

THE DECALOGUE

A NEW INSTITUTIONAL APPROACH

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Abstract

In this paper I propose a new institutional approach to the Decalogue: I have examined the genesis of this institution and provided an analysis of the prescriptions it contains; I have highlighted the social and political importance of the Decalogue in addition to its role in the Mosaic institutional system; finally, I have analysed the mechanisms which enabled the enforcement of norms and rules in the community of the tribes of Israel during the Sinaitic period.

Keywords: Decalogue, institutions, norms, rules, social contract

1. Introduction

In this article I intend to provide an answer to the question: “What can we learn about Mosaic institutions from the biblical account, if we read the latter through the prism of rational choice institutionalism?” For the purposes of this research, I will refer to the information offered by the Pentateuch and will attempt to analyse three key concepts in Mosaism: the idea of God, the Decalogue and the Sabbath. More precisely, I will seek to highlight the role that the idea of God holds in the Mosaic moral and social system, its relationship with the Decalogue and the significance of the Sabbath. My choice of this topic was prompted by the resilience of Mosaism over time, the longevity of operation of its moral and social system, and the relative concentration of reference sources in a single collection of books (the Bible). I have structured the paper into two sections: in the first one, I review the most important biblical events in the period in focus and present institutionalism in brief; in second one, I analyse the Mosaic concepts of God, Decalogue and Sabbath from the standpoint of institutional theory and describe the mode of operation of Mosaic institutions from the same theoretical perspective.

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2. The research universe

2.1. A brief account of the analysed biblical events

The aim of this paper is to provide an analysis of three Mosaic institutions – Jewish monotheism, the Decalogue and the Sabbath – from the institutional perspective. Drawing on the information provided by the text of the Pentateuch (the first five books of the Christian Bible), my analysis will focus on the Jewish people in the period from the departure of the Israelites from Egypt to their final arrival in the land of Canaan. However, before embarking on the analysis proper, I will present a concise outline of the history of the Jewish people, as derived from the biblical account, highlighting the events and characters most relevant to the logic of my research. Thus, according to the book of Genesis, the history of mankind begins with Adam, who was created by an all-powerful God, the maker and master of the Universe. Adam had (initially) two sons, Cain and Abel, but after Abel was slain by his brother, a third son, Seth, was born to him and would become the father of all mankind. By the tenth generation of men, when Noah was born, mankind had descended into sin and was eventually punished by God with a deluge from which – with the help of God – only Noah and his family survived, as the only righteous ones among all people. The two events mirror each other in interpretations by Bible scholars [1], so that Noah is viewed as a new Adam, since only he and his family lived through the Flood, just as in the beginning of time Adam and Eve had been the first inhabitants of the Earth. It is worth noting that among Noah's descendants (Sem, Cham and Japheth), only Sem kept the faith in God, which is why he was granted His blessing. Consequently, Canaan, the son of Cham, became the epitome of faithlessness and idolatry, while the land occupied by his offspring would become an object of 'asset disputes' among the two tribes [2].

Tracing the path of history, we learn the following about Abraham: he was a herdsman living in Chaldea; he was a righteous man and for that reason God blessed him and his descendants, who would receive His favours; Abraham had a son by his wife – Isaac – after divine intervention and in response to their prayers; when God commanded Abraham to sacrifice Isaac, he obeyed the divine call, yet again his son was saved by God's work. Furthermore, God offered Abraham the land of Canaan, promising it to his descendants as an everlasting possession, and demanded that, in memory of His promise and for the sake of its fulfilment, all male successors be circumcised. Modern commentators [3] believe that the (proto)-history of the Jewish people effectively begins with Abraham, regarded as the father of the Jewish people, while the sacrifice he offered to God epitomises paradigmatic faith, which every faithful is called to achieve. Abraham's descendants (who, along with himself, were known as patriarchs) were Isaac, Jacob and Joseph. The latter, having been sold into slavery by his brothers, ended up in Egypt where, in adulthood, he became a high-ranking official. Wishing to help his family (around 70 members, descendants of Jacob), Joseph brought them to Egypt. Yet, in time, Jacob's

descendants became slaves in Egypt and were eventually freed by Moses and led back to Canaan. “The departure from Egypt is viewed by Jews as the seminal event of their history, which, by divine grace, became sacred history” [4], because, on the way to Canaan under Moses’ leadership, the Jews received through him, from God, the Decalogue/the Tablets of the Law.

To complete the overview of this historical plan, in keeping with the logic of this account, two further distinctions regarding Abraham are in order: while among neighbouring peoples the practice of the sacrifice of the first born was customary [5] – e.g. Canaanites offered their offspring to the god Moloch – Abraham’s sacrifice has a particular meaning, since he „did not *understand* the meaning of the act that God had asked him to perform, whereas those who offered their first born to a deity were fully aware of the magic and religious significance and force of the ritual” [3, p. 117]. It emerges then that, by obeying the divine call, Abraham demonstrated total faith. In other words, in acknowledging God as principle/source of the world and its laws, Abraham decided to submit to it unconditionally and proved ready to even break one of God’s laws – namely the commandment forbidding murder. A second relevant aspect in the context is the mention of the land of Canaan, since “in return for faithfully abiding by divine will, Yahweh promises aid in wars and earthly things” [5., p. 72], so that the aim for Israel is the inheritance of the Promised Land [6]. Given that Canaan was located at the junction of the major caravan routes linking Asia and Africa, its inhabitants contributed to international trade [7]. The Canaanite people had emerged in history around 3000 BC and the land it inhabited was famed for its many riches and prosperity at the time when the Jews (approximately 600,000 people), under Moses’ leadership, began conquering the land of Canaan around the year 1250 BC. We can therefore understand why Moses promised Jews the conquest of this land, in the name and with the aid of God.

2.2. Institutional theory

The methodology I use in this paper consists in practical application of the instruments offered by the New Institutional Economics, which views institutions as „the humanly devised constraints that structure political, economic and social interaction” [8], these constraints or rules of the game being both formal and informal. Formal institutions/rules of the game are, generally, official laws and rules, such as constitutions, laws, property rights, and informal institutions/ constraints are the norms and conventions accepted by particular groups, such as sanctions, taboos, customs, traditions, and codes of conduct [9].

The term *institution* refers to those “enduring regularities of human action in situations structured by rules, norms, and shared strategies, as well as by the physical world” [10]. Institutions do not concern independent actions, but rather the interdependent actions of actors, as they refer to *types of actions* or *general constraints*. In broad terms, institutions are viewed as the “framework where human interaction occurs” [11] or as *rules of the game* and refer both to written

formal rules and to unwritten codes of behaviour. The immediately discernible effect of the presence of institutions is that they stimulate individuals to cooperate, so that “the collective result achieved should be Pareto-superior to the one reached if the institution did not exist” [11, p. 244]. Institutions facilitate the achievement of optimal collective results in that they modify, by means of incentives provided in various settings, the benefits gained by stakeholders when they choose a particular alternative from those available at a given moment.

2.2.1. Types of institutions

Institutions refer to the rules, norms and strategies adopted by humans in repetitive situations [12]: strategies denote the regularised plans that individuals make taking into account the structure of incentives produced by rules, norms, and expectations of the likely behaviour of others in a situation affected by relevant physical and material conditions. Rules represent the prescriptions shared by the members of a community and refer to actions that they *must* or *must not* perform and also to actions that *may* be performed. Such prescriptions are mutually understood by members of the given community and are reinforced in particular cases, in predictable manner, by agents responsible for monitoring conduct and for imposing sanctions. Norms, on the other hand, are those prescriptions which are shared, known and accepted by the majority of the individuals in a community, and (non)-compliance with such norms entails costs and benefits rather than external/material sanctions or inducements. The typical feature of norms is that they “are learnt by way of our interactions with other members of the community and in relationship with our expectations of the conduct of others in given situations. Consequently, norms vary greatly from one community to another. Such norms are internalised (through learning) and can produce a change in our preferences” [11, p. 236]. The differences between norms and rules relate to the following aspects: (1) in terms of their genesis, one can notice that norms emerge following repeated interactions among individuals, while rules are adopted consciously by individuals (and are indeed often created by them) to be used in particular situations; also, it is apparent that (2) norms are reinforced by internal incentives, since their acceptance stems from the internalising prescriptions, whereas rules presuppose the existence of bodies charged with monitoring compliance and imposing sanctions in cases of breach; furthermore, (3) norms apply to types of situations only, while rules pertain to particular situations [11, p. 236]. Besides the above distinctions between norms and rules, it must be noted that “a written law could be a norm rather than a rule if the law does not meet the requirements” of the sanction [10]. The probability that individuals will observe the rules (and thereby cooperate) relies essentially upon: the base game payoffs, the probability of detection and the probability of sanctioning [10]. This underscores the importance not only of the existence of certain rules, but especially of monitoring and sanctioning conduct which does not conform to their prescriptions.

2.2.2. Types of institutional analysis

Since institutions are conceptualised in three different manners (as norms, as rules or as strategies of action) it emerges that approaches to institutions/institutional analyses correspond to the three categories, depending on the type of prescription which is the focus of each research.

Therefore, each type of institutionalism will focus on different aspects, as follows [10]: in the case of institutions as norms, the existence of institutions or of regularised patterns of interactions among individuals (linguistic constraints) may be explained based on the shared beliefs of individuals and the normative obligations of the community under review; the approach of institutions as rules relies on the assumption that the observed patterns of interactions/institutions are established on a common understanding of individuals that actions inconsistent with those that are forbidden or required by prescriptions will be sanctioned (linguistic constraints); as regards institutions as equilibriums approach, it argues that social order is not due to some external enforcer, but exclusively to the individuals who make up that order, as they observe and preserve/perpetuate certain regularities of action. This overview demonstrates that both norms and rules are types of institutional provisions which represent shared linguistic *constraints* and *opportunities*, which prescribe, permit or advise actions (both individual and corporate) as well as outcomes associated with the respective actions [10].

2.2.3. The hierarchy of rules

The hierarchy of rules refers to the fact that “all rules are nested in another set of rules that, if enforced, defines how the first set of rules can be changed; [...] changes in deeper-level rules usually are more difficult and more costly to accomplish, thus increasing the stability of mutual expectations among individuals according to a set of rules” [12, p. 842]. Generally, three rules have been observed in human societies: *operational*, *collective-choice*, *constitutional* and (potentially) *meta-constitutional rules*. These rules have the following characteristics: “*operational rules* directly affect day-to-day decisions made by participants in any setting; *collective-choice rules* [...] determine who is eligible and the specific rules to be used in changing operational rules; *constitutional-choice rules* affect operational activities and their effects in determining who is eligible and the rules to be used in crafting the set of collective-choice rules that in turn affect the set of operational rules. One can even think about a ‘meta-constitutional’ level underlying all the others that is not frequently analysed”. In collective-choice, constitutional and meta-constitutional situations, activities involve the “prescribing, invoking, monitoring, applying, and enforcing rules” [12, p. 842]. From these levels of institutional rules/prescriptions engender derives the fact that changes operated to constitutional rules are reflected in the content of lower-level prescriptions, as the latter presuppose the former, persist or are changed in relation to them: “decisions made at the constitutional level

affect collective-choice decisions as these impinge on the operational decisions of individuals” [12, p. 825]. For this reason, “when the purpose of analysis is to understand the origin of the rules at one level, knowing the structure of the situation at the next higher level is essential for that enterprise” [12, p. 844].

3. Types of Mosaic institutions

According to the institutional theory, in order to build a model of analysis of a choice situation, we must consider three aspects [11, p. 245]: (1) a model of the actors (which refers to the information they possess, the alternatives available to them and the benefits associated with each outcome); (2) the institutional environment within which actors operate (linguistic prescriptions regarding actions that are permitted, compulsory or forbidden to individuals); (3) mechanisms for the development of the *rules of the game* (involving the existence of actors such as the parliament, the government, etc.) and for imposing and enforcing such rules (by actors such as the judiciary, the police, etc.). When reading the books of the Pentateuch based on this analysis grid, we can discover certain elements which are prone to an approach based on the tools provided by institutional theory (presented in the previous chapter). The historical period reviewed in this paper spans the life of Moses – I will focus on the situation of Jews in Egypt, their departure from Egypt under the guidance of Moses and their journey through the Sinai desert, up to their arrival in Canaan. For these purposes, in the first half of this chapter I will refer to the institutional environment regulating the life of Jews in Egypt, to facilitate the subsequent analysis of the emergence of moral and social rules in the Sinaitic period. The second half of this chapter includes a presentation of the mechanisms for the development, monitoring, enforcement and sanctioning of Mosaic institutional prescriptions.

3.1. Institutional environment

As far as *situation of Jews in Egypt* is concerned, it must be noted during their period in Egypt (approximately 430 years, based on the biblical account) certain patterns/customs of behaviour were created between the members of the two communities (i.e. the Egyptian and the Judaic). According to the biblical text, Jews left Egypt for two reasons: on the one hand, the biblical author describes the condition of Jews in Egypt as slavery; on the other hand, the rising share of the Jewish population apparently led the pharaoh to launch a population management policy. Controversies still surround the economic and social situation of Jews in Egypt: the biblical author describes it as slavery, whereas certain scholars argue that “the relationship between the pharaoh and his labour force [...] may not be too far away from our understanding of contractual employment labour” [13]. In spite of such controversies, the proposal made by Moses by invoking God marks a turning point for Jews: the final point of the exodus would be the conquest of Canaan and hence acquiring ownership of the

land in that territory. However, in order to achieve this goal, they were to give up „Egypt’s sophisticated jurisdiction, executive and work organization structures” [13, p. 171]. In following Moses, Jews abandoned “a stable and prosperous institutional environment in Egypt, where societal contracts between Egypt and Israel had been well established, and at least in Genesis [in the story of Joseph] to the mutual advantage of both nations” [13, p. 200]. The second issue described by the biblical author (Exodus 1.15, 22) regarding the condition of Jews in Egypt was the attempt of the pharaoh to “curtail reproduction success by ordering the killing of Israelite baby boys” [13, p. 144]. This led to an escalation of the conflict between Jews and Egyptians and, due to this policy, it may be inferred that Jews engaged in tit-for-tat retaliatory action: “Since child nursing of Egyptian children was also in the hands of Israelite maids, the opportunity for retaliation existed ‘already’ within the ‘moves of the game’. That means for the purpose of counter-defection, the Israelites did not even have to manipulate the existing rules of the game. The plague of the death of Egyptian infants (Exodus 11.4–7; also Numbers 33.3–4) can be interpreted as such retaliatory counter-confiscation” [13, p. 144].

The book of Exodus describes (chapters 3-12) *the departure of the Jews from Egypt*, which religion historians view as “reflective of a historic event. Yet it was not the exodus of the entire people, only of a group, that was headed by Moses. Other groups too had already begun to penetrate into Canaan, more or less peacefully. Subsequently, the exodus was claimed by all Israelite tribes as an episode of their sacred history.” [3, p. 118] The actual historical facts matter less than what we can learn from them based on institutional theory. That is why, as regards this event, we may consider that we are dealing with the moment when Moses decides to take fellow Jews out of Egypt (regardless of their socio-economic condition as slaves or employees). The negotiations between Moses and the Pharaoh certainly involve negotiations between Moses and the Jews (‘the Council of Elders’) to urge them to follow him to Canaan, a “land flowing with milk and honey” (Exodus 3.17). Undoubtedly, such an action would have been unsuccessful had it been performed by Moses and his family alone. Moreover, even though it might have been possible for Jews to leave Egypt individually, most likely they would have ended up with similar socio-economic situations elsewhere (an ineffective strategy due to the costs entailed by the departure). We can understand therefore why the stake proposed by Moses to Jews is the return to Canaan, the land that their forefather, Abraham, had received from God. Two distinct aspects result from this fact: (a) to succeed in their action, the Jews would have to leave in large enough numbers to be able to withstand Egyptian opposition; (b) to take possession of the promised land, Jews would have to fight to conquer it. In both of the situations above, *collective action* – they leave in large enough numbers and all who leave fight to conquer Canaan – is essential. That is why, in connection with this episode alone, of Jews’ departure from Egypt to settle in Canaan, several distinct ‘negotiation’ situations come into view: (1) *Moses’ negotiations with the Pharaoh* to facilitate the Jews’ departure from Egypt (key to the success of the negotiations was,

according to the biblical account, the mass death of first born of Egyptians, an event that we can consider less as a miracle in view of the fact that Jewish women worked as nursemaids for many Egyptian families); (2) *Moses' negotiations with the Jews to persuade them to join him in leaving Egypt*, despite the Pharaoh's opposition (the success of negotiations was due apparently to the promise of acquiring land in Canaan); (3) *Moses' negotiations with Jews in the desert* (where they wandered for forty years) *to prevent them from returning to Egypt* (the success of these negotiations may be attributed to the role of the institution of Decalogue); and (4) *Moses' negotiations with the Jews who had left Egypt under his leadership in view of embarking on an expedition to conquer Canaan*. As regards the Jews' departure from Egypt, the land of Canaan would attain the status of incentive, as each tribe was promised a share of the land after the territory was conquered.

Jews in the desert. For Jews, the exodus from Egypt meant simultaneously: (a) their exit from an equilibrium situation within which they had taken on certain roles and behaviour patterns; (b) the rejection of Egyptian beliefs and deities which (though they certainly had appealed to some Jews) played a role in reinforcing and perpetuating the established types of interactions between members of the two communities; (c) the abandonment of the institutional environment (norms and rules) then in use in Egypt: "as a result of the Exodus, Israel had to find its own institutional mechanisms to organize social and economic life" [13, p. 200]. To persuade the Jews living in Egypt to join him to Canaan, Moses told them that God Himself had designated him to deliver them from Egypt and guide them to a bountiful land. The invocation of God by Moses prior to the exodus from Egypt had the role/effect of mitigating uncertainty. Imagined as an all-power entity, God is invoked as the safeguard for the success of the complex action that Jews were to embark upon – the departure from Egypt and the conquest of the land of Canaan. After leaving Egypt, Jews entered the Sinai desert. There, "as an independent nation they had to find their own institutional rules. Having left Egypt, the Israelites had a common interest to re-establish social order and stability in social interactions among themselves. This required institutional law-making, ruling over organizational issues, the setting up of something like a jurisdictional system, etc. In short, a new constitutional contract was needed" [13, p. 170] – enacted through the Decalogue. However, due to the shortages faced by Jews in the desert, their situation there did not lack in conflict. The features of the physical environment where they lived for forty years also reflected on the organisation rules of Jewish tribes: the harshness and severity of nomadic existence in the wilderness led the twelve tribes of Israel, born of the twelve sons of Jacob, to be organised with extreme rigour [7, p. 37]. These facts are important for a proper insight into the Mosaic institutional environment.

3.1.1. Yahwism – the role of (the idea of) God in the Mosaic institutional system

The biblical text provides a description of the history of the Jewish people capturing at once religious, social, political or military aspects. Writings in this collection have two important characteristics: on the one hand, they were developed by Jews, on the other, the purpose of their use over time has been religious – i.e. to describe God's relationship with the people of Israel. Consequently, the biblical text has been the subject mainly of theological interpretations. Nevertheless, the narratives contained in the sacred books provide valuable information on the organisation and operation of the Israelite society in the biblical era. Such information may be used to analyse the emergence, operation and transformation of various institutions of the Israelite society at various points in time. In his book *Is God an Economist? An Institutional Economic Reconstruction of the Old Testament*, Sigmund Wagner-Tsukamoto interprets the idea of God in the Old Testament in four different manners: as a rational agent/actor, as a leader, as a principle and finally as a meta-principle. Accordingly, the author argues that "in an economic reconstruction, different meanings of 'God' are related to the way the Old Testament develops, step-by-step, a critical discussion of the institutional problem and its solution" [13, p. 228]. The four interpretations given by the author to the idea of God are circumscribed, in fact, to two categories: as agent or leader, He appears to have the characteristics of a rational actor, while as principle or meta-principle God may, more accurately, be considered as an idea. Nevertheless, upon reading Wagner-Tsukamoto's book one is left with an unanswered question: *what is God?* The answer is satisfactory in terms of the interpretation of God as principle of economic (non-)cooperation or as meta-principle – the idea of unknown in general. Yet, when the author considers God to be an actor or leader, questions arise about its characteristics (the model of the individual), which are not elucidated by the book. The most conspicuous example to this end is the author's analysis of the first chapters of the book of Genesis, which describe the life of Adam and Eve in Paradise. Referring to this episode, Wagner-Tsukamoto [13, p. 206] states that „God created the human being”; „God apparently owned the entire Earth” and therefore needed Adam and Eve to work the land; as - God had forbidden them to eat from the trees in the middle of garden of Eden, there is a “interest conflict between God and humans”; God “was raided by Adam and Eve” which led to “God's loss of exclusive access to the tree of knowledge”; following the theft, „Adam and Eve lost access to Paradise but they did not lose God's interest in societal contracting with them”. In modelling a single scene, Wagner-Tsukamoto gives the idea of God three distinct interpretations: (1) a creator of men, (2) „a law enforcement agent at the level of constitutional order”, and (3) „a potential, albeit unwilling trader of his private goods, the fruits from the divine trees”. From this stems the readers' confusion as regards the characteristics of God as *actor* in interaction situations with people in Paradise. From the author's description, it emerges that God is a personal entity (at times supernatural, at other times

anthropomorphous) that can intervene and modify both the structure of interaction situations and the outcome of interactions between actors and that sometimes interacts with them.

In this chapter I propose a unique and unified interpretation of the idea of God, as it appears in the Old Testament and compatible with the new institutional economic analysis. Wagner-Tsukamoto is correct when he argues that the Garden of Eden episode must be interpreted heuristically: its role is to describe the environment within which interactions between individuals occur and in particular to define the model of the individual. Thus, based on the biblical account, after their banishment from paradise, human individuals interact in an environment with limited resources. Furthermore, according to certain interpretations, the original sin is viewed, in fact, as the humans' failure to admit to breaking a rule and their passing of responsibility onto a third party (Adam to Eve, and Eve to the snake). Based on these interpretations, it appears that human individuals are inclined not to cooperate in interactions among them if they lack sufficient incentives to do so or if sanctions for breaking rules are not credible. In the approach I propose, I attempt to penetrate the internal logic of the text and interpret it with the analysis tools provided by New Institutional Economics.

Historians of religion and researchers who have explored the history of the Jewish people as recorded in the Bible emphasise that over time the idea of God has undergone certain changes within the religion of the people of Israel. Viewed from a diachronic perspective, the idea of God circulating among the same ethnical group was conceptualised in similar terms, yet involving different subsequent norms and rules. For the purposes of this analysis, in tracing the defining moments in the religious history of the Jewish people up to entry into Canaan (12th century BC), we can observe that in each of these distinct periods the biblical account mentions a character whose presence introduces a new element or refines the idea of divinity (as held by his family or tribe). Such exemplary figures include: Noah, Abraham, Joseph and Moses. In all these cases, the biblical account notes that God, the maker of the Universe and of man, sometimes intervenes in history. The purpose of such manifestations of the divinity is to influence the life of a group of people He chose in particular – the Jewish people. In some of these situations *God* may be considered a principle, whose *role* is to *mitigate uncertainty*. Abraham is viewed as the father of the Jewish people on account of the covenant that God made with him. Being a herdsman (therefore a nomad), Abraham had to travel with his livestock from one place to another in search of grazing pastures. The decision to enter a new territory – which was inhabited by another population – represented a choice made under conditions of uncertainty. That is why the invocation of God as a source of inspiration or as decision-maker in moving Abraham and his livestock to Canaan (Genesis 12), which was famed as a rich land, can be considered as a mechanism intended to diminish uncertainty: “when the decision whether or not to declare war is delegated to the oracle [or to God], no information about the future battles is relevant, therefore no uncertainty will arise related to it” [14].

Eventually, the success of Abraham's incursion in the land of Canaan was interpreted as a sign from the divinity and was used as justification for subsequent Jewish claims to the land.

It is particularly important to note that God's interventions (and the covenants He made with the chosen people) occur predominantly in situations when biblical figures or the Jewish people deal with situations which involve a change to a state of affairs/an equilibrium of the game. Indeed, *divine intervention is associated*, in each individual period (and depending on each context) *with the establishment of a new institution*. These rules or norms institute a new equilibrium – as regards interactions among Jews, or among Jews and members of other peoples – which is justified, each time, by the invocation of God as the source of those institutions. In this respect, an analysis of the contexts and meanings of God's intervention's in Israel's history shows that they may be viewed as moments when new rules and norms are devised/instituted in the society. Given the fact that Mosaic moral and social prescriptions begin with the phrase "Thus says the Lord", we can understand that the law-maker refers to the fundamental principle underlying such prescriptions. Throughout the history of the Jewish people, various institutions emerged to meet different needs and problems (both religious and social) faced by the members of the community. This situation, depending on the peculiarities of the institution that needed to be strengthened, meant that the law-maker would add appropriate attributes to the idea of divinity. From this perspective, we can understand more easily the changes undergone by the idea of God among the Jewish people over time – it is a principle which adjusts in order to sustain and reinforce new institutions (norms/rules).

The law given by Moses marked a defining point in Jewish history. Nevertheless, it did not emerge from barren land, rather it incorporated concepts which had been circulated by Abraham and his descendants and later refined and codified in various laws. According to the biblical account, God intervenes in the history of the Jewish people in particular through exemplary figures. Thus, following the divine revelation, Noah and his family are saved from the flood and their descendants will never be punished this way (Genesis 8); again, upon divine revelation, Abraham institutes the ritual of circumcision, to be passed on to all his male descendants (Genesis 17); Joseph introduces in Egypt the system of food provisions, which facilitated the peaceful coexistence and mutually effective trade between Egyptians and Jews, a fact made possible by divine revelation (Genesis 41); the Jews who left Egypt under Moses' leadership received the Decalogue (and subsequent laws) through him, yet again thanks to divine intervention, which enabled them to organise for the conquest of Canaan (Exodus 20). These are four key moments in the history of the Jewish people accompanied by four divine interventions recorded by biblical authors. God may be considered, from this perspective, the reference framework which comprises all these institutions (norms and rules) that involve Him. *God represents the transcendental condition* (in the Kantian sense of the term) of the Jewish religious and social system – He is the prerequisite for the existence of Judaic

religion, just as in the Kantian system, time and space are the transcendental conditions of experience. In light of the methodological outline in the first half of the paper, God may be regarded as a principle located at the meta-constitutional level of analysis. The concept of *God* is the principle on which all the other norms and rules extant in the Judaic society are founded, just as the concept of *humanity* (human nature or the principle of life) forms the basis of modern judicial systems.

The conclusion of the covenant between God and Abraham (Genesis 22) has a further important meaning for the topic in focus. Abraham is the founding figure of the history of the Jews as the elected people of God. His faith is the reason why he is considered the father of the chosen people. By analysing Abraham's sacrifice from the theoretical perspective suggested in the first chapter, we can understand the following: (the idea of) God is the fundamental value (the transcendental condition – in the Kantian sense of the term) of the religious and social system of the tribe led by Abraham, positioned at the meta-constitutional level of analysis. This means that the idea of God is presupposed by all the other institutional prescriptions operating in society. As a result, Abraham's decision to observe the divine commandment and to offer his only son, born in old age, in sacrifice to God, expresses his acknowledgment of the existence of a hierarchy of rules and, moreover, the fact that God is their transcendental condition. By recognising the fact that God is the condition for the existence of all other rules, Abraham obeyed Him, despite the fact that the situation breached a subsequent prescription – he submits to God and fulfils his call, even though it is at odds with the God-given rule forbidding murder. Considering that in Canaan, the land promised by God to Abraham, people practised the sacrifice of the first born to the god Moloch, we may interpret the episode of the sacrifice offered by Abraham as the turning point of an established/entrenched institution (whether it was the custom of the land, or of Canaan, where he would enter). Human sacrifice would no longer be necessary, being replaced by the faith that God will fulfil the promises He made to the Jewish people. By his attitude, Abraham becomes not only an epitome of faith, but also the father of the chosen people: he lays the foundations of a new approach, which considers God to be more important than the norms which guide society. Essentially, these norms are nothing but equilibrium situations reached by actors over time and which form the so-called customs of the land/tradition. In this subchapter, I have distinguished God's role in the system of norms and rules of the Jewish people: He represents the transcendental condition (in the Kantian sense of the term) of the Jewish institutional system during the biblical era. It is worth noting that the God of the Old Testament is imagined as a entity that is personal (so that He may proclaim His will to people), eternal (so that He can keep and fulfil the promises made to the Jewish people) and all-powerful (so that countless actions may be attributed to Him, such as the creation of the Universe, the granting of rain, the gift of inspiration to faithful persons, aid in winning wars or sanctions such as the flood, etc.). All these characteristics of divinity enable biblical authors to ascribe to God all the

actions and outcomes described in the Old Testament. In the following section, I will attempt to explain how the idea of God is translated, from the standpoint of New Institutional Economics, into the existence of certain institutional rules (in particular prohibitions and obligations) which constrain the conduct of individuals.

3.1.2. The Decalogue as an institution

Although new institutional economists acknowledge the importance of religious institutions in structuring human interactions, by means of the various constraints such institutions impose on actors faced with choice situations [8], their analysis is rather problematic [9]. In the current section I will attempt however to provide a mode of analysis of the Decalogue, using the tools proposed by Crawford and Ostrom [10]. The research literature argues that throughout history rules have been devised in order to impose and preserve order [8], yet an analysis of institutions-as-rules must also aim to explain “how institutions constrain the sequence of interaction among actors, the choices available to particular actors, the structure of information and hence beliefs of the actors, and payoffs to individuals and groups” [15]. Considering that the concept of institution is understood as “a constraint upon individual behaviour, yet one which provides incentives that maintain a certain pattern of behaviour in actors concerned” [11, p. 246], we may contend that the Decalogue itself is an institution as it lays down certain restrictions for Jewish believers. Faith in God limits the number of available alternatives, from the perspective both of individual and of interdependent actions. For instance, belief in other gods, the worshipping of idols, failure to observe the Sabbath or to respect agents of authority, are actions forbidden by the Decalogue. Before analysing the institutional prescriptions contained by the Decalogue, I will make certain remarks concerning the role of the Decalogue within the Mosaic institutional system.

3.1.2.1. The Decalogue as constitution

The people of Israel received the Decalogue for the first time immediately after their exodus from Egypt, three months after entering the Sinai desert, and the second time before their arrival in Canaan, in the hope of taking possession of the land. During the period under review, “the stake for Israel is the inheritance of the promised *land*, the territory which would provide it with all its resources, wealth and happiness” [6]. Therefore, for every Jew that left Egypt under Moses’ leadership, the purpose of observing the Decalogue is the conquest of Canaan. From a religious perspective, observance of the Decalogue signified the manifestation of the faith in God, who would grant them the land of Canaan. From an institutional perspective, we may consider that the fundamental role of the Decalogue is to create the necessary environment for preserving the cohesion of the group (consisting of Jewish tribes) and of its social order for the purpose

of conquering Canaan. Regardless of the perspective adopted, the observance of the Decalogue by Jews under Moses in the Sinai desert can be viewed as rational behaviour, since it was the only way they could take possession of the Promised Land. The significance of this act is multifaceted, yet in the context of the research it is relevant that the acceptance of the Decalogue fostered the ethnic alliance which united the tribes into a single people worshipping Yahweh [5, p. 72; 13, p. 170]. Moreover, with the acknowledgment of the Covenant, “the man of the Bible converted from nomad to sedentary. The original equality of each person within the tribe was altered in keeping with the new economic system founded on the individual land exploitation replacing livestock farming by the tribe and clan. Raising livestock, thereafter, held less importance for Jews than cereal and fruit cultivation or than crafts, artisanship and trade.” [7, p. 44] It is obvious therefore that, beyond its moral character, the Decalogue had profound social and economic implications.

However, the divine law attributed to Moses is not confined to the Decalogue itself. It serves as a genuine “social contract, which includes civil, criminal, municipal laws of procedure, interspersed with theological considerations, moral commandments, and cultural and sacrificial ordinances, which combine regulations for public administration and rules of international law” [7, p. 200]. The idea of covenant can be traced over the course of the entire Old Testament as a contract concluded in various forms between God and exemplary figures in the history of the Jewish people. In the section on the analysis of Yahweh I have shown that the concept of God must be understood as the transcendental condition of the religious and social system of the Jews during the biblical era. I have also pointed out that covenants may be interpreted as moments when new institutions/rules emerge within Jewish tribes in the biblical times. The Decalogue is but one of these covenants and also the most elaborate – it “provided a summary of biblical laws, which set out institutional structures for a new societal contract” [13, p. 175]. According to the model proposed by Crawford and Ostrom, the Decalogue can be viewed as an institution at the *constitutional-choice level*. The subsequent interpretation, explanation and expansion of the Decalogue (by priests and Levites) form a distinct corpus of laws. These laws regulated all social and particular aspects of life at the time and can be viewed as institutions positioned at the *operational level* of analysis.

3.1.2.2. The Decalogue as social contract

From the book of Genesis, we can observe that before any major campaign Moses used to make a speech in front either the Pharaoh or the Jewish people, to announce what he had received, through revelation, from YHWH. We can interpret such moments as genuine ‘constituent assemblies’ which lay the foundations of what would become the ‘constitution of the Jewish people’ - the Decalogue. The Decalogue stipulates that Jews will enjoy good health and a long and prosperous life if they fulfil the will of YHWH as laid down in its

prescriptions. When analysing the Decalogue from the perspective of contractualist theory, we must bear in mind the fact that “a contract is only partially coordinative [...] [in the sense that] someone expects compliance by the other or others, or intends to comply himself, only because of the additional incentives that the agreement calls into play”. In other words, a contract is required “only in those cases in which some would prefer non-compliance [with agreements], in the absence of sanctions or specially created incentives” [16]. The promise that comes with Decalogue is that observance of rules will bring Israelites long life in the rich land of Canaan. After conquering Canaan, the land was divided among the twelve tribes of Israel, which might be viewed as a rather strong incentive to comply with the new (social) contract offered by Moses: “the new societal contract that was established through the Ten Commandments was embedded in various capital exchange transactions between God and the Israelites. For their spiritual belief into God, the Israelites were to gain prosperity in various ways.” [13, p. 181] In Rousseau’s theory, the social contract does not presuppose the Leviathan, rather it proposes and creates it – the Leviathan is the result of the contract not its premise. In keeping with the spirit of the same theory, it is understood that “the role of the sovereign is to punish the offenders and maintain peace and security for his subjects” [16, p. 67]. The role of the God of the Covenant can be interpreted in the same spirit, as it may be read on the same grid: the council of elders under Moses’ leadership in the Sinai desert agrees to the authorisation of an institution (the Decalogue), supported by monitoring and sanctioning bodies (priests and Levites), which would oversee the perpetuation of socially desirable conduct.

My interpretation of the Decalogue is closer to a social contract as described by Rousseau, since, despite the description of a personal God in the book of Exodus, which concludes with a covenant with the Jewish people, He only appears as a principle, as an idea. To lend weight to the set of laws that he brings as he descends from Mount Moriah, Moses attributes it to God, who reveals as being YHWH, meaning “I am who I am” (Exodus 3.14). Wagner-Tsukamoto interprets the Decalogue as a Lockean contract to which the monarch himself is a party, in view of the fact that the biblical text specifies that God promises to the people of Israel the land of Canaan and other material assets in return for their faith. However, I believe that in the book of Exodus YHWH cannot be considered a party to the contract, as He cannot be identified either with a person or with an organisation. Any ‘manifestation’ of YHWH occurs through agents: either He proclaims his will through Moses, or penalises non-compliance with His commandments through the agency of certain individual or organisational actors (such as the priests or the Levites). The other situations which biblical authors claim to be actions of God fall into the category of the haphazard/fortuity or the inexplicable which Wagner-Tsukamoto [13, p. 222] brings up when he interprets the idea of God as a meta-principle. As I have demonstrated above, although Israelites consider God a party to the social covenant/contract, in order to remain within the limits of a new institutionalist paradigm of analysis, we must realise that God is the transcendental condition of

the Decalogue, included/mentioned in the social contract, yet not a party to that contract.

3.1.3. Institutional prescriptions in the Decalogue

The Decalogue represents the core of the Law offered by Moses to the people of Israel. According to the biblical account, it was written on two stone tablets by God Himself. The explanation for the existence of the two tablets of the Law lies in the fact that the Decalogue contains two types of distinct (and complementary) prescriptions: the first part includes prescriptions on the relationship of each Jewish person with God (the transcendental condition of the law), while the second deals with the relations of each Jewish individual with his/her peers. By applying the analysis grid provided by Crawford and Ostrom [10] to the Decalogue, one can observe that only three of the commandments also include a sanction, i.e. they are rules, while the remaining prescriptions appear as norms. Thus, the second commandment forbids the representation of celestial, aquatic or earthly beings, the worshipping and serving of idols, and provides that, in cases of non-compliance of the prescription, God's sanction will extend to the third and fourth generation. The third commandment prohibits taking the name of the Lord in vain and stipulates God's punishment for violating it. The fifth commandment lays down the obligation to honour one's parents, cautioning those that will breach it that they risk not living a long life in the Promised Land. The other prescriptions of the Decalogue do not include sanctions for non-compliance and must therefore be considered as norms. I will now provide an outline of the rules contained in the Decalogue, highlighting their significance.

As specified earlier, the (idea of) **God** can be understood as the transcendental condition of Mosaic Law (the Decalogue and subsequent laws). The Decalogue was given to the tribes of Israel three months after they entered the Sinai desert and for the purpose of conquering the land of Canaan. However, to be successful in this enterprise, collective action was required. By leaving Egypt, Jews abandoned an institutional system and a lifestyle in which they did not worry about the future. On their entrance in the Sinai desert, they experienced both the lack of rules of social organisation and extreme shortages. That is why, to be able to restore order, Moses brought them (on behalf of God) a set of compulsory rules for all Jews who had left Egypt under his leadership. The rules were intended to address the concrete needs of the tribes living in the desert and, simultaneously, to have sufficient authority to ensure compliance. The Decalogue includes certain prescriptions which depend on the manner in which God is imagined. God is imagined/revealed as unique, therefore worshipping other gods is forbidden; He is conceptualised as an unseen entity, therefore His sensory representation is prohibited; He is represented as maker of the Universe and master of the world, as a result His activities become models of conduct for people so that, if God created the world in six days and rested on the seventh, all profit-making human activities were to be stopped on the seventh

day, etc. The aim of all these institutional prescriptions on the first tablet of the Law is to accomplish the unity/cooperation of the tribes wandering in the Sinai desert, on the way to the Promised Land. For the sake of the preservation of social order, the rules were strictly enforced and any breach was sanctioned severely, as illustrated by the golden calf incident (Exodus 32), when almost three thousand men were sentenced to death for apostasy and idol worship.

The fourth commandment of the Decalogue lays down the obligation to observe the *rest day*. This obligation was introduced by Moses, as it had not been enforced during the time of Noah or the patriarchs. The reason for introducing this institution is that God, hallowed the day on which He rested, after completing the act of creation, therefore it had to be strictly observed: Moses instituted the Sabbath as a token of God's connection with the Jewish people and as a national holiday – the day of the deliverance from Egypt. The introduction of the rest day is also linked to the struggle to achieve unity: on the rest day dedicated to God, Jews collectively participated in the worship of YHWH. In addition to the religious and political role, the Sabbath has a social significance. The rest holidays (sabbaticals), based on the number 7, include: the Sabbath day (every seventh day of the week), the sabbatical year (every seventh year since the departure from Egypt) and the jubilee year (which followed seven sabbatical years). The observance of the Sabbath entailed restraining from all productive work, while on the sabbatical year the land and vineyards were to remain fallow, debtors were discharged and bondmen were freed (as in the jubilee year). Land could only be sold up until the jubilee year, when it was returned to the original owner [17]; during the jubilee year, all farmland labour ceased, the crops of land left fallow could not be harvested and remained in the fields for the benefit of travellers and the disadvantaged, i.e. widows, orphans, etc. The description of this complex institution illustrates its prominent social role in restoring equality in the exchanges among individuals and in ensuring economic efficiency (in terms of land cultivation). By requiring the observance of the rest day, Moses introduced a new institution in the community of Jewish tribes; the sanction he prescribed in case of violation was capital punishment [18]. Although the Decalogue (the constitution) did not specifically state a sanction for failure to observe the Sabbath, such sanction was introduced by means of an operational level law.

The role of the Decalogue in preserving the social order is illustrated by the interpretation of the fifth commandment, which refers not only to *honouring one's biological parents*, but also to “the mutual duties among members of society, [...] the general [relationships] between rulers and subjects” [19]. In this respect, the commandment against *disobeying one's parents* must be understood to have a broader sense, in that, in a patriarchal society as the one under review, the father/the head of the family stood for authority and in certain situation was responsible for enforcing the law, as a judge for members of his family/tribe. For that matter, the law punished by stoning the failure to abide by the orders/decisions of priests or judges. This very strict rule was intended to safeguard the cohesion of a nomadic community governed by patriarchal rules and applied to

any failure to comply with authority. The rule of honouring one's parents (a generic name for representatives of authority) as stipulated by the Decalogue is a constitutional-level provision, whose observance guaranteed material gains: a long life in the Promised Land. This fact clearly illustrates the role of the Decalogue in fostering collective action by Jews for the purpose of conquering Canaan.

3.2. Mechanisms of reinforcement of the Decalogue

Analysing the organisation of Jewish tribes on their journey to Canaan, Wagner-Tsukamoto notes that „in terms of structural governance mechanisms, a tight, clan-based, web-like structure rather successfully organized the Exodus journey itself. Moses and the Levites (as priests) were at the centre of this structure, with other tribes being aligned to this centre. This ensured quick and effective decision-making. Although there was dissent during the Exodus journey, Moses achieved what he was meant to do: he led the Israelites to their promised homeland.” [13, p. 200] In the current section I will present mechanisms to create and enforce rules and mechanisms to monitor and sanction conduct within the communities comprised of the twelve tribes of Israel wandering in the Sinai desert.

3.2.1. Mechanisms to create rules

According to the Hebrew tradition, the author of the Pentateuch (the first five books of the Christian Bible) was “Moses, the law-maker of the people of Israel. Most modern scholars accept the idea that the final version of the text was devised prior to the return of the Jews from the Babylonian exile [539 BC] and that the authors (drawn from the priests' tribe) likely assembled and edited older elements, in relatively consistent manner” [20]. Indeed, the organisation of the Israelite society based on political criteria or religious doctrines was base, up to Moses' era, on the tradition or the customs of the land – so entrenched that they had the force of law [17, p. 106]. In time, this set of customs was refined and fixed in writing, being incorporated in Mosaic Law [5, p. 70]. In fact, both the Decalogue and the entire Mosaic law, although they include novel elements, “reflect the customs of nomadic Jews – the practice of avenging blood spilled, the pre-eminence of the patriarchal family, the protection of the stranger and the right to asylum” [7, p. 37]. Even at the onset of the journey through the Sinai wilderness, the first-borns or elders of all tribes were tasked with “the organization of institutional rules regarding legislative, executive and jurisdictional issues” [13, p. 171], as illustrated by Exodus 18.25-26. In this respect, “during the Exodus journey, Moses was at the top of an organization structure that set out new institutional rules. Below him was the group of priests, which was engaged in executive, legislative and jurisdictional issues, mainly the operational enactment of rules Moses had issued. Initially, these priests were recruited from all tribes of Israel: The first-borns of each family were thought to

belong to God. This implied that institutional decision-making was split across Israel.” [13, p.171] However, immediately after the golden calf incident (Exodus 32), a small selective group, namely Moses and his tribe, the Levites, gradually overtook positions of „institutional decision-making, especially priestly functions, thus depriving the elders and first-borns of all tribes and hence the tribes of Israel from influencing decision-making and the right to become priests” [13, p. 172].

3.2.2. Mechanisms to monitor conduct

The monitoring of the conduct of Jews (in terms of their compliance or non-compliance with norms and rules laid down by the Decalogue and subsequent laws) was performed by each member of the tribes of Israel. However, when we assess the effectiveness of this form of monitoring, we must recall that the Judaic society at the time was a closed one, controlling/restricting all types of relations with other peoples, whether they were religious links or economic or matrimonial ones, and the safeguarding of the unity of the tribes (by sharing the same faith) was the core idea of the Decalogue. To this end, it is worth noting that “according to early Israelite legal usage a very great significance was attached to the testimony of witness. The burden of proof in legal proceedings was placed to a large extent on the accused. He was obliged to prove his innocence in the face of the accusation.” [21] Moreover, the Levites constituted a special corps of servants of God: they pronounced decisions in legal cases, performed sacrifices and any offices as mediators between the people and God. Given that Levites were exclusively responsible for conducting the worship of YHWH (while other activities were forbidden to them) and were supported by the community based on the tithe system, it emerges that Levites at least had strong incentives to monitor and sanction violations of prescriptions of the Law.

3.2.3. Mechanisms to enforce rules

The Law given by Moses was, fundamentally, a text intended to be read out in assemblies of the community (Deuteronomy 31.9-13) so that all tribe members would have knowledge of it and obey it. In the previous section of the paper I have shown that the Decalogue includes only three rules, the remaining commandments being norms. *The social relevance of rules* is reflected by the fact that violations resulted in the stoning to death of the culprit. Capital punishment was prescribed for the worship of idols (Deuteronomy 17.2-7), disobedience of parents (Deuteronomy 21.18-21), contempt of priests and judges (Deuteronomy 17.12-13) and the failure to observe the Sabbath (Numbers 15.32-36). The rules breached in such situations fundamentally concerned social order. One of the peculiar features of the Decalogue (and indeed of most Mosaic institutions) is the constant reference to God, mentioned as their origin/author. If (the idea of) God is the underlying principle of the rules governing the Israelite

society (since laws are passed and punishments inflicted in the name of God), we can understand that *idolatry* or the *blaspheming the name of God* represent attacks on the transcendental principle of Mosaism. From this perspective, we may interpret idolatry as an attempt to change the dominant paradigm in the Israelite society, to introduce new constitutive/constitutional rules (transcendental rules), subsequently enabling those who initiated the worship of an idol to create new rules and secure positions of authority. The enforcement of sanctions was performed by the following *judiciary institutions* [17, p. 108]: the head of the family, during the pre-Mosaic period, and afterwards the elders; the judges appointed in each city; and, at the highest level, serving priests or archpriest (whose verdicts could not be overturned by an appeal). As we have already pointed out, the many offices and responsibilities of Levites were linked to preserving the social order and the cohesion of the tribes of Israel on their way to Canaan. It is therefore legitimate to contend that they had strong incentive in monitoring and enforcing the various rules in force during the Sinaitic period. Although a clear separation of powers did not exist, it is obvious that Levites had legislative, executive and judicial powers in Israelite tribes.

3.2.4. *Mechanisms to sanction behaviour*

As reflected by the analysis of the Decalogue, although „the Ten Commandments were thought to reflect the Word of God, being issued directly from God to Moses and Israel, [...] their sanctions were of a comparatively mundane, worldly nature” [13, p. 176]. Thus, the capital punishment (by stoning) was inflicted for serious offences such as idolatry, blasphemy or failure to observe the Sabbath, meaning that the sixth commandment, “You shall not kill”, did not preclude the application of the death penalty as an expression of an act of justice. In such cases the sentence was carried out by the whole assembly, the witnesses who had reported the offence casting the first stone. This placed the burden of responsibility on witnesses, because in case of perjury, the accuser received the penalty of the defendant. Therefore, the ninth commandment of the Decalogue, “You shall not bear false witness against your neighbour”, was supplemented and reinforced by other institutional operational-level prescriptions. *The role of the sanction* was clearly spelled out by the law-maker – to discourage violation of rules: “that man shall be put to death. You must purge the evil from Israel. All the people will hear and be afraid, and will not be contemptuous again.” (Deuteronomy 17.12-13) One of the solutions to collective-action problems [11, p. 164] is to provide selective incentives (positive or negative) so that cooperative actions turn into actions by which actors seek to acquire private goods – the sharing out of the land of Canaan is one such incentive for Jews wandering in Sinai. At the same time, we can argue that Levites represent the actor paid by the community, by means of the tithe, to oversee compliance with the Law (sanctioning those who do not cooperate in accomplishing social order). The fact that Levites were remunerated by community members was a particularly strong incentive for them to keep the

number of faithful at the highest level, as their revenues were proportional to the number of payers. As a result, all instances of apostasy/idolatry, marriages outside the community, and any other failure to observe the prescriptions of the Law, were severely punished. Accordingly, the likelihood of detecting and punishing defection was very high. It is clearly visible then that Levites played a key role in achieving the cohesion of the tribes of Israel during the Sinaitic period.

When analysing the operation of Mosaic institution, we must take into account the role of Levites as actors charged with monitoring the observance of rules and their enforcement. In certain periods, the institution of Levites was more effective than in others. The Old Testament records situations when violations of rules (institutional prescriptions of the law) were severely sanctioned while in other periods similar offences went unpunished. For instance, the account of Solomon's rule indicates that he escaped punishment for idolatry (III Kings 11.4-8). Such variations are explained by the relationship between the differences institutions of the state: during Solomon's reign, the kingdom flourished, consolidating the institution of monarchy even compared with the judiciary. Therefore, the fact that Solomon made peace treaties and trade treaties with neighbouring nations and tribes and even built altars and temples for foreign gods went unpunished.

4. Conclusions

The Old Testament is a collection of books recording various events in the history of the Jewish people. The chief purpose for which the collection was devised was a religious one, i.e. to describe the relationship between God and His elected people. Yet the accounts in the Old Testament provide numerous insights into the social, political, military, economic, etc. life of the Jewish people at different stages in its history. In the current paper, I have provided an analysis of the Decalogue and the idea of God in the Old Testament, from a new institutional perspective. I have shown that by the idea of God can be understood as the transcendental (in the Kantian sense of the term) condition of the Mosaic institutional system and that the idea was used (1) to mitigate uncertainty at key decision-making points as described in the sacred text and (2) to justify the introduction of new institutions (rules and norms) for the tribes of Israel. I have also shown that, during the Sinaitic period, the Jewish people was governed by a 'constitution' offered by Moses – the Decalogue, which sanctioned (1) failure to acknowledge and observe its transcendental condition and (2) disobedience to authorities. This constitution was explained and supplemented by other collective-choice and operational norms and rules. Some of these rules (incorporated in the Torah) stipulate the establishment of a special body – the Levites - charged with devising and enforcing rules and also with monitoring and sanctioning compliance with institutional prescriptions. By applying a new institutional analysis grid, I have shown that, subsequent to a long evolutionary process, the tribes of Israel journeying towards Canaan managed (1) to create

effective institutions to achieve and safeguard group cohesion and (2) to secure collective action in view of conquering the land of Canaan. The proposed approach sheds new light on the Old Testament and it is my hope that I succeeded in emphasising its relevance for social sciences, insofar as the Pentateuch account of the emergence and establishment of new institutions is perfectly compatible with contemporary institutional approaches.

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