At the end of last session I noted the indications that the Decalogue was not original to its context, that these words of the L ORD have been inserted into a narrative that has the people hearing only thunder and trumpets and seeing the mountain shrouded in clouds and lightening, and feeling the mountain quake.

As I pointed out, the body of legal prescriptions in the base narrative doesn’t begin until the people have requested that Moses be their mediator with God, after which we find this report: “21 Then the people stood at a distance, while Moses drew near to the thick darkness where God was. 22 The L ORD said to Moses: Thus you shall say to the Israelites: “You have seen for yourselves that I spoke with you from heaven. 23 You shall not make gods of silver alongside me, nor shall you make for yourselves gods of gold. 24 You need make for me only an altar of earth and sacrifice on it your burnt offerings and your offerings of well-being, your sheep and your oxen; in every place where I cause my name to be remembered I will come to you and bless you. 25 But if you make for me an altar of stone, do not build it of hewn stones; for if you use a chisel upon it you profane it.”

At the end of the series of regulations and stipulations that follow (and which we'll explore), we reach this narrative conclusion: “3 Moses came and told the people all the words of the L ORD and all the ordinances; and all the people answered with one voice, and said, “All the words that the L ORD has spoken we will do.” 4 And Moses wrote down all the words of the L ORD. He rose early in the morning, and built an altar at the foot of the mountain, and set up twelve pillars, corresponding to the twelve tribes of Israel. 5 He sent young men of the people of Israel, who offered burnt offerings and sacrificed oxen as offerings of well-being to the L ORD. 6 Moses took half of the blood and put it in basins, and half of the blood he dashed against the altar. 7 Then he took the book of the covenant, and read it in the hearing of the people; and they said, “All that the L ORD has spoken we will do, and we will be obedient.” 8 Moses took the blood and dashed it on the people, and said, “See the blood of the covenant that the L ORD has made with you in accordance with all these words.”

Here we have a scene similar to the one involving Abraham in Genesis 15, an eerie nocturnal rite in which a torch, symbolizing the L ORD’s presence, passes between the split carcasses of various animals. That scene is a covenant-making ritual in which the partners say, in effect, “If I fail to be true to this agreement, may what has happened to these animals happen to me.” And that’s the point of Moses dashing the people with what he calls “the blood of the covenant” here: the people are saying, “may our blood be shed like this blood of an animal has been if we
break this agreement.”

Notice that this covenant involves the LORD’s commands in the preceding chapters that Moses makes a copy of here, which is then referred to as “the book of the covenant.” The implication is that the legal prescriptions enumerated from the end of chapter 20 through the end of chapter 23 took the form of a document, a formal legal code, written by Moses. So the basic stratum of the narrative of the giving of the law at Sinai begins with the pieces we’ve isolated in chapter 19, the end of chapter 20, and then the legal code of chapters 21-23.

But that’s not the end of the narrative in the form that we have it. For someone has appended to that, rather ingenuously, another narrative. They set the hook for the new narrative before the end of the current story. Just prior to the scene of covenant-making we have just read, 24.1&2 report, “Then he said to Moses, “Come up to the LORD, you and Aaron, Nadab, and Abihu, and seventy of the elders of Israel, and worship at a distance. Moses alone shall come near the LORD; but the others shall not come near, and the people shall not come up with him.” Needless to say, this is very peculiar as a prelude to the scene of Moses meeting with the people to secure their agreement to the terms of the covenant. But just as curiously, the visit by Aaron, Nadab, Abihu and the seventy elders of Israel is delayed; it is reported on the heels of the covenant ceremony: “Then Moses and Aaron, Nadab, and Abihu, and seventy of the elders of Israel went up, and they saw the God of Israel. Under his feet there was something like a pavement of sapphire stone, like the very heaven for clearness. God did not lay his hand on the chief men of the people of Israel; also they beheld God, and they ate and drank.”

I’ll display this structure in graphic form. We begin with the story of Moses receiving the Book of the Covenant, writing it down, and executing the covenant with the people. Along-side this stands the story of Moses, Aaron, Nadab, and Abihu, and seventy of the elders meeting with the LORD. Someone has, in essence, divided that second story into two parts, separated the Covenant Code and its ratification by inserting the first part of the new story in between, and then finished the story after the ratification of the Covenant Code. They have thus interlocked two otherwise unrelated stories.

What follows that is the beginning of a new episode: “The LORD said to Moses, “Come up to me on the mountain, and wait there; and I will give you the tablets of stone, with the law and the commandment, which I have written for their instruction.” So Moses set out with his assistant Joshua, and Moses went up into the mountain of God. To the elders he had said, “Wait here for us, until we come to you again; for Aaron and Hur are with you; whoever has a dispute may go to them.”

This scene is confusing because, as Schwartz notes, according to vv. 9-11 Moses
is already on the mountain with Aaron and elders. So why the summons to the mountain, and where did Joshua come from? Well, this is, in fact, the introduction to a new narrative, which continues only in chapter 32, where Moses and Joshua descend from the Mountain to find the people in an orgy before a golden calf.

In fact, notice how well the first verses of chapter 32 follow on these verses: “1 When the people saw that Moses delayed to come down from the mountain, the people gathered around Aaron, and said to him, “Come, make gods for us, who shall go before us; as for this Moses, the man who brought us up out of the land of Egypt, we do not know what has become of him.” 2 Aaron said to them, “Take off the gold rings that are on the ears of your wives, your sons, and your daughters, and bring them to me.” 3 So all the people took off the gold rings from their ears, and brought them to Aaron. 4 He took the gold from them, formed it in a mold, and cast an image of a calf; and they said, “These are your gods, O Israel, who brought you up out of the land of Egypt!”

Let’s notice what happens when Moses and Joshua descend on this scene: “15 Then Moses turned and went down from the mountain, carrying the two tablets of the covenant in his hands, tablets that were written on both sides, written on the front and on the back…. 17 When Joshua heard the noise of the people as they shouted, he said to Moses, “There is a noise of war in the camp.” 18 But he said, It is not the sound made by victors, or the sound made by losers; it is the sound of revelers that I hear.” 19 As soon as he came near the camp and saw the calf and the dancing, Moses’ anger burned hot, and he threw the tablets from his hands and broke them at the foot of the mountain.”

Here we find all the links with the end of chapter 24: Aaron has been left behind to deal with any case the people bring to him in Moses’ absence, and he fumbles the ball badly; Moses carries the tablets promised him in the introduction to this episode; Moses and Joshua descend, even as they are the two that ascend at the end of chapter 24; Moses breaks the two tablets when he sees the people’s behavior.

Of course, what stands in between the introduction in chapter 24 and the continuation of the narrative in 32 is P’s story of Moses receiving the instructions for the tabernacle and its appurtenances on the mountain. Consequently, what Moses shatters and has to have rewritten (based on the order of the narrative as we have it) is those instructions.

Let’s return to the question I raised last time: how do we resolve the wrinkles and inconsistencies in the story of Israel at Sinai? In Schwartz’ opinion it is the hypothesis of documents combined by a redactor to create one account, with P’s version of events used as the framework into which everything else was fit.

I’ll gather what we have observed into a different description of what’s going on. First, there is a block of material we can identify as P that concerns the instructions for building the tabernacle and the execution of those instructions, culminating in
the glory of the LORD inhabiting the tabernacle. It is from the tabernacle that Moses receives repeated instruction about the practice of worship in the tabernacle (as the prototype for the temple) and for the regulation of life according to standards of holiness and purity.

There is also a base narrative I’ll simply tag as “B,” for lack of a better marker. This narrative focuses on the extraordinary phenomena attending the LORD’s appearance on the mountain, prompting the people to ask Moses to serve as their mediator with God. In the base narrative this is the mountain of God – his home, which Moses approaches at will. There are also stories that speak of Moses having access to a “tent of meeting” other than tabernacle, in which he fulfills this role of mediator. As you'll recall from last time, the narrative portrays Moses going out to the tent of meeting (run by Joshua) and the people giving him issues about which to inquire. Of course, P's tabernacle is also referred to as "the tent of meeting."

Attached to this base narrative are other stories about Moses’ activities at the divine mountain, such as the peculiar dinner meeting of Moses and company with the LORD on the divine mountain and the story of Moses ascending the mountain to receive tablets, only to return to find the people in violation of the covenant, spurring him to smash the tablets.

But the most interesting additions to this base narrative stem from P, especially the two we noted in chapter 19: vv. 12-13, that require a buffer between the people and the holy mountain, and vv. 20-25 that reiterate the people’s need to stay clear of the mountain and the priests to consecrate themselves, along with a summons of Aaron to accompany Moses.

Also from P are vv. 1 & 2 that date the people’s arrival at Sinai and report their journey from Rephidim to Sinai, in spite of the fact that, according to chapter 18, they are already encamped at the divine mountain.

What this suggests is precisely what we have seen to this point: P was not the main source into which a redactor interwove two other sources, but rather a late-comer who supplemented the narrative. Even if P already knew a story about the LORD conveying to Moses directions for building of the Tabernacle, P integrated those into the already existing narrative about the LORD giving instruction to Israel at Sinai. Stated otherwise, it is P that is responsible for the people hanging around Sinai after the command to move ’em out in 33.

To broaden this, let’s take a retrospective look at the events in Sinai as reported by the base narrative in Exodus and then as expanded by various hands.

The fundamental building blocks of the base narrative begin in chapter 18 with the arrival of Jethro, bringing Moses’ wife and children. Moses and the people are already camped at the divine mountain. After Moses’ oversight of the people has been streamlined at the advice of his father-in-law and Jethro has left for home, the initial verses of chapter 19 have Moses approaching the divine mountain and the
LORD extending to the people through him the offer that they will be his special treasure in the earth if they will serve him. Moses relays this to the people, and then reports back to the LORD their consent, at which time the LORD sets up a meeting with all the people in three days, commanding Moses to have them consecrate themselves in preparation.

The latter half of chapter 19 reports their appearance before the LORD, whose dramatic presence in fire, smoke, thunder and earthquake terrified the people, so that (towards the end of chapter 20) they appoint Moses to hear God’s voice and relay God’s words to them.

At the conclusion of chapter 20 Moses enters the thick darkness where the LORD is and receives a set of legal codes (largely civil codes) that takes us through the end of chapter 23.

At the beginning of chapter 24, Moses returns to the people, reports the LORD’s commands, receives the people’s agreement to abide by them, makes a written copy of the stipulations, and then conducts a covenant ceremony sealing the agreement. Thus ends the episode of the covenant code.

Following that exchange, in 24.12, the LORD summons Moses again, so that he might receive a set of tablets on which the LORD has inscribed his law and commandment for the people. Moses sets off with his assistant Joshua, leaving Aaron in charge of the people, and spends forty days and forty nights on the mountain.

In the meantime, the people have despaired of Moses’ return and demand of Aaron gods to represent them from here on out. Casting a calf image out of the people’s jewelry, Aaron calls the people to worship before it. The LORD commands Moses to go down the mountain to tend for the rebellious people. Joshua and Moses descend the mountain, see the goings on, and carry out a purge of the people.

At the conclusion of chapter 32 and into the beginning of chapter 33, the LORD commands Moses to set off from the mountain in order to head for the land he will give to them. The chapter then reports Moses’ use of the “tent of meeting,” overseen by Joshua, as a vehicle for communication with the LORD. The end of chapter 33, through chapter 34, reports Moses’ plea with the LORD not to forsake his people, but accompany them on their journey, and the LORD consents, if the people will follow his commandments. The story of the people’s journey from Sinai to their land then commences in Numbers 10.

To this base narrative, which in this form already seems to be a composite of different traditions, we find some obvious insertions. E.g. we find intertwined with the scene of the people’s ratification of the Covenant Code (chapter 24) an anomalous story about Moses being instructed to bring along Aaron, Nadab, and Abihu and 70 elders to worship on the mountain. The invitation is extended in
24.1-2 and their visit follows in 24.9-11. While we cannot assign this story to any source we can identify, it is clearly a secondary accretion.

A secondary insertion which carries some signs of its origins before being part of this narrative is the Decalogue, in 20.1-17. The reference to God resting on the seventh day after creating the world indicates that this legal code has at least passed through P’s hands, although the evidence is not clear-cut enough to allow us to say that P placed it here. What is clear is that it is a secondary insertion, since the characterization of God’s voice as “thunder and the sound of the trumpet” immediately after the Decalogue, links up better with the phenomena associated with God’s appearance at the end of chapter 19 than with the articulate words of the Decalogue.

Other insertions, however, are clearly attributable to P. It was P who supplied the explicit date formula to mark the people’s arrival at Sinai at the beginning of chapter 19, in spite of the fact that their arrival there was already assumed in chapter 18.

Then in vv. 12-13 P inserts its warning by the Lord to establish a buffer between the people and the mountain so that they don’t touch it. That is echoed a few verses later (20-25), with the Lord quickly summoning Moses to the top of the mountain during the meeting with the people and issuing a strong caution against the people touching the mountain – even the priests must consecrate themselves – and commanding Moses to bring Aaron up the mountain with him.

No insertion is as massive or striking, however, as P’s interpolation (chapters 25-31) of the instructions for building the tabernacle into the story of Moses receiving the two tablets. By means of this insertion, P implies that the contents of the tablets were the blueprints for the tabernacle.

And even though Moses smashed the tablets in chapter 32 and the new set is explicitly said (in 34:28) to comprise the Decalogue rather than the temple plans (a report with which Deuteronomy agrees). P nevertheless inserts a report of the construction of the tabernacle according to those plans in chapters 35-40, at the conclusion of which it is able to have Moses receive all the divine legislation for operating the temple and for concerns of holiness in the book of Leviticus and the early chapters of the book of Numbers.

But there is one more identifiable contributor to the story of Sinai – albeit minor – we need to note. The command to Moses in chapter 33 to move the people on their way is stated in terms of taking them to a land flowing with milk and honey that is currently inhabited by other ethnic groups – the characteristic way of referring to the promised land in the base narrative. But insinuated into that context is a reference to the oath sworn to Abraham, Isaac and Jacob. As you know, this is language distinctive to J.

J seems also to have played a role in reformulating the preceding narrative of the
golden calf, reworking it in the light of Deuteronomy 9, including an expansion of Deuteronomy 9’s appeal to the LORD by Moses that includes reasoning from the LORD’s oath to the patriarchs: “13 Remember Abraham, Isaac, and Israel, your servants, how you swore to them by your own self, saying to them, ‘I will multiply your descendants like the stars of heaven, and all this land that I have promised I will give to your descendants, and they shall inherit it forever.’”

This formula is infrequent in Exodus. Otherwise the promise is formulated in the language we find already in 3.16-17, where the LORD commands Moses, “16 Go and assemble the elders of Israel, and say to them, ‘The LORD, the God of your ancestors, the God of Abraham, of Isaac, and of Jacob, has appeared to me, saying: I have given heed to you and to what has been done to you in Egypt. 17 I declare that I will bring you up out of the misery of Egypt, to the land of the Canaanites, the Hittites, the Amorites, the Perizzites, the Hivites, and the Jebusites, a land flowing with milk and honey.’”

And so, in retrospect, if we want to talk about how the first four books of the Torah were written, we need to start (I think) with a narrative of the people’s deliverance from Egypt and journey into the wilderness with a stop at Sinai in the book of Exodus, with their journey to their land resumed in Numbers, concluding with their refusal to have faith enough to take it, and their wandering in the wilderness until the rebellious generation had died off.

The promises of land in this base narrative speak of the LORD leading them to a land promised their ancestors, one flowing with milk and honey, but currently occupied by various indigenous peoples. At the same time, at various points in the story someone has infused the narrative with a recollection of the promise of land to the patriarchs Abraham, Isaac and Jacob, specifically, lacking the motif of a land flowing with milk and honey, but currently inhabited by the Canaanites, Hittites, Amorites, and all other "-ites," and including a promise of numerous progeny.

Most likely this same person – whom we have called “J” – was responsible for the main story-line in Genesis: from the primeval history through the tales of the patriarchs, where again we find even more frequently the promises of land and numerous progeny to Abraham, Isaac and Jacob, but none of the characterization of the land as flowing with milk and honey or inhabited by indigenous peoples.

But also playing a role there is the hand we call “P,” although its role is secondary to that of the author dubbed “J.” P’s insertions modify J’s darker narrative and inject themes important to it (e.g., circumcision, Sabbath).

But P carried out his supplements also in the base tradition into which J had already infused his theme of the promises to the patriarchs, first in the work we know as Exodus, beginning with insertions that elevate the role of Aaron and priests generally, but then also with a lengthy set of instructions for building the temple and a narrative about its construction. At the conclusion of that story, P
included its extensive legal code, which primarily addresses the activities of priests and the functions of temple life. That consumes all of Leviticus and the first nine chapters of Numbers, after which stands (at some remove from its original position) the conclusion to the narrative of the people's journey through the wilderness to its land. The result is the work called "the Tetrateuch." Only at a subsequent time was Deuteronomy – whose composition is a separate story more closely aligned with the books that follow it – became subjoined to the Tetrateuch, creating what we know as the Pentateuch, or Torah.

While the primary concern of this course has been historiography and not the legal codes in the Torah, I do want to take brief note of some of these codes embedded in the Torah and make some comments about their origins and their general differences.

Following the people’s demand that Moses be their intermediary with the LORD, we find what’s called the Covenant Code, which extends through chapter 23 and which I’d like to explore briefly so that you get a sense of its contents. It is given a narrative setting in 20.21-22: 

21 Then the people stood at a distance, while Moses drew near to the thick darkness where God was.
22 The LORD said to Moses: Thus you shall say to the Israelites.…

Moreover, at the conclusion of the LORD passing the stipulations on to Moses we read the following, at the start of chapter 24: 

3 Moses came and told the people all the words of the LORD and all the ordinances; and all the people answered with one voice, and said, “All the words that the LORD has spoken we will do.”
4 And Moses wrote down all the words of the LORD. He rose early in the morning, and built an altar at the foot of the mountain, and set up twelve pillars, corresponding to the twelve tribes of Israel.
5 He sent young men of the people of Israel, who offered burnt offerings and sacrificed oxen as offerings of well-being to the LORD.
6 Moses took half of the blood and put it in basins, and half of the blood he dashed against the altar.
7 Then he took the book of the covenant, and read it in the hearing of the people; and they said, “All that the LORD has spoken we will do, and we will be obedient.”
8 Moses took the blood and dashed it on the people, and said, “See the blood of the covenant that the LORD has made with you in accordance with all these words.”

Notice that this covenant is composed of the LORD’s preceding commands that Moses formally copies, a document later referred to as “the book of the covenant.” The implication is that the legal prescriptions enumerated from the end of chapter 20 through the end of chapter 23 took the form of a formal code, ostensibly written by Moses.

The Covenant Code contains (among other things) what amount to elaborations of parts of the Decalogue. E.g. the first commandment of the Decalogue, “you shall have no other gods before me,” is given teeth in 22.20: “Whoever sacrifices
to any god, other than the LORD alone, shall be devoted to destruction.”

Likewise, the command, “You shall not murder,” gains force in 21.12, which stipulates, “Whoever strikes a person mortally shall be put to death,” and then follow specific instructions about how cases of negligent homicide should be handled.

Not surprisingly, we find Sabbath observance mandated again in 23.12: “Six days you shall do your work, but on the seventh day you shall rest....” – To this point this parallels the elaboration of the command in the Decalogue; but notice the rationale subjoined to this command: “so that your ox and your donkey may have relief, and your home-born slave and the resident alien may be refreshed.” – The motivation given for keeping Shabbat is humanitarian: providing rest for one’s animals and one’s servants. As I’ve noted previously, Deuteronomy’s Decalogue cites a similar motivation, which it expands with this reminder: “15Remember that you were a slave in the land of Egypt, and the LORD your God brought you out from there with a mighty hand and an outstretched arm; therefore the LORD your God commanded you to keep the sabbath day.”

Neither Deuteronomy nor the Covenant code grounds sabbath observance in the pattern of God resting on the seventh day, as does the Decalogue of Exodus. Quite likely it was P that underscored Sabbath as an observance to the LORD with its command to imitate divine rest on the seventh day. Indeed, let’s compare P’s command about keeping Shabbat in Leviticus 23.3: “Six days shall work be done; but the seventh day is a sabbath of complete rest, a holy convocation; you shall do no work: it is a sabbath to the LORD throughout your settlements.” – Absent again is any humanitarian motivation. Like the version of the commandment in Exodus 20, this verse focuses on the seventh day as significant in-and-of-itself and as service to the LORD, rather than in terms of its benefits to humans.

However, even though P has aligned this command closely with its concerns, the bulk of the Decalogue is manifestly civil law rather than priestly. And the same is true of The “Covenant Code,” even if its initial commands might seem to be of a priestly bent.

E.g., as we noted earlier, following the people’s request that Moses alone hear God speak, Moses once more ascended the mountain, receiving this command: “22The LORD said to Moses: Thus you shall say to the Israelites: “You have seen for yourselves that I spoke with you from heaven. 23You shall not make gods of silver alongside me, nor shall you make for yourselves gods of gold. 24You need make for me only an altar of earth and sacrifice on it your burnt offerings and your offerings of well-being, your sheep and your oxen; in every place where I cause my name to be remembered I will come to you and bless you. 25But if you make for me an altar of stone, do not build it of hewn stones; for if you use a chisel upon it you profane it. 26You shall not go up by steps to my altar, so that your nakedness
may not be exposed on it.”

Obviously this is concerned with cultic matters, and yet it is not for that reason from priestly circles. In fact, the assumption here is that altars can be built anywhere, by anyone, and anyone can offer sacrifices on them. That’s hardly the way a priest, whose job depended on official shrines, would have written such legislation.

By the way, Whybray notes that another version of the Torah, the version of the Pentateuch used by the Samaritans, lacks the word “every” in v. 24, and he suggests that the passage may have had in mind a single site. Aside from the fact that one cannot rule out that the Samaritan community modified the wording to make it refer to their central cultic site, the fact that the command stipulates that only an earthen altar is necessary shows that it is not concerned with the arrangements of a permanent worship site. Permission to build an earthen altar assumes ad hoc sites. And again, it is the makeshift nature of altars that indicates this is not instruction specifically for priests, but for anyone wishing to offer a sacrifice.

Of course, these chapters include additional commandments regarding religious observances, such as chapter 23’s mandate for observing religious celebrations:

“14 Three times in the year you shall hold a festival for me. 15 You shall observe the festival of unleavened bread; as I commanded you, you shall eat unleavened bread for seven days at the appointed time in the month of Abib, for in it you came out of Egypt. No one shall appear before me empty-handed. 16 You shall observe the festival of harvest, of the first fruits of your labor, of what you sow in the field. You shall observe the festival of ingathering at the end of the year, when you gather in from the field the fruit of your labor. 17 Three times in the year all your males shall appear before the Lord GOD.”

And yet, when we compare this with P’s version of these mandates, the differences are readily apparent. Here, for example, are P’s instructions about celebration of the festival of unleavened bread, together with Passover, according to one of its supplements to the story of the escape from Egypt: “5 In the first month, on the fourteenth day of the month, at twilight, there shall be a passover offering to the Lord, 6 and on the fifteenth day of the same month is the festival of unleavened bread to the Lord; seven days you shall eat unleavened bread. 7 On the first day you shall have a holy convocation; you shall not work at your occupations. 8 For seven days you shall present the Lord’s offerings by fire; on the seventh day there shall be a holy convocation: you shall not work at your occupations.”

Notice the details about how the festival is to be celebrated, including dates, special convocations at beginning and end, with work prohibited. And P provides equally detailed directions about celebrating each of the other festivals the
Covenant Code mentions only in passing. Thus, the religious provisions of the Covenant Code are of a general nature. And in fact, stipulations regarding civil matters are where it engages in great detail.

E.g. in Exodus 21.18-32 we find statements of punishment and restitution in the case of bodily harm. The opening two verses read as follows: "When individuals quarrel and one strikes the other with a stone or fist so that the injured party, though not dead, is confined to bed, but recovers and walks around outside with the help of a staff, then the assailant shall be free of liability, except to pay for the loss of time, and to arrange for full recovery."

The verses that follow detail specific scenarios of bodily injury to a slave, to a pregnant woman, repayments for loss of limb or eye for slaves, and what is to be done if someone’s ox gores a human. I.e. what we have in this legal code is essentially a record of civil case law, as developed in ancient Israel. While the narrative framework for the Covenant Code portrays it as a single code, it is clear that it has been composed of smaller groups of laws, organized topically.

In this vein, I’ve already noted the section of laws having to do with cases of bodily injury. Let’s notice, also, a collection of laws about slave trading that stands at the start of chapter 21: "When you buy a male Hebrew slave, he shall serve six years, but in the seventh he shall go out a free person, without debt. If he comes in single, he shall go out single; if he comes in married, then his wife shall go out with him. If his master gives him a wife and she bears him sons or daughters, the wife and her children shall be her master’s and he shall go out alone. But if the slave declares, “I love my master, my wife, and my children; I will not go out a free person,” then his master shall bring him before God. He shall be brought to the door or the doorpost; and his master shall pierce his ear with an awl; and he shall serve him for life. When a man sells his daughter as a slave, she shall not go out as the male slaves do. If she does not please her master, who designated her for himself, then he shall let her be redeemed; he shall have no right to sell her to a foreign people, since he has dealt unfairly with her.” – These laws about treatment of slaves go on for another few verses. And once again, we’re faced with a set of case laws, and these are matters of civil law.

When we turn to the Priestly codes, especially those preserved in Leviticus, we find much greater concern with what are – from our perspective – arcane matters of temple life. I want us to sample at least one section of these so you get a feel for the distinctive subject matter of the priestly codes.

According to Leviticus 1, the first commands issued to Moses from the Tent of Meeting constructed at Sinai have to do with animal sacrifices: "Speak to the people of Israel and say to them: When any of you bring an offering of livestock to the LORD, you shall bring your offering from the herd or from the flock. If the offering is a burnt offering from the herd, you shall offer a male without blemish;
you shall bring it to the entrance of the tent of meeting, for acceptance in your behalf before the LORD.  

4 You shall lay your hand on the head of the burnt offering, and it shall be acceptable in your behalf as atonement for you.  

5 The bull shall be slaughtered before the LORD; and Aaron’s sons the priests shall offer the blood, dashing the blood against all sides of the altar that is at the entrance of the tent of meeting.  

6 The burnt offering shall be flayed and cut up into its parts.  

7 The sons of the priest Aaron shall put fire on the altar and arrange wood on the fire.  

8 Aaron’s sons the priests shall arrange the parts, with the head and the suet, on the wood that is on the fire on the altar;  

9 but its entrails and its legs shall be washed with water. Then the priest shall turn the whole into smoke on the altar as a burnt offering, an offering by fire of pleasing odor to the LORD.”

These are clearly instructions important for priests, since they detail how sacrifices are to be offered; they are, therefore, not for consumption among the general populace.

What’s more, it is in the P codes of Leviticus that we encounter the greatest concentration of the word Torah. “Torah” appears only once in the book of Genesis, 7x in Exodus, but 16x in Leviticus, while it will occur 10x in Numbers.

One of the distinctives in Leviticus’ use of Torah (and the same holds true in Numbers) is that “Torah” does not refer to a book, but to individual stipulations. In fact, the word “Torah” does not mean “law” or “commandment,” as such, but “instruction,” although this instruction is assumed to be normative, so that it comes to verge on “commandment.”

The way this happens is clarified by a passage from the prophet Haggai, where he is told to seek the priest’s instruction (Torah) on a particular case: “Thus says the LORD of hosts: Ask the priests for a ruling (torah): If one carries consecrated meat in the fold of one’s garment, and with the fold touches bread, or stew, or wine, or oil, or any kind of food, does it become holy? The priests answered, “No.”  

– Here a Torah is a ruling issued by priests in response to a specific case.

It is in that sense that we find “Torah” used in P’s law codes in Leviticus, as in 11.46: “This is the ruling pertaining to land animal and bird and every living creature…to make a distinction between…the living creature that may be eaten and the living creature that may not be eaten.” So also in 12.7 we read, “This is the ruling for her who bears a child, male or female.” And we find a variety of such rulings throughout the book of Leviticus. And as was true in the Covenant Code, we find many such rulings grouped according to topic, as (for example) with the cluster of rulings having to do with various offerings in chapters 6 and 7.

What’s more, as Whybray notes, study of such collections has shown that this is a “literature of accretion”; that is, the legal codes show signs that each was not compiled en mass at one time, but went through a process of growth and expansion.
So, not too surprisingly, I suppose, when we turn to the legal codes of the Torah, we find literature that is not of one piece, but a compilation. That accretion is due to the fact that these codes underwent change over time, consistent with the development of the narratives and their different narratives over the life of the people. This literature, like the narratives, is very much about defining who the people are, although in the sphere of behavior.

To illustrate this point, I want to take a look at the use of this phrase, “This is the torah of” in Leviticus, where it occurs 13x (a chart you’ll recognize from the materials I asked you to download from the web site). I want to look, in particular, at the concentration of six occurrences of that phrase in Lev 6-7, which you also downloaded. I don’t expect you to remember all the details of this, and would prefer that you follow what I’m presenting closely rather than try to get down everything I point out. What I want you to grasp amidst the detail is the evidence showing that, in at least one noteworthy instance, this code grew by accretion.

I want to expand the final occurrence of the phrase, “the torah of,” in these chapters, because it plays a significant role as a summary statement for the preceding “toroth” (the plural of “torah”): “37 This is the torah of the burnt offering, the grain offering, the sin offering, the guilt offering, the offering of ordination, and the sacrifice of well-being, 38 which the LORD commanded Moses on Mount Sinai, when he commanded the people of Israel to bring their offerings to the LORD, in the wilderness of Sinai.” – Notice that the summary attributes this list of commands to the time Moses spent on Mt. Sinai after fleeing Egypt, an assertion characteristic of the legal codes in the Torah, as Whybray pointed out.

Notice also that this summary statement enumerates the preceding individual “toroth” (again, the plural of “torah”) in the order they occupy in the preceding verses: “the torah of the burnt offering, the grain offering, the sin offering, the guilt offering and the sacrifice of well-being.” However, there is one offering I skipped over – “the offering of ordination” because, when we look for that offering in the preceding list, it’s not included at the point that its place in the summary would suggest it should occupy.

At the same time, it’s not absent from that list: it’s simply included earlier, between the torah of the grain offering and the torah of the sin offering. Here is its description: “The LORD spoke to Moses, saying: This is the offering that Aaron and his sons shall offer to the LORD on the day when he is anointed” (and the instruction continues through v. 23). But again, given its position in this collection, one would expect it to be noted in the summary between the grain offering and the sin offering.

But let’s notice also that this specification begins differently than the surrounding stipulations, inasmuch as it is specially introduced as a statement by the LORD to Moses, and in place of the phrase “this is the torah of” we find “this is
These anomalies, together with the fact that this instruction is not in its expected sequence in the summary, suggest that originally this passage lacked this instruction about an offering of ordination, and that it was inserted only after the list had been compiled.

So why did this instruction come to be inserted in this list? Because it, like the others concerns regulation of an offering. Unfortunately, the person who added it misplaced the reference back to it within the summary statement.

If we return to the larger context in which this list is located, we’ll notice that such stipulations are grouped by theme, as in the list of chapters 13-14 on dealing with the sorts of skin ailments classified as leprosy. (By the way, this wasn’t what we think of as leprosy, but something closer to psoriasis.) In any case, what is evident here is that these are collections of decisions about issues, arranged topically.

Now, as Whybray says, even though it’s possible to spot topically arranged materials in the legal codes, most of these collections defy explanation of their arrangement. What is consistent in these law codes, however – again, as Whybray notes – is that they are embedded within narratives, especially the narrative of the people camping around Mt. Sinai. And this embedding of the legal codes within narratives is not insignificant for the study of historiography.

Because, as we've seen time and again, these narratives are about providing a sense of identity and direction for people in the author's day, the inclusion of legal codes that bring structure to their lives makes great sense. These codes are as much about group identity as the narratives.

Thus, ancient Israelite historiography was not simply about the past or even the present, but even more so about the future. It wasn't just about who the people had been or who they are based on who they were, but who they could be, if they drew from their past an identity that superseded whatever flaws had crept in since the earliest days. In that sense, I suppose one might say, Israelite historiography was about "back to the future," inasmuch as the hope for the future was to be found only by recovering a certain form of the past.

And yet, this form of literature remains historiography because it makes the past the issue in understanding identity. For these authors, history is not simply prologue, but holds the key to understanding their society's identity, and thus their future.