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A Presentation Of Research On Decalogue Material by The Form-Critical School Since The Time Of Albrecht Alt Until The Present

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A PRESENTATION OF RESEARCH ON DECALOGUE MATERIAL
BY THE FORM-CRITICAL SCHOOL
SINCE THE TIME OF ALBRECHT ALT UNTIL THE PRESENT

A Research Paper Presented to the Faculty
of Concordia Seminary, St. Louis,
in fulfillment of the requirements
of the Research Elective EO-199

by

Wendell Edward Henkermeier

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TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION	1
Limitations of This Study	1
Overview of Form-Critical Techniques	2
Definitions of Terms	5
II. THE TEXT	7
The Question of Ten Units in the Decalogue	7
The Classic Decalogues and Their Contexts	8
Type of Literature	12
A Comparison of Exodus 20 and Deuteronomy 5	14
An Attempt to Find the Original Decalogue	19
A Comparison with Other Legal Codes	24
III. FORMAL CHARACTERISTICS	30
The Speech Form	30
The Oral-Proverbial Form	31
The Law-Code Form	32
The Cultic-Covenant Form	33
The Covenant-Treaty Form	36
IV. THE THEOLOGY BEHIND THE DECALOGUE	42
V. <u>SITZ IM LEBEN</u> OF THE ORIGINAL DECALOGUE	48
VI. TRANSMISSION HISTORY	54
The Northern Kingdom	54
Additions and Abbreviations	55
The Exilic Attitude	58
VII. SUMMARY AND REFLECTIONS : :	61
Summary	61
Reflections	64
APPENDIX	66
BIBLIOGRAPHY	69

CHAPTER I

INTRODUCTION

Limitations of This Study

It often happens that a close friend or near relative is the person that one knows the least simply because he is too close and familiar; thus his true self is shielded. It comes as a shocking revelation when a new insight, perspective or attitude breaks the complacency of the relationship and forces one to readjust his thinking. Such is the case with modern study on the Decalogue; it is a difficult thing to study the Decalogue honestly in a detached manner, for it is a pericope which is extremely well-known and has been an integral part of our Christian training and life. But now this old friend has been forced from its shield of tradition and has been made to stand on its own feet. Moreover, the task of studying it is complicated because of the wealth of material that has been submitted in the recent past. This study has developed along new lines following new methods of research which at first are overwhelming and which use unfamiliar jargon. However, since much can be gained by the study of God's Word and much can be gained by a study of God's Word as it comes through in the Decalogue, an attempt to do that is here presented. But the immediate question is: How should this subject be approached? Boundaries need to be set and limitations are necessary. Therefore, the following compilation, collation and analyzation is not to be considered complete, comprehensive nor definitive. Rather, it will attempt to present what modern scholars have written about the Decalogue

since the era of the University of Leipzig scholar Albrecht Alt, which roughly could be dated 1934 when he published his essay, Die Ursprünge Des Israelitischen Rechts. Although there was much work done both in the form-critical method technique and in the specific area of the Decalogue prior to Alt's work, Alt is a turning point in Decalogue material study because of his work in defining law material. It will be assumed in this research that the form-critical method is the most rewarding type of approach to use and thus this study is limited to the men who belong to this school. Another problem is to decide on the best way to arrange and present the data because specific categories are difficult to ascertain. In this paper, the following arbitrary pattern will be followed: definitions will be established, then the texts in which the Decalogue material is embedded will be studied, followed by a look at the possible "forms" which might have fostered this material. Then this paper will determine what type of theology lies behind these forms, will attempt to find the Sitz im Leben of the original Decalogue, and will trace the transmission history of the Decalogue. An evaluation of the research will be submitted at the end. This outline has some inherent problems as the data tends to slip from one category to another, making it difficult to place. Whenever necessary, cross-references will have to be made.

Overview of Form-Critical Technique

An overview of the form-critical approach is useful for understanding the accumulated data. Klaus Koch, at the request of Gerhard von Rad, has explained this process very well in his book The Growth of the Bible Tradition. This professor at the University of Hamburg thinks that the primary goal of form-criticism is an attempt to discover the principles

lying behind the language of the Bible.¹ Albrecht Alt feels that "the most appropriate method of research into the pre-literary origins of the material embedded in written works is the study of their formal characteristics as related to the circumstances in which they were produced."² The assumptions that are made by form-critics are that language has a tendency to ossify itself in certain circumstances and that these ossified forms have a longevity which often surpasses the circumstances that originated them. This particularly seems to be true with Scriptural material.³ It is the task of the modern theologian to seek the truth that lies embedded in these literary types just as theologians used to seek the truth that was embedded in the writings of such persons as Moses. In short, the categories are no longer personal--Moses, Jeremiah, etc.--but types of language/literature--apodictic law, casuistic law, etc. The fact that Biblical writers used the types of literature that were extant at their time should not detract from the message which these types bear. This is what form-criticism can help a theologian do: "discover afresh the vitality of God's Word."⁴ He does this first of all by looking at the type itself, trying to classify it, and trying to define it. However, because literary types are living devices used by living people to spread the living Word, they are not static. They change, combine, replace. "Each exegesis must therefore not only define the literary type but also discover whether this literary type is associated with other, perhaps complex, literary types."⁵ But to do this means that the scholar must also then decide on the setting in life or Sitz im Leben in which this type originated, developed and changed. This is a complicated procedure due to the fact that there may be several strata of types in a pericope, each of which has to be isolated, traced to its origin,

followed back through its relations with other types, and re-established in its present position.

A setting in life is a social occurrence, the result of customs prevailing in one particular culture at one particular time and which has granted such an important role to the speaker and his hearers, or to the writer and his readers, that particular linguistic forms are found necessary as a vehicle for expression.⁶

This, in turn, implies that an exegete must take into account not only the culture of the Biblical world, but also that of surrounding cultures which influence Biblical culture. Another necessity for understanding a pericope properly is to understand the changing Old Testament history. For changes in economics, politics, and society cast their influences upon language and literature. However, it must be remembered that "there is always a delay before any changes in the ordering of life bring about changes in speech and writing."⁷ This points out the tenacity of forms and types. These vestiges of an out-dated institution remain long after the institution itself has collapsed. Often these vestiges are preserved by being taken up into another type completely: for example, when an oral form is adapted to a written form. Yet, the resulting mixed type does not completely adapt itself to its new setting and it is for this clue that form-critics look. "After the literary type and the setting in life have been ascertained, the study continues with a look at . . . the history of its transmission, known as 'tradition history'."⁸ This process involves starting with the present setting and meaning of a passage and tracing it back through its modifications. Hopefully, this could be done to the point that the original form could be exhumed. However, this is rarely possible to accomplish because of the long period of transmission which most of our pericopes have undergone. The final

step in form-criticism is to study its redaction history.⁹ "It traces the path the unit has taken from the time it was first written down until the time it achieved its final literary form."¹⁰

This, in brief, is the method employed by form-critical scholars. It is a difficult task but one which is "facilitated in the Bible by the fact that most writers approached the material with the greatest reverence. What they have added of their own is usually only concerned with the framework of a piece, within which they have assembled the wide range of material taken from oral tradition."¹¹

It is with similar reverence that this study on the Decalogue is presented.

Definition of Terms

For most people, "Decalogue" means the Ten Commandments and no more thought is given to it. However, this is not such a precise term as might be expected and it needs to be clarified. As will be shown in Chapter V, it is not an easy task to enumerate "ten" units in the so-called Ten Commandments; nor is it impossible to isolate other "decalogues" in other sources than the ones in which the common Ten Commandments are found. Nevertheless, this paper will pivot around the so-called "classic" Decalogue material of Exodus 20 and Deuteronomy 5. And furthermore, the term "Decalogue" will be used whether or not it can be validated that there are ten units.

As has been stated above, the term "recent" is defined as post-1930. "Research" is narrowed to mean scholarly, Biblical, form-critical research. This means that there will be no attempt to utilize pragmatic research which the pastor or teacher might use in his daily work. This, of course, does not mean that there is no usable value in that type of research; it only means that practical application is not the primary goal of this paper.

FOOTNOTES

¹Klaus Koch, The Growth of the Biblical Tradition, (New York: Charles Scribner's Sons, 1969), p. xiii.

²Albrecht Alt, "Origins of Israelite Law," Essays on Old Testament History and Religion, translated by R. A. Wilson, (New York: Doubleday and Co., 1968), p. 111.

³Koch, op. cit., p. 11.

⁴Ibid., p. 13.

⁵Ibid., p. 24.

⁶Ibid., p. 27.

⁷Ibid., p. 34.

⁸Ibid., p. 39.

⁹Ibid., p. 57.

¹⁰Ibid., p. 58.

¹¹Ibid., p. 59.

CHAPTER II

THE TEXT

The Question of Ten Units in the Decalogue

In Deuteronomy 4:13 is recorded the statement that God had revealed to His people "ten commandments" or as in the footnote to the R. S. V. "ten words." This phrase has been taken to mean that it refers to the Ten Commandments sections in Deuteronomy 5 and Exodus 20 and that it thereby implies that there are ten commandments recorded in Deuteronomy 5 and Exodus 20. However, this need not be the case since Deuteronomy 5 and Exodus 20 are, in the form in which we have them, actually very difficult to shape into ten units. There is little doubt that the Deuteronomist meant to point to a series of ten units of law.¹ The Scandinavian scholar Eduard Nielsen thinks that this is due to an apologetic on the part of the Deuteronomist to restore the "classic" Decalogue which had been replaced by the "cultic" Decalogue of Exodus 34.² From this assumption he is satisfied that there was an established number of ten which had always been linked with decalogue material in general. While there was no proof that "ten" had any kind of mystical usage among the Israelites, nor did the linkage of ten with the symbolism in the Jerusalem temple seem justified, "the number ten [can be simply] explained as being, from a pedagogic point of view, the supremely practical number, the number which a man could count on his fingers."³ Thus as a series of ten, laws could be easily taught. Harold Rowley, professor at Victoria University of Manchester, joins Nielsen by arguing for the establishment of a code of

ten fundamental laws very early in Israelite history.⁴ However, a dissenting view is taken by the Harvard Catholic Jesuit W. L. Moran who argues that the number ten is a late idea and should not receive much consideration in a study on Decalogue material.⁵ A decision about the question of ten units in the Decalogue is determined by whether one is talking about an "original" Decalogue or the one which we now have extant. This in part explains why there are divergent views on the number ten. As can be seen by the different enumerations used now by Lutherans, Reformed and Jews, the present Decalogue is not so decisively a decade.⁶ However, this does not necessarily rule out the number ten if an original reconstructed Decalogue is considered. Since it has not been proved that it would be impossible nor unlikely that there could be ten units, it is just as well to assume the number ten to be a likely possibility.

The Classic Decalogues and Their Contents

A more important question must now be discussed. Do the Decalogues in Exodus 20 and Deuteronomy 5 fit well with the contexts in which they are presently located? The first to be studied will be the one in Exodus, followed by a look at the one in Deuteronomy. In both of these cases, it will be seen that the Decalogue material interrupts its contextual narrative section or adds to the disruption of the flow of the surrounding material. This would seem to suggest that we will have to look further to find the "original" Decalogue. It is also likely that later redactions were responsible for the insertion of Decalogue material into these alien narratives.⁷

The train of thought of the Exodus material, chapters 19 - 20:21 is this:

The arrival at Sinai. Moses goes up the mountain and returns to tell the people about God; people claim they will follow Yahweh; Moses goes back up the mountain. Yahweh tells Moses that He will appear; Moses returns to people. Then Yahweh talks again to Moses (no mention of another mountain climb) and tells him that the people are to see Yahweh. Moses returns to the people. Three days later, the theophany thunders up on the mountain during which Yahweh tells Moses to come up the mountain. Yahweh tells him to go down and warn people not to approach; Moses replies and Yahweh tells him to go down and bring up Aaron with him, but no one else. Moses goes down and speaks to the people (no record of his message). God speaks: the Decalogue. Immediately following this, the people, it is said, shake with fear and tell Moses that they cannot listen to God but only to Moses; Moses trudges back up the mountain.

Not only does this prove Moses to have been a tremendous mountain climber, but it also shows that this pericope is extremely loosely bound together, hinting that patches of traditions have been collated. That is self-evident. What is more difficult is to determine, isolate and identify the specific fragments. This task will be taken up in this chapter under the subheading "The Comparison of the Two Decalogues." It is also evident that the Decalogue of Exodus 20:1 - 17 breaks in on the scene rather abruptly. It is for this reason that there is almost universal consent among modern scholars that the Decalogue material in Exodus 20 does not fit its context. Some, like Gerhard von Rad, Martin Noth, Eduard Nielsen, and Walther Zimmerli, feel that the Decalogue material not only does not fit with the narrative which envelops it but assert that it is an independent tradition which was later inserted into its present context. Their positions are so similar on this point that a further discussion of this stance is not needed.⁸ The University of Kiel professor W. Beyerlin also agrees that Decalogue material in Exodus is an independent and self-contained unit, but he feels that it can be linked closely with one of the narratives. "Before the insertion of the Book of the Covenant into the context of the Sinai-story it stood between Exodus 20:18 - 21

and 24:1ff."⁹ Thus by rearranging the narrative to how he feels it originally might have been, Beyerlin feels comfortable in attributing the Decalogue to the Sinai story at some time in its distant past. However, he does hedge a bit in saying that he does not mean the Decalogue as we presently have it; instead it was an earlier form of our Decalogue.¹⁰

Thus it has been clearly demonstrated by scholars that there is a definite awkwardness in the flow of the narrative which is made even more clumsy by the insertion of the Decalogue. It can then be assumed that the Decalogue does not fit its context in Exodus 20.

The book of Deuteronomy is presented as a farewell speech of Moses to the people of Israel. However, just prior to the beginning of the Decalogue material in chapter five, there is a ragged break in the continuity of the speech. Starting with chapter four, Moses is instructing the people about the laws, customs and commandments which Yahweh has given them. He warns them to do them and reminds them of the time they stood at Mount Horeb (Deuteronomy's Mount Sinai) when God spoke to the people and told them the Ten Sayings. He continues to stress the "second commandment" and warns them of God's punishment for transgressing that law. He reminds them of the covenant Yahweh made with them and how powerful He is--He brought them out of Egypt. There follows another reminder of God's coming to them in a great fire and yet another reminder to keep His laws. Then comes an insertion about the cities of refuge. With no warning a little historical prologue is inserted which has little to do with the context. Then, just as suddenly, Moses teaches the people the Ten Commandments. Immediately following this comes another reminder that Yahweh spoke to them out of the fire. (This fits well as a continuation of 4:40). The people tell Moses that he ought to go up the mountain to

hear God a second time and God accepts this arrangement, assuring Moses that He will teach him the commandments, the laws and the customs which the people are to observe. Then follows (chapters six ff.) the extended commandments, laws and customs.

Once again it is doubtful whether the Decalogue material fits in well with its contextual setting. The Lutheran doctor at the University of Heidelberg, Gerhard von Rad, is convinced that "this entire section: 4:45 - 5:30 is supposed to present Moses' whole speech in Deuteronomy as a communication to Israel, not really of the Decalogue, but of that conversation on the mountain with Yahweh."¹¹ It seems to be less concerned with the historical aspects of the revelation and more interested in the theological implications. The conclusion reached by von Rad is that:

During the great revelation of God, Moses occupied a position between Yahweh and Israel in order to hand on Yahweh's words to Israel. But this has very little connection with the announcement in vv. 6ff. of ten commandments to all Israel, which follows immediately. It may therefore be asked whether the whole passage, vv. 6 - 22, must not be considered a later interpolation.¹²

Another argument to support the idea that the Decalogue is alien to Deuteronomy is taken by Koch and Nielsen who argue from the usage of singular and plural forms of the second person in the Decalogue and in the surrounding Deuteronomic material. The Decalogue is in the "thou" form which leads Nielsen to conclude about its setting in a "you" context: "The supposition that the decalogue was a constituent element of the original Deuteronomy is without foundation."¹³ Klaus Koch feels that the "thou" attitude of the Decalogue does not belong to the period when "thou" was addressed to Israel as a whole in cultic usage.¹⁴ Rather, in the Decalogue, it is addressed to the individuals within Israel and thus has been added to an older Deuteronomy. This has been done by two tran-

sitional passages (4:44 - 5:5 and 5:23 - 6:3) which attempt to set the stage for the Decalogue.¹⁵ Therefore, for several reasons, notably that the sequence of events is very strange and that the usage of second person verbs is different, it can be concluded that the Decalogue was not a part of the original Deuteronomy nor did it belong originally in the place in which it is presently located. Since this is the case also with the Exodus version of the Decalogue, this means that the Decalogue must not be connected with narrative material as in Exodus nor with speech material as in Deuteronomy. This, in turn, leads us to a discussion about what type of literature the Decalogue material is.

Type of Literature

Albrecht Alt has set the pattern for scholars in determining that the Decalogue fits into the type of literature which he calls apodictic law.¹⁶ While others may hold variations of this type or may have defined apodictic law in more specific terms, none have held that the Decalogue is anything other than apodictic law. With this so firmly established among scholars, it is well to examine what apodictic law material is and how the Decalogue fits in so well with this type.

As is proper, the master must speak first. Alt would define apodictic law as (1) There is no attempt to arrange the units in subordinate and main clauses of a conventional sentence, but a number of cases and consequences are simply strung together;¹⁷ (2) It is not a human court that these laws are designed for (as casuistic laws are) but it is to set up a relationship with Yahweh;¹⁸ (3) They have a heavily weighted style that does not flow as casuistic law does;¹⁹ (4) They establish no conditions (if...then...) but are unconditional;²⁰ (5) They are specifically

Israelite laws which link law and religion;²¹ (6) While it is characteristic of apodictic laws to be grouped together this is done so in a different fashion than the grouping of casuistic laws: there are no subdivisions;²² (7) Apodictic laws to an overwhelming degree concern themselves with matters which casuistic laws do not mention--the sacral relation between man and God and the sacral areas within the community;²³ and (8) Apodictic laws and especially the Decalogue do not single out cases but deal with the whole subject of man's relations; they lay out principles rather than cases.²⁴ With such a significant groundwork supplied by Alt, it is little wonder that though his work has opened new insights into Decalogue study, yet at the same time it has blocked any new attempts to place the Decalogue in another type of literature. Other scholars have simply added to Alt's definitions or refined them.

Koch can show that this type occurs elsewhere (a fact which Alt, of course, did not deny) and concludes that "The Decalogue, therefore, belongs to a much used literary type, and one which is by no means only used to express general moral principles and the upholding of natural rights."²⁵ He is not so certain that this type can be considered law but prefers to think of it more generally as a series of apodictic prohibitions.²⁶ He would define this type as (1) A brief prohibition not specifying punishment; (2) An introductory formula by which God announces Himself; for example, "I am the Lord, thy God..."; and (3) A motive clause which justifies the prohibition by referring to God's past or future historical guidance.²⁷ He, too, sees these prohibitions as being used for determining the relationship between God and man. His contribution is the expansion of the definition of this type of literature to include the introductory formula and the motive clause. It would seem more likely that these last

two additions might rather be considered as accretions to the original type and that a more basic definition as Alt has described is better.

Nielsen has gone the other direction in altering Alt's description by subdividing this type into three categories.

The first type, which is strongly represented in the Decalogue and elsewhere is the prohibition (the negative 'lo' with the imperfect indicative second person singular). The second type, that of the curse, occurs in Dt. 27:15ff. The third type which, as it appears, comes very close to casuistic law.²⁸

This subdivision still keeps the Decalogue strongly in the type which Alt originally isolated. Otto Eissfeldt, the rector at the University of Halle, also concurs with Alt that these apodictic laws were grouped together to be more easily learned. He feels this was done very early, as early as the oral stage of their development and that "they were gathered into groups, especially in tens and twelves, consisting of sayings which deal with cases of a similar kind."²⁷

Therefore it can be used as a working hypothesis that the Decalogue material in both Exodus 20 and Deuteronomy 5 is apodictic law. How this type was used by Israel will be discussed in Chapters III and V. This study, having isolated the Decalogue material from its context and having described it as a certain type of literature, apodictic law, now takes the next step which is to compare the two versions of the classic Decalogue.

A Comparison of Exodus 20 and Deuteronomy 5

There are two aspects which ought to be considered in this comparison. The first is a comparison of the similarities and differences in the pericopes. The second is a decision as to which is the older of the two.

A chart of the differences in the Hebrew text is shown in the appendix. The basic differences for the most part also show up in the English text

which will be used in this study.

There are numerous minor variations between the two versions. Most of these variations are found in the Deuteronomic version and most of them are simply additions of phrases. For example, the phrase "as Yahweh your God has commanded you" is amended twice, in the Sabbath commandment and in the honoring of parents commandment. It is this version which promises not only a long life, as does the Exodus version, but also promises a prosperous life as a reward for honoring parents.

Two variations are due to a choice of words. The false witness commandment in Exodus uses a common Hebrew expression which simply means to give a false report; in Deuteronomy, on the other hand, this has been strengthened by the use of a word which means idle, or worthless witness.³⁰ The other example is in the covet commandments. Exodus uses the same word for covet for the Ninth and Tenth Commandments, while Deuteronomy uses a different one for the desiring of property than it does for the desiring of the neighbor's wife.

Two more important variations which have affected scholarship on the Decalogue are involved with the grouping of the objects in the Ninth and Tenth Commandments and the motives given for the Sabbath commandment.

The lists of objects not to be coveted are the same in both lists, but Deuteronomy has changed the order by putting the wife of the neighbor first and then grouping the house, field, servants, etc., together. The Exodus version lists the house first and places the wife with the cattle, fields, etc. This often is used to show that the Deuteronomy text displays a more refined and thus a later rendition. Whether this last conclusion is valid or not, this inversion of the order of objects does show a difference in attitude.

There is a great deal of difference in the Sabbath commandment. First of all, Exodus has "Remember the Sabbath day" while Deuteronomy has "Observe the Sabbath day." This is considered to show a strengthened version in Deuteronomy. Deuteronomy also adds "that your servants may rest" which is not in Exodus. This, too, points at least to a different attitude which this version has about the value of people. The greatest difference is the motivation given for observing the Sabbath. Exodus points to creation as the motive. It should be noted that this creation story is identical to that of the P source creation account. Deuteronomy points to the exodus for the motivation. Here, too, it is much debated what effect this is to have on the respective dating of the two versions, but it does show different emphases.

It would seem to be apparent after a study of the differences of the two versions of the Decalogue that a conclusion could be reached that there is much more that is similar in the two than is different and that the differences are more to be attributed to the editorial additions than to the possible sources that were used. Koch notes that: "The additions to both versions do not affect the number and scarcely the content of the commandments, but as a rule add motives for them."³¹ The differences do tell us something about their relationships. For one thing, the striking similarities would suggest that both have drawn from a common "original" Decalogue which perhaps was a short series of commandments. It seems that both have used this source as a basic set.³² And yet, they are certainly independent elaborations of this primary source.³³ This would imply a common origin for the two Decalogues, rather than one's necessarily using the other as the basis.

The work of a common editor can also be deduced. Koch feels that the

many expressions which are specifically Deuteronomic or Deuteronomistic in Exodus 20 imply that the common source for Deuteronomy 5 and Exodus 20 is not the earliest origin of the Decalogue but that: "It was a source of even earlier origin . . . whose form was very simple, easy to memorise and most certainly intended to be learned by heart."³⁴ In short, he considers a proto-deuteronomic version to be the common one for both Deuteronomy 5 and Exodus 20. The following have been pictured as Deuteronomic in expression: (1) The formula which says that Yahweh brought His people out of Egypt, the house of bondage; (2) "Other gods" rather than "strange gods" as in Psalm 81:9; (3) In the Second Commandment the words "any form which is in heaven above"--this appears in Exodus 34:17 and refers only to graven images; (4) The shift in emphasis to worshipping of idols in a later change--it is linked directly with worshipping strange gods in Psalm 81; (5) The motive clauses "them that hate me" and "them that love me" are Deuteronomic additions. See Exodus 34:6 which omits them; and (6) The usage of God's name in the Third Commandment is a Deuteronomic concept. Psalm 24:4 has an older form: "Thou shalt not use my Power deceitfully."³⁵ All of these examples are favorite expressions in Deuteronomy. Thus it is reasonable to assume that at some time the Decalogue in Exodus was reworked by a Deuteronomic editor. This adds to the conclusion that neither Exodus 20 nor Deuteronomy 5 can be considered to be the "original" Decalogue.

The majority of scholars feel that the Exodus account is an earlier rendition of the Decalogue than is Deuteronomy 5, because it does bear traces of Deuteronomic tampering.³⁶ Secondly, those scholars who assign the Decalogue in Exodus to the E source would naturally feel that it would be prior to the Decalogue in Deuteronomy, which they assign to the D

source.³⁷ Even if the identity is made with the JE combination, this would also predate the Deuteronomistic version.³⁸ These scholars, with only a necessary reservation about the relationship with P because of the Sabbath/creation motif in the Third Commandment, hold that the Exodus version is older than Deuteronomy's. Besides arguments from source strata study, two other views are expressed which are supposed to add to the proof of the Exodus' version being older. This first is the change in status of women which is held by Deuteronomy which, it is said, points to a later outlook. The second is the choice of words for "covet" which Deuteronomy uses, which supposedly also adds to the support of the Decalogue in Deuteronomy being a later one. These points are not left unanswered.

William Moran supplies evidence which refutes the conclusion drawn from these last two points that Deuteronomy is older. He dismisses lexical differences as unimportant for the second point stated above by demonstrating the close similarity in the usage of the two verbs in question. About the first point he draws attention to ancient parallels which have the same view of women as does the Decalogue in Deuteronomy. Furthermore, he feels that Deuteronomy is following an ancient pattern of listing sale-able items together, in which category a wife never belonged.³⁹

The source strata conclusions also have been challenged. Some scholars have attributed the Decalogue in Exodus to the P source based mostly on the use of creation as a reason for the Sabbath law. This would, of necessity, make Deuteronomy's Decalogue the older of the two versions. Robert Pfeiffer, the Harvard scholar, feels that this P Decalogue is unquestionably later.⁴⁰ And so the argument continues. It seems the safest to conclude that, as we now have them, whether any definite source can be identified

as the owner of the Decalogue material in Exodus or not, the fact of Deuteronomic editing would lead one to conclude that the Exodus Decalogue is the older version of the two. However, this is not to be confused with the "original" Decalogue. It can be seen that the Decalogue's basic matrix has been edited, added to and worked over so much that it can only be assumed that it originally was free from any of the Pentateuchal sources but was probably known to all of them.⁴¹ Just what this "original" Decalogue might have been is the next point of study.

An Attempt to Find the Original Decalogue

It has been concluded above that neither the Decalogue in Exodus nor the one in Deuteronomy can be considered the earliest form of the Decalogue for both show traces of much editing. Furthermore, both passages treat the Decalogue as authoritative and fundamental and acceptable. Because of this fact, Rowley concludes: "It is probable, therefore, that the original commands, to which particular sanctity would attach, are to be sought in the common elements of the two forms . . . The original commands were therefore probably all short, as most of those in the second half still are."⁴² Von Rad, too, feels that the Decalogue was worked on for a long time before it became so universal and concise and that especially the "positive formulations of the commandment concerning parents and that concerning the Sabbath can certainly be taken as a secondary alteration of a series once given throughout in the negative form."⁴³ Therefore, most scholars, as they attempt to reconstruct the Decalogue, use as their basis the pre-supposition that brevity, negativity and adaptability for learning are to be the goal. Nielsen has presented three attempts at this reconstruction plus his own, Stamm has presented another one by

Kittel, and Fohrer has presented his own attempt. A great deal can be learned by working through these examples.

A very early attempt was done in the mid-nineteenth century by a German scholar Ernst Meier who took as his starting point the idea that the prohibition against covetousness is only an editorial extension of the commandment against stealing.⁴⁴ He simply eliminated these commandments and came up with this configuration:

First Table

I, Yahweh, am thy God.

Thou shalt have no other god besides me.

Thou shalt not make any image of a god.

Thou shalt not utter the name of Yahweh thy God in falsehood.

Remember the Sabbath day that thou mayest sanctify it.

Second Table

Honour thy father and thy mother.

Thou shalt not commit adultery.

Thou shalt not kill.

Thou shalt not bear false witness against thy neighbor.

Thou shalt not steal.

There are some advantages to this rearrangement. Notably it eliminates the problem of having two commandments for basically the same action--that of coveting. However, it is difficult to uphold that Meier's inclusion of the introductory phrase as a commandment is valid and he has not considered it necessary to restate the positive commandments in negative forms. This looks strange in a negative surrounding.

Another German Hans Schmidt⁴⁵ in the early 1920's took up the problem of the positive commandments in a negative context and decided that the solution would be to eliminate them. Nor did he consider the introductory phrase to be a commandment. Here is his attempt:

First Table

Thou shalt not have any other
god besides me.

Thou shalt not adore them.

Thou shalt not serve them.

Thou shalt not make any
carved image.

Thou shalt not pronounce the
name Yahweh sacrile-
giously.

Second Table

Thou shalt not kill.

Thou shalt not commit adultery.

Thou shalt not steal.

Thou shalt not bear false wit-
ness against thy neighbor.

Thou shalt not covet any of the
possessions of thy neigh-
bor.

Schmidt has set up a more consistent reconstruction than has Meier in that all the elements are expressed negatively and he has taken care to see that the two tables are evenly divided. However, because he has completely eliminated two commandments which have always traditionally been attached to the Decalogue, his approach can certainly be improved.

This improvement was made by K. Rabast.⁴⁶ This German scholar felt the key to the problem centered on the negatively expressed commandments but he did not simply eliminate the two positive ones; he reworded them. He also worked on the assumption that originally the Decalogue was rhythmic in nature and was poetical. Therefore he considers the present form to represent a prosaic rendition of a formerly regular poetic form. Another assumption of his was that it originally was a dodecalogue rather than a decalogue. This is his collection of twelve clauses:

Introductory formula: I am Yahweh thy God.

1st commandment: Thou shalt not have any other god before me.

2nd commandment: Thou shalt not make to thyself any image of a
god.

3rd commandment: Thou shalt not bow down to them.

4th commandment: Thou shalt not pronounce my name sacrilegiously.

5th commandment: Thou shalt not do any work upon the Sabbath.

6th commandment: Thou shalt not curse thy father or thy mother.

7th commandment: Thou shalt not kill a man, a person.

- 8th commandment: Thou shalt not commit adultery with thy neighbor's wife.
 9th commandment: Thou shalt not steal a man or a woman.
 10th commandment: Thou shalt not bear false witness against thy neighbor.
 11th commandment: Thou shalt not covet thy neighbor's house.

This is a fine attempt and a new approach by considering the meter of the Hebrew wording; however, the use of the introductory formula as a commandment casts some doubt upon its validity. Furthermore, he has not followed Hebrew syntax very well in his reconstruction nor has he always honestly used stresses properly. It does not seem necessary to switch to a dodecalogue if a reconstructed decalogue can be found.

Rudolf Kittel, professor at the University of Leipzig, has used the short form of the sixth, seventh, and eighth commandments as a model and has opted for this type of reconstruction:⁴⁷

- I. I Yahweh am your God: you shall have no other gods beside me.
- II. Do not make yourself a divine image.
- III. Do not utter the name of your God Yahweh for empty purposes.
- IV. Remember the Sabbath day, to keep it holy.
- V. Honour father and mother.
- VI. Do not murder.
- VII. Do not commit adultery.
- VIII. Do not steal.
- IX. Do not speak lying witness against your neighbor.
- X. Do not covet the house of your neighbor.

The retention of two positively stated commandments speaks against this reconstruction of a decalogue.

Nielsen has expressed his own opinions about this matter. He goes on the assumptions that there were ten units in the Decalogue, that they were all negatively stated, that they were concrete, that they all used the same apodictic construction, that they used the second person singular with the negative "lo" and that there ought not be any violation of Hebrew

syntax or style.⁴⁸ The following is his attempt:⁴⁹

- 1st commandment: Thou shalt not bow down before any other god.
- 2nd commandment: Thou shalt not make to thyself any idol.
- 3rd commandment: Thou shalt not take the name of Yahweh in vain.
- 4th commandment: Thou shalt not do any work on the sabbath day.
- 5th commandment: Thou shalt not despise thy father or thy mother.
- 6th commandment: Thou shalt not commit adultery with thy neighbour's wife.
- 7th commandment: Thou shalt not pour out the blood of thy neighbour.
- 8th commandment: Thou shalt not steal any man from thy neighbour.
- 9th commandment: Thou shalt not bear false witness against thy neighbour.
- 10th commandment: Thou shalt not covet thy neighbour's house.

If the assumptions with which Nielsen works are correct, this is a very commendable reconstruction. However, simply because it is too well-organized, and because it demands rather arbitrary emendations of the text, perhaps it would be well to look at one more suggested reconstruction. George Fohrer, from the University of Erlangen, takes as a presupposition that originally there might not have been a list of ten units but rather shorter lists which were similar in their rhythmical style.⁵⁰ He finds three lists in the Decalogue:

The first has five prohibitions, each of which has four beats:

- I. You shall have no other god.
- II. You shall not make yourself a graven image.
- III. You shall not take the name of Yahweh your God in vain.
- IV. You shall not bear false witness against your neighbor.
- V. You shall not covet your neighbor's house.

The second list has three prohibitions which have two beats each:

- I. You shall not kill.
- II. You shall not commit adultery.
- III. You shall not steal.

The third list has two positive commandments each having three beats:

- I. Remember the sabbath day.
- II. Honor your father and your mother.

He feels that these lists were then brought together by the E source into a group of ten.

One need not decide among these choices as to which one is correct to realize that these attempts have struck home the main point: the original Decalogue in whatever form it might have been was short and concise and covered man's universal, yet concrete, world of relationships. This can be contrasted with other law codes found in the Old Testament, namely the Book of the Covenant in Exodus 21 - 23, the Cultic Decalogue in Exodus 34 and the Holiness Code in Leviticus 17 - 26.

A Comparison with Other Legal Codes

Each of these codes, the Book of the Covenant, the Cultic Decalogue and the Holiness Code, deserve their own specialized research. The limitations of this paper do not permit such a study which, in turn, will result in a rather sketchy presentation. However, even a brief survey will show the contrast between the apodictic series in the "classic" Decalogue when compared to other types of laws.

Most scholars picture a time line for these codes like this: the Decalogue Matrix, the formulation of the JE narratives including the revisions of the Decalogue, the Book of the Covenant, the book of Deuteronomy. An American scholar at the University of Michigan George Mendenhall concludes that the Decalogue is certainly familiar to the Covenant Code and that the Covenant Code uses the Decalogue as its basis.⁵¹ The main difference is that the Covenant Code, for the most part, is concerned with secular matters and is thus stated in casuistic terms rather than apodictic.⁵² This would imply that it was established to set up guidelines for courts and judges. It would seem that the Decalogue is

assumed as authoritative by the Covenant Code but also that it needs refining in order to be used as a basis for judgments. The Book of the Covenant definitely is an insertion in the narratives of Exodus which is worked into its context only with great difficulty and at a later time than when the Decalogue was absorbed by the sources.⁵³ Some scholars have attempted to reconstruct a decalogue from the material in the Book of the Covenant, but none have done so in a convincing manner.

In the case of the so-called "cultic" Decalogue, this is more easily done. To the men who look for source strata in the Pentateuch, this "cultic" Decalogue in Exodus 34 shows a close connection with the J source.⁵⁴ If it is not stated in source strata terms, it is asserted that this decalogue is at least prior in time to the Decalogue in Exodus 20. Rowley argues for this from a rather interesting viewpoint. He traces this pericope back to a Kenite origin which he feels was a Yahweh-worshipping group prior to Moses and that the E Decalogue in Exodus 20 is a later northern Mosaic ethical rendition.⁵⁵ Alt disagrees with this and feels that from literary examination and from the particular interest shown in this decalogue which coincides with the Book of the Covenant, the "cultic" Decalogue is a later text.⁵⁶ He is, no doubt, also influenced by his previous conclusions that apodictic laws are older than casuistic laws for the Israelites. Koch argues that neither decalogue directly influenced the other but that both had a common origin which had only three or four prohibitions governing the special relationship of Israel with Yahweh and possibly also included a commandment about the sabbath. "Later, elaborations took two different directions, on the one hand, as the result of ritual needs [climaxing in the "cultic Decalogue" in Exodus 34] and on the other as a result of ethical considerations [climaxing in the "classic

Decalogue" in Exodus 20⁷.⁵⁷

The Holiness Code in Leviticus 17 - 26 seems to be further removed from the "classic" Decalogue than is the Book of the Covenant or especially the "cultic" Decalogue. It might be said that the Decalogue is presupposed by the Holiness Code but their purposes are different. "It [the Holiness Code] is intended to provide the legal basis for a community whose political and governmental powers are obviously very restricted."⁵⁸ It, too, is markedly casuistic, as might be expected under the circumstances.

It can be concluded from this survey of other legal codes that there must have been a tradition of independent legal sayings which could be adopted or adapted for various uses. This brings up the question: How were these legal traditions preserved as they were being used? Therefore, the next step in the study of the Decalogue involves a discussion of the possible forms these apodictic laws might have taken in the history of Israel and, if possible, a decision as to which form it was that brought the Decalogue to us today.

FOOTNOTES

¹Eduard Nielsen, The Ten Commandments in New Perspective, translated by David Bourke, (Naperville: Alec R. Allenson, Inc., 1968), p. 27.

²Ibid., p. 32.

³Loc. cit.

⁴H. H. Rowley, "Moses and the Decalogue," Bulletin of John Rylands Library, 34 (1951), p. 94.

⁵W. L. Moran, "The Conclusion of the Decalogue," Catholic Biblical Quarterly, 29 (1967), p. 553.

⁶For a chart of these various enumerations, see: Nielsen, op. cit., p. 10.

⁷Albrecht Alt, "Origins of Israelite Law," Essays on Old Testament History and Religion, translated by R. A. Wilson, (New York: Doubleday and Co., 1968), p. 107.

⁸For more on their conclusions, see: Gerhard von Rad, Old Testament Theology, translated by D. M. Stalker, (New York: Harper and Row, 1962), I, p. 202.

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W. Zimmerli, The Law and the Prophets, translated by R. E. Clements, (Oxford: Basil Blackwell, 1965), p. 33.

⁹W. Beyerlin, Origins and History of the Oldest Sinaitic Traditions, (Oxford: Basil Blackwell, 1965), p. 11.

¹⁰Ibid., p. 12.

¹¹Gerhard von Rad, Deuteronomy, translated by Dorothea Boston, (London: SCM Press, 1966), p. 61.

¹²Ibid., p. 60.

¹³Nielsen, op. cit., p. 47.

¹⁴Klaus Koch, The Growth of the Biblical Tradition, (New York: Charles Scribner's Sons, 1969), p. 63.

¹⁵Loc. cit.

¹⁶Alt, op. cit., p. 168.

¹⁷Ibid., p. 135.

- ¹⁸Ibid., p. 138.
- ¹⁹Ibid., p. 141.
- ²⁰Loc. cit.
- ²¹Ibid., p. 142.
- ²²Ibid., pp. 143 - 144.
- ²³Ibid., p. 146.
- ²⁴Ibid., p. 157.
- ²⁵Koch, op. cit., p. 9.
- ²⁶Loc. cit.
- ²⁷Ibid., p. 10.
- ²⁸Nielsen, op. cit., p. 59.
- ²⁹Otto Eissfeldt, The Old Testament: An Introduction, translated by P. R. Achroyd, (New York: Harper and Row, 1965), p. 70.
- ³⁰Koch, op. cit., p. 46.
- ³¹Ibid., pp. 46 - 47.
- ³²So suggested by:
Pierre Buis and Jacques Leclercq, Le Deutéronome, (Paris, 1963), pp. 63ff., as quoted in J. J. Stamm, The Ten Commandments in Recent Research, translated by Maurice Andrew, (Naperville: Alec R. Allenson, Inc., 1967), p. 21.
- ³³Koch, op. cit., p. 47.
- ³⁴Ibid., p. 48.
- ³⁵Ibid., pp. 47 - 48.
- ³⁶See:
Koch, Loc. cit.
Stamm, op. cit., p. 16.
Senan Buckley, "The Decalogue," Indian Journal of Theology, 16 (1967), p. 107.
- ³⁷Eissfeldt, op. cit., p. 202.
Koch, Ibid., p. 63.
Ernst Sellin, Introduction to the Old Testament, (London: Hodder and Stoughton, 1923), p. 40.
Buckley, Loc. cit.

- ³⁸ von Rad, Old Testament Theology, op. cit., p. 188.
- ³⁹ Moran, op. cit., p. 552.
- ⁴⁰ Robert Pfeiffer, Introduction to the Old Testament, (New York: Harper and Bros., 1941), p. 228.
- ⁴¹ Cf.:
 Stamm, op. cit., p. 15.
 Nielsen, op. cit., p. 78.
 W. J. Harrelson, "Ten Commandments," The Interpreter's Dictionary of the Bible, IV (New York: Abingdon Press, 1962), p. 570.
- ⁴² Rowley, op. cit., p. 87.
- ⁴³ von Rad, Old Testament Theology, op. cit., p. 191.
- ⁴⁴ Nielsen, loc. cit.
- ⁴⁵ Ibid., p. 79.
- ⁴⁶ Ibid., p. 81.
- ⁴⁷ Stamm, op. cit., pp. 18 - 19.
- ⁴⁸ Nielsen, op. cit., pp. 84 - 85.
- ⁴⁹ Loc. cit.
- ⁵⁰ Georg Fohrer, Introduction to the Old Testament, a revision of Ernst Sellin's Introduction to the Old Testament, translated by David Green, (New York: Abingdon Press, 1968), p. 68.
- ⁵¹ George Mendenhall, Law and Covenant in Israel and the Near East, (Pittsburgh: Biblical Colloquium, 1955), p. 16.
- ⁵² See:
 Alt, op. cit., p. 112.
 Mendenhall, Ibid., p. 17.
- ⁵³ See:
 Fohrer, op. cit., p. 133.
 Eissfeldt, op. cit., p. 217.
- ⁵⁴ See:
 Fohrer, Ibid., p. 149.
- ⁵⁵ Rowley, op. cit., p. 96.
- ⁵⁶ Alt, op. cit., p. 151.
- ⁵⁷ Koch, op. cit., p. 50.
- ⁵⁸ Fohrer, op. cit., p. 137.

CHAPTER III

THE FORMAL CHARACTERISTICS

Since it has been demonstrated that the "classic" Decalogue is a series of apodictic laws, the next question that must be answered is: In what kind of setting, or rather, in what kind of form was it used? For what purpose was a list of such clauses drawn up? It is possible to answer this question on several different levels. Just as literary types change, so do the forms. A literary type can be nestled in several forms throughout its history. For instance, there is the level on which it reached its final form. Another level is the one on which it was made available for use by the people who inserted it in the location in which it is now found in the Old Testament. Yet another level is the one in which it originally was gathered together. A study of the scholars who write on this aspect of the Decalogue points out the necessity of distinguishing among these various levels, for not all of them speak about the same level. Perhaps it is easier to draw conclusions about the present level of the Decalogue as we find it in the Old Testament and about the original level in which it might have been established as a type, than it is about the intermediate level(s).

The Speech Form

As the Decalogue is now presented in the Old Testament, it is in the form of a direct or at least an indirect speech by God. However, because of the abrupt manner in which it is presented, and because of a switching from the first to the third person within the Decalogue,¹ it can be

deduced that originally the speech form was not the one which encased the Decalogue. A look back further into the history of Israel is needed to find the original form.

The Oral-Proverbial Form

A very likely solution for finding of form in which the Decalogue could have arisen is suggested by Erhard Gerstenberger. This Evangelical pastor considers the fact that covenant relationships and even law codes are an advancement of the usage of the literary type of apodictic laws.

The commandments thus do not express the doings of a community assembly in worship nor the spirit of religious functionaries. They reflect the life of civil bodies, or society at large, or of particular groupings within that society.²

He feels that it is to preserve the status quo of a given society that the commandments are designed to protect. They are the rules for a society who teaches them because it knows that they are good.³ This means that the original form for the Decalogue is pushed back to an oral, folk-lore stage. This series of apodictic laws takes on the form of wisdom maxims, or proverbs. Their proverbial nature points to universal concepts of good and bad and to proscriptions used to keep society intact. It is little wonder that there are no casuistic types in this genre, for that would burden a proverb. Even before a society becomes institutionalized, it teaches its young proverbial wisdom maxims. Gerstenberger characterizes the Decalogue as belonging to this form. "Not the priests, or prophets, but fathers, tribal heads, wise men, and secondarily court officials are the earliest guardian of the precepts."⁴ Whether these fathers were the ones who collected the wisdom sayings into a series of ten or not does not concern Gerstenberger, for he feels that it would be natural for them to

have at least gathered two and three sayings into a series to teach to their children. Though this is a reasonably sound theory for the original form for the Decalogue, it is not the level immediately prior to the usage of the Decalogue as a speech. In other words, having established the primal and the final forms for the Decalogue, it remains to be seen how these apodictic sayings were adopted into law codes and into covenant/treaty forms which appear to be the intermediate levels of the formal usage of this literary type.

The Law Code Form

There is some support that the Decalogue was used as a law code proper. Walther Zimmerli, the University of Göttingen professor, points out that law always carried with it the idea of blessing and curse in Israel,⁵ and that this was a precursor to formal usage of the Decalogue as a covenant. Although he looks to the covenant as a more likely usage of the Decalogue, he does feel that the "classic" Decalogue is "probably an ancient legal formulation of purely Israelite origin."⁶ Nielsen asks himself the question: "Is the decalogue an address of Yahweh formulated as a covenant document . . . or was it from the onset something else, namely a collection of laws which has only acquired the form of a covenant document at a later stage?"⁷ His answer is that it was from the outset a collection of laws. "In reality what we have in the decalogue is a collection of clauses the binding force of which is more than merely a moral one."⁸ It is linked with the realm of justice and thus is a basic law which was devised as a standard of behavior. For Nielsen, this points to the northern kingdom where he thinks it was needed to provide a guidance for the king to exercise his Mosaic-oriented right to judge

cases.⁹ This guiding principle was the Decalogue. However, most scholars would feel that the usage of the Decalogue as a law proper does not come until after the Exile.

Whether or not one chooses to think that the Decalogue originated as a series of proverbial maxims or as a set of legal material, he must still consider two other forms which could have used apodictic literature. They are the cult and the covenant/treaty.

The Cultic-Covenant Form

These two categories border on each other. It seems most likely that the cult was the bearer of the covenant/treaty and so it is difficult to say which is distinct from the other. Some, like the Jesuit scholar Dennis McCarthy, feel that the cult is older. He finds the covenant form preserved by the cult for "cult is notoriously conservative of the forms connected with it."¹⁰ It is for this reason that he sees the account of the action on Sinai as ritualistic rather than as covenant-making for "rites and cultic acts are what bring the covenant relationship into being."¹¹ It is later that the covenant/contract form is adopted by the cult and promulgated by it. Sigmund Nowinckel also felt that the Decalogue was bound up in the cult. This Oslo University professor demonstrated this by the following theses:

The Sinai pericope transmitted by the Yahwist and the Elohist, has its place in the cult; that is, it is nothing other than the description of a religious festival. The New Year and Enthronement Festival had at the same time the function of a Feast of the Covenant, to be more exact, of a Feast of the Renewal of the Covenant. The Israelite festival began with the interrogation of those attending concerning the conditions of participation . . . The decalogues, at least in their main features, are connected with these. Here, as a prescription for entry into temple and cult, they have their Sitz in Leben."¹²

He thus linked the Decalogues not only with cultic action but with a specific cult festival: that of the New Year's festival.

Von Rad states that because legend comes before cult, he agrees with Mowinkel that the Decalogue is wrapped up in the cultic action of the New Year's festival. However, he considers the cult to be the preserver, not the innovator, of this Sinai/Decalogue material.¹³ He looks to a "credo-form" as an early attempt to formulate confessions and that this "is evidence in comparatively early times for the custom of making a cultic confession."¹⁴ The Decalogue found its most fruitful usage in the cult as a credo form. "Yahweh's presentation of himself at the beginning of the Decalogue and the fact that these statutes occur in large series, show clearly that they originated in the realm of the cult, and that their purpose was to form the climax of a sacral ceremonial of some kind."¹⁵ Alt also has felt that there is a close connection of apodictic law "in the cultic practices of Israel."¹⁶ But he located them in the Feast of Tabernacles.¹⁷

So it can scarcely be doubted that Israel used the Decalogue in some way in the cult, but it also is clear that this usage was intimately wrapped up with the cultic concept of covenant. Johann Stamm wrote while professor at the University of Bern: "That the nature of the Israelite covenant festival (e. g. New Year's Festival) is connected in some way with the Hittite treaty formula can scarcely be contested."¹⁸ He feels that while it is tempting to see such a close identity between Hittite treaty formulae and the apodictic law material, it is not necessarily true that the Israelite apodictic law material is a re-hashing of the Hittite treaty formula.

It is therefore not impossible that the forms of command and prohibition developed independently of one another in different places. Apodictic law which was already formed in Israel's nomadic prehistoric period would then, in Canaanite territory, have been fitted into the festival influenced by Hittite treaty form.¹⁹

Thus what von Rad and others are trying to show is that what Alt has called apodictic law is not law in the theological sense but rather is cultic confessions within the covenant relationship.²⁰

This does not rule out the possibility that there was some historical precedence for the making of a covenant. Beyerlin feels that "covenant-cult"²¹ shaped the tradition in Exodus 20:1 - 17 and that it kept it extant by its use in the cult. He agrees with von Rad that this was carried on at Shechem. However, he points farther back to actual historical events which gave rise to the early historical accounts of, for example, the exodus and the theophany on Mount Sinai.²² In other words, something did happen in history which the cult preserved at least in its interpretation of those events.

A link must also be established between apodictic laws and covenant. From all evidence given, it would not be unlikely that the idea of covenant was available to the Israelites from a very early time in their history. Mendenhall finds not only a possibility for a covenant as far back as the amphictyony but the necessity of it for the federation of tribes.

. . . the federation of tribes can be understood and explained only on the assumption that it is a conscious continuation and re-adaptation of an earlier tradition which goes back to the time of Moses. The covenant at Sinai was the formal means by which the semi-nomadic clans, recently emerged from state slavery in Egypt, were bound together in a religious and political community. The text of that covenant was the Decalogue.²³

He considers that it was a practice in the ancient world to sanction covenants by religious means and "Therefore, the Decalogue was simply the

stipulation of the obligations to the deity which the community accepted as binding. It is not as such law, for there is no provision in the Decalogue itself for the action of the community against the offender."²⁴ John Bright, too, attests to the fact that this linkage of law and covenant is a very ancient one. He first points out that the covenant as expressed in the Decalogue is very dissimilar to the one which God made with the patriarchs. "There the covenant rests on unconditional promises for the future, in which the believer was obligated only to trust. Here, on the contrary, covenant is based in gracious acts already performed and issues heavy obligations."²⁵ If then it is not based upon the patriarchal form of covenant, what is its basis? He, like most other scholars, finds a ready example in the Hittite suzerainty treaties of the fifteenth to fourteenth centuries B. C..²⁶ It was by this type of covenant that Israel accepted the lordship of Yahweh. Noth holds that: "In the Old Testament tradition the conceptions "covenant" and "law" are closely connected."²⁷ It is therefore established that Israel knew of covenants and that law forms are linked with covenant forms. It has also been established that Israel could have preserved the covenant in its cult. More now needs to be said about the covenant/treaty forms themselves.

The Covenant-Treaty Form

The possibility that the covenant was the form which preserved the apodictic series of commandments in the Decalogue forces another factor into consideration. What was the relationship between the covenant form used by Israel and the suzerainty treaty form used by the Hittites? There were two basic types of treaties which the Hittites used: suzerainty which bound unequal partners and parity which bound equal partners. It is

to the suzerainty form that our attention must be drawn for this offers a closer resemblance to the situation which existed between Israel and her God.

A series of its characteristics can be listed. Delbert Hillers from Johns Hopkins University and George Mendenhall in separate works have isolated general characteristics of this form.²⁸ First of all, it is a treaty which is given by the sovereign to his vassal; it is not a negotiated one. The form itself starts with a preamble which identifies the author of the covenant, giving his titles, attributes and genealogy. This is followed by an historical prologue which establishes the relationship between the lord and his vassal and which often emphasizes the benevolence of the lord. The body of the treaty is expressed in the stipulations. This part states in detail the obligations imposed upon the vassal and the conditions which he must accept. There is then made a provision for depositing the text of the treaty in a temple and for a periodic public reading of the text. Following this, there is a list of the gods who are called upon as witnesses to the covenant. The conclusion is stated in a series of cursings and blessings. The vassal is expected to accept the treaty with an oath. Obviously, there are quite a few similarities between this form of treaty and the Decalogue with its attached historical accretions.

Certainly, the relationship between Yahweh and Israel is that of sovereign to vassal. The prologue to the commandments "I am Yahweh your God" mimics the prologue to these treaties although it is in the first person while they are in the third person. Although it is a very short one, there is an historical introduction: "who brought you out of the land of Egypt" There might be a question as to whether this is a

sufficient historical introduction to fit the category. Hillers asks:

Does this history, the exodus, function in the same way that treaty history was intended to function? Is it regarded in the Old Testament as the basis for Israel's obligation to God? These questions are really rhetorical. Of course, the exodus was understood that way, and this means that we are on safe grounds in thinking that its presence here constitutes a genuine parallel to the international legal form.²⁹

The I-Thou style is also an integral part of both the Decalogue and the Hittite treaty form.³⁰ The stipulations of the Hittite treaty find their correspondence in the Decalogue proper. Therefore, there can be found much that is similar between the Decalogue and its surroundings and the Hittite treaty form. From this point on, however, it is not so easy to find parallels.

It can be reasoned that there was a tradition of writing down the covenant, especially in tradition that there was not just one set of stone tablets but when one was broken, another had to be made. There is a tradition about the Ark of the Covenant's holding these tablets of stone which might correspond to the Hittite practice of placing them in a temple. If one takes Deuteronomy 31:11 to be established by an older tradition of a periodic reading of the law, this would also then fit in well with that provision of the Hittite treaty. There can be no correspondence to the calling upon gods as witnesses in the Israelite covenant for the obvious reason. "It is difficult to see how this could have survived the transfer of the treaty pattern to the religious sphere."³¹ Neither can there be found a series of curses and blessings directly connected with the Decalogue. Hillers feels that it is implied in the Decalogue in the substance of Yahweh as the jealous God who punished sons for the father's iniquity. Neither is there any oath immediately attached to the Decalogue. It is felt by some that the oath is in Exodus 24³² but

others do not feel that this is valid.³³

Because there is not a direct one-for-one relationship with all the parts of the Hittite treaty form, other scholars would deny that it is the pattern for the Decalogue material. Fohrer offers three specific reasons: (1) He feels that McCarthy in drawing up a composite picture of a treaty form has done so from too large a span of history and that "The mere appearance of the treaty-form therefore does not provide any point of reference for dating;"³⁴ (2) He does not think that the Sinai covenant followed the Hittite pattern and that the existing parallels are more likely due to later editing and reshaping of the narratives;³⁵ and (3) He finds little in pre-Deuteronomic history that refers to a divine treaty with Israel. He prefers to see this "covenant formulation" as a post-Deuteronomic concept of theology.³⁶

In spite of Fohrer's arguments, it seems most likely that the Sinai material was thought of in some time in Israel's history to be related to a covenant and that the expression of that covenant took on the formal aspect of the Hittite treaty formula. However, it would be very difficult to press the Decalogue material ipse into the treaty form. "It suits itself perfectly to its use as the terms of a covenant, but it is not the whole of a covenant itself."³⁷ It seems very likely that Israel knew the treaty formula and that she could have seen her relationship with Yahweh depicted in such a form. "In Israel, therefore, the social order was not grounded in nature, nor was the law a natural law. Law and society were brought into being through a special revelation of God in the setting of the covenant."³⁸ It was this covenant that kept the law before Israel.

FOOTNOTES

¹Eduard Nielsen, The Ten Commandments in New Perspective, translated by David Bourke, (Naperville: Alex R. Allenson, Inc., 1968), p. 129.

See also:

Erhard Gerstenberger, "Covenant and Commandment," Journal of Biblical Literature, 84 (1965), p. 47.

²Gerstenberger, Ibid., p. 48.

³Ibid., p. 49.

⁴Ibid., p. 50.

⁵W. Zimmerli, The Law and the Prophets, translated by R. E. Clements, (Oxford: Basil Blackwell, 1965), p. 56.

⁶Loc. cit.

⁷Nielsen, op. cit., p. 128.

⁸Ibid., p. 133.

⁹Ibid., p. 137.

¹⁰D. J. McCarthy, Treaty and Covenant, (Rome: Pontifical Biblical Institute, 1963), p. 152.

¹¹Ibid., p. 172.

¹²Sigmund Mowinckel, Le Décalogue, (Paris, 1927), pp. 19ff.

¹³Gerhard von Rad, Problem of the Hexateuch and Other Essays, translated by E. W. Dicken, (New York: McGraw-Hill, 1966), p. 22.

¹⁴Ibid., p. 5.

¹⁵Gerhard von Rad, Deuteronomy, translated by Dorothea Boston, (London: SCM Press, 1966), p. 18.

¹⁶Albrecht Alt, Die Ursprünge des israelitischen Rechts, (Leipzig, 1934), p. 329.

¹⁷Loc. cit.

¹⁸J. J. Stamm, The Ten Commandments in Recent Research, translated by Maurice Andrew, (Naperville: Alex R. Allenson, Inc., 1967), p. 43.

¹⁹Loc. cit.

²⁰Zimmerli, op. cit., p. 51.

²¹W. Beyerlin, Origins and History of the Oldest Sinaitic Traditions, (Oxford: Basil Blackwell, 1965), p. 66.

²²Ibid., p. 169.

²³George Mendenhall, Law and Covenant in Israel and the Near East, (Pittsburgh: Biblical Colloquium, 1955), p. 5.

²⁴Loc. cit.

²⁵John Bright, A History of Israel, (Philadelphia, The Westminster Press, 1959), p. 135.

²⁶Ibid., p. 134.

²⁷Martin Noth, The Laws in the Pentateuch and Other Essays, translated by D. R. Ap-Thomas, (London: Oliver and Boyd, 1966), p. 38.

²⁸See:

Mendenhall, op. cit., pp. 31 - 34.

Delbert Hillers, Covenant: The History of a Biblical Idea, (Baltimore: The Johns Hopkins Press, 1969), pp. 49 - 64.

These two books are the sources for the outline sketch of the treaty form.

²⁹Hillers, Ibid., p. 50.

³⁰Beyerlin, op. cit., p. 63.

³¹Hillers, op. cit., p. 52.

³²Ibid., pp. 56 - 57.

³³Mendenhall, op. cit., pp. 39 - 40.

³⁴Georg Fohrer, Introduction to the Old Testament, a revision of Ernst Sellin's Introduction to the Old Testament, translated by David Green, (New York: Abingdon Press, 1968), p. 73.

³⁵Loc. cit.

³⁶Loc. cit.

³⁷McCarthy, op. cit., p. 161.

³⁸G. Ernest Wright, The Old Testament Against Its Environment, (London: SCM Press, 1966), p. 59.

CHAPTER IV

THE THEOLOGY BEHIND THE DECALOGUE

One area deserves to be examined in this study of the Decalogue which is not usually attached to a form-critical study, and that area is the theology which would lie behind the formulation of the Decalogue and which would provide the groundwork for its usage in the cult/covenant. There are two choices available. The Decalogue could be derived from a Sinai theology or from an Exodus theology.

Not every scholar is convinced that these two choices are valid. For the most part, they feel that if there had originally been a separation of the traditions, they were bound together very early in Israel's theology and cannot now be separated. Four men who think this way are Beyerlin, Kapelrud, Nicholson and Wright. They all basically argue from the content of the covenant. Beyerlin states his case:

As far as its (the Sinai tradition) relation to the Exodus-tradition goes, it remains to confirm that the two traditions were linked together from the very beginnings of the covenant with Yahweh: the covenant-form attested in Hittite state-treaties of the 14th and 13th centuries B. C., which also underlies the Decalogue, the basic law of the Sinaitic covenant contains a historical prologue which describes the beneficent acts of the author of the covenant.¹

He had previously argued that this treaty-form was in use in Moses' time, that it referred to Yahweh's saving act and that this historical prologue is also attached to the cultic law in Exodus 34, and then concludes that the connection between the deliverance from Egypt and the events on Mount Sinai was existing already in Israel's embryonic state.

Arvid Kapelrud, from the University of Oslo, reinforces Beyerlin's

theory and asserts that "the Sinai tradition presupposes the exodus from Egypt."² He continues on to a conclusion which links this combination with southern sources at Kadesh.³ Nicholson also argues from a thematic stance and holds that it is not correct to separate the themes of Sinai and the Exodus. In his mind, the covenant theme (Sinai) and the election theme (Exodus) must stand together. "It was the covenant at Sinai which defined the relationship between Israel and Yahweh, the elected-electer relationship, brought about by the deliverance from bondage."⁴

The McCormick Theological Seminary professor H. Ernst Wright presents himself in this camp also as he draws conclusions about the relationship between these two theologies. He feels that the normative central theology is that of the Exodus in which event Yahweh proved Himself to have chosen (elected) Israel as His own. From this center, Israel picked up the covenant idea from those around her and chose to express this election in similar fashion. At this point, however, he chooses to qualify his thoughts by stating: "In this case (i. e. between God and Israel) covenant is no longer a legal compact between human beings, but a device for explaining the meaning and nature of Israel's election."⁵ And then, he concludes: "the more we study the sources, the more we are led to Sinai for the original and normative compact between God and man."⁶ It would seem, however, that there is a contradiction in terms as these men present their material, for there is a difference between an Exodus theology and a Sinai one. It is true that these two traditions have long been associated with each other and this in itself makes it easy to justify their peaceful co-existence. However, Gerhard von Rad, for one, has not been convinced that they are so very peacefully intertwined into the Biblical setting. He contests the idea that the two theologies are so compatible, that they

are to be considered as two sides of the same coin. His data must now be studied.

Von Rad's search for the earliest record of a combination of these two great events for Israel leads him to the great prayer of Nehemiah 9:6ff. This passage is linked with the Priestly writer and is thus late in Israel's history.⁷ He offers a summary: "Even the more or less free accounts of the redemption-story which follow the canonical scheme do not mention the events of Sinai."⁸ Therefore, he holds that a Sinai narrative existed independently of the Exodus traditions. He notes that Wellhausen has long ago demonstrated that in the J narrative there was no mention that the Israelites stopped at Sinai but that they continued directly from Egypt to Kadesh.⁹ "We must therefore distinguish between a cycle of Kadesh narratives (Ex. 17 - 18; Num. 10 - 14) and a Sinai-cycle (Ex. 19 - 24, 32 - 34)."¹⁰ The important thing for the Sinai tradition was the theophany and the making of the covenant. In this Sinai-cycle, there is no reference to even the major elements of the Exodus tradition.¹¹ Obviously, the contrast of outlook between these two traditions can be seen in that the Exodus tradition emphasizes the redemptive acts of God while the Sinai tradition testifies to divine justice. This Sinai tradition was bound up in the cult¹² and von Rad agrees with Sellin's conclusion that there was a correspondence between the individual elements of the covenant ritual at Shechem and those of the Sinai covenant.¹³ He thus links the setting for the preservation of this narrative with the north.¹⁴

He finds the origin for the Exodus tradition elsewhere. It, too, bears marks of being used in a cult, because the rigidly stereotyped form of history points to this. It is linked with the J source which has written that Israel made its way to Gilgal after the crossing of the

Jordan (Joshua 3), a sanctuary was established there (Joshua 4) and there the people were circumcised (Joshua 9ff.). It is to this camp at Gilgal that von Rad assigns the Exodus tradition.¹⁵ The festival to which he assigns it is the Feast of Weeks.¹⁶ If this is true, then this tradition would be one of specifically Benjaminite inheritance which only at a later date was made applicable to the whole of Israel.¹⁷

As these two cultic centers lost their importance and as the living traditions became detached from their cultic localities, they became spiritualized and "re-historicized," and at that point their combination became possible.¹⁸ It is for this reason that von Rad holds that the original cultic differences were no longer upheld and that this allowed for a combination.

The decisive and pre-eminent factor in the coalescing and aggregation of the many traditions was their common attachment to a place Sinai and to a person Moses. Thus, in the end, there came together and were arranged side by side, often without any connexion being made between them, bodies of material of the utmost diversity, in fact, everything that Israel somehow and at some time derived from the revelation at Sinai.¹⁹

Although it is a late insertion into Biblical narratives, the Sinai material is not unimportant for Israel's faith. It stands as a strong basis for faith throughout its history. It is strange that it found such a late acceptance by the Scriptural writers, but as Sister Alexa Suelzer states: "to argue that because the Sinai tradition is absent from the earliest texts it therefore did not exist is to reconstruct the history and religion of Israel by literary criticism exclusively."²⁰

It would seem that von Rad has sufficiently made his point that no longer can it be complacently assumed that there were no conflicting theologies in the building of the Old Testament as can be demonstrated

by the reluctance of the Exodus tradition to incorporate the Sinai tradition. Neither, however, can it be denied that once that merger had been made, within a relatively short time the emphasis had shifted from that of election to that of law. Sinai was soon to have its day in the sun.

FOOTNOTES

¹W. Beyerlin, Origins and History of the Oldest Sinaitic Traditions, (Oxford: Basil Blackwell, 1965), p. 169.

²Arvid S. Kapelrud, "Some Recent Points of View on the Time and Origin of the Decalogue," Studia Theologia, 18 (1964), p. 88.

³Infra, chapter five.

⁴E. W. Nicholson, Deuteronomy and Tradition, (Philadelphia: Fortress Press, 1967), p. 43.

⁵G. Ernst Wright, The Old Testament Against Its Environment, (London: SCM Press, 1966), p. 55.

⁶Ibid., p. 57.

⁷Gerhard von Rad, Problem of the Hexateuch and Other Essays, translated by E. W. Dicken, (New York: McGraw-Hill, 1966), pp. 12 - 13.

⁸Ibid., p. 13.

⁹Wellhausen, Prolegomena zur Geschichte Israels, (Berlin, 1883), pp. 347ff.

¹⁰von Rad, op. cit., p. 14.

¹¹Ibid., p. 18.

¹²Ibid., p. 33.

¹³Ernst Sellin, Gilgal, (Leipzig, 1917); pp. 52ff.

¹⁴Infra, chapter five.

¹⁵von Rad, op. cit., p. 43.

¹⁶Ibid., pp. 45 - 46.

¹⁷Ibid., p. 47.

¹⁸Ibid., p. 49.

¹⁹Gerhard von Rad, Old Testament Theology, translated by D. M. Stalker, (New York: Harper and Row, 1962), I, p. 188.

²⁰Alexa Suelzer, The Pentateuch: A Study in Salvation History, (New York: Herder and Herder, 1964), p. 91.

CHAPTER V

SITZ IM LEBEN OF ORIGINAL DECALOGUE

As has been seen by the material presented so far in this paper, the consensus among scholars tends to become less as a deeper penetration is made into the Decalogue matrix. Most agreed about the possibility of ten units in the Decalogue, and about the differences between the Exodus and the Deuteronomy setting of the Decalogue. There was less agreement about a possible "original" Decalogue. Because of Alt's overwhelming work, consensus has been reached about the Decalogue's being apodictic law as its literary type. There was disagreement as to what type of form incorporated this literary type and preserved it for posterity. There were conflicting ideas expressed about the basic theology lying behind the Decalogue. Now, as might be expected, there is even less agreement about the problem of the Sitz im Leben of the original Decalogue.

As might be expected, most scholars are consistent with their outlook which they expressed about the formal aspect of the Decalogue. Therefore it would be assumed that if one, like Gerstenberger, envisioned the original Decalogue as consisting of triads of wisdom sayings he would, of necessity, consider the Sitz im Leben to be nestled in the milieu of fathers of families or of clan leaders in the early history of Israel, as early as the wilderness wandering, and thus at a time prior to the conquest of Canaan.¹ Other men also finding an early setting for the Decalogue look to the old twelve-tribe amphictyony as the Sitz im Leben for it. Noth concludes that these pre-exilic law-codes were not state law and thus had nothing to do with the monarchy but were used in the confederacy of the

twelve tribes. He feels that the connection between Yahweh and a set of laws, thus providing deitific sanction, was made at the Ark of Yahweh which was the amphictyony's spiritual center.² His conclusion is that it was at the autumn festival, at which festival in seven-year intervals the covenant was renewed, where the Decalogue had its earliest ascertainable Sitz im Leben.³

Mendenhall is convinced that not only is it possible to link the Decalogue to the tribal federation era, but that it actually at that time already was acting on traditions which had preceded it. "The covenant at Sinai was the formal means by which the semi-nomadic clans, recently emerged from state slavery in Egypt, were bound together in a religious and political community. The text of that covenant is the Decalogue."⁵ In other words, his assumptions are that the tribes originally did not have much to hold them together, that they were not related to each other along blood lines, that they came out of various religious orientations and that it was covenant that was needed to hold them together. Hillers thinks that "this makes it possible to explain how the twelve tribes of Israel lived together before there was a king in Israel."⁶ Alt has always identified apodictic law with the Yahweh-worship peculiarities of the people of Israel, and "since the worship of Yahweh, with which the apodictic law is inseparably linked, clearly originates from the desert, we can presume the same source for the basis of the apodictic laws."⁷ This means that a close connection with the amphictyony also implies a close and necessary connection with the cult. Although some scholars link a cultic usage of the Decalogue with the tribal era of Israel, a closer look will be taken at the other cultic possibilities for the Sitz im Leben for the Decalogue.

Many scholars concede that there is a strong possibility for the conception of the Decalogue in the desert-wandering era, but few are satisfied to leave it at that. The next logical direction in which to look is toward the cult that might more specifically be called the protector among the tribes of the covenant/Decalogue.

Zimmerli introduces this thought by attaching direct connections between law and the proclamation of the covenant. "This took place in regular celebrations in which the law was read out . . ." ⁸ So to find a cultic celebration which had as its feature the reading of the law is the goal. While Nielsen feels that the Decalogue itself points clearly to a settled way of life rather than a nomadic life, he feels this nonetheless presupposes the existence of one or several shrines to which the tribes could go to worship Yahweh. "It is therefore a more reasonable conclusion . . . if not actually a necessary one, that at some point the tradition of the decalogue must have been handed down as 'shrine' traditions." ⁹ He envisions the personages responsible for this tradition as being the Levitical priests.

Another route is taken by Koch which leads to the same conclusions. He holds that the statements given in Exodus 24:4, 31:18, 34:15, and 34:1, 4 about Yahweh's engraving the words of the commandments upon stone tablets and giving them to Moses have some historical event lying behind them. This in turn leads him to Shechem where according to tradition these stones were kept in the Ark. He then continues in establishing the Sitz im Leben with the cult by a study of the Psalms which "leads us to suppose that the Decalogue was regularly proclaimed at a cultic occasion when all the people were present." ¹⁰ Thus this search for a cultic Sitz im Leben has narrowed in on the cult which must have been connected with priests

attending the Ark at Shechem.

Yet another route is traveled by Alt. Having identified the laws as being integral to Israel, he also has further isolated the apodictic laws as being not related to the administration of social justice. Therefore, they must have been involved with sacral action.¹¹ He, too, links this with the Levitical priests at Shechem and has identified the festival as the Feast of Tabernacles which was celebrated every seven years.¹² This festival is considered by Alt to be the New Year's Festival for the Israelites and to have as one of its main functions, the renewing of the covenant.¹³ He differs with Mowinckel only to the degree that Mowinckel thought this act to be done annually while Alt limits it to the seven-year cycle of the Feast of Tabernacles. This feast is also considered to be the Sitz im Leben for the Decalogue by von Rad. An interesting point about the Decalogue's connection with this festival is made by von Rad to explain why the Decalogue ipse lacks cultic character.

If the festival of the renewal of the covenant was a pilgrimage festival, then the exclusive concentration on the ethical is understandable. The people addressed by the Decalogue were, of course, the laity; and they were addressed with regard to their everyday affairs . . .¹⁴

And so the non-cultic is taken up in the cult. It is not unimportant to note that this sanctuary at Shechem is in the northern part of Palestine and hence has a relationship with the E Pentateuchal source and with the Northern Kingdom itself. This plays an important part in the next chapter on the Sitz im Leben for the transmission history of the Decalogue.

Before leaving this section about the Sitz im Leben of the original Decalogue, a momentary obeisance must be given to Moses. Until the early history of literary-criticism, he was considered to be the author and polisher of the Decalogue plus the rest of the Pentateuch. In the early

days of the "new" method, he was deleted from the picture completely. Now, however, most scholars are willing to concede to him some credit for at least setting the proper atmosphere for a birth of the Decalogue, if not for formulating the content of some of the units in the Decalogue. It has been established that many of the commandments point to the old tribal confederacy which existed under the guidance of Moses and so there is little doubt but what his era was in part responsible for the Decalogue in some form or another.¹⁵

FOOTNOTES

¹Erhard Gerstenberger, "Covenant and Commandment," Journal of Biblical Literature, 84 (1965), p. 40.

²Martin Noth, The Laws in the Pentateuch and Other Essays, translated by D. R. Ap-Thomas, (London: Oliver and Boyd, 1966), pp. 36 - 37.

³Ibid., pp. 37 - 38.

See also:

Gerhard von Rad, Problem of the Hexateuch and Other Essays, translated by E. W. Dicken, (New York: McGraw-Hill, 1966), p. 16.

⁴Noth, op. cit., p. 36.

⁵George Mendenhall, Law and Covenant in Israel and the Near East, (Pittsburgh: Biblical Colloquium, 1955), p. 5.

⁶Delbert Hillers, Covenant: The History of a Biblical Idea, (Baltimore: The Johns Hopkins Press, 1969), p. 68.

⁷Albrecht Alt, "Origins of Israelite Law," Old Testament History and Religion, translated by R. A. Wilson, (New York: Doubleday and Co., 1968), p. 169.

⁸W. Zimmerli, The Law and the Prophets, translated by R. E. Clements, (Oxford: Basil Blackwell, 1965), p. 90.

⁹Eduard Nielsen, The Ten Commandments in New Perspective, translated by David Bourke, (Naperville: Alec R. Allenson, Inc., 1968), pp. 121 - 122.

¹⁰Klaus Koch, The Growth of the Biblical Tradition, (New York: Charles Scribner's Sons, 1969), p. 30.

¹¹Alt, op. cit., p. 161.

¹²Ibid., pp. 164 - 165.

¹³Ibid., pp. 166 - 167.

¹⁴Gerhard von Rad, Old Testament Theology, translated by D. M. Stalker, I (New York: Harper and Row, 1962), p. 193.

¹⁵See, for example:

John Bright, A History of Israel, (Philadelphia: The Westminster Press, 1959), p. 130.

Nielsen, op. cit., p. 30 and p. 120.

Mendenhall, op. cit., p. 36.

CHAPTER VI

TRANSMISSION HISTORY

The Northern Kingdom

Apparently the Decalogue did not become rigidly ossified until late in Israel's history. From its conception, it was adapted and changed, added to and abbreviated, taken from one tradition and placed in another. Therefore, the transmission history is very complicated and, for the most part, can be reconstructed only hypothetically. It seems to have a strong link with the Northern Kingdom which will be discussed first. Then a more detailed look at the individual additions and abbreviations will be presented. Finally, the effects of redactors will be considered. It might be added at this point that even the canonization of the Old Testament did not stop the reapplication of the Decalogue but that it continues right to our present time. But that study would belong to a study of the Christian church and the post-Christian history of Judaism.

The basis for a connection with the Northern Israelite Kingdom is made by Nielsen by a study of the Deuteronomic circles who were responsible for writing the book of Deuteronomy plus much of the historical works of the kings. This circle is thought to have consisted of Northern Kingdom prophetic bands who came to the south after the fall of the Northern Kingdom and joined forces with those of Judaite influence.¹ They are the ones who were responsible for the inclusion of the Decalogue in the place in which it is now found.² Nielsen dates this insertion between 622 B. C., which was the beginning of Josiah's reform, and

560 B. C., which is the completing point of the Deuteronomist history. He uses another argument in that if the first four commandments represent a Mosaic heritage, then "again it is only reasonable to seek the origin of the decalogue in a Northern Israelite milieu . . . it was in the northern kingdom, the portion of the 'Joseph' tribes, that the Mosaic tradition was most strongly rooted."³ Because he also sees these Levitical priests as responsible for the composition of the book of Deuteronomy, von Rad feels that their adaptation of the Decalogue is influenced by their northern tendencies. He thinks that Israel at the time of Josiah had identified herself with the Israel of the Mosaic period.⁴ Because this would be a northern emphasis and because he thinks the book of Deuteronomy is an attack against the Canaanite cult of Baal and any resulting syncretism, von Rad thinks that this indicates an origin of the Book of Deuteronomy from the Northern Kingdom.⁵ Whether this can be used to prove that the southern tribes did not have a Decalogue tradition is debatable. Nevertheless, the transmission history does seem to be closely connected with northern circles.

Additions and Abbreviations

This, of course, is assuming an "original" Decalogue as the material that has been so far discussed. Using Nielsen's work at identifying expansions and abbreviations as the norm, this paper will now trace the influences of the editing of the Decalogue. Nielsen feels that five commandments have undergone secondary expansions: "The prohibition of images, the prohibitions of misusing Yahweh's name, the sabbath commandment, the commandment to honour parents and the prohibition of covetousness."⁶ The expansion prohibiting images is pictured in a very complex

process. Its use of the division of the universe into three parts betrays an ideological connection with Genesis 1:20 - 28 as does the use of the word "image."⁷ It would be logical to think that therefore this expansion was influenced by the P source. However, Nielsen thinks it is the other way around: that the P writer knew this expansion and wrote in the same tradition. He dates this expansion sometime after the settlement of the land. As for the prohibition of images itself, he considers this an example of the scorn nomadic cultures had for dressed stone items and therefore would consider it to be older than the expansion.⁸ The next step is the insertion of a law forbidding images into the one against having strange gods which originally had no connection with each other. This step is done under the influence of the Josian reform or, in other words, it is a combination of northern Israelite traditions with the tradition of the temple in Jerusalem.⁹ This fits in with the anti-Canaanite reaction which "appears as one of the decisive factors in the history of the kingdom of Judah in the seventh century B. C."¹⁰

The prohibition against the misuse of Yahweh's name has undergone two minor expansions; the first simply is a Deuteronomic addition of "your God." The second is the motive clause which is linked by the Dutch scholar B. Gemser to an ancient commentary to reinforce the effect of the command.¹¹

The expansions on the commandment to remember the sabbath day bear strong resemblance to the creation story of P. Though Nielsen feels that the addition came before P, this is difficult to understand. It would rather seem to be more likely that the reverse happened. It would seem that an editor appended an explanation to the sabbath, taking his cue from the P creation story. There is also involved a transference from the

sabbath's being a taboo day to its being a festival day on which a positive cultic action was to take place.¹² The former is an earlier form the latter a later one. Both these aspects were present at the time of the kings and so it must have been as the sabbath was viewed differently in the early parts of this era that this change from negative to positive occurred.

The expansion of the parental commandment, "in the land that Yahweh your God shall give you" is seen as Deuteronomic.¹³ Likewise in the Ninth and Tenth Commandments, the expansion of the meaning of "house" is taken to be Deuteronomic. The interchange of the house and wife is also seen as under the influence of the Deuteronomic humanistic emphasis.

There are three commandments which have been abbreviated, namely, the prohibitions of adultery, killing and theft.¹⁴ The adultery commandment originally included the object of adultery, namely, the neighbor's wife. As time progressed the use of the word "adultery" became attached also to religious aberrations and thus "the abbreviated formulation of the sixth commandment came in this way to be directed not only against every form of sexual offence . . . but also against religious apostasy."¹⁵

The shortening of the killing commandment is seen by Nielsen as an opposition to the system of blood vengeance, which was in force during the tribal period as a force of justice, but which could not be tolerated in a more civilized era.¹⁶

Originally, the theft commandment and the covet commandments were different only in the objects which they forbade: the theft commandment prohibiting stealing or kidnapping a free Israelite man, the covet commandment forbidding the appropriation of his possessions. As the difference between the verb "steal" and the verb "covet" became altered, refined and

separated, the theft commandment was shortened in order to be more inclusive in its objects.¹⁷

Because the commandments are quoted in their abbreviated forms by Hosea and Jeremiah, it is assumed that this alteration was complete prior to Hosea, i. e. around the middle of the eighth century B. C..

There is a linkage made between the altering of the Sabbath and parent commandments from negative to positive terms with the influence of wisdom literature which led to an altered concept of what the function of the law itself is.¹⁸ While the law continued to be negative in that it established the boundaries in which the terms of the covenant were bound, it was also forced into being a positive stimulus to do certain acts. Thus these two alterations into the positive expression reflect this new function of the law.

It can be summarized that as the Decalogue underwent editing, it began to take on a more widened outlook and became more abstract. This tendency was continued by later editors who eventually divorced the Decalogue from its adopted surroundings and established it as THE LAW.

The Exilic Attitude

Attitudes changed in the exilic and post-exilic era about the Decalogue in particular and about law in general. It has already been seen that if the Decalogue were a rule-guide for the Northern Kingdom, the fall of that kingdom obviously cut off the Decalogue from its true background. This also would explain why it did not find immediate acceptance by the remaining Southern Kingdom.¹⁹ "In spite of this, among the Levite circles, . . . the Decalogue was taken up and furnished with the powerful kerygmatic introduction which it now possesses . . ." ²⁰ It became acceptable

only after it had been sufficiently purged of its original and unpopular connections. This so-called spiritualizing of the law occurred in the post-exilic period as an end to a long process.²¹ The conclusion came when the law was set completely free from the cult and became a separate entity. It is in this period that "the law became the basis not only of behavior as determined by the relationship to God, but of that very relationship itself."²² The idea of covenant became perverted and inverted. The gift became dependent upon the receiver not upon the giver. "The two concepts 'covenant' and 'law' had always been closely related to one another; their sundering was of great significance . . ."²³ It is in this era that the concept of covenant lost its significance, was emptied of its meaning, and became an empty shell. Meanwhile, law became king. As in any coup d'etat, the right to rule without correct heritage or credentials is nebulous and uneasy.

FOOTNOTES

¹For more on this see:
E. W. Nicholson, Deuteronomy and Tradition, (Philadelphia: Fortress Press, 1967), chapter 4.

²Eduard Nielsen, The Ten Commandments in New Perspective, translated by David Bourke, (Naperville: Alec R. Allenson, Inc., 1968), p. 55.

³Ibid., p. 139.

⁴Gerhard von Rad, Deuteronomy, translated by Dorothea Boston, (London: SCM Press, 1966), p. 28.

⁵Ibid., p. 26.

⁶Nielsen, op. cit., p. 96.

⁷Ibid., p. 97.

⁸Ibid., pp. 97 - 98.

⁹Ibid., p. 99.

¹⁰Ibid., pp. 99 - 100.

¹¹B. Gemser, "The Importance of the Motive Clause in Old Testament Law," Vetus Testamentum Supplement, 50 (1953), p. 60.

¹²Nielsen, op. cit., p. 103.

¹³Loc. cit.

¹⁴Ibid., p. 105.

¹⁵Ibid., p. 107.

¹⁶Ibid., pp. 109 - 110.

¹⁷Ibid., p. 110.

¹⁸Ibid., p. 117.

¹⁹Ibid., p. 140.

²⁰Loc. cit.

²¹Gerhard von Rad, Old Testament Theology, translated by D. M. Stalker, I (New York: Harper and Row, 1962), p. 201.

²²Martin Noth, The Laws in the Pentateuch and Other Essays, translated by D. R. Ap-Thomas, (London: Oliver and Boyd, 1966), p. 91.

²³Loc. cit.

CHAPTER VII

SUMMARY AND REFLECTIONS

Summary

Though it is still in a present state of flux, the form-critical approach has opened new insights into the study of the development of the Decalogue. It has been demonstrated in this paper that on some aspects of this study there is consensus among the scholars who have taken up this task. For example, though it has not been proven that there ought to be a series of ten units in the Decalogue material, most scholars have used the number ten as the basic boundary number for the Decalogue. It was also conceded by modern scholars that neither the Decalogue in Exodus nor the one in Deuteronomy fits its context formally or even logically. Opinion about what type of language/literature the Decalogue has converged on Alt's identification of apodictic law. Those scholars who have compared the classic Decalogue in its two loci (Exodus 20 and Deuteronomy 5) have concluded that the amount of similarity between the two is striking, although there are some significant differences. The degree of similarity is a significant factor in the study of the Decalogue for it means that there must have been a direct, or at least an indirect, relationship between the two other than via the narrative sources which carry them. The differences between the two pointed more to editorial tampering than to derivation from different sources. A study of the editorializing led to the conclusion that because the Exodus account bears marks of a Deuteronomic editor, the Exodus Decalogue is considered

to be an older version of the Decalogue than is the one in Deuteronomy. Several attempts were presented which tried to isolate the common units of these two Decalogues into a so-called "original" Decalogue. Of these attempts, the one by Fohrer of finding the roots of the Decalogue in three different lists of similar rhythmical style seemed the most realistic and needed remodeling the least. The reconstruction done by Nielsen was the most idealistic and perfected. His rendition of ten negative, concrete, apodictic, syntactically correct units was perhaps too well refined. The comparison of the Decalogue and the other law codes was too brief of a presentation to show conclusive relationships between them. However, it did seem that the existence of the Decalogue was assumed by the other law codes and, in fact, they seemed to be dependent upon it.

As attention was drawn to the formal usage of the Decalogue, it became clear that there was less agreement about form among scholars. Though most felt certain that it was not useful as an actual law code for use in the courts due to its strict apodictic nature and that it was not integrally related to the speech form in which it is now presented in the Old Testament, it was difficult to find consensus about which specific form it was that bore the Decalogue. There were several possible forms suggested and none of them needed to be eliminated, for they all seemed to have had relations with the Decalogue at some time in its history. The covenant/treaty form was tempting because of the close similarity to the Hittite treaty form. However, one's imagination and ingenuity had to be exercised to find direct parallels between the Decalogue and the treaty form and in some instances no parallel at all could be found. A covenant/cult form was a more certain possibility because the stereotyped

phrases and the longevity of the Decalogue point to cultic usage. Because it has been demonstrated that there were festivals which included the reading of the law publicly, it can hardly be doubted that at some time in its history, the Decalogue was used in a cultic setting. However, Gerstenberger's idea about its origin and use as wisdom proverbs by the fathers and clan leaders to teach the young is the most tempting one.

An attempt to find a suitable theology which would have spanned the Decalogue led to two possibilities--an Exodus theology and a Sinaitic theology. The former was basically an ²electio_A motif theology while the latter was a covenant motif theology. While both have long been combined and intertwined, it appears that they originally had separate beginnings, attitudes and adherents. The Decalogue seemed to fit best with the Sinaitic theology.

The question of the Sitz in Leben of an "original" Decalogue was very difficult to assess. It seemed most likely that one could look for it as early as the pre-conquest era, perhaps even in the pre-cult period of Israel's history. This means that the setting for the place in life of the Decalogue is in the amphictyony. However, as in the search for forms, the search for the Sitz in Leben also must be diversified depending on which of the various strata of the history of the Decalogue one is discussing. Thus its redaction history bears marks of cultic, Northern, North-South syncretistic and Exilic adaptations. The extreme change was forced upon the Decalogue in the post-exilic period when it was completely divorced from its nest within God's love for man, and was made the manipulator of God's love.

Reflections

A research paper is designed to present research on a specific topic and is not supposed to provide conclusions or new discoveries. However, one cannot help but be impressed by certain data as one studies a potent pericope such as the Decalogue. These reflections seem important enough to briefly comment on them. I found, first of all, that a study of the Decalogue is much too broad an area to study in a quarter because there are so many inter-connected facets which need to be studied before one can grasp the whole picture of the vitality of the Decalogue. I would have liked to have had the time to delve more deeply into the areas of cult, covenant and law/theology. A more acute understanding of the history of Israel, particularly during the amphictyony era would also have been beneficial. I came to respect the form-critical method of study because of its insistence that a study is incomplete until language, history and religion have all been properly studied.

I was somewhat disappointed that this scholarly research has been, for the most part, limited to German theologians. I would hope that American theologians will soon recognize the importance of such a study of the Decalogue. I also came to the conclusion that we might be guilty of teaching the Decalogue out of its context and, in doing so, have been following the post-exilic practice. It seems important to me that we see and teach the Decalogue as a gift of God given to man out of His love and that God has not set His love at the mercy of our keeping the commandments. Perhaps it would be well for us to continually re-evaluate our understanding of the categories of gospel, law, love and sin lest the categories become rigid and useless. If we confuse law and sin, it is just as bad

as confusing law and gospel. However, unless we continue to faithfully study God's Word in the light of new research, our confusion will only perpetuate itself.

APPENDIX

Exodus

יֹאנְכִי יִהְיֶה אֱלֹהֶיךָ אֲשֶׁר הוֹצֵאתִיךָ מֵאֶרֶץ מִצְרַיִם מִבֵּית עַבְדִּים:

DEUT.

יֹאנְכִי יִהְיֶה אֱלֹהֶיךָ אֲשֶׁר הוֹצֵאתִיךָ מֵאֶרֶץ מִצְרַיִם מִבֵּית עַבְדִּים:

Exodus

לֹא יִהְיֶה לְךָ אֱלֹהִים אֲחֵרִים עַל-פְּנֵי:

DEUT.

לֹא יִהְיֶה לְךָ אֱלֹהִים אֲחֵרִים עַל-פְּנֵי:

לֹא תַעֲשֶׂה לְךָ פְסִלִים וְזָכָרִים מוֹנֵה אֲשֶׁר בַּשָּׁמַיִם וּמַמְעַל וְאֲשֶׁר בָּאָרֶץ מִתַּחַת וְאֲשֶׁר בַּיָּם מִתַּחַת לָאָרֶץ Exodus

לֹא תַעֲשֶׂה לְךָ פְסִלִים וְזָכָרִים מוֹנֵה אֲשֶׁר בַּשָּׁמַיִם וּמַמְעַל וְאֲשֶׁר בָּאָרֶץ מִתַּחַת וְאֲשֶׁר בַּיָּם מִתַּחַת לָאָרֶץ: ד.

Exodus

לֹא תִשְׁתַּחֲוֶה לָהֶם וְלֹא תַעֲבֹדֵם כִּי אֲנִי יְהוָה אֱלֹהֶיךָ אֵל קַנָּא פֹקֵד עֵין אָבֹת עַל-בָּנִים עַל-

לֹא תִשְׁתַּחֲוֶה לָהֶם וְלֹא תַעֲבֹדֵם כִּי אֲנִי יְהוָה אֱלֹהֶיךָ אֵל קַנָּא פֹקֵד עֵין אָבוֹת עַל-בָּנִים וְעַל-

Exodus

שְׁלֹשִׁים וְעַל-רִבְעִים לְשָׁנָאִי:

DEUT.

שְׁלֹשִׁים וְעַל-רִבְעִים לְשָׁנָאִי:

Exodus

וַעֲשֵׂה חֶסֶד לְאֶלְפִים לְאַהֲבִי וּלְשֹׁמְרֵי מִצְוֹתַי:

DEUT.

וַעֲשֵׂה חֶסֶד לְאֶלְפִים לְאַהֲבִי וּלְשֹׁמְרֵי מִצְוֹתַי:

15 וְלֹא תִגְנוּב:

14 וְלֹא תִגְנוּף:

19 וְלֹא תִגְנוּב:

18 וְלֹא תִגְנוּף:

Ex.
DEUT.

Ex.
DEUT.

16 וְלֹא תִעֲנֶה בְרַעְיָה עִדִּי לְשָׁקֵר:

20 וְלֹא תִעֲנֶה בְרַעְיָה עִדִּי לְשׂוּא:

Ex. 17 וְלֹא תִחַמְדוּ בֵּית־רַעַי לֹא־תִחַמְדוּ אִשְׁתֵּי רַעַי וְעַבְדָּיו וְאִמְתּוֹ וְשׁוֹרָיו וְחִמְלָיו וְכֹל אֲשֶׁר לְרַעַי:

21 וְלֹא תִחַמְדוּ אִשְׁתֵּי רַעַי וְלֹא יִתְחַמְדוּ בֵּיתֵי רַעַי שְׂדֵהוּ וְעַבְדָּיו וְאִמְתּוֹ שׁוֹרָיו וְחִמְלָיו וְכֹל אֲשֶׁר לְרַעַי: 18

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