

## The Decalogue as Essential Torah in Second Temple Judaism

Keith A. Burton  
Oakwood College

In my 1994 Northwestern University dissertation, I argue that in his letter to the Romans, Paul most often uses the term νόμος (*nomos*) to refer to the Decalogue.<sup>1</sup> Those among us who are students of New Testament Theology will immediately recognize the radical nature of this thesis. We are no doubt aware of the scholarly consensus that limits the major understanding of *nomos* in the New Testament to the Mosaic law—particularly in the letters of Paul. However, after years of careful research, I am convinced that the possibility that Paul uses *nomos* as a reference to the Decalogue must be taken seriously. Of course, this thesis goes against such giants as Sanders, Dunn, Thielman, Hubner, Raisanen, etc. In fact, Thielman, who recently conducted a pre-publication review of my revised dissertation,<sup>2</sup> likes the argument, but is extremely hesitant to concede this possibility. The tough opposition notwithstanding, I am willing to be a David in this field of giants, and feel that there is enough linguistic and historical evidence to support my thesis.

### The Decalogue and the Semantic Dilemma

Students of Paul's theology are aware of the problems encountered in Pauline studies with the enigmatic nature of *nomos*, which is sometimes depicted positively and other times negatively. This apparent contradiction has yielded studies on Paul's incoherence,<sup>3</sup> his psychological shift in attitude,<sup>4</sup> a

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<sup>1</sup> "So That You May Be With Another: The Status of *Nomos* in the Mystical Life of the Believer in the Rhetoric of Analogy in Romans 7:1-6," PhD Dissertation, Northwestern University, 1994.

<sup>2</sup> *Rhetoric, Law, and the Mystery of Salvation in Romans 7:1-6* (New York: Mellen Biblical P, Forthcoming).

<sup>3</sup> Heikki Räisänen, *Paul and the Law* (Tübingen: Mohr, 1987).

<sup>4</sup> Hans Hübner, *Law in Paul's Thought* (Edinburgh: Clark, 1984).

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tension in his teaching,<sup>5</sup> and his reinterpretation of *nomos*.<sup>6</sup> I propose that the problem with the interpretation of *nomos* has little to do with Paul's inconsistency, but is due to the nature of language.

Linguists have long recognized that the understanding of a term is determined by the context of its usage. The primary contexts are the literary and social. From a literary perspective, many scholars have recognized the semantic possibilities for *nomos* in the writings of Paul and have suggested several referents: generic law,<sup>7</sup> Torah (Mosaic law),<sup>8</sup> Pentateuch,<sup>9</sup> Tanak,<sup>10</sup> collection of holy writings precious to Jews,<sup>11</sup> Decalogue,<sup>12</sup> Christianity as "new law,"<sup>13</sup> revealed will of God,<sup>14</sup> figurative law,<sup>15</sup> and custom/tradition of Jews.<sup>16</sup>

Although many will concede that there is a range of ways in which *nomos* can be understood, most studies automatically assume that the major referent is Mosaic Law. This assumption is based on the presupposition that *nomos* is the

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<sup>5</sup> E. P. Sanders, *Paul, the Law and the Jewish People* (Philadelphia: Fortress, 1983).

<sup>6</sup> James Dunn, "The New Perspective on Paul: Paul and the Law," 299-309 in Karl P. Donfried, ed. *The Romans Debate*, 2d ed. (Peabody: Hendrickson, 1991).

<sup>7</sup> BAGD, 542, proposes that this is the reference in Rom 3:27a, 7:1f, and Douglas J. Moo, *Romans 1-8* (Chicago: Moody, 1991), 146-47, suggests 2:14d.

<sup>8</sup> BAGD, 542-43, suggests that this is the reference in a total of 92 of the 118 times Paul uses the term. Stephen Westerholm, "Torah, Nomos, and Law: A Question of 'Meaning'" *SR* 15 (1986), 336, suggests, "Usually, . . . Paul means by *nomos* the sum of obligations imposed upon Israel at Mount Sinai, with the accompanying sanctions." See also J. A. Sanders, "Torah and Christ," *Int* 29 (1975), 373; W. Gutbrod, "Nomos," *TDNT* 4 (1967), 1070; Joseph H. Thayer, *Greek-English Lexicon of the New Testament* (Grand Rapids: Baker, 1977), 427-28; Louw and Nida, *Lexical Semantics*, 33.55; D. M. Davies, "Free from the Law: An Exposition of the Seventh Chapter of Romans," *Int* 7 (1953), 156-57; E.D. Burton, "Nomos," in *A Critical and Exegetical Commentary on the Epistle to the Galatians* (New York: Scribner's, 1920), 447, refers to it with the terms: "*par eminence nomos*."

<sup>9</sup> Westerholm, "Torah," 336; J. A. Sanders, "Torah," 373; Gutbrod, "Nomos," 1071.

<sup>10</sup> BAGD, 543; Louw and Nida, *Lexical Semantics*, 33.56; Gutbrod, "Nomos," 1071.

<sup>11</sup> BAGD, 543, suggests that in a strict sense the Pentateuch is often the intended reference, while in a wider sense the referent is Holy Scripture in general. See also Westerholm, "Torah," 336; W. D. Davies, "Law," 4.

<sup>12</sup> Gutbrod, "Nomos," 1069, states: "As in Rabb. usage, the gist of the *nomos* can be stated in the Decalogue, which is thus to some basic degree the Law in a specific sense (R. 13:8ff.; 2:20ff.; 7:7)." See also Best, *Romans*, 26, who comments: "The conception of 'the Law' was central to the Jewish religion; the term itself was used in different ways. It could mean the set of laws which God gave to the Jews at the time of the Exodus: at its simplest this consisted of the Ten Commandments." See also D. M. Davies, "Law," 157.

<sup>13</sup> BAGD, 543, proposes this reference for Rom 3:27b and 8:2a.

<sup>14</sup> Gutbrod, "Nomos," 1069-70; Burton, "Nomos," 455; W. D. Davies, "Law," 4; J. A. Sanders, "Torah," 373.

<sup>15</sup> Gutbrod, "Nomos," 1071 (Rom 3:27; 7:21).

<sup>16</sup> J. M. Winger, *By What Law?* (Atlanta: Scholars, 1992), passim; D. M. Davies, "Law," 156; J. A. Sanders, "Torah," 373.

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typical Greek rendering for the Hebrew noun *torah*. However, a growing number of scholars are challenging this understanding.<sup>17</sup>

E. D. Burton demonstrates the semantic flexibility of both *torah* and *nomos*. *Torah* is not as rigid as some perceive and has a number of referents in the *Tanak*.<sup>18</sup> While it most often refers to the law attributed to Moses (e.g. Josh 8:31; 2 Kgs 14:6; 23:25), it is also used as a reference to the “book of the law” (Neh 8:2, 8; 1 Kgs 2:3; 2 Chr 23:18), and the Decalogue (Exod 24:12). The flexibility of *nomos* is demonstrated by the fact that the LXX translators use it to translate not only *torah*, but also *huqah*, *dat*, and other related terms.<sup>19</sup> Given the probability that the theology of Paul and his audiences was shaped by the Septuagint and the *Tanak*, one cannot automatically assume that Paul mostly uses *nomos* as a reference to *torah* as Mosaic law.

As I mentioned before, Paul’s use of *nomos* must be understood in the literary and social contexts of the particular letter under observation. My investigation demonstrates that the literary context of Romans provides ample support for the thesis that the primary referent of *nomos* is the Decalogue. Using semantic theory of reference, I establish that whenever Paul reveals the contents of *nomos*, he only lists stipulations from the Decalogue.<sup>20</sup> Indeed, it is precisely because he has the Decalogue in mind that he takes great care to defend its continued usefulness. An investigation of the social context provides further support for my thesis.

### **Centrality of Decalogue in Jewish Tradition**

Paul’s use of *nomos* as a reference to the Decalogue was by no means unique in Second Temple Judaism. While the Decalogue is a part of the *Torah*, it was not unusual for Jewish authors to refer to it as a *nomos* by itself. In his summary of the Decalogue’s status in Jewish tradition, Moshe Weinfeld heralds its unique characteristics:

By contrast with many laws and commands, the performance of which depends on special circumstances in the life of the individual or his social group; for example sacrifices, which depend on the obligations of the person (a vow to fulfill, a sin to expiate) or of the community (maintenance of the sanctuary), or other laws that flow from the incidence of certain events, like the laws of ritual purity and impurity, the Sabbatical and Jubilee years; the civil law and the laws of marriage and divorce; the laws affecting tithes and priestly offerings, and so on, and so on—by contrast the commands in the De-

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<sup>17</sup> See discussion in Westerholm, “Torah,” *passim*, who lists Julius Wellhausen, Solomon Schechter, C. H. Dodd, J. Parkes, H. J. Schoeps, R. T. Hereford, and P. Lapide, among those who object to the translation.

<sup>18</sup> See Burton, “*Nomos*,” 445. See also article by Sheldon Blank, “The Septuagint Rendering of the Old Testament Terms for Law,” *HUCA* 7 (1930), 259-83.

<sup>19</sup> Burton, “*Nomos*,” 445.

<sup>20</sup> Cf. 2:21-22; 7:7; 13:9.

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calogue obligate *everyone*. Every single individual, regardless of his condition or the circumstances in which he finds himself, is required to observe them. Every Jew undertakes not to worship idols, not to perjure himself, to keep the Sabbath, to honor his parents, not to commit murder, adultery or theft, not to bear false witness and not to covet.<sup>21</sup>

Weinfeld's observation is shared by a number of scholars who recognize that the Decalogue has traditionally been understood as a law in itself.<sup>22</sup> Indeed, for Weinfeld, the fact that the tenth commandment forbids an act of the mind shows that these commands are based on divine and not human judgment. For the ancient Jew, the rules of the Decalogue "were perceived . . . as uniquely revealed imperatives, demands made by the Deity directly on the individual human being."<sup>23</sup>

#### **Decalogue Recital and the Liturgy of the Temple and Diaspora**

The important place of the Decalogue in Second Temple Judaism is strongly supported in Rabbinic literature. This is made most evident in the description of the daily temple liturgy (Mishnah Tamid 5:1):

A. The superintendent said to them, "Say one blessing."

B. They said a blessing, pronounced the Ten Commandments, the *Shema* (Dt. 6:4-9), *And it shall come to pass if you shall hearken* (Dt. 11:13-21), and *And the Lord spoke to Moses* (Num. 15:37-41).

C. They blessed the people with three blessings: *True and sure*, *Abodah*, and the blessing of priests.

D. And on the Sabbath they add a blessing for the outgoing priestly watch.

In his comments on this passage, Rabbi Ba states: ". . . the Ten Commandments are the essence of the *Shema*". And once one has recited them, he has fulfilled his obligation to recite the *Shema* and need not recite it again with its blessings."<sup>24</sup>

It has also been observed that the practice of reciting the Decalogue during daily prayers was not only confined to the temple liturgy, but was a part of the religious rites throughout diasporic Judaism. Several phylacteries containing the Decalogue alongside the *Shema* have been discovered in Qumran.<sup>25</sup> Additionally, evidence of the Decalogue's liturgical centrality has been unearthed in Egypt. For instance, the Nash Papyrus, a first century document,

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<sup>21</sup> Moshe Weinfeld, "The Uniqueness of the Decalogue and Its Place in Jewish Tradition," Ben-Zion Segal, ed. *The Ten Commandments in History and Tradition* (Jerusalem: Magnes, Hebrew U, 1990), 4.

<sup>22</sup> Peter Stuhlmacher, "Paul's Understanding of the Law in the Letter to the Romans," *SEA* 50 (1985), 103, comments: "The decalogue was (and is) for Jews and Christians alike, the heart of the Law." See also Gutbrod, "Nomos," 1069.

<sup>23</sup> Weinfeld, "Decalogue," 10.

<sup>24</sup> yBer 1.4.3.

<sup>25</sup> See Y. Yadin, "Teffilin from Qumran," *Eretz Israel* 9 (1969), 60-83. (In Hebrew)

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. . . represents a leaf from the daily liturgy giving the Ten Commandments and the *Shema* separated from each other by the verse (found only in the LXX before Deut 6:4 but given here in Hebrew), 'And these are the statutes and the commandments which Moses gave the children of Israel in the wilderness when they went forth from the land of Egypt.'<sup>26</sup>

Furthermore, phylactery discoveries in Babylonia add credence to the recognition of the Decalogue as the essential Torah.<sup>27</sup>

The religious importance of the Decalogue for Jewish life was also noticed by Jewish thinkers who "have often regarded the Ten Commandments as the essence of the Torah."<sup>28</sup> For example, in his essay "About the Decalogue, Being the Principal Laws of Moses," Philo contends that the individual laws of the Torah derive from each of the commandments.<sup>29</sup> In a similar vein, Pseudo Philo describes the giving of the Decalogue as God establishing "the *nomos* of his eternal covenant with the sons of Israel and . . . his commandments that will not pass away."<sup>30</sup> He further suggests that it is by this "everlasting law" that God judges the entire world.<sup>31</sup>

#### **Reciting the Decalogue Prohibited**

The liturgical esteem for the Decalogue was to wane during the Second Temple era. In fact, a Rabbinic prohibition halted its recital in the daily liturgy. Rabbi Levi offers a rationale for the prohibition with his argument that the full recital was not necessary since "the Ten Commandments are embodied in the paragraphs of the *Shema*."<sup>32</sup> However, the Talmud traditions are probably more honest in their explanations. The Jerusalem Talmud reports:

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<sup>26</sup> Jacob Mann, "Genizah Fragments of the Palestinian Order of Service," *HUCA* 2 (1925), 283. For full commentary see *ibid.*, 269-338. See also Weinfeld, 29. For further information on the text of the Nash Papyrus see F. C. Burkitt, "The Hebrew Papyrus of the Ten Commandments," *JQR* 15 (1903), 392-408, and Alfred Jespen, "Beiträge zur Geschichte und Auslegung des Dekalogs," *ZAW* 79 (1967), 277-304.

<sup>27</sup> For further information on the continuation of this liturgical practice in Babylonia, see A. M. Haberman, "The Phylacteries in Antiquity," *Eretz Israel* 3 (1964), 174-7. (Hebrew)

<sup>28</sup> Moshe Greenberg, "The Decalogue Tradition Critically Examined," in *The Ten Commandments in History and Tradition*, ed. B.-Z. Segal (Jerusalem: Magnes, Hebrew U, 1990), 117.

<sup>29</sup> Philo, *Decalogue* 154. "Never forget this, that the ten words (*nomos*) are the sources of the laws (*nomos*) which are recorded (*nomos*) in appearance before the entire legislation in the Sacred Books." Elsewhere (*Decalogue* 176) he refers to them as "ten laws" (*nomos*).

<sup>30</sup> PsPhil 11:5. The rest of the prescriptions that follow the Decalogue are termed "statutes" and "judgments" by the author, as they are in Deuteronomy 4:13.

<sup>31</sup> PsPhil 11:2.

<sup>32</sup> yBer 1.4, 2. E. E. Urbach, "The Role of the Ten Commandments in Jewish Worship," in *The Ten Commandments in History and Tradition*, ed. B.-Z. Segal (Jerusalem: Magnes, Hebrew U, 1990), 167, comments: "It would appear that Rabbi Levi's midrash was spoken at a time when the Ten Commandments were no longer recited every morning, for when that practice was still followed there was no need to seek out parallels to the Decalogue in the paragraphs of the *Shema*."

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Both Rav Matna and Rav Samuel bar Nahmani stated that by rights the Ten Commandments should be recited every day. Why then is this not done? *Because of the antipathy of the Minim. The purpose was to deny their claim that these Ten, and no more, were spoken to Moses at Sinai.*<sup>33</sup>

A similar reason is given by the Babylonian Talmud in its comment on the clause, “They recite the Ten Commandments”:<sup>34</sup>

Rabbi Judah quoted Samuel: *People wanted to recite the Ten Commandments together with the Shema outside the Temple, but the practice had long been abandoned because of the arguments of the Minim.* The same has been taught in a baraita: R. Nathan said, people outside the Temple wanted to read in this manner, but *the custom had long been abolished because of the arguments of the Minim.* Rabbah bar Rav Huna thought to institute the practice in Sura, but R. Hisda said to him: *The custom was set aside because of the arguments of the Minim.* Amemar considered doing the same in Nehardea, but Rav Ashi said to him: *It was set aside because of the arguments of the Minim.*<sup>35</sup>

Both the Babylonian and the Jerusalem Talmuds agree that the prohibition was due to a controversy with the *Minim*, who viewed the Decalogue as the center of the law revealed on Sinai. If *Minim* is a designation for those Jews who embraced Christianity (as is generally accepted),<sup>36</sup> then these statements portray a Christian-Rabbinic controversy in which Christians maintained that the Decalogue was the only “essential” law.

Apparently, the dispute with the *Minim* affected Rabbinic Judaism to such an extent that “rabbinic writings retain but few references to the centrality of the Decalogue.”<sup>37</sup> However, in spite of this apparent censure, even in the later period of Rabbinic Judaism “there [remain] vestiges of the ancient view that the Ten Commandments are the essence of Torah, or that they include all of Torah.”<sup>38</sup>

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<sup>33</sup> yBer 1:5 (emphasis mine).

<sup>34</sup> mTam 5.1.

<sup>35</sup> bBer 12a (emphasis mine).

<sup>36</sup> For a comprehensive study that identifies the term *Minim* with Christians, see R. Travers Hereford, *Christianity in Talmud and Midrash* (London: Williams & Norgate, 1903), 97-396. After surveying all the Talmudic and Midrashic statements about the *Minim*, he concludes, 379, “wherever the Talmud or the Midrash mentions *Minim*, the authors of the statement intend to refer to Jewish Christians.”

<sup>37</sup> Greenberg, “Decalogue,” 119.

<sup>38</sup> Greenberg, “Decalogue,” 119, refers to A. J. Heschel for support: *Theology of Ancient Judaism* (London/New York: Sonico, 1965), 108-110. However, he advises that Heschel is to be taken critically, for E. E. Urbach has argued against the elevation of the Decalogue in *The Sages* (Jerusalem: Magnes Press, 1975), 360-365. Nevertheless, I agree with Greenberg that this disagreement in the interpretation of the primary sources “reflects the ongoing polemic of the matter.” 119 fn. 57. See also Mann, “Genizah Fragments,” 284, who suggests that the Nash Papyrus, which he feels is at most second century, “shows that in Egypt the Ten Commandments were recited in spite of the objections from the Rabbis.”

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An example of this esteem is evidenced in the following excerpt from a second century rabbinic homily:

Why were the Ten Commandments not placed at the very beginning of the Torah? This can be explained by a parable: Once a king entered a city and said to the people, "Let me be your ruler." They said to him, "Why should we? What good thing have you done for us?" What did he do then? He built a wall around the city, he brought in a supply of water, he fought their battles. After all that, he said to them, "May I be your king?" They answered "Oh yes! Yes!" So it was with the All-Present. He brought the Israelites out of Egypt, He divided the red sea for them, He gave them manna, He brought up the well in the desert, He assembled the quail, He fought the battle with Amalek. And then He said to them, "Shall I be your King?" And they answered "Oh yes! Yes!"<sup>39</sup>

### **The Decalogue in the Liturgy of Emerging Christianity**

Given the esteemed place of the Decalogue in Judaism, it was only natural that it would have a central place in emerging Christianity. Indeed, the problem between the Rabbis and the *Minim* is an indication that adherence to the Decalogue was one of the early articles of Christian faith. Additional support for the centrality of the Ten Commandments in Christianity is apparently present in one of Pliny's letters to Trajan, in which he describes the worship habits of Christians.<sup>40</sup> He informs the emperor that one of the Christian meetings, which was held on a "certain fixed day before it was light", involved the recital of an oath in which the participants swore "never to commit any fraud, theft or adultery, never to falsify their word, nor deny a trust when they should be called upon to deliver it up."<sup>41</sup> Assuming that Pliny was not giving a *verbatim* report but was recording that which he had heard from his informers, this is more than likely a loose paraphrase of what was really said. It is quite possible that Pliny was misquoting Christians who were continuing the Jewish tradition of reciting the Decalogue in public worship.<sup>42</sup>

Further evidence in support of the centrality of the Decalogue in Christian teaching and worship, is found in two of the common prayers recorded in the

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<sup>39</sup> *Mekhilta de Rabbi Ishmael Na-Hodesh V*. Cited in Urbach, "Ten Commandments," 172. A similar sentiment is cited by Everett Ferguson, *Backgrounds of Early Christianity*, 2d ed. (Grand Rapids: Eerdmans, 1993), 507, who in referring to the Rabbinic attitude towards the stipulations of the Torah, writes: "As is characteristic of most legalisms, there were more negative than positive commands: 365 negative (the days in the solar year) and 248 positive (the limbs in the body according to the *Targum Yerushalmi* on Gen 1:27). The numerical symbolism noted that the Decalogue in Hebrew has 620 letters, representing the whole Torah plus 7 rabbinical commands."

<sup>40</sup> Pliny, *Letters* 10.96.

<sup>41</sup> Pliny, *Letters* 10.96.

<sup>42</sup> In my opinion, the synagogue provides a more likely place to find a parallel than a pagan shrine, as is suggested by A. D. Nock, "The Christian *Sacramentum* in Pliny and a Pagan Counterpart," *Classical Review* 38 (1924), 58-69, who could probably have made a more forceful argument with the Decalogue than he has with the fragment from the shrine at Philadelphia.

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second century Apostolic Constitutions. In 7.36.4, the “ten oracles” (Decalogue) are referred to as a *nomos*:<sup>43</sup> “You gave to them a Law, ten oracles uttered by your voice, and engraved by your hand.” And again in 8.9.8 we read about God “who gave an implanted and written law to wo/man, so that s/he might live lawfully as a rational being.”<sup>44</sup> Thus we see that as late as the second century, esteem for the Decalogue was still central for Christian life and liturgy.

#### **Conclusion**

In conclusion, we have seen that the Decalogue, which Weinfeld refers to as “the basic constitution . . . of the Community of Israel,”<sup>45</sup> was highly esteemed within Second Temple Judaism. The earliest Christian communities joined their Jewish parent and siblings in this reverence for God’s central law. Although rejecting the ceremonial aspects of Pentateuchal law, Christians recognized the Decalogue as a timeless principle with divine origin and affinity. One could say that the Christian viewed the Decalogue as the essential Torah. The Christian elevation of the Decalogue directly affected Jewish religious practice, as is evidenced by the Rabbinic prohibition of the Decalogue’s recital in the daily liturgy. The centrality of the Decalogue in such biblical books as Romans and Hebrews suggests that this interdiction did not affect the Christian theology of law. In fact, both the prayers from the Apostolic Constitutions, and the Letter of Pliny to Trajan show that even in the second century some Christians still viewed the precepts of the Decalogue as central to community life.

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<sup>43</sup> *Apostolic Constitutions* 7.36.4. This particular prayer defends Sabbath observance, which causes D. A. Fiensy [“Hellenistic Synagogal Prayers,” in James H. Charlesworth, ed., *Old Testament Pseudepigrapha* (New York: Doubleday, 1985), 2.671] to believe that it is probably a remnant of a Jewish synagogal prayer.

<sup>44</sup> *Apostolic Constitutions* 8.9.8.

<sup>45</sup> Weinfeld, “Decalogue,” 27-28.