

THE FINGER OF GOD  
AND THE FORMING OF A NATION  
THE ORIGIN AND PURPOSE OF THE DECALOGUE

David L. Baker

**Summary**

*The problem of the origin of the Decalogue is often expressed in terms of whether or not it is Mosaic or developed from a form that originated in the Mosaic period. Many scholars have argued for one or other of these positions, though recently some have suggested that the Decalogue was formulated much later in Israel's history, during or even after the Exile. However none of these views engages seriously with the claim of the biblical text that the Decalogue was spoken directly by God to the people of Israel at Sinai and written by 'the finger of God' on the two stone tablets. In this article I will endeavour to do that, before considering the audience to whom the Decalogue was addressed, what it was intended to be for them, and the motives and sanctions which were stated or implied. I shall argue that this document was instrumental in the forming of Israel as a nation, indeed as the people of God, and that it contains the essential principles which underlie the detailed laws in Exodus, Leviticus and Deuteronomy.*

**1. Origin**

**1.1 Words of God**

The starting-point for this article is an observation by Clines<sup>1</sup>, that the biblical text claims that God spoke the words of the Decalogue

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<sup>1</sup> David J. A. Clines, 'The Ten Commandments, Reading from Left to Right' in *Interested Parties: The Ideology of Writers and Readers of the Hebrew Bible* (JSOTSup, 205; Sheffield: Sheffield Academic, 1995; revised from earlier version in Sawyer Festschrift [1995]): 26-45.

(Exod. 20:1; Deut. 5:22) but commentators do not take this claim seriously.<sup>2</sup> Instead:

- they say someone else spoke them, without acknowledging that this means God did not do so (e.g. Hyatt);
- they change the subject and make the issue whether or not they were spoken by Moses (e.g. Charles);
- they imply the text never intended to mean that God actually spoke the words (e.g. Barr);
- they pretend God did actually speak the words, even though it is clear they do not believe it (e.g. Patrick).

Clines himself prefers to take what the text says seriously, and therefore rejects its claim because he doesn't believe it to be true, arguing that it was formulated by people whose particular interests were served by its contents.

I also intend to take the biblical text – and context – seriously, and so will begin by clarifying exactly what claims are made, before considering whether or not these claims are credible. Both Exodus and Deuteronomy identify the Decalogue as words of God, spoken by him directly to the people of Israel (Exod. 20:1, 22b; Deut. 4:10, 12, 33, 36; 5:4, 22-27; 9:10b; cf. 18:16)<sup>3</sup> and written by him on tablets of stone (Exod. 24:12; 31:18; 32:16; Deut. 4:13; 5:22b; 9:10)<sup>4</sup>. In contrast,

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<sup>2</sup> An exception to this generalisation is Ernest W. Nicholson, 'The Decalogue as the Direct Address of God', *VT* 27 (1977): 422-33, who recognises that 'the Decalogue, in contrast to other legislation in the Sinai narrative in Exodus, is presented as having been spoken directly by God to Israel rather than mediated through Moses'; cf. Anthony Phillips, 'A Fresh Look at the Sinai Pericope: Part 1', *VT* 34 (1984): 39-52; 'A Fresh Look at the Sinai Pericope: Part 2', *VT* 34 (1984): 282-94. Nicholson believes that the present position of the Decalogue was motivated by theological concerns, not merely editorial convenience. Deut. 4 and 5 'attach both theological and apologetic significance to the direct transmission of the Decalogue to Israel at Horeb' (p. 426). Likewise Exod. 20:22 refers to God speaking from heaven to Israel, to give the Decalogue, unlike Exod. 19 where God speaks to Moses. Another exception is Patrick D. Miller, 'The Sufficiency and Insufficiency of the Commandments' in *The Way of the Lord: Essays in Old Testament Theology* (FAT, 39; Tübingen: Mohr Siebeck, 2004): 17-36. However neither Nicholson nor Miller discuss the *actual* origin of the Decalogue and whether or not the biblical presentation is credible.

<sup>3</sup> Deuteronomy 5:5 appears to say that Moses mediated the Ten Commandments, and this is interpreted by some as a relic of an older tradition which has been displaced by the direct divine delivery of the commandments to the people, and by others as a later harmonising gloss, while a third view is that verses 4-5 reflect two different but equally old traditions. Cf. Brevard S. Childs, *Exodus: A Commentary* (OTL; London: SCM, 1974): 351-60.

<sup>4</sup> It is not clear in Exodus 34 whether the second copy of the Decalogue was believed to have been written by God (v. 1) or Moses (v. 28). R. Alan Cole, *Exodus: An Introduction and Commentary* (TOTC; London: Tyndale, 1973): 227 claims that the narrator sees no conflict between the two, for they were alternative ways of describing

Moses is stated to be the mediator for the Book of the Covenant (Exod. 20:22a; 21:1; 34:32), the Holiness Code (Lev. 18:1; 19:1; etc.) and the Deuteronomic Laws (Deut. 4:14; 6:1; 31:9, 24-26). He took on this role in response to the request of the people themselves, after their terrifying experience of hearing God speak (Exod. 20:18-21; Deut. 5:23-27). So there is undoubtedly something very remarkable about the Decalogue from the perspective of the biblical narrative.

All the references in the previous paragraph concern the context of the Decalogue in Exodus and Deuteronomy rather than the text itself. The question therefore still needs to be asked whether the Decalogue itself is formulated as words of God. As it stands, the prologue and the first two commandments are expressed as divine speech using the first person singular, while the remaining commandments refer to God – if at all – using the third person singular. Nielsen argues that the Decalogue was originally a collection of laws, with references to God formulated in the third person, and at a later stage in the tradition the third person form was changed to the first so that it now appears as a divine utterance, at least in the first part.<sup>5</sup> However, while it is conceivable that such a change could happen, it appears that the use of the first person for direct speech in ancient Oriental languages was less consistent than in modern Western ones.<sup>6</sup> For example, in Exodus 34:6-7 the divine self-revelation uses the third-person form; and the great king in the Hittite treaties speaks of himself using both the first and the third person.<sup>7</sup> So the mixture of first and third-person forms in the commandments does not conflict with the assertion of the narrative that all these words were spoken by God. Whether they were supposed to have been spoken directly or through a mediator cannot be determined from the text of the Decalogue itself.

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the same events, and deduces that we should not interpret the phrases literally. On the other hand, Childs, *Exodus* points out that Deuteronomy refers to the same event as God writing the tablets (Deut. 10:1-4) and suggests that God should be understood as the subject of the verb in Exodus 34:28 as well as in verse 1 (which is perfectly possible, though not the most natural reading in the context).

<sup>5</sup> Eduard Nielsen, *The Ten Commandments in New Perspective: A Tradition-Historical Approach* (SBT, second series, 7; London: SCM, 1968; tr. from German, 1965): 128-30.

<sup>6</sup> Even modern languages are not always consistent, e.g. authors often refer to themselves in the third person.

<sup>7</sup> Cf. Itamar Singer, 'The Treaties between Hatti and Amurru' in *The Context of Scripture*, vol. 2, ed. William W. Hallo (Leiden: Brill, 2000): 93-100.

It is clear, however, that the ‘ten words’ – in a specific sense which does not apply to most other words in the Bible – are presented as the direct words of God. Obviously such a presentation creates a problem for many people today, at least in the Western world. So what are we to make of it? On the one hand, Kline has no difficulty in taking the biblical account at face value.<sup>8</sup> On the other, Clines concludes that it is simply not true.<sup>9</sup> As mentioned above, there are various attempts to cloud the issue, by trying to find a way of saying that these words come from God without him having to actually speak them. It is outside the scope of this article to attempt a philosophical argument about whether it is possible or likely that God spoke audibly from heaven and was heard by the people of Israel at Mount Sinai. However, from an exegetical perspective, it may be noted that comparable claims are made in Luke 3:22, Matthew 17:5-6 (//Mark 9:7; Luke 9:35) and Acts 9:4-7<sup>10</sup>, concerning other momentous experiences in the history of the people of God.<sup>11</sup> Looking outside the Bible, the rabbinic literature often refers to the *bat qol* (lit. ‘daughter of the voice’, i.e. an echo), which seems to be a way of referring to divine speech without stating blatantly that God spoke audibly.<sup>12</sup> In modern times, there are many claims to similar phenomena, especially among people who have been converted to Christianity in a situation where reading the Bible or hearing the gospel is virtually impossible. Whatever we may make of all this, there seems to be no good reason for rejecting a priori the possibility that the biblical narratives are referring to real historical events. The authors and editors of the narratives appear to have understood them to be such.

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<sup>8</sup> Meredith G. Kline, ‘Ten Commandments’ in *New Bible Dictionary*, ed. D. R. W. Wood et al. (3rd edn; Downers Grove, Illinois: Inter-Varsity, 1996; electronic edn).

<sup>9</sup> Clines, ‘Ten Commandments’.

<sup>10</sup> Here it is stated that Paul’s travelling companions heard the voice but did not see the speaker, while according to Paul’s later retelling of the event his companions saw the light but did not hear the voice (Acts 22:9). It is arguable that inconsistencies like this are not surprising in trying to remember clearly such an extraordinary and overwhelming event, and the differences between the two accounts tend to confirm its essential historicity, whereas identical testimony would be more likely to be invented.

<sup>11</sup> Both Old and New Testament visions included voices from heaven (e.g. Isa. 6:3-8; Ezek. 1:25, 28; Acts 10:13-15; Rev. 4:1; 10:4, 8; 11:12; 14:13), but this is rather different from Exodus 20 and Deuteronomy 5 which refer to an audible voice from heaven in a historical context.

<sup>12</sup> See Hermann L. Strack and Paul Billerbeck, *Kommentar zum Neuen Testament aus Talmud und Midrasch*, vol. 1 (Munich: Beck’sche, 1922): 125-34.

The claim of the narrative that the words were not only spoken by God but also written by him on the tablets has no parallel elsewhere in the Bible, except perhaps the writing on the wall in Daniel 5 (which is described as being written by a human hand, apparently detached, that had been sent by God, vv. 5 and 24). Most commentators do not even discuss the historicity of this point, and it seems to be assumed that it was in fact Moses or someone else who actually inscribed the tablets. It is of course impossible to prove what really happened since there were no witnesses to the event apart from Moses himself but – as in the case of God speaking from heaven – there seems to be no reason to rule out the possibility that the text is recording a real event, using anthropomorphic language. That certainly seems to be what the writer[s] intended the readers to understand. And we should not assume that ancient people were naive and unable to distinguish fact from fiction. It is well-known that the Babylonians and Egyptians were capable of sophisticated mathematics and engineering, history and literature.

The modern Western disbelief in miracles is based on a theological assumption that God – if he exists – always acts predictably and according to the laws of nature. In contrast, most theology in the ancient world, as in much of the Eastern world today, allowed for the possibility of occasional (or even frequent) divine intervention in the routine life of this world. It seems Clines assumes the former view, and consistent with this concludes that the Decalogue was not spoken by God. I tend towards the latter view, taking seriously the claim of the biblical text and context that the ‘ten words’ are in a unique sense the words of God, while leaving open the question of exactly how they were originally communicated.

### *1.2 Moses and the Decalogue*

Although the Bible does not claim that Moses actually wrote the Decalogue, it is clear from the narratives of Exodus and Deuteronomy, as well as later tradition, that he was believed to have had a major role in imparting it to Israel. In practice scholarship has tended to discuss the pros and cons of Mosaic origin rather than of divine origin, either because the latter is not taken seriously or because in any case it would be impossible to prove by academic argument. There have been three major stages in scholarly study of the issue.

### **a. Pre-World War II**

Historical-critical scholarship at the end of the nineteenth century and during the first third of the twentieth century tended to reject the traditional view that the Decalogue originated in the time of Moses. This was argued by Wellhausen<sup>13</sup> and followed by many of those who accepted his radical reconstruction of the history of Israel<sup>14</sup>. Several scholars suggested that it originated in the teaching of the eighth-century prophets,<sup>15</sup> though Wellhausen himself dated it later still and connected it with the priestly tradition.

However, although most critical scholars accepted Wellhausen's reconstruction in general, not all agreed with his late dating of the Decalogue.<sup>16</sup> Ewald asserts that 'there is no well-founded doubt that the Ten Commandments are derived from Moses, in their general import, their present order, and even in their peculiar language'.<sup>17</sup> Burney refers to similarities with the Egyptian Book of the Dead as evidence that Moses was the promulgator of the Decalogue.<sup>18</sup> Charles argues that in its earliest and tersest form it came from Moses, and it is presupposed by the Book of the Covenant.<sup>19</sup>

### **b. Mid-twentieth Century**

During the middle third of the twentieth century there was a reversal of the trend to date the Decalogue late, with the majority arguing for Mosaic origin.<sup>20</sup> Rowley considers the Decalogue in relation to the

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<sup>13</sup> Julius Wellhausen, *Prolegomena to the History of Israel* (Edinburgh: Black, 1885; tr. from German, 1883): 392-93; *Die Composition des Hexateuchs und der Historischen Bücher des Alten Testaments* (Berlin: Reimer, 1889; 2nd printing with addenda): 333.

<sup>14</sup> E.g. Karl Budde, *Religion of Israel to the Exile* (American Lectures on the History of Religions, 1898-99; New York: Knickerbocker, 1899; tr. from German, ms): 31-33.

<sup>15</sup> E.g. A. Kuenen, *An Historico-Critical Inquiry into the Origin and Composition of the Hexateuch* (London: Macmillan, 1886; tr. from Dutch, 2nd edn, 1885): 244-45; W. E. Addis, 'Decalogue' in *Encyclopaedia Biblica*, vol. 1, ed. T. K. Cheyne and J. Sutherland Black (London: Black, 1899): 1049-51.

<sup>16</sup> E.g. Hugo Gressmann, *Mose und Seine Zeit: Ein Kommentar zu den Mose-Sagen* (FRLANT, 1; Göttingen: Vandenhoeck & Ruprecht, 1913): 471-79.

<sup>17</sup> Heinrich Ewald, *The History of Israel*, vol. 2, ed. Russell Martineau (3rd edn; London: Longmans, Green, and Co., 1876; tr. from German, n.d.): 19-20.

<sup>18</sup> C. F. Burney, 'A Theory of the Development of Israelite Religion in Early Times', *JTS* 9 (1908): 321-52, esp. 350-52.

<sup>19</sup> R. H. Charles, *The Decalogue* (2nd edn; Warburton Lectures, 1919-23; Edinburgh: T&T Clark, 1926): xlv-lx.

<sup>20</sup> E.g. Martin Buber, *Moses* (East & West Library; Oxford: Phaidon, 1946): 119-40; Umberto Cassuto, *A Commentary on the Book of Exodus* (Jerusalem: Magnes, 1967; tr. from Hebrew, 1951): 235-36; H. H. Rowley, 'Moses and the Decalogue', *BJRL* 34

‘ritual decalogue’ of Exodus 34. He believes both go back to pre-Mosaic religion, which forked into two streams: one continued at a primitive level long after Moses, while Moses was responsible – under God – for the issue of a new more ethical decalogue in keeping with the new character of Yahwism as he mediated it to Israel. Mendenhall, contra Wellhausen, believes the tribal federation was a conscious continuation of an earlier tradition going back to the time of Moses.<sup>21</sup> They were bound by a covenant, the text of which was the Decalogue. Stamm and Andrew survey various possibilities but prefer to ascribe the Decalogue to ‘that pre-eminent personality Moses, rather than to a later unknown author’.<sup>22</sup> Even Nielsen, who doubts that the Decalogue derived from Moses, concedes that ‘genuinely Mosaic tradition really did have an essential contribution to make to the *content* of the decalogue’.<sup>23</sup>

On a slightly different tack, Beyerlin argues that a primitive form of the Decalogue originated in the Mosaic period, but during the stay at Kadesh rather than at Sinai.<sup>24</sup> Likewise Kapelrud concludes that the covenant and Decalogue originated at Kadesh, earlier than many other scholars suppose.<sup>25</sup> While this may still seem relatively reassuring to those who hold on to the hope that the Decalogue is genuinely ancient, several questions remain unanswered. How was it in fact formed? Did Moses write it, and if not who was the anonymous author of this extraordinary document? And why does the narrative claim that it originated at Sinai if in fact it came from Kadesh?

### c. *Post-1965*

Since the nineteen-sixties the situation has changed again, and widely-differing views are found among scholars on the dating of the Decalogue. For example:

- Harrelson asserts that ‘the Ten Commandments as a series are from Moses ... a remarkable discovery of this founder of Israelite

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(1951): 81-118; Solomon Goldman, *The Ten Commandments*, ed. Maurice Samuel (Chicago: University Press, 1956): 36-68.

<sup>21</sup> George E. Mendenhall, ‘Ancient Oriental and Biblical Law’, *BA* 17 (1954): 26-46.

<sup>22</sup> Johann Jakob Stamm and Maurice Edward Andrew, *The Ten Commandments in Recent Research* (SBT, second series, 2; London: SCM, 1967; tr. from Stamm’s German, 2nd edn, 1962, with additions by Andrew): 39.

<sup>23</sup> Nielsen, *Ten Commandments*: 139.

<sup>24</sup> Walter Beyerlin, *Origins and History of the Oldest Sinaitic Traditions* (Oxford: Blackwell, 1965; tr. from German, 1961): 145-46.

<sup>25</sup> Arvid S. Kapelrud, ‘Some Recent Points of View on the Time and Origin of the Decalogue’, *Studia Theologica* 18 (1964): 81-90.

religion, and they underlie and sum up the very heart and center of Israel's religion';<sup>26</sup>

- Durham believes it impossible to establish a precise date for its origin, but is confident of 'an earlier rather than a later dating';<sup>27</sup>
- Kratz dates the Decalogue between the time of Hosea and the composition of Deuteronomy 5, and Graupner considers it to be a pre-Deuteronomic attempt to generalise and expand older laws;<sup>28</sup>
- Hossfeld believes the Decalogue to have been compiled in the same period as Deuteronomy, on the basis of Exodus 34:12-26, Hosea 4:2 and Jeremiah 7:9 (and only later inserted into Exodus);<sup>29</sup>
- Houtman thinks that in its present form the Decalogue is from 'the last period of the existence of ancient Israel as a nation', composed as a succinct statement of the basic rules underlying the covenant between God and his people (cf. Jesus' summary of the law).<sup>30</sup>

Clearly there is no consensus. On the one hand, many scholars believe the Decalogue to be early, indeed one of the earliest parts of the Old Testament; on the other hand, there are various attempts to date the Decalogue much later. It is impossible here to evaluate all these views in detail. One central issue is whether in fact Moses can be considered

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<sup>26</sup> Walter J. Harrelson, *The Ten Commandments and Human Rights* (rev. edn; Macon, Georgia: Mercer University Press, 1997; first edn 1980): 35; cf. Roland de Vaux, *The Early History of Israel: To the Exodus and Covenant of Sinai* (London: Darton, Longman & Todd, 1978; tr. from French, 1971): 449.

<sup>27</sup> John I. Durham, *Exodus* (WBC, 3; Waco, Texas: Word, 1987): 282; cf. Phillips, 'Fresh Look: Part 2'; Moshe Greenberg, 'The Decalogue Tradition Critically Examined' in *The Ten Commandments in History and Tradition*, ed. Ben-Zion Segal and Gershon Levi (Publications of the Perry Foundation for Biblical Research; Jerusalem: Magnes, 1990; tr. from Hebrew, 1985): 83-119, esp. 110-11.

<sup>28</sup> Reinhard Gregor Kratz, 'Der Dekalog im Exodusbuch', *VT* 44 (1994): 205-38; Axel Graupner, 'Die Zehn Gebote im Rahmen Alttestamentlicher Ethik: Anmerkungen zum Gegenwärtigen Stand der Forschung' in *Weisheit, Ethos und Gebot*, ed. Henning Graf Reventlow (Biblich-Theologische Studien, 43; Neukirchen-Vluyn: Neukirchener, 2001): 61-95.

<sup>29</sup> Frank-Lothar Hossfeld, *Der Dekalog: Seine Späten Fassungen, die Originale Komposition und Seine Vorstufen* (OBO, 45; Freiburg, Switzerland/Göttingen: Universitätsverlag/Vandenhoeck & Ruprecht, 1982): 281-82; followed by Eckart Otto, 'Der Dekalog als Brennspeigel Israelitischer Rechtsgeschichte' in *Alttestamentliche Glaube und Biblische Theologie*, ed. Jutta Hausmann and Hans-Jürgen Zobel (Preuß Festschrift; Stuttgart: Kohlhammer, 1992): 59-68.

<sup>30</sup> Cornelis Houtman, *Exodus, Volume 3: Chapters 20-40* (Historical Commentary on the Old Testament; Leuven: Peeters, 2000; tr. from Dutch, 1996): 9.

a historical figure at all. There is no way of proving Moses' historicity beyond question, since the only evidence available is within the Old Testament traditions themselves, nevertheless this evidence is very strong and should not be dismissed unless there is stronger evidence to the contrary. While some 'minimalists' regard the traditions about Exodus and Sinai as fiction, many other scholars consider them to have at least some basis in history.<sup>31</sup> Perhaps no-one has expressed the matter more succinctly than John Bright, who argued in his classic history that Moses was 'as the Bible portrays him, the great founder of Israel's faith. Attempts to reduce him are extremely unconvincing. The events of exodus and Sinai require a great personality behind them. And a faith as unique as Israel's demands a founder as surely as does Christianity—or Islam, for that matter. To deny that role to Moses would force us to posit another person of the same name!'<sup>32</sup> If Moses did exist it seems to me entirely probable that he was the one responsible for imparting the Decalogue to the people he led, at least in its 'original' form (on which, see below: §1.4). Otherwise, if it was not Moses who gave the Decalogue to Israel, who was the unknown figure – presumably even greater than Moses – who was able and authorised to do this, and why was he or she not identified?

### ***1.3 The Decalogue in the Life of Israel***

We have relatively little evidence concerning the subsequent usage of this foundational document in the life of the nation. Mowinckel proposed that ancient Israel held a New Year covenant renewal ceremony at which a summary of the Law, including prototypes of the Decalogue, was proclaimed.<sup>33</sup> He then argued that the present form of the Decalogue emerged in prophetic circles, probably the disciples of Isaiah. Though not necessarily following this view of the origins of the

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<sup>31</sup> See de Vaux, *Early History*: 327-472; William F. Albright, 'Moses in Historical and Theological Perspective' in *Magnalia Dei: The Mighty Acts of God*, ed. Frank Moore Cross et al. (G. Ernest Wright Festschrift; Garden City, New York: Doubleday, 1976): 120-31; G. W. Coats, *Moses: Heroic Man, Man of God* (JSOTSup, 57; Sheffield: 1988): 11-17; Dewey M. Beegle, 'Moses (Person): Old Testament' in *The Anchor Bible Dictionary*, ed. David Noel Freedman (New York: Doubleday, 1992; electronic edn 1996).

<sup>32</sup> John Bright, *A History of Israel* (3rd edn; Philadelphia: Westminster, 1981): 127.

<sup>33</sup> Sigmund Mowinckel, *Le Décalogue* (Études d'Histoire et de Philosophie Religieuses, 16; Paris: Félix Alcan, 1927).

Decalogue, many scholars have accepted the idea that it had a function in the worship of Israel.<sup>34</sup>

Another influential view has been that of Gerstenberger, who locates the *Sitz im Leben* of the Decalogue among the wise and the extended family rather than the priests and prophets.<sup>35</sup> He believes the commandments reflect the everyday life of society. At the most basic level it is the father addressing the son, speaking from experience and with the sacred authority granted to the elders within a clan. These rules for social conduct were in due course incorporated into the law, according to Gerstenberger, and became a pre-requisite for acceptable worship (cf. the entrance liturgies of the sanctuaries). Later a representative sample of the commandments became the centre of worship.<sup>36</sup> These insights point to a much wider role for the Decalogue in society than simply in formal worship, and are not incompatible with an earlier date of origin than Gerstenberger assumes. According to the Bible, early Israel was an 'extended family' and Moses may be seen as a father-figure, even though Abraham was the founding father of the nation. Indeed God himself is portrayed as the Father of his people (Exod. 4:22; Deut. 14:1; Hos. 11:1), though admittedly this is relatively rare.

Weinfeld proposes three major stages in Israel's use of the Decalogue:<sup>37</sup>

- 'At the dawn of Israelite history the Decalogue was promulgated in its original short form as the foundation scroll of the Israelite community, written on two stone tablets ... placed in the Ark of the Covenant';

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<sup>34</sup> Stamm and Andrew, *Ten Commandments*: 28-30; Raymond F. Collins, 'Ten Commandments' in *The Anchor Bible Dictionary*, ed. David Noel Freedman (New York: Doubleday, 1992; electronic edn 1996); Childs, *Exodus*; Greenberg, 'Decalogue Tradition': 114-16.

<sup>35</sup> Erhard S. Gerstenberger, 'Covenant and Commandment', *JBL* 84 (1965): 38-51; *Wesen und Herkunft des »Apodiktischen Rechts«* (Wissenschaftliche Monographien zum Alten und Neuen Testament, 20; Neukirchen-Vluyn: Neukirchener, 1965).

<sup>36</sup> A rather different proposal is made by Nielsen, *Ten Commandments*, who suggests that in the early northern kingdom it was felt necessary to formulate fundamental principles as a basis for judgements, and thus the Decalogue came into being. 'The circles ... responsible ... can only be such as were in a position, by reason of their most intimate acquaintance with the ancient tradition of law in Israel, to achieve so masterly a summary of it' (pp. 137-38), and these circles probably included both priests and elders.

<sup>37</sup> Moshe Weinfeld, *Deuteronomy 1-11* (AB, 5; New York: Doubleday, 1991): 262-64.

- the Decalogue was read in the sanctuaries at annual ceremonies to renew the covenant, probably at Pentecost (which was connected with the giving of the law);
- in Second Temple times it was read daily together with the Shema (cf. the Nash papyrus and Qumran phylacteries).

Although this proposal cannot be proved beyond doubt, it seems reasonable in the light of the evidence available. Bearing in mind the discussion above, I suggest it be supplemented by the following:

- the Decalogue, or at least the principles it expresses, was assumed by the prophets and had a formative influence on the message they proclaimed;
- the Decalogue may well have played a significant role as guidelines for social conduct within the extended family.

It is an oversimplification to associate Old Testament law exclusively with any one group, whether priests (Wellhausen), prophets (Mowinckel) or wisdom teachers (Gerstenberger). On the contrary, the Decalogue belonged to the whole nation, the people and their leaders.<sup>38</sup>

#### ***1.4 Can We Trace an ‘Original’ Form?***

There have been many attempts to reconstruct the ‘original’ form of the Decalogue. Ewald argues that if the additions and explanations found in Exodus and Deuteronomy are removed, we are left with two series of five laws which ‘exhibit perfectly that sharp clear brevity

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<sup>38</sup> Cf. Durham, *Exodus: 279-80*. David Noel Freedman, *The Nine Commandments: Uncovering a Hidden Pattern of Crime and Punishment in the Hebrew Bible* (Anchor Bible Reference Library; New York: Doubleday, 2000) interprets the narrative from Exodus to 2 Kings in relation to the Decalogue, arguing that it contains a hidden pattern of commandment violations. He believes it was written for the Israelite community in exile to explain why God had been forced, given the obligations of the covenant, to destroy their nation. Each of the first nine commandments had been broken by Israel, as illustrated in successive books: Exodus (1–2), Leviticus (3), Numbers (4), Deuteronomy (5), Joshua (8), Judges (6), Samuel (7) and Kings (9). The unexpected order of the commandments in Joshua–Samuel follows that common in the days of Jeremiah (theft, murder, adultery; see Jer. 7:9), which is one of several attested in different traditions. The tenth commandment doesn’t fit this pattern, according to Freedman, because it is a supplement to the other nine, presenting the motivation behind every crime (especially the sixth to ninth commandments). It is an ingenious theory, with some interesting insights along the way, but Cyril S. Rodd, *Glimpses of a Strange Land: Studies in Old Testament Ethics* (Old Testament Studies; Edinburgh: T&T Clark, 2001): 82 demolishes it in a paragraph.

which every law ought to possess'.<sup>39</sup> It was 'undoubtedly' these which were written on the two tables, as follows:

I am Jahveh, thy God, who delivered thee out of Egypt, out of the house of bondage.

## I.

- (1.) Thou shalt have no other God before me.
- (2.) Thou shalt not make to thyself any graven image.
- (3.) Thou shalt not idly utter the name of Jahveh thy God.
- (4.) Thou shalt remember the Sabbath day, to keep it holy.
- (5.) Thou shalt honour thy father and thy mother

## II.

- (1.) Thou shalt not murder.
- (2.) Thou shalt not commit adultery.
- (3.) Thou shalt not steal.
- (4.) Thou shalt not bear false witness against thy neighbour.
- (5.) Thou shalt not covet thy neighbour's house.

Likewise Charles believes that originally the ten commandments each consisted of one terse clause.<sup>40</sup> He suggests that the last one was even shorter than in Ewald's proposal, simply 'Thou shalt not covet'. Sellin goes further in his reconstruction, arguing that the two positive commands were originally phrased negatively as prohibitions of work on the sabbath and the cursing of parents.<sup>41</sup> Other scholars have made similar attempts, and produced a variety of hypothetical 'original' decalogues.<sup>42</sup> Weinfeld actually suggests three different reconstructions in two articles and a commentary, without any cross-reference between the three.<sup>43</sup> On the other hand, Kratz rejects the reconstruction of a

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<sup>39</sup> Ewald, *History*: 159, 163.

<sup>40</sup> Charles, *Decalogue*: xliv-liv.

<sup>41</sup> Ernst Sellin, *Geschichte des Israelitisch-Jüdischen Volkes*, vol. 1 (Leipzig: Von Quelle & Meyer, 1924): 83-84; followed by Albrecht Alt, 'The Origins of Israelite Law' in *Essays on Old Testament History and Religion* (Oxford: Blackwell, 1966; tr. from German, 1934): 79-132, esp. 118-19.

<sup>42</sup> Cf. Stamm and Andrew, *Ten Commandments*: 18-22, 58; Nielsen, *Ten Commandments*: 78-118; Henri Cazelles, 'Les Origines du Décalogue', *Eretz-Israel* 9 (1969): 14-19; André Lemaire, 'Le Décalogue: Essai d'Histoire de la Rédaction' in *Mélanges Bibliques et Orientaux en l'Honneur de M. Henri Cazelles*, ed. A. Caquot and M. Delcor (AOAT, 212; Kevelaer: Butzon & Bercker, 1981): 259-95; Harrelson, *Ten Commandments*: 33-34. Karlheinz Rabast, *Das Apodiktische Recht im Deuteronomium und im Heiligkeitsgesetz* (Berlin: Heimatdienstverlag, 1949): 35-38 argues that the Decalogue was originally worded metrically and was in fact a dodecalogue.

<sup>43</sup> Moshe Weinfeld, 'The Decalogue: Its Significance, Uniqueness, and Place in Israel's Tradition' in *Religion and Law*, ed. Edwin B. Firmage et al. (Winona Lake, Indiana: Eisenbrauns, 1990; originally conference paper, 1985: 3-47, esp. 12-14; 'The Uniqueness of the Decalogue and Its Place in Jewish Tradition' in *The Ten Commandments in History and Tradition*, ed. Ben-Zion Segal and Gershon Levi

primitive decalogue, considering the form in Exodus to be a composition designed for its literary context, including from the beginning most of those elements often considered to be expansions, though he admits that the theological basis for the sabbath command may be secondary.<sup>44</sup>

There seem to be two issues: was there an earlier ('original') form of the Decalogue and, if so, can it be reconstructed? There was certainly some development in the form of the Decalogue, as is clear from the different versions in Exodus and Deuteronomy. Deuteronomy adds several clauses to the older version in Exodus, and there are a few small differences in expression.<sup>45</sup> The most significant difference is in the theological basis for the sabbath command, and it could be that here each tradition is adding an explanation to an earlier shorter form. Beyond this we move into the realm of speculation. On the one hand, it may be argued that the Decalogue in Exodus is presented as the direct words of God, and it is unlikely that mere humans would dare to edit these. On the other hand, it seems the author of Deuteronomy did not feel it inappropriate to do this very thing,<sup>46</sup> and so it could be that there was also a process of editing which led to the form we now read in Exodus. The striking difference in length and style between the first five commandments and the second five suggests that the former have been expanded, in which case there would once have been a shorter,

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(Jerusalem: Magnes, 1990; substantially the same as 'The Decalogue', in a different translation from the Hebrew): 1-44, esp. 6-8; *Deuteronomy*: 247-48.

<sup>44</sup> Kratz, 'Dekalog'. Cf. Graupner, 'Zehn Gebote'. From a rather different perspective, Kline, 'Ten Commandments' argues that the idea of 'later expansive revisions' is incompatible with the understanding of the Decalogue as a treaty, for 'treaties were not subject to revisionary tampering'. Anthony Phillips, 'The Decalogue – Ancient Israel's Criminal Law', *JJS* 34 (1983): 1-20, in contrast, argues that the examples of Deuteronomic and Priestly reinterpretation of the Decalogue show that the text was not sacrosanct but could be reworked to take account of new circumstances just like other Hebrew law. And Klaus-Dietrich Schunck, 'Das 9. und 10. Gebot – Jüngstes Glied des Dekalogs?', *ZAW* 96 (1984): 104-09 believes that the ninth and tenth commandments were added in the eighth century BC as a response to the socio-economic injustice at that time.

<sup>45</sup> See my article 'Ten Commandments, Two Tablets: The Shape of the Decalogue', *Themelios* 30.3 (2005): 14-16.

<sup>46</sup> Cassuto, *Exodus*: 250-51 argues that 'according to the customary literary usage followed both in the Bible and in the other literatures of the ancient East, when someone's utterance is cited and subsequently it is related that someone else referred to it, the statement is not repeated in the *ipsissima verba*, but certain changes and variations are introduced', and so 'when Moses reminds the people of God's words, he does not repeat them exactly.'

simpler form. However this cannot be proved nor can we say exactly what that form was. In any case, there is no reason to assume that the earliest form must have consisted of uniform short sentences, all in the negative, and to rule out the possibility that some of the explanations are ‘original’ and were included from the beginning because they were felt necessary to make the point clear. As Goldman points out, ancient Near Eastern law-codes were not always short and simple in form, but included explanations when required.<sup>47</sup> Moreover, ‘no one in the climate of opinion in which the Jewish lawgiver lived could have commanded a people to serve only one God, to do so without images, and to afford a slave an equal opportunity with his master for a day’s rest, without a threat or promise, or both, and a good reason to boot’.<sup>48</sup>

So although it is possible that there was an earlier form of the Decalogue, simpler and shorter than either of the forms in the Bible, it cannot be proved with certainty nor is there any way of establishing its exact wording. In any case, it is the texts of Exodus and Deuteronomy which have become canonical for Israel and the church, and it is in this form that the Decalogue has had an unparalleled influence in world history.

## 2. Purpose

### 2.1 *The Audience of the Decalogue*

To whom were the Ten Commandments addressed? There are three main answers to this question.

Firstly, it is suggested that they are intended for *all people everywhere*. Westermann describes the first commandment as an example of a command which applies ‘to everyone and for all time’, unlike more specific commands such as Genesis 12:1.<sup>49</sup> Similarly Cohen considers the Ten Commandments to be self-evident values to those sensitive to natural justice, a natural rule for human beings created as reflections of God.<sup>50</sup>

A quite different answer to that of Westermann is given by Phillips, who argues that initially only free adult males were subject to Israelite

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<sup>47</sup> Goldman, *Ten Commandments*: 65.

<sup>48</sup> See p. 66; cf. Cassuto, *Exodus*: 237.

<sup>49</sup> Claus Westermann, *Elements of Old Testament Theology* (Atlanta, Georgia: John Knox, 1982; tr. from German, 1978): 21.

<sup>50</sup> Jeffrey M. Cohen, ‘The Nature of the Decalogue’, *JBQ* 22 (1994): 173-77.

criminal law, whereas in Deuteronomy women were considered equal members of the covenant community and so liable for breach of the law.<sup>51</sup> Slaves and resident aliens also did not possess legal status, at least in earlier times. Because of this Phillips believes that the Decalogue was originally addressed to *free adult male Israelites*. Crüsemann takes this argument further, claiming that the Decalogue applied only to adult men who were responsible for administering justice and were active in worship, in particular farmers who owned land and citizens who owned slaves.<sup>52</sup> He believes its main principle was to secure the freedom of the independent farmer and claims that is why only certain laws are included, whereas other central features of Old Testament law and ethics are absent, such as taboo rules (e.g. clean/unclean, blood), cultic matters (e.g. sacrifices, festivals), economic and state matters, and the care for the weak in society. In a similar way, Clines – while admitting that the authors of the Decalogue may have *intended* to address the whole community – argues that in fact the text expresses the class interests of middle-aged, urban, property-owning males in Israelite society.<sup>53</sup> Although other groups are mentioned incidentally (women, resident aliens, slaves), they are not addressed directly nor are their interests and responsibilities the primary concern of the commandments.

A third answer to the question of the audience of the Decalogue is that it was addressed to *all Israel*, though scholars differ as to whether it was for Israel as a people or as individuals. Zimmerli concludes his study of the Decalogue by stating that it is ‘addressed first and foremost to Israel as a nation ... not ... the individual’.<sup>54</sup> Weinfeld disagrees, arguing that it applies to every individual in Israelite society, unlike other laws which depend on certain personal or social conditions.<sup>55</sup> The Decalogue is formulated in the second-person singular, ‘as if directed personally to each and every member of the

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<sup>51</sup> Anthony Phillips, *Ancient Israel's Criminal Law: A New Approach to the Decalogue* (Oxford: Blackwell, 1970).

<sup>52</sup> Frank Crüsemann, *Bewahrung der Freiheit: Das Thema des Dekalogs in Sozialgeschichtlicher Perspektive* (Kaiser Traktate, 78; Munich: Kaiser, 1983).

<sup>53</sup> Clines, ‘Ten Commandments’: 32-37.

<sup>54</sup> Walther Zimmerli, *Old Testament Theology in Outline* (Edinburgh: T&T Clark, 1978; tr. from German, 2nd edn, 1975): 138.

<sup>55</sup> Weinfeld, *Deuteronomy*: 249.

community', to avoid the possibility of individuals evading responsibility, which might happen if the command was addressed to a group.<sup>56</sup>

I will consider these views in turn. It may well be true that the principles enshrined in the Decalogue are relevant to all human beings in every culture and age, and many of them are also found in the laws and ethics of other nations. However the context of the Decalogue makes it clear that these particular principles were imparted at a particular time to a particular people, the people of God – Israel. Also, some of them were quite distinctive to Israel, for instance the exclusive worship of YHWH, without images, and the observance of the Sabbath.

The view that Decalogue was addressed primarily to one section of society, namely property-owning male Israelites, has been followed by several recent scholars.<sup>57</sup> However Crüsemann's claim that 'central features' of Old Testament law are absent from the Decalogue can be counteracted by pointing out that the first two features he mentions (taboo rules and cultic matters) are *not* in fact central in the context of the whole Old Testament, as proclaimed repeatedly by the prophets. Moreover the latter two (economic matters and care for the weak) *are* referred to in the fourth, eighth and tenth commandments. The one religious observance included in the Decalogue is the Sabbath, which could be observed by everyone without expense or travel or special equipment; whereas the pilgrimage festivals are not included, and these may well have been observed predominantly by property-owning male Israelites who had the resources and leisure to spend several weeks away from home journeying to the central sanctuary. Childs points to the simplicity with which the Decalogue is formulated, which indicates it is not addressed to a specific segment of the Israelite population, but rather to 'every man'.<sup>58</sup> Likewise McConville shows that – at least in the Deuteronomic form – the Decalogue 'does not support a social structure in which a particular class has special rights or

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<sup>56</sup> As pointed out by Philo and Nahmanides; cf. Shalom Albeck, 'The Ten Commandments and the Essence of Religious Faith' in *The Ten Commandments in History and Tradition*, ed. Ben-Zion Segal and Gershon Levi (Publications of the Perry Foundation for Biblical Research; Jerusalem: Magnes, 1990; tr. from Hebrew, 1985): 261-89, esp. 287-88.

<sup>57</sup> E.g. Houtman, *Exodus*, vol. 3: 13; Rodd, *Glimpses*: 87-88.

<sup>58</sup> Childs, *Exodus*: 399-400.

responsibilities', for this would be against the spirit of Deuteronomy which treats all Israelites as equals (e.g. 15:12-18; 17:14-18).<sup>59</sup>

I believe the third view to be the most credible, that the Decalogue is addressed to the whole people of Israel, both as individuals and as a community. The two are not mutually exclusive, for the actions of individuals affect the community and vice-versa. The worship of one God, without images, and the observance of the Sabbath, would be matters of community policy, but the effectiveness of the policy would be dependent on the co-operation of individuals. Honouring the divine name and one's parents, together with refraining from murder, adultery, stealing, false witness and coveting, would be primarily matters of individual behaviour, but the community would be responsible for ensuring conformity because the effects of misbehaviour would affect the people as a whole. The use of the singular 'thou' is consistent with this, since it is used in the Old Testament to address individual Israelites and also the people as a corporate entity.

## 2.2 *The Nature of the Decalogue*

Another question concerns the nature of the Decalogue. What role was it intended to play in the life of Israel, as a people and as individuals? There are four main views among scholars.

Gressmann is typical of scholars in the early part of last century when he describes the Decalogue as 'the catechism of the Hebrews in the Mosaic period'.<sup>60</sup> It was widely understood at that time to be a summary of the essential points of Israelite religion, itemised so that they could be counted on the fingers and easily memorised.<sup>61</sup> According to this view it was intended primarily for teaching, within the community of the people of God.

Phillips believes the Decalogue constituted *ancient Israel's criminal law*, which was enforced by means of capital punishment.<sup>62</sup> He starts with the premise that the Old Testament concept of covenant was based on the Hittite treaty form, understanding YHWH as suzerain and

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<sup>59</sup> J. Gordon McConville, *Deuteronomy* (Apollos Old Testament Commentary, 5; Leicester: Apollos, 2002): 122; cf. 'Singular Address in the Deuteronomic Law and the Politics of Legal Administration', *JSOT* 97 (2002): 19-36, esp. 31-35.

<sup>60</sup> Gressmann, *Mose*: 477.

<sup>61</sup> E.g. Gunkel, according to Buber, *Moses*: 130.

<sup>62</sup> Phillips, *Ancient Israel's Criminal Law*; cf. 'Decalogue'.

Israel as vassal. It follows that breach of the stipulations amounted to apostasy and would lead to divine action. A broken commandment could lead to punishment for both the individual offender and the whole community, and might even result in repudiation of Israel's covenant relationship with God. As a result, if an individual broke a commandment this was treated as an offence against the community, in other words a crime. Following Greenberg<sup>63</sup>, Phillips argues that crimes in biblical law – unlike other ancient Near Eastern law – concerned injury to God or a person, never property. Further, the penalty was always death, whereas this was not the case for offences against property. The Decalogue as traditionally understood does not fit this exactly, but Phillips makes it fit by reinterpreting the eighth commandment as 'manstealing' (i.e. kidnapping, e.g. Exod. 21:16),<sup>64</sup> the ninth as 'judicial murder' (i.e. false witness which led to the death penalty, e.g. 1 Kgs 21) and the tenth as 'depriving an elder of his status'<sup>65</sup>.

A third view is that the Decalogue itself is not primarily law, but basic *moral and ethical principles* that deal with issues which remained central to Israel's national life throughout her history.<sup>66</sup> This fits with the research of Mendenhall, who noted a distinction in ancient Near Eastern law between what he terms 'policy' and 'technique'.<sup>67</sup> The former was the sense of justice in a community, which was determined and enforced by the deity, accepted by the community as binding and functioned as the source for law. The latter stipulated how community policy was translated into specific actions. So also in the Bible, the Decalogue is understood as a statement of the essentials of Old Testament ethics (= policy) while detailed laws in the Book of the Covenant, Holiness Code and Deuteronomic Laws explain how these

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<sup>63</sup> Moshe Greenberg, 'Some Postulates of Biblical Criminal Law' in *Yehezkel Kaufmann Jubilee Volume: Studies in Bible and Jewish Religion Dedicated to Yehezkel Kaufmann on the Occasion of His Seventieth Birthday*, ed. Menahem Haran (Jerusalem: Magnes, 1960): 5-28.

<sup>64</sup> Cf. Albrecht Alt, 'Das Verbot des Diebstahls im Dekalog' in *Kleine Schriften zur Geschichte des Volkes Israel*, vol. 1 (Munich: Beck'sche, 1953, 1949; repr. from unpublished paper, 1949): 333-40.

<sup>65</sup> For Phillips' complicated and speculative argument which comes to this conclusion, see pp. 149-52.

<sup>66</sup> Cf. Kenneth C. Bailey, 'The Decalogue as Morality and Ethics', *Theology Today* 20 (1963): 183-95; Childs, *Exodus*; Mark E. Biddle, *Deuteronomy* (Smyth & Helwys Bible Commentary; Macon, Georgia: Smyth & Helwys, 2003).

<sup>67</sup> Mendenhall, 'Ancient Oriental and Biblical Law': 26.

principles are to be put into practice (= technique). Unlike law collections such as Exodus 34 and Leviticus 19, the Decalogue is brief but complete: 'he added no more' (Deut. 5:22). The commandments reflect the essential nature of God and his relationship to his people, so the Decalogue may be described as 'the essence of the Sinaitic covenant',<sup>68</sup> 'the quintessence of Old Testament law',<sup>69</sup> the authoritative summary of God's will as expressed in the laws of Israel.<sup>70</sup> Philo and Mohammed are examples of those who have understood the Decalogue in this way.<sup>71</sup>

A fourth way of looking at the Decalogue is as the *constitution of Israel*.<sup>72</sup> That it was a key part of the process by which the nation was formed is suggested by the prologue: 'I am the LORD your God, who brought you out of the land of Egypt ...'. It is 'a summary transformation of God's creative ordering of the world into commands for living for the people he has redeemed from slavery in Egypt',<sup>73</sup> which lays a foundation for the life of the liberated community, that continues to be the standard for God's people as they live together and order their lives for the common good.<sup>74</sup>

So is the Decalogue the Hebrew catechism, criminal law, ethical essentials or the Israelite constitution?

It is true that the form and content of the Decalogue lend themselves to instruction, and it has often been part of the curriculum for those learning the Jewish and Christian faiths. However this is neither its original purpose nor its essential nature. As Buber points out, it is not instruction for a person who has to demonstrate their readiness for membership of a religious community, which is the usual meaning of

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<sup>68</sup> Kline, 'Ten Commandments'.

<sup>69</sup> Gordon J. Wenham, 'Law and the Legal System in the Old Testament' in *Law, Morality and the Bible*, ed. Bruce N. Kaye and Gordon J. Wenham (Downers Grove, Illinois: Inter-Varsity, 1978): 24-52, esp. 27.

<sup>70</sup> Graupner, 'Zehn Gebote': 91-95.

<sup>71</sup> Greenberg, 'Decalogue Tradition': 117; Houtman, *Exodus*, vol. 3: 7-8.

<sup>72</sup> E.g. Paul Volz, *Mose und Sein Werk* (2nd edn; Tübingen: Mohr, 1932): 25; Buber, *Moses*: 135-36; Houtman, *Exodus*, vol. 3: 7.

<sup>73</sup> McConville, *Deuteronomy*: 121.

<sup>74</sup> Cf. Patrick D. Miller, 'The Place of the Decalogue in the Old Testament and Its Law', *Interpretation* 43 (1989): 229-42; 'The Good Neighbourhood: Identity and Community through the Commandments' in *Character and Scripture: Moral Formation, Community, and Biblical Interpretation*, ed. William P. Brown (Grand Rapids, Michigan: Eerdmans, 2002): 55-72; 'Sufficiency'; "'That It May Go Well with You": The Commandments and the Common Good' in *The Way of the Lord: Essays in Old Testament Theology* (FAT, 39; Tübingen: Mohr Siebeck, 2004): 136-63.

catechism, for this would be formulated as statements (third person) and articles of personal faith (first person).<sup>75</sup> Rather ‘the soul of the Decalogue’ is in the word ‘thou’: nothing is stated or confessed, but commands are given.

There is also some truth in the idea that the Decalogue is ancient Israel’s criminal law, for the first seven offences listed are understood in the Old Testament to be crimes against God and society, and when referred to in more detailed law-codes the penalty for these seven is generally death. However it is only by a forced interpretation of the last three commandments that they can be fitted into this mould, and therefore it is doubtful that the Decalogue as a whole is intended as criminal law. In fact it is questionable whether the Decalogue is strictly law at all, as pointed out by Mendenhall.<sup>76</sup>

More helpful is the view of the Decalogue as the essentials of Old Testament ethics. The Pentateuchal laws are many and varied, but the Decalogue can be seen to provide an ‘executive summary’ of the essential points in maintaining Israel’s relationship with God. While all the laws express the divine will, these are the most important ethical principles which are believed to be directly revealed by God and not to be diverged from in any circumstances.

But perhaps most fruitful of all is the understanding of the Decalogue as the Israelite constitution. It begins by stating the basis of Israel’s special relationship with YHWH, and continues by listing the primary obligations laid upon her for maintenance of that relationship, including responsibilities toward both God and mankind. While we should not draw too close a parallel with modern constitutions, in its biblical context the Decalogue is certainly foundational for the national life of Israel. Its similarity in form to ancient Near Eastern treaties also points in this direction.

Like the Magna Carta of Britain<sup>77</sup> or the Pancasila (‘five principles’) of Indonesia, the Decalogue determines foundations for perpetuity. Younger nations often appreciate such foundations more than those who have long been free, and the people of Israel were no exception (Ps. 19:7-10; cf. 119). Far from being a dry legal document, or a

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<sup>75</sup> Buber, *Moses*: 20.

<sup>76</sup> See above; also Georg Fohrer, *History of Israelite Religion* (London: SPCK, 1973; tr. from German, 1968): 84-85.

<sup>77</sup> Cf. Jan Milic Lochman, *Signposts to Freedom: The Ten Commandments and Christian Ethics* (Minneapolis: Augsburg, 1982; tr. from German, 1979): 18.

burden to bear, the Decalogue is a charter of freedom, to be embraced and celebrated.

The Decalogue states the ground rules for the people of God, covering their relationships with God and with other people. The first five commandments concern religious and family matters which were of great importance for Israel and relate to their distinctiveness as a nation. Interestingly, these obligations do not include circumcision, which was considered so important by the Jews in later days.<sup>78</sup>

The next four commandments are categorical prohibitions, with no punishment prescribed and no definitions given. For example, killing is forbidden but we are not told what action should be taken if someone does kill, nor is the precise meaning of ‘kill’ defined (does it include murder, manslaughter, execution, war, abortion, euthanasia?). These commandments are not distinctive, but express ethical principles which were widely accepted in the ancient world.

The last commandment concerns thoughts, and is presumably not intended to be enforced by a human judge, but that does not make it any less important than the first nine. Clearly the Decalogue was not intended to satisfy the needs of legislator or court. ‘If this is a law code, it isn’t written for people to look over their shoulders in case the magistrate sees them, but it is written to make people look up, in case God sees them, or look inside themselves because God is even interested in their thoughts.’<sup>79</sup>

To put it another way, the Decalogue outlines a vision for the life of Israel after their liberation from Egypt. As such it was instrumental in the forming of the nation, and the principles it enshrines continued to be the basis of ethics for the people of God in both Old and New Testaments.

### ***2.3 Motives and Sanctions***

Laws are toothless without sanctions, and ethics ineffectual unless people are motivated to follow them. So why should Israel obey the

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<sup>78</sup> Circumcision is the sign of the Abrahamic covenant (Gen. 17:10-27) and is referred to in several early narratives (Gen. 21:4; 34:13-24; Exod. 4:25-26; Josh. 5:1-9), but it is mentioned only briefly in the laws (Exod. 12:44-48; Lev. 12:3) and never elsewhere in the Old Testament except in a figurative sense (esp. concerning ‘circumcision of the heart’, Lev. 26:41; Deut. 10:16; 30:6) and negatively in reference to non-Israelites who are described as ‘uncircumcised’ (esp. the Philistines; e.g. Judg. 14:3; Isa. 52:1).

<sup>79</sup> David Instone-Brewer, in a personal communication.

Decalogue? How was it to be enforced? What were the penalties for infringement?

It is noteworthy that the Decalogue does not stipulate what action is to be taken if people do not obey it, and it is left to the detailed laws to do this. For example, all the stipulations of the Decalogue are referred to and elaborated in the Book of the Covenant and other law-codes, except for the prohibition of coveting which by its very nature is not an offence that can be proven and punished. In these laws punishments are specified for each crime, generally execution in the case of the first seven commandments (Exod. 21:12, 15, 17; 22:20; 31:14-15; Lev. 20:9, 10; 24:16, 21; Deut. 17:2-7; 21:18-21; 22:22).<sup>80</sup> However there is a differentiation between murder and accidental killing, so that only the former is considered a capital offence (Exod. 21:12-14; Deut. 19:1-13).

In practice it appears that capital punishment was optional for the seventh commandment.<sup>81</sup> This is explicit in ancient Near Eastern law (e.g. CH §129) and implied in Prov. 6:32-35 (which warns a potential adulterer that the offended husband may not be satisfied with compensation). Several other texts suggest lenience on the woman concerned, e.g. Bathsheba is not condemned for adultery with David, while Hosea 2:2 and Jeremiah 3:8 imply divorce rather than death for a woman who commits adultery. In the case of force, only the man would be punished (Deut. 22:25-27).

Theft is a civil offence and not punishable by death (Exod. 22:1-4), in contrast to the Laws of Hammurabi where it is a criminal offence and often results in capital punishment (see CH §6-10, 22). The punishment for false witnesses varies, depending on the nature of the crime for which they have made false accusations (Deut. 19:16-21).

Administration of justice is the responsibility of the local community. Two witnesses are required for conviction on criminal charges (Deut. 17:6; 19:15) and the death penalty is most often inflicted by communal stoning (e.g. Lev. 24:14; Deut. 17:5-7), though certain crimes are to be punished by burning (Lev. 20:14; 21:9) or the sword (Deut. 13:15). Phillips argues that the covenant was entered into by Israel as a people and also by each individual Israelite, so in the

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<sup>80</sup> The punishment for making an image is not specified, but it was certainly considered a very serious offence (cf. Exod. 20:5-6; 32:1-35; Deut. 27:15) and probably resulted in capital punishment too. Phillips, *Ancient Israel's Criminal Law* (cf. 'Decalogue'; 'Fresh Look: Part 2') argues that all the ten commandments are capital crimes. This is an overstatement, which he attempts to prove by means of restricted and counter-intuitive interpretations of the last three commandments.

<sup>81</sup> Cf. Wenham, 'Law and the Legal System': 35.

event of breach there was both communal and individual responsibility.<sup>82</sup> Except for breach of the first commandment, no-one other than the criminal himself was executed by Israel, but divine punishment was not restricted in this way and could fall also on members of the family or the whole community.

Although the Decalogue itself does not contain sanctions, it does give theological motivation for obedience. Israel is reminded of several key theological truths.

Firstly, YHWH is a jealous God who punishes those who reject him, but whose steadfast love to those who love him and keep his commandments is even greater than his wrath. This is stated in the explanation of the second commandment, and implied in the explanation of the third (see also Exod. 34:6-7).

Secondly, the Exodus version of the fourth commandment refers to YHWH as the creator of heaven and earth, and to his rest on the seventh day as the basis for keeping the Sabbath.

Thirdly, the fifth commandment contains a distinctive motive clause, reminding the people of God's gift of the land and promising long life and prosperity to those who keep the commandment.

Lastly, and most important of all, it is significant that the commandments were given by God to the people he had already freed from slavery in Egypt, not as conditions for achieving that freedom. This is stated in the prologue, and referred to again in the Deuteronomic version of the fourth commandment (see also Deut. 6:20-25). Contrary to the popular misconception that Old Testament religion was based on law, unlike the New Testament gospel of grace, obedience to the commandments was intended to be a response to divine grace rather than the means to obtain it. A rabbinic parable illustrates this point:<sup>83</sup>

A stranger came into a city and said to the inhabitants, 'I will be your king.' The people answered, 'What have you ever done for us, that you should be our king?' So he proceeded to do many things for the benefit of the city and the people. He built a defense wall, he brought in water to the city and he defended them against their enemies. Then he said to them again, 'I will be your king.' And the people immediately agreed. In the same way, God delivered the Israelites from Egyptian slavery, and He parted the Red Sea; He gave them manna from heaven, the water and the quail; and He fought for them against Amalek. Then He said to them, 'I will be your king' and the people immediately agreed.

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<sup>82</sup> Phillips, *Ancient Israel's Criminal Law*: 32-35.

<sup>83</sup> Albeck, 'Ten Commandments': 265-66.

### 3. Conclusion

The Decalogue is unique in being ascribed to ‘the finger of God’. Unlike the Book of the Covenant, Holiness Code and Deuteronomic Laws, for which the role of Moses as mediator is stressed, the Decalogue is presented as the direct words of God. Whatever we may make of this claim, there is good reason to accept the biblical tradition that the Decalogue originated in the time of Moses, and that it was instrumental in the forming of Israel as a nation, indeed as the people of God. It expresses the response that God expects from the people he has brought into being. As the constitution of the people of God, it states essential principles for maintaining a good relationship with God and other members of the community, and gives reasons why it is important to do so. In the words of Childs, ‘the Decalogue provides the basis for the covenant with all of Israel’, so ‘to transgress is not to commit a misdemeanor but to break the very fibre of which the divine-human relation consists’.<sup>84</sup> Thus it is not human sanctions that are specified, but warnings of punishment and promises of blessing by God.

It remains to be said that the significance of the Decalogue goes far beyond the formative period of Israel’s history. The ethical principles it expresses underlie the detailed laws in Exodus, Leviticus and Deuteronomy, and were a source of inspiration for worship, wisdom and prophecy in ancient Israel. Since then they have had an extensive influence on law, religion and ethics in many parts of the world and continue to do so until the present day.<sup>85</sup>

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<sup>84</sup> Childs, *Exodus*: 398.

<sup>85</sup> For reflections on the relevance of the Decalogue today, see my article ‘Written in Stone? The Ten Commandments Then and Now’, *Whitefield Briefing* 9.3 (August 2004).