

Analyzing the Discourse of Biblical Law in Exodus 21:2–11

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1. Introduction¹⁾

1.1. Legal Texts as Directive Discourse

A fair amount of work has been done on the literary and discourse structure of narrative and poetic texts in the Hebrew Bible, but much less research and writing has been done on the type of text which I call directive discourse. Directive texts, of which legal texts form a part, consist of discourse where the speaker speaks his/her will that a specific act be done by another person. This can include anything from prayer to requests, to advice, exhortation, decrees, and laws. Concerning legal texts specifically, there have been scattered articles on the structure of specific legal texts but no one has attempted an overview of the discourse analysis of legal texts. It may have been assumed by some that what has been learned from narrative text analysis or from the analysis of argumentation can be applied to directive texts in the Hebrew Bible. While some of the same principles of analysis are applicable, the analysis of Hebrew law yields a rather distinct set of insights, most particularly in the area of the analysis of word order in Biblical Hebrew.

In my thesis, I lay the groundwork for discourse analysis of Biblical law by proposing a methodology which I hope will inspire further research on specific features of legal discourse. The presentation consists of the following steps:

- Definition of the notion of discourse analysis according to the needs of Biblical text research.
- Discussion of the parameters of the ‘directive’ discourse type, and the use of these parameters for text classification and analysis.
- The description of the basic aspects of a discourse unit.

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1) The following presentation consists of an overview of the subject of my thesis entitled, *Discourse Analysis of Directive Texts: The Case of Biblical Law*, which I defended on October 5, 2004, at Associated Mennonite Biblical Seminary in Elkhart, Indiana, USA.

- An outline of the procedures for the analysis of Biblical Law. Each one of these procedures is then discussed separately with appropriate examples. Obviously, it was not possible to present a thorough analysis for each topic; thus my goal was to simply propose an approach which I believe will yield fruitful results.

1.2. The Components of Discourse Analysis of Biblical Law

The term ‘discourse analysis’ has such a wide range of definitions and nguage analysis and use, that it is necessary to define first of all the approach that best suits the analysis of legal texts. To further confuse the issue, numerous other terms are used within Biblical research which resemble to some degree what I call discourse analysis: Terms such as rhetorical analysis, structure analysis, text analysis, and literary analysis. For these reasons, it is imperative to clearly delineate the defining parameters of my particular discourse analysis approach.

Discourse analysis, as defined in the thesis, consists, first of all, of a descriptive linguistic analysis of a written text with a unifying theme, topic, or setting.²⁾ A functionalist approach³⁾ is used, in which the speaker’s purpose for the communication⁴⁾ is considered as a major factor in the analysis. Examination of the contextual parameters within and beyond the text facilitate the researcher in his search to determine how meaning and structure interconnect to produce a coherent

2) A descriptive approach seeks to describe the text as it is, rather than placing a value judgment on its quality. Kirk E. Lowery and Walter Bodine also promote this approach for the analysis of Biblical Hebrew texts (Kirk E. Lowery and Walter Bodine, *Discourse Analysis of Biblical Literature; What it is and What It Offers* [Atlanta: Scholars Press, 1995], 103-130).

3) For a discussion of the functionalist approach, see Deborah Schiffrin, *Approaches to Discourse* (Cambridge, Mass: Blackwell, 1994), 32-33; in the context of the analysis of Biblical Hebrew, see Christo H. J. Van der Merwe, “Discourse Linguistics and Biblical Hebrew,” Robert D. Bergen, ed., *Biblical Hebrew and Discourse Linguistics* (Dallas: SIL, 1994), 16-21.

4) Kathleen Callow and John Callow, and Vijay K. Bhatia both maintain that communicative purpose is the primary factor for the structuring and shaping of a discourse event (Kathleen Callow and John Callow, “Text as Purposive Communication: A Meaning-based Analysis,” William C. Mann and Sandra A. Thompson, eds., *Discourse Description: Diverse Linguistic Analyses of a Fund-Raising Text* [Philadelphia: John Benjamins Publishing Co., 1992], 7; Vijay K. Bhatia, *Analyzing Genre: Language Use in Professional Setting* [London: Longman, 1993], 13).

text. It involves the analysis of both the organizational structure of the text,⁵⁾ and the choice and distribution of lexical items.⁶⁾ Finally, comparative analysis with similar and different text types provides further insights concerning meaning and structure of the text.⁷⁾

This approach to discourse analysis includes the linguistics fields of syntax, semantics, and pragmatics, as well as the disciplines that concern the analysis of the text, such as literary analysis, rhetorical analysis, and textlinguistics. It consists of research of the following issues: information structure, continuity and discontinuity, prominence and regularity, progression, boundary markers, thematic development, and participant reference, the structural organisation of a text, parallelism and other types of repetition, as well as the role of extra-linguistic knowledge and context in the analysis of discourse.

Our goal for this type of analysis is to gain further interpretive insights that lead to a more faithful translation of the Scriptures. The limits of the thesis did not allow for a specific application to translation, but it is my hope that examples will be forthcoming in the future.

2. Discourse Analysis of Exodus 21:2-11

Exodus 21:2-6 is the most frequent illustrative example used in the thesis. This law details the conditions for freeing an indentured male servant. To give you an idea of what discourse analysis can reveal, I present a few discoveries here, focusing primarily on the functions of repetition, the nature of prominence, and the manner of participant reference in this text.

5) Organisational structure of a text is discussed by Vijay K. Bhatia, and Teun A. Van Dijk (Vijay K. Bhatia, *Analyzing Genre*; Teun A. Van Dijk, ed., *Discourse as Structure and Process* [London: Sage Publications, 1997]), and for Hebrew, Patrick Miller (Patrick Miller, *They Cried to the Lord: The Form and Theology of Biblical Prayer* [Minneapolis: Fortress Press, 1994]). Also included in the study of structure is the arrangement of parallel structures in a text (for an example of parallelism in Biblical law see Welch John W., “Chiasmus in Biblical Law: An Approach to the Structure of Legal Text in the Hebrew Bible,” *Jewish Law Association Studies* IV [Atlanta: Scholars Press, 1990], 5-22).

6) The topic of lexical cohesion in a text was introduced by M. A. K. Halliday and Ruquaiya Hassan (Halliday, M.A.K. and Ruquaiya Hasan, *Cohesion in English* [London: Longman, 1976]).

7) Comparative analysis depends on the categorization of text types, a topic which I discuss at length in my thesis.

This passage concerns one of the first laws of the covenant code, following the ten commandments in Exodus 20. It is actually part of a slightly larger text unit, Exodus 21:2-11, in which the conditions for freeing a male slave versus a female slave are discussed separately. The text of both units is presented in Tables 1 and 2 below.

The first task in analysis is to lay out and mark the text in such a way that certain features can be made easily accessible for analysis. Two ways to lay out a text is illustrated in the two tables below. In Table 1, each clause is aligned in such a way that the verbs are found in the same position of a line, and can be visualized in columns. Conjunctions, verbs, and repeated words are highlighted in some way. In Table 2, all clauses are aligned to the right side, and any nouns or pronouns that come before the verb are highlighted.

Table 1. Exo 21:1-6: Alignment according to syntactic categories

Key: Single line box - conjunctions; Multiple line boxes and dotted lines - lexical repetition;
yiqtol forms - shaded; *weqatal* forms - underlined.

	21:1	ואלה המשפטים אשר תשים לפניהם:	Intro to Covenant Code
1	21:2	כִּי תִקְנֶה עֶבֶד עִבְרִי Hebrew servant you buy if	Setting
2		שֵׁשׁ שָׁנִים יַעֲבֹד he is to serve six years	Directive
3		וּבִשְׁבַעַת לְחַפְשֵׁי חָנָם יֵצֵא for no pay to freedom he shall go out and-in the seventh	Directive
4	21:3	אִם יָבֹא בְּגִפּוֹן יֵצֵא he enters single if	Setting
5		יֵצֵא בְּגִפּוֹן he shall go out single	Directive
6		אִם הוּא בַעַל אִשָּׁה he is husband of woman if	Setting
7		עִמוֹ יֵצֵא אִשְׁתּוֹ with him his wife shall go out	Directive
8	21:4	אִשָּׁה יִתֵּן לּוֹ אֲדֹנָיָהּ a wife to him gives his master if	Setting
9		בָּנִים אוֹ בָנוֹת וַיֵּלְדֶה-לוֹ daughters or sons to him she gives birth and	Directive
10		לְאֲדֹנָיָהּ תְּהִיָּה הָאִשָּׁה וְיִלְדֶיהָ for the master is to be the woman and her children	Directive

11	בגפן single	יצא he shall go out	והוא he and	Directive	
12	21:5 העבד the servant	יאמר says	אמר say (inf.abs.)	ואם if	Setting
13	את-אדני ואת-בני my sons and my wife	את-אשתי ואת-בני my master	אהבתי I love		Setting
14	חפשי free	לא אצא I will go out not			Setting
15	21:6 אל-האלהים to God	ואדניו his master	ישלכו is to bring him		Directive
16	אל-הדלת או אל-המזוזה to the doorpost or to the door	והגיש his is to bring him and			Directive
17	במרצע with an awl	את-אזנו his ear	ורצע his master is to pierce an		Directive
18	לעלם ס forever	ועבדה he is to serve him and			Directive

Charting of Exo 21.7-11: Highlighted fronting

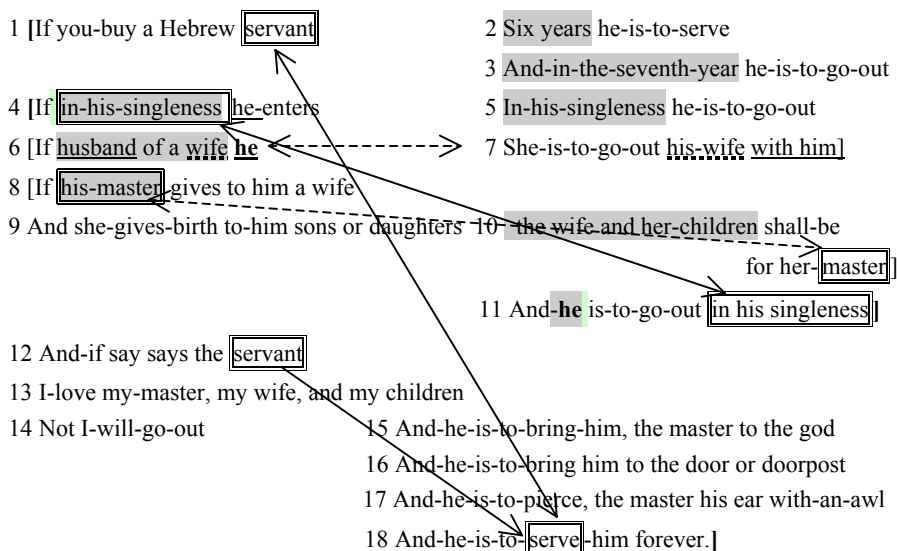
19	21:7 לאמה as-a-maid	את-בתו his-daughter	ימכר איש a-man sells	וכן and-if	Setting
20	העבדים the-male-servants	כצאת as-goes-out	תצא she-is-to-go-out	לא not	Directive
21	21:8 אדניה her-master	בעיני in-the-eyes-of	רעה is-bad	אם if	Setting
22		ילא ילו יעדה designates for-himself		אשר which	
23			והפדה he-is-to-let-her-be-redeemed.		Directive
24		למכרה to-sell-her	לא-ימשל hand-over not	לעם נכרי to-outsiders.	Directive
25	21:9	ייעדנה he-designated-her		ואם לבנו for-his-son and-if	Setting
26		יעשה-לה he-must-treat-her	כמשפט הבנות as-custom for-daughters		Directive
27	21:10	יקח-לו he-takes-for himself		אחרת another (wife) if	Setting
28		לא יגרע he-is-not-to-diminish	לא יעשה-לה not and-marital-rights, clothing, food		Directive
29	21:11	לא יעשה-לה to-her he-does not	ואם שלש-אלה these three and-if		Setting

(1974) for Kekchi.¹⁰⁾

2.2. Topic Bracketing and Repetition

The phenomenon of inclusios is well-known in Hebrew poetry and is frequently identified by those who look for chiasmic structures in both Hebrew prose and poetry. My analysis of this text reveals that lexical repetition for the purposes of beginning and ending a topic may simply be the proper way to begin and end topical sections. The marking of the text below shows how the positioning of repeated words and phrases serves to bracket topical clusters within the text.

Exo 21:2-6



Servant in line one along with *serve* in line 18 bracket the entire unit. The phrase *in his singleness* (lines 4 and 11) brackets the stipulations concerning marital status before and after bondage, and the conditions for the liberation of a wife. *His master – her master* (lines 8 and 10) bracket the stipulation concerning the giving of a wife by the master. Lines 6 and 7 also has an inclusio: [*husband – with him*]. This latter as well as the *master* inclusio are grouped together within the *in the singleness* inclusio. Finally, lines 12 and 18 are also bracketed by *servant* in line 12 and *serve* in line 18. In each case such repetition indicates the beginning and ending of a topic

10) John Beekman and John Callow, *Translating the Word of God* (Dallas: Summer Institute of Linguistics, 1974).

unit, fitting together as follows: [servant [in his singleness [husband – in him] [his master – her master] in his singleness] [servant - serve him forever]]. Note also that the lower level inclusions in this text also involve syntactic and/or lexical inversion (lines 4-11), such that the first word is found in initial position of the first clause, and the repeated word is found in final position of the second clause. One will also note that the verb **יצא** (go out) brackets the female slave release passage in Exodus 21:7-11.

The application of these discoveries to the translation task would, in my opinion, require further research on semantic relations and argumentation strategies in both the source language and the receptor language. We do see however, that this topic bracketing helps to explain the positioning and repetition of different words and phrases. It also shows that a different ordering of concepts may well be necessary in order to convey the same message and argumentation in the receptor language.

2.3. Participant reference

Participant reference is a topic that has been dealt with by L. J. De Regt (1999)¹¹ in the analysis of narrative texts, conversation, and prophetic texts. However, many of the observations that he makes also apply to legal texts. In our example text, there are several participants: master, servant, servant's wife, and children. In the text below, each participant is marked separately, and full unaffixed pronouns are bolded. The examination of the use and distribution of nouns and pronouns for each participant reveals a clear referencing strategy.

Exo 21:2-6

Key: Box – master; Underline – servant; Dotted underline – wife.

- | | |
|---|--|
| 1 If you buy a <u>Hebrew servant</u> | 2 Six years <u>he</u> -is-to-serve |
| | 3 And-in-the-seventh-year <u>he</u> -is-to-go-out |
| 4 If in-his-singleness <u>he</u> -enters | 5 In-his-singleness <u>he</u> -is-to-go-out |
| 6 If husband of a <u>wife</u> he | 7 She-is-to-go-out <u>his-wife</u> <u>with him</u> |
| 8 If <u>his-master</u> gives <u>to-him</u> a <u>wife</u> | |
| 9 And <u>she</u> -gives-birth <u>to-him</u> sons or daughters | 10 <u>the wife</u> and her-children |
| | are-to-be for <u>her</u> - <u>master</u> |
| | 11 And- he is-to-go-out in-his-singleness |
| 12 And-if say says <u>the servant</u> | |
| 13 I-love <u>my-master</u> , <u>my-wife</u> , and my children | |

11) L. J. De Regt, *Participants in Old Testament Texts and the Translator, Reference Devices and their Rhetorical Impact* (Assen: Van Gorcum, 1999).

- 14 Not I-will-go-out 15 Then-he-is-to-bring-him, the master to the god
 16 And-he-is-to-bring him to the door or doorpost
 17 And-he-is-to-pierce, the master his ear with-an-awl
 18 And-he-is-to-serve-him forever.

The participant rank in this text is *servant*, *master*, *wife*, *children*; the *servant* is the central participant in this unit, and *children* serve only a periphery role (commonly called a prop). The *master* is secondary in terms of referencing, though he does become more central in the final lines of the unit.

The first general observation that can be made is that *servant* has a nominal reference in only two positions - in line one and in line 12. All the other references are pronominal – two full pronouns, as well as 13 pronominal affixes (not counting possession pronouns). The second nominal reference coincides with a significant thematic development and a contrastive relation with the previous clauses. This nominal reference is also accompanied by other signs of prominence (of which more will be said below), such as infinitive absolute and an extra long protasis. It is not otherwise needed to clarify any ambiguity since the pronominal subject of the previous clause was also referred to the *servant*. However, elsewhere, in cases where there is a change in subject, the *servant* reference remains pronominal (lines 11 and 18), where in English one would likely insert the nominal form.

Master, on the other hand, has one second person pronominal affix, four nominal references and only two third person pronominal affix references. One of the nominal references (in line 12) is not at all needed. Perhaps the use of a noun instead of the expected pronoun is a sign of *prominence* to highlight the climactic ear piercing act as a sign of permanent servitude.

Wife has three nominal references and two pronominal affix references (not counting possessive pronouns)¹²⁾, while *sons and daughters* has no pronominal reference, but is also referred to as *children* and *sons*.

These observations confirm the statement that *the most thematic referent will have the highest frequency of pronominal references*. The least thematic referent is the least likely to have any pronominal references. *If there is a possible question of ambiguity, it is the less thematic referent which will be chosen for full nominal reference*. On the other hand both the central participant and the secondary participant can take a nominal referent in order to mark prominence.

12) The observant reader will also note that in lines 1-6, the only verb initial (*weqatal*) lines are the ones where *wife* is a different subject from the previous clause.

A comment should be made of the sentence initial position of the subjects in lines 5 (*his-master*), 6 (*the wife and her children*), and 7 (*he* – referring to the servant). Such subject fronting is relatively rare in legal texts. In this case, it appears that the fronting serves the function of contrasting the three participants in these clauses.¹³⁾

As mentioned by L. J. De Regt, each language has its own strategies for referring to participants in a text. Nominal reference and the use of the independent pronoun have functions that serve to highlight the referent for one reason or another. It is important that the functions of these various Biblical Hebrew strategies be identified accurately and that the function rather than the form be translated into the receptor language. Failure to do so could result not only in ambiguity problems, but also in missed cues of thematic development or prominence.

2.4. Prominence

A prominent linguistic structure is a grammatical or lexical structure which stands out in some way within its linguistic context. It may consist of a special marker, a break in a pattern, or the use of an unusual syntactic structure or lexical item. In some cases, a linguistic structure which is prominent in one text type may not be prominent in another text type. Some of the functions of prominence are to mark new, unexpected, or highly important information. It may carry a sense of intensity, alarm, or excitement, pointing to a climactic point or to the key point of the text. Prominent structures also tend to mark boundaries and thematic development. Several terms have been used to refer to prominence in a text such as, *salience, highlighting, marked structure, focus, and emphasis*¹⁴⁾.

Some of the indicators of prominence in legal texts are often found in other types of texts: parallelism within linearly ordered texts, a monocolon inserted between parallel couplets,¹⁵⁾ the central position in a text,¹⁶⁾ extra long sentences or clauses, first person reference, unique vocabulary, repetition, unusual word order, the use of

13) See a similar comment made by L. J. De Regt concerning the function of independent pronouns (L. J. De Regt, *Participants in Old Testament Texts and the Translator, Reference Devices and their Rhetorical Impact* [Assen: Van Gorcum, 1999], 57-58).

14) Robert Longacre provides a good list of the type of prominent features to look for in a narrative, especially as it relates to climactic peak (Robert Longacre, *The Grammar of Discourse, Second Edition* [New York: Plenum Press, 1996], 35-48).

15) See Bliese (1994: 85).

16) For an example, see Nathan Klaus, *Pivot Patterns in the Former Prophets* (Sheffield: Sheffield Academic Press, 1999).

the infinitive absolute,¹⁷⁾ or simply a break in a pattern. I have already mentioned above, that the use of the nominal referent for a major participant, instead of a pronominal affix, may be an indicator of prominence.

The two sub units of Slave Release text, Exodus 21:2-11, exhibit parallel syntactic structure: each unit begins with a ׀ conditional clause, followed by four ׀ conditional clauses (see tables 1 and 2). The protases and apodoses consist of one or two clauses each *except* in the final ׀ statement of the first unit, where the protasis consists of three clauses, and the apodosis consists of four clauses!

Exo 21:5-6

12 And-if inf.abs. say says the servant,

13 I love my master, my wife, and my children,

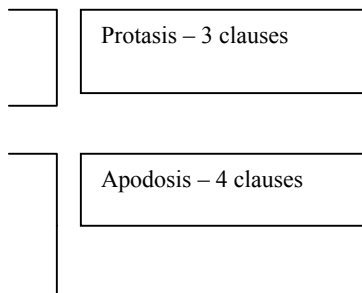
14 I will not go free,

15 Then his master is to bring him to the God

16 And bring him to the door or the door post

17 And his master is to pierce, his ear with an awl

18 And he is to serve him forever.



Furthermore, this portion contains other indications of prominence: 1) An infinitive absolute in the first line, 2) the nominal reference of ‘servant’, totally unnecessary for purposes of ambiguity, 3) a second nominal reference for ‘the master’ when it too was not necessary, and 4) the addition of the word ‘forever’ to reinforce the seriousness of the command.

This high concentration of prominence markers takes place at the end of the first unit, as a kind of a climactic finale for that unit, but these lines (12-18) are also located exactly in the center of the Exodus 21.2-11 text, just before the beginning of a second but shorter unit: There are exactly 11 clauses before and after these lines. This central position is a favored position for prominence in certain types of non-narrative Hebrew texts, particularly in poetry, where the author frequently places his key point. Therefore the exegete would do well to pay attention to these multiple indicators of prominence in order to discern the author’s intent for highlighting this portion. Likewise the translator will also need to select appropriate markers of prominence in his/her language.

17) Reuven Yaron discusses the use of the infinitive absolute in legal texts, concluding that their primary function was to provide emphasis (Reuven Yaron, “Stylistic Conceits II: The Absolute Infinitive in Biblical Law,” David P. Wright et al eds., *Pomegranates and Golden Bells* [Winona Lake, IN: Eisenbrauns, 1995], 449-460).

3. Conclusion

This presentation has shown only several of a number of aspects of discourse analysis in Biblical Hebrew – the use of verbal repetition for thematic continuity and for topic bracketing, participant reference, and prominence features. For our example text, we could have also examined the arrangement of concepts in parallel and concentric patterns, as suggested by Joe M. Sprinkle (1994).¹⁸ We could have looked at the cognitive structuring, that is, identifying and analysing which clauses are directive and those which present the setting, or conditions for the directive (see the right hand column of Tables 1 and 2). We could have studied in minute detail the semantic relations between the clauses, and the flow of the argumentation in the text. For a better understanding of the text, we could have examined its placement in the series of laws found in the Covenant Code. All of these areas of study and more can be included in the discipline of discourse analysis, such that discourse analysis flows into exegesis blurring the lines between the two.

Furthermore, one must also examine the functions of the individual linguistic structures, such as verb forms, conjunctions, constituent order, etc.. With the help of comparative research with other legal texts, as well as with other types of directives, narrative, and poetry, one can better discern the functions of each linguistic structure in the text.

My thesis touches on each of these topics but because of its limits, it could not present a full analysis from all of these angles. It is my hope, however, that my study will inspire others to pursue these various areas of research of the textual features of the legal literature in the Hebrew Bible.

<Keyword>

Hebrew, law, discourse, textlinguistics, Bible

18) Joe M. Sprinkle, *'The Book of the Covenant': A Literary Approach* (Sheffield: Sheffield Academic Press, 1994).

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<Abstract>

출애굽기 21장 2- 11절에 나타난 성서 율법의 담화 분석

안네 가버 콤파우레
(SIL 번역 컨설턴트)

이 글은 히브리어 성서에 나타나는 율법 본문들에 대한 포괄적이고 기술(記述)적인 언어학적 분석 과정을 소개한다. 몇몇 학자들이 율법 본문들의 구조의 특정한 측면들에 대한 분석을 시도했지만 포괄적인 분석 과정에 대한 제안을 한 적은 없었다.

이 글은 먼저 그러한 분석에 대한 필요성을 논의하면서, 율법 본문의 담화 분석을 위한 한정된 범위와 과정을 대략적으로 명시한다. 이러한 과정들의 몇 가지 측면, 소위 분석을 용이하게 하는 본문의 시각적 배치, 주제와 화제 꺾쇠 괄호와 관련된 어휘 반복 분석, 등장 인물의 관련성에 대한 분석, 본문의 두드러진 점에 대한 분석을, 출애굽기 21장 2~11절 본문에 적용시킨다.

이 분석을 통해 어순과 다른 반복과 전략들을 참조하는 기능을 보다 잘 이해할 수 있는 통찰력을 얻을 수 있다. 또한 율법 본문에 있는 두드러진 점의 기능을 확인하는 방법을 발견할 수 있을 것이다.

그 같은 분석을 통해 얻은 통찰은 본문과, 본문에서 발견되는 서로 다른 언어학적 구조들의 기능들에 대한 더 나은 해석과 좀더 정확한 번역을 하는 데 기여할 것이다.