

THE “LAW OF THE LAND” IN THE LAND OF LAGIDES:  
A COMPARATIVE ANALYSIS OF EXODUS 21.1-32

by

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ABSTRACT

The Greek translation of the book of Exodus has long been recognized as an outlier when it comes to the general rigidity and stereotypical translation practices found in other books within the LXX corpus. The general freedom exhibited by the translator, though expressed within careful limits, is well-documented when it comes to grammatical, syntactical, and lexicographical evaluations. This thesis, while engaging in the descriptive analysis of these topics, is also directed towards a new type of synthesis: a comparison of the translation with Ptolemaic legal norms. It is due to the idiosyncrasies and anomalies arising from a translation-technical analysis that the question is asked, “Could these differences be accounted for by consulting Greek legal and societal standards?” With respect to Exodus 21.1-32, the answer in many cases is a cautious, “Yes.” This study delineates and demarcates these potential influences on a verse by verse basis after briefly identifying the broader legal structures and forces at play in Ptolemaic Egypt.

## SIGLA AND ABBREVIATIONS

### Sigla

1 <sup>o</sup> , 2 <sup>o</sup> , etc.	the first appearance, second appearance, etc.
2x, 3x, etc.	item appears two or three times in a verse, etc., contingent upon the numeral preceding x. Usually marked in brackets.
*	indicates that the following sentence has been composed by the author and is not reflected in any source materials.
[ ]	contained letter(s) or word(s) are not found in the given manuscript

### Abbreviations

fr.	fragment
Gen	translator of Greek Genesis
Ex	translator of Greek Exodus
Lev	translator of Greek Leviticus
Dt	translator of Greek Deuteronomy

### Text Abbreviations

Abbreviations for papyri are in accordance with the designations found online at <http://library.duke.edu/rubenstein/scriptorium/papyrus/texts/clist.html>.  
All papyri cited are from Egypt, unless otherwise stated.

Literary sources are cited and abbreviated based on the titling found online at <http://stephanus.tlg.uci.edu/>

The following abbreviations are used for major contributing sources:

MT	Masoretic Text, as found in <i>Biblia Hebraica Stuttgartensia</i>
BHS	<i>Biblia Hebraica Stuttgartensia</i> (Electronic ed.; Stuttgart: German Bible Society, 2003)
LSJ	Henry George Liddell, Robert Scott, Henry Stuart Jones, and Roderick McKenzie, <i>The Online Liddell-Scott-Jones Greek-English Lexicon</i> (Irvine: University of California, 2011), online at <a href="http://www.tlg.uci.edu/ljsj">http://www.tlg.uci.edu/ljsj</a>
TLG	Thesaurus Linguae Graecae® Digital Library, ed. Maria C. Pantelia (University of California) online at <a href="http://www.tlg.uci.edu">http://www.tlg.uci.edu</a>
SamP	Samaritan Pentateuch, as found in August Freiherrn von Gall, <i>Der Hebräische Pentateuch der Samaritaner</i> (Berlin: Alfred Töpelmann, 1966).
NT	New Testament

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## CHAPTER 1: INTRODUCTION

### 1.1. Statement of Purpose

The primary purpose of this study is to evaluate the translation technique evidenced in Greek Exodus 21.1-32. The goal is to contribute to a longstanding debate having to do with the divide in Septuagint studies regarding interpretive influence. On the one hand, certain groups link the parent Hebrew text to the Greek source text with a measure of restraint with regard to any claims that the Greek translator has ‘done away’ with the Hebrew meaning and instead adopted a new interpretive lens.<sup>1</sup> On the other hand, some are more inclined to see frequent and expansive departures from the parent text as the norm rather than the exception.<sup>2</sup> The research presented in this work aims to walk the line between these two approaches and not to presuppose either as the appropriate paradigm to approach the text.<sup>3</sup> The goal is to accept the Greek translation as the product of a conscientious attempt to represent the Hebrew source text, while at the same time reading the translation in the light of contemporaneous cultural mores. If there happen to be resonances between the two, these aspects of the text will be explored in hopes of gaining new perspectives on a section of Greek Exodus that has seldom been the subject of careful study on its own merits.

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<sup>1</sup> For examples of this approach see Cameron Boyd-Taylor, *Reading Between the Lines: The Interlinear Paradigm for Septuagint Studies* (Leuven: Peeters, 2011); Claude E. Cox, “Schaper’s *Eschatology* Meets Kraus’s *Theology of the Psalms*,” in *The Old Greek Psalter Studies in Honour of Albert Pietersma* (eds. Robert J. V. Hiebert, Claude E. Cox, and Peter J. Gentry; Sheffield: Sheffield Academic, 2001), 289-311; Harry Meyer Orlinsky, “Studies in the Septuagint of the book of Job [Pt 4.1],” *Hebrew Union College Annual* 32 (1961): 239-268; idem., “Studies in the Septuagint I Book of Job,” *Journal Of Biblical Literature* 67, no. 4 (December 1948): 381-390; and Albert Pietersma, “Exegesis in the Septuagint: Possibilities and Limits (The Psalter as a Case in Point),” in *Septuagint Research* (eds. W. Kraus and R. G. Wooden; Atlanta: SBL, 2006), 33-46.

<sup>2</sup> Examples of this approach can be found in Donald H. Gard, “The Concept of the Future Life according to the Greek Translator of the Book of Job,” *Journal Of Biblical Literature* 73, no. 3 (September 1954): 137-143; idem., *The Exegetical Method of the Greek Translator of the Book of Job* (Philadelphia: Society of Biblical Literature, 1952); Henry S. Gehman, “The Theological Approach of the Greek Translator of Job 1-15,” *Journal Of Biblical Literature* 68, no. 3 (1949): 231-240; Gillis Gerleman, *Studies in the Septuagint* (Lund: Gleerup, 1946); and Joachim Schaper, *Eschatology in the Greek Psalter* (WUNT 2.76: Tübingen: Mohr Siebeck, 1995).

<sup>3</sup> A similar approach can be found in Bénédicte Lemmelijn, *A Plague of Texts? A Text-Critical Study of the So-Called ‘Plagues Narrative’ in Exodus 7:14–11:10* (OTS 56; Leiden: Brill, 2009); John William Wevers, *Notes on the Greek Text of Exodus* (Atlanta: Scholars Press, 2013); idem., *Text History of the Greek Exodus* (Göttingen: Vandenhoeck & Ruprecht, 1992).

Where evidence points to a different Hebrew *Vorlage* than the MT behind the Greek translation, or when the translator may have read the consonantal text differently than the pointed MT, these factors will be taken into consideration. This study will involve a verse-by-verse analysis of the above-mentioned passage in Exodus with a view to elucidating the intentions and incentives of the translator and the translation technique employed in rendering this text.

### **1.2. Statement of Research Question**

There is one question that underlies the entirety of this project: What accounts for the idiosyncrasies that appear when the text of the Greek translation of Exodus is compared with corresponding MT Hebrew text of Exodus 21.1-32? From this question two more emerge: 1) Are there linguistic answers to the apparent differences between the source and target texts? 2) Can the discrepancies be explained by ‘outside influences,’ particularly Ptolemaic legal norms, given that Exodus 21 is itself a legal text?

### **1.3. Statement of Method**

There are two methodological components of this project. The first will involve the comparison and contrast between each Greek lexeme and syntactical structure and its Hebrew counterpart<sup>4</sup> in Exodus 21.1-32. Furthermore, these Greek terms and constructions will be investigated elsewhere in Exodus where there are different underlying Hebrew equivalents. It goes without saying that these are the first steps in any thorough translation-technical analysis. Differences between the Greek and Hebrew may be due, in the first place, to a non-MT *Vorlage* or to dissimilar modes of expression in the two languages, whether syntactical or

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<sup>4</sup> This will include all the derivatives of a given Hebrew or Greek root.



idiomatic/conceptual.<sup>5</sup> The work in this phase of analysis is detailed, and will therefore only be documented in the thesis when it is key to the argument.

The second aspect of this project will involve the comparison of the casuistic and apodictic laws of the Covenant Code with the Ptolemaic legal regulations found in the literary and papyrological documentary sources. Since not much work has heretofore been done along these lines, it is hoped that the research associated with the present thesis will shed new light on the context out of which this Greek translation arose. The above-mentioned comparison will not be restricted to actual rules and guidelines (or what we know or can infer regarding them), but will also include consideration of the categories of law that existed (e.g., royal, civil, native),<sup>6</sup> as well as of the actual forms and syntactical speech patterns in the laws. In addition to this, Ptolemaic cultural norms which may not actually have been codified in legislation will also be investigated. If no Ptolemaic documentation is available, then in certain instances the sources prior to that period will be consulted. In addition, this aspect of the present study will delineate, where applicable, not only the convergences involving, but also the divergences between the Septuagint text and Ptolemaic legislation.<sup>7</sup>

It should also be noted that there is, in many cases, overlap in the two aspects of this investigation. Often different motives and reasons for a translation choice might be suggested.

This project will examine only Exodus 21.1-32. This limitation is in part arbitrary, but it also finds its rationale in the decision to deal with the laws that specifically deal with persons (free and slave). Exodus 21.33 begins a section on animal laws. Covering that topic would

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<sup>5</sup> This study refrains from using the term “literal” when referring to a translation choice, since “literalness” exists on a spectrum and the term is used very differently by various commentators. For an exploration of this topic, see James Barr, *The Typology of Literalism in Ancient Biblical Translations* (MSU XV; Göttingen: Vandenhoeck & Ruprecht, 1979).

<sup>6</sup> See 3.1.

<sup>7</sup> These differences are, of course, in large part due to the constraint of a source text on Ex’s behalf.

require another branch of research, which would require going beyond the prescribed length for a thesis of this kind. Moreover, the formal start of what is called the Covenant Code is 21.1,<sup>8</sup> and it is the central section in Greek Exodus containing casuistic laws.

The primary source texts used are those contained in *BHS*<sup>9</sup> and in the Göttingen edition of Exodus.<sup>10</sup> These editions will be assumed to contain the original text unless otherwise noted.

English translations of papyrological and literary sources are not included in citations which only aim to demonstrate the presence of a particular grammatical construction. When an argument is based on the precise definition of a citation's lexical and syntactic information, a translation is given.

While some reference will be made to the Greek version of the Tabernacle Account (in Exodus 35-40 usually involving Greek grammatical or lexical information), little effort will be devoted to establishing the relationship between the Hebrew and Greek texts in that portion of the book.<sup>11</sup> Understanding that relationship is a project in and of itself, and that being the case, no significant argument will be based on that section of Exodus. Where verse numbering differs between the standard Greek and Hebrew editions, the Hebrew number will be cited first, followed by the Greek number in parentheses.<sup>12</sup>

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<sup>8</sup> Cf. John I. Durham, *Word Biblical Commentary: Volume 3, Exodus* (Waco: Word Books, 1986), 317. Some scholars think it begins at 20.23 (e.g., David P. Wright, "The Origin, Development, and Context of the Covenant Code [Exodus 20:23-23:19]," in *The Book of Exodus: Composition, Reception, and Interpretation*, [ed. Thomas B. Dozeman, Craig A. Evans, and Joel N. Lohr; SVT 164; Leiden: Brill, 2014], 220-224, here 221).

<sup>9</sup> *Biblia Hebraica Stuttgartensia: SESB Version* (Electronic ed; Stuttgart: German Bible Society, 2003)

<sup>10</sup> John William Wevers, ed., *Exodus*, vol. 2, *Vetus Testamentum Graecum* (Auctoritate Academiae Scientiarum Gottingensis Editum; Göttingen: Vandenhoeck & Ruprecht, 1991).

<sup>11</sup> For specific work on this problem see Martha Lynn Wade, *Consistency of Translation Techniques in the Tabernacle Accounts of Exodus in the Old Greek* (Atlanta: Society of Biblical Literature, 2003) and Wevers, *Text History*, 117-146.

<sup>12</sup> Logos Bible Software has provided the correlations between which particular Hebrew verse matches with its respective Greek counterpart.

#### 1.4. Justification for Commentary Method

The methodology described in the previous section presupposes a conviction on which not all Septuagint scholars agree. This conviction is that the translator's original intent and purpose in translating the text can only be discerned by examining both the Hebrew and the Greek texts. In other words, analysing the text-linguistic relationship between the source and target texts is the only way to know what the translator was intending to accomplish in the translation. An alternative method is to read the Greek text as a document in and of itself, without any recourse to the ostensible Hebrew source text. These two approaches to discerning the meaning of a text have been differentiated on the basis of their respective focuses on the "text as produced" and the "text as received."<sup>13</sup> This thesis is based on the former methodological approach, since it is considered to be the only way of accessing the thought process behind each translation choice. While commenting on the Septuagint text as though it is a strictly Greek composition is the method of some commentators,<sup>14</sup> such an approach downplays the possibility of interference from the Hebrew source text. Source text interference has the potential to stifle colloquial Greek expression, or even to create Greek expressions that are byproducts only of a formal representation of the Hebrew text and not of the translator's intent to formulate a Greek idiom.<sup>15</sup> For this reason, the meaning of the translation must be bound to the interaction between the translator and the Hebrew text, since a host of factors could be the reason for each translation choice. This thesis analyses those factors in its investigation of Exodus 21.1-32.

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<sup>13</sup> These labels are found in Albert Pietersma and Benjamin G. Wright, "To the Reader of NETS," in *A New English Translation of the Septuagint and the Other Greek Translations Traditionally Included under That Title* (ed. Albert Pietersma and Benjamin G. Wright; Oxford: Oxford University Press, 2007), xiii-xx, here xvi-xviii; cf. the principles for Septuagint commentary found at "A Prospectus for a Commentary on the Septuagint" at <http://ccat.sas.upenn.edu/nets/principles.html> (accessed March 5, 2018).

<sup>14</sup> E.g., Daniel M Gurtner, *Exodus: A Commentary on the Greek Text of Codex Vaticanus* (Leiden: Brill, 2013), and, to a degree, Alain Le Boulluec, and P. Sandevor, *La Bible D'Alexandrie: L'Exode* (Paris: Cerf, 1989).

<sup>15</sup> For a case in point with respect to the problem of reading the text only at the Greek level, see Pietersma, "Exegesis in the Septuagint."

## 1.5. Literature Survey

A challenging aspect of doing research for this project was finding any resources with which to compare the data. As it stands, there are only a few commentaries on Greek Exodus.<sup>16</sup> More detailed analyses exist with respect to the particularities of the Greek Pentateuch, but no detailed work has been done in Greek Exodus 21 (or the Covenant Code for that matter).<sup>17</sup> The present study interacts with those materials that inform an understanding of Exodus 21. This thesis therefore makes a contribution toward a thorough and comprehensive evaluation of the text. For the conclusions here to be bolstered, a study would need to be extended to the end of the Covenant Code (23.19) and include as well a look at the Decalogue and its surrounding materials. In addition to this, other laws that appear elsewhere in the books of the Pentateuch would need to be investigated.

Septuagint scholars are generally agreed that the Greek Pentateuch is a product of Alexandrian Egypt in the middle of the third century BCE.<sup>18</sup> The present study is predicated on that assumption.

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<sup>16</sup> E.g., Le Boulluec and Sandevior, *L'Exode*; Zacharias Frankel, *Ueber den Einfluss der palästinischen Exegese auf die alexandrinische Hermeneutik* (Leipzig: J. A. Barth, 1851); idem., *Vorstudien Zu Der Septuaginta* (reprint; Nabu Press, 2012); Gurtner, *Exodus*; Larry J. Perkins, "Exodus: To the Reader," in *A New English Translation of the Septuagint and the Other Greek Translations Traditionally Included under That Title* (ed. Albert Pietersma and Benjamin G. Wright; Oxford: Oxford University Press, 2007), 43-51; John Srenock, *Traductor Scriptor: The Old Greek Translation of Exodus 1-14 As Scribal Activity* (Leiden: Brill, 2017); Wevers, *Notes*; idem., *Text History*.

<sup>17</sup> To this author's knowledge. See e.g., Anneli Aejmelaeus, *Parataxis in the Septuagint: A Study of the Renderings of the Hebrew Coordinate Clauses in the Greek Pentateuch* (Helsinki: Suomalainen Tiedekatemia, 1982); idem., "The Significance of Clause Connectors in the Syntactical and Translation-Technical Study of the Septuagint," in *On the Trail of the Septuagint Translators: Collected Essays* (Rev. ed.; CBET 50; Leuven: Peeters, 2007), 44-57; T. V. Evans, *Verbal Syntax in the Greek Pentateuch: Natural Greek Usage and Hebrew Interference* (Oxford: Oxford, 2001); Leonard J. Greenspoon, "Textual and Translation Issues in Greek Exodus" in *The Book of Exodus: Composition, Reception, and Interpretation*, ed. Thomas B. Dozeman, Craig A. Evans, and Joel N. Lohr (SVT 164; Leiden: Brill, 2014), 322-348; John A. L. Lee, *A Lexical Study of the Septuagint Version of the Pentateuch* (Chico: Scholars Press, 1983); Raija Sollamo, *Repetition of the Possessive Pronouns in the Septuagint* (Atlanta, Ga: Scholars Press, 1995); James Sterenberg, "The Use of Conditional Sentences in the Alexandrian Version of the Pentateuch" (PhD diss., University of Munich, 1908); Anwar Tjen, *On Conditionals in the Greek Pentateuch: A Study of Translation Syntax* (New York: T & T Clark International, 2010); John Zhu-En Wee, "Hebrew Syntax in the Organization of Laws and its Adaptation in the Septuagint," *Biblica* 85, no. 4 (2004): 523-544; more broadly, Takamitsu Muraoka, *A Syntax of Septuagint Greek* (Leuven: Peeters, 2016); Emmanuel Tov, *The Text-Critical Use of the Septuagint in Biblical Research* (Jerusalem: Simor, 1981).

<sup>18</sup> Cf. e.g., James K. Aitken, *The T & T Clark Companion to the Septuagint* (London: Bloomsbury, 2015), 3; Jennifer M. Dines, and Michael A. Knibb, *The Septuagint* (London: T & T Clark, 2005), 41-44; Peter Marshall Fraser, *Ptolemaic*

There have been few comprehensive studies on Ptolemaic law. Research for this thesis has included investigations of journal articles on judicial papyri,<sup>19</sup> and of the seminal and detailed work of Raphael Taubenschlag.<sup>20</sup> His monograph provides the only synthetic analysis of all the papyri that have been published in English.<sup>21</sup> For the most part, there is a consensus among scholars regarding norms that are documented in the papyri. These include the protocols regarding legal inquiry and judicial process, the hierarchy of various legal authorities, the kinds of laws in existence, and the content of these laws. When there is debate or uncertainty regarding these matters, references will be made to the varying perspectives.

## CHAPTER 2: PTOLEMAIC EGYPT: LEGAL SOURCES & INFLUENCES

### 2.1. Introduction

The translation of Exodus did not occur in a vacuum. The life setting in which the book was translated was very different from the original context out of which the Hebrew law emerged. In certain periods of time in ancient Israel, its citizens lived in relative independence from foreign powers. In Ptolemaic Egypt, the Jewish population was under the authority of the Lagides. In the discussion that follows, the Ptolemaic legal traditions will be described and then a brief comparison between them and the laws in Exodus will be made. This will provide background for some of the discussion that will appear in chapter 4 of this thesis. On this basis it will be argued that the evidence suggests that Egyptian Jews in the third century BCE were full participants in these Graeco-Egyptian legal traditions. These conclusions will serve to buttress

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*Alexandria: Volume 1* (2 vol.; Oxford: Clarendon Press, 2001), 689; Natalio Fernández Marcos, *The Septuagint in Context: Introduction to the Greek Version of the Bible* (Boston: Brill Academic, 2001), 40; H. J. Thackeray, *The Septuagint and Jewish Worship: A Study in Origins* (Eugene: Wipf & Stock, 2006), 9-15; Henry Barclay Swete, H. J. Thackeray, and Richard Rusden Ottley, *An Introduction to the Old Testament in Greek* (Cambridge: Cambridge University Press, 1914), 9-28.

<sup>19</sup> Noted throughout the study.

<sup>20</sup> Raphael Taubenschlag, *Law of Greco-Roman Egypt in the Light of the Papyri 332 BC - 640 AD* (Milano: Cisalpino-Goliardica, 1972). Where others disagree with Taubenschlag's results, this study aims to note these differences.

<sup>21</sup> Papyri available after the publication of his work are included in this thesis and are interpreted with the help of other papyrological scholars.

the commentary that ensues in which it will be argued that there is evidence for some Ptolemaic legal influence on the legislation that is found in Septuagint Exodus 21.

## 2.2. Law in Ptolemaic Egypt

There were essentially three sources of influence when it came to Alexandrian and Ptolemaic law. First, before the Ptolemaic period, Egypt had its own indigenous legal tradition, and even after the political regimes of both the Persians and Ptolemies, these laws “were not substantially altered.”<sup>22</sup> Most of the populace was subject to them.<sup>23</sup> Second, as was typical for a Greek city, Ptolemaic municipalities established their own laws.<sup>24</sup> Third, there were διαγράμματα (general edicts) and προστάγματα (special topic ordinances) that were issued by the king, which *superseded and overrode* the other two types of authority.<sup>25</sup> Rulers had this power because “the Ptolemaic king was the sole source of law in the country,” and, “every other law...could be acknowledged as such only by the goodwill and the permission of the king.”<sup>26</sup> The διαγράμματα and προστάγματα were so all-encompassing with respect to Greek law that they covered everything from slavery to the process and rules associated with capital punishment.<sup>27</sup> In situations in which none of these legal jurisdictions had an applicable law “the decision was left to judicial

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<sup>22</sup> Fraser, *Ptolemaic*, 107; J. Modrzejewski, “La Règle de Droit dans L’Egypte Ptolemaïque (Etat des questions et perspectives de recherches),” in *American Studies in Papyrology, Vol. 1, Essays in Honor of C. Bradford Wells* (New Haven: The American Society of Papyrologists, 1966), 139; Taubenschlag, *Law of Greco-Roman*, 2, 7-8, 27; Dorothy J. Thompson, “Literacy and Power in Ptolemaic Egypt,” in *Literacy and Power in the Ancient World*, ed. Bowman, Alan K., and Greg Woolf (Cambridge: Cambridge University Press, 2009), 67-83, here 80-81; more evidence for this is seen in the ineptitude of Egyptian scribes to write in Greek in the first half of the 3<sup>rd</sup> century, showing that Greek life and law was *slowly* taking over (see *ibid.*, 74-75).

<sup>23</sup> Fraser, *Ptolemaic*, vol. 1, 107.

<sup>24</sup> *Ibid.*, 107; Taubenschlag, *Law of Greco-Roman*, 9-11.

<sup>25</sup> Fraser, *Ptolemaic*, vol. 1, 107; Taubenschlag, *Law of Greco-Roman*, 12-14; see P. Lille 29, 1. 10ff. (257 BCE) and P. Gurob 2. 42 for this correcting documented; cf. J. Modrzejewski, “La Règle de Droit,” 130.

<sup>26</sup> Victor Tcherikover, Alexander Fuks, David M. Lewis, and Menahem Stern, eds. *Corpus Papyrorum Judaicarum*, vol. 1 (3 vol; Cambridge: Harvard University Press, 1957), 5-6.

<sup>27</sup> Taubenschlag, *Law of Greco-Roman*, 14; M. Rostovtzeff, “Ptolemaic Egypt,” in *The Cambridge Ancient History*, vol. 7, ed. F. W. Walbank (12 vol; Cambridge: Cambridge University Press, 1984), 119.

discretion.”<sup>28</sup> The order of authority was, therefore, royal decree, civic law, judicial arbitration.<sup>29</sup> Ptolemaic and Alexandrian law was also influenced by Athenian law as well as by the legal traditions of other Greek cities.<sup>30</sup>

### 2.3. Jewish Ptolemaic Legal Recourse

If this was the state of legal administration for all of Ptolemaic Egypt, were the Jews somehow exempt? Did they live in a separate world according to Mosaic legislation? Probably not. The degree to which even the most privileged Jews had legal freedom was probably only in spheres such as “religion, matrimony, and national customs.”<sup>31</sup> Even if the Jews could abide by Mosaic law in some instances, “in criminal cases...where members of various nationalities were involved, it was the Greek law that exclusively applied.”<sup>32</sup>

If the Egyptian Jews used Torah in their legal dealings, the papyri are “rather disappointing” in demonstrating this.<sup>33</sup> Instead, they “contain rich evidence of Jews using freely the common Hellenistic law.”<sup>34</sup> Jewish legal documents included a prescript with the title of deified Ptolemaic kings.<sup>35</sup> Jews had Ptolemaic notary offices draw up forms.<sup>36</sup> The court to which Jews most often brought legal disputes was Greek.<sup>37</sup> Victor Tcherikover sums up the situation: “If the contract, the office, the court, were Greek, so were the laws and regulations, and thus we are

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<sup>28</sup> Taubenschlag, *Law of Greco-Roman*, 14.

<sup>29</sup> Joseph M. Modrzejewski, and Robert Cornman, *The Jews of Egypt: From Rameses II to Emperor Hadrian* (Princeton: Princeton University Press, 1997), 107-108.

<sup>30</sup> Fraser, *Ptolemaic*, vol. 1, 110-112; Modrzejewski, “La Règle de Droit,” 134; Taubenschlag, *Law of Greco-Roman*, 8-9.

<sup>31</sup> Aryeh Kasher, *The Jews in Hellenistic and Roman Egypt: The Struggle for Equal Rights* (Tübingen: J.C.B. Mohr, 1985), 32; for an even more cautious approach see Hans Julius Wolff, “Law in Ptolemaic Egypt,” in *Essays in Honor of C. Bradford Wells* (New Haven: The American Society of Papyrologists, 1966), 67-77, here 68.

<sup>32</sup> Taubenschlag, *Law of Greco-Roman*, 20; Wolff, “Law in Ptolemaic Egypt,” 75-76, claims that juristic officials could hold multiple laws side by side, and base their decision on that which is most fitting.

<sup>33</sup> Tcherikover et al., *Corpus*, 33.

<sup>34</sup> Ibid.; idem., *Hellenistic Civilization and the Jews* (Philadelphia: Jewish Publication Society of America, 1959), 349.

<sup>35</sup> P. Hib. 96 (260 BCE); P. Tebt. 820 (201 BCE); P. Tebt. 817 (182 BCE); P. Tebt. 818 (174 BCE).

<sup>36</sup> P. Tebt. 817 (182 BCE); P. Freib. 12b (172 BCE).

<sup>37</sup> Tcherikover et al., *Corpus*, 33; P. Petr. 3.21g (226 BCE), notably, the Jewess brings a πρόσταγμα to the court for the ruling (line 8).

faced with the likelihood that Egyptian Jews lived not according to the precepts of the Bible but according to the principles of Hellenistic common law.”<sup>38</sup> The papyri even provide evidence that some Jews lent at an interest rate of 24% when Ex. 22.24(25)/Dt. 23.20 prohibit the charging of interest to fellow Israelites.<sup>39</sup> The reason for this kind of evidence of Jewish adherence to Hellenistic law in Egypt was probably due to the strong influence of Hellenistic culture in general, to weak social structures within the Jews communities,<sup>40</sup> and to the fact that certain laws were absolutely binding on the entire population (e.g., slave registration; see 3.3.6.2.5.).

The only early<sup>41</sup> reference to Jewish law is P. Enteux. 23. 3-4 (218 BCE), which mentions [τὸν νόμον πολιτικὸν τῶν Ἰουδαίων].<sup>42</sup> The function of this law in that society is uncertain, and any references to specific legal matters that it may have included have been lost because of the fragmentary state of this papyrus.<sup>43</sup>

All of this suggests that the Egyptian Jews adopted Greek law into their lives. This point provides context for the investigation that follows. If Ex adjusts some of the casuistic laws in the Hebrew source text of ch. 21 to fit with Ptolemaic legal norms, those changes may only reflect the codification of what was already commonplace. Moreover, the temptation to alter the text to fit with these already prevailing standards would be effectively understandable. Such changes to the text could reflect the translator’s purpose in translating these laws, namely, to create a less

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<sup>38</sup> Ibid., 34; idem., *Hellenistic Civilization*, 348-350; cf. Martin Hengel, *Jews, Greeks, and Barbarians: Aspects of the Hellenization of Judaism in the Pre-Christian Period* (Philadelphia: Fortress Press, 1980), 90.

<sup>39</sup> P. Tebt. 815, fr. 2, recto, 2. 17-22 (228 BCE); P. Tebt. 818 (174 BCE); Tcherikover et al., *Corpus*, 35; idem., *Hellenistic Civilization*, 350; Modrzejewski, *The Jews*, 114-119.

<sup>40</sup> Tcherikover et al., *Corpus*, 9; idem., *Hellenistic Civilization*, 302.

<sup>41</sup> This is the only reference in the third century. P. Pol. Iud. contains references in the second century: see Rob Kugler, “Uncovering Echoes of LXX Legal Norms in Hellenistic Egyptian Documentary Papyri: The Case of the Second-Century Herakleopolite Nome” in *XIV Congress of the International Organization for Septuagint and Cognate Studies* (ed. Melvin K. H. Peters; Helsinki, 2010), 142-153, and Sylvie Honigman, *The Septuagint and Homeric Scholarship in Alexandria A Study in the Narrative of the Letter of Aristeas* (London: Routledge, 2012), 109-111.

<sup>42</sup> For the ongoing debate on this phrase see ibid., 111; Modrzejewski, *The Jews*, 111; Taubenschlag, *Law of Greco-Roman*, 608; Tcherikover et al., *Corpus*, 36; idem., *Hellenistic Civilization*, 303. For the alternative reading “[πρὸς τὸ ἀρχεῖον πολιτικὸν...”, see Kasher, *The Jews*, 150 and Tcherikover’s comments in *Corpus*, 36.

<sup>43</sup> As an aside, Ex. 21.10 is the same subject as the petition and would fit in the lacunae well.



‘frictional’ set of regulations in relation to Graeco-Egyptian laws so that the Jewish legal traditions could be welcomed for their own use within the society at large. This assumes, of course, that the Jews would be able to use their own law in legal situations in the Ptolemaic context. Perhaps this translation was one of the first steps in the process to do just that. Another purpose for the changes could be more philosophical. Perhaps the unification of the legal traditions would have garnered more respect from the Hellenistic world at large, which would help the Jewish population to ‘fit in’ to that society with less controversy.

## 2.4. The Royal Decrees and Greek Exodus

### 2.4.1. Royal Decrees: *διάγραμμα* and *πρόσταγμα*

We return to the two highest forms of legal authority in Ptolemaic Egypt: the *διάγραμμα* and the *πρόσταγμα*.

The *διαγράμματα* were probably published yearly and consisted of two sorts: “Those dealing with the courts, especially those defining the methods of execution upon property; and those of an economic character, dealing with the relations between officials and subjects.”<sup>44</sup> Tcherikover describes a *διάγραμμα* as “a proclamation of the king regulating some juridicial or administrative question *on a grand scale*.”<sup>45</sup> William Westermann lists the known *διαγράμματα* and it is evident that they cover issues that have very little to do with the more personal and interrelational matters found in Ex.<sup>46</sup> This is not so with the other form of royal decree, the *πρόσταγμα*.

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<sup>44</sup> William Linn Westermann, *Upon Slavery in Ptolemaic Egypt* (New York: Columbia University Press, 1929), 31-32. Westermann suggests the annual dissemination of this kind of decree. Cf. Friedrich Bechtel, Otto Kern, Karl Praechter, Carl Robert, Ernst von Stern, Ulrich Wilcken, and Georg Wissowa, *Dikaionata: Auszüge aus alexandrinischen Gesetzen und Verordnungen in einem Papyrus des Philologischen Seminars der Universität Halle (Pap. Hal. 1): mit einem Anhang weiterer Papyri derselben Sammlung* (Milano: Cisalpino-Goliardica, 1972), 42, for more on the function of the *διαγράμματα*.

<sup>45</sup> Tcherikover et al., *Corpus*, 164, emphasis mine.

<sup>46</sup> *Upon Slavery*, 30-33, notes examples about court proceedings, broad economic structures, land execution, and rules for officials.

The word *πρόσταγμα* is a specific legal term for “royal decree” that came to be used in the Ptolemaic legal sense in about 286 BCE in the reign of Philadelphus.<sup>47</sup> It continued to be employed in this specific royal sense into the Roman era.<sup>48</sup> In contrast to the *διάγραμμα*, the *πρόσταγμα* could refer to individual matters as well as to general issues.<sup>49</sup> The *πρόσταγμα* could also be epistolary or non-epistolary in form.<sup>50</sup> In these royal decrees, when casuistic legal forms are employed, the protasis is almost always a third class conditional sentence with *ἐάν* + a verb in the subjunctive mood, and the apodosis can contain either the imperative,<sup>51</sup> the infinitive<sup>52</sup> or the indicative future forms.<sup>53</sup> The infinitive is often used alongside the imperative or the future, *but not the future with the imperative*.<sup>54</sup> When this syntactical norm is compared to what is conventional in the articulation of a city law, there is one big difference: in a city law the jussive, otherwise known as the third person imperative (e.g., *θανατούσθω*),<sup>55</sup> is employed in the apodosis. The primary documentary source for Alexandrian city law is Papyrus Halensis. This document represents part of the city civil code<sup>56</sup> and is the “only really extensive selection from the Alexandrian city laws.”<sup>57</sup> In *every single* casuistic conditional, the apodosis contains a jussive

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<sup>47</sup> Wolff, “Law in Ptolemaic Egypt,” 69; however, see Rostovtzeff, “Ptolemaic Egypt,” 127, who dates the related *διάγραμμα* to the very end of the 4<sup>th</sup> century under Soter. Le Boulluec and Sandevor, *L'Exode*, 43, also comment that this term is specific with respect to Ptolemaic governance.

<sup>48</sup> Cf. Józef Modrzejewski, “The *πρόσταγμα* in the Papyri,” *Journal of Juristic Papyri* 5 (1951): 187-206, here 201.

<sup>49</sup> Cf. *ibid.*, 196-197.

<sup>50</sup> *Ibid.*, 187; Betsch et al, *Dikaionomata*, 43. This is important for the argumentation in 3.2.1.

<sup>51</sup> E.g., P. Petr. 3. 20, 4. 7-10 (first half of 3<sup>rd</sup> BCE); P. Hal. 1, 8. 166-185 (259 BCE).

<sup>52</sup> E.g., BGU 4 1185 (60-61 BCE).

<sup>53</sup> P. Hibeh 2, 1. 37, 48; P. Amh. 2 29. 3, 8, 12 (262/261 BCE); See Betsch et al, *Dikaionomata*, 44 for these syntactical forms. This thesis does not discuss things like contracts which do not govern the people, and which also do not seem to have stable rules like these; cf. P. Tebt. 3.1 815, fr. 6, r3. 58ff. (3<sup>rd</sup> BCE).

<sup>54</sup> Cf. Westermann, *Upon Slavery*, 34; Gerhard Plaumann, and Otto Gradenwitz, *Griechische papyri der Sammlung Gradenwitz* (Heidelberg: C. Winter, 1978), 20; as to the actual meaning of this distinction, Westermann's comments are apt: “hard and fast rules cannot as yet be made regarding the forms of speech employed in *diagrammata* and laws (*nomoi*)” (*Upon Slavery*, 30). It seems that the infinitive has the same function and meaning as the other apodotic tense form (either future or imperative). Preliminary research suggests that it is used to variegated repetitious syntax, or to express certain phrases in a clearer colloquial manner.

<sup>55</sup> The third person imperative and the jussive will be used synonymously for the remainder of this thesis.

<sup>56</sup> Fraser, *Ptolemaic*, vol. 1, 109; Modrzejewski, “La Règle de Droit,” 131.

<sup>57</sup> Roger S. Bagnall, and Peter Derow, *The Hellenistic Period Historical Sources in Translation* (New York: John Wiley & Sons, 2008), 206.

verb form.<sup>58</sup> This suggests that the future tense in an apodosis was a characteristic of royal decrees and not of city laws. This conclusion must remain tentative, because while we have many royal decrees in the papyri, “the civic laws and institutions of Alexandria and the other Greek cities of Egypt, on the other hand, are poorly known.”<sup>59</sup>

#### **2.4.2. Law in Exodus as a Royal Decree**

The reason for the preceding discussion is that Greek Exodus employs the future tense almost exclusively in its legal materials. This is, no doubt, due to the fact that this legislation is a translation of the Hebrew source text in which the verbal counterpart is typically in the imperfect or prefixed conjugation.<sup>60</sup> At the same time, however, it is fascinating that Greek Exodus articulates a royal law from Israel’s ‘King’ and refers to the constituent directives as *προστάγματα*: Ex. 18.16 translates ואת־תורתיו האלהים את חקי as τὰ προστάγματα τοῦ θεοῦ καὶ τὸν νόμον αὐτοῦ. Note that the second noun is singular in the Greek, which could imply that τὰ προστάγματα are what comprise the totality of τὸν νόμον (cf. 18.20; 20.6).<sup>61</sup> However, in a parallel phrase in v. 20 SamP reads the singular התורה, which suggests that Ex could have had a *Vorlage* in v. 16 with the singular.<sup>62</sup>

Ex also departs from the typical translation of מצות in the Ten Words (20.6) and renders it as τὰ προστάγματα instead of ἐντολαί.<sup>63</sup> Sheldon Blank suggests that there must be some explanation for this.<sup>64</sup> Perhaps Ex uses *προστάγματα* because that term was most closely

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<sup>58</sup> The imperative is not used in these apodoses. From the research done in this study, it has been noted that the imperative is almost never used in the apodosis of casuistic items.

<sup>59</sup> Ibid., 206.

<sup>60</sup> Biblical Hebrew legislation does not have complex conditionals based on genre like Hellenistic Greek law. The imperfect and the *weqatal* forms comprise most apodoses.

<sup>61</sup> Le Boulluec and Sandevor, *L'Exode*, 42, note that πρόσταγμα is a more specific legal term compared to νόμος.

<sup>62</sup> Additionally, Ex includes τὰ προστάγματα τοῦ θεοῦ in v. 20 which reflects a harmonization with v. 16. It is uncertain if this harmonization occurred at the Hebrew or Greek level.

<sup>63</sup> There was, however, a close association with these terms at the time. See Bechtel et al, *Dikaionmata*, 43-44 and P. Tebt. 6. 10, and the references in *ibid.*, 44. Cf. Taubenschlag, *Law of Greco-Roman*, 15.

<sup>64</sup> Sheldon H. Blank, “The LXX renderings of Old Testament Terms for Law,” *Hebrew Union College Annual* 7 (1930): 259-283, here 262.

associated with the general content of the Exodus legal materials and it was considered to provide the appropriate legal framework within which these laws were to be understood. As noted above, the legal genre of Ptolemaic royal decree was new and would so be ubiquitously recognized as the Ptolemies established their law in the land.

Further pursuit of this line of inquiry is a project in and of itself. It is mentioned here because it might point to the form of law that the Septuagint Covenant Code could most resemble in the Ptolemaic Greek context. Furthermore, if the style of laws in Greek Exodus can be considered to be at least analogous in part to Ptolemaic royal decrees, then there may finally be an explanation for the heretofore unexplained apodotic jussives that appear a few times in the text. The presence of these jussives may indicate the positioning of these laws within the realm of civic jurisprudence, rather than within that of royal decree. For more on this see 3.5.2. below and the discussion regarding the formula θανάτῳ θανατούσθω. In addition, the term δικαίωμα, which can denote “decree,” is also common to both Ptolemaic legal and Greek Exodus nomenclature.<sup>65</sup> This connection is discussed at length in 3.2. below.

## CHAPTER 3: COMMENTARY ON EXODUS 21:1-32

### 3.1. Introduction

In a project with as much material to work through as this, one must be selective in regard to what parts of the text will be discussed. While there are many translation-technical aspects of this text that would be worth investigating, this study will focus only on those that have the potential to bring to light Ptolemaic legal influence that may have affected the text-linguistic make-up of the translation. Both linguistic and semantic interference will be noted.

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<sup>65</sup> This lexeme is found in Exodus 15:25-26; 21:1, 9, 31; 24:3. It is discussed in the following chapter.

### 3.2. Verse 1: Heading

Καὶ ταῦτα τὰ δικαιώματα, ἃ παραθήσεις ἐνώπιον αὐτῶν.  
ואלה המשפטים אשר תשים לפניהם

τὰ δικαιώματα. The underlying Hebrew term משפט is rendered variously in Ex.<sup>66</sup> Because of this semantic differentiation, the reader of Ex will not know what Hebrew word was in the source text. In general, משפט can denote anything from “judgement” to “custom” to “right.”<sup>67</sup> The plural משפטים in this casuistic/legal setting can be taken to mean “court decisions” or “legal precedents.”<sup>68</sup> Some opt for a more general translation like “guiding decisions.”<sup>69</sup> Ex’s rendering as δικαιώματα fits the general idea of “legal precedents,” but further discussion is required.

The term δικαιώματα is the counterpart to חק in the singular in 15.25 and the same term in the plural in the following verse (15.26).<sup>70</sup> In 15.25, the counterpart to the singular term משפט is also plural in the Greek (κρίσεις). This pluralization may reflect a desire for conformity with the plural terms in the next verse (מצותיו and חקיו in v. 26). These occur in a non-legal context, and δικαιώματα here seems to mean something like “decrees” based on the situation in which God issues regulations either for the consumption of water discussed just previously (15.24-25) or for the gathering and consumption of “bread from heaven” in the wilderness described in the following chapter. Emanuel Tov includes this denotation in a helpful list of the meanings suggested for δικαίωμα in the LXX:<sup>71</sup>

- 1) Legal right, justification (2 Sam. 19.29); legal case, cause (2 Chr. 6.35; Jer. 18.19)

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<sup>66</sup> κρίσις 15.25; 28.15, 29, 30(2x); δικαίωμα 21.1; 21.9, 21.31, 24.3; κρίμα 23.6; τὸ εἶδος 26.30

<sup>67</sup> Francis Brown, Samuel Rolles Driver, and Charles Augustus Briggs, *Enhanced Brown-Driver-Briggs Hebrew and English Lexicon* (Oxford: Clarendon Press, 1977), 1047; cf. Durham, *Exodus*, 311; J. van der Ploeg, “Šapat et Mišpāt,” *Oudtestamentische Studiën* 2 (1943), 144-155, here 151-155.

<sup>68</sup> William Henry Covici Propp, *Exodus 19-40* (New York: Doubleday, 2006), 185.

<sup>69</sup> Durham, *Exodus*, 311.

<sup>70</sup> It is not at all clear why Ex chose to render this singular verb plural. Blank, “The LXX,” here 270, claims it is “clearly” due to the nouns being collective. That is not entirely discernable in Ex 15, especially since משפט is pluralized and is not a collective in this instance.

<sup>71</sup> Taken from Emanuel Tov, “Greek Words and Hebrew Meanings,” in *The Greek and Hebrew Bible: Collected Essays on the Septuagint* (Leiden: Brill, 1999), 109-128, here 114-115. When Tov writes “= משפט,” he means to indicate that these examples represent the Hebrew meaning and not a meaning in line with any normal definition of δικαίωμα.

- 2) Justice (1 Kgs. 3.28; Prov. 8.20)
  - 3) plural: righteous deeds (Bar. 2.19)
- The following meanings, Tov claims, are attested in the LXX only
- 4) Decree, ordinance, regulation (Gen. 26.5; Ex. 15.25), from God (Lev. 25.18; Num. 36.13)
  - 5) = משפט custom, manner (1 Sam. 27.11; possibly Ex. 21.9; 21.31)
  - 6) = משפט (rightful) due (1 Sam. 2.13)

Tov claims that category 4) is a component of meaning that is attested only in the LXX,<sup>72</sup> though it does seem to be found once in a text by Aristotle (4<sup>th</sup> BCE) who refers to the “decrees/regulations of the Hellenistic cities” (δικαιώματα Ἑλληνίδων πόλεων).<sup>73</sup> Should 21.1, likewise, be translated as “decree,” or “regulation,” or is there evidence suggesting otherwise? The evidence in the papyri suggests that the definitions in that categories 1 and 4 are far more closely related than Tov admits. In fact, they provide an indication that δικαιώματα fits as a translation both here and in 21.1ff.<sup>74</sup>

Before turning to the papyri, the first observation to make is that Ex is drawing on legal terminology that is specific to the Ptolemaic period. The term δικαιώμα, according to Peter Fraser, was not used in Attic legal documents, and he suggests that it therefore became a legal term sometime in the third century.<sup>75</sup> Henry Swete goes so far as to claim that the term is specifically Egyptian and Alexandrian.<sup>76</sup> This means that when δικαιώμα is used in a legal context in Ex, it suggests a narrower definition in accordance with Ptolemaic jurisprudence. Note the following usages of the term:

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<sup>72</sup> Though he admits that the absence of other evidence “may be coincidental”; *ibid.*, 112.

<sup>73</sup> *Fragmenta varia* 8, 46, fr. n. 4. The context strongly suggests this meaning, since the phrase refers to Alexander’s orders for these specific ships to move out to a particular location. However, LSJ, δικαιώμα, b., gloss this instance as “justification, plea of right.”

<sup>74</sup> Like Tov, Le Boulluec and Sandevor, *L’Exode*, 43, comment that the Greek meaning of δικαιώμα nearly does not fit its use in Exodus.

<sup>75</sup> Fraser, *Ptolemaic*, vol. 2, 201.

<sup>76</sup> Swete, *An Introduction*, 292.

- 1 P. Hal. 1.38 (259BCE Alexandrian set of laws)  
τὰ δὲ δικαιώ[μα]τα της δίκης ἐφ' ἧς ἂν τις μαρτυρίας ἐπιλάβη[τα]ι  
The justifications<sup>77</sup> of the legal trial on the basis of which someone might receive  
testimony/legal recourse
- 2 P.Lille 1 29, 1. 25 (3<sup>rd</sup> BCE)  
ἐὰ[[ν]] μὴ ἐκ τῶν τεθέντων δικαιωμάτων δύνωνται κρίνειν.  
If they are not able to decide based on the previously produced justifications.
- 3 UPZ 1 162, 5. 24-25 (2<sup>nd</sup> BCE)  
τὰ τοῦ ἀντιδίκου δικαιώματα  
The justifications of the [legal] opposition

These examples suffice to associate the term δικαίωμα with the legal grounds on which a case could be made within the courtroom. This is Tov's definition 1 above. Yet there is more to be considered.

- 4 P.Gurob 2. 40-41 (226 BC)  
τὸ διάγραμμα ὃ κ[αὶ] παρέδoto ἐν] τοῖς δικαιώμ[α]σιν)...συνσ[τ]ῆσαι καὶ δικάζει[ν]  
The royal decree which [the defendant]<sup>78</sup> embodied<sup>79</sup> in justifications...to establish  
[justice] and to arbitrate

What is essential to grasp here is that the decree is expressed in δικαιώματα.<sup>80</sup> The only difference between a royal decree and its rearrangement for use in the courtroom was the syntactical form in which a lawyer would present the content of the royal decree in. The content of the royal decree remained the same, but the lawyer could draw out the implications of the decree in places where its jurisdiction was not obvious. This is widely acknowledged among the scholars in the field of Graeco-Egyptian legal studies.<sup>81</sup> The reason royal decrees were

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<sup>77</sup> This translation will be used for now. Another recommendation can be found below.

<sup>78</sup> Cf. Fraser, *Ptolemaic*, vol. 2, 198.

<sup>79</sup> see LSJ, παραδίδωμι, I.4. Perhaps "transmitted" would also fit the translation here.

<sup>80</sup> Another example is UPZ 1 162 (2<sup>nd</sup> BCE) col. 3, line 33: included in this compiling of δικαιώματα is the ἀναφορὰν τοῦ βασιλικῆς γραμματέως ("legal recourse of the royal decree"). Le Boulluec and Sandevour, *L'Exode*, 43, note the close association between the royal decree and δικαιώματα.

<sup>81</sup> Cf., e.g., Fraser, *Ptolemaic*, vol. 2, 198-200 for instances of royal laws rearranged into city legislation; see P. Tebt. 5 and Friedrich Bechtel et al, *Dikaionomata*: 44, as well as, 84, lines 124-165 in tandem with Fraser, *Ptolemaic*, vol. 2, 200, for examples of rewritten πρόσταγμα; for all allusions to decrees in the laws see Józef Modrzejewski, "The πρόσταγμα in the Papyri," *Journal of Juristic Papyri* 5 (1951): 187-206, here 190-196. Hélène Cadell, "Vocabulaire de la Législation ptolémaïque: Problème du sens de *dikaïōma* dans le Pentateuque," in Κατὰ τοὺς ὁ: *Selon les Septante; Trent études sur la Bible grecque des*

rearranged like this was because the king’s word was binding.<sup>82</sup> In other words, if the king made a statement, that statement was legally authoritative, and thus, as is, could serve in legal matters.<sup>83</sup> This is why letters of the king are found in the collection of legal materials of Alexandrian lawyers.<sup>84</sup> In Ptolemaic law “δικαιώματα” in court were largely made up of these statements/decrees of various types and forms.<sup>85</sup> The former (“δικαιώματα”) were just barely ‘down stream’ from the latter (“πρόσταγμα/διάγραμμα”). This could suggest of why Ex so easily uses δικαιώματα in both 15.25-26, as well as 21.1ff. It is hard to find an appropriate translation for the term given this connection. Perhaps a translation for δικαίωμα could be, “[legally] binding<sup>86</sup> statement” or “[legally] binding action,” depending on the context, so that the term can fit both the contexts of a royal dictate as well as that word being turned into a law in court. Overall, the main idea being conveyed in the term is that it refers to a specific demand placed upon a person or group—a demand which may not have been precisely clear in certain forms or statements of the royal πρόσταγμα or διάγραμμα.

21.1 contains an added element that situates its use of δικαιώματα within an even more clear Ptolemaic legal setting. This can be seen in Ex’s translation choice of the verb παρατίθημι.

אֲפָרָה־שֵׁי. מִשׁ is translated by thirteen different Greek words in this book based on fifty Hebrew occurrences. Certain contexts led the translator to choose one lexeme or another.<sup>87</sup> Two

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*Septante; en hommage à Marguerite Harl* (ed. Gilles Dorival and Olivier Munnich; Paris: Cerf, 1995), 207-221, argues that δικαίωμα always represents a document presented by *humans* for justification in court, and that it does not ever mean “decree” in the papyri. The sense of “decree” is, to her, out of line with the documentary evidence.

<sup>82</sup> Cf. Tcherikover et al., *Corpus*, 5-6.

<sup>83</sup> Taubenschlag states that, “[the word of the king in] the III cent. B.C., had juristic force and the reopening of the case was forbidden under the threat of penalty” (*Law of Greco-Roman*, 522-523).

<sup>84</sup> E.g., P. Hal. 16, 17, and particularly 18v (3<sup>rd</sup> BCE). Cf. Fraser, *Ptolemaic*, vol. 1, 109 and Bechtel et al, *Dikaionata*, 25-31 for Halensis being a lawyer’s collection.

<sup>85</sup> See footnote 25.

<sup>86</sup> I use “binding” in the sense of “the right thing that should be done,” i.e., the “righteous” part of δικαί-ωμα.

<sup>87</sup> For example, ἐπιτίθημι is used in contexts with לָ: 3.22, 22.24; 28.37(33); 29.6, 24; 39.18(36.26); 40.5, 18, 19, 21 (except 40.5, 18); ποιέω when referring to acts of creation: 4.11; 10.2; 14.21; 40.3(38.27); καθίστημι for formal appoints to a role: 2.14; 5.14; 18.21 (overrides לָ creating ἐπιτίθημι [5.14; 18.21]); δίδωμι for divine acts: 4.11, 15, 21; 8.19; 9.5; 17.14; 21.13.



contexts led to the use of παρατίθημι (19.7; 21.1). Both contexts refer to the setting forth of God's commands in a legally binding setting, in which the Israelites can use the items "set before them" to determine their culpability or innocence. It is likely that the main reason Ex's translation includes the παρα- prefix is because of the Hebrew לפני following שים. Ex regularly prefixes a verb in order to represent a Hebrew preposition, while additionally translating the preposition.<sup>88</sup> In 19.7, the Hebrew semi-preposition לפני is not represented, which suggests the semi-preposition's 'fusion' into παρατίθημι.<sup>89</sup> The Hebrew לפני is represented by ενώπιον in 21.1. It may be that ενώπιον is used in 21.1 to heighten the formal legal connotations,<sup>90</sup> whereas 19.7, being historical narrative, places less of an immediate demand on the reader.<sup>91</sup> The specific choice of παρατίθημι is still worth exploring. Ex could have used προτίθημι,<sup>92</sup> or really a host of other choices, seeing that Ex does not care to maintain the same root word throughout.<sup>93</sup> In light of this, it is interesting that παρατίθημι is found in conjunction with δικαιώματα and other courtroom terms in the papyri. In the following examples, the relevant verbs are either παρατίθημι or παράκειμαι, which can serve as the passive of παρατίθημι in Attic Greek:<sup>94</sup>

- 5 UPZ 1 162, 3. 20-21 (2<sup>nd</sup> BCE)  
 παρέκειντο δικαιωμάτων ὧν ἑκάτερος ἡρεῖτο<sup>95</sup>  
 Justifications were set before them by which each was seeking to gain a conviction

<sup>88</sup> e.g., with שים 3.22; 15.26; 17.12; 28.37(33); 29.6, 24; 39.19(36.27).

<sup>89</sup> This instance is representative of a greater leniency towards Greek diction (cf. Anneli Aejemeleaus, "What Can We Know About the Hebrew Vorlage of the Septuagint" in *On the Trail of the Septuagint Translators: Collected Essays* [Rev. ed. CBET 50; Leuven: Peeters, 2007], 71-106, here 90-91).

<sup>90</sup> See commentary on ενώπιον below for this possible function.

<sup>91</sup> Another possibility is that παρατίθημι means "explain" in 19.7 with the dative indirect object (see LSJ, A.4), but the covenantal context in 21.1 warranted ενώπιον in order to convey the idea of "set before (for continued consideration)." This explanation is also supported by the genre of each text, the former being historical narrative and the latter being legislation that would have been continually binding on the people.

<sup>92</sup> Cf. LSJ, προτίθημι, I.3a, c, for legal usage. Both terms have many different possible meanings, so it is not as though one would have been less vague. See also UPZ 1 119.16 (159 BCE) for its use with a contract (ἀναγραφή).

<sup>93</sup> Note ἐφίστημι (1.11); ἐμβάλλω (2.3); τάσσω (8.8); προσέχω (9.21); ἐγγέω (24.6); περιτίθημι (40.8).

<sup>94</sup> LSJ, παρατίθημι, A.a, notes that παράκειμαι "generally serves as the passive" in Attic Greek.

<sup>95</sup> Cf. line 23 for a repetition of these items.

- 6 P. Sorb. 3 72. 12-13 (266 BCE)  
τὴν συγγραφὴν τῆς μ[ισθώσεως τὴν παρα]κειμένην  
The contract of reward set before
- 7 UPZ 1 162, 5. 21-22 (2<sup>nd</sup> BCE)  
παρέθετο<sup>96</sup>...μέρη...προσταγμάτων  
He cited as evidence...part...of the ordinance
- 8 UPZ 1 162, 7. 3-4 (2<sup>nd</sup> BCE)  
οὓς παρέκειτ[ο] νόμους  
Which laws were set before

The strong intimation is that the combination of δικαίωμα and παρατίθημι was intentionally drawn from the legal idiolect of the day, which the translator knew his audience would discern and understand as reflecting a legal register, particularly with respect to the courtroom. Perhaps this is a small sign towards the intention Ex has for the coming legislation. It also may suggest that the translator is more inclined towards Greek idiom than formulaic and morphological representation of the Hebrew text.

ἐνώπιον. It is uncertain whether it is significant that this semi-preposition is used *only* to refer to something being “in the sight of” Israel, or more frequently, of God.<sup>97</sup> It translates a variety of Hebrew prepositions/semi-prepositions, so the decision to use it here is voluntary.<sup>98</sup> Perhaps the idea of being “in the sight of” someone suggests not only the location of a person or thing, but the active participation of the one “looking.” This fits all the contexts in which the word is used.<sup>99</sup> If so, it points to the Israelites’ need to actively consider the legislation. It could also more simply suggest a physical presence of this law with them.

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<sup>96</sup> Perhaps “cited as evidence” is more in line with the meaning of this attestation, given it is in the middle voice. See LSJ, παρατίθημι, B.5.

<sup>97</sup> It occurs 13x. It refers to Israel in 14.2, 21.1; 34.10 (14.2 uses the plural instead of the singular for the suffix on נִכְחָה). The suggestion is that the Israelites, rather than the city of Baal-zephon, is in view. Moreover, there are a host of locational semi-prepositions used in this verse [ἀπέναντι, ἐναντίας] and Ex may have simply run out of options and had to use ἐνώπιον; to God in 3.6; 22.8, 9; 23.15, 17; 32.33; 33.17; 34.9, 20, 23.

<sup>98</sup> Likewise, עָנִי is generally rendered by ἐναντίον and ἐναντι, so the Hebrew is not the main reason for the translation.

<sup>99</sup> Perhaps besides 14.2. See footnote above.

The term ἐνώπιον has only four entries in TLG before it is found in the Septuagint Pentateuch.<sup>100</sup> Three occurrences are from the sixth century BCE<sup>101</sup> and one is from the third or fourth century BCE.<sup>102</sup> The lack of other attestations and the time difference between most of these texts make it difficult to use them to inform our understanding of the use of ἐνώπιον in Ex. 21.1. The papyri are more helpful in this regard. The term ἐνώπιον is used in the third century BCE papyri as such: twice in a legal context (P. Cair. Zen. 1 59073. 14 [257-256 BCE]; P. Hib. 1 30. 26 [282-274 BCE]), once in a religious context (P. Genova 1 45. 5 [275-226 BCE]), and once in an everyday and unremarkable context (P. Mich. 1 69. 4 [241-240 BCE]). The legal papyri speak of persons coming “before” officials to give solemn witness (P. Cair. Zen.) and to appear in court (P. Hib.). Raija Sollamo, commenting on the entirety of the Ptolemaic papyri, notes the common “juridicial nature” of the uses and considers them to be “*termini technici*.”<sup>103</sup> With little evidence from the third century it is uncertain whether ἐνώπιον was included in Ex to heighten the formal legal connotations, but its strong legal undertones leave open the possibility. If it was, perhaps it was chosen to point to these δικαιώματα being personal and legally binding<sup>104</sup> or to highlight their presence in a courtroom setting (much like παρατίθημι).<sup>105</sup> It is also interesting that Ex does not use this semi-preposition in the closely paralleled passage, 19.7. That passage is narrative, whereas 21.1 is part of a section of formal legal instruction. Perhaps the translator distinguished between these genres and here decided to include the term ἐνώπιον, which is frequently used in formal legal contexts.

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<sup>100</sup> Raija Sollamo, “Some ‘Improper’ Prepositions, Such as Enōpion, Enantion, Enanti, Etc., in the Septuagint and Early Koine Greek,” *Vetus Testamentum* 25, no. 4 (1975): 773-82, here 777, gives another example from Aeschines 3.43 based on an emendation of that text. This is not cited in TLG.

<sup>101</sup> Aesopus, *Fabulae*, fable 57.2.2; fable 57.2.12; and *Proverbia*, proverb 121.4.

<sup>102</sup> Theocritus 22.152, which uses ἐνώπιον as an adjective or an adverb (cf. Sollamo, “Some ‘Improper,’” 777).

<sup>103</sup> Ibid., 777. The frequency in which the semi-preposition is found in the papyri, he notes, is in part due to the often-legal nature of the papyri, since contracts, agreements, and the like are what were written down.

<sup>104</sup> This is the first nuance of the term Sollamo (ibid.) finds.

<sup>105</sup> However, see footnote 91 for an alternative explanation.

### 3.3. Verses 2-6: Laws Concerning Slave Ownership

#### 3.3.1. Thematic Comment

The presumed reason the Hebrew text opens with a slave law<sup>106</sup> is to make a comparison with Israel's servitude (7.16, 9.1, 13; cf. Dt. 15.12-18), which is the central narrative of the book.<sup>107</sup> This intertextual connection is in part lost in Ex when the translator employs λατρεύω in some instances, whereas the Hebrew verb עבד is the underlying term in all of the passages.<sup>108</sup> It is a slight difference, and it partially alters the grid through which a reader of the Greek text would perceive slavery throughout the book.<sup>109</sup>

#### 3.3.2. V. 2: On Obtaining a Slave

ἐὰν κτήσῃ παῖδα Ἑβραῖον, ἔξ ἔτη δουλεύσει σοι· τῷ δὲ ἔτει τῷ ἐβδόμῳ ἀπελεύσεται ἐλεύθερος δωρεάν.

כי תקנה עבד עברי שש שנים יעבד ובשבעת יצא לחפשי חנם

ἐὰν. In biblical casuistic contexts כי introduces a general topic and אם or וא which follow introduce a sub-topic related to the general topic.<sup>110</sup> This distinction has been lost in Ex, who uses ἐάν for both כי and אם. This is not necessarily due to Ex's misunderstanding of this Hebrew sequence—the Greek language does not have two conditional particles which convey the same grammatical subordination as these do. The kind of grammatical subordination denoted in the

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<sup>106</sup> I speak with respect only to Exodus' final editorial form.

<sup>107</sup> Cf. Propp, *Exodus*, 188.

<sup>108</sup> the λατρ- word group is a technical term for religious ceremonial duties as is attested widely in the Egyptian Ptolemaic papyri; see Adolf Deissmann and A. J. Grieve, *Bible Studies: Contributions, Chiefly from Papyri and Inscriptions, to the History of the Language, the Literature, and the Religion of Hellenistic Judaism and Primitive Christianity* (Eugene: Wipf & Stock, 2004), 140-141.

<sup>109</sup> Perhaps one such alteration would be that slavery under Egypt itself would not be disdained, but rather only slavery in which worship of Israel's God was not permitted. This could speak to the Ptolemaic context the book finds itself in. Further discussion goes beyond the scope of this project.

<sup>110</sup> Shalom M. Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law* (Eugene: Wipf & Stock, 2006), 46; Tjen, *On Conditionals*, 13; A. Schoors, "The Particle *kī*," in *Oudtestamentische studien*, P. A. H. de Boer (Leiden: E.J. Brill, 1942), 240-276, here 270. John Zhu-En Wee, "Hebrew Syntax in the Organization of Laws and its Adaptation in the Septuagint" *Biblica* 85, no. 4 (2004): 523-544, here 529-530, more accurately defines this category by specifying that the subordination present is syntactic more than it is semantic. See Anneli Aejmelaeus, "Function and Interpretation of *kī* In Biblical Hebrew," *Journal of Biblical Literature* 105 (1986): 193-209, for an overview.

Hebrew text could be achieved in the Greek language by employing the postpositive δέ, but Ex does not use this particle that way in this text.<sup>111</sup> Instead, it seems to serve as a marker of the Hebrew ו in most cases. The absence of δέ in vv. 2, 8, 19, corresponds to the absence of ו in MT, which demonstrates the translator's fidelity to the source text.<sup>112</sup> In the phrase ἐάν δέ + subjunctive, δέ is also a colloquial means in Greek legal syntax for signaling that the following law is a continuation of the previous topic rather than a new topic. A new topic is begun without δέ (e.g., ἐάν + subjunctive).<sup>113</sup> Ex does not follow this Ptolemaic pattern due to the desire to replicate ו,<sup>114</sup> which Ex is prone to translate when present in the source text. The Hebrew text's subordinating elements denoted by וי and ואל are therefore lost in the translation of Exodus 21. Finally, ἐάν is utilized instead of εἰ because it represents the idiomatic conditional particle in Greek case law.<sup>115</sup>

κτήσει. The Hebrew verb קנה in this context either means to “juridically...acquire as one's own property”<sup>116</sup> or simply “to buy.”<sup>117</sup> Paul comments that extrabiblical and contemporary documents do not indicate that a price is initially paid, which could suggest the former meaning to be more accurate.<sup>118</sup> Whether or not Ex understood this nuance is inconsequential because the rendering is generic and stereotypical: κτάομαι basically means “to acquire” and is the only rendering of this Hebrew verb in the Septuagint Pentateuch. For this last reason Ex probably did not have in mind other means of attaining slaves which could occur in the ancient world.<sup>119</sup>

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<sup>111</sup> For this use of δέ in casuistic laws see the resources in footnote 349.

<sup>112</sup> Cf. Wevers, *Text History*, 168.

<sup>113</sup> See commentary on ἐάν in v. 8.

<sup>114</sup> See previous footnote.

<sup>115</sup> Examples of this are seen throughout this thesis' citations of compositional laws.

<sup>116</sup> Paul, *Studies in the Book*, 46.

<sup>117</sup> Brown et al., *Enhanced Brown-Driver-Briggs*, 889, gives this definition for 21.2.

<sup>118</sup> Paul, *Studies in the Book*, 46.

<sup>119</sup> E.g., 22.2(3) (for theft) or Lev. 25.39 (for debt).

παῖδα. The word עֶבֶד (translated with παῖς here) in its basic Hebrew sense means “one who is in a subservient relationship to another.”<sup>120</sup> It is used in a host of contexts and refers to various subservient relationships. In 21.2 it designates the status of a slave. In the slave laws of Hebrew Exodus, slavery is not portrayed as an inherently negative position, but rather “a mechanism for offering support and protection to the weak and disadvantaged.”<sup>121</sup> It was a role that was “basically contractual.”<sup>122</sup> This is not the case when it comes to slavery in the Ptolemaic epoch. It is for this reason that Wright comments, “those people who were enslaved in ancient Israel had a social and legal status different from that of the chattel slaves who made up the system practiced later in Hellenistic-Roman times.”<sup>123</sup> The distance between these contexts and their forms of servitude is vast. This is a fact that, this study argues, is embedded in the text of Septuagint Exodus.<sup>124</sup> In the laws of Greek Exodus 21, more than anywhere else, there are strong indications that “the Hellenistic Jewish translators and authors, when they used [slavery terms], invested them with the social and cultural meanings of the Hellenistic Mediterranean, not those of ancient Israel.”<sup>125</sup> So how can this be demonstrated?

The proof of this assertion comes primarily by means of an assessment of the various lexemes employed by Ex when translating עֶבֶד and אִמָּה. The former is translated when referring to human servants with παῖς,<sup>126</sup> οἰκετής,<sup>127</sup> θεράπων,<sup>128</sup> and potentially once by δοῦλη;<sup>129</sup> the

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<sup>120</sup> Benjamin G. Wright, “Δοῦλος and Παῖς as Translations of עֶבֶד: Lexical Equivalences and Conceptual Transformations” in *IX Congress of the International Organization for Septuagint and Cognate Studies*, 45, (ed. Bernard Alwyn Taylor; Cambridge, 1995), 263-277, here 264.

<sup>121</sup> Diana Lipton, *Longing for Egypt and Other Unexpected Biblical Tales* (Sheffield: Sheffield Phoenix Press, 2008), 41. Slavery is, of course, negatively portrayed in the narrative when referring to Egypt’s subjugation of Israel.

<sup>122</sup> Peter D. A. Garnsey, *Ideas of Slavery from Aristotle to Augustine* (Cambridge: Cambridge University Press, 2010), 27.

<sup>123</sup> Wright, “Δοῦλος and Παῖς,” 266.

<sup>124</sup> And can also be seen, to a degree, in books like Greek Leviticus.

<sup>125</sup> Wright, “Δοῦλος and Παῖς,” 263.

<sup>126</sup> 5.16; 11.8; 20.10, 17; 21.2, 5, 20, 32.

<sup>127</sup> 5.15, 16; 12.44; 21.26, 27; 32.13.

<sup>128</sup> 4.10; 5.21; 7.10, 20, 28, 29; 8.5, 7, 17, 20, 25, 27; 9.14, 20, 30, 34; 10.1, 6, 7; 11.3; 12.30; 14.5, 31

<sup>129</sup> Depending on the Hebrew *Vorlage*. See notes on 21.7.

latter is translated with παιδίσκη,<sup>130</sup> θεραπαινά,<sup>131</sup> οἰκέτις,<sup>132</sup> and potentially once by δοῦλη.<sup>133</sup>

Whether these terms are interchangeable or have their own nuances will change the way in which the legal materials should be interpreted. The following argumentation will begin with information from within the Septuagint Pentateuch and then proceed to the explain the data in the documentary and literary sources.

θεράπων can be dismissed from the discussion because it is not used in the laws.

However, it is interesting to note that the term related to θεράπων, θεραπεία, was a specific term for the royal household guard in Alexandria.<sup>134</sup> This could be why this term is used for Pharaoh's royal servants and especially when translating עֶבֶד in relation to Moses (4.10) and Joshua (33.11). The use of θεράπων also suggests Ex's desire to classify certain servant positions despite the same Hebrew word underlying the terms (עֶבֶד).

The lexeme, παῖς, refers to Israel/Israelites only outside of slave laws in 5.16.<sup>135</sup> How is it defined? With respect to this text, Wright argues that the repetition of the terms οἰκετής and παῖς in the same verse and context suggests synonymy.<sup>136</sup> However, there may be a contrast created by the translator that does not exist in the Hebrew, since only עֶבֶד is used in the original. When the Israelites describe their own service to Pharaoh, they refer to themselves as οἰκέται (vv. 15-16). They have done all the work given to them and because of this they should be valued highly. Despite this, Ex then *contrasts* Pharaoh's harsh treatment of them by saying, “ἰδοὺ οἱ παῖδές σου

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<sup>130</sup> 20.10, 17; 21. 20, 32. Except 23.12 where no corresponding Hebrew male servant word is used.

<sup>131</sup> 21.26, 27.

<sup>132</sup> 21.7. In 2.5 Ex uses the translation ἄβρα (favorite slave; see ἄβρα, in Johan Lust, Erik Eynikel, and Katrin Hauspie, *A Greek-English Lexicon of the Septuagint: Revised Edition* [Deutsche Bibelgesellschaft: Stuttgart, 2003]), which is itself demonstrative of the fact that Ex is quite capable of drawing on language that distinguished between slaves. This instance is not pertinent to the definition of the above terms.

<sup>133</sup> Depending on the Hebrew *Vorlage*. See notes on 21.7.

<sup>134</sup> Fraser, *Ptolemaic*, vol. 1, 102; cf. Polybius 4.87.5; 15.25.17 (2<sup>nd</sup> BCE); Diodorus, 31.17c (1<sup>st</sup> BCE).

<sup>135</sup> It refers to the Egyptians in 11.8, but it is hard to tell if it is pejorative or just a normal term there. It is inconsequential to this argument.

<sup>136</sup> “Δοῦλος and Παῖς,” 268.

μεμαστίγωνται” (“behold, your *slaves* are scourged”). The Hebrew for both slave terms is עֶבֶד. The contrast, if present, is artificial in that it does not occur in the Hebrew, yet it would be readily perceived by the Greek reader. It is also plausible that οἰκέτης and παῖς have different referents here. In v. 14 it is οἱ γραμματεῖς who “are scourged” (ἐμαστιγώθησαν). In contrast to this, the whole of Israel are referred to as οἰκέται (vv. 15-16). Thus, the γραμματεῖς who were beaten are only given the designation παῖς, which could again signify the lower or more demeaning status of the term. However, more evidence needs to be provided before that distinction can be confirmed. It will be demonstrated in the argumentation that follows.

Another text, though outside of Exodus, seems to indicate an elevation of οἰκέτης above παῖς. Lev. 25.39-43 use οἰκέτης with reference to the potential enslavement of Israelites (which was not permitted), and also designates them as God’s οἰκέται (v. 42). In contrast, παῖς/παιδίσκη and δοῦλος/δούλη are used when referring to the enslavement of foreigners (v. 44). Moreover, these latter terms are used side by side with the same referent and no contextual element nuancing the words chosen. This suggests that παῖς/παιδίσκη and δοῦλος/δούλη are synonymous in that context.<sup>137</sup> Consequently, though not conclusively, this text of Leviticus also suggests οἰκέτης to be the more favorable term. Ex likewise uses τῶν σῶν<sup>138</sup> οἰκετῶν in a panegyric and appraisal of the patriarchs (32.13).

These elements outside of the Covenant Code suggest a distinction should be made. Within the laws,<sup>139</sup> particularly chapter 21, there is also one interesting pattern: παῖς/παιδίσκη are

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<sup>137</sup> Wright, “Δοῦλος and Παῖς, 267-268.

<sup>138</sup> Note the uncommon emphatic personal pronoun.

<sup>139</sup> 12.44 is another law about the Passover which uses οἰκέτης. Its statement οἰκέτην τινὸς ἢ ἀργυρόνητον, “house-servant or one purchased by silver” creates a dichotomy. If οἰκέτης refers to a slave, then they more than likely were purchased by silver (though others means of slave acquisition existed like concubinage, capture in war, and indebtedness). The “or” is not suitable. In fact, ἢ is a plus added by Ex. This means that the dichotomy was created on purpose by Ex. In larger Greek parlance, the terms παῖς, παιδίσκη, οἰκέτης, etc., only refer to slaves when the context requires it. The creation of the second category here would suggest to the Greek reader that this οἰκέτης was not a purchased slave. If this is not the answer, then it is also possible that παῖς was within the category of ἀργυρόνητον, anyways.



employed in 21.20-21, 32 in laws which cover subjects generally about slaves, whereas in texts that offer unparalleled advantages—particularly with respect to slavery *in the Hellenistic period*—οἰκέτης/θεράπεινα (vv. 26-27) and οἰκέτις (v. 7) are used. In short, a greater possibility of manumission and dignified rights are given to the latter group, whereas the former word group is used in laws where slaves are valued less, particularly through bodily harm. While a discussion of the potential Hellenistic influences on those verses must be saved for the commentary on each of them, the meaning of παῖς here in v. 2 should be considered further.

If παῖς/παιδίσκη connote something different than οἰκέτης/θεράπεινα/οἰκέτις, what would it be? A nominal form of δουλ- is only used in 21.7, so there is no connection like that found in Lev. 25 to help here.<sup>140</sup> The absence of δοῦλος is odd, since it is the most generic term for a slave in Ptolemaic Egypt.<sup>141</sup> Wright suggests that it could have been heard as derogatory, or that the term was unsuitable for slaves who primarily worked in the house.<sup>142</sup> This usage will be discussed in the commentary on 21.7.

One possibility is that παῖς/παιδίσκη refer to agricultural slaves. There was a real distinction that existed in Ptolemaic Egypt, particularly Alexandria, with respect to household and agricultural slaves. Agricultural slaves were “not numerous” and “quite untypical” in Egypt.<sup>143</sup> Field work was generally reserved for the free natives. Alexandria seems to have predominantly held household slaves,<sup>144</sup> and slaves of the domestic variety were more common in Greek homes as well.<sup>145</sup>

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<sup>140</sup> See commentary on v. 7 for this word’s use.

<sup>141</sup> Taubenschlag, *Law of Greco-Roman*, 67.

<sup>142</sup> Wright, “Δοῦλος and Παῖς,” 270.

<sup>143</sup> Westermann, *Upon Slavery*, 56-57.

<sup>144</sup> *Ibid.*, 57.

<sup>145</sup> *Ibid.*, 54, 59.

The conclusion that παῖς/παιδίσκη refer to agricultural slaves does not hold up, however. The papyri unequivocally show that παῖς/παιδίσκη could be engaged in the same tasks as οἰκέτης/ οἰκέτις. Note the following:

παῖδες are documented, for example, as

1 delivering letters,<sup>146</sup> clothes,<sup>147</sup> working with stoves<sup>148</sup>

❖ an οἰκέτης likewise delivers similar items<sup>149</sup>

παιδίσκαι, similarly,

2 work in their owner's trade,<sup>150</sup> and could also be house-oriented prostitute-slaves.<sup>151</sup>

Tcherikover comments that a παιδίσκη was a “young serving maid” who could serve in anything from temple prostitution to household service.<sup>152</sup> These tasks fall into the category of house-bound qualities, not fieldwork/labor.<sup>153</sup> Additionally, the Zenon Papyri use παιδίσκη as the most common term for generic slaves, not just agricultural.<sup>154</sup> All of this evidence suggests that παῖς/παιδίσκη should be understood as a generic moniker for “slave.”

However, more can be learned from the evidence. While παῖς/παιδίσκη are used generically in some contexts, there is also a notable effort to distinguish between types of slaves, as the following examples show:

3 σῶμα is a generic word for “slave” and is often qualified with either δουλικόν or οἰκετικόν,<sup>155</sup> though those qualifiers are not always present.<sup>156</sup>

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<sup>146</sup> P. Cair. Zen. 2 59267. 1-2 (252 BCE); P. Cair. Zen. 3 59396, 2 (256-248 BCE).

<sup>147</sup> P. Cair. Zen. 2 59148. 4 (256 BCE).

<sup>148</sup> P. Cair. Zen. 2 59213. 3 (254-253 BCE).

<sup>149</sup> P. Cair. Zen. 3 59332. 6-7 (248 BCE).

<sup>150</sup> PSI 7 854.3, (258-257 BCE); SB 6709; P. Cair. Zen. 2 59142 (256 BCE); P. Cair. Zen. 2 59145 (256 BCE). This last papyrus speaks of a slave girl who may have been engaged in wool-spinning for many years; see, Tcherikover et al., *Corpus*, 121.

<sup>151</sup> Cf. Ibid.

<sup>152</sup> Tcherikover, *Hellenistic Civilization*, 69.

<sup>153</sup> Cf. Westermann, *Upon Slavery*, 56-57.

<sup>154</sup> It is noteworthy that the most common term for slaves is παιδίσκη in the Zenon Papyri (Victor Tcherikover, “Palestine Under the Ptolemies: A Contribution to the Zenon Papyri,” *Mizraim* 4-5 [New York: G.E. Stechert & Co., 1937]: 9-90, here 17).

<sup>155</sup> SB 3 6797. 9, 11 (254 BCE); SB 5 8008, 2. 46 (3rd BCE); P. Grenf. 1.21 (2nd BCE); P. Lond. 401 (2nd BCE); Taubenschlag, *Law of Greco-Roman*, 68. Another common term not discussed here is ἀνδράποδον.

<sup>156</sup> E.g., P. Grad. 1. 13 (269-268 BCE).

- 4 P. Lille 1 29. 2, 10-11 (3<sup>rd</sup> BCE) as compared to lines 21, 27-28, show that from line 19 onward, and all through column 2, οἰκέτης and δοῦλος/δούλη are never interchanged or used in the same law.<sup>157</sup>

This kind of distinguishing is seen in Palestine, too. For example,

- 5 P. Edg. 84 frg. a (257 BCE) indicates that certain παιδάρια<sup>158</sup> are specifically οἰκετικά,<sup>159</sup> which, to Tcherikover, potentially indicates that these house-slaves are of a higher status than menial-labor slaves.<sup>160</sup>

Considering these examples, can any pattern be discerned? Yes. First, it appears παῖς/παιδίσκη is the more generic term, as this group's tasks could also be those that the οἰκ- group perform. Second, the reverse does not seem to be true. An οἰκ- class slave was relegated *only to household tasks*. This is seen in the consistent distinguishing between δουλικόν or οἰκετικόν slave classes. There is a conscious effort in some cases to differentiate between household and either general or menial slavery.<sup>161</sup> From this it is possible to conclude either, with Wright, that “παῖς may indicate a more general slavery and οἰκέτης may connote a more specific one regarding the duties of the slave,”<sup>162</sup> or, that the two groups were sometimes regarded as different classes in and of themselves. This latter demarcation may be more accurately represented in legal spheres, since, as Wright also concedes, “the language of official and juridical documents...had to maintain certain distinctions for legal reasons.”<sup>163</sup>

Therefore, based on the evidence from within Ex and the Ptolemaic documentation, there is a strong indication that παῖς/παιδίσκη as compared to οἰκέτης/οἰκέτις do not represent mere

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<sup>157</sup> LSJ, however, disagrees with this assessment of P. Lille 29. See οἰκέτης. William Linn Westermann, “Enslaved Persons Who Are Free,” *The American Journal of Philology* 59, no. 1 (1938): 1-30, here, 5, is also hesitant to make sharp distinctions between the terms, though he is evaluating evidence from many centuries.

<sup>158</sup> This is a term for particularly young slaves, but the papyri do not necessarily distinguish in terms for age difference (see, e.g., the seven-year-old girl sold as a παιδίσκη in SB 6709, [259BCE]).

<sup>159</sup> Tcherikover et al., *Corpus*, 127.

<sup>160</sup> Ibid.

<sup>161</sup> It is not certain all the tasks that δουλικόν entailed.

<sup>162</sup> “Δοῦλος and Παῖς,” 270.

<sup>163</sup> Ibid., 276.

synonyms.<sup>164</sup> This is probably particularly true with respect to the terms within legislation. The term παῖς in v. 2 is most suitably understood as a generic term for “slave,” one who would be involved in *both* agricultural labor and potentially household duties.

Further argumentation will be given for οἰκέτης/οἰκέτις/θεράπεινα in their respective verses. The evidence presented thus far suggests that these titles represented distinctive slavery classes, as shown in the previous argumentation. This is most clearly seen in the frequent appellations δουλικόν and οἰκετικόν.

ἀπελεύσεται ἐλεύθερος. The Greek translates וְשָׁחַד אֶת־. The verbs אֶת־ and שָׁחַד “are legal terms for ‘entering’ and ‘leaving’ (one’s authority), i.e., the slave status.”<sup>165</sup> Ex has represented this understanding by not translating with the typical ἐξέρχομαι, but ἀπέρχομαι. Most of the time the latter term seems to be used in Greek Exodus when referring to *permanent* departures.<sup>166</sup> This permanency may simply be coincidental, as J. A. L. Lee has documented that ἀπέρχομαι simply means “depart” in the third century.<sup>167</sup> The verb ἀπέρχομαι is not typically used for manumission in the Koine period.<sup>168</sup> However, the noun ἀπελεύθερος, which is derived from ἀπέρχομαι, is used frequently for a manumitted slave.<sup>169</sup> The verb ἀπέρχομαι is not frequently used for manumission because, according to Lee, ἀποτρέχω had largely replaced ἀπέρχομαι by this era.<sup>170</sup> The reason ἀπέρχομαι is used in 21.2 is because ἀποτρέχω replaces ἀπέρχομαι only in the

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<sup>164</sup> Le Boulluec and Sandevor, *L'Exode*, 216, also concludes that there is a higher status represented by the οἰκ- group.

<sup>165</sup> Paul, *Studies in the Book*, 47.

<sup>166</sup> 3.21; 4.19, 26; 5.4; 8.25; 10.28; 18.27; possibly 19.13; 21.2, 7; 12.21 is uncertain textually; seemingly not in 12.28.

<sup>167</sup> J. A. L. Lee, *A Lexical Study of the Septuagint Version of the Pentateuch* (Chico: Scholars Press, 1983), 125.

<sup>168</sup> Neither LSJ or Lust, *Greek-English*, 63, convey this notion.

<sup>169</sup> The ἀπελεύθεροι are a specific group of people, namely, emancipated slaves (see LSJ, ἀπελεύθερος; cf. Taubenschlag, *Law of Greco-Roman*, 110).

<sup>170</sup> Lee, *A Lexical Study*, 127. Cf. LSJ, ἀποτρέχω, IV, for this verb’s use in manumission.

present and imperfect tenses.<sup>171</sup> This fact also explains the use of ἀποτρέχω for צא in vv. 5, 7, since the present tense is employed.<sup>172</sup>

The phrase לחפשי is grammatically obscure.<sup>173</sup> The lamed prefix could suggest that חפשי is an abstract noun (i.e., “freedom”), but the suffixed י implies an adjective or descriptive noun (i.e., “a free [man]”).<sup>174</sup> If the definite article represented by the *pataḥ* in MT were emended to a *shēwa*, this latter reading would fit well.<sup>175</sup> But how does Ex understand it?

Ex variously renders a Hebrew finite verb + ל. There are stock formations,<sup>176</sup> though a few oddities exist.<sup>177</sup> This construction has a few instances in which it is translated as a finite verb and accusative,<sup>178</sup> but this is the only place it seems that a predicate adjective<sup>179</sup> with a finite verb is used.<sup>180</sup> Why did Ex not simply translate with εἰς ἐλευθερίαν or something like it?<sup>181</sup>

The answer is actually very simple. The phrase εἰς ἐλευθερίαν, while generally referring to freedom from slavery in some literary contexts,<sup>182</sup> could also signify a relatively greater degree of freedom that might, however, *still involve slave status*.<sup>183</sup> For this reason an

<sup>171</sup> Ibid.

<sup>172</sup> צא is only represented by ἀποτρέχω here in Ex. See notes on vv. 5, 7.

<sup>173</sup> Cf. C. Houtman and Sierd Woudstra, *Exodus*, vol. 3 (Leuven: Peeters, 2000), 125, for discussion and further bibliography.

<sup>174</sup> Propp, *Exodus*, 189; cf. Paul, *Studies in the Book*, 47.

<sup>175</sup> Propp, *Exodus*, 117.

<sup>176</sup> ל can become a dative indirect object with speech verbs: 3.14, 18; 6.6; 9.27; 10.16; 12.31; 13.5, 8, 15; 14.5; 15.18; 16.22; 19.3(2x); 33.2; or an IO with other verbs: 4.25; 5.3, 8, 16-17; 8.4, 8, 21, 22, 23, 24, 25; 10.25; 12.16; 15.16; 19.4; 21.18, 32, 34; 22.11, 19; 23.24; 26.17; 29.28, 35; 32.13; 33.1; 34.14, 15; 39.27(36.35); or a genitive IO 3.18, 8; 4.8(2x), 9; 15.26 (usually with “listen of his voice”); It fuses into the copula when the finite verb is היה: 4.3, 4; 7.9, 10, 12; 8.12; 9.9, 24; 13.16; 21.4; 30.4; 34.12; it can also simply be a preposition following a verb: 4.25; 5.4; 7.15, 17; 10.16, 17; 13.16; 19.9; 21.13, 18; 29.17; 32.13; or an article: 8.25.

<sup>177</sup> The idiomatic 4.9; 28.32(28).

<sup>178</sup> 22.29, 23.11, 21; 34.9.

<sup>179</sup> Herbert Weir Smyth, and Gordon M. Messing, *Greek Grammar* (rev. ed.; Cambridge: Harvard University Press, 1956), §1042, suggests that predicate adjectives (particularly those that describe time, place, order of succession, etc.), when they modify the subject, express a quality of the subject, rather than describing the way the action of the verb occurs.

<sup>180</sup> Along with the same phrase in 21.7. With היה it can become part of a predicate nominative (see n. 61 above).

<sup>181</sup> General parallels in which εἰς + noun are used: 7.15, 17; 18.7; 19.9. Note that 21.5, 26, 27 use a predicate adjective construction to render this Hebrew form, too.

<sup>182</sup> It is used this way throughout the works of Demosthenes.

<sup>183</sup> Cf. Aeschines, *In Timarchum*, 65.6 (4<sup>th</sup> BCE) and the comments of Charles Darwin Adams, *Aeschines: Aeschines with an English Translation* (London: Harvard University Press, 1919), online at <http://www.perseus.tufts.edu>.

isomorphic translation like this would not necessarily convey complete manumission. The phrase also does not occur in the legal documentary sources. Instead, Ex chooses a rendering that mimics the idiomatic phrasing for manumission found frequently in the legal papyri:<sup>184</sup>

The shorthand means of speaking of emancipation is through basic predication.

- 6 P. Petr.<sup>2</sup> 1 3. 21-22 (238-237 BCE)  
ἐὰν δέ τι πάσχω ἀνθρώπινον, καταλείπω Σεμέλην [ἐλευθέραν]  
❖ Notice the double accusative predication, which is the active counterpart to Ex's medio-passive/nominative structure.<sup>185</sup>
- 7 SB 14 11998. 4 (116-100 BCE)  
ἀφῆκεν ἐλευθέρ[α]ν Διονύσιον<sup>186</sup>
- 8 GDI 2038.9 (Delphi, 186 BCE)<sup>187</sup>  
ἀποτρεχέτω ἐλευθέρα Γνωσιφίλα
- 9 SB 5 8008, 2. 11 (260 BCE)<sup>188</sup>  
ἐὰν τινὰ φάσκηι ἐλ[ε]ύθερα εἶναι, κυρίας εἶναι
- 10 P. Tebt. 700, 2. 51 (124-123 BCE)  
ὁ δὲ δοῦλος ἐλεύθερος ἔσται
- 11 P. Petr.<sup>2</sup> 1 3. 21-22 (238-237 BCE)<sup>189</sup>  
ἐά[[ν]] μοι παραμείνω[σ]ιν ἕως ἂν ἐγὼ ζῶ...ἔστωσαν ἐλεύθεροι

Whether through a predicate adjective (examples 6-8) or a basic copula (examples 9-11), the idiomatic means of denoting manumission is through basic predication in combination with the lexeme ἐλεύθερος. Westermann sums up the exactness of this rendering well: “So far as I know, ἐλεύθερος with respect to human beings, as opposed to inanimate possessions, is used only in its

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<sup>184</sup> Note that v. 5, translating the same phrase, also has no ὃ prefix and the translation remains the exact same. Clearly the Hebrew syntax was not the most constraining factor here. Lee also comments that the use of manumission idiom here “must be deliberate” and “strikingly illustrate[s] the translators’ adherence to contemporary terminology (*A Lexical Study*, 127).

<sup>185</sup> In Diogenes Laertius 5.15-16, recording Aristotle’s will from the fourth century BCE, emancipation is phrased as εἶναι Ἀμβρακίδα ἐλευθέραν... ἐλευθέρον εἶναι and ἐλευθέρους ἀφείναι. The last example is grammatically similar to Ex.

<sup>186</sup> It is possible that this noun is to be reconstructed in the nominative as the subject of the verb. The predicative value of ἐλευθέραν would be lost in this case. One argument for reading Διονύσιος would be that an accusative of object-complement generally has the complement following the object. Here it is preceding it. However, word order for this construction is not fixed (see Smyth, *Grammar*, §1613, 1615, for examples).

<sup>187</sup> This example is taken from Lee, *A Lexical Study*, 125.

<sup>188</sup> In Lenger, *Corpus*, 43.

<sup>189</sup> See also P. Hib. 29. 6 (265 BCE); P. Col. inv. 480 1. 23 (198-197 BCE).

absolute significance of ‘free in status,’ as opposed to servile in status.”<sup>190</sup> This term, predicated of the slave, is the most effective way to speak definitively of the new free status of a slave. The phrase εἰς ἐλευθερίαν would not necessarily accomplish this.

### 3.3.3. V. 3: *On Slave Marriage*<sup>191</sup>

ἐὰν αὐτὸς μόνος εἰσέλθῃ, καὶ μόνος ἐξελεύσεται· ἐὰν δὲ γυνὴ συνεισέλθῃ μετ’ αὐτοῦ, καὶ ἡ γυνὴ ἐξελεύσεται μετ’ αὐτοῦ.

אם־בגפו יבא בגפו יצא אם־בעל אשה הוא ויצאה אשתו עמו

αὐτὸς μόνος. בגפו is rendered idiomatically (αὐτὸς μόνος). While the etymological derivation of ἡγ is difficult to determine “almost all of modern critical literature agree as to the verse’s intent...[בגפו] means ‘alone.’”<sup>192</sup> Within the spectrum of potential derivatives for ἡγ, most commentators see the word as also implying *a lack of possessions* within this specific context.<sup>193</sup> This latter point can be explored further, since Ex uses an idiom that *does not* imply a lack of possessions, but looks solely to the fact that the slave came in *without another person*. This can be seen in the use of the idiom αὐτὸς μόνος. This idiom is used specifically in contexts in which a writer intends to contrast whether a person is alone or with a group of others. The expression is demonstrable through the centuries before the Septuagint Pentateuch. Note the following:

- 1 Hecataeus, *Fragmenta*, 1a, 1, F, fr. 18b. 8 (6<sup>th</sup>-5<sup>th</sup> BCE)  
αὐτὸν μόνον φησιν  
He speaks alone<sup>194</sup>
- 2 Hellanicus, *Fragmenta*, 1a, 4, F, fr. 100. 6 (5<sup>th</sup> BCE)  
πάντων σωθέντων αὐτὸς μόνος τὸν υἱὸν ἀπέβαλεν  
Out of all of the ones rescued, only the son departed<sup>195</sup>

<sup>190</sup> Westermann, “Enslaved Persons,” 12.

<sup>191</sup> Whether this is a new topic or a continuation of the previous topic, from a Greek legal perspective, would depend on the use of δέ (see 3.3.2.). However, Ex represents ἡγ with δέ rather than matching this Greek norm, thus preventing any attempts at understanding a topical segmentation employed by the translator.

<sup>192</sup> Propp, *Exodus*, 190; cf. Paul, *Studies in the Book*, 47.

<sup>193</sup> Cf. the options in Propp, *Exodus*, 190-191; Carmichael, *Origens*, 83.

<sup>194</sup> Translation by F. Jacoby, *Die Fragmente der griechischen Historiker (FGrH) #1* (Leiden: Brill, 1923-1958), online at <http://www.perseus.tufts.edu>.

<sup>195</sup> Ibid.

- 3 Aristophanes, *Ranae*, line 79 (5<sup>th</sup>-4<sup>th</sup> BCE)  
ἀπολαβὸν αὐτὸν μόνον, ἄνευ Σοφοκλέους  
Take [him] all by himself...without Sophocles<sup>196</sup>
- 4 Lysias, *In Philonem*, 18.1 (5<sup>th</sup>-4<sup>th</sup> BCE)  
τοτὲ μὲν αὐτὸς μόνος, τοτὲ δ' ἑτέροις ἡγούμενος  
Going sometimes alone and sometimes...with others<sup>197</sup>
- 5 Cleanthes, *Testimonia et fragmenta*, fr. 463.31 (3<sup>rd</sup> BCE)  
λέγων αὐτὸς μόνος δύνασθαι βαστάζειν τὸ...φορτίον  
Claiming to be able to bear the...burden alone<sup>198</sup>
- 6 Polybius, *Historiae*, 21.26.17.3 (3<sup>rd</sup> BCE)  
αὐτὸς μόνος ἀπελύθη χωρὶς λύτρων  
He was the only one (of them) that was set free without ransom<sup>199</sup>

This idiom strictly refers to being alone and not with a group of people.<sup>200</sup> Why is the possible muting of the Hebrew text's emphasis on entering and leaving slavery without possessions significant? It may be important because slaves in Ptolemaic Egypt owned possessions in contrast to ancient Israelite practice. Ptolemaic slaves were permitted to own land<sup>201</sup> and had the right to litigation in cases of personal injury and damage to property.<sup>202</sup> Indeed, "Slaves engaged in legal transactions for themselves (loans, leases, παράνομος)."<sup>203</sup>

It is not likely that the masculine pronoun on פָּנָיו is represented by αὐτὸς. This is for three reasons:

- 1) αὐτὸς is not repeated in the following phrase καὶ μόνος ἐξελεύσεται.
- 2) Ex does not translate a suffixed י approximately one third of the time,<sup>204</sup> with little apparent rhyme or reason.

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<sup>196</sup> Translation by N. G. Wilson, *Aristophanis Fabulae* (Oxford: Oxford University Press, 2007), 135-204, online at <http://www.perseus.tufts.edu>.

<sup>197</sup> W. R. M. Lamb, *Lysias: Lysias with an English Translation* (London: Harvard University Press, 1930), online at <http://www.perseus.tufts.edu>.

<sup>198</sup> J. von Arnim, *Stoicorum Veterum Fragmenta*, vol. 1 (Leipzig: Teubner, 1905), 103-137, online at <http://www.perseus.tufts.edu>.

<sup>199</sup> Evelyn S. Shuckburgh, *Polybius: Histories* (New York: Macmillan, 1889).

<sup>200</sup> When used of persons. It can be used abstractly as well: Isaeus, *De Nicostrato*, 13.4 (5<sup>th</sup>-4<sup>th</sup> BCE); Aeschines 178.4 (4<sup>th</sup> BCE).

<sup>201</sup> Taubenschlag, *Law of Greco-Roman*, 87.

<sup>202</sup> Ibid., 95; P. Cair. Zen. 145 (246 BCE).

<sup>203</sup> See ibid., 89-90, for more references.

<sup>204</sup> 331x according to Logos Bible Software.



- 3) The translation here is exchanging a Hebrew idiom for a Greek idiom, so rigid equivalencies are not used. Still, Ex does not frequently add an emphatic αὐτὸς without a free-standing הוּא.<sup>205</sup>

καὶ (1°). The term καὶ is a plus here. Is this καὶ apodotic, or is it functioning in a different way? Notably, a potential apodotic καὶ is *not* translated twenty-five out of twenty-nine times in Ex.<sup>206</sup> This trend represents the translator being in line with Koine Greek standards,<sup>207</sup> and suggests Ex does not intend for this instance to be read that way. It is possible that Ex intends καὶ to be read adverbially here (e.g., “also”). This usage is found in Classical Greek, and Tjen suggests it is in play here in the Koine period as well.<sup>208</sup> The following parallel clause καὶ ἡ γυνὴ ἐξελεύσεται μετ’ αὐτοῦ seems to use καὶ with this adverbial function as well.

ἐὰν δὲ γυνὴ συνεισέλθῃ μετ’ αὐτοῦ. The continuation of the preceding clause’s subject matter suggests Ex is using δέ here in a generic way to indicate progression of the topic at hand. That Ex uses δέ in this basic sense is suggested by instances like v. 12, where δέ is used in a law introducing a brand-new subject. Ex can, therefore, use δέ for both major and minor progressions.

As a general rule, verbless nominal clauses in the Hebrew text are translated in Ex in the same way—verblessly.<sup>209</sup> When a clause contains a free-standing pronoun that follows the

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<sup>205</sup> 22.7; 23.9; 33.14-15. The first two examples are within the laws, and those from chapter 33 circumvent a physical description of the divine presence. It is thus a rare trait.

<sup>206</sup> Tjen, *On Conditionals*, 215.

<sup>207</sup> Ibid., 218; Acjmelaeus, “The Significance,” 368-369.

<sup>208</sup> Tjen, *On Conditionals*, 217; see J. D. Denniston, *The Greek Particles* (Indianapolis: Hackett, 1996), 308-309 for examples.

<sup>209</sup> For third person examples: 1.9, 15(2x), 16; 3.13; 4.22; 9.27(2x), 31(2x) (participial predicate); 12.26, 27; 15.3; 16.14; 17.12; 18.4(2x), 10, 18; 20.10; 26.2, 20-21, 32; 27.9, 13, 14(2x), 15(2x), 16(2x), 17(2x), 18(5x); 28. 16(2x), 18, 19, 20; 30.2, 13; 31.15, 16-17; 33.13, 18(2x); 34. 14; 36.9(37.2); 38.18(37.16), 19(37.17[4x]), 25-26(39.2), 29(39.7); 39.9(36.13[2x]), 10(36.17[2x]). Tjen, *On Conditionals*, 169, notes this pattern, too. There are, of course, exceptions: 5.2; 7.14; 21.28; 22.14; 28.17; 30.2; 39.5(36.12). In the sections on building materials for the tabernacle, copula are almost never present. The context was straightforward enough to not need to supply it.

subject (e.g., הוא) generally a copula is included.<sup>210</sup> This is the kind of clause in the Hebrew text of 21.3 (אם־בעל אשה הוא). Nominal clauses can also be transformed into clauses with finite verbal predicates to replace Hebrew idiomatic constructions with Greek ones,<sup>211</sup> or when a participle is present.<sup>212</sup> These are general patterns, but there are no hard-and-fast rules. Ex is often more concerned with clarity than with rigid translation equivalencies. In 21.3 there is an outstanding example of Ex translating with freedom. Tjen makes a valuable comment about this kind of freedom, stating, “All the subjunctive equivalents of nominal clauses turned into verbal clauses occur *within the legal-instructional material*. Most of them are apparently attempts at more natural rendering of Hebrew expressions.”<sup>213</sup> In the whole of Ex these are found in 21.3, 8, and 14. Are these freer renderings in the legal materials indicative of a freer translation technique for these sections? No. Aejmelaeus has compiled a helpful list of free renderings like this one which demonstrates that these kinds of free translations are not confined to legislation:<sup>214</sup>

האלך וקראתי = Θέλεις καλέσω (2.7)  
הנני = Τί ἐστίν (3.4)  
כבד־פה וכבד לשון = ἰσχνόφωνος καὶ βραδύγλωσσος (4.10)  
שלח־נא ביד־תשלח = προχέρισαι δυνάμενον ἄλλον, ὃν ἀποστελεῖς (4.13)  
כאשר בהיות התבן = καθάπερ καὶ ὅτε τὸ ἄχυρον ἐδίδото ὑμῖν (5.13)  
ואני ערל שפתים = ἐγὼ δὲ ἄλογός εἰμι (6.12)  
הט־רם תדע = ἢ εἰδέναι βούλει (10.7)  
יצאו מ־העם = ἐξήλθον τινες ἐκ τοῦ λαοῦ (16.27)  
לדרש אלהים = ἐκζητῆσαι κρίσιν παρὰ τοῦ θεοῦ (18.15)  
ורפא ירפא = τὰ ἰατρεῖα (21.19)  
אשר יאמר כ־הוא זה = τῆς ἐγκαλουμένης, ὃ τι οὖν ἂν ᾤ (22.8[9])  
מ־יבעל דברים = ἐάν τινι συμβῇ κρίσις (24.14)  
לא יסרו ממנו = ἀκίνητοι (25.15[14])  
אתה ידעת את־העם כי ברע הוא = σὺ γὰρ οἶδας τὸ ὄρημα τοῦ λαοῦ τούτου (32.22)

<sup>210</sup> For third person examples: 1.16; 3.5, 11; 4.10; 5.2; 8.15, 22; 9.32; 12.42; 13.17; 15.23; 16.15(2x), 36; 21.21, 29, 36; 22.8, 14, 26(2x); 29.14, 22, 28; 31.14, 17; 32.16(2x); 33.3; 34.9, 10, 14; 39.14(36.21). Note that the copula-based translation slowly takes over as the translator moves forward. There are a few notable exceptions here, too: 1.19; 2.2; 5.8; 7.14; 12.27, 42; 22.8; 29.19.

<sup>211</sup> 1.19; 4.25; 7.7(2x); 9.28; 10.10; 24.14.

<sup>212</sup> 3.5, 13; 5.8, 16; 12.33; 18.17; 34.10; except 12.11.

<sup>213</sup> Ibid., 173, emphasis mine.

<sup>214</sup> “What Can We Know,” 86-87. The list has been rearranged as starting from the beginning of the book.

While Tjen and Aejmelaesus have noted the free nature of this verse's translation, they have not suggested why Ex was hesitant to simply translate with \*ἐάν ὁ κύριος τοῦ γυναικός

ἦ.<sup>215</sup> There are a few potential reasons. First, note that Ex's normal translation for כֶּלֶךְ is

κύριος.<sup>216</sup> The aversion to the phrase ὁ κύριος τοῦ γυναικός is explained by

- 1) the confusion of referents that two different κύριοι in one section of law would create,
- 2) the ambiguous meaning of the clause ἐάν ὁ κύριος τοῦ γυναικός ἦ, and
- 3) the desire to create a parallelism between the protasis' verbal phrase (συνεισέλθῃ μετ' αὐτοῦ) and the apodosis' verbal phrase (ἐξελεύσεται μετ' αὐτοῦ).

Even though the second explanation is the normal way Ex translates verbless nominal clauses, and even if Ex had used the relatively understandable designation ὁ ἀνὴρ τῆς γυναικός<sup>217</sup> to stipulate the husband-wife relationship (as v. 22), still the overall opaque rendering created by a one-to-one reflection of the Hebrew here does not create a straightforward reading in the Greek. If Ex had translated \*ἐάν ἀνὴρ τῆς γυναικός ἦ, this text would still not be exact with respect to designating that the wife was with the man before he came into the position of slavery. Ex is prone to translate in such a way as to disambiguate a law rather than leave it polyvalent.

Tangentially, I suggest this also points to the intended 'on the ground' practicability of these laws.<sup>218</sup>

Having said this, another significant reason for this translation exists: in Ptolemaic legal contexts \*ὁ κύριος τοῦ γυναικός referred primarily to a woman's legal guardian.<sup>219</sup> This guardian could be her husband,<sup>220</sup> but could also be her son, father, grandfather, or brother.<sup>221</sup> This

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<sup>215</sup> The expected translation based on the technique established above.

<sup>216</sup> 21.28-29, 34, 36; 22.7, 10, 11, 13-14. 24.14 is a Hebrew idiom that is rendered with a Greek equivalent.

<sup>217</sup> This phrase is not idiomatic Greek but is simple enough that its meaning is not obscured.

<sup>218</sup> A straightforward example of this is seen in v. 22 with μὴ ἐξεικονισμένον for the much debated ולא יהיה אסון. Ex demonstrates many changes that could indicate that this law was not meant to be "put in a glass casing" in a library somewhere, but rather to function as a clear and forthright legal reference in litigation.

<sup>219</sup> Taubenschlag, *Law of Greco-Roman*, 170; e.g., P. Enteux. 22, line 4; P. Enteux. 81, line 17.

<sup>220</sup> E.g., P. Ryl. 586 (99 BCE).

<sup>221</sup> Cf. e.g., P. Enteux. 22.4 (218 BCE).

guardian-κύριος did not exist in Jewish thought or law but did in Greek thought and law. It is a fact that Jews in Ptolemaic Egypt adopted this guardian system<sup>222</sup> which might further explain Ex's hesitancy to use κύριος here and in v. 22. Perhaps this is a small sign of Ex's intent to demarcate this translation within a *Greek* legal framework.

Ultimately, \*ὁ κύριος τοῦ γυναικός was too obscure. It could have referred to the man being her slave-master, her legal guardian, or in some way her owner.<sup>223</sup> This latter idea might have been too strong of a statement in Ptolemaic times, too, since women had the ability to call off a marriage at their own discretion, apart from any volition of the man.<sup>224</sup>

### 3.3.4. V. 4: On Slave Marriage (Continued)

ἐὰν δὲ ὁ κύριος δῶ αὐτῷ γυναῖκα, καὶ τέκη αὐτῷ υἱοὺς ἢ θυγατέρας, ἡ γυνὴ καὶ τὰ παιδιά ἔσται τῷ κυρίῳ αὐτοῦ, αὐτὸς δὲ μόνος ἐξελεύσεται.  
אם־אדניו יתן־לו אשה וילדה־לו בנים או בנות האשה וילדיה תהיה לאדניה והוא יצא בגפו

δὲ (1°). The inclusion of the conjunction here suggests that Ex had a *Vorlage* with an initial γ.

Verses 2, 3, 8, 19 and 22.26(22.27) are the only verses in the formal casuistic sections of chapters 20-23 in which Ex does not include δέ following ἐάν.<sup>225</sup> This is in line with lacking γ in MT. However, verses which do include a conjunction that is not represented in MT suggest that Ex has no problem adding them in at his own discretion. Verse 12 is an example of δέ being added, seemingly, to match the typical formulation ἐάν δέ + subjunctive. Given the completely different subject matter from what precedes, v. 12's δέ certainly marks a new topic in the larger

<sup>222</sup> Victor Tcherikover, *The Jews in Egypt in the Hellenistic-Roman Age in the Light of the Papyri* (Jerusalem: Hebrew University Press Association, 1945), 17; cf. Jane Rowlandson, and Roger S. Bagnall, *Women and Society in Greek and Roman Egypt: A Sourcebook* (Cambridge: Cambridge University Press, 2009), 245.

<sup>223</sup> This last idea is in fact what בעל means in the Hebrew (Propp, *Exodus*, 191; cf. Bruce K. Waltke, and Michael Patrick O'Connor, *An Introduction to Biblical Hebrew Syntax* [Winona Lake: Eisenbrauns, 2010] 9.5.3b).

<sup>224</sup> Cf. Taubenschlag, *Law of Greco-Roman*, 121-122; Hans Julius Wolff, *Written and Unwritten Marriages in Hellenistic and Post-Classical Roman Law* (Haverford: American Philological Association, 1939), 34.

<sup>225</sup> Each of these clauses (barring 21.2, which begins a new genre/section) are closely related to the item that precedes them. When compared to the genre of compositional casuistic clauses in Greek law, the opposite is usually noted, i.e., ἐάν + subjunctive generally denote a break from the previous topic. See the examples in footnote 349.

discussion. Verse 36, also, includes δέ as a plus in the same phrase,<sup>226</sup> but there the subject matter *is a continuation of what precedes*. In this instance δέ could be adversative, but it really does seem that Ex is simply repeating the stock ἐάν δέ + subjunctive rather than focusing in on a specific nuance of δέ beyond marking a progression of thought. That SamP demonstrates a Hebrew text in line with Ex and contrary to MT at some points in this regard (e.g., v. 10, 21.37[22.1])<sup>227</sup> makes it difficult to find a concrete answer, as Ex may represent an unknown *Vorlage* in some cases (e.g., perhaps v. 32). Still, that there are so many verses with no known Hebrew *Vorlage* including י yet containing δέ in the introductory formula ἐάν + subjunctive<sup>228</sup> suggests that Ex wanted to maintain this stock formulation to keep a basic progression noted. As has been stated, this is not the way compositional casuistic law demarcates progression.<sup>229</sup>

τὰ παῖδιά. The feminine singular pronominal suffix from ילדיה is not represented here. The general pattern found in Ex is to remove *redundant* personal pronouns because “non-repetition was normal Greek practice.”<sup>230</sup> Because there is only one pronominal suffix in this verse, it does not fit the criteria for redundancy. The parallel list of coordinate items in the following verse does fit that criteria (τὸν κύριόν μου καὶ τὴν γυναῖκα καὶ τὰ παῖδιά). In both contexts παῖδιά has no personal pronoun modifying it.<sup>231</sup> While it should not be pressed, it is interesting to note that

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<sup>226</sup> It is almost certainly an addition because the Hebrew אֵל is never preceded by י in the biblical corpus.

<sup>227</sup> Or for other witnesses, cf. v. 30.

<sup>228</sup> E.g., 21.37(22.1); 22.1(22.2[2x]); 22.2(22.3); 22.3(22.4); 22.5(22.6); 22.12(22.13); 22.14(22.15); 22.22(22.23); 22.24(22.25); 22.25(22.26); 23.4, 5.

<sup>229</sup> See footnote 225.

<sup>230</sup> R. Sollamo, “The Koinē Background for the Repetition and Non-Repetition of the Possessive Pronoun in Coordinate Items” in *Studien zur Septuaginta und zum hellenistischen Judentum*, ed. Robert Hanhart, and Reinhard Gregor Kratz (Tübingen: Mohr Siebeck, 1999), 52-63, here 52. Cf. Rajak, *Translation and Survival*, 160.

<sup>231</sup> Ex is not necessarily consistent in this regard, however (compare vv. 26-27).

in Ptolemaic Egypt the status of slave was passed from mother to child.<sup>232</sup> The children in these verses would not be “hers” since they belonged to the master as property.<sup>233</sup>

Additionally, Stanton suggests as based on the Zenon Papyri that τέκνον would have been a term used more frequently with respect to free children, whereas παιδίον/παῖς were used with respect to slave children.<sup>234</sup> While τέκνον is not used in slave contexts in Ex, the translator does use παιδίον in non-slave contexts (as v. 22).

τῷ κυρίῳ αὐτοῦ. MT reads לַאֲדֹנֶיהָ, with the difference being the *feminine* Hebrew pronominal suffix as compared to the masculine Greek pronoun αὐτοῦ. As to this variant, Propp explores both MT and LXX readings and notes that each represent examples of a *lectio difficilior*.<sup>235</sup> The difficulty lies in the proximity of the varied feminine and masculine pronominal suffixes preceding this word. The difference is moot, however, since the master owns both manservant and maidservant. As for Ex, it is uncertain whether the change is based in his *Vorlage* or due to a desire to smooth out the law, especially since the subject of the law is the relation of the male slave to his master and not the wife.<sup>236</sup> The parallel reading in SamP suggests that Ex simply had a text with this reading, especially since, as Wevers documents, a change in the gender of the Hebrew pronoun in translation is not frequent.<sup>237</sup> Perhaps, too, had Ex translated τῷ κυρίῳ αὐτῆς (disregarding the *Vorlage* question), the guardianship issue would again present itself, as this phrase could be primarily associated with that concept in Ptolemaic law.<sup>238</sup>

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<sup>232</sup> Taubenschlag, *Law of Greco-Roman*, 69, 72-73.

<sup>233</sup> Ibid., 76. Cf. Sarah B Pomeroy, *Goddesses, Whores, Wives and Slaves: Women in Classical Antiquity* (New York: Schocken Books, 1995), 140-141.

<sup>234</sup> G.R. Stanton, “TEKNON, ΠΑΙΣ and Related Words in Koine Greek,” in *Proceedings of the XVIII International Congress of Papyrology* 2, (ed. B.G. Mandilaras; Athens: Greek Patrological Society, 1988), 463-480, here 468.

<sup>235</sup> *Exodus*, 188.

<sup>236</sup> Cf. Wevers, *Text History*, 193.

<sup>237</sup> 4 times; *ibid.*, 193-194.

<sup>238</sup> It is also possible that Ex simply wanted to maintain the same masculine third pronoun as in the rest of the verse.

αὐτὸς...μόνος. See notes on 3.3.3.

### 3.3.5. V. 5: *On Slave Status*

ἐὰν δὲ ἀποκριθεὶς εἴπῃ ὁ παῖς Ἠγάπηκα τὸν κύριόν μου καὶ τὴν γυναῖκα καὶ τὰ παιδιά, οὐκ ἀποτρέχω ἐλεύθερος·

ואם־אמר יאמר העבד אהבתי את־אדני את־אשתי ואת־בני לא אצא חפשי

ἀποκριθεὶς εἴπῃ. In the Greek language the use of the same verb in participial form before a cognate verb would be considered “odd” Greek.<sup>239</sup> It is more “odd” than other renderings of the Hebrew infinite absolute + cognate verb. Gen, Ex, and Lev are the only translators who employ two synonymous verbs when rendering this construction.<sup>240</sup> This use of synonyms is a freer rendering and would be considered “passable” compositional Greek.<sup>241</sup>

Tjen claims that speech verbs are normally associated with the imperfective aspect in the Greek language.<sup>242</sup> To Tjen, the aorist εἴπῃ demonstrates that hard and fast rules are not usually found for verbal aspect in the Septuagint Pentateuch.<sup>243</sup> The parallel passage in Deuteronomy 15.16 uses the present tense for this speech verb<sup>244</sup> which suggests that choosing between the present or aorist tense for this context and lexeme is a subjective choice on the part of the translators. Still, given that all the other aorist protases in the casuistic laws of Ex represent punctiliar events, it is difficult to imagine that this verb was not meant to be taken that way, too. Add to this that Ex uses the present tense in casuistic laws to refer, if an isolated present, to an iterative action (cf. v. 15). The verb εἴπῃ here in v. 5 could represent a singular occasion of

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<sup>239</sup> Rajak, *Translation and Survival*, 160; cf. Evans, *Verbal Syntax*, 260.

<sup>240</sup> Raija Sollamo, “The LXX Renderings of the Infinitive Absolute Used with a Paronymous Finite Verb in the Pentateuch” in *La Septuaginta en la Investigacion Contemporanea (V Congreso d la IOSCS)*, ed. N. Fernández Marcos. (Madrid: Instituto “Arias Montano”, 1985), 103. In the Covenant Code note Ex. 22.22(22.23) and 23.4.

<sup>241</sup> *Ibid.*, 105.

<sup>242</sup> Tjen, *On Conditionals*, 122. Cf. Edwin Mayser, *Grammatik der griechischen Papyri aus der Ptolemäerzeit*, vol 2 (Berlin & Leipzig: De Gruyter, 1906–1934), 135.

<sup>243</sup> Tjen, *On Conditionals*, 122.

<sup>244</sup> ἐὰν δὲ λέγῃ πρὸς σέ Οὐκ ἐξελεύσομαι ἀπὸ σοῦ.

affirmation towards lifelong slavery. This fits the context, also, since once the slave affirms his desire to remain, the punctiliar event of ear-piercing was to mark this status forever.

Ἠγάπηκα. Evans has documented that the perfect tense is employed frequently in direct discourse within the Greek language, which is a trait that is also demonstrated in the Septuagint Pentateuch.<sup>245</sup> This probably explains the perfect tense used here.

τὸν κύριόν μου καὶ τὴν γυναῖκα καὶ τὰ παιδιά. The Hebrew text here has first person pronominal suffixes on each coordinate item. In the Greek text, the non-repetition of the possessive pronoun μου after γυναῖκα and παιδιά is noted by Sollamo.<sup>246</sup> In compositional Greek there would be no advantage or distinct meaning if the pronoun were placed on any other of the nouns.<sup>247</sup> Wevers notes that in coordinate noun phrases the genitive pronoun shows “no consistent pattern” as to how many occur or where they are placed.<sup>248</sup> This thesis suggests, in this verse at least, it might have to do with an intentional muting by the translator, which prevented the rightful owner of the γυνή and παιδιά from being obscured.<sup>249</sup> At the same time, the text can be read with the genitive pronoun governing γυναῖκα and παιδιά, so this point should not be pushed too far. It is only a possibility that the original readers would have implicitly understood that μου would not be used to refer to those two items. A parallel passage in 4.20 shows that no pronoun needed to be translated in a context where the relationships were obvious:

1 ויקח משה את־אשתו ואת־בניו  
ἀναλαβὼν δὲ Μωυσῆς τὴν γυναῖκα καὶ τὰ παιδιά

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<sup>245</sup> *Verbal Syntax*, 158-166.

<sup>246</sup> Sollamo, *Repetition of the Possessive*, 43-44.

<sup>247</sup> Sollamo, “The Koinē,” 62-63.

<sup>248</sup> *Text History*, 187-188. 25.28(27) and 25.30(29) are the other texts resembling the number and positioning here.

<sup>249</sup> See the notes on 3.3.4. and τὰ παιδιά



Additionally, vv. 15, 17(16), and 20 have the repetition of the possessive pronoun after two coordinate items which is considered a Hebraism and unidiomatic in compositional Greek.<sup>250</sup>

This shows that Ex is not always constrained by Greek norms. The problem remains, however, as to whether the context involving legal slavery in chapter 21 would change the way the readers and translator perceived these relationships in v. 5.

ἀποτρέχω ἐλεύθερος. The verb ἀποτρέχω is used elsewhere in 3.21 and 10.4, both in contexts referring to the release of Israel and their goods in order to go and serve their God. It translates נצ׳ only here and v. 7. Why does Ex change the verb used to render the nearly identical phrase from v. 2 (there נצ׳פשי׳, here נצ׳פשי׳ נצ׳א)? In the notes on v. 2 it was indicated that ἀπέρχομαι and ἀποτρέχω are synonymous, with the latter taking over the former's domain in the present and imperfect tenses in the Koine period.<sup>251</sup> Since the present tense is used here, ἀποτρέχω is employed as it also is in v. 7. Ex has utilized an idiomatic phrase for manumission again (ἐλεύθερος in combination with an element of predication) as was shown in the commentary on v. 2. Ex is most concerned with these specific verbs and phrases being used rather than matching his source text with stereotypical renderings.<sup>252</sup> In these contexts where technically referring to manumission mattered most Ex ensures that the text says just that.

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<sup>250</sup> Sollamo, *Repetition of the Possessive*, 30; who notes that this occurs 20 out of 50 times in Ex. It is uncertain whether the repetition of pronouns in these lists of coordinate items would give prominence to the relationships under consideration.

<sup>251</sup> Cf. Lee, *A Lexical Study*, 127.

<sup>252</sup> This is not to say that Ex violated the semantic confines of the Hebrew terms. This is not the case.

### 3.3.6. V. 6: On Slave Status (Continued)

προσάξει αὐτὸν ὁ κύριος αὐτοῦ πρὸς τὸ κριτήριον τοῦ θεοῦ, καὶ τότε προσάξει αὐτὸν πρὸς τὴν θύραν ἐπὶ τὸν σταθμόν, καὶ τρυπήσει αὐτοῦ ὁ κύριος τὸ οὖς τῷ ὀπητίῳ, καὶ δουλεύσει αὐτῷ εἰς τὸν αἰῶνα.

והגישו אדניו אל־האלהים והגישו אל־הדלת או אל־המזוזה ורצע אדניו את־אזנו במרצע ועבדו לעלם

#### 3.3.6.1. Commentary

י (1<sup>o</sup> = not translated). Hebrew usually marks an apodosis with a י, whether it is apodotic or resumptive.<sup>253</sup> Apodotic καὶ is notably *not* translated twenty-five out of twenty-nine times in Ex.<sup>254</sup> This trend represents the translator being in line with Greek standards.<sup>255</sup> Ex and Gen both exhibit an inhibition towards apodotic καὶ.<sup>256</sup> Ex, in particular, shows “near to perfectly correct usage.”<sup>257</sup> The non-translation here is representative of idiomatic Greek since compositional Greek apodoses, especially in the Ptolemaic papyri and the NT, do not often include markers of the apodosis.<sup>258</sup> In this way the non-translation here is also reflective of compositional casuistic law.

προσάξει. The verb προσάγω is used to translate Hiphil קרב most often in Greek Exodus.<sup>259</sup> In the Hiphil נגנ occurs twice in this verse, and once in 32.6 where the sacrificial context leads the translator to use προσφέρω. Other terms variously translate Qal forms of נגנ. It is only important to ask why προσάγω was used here, since this is the only other context with Hiphil נגנ. Of course, the Greek verb is suitable to indicate the causative act of “bringing” something

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<sup>253</sup> Wilhelm Gesenius, Thomas Jefferson Conant, and Emil Roediger, *Gesenius' Hebrew Grammar* (New York: Appleton, 1955), point 112ff. Cf. Tjen, *On Conditionals*, 18.

<sup>254</sup> Tjen, *On Conditionals*, 215; cf. 221.

<sup>255</sup> Ibid., 218; Aejmelaeus, “The Significance,” 368-369, 371.

<sup>256</sup> Tjen, *On Conditionals*, 221.

<sup>257</sup> Aejmelaeus, “The Significance,” 371.

<sup>258</sup> Tjen, *On Conditionals*, 37.

<sup>259</sup> 14.10; 28.1; 29.4, 8; 29.10; 40.12, 14. It is προσφέρω in 29.3. Two other verbs translate this word each once: בוא in the Hiphil (19.4); סור (3.4).

somewhere, which is reflective of the Hiphil stem. Secondly, προσάγω is a verb used in literary legal contexts for bringing a person to court as a defendant or witness.<sup>260</sup> This is also shown in the papyri,<sup>261</sup> with C. Ord. Ptol. 22. 7-11 (260 BCE) using it in reference to the bringing of a *slave* to be registered. By itself προσάγω would probably not be associated with this meaning of the term. However, the plus of τὸ κριτήριον (“the tribunal”)<sup>262</sup> just following confirms this precise intended sphere of meaning. Much needs to be said about this plus, as it is may be one of the strongest indicators of Ptolemaic legal interference in this translation.

### 3.3.6.2. Excursus on τὸ κριτήριον τοῦ θεοῦ

#### 3.3.6.2.1. Introduction

τὸ κριτήριον τοῦ θεοῦ. The original place to which אלהים referred is not altogether clear. Scholars generally posit four options for where this ritual might take place according to the Hebrew: the owner’s house, the city gate, the temple, or a sacred place.<sup>263</sup> Ex does not seem to choose any of these options.<sup>264</sup>

As a basic conclusion, this study will argue that the plus of τὸ κριτήριον is related to Ex’s desire to formulate a law that did not trespass upon Ptolemaic Egyptian legal norms. Specifically, Ptolemaic Egypt had strict regulations when it came to the acquisition and maintenance of slaves. Ex has accommodated that standard by directing the readers to officialise their slave transactions at the local Ptolemaic-authorized office, which was probably labelled κριτήριον.

There are a few questions that need to be answered to demonstrate this claim: a) How does Ex translate the Hebrew phrase אלהים elsewhere and why? b) Does Ex add pluses like

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<sup>260</sup> LSJ, προσάγω, I. 8.

<sup>261</sup> E.g., P. Hal. 8.5 (231-230 BCE).

<sup>262</sup> See the next section for the translation of this word.

<sup>263</sup> Propp, *Exodus*, 193-194; Paul, *Studies in the Book*, 50-51; cf. Durham, *Exodus*, 321.

<sup>264</sup> That this is not referring to a synagogue is argued below. Cf. also Swete, *Introduction*, 446, who labels this verse as an exegetical/hermeneutical addition of the translator. He does not explain why it was necessary, however.

this in other contexts? c) What did κριτήριο mean in third century Ptolemaic Egypt? d) Is there an ostensible reason why Ex would include κριτήριο here based on that definition?

### 3.3.6.2.2. a) Translations of אלהים

אלהים

= πρὸς τὸν θεόν

❖ in contexts in which words are being spoken to God.<sup>265</sup>

= ἐνώπιον τοῦ θεοῦ

❖ in contexts where someone is physically going before God, however that might have been tangibly conceived.<sup>266</sup>

= εἰς τὸ ὄρος τοῦ θεοῦ<sup>267</sup>

= τὸ κριτήριο τοῦ θεοῦ<sup>268</sup>

It has been previously argued elsewhere that Ex demonstrates a desire to avoid representing God or his presence physically.<sup>269</sup> From such a conclusion it could be argued that 21.6 is another example of this kind circumvention of the physical when it comes to talking about God. However, Ex makes no such interventions in 3.6 and 22.8(7) where this same phrase is translated with ἐνώπιον τοῦ θεοῦ.<sup>270</sup> Verse 22.8(7) is a similar legal context in which the lord of a house is to go אלהים and swear an oath of innocence. Ex makes no addition or intervention in that text. A similar case could be made for 22.9(8), which also has a legal decision going ἐνώπιον τοῦ θεοῦ (עד האלהים). These suggest that something about the context and content of 21.6 compelled Ex to add τὸ κριτήριο, and not the genre of the text. It is always possible that a variant *Vorlage* caused Ex to translate this word here, but no such reading is

<sup>265</sup> 2.23; 3.11, 13; 18.19

<sup>266</sup> 3.6; 22.7(8); 34.20, 23.

<sup>267</sup> 19.3 and 24.13. 19.3 seems to include τὸ ὄρος either based on a *Vorlage* like the text in 24.13 or because, as is the translator's custom, Ex circumvents any direct description of a physical appearance of God. This does not affect the argument for 21.6 if τὸ ὄρος is based on a variant *Vorlage*. Otherwise it is another example of a description of God's physicality being avoided.

<sup>268</sup> Only in 21.6.

<sup>269</sup> Jan Joosten, "To See God: Conflicting Exegetical Tendencies in the Septuagint" in *Die Septuaginta — Texte, Kontexte, Lebenswelten, Wissenschaftliche Untersuchungen zum Neuen Testament* 219 (ed. M. Karrer, W. Kraus; Tübingen, Mohr, 2008), 287-299, specifically, 290-293; L. Perkins, "The Greek Translator of Exodus, Interpres (translator) and Expositor (interpreter): His Treatment of Theophanies," *Journal For The Study Of Judaism* 44, no. 1 (2013): 16-56.

<sup>270</sup> That 3.6 is a context with a theophany may influence the translation there, however.

presently documented, nor does any other Pentateuchal translation use any term that would point to this ostensible Hebrew reading.<sup>271</sup> Before analysing the function of κριτήριο within Ex's milieu, it is appropriate to ask whether an addition like this is a rarity in this translation. If it is, this further emphasizes the constraining power of whatever outside force persuaded Ex to change the text.

### 3.3.6.2.3. b) *Pluses in Ex*

For a full list of the pluses in Exodus 1-24 as compiled by this author, see Appendix I. As per Tov's analysis, that list could suggest that a large portion of pluses in Greek Exodus as compared to MT are due to harmonizing that has occurred at the Hebrew level, and without any added intention of Ex.<sup>272</sup> Wevers, on the other hand, offers the perspective that many of the pluses are on account of the translator's own volition and not an expansionary *Vorlage*.<sup>273</sup> It is not the intention of this thesis to arbitrate between these competing views.

Some pluses, like the verse in question, do not seem to be based out of a harmonising tendency. Many pluses seem to indicate that Ex only added to the text when something was deemed unacceptable theologically or was in danger of being misunderstood in a pivotal part of the text, rather than adding minor details.<sup>274</sup> This latter category is of course a subjective evaluation on the part of this author.

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<sup>271</sup> Daniel 7.10 translates κριτήριο for Aramaic כְּרִיָּה ("judges; court." See Brown, et al., *Enhanced Brown-Driver-Briggs*, 1088). The issue with using Daniel for evidence is due to the changing specific definition of κριτήριο after the third century.

<sup>272</sup> Emmanuel Tov, "Textual Harmonization in Exodus 1-24," *A Journal of Biblical Textual Criticism* 22 (2017): 1-16, particularly 15, highlights the harmonizing tendency of Ex's Hebrew text in chapters 1-24. While this author does not agree with every specific claim made in this article, its evidence is worth considering. It is a coincidence that Tov and I examined the same chapters in our work on pluses, and he added some very helpful insights into my own discoveries regarding the harmonisations present. See also Emanuel Tov, "The Shared Tradition of the Septuagint and the Samaritan Pentateuch," in *Die Septuaginta: Orte und Intentionen* (ed. Siegfried Kreuzer et al.; WUNT 361; Tübingen: Mohr Siebeck, 2016), 277-93.

<sup>273</sup> Cf. Wevers, *Text History*, 147ff.

<sup>274</sup> Some examples seem to be theologically motivated (circumventing a physical description of the divine presence in 4.12; 16.3; 18.5); some clarify small points in the narrative (12.39), or make certain the event being described could not be misinterpreted (14.25; 21.15[14]; 21.36; 22.16[17]; possibly 18.18). For those of more spurious origins see Appendix I.

The strange thing about 21.6 is that ἐνώπιον τοῦ θεοῦ (the expected translation as per 3.6 and 22.8[7]) is elsewhere regarded by the translator as understandable and in no further need of clarification. If it were problematic, one would expect Ex to consistently make changes to this phrase or add pluses, much like is done when circumventing a physical description of the divine presence.<sup>275</sup> Instead, something else has triggered the plus and the only data that can give insight from here is an evaluation of κριτήριο and its function in the third century world with respect to slavery.

#### 3.3.6.2.4. c) Definitions of Κριτήριο

As a basic and generic definition Greg Horsley defines the word with the primary sense of “means/standard of judging,” stating that, “the basic sense [of κριτήριο] had not become obsolete after the classical period.”<sup>276</sup> It is possible that Ex is simply using this term in a plain way such as this. However, the ‘on the ground’ function of κριτήριο in third century Alexandria and Egypt strongly suggests there is more to the equation.

The κριτήριο was a court and representative office of Ptolemaic legal authorities in the third century which focused on general matters of law and societal organization.<sup>277</sup> Wolff claims that its role as a court with this function has no previous attestations before the Ptolemaic period, and it may in fact have been an invention of that period,<sup>278</sup> particularly from within Alexandria.<sup>279</sup> He states that these courts were found in the cities and in the *Chora*.<sup>280</sup> They stood primarily in contrast to the δικαστήριο which was a representative office for those with full

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<sup>275</sup> For pluses because of this see 4.12; 16.3; 18.5.

<sup>276</sup> Greg H.R. Horsely, *New Documents Illustrating Early Christianity*, vol 4 (North Ryde: Ancient History Documentary Research Centre, Macquarie University, 1987), 157.

<sup>277</sup> For an overview, see Hans Julius Wolff, *Das Justizwesen der Ptolemäer* (München: Beck, 1970), 96-112.

<sup>278</sup> Fraser, *Ptolemaic*, vol. 2, 62.

<sup>279</sup> Wolff, *Das Justizwesen*, 97.

<sup>280</sup> *Ibid.*, 99.

Greek citizenship.<sup>281</sup> Foreigners who did not have these rights were sent to the κριτήριον.<sup>282</sup> The δικαστήριον also had a greater role in punishing individuals and giving royal aid.<sup>283</sup> In his study, Wolff notes that the κριτήριον and the δικαστήριον were distinct entities in third century Egypt,<sup>284</sup> though this distinction was lost in the second century.<sup>285</sup> Beyond these basic facts, there is little other definitive information available as to the distinctive qualities of the κριτήριον, other than that it was used for more general legal items than the δικαστήριον.<sup>286</sup>

It cannot be stressed enough that the κριτήρια were concrete, multitudinous,<sup>287</sup> and authorized courts dispersed all over Ptolemaic Egypt. Alexandrian Jews would be accustomed to, and frequently attend, such courts. Take, for example, in the papyri P. Hal. 1, 2. 40, 43, 76 (3<sup>rd</sup> BCE), which all direct the readers of these laws to go to either the δικαστήριον or the κριτήριον for their legal needs. P. Hib. 2, 1. 11-12 (and 25. 49-50 [3<sup>rd</sup> BCE]) refer to various κριτήρια designated to different locations using a specific phrase: ἐπὶ τοῦ ἀποδεδειγμένου κριτηρίου (“at the appointed tribunal”).<sup>288</sup> The κριτήριον was where a host of official legal matters occurred in Ptolemaic Egypt.

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<sup>281</sup> Ibid. The courts (δικαστήριον) held a unique authority in later Athenian law (after the 4<sup>th</sup> BCE [Hansen, Mogens Herman Hansen, *Eisangelia: The Sovereignty of the People's Court in Athens in the Fourth Century B.C. and the Impeachment of Generals and Politicians* (Odense: University Press, 1975), 14]). The δικαστήριον acted as a standing court in Egypt from as early as 270 BCE (Bagnall and Derow, *The Hellenistic*, 288).

<sup>282</sup> Wolff, *Das Justizwesen*, 99, 108.

<sup>283</sup> Ibid., 99.

<sup>284</sup> Ibid., 96-97, 100.

<sup>285</sup> Ibid., 110; cf. Wolff, “Law in Ptolemaic Egypt,” 67-77.

<sup>286</sup> Idem., *Das Justizwesen*, 99. There was another court of appeal established at the outset of the third century, the κοινοδίκιον. It functioned as an intermediary for cases between Egyptians and Greeks (Kasher, *The Jews*, 50; Taubenschlag, *Law of Greco-Roman*, 483). This court was open to other nationalities as well (ibid., 484). However, since it dealt with specifics regarding *international* relations, it would have been an unsuitable term in Ex which focuses on inter-Jewish relations. There was also the λαοκρίται, but that court was specifically for native Egyptians.

<sup>287</sup> They are referenced in the papyri in the plural and in various locations.

<sup>288</sup> Cf. also P. Hibeh 2 198, 11. 237 (242 BCE): ἐν τῷ ἀποδεδειγμένῳ κριτηρίῳ.

### 3.3.6.2.5. d) Reason for the Addition of *Κριτήριο*

A few questions need to be asked having given this definition:<sup>289</sup> First, is Ex intending *κριτήριο* to be taken as a general term, as in, “standard of judgement” with no reference to the laws or systems that be? If so, it could indicate the slave master was to go to a synagogue or the like for this process. Second, is there evidence that would suggest that Ex used the term with its more specific and ‘concrete’ realization as an actual Ptolemaic court Jews went to?<sup>290</sup> Or did Ex at least want to allude to those courts? These points will be taken in reverse.

What purpose would it serve for Ex to use *κριτήριο* in this context? Is it because it was the foreigners’ court, i.e., the Jewish court, and thus applied in a general way to them? No, it should not be considered likely that Ex is referring to specifically foreign courts when using *κριτήριο*. The evidence suggests that there were Jews who did in fact use the *δικαστήριο* for legal matters.

P. Petr. 3. 21g (226 BCE) is a case of assault between two Jews which is brought before a Greek court, the *δικαστήριο* (line 47), using Greek laws.<sup>291</sup> The guardian of the woman was an Athenian (line 38) and likely connected to the military<sup>292</sup> which are very likely the reasons they appeared in Greek court.<sup>293</sup> Jews not connected to the military would not have this privilege. That the Jewish population was divided by legal privilege based on their connection to military has recently been made certain.<sup>294</sup> Most scholars claim that those associated with the

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<sup>289</sup> I am leaving out the question of what the appellation τοῦ θεοῦ might add to the word for now.

<sup>290</sup> Le Boulluec and Sandevor, *L'Exode*, 215, comment that *κριτήριο* represents an interpretive move that is “adaptée à la réalité juridique concrète,” but explain this idea no further.

<sup>291</sup> Tcherikover et al., *Corpus*, 152.

<sup>292</sup> *Ibid.*, 156.

<sup>293</sup> This is what Kasher, *The Jews*, 50-51, 142, argues. See also 63-74, 142-143, for Jews who worked in a lower, non-privileged class. Wolff, “Law in Ptolemaic Egypt,” 71, while not agreeing, does not mention these non-privileged workers.

<sup>294</sup> Sylvie Honigman, *The Septuagint and Homeric Scholarship in Alexandria A Study in the Narrative of the Letter of Aristeas* (London: Routledge, 2012), 99-100.



πολίτευμα<sup>295</sup> were likely also associated with the military, and it is for these that the δικαστήριον was set up in the *Chora*.<sup>296</sup> Tcherikover summarizes this nicely: “Presumably, besides maintaining national customs such as traditional holidays, religious ceremonies and the like, in all legal matters members of the *politeuma* acted in accordance with the general Hellenistic law that applied in the country and used to have recourse to the ordinary court of the government.”<sup>297</sup> While this is true, it needs to be emphasized that P. Petr. 3. 21g is the only direct instance recorded in the papyri of two Jews going to Greek court in all the papyri mentioning Jews in the third century.<sup>298</sup>

Therefore, based on the surviving evidence regarding πολίτευμα, some Jews would undoubtedly go to the δικαστήριον. Ex would not have used κριτήριον as a catchall reference to the court that all foreigners went to. It would not have held that significance to the translator.

While it is possible to say that the κριτήριον was not specifically referring to the court that all Jews went to, there is little else that can be definitively stated about the function of that court in the third century. There is one papyrus that connects the protocol of slave emancipation with the κριτήριον (P. Hib. 1 29. 4-6, [265 BCE]), but there is not enough evidence to be sure that the κριτήριον was specifically the court for all matters regarding owning, trading, or the manumission of slaves.<sup>299</sup>

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<sup>295</sup> This term usually denotes an ethnic group within another geographical locale other than their own and under the authority of the Ptolemies. See Aristeas 310; Taubenschlag, *Law of Greco-Roman*, 583-584; Tcherikover et al., *Corpus*, 6; idem., *Hellenistic Civilization*, 297. For the Jews being given this status just north in Cyrene see CIG 5361; cf. Kasher, *The Jews*, 44.

<sup>296</sup> Honigman, *The Septuagint and Homeric*, 99; Rajak, *Translation and Survival*, 80; Wolff, “Law in Ptolemaic Egypt,” 68.

<sup>297</sup> Tcherikover, *The Jews*, 97.

<sup>298</sup> And most of the second. In the research for this study all documented sourced were analysed as recorded in Tcherikover et al., *Corpus*, vol. 1; P. Magd. 35 (218 BCE) is unclear as to whether everyone in the case were Jews, and should not be thus considered; cf. *ibid.*, 239-240.

<sup>299</sup> Likewise, the δικαστήριον is connected to slaves in P. Lille 1 29 (3<sup>rd</sup> BCE), but the fragmentation there leaves the connection more uncertain than P. Hib. 1 29.

It is more helpful to approach the problem of the plus in 21.6 from a different angle. There *is* definitive documentation regarding Ptolemaic legislation about slave ownership and practice. The stiffness and unbending quality of their rules on this subject give a strong indication why Ex *had* to add this plus at this juncture in the text, if Ex did not want to translate a law that would be utterly hostile to Ptolemaic rule.

In short, “The entire process of slave sales was under complete government control.”<sup>300</sup> This can be seen by the fact that there was a high tax on the trade of slaves and slavery in general in Egypt,<sup>301</sup> which was regulated very closely.<sup>302</sup> There was an import tax<sup>303</sup> and a basic tax on each sale.<sup>304</sup> There was also a tax on the manumission of slaves.<sup>305</sup> These taxes from the surrounding countryside were sent to Alexandria<sup>306</sup> which is an indication of the centralized and official slave management occurring there.<sup>307</sup> There was also considerable effort and legislation to ensure slaves were acquired and transmitted under strict supervision and according to code.<sup>308</sup> Slaves also *had to be documented* for tax purposes.<sup>309</sup> In fact, “Those who fail[ed] to register slaves suffer confiscation of the slaves.”<sup>310</sup> In some instances, Taubenschlag comments, “Persons who fail to register themselves and those whom they ought to, no matter what their nationality, [were] fined a quarter of their property.”<sup>311</sup> In other cases, like that shown in P. Ord. Ptol. 22. 7-

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<sup>300</sup> Westermann, *Upon Slavery*, 9.

<sup>301</sup> Fraser, *Ptolemaic*, vol. 1, 73; idem., *Ptolemaic*, vol. 2, 157-158. Cf. Taubenschlag, *Law of Greco-Roman*, 553; Westermann, *Upon Slavery*, 61, and see 33, 36, and 38 for these taxes stretching back as far as the Ptolemaic Period existed.

<sup>302</sup> As evidenced by P. Col. inv. 480 (198-1987 BCE); P. Lille 1 29 (3<sup>rd</sup> BCE); and P. Hib. 29r (265-264 BCE); cf. Westermann, *Upon Slavery*, 47-48, 58.

<sup>303</sup> P. Cair. Zen. 1 59093. 10-13 (257 BCE).

<sup>304</sup> Westermann, *Upon Slavery*, 61.

<sup>305</sup> Ibid., 61, who concedes that this must be implied based on other evidence from Hellenistic cities of the time since nothing survives for Ptolemaic Egypt; cf. 39-41.

<sup>306</sup> Ibid., 9, 48.

<sup>307</sup> Ibid., 48.

<sup>308</sup> Fraser, *Ptolemaic*, vol. 1, 84-85; idem., *Ptolemaic*, vol. 2, 164-165; Taubenschlag, *Law of Greco-Roman*, 476; P. Harr. 61. 1-12 (180 BCE), which are paralleled in the third century according to Fraser. Cf. P. Col. 1 inv. 480 (198 BCE).

<sup>309</sup> Taubenschlag, *Law of Greco-Roman*, 610; for legislation to this regard see, e.g., P. Grad. 1 (mid 3<sup>rd</sup> BCE); P. Hib. 29 (265-264 BCE); P. Col. Inv. 480 (198-197 BCE); P. Lond. 3 642 (180-145 BCE).

<sup>310</sup> Taubenschlag, *Law of Greco-Roman*, 476.

<sup>311</sup> Ibid.

11 (260 BCE), there was the charge of 3000 drachmas and the loss of the slave for those who do not register their slave. With all this data Westermann sums up the necessity of bringing every slave to the official office: “it is apparent that prospective sales must be declared beforehand...*through the offices of the market supervisors.*”<sup>312</sup>

It is clear from this data that anyone who was going to gain a slave would absolutely have to go to the Ptolemaic office and register them. If Ex had translated with ἐνώπιον τοῦ θεοῦ or something like it, the suggestion would be that the slave ceremony and officialization could occur pretty much anywhere with a doorframe. Such a law would be in direct contradiction and even hostile to the Ptolemaic government. This angle also explains why no plus was needed in 22.7(8), because that text refers to a matter that was not regulated by the government. Verse 22.7(8) is about a neighbour being wronged by theft. In Ptolemaic law that crime would have to be reported *by the victim* if any action were to take place,<sup>313</sup> mostly because the Ptolemaic government did not give much regard to private matters like 22.7(8).<sup>314</sup> Slave matters, however, *always* had to be reported.

Based on these findings the reason for this plus can probably be understood as cautionary. Because a change in slave status required going to the official court, and that κριτήριο could have been the title of these official courts, it does not seem possible that an Alexandrian Jew would read τὸ κριτήριο τοῦ θεοῦ in this context and not imagine those specific institutions. It is most probable that the translator had these in mind. The term should probably not, then, be understood in a broad sense. Why not add a plus that is more generic like \*τόν

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<sup>312</sup> *Upon Slavery*, 12, emphasis his; cf. Taubenschlag, *Law of Greco-Roman*, 97; Tcherikover, *Hellenistic Civilization*, 304, argues that slave emancipation would have occurred at Jewish courts, apart from the Greek systems. He gives no reason for this, but it does not affect the argumentation here. That Jewish court would still be authorized by the Ptolemies and would collect data for them.

<sup>313</sup> Taubenschlag, *Law of Greco-Roman*, 543-544, 685.

<sup>314</sup> J. Modrzejewski, “La Règle de Droit,” 139.

τόπον τοῦ θεοῦ (this plus actually occurs in 24.7 for אֱתֵּהּ אֱלֹהִים)<sup>315</sup> or more Jewish like \*τόν συναγωγήν τοῦ θεοῦ rather than refer to a specific and ubiquitous court of the Ptolemies that dealt with slave administration?<sup>316</sup> Even if the phrase were interpreted as more generic, the immediate association of anyone in third century Alexandria would be to the Ptolemaic court. Maybe Ex intended for this kind of polyvalence as a safeguard against anyone reading the text in comparison with Ptolemaic legal norms.<sup>317</sup>

The whole phrase τὸ κριτήριον τοῦ θεοῦ does not occur in any documented sources so it is hard to know exactly how τοῦ θεοῦ would be heard from a Greek perspective. A genitive noun's meaning is determined by its idiomatic pairing with its head noun. For the argumentation provided, the exact nuance of τοῦ θεοῦ does not need to be determined. Likely the genitive connotes something like divine approval or origin.<sup>318</sup> Perkins has argued that Ex's anarthrous rendering of אֱלֹהִים throughout the translation could suggest a monadic understanding of the articulated θεός, i.e., “the *only* God.”<sup>319</sup> However, the article is probably best understood as simply referring to Israel's deity.<sup>320</sup> This means that the κριτήριον would be positively associated with that specific god. That the phrase is not anarthrous probably also suggests that the genitive does not function adjectivally, in that it does not use τοῦ θεοῦ to infuse κριτήριον with divine attributes. This would be possible with an anarthrous reading.<sup>321</sup>

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<sup>315</sup> The plus here is to circumvent a physical description of the appearance of God, however.

<sup>316</sup> At least in part.

<sup>317</sup> A final option for this plus would be that its position within the whole Covenant Code speaks to its function. It could be that τὸ κριτήριον being added at the outset of the laws would signify that subsequent laws were to imply that the court was to be involved in their proceedings as well.

<sup>318</sup> The closest phrase found in the documentary evidence near the time of the translation is πρόσταγμα τοῦ θεοῦ (P. Cair. Zen. 3 59426. 7 [275-226 BCE] and similarly in P. Cair. Zen. 1 59034. 18-19 [257 BCE]). The genitive in these seems to indicate origin, but it, too, is difficult to label exactly.

<sup>319</sup> Larry Perkins, “The Septuagint Translator(s)'s Rendering of אֱלֹהִים,” unpublished paper accepted for publication in *Catholic Biblical Quarterly* (publication date TBA), 7. A copy of this paper was shared privately with this author.

<sup>320</sup> Ibid., 3. Propp (*Exodus*, 192) claims that the LXX envisions τοῦ θεοῦ as referencing “ordinary magistrates” infused with divine authority (in line with the Targums, Syriac, and Rashi). This is very unlikely given the use of the article with θεός.

<sup>321</sup> Cf. Perkins, “The Septuagint,” 9.

### 3.3.6.3. Commentary Continued

τότε. This word is a plus only here and in 33.23. The latter context states καὶ ἀφελῶ τὴν χεῖρα, καὶ τότε ὄψῃ τὰ ὀπίσω μου (“And I will take my hand away, and then you shall see my hind parts”). The term τότε seems to function in this context as a means of making the verbal actions sequential so that the text does not imply that Moses saw the hand of God. Ex 21.6 is a bit more opaque. Does the translator add τότε to signify that going to the κριτήριον is a separate event from the ceremony of ear piercing? Or, does the ear piercing occur *at* the κριτήριον. The latter is what the text more naturally reads without τότε, so perhaps the former is intended. If it is, then Ex has made another nod in the direction of the separate event of slave registration. It may also be that τότε is added to reduce parataxis at the Hebrew level, though one would expect this more often in the translation if that is the only reason.

πρὸς τὴν θύραν ἐπὶ τὸν σταθμόν. The use of the two prepositions πρὸς and ἐπὶ could be an “exegetical” choice of Ex who has decided that לַדֶּלֶת and מִזוּזָה do not represent alternatives, but that the latter (σταθμός)<sup>322</sup> is a further specification of which part of the θύρα would be involved in the ceremony.<sup>323</sup> This change could actually be part and parcel of Ex’s understanding of וְ, which can sometimes mean “or rather.”<sup>324</sup> If it does mean “or rather,” then Ex may have rendered the text based on its sense, i.e., “toward the door, *or rather*, on the doorpost.” Ex only omits וְ once elsewhere in a place where the meaning is not altered.<sup>325</sup> This suggests that Ex has taken וְ into consideration here. If Ex has understood it as “or rather,” there would be no real

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<sup>322</sup> For this word’s classical use as “doorpost” or “doorframe” see John Chadwick, *Lexicographica Graeca: Contributions to the Lexicography of Ancient Greek* (Oxford: Clarendon Press, 2003), 257.

<sup>323</sup> Cf. Wevers, *Text History*, 217. Propp, *Exodus*, 118, wonders if the translator could not figure out why there would be a door without a doorpost.

<sup>324</sup> Brown et al., *Enhanced Brown-Driver-Briggs*, 14.

<sup>325</sup> 4.11, where it is clearly stylistic in that Ex creates two pairings, δύσκωφον καὶ κωφόν, βλέποντα καὶ τυφλόν. This omission does not change the meaning at all.

“exegetical” change to the text. This would also go against Büchner’s suggestion that Ex’s exegesis here is particularly halakhic as reflected in Rabbi Mekilta’s Commentary on Exodus.<sup>326</sup>

It is interesting to wonder about the impracticality that “the door *or* the doorpost” would create in the actual practice of this law. If the ceremony was taking place at a public area or even an official office, having more than one designated spot for the procedure could cause irritation or confusion by those officials. The change is rather practical in this regard, too. In this way, it coincides with the plus of τότε which adds an orderliness to the text.

### 3.4. Verses 7-11: Laws Concerning a Daughter Sold as Slave

#### 3.4.1. V. 7: *On Status and Manumission*

Ἐὰν δέ τις ἀποδῶται τὴν ἑαυτοῦ θυγατέρα οἰκέτιν, οὐκ ἀπελεύσεται ὥσπερ ἀποτρέχουσιν αἱ δοῦλαι.

וכִּי־יִמְכַר אִישׁ אֶת־בִּתּוֹ לְאִמָּה לֹא תֵצֵא כַצֵּאת הָעֲבָדִים

Ἐὰν δέ τις. This is a common introduction to compositional conditional sentences. In royal decrees and official legal casuistic laws it designates “special provisions, or variations and exceptions” in regard to the initial items discussed.<sup>327</sup> This fits with what is occurring here in these slave laws. Verses 2-6 refer to either male slave laws or to the release of all slaves in general, whereas vv. 7-11 focus on a more specific subcategory of slavery, namely, daughters given as slaves. While the translation generally correlates well with the Hebrew text, the use of כִּי in the Hebrew indicates a new section, whereas ἐὰν δέ τις—in compositional Greek law—indicates a subsection of the previous main topic. This nuance of the Hebrew has been lost in this

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<sup>326</sup> Dirk Büchner “On the Relationship Between *Mekilta De Rabbi Ishmael* and Septuagint Exodus 12-23” in *IX Congress of the International Organization for Septuagint and Cognate Studies*, 45 (ed. Bernard Alwyn Taylor; Cambridge, 1995), 403-420, here 413. It would be helpful for Büchner to define the parameters of “halakhic” interpretation. For example, later commenting on v. 13 he states, “[Ex] interprets from the explicit to the general, in order to make allowance for a broader halakhic category” (414). What is shown here in v. 6 would be Ex going from the general to the explicit. Are both halakhic? Or can an interpretation only be considered halakhic if it is found in the rabbinic sources? See Leo Prijs and Eva Prijs, *Jüdische Tradition in der Septuaginta; Die grammatikalische Terminologie des Abraham Ibn Esra* (Hildesheim: Olms, 1987), 9, for a similar interpretation to Büchner.

<sup>327</sup> Westermann, *Upon Slavery*, 30, speaking of the διάγραμμα in this instance.

instance. The translator should not be faulted. In order to indicate a new topic in Greek compositional casuistic law, *δέ* would not be used.<sup>328</sup> Still, Ex had a *ἵ* that needed to be represented. Ex thus needed to make a choice whether to represent Greek idiom (that is, of course, if the translator was cognisant of this aspect of Greek legal syntax) or the Hebrew source text. Ex chose the latter here. Little is lost from the source text's meaning since the topics are still generally close to each other.

In contrast to this, Ex does represent Greek idiom by not translating the beginning of the clause with *καὶ ἐάν*. In all the documentary sources, nearly no formal casuistic law, nor entreaty for that matter, begins a conditional sentence with *καὶ ἐάν*.<sup>329</sup> Only in the Zenon *epistolary* correspondences do some conditional clauses begin with *καὶ ἐάν*.<sup>330</sup> This genre is not the same as formal legal texts. In legal texts *καὶ ἐάν* is reserved for inter-clausal additional conditions or concessions. Had Ex translated the beginning of any of the casuistic laws in this chapter with *καὶ ἐάν*, he would be out of sync with Greek legal idiom.

*ἀποδοῶται*. Verses 21.7, 17, 35 and 22.1(2) use the middle of *ἀποδίδωμι* for *מכר*.<sup>331</sup> The two other translations of *מכר* are *πωλέω* (21.8) and *πιπράσκω* (22.2[3]). All occur within the Covenant Code. The middle voice of *ἀποδίδωμι* suggests a measure of self-will on the part of the person who is selling.<sup>332</sup> The reason it is not used in 21.8 and 22.2[3] is because in the first context, the

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<sup>328</sup> See comments on 3.4.2. and *ἐάν* (no *δέ*).

<sup>329</sup> The only exceptions, among some 150 examples, might be P. Hib. 2 198, r. 5. 120 (242 BCE); P. Tebt. 3.1 703 5. 158 (210-209 BCE); possibly P. Sorb. 3 74 r. 2 (270-266 BCE). These examples may in fact not represent the beginning of a new sentence, but instead be in continuation with the previous thought and should instead be marked with a semi-colon.

<sup>330</sup> E.g., P. Cair. Zen. 2 59160. 11 (255 BCE); P. Cair. Zen. 2 59251. 9 (252-251 BCE).

<sup>331</sup> *ἀποδίδωμι* is used in casuistic law in the active voice at 22.25(26), 30(29); 23.4, though it renders different Hebrew verbs. These seem to be active due to the potential confusion the future middle tense formation could cause when in the second person singular, since that form looks like the aorist active subjunctive (both -ση) which is used all throughout the Code. It is also possible that where these actives occur there is no prior act of selling intimated.

<sup>332</sup> LSJ, *ἀποδίδωμι*, III.

statement is axiomatic and the act of selling refers to all sellers of any motivation or type,<sup>333</sup> and in the second context, because the passive and not the middle voice had to be employed.

ἑαυτοῦ. This addition occurs with moderate frequency in Ex and sometimes in the same position as here (article/reflexive pronoun/noun).<sup>334</sup> A personal connection or measure of self-involvement is indicated in each of these contexts, not just possession. It is interesting that this is also the way in which familial relations are often described in Greek legal texts.<sup>335</sup> Perhaps this idiom has influenced the translator, which in turn caused a change in the translation of the Hebrew word order (the suffix before its attached noun). Take these examples:<sup>336</sup>

- 1 P. Petr. 1 12. 10, (238 BCE)  
τῇι ἑμαυτοῦ γυναικί  
To his own wife
- 2 UPZ 1 162, 5. 27 (2<sup>nd</sup> half of 2<sup>nd</sup> BCE)  
τὸν ἑαυτοῦ πατέρα<sup>337</sup>  
His own father

οἰκέτιν...αἱ δοῦλαι. Propp suggests that behind Ex's δοῦλαι lies a harmonization in the Hebrew *Vorlage*. The harmonization is not at the word level but at a conceptual level, and occurs in relation to the concepts in Dt. 15.12. Here there seems to be a promotion in status given to females in that they may apparently be emancipated. It is argued that this possibility is not present in Hebrew Exodus. In Propp's view, Ex's *Vorlage* read אִמּוֹת instead of עֲבָדִים for this reason.<sup>338</sup> This harmonization would erase the inherent contradiction between these Hebrew texts, one inhibiting female manumission (Exodus) and one requiring it (Deuteronomy). As far

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<sup>333</sup> See comments below.

<sup>334</sup> All the examples are as follows: 2.11; 12.4; 13.19; 14.6; 18.1, 23, 27; 21.7; 32.27; 33.11; 34.35; 39.14(36.21).

<sup>335</sup> This phraseology is not limited to legal texts but it is not so frequent in the literary works to be not worth mentioning.

<sup>336</sup> Cf. Demosthenes 45.28, citing a law with τὴν ἑμαυτοῦ γυναῖκα.

<sup>337</sup> Cf. lines 33-34.

<sup>338</sup> *Exodus*, 118-119.



as this author is aware, there is no translation-technical way of discerning which text Ex had. No other readings with אַמֹּת are documented.<sup>339</sup> Neither does Ex ever change the gender of the Hebrew words for “slave” when using it to refer to persons.

The differences between οἰκέτις and παῖς and their respective classes have been discussed in 3.3.2. (παῖς). The additional information here is that both οἰκέτις and δοῦλη, though related to the word groups in 3.3.2., only occur here. The term οἰκέτις is not attested frequently in the literary sources.<sup>340</sup> Only one contrast like that found in 21.7 exists. In Euripides, *Electra*, 104 (5<sup>th</sup>-4<sup>th</sup> BCE) the author compares οἰκέτις γυνή with δούλης γυναικός. A translator suggests the difference be “serving maid” and “slave girl” respectively.<sup>341</sup> Theocritus Bucol. *Idyllia*, 18.38 (4<sup>th</sup>-3<sup>rd</sup> BCE) uses the term for “housewife” according to LSJ.<sup>342</sup> Ex cannot be using the term in any way that does not refer to slavery, however, given the emancipatory verbs used here (ἀπελεύσεται and ἀποτρέχουσιν). Ex does not mean “housewife.” Thus, this text creates a bit of a standstill when it comes to exact definitions. What must hold true is that οἰκέτις and αἱ δοῦλαι refer to different classes. If they were synonymous, the law would be tautologous (“the female slave shall not be emancipated as the female slaves”).<sup>343</sup> This is another indication that there may have been a class and benefit distinction between slaves of the οἰκ- status and slaves of the παῖ/δουλ- status.

The only evidence that can really provide any base to stand on is the consistent distinction made in the papyri (noted in 3.3.2. [παῖς]) between the labels of οἰκ- and δουλ- when

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<sup>339</sup> If Ex did have אַמֹּת and אַמֹּת, then this distinction created with οἰκέτις and δοῦλη may be Ex’s way of sorting out what would have been a tautologous Hebrew text (“the female slave shall not be emancipated as the female slaves”).

<sup>340</sup> 12x before here.

<sup>341</sup> Whitney J. Oates and Eugene O'Neill, Jr, ed., *Euripides: The Complete Greek Drama*, vol. 2, *Electra*, by E. P. Coleridge (New York: Random House, 1938), at <http://www.perseus.tufts.edu>.

<sup>342</sup> Additionally, Hippocrates, *De Morbis Popularibus*, 4.1.33.3 (5<sup>th</sup>-4<sup>th</sup> BCE) refers to the “eighth οἰκέτις” of a man, which seems to refer to a wife, not just a servant, since enumerating servants like this would make little sense and is very uncommon.

<sup>343</sup> That, or an incredibly unfair set of rights would be given to female slaves in this one situation, which, ostensibly, did not belong to the rest.

delineating slaves and their tasks. Again, *παῖς* and *παιδίσκη* are general terms which often receive an adjective to specify the type of work they were to do. The root *δουλ-* in these contexts refers to agricultural work or menial labor. Ex 21.7 is a context that uses both *οἰκ-* and *δουλ-* which suggests this contrast is present. So, the distinction in this verse most likely is between a woman slave given the status of “household-only” and the other slave women who were relegated to agricultural or menial labor. Thomas Wiedemann notes that agricultural slaves were treated more poorly and had less of a chance to be emancipated than their household counterparts.<sup>344</sup> As stated above, Wright comments that *δουλ-* may have even been derogatory,<sup>345</sup> a comment that again points to its potential low status.<sup>346</sup>

Considering all these items, perhaps the term *οἰκέτις* was typically associated with housewife slaves. This would make sense given Ex’s context, which straightforwardly requires a commitment to marriage.

Finally, on the matter of commitment to marriage, Fraser comments that “masters of slave-women, and other men of the household, frequently had children by female slaves, and the recording of their mother’s name only [in legal documentation] was an indication of their illegitimacy.”<sup>347</sup> In other words, some slave women did not have the privilege of a recognized marriage or family status. This may also be another reason for using *οἰκ-* here since the lowest valued slaves did not enjoy the privilege of being married, which is discussed in the following section (in vv. 8-11).

Considering all these indicators, it appears Ex is using *οἰκ-* in order to translate a law more in line with the standards of the day. This law would not clash with Ptolemaic slave norms.

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<sup>344</sup> Thomas Wiedemann, *Greek and Roman Slavery* (London: Croom Helm, 1983), 133.

<sup>345</sup> “*Δούλος* and *Παῖς*,” 270.

<sup>346</sup> Consequently, this would be why it appears so infrequently in the Greek Pentateuch.

<sup>347</sup> Fraser, *Ptolemaic*, vol. 1, 85; cf. Taubenschlag, *Law of Greco-Roman*, 629.

It would function with greater ease within that society which suggests that it probably was intended to do that very thing.

### 3.4.2. V. 8: *On Contractual Obligations*

ἐὰν μὴ εὐαρεστήσῃ τῷ κυρίῳ αὐτῆς ἢν αὐτῷ καθωμολογήσατο, ἀπολυτρώσει αὐτήν· ἔθνη δὲ ἄλλοτρίῳ οὐ κύριός ἐστιν πωλεῖν αὐτήν, ὅτι ἠθέτησεν ἐν αὐτῇ.

אם־רעה בעיני אדניה אשר־לא יעדה והפדה לעם נכרי לא־ימשל למכרה בבגדו־בה

ἐὰν (no δέ). The absence of δέ, assuming the Göttingen text, is due to the Hebrew source text not including γ.<sup>348</sup> In Greek casuistic laws, no δέ would usually indicate that a clean break has been made with the previous content and a new law is being discussed.<sup>349</sup> Ex does not represent that characteristic in this translation.

μὴ εὐαρεστήσῃ τῷ κυρίῳ αὐτῆς. The use of μή to negate this conditional clause is characteristic of Classical and Ptolemaic Greek, regardless of the mood employed.<sup>350</sup> Ex has reworked the Hebrew nominal clause רעה בעיני אדניה. In twenty-one out of thirty-seven cases, Hebrew nominal conditional clauses without וְ, אִין, or a pronoun are matched by pure nominal equivalents in the Septuagint Pentateuch.<sup>351</sup> The remainder involve examples in which an addition is made to include a verbal element.<sup>352</sup> More specifically in Ex, “All the subjunctive equivalents of nominal clauses turned into verbal clauses occur within the legal-instructional material. Most of them are apparently attempts at *more natural rendering of Hebrew expressions*.”<sup>353</sup> In Exodus these are found in 21.3, 21.8, and 24.14. If Ex had followed the general translation protocol, based on the

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<sup>348</sup> There is considerable evidence for its inclusion in the manuscript evidence, however. See the apparatus in Wevers, *Exodus*, vol. II, 249.

<sup>349</sup> See Bechtel et al, *Dikaionmata*, 64 (line 84), 107 (lines 186, 196, 203, 210), 140 (line 242). For δέ as a subordinator for the same kind of law see *ibid.*, 107 (lines 188, 199, 200, 205, 207), 140 (line 256). See also the example in Lenger, *Corpus*, 109-110 (fragment of *protagma*).

<sup>350</sup> Tjen, *On Conditionals*, 48; Mayser, *Grammatik*, vol. 2, 275-85.

<sup>351</sup> Tjen, *On Conditionals*, 169. Note, however, that the SamP has אִין here which may indicate its presence in Ex's *Vorlage*.

<sup>352</sup> In Exodus this occurs in 21.8; 22.14(15); 24.14; 32.24. Cf. *ibid.*

<sup>353</sup> *Ibid.*, 173, emphasis mine.

typical lexical choices and renderings of nominal clauses, something like \*ἐὰν κακή ἢ ἐναντίον κυρίου αὐτῆς would have been translated.

Why was such a translation avoided? It probably relates to how κακή and ἐναντίον would have been read. Unless Ex is circumventing a physical description of the divine presence,<sup>354</sup> בעיני is always translated ἐναντίον.<sup>355</sup> This semi-preposition in the Ptolemaic papyri<sup>356</sup> always “states in whose presence something has happened or is to happen, so that they are witnesses of it.”<sup>357</sup> This locational meaning combined with something like κακή could very easily be read as indicating that the slave girl would do something wrong in the master’s presence,<sup>358</sup> or would refer to events *after* coming into the master’s services. That is not the intent of the Hebrew. The term רעה likely refers to either the prospective wife’s general incompatibility with the buyer<sup>359</sup> or her physical unattractiveness.<sup>360</sup> Had Ex produced a translation along those lines, the result could have been the depiction of a negative state (κακή ἢ) rather than the absence of a positive one (μὴ εὐαρεστήσῃ) for rejection to be permissible. Ex’s actual translation is more specific this way, allowing for the daughter to be returned for *anything* the master finds undesirable. This would be favourable both to the father and the master.

The only text before the common era in which εὐαρεστέω occurs in a situation that has to do with marriage may also suggest why it is used in 21.8. It is found in H. Thesleff’s *The Pythagorean Texts of the Hellenistic Period*, under the heading of Melissa, *Fragmentum epistulae ad Clearetam*, lines 5-6: τὰς δὲ ποθ’ ἕνα τὸν ἴδιον εὐαρεστούσας γυναικὸς κόσμος ὁ

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<sup>354</sup> 33.12, 16, 17; 34.9.

<sup>355</sup> 3.21; 5.21(2x); 11.3(2x); 12.36; 15.26; 33.13(2x).

<sup>356</sup> And in the literary sources in general.

<sup>357</sup> Sollamo, “Some ‘Improper’ Prepositions,” 780.

<sup>358</sup> κακός has a wide range of meanings, however. See LSJ, κακός, I.

<sup>359</sup> Cf. Gen. 28.8, which notably adds a moral element with πονηραί.

<sup>360</sup> Propp, *Exodus*, 197.

τρόπος πέλει καὶ οὐχ αἱ στολαί<sup>361</sup> (“But the adornment of a woman who wishes to please only one man, her own husband, is her character and not her clothing”).<sup>362</sup> In this context, εὐαρεστέω is used in the description of an ideal wife. The rest of the letter goes on to describe her perfections. Perhaps this verb was used this way when speaking of spousal obligations. If so, its employment in Ex suggests what has already been argued, namely, that the slave-wife had to be flawless in the master’s eyes in order for him to accept her. Any flaw prevented the contract from being drawn up.

On the return of slaves in Greek law there is nothing documented for the Ptolemaic period. However, a Cretian<sup>363</sup> law from the fifth century states that a slave purchased can not be returned even if that slave causes damages and is ill-favoured.<sup>364</sup> Considering this, maybe Ex’s law would be particularly generous.

ἦν αὐτῷ καθωμολογήσατο. The pronoun αὐτῷ in Ex represents a Hebrew text reading לו and not לוֹ (MT).<sup>365</sup> Wevers confirms this.<sup>366</sup> It is interesting that in the Hebrew there are no instances in Exodus of the relative אשר having as its antecedent the pronominal suffix on the previous noun.<sup>367</sup> Neither does the translator render the relative pronoun based on the previous pronominal suffix anywhere else. Ex is being creative here and has pulled the pronominal suffix from עֲדָה back into the relative pronoun. This is understandable, since the ostensible reading with the

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<sup>361</sup> H. Thesleff, *The Pythagorean Texts of the Hellenistic Period* (Abo: Abo Akademi, 1965), 115-116.

<sup>362</sup> This translation is from Abraham J. Malherbe, *Moral Exhortation: A Greco-Roman Sourcebook* (Philadelphia: Westminster Press, 1986), 83.

<sup>363</sup> Crete is close to Egypt and had affiliations legally, based on their shared Athenian heritage (see 3.2.).

<sup>364</sup> Ilias Arnaoutoglu, *Ancient Greek Laws: A Sourcebook* (London: Routledge, 2010), 46.

<sup>365</sup> For a detailed look at the text history here see Propp, 119.

<sup>366</sup> *Text History*, 149-150.

<sup>367</sup> All searching was done manually via Logos Bible Software.

master as the referent of the relative pronoun would read \*ὃ αὐτῷ καθωμολογήσατο. Two dative pronouns with the same referent back to back like this is unidiomatic Greek.<sup>368</sup>

The verb used, καθωμολογήσατο, translates נָשָׂא. This Hebrew verb probably means “make a commitment,” particularly as it relates to making a maidservant an eventual wife.<sup>369</sup> It may in fact be a technical term for this specific kind of marriage.<sup>370</sup> This verb “probably [also] includes the notion of setting a specific time limit to her menial status.”<sup>371</sup> It does not simply mean “to betroth” since נָשָׂא would be a verb more suitable for that intention.<sup>372</sup> Likewise, נָשָׂא (Lev. 19.20) seems to be the verb used for a slave’s engagement.<sup>373</sup> Therefore, the verb נָשָׂא probably only denotes that the master is committing to make an engagement and arrangement for marriage, not necessarily to be the one engaged to her.<sup>374</sup>

Ex’s translation choice of καθωμολογέω for this Hebrew verb is vexing. Tov comments on all the derivatives of the ὁμολογ- word group yet has missed this word which only occurs here in the LXX.<sup>375</sup> There are only two middle voice uses of the verb in the literary sources before the Septuagint Pentateuch. Dieuchidas, *Fragmenta*, 12.11 (4<sup>th</sup> BCE) uses the parallel phrase, ὃ καθωμολόγητο (“which to himself he vowed”),<sup>376</sup> which suggests that Ex’s language (αὐτῷ καθωμολογήσατο) would not be misunderstood. Only one papyrus from the Ptolemaic period uses this verb, but in an unremarkable manner.<sup>377</sup> If the verb only means “betroth” in Greek, then

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<sup>368</sup> TLG lists no parallels before the common era.

<sup>369</sup> Cf. Calum Morgan Carmichael, *The Origins of Biblical Law: The Decalogues and the Book of the Covenant* (Ithaca: Cornell University Press, 1992), 90.

<sup>370</sup> Paul, *Studies in the Book*, 54.

<sup>371</sup> Propp, *Exodus*, 197.

<sup>372</sup> Ibid.

<sup>373</sup> Paul, *Studies in the Book*, 54.

<sup>374</sup> T. Muraoka, *A Greek-English Lexicon of the Septuagint: Chiefly of the Pentateuch and the Twelve Prophets* (Louvain: Peeters, 2002), 351, gives an alternative interpretation that the subject of καθωμολογήσατο is the father. This is not consequential to any of the argumentation provided here. In this reading, ostensibly, ἀπολυτρώσει would have the father as its subject as well.

<sup>375</sup> Tov, “Greek Words,” 115-121.

<sup>376</sup> Andruscus, *Fragmenta*, 1.29 (4<sup>th</sup>-3<sup>rd</sup> BCE) uses the term for betrothal, too.

<sup>377</sup> P. Cair. Zen. 4 59665. 19 (275-225 BCE), promising to finish a mosaic.

the nuance of the Hebrew verb referring to a specific kind of slavery that leads to marriage has been lost.

ἔθνει ἁλλοτρίῳ. This phrase translates עַם נָכְרִי and has three typical definitions for the Hebrew.<sup>378</sup>

It can mean:

- 1) a people group that is non-Israelite.<sup>379</sup>
- 2) a person outside of the family of the girl sold<sup>380</sup> or of the purchasing family.<sup>381</sup>
- 3) taken from the perspective of the master, anyone but himself.

Ex has obviously read the text as the first option. This is demonstrated by the use of ἔθνος which does not refer to individuals or specific families. Ex could have used λαός if a narrower group were in view.<sup>382</sup> Indeed, at first glance one might assume that עַם is translated ἔθνος because Ex is referring to a different people group than Israel, who are instead called λαός some 158 times in the book. However, the Egyptians can be called a λαός (8.9), so this distinction does not hold up. Moreover, ἔθνος translates עַם a few times when referring to Israel (19.6; 23.11). Ex does not use strict rules in labelling different people groups. The context of each use needs to be the determining factor for either λαός or ἔθνος being used. Tessa Rajak comments that λαός is used as far back as Homer to refer to a specific ethnic or cultural group, whereas ἔθνος has “less formal implications” than λαός when describing a people.<sup>383</sup> Perhaps this is why in Heliodorus, *Aeth.*, 5.19 (187-175 BCE), the entirety of Egypt (which was not comprised of only ethnic Egyptians!) can be described as an ἔθνος. This information will come into play below.

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<sup>378</sup> These are taken from Propp, *Exodus*, 198-199 and Durham, *Exodus*, 312, 321-322.

<sup>379</sup> So Carmichael, *The Origins*, 90.

<sup>380</sup> For the use of עַם as family: Gen. 31.15; Ps. 69.9; Prov. 5.10; Job 19.15; Eccl. 6.2.

<sup>381</sup> For this option see Paul, *Studies in the Book*, 54.

<sup>382</sup> See Rajak's comments below.

<sup>383</sup> Tessa Rajak, “Synagogue and Community in the Graeco-Roman Diaspora,” in *Jews in the Hellenistic and Roman Cities* (ed. John R. Bartlett; London: Routledge, 2012), 55-87, here 32.

Further distinctions need to be made than these. In the next section on οὐ κύριός ἐστιν πωλεῖν αὐτήν it will be argued that Ex may have altered the text to fit Ptolemaic law. Which segment of law Ex was trying to accommodate depends on how ἔθνει ἀλλοτρίῳ would be perceived *by a Jew in Ptolemaic Egypt*. It has already been established that both Gentiles and Jews can be referred to as ἔθνος. What needs to be established is whether ἀλλοτρίῳ connoted (again, to the Ptolemaic reader) a “foreign” people, as in a people culturally distinct from Israel *though still within proximity or even living amongst them*, or instead a people *proximally far away*. The term ἀλλοτρίῳ translates only נכרי in Septuagint Exodus (2.22; 18.3; 21.8). Ex is not a translator who is bound by stereotypical translation equivalents, as has been seen. Therefore, it should not be argued that Ex ‘had no other choice’ but to use this translation every time. The other two uses of ἀλλοτρίῳ in Ex use the word to refer to proximal distance.<sup>384</sup> Is this how the adjective is used in literary sources, particularly when coupled with ἔθνος? Three references describe an ἔθνος that is ἀλλότριος, and all of them use the term to describe a proximally distant people group or land.<sup>385</sup>

οὐ κύριός ἐστιν πωλεῖν αὐτήν. Ex 21.8 is odd in that Ex has apparently not translated the Hebrew imperfect verb ימשל with a verbal equivalent. Instead, Ex has κύριός ἐστιν. While ממש only occurs here in Ex, it is not a rare verb (cf. Gen. 1.18; 3.16; 4.7; 37.8; Dt. 15.16) and all the other Greek Pentateuchal translators understand its basic meaning to be “to exercise authority.”<sup>386</sup> Additionally, an investigation into the translator’s typical translation technique shows that Ex is not prone to translate Hebrew finite verbs with a non-finite form.<sup>387</sup> When it comes to a finite

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<sup>384</sup> 18.3 is repeated content from 3.22.

<sup>385</sup> Lysias 2.6 (5<sup>th</sup>-4<sup>th</sup> BCE), Isoc. 10.50 (5<sup>th</sup>-4<sup>th</sup> BCE); Hdt. 8.73 (5<sup>th</sup> BCE).

<sup>386</sup> For this definition see Propp, *Exodus*, 199; cf. Paul, *Studies in the Book*, 54.

<sup>387</sup> See Appendix IV.



verb and an infinitive complement as here (ימשל למכרה), Ex *nowhere* completely removes either the verb or the infinitive in the translation.<sup>388</sup> The trend is towards a fuller rather than a truncated text. This is one line of reasoning suggesting Ex did not just omit the verb. Another piece of evidence is that κύριος is anarthrous, but when referring to the earthly slave-master in these laws κύριος is *always* articulated. Finally, as noted in 3.4.1. (ἀποδοῦται), this is the only place ἀποδίδωμι is not used for מכר.<sup>389</sup> This at least suggests that there is something different about this verse's "selling" than in the rest in the Covenant Code.

What accounts for these oddities? There are two answers. One is purely text-critical, and for that reason should be preferred. The second is based in the possible influence of two different Ptolemaic legal standards.

For the text-critical argument, it is suggested that the problem is explained by Ex's *Vorlage*. The translator had or perceived a text that read משל, without the inflective prefix י. The participle מִשָּׁל is found in Genesis (24.2; 45.8, 26) with the plain meaning of "master" or "ruler." It is not rare. The likelihood that Ex's Hebrew *Vorlage* was read as מִשָּׁל is probably the reason Ex included κύριος here rather than a verb. And while Gen translates this term with ἄρχων/ἄρχω, Ex needed to translate with κύριος because v. 8 is a law about masters in the strict legal sense. The term ἄρχων is not typically used to refer to masters of slaves in Greek law. The different Hebrew root משל also signaled that Ex should interpret the text to refer, not to the specific master mentioned immediately before (which would have been signified by the article), but rather to all

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<sup>388</sup> The data shows: both verbs represented (2.3, 15, 18; 3.4; 3.6, 8, 12; 4.14, 23, 24, 27; 5.7; 7.18, 21, 27; 8.24, 25; 9.28, 34; 10.26, 27; 12.23, 39, 48; 13.15; 14.11, 13; 15.23; 18.13, 18, 23; 19.12, 24; 21.14; 22.15; 24.12; 29.44; 32.1, 6; 32.12, 14; 33.20; 34.30; 35.1, 29; 36.5; 39.3[36.10]; 40.15[40.13]; 40.35[40.29]); the infinitive or finite not translated directly but still both represented (2.21; 7.15; 10.29; 16.3; 18.7; 16.28; 23.5; 30.36; 32.8; 34.33; 35.4); translated as two infinitives (10.28); translated as two finites (16.35; 40.37[40.31]). Only 14.27 changes the very idiomatic לקראתו to τὸ πρὸ τοῦ ὕδωρ. 19.13 is textually corrupt and is not included in this assessment either.

<sup>389</sup> See 3.4.1 for exceptions.

masters by means of an axiomatic statement, i.e., “a master is not to sell her[/anyone] to a foreign people.”<sup>390</sup>

The alternative argument for Ptolemaic influence is predicated upon either Ex’s willful removal of the verb *יָמַשׁ*, or the ignoring of the initial *ו* to create the text found in Ex.<sup>391</sup> If the text has become axiomatic, as argued above, then it may be that Ex is drawing on one of two strict legal norms in Ptolemaic Egypt. First, *ἔθνει ἀλλοτρίῳ* would probably be heard, as previously stated, as referring to a far-off land and not an ethnically distinct group living nearby or even amongst the Israelites. It is widely acknowledged that Egypt did not permit the export of slaves.<sup>392</sup> So, when Ex writes, “a lord is not to sell her to a distant nation,” anyone reading that law in Ptolemaic Egypt would already assume as much.

The other option for Ptolemaic influence takes *ἔθνει ἀλλοτρίῳ* to refer to other people groups living amongst the Israelites. Hellenistic legal scholars generally agree that intermarriage between two different people groups (e.g., Greeks, Egyptians, Jews) was frowned upon in third century Alexandria.<sup>393</sup> The axiomatic statement would then be a nod towards this general attitude of *all* Ptolemaic residents of Egypt, namely, that different ethnicities should not be married to one another.

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<sup>390</sup> When referring to the master of a slave, the root *יָמַשׁ* is used elsewhere.

<sup>391</sup> The other possibility would be that the text did not have the *ו* and that Ex’s text just coincidentally lined up with Ptolemaic law.

<sup>392</sup> Tcherikover, *Hellenistic Civilization*, 68, 433; idem., *Mizraim*, 19; Westermann, *Upon Slavery*, 58; P. Lille 29, 1. 13 (the procedures in this text may not be the same as Alexandria; cf. Bagnall and Derow, *The Hellenistic*, 236. For a less convinced opinion on this subject, see Rostovtzeff, “Ptolemaic Egypt,” 135.

<sup>393</sup> Gideon Bohak, “Ethnic Continuity in the Jewish Diaspora in Antiquity,” in *Jews in the Hellenistic and Roman Cities* (ed. John R. Bartlett; London: Routledge, 2012), 175-192, here 185; Margaret H Williams, *The Jews Among the Greeks and Romans: A Diasporan Sourcebook* (London: Duckworth, 2001), 131. Wolff takes a middle of the road approach and suggests there was significant pushback from intermarriage though it did happen (“Law in Ptolemaic Egypt,” 68-69). Which groups were more intolerant to this has yet to be discovered (ibid., 69); cf. also Taubenschlag, *Law of Greco-Roman*, 104.

ὅτι. This is the only occasion in Greek Exodus of inseparable  $\beth$  translated as the causal or declarative<sup>394</sup> connector ὅτι.<sup>395</sup> In fact, inseparable prepositions (besides  $\beth$ ) are almost never translated as causal or declarative connectors, barring only διά.<sup>396</sup> Ex's rendering is not wrong, however, since  $\beth$  with an infinitive "forms a periphrasis for the gerund" and denotes causality.<sup>397</sup> Ex was not comfortable with the law stating anything but a strict connection between the breaking of the contract with the slave girl and the consequent inability to sell her to anyone but her father (v. 8).<sup>398</sup>

ἠθέτησεν ἐν αὐτῇ. The combination of ἠθετέω with ἐν is considered a Semitism in its rendering of  $\beth$  בגלל.<sup>399</sup> It is the first use of these Greek items documented together. If ἐν αὐτῇ is taken as a dative of reference, (e.g., 21.16[17]) there is little reason to think it would have been incomprehensible.<sup>400</sup> LSJ defines ἠθετέω as a contractual word.<sup>401</sup> It is only used once elsewhere in the Septuagint Pentateuch (Dt. 21.14) and the context is similar: a wife taken in from captivity is not to be "dealt treacherously with" or "broken faith with" (οὐκ ἠθετήσεις αὐτήν). In other words, this wife is to maintain her privileges and not be treated unfairly or unfittingly of her status in a divorce. Septuagint Jeremiah 3.20 likewise uses ἠθετέω to refer to a broken marriage covenant.<sup>402</sup> This word thus falls within the marital legal sphere (cf. also Is. 24.16[Gk.]).

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<sup>394</sup> Smyth, *Grammar*, 631, § 2770 (cf. 503, § 2240 and 582, § 2578).

<sup>395</sup>  $\beth$  = untranslated (77x); εἰς (42x); ἐπὶ (40x); κατὰ (17x); ἐκ (11x); ἀπο (10x); μετά (10x); ἐναντίον (9x); ὅταν (9x); διά (7x); σύν (7x); παρὰ (4x); ὡς (4x); ἀνά (3x); μέσον (2x); ἀντι (2x). διά is used as an accusative causal connector in e.g., 16.8.

<sup>396</sup> Cf. e.g., 16.8.

<sup>397</sup> Brown et al., *Enhanced Brown-Driver-Briggs*, 90.

<sup>398</sup> Additionally, the aorist finite verb with its temporality most clearly solidified the connection between v. 8a and 8b. This connection could be obscured if Ex had used either μετά or διά and an infinitive ἠθετέω (see Smyth, *Grammar*, 380-381, § 1691, and 374-375, § 1685, respectively).

<sup>399</sup> Lust, *Greek-English*, 12.

<sup>400</sup> See Smyth, *Grammar*, 344, § 1496.

<sup>401</sup> ἠθετέω, I/I.3.

<sup>402</sup> Though see 12.6 where it is used to refer to familial faithlessness.

### 3.4.3. V. 9: On Contractual Obligations (Continued)

ἐὰν δὲ τῷ υἱῷ καθομολογήσῃται αὐτήν, κατὰ τὸ δικαίωμα τῶν θυγατέρων ποιήσῃ αὐτήν.  
ואם-לבנו יעדנה כמשפט הבנות יעשה-לה

τὸ δικαίωμα. Tov suggests that δικαίωμα in 21.9 is a “symbol” for *משפט*, having no real connection to the Greek word’s normal semantic domain.<sup>403</sup> He argues this based on *משפט* in v. 9 having a different meaning than v. 1 in the Hebrew. In verse 9 it allegedly means “custom” rather than “legal precedent.”<sup>404</sup> This interpretation presupposes that Ex both understood the original nuance of *משפט* as “custom” and also that the translator was more concerned with having “symbolic” or “stand-in” Greek translation words that redirect the reader towards the underlying Hebrew. Neither of these presuppositions are plainly at work in the translation. It is just as possible, if not more likely, that Ex took the difficult word in the same way as 21.1, i.e., as a “legally binding statement.” If Ex had any issues with what the verse meant, δικαίωμα would be the obvious contextual rendering based on v. 1 and v. 32.<sup>405</sup> Moreover, Ex uses κρίσις for *משפט* elsewhere,<sup>406</sup> so it is not as though δικαίωμα is a strict stereotypical equivalent. For these reasons Ex is more than likely maintaining a standard Ptolemaic definition of δικαίωμα, whether “decree” or “legally binding statement,” just like in 21.1.<sup>407</sup> The word δικαίωμα should not be considered a “symbol” here as Tov claims.<sup>408</sup>

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<sup>403</sup> “Greek Words,” 113.

<sup>404</sup> Cf. Propp, *Exodus*, 200; Paul, *Studies in the Book*, 55.

<sup>405</sup> For a similar critique of Tov on this verse see Takamitsu Muraoka, “Towards a Septuagint Lexicon,” in *VI Congress of the International Organization for Septuagint and Cognate Studies* (ed. Claude E. Cox; Jerusalem: Scholars Press, 1987), 255-276, here 259-260.

<sup>406</sup> 15.25; κρίμα in 23.6.

<sup>407</sup> See the commentary on that verse.

<sup>408</sup> It is uncertain whether τὸ δικαίωμα τῶν θυγατέρων would be understood as referring to the guiding principles in vv. 7-8 or would be heard more within the Ptolemaic context as “the legally binding treatment due to daughters,” which treatment is not specified in this text.

### 3.4.4. V. 10: On Contractual Obligations (Continued)

ἐὰν δὲ ἄλλην λάβῃ αὐτῷ, τὰ δέοντα καὶ τὸν ἱματισμὸν καὶ τὴν ὀμιλίαν αὐτῆς οὐκ ἀποστερήσει.  
אם־אחרת יקח־לוֹ שארה כסותה וענתה לֹא יגרע

ἄλλην. The Hebrew does not refer explicitly to polygamy. The term אחרת refers to “just another female in the household, whether slave, concubine, or wife.”<sup>409</sup> Ex seems to understand that the source text refers only to another wife. This is seen most clearly by the adoption of Greek marriage contract language (see below). While it is a minor point, ἄλλη seems to be the term in marriage contracts for speaking of a secondary wife.<sup>410</sup> Ex could have chosen either ἕτερος or ἄλλός here (cf. 22.4[5]).<sup>411</sup>

τὰ δέοντα καὶ τὸν ἱματισμὸν. The primary difference between the Hebrew and Greek here is the rendering of שארה as τὰ δέοντα. In this context שאר likely means “food” (cf. Ps. 78.20, 27).<sup>412</sup>

Perhaps it means “full participation in the family meals.”<sup>413</sup> Propp suggests that it could mean the woman’s own flesh (given the fact that the word often means living flesh) and the necessity to keep her healthy.<sup>414</sup> It could also refer to the maintenance of sexual intercourse for the right and purpose of procreation.<sup>415</sup> The most common understanding is that it refers to the necessity to give an equal share of food to the woman as compared to the rest of the household. It is surprising that Ex did not translate with τροφή which is used in the legal papyri to refer to this same kind of obligatory food.<sup>416</sup> In contrast, within Greek legal language τὰ δέοντα is a way of

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<sup>409</sup> Propp, *Exodus*, 201.

<sup>410</sup> P. Eleph. 1. 8 (310-309 BCE); P. Tebt. 1 104. 19 (92-91 BCE).

<sup>411</sup> 33.5 is the only other place Ex might translate אחר with ἄλλός (it seems like Ex read אחר rather than אחר there).

<sup>412</sup> Propp, *Exodus*, 201, notes that the Semitic cognates in Punic and Akkadian mean this, too

<sup>413</sup> Cf. *Ibid.*, 201.

<sup>414</sup> *Ibid.*

<sup>415</sup> *Ibid.* The term could suggest access to “kin”; cf. Lev. 18.6; 21.2; Num. 27.11.

<sup>416</sup> See LSJ, τροφή, I.2, and e.g., P. Tebt. 3.1 776 (200-176 BCE), in a petition about a dowry being held back (notably using ἀποστερέω).

saying “all necessities,”<sup>417</sup> i.e., “everything the woman needs.”<sup>418</sup> This is an expansionary translation that creates a greater degree of inclusivity.

The idea of providing everything a wife needs lest she be permitted to initiate divorce proceedings is found explicitly in Greek marriage contracts in Egypt: “No rules for the rights and obligations of the spouses are to be found in the national Egyptian marriage settlements. On the other hand, Greek marriage contracts outline with more or less detail the husband’s obligation to maintain the wife adequately, to treat her properly, and to be faithful to her.”<sup>419</sup> In contrast, native Egyptian marriage contracts from the Ptolemaic period are mostly written about property rights and ownership.<sup>420</sup> In practice, native Egyptians still allowed for marriage dissolution even if it was not a common part of a contract. Kugler notes that from the fifth century onward, *Judeans in Egypt* took on the Egyptian practice of allowing *for a woman* who had sufficient grounds to initiate proceedings for the dissolution of a betrothal or a marriage.<sup>421</sup> Wolff notes that later in the Ptolemaic period Greek marital legislation essentially took over in the *Chora*, though there may have been a bit more diversity in Alexandria.<sup>422</sup> Both Egyptian and Greek legal traditions allowed for the wife to initiate divorce proceedings if there was sufficient justification for doing so. Given the influence of Greek marital law on Ptolemaic Egypt, the translation τὰ δέοντα should be compared further to Greek law. This comparison will be performed below.

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<sup>417</sup> See, e.g., the translation in Arthur S. Hunt, and C. C. Edgar, *Select Papyri* (Cambridge: Harvard University Press, 1959), 7.

<sup>418</sup> Ex uses τὰ δέοντα also in 16.22 for לחם, but that does not indicate that τὰ δέοντα means “food requirements” since Ex uses the term to refer to the required (i.e., “necessary”) amount of bread the Israelites were supposed to take in from v. 16.

<sup>419</sup> Taubenschlag, *Law of Greco-Roman*, 120. This ideal extends back into Greek thought, even to concubines. Isaeus 10.10 (4<sup>th</sup> BCE Athens): “Even men who give their female relatives as concubines make agreements about what will be given to them as concubines” (Mary R. Lefkowitz, and Maureen B. Fant, *Women’s Life in Greece and Rome: A Source Book in Translation* (Baltimore: Johns Hopkins University Press, 2016), 38.

<sup>420</sup> Written in Demotic. See Jan Rowlandson, *Woman and Society in Greek and Roman Egypt* (Cambridge: Cambridge University Press, 2003), 156-162. This is not to say women never had provisions lists: see Taubenschlag, *Law of Greco-Roman*, 24.

<sup>421</sup> Kugler, “Uncovering,” 149.

<sup>422</sup> “The Law,” 71.

Before this juxtaposition occurs, it should be noted that it is still possible for Ex to have read the threefold list (שארר כסותה וענתה) in the way Paul describes it: “In sum the basic necessities of life were epitomized in Mesopotamian legal texts by a formulaic triad of commodities.”<sup>423</sup> The term τὰ δέοντα would then be a non-specific rendering based on the larger intent and context of the text. However, when the papyri are consulted, it becomes very difficult to claim that Greek law has not affected Ex’s language. This is because τὰ δέοντα *and* ἱματισμός are usually the first items both *in marriage contracts* and *in the portion specifically for a woman’s provisions*.<sup>424</sup> The language is as stock as any. The following examples are from Greek marriage agreements or contracts unless otherwise stated:

- 1 PSI 6 601. 12 (Middle of 3<sup>rd</sup> BCE), letter about a married slave  
The letter asks that the married παιδίσκη...ἔχη τὰ δέοντα<sup>425</sup>
- 2 P. Cair. Zen. 3 59378. 7-8 (257 BCE), letter about married slave  
περὶ δὲ τοῦ ἱματισμοῦ...ὅσον δεῖ δοθῆναι
- 3 P. Giess. 2. 16-17 (173 BCE)  
(παρεχέτω) τὰ δὲ δέοντα]...καὶ τὸν ἱματισμὸν<sup>426</sup>
- 4 P. Gen. 21. 1, 9-10 (2<sup>nd</sup> BCE)  
(παρεχέτω) [τ]α [δὲ δέοντα πάντα καὶ τὸν ἱματισμὸν...] <sup>427</sup>  
ἐὰν δὲ τι τούτων ἐπιδειχθῇ ποιῶν ἢ τὰ δέοντα ἢ τὸν ἱματισμὸν...μὴ παρέχη
- 5 P. Tebt. 3.2 974. 3 (200-176 BCE)  
τὰ δέοντα...τὸν ἱματισμὸν<sup>428</sup>
- 6 M. Chr. 284. 2 (2<sup>nd</sup> BCE)  
τὰ δὲ δέοντα πάντα καὶ τὸν ἱματισμὸν καὶ τὰ [[ᾶ]]λλα ὅσα προσήκει γυναικὶ<sup>429</sup>

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<sup>423</sup> Paul, *Studies in the Book*, 59.

<sup>424</sup> ἱματισμός is an established term in contracts regarding a money allowance for clothing (Westermann, *Upon Slavery*, 56). Swete labels this word as particularly Egyptian/Alexandrian as seen in the papyri (*Introduction*, 292). Note that περιβόλαιον translates כסות in 22.27, so it should not be argued that Ex “had to” translate with ἱματισμός here.

<sup>425</sup> Cf. Taubenschlag, *Law of Greco-Roman*, 86.

<sup>426</sup> Reconstruction by Wolff, *Written and Unwritten*, 9.

<sup>427</sup> Reconstruction from *ibid.*, 9, for first line.

<sup>428</sup> Reconstructed based on line 8 and P. Tebt. 1.104.

<sup>429</sup> For this reading see Tcherikover et al., *Corpus*, 238.

- 7 P. Tebt. 1.104. 16 (92 BCE)  
τὰ δὲ [δ]έοντα π[ά]ντα καὶ τὸν [ἰμ]ατισμὸν<sup>430</sup>
- 8 BGU 4.1051. 15-16 (30-14 BCE)  
χορηγεῖν αὐτὸν τῇ Λυκαίνῃ τὰ δέοντα πάντα καὶ τὸν ἱματισμὸν ὡς γυναικὶ
- 9 BGU 4.1052. 13-14 (13BCE)  
τὰ δέοντα πάντα καὶ τὸν ἱματισμὸν ὡς γυναικὶ

It is possible that Ex's translation is a coincidence, but the fact that τὰ δέοντα and ἱματισμός are frequently found *first* in the provisions lists and are a trait of Greek contracts for hundreds of years suggests that Ex has harmonized the law in Exodus with the surrounding Greek laws. It is a small change that would have the effect of both mimicking Greek legal parlance while also equalizing the requirements for female divorce among Jews and Greeks. P. Giess. 2, P. Gen. 21 and P. Tebt. 1. 104, according to Wolff, "show provisions which would belong to a free marriage."<sup>431</sup> Ex may in fact be pointing towards a greater level of care here than would be normal for a servant wife. This may also indicate another reason for the employment of the οἰκ- root previously discussed. If slaves of the οἰκ- status were treated with greater rights and dignities than others of lower classes, then this law in 21.10 represents some of these rights by its inclusion of provisions associated with a free marriage. Finally, it is probably in imitation of Greek legal language and in conformity to good Greek style in general that Ex chose to include the possessive pronoun with only the final noun in the list (τὴν ὀμιλίαν αὐτῆς).<sup>432</sup> This imitation is seen by the fact that τὰ δέοντα and ἱματισμός do not usually have personal pronouns following them.

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<sup>430</sup> Cf. line 24.

<sup>431</sup> *Written and Unwritten*, 30.

<sup>432</sup> Sollamo, *Repetition of the Possessive*, 43-44, gives no reason for the personal pronoun occurring on the last coordinate item.



ἀποστερήσει. This verb is employed only here in Ex. The verbs ἀφαιρέω (5.8, 11) and ἀπολείπω (5.19) translate נָחַק before this. Either of those verbs would make sense in 21.10. Once again, the papyri show that Ex probably chose ἀποστερέω to match the legal language of the day. The word appears frequently in the petition papyri of the third century (e.g., P. Enteux.), and notably is used when a ἱματίον (compare to ἱματισμός in Ex) was wrongly held back in P. Sorb. 3 111. 7, 10 (224-218 BCE). Even more interesting is the use of this term in P. Tebt. 3.1 776. 16, 29 (200-176 BCE) which has a woman complaining about her husband “defrauding” (ἀποστερέω) her of what he agreed to give her in marriage. In a non-marital context, the verb is used in UPZ 1 42. 35-36 (162-161 BCE) with τὰ δέοντα as the designation for the items held back.<sup>433</sup>

### **3.5. Verses 12-17: Laws Concerning the Death Penalty and its Reinterpretation**

#### **3.5.1. Introduction: the Shift to Apodictic Law**

In the Hebrew text the most severe cases regarding the death penalty are produced first (vv. 12-17) and are followed by laws with lesser punishments (vv. 18-36).<sup>434</sup> This distinction is lost in Ex because the translator makes changes to some of the laws prescribing capital punishment (see below). The Hebrew text demonstrates a shift in syntax at v. 12. Propp comments on this, stating, “The participle...replaces the ‘if’ clause only for ten capital offenses: adultery (Gen. 26.11), sacrilege (Ex. 19.12), murder (21.12; cf. Lev. 24.17-21), kidnapping (21.16), filial impiety (21.15, 17), sorcery (22.17), bestiality (22.18), apostasy (22.19), Sabbath violation (31.14-15) and blasphemy (Lev. 24.16).”<sup>435</sup> This shift may “create...a most shocking effect after the preceding legalese” and demonstrate “the pathos of outrage.”<sup>436</sup> If this emotional appeal is present in the Hebrew, Ex’s continuance of the casuistic style has

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<sup>433</sup> Cf. line 13.

<sup>434</sup> Durham, *Exodus*, 322.

<sup>435</sup> Propp, *Exodus*, 204.

<sup>436</sup> Ibid., citing another; Durham, *Exodus*, 322, marks the same effect.

disregarded it in v. 12. The change in syntax to come will instead serve the opposite effect in that Ex seeks to lower the intensity of certain offenses.

### 3.5.2. V. 12: *On Homicide*

Ἐὰν δὲ πατάξῃ τις τινα, καὶ ἀποθάνῃ, θανάτῳ θανατούσθω.  
מכה אִישׁ מוֹת יוֹמָת

Ἐὰν δὲ πατάξῃ. As noted above in 3.4.2., the use of δέ here is outside typical compositional Greek casuistic standards. The postpositive δέ is generally not used to introduce new topics in these contexts in compositional Greek casuistry.

Appendix II provides a list of all the translations of the Hebrew participle in Septuagint Exodus. Additionally, it notes the use of aspect in each of these translations. There are only a couple instances of the participle translated as aorist, most of them in laws like chapter 21, with one or two outside of legal materials. The far-and-away norm is to translate with an element of imperfective aspect. In a desire to replicate typical compositional casuistic syntax and continue the pattern established so far, Ex disregards the Hebrew syntax. By not changing the syntax to formally represent the Hebrew, Ex seems to be intentionally separating v. 12 from what follows. See the commentary on v. 15 below for further discussion on this matter.

τίς τινα. The position of these indefinite pronouns in compositional casuistic law depends on various factors. Their placement is based on the finer points of the Greek language, in that the verbs used, the modifiers surrounding the indefinite pronouns, and the combination of these elements together determine how the indefinite pronouns are arranged. Where they are placed does not seem to affect the meaning of the law. The following examples show different arrangements of these pronouns:

- 1 *Rechtshilfevertrag zwischen Stympthalos und Demetrias* (303-300 BCE)<sup>437</sup>  
εἰ] δὲ τίς τινα ἄγῃ [τ]ῷ[ν] ψευδομαρτυροῦντ[ων (line 2) compared to  
εἰ δὲ τις φαίη τινά ἔχειν (lines 10-11)
- 2 P. Hal. 208 (3<sup>rd</sup> BCE)<sup>438</sup>  
ἐὰν δὲ τίς τινα τῶν ἀρχόντ[ων π]ατάξι τάσσοντ[α]
- 2 P. Petr. 3.26. 11-12 (240 BCE)  
ἐὰν δὲ τις τούτων τι ποιήσῃ

Only 21.12 and 21.16(17) use the nominative and accusative indefinite pronouns in the same law. This is caused, it seems, by the Hebrew participial structure. Typically, *וְיָא* functions as the subject in these casuistic laws. In 21.12 and 16(17) *וְיָא* is the object, which results in the double translation. The indefinite pronoun *τίς* is either preverbal or postverbal elsewhere, depending on the particular syntactical and semantic nuances of each respective verse.<sup>439</sup>

θανάτω θανατούσθω. מות יומת is the underlying Hebrew for this translation. In the Hebrew מות represents the emphatic use of the infinitive absolute.<sup>440</sup> Sollamo claims it could also be used to give a “fullness of sound.”<sup>441</sup> In Ex’s translation there are two primary connections to Ptolemaic law and diction: 1) the prefacing θανάτω and 2) the switch to the jussive from the typical future tense for the apodosis.

The employment of the cognate dative θανάτω was not the only option for Ex. An alternative rendering of the Hebrew infinitive absolute + cognate finite verb construction attested in the Septuagint (including Ex) is a Greek participle + cognate finite verb. Sollamo suggests that a reason that the participial form of θανατόω is not used is due to the fact that the participle

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<sup>437</sup> Found in Gerhard Thür, and Hans Taeuber, *Prozessrechtliche Inschriften der griechischen Poleis: Arkadien (IPArk)* (Wien: Verlag der Österreichischen Akademie der Wissenschaften, 1994), 163.

<sup>438</sup> Found in Bechtel et al., *Dikaiomata*, 107.

<sup>439</sup> Preverbal: 21.7, 14, 20, 26, 33, 37(22.1); 22.6(22.7), 22.9(22.10); postverbal: 21.12, 17, 18, 35; 22.4(22.5), 22.13(22.14), 22.15(22.16).

<sup>440</sup> Gesenius, *Hebrew*, § 113n-r; Propp, *Exodus*, 204.

<sup>441</sup> Sollamo, “The LXX Renderings,” 102, who also notes the possible emphatic use.

“would change the forceful sentence to death, implied in the Hebrew, to the modern principle of mercy killing or [it] might suggest excessive cruelty or slow killing and torture.”<sup>442</sup>

Alternatively, the dative θανάτῳ could suggest “to die after having been sentenced to death.”<sup>443</sup>

Sollamo also notes that θάνατος “was a *terminus technicus* for...[the] death penalty.”<sup>444</sup> This latter reason is certainly the guiding principle for the translation choice θανάτῳ. The papyri give conclusive evidence that θανάτῳ + verb was a primary, if not *the* primary, phrase in legal parlance to signify the death penalty:

- 1 P. Hib. 2, 1. 24 (269-268 BCE)  
θανάτῳ ζημιώσ[εται/ονται]<sup>445</sup>
- 2 Aeschines 1.21 (4<sup>th</sup> BCE)  
θανάτῳ ζημιούσθῳ
- 3 P. Gen. 3 136, fr. A, v, i. 7 (2<sup>nd</sup> BCE)  
θανά]τῳ ζημιωθήσεται
- 4 P. Tebt. 3 699. 21 (135-134 BCE)  
θανάτῳ ζημιούσθαι
- 5 P. Teb. 700. 28 (124-123 BCE)  
θαν]άτῳ ἔνεχον εἶναι.
- 6 BGU 7 1730. 8 (50 BCE)  
θανάτῳ ἔνοχος ἐσται

θανάτῳ is completely idiomatic. The difference between the stock phrase and Ex is the accompanying verb. The papyri show that θανάτῳ was either paired with ἔνοχος + copula or a form of ζημιώω. Ex’s use of θανατώω should therefore be explained by interference from the

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<sup>442</sup> Ibid., 108. Sollamo does not elaborate as to why the participial translation could connote this. Emmanuel Tov, “Rendering of Combinations of the Infinitive Absolute and Finite Verbs in the LXX—Their Nature and Distribution,” in *Studien Zur Septuaginta - Robert Hanhart Zu Ehren* (ed. Fraenkel Detlef, Udo Quast, and John William Wevers; Göttingen: Vandenoëck & Ruprecht, 1990), 64-73, here 71, comments that the noun form of the infinitive absolute is commonly used with passive verbs, since it was less syntactically complex.

<sup>443</sup> Sollamo, “The LXX Renderings,” 107.

<sup>444</sup> Ibid., 108.

<sup>445</sup> Cf. Lenger, *Corpus*, 23.

source text's lexeme.<sup>446</sup> Ex is straddling the line between reflecting official Ptolemaic language and a faithful representation of the source text.

The significance of the rendering θανατούσθω is more challenging to interpret. Like Ex, Lev and Num only use the jussive in the apodoses of casuistic laws involving the death penalty.<sup>447</sup> Otherwise, the future tense is used. Dt does not show the same patterns. Sollamo comments that Lev may have been influenced by Ex, and was in fact translated later.<sup>448</sup> Dt has long been considered to be a translation that was independent of the other four Pentateuchal books, so it will not be considered in the present argumentation.<sup>449</sup> Wevers claims that the jussive translation results from the Hebrew cognate free infinitive in these legal texts.<sup>450</sup> If no infinitive absolute is paired with a verb in the Hebrew, a Greek future tense is used for the translation.<sup>451</sup> This is an understandable theory from a linguistic point of view, but it does not provide any explanation as to why a jussive would be better suited than a future in the apodosis. Moreover, Wevers neglects to cite 21.22, which *does* have the cognate free infinitive, *yet translates with the future passive*. On this same topic Tjen comments, "This interesting situation [of the use of the jussive in this context which predominantly features future tense apodoses] deserves a detailed study on its own, *to examine usage in different genres*."<sup>452</sup> It is precisely genre which explains this idiosyncrasy.

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<sup>446</sup> Tjen, *On Conditionals*, 195, concludes the same.

<sup>447</sup> Barring only Lev. 27.14 and Num. 35.31, which both refer to the inability to ransom a life sentenced to death. Ex uses the future, too, in contexts with the death sentence and ransom (21.29-30). See the commentary on those verses. More verbs than θανατώω are also used to signify the death penalty.

<sup>448</sup> *Repetition of the Possessive*, 88.

<sup>449</sup> Cf. Blank, "The LXX Renderings," 267. Given that Dt does not replicate the jussive pattern, it could be that this is an indication that the Deuteronomy translator was not as concerned with Ptolemaic legal interference. Discerning the intentions of that translator falls outside the scope of this study.

<sup>450</sup> *Text History*, 229.

<sup>451</sup> He cites v. 21 as an example.

<sup>452</sup> *On Conditionals*, 193, emphasis mine.

In 2.2. an argument was made that Ptolemaic Egypt was governed by three main levels of authority, namely, royal decree, civic law, and native law. The first of these had the most sway and authority. In 2.4.1. it was documented that, in conditional clauses of royal decrees, the verb of the apodosis *is always in the same form* in each individual document,<sup>453</sup> whether it is the future tense or the jussive.<sup>454</sup> In contrast to this, civic law does not employ the future tense in the apodosis of casuistic laws, but instead uses the jussive.<sup>455</sup> If Ex's laws were read as though they were royal decrees, it is very likely that the sudden switch in apodotic tense forms would have been jarring, and, it is suggested, would have served to direct the reader to the legal sphere in which these laws were to be read—namely, civic law whose legal authority was subordinate to that of royal decrees.<sup>456</sup>

Therefore, it seems that Ex has intentionally categorized these instances of the death penalty in a different sphere of authority, namely, that of civic law. This, in effect, refers the ruling presented in these texts to a higher authority, namely, the official Ptolemaic government

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<sup>453</sup> “Individual document” refers to a set of laws or royal correspondence in its original form. Some of the documentary sources include multiple royal decrees under one title. This is because royal decrees were sometimes joined together with other decrees of similar topic, or for ease of reference, at a later date.

<sup>454</sup> The fluctuating element in apodosis is the infinitive, which is employed with either the future or the jussive. Westermann notes the importance of this rare distinction (*Upon Slavery*, 30). There are, in my findings, three exceptions to the future-jussive rule: P. Paris 62, 5.12, 15 (204-202 BCE), which is too fragmented to know what exactly is being discussed; P. Rev. 49. 16-21 (259 BCE), which is cited by Tjen (*On Conditionals*, 192-193), but he does not recognize that the future here is a stock phrase that always occurs in the future when referring to the king's verdict (it is always ὁ βασιλεὺς διαγνώσεται: P. Amh. 2 29. 3, 18-19 [250-249 BCE]; P. Petr. 3 42, F fr. C, 15 [mid 3<sup>rd</sup> BCE]; P. Petr. 3 43, fr. 2, r 1. 27 [245-240 BCE]; P. Rev. 49.17, 21; 93.6; 97.2). The other futures in P. Rev. (3.2; 46.9-10; 53.17-25; 54.20; 56.14-15) are *all* used to speak to officials about a *one-time event* that needs to happen, whether it be setting up a role or sending an official somewhere. These futures are not part of the laws. The only exception I can find in P. Rev. is 13.12; 14.13; 15.1, 9, which all refer to the same people in the same section. According to Bagnall and Derow (*The Hellenistic Period*, 182), the people spoken of here are all high officials. It may be that the future is functioning like the former examples as a one-time event. The text is quite fragmentary, so it is hard to know. Lastly, C. Ord. Ptol. 8, 7.5 compared to 7.7-8 (245BCE), has the future used of an official who has stolen from the treasury and will be exacted (ἐ[ισπ]ρ[α]χ[θ]ήσεται) fivefold. The jussive that follows is not directed towards that thief, but to *anyone* who was involved in the past, and exhorts them to receive their due. The difference here is that the jussive sets up an abiding standard from then on, whereas the future is referring to a specific incident with a leader. These are the only mixes of the future-jussive found in all the Ptolemaic decrees. It can be said quite confidently that “regular” Alexandrians would be acquainted with the norms of how *laws and decrees* were written, not with these rare forms found in orders given to higher commanders.

<sup>455</sup> The jussive in civic law is still a full-on command, not a recommendation. The jussive can be traced back into 4<sup>th</sup> century law, too: Aeschines, 1.21, says he is citing directly from a law book and writes: ἐὰν δέ τις παρὰ τὰυτα ποιῇ... θανάτῳ ζημιούσθω.

<sup>456</sup> See 3.2.

and its declarative statements. In so doing, Ex has removed the text from an unmitigated or unalterable call to capital punishment, since the decision on the matter could be referred to a higher Ptolemaic court. It is a brilliant way of ‘softening’ the force of the Hebrew source text with respect to what it unequivocally demands by directing the reader to a higher authority on the matter. This makes sense for a few reasons. First, the death penalty as a punishment for homicide was not at all common in earlier periods of the ancient Near East.<sup>457</sup> After 350 BCE Athenians were required to gain approval from the court (δικαστήριον) before cases involving capital punishment were brought to completion.<sup>458</sup> This also seems to be the case in Ptolemaic Egypt.<sup>459</sup> While “the papyri do not give positive information about the kind of punishment meted out in homicide cases,”<sup>460</sup> it can be deduced that the death penalty was not the only punishment (if even one at all) for this crime. In cases of premeditated murder there was a “public penalty” which acted as a principal or additional punishment.<sup>461</sup> P. Tebt. 14 (114-113 BCE), by indicating an inventory of the murderer’s goods, likely suggests that the Attic law regarding confiscation of a guilty party’s property was still in effect.<sup>462</sup> Athenian law used exile as punishment for homicide.<sup>463</sup> This is also shown in Demosthenes.<sup>464</sup> In the Ptolemaic period P. Koeln. 6 272. 16-17 (250-201 BCE) speaks of a victim’s mother dying after being struck. The petitioner, in retribution, only states that the accused ἔνοχος γένηται περὶ τοῦ φόν[ο]υ (“might be guilty concerning the murder”) but does not lay claim to the death penalty for the guilty party. That is

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<sup>457</sup> Paul, *Studies in the Book*, 61-62; Propp, *Exodus*, 205.

<sup>458</sup> Hansen, *The Sovereignty*, 15, 20.

<sup>459</sup> Cf. P. Hib. 2, 1. 24 (269-268 BCE); Taubenschlag, *Law of Greco-Roman*, 481-482.

<sup>460</sup> *Ibid.*, 432.

<sup>461</sup> *Ibid.*

<sup>462</sup> *Ibid.*

<sup>463</sup> Arnaoutoglou, *Ancient Greek Laws*, 54.

<sup>464</sup> 23.53 (4<sup>th</sup> BCE).

left to the officials. All of this information regarding homicide, therefore, suggests that capital punishment was not normally a punishment for that crime in Ptolemaic Egypt.

This claim is further substantiated by looking at which crimes were liable to capital punishment. For what is known about crimes that were capitally punished, homicide or violence is not on that list. The following are the known items listed as punishable by death: changing one's name and native town,<sup>465</sup> violation of asylum,<sup>466</sup> disobedience regarding gymnasiarch responsibilities,<sup>467</sup> delicts against monopoly,<sup>468</sup> and breaking grain distribution rules.<sup>469</sup> This last example was probably case-specific.<sup>470</sup> This shows that the death penalty was flexible in its application and the high Ptolemaic courts chose who deserved it. Finally, "In criminal cases...where members of various nationalities were involved, it was the Greek law that exclusively applied."<sup>471</sup> This is yet another reason for Ex to tone down the unabashed call for death, since Greek law would take priority over and against Jewish law in cases of homicide.<sup>472</sup> All this data indicates that a law about homicide requiring the death penalty would have been quite foreign and presumptuous in the Ptolemaic legal context.

A few caveats need to be issued about this jussive explanation. The jussive is not used in texts referring to capital punishment where options other than the death of the culprit are

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<sup>465</sup> BGU 1250. 11 (2<sup>nd</sup> BCE); Taubenschlag, *Law of Greco-Roman*, 476, 554; however, see the provision in BGU 1213 (2<sup>nd</sup> BCE).

<sup>466</sup> Taubenschlag, *Law of Greco-Roman*, 554, citing W. Chr. 70. 17-19.

<sup>467</sup> P. Tebt. 700. 49 (124-123 BCE); *ibid.*

<sup>468</sup> P. Cair. Zen. 2 59202. 7ff. (254-253 BCE); *ibid.*, 554. But see E.G. Turner, "The 'Hanging' of a Brewer: P. Cairo Zenon II 59202," in *American Studies in Papyrology, Vol. 1, Essays in Honor of C. Bradford Wells* (New Haven: The American Society of Papyrologists, 1966), 79-86, for an alternate reading of this law.

<sup>469</sup> P. Tebt. 703. 80 (210-209 BCE); *ibid.*, 631.

<sup>470</sup> As per M. I. Rostovtzeff, *Social and Economic History of the Hellenistic World*, vol. 2, (Oxford: Clarendon Press, 1941), 909.

<sup>471</sup> Taubenschlag, *Law of Greco-Roman*, 20; see Wolff, ("Law in Ptolemaic Egypt," 75-76), who argues instead that a judge could decide which law to use.

<sup>472</sup> If Jewish law was in fact used in litigation at the time.



presented, such as a ransom (vv. 29-30; 22.2[3]).<sup>473</sup> Outside of the Covenant Code, Ex uses the future passive θανατωθήσεται in 31.14-15 where the law of sabbath observance is articulated.<sup>474</sup> The future tense in the apodosis does not have the same significance in terms of referring the reader to royal legislative authority as is claimed above for the laws with a jussive verb in the apodosis found in the Covenant Code. There are two possible reasons for this. One is that the genre of 31.14-15 has switched from law back into narrative. It could be that such a text was viewed through a historical lens. Ex does in fact seem to distinguish between laws that were intended to be practiced and laws that were regarded to contain only a historical record.<sup>475</sup> It is more likely, however, that the Sabbath law, which is cultic in nature, could not be applied to anyone outside of Israel. It could not be used in litigation. If the function of the Covenant Code was to be actual δικαιώματα Jews could claim in court (as suggested above), then Ex may have formulated these laws with more precision because non-Jewish—indeed Ptolemaic and official—eyes would be upon them.

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<sup>473</sup> In 22.2(3) the alternative penalty for the thief is παθήτω. The jussive here is also due to Ptolemaic legal interference, since exactly who could be sold into slavery as a punishment was strictly enforced and judged. This can be seen in part by the fact that an Alexandrian was not permitted to enslave another Alexandrian (Taubenschlag, *Law of Greco-Roman*, 598-599 and Westermann, *Upon Slavery*, 50). 22.17(18) and 19(20) do not read as the death penalty in the Greek text due to the verbs employed. Likewise, Ex changes the formulaic θανάτω θανατούσθω in 22.18(19) to θανάτω ἀποκτενεῖτε αὐτούς. While it could be argued this is done to prescribe death to both the bestiality participant and the animal, the change is conspicuous. The gender of the object is masculine, with the subject being neuter. The neuter gender is not the norm for πᾶς at the beginning of laws, which is usually masculine when referring to humans (12.19, 43, 48; 19.12; 29.37; 31.14-15). Smyth (*Grammar*, 271, § 1013), shows that gender is flexible according to the sense of the passage, but also shows that the neuter substantive πᾶν would refer to “things in general” (273, § 1023). There is clearly something going on here beyond the simple Hebrew. These changes leave open at least that the law be ambiguous. Further work needs to be done on this verse in later research.

<sup>474</sup> τελευτάτω is used in the same context of Sabbath-breaking in 35.2. Perkins’ translation, “Let everyone who does work in it die!” in *A New English Translation of the Septuagint: And the Other Greek Translations Traditionally Included Under That Title*, ed. Albert Pietersma, and Benjamin G. Wright, *Exodus* (New York: Oxford University Press, 2007), 77, rightly conveys the imprecatory curse language intended in that passage. For cursing in the apodosis, see the next section below.

<sup>475</sup> See 3.7.2 and the comments on δίδραγμα as compared to the transliterated σίκλοι.

### 3.5.3. V. 13: On Unintentional Manslaughter

ὁ δὲ οὐχ ἐκὼν, ἀλλὰ ὁ θεὸς παρέδωκεν εἰς τὰς χεῖρας αὐτοῦ, δώσω σοι τόπον, οὗ φεύζεται ἐκεῖ ὁ φονεύσας.

ואשר לא צדה והאלהים אנה לידו ושמתי לך מקום אשר ינוס שמה

ἐκὼν. The perfect verb צדה (“lie in wait”)<sup>476</sup> becomes an adjective with this translation.<sup>477</sup> A

perfect verb translated with an adjective only occurs in instructional materials in the Greek text,

and all but one of these adjectival translations are inside the Covenant Code.<sup>478</sup> Perhaps this is a

sign of greater compositional fluidity in these chapters. The verb צדה finds parallels in 1 Sam.

24.12 and potentially Lam. 4.18. Num. 35.20, and 22 also use the cognate noun. Num employs a

more direct translation with ἔνεδρον (“ambush”) which shows that the rare verb צדה was not

misunderstood at that time.

Ptolemaic and native Egyptian law both distinguish between premeditated and unpremeditated murder.<sup>479</sup> The word ἐκὼν is often a legal term referring to the willful or the premeditated nature of a crime. For example:

- 1 P. Enteux. 81 (220 BCE)  
[ἐ]πάτ[αξε] . . . . . ξύλ[ω]ι ἐκὼν  
He struck...with a club intentionally
- 2 SB 8 9899, b. 5 (125-100 BCE)  
τῶν φόν[[οι]]ς ἐκουσίως<sup>480</sup>...συνεχομένων  
Of those engaged in intentional murders
- 3 P. Cair. Goodsp. 6. 2 (129-128 BCE)  
ὁμολογία ἦν ἐκὼν...συνχωρήσας  
A contractual oath which (he) willingly granted

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<sup>476</sup> For this definition see Brown et al, *Enhanced Brown-Driver-Briggs*, 841; Propp, *Exodus*, 26.

<sup>477</sup> This contrasts with 21.8, which has an adjective become a verb.

<sup>478</sup> 21.13, 19; 22.9(10); 28.35(31). The exceptions have misreading issues which caused the adjective to appear (2.14; 23.29; 33.4), or are part of relative clauses which creates an adverbial phrase (22.15(16); 32.20).

<sup>479</sup> Taubenschlag, *Law of Greco-Roman*, 431. For Egyptian law, e.g., εἰ δέ τις ἐκουσίως ἀποκτείνει (Diodorus 1.77.6 [1<sup>st</sup> BCE]).

<sup>480</sup> This is another form of ἐκὼν.

- 4 Demosthenes 23.48 (4<sup>th</sup> BCE)  
ἐάν τις ἀποκτείνῃ, ἄκων ἢ ἐκόν  
If someone might kill, unintentionally or intentionally

The choice of this word might be inspired by Greek law.<sup>481</sup> The adjective ἐκόν in 21.13 has the effect of generalizing the law so that it could refer to any premeditated attack. This is a practical translation that would help those using the law in litigation.

Büchner argues that Ex here “interprets from the explicit to the general, in order to make allowance for a broader halakhic category as found also in Mekilta’s Commentary.”<sup>482</sup> The implication is that the translation is exegetically motivated by halakhic hermeneutics. It is just as likely, however, that Ex is dependent on Greek legal language and concepts, and is attempting to create a text that is more in line with as well as is more practicable within that system of thought. Up to this point this has been a consistent underlying theme of the translation. Therefore, at least with respect to chapter 21, I do not agree with Büchner’s statement that “it is...obvious from what I have shown that [the translator] knew his Jewish sources and Jewish theology too, and incorporated them into his translation.”<sup>483</sup> If Ex is as influenced by Ptolemaic standards as this thesis claims, the use of ἐκόν should be understood as coming from those resources, as an exchange of Hebrew idiom<sup>484</sup> for Greek idiom.<sup>485</sup> Of course, it is possible that the halakhic and Ptolemaic legal traditions coincided on certain matters, or that early Rabbinic hermeneutics were informed by Hellenistic influence. However, more data needs to be presented to demonstrate the origins and dissemination of halakhic interpretative methods before they can be claimed to have influenced Ex. As it stands, such interpretations seem anachronistic.

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<sup>481</sup> ἀγνοήματα or ἀμαρτήματα are the more common terms for unintentional or intentional harm (Taubenschlag, *Law of Greco-Roman*, 430; cf. P. Tebt. 124. 24 [118-117 BCE]; BGU 4 1185, 1. 7 [61-60 BCE]).

<sup>482</sup> Büchner, “On the Relationship,” 414.

<sup>483</sup> Ibid., 420.

<sup>484</sup> Cf. Propp, *Exodus*, 26, commenting on פְּתִי as essentially meaning “premeditation/willful action.”

<sup>485</sup> As is common in ch. 21 (cf. 3.6.1. [ἀθῶος ἔσται]).

τόπον. A Ptolemaic inscription<sup>486</sup> demonstrates that Lagidic kings “granted to some synagogues the same right of asylum as was commonly granted to Egyptian temples.”<sup>487</sup> At what point this right was initially given is difficult to ascertain since “under the early Ptolemies a few sanctuaries of high reputation possessed the right of *asylia*...but this right of *asylia*, though recognized by the government, was gradually restricted by several royal edicts.”<sup>488</sup> Rostovtzeff only cites evidence from the second century onward for this restriction of rights, so some synagogues potentially held this status in the third century. Rajak notes that a few references exist from a Roman decree in the Augustan era which might use the term τόπος for a synagogue.<sup>489</sup> However, if that designation existed in the time of the translator, it is hard to prove that it was on Ex’s mind here, since τόπος is the main translation equivalent for מקום.<sup>490</sup> It must remain only a slight possibility that at the time of the translation τόπος was understood to be a synagogal asylum rather than a city or the like.

ὁ φονεύσας. Tov claims that this is not a plus but a translation of הרצח which was harmonized from Num. 35.6 in Ex’s *Vorlage*.<sup>491</sup> Appendix I shows that Ex frequently adds the subject to clauses in which the subject is implied and obscure. This is seen nearby in chapter 21 at v. 19 with ὁ ἄνθρωπος (which Tov does not comment on).<sup>492</sup> Tov’s assumption is therefore unnecessary. Ex is instead creating concise and clear laws.

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<sup>486</sup> OGIS 129 (1<sup>st</sup> BCE).

<sup>487</sup> Tcherikover et al., *Corpus*, 8, 125. Cf. Kasher, *The Jews*, 110.

<sup>488</sup> Rostovtzeff, *Social and Economic*, 899.

<sup>489</sup> “Synagogue and Community,” 29. Cf. Josephus, *Ant.* 14.235 and 260.

<sup>490</sup> Except 23.20.

<sup>491</sup> “Textual Harmonization,” 11.

<sup>492</sup> Another example is 22.16 where ἀνανεύω is added for greater clarity (cf. Zipora Talshir, “Double Translations in the Septuagint” in *VI Congress of the International Organization for Septuagint and Cognate Studies* 23 (ed. Claude E. Cox; Jerusalem, 1986), 21-63, here 33).

### 3.5.4. V. 14: On Premeditated Homicide and Refuge

Ἐὰν δέ τις ἐπιθῇται τῷ πλησίον ἀποκτεῖναι αὐτὸν δόλῳ, καὶ καταφύγῃ, ἀπὸ τοῦ θυσιαστηρίου μου λήμψῃ αὐτὸν θανατῶσαι.

וכי־יזיד איש על־רעהו להרגו בערמה מעם מזבחי תקחנו למות

ἐπιτίθημι. Translating זיד, “to be presumptuous” or “to be arrogant,”<sup>493</sup> Ex has represented the verb based on a contextual rendering rather than choosing a semantic equivalent to זיד.<sup>494</sup> Ex uses בערמה to inform what choice of verb would be suitable, namely, one that speaks about an attack (הרג)<sup>495</sup> with guile or craftiness (ערמה).<sup>496</sup> The verb ἐπιτίθημι is used in the papyri for a similar kind of premeditated attack, with no connotation of to anything like arrogance:<sup>497</sup>

- 1 BGU 6 1215 (3<sup>rd</sup> BCE)  
[τοὺς φύλα[κ]ας ἐπιθεμένων τῶν Αἰγυ[π]τίων καὶ ἐνεδρ[ε]υσάντων ἐπὶ τὸ φρουρίον  
The Egyptians made an attempt on the guards and set an ambush at the garrison
- 2 P. Petr. 3 28 R (e), verso a. 1 (224-218 BCE)  
Βερενίκη ἐπ[ιθέσ]εως ληιστῶν  
Berenice, concerning an attempt of robbers  
❖ Note that the stock phrase introducing the petitioned item is ἐπιθέσεως, which suggests this is a categorical term for this kind of attack.
- 3 SB 8 9792 (162-161 BCE)  
ληστηρίου ἡμῖν ἐπιθεμένου κάθοδον ὥχῃσθαι  
A band of robbers made an attempt upon us as we descended
- 4 P. Heid. 9 428 (158 BCE)  
ἐπιθεμένους τινὰ[ς]...ἐπὶ τὸ προωνομ]ασμένον πλ[οῖον  
Certain individuals made an attempt upon the aforementioned ship  
❖ This example is in a context where the thieves were waiting to rob the ship, i.e., it was a premeditated crime.

The Greek translation shows a concern for clarity instead of an exact representation of the

Hebrew. The meaning of the Hebrew is maintained but the way Ex gets there is different. With

<sup>493</sup> David J. A. Clines, *The Dictionary of Classical Hebrew*, vol. 6 (Sheffield: Sheffield Phoenix Press, 2007), 101; cf. Brown et al., *Enhanced Brown-Driver-Briggs*, 267

<sup>494</sup> Unless זיד is a synonym to זיד as Propp claims (*Exodus*, 206).

<sup>495</sup> Though this term more precisely refers to murder.

<sup>496</sup> בערמה could also indicate premeditation (*ibid.*, 208).

<sup>497</sup> Cf. LSJ, ἐπιτίθημι.

this rendering Ex draws on a common term for premeditated attack so that the readers can categorize the law more efficiently within the classifications of the day.

καὶ καταφύγη. The root καταφυγ- is used frequently in petitions to royal authorities to indicate one's "fleeing for refuge or mercy" for justice.<sup>498</sup> It is a technical term that spans centuries, usually with a preceding ἐπι + a second person personal pronoun to indicate who is being asked to give refuge.<sup>499</sup> Ptolemaic Egypt was known for the prevalence<sup>500</sup> and abuse<sup>501</sup> of the refuge system.<sup>502</sup> There is one instance recorded in Ptolemaic Egypt of a syngagogue being awarded the legal status of "refuge."<sup>503</sup> The translation does not say anything more than the Hebrew about where the fleeing would occur. All that the plus καὶ καταφύγη shows is that the translator is aware of the technical term and practice. But is this all that the translation reveals? No. The next items may say more.

λήμψη...θανατῶσαι. In Ptolemaic law the death penalty was assigned to those who violated the right of asylum.<sup>504</sup> In fact, "the offender could not forcibly be removed; the State had, therefore, to wait until he had left the asylum."<sup>505</sup> Ex's source text flatly contradicts this in that it says to take the person from the altar of refuge and kill them. This would run contrary to Greek law.

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<sup>498</sup> P. Enteux. 2. 11 (218 BCE); P. Enteux. 12. 7 (244 BCE); P. Enteux. 13. 8 (222 BCE); P. Enteux. 14. 10 (222 BCE); P. Enteux. 15. 10 (218 BCE); P. Enteux. 24. 6 (221 BCE); P. Enteux. 26. 15 (221 BCE); P. Heid. 6. 376. 17 (220-219 BCE); P. Hib. 2.238. 10 (246-221 BCE), etc.

<sup>499</sup> This specific idiom is not used here because this is not a formal petition. The cognate noun καταφυγή is used in 17.15.

<sup>500</sup> See P. Fuad Univ. 3-4 (246-222 BCE) in Bagnall, *The Hellenistic Period*, 145-146.

<sup>501</sup> See Francoise Dunand, "Droit D'asile et Refuge Dans Les Temples en Égypte Lagide," in *Hommages à la Mémoire de Serge Sauneron (Bibliothèque D'étude 2)* (Paris: Institut Français D'archéologie Orientale du Caire Cairo, 1979), 77-97.

<sup>502</sup> Le Boulluec and Sandevor, *L'Exode*, 217-218 make these connections as well.

<sup>503</sup> *CIJ* II no. 1449, IV.3 in Williams, *The Jews*, 87. It is uncertain if this dedication dates to Ptolemy III euergetes I (246-222 BCE) or Ptolemy VIII euergetes II Physkon (145-116 BCE) (cf. *ibid.*, 190). Le Boulluec and Sandevor, *L'Exode*, 218, note this reference, too. Another question that this translation evokes is "Where would the Ptolemaic reader situate ἀπὸ τοῦ θυσιαστηρίου μου?" It really depends on whether Yahweh's "altar" was conceived of more broadly than just within a temple at the time. There were temples in the Ptolemaic period in Leontopolis and Hierapolis, but it is uncertain whether the translator had something like these in mind.

<sup>504</sup> Taubenschlag, *Law of Greco-Roman*, 477, citing W. Chr. 70. 17-19.

<sup>505</sup> *Ibid.*, 552.

When Ex's infinitive is compared to standard language for the death penalty *in the papyri*, a marked contrast can be seen:

- 5      Fragment from Cyprian Ptolemaic edict in Lenger<sup>506</sup>  
θανά]τωι ζημιοῦσθαι
- 6      P. Tebt. 3 699. 21 (135-134 BCE)  
θανάτωι ζημιοῦσθαι
- 7      P. Tebt. 1 5, 4. 92 (118 BCE)  
θαν[άτωι ζ]ημιοῦσθαι
- 8      Fragment from prostagma (118 BCE) in Lenger<sup>507</sup>  
θανάτωι] ζημιοῦσ[θαι

Note that in every instance the infinitive signalling the death penalty is in the present tense.<sup>508</sup> It is idiomatically and ubiquitously written like this *in the papyri*. However, the literary texts show that the aorist infinitive can also be used:

- 9      Aristotle, Ἀθηναίων πολιτεία 29.5.1 (4<sup>th</sup> BCE)  
θανάτῳ ζημιῶσαι  
❖ This is the apodosis of a casuistic conditional clause, though not a formal law code.
- 10     Dinarchus, *In Demosthenem* 6.10 (4<sup>th</sup>-3<sup>rd</sup> BCE)  
θανάτῳ ζημιῶσαι

There are many other examples of the aorist used in this phrase, though not in casuistic legal contexts.<sup>509</sup> Because these literary examples either come before the Ptolemaic period or are not formal legal texts themselves creates a problem: it is difficult to discern whether the present infinitive is the only way the death penalty is spoken of in formal, *Ptolemaic* casuistic law. The present tense infinitive may function that way in that context. It is lamentable that more casuistic

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<sup>506</sup> *Corpus*, 98, line 14.

<sup>507</sup> *Corpus*, 168. Also found in Arangio-Ruiz, *Pubblicazioni della Societa Italiana per la Ricerca dei Papyri Greci e Latini in Egitto*, XIV, ed. Vittorio Bartolleti (Florence: Le Monier, 1957), num. 1401, line 20.

<sup>508</sup> In a narrative context θανατῶσαι is used in Aristotle, *Oeconomica* 1347b.33 (4<sup>th</sup> BCE). Temporally, this is the closest text to Ex.

<sup>509</sup> E.g., Xenophon, *Hellenica* 1.7.10.2 (5<sup>th</sup>-4<sup>th</sup> BCE); Demosthenes, *In Midiam* 182.3 (4<sup>th</sup> BCE); Aeschines, *In Ctesiphontem* 224.3 (4<sup>th</sup> BCE), etc.

laws representing this context from the earlier periods do not survive. Therefore, even though all examples of the death penalty in the formal Ptolemaic legal texts use the present tense infinitive, it is hard to state with confidence that this is not merely due to a historical accident and because we lack more documentation.

If, for the sake of argument, it is assumed the present tense infinitive is the only way that the death penalty is formulated in Ptolemaic legal documents, how would this reflect on Ex's text and argument? First, if Ex had used the present infinitive, unlike the present jussive, there would be no way to indicate whether Ex was subordinating or downgrading this instance of the death penalty like the rest. The infinitive functions and looks the same way in both royal decrees and civic law, and is used interchangeably with either the future or the jussive. There is no way to make a contrast as it is made with the jussive. Moreover, the tense of a complementary infinitive is drawn from the verb it supports.<sup>510</sup> In this instance λήμψη, as a future,<sup>511</sup> would imbue θανατοῦν with its aspect.<sup>512</sup> This is doubly problematic since it makes θανατοῦν essentially futural in aspect. This would violate Ex's death penalty principle, namely, that capital punishment is prescribed with a jussive. The best solution, besides changing the syntax of the source text, would be for Ex to use the aorist infinitive. The aorist is unidiomatic when compared to the apodotic infinitive in legal prescriptions for the death penalty, which leads the reader to look for the intent behind θανατώσαι from the broader context. Its intent can easily be found in the previous and following laws' use of the less-authoritative jussive. The law can in this way

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<sup>510</sup> K. L. McKay, "Aspect in Imperative Constructions in New Testament Greek," *Novum Testamentum* 27, no. 3 (1985): 201-26, here 222. In compositional law the infinitive functions to command without a helping verb (Smyth, *Grammar*, 448). Ex is bound to a source text, so this norm is broken.

<sup>511</sup> It should be noted that the second person imperative is generally unidiomatic in legislation, so it was not a good option.

<sup>512</sup> It is inconsequential for this argument whether the future represents an incomplete or complete aspect. This is debated among Greek scholars.



maintain the same interpretation set up everywhere else for the death penalty, as well as be faithful to the syntactic structure of the source language.

If, instead, the aorist infinitive is a normal means of speaking of the death penalty in Ptolemaic legal diction, then the aorist should probably indicate a perfective or punctiliar aspect, in that the only thing being stated by the aspect is that the action is to occur and be completed. In this way, the reader is bound to the surrounding context to understand that Ex does not want to make absolutely authoritative statements about the death penalty (as signaled with the jussive).

### 3.5.5. V. 15: *On Striking Parents*

Ὅς τύπτει πατέρα αὐτοῦ ἢ μητέρα αὐτοῦ, θανάτῳ θανατούσθω.  
ומכה אביו ואמו מות יומת

Ὅς τύπτει. Verse 12 is syntactically almost the same as v. 15 in Hebrew. Why does Ex change the translation syntax here from the typical ἐάν δέ + aorist subjunctive + pre or post-verbal τίς? Ex does not care to match the Hebrew participial structure in v. 12, so it is unlikely that the new structure here is solely caused by the constraints of Hebrew syntax. Given v. 12, the expected translation is \*ἐάν δέ πατάξῃ πατέρα αὐτοῦ ἢ μητέρα αὐτοῦ. Ex could also add τίς as he does in the casuistic law of 12.48. In fact, the translator has, in effect, maintained τίς since ὅς in the protasis of a conditional clause is equal to εἴ τίς.<sup>513</sup> The phrase εἴ τίς marks a general condition that “expresses a customary...or repeated act...or a general truth.”<sup>514</sup>

In contrast, 21.12 has ἐάν δέ πατάξῃ which marks a punctiliar or completed action in a future more vivid construction.<sup>515</sup> If Ex’s present tense τύπτει in 21.15<sup>516</sup> were changed to a future more vivid conditional clause (e.g., \*ἐάν δέ τυπτη), the imperfective aspect of the present

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<sup>513</sup> Smyth, *Grammar*, 576, § 2560.

<sup>514</sup> Ibid., 527, § 2336.

<sup>515</sup> Ibid., 524, § 2325.

<sup>516</sup> In Attic and the LXX, πατάσσω supplies the future and aorist forms for τύπτω. See LSJ, τύπτω, I.1.

tense in that construction could signal either a habitual action or an action in progress (as the present tense striking verbs do in vv. 18, 22). The change in syntax here broadens the aspectual scope of τύπτει into the realm of maxim or habitual action with less likelihood that the verb will be read as an action in progress (like vv. 18, 22).<sup>517</sup> This is demonstrable by an aspectual analysis of τύπτει. That τύπτει is habitual or iterative is shown in Campbell's *Aktionsart* category "iterative."<sup>518</sup> A verbal usage within this category is defined by imperfective aspect, a punctiliar or non-stative verb, and a context that allows repetition.<sup>519</sup> This can be claimed of Ex because the translator's use of verbal aspect is within the general norms of compositional Greek. Evans summarizes this, commenting, "The use of aspect, tense, and mood in the Greek Pentateuch represents essentially idiomatic Greek, in accord with the usage of the early Koine vernacular...interference is mainly manifested through the feature of frequency of occurrence."<sup>520</sup> Further, in the Septuagint Pentateuch Ex is the "most free" with respect to utilizing Greek aspectual variations.<sup>521</sup> This is not insignificant. It is part and parcel of Ex's interpretation of the verse. This focus on the habitual striking of parents rather than a singular infraction can be accounted for by looking at Greek standards and laws regarding the harm of parental figures.

Unfortunately, there are no Ptolemaic laws or documents on the topic of physical parental abuse. There are laws from just a few years prior, however, that demonstrate the Greek ideas on this subject. As noted in 3.2., Athenian law had a strong influence on Ptolemaic Egypt. For this

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<sup>517</sup> Intervening between 2.11 and 2.13 is the use of πατάσσω in 2.12. That context is referring to the Hebrew hitting *and killing* his kin. When multiple, non-lethal blows are spoken of, τύπτω is used.

<sup>518</sup> Constantine Campbell, *Basics of Verbal Aspect in Biblical Greek* (Grand Rapids: Zondervan, 2008), 65.

<sup>519</sup> Ibid.

<sup>520</sup> Evans, *Verbal Aspect*, 259; Cf. Takamitsu Muraoka, "The Infinitive in the Septuagint," in *VIII Congress of the International Organization for Septuagint and Cognate Studies, Paris 1992* (ed. Leonard Greenspood and Olivier Munnich; SBLSCS 41; Atlanta: Scholars Press, 1992), 259-271, here 266-267.

<sup>521</sup> Anssi Voitila, "What the Translation of Tenses Tells About the Septuagint Translators," *Scandinavian Journal of the Old Testament* 10, no. 2 (1996): 183-196, here 195.

reason it is possible to at least make suggestions about norms that may have continued into the Ptolemaic era. These laws contain remarkable correspondences to 21.15:

- 1 Lysias 13.91 (4<sup>th</sup> BCE)  
ὅστις...πατέρα τὸν αὐτοῦ ἔτυπτε καὶ οὐδὲν παρείχε τῶν ἐπιτηδείων... κατὰ τὸν τῆς κακώσεως νόμον ἄξιός ἐστι θανάτῳ ζημιωθῆναι  
Whoever...has been striking his father and providing nothing of his necessities (to live)...is worthy to suffer the penalty of death according to the law of mistreatment.
- 2 Aeschines 1.28 (4<sup>th</sup> BCE)  
ἐάν τις λέγῃ ἐν τῷ δήμῳ τὸν πατέρα τύπτων ἢ τὴν μητέρα, ἢ μὴ τρέφων, ἢ μὴ παρέχων οἴκησιν: τοῦτον οὐκ ἐᾷ λέγειν.  
‘If any one attempts to speak before the people who beats his father or mother, or fails to support them or to provide a home for them.’ Such a man, then, he forbids to speak.<sup>522</sup>  
❖ It is uncertain if further penalty would be given in this situation. Aeschines is only referring to the removal of public rights of specific political leaders here.
- 3 Demosthenes 24.60, 102 (4<sup>th</sup> BCE), punishes maltreatment of parents with imprisonment and the penalties received for treason.

Note that Lysias references *a law* (τὸν τῆς κακώσεως νόμον) that expected the death sentence for habitually beating parents (ἔτυπτε). Both Lysias and Aeschines focus on the person who iteratively harms their parents. These items, particularly the law in Lysias, suggest that the death sentence may have been acceptable in Ptolemaic law for those habitually guilty of this act. It seems as though Ex has translated the law in a way that fits this principle most accurately.

θανάτῳ θανατούσθω. See 3.5.2.

### 3.5.6. V. 17(16): *On Cursing Parents*

ὁ κακολογῶν πατέρα αὐτοῦ ἢ μητέρα αὐτοῦ θανάτῳ τελευτάτω.  
ומקלל אביו ואמו מות יומת

ὁ κακολογῶν. Whether קלל means merely “to speak ill of” or more severely “to curse with imprecation” is not consequential for interpreting the Septuagint translation here.<sup>523</sup> The verb

<sup>522</sup> Translation from Adams, *Aeschines*, online at <http://www.perseus.tufts.edu>.

<sup>523</sup> Herbert Chanan Brichito, *The Problem of “Curse” in the Hebrew Bible* (Philadelphia: Society of Biblical Literature, 1984), 132-135; Durham, *Exodus*, 323; Paul, *Studies in the Book*, 66; Propp, *Exodus*, 214.

chosen (κακολογέω) is plain in its meaning. Horsley notes that κακολογέω is primarily found in contexts of litigation in both the literary and papyrological documentary sources outside of the NT, and labels its usage as “fairly standard.”<sup>524</sup> For example, Lysias 8.5 titles a legal section “Κατηγορία πρὸς τοὺς συνουσιαστὰς κακολογιῶν,” and within the legal dispute uses the verb in the sense of “defaming.”<sup>525</sup>

The Greek participle ὁ κακολογῶν represents the Hebrew participle לִמְקַלֵּם. When referring to the subject and verbal agents in these laws Ex’s default tense is the aorist for the participle (cf. 21.12, 16[17], 19; 22.6[7], 9[10]). It could be significant that the protases of *both* laws concerning attacks on parents express the verbal actions in the present tense, whereas in the surrounding context the verbs in the protases are predominantly aorist. One argument for the intentional use of tense forms with an imperfective aspect here would be that Ex *could have* removed any aspectual denotation in this verse with a translation like that found in 22.17(18). There the Hebrew participle מְשַׁפֵּחַ is translated by the Greek noun φαρμάκους which has no aspectual denotation. One could equally imagine 21.17(16) translated as \*κακολογητής<sup>526</sup> (τοῦ πατρός...). Translating with a noun like this would remove any additional information contributed from verbal aspect. On the other hand, it could be argued that 21.17(16) needed to be translated with a participle because of the two objects in the Hebrew (i.e., “father or mother”). The Greek participle allows for the direct objects to remain and a greater semblance to the Hebrew parent text to stay intact.<sup>527</sup> Moreover, φαρμακός represents an occupation, whereas κακολογέω an action. Therefore, the translation with a participle may have been necessary.

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<sup>524</sup> Greg H. R. Horsley, *New Documents Illustrating Early Christianity*, vol. 2, (North Ryde: Ancient History Documentary Research Centre, 2007), 88.

<sup>525</sup> I rely here on Lamb, *Lysias*. Cf. Demosthenes 1.94.8 (4<sup>th</sup> BCE).

<sup>526</sup> This word is not attested in the lexicons and is manufactured for the purpose of the argument. Ex has no problem creating neologisms like this as is done in 21.29 with κρατιστής.

<sup>527</sup> This way there is also more direct parallelism with v. 15.

Recent scholarship on verbal aspect suggests that substantive present participles (e.g., κακολογῶν) do in fact have an aspectual sense.<sup>528</sup> There are two aspectual categories that Campbell describes which could fit the participle here in 21.17(16): 1) contemporaneous timeframe with respect to the context as a whole; 2) a description or state.<sup>529</sup> The first option does not fit since the casuistic context requires that τελευτάω be viewed as a consequence and an event subsequent to the action of the one who insults (ὁ κακολογῶν). It makes the most sense for the aspect of this participle to be understood as belonging to category 2. The present participle represents a description or characteristic of the offender (i.e., a state), rather than focusing on a particular set of iterative actions. In contrast to present imperfective aspect, according to Campbell, an aorist participle is frequently used to denote an action that has occurred in the past, i.e., “the one who cursed father and mother” (cf. v. 13 with ὁ φονεύσας, “the one who murdered”).<sup>530</sup> This is not an interpretive option for κακολογῶν. Why does it matter that ὁ κακολογῶν describes a state? The answer is to be found in the choice of verbal lexeme in the apodosis.

θανάτῳ τελευτάω. There are three reasons why it appears that this expression does not mean the same thing as θανάτῳ θανατούσθῳ in vv. 12 and 15:<sup>531</sup>

- 1) the change in voice
- 2) the change in lexeme
- 3) the absurdity of the Hebrew law considering Ptolemaic standards. Ex has instead created a law with an imprecatory curse in the apodosis (“let him come to an end!”) which is in line with Greek legal standards.

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<sup>528</sup> Campbell, *Basics*, 122.

<sup>529</sup> Ibid., 122-123.

<sup>530</sup> Cf. Campbell, *Basics*, 123-124. Though see Smyth, *Grammar*, §1851 and §1872, who argues that the participial is, by itself, timeless.

<sup>531</sup> מות יומת stands behind both. Wevers, (*Notes*, 330) claims synonymy, but this assessment does not stand up to scrutiny.

The first change, namely, the switch from the medio-passive θανατούσθω in 21.12 to the active τελευτάω is not insignificant. The medio-passive θανατούσθω indicates that *someone else* is performing the killing (the implied passive agent) whereas τελευτάω indicates some sort of active involvement on the part of perpetrator, who has now become the subject and agent of the verb. This is not normal. As was demonstrated, the death penalty is normally written with the passive. The active τελευτάω would not be understood that way.

The difference between θανατούσθω and τελευτάω grows wider when the lexemes are examined. The verb θανατόω was discussed above with respect to its legal meaning “to put to death.” However, τελευτάω does not have this meaning in Ex. Everywhere it means “to come to an end,” usually conveying the notion “to come to the end of life,” i.e., “to die.” Only a few verses away in 21.35 it also has that meaning. Likewise, in the literary and papyrological sources, τελευτάω means simply “to die.”<sup>532</sup> This is still the case with the preceding θανάτω:

- 1     Dinarchus, *In Demosthenem*, 6.8 (4<sup>th</sup>-3<sup>rd</sup> BCE)  
       βιαίῳ θανάτῳ τετελευτηκόσι βοηθῆσαι, τοὺς δὲ παράνομόν τι τῶν ἐν τῇ πόλει  
       διαπεπραγμένους ἐκβαλεῖν ἢ θανάτῳ ζημιῶσαι  
       To take up the cause of those who have met a violent end and banish or execute any in  
       the city who have broken the law<sup>533</sup>  
       ❖ θανάτῳ τετελευτηκόσι is immediately followed by the death penalty (θανάτῳ  
       ζημιῶσαι), showing that the former combination of lexemes does not generally refer  
       to capital punishment.

Note the following example that contains similar phraseology to Ex while using a near synonym (ἀποθνήσκω).

- 2     Demosthenes 23.83 (4<sup>th</sup> BCE)  
       ἐάν τις βιαίῳ θανάτῳ ἀποθάνῃ  
       If someone might die a violent death

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<sup>532</sup> Cf. LSJ, τελευτάω, I.2-3b. I.3b comments that a supplied ὑπό is required if the agency of another is involved. For the papyri see e.g., UPZ 1 162, 7. 11-13 (2<sup>nd</sup> BCE); BGU 4 1185, 2. 16 (60 BCE; see the translation in Lenger [*Corpus*, 200]); for a nominal form see UPZ 1 162, 9. 17-18 (2<sup>nd</sup> BCE).

<sup>533</sup> Translation by J. O. Burtt, *Minor Attic Orators: In Two Volumes* (vol. 2; London: William Heinemann, 1962), online at <http://www.perseus.tufts.edu>.

Therefore, if τελευτάω simply means “let him come to an end (of life),” why did Ex make this change? There are two probable answers when the Ptolemaic context is consulted.

The primary solution to this problem is to recognize that while maltreatment of parents was a worse offence than maltreatment of anyone else in the Hellenistic world, still “Greek society did not carry such respect to the point of serious irrationality.”<sup>534</sup> The “irrationality” here is, of course, from a Hellenistic perspective. Dover lists the Greek texts that speak about disrespect of parents and none of them come close to prescribing the death penalty for speaking ill of them.<sup>535</sup> The papyri infer this as well. P. Eleph. 2, plate 7 (284 BCE) speaks of a contract which issues the penalty of a thousand drachmas and the process of requisition for a son who abandons his parents in their debt, support, and burial. This is much worse than ill-speech, but no death is required. Likewise, P. Enteux. 26 (221 BCE) speaks of a father complaining that his grown daughter is not providing for him in his old age as she ought, and pleads that she pay him what she owes. Her disrespect deserves payment not death.<sup>536</sup> These items suggest that Ex is once again altering the text to fit with Ptolemaic standards. What is more, this rendering is not obscure. It fits into a category of Greek casuistic law of its own.

Arnautoglu notes a kind of Greek law whereby “no penalty is provided either for the offenders or officials; only curses are pronounced.”<sup>537</sup> He cites SEG 33.679 (3<sup>rd</sup>-2<sup>nd</sup> BCE): “If anyone has abused or erased or tampered with any of the entries in the existing archive...let him perish.”<sup>538</sup> This is not an isolated incident:

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<sup>534</sup> Kenneth James Dover, *Greek Popular Morality in the Time of Plato and Aristotle* (Indianapolis: Hackett, 2008), 275; cf. 273.

<sup>535</sup> *Ibid.*, 275.

<sup>536</sup> Cf. Bagnall and Derow, *The Hellenistic*, 245.

<sup>537</sup> *Ancient Greek*, 115.

<sup>538</sup> The Greek text of this law was only available at a high monetary cost, and for this reason has not been reproduced.

- 3 IPArk 24. 14 (273 BCE)<sup>539</sup>  
εἰ δέ τις...ποίη...κάταρος ἔστω  
If someone...might do (this)...let him be accursed

This apodotic cursing tradition is attested before the Ptolemies as well:

- 4 Aeschines 3.122 (4<sup>th</sup> BCE)  
‘ἥτις δ’ ἂν μὴ παρῇ πόλις...ἔσται καὶ τῇ ἀρᾷ ἔνοχος  
Whichever city might not come out...will be guilty with respect to the curse

This data suggests that Ex is not prescribing the death penalty but is instead pronouncing a curse. Ex has maintained fidelity to the source text’s root (תָּמ and τελευτάω both conveying the basic idea of “death”) while simultaneously creating a new meaning for the text—a meaning in line with Ptolemaic standards in that it does not suggest the death penalty but does implicate those who disrespect their parents.<sup>540</sup> There are no Ptolemaic texts that equate ill-speaking with cursing so it must be assumed that defaming language was less punishable than not providing for one’s parents, or else this punishment would be insufficient in the Ptolemaic context. Lastly, the use of the jussive implies a less severe pronouncement than would the future tense so that the reader does not in any way assume that the text refers to the death penalty (even though τελευτάω is not commonly used this way). The jussive also serves to direct the reader to the Ptolemaic authorities for final arbitration, if penalties are sought by the offended party.

Finally, the separation between the grammar of 21.15 and 21.17(16) implies that Ex did not want these laws to be read in parallel. By not using \*ὅς κακολόγει the laws are less likely to be mutually interpreted by each other. This makes great sense if the first law does in fact require the death penalty but the second does not. Perhaps this could also explain the change in verse ordering as compared to MT. In MT, v. 16 is a law about kidnapping (v. 17 in Ex) which is

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<sup>539</sup> Taken from Gerhard Thür, and Hans Taeuber, “Rechtshilfevertrag zwischen Stymphalos und Demetrias (273 BCE)” in *Prozessrechtliche Inschriften der griechischen Poleis: Arkadien (IPArk)* (Wien: Verlag der Österreichischen Akademie der Wissenschaften, 1994), 163.

<sup>540</sup> See Lev. 24.16 for another example of a death penalty apodosis being changed to a curse.



followed by this law about the cursing of parents. If Ex is the one who has placed these laws side by side, the translator may be highlighting the intended contrast between them, which may act as another safeguard against reading v. 17(16) as having the same punitive force as v. 15. Of course, this argumentation is predicated upon the assumption that bringing two laws like these together would have been done to heighten contrast rather than similarity. If they were brought together for similarity's sake and the apodoses were considered merely synonyms, then why would Ex not variegate the apodosis' verb in other laws of similar content like v. 12 and 14?

### 3.5.7. V. 16(17): *On Kidnapping Israelites*

Ὅς ἂν κλέψῃ τις τινα τῶν υἱῶν Ἰσραὴλ, καὶ καταδυναστεύσας αὐτὸν ἀποδῶται, καὶ εὗρεθῇ ἐν αὐτῷ, θανάτῳ τελευτάτω.

וגנב איש ומכרו וגמצא בידו מות יומת

Ὅς ἂν. This phrase is used in six other places.<sup>541</sup> Each of these instances have different Hebrew syntax.<sup>542</sup> It has been argued that Ex aspectually and syntactically marks out vv. 15-17 from the rest of the text. Ex makes a break from the rhythmic and stock phraseology in the rest of the casuistic laws (ἐάν δέ τις + aorist verb). This syntactic change has the effect of making the reader pay closer attention to the distinctives in these verses and is probably the reason v. 16(17) begins with ὅς ἂν.<sup>543</sup> While maintaining this syntactic distinction, ὅς ἂν is a formulaic way of creating the future more vivid construction—featuring a subjunctive verb in the protasis and the future indicative in the apodosis—a construction that is comparable to the one with ἐάν τις in the protasis and that predominates elsewhere in this chapter.<sup>544</sup> It also makes the case more generic in its application, i.e., “whoever.” This generic subject may be included to coincide with the

<sup>541</sup> 12.15, 19; 21.17(16); 30.33(2x), 38.

<sup>542</sup> Note that י is not represented in this phrase.

<sup>543</sup> 21.37(22.1) has almost the exact same Hebrew syntax but translates with the stock ἐάν δέ τις. Alternatively, Ex's rendering could be random.

<sup>544</sup> Smyth, *Grammar*, 576, § 2561. For this construction in the legal papyri see e.g., P. Hib. 2, 1. 9 (269-298 BCE) or for legal literary sources see e.g., Demosthenes 23.62 (4<sup>th</sup> BCE).

generic punishment (see below). Since ὅς ἄν acts to inform the subject of the verb, likely the redundant τίς is included to be consistent with the previous rendering in v. 12 that has similar syntax to this verse.

τῶν υἱῶν Ἰσραὴλ, καὶ καταδυναστεύσας αὐτὸν. There are two options for this plus: Ex had a *Vorlage* with מְבִי יִשְׂרָאֵל וְהַתְּעַמָּר בוֹ similar to Dt. 24.7 here, and translated a pre-harmonized text; or Ex harmonized the Greek text with the Greek version of Deuteronomy (or vice-versa).<sup>545</sup> This latter view explains the exact same wording of the two. The answer, as Aejmelaeus has rightly deduced, is probably the influence of the Exodus translation on the Deuteronomy translation.<sup>546</sup> The reason for this deduction is based on the two rare words found in both Ex and Dt, namely, ἀθετέω (in the parallel laws of Ex. 21.8 and Dt. 21.14) and καταδυνατεύω (in the parallel laws of Ex. 21.16[17] and Dt. 24.7). Both ἀθετέω and καταδυνατεύω rightly translate their *different* Hebrew counterparts in Ex (assuming, of course, Ex had a Hebrew *Vorlage* with הַתְּעַמָּר).<sup>547</sup> In contrast to this is Dt, where within contexts that are representative of almost the same laws as Ex, the difficult<sup>548</sup> הַתְּעַמָּר is rendered by both ἀθετέω and καταδυνατεύω *in the contexts where Ex employs these terms*. The strong suggestion is that Dt looked to Ex for help with הַתְּעַמָּר—without any recourse to the Hebrew of Exodus—and borrowed the two Greek words according to each separate context.<sup>549</sup> Had the Deuteronomy translator been looking at the Hebrew of Exodus, Dt would have noticed that different Hebrew terms from that of Deuteronomy were being translated

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<sup>545</sup> It is also possible that Ex is aware of a tradition that expands the interpretation for this verse and decides to reflect this in his translation to remove ambiguity.

<sup>546</sup> Cf. Aejmelaeus, “What Can We Know,” 108-110.

<sup>547</sup> בָּגַד = ἀθετέω in 21.8 and (the suggested) הַתְּעַמָּר = καὶ καταδυναστεύσας in 21.16(17).

<sup>548</sup> The difficulty in translating this word would be due to its rarity.

<sup>549</sup> I am indebted to Aejmelaeus, “What Can We Know,” for this argument; Le Boulluec and Sandevor, *L'Exode*, 218, reach the same conclusion. Cf. Paul, *Studies in the Book*, 65; Propp, *Exodus*, 120.

in the parallel passages here. Therefore, Ex should probably be considered the original rendering. Ex translates from a *Vorlage* that had been harmonized with Hebrew Deuteronomy.

Why is this conclusion important? The primary reason, for the purposes of this study, is because of the intertextual connection with the verb καταδυναστεύω and its relation to the curse apodosis. The only other place in Ex where this rare verb is found is in 1.13.<sup>550</sup> It describes the kind of subjugation that ancient and unrighteous Egypt imposed on the Israelites. Anyone who would read this law with the whole context of Greek Exodus in mind would immediately make a connection between the enslavement of the Israelites in Egypt in centuries past and the potential repetition of that enslavement when Jews would subsequently be subjugated. This is a point that needs to be stressed, though the argumentation that follows stands alone (without the intertextual connection) with respect to its validity for interpreting this verse.

Ptolemaic Egypt in the early third century (or potentially even from 320 BCE onward) experienced a *significant* population increase as a result of the influx of captured Syrian/Palestinian<sup>551</sup> peoples.<sup>552</sup> This is probably the reason that this law ends with a curse rather than the death penalty. There were many Jews who had been captured and sold into slavery as prisoners of war in the preceding years (maybe at the very time of the translation!) and to create legislation calling those captors to account would be tantamount to inciting rebellion.<sup>553</sup> This is because the sale of prisoners of war was by official order of the king.<sup>554</sup> Again, it was not a small number of Jews who had been taken by force to Egypt. At the turn of the third century there was

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<sup>550</sup> Rare in Ex and the literary sources (only Xenophon, *Symposium*, 5.9.1 [5<sup>th</sup>-4<sup>th</sup> BCE]). It is a common term for unwilling detainment in the papyri: P. Lond. 7 2039. 11 (275-226 BCE); P. Koeln.13.516. 3 (225-176 BCE); P. Tarich. 1. 10, 26 (188-187 BCE); P. Tebt.3.2.953. 7 (181-180 BCE).

<sup>551</sup> “Syrian” was a designation for Jewish people at that time in Egypt, as a distinction was rarely made between the Jews and Syrians. See Tcherikover, *The Jews*, 4-5.

<sup>552</sup> Fraser, *Ptolemaic*, vol. 1, 74; Tcherikover et al., *Corpus*, 2, 4; idem., *Hellenistic Civilization*, 273; cf. Kasher, *The Jews*, 39-40; Westermann, *Upon Slavery*, 57; Aristéas, 12-14.

<sup>553</sup> I presuppose here a mid to early third century date for the Greek Pentateuch.

<sup>554</sup> Cf. Taubenschlag, *Law of Greco-Roman*, 71.

a massive displacement that all, both Jews and Greeks, would have been keenly aware of. If the Covenant Code was meant to be translated as a law for the Jews to refer to in their new Egyptian context, this law in its original Hebrew meaning would have caused problems when a Greek official saw it. It would also include an implicit call for the death *of the king himself*. Had Ex's source text *not* had מִבְּנֵי יִשְׂרָאֵל, it is very likely that θανατούσθω would have been employed and not τελευτάτω.<sup>555</sup> Greek law did, for that matter, universally condemn stealing free persons and prescribed the death penalty for it.<sup>556</sup>

Now it could be argued that τελευτάτω does still, though with less directness, contain ill will towards those who captured Israelites or even possibly the king. This is true, but the difference between what is stated with θανατούσθω, namely, that the God of Israel tells his people to kill those who have captured them, as compared to what is stated by τελευτάτω, that is, that Israelites may hold a negative disposition towards those who have captured them, is a stark change in outcome. One could imagine that a Ptolemaic official would care little if an Israelite was indignant towards their actions against Israel provided that such indignation was not going to be acted upon. Additionally, the use of the jussive here also implies that this apodotic curse is not the last word on the matter. The authority of the law has been relegated to civic law and as such another royal decree could override its contents. This is another way of circumventing an absolute statement against the Ptolemaic authorities.

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<sup>555</sup> This contextual switching between τελευτάτω and θανατούσθω seems to be present in Lev. 24.16 as well. When the law condemns *foreigners* for blaspheming God's name, the text switches from θανατούσθω to τελευτάτω. In this way the text does not call for the death of foreigners for speaking God's name.

<sup>556</sup> Taubenschlag, *Law of Greco-Roman*, 72; Tcherikover, *Hellenistic Civilization*, 69; cf. P. Tebt. 3 765. 12 (153 BCE); Aeschines 1.91 (4<sup>th</sup> BCE); and Aristotle, *Athenian Constitution*, 52.1 (4<sup>th</sup> BCE), which all prescribe the death sentence.

καὶ εὗρεθῆ ἐν αὐτῷ. The Hebrew בִּידוֹ אֶמְצָא is notoriously ambiguous.<sup>557</sup> Ex seems to have intentionally not translated ἐν τῇ χειρὶ αὐτοῦ given that just a few verses earlier a similar phrase was rendered εἰς τὰς χεῖρας αὐτοῦ (v. 13; cf. v. 20). Ex variously translates וְ phrases, sometimes with prepositions<sup>558</sup> or by including a form of χεῖρ. Only here is ἐν αὐτῷ used.<sup>559</sup> The entire phrase εὗρεθῆ ἐν αὐτῷ is completely ambiguous with respect to the subject of the verb and the referent of αὐτῷ. Ex usually disambiguates a law in his translation. This translation likely has to do with the curse apodosis. There is no here-and-now consequence of the apodosis so Ex has translated in a way that allows for the following interpretive options: the captor is found with the captive; the captive is found with the captor; the theft is found out with respect to<sup>560</sup> the captive (e.g., the captive is somehow recovered); theft is found out with respect to the captor (e.g., the captor is somehow implicated), etc. The interpretations are numerous and all conclude with a curse.

θανάτῳ τελευτάτω. See notes on 3.5.6. (θανάτῳ τελευτάτω).

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<sup>557</sup> Cf. Propp, *Exodus*, 212-213, for options. For a potential ancient reading see S. Iwry, “אֶמְצָא – a Striking Variant Reading in 1QIs<sup>a</sup>,” *Textus* 5 (1966): 34-43, here 37.

<sup>558</sup> As only a few examples: 2.5, 19; 9.35; 10.25; 16.3.

<sup>559</sup> Other completely reworked phrases: 23.1 and a group of texts all translating a similar Hebrew expression (4.13; 22.7(8); 24.11).

<sup>560</sup> “With respect to” being the translation of ἐν αὐτῷ as a dative of respect.

### 3.6. Verses 18-27: Laws Concerning Striking

#### 3.6.1. VV. 18-19: Of Free Persons without Fatality

Ἐὰν δὲ λοιδορῶνται δύο ἄνδρες, καὶ πατάξῃ τις τὸν πλησίον λίθῳ ἢ πυγμῇ, καὶ μὴ ἀποθάνῃ, κατακλιθῇ δὲ ἐπὶ τὴν κοίτην, ἐὰν ἐξαναστὰς ὁ ἄνθρωπος περιπατήσῃ ἔξω ἐπὶ ῥάβδου, ἄθῳς ἔσται ὁ πατάξας· πλὴν τῆς ἀργίας αὐτοῦ ἀποτεῖσει καὶ τὰ ἰατρεῖα.  
וכי־יריבן אנשים והכה־איש את־רעהו באבן או באגרף ולא ימות ונפל למשכב  
אם־יקום והתהלך בחוץ על־משענתו ונקה המכה רק שבתו יתן ורפא ירפא

λοιδορῶνται. The verb ריב means “to quarrel verbally.”<sup>561</sup> In the Hebrew context a physical fight is in view. Propp surmises that, “Either ריב euphemistically connotes a physical fight, or else we are to imagine a verbal quarrel that breaks into violence. By the latter reading, the text is elliptical, merely implying a brawl.”<sup>562</sup> The term λοιδορέω is used in the legal papyri in nearly the same way. The nominal form λοιδορίας is the term used to describe “verbal abuse” before a fight τῶν πληγῶν (“of blows”).<sup>563</sup> Moreover, the verb is also found in the same context.<sup>564</sup> This lexeme is ubiquitously used this way.

The present tense in casuistic law is the “marked” tense with the aorist as the default.<sup>565</sup> The use of the present subjunctive “views an act as continuing (not completed), whereas the aorist subjunctive views it as simply occurring (completed).”<sup>566</sup> For this reason λοιδορῶνται is *the action in progress* when the strike occurs. This fits Campbell’s *Aktionsart* category of “progressive” which is formed by imperfective aspect, a non-punctiliar or non-stative verb, and a context that allows progression.<sup>567</sup>

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<sup>561</sup> Paul, *Studies in the Book*, 67; Carmichael, *The Origins*, 115.

<sup>562</sup> *Exodus*, 214; cf. Brown et al, *Enhanced Brown-Driver-Briggs*, 936, which designate only this verse for physical fighting.

<sup>563</sup> E.g., P. Enteux. 74. 5 (221 BCE); P. Petr. 2 18. 8-10 (220 BCE); P. Enteux. 72. 3 (218 BCE).

<sup>564</sup> P. Tebt. 3 765. 4, 10 (153 BCE); BGU 6 1247 (137-136 BCE).

<sup>565</sup> Tjen, *On Conditionals*, 121-122.

<sup>566</sup> Smyth, 524, § 2325.

<sup>567</sup> Campbell, *Basics*, 63; cf. 68-69.

All the present tense subjunctive verbs in chapters 21-23 (not including copula) are in the middle voice (21.18, 22, 23, 29, 36; 22.16[17]). Is the middle employed in Ex to invoke an element of self-involvement, whether reflexive or reciprocal?<sup>568</sup> Appendix III lists all the middle voice verbs in Ex and shows that only on one occasion does Ex use the middle voice without a documented middle definition (19.23). That is the only context where an interpretive element of self-involvement could potentially be discerned.

ὁ ἄνθρωπος. This is a plus to clarify the subject. See Appendix I.

ἀθῶος ἔσται. The Niphal perfect 3ms verb נָפַל is represented by Ex with a predicate adjective and copula. Ex does not translate finite verbs as ‘item (noun or the like) + copula’ as a general rule. This pattern only occurs in laws (12.4; 21.8; 21.19; 21.36).<sup>569</sup> The reason the common apodotic future verb is not used (ostensibly \*ἀθωοθήσεται here)<sup>570</sup> is because guilt or innocence in a legal claim is idiomatically spoken of using a noun or substantive adjective + a mode of predication (usually involving a copula):

- 1 P. Koeln. 6 272. 16-17 (250-201 BCE)  
ἔνοχος γένηται περὶ τοῦ φόν[ο]υ
- 2 P. Hib. 2, 1. 26 (269-268 BCE)  
ἀθῶιοι ἔστωσαν
- 3 SB 8008, 1. 4-6, 26-27 (260 BCE)  
ἐὰν [δ]έ τινε[ς μὴ ποιῶ]σιν...στε[ρηθή]σονται καὶ ἔνοχοι ἔσονται...<sup>571</sup>  
ἐὰν δέ τινες μὴ ποιῶσιν τι...ἔνοχοι ἔ[σ]ονται

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<sup>568</sup> For functions of the middle see Smyth, *Grammar*, 390.

<sup>569</sup> The only exception is when Ex circumvents a physical description of the divine presence (33.16; 34.9).

<sup>570</sup> Though another more idiomatic verb could have been used. This root does not often become a verb.

<sup>571</sup> Cf. Lenger, *Corpus*, 39-40, for reconstruction.

Ex's use of ἔνοχός ἐστιν for לֹא דָמִים in 22.2(3) again shows a desire to match legal language rather than to keep formal translation equivalencies. This, too, points to potential 'on the ground' use of these laws.

ἀργίας. A few examples of this term in the Ptolemaic papyri with a similar meaning and context to this verse are found.<sup>572</sup> It refers to time lost from a worker's wage or production. According to Wevers, the use of the genitive indicates reimbursement for this time lost and is probably also reflective of contemporary idiom.<sup>573</sup>

ἀποτείσει. Ex lexically flattens נתן (21.19) and שקל (22.16[17]) into ἀποτίνω, the typical rendering of שלם.<sup>574</sup> This is explainable by the fact that ἀποτίνω appears everywhere in legal casuistic law.<sup>575</sup> It is the most common verb in the apodosis for restitution and a "forensic term which means to pay a penalty."<sup>576</sup> The object of the verb expresses the penalty.

τὰ ἰατρῆα. This is the only place where Ex translates an infinitive absolute + finite verb without a verbal element.<sup>577</sup> The reason seems to be based in keeping ἀποτίνω as the main verb. Had ורפא ירפא been maintained as verbal, perhaps another apodotic future would obscure the outcome—\*καὶ ἰατρεύσει (or something like it) could imply that the striker had to do the healing, and an additional pronoun would probably be needed (αὐτόν). A passive like

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<sup>572</sup> See SB 22.15762. 41 (210-209 BCE) and PSI 4.371 (250-249 BCE) for the same use of this word as 21.19 (PSI 4.371 is a more general use). See P. Enteux. 72. 8 (218-217 BCE); SB 20 15001. 17-20 (217-216 BCE); P. Hels. 1.2. 21-25 (195-192 BCE) for cases involving the subject.

<sup>573</sup> Wevers, *Notes*, 332.

<sup>574</sup> E.g., 21.34, 36, 37; 22.3(4), 4(5), 5(6), 6(7), 8(9), 10(11), 11(12), 12(13), 13(14), 14(15).

<sup>575</sup> E.g., as a very small sample, P. Cair. Zen. 3 59343 (246 BCE); P. Enteux. 12 (244-243 BCE); UPZ 1 127 (135-134 BCE).

<sup>576</sup> E. J. Bickerman, "Two Legal Interpretations of the Septuagint," in *Studies in Jewish and Christian History* (Boston: Brill Leiden, 2007), 195-217, here 212.

<sup>577</sup> Cf. Tjen, *On Conditionals*, 201-202, enumerates the other occurrences in the Pentateuch: Gen. 13.9(2x); 18.30, 32; 30.31; Ex. 21.19; Lev. 27.10. Tov, "Renderings," 72, connects Greek Exodus and Isaiah as the only books showing concerted effort to translate the infinitive absolute + finite as a single word. This is a sign of their translational freedom.



\*ἰατρευθήσεται would also not make clear that the striker must pay for the healing process. As has been seen, Ex is almost always prone to make a law more specific than ambiguous. The intent is a “pragmatic functional agreement” rather than a “mechanical translation equivalent.”<sup>578</sup> The use of the accusative furthers this end as its use with ἀποτίνω indicates direct costs.<sup>579</sup>

Another reason for the more specific τὰ ἰατρῆα is probably due to Ex’s desire to reflect Ptolemaic Greek norms.<sup>580</sup> There are Greek laws on this subject.<sup>581</sup> Legal medical issues were directed towards the courts (the δικαστήριον in P. Enteux. 69. 9 [218BCE]). There was a medical tax (P. Tebt. 3.1 746. 23 [243-242 BCE]) and the private medical fees as represented here in Ex would have been the responsibility of the patient.<sup>582</sup> The lexeme ἰατρῆον (“surgery”)<sup>583</sup> would be practiced at authorized clinics.<sup>584</sup> The use of ἰατρῆον suggests that Ex is positioning the law within a Greek medical framework.<sup>585</sup> This is because predominantly Egyptian cities and their physicians did not charge for medical services.<sup>586</sup> In a chiefly Greek city like Alexandria private physicians worked for private fees, much as is the case in the modern world.<sup>587</sup> This suggests that the translation was made in a thoroughly Greek city. The translation τὰ ἰατρῆα would not have made sense in the *Chora* or smaller-scale, largely Egyptian cities. In those cities, a more formally representative translation would have been suitable, such as “and they will be healed,” because there would be no medical fee to be paid.

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<sup>578</sup> Rajak, *Translation and Survival*, 130.

<sup>579</sup> So Wevers, *Notes*, 332.

<sup>580</sup> This is not to say, “doctor’s fee” is not the meaning of the Hebrew. See Harry A. Hoffner, Piotr Michalowski, and Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor* (Atlanta: Scholars Press, 2009), 66 and Eshnunna 47-47a; 122 and Hammurapi 206-208; 219-219, 234 and Hittite Laws 10, 174; Paul, *Studies in the Book*, 69; Propp, *Exodus*, 217.

<sup>581</sup> Cf. Taubenschlag, *Law of Greco-Roman*, 439; See P. Hal. 1. 203ff. (3<sup>rd</sup> BCE); P. Enteux. 72 (218 BCE); P. Enteux 81; P. Tebt. 3 798 (2<sup>nd</sup> BCE); P. Tebt. 800 (mid 2<sup>nd</sup> BCE); P. Tebt. 44 (114 BCE); P. Ryl. 2 68 (1st BCE). The compensation and justice given for battery seems to have been given through the court (P. Enteux. 81. 24 [221-220 BCE]). P. Enteux. 74 (221 BCE) and P. Enteux. 79 (218 BCE) show that the amount to be repaid was decided by Ptolemaic officials.

<sup>582</sup> *Ibid.*, 633; P. Tebt. 112 (112 BCE).

<sup>583</sup> This is the translation of Fraser, *Ptolemaic*, vol. 1, 357.

<sup>584</sup> Fraser, *Ptolemaic*, vol. 2, 526; cf. Aeschines 1.40 (4<sup>th</sup> BCE).

<sup>585</sup> Le Boulluec and Sandevor, *L'Exode*, 219, conclude similarly.

<sup>586</sup> Fraser, *Ptolemaic*, vol. 1, 373. No documentation on Jewish physicians exists, to this author’s knowledge.

<sup>587</sup> *Ibid.*, 374.

### 3.6.2. VV. 20-21: Of Slaves with Fatality

Ἐὰν δέ τις πατάξῃ τὸν παῖδα αὐτοῦ ἢ τὴν παιδίσκην αὐτοῦ ἐν ῥάβδῳ, καὶ ἀποθάνῃ ὑπὸ τὰς χεῖρας αὐτοῦ, δίκη ἐκδικηθήτω. ἐὰν δὲ διαβιώσῃ ἡμέραν μίαν ἢ δύο, οὐκ ἐκδικηθήσεται· τὸ γὰρ ἀργύριον αὐτοῦ ἐστίν.

וכי־יכה איש את־עבדו או את־אמתו בשבט ומת תחת ידו נקם ינקם  
אך אם־יום או יומים יעמד לא יקם כי כספו הוא

παῖδα/παιδίσκην. See 3.3.2. (παῖς) and 3.4.1. (οἰκέτις) for further discussion on these terms. They are generic terms for slavery. See also vv. 26-27 for specific slave class distinctions.

δίκη ἐκδικηθήτω. The Hebrew נקם ינקם only appears here in biblical law. Most interpreters regard this phrase to be equivalent to מות יומת.<sup>588</sup> According to Propp, the use of נקם instead of מות may be a means of signaling that the slave had no kinsman redeemer/blood redeemer, or else he would have been already ransomed from slavery by his kinsman.<sup>589</sup> In this interpretation, vengeance is now the duty of the community or God (instead of the kinsman).<sup>590</sup> Another option is that נקם ינקם refers to criminal prosecution and it would be up to the judge to decide if the death penalty or another punishment were needed.<sup>591</sup> Ex understands the text in the latter way (or willfully alters what he thinks the Hebrew actually means for his own purposes). This needs to be further discussed.

The term δίκη is used technically in Greek law to refer to a “suit”<sup>592</sup> or “case.”<sup>593</sup> It is defined as a “claim to proceed against a person or to seize a thing, [that] might arise out of a situation.”<sup>594</sup> The use of δίκη therefore suggests a formal legal suit (e.g. P. Rev. 33.16 [259-258 BCE]). It is in a δίκη (“a legal case”) that one would bring δικαιώματα as evidence for

<sup>588</sup> Propp, *Exodus*, 219. SamP, in fact, reads מות יומת here.

<sup>589</sup> Ibid.

<sup>590</sup> Paul, *Studies in the Book*, 70; Propp, *Exodus*, 219.

<sup>591</sup> Houtman and Woudstra, *Exodus*, 157-159; cf. Propp, *Exodus*, 219.

<sup>592</sup> For this translation see Bangall and Derow, *The Hellenistic*, 187, 236, etc.

<sup>593</sup> For this translation see Tcherikover et al., *Corpus*, 152-155.

<sup>594</sup> Wolff, “Law in Ptolemaic Egypt,” 73; for more examples see e.g., P. Gurob. 2. 26, 31, 40, 49 (226-225 BCE); P. Gurob. 10. 12 (300-201 BCE).

vindication.<sup>595</sup> Why does Ex choose this rendering instead of ἐκδίκησις, the cognate for ἐκδικηθήτω? The noun ἐκδίκησις is used in 7.4 and 12.12 as “vengeance,” particularly for the mistreated ‘slave’ Israel. It is attested elsewhere as well.<sup>596</sup> It would not be misunderstood in this context. Equally, or possibly more suitable, would be καταδίκη (“punishment/fine”) as seen in P. Hal. 1. 52 (3<sup>rd</sup> BCE) and P. Hib. 1 32. 7-8 (245-244 BCE). The problem with either ἐκδίκησις or καταδίκη is that the phrases \*ἐκδικήσει ἐκδικηθήσεται (“with vengeance he will suffer vengeance”) or \*καταδίκη ἐκδικηθήσεται (“with a punishment he will suffer vengeance”), given the laws that punished homicide with death just prior (e.g., v. 12), would likely be read as parallels to the death penalty. It has already been argued that this translator tries to avoid unmitigated calls for capital punishment. Considering these options, it would seem that δίκη is a particularly intentional choice. Ex uses the term to direct anyone in the situation described by the law to the nearest tribunal for further judicial process.

This is further suggested by the *jussive* ἐκδικηθήτω (“let him (the murderer) suffer vengeance”).<sup>597</sup> Both in the Hebrew and in Ex’s version ἐκδικηθήτω suggests the death penalty.<sup>598</sup> This is due to v. 12, which prescribes capital punishment to anyone who strikes another human and kills them. It is for this reason that it also is in the *jussive*.<sup>599</sup> Like

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<sup>595</sup> Cf. τὰ δικαιώ[μα]τα τῆ[ς] δίκης (P. Hal. 2. 38 [3<sup>rd</sup> BCE]), “the proof-texts of a case” (Bagnall and Derow, *The Hellenistic*, 207); τὰ δὲ δικαιώ[μα]τα τῆς δίκης ἐφ’ ἧς ἂν τις μαρτυρίας ἐπλάβη[τα]ι (P. Hal. 1. 38 [3<sup>rd</sup> BCE]), “the justifications of the legal trial on the basis of which someone might receive legal recourse.”

<sup>596</sup> Aesopus, *Fabulae* 3.2.20 and 246.11 (both in the dative); 3γ.7 (6<sup>th</sup> BCE); Quintus Fabius Pictor, *Fragmenta* 18.35 (3<sup>rd</sup> BCE); Polybius, *Historiae*, 3.8.10.6 (3<sup>rd</sup>-2<sup>nd</sup> BCE). In the papyri: P. Strasb. 1 79. 7 (16-15 BCE).

<sup>597</sup> That the murderer is the subject in Hebrew is documented in Brown et al., *Enhanced Brown-Driver-Briggs*, 668. Given the parallelism to the death penalty laws in Ex (vv. 12, 15), this *jussive/passive* would be read with the murderer as the subject.

<sup>598</sup> The verb is only found in the papyri in P.Tor. Choach. 12 6. 8 (117-116 BCE) as ἐ[κ]δικήσαντες (τὴν κρίσιν), translated as “defend (the case)” by Bagnall and Derow, *The Hellenistic*, 222. In Ex, it should probably be read as “Let him be defended with a trial,” with the implication of a trial that leads to punishment via the death penalty. The text would be understood as referring to the death penalty based on the context and not strictly through the lexical definitions of ἐκδικέω.

<sup>599</sup> The aorist, when written in legal style and the apodosis, represents a command that is only referring to a specific situation and not to a universal prescription/customary imperative as the present entails (see Westermann, *Upon Slavery*, 37 and Mayser, *Grammatik*, vol. 2, 150 § b1.)

θανατούσθω, the authority of the statement is deferred to another source.<sup>600</sup> This also implies why δίκη was used. By telling the reader to go to the nearest tribunal for trial the verdict of the death sentence would already lie in the hands of the Ptolemaic authorities. Ex's translation maintains fidelity to the source text's root word, while at the same time finds a way to redirect the reader to the Ptolemaic judicial system. It can be concluded, then, that both δίκη and the jussive function to direct persons in this situation to find a solution outside of the text, as it does not prescribe a concrete punishment.

ἐκδικηθήσεται. The jussive is not used here because there is no action to be taken in this apodosis. If the slave lives for awhile following a blow, then no action is required.<sup>601</sup> The jussive is not used because there is no prescription for the death penalty.

### 3.6.3. VV. 22-23: *Of a Pregnant Woman*

Ἐὰν δὲ μάχωνται δύο ἄνδρες καὶ πατάξωσιν γυναῖκα ἐν γαστρὶ ἔχουσιν, καὶ ἐξέλθῃ τὸ παιδίον αὐτῆς μὴ ἐξεικονισμένον, ἐπιζήμιον ζημιωθήσεται· καθότι ἂν ἐπιβάλῃ ὁ ἀνὴρ τῆς γυναικός, δώσει μετὰ ἁξιώματος· ἐὰν δὲ ἐξεικονισμένον ᾖ, δώσει ψυχὴν ἀντὶ ψυχῆς,  
 וכיינצו אנשים ונגפו אשה הרר ויצאו ילדיה ולא יהיה אסון ענוש יענש כאשר ישית עליו בעל האשה ונתן בפללים  
 ואם־אסון יהיה ונתתה נפש תחת נפש

μάχωνται. See 3.6.1. (λοιδορῶνται) for the present tense.

πατάξωσιν. Eveline van Staalduine-Sulman argues that נגף in this legal context (as compared to the typical נכה) is a term used to specify an unintended strike.<sup>602</sup> Ex resorts to semantic leveling with his choice of πατάσσω to render the two Hebrew lexemes. The intentionality of a crime would be determined by the government official in Ptolemaic times. However, this should not be

<sup>600</sup> See 3.5.2.

<sup>601</sup> Remember that the victim or their representative would have to bring a case to the Ptolemaic court. The Ptolemies would not actively seek the case out.

<sup>602</sup> Cf. Eveline Van Staalduine-Sulman, "Between Legislative and Linguistic Parallels: Exodus 21:22-25 in its Context," in *The Interpretation of Exodus: Studies in Honour of Cornelis Houtman*, ed. Riemer Roukema (Leuven: Peters, 2006), 207-224, here 217; contra Carmichael, *Origins*, 121-122.

pressed as Ex's intent in the flattened translation. Ex's rendering creates a more generally applicable law and changing the pervasive striking verb could confuse the reader at this point.

μη ἐξεικονισμένον. This phrase translates ולא יהיה אסון.<sup>603</sup> Ex's translation "not fully-formed"<sup>604</sup> either stems from a misunderstanding or ignorance with respect to the Hebrew term אסון, or it is an interpretive gloss. The noun אסון likely means something more than simply "death" since no form of מות is used here. If the purpose of vv. 22-25 is to present *paradigmatic* cases of "harm" caused to third parties, then this term needs to be broadened to include death *and* damage to an eye, tooth, arm, leg, burn, a wound, or a stripe.<sup>605</sup> The Arabic cognate *'asiya* means "be distressed" which also fits the idea of various causes of "harm."<sup>606</sup> If Ex understood this term as "harm," then the interpretation seems to be that a non-formed fetus being aborted is not a case of "harm" because it is not a full-fledged life.<sup>607</sup>

With respect to the entire phrase ולא יהיה אסון, had it been rendered stiltedly as in καὶ οὐκ ἔστιν [אסון], the subject of ἔστιν could be either the mother or the child which is a major interpretive ambiguity of the Hebrew in the first place. The use of the *participium coniunctum* (μη ἐξεικονισμένον) instead of \*καὶ οὐκ ἔστιν [אסון] is a "very Greek" way of composing the

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<sup>603</sup> See Brown et al., *Enhanced Brown-Driver-Briggs*, 61-62; Propp, *Exodus*, 222; Staalduine, "Between Legislative," 220, for options on אסון. Each conclude with the general translation "harm" (in line with the Arabic cognate *'asiya*). See Josephus, *Ant.* 4.8.278, *Mek. de-R. Ishmael, Neziqin* 8, and Aharon Shemesh, "4Q251: Midrash Mishpatim" *Dead Sea Discoveries* 12, no. 3 (2005): 280-302, here 286, for "fatality." Le Boulluec and Sandevor, *L'Exode*, 219 connect Ex's rendering to the rabbinic *Niddah* 24b. Less plausible is her homophonic connection of אסון to ἀσῶμα- (220). While Ex makes some interesting exegetical decisions based off a word's root, there are no indications that those interpretations leave behind semantics completely.

<sup>604</sup> The reference is either purely physical or else it entertains the theological idea of "fully-formed (in the image of God)" (cf. Lust, *Greek-English*, 212). Perhaps the perfect tense is used to connote stativity.

<sup>605</sup> Cf. Propp, *Exodus*, 222; Staalduine, "Between Legislative," 220.

<sup>606</sup> Propp, *Exodus*, 222; cf. Brown et al., *Enhanced Brown-Driver-Briggs*, 61-62, with "sorrow." Josephus, *Ant.* 4.8.278 takes this word as "fatality" with respect to the woman. This is also the opinion of the rabbis (*Mek. de-R. Ishmael. Neziqin* 8; see Shemesh, "4Q251," 286).

<sup>607</sup> The same logic applies if Ex understood אסון to mean "fatality." See the previous footnote.

sentence, and this construction better reveals the exegetical decisions of the translator.<sup>608</sup> There are no Ptolemaic documents informing the exegetical decision here. Perhaps Ex's specificity implies that the translator was more concerned with a law that could be narrowly exacted and practiced than one that could be polyvalent (as the translation καὶ οὐκ ἔστιν [יִסָּד] would be), as functionality and practice seem to be at the forefront of the translation.

ἐπιζήμιον ζημιωθείσεται. The Hebrew root זנע refers not only to monetary compensation but to punishment in general.<sup>609</sup> There are nine other occasions in the Septuagint Pentateuch in which an infinitive absolute with a finite verb has the infinitive absolute rendered as an accusative.<sup>610</sup> The consistent rendering of the זנע word group is the ζημι- selection.<sup>611</sup> Why did Ex not simply use ζημία here (so Prov. 27.12)?

The reason that ἐπιζήμιον is used instead of ζημία is because the latter, while often referring to a monetary penalty in Ptolemaic legislation (e.g. P. Hal. 1. 195 [3<sup>rd</sup> BCE]; P. Lille 1 29, 2. 10, 20 [3<sup>rd</sup> BCE]), has a much larger semantic range in legal materials. The noun ζημία can even be used to refer to the death penalty<sup>612</sup> and is often used synonymously with τιμωρία (“vengeance” or “penalty”).<sup>613</sup> Ex does not want to connote the death penalty or vengeance in general. Further, Ex uses the neuter ἐπιζήμιον when the masculine was also available. Why? It is probably because the neuter is specifically a “fine” whereas the masculine can also mean the

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<sup>608</sup> Cf. Anneli Aejmelaeus, “Participium coniunctum as a criterion of translation technique,” *Vetus Testamentum* 32, no. 4 (October 1982): 385-393, particularly 388 and 393; Tjen, *On Conditionals*, 131. It is also the only time Ex ignores a non-idiomatic הִי in the book. Cf. Evans, *Verbal Syntax*, 243, who comments on the periphrastic construction in the following verse which he claims is “not specifically motivated by the underlying text.”

<sup>609</sup> Brown et al., *Enhanced Brown-Driver-Briggs*, 778; Propp, *Exodus*, 223.

<sup>610</sup> Gen. 50.15; Ex. 21.22; 22.25; Lev. 5.19; Num. 27.7; Dt. 14.22(21); 15.8, 10, 14; see Sollamo, “The LXX Renderings,” 105.

<sup>611</sup> Dt. 22.19; 2 Kgs. 23.33; Prov. 17.26; 21.11; 22.3.

<sup>612</sup> Cf. LSJ, II.2.

<sup>613</sup> Taubenschlag, *Law of Greco-Roman*, 438; cf. P. Enteux. 79. 13 (218 BCE) compared to P. Enteux. 77. 6 (221-220 BCE).

more generic “loss” like ζημία.<sup>614</sup> The necessity of the neuter case ending is also why the dative was not employed. The focus on monetary compensation makes sense given that was the primary means of justice assigned by Ptolemaic officials,<sup>615</sup> and more ancient talionic punishments<sup>616</sup> show little sign of being practiced. Finally, the ζημι- root is used in the legal papyri to refer to civic penalties so Ex’s “fine” here should be further defined as “governmental fine.”<sup>617</sup> The Greek text therefore only prescribes a monetary penalty, commissioned and assessed by the government, for the loss of the pregnancy. This punitive measure (i.e., monetary compensation) is directly in line with the Ptolemaic legal process. Furthermore, in legal papyri dealing with three cases of a pregnant woman being injured, the compensation for the injury is put into the hands of the government official who would customarily assign a monetary fee.<sup>618</sup>

μετὰ ἀξιώματος. The meaning of the expression בפללים is frequently debated among scholars.<sup>619</sup> The two main interpretations are 1) “with estimation or reckoning,” whether that be monetary reckoning or alternatively an estimation of the fetus’s age;<sup>620</sup> 2) “with intercession or

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<sup>614</sup> See the difference noted in LSJ I.1 compared to 2. The specific monetary aspect of this word is noted in Shemesh’s commentary on it (“4Q251,” 286); for casuistic uses see the neuter in IG V,2 6. 36 (4<sup>th</sup> BCE Tegea), τῷ ἐπιζαμίῳ, and line 43, τὰ ἐπιζάμια ἀποτειέτω in Friedrich Hiller von Gaertringen, ed., in *Inscriptiones Graecae, Inscriptiones Arcadiae*, vol. 2, (Berlin, 1913); and IG V,1 1498. 10-11 (2<sup>nd</sup> BCE Messenia), τὸ ἐπιζάμιον, Walter Kolbe, ed., in *Inscriptiones Graecae, Inscriptiones Laconiae et Messeniae*, vol. 1 (Berlin, 1913).

<sup>615</sup> See next note.

<sup>616</sup> E.g., Middle Assyrian Laws A 50a or the Greek Locri colony (7<sup>th</sup> BCE) as found in Propp, *Exodus*, 227-228; cf. Paul, *Studies in the Book*, 75-77.

<sup>617</sup> Taubenschlag, *Law of Greco-Roman*, 557.

<sup>618</sup> See P. Tebt. 3.1 800 (150 BCE), lines 35-39, and particularly line 33; P. Ryl. 2.68 (89 BCE), lines 22-26, which mention specific fines set up by the government for this legal situation. Note that the women involved in P. Tebt. were Jewish (Tcherikover et al., *Corpus*, 246). PSI 3.167 (118 BCE) is seemingly damaged in the portion referring to compensation, though the text does refer to the case being directed towards government officials (lines 2-3).

<sup>619</sup> See Durham, *Exodus*, 312 and Propp, *Exodus*, 223 for options.

<sup>620</sup> See Paul, *Studies in the Book*, 72; E. A. Speiser, “Stem *pll* in Hebrew,” *Journal Of Biblical Literature* 82, no. 3 (September 1963): 301-306, here 303. Staalduine comments, “The preposition ב after נתן is most probably a ב *praetii* that refers to the level of the fine” (“Between Legislative,” 221). This suggests against “judges.”

arbitration,”<sup>621</sup> which comes by understanding the plural to be abstract in meaning or to refer to judges.<sup>622</sup>

Ex certainly translates in light of the latter option. The noun ἀξιώμα in the legal papyri “means that the court will evaluate the damages and exact compensation from the assailant accordingly.”<sup>623</sup> The epigraphical data also shows the meaning of a “petition” or “request preferred *before a higher tribunal*.”<sup>624</sup> The reason that the term should be taken in its legal and papyrological sense is due, in part, to ἐπιζήμιον being defined as “*governmental fine*”—with emphasis being on the requirement to go to Ptolemaic officials for the fine’s imposition—and in part to the formal position and role ἀξιώμα has in the papyri. Note the following examples:

- 1 P. Enteux. 17. 9-10 (217-218 BCE), *in the closing line* of the petition  
τούτου γὰρ γενομένου, τεύξομαι, βασιλεῦ, τοῦ ἀξι[ώμα]τος  
For when this happens, I beg, O king, for a judicial assessment
- 2 P. Sorb. 3 128. 15 (219-218 BCE), *in the closing line* of the petition  
τούτου γὰρ γενομένου, διὰ σέ, βασιλεῦ...τεύξομαι τοῦ ἀξιώματος  
For when this happens, on account of you, O king...I beg for a judicial assessment

Since these examples are found in the *stock and formulaic endings* of these petitions to the king, they signify that Ex is drawing on very common language used when addressing Ptolemaic royal authorities. While it would not be wise to draw too great of an inference, the fact that Ex chose a word so closely associated with Ptolemaic legal process and appeal suggests an implicit approval of that very system. If Ex did not want the readers to make an immediate connection to that legal system and court, a word less formulaic and recognizable could have been used. This argument

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<sup>621</sup> Cf. Durham, *Exodus*, 323; Propp, *Exodus*, 223.

<sup>622</sup> Gesenius, *Hebrew*, 124g.

<sup>623</sup> Shemesh, “4Q251,” 284.

<sup>624</sup> Deissmann, *Bible Studies*, 93, emphasis mine. Le Boulluec and Sandevour suggest (in this line of interpretation) the translation, “avec le concours d’un dignitaire” (“with the support of a dignitary/official”; *L’Exode*, 220).



is even more persuasive when it is recognized that there was likely no legally authoritative council of Jewish elders at this time in Ptolemaic Egypt.<sup>625</sup> Where else were Jews to go?<sup>626</sup>

δώσει (v. 23). The verb ἀποτίνω is not employed due to the non-colloquial object ψυχὴν.<sup>627</sup> This verb does not take objects like this.<sup>628</sup> The change from the second person singular in Hebrew to the third person in Greek suggests Ex was more concerned with a straightforward reading than matching the Hebrew precisely.<sup>629</sup> The switch also brings the final clause into parallel with the preceding clause in v. 22.

ψυχὴν ἀντὶ ψυχῆς. Perhaps the focus on governmental intermediation inherent in ἐπιζήμιον and ἄξιωμα is also meant to inform the talionic principles that follow in the case of a “formed” infant dying. As was noted above in the case of the death penalty, Ptolemaic authorities would need to be consulted for that punishment to take effect. Here, too, these talionic punishments would have to go through the authorities with the potential of the proposed punishment being disallowed. The papyri, however, show beatings being prescribed for those who have unlawfully struck another,<sup>630</sup> but this study found no instances of a limb or the like being lost in talionic fashion.

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<sup>625</sup> Tcherikover et al., *Corpus*, 9; idem., *Hellenistic Civilization*, 302.

<sup>626</sup> A final mention should be made about P. Enteux. 71. 6 (222BCE), which connects injured intrauterine life with the price called “ἄξια (δραχμῶν).”

<sup>627</sup> Cf. Lev. 24.18 which does not follow this practice. Ex uses δώσει in v. 23 to keep maintain comprehensibility.

<sup>628</sup> See the comments on v. 19.

<sup>629</sup> For other changes of 2<sup>nd</sup> person Hebrew verbs see: 1.16; 5.5, 7; 6.1; 10.11; 15.21; 16.25; 18.22; 20.25; 23.31; 24.1; 25.19(18); 26.30. It is notable that the change in person may change the subject of the Hebrew (the second person being the community or family of the victim [Staalduine, “Between Legislative”, 213-214]).

<sup>630</sup> See Bechtel et al., *Dikaionata*, 107.

### 3.6.4. VV. 26-27: Of Slaves Leading to Manumission

Ἐὰν δέ τις πατάξῃ τὸν ὀφθαλμὸν τοῦ οἰκέτου αὐτοῦ ἢ τὸν ὀφθαλμὸν τῆς θεραπαίνης αὐτοῦ, καὶ ἐκτυφλώσῃ, ἐλευθέρους ἐξαποστελεῖ αὐτοὺς ἀντὶ τοῦ ὀφθαλμοῦ αὐτῶν.

Ἐὰν δὲ τὸν ὀδόντα τοῦ οἰκέτου ἢ τὸν ὀδόντα τῆς θεραπαίνης αὐτοῦ ἐκκόψῃ, ἐλευθέρους ἐξαποστελεῖ αὐτοὺς ἀντὶ τοῦ ὀδόντος αὐτῶν.

וכי־יכה איש את־עין עבדו או־את־עין אמתו ושחתה לחפשי ישלחנו תחת עינו

ואם־שן עבדו או־שן אמתו יפיל לחפשי ישלחנו תחת שנו

οἰκέτου...θεραπαίνης.<sup>631</sup> These terms are idiomatically paired together to designate male and female houseslaves in Greek composition.<sup>632</sup> The same argumentation applies as in 3.3.2. (παῖς), as well as in 3.4.1. (οἰκέτις). When compared to Ptolemaic norms these laws in vv. 26-27 are overly punitive when it comes to a slave's abuse. Greek and Roman slaves were frequently tortured to make them speak truthfully.<sup>633</sup> Likewise, it was considered normal to starve, chain, or beat them.<sup>634</sup> It may be the case that the law in Hebrew Exodus was seen as overly soft when it came to slave abuse. Since, if torturing and beating them on occasion was permissible and normal, how could a mere strike to the face with minor damage be worthy of manumission? This would be even more the case for an agricultural slave, since, as a general rule, "agricultural slaves were far less likely to win their freedom."<sup>635</sup> Moreover, Bechtel includes a few laws from Ptolemaic Egypt in which the compensation varies with respect to the person being struck, with the price change depending on the status of the assailant and the victim.<sup>636</sup> Slaves who strike free

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<sup>631</sup> *θεράπεινα* is elsewhere only in 11.5. The context is ambiguous as to the status of the slave there. It seems best to associate *θεράπεινα* with the term for Pharaoh's royal servants, *θεράπων*, since it is the same root and is used 2 verses prior. This suggests a higher-class slave.

<sup>632</sup> Aeschines 99.6 (4<sup>th</sup> BCE); Aristoteles et Corpus Aristotelicum, *Fragmenta*, 8.44, frag. 547, line 59; Lysurgus 29.8; 30.4, 7 (4<sup>th</sup> BCE). Could the reason for not pairing *οἰκέτις* and *οἰκέτης* be that they sounded too close to each other, with only a very slight vowel shift (ι and η were closer in sound than in the modern Erasmian pronunciation typically used in biblical scholarship)?

<sup>633</sup> Wiedemann, *Greek*, 167; Lysias 4.12-17 (4<sup>th</sup> BCE).

<sup>634</sup> Wiedemann, *Greek*, 173; Xenophon, *Memorabilia*, 2, 1.15-17 (4<sup>th</sup> BCE). For beatings on slaves in the Ptolemaic period see P. Hal. 1. 182-192 (3<sup>rd</sup> BCE); for putting them in stocks see the example from William Linn Westermann, *The Slave Systems of Greek and Roman Antiquity* (Philadelphia: The American Philosophical Society, 1955), 38, who cites evidence outside of Egypt.

<sup>635</sup> Wiedemann, *Greek*, 133.

<sup>636</sup> *Dikaionmata*, 107.

people owe twice what a free person owe and are liable to beatings themselves.<sup>637</sup> These cultural mores suggest Ex uses the terms for the highest status slaves in vv. 26-27 as it would have seemed more reasonable.

ἐλευθέρους ἐξαποστελεῖ αὐτούς. For the idiomatic predication with ἐλεύθερος see 3.3.2. (ἀπελεύσεται ἐλεύθερος).

### 3.7. Verses 28-32: Laws Concerning Goring

#### 3.7.1. VV. 28-30: Of Free Persons

Ἐὰν δὲ κερατίση ταῦρος ἄνδρα ἢ γυναῖκα, καὶ ἀποθάνῃ, λίθοις λιθοβοληθήσεται ὁ ταῦρος, καὶ οὐ βρωθήσεται τὰ κρέα αὐτοῦ· ὁ δὲ κύριος τοῦ ταύρου ἄθῳς ἔσται.  
 ἐὰν δὲ ὁ ταῦρος κερατιστῇ ἢ πρὸ τῆς ἐχθρῆς καὶ πρὸ τῆς τρίτης, καὶ διαμαρτύρωνται τῷ κυρίῳ αὐτοῦ, καὶ μὴ ἀφανίσῃ αὐτόν, ἀνέλη δὲ ἄνδρα ἢ γυναῖκα, ὁ ταῦρος λιθοβοληθήσεται, καὶ ὁ κύριος αὐτοῦ προσάποθανεῖται.  
 ἐὰν δὲ λύτρα ἐπιβληθῇ αὐτῷ, δώσει λύτρα τῆς ψυχῆς αὐτοῦ ὅσα ἂν ἐπιβάλωσιν αὐτῷ.  
 וכי־יגיש שור את־איש או את־אשה ומת סקול יסקל השור ולא יאכל את־בשרו ובעל השור נקי  
 ואם שור נגח הוא מתמל שלשם והועד בבעליו ולא ישמרנו והמית איש או אשה השור יסקל וגם־בעליו יומת  
 אם־כפר יושת עליו ונתן פדין נפשו ככל אשר־יושת עליו

ταῦρος. This is a contextual rendering of שור. It is only used in goring contexts.<sup>638</sup> In the laws that do not require a cow to be paid in compensation the most generic term βοῦς is used (20.17; 23.4; 23.12). When a cow is part of the payment to be made in the casuistic laws μόσχος is rendered.<sup>639</sup> The reason for μόσχος being employed in those texts is outside of the limits of this study. Perhaps it has to do with the greater value of a young calf over an older calf.<sup>640</sup>

ἄθῳς ἔσται. For the uncommon addition of the copula in pure nominal clauses see the rationale in 3.6.1. (ἄθῳς ἔσται).

<sup>637</sup> Cf. *ibid.*, 196-209.

<sup>638</sup> 21.28(3x), 29(2x), 32(2x), 35(3x), 36(3x).

<sup>639</sup> 22.29 and 34.19 use it, too, but these contexts are speaking of young animals.

<sup>640</sup> If so, Ex could be applying an ancient version of the *Qal wa Homer*; the most expensive animal is used to imply all animals fit within the scope of the law. Or, maybe Ptolemaic Egyptians only gave μόσχος in transactions like these. Preliminary research suggests the latter is not the case.

διαμαρτύρωνται. While Ex has rendered the singular *hofal* perfect term הוּעַד as a plural medio-passive verb,<sup>641</sup> “the parallel Mesopotamian law entrusts this task to the municipal authorities, and similarly in Exodus, [וְהוּעַד] may imply a formal procedure with the calling of witnesses...or a public remonstrance before witnesses.”<sup>642</sup> Ptolemaic law also called for a plurality of witnesses.<sup>643</sup> This connection should not be pressed too far since Ex has a habit of making explicit the unstated passive agents in verbs that are represented by the idiomatic singular passive in Hebrew (here הוּעַד).<sup>644</sup> The verb διαμαρτύρωνται could be a present or aorist subjunctive morphologically speaking.<sup>645</sup> Perhaps in realizing this after the fact Ex uses periphrasis in 21.36 to demonstrate that 21.29 was in fact a present tense since these verses refer to a nearly identical event.<sup>646</sup>

προσαποθανεῖται. Tov comments that this is a neologism.<sup>647</sup> The verb is probably created based on the assimilation of the Hebrew גָּ into the verbal concept (which becomes προσ-).<sup>648</sup> See 3.5.2. (θανατοῦσθω) for the relation of this verse to the death penalty.<sup>649</sup>

ἐπιβληθῇ... ἐπιβάλωσιν. In Ex the switch between the singular passive and the plural active (both singular passive יוּשַׁע) may indicate a measure of intertextuality with v. 22, in which the

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<sup>641</sup> This thesis does not subscribe to the grammatical category of “deponency,” so διαμαρτύρωνται should be understood as including an element of self-involvement on the part of the subject.

<sup>642</sup> Propp, *Exodus*, 234.

<sup>643</sup> P. Lille 1 29. 31-32 (3<sup>rd</sup> BCE), which shows that this was true even if they were slaves.

<sup>644</sup> 10.24, 26; 19.26; 21.29, 30, 31; 22.5(6), 18(19); 25.29(28), 31; 31.15; 35.2. Special cases may be 19.12 and 21.16.

<sup>645</sup> Wevers, *Notes*, 339; Evans, *Verbal Syntax*, 243.

<sup>646</sup> This assumes that the translator did not intend to return and revise previous work. It could be that such revisions were part of the project.

<sup>647</sup> “Compound Words in the Septuagint Representing Two or More Hebrew Words,” in *The Greek and Hebrew Bible: Collected Essays on the Septuagint* (Leiden: Brill, 1999), 131-152, here 151.

<sup>648</sup> This assimilation may also occur at 7.11 with συνεκάλεσαν (for וַיִּקְרָא גָּ); Cf. 12.38 (συνανέβη for גָּ + עָלָה), though the Hebrew syntax here makes this more difficult to be certain of.

<sup>649</sup> προσαποθανεῖται is not in the jussive because another penalty is made available in the next verse.

husband (sg.) chooses a price (καθότι ἂν ἐπιβάλλῃ) which is then adjudicated by the court (μετὰ ἄξιώματος, which probably implies a hearing involving *multiple* adjudicators). The plaintiff choosing a price with subsequent official ratification was in fact the practice at the time.<sup>650</sup> Ex's choice of ἐπιβάλλω is suitable to this context as the term is used in both the literary and papyrological sources with the meaning "to impose (a fine/penalty)."<sup>651</sup>

λύτρα τῆς ψυχῆς αὐτοῦ. SB 20 14183. 10-14 (198-197 BCE) has a ταῦρος goring (κερατίζει) an unidentified object or person (αὐτὸν) which dies (ἀπέθανεν). The price for this death is ὀκτακισχιλίων (8000) of an unidentified currency. If it is drachmas, ostensibly, that price would be in line with the death of a person.<sup>652</sup> If this is the case, then it is evidence that a severe penalty was in place for the death of a human via goring in the Ptolemaic context, but the death penalty was probably not. In this way, the ransom option presented in v. 30 is in line with Ptolemaic standards. This would be the punishment allowed by Ptolemaic judicial authorities.

The term λύτρον is stereotypically a plural noun (λύτρα) which is why it does not match both singular nouns כפר and פדיון.<sup>653</sup> LSJ documents that λύτρον is a typical term for ransom-money in the literary sources including redemptive blood-money as in Ex.<sup>654</sup> Therefore, it is probably not found in third century papyri due to lacking sources and not due to disuse.<sup>655</sup> The semantic levelling of כפר and פדיון is probably based out of Ex's desire to have an easily understood text. Using two different words to represent these Hebrew items could cause the

<sup>650</sup> Taubenschlag, *Law of Greco-Roman*, 438.

<sup>651</sup> LSJ, ἐπιβάλλω, I.2.

<sup>652</sup> 6000 drachmas is the price enumerated for a death in Dover, *Greek Popular*, 290.

<sup>653</sup> See LSJ, λύτρον, I.1.

<sup>654</sup> Cf. *ibid*, including I.2.

<sup>655</sup> In the 2<sup>nd</sup> century it is found in SB 28 16855. 16, 21 (167 BCE) P.Koeln 13 524. 5 (2<sup>nd</sup> BCE); P.Lugd. Bat. 19 7 B. 4. 4 (109 BCE); BGU 6 1260. 12 (101 BCE). All examples are in the plural.

reader to fail to identify the ransom imposed as the same item as the “ransom of his soul.” A similar levelling was noted for v. 22 with πατάξωσιν.

### 3.7.2. V. 32:<sup>656</sup> *Of Slaves*

ἐὰν δὲ παῖδα κερατίσῃ ὁ ταῦρος ἢ παιδίσκη, ἀργυρίου τριάκοντα δίδραχμα δώσει τῷ κυρίῳ αὐτῶν, καὶ ὁ ταῦρος λιθοβοληθήσεται.

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παῖδα... παιδίσκη. These are general terms for “slave.” See 3.3.2. and 3.6.2.

ἀργυρίου τριάκοντα δίδραχμα. According to Westermann, the price of an adult slave in the third century was about three hundred drachmas.<sup>657</sup> Tcherikover, on the other hand, places the price for a full-grown slave in Egypt at upwards of 1000 drachmas,<sup>658</sup> though this price may have been less earlier in the third century.<sup>659</sup> This study found that in Egypt two female slaves cost two hundred drachmas each in one case (P. Cair. Zen. 3 59355 [257BCE]), and three hundred for one in another (P. Cair. Zen. 4 59606 [256-239 BCE]).

The Hebrew text likely refers to a gored slave *who dies* and is consequently priced according to the average value of a slave (thirty שקלים).<sup>660</sup> While it must remain possible that Ex has simply represented the Hebrew text here and did not aim to interpret the text beyond its formal representation, it would seem best to understand that Ex either missed the implied death of the slave in the Hebrew text (ומת [or the like] is implied), or, due to being constrained by the lexemes before him, opted for a different interpretation of the verse. Ex’s price for the gored

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<sup>656</sup> Verse 31 has no information pertinent to this study. δικάσιμα in that context has the same meaning as discussed in 3.1.

<sup>657</sup> Westermann, “Enslaved Persons,” 4. He states that these numbers are apparent from the Zenon documents, but does not give citations. Moreover, the price he gives may be an average between Palestinian and Egyptian prices.

<sup>658</sup> Mizraim, 75.

<sup>659</sup> Ibid., 75.

<sup>660</sup> Propp, *Exodus*, 19-40, 236, gives ancient Near Eastern parallels that would need to be slightly adjusted (upwardly) according to inflation: Eshnunna 55 (“If it gores a slave and thus causes his death, he shall weigh and deliver 15 shekels of silver”) and Hammurapi 252 (“If it is a man’s slave (who is fatally gored), he shall give 20 shekels of silver”). These translations are from Hoffner et al., *Law Collections*, 67 and 128 respectively. Cf. Paul, *Studies in the Book*, 83, who cites a Nuzi text pricing the slave also at 30 *shekels*.

slave is too low to be the actual cost of a slave in Ptolemaic Egypt. The text, instead, reads either as a penalty price for injury or perhaps implies that this ox had not been accustomed to gore in the past and thus represents a merciful ‘cut cost.’ If Ex wanted the text to speak of the slave’s death, the translator shows no qualms about adding in a helping verb elsewhere (καὶ καταφύγη in 21.14; μὴ βούληται in 22.16[17]).

Ex translates לָרָשׁ with δίδραχμον in places where the text makes an expectation of the reader, i.e., places where there are laws for the reader or community to adhere to (21.32; 30.13(4x), 15). Within historical narrative when recounting numerical figures that are not prescriptive for the reader, Ex transliterates with σίκλος (30.23-24<sup>661</sup>; 38.24[39.1], 38.25-26[39.2], 38.26[39.3], 38.28[39.6]).<sup>662</sup> This, too, points to the intended use of this law in the translator’s community.

## CHAPTER 4: CONCLUSION

### 4.1. Overview

This thesis began by setting out a methodology that focuses on a translation-technical analysis of Greek Exodus 21.1-32. This analysis was to be coupled with a comparative examination of Greco-Egyptian Ptolemaic legal standards as they relate to the subject matter found in this section of Septuagint Exodus. A chapter was devoted to highlighting the legal authorities and structures in Ptolemaic Egypt which then focused in on the current evidence relating to Jewish interaction with those influences in the Ptolemaic period, specifically the third century BCE. The strong suggestion was that Jews were heavily influenced by Ptolemaic norms, potentially over and against Jewish legal norms. A parallel was also drawn between the

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<sup>661</sup> This law about anointing oil recounts numerical figures that Moses was to gather for that specific instance; it is only *the recipe* that was binding for the generations to come (cf. v. 31).

<sup>662</sup> It is possible that this translation difference is due to a different translator’s hand. However, that hand would have changed between 30.15 and 30.23, which seems unlikely given that the general translation technique does not change in Ex until the tabernacle account.

προστάγμα genre of royal decree and the contents and syntactic form of the juridicial legal materials in Septuagint Exodus.

From here, this study demonstrated a host of translation peculiarities in chapter 4. Some of these were a product of Ex's desire to maintain fidelity to the Hebrew text, while others represented a divergence from a strict representation of the Hebrew in favour of Greek idiom. In other cases it seems as though Ex intentionally altered the meaning of the Hebrew text to accommodate the legal norms from the broader Ptolemaic context. Some of these alterations were further divergences from the Hebrew text than others. Moreover, some of the potential changes did not have enough evidence available, or the data was insufficiently clear, so that a definite conclusion as to the translator's intent in translation or exact understanding of the Hebrew text was not possible.

## **4.2. Results**

### ***4.2.1. Comments on Categorization***

The following list delineates the conclusions of this thesis mostly with respect to differences from the Hebrew text's meaning and syntactical structures, and categorizes the results based on the type of translation provided.<sup>663</sup> The results are further classified depending on the strength of the evidence as based on both the argumentation in the thesis and the author's point of view. A very few inconsequential and tertiary results of the thesis are not included. The general definition of each categorization is as follows:

- ❖ Significant Departure from Hebrew Meaning
  - Occasions when the translator changes the meaning of the Hebrew text, often intentionally, or adds an element that is distinctly not present in the original.
- ❖ Similar Hebrew Meaning
  - Deals with different shades or nuances of translational differences rather than introducing something altogether foreign.

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<sup>663</sup> There is often some overlap with respect to a translation choice being, for example, both "narrowing" and "idiomatic," but this list will categorize items based on the more substantial change between competing categories.



The following categories are subsumed into the previous two.

- ❖ Narrowing Translation
  - Choices that disambiguate the Hebrew text or situate the translation more exactly within the Ptolemaic legal context. Portions of a Hebrew word or phrase's meaning may be drawn on.
- ❖ Expansionary Translations
  - Choices that broaden the original scope of the Hebrew text's meaning or intent.
- ❖ Greek Idiom Employed
  - Choices that do not necessarily change the meaning of the Hebrew text but are reflective of either incongruent modes of expression between the languages or represent the employment of terms or phrases within the Ptolemaic legal and lexical register that hardly diverge from the Hebrew meaning.
- ❖ Strong Interference from Hebrew
  - Confined only to areas where significant unidiomatic Greek is present when compared to Ptolemaic legal diction, or Hebrew interference is the best explanation for a translation choice.<sup>664</sup>

The following category is reserved for text-critical conclusions.

- ❖ Changes Likely Based on Variant *Vorlage*
  - Choices explained most credibly by a variant Hebrew source text than that which is represented in MT.

#### **4.2.2. Strongly Evidenced Results**

##### *4.2.2.1. Significant Departure from Hebrew Meaning*

3.3.2. & 3.6.2. & 3.6.4.<sup>665</sup> παῖς/οἰκετίς/οἰκετής/θεραπαίνης. While παῖς represents the Hebrew text well in that it reflects the generic term for “slave” in the Ptolemaic context, it is not synonymous with οἰκετίς(-τής)/θεραπαίνης, which probably reflect a higher class of slave. This class distinction is not present in the Hebrew and has been artificially created by the translator to create more harmony between Ptolemaic legal slave treatment and the translation.

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<sup>664</sup> Given the nature of Greek Exodus being a translation there are many dependencies on the Hebrew text which, while interfering, remain comprehensible and passable within Greek diction. These interferences are not included. Not including some of these elements are in part the subjective choice of this author.

<sup>665</sup> These enumerations represent the sections of chapter 3 in which the issues are discussed.

3.3.6.2. plus of τὸ κριτήριον. This plus is probably added because slavery was highly regulated in Ptolemaic law and τὸ κριτήριον would direct the reader to the nearest local Ptolemaic office for registration. Other contexts in Greek Exodus including laws that were not regulated like slavery do not receive this plus. These items all suggest that Ex's laws were translated in view of maintaining cordiality with Ptolemaic legal norms, and that these precepts were potentially going to be used in juridicial matters. In other words, had Ex not included this plus here, the translated law would be in direct opposition to Ptolemaic law.

3.4.1. οἰκέτιν...αἱ δοῦλαι. Ptolemaic law often delineates these two roots as distinctly different classes of slaves. The οἰκ- class seems to be given a higher status and rights. This distinction seems to be represented in Ex and is not present in the Hebrew. Ex has changed the Hebrew so that the rights granted in the law fit more readily with the rights given to the respective slave class.

3.5.2./3.5.5. θανάτῳ θανατούσθω. Ex's switch in apodotic syntax reflects an intentional desire to situate laws with the jussive within a different sphere of authority. Jussive apodoses reflect civic laws rather than royal decrees which have future apodoses. The former were subject to the latter in Ptolemaic Egypt. Whether or not the death penalty was prescribed was a matter reserved for Ptolemaic authorities to decide. Ex directs the reader to those authorities by downgrading the authority of the death sentence statement. Moreover, homicide (v. 12) did not always warrant capital punishment in Ptolemaic Egypt, so the punishment in the Hebrew text would have been on the fringe of Ptolemaic practice. Likewise, the parental striking in v. 15 was also only sometimes punishable by death. Because of this, Ex keeps the verb θανατόω (but does not in v. 16[17]/17[16]).

3.5.6. & 3.5.7. θανάτω τελευτάτω. Ex changes the verbal lexeme and grammatical voice of the apodosis though the Hebrew text's apodosis is identical to the other texts on capital punishment. The law's punishment instead becomes an imprecatory curse which is a trait found in other Greek laws. This change in v. 17(16) is due to the crime (cursing of parents) not being punished by the death penalty in Ptolemaic law. In v. 16(17), Ex could not translate a law that implicated with death those who kidnapped Jewish people. This is because producing such a law would be tantamount to raising a fist at the Ptolemaic government, who had in fact recently taken many Jewish people from Palestine and migrated them to Egypt for slavery.

3.6.2. δίκη ἐκδικηθήτω. While the Hebrew text's נקם ינקם is probably equivalent to מות יומת, Ex departs from this meaning by instead directing the case of a killed slave to Ptolemaic court. This is signalled using δίκη ("with a trial"), as well as by the jussive, which is a means of directing the, here implied, death sentence to Ptolemaic officials for ratification or dismissal.

3.6.4. οἰκέτου...θεραπαίνης. The same argumentation from 3.3.2. & 3.6.2. παῖς/οἰκετής, as well as 3.4.1. οἰκέτιν...αἱ δοῦλαι applies here. Ex uses these terms for a higher class of slave in vv. 26-27 because these laws on manumission would be excessively lenient to be applied to all slaves in the Ptolemaic period. Beating slaves was considered a norm and the emancipation of agricultural slaves was less common. Ex therefore relegates manumission in these instances to household slaves.

#### *4.2.2.2. Similar Hebrew Meaning*

##### *4.2.2.2.1. Narrowing Translations*

3.2. (& 3.4.3.) δικαιώματα. This term represents a close association with the courtroom and legally binding decrees. It is less malleable than משפט as found in chapter 21.

3.2. παραθήσεις. In combination with δικαίωμα this lexical choice creates a connection to the courtroom.

3.3.3. Non-use of \*ὁ κύριος τοῦ γυναικός. This phrase referred primarily to a woman's guardian in Ptolemaic legal language. Ex probably avoids the phrase due to this. This suggests a desire to situate this law within a Ptolemaic legal framework rather than a strictly Jewish one.

3.3.6.1. προσάξει. In combination with the plus τὸ κριτήριον and the slavery context, this word is chosen to match Ptolemaic legal diction. It is used there for bringing a slave to be registered which matches Ex's context.

3.4.2. ὅτι. This is the only translation of inseparable  $\omega$  like this in the translation. Ex avoids an infinitive phrase because the temporality of the following clause would be ambiguous.

3.5.4. ἐπιτίθημι. Ex employs a term specifically used for premeditated attack in Ptolemaic law.

3.5.4. καὶ καταφύγη. This plus demonstrates Ex is acquainted with the technical legal language of "fleeing for (legal) refuge." It also clarifies the implied action in the Hebrew text.

3.5.3. ὁ φονεύσας. This plus clarifies the Hebrew's obscure subject. Ex will sometimes add a subject to the text when it is unclear who the subject is.

3.5.5. Ὅς τύπτει. The use of the imperfective aspect makes only repeated or habitual infractions regarding parental violence punishable by death. The use of the aorist subjunctive would have indicated a singular infraction. Ex differentiates the syntax and aspect here from v. 12, which speaks only of a singular strike. The Hebrew for both verses is, however, the same.

3.5.6. ὁ κακολογῶν. Ex employs a common legal term for “defaming.” The choice of the present participle stands out, potentially in contrast to the previous verse’s iterative action (ὅς τύπτει).

The participle seems to highlight instead a characteristic or state of the offender rather than a set of repeated actions. This is important considering the apodosis which only prescribes a curse as punishment rather than the death penalty, as in v. 15.

3.6.1. ὁ ἄνθρωπος. This is a plus to clarify the subject that shows Ex is not afraid to add to the text for the sake of clarity.

3.6.1. ἀποτείσει. Ex uses a particularly forensic term which is the most common verb for penalty payment in Ptolemaic law. Ex flattens Hebrew lexemes together (e.g., 21.19; 22.16[17]) to create this parallel. This creates a greater connection to Ptolemaic legal formulations.

3.6.1. τὰ ἰατρεῖα. Ex breaks typical translation protocol for an infinitive absolute + finite verb of the same root. This translation avoids the various pitfalls a formal and verbal representation of this Hebrew construction would cause here, while at the same time indicates the Greek context of the translation due to private surgical costs only being a factor in Greek cities.

3.6.3. μὴ ἐξεικονισμένον. This translation of לֹא יִהְיֶה אִסּוֹן removes many of the ambiguities that a more formal representation of the phrase like \*καὶ οὐκ ἔστιν [ἰσῶν] would create.

Comprehensibility and practicability seem to be at the forefront of the translator’s mind.

3.6.3. ἐπιζήμιον ζημιωθήσεται. The reason Ex does not employ the more common ζημία here is due to its associations with the death penalty and with broader categories of punishment beyond monetary fines. The neuter ἐπιζήμιον refers specifically to a governmental monetary fine. Ex

avoids the dative case in order to fully represent the neuter noun and this specific interpretation. Once again, the implication is that Ptolemaic officials are to be called upon for assessment.

3.6.3. μετὰ ἀξιώματος. The term ἀξιώμα is used in the legal papyri in formulaic petitionary phrases to the king. Ex could have chosen many other terms not associated with this process. Combined with the use of ἐπιζήμιον (“governmental fine”) this lexeme should be taken in its well-attested sense of “request preferred before a higher tribunal.” The translator thus directs the reader to be assessed by Ptolemaic officials for their case. This kind of crime would in fact be adjudicated by Ptolemaic authorities in Egypt.

3.6.3. δώσει. The change from the Hebrew second person singular verb to the Greek third person singular represents Ex’s desire for a clear text above an exact representation of the Hebrew. The referent of the Hebrew second person is not clear. Additionally, the second person is intrusive to the consistent third person subject in the apodoses of these laws.

3.7.1. ταῦρος. Ex contextually renders שׁוֹר. Three lexemes (ταῦρος, βοῦς, μόσχος) are used depending on the context. The noun μόσχος is only used in places where a law requires the payment of a שׁוֹר. Preliminary research suggests this choice has to do with Ptolemaic compensatory standards when paying with animals.

3.7.1. λύτρα τῆς ψυχῆς αὐτοῦ. The lexical flattening of כּפַר and פְּדִיּוֹן (both λύτρα in this verse) is probably based in Ex’s desire to have an easily understood text as two different “ransoms” in this context could obscure the required payment.

3.7.2. δίδραχμον. Ex translates לֶקֶשׁ with δίδραχμον in places where the text makes an expectation of the reader but transliterates when recounting historical figures. This probably points to the intended use of this law, and others, in the translator's community.

#### 4.2.2.2.2. *Expansionary Translations*

3.3.2. ἐάν. Though caused by linguistic incompatibilities between Greek and Hebrew conditional clauses, the topical subordination signaled by כִּי and אִם/אֲנִי is lost. Such topical subordination is achieved by δέ in Greek compositional law.

3.4.4. τὰ δέοντα καὶ τὸν ἱματισμὸν. The Hebrew שֶׂאִרָה (“food”) is expanded into τὰ δέοντα (“necessities”). This, combined with ἱματισμὸν, seems to intentionally mimic Greek marriage contracts in the sections involving the requirements that a husband must meet for the marriage to be upheld. Ex harmonizes the requirements for a Jewish woman with the Greek requirements.

3.5.7. καὶ εὐρεθῇ ἐν αὐτῷ. Ex intentionally translates with ambiguity, leaving open a few ways of reading this condition in the kidnapping law. The reason for this is likely because of the curse apodosis which only generally condemns those kidnapping Israelites. There is no physical or substantial punishment in the law, so various interpretive possibilities of this phrase were acceptable.

#### 4.2.2.2.3. *Greek Idiom Employed*

3.3.2. ἀπελεύσεται ἐλεύθερος & 3.6.4. ἐλευθέρους ἐξαποστελεῖ αὐτούς. Ex employs the typical predicative ἐλεύθερος to match a Greek emancipation idiom. This suggests that Ex desired these laws to parallel the Greek legal texts. This could be for literary (i.e., readability) or practical (i.e., use of the law in society) purposes.

3.3.3. Apodotic καί. Ex follows Greek standards by not translating the Hebrew apodotic ו most of the time. This kind of translation is a more respectable representation of typical Greek law.

3.3.6.1. ו (1<sup>o</sup> not translated). Compositional Greek apodoses, especially in the Ptolemaic papyri and the NT, do not often include markers of the apodosis. Ex dismisses the Hebrew ו to match Greek idiom.

3.4.2. μη εὐαρεστήσῃ τῷ κυρίῳ αὐτῆς. Ex avoids the miscommunication that a more stilted translation of the Hebrew would create. A more natural Greek expression is used, along with a verb that may have specific hyperbolic connotations in marital contexts. The verb choice could also help the reader contextualize the intent of the law.

3.4.2. ἦν αὐτῷ καθωμολογήσατο. Ex creatively translates to avoid the unidiomatic \*ᾧ αὐτῷ καθωμολογήσατο. The two pronouns would have had the same referent.

3.4.4. ἀποστερήσει. Ex chooses a term from Ptolemaic legal language used in similar contexts rather than matching previous translations of עָרַב.

3.5.2. θανάτῳ θανατούσθω. The dative noun θανάτῳ idiomatically precedes the verb indicating the death sentence in Greek compositional law. Ex mimics that feature.

3.6.1. ἄθῳς ἔσται. Ex only translates finite verbs as item + copula in legal sections (12.4; 21.8; 21.19; 21.36). Ex does not use the typical apodotic future verb (e.g., ἀθωθήσεται here) because guilt or innocence in a legal claim is idiomatically labelled in a predicative manner in Greek law. In 3.7.1. The phrase ἄθῳς ἔσται is used idiomatically again, with the copula being an uncommon addition when translating pure nominal clauses in Hebrew.



#### *4.2.2.2.4. Strong Hebrew Interference*

3.3.4. *δέ*. Given that Ex seems to be familiar with Greek legal compositional norms, the use of *δέ* to represent *ו* distorts the typical function of *δέ* within casuistic laws, namely, to indicate the subordination of the following idea to the overarching topic begun by *ἐάν* + subjunctive.

However, Ex does not translate with *καὶ ἐάν* because that construction arguably never begins any sentence in documented compositional Greek casuistic law. Ex's choice to not translate *καὶ ἐάν* does represent Greek idiom in this respect.

3.4.2. *ἠθέτησεν ἐν αὐτῇ*. The combination of *ἐν* + pronoun does not occur with *ἀθετέω* in compositional Greek. This is therefore a Semitism (representing *ב גג*) though not incomprehensible.

#### **4.2.3. Weakly Evidenced Results**

##### *4.2.3.1. Significant Departure from Hebrew Meaning*

3.4.2. *ἔθνει ἀλλοτρίῳ*. Ex may have intended this to be read as referring to “a proximally distant land,” which coincides with the axiomatic statement *οὐ κύριός ἐστιν πωλεῖν αὐτήν*. The overall reading of the text would then match up with the strict Ptolemaic law that slaves were not to be sold outside of Egypt.

3.5.4. *λήμψη...θανατῶσαι*. This death penalty prescription could be understood like the surrounding jussives and would thus defer the decision for capital punishment to the Ptolemaic authorities. This would be in line with Ptolemaic law, since those who disregarded the law of refuge would themselves be subject to death. That Ptolemaic norm is in direct contradiction to this Hebrew text.

3.7.2. ἀργυρίου τριάκοντα δίδραχμα. This price for a slave's life is greatly out of line with Ptolemaic standards. Ex's translation is probably to be understood as representing the cost of *an injured slave* rather than *a dead slave* (the latter is the meaning of the Hebrew). Ex could have added a helping verb to clarify the death of the slave if that were the intended meaning (as, e.g., καὶ καταφύγη in 21.14, and, μὴ βούληται in 22.16[17]).

#### 4.2.3.2. *Similar Hebrew Meaning*

##### 4.2.3.2.1. *Narrowing Translations*

3.2. ἐνώπιον. This term potentially draws on juridicial terminology highlighting the personal requirement of the law, or a courtroom setting.

3.3.3. αὐτὸς μόνος. This Greek idiomatic rendering of the Hebrew idiom בַּגֵּפוֹ, if the Hebrew suggests slavery *without possessions*, removes that aspect of the Hebrew meaning. The Greek idiom specifically refers to whether a person is alone or with others. Ex may have used this calque because Ptolemaic slaves often owned many possessions.

3.3.6.3. τότε. This plus may go hand in hand with the plus of τὸ κριτήριον. It may separate the event of ear-piercing from the registration of the slave, so that the ancient ceremony did not have to occur at τὸ κριτήριον.

3.3.6.3. πρὸς τὴν θύραν ἐπὶ τὸν σταθμόν. The odd use of ἐπὶ for ἔξ may coincide with the pluses of τὸ κριτήριον and τότε in that an orderliness and greater degree of precision are intended by the translator so that the law is more readily practicable.

3.4.4. ἄλλην. This word seems to be the way to indicate a secondary wife in Greek marriage contracts. Ex could have chosen ἕτερος or ἄλλός. The Hebrew is less specific in identifying this woman.

3.5.1. Ἐὰν δὲ πατάξῃ (apodictic Hebrew syntax not followed). The syntax of the Hebrew changes to apodictic law, but Ex does not follow suite in this verse. If the Hebrew's switch in syntax suggested a more severe and emotive tone, this nuance is not present. Ex also departs from the typical translation of the Hebrew participle with this rendering, probably to disassociate this verse from the following content.

3.5.7. Ὅς ἂν. This differing syntactical introduction to the law in v.16(17) is probably due to Ex's desire to distinguish this law from the rest, and to give pause to the reader, since the translator is distinguishing the punishment in this verse from some of the others.

3.5.7. καταδυναστεύσας. Ex seems to have created an intertextual connection between the subjugation of Israel under Egypt in the past and the subjugation of Israelites described in this law.

3.6.1. λοιδορῶνται. This root is used in the legal papyri to refer to the reviling before a physical altercation. This small difference in meaning from ריב is that the Hebrew term does not always imply an ensuing physical fight. The root λοιδορ- is, in contrast, consistently used this way in the legal papyri. Additionally, the present tense emphasizes the progressive nature of the action, whereas the Hebrew does not grammatically encode this distinction. The middle voice is not significant.

3.6.3. μάχωνται. The present tense of this verb grammatically encodes the progressive nature of the action which is only implied in the Hebrew.

3.7.1. διαμαρτύρωνται. Ex translates the singular passive דעך as plural and medio-passive. This makes the law binding only with a plurality of witnesses available. This is Ptolemaic custom. However, Ex often makes unstated passive agents in verbs explicit so this connection should not be pressed.

3.7.2. ἐπιβληθῇ... ἐπιβάλωσιν. In Ex, the switch between the singular passive and the plural active (both singular passive תשי) may indicate a measure of intertextuality with v. 22, in which the husband (sg.) chooses a price (καθότι ἂν ἐπιβάλῃ) which is then adjudicated by the court (μετὰ ἀξιόματος, which implies a plurality of adjudicators). Ptolemaic process may again be intimated.

#### 4.2.3.2.2. *Expansionary Translations*

3.3.4. τὰ παιδιά. The non-inclusion of the Hebrew feminine pronominal suffix from וילדיה in the translation could be due to an intentional muting on the part of the translator. In Ptolemaic law slavery status is passed from mother to child. The children in this verse would not be “*her* children.”

3.3.5. τὸν κύριόν μου καὶ τὴν γυναῖκα καὶ τὰ παιδιά. The pronoun μου is not repeated after the second and third coordinate nouns. This is in contrast to similar coordinate nouns with repeated person pronouns like those in vv. 15.17(16), and 20. It is possible that Ex muted these pronouns because, like the previous example, the wife and child would belong to the master in Ptolemaic law.

3.4.2. καθωμολογήσατο. The Hebrew verb נָשָׂא probably refers to a specific kind of betrothal (i.e., a condition of slavery leading to marriage) whereas Ex uses a more generic term that removes that nuance.

3.5.3. ἐκών. The verb נָצַח (“to lie in wait”) is translated based on its sense with “willing.” A perfect verb translated into an adjective only occurs in instructional materials and all but once outside the Covenant Code. Perhaps this is a sign of greater compositional fluidity in these chapters.

3.6.3. πατάξωσιν. Ex lexically flattens נָגַח and נָחַח together here. If the former connotes an unintentional strike, Ex may have removed that aspect of the text because the intentionality of a crime was decided by Ptolemaic officials. This is a tenuous point, since it is more likely that Ex simply desired to have the same striking verb in these laws in order to mitigate incomprehensibility.

#### 4.2.3.2.3. *Greek Idiom Employed*

3.3.3. Verbless Nominal Clauses. The phrase ἐὰν δὲ γυνὴ συνεισέλθῃ μετ’ αὐτοῦ in v. 3 represents one of three examples of a verbless nominal clause being rephrased. These changed clauses only occur in legal texts (21.3, 8; 24.14). Whether this shows a greater concern for clarity in legal texts is difficult to ascertain with so few examples.

3.3.5. ἀποκριθεὶς εἶπεν. The *aorist* subjunctive, if it is true that speech verbs are generally associated with the imperfective aspect, may represent interference from the legal casuistic genre which defaults to ἐάν + aorist subjunctive.

3.4.1. ἐαυτοῦ. Against the Hebrew word order, this emphatic personal pronoun is used. Its use here is the way familial relationships are often stated in Ptolemaic legal texts.

#### 4.2.3.2.4. *Strong Hebrew Interference*

3.4.2. ἐάν (no δέ). Ex has maintained fidelity to the Hebrew text (which has no ו) and translated without δέ. In Greek compositional casuistic law ἐάν + subjunctive indicates a new topic.

#### 4.2.4. *Changes Likely Based on Variant Vorlage*

3.3.4. τῷ κυρίῳ αὐτοῦ. Ex probably had a reading in line with SamP.

3.4.2. οὐ κύριός ἐστιν πωλεῖν αὐτήν. Ex's *Vorlage* likely had לֹא־יִמְכֹּר with either an obscured or omitted י.

3.5.7. τῶν υἱῶν Ἰσραὴλ, καὶ καταδυναστεύσας αὐτόν. Ex's *Vorlage* likely had מִבְּנֵי יִשְׂרָאֵל בּוֹ וְהִתְעַמְרָה (as based on Dt. 24.7).

### 4.3. Comments on Results

#### 4.3.1. *Translation Technique*

The consistent pattern represented in Septuagint Exodus 21.1-32 is a desire to draw on Ptolemaic legal language, their judiciary systems, and even differing content represented in Ptolemaic legal norms rather than the norms presented in the Hebrew text. As can be seen by the number of “narrowing translations” Ex is prone to disambiguate the Hebrew text both for the sake of clarity and practicability. Polyvalence is not something the translator valued—at least in this section of the text.<sup>666</sup> A more formal analysis at the level of a verse or section's entire meaning in these legal segments as compared to the narrative portions of Exodus would need to be undertaken to see if this trait is based in genre or in the overall translation values of Ex.

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<sup>666</sup> Unless polyvalence is intentional. It was argued to be, for example, in the commentary on v. 16(17) with εὐρεθῇ ἐν αὐτῷ.

Formal Hebrew interference is also not something that is particularly prominent in this section. Following Hebrew word order is the only constant in this regard, and even that is not without exceptions. In order of prominence, the next aspect of Hebrew interference would be the general fidelity involving quantitative representation of each Hebrew lexeme. This is much less operative than following the Hebrew word order, however, and happens enough so that it can be said that it was not of chief concern for Ex. Even less concern is shown for a one-to-one formal representation of Hebrew lexemes with consistent Greek equivalents. Ex is far more prone to contextual renderings. Finally, there are basic translation equivalencies when it comes to Ex's understanding of Hebrew syntax, though the translator is not particularly concerned with aberrations from some of his generally established translation norms. What these factors say about certain methodological outlooks such as the Interlinear Paradigm has already been said by its proponents: this approach needs to be tempered and contextualized for each individual translator.<sup>667</sup> Perhaps all that is needed, in light of this thesis, is to categorize Septuagint Exodus as a bit closer to the fringes of the formal translation constraints proposed in that model.

#### ***4.3.2. Purposes Behind Ptolemaic Legal Interference***

The strong interference from Ptolemaic law, especially as seen in the syntax employed and the meaning changed regarding the Hebrew death penalty texts, suggests that this translation was made with the intent to fit it within the Ptolemaic legal context more easily than a straightforward representation of the Hebrew text would allow. Moreover, Ex has altered the meaning of the Hebrew text on various occasions when there is no warrant or inclination that the Hebrew would be read otherwise. This is most notable in the death penalty apodosis (which all have the identical מות יומת behind them) and in the changing of slavery terminology to represent

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<sup>667</sup> Scholars such as Boyd-Taylor, *The Interlinear*, and, Pietersma, "Beyond Literalism," have already well-noted that translators can differ substantially in their degree of formal representation of the Hebrew.

different classes based on the content of the various laws. Other examples such as the probable harmonization of requirements for female divorce and the consistent redirection towards Ptolemaic officials for intermediation also point to Ex's fixation with Ptolemaic norms.

These changes almost require that Ex translated under the assumption that those reading these laws were not going to make recourse to the Hebrew text. There is no doubt that to the Hebrew purist some of Ex's translation choices would be borderline audacious. Perhaps some of these changes could be explained in other ways. Still, it is hard to imagine another argument based in anything other than an unseen linguistic constraint for the use of the jussive in the death penalty texts. That there is such a strong correspondence to Ptolemaic legal genres suggests either that this thesis missed a linguistic explanation, or that Ex had indeed drawn on the genres of royal decree and civic law. So why, then, does Ex go to these lengths to interact with Ptolemaic law in this legal translation?

The consistent use of contemporary legal language and formulations could be due to Ex's desire to create an 'authentic' sounding text. Or, perhaps it points to Ex's desire for the text to be perceived on a parallel level to other legal texts and traditions circulating Egypt. Given that Ex has translated these casuistic laws so similarly to how Greek compositional casuistic laws were written, these precepts would have no trouble fitting into the Ptolemaic context all on their own. They truly could function in that society as individual δικαιώματα for use in the courtroom. The function of these laws within the translator's society is a question that stems from the broader inquiry into the original purpose for the translation of the Greek Pentateuch.<sup>668</sup>

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<sup>668</sup> See Honigman, *The Septuagint*, 105-118, or Modrzejewski and Cornman, *The Jews of*, 100-102, for good overviews on this topic.



Recent scholars like Rajak do not believe the original intent of the translation was to be a “civic law of the Jews.”<sup>669</sup> Others like Honigman claim this could have been “*at least* a derivative sphere of use.”<sup>670</sup> This thesis provides some data to potentially move this conversation forward. It seems very possible, given the kinds of changes and influences that have been noted, that these laws were intended for ‘on the ground’ usage. Given that δικαιώματα were often taken from this or that legal source, drawn together by a lawyer, and subsequently used in court, it seems very possible that these laws could have served that same purpose. Such usage may even explain why Ex takes such liberties, since the laws would be further excised from their context in this process of becoming part of the material in the dossiers of legal experts. It would be harder to trace them back to their initial source. At this point, this thesis can only hope that a further evaluation of the rest of Ex’s legal materials will shed further light on this question.

What can be said with a measure of confidence is that Ex is acquainted with Ptolemaic jurisprudence, both with respect to the kinds of texts produced within that system as well as to its actual laws, juridical processes, and customs. This suggests that Ex has spent significant time reflecting on and learning from the Greco-Egyptian legal system. Certainly, that legal sphere held a great deal of sway in the mind of the translator. Whether or not this kind of knowledge was commonplace is another matter for investigation. Would the typical civilian know these terms, texts, and functions? Or does the translator’s knowledge of such things betray a close association with, or perhaps participation in, higher Ptolemaic legal discourses and processes? Has the translator spent time with Ptolemaic officials in the making of this translation? Were a plethora of legal texts strewn about the translator’s workplace during the translation’s creation? Whatever the case, the recourse to that system evidenced suggests a deep and thoroughgoing

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<sup>669</sup> *Translation and Survival*, 84-85.

<sup>670</sup> *The Septuagint*, 108, emphasis hers.

knowledge of its practices—however that information was gathered. Whoever the translator was, he undoubtedly had a great respect, and allegiance towards, the Ptolemaic legal system. This deference is, in part, passed on through the changes that occur in this translation. Whether the readers knew it or not, Ex’s goal was—to a degree—to Hellenize the Hebrew(s).

#### **4.3.3. Comments on Halakhic Influence**

This influence in Ptolemaic law, language, and custom, also calls certain other approaches to the translation technique of Ex into question. One approach that has been briefly interacted with in this thesis is that which sees halakhic influence in Ex’s translation choices. Scholars like Büchner, Frankel, and Prijs, to varying degrees, have suggested that Ex has been influenced by halakhic interpretations and hermeneutics.<sup>671</sup> What constitutes a “halakhic interpretation” is a matter of debate. Generally, “halakhic interpretation” refers to the practice of expanding upon laws from the biblical text.<sup>672</sup> The problem with drawing conclusions from the Rabbinic sources like these scholars do is that the source materials stem from the common era, and there are no definitive means of tracing them back before that time.<sup>673</sup>

It is outside of the scope of this thesis to investigate all the Rabbinic sources. It would be worthwhile to see if one could find similar Rabbinic exegesis that takes a stock phrase like מות יומת and willfully changes the meaning like Ex does. Such a find would be more substantial than the small and contestable nuances that were briefly commented on in this study.<sup>674</sup> However, it is much harder to contest some of the other translation choices explained in this thesis. The use of the civic legal genre, for instance, is a strong indication that Ex cared more about Ptolemaic legal

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<sup>671</sup> Büchner, “On the Relationship,” Frankel, *Ueber den Einfluss*, and, Prijs. *Jüdische Tradition*, respectively.

<sup>672</sup> James D. Newsome, *Greeks, Romans, Jews: Currents of Culture and Belief in the New Testament World* (Philadelphia: Trinity Press International, 1992), 106-107. This practice can be seen in a seminal form in Nehemiah 8 and 10 which harmonize various legal traditions (See Lawrence Harvey Schiffman, *Texts and Traditions: A Source Reader for the Study of Second Temple and Rabbinic Judaism* [Hoboken: KTAV Publishing House, 1998], 103-105).

<sup>673</sup> Cf. Newsome, *Greeks, Romans*, 106-107; Schiffman, *Texts and Traditions*, 48-49.

<sup>674</sup> See 3.3.6.3. and πρὸς τὴν θύραν ἐπὶ τὸν σταθμόν.

influence than Jewish legal traditions or interpretations. The harmonization with Greek law on female marriage requirements is also another strong push against the halakhic approach. Perhaps, at this point, the best one could say is that there may be small intimations of halakhic influence. However, the *predominant* impetus for the translator is to build a bridge between the translation and Ptolemaic law, as best Ex could and within the confines of a translation attempting a degree of fidelity to the source text. At the very least, this thesis calls into question the validity and certainty of the halakhic approach.

#### 4.4. Conclusion

This study has attempted to break into a heretofore unexplored aspect of Greek Exodus, namely, its potential relationship or influence involving Ptolemaic legal norms. While some of the conclusions have been noted as tentative and uncertain, others have provided solid new data to help in the interpretation and understanding of this ancient translator. If the hypothesis presented here is correct, in that the Exodus translator is frequently influenced by Ptolemaic Graeco-Egyptian legal norms, then a new facet of Second Temple Alexandrian Jewry and hermeneutics may in fact be on the cusp of discovery. Probing further into hermeneutics, especially as to whether other interpretive traditions ‘bend’ Hebrew lexical roots (e.g., מות יומת) like Ex is one of the next steps in this investigation. Further research needs to be done in the rest of the Covenant Code, and in the legal materials more broadly, for a clearer picture to emerge. This project represents the first ‘brush marks,’ so to speak, of that potentially breathtaking and illuminating portrait—a picture of the merging and melding Hellenistic and Jewish worlds at the outset of a new, Greek, epoch.

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## APPENDIX I: PLUSES IN EXODUS 1-23

The following list does not include pronouns, divine name expansions, articles, or other minutiae like these.<sup>675</sup> This is an imperfect list based on a manual evaluation of this author through the comparison of *BHS* and the Göttingen Edition. Where a significant variant exists in the *BHS* apparatus, it is noted with “(variant).” Where no variant is listed in *BHS* but a nearby context could be a source of harmonization, it is noted. While most of the harmonized texts were found without aid, Tov released an article near the end of the research period for this thesis which supplements the information gathered.<sup>676</sup> Where Tov agrees or includes the same information, it is noted according to the page number in his article. There is no significant attempt here to differentiate between which pluses are based on a variant *Vorlage* and which are from Ex. The list is compiled to gain a general view of the differences in Ex compared to MT. Still, a few speculations on the Hebrew *Vorlage* are included. This appendix mainly supplements the argument in 3.3.6.2.3. *b*) by showing that a non-harmonizing plus like τὸ κριτήριον is not normal in Ex.

### Pluses:

- 1.11 καὶ Ων, ἥ ἐστὶν Ἡλιοῦπολις
- 1.12 οἱ Αἰγύπτιοι
- 1.12 σφοδρα  
Based on 1.20 (Tov, 7)
- 1.22 τοῖς Ἑβραίοις  
Based on 2.6 (Tov, 11)
- 2.3 ἡ μήτηρ αὐτοῦ (variant)  
Based on v. 2 (Tov, 12)
- 2.6 ἡ θυγάτηρ Φαραὼ (variant)  
Based on v. 5 (Tov, 13)
- 2.11 τοὺς υἱοὺς Ἰσραὴλ
- 2.11 ταῖς πολλαῖς  
Based on v. 23 (Tov, 7)
- 2.15 ἐλθὼν δὲ εἰς γῆν Μαδιὰν (variant)

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<sup>675</sup> Except in ch. 21-23, where there was a vested interest to have a list of every plus.

<sup>676</sup> “Textual Harmonization in Exodus 1-24,” *A Journal of Biblical Textual Criticism* 22 (2017): 1-16.

- 2.16 ποιμαίνουσαι τὰ πρόβατα τοῦ πατρὸς αὐτῶν  
τὰ πρόβατα τοῦ πατρὸς αὐτῶν is taken from the context immediately following. The author clarifies why the daughters “went out and drew water” beforehand by inserting ποιμαίνουσαι. Tov points to 4QExod<sup>b</sup> as witnessing to a Hebrew text with this phrase included (6). Only the first verb תַּיַּג survives, but it is enough to indicate that this was in fact a Hebrew reading. This should absolutely be accepted.
- 2.21 γυναῖκα (variant)
- 2.22 ἐν γαστρὶ δὲ λαβοῦσα ἢ γυνή (variant)  
Based on 2.2 (Tov, 11)
- 2.22 Μωσῆς  
Based on v. 13 (Tov, 11)
- 3.7 πρὸς Μωσῆν
- 3:8 καὶ Γεργεσαίων (cf. v. 17; 23:23)  
Based on Deut 7:1. These two peoples do not appear together in the Torah before this verse in Deuteronomy. Same in 13:5 below (Tov, 12).
- 3.10 βασιλέα Αἰγύπτου  
Based on 2.23 (Tov, 11)
- 3.12 ὁ θεὸς Μωσῆ λέγων  
Based on 3.14?
- 3.16 τῶν υἱῶν (variant)
- 3.16 καὶ θεὸς Ἰσαακ καὶ θεὸς Ἰακωβ (Tov, 7)
- 4.1 ὁ θεός, τί ἐρῶ πρὸς αὐτοῦς  
This is not new content. τί ἐρῶ πρὸς αὐτούς is taken from 3.13, where Moses asks what to respond to the Israelites disbelief.
- 4.6 ἐκ τοῦ κόλπου αὐτοῦ (variant)
- 4.7 εἰς τὴν χροάν
- 4.12 Μωσῆς
- 4.17 τὴν στραφεῖσαν εἰς ὄφιν  
Based on 7.15
- 4.18 μετὰ δὲ τὰς ἡμέρας τὰς πολλὰς ἐκεῖνας ἐτελεύτησεν ὁ βασιλεὺς Αἰγύπτου  
Based on 2.23, and is a reminder of the timeframe and context of Moses’ return.
- 4.23 τὸν λαόν μου  
Based on 5:1; 7:16 (Tov, 10)
- 4.24 ἄγγελος  
Added to circumvent a physical description of God.
- 4.31 ὁ λαός  
Based on 31a (Tov, 11)
- 5.2 τοὺς υἱούς  
Based on the frequent expression (Tov, 7)
- 5.13 ἐδίδοτο ὑμῖν (variant)
- 5.14 τοῦ γένους  
Possibly from 1.9
- 5.17 καὶ οὗτοι  
Based on 6.14
- 6.20 θυγατέρα τοῦ ἀδελφοῦ τοῦ πατρὸς αὐτοῦ  
Text changed so that Amram takes a cousin instead of an aunt as his wife.

- 6.20 Μαριάμ τὴν ἀδελφὴν αὐτῶν (variant)  
Based on Num 26.59? (Tov, 6, 12)
- 7.5 πάντες (variant)
- 7.7 ὁ ἀδελφὸς αὐτοῦ  
Based on v. 1 (Tov, 7)
- 7.9 τῷ ἀδελφῷ σου
- 7.9 ἐπὶ τὴν γῆν  
Based on 4.3 (Tov, 10)
- 7:9 σημεῖον ἦ  
Based on v. 3 and Deut 13:2. Similarly 11:9, 10 (Tov, 7)
- 7:9 καὶ ἐναντίον τῶν θεραπόντων αὐτοῦ  
Based on v. 10. Similarly, 9:8. (Tov, 8)
- 7.10 ἐναντίον Φαραώ  
Based on v.9 (Tov, 11)
- 7:10a καὶ τῶν θεραπόντων αὐτοῦ).  
Based on v. 10b. Similarly, 14:8 (Tov, 8)
- 7.11 Αἰγύπτου  
based on 11b (cf. Tov, 8)
- 7:15 αὐτὸς ἐκπορεύεται  
Based on 4:14. Similarly 8:16 (Tov, 12)
- 7.19 τῷ ἀδελφῷ σου
- 8.1 τῷ ἀδελφῷ σου
- 8.3 τῶν Αἰγυπτίων  
Based on 7.11 (Tov, 11)
- 8.4 περὶ ἐμοῦ  
Based on v. 24. Similarly, 9:28. (Tov, 8)
- 8.5 καὶ ἀπὸ τοῦ λαοῦ σου καί  
Based on 8.7(11) or 5 (Tov, 12, claims the latter)
- 8.7 καὶ ἐκ τῶν ἐπαύλεων  
Based on 8.9(13)
- 8:12 τῇ χειρί  
Based on v. 13 (Tov, 12)
- 8:12 ἔν τε τοῖς ἀνθρώποις καὶ ἐν τοῖς τετράποσιν  
Based on v. 13 (Tov, 8)
- 8:14 καὶ = כִּי  
Based on 7:11 (Tov 10)
- 8.16 ἐν τῇ ἐρήμῳ  
Based on 7.16
- 8.18 ὁ κύριος
- 8.19 ἐπὶ τῆς γῆς  
Based on 9.5 (Tov, 8)
- 8.24 πρὸς κύριον  
Based on v.25 (Tov, 8)
- 8:28 καὶ οὐκ ἠθέλησεν ἐξαποστεῖλαι  
Based on 10:27 (different Greek: καὶ οὐκ ἐβουλήθη ἐξαποστεῖλαι αὐτούς) or 9:2 (εἰ μὲν οὖν μὴ βούλει ἐξαποστεῖλαι) (Tov, 10)

- 9.2 τὸν λαόν μου  
9.4 ἐν τῷ καιρῷ ἐκείνῳ (variant)  
Based on v. 14 (cf. Tov, 8)  
9:7 ἰδὼν δέ  
Based on v. 34 (Tov, 8)  
9:7 ὅτι  
Based on v. 34. (Tov, 8)  
9:7 τῶν υἱῶν  
Based on v. 6. Similarly, 12:6 (Tov, 12)  
9.9 ἐν τε τοῖς ἀνθρώποις καὶ ἐν τοῖς τετράποσιν  
Taken from 8.13/9.10  
9:11 γῆ  
Based on v. 9. Similarly in 3:10, 11; 10:6; 14:11. Same in 12:40; 13:3 (Tov, 8)  
9:25b ἡ γάλαζα  
Based on v. 25a (Tov 8)  
9.28 καὶ πῦρ  
Probably taken from 9.23/24  
9.29 καὶ ὁ ὑετός  
Probably taken from 9.33/34  
10.4 ταύτην τὴν ὥραν  
Probably taken from 9.18  
10:4 πολλήν  
Based on 10:14 (Tov, 8)  
10.5 Μωσῆς  
10:5b τῆς γῆς  
Based on v. 5a (Tov, 8)  
10.6 πᾶσαι  
10.8 καὶ πάντα τὸν καρπὸν τῶν ξύλων (variant)  
10:12 βοτάνην τῆς γῆς  
Based on v. 15 (Tov, 12)  
10.13 εἰς τὸν οὐρανόν  
Confusion with 10.21, possible (variant)  
10.18 Μωσῆς  
10:19 γῆ  
Based on v. 15 (Tov, 8)  
10.22 θύελλα  
From Dt. 4.11; 5.22?  
10:24 τῷ θεῷ ὑμῶν  
Based on v. 8 (Tov, 8)  
10:24 καὶ Ἀαρὼν  
Based on 9:29 (Tov, 12)  
11.2 καὶ ἱματισμόν (variant)  
Based on 12.35 (Tov 12)  
11:3a ἐναντίον  
Based on v. 3b.  
11:3a καὶ ἐναντίον Φαραῶ

- Based on v. 3b (Tov, 8)
- 11.3 ἔχρησαν αὐτοῖς (variant)  
Based on 12.36 (Tov, 12)
- 11.8 Μωυσῆς
- 11.9-10 καὶ τὰ τέρατα  
Based on 7.3
- 11.10 ἐν γῇ Αἰγύπτῳ  
Based on 11.9 (cf. Tov, 8)
- 12.3 ἕκαστος  
Based on the context (Tov, 8)
- 12.3 υἱῶν  
Based on frequent expression (Tov, 10)
- 12.6 υἱῶν (variant)
- 12.10 ὅστοις οὐ συντρίψετε ἀπ' αὐτοῦ  
Based on 12.46 (Tov, 3, suggests this is a true example of harmonization at the level of the Greek translator, not the *Vorlage*)
- 12.16 λατρεῦτὸν  
The rewriting involves the change of the verb from 12:16 MT SP *נִשְׁחַבְּדוּ* to *ποιήσετε* in the LXX, equaling *נִשְׁחַבְּדוּ* in Lev 23:7 (Tov, 10)
- 12.18 τοῦ πρώτου  
Based on Lev 23:5. This verse speaks about the same festival of matzot (Tov 5)
- 12.19 ἑαυτοῖς
- 12.21 τῶν υἱῶν  
Based on 4:29. Same in 3:16 (Tov, 8)
- 12.30 ἐν πάσῃ γῇ  
Based on 11:6 (Tov, 10)
- 12.39 αὐτούς (variant)
- 12.39 εἰς τὴν ὁδόν
- 12.40 καὶ ἐν γῇ Χανάαν Variant  
Based on 13.3? (Tov, 12)
- 12.50 πρὸς αὐτούς
- 13.5 καὶ Γεργεσαίων καὶ Φερεζαίων (variant)  
Based on Deut 7:1. Same in 3:8, 17 above. (Tov 12)
- 13.12 τὰ ἀρσενικά  
Repeated from end of verse
- 13.12b μήτραν  
Based on v.12a (Tov, 9)
- 13.12 ἀγιάσεις (variant)  
Based on v.2 (Tov, 9)
- 13.13 μήτραν (variant)
- 13.14 ὅτι  
Based on v. 9 (same phrase) (Tov, 9)
- 13.19 Ἰωσήφ (variant)
- 13.20 οἱ υἱοὶ Ἰσραὴλ
- 13.22 παντός
- 14.2 τῆς ἐπαύλεως (variant)

- 14.3 τῷ λαῷ αὐτοῦ  
Clarification in line with Hebrew from v.5 (cf. Tov, 9)
- 14.4 πάντες
- 14.5 τοὺς υἱοὺς (variant)
- 14.6 Φαραῶ
- 14.6 πάντα
- 14.12 ταύτη  
based on v. 32 (Tov, 9)
- 14.13 τὴν παρὰ τοῦ θεοῦ  
Circumventing a physical description of the divine presence
- 14.13 χρόνον
- 14.17 Φαραῶ καὶ...πάντων  
Taken from 7.3; 9.12; 10.20
- 14.18 πάντες (variant)
- 14.19 τῶν υἱῶν
- 14:20 καὶ ἔσται  
Based on v. 19 (Tov, 9)
- 14.20 διήλθεν  
Corruption?
- 14.23 τεῖχος  
Repeated from two words before
- 14.25 καὶ ἐπικαλυψάτω  
The translator adds a full clause for the first time since 1.11. If Ex had only said “the waters returned upon,” or “were re-established upon” the Egyptians, as the Hebrew states, the Egyptians’ fate would not be absolutely clear. This pivotal moment in the redemption of Israel and their enemies’ concomitant defeat needed to be definitively clear.
- 15.18 ἐπ’ αἰῶνα
- 15.21 λέγουσα
- 15.22 τοὺς υἱοὺς
- 15.22 ὥστε πιεῖν  
Based on 15.23 (Tov, 9)
- 15.23 τοῦ τόπου ἐκείνου  
Based on 17.7? (Tov, 5)
- 15.25 Μωσῆς
- 15.27 ἦσαν  
From implied copula
- 16.1 ἐστίν  
From implied copula
- 16.3 πληγέντες  
Added to circumvent a physical description of the divine presence
- 16.6 συναγωγὴν  
Based on 16.1 or 9 (latter is Tov, 9)
- 16.7 ἐσμεν  
From implied copula
- 16.8 ἐσμεν

- From implied copula
- 16.15 αὐτὸ
- 16.15 ἐστὶν
- From implied copula
- 16.21 ἡνίκα
- 16.23 Μωϋσῆς
- 16.23 τὸ ῥῆμά ἐστιν
- Based on 16.32?
- 16.25 ἔστιν
- From implied copula
- 16.27 τινες
- 16.29 τοὺς οἴκους
- Implied in Hebrew
- 16.32 τοῦ μὲν (variant)
- 16.33 χρυσοῦν
- Derived from the other gold elements in the tabernacle (28.30[26], 32[28]; 39.30[36.38])?
- 17.5 τούτου
- Based on v. 4 (Tov, 9)
- 17.7 ἐκείνου
- 17.9 ἄνδρας δυνατούς
- Based on 18.21, 25
- 17.9 καὶ ἰδοὺ
- Based on multiple previous occurrences (7.17; 8.21; 9.18; 10.4)?
- 17:10 καὶ ἐξελθὼν
- Based on v. 9 (Tov, 9)
- 17.12 Μωϋσῆ
- 18.6 λέγοντες
- 18.6 αὐτὸν (variant)
- 18.8 ἐκ χειρὸς Φαραὼ καὶ ἐκ χειρὸς τῶν Αἰγυπτίων
- Based on 18.4, 9
- 18.9 καὶ ἐκ χειρὸς Φαραὼ
- Based on 18.4
- 18:10 ἐξείλατο τὸν λαὸν αὐτοῦ
- Based on v. 1 (Tov, 9)
- 18.11 τούτου
- 18.15 κρίσιν παρὰ
- Added to circumvent a physical description of the divine presence
- 18.15 αὐτοὺς
- 18.17(18) τοῦτο
- 18.18 ἀνυπομονήτω
- Explication of the Hebrew verb.
- 18.19 αὐτῶν (variant)
- 18.20 τοῦ θεοῦ (variant)
- 18.20 αὐτοῦ
- Cf. 20.20



- 18.20 ἐν αἷς (variant)
- 18.21 σεαυτῷ (variant)
- 19.1 εἰς τὴν
- 19.2 εἰς τὴν
- 19.3 τὸ ὄρος  
Added to circumvent a physical description of the divine presence or based on 3.1 (Tov, 10)
- 19.4 ὥσει  
Clarification of analogy
- 19.5 λαὸς  
Based on Dt. 7.6; 14.2 (Tov, 10)
- 19.8 καὶ ἀκουσόμεθα  
Based on 24.7
- 19.10 διαμάρτυραι  
Based on 19.21 (Tov, 7)
- 19.13 ὅταν αἱ φωναὶ καὶ αἱ σάλπιγγες καὶ ἡ νεφέλη ἀπέλθῃ ἀπὸ τοῦ ὄρους  
All derived from 19.16 (Tov, 7)
- 19:16 Σινά  
Based on vv. 11, 18, and 20 (Tov, 9)
- 19:18 ὁ λαός  
Based on v. 16 (Tov, 9)
- 19.21 λέγων
- 20.10 ὁ βοῦς σου καὶ τὸ ὑποζύγιόν σου...πάν  
Based on 20.17 or Dt. 5.14 (Tov, 10)
- 20:10 καὶ ὁ προσήλυτος ὁ παροικῶν ἐν σοί  
Based on Lev 16:29 (καὶ ὁ προσήλυτος ὁ προσκείμενος ἐν ὑμῖν). The borrowing did not take place on the Greek level since the two texts use different terms and they also differ in their singular/plural presentation of the pronoun. The plural suffix of בְּתוֹכְכֶם has also been reconstructed in accordance with the prevalent usage. (Tov 10)
- 20:10 ἐν αὐτῇ  
Based on Deut 5:14 (Tov, 12)
- 20:11 ἡμέρα τῇ ἐβδόμῃ  
Based on v. 10 (Tov, 9)
- 20.12 ἵνα εὖ σοι γένηται  
based on Dt. 5.16 (see P. Nash.)
- 20.12 τῆς ἀγαθῆς  
Based on 3.8?
- 20.17 οὔτε τὸν ἀγρὸν αὐτοῦ (variant)  
Based on Dt. 5.21 (Tov, 12)
- 20.17 κτήνους αὐτοῦ οὔτε (variant)  
Based on 20.10 or 22.9 (latter Tov, 10)
- 20.17 ἐστιν  
From implied copula
- 20.22 τῷ οἴκῳ Ἰακώβ καὶ ἀναγγελεῖς  
Based on 19.3
- 20.24 ἐκεῖ

- Based on Dt. 12.5 (Tov, 12)
- 21.2 ἔτει  
Based on just prior context
- 21.2 δουλεύσει σοι  
Based on Dt. 15:22 (Tov, 12)
- 21.6 τότε
- 21.12 Ἐάν
- 21.13 ὁ φονεύσας  
Based on Num 35:6 (so Tov, 11)?  
Ex frequently adds the subject to a verse to clarify. Doesn't need to be a Hebrew addition.
- 21:14(15) καὶ καταφύγη  
Based on Num 35:25 (Tov, 11)  
No ἵ in Numbers, and not in the context of the altar but cities of refuge.
- 21.16(17) τῶν υἱῶν Ἰσραὴλ...καὶ καταδυναστεύσας  
Based on Dt. 24.7 (Tov, 11)
- 21.19 ὁ ἄνθρωπος
- 21.19 ἐστίν  
From implied copula
- 21.35 τὸν ταῦρον
- 21.36 καὶ διαμεμαρτυρημένοι ὧσιν τῷ κυρίῳ αὐτοῦ  
Based on v. 29. Potentially periphrastic to show the tense of v. 29 (morphologically ambiguous)
- 22.1 ἐστίν  
From implied copula
- 22.2 ἐστίν  
From implied copula
- 22.3(4) αὐτὰ
- 22.4(5) ἐὰν δὲ πάντα τὸν ἀγρὸν καταβοσκήσῃ, τὰ βέλτιστα τοῦ ἀγροῦ αὐτοῦ ἢ τὰ βέλτιστα τοῦ ἀμπελῶνος αὐτοῦ ἀποτεῖσει (variant)
- 22.7(8) καὶ ὁμεῖται  
Implied in the Hebrew
- 22.7(8) ὅλης
- 22.9(10) γένηται  
No implied copula
- 22:13 ἢ αἰχμάλωτον γένηται  
Based on v. 9 (Tov, 9)
- 22.16(17) καὶ μὴ βούληται  
Clarifies the previous verb. ἀνανεύω (“to throw one’s head back”) is not immediately clear.
- 22.16(17) γυναῖκα  
Frequent expression (so Tov, 9)?
- 22.16(17) τῷ πατρὶ
- 22.16(17) ἐστίν  
From implied copula
- 22.18(19) αὐτούς
- 22.27(28) αὐτοῦ

- 22.29(30) καὶ τὸ ὑποζύγιόν σου (variant)
- 23.2 κρίσιν  
Implied in Hebrew or based on v. 6 (latter Tov, 9)
- 23.4 παντὸς
- 23.7 ἔνεκεν δώρων  
Based on 23.8
- 23:8 ὀφθαλμούς  
Based on Deut 16:19 (Tov, 12)
- 23:12 ἀνάπαυσις  
Based on 35:2 (κατάπαυσις) (So Tov, 11)
- 23.15 ποιεῖν  
Based on 31.16 (Tov, 11)
- 23.16 ποιήσεις  
Instead of implied copula
- 23.16 (see Tov, 11, for a confluence with 34.22)
- 23.17 ὅταν γὰρ ἐκβάλω ἔθνη ἀπὸ προσώπου σου καὶ ἐμπλατύνω τὰ ὅριά σου  
Based on 34:24. Identical, except for πλατύνω.
- 23.18 ὅταν γὰρ ἐκβάλω ἔθνη ἀπὸ προσώπου σου, καὶ ἐμπλατύνω τὰ ὅριά σου  
Based on 34.24
- 23.19 εἰς
- 23.23 καὶ Γεργεσαῖον (variant)
- 23.25 καὶ τὸν οἶνόν σου
- 23.28 καὶ τοὺς Ἀμορραίους  
Based on 23.23 or Dt. 7.1 (Tov, 11)
- 23.31 τοῦ μεγάλου ποταμοῦ Εὐφράτου  
Based on Gen. 15:18 and Dt. 1:7. LXX Exodus is not identical to the Hebrew text of either of these verses. It is closest to the LXX of Deuteronomy with an inverted sequence (τοῦ ποταμοῦ τοῦ μεγάλου Εὐφράτου).

## APPENDIX II: THE HEBREW PARTICIPLE TRANSLATED

### *Greek Forms Employed in Translation*

#### Participle

1.1; 2.6, 11, 13; 3.1, 8, 17; 4.19; 20; 6.7, 27; 9.9, 10, 24; 10.5, 8; 12.10, 29, 30, 49\* ; 13.5; 14.9, 19, 28, 30; 15.11(2x 1 pres.), 14, 15, 26; 16.23, 35; 18.21; 19.12\*, 19, 22; 20.5(2x), 6(3x); 21.16, 19, 34, 35, 36; 22.5, 18, 19, 24; 23.4, 5, 22, 31; 24.13, 17; 25.20(19[2x]), 32, 33, 35; 26.12(2x), 13; 28.7; 29.22, 37; 30.14, 29; 31.13, 14; 33.3, 7, 10, 11; 34.7(3x), 12, 15; 35.2, 24; 36.4, 8, 11; 38.8(38.26), 15(37.13), 26(39.2-3); 39.3(36.10)

#### Verb

2.5, 14; 3.2, 5, 9, 13; 4.14, 23; 5.8(3x), 10, 11, 13; 5.16(2x), 17(2x); 6.5, 29; 7.15, 17, 27(2x); 8.16, 17, 18, 25; 9.2(2x), 3, 14, 17, 18; 10.4(2x), 5, 11; 11.4, 5; 12.15, 19, 33; 13.4, 15, 21; 14.3, 8, 10, 17, 25, 27; 15.6; 16.4, 8, 29; 17.6, 9; 18.5, 14(4x), 17; 19.9; 20.12, 18; 21.12; 21.15, 17; 22.9(10); 23.20; 25.9(8); 26.3; 30.13; 31.14, 15; 32.18; 33.12, 15; 34.10(2x), 11(2x), 12; 36.4

#### Noun

1.10, 15, 17, 18, 19(2x), 20, 21; 2.14, 17, 19; 3.7, 20, 22; 5.6, 10, 13, 14, 17; 7.11; 15.1, 7, 11, 21; 16.17-18; 19.11, 15; 22.17; 23.5, 26; 26.5, 36; 27.16; 28.10, 32, 39; 29.34; 30.25, 35; 32.25; 34.2; 36.5; 38.25(39.2)

#### Preposition

1.5; 26.3; 29.13

#### Infinitive

8.17; 35.35(2x)

#### Adjective

8.22; 14.8; 34.10(2x); 36.37(37.5); 39.9(36.16)

#### Untranslated

26.15; 35.35; 37.1; 38.8(38.26)

#### Imperative

26.28

### *Greek Tenses Used*

#### Translated as Participle

Present tense: 2.6, 11, 13; 3.1, 8, 17; 4.19; 20; 6.7, 27; 9.9, 10, 24; 10.5, 8; 12.10, 29 ; 13.5 ; 14.19 ; 15.11, 14, 15, 26; 16.23, 35; 18.21 ; 19.19, 22; 20.5(2x), 6(3x); 21.16 ; 22.18, 19, 24; 23.4, 22, 31; 24.17; 25.20(19[2x]), 32, 33, 35; 26.12, 13; 28.7; 29.22, 37; 30.14, 29; 31.13, 14; 33.3, 7, 11; 34.7(3x), 12, 15; 35.2, 24; 36.4, 8, 11(?); 37.18(38.18); 38.8(38.26); 39.3(36.10)

Aorist tense: 12.49 (law); 19.12 (law); 21.19 (law); 22.5 (law); 38.8(38.26)

Perfect tense: 1.1; 12.30; 14.9, 28, 30; 15.11; 21.34, 35, 36; 23.5; 24.13

Translated as a Finite Verb

Present tense: 2.14; 3.2, 9; 5.8 (2x), 10, 11, 16(2x), 17(2x); 6.5, 29; 7.15, 17, 27(2x); 8.16, 17, 18; 9.2(2x), 3, 14, 17, 18; 10.4(2x), 11; 11.4, 5, 33; 13.4, 15; 14.3, 17, 25; 16.4, 8; 18.14(2x), 17; 19.9; 20.12; 21.15; 23.20; 25.9(8); 26.3; 30.13; 32.18; 33.12, 15; 34.10, 11(2x), 12

Aorist tense: 10.5; 12.15(law), 19(law); 14.10; 16.29(law); 18.5; 21.12(law), 17(law); 22.9(10[law])

Aorist explanations:

Most aorist employments occur in legal texts, showing possible interference of that genre. In Greek compositional casuistic laws, the default tense is aorist (predominantly in the protasis verb). Those not influenced by legal language follow:

10.5: The aorist is picked up from the same word in a passive, aorist, participle just prior.

14.10: This verb is idiomatically aorist (in LXX).

18.5: Potentially the translator did not translate Moses' "encamping" at the mount of God as imperfective because he did not think that Moses' time there was habitual, but rather a one-time event. The sacred mountain was no place to live, but to encounter God. Or, perhaps like 14.10, "encamping," is a punctiliar action?

Translated as Infinitive

Present: 35.35

Aorist: 8.17<sup>677</sup>; 35.35

Translated as Imperative

Present: 26.28

*Comments*

Ex seems to want to maintain the verbal element of the participle, as can be seen by the ratio of finite verbs and participles that represent the Hebrew participles. It looks as though the primary tense produced in translation of Hebrew participles is the present tense, with a few aorists, and a few more perfects. The predominance of present tenses indicates how the translator viewed Hebrew participles, namely, as closely associable with the Greek present tense. When Ex veers from either the present or the perfect, due note should be taken. There appears to be about 150 more participles in the Greek text than the Hebrew (477 versus 316 respectively).

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<sup>677</sup> Gains verbal aspect from previous finite present verb.

### APPENDIX III: ATTESTED AND UNATTESTED MIDDLE VOICE VERBS

The following lists shows all the middle voice employments in Ex organized according to whether they have a medio-passive definition in LSJ. Only one verb has no attested medio-passive definition according to LSJ.

#### No Middle Attested

19.23 ἀγίασαι<sup>678</sup>

#### Middle Attested

2.5 λούσασθαι

2.5 ἀνείλατο (cf. 2.10)

2.12 περιβλεψάμενος

2.21 ἐξέδοτο

3.5 λῦσαι

3.18 εἰσακούσονται (cf. 6.12, 30; 7.4)

3.19 προΐημι

4.10 ἥρξω

4.13 προχείρισαι

6.6 λυτρώσομαι (cf. 13.13, 15; 15.13; 34.20)

7.15 στήση

8.9, 12 Τάξαι

9.16 ἐνδείξωμαι

9.28 προσθήσεσθε (cf. 34; 14.13)

10.12 ὑπελίπετο (cf. 24, 26)

- ❖ 10.24 is analogous to θανατοῦσθω in 21.12. It is the only other present and middle imperative found before the laws. However, Rahlfs deems this text to read ὑπολίπεσθε. The pronunciation of ι and ει would have been the same at that time, so this difference can easily be accounted for. More importantly, within the narrative sections of Exodus, Ex always uses the *aorist* tense for middle commands (3.5; 4.13; 8.9; 17.9; 28.1; 32.23). It makes little sense why this instance would merit a present middle imperative when all other narrative contexts do not employ the present middle. The problem remains, however, since this evidence also suggests that the present middle is the more difficult reading.

11.7 καταβήσονται

12.17, 24, 25; 13.9; 31.13, 14 φυλάξεσθε

14.4 καταδιώζεται

15.25 ἔθετο (cf. 32.27)

16.34 ἀπέθετο

17.9, 10 παράταξαι

17.13 ἐτρέψατο

18.4, 8, 9, 10 ἐξείλατό

18.11 ἐπέθεντο (cf. 21.14)

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<sup>678</sup> Ἀφόρισαι immediately precedes this, likely informing how the middle voice should be taken.

19.8 ἀκουσόμεθα

19.12 ἀψάμενος

19.13 ᾄψεται

19.23 Ἀφόρισαι

21.7, 17(16), 35 ἀποδῶται

21.7 καθωμολογήσατο

21.12 θανατούσθω (first present, middle-passive in the book)

- ❖ It is wise to assume that this verb is not reflecting any sort of typical medial self-involvement. Ex does not use the middle this way. θανατούσθω should be taken as a passive, since there is no strict middle definition for the lexeme. This conclusion strengthens the argument that this verb is intended to be read as a real sentencing to immediate death, in line with its typical use in Ptolemaic law.

22.31 ἀπορρίψατε

21.18 λοιδορῶνται

23.1, 23 συγκατατίθημι

23.7 ἀποστήση

23.21 ὑποστείληται

28.39(35) ἐπάξονται

30.38 ἀπολεῖται

32.2, 3, 24 περιέλεσθε (cf. 33.6)

32.30 ἀναβήσομαι (cf. 34.2)

33.5 ἀφέλεσθε

#### APPENDIX IV: HEBREW FINITE VERBS TRANSLATED NON-VERBALLY

This appendix is included only to supplement section 3.4.2. in the argumentation regarding οὐ κύριός ἐστιν πωλεῖν αὐτήν. The following is a list of occasions where Ex does not translate a finite verb with another verbal form:

10.22 ψηλαφητός

The verbal element is implied from the previous γενηθήτω

16.3 ὄφελον.

The Hebrew here is an idiomatic phrase, מִי־יָתֵן so no verbal element was needed.

16.14 ותעל שכבת הטל

Not accounted for by translator.

20.19 ונשמעה

Not accounted for by translator.

21.8 ימשל (see comments)

21.13 ἐκών

Relative clause creates adjectival phrase.

21.19 τὰ ἰατρεῖα

See comments on verse.

22.15(16) אשר לא־אִרְשָׁה = ἀμνήστευτον

Relative clause creates adjectival phrase.

25.15(14) ἀκίνητοι

לא יסרו ממנו is rendered economically.<sup>679</sup>

28.39(35) ושבצת = οἱ κόσσυμβοι

Understood as a noun.<sup>680</sup>

32.20 אשר־דק = λεπτόν

Relative clause creates adjectival phrase.

34.19 תזכר = τὰ ἀρσενικά

Textual corruption

36.2 לבו לקרבה = כל אשר נשאו לבו לקרבה = πάντας τοὺς ἐκουσίως βουλομένους προσπορεύεσθαι

Relative clause creates adjectival phrase.

39.23(36.31) לא יקרע = ἀδιάλυτον

Not rendered freely at first in 28.32(28) (ἵνα μὴ ῥαγῇ). Part of tabernacle account.

#### *Patterns*

1) there are no instances of a finite verb becoming anything non-verbal within Greek

Exodus outside of the legal sections except 25.15 and 39.23(36.31).<sup>681</sup> The latter was rendered as

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<sup>679</sup> Wevers, *Notes*, 398

<sup>680</sup> Ibid., 642.

<sup>681</sup> The relative clause examples are not included because the syntax of the Hebrew sentence made the items adjectival.



a verb the first time the instruction was made, so its Tabernacle Account equivalent should be regarded as related to the freedom demonstrated in the translation technique of that section.

2) If there were a “rule” that Ex generally follows, keeping a finite verb verbal is one of them. Breaking this pattern demonstrates that Ex changed this norm out of necessity. This “rule” suggests that 21.8 did not have a Hebrew verb in Ex’s *Vorlage*.