

25. Two Festival Codes

Exodus 19-40

A side-by-side comparison shows how much of legal interest has occurred between the first version and the second.

Exod 23:14-19	Exod 34:17-26
<p>[14] Three times thou shalt keep a feast unto me in the year.</p> <p>[15] The feast of unleavened bread shalt thou keep: seven days thou shalt eat unleavened bread, as I commanded thee, at the time appointed in the month of Abib, for in it thou camest out from Egypt,</p> <p>and none shall appear before me empty,</p> <p>[16] and the feast of harvest, the first-fruits of thy labors, which thou sowest in the field, and the feast of ingathering, at the end of the year, when thou gatherest thy labors out of the field.</p> <p>[17] Three times in the year all thy males shall appear before the Lord YHWH.</p> <p>[18] Thou shalt not offer the blood of my sacrifice with leavened bread, neither shall the fat of my feast remain all night until the morning. [19] The first of the first-fruits of thy ground thou shalt bring into the house of YHWH thy God.</p> <p>Thou shalt not boil a kid in its mother's milk.</p>	<p>[18] The feast of unleavened bread shalt thou keep. Seven days thou shalt eat unleavened bread, as I commanded thee, at the time appointed in the month Abib, for in the month Abib camest thou out of Egypt.</p> <p>[19] All that openeth the womb is mine, and all thy cattle that is male, the firstlings of cow and sheep. [20] And the firstling of an ass thou shalt redeem with a lamb, and if thou wilt not redeem it, then thou shalt break its neck. All the first-born of thy sons thou shalt redeem.</p> <p>and none shall appear before me empty.</p> <p>[21] Six days shalt thou work, but on the seventh day thou shalt rest; in plowing time and in harvest thou shalt rest.</p> <p>[22] And thou shalt observe the feast of weeks, even of the first-fruits of wheat harvest, and the feast of ingathering at the year's end.</p> <p>[23] Three times in the year shall all thy males appear before the Lord YHWH, the God of Israel. [24] For I will cast out nations before thee, and enlarge thy borders, neither shall any man desire thy land, when thou goest up to appear before YHWH thy God three times in the year.</p> <p>[25] Thou shalt not offer the blood of my sacrifice with leavened bread; neither shall the sacrifice of the feast of the Passover be left unto the morning. [26] The first of the first-fruits of thy ground thou shalt bring into the house of YHWH thy God.</p> <p>Thou shalt not boil a kid in its mother's milk.</p>

It seems that 34:17-26 revises 23:14-19.¹ Pfeiffer (1948) 224, following the 4DH theory: “In spite of the fact that the terminology of the laws in Ex. 23 is unmistakably more archaic than that of the parallel in Ex. 34, it is still the prevalent opinion . . . that Ex. 34 is an integral part of the J document . . . and that Ex. 23 is a redactional copy thereof.” So which is right? Compare the text *on both sides* of the Festival Codes, on this and the facing page:

The First Sequence

- 19:1-2. On the third day, they come to the wilderness of Sinai
 3-6. **God calls M** from the mountain; tells him what to say to the people
 7-15. He complies. Preparation for appearance of God
 16-25. God descends; thunder. Only M and Aaron may go up
 20:1-17. God delivers **Decalogue**
 18-20. Fire and smoke from the mountain; people are afraid
 21-26. God forbids **images** of silver or gold; gives orders for an altar to himself
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- 21: 1-11. Ordinances for slaves
 12-36. Punishments for murder etc; specific provisions for slaves.
 22:1-28. Rules for theft, sexual irregularities, protection of widows and orphans
 29-30. The **firstborn** belong to God; [31] Do not eat flesh torn by dogs
 23:1-9. Legal procedures: false witness, partiality
 10-12. **Sabbatical** rule for land and for work
 13. Closing formula, “Take heed to all that I have said to you”
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- 14-19. **First Festival Code**²
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- 20-33. Will send an angel, and **expel Amorites etc** from Canaan
 24:1-2. **God calls M**, Aaron and his sons Nadab and Abihu, and seventy elders
 3. M tells the words of God; the people promise obedience
 4-6. **M writes the words of the Lord**. Builds an altar and sacrifices
 7-8. M reads “the **book** of the covenant;” the people promise obedience
 9-11. M, Aaron and his sons, and seventy elders, ascend, and see God
 12. God summons M to come up and receive **stone tables** with the Law
 13-14. M goes up, bids elders wait below (with Aaron and Hur)
 15-18. M enters the cloud, remains **40 days**
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- 25:1-9. God **asks gifts** from the people for vestments and sanctuary = Tabernacle
 10-22. Specifications for the ark
 23-30. Furniture; [31-40] lamps and lampstands
 26:1-14. Curtains and clasps
 15-36. Frames, veils, and screens
 27:1-19. Altar and poles; [20-21] oil for the lamps
 28:1-43. Vestments and breastplate for Aaron and his sons
 29:1-37. Ordination sacrifices for Aaron and his sons; [38-46] perpetual sacrifices
 30:1-10. Incense altar; [11-16] censers; [17-21] Laver; [22-28] incense and spices.
 31:1-11. Call of artisans **Bezalel and Oholiab** for the work
 12-17. Admonition to keep **Sabbath**; [18] M receives the **stone tables**

¹So also Fishbane **Biblical** (1985) 195, Levinson **Deuteronomy** (1997) 67-71, and Bar-On **Festival** (1998).

²The rule against “boiling a kid in its mother’s milk” outlaws a probable Canaanite ritual, known at Ras Shamra; see Radin **Kid** 14-21.

Interlude: Exod 32 [The Golden Calf]

- 32:1-6. M is delayed on mountain, the people ask for a god, Aaron complies
 7-14. God is angry, but M persuades him to repent of his evil intention
 15-20. M descends, is angry, breaks the stone tables, destroys Aaron's calf
 21-29. Aaron excuses himself; M calls the Levites to him, they slay 3,000
 30-34. M returns to God and intercedes for people; he succeeds, but
 35. God sends a last plague in punishment of the people [result not specified]

The Second Sequence

- 33:1-3. God says depart; he will **drive out Canaanites**, but will not go with them
 4-6. The people lament; God says put off **ornaments**
 7-22. M goes to tent of meeting, pleads with God; he relents
 34:1-10. God orders M to cut two **stone tables**. He pleads with God, who relents
 11. God **will drive out Amorites**, etc
 12-16. Forbids "covenant" with inhabitants; must cast down their altars
 17. No molten gods
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[No counterpart to this section in the Second Code]

18-26. Second Festival Code

- 27-28. God orders record; M stays **40 days**, writes **Decalogue** on **tables**
 29-34. M descends; relays commands [verbally]. His face shines
 35:1-3 M reports what God commands, beginning with **Sabbath** abstention

[No counterpart to the rest of this section in the Second Code]

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- 4-9. God **asks gifts** from people for vestments and Tabernacle
 10-19. God commands that people make tent, ark and lamps for the Tabernacle
 20-29. Overwhelming response of the people
 30-36:1. **Bezalel and Oholiab**
 36:2-7. People give more than is needed, and are ordered to stop
 8-38. Workers begin on Tabernacle and its furnishings
 37. Work of Bezalel
 38. Continued; [21-23] "This is the work of the Levites, **Bezalel, Oholiab**"
 24-31. Summary of gold and other materials
 39. Work on breastplate; [22-26] Ephod; [27-42] Continued; the work is completed
 40. Installation of the Tabernacle. The glory of the Lord fills the Tabernacle
 36-38. In future journeys, the fire and cloud *on the Tabernacle* lead the way³

³In contrast to Exod 13:21-22, here God leads *only by the Tabernacle*.

Here is an overview of the *corresponding parts* of the two sequences:

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|---------------------------------------|---------------------------------------|
| 1. First Code | 1. Second Code |
| 2. [Interpolation: Decalogue] | [No Decalogue] |
| 3. No idols | 2. No molten gods |
| 4. Civil Laws (from Hammurabi; §3) | [no counterpart] |
| 5. Festival Code | 3. Festival Code [expanded] |
| 6. Moses delivers laws orally | [no counterpart] |
| 7. Moses writes laws just delivered | 4. Moses writes Decalogue |
| 8. Moses builds altar | [no counterpart] |
| 9. God asks gifts | 5. God asks gifts |
| 10. Instructions for ark | 6. Instructions for Tabernacle |

The second is a rearranged rewrite of the first. The rewrite drops most secular legislation, and elaborates the Tabernacle provisions. Then those who saw the second code⁴ as *secondary* were right, and those who, following 4DH theory, saw it the other way, were wrong.

The description of the Tabernacle has the people contributing so much gold, silver, and precious fabrics that the collection can be halted. A naive reader might ask: These people left with only the clothes on their backs; where did they get all that stuff? Exodus later took account of that anomaly, and inserted three passages (Exod 3:21-22, 11:2-3, and 12:35-36). in which the Egyptians spontaneously gave the Hebrews all that stuff. This is what we call a *patch*.⁵

These Festival Codes are an example of the growth of law as it adapts itself to altered conditions or to new sensibilities.

Date

The Tabernacle aspects of the Second Code anticipate Solomon's Temple, and date it not earlier than the monarchy. Then the First Code is *pre-monarchic*, and Exodus must be seen as having been formed over a substantial time-span.

The Decalogue, absent in the First Code but mentioned in the Second, had meanwhile been added to the First Code as Exod 20. From there, it was copied into Deuteronomy 5.⁶ The Exodus version of the Decalogue is aware of the Genesis 1 Creation story (§10), and this helps us to date that story.

Thus did the Biblical texts know of each other, and adjust to each other. They were operating, not in isolation, but in a zone of mutual awareness.

⁴The term "code" is denied by some to Biblical law collections. This is to take a final or ideal stage as normative, and deny all the previous evolutionary stages. For present purposes, a *code* of laws is an assemblage of laws *arranged on some principle*. Both these Exodus codes qualify; note that the second preserves the *order* of the first, though greatly altering its *content*.

⁵See p34, and consider also the prediction in Gen 15:14b, "with great substance."

⁶For the Deut 5 Decalogue, see §24. It shows a wider social concern, a change not likely to imply (as has been suggested) a Deuteronomy > Exodus historical sequence.