LABOR RELATED LAWS IN THE COVENANT CODE AND THEIR IMPLICATIONS FOR SUSTAINABLE ECONOMIC DEVELOPMENT

Abstract

The economic stability, productivity and viability of a nation are unequivocally tied to the strength, liveliness and enthusiasm of its workforce. Issues bordering on labor regulations and employer-employee relationship have been addressed from ethical, social and psychological perspectives but not much is being said from the biblical/religious standpoint. The focus of this paper is the analysis of labor-related regulations in the Covenant Code in the light of the quest for sustainable economic development. Employing a historical-grammatical method, the paper discovers that reading and applying these laws from a 21st century Christian viewpoint would ultimately boost employer-employee relations and consequently result in improved productivity which will translate to economic sustainability. It is here recommended that employers of labor be more humane both in the formation of employment and work-related policies as well as in their daily interaction with employees.

Keywords: Sustainability, Covenant-Code, Labor, Productivity, Employment, Codes, Laws.

INTRODUCTION

Over the years, labor unions around the world have decried the exploitation of employees and the less-than-human treatment meted out to them by many of their employers. This situation seems to cut across climes, races, and nations. This has actually been worsened by the ongoing economic meltdown being experienced world over with attendant measures of downsizing, unfulfilled employment promises and a sickening lassitude permeating almost every facet of economy globally. Notable efforts have been made at addressing this situation from ethical, social, psychological and industrial relational perspectives with little or no tangible improvement in the status quo. However, it would appear that not much is being said from
the biblical perspective. This paper is therefore an attempt to interpret labor-related laws of the Covenant Code and apply to contemporary employer-employee industrial tension with the intent of fostering sustainable economic development.

CLARIFICATION OF CONCEPTS

Sustainable economic development may be viewed as the ubiquitous goal of every political system designed to meet the yearning and aspirations of a people. It is the ultimate task of those governing as well as the ultimate expectation of those being governed. Though eminently desirable, sustainable economic development is, however, very difficult to define. This is because economic development involves diverse number of differing factors and an appropriate definition would entail incorporating so many components. Perhaps the most adequate way to define economic development is to articulate its purpose. Economic development has the goal of improving the economic welfare of a community through “job creation, job retention, tax base enhancements and quality of life.” The process that brings about this desired goal must be comprehensive in policy formulation and actualization. It must also be extensively inclusive - harnessing the economic, social, cultural, educational, and political components of any viable state. The term “sustainable” addresses this process and imbues it with the sense of unfettered growth within which stability, balance, and harmony are held in appropriate tension and balance. Sustainable economic development, therefore, comprises of three internationally acknowledged and interdependent components: economic sustainability, environmental sustainability, and social sustainability.

The substantial portion of considerations undertaken in the pursuit of sustainable economic development is directly related to job creation and job retention within a framework that is cognizant of, and committed to, meeting social and environmental responsibilities. The legal instruments that constitute the structure for this framework are the various codes and laws, at both national and international levels, which guide the complex interplay

between labor-related issues and holistic development. The International Bill of Human Rights codifies the right of every individual to willing, gainful employment under just and equitable conditions. The extent to which the spirit of these rights is translated into the various labor laws available today is actually contentious. Also a source of uncertainty is the extent to which these rights, insofar as they have influenced the formulation of labor laws, have improved productivity and consequently enhanced sustainable economic development. The paramount importance of productivity necessitates that labor laws be considered as key elements in the quest for sustainable economic development.

The Covenant Code refers to divine stipulations that regulate Israel’s relationship-in-covenant with Yahweh. It apparently originated in the historical context of the Sinaitic experience as found in the Old Testament Book of Exodus. The Code is situated within the body of laws given to Israel and was meant to serve as a guide for the relationship between Yahweh and Israel and among the Israelites themselves. Its nature implied that all interactions predicated on the spirit and letter of its laws were necessarily considered weighty and binding. Within this body of laws are regulations relating to the civil, social, criminal and religious obligations of the people. Naturally, this extended to the labor-related laws. This implies that labor relations in ancient Israel contained intrinsic cultic significance, and were directly related to the Israelite’s ultimate source of prosperity and well-being, their covenantal status in Yahweh.

Lohfink has observed that the Covenant Code is not only related to God but, beyond that, is embedded in the Exodus history in a much more visible way because it is surrounded by other Pentateuchal narratives which serve as its prologue and epilogue. Consequently, these labor-related laws are not accidental insertions but conscious emphasis by the God of the Exodus who is also the God of history, the oppressed, the bond and the free. Yahweh’s intent in giving the Covenant Code would seem to create a just and

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3 Ibid, 42.
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prosperous society, in opposition to the corrupt societies that were Israel’s neighbors.⁴

The search for a point of intersection between sustainable economic development and the labor-related laws in the Covenant Code would entail interfacing the anticipated effect that the labor-related laws would have on productivity, examining the impact of productivity on a sustainable economic development model in light of prevalent labor laws, and drawing inferences as to the appropriate justification for the contextual application of the principles identified therein. The labor-related laws in the Covenant Code are viewed with the lens of an exegetical analysis of selected portions of Exodus chapter 21 through 23, while the analysis of a sustainable economic development model was undertaken deploying human capital essentials, labor laws and policies as indexes.

PERSPECTIVES ON LABOR LAWS

It is important to note that viewing labor laws as basically State enactments at any level does not ordinarily consonant with practice. Studies have shown that labor laws are predominantly generated in the workplace, and usually workplace specific. The rules of “workplace culture, custom and practice, the employment contract, the works rule-book or employee handbook, and collective agreements often form the core of the rules governing the employment relationship.”⁵ Hence, further legislation is often regulatory and interventionist in nature primarily to fill gaps and set and enforce minimum standards.

Another view about labor laws often not being in correlation with practice is the perception that such laws originating from outside of the working place typically tend to constitute a unified legal conception. Usually, resolving labor disputes or workplace issues must involve contributions from

⁴ Norbert Lohfink, The Option for the Poor, (Berkeley: Berkeley Institute for Bible, Archaeology and Law, 1987), 42.

constitutional law, common law, civil statutory laws, criminal law, and civil codes, where applicable. These legal components collaborate to regulate the workplace and its issues arising there from.

Invariably, the primary purposes of labor laws would include correcting any power imbalance in the relationship between the employer and the employee; maintaining, through enacted regulatory frameworks, conducive working conditions that meet society’s accepted standards for decency; supervising the labor market; and regulating trade union activities (particularly in the context of widespread adoption of market economics and the consequent decline in the influence of organized labor).

In recent times, emerging trends in labor law formation have gained wide acceptance and are expanding swiftly. These “quasi-legal” laws have received exposure and recognition at international levels and are referred to collectively as “soft law.” Such laws are not enforceable by any court of law but typically have alternative forums where they are used to guide dispute resolution in the workplace. Examples of these laws include codes of conduct and various global framework agreements. These “soft law” rules are often privately initiated and may arguably be perceived as the gradual privatization of labor regulation.

The establishment of the Organization for the Harmonization of Business Law in Africa in 1993 reflects the quest for continental judicial unity in the area of labor law development. This is not the only such body in Africa and its current impact on African development may be left to conjecture. However, its purpose clearly demonstrates the growing understanding among African governments as to the critical nexus between labor laws and sustainable economic development. The World Bank, using an analytical reference tool that rates creation and development of enterprises together with accompanying legislative reforms, recently postulated that certain regulations related to labor “create such labor market rigidities that they

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6 Ibid.

7 Ibid., 7
prevent the development of enterprises and employment creation,“8 both necessary factors for sustainable economic development.

INTERPRETING RELEVANT PORTIONS OF THE CODE

The caption Covenant Code in its strictest sense refers to the body of laws spanning from Exodus 20:18-23:33, and is a compendium of instructions designed to regulate healthy covenant relationships between Israel and Yahweh, as well as peaceful co-existence among the Israelites. Matthews and Motyer have observed that the remainders of the laws in the Pentateuch from Exodus forward are primarily casuistic laws, reflecting the legal formulas presented in the Ten Commandments and are the results of judges or individuals asking questions. They therefore gave a seven-pronged taxonomy of the Biblical Law Codes as Decalogue (Exod. 20:1-17; Deut. 5:6-21), Covenant Code (Exod. 20:18-23:33), Ritual Decalogue (Exod. 34:11-26), Deuteronomical Code (Deut. 12-26), Holiness Code (Lev. 17-26), Priestly Code (Lev. 1-16, 27; Num. 1-10), and Curses Code (Deut. 27:14-26).9 Since they are designed to regulate the peaceful co-existence of the people among themselves, it was expedient for the laws to change as the social situation of the people changed from nomadic herders to farmers and urban dwellers governed by a king.10

Congruent with the above, Hays has noted that the Old Testament legal material does not appear in isolation but is rather firmly embedded in Israel’s theological history. He further argues that “The Law is not just a list of enduring common code of behavior; rather it is part of the theological narrative that graphically illustrates how God rescued Israel from Egypt and then established them in the Promised Land as His people.”11 On the basis of


10 Ibid.

this, he submits that the Law is clearly part of the Pentateuchal story line and resolutely entrenched in the story of Israel’s exodus, wilderness roving, and subsequent conquest of Canaan. Consequently, any interpretive approach to any part of the Law would need to take this into account. Employing the historical-grammatical interpretive approach, this paper exegetes selected portions of Exodus 21-23 and their implications for economic sustainability.

Exodus 21:2-11: This text deals expressly with master-servant relationship, likely foregrounded by the recent deliverance of Israel from slavery in Egypt. Since the portion addresses the freeing (allowing to rest) of Hebrew servants in the seventh (Sabbath) year, it would not be out of place to accentuate the idea that regulations in this pericope are premised on the fourth law of the Decalogue, which reads, “Remember the Sabbath to keep it holy” (Exod. 20:8). The Hebrew word transliterated Sabbath, means rest, cease from work or hard labor. Also, the Hebrew word translated “free” is a substantive adjective which actually should be rendered “freedman.” Making reference to the Arabic equivalent word, Cole asserts that this Hebrew term denotes a definite class in the society, “one between nobles and slaves.” It suggests a meaning like “professional soldier” or “one liable to military service.”

While the law requires the master to grant freedom to his servant in the seventh year of his servitude, it also makes provision for a servant to choose whether he would go or remain with his master. Cate notes that the underpinning truth, which Yahweh was communicating to Israel in these laws, was that regardless of the inhuman treatment meted out to slaves by their immediate neighbors, Israel was to treat servants as human beings with their own rights, and not as mere properties. In this context, the freed servant exercises his freedom to either go out to explore what the outer

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world has in stock for him or submit, not as a slave again but as a free man, to perpetual servitude under his master. This decision of the freed servant is not imposed on him; rather, he voluntarily makes his own decision out of love and respect for his master.

Giving a three-pronged interpretation of the “circumcision” or “piercing” of the ear, Jordan remarks that it implies a sign of death and resurrection, the removal of shameful clothing and the removal of a block or hindrance. It then implies that the once bond servant has now been resurrected to freedom; though once clothed in the shameful garment of servitude, he is now clothed with a new garment of freedom, and though once barricaded from certain privileges, he now has unlimited access to his master and all that belongs to him. He has now become a part of the household and is also able to inherit his master’s belongings in the event that such a master has no son.

Similarly, this portion of the code distinguishes between male and female servants. Dickson submits that the probable reason for this law was to better the life of a father and his daughter by marrying her into an economically advantaged family. In this context, although the female servant comes into the household as a servant, she attains the status of a wife by marriage to her master or the status of a daughter by marriage to her master’s son. If for any reason the master or the son to whom she was married is not pleased with her, she could not be sold into slavery. Rather she could either be ransomed by her father or allowed to leave without payment of ransom in a situation where her husband has not been forthcoming in his obligations to her. Motyer remarks that these measures were probably enacted to secure the rights of the female servant, since she was not protected by circumcision. On a general note, female servants appear to enjoy a higher degree of social protection than their male counterparts.

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Exodus 21:20-21: Reference is made in this passage to the treatment of a servant in the hands of his master resulting in death or injury. In this passage, the use of the word *sêbet*, translated “staff” suggests that the master in question is meting out discipline to his servant probably for wrongdoing.\(^{19}\) If a servant dies in the process of discipline, it indicates a case of maltreatment, hence the master merits punishment, which may include payment of compensation to the family of the deceased as demanded, coupled with the forfeiture of whatever the servant owed. This measure seems premised on the humanity-of-the-servant motif; the servant is a human being and his master has no right to beat him to death deliberately.\(^{20}\) However, if the servant only sustains injury or becomes slightly ill and gets up after one or two days, the master is not to be punished and the servant is not to be compensated. This is because the servant has been duly disciplined with the intent that the master’s business suffers no loss.

Exodus 21:26-27: The issue of a servant becoming physically disabled as a result of work-related incidences is addressed in these verses. The graphics here is different from that addressed in the preceding text. While that addresses the issue of intended discipline, this addresses the case of manifest maltreatment of a servant. If a master strikes his servant such that the servant’s eye becomes blind or his tooth falls off, the servant is to be compensated with immediate release from servitude, regardless of the remaining length of his servitude! Reference to eye and tooth here would appear to represent all body parts “from the most important and indispensable down to the very least.”\(^{21}\) This implies that the master not only loses the service of the servant but also forfeits whatever debt the servant owed. This is to compensate for the aesthetic damage caused the servant as a result of the loss of his eye or tooth.

\(^{19}\) This submission is premised on the agrarian background of ancient Israel where the shepherd uses his staff as an instrument of correction and guidance to a sheep going astray.

\(^{20}\) Cole, 168.

In the light of both conservative and radical leftist interpretations, questions that beg for answers include but are not limited to these: “Are Old Testament laws relevant to contemporary setting?” “Can we interpret and apply codes guiding a nomadic, agrarian society to a 21st century ICT-inclined situation?” Answering these and similar questions would require considering the trend of interpretation over the centuries.

The Book of Exodus, with its numerous laws bordering on different issues, has helped both Judaism and Christianity to articulate their distinctive features and teachings. For Judaists, the event of the Exodus, the generality of the Law, and particularly the Covenant Code, as manifested in Jewish doctrinal statements, has given them a unique sense of purpose and direction, as well as shaped their understanding of their identity as the chosen people of God. Quoting Rabbi Ishmael, Langston has observed that “The Law as well as the Exodus, solidifies and regulates the Jewish relationship with God.” For Christians, the Book has provided both allegorical and typological illustrations of the life, death and resurrection of Jesus Christ; the Paschal lamb has been consistently interpreted as a type of Jesus Christ, who, through his death and resurrection, made the Christian’s exodus from sin’s enslavement into a life of freedom and dominion possible; and the crossing of the Red Sea provides an apt allegory for the Christian sacrament of Baptism.

Langston notes further that the Old Testament laws, as represented in Exodus, have been frequently used by various groups in the struggle for emancipation from social and political oppression. In relation to the Covenant Code, he asserts that these laws have been used to challenge social ills, shape societies, articulate acceptable behavior and enforce conformity to demands by diverse authorities.

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23 Ibid, 4.
24 Ibid, 3.
Richard Hiers notes that, in contrast to many ancient Near Eastern societal laws, the biblical laws stand out in their consistent regard for the welfare of the vulnerable or needy members of the society. He states that the laws in the Covenant Code were evidently intended to protect such people from abusive treatments, whether by societal law courts or private actors. These laws also call for positive affirmative actions by individuals and the community as a whole. Consonant with this, Rasor submits that “The fundamental moral perspective of the biblical rules is its concern to protect the most vulnerable members of the community against advantage-taking or exploitation.”

By implication, the laws of the Covenant Code are justice oriented.

From the foregoing, two facts are intrinsically established by the laws of the Covenant Code. First, the Exodus dynamics tends towards the establishment of an egalitarian society devoid of oppression. Second, the specific regulations in the Covenant Code to combat oppression suggest that there existed evidences of oppression among God’s covenant people, Israel.

There have, however been leftist opinions regarding the interpretation and application of the laws of the Covenant Code. A major bone of contention concerning the interpretation and application of biblical laws to contemporary situations is the problem occasioned by redaction criticism. Since the time of Wellhausen, there have been allusions that some elements of the Pentateuch are clear cases of *vaticanus ex eventum*, words inserted...

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29 Since the Covenant Code which refers to the body of laws found in Exodus 20:22-23:33 is part of the Pentateuch, it necessarily follows that the criticisms of the Pentateuch affect the Covenant Code also.
into a text by a later redactor, referred to as the Deuteronomist Historian, after the events necessitating such words have already taken place.\(^\text{30}\)

The 20th century works by the likes of Eckhart Otto (1988) and Ludger Schwienhorst-Schonberger (1990) reiterate and promote the allusion to the Deuteronomic redaction of the Covenant code. Earlier, Gary Alan Chamberlain had postulated a post-Deuteronomist redaction of the Covenant Code, especially the whole of its second part (21:12ff.).

Presenting the \textit{discontinuity} position, Dorset argues that Christians, and by extension modern societies, are no longer legally bound to majority of the Old Testament laws. Employing a genre-critical approach, he states that the legal inapplicability of the Mosaic corpus to modern society is logical. Presenting the New Testament description of the Mosaic Law as the Old or First Covenant, Dorset emphasized that the Mosaic corpus of regulations was intended to govern a specific nation, located in a specific place, in a specific cultic organization and a specific political configuration. Consequently, he submitted that the Code was never meant to apply to modern governance, both spiritual and political.\(^\text{31}\)

Invariably, we submit that although the Old Testament contains many regulations that seem weird to contemporary readers, a reasonable portion of such regulations evidently contain seeds of continued and contemporary relevance.

The first implication of this exercise borders on the concept of worth or equality. As earlier indicated, the workforce of a society is a major underpinning factor in its productivity, stability and viability. The prevalent situation in many African economies is the existence of a distinct dehumanizing dichotomy between the employer and employee, between the rich and the poor. In contrast with ancient Babylon, where there was a multi-


tiered social system in which citizens did not receive the same punishment as slaves for similar injuries, the legal codes of the Israelites appear to have demanded full equality for all, without exceptions even for the king. In order to ensure sustainable development in any economy, a sense of worth and respect for life of both the employer and the employee must be entrenched. Employees should not be treated by employers as second-class citizens buthumanely, especially in terms of remuneration and other perks, to motivate them for improved productivity.

Furthermore, provision should be made for adequate rest, relaxation and leisure of the labor force, if sustainable economic growth is to be achieved. The Covenant Code makes provision for the release of servants in the seventh year as well as rest from work every seventh day. In today’s context, the practice of short breaks, lunch hour break, off days, annual leave and public holiday observance should be further promoted and entrenched. There are establishments where these breaks are not being observed and workers in such establishments labor under inhumane conditions. Adequate provision should be made for relaxation facilities within the work environment and workers’ annual leave should not be negotiable. When there is a balance between work and rest, workers are energized and rejuvenated, resulting in motivation to do more and consequent improved productivity.

Further implied in the passages considered is the issue of gender consideration. Exodus 21:7-11 addresses the treatment of female servants and establishes that women are not to be placed on the same working conditions as men. By nature, women are considerably and comparatively fragile. Added to this are their critical responsibilities as home-makers and keepers. In this light, it would be tantamount to cruelty for employers to subject women to same work conditions as men. While the intellectual acumen and brilliance of women are indisputable, it is still indubitable that most women possess comparatively lesser capacity for handling strength-exerting tasks than men. Employers should take this into adequate cognizance in their employment policies.

As indicated in the passage, the servant is given his freedom in the seventh year. He may however submit his freedom to his master and voluntarily choose perpetual servitude, in which case he is still a free man, but has
willfully chosen to live his free life under his master. Workers should have the freedom to leave an employment when they so desire, under reasonable and considerate conditions. They should also have the liberty to stay on in an employment without unnecessary enslaving requirements. The practice, whereby employers place their employees on a stringent bond before employment or certain motivating benefits, is antithetic to the spirit of the Covenant Code as well as contemporary labor laws.

Also implied in this text is the fact that workers are not expected to change employment too frequently. To establish credibility, a worker needs at least five to six years of faithfully serving in an establishment. When a worker changes job too regularly, it tends to suggest irresponsibility, instability and ineptitude on his part. In a sensible and sensitive context, not many employers would willingly engage such a worker.

Moreover, another implication of this code is that workers are not only to be well-remunerated, they are also to be well-compensated for any loss incurred or injury sustained in the line of duty. The medical bills of a worker who sustains injury while working or one involved in an accident, to or from work, should be fully taken care of by the employing establishment. This further underscores the need for employers of labor to have a functional and reliable health insurance scheme in place for their workers. A situation where a worker is relieved of his duties due to incapacitation sustained in the line of duty without adequate compensation is not only unbiblical but also inhumane and indefensible. Perhaps, one of the reasons workers (especially in the security sector) are not fully committed to their work is because they know that once they become incapacitated, the establishment they labored to serve maltreats and discards them.

The labor related laws of the Covenant Code also address the maltreatment of workers. Although the law recommended discharge of the servant from service and pardon of debt, it is expedient to underscore that workers are not to be inhumanly treated at all. There are a number of work conditions that are synonymous with literally striking a servant’s eye blind or knocking his tooth off. Such conditions include working extremely long hours, pay not commensurate with work, laboring in unhygienic environment and placing unrealistic demands on workers, just to mention a few. Some marketing establishments today set unrealistic sales target for their sales
representatives and failure to meet such targets often results in not being paid at all or a cut in pay. These conditions wear workers out, lower their morale and depreciate their productivity. Hence, such should be discouraged and discontinued.

CONCLUSION

This paper has examined the concepts of sustainable economic development, Covenant Code and conventional labor regulations. It has also examined selected portions of the Covenant Code, drawing inferences for contemporary labor relations and practices. In the opinion of this writer, employers of labor would do well to appreciate and acknowledge, both in policy and in practice, that employees are not sub-humans. Rather, they are human beings who should be adequately remunerated for the services they render, treated with utmost respect and dignity and provided with dignifying work environment to carry out their enterprise. When accidents occur, as they sometimes would and workers become operationally incapacitated, they should not be ignominiously discharged. Rather, employers should take up their medical bills, and where the accident results in a permanent disability, adequate compensation should be paid. In the event of death, appropriate compensation should be paid promptly to the family and the gratuity of the deceased should not be delayed for any reason. Embracing these practices would not only motivate workers to put in their best committedly but also result in a viable, stable, productive and sustainable economy.