

#### 4.2.6. Israel's laws

Why devote a section to the subject of laws? Are these of any value to us? There are two reasons for this:

A. From the point of view of its literary structure, the Pentateuch compiles so many laws that they occupy more than a third of the total of these five books [Exodus 20-40; Leviticus and Deuteronomy 12-26]. In fact, we should not forget that the Hebrew name for these five books, Torah [Law], refers precisely to the importance of this material.

B. From the theological point of view, the Pentateuch recounts the formation of the People of Israel. All peoples need laws that provide them with a framework of internal coexistence, that give them coherence and cohesion and guide their relations with other peoples.

One of the first characteristics that can be observed in Israel's legislation is that it mixes and merges civil law [*ius*] and religious law [*fas*]. What is the reason for this? Because for Israel there is no substantial difference between religious and civil law. From this point of view, one could say that for the Israelites life was a 'liturgy'; that is, a service to God. Since the liberation from Egypt, the people have had God as their only true sovereign. Hence all aspects of the people's life are marked by the presence of God and the sacred. This is also the reason why the equivalence between crime and sin is so often given. From this perspective, every crime is always, in some way, an offense to God.

On the other hand, and from the people's point of view, every Israelite is involved in worship and not just the priestly families. Again, the whole life of the people is a 'liturgy', everyone is at the service of God; thus, each member is a, so to speak, a 'priest' appointed to divine worship. As God clearly expresses it at the beginning of the theophany of Sinai, Exodus 19,6: "*You will be to me a kingdom of priests and a holy nation.*"

The God of Israel, who is at the same time the God of all creation, has reserved a nation for his service, which is why the nation is a kingdom of priests. For this reason, Israel unites religious law to civil law: worship in Israel belongs to all Israelites and not only to the priestly class.

##### 4.2.6.1. How did the laws arise?

These legal codes that govern relations between men and between men and God are as important to Israel as the gift of freedom and the Promised Land towards which they are marching. The legal material we find in these books is very heterogeneous and not easy to classify but behind this legal material there is a profoundly human aspect. The laws of Israel do not arise from chance or the whim of lawyers or jurists. These laws respond to the vital needs that arise in the day-to-day life of the people.

An example of this is found, for example, in Exodus 21,28-32.35-36:

*28 When an ox gores a man or a woman to death, the ox shall be stoned, and its flesh shall not be eaten; but the owner of the ox shall not be liable. 29 If the ox has been accustomed to gore in the past, and*

*its owner has been warned but has not restrained it, and it kills a man or a woman, the ox shall be stoned, and its owner also shall be put to death. 30 If a ransom is imposed on the owner, then the owner shall pay whatever is imposed for the redemption of the victim's life. 31 If it gores a boy or a girl, the owner shall be dealt with according to this same rule. 32 If the ox gores a male or female slave, the owner shall pay to the slave-owner thirty shekels of silver, and the ox shall be stoned. 35 If someone's ox hurts the ox of another, so that it dies, then they shall sell the live ox and divide the price of it; and the dead animal they shall also divide. 36 But if it was known that the ox was accustomed to gore in the past, and its owner has not restrained it, the owner shall restore ox for ox, but keep the dead animal.*

Thus, as a result of concrete cases, of generally sad experiences, the laws of Israel began to emerge. Let us look at another example that also comes from a sad experience, Deuteronomy 22,8:

*When you build a new house, you shall make a parapet for your roof; otherwise you might have blood-guilt on your house, if anyone should fall from it.*

And yet another example, Exodo 22,4:

*When someone causes a field or vineyard to be grazed over, or lets livestock loose to graze in someone else's field, restitution shall be made from the best in the owner's field or vineyard.*

Allow me one last example of what we have been saying, Leviticus 13,9-11.45-46

*9 When a person contracts a leprous[d] disease, he shall be brought to the priest. 10 The priest shall make an examination, and if there is a white swelling in the skin that has turned the hair white, and there is quick raw flesh in the swelling, 11 it is a chronic leprous[e] disease in the skin of his body. The priest shall pronounce him unclean; he shall not confine him, for he is unclean. [...] 45 The person who has the leprous[o] disease shall wear torn clothes and let the hair of his head be disheveled; and he shall cover his upper lip and cry out, 'Unclean, unclean.' 46 He shall remain unclean as long as he has the disease; he is unclean. He shall live alone; his dwelling shall be outside the camp.*

All these laws that we have set as an example arise from the need to face the problems that arise from daily coexistence: problems with livestock, with crops, with accidental damage to other people or their property. These situations forced the community to think about what the right course of action was. Accidental damage could not be treated in the same way as intentional damage. The first time something was done wrong and the reoccurrence. The fruit of this need to find answers that would allow for just

solutions and that would maintain order within the community was this legal body that we found in the Pentateuch.

#### *4.2.6.2. Who made the laws of Israel?*

The first thing to mention at this point is that not all of Israel's laws can be encompassed within what we might call Civil Law and Criminal Law. There was also an important group of laws that were related to the religious field, with the worship and sacrifices to Yahweh. This Sacred Legislation that occupied a particularly important place in Israel was, of course, the work of the priests. As for the other legal bodies, we can point to various points of origin, namely:

- i. The family, the clan, or the tribe. This is the primary origin of the laws. Often, they simply copy rules from neighboring villages. A rule created in one village could set a precedent in many other villages in the area.
- ii. Later, the various shrines where Yahweh received worship [Gilgal, Bethel and Shiloh] would come to occupy a central place. The annual festivals held there would allow the exchange of experiences and legal and juridical practices. In this way they could solve new problems by learning from those who had already faced them.
- iii. Since the X century with the reign of David, the court assumes a leading role. The king is responsible for judging. Later, Jehoshaphat of Judah would structure the administration of justice throughout the country.
- iv. Finally, the temple in Jerusalem. The temple priests legislated on cases such as: animals that were pure [edible] and impure [inedible], skin diseases [leprosy], legal and illegal marriages, etc.

#### *4.2.6.3. Why do laws multiply?*

- i. Some pieces of legislation are general principles that then need to be developed into more concrete laws. This is also the case today with the constitutions of countries, whose content is often of a very general nature. For example, in many of these constitutions the right to work is guaranteed, but then this general principle must be developed through specific laws that make it effective. For example, we have the commandment "thou shalt not kill" [Ex. 20:13] needs to be developed and nuanced. Are all killings identical? What about the accidental killing? [Ex. 21,12-15]. What if you kill a thief who is robbing you or in self-defense? Is killing at night the same as killing in the day? [Ex. 22,1-2] What if the dead man is a slave? [Ex. 21,20].
- ii. Emergence of new problems and situations. While the Israelites were semi-nomadic shepherds, they had no need to consider problems that would arise only later, when they became sedentary and engaged in agriculture. Then they had to legislate about what happened to the person who dug a well and did not cover it [Ex. 21:33-34], who razed another's field with his flock [Ex. 22:4], who caused a fire in another's harvest [Ex. 22:5]. The issue of lending and usury also requires the enactment of rules to regulate it to prevent abuse [Ex. 22,24-26; Deut. 24,10-13]. Much later, the increase in the number of families without land

and dependent, therefore, on a wage, obliges us to legislate on wages [Deut. 24:14].

- iii. Different theological views. Here we can point out the differences between the Deuteronomic Code, which is both humanistic and friendly in spirit. Or the laws emanating from the temple of Jerusalem, inspired by the theology of the "Holy God", inaccessible to man and which therefore does not seek to bring the word of God closer to man, but rather to elevate man to God through fidelity to traditional ritual prescriptions.

#### 4.2.6.4. *How are laws formulated?*

There are two groups of fundamental laws according to their formulation: [a] the apodictic laws and [b] the casuistry laws. The former command or prohibit something. The second group presents a general case or a specific case that begins with "when...".

- i. Prohibitory apodictic laws: "*You shall not kill*", "*you shall not steal*", "*you shall not lie*"... Maybe they are the oldest ones. They use the second person singular. Originally, they are very brief, although later they may have received a motivation. "*You shall not oppress a stranger, for you were strangers in Egypt*" [Ex. 22:20]. Sometimes a threat is added, "*You shall not exploit widows and orphans, for if you exploit them and they cry out to me, I will listen to them. My wrath will be aroused, and you will be put to death by the sword...*" [Ex. 22.21-23].
- ii. Imperative apodictic laws: "Honor your father and mother." They also use the second person singular. At first, they were also short but later they were expanded. These enlargements can be of various kinds: explanations, motives, etc. For example, Exodus 22:29: "*The firstborn of your sons you shall give to me. You shall do the same with your oxen and with your sheep: for seven days it shall remain with its mother; on the eighth day you shall give it to me*". The apodictic law can also be formulated as follows: "*Whoever strikes a person mortally shall be put to death*" [Ex. 21,12]. Other examples of the same procedure: "whoever strikes father or mother shall be put to death. Whoever kidnaps a person, whether that person has been sold or is still held in possession, shall be put to death. Whoever curses father or mother shall be put to death" [Ex 21,15-17].
- iii. Casuistic laws without nuances. They make a concrete case and issue a judgement: "*When someone causes a field or vineyard to be grazed over, or lets livestock loose to graze in someone else's field, restitution shall be made from the best in the owner's field or vineyard*" [Ex. 22,5]. "*When you come upon your enemy's ox or donkey going astray, you shall bring it back. When you see the donkey of one who hates you lying under its burden and you would hold back from setting it free, you must help to set it free*" [Ex. 23,4-5].
- iv. Casuistry laws with different nuances: "when... if... if..." These laws are more frequent than the previous ones. "*When you buy a male Hebrew slave, he shall serve for six years, but in the seventh he shall go out a free person, without debt. If he comes in single, he shall go out single; if he comes in married, then his wife shall go out with him. If his master gives him a wife and she bears him sons or*

daughters, the wife and her children shall be her master's and he shall go out alone. But if the slave declares, 'I love my master, my wife, and my children; I will not go out a free person', then his master shall bring him before God.[a] He shall be brought to the door or the doorpost; and his master shall pierce his ear with an awl; and he shall serve him for life" [Ex. 21,2-6]; "When a man sells his daughter as a slave, she shall not go out as the male slaves do. If she does not please her master, who designated her for himself, then he shall let her be redeemed; he shall have no right to sell her to a foreign people, since he has dealt unfairly with her. If he designates her for his son, he shall deal with her as with a daughter. If he takes another wife to himself, he shall not diminish the food, clothing, or marital rights of the first wife. And if he does not do these three things for her, she shall go out without debt, without payment of money" [Ex. 21,7-11]. "When an ox gores a man or a woman to death, the ox shall be stoned, and its flesh shall not be eaten; but the owner of the ox shall not be liable. If the ox has been accustomed to gore in the past, and its owner has been warned but has not restrained it, and it kills a man or a woman, the ox shall be stoned, and its owner also shall be put to death. If a ransom is imposed on the owner, then the owner shall pay whatever is imposed for the redemption of the victim's life. If it gores a boy or a girl, the owner shall be dealt with according to this same rule. If the ox gores a male or female slave, the owner shall pay to the slave-owner thirty shekels of silver, and the ox shall be stoned" [Ex. 21,28-32].

#### 4.2.6.5. How were the laws brought together?

Naturally, the laws did not circulate in isolation. They were collected in larger or smaller blocks.

- i. Decalogues: An elementary resource was to group them into a series of ten precepts [Decalogue], thus making it easier to learn them. The most famous are the "ETHICAL DECALOGUE"-the ten commandments- [Ex. 20; Deut. 5] and the " CULTIC DECALOGUE" [Ex. 34]. It seems probable that there was also a Decalogue for the administration of justice.
- ii. Dodecalogues: On other occasions they appear in groups of twelve laws, *Dodecalogues*, such as the one promulgated in Shechem, and which is therefore known as the "DODECALOGUE SHECHEMIST" [Deut. 27:15-26].
- iii. At other times laws were put together that had a similar formulation [Ex. 21:12-18]: "*Whoever strikes someone so that he dies must surely be put to death. But if he does not do it with premeditation, but it happens by accident, then I will appoint for you a place where he may flee. But if a man willfully attacks his neighbor to kill him cunningly, you will take him even from my altar that he may die. "Whoever strikes his father, or his mother must surely be put to death. "Whoever kidnaps someone and sells him, or is caught still holding him, must surely be put to death. "Whoever treats his father, or his mother disgracefully must surely be put to death. "If men fight, and one strikes his neighbor with a stone or with his fist and he does not die but must remain in bed"*.

- iv. In other cases, the link between the different laws that make up a code is its content: illicit sexual relations [Lev. 18:6-23], annual pilgrimages [Ex. 23:14-19], etc.
- v. When it comes to extensive codes, the impression they give is that the standards are collected in a somewhat chaotic way. For example, in the "Code of the Alliance" [Ex. 21-23], the "Deuterocanonical Code" [Deut. 12-26], and the "Law of Holiness" [Lev. 17-26], nevertheless some studies seem to discover organizational principles that at first sight go unnoticed.

#### 4.2.6.6. *Moses and the Decalogue*

According to biblical tradition, the great lawmaker of Israel was Moses. Of course, we immediately think of the **DECALOGUE** [**TEN COMMANDMENTS**]. In its simple and lapidary form [the entire Hebrew text is contained in 120 words], the Decalogue is a universally accepted moral code. Even the Fathers of the Church considered the Decalogue as "the heart of the Law". Now, the fact is that in the Jewish biblical tradition all the legal codes of the Pentateuch are attributed to Moses. Still, we know that it is not possible that Moses wrote all the legal codes of the Pentateuch, since many of the laws clearly belong to a sedentary, agricultural society, while the Israel that Moses led was a nomadic, cattle-raising society. But then, why are all the laws put under the name of Moses? The most logical answer is that it was done so to give them greater authority. It would certainly be remarkably interesting to read and analyze the different "legal codes" of the Pentateuch, but it would also be a lengthy work beyond the scope of these brief notes. However, at least I believe it would be appropriate to read the "**ETHICAL DECALOGUE**" in the two versions that have been preserved for us and understand the differences between the two versions. Of course, I am referring to the "*Ten Commandments*" as they appear in Exodus 20:1-17 and in Deuteronomy 5:6-21. Let us start by reading both versions of the Decalogue:

Exodus 20:1-17	Deuteronomy 5:6-21
I am the LORD your God, who brought you out of the land of Egypt, out of the house of slavery.	I am the LORD your God who brought you out of the land of Egypt, out of the house of slavery.
You shall have no other gods before Me.	You shall have no other gods before Me.
You shall not make for yourself an idol, or any likeness of what is in heaven above or on the earth beneath or in the water under the earth.	You shall not make for yourself an idol, or any likeness of what is in heaven above or on the earth beneath or in the water under the earth.
You shall not worship them or serve them; for I, the LORD your God, am a jealous God, visiting the iniquity of the fathers on the children, on the third and the fourth generations of those who hate Me, but showing lovingkindness to thousands, to those who love Me and keep My commandments.	You shall not worship them or serve them; for I, the LORD your God, am a jealous God, visiting the iniquity of the fathers on the children, and on the third and the fourth generations of those who hate Me, but showing lovingkindness to thousands, to those who love Me and keep My commandments.
You shall not take the name of the LORD your God in vain, for the LORD will not	You shall not take the name of the LORD your God in vain, for the LORD will not

leave him unpunished who takes His name in vain.	leave him unpunished who takes His name in vain.
Remember the sabbath day, to keep it holy. "Six days you shall labor and do all your work but the seventh day is a sabbath of the LORD your God; in it you shall not do any work, you or your son or your daughter, your male or your female servant or your cattle or your sojourner who stays with you. "For in six days the LORD made the heavens and the earth, the sea and all that is in them, and rested on the seventh day; therefore the LORD blessed the sabbath day and made it holy.	Observe the sabbath day to keep it holy, as the LORD your God commanded you. 'Six days you shall labor and do all your work, but the seventh day is a sabbath of the LORD your God; in it you shall not do any work, you or your son or your daughter or your male servant or your female servant or your ox or your donkey or any of your cattle or your sojourner who stays with you, so that your male servant and your female servant may rest as well as you. 'You shall remember that you were a slave in the land of Egypt, and the LORD your God brought you out of there by a mighty hand and by an outstretched arm; therefore the LORD your God commanded you to observe the sabbath day.
Honor your father and your mother, that your days may be prolonged in the land which the LORD your God gives you.	Honor your father and your mother, as the LORD your God has commanded you, that your days may be prolonged and that it may go well with you on the land which the LORD your God gives you.
You shall not murder.	You shall not murder.
You shall not commit adultery.	You shall not commit adultery.
You shall not bear false witness against your neighbor.	You shall not bear false witness against your neighbor.
You shall not covet your neighbor's house; you shall not covet your neighbor's wife or his male servant or his female servant or his ox or his donkey or anything that belongs to your neighbor.	You shall not covet your neighbor's wife, and you shall not desire your neighbor's house, his field or his male servant or his female servant, his ox or his donkey or anything that belongs to your neighbor.

These two testimonies are attributed one to the Elohist tradition and the other to the deutero-canonical school. The Mosaic Decalogue gives preference to morality over worship, in line with the doctrine of the prophets. This is why it is known as the "Ethical Decalogue". The Decalogue is the fundamental law of the Jewish religion and is considered to be of divine origin. God himself wrote it on two tables of stone (*luhot ha-edut*, tables of testimony: Ex 24:12; 31,18; 32,16), also called *luhot ha-berit* (tables of the covenant: Deut 9,9 and 11) in the third month after the liberation of the people of Israel from Egypt, and gave it to Moses. The Decalogue is a small religious and moral code that prescribes, in the form of brief categorical prohibitions, the duties of the Israelite towards God (first five commandments) and towards his neighbor (the other five). The precepts of the Decalogue precede its literary form. Although the antiquity of

the Decalogue was denied by the Wellhausen school, which considers it as a summary of the doctrine of the prophets and places its writing in the post-exilic era, recent studies have shown that there is no compelling reason to deny the Mosaic authenticity of the early Decalogue that has served as the basis for the two versions we currently possess. In that early Decalogue, the precepts were probably formulated in an affirmative way, as can still be seen in the first, sixth, and seventh.

As can be seen from a parallel reading of both texts, they are remarkably similar and the differences between them are minor, generally of an orthographic, lexical, and stylistic nature. But there is also a different motivation for one of the commandments in the two versions, let us take it one step at a time:

- I. In two places Deuteronomy adds the formula "*as the LORD your God has commanded you*" [5,12 and 16]. In 5:16 it adds "*that it may go well with you*". In 5:14 it adds "*so that your male servant and your female servant may rest as well as you*". Deuteronomy 5:18 also mentions the land among the things not to be coveted.
- II. But the most important difference is the motivation for the weekly rest, the Sabbath. In Exodus 20, creation is invoked as justification for the Sabbath rest and the people are taught the need to rest as god also rested after creating all things. Of course, it implicitly teaches the people the obligation to work during the remaining six days. In contrast, in Deuteronomy 5, the weekly rest is justified by invoking the departure from Egypt, thus giving a clear social nuance to the precept.
- III. The last commandment also presents a lexical difference which at first sight seems unimportant, but which shows a change of mentality or a desire to correct an unfortunate wording. Exodus 20:17 says: "*You shall not covet your neighbor's house; you shall not covet your neighbor's wife or his male servant or his female servant or his ox or his donkey or anything that belongs to your neighbor*". In this verse the woman appears as one of the properties of the man. The wording of the precept seems not to be very convincing and in Deuteronomy 5:21 the commandment receives a slightly different redaction: "*You shall not covet your neighbor's wife, and you shall not desire your neighbor's house, his field or his male servant or his female servant, his ox or his donkey or anything that belongs to your neighbor*". In this verse the woman is no longer considered a property of the man among many others but has a special place before and apart from material goods.

Having said that, which of these two versions of the Decalogue is the authentic one? We can say that both are, -Moises wrote the one from Exodus and then retouched it and that is the version from Deuteronomy- or we can also say that neither is and that both come from an older version. This last option seems the most likely, since it is clear that the Decalogue has been modified, touched up and added to. Therefore, the present form of the text cannot be attributed to Moses alone. This does not mean, however,



that it has nothing to do with him. Today, many authors defend a relationship of the Decalogue and other laws with Moses.

The Decalogue has a fundamental characteristic by which the Jews divided it into two tables. It is made up of two kinds of precepts: precepts that refer to God and precepts that refer to one's neighbor. What the Decalogue seeks to inculcate is absolute respect for one's neighbor, for his life, for his marital intimacy, for his freedom ["thou shalt not steal", probably meaning "thou shalt not kidnap"], for his rights in the community, for his possessions. To understand the importance of the Decalogue, we must place ourselves in the context of a society that struggles to establish these values as the essential norm for living together. It is the Magna Carta of freedom and justice, of respect for the person, framed by the supreme act of justice and liberation carried out by God in Egypt. It is the way for the people not to fall back into greater and worse slavery than before.

However, before the rights of the neighbor are the rights of God, defended in the first commandments. These are of tremendous originality. Above all, the ideas of giving worship to only one god and of not using images in worship contrast with everything we know about all ancient religions.

The first commandment serves Jewish exegesis to extract the principle of God's existence. The use of the first person 'I' indicates that it is a personal and conscious being and not an impersonal force like nature. Now, from this first commandment we cannot draw the conclusion that the Israelites had from the beginning a firm monotheism, in the sense that they believed in the existence of only one God. Rather, what this commandment mandates is that only Yahweh means something to Israel. Israel should seek protection, guidance, and refuge in Yahweh alone.

The second commandment [which is one of the most original and genuine contributions of Israel] begins, according to the Talmud, the Midrash and the Targum, with Ex 20:3: "*You shall have no other gods before me...*". It indicates the unity of God and his spirituality (prohibition to worship God in tangible representations, such as human figures, representations of stars or animals). Regarding the punishment up to the third or fourth generation, the rabbis declare that the punishment will fall on the children who imitate the evil of their parents ("*those who hate me*"). In another place in the Pentateuch (Deut. 24:16) it is stated that the parents will not be killed because of the children, nor will the children be killed because of the parents. Initially, this commandment was to refer only to the prohibition of building images of Yahweh. Later it was applied to any heavenly or earthly being that man might be tempted to worship. There are several attempts to explain this commandment, since clearly the people of Israel did not initially view the use of images in a bad light, although they certainly never made images of Yahweh. However, it seems to me that the most plausible explanation is that this commandment is a logical consequence of the first one. The struggle against the pagan gods and religions was not possible unless their symbols and images were also forbidden.

But the key point that should not be forgotten is that all these norms and commands that refer to God and to the neighbor begin with a statement of the utmost importance that gives them meaning and allows for their correct understanding. "I am the LORD your God, who brought you out of the land of Egypt, out of the house of slavery". The God who legislates is the God who liberates, the same God who heard the cry of His oppressed people in Egypt and brought them out with an impressive demonstration of power and strength. His commandments are not intended to create a new slavery. They are born out of love for Israel, and they seek her good. The Israelites are to fulfill these precepts as a response to the God who first loved them and established a covenant with them.

In short, the laws emerged over the centuries to respond to the concrete day-to-day needs of Israel. Eventually, they all became part of the Pentateuch. Most of them were integrated into the great revelation of God on Mount Sinai, to give them greater authority. Others on the plains of Moab. It is not such a privileged place, but they were also put in the mouth of Moses.

The Law thus becomes for the Jews the greatest gift of God to his people and the books that contain it are the most highly esteemed. There is certainly the danger of legalism, which Jesus warns us against and which he himself will combat in his confrontations with the Scribes and Pharisees. But this danger cannot make us lose sight of the tremendous human and religious value of these norms contained in the Pentateuch.