

## Covenant and Freedom:

### Exodus 19-24 and The Yoke of Law

Rachel Sharansky Danziger \* March 29th 2022 \* Exodus: The Ins and Outs of Liberty #7

#### 1: Laws and Freedom

##### Exodus 32:15-16

(15) Thereupon Moses turned and went down from the mountain bearing the two tablets of the Pact, tablets inscribed on both their surfaces: they were inscribed on the one side and on the other. (16) The tablets were God's work, and the writing was God's writing, incised upon the tablets.

##### שמות ל"ב:ט"ו-ט"ז

(טו) וַיֵּפֶן וַיֵּרֵד מֹשֶׁה מִן־הָהָר וּשְׁנֵי לַחֲתֵי הָעֵדוּת בְּיָדוֹ לַחֲתֵי כְּתָבִים מְשֻׁנֵי עֲבָרֵיהֶם מִצֶּדֶה וּמִצֶּדֶה הֵם כְּתָבִים: (טז) וְהַלְחֹת מֵעֲשֵׂה אֱלֹהִים הֵמָּה וְהַמְּכַתֵּב מִכְּתָב אֱלֹהִים הוּא חֲרוּת עַל־הַלְחֹת:

##### Pirkei Avot 6:2

...And it says, “And the tablets were the work of God, and the writing was the writing of God, graven upon the tablets” (Exodus 32:16). Read not haruth [‘graven’] but heruth [‘freedom’]. For there is no free man but one that occupies himself with the study of the Torah. And whoever regularly occupies himself with the study of the Torah he is surely exalted, as it is said, “And from Mattanah to Nahaliel; and Nahaliel to Bamoth” (Numbers 21:19).

#### 2: Freedom as consent

**Michael Walzer, *In God's Shadow: Politics in the Hebrew Bible***: The covenant at Sinai, following upon the liberation from Egyptian bondage, was the most important of Israel's covenants, and the biblical writers seem to have had no doubt that it depended on consent, not blood. **The laws were binding only because they had been accepted by the people.** (4-5)

The second distinctive feature of Israelite law is its radical embeddedness in a historical narrative... The deliverance story is the textual setting for an anti-authoritarian and justice-oriented legalism. Future generations of Israelites are enjoined not only to study the law but also to retell the history. The legal texts refer regularly to the historical narrative and so invite interpretation in its terms – hence the special force (whatever the substance) of the commandments about slaves, strangers, the poor and needy, widows, and orphans. Babylonian and Assyrian kings... insist upon the protection they offer to these same groups, perhaps with reason. But their protection is noblesse oblige, the special task of the mighty. Only in Israel is the task democratized, **rooted in a common experience of oppression.** (25)

...the third distinctive feature of Israel's codes: many of the laws that they include are laws-with-reasons, justified laws... What is the reason for the reasons? One possible answer to this question is the strength of the covenantal idea. **The laws must be justified, we might say, because the covenant requires the people's consent.** (26-7)

### 3. Bookending the law

#### Exodus 19:1-8

(1) On the third new moon after the Israelites had gone forth from the land of Egypt, on that very day, they entered the wilderness of Sinai. (2) Having journeyed from Rephidim, they entered the wilderness of Sinai and encamped in the wilderness. Israel encamped there in front of the mountain, (3) and Moses went up to God. יהוה called to him from the mountain, saying, “Thus shall you say to the house of Jacob and declare to the children of Israel: (4) ‘You have seen what I did to the Egyptians, how I bore you on eagles’ wings and brought you to Me. (5) Now then, if you will obey Me faithfully and keep My covenant, you shall be My treasured possession among all the peoples. Indeed, all the earth is Mine, (6) but you shall be to Me a kingdom of priests and a holy nation.’ These are the words that you shall speak to the children of Israel.” (7) Moses came and summoned the elders of the people and put before them all that יהוה had commanded him. (8) **All those assembled answered as one, saying, “All that יהוה has spoken we will do!”** And Moses brought back the people’s words to יהוה.

#### Exodus 24:1-7

(1) Then [God] said to Moses, “Come up to יהוה, with Aaron, Nadab and Abihu, and seventy elders of Israel, and bow low from afar. (2) Moses alone shall come near יהוה; but the others shall not come near, nor shall the people come up with him.” (3) Moses went and repeated to the people all the commands of יהוה and all the rules; **and all the people answered with one voice, saying, “All the things that יהוה has commanded we will do!”**... (7) **Then he took the record of the covenant and read it aloud to the people. And they said, “All that יהוה has spoken we will faithfully do!”**

#### שמות י"ט:א'-ח'

(א) בַּחֹדֶשׁ הַשְּׁלִישִׁי לְצֵאת בְּנֵי־יִשְׂרָאֵל מֵאֶרֶץ מִצְרַיִם בַּיּוֹם הַזֶּה בָּאוּ מִדְבַר סִינַי. (ב) וַיִּסְעוּ מִרֶפְדִּים וַיָּבֹאוּ מִדְבַר סִינַי וַיַּחֲנוּ בַּמִּדְבָּר וַיַּחֲנוּ שָׁם יִשְׂרָאֵל נֹגַד הַהָר. (ג) וּמֹשֶׁה עָלָה אֶל־הָאֱלֹהִים וַיִּקְרָא אֵלָיו יְהוָה מִן־הָהָר לֵאמֹר כֹּה תֹאמַר לְבֵית יַעֲקֹב וְתִגִּיד לְבְנֵי יִשְׂרָאֵל. (ד) אַתֶּם רְאִיתֶם אֲשֶׁר עָשִׂיתִי לְמִצְרַיִם וְאֲשָׂא אֶתְכֶם עַל־כַּנְּפֵי נְשָׂרִים וָאֵבָא אֶתְכֶם אֵלַי. (ה) וְעַתָּה אִם־שָׁמוּעַ תִּשְׁמָעוּ בְּקוֹלִי וּשְׁמַרְתֶּם אֶת־בְּרִיתִי וְהִלִּיתֶם לִי סִגְלָה מְכֹל־הַעַמִּים כִּי־לִי כָל־הָאָרֶץ. (ו) וְאַתֶּם תִּהְיוּ־לִי מִמְּלֶכֶת כֹּהֲנִים וְגוֹי קֹדֶשׁ אֲלֶה הַדְּבָרִים אֲשֶׁר תִּדְבֹּר אֶל־בְּנֵי יִשְׂרָאֵל. (ז) וַיָּבֹא מֹשֶׁה וַיִּקְרָא לְזִקְנֵי הָעָם וַיִּשֶׁם לְפָנֵיהֶם אֵת כָּל־הַדְּבָרִים הָאֵלֶּה אֲשֶׁר צִוָּהוּ יְהוָה. (ח) וַיַּעֲנוּ כָל־הָעָם יַחְדָּו וַיֹּאמְרוּ כָל־אֲשֶׁר־דִּבֶּר יְהוָה נַעֲשֶׂה וְנִשְׁמָע מֹשֶׁה אֶת־דְּבַרֵי הָעָם אֶל־יְהוָה.

#### שמות כ"ד:א'-ז'

(א) וְאֶל־מֹשֶׁה אָמַר עָלֶה אֶל־יְהוָה אִתְּהָ וְאַהֲרֹן נָדָב וְאָבִיהוּא וְשִׁבְעֵים מִזִּקְנֵי יִשְׂרָאֵל וְהִשְׁתַּחֲוִיתֶם מֵרָחֵק. (ב) וְנִגַּשׁ מֹשֶׁה לְבַדּוֹ אֶל־יְהוָה וְהֵם לֹא יִגָּשׁוּ וְהָעָם לֹא יַעֲלוּ עִמּוֹ. (ג) וַיָּבֹא מֹשֶׁה וַיְסַפֵּר לָעָם אֵת כָּל־דְּבָרֵי יְהוָה וְאֵת כָּל־הַמְּשֻׁפָּטִים וַיַּעֲנוּ כָל־הָעָם קוֹל אֶחָד וַיֹּאמְרוּ כָל־הַדְּבָרִים אֲשֶׁר־דִּבֶּר יְהוָה נַעֲשֶׂה... (ז) וַיִּקַּח סֵפֶר הַבְּרִית וַיִּקְרָא בְּאָזְנוֹ הָעָם וַיֹּאמְרוּ כָל־אֲשֶׁר־דִּבֶּר יְהוָה נַעֲשֶׂה וְנִשְׁמָע.

#### 4: The freedom of equality

##### **Joshua Berman, “Who Was the Vassal King of the Sinai Covenant?”:**

One aspect of the parallel between biblical covenant and ancient Near Eastern suzerainty treaties has garnered, I submit, insufficient attention. Within the biblical analogue, it is clear that the role of the suzerain is played by God. Yet who is it within these covenantal passages that stands parallel to the vassal king?... Scholars have universally concluded, therefore, that the vassal king in the Sinai covenant is the people themselves. Israel as a collective whole is the vassal king. In this paper I would like to propose an additional candidate for the role of vassal king in the Sinai covenant: Each individual Israelite – and not just the collective – is to see himself as a vassal king in treaty relationship with the Almighty suzerain....

The elevation of the common man of Israel to the status of a vassal king is part of a wider ideological tapestry that we find across the Pentateuch – and that is the articulation of a social blueprint in which the focus is not upon the king, but upon an empowered and ennobled citizenry. We have seen here, in part how this was achieved in the realm of theology. But it comes out in the economic laws of the Pentateuch, which serve to secure the economic well-being of the common citizenry, and in the laws of political office, which tend to suspect the abuse of power. Throughout the ancient Near East the truth was self-evident: All men are not created equal. By reconstituting ancient norms and institutions, as I have tried to demonstrate here, the Pentateuch laid the ground for a much more egalitarian society.

##### **Exodus 23:17**

(17) Three times a year all your males shall appear before the Sovereign, יהוה.

##### **שמות כ"ג:י"ז**

(יז) שְׁלֹשׁ פְּעָמִים בַּשָּׁנָה יֵרָאֶה כָּל־זְכוּרְךָ אֶל־פְּנֵי הָאֵדֹן וְיִהְיֶה:

##### **Exodus 23:24-25**

(24) you shall not bow down to their gods in worship or follow their practices, but shall tear them down and smash their pillars to bits. (25) You shall serve your God יהוה, who will bless your bread and your water. And I will remove sickness from your midst.

##### **שמות כ"ג:כ"ד-כ"ה**

(כד) לֹא־תִשְׁתַּחֲוֶה לֵאלֹהֵיהֶם וְלֹא תַעֲבֹדֵם וְלֹא תַעֲשֶׂה כַּמַּעֲשֵׂיהֶם כִּי הָרַסְתָּ אֹתָם וְשִׁבַּרְתָּ אֶת־שִׁבְרֵם וְעִבְדָתָם אֶת־יְהוָה אֱלֹהֵיכֶם וּבִרְךָ אֶת־לֶחֶמְךָ וְאֶת־מִימֶיךָ וְהִסַּרְתִּי מִחֶלְקְךָ מִקְרָבְךָ: {ס}

##### **Michael Walzer, *In God's Shadow: Politics in the Hebrew Bible*, 22-23:**

First... Israel's law is God's alone; it has no other possessive modifier... It isn't the king's law... Nor is the law ever described as the work of an assembly of elders; nor... as a priestly codification, or a philosophical construction, or a judicial invention... Politically, this means that everyone... is subject, indeed equally subject, to the authority of the law.

## 5. The basic covenant

### Exodus 20:1-14

(1) God spoke all these words, saying:  
 (2) I יהוה am your God who brought you out of the land of Egypt, the house of bondage: (3) You shall have no other gods besides Me.  
 (4) You shall not make for yourself a sculptured image, or any likeness of what is in the heavens above, or on the earth below, or in the waters under the earth. (5) You shall not bow down to them or serve them. For I your God יהוה am an impassioned God, visiting the guilt of the parents upon the children, upon the third and upon the fourth generations of those who reject Me, (6) but showing kindness to the thousandth generation of those who love Me and keep My commandments. (7) You shall not swear falsely by the name of your God יהוה; for יהוה will not clear one who swears falsely by God's name.

(8) Remember the sabbath day and keep it holy. (9) Six days you shall labor and do all your work, (10) but the seventh day is a sabbath of your God יהוה: you shall not do any work—you, your son or daughter, your male or female slave, or your cattle, or the stranger who is within your settlements. (11) For in six days יהוה made heaven and earth and sea—and all that is in them—and then rested on the seventh day; therefore יהוה blessed the sabbath day and hallowed it.

(12) Honor your father and your mother, that you may long endure on the land that your God יהוה is assigning to you.

(13) You shall not murder.  
 You shall not commit adultery.  
 You shall not steal.  
 You shall not bear false witness against your neighbor.

(14) You shall not covet your neighbor's house: you shall not covet your neighbor's wife, or male or female slave, or ox or ass, or anything that is your neighbor's.

### שמות כ' א'-י"ד

(א) וידבר אלהים את כל־הדברים האלה לאמר: {ס}  
 (ב) אנכי יהוה אלהיך אשר הוצאתיך מארץ מצרים מבית עבדים: (ג) לא־יהי־לה' אלהים אחרים על־פני' (ד) לא־תעשה־לה' פסל וְכִלְתֻמוֹנֶה אֲשֶׁר בַּשָּׁמַיִם וּמִמַּלְאָךְ וְאֲשֶׁר בָּאָרֶץ מִתְּחַת וְאֲשֶׁר בַּמַּיִם וּמִתַּחַת לָאָרֶץ: (ה) לא־תִשְׁתַּחֲוֶה לָהֶם וְלֹא תַעֲבֹדֵם כִּי אֲנֹכִי יְהוָה אֱלֹהֶיךָ אֵל קַנָּא פֶקֶד עוֹן אָבֹת עַל־בְּנֵי עַל־שִׁלְשִׁים וְעַל־רַבְעִים לְשָׁנָאִי: (ו) וְעָשָׂה חֶסֶד לְאֲלֹפִים לְאַהֲבֵי וּלְשִׁמְרֵי מִצְוֹתַי: {ס}  
 (ז) לֹא תִשָּׁא אֶת־שֵׁם־יְהוָה אֱלֹהֶיךָ לְשׂוֹא כִּי לֹא יִנְקֶה יְהוָה אֶת־אֲשֶׁר־יִשָּׂא אֶת־שְׁמוֹ לְשׂוֹא: {פ}

(ח) זְכוֹר אֶת־יְוָם הַשַּׁבָּת לְקֹדֶשׁ: (ט) שֵׁשֶׁת יָמִים תַּעֲבֹד וְעָשִׂיתָ כָּל־מְלֶאכֶתֶךָ: (י) וְיוֹם הַשַּׁבָּע שַׁבָּת וְלִיהוָה אֱלֹהֶיךָ לֹא־תַעֲשֶׂה כָּל־מְלֶאכֶת אֲתָהּ וּבִנְיָן וְיֹבֵתֶךָ עֲבָדֶךָ וְאִמָּתֶךָ וּבְהֵמָתֶךָ וְגֵרֶךָ אֲשֶׁר בְּשַׁעְרֶיךָ: (יא) כִּי שֵׁשֶׁת־יָמִים עָשָׂה יְהוָה אֶת־הַשָּׁמַיִם וְאֶת־הָאָרֶץ אֶת־הַיָּם וְאֶת־כָּל־אֲשֶׁר־בָּם וַיָּנַח בַּיּוֹם הַשְּׁבִיעִי עַל־פְּנֵי בְרָהּ יְהוָה אֶת־יְוָם הַשַּׁבָּת וַיְקַדְּשֶׁהוּ: {ס}

(יב) כִּבֵּד אֶת־אָבִיךָ וְאֶת־אִמֶּךָ לְמַעַן יָאָרְכוּן יָמֶיךָ עַל הָאָדָמָה אֲשֶׁר־יְהוָה אֱלֹהֶיךָ נָתַן לָךְ: {ס}  
 (יג) לֹא תִרְצָח: {ס}  
 לֹא תִנְאָף: {ס}  
 לֹא תִגְנוֹב: {ס}  
 לֹא־תַעֲנֶה בְרַעְיָה עַד שִׁקְרָה: {ס}  
 (יד) לֹא תַחְמֹד בֵּית רֵעֶךָ: {ס}

לֹא־תַחְמֹד אִשְׁתֵּי רֵעֶךָ וְעַבְדּוֹ וְאִמָּתוֹ וְשׂוֹרוֹ וְחִמְרוֹ וְכָל אֲשֶׁר לְרֵעֶךָ: {פ}

## 6: Freedom from each other

### Exodus 21:1-6

(1) These are the rules that you shall set before them: (2) When you acquire a Hebrew slave, that person shall serve six years—and shall go free in the seventh year, without payment. (3) If [a male slave] came single, he shall leave single; if he had a wife, his wife shall leave with him. (4) If his master gave him a wife, and she has borne him children, the wife and her children shall belong to the master, and he shall leave alone. (5) But if the slave declares, “I love my master, and my wife and children: I do not wish to go free,” (6) his master shall take him before God. He shall be brought to the door or the doorpost, and his master shall pierce his ear with an awl; and he shall then remain his master’s slave for life.

### Exodus 22:20-23

(20) You shall not wrong or oppress a stranger, for you were strangers in the land of Egypt. (21) You [communal leaders] shall not ill-treat any widow or orphan. (22) If you do mistreat them, I will heed their outcry as soon as they cry out to Me, (23) and My anger shall blaze forth and I will put you to the sword, and your own wives shall become widows and your children orphans.

### Exodus 23:6-13

(6) You shall not subvert the rights of your needy in their disputes....(8) Do not take bribes, for bribes blind the clear-sighted and upset the pleas of those who are in the right. (9) You shall not oppress a stranger, for you know the feelings of the stranger, having yourselves been strangers in the land of Egypt. (10) Six years you shall sow your land and gather in its yield; (11) but in the seventh you shall let it rest and lie fallow. Let the needy among your people eat of it, and what they leave let the wild beasts eat. You shall do the same with your vineyards and your olive groves. (12) Six days you shall do your work, but on the seventh day you shall cease from labor, in order that your ox and your ass may rest, and that your home-born slave and the stranger may be refreshed. (13) Be on guard concerning all that I have told you. Make no mention of the names of other gods; they shall not be heard on your lips.

### שמות כ"א:א-ו'

(א) וְאֵלֶּה הַמִּשְׁפָּטִים אֲשֶׁר תִּשֶׂה לִפְנֵיהֶם:  
(ב) כִּי תִקְנֶה עֶבֶד עִבְרִי שֵׁשׁ שָׁנִים יַעֲבֹד  
וּבְשִׁבְעַת יֵצֵא לְחֻפְשֵׁי חָנָם: (ג) אִם בְּגִפְנוּ  
יָבֵא בְּגִפְנוּ יֵצֵא אִם בְּעַל אִשָּׁה הוּא וְיֵצֵא  
אִשְׁתּוֹ עִמּוֹ: (ד) אִם אֲדָנָיו יִתְּנוּ לָהּ אִשָּׁה  
וְיִלְדָהּ לָהּ בָנִים אִן בָּנוֹת הָאִשָּׁה וְיִלְדֶיהָ  
תִּהְיֶה לְאֲדֹנֶיהָ וְהוּא יֵצֵא בְּגִפְנוֹ: (ה) וְאִם  
אָמַר יֹאמַר הָעֶבֶד אֶהְבֵּתִי אֶת־אֲדֹנָי אֶת־  
אִשְׁתִּי וְאֶת־בָּנָי לֹא אֵצֵא חֻפְשִׁי: (ו) וְהִגִּישׁוּ  
אֲדָנָיו אֶל־הָאֱלֹהִים וְהִגִּישׁוּ אֶל־הַדֹּלֶת אִן  
אֶל־הַמְּזוּזָה וְרָצַע אֲדָנָיו אֶת־אָזְנוֹ בַּמַּרְצֵעַ  
וְעָבְדוֹ לְעֹלָם: {ס}

### שמות כ"ב:כ'-כ"ג

(כ) וְגַר לֹא־תוֹנֶה וְלֹא תִלְחָצְנוּ כִּי־גֵרִים  
הֵייתֶם בְּאֶרֶץ מִצְרָיִם: (כא) כָּל־אֱלֹמְנָה  
וְיִתּוֹם לֹא תַעֲנוּן: (כב) אִם־עַגְּה תַעֲנֶה אִתּוֹ  
כִּי אִם־צָעַק יִצְעַק אֵלַי שָׁמַע אֲשַׁמַּע צַעֲקוֹתָיו:  
(כג) וְחָרָה אַפִּי וְהָרַגְתִּי אֶתְכֶם בְּחָרֶב וְהָיוּ  
נְשִׁיכֶם אֱלֹמְנוֹת וּבְנֵיכֶם יִתְּמִים: {פ}

### שמות כ"ג:ו'-י"ג

(ו) לֹא תִטֹּה מִשְׁפָּט אֲבִינָה בְּרִיבּוֹ: (ז)  
מִדְּבַר־שֹׁקֵר תִּרְחֹק וּנְקִי וְצַדִּיק אֶל־תִּהְרַג  
כִּי לֹא־אֲצַדִּיק רָשָׁע: ... (ט) וְגַר לֹא תִלְחָץ  
וְאִתָּם יִדְעֶתֶם אֶת־נַפְשׁ הַגֵּר כִּי־גֵרִים  
הֵייתֶם בְּאֶרֶץ מִצְרָיִם: (י) וְשֵׁשׁ שָׁנִים  
תִּזְרַע אֶת־אֲרָצְךָ וְאִסַּפְתָּ אֶת־תְּבוּאָתָהּ:  
(יא) וְהַשְּׁבִיעַלַת תִּשְׁמַטְנָהּ וּנְטַשְׁתָּהּ וְאָכְלוּ  
אֲבִינֵי עַמֶּךָ וְיִתְּלֶם תֹּאכַל חֵיט הַשָּׂדֶה כֹּךְ  
תַעֲשֶׂה לְכַרְמֶךָ לְזֵיתָהּ: (יב) שֵׁשֶׁת יָמִים  
תַעֲשֶׂה מַעֲשֶׂיךָ וּבַיּוֹם הַשְּׁבִיעִי תִשְׁבֹּת  
לְמַעַן יָנוּחַ שׁוֹרְךָ וַחֲמֹרְךָ וַיִּנְפֹּשׁ בְּוַאֲמָתָהּ  
וְהָגֵר: (יג) וּבְכָל אֲשֶׁר־אָמַרְתִּי אֵלֶיכֶם  
תִּשְׁמְרוּ וְשֵׁם אֱלֹהִים אֲחֵרִים לֹא תִזְכְּרוּ  
לֹא יִשְׁמַע עֲלֵיפִיךָ:

## 7: Freedom from Egypt

### **Rabbi Jonathan Sacks, Ceremony and Celebration: Introduction to the Holidays:**

The wealth of the royal court was astonishing... At the same time the population as a whole lived a wretched existence... Farming at best yielded subsistence. Taxes had to be paid on all produce. Defaulters were thrown into prison. The vast majority of the population were illiterate, and virtually all able-bodied men were subject to the corvee... The conditions under which the Egyptian worked were not significantly better than those suffered by the Israelites. Their rations were barely enough to sustain life, and the backbreaking work under a sweltering sun with little food and less water meant that many died in the course of the great constructions... (181-2)

Against this background certain features of the Torah appear in a new or stronger light. First and most obvious is the sharpest possible rejection of permanent economic hierarchy, of a society in which some are fabulously rich while others are desperately poor. Even a king in Israel was not allowed to accumulate “much silver and gold”... The entire welfare structure of the Torah, the corner of the field, other parts of the harvest, the tithe for the poor in the third and sixth years, the release of debts in the seventh and so on were intended to prevent the despair and destitution that existed in Egypt. (182-3)

Second, in reaction against Ramses II specifically and rulers of the ancient world generally, the Tanakh redefines the institution of monarchy... two features in particular of the Jewish law of kings were unique for their time and significant for all time. One was that the king had no major religious role whatsoever... The other was that the king had no legislative power... The king was neither the author of the law nor above the law... The effect of these two principles was to secularize power. The king rules... but the power he holds is conditional: first on God, second on God’s law, third on the will of the people... Michal Waltzer puts it slightly differently: the Hebrew Bible “relativizes” all political regimes. None is sacrosanct... *The secularization and relativization of power in Judaism are a direct and specific rejection of the politics of the ancient world, never more clearly exemplified than by Ramses II, the ruler who turned himself into a god.* (183-4)

### **Erich Fromm, *Escape from Freedom*:**

The battles for freedom were fought by the oppressed, those who wanted new liberties, against those who had privileges to defend. While a class was fighting for its own liberation from domination, it believed itself to be fighting for human freedom as such and thus was able to appeal to an ideal, to the longing for freedom rooted in all who are oppressed. In the long and virtually continuous battle for freedom, however, classes that were fighting against oppression at one stage sided with the enemies of freedom when victory was won and new privileges were to be defended.

## 8: Human life

### Exodus 21:12

(12) One who fatally strikes another party shall be put to death. שמות כ"א:י"ב  
(יב) מִכָּה אִישׁ וְמַת מוֹת יוּמָת.

### Exodus 22:1-3

(1) If the thief is seized while tunneling and beaten to death, there is no bloodguilt in that case. (2) If the sun had already risen, there is bloodguilt in that case.—[The thief] must make restitution, and if lacking the means, shall be sold for the theft. (3) But if what was stolen—whether ox or ass or sheep—is found alive and in hand, that person shall pay double.

### שמות כ"ב:א'-ג'

(א) אִם־בַּמְחֻתָּר תִּמְצָא הַגֵּנֵב וְהִכָּה  
וְמָת אִין לוֹ דְּמִים: (ב) אִם־זָרְתָה  
הַשֶּׁמֶשׁ עָלָיו דְּמִים לוֹ שְׁלָם יְשָׁלָם אִם־  
אִין לוֹ וְנִמְכָר בַּגֵּנֵבְתּוֹ: (ג) אִם־הִמְצָא  
תִּמְצָא כִּידָא הַגֵּנֵבָה מִשּׁוּר עַד־חֲמוֹר  
עַד־שָׂה חַיִּים שְׁנַיִם יְשָׁלָם: {ס}

## 9: Existential freedom

### Erich Fromm, *Escape from Freedom*:

It is the thesis of this book that modern man, freed from the bonds of pre-individualistic society, which simultaneously gave him security and limited him, has not gained freedom in the positive sense of the realization of his individual self; that is, the expression of his intellectual, emotional and sensuous potentialities. Freedom, though it has bought him independence and rationality, has made him isolated and thereby, anxious and powerless. This isolation is unbearable and the alternatives he is confronted with are either to escape from the burden of his freedom into new dependencies and submission, or to advance to the full realization of positive freedom which is based upon the uniqueness and individuality of man.

### Midrash Tanchuma, Ki Tisa 16:6

(6) *Graven upon the tablets* (ibid.). What is meant by *harut* (“graven”)? R. Judah, R. Nehemiah, and the sages discussed it. R. Judah said it means freedom (*herut*) from domination by foreign kingdoms. R. Nehemiah was of the opinion that it means freedom from the angel of death. While the sages contended that it means freedom from suffering. R. Eliezer the son of R. Yosé the Galilean stated: If the angel of death should come to the Holy One, blessed be He, and say: “You created me for naught in this world,” the Holy One, blessed be he would answer him: I have given you dominion over all the nations of the world except this one, to which I have granted freedom (*herut*) because of the tablets. How do we know that this is so? Because it is written: *I said: Ye are godlike beings, and all of you sons of the Most High, but since you have behaved evilly you shall die like men* (Ps. 82:6–7).