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Sedute seminariali del pomeriggio

The Decalogue and the Legal Hermeneutics of the Pentateuch

Prof. Dominik MARKL, S.J.

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One of the most intriguing questions that the Pentateuch raises is why it combines narrative and law in a more intricate manner than any other tradition of the Ancient Near East. As the prologue of the Decalogue clearly shows (Ex 20:2 // Deut 5:6), narrative and law are intensely intertwined and have great hermeneutical significance for each other. This seminar will focus on the two versions of the Decalogue within their respective narrative contexts (Ex 19-24; Deut 5) as a starting point for a reflection on the narrative hermeneutics of law in the Pentateuch. From an historical perspective, the primary interest of this seminar will be the function of the Pentateuch in the Persian period. The study will focus on the text in its canonical form, while remaining open to a reflection on possible earlier stages of its development.

Participants are requested to read in advance the following article (pdf file):

MARKL, D., "The Ten Words Revealed and Revised: The Origins of Law and Legal Hermeneutics in the Pentateuch", in ID. (ed.), *The Decalogue and its Cultural Influence* (Hebrew Bible Monographs 58), Sheffield: Phoenix, 2013, 13–27 [*reproduced in the following pages*].

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THE TEN WORDS REVEALED AND REVISED: THE ORIGINS OF LAW AND LEGAL HERMENEUTICS IN THE PENTATEUCH

Dominik Markl

The Ten Commandments' reception history begins within the literary context in which they have come down to us—the Pentateuch. God reveals them at Mount Sinai according to Exodus 20, and Moses renders them in a modified form 40 years later in Moab according to Deuteronomy 5. Although the historical question as to which version is the (more) original has been intensely discussed,¹ the hermeneutical problem as to what sense

1. On the history of this research see E. Otto, 'Alte und neue Perspektiven in der Dekalogforschung', in his *Kontinuum und Proprium: Studien zur Sozial- und Rechtsgeschichte des Alten Orients und des Alten Testaments* (Orientalia biblica et christiana, 8; Wiesbaden: Harrassowitz, 1996), pp. 285-92; F.-L. Hossfeld, 'Der Stand der Dekalogforschung', in B.M. Levinson and E. Otto (eds.), *Recht und Ethik im Alten Testament: Beiträge des Symposiums 'Das Alte Testament und die Kultur der Moderne' anlässlich des 100. Geburtstags Gerhard von Rads (1901–1971) Heidelberg, 18.–21. Oktober 2001* (Altes Testament und Moderne, 13; Münster: Lit-Verlag, 2004), pp. 57-65. Today, most scholars no longer think that the Decalogue represents ancient Israelite tribal law or even that it may originate in Mosaic legislation, but rather that the Ten Commandments are a rather late composition, deliberately placed at the beginning of biblical legislation and preceding the law codes in Exodus as well as in Deuteronomy as a summary of significant rules. The origin of the Decalogue, therefore, is not to be sought outside the Bible, but within the formation of biblical legislation. The controversy as to which of the two versions is older and which of the contexts is the original setting was fought through in a paradigmatic way by Frank Lothar Hossfeld and Axel Graupner in Bonn over two decades. Hossfeld had argued in his monograph from 1982 that Deuteronomy represents the original setting and context of the Decalogue, whereas Graupner argued for Exodus as the original context. See, for example F.-L. Hossfeld, *Der Dekalog: Seine späten Fassungen, die originale Komposition und seine Vorstufen* (OBO, 45; Freiburg: Universitätsverlag, 1982); 'Zum synoptischen Vergleich der Dekalogfassungen. Eine Fortführung des begonnenen Gesprächs', in his edited *Vom Sinai zum Horeb: Stationen alttestamentlicher Glaubensgeschichte* (Festschrift E. Zenger; Würzburg: Echter, 1989), pp. 73-117; A. Graupner, 'Zum Verhältnis der beiden Dekalogfassungen Ex 20 und Dtn 5: Ein Gespräch mit Frank-Lothar Hossfeld', *ZAW* 99 (1987), pp. 308-29; 'Die zehn Gebote im Rahmen alttestamentlicher Ethik. Anmerkungen zum gegenwärtigen Stand der Forschung', in H.G. Reventlow (ed.), *Weisheit, Ethos und Gebot: Weisheits- und Dekalogtraditionen in der Bibel und im frühen Judentum* (Biblich-theologische

the two versions make together within the final form of the Pentateuch has not been addressed until recently.²

This paper will argue that the two versions of the Decalogue play a key role for the legal hermeneutics of the Pentateuch in its final form which initiates and foreshadows the Ten Commandments' rich reception history. The argument will be unfolded in five stages. After discussing the two literary contexts of the Ten Commandments within the books of Exodus and Deuteronomy and their differences, their function for the legal hermeneutics of the Pentateuch will be evaluated. A hermeneutical overview of their earliest reception history concludes the article.

1. *The Decalogue within the Book of Exodus*

The Ten Commandments solemnly introduce the divine revelation of law at Sinai. They are placed at the centre of an awe-inspiring theophany and they are presented as the only words that God speaks directly to the whole people of Israel.

The Decalogue occupies a structurally prominent position at the beginning of the second half, and therefore in a central passage, of the book of Exodus.³ While the first half of the book tells how Yhwh rescues Israel from oppression in Egypt and leads them to Sinai (Exod. 1–18), the second half is staged entirely at Sinai and revolves around the themes of God's covenant

Studien, 43; Neukirchen–Vluyn: Neukirchener Verlag, 2001), pp. 61-95. For the latest suggestion see E. Blum, 'The Decalogue and the Composition History of the Pentateuch', in T.B. Dozeman *et al.* (eds.), *The Pentateuch: International Perspectives on Current Research* (Forschungen zum Alten Testament, 78; Tübingen: Mohr Siebeck, 2011), pp. 289-301. On the relationship between the Decalogue and ancient Near Eastern legal texts see E. Otto, 'Der Dekalog im Horizont des Alten Orients', in his *Altorientalische und biblische Rechtsgeschichte: Gesammelte Studien* (Beihefte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte, 8; Wiesbaden: Harrassowitz, 2008), pp. 531-38.

2. See, for example, P.D. Miller, 'The Place of the Decalogue in the Old Testament Law: The Book of Exodus', in his *The Way of the Lord: Essays in Old Testament Theology* (Forschungen zum Alten Testament, 39; Tübingen: Mohr Siebeck, 2004), pp. 3-17 [= *Interpretation* 43 (1989), pp. 229-42]; 'The Good Neighborhood: Identity and Community through the Commandments', in his *Way of the Lord*, pp. 51-67 [= W.P. Brown (ed.), *The Character of Scripture: Moral Formation, Community, and Biblical Interpretation* (Grand Rapids: Eerdmans, 2002), pp. 55-72]; D. Markl, *Der Dekalog als Verfassung des Gottesvolkes: Die Brennpunkte einer Rechtshermeneutik des Pentateuch in Exodus 19–24 und Deuteronomium 5* (Herders biblische Studien, 49; Freiburg i.Br.: Herder, 2007).

3. This concerns the literary structure of the book of Exodus. In quantitative terms, the Decalogue is located just before the middle of the book. Exodus 1–19 contains 7,540 words, while Exod. 20.18–40.38 contains 8,845 words.

with Israel (Exod. 19–24; 32–34) and his presence in the midst of his people in the sanctuary (Exod. 25–31; 35–40). God reveals the Decalogue at the climax of the theophany that takes place on the third day of Israel’s stay at Sinai (Exod. 19.16–20.18). While the Decalogue seems to interrupt the narrative of the theophany and to intrude into the narrated world from another sphere,⁴ the Ten Commandments are closely linked to their narrative setting within the book of Exodus. This section unfolds some aspects of these narrative links, which are of hermeneutical significance.

The Prologue, Exod. 20.2, forms the most prominent and fundamental link between the Commandments and the narrative of Israel’s Exodus from Egypt: ‘I am Yhwh your God, who brought you out from the land of Egypt, from the house of slaves’. Yhwh’s introduction to the first text of divine ‘legislation’⁵ at Sinai lays the hermeneutical foundation for all further divine law. Since God rescued Israel from Egypt, all further divine law is meant to preserve their freedom.⁶ Moreover, the first nominal clause ‘I (am) Yhwh your God’, which can also be translated ‘I, Yhwh, (am) your God’, grounds Israel’s law in its relationship with God, which is reinforced through the making of the covenant.

The making of the Sinai covenant develops over an extensive narrative arc within Exodus 19–24.⁷ As soon as Israel arrives at Sinai (Exod. 19.1), Moses ascends the mountain and Yhwh offers Israel a covenant: ‘Now

4. The loose connection between the Decalogue and its immediate narrative context (Exod. 19.25; 20.18) has often been interpreted as a sign of the Decalogue’s secondary insertion into its narrative context. On a synchronic level, Christoph Dohmen suggested that the people, within the world of the narrative, did not understand the content of God’s speech but only heard God’s voice: C. Dohmen, *Exodus 19–40* (HTKAT; Freiburg i.Br.: Herder, 2004), pp. 76f; “‘Es gilt das gesprochene Wort’”. Zur normativen Logik der Verschriftung des Dekalogs’, in C. Frevel *et al.* (eds.), *Die Zehn Worte: Der Dekalog als Testfall der Pentateuchkritik* (Quaestiones disputatae, 212; Freiburg i.Br.: Herder, 2005), pp. 43–56. For arguments against this view see Markl, *Dekalog*, pp. 129–31.

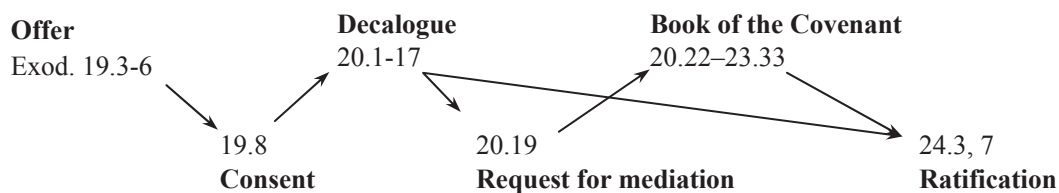
5. For a discussion of which texts can be classified as ‘legal’ within the Pentateuch see D. Markl, ‘Narrative Rechtshermeneutik als methodische Herausforderung des Pentateuch’, *Zeitschrift für altorientalische und biblische Rechtsgeschichte* 11 (2005), pp. 107–21 (110–15).

6. See P.D. Miller, ‘The Story of the First Commandment: The Book of Exodus’, in his *Way of the Lord*, pp. 3–17 [= *American Baptist Quarterly* 21 (2002), pp. 234–46]; F. Crüsemann, *Bewahrung der Freiheit: Das Thema des Dekalogs in sozialgeschichtlicher Perspektive* (Kaiser Traktate, 128; Munich: Kaiser, 1983).

7. For an elaborate explanation of my understanding of the making of the Sinai covenant see Markl, *Dekalog*, pp. 33–173; for a brief summary G. Fischer and D. Markl, *Das Buch Exodus* (Neuer Stuttgarter Kommentar. Altes Testament, 2; Stuttgart: Katholisches Bibelwerk, 2009), pp. 214–16; on the relationship between narrative and law in Exodus 19–24 compare J.M. Sprinkle, ‘Law and Narrative in Exodus 19–24’, *JETS* 47 (2004), pp. 235–52.

then, if you obey my voice and keep my covenant you shall be my jewel out of all the peoples' (Exod. 19.5). The people answer this offer positively in Exod. 19.8: 'All that Yhwh has spoken we will do'. After three days of preparations (Exod. 19.10-15), God appears on Mount Sinai (Exod. 19.16-25) and proclaims the Decalogue as the first text containing the covenant stipulations (Exod. 20.1-17). Overwhelmed by this awesome theophany (Exod. 20.18), the people ask Moses to mediate for them, confirming their obedience to Moses' words: 'You speak to us and we will listen' (Exod. 20.19).

Moses relates the content of the 'Book of the Covenant' (Exod. 20.22–23.33) both orally (Exod. 24.3) and, on the next day, in written form (Exod. 24.4, 7). After each proclamation the people renew their commitment to the Commandments and thus ratify the covenant: 'All the words that Yhwh has spoken we will do' (Exod. 24.3) and 'All that Yhwh has spoken we will do, and we will listen' (Exod. 24.7). All these speech acts are decisive for Yhwh's and Israel's mutual commitment to the covenant relationship, while Moses' speech in Exod. 24.8 just confirms the contract that has already been made: 'See the blood of the covenant that Yhwh has made with you in accordance with all these words'.



Thus, the Decalogue forms part of a dialogue between God and Israel (mediated by Moses) which unfolds over four days within the world of the narrative. The narrative context shows that Israel's repeatedly expressed free consent forms the basis for both the validity of the covenant and the binding force of the stipulations expressed in the Decalogue and the Book of the Covenant respectively.⁸ Moreover, the Decalogue can be seen as a hermeneutical prelude to the Book of the Covenant, which can be read as expanding on several Commandments.⁹

The Prologue (Exod. 20.2) connects the Decalogue not only with the first half of the book and the making of the covenant, but also with Israel's breaking of the covenant. The way they express their worship of the golden

8. This feature of the Sinai covenant remarkably resembles the modern idea of 'constitutional consensus' as the basis of the validity of the legal systems of modern democratic states; see Markl, *Dekalog*, p. 166.

9. See R.G. Kratz, 'Der Dekalog im Exodusbuch', *Vetus Testamentum* 44 (1994), pp. 205-38; L. Schwienhorst-Schönberger, 'Das Verhältnis von Dekalog und Bundesbuch', in Frevel *et al.* (eds.), *Die Zehn Worte*, pp. 57-75.

calf (Exod. 32.4) ironically perverts Yhwh's solemn proclamation from the beginning of the Decalogue:¹⁰

Exod. 20.2: I am Yhwh your God (אלהיך), who brought you out from the land of Egypt...!
 Exod. 32.4: These are your gods (אלהיך), O Israel, who brought you up out of the land of Egypt!

Similarly, Yhwh's reconciliation with Israel in Exod. 34.6f. contrasts with his self-characterization within the Ten Commandments (Exod. 20.5f.). While God emphasizes his zeal for justice and for 'steadfast love' (חסד) within the Decalogue, he emphasizes his mercy and inverts the sequence of his propositions in Exod. 34.6f.¹¹

<p>Exod. 20.5-6 For I, Yhwh your God am a zealous God,</p> <p><i>visiting the iniquity of the parents upon the children, to the third and the fourth generation of those who reject me,</i></p> <p>but showing <i>steadfast love</i> <i>to the thousandth generation</i> of those who love me and keep my commandments.</p>	<p>34.6-7 Yhwh, Yhwh, a God merciful and gracious, slow to anger, and abounding in steadfast love and faithfulness,</p> <p><i>keeping steadfast love to the thousandth generation, forgiving iniquity and transgression and sin,</i></p> <p>yet by no means clearing the guilty, but <i>visiting the iniquity of the parents upon the children and the children's children, to the third and the fourth generation.</i></p>
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Thus, the first section of the Decalogue provides the core elements from which the climaxes of the golden calf episode in Ex 32–34 are formed.¹² Whereas Israel breaks the prohibition of idolatry (Exod. 20.4f.) by making the golden calf (Exod. 32.1-6) and perverts Yhwh's Prologue to the Decalogue (Exod. 20.2) by worshipping it (Exod. 32.4), God heals the relationship by rewording his self-characterization, which had provided the reason for the prohibition of images (Exod. 20.5-6; 34.6-7).

10. Thus, D. Patrick, 'The First Commandment in the Structure of the Pentateuch', *Vetus Testamentum* 45 (1995), pp. 107-18 (117), fittingly calls the worship of the golden calf 'a parody of Yahwism'.

11. On the formula of grace in Exod. 34.6f. see R. Scoralick, *Gottes Güte und Gottes Zorn: Die Gottesprädikationen in Exod. 34,6f und ihre intertextuellen Beziehungen zum Zwölfprophetenbuch* (Herders biblische Studien, 33; Freiburg i.Br.: Herder, 2002); M. Franz, *Der barmherzige und gnädige Gott: Die Gnadenrede vom Sinai (Exod. 34, 6-7) und ihre Parallelen im Alten Testament und seiner Umwelt* (BWANT, 160; Stuttgart: Kohlhammer, 2003).

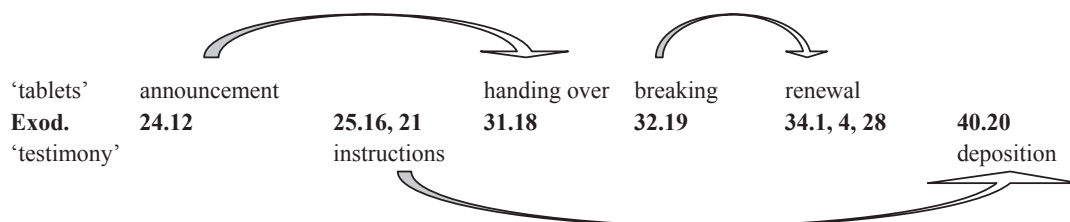
12. The related vocabulary was carefully analysed by M. Mark, 'Mein Angesicht geht' (Exod. 33.14): *Gottes Zusage personaler Führung* (Herders biblische Studien, 66; Freiburg i.Br.: Herder, 2011), pp. 381-417. For an analysis of the structure of Exod. 20.2-7 see R. Meynet, 'I due decaloghi, legge di libertà (Es 20.2-17 & Deut. 5.6-21)', *Gregorianum* 81 (2000), pp. 659-92 (660-62).

Exod. 20.2-5a	Prologue and prohibition of images	→ perverted and broken	in 32.1-6
Exod. 20.5b-6	reason for the prohibition of images	→ transformed and deepened	in 34.6-7

This leads to the motif of the tablets, which symbolically underlines the breaking and the re-establishment of the covenant. Seeing the golden calf with his own eyes, Moses is infuriated and breaks the tablets (Exod. 32.19), which he had received just a short time before as a final symbol of the covenant (compare Exod. 24.12; 31.18). Only after Moses' intense intercessions on behalf of the people (Exod. 32.31–33.6, 12-23) does God command Moses to renew the tablets (Exod. 34.1), which initiates God's mercy and reconciliation. Although Exod. 34.28 does not make entirely clear which 'ten words' (עשרת הדבריים) are written on the tablets, Moses' accounts of the events at Horeb in Deuteronomy clarify that the Decalogue of Exod. 20 is supposed to be written there (Deut. 4.12f.; 5.22; 10.4).

Beyond their symbolical function within the making, breaking and renewal of the covenant, the tablets also form the centre of the sanctuary, which God describes to Moses in Exodus 25–31 and which can finally be constructed and erected after the renewal of the covenant (Exod. 35–40). Moses is to place the 'testimony, which I shall give you' (Exod. 25.16, 21) in the Ark of the Covenant. Although this could be identified as an allusion to the previously announced presentation of the tablets (compare נתן in Exod. 24.12; 25.16, 21; 31.18), readers are assured only by Moses' account in Deuteronomy that the 'testimony' is identical with the tablets (Deut. 5.22; 10.1-5).

Thus, the 'tablets' and the 'testimony' both appear in several structurally vital passages in the second half of Exodus. The 'tablets' form a narrative frame around the instructions for the sanctuary in Exod. 24.12–31.18; they mark the breaking and renewal of the covenant in Exod. 32.19; 34.1, 4, 28 as well as Moses' contrasting descents from the mountain in Exod. 32.15f. and 34.29. Moreover, God commands Moses to place the 'testimony' in the Ark of the Covenant at the beginning of the covenant instructions (Exod. 25.16, 21), which is done only in the final text concerning the erection of the sanctuary (Exod. 40.20).



The tablets are not only a structurally vital motif, but also a symbol at the centre of God's further revelations: 'There I will meet with you, and from above the mercy seat, from between the two cherubim that are on the ark of the covenant, I will deliver to you all my commands for the Israelites' (Exod.

25.22; compare also 30.6, 36). Thus, the tablets and the text written on them can be seen as a hermeneutical centre from which all further commands of God originate. The tablets are placed at the centre of the holy of holies and they characterize the central meaning of the tabernacle, since the Ark can be called ‘ark of the testimony’ (e.g. Exod. 39.35) and even the sanctuary as a whole can be referred to as the ‘dwelling of the testimony’ (e.g. Num. 1.50).¹³

Thus the Decalogue is a crucial text within the narrative structure of the book of Exodus. The story of Israel’s rescue from Egypt in the first half of the book forms the origin of all divine law at Sinai according to the Prologue of Exod. 20.2. The First Commandment (Exod. 20.2-6) provides the starting point from which the golden calf episode unfolds (Exod. 32–34). Moreover, the Decalogue is systematically connected to the Book of the Covenant by the making of the Sinai covenant in Exodus 19–24. And the motifs of the ‘tablets’ and the ‘testimony’ systematically connect the Decalogue with the narrative development of Exodus 24–34 and the centre of the sanctuary (in the narrative arc of Exod. 25.16–40.20). Although the Ten Commandments seem to have been developed at a rather late stage, they form a focal point of the narrative of Exodus in its canonical form.

2. *The Decalogue within the Book of Deuteronomy*

The reason why Moses renders the Decalogue for Israel in Deuteronomy 5 is given by the plot of the book of Numbers. Israel stays at Sinai until ‘the cloud lifted from over the tabernacle of the covenant’ (Num. 10.11). On their way towards the Promised Land, the people continue to revolt so that Yhwh’s anger is kindled and he decides: ‘In this wilderness they shall come to a full end, and there they shall die’ (Num. 14.35). This happens within 40 years (Num 26.63-65; 32.10-13). Therefore Moses addresses the second generation of Israel in Moab in the fortieth year of the Exodus (Deut. 1.3), expounds his teaching (Deut. 1–30) and hands it over in written form (Deut. 31.9-13, 24-29) before his death (Deut. 34.5).¹⁴

As in the book of Exodus, the Decalogue occupies a structurally highly significant position within the book of Deuteronomy. Moses quotes the Ten

13. As a consequence, the tablets also form the centre of the Temple in Jerusalem. A last reference to them is made at the dedication of Solomon’s temple in 1 Kgs 8.9: ‘There was nothing in the ark except the two tablets of stone that Moses had placed there at Horeb, where Yhwh made a covenant with the Israelites, when they came out of the land of Egypt’.

14. T.A. Fretheim, ‘The Ark in Deuteronomy’, *CBQ* 30 (1968), pp. 1-14 (5): ‘The necessity for Deuteronomy is much the same as that for the second set of tablets, the stubbornness and rebellion of the people’. On the ‘book’ of the written Torah within Deuteronomy, see J.-P. Sonnet, *The Book within the Book: Writing in Deuteronomy* (Biblical Interpretation Series, 14; Leiden: E.J. Brill, 1997).

Commandments at the beginning of his longest and central speech within the book. Deuteronomy 5–26 contains Moses' recollection of the theophany at Horeb (Deuteronomy's name for Sinai), including his presentation of the Decalogue (Deut. 5) and teaching of Yhwh's further commandments (Deut. 6–26).¹⁵

The transition between Moses' repetition of the Ten Commandments in Deut. 5.6-21 and the introduction of further commandments in Deut 6.1-3 is decisive for the legal hermeneutics of Deuteronomy within the Pentateuch.¹⁶ Moses recalls Israel's request at Horeb that he should speak to them instead of Yhwh (Deut. 5.24-27, compare Exod. 20.19) and relates Yhwh's positive answer (5.28-31; no equivalent in Exod.). Since Moses' introduction of his teaching in Deuteronomy 6–26 precisely refers to God's speech from Horeb (5.31), it is clear that the Torah of Deuteronomy 6–26 is meant to substitute for the Book of the Covenant (Exod. 20.22–23.33).¹⁷

Deut. 5.31	6.1
But you, stand here by me, and I will tell you all the <i>commandment, the statutes and the ordinances,</i> that you shall teach them, so that they may <i>do them in the land</i> that I am giving them <i>to possess it.</i>	Now this is the <i>commandment, the statutes and the ordinances that Yhwh your God charged me to teach you</i> to <i>do (them) in the land</i> that you are about to cross into <i>to possess it.</i>

With the claim that the speeches following Deut. 6.1 contain the teaching conveyed by God to Moses at Horeb, the authority of the Book of the Covenant is transferred to the Deuteronomic law. Although Deuteronomy 6–26 is implicitly presented as an exposition of the Book of the Covenant,¹⁸ the existence of the latter is neglected in Deuteronomy, probably to avoid a conflict of authority.

15. For a detailed explication of my understanding of the literary structure of Deuteronomy, see D. Markl, *Gottes Volk im Deuteronomium* (Beihefte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte, 18; Wiesbaden: Harrassowitz, 2012), pp. 18-46; *idem*, 'Deuteronomy's Frameworks in Service of the Law (Deut. 1–11; 26–34)', in G. Fischer, D. Markl and S. Paganini (eds.), *Deuteronomium—Tora für eine neue Generation* (Beihefte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte, 17; Wiesbaden: Harrassowitz, 2011), pp. 271-83.

16. For the narrative function of Deuteronomy 5 within Deuteronomy, see N. Lohfink, 'Reading Deuteronomy 5 as Narrative', in B.A. Strawn and N.R. Bowen (eds.), *A God So Near: Essays on Old Testament Theology* (Festschrift P.D. Miller; Winona Lake: Eisenbrauns, 2003), pp. 261-81: 'Deuteronomy 5 recounts the beginning of the book's story. This fact underscores the importance of its content' (p. 265).

17. Compare the more elaborate argument in D. Markl, 'Moses Prophetenrolle in Dtn 5; 18; 34. Strukturelle Wendepunkte von rechtshermeneutischem Gewicht', in Fischer *et al.* (eds.), *Deuteronomium*, pp. 51-68 (55f.).

18. In fact, many laws of Deuteronomy are seen as *Fortschreibungen* of laws of the

Just as the Book of the Covenant could be read as an elaboration of the Commandments of the Decalogue (see above), the Torah of Deuteronomy 6–26 is also systematically connected with the Decalogue. Moses' parenthetical teachings in Deuteronomy 6–11 revolve around the First Commandment.¹⁹ The composition of the legal corpus that follows, Deuteronomy 12–25 seems to be systematically influenced by the sequence of the Ten Commandments.²⁰ In addition, the programmatic homily of Deut. 4.1-40 exposes Israel's experience of the theophany at Horeb and the prohibition of images as a theological centre (esp. 4.9-31).²¹ The motif of the tablets of the Commandments is introduced in 4.13; 5.22 and reappears in Moses' account of the episode of the golden calf in 9.9-11, 15, 17; 10.1-5.

Both the structural position of the Decalogue within Deuteronomy and its thematic and systematic connections with Moses' theological preaching and the central law code leave no doubt that the Ten Commandments play a decisive role in the conception and the legal hermeneutics of Deuteronomy. However, only a more detailed look at the differences between the versions of Exod. 20 and Deut. 5 will reveal the Decalogue's significance within the Pentateuch as a whole.

3. *The Differences between the Two Versions (Exod. 20.2-17; Deut. 5.6-21)*

The most obvious difference between the two versions of the Decalogue in Exod. 20.2-17 and Deut. 5.5-21 is that Moses' rendering in Deut. 5 is significantly longer (see appendix below, pp. 26-27). While the version of Exodus 20 has only two little additions,²² the version of Deuteronomy 5 contains several additional words, and even phrases. Three times Moses'

Book of the Covenant: B.M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York: Oxford University Press, 1997); E. Otto, 'Biblische Rechtsgeschichte als Fortschreibungsgeschichte. Eine kritische Diskussion mit B.M. Levinson', in his *Altorientalische und biblische Rechtsgeschichte: Gesammelte Studien* (Beihefte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte, 8; Wiesbaden: Harrassowitz, 2008), pp. 496-506 [= *BibOr* 56 (1999), pp. 5-14].

19. Compare N. Lohfink, *Das Hauptgebot: Eine Untersuchung literarischer Einleitungsfragen zu Dtn 5–11* (AnBib, 20; Rome: Pontifical Biblical Institute, 1963).

20. See G. Braulik, *Die deuteronomischen Gesetze und der Dekalog: Studien zum Aufbau von Deuteronomium 12–26* (SBS, 145; Stuttgart: Katholisches Bibelwerk, 1991); an alternative suggestion was made by K. Finsterbusch, 'Die Dekalog-Ausrichtung des deuteronomischen Gesetzes. Ein neuer Ansatz', in Fischer *et al.* (eds.), *Deuteronomium*, pp. 123-46.

21. G. Braulik, *Die Mittel deuteronomischer Rhetorik* (AnBib, 68; Rome: Pontifical Biblical Institute, 1978); K. Holter, *Deuteronomy 4 and the Second Commandment* (Studies in Biblical Literature, 60; New York: Peter Lang, 2003).

22. Both additions concern the Hebrew conjunction ׀, in my translation rendered 'nor' (Exod. 20.4) and 'or' (20.17).

voice seems to interrupt the quotation of God's voice: 'as Yhwh your God commanded you' in Deut. 5.12 and 16, and 'therefore Yhwh your God commanded you to keep the Sabbath day' (5.15).²³

Most differences between the two versions do not affect the Commandments' substance, but only details of their wording.²⁴ However, there are changes of exegetical significance. An obvious example is seen in the last Commandment in Deut. 5.21. Here, the order of 'wife' and 'house' is switched, and 'coveting' (חמד) the neighbour's wife is distinguished from 'desiring' (איה) any other property of the neighbour. These changes seem to raise the dignity of the wife from being just part of the neighbour's property to a significant individual to be 'coveted' rather than 'desired' like anything else.

The most substantial differences occur in the rewording of the Sabbath Commandment (Deut. 5.12-15). While the Exodus version grounds Sabbath observance in the sequence of six days of work and a seventh day of rest (Exod. 20.8-11) structuring the events of creation according to Gen. 1.1-2.3, Moses' rendering in Deut. 5 underlines the social dimension of the Sabbath. First, an emphatic repetition is added in Deut. 5.14: 'so that your male and female slave may rest as well as you'. Secondly, Moses refers to the Exodus experience as the foundation of Sabbath keeping: 'Remember that you were a slave in the land of Egypt, and Yhwh your God brought you out from there with a mighty hand and an outstretched arm' (5.15).

We can, therefore, conclude that even if Moses preserves the substance of the Commandments, he deals with the text with considerable freedom—significantly rephrasing some of the social commandments. Given the unique authority that is attributed to the Decalogue within the contexts of both Exodus 20 and Deuteronomy 5, the most important question remains as to why 'Moses' (and, behind this figure, the authors or redactors of Deuteronomy) dares to make any changes in these special and directly revealed words of God at all.

23. On the interruptions in Deut. 5.12, 16 see, most elaborately, G. Braulik, 'Der unterbrochene Dekalog. Zu Deuteronomium 5,12 und 16 und ihrer Bedeutung für den deuteronomistischen Gesetzeskodex', *ZAW* 120 (2008), pp. 169-83. While it seems to me still most plausible to understand these phrases as referring back to God's revelation of the Decalogue at Horeb, Braulik suggests to understand them as cataphoric allusions to elaborations of the respective commandments within the Deuteronomic Code. Unlike Braulik ('Der unterbrochene Dekalog', p. 173) I think the interruptions are not to be perceived as the voice of the narrator, because the direct address ('you') clearly hints at the voice of Moses. The interruptions by the narrator in Deut. 2.10-12, 20-23 are marked by references to Israel in third person (2.12) or no reference to Israel at all.

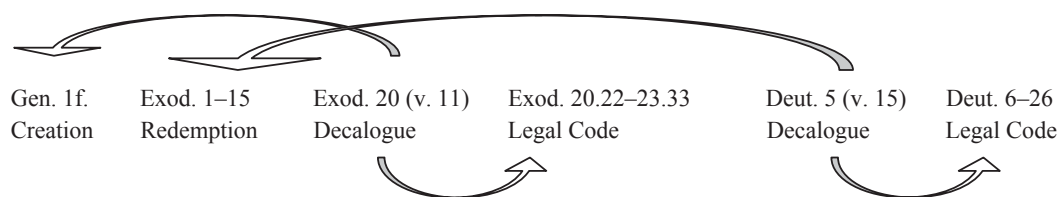
24. For a list and analysis of the differences see Markl, *Dekalog*, pp. 209-17.

4. *The Decalogue as the Origin of Law and Legal Hermeneutics in the Pentateuch*

The foregoing observations have consequences for the literary structure and the legal hermeneutics of the Pentateuch as a whole. First, the most significant observations regarding the literary function of the Decalogue need to be seen together.

Whereas in Exodus 20 the Decalogue is spoken by God himself within the making of the Sinai Covenant, it is Moses who quotes the Decalogue in Deuteronomy 5 for the second generation in Moab, as part of his attempt to explain God's teachings from Sinai for them at the border of the Promised Land. In both contexts the Decalogue forms the beginning of major corpuses of legislation. Within Exodus, the Decalogue is followed by the Book of the Covenant. Within Deuteronomy, it is followed by the Deuteronomic law code, which implicitly replaces the Book of the Covenant. The Decalogues, therefore, serve a systematic purpose for the legislation of the Pentateuch, summarizing basic aspects of the biblical legislation that is unfolded in the legal corpuses.

Moreover, both versions of the Decalogue are interwoven into wider literary contexts, especially through the Sabbath Commandments. The two versions of the Decalogue together ground the Sabbath in both creation (Gen. 1f.) and the redemption of Exodus 1–15—two crucial theological narratives of the Pentateuch.²⁵ In this way, the two Decalogues bind the narratives, theology and law of the Pentateuch together through wide-ranging intertextual links.²⁶



The prominent role of the Decalogue within the literary structure of the Pentateuch raises the question as to what its hermeneutical function is. Proclaimed by God himself in a great theophany to the whole people of Israel, written on the two stone tablets with the finger of God and deposited in the very heart of the sanctuary, the Ten Commandments possess the highest

25. G.A. Klingbeil, 'The Sabbath Law in the Decalogue(s): Creation and Liberation as a Paradigm for Community', *Revue biblique* 117 (2010), pp. 491-509, argues that 'contextualization' within the Pentateuch is a key reason for the difference between the two versions of the Sabbath Commandment.

26. These observations seem to suggest that the Decalogues in their final form are strongly influenced by authors or redactors who conceived wide-ranging ideas about the theology and legislation of the Pentateuch.

authority. Sinai/Horeb is the geographical symbol of the origin of the law, and the Decalogue on its two stone tablets is the symbol of the original divine law itself, which is meant to be moved from Sinai to Yhwh's chosen place (Deut. 12.5), that is, Jerusalem (2 Sam. 6).

It is most surprising, therefore, that Moses is portrayed as making changes to the very wording of the Ten Commandments. Moses' relative freedom in rewording the Decalogue, and especially the Sabbath Commandment, is of the highest significance for the legal hermeneutics of the Pentateuch.²⁷ Since these profoundly special words can be altered and revised by a religious authority such as Moses, legal revision is introduced as a hermeneutical principle at the very core of the divine law. This principle is enacted in the arrangement of the two legal corpora following the two versions of the Decalogue. The Book of the Covenant is reworded and *de facto* replaced by Moses' explanation of the Torah in Deuteronomy 6–26. The two versions of the Decalogue therefore represent both the most original divine law from Sinai and the paradigmatic case for legal revision and development in the Bible.

5. A Hermeneutical Overview of the Earliest Reception History

Although the Decalogue is given the highest authority within the Pentateuch, there is little evidence of its reception in the rest of the Old Testament. There seem to be allusions to social commandments in Jer. 7.9 and Hos. 4.2, and the prologue of Exod. 20.2/Deut. 5.6 may be alluded to in Hos. 12.10 and 13.4 and in Ps. 81.11. However, these passages do not provide any clear evidence of the external recognition of the Decalogue's central role, as it is constructed within the Pentateuch.

There is clear evidence of the Decalogue's use in early Jewish prayer, and the Ten Commandments are quite frequently discussed in early Jewish literature.²⁸ Philo of Alexandria's work *De decalogo* brought the interpre-

27. The question of the legal hermeneutics of the Pentateuch was introduced by N. Lohfink, *Prolegomena zu einer Rechtshermeneutik des Pentateuch*, in his *Studien zum Deuteronomium und zur deuteronomistischen Literatur*, V (Stuttgarter biblische Aufsatzbände, 38; Stuttgart: Katholisches Bibelwerk, 2005), pp. 181-231 [= G. Braulik (ed.), *Das Deuteronomium* (Österreichische biblische Studien, 23; Frankfurt a.M.: Lang, 2003), pp. 11-55]. See also Markl, *Rechtshermeneutik; Dekalog*, pp. 172f., 252f.; *Volk im Deuteronomium*, pp. 297-300; E. Otto, *Deuteronomium 1–11* (HTKAT; Freiburg i.Br.: Herder, 2012), pp. 258-82.

28. On the role of the Decalogue in early Jewish literature see Ruth Langer's article in this volume (pp. 85-101); on its role in Early Jewish literature compare U. Kellermann, 'Der Dekalog in den Schriften des Frühjudentums. Ein Überblick', in H.G. Reventlow (ed.), *Weisheit, Ethos und Gebot*, pp. 147-226; G. Stemberger, 'Der Dekalog im frühen

tation of the Commandments to a first climax.²⁹ However, the influence of Philo's work remained limited within Jewish reception, since Rabbinic Judaism was hesitant to emphasize the Decalogue's importance.

For the history of Christian reception of the Ten Commandments, Jesus' explanation of the Commandments at the Sermon on the Mount seems to be decisive.³⁰ Jesus refers to the prohibitions of murder and adultery to generalize their ethical meaning: even anger against a brother and looking lustfully at a woman amount to the gravity of murder and adultery (Mt. 5.21f., 27f.). This treatment of the Commandments opens the way to the ethical generalization that guides the hermeneutics of countless catechetical explanations of the Commandments in the history of Christianity.

Both Philo and Jesus are prominent disciples of Moses, who adopted the interpretative freedom encouraged by Moses' own hermeneutical freedom as portrayed in Deuteronomy 5. The reception history of the Decalogue, therefore, begins in the literary contexts where it originates. The prominence that the Pentateuch accords to this text laid the foundation for its vast reception history: its perception as central to the divine law that in turn became central to Christian ethical teaching; and its documentation on tablets of stone that became iconic in the history of art.

Judentum', *Jahrbuch für biblische Theologie* 4 (1989), pp. 91-103; on the Fourth Commandment esp. H. Jungbauer, 'Ehre Vater und Mutter': *Der Weg des Elternggebots in der biblischen Tradition* (WUNT, 146; Tübingen: Mohr Siebeck, 2002).

29. Cf. the study of Y. Amir, 'The Decalogue according to Philo', in B.-Z. Segal and G. Levi (eds.), *The Ten Commandments in History and Tradition* (Publications of the Perry Foundation for Biblical Research; Jerusalem: Magnes Press, 1990), pp. 121-60; S. Pearce, 'Philo of Alexandria, De Decalogo [On the Decalogue]', in J. Kugel, L. Schiffman and L. Feldman (eds.), *The Lost Bible* (Philadelphia: Jewish Publication Society, forthcoming); H. Svebakken, *Philo of Alexandria's Exposition on the Tenth Commandment* (Brown Judaic Studies, Studia Philonica Monographs, 6; Atlanta: Society of Biblical Literature, 2012).

30. Jesus seems to have presupposed the validity of the Ten Commandments, as esp. Mk 10.19/Mt. 19.18f/Lk. 18.20 suggest; compare H. Löhr, 'Jesus and Ten Words', in T. Holmén and E. Porter (eds.), *Handbook for the Study of the Historical Jesus*, IV, *Individual Studies* (Leiden: E.J. Brill, 2011), pp. 3135-54. For a study of the Ten Commandments' reception within the New Testament see D. Sänger, 'Tora für die Völker—Weisungen der Liebe. Zur Rezeption des Dekalogs im frühen Judentum und Neuen Testament', in Reventlow (ed.), *Weisheit, Ethos und Gebot*, pp. 97-146.

Exodus 20.2-17

² I am Yhwh your God, who brought you out of the land of Egypt, out of the house of slavery. ³ You shall have no other gods before me.

⁴ You shall not make for yourself an idol +NOR+ any image, whether from anything in heaven above, or on the earth beneath, or in the water under the earth.

⁵ You shall not bow down to them or worship them; for I, Yhwh, your God am a jealous God, punishing children for the iniquity of parents, to the third and the fourth generation of those who reject me, ⁶ but showing steadfast love to the thousandth generation of those who love me and keep my commandments.

⁷ You shall not make wrongful use of the name of Yhwh your God, for Yhwh will not acquit anyone who misuses his name.

⁸ Remember the sabbath day, and keep it holy.

⁹ Six days you shall labor and do all your work.

¹⁰ But the seventh day is a sabbath to Yhwh your God; you shall not do any work, you, or your son or your daughter, your male or female slave, or your livestock, or the alien resident in your towns.

¹¹ For in six days Yhwh made heaven and earth, the sea, and all that is in them, but rested the seventh day.

Therefore Yhwh blessed the sabbath day and consecrated it.

¹² Honour your father and your mother,

so that your days may be long
in the land that Yhwh your God is giving you.

¹³ You shall not murder.

¹⁴ You shall not commit adultery.

¹⁵ You shall not steal.

¹⁶ You shall not bear false witness against your neighbor.

¹⁷ You shall not covet your neighbour's house;
you shall not covet your neighbour's wife, or male or female slave,
+OR+ his ox, or donkey, or anything that belongs to your neighbour.

Deuteronomy 5.6-21

⁶ I am Yhwh your God, who brought you out of the land of Egypt, out of the house of slavery. ⁷ You shall have no other gods before me.

⁸ You shall not make for yourself an idol, whether from anything in heaven above, or on the earth beneath, or in the water under the earth.

⁹ You shall not bow down to them or worship them; for I, Yhwh, your God am a jealous God, punishing children for the iniquity of parents, +BOTH+ to the third and the fourth generation of those who reject me, ¹⁰ but showing steadfast love to the thousandth generation of those who love me and keep my commandments.

¹¹ You shall not make wrongful use of the name of Yhwh your God, for Yhwh will not acquit anyone who misuses his name.

¹² **Observe** the sabbath day and keep it holy,
+AS YHWH YOUR GOD COMMANDED YOU.+

¹³ Six days you shall labor and do all your work.

¹⁴ But the seventh day is a sabbath to Yhwh your God; you shall not do any work, you, or your son or your daughter, +OR+ your male or female slave, +OR YOUR OX OR YOUR DONKEY+, or +ANY OF+ your livestock, or the resident alien in your towns,
+SO THAT YOUR MALE AND FEMALE SLAVE MAY REST AS WELL AS YOU.+

¹⁵ **Remember that you were a slave in the land of Egypt, and Yhwh your God brought you out from there with a mighty hand and an outstretched arm. Therefore Yhwh your God commanded you to keep the sabbath day.**

¹⁶ Honour your father and your mother,
+AS YHWH YOUR GOD COMMANDED YOU,+
so that your days may be long +AND THAT IT MAY GO WELL WITH YOU+ in the land that Yhwh your God is giving you.

¹⁷ You shall not murder.

¹⁸ +NEITHER+ shall you commit adultery.

¹⁹ +NEITHER+ shall you steal.

²⁰ +NEITHER+ shall you bear witness **of vanity** against your neighbor.

²¹ +NEITHER+ shall you covet your neighbour's **wife**.

+NEITHER+ shall you **desire** your neighbour's **house**, +HIS FIELD+, or male or female slave, his ox, or donkey, or anything that belongs to your neighbour.

CAPITALS FRAMED BY “+” INDICATE PLUSES.

Bold print indicates other differences.