

# Spirituality and Law: The Example of the Decalogue

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*Abstract* – In the age of the Reformation and Counter-Reformation, the need to offer simple and accessible pastoral tools arose. Indeed, it was in this time that the first catechisms and breviaries of prayers were written and that the Decalogue was transformed into the «Ten Commandments», that is, a list of norms and prohibitions which – without asking questions – tell the believer what is lawful and what is not. In reality, the literary context places the Decalogue within a path of liberation which is both a path of political emancipation and spiritual growth. The list of *debarîm*, that is, of words, that make it up is not a list of duties and prohibitions imposed by God, but the result of this double path. Israel accepts the gift of the Ten Words because they correctly tell its story of liberation and relationship with its God. In this sense we can say that the Decalogue is not 'right' but 'true'. It is the room of the whole lifeworld. The paper supports this thesis by discussing some salient points of the text and demonstrating the spiritual depth of the text.

Keywords: Decalogue – lifeworld – law – spirituality – *debarîm*

Since ancient times, man has wondered about the relationship between law and ethics, between the individual and the law and, starting from the biblical tradition, also between law and spirituality. The question is whether there is some form of continuity between the spiritual and the normative dimension, between inner experience and outer duty, to the point of transforming duty into a form of being. The question has become more urgent with the birth of modern legal science and regulatory systems, often perceived as abstract and artificial with respect to inner experience. This evolution in the conception of Western law influenced not only the creation of new legal systems, but also the interpretation of earlier law, including biblical law. Within the biblical tradition, one of the most misunderstood texts is the Decalogue, which has become the emblem of a deontological morality, that is, of an ethics of duty that does not require the individual's inner adherence but only obedience. This was possible (also) thanks to its decontextualization, which made it one of the favorite texts of the catechisms of the Christian churches.

The aim of this contribution is to propose an interpretation of the Decalogue in the light of the literary context in which it was handed down and to demonstrate that it is not a list of commandments, but the result of a common experience (between God and Israel). On a metaphorical level, the Decalogue is the 'room' that encloses and expresses this inner experience. It is not just a text, but the expression of a 'meaning', of a whole lifeworld, which makes intelligible the history of which it is the result. For this reason, it does not require external and formal respect, but internal adherence. Where deontological interpretation closes in constraints, the depth of inner experience opens up to the world of life. The political experience of liberation and the spiritual experience that made it possible come together in a collection of words (*debarîm*) that will serve Israel to build its political-religious identity and maintain the hard-won freedom. The Ten Words draw their binding force not only from the fact that they were spoken by God, but also from the inner resonance through which the individual recognizes and rediscovers his own experience. The experience of Israel and, we could say, its lifeworld, is simultaneously enclosed and expressed in those words, creating a bridge between past experience and future planning, between inner resonance and law. More than norms, as I will try to demonstrate, they are the *criteria* with which Israel will have to make its choices and build its future. Their respect, therefore, is not a mere legal obligation, but an expression of the recognition that they derive and correctly interpret Israel's relationship with its God. My thesis is that it is the first Constitution of the nascent people of Israel which, until then, was only a group of slaves with no identity.

Concretely, my argument will begin by explaining when the decalogue was interpreted in a deontological key and will continue with a brief analysis of the literary context in which it is placed. A few words will be dedicated to the desert, the place where Israel concludes the covenant with God and receives the Ten Words. As far as the text is concerned, I will only focus on three elements that prompt a reflection on the pericope. Finally, I will formulate some considerations on the relationship between spirituality and law, that is, the inner space of the law.

## **1. From the Logic of the Seven Deadly Sins to Deontological Morality**

The expression «the Ten Commandments» is known to both believers and non-believers: the former encountered it in catechisms, the latter in everyday language and in cinema. In fact, for some centuries catechisms and

prayer breviaries have contained the Ten Words: in a few lines they summarize Christian morals and it seems that there is not much to discuss. However, it wasn't always like this. Contrary to what is often believed, the Ten Words are not «the Ten Commandments». The catechisms of the Catholic and Protestant churches present it thus, but this interpretation and this use of the text is relatively recent. It dates back to the period of the Protestant Reformation, during which the first catechisms were born. According to the reconstruction of James Bossy, the catechisms collected some prayers and the Decalogue provided a brief summary of Christian morality<sup>1</sup>.

In this way the Decalogue gradually replaced the logic of the Seven Deadly Sins that had characterized the medieval age. In the thirteenth and fourteenth centuries the doctrine of the Seven Sins was dominant in the practice of the sacrament of penance, subsequently the Decalogue became the only tool to know what God wanted or what he forbade: ethics was a matter of faith, not of reason<sup>2</sup>. Immediately before the Reformation and even more during the Counter-Reformation, the Decalogue was transformed into a rigid normative system and was used for both Catholic and Protestant Christian education.

The deontological interpretation of the Decalogue was, therefore, the result of the combination of various factors: on the one hand the need to identify a few clear fixed points of Christian ethics, on the other the birth of modern juridical science, which transformed law into rational science<sup>3</sup>. Finally, the very form of the text, expressed in a list. The next step will be to re-insert the text into its literary context to understand the meaning of the Ten Words within the biblical narrative.

## 2. The Narrative Context: Between «no more, not yet»

The expressions «Decalogue», «the Ten Words» and «the Ten Commandments» are used to indicate two similar but not identical texts: Ex 1-17 and Dt 5, 6-21. This last version, according to the literary sequence, is a

<sup>1</sup> J. Bossy, *L'Occidente cristiano. 1400- 1700*, Torino, Einaudi, 1985 (orig. ed. *The Christianity in the West: 1400-1700*, Oxford, Oxford University Press, 1985).

<sup>2</sup> See for example F.C. Clopston, *A History of Philosophy*, 9 vols., London, Continuum, 2003<sup>2</sup>, vol. II.

<sup>3</sup> See: H.J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition*, Cambridge MA, Harvard University Press, 1983; By the same author, *Law and Revolution II: The Impact of the Protestant Reformations on the Western Legal Tradition*, Cambridge, Belknap Pr, 2006; P. Prodi, *Il sacramento del potere. Il giuramento politico nella storia costituzionale dell'Occidente*, Bologna, Il Mulino, 2017.

memory of the one contained in Exodus. We leave aside here the questions relating to which of the texts is the original one. The two texts have the same collocation: that is, the text of Deuteronomy places the pronouncement of the Decalogue in the same setting, that is, at the moment in which Israel has now left Egypt and is found in the desert. Ex 20 is inserted in the full course of the story, while Dt 5 is part of Moses' account of that same story. The role of the Decalogue as a text pronounced when the slaves are out of Egypt but not yet in the promised land is therefore common to both versions. For this reason, the literary context of reference can be considered that intermediate moment between the end of slavery and the journey to the Promised Land. Between «no more, not yet». Here I will refer to the Exodus version, aware that its duplication in Dt 5 strengthens my hypothesis<sup>4</sup>.

Jewish slaves have suffered for a long time, but manage to escape from Egypt thanks to Moses, a Jew adopted by the Pharaoh's daughter and who, grown up, receives the mission to free the Jews from the God of the Fathers. Moses is outlined as a religious and political leader, capable of being followed by the people despite the hostility of the Pharaoh<sup>5</sup>. Through Moses, the Jews rediscover the courage of their faith and allow themselves to be drawn out of Egypt. Their action, however, is still immature. In the desert, hungry and thirsty, they long for Egypt (Ex 16, 2-3). They want to be freed, they want to get better, but they are not yet ready to take responsibility. Their path is still long.

In the desert the Jews live in a free zone. According to the tradition of the time, the desert had no jurisdiction, it was an inhospitable territory, one of the gates of She'ol, of the afterlife, because it was impossible to survive<sup>6</sup>. The spatial dimension plays a fundamental role in the narration, because it indicates an impenetrable, even dangerous place, but the only one where slaves can experience the recollection of a suspended reality and make a choice.

In a positive sense, the desert is a place of freedom, of non-slavery. A non-place where Jews can stop and become something new, the space of inner recollection and interiority. It is here that God presents himself

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<sup>4</sup> In the biblical tradition, the repetition of a text is a sign of its importance. In some cases we find the same narrative in prose and poetry, as in Ex 14 and 15, Jdg 4 and 5.

<sup>5</sup> For the prophetic and political figure of Moses, see W. Brueggemann, *Phrophetic Imagination: 40th Anniversary Edition*, Philadelphia, Fortress Press, 2018.

<sup>6</sup> See C. Peri, *Il regno del nemico. La morte nella religione in Canaan*, Brescia, Paideia, 2003; P. Xella (ed.), *Archeologia dell'Inferno. L'Aldilà nel mondo antico vicino-orientale e classico*, Verona, essedue edizioni, 1987.

to them and invites them to enter into a covenant. We are in chapter 19, 1-8 of the book of Exodus and this passage is decisive for understanding the Decalogue.

The language and structure of this text - which is generally referred to as a pact<sup>7</sup> - are diplomatic in nature and, more precisely, are characteristic of the treaties of 'vassalage' that the Babylonian Empire - and before that the neo-Assyrian - stipulated with neighboring peoples. In those cases they were real acts of submission: this protection was guaranteed after the stipulation of the treaty and not before. If not, the vassal was overrun and killed. The outline of the treaties was the following: presentation of the contracting parties, historical prologue which served to justify the loyalty asked to the vassal, stipulation of the treaty, periodic reading of the treaty and custody of the document, list of divine witnesses, blessings and curses.

In Ex 19 the Israeli editors use the outline of these treaties to recount the covenant stipulated with God, with some important innovations: God has already done what is good for Israel and does not say what will happen if the people do not he will accept the deal. God presents himself to them as someone who has already fulfilled their hopes. A bit as if today we elect our rulers after they have acted for the good of the community and not before with the hope that they will do it later. Furthermore, God does not threaten Israel if they do not accept the covenant.

Only now that the people are free can they make an informed decision and take responsibility for respecting it. The covenant represents the fulfillment of the history of liberation and, at the same time, marks the birth of Israel as a nation. It is only at this point that in v. 9 we read: «The LORD said to Moses: 'Behold, I will come to you in a thick cloud, so that the people will hear when I speak with you, and they will believe you forever'. And Moses told the LORD the words of the people». Only then, God pronounces the Decalogue. The Decalogue is the Constitution of the new people and summarizes the fundamental principles that will allow Israel to live.

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<sup>7</sup> The word translated 'covenant' is *berit*. The etymology is controversial, but it could belong to the secular sphere. However, the biblical texts attest to its use in different contexts. It probably acquired theological relevance in the Deuteronomist era and was one of the tools with which the ancient traditions were re-evaluated to reconstruct the Israelite identity. See E. Kutsch, *Sehen und Bestimmen. Die Etymologie von tyrb*, in A. Kuschke - E. Kutsch (eds.), *Archäologie und Altes Testament. Festschrift für Kurt Gallig zum 8. Januar 1970*, Tübingen, Mohr, 1970, pp. 168-178; D.J. McCarthy, *Treaty and Covenant. A Study in Form in the Ancient Oriental Documents and in the Old Testament*, Roma, Biblical Institute Press, 1978; L. Peritt, *Bundestheologie im Alten Testament*, Neukirchen Vluyn, Neukirchener Verlag, 1969.

### 3. The Decalogue (Ex 20, 1-17)

As the word *deca-logos* says, Exodus 20, 1-17 (and Dt 5, 6-21) is made up of Ten Words: *áseret haddebarím* in Hebrew language. The lexical question is fundamental for the interpretation of the text, since the Hebrew language had specific words available to express the concept of law and that of norm<sup>8</sup>. The meaning of the individual elements that make up the text is linked both to the relationship with all the others and to the possibility of saying the same things in different ways, thus changing perspective and meaning. The question is interesting, because in the passage from a narrative text to a legislative one, the look on the text has changed to the point that it has become the manifesto of a deontological ethics, in which the inner adherence of the individual does not occupy a decisive role.

The word «decalogue» derives from the Greek *decálogos*: used for the first time by Irenaeus and Clement of Alexandria, it has its origin in the translation of the Septuagint of verses Ex 34,28; Deut 4.13 and 10.4, in which the expression *áseret haddebarím*, «Ten Words» appears. The later Christian tradition took up this expression to designate both versions of the Decalogue.

For reasons of space, I will not reproduce the text, which is easily found in any Bible. Rather, I will focus on some textual elements useful for clarifying the meaning of the text in relation to its literary context. In particular, I will focus on: 1) the beginning of God's direct speech in Exodus 20, 2; 2) the verbal modes; 3) the word *dabar*, which is significant both in relation to the corresponding *mizwotaj* (v.6) and in relation to her possible alternatives. Naturally these three elements are not exhaustive, but they help to stimulate reflection on the meaning of the text, which is more complex than a list of deontological norms.

Regarding the beginning of God's direct speech, God presents himself with his Names and with his deeds. Understanding His proper Name means to know what kind of divinity Israel trusts. This verse conditions the interpretation of the following ones.

In the Bible God is called by many names (El, 'Elohim; Šaddaj, El Olam, El Eljion), but Yhwh, the name of revelation (cf. Ex 3,6, 13-15), is his proper name, that which expresses its essence and in v. 2 appears next to that of the tradition of the Fathers. In this verse the verbs are conjugated to the

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<sup>8</sup> I have thoroughly investigated the matter in D. Tonelli, *Note sul lessico giuridico del Decalogo (Es 20, 1-17)*, in «Materiali per una storia della cultura giuridica», 1, 2008, pp. 3-32.

indicative (*hôze 'tîkâ* «that I made you go out») and precede the exhortative ones of the following verses: the verb *jāsā*, «to go out» in the causative form, also means «to release», therefore «that he freed you». Two aspects must be emphasized in this self-presentation: the first consists in the fact that God affirms that the exit from Egypt sanctions the birth of Israel as a people/nation; the second, in awakening the people's memory of him, since He makes himself recognized as the God of the Patriarchs, the God of promise and, at the same time, identifies himself with the God of the Exodus. The God of liberation is the same as in the patriarchal tradition, but before being obeyed, He wants to be (re) known: the whole Decalogue develops around the memory of liberation.

Compared to the culture of the time, the Decalogue presents another element of novelty and perhaps the most important: while the other divinities founded a sanctuary or a city and, therefore, were linked to a place or a territory, J-H binds its sovereignty to an experience. Even in the sanctification of the Sabbath, worship is not associated with a place, but with the memory of creation (Ex 20, 11) or liberation (Dt 5, 15), through a new temporal scan. The fundamental idea that this self-presentation expresses consists in identifying the foundation of the law in the memory of the experience of the exodus. Without this memorial, Israel would not be able to recognize J-H as their God, nor to accept the following words as legitimate. The link between J-H's self-presentation and the memory of liberation is not, however, only external, formal, but is essential to God himself and it is for this reason that it conditions the interpretation of the entire passage.

A second observation is necessary regarding verbs: v. 1, in which God affirms his sovereignty over Israel is conjugated to the indicative, that is, it does not express a command, but a simple observation about the actual state of his relationship with Israel. In the following verses, however, the verbs are conjugated to the imperfect, which in Hebrew expresses the action that is not perfected, that is, not completed and therefore translates with the future. In the second group of verses, the imperfect is preceded by a negation (*lō* followed by the verbal mode *yiktol*) which gives rise to a vetitive. We could translate it with the future tense: «you will not steal» because, in light of your relationship with God, you will not need to steal (and so on). The fact that God's interlocutor is Israel can be deduced from what happens in the previous chapter and from the adjective «your» with which God relates to Israel, since it is not specified here.

Last but not least, in the first verse, *dabar* appears both as a verbal form and as a noun, so there is an insistence, a repetition, a confirmation of

the fact that it is simply «words»<sup>9</sup>. Unlike *āmar* «to say», which requires an object complement, in *dabar* it can be implicit, or it can summarize a presupposed or already pronounced speech, which contains a finite verbal form of *āmar* or the infinitive *le'mōr*. Furthermore *āmar* can have a great variety of subjects (people, animal things, etc.), while *dabar* has as subject either the people or the instruments with which speaking is designated (mouth, lips, voice ...). When *dabar* is to be understood as «the word of God», it expresses a broader concept of «commandment» and «precept».

In the whole text, the only word that can be translated as command is *mizwotaj* (v. 6 «my commandments») from *mizwah* «precept» and from the verb *zwh* «to command, to order», but also «to give responsibility», which therefore requires an active role on the part of those who accept God's requests. This term appears in place of *dabar* only after J-H has proclaimed his uniqueness for Israel: the word becomes command if the interlocutor accepts the special relationship to which God calls him.

Narrative context and linguistic correspondences attribute to the Decalogue a deeper meaning than that of a simple list of commandments: the Decalogue wants to tell and remember first of all a founding experience and to organize the future of the people. A different and better future than what was experienced during slavery.

#### 4. The Relationship between Spirituality and Law

The Decalogue was interpreted as a legislative text in the strict sense only many centuries after its writing and, precisely, at the time of the *mishna*, or about a century after the destruction of the second Temple in Jerusalem (AD 70). In the beginning it was a simple collection of general criteria that served to orient the relationship of the individual with J-H and with the community to which they belongs. Precisely as criteria, the *debarîm* have always come «before» the law and constitute its foundation. Their function was indicative not in the sense of the possibility of doing otherwise, but in determining the direction of action.

From a juridical point of view, the Decalogue represents something that goes beyond the law: it constitutes a first result of the historical-political experience that Israel carries out together with its God and, at the same time, the set of criteria from which to derive the other norms. It acts as a keystone of the religious and political identity of the people: Ex 20: 1-17

<sup>9</sup> S. Jackson, *Theft in Early Jewish Law*, Oxford, Oxford University Press, 1972.



is the result of the path followed up to that moment, but also a new beginning, to the extent that it is able to guide the future.

As we saw, the narrative context in which the passage is situated is the stipulation of the covenant between Israel and the liberating God. It represents the culminating moment of liberation from slavery and every element of the Decalogue is intimately linked to it: all the verses that follow must be interpreted as a consequence of that fundamental event.

It is the combination of lexicon and narrative context that gives a certain meaning to the pericope rather than another. The Decalogue is a juridical-normative text not because it proclaims rules of law, nor because it expresses a natural order of things, but because it is full of a founding experience, made possible by the relationship between J-H and his people.

The people accept the Decalogue as a founding constitution not because it judges its contents «just», but because it judges them «true»: it is the room of the whole lifeworld, place of identity and meaning. The motivation criterion is not ethical judgment, but historical truthfulness. Here memory performs a universalizing function not only in a spatial sense but also in a temporal sense, that is, it embraces future generations. This takes the form of the possibility of rediscovering the vital world when the text is read or remembered. In this sense, the constitutional criteria of the Decalogue are projected towards a different and better future.

More than a norm, the Decalogue could be defined as the temporal and juridical medium of Israel, the turning point in which the people's awareness means that what has happened up to that moment is interpreted as an event, that is, as history, tradition and what follows is the future, characterized, this time, by the awareness of the project and its direction. Without this awareness, the past would not be history and it would not make any sense. Respect for the law is therefore not the expression of an external bond, but of an internal experience. Also for this reason the Decalogue is proclaimed directly by God to the people: it concerns everyone, that is, each one in their relationship with the others and there can be no awareness of the community without involvement and responsibility.

