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THE SABBATH COMMANDMENT IN THE BOOK OF THE COVENANT: ETHICS ON BEHALF OF THE OUTCAST

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The Sabbath commandment in the book of the covenant (Exod 23:12) employs unusual linguistic terms which link it to Israel's patriarchal and covenantal history. This study suggests first, that the context of the Sabbath commandment in the book of the covenant is represented by the motif of God's compassionate listening to the outcry of the oppressed, a motif fundamental to the book of Exodus, which even triggers the exodus event. Second, a word-play connects the story of the exclusion of Ishmael and Hagar from the household of Abraham to the Sabbath and highlights its ethical implications. Finally, the use of an unusual expression indicating work during the six days of the week connects the Sabbath to creation and thus highlights its universal dimension. The Sabbath rest changes humanity's toilsome work into a positive perspective, making meaningful and fruitful work worth celebrating.

Key Words: Exod 23:12, Sabbath, Sabbath commandment, Sabbath theology, ethics, work, compassion, Ishmael and Hagar, book of the covenant

1. Introduction

Exodus 23:12 reads: "Six days you are to do your work, but on the seventh day you shall cease from labor so that your ox and your donkey may rest, and the son of your female slave, as well as your stranger, may refresh themselves" (NASB).

As an integral part of the book of the covenant (Exod 21–23) the Sabbath commandment in Exod 23:12 contains significant linguistic terms which, when explored within the biblical context, have significant theological implications. Until recently, this commandment has been described by biblical scholars as humanitarian and recognized only in connection with the sabbatical year.[1] However, Bruce Rosenstock's article, entitled "Inner-Biblical Exegesis in the Book of the Covenant. The Case of the Sabbath Command-

[1] Patrick D. Miller, "The Human Sabbath: A Study in Deuteronomic Theology," *PSB* 6 (1985): 81–97. Cf. H. Ross Cole, "The Sabbath and the Alien," *AUSS* 38 (2000): 225.

ment," has suggested that Exod 23:12 installs Sabbath theology and Sabbath ethics in Israel's patriarchal history by invoking the narrative of Ishmael and Hagar in Gen 21.[2]

The purpose of this study is to investigate the elements which suggest the interconnection between Exod 23:12 and Gen 21, i.e., the motif of the God who hears the cry of the afflicted and oppressed, as well as specific Hebrew terms which indicate specific intratextual links. Finally, I will highlight a new dimension of the Sabbath commandment which originates in the hope expressed by Lamech at the birth of his son Noah in Gen 5:29, thus implementing the Sabbath commandment in Noah's covenantal history.

2. The Motif of the Sabbath Commandment: Cry and Compassion

Exod 23:12 employs three verbs to denote the importance of the Sabbath: cease, rest, and breathe as opposed to the one single verb used to refer to the work to be done during the six days of the week. The third verb which introduces the final clause of this commandment [יִנָּפַשׁ] designates in the Niphal form the refreshment which comes from catching one's breath during rest.[3] Besides Exod 23:12 this verbal form is used twice in the Hebrew Bible, i.e., in Exod 31:17 and 2 Sam 16:14. In 2 Sam 16:14, the verb describes King David and his people recovering from fatigue during their flight from Absalom. In Exod 31:17, the verb is used to refer to God being refreshed after the work of creation. The anthropomorphic language suggests God's rest and refreshment on the seventh day is an example for man's Sabbath rest and refreshment.[4]

The occurrence of the verbal form יִנָּפַשׁ in the Sabbath commandment provides an important key to understanding the Sabbath within the motif of the God who listens to the cry of the afflicted. The verb relates to the cognate noun נֶפֶשׁ "soul" found only three verses above, "You shall not oppress a stranger, since you yourselves know the נֶפֶשׁ "feelings, life, soul" of the stranger, for you were strangers in the land of Egypt" (Exod 23:9). The

2 Bruce Rosenstock, "Inner-Biblical Exegesis in the Book of the Covenant. The Case of the Sabbath Commandment," *Conservative Judaism* 44 (1992): 37–49.

3 Daniel C. Fredericks, "נָפַשׁ," *NIDOTTE* 3:133. The Akkadian *napasu* has a similar meaning, i.e., "to blow, breathe (freely), to become wide." Cf. *HALOT* 1:711.

4 Umberto Cassuto, *A Commentary on the Book of Exodus* (trans. Israel Abrahams; Jerusalem: Magnes, 1967), 245, 404; John H. Sailhammer, *The Pentateuch as Narrative* (Grand Rapids: Zondervan, 1992), 309.

resonance between the verb and the noun highlights the experience of both the Israelite householder and the stranger: the soul of the stranger is exhausted, and it is the responsibility of the Israelite householder as one who knows about such weariness and depletion to provide a distinct time for refreshment and recreation.

Israel's concern for the oppressed is taken as the human analogue of God's compassionate listening to the cry of the suffering people. The laws which precede the Sabbath commandment (Exod 22:21–27; 23:6–11) speak about the protection of those whose social and legal status made them likely victims of injustice: the poor, the widow, the orphan, the resident alien, and the slave. The Sabbath commandment fits well into this context and should be seen as a part of the preceding social legislation.[5]

The cry and compassion motif is fundamental to the entire book of Exodus, even appearing as a trigger for the exodus event in Exod 3:7, "The LORD said, I have surely seen the affliction of my people who are in Egypt, and have given heed to their cry." The phrase "to hear the outcry" appears in Exod 22:23, 27, within the context of the Sabbath commandment. Bruce Rosenstock points out that the author's intention is to show that the laws of the book of the covenant, especially the Sabbath law, should be understood as prescription by the same God who was moved by the outcry of the slave in Egypt and brought redemption to Israel.[6] God's statement that he listens to the cry of the stranger, the widow, and the orphan speaks about his compassion and marks an essential part of his self-revelation to Israel.

3. The Female Servant's Son

In both Decalogue formulations the servants in the Israelite household called to rest on the seventh day are the עֶבֶד "male servant" and the אָמָה "female servant" (Exod 20:10; Deut 5:14). The Sabbath commandment of the book of the covenant introduces a marked divergence from the usual readings by the phrase בֶּן־אֲמָתְךָ "son of your female servant."

[5] Paul Hanson, "The Theological Significance of Contradiction within the Book of the Covenant," in *Canon and Authority; Essays in Old Testament Religion and Theology* (ed. George W. Coats and Burke O. Long; Philadelphia: Fortress, 1977), 110–31; Eduard Nielsen, *The Ten Commandments in New Perspective* (London: SCM, 1967), 113–14; Felix Mathys, "Sabbatruhe und Sabbatfest: Überlegungen zur Entwicklung und Bedeutung des Sabbat im AT," *TZ* 28 (1972): 246.

[6] Rosenstock, "Inner-Biblical Exegesis in the Book of the Covenant," 42.

Calum Carmichael attempts to identify those designated by the expression "son of your female servant" in the light of comparative Near Eastern studies.[7] He seems to read into the biblical text the qualification that the female servant's son must be "the perpetual slave issuing from the union of a slave and the wife given him by his master"[8] even though the children born in slavery are defined as sons and daughters of the male servant and not of the female servant (Exod 21:4). According to Carmichael's approach the expected reading in Exod 23:12 would be "the son of the male servant." Since this is not the case, the question remains: why does the Sabbath commandment employ the unusual expression בֶּן־אֲמָתְךָ "son of your female servant"?[9]

Beside Exod 23:12 the only other usages of the expression בֶּן־אֲמָתְךָ "son of your female servant" in the Pentateuch occur in the narrative of Hagar's and Ishmael's expulsion from the household of Abraham and Sarah, in which Ishmael is twice called the "son of the female servant" (Gen 21:10, 13). The motif of God who hears the cry of the afflicted and oppressed also appears in this narrative in the phrase "God has heard the voice of the lad" (Gen 21:17). These words even recall Hagar's first encounter with the angel of the Lord in Gen 16:11 where the text says, "the Lord has given heed to your affliction."

The link between Gen 21 and Exod 23:12 seems further established by the fact that only in Gen 21 is Hagar called אָמָה "maid servant," but in other narratives (Gen 16 and 25) she is the שִׁפְחָה "maid servant" of Sarah.[10] Also, only in Gen 21 is Ishmael not referred to by name. He is called "the lad," "her [Hagar's] son," or "son of the female slave."[11] Yet, the text offers a clear reference to the significance of his name in the words of the angel, "for God has heard the voice of the lad" (Gen 21:17), "Ishmael" bearing the meaning "God hears." It seems that by the omission of the actual name while em-

7 Calum Carmichael, *The Laws of Deuteronomy* (London: Cornell University Press, 1974), 87.

8 Ibid.

9 The Samaritan Pentateuch replaced the anomalous reading of Exod 23:12 with the standard "your male servant and your female servant" as indicated in the apparatus of the *Biblia Hebraica Stuttgartensia*.

10 For a discussion of the semantics of the two Hebrew terms אָמָה and שִׁפְחָה, see Alfred Jepsen, "*Amah* und *Schiphchah*," *VT* 8 (1958): 293–97.

11 The textual links between Gen 21 and the Sabbath commandment in the book of the covenant support the single authorship of both texts in the way the final form of the biblical text is presented.

phasizing its meaning, the narrative stresses the motif of God's compassionate listening to the cry of the one who is about to die.

The Hebrew Bible uses the phrase בֶּן־אֲמָתְךָ "son of the female servant" again in the book of Judges regarding Abimelech, the son of a slave woman (Judg 9:18), but more significantly in the book of Psalms (Pss 86:16; 116:16). The Psalmist seems to allude to both Gen 21 and Exod 23, calling himself "son of your female servant" (Ps 116:16) who cries out in distress and danger of life (116:8) and the Lord inclined his ear (116:2) and "loosed my bonds" (116:16). The Psalm culminates in the words, "Return to your rest, O my soul [נֶפֶשׁ], for the Lord has dealt bountifully with you" (116:7). All significant characteristics of the Sabbath commandment in Exod 23:12 and its context are included in this Psalm: the theological motif of God's compassionate listening to the cry of the one who is about to die, as well as the terminology of the Sabbath commandment—"rest," "soul," and "son of your maid servant."

4. The Stranger

By including the stranger within the realm of Sabbath rest, Exod 23:12 goes along with the Sabbath commandments in Exod 20:10 and Deut 5:14. Both Decalogue formulations mention the sojourner, stranger or alien as a partaker of Sabbath rest. However, Exod 23:12 employs the term גֵּר "stranger" in an unusual way by using the definite article, thus reading הַגֵּר "the stranger" in contrast to גֵּרְךָ "your stranger" as the Decalogue formulations do. Moreover, the previous three nouns, שׁוֹרְךָ וַחֲמֹרֶךָ וְיִנָּפֵשׁ בֶּן־אֲמָתֶךָ "your ox, your donkey, and the son of your female servant" end with the pronominal suffix in the construct state, but הַגֵּר brings the sequence to an unexpected end with a noun in the absolute state.

In looking at the immediate context of Exod 23:12, the term גֵּר seems to reinforce the significance of the Sabbath and to prepare the reader for hearing the pun on הַגֵּר "the stranger": "You shall not wrong a stranger [גֵּר] or oppress him, for you were strangers [גֵּרִים] in the land of Egypt" (Exod 22:20 [ET 20:21]) and "You shall not oppress a stranger [גֵּר], since you yourselves know the feelings [נֶפֶשׁ] of the stranger [הַגֵּר], for you also were strangers [גֵּרִים] in the land of Egypt" (Exod 23:9).

The Sabbath commandment of the book of the covenant is put in the context of the theological motif of God's compassionate listening together with unusual linguistic expressions like the phrase "son of the female servant," alluding to Ishmael the son of Hagar, in connection with the final הַגֵּר instead of גֵּרְךָ. Only here the sound-allusion to the name of the Egyptian

maid servant Hagar is obvious in the Hebrew text. Had הַגֵּר also ended with the second person suffix like the Sabbath commandments in Exod 20:10 and Deut 5:14 the word-play on Hagar would not be obvious to the reader.[12] Yet, an even more subtle rhetorical aspect of the narrative in the book of Genesis is that Hagar, the Egyptian, is never called a stranger, rather Abraham sojourns [גור occurs 5 times] in the land and calls himself "a stranger [גֵּר] and a sojourner" (Gen 23:4).

Early Jewish and rabbinic writings identify the גֵּר in the Sabbath commandments (Exod 20:12; 23:12; Deut 5:14) in terms of conversion as the *ger saddiq*, the circumcised "righteous alien," rather than the uncircumcised "sojourning alien."[13] According to Rashi, the text speaks of the resident alien who has accepted the seven Noachide laws in order to be permitted to dwell among the Israelites and is obligated to observe the Sabbath, because profanation of the Sabbath is tantamount to committing idolatry.[14] Nachmanides goes even further by linking the Sabbath commandment in Exod 23:12 to creation: "They [the son of the female slave and the stranger] must all bear witness to creation."[15] Modern Jewish scholars speak of the Sabbath commandment in universal dimensions,[16] thus implying that the Sabbath is not a special privilege for the Israelites and their household including the resident alien, but an unrestricted obligation for all mankind. Cole investigates the term גֵּר in Exod 23:12 and Deut 5:14 and concludes that the universal dimension of the Sabbath commandment is shown by the fact that the contexts of both texts speak of circumcised and uncircumcised aliens alike.[17]

12 Rosenstock, "Inner-Biblical Exegesis in the Book of the Covenant," 45.

13 *Mekilta Exodus* 20:10; *Pesiqta Rabbati* 23:4. Cf. Robert M. Johnston, "Patriarchs, Rabbis, and Sabbath," *AUSS* 12 (1974): 98–101.

14 Rashi, *Yeb.* 48b.

15 *Exodus. The Commentators' Bible* (The JPS Miqra'ot Gedolot; trans. Michael Carasik; Philadelphia: Jewish Publication Society, 2005), 199.

16 Leo Baeck, "Mystery and Commandment," in *Contemporary Jewish Thought* (ed. Simon Noveck; New York: B'nai B'rith, 1963), 202; idem, *This People Israel: The Meaning of Jewish Existence* (trans. Albert H. Friedlander; New York: Union of American Hebrew Congregations, 1964), 138; Herman Cohen, *Reason and Hope: Selections from the Jewish Writings of Hermann Cohen* (trans. Eva Jospe; Cincinnati: Hebrew Union College, 1993), 87, 116, 117, 225; Abraham Joshua Heschel, *The Sabbath: Its Meaning for Modern Man* (New York: Farrer, Straus, and Young, 1951). Heschel's title for the book implies the universality of the Sabbath command.

17 Cole, "The Sabbath and the Alien," 223–29.

5. The Work of the Other Six Days of the Week

Exodus 23:12 represents the only Sabbath text using the noun מַעֲשֶׂה (instead of מְלֶאכָה) with regard to the work of the six days of the week. All other Sabbath texts speak of the work done during the six week days in terms of מְלֶאכָה.[18] The fact that Exod 23:12 interrupts the structure of the Pentateuchal Sabbath texts by replacing מְלֶאכָה with מַעֲשֶׂה suggests that the author wishes to highlight this commandment and to point out a meaning not yet recognized.

The striking fact is that even though the creation account uses the verb עָשָׂה "do, make" to describe God's action during the creation week, the first use of the noun מַעֲשֶׂה is found in Gen 5:29 in the words of Lamech at the birth of his son Noah: "Now he called his name Noah, saying, 'This one will give us rest from our work [מִמַּעֲשֵׂנוּ] and from the toil of our hands arising from the ground which the LORD has cursed.'" After this text, the word מַעֲשֶׂה occurs seven more times carrying a negative connotation and reaching its low point right before the exodus when Pharaoh and the taskmasters press the Israelites, saying, "Moses and Aaron, why do you draw the people away from their work? Get back to your labors! [...] Complete your work quota, your daily amount, just as when you had straw" (Exod 5:4, 13 NASB).

Significantly, it is within the context of teaching the statutes and the laws [תּוֹרוֹת] of God that מַעֲשֶׂה changes from a negative to a positive connotation, "then teach them the statutes and the laws, and make known to them the way in which they are to walk and the work they are to do" (Exod 18:20). Following this מַעֲשֶׂה then occurs in the Sabbath commandment (Exod 23:12), in the feast of first fruits or feast of weeks, and in the feast of ingathering or feast of booths (Exod 23:16; cf. Deut 16:16). This is followed by a wealth of texts regarding the skillful construction of the sanctuary (Exod 26–39).

Placed within the context of the sabbatical year (Exod 23:10, 11), the Sabbath commandment of the book of the covenant reaches out to the mentioned pilgrimage festivals and brings about a new perspective regarding

[18] The biblical text uses מְלֶאכָה in a general sense to cover the whole spectrum of the idea of work, the skilled work of God in the creation account (Gen 1) and in the tabernacle construction texts (Exod 26–39), but also the "finished product, that which the skill has wrought." Cf. Jacob Milgrom, "מְלֶאכָה," *TDOT* 8:329.

the work of the six days of the week. The biblical text conveys the idea that מַעֲשֶׂה "work" is toilsome, hard, even enslaving, but the Torah gives מַעֲשֶׂה a positive perspective (Exod 18:20). It aims toward Sabbath rest (Exod 23:12) and fruitful work which is worth celebrating (Exod 23:16). Such a positive understanding of work can be traced back to the birth of Noah [meaning *rest*].

6. Implications of the Sabbath Commandment in the Book of the Covenant

The uniqueness of the Sabbath commandment in the book of the covenant is first suggested by the theological motif of the God who hears the cry of afflicted people, of slaves and strangers, and second, by specific linguistic terms, generally unusual expressions which offer sound allusions to Israel's patriarchal history. In this way, the Hebrew Bible creates unity between different narrative parts (Gen 21 and Exod 3), including law, genealogy, and poetry (Gen 5; Gen 21; Exod 3 and 23; Pss 86 and 116).

The Sabbath commandment implies that man's role is not fulfilled by worshiping God or by relating only to his own family members. The Sabbath calls for the care of hardworking animals and for the marginalized and outcast in order to experience a time to "breathe," i.e., to live. The verb used to describe the condition of the one who is likely to be the most rejected, viz. the "son of your female servant." He is "to be refreshed, to breathe" on the Sabbath day. By applying this rare verbal form to himself in Exod 31:17, God expresses self-identification with the marginalized and the most burdened members of society. This use of highly anthropomorphic language for God has practical applications for Israel, in that God identifies with the marginalized and underlines the powerful ethical implications of Sabbath theology.

The allusion to Hagar and Ishmael not only invests patriarchal times with Sabbath theology and Sabbath ethics but brings forward the universal dimension of the Sabbath and opens up its particular significance to people usually excluded from family and society. Yet, the responsibility of Sabbath observance is connected with the ceasing and resting of the head of the household. When he allows the servant and the stranger to breathe, to rest,

to live,[19] he himself recognizes their equality before God. "I am a stranger and a sojourner among you" (Gen 23:4).

The universal dimension of the Sabbath commandment is also suggested by the unusual use of the noun מַעֲשֶׂה "work." Already connected to creation by the verb עָשָׂה, the biblical text employs the noun linking the six work days to the Sabbath rest in Noah's time. The positive perspective of weekly work comes about by teaching and declaring the laws of the Torah. Perceived in this way, just as God declares his creation very good at the end of the six days of the first week leading up to the blessing and sanctification of the seventh day, the Sabbath commandment points to the work of the six days of the week as "the fruit of your hands" (Exod 23:16) which lead to the rest and celebration of the Sabbath.

In his well-known book on the Sabbath, Abraham Heschel mentions Philo's understanding of the Sabbath, which speaks of human relaxation from continuous and unending toil in order to send them out renewed to resume their old activities. Heschel points out that this understanding is not in the spirit of the Bible but in the spirit of Aristotle, where relaxation is for the sake of activity, for the sake of the work days. The biblical meaning is the reverse: labor is the means to an end and the Sabbath's first intent is not for the purpose of recovering from weekday work. Rather the weekdays are for the sake of Sabbath, and the Sabbath is for the sake of life.[20]

Return to your rest, O my soul,
For the Lord has dealt bountifully with you

(Psalm 116:7)

19 See Hans Walter Wolf, *Anthropology of the Old Testament* (trans. Margaret Kohl; Philadelphia: Fortress, 1974), 139: "These are people who are particularly without redress against any orders given to them. Though a master might not dare to exact work on the sabbath from his adult woman slave, he was much more easily able to exert pressure on her son, or on the foreign worker, who was all to easily viewed as being outside the sphere of liberty set by Yahweh's commandment. This version of the sabbath commandment therefore picks up the borderline case: the sabbath has been instituted for the sake of all those who are especially hard-driven and especially dependent."

20 Abraham J. Heschel, "A Palace in Time," in *The Ten Commandments. The Reciprocity of Faithfulness* (ed. William P. Brown; Louisville: Westminster John Knox, 2004), 214–22.