

THE LESSON AT MARAH: UNDERSTANDING EXODUS 15:22-26 AS A UNIFIED TEXT

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INTRODUCTION

After the Israelites cross the Red Sea, Exodus 15:22-26 tells of their first experience in the desert. They arrive at a place called Marah (“bitter”) where the water is bitter and thus undrinkable. The people complain to Moses, and the Lord shows Moses a special tree; when put into the water, the tree renders the water drinkable. And then, vv. 25b-26 conclude the narrative in a puzzling way: *there he set for him law and statute* [sam lo hoq umišpat], *and there he tested him* [missahu]. *And he said, if you will truly listen to the voice of the Lord your God, and do that which is right in His eyes, and listen to His commandments, and keep all His laws, I will not place on you any of the diseases which I placed on the Egyptians - for I am the Lord your healer.*¹ There are many questions we can ask about these enigmatic verses. Who is the subject, the “he,” in each of these sentences? What is the meaning of “set for someone law and statute”? What is the test? And what is the connection between v. 25b, v. 26, and the story which precedes them?

As a first step toward answering these questions, we need to consider two things: the structure of v. 25b, and to whom the grammatical subjects and objects in vv. 25b-26 refer.

STRUCTURE, SUBJECTS AND OBJECTS

Verse 25b consists of two short clauses which share a common structure.

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They both begin with the word “there,” followed by a verb in the third-person perfect form plus the object “him.” In 1878, Wellhausen² described these two clauses as “a dislocated poetical fragment” due no doubt to this common structure, but Lohfink maintains that these clauses do not conform to poetic structure.³ Certainly whether these clauses are synonymously parallel (or perhaps synthetically parallel in the sense that the second clause explains or extends the meaning of the first) is open to question,⁴ and the stress rhythm of the two clauses may not conform to one of the normal rhythms of Biblical poetic bicola.⁵ Whatever the case, the two clauses have a closely parallel structure. In light of this, there would appear to be a strong probability that their author intended them to be somehow connected to each other in terms of meaning as well.

Each clause of v. 25b begins with the subject “he”. To whom does this refer? In v. 25a, the subject changes with each new clause: Moses is the subject of the first clause (*And he cried out to the Lord*), the Lord is the subject of the second clause (*and the Lord showed him a tree*), and Moses returns to being the subject of the third clause (*he threw it into the water*). As to the clauses of v. 25b, their parallel structure argues that each of the two clauses probably has the same subject; that subject could be the Lord or it could be Moses. But if Moses is the subject, the verse would be saying that Moses tested the people, something that never occurs elsewhere in the Pentateuch; it is always either the Lord who tests the people, or vice versa. This seems to indicate that the Lord has returned to being the subject in both clauses of v. 25b; note that this would be in keeping with the pattern of shifts in subjects established in v. 25a (Moses, the Lord, Moses, and now the Lord once again). All the commentators I will discuss in this article, from the Babylonian Talmud on, assume that this is so.

In v. 26, the subject and speaker “he” appears at first to be Moses: *And he said, if you will truly listen to the voice of the Lord your God, etc.* Seeing Moses as the subject maintains the alternating pattern established in v. 25. But then the verse continues by switching to the first person: *...I will not place on you any of the diseases which I placed on the Egyptians - for I am the Lord your healer.* Who is speaking, Moses or the Lord? Many commen-

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tators have noted that when Moses speaks, he often slips into first person as though the Lord Himself is speaking.⁶ However, when the Lord speaks He too sometimes speaks of Himself in the third person and then switches to first person (see for example Exodus 23:25). Although there are commentators on both sides of this issue,⁷ it seems easiest to me to take the subject/speaker in v. 26 as the Lord (along the lines of Exodus 23:25).⁸

Who, then, is the object "him" in the two clauses of v. 25b? It could be Moses or the people, since in Hebrew "him" could also be translated "it," i.e. the people. Since v. 26 seems to be offering a more detailed explanation of v. 25b, we can probably get a clue from the identity of the object "you" in v. 26. There it makes most sense to assume that the Lord is not only promising healing to Moses alone but to the entire people. Since the Lord is the subject in the two clauses in v. 25b, it seems most natural that the object "him" in v. 25b is the entire people as well. This is the assumption of all the commentators I cite in this article.

As a result of the above considerations, we can translate v. 25b as follows: *There He set for them [the people] law and statute, and there He tested them.* Now we are ready to review how prior commentators have dealt with Exodus 15:22-26 and the questions raised about it.

PREVIOUS ATTEMPTS TO EXPLAIN THE PASSAGE

TB *Sanhedrin* 56b⁹ and the medieval Jewish commentators Rashi, Ibn Ezra, and Ramban see the first clause of v. 25b as referring to specific laws revealed by the Lord to the people, laws which are neither explicitly stated or even inferable from the text. As to the second clause of v. 25b, these commentators generally see the "test" as referring to the lack of drinkable water, which would test whether the people would seek help from the Lord or complain against Him and Moses ungratefully.¹⁰ However, it doesn't seem important to the text whether the people passed this supposed test or not; there is no indication in the text as to whether the people passed or failed the test (e.g., neither praise nor punishment). Also note that these commentators explain these structurally parallel clauses as referring to two completely unconnected things. Finally, these commentators do not show how these clauses might lead in to the Lord's speech in v. 26 in a way that makes sense.

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Since the 1800's, academic biblical scholars have generally divided Exodus 15:22-26 into three sections: the itinerary notice in v. 22a which belongs, in their view, to the P document; the story itself (vv. 22b-25a), which they assign to the J document; and vv. 25b-26, which they believe were added by a Deuteronomistic writer.¹¹ The theory that vv. 25b-26 is a later addition is based on the observation that a "discontinuity" seems to exist between vv. 25a and 25b; the second doesn't seem to flow smoothly from the first. Vv. 25b-26, with their focus on "laws and statutes" and the people's obedience, have no clear connection to the story which precedes them; the story is not about laws or the people's obedience at all. The theory that they were added by a Deuteronomistic writer is based both on their content (the concern with laws, testing and obedience, which are all especially prominent in Deuteronomy) and their language, especially the use of the phrase *hoq umišpat* which is particularly featured in Deuteronomy (albeit in the plural form *huqim umišpatim*). Martin Noth,¹² Brevard Childs¹³ and George Coats¹⁴ provide a few valuable insights, but none of them successfully explain the clauses in v. 25b and their relationship to the story which precedes them and the conclusion which follows them.

William H.C. Propp calls attention to the appearance of the phrase *hoq umišpat* (which he translates "rule and law") not only in Joshua 24:25 (as did Ramban) but also in I Samuel 30:25. However, he emphasizes that the phrase is used differently in these two texts: in Joshua, "rule and law" refers to a "general exhortation," whereas in I Samuel it refers to the enactment of a specific practice.¹⁵ For Propp, "rule and law" in Exodus 15:25b is a sort of general exhortation referring to "the comprehensive commandment of obedience." In addition, the "test" refers to that same comprehensive commandment as well. Thus although he does not note the parallel structure of the two clauses in v. 25b, Propp nevertheless sees those two clauses as related in meaning.

Although Propp points out that the phrase "set for someone rule and law" appears to be a fixed phrase which appears in the same form in three different biblical texts, he does not explain it in the same way in all of those texts. In my view, this constitutes a weakness in his explanation. Also, it is not the *people* who are commanded to obey the Lord in the story; it is Moses who is instructed and then obeys. Therefore, according to Propp, the "setting of rule

ISRAEL'S FIRST EXPERIENCE IN THE DESERT

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and law” that occurred at Marah refers to a general exhortation that the people obey the Lord in the future. This means that the connection between v. 25b and the story which precedes it requires the presence of v. 26, which we must understand to be drawing an analogy between the benefit derived from Moses’ obedience at Marah and the benefit to be derived from the people’s obedience in the future. Although Propp does not propose this explicitly, it is certainly a possibility. However, Propp’s view of the “test” is difficult to accept. Since according to the text the “test” occurs at Marah, that test cannot refer to future obedience to the Lord. The test cannot be obedience to the laws that will be given later; it must be related to what occurred at Marah.

Dozeman’s¹⁶ explanation is very similar to Propp’s. He sees the phrase “set for them law and statute” as a general exhortation to the people to accept *the principle of law in general* as the basis for the Lord’s future relationship with them. However, this is a very different meaning than the phrase has in other places where it is used. Dozeman’s view of the “test” is the same as Propp’s, and is subject to the same difficulty. However, Dozeman explicitly states the possible connection between v. 26 and the narrative preceding it: the Lord promises that just as Moses followed His instruction on how to make the water drinkable, the people can ensure their health if they will follow His “instructions,” i.e. laws, in the future. However, he does not argue that any specific words in Exodus 15:22-26 invite the reader to make this analogy; the analogy must be inferred by the reader from v. 26 alone.

To summarize: many of the commentators I have reviewed provide useful suggestions; Propp and Dozeman especially attempt to link v. 25b to v. 26 and both to the story which precedes them. However, none of them completely succeed in offering a satisfactory unified explanation of Exodus 15:22-26.

THE EXPLANATION OF RABBI SAMUEL BEN MEIR (RASHBAM)

In contrast to the commentators I have discussed, Rashbam (12th century) explains the entire text as a completely integrated logical unit. In his view, the clause *There He set for them law and statute* in v. 25b does not refer to any specific laws. It concludes the preceding story by saying that “there,” i.e. by means of what happened there, He taught them a general rule or princi-

ple, namely that following His instructions will result in His taking care of their needs. In the second clause, Rashbam explains that the word *nissahu* [He “tested” them] means something other than its usual meaning of “test.” His explanation is based on the insight that what happened at Marah was not really a test. The normal purpose of a test is to see how those being tested react or respond, and here the text offers no assessment of the people’s response. Rashbam explains that the word here has the meaning *lehochiah* (usually translated “to prove”), i.e. to afflict someone with a difficult or rigorous experience in order to demonstrate something to him.¹⁷ The difficult experience is the lack of drinkable water. The Lord arranged for this difficult situation to occur so as to be able to show the people by means of an object lesson how the general principle - that following His instructions would result in His taking care of their needs - was true. Rashbam offers no evidence for any of his views. However, in his commentary to Exodus 20:17 he uses the same word *lehochiah* to explain the verb *nissah*: to put you through a difficult and frightening experience so that you will learn something from it. Luzzatto and Cassuto, without citing Rashbam, propose this same explanation of *nissah* in Exodus 15:25b.¹⁸

Rashbam thus sees the two clauses of v. 25b as connected in meaning, referring to the same thing in different words: the Lord taught them a general principle, and He did so by putting them through a difficult experience, i.e. He taught them by means of an object lesson. The story constitutes a form of teaching through experience, and once the experience is over, the general lesson to be learned is explicitly stated in v. 26 (anticipating Dozeman’s explanation): if in the future the people will follow the Lord’s orders just as Moses did at Marah, He will protect them from disease.

Rashbam thus explains our text as an integrated whole, but he provides little support for his views of the meaning of the two clauses of v. 25b or of v. 26. However, there is a good deal of evidence to support his explanation, as I will now show.

TO SET FOR SOMEONE LAW AND STATUTE

Biblical scholars have long recognized that the words *hoq* [law/decree] and *mišpat* [statute], while sometimes used separately to denote different things, are often used in biblical Hebrew as a binomial expression (i.e. two nouns

connected by the conjunction “and”). The frequency with which this expression appears argues that it is used as an idiom having one meaning, similar to “kith and kin” in English meaning “relatives.” This is especially true of the plural form; *huqim umišpatim* is regularly used as an idiom meaning “laws.” The words are also used as a synonymous parallel pair in biblical poetry (Psalms 18:23 and 81:5) as well as in prose that is structured with a parallelistic style (e.g., Leviticus 26:15).¹⁹

The expression *hoq umišpat* (in the singular) occurs only four times in biblical prose: Exodus 15:25, Joshua 24:25, I Samuel 30:25 and Ezra 7:10. However, while Ezra 7:10 states that Ezra *taught* “law and statute” to Israel, the other three texts cited contain the binomial expression as part of the phrase “set for someone law and statute.”²¹ The appearance of this same phrase in three separate places suggests that it may be functioning in a special idiomatic way, and is not just another way of saying “teach or give someone laws.” If the phrase is indeed an idiom, one would expect the phrase to have the same meaning in all three places.

In I Samuel 30, David and his six hundred men return to the Judean town of Ziklag, where they had left their families, to find that the Amalekites had looted and burned it, carrying off the women and children as captives. David and his men give chase and find the raiders, but two hundred of his men are so exhausted by the pursuit that they do not participate in the actual battle but stay with the supplies. When David and his remaining four hundred men return, having defeated the Amalekites and recovered the women, children and spoils, some of those four hundred say that only those who actually fought deserve a share of the spoils; those who stayed with the supplies can take their wives and children, but they should not expect anything more. Verses 24-25 give David’s response to their view: *Who could agree with you on this matter? Those who went to battle and those who stayed with the supplies - they will share equally [in the spoils]. From that day onward he set this as law and as statute for Israel [vay’simeha l’hoq ul’mişpat l’yisra’el] until the present day.*

Since David has made only one decision, that decision can’t be both a law (meaning one thing) and a statute (meaning something different); thus, the phrase “law and statute” can’t refer to two different kinds of law here, but must be an idiomatic way of referring to one thing. And that one thing is not

“law” in the collective, plural sense either (as in Ezra 7:10) (or a “law code,” per Johnstone – see Note 20). Here, based on an actual experience, David makes a decision and he establishes (“sets”) that decision as a general rule, an accepted and binding practice for the future, a *precedent* for Israel whenever the same situation may occur.²²

The second text in which the phrase “set for someone law and statute” appears is Joshua 24:25. Joshua 24:2-24, which precedes our verse, consists of a speech (vv. 2-13) that Joshua makes to the assembled nation in Shechem, and a verbal exchange with the people (vv. 14-24) after that speech. In the speech, he reviews all of the things that the Lord has done for the nation up to then. In the following verbal exchange, he challenges the people to decide whom they will worship: the Lord who did all this for them, or other gods. The people insist that they will be loyal to the Lord alone.

Verse 25 then states: *And Joshua made a covenant for the people on that day, and he set for them law and statute* [vayasem lo hoq umišpat] *in Shechem*. This verse consists of two clauses that have the same structure. Both begin with a transitive verb in the imperfect preceded by a *waw* (*made / set*) and have the same subject (*Joshua / he*); these are followed by the combination of a direct object (*a covenant / law and statute*) and a prepositional phrase that relates to the same group (*for the people / for them*); and both conclude with an adverbial phrase beginning with the preposition *b’* [on/in], one of time and one of place (*on that day / in Shechem*). The fact that these clauses are structurally parallel mirrors what we noted to be the setting of the phrase “set for them law and statute” in Exodus 15:25b.

Rashi comments that *law and statute* in Joshua 24:25 refers to all the laws of the Torah, which the people reaccepted in Shechem.²³ In other words, the verbal exchange in Joshua 24:14-24 is a recommitment of the people to the previous covenants with the Lord and the laws recorded by Moses in the Torah. The making of the covenant and the setting for the people of law and statute refer to two different aspects of the same event (and are thus connected in meaning); the covenant made is a recommitment to the covenants made at Sinai and in Moab, and the “setting of ‘law and statute’” is that part of those covenants that comprises the obligations of the people thereunder.

This explanation, however, has two serious difficulties. First, the history of Israel which Joshua recounts makes absolutely no mention of the prior cove-

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nants. Furthermore, those covenants and the laws given by the Lord to the people as part of those covenants are not mentioned in v. 25. If the text was recording a reacceptance of those covenants, we would expect some explicit reference to them. The Book of Joshua refers to the Torah of Moses many times, but it does not do so here; all that is mentioned is the people's insistence that they will be loyal to the Lord exclusively, and Joshua's making a covenant "for" the people. It is easiest to assume that the covenant refers in some way to the people's commitment to be loyal to the Lord, and not to a mass of laws that could have been referenced but are not.²⁴ Secondly, we saw that the phrase "set law and statute" in I Samuel 30:25 refers not to "laws" generally, but rather to a decision based on a real-life experience that became a binding precedent for the future. Rashi's explanation of Joshua 24:25 does not fit with this meaning; if we adopt his explanation, we are forced to explain the same set phrase in two different texts in two different ways. If we could explain the phrase in the same way in both texts, such an explanation would strengthen the idea that the phrase is a fixed idiom.²⁵

What does the text mean by saying that Joshua made a covenant "for" the people? Normally, a covenant is made between two parties in which both parties commit to certain responsibilities. However, there is no second party specified here; it is difficult to say that the second party is the Lord, because (aside from the fact that He is not mentioned as a party) the Lord demands nothing and commits Himself to nothing here. Although neither Rashi nor Radak address this question, Ralbag writes as follows: "*Joshua made a covenant for the people* - that they would serve the Lord." In other words, Ralbag explains that the covenant refers to the people's decision to serve God exclusively; their taking this obligation upon themselves is what is referred to as a covenant. Both Metzudat David and Malbim also explain the words in this way, arguing that the "covenant" in this verse is not to be understood in the normal way as an agreement between two sides but rather as a one-sided, solemn commitment among the members of a group, a declaration-promise binding upon them forever as a nation which Joshua, in this ceremony, makes "official" for them.

We can explain the meaning of Joshua 24:25 along these lines in a way which is consistent with its meaning in I Samuel 30:25. After reviewing the history (i.e., the past experience) of Israel, Joshua challenges the people to

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commit to exclusive loyalty to the Lord who did so much for them, and the people agree. Then come the structurally parallel clauses in verse 25: *And Joshua made a covenant for the people on that day* – in a solemn ceremony in the Lord’s sanctuary he elicited this commitment from the people – *and he set for them law and statute in Shechem* – through this ceremony he established (“set”) this experience-based decision of theirs as a binding precedent for their future action, a closely-related way of describing this covenant.²⁶ We can thus see that there is a connection of meaning as well as a parallelism of structure between the two clauses of v. 25b, and the meaning of the phrase that we arrived at in I Samuel 30:25 fits the context here as well.²⁷

Returning to Exodus 15:25b, Rashbam’s explanation of *set for them law and statute* as an idiom seems to be the best understanding of the phrase. The meaning is consistent with the explanation of the phrase in I Samuel 30:25 and Joshua 24:25. In I Samuel, the fixed phrase refers to a *specific decision* reached as an outcome of a specific experience, and established as a binding precedent for future similar situations. In Joshua, the fixed phrase refers to a more *general decision* to commit to a *general pattern of behavior* based on a *series* of experiences, and to take that behavioral pattern as a binding precedent for the future. In Exodus 15:25b, the fixed phrase refers to the divine establishment, as an outgrowth of the people’s experience at Marah, of a *general precedent* as to how the relationship between the Lord and His people will work in the future. Thus in all three instances the fixed phrase “set for someone law and statute” refers to the establishment of either a specific decision or a general principle arrived at as a result of experience(s), which acquires binding force and serves as a precedent which will guide action in the future.

AND THERE HE TESTED THEM

We must now address the problem created by the common translation of the second clause in Exodus 15:25b *and there He tested them* [nissahu]. If the verb *nissah* means “test,” none of the proposed explanations of what that test was and whether the people passed or failed it are adequate. We have seen that Rashbam, Luzzato and Cassuto all suggest that the term *nissah* may better be understood as “to subject someone to a difficult or rigorous

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experience for the purpose of teaching them something.” Two other commentators provide additional evidence and arguments in favor of this understanding.

Eissfeldt²⁸ writes that there are a number of cases where the verb *nissah* may better be translated as “practice” or “train” in a military-technical sense. He cites I Samuel 17:39, where David declines to use Saul’s armor because, as David says, *lo’ nissiti*; while the translation “I haven’t tested (them)” could be used, Eissfeldt argues that the meaning is more accurately expressed as “I haven’t practiced” or “trained” (with them). Similarly, Judges 3:1 says that the Lord left some nations in Canaan *l’nassot bam ’et yisra’el*, usually translated “to test Israel with them;” but the text continues in v. 2 to explain that those nations were left so as to teach future generations of Israelites, who had no direct experience of the conquest of the land, the skills of war. The translation “to train Israel by means of them” is thus more appropriate to the context.²⁹

Eissfeldt claims that the use of the verb *nissah* in Exodus 15:25b may have the same sense of “trained.” Childs³⁰ points out that this theory “is not supported by the context of the narrative.” While it is true that the narrative in Exodus 15:22-26 does not have a military context, there is no reason why the verb *nissah* must necessarily mean “train” in a strictly military sense, but “train” in the wider sense proposed by Rashbam of “subject someone to a difficult experience in order to teach them something,” i.e. “teach by means of a difficult object lesson.”

Greenberg develops this idea in his examination of Exodus 20:17.³¹ In that verse, the verb *nassot* couldn’t possibly refer to a “test;” if the theophany is a “test,” it can’t be testing whether the people will obey the Lord’s commandments in the future. Rashbam, as we have seen, explains this word by use of the word *hochiah* both here and in Exodus 15:25b; Greenberg further notes that Ramban suggests a possible meaning for *nassot* in Exodus 20:17 as “train you” [*hirgilchem*, i.e. “get you used to”), and Ramban cites I Samuel 17:39 as another instance where David uses the verb *nissiti* to mean “I’m not used to them.” Greenberg also cites Deuteronomy 28:56 which speaks of the most delicate of women *’asher lo’ nisstah chaf raglah hatzeg ’al ha’aretz*, which he translates “who never experienced setting the sole of her foot on the ground” (or, “the sole of her foot was never used to touching the

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ground”). Greenberg then notes that verbs in the *pi’el* stem which have no *qal* presentation often develop a causative meaning; thus *nissah* may also be used in the sense of “to cause someone to have experience of something,” “to get someone used to something.” This, he writes, is how the verb is used in Judges 3:1 (“to give Israel the experience of them”), as well as in Ecclesiastes 2:1 (“let me cause you to experience pleasure”). By comparing Exodus 20:17 with the account of the theophany at Sinai given in Deuteronomy 4-5, Greenberg concludes that *nassot* in Exodus 20:17 means “to give Israel a direct, palpable experience” of the Lord, an experience which teaches them that they can hear His voice and witness His descent from heaven with all their senses and not only survive but be convinced of the truth of it all.

Although Greenberg doesn’t refer to Exodus 15:25b, we can use his explanation along with Eissfeldt’s idea of “training” to back up the view of Rashbam, Luzzato and Cassuto as to the meaning of that verse. We can best understand *vešam nissahu* as meaning “and there He caused them to have a difficult experience that taught them something,” i.e. “and there He gave them a difficult/rigorous object lesson.” Thus we can see the two clauses of v. 25b as parallel not only in structure but also in meaning. The clauses summarize the import of the story that precedes it by stating that, based on the people’s experience at Marah, the Lord established a precedent on which His relationship with the people in the future would be based, and He did so by means of a difficult experience which taught this to them as an object lesson.

VERSE. 26 AS A CONCLUSION TO OUR TEXT

Both Ibn Ezra and Ramban propose an interesting possible connection between v. 26 and the story in vv. 22-25a. They see the changing of the waters from undrinkable to drinkable as constituting a sort of “healing,” and thus they write that the Lord’s promise in v. 26 to be the nation’s “healer” may relate to the fact that the Lord “healed” the undrinkable waters. Childs also suggests this possibility (see Note 13). However, none of these commentators offer any evidence to support their proposal. Rashbam proposes this as well, and as evidence that rendering water safely drinkable is called “healing” it, he cites II Kings 2:21. This citation provides additional evidence that the biblical authors recognized that “bad” water can cause physi-

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cal harm to those who drink it (see II Kings 2:19). However, the citation can also help us to understand what may seem to us to be a logical problem both within v. 26 and in its relationship to the preceding story. In v. 26, the Lord states that in return for obedience, He will not *afflict* the people with the diseases of Egypt because He is their healer. For us, a “healer” is someone who *cures* a person of a disease they already have. But if the Lord *prevents* the people from being sick, calling Himself their “healer” doesn’t appear relevant. Additionally, in the story the people don’t get sick from drinking the water; they apparently know they shouldn’t drink the water because it is harmful, and thus they simply don’t drink it. Therefore, they don’t need to be healed, and thus the conclusion in v. 26 that the Lord will “heal” (i.e., cure) them doesn’t seem to agree with what happens in the story.

Rashbam’s citation of II Kings 2:21 shows that in biblical Hebrew the root *r.f.ʿ* covers both curing a harmful and painful bodily condition, *and* preventing one by removing its cause. In Exodus, the Lord’s advice prevents harm; in v. 26, the root *r.f.ʿ* is used to mean that just as following the Lord’s instructions eliminated the harmful nature of the waters at Marah (i.e., “healed” them) and thus prevented a painful loss of health, so in return for obedience to the Lord’s instructions in the future the Lord will prevent the people from experiencing the diseases they had seen in Egypt. Rashbam thus anticipates Dozeman’s explanation.³²

This explanation requires us to note one final difference between modern views and the biblical view. Verse 26 seems to equate what the “bitter” waters at Marah would cause the people to experience if they drank them, with *maḥalah*, which we translate as “disease” (or “epidemic”). Our modern concept of “disease” doesn’t include temporary abnormal or painful bodily reactions to drinking bad-tasting water. Only if, for example, the water contains harmful microorganisms would we consider the resulting condition a “disease.” The biblical author doesn’t distinguish between these different types of abnormal or painful bodily conditions. In the Bible, all of these conditions are included under the idea of *maḥalah*, which is therefore not what we today would call “disease” but any abnormal or painful bodily state (“dis-health”) not produced by physical injury.³³ The fact that v. 26 equates the possible results of drinking the waters at Marah and the *maḥalot* which the people had experienced in Egypt is thus understandable.

CONCLUSION

After examining Exodus 15:22-26 in detail, and presenting various attempts to understand it as an integrated unit, my conclusion is that Rashbam's explanation must be the basis for a complete understanding of this text. The two clauses of Exodus 15:25b constitute a summary and evaluation of the import of the story in vv. 22-25a. Support was demonstrated for understanding the phrase *sam lo hoq umišpat* as an idiom meaning "establish a precedent for the future based on prior experience," and for understanding the phrase *vešam nissahu* as "and there He subjected them to a difficult experience to teach/train them," i.e. to give them a difficult object lesson. Furthermore, these two phrases are not only parallel in structure but are closely connected in meaning, just as the two clauses of Joshua 24:25 are also parallel in structure and connected in meaning. Finally, I have offered additional arguments to support Rashbam's explanation of v. 26 as the more detailed statement of the precedent the people were taught. It presents an analogy between the Lord's power to protect the people against natural situations which can cause unhealth as seen in the story, and His power to protect the people against such unhealthy states in the future, as long as they follow His instructions, i.e. His laws. Finally, this explanation of Exodus 15:22-26 is valid whether we theorize that the text was written by one author or by multiple authors.

NOTES

1. All translations of biblical verses are mine, unless noted otherwise.
2. Wellhausen, Julius, *Prolegomena to the History of Ancient Israel*, originally published in 1878, translated by J.S. Menzies and A. Black (New York: Meridian Books, 1957), p. 439.
3. Cited in Dozeman, Thomas, *Exodus* (Grand Rapids, MI: Eerdmans., 2009), pp. 366-7.
4. Wellhausen, *op. cit.*, pp. 342-3 argues that the conjunction of "judgment" [*hoq umišpat*] and "trial" [*nissahu*] in v. 25b alludes to a place which is denoted by two names in the Hebrew Bible: Kadesh and Meribah/Massah. Based on this interpretation, this half-verse becomes one of Wellhausen's major arguments in support of his theory that before the tradition of the revelation of the law at Sinai became dominant in the Pentateuch, an earlier tradition existed that tied the institution of divine law to Kadesh.
5. This depends on whether one sees the stress rhythm as 5:2 (which is not a normal rhythm) or 4:2 (which is, but would require the short words *sam lo* to be taken as one stress even though

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they are not connected by a *makkeph* [hyphen] and thus were not understood by the Masoretes as connected in pronunciation). See Gray, George Buchanan, *The Forms of Hebrew Poetry*, first published in 1915, republished as part of The Library of Biblical Studies, edited by Harry M. Orlinsky (KTAV Publishing House, 1972), especially p. 150.

6. This is especially true in Deuteronomy. See Childs, Brevard S., *Exodus: A Commentary* (London: SCM Press Ltd., 1974), pp. 266-7. Childs cites Deuteronomy 7:1-4, where Moses is speaking but speaks in the beginning of v. 4 as though he were the Lord; he also cites vv. 11:13, 17:3, 28:20 and 29:5. This is one characteristic of this text that many modern commentators use to argue that vv. 25b-26 were added by a Deuteronomic writer.

7. Cassuto and Coats assume that Moses is the speaker in v. 26, while Childs (*ibid.*) and others take the Lord to be speaking. Coats argues that v. 26 conforms to the Deuteronomic pattern since Moses is the speaker, and the pattern is that of a community leader "announcing conditions to the congregation, with the consequences for obedience or disobedience set in a first-person address from God." See Cassuto, M.D., *Perush al Sefer Shemot* (Jerusalem: Magnes Press, 1954), p. 127; Coats, George W., *Exodus 1-18*, Vol. IIA of the series *The Forms of Old Testament Literature*, Rolf P. Knierim and Gene M. Tucker, eds. (Grand Rapids, MI: Eerdmans, 1999), pp. 123-5.

8. Propp makes the point that, as far as the meaning of the section goes, it probably doesn't matter whether we understand the Lord to be speaking or Moses to be speaking prophetically in the Lord's name. In either case, the message comes from the Lord. See Propp, William H.C., *Exodus 1-18*, Anchor Bible Vol. 2 (New York: Doubleday, 1999), p. 577.

9. There the rabbis understand the phrase "set for them law and statute" to mean that the Lord revealed certain *selected* laws and statutes to the people. There is some disagreement over exactly which these were, but all the rabbis understand the phrase literally in this way.

10. Ramban theorizes that the "test" might be related to the laws that were revealed; the Lord revealed these laws to the people to see if they would happily accept them or not. However, Ramban also proposes an alternative to the Talmudic view: "set for them law and statute" might be referring to the Lord's presenting them with general customs of behavior to be followed in the desert until they return to a civilized land. He cites Joshua 24:25, where this phrase also appears, and similarly takes it as referring to the general customs of how nations should behave (as is proposed in TB *Baba Kama* 80b and *Ervin* 17a). His alternative view of the test is that the lack of drinkable water was a "test" in the sense of "suffering from exposure to hard conditions" for which the Lord would reward them in the future. Ibn Ezra proposes this understanding as an alternative as well, and cites Deuteronomy 8:16 in support. However, neither of them demonstrates any close connection between this explanation and the conclusion in v. 26.

11. Noth, Martin, *Exodus: A Commentary*, originally published in 1959, translated by J.S. Bowden (Philadelphia: Westminster Press, 1962), pp. 127-9. Propp, *op. cit.*, pp. 574-5 proposes that the entire section may be the product of R (the Redactor) who created it by using older sources which can no longer be separated.

12. *Ibid.* Like Ramban, Noth notes that the phrase *made for them a statute and an ordinance* (as he renders it) appears in Joshua 24:25, but he doesn't draw any conclusions from this, and he doesn't offer any explanation of the phrase. According to him, vv. 25b-26 "is attached only loosely to what goes before," and the "rather vague observation" that the Lord "put Israel to the test" is (in line with Wellhausen's opinion – see Note 4) simply a play on the place name Mas-

sah. However, Eissfeldt notes that one cannot reasonably maintain that every use of the verb *nissah* [test] is a reference to the place name Massah if there is no other connection with that place in the text. And even if vv. 25b-26 were added by a different author, we cannot be satisfied with the judgment that they are “only loosely” connected to the narrative that precedes them. The author who wrote or added these verses must certainly have felt that they made sense both within themselves and as a conclusion to the narrative. See Eissfeldt, Otto, “Zwei verkannte militär-technische Termini im Alten Testament,” *Vetus Testamentum* 5:3 (July 1955) pp. 235-38.

13. Childs, *op. cit.*, pp. 269-70 notes that the meaning of “set for them statute and ordinance” is unclear; he suggests that in v. 26, that author (or a new one) tries to explain more clearly what these laws were. Thus, he takes the phrase “set for them statute and ordinance” as literally referring to laws which they would be given in the future. He suggests that the mention of a “test” may be trying to show how Israel was “tested” by the lack of drinkable water and failed that test by responding with murmuring and lack of faith in the Lord, as well as referring to a *coming* test of obedience to laws yet to be given. I have already shown the weakness inherent in the first of these explanations of the “test,” and I will address the second of these explanations subsequently in this article. Childs writes that v. 26 implies that just as the Lord “healed” the water, so would He protect Israel from the diseases of Egypt if Israel passes the test of obedience to the laws He will give them. However, he provides no support for the idea that what the Lord and Moses did could be seen as “healing” the water.

14. Coats, *op. cit.*, pp. 123-5 generally follows the views of Noth and Childs. He remarks that “[t]he statement in v. 25b has the appearance of a stereotyped expression, but no parallels are available.”

15. Propp, *op. cit.*, p. 577 also cites Genesis 47:26. However, the Masoretic text there has only *hoq*.

16. Dozeman, *op. cit.*, pp. 369-70.

17. While in biblical Hebrew the word *lehochiah* often means “chastise,” Rashbam can’t be arguing that that is what is happening in this text since the hardship precedes any behavior by the people in the story. He seems to be using the word with a meaning it acquired in later Hebrew, namely to “prove” or “demonstrate” something, i.e. teach or show someone the truth. The fact that this meaning grew out of a verb that originally implied a difficult experience shows that such an experience may be one way to “prove” or “demonstrate” a truth, i.e. impart an object lesson.

18. Samuel David Luzzatto (known as Shadal, 1800-1865) maintains that here the word *nissah* actually means “give them experience” and cites Deuteronomy 28:57 and Exodus 20:17 as other texts where this verb has this meaning. See Basi, Yonatan, ed., *Perush Shadal LaTorah: Shemot* (Jerusalem: Carmel, 2015), pp. 150-1. Cassuto, *op. cit.*, p. 127 explains both clauses in v. 25b very similarly to Rashbam. Cassuto also points out that v. 25a uses the word *vayoraihu* to describe the Lord’s “showing” Moses the tree; this word normally has the meaning “teach” or “instruct.” The word is thus a word-play on the word *vayar’ayhu* [“He showed him”] which is the word we might expect, and points to the basic lesson the Lord imparts to the people: their survival and well-being as a free people will depend on their readiness to receive and follow divine instruction and guidance. Propp and Dozeman make the same point about how *vayoraihu* and *torah*, divine instruction, come from the same root, even though (as Propp notes) *vayoraihu*

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[he taught him] and *vayar 'ayhu* are used as alternates in connection with “showing or teaching someone the right road” (e.g., 1 Kings 8:36 and Deuteronomy 1:33). Dozeman, *op. cit.*, p. 369; Propp, *op. cit.*, p. 577.

19. Schorr and Melamed classify the expressions *law and statute* and *laws and statutes* as “hendiadys,” but they don’t make clear how this is true. Strictly speaking, a hendiadys is a binomial expression in which one noun (usually the second one) functions as an adjective to modify the other noun. For example, the expression *hesed v’emet* [literally, “lovingkindness and truth”] was explained by Rashi (Genesis 47:29) to mean *hesed shel emet* [true or complete lovingkindness], which is a hendiadys. See Schorr, Moïse, “Les composés dans les langues sémitiques,” in *Livre D Hommage a la Mémoire du Dr. Samuel Poznanski* (Warsaw: 1927), reprinted in Jerusalem 1969, p. 169; Melamed, E.Z., “Shenayim shehem ehad Bamiqra’,” *Tarbiz* 16, 1945 p. 183. Avishur does not refer to the expression *law and statute* as a hendiadys. See Avishur, Y., “Pairs of Synonymous Words in the Construct State (and in Appositional Hendiadys) in Biblical Hebrew,” *Semitics* 2, 1971-2 p. 28, and Avishur, Y., *Smichuyot Hanirdafim Bamelitzah Hamiqra’it* (Jerusalem: Kiryat Sefer, 1977), p. 22. Childs notes that H. Orlinsky believed “law and statute” to be a hendiadys, and translated it “fixed rule,” the translation which appears in NJPS 1999. Childs, *op. cit.*, p. 266 feels that this is “unwise in the light of the distinct nuances of both legal terms.” But as is clear from *hesed v’emet*, the two nouns in a hendiadys need not be synonymous. Furthermore, *hoq* does have the separate meaning of something fixed or circumscribed. Even if *law and statute* is a hendiadys, however, we are looking at that expression as part of the larger phrase “set for someone law and statute”, and it may mean something different in that context, as I will show.

20. William Johnstone, in discussing the various terms for “law” used in Exodus 20:22 – 23:33 (the “Book of the Covenant”), notes that the phrase *hoq umispat* in the singular may have the meaning “code of practice.” As evidence, he cites these four texts. He thus shows that he understands our phrase in Exodus 15:25b to be referring literally to a body of law. See Dozeman, Thomas B., Craig A. Evans and Joel N. Lohr, eds., *The Book of Exodus: Composition, Reception and Interpretation*, Supplements to Vetus Testamentum 164, Leiden: Brill, 2014 p. 7.

21. Contra Coats – see Note 14 above.

22. Targum Yonatan, the ancient Aramaic translation of the book, translates this phrase, “David established this as a *g’zayrat din* [decree] for Israel;” he thus sees the phrase “law and statute” as an idiom for one thing, “a decree.” Although neither Rashi nor Radak comment on this verse, Metzudat Tzion (18th century) is even more explicit: “‘law’ here is used to mean something fixed, and ‘statute’ is used to mean a customary practice, and the two words function here as synonyms.” This is expanded upon in the companion commentary Metzudat David: “the text means: this was the way that David acted from then on; he established this thing as a ‘law and statute’ for Israel.” “Precedent” is the best translation for what he means.

23. Both Radak and Metzudat David also follow this explanation.

24. Howard makes this point. See Howard Jr., David M., *Joshua*, The New American Commentary Vol. 5 (Nashville: Broadman and Holman, 1998), p. 439.

25. Butler notes that the text doesn’t detail the stipulations of the agreement between the Lord and Israel; it focuses on the central point of complete loyalty to the Lord on Israel’s part. “All other stipulations are simply presupposed as common knowledge of the people.” Thus for Butler, too, “set for someone statute and judgment” (as he renders it) means a body of laws. Not

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only is such an understanding not in agreement with the use of the phrase in I Samuel, but one can't simply view such a "body of laws" as "presupposed" or "common knowledge;" a two-sided covenant is a legal document in which stipulations must be stated. See Butler, Trent C., *Joshua*, Word Biblical Commentary Vol. 7 (Waco: Word Books, 1983), p. 276.

26. Nelson explains the covenant in precisely this way. As to the phrase "statute and ordinance" (as he translates it), he notes its appearance "in a similar context" in Exodus 15:25, and writes that it is used in I Samuel 30:25 to refer to "an established practice" and proposes to translate it as "fixed rule," which as we have seen is how NJPS 1999 translates it in all three places where the phrase appears. He continues, "Given the context, this newly established practice can only mean the exclusive worship" of the Lord. While "fixed rule" makes sense in I Samuel, it isn't adequate for the wider context in Joshua; it isn't a specific point of law that is being set, but a general behavioral commitment valid from now on. Thus, I would argue that "binding precedent" conveys the sense better in both instances; it also serves to better highlight the connection of meaning with "covenant" in the first clause of the verse. See Nelson, Richard D., *Joshua: A Commentary* (Louisville: Westminster John Knox Press, 1997), pp. 276-7. Howard, pp. 439-40 presents a similar view.

27. Boling sees the ratifying of another version of the covenant as necessary because "the people" now include many new people who were not parties to the prior versions of the covenant. Boling first proposes the interpretation I have advanced by translating v. 25, "Joshua concluded a covenant for the people that day, and established for it legal precedent at Shechem." But then he describes the phrase *hoq umišpat* as a "hendiadys" (by which he seems to mean a binomial expression) "representing the general content of the agreement." He thus understands the phrase to be referring to a body of laws, namely that body that was contained in the prior versions of the covenant. I have shown the weaknesses of this view. See Boling, Robert G. *Joshua*, The Anchor Bible (Garden City, NY: Doubleday, 1982) p. 529.

28. Eissfeldt, *op. cit.*, pp. 235-8.

29. In Judges 3:3-4 this verb appears again, and the context there requires the meaning "test." Eissfeldt explains that while it is at first glance surprising that two different uses of the same verb appear so close together, vv. 3-4 may have been added later, giving another interpretation of why these nations were left in Canaan. Greenberg notes that the Septuagint translates the verb in v. 1 as "train." Although he does not cite Eissfeldt, he similarly notes that the two contexts in vv. 1-2 and 3-4 demand two different meanings for the verb. Greenberg argues that whatever the literary history of this section may be, the author or redactor must have known this and not had a problem with it. See Greenberg, Moshe, "Nissah in Exodus 20:20 and the Purpose of the Sinaitic Theophany," *JBL* 79:3, 1960 pp. 273-6.

30. Childs, *op. cit.* p. 266.

31. Greenberg, *op. cit.* According to Christian editions, the verse he is commenting on is Exodus 20:20; according to the verse division in the Hebrew Bible, it is v. 17.

32. Propp, *op. cit.*, p. 578 remarks that in the ancient world, the god of healing usually also was the source of disease. Thus the "moral" of v. 26 is that the Lord *controls* disease, and he cites Isaiah 45:7 in support (perhaps an even more supportive verse is Deuteronomy 32:39).

33. *Ibid.* Propp suggests that *mahalal* might refer to the Plagues of Egypt, and particularly the plague of *šehin*, a skin disease.

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