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## 'For ye know the Heart of the Stranger': Empathy, Memory, and the Biblical Ideal of a 'Decent Society'

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The biblical story of the Exodus tells the miraculous escape of the Israelites from thralldom in Egypt. In doing so it has once and for all denigrated the image of Ancient Egypt in the memory of humanity as the epitome of despotism, slavery and cruel oppression. This image, we must add, has no traces in historical reality, but fulfils first and foremost an important narrative function. The story follows the typical pattern in which 'a lack' is transformed into the liquidation of this lack,<sup>1</sup> leading from a bad state of extreme oppression, godforsakenness, and humiliation to the highest possible status and divine presence. In order to present the finally achieved status – the Israelites as a Chosen People in the covenant with God – in the brilliant light of freedom, justice, and dignity, it must be shown against the backdrop of a situation that paints the plight and the helplessness of the Israelites in glaring colours. The core of the story, however, is not about the relationship between Israelites and Egyptians, but about the inner transformation of the chosen people on its path from serfdom to freedom. The Egyptians have had to live with this unfavourable biblical portrait of their Pharaonic past, which was even politically instrumentalized in the Arab Spring in 2012, when Mubarak was stigmatized as '*fira'ûn*' (Pharaoh) on posters and graffiti. With Ridley Scott's new film *Exodus*, the Egyptian response has moved into a new direction. The officials of the state were again offended and banned the film because of an important 'historical inaccuracy'. The Egyptians, proud of their pyramids as World Heritage Sites, now reject the view that it was the Hebrews who built their key monuments.

The memory of the sojourn of the Hebrews in Egypt plays an important role in the Bible, especially in the Pentateuch. Its function, however, is everything but a foundation of hatred and vengeance towards

the Egyptians. On the contrary, it may even serve as the foundation of empathy towards those who are in a comparable situation. The crucial passage from the book of Exodus reads: 'And thou shalt not oppress a stranger for ye know the heart (*naepæš*) of the stranger, seeing that ye were strangers in the land of Egypt' (Exod. 23: 9).<sup>2</sup> The Hebrew word *naepæš* belongs to a triad of terms referring to the concept of inner self, the other two being *leb/lebab* 'heart' and *neshama* 'soul'. The meaning of *naepæš* points in the direction of 'vital force' or 'vitality' and has more to do with the emotional than the intellectual self; oppression will severely damage the vital force, the élan vital of a person who lives as a stranger amongst the Israelites.<sup>3</sup> The outstanding importance of this verse lies in the fact that it formulates a concept of empathy ('knowing the inner self of the other')<sup>4</sup> and relates it to the faculty of memory. Before further elaborating on this concept, I will briefly outline the context in which this striking utterance occurs.

The book of Exodus tells of God's liberation of the Israelites from Egyptian bondage. He sends them a savior, Moses, who leads them to Mt. Sinai, where God forms an alliance with the fugitives that is based on a corpus of commandments and laws which he reveals to them directly (the Decalogue) and by mediation of Moses: the 'Book of the Covenant' or 'Covenant Code'. The main part of this latter code contains a collection of formal laws (with sanctions) and moral admonitions (without sanctions). This combination of penal law and moral exhortation serves as a constitution, by which the group of fugitives is to be organized as a social, political, and spiritual community – a 'holy people and a kingdom of priests' (Exod. 19: 6).

We are dealing here with an idea of law and justice that is very different from what we understand by 'law' in our Western tradition, because it is based not only on law but also on mercy, which in our tradition is considered rather the opposite than a supplement of law. The juridical aspect of this constitution deals with criminals of various sorts and prescribes their adequate punishments. The 'mercy' aspect, however, deals with the underprivileged whose lot is to be relieved not by actionable rights but by appeals to the beneficence of the privileged. It is this system that Nietzsche had denounced as 'slave morality' – based on the resentment of the notorious underdogs against the rich and powerful that he deems typical of the Judeo-Christian tradition. By far the most maxims of Biblical morals, however, have their parallels in Ancient Egyptian and Babylonian wisdom literature, where they form the ideology of the elite. In the context of the Egyptian and Ancient Oriental kingdoms, we meet with the same idea of a 'saving justice' (*rettende*

*Gerechtigkeit*), where 'judging' (*Richten*) and 'saving' (*Retten*) belong inextricably together.<sup>5</sup> There, however, this rescuing aspect of justice is never associated with empathy and memory, but with a concept of 'vertical solidarity' (beneficence from above, loyalty from below) that is primarily the matter of the state and its officials. It is the king who is responsible for establishing a concept and a sphere of justice on earth, where the criminal will be punished and the poor and underprivileged will be protected against oppression and exploitation on the part of the strong and mighty.<sup>6</sup> The great innovation of the Biblical idea of 'saving justice' is to transform this political concept of a patriarchal welfare state based on vertical solidarity into a primarily ethical concept of brotherhood or 'horizontal solidarity' based on individual empathy and memory. To be sure, there is also a vertical axis involved here, because we are dealing with divine justice. The idea of divine justice is the core concept of the new ideas of religion and society that are instituted with the 'covenant' at Mt. Sinai. Until then, gods were believed to act as judges, watching over the strict observance of the laws, but never as lawgivers themselves. This was the role of the king to whom the gods delegated to install justice on earth.<sup>7</sup> By replacing this traditional concept of royal justice with the novel concept of divine justice, the Torah withdraws the law from human manipulation but keeps the vertical axis. The alliance or 'covenant' (*b'rît*) that God offers the Israelites and the constitution he gives them do not just mean freedom (Hebr. *kherût*, a term not attested in Biblical language), but 'service' (*avodah*), the same term that is used for the Egyptian bondage. The difference and the principle of liberation lie in the fact that the Egyptian service is directed towards Pharaoh, a human being, and the service of the Chosen People is directed towards God. Divine service and divine justice save humans from human oppression as symbolized by 'Egypt'. In practising justice and mercy, the Israelites are summoned to follow the model of God who is

merciful and gracious, longsuffering, and abundant in goodness and truth, keeping mercy for thousands, forgiving iniquity and transgression and sin, but leaves no crime unpunished, visiting the iniquity of the fathers upon the children, and upon the children's children, unto the third and to the fourth generation.

(Exod. 34: 6-7)

It is the 'mercy' aspect of Israelite law that is elaborated in the second collection of the 'Book of the Covenant' (*sæpær ha-b'rît*), which concerns the handling of the underprivileged.<sup>8</sup> It starts and ends with

admonitions concerning the stranger, beginning with Chapter 22, verse 21: 'Thou shalt neither vex a stranger, nor oppress him: for ye were strangers in the land of Egypt' and ending with our verse Chapter 23, verse 9: 'Also thou shalt not oppress a stranger: for ye know the heart of a stranger, seeing ye were strangers in the land of Egypt'. The topic how to deal with a stranger could not be given more prominence in this act of mercy-legislation.<sup>9</sup>

The stranger appears as the most important member of the class of the underprivileged which comprises, moreover, the poor, widows and orphans, and sometimes even the Levites, because they are excluded from land-ownership and thus dependent on the beneficence of the society. We meet this group again and again in the Torah. These admonitions are often accompanied by a reminder of the sojourn in Egypt and the suffering under Egyptian oppression (the 'Egypt-'*ebed*-formula').<sup>10</sup>

The most general and principal formulations appear in Deuteronomy and Leviticus:

For the LORD your God is God of gods, and Lord of lords, a great God, a mighty, and a terrible, which regardeth not persons, nor taketh reward: he doth execute the judgment of the fatherless and widow, and loveth the stranger, in giving him food and raiment. Love ye therefore the stranger: for ye were strangers in the land of Egypt.

(Deut. 10: 17–19)

And if a stranger sojourn with thee in your land, ye shall not vex him. But the stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself; for ye were strangers in the land of Egypt: I am the LORD your God.

(Lev 19: 33–34)

Other admonitions concern special devices to lighten the situation of the poor and the stranger, e.g. the prohibition of gleanings. To glean should be the right of the poor and the stranger:

Thou shalt not pervert the judgment of the stranger, nor of the fatherless; nor take a widow's raiment to pledge: but thou shalt remember that thou wast a bondman in Egypt, and the LORD thy God redeemed thee thence: therefore I command thee to do this thing.

When thou cuttest down thine harvest in thy field, and hast forgot a sheaf in the field, thou shalt not go again to fetch it: it shall be for the stranger, for the fatherless, and for the widow: that the LORD thy God may bless thee in all the work of thine hands. When thou

beatest thine olive tree, thou shalt not go over the boughs again: it shall be for the stranger, for the fatherless, and for the widow. When thou gatherest the grapes of thy vineyard, thou shalt not glean it afterward: it shall be for the stranger, for the fatherless, and for the widow. And thou shalt remember that thou wast a bondman in the land of Egypt: therefore I command thee to do this thing.

(Deut. 24: 17–22; cf. Lev. 19:10 [vineyard] and 23:22 [field])

Also very characteristic of this spirit of mercy and solidarity are the exhortations to integrate the stranger into the community by celebrating the Shabbat and the great festivals. Thus the Book of Exodus prescribes, concerning the feast of Passover:

And when a stranger shall sojourn with thee, and will keep the Passover to the LORD, let all his males be circumcised, and then let him come near and keep it; and he shall be as one that is born in the land: for no uncircumcised person shall eat thereof. One law shall be to him that is homeborn, and unto the stranger that sojourneth among you.

(Exod. 12: 48–49)

Similarly in Numbers:

And if a stranger shall sojourn among you, and will keep the Passover unto the LORD; according to the ordinance of the Passover, and according to the manner thereof, so shall he do: ye shall have one ordinance, both for the stranger, and for him that was born in the land.

(Num. 9: 14)

The idea that there should be one common law for the stranger and for the Israelites is emphasized again concerning the presentation of burnt sacrifice:

And if a stranger sojourn with you, or whosoever *be* among you in your generations, and will offer an offering made by fire, of a sweet savour unto the LORD; as ye do, so he shall do. One ordinance *shall be both* for you of the congregation, and also for the stranger that sojourneth *with you*, an ordinance for ever in your generations: as ye *are*, so shall the stranger be before the LORD. One law and one manner shall be for you, and for the stranger that sojourneth with you.

(Num. 15: 14–16)

It is interesting to see that the principle of equality before the law seems to extend only to the participation in feasts and offerings, but these are the very occasions of celebrating community and solidarity.

Concerning the feasts of Shavuot and Sukkot, we read in Deuteronomy:

Thou shalt rejoice before the LORD thy God, thou, and thy son, and thy daughter, and thy manservant, and thy maidservant, and the Levite that *is* within thy gates, and the stranger, and the fatherless, and the widow, that among you, in the place which the LORD thy God hath chosen to place his name there. And thou shalt remember that thou wast a bondman in Egypt: and thou shalt observe and do these statutes.

Thou shalt observe the feast of tabernacles seven days, after that thou hast gathered in thy corn and thy wine: and thou shalt rejoice in thy feast, thou, and thy son, and thy daughter, and thy manservant, and thy maidservant, and the Levite, the stranger, and the fatherless, and the widow, that *are* within thy gates.

(Deut. 16: 11–14)

Here, the 'Egypt-*'ebed*-formula' appears again, as well as, most famously, in the regulation concerning Shabbat, the fourth commandment, in its Deuteronomy version:

Keep the Sabbath day to sanctify it, as the LORD thy God hath commanded thee. Six days thou shalt labour, and do all thy work: but the seventh day *is* the Sabbath of the LORD thy God: *in it* thou shalt not do any work, thou, nor thy son, nor thy daughter, nor thy manservant, nor thy maidservant, nor thine ox, nor thine ass, nor any of thy cattle, nor thy stranger that *is* within thy gates; that thy manservant and thy maidservant may rest as well as thou. And remember that thou wast a servant in the land of Egypt, and that the LORD thy God brought thee out thence through a mighty hand and by a stretched out arm: therefore the LORD thy God commanded thee to keep the Sabbath day.

(Deut. 5: 12–15)

In ancient societies, such as New Kingdom Egypt, it was not a problem to integrate strangers into the community. This is documented for instance by the fact that we find bearers of Semitic names in the highest offices of the state. The biblical story of Joseph, who ascends to a position second only to Pharaoh, gives a correct picture of this

situation (Gen. 37–50). A historical example is the vizier of Akhenaten, a man named Abdi-El ('Servant of God').<sup>11</sup> Nationality was not yet invented as a category of membership with special rights and rules of admission. The same seems to apply to other ancient societies as well. In this respect, Israel, with its strong ideas of covenant and fidelity, based on laws that were not only rules of behaviour but also conditions of belonging, formed a clear exception. The Books of Exodus and Deuteronomy show Israel as a prototype of what later became the modern nation. The notions of 'resident stranger' (*ger*) and 'non-resident foreigner' (*nokhri*) have to be seen in the light of this new exclusive construction of national and religious identity. Mose, it is true, bears an Egyptian name, like other members of the Levite tribe such as Phineas (Pa-Nehsi 'the Nubian') or Putiel (Pa-di-El 'Gift of God' = Theodore). It was possible to become an Israelite by marriage as is shown by Moses' wife Zippora, a Midianite, and Ruth, the Moabite. This inclusive practice reflected in some of the narratives, however, was overturned by Ezra and Nehemia (at the very time when the Exodus narrative assumed its final literary shape), who radically closed this door with their merciless action against 'mixed marriages' after the return from Babylon.<sup>12</sup> In Deuteronomic and early 'covenantal' law, a stranger (*ger*) remained a stranger<sup>13</sup>, and an exception was only made for the Edomites and the Egyptians who were allowed to join the community in the third generation:

An Ammonite or Moabite shall not enter into the congregation of the LORD; even to their tenth generation shall they not enter into the congregation of the LORD for ever [...]

[However,] Thou shalt not abhor an Edomite; for he *is* thy brother: thou shalt not abhor an Egyptian; because thou wast a stranger in his land. The children that are begotten of them shall enter into the congregation of the LORD in their third generation.

(Deut. 23: 4; 6–7)

At first it may seem surprising that the exception granted to the Edomites – descendants from Abraham through Ishmael, the son of Hagar, the Egyptian concubine of Abraham – was extended also to the Egyptians. Given the sufferings of the Israelites in Egypt, one would have expected the Exodus narrative to found an eternal enmity between Israelites and Egyptians, but the opposite is true. The Egyptian experience, as transmitted in the memory of the Hebrew people, established not enmity but a sense of similarity, of something that both peoples have

in common. We have already shown how the Exodus myth founded and defined Israelite identity in contradistinction to Egypt, from where the Chosen People had to be liberated in order to enter the Covenant that forms the constitution of its 'national' and religious identity. However, this opposition concerns only the harsh system of sacred kingship as represented in the person of Pharaoh, and not the Egyptian people themselves. It is the state (and its gods) that are perceived as oppressive and cruel, not the population. There are even three passages in the text that present Egyptians in a favourable light: (1) The midwives Shifra and Puah (who are clearly Egyptian)<sup>14</sup> assigned to assist the Hebrew women in giving birth and who refuse to obey Pharaoh's order to kill the male newborn (Exod. 1, 15–22); (2) The statement that 'God gave the people favour in sight of the Egyptians, so that they lent unto them such things as they required', viz. 'jewels of silver, and jewels of gold, and raiment' (Exod. 12, 35f.); and (3) The note that 'a mixed multitude' of Egyptians and others joined the Israelites in their move-out (Exod. 12, 38; cf. Num. 11, 4) which precludes a purely ethnic definition of the emigrants. The most decisive argument, however, that warns us not to over-emphasize the difference between Israelites and Egyptians (or non-Israelites in general) is the similarity that is established by the book of Genesis between all nations as common descendants of Noah.<sup>15</sup>

The ideas of election and covenant construct a difference between Israel and the (other) nations (*goyim*) that is repeatedly emphasized without, however, suppressing the fact that the whole earth is God's and his care extends to all his creatures: 'Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above all people: for all the earth is mine' (Exod. 19, 5). The distinction between Israel and the nations does not have the quality of the distinction between friend and foe in the sense of a total negation of similarity that erects an insurmountable border and leaves no room for empathy.

There is, however, one exception to this liberal, universalistic, and humanistic view of the multi-national world as outlined in the book of Genesis. This concerns the indigenous inhabitants of the Promised Land, the Canaanites that are explicitly excluded from any empathetic attitude. Their expulsion and extermination is even prescribed as a sacred task and they are denied the very mercy that is commanded vis-à-vis the stranger: 'Thou shalt smite them, and utterly destroy them; thou shalt make no covenant with them, nor show mercy unto them' (Deut. 7: 2, cf. the whole passage 7: 1–6, and similarly Exod. 23: 27–33; Exod. 34: 15f., Deut. 12: 2f., and many more).



The prohibition of mercy is a classic example of the blocking of empathy towards a group that is denied any similarity and defined as the absolute other. Who are these Canaanites and how can we explain this uncompromising anti-Canaanism?<sup>16</sup> We are dealing here with a hatred and an abomination turned against the past of the Israelites who were Canaanites themselves, worshipping Ashera and Ba'al alongside Yahveh – as the prophets kept scolding and reminding them – before converting to a pure monotheism during and after the Babylonian exile. What we have before us is the violent abomination of the convert towards a past that he has left behind. The story of Exodus and the identity it has shaped and is continuously shaping have to be interpreted not in the light of the Late Bronze Age, in which the events are situated, but in the light of the tense time in which the texts were written: the sixth and fifth centuries, and the foundation of Second Temple Judaism.

This historical explanation applies also to our point of departure: the exhortation to empathize with the stranger while remembering that one has been a stranger oneself in the land of Egypt. There is wide-ranging consensus among Biblical scholars that the Exodus never happened as an historical event. The Exodus is a matter of memory but not of history. This makes the connection between empathy and memory all the more interesting. Why does the Torah so emphatically insist on the Egyptian origin of the Israelites and on their suffering there as strangers, oppressed with forced labour and genocidal persecution? If there is no *historical* basis for this event, what could the *symbolic* meaning of this myth of origin be?<sup>17</sup> A possible answer can be found in a famous passage in Deuteronomy that gives a short version of this myth in the form of a confession or self-definition that the Israelite is supposed to recite when offering the first fruits, presumably at Sukkot:

A rambling Aramean *was* my father, and he went down into Egypt, and sojourned there with a few, and became there a nation, great, mighty, and populous: and the Egyptians evil entreated us, and afflicted us, and laid upon us hard bondage: and when we cried unto the LORD God of our fathers, the LORD heard our voice, and looked on our affliction, and our labour, and our oppression: and the LORD brought us forth out of Egypt with a mighty hand, and he hath brought us into this place, and hath given us this land, *even* a land that floweth with milk and honey. And now, behold, I have brought the firstfruits of the land, which thou, O LORD, hast given me.

And thou shalt set it before the LORD thy God, and worship before the LORD thy God: and thou shalt rejoice in every good *thing* which

the LORD thy God hath given unto thee, and unto thine house, thou, and the Levite, and the stranger that *is* among you.

(Deut. 26: 5–11)<sup>18</sup>

The 'rambling Aramean' is Jacob called Israel, the ancestor of the Israelites who have never been at home, living first as respected strangers (*gerîm*) in Canaan and then as oppressed strangers in Egypt before finally entering the Promised Land as full citizens. The symbolic meaning of this history of 'ger'-ship is firstly to distinguish the Promised Land as the true home of the Israelites, secondly to declare them as 'allochthonous'<sup>19</sup> with regard to the land they are living in, thus setting them off as sharply as possible against the other indigenous inhabitants and thirdly to define them as a 'remembering' and therefore 'empathic society'. The memory of the (however symbolic and fictional) Egyptian past enables them to feel with the stranger, the poor, and the slave in their midst. The appeal to remember the Egyptian bondage appears in three contexts:

- (1) You must not oppress the stranger, because you have been a stranger yourself in Egypt
- (2) You must not exploit the slave, because you have been a slave yourself in Egypt
- (3) You will only understand the meaning of the laws you are to observe if you do not forget that you were liberated from Egypt.

The self-definition of an Israelite requires that he sees him/herself as a former stranger, a former slave and a mindful freedman/woman (if only on condition of observing the law) who remembers his/her past. For the Israelites, the time of suffering in Egypt forms a defining element of their self-image and of their image of God. God is the liberator who redeemed them from Egyptian bondage and they themselves remained slaves but became servants of God who says: 'For unto me the children of Israel are servants; they are my servants whom I brought forth out of the land of Egypt' (Lev. 25: 55). This statement occurs in the context of the regulations concerning the year of jubilee when all the slaves in Israel have to be set free. With regard to this institution we read in Deuteronomy:

And if thy brother, an Hebrew man, or an Hebrew woman, be sold unto thee, and serve thee six years; then in the seventh year thou shalt let him go free from thee. And when thou sendest him out free from thee, thou shalt not let him go away empty: thou shalt furnish

him liberally out of thy flock, and out of thy floor, and out of thy winepress: *of that* wherewith the LORD thy God hath blessed thee thou shalt give unto him. And thou shalt remember that thou wast a bondman in the land of Egypt, and the LORD thy God redeemed thee: therefore I command thee this thing to day.

(Deut. 15: 12–15)

For the Israelites, the past, however traumatic, however humiliating, matters because its memory makes them mindful, sensitizing them for the needs of the other and preventing them from ever exposing others to experiences like those they had made in Egypt. Empathy is conceived in these passages as a matter of memory rather than of immediate response or mirror-neurons. It is the past more than the present that makes a person or, in this case, a society empathetic. If you had not been strangers and slaves in Egypt, the texts seem to argue, you would not be able to create a new form of society where nobody is oppressed. Suffering receives a meaning in this line of argumentation and is represented as a form of education: *mathein* 'learning' through *pathein* 'suffering', as the famous Greek dictum runs.<sup>20</sup> Even if the motif of Egyptian bondage and suffering is a mythical fiction, the sufferings that the Israelites incurred from the hands of the Assyrians and Babylonians were as real and historical as can be.

The memory of Egyptian bondage – regardless of whether its historical or mythical – creates what Aleida Assmann has termed 'resonance'.<sup>21</sup> She uses resonance 'to describe the interactions or reverberations between an experience, on the one hand, and a psychic or cultural frame and emotional deep structure on the other'.<sup>22</sup> The myth of the Exodus with its gripping description of the sufferings of the Israelites in Egypt provides the 'psychic or cultural frame and emotional deep structure' that informs the Jewish experience. If we realize the context of historical experiences within which the Exodus myth became acute: the fall of the Northern Kingdom of Israel through the Assyrian conquest and the mass deportation of Israelites ('the lost Ten Tribes') into Assyrian captivity (722 BCE), the catastrophe which the early prophets Hosea and Amos prophesied in alluding to the Exodus tradition, and the fall of the Southern Kingdom of Judah by the hands of the Babylonians (587 BCE) when these traditions were codified in the books of Exodus and Deuteronomy, we see what experiences and resonances were involved in creating the Jewish self-definition as a remembering and, for this reason, empathic society. This utopian self-image was devised in a traumatic or post-traumatic situation, in exile, as a blueprint for

creating or recreating an ideal Jewish community after the return to the Promised Land.

In A. Assmann's terminology, the motif of Egyptian serfdom serves as a 'prefiguration'<sup>23</sup> of the experiences that Israel was to make during the Assyrian deportation and the Babylonian exile, as well as the experiences that Jews were exposed to during the Seleucid and Roman occupation of their country and during almost two millennia of living in the diaspora. 'All cultures', A. Assmann writes, 'create systems of prefiguration which help their members to cope with events and endow experience with meaning'.<sup>24</sup> The myth of the Exodus, with its motifs of serfdom and liberation is a classic example of such a 'system of prefiguration', which has helped the Jewish people through their countless experiences of oppression and persecution.

Everyone familiar with the situation of the Palestinians in modern Israel, however, knows that the exhortation 'do not oppress the stranger who lives in thy midst' is no longer the leading maxim of Israel's interior practice and politics. The resonance of Egyptian serfdom has been blotted out by an event that could no longer be integrated into the semantic framework of the Exodus tradition: i.e. the Shoah. For such events, A. Assmann introduces the term 'impact' as a complement to her concept of resonance, meaning

an event that is not prefigured, for which we have no cultural templates and schemata and which therefore stands out as direct and immediate (though not necessarily unmediated). It is the unexpected par excellence, which cannot be anticipated and which is not culturally prefigured.<sup>25</sup>

In modern Israel – I am not referring here to anything like 'Jewish mentality', but to explicit right-wing politics – the impact event of the Holocaust led to a blocking of memory and empathy, replacing the maxim 'do not oppress the stranger' and the myth of Exodus with the maxim 'never again a victim', and the myth of Masada.<sup>26</sup>

In all other respects, however, the memory of the Holocaust has led to a general sensitization to injustice, oppression, and violence. As Jeremy Rifkin argues, humankind is moving in the direction of becoming an 'empathic civilization'.<sup>27</sup> The verse from which we started reminds us that this development is not only a matter of globalization and communication technology but of memory, and it is precisely the memory of the Holocaust, along with other traumata of the past such

as colonization, wars of annihilation, and the Gulag, that has brought about this epochal change. In the same way as the Israelites were warned to never forget that they were slaves and strangers in Egypt in order to be able to feel with the underprivileged and to form an 'empathic civilization' where nobody will ever be oppressed, we are summoned to remember the holocaust in order to become an 'empathic civilization' and finally to arrive at a global enforcement of human rights.

## Notes

1. Alan Dundes, *The Morphology of North American Indian Folktales*, Helsinki: Suomalainen Tiedeakatemia, Academia Scientiarum Fennica, FF Communications No. 195, 1964.
2. All Biblical quotations are given in the translation of the King James Version. I am grateful to Ronald Hendel for reading a first draft of this essay and for his critique and encouragement. This article owes much especially to Aleida Assmann's critical reading.
3. Horst Seebaß, Art. *nāpās*: ThWAT 5 (1986) pp. 531–555. Theologisches Wörterbuch zum Alten Testament Bd. 5, Stuttgart: Kohlhammer.
4. In Prov. 12: 10, this concept of empathy is even extended to the animals living in the household: 'the righteous knows his (domestic) animals soul (*naepæš*) but the mercies of the wicked are cruel' – mercy without empathy can amount to cruelty.
5. See Jan Assmann, Bernd Janowski, Michael Welker (eds), *Gerechtigkeit*, Munich: W. Fink 1998; Bernd Janowski, *Die rettende Gerechtigkeit*, Neukirchen-Vluyn: Neukirchener Verlag 1999; Dirkie Smit, 'Justification and Divine Justice', in: Michael Weinrich, John R. Burgess (eds), *What is Justification about?* Grand Rapids: Eerdmans 2009, pp. 88–121.
6. See Jan Assmann, *Ma'at. Gerechtigkeit und Unsterblichkeit im Alten Ägypten*, Munich: C. H. Beck 1990.
7. The relationship between god and king in matters of law and justice is beautifully represented on the famous Stela of Hammurabi, where the king is shown standing before the sun-god Shamash sitting on his throne. The god commissions the king to make laws and to establish justice, but he does not make the laws himself and hands them over to the king, like Yahweh, who gives Moses the tablets with the Decalogue and dictates to him the rest of the laws. An important Egyptian text defines the role of the king vis-à-vis the sun god in similar terms:

Re has installed the King  
on the earth of the living  
forever and ever,  
to administer justice to human beings and satisfy the gods,  
to fulfil Ma'at and annihilate injustice.

The king is responsible to the sun-god for establishing law and justice on earth, but he does not receive eternal laws revealed to him by the sun-god.

8. See especially Michael Welker, 'The Power of Mercy in Biblical Law', *Journal of Law and Religion*, June 2014, 29, 2, pp. 225–235.
9. Cf. C. van Houten, *The Alien in Israelite Law*, JSOT.S 107, Sheffield 1991; Chr. Bultmann, *Der Fremde im Antiken Juda*, FRLANT 153, Göttingen 1981; J. E. Ramirez-Kidd, *Alterity and Identity in Israel*, BZAW 283, Berlin 1999; O. Kaiser, 'Die Ausländer und die Fremden im Alten Testament', in: Peter Biehl (ed.): *Heimat – Fremde*. Jahrbuch für Religionspädagogik 14, Neukirchen-Vluyn 1998, pp. 65–83; E. Otto, 'Gottesrecht als Menschenrecht', in: id., *Rechts- und literaturgeschichtliche Studien zum Deuteronomium*, Beihefte zur Zeitschrift für Altorientalische und biblische Rechtsgeschichte 2, Wiesbaden: Harrassowitz 2002, pp. 239–247.
10. Cf. Christof Hardmeier, 'Die Erinnerung an die Knechtschaft in Ägypten', in: Frank Crüsemann et al. (Hg.): *Was ist der Mensch ...? Beiträge zur Anthropologie des Alten Testaments*. München: Festschrift Hans Walter Wolff 1992, pp. 133–152.
11. Alain-Pierre Zivie, *Découverte à Saqqarah, Le vizier oubliée*. Seuil, Paris 1990. The name has formerly been read as Aper-El or Aperia.
12. Neh. Chapters 9 and 10.
13. The Bible distinguishes between *ger* 'stranger' in the sense of a resident non-Israelite, and *nokhri* 'foreigner', who has no right of abode in Israel. Cf. Deut 14: 21: 'Ye shall not eat of any thing that dieth of itself: thou shalt give it unto the stranger (*ger*) that is in thy gates, that he may eat it; or thou mayest sell it unto an alien (*nokhri*): for thou art an holy people unto the LORD thy God'.
14. For the discussion of this question in Jewish tradition see Nehama Leibowitz: *Studies in Shemot I*, Jerusalem: The World Zionist Organization. Department for Torah Education and Culture in the Diaspora, 1981, pp. 31–38.
15. A certain difference is reintroduced into this political genealogy by the distinction between the descendants of Sem and Yaphet on the one hand and those of Ham on the other, a distinction, however, that by no means overrides the basic similarity of all humanity as created by and in the image of God.
16. Cf. Othmar Keel, 'Der zu hohe Preis der Identität oder von den schmerzlichen Beziehungen zwischen Christentum, Judentum und kanaanäischer Religion', in: Manfred Dietrich/Oswald Loretz (eds.): *Ugarit. Ein ostmediterranes Kulturzentrum im Alten Orient I*, Münster 1995, pp. 95–114; id., *Kanaan – Israel – Christentum. Plädoyer für eine ‚vertikale‘ Ökumene*, Franz Delitzsch-Vorlesung 2001, Münster 2002; Thomas Staubli, 'Antikanaanismus. Ein biblisches Reinheitskonzept mit globalen Folgen', in: Peter Burschel, Christoph Marx (eds), *Reinheit*, Wien: Veröffentlichungen des Instituts für Historische Anthropologie Bd. 12, Böhlau 2011, pp. 349–388.
17. In an internet discussion following the publication of an article by S. David Sperling 'Were the Jews slaves in Egypt?', one interlocutor very pertinently wrote: 'For some there is no convincing proof that the Israelites were ever slaves in Egypt, for others there's no convincing proof that they [never] were. For the rest of us, likely the bulk of those who consider ourselves Jewish, the archaeological evidence for neither is particularly persuasive – and the debate may be beside the point. Whether taken as history, parable, metaphor, invention or myth, the story of Exodus remains one of the most powerful narratives in human history and its lessons are

- unchanged' (<http://reformjudaismmag.org/Articles/index.cfm?id=3184>, date accessed 11 October 2013).
18. Cf. Gerhard von Rad, 'Das kleine geschichtliche Credo' in: id., *Gesammelte Studien zum Alten Testament*, Munich: Chr. Kaiser 1958, pp. 11–20.
  19. Allochthony is the opposite of autochthony, referring to immigration and foreign origin. 'Home' in the Biblical context is not a question of origin, but of destination.
  20. Heinrich Dörrie, *Leid und Erfahrung; die Wort- und Sinn-Verbindung pathemathem im griechischen Denken*, Mainz 1956 (AAWLGM 1956/55).
  21. Aleida Assmann, 'Impact and Resonance. The Role of Emotions in Cultural Memory' ([www.liv.ac.uk/soclas/conferences/Theorizing/Kurzfassungok2.pdf](http://www.liv.ac.uk/soclas/conferences/Theorizing/Kurzfassungok2.pdf)); *ead.*, *Impact and resonance – towards a theory of emotions in cultural memory*. Lecture held at Södertörn University May 18, 2011. Södertörn Lectures 6. Huddinge: Södertörn University 2012.
  22. Loc. cit. 14 (Internet version).
  23. For this term and its correlative 'remediation', A. Assmann refers to David Bolter, Richard Grusin (eds), *Remediation. Understanding new Media*, Cambridge MA: MIT Press 1999; Richard Grusin, 'Premediation,' in: *Criticism. A Quarterly for Literature and the Arts*, Winter 2004, 46, 1, pp. 17–39.
  24. A. Assmann, loc. cit. p. 8 (Internet version).
  25. Ibid. p. 13 (Internet version). For the concepts of 'impact event' and 'impact narrative', she refers to Anne Fuchs, *After the Dresden Bombing: Pathways of Memory 1945 to the Present*. London: Camden, Plagrove Macmillan 2011.
  26. Yael Zerubavel, *Recovered Roots. Collective Memory and the Making of Israeli National Tradition*. Chicago: University of Chicago Press 1995; Nachman Ben-Yehuda, *Masada Myth: Collective Memory and Mythmaking In Israel*, Madison: University of Wisconsin Press 1995; id., *Sacrificed Truth. Archaeology and The Myth of Masada*. Amherst: Prometheus Books 2002.
  27. Jeremy Rifkin, *The Empathic Civilization: The Race to Global Consciousness in a World in Crisis*, Cambridge: Polity Press 2010.