

THESIS ABSTRACT

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Title: FEMALE HEBREW SLAVERY IN THE COVENANT CODE

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The Covenant code, delivered to the Israelites post their liberation from Egypt, encompasses legal directives addressing societal, moral, and religious facets. Exodus 21:10 mandates protection for female marriage servants with food, clothing, and ambiguous "marital rights." Scholarly debate centers on the term **hn"l**, traditionally interpreted as sexual intercourse. This thesis challenges this view, proposing "shelter" as an alternative, informed by Ancient Egyptian customs. Through syntactical and historical analysis, it delves into Exodus 21:7-11's context, emphasizing the Egyptian slavery backdrop. This sheds light on **hn"l**'s original intent. The Covenant Code's broader theological implications, advocating for justice and dignity, are examined. This research offers a nuanced understanding of biblical law's socio-cultural context, enhancing comprehension of marital and servitude dynamics in ancient Israel.

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FEMALE HEBREW SLAVERY IN THE COVENANT CODE

A thesis

presented in partial fulfillment

of the requirements for the degree

Master of Arts in Biblical and Theological Studies

by

Yangman Avom Armand Arnaud

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To my beloved wife
Edith

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CHAPTER 1

INTRODUCTION

In biblical studies, the Covenant Code denotes the legal portion found in Exodus spanning chapters 20-23. It delineates the covenantal bond established between God and the Israelites subsequent to their liberation from Egyptian enslavement. The setting of the narrative of this section of the book of Exodus is Mount Sinai. The content is formulated in legal form. The laws and regulations of the Covenant Code cover a wide range of domains such as civil rights, religious regulations, ethical behaviour, and social life. These regulations were given to Israel during their nation-building phase, aiming to reinforce the covenantal relation between God and them, to foster social justice, community life, and to provide a religious identity from neighbouring nations. This research considers the traditional position that relates the authorship of the Covenant Code to Moses.

Statement of the Problem

In one of its dispositions on female Hebrew slavery contained in Exodus 21:10, the Hebrew Bible uses the word $\text{h}\text{n}''[\text{O}$ about one of the items that the husband must continue to provide to a female Hebrew marriage servant, in case he takes another wife. Even though various literary productions contain multiple discussions on the interpretation of $\text{h}\text{n}''[\text{O}$, there is not yet a consensus on this issue. G. A. Lee confirms the uncertainty surrounding the understanding of $\text{'}\text{o}\text{n}\ddot{a}$ as he declares that “The meaning of Heb. $\text{'}\text{o}\text{n}\ddot{a}$ is uncertain. Traditionally scholars have

taken it to refer to conjugal rights based on the context. But other interpretations are also possible.”¹ The main question to which this research intends to provide an answer is: what is the meaning of הַנְּשִׂאָה in Exodus 21:10? What was the intent of the legislator in drafting this legislation? Additionally, can an analysis of the historical and literary contexts of Exodus 21:7-11 aid in elucidating the significance of the term in question amidst various potential interpretations?

Purpose of the Study

This thesis aims to examine Exodus 21:7-11, with the goal of elucidating the interpretation of the term הַנְּשִׂאָה as it would have been understood by its initial audience. Its analytical process involves scrutinizing the historical and literary contexts surrounding the production of these regulations. This includes the search for parallels between the above biblical regulations with considerations regarding the historical context of their production. Particular attention is given to the institution of female slavery in the Egyptian context. This inclusion is justified by the fact that chronologically, the events of Exodus 21 are closely related to the deliverance of the children of Israel from the Egyptian bondage. In many instances, the biblical legislator often reminded the Israelites of the motivation behind the rules He gave pertaining to slavery. He called on them not to lose sight of the hardship they experienced in Egypt. (Deut 5:15, 15:15, 16:2, 24:22, and 24:18). This entails that the slavery legislations of the Pentateuch are generally motivated by the hideous experience of bondage in Egypt. It also appears through this research that the

¹ G. A. Lee, “Marital Rights: Hebrew Onâ,” *The International Standard Bible Encyclopedia (ISBE)*, rev. (Grand Rapids: Wm. B. Eerdmans, 1979-1988), 3:248.

Egyptian context is not a path that many researchers followed in the study of Exodus 21:7-11, as compared to comparative studies with other ANE legal texts.

Significance of the Study

Understanding the significance of the third element within the maintenance triad as outlined in Exodus 21:10 holds considerable importance in grasping God's perspective on marriage, and the codification of slavery within biblical laws. Despite multiple literary productions on this third provision of Exodus 21:10, not much follow the analytical detailed approach of academic research. Publications on this issue are restrained to sections of books or articles.

The present thesis seeks to produce a detailed analysis of the biblical corpus of Exodus 21:7-11, through syntactical, semantic, and literary considerations. A detailed word study of almost all the above-mentioned units of language of the corpus under consideration marks the singularity of this research, to determine the meaning of $h'n''[O$. The specificity of this study resides in the use of the Egyptian background of the practice of female slavery or female household servants, as a key component in the understanding of the third provision of Exodus 21:10.

Methodology

The methodology used in this research is documentary. The adopted approach is synchronic. It begins with considerations on female slaves and women in general, in Egypt; as a comparative of the practice of slavery in the covenant code. This is followed by a detailed reading of Exodus 21:7-11, in which a study of the Hebrew data of the passage is undertaken through semantic, grammatical, and structural analysis.

The present research evolves around the following steps: a contextual analysis in which the historical and literary contexts are exposed. The determination of the literary genre of Exodus 21:7-11 guides the next steps of the exegesis, which includes the structural and grammatical studies. References to other Old Testament and New Testament allusions to female slavery are considered, to determine their contribution to the understanding of the meaning of הַנְּשִׂאָה. The above exegetical analysis helps to draw theological implications, relevant applications, and my proposed meaning of the term הַנְּשִׂאָה.

Limitations and Delimitations of the Study

This study involves exegetical analysis specifically confined to Exodus 21:7-11. It does not seek to make a historical analysis of slavery in various ages. It is not a consideration of various biblical passages that codify the practice of slavery. It is limited to female slavery as expounded in Exodus 21:7-11, and more specifically to the understanding of the third maintenance clause contained in the text under consideration.

Even though the term הַנְּשִׂאָה appears only in Exodus 21:10, it still offers a limited possibility to conduct an intertextual study through the institutions of slavery and marriage as mentioned in related biblical texts concerning female servants. Background on female slavery in Egypt also helps to have a better understanding of the practice of female slavery from an ANE social context.

Slavery is a theme that runs throughout the Bible. The Pentateuch alone contains three main corpuses of texts concerning slavery. They are Exodus 21:1-11, Leviticus 25:39-54, and Deuteronomy 15:12-18. The institution of slavery extends beyond Israel's and precedes the creation of this nation. The scope of this research

cannot contain this theme in its diverse forms and contexts. For the sake of conciseness, it looks at female Hebrew slavery as presented in Exodus 21:7-11. The text of Exodus 21 is earlier than the other two above mentioned that also describe this institution. From its legal compulsive and covenantal nature, it appears appropriate in bringing out applications about servitude and marriage.

Literature Review

A survey on the significant interpretative stands on Exodus 21:10 brings out at least seven points and thus constitutes a field for research.

הנ"ו has been discussed by some Bible interpreters as conveying the idea of marital right or duty of marriage. Among many others are Daniel Whedon,² Elaine Phillips,³ James K. Bruckner,⁴ and John F. Craghan.⁵ The *Seventh-day Adventist Bible Commentary* identifies the first two maintenance components as food and clothing and calls the third provision “support and conjugal right.”⁶

A second group of scholars instead consider הַנ"ו as referring to company or time spent together. William H. C. Propp enumerates two sources that support the idea of season or time; namely Ehrlich and the Mishnah *ketubot*. “Since *’ōnâ* is well

² Daniel Whedon, *Whedon’s Commentary on the Bible* (New York, NY: Eaton & Mains, 1901), 123.

³ Elaine Phillips, *Exodus*, The Baker Illustrated Bible Commentary (*BIBC*), ed. Gary M. Burge (Grand Rapids, MI: Baker, 2012), 73-74.

⁴ James K. Bruckner, *Exodus*, New International Biblical Commentary (*NIBC*) (Massachusetts: Hendrickson, 2008), 200.

⁵ John F. Craghan, *Exodus*, The Collegeville Bible Commentary (*CBC*), ed. Dianne Bergant and Robert J. Karris (Collegeville, MN: Liturgical, 1989), 102.

⁶ “Conjugal Right” [Exodus 21:10], *Seventh-day Adventist Bible Commentary* (*SDABC*), rev. ed., ed. Francis D. Nichol (Washington, DC: Review and Herald, 1976-1980), 1:613.

attested in the sense of ‘time’ or ‘season,’ Ehrlich⁷ says it can be ‘time’ in the sense of ‘turn,’ for in polygamy, the wives must take turns (cf. Gen 30:14–16). Similarly, *m. Ketub.* 5:6 understands Exodus 21:10 as mandating set times for intercourse. It is also conceivable that “season” could mean privacy during menstruation (cf. English ‘period’).⁸ Ellicott Charles John understands it as the right of cohabitation of the wife with the husband.⁹ Ludwig Koehler and Walter Baumgartner borrow from Gesenius the suggestion of “a period of conjugal relationship” for the term.¹⁰

A third interpretive stand is sexual intercourse. A good number of writers relate הַנְּחִיָּה to sexual intercourse. Etan Levine utilizes the root of הַנְּחִיָּה in the languages related to Hebrew, to arrive at the conclusion that there are strong evidences supporting the direct meaning of *onatah* in Exodus 21:10 as “her opening,” indicating that ancient Bible translations and legal texts, which uphold its reference to sexual relations, are indeed accurate.¹¹ Warren W. Wiersbe sees a parallel between Exodus 21:10 and 1 Corinthians 7:1-6, where the apostle Paul makes recommendations to husbands and wives not to deprive one another in the matter of

⁷ Arnold Bogumil Ehrlich, *Randglossen Zur Hebräischen Bibel Textkritisches und Fachliches Ester Band: Genesis und Exodus* (Leipzig: J. C. Hinrichs 1908), 349.

⁸ William H.C. Propp, *Exodus 19-40: A New Translation with Introduction and Commentary* (New Haven, London: Yale University Press, 2008), 202.

⁹ Ellicott Charles John, “Commentary on Exodus 21:10,” in *Ellicott's Commentary for English Readers*, (London: Cassell and Company, 1905), Vol.1 Genesis-Esther, accessed October 16, 2017, [https:// www. studylight.org/ commentaries /ebc/exodus-21.html](https://www.studydrive.net/commentaries/ebc/exodus-21.html).

¹⁰ Holladay William L., *A Concise Hebrew and Aramaic Lexicon of the Old Testament*, [CD-ROM] (Leiden: Brill, 2000), s.v. “הַנְּחִיָּה.”

¹¹ Etan Levine, “Biblical Women’s Marital Rights,” *Proceedings of the American Academy for Jewish Research* 63, no. 4 (1997-2001): 87–135.

sexual intimacy.¹² Trapp John also shares this point of view.¹³ Drawing from Genesis 30:15, 16, he relates חנ"ו to a time allotted by the husband for sexual intimacy.¹⁴

The fourth interpretation taps from the ANE context. Its understanding is oil or ointment. S. M. Paul considers that the tripartite sequence of Exodus 21:10 has its Babylonian equivalent composed of “food ointment and garment.”¹⁵ The Jewish publication society translation of the Tanakh contains a note that considers ointment as a possible translation of חנ"ו. Its translation of Exodus 21:10 is as follows: “If he marries another, he must not withhold from this one her food, her clothing, or her conjugal rights (or ointment).”¹⁶

Habitation or living quarters is a fifth identified translation of חנ"ו. Benson Joseph in his commentary considers the duty of marriage as having two possible translations: One is due benevolence or sexual intercourse, and the second is dwelling

¹² Warren W. Wiersbe, *Be Delivered* (Colorado Springs, CO: Chariot Victor, 1998), 117.

¹³ See Trapp John, “Exodus 21:10,” in *John Trapp Complete Commentary* (London: The Religious Tract Society, 1865), Vol. 1 Genesis-Second Chronicles, accessed October 16, 2017, <https://www.studydrive.org/commentaries/jtc/exodus-21.html>.

¹⁴ John Gill, *The New John Gill Exposition of the Entire Bible* (Arkansas: Baptist Standard Bearer, 1999), accessed October 16, 2017, <https://www.studydrive.org/commentaries/geb/exodus-21.html>.

¹⁵ Shalom M. Paul, “Exod. 21:10 a Threefold Maintenance Clause,” *Journal of Near Eastern Studies* 28 (1969): 52. On the importance of oil in Ancient Near Eastern Texts: “The importance of oils for the protection of the skin against the hot sun is well known throughout the ancient Near East. They formed part of the general hygiene of the ancient Egyptians who bathed very frequently and followed this up by rubbing the body with oils and creams. The oils kept the skin supple.... Therefore, ointments and aromatic oils were a necessity of life for all classes of society. In the light of the overall importance of oil and ointments in hygienic, ritualistic, and legal practices, it is no wonder that this important commodity would become part and parcel of any basic maintenance allotment.”

¹⁶ The Jewish Publication Society, ed., *Tanakh: A New Translation of the Holy Scriptures According to the Traditional Hebrew Text* (Philadelphia, PA: Jewish Publication Society, 1985), 117.

or habitation.¹⁷ John D. Hannah goes for living quarters,¹⁸ just as Thomas L. Constable.¹⁹

Another understanding, which is quite different from those already mentioned, is the one supported by Victor P. Hamilton, Chip McDaniel, and C. John Collins. They believe that this *hapax legomenon* should be paralleled with the term “answer.” This forms the sixth interpretive stand. These interpreters believe that Exodus 21:10 contains two provisions. The seemingly third is rather an explanation.²⁰ Hamilton explains that:

One may connect the *hapax legomenon Onah* with the Hebrew verb *anah*, which primarily means ‘to answer’ but can also mean provide, take care of, attend to the needs of (Ecc 10:19, Hosea 2:21.) In Ex 21:10 the word *onah* would be a comprehensive term, and the *waw* at the beginning of the word would be *waw explicativum*: ‘her food, her clothing that is her upkeep.’ In V. 11 ‘these three’ would refer not to ‘three’ items of V. 10, but to the three possible scenarios this verse and the immediately preceding verses have spelled out, and by which the man must abide.²¹

Rylaarsdam J. Coert suggests another original idea by advocating for the opinion that the marital rights of the female Hebrew slave are not mentioned in the biblical text but

¹⁷ Benson Joseph, *Exodus*, Benson's Commentary of the Old and New Testaments (New York: T. Carlton and J. Potter, 1857), accessed October 16, 2017, <https://www.studydrive.net/commentaries/rbc/exodus-21.html> 185.

¹⁸ John D. Hannah, *Exodus*, Bible Knowledge Commentary: An exposition of the Scriptures, ed. John F. Walvoord and Roy B. Zuck and Dallas Theological Seminary (Wheaton, IL: Victor Books, 1983-1985), 1:141.

¹⁹ Thomas L. Constable, “Exodus 21:10,” *Expository Notes on Exodus* (Columbus, Ohio: Wartburg, 1949), accessed October 16, 2017, <http://www.soniclight.com/constable/notes.html>.

²⁰ See Paradise J., “What did Laban Demand of Jacob? A New Reading of Genesis 31:50 and Exodus 21:10,” in *Tehillah le-Moshe: Biblical and Judaic Studies in Honor of Moshe Greenberg*, ed. M. Cogan et al. (Winona Lake, IN: Eisenbrauns, 1997), 91-98.

²¹ Victor P. Hamilton, *Exodus: An Exegetical Commentary* (Grand Rapids, MI: Baker, 2011), 370.

were stipulated in the various original marriage contracts. This constitutes the seventh interpretation.²²

The position that is the most widely approved is sexual intercourse also called duty of marriage, followed by that of time or company. Studies based on the comparative approach between the cuneiform materials and the MT, or intertextual biblical parallels produced less convincing results. Arguments such as term corruption and parallel maintenance clauses are limited in their explanations and in establishing the alleged parallelisms. None of the studies under consideration uses the Egyptian background in their elucidation of Exodus 21:10. It will be the eighth interpretation proposed in this research.

הנ"ו has also been a source of discussion and discord from the Jewish to the Christian era and led to a variety of interpretations that overlap in some cases. The early Jewish interpretations of Exodus 21:10 are divergent. The Galilean Jewish literary Aramaic that is used in the Targum Onqelos identifies this third component of Exodus 21:10 as “time.”²³ In *The Targum Neofiti*, the term **mpqh**, is employed, denoting the action of entering and exiting;²⁴ while *The Targum Pseudo-Jonathan*

²² Rylaarsdam J. Coert, “Exegesis of the Book of Exodus,” in the *Interpreter’s Bible (IB)*, ed. George Arthur Buttrick (New York: Abingdon, 1954), 1:996.

²³ Stephen A. Kaufman and Joseph A Fitzmyer, *Comprehensive Aramaic Lexicon, (CAL)* Logos research Systems [CD ROM] (Cincinnati, Ohio: Hebrew Union College, 2005), s.v. “הנ"ו.”

²⁴ Kaufman and Fitzmyer, *CAL*, s.v. “mpqh.”

links this third element to a “robe.”²⁵ According to the Mishnah, the duty of marriage mentioned in Exodus 21:10 is a determined period for sexual intercourse²⁶

Critical analyses of the biblical text of Exodus 21:10 by the church fathers and historians seems to be lacking. Nevertheless, during the modern period, a variety of understandings emerged. In their interpretation from 1885, Carl Friedrich Keil and Franz Delitzsch elaborate that if a man chooses a wife for his son, he should regard her as a daughter and ensure she receives proper care and support. Moreover, if the son takes another wife, whether due to his dissatisfaction or his father’s decision to provide additional spouses, the man must continue to fulfil his obligations to the first wife. This includes providing her with essential needs like food, clothing, and fulfilling her conjugal rights, without neglecting her rightful status as a daughter or wife.²⁷

In an article published in the *Journal of the American Oriental Society* in 1935, titled “The Conditional Sale into Slavery of Free-Born Daughters in Nuzi and the Law of Ex 21:7-11;” Mendelsohn aligns with Keil and Delitzsch regarding the interpretation of “Conjugal rights” as the third commodity in Exodus 21:10.²⁸

²⁵ Kaufman, and Fitzmyer *CAL*, s.v. “*m[yl.]*.”

²⁶ Herbert Danby, *The Mishnah: translated from the Hebrew with Introduction and brief explanatory notes* (Oxford: Oxford University Press, 1933), 252. “If a man vowed to have no intercourse with his wife, the School of Shammai say [She may consent] for two weeks. And the School of Hillel say: For one week [only]. Disciples [of the Sages] may continue absent for thirty days against the will [of their wives] while they occupy themselves in the study of the law; and labourers for one week. *The duty of marriage* enjoined in the Law [Exodus 21:10] is: every day for them that are unoccupied; twice a week for labourers; once a week for ass-drivers; once every thirty days for camel-drivers; and once every six month for sailors.”

²⁷ Carl F. Keil and Franz Delitzsch, *The Pentateuch: Biblical Commentary on the Old Testament*, trans. James Martin (Edinburgh, UK: T and T Clark, 1885), 131.

²⁸ See Isaac Mendelsohn, “The Conditional Sale into Slavery of Free-Born Daughters in Nuzi and the Law of Ex 21:7-11,” *Journal of the American Oriental Society* 55, no. 2 (1935): 190-195.

Throughout the twentieth century, several scholars also supported the notion of duties and privileges associated with marital status, albeit with slight variations. This is the case of John L. Durham and Robert North.²⁹

In 1969, a publication by Paul under the title “Exodus 21:10 A Threefold Maintenance Clause” disrupted the traditional interpretation of “marital rights.” According to Paul, the third component of the triad of provision is “oil.” He defends his point by referring to various Mesopotamian legal texts in which the threefold maintenance elements of food, clothing, and oil are regularly in association. He even goes further by quoting in the biblical corpus, passages such as Hosea 2:7 and Ecclesiastes 9:7, 8 where oil is mentioned as one of the necessities of life.³⁰

For Waldemar Janzen, the triad of Exodus 21:10 is composed of “food, clothing, and sexual intercourse.” He nevertheless precise that the aim of sexual intercourse is mainly procreation, for it makes a woman feel fulfilled.³¹ Levine refutes Paul’s argument, which suggest that sexual intercourse is not explicitly mentioned as a prerequisite for marriage in Ancient Near Eastern documents, therefore concluding that the third element of the triad of Exodus 21:10 cannot refer to sexual activity within Israelite marriage. Levine explains that just because conjugal rights are not explicitly mentioned in ANE documents as a requirement for marital support, it does

²⁹ See John I. Durham, *Exodus*, Word Biblical Commentary (WBC) 3 (Nashville: Thomas Nelson, 1987), 322. He approves the idea developed by North. “North has proposed that ...*hn*”[O describes the right to bear children, and not just the right of sexual intercourse.” North’s argument on the meaning of *hn*”[O holds to the fact that “In Modern Hebrew and Jewish Aramaic it is known with the sense of ‘fixed time,’ but as relating to conjugal duty, and hence traceable directly to Ex. xxi 10 rather than a farfetched link with ‘*et*’ ‘time’ from the root ‘answer’; more reasonable would be ‘answer’ in the sense of *verantwortlich*, her responsibility....” Robert North, “Flesh, Covering, and Response, Ex. XXI 10,” *Vetus Testamentum*, Vol. 5, Fasc. 2 (April 1955): 204-206.

³⁰ Paul, “Exodus 21:10,” 52-53.

³¹ Waldemar Janzen, *Exodus*, Believers church Bible commentary (Scottsdale, PA: Herald, 2000), 293.

not imply that sexual relations were not considered essential in Israelite marriage.³² Levine tapes from Genesis 3:16, Genesis 1:27, and Deuteronomy 24:5 to indicate that in marriage, the wife's desires are oriented towards her husband, that she is incomplete without the husband and vice versa, and sexual pleasure is a requirement from God, as can be seen in Deuteronomy 24:5; in the particular case of a newly married person.

³² Levine, "Marital Rights," 114.

CHAPTER 2

FEMALE SLAVES IN EGYPT

The Importance of Egyptian Background

An understanding of the Egyptian background in the production of the biblical covenant code may yield considerable insight into the regulations contained in Exodus 21: 7-11. Throughout the book of Deuteronomy, God repeatedly emphasizes to the Israelites that certain instructions and regulations given to them are rooted in their experience as slaves in Egypt. These laws are not mere replicas of Egyptian social norms; rather, they are provided to rectify the injustices endured by the Israelites during their time of slavery in Egypt. (Deut 5:15, 15:15, 16:12, 24:18...). The historical context of the production of this corpus of regulations is that of the deliverance of the Israelites from Egyptian slavery. It is also evident that not many researchers have used the Egyptian background in the quest for the meaning of *ḥn"*[O.

My aim at this level is to determine the relevant social practices of slavery in Ancient Egypt that can help to comprehend the laws of the female servant of Exodus 21:7-10. I take into consideration the status of the slave of Exodus 21:7-11 to determine her equivalent in the Egyptian context; then this leads to an examination of the privileges and maintenance provisions attached to this social status.

This research considers that the slave or better the female servant of Exodus 21:7-11 is not under bondage or servitude, but has a marital status. Wolf contends that the discrepancy in Exodus 21:7, where female slaves are not released after six years like males, is not due to perceiving women as more permanent property. Rather, it

reflects the belief that the bond between the master and his female slave mirrors a lasting marital relationship.¹ She has a special status, which is that of a betrothed young girl for a future marriage. Information from the biblical text confirms this status. Exodus 21:9 KJV reads “And if he has betrothed her unto his son, he shall deal with her after the manner of daughters.” The use of the term betrothal in the designation of the aim of the acquisition of the young girl by her master indicates that marriage is the institution under consideration. Walter C. Kaiser supports this opinion in *The Expositor’s Bible Commentary*. He explains that “This pericope pertains to a girl who is sold by her father not for slavery but for marriage.”² James K. Bruckner clarifies the aim of this pericope. He asserts that “verses 7-11 preserve the social position of a woman who has been sold by her father as a maid-servant (*’amah*, often ‘concubine,’ as here). She was not ‘freed’ in the seventh year because the basis of her protection was her legal status as a wife. The four contingent cases indicate that she has been ‘sold’ with the status of a wife/concubine and must remain married.”³ Chirichigno underscores a scholarly regarding the young girl mentioned in in Exodus 21, emphasizing that researchers concur that she was not sold into slavery for general purposes, but specifically as a wife. This understanding is further supported by the provision in verse 9, which indicates that even if her husband later becomes dissatisfied with her, she was initially acquired with the intent of marriage.⁴ This

¹ Anthony Philips, “The Laws of Slavery: Exodus 21:2-11,” *Journal for the Study of the Old Testament* 30 (1984): 60.

² Walter C. Kaiser Jr., *Genesis-Leviticus*, Expositor’s Bible Commentary (EBC), ed. Tremper Longman (Grand Rapids: Zondervan, 2008), 1:489.

³ Bruckner, *Exodus*, 200.

⁴ Gregory C. Chirichigno, *Debt slavery in Israel and the Ancient Near East* (Sheffield, England: Sheffield academic, 1993), 252.

research thus continues with emphasis on female Hebrew servanthood and marriage as the basis of the study and not slavery *per se*.

Sources of Servitude in Ancient Egypt

Sources do not mention the existence of a legal code regarding the practice of slavery in ancient Egypt. Real slaves were foreign captives from war campaigns. Nevertheless, labourers and servants of the lower social class were also classified as slaves. Antonio Loprieno, offers a broader perspective on the intricate nature of slavery in ancient Egypt. Rather than a purely legal construct, slavery is depicted as a socio-economic phenomenon, intertwined with the fabric of Egyptian society across different historical epochs. While acknowledging the presence of various forms of labor coercion and limitations on individual autonomy throughout Egyptian history, Loprieno emphasizes the economic underpinnings that defined the institution of slavery. Literary sources from ancient Egypt portray individuals identified as slaves, referred to by titles such as *hm* (laborer) or *bek* (servant), shedding light on the diverse roles and statuses within the enslaved population. Documentary evidence presents a multifaceted picture: during the Old Kingdom period, a considerable segment of the population engaged in compulsory labor, albeit with exemptions available for religious obligations and avenues for social mobility. Meanwhile, foreign prisoners of war were unmistakably subjected to enslavement, highlighting the complex dynamics of power and conquest in ancient Egyptian society.

As Egypt underwent social transformations, particularly during the Middle Kingdom and beyond, textual sources increasingly delineate distinctions between “free” individuals and various categories of labourers, conscripts, and fugitives. While genuine slavery is suggested to have been predominantly reserved for foreign captives, the emergence of new social elites and economic imperatives during the

New Kingdom era saw an expansion of both foreign and local forms of servitude. The adoption of a slave, often served as a pathway to attaining "free" status, underscoring the fluidity of social identities in ancient Egypt.

By the first millennium BCE, references to traditional forms of slavery wane, giving rise to alternative arrangements of voluntary servitude driven by economic necessity or religious devotion. It is during the Hellenistic Period that the legal framework of slavery, inherited from conquest, purchase, or debtor enslavement, becomes more pronounced, reflecting broader socio-political changes in the region.

In sum, Loprieno's comprehensive examination invites us to view slavery in ancient Egypt not merely through a legal lens, but as a complex socio-economic institution deeply embedded within the cultural and historical dynamics of the civilization.⁵

Household Female Servants in Ancient Egypt

Despite the absence of a formal legal code and documents on the practice of slavery in ancient Egypt, various punctual inscriptions provide important information on the existence of household female servants. Poverty was the main cause for a parent to lend a child, in exchange for a good. Moreno Garcia supposed that women were the preferred exchange in compensation for various goods. 'I have never forced one of your daughters to servitude.' That Henqu explicitly refers to women may point to the fact that women were the preferred form of deposit in the case of food lending,

⁵ Antonio Loprieno, *UCLA Encyclopedia of Egyptology*, (Los Angeles, California: University of California, 2012), s.v. "Slavery and Servitude," accessed 18 April 2022, <http://digital12.library.ucla.edu/viewItem.do?ark=21198/ZZ002djg3j>.

the ethical expectation being that interests should not be levied too heavily on the borrower.”⁶

Loprieno offers insight into this societal trend, attributing its origins to the economic struggles faced by lower social strata. He suggests that as the Old Kingdom drew to a close, the practice of coerced labour reached its culmination. Changes in economic dynamics saw impoverished families resorting to borrowing essentials like grains from wealthier landowners. However, as repayment became unattainable, these families increasingly found themselves compelled to offer their own family members—particularly women—for compulsory labour within the households of these affluent landowners.⁷

From a general point of view, ancient Egyptians had one wife. Nevertheless, it was possible to have cases of polygyny among wealthy people in society. They usually had one recognised wife, associated with multiple concubines. They formed what is known as a harem. Panos D. Bardis explains that “since polygyny was expensive, even mere bigamy was extremely rare among the lower classes. It was chiefly the wealthiest men that practiced polygyny. Even they, however, were usually permitted one legal wife, the so-called *nebt-per*, their other women –Some black, some white- being their concubines, who also functioned as servants.”⁸ In an article published in 1994, Tyldesley Joice describes the attitude of the state toward marriage in the ancient Egyptian context as follows: “The state was remarkably relaxed in its attitude to marriage, placing no restriction on unions with either foreigners or slaves,

⁶ Moreno Garcia, “Acquisition de Serfs Durant la Première Période Intermédiaire: Une Etude d’Histoire Sociale dans l’Egypte du III^e Millénaire,” *Revue d’Egyptologie* 51 (2000): 132.

⁷ Loprieno, *UCLAEE*, s.v. “Slavery and Servitude,” accessed 19 April 2022.

⁸ Panos D. Bardis, “Marriage and Family Customs in Ancient Egypt: An interdisciplinary Study: Part I,” *Social Science* 41, no.4 (October 1966): 232.

and permitting both multiple marriages and the marriage of close relations. However, polygamy and incest were never rife in ancient Egypt.”⁹ The above marital condition presents some similarities with the one described in Exodus 21:7-11. In both situations, we have the eventuality of a marriage between a wealthy and free person, with an acquired servant. There is also a possible polygamous marital instance, with a main wife and concubines or servants. Given that the *amah* referenced in Exodus 21 is in a marital status, I will now explore certain privileges and protective rights associated with the status of wives or prospective wives within the Egyptian cultural framework. This background context will contribute to a deeper understanding of the passage in Exodus 21:7-11.

Privileges and Protection of Women in Ancient Egypt

Household female servants in Ancient Egypt benefited from some protection rights and privileges. In case they attain the status of a wife or a proposed wife, or were acquired for that purpose, they received some maintenance commodities from the husband. From a general point of view, maintenance provisions for a wife in Ancient Egypt can be organised into not less than five main categories. The first three are commodities that are known in the ANE. They are food, clothes, and oil. The last two are money and private apartments. According to Allam,¹⁰ marriage was not enforced as a judicial institution, but rather as a social act. This social act came into consummation through the cohabitation of the husband and his wife.

Sources from Ancient Egypt indicate that the above elements were required from a husband or a master. Stephen Ranulph Kingdom Glanville identifies these

⁹ Tyldesley Joice, “Marriage and Motherhood in Ancient Egypt,” *History Today* 44 (1994): 20.

¹⁰ Allam S., “Quelques Aspects du Mariage dans l’Egypte Ancienne,” *The Journal of Egyptian Archeology* 67 (1981): 116.

elements from the following saying: “If you are a man of parts, make a home for yourself and love your wife in the accepted way: fill her belly; clothe her back; and she must have oil for her body. Make her happy as long as she lives, for she will do you credit.”¹¹ This triad also appears in ANE documents.¹² The above-mentioned threefold maintenance commodities can be reduced to two in the Ancient Egyptian context. This is because generally speaking, oil is often considered a food item. H. S. Smith specifies that the “husband’s house, in the normal form of Egyptian rations; so much corn per day, so much oil per month, an annual sum for clothing, known as your food and clothing.”¹³ P. W. Pestman explains what constitutes maintenance from an Ancient Egyptian point of view and puts together oil and corn under the food

¹¹ S.R.K. Glanville, *Daily Life in Ancient Egypt* (London: Routledge and Sons, 1930), 17.

¹² Article 27 of the Lipit-Ishtar law code stipulates that if a man's wife is unable to bear him children, but he fathers children with a woman from the public square, commonly interpreted as a harlot, then he is obligated to provide grain, oil, and clothing for that woman. Furthermore, the children born to him by the harlot are to be considered his heirs. However, it is specified that as long as his wife is alive, the harlot is not permitted to reside in the same household as his wife. James B. Pritchard, ed., *Ancient Near Eastern Texts Relating to the Old Testament*, 3rd ed. trans. Theophile J. Meek (Princeton, NJ: Princeton University Press, 1969), 160.

Article 178 of the Code of Hammurabi outlines that following the father's passing, the responsibility falls upon the woman's brothers to administer her field and orchard. They are obligated to provide her with sustenance in the form of food, oil, and clothing, corresponding to the value of her inheritance, thereby ensuring her well-being. Should her brothers fail to fulfil this duty and neglect to adequately support her, she reserves the right to transfer ownership of her field and orchard to a tenant of her choice. Subsequently, the chosen tenant assumes the responsibility of providing her with the necessary support. Ibid. 174. In a study of The Ancient Mesopotamian Ration system, I. J. Gelb details the various elements that made the maintenance for various categories of people in the Mesopotamian context. He explains that “The old Mesopotamian ration system involves regular distribution of three basic commodities: barley, oil, and wool.” I. J. Gelb, “The Ancient Mesopotamian Ration System,” *Journal of Near Eastern Studies* (July 1965): 230. “In fact, the meaning of SE. BA was further extended to cover not only barley and grain in general but also the two other commodities which were regularly distributed as rations, namely, ‘oil, fat’ and SIG, ‘wool.’... Since barley is by far the most common commodity distributed in old Mesopotamian lists, *se-ba* or *SE.BA* in the greatest number of occurrences means simply ‘barley ration.’ ” Ibid. 231. The above quotations indicate that in Old Mesopotamia, maintenance commodities were made of the triad: barley, that symbolises food in general, wool for clothing and oil, which was for skin maintenance, but also appear to enter into the food commodities.

¹³ H. S. Smith, *Marriage and Family Law in Legal Documents of the Hellenistic World* (London: University of London, 1995), 50.

commodity, thus reducing maintenance in Ancient Egypt to two components, which are food and clothing. “Here one is reminded of the Egyptian name for maintenance: ‘food’ and clothing.’ ‘The food’ is formed by the oil and the corn, the ‘clothing’ by (dress) allowance or garments.”¹⁴

Apart from food and clothing, texts on Ancient Egyptian marriage mention another important element that made marriage relevant and secured the protection and well-being of a new wife. It is the cohabitation of the couple and the disposal of a private apartment to the wife. Tyldesley Joice explains that “The cohabitation of the happy couple served as the only outward sign that the marriage negotiations had been successfully concluded, and it was by physically leaving the protection of her father’s house and entering her new home that a daughter became universally acknowledged as a wife.”¹⁵ Azzoni further reinforces the notion that the privilege of cohabitation signifies the establishment of a marriage. She asserts that the commencement of cohabitation between the bride and groom typically marks the initiation of their marital union. This observation finds support in the context of Elephantine, suggesting that once the couple begins cohabiting, it signifies the completion of the property transfer process, thus solidifying their marital status.¹⁶ It is thus evident that the cohabitation of the couple and the disposal of a private apartment to the new wife marked the consumption of her marital status and officialised her position in the home.

This chapter highlighted the importance of the Egyptian background, in the study of Exodus 21:7-11. The Covenant Code was crafted against the backdrop of

¹⁴ P. W. Pestman, *Marriage and Matrimonial Property in Ancient Egypt: A Contribution to Establishing the Legal Position of the Woman* (Leiden, N L: Brill, 1961), 149.

¹⁵ Joice, *Marriage*, 21.

¹⁶ Annalisa Azzoni, *The Private Lives of Women in Persian Egypt* (Winona lake, Indiana: Eisenbrauns, 2013), 33.

liberation from Egyptian slavery. Within this historical context, the societal values and norms prevalent among the people were deeply influenced by their time in Egypt. In Ancient Egypt, poverty led to the sale of family members, particularly women in exchange for an unpaid debt. The standard Egyptian family was made of one wife, but wealthy citizens could afford more than one wife. Nonetheless, the harem comprised the main wife and the others had the status of concubines or servants. In seeking to understand the counterpart to the *amah* mentioned in Exodus 21 within the Egyptian context, attention is drawn to the scenario described in Exodus 21:10: “if he takes for himself another woman.”

Privileges granted to wives and concubines in Ancient Egypt included food, clothes, oil, money, and cohabitation (sharing a common home) or private apartments. These elements can be reduced to three, namely food, clothes, and cohabitation or private apartment. As H. S. Smith and P. W. Pestman explain above, oil is part of food and the money served to acquire clothes. From Annalisa Azzoni and Tyldesley Joice, we learn that cohabitation was a condition that confirmed the existence of marriage in Ancient Egypt. I thus suppose that maintenance privileges for women in Ancient Egypt were made of food, clothes, and shelter or private apartments.

CHAPTER 3

EXEGESIS OF EXODUS 21:7-11

Text and Translation

Text

The text of Exodus in its Hebrew form is well preserved and does not need much reconstruction or serious textual difficulties.¹ The laws on the Hebrew slave form the opening section of the covenant code that covers Exodus 21:1-23:19. Exodus 21:7-10 constitutes a coherent unit of thought, whose theme is the obligation of the purchaser of an ^o*1mâ*. The *BHS* uses the Hebrew letter *sāmēk* at the beginning and end of this section to indicate a major break and that this paragraph stands on its one; and constitutes a closed section. Exodus 21:7-11 is the second section of the laws on Hebrew slaves. Exodus 21:2-11 presents two sets of regulations pertaining to Hebrew slaves: one for male slaves *±ebed* and another for female slave ^o*1mâ*. The initial verses (2-6) address the conditions of male servitude, stipulating a maximum period of six years for their service. In contrast, the subsequent passage (verses 7-11) focuses on female slaves, specifically those sold by their fathers as ¹*mâ*. Unlike male slaves, these women do not gain their freedom after a set duration but must either be assigned or redeemed. Levine categorizes this paragraph as a “juridical pericope” addressing the case of a girl sold by her father to a man with the intention of marriage.²

¹ Kaiser Jr., *Exodus*, The Expositor’s Bible Commentary (EBC), rev., ed. Tremper Longman III (Grand Rapids: Zondervan, 2008), 85. “The Hebrew text of Exodus is best preserved by Codex Leningradensis (B19a), which was edited by Gotfried Quell and published in 1973 under the title of *Biblia Hebraica Stuttgartensia 2* in Stuttgart, Germany.”

² Levine, “Marital Rights,” 93.

Let us now turn to some textual considerations on Exodus 21:7-11. Since there is no correspondence of Exodus 21 in Qumran, and because the Targum and the Syriac closely follow the Masoretic text³, our textual considerations focus on the comparison between the MT and the LXX.

`~ydl(b'[]h' taceîK. acePt e al{ï hm'_a'l. ATßBi-ta, vya i²
 rKođm.yl-yki(w>⁷ MT
 male slaves go out she go out not maid as his daughter man sell if But

eva.n de, tij avpodw/tai th.n e`autou/ qugate,ra oivke,tin ouv
 avpeleu,setai w[sper avpotre,cousin ai` dou/lai

~[:îl. HD"_p.h,w> Hd"p['y> al{-rv,a] h'yn<±doa] ynEôy[eB.
 h['úr"-~ai⁸
 people to her ransomed then her appoint not who her master's eyes in evil If

`Hb'(-Adg>biB. Hr"pk.m'l. Ivoïm.yl-al {
 yrl±k.n"
 her. faithlessly he her sell to dominion (rule) have he not foreign

eva.n mh. euvaresth,sh| tw/| kuri,w| auvth/j h]n au`tw/|
 kaqwmologh,sato avpolutrw,sei auvth,n e;qnei de. avllotri,w| ouv
 ku,rio,j evstin pwlei/n auvth,n o[ti hvqe,thsen evn auvth/|

`HL'(-hf,[]y: tAnàB'h; jP;îv.miK. hN"d<+['yyI)
 Anàb.li-~aiw>⁹
 her to do daughter of the law to her selected he son his for if and

eva.n de. tw/| ui`w/| kaqomologh,shtai auvth,n kata. to. dikai,wma
 tw/n qugate,rwn poih,sei auvth/|

Ht'pn"[ow> Ht'îWsK. Hr"²aev Al+-xQ:)yl) tr<x,pa;-~ai¹⁰
 cohabitation of right. her and clothing her food her him to take another if
 `r"(g>yl al{ï

³ Douglas Stuart, *Old Testament Exegesis*, 3rd ed. (Louisville, Kent: Westminster John Knox, 2001), 35. "The Peshitta and the Targum follow the MT, as they usually do. The Vulgate, typically, follows the MT. (The Peshitta, Targum, and vulgate are much less often true 'independent' witnesses to an original that differs from the MT than the LXX is. Even the Qumran scrolls, themselves Hebrew, will much more often reflect independence the Hebrew MT than the Peshitta, Targum, or Vulgate will.)"

eva.n de. a;llhn la,bh | e`autw/| ta. de,onta kai. to.n i`matismo.n
kai. th.n o`mili,an auvth/j ouvk avposterh,sei

`@s,K'(!yaeî ~N"βxi ha'îc.y"w> Hl'_ hf,p[[]y: al{î
hL,aeê-vl''v.-~aiw> ¹¹

money without nothing for she out go then her to does he not these three if But

eva.n de. ta. tri,a tau/ta mh. poi,sh | auvth/| evxeleu,setai dwrea.n
a;neu avrguri,ou

The Masoretic text of Exodus 21:7-11 does not present major textual problems. There are not major variations when compared to other old versions such as The Samaritan Pentateuch, The Septuagint, The Syriac, and The Vulgate.⁴ There are few reconstructions of the Masoretic text by latter versions. The Samaritan Pentateuch adds **ayh** in V.8^a. The addition of this pronoun does not make a great difference in the meaning of this verse, since the suffix at the end of the verbal form indicates that the person is third person feminine singular. It may be an addition from a scribe. In the same portion of the text, the Syriac uses **hawnf** (hate her) whereas the Masoretic text made use of **h['r** ((she is evil). This change in the verbal form may be explicative in function. The master hates the young girl because she is evil in his sight. In verse 8^b, the LXX, The Targum, and The Vulgate make use of the Qere reading⁵ for **Al**, which may be a scribal addition. In verse 10^a, The Samaritan Pentateuch, The

⁴ The text of Exodus 21 is attested in the Septuagint, Vulgate and the Targums. however, in Qumran, there is a lacuna between vv. 7-11.

⁵ The words *kētîb* and *qêrê* are Masoretic terms used with reference to texts in the Hebrew Bible in which the received reading tradition, the *qêrê*, suggests an orthography, which is at variance with what is written in the consonantal text, the *kētîb*. The difference in orthography is usually more substantial than the placement of vowel letters, but *kētîb* and *qêrê* notes will comment on unusual cases of *mālê*. (full) or *hāsêr* (defective) spellings. David Noel Freedman, ed.(William S. Morrow) “*kētîb* and *qêrê*” *The Anchor Bible Dictionary* (ABD), (New York: Doubleday, 1992), 4:25.

Septuagint, The Syriac, and the Vulgate use ~aw>î at the beginning of the verse whereas the Masoretic text has just ~a. From structural considerations, this addition appears to be a scribal copying addition. This is because verse 8, which is the main case for verse 9, does not have the conjunctive waw. Similarly, verse 10, which is the main case of the secondary case in verse 11, should follow the same structure.

The study of Exodus 21:7-11 also reveals the existence of some textual problems that influence the various translations and understanding of this pericope. In the present study, three of them are considered.

The first textual issue concerns the social status of the young girl who is sold. Biblical commentators have granted various social statuses to this *amah*. She has been considered a slave, a servant, a concubine, or a designated wife for the master or his son. Butler considers this servant as a wife with a low marital status “This arrangement involved a marriage that is a concubine-wife relationship status as was custom then. Though a wife in status, this “*maidservant*” was in the lowly servant status.”⁶ Walvoord and Zuck also approve of this opinion. According to them, “Female slaves were treated differently. Many times, female slaves were concubines or secondary wives (cf. Gen 16:3; 22:24; 30:3, 9; 36:12; Jud. 8:31; 9:18). Some Hebrew fathers thought it more advantageous for their daughters to become concubines of well-to-do neighbors than to become the wives of men in their own social class.”⁷ It is important to mention that the female slave of Exodus 21 should be considered as having a marital status, from pieces of evidence that are found in the text. If the status of the ¹*mâ* was limited to that of a servant, the term betrothal in

⁶ John G. Butler, *Analytical Bible Expositor: Exodus*. (Clinton, IA: LBC Publications, 2008), 192.

⁷ Hannah, “Exodus,” 1:141.

verse 8. Another evidence is the use of the term “another wife” in verse 10, which indicates that the first partner had the status of a wife.

A second textual problem in Exodus 21:7-11 is the identification of the antecedent of the expression “these three things” that is found in verse 11. There are two main understandings of this textual problem. For the first group of biblical analysts, the three things referred to in Exodus 21:11 are those that are enumerated in verse 10. They include what the RSV of the Bible calls “her food, her clothing and her marital rights.” The second group of students of the Bible rather consider that the antecedent of “these three things in Exodus 21:11 is to be traced in the three main casuistic statements contained in verses 8, 9, and 10 of Exodus 21.⁸ “These three things” thus include the fair legal provisions instituted by the legislator to protect the female servant. She had to be redeemed in case she did not please her master; she was to be dealt with as a daughter in case she was designated for the son of the master; and if the master were to take another wife, it was mandated that the provisions of food, clothing, and marital rights for the existing wife were not to be diminished.

The third and possibly the most challenging textual problem found in Exodus 21:7-11 is the interpretation of the third maintenance provision contained in Exodus 21:10, which is termed *ḥn"l*. It has been mainly translated as marital rights but is still a matter of debate as to what is to be included in the above-mentioned rights. This study seeks to bring more clarity to the above-mentioned textual difficulties.

⁸ Among those who advocate for the fact that the antecedents of “these three things” are to be found in Exodus 21:10, are Levine, Shalom Paul and Keil and Delitzsch. On the other side, Victor P. Hamilton, Chip Mc Daniel and C. John Collins believe that the above expression refers to the three scenarios contained in verses 8, 9 and 10 of Exodus 21.

Translation

My proposed translation of Exodus 21:7-11 follows the structural organisation of the pericope.

Main case

V. 7 But if a man sells his daughter as a maid, she shall not go out as male slaves do.

Case A

V.8 If she displeases her master, who chose her for himself, he must allow her to be redeemed. He cannot sell her to foreigners because he has broken faith with her.

Case B

V.9 If he designated her for his son, he must accord her the rights due to daughters.

Case C

V.10 If he marries another woman, he must still provide for her food, clothing, and housing.

Case D

V. 11 If he fails to provide these three things for her, then she shall be released without any payment.

The adopted translation for the *waw* that introduces the casuistic case of verse 7 is “but” in verses 9 and 11 it is “and” because in verse 7, it marks the contrast distinctiveness in status and treatment between the male Hebrew slave of verses 2 to 6 and the female servant of verse 7. In verses 8 to 11, it introduces various eventual situations that are in addition or explicative of the main case by proposing an alternative, a possible second case.

Historical Context

The book of Genesis closes in its fiftieth chapter with the prophetic declaration of the patriarch Joseph, foretelling the pilgrimage of the Israelites from Egypt. The book of Exodus is a detailed account of the liberation of the children of Israel from bondage in Egypt, through forty years of training in the wilderness to form a nation. The book of Exodus is a narrative of the building up of the nation of Israel. Charles F. Pfeiffer provides a summary of these sequences of the life of the children of Jacob as follows:

Exodus takes up the story of the Israelites where Genesis leaves off. The long period between Joseph and Moses is covered with two summary verses, 1:6,7, and then the entirely new situation of the descendants of Jacob is described. The favored guests of Pharaoh and Joseph have become a nation of slaves, the objects of the fear and hatred of their rulers. As Pharaoh seeks by brutal oppression to control the Hebrews, God acts to deliver them. The deliverer, Moses, is first prepared, and then, in the power of God the great deliverance takes place. Redemption from the power of Egypt is more, however, than just a release from slavery. God has brought the Israelites out of Egypt that He may bring them, as His own prepared people, into the Promised Land.⁹

Two main viewpoints dispute the authorship of the book of Exodus: Jewish and Christian traditions defend mosaic authorship, while higher criticism supports the theory of a compilation from four sources, notably J, E, D, and P, known as the Documentary Hypothesis.¹⁰ Internal biblical evidence for Moses' authorship can be

⁹ Charles F. Pfeiffer ed., *The Wycliffe Bible Commentary* (Chicago: Moody Press, 1990), 246.

¹⁰ "Liberal scholars approach the book in one of three ways. First, scholars after Julius Wellhausen attempt to isolate the literary origins of the book, assuming three sources over a long period. This is commonly known as the documentary approach or JEDP theory (but there would be no "D" source in Ex.). (Cf. "The Authorship of Genesis" in the *Introduction to Genesis*) Second, the form-critical approach attempts to discover in the text small literary units through an understanding of the history behind the forms. In this way, these scholars attempt to determine the date of the original writing of the book. Third, the traditionalist-critical school argues for a long, oral transmission of the accounts, though the exact recovery of the accounts is unlikely. These three approaches are similar in their basic assumptions: Moses probably did not write the book, the exact nature of the events is difficult to determine, and the date of compilation is late." See John D. Hannah, *Exodus*, *The Bible Knowledge Commentary: An exposition of the Scriptures*, ed. John F. Walvoord and Roy B. Zuck and Dallas Theological Seminary (Wheaton, IL: Victor Books, 1983-1985), 1:141. *The KJV Bible Commentary* explains the implications of the documentary approach as

found in the Pentateuch itself, in other parts of the Old Testament, and in the New Testament. In the Pentateuch, we have the following biblical passages: Deuteronomy 31:9 and 24 which specify that Moses wrote down the entire law without omission and gave it to the priests and scribes. Exodus 24:4 mentions that Moses recorded all of the Lord's commands. Out of the Pentateuch, Joshua 23:6 talks about the Book of the Law of Moses. The Book of the Law is also associated with the person of Moses in Ezra 6:18; Nehemiah 13:1; and 2 Chronicles 25:4.

The New Testament explicitly attributes the authorship of the Pentateuch to Moses. Jesus in Mark 12:26 uses the expression “The Book of Moses.” The entire Pentateuch is associated with Moses in Luke 16:31 and 24:27. One of the arguments frequently used to oppose Moses’ authorship of the Pentateuch is the existence of post-Mosaic accounts; one of them is the description of Moses’ death that we find in Deuteronomy 34:1-12. Such additions are associated with the use of editors under the supervision of the Spirit of God. Herbert Wolf provides clarification on this issue by proposing that Moses likely authored most of the five books or supervised their production. He suggests that even if later editors made changes or additions to Moses’ writings, these modifications would have been guided by the same divine inspiration that influenced all of Scripture.¹¹ This research focuses on the synchronic approach to

follows: “Even though the liberal views of Wellhausian criticism have been answered thoroughly in the past by William H. Green, ... and others, most writers, teachers, seminaries, etc., still cling to forms of this theory and its more advanced counterpart, form criticism. These include such scholarly writers on Exodus as Cassuto, Childs, Clements, Hyatt, Noth, and Rylaarsdam. They all deny that Moses produced the book of Exodus in the fifteenth century B.C. and instead maintain that no formal code of law by Israel existed until many centuries later. This denies what is meant by verbal, plenary inspiration, the inerrancy of the Word of God, the genuineness, authenticity and integrity of the various books, and the trustworthiness of Christ, the apostles and others through the centuries who believed Moses penned Exodus and the Pentateuch.” Edward E. Hindson and Woodrow Michael Kroll ed., *The KJV Bible Commentary* (Nashville: Thomas Nelson, 1994), 441-442.

¹¹ Herbert Wolf, *An Introduction to the Old Testament Pentateuch* (Chicago: Moody Press, 1991), 70.

exegesis and defends the point according to which Moses is the author and not just a compiler of the book of Exodus.

God called his children out of bondage in Egypt, to form the great nation that was promised to Abraham. On the historicity and purpose of the book of Exodus, Paul N. Benware explains that:

Exodus continues the story of God's dealings with the descendants of Abraham. It picks up the history of the people of Israel after a silent period of 275. During the lengthy period, two significant things happened. First, Israel's population, which was about seventy-five at the end of Genesis, grew to about 2.5 million. And second, the people of Israel became enslaved to the Egyptians. Exodus also records the giving of the law at Sinai. The "constitution" given to Israel marks the second significant step in the process of becoming God's great nation. But before Israel could receive her new law code, God had to redeem His slave people out of the bondage of Egypt with a display of awesome power.¹²

In their journey from Egypt to Canaan, the Israelites will have a notable stop at Mount Sinai. Exodus 19:1 states that it was in the third month after leaving Egypt, and on the same day, they arrived at the Wilderness of Sinai.

The settlement of the children of Israel in the desert of Sinai is documented from Exodus 19 all the way to Numbers 10:10. At Mount Sinai, God revealed Himself to the children of Israel and entered into a covenant with them through the Ten Commandments and various moral, religious, social, and ceremonial laws. Among them is the law on the female Hebrew servant under study in this research. In an attempt to justify the existence of laws regarding the practice of slavery among the children of Israel, Leo G. underscores the point that "These... judgments were given to Israel for the social situation in which they lived. God applied His moral principles to their present needs. The law did not require slavery, but since it was practiced, these rules would guide in maintaining the right relations between masters and servants. The ethical principles themselves were to apply in whatever social structure

¹² Paul N. Benware, *Survey of the Old Testament*, Everyman's Bible Commentary (EBC) (Chicago: Moody Press, 1993), 109–110.

prevailed.”¹³ Herbert Wolf goes further in explaining the *raison d’être* of the covenant code. He explains that chapters 21-22 of the book of Exodus are considered as an explanation or a detailed application of the Ten Commandments in various life situations. “Here at Mount Sinai Israel was given the key principles to godly living summed up in the Ten Commandments, and these are followed by specific guidelines for how to apply the Ten Commandments (chaps 21-23).”¹⁴

There is no consensus about the setting and date of the Exodus event. Some scholars even go as far as to reject the possibility that there might even have existed a servitude of the children of Israel in Egypt. Among them are Niels Peter Lemche¹⁵ and Bernard Batto.¹⁶ James K. Hoffmeier presents various factors commonly used to dispute the authenticity of this event. Scholars who cast doubt on or refute the Biblical narratives tend to do so for multiple reasons; These include the absence of archaeological findings supporting the events in Egypt and Sinai, the interpretation of the Exodus stories as folklore or mythical tales, and the assertion that the narratives were written long after the purported events occurred, thereby being significantly influenced by theological and ideological agendas, making them unreliable for historical analysis.¹⁷

¹³ Leo G. Cox, *Exodus*, Beacon Bible Commentary (BBC), ed. A. F. Harper (Kansas City: Beacon Hill, 1969), 1:414.

¹⁴ Wolf, *Pentateuch*, 151.

¹⁵ Neils Peter Lemche, *Ancient Israel: A New History of Israelite Society* (Sheffield: JSOT Press, 1988), 31. “The silence in the Egyptian sources as to the presence of Israel in the country is an obstacle to the notion of Israel’s 40 years sojourn.”

¹⁶ Bernard Batto, *Slaying the Dragon: Mythmaking in the Biblical Tradition* (Louisville: Westminster/John Knox, 1992), p.102. “The biblical narrative in the books of Genesis through Joshua owes more to the folkloristic tradition of the ancient Near East than to the historical genre.”

¹⁷ Margaret Warker, ed., *Ancient Israel in Egypt and the Exodus* (Washington: Biblical Archaeology Society, 2012), 2.

Others believe in the historicity of this event but still, doubt its setting and time. Bruce Wells thinks that “The historical setting for the book of Exodus is essentially unknown. It describes events that lead to an escape of ancient Israelites from Egypt, but a specific period during which events such as these might have taken place cannot be determined with certainty.”¹⁸

Based on biblical and archaeological evidence, there are two prominent dating periods for the exodus of the children of Israel from Egypt to Canaan. According to the “early date,” the exodus took place at about 1446 B.C. The other date termed the “late date” argues for an exodus that took place in 1290 B.C.

Evidence from the Bible, specifically 1 Kings 6:1, offers chronological details placing events in the fourth year of King Solomon's reign (966 B.C.), approximately 480 years after the Israelites left Egypt. Thus 966 added to 480 is 1446 B.C. This work is in favour of the early date. Walvoord and Zuck are in support of this stand. According to them, “the journey from Egypt to the Sinai wilderness took exactly three months. (Ex. 19:1-2). It would seem logical that Moses composed during or shortly after the encampment at Sinai (1446 B.C.). Thus the book covers events that occurred sometime before Moses’ birth in 1526 (chap 2) to the events surrounding Mount Sinai (1446).”¹⁹ The events of Exodus 21:7-11 evolve in the process of the building of the nation of Israel, through regulations that seek to balance social discrepancies among the people of Israel, through the protection of those that are vulnerable.

Literary Context

Exodus 21:7-11 contains five laws protecting the female servant. These laws were given to Israel in the context of its release from bondage in Egypt when the

¹⁸ Bruce Wells, *Exodus*, Zondervan Illustrated Bible Backgrounds Commentary (ZIBBC) (Grand Rapids, Michigan: Zondervan, 2009.), 78.

¹⁹ Hannah, *Exodus*, 1:105.

people had to settle in the Promised Land where enslavement was a prevalent custom observed among the surrounding nations. On the purpose of the covenant code, Brevard S. Childs explains that “As to the purpose toward which the composition of the Book of the Covenant was directed, both Jepsen and Gazelles have argued for seeing it as an effort to resist the inroads of Canaanite culture, ... In a positive sense, the formation of the book sought to bring all of Israel’s early laws... closer in line with the central tenets of the Sinai tradition.”²⁰ At first sight, one may question the fact that the Bible regulates the practice of slavery. Nevertheless, some biblical commentators have identified the protection of vulnerable people and economic impoverishment as the central themes of Exodus 21:7-11.

In his comparative analysis of slavery as practiced within and without Israel, Philip Graham Ryken explains that “servanthood in Israel was supposed to be very different from conventional slavery. It was voluntary, it was temporary, and its purpose was to lead people into freedom.”²¹ These laws also provide a solution to the problem of impoverishment. The father sells the daughter probably to solve a financial crisis but also opens the way for the daughter to get into a wealthy family. On the function of the Book of Covenant, *The IVP Bible Background Commentary: Old Testament* affirms that “The laws anticipate the range of life situations that would be faced in the village culture of the settlement and early monarchy period. They regulate business, marriage practice, and personal responsibility.”²²

²⁰ Brevard S. Childs, *The Book of Exodus: A Critical and Theological Commentary*, 3rd ed. (Philadelphia: Westminster, 1976), 459.

²¹ Philip Graham Ryken, *Exodus: Saved for God’s Glory* (Wheaton, Illinois: Crossway books, 2005), 702.

²² John H. Walton, Victor H. Matthews and Mark W. Chavalas, *The IVP Bible Background Commentary: Old Testament* (Downers Grove, Illinois: InterVarsity, 2000), 97.

The book of Exodus is situated within the segment of the Old Testament referred to as the Pentateuch, encompassing the initial five books of the Bible, traditionally credited to Moses as their author. The first verse of the book of Exodus links the book to the theme of Exodus and presents it as a continuum of the narratives found in Genesis. “Now these are the names of the children of Israel who came to Egypt; each man and his household came with Jacob.” (NKJ) Exodus 21:7-11 is located within the part of the book of Exodus recognized as the Covenant Code, which is generally admitted to cover chapters 21—23 of the book of Exodus. Just as in the ten commands of Exodus 20, the Covenant Code opens with the motive of slavery.

Nahum M. Sarna provides a structured overview of the Covenant code, extending to chapter 24 of the book of Exodus. He views the twenty-fourth chapter as a summarization of the code, culminating in its endorsement by the children of Israel. From his point of view, the Book of the Covenant can be delineated into four main sections. The first, spanning from 21:2 to 22:16, addresses a range of legal matters pertaining to civil and criminal affairs, typically articulated in the casuistic style characteristic of ancient Near Eastern law collections. The second segment of the legal corpus, from 22:17 to 23:13, adopts a different approach, resembling the style of the Decalogue, with clear and categorical commands. It covers diverse subjects, placing particular emphasis on humanitarian concerns. The third section, spanning from 23:20 to 23:33, serves as an appendix affirming divine promises to Israel while cautioning against the perils of assimilation into paganism. Lastly, chapter 24 serves as the concluding part of the Covenant code, featuring a ritual for the validation of the

document and depicting Moses receiving the Ten Commandments inscribed on stone tablets.²³

The laws on slavery open the covenant code. They are divided into two main sections: the laws of the male slave that cover verses 2-6 and the laws of the female servant in verses 7-11. This last section is the one under consideration in this research. On the placement of slavery laws on the opening lines of the ordinances, some biblical commentators think that this is related to the bondage experience that the people of Israel had in Egypt, while others see the Covenant Code as a detailed commentary of the apodictic laws of the Ten Commandments. The laws on slavery are described as explaining the introduction of the Ten Commandments that recall the deliverance from Egyptian slavery but also the fourth commandment that commemorates the deliverance from the bondage of sin. James B. Jordan explains the preeminent position of the laws on slavery among the ordinances as follows: “The laws concerning slavery come first in the ordinances. There are two general reasons for this. First, since Israel had just been delivered from bondage in Egypt, it was fitting that their law code should begin with laws regulating slavery. ... Second, the dramatic action of the book as a whole is from bondage to Sabbath rest.”²⁴ He further explains that “these laws are positioned first because of the deliverance of Israel from slavery in Egypt, and to correspond to the first sentence of the Decalogue ... They relate to the fourth commandment, rest from bondage, for these laws focus on release of slaves (vv. 2, 3, 4, 5, 6, 7, 8, 11).”²⁵

²³ Nahum M. Sarna ed., *Exodus*, The JPS Torah Commentary (Philadelphia, New-York: Jewish Publication Society, 1991), 117-118.

²⁴ James B. Jordan, *The Law of Covenant: An Exposition of Exodus 21-23* (Tyler, Texas: Institute for Christian Economics, 1984), 75.

²⁵ *Ibid.*, 64.

The laws of the Hebrew servant of Exodus 21 may appear to be in contradiction with that of Deuteronomy 15:12 which prescribes a seven-year term of service for a female Hebrew servant, whereas the *ʾmâ* of Exodus 21 is not to go out free on the seventh year. This apparent contradiction rather points to the specificity of the servant of Exodus 21. She has a particular status and the objective for which she was acquired is that of marriage and not servitude per se. James B. Jordan clarifies this apparent contraction.

There seems to be a contradiction between this passage and Deuteronomy 15:12, which says ‘If your kinsman, a Hebrew man or woman, is sold to you, then he shall serve you six years, but in the seventh year you shall set him free.’ Here the woman is let go in the Sabbath year. The contradiction, however, is easily resolved. If the woman is purchased in order to become a wife, she is not set free, because marriage is permanent. If, however, the woman is purchased for labour alone, to be a lady’s servant for example, she is to be returned to her family’s house in the Sabbath year.²⁶

Literary Genre

The biblical account of Exodus is written in the saga literary genre,²⁷ concerning the events tied to the deliverance from Egyptian slavery and God’s heroic manifestations in favor of the Israelites during their pilgrimage in the wilderness. The biblical passage of Exodus 21:7-11 falls within a larger section of legal regulations that covers chapters 21-23 of the book of Exodus known under the title of Covenant Code. This section is written in prose. These laws were guidelines that regulated the social life of the Israelites. In the case of Exodus 21:7-11, the rules that are formulated concern the protection of a female servant sold for marriage because of poverty or indebtedness by the father. Covenants are classified under the

²⁶ Jordan, *The Law of Covenant: An Exposition of Exodus 21-23*, 84.

²⁷ The *Concise Oxford English Dictionary* provides the following definition of the term saga: 1. “A long story of heroic achievement, especially a medieval prose narrative in Old Norse or Old Icelandic. 2. A long, involved account or series of incidents” See *Concise Oxford English Dictionary*, 11th ed., 2004, s.v. “saga.”

category of legal documents. Ronald L. Giese describes the form, content, and function of covenantal law as follows:

Covenant was the establishment and expression of a relationship (more far-reaching than a mere contract). Covenant was the basis for law in the Old Testament, since law provided the stipulations for the covenantal relationship. The covenant's form included a proposal, stipulations, and a solemnization. The content was not based in emotion as with much of poetry but in practical outworkings of the covenantal relationship: defining of interpersonal relations, rights and responsibilities, and ceremonies. His function was thus to have a real-life, everyday effect on personal and community life. Covenant was not static, but alive, something to be reaffirmed daily.²⁸

Covenants were different from legal contractual arrangements that had at their heart a business agreement. At the heart of the covenant was the inter-human relationship or the divine-human relationship. This is how Richard E. Averbeck describes the functioning of the covenant in a biblical context in the following terms:

To capture the spirit of this legal institution is to realize that a covenant is best defined as a means of expressing and/or a method of establishing and defining a relationship. Taking it from the realm of relationships between humans, God often used this well-known, human-to-human, relational institution as a metaphor for establishing and communicating his intent in divine-to-human relationships. Understanding this is important lest the Mosaic covenant—within which the Mosaic Law is embedded—be considered primarily a legal contract rather than a relational bond. Covenants were not the same as legal contracts: A contract was a business transaction; a covenant was about two parties relating to one another on a long-term basis.²⁹

The covenantal laws of Exodus 21:7-11 are written in a casuistic form.

Casuistic laws are organized into two main categories:

First, remedial laws in which the ‘if’ clause described the violation of someone’s rights and the “then” clause prescribed the appropriate compensation or retaliation. Second, primary laws governed rights and duties in which the “if” clause described a legal relationship (and/or its attendant circumstances) and the “then” clause prescribed the conditions of the relationship.³⁰

²⁸ Sandy D. Brent and Ronald L. Giese Jr., *Cracking Old Testament Codes* (Nashville, Tennessee: Broadman and Holman, 1995), 20.

²⁹ Brent and Giese Jr., *Cracking Old Testament Codes*, 116.

³⁰ *Ibid.*, 120.

The laws of Exodus 21:7-11 fall under the latter category. Casuistic laws have as major characteristic their format. They are written in the “if ... then ...” format. They are made of two parts: a protasis that contains the violation of a right or the condition of a relationship, followed by an apodosis that outlines the consequences of the violation of a legal right or the conditions of a relationship specified in the protasis. We are thus in a subcategory of casuistic law that can be termed casuistic covenantal female Hebrew servant legal texts. Casuistic laws or case laws differentiate themselves from apodictic laws in the fact that they are related to specific moral situations. Gary North contends that the case laws are concrete manifestations of overarching biblical legal principles.³¹ He argues that these laws, found in both the Old and New Testaments, dissect the Greatest Commandment into various aspects. Additionally, he notes that a single case law might intersect with multiple of the Ten Commandments, advising against attempting to exclusively assign each case law to one Commandment.³²

The literary genre of a text conveys information through its form, content, and function. Exodus 21:7-11 is written in the casuistic form. Case laws address specific moral situations, which in the case under study is the protection of a young female Hebrew servant sold as a maid by the father for the purpose of marriage.³³ Its content

³¹ Gary North, *Tools of Dominion: the Case Laws of Exodus* (Tyler, Texas: Institute of Christian Economics, 1990), 99.

³² *Ibid.*, 98.

³³ Umberto Cassuto, *A Commentary on the Book of Exodus* (Jerusalem: Magnes, 1997), 268. “this statute was enacted for the benefit of the girl; since the bondwoman is not just a servant, but also becomes the concubine of her master or one of his sons, her statute is that of a married woman, and as such she is permitted to remain in her husband’s house all her life just like her mistress, the legal wife in the full sense of the term.” Also see John Barton and John Muddiman ed., *The Oxford Bible Commentary* (Oxford: Oxford University Press, 2001), 83. “21:7-11 is concerned with a girl who is sold as a concubine or slave-wife. A woman who had been sexually used and might be the mother of the master’s children could not normally be released after six years; but the law limits situations in which justice would demand that she should be. In effect she is given the privileges of a legal wife.”

is descriptive in the apodosis of the relationship that exists between the *amah* and her master or the master's son in case she was betrothed to the son. It is thus possible that she be displeasing to the master, (verse 8) she can also be betrothed to the son, (verse 9) or find herself in polygamous marital status (verse 10) or in a situation in which she is rejected by the husband (verse 11). The apodosis contains the legal conditions that protect the rights of the ¹*mâ*. If she displeased the master, she had to be ransomed. If betrothed to the master's son, she had to benefit from the right of daughters. If the husband took another wife, she should continue to receive basic marital necessities. However, in case the husband fails to provide these essential needs, the marriage bond would be terminated.

The function of the case laws of Exodus 21:7-11 is covenantal. These laws govern the interpersonal relationship that should exist between the servant acquired for the purpose of marriage and her master. Through a vivid description, casuistic laws give life to the narrative. They bring it close to real life and make it sensitive to the senses of the reader.

Assnat Bartor explores the intricacies and purpose behind casuistic laws, emphasizing their distinct characteristics. According to her, these laws achieve a remarkable poetic feat by constructing mimetic texts—depicting reality—within a structured framework containing fixed linguistic elements. While their descriptions of events and characters are realistic yet succinct, they effectively convey a sense of authenticity to the reader. Similar to narrative texts, including biblical narratives, casuistic laws employ scenes where characters engage in dialogue, enhancing the dramatic quality of the events. Moreover, by maintaining the linguistic features of

spoken language and delving into characters' inner thoughts, these laws evoke a profound sense of psychological realism.³⁴

These laws express the rights that protect the vulnerable young girls and the responsibilities of her master towards her. It is thus possible to conclude that the legal stipulations of Exodus 21:7-11 address a specific relationship, which is not that of servitude between a master and servant, but a marital relationship that is at the initial stage. The legislator aims to protect a vulnerable party.

Casuistic laws were also prevalent in the Ancient Near Eastern context. Even though it may appear as if by its posteriority the Hebrew case laws tapped from the Near Eastern counterparts, some biblical commentators have established that there are major differences between case laws in Ancient Near Eastern nations and those of the Bible. While these laws may be similar in terms of form, they are different in content and function. Cassuto has established through a comparative study, some main distinctions between these two sets of laws. The first aspect he considered is the source of the laws. He points to the fact that “the legal tradition of the Ancient East was, in all its branches, secular, not religious. The sources of the law were on the one hand usage—*consuetudo*-and on the other, the king’s will... the law does not emanate from the will of the gods.”³⁵ He describes the biblical law code as “Religious and ethical instructions in judicial matters.” He goes further to explain that “another important distinction between state legislation and the Torah laws is to be seen in the fact that the form of the latter is not always that of a complete status. They do not always state the penalty to be imposed on the transgressor.... Contrariwise,

³⁴ Assnat Bartor, “The Representation of Speech in the Casuistic Laws of the Pentateuch: The Phenomenon of Combined Discourse,” *Journal of Biblical Literature*, 126 (Summer 2007): 248-249.

³⁵ *Ibid.*, 260.

sometimes, the Torah adds the reason for the law, from the religious or ethical point of view, unlike the codes mentioned above, which give no reasons.”³⁶

Literary Structure of Exodus 21:7-11

Exodus 21:7-11 is structurally organized into five main sections. Two markers help to identify these sections. The main section in verse 7 is introduced by the particle **YKI**, (if) while the four secondary sections are all introduced by the particle **~ai** (if). Each section is made of casuistic sentences comprising a condition in the protasis and the result in the apodosis. The main case in verse 7 expresses the intent of the legislator, while the secondary cases contain subsidiary options that may occur in default of the main case. My proposed outline of this passage is as follows:

I. The Acquisition of an ¹*mâ* Leads to Permanent Relationship V.7

II. Conditions of the relationship and Protecting Rights of the ¹*mâ*

II.1. In Case she is Displeasing: she is to be ransomed V.8

II.2. In Case of Betrothal: she benefits from daughters’ rights V.9

II.3. In Case of a Second Wife: continual provision of basic needs V.10

II.4. In Case her Basic Needs are not satisfied: she is to be released V.11

By the fact that nothing is said about the duties of the , but much about her rights and the duties of her master, I may conclude that the author intends to protect the servant. “The girl is to be raised within the family and given the status of a daughter. As such she will normally be protected from sexual abuse.”³⁷ Various possibilities of release are mentioned. The main idea in this passage is thus that of the

³⁶ Bartor, 263.

³⁷ Sarna, *JPS*, 121.

protection of the vulnerable minor girls entering precociously into a marital relationship.

Another way of bringing meaning out of a structure is through chiasm. According to Johannes P. Louw, the effectiveness of conveying an idea heavily depends on the structure used to communicate it.³⁸ An association of the section on the male servant in Exodus 21:2-6 and that of the female servant of Exodus 21:7-11 helps to have a more complete chiastic structure of this corpus and a better understanding of the central idea that is developed by the author. The following chiastic structure can be delineated from Exodus 21:2-11.

Chiastic Structure of Exodus 21:2-11

- A.V.2 The male Hebrew slave is freed in the seventh year without payment
- B. V.3 He goes out with whom he entered into servitude
- C. V.4 in case the master gave him a wife and he had
Children with her, he goes out alone
- D.V.5 Refusal to go out of slavery because of the
love for the master
- E. V.6 Ratification of perpetual service
- E.'V. 7 The acquisition of an *amah* leads
to a permanent relationship
- D.' V.8 The *amah* is to be ransomed in case she displeases her
master
- C.' V.9 In case of betrothal she benefits from the daughter's rights
- B.'V. 10 In case of a second wife: continual provision for her maintenance

³⁸Johannes P.Louw, "Discourse Analysis and the Greek New Testament," *The Bible Translator* 24 (1973): 101.

A.' V. 11 In case provision is not made for her basic needs, she goes out free

The study of the chiasmic structure of a given biblical passage helps to determine some of its important components. The structure helps to determine the theme of the passage, delineate units of thought, and complementary information between the parallel components. The central axis helps to determine the function of the institution or the communication under consideration.

The chiasmic structure of Exodus 21:7-11 enlightens on the above-mentioned components as follows: 1) The central theme of the communication in Exodus 21:2-6, just as Exodus 21:7-11 is the building of a relationship between servant and master that leads to a permanent service for the male servant, and a permanent marital relationship for the female servant, based on the love for one another. The parallel structures reveal legal rights that protect the servants from abuses in their relationship with their masters. The institution of servitude better understood as servanthood among the Hebrew people is significantly different from the modern understanding of slavery. The legislator in the Covenant Code intends to guarantee the respect of basic rights of the vulnerable Hebrew people, in this case, servants. The practice or better still, the institution under consideration is that of servanthood and not slavery *per se*.

For the sake of the assurance that these rights of the servant would be respected, God restricted the practice of servanthood among the Hebrews. It was not to be extended to foreign nations where these legal regulations could not be enforced. In Leviticus 25:43-44, the Bible clarifies this opinion as follows: "Because the Israelites are my servants, whom I brought out of Egypt, they must not be sold as slaves. Do not rule over them ruthlessly, but fear your God. Your male and female slaves are to come from the nations around you; from them you may buy slaves."

(NIV)

The structure of Exodus 21:7-11 offers additional details through corresponding sets. The first pair (AA') clarifies that the terms of servitude outlined in the covenant code do not curtail freedom or mandate lifelong servitude. A A' form an inclusio organized around the theme of freedom without payment. Both the central axis of the chiasmic structure and the inclusio are developed around the themes of freedom to stay in servanthood, or freedom to leave in case the rights of the servant are not respected; or in case the relationship came to an end. The social institution under consideration in Exodus 21:7-11 appears to be a proposed marriage. This view is shared by some commentators such as Durham according to whom "the provisions here stipulated for such a woman make it very likely that she was not sold into slavery for general purposes, but only as a bride, and therefore with provisions restricting her owner-husband concerning her welfare if he should become dissatisfied with the union."³⁹ A' precise the way out for a destitute female maid that is different from that of male servants. The proposed marriage contract remains valid as long as the master or his son respects the rights of the female servant.

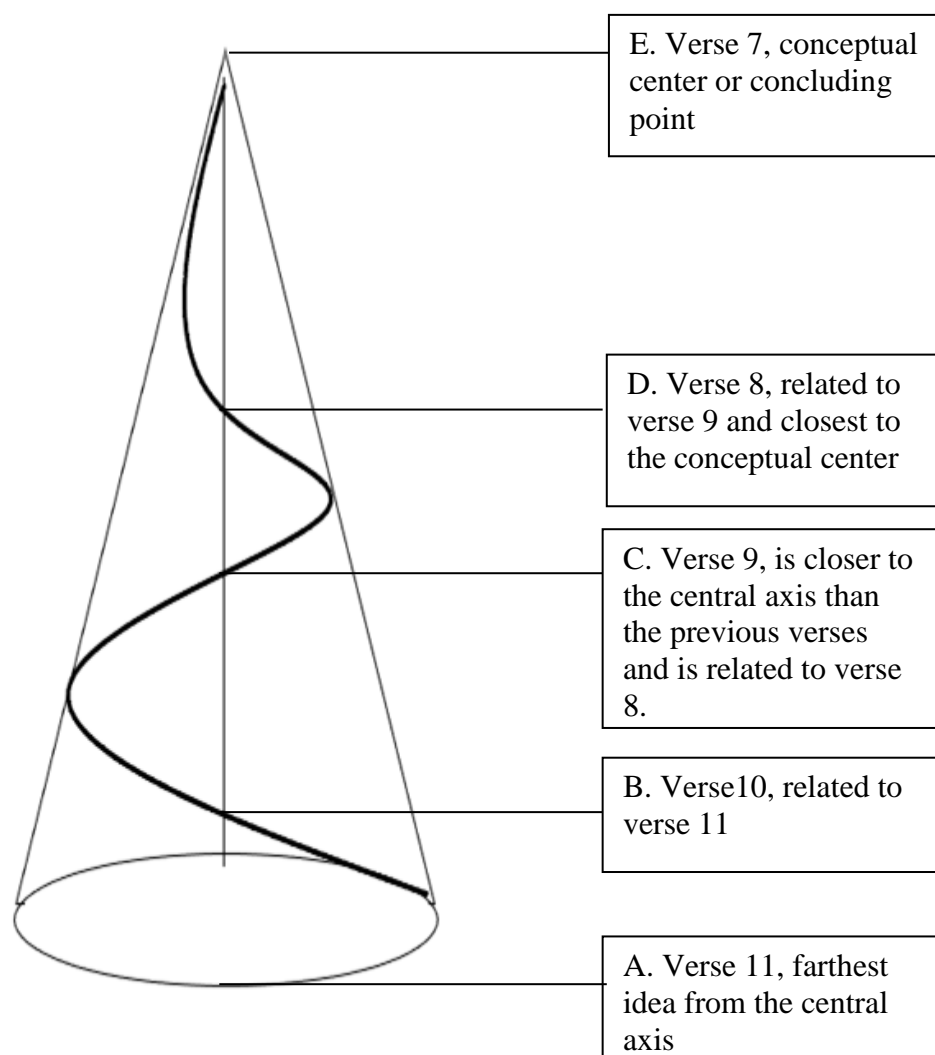
John Breck details the usage of a "conical helix" to convey meaning from a structure. His conviction is that:

Narrative movement of a chiasmic pattern is complemented by the concentric flow toward and away from its center of meaning, 0. This twofold movement describes an upward spiralling motion characteristic of a *helix*, a three-dimensional spiral that progresses in parallel sweeps about a central axis. The most appropriate image for this phenomenon is that of a "conical helix," in which movement begins from a broad base, then spirals upward toward the point that represents the conceptual center.⁴⁰

³⁹ Durham, "Exodus," 3:322.

⁴⁰John Breck, *The Shape of Biblical Language: Chiasmus in the Scriptures and Beyond* (Crestwood, N.Y: St Vladimir's Seminary Press, 2008), 50-51.

Conical Helix of Exodus 21:7-11



The above literary structure of Exodus 21:7-11 provides more information from the text. As stated above, this information is developed around a twofold movement. A spiral movement around the central axis, but also towards the “concluding point.” The conical structure of Exodus 21:7-11 reveals that the “conceptual center” or central axis of this biblical passage is found in verse 7. The point or conclusion to which the covenantal legislator guides the reader is the following: In case a father acquires an *amah* for marital purposes to himself or to his son, she enters into a covenantal permanent relationship with that family. Verse 11

appears to be the farthest point from the central theme of the passage. The result that is expressed in the apodosis (permission to go out free without payment) of verse 11 is a default permission provided by the biblical legislator in a case where the covenant is no longer respected by the other party.

The related section notably verses 10, 11, and verses 8 and, 9 helps to make a point on two controversial debates on this corpus. The first one is about the identity of the person to whom the ¹*mâ* is betrothed in verse 8, whether the father or his son. The second point of controversy is about the “three things” that are mentioned in verse 11. Are they the three provisions required in verse 11 or the three possible results that are mentioned in verses 8, 9, and 10 concerning the fact that the ¹*mâ* should be ransomed, receive the rights of daughters, or a provision of her necessities? The parallel structure of Exodus 21:8 and 9 leads us to suppose that in the case of verse 8, the father acquired the young girl for himself. However, the person to whom the ¹*mâ* is betrothed in verse 9 is the son. The master cannot probably acquire the ¹*mâ* for his son in verse 8, while verse 9 also mentions a case of betrothal to the son. Verses 8 and 9 delineate two possibilities of acquisition that exclude each other. The master could have acquired the amah for himself (verse 8) or his son (verse 9.) Verses 10 and 11 point to the fact that “these three things” refer to those that are mentioned in verse 11. The structural organization in cases requires that the conditions and the regulations should be found in the same case. As such the three things should be contained in the fourth subordinate case in verse 11.

Grammatical and Lexical Analysis

Grammatical Analysis

Considerations related to syntactical constructions, verbal tenses, moods, and figures of speech will form the content of this section. The case laws of Exodus 21:7-

11 are expressed under conditional sentences. The clausal relationship in Exodus 21:7-11 is mainly hypotaxical. The syntactic construction is mainly made of a juxtaposition of clauses. The main clause or protasis contains the condition or the main idea and is juxtaposed to a subordinate clause or apodosis, which contains the detailed results of the conditions presented in the protasis. These conditional sentences are introduced by the particle **yKi**. From Gesenius, we learn that this particle should be translated by “supposing that, in case that sometimes used almost in the same sense as **~ai**.”⁴¹ The following four sections are introduced by the particle **~ai**: verses 8, 9, 10, and 11. This particle is generally translated as “if.” “The fundamental rule is that **~ai** is used if the condition is regarded either as already fulfilled, or if it, together with its consequence, be thought of as possibly (or probably) occurring in the present or future. In the former case **~ai**, is followed by the perfect, in the latter by the imperfect.”⁴² William Rainey Harper also clarifies the usage of the above-mentioned particles. He thinks that **yKi** properly should be translated by “so let it be assumed, suppose that, if.”⁴³ These particles are markers of discourse in Exodus 21:7-11. The particle **yKi** marks the opening of this section with the main case, while **~ai** is the introductory particle to the secondary cases. Another marker of discourse is the conjunctive **waw** at the opening lines of verses 7, 9, and 11.

⁴¹ Heinrich Friedrich Wilhelm Gesenius, *Gesenius' Hebrew Grammar*, 2nd English ed. (Oxford: Clarendon, 1910), 494.

⁴² *Ibid.*, 494-495.

⁴³ William Rainey Harper, *Elements of Hebrew Syntax* (New York: Charles Scribner's Sons, 1895), 137.

It establishes a relation with the previous case or section. Thus, the conjunctive *waw* in verse 7 relates the entire section of the laws of the male servant to those of the maidservant. The one in verse 9 relates this verse to verse 8 and the last one in verse 11 relates this section to that of verse 10. They confirm the structural outline presented in the above “conical helice.” They are markers of emphasis and heightening. Through their anaphoric nature, they call attention and add weight to the discourse. The juxtaposition of clauses heightens the relation between the conditions of the protasis and the result in the apodosis.

The use of the conjunctive *waw* at the beginning of sentences is not only a mark of emphasis through repetition, but it also influences the flow of discourse. This *waw* is a marker of rhythm through a rhetoric gradation moving from the initial desire of the lawgiver that calls for a permanent relationship to the case in which it attains the climax that calls for the relation to be dissolved because of the faithlessness of the master. Here the climax is permitted by the lawgiver because of the degrading nature of the relationship between the ¹*mâ* and her master, which is far from what was expected. The lexical field of freedom is prevalent throughout the discourse through the use of the expressions “go out” twice in verse 7, once in verse 10, and “ransomed” in verse 8. This freedom is not only expressed through words, but also by the various options provided to the master by the lawgiver in the development of his relationship with the ¹*mâ*. The result clauses help to prevent abuses. Freedom is thus the point of emphasis, the key idea developed by the author.

Verse 8b marks an interruption or a drop in the flow of discourse. It is characterized by the intrusion of the first out of the eleven motive clauses that are

found in the Covenant Code.⁴⁴ The motive clause of verse 8b is justificative. Through his utterances, the lawgiver justifies the reason for which the *amah* should be ransomed. By his faithlessness in his duties in the covenantal relationship, the master annuls the ties and the relationship. The way out, which is by ransom, contributes to her reinsertion in her family milieu. The absence of love between the master and the servant puts an end to their liaison. The lawgiver expresses his point of view or his judgment through the motive clause. In the case of Exodus 21:7-11, the lawgiver points to the fact that love is the bond that maintains the relationship between the servant and her master.

The change in the syntactical structure in verse 8b marks a disruption from the conditional subordinate clauses into a causal subordinate clause. This disruption seems to indicate that the cause that could set the maidservant free is the non-respect of the master's engagement towards her. Verse 8b thus points to the lawgiver's intention to protect the young girl that displeases her master from the change of status, from a situation of betrothal to that of servitude.

The inclusion of verses 7 and 11 which is marked by the repetition of "go out" is an indicator that the passage under consideration constitutes a coherent unit. This inclusion points to the fact that the overall argumentation that is contained in Exodus 21:7-11 is about the freedom or the liberty of the Hebrew maidservant. The issue under consideration is not servitude as practiced in surrounding nations. It is a contractual proposed marriage. That is why God forbids the master to sell the maidservant beyond the boundaries of Israel where her rights may not be respected.

⁴⁴ Bartor, 236. "In the laws of the Book of Covenant there are eleven motive clauses: the first in the law of the bondwoman (Exod 21:8b); the second in the law of killing a slave (21:21b); two others in the law of striking a slave (21:26b, 27b); three in the framework of the laws concerning the protection of the needy's social rights (22:20b, 26; 23:9b); two others in the laws concerning justice and morality in legal proceedings (23:7b, 8b); and the two last concerning the Sabbath 23:12b) and the festival of unleavened bread (23:15b)."

In the dialogue of Exodus 21:7-11, five characters are engaged: the lawgiver, who holds the central role, the master, his son, the young girl, and a narrator who provides context or explanation. Allusions to the father who sells the young girl are made throughout the text. The lawgiver, the main character's interventions are directed towards the master who acquires the young girl. He is the sole active narrator while the master to whom he is giving instructions is passive. The objective is to protect the young servant. The passive nature of the master may imply that he has to respect the regulations without exception. The covenantal nature of these laws makes them to be compulsory to the master. The narrator is omniscient, he presents the various eventualities and solutions to the challenges that the young girl may face in her new relationship. The importance and implications of the omniscience of the lawgiver in the Pentateuch are explained by Assnat Bartor. "The lawgiver's omniscience gives prominence to the character's limited and partial knowledge, which explains the need to turn to the divine sphere – the oath and the ordeal."⁴⁵

The main verbal inflections in Exodus 21:7-11 are the Qal active perfect and imperfect. Exceptions to the above-mentioned usages are the use of the Qal active infinitive construct in the apodosis of verses 7, and 8, and a Hifil active perfect in the first subordinate juxtaposed clause of verse 8. C. L. Seow, in his explanation of the Qal stem, asserts that verbs within this category are predominantly dynamic in nature. They usually entail some form of action, which can be either transitive or intransitive.⁴⁶ The verbs in Exodus 21:7-11 describe the actions that the master may take in the process of acquiring and keeping the female servant, but also recommendations from the lawgiver as results of the master's decisions. The meaning of the Hifil is described by C. L. Seow as causative: "Most frequently the Hiphil verb

⁴⁵ Bartor, 244.

⁴⁶ C. L. Seow, *A Grammar for Biblical Hebrew* (Nashville: Abingdon, 1995), 145.

is used as a causative; the verb in Hiphil causes something to happen or to be.”⁴⁷ The use of the Hifil in verse 8 points to the cause of the ransom of the female servant, or the interruption of the covenantal relationship. It is the faithlessness of the master. The Hifil by its causative nature may also imply that the master is the one to open or initiate the procedure of ransom. The master is thus obligated, or caused to comply with the provisions of the covenantal law. The Infinitive construct used in the apodosis of verses 7 and 8 is descriptive and explicative of the preceding declarations. “The going out” of the female servant in verse 7 is contrasted to that of the male servant. The prohibition of the “going out” of the female servant is opposed to that of the male servant who goes out after six years of service. In verse 8 the action of “ruling or dominion over her” is explained by the restriction to sell the servant to foreign people. The act of rejection of the *ʾmâ* leads to her ransom. The imperfect and the perfect are the main inflections of the Qal verbal stem in Exodus 21:7-11. The *Gesenius’ Hebrew Grammar* explains the use of these two inflections as follows:

The Hebrew (Semitic) perf. denotes in general, that which is *concluded*, *completed*, and *past*, that which has happened and has come into effect; but at the same time, also that which is *represented* as accomplished, even though it be continued into present time or even be actually still future. The imperf. denotes, on the other hand, the *beginning*, the *unfinished*, and the *continuing*, that which is just happening, which is conceived as in process or coming to pass, and hence, also, that which is yet future; likewise also that occurs repeatedly or in a continuous sequence in the past (Latin Imperf.)⁴⁸

The Qal imperfect verbal inflection is dominant in the text of Exodus 21:7-11. It is interrupted from time to time by the qal infinitive construct for the sake of explanations and clarifications. This entails that the selling mentioned by the lawgiver in verse 7 is a continual process and may be considered as a marital process, conditioned by the appreciation of the *amah* by her master. Verse 8 marks the first

⁴⁷ Seow, *A Grammar for Biblical Hebrew*, 181.

⁴⁸ Gesenius, “Grammar,” 125.

change from imperfect to perfect. The perfect is used in the description of the betrothal, thus describing a permanent and final relationship, through a concluded decision, but which is broken by the faithless master. The last use of the perfect is in the concluding decision of the lawgiver. It stipulates a final decision in case the master neglects the female servant. Such a situation brings the relationship between the *amah* and her master to an end.

Lexical Analysis

The lexical analysis of Exodus 21:7-11 in this research focuses on the analysis of the main words that are used in the text. This lexical analysis is made in two steps. The first looks at grammatical considerations, while in the second step, I consider the historical and cultural context in which the word is used to determine the contextual meaning that I adopt.

YKi In Exodus 21:7 is a conditional particle that introduces a protasis containing a condition that may occur. The function and uses of this particle are described as follows:

A particle expressing a temporal, causal, or objective relationship among clauses expressed or unexpressed. It is perhaps related to the inseparable preposition *k^e* "like, as." The same particle used in similar ways is found in Ugaritic (*k*), Phoenician, Moabite, Akkadian (*ki*), and Arabic. It occurs about 4250 times in the Old Testament.

In Hebrew *kî* is used in four ways: to introduce an objective clause, especially after verbs of seeing, saying, etc. and translated "that"; to introduce a temporal clause and translated "when" (some of these are almost conditional clauses, thus making "if" appropriate); to introduce a causal clause, "because, for, since"; and with *'im* to express the reason why some case might not occur "except, but rather." In all four usages *ki* introduces a given which is the result of some other fact or action or will influence some other fact or action. Some would add an asseverative usage giving emphasis to what follows.⁴⁹

⁴⁹ John N. Oswalt, "YKi," *Theological Wordbook of the Old Testament (TWOT)*, ed. R. Laird Harris (Chicago: Moody Press, 1980), 1:437–438.

The actual usage of **yKi** in the opening line of this corpus is conditional. It introduces the condition tied to the acquisition of a maidservant. It may be better translated as conditional “if,” rather than the temporal “when.” The contextual implication of the use of **yKi** in Exodus 21:7 is the fact that the sale of a young girl by her father is envisaged as something possible in the Hebrew biblical context. The case laws of Exodus 21 do not institute a practice that did not previously exist, but regulate a social phenomenon, to prevent possible abuses. The allowance of slavery within the Hebrew community was necessitated by the fact that it was a widespread, entrenched institution, and God permitted its existence. However, concurrently, efforts were made to alleviate the associated injustices. In pagan societies, slaves were typically treated as property rather than individuals, highlighting the contrasting approach encouraged within the Hebrew culture.⁵⁰ The use of **yKi** in this section introduces the case laws that are formulations including a condition and rights or duty presentation.

Vyai: Common noun, masculine singular. The meaning, equivalence, occurrences, and root of this noun in Semitic languages is as follows:

Designations for “man” (in contrast to those for “woman” *’iššâ*) diverged in the Semitic languages through various innovations. Therefore, *’iš* occurs only in Hebrew, Phoen.-Pun., and older Aram. (as well as in Old SArab. Other designations dominate in Akkadian (*awîlu, etlu, mutu*), Ugaritic (*bnš, mt*), Aramaic (*gbr*), and Arabic (*mar*). The etymology is wholly uncertain.... The word’s basic meaning is “man” (the mature male in contrast to the woman). This meaning establishes a natural semantic field in which man and woman stand in contrast.⁵¹

⁵⁰ “An Hebrew Servant” [Exodus 21:7-11], *Seventh-day Adventist Bible Commentary (SDABC)*, rev. ed., ed. Francis D. Nichol (Hagerstown: Review and Herald, 1976-1978), 1: 611.

⁵¹ Ernst Jenni and Claus Westerman, *Theological Lexicon of the Old Testament (TLOT)*, trans. by Mark E. Beddle (1971, 1976), s.v. “**Vyai**,”

Vyai marks 2183 occurrences in the Old Testament. The contextual use of the word in Exodus 21:7-11 seems to indicate that man; here the father of the young girl as contrasted to any other member of the family is the only possible initiator of the sale of the *amah*.

rk;m': Verb qal imperfect, third person masculine singular. The verb has as subject **Vyai**. Its basic meaning is “to sell.” It refers to the sale of things, of properties, but also of abstract notions such as one’s right as mentioned in Genesis 25:31-33; but also of people such as the selling of a daughter by the father into marriage (Gen 31:15), the sale of slaves (Exod 21:8) and the sale of one’s daughter as a servant (Exod 21:7). The term can also carry the sense of betrayal and surrender in its figurative meaning. There are 56 occurrences of the verb *mkr* in the Old Testament. The details and uses of this verb is described in the following terms:

A scrutiny of the use of *mkr* in older texts shows, however, that this verb does not apply specifically to the semantic field “buy/sell,” but designates a delivery of goods, generally in return for valuables, with or without the intention of passing ownership. As late as Talmudic times the verb *mkr* is still used to denote transfer of rights and claims for a predetermined period without actually transferring ownership. The verb *mkr* also covers the giving away of a daughter as a bride (Gen 31:15) or concubine (Ex. 21:7f.), or of a brother as a slave (Gen. 37: 27 f.; Dt. 28:68; Ps. 105:17). In the first case at least, *mkr* does not mean “to sell” since the so-called “purchase marriage” is not attested in the west Semitic world of the second and first millennia B.C.⁵²

In Exodus 21:7, the noun “daughter” is the direct object complement of the verb “sell.” An understanding of the meaning of this expression is important in the determination of the socio-cultural institution under consideration and the social status of the girl that is sold. Apart from the idea of trade exchange, the verb **rk;m'** has different meanings in other biblical passages. It expresses the idea of “surrender,”

⁵² E. Lipinski, “**rk;m'**,” *Theological Dictionary of the Old Testament (TDOT)*, ed. G. Johannes Botterweck, trans. Douglas W. Stott (1974; repr., Grand Rapids: Eerdmans, 1997), 8:291, 293.

“being surrendered,” “give up” or “abandon into the power of an enemy.” (Hosea 11:8, Deut 32:30). **rk;m'** is also used in the Bible to express the idea of trade or exchange of properties, and even human beings as in the case of slavery. (Neh 10:31, Deut 15:14) It can also express the payment of a bride's price for marriage. (Gen 31:15, Exod 21:7). Exodus 21:7-11 is about a purchase marriage. The transaction between the father and the master should be understood as a handing over of a young girl as bride or concubine. Nahum M. Sarna provides clarity on these transactions, suggesting that in antiquity, fathers facing financial hardship might choose to sell their daughters to financially secure for their future well-being. Such arrangements often entailed an expectation of marriage either to the master or his son.⁵³

ATʾBi: Noun feminine common construct, suffixed with a third-person masculine singular particle. A variety of meanings of the Hebrew expression **tB;** in some Semitic languages notably in Phenician, Assyrian, Arabic, and Aramaic are provided. “The Phenician **tb** Assyrian bintu, Arabic bintun Sabeian **tb;** and Aramaic bart”⁵⁴ The general translation admitted by lexicographers for **tB;** is daughter. The use of the translation “maiden” in Phenician, may imply that the daughter should be unmarried. James Swanson, in the Dictionary of Biblical Languages with Semitic Domains, presents another detail that he borrows from the Louw-Nida Greek-English Lexicon: “women, formally, daughters, i.e., any woman of marriageable age (Gen

⁵³ Sarna, *JPS*, 120.

⁵⁴ Francis Brown, S. R. Driver and Charles A. Briggs, *Enhanced Brown-Driver-Briggs Hebrew and English Lexicon*, [CD ROM] Copyright 2000 by Logos Research Systems, Inc., electronic ed. (Oak Harbor, WA: Logos Research Systems, 2000), s.v. “**tB.;**”

30:13; Judges 12:9b), note: in some contexts, this can refer to a young woman of marriageable age.”⁵⁵

The Hebrew expression **tB** is also used in the biblical corpus in association with the names of cities, lands, or people. It refers to the inhabitants of these cities or a personification of these cities. The expression “daughter of Zion is thus used in the following biblical passages concerning the inhabitants of the city of Zion: Isaiah 1:8; 10:32; 16:1; 62:11 Micah 1:13; 4:8, 10, 13 Jeremiah 4:13; 6:2, 23 Zephaniah 3:14 Zechariah 2:14; 9:9 9:15 and Lamentations 1:6; 2:1; and also of the following cities: Tarshish in Isaiah 23:10, Sidon in Isaiah 23:12 and Dibon in Jeremiah 48:18. The term **tB**; is also used figuratively in the Bible to describe a relation of dependence between various things. It refers to smaller cities that are close and dependent upon the main city in Numbers 21:25; Joshua 17:11; and Judges 11:26. This relation of dependence is further materialized in the relation of dependence between a tree and its branches in Genesis 49:22. **ATB** is the direct object of the verb “sell.” The daughter is thus the one suffering from or undergoing the action of selling, and the father is the one who sells his daughter. We are thus in a special kind of sale that cannot be considered as ordinary slavery or chattel slavery. Since the father is the only one who has the right to the supposed “sale,” this may lead to the conviction that the passage is about a marriage transaction.

hm'_a'l.: The term **hm'a'** in Exodus 21:7 is a feminine singular absolute common noun. Its main translations are maidservant, female slave, or concubine. It is

⁵⁵ James Swanson, *Dictionary of Biblical Languages With Semantic Domains: Hebrew Old Testament (DBL)* [CD ROM] 2nd ed. (Oak Harbor, WA: Logos Research Systems, 1997), s.v. “**tB.**”

prefixed with the preposition **l**. which in the English language has many equivalents.

It corresponds to the words “to, toward” when used in the sense of direction and of destination. When referring to time, it is translated by “until.” In the sense of position, office, and purpose occupied by someone or in which someone enters, it is rendered by “into, or to be.” The Theological Wordbook of the Old Testament expounds on the use of this term, circumscribing its usage to the field of submission and humility.

“The term is applied both to literal slaves and to those who figuratively call themselves by this term as an expression of humility and submission.”⁵⁶ The various nuances in the definition of the term **hm'a'** are presented in the following

explanations by James Swanson: “(*āmāh*) noun, feminine; 1. slave woman, female servant, maidservant, i.e., one owned as property, with a low social status implied (Gen. 20:17); 2. Servant, i.e., the figurative extension of being a slave or property, implying a relationship of humility and service to a superior (Ruth 3:9)”⁵⁷

It’s equivalent in other Semitic languages is **tma** in Phenician, *·amatun* in Arabic, **tma** in Sabean, *·amto* in Aramaic, and *amtu* in Assyrian. In some legal texts, the expression **hm'a'** describes a relation of servitude, which refers to a bondservant. Some of such instances in the Pentateuch are the followings: Exodus 20:10, 17; 21:20; 26, 27, and 32. Leviticus 25:6, 44; Deuteronomy 5:14, 18; 12:12 and 15:17. The Hebrew term **hm'a'** is polysemic. The main point of demarcation in the various

⁵⁶ Scott, “*hm'a'*,” *TWOT*, 1:49.

⁵⁷ Swanson, *DBL* s.v. “*hm'a'*.”

definitions of *hm'a'* resides in the servile character or not of the service she renders to her master. The context in which it is used is important in the determination of its meaning. It describes a relationship of humility between a servant and a superior. It also describes a female slave, a maidservant, and a concubine. The case of Exodus 21:7-11 seems not to describe a relation of servitude. The term seems to describe the social status of the daughter sold by her father. The type of service into which she engages is closer to that of a maidservant or a concubine, notably because her condition is different from that of menservants. “She shall not go out as menservants do.” (Exod 21:7) Furthermore, the use of the term “betrothed” in verse 8 indicates a premarital context, and thus favors the use of the translation “concubine,” or “maidservant.”

acepte: verb qal imperfect, third person feminine singular of the verb **acy** which means, “to go out.” Other meanings include “to come out, to go out, to escape, to be through with something. “Its Semitic root is *ys'*, and it is “used primarily to refer to various forms of going out or in (qal) or leading out or in (hiphil). The root appears also in Akkadian as (w)*asû* (cf. Ezra 6:15), in Ugaritic, in Phoenician and Punic, and in Aramaic (although the more common Aramaic word for “go out” is *npq*, with 11 occurrences in Biblical Aramaic). In Arabic, *hrg* is more common.”⁵⁸

The Theological Lexicon of the Old Testament identifies up to 1068 occurrences in the Old Testament. Concerning the usage of **acy** in the context of slavery in Exodus, the Theological Wordbook of the Old Testament relates this term to the meanings of deliverance and liberation. “One important aspect of this range of meanings is the release of slaves or property: Exodus 21:2, 5; cf. especially 21:7; this

⁵⁸ Preuss, “*acy*,” *TDOT*, 6:226.

represents a fixed idiom, which serves as catchword in Exodus 21:2-11.”⁵⁹ **acy** appears twice in Exodus 21:7. In its second usage, it is conjugated in the qal infinitive construct, prefixed by the particle **K**. this preposition is often translated by “like.” It puts into contrast the “going out” of the female servant of Exodus 21:2-6, with that of the male servant described in Exodus 21:7-11, and helps to recognize that the two passages are dealing with two different institutions.

~ydl(b'[]h' Noun common masculine plural absolute of the noun **db,[**. *The Hebrew and Aramaic Lexicon of the Old Testament* provides the following statistics on the occurrences of **db,[e**, in the Bible: “800 times, Sept. 340 times pai/j, 310 times **dou/loj**, 42 times **qera,pwn**.”⁶⁰ The term shares the same etymology with the verb *abad* which means to serve and is widely used in Semitic languages.

The root *'bd* occurs in most of the Semitic languages. It does, however, exhibit a measure of semantic diversity. On the one hand, Ugar. *'bd*, Heb. *'abad*, Arab. *'abada*, and OSA *'bd* all mean "serve" (this group perhaps also includes Eth. *'abata*, "impose compulsory labor," though cf. OSA *'bt*, "exaction, compulsion";^t on the other hand, Aram., Syr. *'abad* and Phoen. *'bd* mean "do, make." By contrast, the subst. *'ebed*, Ugar. *'bd*, Phoen. *'bd*, Aram. *'abd'*, Arab. *'abd*, and OSA *'bd* consistently mean "slave, servant," though the noun is absent in Ethiopic and appears in Akkadian only as the loanword *abdu*; the genuine Akkadian word is *(w)ardu*.⁶¹

Major translations adopted for **db,[** Include slave, servant, a person occupying a position of trust, dependent to another in a higher position; and in the spiritual sense, human beings in their relation to God, designated as servants of God. The main idea is that of someone in the position of subordination to another.

⁵⁹ Preuss, “*acy*,” *TDOT*, 6:228.

⁶⁰ Koehler and Baumgartner, *HALOT*, s.v. “*db,[*.”

⁶¹ Ringgren, “*db,[e*,” *TDOT*, 10:377.

By the emphasis placed by God on the difference in the way of freedom between the male and the female slave, it may be assumed that the lawgiver intends to avoid any confusion as concerns the difference between these two institutions. In Semitic languages in general, the boundary between a servant and a slave is not easy to establish. The main idea conveyed by these terms is that of subordination. *The International Standard Bible Encyclopedia* precise that the difference between the male and the female slave in the Covenant Code does not only appear in the way of release but also in the pre-marital status of the female servant. “The basic difference in treatment between male and female slaves regards release. The Covenant Code stipulated that a girl sold by her father would not be released after six years, as her male counterpart would (Exod 21:7ff.). Rather, the master had additional legal and conjugal obligations to her (presumably due to the legal and social implications of her virginity).”⁶²

h[’r’: Adjective feminine singular, describes the state of the *amah* at the sight of his master. The root of this adjective is *ra’* which means “evil or bad.” In Akkadian and Phoenician *raggu*. this root also means “bad or evil.” the term is often put into parallel or in comparison with its opposite which is *tôb* (good.) In its adjectival form, it describes or qualifies a noun with emphasis on “the lack of quality or the inferior quality of things or people which are thus unable to meet standards of value or function beneficially.”⁶³

In Exodus 21:8, this word is used to express a judgment or decision-making process, indicating displeasure due to the absence of moral qualities in the young girl. h[’r’ is used as an expression of reprobation of the action or nature of the *amah*. It

⁶² Bartchy, “slavery,” *ISBE*, 4:541.

⁶³ Livingston, “h[’r’,” *TWOT*, 2:855.

may be that the moral qualities that the master expected from this young girl are missing. This implies that the relationship between the *amah* and her master is not based on service only, but also on the love of the master for the girl. This observation distances us from mere servitude.

Hd"p['y>: Verb, conjugated in the qal perfect, third person masculine singular, with a third person feminine singular suffix of the verb **d[y**. the root of this verb is *w'd*. In its qal form, it bears basic meanings such as “to designate, to appoint, to arrange.” This root is also identified in other Semitic languages: Akkadian *adannu* means “term, time limit.” Ugaritic *'dt, m'd* convey the idea of an “assembly,” Syriac *wa'ada* means “appointment, time limit,” Arabic *w'd* means “to promise”, and Ethiopian *mo'alt* means a set “day.”

From a general point of view, the above roots point to the idea of an appointment for a precise time. The Theological wordbook of the Old Testament identifies this institution to be marriage. “The root is used in the Qal for the betrothal of a woman (Ex 21:8).”⁶⁴ Putting together the ideas of appointment, time, and betrothal, that are gathered from the various basic meanings of the term **d[y**, one may suppose that we are in a case of a proposed marriage, that is to be confirmed after a set time of observation.

The term **Hd'['y>** is one of the key components that helps to understand the social and legal status of the female servant. It is important to determine its meaning, function, and implications in the life of the chosen one. The above usages of this term in Hebrew and related neighboring languages convey the idea of the betrothal. The various translations: (to appoint, arrange, set a day or time limit, and assemble are

⁶⁴ Lewis, “**d[y**,” *TWOT*, 1:877-878.

indicative of the finality of the appointment. A ceremony during which the marriage of an appointed fiancée is promised for a set time. This term has been paralleled with *fr;a'* which is generally rendered by “betrothed,” and described as “a public binding legal act, which although not identical with marriage, enacts the marriage legally.”⁶⁵ The difference between *fr;a'* and *d[y* depends on the status of the chosen girl for marriage. Cohen clarifies their usage in the following statement: “The term *fr;a'* is commonly used to designate the betrothal of a free woman; *d[y* is the designation for the betrothal of a Hebrew bondwoman.”⁶⁶

The issues at stake during a betrothal were: “(1) negotiations between the parents or guardians of the contracting parties, (2) the payment of the *mohar* (the amount of money that the girl’s father receives for the betrothal) and gifts, (3) the consent of the father or the parties (4) the dowry (5) the ceremonial celebration and feast. ... The consummation of the marriage usually took place after the lapse of some time.”⁶⁷

HD" _p.h,w>: verb hiphil perfect third person masculine singular, of the verb *hd'P'* prefixed with a waw consecutive and a suffix in the third person feminine singular. The root of the verb is *pdy*, and means “to redeem” or “to ransom.” The root is found in Semitic languages under various meanings. In Akkadian, *padû* or *pedû* means “to spare” or “to release,” Arabic *fedu* which means “to deliver.”⁶⁸ In the Old

⁶⁵ Jenni, *TLOT*, s.v. “*fr;a'*.”

⁶⁶ Boaz Cohen, “On the Theme of Betrothal in Jewish and Roman Law,” *Proceedings of the American Academy for Jewish Research*, 18 (1948-1949): 74.

⁶⁷ Cohen, “Betrothal,” 70.

⁶⁸ Jenni, “*TLOT*,” s.v. “*hd'P'i*.”

Testament, the term applies to the social and legal realms but also the salvific action of God to the benefit of humankind.

The concept of redemption or ransom applies in the Old Testament to various categories of people and things. The firstborn of humans and animals (Exod 13:13-15, Num 18:15); the redemption of Israel from slavery by God (Deut 15:15); the ransom of land and house (Lev 25:25); redemption from sin (Ps 130:7,8.); the redemption of the owner of a goring ox (Exod 21:29, 30); and the ransom of a daughter sold for marriage (Exod 21:8).

As outlined in the Theological Wordbook of the Old Testament, the fundamental sense of the Hebrew root is to accomplish the exchange of possession from one party to another by offering payment or an equivalent replacement.⁶⁹

As concerns the contextual usage of the verb **hd'P'** in Exodus 21:8, the causative implication of the Hiphil entails that the master is to allow the redemption of the young girl in case he no longer wishes to marry her. The causative may imply that he should be the initiator of this procedure. The master gives way for the transfer of authority from him to the previous legal authority that is the father, or any other recognized legal person that holds the right to redeem in the family.

yrlk.n'': Adjective, masculine, singular absolute. It qualifies the type of people (~[;]) to whom the master does not have the right to sell the *amah*. The root is *nkr*, from the noun *nekar* which means stranger or alien. This root is attested in other Semitic languages. Ugaritic *nkr* means “stranger,” imperial Aramaic *nkry'* means “strangers,” in Akkadian *nakru* means “strange” or “enemy.” This term refers to

⁶⁹ Hamilton, “*hd'P'*,” *TWOT*, 2:716.

someone who does not belong to a circle of people. This circle can be as large as a nation, in this case, anyone out of Israel; or as close as the family circle.

Per the context of the usage of **yrlk.n**" in Exodus 21:8, it is plausible to believe that the foreign people to whom the *amah* should not be sold are not just foreigners of the Jews, but people that are out of her family circle. This is because the provided exit for the young girl in her broken relationship with her master is a ransom, and in the biblical context ransom was performed by a kinsman. (Lev 25:47-49)

I concur with the interpretation provided by the Theological Dictionary of the Old Testament, which suggests that “*am nokrî*, ‘a different, alien family’ (Exod 21:8): a rejected slave concubine may not be sold to an ‘alien family,’ but must return to her own clan through redemption.”⁷⁰ The legislation in the present case pledges for the reinsertion of the young girl in her family.

Hb'(-Adg>biB.: Qal infinitive construct suffix third person masculine singular of the verb **dgb**, prefixed with the preposition **B.**, third person feminine singular particle. The preposition **B.**, and translated “in” or “at,” or indicative of the performer or receiver of an action, thus rendered “by” or “with.” The root of the verb **dgb** is *bgd*. Among the Semitic languages, it is identified in the Arabic Dialect of Datinah.

The verb is generally translated as dealing “treacherously, faithlessly, unfaithfulness, or unfairly.” The lack of faith is to be understood as a broken agreement, covenant, rule, or ordinance. In the Biblical context, this term applies to the domains of faithlessness between parties in marriage (Exod 21:8, Mal 2:14); in the

⁷⁰ Lang, “*nokrî*,” *TDOT*, 9:425.

symbolic connection between God and humanity (Jer 9:2); the non-respect of human agreements (Judg 9:23.) It is related to deceit in property or right in Isaiah 24:16, and Jeremiah 12:1. In the domain of covenant, it appears in 1 Samuel 14:33, Proverb 2:22, 25:3, Psalm 78:57, Jeremiah 3:9, and in Malachi 2:11. It also expresses treachery or deceit in general conduct in Proverbs 22:12, 11:3, Job 6:15, Isaiah 48:6, 33:1, Jeremiah 5:11, 21:1, Judges 9:23, Lamentations 1:2 and Zephaniah 3:4.

The treachery in Exodus 21:8 may entail that we are in a case of an engagement towards marriage that is abridged by the master, a violation of an established rule, and deceit in a relationship. There should have existed a contractual or legal agreement in the relationship between the master and the *ʿmâ* that brought them to a possible marital engagement. *The Enhanced Brown-Driver-Briggs Hebrew and English Lexicon* defines **dgb** as the fact to “act or deal treacherously, faithlessly, deceitfully, in the marriage relation, in matters of property or right, in covenants, in word, and in general conduct.”⁷¹

tAnàB'h; jP;îv.miK.: This expression is made of three main components: the preposition **K.** which is often used as a comparative particle linked to a noun. Its main usages are “as” or “like” when used comparatively. It is translated as “according to” when expressing a quality. In its temporal usage, before an infinitive, it is translated as “when, or as while. The noun to which the particle **K.** is attached is **jP'v.mi** which describes a court decision, a legal right, righteousness, a law, a custom, or a manner. The third component of this expression is the noun **tAnB'** the term is the feminine plural of **tB;** which the main usage is daughter. The contextual

⁷¹Brown, BDB, s.v. “*dgb*.”

usage of **תַּאֲבִיחַ; יְבִימִי** in Exodus 21:9 entails that the *amah* has a special status in her host family. When betrothed to the son, the young girl is not considered a slave. She is granted the legal status of a daughter in her host family. According to Umberto Cassuto, the understanding of this section of Exodus 21:9 is that “she shall be in his house, [the house of her master] as one of the daughters of the family.”⁷²

אֲחֵרִי: Adjective feminine singular construct of **אֲחֵרִי**; The main usage of this term is “another.” The word establishes a relationship with a thing or person mentioned previously. It may entail an addition to an existing person or thing. It may also carry the idea of a replacement, following, or even strange to a previous person or thing. In this case, it seems to be an addition. The construct form of this term in Exodus 21:10 indicates that the person referred to takes another wife for himself. The use of the personal pronoun “he” in the opening of verse 10 is a source of ambiguity. The preoccupation is that of determining to whom it refers, whether the father or the son. Some elements lead us to suppose that this pronoun refers to the father. First, he is the one who betrothed the young girl for his son. Secondly, as presented above in the structure of this corpus, verse 10 introduces another case that is different from the one in verse 9. Even though the conical structure indicates a relationship between case B (verse 9) and case C (verse 10), I believe the link is not tied to the fact that these verses deal with the same subject. Both verses emphasize the rights of the proposed wife, betrothed to the son (verse 9) and those of the same wife in case the husband, here the master, takes another wife (verse 10).

The use of the adjective **אֲחֵרִי** in the construct form helps to determine that the institution under consideration is marriage and not slavery because it is another wife that the husband takes for himself. The double absolute ellipsis of

⁷² Cassuto, *Exodus*, 268.

nominative and accusative indicates that the context helps to determine that the pronoun “he” refers to the main subject, here the father who is the one that is performing actions since the beginning of the corpus. Even when he betrothed the young girl to his son, he is still the one that is to give her the rights of a daughter. The ellipsis of the accusative after **tr<x,pa;** is completed by the end of the verse, through the elements that the subject should provide, namely: food, clothing, and conjugal right, which are provisions made in the context of a marital relationship or family relationship, and indicate that the complete text may be translated if he [the master] takes another [wife].

Hr"2aev.: Noun, masculine singular construct of, **raev.** with a third-person feminine singular suffix. The primary definition of the term is flesh or meat. The root in Ugaritic “*Sir*” and Akkadian “*Siru*” means “flesh or body.” Flesh or meat refers to food, as in Psalm 78:27 where God rained meat upon the children of Israel in their wilderness journey to the Promised Land. The term also refers to the physical aspect of the human being that is the body as in Proverbs 11:17. Another usage of **raev.** is that of close relatives. It refers to kindreds that share blood ties. Such instances in the Old Testament include Leviticus 18: 12, Numbers 27:11, and Leviticus 18:11.

The main usages of **raev.** in the biblical context include three main domains: that of foodstuff, the human body as opposed to the spiritual realm, and kinship. The context of Exodus 21:10, which is marriage, concerning provisions that a wife should be the beneficiary, leads to adopting the foodstuff usage of this term. The Theological Dictionary of the Old Testament supports this understanding. It explains that “The term **raev.** ... in Exodus 21:10, stipulates that a man who has married a slave and

then enters into a second marriage ‘not diminish the flesh [food], clothing, or marital rights of the first wife.’ ”⁷³

Ht'Wsk. : Feminine singular common noun, with a third person feminine singular suffix, from the word, **tWsk.**.. The basic meaning of this term is “covering,” from the root “*ksy*” with the verbal meaning of cover. The nominal and contextual translation of this term is often clothing, garment, or covering. In the Old Testament, **tWsk.** in Deuteronomy 22:12 describes some details given by God to the Israelites in the tailoring of their clothing. Deuteronomy 22:5 insists on the need for a distinction of garments for different sexes. In Genesis 49:11, it describes the bloody garment of Christ the Lion of Judah. The Book of Job uses the noun garment in an explicative parallel with that of covering. In Job 31:19, the author presents his attitude on behalf of the needy without garment or covering; and Job 24:7 mentions the poor without garment or covering.

The figurative use of **tWsk.** in the Bible mainly bears the idea of “covering.” In Genesis 20:16, Abimelech presents gifts to Abraham to veil the eyes of those who noticed his unlawful act towards Sarah. In Isaiah 50:3, God clothes the heavens with darkness and in Genesis 8:13 Noah removes the covering of the ark. The use of this term in Exodus 21:10 is that of a maintenance element that the husband should provide to the wife, in this case, clothing.

oHt'n"[O: Common noun feminine singular construct with a third person feminine suffix, of the noun **hn"[Oo.** It is a term that appears just once in the entire biblical corpus. It is lexically qualified as a *hapax legomenon*, from the Greek, which

⁷³ Ringgren, “*raev.*,” *TDOT*, 14:270.

means “once said.” Its only occurrence is in Exodus 21:10. It is one of the three things that the master must continue to provide to the **hm'a'** in case he takes another wife.

The first two maintenance elements **raev.** and **tWsk.** are obvious in their meaning, and generally accepted as referring to food, and garment; but the third provision termed **Ht'n"O** has a variety of translations that have been adopted by the main English translations of the Bible. It is translated as “companionship” in the LXE English translation (Brenton), “duty of marriage” by the King James Version, “marital rights” in the Revised Standard Version “conjugal right” in the Darby Bible, “the price of chastity” in the Douay Rheims American edition 1899, “sexual intimacy” by the New Living Translation, “sex” by God’s Word to the Nations Version, “her going in and going out with him” by the Jerusalem Targum English, “marriage due” by the Targum Onkelos in English translation by J W Etheridge, “and habitation” by Young’s Literal Translation. This variety of interpretations emphasizes the need for further study of this word.

Main biblical commentators’ interpretations of this Hebrew term are summarised in *The Hebrew and Aramaic Lexicon of the Old Testament* as follows:

‘**hn"O**, SamP. with 1 cop. wanata;? with II or III **hn[** or **t[e** see Gesenius-B.: MHeb. **hn"O** a particular time, JArm. אַתְּנָה, **at'n>[**; time, hour, duration of cohabitation (Levy 3:627 and 628; Dalman Wb. 318a: period of conjugal relationship), **atn[** GnAp 2:10 (Fitzmyer GenAp2 87):**Ht'n"O**: sexual intercourse, intimacy Ex 21:10 (Cazelles 49; North VT 5 (1955):205f; Boecker *Recht und Gesetz im Alten Testament und im Alten Orient* (1976):138, 139. S.M. Paul VTSupp. 18 (1970):56-61: the word sequence **Hr"2aev Ht'n"O Ht'Wsk.** corresponds to OAb. ipru, pissatu, lubustu food, ointment and a garment (see CAD lubustu; AHW. 385a), with **hn"O**

corresponding to *pissatu* in the otherwise unknown meaning oil, ointment, cf. E. Oren Tarbiz 33 (1953/4):317 :UF 13 (1981):159f.⁷⁴

Among the numerous interpretations of *hn''[O*, three are dominant among biblical commentators. The first one identifies it as referring to “time” which in turn refers to a particular period that could be understood as a “duration of cohabitation” or “a period of conjugal relationship.” Another interpretation links *hn''[O* to “sexual activity.” The third interpretation is “ointment.”

The Theological Wordbook of the Old Testament identifies not less than seven derivatives for the root *hn''[*¹ They are: “*hn''[O* cohabitation, ![:m;l. in order that, t[e time, hT'[: now, yTi[i timely, ready, ![:y: on account of, and *hn,[]m;* answer, response.”⁷⁵ The Theological Wordbook of the Old Testament provides the following explanations on these roots:

Basically, the root *anâ* I signifies a response. In several connotations it attests scattered meanings in Ugaritic, among them ‘to speak’ or ‘to say.’ Distinguish this root from *anâ* II, ‘occupy’; III, ‘afflict,’ ‘oppress,’ ‘humble’; IV, ‘sing.’ It occurs 617 times. The most frequent meaning of this root is ‘to answer,’ and it is often used with *amar*, less often with *dabar*. It is sometimes used in a nonverbal clause. It corresponds to *q'r''* ‘to call’ and (less often) *zaaq* ‘to cry out.’⁷⁶

“In the case of *l'ma'an* the connotation “in order that” occurs with some known and intended end in mind, hence, “to the intended response that.” Abraham

⁷⁴Koehler and Baumgartner, *HALOT*, s.v. “*hn''[O*.”

⁷⁵ Ronald B. Allen, “*hn''[*,” *Theological Wordbook of the Old Testament (TWOT)*, ed. R. Laird Harris (Chicago: Moody Press, 1980), 2:679.

⁷⁶ Allen, “*hn''[*,” *TWOT*, 2:679.

advised Sarah to portray herself as his sister, aiming to safeguard his own interests and ensure favorable outcomes. (Gen 12:13).”⁷⁷

et: Time, space of time, appointed time, proper time. The ASV and RSV translate this word identically except for a few instances involving secondary meanings. Although BDB lists *et* as a derivative of *anâ* I, to answer, respond, it is difficult to trace any relationship. A clearer tie is perhaps with *anâ*: II, to be occupied (i.e. the filling of time?). The basic meaning of this word relates to time conceived as an opportunity or season. Other words similarly rendered are: *zeman* an Aramaic loan-word with a very similar meaning; *yôm* emphasizing the division of time into regular units; *môed* emphasizing the idea of appointment (it is sometimes used to further define *±çt*, e.g., Psa 102:13 [H 14]); *paam* denoting short spaces (beats) of time (cf. Regel). Our word occurs 290 times.⁷⁸

±attâ: Now, at this time, henceforth, straightway, whereas. (ASV, RSV similar.) Related to the Hebrew noun *et* “time” (q.v.), the adverb *±attâ* is derived from a root *anâ* (with assimilation of the nun). The adverb occurs in Ugaritic as *±nt*, a word to be distinguished from the goddess *nt* (Anat, see UT 19: nos. 1888, 1889). In Arabic, the cognate is *al-ana*, “at the time, now” (with def. art.). The adverb of time *attâ*, found frequently in the OT (425 times), is rendered usually as “now.”⁷⁹

Yaan: “On account of, because, is used as a preposition or conjunction. It indicates purpose: perhaps, “in response to.” When joined to *kî* or *asher* it is the most common causal conjunction. Simple *yaan* can serve the same function.”⁸⁰

maaneh: “Answer, response. Cf. Ugaritic *m'n* used of a reply to a letter or school examination questions.”⁸¹

A thorough analysis of the aforementioned roots of the word **hn**”[O suggests that they can be reduced into two main groups of thought. On the one side, some roots

⁷⁷ Allen, “*hn*”[,” *TWOT*, 2:680.

⁷⁸ Leonard J. Coppes, “*hn*”[,” *TWOT*, 2:538.

⁷⁹ Coppes, “*hn*”[,” *TWOT*, 2:681.

⁸⁰ *Ibid.*

⁸¹ Coppes, “*hn*”[,” *TWOT*, 2:681.

converge around the idea of an answer or response. This is the case of *anâ* which means to answer or a response, *lemaan* with emphasis on the intended or awaited answer, *yaan* that emphasises the purpose of an action, and *maaneh* understood to be a response or an answer.

On the other side, some roots are mainly tied to the notion of time. It is the case of *et* that describes a space of time, an appointed time, or proper time. *Attâ*, and *ittî* respectively refer to “now” and “timely or ready.” Thus, the roots of **hn"l**o can be summarised into two main notions: “answer” and “time.”

From my analysis of Exodus 21:7-11, the institution under consideration is marriage and not slavery. The expression **rk;m'** in its Aramaic equivalent **rkm** means to marry, literally to buy a wife, to pay a bride price. Further, the use of the term faithlessly or deceitfully in the description of the act of disruption of the liaison between the **hm'a'** and her proposed husband leads us to believe that we are in a marriage process.

One grammatical feature that can help in the understanding of **hn"l**o is the verb **[rg** to which it is linked as a direct object. In Exodus 21:10, **[rg** is conjugated in the qal active imperfect, with a third-person masculine singular prefix. It is explained in the Dictionary of Biblical Languages with Semitic Domains as follows:

(qal) reduce, decrease, subtract, omit, i.e., have a reduction in number, extent, or degree (Ex 5:8, 19; Dt 4:2; 13:1 Ecc 3:14; Jer 26:2; Eze 16:27); (nif) be reduced, decreased (Ex 5:11; Lev 27:18+); 2. (qal pass.) be cut off, i.e., sever an object from a core or base (Isa 15:2; Jer 48:37+); 3. (qal) hinder, stop, prevent, withdraw, i.e., cause something not to happen (Ex 21:10; Job 15:4, 8; 36:7; Eze 5:11+); (nif) be hindered (Nu 9:7; 36:3,4 (nif) disappear, i.e., have a

state no longer exist as a figurative extension of cutting an object and removing it from the presence of someone (Nu 27:4+).⁸²

The general admitted meaning adopted in the translation of [rg is “reduce or diminish.” If applied to the first two maintenance components of the triad of Exodus 21:10, it may require at first a prescribed proportion or quantity of food and garment to be allotted by the husband to his wife, which may serve as a measure to evaluate the transgression of this rule. Consultation of the biblical text does not reveal such a requirement. The measure appears to be even more inappropriate when attached to the understanding according to which hn"O is sexual intercourse. The Bible does not prescribe a frequency of sexual intercourse to be maintained by a husband for the satisfaction of his wife or a given amount of time to spend in intimacy between husband and wife.

In 1981, W. Von Soden proposed a different root for hn"O that is quite different from the previous ones. His proposed root is 'ûn which means “to live or to dwell.” Soden rejects the traditional interpretation of sexual intercourse on the basis that there are no 'nh nor 'un root for terms relating to sexual intercourse. He believes that the destitute girl in addition to food and clothing needs a shelter and not an imposition of sexual intercourse with a free man. He explains that mâ'on which is the common nominal derivation of 'un is not used in Exodus 21:10 because of the temporary nature of the dwelling. The girl is in a temporary situation while waiting for relocation into a different home. He arrives at the conclusion that “uônâ is a rare and probably archaic word for a temporary dwelling.”⁸³ A point that Stendebach

⁸²Swanson, *DBL*, s.v. “[rg.”

⁸³ W. Von Soden, “Zum Hebräischen Wörterbuch,” *Ugarit-Forschungen* 13 (1981): 160.

approves in the following terms: “In my opinion, this interpretation is highly likely. If so, ‘ônâ derives not from the root ‘*nh* but from ‘*ûn*.”⁸⁴ Certain facts give credit to this understanding. The act by which the master takes another wife or a second wife makes the first to be a destitute wife or a rejected wife or concubine. The fact that verse 11 states that she may go out free without payment indicates that she was not officially married, but a betrothed girl. If this was the case, she should receive a divorce letter as stipulated in Deuteronomy 24:1. If the girl is not married to the husband, sex cannot be a right that is prescribed by God for the young girl. What she needs and that is in harmony with the first two maintenance elements is a shelter. If we consider this third maintenance element to be sexual intercourse, then we should also admit that the Bible is in favor of polygamy. As mentioned above, a private apartment was a privilege in the maintenance of a wife in Ancient Egypt.

The young girl may be described as a destitute proposed wife. My opinion is that by taking “another wife,” an expression that I consider to refer to an additional wife, the master relegates the ¹*mâ* to the status a secondary wife. She falls back into the status of a daughter in her master’s home, in case she is rejected by the master’s son to whom she was betrothed. I believe that the rights of daughters that are mentioned in verse 9 are detailed in verse 10. In the structural study of Exodus 21:7-11, the conical helix reveals a close relation between verses 10 and 11. That is why the three maintenance commodities of Exodus 21:10 should be food, clothing, and shelter. Hence the interpretation or understanding of [rg in Exodus 21:11 should be the act of hindering, preventing, or withdrawing, which means to interrupt a process and not a reduction. A position that is defended by the Dictionary of Biblical Languages with Semitic Domains. My understanding of Exodus 21:11 is: “In case the

⁸⁴ Stendebach, “*onâ*,” *TDOT*, 11:229.

master takes a different wife, he must not sever the first from food, garment, and shelter.”

Parallel texts from the Bible also help in the clarification of the status of the *ḥmâ* of Exodus 21:7-11. Deuteronomy 22:23, 24 outlines the repercussions for a betrothed virgin and an individual who is not her husband should they engage in sexual intimacy. “If there is a betrothed virgin, and a man meets her in the city and lies with her, then you shall bring them both out to the gate of that city, and you shall stone them to death with stones, the young woman because she did not cry for help though she was in the city, and the man because he violated his neighbor's wife; so you shall purge the evil from the midst of you.” (Deut 22:23, 24 RSV). From the above text, it is obvious that a betrothed girl had the status of a married woman, as she is described as a neighbor's wife. The death penalty for this crime reflects the seriousness of this infidelity and the esteem in which God holds betrothal.

Deuteronomy 15:12 provides ample evidence of the special status of the girl in Exodus 21. “If your brother, a Hebrew man, or a Hebrew woman, is sold to you, he shall serve you six years, and in the seventh year you shall let him go free from you.” (Deut 15:12). The Hebrew woman of Deuteronomy 15 who was sold into slavery had to serve for six years and was released in the seventh year, whereas the girl in Exodus 21 was not required any term of service. This text reinforces the conviction that the girl in Exodus 21 is entering into a marriage, in a permanent relationship. The *ḥmâ* of Exodus 21 is thus a wife in the full sense of the term. Concubines did not go through the process of betrothal, as seem from Deuteronomy 22, a betrothed girl was considered to be a wife. She is not a servant also, because the servants did not also enter into a new family through betrothal.

CHAPTER 4
THEOLOGY AND APPLICATION

Theology

God gave the legislations under Exodus 21 to the people of Israel after their liberation from bondage in Egypt. In the process of nation-building at Sinai, He gave special instructions to the Israelites. These ordinances or judgments that cover Exodus 21–23 are called Covenant Code. They helped to regulate the civil or social life among the Israelites. The regulations in Exodus 21:7-11 protected the rights of the vulnerable people and dependants, in this particular situation, the rights of the maidservants that are sold in view of marriage to a master or his son.

By the fact that Exodus 21:8 declares that the decision of the master to put an end to his relationship with the young girl is an infidelity, we are thus in the theology or doctrine of Christian lifestyle and particularly in marriage. By extension, since the daughter may enter into marriage from the perspective of a maidservant, this Christian lifestyle may be extended to the relationship between masters and servants or better still the respect of the rights of servants and vulnerable people.

The main issues raised by this study are the status of the young girl of Exodus 21:7-11, the nature of her sale by the father, her marital status, and the understanding of *ḥn"l* and *ḥrg*. My point is that the young girl is not sold as an ordinary slave but as a maid with the purpose of marriage. That is why her status is different from that of the male slave of Exodus 21:1-6 who is freed after six years of service. Her special status is amplified by the fact that the female Hebrew slave of Deuteronomy 15:12 has the same status as the male Hebrew slave, as both are freed

in the seventh year. In the context of Deuteronomy 15, the woman is the one who sells herself, while in Exodus 21 the young girl is sold by her father, making it a marital transaction. The expression “another wife” in Exodus 21:10, seems to advocate for the practice of polygyny. That is why the protective regulation provided by the Bible is food, clothing, and shelter, which are equivalent to the “rights of daughters” that are mentioned in verse 9. The use of structural features to determine internal relations between sections of Exodus 21:7-11 has been very helpful. The conical helix has helped to establish a close relation between verses 9 and 10, bringing out the fact that the rights of daughters may be equivalent to the triad of verse 10, thus excluding sexual intercourse as a possible interpretation of $hn''[O$. A contrastive consideration of maintenance items between the Ancient Hebrew and the Ancient Egyptian setting reveals that in both contexts a triad was required for maintenance. While the first two maintenance elements in the Hebrew milieu (Food and clothing) are obvious the third sounds obscure. In the Egyptian environment, food, clothing, and shelter made effective a marriage. One can thus parallel the third element of the Hebrew maintenance that is not well known to the third required maintenance provision of the Egyptians, which is shelter. This idea is reinforced by the fact that the social norms that the children of Israel had in mind while receiving these social regulations were the Egyptian social laws or practices.

The general admitted understanding of $hn''[O$ as regular sexual activity may be difficult to apply as a recommendation in a case of polygyny. The adopted translation of $hn''[O$ in this research is “shelter,” a right also prescribed for women in Ancient Egypt.

Application

The ordinances given to Israel in Exodus 21:7-11, by their civil and social nature applied only to the social environment of Israel. As Gray explains, “The ten commandments constitute the moral law, a perfect rule of duty for all men and everywhere. But the "judgments" (v. 1) that follow are an application of those commandments to Israel in the peculiar circumstances of their history at that time and when they should inhabit Canaan.”¹ These judgments are directives to the people of Israel but may be informative to the actual reader. Nevertheless, since marriage and servanthood are social institutions that exist beyond the borders of Israel, Exodus 21:7-11 provides directives to people who are in a position of power, as to how they should relate to those who are vulnerable. Human liberty is at the heart of the message contained in this text. Permanent dominion over humans is rejected. The passage shows God's concern for the weak and the poor. These judgments cover socio-economic, financial, and moral concerns. In the moral domain, they help to understand the value and respect of marital engagements even when the relationship is still at the level of betrothal. To put an end to a betrothal, is declared as treachery in Exodus 21:8. Thus one needs to be precautious before taking an engagement even in the case of a betrothal. Statistics from the United Nations Department of Economic and Social Affairs for the period 2011—2020 indicate that the tendency to divorce is a global preoccupation. Figures of divorces in some African countries per duration of marriage in certain African countries indicate that Egypt registered a total of 225.929 divorces in 2019, with 29.703 marriages that lasted for less than a year. In the same

¹ James Gray, *Concise Bible Commentary*, The Ages Digital Library Commentary [CD ROM] (Albany, Or: Ages Software, 1999).

year, South Africa registered 23.710 divorces, and 1,995 divorces for Mauritius for the year 2020.²

Exodus 21:10 also helps husbands to learn about their marital duties. The basic needs that a husband should provide to his wife according to this biblical legislation include food, garment, and a shelter or private apartment. This text also applies to the question of the parental responsibilities of the head of the family toward his household, which according to 1 Timothy 5:8 extend to the spiritual realm. “If any one does not provide for his relatives and especially for his own family, he has disowned the faith and is worse than an unbeliever.” (RSV) It also raises the question of the justifications put forward by men for taking a second wife, while neglecting the first. In the domain of servanthood, the underprivileged and the vulnerable are to be protected. God values vulnerable people through legal dispositions. Masters need to value and respect the rights of their servants and their engagements with their servants. Paul also insists on the fair treatment of servants in the following terms: “Knowing that whatsoever good thing any man doeth, the same shall he receive of the Lord, whether he be bond or free. And, ye masters, do the same things unto them, forbearing threatening: knowing that your Master also is in heaven; neither is there respect of persons with him.” (Eph 6:8-9 KJV)

² United Nations Department of Economic and Social Affairs, “Divorces and Percentage Distribution by Duration of Marriage: Latest Available Year 2011-2020,” Accessed 03 November 2022, <https://unstats.un.org/unsd/demographic-social/products/dyb/documents/DYB 2020/table 25.pdf>.

CHAPTER 5
SUMMARY AND CONCLUSION

Summary

The introduction of this research presents seven interpretative stands of the word $h\bar{n}''[O$ among scholars. They are marital right, time or company, sexual intercourse, oil or ointment, habitation or living quarters, answer, and the idea according to which this third provision was specified in marriage contracts. Sexual intercourse is the most widely adopted translation. None of the previous studies that were consulted made use of the Egyptian background.

The divergence in understanding among early Jewish interpreters of Exodus 21:10 and specifically on the meaning of the term $h\bar{n}''[O$ has yielded a variety of understandings. The Targum onqelos relates it to “time,” The Targum Neofiti defines it as the “act of coming in and going out,” and The Targum Pseudo-Jonathan translates it by “robe.” According to the Mishnah, the “duty of marriage” is sexual intercourse. No critical study by the church fathers on this issue was encountered, but a variety of interpretations emerged during the modern era. Carl Friedrich Keil and Franz Delitzsch came out with the understanding of “duty of marriage,” Durham and North believed that $h\bar{n}''[O$ describes the right to sexual intercourse, with the objective of procreation. Shalom M. Paul introduced the idea of “oil” in 1969. The main problem that the text sought to solve was to ascertain the meaning of $h\bar{n}''[O$ as understood by the original readers, amid the various interpretations. The deciphering

of the meaning of the third maintenance clause of Exodus 21:10 is relevant and has implications on the understanding of God's view on questions relating to marriage and impoverishment. The specificity of this research lies in the consideration of the Egyptian background in the interpretation of הַנְּשִׂאָה. The approach that is adopted to the study of Exodus 21:7-10 is intratextual.

The second chapter examines the condition of female servants in Ancient Egypt as a background to female slavery and servanthood in the Covenant Code. The importance of the Egyptian background resides in the context of the production of the covenant code. Israel was coming out of Egyptian bondage, and the Lord possibly spoke to them taking into account their Egyptian experience. Captives of war in Ancient Egypt were the main source of slaves during the first kingdom. As from the middle kingdom, people from lower classes could voluntarily be rented or owned by wealthy people for servitude, and debtors could be enslaved.

The practice of slavery in Ancient Egypt was not codified nor documented. Information about household female servants could be obtained from inscriptions. Poverty could induce a father to lend a daughter in exchange for goods to a wealthy family. Some of these young girls functioned as concubines while others were servants. Maintenance commodities to wives or concubines in Ancient Egypt comprised food, clothes, and private apartments. This third element made marriage to be valid in Ancient Egypt.

Chapter 3 is the exegetic section of this research. Textual considerations from Exodus 21:7-11 reveal that the text is free from serious textual difficulties; and forms a coherent unit of thought. The central theme of the passage is "the obligations of the purchaser of an *amah*," and the message is about freedom. The comparative study of the Masoretic and LXX texts of Exodus 21:7-11 reveals no major variations. Few

variations in the latter versions are identified. The Samaritan Pentateuch has an addition of the pronoun **ayh** in verse 8^a, which brings no major change in the meaning of the text. In the same verse, the Syriac makes use of **hawnf** (hate her) instead of **h[!r'** (she is evil) which is used in the Masoretic text. The LXX, The Targum, and The Vulgate follow the *Qere* reading in verse 8^b for **al{**. The Vulgate, The Samaritan Pentateuch, the Syriac, and The LXX have a conjunctive waw at the beginning of verse 10, (**~aiw>**) whereas the Masoretic text has just (**~ai**).

The following textual issues are identified in Exodus 21:7-11: the status of the young girl, is she a slave, a servant, a concubine, or a wife? I came to the opinion that she has a marital status. The identification of the antecedent of the expression “these three things” in verse 11 is another textual issue that is considered. The antecedent of this expression is identified as the legal provisions for the protection of the maidservant, which are contained in verse 11. The third and most complex textual issue is the interpretation of the term **hn"lO** in verse 10. It is identified to be a private apartment, a position that is enforced by the Ancient Egyptian background and the construct state of this noun, which entails possession, something belonging to the *amah*. My proposed translation for Exodus 21:10 is “if he takes another wife for himself, her food, her clothing, and her private apartment he shall not withdraw.

Evidence is presented in favour of the Mosaic authorship. The events of Exodus 21 are localised to have taken place at the foot of Mount Sinai around 1446 B.C. in the process of the building of Israel as a nation. This legislation is contained in the section of the Pentateuch known as the Covenant Code. The objectives of the law of the maidservant are to curb rampant poverty and also to protect the young girl who is sold for a marital purpose. These regulations are produced under a literary form that

can be described as “casuistic covenantal female Hebrew servant law.” These case laws are structured into five main sections. Markers in the text help to identify these sections: **yKi** for the main section in verse 7, and **~ai** for the secondary sections in verses 8,9,10, and 11. The central message of the text is freedom, intending to protect this vulnerable young girl. The syntactic construction is made of protasis which are the main clauses and apodosis which are subordinate juxtaposed clauses. The narrative is built around five characters: an omniscient lawgiver, a passive master, his son, the father, and his daughter. The analysis of the lexical items of Exodus 21:7-11 leads to the understanding according to which **hn"lO** should be translated by “shelter or private apartment,” a root proposed by W. Soden in 1981, and that is endorsed by the Ancient Egyptian background.

Chapter 4 lists the theologies and applications of the passage. The main theology that can be identified in Exodus 21:7-11 is the doctrine of a Godly or Christian lifestyle, with emphasis on marriage and relations between masters and servants. It can be summarised in the love of one’s neighbour as one’s self. (Matt 22:39). Freedom as a general theme in the book of Exodus is expressed in this section. Freedom is to be achieved by Ransom in case the young girl is not pleasant to her master, or freedom by release in case her basic needs are no longer provided. The regulations of Exodus 21:7-11 are applicable in two types of relationships. Those between masters and servants and husbands and wives. The vulnerable parties, namely the servants and wives for whom God has a concern.

Conclusion

At the end of this study, I arrived at the following conclusion: the understanding of four features from the text of Exodus 21:7-11 and the context are

determinant in the interpretation of the Hebrew term חנ"ו. They are the status of the young girl, the Ancient Egyptian background, the root of חנ"ו, and the meaning of the verb רג. On the status of the *amah*, I consider that she is a proposed wife who keeps the status of a betrothed girl in the master's home. She may become a secondary marriage partner. Ancient Egyptian background mentions the existence of household servants and concubines. Union between free people and slaves was permitted by the state. Maintenance commodities for a wife were made of food, clothing, and a private apartment. This last maintenance commodity is supported by Von Soden's proposed root for the term חנ"ו, 'ûn a primitive root that conveys the idea of a temporal living or dwelling. Hence the verb רג that prescribes a restriction to impede on the food, clothing, and private apartment of the young girl, will not bear the traditional translation to "diminish," but the idea of "severe or, disrupt."

Suggestions for Further Studies

Through the study of Exodus 21:7-11, I came across two practices that appeared to be implicitly permitted by the Bible, but which nowadays are reproved by a large part of Christianity. They are polygyny and divorce. During this research, it also appeared that secular historians tend to refute the historicity of the servitude of the children of Israel in Egypt. These questions are suggested as further fields to explore in the context of the Covenant Code.

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