

23. The Covenant Code

Exod 21-23

Besides its Biblical interest, it also relates to the Babylonian law tradition going back to Hammurabi.

A covenant is a sacred promise to do (or not do) something; it is permanent. The secular promise of a king is different: it holds only for that king's lifetime. As King David neared his end, he reminded his son Solomon that his promise of immunity to Shimei would shortly expire, and what to do about it:

1Kgs 2:8. And, behold, there is with thee Shimei . . . who cursed me with a grievous curse in the day when I went to Mahanaim; but he came down to meet me at the Jordan, and I swore to him by Yahweh, saying, I will not put thee to death with the sword. [9] Now therefore hold him not guiltless, for thou art a wise man; and thou wilt know what thou oughtest to do unto him, and thou shalt bring his hoar head down to Sheol with blood.

Covenants and promises tend to expand with time. In the sacred world, they multiply the demands of a god; in the secular world, they grow into law codes.

The first developmental step is taken in Exod 21-23, the "Covenant Code." That code, as we saw in §4, drew material from the Code of Hammurabi, the ancestor of much Near Eastern law. Here again is the Hammurabi component:

Ham	Exod	Content
3, 4	23:1	False witness
8	22:1, 3b, 4	Stealing ox or sheep
9-10	22:9	Something lost is found in a man's possession
14	21:16	Stealing a man; death penalty
21	21:16	Housebreaker may be killed
37	22:5	Animal feeds on neighbor's field; pay the damage
117	21:2	Limited term of service for bought slaves
125	22:7f	Loss of money on deposit; restitution required
126	22:9	False claim of loss; must pay double
171	21:11	Slave concubine may go free if not provided for
195	21:15	Penalty for smiting a father
199	21:23-25	Penalty for injuring a slave
206	21:18f	Penalty for accidentally injuring another
209-214	21:22	Penalty for causing miscarriage
245-246	22:14f	Injury to borrowed animal must be made good
250	21:28	Ox gores someone to death; no claim on owner
251	21:29-31	If ox was known to gore, owner is liable
267	22:12	If sheep is lost through carelessness, shepherd must pay

What becomes of that Hammurabi material in the hand of Exodus? Exodus discards the Hammurabi order and makes its own. The new arrangement has its own logic: first, laws of personal injury, then laws of property; and finally laws concerning interpersonal relations. The Hammurabi provisions often define a topic which the Exodus additions then develop.

This is how the Hammurabi provisions are arranged in the Covenant Code:

Exodus 21 (Laws of Injury)

21:2-6. The Hebrew slave	<i>Hammurabi 117 parallel</i>
21:7-11. Selling a daughter	<i>Extends preceding</i>
21:12-14. Murder; places of refuge	<i>Anticipates next</i>
21:15. Striking a parent	<i>Hammurabi 195 parallel</i>
21:16. Enslaving someone	<i>Hammurabi 14 parallel</i>
21:17. Cursing a parent	<i>Develops 21:15</i>
21:18-19. Injuring someone	<i>Continues 21:15-16</i>
21:20-21. Injury to servant	<i>Ditto</i>
21:22. Causing miscarriage	<i>Hammurabi 209-214 parallel</i>
21:23-27. Causing injury; eye for eye	<i>Hammurabi 199 parallel</i>
21:28-32. The ox that gores	<i>Hammurabi 250-251 parallel</i>
21:33-34. Animal falls into pit	<i>Extends preceding</i>
21:35-36. Animal injures animal	<i>Extends preceding</i>

Exodus 22 (Laws of Property)

22:1-4. Stolen ox or sheep	<i>Hammurabi 8 parallel</i>
22:5. Ox eats from another's field	<i>Hammurabi 37 parallel</i>
22:6. Fire damages another's field	<i>Extends preceding</i>
22:7-9. Money or goods on deposit	<i>Hammurabi 9-10, 125 parallel</i>
22:10-13. Animal on loan	<i>Hammurabi 267 parallel</i>
22:14. Borrowed item hurt or lost	<i>Extends preceding</i>
22:16. Seduced virgin	
22:18. No sorceress shall live	[Yahweh provision]
22:19. Bestiality	[Yahweh provision]
22:20. Sacrifice to no other god	[Yahweh provision]
22:21-24. Not oppress the sojourner	
22:25-27. Lending to the poor	
22:28. Not curse god or one in authority	[Yahweh provision]
22:29-30. First fruits due to god	[Yahweh provision]
22:31. Not eat flesh torn by beasts	[Yahweh provision]

Exodus 23 (Human and Divine Relations)

23:1-3. No false witness	<i>Hammurabi 3-4 parallel</i>
23:4-5. Assist in recovering property	
23:6-9. Justice to the poor	
23:10-12. Sabbath observance	[Yahweh provision]
23:13. No mention of other gods	[Yahweh provision]
23:14-17. Three festivals in the year	
23:18-19a. Unleavened bread	[Yahweh provision]
23:19b. Not boil kid in mother's milk	[Yahweh provision]
23:20-33. Angel of the Lord gives victory	[Yahweh provision]

Yahweh is named in 22:11, 22:19, 23:17-19, and 23:19-28; other provisions also reflect a Yahweh agenda. There is mention of the Canaanite god El (21:13, "Elohim"), perhaps now merely a general term for "god," but also substantive input from the Canaanite end (concern for the poor, 22:25-27 and 23:6-9).

There is more to this than a mere Yahwized extract from Hammurabi.

Still further in the Canaanite direction, we will next come to the Decalogue.