



## The Immovable Character of the Decalogue – Theological and Legal Arguments

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**Abstract:** Scripture regulates several types of laws, some of which were temporary, limited in time and space, and others of a permanent nature. The temporary laws are ceremonial, judicial, administrative, social or civil, financial, family, operating or agricultural laws, laws for rulers and laws for foreigners, and permanent laws are the Sanitary and Moral Law or the Decalogue, which includes the mandatory requirements for all people in all times. The rites of the ceremonial law pointed to the Savior's sacrifice. At the Cross, where the type (the lamb as a symbol) met the antitype (the fulfillment of the symbol - the Lamb of God), this law ceased to be valid. At the same time, God Himself transmitted through Moses the Ten Commandments. According to the texts of Scripture, the Moral Law reflects the character of God, being: good, holy, perfect, pure, just, true, spiritual, righteous, faithful, unchanging, eternal and reflecting love. The purpose of these commandments is to guide a happy life lived in abundance, not to show the difference between good and evil, and not to protect from dangers and tragedies. The first four commandments, regarding the human-divinity relationship, find the correspondent in constitutional law, with the amendment that the Decalogue strictly aims at the connection with God in the monotheistic Christian religion, while the Constitution guarantees religious freedom, regardless of the practiced religion. The next six commandments concern relationships between people: the fifth available commandment finds application in family law, and the sixth up to the ninth commandment inclusive, containing imperative norms - in criminal law. The tenth commandment, however, transcends the material framework, addressing the thoughts, senses, and soul, thus a preventive character against the acts of a criminal nature, the character that does not allow the rules of law to take it as such, but accepts it. Thus, the Decalogue constitutes a system of rules to be observed that would ensure a minimum of stability, of normality of relations, within any society, regardless of time, space, or conditions.

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## **The Motivation of the Research**

One of the main controversies in the Christian theological world is generated by the apparent contradiction between Paul's statement in the Epistle to Romans 10.4: "For Christ is the end of the law for righteousness to everyone who has faith", on the one hand, and the statement of Jesus Himself from the Gospel according to Matthew 5, 17-18: "Let there be no thought that I have come to put an end to the law or the prophets. I have not come for destruction, but to make complete. Truly I say to you, till heaven and earth come to an end, not the smallest letter or part of a letter will in any way be taken from the law, till all things are done".

This research proposes to answer the question of the validity of the Ten Commandments, also known as the Moral Law or Decalogue, for Christians today under the New Covenant of grace, as well as the legal relevance of the divine Law for modern legal systems and any correspondence in current legislation.

Given that another controversy of Christianity in Romania concerns the accuracy of the various translations of Scripture, this research used the first complete translation in Romanian (known as the "Bible from Bucharest"), made in 1688 by Radu Greceanu and Șerban Greceanu, with the help of Șerban Cantacuzino and Constantin Brâncoveanu, given that this translation, which uses an archaic but comprehensible Romanian language, was not subject to much controversy<sup>1</sup>.

## **Types of Laws in Holy Scripture**

The Bible establishes several types of laws: ceremonial, judicial, administrative, financial, family, social or civil, land or agricultural, laws for rulers and laws for foreigners, sanitary laws, and the Moral Law.

The research analyzes the existence of some differences between these types of laws to establish the permanent character of the Decalogue, binding for all people of all times, or the temporary character, limited in time and space.

## **The Ceremonial Law**

The term used to designate the ceremonial law is the Greek *ἥθος*, *ethos* (Acts 6:14), which means "customs, morals, cultic laws, ceremonies or transitory laws", not having a stable character.

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<sup>1</sup> For the English language version of the article, I choose the translation of the Bible in Basic English.

The ceremonial law is called in Scripture “the law of Moses” (Luke 2,22; 24,44; Acts 13,39; 15,5; Hebrews 10,28); it exists only from Sinai (Exodus 24,3-4; Galatians 3,17); it was written by Moses in the book (Deuteronomy 31:24; John 1:17); it was kept near the shrine (Deuteronomy 31,24-26); states all sacrifices and cultic, ceremonial services (Hebrews 10,1-8; Galatians 5,2-3; Hebrews 7,28); establishes all other days of rest with a ceremonial character (Leviticus 16,29-31; 23,6.7.11); it was temporary, valid only until Christ (Colossians 2:14, 16, 17; Ephesians 2:15; Galatians 3:10); he did not give perfection (Hebrews 10:1; 7:16-19); it no longer obliges us today (Hebrews 9,9-10).

The rites of the ceremonial law pointed to the Savior’s sacrifice. Although it played a vital role before the death of Christ, this law was only “a poor copy of the future good things” (Hebrews 10:1). It served a temporary purpose and was obligatory for God's people “till the coming of the “Seed” (Hebrews 9:10; Galatians 3:19), until the time when Christ gave His life as a sacrifice, as true Lamb of God. The prophet Daniel had predicted almost six centuries before the fact that at the death of the Messiah “the offering and the meal offering will come to an end” (Daniel 4; 9,27).

The implications of Christ's sacrifice for the ceremonial law were given by the fact that at the Cross, the type (the lamb as a symbol) met the antitype (the fulfillment of the symbol – the Lamb of God); Christ fulfilled, transposed into reality, the prophetic symbolism of the sacrificial system, the tabernacle of the temple was supernaturally torn in two, from top to bottom (Matthew 27:51), showing the end of the spiritual significance of the services at the temple, and the ceremonial law thus ceased to be valid, it was abolished.

## The Decalogue

Etymologically, the term “Decalog” comes from the Greek words *δεκα*, *deka*, “ten” and *λογος*, *logos*, “word”.

The Decalogue is called “God's Law” (Romans 7,22,25; 1 Corinthians 9,21); existed before Sinai (Genesis 2,2-3; 4,6-7; Romans 2,14); it was written on stone by God Himself (Exodus 31:18; Deuteronomy 10:1-4); it was kept in the shrine (Deuteronomy 10,5; 1 Kings 8,9); states eternal moral duties (Romans 13,8-10; Matthew 22,36-40); establishes the seventh day of the week as a day of worship (Exodus 20,8-11; Genesis 2,2-3); it is eternal, unchanging (Matthew 5:17; Hebrews 8:10; Psalms 89:35); perfect (Psalms 19:8); obliges us even today (Romans 2:13; 3:31; 7:12; 1 Timothy 1:8; James 2:8-12).

The Ten Commandments were received by the prophet Moses from God Himself on Mount Sinai, being a “direct divine revelation” (Craiovan, 1998, p. 12), and are found both in the book of Deuteronomy (the second law) or the fifth book of Moses 5, 6-21,

as well as in the book of Exodus 20, 2-17. That was the moment when the Law was given in written form, but as a principle, it existed from eternity.

The terminology through which these prescriptions are formulated starts from the existence of human nature assumed to be fallen and corrupt (Dănișor, 2003, p. 74) and is grafted onto the human typology directed towards sin and breaking the law, but at the same time capable of atonement and rehabilitation. This is where the concept of biblical "commandment" and not "law" derives from, because God does not legislate, but He commands. This makes the difference in substance between state law and divine commandment.

The Moral Law is the principle and realization of order in the Universe. As a principle, this is expressed in the form of rules - the Ten Commandments, and as a procedure, it expresses the dependence and logic of all relationships in the universe. In this broad sense, the Law is the equivalent of the cosmic, social, and moral order in the world.

But the human aspect of the Law is twofold: external and internal. In the external aspect, the Law operates for man in the form of restriction and constraint. In the inner aspect, man's response to the Law's claim is the feeling of obligation, which is the source of human consciousness.

The moral law even reflects the divine character, being, according to the Bible: good (Luke 18:19; 1 Timothy 1:8); holy (Isaiah 5:16; Romans 7:12); perfect (Matthew 5:48; Ps. 19:7); clean (1 John 3:2; Ps. 19:8); right (Deuteronomy 32,4; Rom. 7,12); true (John 3:33; Ps. 19:9); spiritual (1 Corinthians 10,4; Rom. 7,14); righteous (Jeremiah 23,6; Ps. 119,172); faithful (1 Corinthians 1,9; Ps. 119,86); unchanging (Jacob 1:17; Matthew 5:18); eternal (Genesis 21:33; Psalms 111:7,8) and reflecting love (1 John 4:8; Romans 13:10).

The Decalogue performs the following roles: (1) expresses God's will for humanity; as an expression of God's character and love, it demands perfect obedience (Jacob 2:10; Mat. 19:17); (2) it is the basis of the divine covenant; Moses wrote the Ten Commandments together with other explanatory laws, in a book called "The Book of the Covenant" (Exodus 20,1-24,8; Deuteronomy 9,9); (3) it functions as a standard of judgment; like God, "all your teachings are righteousness" (Psalms 119,172; Ecclesiastes 12,13,14; James 2,12); (4) highlights sin; thanks to the Law, people can clearly see the holiness of God, their own guilt or their need for repentance (Jacob 1,23-25; Romans 3,19,20; 7,7; 1 John 3,4); (5) it offers true freedom; Christ affirms that "everyone who does evil is the servant of sin" (John 8:34; James 1:25; 2:8); (6) restrains evil and brings blessings; where the Law is received, it stops sin, promotes good deeds and contributes to the elevation of righteousness (Proverbs 3,33; 14,34; 16,12; Psalms 89,31,32; Leviticus 26; Deuteronomy 28).

### **The “New” Commandments**

The controversy regarding the immutability of the Moral Law is also maintained by the affirmations of Christ, who transmitted through his disciples two apparently new prescriptions - the commandments of love: “ I give you a new law: Have love one for another; even as I have had love for you, so are you to have love one for another” (John 13,34), the first and “the chief rule in the Law” being to love God “with all your heart, and with all your soul, and with all your mind”, and the second, but as important as the first, is “Have love for your neighbor as for yourself. On these two rules all the law and the prophets are based” (Matthew 22, pp. 36-40). Therefore, Christ includes the books of the prophets in the revealed will of God. God's Law is presented succinctly in the Decalogue, but it is made up of all the commandments given by Him through the prophets.

In reality, these prescriptions were not new, they were also found in the Old Testament - the first of them in Deuteronomy 6,5 and the second in Leviticus 19,18. However, in a certain sense, the commandment was new in that it was fulfilled continuously in the life of Christ (1 John 2:6) and had to be fulfilled by his followers in a new way, due to the new era inaugurated at the first coming of Jesus - “Again, I give you a new law, which is true in him and in you; for the night is near its end and the true light is even now shining out” (verse 8).

The Decalogue is summarized in the commandment of love. Walking in the light and living like Jesus means keeping the commandments and loving one another. “And by this we know that we have known Him, if we will keep His commandments. The one who says: “And by this we may be certain that we have knowledge of Him, if we keep His laws. The man who says “I have knowledge of Him”, and does not keep His Laws, is false, and there is nothing true in him. But in every man who keeps His word, the love of God is made complete. By this we may be certain that we are in Him. He who says that he is living in Him, will do as He did” (1 John 2,3-6). The apostle John is the one who discovers the fact that this prescription is not new: “My loved ones, I do not give you a new law, but an old law which you had from the first; this old law is the word which came to your ears” (verse 7).

### **The Relationship between Religion and Law**

In the Middle Ages, the Church was the only universal institution, which dominated the state from a political and implicit legal, economic and cultural way, and law was part of religion. In time, the law acquired its own domain, surpassing the commandments and prescriptions of a religious nature. However, the first form of justification of the justice of the laws is of a religious nature. So, religion continues

to influence the law. The laws of society are just because they are considered to proceed from a divine revelation. The legislator only conforms to the omnipotent divine moral will (Bușe, 2001, p. 166), and the Decalogue represents the fundamental laws revealed to man by the Divinity.

### **The Decalogue and Constitutional Law**

The first four commandments, regarding the human-Divinity relationship, are: the first commandment - "I am the Lord your God, who took you out of the land of Egypt, out of the prison-house. You are to have no other gods but me"; the second commandment - "You may not make for yourselves an image in the form of anything in heaven or on earth or in the waters under the earth. You may not go down on your faces before them or give them worship: for I, the Lord your God, am a God who will not give his honor to another; and I will send punishment on the children for the wrongdoing of their fathers, to the third and fourth generation of my haters; And I will have mercy through a thousand generations on those who have love for me and keep my laws."; the third commandment - "You are not to make use of the name of the Lord your God for an evil purpose; whoever takes the Lord's name on his lips for an evil purpose will be judged as a sinner by the Lord" and the fourth commandment - "Keep the Sabbath day as a holy day, as you have been ordered by the Lord your God. On six days do all your work. But the seventh day is a Sabbath to the Lord your God; on that day do no work, you or your son or your daughter, or your man-servant or your woman-servant, or your ox or your ass or any of your cattle, or the man from a strange country who is living among you; so that your man-servant and your woman-servant may have rest as well as you. And keep in mind that you were a servant in the land of Egypt, and that the Lord your God took you out of that land by his strong hand and his stretched-out arm: for this reason, the Lord has given you orders to keep the Sabbath day".

These norms find their counterpart in constitutional law at the principle level (Petre, 2019, p. 170), because "Freedom of thought and opinions, as well as freedom of religious beliefs cannot be restricted in any way" (Constitution, art. 29 - "Freedom of conscience").

From the interpretation of the constitutional articles with reference to religion, it follows the religious freedom enjoyed by any person and the equality of position and treatment of all religions, which necessarily presupposes the secularity of the Romanian state. The protection of religious freedom is provided by art. 381 of the New Penal Code (NCP) - "Hindering the freedom of worship". There is a Christian religion that predominates, but it is not declared a state religion or a national

religion, therefore not having a privileged position compared to the rest of the religions (Petre, 2019, p. 170).

### **The Decalogue and Labor Law**

The fourth commandment refers to labor law, with reference to the norms of the Labor Code (Title III) and of the Constitution (art. 41 "Work and social protection of work" and art. 42 "Prohibition of forced labor"), which regulate working time and rest, as well as legal holidays, a good part of them being in fact Christian Orthodox religious holidays (Petre, 2019, p. 170).

### **Commandments concerning Interhuman Relations**

As a concretization and natural continuation of the first four commandments, which outline the relationship between man and God, the next six refer to relationships between people: the fifth commandment - "Give honor to your father and your mother, as you have been ordered by the Lord your God; so that your life may be long and all may be well for you in the land which the Lord your God is giving you", the sixth commandment - "Do not put anyone to death without cause"; the seventh commandment - "Do not be false to the married relation"; the eighth commandment - "Do not take the property of another"; the ninth commandment - "Do not give false witness against your neighbor".

The tenth commandment, however, transcends the material framework, addressing thoughts, senses and the soul, thus having a preventive character against criminal acts, a character that does not allow the specificity of legal norms to take it as such, but approves it: "Let you do not your desire be turned to your neighbor's wife, or his house or his field or his man-servant or his woman-servant or his ox or his ass or anything which is your neighbor's".

### **The Decalogue and Family Law**

The fifth commandment finds its applicability in family law and refers to the child-parent relationship. The imperative "Give honor to your father and your mother" means not only the filial obligation to respect parents, but has a concrete, social form of manifestation.

From the perspective of family law, this prescription is an obligation towards the natural, adoptive or even spiritual parents, to help and support them if they are in need, due to the inability to work (art. 86 par. 2 Family Code); "The maintenance

obligation is extinguished by the death of the debtor, or the person entitled to the maintenance pension" (art. 95 Family Code).

The text of the biblical commandment, however, goes beyond the regulations of the Family Code. Honoring your parents is a moral obligation that begins during their lifetime, but also perpetuates after their disappearance, materializing in respecting the memory of the disappeared (Petre, 2019, p. 171).

### **The Decalogue and Criminal Law**

The sixth to ninth commandments contain short, concise imperative norms, of a pronounced imperative nature, which we find in the Penal Code (Petre, 2019, p. 171).

The sixth commandment - from the perspective of the adage *ubi lex non distinguit nec nos distinguere debemus* - where the law does not distinguish, nor should we distinguish, the biblical text would be a summons to respect and protect any form of life, not to kill any being abusively, including killing one's own person (suicide), but also not depriving a being of the means of survival, implicitly condemning it to death (for example: old people without means of subsistence and/or physically infirm abandoned by the family, but also abandoned animals).

NCP sanctions the crime of homicide in art. 188-192, including determining or facilitating suicide (art. 191) "The right to life, as well as the right to physical and mental integrity of the person are guaranteed" by the Constitution, by art. 22 par. 1, and par. 3 prohibits the death penalty.

Two very controversial issues in society are euthanasia and induced abortion.

In the case of euthanasia, the question arises as to which should have preeminence: respect for life or the individual's right to his own dignity, the right not to suffer continuously when there are no more chances to improve the disease.

In the case of induced abortion, multiple issues arise: the right of the woman to dispose of her own body, the right to life of the fetus, from what moment of pregnancy the product of conception can be legally considered a person, acquiring correlative rights and obligations, and whether it can operate the adage *infans conceptus pro nato habetur quotiens de commodis eius agitur* - the conceived child is considered to exist, when it comes to his rights (Petre, 2019, p. 172).

The sixth commandment is also reflected in public international law: war crimes, crimes against peace, crimes against humanity, crimes of aggression, genocide (Petre, 2019, 169).

In matters of couple relations, the seventh commandment, which condemns adultery, assumes respect, loyalty, and fidelity between spouses in intimate life,



aiming to protect the institution of the family, so important at the level of society (Petre, 2019, p. 173).

In the NCP, art. 304, which criminalized adultery (corresponding to the seventh commandment), is no longer found; also, neither art. 201, which condemned sexual perversion, and prostitution is no longer considered a crime, but only a contravention; instead, bigamy is sanctioned (art. 376), but also multiple crimes regarding sexual life: rape (art. 218), sexual aggression (art. 219), sexual intercourse with a minor (art. 220), seduction (art. 199), sexual corruption of minors (art. 221), incest (art. 377), sexual harassment (art. 223), pimping (art. 213).

Theft (the eighth commandment), as a crime against property, is criminalized by art. 228. In addition to simple theft, the NCP sanctions qualified theft (art. 229), and after theft – robbery - art. 233 (Petre, 2019, p. 173).

Perjury (the ninth commandment) is sanctioned by art. 273 NCP, but also influencing statements - art. 272.

An extensive interpretation of the third commandment (not to take the Lord's name in the desert) can be the starting point for crimes against dignity, provided by art. 205 and 206 of the old Penal Code (insult and slander), after a prior transition of this norm from the religious level of the human-Divinity relationship to the social one, given by the person-person relationship (Petre, 2019, p. 170), but these articles were repealed by Law no. 278/2006.

### **The Decalogue and Civil Law**

The defense of property (especially private property), as provided for, guaranteed and protected by the Constitution (art. 44 - “The right to private property”, art. 136 - “Property”), can be the result of an extensive interpretation of the commandments of the eighth, relating to theft, and the tenth, relating to coveting another's property (Petre, 2019, p. 171).

### **The Commandment of Love and Righteousness**

If the Ten Commandments were given to man by the Divinity as principles of absolute love, the same cannot be said of the current legal systems, which only contain empty, mandatory legal norms, under the threat of punishment in case of non-compliance, without it appeals to a thorough education and the inner resources of human feelings.

Thus, if obedience to these laws is not internalized, as a result of good moral education in the family, then the one who did not benefit from a healthy education,

will either make sustained efforts throughout his life to comply with the fear of punishment, or will give under the pressure of undisciplined primal instincts and will suffer the rigors of the law, becoming a criminal, often recidivist.

## **Conclusions**

The Decalogue constitutes an immutable system of laws whose observance would ensure a minimum of stability, of normality of relations within any society, regardless of time, space, or conditions.

The increase in crime, violence, immorality, and wickedness that abounds in the world is precisely the result of disregarding the fundamental precepts of the Ten Commandments, from which they derived and in which the norms of the Constitution, the Criminal Code, the Civil Code, the Labor Code and Family Code.

Many current legal norms are based on the principles promoted in these millennial prescriptions, which represent a legal, social, religious, and philosophical foundation of indisputable value, proven even by the persistence over generations.

The Decalogue is pre-eminent over current legal systems in that, compared to modern law which has emptied it of content, retaining only its imperative form, the biblical commandment is that of a binding love.

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