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“We Were Slaves to Pharaoh in Egypt”: Literary-Theological Notes on Slavery and Empathy¹



Abstract: Michael Walzer suggests that the Jewish people are unusual in that the memory of slavery in Egypt is not suppressed but motivates biblical laws mandating empathy for the unfortunate. A more complicated picture emerges from a close reading of the Torah. Prior to Leviticus 26, the fact that the Israelites had the status of slaves in Egypt is not explicitly mentioned; instead, there are general statements about slavery and references to labors imposed upon them. Until Leviticus 25 slavery plays no role in the Torah's legislation. In Exodus, some laws are motivated by the “sojourn” in Egypt, not slavery. I propose several overlapping reasons for these literary phenomena, most prominently an initial desire to deflect the indignity of slavery that is accommodated by the divine legislator. Only with the passage of time and development of an ethic of bondage to God does Deuteronomy use the experience of slavery to motivate empathy.

1. HOUSE OF SLAVES

From the time Kant made his abiding contribution to modern ethical theory, it has been common to identify Judaism with deontological ethics. Halacha is about doing one's duty rather than about calculating consequences like the utilitarians or about becoming a certain kind of person. The formation of character may be one goal of halachic practice, or a fortunate outcome of that practice, but not the defining characteristic of Jewish legal norms. What is conceived as true of modern Jewish ethical thought is also considered true of the ethics articulated in the Bible.

¹ In this paper the biblical text, and particularly the Pentateuch, is treated as an integrated whole. My use of traditional Jewish mainstream approaches focuses on those recognized as influential, without investigating critically or exhaustively the entire exegetical literature.

By and large, the good human being is defined as the one who performs his or her duty rather than the one possessing an admirable disposition.²

Nonetheless, the Bible also contains norms and descriptions that extol character traits. With the increased visibility of virtue ethics in the past half century has come a greater attention to these elements in Jewish thought as well.³ Because freedom is a major preoccupation of many modern people, and slavery is viewed as a primary evil, the exodus from Egypt has become a touchstone for Jewish ethical reflection. Attitudes that contravene slavery in the biblical text are especially prized. Michael Walzer's by now classic *Exodus and Revolution*, coming from the political side, glories in the fact that the exodus, and the remembrance of Egyptian slavery, shaped an ethics of compassion, rooted in Jewish identification with this nation's history as slaves.⁴

My purpose is not to dispute Walzer's thesis but to qualify it in the light of the text, in particular the different treatments of the story of the Egyptian slavery and its recollection at various points in the Torah. The changes that become evident as we move from Genesis through Exodus and Leviticus until, in the fortieth year in the wilderness, we arrive in Deuteronomy testify to the complex relationship between slavery and compassion and delineate more clearly what it means for slaves to graduate from the sheer humiliation of their condition to the recollection that engenders compassion for those who suffer as they once did.

The core of the Haggada, which liturgically has done more than the Bible itself to shape Jewish experience through the ages, is not the narrative of Exodus but an exegesis of the confessional speech in Deuteronomy 26:5–9, the thanksgiving prescribed for the bringing of the first fruits in the land of Israel. The paternal response that begins the Haggada—"we were slaves to Pharaoh in Egypt"—derives from Deuteronomy 6:21. In their original biblical contexts, these verses are addressed not to the generation that left Egypt but to the next generation, destined to enter the land.

Thus, when it comes to Israel's experience of bondage in Egypt, the Haggada in effect begins in Deuteronomy, after the forty years of wilderness wandering and a long process of reflection and retrospection. It is my thesis that terminological variations in the Torah indicate a perspective at the end of the forty years in the desert that differs markedly from

² See John Barton, *Understanding Old Testament Ethics: Approaches and Explorations* (Louisville, Ky.: Westminster John Knox Press, 2003), ch. 1, for a general overview.

³ For a useful survey, see Yitzchak Blau, "The Implications of a Jewish Virtue Ethic," *Torah u-Madda Journal* 9 (2000), pp. 19–41.

⁴ Michael Walzer, *Exodus and Revolution* (New York: Basic Books, 1985).

that portrayed in Exodus. This is pertinent not only to the analysis of the narrative, but also to the utilization of the sojourn in Egypt in the halachic portions of the Torah, in order to motivate empathy toward those less fortunate.

Before turning to Exodus, it is useful to survey references to slavery and to Egypt in Genesis. Prior to Exodus, the nouns *eved/avadim* describe people in three contexts:

1. The first of these is misfortune. The first mention of slavery is in Noah's curse of Canaan.⁵ The curse is intended as a punishment and clearly implies that being a slave is a misfortune. Joseph's sale into slavery is an almost unpardonable act on the part of his brothers.⁶ Likewise, when Benjamin is suspected of theft, his becoming a slave is construed as punishment.⁷
2. Most of the time, however, the word identifies a person or a group of people as slaves or servants; the term is employed neutrally. Even in the sections of Exodus pertaining to the deliverance from Egypt, the institution of slavery is accepted as part of the social fabric: Exodus 12:44, for example, refers to the slave of a Jew partaking in the Paschal Lamb.
3. Occasionally, in addressing royalty and the like, people refer to themselves politely as "your *avadim*." For example, Pharaoh's cup-bearer alludes to his period in prison as the time when Pharaoh was angered at his *avadim*.⁸

Aside from noting these various connections, it is also useful to examine several verses in Genesis that foreshadow the experience of Israel in Egypt. The first encounter takes place in chapter 12, verses 10–20. Here Abram goes down to Egypt during a famine; his wife is taken to Pharaoh and then liberated after the king and his household are afflicted, following which the patriarch departs laden with gifts. As Nahmanides noted in his commentary on Genesis 12:10,⁹ the parallels between this first sojourn

⁵ Genesis 9:22–27.

⁶ Genesis 37:25ff.

⁷ Genesis 44:16–17. On why rabbinic Judaism would regard being a slave as not only a mundane but also a spiritual misfortune, see my "Why Should a Slave Want Freedom? A Literary and Theological Reflection on *Gittin* 12b–13a," in *Mishpetei Shalom, Festschrift* for Saul Berman (forthcoming).

⁸ Genesis 41:10.

⁹ Nahmanides makes this proposal in connection with his typological approach to some of the patriarchal stories. The story of Hagar, Sarai's fleeing Egyptian slave, could also be viewed as a foreshadowing of Israel's bondage in Egypt, coming as it does in

and deliverance and that of Exodus are not accidental. If Genesis 12 is indeed part of the background for Exodus 1–15, it is worth noting that Pharaoh’s advisers in this chapter are called *sarei Paro* (Pharaoh’s ministers) rather than *avdei Paro*.

The point at which the Egyptians describe themselves as *avadim* occurs much later, after Jacob’s arrival in Egypt. During the famine in the era of Joseph, in desperation, they sell their land to the government and declare in Exodus 47:19: “let us and our land be *avadim* to Pharaoh... that we may live and not die.” The transaction done, they thank him and offer themselves as *avadim* to the sovereign. Perhaps they are adopting conventions of politeness; perhaps they recognize that with the loss of land and subsequent forced urbanization and heavy taxation, they have literally been bought by Joseph and become, in effect, slaves.

In the other pertinent section, God predicts the subjugation of Abraham’s offspring in a foreign country:

For your seed will be sojourners (*gerim*) in a land not theirs, and they will subjugate them and afflict them (*va-avadum ve-innu otam*) four hundred years. And the people they will serve (*asher ya’avodu*) I will judge, and they will eventually leave with great acquisitions.¹⁰

While the verb *avad* appears twice in this short passage, the noun is *ger*. Is the absence of *eved* a random quirk of style or a meaningful choice of words?

Joseph died, and there arose a king over Egypt who did not know him. The tables were turned: it was no longer the Egyptians who considered themselves subservient to Joseph, but Joseph’s people who were made to work for the Egyptians. The book of Exodus, like Genesis 15, liberally employs the verbs *avad* and *inna* and the noun *avoda* (labor) yet seems studiously to avoid calling the children of Israel *avadim*.¹¹ Thus, in Exodus 1:13–14, the Egyptians cause them to labor (*va-ya’avidu*) and embitter their lives with hard *avoda*. Upon the king’s death in Exodus 2:23, the Israelites groan from their *avoda*, and their complaint from the *avoda* rises up to God.

Once Moses’ mission at Pharaoh’s palace begins, it becomes necessary for the narrator and the speakers to find a word to describe Israel’s position in Egypt. Nonetheless, the text continues to do without resorting

chapter 16, immediately after Abraham learns that his seed will be subjugated; however, the classical Jewish commentators do not make this connection.

¹⁰ Genesis 15:13–14.

¹¹ The word *ger* is used by Moses to describe himself as a stranger in a strange land in Exodus 2:22.

to the nouns *eved* or *avadim*. Pharaoh complains that Moses and Aaron are disturbing the people (*ha-am*) from its activities; he remarks on the large number of the “people of the land” (*am ha-aretz*); he hopes that the burdensome labor (*avoda*) of making bricks without straw will deter the “men” (*anashim*) from turning to false promises of liberation.¹² Not once are the Israelites called *avadim*.

There is one subset of Israelites, however, who do call themselves Pharaoh’s *avadim*. These are of higher status: the taskmasters. Having been beaten for failing to deliver the quota of bricks, they come before Pharaoh and cry out to him at the unfair way he is treating “your *avadim*.”¹³ Perhaps this mode of speech should be attributed to etiquette; in any case, it is the intermediaries rather than the laborers who are called slaves.

It is the administrators of Pharaoh’s regime to whom the noun *avadim* is continually applied throughout the Exodus narrative. While in Genesis 12, Pharaoh’s advisers are called ministers (*sarim*), in Exodus that title disappears, and they are instead called *avdei Paro*: thus, Moses and Aaron perform their acts “before Pharaoh and his *avadim*”;¹⁴ and the frogs afflict Pharaoh, his people, and his *avadim*.¹⁵ By the eighth plague, in Exodus 10:7, *avdei Paro* are already pleading with him to give in. Chapter 11 (verses 3 and 8) refers to their present and future respect for Moses, and Exodus 12:30 mentions their distress at the tenth plague.

Two passages of commemoration refer to Egypt as the “house of bondage,” or, literally, the house of slaves (*beit avadim*), from which God extracted Israel: Exodus 13:3 calls upon us to remember the day on which we left Egypt, “the house of bondage”; and the opening of the Decalogue identifies God as he who took us out of the “land of Egypt, the house of bondage.”¹⁶ It is natural for many readers of the Torah to take it for granted that the slaves for whom Egypt is home are the Hebrews. As we have seen, however, nothing in the vocabulary of Exodus so far confirms that reading. For all the careful reader can discern, the slaves of Egypt are not only the children of Israel.¹⁷

¹² Exodus 5:3, 5:4, and 5:9, respectively.

¹³ Exodus 5:15–16.

¹⁴ Exodus 7:9, 20.

¹⁵ Exodus 7:29; so, too, the animal invasion of Exodus 8:17, 20, 27; and the hail of Exodus 9:14, 20, 30, 34. Exodus 9:20–21 also mentions the *avadim* of Pharaoh’s *avadim*.

¹⁶ Exodus 20:2.

¹⁷ Rashi on Deuteronomy 6:12 (but not in Exodus) explicitly paraphrases “house of bondage” as “the place where you were slaves.”

Such are the textual facts on the ground. Let me outline two approaches to explaining them.

The first looks at the situation from the viewpoint of Pharaoh. Perhaps it is not in his interest to designate the Israelites as slaves; it may be more useful to describe them merely as a group of people engaged in hard labor. By not calling slavery by its correct name, he may have succeeded in forestalling resistance. At a deeper level, perhaps the enslavement of the Israelites is indicative of a larger social order: given that Pharaoh's own ministers are referred to as *avadim*, we may well speak of Egypt as a house of bondage, a universal slave house for all the inhabitants thereof, especially those who are part of the state machinery.

Midrashic elements of this approach, without the terminological analysis adduced here, already appear in the Talmud.¹⁸ Commenting on Exodus 1:11: "They placed on him [according to the obvious meaning, "him" is Israel] taskmasters to oppress him with their burdens," R. Elazar the son of R. Shimon interprets the singular as referring to Pharaoh himself—the king himself participates in the first stage of slave labor to demonstrate its fairness. In the same *sugya*, R. Yossi the son of R. Hanina proposes that Pharaoh's decree in Exodus 1:22 to "all his people" to cast all male children into the Nile was directed at all Egyptian boys, not only at the Israelites.¹⁹

Among classical Jewish commentators, Nahmanides explains that the shrewdness (*nit'hakkema lo*) advocated by Pharaoh in dealing with the Israelite population explosion mandated a display of ostensible fairness. A direct assault would have been condemned as treachery and might have aroused opposition on the part of his own people and resistance from the Israelites.²⁰

Our formulation of this approach goes beyond the above in treating the universality of Pharaoh's decrees not as a ruse by which to attain his true goal—namely, the oppression of Israel—but as representative of an order of universal slavery, one in which those most oppressed by physical labor and demoralization are not officially designated as slaves, while those occupying the upper rungs of society take the title. Parenthetically,

¹⁸ *Babylonian Talmud*, Sota 11a.

¹⁹ *Babylonian Talmud*, Sota 12a. To be sure, this command is driven, according to the Talmud, by astrological predictions that Pharaoh's nemesis was about to be born. Whatever the rationale for the decree, however, the picture painted by the rabbis is one of state terror to which nobody was invulnerable.

²⁰ Commentary on Exodus 1:10. For speculation that Nahmanides' discussion of Pharaoh owes something to contemporary Spanish politics, see Hananel Mack, "In the Eyes of Nahmanides: The Image of Pharaoh and the Status of the Jews in the Kingdom of Aragon-Catalonia," *Sefunot* 22 (1999), pp. 33–48.

one may wonder whether the centralization of the Egyptian economy under Joseph, which led Egyptians to regard themselves as slaves, did not pave the way for the oppression from which his descendants required redemption some generations later.

This interpretation highlights an important theme: that Egypt was a bad place not only because the Jews suffered there, but because it constituted a society in which bondage was ubiquitous. It does justice to the vocabulary employed by Pharaoh, his ministers, and even the Israelites in his presence. It does not fully explain why the narrator avoids several opportunities to call slavery by its name, particularly since such blunt language would magnify and highlight the gratitude owed God by Israel.

Therefore, this first approach ought to be supplemented by a second, centered on the self-understanding of the Israelites themselves. What Michael Walzer hypothesized about the Spartan helots who won their freedom—that they probably did not remember their bondage when they celebrated their deliverance, “for slavery was a degraded and shameful condition in ancient Greece, and former slaves tried most often to escape their past, to forget rather than to remember”²¹—may have been initially true of our Israelites fleeing the house of bondage. I would submit that the failure of the Israelites to identify themselves as slaves marks their internalization of an outlook that is unable to call slavery by its true name; an unwillingness to bear the stigma of slave identity. The author of the Torah adopts this perspective, too, in the book of Exodus, which reflects the initial stage of liberation.

The next section of this paper examines the way in which consciousness of the slave past contributes to empathy with the downtrodden in the legal portions of the Torah. If I am correct in alleging that this consciousness is not fully developed before the exodus, the divine legislator might be expected to accommodate Israel’s immaturity. In other words, the Egyptian sojourn would function differently as a legal motivation in Exodus 20–23, coming right after the people have emerged from slavery, than it would in Deuteronomy, after the experience of deliverance has been better digested and a new generation has been educated in the desert.²²

²¹ Walzer, *Exodus and Revolution*, p. 25.

²² The idea that the generation leaving Egypt was still immersed in a slavish mentality and needed to be educated to freedom derives from Maimonides’ *Guide of the Perplexed*, III, 32, regarding spiritual refinement, and, further back, from Abraham Ibn Ezra (on Exodus 14:13) regarding readiness for battle. It is furthermore interesting to note that the Jews frequently complain about having been taken from Egypt, recalling the physical pleasures of Egypt (Numbers 11) or bemoaning that they could just as well have died in Egypt, but they do not insinuate that the toils of Egypt were preferable to

2. REMEMBERING EGYPT

Contrary to expectations, Walzer states, Israel's laws incorporated the memory of slavery:

Much of the moral code of the Torah is explained and defended in opposition to Egyptian cruelty. The Israelites are commanded to act justly, which is to say, not as the Egyptians acted; and the motive of their action is to be the memory of the injustice their ancestors suffered in Egypt and which they suffer again, through the remembering, in the Egypt of their minds.²³

To be sure, explicit appeals to the memory of Egypt in the Torah are not numerous. You might, for example, turn to the section on the Jewish slave that opens the law code mentioned in the weekly portion *Mishpatim*, in Exodus 21:2–6. By penalizing the slave who, upon termination of his six years of service, prefers to remain a slave, this text clearly implies the superiority of freedom over bondage. However, though one may be convinced that the prominent placement of this law is linked to the liberation from slavery that provides its historical background, no reference to Egypt or to the history of slavery is found here.

Mishpatim does contain two passages that mention Egypt directly. The first, Exodus 22:20, reads: “Do not vex or oppress the stranger (*ger*), for you were *gerim* in the land of Egypt.” This verse is immediately followed by a warning against affliction (*innuy*) of the widow and the orphan, for if they cry out to God, he will surely hearken to their cry, with the consequence that you, the offender, will leave your wives widows and your children orphans.²⁴ The second, Exodus 23:9, again warns against oppressing the *ger*, “for you know the soul of the *ger*, for you were *gerim* in the land of Egypt.”

It is noteworthy that the classical, eleventh-century French commentator Rashi offers different explanations of the motive in each case. In chapter 22, where the text includes the verbal vexation of the *ger* (*ona'a*), he says that vexing the sojourner is imprudent since the *ger* can rejoin that the Israelite too comes from a people of sojourners (an early version of “We are all immigrants here”?). In Exodus 23:9, where the

their present state. The only exception is the very first incident of murmuring, immediately after the exodus: “It was better for us to labor for the Egyptians than to die in the desert” (Exodus 14:12). Apparently nostalgia for the shackles of Egypt was cured more quickly than nostalgia for its salads.

²³ Walzer, *Exodus and Revolution*, p. 24.

²⁴ Exodus 21–23.

Torah appeals to our understanding of the *ger's* psychology, Rashi interprets this as a call to empathy: "you know how difficult it is for him when he is oppressed."

Nahmanides criticized Rashi's understanding of Exodus 22:20, because fear of the *ger's* retort would apply literally only when the sojourner is Egyptian. According to Nahmanides, the first passage reminds the escaped Israelite slaves that just as God avenged their affliction on the Egyptians, he could likewise respond to the plight of the other, oppressed by the Jew. The second passage then adds, according to Nahmanides, the Israelite's recollection of the *ger's* psychology: "his spirit is low, and he sighs and cries out, and his eyes are always to God, who will have compassion for him as he [God] had for you."

Both Rashi and Nahmanides trace the emergence of empathy for the stranger. In Exodus 22, the prohibition is motivated by fear of a clever retort or a vengeful God. In chapter 23, the Torah presupposes psychological insight into the sensitivity of the outsider. Leviticus 19:33–34 goes beyond Exodus in commanding love of the *ger* "for you were *gerim* in the land of Egypt." In all of these cases the Torah speaks of empathy not for the slave, but only for the stranger.

Leviticus 25 contains the second and most extensive section on slavery in the Torah. The pervasive theme of this chapter is God's ownership of the land and its inhabitants. Here, as in Exodus 21, there is no explicit reference to the enslavement of Egypt. Late in the chapter, however, God declares that the children of Israel are *avadim* to him, who brought them out of Egypt, and therefore cannot be sold into perpetual slavery.²⁵ The idea that the children of Israel are *avadim* to God is new in this passage: In Exodus, when the experience of Egypt is freshest, the relationship between Israel and God is not defined as servitude. Instead, they are to constitute a "kingdom of priests and a holy nation."²⁶

In the next chapter of Leviticus, God, altering the formula of Exodus, proclaims that he has "brought you out of Egypt from being their *avadim*, and I broke the rods of their yoke and made you walk erect."²⁷ This is the first point where Israel is described as having been *avadim* to the Egyptians. It is as if the culminating verse of Leviticus 25, by promulgating the model of slavery to God, has sublimated and removed the shame of having been slaves to the Egyptians. Where Exodus 21 condemns the

²⁵ Leviticus 25:42; see also 25:55.

²⁶ Exodus 19:6.

²⁷ Leviticus 26:13.

slave who disdains freedom, Leviticus 25 provides an alternative model of obedience to God in place of the slave's subjugation to human beings.

R. Abraham Isaac Kook taught that submissiveness to Pharaoh served as a preparation for slavery to God, inasmuch as the former inculcated the habit of obedience. Hence, he maintained, the experience of slavery, when properly refined, contributes to the cultivation of virtue.²⁸ Though he did not cite Leviticus, R. Kook's insistence on the need for proper post-slavery education fits very well the Torah's delaying presentation of this concept from Exodus to Leviticus, by which time not only had new events intervened, but a more wholesome model of religious servitude had been established.

The summons to remember that one was an *eved* in Egypt as a motivation for compassion with the disadvantaged occurs only in Deuteronomy, when Moses reviews the law during the fortieth year in the wilderness. The Decalogue in Exodus 20 grounds the Sabbath in creation, whereas Deuteronomy 5:15 links it to remembrance of slavery in Egypt. This verse immediately follows the command mandating Sabbath rest for all members of the household, including male and female slaves. According to Maimonides,²⁹ Deuteronomy considers the liberation from Egypt an additional reason for the Sabbath. A new social theme thus complements the purely theological one stated in Exodus. Abraham Ibn Ezra (twelfth-century Spain) treats Deuteronomy 5:15 as a motive for 5:14: because of your experience of slavery, you must allow your slaves the same. There are other interpretations. Rashi's comment, "he [God] redeemed you from Egypt in order that you become his *eved* and observe his commands," echoes the theme of Leviticus 25 and eliminates concern for the slave from the verse. Nahmanides suggests that seeing the slave enjoy Sabbath rest will remind one of Israel's servitude in Egypt. This approach does not justify the command as an act of compassion but does presuppose empathy.

Several other passages in Deuteronomy refer to God's having delivered Israel from the Egyptian house of bondage in order to explain the vice of pride and forgetfulness and in order to identify Israel's indebtedness to him.³⁰

²⁸ R. Abraham Isaac Kook, *Olat Re'iyā*, vol. 2 (Jerusalem: Mosad Harav Kook, 1962), p. 260ff. For a substantial though incomplete Kookian perspective on slavery, see his *Iggerot*, vol. 1 (Jerusalem: Mosad Harav Kook, 1943), sec. 89; and his *Ein Aya* (Jerusalem: Mosad Harav Tzvi Yehuda Kook, 1995), *Berachot* II, secs. 15–17.

²⁹ Maimonides, *Guide*, II, 31.

³⁰ Deuteronomy 6:12, 8:14, 13:11.

Deuteronomy 10:19, like Exodus 21–23, but employing the language of Leviticus 19, introduces the theme of empathy based on the experience of Egypt as a reason to act well toward the outsider: “You shall love the *ger*, for you were *gerim* in the land of Egypt.” It is significant that here there is a positive commandment to love the *ger*, while in Exodus it was merely a prohibition against mistreating him. Rashi suggests that not loving the *ger* reflects badly on the potential Israelite bigot because we, too, were once *gerim*: “Do not impute your own defect to your neighbor.” Note that Rashi’s commentary on Exodus ascribes the sharp comeback to the outsider; in his commentary on Deuteronomy, as in his reading of Leviticus, the rebuke is internalized. As in Exodus, Nahmanides reads the verse as a call to empathize.

Three more passages identify the motivation for social laws with Israel’s former slave status. The Torah’s third set of Israelite slavery laws, in Deuteronomy 15:12–18, is the clearest instance. Upon completion of his term of servitude, the slave receives severance pay, and the master must give it to him, because “you shall remember that you were an *eved* in the land of Egypt, and God redeemed you; therefore I command you this thing now.”³¹ The same formula—you were a slave and God redeemed you—appears in Deuteronomy 24:18 and 24:22 to justify laws protecting or benefiting not the slave but this time the *ger*, the orphan, and the widow.

Here, too, the interpretations of Rashi and Nahmanides diverge. Noting the emphasis on God’s having redeemed us, Rashi explains that, in chapter 24, God’s actions on behalf of Israel justify his making demands that entail significant financial sacrifice. In chapter 15, Rashi regards the gifts given by the Egyptians to the departing Israelites as the model for the gifts given by the master to the newly freed slave. Nahmanides does not address the redemptive acts of God, reiterating instead the position on empathy already presented in Exodus. Even according to Rashi it is undeniable that Deuteronomy repeatedly defines Israel’s state in Egypt as slavery and calls upon her to remember and to be motivated by this consciousness.³²

³¹ Deuteronomy 15:15.

³² One additional mention of *gerut* in Egypt is Deuteronomy 23:8–9, which limits the marriage disabilities of Egyptians among Israel to the first three generations—“Do not abominate the Egyptian, for you were a *ger* in his land.” The fact that Egyptians suffer any disability reflects the less hospitable features of Israel’s sojourn; according to Rashi, the drowning of the male children is balanced against supplying refuge in time of famine.

3. ETHIC OF EMPATHY

The story we have told is one of progressive integration of empathy and law, as we move from Exodus 22 to Exodus 23 and from Exodus through Leviticus to Deuteronomy. It is also one of increasing self-mastery as Israel learns to identify with its quondam slave history, which becomes a source of moral depth rather than a cause of shame and degradation. The perspective of the Haggada is that of Deuteronomy—"we were slaves to Pharaoh in Egypt"—and thus incorporates this evolution.

The tenor of this story could be taken to imply that an ethical code aiming at social justice that allows for empathy as a motivating force or as a source of law is deeper and richer than one that has no room for the moral insight born of empathy. Such a meta-ethical judgment would reflect a certain kind of moral philosophy that places a premium on the possession and cultivation of moral sentiments like care and empathy.³³

To attribute such an ethic to the Hebrew Bible as a whole on the basis of arguments like those we have adumbrated here regarding the Torah would be one-sided. Among the prophets, for instance, none is more intensely identified with the burning desire for social justice than Amos, yet Amos, who mentions God's deliverance of Israel from Egypt three times,³⁴ nowhere calls upon his listeners to act on the basis of their recollection of Egyptian bondage.

On reflection, Amos' silence about the memory of Egypt is perfectly understandable. For Amos, despite his advocacy of the cause of the poor, nowhere champions the particular cause of the widow and the orphan. In this he differs from Isaiah, Jeremiah, and Ezekiel, who all present neglect of these disadvantaged groups of people as paradigmatic of corrupt judging or moral disorder.³⁵ Amos preaches an unvarnished justice, and he condemns exploitation without appealing to our sentiments vis-à-vis orphans and widows. His omission of the theme we explored is consistent with this message.³⁶ Thus, for all its importance, the empathic legal impulse coexists with a prophetic radicalism that avoids the appeal to

³³ Michael Slote, *The Ethics of Care and Empathy* (New York: Routledge, 2007), is a recent example.

³⁴ Amos 2:10, 3:1, 9:7.

³⁵ Isaiah 1:17, 23; Jeremiah 22:3; Ezekiel 22:7.

³⁶ Jeremiah 34:8ff. rebukes the Jerusalem community for reneging on the freeing of its Hebrew slaves. The prophet (v. 13) cites the formula of Exodus, in which God took Israel out of the "house of bondage." This use of the Torah's narrative paradigms is consistent with the difference indicated between Jeremiah and Amos.

sentiment. A theology that takes into account the full range of biblical attitudes must find a place for Amos' unsentimental rage along with the Torah's subtle appeal to the refinements of compassion.

The complex interweaving of ethical motives translated into concrete norms is fully exhibited within the Torah itself. One last comparison between Leviticus and Deuteronomy illustrates both the social complexity of the Torah's legislation and the narrative trajectory we have outlined in this essay.

Consider those parts of agricultural produce that must be donated to the poor. From an economic perspective, chief among these is the "poor tithe" (*ma'aser ani*) separated during the third and sixth years of the Sabbatical cycle. This obligation seems to be presupposed by Deuteronomy 14:28–29, though its exact nature is not elaborated upon in the text.³⁷ Three other passages command the farmer to abandon smaller portions of the fruit of the earth to the needy. Leviticus 19:9–10 requires setting aside the corner (*pe'á*) of the field and various "gleanings" (*leket, peret, olelot*) of field and vineyard for the consumption of the poor and the stranger. The first of these verses is repeated in Leviticus 23:22, where it interrupts an account of the annual festivals. Though the Torah does not quantify these agricultural obligations, they are incumbent upon every landowner and presumably offer significant and predictable relief for those who need it. Just how much is evident from Ruth 2.

Deuteronomy 24:19–22 recapitulates some of these laws and adds another, with significant differences. *Pe'á*, the most important of these gifts in practical terms, is omitted. The "gleanings" reappear, joined by a new law forbidding the harvester to return and reclaim a sheaf forgotten in the field (*shich'ha*). In both cases, the objects of charity are "the stranger, the orphan, and the widow." The final verse, not surprisingly in Deuteronomy, justifies the commandment by calling upon the Israelite to remember that he was a slave in the land of Egypt.

One obvious point is that where Leviticus calls attention to the poor and the sojourner, Deuteronomy makes the stronger claim to empathy by personalizing the needy as strangers, orphans, and widows. This, and the mention of Israel's Egyptian servitude, is consistent with the ideas presented previously. What is also remarkable is that Deuteronomy focuses on relatively negligible contributions to the material welfare of the poor. Tithes are measurable; even the donations mentioned in Leviticus are predictable and obligatory—a righteous landowner cannot fail to make an allocation. By contrast, the number of sheaves forgotten is likely to

³⁷ For a sketch of early interpretations of the verse, see Hanoch Albeck, *Seder Zeraim* (Jerusalem/Tel Aviv: Bialik Institute, 1957), p. 243.

be small, and a reaper who is particularly immune to absentmindedness cannot be reproached for forgetting nothing. It would seem that the laws in Deuteronomy are serving a different purpose than are those of Leviticus.

I believe that R. Naftali Tzvi Berlin (the Netziv), the nineteenth-century head of the famed Lithuanian Yeshiva of Volozhin, captured the unique quality of the passage in Deuteronomy.³⁸ In Leviticus, noting the juxtaposition of the agricultural welfare laws and regulations regarding sacrifices in chapter 19 and the festivals in chapter 23, he understands the exercise of charity in terms of divine service or offering. In Deuteronomy he interprets the remembrance of slavery as follows: “*And you shall remember that you were a slave...* and it would have given you satisfaction (*nahat*) if the Egyptians had allowed you to gather the gleanings of their vineyards. Therefore you should act so to other downtrodden.” Here we are not speaking of necessary justice or even of minimal subsistence—these benefits count for little one way or the other. It is not the few grapes or sheaves that matter, but some almost intangible advantage to the downtrodden, whether it is the glimmer of a small opportunity to better their lot or the assurance that those better off do not begrudge them that opportunity.

The kind of reading I have attempted in this essay is predicated on the belief that moral convictions and sensitivities are often no less central to moral existence than the precise delineation of duties. For that reason it should not be surprising that the Torah is not only a collection of duties but also a repository of emotional depth and psychological insight. Because the Torah reveals God’s will not primarily in the philosophical abstract but in God’s concrete intervention in Jewish history, insight occurs not all at once but as part of the sacred history of Israel recounted in the Torah. Because God’s doctrine is complex, revelation also takes place in the different voices through which God gives his law and teaches his way to humankind.³⁹

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³⁸ See his commentary *Ha’amek Davar* on the relevant passages in Leviticus and Deuteronomy.

³⁹ Thanks to several students with whom I have discussed the ideas in this paper, most recently Yaakov Taubes, in whose presence I worked out the last section.