s definition of *analepsis* is “a narration of the story-event at a point in the text after later events have been told [through which] the narration returns, as it were, to a past point in the story.” Thus Amit asserts that the biblical narrative’s postponement of an event by virtue of the *analepsis*, “a theological sequence,” is functional to emphasize or focalize on a particular narrative “situation or idea” (111). Secondly, according to Rimmon-Kenan, *prolepsis* is “a narration of a story-event at a point before an earlier event has been mentioned…taken as an excursion into the future of the story.” Amit argues that *prolepsis* assuages a certain “suspense” in the narrative while replacing the reader’s question, “what will happen next?” with the
observable in the Sinai Pericope.

Like Amit, Bal recognizes repetition as a literary feature related to dialogue and time sense, which work together to form a plot. In addition, Bal notes “deviations or anachronies” created by the chronology of narrated events. In her view, the chronological problems can be explained by means of flashback, or resumptive repetition; such references weave “different threads of a fabula together to form a coherent unity.” However, Bal further argues that deviations or anachronies together with other narrative aspects may constitute elaborate parallelism that turns readers’ attention from chronological sequence to logical sequence. This switch of concern opens up a new interpretation of the Sinai Pericope as a literary whole by virtue of the parallelism of the time sense, analepsis or prolepsis, found in its literary units.

In Chapter 2, I introduced various synchronic explanations of the chronological problems created by Moses’ repeated vertical movements up and down the mountain related to his mediatory role. At that time, I did not agree with Sprinkle’s assigning resumptive repetition to every case of repetition in the Sinai Pericope. In addition, I rejected Dozeman’s view that plot is subordinated to time sense. Nonetheless, it is plausible to consider the fourth narrative question, “how is it going to happen?” (112). For Rimmon-Kenan’s definitions of the two categories of narrated time, see, Narrative Fiction, 46.

As shown in Chapter 2, many interpreters have attempted to solve the textual irregularities of the Sinai Pericope by means of these literary devices. For example, Sprinkle, Miller, Lipton and many others build on Berlin, Alter, and Licht’s theories regarding the resumptive repetition; and Dozeman draws upon Todorov, Wellek, Smitten and Daghistany for the spatial-forms. Although it is worth noting their various literary insights into the text, I would like to point out the fact that the convoluted complex of the text is too complicated to explain with those techniques alone.
unit in 20:18-21, located between the Decalogue (20:1-17) and the Book of the Covenant (20:22-23:33), to be a resumptive repetition linking the first and third narrative units in terms of Moses’ ascending and descending the mountain to mediate the covenant between Yahweh and the Israelites.

Based on this broad understanding of the temporal structure of the overall Sinai Pericope, the time sense of each literary unit can be reassigned. Beginning with the four-fold chronological notice in 19:1-2, which recalls the Israelites’ past exodus event, the first to third narrative units (19:3-8d, 8e-20a, 20b-25) formulate a series of *analepses* relating themselves to the earlier narrative events, the divine revelation and the past exodus event. The final author thus intended readers of the fourth narrative unit to refer back to the events that happened in the first through third units, particularly Yahweh’s voluntary proposal of making a covenant with the Israelites, their preparation for the theophany, and Yahweh’s theophany itself.

At the same time, however, the fourth narrative unit (20:18-21) functions as a *prolepsis* anticipating the narrative sequence reached in the fifth unit (24:1-11). It raises the readers’ concern for what is going to happen as a result of Moses’ trips up to and down from the mountain to prepare for the theophany and to deliver Yahweh’ sayings to the people. Unlike the *analepsis*, which demonstrates what Amit calls “theological sequence” emphasizing a particular “narrative situation or idea,” the *prolepsis* works to confirm the covenant between Yahweh and the Israelites based on their promise to obey the words of Yahweh in the fourth unit. From the perspective of this narrative time sense then the Sinaitic narratives can then be read as a series of narrative events which are intentionally arranged not chronologically but rather in accordance with the final author’s literary and theological

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purpose to present the overarching theme of the text.

Meanwhile, the Decalogue (placed between the third and the fourth narrative units) and the Book of the Covenant (between the fourth and fifth narrative units) formulate the time sense of *prolepsis* as they shift the focus from ‘what happened?’ to ‘what is going to happen and how it will happen?’

Whereas the *analepses* of the first four narrative units retrospectively recall the divine theophany and Yahweh’s covenant proposal to the Israelites, the two law-collections anticipate how the covenant will be ratified, as described in the fifth narrative unit. Furthermore, the narrative-like sanctions delivered by Moses to the Israelites in 23:20-33 function as “an excursion into the future of the story,” anticipating the Israelites’ life in the Promised Land.

The chronological problems created by Moses’ repeated ascending and descending the mountain, therefore, need not be regarded as evidence for the literary incoherence of the Sinai Pericope. Rather, the entire Sinai Pericope contains a parallel structure in terms of the different time senses, *analepsis* and *prolepsis*. The Israelites’ past and future are combined in the literary corpus by virtue of the time sense, and both focalize the overarching theme of the establishment of the covenant between Yahweh and the people of Israelites. By this means Moses’ movements up and down the mountain ultimately constitute the literary coherence of the Sinai Pericope.

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4.2. Characterization

Together with repetition, dialogue, and time sense, characterization also takes part in constructing a literary corpus. It engenders relevant images of the major figures that either trigger the narrative event or are created through it.\(^{533}\) David M. Gunn and Danna Nolan Fewell argue that characters are portrayed by means of “literary convention and primitive imagination.”\(^{534}\) Scholars have discerned various types of characterization in biblical texts. Berlin, for example, speaks of the “direct characterization” that is achieved by the narrator or one of the characters and the “indirect characterization” that is built up by the characters’ discourse and conduct.\(^{535}\) Alter proposes three levels of characterization: (1) in the lowest level, “the realm of inference,” the figure is characterized through his or her conduct; (2) the middle level weighs the “claims” and “relative certainty” of the characters’ own statements; and (3) the top level contains “the reliable narrator’s explicit statements.”\(^{536}\) Bal speaks of the “filling in and fleshing out” of characters.\(^{537}\) She suggests that some “relevant semantic axes” related to important narrative event(s) can be established by “binary opposition” (e.g., “rich-poor,” “kind-unkind,” and “positive-negative”) or “reactionary-progressive” (e.g., “active-passive-intermediary”), and so forth.\(^{538}\) However, to avoid any reductionism of characters’ relevant characteristics, Bal posits that the connections or discrepancies between characters in terms of qualifications should be studied.\(^{539}\)


\(^{539}\) Bal, *Narratology*, 130-1.
The three major figures in the Sinai Pericope—Yahweh, the Israelites, and Moses—are characterized in a composite way. The characterization of these characters fits well with the second exemplary model provided by Bal (Yahweh - active, the Israelites - passive, and Moses - intermediary). Berlin’s insights are also useful. For Berlin, characterization is achieved by virtue of conduct and dialogue both in the Sinaitic narratives (mainly through the third-person narration) and the law collections.

In Alter’s view, at the lowest level in which figures are characterized by their own conduct, Yahweh communicates with the Israelites by revealing his divine presence, speaking, and giving them the law; Moses is the messenger who keeps ascending and descending the mountain to deliver Yahweh’s words to Israel and Israel’s response to Yahweh; and the Israelites passively receive and respond to Yahweh’s words. In the middle level, which is based on a character’s own statement, Yahweh emerges as the God who is attentive to his people’s religious and civil life; Moses as mediator conveys to them the words of Yahweh; and the Israelites promise to be obedient to Yahweh’s words. At the top level, which is determined by the narrator’s narration, Yahweh offers voluntarily a covenantal relationship to the Israelites based on his compassion, and he gives the laws of the covenant to them; Moses prepares for the divine theophany and gives instructions concerning the laws while mediating the covenant; and the Israelites respond to Yahweh by entering into a covenantal relationship with Yahweh.

As shown above, there are different ways of characterizing Yahweh, the Israelites, and Moses. The question then arises as to whether these characters within the Sinai Pericope.

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are consistent across the pericope’s literary genres.\textsuperscript{541} In answer to the question, many scholars have suggested that characterization of figures in biblical literature can indeed cross literary genres.\textsuperscript{542} In the case of the Sinai Pericope then, both law and narrative reveal the characters of Yahweh, the Israelites, and Moses.

In Watts’ opinion, which I find most convincing, characterization is achieved on the basis of the canonical relationship between the Sinaitic narratives and the two law collections.\textsuperscript{543} The Sinaitic narratives allude to the divine figure, Yahweh, who authoritatively gives law based on the Israelites’ past exodus event and speaks to or instructs the people regarding the law (true of both Yahweh and Moses). Meanwhile, the apodictic laws addressed in direct second-person within both law collections assume the relationship between the lawgiver (Yahweh) and the addressees (the Israelites). Finally, the motive clauses of the casuistic laws in the Book of the Covenant link the laws not only to the preceding narratives depicting Yahweh as the God of the exodus and but also to the narrative-like sanctions in 23:20-33, which illumine the lawgiver’s “willingness to enforce their provisions.”\textsuperscript{544}

Each of the characters in question--Yahweh, Moses, and Israel--deserves a closer look. In the

\begin{itemize}
\item 205 (Sheffield: Sheffield Academic Press, 1995), 187-211 (esp. 187); and Bator, \textit{Reading Law as Narrative}, 23.
\item Savran, Clines, Eslinger, and Bator emphasize the narrator’s role of identifying lawgiver and lawspeakers. However, such an emphasis on the narrator’s role, as Watts points out, rules out “the tension between a narrator’s description and a character’s self-presentation” and thus neglects the words of Yahweh. I concur with Watt’s argument that Yahweh is the lawgiver, even though the personality of the lawgiver can be diversely characterized by the narrator. For Watts’ argument, see Watts, \textit{Reading Law}, 89-93.
\item For example, Hanson, “Theological Significance,” 110-31.
\begin{quote}
[T]he Pentateuch presents two speakers of law, one divine (YHWH) and the other human (Moses), and depicts all law as direct speech quoted by a third-person narrator [as delivered by Moses to the people of Israel]…the major blocks of the Pentateuch’s discourse are divided among three voices. On the surface, it would seem that voicing has little effect, for only YHWH and Moses give the law (the narrator never does), and Moses acts as God’s messenger. So Yahweh is really the only source of law.
\end{quote}
\item Watts, \textit{Reading Law}, 91.
\item Watts, \textit{Reading Law}, 91.
\end{itemize}
following section, we will look at these characters in the context of their roles in the main theme of the entire Sinai Pericope, insofar as they participate in the establishment of the covenant. Specifically, we will examine Yahweh as the covenant-proposer, Moses as the covenant-mediator, and the Israelites as the covenant-addressees.

4.2.1. Yahweh as the Covenant-Proposer

The Sinaitic narrative accounts of Yahweh’s conduct and speeches in third-person narration reveal his character. The law collections explicitly enhance his character as the covenant-proposer. The motif of the exodus event, which is continuously repeated in the motive clauses of various laws (20:1-2; 23:9,18-19; cf. 19:1-2, 4), implies Yahweh’s nature (e.g., 22:20-27) as well.

While laws may be considered to be “substitutes for or preliminaries to deeds,”\textsuperscript{545} Bakhtin and Patrick assert that the laws elaborated as commandments, motivated by Yahweh’s act of creation (e.g., 20:10-11; 23:12) and exodus, add an authoritative dimension to his character.\textsuperscript{546} Watts argues further that the commandments function as a “performative utterance” that establishes a narrative reality in which the Israelites should obey the commands because of their covenantal relationship with Yahweh. Yahweh, the “lawgiver,” proposes the covenant (19:5), and the Israelites, the “addressees of the laws,” accept it (19:8).\textsuperscript{547}

\textsuperscript{545} For example, Sternberg, \textit{The Poetics of Biblical Narrative}, 157. Nevertheless, like Bakhtin, Patrick, and Watts below, Sternberg also note various functions of commandments such as “performatives, forecasts, commands, and admonitions.”


\textsuperscript{547} Watts, \textit{Reading Law}, 94-6.
The laws themselves elaborate specific characteristics of Yahweh. First of all, as Patrick and Watts convincingly point out, the first commandment of the Decalogue addresses Yahweh’s unique position (20:3), and other laws in the Decalogue and the Book of the Covenant introduce his various concerns. Furthermore, Watts, drawing upon Thomas Mann, claims that repetition of content plays a crucial role in characterizing Yahweh as lawgiver. The most explicit characterizations of Yahweh in the law collections focus on his divinity—notably, laws concerning Israel’s exclusive worship, the Sabbath, and the cultic calendars.

Often claims of Yahweh’s divinity (e.g., Ex 20:2) are related to his royal position. The narrative account in Exodus 19:3-8, which describes Yahweh’s first proposal of the covenant relationship to Israel, contains his promise in 19:6 that Israel will be a kingdom of priests and a holy nation before Yahweh. The claims to his divinity also serve to establish various social-civil concerns concerning Yahweh, the divine royal ruler, even though none of the Sinai narratives and the law collections call him a king.

It is well known that many scholars have attempted to discern parallels in content and theme between ancient Near Eastern law codes and treaties and the Pentateuchal laws. They have proposed numerous theories regarding the prehistory of the composition of the Sinaitic law collections. They note, for example, that both Mesopotamian law codes and Israel’s law collections emphasize the promulgator’s concern for social justice.

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548 Dale Patrick, “Is the Truth of the First Commandment Known by Reason,” *CBQ* 56 (1994): 423-41 (esp. 427); and Watts, *Reading Law*, 97. Although Watts argues that the first commandment should not be regarded as “prior covenantal commitments,” it is well harmonized with Yahweh’s voluntary covenant proposal to the Israelites before the law is given to them in Ex 19.


However, it should also be noted that the inextricably tangled mix of religious and civil laws in the Decalogue and the Book of the Covenant is “unparalleled” in the ancient Near East.\footnote{\textit{Watts, Reading Law, 99.}} Yahweh’s revelation (20:5; 22:26) characterizes him as the covenant-proposer who is concerned with more than the ancient ideal of social well-being.

\subsection*{4.2.2. Moses as the Covenant-Mediator}

Moses also attests to the divinity of Yahweh as the covenant-proposer who gives the law to the Israelites. At Sinai, Moses not only mediates Yahweh’s divine theophany and its related direct speeches, but he also instructs the Israelites regarding the contents and conditions of the covenant relationship between Yahweh and the people. As noted in Chapter 1, many critical scholars have proposed theories about the compositional history of the discrepant narrative descriptions of Moses’ office as mediator.\footnote{I already summarized scholarship on the matter of the canonical order in Chapter 1. For an overview of relatively recent scholarly views on the matter, see Reinhard G. Kratz, \textit{The Composition of the Narrative Books of the Old Testament} (New York: T&T Clark, 2005), 144-5; Michael LeFebvre, \textit{Collections, Codes, and Torah: The Re-characterization of Israel’s Written Law}, LHB 451 (New York: T&T Clark, 2006), 25-8; David P. Wright, \textit{Inventing God’s Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi} (New York: Oxford University Press, 2009), 332-44; and Thomas Kazen, \textit{Emotions in Biblical Law: A Cognitive Science Approach} (Sheffield: Sheffield Phoenix Press, 2011), 57-61.} The fourth narrative unit (20:18-21) contains the people’s request for Moses’ mediation because they fear the supernatural phenomena that accompany the theophany following the giving of the Decalogue. However, in the first to third narrative units in Exodus 19, Moses has already mediated Yahweh’s direct speeches and the divine theophany before the Decalogue is given in Exodus 20:1-17. In any case, the final form of the Sinai Pericope presents Moses as covenant-mediator.

Although many critics have attempted to solve the question of whether Moses can be regarded as an example of Israel’s ideal king,\footnote{\textit{Coats, Moses, 198; Van Seters, Life of Moses, 462-3; Fishbane, Biblical Interpretation, 244-5; and Watts,}} Boecker and Watts point out that no Israel
The Book of the Covenant describes the ideal king as a judge of the royal court based on Yahweh’s own nature (e.g., 22:20-26; 23:6-9). By this Watts argues that the Book of the Covenant and the surrounding narratives claim that Moses has a “delegated authority” to deliver the laws to the Israelites, ultimately in order to mediate the covenant made between Yahweh and the people. Indeed, the Sinaitic narratives disclose two origins of the authority in the third-person narration: Yahweh’s direct speech to Moses in the second narrative unit (19:9) and the people’s direct speech to Moses requesting the mediation in the fourth narrative unit (20:18-21, esp. vv. 18-19).

The delegated authority (which Watts thinks is doubly authorized) highlights Moses’ prophetic role. The prophetic characterization of Moses is achieved by virtue of his role as proclaimer and teacher of the law. Concerning this characterization, some critics wonder why the messenger formulas normally found in the beginning of Yahweh’s oracles in the prophetic books (cf. Jer 1:2; Mi 1:1) do not introduce the laws in the Book of the Covenant. Moreover, as Vater notes, when Moses delivers Yahweh’s oracles to the Israelites in the commissioned communication scenes within the Sinaitic narratives, no brief notice of its deliverance is added, even though the message is narrated in the situation of its commissioning.

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Reading Law, 109-12.

555 Boecker, Law and the Administration of Justice, 41-3; and Watts, Reading Law, 110-1.

556 Watts, Reading Law, 112.

557 Watts, Reading Law, 112-6. Actually, Watts postulated Moses’ characterization in terms of two aspects, “the voice of a prophet” and “the voice of scribe,” noted in the whole Pentateuch.

558 David N. Freedman, “The Formation of the Canon of the Old Testament,” in Religion and Law: Biblical-Judaic and Islamic Perspectives, eds. Edwin B. Firmage, Bernard G. Weiss, and John W. Welch (Winona Lake: Eisenbrauns, 1990), 315-31 (esp. 26-31); and Watts, Reading Law, 114. Whereas Freedman points out the “uniqueness of the Torah” based on its prophetic origins, Watts thinks that the Pentateuchal rhetoric is not in line with the “prophetic origins of law.”

559 Vater, “Narrative Patterns,” 366-7. The analysis of the Sinaitic narrative units (I-V) in terms of Vater’s patterns of the commissioned communication are introduced in the previous section on “Dialogue” in this
In spite of these observations, what Moses does in preparing the Israelites for the divine theophany matches the profile of a biblical prophet in the Pentateuch, especially in Deuteronomy. He instructs them regarding the laws and delivers the words of Yahweh to them. In many regards the larger context of the Sinai Pericope in Exodus supports the characterization of Moses as prophet. Moses’ prophetic characterization is enforced by the frequent use of the messenger formula—"הוּא יִרְדֵּנָה—" in the narrative account of the first commission of Moses (e.g., 4:22), the so-called plague narrative section (5:1; 7:17, 26; 8:16; 9:1, 13; 10:3; and 11:4), and the legal section concerning building the sanctuary delivered by Moses (32:27). Moreover, Aaron’s role of mediating Moses’ words to the people in 4:15 indirectly supports Moses’ role as prophet. In the epilogue of the Book of the Covenant (23:20-33), which looks to the future life of the Israelites in the land of Canaan, Moses pronounces blessings and curses, which can be viewed as “the prophetic threat and promise.” This characterization of Moses as prophet found in the Sinai Pericope is also seen in the plague narratives (Ex 7:1-14:31, esp. chs.12-13), wilderness wandering narratives (Ex 15:22-18:27), and golden calf narratives (Ex 32-34) to which we will return in Chapter 5.

4.2.3. The Israelites as Covenant-Addressees

The Sinaitic narratives present the Israelites, who gathered and camped at Sinai in the third month after they went out from Egypt (19:1-2), as the covenant-addressees. In its present placement, the Decalogue is addressed directly to the covenant community, and the Book of the Covenant is delivered to the community by Moses (20:22; 21:1).

560 Childs, Exodus, 355; and Watts, Reading Law, 113-4.
562 Watts, Reading Law, 114-5.
563 Watts, Reading Law, 124.
In addition, the exodus motif, which functions as one of the crucial motives for the covenant, also characterizes Israel. In the first narrative unit (19:3-8), which begins with the motif, Israel is characterized as a kingdom of priests and a holy nation (19:6). The exodus motif signifies Yahweh’s victory against Pharaoh and the Israelites’ obligation to obey the covenant laws throughout the Sinai Pericope. Watts thus underscores its decisive effect:

[T]he exodus has obligated Israel to YHWH, the people also obligate themselves by agreeing in advance to the covenant stipulations (Ex 19:8; 24:3). Making or keeping the covenant therefore distinguishes Israel as YHWH’s, and defines the people as ‘holy’ in the basic sense of ‘dedicated, set apart’ for God. The ‘kingdom of priests and holy nation’ (Ex 19:6) must be trained by the covenant’s laws for divine service.  

This observation leads to the significant notion that the laws are embedded in the larger narrative context in such a way that the Israelites are characterized as the people in covenantal relationship with Yahweh, not vice versa.  

Concerning the characterization of the people of Israel, however, interpreters such as Patrick, Stahl, Dozeman, and Hamilton propose that the sanctions narrated as the epilogue of the Book of the Covenant (23:20-33) imply that the people who made the covenant relationship will break it by disobeying the covenant stipulations.  

Watts further argues that the religious and civil laws in the law collections “echo” the characterization of the Israelites in the wilderness as “a rebellious people.”  Indeed, the Israelites’ complaints about food and water and their rebellious behaviour during the journey in the wilderness (Ex 15:22-18:27) lead to salvific deeds done by Yahweh before their arrival at Sinai. The characterization of the Israelites as a rebellious people, before and after they are characterized as the covenant


addressees, thus serves to enhance the characterization of Yahweh as the covenant-proposer. The striking contrast in nature between these two covenant parties is also described in Exodus 32-34.
The Literary Coherence of the Sinai Pericope in Exodus 19:1-24:11

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### Plot Development in terms of Repetition

**Motifs**
- The exodus event (v.1, v.4)
- Calling (3bc, 7a)
- Speaking (3df, 6, 7da)
- Seeing (4d)
- Hearing (9c, 19a)
- Speaking (8e, 9a, 9f, 10a, 15a, 19bc)
- Trembling with fear (16e)
- Calling (20b)
- Speaking (21a, 23a, 24a, 25b)
- The exodus event (v.2)
- Speaking (1a)
- Creation (vv.8-11)
- Seeing (18ab)
- Speaking (vv.19-20)
- Trembling with fear (vv.18-20)
- The exodus event (22:20; 23:9, 15; 18:19)
- Creation (23:10-12)
- Speaking (21a, 5a; 22:8b, 22a)
- Hearing (23:21, 22)
- Speaking (v.1, v.3, v.8)
- Writing (v.4)
- Public reading (7a)
- Hearing (7b)
- Seeing (10a, 11b)
- Eating (11c)
- Drinking (11d)

**Moses’ Movements**
- ascent (3a)
- descent (7a)
- ascent (8e)
- descent (14a)
- ascent (20c)
- descent (25a)
- x
- x
- ascent (21bc)
- x
- x
- descent (23a)
- ascent (9a)

### Plot Development in terms of Dialogue

**Speeches**
- SYM (19:3de)
- SYP (19:4)
- SYM (19:5-6)
- SYM (19:9b-e)
- SMY (19:9f)
- SYM (19:10b-13i)
- SMP (19:15b-e)
- SYM (19:20b-22b)
- SMY (19:23b-d)
- SYM (19:24b-d)
- SMP (19:25b)
- SPM (20:19b-c)
- SMP (20:20b-f)
- Moses’ mediation of Yahweh’s words as instruction (SMP)
- SYM (24:1b-2c)

### Plot Development in terms of Time Sense

**Chronology**

**Themes**
- Yahweh’s proposal of the covenant relationship to Israel
- Israel’s response to Yahweh’s proposal & Yahweh’s theophany
- The aftermath of Yahweh’s theophany
- Culric and Social horizons
- The people’s fear & Moses’ role of mediation
- Applications of two horizons of the Decalogue
- The ratification of the covenant relationship between Yahweh and Israel

**Overarching Theme**
- Establishment of Covenant Relationship between Yahweh and the People of Israel

**Characterizations**
- Yahweh as the covenant proposer
- Moses as the covenant mediator
- The people of Israel as the covenant addressees

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568 Except Ex 20:1-2, 9-11.
569 Except Ex 23:30-33.
4.3. Summary of Findings

The tangled mix of law and narrative in the Sinai Pericope forms its literary coherence in terms of plot. The narrative framework of the law collections places the Decalogue (20:1-17) between the third narrative unit (19:20b-25) and the fourth (20:18-21) and the Book of the Covenant (20:22-23:33) between the fourth and the fifth (24:1-11) in a larger narrative context. In other words, plot development links the law and narrative in the Sinai Pericope together.

One may view the various units of the Sinai Pericope as unchronologically placed episodes that interrupt the thematic unity of the literary corpus. However, the final author used repetition and dialogue as organizing principles for the plot to create the literary logic of this work. In addition to repetition and dialogue, the time sense of the narrated events (understood through the plot development rather than as the order of the events in a story) contributes to the constitution of the relationships among the literary units. The characters of the three major figures in the Sinai Pericope are also defined through the plot development: Yahweh as the covenant-proposer who gives law; the people of Israel as the covenant-addresses who promise to keep the laws; and Moses as the covenant-mediator who prepares the people for the divine theophany and instructs them regarding the laws.

To conclude, the Sinai Pericope is a complexly-designed literary corpus which presents literary coherence in terms of plot development by virtue of repetition, dialogue, and the subordinate role of time sense. As a consequence of its literary coherence, the Sinai Pericope is able to present the overarching theme of the establishment of the covenant between Yahweh and Israel, which encompasses the diverse themes presented in the Sinaitic narratives and law collections. This conclusion points to the question of the canonical relationship of the
Sinai Pericope to other sections of Exodus with respect to its literary traits, themes, motifs, and the characterizations of Yahweh’s nature.
Chapter 5

The Intermingling Mix of Law and Narrative: A Canonical Force in Exodus

Canonical analysis focuses its attention on the final form of the text itself. It seeks neither to use the text merely as a source for other information obtained by means of an oblique reading, nor to reconstruct a history of religious development. Rather, it treats the literature in its own integrity....To take the canonical shape of these texts seriously is to seek to do justice to a literature which Israel transmitted as a record of God’s revelation to his people along with Israel’s response.⁵⁷⁰

Childs

It is time to turn our attention to the canonical relationship of the Sinai Pericope in Exodus 19:1-24:11 to other literary units in the book. In Chapter 1, we examined a variety of critical approaches to the problems of the textual irregularities found in the Sinai Pericope. Such irregularities make it difficult to determine the canonical dividing markers of the Book of Exodus.⁵⁷¹ More recent synchronic approaches to the study of Exodus, however, have presented a variety of new ideas about the shape of Exodus,⁵⁷² and even of the Pentateuch⁵⁷³ and Enneateuch.⁵⁷⁴ Scholars using both diachronic and synchronic methods have provided significant insights into the canonical relationship of the Sinai Pericope to other passages in Exodus especially in terms of the composite literary features involving the intermingling of...

⁵⁷⁰ Childs, Introduction to the Canon, 73.
⁵⁷¹ For example, Noth, Exodus, 13.
law and narrative, as well as Moses’ mediating role between Yahweh and Israel. All these findings shape our understanding of the text’s major themes - Yahweh’s lawgiving and theophany.

In this chapter, I will argue that the literary formation of the Sinai Pericope itself can be viewed as a canonical force of Exodus. I will show that the major literary features found in 19:1-24:11 establish the Sinai Pericope’s canonical relationship with other literary units in Exodus, particularly the final section of the plague narratives in 11:1-13:22, the wilderness wandering narratives in 15:22-18:27, and the golden calf narratives in 32:1-34:35. Similar to the pattern seen in 19:1-24:11, these three literary units constitute the commissioned communications between Yahweh and either Moses or Israel, while illuminating different aspects of Yahweh’s nature. This present chapter will deal briefly with major diachronic issues as needed. After a brief discussion of the larger context of the Sinai Pericope, I will turn to the definition of the demarcation, literary assignment, and canonical placement of the three passages, 11:1-13:22; 15:22-18:27; and 32:1-34:35.

5.1. The Canonical Position of the “Floating Texts” in Exodus

Scholars have divided the book of Exodus three different ways using the criteria of content and literary genre. The first way breaks the book into two sections, the Israelites’ servitude

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575 At the outset, it is crucial for me to clarify that by this thesis I do not mean redactional procedures of Exodus; I do not thus mean that the Sinai Pericope in 19:1-24:11 was composed before those other literary units (11:1-13:22; 15:22-18:27; 32:1-34:35); and I do not argue that the formation of the Sinai Pericope affected their composition and redaction.


577 There is no consensus among scholars about the canonical shape of Exodus, and there are a variety of models of the structural division of Exodus, including “a double segmentation,” “a triple segmentation,” and “a
under Pharaoh in Egypt (1:1-15:21) and the covenantal and legal ordinances at Sinai (15:22-40:38). The second way also posits two sections, constituted by the events related to the exodus (chs. 1-18) and the events at Sinai (chs. 19-40). The third way of dividing Exodus is less fixed and results in three or even four sections, depending on how 12:1-18:27 is treated. Additionally, some recent scholars view Exodus 19-40 as part of a coherent macro narrative (Ex 19 to Nm 10:10) within the larger context of the Pentateuch.  

However, those who focus on the divisions of Exodus using the criteria of contents and literary genres tend not to pay much attention to the canonical relationship between 1:1-15:21 and 15:22-40:38, or between chs. 1-18 and 19-40. Furthermore, as Leder rightly points out, interpreting Exodus 19-40 as part of the larger unit from Exodus 19 to Numbers 10:10 results in a diminished focus on the relationship of Exodus 1-18 and 19-40. Some critics thus view Exodus 11-18 as floating texts which interrupt the surrounding larger narrative flow. But if we take into consideration the literary features of the intermingling mix of law and narrative, found not only in the Sinai Pericope in 19:1-24:11 but also in 12:1-13:16, 15:22-18:27, and 32:1-34:35, the canonical shape of Exodus can be understood more precisely.  

Although many interpreters consider the canonical shape of Exodus when they discuss the canonical shape of the Pentateuch, they do not recognize that a “canonical force left its mark

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580 Schmid, Genesis and the Moses Story, 149.
on the formation" of the so-called floating texts. Childs, for example, views Exodus as a "loosely unified composition" based on "the canonical intentionality" that elaborates the Israelites' wilderness wanderings in 15:22-18:27, the Sinai Pericope in Exodus 19-24, and the golden calf narratives in Exodus 32-34 (the latter two within the context of Ex 19-40).

In addition, Leder points to the "bewildering variety of interrelationships among larger narrative blocks...(created) by different combinations." The blocks include at least three groupings of events: (1) the plagues, the Passover, the exodus, and the wilderness wanderings in Exodus 11-18; (2) the establishment of covenant in Exodus 19-24; and (3) the Israelites' rebellion and covenant renewal in Exodus 32-34. Building on the work of Childs and Leder, I also argue that the final section of the plague narratives in 11:1-10 functions as the "prelude" to the narrative accounts and legal materials of the feast of the Passover and unleavened bread in 12:1-13:22. Positioned in this manner, these sections (11:1-13:22, 15:22-18:27, and chs. 32-34) present strategic moments in the unfolding of the grand narrative of Exodus as a whole, in terms of its two foci--theophany and geography:

| Chs. 1-11 | Israel in Egypt |
| 12:1-15:21 | Exodus |
| 15:22-18:27 | Wilderness Wanderings to Sinai |
| Chs. 19-31 | Covenant and Law given at Sinai |
| 19-24 | Establishment of the Covenant between Yahweh and Israel |
| 25-31 | Tabernacle (Divine Instruction) |

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583 Leder, "An Iconography of Order," 40-1. Based on this recognition, Leder delimitates six literary blocks in Exodus which he perceives in terms of thematic and topographical foci:

| Chs. 1-15 | Exodus |
| Chs. 15-18 | Desert |
| Chs. 19-24 | Covenant |

584 The problem of whether Ex 11:1-10 should be treated together with or separately from 7:8-10:20 is not yet settled, nor is the problem of whether the passage should be regarded as part of the following Ex 12-14. I agree with William A. Ford's view that 11:1-10, even though it is related to the final plague, functions as the prelude to the narrative events that happen in the following chapters (at least 13:16). This issue will be examined again in detail below. See Ford, *God, Pharaoh and Moses: explaining the Lord's actions in the exodus plagues narrative* (Milton Keynes: Paternoster, 2006).
In the following sections, I will take a closer look at 11:1-13:16, 15:22-18:27, and chapters 32-24 respectively. These three literary units form a commissioned communication section which, like 19:1-24:11, interweaves Yahweh’s lawgiving and theophany by means of Moses’ mediation between Yahweh and the Israelites.

5.2. Law and Narrative in the Plague Narratives (11:1-13:22)


5.2.1. Definition of the Literary Limit

Scholars debating about the demarcation of the plague narratives are not agreed as to whether 11:1-10 should be included in the passage. On the one hand, critics such as Noth, Meyers, and Dozeman assign 7:8-10:29 (cf. Dozeman, 7:8-10:20) to the plague narratives but omit 11:1-10. On the other hand, Cassuto, Childs, Leder, and recent commentators such as William A. Ford, Johnstone, Helmut Utzschneider and Wolfgang Oswald regard 11:1-10 as a

585 Ford, God, Pharaoh and Moses, 168-79.
586 Noth, Exodus, 67; Meyers, Exodus, 76-80; and Dozeman, Exodus, 207-9.
prelude\textsuperscript{587} to the final plague.\textsuperscript{588}

Apart from the issue of whether to include or exclude 11:1-10 from the plague narratives, there is the issue of the feasibility of reading 7:8-10:27 or 7:8-11:10 as a whole based on the use of a variety of words signifying the plague, מתח (7:27 [Eng. 8:2]), סעיף (9:14), or בזים (11:1). Meyers points to the other terms closely related with the plague, לבר (12:13), or בזים (12:27), or בזים (12:27).\textsuperscript{589} In addition, in my view, the frequent use of the verb שות (to strike) in different forms in 7:17, 25; 8:12, 13; 9:15, 25, 31, 32; and 12:13, 19, and 29 also points to the close relationship between the plague narratives and Exodus 12.

McCarthy argues that 7:8-11:10, instead of 7:8-10:27, should be read as a “logical unit” in accordance with the larger context of Exodus 5-14 with respect to the confrontation between Moses and Pharaoh.\textsuperscript{590} Indeed, McCarthy’s argument provides a key to what I regard as the thematic transition in 7:8-14:31 from the upsurge of the conflict between Yahweh and Pharaoh in 7:8-10:27 to the defeat of Pharaoh in 12:1-14:31. In my view, not enough attention has been paid to the formation of 11:1-13:22 as a whole. Yahweh’s oracle of the death of the first-born in Egypt in 11:1-10 is accomplished not in the plague narratives but in the specific account of the slaying of the first-born and Pharaoh’s response to it in 12:29-36.

Childs thus says, “the slaying of the first-born is both the culmination of the plague narratives

\textsuperscript{587} Ford, God, Pharaoh and Moses, 163-7.

\textsuperscript{588} Cassuto, Exodus, 92-3; Childs, Exodus, 130-1; Leder, “An Iconography of Order,” 124; Ford, God, Pharaoh and Moses, 126-67; Johnstone, Exodus 1-19, 169-222; idem, “Reading Exodus in Tetrateuch and Pentateuch,” 3-26; and Utzschneider and Oswald, Exodus 1-15, 181-96. Together with the definition of the literary unit of the plague stories, Johnstone discloses his view of the edition of the final plague in his article (p. 20):

The narrative of the final plague has been particularly drastically edited: originally running from 11:1-8 and continued in 12:29-36, it has been split apart by the innovation of the one night Passover; the first part 11:1-8 has been joined with plague IX, and its motivation removed from Exodus 11:3/4 to become the headline of the whole cycle (4:22-23).

\textsuperscript{589} Meyers, Exodus, 76-7.

and the beginning of the [P]asover tradition. Exodus 11 as a literary unit, therefore, points both backward and forward." The position of Noth, who more emphatically than Childs elaborates the canonical shape of 11:1-13:22 is even more compelling:

The Exodus from Egypt comes about as a direct consequence of the slaughter of the Egyptian first-born on the night of the Passover. 12:41-12:51 expressly affirms that in the view of the present narrative this happening was the decisive event of the Exodus. This section was attached to the preceding plague narrative because in the slaughter of the first-born we have the last plague, which now produces the intended result, the release of the Israelites from Egypt. This view of the final form of 11:1-13:22, in which the defeat of Pharaoh is described as the climax of the confrontation between the Egyptians and the Israelites, is effected by the integration of law and narrative: A - Narrative (11:1-10); B - Law (12:1-28); A' - Narrative (12:29-42); B' - Law (12:43-3:16); and A'' - Narrative (13:17-22).

5.2.2. Historical-Critical Problems

Similarly to the problems raised in the Sinai Pericope in 19:1-24:11, the historical-critical problems in 11:1-13:22 are complicated. Wellhausen’s analysis of this material became the baseline for subsequent source-critical studies. He maintains that Yahweh’s cultic instructions regarding the Passover were not originally associated with narrative accounts of the exodus. This assumption affected subsequent source-critical conclusions regarding the association of the cultic legal materials about the Passover and the Feast of Unleavened Bread in Exodus 12-13 with the surrounding narratives.

591 Childs, Exodus, 161.
592 Noth, Exodus, 87-8.
594 Wellhausen, Prolegomena, 83-120.
Various tradition-critical views concerning the *Sitz-im-Leben* of the Passover and the exodus are also shaped by Wellhausen’s work on this material.⁵⁹⁵ Noth, for example, argues that “both traditions of the Passover and the exodus were merged in the context of the cultic history of the Passover” in the pre-exilic period.⁵⁹⁶ Dozeman later develops Noth’s thesis further, arguing that “the Passover is clearly historicized into the exodus in the P-History, where it is merged with the Feast of Unleavened Bread.”⁵⁹⁷ Recently, Konrad Schmid has argued that the cultic regulation of the Feast of Unleavened Bread in 12:14-20 is “one of the texts in Exodus which pave the way for specific regulations in Leviticus 17-26.”⁵⁹⁸ In addition, he suggests that it anticipates Leviticus 23:5-8 as it combines P’s Passover laws (Ex 12:1-13) with the celebration of Massot and thus lines up with the Holiness Code’s calendar.⁵⁹⁹

Previous studies of the prehistory of the cultic instructions in 11:1-13:22, however, have been challenged on a number of fronts. Firstly, it is very difficult to distinguish P from J in 12:1-20 regarding the laws of the Passover (vv. 1-14) and the laws of the Feast of Unleavened Bread (vv. 15-20). Childs, for example, divides the material differently, assigning 12:2-23 to J and

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⁵⁹⁵ Dozeman, *Exodus*, 261. As introduced by Dozeman, L. Rost assigns “semi-nomadic culture” for the original setting of the Passover; J. B. Segal attempts to find a plausible setting for Passover within the cult related to a New Year Festival; and J. Pederson points to the early cultic history of the Israelites for the association between the Passover and the exodus (upon which Noth draws as well).


again 12:1-20 to P. Moreover, as Dozeman acknowledges, the “Non-P author” describes a rather ambiguous but independently powerful “personified destroyer” of the Passover night in 12:21-27 (esp. 12:23) and 13:3-16, while the “P-author” clearly attributes the subject of the same action to Yahweh. Peter T. Vogt also counters the previous critical understanding of the juxtaposition of laws of the Passover and the Feast of the Unleavened Bread (chs.12-13) as a complicated combination of various literary strata, with his suggestion that the “theological and rhetorical priorities” reflected in the text’s final form should be considered. Vogt further argues that the cultic regulations of the Passover and the Massot legislated be included in Exodus 23:15, “at a minimum,” or in בְּפִיוֹנֶק in Exodus 24:4, “at a maximum.” Such criticisms have undermined the previous critical consensus that viewed 11:1-13:22 only as a complex juxtaposition of sources or traditions.

I thus point to Childs’ thesis that an excessive emphasis on the diachronic aspects of a biblical text produces the “unwillingness and even inability” to interpret it in the final form. Indeed, previous historical-critical studies do not adequately answer the questions of why 11:1-13:22 has its own particular arrangement, or how its internal parts cohere from a literary perspective, or even how the various parts canonically interact together to constitute a thematically related unit.

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600 Childs, Exodus, 184.
601 Dozeman, Exodus, 270 and 292.
604 Childs, Exodus, 195-6.
5.2.3. Exodus 11:1-13:22 as a Whole

With regard to the canonical shape of 11:1-13:22, a number of observations should be made. Although some commentators assert that Exodus 12 provides a clear introduction to the Passover, it does not necessarily mark a new beginning of a literary unit. Rather, as Noth, Childs, and Meyers have pointed out, the narrative flow in 11:1-10 continues at least to 13:16 even though its end is not clearly discerned. Meyers and Dozeman suggest that the present narrative continues even in 13:17-15:21.

On the basis of comparisons of the Non-P and the P Histories, Dozeman argues that the combination of the two histories creates a “repetition” of the accounts of the death of the first-born in Egypt (12:29-36), and the journey of Israel to the Sea from Egypt (12:37-42) in the final form of 13:17-15:21. Building on and yet modifying the variety of proposals introduced above, I argue that the literary unit of 11:1-13:22 constitutes an extended commissioned communication by means of direct speeches between either Yahweh and Moses or Moses and the Israelites. It thereby integrates law and narrative in terms of Yahweh’s theophany and Moses’ mediation.

A Narrative
   a Yahweh’s Oracular Proclamation of the Slaying of the First-born in Egypt (11:1-10)

B Law
   b Yahweh’s Instruction about the Passover (12:1-14)
   c Yahweh’s Instruction about the Feast of Unleavened Bread (12:15-20)
   b’ Moses’ Mediation: Instruction about the Passover (12:21-28)

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605 Cassuto, Exodus, 136; Childs, Exodus, 196; Sarna, Exodus, 53; Stuart, Exodus, 269-71; Sailhamer, The Meaning of the Pentateuch, 30; and Johnstone, Exodus 1-19, 222-4. Especially, Sarna points out that “the sevenfold repetition of the stem of יָמוּ in this chapter and Rashi, as Sailhamer cites, the Torah begins with Ex 12 (vv. 1-28) which establishes the Passover, “the first law in the Torah [Pentateuch],” and what comes before it is a “prologue” to the Torah.

606 Noth, Exodus, 84-102 (esp. 87-93); Childs, Exodus, 196; and Meyers, Exodus, 88-107 (esp. 91-2).

607 Meyers, Exodus, 107-23; and Dozeman, Exodus, 298-344.

608 Dozeman, Exodus, 300.
A’ Narrative
   a' The Last Plague on the Night of the Passover (The Fulfilment of A-a) (12:29-36)
   d’ The Israelites’ Exodus and Journey from Rameses to Succoth (12:37-42)

B’ Law
   b’ Yahweh’s Second Instruction about the Passover (12:43-51)
   a’ Yahweh’s Instruction about the First-born (13:1-2)
   c’ Moses’ Mediation: Instruction about the Feast of Unleavened Bread (13:1-10)
   a” Moses’ Mediation: Instruction about the First-born (13:3-16)

A’’ Narrative
   d’ The Israelites’ Journey to the Sea from Egypt (13:17-22)

Similar to the direct speeches in the Sinai Pericope which contribute to the constitution of literary coherence, as shown in the previous chapter, 11:1-13:22 contains at least three patterns of commissioned communication as classified by Vater. In the first place, 11:1-3 and 12:35-36 follow pattern (II), which has a scene that commissions an oracular message, though its delivery is omitted. In the second place, 11:4-8 features a scene of the delivery of an oracular message while the commissioning scene is omitted (V). And in the third place, 12:1-28 forms the most complicated pattern with “two different wordings of the same message,” which are narrated in the situation of their delivery, and at the same time their performance or fulfillment is also narrated (Ic).


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(esp. 11:4-6) is in association with the previous context of Yahweh’s commissioning of Moses. Vater’s and Jeon’s arguments support at least in part the assumption that 11:1-13:22 forms an extended text of commissioned communication that joins together the narrative accounts of the oracular message of the final plague and regulations of the Passover and the Feast of Unleavened Bread as a literary unit.

The commissioned communication begun in Exodus 3 continues through the whole plague narrative. The climactic scene is described in the narrative account of the plagues, reaching its apex in the narrative account of the final plague and the death of the first-born in Egypt. It is also integrated with Yahweh’s direct instructions for the Israelites and with the post-plague narratives in Exodus 11:1-13:22. This unit demonstrates the divine presence directly through Yahweh’s lawgiving, even though the theme of the theophany is implied in the accounts of the wonders and signs performed by Yahweh through Moses’ mediation in the plague narrative. The plague narratives may be intended to show both the Egyptians and the Israelites who rules the world; 11:1-13:22 describes Yahweh as the God who gives his people laws, and redeems them from their oppression. The knowledge of God in terms of his nature is specified later in Exodus 15:22-18:27 and chs. 32-34, and both narratives are interwoven with divine instructions.

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615 Ford, God, Pharaoh and Moses, 168.
617 Ford, God, Pharaoh and Moses, 163-75.
5.3. The Wilderness Wandering Narratives (15:22-18:27)\textsuperscript{618}

In its present place, the passage in 15:22-18:27 plays the canonically significant role of connecting the two major halves of Exodus: the accounts of Yahweh’s salvific deeds for the Israelites liberated from Pharaoh’s oppression in 1-15:21 and the accounts of Yahweh’s divine revelation at Sinai in Exodus 19-40. The Song of the Sea (15:1-21) functions as the conclusion of the first major half as well as the conclusion of 7:8-14:31 in particular. At the same time, this song signals the beginning of the second half of the book.\textsuperscript{619} The narratives about the Israelites’ murmuring and journey towards Sinai in 15:22-18:27 then set the stage for the establishment of the covenant between Yahweh and Israel together with the setting out of the laws in 19:1-24:11.\textsuperscript{620}

5.3.1. Definition of the Literary Limit

While the passage in 15:22-18:27 has long been identified as the literary unit which deals with the Israelites’ wilderness journey towards Sinai, there are at least two problems that need to be taken into consideration when demarcating its literary limit.\textsuperscript{621} The first one relates to the geography of the journey itself. In 15:22 Moses leads the Israelites away from the @Ws-~y” into the wilderness of Shur. Verse 13:18 says that Yahweh turns the people aside on the way from Succoth to Etam.\textsuperscript{622}


\textsuperscript{620} Albertz, “Wilderness Material,” 151-2.


\textsuperscript{622} Albertz, “Wilderness Material,” 151-2.
George W. Coats addresses this problem by hypothesizing that 13:17-19 and 20-22 constitute the introduction not only to the narrative account of the exodus but also to the wilderness wandering narratives, which continue through the rest of Exodus, Leviticus, Numbers, and Deuteronomy. Unlike Coats, Davies highlights the importance of the narrative context for the wilderness itinerary and proposes that the accounts of the itineraries are a “Deuteronomistic redactional addition to the wilderness tradition from Numbers 33.” Davies then argues that the itineraries in Exodus and Numbers not only function as “a structural framework to the wilderness tradition” but also influence its pivotal stories.

Won W. Lee deals with the problem using Knierim’s conception of the macro structure of the Pentateuch with respect to the “Israelites’ migration.” Accordingly, he views Exodus 15:22-18:27 within the context of Exodus 1-Numbers 10:10, arguing that “the wilderness is both the place of God’s punishment as well as his forgiveness of Israel’s rebellions.” Building on Davies’ assumption that the P and Non-P itineraries in Exodus and Numbers can be distinguished, Dozeman calls attention to three geographical locations which are mentioned before the Israelites arrive at Sinai, and which confuse the journey’s plot in the

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623 George W. Coats, “A Structural Transition in Exodus,” *VT* 22 (1972):129-42; and idem, “An Exposition for the Wilderness Traditions,” *VT* 22 (1972): 288-95 (esp. 289-91). In the latter one, Coat divides 13:17-22 into five parts related to the wilderness traditions: (1) vv. 17-18a contains a “summary statement about the wilderness journey as a whole” which anticipates the immediately following the narrative account of the exodus as well as the “entire range” of the wilderness narratives; (2) v. 18b anticipates the wilderness journey by giving a hint of its “military character”, but also looks backward to the exodus event; (3) v. 19, as a continuation of vv. 17-18, functions to explain what the journey will be like, while focusing on the “redactional scheme” of the immediate larger context; (4) v. 20 contains a “secondary itinerary notation” and also highlights the redactional scheme as does v. 19; and (5) vv. 21-22 deal with “the entire scope of the wilderness theme” instead of a specific stage of the journey.


final form of Exodus: 628

1. The location of Pi-hahiroth for the confrontation at the sea (14:1-2)
2. Sin as the setting of the story of manna (16:1; 17:1)
3. Sinai as the mountain of revelation (19:1).

He suggests further that these locations either represent a “dislocation or change in the sequence of travel” (14:1-2; 19:1) or “subordinate a site to the point where it has no literary function” (16:1) in the final form of the text. 629

The second problem related to section in 15:22-18:27 concerns the murmuring motif, which occurs not only in 15:22-18:27 but also elsewhere in the Pentateuch. This motif already occurs in 14:10-12 when Pharaoh draws near (14:5-9). However, unlike 14:10-12, the murmuring narratives in 15:22-18:27 employ the verb יָרָע which signifies “to murmur,” “to rebel,” or “to complain.” Coats uses this word to define the “murmuring motif” as a motif concerned with the Israelites’ challenges to Moses’ leadership based on the contrast between their slavery in Egypt and the hardship in the wilderness journey. 630 Drawing upon Coats, Dozeman provides a broader view of the compositional function of the motif in the Pentateuch. He identifies two sequences of the murmuring narratives in the Pentateuch, Exodus 14-18 and Numbers 11-12, separated by the materials about Yahweh’s revelation at Sinai in Exodus 19-Numbers 10. 631

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628 Dozeman, “The Priestly Wilderness Itineraries,” 260-73. Together with these three, Dozeman proposes three more geographical locations which may disrupt the plot of this literary unit:

4. Paran (Nm 10:11-12; 12:16) as the setting for the spy story and the priestly rebellion of Korah
5. Kadesh as the setting for the death of Miriam and the sin of Moses (Nm 20:1)
6. The plans of Moab as the setting for Priestly legislation on land, inheritance, calendar, war, and judicial processes (Nm 22:1)


631 Dozeman, Exodus, 349.
Most critics accept Coats and Dozeman’s diachronic theories; but in my view, they do not provide a convincing explanation of the final form of 15:22-18:27. Is there another way to assess the function of the chronological and geographical markers in the murmuring narratives? As suggested in previously in Chapter 4, the final author had rhetorical and theological reasons for arranging the material in the text as it now stands.\textsuperscript{632} Verses in 14:1-2, 16:1, and 17:1, for example, can be understood as literary links joining stories to their surrounding narratives as a whole. This is especially the case in 16:1 and 17:1. The verses in 14:1-2 connect the previous and following narrative sequences.

5.3.2. Questions of Literary Arrangement

In addition to the problems of demarcation, we must also consider the arrangement of the narratives related to the murmuring motif in 15:22-18:27.\textsuperscript{633} The initial narrative concerns the Israelites’ complaint about their lack of water, occurring both in the Marah narrative in 15:22-27 and the Massah-Meribah narrative in 17:1-7. Both narratives describe the Israelites’ complaint itself (esp. 15:21-22; 17:1) and their protest against Moses’ leadership (15:24; 17:2-3). In addition, both narratives are followed by Moses’ crying out in lament to Yahweh (15:25a; 17:4) and Yahweh’s intervention with instruction (15:25b; 17:5-5-6). In the Marah narrative, various categories of law are mentioned: (1) מָרֵת in the third-person narrator’s narration (15:25); and (2) מֶשֶׁךְ (pl.) in Yahweh’s direct speech (15:26). Yet, whereas the third-person narration is additionally related to the motif of Yahweh’s testing (15:25), the direct speech is followed by Yahweh’s own proclamation of his nature in the final motive clause, יְהֵ.'/נָחָה רָאשָׁה, instructing the Israelites to keep the laws (15:26).

\textsuperscript{632} For example, Meir Sternberg, Expositional Modes and Temporal Ordering in Fiction (Baltimore: Johns Hopkins University Press, 1978), 10; and Iain W. Provan, V. Philips Long, and Tremper Longman III, A Biblical History of Israel (Louisville: Westminster John Knox Press, 2003), 49.

After the brief accounts of the Israelites’ itinerary and distress because of their lack of water (17:1), the people and Moses quarrel. In 17:2, the word אֶרֶץ occurs once in the third-person account of the narrator and once again in Moses’ response to the Israelites, together with the motif of the people’s testing of Yahweh. The depiction of the Israelites’ complaint in 17:2 is similar in style to the complaints about safety in 14:11-12 and about food in 16:2-3, but dissimilar to the complaint in the Marah narrative in 15:24. Not until the people murmur again about water in the direct speech against Moses in 17:3 does Moses cry out to Yahweh for his intervention (17:4). Like the previous Marah narrative, Yahweh’s intervention is mediated by Moses, and his divine instructions are given to Moses in first-person direct speech. In this narrative, however, the accounts of the Israelites’ quarrel with Yahweh and their testing of Yahweh are directly introduced by the narrator in 17:7.

Thirdly, the manna and quail narratives in Exodus 16, like the narratives that surround them in 15:22-27 and 17:1-7, include the motif of the Israelites’ distress and murmuring (vv. 2-3) immediately after the summary account of their itinerary in 16:1. But, unlike the surrounding narratives, Yahweh directly responds to the people’s complaint in 16:4 without Moses’ mediation. Notably, the direct speech of Yahweh in the same verse alludes to regulations concerning the Sabbath in the Torah (16:4-5, 21-30), in addition to the motif of testing (16:4). Interestingly, instead of quarrelling with the Israelites and crying out to Yahweh, this narrative describes Moses’ trust in Yahweh’s protection and the exodus of the people in 16:6, which are followed by his admonition regarding their complaints (16:7, 8, 9). Furthermore, at the end of his admonition, Moses announces the theophany of Yahweh, who listens to their complaints (16:7, 9); and the account of the theophany itself follows in 16:10.
Some units are more loosely connected to the main narratives in 15:22-18:27. Firstly, 16:13-36, which addresses regulations about manna related to the Sabbath, seems to break the narrative flow. As Albertz suggests, this unit forms a parallel with 12:1-14, which deals with the Passover ritual. Secondly, the introduction to the narrative about the Israelites’ war against the Amalekites in 17:8-16 also seems abrupt. In addition, the unit is missing the people’s distress and complaint about food or water, their challenge of Moses, and Yahweh’s intervention in the other narratives in 15:22-18:27. Rather, 17:8-16 focuses on Moses’ “magical rite in cooperation with other leaders.” Together with the image of Moses, as Albertz points out again, the unexpected attack of the Amalekites against Israel may be viewed as forming a parallel with the Egyptian army’s pursuit of the Israelites as described in 14:1-31.

Lastly, the narrative in Exodus 18 of the visit of Jethro, the priest of Median, is also an unexpected sequel to the account of the war against the Amalekites in 17:8-16. Jethro’s portrait as “a friend of Israel” stands in contrasts to that of the Amalekite enemies of Israel in 17:8-16. While the narrative’s details create a number of important links to the grand narrative of Exodus 1:1-15:21 (i.e. Moses’ initial summary of the exodus for Jethro in 18:1, his report of Yahweh’s salvific deeds in 18:8, and Jethro’s praise to Yahweh in 18:9), the significance of its present placement is not initially clear. Nevertheless, as I will show below, Jethro’s references to the divine law in 18:13-27, הָרִים (pl.) and נְכוֹת (pl.) in 18:16, 20, together with the comments on Yahweh’s divine theophany in 18:19, point to Yahweh’s lawgiving and revelation to the people at Sinai in 19:1-24:11.

5.3.3. Historical-Critical Problems

Critics have generally assigned 15:22-18:27 to J, E, D, and P sources. While the division of the text into sources may solve some problems, it creates others. First, the narratives containing the murmuring motif in 15:22-18:27 are not at all assigned to the same source. Second, the manna and quail narratives in ch. 16, assigned mostly to J and P, are distinguished from the surrounding murmuring narratives. Third, both 17:8-16 and ch. 18 belong to E in spite of the problem of the hostility of Amalek (17:8-16), as contrasted with Jethro’s friendship (ch. 18). Fourth, the verses containing legal terms are assigned to different sources: (1) 15:25, in which לּוֹקָם יְהֹוָה is related to Yahweh’s testing, is assigned to J; (2) 15:26, in which לָלֶא לְאֵל is employed to disclose Yahweh’s nature, is assigned to D; (3) both 16:4 (בְּנֵי הָעָרֹן) and 16:28 (וַיִּתָּמֵא וַיִּתָּמֵא) are assigned to J; and (4) both 18:16 and 20, introducing Jethro’s references to the law (וַיַּמִּא אֲנָבוֹת וַיַּמִּא אֲנָבוֹת) are assigned to E.

Exodus 16 and 18 are particularly challenging texts. As Childs points out, Exodus 16 contains “inner tensions, duplicates, and anomalies” regarding the manna and quail narrative which seems strikingly different from that described in Numbers 11. Exodus 18, as noted above, is also problematic in terms of its relationship with the narrative concerning the hostilities between Israel and Amalek, described in 17:8-16. Also problematic are its relationship with

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638 J: 15:22b-25; 16:4-5, 13b-15, 21b, 27-30, 35a; E: 17:8-16; ch. 18; D: 15:26; 17:1b-7; P: 15:22aa and 27; 16:1-3, 6-13a, 16-26, 32-35aa; and a gloss: 16:36. For a full view of this, see, Wellhausen, Prolegomena, 342-3, 352-3 and 439; Noth, Exodus, 101-13; Childs, Exodus, 266-312; Johnstone, Exodus 1-19, 327-91 (esp. 327, 349, 373); and Baden, The Composition, 76-80, 94-7, and 136-9.

639 Albertz, “Wilderness Material,” 155. This is one of the reasons that Albertz proposes that 15:22-25a, 17:1b-7, and 17:8-16, all of which are closely related together in terms of the murmuring motif, are “more or less part of the same non- and pre- priestly literary layer that has traditionally been identified with the Jahwist.”

640 Noth, Exodus, 146; and Childs, Exodus, 321. Noth and Childs are responsible for the scholarly agreement that Ex 18 can be assigned to E in recognition of its use of both of the divine names of Elohim and Yahweh as a “sign of duplication.” The former occurs twelve times and the latter six in its first part (vv. 1-12; esp. vv.1b, 8, 9-11).
the laws about rituals, which seem to be assumed in the account of the burnt offering, sacrifices and shared meal in 18:12. Moreover, Exodus 18 seems to presuppose ritual institutions such as an altar for sacrifice and a tabernacle, even though cultic laws related to them are introduced later in the book.

Critics have suggested that the complexities and interrelationships between these chapters point to a complex history of traditions. A number of recent scholars have examined these texts with fresh eyes. Schmid, for example, regards Exodus 16-17, together with 7-14, 19-24, and 32-34, as “floating texts” not present “in the earliest stages” of Exodus. At the same time, Schmid explores the canonical relationship of the texts with the suggestion that the giving of the law at Sinai links the wilderness wandering narratives in 15:22-18:27 and the golden calf narratives in Exodus 32-34. He regards Yahweh’s lawgiving at Sinai as a “watershed event” that forms a bridge between the macro wilderness wandering stories that precede and follow it.

Dozeman raises a question about the “hypothetical nature” of P. He speaks about the “creative role of a redactor in relating P and Non-P sources. He also examines P’s function, especially 14:1-2, 16:1b, and 17:1a, “as a supplement” in the final form of the wilderness wandering narratives. Carr’s approach to this material is distinct as it is part of his conception

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642 Childs, *Exodus*, 322.
643 For example, Childs, *Exodus*, 254-5, 274 and 322. On the one hand, Childs also acknowledges that Ex 16 contains literary problems in virtue of which the relation of manna to quail in the chapter seems strikingly different fromNm 11. Nevertheless, based on the bracket of the wilderness tradition surrounding Ex 19-Nm 10ff, Childs notes parallel stories: manna in Ex 16 // Nm 11; and Meribah in Ex 17 // Nm 20.
of the formation of the Pentateuch. According to Carr, P joined the “unique early origins of Moses traditions which continue to be reflected in later strata of the Pentateuch” with other traditions.\(^{647}\) Arguing for the “radicality of that later edition’s revisions,”\(^{648}\) Johnstone illustrates the Deuteronomic influence on the narrative accounts of Israel’s wilderness journey from exodus to Sinai in Exodus 12-18. According to Johnston, “the transposition of Massah material from post-Horeb in Deut 9:22 to pre-Sinai in Exodus 15:25b-26 and 17:1-17 marks a major divergence between the present narrative in Exodus 15:22b-19:2a and the reminiscence in Deuteronomy.”\(^{649}\) Based on this recognition, Johnston postulates “the editorial modification of chronology in Exodus 15:21b-19:2a,” which was meant to redefine the festivals that commemorated in a seven-day period the events of the exodus to the covenant.\(^{650}\)

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\(^{647}\) Carr, “The Moses Story,” 7-9 and 30-6. In Carr’s view, P includes the narrative accounts of the Passover in 12:1-20, 28, the exodus narrative in 13:1-2, the manna narrative in ch. 16, together with some of the Sinai Pericope in 19:1-2a. He hypothesizes that it has six stages of formation:

1. “[T]he writing of at least pre-D form of the non-P Moses story”…;
2. “the framing of Deuteronomy as a final speech of Moses and gradual augmentation of Deuteronomy with Moses speeches that review earlier events in his earlier life”…;
3. “the combination of (this “Mosaicly”-framed) Deuteronomy (probably in combination with Joshua) with at least two other scrolls: some form of a story of Moses and some form of a non-P proto-Genesis”…;
4. “the writing of some sort of separate Priestly source, one that extended at least from Genesis through the tabernacle account and likely well beyond.” By this moment, Carr argues that “the Moses story was thoroughly bound together with the Genesis materials, with the events at Sinai”…;
5. “this Priestly material was combined with the non-P Hexateuch on which it was modeled and which it was originally designed to replace, and the combined P/non-P document seems to have received yet further Priestly expansions”…;
6. “a series of even later documented modifications of the Moses story, most of which attempted to bridge the remaining seams between its parts, particularly the perceived disjunctions between narratives in Exodus and Numbers and the seeming reviews of them in Deuteronomy.”

\(^{648}\) Johnstone, “Reading Exodus,” 3.


\(^{650}\) Johnstone, “Reading Exodus,” 19.
Building upon the previous analyses of the literary phenomena of 15:22-18:27, Albertz makes the following suggestions: (1) the “priestly redactor” added the manna and quail narrative as an excursion into the larger non-priestly context between 16:1 and 17:1; (2) ch. 18 is not associated with the “priestly itineraries” but rather is a post-priestly addition that concludes the narrative of Israel’s exodus from Egypt (chs. 1-17); and (3) the legal terms in this unit form a “Torah frame” that introduces the revelation of law at Sinai (ch.19-40).

5.3.4. Exodus 15:22-18:27 as a Whole

As shown above, critics have explored a number of diachronic solutions to the complex issues present in 15:22-18:27. This same literary unit can be analyzed synchronically. In what follows I will show that, similar to the early section in 11:1-13:22, the association of law and narrative in the context of commissioned communication (SYM and SYP) gives this unit its canonical shape and also presents Yahweh as the God who provides for the basic needs of the Israelites on their wilderness journey.

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653 Leder, Waiting for the Land, 100. Leder identifies a “Torah frame” in this unit, as follows:

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<thead>
<tr>
<th>Legal Terms</th>
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<td>לֶאָשֶׁר</td>
<td>15:25</td>
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<td>לַמַּעֲנֵיהּ</td>
<td>15:26</td>
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<td>לֶאָשֶׁר</td>
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<td>לֶאָשֶׁר</td>
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<td>לֶאָשֶׁר</td>
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<td>18:19, 24</td>
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<thead>
<tr>
<th>Motifs Units</th>
<th>The Israelites’ Murmuring &amp; Disobeying</th>
<th>Moses’ Mediation</th>
<th>Yahweh’s Resolution &amp; Lawgiving</th>
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<tbody>
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<td>Showing a tree (v.25b)</td>
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<td>Casting a tree into water (v.25c)</td>
<td>Lawgiving (v.25d)</td>
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<td>Testing of the people (v.25f)</td>
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<td>יעכשכ and קח (v.26, SYP)</td>
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<td>Delaying his nature &quot;ךכ אינש זכרוּ אֱלֹהִים יִשְׂרָאֵל&quot;</td>
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<td>16:1-12</td>
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<td>Commissioned communication (vv.6-8, SMP; v.9, SMA)</td>
<td>Giving the people manna (vv.4-5, SYM)</td>
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<td>Lawgiving (v.4c)</td>
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<td>Testing of the people (v.4d)</td>
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<td>Yahweh’s response to their murmuring (vv.11-12, SYM)</td>
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<tr>
<td>16:13-36</td>
<td>Not murmuring but questions about manna (v.15b, SPP or SPM) Disobeying (v.20)</td>
<td>Delivering regulations for manna based on the Sabbath (vv.15-16, 19, 23, 25-27, 29, 32-33, SMP) Moses’ anger (v.20)</td>
<td>The commissioning scene omitted but SYP about the Israelites’ disobeying the regulations ( יְהֹוָה יְשַׁלְחָה יִשְׂרָאֵל לְמָוֵת לְקִרְבּ) in v.28</td>
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<tr>
<td>17:1-7</td>
<td>Quarrelling with Moses (v.2, SPM)</td>
<td>Quarrelling with the people (v.2, SMP)</td>
<td>Giving instruction for how the people should drink at Meribah (vv.5-6, SYM)</td>
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<td>Quarrelling with the people (v.3, SPM)</td>
<td>Their testing of whether Yahweh is with them or not (v.7, narrator’s etymological comment on Meribah)</td>
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<td></td>
<td>Their testing of whether Yahweh is with them or not (v.7, narrator’s etymological comment on Meribah)</td>
<td>Their testing of Yahweh in his rhetorical question (v.3, SMP) Crying out (v.4, SMY)</td>
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</tbody>
</table>

As shown above, the passages in 15:22-27, ch. 16 (esp. 16:1-12), and 17:1-7 share the theme of the theophany and the significant motifs of murmuring and the wilderness itinerary. In addition, they incorporate secondary motifs such as that of testing (Yahweh’s testing of the people and vice versa), that of the people’s challenge of Moses and Yahweh, and that of Moses’ mediation. In the subunits containing the murmuring motif, the communications between the Israelites and Moses take the form of direct speech and play an essential role in moving the plot forward, as do the communications between Moses and Yahweh. The Israelites convey their distress by murmuring about food or water (e.g., 15:24; 16:3; 17:3) or by challenging of Moses’ leadership (16:3) using direct speech. Moses responds to their complaints in direct speech (16:6b-8, 9b; 17:2), crying out to Yahweh (17:4) in direct speech. Yahweh also speaks directly to Moses in 15:26 and 16:4-5 concerning how to respond to the people, and he commands Moses to write about what Yahweh has done for the Israelites in the war against the Amalekites in the wilderness (17:14).
The first two direct speeches of Yahweh in 15:26 and 16:4-5 follow the pattern of commissioned communication⁶⁵⁵ that represents Yahweh’s lawgiving. The verses in 15:25b-26 describe Yahweh’s response. He shows Moses a tree which, when cast into the bitter water, makes it sweet (25b); and more significantly, Yahweh gives the people an ordinance and a statute (הֶעֱרָה, 25d). He speaks directly to the people, with Moses’ mediation implied, and Yahweh’s commandments (הַמִּלתָּה, pl.) and statutes (תְּנֵסֵי, pl.) are a test which also discloses his nature “אֲרֵנֶה יָדַע הָאֱלֹהִים אֵל” in 15:26. Similarly, the direct speech to Moses in 16:4-5 contains Yahweh’s oracle about the manna, a mention of law (תְּנֵסֵי, sg., v. 4), and the motif of his testing of the people based on the law of the Sabbath (v. 5).

The third direct speech of Yahweh in 17:14, which can also be classified as commissioned communication,⁶⁵⁶ forms a divine command for Moses to write these (תָּמִיתוּ) as a memorial.

| 1st Narrative Section classified as Insertion between Murmuring Narratives |
|---|---|---|---|
| The Israelites’ Behaviour | Moses’ Mediation | Yahweh’s Resolution & Lawgiving |
| Joshua and the people fight against the Amalekites according to Moses’ commands (vv.10-13, narrator’s narration) | Moses’ command to Joshua to fight against the Amalekites (v. 9, SMJ) | Lawgiving in a broad sense (v.14, SYM): Yahweh lets Moses write this (תָּמִיתוּ) may refer to what Yahweh has done for them in the war but also the past exodus) in a book as a memorial to rehearse (double duty and ellipsis) in Joshua’s ears. |
| Building an altar (v.15) with a name etymologically related to the term כֹּל for Yahweh’s nature (v.16) | |

As Dozeman points out, Moses’ writing of the divine command(s) in a book in 17:14a serves as a motif which hints at the canonical relationship of 15:22-18:27, the Sinai Pericope in 19:1-24:11, and chs. 32-34:

⁶⁵⁵ Vater, “The Communication of Messages,” 181 and 187. Vater classifies 15:26 as a pattern (V) of commissioned communication in which “the message is narrated in the situation of its delivery, with no notice of its commissioning prior to delivery.” Although she regards 16:8-12, instead of 16:4-5, as a pattern (II) of commissioned communication, in my view 16:4-5 can also be categorized as the same pattern of commissioned of communication as 15:26.

⁶⁵⁶ Vater, “The Communication of Messages,” 181 and 187. Vater classifies 17:14 as a pattern (III) of commissioned communication in which “the message is narrated in the situation of its commissioning, and no mention is made of its delivery.”
The divine command for Moses to write (בָּנָה) in a book (רְשֵׁית) introduces a new motif into the wilderness journey that will be prominent. The earlier proposal of Yahweh, that law become the means by which the Israelites and God interact (15:22-26), laid the foundation for written legislation. As a consequence both God and Moses begin writing, especially during the revelation on the mountain of God. God writes laws on tablets (24:12) and the names of the elect in a book (32:32)...Moses mirrors the action of God, also writing down laws (24:7).657

Furthermore, the second part of the manna and quail narratives in 16:13-36, as discussed above, can further be categorized as a narrative-like expansion of a cultic law related to the Sabbath. It demonstrates a legal formulation that is similar to that in the Sinai Pericope, both in the Sabbath law of the Decalogue in 20:8-11 and in the extended Sabbath law in the cultic framework of the Book of the Covenant in 23:10-19. A further connection to the Sinai Pericope is the direct communication between Moses and Jethro. References to the divine law occur both in Moses’ speech to Jethro in 18:16 (ראותיך and יִשַׂרְאֵל) and in Jethro’s speech to Moses in 18:20 (רָאָתְךָ; and יִשַׂרְאֵל) as shown below:

| A Narrative Section Classified as Addition to the Murmuring Narratives |
|---|---|---|
| **Ch.18** | **Jethro’s Behaviour** |  **Moses’ Mediation** |  **Yahweh’s Resolution & Lawgiving** |
| | Jethro’s hearing what Yahweh has done for Moses and Israel (v.1) | Naming his two sons recounting the past oppressed life of Israel in Egypt and the exodus, thus indirectly disclosing Yahweh’s nature (vv.3-4) | Omitted |
| | Jethro’s rejoicing over Yahweh’s salvific deeds for Israel (v.9) and praising Yahweh (vv.10-11, SJM), thus indirectly describing his nature | Reporting to Jethro about how Yahweh redeemed the people from the oppression in Egypt (v.8) |  |
| | Taking a burnt-offering and sacrifices for Yahweh, and having a meal with Aaron and the elders before Yahweh (v.12) |  |  |
| | Giving Moses advice about teaching them the statutes and the laws (vv.13-27, esp. 20, SJM). |  |  |

Although it is true that the narrative events throughout 15:22-18:27 do not provide further information regarding those laws mentioned in 15:24, 26; 16:4; 18:16, 20, it is also true that various motifs such as testing and murmuring play a central role in constituting the narrative events in this unit. The theme of the theophany is also present. Whereas the theme of theophany is also found in the narrative frames of the Sinai Pericope in 19:1-25; 20:18-22;

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24:1-11, all three of the themes occur again in the parallel passage in Exodus 32-34.

The significant associations and connections that canonically link 15:22-18:27 to 11:1-13:22, 19:1-24:11, and chs. 32-34 are summarized as follows. First, the wilderness itinerary notes in 15:22, 23; 27; 16:1; 17:1, 8 canonically connect the whole passage in 15:22-18:27 to the preceding section 11:1-13:22. They also connect the passage to the following Sinai Pericope, which begins with the itinerary note in 19:1-2. This note should not be read as a simple chronological marker; rather it carries literary significance. Second, references to the law in the narratives involving the people’s murmuring in 15:22-27; 16:1-12; 17:1-7 and the narrative of the visit of Jethro in chapter 18 anticipate the revelation of law at Sinai. Third, Moses’ exact position between Yahweh and the people of Israel is not yet officially authorized in this unit (cf. see 20:18-21), in spite of the various patterns of commissioned communication (the people’s complaints about food or water vs. Yahweh’s resolutions of the complaints and lawgiving), which are achieved by virtue of Moses’ mediation in 15:22-18:27.

Last, it is possible that Yahweh’s forgiveness of the Israelites in 15:22-18:27 anticipates his different response to them in the golden calf narratives after the lawgiving in the Sinai Pericope (Ex 32-34). Indeed, the Israelites’ murmuring, their testing of Yahweh, the divine theophany and Moses’ mediation will play a central role in the narrative progression of the golden calf narratives. The episodes bring to the fore the two previously-given etiological aspects of Yahweh’s nature, in 15:26 and in 17:15, expressed in what Cassuto has called the “first and foremost” formula of compassion and judgment held simultaneously in tension (34:6-7).

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659 Cassuto, Exodus, 439.
5.4. Law and Narrative in the Golden Calf Narratives (Chapters 32-34)

Childs identifies Exodus 32-34 as a literary unit constituting an “obvious theological framework of sin and forgiveness.”660 This section’s literary and thematic parallels to the Sinai Pericope in 19:1-24:11 are also well known. Indeed, Israel’s breaking of the covenant (ch. 32) and Yahweh’s restoration of it (ch. 34) form commissioned communication scenes in which Moses’ mediation between Yahweh and Israel is artfully interwoven with the divine theophany and lawgiving. In Exodus 32, Israel’s actions in making and worshiping the golden calf, as well as Moses’ smashing of the tablets, symbolize the breaking of the covenant previously enacted in 19:1-24:11. In Exodus 33, however, Yahweh renews his promise, reveals himself to Moses in a theophany. Their communications anticipate the restoration of the covenant. Moreover, Exodus 34 describes the climactic scene in which new tablets are given to the people and the covenant is renewed. In its final form, this section contrasts Yahweh and Israel: the Israelites are rebellious towards Yahweh, who nevertheless offers them merciful forgiveness.

5.4.1. Historical-Critical Problems

Critics have generally found four classic Pentateuchal sources in Exodus 32-34.661 Their explanations of the prehistory of the section, however, are not so simple. Wellhausen, for


example, admits that it was extremely difficult to distinguish the sources in these chapters.\textsuperscript{662} Noth sees the J narrative continuing in Exodus 32-34, especially chapter 34, and postulates that the tradition of the golden calf incident and the tradition of the breaking of the tablets were later additions to the J narrative, and that there was no J in 24:1-11.\textsuperscript{663} While Childs also assigns chapter 32 to J and two expansions of J, he moves beyond an analysis of the sources behind the present text and, unlike Noth, focused on the “synthetic achievement of the whole chapter.”\textsuperscript{664} Similarly, though Childs sees in chapter 33 a “conglomerate of pieces,” he posits that the pieces were held together by virtue of the theme of Yahweh’s theophany.\textsuperscript{665} Childs also discerns a relationship between Exodus 32-34 and Exodus 19-24, arguing that they were all part of the entire “Sinai tradition.”\textsuperscript{666}

Recent diachronic analyses of Exodus 32-34 continue the search for explanations of the sources behind the chapters and the relationships of those sources with other Pentateuchal texts. Schmid, as noted above, holds that it is difficult to determine the canonical place of

\textsuperscript{662} Wellhausen, Composition, 94-5.
\textsuperscript{663} Noth, Exodus, 243-6.
\textsuperscript{664} Childs, Exodus, 558-9.
\textsuperscript{665} Childs, Exodus, 558-9.
\textsuperscript{666} Childs, Exodus, 605. Childs’ issue at stake is about the relation of the Decalogue in Ex 20 with the laws of Ex 34: whether the laws on the new tablets are just an exact repetition of Ex 20 or not? If they are different, what relation do the laws written in the new tablets in Ex 34 have with the Book of the Covenant in 20:22-23:33? Several decades ago, before Childs called the questions into argument, Wellhausen had already presented his view of Ex 34 as a parallel passage to Ex 20 of the Sinai Covenant (Composition, 85). According to Wellhausen, Ex 32-34 had been altered by a skilful redactor as a “form of a covenant renewal”: Ex 20, as an “ethical decalogue” belonging to E, and Ex 34 as a “ritual decalogue” (Wellhausen argued that it belonged to J, since it was “more primitive in character”). Although he provided a general source division of Ex 32-34, Noth related the same issue, as proposed by Childs, to Ex 34 as the “nucleus of the historical tradition” and then explained the chapter’s role in the entire Sinai tradition as follows:

The nucleus of the historical tradition is to be found in ch. 34, the narrative of the making of the covenant based on the ‘words of the covenant’ (34.27 f.) communicated to Moses on the mountain and then written on the tables which Moses was summoned up the mountain to receive. On the other hand, the narrative of the broken tablets (ch. 32), about whose inscription the old Pentateuchal material has as yet told us absolutely nothing, appears to be a secondary tradition. The main narrative about the tablets, their contents and their significance stands only in ch. 34. Now if all that we have here is a renewal of some tables about whose contents we have been told nothing and which were at one time broken, we can hardly hold the account to be original. The story of the broken tables must therefore be regarded as an addition to the historical tradition, which may go back to the pre-literary period (pp. 243-4).
chapters 32-34, together with 7-14, 16-17, and 19-24. Richard G. Kratz suggests that Exodus 19-24 together with 32-34 displays what he calls the “Priestly or Deuteronomic / Deuteronomistic milieu.” Carr talks about a “compositional coordination in non-P portions” that was inserted into chapter 32 and interacts around the verses involving divine mercy (vv.11-14) in the final form of the chapter.

A number of other scholars have explored various connections between Exodus 32-34 and the rest of Exodus. Drawing upon traditional-redactional assumptions related to the “land oath texts” in 13:5, 11; 32:13; 33:1, Baden and Suzanne Boorer examine how these verses link independent literary layers or traditions within the context of Exodus 32-34. Boorer reads 32:13 in the context of 32:7-14 and sees 33:1 as its logical sequel. At the same time, she argues that 32:13 is an “integral part” of 32:7-14 and 33:1(1-3), and that these passages should be regarded as “expansions” of the narrative flow described in chapter 32 from a later period of redaction.


670 Joel E. Baden, *The Promise to the Patriarchs* (New York: Oxford University Press, 2013), 26-27, 30, 47, 51, 175-6; and Suzanne Boorer, “The Promise of the Land as Oath in Exodus 32:1-33:3,” in *The Book of Exodus*, 245-66 (esp. 246-50). Whereas Baden introduces a general documentary understanding of these verses, Boorer summarizes preceding traditional-redactional views of chs. 32-34. For instance, the “land oath” texts in Exod 13:5, 11; 32:13; 33:1 function to connect “independent tradition complexes” (Rendtorff); and they belong to KD (32:13 within 32:7-14, and 33:1 within ch. 33) (Blum). Moreover, they constitute a “post-P and post-Dtr redaction” as the “Endredaktion of the Pentateuch” (Römer); and the verses are part of a “post-Priestly Pentateuch redaction” by which P and “Dtr elements” were combined (Schmid). These scholars regard Ex 13:5, 11; 32:13; 33:1 together with Gn 50:24 and Nm 11:12 as a common redactional layer. They include other sections in this layer: Dt 34:4 (Römer and Schmid); Lev 26:42 (Schmid); Nm 14:23a (Dieter Skweres and Boorer); and Dt 34:4 (Römer and Schmid).

While Albertz disagrees with Boorer’s dating scheme,672 Boorer’s view is generally accepted by other recent critics.673 Nevertheless, I think that the results of the previous critical studies should be taken into consideration in regard to the canonical shape of Exodus 32-34. For example, Baden thinks that chapter 34, describing “the re-inscribing and re-giving of the tablets of the Decalogue,” directly refers to the narrative events of chapter 32.674 Schmid, moreover, suggests that the theme of lawgiving at Sinai connects Exodus 15:22-18:27 to chapters 32-34 in spite of the fact that the diachronic relationship between the narratives is still being debated.675 Furthermore, Schmid describes the themes of the land promise and lawgiving “penetrat[ing]” the Pentateuch.676 In a rather indirect fashion, he also advances the idea that he sees in Exodus 32-34—namely that “the role of Moses as intercessor” (32:9-14), “the significance of God’s presence among Israel” (ch. 33), and the presence of “liturgical formulas” (34:6-7)” when taken together form a clear theological message about Israel’s failure and Yahweh’s “severe but limited punishment.”677

While critical studies of the golden calf narratives in Exodus 32-34 have enhanced our understanding of the compositional history of this unit, they do not help us interpret its

672 Rainer Albertz, “The Late Exilic Book of Exodus (Exodus 1-34),” in The Pentateuch, 243-56.
674 Baden, “The Deuteronomic Evidence,” 336-42. Baden writes about the direct canonical relationship of Ex 32-34 as follows:

[T]he tablets strand in Ex 34 stands quite apart from the rest of the chapter and that it forms a perfect continuation of the narrative from Ex 32 - indeed, the story of Ex 32 is unthinkable without it, as the tablets would remain shattered. The narrative comprising Ex 33 and the covenant strand of Ex 34 is also substantially clarified. And the absence of the ark in Ex 34 cannot be taken as a sign that it was removed from the text in favour of P; the presence of the innumerable contradictions between P and non-P throughout the Pentateuch testifies to the rarity, if not the complete absence, of redactional manoeuvres of this kind.
overall meaning. As Childs noted, the source- and tradition-critical assumption that there were “two decalогues,” one broken and the other newly written, does not fit with the final form of the text. 678 In a similar way, I also want to move the discussion to the final shape of the text and make a case for a canonical understanding of Exodus 32-34 based on the following arguments.

First, as in the case of 19:1-24:11, the final author of Exodus 32-34 used both law and narrative to describe the renewal of the covenant. Second, by means of the parallel relationship between Exodus 32-34 and 19:1-24:11, the Decalogue and the Book of the Covenant are combined in Moses’ instruction of “these words” of the covenant in Exodus 34 (esp. 34:27). 679 Last, the tension in the two aspects of Yahweh’s nature, his judgment and mercy-compassion (34:6-7), balances the narrative “pattern of sin and forgiveness” 680 seen in the events dealing with the Israelites’ apostasy at the foot of the mountain and divine speeches between Yahweh and Moses on top of the mountain in Exodus 32-33 (esp. Yahweh’s intercessory invitation for Moses and Moses’ petitions). These arguments will be fleshed out below.

5.4.2. Exodus 32-34 as a Whole

The narrative framework of Exodus 32-34, like that of 19:1-24:11, is formed by Moses’ successive vertical movements up and down the mountain and is made up of seven narrative units: (1) 32:1-6; (2) 32:7-14; (3) 32:15-29; (4) 32:30-33:5 (5) 33:6-23; (6) 34:1-9; and (7) 34:29-35. The sixth and seventh narrative units frame the law materials in 34:10-28, which

678 Childs, Exodus, 605.
679 Childs, Exodus, 607.
680 Childs, Exodus, 608.
refer to and reflect some commandments of the Decalogue in 20:1-17 and some laws of the

<table>
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<th>Texts</th>
<th>Units</th>
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<th>Speeches</th>
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<td>32:1-6</td>
<td>First Narrative Unit</td>
<td>- Delaying of Moses’ descent of the mountain (1a)</td>
<td>3rd-person narration</td>
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<tr>
<td>32:7-14</td>
<td>Second Narrative Unit</td>
<td>- Yahweh’s command to descend the mountain (7b)</td>
<td>SYM</td>
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<td>32:15-29</td>
<td>Third Narrative Unit</td>
<td>- Moses’ descent (15a)</td>
<td>3rd-person narration</td>
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<td>32:30-33:5</td>
<td>Fourth Narrative Unit</td>
<td>- Moses’ own announcement of his ascent (30c)</td>
<td>SMP</td>
</tr>
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<td></td>
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<td>- Moses’ returning to Yahweh (31a)</td>
<td>3rd-person narration</td>
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<tr>
<td>33:6-23</td>
<td>Fifth Narrative Unit</td>
<td>- Moses’ intercession (on the mountain) and a narrative transition to accounts of the tent of meeting</td>
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<td>Ch.34</td>
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<tr>
<td>34:1-9</td>
<td>Sixth Narrative Unit</td>
<td>- Moses’ descent (implied) and Yahweh’s command for him to ascend the mountain (2)</td>
<td>SYM</td>
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<td>- Moses’ ascending the mountain (4c)</td>
<td>3rd-person narration</td>
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<td></td>
<td>- Cf. Yahweh’s descending (5a)</td>
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<td>34:10-28</td>
<td>Legal Material</td>
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<td>Seventh Narrative Unit</td>
<td>Moses’ descending the mountain (29b)</td>
<td>3rd-person narration</td>
</tr>
</tbody>
</table>

Exodus 32-34 presents the renewal of the covenant made in 19:1-24:11. Exodus 32-34 features two geographical locations and two narrative events, which are woven together with the theme of theophany and the motif of Moses’ mediation between Yahweh and the Israelites. Taken as a whole, they constitute an extended commissioned communication, and the narrative events fall into two categories: (1) events related to direct speeches between Yahweh and Moses on top of the mountain; and (2) events having to do with the Israelites staying at the foot of the mountain.

### 5.4.2.1. The First Narrative Unit (32:1-6)

This unit begins rather abruptly as it turns away from the narrative setting of the Sinai Pericope and the post-lawgiving material about the tabernacle in Exodus 19-31 to 32. It begins with the account of Moses’ delay in coming down from the mountain (1a) and the
account of the Israelites’ striking response to Moses’ absence—namely, “idolatry.” When the people at the bottom of the mountain “see” (יָדָא, 32:1a) “the absence of Moses,” they ask Aaron to make gods whose presence is guaranteed and who can thus go before them. Although it is not clear whether Aaron supports the people (נֵס, נֵס) in 32:4, he does not hesitate to create the calf out of gold as the “embodiment” of the god(s) of the exodus.

5.4.2.2. The Second Narrative Unit (32:7-14)

This second scene takes place on top of the mountain, where the direct speeches between Yahweh and Moses happen (32:7-14). The speeches no longer concern legal matters, but rather the condemnation of the idolatrous Israelites at the base of the mountain (vv. 7-10). The opening divine speech commands Moses to “go down immediately” (יָבְא, double imperative in 7a). As Hamilton points out, Yahweh is here separating himself from the

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682 Dozeman, Exodus, 701.

683 Scholars have debated how the word נָטִים should be translated here, singular or plural. Hyatt, Moberly, and Hamilton argue that the word should be translated by the singular. Against the singular translation, Childs, Stuart, and Dozeman translate the word by the plural. While the plural translation emphatically focuses on the Israelites’ idolatry, as Hamilton concludes, the issue related to the word is basically about their “false perception.” For the translations, see Childs, Exodus, 553; Hyatt, Exodus, 304; Moberly, At the Mountain of God, 48; Stuart, Exodus, 662-3; Dozeman, Exodus, 679; and Hamilton, Exodus, 532.

684 Coat, Rebellion in the Wilderness, 184-6; Stuart, Exodus, 662; and Dozeman, Exodus, 702.

685 Fretheim, Exodus, 279.

686 Coat, Rebellion in the Wilderness, 184-91 and 206 (esp. 184-5). Although the Israelites’ grumbling speech to Aaron about Moses’ absence in 32:1 seems to provide evidence that ch. 32 (esp. vv. 1-6) can be read as murmuring stories, the golden calf stories are not connected with the murmuring motif. Indeed, the whole section of these chapters does not contain the word, a crucial criterion for deciding the literary genre of the murmuring stories (cf. 15:24; 16:2, 7, 8; 17:3). Nevertheless, the golden calf stories are closely related with 15:22-18:27 and 19:1-24:11 by sharing some significant themes and motifs with them. The people’s direct speech to Aaron in 32:1 is related to Moses’ absence. But, the problem is that Moses’ absence is closely associated with the presence of Yahweh, one of the overarching themes of 11:1-13:22, 15:22-18:27, and 19:1-24:11. It thus entails the motif of the people’s testing of Yahweh. Finally, the Israelites through the “polemic” role of Aaron carry out the cultic institutions established by Yahweh’s lawgiving in the Book of the Covenant in 20:22-23:33, but do so in regard to the worship of the golden calf in 32:5-6.

687 Hamilton, Exodus, 537.
people by identifying the Israelites as “your people”—that is, Moses’ people—and the “you” who brought out the people from Egypt” is Moses (7b). It is now Moses’ people whom Yahweh intends to destroy (v. 10).

Samuel E. Balentine suggests a more positive reading of this text, saying that Yahweh’s announcement to Moses (v. 10) is “a form of (intercessory) invitation”688 that informs Moses that Yahweh will destroy if Moses does not intervene.689 If Balentine’s interpretation is right, Yahweh invites Moses’ intercession with the rhetorical threat of destruction. Moses’ intercession begins with two questions (11b, 12a) about who Yahweh is, followed by an appeal based on Yahweh’s nature (12b). Moses more emphatically intercedes for the Israelites by recalling the promise that Yahweh gave to the patriarchs (v. 13).690 As a result of Moses’ intercession (vv. 11-13) Yahweh changes the plan in accordance with his nature (v. 14). The promise of Yahweh made in Exodus 19:5b-6 to make the Israelites his special possession, and a kingdom of priests and a holy nation, remains in spite of Israel’s disobedience and violation of the covenant (19:5a).691

5.4.2.3. The Third Narrative Unit (32:15-29)

The report about Moses’ coming down from the mountain (רְמֵאָה מַאן, v. 15) signals the beginning of a new unit. The third narrative unit in 32:15-29 describes the narrative events at the foot of the mountain (vv. 15-20, 21-24, and 25-29). Right after Moses comes down from

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689 Stuart, Exodus, 670.
690 Although some critics, such as Noth and Coat, recognize verse 13 as “Deuteronomistic and secondary” in the surrounding context, Boorer, as shown above, argues that the land oath promise in 32:13, which together with 33:1 links independent literary layers or traditions within the context of Ex 32-34, should be read as an “integral part” of 32:7-14.
691 Stuart, Exodus, 673.
the summit of the mountain where he experiences the divine theophany, the narrator provides
the short additional note (v. 16) that Moses brings the two tablets from the mountain that
Yahweh earlier promised for the instruction of the people (cf. 24:12). But when Moses
witnesses the people’s idolatry at the bottom of the mountain, he throws down and shatters
the tablets (32:19). Moses with burning anger (v. 19) destroys the tablets, burns the golden
calf (v. 20). Moses subsequently grinds and scatters the calf over the water (v. 20). Moses
then makes the people “drink” an unspecified liquid. Although some scholars have tried to
reconstruct the prehistory of 32:15-20 in terms of the use of the verbs (to burn, to grind, and
to scatter), I suggest that the final form of this unit focuses on the wordplays formed with the
reiterated verbs, and with the words for the tablets and the golden calf, which function as
symbols of the covenant-breaking.

Verses in 32:21-24 contain a direct-speech dialogue between Moses and Aaron. To Moses’
question about what the people did to him (v. 21), Aaron answers with a condemnation of the
evil-prone people (v. 22). As Stuart observes, Aaron is really saying, “I was just a
bystander.” Aaron not only shifts blame towards the people but also introduces the idea
that Moses himself might be culpable, insofar as his absence prompted the Israelites to ask
for a god (v. 23).

692 Stuart, Exodus, 674; and Hamilton, Exodus, 543.

693 Concerning this problem many scholars such as S. E. Loewenstamm and F. E. Fensham have argued for the
parallel relationship with other Ancient Near Eastern texts. But Hamilton, drawing upon Frankel, points out that
Deuteronomy 9:21 writes that the water over which Moses scatters the golden calf’s dust is the stream, then
proposes that they ate “the water mixed with ashes of the burnt tablets.” For the details, see Fensham, “The
Burning of the Golden Calf and Ugarit,” IEJ 16 (1966): 191-3; and Loewenstamm, “The Making and
 Destruction of the Golden Calf,” Bib 48 (1967): 481-90. But contrast to Stuart, Exodus, 678; David Frankel,

694 Stuart, Exodus, 679.
Moses, however, sees that both the Israelites and Aaron are sinful (v. 25) and then commands the Levites to kill the idolaters (vv. 27-8). While some critics regard verses 25-29 as secondary, Vater points to the critical importance of verses 27-28 as a type of commissioned communication (Pattern V) in which “the message is narrated in the situation of its delivery, with no notice of its commissioning prior to delivery.” Carol J. Dempsey and Elayne J. Shapiro see Yahweh in this unit as “a God of righteous anger” who brings punishment to the faithless people according to the implied self-malediction oath, similarly to other ancient Near Eastern treaties. To the matter of how Yahweh’s jealousy and Yahweh’s compassion can be understood we will return in Chapter 6.

5.4.2.4. The Fourth Narrative Unit (32:30-33:6)

This unit contains two accounts of Moses’ ascent of the mountain. Moses announces the first ascent to the people (30d), while the second one is briefly noted by the narrator (31a). The main purpose of Moses’ ascent is intercession on behalf of the Israelites (SMP in 30b-c and SMY in vv. 31b-32), and his mediation restores the covenantal relationship between Yahweh and the people. Moses first makes the people aware of the gravity of their sin (30b) and then makes them confess the great sin (הַלְּדוֹג) to Yahweh (31bc). Their sin clearly violated the second commandment, which had been legislated in Exodus 20:23. Moses then pleads for Yahweh’s forgiveness (32a), and in an act of oneness with the people, Moses asks to be blotted out from Yahweh’s book (32b).

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695 For example, Noth, Exodus, 250; Coat, Rebellion in the Wilderness, 186-7; and as cited by Dozeman, Exodus, 697.


698 Stuart, Exodus, 685; and Johnstone, Exodus 20-40, 372.
Yahweh responds to Moses’ intercession in two ways. On the one hand, Yahweh seems to accept Moses’ petition by commanding Moses to lead the people to a previously agreed-upon place under the direction of Yahweh (34ab), a repetition of 23:20-23. On the other hand, Yahweh promises punishment for sin (34c). The narrator’s final statement (v. 35) not only concludes verses 30-35, but also summarizes the previous three narrative units in 32:1-32:29. Yahweh’s direct speeches to Moses about the exodus plan continue in the next section, 33:1-6, forming two patterns of commissioned communication (Pattern II in vv. 1-4 and Pattern III in vv. 5-6). This section reiterates Yahweh’s command for Moses to leave Sinai in 33:1-3a. Unlike the earlier divine speeches which promised Yahweh’s presence (e.g., 13:5; 23:20-23; 32:34), Yahweh here declares that he will not go with the stiff-necked Israelites (33:3b) because his presence might destroy them (3c).

Critics analyzing this section, which they see as an interruption to the narrative flow, emphasize the promise of the land in 33:1 and the statements in 33:3 as evidence of Deuteronomistic redaction. This section can be evaluated differently, however. It can be argued that 33:1-6 forms a bridge between 32:30-35 and 33:7-23. Firstly, 33:1-3a is linked to 32:30-35 by the mention of the land oath (32:34; 33:1). Secondly, Yahweh’s declaration that he will not go with them also recalls his rejection of Moses’ petition for forgiveness for the people in 32:33 and 33:12-23. Thirdly, the central theme of Yahweh’s presence is found not only in 33:1-6 but also in 32:7-35 and 33:7-23. Lastly, it holds together in one verse (33:5) two different aspects of Yahweh’s nature, forgiveness and punishment. This duality becomes more obvious in Yahweh’s own proclamation of his nature in 34:6-7.

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702 Moberly, *At the Mountain of God*, 56-63.
5.4.2.5. The Fifth Narrative Unit (33:7-23)

The first part of this unit (33:7-11) forms a narrative transition to the narratives concerning the tent of meeting. While this material may be seen as an abrupt insertion into its surrounding narrative context, it advances the theme of the theophany found in 19:1-24:11 and in other parts of Exodus 32-34. In this way, this unit connects the preceding narrative section (vv.1-6, esp. v. 3) to the following 33:12-23, which contains direct speeches between Yahweh and Moses (vv. 12-16, 17-23). In these divine speeches, Yahweh changes the plan, promising to reveal his presence to Israel on the way to the Promised Land through Moses’ mediation. 703

The passage in 33:12-23 which depicts Moses’ continuing intercession can be divided into two subsections (vv. 12-16 and vv. 17-23), each beginning with a short note that Moses’ name is known by Yahweh (v. 12 and v. 17). 704 Yahweh’s presence is associated with the ongoing exodus and the promise of the land (33:1). At this point, Moses asks a poignant question about the identity of Yahweh’s people, a question which really has to do with whether or not Yahweh has forgiven the Israelites (v. 12). Moses thus asks Yahweh to reveal Yahweh’s way and consider them to be his people again (v. 13). Moses ascertains Yahweh’s change of mind by asking that he may find favor in Yahweh’s sight (literally, יכמואב, in v. 13, v. 16, v. 17 and 34:9), as Yahweh says (v. 12). This statement spoken by Moses (vv. 12-13 and v. 16) and his bold request (v. 15), “if your presence does not go with us, do not lead us up from here,” leads to Yahweh’s assurance in verse 14: (1) “My presence shall go with you (יְהֹוָה יִתְנַחֲמָה, in 14b); and (2) “I will give you rest” (יִנָּחֵם in14c).

703 Meyers, Exodus, 263; and Dozeman, Exodus, 716-8 and 721-7.
704 Stuart, Exodus, 700-1 and 703. Stuart thus thinks that v. 12 and v. 17 form an inclusio.
In the second part of this narrative unit (33:17-23), Yahweh agrees to do what Moses asked in the preceding section (32:11-13, 32; 33: 4; 12-13, 15-16). In a direct speech to Moses, Yahweh confirms that he has found grace in the sight of Yahweh who knows him by name (v. 17, cf. vv. 12-13, 16). This confirmation is followed by Moses’ striking prayer to Yahweh to show Yahweh’s appearance in verse 18. Moses’ mystical experience of God, which mentions God’s hand, back, and face (vv. 20, 22-23) presents, as Meyers points out, an “anthropomorphic” rather than an “abstract notion of God’s presence.” While the divine presence is one of the major themes embedded in the current narrative unit, what this theophany primarily illuminates is not Yahweh’s presence itself but rather his gracious and compassionate nature (19cd). The scene of the covenant renewal in the sixth and the seventh narrative units in Exodus 34 (vv. 1-9, 29-35), which reveal Yahweh’s nature, further frames the legal material section in verses 10-28.

5.4.2.6. The Sixth Narrative Unit (34:1-9)

Like the Sinaitic narratives in 19:1-24:11, the first narrative section of Exodus 34 begins a mountain scene containing a series of Yahweh’s commands to Moses to ascend the mountain. Moses is instructed to “cut out two stones” (1b), “be ready” (2a), “go up…to the mountain” (2b), and “present yourself …on top of the mountain” (2c). In addition to the commands for Moses, there are negative commands that forbid the Israelites from ascending the mountain and the animals from eating in front of the mountain (v. 3). These commands, which emphasize Moses’ unique role as mediator, concern his final trip up the mountain in

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706 Ex 34 constitutes a climactic scene in the golden calf narratives by means of its canonical force as a tangled mix of law and narrative. For the mountain setting returns to play a role, as it does in that of the Sinai Pericope in 19:1-24:11, insofar as Moses’ vertical movements up and down the mountain serve to mediate the divine presence and lawgiving for the (re)establishment of the covenant between Yahweh and the Israelites.

707 Dozeman, Exodus, 52 and 55-93.
Exodus 32-34 to restore the covenantal relationship between Yahweh and Israel.

Moses experiences the theophany (vv. 5-9) after he ascends the mountain with the new tablets (v.4). Yahweh reveals his presence and what Nathan C. Lane calls “the compassionate pole” and “the judgmental pole” of his nature. While scholars debate about the number of Yahweh’s attributes, they generally agree that their importance lies not in how they can be distinguished from each other but rather in their use in other texts (e.g., the second commandment of the Decalogue in Ex 20:4-6; Nm 14:18; Neh 9:17; Ps 86:15, etc).

Moreover, I would argue that all the attributes enumerated in Yahweh’s direct speech to Moses (SYM in vv. 6-7) characterize the aspects of Yahweh’s compassion. This compassionate nature undergirds the laws that follow in verses 10-28, as it does in the Sinai Pericope (esp. 20:5-6 and 22:20-26) and other texts in Exodus (11:1-13:22; 15:22-18:27).

5.4.2.7. Yahweh’s Giving Law for the Covenant Renewal (34:10-28)

In this unit, Yahweh resumes his direct speeches to Moses, addressing issues related to the renewal of the covenant made in 19:1-24:11 (cf. 19:5; 24:7) and now broken (אֲנִי אֲם נַח בִּרְאוֹת, 10a). The legal material that follows, as Vater argues, constitutes a pattern of commissioned communication that should also be interpreted in the larger narrative context of Exodus (chs. 1-8; 19-24; and 32-34) which frames the unit. Verse 10 begins with

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708 Lane, *The Compassionate but Punishing God*, 1-3.

709 Noth, *Exodus*, 261; Meyers, *Exodus*, 264; Stuart, *Exodus*, 715-6; and Hamilton, *Exodus*, 576-7. Whereas Noth, for example, does not mention Yahweh’s attributes introduced in vv. 6-7 at all, Meyers indirectly cites the Jewish tradition that counts thirteen in those two verses. Stuart counts five in verse 6 only, but does not clearly say how many attributes of Yahweh are mentioned in verse 7.


711 Vater, “The Communication of Messages,” 181 and 187. According to Vater, it is the second pattern of commissioned communication in which “the message is narrated in the situation of its commissioning, and a brief notice of its deliverance is added.”
Yahweh’ proclamation, “I am going to make a covenant” (הנה אני נערך נערת ברכיה) and then alludes to wonders (乙烯) that Yahweh will perform in front of the people. Literally, they are the manifestation of Yahweh that the people will see (הארת) and the fearful action (ראות) that Yahweh will perform with Moses. Detailed information for what both terms indicate is not provided. Yet the words not only recall the wonders related to the exodus event and their wilderness wanderings in Exodus 1-18, but also anticipate the events which will take place as the Israelites continue their journey to the Promised Land. The wonders undoubtedly also include Yahweh’s renewal of the covenant and his giving of the laws inscribed on the newly cut tablets in Exodus 34. Verse 10 then, like the verses which begin the Decalogue in Exodus 20:1-2, functions as a historical prologue to the legal unit that follows (vv. 10-28).

The main body of Yahweh’s speeches in 34:11-26 contains apodictically-formulated laws. They function as part of the narrative of the covenant renewal (e.g., v. 10, vv. 27-28) in Exodus 34 and also in their larger section in Exodus 32-34. More significantly, this section is an abbreviated reiteration of the epilogue of the Book of the Covenant (23:20-33). Firstly, in verses 11-17 and 24, Yahweh instructs the Israelites about what they can and cannot do in the Promised Land. The focus of the divine speech is on the prohibition against entering into covenants with the people who live there. Secondly, the admonitions contain laws about observing the cultic calendar, including the Feast of the Unleavened Bread and the Passover (vv. 18-20), the Sabbath (v. 21), the Feast of Weeks with the firstfruits of the wheat harvest, and the Feast of Ingathering at the turn of the year (vv. 22-23).

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712 Meyers, Exodus, 264.
713 Meyers, Exodus, 264-6; Stuart, Exodus, 719-33; and Hamilton, Exodus, 582-4.
Thirdly, a short narrative subunit in verses 27-28 follows, in which Yahweh commands Moses to write down “these words” ( Heb. מִכְּלַלְכְּלָה in v. 27) that constitute the renewal of Yahweh’s covenant with the Israelites. The themes of Yahweh’s lawgiving and theophany are intertwined in verse 28, which narrates Moses’ forty-day and forty-night-fast in Yahweh’s presence. In the same verse the narrator discloses that “the words of the covenant, the ten words” ( Heb. וּמִכְּלַלְכְּלָה תְּנֵים) were written on the tablets. The text is ambiguous about whether Yahweh or Moses wrote these words. While verse 28 does not contain any further information about the words, it is to be noted that Yahweh commands Moses to write the words based on the covenant which Yahweh made with Israel in verse 27. In light of 32:16 as well as 34:1, it is reasonable to see Yahweh as the author of the “ten words.”

5.4.2.8. The Seventh Narrative Unit (34:29-35)

The narrative account of Moses’ descent from the mountain with the two tablets of the covenant (v. 29) joins the previous narrative sequence in 34:1-9 about Moses’ ascending the mountain to Yahweh’s presence with the final narrative unit within Exodus 32-34. The description of Moses’ shining face (vv. 29b-30, vv. 33-35), which marks his exposure to Yahweh’s presence, and the motif of seeing (two times in v. 30 and v. 35) join the theme of

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714 This issue has been examined by Noth, Exodus, 265-6; Childs, Exodus, 604; Moberly, At the Mountain of God, 103; Meyers, Moses, 266; Stuart, Exodus, 735; Dozeman, Exodus, 743; and Hamilton, Exodus, 586. Noth does not deal with the problem but just with J, which characterizes Israel as a covenantal partner. Childs notices this “ambiguous” subject but pointing out Ex 34:1 holds that Yahweh is the subject. Whereas Meyers and Dozeman regard Moses as the subject of the writing, Moberly and Stuart argue that the nearest antecedent of the third-person pronoun is Yahweh instead of Moses. While acknowledging the difficulties of this problem, Hamilton does not disclose who the subject of the verb is. Indeed, the problem of “these words,” which Moses was commanded to write in v. 27, and “the ten words” that were written in the tablets seems very similar to the case of “all the words of the Lord and all the ordinances” that Moses wrote in 24:3-4. They also may refer to the Book of the Covenant that Moses read to the people in 24:7, as introduced in Chapter 1 and dealt with in Chapter 3.

715 Hamilton, Exodus, 588. Hamilton rightly points out that this motif of seeing connects this passage to the previous third narrative unit in 32:15-29, with Moses’ seeing (32:19) of the Israelites making of the golden calf. Together with the motif of seeing, Moses’ and Joshua’s overhearing of the Israelites’ singing enhances the seriousness of the apostasy committed by the people.
theophany in the previous narrative unit (vv. 1-9) and lawgiving section (vv. 10-28) of Exodus 34. By virtue of Moses’ descent from the mountain and the obvious mark of his encounter with Yahweh, Moses’ authority as mediator between Yahweh and the Israelites is dramatically emphasized,\(^7\) and the renewal of the covenant confirmed. As many commentators point out, the verb רכז occurs seven times in this unit.\(^7\) Firstly, it is used of Yahweh’s speaking to Moses in verses 29, 32, 34, and 35. Secondly, it is used of Moses’ speaking to the people in verses 31, 33, and 34. Verse 32 makes the renewal of the covenant explicit. Moses instructs the people of Israel concerning all that Yahweh had spoken, especially the ten words of the covenant, but also concerning the laws directly given to him.

### 5.5. Summary of Findings

The interwoven tapestry of law and narrative constitutes the canonical force of the book of Exodus. Although most critical scholars have focused their work on reconstructing an account of how the disparate sources or traditions were combined into the final form of the biblical text, this thesis offers instead a canonical understanding of the relationship of the Sinai Pericope in Exodus 19:1-24:11 to the so-called problematic floating texts of the book, 11:1-13:22, 15:22-18:27, and chapters 32-34. It argues that the literary setting established by virtue of Moses’ role as mediator between Yahweh and the Israelites formulates an extended commissioned communication that not only separates (e.g., 32:10-14) but also connects the two parties. It also presents Yahweh as the God of compassion who is active against oppression of his people (1:1-15:21), attentive to their needs (15:22-18:27), and who restores their broken covenant by giving them laws that reflect his own identity (chs. 32-34). The final chapter will explore the theological dynamic of the Sinai Pericope further.

\(^7\) Childs, *Exodus*, 617-8; Meyers, *Exodus*, 266; and Stuart, *Exodus*, 736-41;

Chapter Six

Theological Dynamics of the Sinai Pericope

The growth of the larger composition has often been shaped by the use of a conscious resonance with a previous core of oral or written texts. The great theological significance is that it reveals how the editors conceived of their task as forming a chorus of different voices and fresh interpretations, but all addressing in different ways, different issues, and different ages a part of the selfsame, truthful witness to God’s salvific purpose for his people.\(^{718}\)

The final task of this study is to explore the theological problem of the diversity and unity of the Sinai Pericope’s portrayal of the identity of Yahweh. The Sinai Pericope presents diverse and even contradictory portraits of Yahweh, and many scholars have addressed the issue of the multivocal witness to Yahweh’s identity in the text.\(^{719}\) Childs’ argument that “the coercion of the biblical text”\(^{720}\) is created by its canonical shape which both “evok[es] interpretations and also does justice to its richness and diversity”\(^{721}\) provides the theoretical basis upon which my approach to the theological dynamic of the Sinai Pericope rests.

A canonical reading of the complex Sinai Pericope is not based on a simple harmonization which “suppress[es]” some of the ideas, “remove[s]” theological tensions within the text,\(^{722}\) or interprets diverse ideas in isolation from their canonical shape and the context of the Sinai Pericope. Rather, by reading the text as a literary whole, a particular portrait of Yahweh is


\(^{721}\) Childs, “Theological Exegesis,” 124-5.

privileged over others, and it nuances what many modern readers find challenging. Notably, a canonical reading of this material relativizes the particularly challenging portrait of Yahweh as the God who gives laws about slavery and retaliation, and the God who commands the driving out and killing of the Canaanites.

The diverse portraits of Yahweh in the Sinai Pericope create a theological dynamic. Although the variety of portraits engender rich theological reflection about Yahweh, they do not all exercise the same theological force. The final author’s editorial work has given precedence to one controlling idea which relativizes others. That controlling theme, I suggest, is the portrait of Yahweh as the God of compassion. This characteristic of Yahweh functions as a thread or unifying theme throughout the text, thereby tying the other theological themes and ideas together.

By suggesting that the portrait of Yahweh as the God of compassion is a controlling theme, I do not mean that other themes or ideas in the Sinai Pericope are not important or strong. Instead, I mean that the theological importance shifts insofar as those themes and ideas are dialogically related to the controlling portrait of Yahweh as the God of compassion. Therefore, building on and developing the work of a number of other scholars, I will argue that the Sinai

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723 Schwartz, “The Priestly Account,” 103-34. Building upon Childs, Schwartz sets out further assumptions regarding the canonical context of the Sinai Pericope. Firstly, the final form of the Sinai Pericope itself is “the clearest evidence” for our discussion of its theological coherence and continuity. This means that the Sinaitic narratives surrounding the Decalogue and the Book of the Covenant are “thoroughly complete and coherent.” Secondly, when the Sinai Pericope is regarded synchronically as a delimitated block, its “coherence and continuity” can be perceived.

724 I already argued that the use of the disparate literary genres is a key to understanding the canonical shape of the whole Sinai Pericope in Chapter 3. This present exploration of the theological dynamic of the Sinai Pericope similarly draws on that insight. The Sinaitic narratives and law collections contain a variety of theological themes and ideas. Yet I agree with Brueggemann who insists that the crucial emphasis of the discursive “interpretive venues and perspectives” of the Sinai Pericope should be put on the “articulation of Yahweh”; namely, the identity of the God of Israel. For Brueggemann’s view, see “The God Who Gives Rest,” in The Book of Exodus, 565.

725 Childs, Introduction to the Old Testament, 278.
Pericope can be read as a theological whole by virtue of the unifying theme, Yahweh’s compassion.

To make my case in this chapter, I will conduct a three-step study. First, I will examine the following dialogically-related ideas found in the Sinai Pericope: the exodus, covenant, theophany, and divine lawgiving. Second, I will argue for the theological coherence of the Sinai Pericope based on Yahweh’s compassion. In this step, I will deal further with some of the theological challenges raised by selected commands and laws which seem to contradict Yahweh’s compassion, challenging the idea that the theological coherence of the Sinai Pericope is formed by the compassion of Yahweh. Lastly, a theological reflection of God’s compassion will come.

6.1. The Multivocal Witness to Yahweh

I begin with the exploration of the theological ideas which create the multivocal witness to the identity of Yahweh found in the Sinai Pericope. Critics have often noted and commented at length that the Sinai Pericope consists of two seemingly distinct traditions, the exodus tradition and the Sinai tradition, which produce a variety of theological themes and ideas.726

6.1.1. The Exodus

The exodus theme stands out as the one that draws all the parts of the Sinai Pericope to its centre, not only by describing the history of Israel’s salvation but also by producing the authoritative motivation for the Sinaitic laws.727 While many critical historical scholars have

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726 For example, Childs, *Introduction to the Old Testament*, 176-8; and Dozeman, *God at War*, 172.

argued that the exodus tradition and Sinai tradition should be treated separately, the final form of the Sinai Pericope as a text that is framed by the exodus theme has spawned many reflections about the theological significance of the exodus event.

Important in recent discussions about the theological significance of the exodus are those that approach this material from a liberation theology perspective and their dialogue. Gustavo Gutierrez and J. Severino Croatto have articulated the socio-political assumptions of the exodus using the lens of liberation theology, and to these George Pixley has added a Marxist critique of Israelite society. In doing so, Pixley, as Levenson suggests, regards the exodus as the paradigmatic act for divine liberation of the people of God. Although he grants Pixley’s “preferential option for the poor,” Levenson avers, “the point is not that it is Israel’s suffering that brings about the exodus, but that it is Israel that suffers.” He also notes that the notion of liberation from slavery is not brought up in the Song of the Sea (Ex 15). Levenson thus argues, the exodus is not about the “objection to slavery” but about the constitution of the basis for the Sinai Covenant according to which the descendants of the

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728 For example, Gerhard von Rad, *Old Testament Theology: The Theology of Israel's Historical Tradition*, vol. 1, trans. D. M. G. Stalker (New York: Harper & Row, 2001), 175-6 and 187-90. While von Rad treats the two traditions separately, he views the phrase describing Yahweh as the God of the exodus, “who brought Israel out of Egypt,” as the “confessional formulae” reflecting “Israel’s original confession.” Furthermore, he also points out “its great variability and elasticity” insofar as it can be formulated in varying detail. This influences Childs’ canonical approach to the texts later.

729 According to Gutierrez and Croatto, the exodus event with its social and political implications is in the extended context of creation, because the first salvific act of Yahweh is creation not exodus; the “particularity” of the exodus event, therefore, is to be “transcended.” For this, see Collins, “The Exodus and Biblical Theology,” 251.


patriarchs live in the land of Canaan.\textsuperscript{734}

In support of a liberation theological reading of Exodus, Pixley suggests that it seems plausible to interpret Exodus as a biblical book which deals with the liberation of the oppressed from their oppression. Moreover, the liberation theologians’ assumptions about the exodus harmonize well with Collins’ ideas that the exodus event leads to a covenant, and that together with the exodus, “obligations in social and political terms” arise before “the construction of a just and fraternal society.”\textsuperscript{735}

At the same time, as Levenson and others criticize, there are also reasons to doubt that liberation theology has done justice to the exodus. While it is true that the exodus requires the liberation of the Israelites from servitude and oppression under Pharaoh, what the book of Exodus eventually declares is not just the exodus event, but Yahweh’s kingship. Thus Levenson states that the exodus is a movement evoking the transition of the Israelites from the service of a “brutal, self-interested tyrant” to the service of a “kind, loving, and generous monarch, YHWH, God of Israel”\textsuperscript{736} Thus Levenson argues that the exodus functions as the basis for the covenant.\textsuperscript{737} Brueggemann refines this point by saying that the exodus is an event resulting in “(Israel’s) autonomous independence”\textsuperscript{738} and also observes that Yahweh


\textsuperscript{735} Collins, “The Exodus and Biblical Theology,” 253. Collins thinks that the liberation theology of the exodus does not necessarily mean the separation between the (salvation) history and (Sinaitic) law, against von Rad’s tradition-critical approach to the association. An understanding of the association of history and law similar to von Rad’s is also found with Childs and Dozeman.


\textsuperscript{737} Collins comments on Levenson’s argument for Yahweh’s choosing of the Israelites. See Collins, “The Exodus and Biblical Theology,” 252.

and Israel enter into a “covenant of mutuality between lord and subject” in Exodus 19-24.\textsuperscript{739} Notably, Israel stands in a liminal moment when she arrives at the foot of Mount Sinai after the exodus event and the wilderness wanderings;\textsuperscript{740} Israel is separated from her past life of oppression under Pharaoh in Egypt and given the opportunity to live a new life that Yahweh is about to provide based on the Sinai Covenant.

These observations are crucial in resolving the theological conflict between pro- and anti-slavery texts found in the exodus and Sinai traditions.\textsuperscript{741} Leo D. Perdue proposes a wider sense of praxis in the exodus. He says that the exodus requires the “humanization of the poor by freeing them from the degradation and dehumanization of poverty,” which is relevant both to the oppressed and oppressors.\textsuperscript{742} This view cannot be harmonized with the typical liberation theology approach to the exodus unless the civil laws presented in the Sinai Pericope, especially the Book of the Covenant, are disregarded. Consequently, as Collins astutely sets out, a hermeneutical problem arises as to whether the theology of the exodus should be based only on “the particularity of the election of Israel,” or whether it can be extended by virtue of the “metaphor” of the paradigmatic divine act to the liberation of all peoples. What interpretation do the Sinaitic law materials support with their “humanitarian character”?\textsuperscript{743}

\textsuperscript{739} Brueggemann, “The God Who Gives Rest,” 566.

\textsuperscript{740} Stahl and Leder recognize the liminal characteristics of the transition. For this, see Stahl, \textit{Law and Liminality}, 24; and Leder, \textit{Waiting for the Land}, 107 and 109.

\textsuperscript{741} For example, Hanson proposes a theological conflict in Yahweh’s nature, especially between Yahweh the God who liberated the Israelites from their slavery in Egypt and Yahweh the God who enacted laws of slavery in the Book of the Covenant. See Hanson, “The Theological Significance of Contradiction,” 110-131.

\textsuperscript{742} Leo G. Perdue, \textit{Reconstructing Old Testament Theology: after the collapse of history}, OBT (Minneapolis: Fortress, 2005), 77.

Attempts to reconstruct the original political and social setting of the exodus, and apply the exodus’ theological significance to contemporary contexts based on analogies with the event, are commendable. Liberation theologians’ metaphorical application of the Israelites’ oppression in Egypt to the oppression of the poor in Latin America fits with other biblical texts and the message of the gospel. Nevertheless, their narrow emphasis on social and political issues related to liberation is not supported by the canonical context of Exodus, insofar as Israel through the exodus event becomes formally God’s people who are to serve their redeemer (see 3:12; 7:16; 26 [En 8:1]; 8:16 [En 8:20]; 9:1, 13; 10:3; 12:31).

Levenson’s argument for the exclusive election of the Israelites also provokes a hermeneutically important question. Can imposing limits on the ethnic setting of the beneficiaries of the exodus be supported by the larger canonical context of the Sinai Pericope? As shown in Chapter 3, the Sinaitic law collections, which incorporate prohibitions against oppression, violence, and the abuse of the socially vulnerable including sojourners (e.g., Ex 22:1, 20-26; 23:9, 12) were grounded motivationally in the exodus. The references to sojourners in 22:20 [En 22:21] and 23:9 suggest that these laws should not be limited to the Israelites:

**Exodus 22:20**

\[\text{הֵן לֹא לַאֲחָיָן לֹא לַחַלֶּמֶנּוּ} \]

\[\text{הֵן לֹא לַיָּדָאָה לֹא לַחַלֶּמֶנּוּ} \]

\[\text{כִּי הָיִיתָם בַּעֲרָבֹת מְרָאָה} \]

\[\text{כִּי הָיִיתָם בַּעֲרָבֹת מְרָאָה} \]

\[\text{20ab Two-fold prohibition} \]

\[\text{c Rationale (exodus theme related)} \]

**Exodus 23:9**

\[\text{הֵן לֹא לַאֲחָיָן} \]

\[\text{הֵן לֹא לַיָּדָאָה} \]

\[\text{כִּי הָיִיתָם בַּעֲרָבֹת מְרָאָה} \]

\[\text{כִּי הָיִיתָם בַּעֲרָבֹת מְרָאָה} \]

\[\text{9a Single Prohibition} \]

\[\text{b Two-fold rationale} \]

\[\text{c (9c is the same as 22:20c)} \]

In my view, both the liberation theologians’ analogical reconstruction and application of the exodus and Levenson’s imposition of limits on the exclusive ethnic setting of the event are not fully convincing. Instead, I believe that further studies of the Sinai Pericope should take
into consideration the theological significance of the exodus as the basic rationale for the covenant. This is especially clear as the Sinai Pericope reaches its climax in the giving of the full divine law in accordance with the canonical picture presented in the text.

6.1.2. The Covenant

There has been a long-standing agreement that the presentation of laws set in Exodus 19:1-24:11 represents the establishment of a covenant between Yahweh and Israel. This is seen especially in the use of the term יָרֵשׁ in 19:3-8d (esp. v. 5) and 24:3-8. However, Weinfeld makes the crucial point that the word יָרֵשׁ did not originally mean “agreement or settlement between two parties,” but rather a superior’s “imposition,” “liability,” or “obligation” upon an inferior as “law and commandment.” This view fits well with the idea of the establishment of the covenant at Sinai in terms of Yahweh’s imposition of laws and obligations upon the Israelites. Nevertheless, it does not necessarily mean that the events at Sinai should not also be viewed as the constitution of a mutual agreement between two parties.

As mentioned in Chapter 1, parallels are commonly adduced between the legal sections in the Sinai Pericope and other ancient Near Eastern law codes. Mendenhall, Baltzer, and McCarthy, for example, identify a covenant structure by focusing on different sections of the Sinai Pericope. Mendenhall, Baltzer, and McCarthy, for example, identify a covenant structure by focusing on different sections of the Sinai Pericope. Mendenhall focuses on the structure of the Sinai Covenant, by which he means the Decalogue, drawing parallels with various international treaties of the Late Bronze Age Near

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Eastern society. Baltzer by contrast finds some structural elements of a “covenant formulary” in the prologue and epilogue narrative sections in the Sinai Pericope. Unlike Mendenhall and Baltzer, who focus on the Sinaitic legal materials or the narratives, McCarthy discerns a covenant structure based on the integration of law and narrative in the Sinai Pericope consisting of the follow elements: “the introduction with parenetic and historical material” (19:3ff); “the proclamation of the divine will” (20:1-23:19); “promise of blessings” (23:20-33); and “ceremonies to ratify the alliance” (24:1-11). This view concurs with his argument that the Sinaitic laws are not presented as a covenant code but are interwoven with the surrounding narratives in the Sinai Pericope. It also fits with the canonical setting of the Sinai Pericope, and provides a convincing inference regarding the transformation of the Israelites at Sinai and their circumstances related to the establishment of the Sinai Covenant.

It is commonly agreed that the importance of the Sinai Covenant for Israel lies in the final establishment of the relationship between Yahweh and the Israelites. Some critics, such as Terence E. Fretheim, raise the issue that the Israelites already had a covenantal relationship with Yahweh before the ratification of the Sinai covenant. Yet, as Fretheim admits, the laws

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747 Baltzer, *The Covenant Formulary*, 28-31. Unlike Mendenhall, Baltzer puts his emphasis on the first and seventh narrative units and identifies significant covenant elements: (1) “Antecedent history” (19:4); (2) “Statement of substance” (19:5-6b); (3) the “Declaration of ‘all the words of Yahweh’” (24:3-4a); and (3) the “Affirmative Response of the People” (24:7).


750 Fretheim, *God and World*, 146.
were a new element in that relation, even though they were given to the Israelites in the much larger literary context of the Israelites’ experience of the exodus and the wilderness wanderings in the book of Exodus.\textsuperscript{751} Moreover, as Mendenhall notes, it was at Sinai where the people were transformed into a new community by the covenant.\textsuperscript{752} Indeed, Israel did not have a political status as a nation in Egypt.

It is arguably the covenant revealed in the tangled mix of law and narrative in the Sinai Pericope that defines Israel as a newly transformed community. Israel was distinct from the other nations precisely by virtue of her covenant relationship with Yahweh. The covenant relationship between the Israelites and Yahweh can be considered as a suzerain-vassal treaty,\textsuperscript{753} insofar as the people of Israel had to obey the laws of the covenant which were imposed by Yahweh through Moses’ mediation.

\section*{6.1.3. Israel’s New Identity as Yahweh’s Treasured People}

The first Sinaitic narrative unit involving Moses’ first ascent and descent of the mountain (19:3a-8d) contains Yahweh’s direct speech to Moses (19:5-6). Thomas W. Mann points to this divine speech as the starting “stamp of theology” which governs the rest of the Sinai Pericope by succinctly articulating the new identities of Yahweh and Israel based on their

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\textsuperscript{751} Fretheim, \textit{God and World}, 147. When it comes to the larger canonical context within which the Sinai Pericope is set, Fretheim correctly postulates: In other words, the law…is integrated with the ongoing story of the people of God….Law for Israel is always intersecting with life as it is lived – filled with contingency and change, complexity and ambiguity.

\textsuperscript{752} Mendenhall, \textit{Law and Covenant}, 37.

\end{flushright}
covenant relationship.\(^{754}\) As the historical preamble of the covenant, the divine speech recollects Yahweh’s past redemptive acts, and it is significant in terms of the covenant. The people of Israel are then called on to obey the covenant obligations imposed through the divine speeches in the Decalogue and the Book of the Covenant.

What is declared in the divine speech (19:5-6) is the promise of a special relationship between Yahweh and Israel: Israel will be his “own possession” (ךְָּלֶּחֶם) and a “kingdom of priests and holy nation” (כְּמֶלֶךְ דַּתִים וַתְּרֵתָם). The promise confirms Yahweh’s choice of Israel among nations. The promise in 19:5d thus signifies that Israel becomes Yahweh’s own “personal possession not through inheritance but rather through the putting aside of a reserve from the possessions of the Most High.”\(^{755}\) The second part of the promise addresses the more specific issue of the nature of Israel: Yahweh will separate them as “the sacerdotal domain”\(^{756}\) in order to serve/worship (כֶּדֶם) Yahweh and not Pharaoh.\(^{757}\) Through this promise then the Israelites, who were one of the slave-peoples serving Pharaoh in Egypt, were transformed into the people who are to act as a priest to the nations by living out the signification of Yahweh’s past redemptive deeds for them.

It should also be noted, however, that the promise given to the people of Israel was emphatically conditional (19:5a-c): אֲשֶׁר יִהְיֶה מְלֵךְ נָתיָנָה בְּנֵי יִשְׂרָאֵל. As Brueggemann and Paul Copan postulate, the divine constitution of the covenant, which contains specific promises that were conditioned upon obedience, reveals Yahweh’s character as the God who

\(^{754}\) Mann, The Book of the Torah, 120.

\(^{755}\) E. Lipinski, “ךְָּלֶּחֶם,” in TDOT, 10:144-8 (esp. 147-8).

\(^{756}\) Mann, The Book of the Torah, 122.

\(^{757}\) Leder, Waiting for the Land, 97.
is interested not only in religious concerns but also in the social concerns of the people of Israel. Both of these concerns are harmonized in the larger narrative context of the book of Exodus. Brueggemann thus writes:

The “if” of Exod 19:5 has often been understood to indicate the “conditionality” of this covenant. Beyond that, the “if,” also serves to connect YHWH with social practice. At Sinai Israel was invited to life with YHWH, to be YHWH’s covenant partner. The “if” assumes that YHWH is not available simply as a religious subject to be engaged in religious practices of piety and worship. YHWH comes with YHWH’s commandments, and YHWH’s commandments concern the ordering of social power....The alternative God is involved with and committed to alternative social relationships....Thus Sinai is not only a religious meeting; it is also a social vision of an alternative society.

Covenantal conditionality enhances the royal image of Yahweh as the true king who calls on his people to embody a vision of justice that encompasses religious, social, economic, and judicial practices. The following section about Yahweh’s lawgiving (see 6.1.5. below) focuses especially on the casuistic laws in the Book of the Covenant based on the “I-You” relationship between the two covenantal partners. This relationship implies the covenantal mutuality of “command and obedience” (19:6; 20:18-21), and underscores the portrait of Yahweh as king. To this matter we will return below (6.1.5.).

6.1.4. The Theophany

In the narrative frame of the Sinai Pericope (i.e. 19:3-8 and 24:3-8), the covenant relationship between Yahweh and Israel is established. As discussed above, the covenant-making procedure – Yahweh’s offering, the people’s acceptance, and Yahweh’s ratification – is

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760 This view is supported by many scholars. For example, Patrick, “I and Thou,” 80; Levinson, “The Right Chorale,” 49; Leder, *Waiting for the Land*, 104-10; and Mann, *The Book of the Torah*, 126-9.
763 I already introduced the function of the *inclusio* in Chapter 1.
expressed in the mix of law and narrative found in the Sinai Pericope. The text in its final form, however, places Yahweh’s theophany before his lawgiving.

According to M. F. Rocker, the term theophany when defined as a “visible manifestation of God, a self-disclosure of the deity,” has a theological significance. As Rocker correctly points out, a theophany is “one of the means whereby God reveals himself to humanity” and “may be divided into the broad categories of word and deed.” Building upon von Rad and Jeffrey J. Niehaus, who regard the direct pronouncement of a divine message as the “critical component” of the theophanic event, Rocker classifies the divine revelation presented in the Sinai Pericope as a theophany because it includes a “direct message” (19:9-25). The message itself occurs in the theological context of the establishment of the covenant relationship that Yahweh initiates with Israel.

As many scholars have pointed out, the theme of theophany dominates the entire Sinaitic narrative. Unlike other parts of Exodus, the theophany in the Sinai Pericope is “not private, but public.” As Polak thus suggests, Moses’ role as a mediator of the covenant with Yahweh involves preparing the people for the appearance of Yahweh at Sinai and delivering their responses to Yahweh’s divine messages.

768 Knight, Narrative Theology, 128-60; and Polak, “Theophany and Mediator,” 113.
769 Polak, “Theophany and Mediator,” 113 and 129.
770 Polak, “Theophany and Mediator,” 130-1.
Building upon Levinson and Polak, who note that the theme of theophany connects both lawgiving and covenant by virtue of such motifs as seeing, hearing, speaking, and obeying, I suggest further that the themes within this narrative framework shift from the theophany to the covenant ceremony, as the following specific observations illustrate:

1. Yahweh’s offering of the covenant relationship to Israel in 19:5-6 is made with reference to the seeing of the divine theophany (~tēyair> ~Täa; in 19:4) in terms of his salvific deeds for the Israelites in Egypt and the exodus event.

2. The divine offering of covenant formulated in 19:6b is given to the Israelites in 19:7 and they accept the offering in 19:8b by means of the two motifs, speaking and doing: “All the words Yahweh has spoken (hwh“ßhy> rBïDI-rv,a>lKo±) we will do (hf>_n)”.

3. The Decalogue (20:1-17) begins with one of the motifs related to the theophany: Yahweh’s speaking (rB<ïDI-rv,a>) is directly given to the Israelites.

4. The people’s fear and refusal of encountering the presence of Yahweh whom they witnessed in the giving of the Decalogue lead to their request for Moses’ mediation in 20:19bcd. The clauses use the motifs speaking and listening: “Speak (rBëad:y>-w:) to us and we will listen (h[m’v.nIw>); but let not Yahweh speak (rBEïd:y>-la;w) to us.” Because of this people’s request in the fourth narrative unit (20:18-21), the publicly presented divine revelation temporarily ceases while Moses provides instruction about the laws in the Book of the Covenant (20:22-23:33).

5. After Moses completes the delivery of the covenant law, the motifs used in 19:8b and 20:19bc recur in the people’s proclamation made in 24:7: “All that the Lord has spoken (hwh“ßhy>) we will do (hf>_n) and listen (h[m’v.nIw>).

6. Together with the people’s previous response to the divine offering, the public theophany resumes in the fifth narrative unit (24:1-11); “they saw (ÅN<ú) the God of Israel” in 24:10a and “they beheld (hWzx/Y<w:) God” 11b, and the festive meal with Yahweh (WT)v.YIw: Wlßk.aYOw in 11cd marks the final establishment of the covenant.

7. The purpose of Moses’ preparation for Yahweh’s theophany at Sinai is to let the people hear (h[m’v.nIw>) what Yahweh speaks to Moses (hwh“ßhy> rB<ïDI-rv,a>) in 19:9cd (cf. 19:20).

Bringing the complex narrative accounts of Yahweh’s theophany in the Sinai Pericope into sharp relief, Sommer raises the question of what the Israelites really saw and heard at

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771 Polak, “Theophany and Mediator,” 113 and 129-38; and Levinson, “The Right Chorale,” 27. Although Polak posits the theophany as the “overarching theme” of the whole Exodus, stating that it “stands at the centre of the book as a whole” and “permeates all traditions, sources, and redaction layers,” he does not think that the different narrative stages of the theme can be explained synchronically. As I already argued, however, this theological implication should be explored in accordance with the canonical shape of the Sinai Pericope. While Levinson argues that law contains narrative in the Sinai Pericope, and not vice versa, he correctly points to the relationship between the divine lawgiving and theophany.

Sinai. Observing a “pattern of ambiguity” centered around the frequent use of the word לְאִקַּבָּל and relating the theophanic situation in terms both of seeing and hearing, Sommer asks what the relationship of the theophany and the divine lawgiving (the Decalogue) is actually portrayed to be. He comments on the different ways לְאִקַּבָּל is used in this material: (1) when Yahweh offers the covenantal relationship to the Israelites in 19:5, the word is used as a part of the phrase, יְיִּלָּד , denoting obedience; (2) in ch. 19 and 20:18-21, which describe the “overwhelming experience” of theophany, לְאִקַּבָּל refers to thunder and lightning (19:16; 20:18); (3) the word in 19:19, מְשָׁא מִדָּבְרֵי הַמִּרְאֶה יִקַּבְּלֶה יִמְשָׁא מִדָּבְרֵי חַרְבִּים, ambiguously refers either to a voice or to thunder; and (4) in 24:1-11 לְאִקַּבָּל is not used, but rather a visual image of a non-overwhelming event is presented instead of the “auditory imagery” of the divine revelation.

Sommer answers the question briefly by suggesting that the theophanic event at Sinai did not originally occur in company with “distinct words or even sounds” and that the Israelites heard “no words” related to the Decalogue. He presupposes that “the revelation was no more and no less than a signification of divine communication, an intimation of something beyond words or shapes, a trace that discloses a real and commanding presence.” Sommer’s explanation of the divine revelation at Sinai in the Sinai Pericope is not unlike typical historical-critical understandings of the literary complexity found in the text, as shown in

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773 Sommer, “Revelation at Sinai,” 422-51; and idem, Revelation and Authority: Sinai in Jewish Scripture and Tradition, AYBRL (New Haven: Yale University Press, 2015), 27-98 (esp. 30-75).

774 Sommer, Revelation and Authority, 35-6.

775 Sommer, “Revelation at Sinai,” 426-30; and idem, Revelation and Authority, 36.

776 Sommer, Revelation and Authority, 36-7.

777 Sommer, Revelation and Authority, 41-2.


Chapter 1. Indeed, he deals with the ambiguous characteristics of the divine appearance at Sinai in J, E, and P, and the divine lawgiving in D. However, he does not provide a convincing treatment of the themes that the canonical context of the Sinai Pericope supports. In addition, Sommer’s presentation of the divine appearance in the Sinai Pericope does not render it coherent. Instead Sommer contrasts the auditory imagery of theophany which is formed in Exodus 19-20, with the imagery of theophany in Exodus 24:1-11. In the former, Yahweh both instructs Moses to prepare the people for the theophany and simultaneously keeps prohibiting the Israelites from coming near. The latter passage describes two levels of encountering between Yahweh and Israel: (1) Yahweh - Moses (24:1, 2); and (2) Yahweh - Moses, Aaron, Nadab, Abihu, and seventy elders (24:9, 11). Whether the audible and visual images of theophany are distinguished is still questionable.

Unlike Sommer, Fraade and Diana Lipton offer a more holistic approach to the problem of the divine appearance at Sinai. Fraade observes the pairing of הָרָה with הָרָה לְ and argues that הָרָה is to be understood as denoting “not just the physical sense of seeing, but its broader meaning of cognizance and comprehension.” Specifically, focusing on Exodus 20:18-21 in which the verb הָרָה is used audibly for the sound (והָ) of thunder (v. 18) and occurs with הָרָה (v. 19) for “the voice of God,” Fraade argues that this “single verb of seeing” as a “presumed ellipsis...for hearing and seeing” can be used in the context of the revelation. He thus rehearses early rabbinic and Philonic interpretations of 20:18-21 and 24:9-11 that what the Israelites “saw” was Yahweh’s glory and that “the Voice (of God)” they heard was delivered in the form of “a miracle of a truly holy kind by bidding an invisible sound to be created in

Fraade’s work indicates that Yahweh’s lawgiving is closely associated with the divine revelation. Although the revelation itself does not necessarily entail divine words or laws, הָאָרָה and וַתֵּנֵּס, sometimes together and other times alone, are used in the Sinaitic narratives to describe the theophanic event (19:4, 21; 20:18, 22; 24:10).

Like Sommer, Lipton argues that the idiomatic phrase לְאִקָּב יָרִים conveys “the notion of engagement” of obedience to God in the Sinaitic law collections:

[Narratives in which God issues a clear instruction that appears to demand obedience may usefully be read as a guide to how people should ideally respond to laws that occur in straightforwardly legal contexts, such as law codes.]

This pair of words provides both an audible and a visual image of the divine revelation. In my view, the imagery is not contradictory; rather, it bears witness to a movement in the theological understanding of theophany centred around Yahweh’s lawgiving—from Yahweh’s offering of the covenant before the lawgiving to the ritual ratification of the covenant after the lawgiving. In what follows, I will show that the primary theological issue at stake has to do with the problem of laws demanding obedience in accordance with the divine revelation to maintain the covenantal relationship.

6.1.5. The Divine Lawgiving

The canonical place of Yahweh’s lawgiving in the Sinai Pericope with regard to his salvation history has theological implications regarding the divine will as reflected in the Decalogue and the Book of the Covenant. Concerning this issue von Rad provides the starting point for a further discussion by pointing to the ancient Near Eastern understanding that it is impossible to enter into a relationship with a deity “without the acceptance and binding recognition” of

laws, which were expressed in the form of specific instructions, regulations, and ordinances.\footnote{Von Rad, *Old Testament Theology*, 1:192.}

As shown in Chapter 3, the Sinai narrative framework presents the Decalogue as part of the direct revelation of God to the Israelites and the Book of the Covenant as mediated through Moses to them. It should be noted that, as Miller points out, the Decalogue and the Book of the Covenant are all “God-given,” even though the Decalogue can be distinguished from the Book of the Covenant or the rest of law by “singling out” or “lifting” the former to “a higher level” in terms of the mode of transmission.\footnote{Patrick D. Miller, *The Way of the Lord: Essays in Old Testament Theology*, FAT 39 (Tübingen: Mohr Siebeck, 2004), 4.} Indeed, Miller avers that the Decalogue is the “constitutional law” and its diverse applications are presented in the Book of the Covenant and the rest of other biblical law materials.\footnote{Miller, *The Way of the Lord*, 4-5.} Rather than emphasizing the different modes of the transmission of laws, it is important to recognize the foundational character of the Sinaitic law as an essential obligation for the community of faith. In the context of the salvation history of Israel, it discloses the specific relationship between Yahweh and Israel in terms of the “I-You” relationship.

Scholars such as von Rad, Patrick, Levenson, Miller, Copan, and Assnat, building on Martin Buber’s notion of the “I-Thou” relationship,\footnote{Martin Buber, *I and Thou: A New Translation with a Prologue, “I And You,” and Notes by Walter Kaufman* (New York: Charles Scribner’s Sons, 1970). See also S. Daniel Breslauer, *The Chrysalis of Religion: A Guide to the Jewishness of Buber’s I and Thou* (Nashville: Abindon, 1980); and Kenneth P. Kramer and Mechthild Gawlick, *Martin Buber’s I and Thou: Practicing Living Dialogue* (New York: Paulist Press, 2003), 18-9. Buber’s philosophical work on this issue was influential for understanding the relationship between Yahweh and Israel as presented in the Sinai Pericope. Kramer and Gawlick provide a good summary and evaluation of it: “I-Thou” interactions are direct and open moments of mutual presence between persons, according to Buber, and are necessary for becoming whole human beings. It is well to remember here that in “I-Thou” relationships, the “Thou” is not a pronoun that stands for a name. When “I” address you as “Thou,” I enter into direct relationship with you as a uniquely whole person, not merely as an identity. “I-Thou” thus} identify the covenant parties in the Sinai
Pericope as Yahweh and the people of Israel as Yahweh the “I” the new suzerain of Israel and Israel as the “You” his people as a collective whole.\textsuperscript{788}

As Patrick observes, the distributions of the “Personal” (the “I-You” established in the communication between the two covenant partners), together with impersonal statements, specify what the Sinai Covenant requires of the vassal for constructing and administrating the community’s religious and social justice.\textsuperscript{789} While I agree with these scholars and Patrick’s particular observation, I would go further to argue that the “I-You” relationship underscores the importance of an understanding of the law as Torah and the law as wisdom.

6.1.5.1. The Law as Torah

It is not easy to specify or to limit the denotation of the law, which is expressed by a variety of theological ideas not only in the Sinai Pericope but also in other related texts such as the wilderness wandering narratives (Ex 15:22-18:27) and the golden calf narratives (Ex 32-34). Most scholars recognize the importance of the word מִתְנַעַל, which is applied to a wide range of materials related to the law, such as the ten commandments, legal cases, cultic regulations, and other priestly instructions in association with other terms, for example, מָשָׁפֵט, מְשָׁפִּים, מְשָׁפִּית, and מְשָׁפִּית.\textsuperscript{790} Smith’s discussion of the wide range of the usage of the word מִתְנַעַל is typical:

\begin{itemize}
  \item refers to a two-sided event in which our personal uniqueness enters into relationship with another’s personal uniqueness….Certainly, Buber’s ever-renewed reason for writing was his conviction that each of us is capable of entering into I-Thou relationships with one another, through which surprising and new dimensions of reality arise.
  \item Patrick, “I and Thou,” 72-7.
\end{itemize}
includes law in the legal sense, but it also extends to the non-legal materials. Indeed, the term covers such a wide variety of materials that ‘law,’ insofar as this word evokes a purely legal sensibility, is an insufficient translation for הַרְאוֹת.\textsuperscript{791}

Furthermore, Smith makes two observations regarding the denotation of הַרְאוֹת:\textsuperscript{792} firstly, the word הַרְאוֹת used in Exodus 24:12 classifies the laws in 19:1-24:11 “collectively”; secondly, Moses is “to teach” (לַתְּנַבָּה) the Israelites “the law and the commandment” (הַרְאוֹתֵהַ) written on the tablets. In recognition of the range of usage of these associated words which are used as a bracket with קרְאָה יִתְנַה (24:3-4) and קרְאָה יִתְנַה (20:1; 24:8) for the Sinaitic laws, Smith concludes that the “precise contextual sense of divine lawgiving” is the “teaching” of הַרְאוֹת. If Smith is correct, הַרְאוֹת used in the Sinai Pericope suggests that the Sinaitic laws given to the covenant community in the form of commandments, statutes, and ordinances can be understood as instruction for the Israelites’ future life.\textsuperscript{793}

In addition, Smith’s understanding of the different modes of transmission of the law in the context of the teaching of הַרְאוֹת is worth noting.\textsuperscript{794} The Decalogue as expressed by the phrase קרְאָה יִתְנַה (20:1) directly delivered to the people of Israel is given a “special status” because it is bracketed by the narrative of the divine theophany. Indeed, the narratives surrounding the Decalogue demonstrate that these are the words given to the people directly from Yahweh. The Book of the Covenant, which was mediated by Moses, can also be understood in the context of “teaching (of הַרְאוֹת) in the name of Yahweh.”\textsuperscript{795} Smith thus

\begin{footnotes}
\item[791] Smith, \textit{The Pilgrimage Pattern in Exodus}, 269.
\item[792] Smith, \textit{The Pilgrimage Pattern in Exodus}, 269-71.
\item[793] Miller also supports this opinion by elaborating on the Torah, which functions as “a source of authority, knowledge, and experience” when it is understood and applied by the members of the covenant community. For Miller’s thesis, see \textit{Israelite Religion}, 497-8.
\item[794] Smith, \textit{The Pilgrimage Pattern in Exodus}, 271-2
\end{footnotes}
considers Moses’ mediation of law at Sinai the “model for the ideal prophet(s).” He then concludes that the two modes of legal transmission which reflect different historical settings, the Decalogue (direct but “oral”) and the Book of the Covenant (indirect but “written in character”) have a “dialectical relationship” in Exodus 19-24.

Watts extends the preceding discussion of the Sinaitic laws as part of the Torah into the wider context of the Pentateuch. He points out that both the “law of Yahweh” (the Decalogue) and the “instruction of Moses” (the Book of the Covenant) are “used in association with the word מִקְרָא in the Sinai Pericope,” and so the Pentateuch combines religion, ethics, and law. Indeed, after the Decalogue, religious instructions, civil laws, and ethical teachings together function as an integral part of the Book of the Covenant. Watts thus argues:

[T]he mixture of laws with ethical and religious instructions and their placement within narrative frameworks led to labeling the whole Pentateuch as Torah....It is also noted the way Pentateuchal laws (civil, religious and ethical) specify the reader’s identity relative to the laws. Thus the Pentateuch presents תורה as legislation issued by a legitimate authority (YHWH) that is binding on all those within its self-described jurisdiction (Israel), in other words as law.

All things considered, the theological significance of the placement of the divine lawgiving in the Sinaitic narratives can be summarized as follows. First, in spite of their disparate literary forms, the laws in the Decalogue and the Book of the Covenant function in relation to their surrounding narratives regarding Yahweh’s gracious offer of the establishment of the covenantal relationship with Israel. That is to say, the laws given to the covenant people in the Sinai Pericope are a means of grace as an extension of Yahweh’s past salvific act of the

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799 This phrase is Watts’ citation of Crüsemann, *The Torah*, 332-3.
exodus. Second, as shown already in Chapter 4, the Sinaitic laws forming direct or indirect divine speeches to the covenant people are a window into the character of Yahweh. Third, the Sinaitic laws form the essential core of the covenant. The Sinaitic laws are more than an “abstract system of morality,” they motivate Israel’s obedience and transform her identity; that is to say, the legal materials of the Sinai Pericope define the character of the covenant established between Yahweh and Israel. Lastly, the tangled mix of law and narrative in the Sinai Pericope constitutes a theological whole. The Sinaitic law materials are part of a larger whole which is rooted in the macro-narrative context of Yahweh’s redemptive history. This teaching of religious and civil rules and regulations as Torah is to be understood together with the motivation, impetus, and rationale set by the exodus in terms of the larger theological context of Yahweh’s salvation for his people.

6.1.5.2. The Law as Wisdom

The preceding discussion of divine lawgiving is linked to another aspect of law; the law as

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803 Wenham, “Grace and Law in the Old Testament,” 9-10 and 24-52. Wenham regards the Sinaitic laws as “the personal demands of the sovereign, personal God on his subject people” which not only reveal Yahweh’s will but also reflect the character of the covenant relationship.

804 Levenson, Sinai and Zion, 36-86; Patrick, “I-Thou,” 77; Calum Carmichael, The Spirit of Biblical Law (Athens: The University of Georgia Press, 1996), 10-24; Fretheim, God and World, 133-40 and 146-52; Sprinkle, “Law and Narrative,” 55; and Leder, Waiting for the Land, 104-14, 178-9, and 197-212; and Sailhamer, The Theological Meaning of the Pentateuch, 42-7 and 355-415. While these scholars acknowledge that the Israelites’ identity is totally different before and after the establishment of the Sinai Covenant, some scholars such as Raymond Westbrook think that the legal materials as the nucleus of the Sinai Pericope affect the surrounding narratives. Carmichael, Patrick, and Sailhamer propose exactly the opposite argument, however, that the Sinaitic laws are the core of the covenant rather than the narratives.

wisdom. As already mentioned in my historical review of form-critical issues relating to the biblical laws in Chapter 1, Alt argues for distinct settings in life for the biblical laws proposing an Israelite origin for apodictic law and a Canaanite origin for the casuistic law. Although Alt’s view has carried some weight, a number of scholars have disagreed with his strict distinction of the legal formulations. They propose instead that apodictic laws were not unique to Israel. Further, scholars suggest that the apodictic form is also found in Israel’s wisdom traditions. Gerstenberger, for example, sees the prohibitive as “the common clan ethos,” Gemser understands that apodictic laws were grounded in a wisdom tradition, and Richter suggests that “the vetitive (’al + short imperfect + motivation)” was influenced by the prohibitive and found in the educational settings of the upper classes.

Recent scholars have generally accepted Gerstenberger’s view that parental instruction is a more plausible setting for apodictic laws, even though various intensive analyses of this genre and possible settings in life are ongoing. Drawing upon Weinfeld, for instance, Blenkinsopp understands the Torah as “didactic historical instruction,” and Carmichael and Watts contend that the rhetorical technique of the law is “more didactic than sermonic” and thus seems to have a closer connection “with wisdom than with priestly traditions.” Alternative proposals to Alt’s exclusive cultic setting for apodictic laws, such as Blenkinsopp’s argument for formal connections between apodictic laws and wisdom teachings in Proverbs and Jackson’s demonstrations of connections between the casuistic laws in the Book of the

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806 Clark, “Law,” 112.
809 Blenkinsopp, The Pentateuch, 183-228 (esp. 216).
Covenant and the wisdom teachings, open up the important consideration of law as wisdom.

In their extended discussions of the formulation of the Pentateuch, the majority of critics argue that the period of the Persian domination over Judea is the most plausible historical setting for the integration of law and narrative as in Exodus 19-24 and Deuteronomy. In this regard, Watts points out that the Sinaitic and Deuteronomic laws integrated into the “story-list (law)-sanction pattern” found in this material provide a clue for when the final form of the Pentateuch was shaped. He puts forward the reasonable hypothesis that the Sinaitic law collections and narratives were brought together to encourage the people of Israel to obey their new king, Yahweh. Israel’s identity was then newly transformed into the people of the covenant based on the laws of the Decalogue and the Book of the Covenant, which defined who they were in both “partial continuity and partial discontinuity with past Israel.”

Watts therefore thinks that it is the Persian domination period over Judea that best fits with the Pentateuch’s completion.

Regarding the question of when the integration of law and narrative in Exodus 19-24 and Deuteronomy happened, scholars such as Rendtorff, Crüsemann, Watts, Sailhamer, and many

\footnote{Jackson, Wisdom-Laws, 23-39.}

\footnote{For example, Crüsemann, The Torah, 329-39; Watts, Reading Law, 137-47; Carr, The Formation of the Hebrew Bible, 470-2; Erhard Blum, “The Decalogue and the Composition History of the Pentateuch,” in The Pentateuch, 289-301; Albertz, “The Late Exilic Book of Exodus,” 243-56; Schmid, The Old Testament, 125-6 and 147-52; and David M. Carr, Holy Resilience: The Bible’s Traumatic Origins (New Haven: Yale University Press, 2014), 110-27 (esp. 117-20). Some further explanation should be added. Among these scholars, Albertz and Blum point to the post-exilic period instead of the period of Persian domination over Judea. Schmid also recently argues for a pre-exilic literary and historical setting for the formation of Ex 19-24 and 32-34, “prior to the Priestly document,” without its legal materials. Nonetheless, he thinks that cultic and wisdom traditions were combined in the Persian period.}

\footnote{Watts, Reading Law, 137.}

\footnote{Watts, Reading Law, 137.}
others point to Ezra 7:7-10, in which “the law of Moses” (תְּורָה), refers to the legal collections of the Pentateuch. More specifically, in his letter to Ezra (7:11-26) Artaxerxes instructs Ezra and his seven counselors to inquire concerning Judea and Jerusalem according to the law of his God. Similarly, in verse 25, Ezra is commissioned by the king to judge all the people who know “over the river the laws of your God” and to teach anyone who does not know the laws.

At this point, it should be noted that the word referring to the law, תְּורָה, in Ezra 7:14 (sg.) and 25 (pl.) can be translated as decree or state law instead of torah-like law. Doubting that Ezra 7:12-26 is a “reliable source,” Crüzemann raises a critical question concerning the use of the different words for the law: “Is there a genuine Persian decree which underlies the entire Ezra story, or is this decree an invention of the chronicler?” Meanwhile, Sailhamer builds on Rendtorff’s proposal that Ezra 7-8 and Nehemiah 8 describe the same historical event but reflect originally distinct documents, and he utilizes the proposal that Nehemiah 8, which consistently uses the phrase, “the book of the Torah of Moses” (תְּובָנָה תְּלַבְּשֶׁת תְּוָא הָיָה), should be taken as a historical reconstruction of the event of Ezra’s teaching of the law of Moses. Sailhamer points to Nehemiah 8 (especially 8:8), which recounts the Israelites’ reading the book of the law of Moses, and argues that the Pentateuch as “Scripture” is “not a code of laws.” He thus concludes that this view supports the assumption that the integration of law and narrative in the Pentateuch is to be interpreted theologically as the narrative event of

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816 BDB, 206:1881. This term can be applicable to the royal edict of the Persian King in Ezra 8:36.

817 Crüzemann, The Torah, 335.


Nehemiah 9 suggests.

It is also possible that \( \text{רָצוּנָה} \) and \( \text{כָּלָה} \) may refer to the law of Moses and the decree of the Persian Empire respectively in Ezra 7. However, the conceptual connection of law and wisdom in verses 10 and 25 should also be noted:

Verse 10: Seeking the law (\( \text{לְבָנָה} \)) of Yahweh, doing it, and teaching Israel his statutes and ordinances (\( \text{קָרְש} \)).

Verse 25: Governing all who know the laws (\( \text{כְּלָה} \)) of Yahweh and teaching those who are ignorant of them according to the wisdom of Yahweh (\( \text{וָנָה} \)).

This suggests, at least theologically speaking, that the two words referring to the divine law are compatible. If the integration of law and narrative was theologically motivated, it is not necessary to date the Sinaitic laws to the Persian domination period. Indeed, Weinfeld observes a didactic character in the “liturgical oration” on the basis of Deuteronomy 6:20-25 throughout the Old Testament (Dt 3:23-25; 2 Sm 7:22b-24; 1 Kgs 8:23; 2 Kgs 19:15-19; and Jer 32:17-23).\(^{820}\) Weinfeld points to Deuteronomy 6:20-25 that contains various collective terms for laws (\( \text{וַיְתַנְתָּה} \) and \( \text{לָבֵית} \) in v. 20; \( \text{לָקָם} \) in v. 24; and \( \text{נַעַר} \) in v. 25). Moreover, he argues that the “Josianic reform” based on the deuteronomic law collection was an extension of the Sinaitic laws with legal additives.\(^{821}\) In his reconstruction, Weinfeld stresses the God of exodus. At the same time, he argues that what is captured especially in the prayers of Solomon and Jeremiah (1 Kgs 8:23 and Jer 32:18) is the unique nature of Yahweh, the God of covenant and the God of loving-kindness. This argument inspires a further discussion of the role of the God of compassion.\(^{822}\)

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\(^{821}\) Weinfeld, *Deuteronomy*, 44.

6.2. The Theological Coherence of the Sinai Pericope

The Sinai Pericope contains rich and diverse theological themes and ideas, as discerned above. At this point, we will consider the question of the theological coherence in the Sinai Pericope. Modern scholars have debated about the problem of the theological diversity and unity in the Old Testament for a long time, and a number of recent scholars, focusing either on unity or diversity, have reflected theologically on how even diverse material can be read as presenting a coherent or united meaning. Concerning the issue of the diversity and unity presented in the Sinai Pericope, Norman K. Gottwald speaks of the theological significance of a “meta-historical entity” which encompasses the plurivocal witnesses to the various

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823 Since Karl Barth took his revolutionary stand on the authority of the Bible in 1919, his articulation of contrast, conflict, and polemic (dubbed “dialectical”) has provided the impetus for the next period of scholarship on the unity and diversity of Old Testament theology. The first round of the debate was inaugurated by Walther Eichrodt and von Rad. Firstly, Eichrodt in 1933 explored how all of the variations and developments of Israel’s religion could be seen to be in the service of a single conceptual notion, covenant as a “cross-section” of Israel’s life, history, and literature. He thus regarded the Sinai Covenant as the cross-section which was theologically essential for unifying the various expressions of Israel’s faith. In contrast, von Rad defined *Heilsgeschichte* as events concerned with God’s dealing with Israel, and he argued in 1943 that the Old Testament does not have its own systematic way of doing theology. In his view, the Sinai tradition was integrated with the settlement tradition by the Yahwist. He posited that both traditions had previously been transmitted orally at different cultic festivals at different sanctuaries over long periods of time. For an overview of the history of scholarship on the issue, see von Rad, “The Problem of the Hexateuch,” 13-26, 48-54, and 79-102; Walther Eichrodt, “Covenant” in The Flowering of Old Testament Theology: a reader in twentieth century Old Testament Theology, ed. Ben C. Ollenburger (Winona Lake: Eisenbrauns, 1992), 58-78; and D. G. Spriggs, Two Old Testament Theologians: A Comparative Evaluation of the Contributions of Eichrodt and von Rad to our Understanding of the Nature of Old Testament Theology, BST 2 (London: SCM Press, 1974).

themes and ideas.\textsuperscript{825} Similarly, in his study of the unity and diversity in the Old Testament, Goldingay suggests that the “defined collection of writings as canon” not only reveals the identity of Yahweh but also was assumed by the Jewish community to be theologically coherent.\textsuperscript{826} Accordingly, Goldingay avers that even Old Testament texts, which reflect diversity, can be conceived as a “form of unity.”\textsuperscript{827}

The discussion about diversity and unity is then more refined by Gordon McConville and Christopher J. H. Wright. McConville discerns the “diversity and strangeness” of the biblical laws. He examines whether the diversity and strangeness of the legal materials are rooted in the prehistory of the laws.\textsuperscript{828} In doing so, McConville calls attention to the “plurality” of the Sinaitic narratives, to which the law collections are connected. Noting the differences among laws concerning slaves, for example, he asserts that diversity among the laws is not “accidental or incidental,” but rather reflects “religious development or ideological conflict” created by the canonical formation of the text.\textsuperscript{829}

Regarding the discrepancies between laws that McConville observes, Wright proposes a fundamental concept upon which those laws were legislated, put into practice, and formed as part of the canon.\textsuperscript{830} Using the example of the textual “variances” among law collections


\textsuperscript{826} Goldingay, Theological Diversity, 26-8.

\textsuperscript{827} Goldingay, Theological Diversity, 28.


\textsuperscript{829} McConville, “Old Testament Laws,” 263.

\textsuperscript{830} Christopher J. H. Wright, “Response to Gordon McConville,” in Canon and Interpretation, 282-90.
regarding slave-release laws in Exodus 21, Leviticus 25, and Deuteronomy 15, Wright suggests that the Hebrew slave laws do not contradict each other, but rather reflect a commitment to the humanitarian treatment of slaves as brothers, “whatever his or her precise legal, social or economic status.” The slave laws hint that slavery was always seen as something that did not accord with Israel’s self-understanding as the liberated and covenant people of God. Thus Wright concludes that slavery was “tolerated,” but with “mitigating and subverting legislation.”

Basically, I agree with Goldingay, McConville, and Wright regarding the theological diversity and unity of the Old Testament. However, I want to take this discussion further as it relates to the Sinai Pericope and argue that the theme of Yahweh’s compassion unifies the variety of themes and ideas presented in the Sinai Pericope, thereby constituting its theological coherence. To confirm this thesis, I need to further explore how Yahweh’s compassion is defined in the Sinai Pericope and how the challenges provoked by the Hebrew slave laws, the *lex talionis*, and the commands to drive out the Canaanite inhabitants from their land fit with the identity of Yahweh as the God of compassion.

### 6.2.1. The Definition of Yahweh’s Compassion

The term employed to denote Yahweh’s compassion in the Sinai Pericope is יִהְוֶה. It occurs in the final clause of Exodus 22:20-26, a section which is framed by cultic laws (22:17-19; 22:27-30). Notably the prohibitives in this section are not distinguished thematically from the civil laws. Indeed, they address not only social but also religious responsibilities for the poor,

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832 Wright, “Response to Gordon McConville,” 284.
the widows, the orphans, and the resident sojourners. The ultimate rationale that Yahweh uses to motivate the covenant people in this section is based on the exodus, which embodies Yahweh’s compassion as the final clause 22:26g “כֹּ֣זְרַתָּ֣נָּהְוִ֖י יְהֹוָֽהּ” makes clear.

J. R. Lundbom and David N. Freedman understand נָ֣עָם as the adjectival form of the verb נָֽעַם, which means “gracious,” and they point out that the word is exclusively used to describe Yahweh’s nature. Freedman observes that in most cases in the Old Testament נָ֣עָם occurs in a fixed formula with רַחֲצֵּ֣ן “merciful.” The combination, Yahweh is gracious and merciful, is seen in Exodus 34:6. The appearance of נָ֣עָם alone in Exodus 22:26 [En v. 27] stands out as an exception. Concerning this pair of words, nevertheless, Lundbom and Freedman also suggest that נָ֣עָם designates “the idea of motherly (or fatherly) compassion.”

Lundbom and Freedman’s work was influenced by Phyllis Trible’s study of the metaphorical association of זָרַע “womb” and רַחֲצֵּן “motherly compassion” in relation to the commemoration of Yahweh’s saving acts in history. Trible classifies the different uses of the formula יִנְפַּרְתַּ֣ן בְּאֹ֣ל רַחֲצֵ֤ן identifying its association with “individual and corporate liberation” (Pss 111:4; 145:8; Neh 9:17), “individual petitions for deliverance” (Ps 86:16), “motivation for national and divine repentance” (Jl 2:13; 2 Chr 30:9; Jon 4:2), and

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834 J. R. Lundbom and David N. Freedman, “נָ֣עָם,” in TDOT, 5:22-36 (esp. 25). According to these scholars, Ps 112:4 is exception in its usage.
836 Lundbom and Freedman, “נָ֣עָם,” 25. See also Pss 86:15; 103:8; 111:4; 112:4; 145:8; Jl 2:13; Jon 4:2; 2 Chr 30:9; and Neh 9:17-31.
“unmerited forgiveness of sins” (Pss 78:38; 1-3:8).\textsuperscript{839} In her exegetical study on the metaphorical connection of the two words שַׁפְיָהוּ and רָנָחָה, Trible suggests that Yahweh is both “the merciful God who will deliver the people” (Is 49) and the compassionate “God of the womb” (Jer 31:20c).\textsuperscript{840}

Trible’s study encourages the reader of the Sinaitic Pericope to interpret both the narrative and law from the perspective of Yahweh’s compassion. To do so enriches the theological significance of the Sinai Pericope, which also focuses on Yahweh’s salvific acts. Like other scholars such as Childs, nonetheless, I question her exclusive association of Yahweh’s compassion and femaleness. As Lundbom and Freedman point out in their suggestion that “Yahweh is נְצַר in his capacity as father,”\textsuperscript{841} the God of compassion is associated not simply with woman but also with man because compassion is a quality shared by both parents. Indeed, it can be argued that the association of gender with שַׁפְיָהוּ can be misleading.

Moreover, it is also notable that the two words occur in those places with נְצַר (20:5; 34:14 [appositive repetition]) and רָנָחָה (20:6; 34:6-7). As mentioned in Chapter 3, Weinfeld translates נְצַר as “impassioned God.”\textsuperscript{842} E. Reuter then points to God’s name which is found in 34:14 by means of the phrase נְצַר in appositive repetition, which forms the self-proclamation of Yahweh in the context of covenant.\textsuperscript{843} רָנָחָה is also often employed to describe Yahweh’s character throughout the Old Testament. H. -J. Zobel proposes that

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\textsuperscript{839} Trible, \textit{God and Rhetoric}, 39.
\textsuperscript{840} Trible, \textit{God and Rhetoric}, 52-3.
\textsuperscript{841} Lundbom and Freedman, “נְצַר,” 25.
forms a “liturgical formula” together with other phrases, and these two phrases are “interchangeable” to express Yahweh’s compassion, as seen in 34:6.844

Accordingly, Zobel points to the close relation of this liturgical formula to the covenant formula found in many places of the Old Testament (Dt 7:9, 12; 1 Kgs 8:23; 2 Chr 6:14; Neh 1:5; Ps 25:10; Dn 9:4: “(the God of Israel is) keeping covenant and showing kindness”845 to his servants who faithfully keep the covenant by obeying his commandments. Zobel argues convincingly that the relationship between those formulas emphasizes the “purpose of making the covenant referring unambiguously to the Sinai הַסְדָּרָה, with the result that it is understood as Yahweh’s faithfulness to this covenant.”846

The canonical context of Exodus and the previous lexical studies on the character of Yahweh pave the way for our theological reflection on the relation of Yahweh’s saving act to his concern for justice practiced by the covenant community in the Sinai Pericope. Indeed, the theological framework of the Exodus narrative is constructed by the inclusio that refers to the covenant relationship between Yahweh and Israel (2:23-4; cf. 3:6-10; 6:2; 21:2 // 34:6-7)847 based on Yahweh’s compassion.

844 H. -J. Zobel, “דְּסַי,” in TDOT, 5:44-64 (esp. 57-8).
845 BHS: שֹׁמַרְתָּם הַסְדָּרָה לְאַבְדוֹקִים
846 Zobel, “דְּסַי,” 60.
Firstly, Yahweh’s compassion is expressed by his hearing of the Israelites’ crying out to him for help:

Exodus 2:23-24

The Israelites’ crying for help to Yahweh
Yahweh’s hearing of the people’s crying
Yahweh’s remembering of the covenant that he made with patriarchs, the rationale for his hearing of the people’s crying and request

Yahweh the God who heard the cry of the Israelites in Exodus 2:23-24 also hears the cry of the socially vulnerable people as presented in the Book of the Covenant (22:19-26, esp. 22 [En 23], 26 [En 27]):

Exodus 22:22, 26

The vulnerable people’s crying to Yahweh (emphatic formulation)
Yahweh’s hearing of their crying (emphatic formulation)
The vulnerable people’s crying to Yahweh
Yahweh’s hearing of their crying
Final statement (the rationale for hearing their crying)

Secondly, Yahweh’s portrayal as the God who “personally interacts with the people of Israel” by hearing their crying in 2:23-24 and 22:19-26 is in a still more emphatic way presented in Yahweh’s self announcement in Exodus 34:6-7. As Fishbane and Brueggemann point out, 34:6-7 constitutes the crucial context for the pivotal decision the Israelites make. The various adjectives and participles in 34:6-7 disclose Yahweh’s character as the God of compassion who resolves to continue to be with the people in the future based on the new covenant which is made in 34:10.

Exodus 34:6-7

Non-verbal (predicative)
Non-verbal (predicative)
Non-verbal (predicative)

Regarding the significance of Yahweh’s self-announcement, Brueggemann correctly states that “it may be reckoned to be something of a classic, normative statement to which Israel regularly returned, meriting the label “credo”.” In the given characterization of Yahweh in 34:6-7, however, we meet an emphatic formulation of the negative statement in 34:7cd. While some interpreters render 7e as an adversative (“he will really not acquit but will visit…”), it makes more sense to interpret 7cd, instead of 7e, as an adversative because the hyperboles formed in 7a (“keeping mercy for thousands”) and 7e (“visiting the iniquity of fathers upon the children…unto the third and fourth [generations]”) emphasize Yahweh’s compassion as encompassing his full character. In the end, Yahweh’s character—revealing self-declaration in 34:6-7—demonstrates that Yahweh is the sovereign to whom Israel must show her covenant allegiance and to whom she must hold fast for her present as well as future life. This understanding of the character of Yahweh provides the key for dealing with the following challenges to the identity of Yahweh as the God of compassion in the Sinai Pericope.

6.2.2. Challenges to Theological Coherence

Modern readers of the Sinai Pericope, especially of the Book of the Covenant (20:22-23:33), are bothered by the apparent tension between Yahweh’s enactment of laws concerning Hebrew slaves (21:2-11) and his redemption of the Israelites through the exodus event. The Sinai Pericope also contains laws of retaliation, the lex talionis, which basically permit

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violence (21:22-25). Furthermore, the Sinai Pericope ends with Yahweh’s commands for the Israelites to drive out the inhabitants from the land of Canaan (23:23-24a, 28-31). How do such laws and commands fit with the portrait of Yahweh as the God of compassion?

6.2.2.1. The Challenge of the Slave Laws

Yahweh expresses his concern for slaves in the slave laws in Exodus 21:2-11. But, as Hanson points out, the slave laws seem incompatible with the portrait of Yahweh as the compassionate God who had released the Israelites from Egyptian servitude. Thus Andrew Sloane asks: “[h]ow can we say that God has a passion for justice?” This is the challenge we will deal with in this section. As already shown in the structural analysis of Exodus 19:1-24:11 in Chapter 3, the slave laws are placed at the beginning of the body of the Book of the Covenant following the prologue (20:22) and are framed by the cultic laws (20:23-26; 23:10-19). This is one of the striking differences between the Book of the Covenant and such ancient Near Eastern law collections as the Laws of Hammurabi (§§ 278-282) and the Laws of Eshnunna (§§ 49-52), which end with slave laws.

In addition, it is also important to note that the words “slave” and “slaves,” יבש (sg.) and יבדוי (pl.), frequently occur in the Book of the Covenant (21:20-21, 26-27, 32; 23:12). Together with their frequent occurrences, the direct mention of the exodus as a motivation for the Decalogue (20:2) and a rationale for some laws of the Book of the Covenant (e.g., 20:2; 22:20; 23:9) relates the two law collections not only to their surrounding narrative sections in

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19:1-24:11 (e.g., 19:1, 4) but also to the previous narrative concerning Yahweh’s compassion. Yahweh’s compassion is repeatedly expressed in terms of his salvific act of redeeming the Israelites from their servitude through the exodus from Egypt.

It is important to read the laws in Exodus 21:2-11 that treat slaves as persons in light of their canonical and theological settings. It is true that these laws appear to assume the existence of slavery as a social institution. However, Sloane correctly suggests based on Genesis 1-2 that all humans created in the image of God have the right not to be treated as inferiors. Indeed, Sloane argues that “slavery was generally a temporary condition, not a permanent state, and was a way of dealing with crushing debt” but not an ontological “feature of God’s created order.” Accordingly, as Sloane suggests, it is important to recognize that the laws about slaves in Exodus 21:2-11 bear no resemblance to the institutional slavery as the world knows it.

Further, as Richard H. Hiers suggests, the larger narrative context of Exodus provides an “underlying normative foundation” for the slave laws. It also provides a key to reading the other laws of social justice motivated as well as valued by Yahweh. Indeed, the larger narrative context shapes our understanding of who Yahweh is and defines his people’s way of life. That is to say, Yahweh redeemed the Israelite captives from Egypt and gives justice to the oppressed by treating them with kindness, and his people as the beneficiaries of Yahweh’s

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857 Sloane, *At Home in a Strange Land*, 102-6. Sloane well points to the laws in 21:5-6, which address the choice to become a perpetual slave by one’s own free decision. Concerning the laws which legislate that a female servant should not be set free in the seventh year but stay in the master’s house perpetually in 21:7-11, Sloane illuminates their positive aspect by focusing on 21:8 and 9-10, observing that the female servant in question is “bought as a wife (or perhaps concubine, or subordinate wife) for the master or his son”; that is to say, the female servant is “sold” to pay her family’s debt. Sloane understands this case as “a way of honorably dealing with a debt.”

mercy and justice are to live in the same way.\(^{859}\) Similarly, Sprinkle notes that 22:22-23:9, which contains ordinances prohibiting the wrongdoing and oppression of the socially vulnerable, begins and ends with regulations about the sojourners and is parallel to the section of slave laws in 21:2-11.\(^{860}\) Moreover, as I argued against Levenson above,\(^{861}\) the sojourners were not just Israelites, as is clear in Exodus 22:20 [En 22:21] and 23:9 (cf. “a mixed multitude also went up with them” in 12:38).\(^{862}\) It is reasonable to understand the term פֶּד as a “semantic synonym” to other disadvantaged peoples - the widows, the orphans, the poor, and the slaves.\(^{863}\) Against Hanson, I suggest that the theological understanding of Yahweh as the God of the exodus operates as the normative basis for the motivation which advocates the obedience of the covenant people to the laws concerning the socially vulnerable, including slaves. Thus the slave laws do not present an insurmountable challenge to the portrait of Yahweh as the God of compassion in the Sinai Pericope.

### 6.2.2.2. The Challenge of the Lex Talionis

The Book of the Covenant contains a number of laws of retaliation (Ex 21:22-25; cf. Lv 24:17-22; Dt 19:16-21) according to which punishment should correspond in degree and kind to the offense (esp. Ex 21:23b-25). The laws in Exodus 21:22-25 deal with specific civil cases

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\(^{859}\) Sloane, *At Home in a Strange Land*, 103.


in the participially formulated legal sections (21:18-22:17). It is not surprising that many scholars struggle to understand how much weight should be given to the laws of retaliation when formulating modern Christian theology and ethics. Some critics argue that the retaliation laws were to be literally applied to the legal reality. Others suggest that the literal application of these retaliation laws is inconsistent with the principles of other laws in the Sinaitic law collections (esp. 20:22-23:19) and further with Yahweh’s character as the God of compassion. Whether the lex talionis are to be applied literally or figuratively, the challenges of the two interpretations are best considered together.

The laws of retaliation concerning offences against another person’s property and offenses against other person(s) in 21:18-22:17 surround the collection of civil laws in 21:22-25 and constitute a legal collection. Although they are the lex talionis in form, the damages of the offenses can be compensated in the form of monetary substitution (e.g., 21:19, 26-27, 32, 36; 22:1, 7). Moreover, the laws in 21:29-30 address not only punishment but also possible

864 As already shown in the structure of the Book of the Covenant in Chapter 3, 21:18-22:16 can further be classified as follows,

E  Legal Matters about Specific Civil Cases (21:18-22:17).
   a. Offenses of a Person against another Person (21:18-27).
   b. Offenses of a Person’s Property against a Person (21:28-36).


867 For example, Sprinkle, “Exodus 21:22-25,” 73.


options for ransom. In this regard, Sprinkle writes:

[T]his (ransom) operates within a system that permits a payment of money to take the place of the actual execution of the offender. Though in principle such a man forfeits his life, it was possible (and in practice probable) for him to redeem his life by paying the offended party a ransom. A similar principle seems to be implicit elsewhere in this collection.

The question then arises as to how the laws of the *lex talionis* fit the portrait of Yahweh as the God of Compassion. Although these laws appear to enact “ruthless and barbaric” punishments, they address the “maximum penalties” concerning the related crimes. As Copan points out, “a punishment could be less severe if the judge deemed that the crime required a lesser penalty,” suggesting that the *lex talionis* were not always taken literally but were applied proportionally to fit the crime.

Furthermore, Copan proposes that the purpose of these laws of retaliation was to protect “the more vulnerable” such as the poor, the orphans, the widows, and the sojourners. These disadvantaged people are described in 22:20-26 as the semantic synonym of Israel herself who suffered from the servitude in Egypt. David Baker thus asserts that the laws addressed in 21:26-27 are concerned with injuries to one’s male or female slaves and the “word pair” of eye and tooth, exemplarily mentioned, sets the “upper and lower limits for application of the law.” By this setting of limits, Baker argues, “[a] master is expected to respect a slave’s humanity and dignity, and his right to exercise discipline does not extend to maiming or

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872 Copan, *Is God a Moral Monster?*, 93.

873 Copan, *Is God a Moral Monster?*, 93.

874 Copan, *Is God a Moral Monster?*, 94.

mutilation."\(^{876}\) Brueggemann goes further to suggest that the emancipation of the slaves as compensation for the loss of an eye or tooth may be a call to change “fundamental social relations.”\(^{877}\) It follows that these laws were not intended to justify ongoing bloody revenge against crimes,\(^ {878}\) but rather to offer guidelines for prevention as well as direction for how even the socially vulnerable could take legal action against their oppressor’s abuse and advocate for their rights as members of the covenant community.\(^ {879}\)

Consequently, instead of viewing the *lex talionis* in the Book of the Covenant as an expression of brutality, it is possible to think of these laws, as Copan concludes drawing upon Childs, not as a “vestige from a primitive age” but rather as an “important advance”\(^ {880}\) in comparison to other ancient Near Eastern law codes.\(^ {881}\) These laws can then be seen as reflecting Yahweh’s concern for justice and for the marginalized in the covenant community. These laws are thus arguably compatible with the identity of Yahweh as the God of compassion.

**6.2.2.3. The Challenge of Holy War**

The Book of the Covenant begins with a prohibition against the making of idols in Exodus 20:23. In its epilogue (23:20-33), the first and second commandments of the Decalogue are repeated (23:24-25, 32-33). The commandments for the exclusive worship of Yahweh thus


\(^{877}\) Brueggemann, “Exodus,” 864.


\(^{880}\) Childs, *Exodus*, 93.

frame the Book of the Covenant. Miller suggests that these brackets function as the “primary and foundational” principles according to which the Israelites were required to live as Yahweh’s covenant partner.\textsuperscript{882} The issue at stake, however, is that the commandments are conjoined with others to destroy the Canaanite cultic traditions (v. 24) and even to drive out the Canaanites in the land (vv. 23-24a, 28-31). The doubly emphatic formulation of the command “to destroy,” $\text{רָבָּא} \text{שָׁבָּתָה} \text{שַׁבָּתָה} \text{נָרָא} \text{רָבָּא} \text{נָרָא}$ in 23:24 and the repetition of the verb $\text{שָׁבָּתָה}$ in various forms in 23:28-31\textsuperscript{883} stress the seriousness of these commands.

An even more severe injunction against the Canaanites is found in Deuteronomy 7:2, which is also an emphatic construction of the command $\text{שָׁבָּתָה} \text{נָרָא} \text{לָא}$ and contains the additional phrase $\text{אָנָּו} \text{לָא}$, which prohibits making a treaty with the Canaanites and their gods (cf. Ex 23:32).\textsuperscript{884} Von Rad regards this prohibition as a kind of “sacrifice of dedication” linked to the Holy War.\textsuperscript{885} Miller raises the question of what for some is an ethical problem relating to these commands:

\textsuperscript{882} Miller, “The Story of the First Commandment,” 77.

\textsuperscript{883} hv$\text{שָׁבָּתָה} \text{לָא} \text{לָא}$ in 28b (piel waw consec. pf. 3rd. person fem. sg.); $\text{שָׁבָּתָה} \text{לָא} \text{לָא}$ in 29a and 30a (piel impf. 1st. person sg. sufx. 3rd. person masc. sg.); and $\text{שָׁבָּתָה} \text{לָא} \text{לָא}$ in 31d (piel waw consec. pf. 2nd. person masc. sg. sufx. 2nd. person masc.).

\textsuperscript{884} Ex 23:32 contains the phrase $\text{אָנָו} \text{לָא}$ instead of the phrase $\text{שָׁבָּתָה} \text{לָא}$.

What kind of God would order the wholesale slaughter of groups of people? The answer that ‘in actual act’ the ban or slaughter of the enemy was rarely carried out is not only historically questionable, but it begs or avoids the question.\textsuperscript{886}

Traditionally, scholars approach this problem from either a historical perspective or a literary perspective.\textsuperscript{887} Firstly, from a historical perspective, as Moberly, Miller, Nathan MacDonald, and Joel N. Lohr propose, the commands had to do with Israel’s conquest of the land of Canaan and were thus carried out within a limited time span.\textsuperscript{888} The historical portrait of Yahweh as warrior during the period of the conquest thus need not be applied anachronistically in today’s world. Throughout the time period of the conquest, as Miller points out, the commands as part of the Sinaitic law collections were delivered in theophany to the Israelites as covenant people who were called to discern and embody the will and word of Yahweh.\textsuperscript{889} This point is then related to the following literary and canonical contexts of the Sinai Pericope.

Secondly, from a literary perspective, the commands to drive out the Canaanites in the epilogue of the Book of the Covenant make it clear that the Israelites are not to worship Canaanite gods but rather destroy their cultic objects (23:24). The dominant use of νηµα in Exodus 23:27-31 juxtaposes the metaphorical driving out of the Canaanites with Yahweh’s

\textsuperscript{886} Miller, \textit{Israelite Religion}, 356-64 (esp. 358).


bringing out the Israelites from Egypt (cf. Dt 7:17-19). Copan and Matthew Flanagan thus assert that the commands should not be interpreted as “extermination,” which can be applied to every single Canaanite baby, child, man, and woman; rather, they portray a “gradual driving out,” a view supported by 23:29-30.

Although there is much to say in favour of Copan and Flanagan’s suggestion, neither a historical nor a literary perspective leads to a fully convincing solution to the problem of violence in the text. The canonical context of the Sinai Pericope in Exodus itself, however, provides a more compelling solution to the troubling commands in 23:24-25 and 32-33. Such an approach directs that these commands should not be treated apart from the larger narrative context of Exodus. As examined in many places in this study, the larger narrative context of the commands functions as a foundational interpretive background for the commands. The phrase “holy war” never occurs in the larger narrative context, as Stephen B. Chapman points out, “neither is the adjective “holy” ever used attributively or substantively in reference to warfare or battle.” Rather, Yahweh is portrayed as the God who ensures “Israel’s security based on his sovereignty” in that context.

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890 Weinfeld understands Dt 7 as the rework of Ex 23. In spite of their accordance with each other, he points out that Dt 7 as a “coherent whole” omits the account of the angel (23:20-23a) and adds vv. 6-11 and 17-19. Lohr, who argues that Israel’s election as Yahweh’s chosen people ties into the idea of driving out the Canaanites, points out that the word מִית used in Exodus for the driving out is replaced with ideas of הֶרֶם in Deuteronomy. For the full views of these scholars, see Weinfeld, *Deuteronomy I-11*, 377-82; and Lohr, *Chosen and Unchosen*, 162.

891 Copan and Flannagan, *Did God Really Command Genocide?*, 77-82.


The canonical presentation of Yahweh nuances the commands by stressing the “priority and
primacy of God’s grace.”

This is especially true in the Sinai Pericope, where Yahweh
chooses the Israelites as his covenant people (19:5-6) and Yahweh is presented as the God
who works on their behalf.

Using the analogy of marriage between Yahweh and Israel to
illuminate their covenant relationship, von Rad suggests two reasons for which the
commands in Exodus 23:27-30 are extended in Deuteronomy 7:1-11: (1) “the Israelite spouse
concerned might be tempted to forsake Yahweh”; and (2) “Israel is a holy nation, that is, a
nation set apart for Yahweh, and must abstain from everything which might prejudice its
subordination to Yahweh’s sole authority.”

Cross also points out that both the “Exodus-Conquest” and Yahweh’s lawgiving are core events which comprise the history of
redemption. In other words, as Sloane correctly observes, what we must keep an eye on in
terms of theological significance is Israel’s response to Yahweh: Israel should be holy to
Yahweh their God.

Moreover, essential to the covenant was loyalty, as Sloane states:

Making covenant or treaties in the ancient Near East involved each party calling on their gods,
and their partner’s gods, as witnesses to the agreement. How could Israel do that when at the
heart of their identity and purpose is serving Yahweh, their covenant God, the one true God, and
serving Yahweh alone? That is the primary concern of the text: Israel must maintain the
integrity of their covenant relationship with Yahweh. Treaties, mercy, and marriage all threaten

894 Sloane, *At Home in a Strange Land,* 129.
895 This view is supported by Clements, Sprinkle, Moberly, Copan and Flannagan. For this, see Clements, *Old Testament Theology,* 82-7 and 87-9; Sprinkle, “Law and Narrative,” 61; Copan and Flannagan, *Did God Really Command Genocide?* 58. For the general implications of Israel’s special status, see Samuel E. Balentine, *The Torah’s Vision of Worship,* OBT (Minneapolis: Fortress, 1999), 121-36; and Marvin A. Sweeney, *TANAK: A Theological and Critical Introduction to the Jewish Bible* (Minneapolis: Fortress, 2012), 97-100.
896 Von Rad, *Deuteronomy,* 68.
897 Von Rad, *Deuteronomy,* 68.
898 Cross, “The Divine Warrior,” 14-5. He also recognizes that those two events as part of the “covenant formulary” were commemorated in “covenant renewal ceremonies,” even though he does not agree with von Rad’s heavy emphasis on the “historical memory” rather than “cultic traditions.”
899 Sloane, *At Home in a Strange Land,* 133.
Deuteronomy 9:3-6 provides yet another warrant for the destruction of the Canaanites; namely, their wickedness. Concerning the lack of details about the Canaanites’ wickedness, MacDonald, drawing upon Gottwald’s view that “for the Canaanites Baalism was not ‘wickedness’ since other deities had been assigned to them,” suggests that their wickedness was not “moral but cultic.” He thus argues that the commands to expel the Canaanites (Dt 9:4-5) should be distinguished from הֶרֶם. As shown in Chapter 3, however, it is to be noted that in the canonical shape of the Book of the Covenant the cultic laws frame the civil laws. In other words, the cultic and moral dimensions cannot be separated totally. This means that Yahweh has a cultic and moral rationale for the commands to expel the Canaanite inhabitants from the land. Moreover, this rationale is also held up for future generations of the Israelites as a standard for Israel. The Israelites would be treated the same way as the Canaanites when they turn away from Yahweh (e.g., Lv 18:25, 27-8; 26:39; cf. Dt 31:16). Indeed, the entire issue of the Canaanites’ expulsion from the land and Israel’s possession of it has to do with the covenant relationship between Yahweh and Israel.

If this is the case, the emphatic construction of the commands הֶרֶם וְשֵׁם הֶרֶם in Exodus 23:27-31 and שֵׂם הֶרֶם in Deuteronomy 7:2 should not be understood as commands for the genocide of the Canaanites. Rather, the commands were explicitly given to prevent idolatry as presented in the prologue and epilogue of the Book of the Covenant (Ex

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902 MacDonald, *Deuteronomy,* 117.

903 Wright also supports this view. See Christopher Wright, *Deuteronomy,* NIBC 4 (Peabody: Hendrickson, 1996), 133.
20:23; 23:24, 32-33), and therefore should be understood as a “theological project,” directing Israel as Yahweh’s covenant partner as to how to live in the land. Yahweh the covenant-maker would administer religious, social, and cultural justice for his covenant people, and Israel’s covenant identity would require the pursuit of absolute holiness - a total commitment to Yahweh and his purpose in the land.

Finally, the command in Exodus 23:31 that grounds the Canaanites’ expulsion from the land and Israel’s possession of it plays a cultic role in the covenant formulary, which basically points to the promise that Yahweh made originally with patriarchs in Genesis. As MacDonald and Lohr have noted, the promise Yahweh made with Abraham to keep the covenant (Gn 12:1-3; 17:1-2, 7-9, 20; 18:18; 21:18) is related to Yahweh’s election of the Israelites as the covenant people. Sprinkle also argues that Genesis 15:18-21 more specifically illuminates Yahweh’s promise of future territory for Abraham’s descendants in Canaan, as is confirmed later again with Moses and the Israelites in Exodus 6:2-8. The categories of the land and descendants in Yahweh’s promise are preserved and developed in the Sinai Pericope in terms of his covenant offering to the Israelites. The Israelites are a priestly nation chosen by Yahweh to be a treasured possession, as expressed in Exodus 19:6. The commands to drive out the Canaanites thus need to be seen in relation to both Yahweh’s sacral right and Israel’s special covenant status. They can therefore be seen as compatible with Yahweh’ compassion for Israel, as expressed in the redemptive history for his people.

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904 Sloane, *At Home in a Strange Land,* 132. Similarly, Chapman understands these commands as Yahweh’s demands for Israel’s “full obedience to God,” as shown in Jo 2; 6-7; 10-11; 1 Sm 15. For his view, see “Marital Memory, Peaceable Vision,” 59.

905 MacDonald, *Deuteronomy,* 174; and Lohr, *Chosen and Unchosen,* 176-83.

6.3. A Theological Reflection on Yahweh’s Compassion

As we have explored above, the presentation of the making of the covenant relationship between Yahweh and the Israelites through the tangled mix of law and narrative in the Sinai Pericope sets out diverse theological themes and ideas. On the one hand, for the Israelites, the covenant relationship imposes the obligations in the Decalogue (20:1-17) and the Book of the Covenant (20:22-23:33). The people’s blood oath (24:1-11) to keep the covenant laws symbolizes their acceptance not only of Yahweh’s covenant offering (19:3-8) but also of its requirements. This means, as Edmond Jacob and Frederic W. Bush correctly observe, that the covenant does not rule out Yahweh’s judgment, even his rejection of the people, for their violations of the requirements. In this sense, the covenant relationship between Yahweh and the Israelites is dependent upon “Israel’s obedience.”

On the other hand, Yahweh’s covenant relationship with the Israelites is more than the promulgation of a certain social order simply set out in the Sinaitic law collections. Rather, the laws in the Sinaitic law collections urge the people of God to embody his compassion in their daily lives, as we see it reflected in the Sinaitic narratives surrounding the law collections and the larger narrative context of Exodus. That context recounts in detail Yahweh’s compassion for his people: Yahweh chose the Israelites, brought them out from their slavery, rescued them from Egypt, and gave them covenant law at Sinai. Bush thus asserts that Yahweh’s divine compassion underlies the “frequent and radical concern to protect and enhance the well-being of those at the bottom of the social order – the widow, the


orphan, the resident alien, the debtor, and the slave,\textsuperscript{909} as presented in Exodus 22:20-26. As I already pointed out in Chapters 3 and 4, Yahweh’s concern for the vulnerable presented in the Sinaiic laws is grounded either in Yahweh’s past salvific deeds for the Israelites (e.g., 19:4; 20:2; 23:9) or in his own identity, which is disclosed by his self-declaration in the Book of the Covenant: “for I am compassionate” (אַנִי אֲנָחִי, \textit{ynIa” (in Ex 22:26g). Given the importance of Yahweh’s identity as the God of compassion, Hanson declares:

> In fact, taken in its most fundamental and original meaning, the compassion of the Deliverer God Yahweh implied that this community was present in the world precisely as a home for the enslaved, the poor, the bereaved.\textsuperscript{910}

Thus, although many portraits of Yahweh are presented in the Sinai Pericope, the one that takes preeminence in the final form of the text, under which all the others are subsumed, is Yahweh as the God of compassion. As the unifying theme the portrait of Yahweh as the God of compassion frames the Sinai Pericope and gives us the key to reading it as a unity.

This preeminent portrait of God’s compassion in the Sinai Pericope is also consistent with other portraits of Yahweh’s compassion in both the Old and New Testaments. Although, as Margaret B. Adams notes, God’s compassion is expressed variously as God’s “love,” “mercy,” “abundant care,” “parental love,” “forgiveness,” “loving-kindness,” “restoration of justice,” and what not, in many places throughout the Old Testament (e.g., 1Ks 8:50; Pss 6:2; 78:38; 103:13; 135:14; 145:8; Is 49:15; Jer 13:14; Mi 7:18),\textsuperscript{911} God clearly shows his compassion to the people of God throughout the story of salvation. Indeed, God’s compassion is shown to the persistently unfaithful people of God. Yahweh moreover calls them to practice compassion on one another, including the vulnerable (Ex 22:20-26; cf. Ex 23:9; Lv 25:35-37; 72:10; 82:12; 90:2; 100:32).

\textsuperscript{909} Bush, “Images of Israel,” 104.
\textsuperscript{910} Paul D. Hanson, \textit{The People Called: the growth of community in the Bible} (San Francisco: Harper & Row, 1986), 49. Bush also cites this in his article, “Images of Israel,” 104.
Dt 32:36).

Second, the New Testament also recounts God’s compassion in Jesus Christ’s ministry to “the needy, the suffering, and the outcast.”\(^{912}\) In Matthew 9:36 (cf. Mk 6:34), when Jesus sees the multitudes who are distressed and downcast, he feels compassion (ἐσπλαγχνίζομαι)\(^ {913}\) for them.\(^ {914}\) Similarly, in Luke 7:13, Jesus feels compassion (ἐσπλαγχνίζομαι) for a widow when he sees the widow’s only son being carried to the grave. Indeed, Jesus is touched by the same feeling when “the sick and afflicted” cry out to him for help (e.g., Mt 9:27; 14:14; 15:22; 20:34; Mk 1:41; Lk 15:20).\(^ {915}\) In Luke 10:29-37, one of the three parables that characterize Jesus as the Messiah “in terms of the coming of the kingdom of God” (Mt 18:23-35; 10:29-37; Lk 15:11-32),\(^ {916}\) Jesus depicts the compassionate behavior of the good Samaritan in answering his own rhetorical question of “who is my neighbour?”\(^ {917}\)

Moreover, Jesus’ final impassioned prayer on the cross, “Father, forgive them; for they do not know what they are doing” (Lk 23:34), clearly manifests the incarnate God’s compassion at

\(^{912}\) Adams, “Compassion,” 157-8.

\(^{913}\) Helmut Köster, “σπλαγχνίζομαι,” in TDNT, 7:554. According to Köster, the verb σπλαγχνίζομαι is used to characterize “the divine nature” of Jesus acts.


\(^{915}\) See Adams, “Compassion,” 158; and Köster, “σπλαγχνίζομαι,” 7:554. While ἔλεος occurs instead of σπλαγχνίζομαι in Mt 9:27; 15:22; 20:34; two verbs occur together in Mt 14:4; σπλαγχνίζομαι alone in Mk 1:41; Lk 15:20, Köster supports my argument by saying, “Jesus is theologically characterized here as the Messiah in whom the divine mercy is present.”

\(^{916}\) Köster, “σπλαγχνίζομαι,” 7:553-4.

\(^{917}\) McCown, “Compassion,” 119-20. Drawing upon Emil Brunner, McCown defines compassion as “love in action.” McCown argues that the compassion that Jesus commands us to practice in our lives is not “simply an emotional and passive thing” but “a very powerful stimulus to action.” In this regard, McCown finds some hints of how God’s people should live compassionate lives based on the description of the Good Samaritan’s thoughtful acts in Lk 10:29-37:

(1) [T]he Samaritan’s focus was on the need of the other, not himself; (2) he directed his attention to the point of greatest suffering; (3) Jesus gives the command, “Go, and do likewise”; (4) our obligation extends to every neighbor (q.v.) in need.
the moment of the climax of his salvific ministry.\textsuperscript{918} In many other places in the New Testament, God’s compassion is set out as an essential quality that God’s people should embody in their lives (e.g., Rom 9:15; 2 Cor 1:3; Eph 2:4; Gal 6:2; 1 Pt 2:10; 1 Jn 3:11-18).

To sum up, the Sinai Pericope, like all of scripture, portrays Yahweh’s identity in many different ways. As Clines notes, the “ambiguities and indeterminacy” of Yahweh’s identity are presented by the Bible itself.\textsuperscript{919} He also warns of the dangers of harmonizing or unifying readings of God’s character, as such readings usually ignore other aspects of God’s portrayal.\textsuperscript{920} Nevertheless, as I have showed throughout this work, the Sinai Pericope presents diverse theological portraits of Yahweh which can be read in unity with one another. The way that the canonical text has been shaped provides a key to understanding how the various theological ideas can be related. In particular, the framing portrait of Yahweh as the God of compassion functions as the unifying theme that draws other theological themes and ideas together.\textsuperscript{921}

6.4. Summary of Findings

The Sinai Pericope is a very complex text in the Old Testament and is critical in terms of its theology. As we have examined in the previous chapters in this study, the Sinai Pericope is


\textsuperscript{920} Clines, “Images of Yahweh,” 82-3 and 90.

\textsuperscript{921} Childs, \textit{Introduction to the Old Testament}, 278.
not composed of only one literary genre, or a single tradition, or a single theme from which a monotonous articulation of the identity of Yahweh can be derived. This text is rather a stage on which we watch how diverse theological ideas and themes such as the exodus, Israel’s new identity, covenant, theophany, and divine lawgiving dialogically relate together to convey its theology. The different voices provoked by the various themes and ideas in the Sinai Pericope present a multivocal witness to the identity of Yahweh. Some ideas, notably, the slave laws, *the lex talionis*, and the divine commands for the Israelites to drive out the inhabitants from the land of Canaan in the Book of the Covenant, create special theological tensions within the text. Indeed, they present theological and ideological challenges which are not easily harmonized with other ideas within the text.

Nonetheless, the canonical shape of the Sinai Pericope itself calls for and creates the pressure that informs its theological interpretation. The individual ideas presented in the Sinai Pericope do not exercise the same theological force when they are read in their canonical context. The portrait of Yahweh as the God of compassion functions as the unifying theme in the text, framing the Sinai Pericope and relativizing other ideas. Its preeminent position brings theological coherence to the Sinai Pericope. God’s compassion holds together various theological ideas expressed in the disparate literary materials that are inextricably mixed in the Sinai Pericope.
Conclusion

The primary goal of this study was to show that the Sinai Pericope in Exodus 19:1-24:11 is a literarily and theologically coherent text using a canonical approach. More specifically, this study has shown, first of all, that the intermingled mix of law and narrative itself constitutes the literary coherence of the Sinai Pericope in which the Sinaitic narratives (19: 3a-8d, 8e-20a, 20b-25b; 20:18a-21c; 24:1a-11d) bracket the law collections, the Decalogue (20:1-17) and the Book of the Covenant (20:22-23:33). Secondly, this study has also shown that the dialogically-related themes and ideas in this material bear a multivocal witness to the identity of Yahweh. At the same time it has shown that these portraits cohere and are nuanced subtly by the portrayal of Yahweh as the God of compassion.

As we have witnessed many times in this study, the Sinai Pericope is a very complicated biblical text in terms of its compositional irregularities. Firstly, the juxtaposition of law and narrative disrupts the narrative flow; for example, the chronology of the narrative regarding Moses’ vertical movements up and down Mount Sinai is inconsistent. Secondly, Moses’ mediation between Yahweh and the Israelites makes it difficult to understand whether Yahweh’s lawgiving in the theophanic revelation is given directly or indirectly to the people. Indeed, the fourth Sinaitic narrative unit (20:18-21) in which the Israelites’ request for Moses to be a mediator for them before Yahweh functions as a narrative interlude between the Decalogue and the Book of the Covenant, and the narrative interlude distinguishes the two law collections. Lastly, the Sinai Pericope links together a variety of traditions, motifs, themes, and ideas, some of which are even contradictory to others. These fascinating irregularities invite an approach that builds on the prior work of scholars using diachronic and synchronic approaches.
To unravel the challenging problems, most historical-critical scholars have focused their attention on the history of the composition of the Sinai Pericope, surmising that the two Sinaitic law collections were composed and added to their surrounding narratives at different times, though their composition was not necessarily later than the Sinaitic narratives. They then surmised that the final form of the Sinai Pericope is an arbitrary literary arrangement.

Over against scholars using diachronic methodologies, a number of more recent scholars interpret the Sinai Pericope synchronically. These scholars by contrast posit that the Decalogue and the Book of the Covenant were intentionally placed in the Sinai Pericope by its final author. Their central argument is that the Sinaitic narratives and law collections are purposefully intertwined.

While the contributions of previous scholars on the Sinai Pericope, using both diachronic and synchronic approaches, are fully acknowledged, neither of those two groups of scholars have adequately interpreted the text as it stands. The former group of scholars above put their main focus either on the Sinaitic narratives (source-critical scholars) or law collections (form-critical scholars), or dealt with various traditions or redactional layers of the Sinai Pericope separately. The latter group of scholars has focused their attention on the Sinaitic narratives exclusively.

To move beyond the previous studies to present a canonical reading of the Sinai Pericope, I used a three-step method to probe both the literary and theological significance of the text. The first step examined the contributions and the limits of the previous diachronic studies. The second step explored the possible reasons for the insertions of the Sinaitic law collections into the surrounding narratives, and the possibilities for reading the final form of the Sinai
Pericope synchronically. The third step explored the theological dynamic of the text in terms of its rendering of a portrait of Yahweh.

This dissertation has carried out the proposed three-step methodology in six consecutive chapters. In Chapter 1, we examined various historical-critical approaches to the textual irregularities of the Sinai Pericope. Following Wellhausen’s late-nineteenth century observations about the literary tension created by the integration of law and narrative, most critics have treated the textual irregularities diachronically. In their attempts to reconstruct the compositional history of the Sinai Pericope, those critics tried to address the issues of the integration of the materials, the elusive time sequencing of Moses’ movements up and down Mount Sinai, and his role as a mediator between Yahweh and the people of Israel.

First, source-critical scholars dealt separately with both the legal materials from their surrounding narratives and the two law collections as they attributed them to distinct sources (P, J, and E). While those scholars evaluated the historical relevance of the sources differently, most of them attempted to identify how the distinct sources had been interwoven in the Sinai Pericope. Two of their conclusions proved significant for this dissertation: (1) the Sinaitic narrative framework includes Yahweh’s theophany, his proposal of covenant relationship, and his lawgiving, and (2) the Sinaitic law collections are to be distinguished from each other in terms of how they were given (a. the Decalogue was given directly to the Israelites; and b. the Book of the Covenant was delivered indirectly to the people by Moses’ mediation). These source-critical observations set the starting point for this canonical reading of the Sinai Pericope.
Form-critical scholars sought the in-depth understanding of the legal materials in the Sinai Pericope. Building upon the work of Alt with respect to types and settings of biblical laws and questions of their origins, Mendenhall, Baltzer, McCarthy, Gerstenberger, and many others tried to identify the literary genre of the Sinai Pericope. Their general consensus that the Sinai Pericope shares formal elements with ancient Near Eastern suzerain-vassal treaties provided another useful insight for this present study’s interest in the question of the nature of the covenantal relationship between Yahweh and Israel established at Sinai. In addition, form-critical studies of law had theological implications for considerations about the nature of law as direct or indirect divine speech, and reflections on law as torah and wisdom.

The diachronic studies of the Sinai Pericope advanced with the appearance of the tradition- and redactional-critical approaches launched and developed by von Rad, Noth and many other scholars. These approaches brought new clarity to the question of the formation of the biblical texts and the compositional history of the Sinai Pericope. Critics such as von Rad, Lee, and Dozeman postulated two separate narrative traditions, the Exodus and the Sinai, within the larger context of the wilderness tradition (Ex 18-Nm 10). Although their assumptions that the core traditions of the literary units within the Sinai Pericope are in tension (e.g., the Exodus vs. the Sinai; the Gilgal tradition vs. Schechem; P vs. Non-P; P-authorship vs. D redaction; and pre-D vs. proto-or post-D), they effectively paved a way for a much more comprehensive understanding of the literary irregularities of the Sinai Pericope with respect to the relationship between law and narrative.

New scholarly perspectives on older diachronic research also opened up new horizons in studies of the Sinai Pericope. In Chapter 2, we examined the newer synchronic analyses that shed light on the question of how the disparate literary genres were put together. Building on
Daube, Cover, and Carmichael’s proposal that law and narrative can be regarded as an indissoluble bond in a literary sense, a number of more recent scholars such as Alter, Berlin, Greenberg, Rosenberg, Sternberg, and Fokkelman viewed the combination of narrative and law as an intentional integration made by the final author. This insight led to the fruitful proposal that Moses’ frequent mountain ascents and descents, through which he fulfilled his office as mediator between Yahweh and Israel, are the literary means that link the Sinaitic narratives and laws together in the Sinaitic Pericope.

While consensus has not been reached about whether the Priestly or the Deuteronomic writer(s) combined law and narrative (e.g., Carmichael vs. Damrosch), Childs and Watt proposed that the Sinaitic narrative framework surrounding the law materials provides the literary and theological context for the recent interpretations of the Sinaitic Pericope. The Sinaitic law collections can thus be read as Yahweh’s directly spoken words (the Decalogue) or indirectly delivered words (the Book of the Covenant). The law collections are framed by the Sinaitic narratives, which describe the culminating stage of the Israelites’ relationship with Yahweh on the basis of his own covenant offering and self-revelation to the people.

The synchronic structural analysis of the final form of the Sinaitic Pericope in Chapter 3 suggested that the textual irregularities of the Sinaitic Pericope should be viewed instead as literary features which play a central role in constituting the literary coherence of the Sinaitic Pericope. Moses’ successive ascents and descents of Mount Sinai form the mountain setting, which engenders two categories of events on top of and at the foot of the mountain. The narrative framework then distinguishes the Sinaitic law collections which function as divine speeches. In its final form, the Sinaitic Pericope dramatically presents the covenant relationship offered and ratified by Yahweh with Israel at Sinai.
Chapter 4 focused on the organizing principles of the Sinai Pericope. Repetition and dialogue were shown to be key literary devices for the plot development by virtue of Moses’ frequent ascents and descents of Mount Sinai to mediate between Yahweh and the Israelites. They were also shown to profoundly affect the time sense in the text. Moreover, these literary devices found in both narrative events and in the law collections enable the entire unit to be read as a coherent literary whole. This proposed literary understanding of the plot development of the Sinai Pericope results in the following characterization of its major figures: Yahweh as the covenant proposer giving law, the Israelites as the covenant addressees, and Moses as the covenant mediator.

Building on the holistic reading of the Sinai Pericope conducted in Chapter 4, Chapter 5 opened a new door to understanding the canonical force dominating the book of Exodus. The major literary features of the Sinai Pericope (i.e. the inextricably mixed law and narrative units, along with Moses’ role as mediator) were also found in other narrative sections of Exodus (11:1-13:22; 15:22-18:27; and 32:1-34:35). Together they function as decisive liminal points for the construction of Israel’s identity. Furthermore, commissioned communications between Yahweh and the Israelites through Moses’ mediation also form pivotal points in the history of Israel’s salvation. These sections similarly illuminated the essential relationship between Yahweh and Israel.

Lastly, Chapter 6 reflected theologically on the identity of Yahweh, based on the insights regarding the canonical shape of the Sinai Pericope highlighted in Chapters 3-5. The larger canonical context of the Sinai Pericope in Exodus provides a portrait of Yahweh by means of dialogically-related theological themes and ideas such as the exodus, covenant, theophany, and Yahweh’s lawgiving. On the one hand, the ideas and themes were shown to convey their
own theological significance by means of the “I-You” relationship between Yahweh and Israel. The exodus event functions as the fundamental and strongest motivation for Yahweh’s lawgiving and covenant making with the Israelites. Moreover, the idea of covenant presents Israel’s transformed identity as Yahweh’s covenant partner, Yahweh as Israel’s suzerain and Israel as Yahweh’s vassal, as Exodus 19:5-6 implies. The theophanic revelation of Yahweh at Sinai thus marks the place in which Yahweh’s presence is revealed to the community of the covenant. It is Yahweh’s will that the Israelites should embody religious and social justice.

On the other hand, the canonical shape and context of the Sinai Pericope are shown to function as a compelling force against individualized readings of the variety of theological ideas and themes ensconced in this material which are not easily harmonized that bear a multivocal witness to who Yahweh is. However, the individual ideas, taken on their own, do not all exercise the same canonical force in the larger context of the Sinai Pericope. Instead, the identity of Yahweh as the God of compassion as the unifying theme compellingly frames the law and narrative corpus. It thereby becomes preeminent in the final shape of the Sinai Pericope. Therefore, I concluded that the Sinai Pericope itself coheres theologically by means of its portrayal of Yahweh as the God of compassion.

This dissertation has implications for future studies of Exodus and also of the Pentateuch. First, it calls specifically for a further examination of the sections in Exodus which blend law and narrative: 12:1-13:16, 15:22-18:27, and 32:1-34:35 (as placed in the larger context of 24:12-40:38). Second, future work needs to be done to determine the canonical force that the whole exerts on all the parts, especially given scholars’ usual division of Exodus into narrative sections (1:1-15:21 or 1:1-18:27) and a legal section (19:1-40:38).

In sum, the Sinai Pericope in Exodus 19:124:11 can be read as a literarily and theologically coherent text in terms of its portrayal of Yahweh as the God of compassion. The final author intentionally and purposefully integrated the heterogeneous literary genres of law and narrative so that the Sinaitic narratives bracket the various cultic, legal and moral materials in the Sinaitic law collections. The resultant heterogeneous yet coherent structure contains a rich theological dynamic. At the same time, God’s compassion provides the theological coherence for the diverse portrayals of the divine. Yahweh is thus portrayed in Exodus as the compassionate God. He redeemed the Israelites from their slavery in Egypt, brought them into Sinai through the exodus, and offered, ratified, and renewed the covenant relationship between Yahweh and the Israelites.
Bibliography


Baentsch, Bruno. Das Bundesbuch Ex XX. 22-XXIII. 33. Halle: Max Niemeyer, 1892.


_______, “Disclosing Human Possibilities: Revelation and Biblical Stories.” Pages 53-60 in


Debt-Slavery in Israel and the Ancient Near East. JSOTSup 141. Sheffield: Sheffield


Cross, Frank. M. *From Epic to Canon: History and Literature in Ancient Israel*. Baltimore: Johns


________. “Reading Exodus in Tetrateuch and Pentateuch.” Pages 3-26 in The Book of Exodus:


________.


________.


________.


Lee, Beron P.


Lee, Won W.


________.


LeFebvre, Michael.


Leibowitz, Nehama.


Leidke, Gerhard.


Lemmelijn, Bénédicte.


Levenson, John D.


________.


________.


________.


________.


Levinson, Bernard M.


________.


________.


________. “Covenant Forms in Israelite Tradition.” BA 17 (1954): 50-76.


Niehaus, Jeffrey J. God at Sinai: Covenant and Theophany in the Bible and Ancient Near East.


_______. Deuteronomy: A Commentary. Translated by Dorothea Barton. OTL. Philadelphia: The


