

THE BIBLICAL IMAGINARY IN POLITICAL THOUGHT THE EXAMPLE OF THE CONSENSUS

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ABSTRACT: Consensus is a central element in all kinds of relationships, whether social, political or personal. From the biblical Exodus to the Afro revolution in the US, from apartheid emancipation to decolonial theology, numerous peoples have struggled for social and political life to take their consent, or lack thereof, into account. History is dotted with social and political revolutions that, in different ways and forms, were inspired by the biblical text to change the status quo and win recognition of their dignity.

Through the analysis of Exodus 19:1–8, the article discusses the theme of political and social consensus, in dialogue with the Spinozian interpretation, demonstrating the centrality of biblical influence not only in the religious but also in the social and political spheres.

Il consenso è un elemento centrale in ogni tipo di relazione, sia essa sociale, politica o personale. Dall'Esodo biblico, alla rivoluzione afro in US, dall'emancipazione dall'apartheid alla teologia decoloniale, numerosi popoli hanno lottato affinché la vita sociale e politica tenesse conto del loro consenso, o della sua assenza. La storia è costellata di rivoluzioni sociali e politiche che, in modi e forme diverse, si sono ispirate al testo biblico per modificare lo status quo e conquistare il riconoscimento della propria dignità.

Attraverso l'analisi di Esodo 19, 1-8 l'articolo discute il tema del consenso politico e sociale, in dialogo con l'interpretazione Spinoziana, dimostrando la centralità dell'influenza biblica non solo nell'ambito religioso, ma anche sociale e politico.

KEYWORDS: Consent, Democracy, Revolution, Faith, *Berît*, Covenant

PAROLE CHIAVE: Consenso, Democrazia, Rivoluzione, Fede, *Berît*, Patto

1. Introduction

“The social and parliamentary covenants of the 16th and 17th centuries have their origins in the Exodus literature; for it is there that the idea that duties and allegiance are rooted in the consent of each individual is first affirmed, nor could it be otherwise” (Walzer 1985, p. 59). In reality, the situation is somewhat more complex, as Elazar explains:

The covenant of the Bible are the founding covenants of Western civilization. [...] The covenant idea has within it the seeds of modern constitutionalism in that it emphasizes the mutually accepted limitations on the power of all parties to it, a limitation not inherent in nature but involving willed concessions. This idea of limiting power is of first importance in the biblical worldview and for humanity as a whole since it helps explain why an omnipotent God does not exercise His omnipotence in the affairs of humans, God at least partially withdraws from controlling their lives (Elazar 1995, p. 1).

While Walzer and Elazar are right in pointing out the importance of the biblical Exodus as an inspirational narrative for both modern contractualism and so many social and political revolutions, even when it is not directly recalled, one must also take into account some important differences between the *berît* and the social contract, on which I will elaborate later.

One element, however, seems interesting to me, namely, that the biblical text has been a source of inspiration for political and social struggles for long centuries, as Martin Luther King’s struggles to overcome racism against African Americans have shown in more recent times (King 1958; 1986)⁽¹⁾, Desmond Tutu’s to rebuild South African society after the apartheid experience (Tutu 2000, p. 203; Hill 2007), liberation theology (Gutiérrez 1988) and decolonial theology for the social, political and cultural emancipation of subjugated populations (Mignolo 2012; Dussel 2013; Mendoza-Álvarez-Courau 2020), just to mention a few. In these experiences biblical narratives show their

(1) On the instrumentalization of the sacred text to legitimize racism against African descendants cf. Lefebur and Tonelli 2018.

efficacy in their ability to inspire, create new imagery, motivate, give hope, but most of all in moving crowds and changing status quo by rooting this change in deep motivation and animated by a new awareness: "Those of us who call on the name of Jesus Christ find something at the heart of our faith that reminds us eternally that God is from the particle truth and justice." (King 2007, p. 325). Acting consistently to one's faith in Jesus means having a social and political impact: there is no true faith without witness. There is, therefore, a public dimension of faith, which is action in the public space. An action performed not in a rush, but by consciously adhering to faith and becoming responsible for the consequences. Not only that, this impact is geared toward inclusion and justice and, thus, turning the "last ones" into a valuable resource for society.

These struggles have matured at a time when, in the Western world, compared to the past, the role of the biblical text in socio-political action is no longer so taken for granted, this despite the fact that many areas of law and culture are still deeply rooted, at least in part, in the biblical tradition. Staying focused on the topic of this study, think, for example, of the role of consent in private law, contracts, and intersubjective relationships (Calasso 1954; Grossi 1995; Orestano 1987). This departure from the text was caused by several factors that I can only summarily recall here. One is religious literacy, that is, the resources invested in reading the sacred text and possibly also in religious education. The religious wars that bloodied Europe in the 17th century greatly challenged the goodness of religions, which nevertheless continued to be part of the education of humanists. The school reform implemented by Napoleon adapted the curricula to the new sensibility of the time, namely historicism and nationalism: the study of Greek and Latin were separated from that of Hebrew, making the language of the Bible an exclusive heritage of *homo religious* (Burckert 1999). At the same time, a new view of the past has matured and the already ongoing separation of knowledge has contributed to dividing areas of expertise. The process of secularization and the political events of the 20th century have profoundly affected the vision of science and culture, to the point of depriving humanistic education of the theological tradition, scientific education of humanism. It was certainly a complex path, an expression of

a new sensibility and full of novelties and transformations, in which the gradual process of distancing between the Bible and social and political action is only one of many aspects. The feeling, however, is that along with so many changes, something good has also been lost.

The purposes of this article are several: one is to rethink the issue of consent from its biblical root. It is neither alternative nor contrary to the Greek one, but, in a sense, proposes a more radical view of it, since in the biblical narrative not even God shirks the demand for consent (Ex 19:8). In an era of crisis of democracies in the face of the advance of new forms of imperialism and dictatorships, the ability to give or withhold one's consent is central and cannot be treated as a procedural element⁽²⁾. On the contrary, it is necessary to be aware that it expresses a recognition of equal dignity to those who are called upon to express themselves through it: every form of government is based on a conception of the human being. It is symptomatic that dictators today feel the need to show that their government is an expression of consensus, even if it is the result of rigged elections or the prior elimination of credible opponents (Baunov 2023).

A second goal is to return to the biblical text as a resource for political reflection and not as an (exclusively) religious text. Regardless of

(2) There is no shortage of critics of democracy or those who propose alternative models, cf. Brennan 2017, in which the author analyzes the importance of the competence and awareness as a guarantee of the democratic process and proposes an "epistocratic" democracy based on competences that distributes political power in proportion to knowledge and competence (Bell 2015). The topic of consent would merit separate consideration. In the twentieth century it underwent further development in the medical and technological fields, becoming "informed consent". The expression was first used in 1957 but it was not until the 1970s that it became the focus of debate. It was a symptom of the change in the relationship between doctor and patient, that is, the shift from a paternalistic view to the principle of autonomy of choice. This shift occurred as a result of legal initiatives and not for ethical reasons, (cf. Faden and Beauchamp 1986). Currently, the use of new technologies and social media also relies on informed consent, and the privacy watchdog requires companies that operate them to inform users about the use of their data, https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/search-all-eu-institutions-and-bodies/european-data-protection-supervisor-edps_en. However, very often it are the users themselves who do not read the terms of use that are provided and give their consent for the acquisition and use of their sensitive data in order to use an app or service. This attitude raises questions about the scale of values used by the user, the strength of an invisible manager-associated with the app used and not with the group of people who built it—that, therefore, seems not to exist, and much more. In the political sphere, as well as in the medical and technological spheres, transparency of procedures and purposes should empower the user to give or not to give consent, but no one — other than one's own conscience — can make the user aware of the importance of his or her consent.

whether or not it belongs to a religious tradition, the Bible has contributed significantly to the Western legal, political, and moral tradition and, despite changing sensibilities in some parts of the world, it continues to be an inexhaustible source of reflection. This is even more important at a time when the advance of dictatorships — accompanied by an excessive relaxation of democracies — seeks its consensus in the religious tradition (and this is the third goal): knowing the conceptual resources within a tradition can help de-power these instrumentalizations.

The aims are modest in themselves; in fact they can be summarized as an attempt to overcome, on the one hand, certain prejudices against the biblical text, such as the one that relegates it to reading for believers only, and, on the other hand, to reintroduce it within the debate on a topic that is crucial today.

2. The desert

1. In the third month, when the children of Israel were gone forth out of the land of Egypt, the same day came they into the wilderness of Sinai. 2. For they were departed from Rephidim, and were come to the desert of Sinai, and had pitched in the wilderness; and there Israel camped before the mount. 3. And Moses went up unto God, and the Lord called unto him out of the mountain, saying, Thus shalt thou say to the house of Jacob, and tell the children of Israel; 4. Ye have seen what I did unto the Egyptians, and how I bare you on eagles' wings, and brought you unto myself. 5. Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above all people: for all the earth is mine: 6. And ye shall be unto me a kingdom of priests, and an holy nation. These are the words which thou shalt speak unto the children of Israel. 7. And Moses came and called for the elders of the people, and laid before their faces all these words which the Lord commanded him. 8. And all the people answered together, and said, All that the Lord hath spoken we will do. And Moses returned the words of the people unto the Lord (King James Version).

As Auerbach (2003) has aptly pointed out, biblical narratives do not revert to rhetorical devices to embellish the stories. Only the essentials are narrated in them. The slaves camp in the Sinai desert, facing the mountain, the quintessential site of theophanies. Desert and mountain are theological and cosmogonic places even before they are geographical places. It means that the narrative moves on two planes: the political one, determined by the liberation from slavery, and the theological one, which shapes the narrative and provides the political story with its deeper meaning.

Some textual elements deserve special attention because the translation hides their role within the text or because they are distant from our narrative habit. For example, time indication, generally rare in biblical texts, emphasizes the importance of the event being narrated and is never a *cronaca* element. In the case of Ex 19:1 the time is indicated both in relation to the exit from Egypt and with the punctual expression “the same day,” which retains an ambivalent meaning: on the narrative level it refers to the day that falls in the third month of the exit from Egypt, on the historical level it coincides with the day on which the reader will read this text. Through this narrative device, consent is reaffirmed each time and the covenant is again made each time the text is read/recited (McCarthy 1978, pp. 243–244).

The spatial indication is equally important: coming out of the land of slavery, the Israelites landed in the desert, that is, in a ‘free zone’ because, due to its inhospitality, no ruler had any interest in appropriating it. It was traversed by the caravans of the nomadic peoples, it was used to banish the plague-ridden and all those who were not welcome within the community, and, because it was impossible to survive there, it was considered one of the gates of the *sheol*, that is, the kingdom of the dead (Peri 2003, pp. 62–64; Scandone Matthiae 1987, p. 43–44).

The deceased become, therefore, citizens of this world of chaos, which continually threatens creation and is ever-expanding: “The points, — Peri again explains — where Yahweh’s control is most problematic and the power of the enemy is strongest are those areas that represent the boundaries of the cosmos, namely [...] the sea and the desert” (Peri 2003, pp. 63–64). The task of the national deity “is to ensure the stability of its territory (i.e., the universe: the two concepts, as will be seen, are to some extent identified)”. In continuity with the national

deity, even the actions of the ruler have cosmic value, for they help to arginate the destructive chaos that would prevail with the prevalence of enemies and the forces of nature. The *sheol* realm is, therefore, not a “geographical” place but a dynamic concept related to the daily struggle between the order of creation and chaos. In Hebrew, the root of the verb generally translated as “to create” is *br’*, which means first and foremost “to separate”: to create is first and foremost to demarcate what was previously confused and indistinct.

The location of the scene in the desert acquires a different light: if, from the earthly point of view, the desert is a “lawless” place, which is opposed to Pharaoh’s law (or, more correctly, to his so vain will) and which, initially, may seem an inhospitable but actually saving place because it is far from Egypt, from the cosmic point of view it is, in fact, a borderland, where the powers that reigned before creation confront each other and the balance of the cosmos is in the balance. In this non-place, survival is only possible if the creator deity is able to prevail over chaos. The slaves who escaped from Egypt decide to camp right here: far from the land of slavery and the promised land, this non-place is the only one in which they can make autonomous decisions.

3. The Covenant’s Proposal

When Moses ascends towards God (Ex 19, 3), he has already established judges who help him in judging what happens among the members of the people (Es 18, 13–26). In the reenactment of events, the freed slaves rose up to God. There is no mention of the excited flight, the parting of the waters, the Egyptian army pursuing a jumble of runaway slaves (Ex 14–15). Instead, it speaks of rising, of ascending to God (Ex 19, 4). This remembrance grounds the present: the adverb ‘now’ (Ex 19, 5) points to the moment of passage and turning point, not only at the moment when God pronounces this discourse, but each time the reader will read it and repeat in his or her own life this experience of liberation and foundation of new order. The remembrance of the covenant makes sense if the memorial serves to refund it each time it is recited (Hiller 1969, pp. 76–77).

It is only at this point that God proposes the covenant in a tone that sounds almost like a plea: “if ye will obey my voice indeed, and keep my covenant (berît), then ye shall be a peculiar treasure unto me [...] a kingdom of priests [and no longer slaves], and a holy [separate] nation.” “Obey”, as a translation of “listen carefully” and “keeping” indicate the acceptance and observance of the covenant. If these runaway slaves accept God’s proposed covenant, they will become his “treasure”: the term used here is *segûllā*, in continuity with the Akkadian *sigiltu*, which means “property obtained by contract” and which appears in the texts of the covenants made by the Babylonians with the vassals. The meaning of this membership, however, is very different from that deducible from Babylonian treaties, as is evident from what follows. After the cosmogonic annotation “for all the earth is mine” God refers to Israel as a kingdom of priests and a holy nation. The terms used by the editors of this text are *’am* and *goîm*. The former, *’am*, indicates a familial bond between blood relatives, so the whole expression could be translated as “you will be my servant relatives.” To slavery imposed by force, God opposes the choice of a saving covenant (Walzer 1985, p. 53), but He does so at a time when Israel is already free: it is, therefore, a proposal, not an alternative to liberation, nor to a condition for freedom:

But it is really possible to say no to an omnipotent God? — Walzer asks —. A more skeptical and ironic rabbinic story suggests the difficulty. Now God is said to have lifted up the mountain, held it over the heads of the assembled Israelites, and told them: “If you accept the Torah, it is well; otherwise you will find your grave under this mountain”. One of the rabbis, a good consent theorist, says of telling of this story that it is “a great protest against the Torah”. Indeed, it makes the Torah into non-bonding law, grounded of force alone, not on commitment. The book of Exodus has nothing to say about these theoretical issues. But it does insist in the consent of the people and so provides a platform, as it were, for later speculation (Walzer 2012, p. 5; Walzer *et al.* 2000, pp. 28-29).

Freedom is the factor that makes consensus binding and Israel responsible. After all, the biblical texts are not treatises on philosophy, nor do they argue one thesis by contrasting it with others: they testify, they enact the faith experience of the people of Israel through stories

and poems with the intent to engage the reader in this experience, not to engage in a philosophical disquisition with him/her.

As with other historical nations, kinship and covenant, descent and consent, are simultaneously at work. What is striking in the Bible is the intense awareness of both: this covenant, which requires our consent before it becomes obligatory, is also the “covenant of our fathers”, to which we have already consented and which is already obligatory (Walzer 2012, pp. 10–11).

The escape from Egypt allows not only the exit from slavery but the beginning of a new role and the construction of a new identity for the Israelites (Auzou 1961): by accepting the covenant with the liberating God, they will become a kingdom of priests, i.e., protagonists of the liturgical service and a nation separate from all others.

The term *gôim* in the Bible is used to refer to the peoples and nations that do not know J-H, i.e., the pagans. The political connotation coincides with the religious one. Thus in God’s speech we find the coordinates of the new people: a kingdom of servant kinsmen and a separate nation. The adjective *qādōš* ‘separate’ insists on Israel’s independence because it belongs to God alone (Ex 3:5; Lev 18:1–5). This belonging is not analogous to Egyptian slavery: on the contrary, it emphasizes the freedom and independence won by the people after the liberation from Egypt and already acted upon both through the institution of judges and through the consent freely given to the proposed alliance with God. In v 8 all the people accept the covenant “All that the Lord hath spoken we will do.” The covenant is not between God and Moses, but between God and the people: the people are called upon to give their consent. Unlike of the common practice of the ancient Near Eastern peoples that only the ruler, having a priestly function, was in contact with the deity, is here greatly scaled down. Moses performs the function of mediator but cannot replace the people. The people themselves are born, so to speak, through the making of the covenant: from a hodgepodge of runaway slaves, they are transformed into a collectivity capable of freely deciding their own future and giving themselves an identity (Brueggemann 2012).

On the historical political level, some scholars have pointed out the similarity between this covenant and those imposed by the Neo-Assyrian Empire on its vassals. These, however, contained a series of threats should the vassal refuse to accept (Walzer 2012, p. 6; Hillers 1969; Elazar 1995). Moreover, while those treaties were aimed at expanding the international hegemony of the great empire, the covenant between God and Israel is an internal affair. The fact that everyone, that is, each member of the people gives their consent to the covenant, is not only a political act but also an expression of the faith of each of them.

The desert is almost a mythical condition, for in this non-place, the people experience a kind of original condition: they pause precisely where the forces of primordial chaos press upon the ordered cosmos. The creation of a new order begins from this potentially chaotic non-place and takes place not through epic battles between God and the forces of chance, nor through a handing over of powers by God to an absolute ruler, but through the stipulation of a *berît* with all members of the people. It is not a condition for receiving freedom, but the result of the latter (Ska 1996).

The Covenant at Sinai, following upon the liberation from Egyptian bondage, was the most important of Israel's covenants, and the biblical writers seem to have had no doubt that it depended on consent, not blood. The laws were binding only because they had been accepted by the people. Rabbinic writers are especially clear on this point [...] The crucial conditions of what is today called consent theory are here recognized. Before consent is effective, there must be full knowledge and the possibility of refusal (Walzer 2012, pp. 4–5).

The history of biblical Israel begins with that of the patriarchs leading the tribes and then growing and transforming into a people. The lineage of Abraham, Isaac and Jacob owes its continuity to both genetic preservation and faith in their God. Even when this numerous lineage is enslaved, they do not renounce their God and it is because of Him that they will be able to escape Egypt and become “people”. The tribal context is transformed into a politically autonomous and independent “people”, while the God of the patriarchs becomes a “national” God:

consent prevents their mutual membership from turning Israel into a “possession” and makes it accountable.

4. The Desert as a “State of Nature”: Insights from Spinoza’s perspective

Having therefore found themselves in this natural condition, they, on the advice of Moses [...] decided not to transfer this right of theirs except to God and without hesitation, all together, with one voice, they promised to obey without any reservation every command of God [...] This promise, that is, this transfer of natural law to God, took place in an identical way to what we conceived in the previous pages as taking place in a common society, when men decide to renounce their natural right (Spinoza 1972, p. 668; Calma 1996).

For the Dutch philosopher of Jewish origin Baruch Spinoza the method of interpreting Scripture is the same as that of nature: reason (Spinoza 1972, pp. 509–510). Anticipating the birth of modern exegesis by two centuries (Ska 2000, pp. 118–144), Spinoza believes that Scripture can be understood in its historicity and interpreted these verses as the return to the “state of nature”. According to Zac’s interpretation, the “state of nature” is not yet a historical situation, that is, it does not make a history of peoples possible, because it lacks that specific continuity of national identities that characterizes national states, in which the natural tendency towards common life is organized in political forms (Zac 1978). Modern contractualism has elaborated different types of covenant. Both in the case of modern contractualism and the biblical account, the intention is not to offer a historical recollection, but a historiographical interpretation of events, a kind of etiological account explaining why in the present things are a certain way and not another. Underlying this original narrative is the idea of offering a representation of meaning and not recounting a historical fact. The fact that this “representation”, mythic tale, or “staging” does not make such a tale any less true, nor does it weaken its force centuries later.

The transfer of natural law to God is based, according to Spinoza, on the belief that in the future He will save his people as he did in the past. The alternative is therefore not between the covenant and who knows what threat of a ruinous intervention by God against the people, but between the covenant — understood as a source of certain prosperity - and the impossibility of surviving without the liberating God: “So — he explains the philosopher — nothing else could have been promised to Jewish society as a reward for constant observance of the law other than security of life and the advantages connected to it.” (Spinoza 1972, p. 443).

Fidelity to God through observance of the law is both a religious and political issue. Politics because God fights against the enemies of Israel, but also because the alliance is stipulated by each one in front of and together with all the others and in doing so each one assumes the responsibility of faithfulness to the covenant in front of the rest of the people:

It follows that all, according to the terms of this covenant, remained in a condition of complete equality; that everyone had the same right to consult God and to receive and interpret his laws and that, in general, everyone was entrusted at the same level with the task of providing for the entire administration of the State (*ibid.*, p. 670).

From the pact derives the equality between the members of the people and the relationship of each of its members with God.

Furthermore, faith has nothing to do with internal experience: it is made up of shared practices and the observance of certain behaviors. There is no distinction between internal experience and external practices, between the “private” and public dimensions, but continuity. This is one reason why we cannot ascribe to the covenant only a religious role, that is, separate from politics. In fact, the invitation to remember the covenant and—therefore—renew their consent has a strategic political role for the tribes at a time when they are again dispersed:

And if it seem evil unto you to serve the Lord, choose you this day whom ye will serve; whether the gods which your fathers served that were on the other side of the [river], or the gods of the Amorites, in whose land ye dwell: but as for me and my house, we will serve the Lord (Jos 24, 25).

Again, for political reasons, consensus is the central element because without conscious choice there is no obligation. In this case, consent seems to play an additional role to the two basic criteria for membership in Israel, that is, mater-linear consanguinity and observance of the Law. The religious dimension that prevails in the rite, then, allows the identification of each generation with those that preceded it and with those that follow (Walzer 2012, p. 8). The ritual scanning of time inserts historical time and the political context into a theological dimension of salvific planning.

5. Final Remarks

Consensus is a central element in any relationship, whether institutional or personal. In this paper it has been treated on an exclusively theoretical level: Israel's consent to the making of the covenant is a narrative fiction, just as Spinoza's reflections are mere theoretical speculations drawn from reading the Bible. Nonetheless, both were able to engage their readers to the point of prompting them to reconsider established views. Historically real were the revolutions recalled by Walzer, the struggles of African Americans led by Martin Luther King, the reconciliatory actions of Desmond Tutu, and the forms of emancipation enacted by liberation and colonial theology. All have needed a leader, that is, a prophetic voice capable of understanding suffering and transforming it into hope (Brueggemann 2018, pp. 45–46). Behind these actions is first and foremost the demand for the recognition of the value of one's own consent and not to be treated as "things": the consent indispensable to bring about a peace process, instead of imposing an unripened pacification, the consent indispensable to make choices that contribute to the creation of a conscious identity. The value of consent, therefore, is not limited to the giving of it, but to the chain of consequences it generates and in its transformative action of the identities involved: recognizing the value of others' consent is (also) a form of self-limitation of one's own power and the indispensable prerequisite for building a relationship between autonomous entities. The imaginative power of the biblical narrative provokes real thoughts and

actions: the covenant, in fact, must give rise to a political reality and not mere forms of associationism, that is, it must become a regulative element of common life and the realization of the Kingdom of God. It is therefore not secondary to consider the “person” who by virtue of the contract will hold power. In the case of *berît* it is placed in God, so any human ruler will be subject to his law. Before God, human beings all remain equal (Ex 20, 8-11; Dt 5, 12-15). The *berît* is “stipulated by” and “arranged for” the people and places its members on an equal footing with each other. Finally, an element of interest is the “community” that is the protagonist of the covenant: the biblical Exodus describes a small community of kinsmen who share important traditions and are veterans of the experience of slavery. This is a situation that we might call pre-political.

Faith in the liberating God allows the slaves to be guided by Moses through a series of changes: from the tribal context to migrating to Egypt because of famine, then becoming slaves and eventually escaping. Moses is from the beginning an instrument and not a substitute for God or the people. It is in the desert that Israel becomes the protagonist of its own history. As we have seen, this location was for the time exactly the opposite of a place of salvation. Yet precisely in it we detect an incontrovertible fact: Israel comes into being as an autonomous political entity through faith in the liberating God. The desert itself, an inhospitable place, becomes a place of foundation, but not of a city or a nation, but of a people. Israel’s identity has to do not with a geographic place — God’s is the land and all it contains (Ex 19:5; Ps 23:1) — but with the experience of a faith that is handed down from generation to generation, through consent to an original covenant with God that permeates the historical-political event with theological significance (Elazar 1991).

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