

TORAH

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TORAH

Functions, Meanings, and Diverse Manifestations in Early Judaism and Christianity

Edited by

William M. Schniedewind, Jason M. Zurawski,
and Gabriele Boccaccini





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Abbreviations

Primary Sources

'Abot R. Nat.	'Abot de Rabbi Nathan
<i>Abr.</i>	Philo, <i>De Abrahamo</i>
<i>Adv. Jud.</i>	John Chrysostom, <i>Adversus Judaeos</i>
<i>Aet.</i>	Philo, <i>De aeternitate mundi</i>
<i>Ag.</i>	Aeschylus, <i>Agamemnon</i>
<i>Ag. Ap.</i>	Josephus, <i>Against Apion</i>
ALD	Aramaic Levi Document
<i>Ant.</i>	Josephus, <i>Jewish Antiquities</i>
Apocr. Jas.	Apocryphon of James
<i>Apol.</i>	Plato, <i>Apologia</i>
<i>Av.</i>	Aristophanes, <i>Aves</i>
b.	Babylonian Talmud
B.Bat.	Baba Batra
<i>Bibl.</i>	Photius, <i>Bibliotheca</i>
<i>C. du. ep. Pelag.</i>	Augustine, <i>Contra duas epistolas Pelagianorum ad Bonifatium</i>
<i>Civ.</i>	Augustine, <i>De civitate Dei</i>
<i>Comm. Jo.</i>	Origen <i>Commentarium in evangelium Joannis</i>
<i>Comm. Matt.</i>	Origen <i>Commentarium in evangelium Matthaei</i>
<i>Conf.</i>	Augustine, <i>Confessiones libri XIII</i>
D	Damascus law code
<i>Decal.</i>	Philo, <i>De decalogo</i>
<i>Demon.</i>	Isocrates, <i>Ad Demonium</i> (Or. 1)
<i>Div. quaest. LXXXIII</i>	Augustine, <i>De diversis quaestionibus LXXXIII</i>
<i>Div. quaest. Simpl.</i>	Augustine, <i>De diversis quaestionibus ad Simplicianum</i>
<i>E Delph.</i>	Plutarch, <i>De E apud Delphos</i>
<i>Ep.</i>	Seneca, <i>Epistulae morales</i> ; Augustine, <i>Epistulae</i>

<i>Faust.</i>	Augustine, <i>Contra Faustum Manichaeum</i>
<i>Flor.</i>	Ptolemy, <i>Epistula ad Floram</i>
<i>Fort.</i>	Augustine, <i>Contra Fortunatum</i>
<i>Fug.</i>	Philo, <i>De fuga et inventione</i>
H	Holiness Code
<i>Haer.</i>	Hippolytus, <i>Refutatio omnium haeresium</i> ; Irenaeus, <i>Adversus haereses (Elenchos)</i>
Hag.	Hagigah
<i>Hist.</i>	<i>Histories</i>
<i>Hist. eccl.</i>	Eusebius, <i>Historia Ecclesiastica</i>
<i>Hypth.</i>	Philo, <i>Hypothetica</i>
<i>Inst.</i>	Quintilian <i>Institutio oratoria</i>
<i>Inv.</i>	Cicero, <i>De inventione rhetorica</i>
J.W.	Josephus, <i>Jewish War</i>
LAE	Life of Adam and Eve
Let. Aris.	Letter of Aristeas
<i>Marc.</i>	Tertullian, <i>Adversus Marcionem</i>
Mas	Masada manuscript
<i>Mos.</i>	Philo, <i>De vita Mosi</i>
<i>Mut.</i>	Philo, <i>De mutatione nominum</i>
<i>Nat. d.</i>	Cicero, <i>De natura deorum</i>
P	Priestly
<i>Pan.</i>	Epiphanius <i>Panarion (Adversus haereses)</i>
<i>Post.</i>	Philo, <i>De posteritate Caini</i>
<i>Praed.</i>	Augustine, <i>De praedestinatione sanctorum</i>
<i>Praem.</i>	Philo, <i>De praemiis et poenis</i>
<i>Praep. evang.</i>	Eusebius, <i>Praeparatio evangelica</i>
<i>Propp.</i>	Augustine, <i>Expositio quarundam propositionum ex epistola apostoli ad Romanos</i>
Ps.-Phoc.	Pseudo-Phocylides
<i>Pyth. orac.</i>	Plutarch, <i>De Pythiae oraculis</i>
Rab.	Rabbah (+ biblical book)
<i>Retract.</i>	Augustine <i>Retractationes libri II</i>
<i>Rhet.</i>	Aristotle, <i>Rhetorica</i>
Rhet. Her.	<i>Rhetorica ad Herennium</i>
Šabb.	Shabbat
Sanh.	Sanhedrin
<i>Sens.</i>	Aristotle, <i>De sensu et sensibilibus</i>
<i>Somn.</i>	Philo, <i>De somniis</i>

<i>Spec.</i>	Philo, <i>De specialibus legibus</i>
<i>Strom.</i>	Clement of Alexandria, <i>Stromateis</i>
Tg. Ps.-J.	Targum Pseudo-Jonathan
T.Jud	Testament of Judah
T.Levi	Testament of Levi
T.Zeb.	Testament of Zebulun
<i>Virt.</i>	Philo, <i>De virtutibus</i>
y.	Jerusalem Talmud

Secondary Sources

AB	Anchor (Yale) Bible
ABD	Freedman, David Noel, ed. <i>Anchor Bible Dictionary</i> . 6 vols. New York: Doubleday, 1992.
ABRL	Anchor (Yale) Bible Reference Library
AbrNSup	Abr-Narain Supplement
AcBib	Academia Biblica
ACSt	American Classical Studies
<i>AcT</i>	<i>Acta Theologica</i>
<i>AcTSup</i>	<i>Acta Theologica Supplementum</i>
AGJU	Arbeiten zur Geschichte des antiken Judentums und des Urchristentums
AIL	Ancient Israel and Its Literature
AJEC	Ancient Judaism and Early Christianity
AnBib	Analecta Biblica
ANEM	Ancient Near Eastern Monographs
ANTC	Abingdon New Testament Commentaries
AScR	<i>Annali di Scienze Religiose</i>
ASNP	<i>Annali della Scuola Normale Superiore di Pisa</i>
ANTZ	Arbeiten zur neutestamentlichen Theologie und Zeitgeschichte
BARIS	British Archaeological Reports International Series
BBB	Bonner biblische Beiträge
BBR	<i>Bulletin for Biblical Research</i>
BCAW	Blackwell Companion to the Ancient World
BDB	Brown, Francis, S. R. Driver, and Charles A. Briggs. <i>A Hebrew and English Lexicon of the Old Testament</i> . Oxford: Clarendon, 1907.

BEATAJ	Beiträge zur Erforschung des Alten Testaments und des antiken Judentums
BECNT	Baker Exegetical Comentary on the New Testament
BETL	Bibliotheca Ephemeridum Theologicarum Lovaniensium
BGU	<i>Aegyptische Urkunden aus den Königlichen [later Staatlichen] Museen zu Berlin, Griechische Urkunden</i> . Berlin: Weidmann, 1895–.
BHQ	<i>Biblia Hebraica Quinta</i> . Edited by Adrian Schenker et al. Stuttgart: Deutsche Bibelgesellschaft, 2004–.
<i>BibInt</i>	<i>Biblical Interpretation</i>
BibInt	Biblical Interpretation Series
BIFAO	<i>Bulletin de l'Institut français d'archéologie orientale</i>
BJS	Brown Judaic Studies
BMusIn	<i>The Collection of Ancient Greek Inscriptions in the British Museum</i> . Edited by Edward Lee Hicks, Charles Thomas Newton, Gustav Hirschfeld, and F. H. Marshall. 5 vols. Oxford: British Museum, 1874–1916.
BN	<i>Biblische Notizen</i>
BNTC	Black's New Testament Commentaries
BThSt	Biblich-theologische Studien
BWANT	Beiträge zur Wissenschaft vom Alten und Neuen Testament
BZABR	Beihefte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte
BZAW	Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft
BZNW	Beihefte zur Zeitschrift für die neutestamentliche Wissenschaft und die Kunde der älteren Kirche
CAH	Cambridge Ancient History
CBC	Cambridge Bible Commentary
CBET	Contributions to Biblical Exegesis and Theology
CBQMS	Catholic Biblical Quarterly Monograph Series
CEJL	Commentaries on Early Jewish Literature
CHANE	Culture and History of the Ancient Near East
CJAn	Christianity and Judaism in Antiquity
CIQ	<i>Classical Quarterly</i>
ConBNT	Coniectanea Biblica New Testament

CPJ	<i>Corpus Papyrorum Judaicarum</i> . Edited by Victor A. Tcherikover. 3 vols. Cambridge: Harvard University Press, 1957–1964.
CRAIBL	<i>Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres</i>
CREJ	Collection de la Revue des études juives
CRINT	Compendia Rerum Iudaicarum ad Novum Testamentum
DCLS	Deuterocanonical and Cognate Literature Studies
DJD	Discoveries in the Judaean Desert
DSD	<i>Dead Sea Discoveries</i>
DULAT	Olmo Lete, Gregorio del, and Joaquín Sanmartín. <i>A Dictionary of the Ugaritic Language in the Alphabetic Tradition</i> . Translated and edited by Wilfred G. E. Watson. 3rd ed. 2 vols. Leiden: Brill, 2015.
EBR	Klauck, Hans-Josef, et al., eds. <i>Encyclopedia of the Bible and Its Reception</i> . Berlin: de Gruyter, 2009–.
EDNT	Balz, Horst, and Gerhard Schneider, eds. <i>Exegetical Dictionary of the New Testament</i> . 3 vols. Grand Rapids: Eerdmans, 1990–1993.
EDSS	Schiffman, Lawrence H., and James C. Vanderkam, eds. <i>Encyclopedia of the Dead Sea Scrolls</i> . 2 vols. New York: Oxford University Press, 2000.
EHAT	Exegetisches Handbuch zum Alten Testament
EJL	Early Judaism and Its Literature
FAT	Forschungen zum Alten Testament
FNT	<i>Filología neotestamentaria</i>
frag(s).	fragment(s)
FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
FSBP	Fontes et Subsidia ad Bibliam Pertinentes
GAT	Grundrisse zum Alten Testament
Gk	Greek
GKC	Gesenius, Wilhelm. <i>Gesenius' Hebrew Grammar</i> . Edited by Emil Kautzsch. Translated by Arthur E. Cowley. 2nd ed. Oxford: Clarendon, 1910.
HALOT	Koehler, Ludwig, Walter Baumgartner, and Johann J. Stamm. <i>The Hebrew and Aramaic Lexicon of the Old Testament</i> . Translated and edited under the super-

	vision of Mervyn E. J. Richardson. 2 vols. Leiden: Brill, 2001.
HAT	Handbuch zum Alten Testament
HBAI	<i>Hebrew Bible and Ancient Israel</i>
HBM	Hebrew Bible Monographs
HCOT	Historical Commentary on the Old Testament
HCS	Hellenistic Culture and Society
HdO	Handbuch der Orientalistik
HDR	Harvard Dissertations in Religion
Heb	Hebrew
<i>Hen</i>	<i>Henoch</i>
HSCl	Harvard Studies in Comparative Literature
HThKAT	Herders theologischer Kommentar zum Alten Testament
<i>HTR</i>	<i>Harvard Theological Review</i>
HUCA	<i>Hebrew Union College Annual</i>
<i>HvTSt</i>	<i>HTS Theologies Studies/Theological Studies</i>
IBC	Interpretation, a Bible Commentary for Teaching and Preaching
IECOT	International Exegetical Commentary on the Old Testament
<i>IEJ</i>	<i>Israel Exploration Journal</i>
IG	<i>Inscriptiones Graecae</i> . Editio Minor. Berlin: de Gruyter, 1924–.
<i>IJO</i>	Noy, David, Alexander Panayotov, and Hanswulf Bloedhorn, eds. <i>Inscriptiones Judaicae Orientis</i> . 3 vols. TSAJ 99, 101, 102. Tübingen: Mohr Siebeck, 2004.
<i>Imm</i>	<i>Immanuel</i>
ISBL	Indiana Studies in Biblical Literature
<i>JAJ</i>	<i>Journal of Ancient Judaism</i>
JAJSup	Journal of Ancient Judaism Supplements
<i>JBL</i>	<i>Journal of Biblical Literature</i>
JCPS	Jewish and Christian Perspectives Series
<i>JECS</i>	<i>Journal of Early Christian Studies</i>
<i>JHebS</i>	<i>Journal of Hebrew Scriptures</i>
<i>JIGRE</i>	Horbury, William, and David Noy. <i>Jewish Inscriptions of Graeco-Roman Egypt</i> . Cambridge: Cambridge University Press, 2007.

<i>JIWE</i>	Noy, David. <i>Jewish Inscriptions of Western Europe</i> . 2 vols. Cambridge: Cambridge University Press, 1993–1995.
<i>JJS</i>	<i>Journal of Jewish Studies</i>
Joüon	Joüon, Paul. <i>A Grammar of Biblical Hebrew</i> . Translated and revised by T. Muraoka. 2 vols. Rome: Pontifical Biblical Institute, 1991.
<i>JR</i>	<i>Journal of Religion</i>
JRASup	Journal of Roman Archaeology Supplement Series
<i>JSJ</i>	<i>Journal for the Study of Judaism</i>
JSJSup	Supplements to the Journal for the Study of Judaism
JSNTSup	Journal for the Study of the New Testament Supplement Series
<i>JSOT</i>	<i>Journal for the Study of the Old Testament</i>
JSOTSup	Journal for the Study of the Old Testament Supplement Series
JSRC	Jerusalem Studies in Religion and Culture
<i>JSPJ</i>	<i>Journal for the Study of Paul and His Letters</i>
JSPSup	Journal for the Study of the Pseudepigrapha Supplement Series
<i>JSSR</i>	<i>Journal for the Scientific Study of Religion</i>
<i>JTS</i>	<i>Journal of Theological Studies</i> New Series
KBANT	Kommentare und Beiträge zum Alten und Neuen Testament
KStTh	Kohlhammer Studienbücher Theologie
<i>KuI</i>	<i>Kirche und Israel</i>
Lane	Lane, Edward W. <i>An Arabic-English Lexicon</i> . 8 vols. London: Williams & Norgate, 1863. Repr., Beirut: Libr. du Liban, 1980.
LEC	Library of Early Christianity
LHBOTS	Library of Hebrew Bible/Old Testament Studies
LNTS	Library of New Testament Studies
LSAM	Sokolowski, Franciszek. <i>Lois sacrées de l'Asie Mineure</i> . Ecole française d'Athènes. Travaux et mémoires 9. Paris: E. de Boccard, 1955.
LSCG	Sokolowski, Franciszek. <i>Lois sacrées des cités grecques: Supplément</i> . Ecole française d'Athènes. Travaux et mémoires 11. Paris: E. de Boccard, 1962.

LSJ	Liddell, Henry George, Robert Scott, and Henry Stuart Jones. <i>A Greek-English Lexicon</i> . 9th ed. with revised supplement. Oxford: Clarendon, 1996.
LSTS	Library of Second Temple Studies
LTK	Buchberger, Michael, et al., eds. <i>Lexikon für Theologie und Kirche</i> . Freiburg im Breisgau: Herder, 1930–.
MS(S)	manuscript(s)
NCB	New Century Bible Commentary
NETS	Pietersma, Albert, and Benjamin G. Wright, eds. <i>A New English Translation of the Septuagint and the Other Translations Traditionally Included under That Title</i> . New York: Oxford University Press, 2007.
<i>Neot</i>	<i>Neotestamentica</i>
NHMS	Nag Hammadi and Manichaean Studies
<i>NIB</i>	<i>The New Interpreter's Bible</i> . Edited by Leander Keck. 12 vols. Nashville: Abingdon, 1994–2004.
NICNT	New International Commentary on the New Testament
NICOT	New International Commentary on the Old Testament
<i>NovT</i>	<i>Novum Testamentum</i>
NovTSup	Supplements to Novum Testamentum
NSKAT	Neuer Stuttgarter Kommentar Altes Testament
NTL	New Testament Library
NTOA	Novum Testamentum et Orbis Antiquus
NTS	<i>New Testament Studies</i>
OECT	Oxford Early Christian Texts
OTG	Old Testament Guides
OTL	Old Testament Library
OTS	Old Testament Studies
<i>PAAJR</i>	<i>Proceedings of the American Academy for Jewish Research</i>
PapyCol	Papyrologia Colonensia
P.Eleph.	<i>Aegyptische Urkunden aus den Königlichen Museen in Berlin: Griechische Urkunden, Sonderheft; Elephantine-Papyri</i> . Edited by O. Rubensohn. Berlin, 1907.
PFES	Publications of the Finnish Exegetical Society

PG	Patrologia Graeca. Edited by J.-P. Migen. 161 vols. Paris, 1857–1886.
PNTC	Pillar New Testament Commentary
P.Oxy.	<i>The Oxyrhynchus Papyri</i> . London: Egypt Exploration Society, 1898–.
P.Polit.Iud.	Cowey, James M. S., and Klaus Maresch. <i>Urkunden des Politeuma der Juden von Herakleopolis (144/3–133/2 v. Chr.) (P. Polit. Iud.): Papyri aus den Sammlungen von Heidelberg, Köln, München und Wien</i> . PapyCol 29. Wiesbaden: Westdeutscher, 2001.
PTSDSS	Princeton Theological Seminary Dead Sea Scrolls Project
PVTG	Pseudepigrapha Veteris Testamenti Graece
RB	<i>Revue Biblique</i>
RC	<i>Religion Compass</i>
RechAugPat	<i>Recherches Augustiniennes et Patristiques</i>
REJ	<i>Revue des études juives</i>
RelS	<i>Religious Studies</i>
RevQ	<i>Revue de Qumrân</i>
RGRW	Religions in the Graeco-Roman World
RHPR	<i>Revue d'histoire et de philosophie religieuses</i>
RTSR	Reflection and Theory in the Study of Religion
RVV	Religionsgeschichtliche Versuche und Vorarbeiten
SAPERE	Scripta Antiquitatis Posterioris ad Ethicam Religionemque pertinentia
SBAB	Stuttgarter biblische Aufsatzbände
SBLTT	Society of Biblical Literature Texts and Translations
SBT	Studies in Biblical Theology
SC	Sources chrétiennes
SCJud	Studies in Christianity and Judaism
SCS	Septuagint and Cognate Studies
SDSSRL	Studies in the Dead Sea Scrolls and Related Literature
SECA	Studies on Early Christian Apocrypha
Sem	<i>Semitica</i>
SemeiaSt	Semeia Studies
SFSHJ	South Florida Studies in the History of Judaism
sg.	singular
SGCA	Studi sul giudaismo e cristianesimo antico

SHBC	Smyth & Helwys Bible Commentary
SHR	Studies in the History of Religions (Supplements to Numen)
SJC	Studies in Judaism and Christianity
SJLA	Studies in Judaism and Late Antiquity
<i>SJOT</i>	<i>Scandinavian Journal of the Old Testament</i>
SKG.G	Schriften der Königsberger Gelehrten Gesellschaft, Geisteswissenschaftliche Klasse
SNTW	Studies of the New Testament and Its World
SP	Sacra Pagina
SPAW.PH	Sitzungsberichte der Preussischen Akademie der Wissenschaften zu Berlin Philosophisch-Historische Klasse
SPhAMA	Studies in Philo of Alexandria and Mediterranean Antiquity
<i>SPhiloA</i>	<i>Studia Philonica Annual</i>
SPhiloM	Studia Philonica Monograph Series
SR	<i>Studies in Religion</i>
StCM	Studies in Christian Mission
STDJ	Studies on the Texts of the Desert of Judah
StPB	Studia Post-biblica
SubBi	Subsidia Biblica
SVF	Armin, Hans Friedrich August von. <i>Stoicorum Veterum Fragmenta</i> . 4 vols. Leipzig: Teubner, 1903–1924.
SVTG	Septuaginta: Vetus Testamentum Graecum Auctoritate Academiae Scientiarum Gottingensis editum
SVTP	Studia in Veteris Testamenti Pseudepigrapha
SymS	Symposium Series
TAD	Porten, Bezalel, and Ada Yardeni. <i>Textbook of Aramaic Documents for Ancient Egypt</i> . 4 vols. Jerusalem: Hebrew University, 1986–1999.
TB	Theologische Bücherei
TCSt	Text-critical Studies
TDNT	Kittel, Gerhard, and Gerhard Friedrich, eds. <i>Theological Dictionary of the New Testament</i> . Translated by Geoffrey W. Bromiley. 10 vols. Grand Rapids: Eerdmans, 1964–1976.

<i>TDOT</i>	Botterweck, G. Johannes, Helmer Ringgren, Heinz-Josef Fabry, and Holger Gzella, eds. <i>Theological Dictionary of the Old Testament</i> . Translated by John T. Willis et al. 16 vols. Grand Rapids: Eerdmans, 1974–2018.
THKNT	Theologischer Handkommentar zum Neuen Testament
ThW	Theologische Wissenschaft
<i>TLOT</i>	Jenni, Ernst, and Claus Westermann, eds. <i>Theological Lexicon of the Old Testament</i> . Translated by Mark E. Biddle. 3 vols. Peabody, MA: Hendrickson, 1997.
TSAJ	Texts and Studies in Ancient Judaism
TUGAL	Texte und Untersuchungen zur Geschichte der altchristlichen Literatur
<i>TynBul</i>	<i>Tyndale Bulletin</i>
<i>TZ</i>	<i>Theologische Zeitschrift</i>
UALG	Untersuchungen zur antiken Literatur und Geschichte
UCPNES	University of California Publications Near Eastern Studies
UCPSP	University of California Publications in Semitic Philology
VC	<i>Vigiliae Christianae</i>
VTSup	Supplements to Vetus Testamentum
WBC	Word Biblical Commentary
WGRW	Writings from the Greco-Roman World
WUNT	Wissenschaftliche Untersuchungen zum Neuen Testament
ZA	<i>Zeitschrift für Assyriologie</i>
ZABR	<i>Zeitschrift für altorientalische und biblische Rechtsgeschichte</i>
ZAC	<i>Zeitschrift für antikes Christentum</i>
ZAW	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>
ZNW	<i>Zeitschrift für die neutestamentliche Wissenschaft und die Kunde des Urchristentums</i>

Introduction: Discussing Torah in the Tuscan Hills

Jason M. Zurawski

The impetus for this volume came about during a conference I organized in 2015 with Luca Arcari and Gabriele Boccaccini at the University of Naples Federico II on “Second Temple Jewish *Paideia* in Its Ancient Near Eastern and Hellenistic Contexts.”¹ Over the course of a week discussing all things related to Jewish education during the Second Temple period, questions related to torah naturally came up quite a bit. This fact alone should not warrant any surprise. However, the different ways and contexts in which torah kept entering into the discussions and the different notions attached to the term became more and more interesting, and it soon became clear that not everyone was on the same page. This is not to say that some people were “wrong” and some “right” about how they understood the term or concept of torah (or *nomos*), just that different people had very different ideas and assumptions attached to the term, depending on one’s own particular focus, area of expertise, or angle of approach. At the concluding session of the meeting, where we all discussed openly together the insights gained from the previous days and potential future directions that could be fruitfully explored, this topic, torah, was an idea that most of the participants agreed needed further exploration and study from different vantage points than it has typically been studied in the past. One of the participants of the meeting was particularly interested in pursuing this further, William Schniedewind, which not surprising given much of his recent scholarship. Therefore, after many long and evolving discussions, we decided together to organize another conference devoted to the topic of torah. Ultimately, this meeting would be held as, “From *tôrâ* to Torah:

1. See now the volume Jason M. Zurawski and Gabriele Boccaccini, eds., *Second Temple Jewish Paideia in Context*, BZNTW 228 (Berlin: de Gruyter, 2017).

Variegated Notions of Torah from the First Temple Period to Late Antiquity,” the ninth biennial Enoch Seminar.

One might reasonably ask why the subject torah in early Jewish culture and thought should be a desideratum given the breadth of scholarship on the topic in the history of research. What was clear, however, both to the participants in that Naples meeting and in reading much of that scholarship, was that all too often scholars were talking past one another due to differing perspectives or preconceptions or the individual aims of a particular study. What was needed, then, was not simply another new study on the topic or a collection of papers compiled in a void, but rather a conversation, a place where different views and voices could be heard and held in sustained dialogue with one another. The Enoch Seminar would provide the ideal venue for such a conversation.

The seminar took place June 18–23, 2017, with over forty invited participants. This group of experts was intentionally international—including scholars from Australia, Brazil, Canada, Denmark, England, Finland, France, Germany, Hong Kong, India, Israel, Italy, the Netherlands, Norway, Scotland, South Africa, Spain, and the United States—and interdisciplinary—including specialists in Hebrew Bible, New Testament, Dead Sea Scrolls, Second Temple Judaism, Septuagint, Samaritan studies, Hellenistic philosophy, late antique Judaism, and late antique Christianity. The site chosen for this meeting was the Monastero di Camaldoli, a favorite location for the Enoch Seminar. The Benedictine monastery, founded in the eleventh century by St. Romuald, is isolated in the dense forest of the massive Parco Nazionale Foreste Casentinesi, Monte Falterona, Campigna, in the hills bordering Tuscany and Emilia-Romagna, about seventy kilometers east of Florence. Travel to the monastery is not easy. Therefore, we had all of the participants meet at the Arezzo train station on Sunday afternoon and arranged for a bus to take us the rest of the way up to our home for the next several days. The slight inconvenience, however, was a small price to pay. The isolation of the monastery and the beautiful, natural surroundings would provide the ideal setting for five days of intense scholarly dialogue. This is undoubtedly one of the reasons why the Florentine Platonic Academy and its members, including Marsilio Ficino, Poliziano, and Pico della Mirandola, regularly met at the Monastero di Camaldoli in the fifteenth century.

The entire format of the Enoch Seminar is designed to promote intense dialogue on the topic and collegiality. The setting, of course, plays a crucial role. At Camaldoli, we all stayed at the same site and ate all of our meals

together. In this way, discussions that begin during actual sessions naturally carry over into a more relaxed setting over lunch or dinner or over drinks or coffee after dinner. These informal spaces often become the sites of some of the greatest insight.

Next, all of the papers circulated well in advance of the meeting. This way, all of the participants had ample opportunity to read closely and fully digest the range of papers that would be discussed. This also allows for the vast majority of time during the sessions to be devoted to discussion rather than to reading long papers. Short, ten-minute introductions by the paper authors were followed by brief responses and then roughly an hour of open discussion devoted to each of the major papers. The discussions were not simple question and answer sessions, but rather true conversations taking place among all of the participants about the paper and the insight it shed on the topic as a whole. In this way, many common threads continued to be taken up and reexamined in light of new perspectives, methods, or texts. The papers, thus, served as the fuel for a four-day-long conversation.

This is the backdrop to the present volume. After the seminar, all of the authors were asked to rework and revise their contributions in light of the responses and the overall discussion that took place prior to submitting them for the volume. All of the essays included here came out of the meeting in Camaldoli, save for those of Paula Fredriksen, Elisa Uusimäki, and Jonathan Vroom, all of whom had intended to participate in the Seminar but had to cancel. We are very thankful that they still decided to contribute to this volume.

The twenty-five enclosed essays are grouped into four parts, roughly chronologically based. Part 1 contains papers on “Notions of Torah in the Hebrew Bible, Samaritan Pentateuch, and Septuagint,” and here we can already see the wide range of approaches, methods, and conclusions, a crucial and purposeful aspect of the volume. William Schniedewind’s paper, “Diversity and Development of *tôrâ* in the Hebrew Bible,” serves as a fitting introduction to the first section of papers. Here he looks at both the diversity and development of torah within the Hebrew Bible as well as other early Jewish literature, trying to better understand the trajectory that gets torah from oral teaching to written text to, ultimately, a specific text, or, in Schniedewind’s terms, the textualization, scripturalization, and canonization of torah. Upon examining the pertinent evidence, he finds that these processes had already begun in the texts of the Hebrew Bible, though, importantly, they are ongoing, contested processes, underlined with tensions at every stage.

In “*Torah* as Speech Performance in the Hebrew Bible,” Jacqueline Vayntrub builds on the work of Bernd Schipper, Thomas Willi, and others, and argues that the term *torah* is better understood not as an oral or written object but rather as the process of instruction, in particular as a particular mode of speech performance. Vayntrub posits that the term *torah* and its verbal cognate *yrh* employ a metaphor of movement (“to cast”) to denote both horizontal (transgenerational) and vertical (divine to human) performance and transmission of speech. The term, thus, designates primarily the process of transmission through the performance and, secondarily, the content of the performance. Moving away from the sorts of teleological assumptions that have too often framed scholarship on the topic, Vayntrub suggests that we reframe the shift of *torah* from instruction to law not as an evolutionary conceptual shift, but rather a terminological shift that results from the Pentateuch’s later reception.

David Lambert, in his contribution “*Tôrâ* as Mode of Conveyance: The Problem with ‘Teaching’ and ‘Law,’” highlights some of the problems inherent in contemporary discussions on the nature of *torah*, which tend to focus either on *torah* as object, that is, as a text or body of revelation waiting to be discovered, or on *torah* as subject, that is, as later interpretations of an underlying object. Instead, Lambert suggests adopting Bruno Latour’s notions of “quasi-object” and “quasi-subject” in our attempt to understand the evolving nature of *torah* in the Hebrew Bible and the Second Temple period. *Torah* as quasi-object becomes an imagined object that adheres to the objective qualities of the Pentateuch. *Torah* as quasi-subject does not simply reflect on a stable underlying object but actually participates in the construction of an object. In this light, instead of seeing an evolutionary development from *torah* to Scripture, we find a continual production of new quasi-objects and quasi-subjects, each historically and culturally embedded, a process or mode of conveyance between beings, one placing a charge upon another.

Magnar Kartveit’s “Possible Ideological Tendencies in the MT, the LXX, and the SP” explores the polemics and apologetics in the different textual traditions of the Pentateuch, that is, in the Masoretic Text, the Septuagint, and the Samaritan Pentateuch. He shows the central importance the *torah* played in the different communities for issues of identity and self-defense, but also that the *torah* was seen as adaptable. It was considered legitimate to modify the text in order to reflect better the particular context of the community or in order to justify violence on those outside of the community.

In his “From *tôrâ* to νόμος: How the Use of νόμος in the Septuagint of the Pentateuch Enlightens the Process That Leads the Word *tôrâ* to the Concept of Torah,” Patrick Pouchelle explores the motivations for the translation of torah with *nomos* and what that translation might be able to tell us about the understanding of torah in the Egyptian diaspora. Pouchelle explores four related questions: (1) Is it possible to draw a sketch of the semantic field of *nomos* in Classical Greek, including papyrological and epigraphic material?; (2) Does the concept of torah (law?) as denoted by the word *tôrâ* in the Torah (Pentateuch) really fit the semantic field of *nomos*?; (3) Does the choice of the Greek translators to render *tôrâ* by *nomos* have something to do with the Aramaic word *dât*?; and (4) Does the difference between the LXX and MT shed additional light on the concept of the torah in the third century BCE? In the end, Pouchelle finds that the use of *nomos* in the LXX enlightens a specific period of the process that leads from *tôrâ* to Torah, a period when this process was still very much ongoing.

Oliver Dyma, in “Levites as Prophets and Scribes and Their Role in the Transmission of the Torah,” analyzes the role of Levites as scribes and the socio-historical setting of the production, collection, and curation of authoritative texts. For Dyma, the scribal activity of the Levites, the intellectual elite of the Persian and Hellenistic periods, may be seen as the unifying force that ultimately led to the canon. However, Dyma also challenges the indiscriminate ascription of a vast majority of texts to the Levites, which obscures the many and diverse currents and interests and other relevant educated groups with their own political and/or religious interests.

Part 1 ends with the contribution of James Watts, “From the *Torah* of Polluted and Inedible Meats to Diet as a Marker of Jewish Identity.” Watts explores why dietary laws became such prominent markers of Jewish identity. Watts argues that Lev 11 lays a foundation for linking diet and Jewish identity by explicitly grounding both in the interpretation of torah. Leviticus 11 does so by exhorting lay people not only to torah observance, but also to engage themselves in torah interpretation about the rationales for the rules of pure, polluted, and nauseating meats. The rhetoric of lay inclusion in reasoning about food impurities encouraged acceptance of the authority of the priestly hierarchy in other matters. It also turned diet into a symbol of lay fidelity to torah and of Israel’s status as the people of torah, in their own minds and increasingly in the perspective of outsiders as well. According to Watts, reasoning and interpretation of *torah* became an integral part of keeping torah.

Part 2, devoted to “Notions of Torah in Second Temple Judaism,” opens with Benjamin Wright’s “Where Is the Torah in Ben Sira?” Here Wright builds on the work of Claudia Camp, John Collins, and his own previous research in attempting to understand the exact nature of torah for Ben Sira, how it functions, how it figures in pedagogy, and how he employs it within his own rhetorical and contextual framework. In particular, Wright takes on a central paradox in the text, that Ben Sira seems to refer to torah as a written body of material to be read, studied, and followed, while, at the same time, never explicitly citing material from the Pentateuch and even contravening materials found therein. While for Ben Sira torah has come to him as a book, originating with God, transmitted by Moses, and inherited as part of the Israelite legacy, he positions himself as an authorizer of the torah. In this capacity, Ben Sira subsumes torah beneath the inherited wisdom tradition. Wisdom resides in torah as well as in the sapiential tradition and in creation, but the gatekeeper, framer, and purveyor of wisdom is the sage himself. He controls what gets taught and what gets transmitted to his students. While Ben Sira might not be concerned with all the details of the law, the torah still requires an authoritative mediator and interpreter, one who understands within his own torah/teaching. For Ben Sira, only the inspired sage who possesses the torah can fulfill that role.

In “The Normativity of Torah in Ezra-Nehemiah and Ben Sira,” Jonathan Vroom draws on legal theory to provide a more nuanced theoretical framework for understanding the nature of textual authority in Second Temple Judaism. Vroom’s concern here is not with how a text acquires authority but, rather, with distinguishing between two distinct types of authority—practical (i.e., commands) and epistemic (i.e., persuasion and education) and with identifying the normative impacts that each type of authority produces with its addressees.

In “Variegated Notions of Torah: The Law (*νόμος*) in the Prologue to Ben Sira,” Juan Carlos Ossandón Widow compares the notion of *nomos* in the prologue to Ben Sira to 4 Ezra’s view of torah. Ossandón distinguishes between two ways in which the prologue refers to *nomos*: (1) as a textual entity; and (2) as a normative teaching for life. As to how these two are related, he argues that according to the prologue, *nomos* as a textual entity implies that a text can be considered as a source providing a way of living and that reading itself is considered a means of living. In this way, the sapiential dimension of *nomos* takes precedence over the textual dimension, the latter providing the means to attain the goal but not the goal itself. While several of these aspects are shared in the apocalypse 4 Ezra,

the wisdom of torah in 4 Ezra is strongly connected to knowledge of the end times, a view absent from the prologue. In addition, unlike the prologue's textual dimension, torah in 4 Ezra transcends its written expression, existing prior to an actual text and, once rewritten, going well beyond the bounds of the Pentateuch to include ninety-four books, twenty-four for everyone, seventy for the wise alone.

Robert Hall's "Torah for Insight: Inquiry via Enigma" suggests that scribes investigated torah to gain insight and rewrote torah to provoke it. Just as Greeks probed enigma for insight and composed riddles to provoke discovery, so would Jews explore perplexities in torah and rewrite torah in order to elicit insight. Examples from Leviticus, Daniel, Proverbs, Habakkuk, Baruch, Ben Sira, the sayings of Jesus, and the letters of Paul show that the Jews, like the Greeks, studied riddles for insight, wrote riddles to provoke it, and investigated torah by inquiry via enigma. They are not modifying torah to replace it. They are joining torah to fulfill its purpose. Torah is given to conform human beings to realities they cannot see. They must conform not to what their minds can contain but to the ineffable realities to which torah points. Scribes write new torah not to replace the old but to offer new vantage points, new obstacles to trip one another up concerning the realities they seek, new windows into the torah flowing from God's thinking.

In "Torah and the Search for Wisdom in Hellenistic Judea," Elisa Uusimäki analyzes the ways in which sages and their pupils are associated with torah in texts from Hellenistic and early Roman Judea, in particular looking at Qoheleth, Ben Sira, the *maskil* materials from the Dead Sea Scrolls, and 4Q185 and 4Q525. Uusimäki demonstrates that multiple forms of torah piety regularly color the distinctive portrayals of Jewish intellectuals during this period, suggesting that this central symbol of Second Temple Judaism had made its way into the educational curriculum.

Gabriele Boccaccini demonstrates in "Torah and Apocalypticism in the Second Temple Period" that we cannot talk about one, unitary attitude toward the Mosaic torah in Jewish apocalyptic literature, as apocalypticism was by no means a unitary system of thought, and we find several different views of the torah within different strands of apocalyptic thought. In the early Enochic literature, we do not find, as some have argued, an anti-Mosaic movement. Instead, the spread of evil as described in those texts annuls the benefits of the Mosaic law and the possibility of righteousness until the eschaton. Jubilees, instead, represents how far the Mosaic law

could be incorporated into apocalyptic traditions, with the law given to Israel by God in order to protect them from the spread of evil. This would then lead to the development of an alternative halakah, as the Mosaic law, while valid, only represented in part that inscribed on the tablets of heaven. Daniel, yet another alternative, was able to combine covenantal and apocalyptic elements without such tension. Out of these traditions and their unique views on the law of Moses comes the early Jesus movement (from the Enochic side), where the problem of evil takes precedence over the effectiveness of the law, and texts like 4 Ezra and 2 Baruch, from the Danielic tradition, where adherence to the law, despite great suffering in this life, ensures salvation in the world to come.

Lutz Doering's "Torah and Halakah in the Hellenistic Period" suggests that, since Torah as Pentateuch was incapable on its own of structuring a regulated way of life due to its limited scope of laws, the legal tradition inspired by the Torah but independent from it must be considered in the overall discussion of the development of notions of torah during the Hellenistic and early Roman periods. Looking at evidence from both Palestine and the diaspora, both literary and material, Doering argues against the popular view that Judaism only became halakic after the period of the Maccabean revolt. While he acknowledges that the discourse certainly became more intense and rigorous beginning from the end of the second century BCE, he shows that there is significant evidence for halakic discourse in the early second century BCE if not earlier.

Francis Borchardt's "Torah for the Moment: Understanding Torah in a Performative Context," questions the assumption that torah/*nomos* must be equated with the Pentateuch in the Hellenistic and early Roman period by looking in detail at the performative nature of torah in the Letter of Aristeas, with the scribes translating torah, in Josephus, *Jewish Antiquities*, where Mattathias the Hasmonean ancestor invents a new sabbath law, and in Philo, *On the Life of Moses*, who has Moses performing divine torah. The examples all demonstrate in their own unique ways how torah was thoroughly shaped by an authoritative performer of the tradition. In each case, torah is performed, some aspect of torah is manifestly changed by the performance, and the new performance is authenticated as torah; and, while in each torah might bear some relevance to text, it is by no means limited to a textual form. Instead torah exists as a performance, in text or in speech, authorized by an authoritative speaker and an accepting audience.

Joachim Schaper, in "The 'Stoic' Solomon: From Torah to *Nomos* via Wisdom in the Hellenistic Age, from the Perspective of the Wisdom of Sol-

omon,” looks at the oft-debated topic as to the exact nature of *nomos* in the Wisdom of Solomon. According to Schaper, the book of Wisdom did not amalgamate *nomos* with *sophia* as some in the past have claimed. Wisdom is not identical with *nomos*, but instead creates the conditions that enable one to adhere to *nomos*. Part of this move comes from the heavy influence of the Stoics on the author of Wisdom’s understanding of *sophia*; the two could not be equated because, as with the Stoics, wisdom is conceived of as a living being, made up of material *pneuma*, which, then, could not be identified with the noncorporeal *nomos*. The author does not offer a Stoicized view of universal law, as David Winston and others have claimed. The Stoicization of wisdom, however, offered a new view of wisdom that would prove quite useful in early Christian wisdom Christologies.

In “*Nomos* Human and Divine in the Wisdom of Solomon,” Michael Legaspi also explores the nature of “law” in the Wisdom of Solomon, though to quite different conclusions than Schaper. Breaking from past scholarship that has tended to view the understanding of *nomos* in either the particularistic sense of the Jewish national law code or the universalistic sense of the rational law of the cosmos, Legaspi argues that the distinction the text makes is not that between Jewish and non-Jewish law, but rather, in Plato’s terms, that between human *nomoi* and the divine *nomos*. In this light, the Wisdom of Solomon does not commend Judaism for its possession of the law of Moses but rather for the virtue and knowledge that originate from something higher, the divine gift of wisdom.

Part 2 closes with “From Torah to Torahization: A Biocultural Evolutionary Perspective,” where Anders Klostergaard Petersen argues for the necessity of understanding cultural developments, such as the transitions in the understanding of *torah*, in light of evolutionary thinking. Such a perspective helps to shed light on the transformations of *torah* from the period of Israelite religion to that of Judaic religion/Second Temple Judaism. Situating the different forms of Israelite/Judaic religion according to developments in urban and cosmic types of religion—or, in Bellah’s terminology, archaic and Axial age forms of religion—Petersen sees an increasing promotion of *torah* characterized by a shift from *torah* to *torahization* in some Second Temple stands of thought, that is, the enhanced ideological role *torah* was assigned to constitute in Judean daily life.

The third part of the volume is devoted to “Notions of Torah in the New Testament,” and the section begins with “Paul and Νόμος, and Broader Perspectives: Romans 13:8–10 as Case Study,” where Jeremy Punt approaches the role of the Jewish law within the Pauline Letters from a

cultural studies approach, which, he argues, helps to account more for the ritual and identity-formative function of *nomos* beyond traditional artificial theological binaries. In a period where individuals did not experience sociocultural, economic-political, or religious dimensions of their lives as if separate spheres, Punt argues that a cultural studies approach is better suited to appreciate the rhetorical use of *nomos* in the Pauline Letters, including its strong social or community-sustaining and identity-formative functions as seen in Rom 13:8–10, where torah commandments and emphasis on neighborly love are prioritized and made indicative for the identity of Jesus followers and foundational for the community of believers and its internal relationships.

Federico Dal Bo, in “Paul’s Definition of ‘Circumcision of the Heart’: A Transcultural Reading of Romans 2:28–29,” demonstrates that traditional and poststructuralist readings of the famous passage from Romans on the “circumcision of the heart” over that of the flesh, which have been used for centuries in supersessionist polemics, rely too strongly on reading Paul’s Greek within only a Greek contextual background where language and conceptuality necessarily coincide. A transcultural reading, however, taking into account Paul’s actual context and polyglot learning, reorients the text and demonstrates that the traditional oppositions no longer hold up. If one were to read the passage instead in a Semitic linguistic context, in Syriac or Modern Hebrew, we find a decisive shift: these are indeed uncircumcised and the law would command to discriminate against them, but the new message from God opposes this command and argues that those very people who are uncircumcised are true believers and shall eventually be praised by God.

In “Jewish Torah for a Gentile World: A Comparison of Pseudo-Phocylides and Paul Editing Torah and Adapting Ethics in Romans 12:9–21; 13:8–10,” Jason Myers places Paul’s exhortations in Rom 12:9–21 and 13:10–13 within the context of contemporary rhetoric and the construction of the maxim (γνώμη) as found in the *progymnasmata*, Aristotle, *Rhetorica ad Herennium*, and Jewish Hellenistic gnomic wisdom literature. In particular, he compares Paul’s ethics in those sections of the letter to the contemporaneous Sentences of Pseudo-Phocylides and the use of the Hebrew Scriptures in its moral outlook. Through the comparison, Myers finds that the gnomic quality of the sections in Paul leads to four conclusions that challenge many past scholarly assumptions. First, this ethical material is directly tied to the community in Rome. Second, this material was not simply pulled haphazardly from different traditions

but, instead, was material from ancient sources reworked and interwoven into his broader ethical program. Third, through his construction of ethical sayings, Paul is also revealing his own character to his audience, building up his social profile among the Roman community. And fourth, Paul's summation of the Decalogue under a broad heading in Rom 13:8–10 is mirrored in many other Second Temple texts, such as Pseudo-Phocylides.

The final essay in part 3 is Calum Carmichael's "Jewish Legal Interpretation and the New Testament," which explores how contemporary first-century Jewish legal debates can help to explain episodes in New Testament texts which appear to depict Jesus counteracting halakic legislation. In particular, he looks at the incident in John 8 and the woman taken in adultery. As opposed to appealing to conscience, which cannot carry the day in legal interpretation, Carmichael interprets Jesus's stance in light of early rabbinic developments of the bitter water test, showing that Jesus's saying in John 8:7—"He that is without [sexual] sin among you, let him first cast a stone at her"—reflects a similar position, that males forfeit their right to judge a woman guilty of a sexual offense because of their own sexual blameworthiness.

Part 4, finally, explores "Notions of Torah in Late Antiquity" and opens with Michael Satlow's "The Status of the Torah in Late Antiquity." Satlow departs from recent studies on the torah in Late Antique Jewish thought by looking at whether Jews outside of the rabbinic orbit—the vast majority of Jews in late antiquity—shared the rabbinic understanding of Torah and its significance and whether Jewish use and veneration of the Torah was visible to non-Jews. Satlow explores this question by examining the non-rabbinic evidence, both archaeological and textual. In the end, he shows that the Torah did play a role in the wider Jewish communities, though one that differed significantly from that of the rabbis. The communities seem to have looked to the Torah as a source of legends and lore, as a numinous object, and for apotropaic functions. There is very little evidence to suggest that they turned to the Torah as a source of norms. Scripture served as a source of stories rather than of law; more value was placed on the Torah as a material object, a viewed that seemed to have frustrated early Christian writers like Justinian and John Chrysostom.

Next, in "Paul, Augustine, and the 'I' of Romans 7," Paula Fredrikson takes on the traditional theological (and scholarly) reading of Paul's lament of the divided self in Rom 7, that it expressed Paul's personal report on his own frustrations with the Jewish law, which, according to

tradition, was taken up by Augustine in the *Confessions* to describe his own spiritual struggles against the flesh and, ultimately laid the seedbed for Luther's tormented Paul. Fredriksen argues, instead, that this personal reading of the lament derives neither from Paul himself nor from the *Confessions* but from Augustine's campaign decades later against Pelagius, where the "I" of Rom 7 no longer refers to everyone before grace but now specifically to the Christian Paul after grace. Fredriksen then goes on to try to understand Paul's text, reading Paul not as the first "Christian" or a "Jew" who became a "Christian," but standing fully within the realm of Second Temple Jewish eschatological speculation. Following the work of Matthew Thiessen, Stanley Stowers, Runar Thorsteinsson, and others, Fredriksen argues that Paul, an "ethnic essentialist," is both addressing a primarily gentile audience in the letter and, strategically using the rhetorical device *prosopopoeia* or "speech-in-character," speaking here as a gentile, specifically as a *Judaizing* gentile. Paul's problem, then, is not with the law itself or even with Judaizing, but specifically with proselyte circumcision, in particular in light of his view on the imminently approaching end times when the nations will all come to worship the one God, but as nations, remaining non-Jews. The "I" of Rom 7, then, is the Judaizing gentile incapable of living according to the law until infused by the redemptive *pneuma* of Christ.

The volume concludes with Anne Kreps's "Tôrâ? Torah? Flora! Law and Book in Ptolemaeus Gnosticus's *Letter to Flora*." Kreps takes on the common scholarly view that Christianity was, from its inception, a literary movement, owing to the genetic relationship between Judaism and Christianity and to the assumed literariness of Second Temple Judaism and the writtenness of the Mosaic Torah. However, just as there were diverse views of torah during the period, so, Kreps argues, there were diverse ideas about gospel. Kreps looks at Ptolemy's *Letter to Flora*, in particular examining Ptolemy's theory of divine law contained therein. Her study places Ptolemy in the context of a wider ancient debate about the bookishness of divine law and considers the *Letter to Flora* in light of contemporary Christian ideas about the relationship between torah and gospel. Ptolemy's model of an imperfect law contained in imperfect writing provided license for Valentinian scriptural practice—a practice that approved of the generation of new, imperfect gospels. In the end, Kreps demonstrates that the way in which a second-century Christian understood the term *nomos*—capitalized or not, textual or not, fully divine or not—governed their definition of the concept "gospel."

As is evident, this collection of papers is purposefully wide-ranging, with the authors exploring and rethinking some of the most basic scholarly assumptions and preconceptions about the nature of torah in the period in light of new critical approaches and methodologies. The diversity and scope of the volume in terms of source materials—including texts from the Hebrew Bible, the Septuagint translations, the Samaritan Pentateuch, the New Testament, the Dead Sea Scrolls, Jewish Hellenistic literature, and late antiquity—and approaches—including philological, historical-critical, cultural-historical, transcultural, postcolonial, biocultural evolutionary, material studies, and performance studies—is one of its great benefits. The viewpoints and conclusions are refreshingly varied and diverse. The aim of the conference and of this volume was not to solve the problem of torah by developing another static, normative view, but rather to see how different vantage points and different conclusions can better address the complexity of the topic and better reflect the ambiguity and fluidity inherent in the concept itself.

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Part 1

Notions of Torah in the Hebrew Bible, Samaritan Pentateuch, and Septuagint

Diversity and Development of *tôrâ* in the Hebrew Bible

William M. Schniedewind

It is well known among scholars that *tôrâ* originally meant “teaching, instruction.” But Torah also eventually becomes a synonym for the Pentateuch. How does *tôrâ* get from oral teaching to written text and then ultimately to a specific text, the Torah, that is, the Pentateuch? Some of the trajectory can be understood by surveying the diversity and development of *tôrâ* in the Hebrew Bible. In this study, I will touch upon three separate aspects of the development of *tôrâ*—textualization, scripturalization, and canonization—that we can observe in the Hebrew Bible that inform the notion of *tôrâ* during the Second Temple period.

To begin with, we should clarify our terminology: textualization, scripturalization, and canonization. The first, textualization, is the process of creating texts and identifying these texts with the term *tôrâ*. Next, we are interested in the development of *tôrâ* as Scripture. I define scripturalization as the association of religious authority with texts and traditions.¹ Scripturalization does not require texts to be fixed or limited. In this respect, Scripture is a much more amorphous category than canon. Scripturalization can include the processes of growth and change in the authoritative religious corpus. Moreover, it is worth noting here that scripturalization does not even necessarily require textualization; *tôrâ* can be “scripture” in the sense of being authoritative without being identified with a written text. This might be the case with oral *tôrâ* as well as the Persian “scriptural” traditions of the Ahura Mazda that may have influenced Second Temple

1. On various treatments of scripturalization in scholarship, see William M. Schniedewind, “Scripturalization in Ancient Judah,” in *Contextualizing Israel’s Sacred Writings: Ancient Literacy, Orality, and Literary Production*, ed. Brian B. Schmidt, AIL 22 (Atlanta: SBL Press, 2015), 305–21.

Judaism.² Finally, there is the fixing and limiting of *tôrâ* as a text that portends its canonization. It is after canonization that we properly can refer to *tôrâ* with the proper noun, Torah. How these processes happen, when they happen, and the different groups that shape these processes are all part of the diversity and development of *tôrâ* in the Second Temple period.

Tôrâ begins as teaching and not text in the Hebrew Bible. The orality of *tôrâ* can be illustrated especially in the books of Psalms and Proverbs. As examples, we recall statements like “give ear to my *tôrâ*, incline your ears to the words of my mouth” (Ps 78:1) or “hear your father’s *tôrâ*” (Prov 1:8). These are quite typical. But *tôrâ* is also primarily teaching in pentateuchal texts. So, for instance, *tôrâ* is included among the oral instructions that Abraham apparently was blessed by keeping: “because Abraham obeyed my voice and kept my charge, my commandments, my statutes, and my *tôrâ*” (Gen 26:5). This example illustrates the explicit orality of *tôrâ* (“by my voice,” בקלי). Similarly, in Exod 13:9 we see the *tôrâ* is “in your mouth” (תורת יהוה בפיך). Indeed, this citation recalls the later rabbinic description of the oral torah as *še-be-‘al-peh* “that which is in the mouth.” As it happens, writing is hardly even mentioned in the pentateuchal priestly writings, and there is no priestly metanarrative to indicate that *tôrâ* has been written down in the Pentateuch. The priestly *tôrâ* is fundamentally instruction. The exception to this may be the priestly *inclusio* given to the story of the giving of stone tablets to Moses preserved in Exod 31:18. This conclusion recalls the initial injunction from Exod 24:12, which is developed especially in Deuteronomy.

Exodus 24:12 will be a central text for the textualization and scripturalization of *tôrâ* in the Hebrew Bible as well as among some Dead Sea Scrolls, as it includes *tôrâ* as part of divine writing. We read in 24:12 as follows:

ויאמר יהוה אל-משה עלה אלי ההרה והיה-שם ואתנה לך את-לחת האבן והתורה והמצוה אשר כתבתי להורתם

The Lord said to Moses, “Come up to me on the mountain, and wait there; and I will give you the tablets of stone—the *tôrâ* and the commandment [והתורה והמצוה]—that I have written for their instruction.”³

2. See Yishai Kiel, “Reinventing Mosaic Torah in Ezra-Nehemiah in Light of the Law (*dāta*) of Ahura Mazda and Zarathustra,” *JBL* 136 (2017): 323–45.

3. Unless otherwise noted, all translations are by the author.

The relationship of the tablets to “the *tôrâ* and commandment” (את־לחת (האבן והתורה והמצוה) is somewhat ambiguous here, as commentators have noted.⁴ There is a grammatical peculiarity with the use of the *waw* (והתורה) that has troubled commentators; thus, it is unclear whether “the tablets, the *tôrâ*, and the commandments” should be read as a series of three and therefore basically parallel, or whether “the *tôrâ* and the commandment” grammatically modify “the tablets.” Furthermore, we can ask whether “the *tôrâ* and the commandment” should be considered separate items or as a hendiadys. Still, the divine nature of the writing of *tôrâ* seems clear enough here. These issues seem to be highlighted in the literary *inclusio* in 31:18:

ויתן אל־משה ככלתו לדבר אתו בהר סיני שני לחת העדת לחת אבן כתבים באצבע
אלהים

And he gave to Moses, when he finished speaking with him on Mount Sinai, the two tablets of the pact, stone tablets *inscribed with the finger of God*.”

It is noteworthy the mention of the *tôrâ* itself (“the *tôrâ* and the commandment” from 24:12) has disappeared in this *inclusio* in favor of the priestly description “tablets of the pact” (לחת העדת). Along with this priestly description, the number of the tablets is now circumscribed as “two.” Finally, the divine nature of the writing implied in 24:12 (God says “I wrote for their instruction” כתבתי להורתם) is made more explicit here (“with the finger of God” באצבע אלהים). One can also legitimately ask what exactly was written by the finger of God because the literary *inclusio* itself frames the giving of instructions to build the tabernacle as well as the command to celebrate the sabbath. This purely literary observation stands in stark tension with the later reception history of the two tablets, beginning with Deuteronomy, that identifies them with the Ten Commandments.⁵ Exodus 34 will develop the connection between the two tablets

4. See, e.g., the classic commentary by Brevard Childs, *The Book of Exodus: A Critical, Theological Commentary*, OTL (Philadelphia: Westminster, 1974), 499.

5. See my observations in William M. Schniedewind, *How the Bible Became a Book: The Textualization of Ancient Israel* (Cambridge: Cambridge University Press, 2004), 121–38, and the literature cited there. It is worth noting that many scholars do not even acknowledge the literary framing of Exod 24:12 and 31:18. Note, e.g., David Frankel’s recent essay, “What Did God Write on the Tablets of Stone?,” on the Torah.com site (<http://www.tinyurl.com/SBL3556a>). Cf. Benjamin Sommer’s treatment in

and the covenant, but *tôrâ* is never mentioned in the literary account of the remaking of the two tablets.

The concept of *tôrâ* is particularly important in the book of Deuteronomy. Indeed, one may argue that the book is framed as a redefinition of *tôrâ*. The narrative framing begins as a speech of Moses, “These are the words that Moses spoke” (Deut 1:1); and this introduction culminates with the intentional identification of Moses’s speech as *tôrâ*: *והואיל משה באר את-התורה הזאת* “Moses undertook to explain clearly this *tôrâ*, saying” (1:5).⁶ When Moses’s speech finally concludes, there is some intentionality in making “this *tôrâ*” into a text. The Israelites are instructed to set up plastered stones and write this *tôrâ* on them (27:2–3). Perhaps most instructive is the apparently intentional repetition of the rare Hebrew root באר in Deut 1:5 and 27:8. Thus Deut 27:8 transforms the teaching into a text “very clearly”: “And you shall write on the stones all the words of this *tôrâ* very clearly [*את-כל-דברי התורה הזאת באר*].” It is also worth pointing out that Deuteronomy repeatedly speaks of “this *tôrâ*” (*התורה הזאת*), not just any *tôrâ*. Deuteronomy uses the expression eighteen times, and “this *tôrâ*” occurs only twenty times in total in the entire Hebrew Bible (outside of Deuteronomy, it appears only in Num 5:30 and Josh 1:8). This suggests the unique development and emphasis on the term *tôrâ* in Deuteronomy. But this *tôrâ* is not the Pentateuch but rather only the book of Deuteronomy itself.

Deuteronomy 31 offers a second conclusion to the book (after Deut 27) that focuses on the Mosaic textualization of *tôrâ*. Deuteronomy 27 was a proscription to all the people to write down *tôrâ* as soon as they crossed the Jordan into the land, whereas Deut 31 gives a second framing to the speech: “when Moses had finished speaking all these words” (31:1; cf. Deut 1:1). Now, the duty of writing down the *tôrâ* is no longer left to the people, but rather assigned to Moses: “Moses wrote down this *tôrâ*, and he gave it to the priests” (31:9). Then Moses commands a ritual reading of the *tôrâ* every seventh year during Sukkot (31:10). The final textualization of this *tôrâ* is emphasized in the last verses of the chapter, “When Moses had finished writing down the words of this *tôrâ* on a scroll until it was complete, Moses commanded the Levites who carried

Revelation and Authority: Sinai in Jewish Scripture and Tradition, ABRL (New Haven: Yale University Press, 2015), 27–98.

6. See esp., Jean-Pierre Sonnet, *The Book within the Book: Writing in Deuteronomy*, BibInt 14 (Leiden: Brill, 1997).

the ark of the covenant, "Take this scroll and place it beside the ark of the covenant" (31:24–26). The completeness of the Deuteronomic *tôrâ* is also suggested by the frequent qualifier "all the words" that repeatedly defines "this *tôrâ*" (e.g., Deut 4:8; 17:9; 27:3, 8; 28:58, 61; 29:20, 28; 31:11; 32:46). By its conclusion, Deuteronomy has accomplished a Mosaic textualization of *tôrâ*, but it is not the Pentateuch but rather only the book of Deuteronomy itself.

Deuteronomy also suggests this *tôrâ* is complete. We might even suggest that the Deuteronomic *tôrâ* claims canonization—it should be fixed and limited—if we take the command in Deut 4:2 literally: "do not add to what I command you and do not subtract from it" (cf. Deut 4:8). Christophe Nihan expresses a typical viewpoint when he suggests that "the redaction of the Pentateuch and its establishment as 'Torah' comprise the *first stage* in the process that eventually led to the canonization of the Pentateuch."⁷ We probably need to push this first stage back further to Deuteronomy, which already attempted to establish the *tôrâ* before the Pentateuch would have been compiled and edited. I would suggest here that it is helpful to think of canonization (along with textualization and scripturalization) as a process with ebbs and flows, fits and spurts, rather than a singular event. Deuteronomy seems to initiate the concept of a canonical Torah, even though its limited conception was not accepted by later scribes and communities. Indeed, it is likely that different groups had different views about textualization, scripturalization, and canonization; so, it is best not to assume a uniform understanding of these processes among all groups. Canonization conventionally defined involves a closed body of authoritative religious texts that are relatively fixed, and this definition seems to fit with how the book of Deuteronomy is presenting itself. Moreover, if we take the finding of the scroll in the story of the Josianic reforms seriously, then we already may have an early attempt to canonize a text. Of course, it is difficult to know the precise relationship between the "scroll of the *tôrâ*" (2 Kgs 22:8) and the Masoretic book of Deuteronomy. At the same time, the book of Deuteronomy is clearly making claims about its fixedness as well as limiting the addition and subtraction from its commands, that is to say, it is making a move toward canonization. To be sure, this process was only incipient, but it is none-

7. Christophe Nihan, "The Emergence of the Pentateuch as 'Torah,'" *RC* 4 (2010): 353, emphasis original.

theless striking. On the one hand, books like Chronicles and Ezra-Neemiah will expand the concept of scripture and canon much beyond the confines of Deuteronomy. On the other hand, it is noteworthy that a text like the Temple Scroll will freely dismantle the fixedness of Deuteronomy and even claim a greater religious authority by recasting its commands in the first-person voice of God.

What happened to the *tôrâ* mentioned in Exod 24:12 in the book of Deuteronomy? Deuteronomy identifies these tablets with the Ten Commandments. For example, we read in Deut 4:13: “He declared to you his covenant, which he commanded you to observe, the Ten Words, and he wrote them on two stone tablets”; and, there are several other places where Deuteronomy makes this explicit identification (e.g., 5:22; 9:9–10; 10:4). Further, Deuteronomy never associates the tablets with *tôrâ*. In this respect, it would seem that Deuteronomy has textualized and canonized a different *tôrâ* than envisioned by Exod 24:12. Of course, the Ten Commandments are also the ultimate example of a canonized text in Deuteronomy, even if they are not called *tôrâ*.

The historical books of the Deuteronomistic History (DtrH) seem to reflect the same canonized (and limited) *tôrâ* as the book of Deuteronomy in their appeals to and citations of *tôrâ*. For example, 2 Kgs 14:6 cites a deuteronomistic *tôrâ*: “He did not put to death the children of the murderers according to what is written in the scroll of the *tôrâ* of Moses where the LORD commanded, ‘The parents shall not be put to death for the children.’” Here the text cites Deut 24:16 as a binding legal text. General references to *tôrâ* appear throughout the DtrH (e.g., Josh 1:8; 8:31–34; 23:6; 1 Kgs 2:3; 2 Kgs 14:6; 22:8–11), and they culminate with the Josianic reforms that are predicated upon the finding of the scroll of the *tôrâ* (2 Kgs 22:8, 11)—also known as “the book of the covenant” (ספר הברית, 2 Kgs 23:2, 21; cf. 2 Chr 34:30; Exod 24:7). There are a variety of other citations of the “*tôrâ* of Moses” in DtrH (Josh 8:31–32; 23:6; 1 Kgs 2:3; 2 Kgs 23:25), but it seems that the DtrH uses *tôrâ* specifically to refer to the book of Deuteronomy (or perhaps some pre-Masoretic version of Deuteronomy). We should probably understand the DtrH’s references to the “*tôrâ* of Moses” specifically as a reference “this *tôrâ*” in Deut 1:1–5 and Deut 31:9–13, but we should not overstate the role of *tôrâ* in the DtrH. The DtrH has no systematic appeal to *tôrâ*. For example, the judgment formulas of the kings of Israel and Judah do not appeal to fidelity to the *tôrâ* (e.g., 1 Kgs 11:6; 15:5, 11, 26, 34; 2 Kgs 12:2; 13:2; 21:1). That is to say, scholars have not identified *tôrâ* as a major theme of DtrH in

contrast to the repeated references to the prophecy-fulfillment motif in the DtrH.⁸

In Chronicles and Ezra-Nehemiah, the scope and prominence of *tôrâ* as a text seem to grow considerably.⁹ For example, when the spirit of God comes upon Azariah he enjoins the people of Judah: “For a long time Israel was without the true God, and without a teaching priest [כהן מורה], and without *tôrâ*” (2 Chr 15:3). The notion of a “teaching priest” reminds us that Moses specifically entrusted the *tôrâ* to the priests in Deut 31:9; and the idea in Chronicles of a “teaching priest” apparently follows the absence of *tôrâ*. In the very next chapter of Chronicles, 2 Chr 16:40 draws attention to the transformation of teaching to text: “according to all that is *written* in the *tôrâ* of YHWH that he commanded Israel.”¹⁰ Apparently, the *tôrâ* that the priest teaches includes those commands that are written in a document as we see in 2 Chr 17:9: “And (the priests) taught in Judah, having with them the *scroll of the tôrâ of YHWH*, and they went about among all the cities of Judah and taught the people” (emphasis added). These passages offer support to those scholars who suggest that priestly scribes in Jerusalem compiled and edited the Pentateuch and called it the Torah during the Persian period.¹¹ Although the formation of the Pentateuch is the subject of ongoing debate, there is a general consensus, as Nihan writes, that it “was redacted and published during the period of Persian (Achemenid) domination in Yehud.”¹² Moreover, it seems likely that the Pentateuch was referred to as “the *tôrâ* of Moses” by the priestly scribes of

8. E.g., see Gerhard von Rad, *Studies in Deuteronomy*, trans. David Stalker, SBT 9 (Chicago: Regnery, 1953), 74–91; and von Rad, “The Deuteronomic Theology of History in I and II Kings,” in *The Problem of the Hexateuch and Other Essays*, trans. E. W. Trueman Dicken (London: SCM, 1966), 205–21.

9. See esp. my earlier work, William M. Schniedewind, *The Word of God in Transition: From Prophet to Exegete in the Second Temple Period*, JSOTSup 197 (Sheffield: JSOT Press, 1995).

10. Also note 2 Chr 23:18: “according to that which was written in the *tôrâ* of Moses”; 25:4: “according to that which was written in the *tôrâ* in the book of Moses”; 31:3 and 35:6: “according to that which was written in the *tôrâ* of YHWH.”

11. See, e.g., Eckart Otto, *Das Deuteronomium im Pentateuch und Hexateuch: Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumrahmens*, FAT 30 (Tübingen: Mohr Siebeck, 2000), 248–65; James Watts, *Ritual and Rhetoric in Leviticus: From Sacrifice to Scripture* (Cambridge: Cambridge University Press, 2007), 142–72.

12. Nihan, “Emergence of the Pentateuch as ‘Torah,’” 361.

Jerusalem that compiled the text. In this respect, *tôrâ* had become both a text and scripture. But was it canon—that is, was this *tôrâ* fixed and limited? Apparently not.

Chronicles seems to refer to a broader set of texts when referring to *tôrâ*. Chronicles specifically recalls Exod 24:12 in one text. In 2 Chr 14:3 [14:4 ET] we read that King Asa “commanded Judah to seek the LORD and to keep the *tôrâ* and the commandment [הַתּוֹרָה וְהַמִּצְוָה].” This expression, “the *tôrâ* and the commandment,” occurs only here and in Exod 24:12, and thus it seems to be an intentional allusion to the Sinai revelation. A broader conception of *tôrâ* is suggested by the Chronicler’s rewording of the specific passages in the DtrH. For example, “words of the scroll of the *tôrâ*” in 2 Kgs 22:11 becomes merely “words of the *tôrâ*” in 2 Chr 34:11. In this revision, it is no longer necessary to qualify the *tôrâ* as being written down in a scroll. This seems assumed, but it may also point to a broader conception of *tôrâ* than a specific Mosaic text. In another place, Chronicles revises the expression “the words of this scroll” (דְּבָרֵי הַסֵּפֶר הַזֶּה, 2 Kgs 22:13) as “the word of YHWH” (דְּבַר יְהוָה, 2 Chr 34:21)—that is, it equates a standard expression of divine prophetic speech with the words on a scroll. This is a much broader reconceptualization. Because the Chronicler follows the DtrH account quite closely—at times, word for word (cf. 2 Kgs 22:8–23:3 with 2 Chr 34:15–32)—such differences and additions should be understood as reflecting developing notions of text and *tôrâ*. These examples point to Chronicles as a pivotal point in an expanding scripturalization of *tôrâ*, but there is no indication that *tôrâ* is fixed and limited. Quite the opposite.

The Chronicler used four formulas for his formal citations for expanding the understanding of Mosaic *tôrâ*. Occasionally the Chronicler employs either “according to the commandments of Moses” (e.g., 2 Chr 8:13), “according to the *tôrâ* of Moses” (e.g., 2 Chr 30:16), or “according to the word of YHWH” (1 Chr 15:15; 2 Chr 35:6) to cite Mosaic legislation known in the Pentateuch. The manner of citing the Mosaic law typically begins with “as it is written.” There is some variety in the construction of these “as it is written” citations including: (1) simply “as it is written” (2 Chr 30:5, 18); (2) “as it is written in the *tôrâ* of Moses” (2 Chr 23:18); (3) “as it is written in the *tôrâ* of YHWH” (2 Chr 31:3; 35:26); (4) “as it is written in the scroll of Moses” (2 Chr 35:12); and (5) “as it is written in the *tôrâ* in the scroll of Moses” (2 Chr 25:4). Finally, the emphasis that Chronicles placed on a written *tôrâ* (as opposed to an oral *tôrâ*) as an authoritative basis of religion is further illustrated by the semantic shifts

in key vocabulary. Related to *tôrâ* is the term “to inquire” (דרש) whose semantic meaning expands from an oracular inquiry into interpretation of *tôrâ*.¹³ Perhaps most important is the transformation of the “the word of YHWH” from oracular prophecy to include the inspired interpretation of texts (both prophetic and Mosaic).¹⁴

The breadth of the Chronicler’s conception of *tôrâ* is also illustrated in citations of pentateuchal legislation. For example, in the account of Joash’s restoration of the temple (2 Chr 24:4–14), the Levites collect a “Mosaic tax” (משאת משה) (24:6). Implicit in this term is Mosaic legislation that provides money for the temple, which could be understood to be related the census tax for the tabernacle legislated in Exod 30:11–16.¹⁵ More directly, however, Chronicles reflects temple funding as described in Neh 10:33, “we placed ourselves under the obligation to give yearly one-third shekel for the cultic work of the temple of our God,” even though Nehemiah makes no appeal to *tôrâ* or any Mosaic legislation. The appeal to a nonpentateuchal Mosaic tradition suggests that *tôrâ* could include nonpentateuchal tradition. In this respect, such appeals to a larger Mosaic tradition foreshadow the much larger oral *tôrâ* that became central to rabbinic tradition.

Chronicles’ concept of *tôrâ* also allows the revision of pentateuchal legislation by tradition and interpretation. For example, in 1 Chr 23:3, Levites enter their official temple positions at thirty years of age, whereas in 23:24 and 27 they begin to serve at the age of twenty. First Chronicles 23:3 follows the strictures in Num 4, where the Levites begin their service at age thirty, but the last verses of 1 Chr 23 lower the age to twenty years. Chronicles thus supplants the pentateuchal regulation with the postexilic practice as evidenced in Ezra 3:8 (also cf. 2 Chr 31:17). The pentateuchal legislation was apparently not absolute in this respect.¹⁶ This example

13. Michael Fishbane, “Torah” [Hebrew], in *Encyclopedia Miqra’it*, 8 vols. (Jerusalem: Bialik, 1982), 8:cols. 469–83.

14. See Schniedewind, *Word of God in Transition*, esp. ch. 3; also Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Oxford University Press, 1985), 493–524.

15. As suggested by Jacob Milgrom, *Studies in Levitical Terminology, I: The Encroacher and the Levite; The Term ‘Aboda*, UCPNES 14 (Berkeley: University of California Press, 1970), 86; also H. G. M. Williamson, *1 and 2 Chronicles*, NCB (Grand Rapids: Eerdmans, 1982), 319–20; Sara Japhet, *I and II Chronicles*, OTL (London: SCM, 1993), 844.

16. See Fishbane, *Biblical Interpretation in Ancient Israel*, 134–38, 154–59.

illustrates an emerging problem between the written body of Mosaic legislation reflected in the frequent use of “as it is written” (בכתוב) and either non-Mosaic traditions or elaboration of the written tradition. This suggests that within the processes of textualization, scripturalization, and canonization there also developed a growing tension between the written traditions and actual practice. This is a fundamental problem of *tôrâ* as a fixed and limited authoritative text. The problem is nicely illustrated by the example of the Passover described in 2 Chr 35:13, which seemingly interprets and ultimately harmonizes the priestly and Deuteronomic paschal traditions when it describes that “they boiled the Passover lamb with fire *according to tradition* [כמשפט].”¹⁷ In such cases, oral *tôrâ* as well as harmonizing interpretation can stand in the breach repairing or updating the written text(s). Oral *tôrâ* offers flexibility and adaptability. A written *tôrâ* becomes static and then can come into conflict with practice or other written texts. At the same time, the need to address the tension between an authoritative text and actual practice by revising, reinterpreting, or circumventing the text is one of the surest signs that the canonical process had begun. Likewise, the need to harmonize variant traditions within the Pentateuch is another sign of the progression of the canonical process.

The textualization and canonization of the oral *tôrâ* is further illuminated by the enigmatic description of the “lying pen of the scribes” in Jer 8:8. This passage has been the subject of a great deal of scholarly attention.¹⁸ Ernst Nicholson, for example, described it as “one of the most difficult to understand in the entire book.”¹⁹ It is best to read it in its immediate context in Jer 8:7–9 (emphasis added):

17. See the discussion by Fishbane, *Biblical Interpretation in Ancient Israel*, 134–38.

18. See the discussion and bibliography by Annette Schellenberg, “A ‘Lying Pen of the Scribes’ (Jer 8:8)? Orality and Writing in the Formation of Prophetic Books,” in *The Interface of Orality and Writing: Speaking, Seeing, Writing in the Shaping of New Genres*, ed. Annette Weissenrieder and Robert Coote, WUNT 260 (Tübingen: Mohr Siebeck, 2010), 285–309; and, Hendrik Bosman, “Jeremiah 8:8: Why Are Scribes Accused of Corrupting the Torah?” *AcT Supplementum* 38.26 (2018): 118–35; and see my own extended discussion of this passage in Schniedewind, “The Textualization of Torah in Jeremiah 8:8,” in *Was ist ein Text? Alttestamentliche, ägyptologische und altorientalistische Perspektiven*, ed. Ludwig Morenz and Stefan Schorch, BZAW 362 (Berlin: de Gruyter, 2007), 93–107.

19. Ernst Nicholson, *The Book of the Prophet Jeremiah: Chapters 1–25*, CBC (Cambridge: Cambridge University Press, 1973), 86.

Even the stork in the heavens knows its times; and the turtledove, swallow, and crane observe the time of their coming; but my people do not know *the tradition of the Lord*.

How can you say, “We are wise, and *the tôrâ of the Lord* is with us,” when, in fact, the false pen of the scribes has made it into a lie? The wise shall be put to shame, they shall be dismayed and taken; since they have rejected *the word of the Lord*, what wisdom is in them?

The passage juxtaposes three terms for religious authority: tradition (משפט), *tôrâ*, and the prophetic word (דבר־יהוה). The understanding of משפט as “tradition” is required by the context but also supported by a variety of other biblical texts (see Judg 18:7; 1 Kgs 18:28; 2 Kgs 11:14).²⁰ Of course, משפט also comes to be a synonym for the written Mosaic *tôrâ*, but this seems to be a semantic development from the oral underpinnings of the term. The semantic development of the “word of the LORD” is even clearer. In most of the Hebrew Bible, it is a technical term for the prophetic word as scholars have long recognized, but Chronicles begins to use it as synonym for the Mosaic *tôrâ* (e.g., 1 Chr 15:15; 2 Chr 35:6).²¹ Jeremiah 8:7–9 underscores precisely the semantic shift in *tôrâ* that results in it being increasingly identified with written texts in the Second Temple period. But it also clearly reflects some understandable tension in the shift of religious authority from an oral *tôrâ* to a written (and perhaps fixed?) *tôrâ*. How could the *tôrâ* be made into a lie by the pen of scribes? This is not a critique about textual corruption, but rather about textualization and canonization. Written religious authority is the precise opposite of the other two types of religious authority in Jer 8:7 and 9, namely, tradition (משפט) and the prophetic word (דבר־יהוה). Tradition and the prophetic word are quintessentially oral. The *tôrâ* was also oral, but now in Jer 8:8 we see that it has been fixed by the pen of scribes.

20. On the translation of משפט as “tradition,” see my article, “Textualization of Torah in Jeremiah 8:8,” 98–99.

21. For “word of the LORD” as technical term, see, e.g., Oskar Grether, *Name und Wort Gottes im Alten Testament*, BZAW 64 (Giessen: Töpelmann, 1934), 76; Gerhard von Rad, *Old Testament Theology, Volume II: The Theology of Israel's Prophetic Traditions*, trans. David Stalker (London: Oliver & Boyd, 1965), 87. For its use in Chronicles, see my discussion in “Textualization of Torah in Jeremiah 8:8,” 102–5. Also see Judson Shaver, *Torah and the Chronicler's History Work: An Inquiry into the Chronicler's References to Laws, Festivals, and Cultic Institutions in Relationship to Pentateuchal Legislation*, BJS 196 (Atlanta: Scholars Press, 1989), 109–18.

The culmination of *tôrâ*'s transformation is its iconization in the reading ritual described in Neh 8.²² There are several reading ceremonies in the Hebrew Bible, usually relatively abbreviated. The most noteworthy examples are in Josh 8 and 2 Kgs 23. There is also a short ritual of recitation of oral tradition, writing down of oral tradition, and then the ritual reading of the written tradition in Exod 24:3–7 (emphasis added):

³ Moses came and recounted to the people all the words of the LORD [דברי יהוה] and all the traditions [המשפטים]; and all the people answered with one voice, and said, "All the words that the LORD has spoken we will do."⁴ And Moses wrote down all the words of the Lord [דברי יהוה]. He rose early in the morning, and built an altar at the foot of the mountain, and set up twelve pillars, corresponding to the twelve tribes of Israel.⁵ He sent young men of the people of Israel, who offered burnt offerings and sacrificed oxen as offerings of well-being to the LORD.⁶ Moses took half of the blood and put it in basins, and half of the blood he dashed against the altar.⁷ Then he took the scroll of the covenant [ספר הברית], and read it in the hearing of the people; and they said, "All that the LORD has spoken we will do, and we will be obedient."

The repetition of the people's refrain "all that was spoken, we shall do" in verses 3 and 7 emphasizes the duality of the oral and the reading ceremonies. What is the purpose of this repeated ceremony, if not to highlight the transition from oral to written authority? Here it is noteworthy that Moses writes the tradition down in "the scroll of the covenant" (ספר הברית). This recalls the only other reference to "the scroll of the covenant" in the discovery of the scroll that leads to the Josianic reforms (2 Kgs 23:2, 32; 2 Chr 34:30). In Exodus, however, there is no identification of "the scroll of the covenant" with *tôrâ*, whereas, in the Josianic reforms the scroll that is found is specifically identified as "the scroll of the *tôrâ*" (2 Kgs 22:8, 11; 23:24–25). There is certainly something afoot in the textualization of Mosaic tradition with "the scroll of the covenant." The reading ceremony

22. My discussion here is informed by the dissertation by Lisa J. Cleath, "Reading Ceremonies in the Hebrew Bible: Ideologies of Textual Authority in Joshua 8, 2 Kings 22–23, and Nehemiah 8" (PhD diss., University of California, Los Angeles, 2016). See also Cleath, "The Audience in the Text: The Composition of Monumental Space in Biblical Reading Ceremonies," in *New Perspectives on Monumentality and the Monumentalizing of Text in the Hebrew Bible*, ed. Lisa J. Cleath, Alice Mandell, and Jeremy Smoak (Tübingen: Mohr Siebeck, forthcoming).

in Josh 8 actually refers specifically to reading from “a scroll of the *tôrâ* of Moses” (8:31, 32). What is more, this story also places special emphasis on the complete scroll: “There was not a word of all that Moses commanded that Joshua did not read” (8:35). What is the purpose of this special emphasis on the complete reading of the scroll? It is reasonable to infer that this points to a fixed and limited *tôrâ*. As part of the DtrH, however, we might also assume that the author is thinking narrowly of the book of Deuteronomy (or some pre-Masoretic version thereof).

Nehemiah 8 further develops the ritual reading of the scroll of the *tôrâ* so that it becomes a religious icon. The entire chapter is devoted to various aspects of reading the scroll and its centrality of reading and study for the religious life of the community. It begins with pomp and ceremony, all the people gather together and request that “the scroll of the *tôrâ* of Moses” be brought out (v. 1). In Neh 8:2, Ezra produces the *tôrâ*—but it is not referred to as “the scroll of *tôrâ*,” but merely “the *tôrâ*.” Or, is this the Torah? This is an important move, *tôrâ* no longer needs to be referred to as a scroll, but *tôrâ* seems to become a proper noun. Ezra reads from it all morning, perhaps for five or six hours (v. 3)! The reading takes place on a special wooden platform made for that purpose (v. 4), and the scroll is opened before the people as in a ceremonial show (v. 5). The opening of the book prompts the people to worship God, weep, and rejoice when they hear the words from the scroll (vv. 6, 9, 12). Further, the scroll is read “with interpretation” (v. 8), and it becomes the object of study (v. 13). The reading here is definitely ritualized, and it is not difficult to imagine how this account would inspire the later iconization of Torah scrolls in the synagogue, and this passage provides a clear precedent for incorporating Torah study into the festival of Sukkot (vv. 16–18). Can we still insist that this *tôrâ* is not limited and fixed in the reading community of Neh 8? To be sure, a canonized Torah may be the construct merely of the Jerusalem priesthood that compiled the Pentateuch. It is not entirely certain what the extent of this *tôrâ* was, although as Nihan points out, the Persian period was likely “the *final stage* in a complex process of bringing together and negotiating between various traditions about Israel’s origins.”²³ The account in Neh 8 seems like a fitting celebration to the final compilation of the Pentateuch and the promulgation of this Pentateuch as the canonical Mosaic Torah. This is not to argue that there was consensus among various

23. Nihan, “Emergence of the Pentateuch as ‘Torah,’” 355, emphasis original.

Second Temple Jewish groups that the Pentateuch was part of a fixed and limited canon or that it was the one and only Torah. Other Second Temple Mosaic traditions were textualized (including the book of Jubilees, Enoch, and the Temple Scroll, among others) and would make claims to be scripture and even canon. But most of these other claims relied on the priority of the Pentateuch's claim to be scripture and canon.

The claim of different *tôrâs* as scripture and canon is highlighted in a lesser-known pesher text from Qumran. The scroll 4Q177 (4QCatena) is a thematic pesher, albeit a quite fragmentary text.²⁴ Fragments 1–4 offer one of the more striking reflections on the diversity and development of *tôrâ* as scripture and canon:

12 [--] עתה הנה הכול כתוב בלוחות אשר [--] אל וידעוהו את מספר [--] ת
 וינח [--] ילהו [--]
 13 [--] ל[--] ולורעו [עד] עולם. ויקום משמה ללכת [--] תקעו שופר בגבעה
 השופר הוא ספר [--]
 14 [--] הו[--] אה ספר התורה שנית אשר [--] א[--] נשי עצתו וידברו עליו סרה ויש
 [--]

12 Now, behold, everything is written on the tablets that [by the finger of] God. And, he made them known to him the number [...] ? 13 ... and to his descendants forever. And he rose up from there to go [to ?]. *Blow the horn in Gibeah* (Hosea 5:8). The “horn” is the [first] book of [the Torah. *Sound the trumpet in Ramah* (Hosea 5:8) 14 ... The “trumpet” is the book of the Second Torah that the men of his Counsel [rejected], and they spoke rebelliously against it and [...].

This fragmentary text makes some extraordinary claims. First of all, the statement that “everything is written on the tablets” makes a comprehensive claim. The use of the definite article here, הכול, is significant. The noun כול is quite common (found more than 3,900 times in the nonbiblical Scrolls according to an Accordance search), but its use with the definite article is

24. My reconstruction mostly follows the original edition by John Allegro (“177. Cantena [A],” in *Qumran Cave 4.I* (4Q158–4Q186), DJD V [Oxford: Clarendon, 1968] 67–74), but is also informed by the critical edition by Annette Steudel, *Der Midrasch zur Eschatologie aus der Qumrangemeinde* (4QMidrEschat a.b): *Materielle Rekonstruktion, Textbestand, Gattung und traditionsgeschichtliche Einordnung des durch 4Q174 (“Florilegium”) und 4Q177 (“Catena A”) repräsentierten Werkes aus den Qumranfunden*, STDJ 13 (Leiden: Brill, 1994). Steudel, however, does not mention that the reference to the “tablets,” especially in the context of the mentioning of two *tôrâs*, must be an allusion to Exod 24:12.

exceptional (only 68 times in the nonbiblical Scrolls). The use of the definite article consciously makes a claim for completeness of the revelation. There is no more—it is all written on the tablets. Second, the reference to “tablets,” especially in the context of the use of term *tôrâ*, must be an allusion to Exod 24:12—the giving of the tablets to Moses. Further, there are two tablets, alluding to the second book of the *tôrâ* in line 14. Tablets are also an important icon for canon because they are symbols of writing that are inscribed and permanent. I have suggested reconstructing, אֲשֶׁר] אֵל [מֵאֶצְבַּע “which is [from the finger of] God,” in the lacuna in line 12, which assumes that the writer borrows from Exod 31:18 here. It is unclear, however, whether there is sufficient space here, and we may simply reconstruct “which are [from] God” or perhaps “which God [wrote].” What is clear is that the term אֵל “God” points to the divine origin of the tablets. And this leads directly into the concept of two books of the Torah.

The two tablets given to Moses are central to the development of *tôrâ* in the Second Temple period. Most notably, the book of Jubilees begins with an allusion to the giving of the tablets in Exod 24:12 as a means for explaining its own claims to authority. There are two tablets and two authoritative revelations—the Torah (i.e., Pentateuch) and the book of Jubilees.²⁵ Exodus 24:12 had introduced an enigmatic expression (discussed above) into the giving of the tablets—namely, “the *tôrâ* and the commandment” (וְהַתּוֹרָה וְהַמִּצְוָה), even though Exod 24:12 made no notice of the number of tablets. One must suspect that the duality of “the *tôrâ* and the commandment” is related to the later enumeration of two tablets. It also opens up exegetical venues for Second Temple period texts. The most obvious example is Jubilees, but 4Q177 also has a “Second Book of the Torah” that was apparently rejected by opponents of the sect. This must also recall the Peshier to Habakkuk that similarly accuses the group’s opponents “who rejected the Torah of God” (1QpHab I, 11). The Peshier

25. See, e.g., Cana Werman, “The *Torah* and *Teudah* on the Tablets,” *DSD* 9 (2002): 75–103; and Werman, “Oral Torah vs. Written Torah(s): Competing Claims to Authority,” in *Rabbinic Perspective: Rabbinic Literature and the Dead Sea Scrolls*, ed. Steven Fraade, Aharon Shemesh, and Ruth Clements, *STDJ* 62 (Leiden: Brill, 2006), 175–97; Jacques van Ruiten, “The Rewriting of Exodus 24:12–18 in Jubilees 1:1–4,” *BN* 79 (1995): 25–29; Ben Zion Wacholder, “Jubilees as the Super Canon: Torah-Admonition versus Torah-Commandment,” in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995; Published in Honour of Joseph M. Baumgarten*, ed. Moshe Bernstein, Florentino García-Martínez, and John Kampen, *STDJ* 23 (Leiden: Brill, 1997), 195–211.

to Habakkuk is fragmentary here, but it seems likely that this is another allusion to the rejection of a “Second Book of the Torah” by the group’s opponents, presumably the Jerusalem priesthood and aristocracy.

The problem of a canonical Torah in the Second Temple period is even further complicated by works such as the Temple Scroll and Reworked Pentateuch. In different ways, these works challenge the “fixed and limited” nature of the Pentateuch as canon.²⁶ The Temple Scroll, for example, seems to actually claim a priority over the Pentateuch and Deuteronomy by casting itself as the first-person speech of God rather than by the hand of Moses. It also freely rewrites and adds, even though it is clearly dependent on Deuteronomy and the Pentateuch. Reworked Pentateuch ignores any semblance of the “fixed and limited” nature of the Pentateuch as canon when it freely reworks and perhaps even improves the Pentateuch; and, of course, the book of Jubilees supplements the Pentateuch by attaching a new (canonical?) work to the canon. On the other hand, one can also question whether all Jewish groups in the Second Temple period would have accepted such attempts to supplant, supplement, and revise the Pentateuch. The Dead Sea Scrolls themselves provide evidence that some groups rejected the kind of rewritten Scripture that we have in works like Jubilees, the Temple Scroll, and Reworked Pentateuch. The sectarian writings lament that other groups do not accept their view of the scripture and canon. So, for example, the Jerusalem temple priesthood may indeed have regarded the Pentateuch as a fixed and limited text—that is, as a canonical work.

Oral tradition represented another kind of challenge to a fixed canon of Scripture. One noteworthy aspect of the chain of oral torah as represented by Mishnah ’Abot is the omission of the priests Ezra and Aaron from the line of tradents of the oral torah. More generally, priests are omitted from the line of rabbis who preserved and passed along the oral torah in ’Abot.²⁷ Their absence is made more conspicuous by the signifi-

26. See, e.g., Molly Zahn, *Rethinking Rewritten Scripture: Composition and Exegesis in 4QReworked Pentateuch*, STDJ 95 (Leiden: Brill, 2011); and Zahn, “Rewritten Scripture,” in *The Oxford Handbook of the Dead Sea Scrolls*, ed. John Collins and Timothy Lim (Oxford: Oxford University Press, 2010), 323–36; Eva Mroczek, *The Literary Imagination in Jewish Antiquity* (New York: Oxford University Press, 2016). Also note Hindy Najman’s critique of the term “Rewritten Torah” in *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism*, JSJSup 77 (Leiden: Brill, 2003), 7–10.

27. See esp. the unpublished paper by Steven Fraade, “‘They Shall Teach Your Statutes to Jacob’: Priest, Scribe, and Sage in Second Temple Times,” <https://tinyurl.com/SBLPress3556b1>. Also see Fraade, “Shifting from Priestly to Non-Priestly Legal

cant role that Aaron and the priests play in the “Praise of the Ancestors” in Sir 45–50—that is, a text representing a Jerusalem school of priestly scribes.²⁸ Further, the Damascus Document may have the oral torah in mind when it critiques outsiders who say that the commandments “are not fixed” (לֹא נִכְוֵנוּ, CD V, 12). Scholars have often associated such critiques with an Essene critique of the Pharisees.²⁹ Admittedly, this phrase is open to more than one interpretation, although the context leading up to this accusation includes reference to the “scroll of the *tôrâ*” (V, 2) as well as legal prescriptions of Leviticus that are “according to the *tôrâ*” (V, 7). Chronicles also appeals to oral tradition as well as David and Aaron as authoritative for interpreting and modifying pentateuchal regulations (e.g., 1 Chr 23:27; 24:19; 2 Chr 8:14; 30:16; 35:13). Of course, oral *tôrâ* and a written *tôrâ* are not necessarily incompatible, although they do compete for authority as we see in the later rabbinic tradition.³⁰

In sum, the various Jewish groups of the late Second Temple period reflect the diversity and development of *tôrâ* that we begin to see emerge from a survey of the Hebrew Bible. There are steps toward the textualization, scripturalization, and canonization of *tôrâ* already in the Hebrew Bible. But these are processes with underlying tensions that necessarily accompanied the transformation of *tôrâ*.

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28. Friedrich Reiterer, “Aaron’s Polyvalent Role according to Ben Sira,” in *Rewriting Biblical History: Essays on Chronicles and Ben Sira in Honor of Pancratius C. Beentjes*, ed. Jeremy Corley and Harm van Grol, DCLS 7 (Berlin: de Gruyter, 2011), 27–56.

29. See already Chaim Rabin, *Qumran Studies* (Oxford: Oxford University Press, 1957), 55–56.

30. This tension is developed in a number of works; see, e.g., Najman, *Seconding Sinai*, and Azzan Yadin-Israel, *Scripture and Tradition: Rabbi Akiva and the Triumph of Midrash*, Divinations (Philadelphia: University of Pennsylvania Press, 2015).

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Torah as Speech Performance in the Hebrew Bible

Jacqueline Vayntrub

In an older, simpler world of biblical studies, scholars understood torah as narrative framing law.¹ The notion that each of the narrative histories—J, E, P, and D—all framed separate and distinct law codes, has to a certain extent crystallized a reception of torah as law, or torah as narrative framing law.² But more recent scholarship has come to see the legal material

1. See Bernard Levinson, "Goethe's Analysis of Exodus 34 and Its Influence on Wellhausen: The *Pfropfung* of the Documentary Hypothesis," ZAW 114 (2002): 212–23. See also Julius Wellhausen's discussion of the development of the narrative history of J, reflecting (a more ancient, simpler) nonlegal religion to a moralistically oriented religion incorporating laws of Exod 34 in *Die composition des Hexateuchs und der historischen Bücher des Alten Testaments*, 3rd ed. (Berlin: Reimer, 1889), 85 n. 1, 334–35; and discussed in Jeffrey Stackert, *A Prophet Like Moses: Prophecy, Law, and Israelite Religion* (Oxford: Oxford University Press, 2014), 169 n. 1.

2. The classic source division assigns the laws in Exod 34:14–28 to the J narrative history. See August Dillmann and Victor Ryssel, *Die Bücher Exodus und Leviticus*, KEH 12 (Leipzig, 1897), 370, who assign Exod 34:1–28 to J, with the covenant in 34:10–27 and the covenant laws in 34:14–26. See C. H. Cornill, *Einleitung in die kanonischen Bücher des Alten Testaments* (Tübingen: Mohr, 1905), 28, who assigns Exod 34:2–3, 4 [partial], 5, 6a, 8, and 10–28 to J. See A. H. McNeile, *The Book of Exodus with Introduction and Notes* (London: Methuen, 1908), 218–21, who assigns laws of Exod 34:14–28 mostly to J, with work of redactors identified in sections of 34:15, 18, 24, 25, and 28. See Rudolf Kittel, *Geschichte des Volkes Israel* (Gotha, 1916), 493: "[Exod 34:14–26] ist vielmehr der uns noch gebliebene Rest der auch bei J dem Dekalog folgenden 'Gesetze und Rechte,' also ein verkürztes Analogon zu Kap. 21–23." Bruce Wells, in his recent study, "The Interpretation of Legal Traditions in Ancient Israel," *HeBAI* 4 (2015): 234–35 n. 2, considers three sections to be law collections in the Hebrew Bible: the Covenant Code, the Holiness Code, and the Deuteronomic Code. He "excludes the so-called Priestly Code from most of the discussion because it is not a distinct collection of the legal provisions with clear textual boundaries," but he makes no comment about the laws in Exod 34, classically associated with the J

of Exod 34:11–26 as secondary to a J document.³ Thus we can see that the simple idea of equating torah with law in the Pentateuch is already complicated by the problem that in the classic formulation of the Documentary Hypothesis, one of these narrative histories—identified as the J document—does not in fact frame law, since it has no law.

We need not look beyond the Pentateuch to see that the Hebrew term *tôrâ* attests multiple valences. However, a tour through the term's semantic range in Proverbs and prophetic speeches further demonstrates the performed nature of *tôrâ*, particularly given the fact that those texts, unlike narrative history, are themselves configured as speeches. Of these multiple attested valences, "law" does not appear to be the etymological, or even the contextual, overarching sense of the term. As a well-known challenge to *tôrâ* as "law" in the Pentateuch, we can, for example, consider the use of the term in Priestly material and identify its contextual usage as something akin to "ritual instruction." We might further reconsider the material we identify as the Covenant Code, or the Priestly laws in Leviticus, or in D as sufficiently corresponding to our own category of law. We might do so in light of the similarities of the Covenant Code to Hammurabi, the reservations articulated by Assyriologists on the extent to which Hammurabi can be rightly categorized as law, and the comparison of the Covenant Code with so-called wisdom modes of discourse.⁴ To this point, a recent study

narrative history. Therefore, it seems that only three out of the four classically identified narrative histories in the Pentateuch are seen to have a legal corpus which these histories frame.

3. See esp. Shimon Bar-On, "The Festival Calendars in Exodus XXIII 14–19 and XXXIV 18–26," *VT* 48 (1998): 161–95; and now Shimon Gesundheit, *Three Times a Year: Studies on Festival Legislation in the Pentateuch*, FAT 82 (Tübingen: Mohr Siebeck, 2012), where he argues that Exod 34:18–26 is "not an independent document at all but rather a revision of extant materials ... reinforced by the presence of Priestly influence and Deuteronomic style" (37). Levinson provides a survey of this perspective in recent scholarship in "Goethe's Analysis of Exodus 34 and Its Influence on Wellhausen," 213 n. 6; to which we can add Joel Baden, *The Composition of the Pentateuch: Renewing the Documentary Hypothesis*, ABRL (New Haven: Yale University Press, 2012), 78 n. 126; and Stackert, *Prophet Like Moses*, 191.

4. For the Covenant Code, see David Wright, *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi* (Oxford: Oxford University Press, 2012). For reservations about Hammurabi being law, see Jean Bottéro, "Le Code de Hammurabi," *ASNP* 12 (1982): 416; see in English, Bottéro, "The 'Code' of Hammurabi," in *Mesopotamia: Writing, Reasoning, and the Gods*, trans. Zainab Bahrani and Marc Van de Meiroop (Chicago: University of Chicago Press, 1992), 156–84.

by Bruce Wells, “What Is Biblical Law? A Look at Pentateuchal Rules and Near Eastern Practice,” opens a much-needed line of inquiry.⁵

In *The Transformation of Torah from Scribal Advice to Law*, Anne Fitzpatrick-McKinley distances the legislative identification of *tôrâ*, comparing the biblical situation to Mesopotamian legal corpora like Hammurabi.⁶ She argues that Hammurabi’s frame, his first-person account in the prologue and epilogue—his claims to the “wisdom and justice of his administration, judgment and government”—supply the true function of the composition and explain the central place of its so-called legal material.⁷ Applying this understanding of Hammurabi’s composition to the configuration of the biblical legal materials, she argues that “the biblical concept of torah ... may not be properly understood on the basis of the legislative model.... They are not law properly speaking but constitute the moral advice of scribes.”⁸

According to Fitzpatrick-McKinley, “not until the identification of torah with *nomos* (law), in the Hellenistic period, may we speak of torah as law in anything like our modern sense of the term.”⁹ John J. Collins’s recent monograph likewise provides a productive description of the non-legal dimensions of the term, particularly its so-called wisdom or instructive aspects.¹⁰ The designation of *tôrâ* as “law,” narrative framing law, and ultimately a written document as seen in D and the conceptualization of text transmission in the Deuteronomistic History—as William Schniedewind has already discussed in *How the Bible Became a Book*—represents idiosyncratic usage that became dominant as a result of the unique configuration of the compiled Pentateuch and Deuteronomy’s framing as Moses’s deathbed testimony.

For a comparison to wisdom discourse, see Bernard Jackson, *Wisdom-Laws: A Study of the Mishpatim of Exodus 21:1–22:16* (Oxford: Oxford University Press, 2006), 24.

5. Wells, “What Is Biblical Law? A Look at Pentateuchal Rules and Near Eastern Practice,” *CBQ* 70 (2008): 223–43.

6. Fitzpatrick-McKinley, *The Transformation of Torah from Scribal Advice to Law*, JSOTSup 287 (Sheffield: Sheffield Academic, 1999).

7. Fitzpatrick-McKinley, *Transformation of Torah*, 18, citing Bottéro, “Le ‘Code’ de Hammurabi,” 423.

8. Fitzpatrick-McKinley, *Transformation of Torah*, 21.

9. Fitzpatrick-McKinley, *Transformation of Torah*, 21.

10. John J. Collins, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul*, Taubman Lectures in Jewish Studies 7 (Berkeley: University of California Press, 2016), 66–69.

Productively in this direction, Bernd Schipper in *Hermeneutik der Tora*, following the work of Thomas Willi, argues that the term should be understood not to designate an object—oral or written—but rather the process of instruction itself.¹¹ Such a reorientation toward the meaning of the term, Schipper acknowledges, moves beyond the older view that essentially equates it with law.¹² Along these lines, the present study brackets the categorization of *tôrâ* as law—or narrative framing law, as we see as implicit and explicit in two pentateuchal documents (E and D)—in favor of examining the term, and its cognate verb *YRH*, as a particular mode of speech performance.

In what follows, I suggest that the term *tôrâ* and its cognate verb employ a metaphor of movement (“to cast [forward or downward]”) to denote both horizontal (transgenerational) and vertical (divine to mortal) performance and transmission of speech. The term primarily designates the process of transmitting instruction through this type of performance, and secondarily designates the content of this performance. This secondary designation, particularly the written object containing instruction, has come to dominate the term in its specific reference to the narrative histories framing law in the Pentateuch.

Briefly outlining the contextual semantics of the term in the book of Proverbs and in prophetic texts, I closely examine the contextual usage of *tôrâ* and its cognate verb in non-Priestly pentateuchal narrative. In this analysis I demonstrate how the term, outside of a so-called legal context, designates the transmission of speech in performance through a metaphor

11. Thomas Willi argues that the thrust of *tôrâ* and its underlying verbal root “nicht auf einem zu erreichenden Zustand, auf einer erstrebten Befindlichkeit, sondern auf einem Vorgang.” See “Leviten, Priester und Kult in vorhellenistischer Zeit: Die chronistische Optik in ihrem geschichtlichen Kontext,” in *Gemeinde ohne Tempel/Community without Temple: Zur Substituierung und Transformation des Jerusalemer Tempels und seines Kults im Alten Testament, antiken Judentum und frühen Christentum*, ed. Beate Ego, Armin Lange, and Peter Pilhofer, WUNT 118 (Tübingen: Mohr Siebeck, 1999), 95, quoted in Bernd U. Schipper, *Hermeneutik der Tora: Studien zur Traditionsgeschichte von Prov 2 und zur Komposition von Prov 1–9*, BZAW 432 (Berlin: de Gruyter, 2012), 223. Schipper extends Willi’s statement to argue that the term *tôrâ* itself designates the process toward a kind of behavior or way-of-life, and not the normative content of the instruction or precept.

12. “Diese Bestimmung der Tora unterscheidet sich deutlich von dem älteren Verständnis, nach dem ‘Tora’ vor allem mit dem ‘Gesetz’ gleichgesetzt wurde” (Schipper, *Hermeneutik der Tora*, 223).

of movement. Next, I return to the pentateuchal *tôrâ* corpora designated by both ancient and modern scholarship to be of a primarily legal character: the Covenant Code and laws in Deuteronomy. There I demonstrate how the speech-performance context of both these corpora highlight, in particular, their instructive nature—instructive in the sense of knowledge transmission from one individual to another. I conclude with some questions intended to move beyond the teleological conceit that frames the modern scholarly paradigm, the idea that *tôrâ* evolves from father-to-son instruction to law. I suggest that we might reframe the shift of *tôrâ* from instruction to law as not an evolutionary conceptual shift but rather a terminological shift that results from the Pentateuch's later reception.

The Semantics of *YRH* as Speech Performance

In a 2009 article that aims to integrate cognitive linguistics within broader philological practice, Job Jindo explains how “delving into the phenomenon of metaphor ... reveals the mindset of language users.”¹³ Jindo suggests the investigation of such metaphors should adhere to “three exegetical principles”: (1) identification of the “interrelations of metaphorical verbal expressions ... on the conceptual level”; (2) a “holistic” investigation of the metaphor, “in light of the whole of the given metaphorical concept,” that is, not in an atomistic fashion but as pieces of a larger worldview to which the metaphor can be coordinated; (3) full clarification of the parts of the metaphor and its underlying concept that would be clear to its native audiences.¹⁴ A similar project is articulated in a more recent article by David Lambert, where he probes the limits of lexicography and uses the contextual semantics of Biblical Hebrew terminology—in, specifically, the terms יָדַע (“know”), לֵב (“heart”), and אָהַב (“love”)—to reconstruct the conceptual world behind these terms.¹⁵ Lambert finds that a full reconstruction of the thought world behind these terms, when divorced from our inherited Western frameworks, demonstrates a more embodied and material concept of knowledge, speech, and relationships. For example, what we read as “knowledge” in the biblical texts implies

13. Job Jindo, “Toward a Poetics of the Biblical Mind: Language, Culture, and Cognition,” *VT* 59 (2009): 228.

14. Jindo, “Toward a Poetics of the Biblical Mind,” 229.

15. David Lambert, “Refreshing Philology: James Barr, Supersessionism, and the State of Biblical Words,” *BibInt* 24 (2016): 332–56.

“psychological awareness,” whereas read contextually, the semantics of the term ידע elicits “a subtly distinct theory..., an event of recognition,” one which “moves much closer to a material form of encounter and away from ... the contemporary sense of English ‘know.’”¹⁶ Likewise, the concept lying behind the term לב, as Lambert reconstructs it, is not one of an interior space of thought, but “a way of demarcating an aspect of the ‘borderline’” and “a rhetorical mode for describing a being in relation to outside forces.”¹⁷ To say that one speaks to oneself בלב is an articulation of a boundary of speech between one and another. Here, I follow Lambert’s approach and attempt to adhere to Jindo’s three recommendations in elucidating the semantics of *tôrâ* as it is used in the biblical texts and not as a result of the reception of these texts.

Before outlining a reorientation of *tôrâ* as speech performance through a view of its operative metaphor, a brief remark on lexicography is necessary. Unlike BDB, which combines attestations of Biblical Hebrew YRH under a single entry, HALOT distinguishes between the root YRH I, “to throw, shoot,” and YRH III, “to instruct.”¹⁸ However, I would like to qualify the division of this root as it is presented in HALOT, as there do not appear to be clearly distinct cognates disambiguating these two entries. Ugaritic attests a verb, YRY, meaning “to cast, shoot,” but no root meaning “to instruct.”¹⁹ Arabic, Old South Arabian, and Ethiopic attest, likewise, a corresponding root “to cast,” while Aramaic attests a corresponding root (YRY) “to instruct,” but no such root “to cast.” In Ethiopic YRY also has the sense of “inherit,” which may relate to the transgenerational aspect of the cognate in Hebrew. A handful of suggestions are offered in HALOT to line up YRY “to instruct” with cognates, but there is less of a correspondence there than with YRY “to cast”: an Amharic and Tigre root, “to proclaim,” and an Arabic root, “to keep secret.”²⁰ It seems

16. Lambert, “Refreshing Philology,” 340–41.

17. Lambert, “Refreshing Philology,” 343, 346.

18. BDB, s.v. “יָרָה,” notes that Buhl distinguished three roots for YRH: I “throw”; II “moisten” (cf. RWH); III “teach,” but BDB states that “evidence for this division [is] hardly sufficient.” HALOT seems to have followed Buhl’s outline, since all three entries for YRH follow this division.

19. DULAT, s.v. “y-r-y.”

20. Wolf Leslau, *Ethiopic and South Arabic Contributions to the Hebrew Lexicon*, UCPS 20 (Berkeley: University of California Press, 1958), 25; Enno Littman and Maria Höfner, *Wörterbuch der Tigr̃-Sprache: Tigr̃-Deutsch-Englisch* (Wiesbaden: Steiner, 1962), 435b. For Arabic, see Lane, s.v. “wry III.”

that across the Semitic languages, a Y^WRY^W root meaning “to cast” is more broadly attested than one meaning “to instruct.” The following proposal for the semantics of *YRH* “to instruct” follows a unified verbal root which has developed two distinct meanings in its semantic range, based upon its metaphorical usage in describing speech performance: (1) *YRH* “to cast, throw” in the G, N, and C stems; (2) *YRH*, in the C stem only “to proclaim,” a sense which derives from the metaphor “to cast (one’s voice) down/toward another.”

In a previous study, I examined the unusual translation history of the Biblical Hebrew phrase *נשא משל*, conventionally, “to lift a parable,” and related phrases *נשא קינה*, “to lift a lament,” and *נשא קול*, “to lift (one’s) voice.”²¹ There I demonstrate how such phrases had been rendered word-for-word in both ancient and modern translations, as “to lift a parable” and “to lift a lament,” even though such a sense of the verb “to lift” in Greek, Aramaic, Latin, and English translations is not attested prior to its use in Bible translation.²² Even the phrase “to lift one’s voice,” in English, appeared to perpetuate a word-for-word translation of the Biblical Hebrew or its early translations into Greek or Latin, “shaping the English language such that the phrases ‘to take up in song’ and ‘to raise one’s voice’ are now conventional.”²³ A reexamination of the Biblical Hebrew phrase against the background of a similar Ugaritic phrase, *yšu gh wyṣh*, “he lifted his voice and cried aloud,” cleared the way to propose a meaning that would unify the phrases *נשא משל*, *נשא קינה*, and *נשא קול*: that the verb *NSʾ*, meaning “‘to carry forth,’ is a metaphor of movement for how the human voice is projected in performance.”²⁴ In such phrases, the verb *NSʾ* designates movement away from the verb’s subject, either vertical or horizontal, in a metaphor of movement in space to describe how sound travels from a speaker to a hearer. This is, of course, only one way in which the root *NSʾ* is used, since it is used in its concrete sense (“to raise” and “to lift, carry”) as well as in other metaphors.²⁵

21. Jacqueline Vayntrub, “‘To Take Up a Parable’: The History of Translating a Biblical Idiom,” *VT* 66 (2016): 627–45.

22. Vayntrub, “To Take Up a Parable,” 630–41.

23. Vayntrub, “To Take Up a Parable,” 628–29.

24. Vayntrub, “To Take Up a Parable,” 644.

25. Joseph Lam, *Patterns of Sin in the Hebrew Bible: Metaphor, Culture, and the Making of a Religious Concept* (Oxford: Oxford University Press, 2016), 16–86.

The C-stem verb *YRH*, and the cognate nominal form, *tôrâ*, likewise seems to operate on such a metaphor of movement in space, characterizing speech as sound, traveling from the speaker to its hearer. In many cases, the noun *tôrâ*, as well as the verb *YRH* when meaning “to instruct” and not “to cast,” appear in a context of speech performance—with reference to words, organs of speech (voice, mouth, lips, tongue), and its aural reception by an audience.²⁶ In this light, the passage in which Moses articulates to YHWH his reluctance to the prophetic call, in Exod 4:10–17, is particularly relevant.²⁷ This passage is one of the few episodes outside of the Priestly narrative history, the Covenant Code, and Deuteronomy that refer to *YRH* at all:²⁸

¹⁰ Moses said to YHWH, “Please, my Lord, I am not a man of words, neither in the past nor now that you have spoken to your servant. For I am heavy-mouthed and heavy-tongued.” ¹¹ YHWH said to him, “Who gives a man a mouth? Who makes one dumb or deaf, seeing or blind?”

26. Exod 13:9a, “This shall be a sign on your hand and a reminder between your eyes, so that the torah of YHWH may be *in your mouth*”; and even with reference to a written record of *tôrâ*, still cast as something that is performed from the mouth: Josh 1:8a, “Let this record of *tôrâ* not depart from *your mouth*, and may your utter it day and night, so that you may keep doing all that is written in it”; Mal 2:6a, “A *tôrâ* of truth was *in his mouth*, and iniquity was not found *on his lips*”; and here torah is parallel with “the words of my mouth” in Ps 78:1, “Give ear, my people, to my *tôrâ*; incline your ear to the words of my mouth” (all emphasis added). Unless otherwise noted, all translations are mine.

27. Baden identifies this passage with the J narrative history, wherein the hierarchy set up between the people, Aaron, Moses, and YHWH fits with J’s concern in the primordial history of encroachment on the divine sphere. In this narrative history, there is a stratification in the private theophany to Moses in Exod 19:18, 20; 24:9–11. Each revelation limits the audience and reveals more of YHWH until Exod 34:5–9. Boundaries and structures are placed between the people and the deity, with the underlying assumption that the people will crowd out the deity, diminish his distance, or maybe even usurp the deity’s distinguishing capabilities. We see this in the creation story in the garden, in the story of the tower of Babel, and in the configuration of the theophanies at Sinai. This is observed also in pharaoh’s complaints and fears that the people are *עצום*, a fulfillment of Gen 18:18, that Abraham will become a *גוי גדול ועצום*, “a great and populous nation.” Prophecy, as configured by this narrative history, is a necessary boundary between the people and the deity. See Baden, *Renewing the Documentary Hypothesis*, 67–81.

28. The reference in Gen 46:28 seems to indicate the direction of travel, in a meaning similar to torah in Priestly legislation.

Is it not I, YHWH? ¹² Now, go, and I will be with your mouth, and I will *instruct you* [וְהוֹרִיתִיךָ] as you speak.” ¹³ But he said, “Please, my Lord, send (someone else) instead.” ¹⁴ So YHWH was angered at Moses and said, “[Is that] not Aaron, your brother the Levite? I know that he indeed speaks. And see, he is coming now to meet you, he will be happy to see you.” ¹⁵ You will speak to him and place the words in his mouth, and I will be with your mouth and with his mouth, and I will *instruct* [וְהוֹרִיתִי] you what to do. ¹⁶ And he will speak for you to the people, he will (play the role of) mouth for you, and you will (play the role of) God for him, ¹⁷ and you will take this staff in your hand, with which you will generate the signs.” (emphasis added)

Not only does the activity of YRH critically involve the organs of speech, the term designates a type of communication that is transmitted in hierarchical order, from a superior to one of lower status. We see this first outlined in the way the deity describes how Moses is to prophesy to the people. In 4:12, YHWH says to Moses, “I will be with your mouth, and I will instruct you as you speak.” This is further outlined in the specific role Aaron, Moses’s brother, is to play since Moses insists that his organs of speech are too compromised for the task of directly communicating YHWH’s speech to the people. In 4:15, YHWH revises his initial charge, saying, “Place the words in his mouth, and I will be with your mouth and with his mouth, and I will instruct you what to do.” The introduction of not one but *two* simultaneous prophetic experiences seems to motivate a clarification in the subsequent verse, since the nature of the communication remains hierarchical: “And he will speak for you to the people, he will (play the role of) mouth for you, and you will (play the role of) God for him.” As we see in this passage, the nature of YRH is one of passage from one to another in a hierarchical scheme, so much so that when a second actor (Aaron) is introduced, the hierarchy must be reconfigured to incorporate an added element. Where the initial charge is that God instructs Moses who speaks to the people, the revised charge is that God instructs Moses who, like God, places his words in Aaron’s mouth so he can speak to the people instead.

Bracketing the Oral Versus the Written; Instruction versus Law

In *How the Bible Became a Book*, Schniedewind articulates an important qualification to a widely held scholarly narrative of how the term *tôrâ* transitioned from “a specific instruction to the sacred ‘Book of the Torah’ of

the Josianic period.”²⁹ In his understanding of this transition, “the original meaning of the Hebrew word *torah* as ‘teaching’ underlines its orality. The word meant to teach or to instruct orally and had nothing to do with written texts.”³⁰ Schniedewind indicates the important data points of the valences of *tôrâ* in Proverbs and in the Priestly sources that refer only to “instruction” (though differently in each of these works), and he moreover underscores the significant point that beyond a nonwritten sense of *tôrâ*, these particular texts do not demonstrate any awareness of their own writtenness.³¹ Proverbs speaks of instruction as *tôrâ*, and Priestly texts speak of ritual instruction as *tôrâ*, but neither of these texts seem to articulate that the works they themselves are producing are *torah*. The notion of *torah* as designating a specifically written text, Schniedewind argues, “began with Deuteronomy and the Josianic writers.”³²

Here I set aside the task that Schniedewind takes up in the book—tracing the development of the term *tôrâ* from the oral instruction to the written text—and focus instead on understanding *torah* before it comes to refer to a specific type of textual object. I also bracket the corresponding developmental argument that sees the semantics and usage of *tôrâ* as evolving from “instruction” to “law,” since such an argument largely depends upon an evolutionary and teleological framework in which law precedes a further stage in the development of human culture.³³ The association of משפט and חוק specifically with משה תורתו qua Mosaic law is so

29. Moshe Weinfeld, “Deuteronomy, Book of,” *ABD* 2:175, quoted in William M. Schniedewind, *How the Bible Became a Book: The Textualization of Ancient Israel* (Cambridge: Cambridge University Press, 2004), 119–20.

30. Schniedewind, *How the Bible Became a Book*, 120.

31. Schniedewind, *How the Bible Became a Book*, 120.

32. Schniedewind, *How the Bible Became a Book*, 121.

33. The problematic dichotomy and its corresponding developmental scheme—the oral versus the written; poetry versus prose—risks deprioritizing Proverbs as a somehow marginal text in the corpus (because it is *torah-as-instruction*). In Jacqueline Vayntrub, “Proverbs and the Limits of Poetry” (PhD diss., University of Chicago, 2015), I discuss how Lowth specifically speaks to how this “primitive” concept of instructive speech “persists” in later-authored biblical texts such as Proverbs: the “didactic” style as seen in the book of Proverbs is “more likely than any other to prove efficacious with men in a rude stage of society; for it professed not to dispute, but to command; not to persuade, but to compel.... This manner, which with other nations prevailed only during the first periods of civilization, with the Hebrews continued to be a favorite style to the latest ages of their literature” (*Lectures on the Sacred Poetry of the Hebrews* [Boston: Crocker & Brewster, 1829], 200–201).

prominent in the Pentateuch and in presumably postexilic authored works that the legal-oriented sense of *torah* has come to stand in for the broader, not necessarily legally oriented sense of the term.³⁴ Outside of its designation as a specific locution or textual object—as we find for the phrase *תורת משה*—the term *tôrâ* seems to refer to a type of speech performance.³⁵ The particular nature of this type of speech performance is the subject of this inquiry. In what follows, I summarize the various references to *tôrâ* as a speech performance, as it occurs in mainly prophetic and so-called wisdom texts. I use these references to outline the various types of speech performances—or the various performance contexts—which might be subsumed under the term *torah*.

Examining the use of the term in prophetic and wisdom texts can help us find a way outside of the circularity of the reception of *tôrâ* as “written law.” The advantage of mining these texts to fill out an understanding of the term’s contextual semantics is that they themselves do not claim to be *torah*. While one might argue that the aim of both wisdom and prophetic texts is to instruct, broadly speaking, Proverbs and prophetic texts can be plainly described as speech collections with no (or minimal) narrative frames.³⁶ These texts present a productive data set from which to understand how the term functions when it is not specifically referring to *tôrâ* qua Mosaic law.³⁷

34. See Lev 26:46; Deut 4:8; 17:11; 33:10; 1 Kgs 2:3; 2 Kgs 17:34, 37; Isa 42:4; 51:4; Ezek 44:24; Mal 3:22; Ps 89:31; Ezek 7:10; Neh 9:13; 9:29; 10:30; 2 Chr 33:8.

35. Or a particular utterance of *tôrâ* in which this utterance refers to specific content whose knowledge is assumed by the reader, e.g., the “*tôrâ* of YHWH, God of Israel,” whose precepts, the narrator tells us, Jehu did not keep, in 2 Kgs 10:31. Sometimes the context of its specific performance is recounted, as in 2 Kgs 17:34, the *tôrâ* “which YHWH commanded the sons of Jacob to whom he gave the name Israel,” and sometimes a basic principle or accompanying general rule of conduct of the specific *tôrâ*-performance is outlined, as in 2 Kgs 17:37, the *tôrâ* “which he wrote down for you ... do not worship other gods.”

36. For a discussion and schematization of narrative and nonnarrative textual frames, see Jacqueline Vayntrub, “Before Authorship: Solomon in Prov 1:1,” *BibInt* 26 (2018): 182–206. For a discussion specifically on the nonnarrative framing of Proverbs, see Vayntrub, “The Book of Proverbs and the Idea of Ancient Israelite Education,” *ZAW* 121 (2016): 96–114.

37. As Collins points out in *The Invention of Judaism*, 66, David Carr suggested in his essay (“The Rise of Torah,” in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance*, ed. Gary Knoppers and Bernard Levinson [Winona Lake, IN: Eisenbrauns, 2007], 43) that “there were various forms of textual

Two specific dimensions of the term emerge from an inquiry into its use in Proverbs: (1) *tôrâ* is framed with language indicating it is a speech performance—its origin is the speaker’s mouth, and its reception is in the ears of its audience; (2) *tôrâ* is performed by parents in the context of instruction. Both of these dimensions are, incidentally, seen in uses of the term framing the book in its current form, specifically as an instructive speech performance from one’s mother. Proverbs 1:8 appeals to the reader to not forsake the *tôrâ* of his mother (and via the parallelism of the verse, to likewise heed the instruction of his father).

Listen, my son, to the discipline of your father,
do not forsake the *tôrâ* of your mother.

Instruction from King Lemuel’s mother in Prov 31:1–9 frames the alphabetic acrostic in 31:10–31, and the description of the laudable activities of the poem’s subject, the Woman of Valor in 31:10–31, reaches a climax with her performance of תּוֹרַת־חֶסֶד in 31:26, presumably for her sons, who rise up to praise her two verses later:

Her mouth opens with wisdom,
a *tôrâ* of protective devotion³⁸ upon her tongue.

In Prov 6:20, again, torah characterizes the speech by the mother; its pair, “commandment,” is the purview of the father. The second half of the bicolon is identical to the second half of Prov 1:8:

Keep, my son, the commandment of your father,
do not forsake the *tôrâ* of your mother.

‘wisdom’ in which Torah is either not reflected at all or is reflected in very subtle ways.” It should be noted, however, that Carr explains this absence of torah in the wisdom material by an appeal to a developmental scheme: “Just as Mesopotamia and Egyptian ... systems began with proverbs, instructions, and hymns as their foundational texts, it is likely that Israel ... likewise started with some of the texts we now see in Proverbs and Psalms,” an argument that reinforces Lowth’s original position.

38. In my definition, “protective devotion,” I have blended the attitude (devotion) this term seems to ascribe with the protective “concrete action” Carsten Ziegler discerns through frame semantics as “an action performed by one person for the benefit of another to avert some danger or critical impairment from the beneficiary.” See his “What Is חֶסֶד? A Frame Semantic Approach,” *JSOT* 44 (2020): 726–27.

But in Prov 3:1, 4:2, and 7:2, *tôrâ* is instructive speech performed by a father for the benefit of his son, though a specific context of performance is not given.³⁹ In Prov 7, in the instruction frame for the father's speech outlining the dangers of the "alien woman," *tôrâ* is still configured as a speech performance, but one whose contents are to be inscribed—if not on an actual writing medium, on one's לב, one's "mind," or better, "cognitive faculties."⁴⁰ The contents of these performances are to be "stored up" for their life-protecting qualities:

My son, keep my words,
 my commandments, store up with you.
 Keep my commandments and live,
 my *tôrâ*, as the apple of your eye.
 Tie them on your fingers,
 write them on the tablet of your mind.

Specifically, in Prov 13:14, the *tôrâ* of a wise man is described not only as "a source of life" but as that which can prevent one from death traps. Finally, what we might take away from the use of the term in Proverbs, aside from idiosyncratic usages that might serve the themes of the work itself—such as the role of mother's instruction—is that torah comes from the speaker's mouth and is heard by its audience, and is transmitted across generational lines.⁴¹

An interesting reference to the term *tôrâ* in prophetic texts is its use as a plural, which precludes its association with any one particular utterance but rather suggests a series of such performances. In the vision of end times in Isa 24, the speaker imagines how the earth meets its destruction. In 24:5, the speaker explains the motive of the earth's destruction and

39. Carol Newsom has already observed that "the cast of characters [in Prov 1–9] is severely limited, and the privileged axis of communication is that from father to son.... Occasionally, one can catch a hint as to the social location of wisdom discourse, but the type of speech used in Proverbs 1–9 largely serves to deflect that inquiry" (Newsom, "Woman and the Discourse of Patriarchal Wisdom: A Study of Proverbs 1–9," in *Gender and Difference in Ancient Israel*, ed. Peggy Day [Minneapolis: Fortress, 1989], 142, 144).

40. Lambert, "Refreshing Philology," 341–49.

41. In addition to the texts from Proverbs mentioned already, see Prov 28:9a, "He who turns his ear from hearing *tôrâ*." See also Job 22:22, "Receive *tôrâ* from his mouth, and place his words in your mind."

desolation—the reversal of prosperity and fertility—as the failure of social order. This failure of social order, according to the logic of the speech, results from the violation of instruction.

²And (average) people will be like the priest, a slave will be like his master, a handmaid like her mistress, a buyer like a seller, a lender like a borrower, and a creditor like a debtor. ... ⁴The earth will be all dried up, withered. The world languishes, withered. The most exalted people of the earth wither. ⁵The earth was defiled beneath its inhabitants, for they transgressed *tôrôt*, they contravened law, they broke the eternal covenant. ⁶For this reason a curse consumes the earth, and its inhabitants pay the price. For this reason, the earth's inhabitants have dwindled, and only a few men remain. (Isa 24:2, 4–6)

The sequence in Isa 24:5 outlines a series of agreements between parties, organized in a range from ongoing speech performance to perpetual agreement: תורת, “perpetual instructions,” חק, “(singularly) articulated custom, law,” and ברית עולם, “eternal covenant.” This series of agreements is coordinated with a sequence of verbs describing their violation, in order of the intensity of violation: עברו, “they transgressed,” חלפו, “they contravened (and possibly substituted),” and הפירו, “they broke.”⁴² The poetics of this sequence highlights the extent to which a nonspecific *tôrâ*, qua performance, is processual not substantive.

42. The verb חלף denotes change, or when intransitive it can mean to “pass on quickly” (BDB, s.v. “חלף”) or change states of effectiveness (see Isa 2:18, idols who pass on, or Hab 1:11). In transitive usages this can denote passage: in Judg 5:26, Jael, with the tent peg “passed through (the boundary of Sisera’s) jaw/skull.” In uses of elevated transitivity, the verb can denote exchange of one thing for another, as in clothes (Ps 102:27) or wages (Gen 41:14, D stem; Gen 31:7, C stem). In Isa 24:5, the verb seems to indicate that חק, “law” or “custom,” was transgressed, perhaps capriciously exchanged for another custom. The root פיר, in a most concrete sense, means to break, and more abstractly in reference to law, means to violate. It is only once used to describe a violation of torah, in Ps 119:126, which has been argued by Avi Hurvitz on linguistic grounds to have a late date of composition; see Hurvitz, “Continuity and Innovation in Biblical Hebrew—The Case of ‘Semantic Change’ in Post Exilic Writings,” in *Studies in Ancient Hebrew Semantics*, ed. Takamitsu Muraoka, AbrNSup 4 (Leuven: Peeters, 1995), 1–10. Its form as an alphabetic acrostic could, in any case, indicate a postexilic date since the form has been argued to have been borrowed from Neo-Babylonian scribal techniques; see Kenneth C. Hanson, “Alphabetic Acrostics: A Form Critical Study” (PhD diss., Claremont Graduate School, 1984).

One might compare this with the usage of the plural *tôrôt* in pentateuchal narrative, as it is used in consequence with God's extension of his promise to Abraham to Isaac:⁴³

³Stay in this land and I will be with you and I will bless you, for all these lands are to be yours and your descendants, for I will uphold the oath I swore to Abraham your father. ⁴I will make your descendants as numerous as the stars in the sky, and I will give all these lands to your descendants, so that all the nations of the earth will bless themselves by your descendants, ⁵since Abraham listened to my voice and kept my charge, my commandments, my laws, and my *tôrôt*. (Gen 26:3–5)

It is notable, however, that the framing of God's "charge," as defined as his "commandments," "laws," and "*tôrôt*," is one of explicit speech performance, often obscured by less literal translations of Gen 26:5a, עקב אשר שמע אברהם בקלי, which translate שמע as "to obey" and sometimes eliminate "my voice" from the translation entirely:⁴⁴

Targum: "Because Abraham received my word."
 KJV: because that Abraham obeyed my voice
 NRSV: because Abraham obeyed my voice
 NIV: because Abraham obeyed me
 JPS: inasmuch as Abraham obeyed Me
 Speiser: all because Abraham heeded my call

Another dimension that can be brought out through a reading of the framing of *tôrâ* in this passage is one of transmission. The blessing of the promise is to benefit Isaac on account of the fact that the promise was also made to his father, Abraham, and that Abraham had listened to (and presumably passed on to Isaac) God's commandments, laws, and *tôrôt*. But these *tôrôt* cannot reasonably refer to Mosaic law given the place in the story and are instead something more diffuse, like "teachings" or "instructions" that

43. This passage, notably, is identified classically (and in more recent documentary source divisions) to belong to the J narrative history, recalling YHWH's promise to Abraham when outlining the promise to Isaac, and "the uniquely J idea of the nations blessing themselves by the patriarchal line (26:4)." See Baden, *Renewing the Documentary Hypothesis*, 71.

44. Contrast with LXX and Vulgate, which produce a more or less word-for-word rendering of Gen 26:5a, preserving most elements of its characterization as a performance.

are not identified with a particular performance context in the story.⁴⁵ In the following sections, we return to this episode and others in the non-Priestly narratives of the Pentateuch to flesh out a different kind of *tôrâ* than a speech performance tied specifically to the figure of Moses or to the inscribed object.

Another illuminating reference to the term *tôrâ* can be found in the opening pronouncement of Habakkuk. Most of the prophetic works open, following their attributive frame, with the words of the deity in the mouth of the prophet, directed usually at some implied audience.⁴⁶ Habakkuk, by contrast, opens with the words of the speaker himself, not as the deity's mouthpiece, with first-person speech directed at the deity. This opening lament of the prophet spans 1:2–4, at which point, the deity's own words appear to be quoted in response. The reference to *tôrâ* occurs in the final bicolon of the lament, reproduced here in full:

²How long, O YHWH, will I cry out and you fail to hear,

I shout to you "Violence!" and you fail to save?

³Why do you show me iniquity,

have me see trouble?

Plundering and violence are before me,

45. Speiser (*Genesis: Introduction, Translation and Notes*, AB 1 [Garden City, NY: Doubleday, 1964], 199, 201) translates *משמרת* as "my mandate," and sees the subsequent terms, *מצותי חקותי ותורתי*, as a description of that mandate, translating "my commandments, my laws, and my teachings," without further comment. Bruce Waltke (*Genesis: A Commentary* [Grand Rapids: Zondervan, 2001], 368) offers the strong possibility that the narrator is speaking about Mosaic law, for which he gives no explanation, apart from the similar usage of *מצות*, *משפטים*, and *חוקים* in Deut 11:1 to refer to Mosaic law. According to Waltke, the term in Gen 26:5 refers to "either the teachings of piety and ethics known by the patriarchs prior to Moses or more probably the whole law of Moses" (emphasis added).

46. Amos, Obadiah, Nahum, Zephaniah, Haggai, and Zechariah open, after their introductory frame, with the speaker's prophetic message. A variation on this is the opening of Isaiah, Micah, and Joel, which open with an instruction address to their audience. Jeremiah's speech begins with narrative of his prophetic calling, also quoting the words of YHWH. Similarly, Hosea opens, after its frame, with a third-person account of the prophet's call, involving YHWH's command for the prophet to marry Gomer. Ezekiel opens with the speaker's first-person account of a prophetic vision. Jonah is configured as a narrative on prophecy. But with all this variation on these texts, none open like Habakkuk, with a first-person lament of the speaker, directed at the deity.

There are disputes, and strife continues.
⁴This is why *tôrâ* fails,
 and judgment is never forthcoming.
 For the wicked boxes in the righteous,
 this is why judgment comes out crooked.

The speech opens with a known appeal to divine justice, but whereas in Job 19:7 the protest is directed toward an absence of divine justice—"I scream 'Violence!' but I am not answered; I cry out but there is no justice"—here the protest seems directed at the very nature of divine justice: it is doomed to failure. The final section of the lament—the statement motivating the speaker's appeal—explains how, in the speaker's view, *tôrâ* (as an embodied speech performance) loses its effectiveness.⁴⁷

Reframing "Law" in the Covenant Code and Deuteronomy

In his study of the Hammurabi monumental inscription, Jean Bottéro reminds us that "if the real goal of history is to rediscover the past, not as *we* see it, but as closely as possible to the way it was seen, lived, and understood," then our primary task should be to reconstruct the conceptual world behind the language of these texts.⁴⁸ If the term *tôrâ* means something other than law or the object upon which law is inscribed—as we have seen in both so-called wisdom and prophetic texts as well as in pentateuchal narrative outside of the Covenant Code and Deuteronomy—we might reframe the way we understand *tôrâ* in the texts we have excluded from our study as well, to see if a broader concept can unify its usage. In the foregoing I have argued that the term *tôrâ* designates a specific type of speech performance, one whose performance context is marked by a social hierarchy of speaker above hearer. The dynamics of the father-son relationship, and relatedly, the deity-prophet relationship, are grafted onto the hierarchy of this speech performance. Recovering the social dynam-

47. For the semantics of תפוג (cf. to Arabic and Syriac cognates meaning "to go cold"), particularly as it outlines the performative nature of torah here, see its usage in Gen 45:26, in which Jacob's cognitive faculty (לב) fails to process the information reported to him: ויפג לבו, "his mind was ineffective"; Jacob does not immediately believe the reports of his sons that Joseph is alive and ruling Egypt. The narrator continues that his cognitive faculties immediately recovered upon hearing the specifics of his sons' reports about Joseph (45:27), and his spirit was revived (ותחי רוח יעקב אביהם).

48. Bottéro, "The 'Code' of Hammurabi," 156, emphasis original.

ics of the performance context proves an easier task than recovering the nature of speech itself, since the performance frame is often provided in some shape or form by the text.

An intertextual relationship between the Covenant Code and the text of the Hammurabi monumental inscription has been demonstrated by a number of scholars, though the precise nature of this relationship remains a matter of debate.⁴⁹ Assuming, however, that the authors of the Covenant Code did indeed reuse the form and material of Hammurabi, the extent to which we might understand the material of Hammurabi can help us recover the literary values that lie behind the composition of the Covenant Code and its framing. In his study, Bottéro argues that the articles of the text of Hammurabi should be seen through the lens of Mesopotamian scientific text production and in the context of the inscription's first-person royal frame: the articles contained within the frame of Hammurabi's successes do not comprise a code of laws but rather an anthology of justice principles.⁵⁰

We have from at least the first third of the second millennium a certain number of *treatises* dealing with subject matters that were of most interest to the "wise men" of the land: lexicography and grammar, divination, mathematics, medicine—not to mention jurisprudence.... It is to this type of research and literature that the "Code" of Hammurabi belongs. We have to compare the "Code" to works such as these in order to convince ourselves of its "scientific" character, and in order to better understand what we must comprehend by evoking the "scientific way of thinking" of the "Code's" contemporaries.⁵¹

We now return to the Covenant Code and, specifically, its framing as speech performance. My guiding questions here are as follows: (1) What is the nature of the text according to its frame; and (2) how is the text to be understood, given this frame? Reading Exod 19–24 through Simeon Chavel's analysis, 19:3–8 is an initial frame that "establish[es] the aims and logic of the altar law [in 20:18–22]," and "matches that of the laws in ... chapters 21–23."⁵²

49. For a full treatment of this topic, see Wright, *Inventing God's Law*, esp. 3–7.

50. Bottéro, "The 'Code' of Hammurabi," 161.

51. Bottéro, "The 'Code' of Hammurabi," 169.

52. Simeon Chavel, "A Kingdom of Priests and Its Earthen Altars in Exodus 19–24," *VT* 65 (2015): 171, 185.

In the speech itself in 19:4–6, Yahweh emphasizes ... that the entire land belongs to him, that the entire nation will serve or wait on him as priests do, that they will constitute his kingdom, and that they will be ... worthy of proximity and access to him.... Reversing the traditional trope and its social poetics, Yahweh does not host Israel at his temples.... Rather, the Israelites host him.⁵³

Following Chavel, the frame outlines the nature and guiding purpose of the altar law and laws in the Covenant Code in Exod 21–23, which amounts to a reversal of the hierarchy such a king-to-subject speech (or first-person voiced speech inscribed on a monument) expects: While a king (and a deity, on analogy) hosts his subjects at his royal abode, here in Exod 19–24 the deity is imagined to be hosted by his subjects at their homes. While the trope is reversed here, the audience is expected to understand the fundamental hierarchy assumed by this mode of speech performance. Such are the social poetics implied by the Hammurabi inscription, and the laws are given in the frame of the perpetual first-person speech of a king to his subjects, who expect a king to have a “discerning mind” capable of solving judicial disputes.⁵⁴ His speech demonstrates this discernment in the form of laws or principles, namely, the abstraction of general principles and categories from specific cases.

The Covenant Code does not appear to explicitly frame itself as *tôrâ*, except in Exod 24:12, a verse whose connection to the larger composition of Exod 19–24 is the subject of some debate. Whether original to the composition or belonging to an editorial layer receiving the composition in some form, there was a view that the inscribed speech of YHWH transmitted to Moses could be understood as *tôrâ*:

YHWH said to Moses: “Come up to me on the mountain and stay there, and I will give you the tablets of stone and the *tôrâ* and the commandments which I have written for you to *instruct* [להורותם] them.”

Deuteronomy, however, is clearly framed as *tôrâ*, as its quoted speech from the mouth of Moses, from its opening in 1:5, that “On the other side of the

53. Chavel, “Kingdom of Priests,” 186–87.

54. One might compare, broadly, the presentation of Solomon’s divinely gifted capacity for discernment in 1 Kgs 3 and the immediately preceding episode of the king using this discernment to render judicial decisions in a particularly problematic case.

Jordan in the land of Moab, Moses undertook [the task of] explaining *this tôrâ*.” And while Deuteronomy seems to refer clearly to itself as a textual object in which the speech of Moses, as *tôrâ*, is contained, it is still, in its framing, a speech performance. We are left not with answers but with further questions that might open up further inquiry on this topic. Following Bottéro’s recommendation of locating the meaning of Hammurabi’s code within its very specific textual frame (Hammurabi’s first-person report of his success as a king), a number of questions can allow us to move beyond a developmental scheme in which *tôrâ* as a concept is seen to develop from the oral to the written in our very texts. First, how might we understand Deuteronomy as *tôrâ*, even in its presentation as a textual object—considering its relationship to the Covenant Code, and the relationship of the Covenant Code to Hammurabi’s monumental inscription—within its speech-performance frame? Following this, does the term *tôrâ* ever simply indicate “law” and *not* instruction, with the full social and performative dynamics that “instruction” implies? Further, to what extent does the written, textual object mean not to “record” speech, but rather to embody the performance and the persona of the speaker? These questions may allow us to reformulate a discussion on biblical law that takes into account the difference between our modern categories and ancient Near Eastern concepts of speech, knowledge, relationships, and selfhood, outside of a developmental model that determines a certain reading of our textual record.

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Tôrâ as Mode of Conveyance: The Problem with “Teaching” and “Law”

David Lambert

The Torah as Quasi-Object, Quasi-Subject

In the past, the critical study of the Torah—its identity, origins, and history—has been hampered by a confusion that reigns over the nature of objects and subjects, one that, in particular, has left its emergence as Scripture shrouded in mystery, caught between the opposing poles of object and subject. On one hand, biblical studies has traditionally sought a purification of the Bible as a historical object from the subjective, anachronistic impositions of later forms of religion. Questions of the Pentateuch's sources, composition, text-critical history, and, above all, lack of attestation in the earliest stages of Israelite history have become constitutive of the modern, positivist academic study of the Bible.¹ On the other hand, more recently, scholars with an interest in later forms of Judaism and early Christianity, often in explicit or implicit opposition to the former camp,

1. It is, noteworthy, e.g., that the fundamental, mammoth project represented by the recent collection, Jan C. Gertz et al., eds., *The Formation of the Pentateuch: Bridging the Academic Cultures of Europe, Israel and North America*, FAT 111 (Tübingen: Mohr Siebeck, 2016), still largely focuses on the Pentateuch in its objective dimensions, moving into the Second Temple period to explore and develop models for the final dimensions of its formation as an object. The academic cultures of Europe, Israel, and North America are apparently bridged by their devotion to the object that is the Pentateuch. Interest in inner-biblical exegesis and associated developments represent a partial exception, but see below. Note also the dynamic models for the formation of the Bible represented in the work of William M. Schniedewind, *How the Bible Became a Book: The Textualization of Ancient Israel* (New York: Cambridge University Press, 2004); and David M. Carr, *The Formation of the Hebrew Bible: A New Reconstruction* (New York: Oxford University Press, 2011), which end with the formation of the Hebrew Bible as a textual object.

have approached its study from quite the other direction, considering the Torah in its subjective dimensions. What matters most is not the history of the Torah as an object but the infinitely varied ways its readers, actual religious subjects, came to understand the text.²

Oddly enough, both camps, those committed to objective and subjective forms of understanding, implicitly rely on the other. The scientific study of the Pentateuch as an object receives most of its impetus (not to mention, its funding) from the historical commitment of religious communities to its subjective understanding.³ Furthermore, those with an interest in how the Bible was read often presuppose the existence of a stable object, an authoritative text—Scripture—that stands in a position of relatively fixed significance at the center of its varied communities of human interpreters.⁴ The situation that prevails, the solid divide between the study of the text itself and the study of its interpreters, should not

2. This position is most clearly represented in James Kugel, *Traditions of the Bible: A Guide to the Bible as It Was at the Start of the Common Era* (Cambridge: Harvard University Press, 1998). An interesting contrast here is with the work of Brevard Childs (*Introduction to the Old Testament as Scripture* [Philadelphia: Fortress, 1979]), who, despite his interest, like Kugel, in the text's canonical significance, still locates that meaning in the objective dimensions of its final form rather than the subjective appropriation of its actual historical interpreters.

3. A striking example is the recent opening of the Museum of the Bible. For discussion, see Candida R. Moss and Joel S. Baden, *Bible Nation: The United States of Hobby Lobby* (Princeton: Princeton University Press, 2017), 137–75; and the forum at *Ancient Jew Review*, January 23, 2018: <http://www.tinyurl.com/SBL3556b> (Jill Hicks-Keeton, “The Museum of the Bible as Mediator of Judaism”). The point, however, is that such a confluence of interests is far from atypical; on some basic level, it is constitutive of the field.

4. Note Kugel's discussion of the “four assumptions” regarding the Bible common to all ancient interpreters (*Traditions of the Bible*, 14–19), as well as his own critique (Kugel, “The Bible's Earliest Interpreters,” *Prooftexts* 7 [1987]: 280–82) of Michael Fishbane's *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon Press, 1985). Even those models with a dynamic view of the canonical process as transpiring throughout the late Second Temple period still associate intense exegetical activity with the stabilization of a fixed, canonical object. See George Brooke, “Between Authority and Canon: The Significance of Reworking the Bible for Understanding the Canonical Process,” in *Reworking the Bible: Apocryphal and Related Texts at Qumran; Proceedings of a Joint Symposium by the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature and the Hebrew University Institute for Advanced Studies Research Group on Qumran, 15–17 January, 2002*, ed. Esther. G. Chazon, Devorah Dimant, and Ruth Clements, STDJ 58 (Leiden: Brill, 2005), 85–104.

surprise us.⁵ It falls quite readily into the ostensible purification between objects and subjects, humans and nonhumans, that is sought within what Bruno Latour refers to as the modern constitution.⁶

As Latour points out, the modern constitution is, ultimately, a myth. In his words, “we have never been modern” because our realities, even when spoken of otherwise, are actually hybrids of subjects and objects. A rather obvious example that he offers is the case of the environment, where it has become increasingly impossible to uphold the distinction between the study of nature, nonhuman objects, and the human subjects that so clearly shape it.⁷ Latour sees continuity here with the so-called pre-modern or, as he would say, “nonmodern,” societies that anthropologists have studied, where accounts of gods, nature, and humans—all separate topics in the modern constitution—regularly intermingle.⁸ When we turn to biblical studies, we find that some of the more interesting fieldwork, so to speak, has begun to erode these lines. A number of brave souls have told narratives about the Bible, the emergence of its textuality, the spread of its authority, and its multiform identity as divine, that have required a forging of the chronological gap between the study of the formation of the Bible as an object and its reception as Scripture.⁹ Furthermore, the discoveries associated with the Dead Sea Scrolls have blurred the boundaries between the objective reality of the Bible as a text and its subjective understandings, whether through such phenomena as the Reworked Pentateuch texts and Rewritten Bible, or the continued existence of multiple literary editions of the Bible at Qumran.¹⁰ All of these betray the modern

5. For a further, detailed account of this “constitutive divide,” see Brennan W. Breed, *Nomadic Text: A Theory of Biblical Reception History*, ISBL (Bloomington: Indiana University Press, 2014), 1–14.

6. Latour, *We Have Never Been Modern*, trans. Catherine Porter (Cambridge: Harvard University Press, 1993). Much of the discussion below interacts with the theory Latour develops in this book of quasi-objects, quasi-subjects.

7. Latour, *We Have Never Been Modern*, 1–3.

8. Latour, *We Have Never Been Modern*, 106.

9. Consider, most recently, John J. Collins, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul*, Taubman Lectures in Jewish Studies 7 (Berkeley: University of California Press, 2017); Christine E. Hayes, *What's Divine about Divine Law? Early Perspectives* (Princeton: Princeton University Press, 2015); and Michael L. Satlow, *How the Bible Became Holy* (New Haven: Yale University Press, 2014).

10. For reworked texts, see, e.g., Michael Segal, “4QReworked Pentateuch or 4QPentateuch?” in *Dead Sea Scrolls Fifty Years after Their Discovery: Proceedings of the*

constitution, the steady separation of object and subject, and thus present unique challenges (and opportunities) to contemporary scholars. It is, in many respects, for that reason that they have provoked such extensive study. In this regard, I would also mention the phenomenon of inner-biblical exegesis, which problematizes the text-reader bifurcation, even as its framing as exegesis could be accused of reinstating that very division through its canonical assumption that biblical writers were consciously reading and interpreting earlier works.¹¹

As I have suggested, there is, to be sure, some continued difficulty in overcoming the object-subject divide because of that language's hold over the field in the form of the common distinction between texts and readers.¹² Latour has suggested that we should speak of "quasi-objects, quasi-subjects." The notion of the quasi-object, quasi-subject recognizes the extent to which human practices and conceptions invariably interact with and shape the objects we study even as those objects do not simply lose their objectivity and dissolve into human constructions.¹³ Likewise, human constructions—Latour gives government through social contract as an example—attain their own objective reality, their own place in nature, that belies the sense of freedom of human choice upon which

Jerusalem Congress, July 20–25, 1997, ed. Lawrence H. Schiffman, Emanuel Tov, and James C. VanderKam (Jerusalem: Israel Exploration Society, 2000), 391–99. For the multiple editions at Qumran, see Eugene Ulrich, "Multiple Literary Editions: Reflections towards a Theory of the History of the Biblical Text," in *Current Research and Technological Developments on the Dead Sea Scrolls: Conference on the Texts from the Judean Desert, Jerusalem, 30 April 1995*, ed. Stephen D. Ricks and Donald W. Parry, STDJ 20 (Leiden: Brill, 1996), 78–105.

11. The work of Steven Fraade and Paul Mandel is significant in this regard. Both, from different perspectives, have disrupted our sense of the fixed relationship between text, readers, and interpretation at Qumran. See Mandel, "The Origins of *Midrash* in the Second Temple Period," in *Current Trends in the Study of Midrash*, ed. Carol Bakhos, JSJSup 106 (Leiden: Brill, 2006), 9–34; and, most recently, Mandel, *The Origins of Midrash: From Teaching to Text*, JSJSup 180 (Leiden: Brill, 2017); as well as Fraade, "Looking for Legal Midrash at Qumran" in *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls*, ed. Michael E. Stone and Esther G. Chazon, STDJ 28 (Leiden: Brill, 1998), 59–79.

12. I explore two recent cases below.

13. Note, in fact, Latour's sharp opposition to those forms of postmodernism that proceed with an assumption of the radical incommensurability of subject and object (*We Have Never Been Modern*, 61–62).

they claim, in the modern constitution, to be founded.¹⁴ I would like to suggest that we adopt a similar rhetoric when thinking about the nature of the Torah and its evolving identities. When we encounter references to *tôrâ* in the literature, whether biblical or postbiblical, we are never dealing purely with the text known to us from the compositional studies that have constituted the field of biblical studies in the past, but rather with a construction, an imagined object, a quasi-object, that need hardly adhere to the objective qualities of the Pentateuch, even as it exists in relationship to them.¹⁵ Similarly, when we encounter apparent allusions to, readings of, or reflections on the Torah, we are never dealing purely with subjective idiosyncratic, arbitrary interpretations of the Pentateuch but rather only with quasi-subjects, renderings of the Bible that are actually based on (and help establish) certain constructions of what the Bible constitutes as an object.¹⁶

Telling the history of the Torah as a quasi-object, quasi-subject would allow us to break down the false dichotomy between the formation of the Bible in its objective sense and its later subjective interpretation, between scholars of the Hebrew Bible and scholars of ancient Judaism. What we have instead is a continual flow of production, new quasi-objects, quasi-subjects, whether the differences between them pertain to aspects of their actual content, material production, or the conceptualization of their nature and purposes. Gone is the possibility for a unidirectional, evolutionary narrative of how the Torah or the Bible became Scripture, or even a book for that matter.¹⁷ What presents itself as the singular object, Scripture, is in fact a series of particular constructions deeply embedded in

14. *We Have Never Been Modern*, 29–32.

15. The complex, encompassing nature of *tôrâ* as a referent in rabbinic literature is an obvious case in point. See Ephraim E. Urbach, *The Sages: The World and Wisdom of the Rabbis of the Talmud* (Cambridge: Harvard University Press, 1975), 286–314. *Torah* in rabbinic literature is not *sui generis*; rather, it is a particularly baroque example of a quasi-object that resists modern efforts at purification better than most and, therefore, once again, occasions surprise.

16. As Kugel has saliently shown us, interpretive traditions are transmitted alongside the Bible and, for all intents and purposes, become a component of it (*Traditions of the Bible*). The point emerges clearly with regard to prophecy as well in John Barton, *Oracles of God: Perceptions of Ancient Prophecy in Israel after the Exile* (London: Darton, Longman, & Todd, 1986).

17. See Schniedewind, *How the Bible Became a Book*; and Karel van der Toorn, *Scribal Culture and the Making of the Hebrew Bible* (Cambridge: Harvard University Press, 2007).

specific communal contexts, particular reading moments, that happened to attain a degree of staying power, objective reality, without ever escaping from their contingent, historical subjective quality. One implication is that the identity of the Torah is as much a matter of ongoing production in the present as in the past; it has no single moment in which its formation is complete. For us historians, however, the proposed framework, in loosening the hold of Scripture as a singular canonical entity, while still recognizing some of the underlying unities that inform ancient biblical interpretation, the Bible's quasi-objective nature, is most useful for the opportunities for redescription that it opens up.¹⁸ It becomes possible to account for the extraordinary divergences among readers of the Bible, the apparent gaps that exist between their later renderings and the base text, as well as the common uncertainty of the referent when writers speak of *tôrâ*.¹⁹ They are, for all intents and purposes, relating to a different object than we (and, often, each other), a quasi-object whose very conceptualization and contours are defined by radically different subjectivities. What this calls for, then, is a newly sensitized study of those literary works that exist in relationship to the Torah, one that does not presuppose the nature and place of the Torah for them, but attends instead to their own highly specific construals of what *tôrâ* even constitutes. I believe this process to be underway, and I would mention, as but one example, Eva Mroczek's recent work, *The Literary Imagination in Jewish Antiquity*, which, among other things, helpfully leads us on a tour of the native worlds in which the Bible must be imagined as only one object among a proliferation of literary productions, some real and some completely imaginary, in the late Second Temple period.²⁰

18. These include certainly shared use (if not agreement about the nature) of the Pentateuch from a relatively early date, as well as, e.g., certain textual traditions. See the chapter, "The (Proto-) Masoretic Text of the Pentateuch," in Ronald Hendel, *Steps to a New Edition of the Hebrew Bible*, TCSt 10 (Atlanta: SBL Press, 2016), 201–26.

19. On this concern about apparent gaps as animating much scholarship on *midrash*, see Daniel Boyarin, *Intertextuality and the Reading of Midrash*, ISBL (Bloomington: Indiana University Press, 1990), 11. For the uncertainty of referent, see Jon Levenson, "The Sources of Torah: Psalm 119 and the Modes of Revelation in Second Temple Judaism," in *Ancient Israelite Religion: Essays in Honor of Frank Moore Cross*, ed. Patrick D. Miller Jr., Paul D. Hanson, and S. Dean McBride (Philadelphia: Fortress, 1987), 559–61.

20. Eva Mroczek, *The Literary Imagination in Jewish Antiquity* (New York: Oxford University Press, 2016). As another example, note the argument of Benjamin G.

Some Recent Objects and Subjects

To help fill out the sense of how scholarship is currently deployed around the polar opposites of subject and object, it may be helpful to explore a few of the recent exemplary works in the field. For this purpose, I would like to contrast John J. Collins's *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul* with Benjamin Sommer's *Revelation and Authority: Sinai in Jewish Scripture and Tradition*.²¹ Collins provides a historical survey of the place of the Torah that, in a balanced and fair manner, limits to some extent its presumed spread and centrality to allow other aspects of Judaism to come forward. Sommer presents his work as theological in nature, especially in so far as it interacts with later Jewish thinkers, but I believe it to be, among other things, an attempt to provide a serious theoretical framework for the movement within biblical studies that focuses on inner-biblical exegesis. They end up producing two very different, one might even say, opposing *tôrôt*.

For Collins, the "law of Moses" begins its history in Deuteronomy as a "law code," in other words, a clearly delineated, stable object.²² What occupies much of his account is the question of the spread of this "code" text, its exact contours, and whether or not it was accorded authority. Does Third Isaiah relate to the Torah, did the Judeans of Elephantine possess it, and did Ezra's version contain all the material of the present Pentateuch?²³ Were there forms of Judaism in the late Second Temple period that still failed to relate to the Torah of Moses in a significant fashion?²⁴ In keeping with the existing disciplinary boundaries between scholars of the Bible

Wright III, "Jubilees, Sirach, and Sapiential Tradition," in *Enoch and the Mosaic Torah: The Evidence of Jubilees*, ed. Gabriele Boccaccini and Giovanni Ibba (Grand Rapids: Eerdmans, 2009), 116–30 (esp. 126–29), in which the sage does not so much read a text as much as he has direct access to the source of the torah and is therefore in a position to render its meaning. As a final example, see my discussion of the construction of the Pentateuch as apocalypse, something quite far from its apparent objective dimensions, in Lambert, "How the 'Torah of Moses' Became Revelation: An Early, Apocalyptic Theory of Pentateuchal Origins," *JSJ* 47 (2016): 22–54.

21. Collins, *Invention of Judaism*; and Benjamin D. Sommer, *Revelation and Authority: Sinai in Jewish Scripture and Tradition*, ABRL (New Haven: Yale University Press, 2015).

22. Collins, *Invention of Judaism*, 27.

23. Collins, *Invention of Judaism*, 47–57.

24. Collins, *Invention of Judaism*, 65.

and scholars of postbiblical Judaism, when he crosses over into the late Second Temple period, Collins switches gears and begins to build more subjective elements into his account of the Torah, recognizing at least the potential for differentiation in its construction in such chapter headings as “Torah as Narrative and Wisdom,” “Torah as Law,” and “Torah and Apocalypticism,” as well as in his discussion of the “iconic status” of the Torah of Moses, “whereby it stood for the entire Judean way of life, whether specific provisions were actually found in the text or not.”²⁵

Sommer takes quite a different tack. For Sommer, there is no objective, stable body of *tôrâ*. The revelation at Sinai itself should be seen as a voiceless, amorphous divulgence of divine personhood that is inherently subjective, that requires human translation to receive concrete expression. The sources of the Torah are themselves, in fact, different interpretations of an original revelatory event.²⁶ Interestingly, Collins actually goes out of his way throughout his work to point out that some of the relationships between texts that scholars have posited as exegetical in fact lack any explicit commitment to that particular form of subjectivity.²⁷ For Sommer, everything is exegesis. Scripture and its interpretation merge, because the biblical texts themselves are forms of interpretation, and thus should be seen, in rabbinic terms, as Oral Torah. With Collins, we have something close to a pure object, at least in his account of the biblical periods, with Sommer, a pure subject that goes back to the very beginnings of Scripture.²⁸

Tôrâ as Mode of Conveyance

Now, while the hybridity of objects and subjects might be relevant to developing an overall framework for reconsidering the varying nature of the Torah in early Judaism, it proves to be particularly useful in helping to redescribe *tôrâ* in those early instances where its use begins to take on some resemblance to the collection of texts, the object, known to us as the Pentateuch. That is because the problem the modern constitution poses for the field of biblical studies descends to the level of the particular definition of *tôrâ* as well. I would contend that *tôrâ* in biblical usage, and now I

25. Collins, *Invention of Judaism*, 87.

26. See, in particular, Sommer, *Revelation and Authority*, 27–98.

27. See, e.g., Collins, *Invention of Judaism*, 85.

28. A similar argument can be found in Andrew Teeter, “The Hebrew Bible and/as Second Temple Literature: Methodological Reflections,” *DSD* 20 (2013): 349–77.

refer to the word and not the entity, is never used to depict a pure object, a material text or concrete body of revelation or teaching, but rather a mode of conveyance, a process of one being placing a charge upon, instructing, another.²⁹ It is an intersubjective entity, an event that transpires between beings, that, at most, receives some sort of textual instantiation.

The futility of isolating *tôrâ* as a pure object, something often not recognized in common scholarly translations, can be clarified through a brief philological analysis of its biblical usage. In its most relevant verbal sense, הורה seems to refer to the process of one person directing another on the right path:³⁰ “He had sent Judah ahead of him to Joseph, *to point the way* [להורות] before him to Goshen” (Gen 46:28).³¹ The usage of its noun form, תורה, in both wisdom and legal contexts continues to evince a connection to the imagery of personal guidance along a path. Most importantly, it never separates, I would argue, from its interpersonal component to simply become an objective set of directions, and, being bound up in the relation between two beings, it never loses its eventfulness. It transpires in time and thus continues to be constituted as an event in the past, not simply an object in the present.

Let us begin with an example from the wisdom corpus. According to the NJPS translation, Prov 6:20 begins: “My son, keep [נצר] your father’s commandment [מצות אבִיךָ]; do not forsake [תטש] your mother’s teaching [תורת אִמךָ].” The translation potentially seems to set up תורה, as well as מצוה, as a discrete object, albeit a verbal one, a corpus of instruction, authored by the father or mother, that then becomes subject to obedience or disobedience. I would suggest an alternative: as is made clear in the verse that follows, “tie them over your heart always; bind them around your throat,” the discourse of “keeping” and “not forsaking” pertains to the mechanics of memory, preserving interpersonal speech acts from the past through, most likely, recitation, not obedience to an object that, once authored, now stands firmly in the present. Sure enough, “when you walk it will lead you [תנחה]” (6:22); תורה does not lead to success as an award

29. For existing discussions of *tôrâ*, see Felix García López and Heinz-Josef Fabry, “תורה,” *TDOT* 15:609–46; and Michael Fishbane, “תורה,” *Encyclopedia Miqra’it* 8:469–83.

30. On *tôrâ* as derived from the *hiphil* form of ירה, see GKC, §85p. It follows a similar pattern as *tôdâ* from ידה. Joüon (1:260) notes that “ת preformative” is usually associated with the *hiphil*.

31. I use the NJPS translation (emphasis added) below to show the standard understanding of תורה and its related terminology, with which I sometimes differ.

for obedience to some privileged object, but because the instructions of the parents, preserved through their progeny's recitation, themselves guide their children to success. Finally, we read in the NJPS translation: "For the commandment [מצוה] is a lamp, the teaching [תורה] is a light" (6:23). Again, the translation, "teaching," particularly with its use of the definite article, seeks to objectify *tôrâ* as an abstract, discrete entity, a corpus of moral values, that belies its subjective origins in a generalizable series of utterances that aim at delineating not values, in an objective, universal sense, but particular instructions for the success of progeny.

It is also important to consider the legal usage of *tôrâ* prior to or apart from its indelible association with the particular *tôrâ* attributed to the figure of Moses. Here, too, we are dealing with a process of, in particular, priestly instruction, direction giving, especially with regard to cultic matters, as opposed to an authoring of bodies of legal material: "seek a ruling [תורה] from the priests" (Hag 2:11). The NJPS translation is not bad but may fall a bit short. "Ruling" emphasizes the authoritative nature of *tôrâ*, as well as its continued existence, its permanence, as an object. What the priests do is to instruct the people regarding how to proceed in an area that falls primarily in their domain, the conditions that must be maintained within the temple and beyond to ensure a beneficial relationship with the deity. What matters in this context is not the discrete product, the body of teaching, that the priests author, and certainly not a specific series of injunctions, but rather the ongoing relationship of turning to the priests for guidance: "Let us go up to the Mount of YHWH ... that he [i.e., through his priests] instructs us [וירנו] in his ways ... for instruction [תורה] comes forth from Zion" (Isa 2:3). No doubt, their *tôrâ* has a certain staying power, some element of an objective identity, but it never escapes, in its basic semantic sense, from its immediate interpersonal instructional setting to become its own product, a "ruling," a "teaching," or a "law." It remains priestly instruction-giving generated at some point in the past to match specific circumstances.³²

32. Note the significance of the following comments: "תורה in this passage, as indicated by the parallelism with דבר ה' and by all the remaining instances of תורה in Isaiah as well as the rest of the Bible, refers not to the body of laws given to Moses or any other corpus of laws, rather, to the specific instructions received in a given context" (Baruch J. Schwartz, "Torah From Zion: Isaiah's Temple Vision (Isaiah 2:1-4)," in *Sanctity of Time and Space in Tradition and Modernity*, ed. Alberdina Houtman, Joshua J. Schwartz, and Marcel Poorthuis, JGPS 1 [Leiden: Brill, 1998], 16-17).

The same is true, I would argue, even when the quasi-object in question comes to be associated with Moses. Consider the common refrain in the P source: “this is the ritual [הַתּוֹרָה],” according to the NJPS translation and “law” according to many others. Both translations isolate תּוֹרָה as a product now separate from its mode of transmission, and neither is correct in my estimation. The laws in Leviticus are presented as instructions, given by the deity through Moses, and are therefore consistently prefaced, “And YHWH spoke to Moses, saying.” The sense of tôrâ as a mode of conveyance is preserved, as is made explicit in the following, “Such is the instruction [הַתּוֹרָה] regarding the burnt offering, the meal offering ... which YHWH charged Moses at Mount Sinai” (Lev 7:35–36). It never becomes just a “ritual” or a “law,” but remains an interpersonal event from the past, and that narrows the gap considerably with its usage in Deuteronomy. In Deuteronomy, to be sure, the idea of a set body of Mosaic law comes into view, but just as its objective, even textual dimensions emerge, its subjective basis as past oral instruction is reasserted with ever greater urgency. The tôrâ that is written is a tôrâ that actually consists of Moses’s speech to the Israelites, itself a reiteration of YHWH’s speech to him at Sinai, and is ultimately meant to be known, not as a singular object, but as an infinite series of oral and textual reiterations (Deut 6:6–9). This is precisely the phenomenon of the textual framing of biblical literature as oral that Jacqueline Vayntrub discusses in her recent book, *Beyond Orality: Biblical Poetry on Its Own Terms*.³³ As she makes clear, the question does not have to do with the historicity of the text in question as oral but the significance of its representation as such within biblical literature, a procedure that I would suggest is also essential for understanding the history of tôrâ in the Bible and its conceptualization. Thus, the NJPS translation would seem to fail to grasp its status as a quasi-object, quasi-subject when it translates, for instance, “If you fail to observe [תִּשְׁמֹר] faithfully all the terms of this Teaching [כָּל דְּבַר הַתּוֹרָה הַזֹּאת] that are written in this book” (Deut 28:58). We are not talking about faithful adherence to a textual object of abstract teaching, but to what is conceptualized as the *preservation* and performance of uttered words (not terms!), specific instructions that also happen to have been written down in the present scroll. In a similar vein, note how the following translation of a later reflection on the “Torah of Moses” turns

33. Jacqueline Vayntrub, *Beyond Orality: Biblical Poetry on Its Own Terms* (London: Routledge, 2019).

it into dual objects, seemingly corresponding to a present written object and a past oral performance: “Be mindful of the Teaching of My servant Moses [תורת משה עבדי], whom I charged at Horeb with laws and rules for all Israel” (Mal 3:22). In fact, we’re dealing with a single quasi-object, instructions *that* were given at Sinai to Moses, authorized (not authored!) by Moses, and that must be reiterated, brought to the fore, in the present.

The point, again, is that we are dealing with an entity that not only combines objective qualities, as a defined text, with subjective qualities, as an interpersonal performance from the past, but that itself also has a certain objective historical existence while still remaining susceptible to endless possible subjective forms of shaping in its conceptualization. This framework raises the possibility that formulations of *tôrâ* found in texts like Ps 119, which do not seem to correspond readily to the Pentateuch in its objective dimensions, nevertheless, could be interacting with it in a variety of ways.³⁴ “Your mouth’s instruction [תורת פִּיךָ]” (Ps 119:72) is less far off from the quasi-object Moses transmits, itself an iteration of God’s own words, than we might have imagined, especially when we recognize the potential for subjective shaping, which, in this case, could entail an attempt to accentuate the oral dimensions of what has clearly already achieved, at the time of Ps 119, some sort of textual existence.

Tôrâ as delineated above is not a concept of revelation. It is not a product comprising heavenly knowledge, but personal instruction-giving. Karel van der Toorn recognizes the distinction: “Matters change to the extent that we may speak of a paradigm shift when written texts supplant the oral tradition as the main channel of information.... Applied to a collection of texts, revelation denotes a product rather than an interaction. Since the written text has an objective existence outside its producers and consumers, it is a source of authority by itself.”³⁵ But is his argument for evolution, from pure subject, oral tradition, to pure object, revelation as a scribal product, methodologically sound? To be sure, the books of Ezra and Nehemiah, as well as several other later biblical texts,

34. Levenson, “Sources of Torah,” 559–74.

35. Van der Toorn, *Scribal Culture and the Making of the Hebrew Bible*, 207. Note also the strong association between writtenness and authority as a specific late development in Joachim Schaper, “Torah and Identity in the Persian Period,” in *Judah and the Judeans in the Achaemenid Period: Negotiating Identity in an International Context*, ed. Oded Lipschits, Gary N. Knoppers, and Manfred Oeming (Winona Lake, IN: Eisenbrauns, 2011), 33–36.

give us strong evidence of an increased interest in the objectivity of the Torah as a written text: “On the first day of the seventh month, Ezra the priest brought the Teaching [הַתּוֹרָה] before the congregation” (Neh 8:2). Not only does the referent of “the Torah” seem to be a written text, but we find throughout this literature constant recourse in like manner to the authority of various laws found in the Torah with the formula, “as it is written in the Teaching [הַתּוֹרָה].” It is this written object in Ezra and Nehemiah that is often seen as the clearest evidence for the beginnings of the Pentateuch as Scripture, an authoritative written text that stands at the center and defines most forms of ancient Judaism through its ongoing interpretation.³⁶

However, these types of evolutionary explanations are ill suited to deal with the quasi-objective, quasi-subjective properties of the entities that form the objects of their study. That is because we are ultimately dealing with, not a transfiguration of objects, but variegated construal. The fact is that tôrâ in Ezra and Nehemiah actively resists delineation as a pure object and reverts back continually to the persona of the instructor or commander. There is no moment that it escapes into pure objectivity from its subjective basis. Thus, the reference to “the Torah” above in Neh 8:2 was actually taken out of context. In the preceding verse it is more fully referenced as “the scroll of the Teaching of Moses [סֵפֶר תּוֹרַת מֹשֶׁה] with which the LORD had charged [צִוֶּה] Israel” (Neh 8:1). Both Ezra and Nehemiah incessantly draw our attention back to the originating interpersonal event of instruction that lies behind the physical scroll that is now before Israel.³⁷ “Moses’s Instruction” is a quasi-object, quasi-subject. It may be found in a book, but it is also a series of instructions delivered by Moses to Israel a long time ago at the behest of their god. The point should be obvious from the method of delivery preferred in Neh 8, a public oral reiteration of the entire scroll, instruction to the people.

Refraining from objectifying tôrâ in the accounts of Ezra and Nehemiah might help in explaining the evidence for its continued flexibility that always surprises scholars. Precisely at a moment of supposed textual fixity and apparent proximity to the Pentateuch, we encounter references to laws

36. That common assumption is reflected, e.g., in two recent works: Collins, *Invention of Judaism*, 52; and Timothy H. Lim, *The Formation of the Jewish Canon*, ABRL (New Haven: Yale University Press, 2014), 72.

37. Thus, e.g., tôrâ is associated with the “command of our God” in Ezra 10:3; or again, in Neh 8:14 and 9:14, tôrâ is configured as an object of divine command.

not found there.³⁸ These variations have sometimes been analyzed in objective terms—perhaps a different version of the Pentateuch was in circulation—and sometimes subjective—perhaps these are, in fact, interpretations of pentateuchal law—but we also need to recognize that the emphasis on *tôrâ* as an originating interpersonal event from former times, not just an objective, concrete text, opens up such a possibility. Hindy Najman has analyzed such cases quite effectively in terms of the use of Mosaic discourse as an authority-conferring strategy.³⁹ We may be dealing not only with the rhetorical power of drawing on certain figures from the past but with the very self-representation of the material itself, in the case of law, as past oral instruction. If it is not the text itself but past events that come into view, phenomena such as rewritten Bible and rabbinic midrash become possible. One can move beyond the Pentateuch in its precise written form, its objective dimensions, to its originating events while not effacing, but possibly even reinforcing, its overall significance as a quasi-object.⁴⁰ Such a gaze helps explain the confusion that has reigned in discussions of the canonization of the Bible, the apparent lack of early evidence for a shared Scripture and continued unorthodox ways of acknowledging its authority into the Common Era.⁴¹ Whether or not the Pentateuch existed as such in Ezra and Nehemiah, we should not expect clear evidence for it in its full objective dimensions, as it is only in the modern constitution that those dimensions in their pure form have come to occupy our attention.

38. See Joseph Blenkinsopp, "Was the Pentateuch the Civic and Religious Constitution of the Jewish Ethnos in the Persian Period?" in *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch*, ed. James W. Watts, SymS 17 (Atlanta: Society of Biblical Literature, 2001), 41–62; and Juha Pakkala, "The Quotations and References of the Pentateuchal Laws in Ezra-Nehemiah," in *Changes in Scripture: Rewriting and Interpreting Authoritative Traditions in the Second Temple Period*, ed. Hanne von Weissenberg, Juha Pakkala, and Marko Marttila, BZAW 419 (Berlin: de Gruyter, 2011), 193–221. For an overview, see Collins, *Invention of Judaism*, 55–57.

39. Hindy Najman, "Torah of Moses: Pseudonymous Attribution in Second Temple Writings," in *The Interpretation of Scripture in Early Judaism and Christianity: Studies in Language and Tradition*, ed. Craig A. Evans, JSPSup 33 (Sheffield: Sheffield Academic, 2000), 202–16.

40. See Brooke, "Between Authority and Canon," 98, for the more explicit use of the divine voice in rewritten Bible as indicating growth in the status of the canonical text, rather than a challenge to it. See, also, the concept of "prewritten Bible" in Lambert, "How the 'Torah of Moses' Became Revelation," 47–52.

41. See Eva Mroczek, "The Hegemony of the Biblical in the Study of Second Temple Literature," *JAJ* 6 (2015): 2–35.

This observation has one last important implication for our definition of tôrâ. There are those who would define tôrâ as “law” based on the apparent object that populates its contents. It is surely significant that only legal passages are quoted as “torah of Moses” in Ezra and Nehemiah; and, there are those who have engaged this sometimes polemical argument and insisted on a broader definition of tôrâ on the basis of the Pentateuch’s objective contents, its inclusion of narrative.⁴² Here is an example from Sommer’s recent work: “This consistent pattern suggests the best definition of the genre ‘Torah’: a combination of law and narrative in which the latter comes to authenticate, cultivate, and motivate the former. Taken as wholes, all four sources belong to the genre ‘Torah’ in this sense, as does the redacted Pentateuch.”⁴³ One standard conclusion is that tôrâ means something more like “teaching” and that narrative, like law, can contain lessons.⁴⁴ Both positions are looking at the objective dimensions of the Torah but base their conclusions on different objects, what is quoted as tôrâ in the Bible versus the Pentateuch as we know it.⁴⁵ But if we recognize tôrâ as a quasi-object, quasi-subject, both in its interpersonal dimensions—there is always an authorizing subject—and its susceptibility to subjective shaping—written documents construed

42. On the polemical background of the dispute, see Stephen Westerholm, “*Torah, Nomos, and Law: A Question of ‘Meaning,’*” SR 15 (1986): 327–36.

43. Sommer, *Revelation and Authority*, 123.

44. See, e.g., Marc Brettler, “Torah,” in *The Jewish Study Bible*, ed. Adele Berlin and Marc Zvi Brettler (New York: Oxford University Press, 2004), 2. See also James A. Sanders, *Torah and Canon* (Philadelphia: Fortress, 1972), 3. The view of biblical narrative as pedagogical and exemplary can be traced to Hellenistic Jewish authors. See Hindy Najman, *Past Renewals: Interpretive Authority, Renewed Revelation, and the Quest for Perfection in Jewish Antiquity*, JSJSup 53 (Leiden: Brill, 2010). For the pedagogical bias in our interpretation of the Bible, see David Lambert, *How Repentance Became Biblical: Judaism, Christianity, and the Interpretation of Scripture* (New York: Oxford University Press, 2015), esp. 91–92. See, also, Barton, *Oracles of God*, 154–78.

45. Lim (*Formation*, 71–72) attempts to resolve this apparent duality, which is actually based on the inherent nature of the Torah as a quasi-object, by suggesting that the term, tôrâ, has two different significations: “The term ‘torah’ in Ezra-Nehemiah is used in two main ways. It signifies the traditional laws of the Judeans that Ezra read out to the assembled of Israel. This literary use of ‘torah’ is symbolic; it does not refer to the Pentateuch as such. It raises aloft an emblem of Judean tradition that was being reestablished after the return from exile. A second use is torah as the signification of the laws and narratives of the Jewish people in the time of the final redaction of Ezra-Nehemiah.”

as past oral instruction—the contradictions between the reality of the Pentateuch and the legal focus of the quotations in Ezra, Nehemiah, and elsewhere fall away. It is in no way unreasonable that the legal contents of the Pentateuch, through the rubric of *tôrâ* instruction, would be pulled out as its most significant, defining feature.⁴⁶ That hardly means that the definition of *tôrâ* is “law,” but it also means that the broader definition of Pentateuch as “teaching” seems little more than polemical. The meaning of *tôrâ* remains wed to its mode of conveyance, the directions one being gives to another. As such, it also requires some sort of narrative: a parental figure instructing his or her children in Proverbs; Moses commanding the Israelites on the plains of Moab, where *tôrâ* clearly refers to the Deuteronomic Code, the central instructions he provides, and not his introductory and concluding motivational material; or Ezra reading Moses’s Instruction out loud to the people. In short, if we are to continue to progress in our analysis of *tôrâ* and its history we must learn to distinguish between the Pentateuch in its objective dimensions—a combination of laws and narrative that also seemed to have existed as such in some or all of its sources—and the quasi-object, quasi-subject, the “Torah of Moses,” with which some biblical and much postbiblical literature actually works.

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46. See, also, James Kugel, “Some Unanticipated Consequences of the Sinai Revelation: A Religion of Laws,” in *The Significance of Sinai: Traditions about Divine Revelation in Judaism and Christianity*, ed. George Brooke, Hindy Najman, and Loren Stuckenbruck, TBN 12 (Leiden: Brill, 2008), 1–13; and, note the formulation that appears in David M. Carr, “The Rise of Torah,” in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance*, ed. Gary N. Knoppers and Bernard M. Levinson (Winona Lake, IN: Eisenbrauns, 2007), 39–56: “The shared Ezra traditions, like many other Second Temple traditions, construe this narrative-legal complex as ‘law’ or ‘commandment’” (51). The emphasis on construal is apt, though I do not see an evolution in the sense of *torah*, *torah* as “teaching” essentially dissolving into *torah* as “law.”

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Possible Ideological Tendencies in the MT, the LXX, and the SP

Magnar Kartveit

How was the torah understood in the period of the two temples and in antiquity? How was it defined and developed? These questions occupied us at the Ninth Enoch Seminar, and they are important for understanding the torah as seen from the outside: How do nontorah texts understand and define torah? My study will be a supplement to this approach and discuss some texts inside the Torah itself. Even they may throw light on the topic. The three main traditions of the Bible—the MT, the SP, and the LXX—present some readings that allow a glimpse inside the object of this volume: torah. These readings probably reveal the interaction between the groups behind the texts and show how the Torah was developed and understood by these groups at the time of the final editing by the different groups. The command in Deuteronomy to centralize worship to one single place may serve as an example of such readings.

The Centralization Command

This centralization command is found twenty-one times in Deuteronomy, where the MT reads the imperfect: “the place that the Lord will choose [יבחר],” whereas the SP has the perfect: “the place that the Lord has chosen [בחר].”¹ The LXX’s ἐλέξῃται, a middle aorist subjunctive that must be understood as future in the context, sides with the MT. There are no extant Dead Sea Scrolls covering these occurrences. Thus the SP states that the place of worship for Israel has been chosen before the occupation of the land, but MT and LXX says that the place will be chosen later. In the under-

1. Deut 12:5, 11, 14, 18, 21, 26; 14:23, 24, 25; 15:20; 16:2, 6, 7, 11, 15, 16; 17:8, 10; 18:6; 26:2; 31:11. Unless otherwise noted, all translations are mine.

standing of the SP, Mount Gerizim is the chosen place from times immemorial, whereas the MT opens up for David's conquest of Jerusalem and Solomon's temple there as the events when the election of the place was brought to fruition. Both traditions are followed up by the help of other biblical texts: according to the SP, Deut 11:29 ("you shall set the blessing on Mount Gerizim") is fulfilled in Deut 27:4–5 ("you shall set up these stones, about which I am commanding you today, on Mount Gerizim [SP], and you shall cover them with plaster. And you shall build an altar there"), and these verses are quoted in the Samaritan tenth commandment (Exod 20:17a; Deut 5:18a). This commandment pertains to building the altar on Mount Gerizim, and the numbering of the commandments is adjusted accordingly. In the MT, the formula is fulfilled in several steps: David's wish to build a temple (2 Sam 7:2, 5), his discovery of the future temple site (2 Sam 24:18–25), and Solomon's temple building (1 Kgs 5:3–4; 8:16).

Traditionally, scholars thought that the Samaritan reading in the perfect ("has chosen") reflects a late change, polemically directed against Jerusalem and defending Gerizim. Recently, Adrian Schenker has collected twelve cases in the LXX manuscript tradition where a variant with the past tense is found: Deut 12:5, 11, 14, 21, 26; 14:23, 24, 25; 16:2, 7, 17:8, 10.² These witnesses seem to be independent of the SP. Schenker and Stefan Schorch have argued that the past tense is the original reading, and Jan Dušek has supported this way of thinking.³ Sidnie White Crawford, however, instead argues that this evidence is not convincing, but "the textual tradition here was more fluid than previously thought, and ... the Samaritan and Judean communities each chose the reading that reflected their own ideological position."⁴ Whether one thinks that the MT was changed

2. Adrian Schenker, "Le Seigneur choisira-t-il le lieu de son nom ou l'a-t-il choisi? L'apport de la Bible grecque ancienne à l'histoire du texte samaritain et massorétique," in *Scripture in Transition: Essays on Septuagint, Hebrew Bible, and Dead Sea Scrolls in Honour of Raija Sollamo*, ed. Anssi Voitila and Jutta Jokiranta, JSJSup 126 (Leiden: Brill, 2008), 339–52.

3. Stefan Schorch, "The Samaritan Version of Deuteronomy and the Origin of Deuteronomy," in *Samaria, Samaritans, Samaritans: Studies on Bible, History and Linguistics*, ed. József Zsengellér, Studia Samaritana 6; Studia Judaica 66 (Berlin: de Gruyter 2011), 23–37; Jan Dušek, *Aramaic and Hebrew Inscriptions from Mt. Gerizim and Samaria between Antiochus III and Antiochus IV Epiphanes*, CHANE 54 (Leiden: Brill 2012).

4. Sidnie White Crawford, "2.2.4.5. Deuteronomy," in *The Hebrew Bible: Pentateuch, Former and Latter Prophets*, ed. Armin Lange and Emanuel Tov, Textual History of the Bible 1B (Leiden: Brill, 2017), 103.

to open the way for an identification of the place of worship with Jerusalem, or the SP was changed to point to Mount Gerizim, or there was a choice of readings available to the two communities, there is ideology involved in the changes or choices made. Is it possible to come closer on the process of Torah development at this specific point?

The Samaritan Pentateuch on the Background of Early Samaritan Inscriptions

The Samaritan version is attested in early mediaeval manuscripts, with no earlier witnesses. The Samaritan tenth commandment is not found in any of the pre-Samaritan manuscripts. According to scholars, it was created around the turn of the era, either after the conquest of John Hyrcanus of Mount Gerizim in 111/110 BCE, or early in the first century CE. Scholars struggle to find points of departure for deciding upon this question.⁵

Another text is important in this connection, Exod 20:24b. It probably is the basis for the centralization command in Deuteronomy.⁶ The two versions present different readings:

SP: במקום אשר אזכרתי את שמי שמה אבוא אליך וברכתיך

In the place where I have caused my name to be remembered, there I will come to you and bless you.

5. Some examples: Ferdinand Dexinger, "Das Garizimgebot im Dekalog der Samaritaner," in *Studien zum Pentateuch: Walter Kornfeld zum 60. Geburtstag*, ed. Georg Braulik (Vienna: Herder, 1977): "Sucht man nach einem konkreten historischen Sitz im Leben dieser Interpolation, so würde sich am besten die Zerstörung des Tempels auf dem Garizim durch Joh. Hyrkan (129 v. Chr.) anbieten. An sich könnte es auch bereits früher geschehen sein, um gleichsam einen konzentrierten 'Schriftbeweis' für die Legitimität des Garizimkultus zu haben" (132). He adds: "Hier suchte eine religiöse Gruppe einen zentralen Artikel ihres Credo mit Offenbarungsautorität zu versehen" (133). See also Alan D. Crown, *Samaritan Scribes and Manuscripts*, TSAJ 80 (Tübingen: Mohr Siebeck, 2001), 11–12; Ze'ev Ben Hayyim, "The Tenth Commandment in the Samaritan Pentateuch," *New Samaritan Studies of the Société d'Études Samaritaines: III & IV; Essays in Honour of G. D. Sixdenier; Proceedings of the Congresses of Oxford 1990, Yarnton Manor and Paris 1992, Collège de France; With Lectures Given at Hong Kong 1993 as Participation in the ICANAS Congress*, ed. Alan D. Crown and Lucy Davey, *Studies in Judaica* 5 (Sydney: Mandelbaum, 1992), 487–91; Gershon Hepner, "The Samaritan Version of the Tenth Commandment," *SJOT* 20 (2006): 147–51.

6. Magnar Kartveit, "The Place That the Lord Your God Will Choose," *HBAI* 4 (2015): 205–18.

MT: בכל־המקום אשר אזכיר את־שמי אבוא אליך וברכת־יך

In every place where I cause my name to be remembered I will come to you and bless you.

The SP displays three major differences compared to the MT: the reading “in the place” as compared to “in every place,” the verb form אזכרתי compared to the standard אזכיר, and the introduction of the extra word שמה resulting in two sentences compared to only one in the MT.

The Samaritan verb form אזכרתי is pronounced *ezākārti*, according to Zeev Ben Hayyim, and it is an *aphel* אזכרתי instead of a *hiphil* הזכרתי, according to Wilhelm Gesenius, meaning that SP here shows Aramaic influence and changes to the past tense instead of the future, arriving at the same result as in the centralization command.⁷ This accords well with the standard Samaritan Aramaic form in *aphel* in the first-person singular, which according to H. Vilsker is *ʿqtlty* (aqṭilti).⁸

Benyamim Tsedaka translates the half verse (according to Samaritan counting, 21a) as “**In the place** where **I have mentioned** My name, **there** I will come to you and bless you” (emphasis original), then comments on the form: “This is typical of one of the main differences between the SP and the MT in regard to the chosen place (like ‘has chosen’ against ‘will choose’).”⁹ He thinks that a four-radical verb with *aleph* (אזכר) is used here, which is also found in Gen 9:16 and Exod 6:6, but the hypothesis of Aramaic influence is an easier solution than assuming a four-radical verb.

The SP therefore shows a certain tendency in three areas: the perfect in the centralization command, the perfect in the altar law in Exod 20:24, and the new tenth commandment to build an altar on Mount Gerizim. In the Samaritan thinking, ancient and modern, these three texts have to do with Gerizim. If these three Samaritan readings were introduced at the same time, we would look for a period when Aramaic was a Samaritan vernacular. This assumption would be relevant for the reading in Exod

7. Zeev Ben-Hayyim, *The Words of the Pentateuch*, vol. 4 of *The Literary and Oral Tradition of Hebrew and Aramaic amongst the Samaritans* (Jerusalem: Academy of the Hebrew Language, 1977), 424. Wilhelm Gesenius, *De Pentateuchi samaritani origine indole et auctoritate* (Halle: Rengerianae, 1815), 53.

8. L. H. Vilsker, *Manuel d'Araméen Samaritan*, trans. Jean Margain (Paris: Centre national de la recherche scientifique, 1981), 58.

9. Benyamim Tsedaka and Sharon Sullivan, *The Israelite Samaritan Version of the Torah: First English Translation Compared with the Masoretic Version* (Grand Rapids: Eerdmans, 2013), 175.

20:24. The Samaritans perhaps took over a text where the centralization command was in the perfect, read Exod 20:24 on the basis of their Aramaic vernacular, and inserted the new tenth commandment into the Decalogue. Aramaic was probably used very early or from the beginning of Samaritan history, as witnessed to by the inscriptions found in the excavations on Mount Gerizim, dated to the third or second centuries BCE, which are mostly in Aramaic. As the LXX and MT agree on the question of the tense in the centralization command, they form one textual tradition that antedates the separate development of the SP.

The interest in the mountain is also found in the inscriptions from Mount Gerizim, as some examples will show. Inscription 147 is incised on an intact, large stone, 202 x 36.5 x 55 cm, and it stretches over the full length of the stone. Its script is Proto-Jewish, by Dušek termed “cursive.”¹⁰

די הקרב דליה בר שמעון עלוהי ועל בנוהי אבנ[א דה ל]דכרנ טב קדמ אלהא
באתרא דנה

This is what Delayah, son of Shim'on, dedicated for himself and his children/sons, [this] ston[e for] good remembrance before God in this place.

Number 148 is also in Proto-Jewish/cursive script, on a stone that measures 146 x 55.5 x 39 cm. Only the beginning of this inscription is intact:

די מנ 1
2 יהוספ בר יסונ הקרב אבנא דה [להלמ]
3 ובאת[ר]א

1 who is from¹¹
2 Yehosef son of Jason dedicated this stone [for *hylm*]
3 and in [this?] pla[c]e

Inscription 155 is an intact end of a presumed longer inscription. The script is Proto-Jewish/cursive:

10. Yitzhak Magen, Haggai Misgav, and Levana Tsfania, *The Aramaic, Hebrew and Samaritan Inscriptions*, vol. 1 of *Mount Gerizim Excavations*, Judea and Samaria Publications 2 (Jerusalem: Israel Antiquities Authority, 2004); cf. Yitzhak Magen, *A Temple City*, vol. 2 of *Mount Gerizim Excavations*, Judea and Samaria Publications 8 (Jerusalem: Israel Antiquities Authority, 2008). Dušek, *Aramaic and Hebrew Inscriptions*.

11. It seems that the incisor wanted to add the name of the village of Yehosef in a line above the name, but the name of the village is not preserved.

לד[כרנ טב קדם אלהא באתרא ד[נ]ה
for] good [reme]mbrance before God in th[i]s place.

The stone is 131.5 x 54.5 x 30 cm, and the editors inform that all sides are intact except for the right side.¹² The inscription is located at the top right part of the stone, and a fair assumption is that the beginning of the inscription was on a part of the stone that now is missing.

The phrase “in this place” is complete in several inscriptions (nos. 147, 155, 194, 201) and may be restored with some probability in nine more instances (nos. 148, 152, 154, 162, 176, 193, 196, 197, 198 [all Aramaic], and perhaps also in no. 195, where the reading is difficult). It can therefore be assumed to have been used in 13 or 14 of the 395 inscriptions. Number 150 (Hebrew) has relevant text in this connection: דני במקדש, “[before the L]ord in the sanctuary.”

Compared to Near Eastern inscriptions from the same period, the phrase “in this place” is unique in the Gerizim corpus.¹³ Much later, synagogue inscriptions mention *hđn 'tr*, “this place,” plus a closer definition. The editors of the Mount Gerizim inscriptions are probably right in stating that “this phrase has a different task: to emphasize the sanctity of Mt. Gerizim as opposed to that of Jerusalem.”¹⁴

Two inscriptions from the island of Delos in the Aegean Sea, from 200 BCE, show the same attitude to Gerizim (*IJO* 1.Ach 66 and 67).¹⁵ The beginning of inscription 1 is:

1 OI EN ΔΗΛΩ ΙΣΡΑΕΛΕΙΤΑΙ OI A
2 ΠΑΡΧΟΜΕΝΟΙ ΕΙΣ ΙΕΡΟΝ ΑΡΤΑ
3 ΠΙΖΕΙΝ...

1 The Israelites in Delos who se-

12. Magen, Misgav, and Tsfania, *Inscriptions*, 145.

13. Magnar Kartveit, “Samaritan Self-Consciousness of the First Half of the Second Century B.C.E. in Light of the Inscriptions from Mount Gerizim and Delos,” *JSJ* 45 (2014): 449–70.

14. Magen, Misgav, and Tsfania, *Inscriptions*, 19.

15. David Noy, Alexander Panayotov, and Hanswulf Bloedhorn, eds., *Inscriptiones Judaicae Orientis*, TSAJ 99 (Tübingen: Mohr Siebeck, 2004), date them to 150–50 BCE. For arguments in favor of dating them to the first half of the second century BCE, see Magnar Kartveit, *The Origin of the Samaritans*, VTSup 128 (Leiden: Brill, 2009), 218.

2 nd their temple tax to sacred Arga-
3 rizein...

Similarly, the beginning of inscription 2:

1 ΙΣΡΑΗΛΙΤΑΙ ΟΙ ΑΠΙΡΧΟΜΕΝΟΙ ΕΙΣ ΙΕΡΟΝ ΑΓΙΟΝ ΑΡ
2 ΓΑΡΙΖΕΙΝ...

1 Israelites who send their temple tax to sacred, holy Ar-
2 garizein...

The Gerizim and Delos inscriptions date to the same period and show the same interest in Gerizim. The Samaritan tenth commandment (Exod 20:14b SP) and the perfect in the centralization command seem on this background to have been possible in the early second century BCE.

What do these traits in the SP tell us about the understanding of the Torah in the Samaritan community? Taking into consideration the hundreds of thousands of charred animal bones found during the excavations on Mount Gerizim, we may infer that some form of (parts of) the Pentateuch was used to inform sacrificial practices. The bones all come from animals that should be used for sacrifices, according to the book of Leviticus. In a different development, the Pentateuch was used for internal purposes to motivate the cult on Gerizim, and for external purposes to defend the choice of cult site against Jerusalem. In this way, the Torah became an important text for identity and self-defense, and it was considered legitimate to change the text at some places that were of importance. The Samaritans had chosen a text that already had been expanded at many places, one of the pre-Samaritan texts known from the Dead Sea Scrolls. These texts belong in a group of Dead Sea Scrolls that can be termed harmonistic, or expansionistic, and this text-type has its earliest representative in 4Q17 (4QExod-Lev^f) from the middle of the third century BCE; 4Q22 (4QpaleoExod^m) from just before the turn of the era comes closest to the later SP manuscripts.

Ideological Tendencies in the MT and the LXX

If we consider the MT and the LXX, and assume that they represent a text that is earlier than the version of the SP, it is often assumed that their reading “Ebal” in Deut 27:4 is an anti-Samaritan change in the text against the original “Gerizim.” The Giessen-papyrus for the OG and the Lyon-manuscript of the Vetus Latina both read “Gerizim,” and they are con-

sidered independent witnesses to the earlier reading. Also, the location of the altar pericope in Josh 8 has been viewed as a countermove against the Samaritans.

Eugene Ulrich has an interesting suggestion for the altar pericope. In a first stage, there was no name for the place of the altar in Deut 27:4; it was only said that it should be constructed immediately after the crossing of the Jordan. In correspondence to this, the narrative with the building of the altar in the book of Joshua constituted the end of chapter 4. This arrangement is witnessed to by 4Q47 (4QJosh^a) and Josephus, *Ant.* 5.16–20.

In the second stage, “Gerizim” was inserted into Deut 27:4, as witnessed to by the Vetus Latina and the Giessen papyrus. This second stage, in Ulrich’s theory, has to be adjusted into a Jewish stage, not a Samaritan one. The final stage is represented by the MT and LXX, which introduced “Ebal” into Deut 27:4 and into the narrative with the building of the altar in the book of Joshua as a counterclaim to the Samaritan version. The pericope with the altar-building was then transposed to its present location in Josh 8 in MT and in Josh 9 in the LXX.¹⁶ The altar at Ebal “seems to make sense only as a countermove to the Samaritans’ claim for Mt. Gerizim.”¹⁷

If this is correct, then the Jewish attitude to the Torah in this period is similar to the Samaritan: the text could be altered at specific places for internal and external purposes, for self-defense and to fence off the Gerizim possibility.

From the third and second centuries BCE come some Jewish texts that expand on the story of Dinah in Gen 34. In this case, the Pentateuch was not changed, but used for polemics against the contemporary inhabitants of Shechem. The *Wirkungsgeschichte* of Gen 34 shows that the rape of Dinah and the killing of the Shechemites had developed into a topos of contemporary ideology. Shechem is viewed negatively in all of them. Just as Josephus did later, these texts brand the contemporary Shechemites with the acts committed by the Shechemites of Gen 34. What appears to be a retelling of the old story is directed at the contemporary inhabitants of the city.

The most direct texts are 4Q371 (4QapocrJoseph^a), 4Q372 (4QapocrJoseph^b), and 4Q373 (4QapocrJoseph^c) with their picture of the north com-

16. Eugene Ulrich, “4QJosh^a,” in *Qumran Cave 4.IX. Deuteronomy, Joshua, Judges, Kings*, ed. Eugene Ulrich et al., DJD XIV (Oxford: Clarendon, 1995), 145–46.

17. Ulrich, “4QJosh^a,” 145.

pletely emptied of “Joseph” and presently inhabited by “fools.” These “fools” have created a sanctuary on a high mountain, which is a blasphemy against Zion and her temple. Zion thus serves as an identity marker for the author of this text. The following prayer requests God to destroy these “fools.” The text shares the expression “fools” with Sir 50:25–26, and T. Levi 7, two texts that also express negative sentiments against these “fools,” and connect them to Shechem. All three texts seem to exploit a combination of Gen 34 and Deut 32 for the understanding of the Shechemites as “fools.”

These three texts are the most direct in the request to God that he should annihilate the Shechemites. The texts 4Q371–373 pray for such annihilation, and T. Levi 7 opens the way for action by stating that the city is “a city of fools” forever.

Any one of these texts might have served as the ideological basis for the destruction of Shechem by John Hyrcanus. Such a function is claimed by John J. Collins for the poem by Theodotus, an idea that is fully justified with regard to the text’s multiple motivations for the act of Simeon and Levi.¹⁸

From the rather innocuous translation of Gen 34 in the LXX, the *Wirkungsgeschichte* of this text became more and more anti-Samaritan in the course of the second century BCE. The chapter was exploited as a repository of anti-Shechem motifs that are not in the MT. Jerusalem is concerned with the effect of Shechemites on proper Jews, prohibits intermarriage with them, and prays for their annihilation. Most of these texts from the second century BCE and a few from the Roman period employ Gen 34 and Deut 32 as material for anti-Samaritan polemics. This attitude was carried on by Josephus in his use of the Hebrew Bible. Thus, there is a continuous flow of anti-Samaritan sentiment developed from biblical texts, from before 200 BCE until Josephus, whose oeuvre became standard reading for the history of Israel.

Indications of ideological traits in the LXX are Josh 24:1, which reads Shilo (Σηλω) instead of Shechem. This reading is generally supposed to be secondary, but there is disagreement on the question,

First whether this alteration was already made in the Hebrew preceding the stage of the Greek translation or simply reflects another initiative introduced by the Greek translator, and second whether the change was

18. John J. Collins, “The Epic of Theodotus and the Hellenism of the Hasmoneans,” *HTR* 73 (1980): 91–104.

made only for the sake of harmonization with the preceding narratives (Josh 18:1, 8–10; 19:51; 21:2; 22:9, 12) or also reflects anti-Samaritan polemics (Hollenberg, *Der Charakter*, p. 17).¹⁹

An interesting series of LXX readings have been discussed by William M. Schniedewind.²⁰ In 2 Sam 24:25, on the founding of the temple, the LXX adds “and Solomon added to the altar afterward because it was little at first” (2 Kgdms 24:25). In the case of the dedication of the temple in 1 Kgs 8:16, the Greek version adds, “but I chose Jerusalem that my name might be there” (3 Kgdms 8:16). Some more LXX readings also point to “a consistent theological *Tendenz*,” and Schniedewind’s “study indicates that the Alexandrian synagogue community supported the authority of the Jerusalem temple.”²¹ This *Tendenz* is compared to similar traits in the book of Chronicles and the Qumran texts, and the LXX profile emerges as even more protemple than Chronicles. On this background, it is not unlikely that the reading Shilo in Josh 24:1 is anti-Samaritan.

Before the discovery of the Dead Sea Scrolls, there were suggestions that the MT contains elements of ideology directed against the emerging Samaritan community. Martin Noth suggested that the so-called Chronistic History (1–2 Chronicles and Ezra–Nehemiah) contains polemics against the Samaritans.²² Even if this is strongly contested, Raik Heckl has moved in the same direction in his *Neuanfang und Kontinuität in Jerusalem* as far as Ezra and Nehemiah are concerned.²³ In my study of 2 Kgs 17:24–41, I found indications of anti-Samaritan polemics there.²⁴

Benedikt Hensel has proposed that the transition from considering the Samaritans as a part of the people of Israel to viewing them as for-

19. Michaël N. van der Meer, “Joshua,” in *The T&T Clark Companion to the Septuagint*, ed. James K. Aitken (London: Bloomsbury, 2015), 97.

20. William M. Schniedewind, “Notes and Observations: Textual Criticism and Theological Interpretation; The Pro-Temple *Tendenz* in the Greek Text of Samuel-Kings,” *HTR* 87 (1994): 107–16.

21. Schniedewind, “Notes and Observations,” 115–16.

22. Martin Noth, *Überlieferungsgeschichtliche Studien: Die sammelnden und bearbeitenden Geschichtswerke im Alten Testament*, SKG.G 18 (Tübingen: Niemeyer, 1943), 3.

23. Raik Heckl, *Neuanfang und Kontinuität in Jerusalem*, FAT 104 (Tübingen: Mohr Siebeck, 2016).

24. Magnar Kartveit, “The Date of II Reg 17,24–41,” *ZAW* 126 (2014): 31–44.

eigners is found in the Greek translation of Sir 50:25–26.²⁵ The original Hebrew text mentions “the inhabitants of Seir and of Philistia, and the stupid people that dwells in Shechem.” In the Greek this appears as “the inhabitants of the mountain(s) of Samaria, the Philistines and the stupid people that dwells in Shechem.” The LXX is therefore the place where the change took place, and Hensel dates this Greek translation to the second century BCE.²⁶ He takes the Hebrew text to refer to two archenemies (“Urfeinde”) of Israel, Edom/Idumea and the Philistines, and the “stupid people that dwells in Shechem” are the Samaritans, still part of the people of Israel.²⁷ This changes after the forced conversion of the Edomites by John Hyrcanus in 129 BCE. Instead of “the inhabitants of Seir,” referring to the “Edomites,” the translation now places the “inhabitants of the mountain(s) of Samaria,” referring to the Samaritans, on the same level as the Philistines, meaning that they were heathens. “The stupid people that dwells in Shechem” would be a subgroup of the Samaritans.²⁸ The LXX translation of Sirach is important for the period in question.²⁹

Conclusions

In the three traditions of the Torah—the MT, the LXX, and the SP—there are elements of self-defense and polemics. The Torah in the third to second centuries BCE was evidently considered a text of such importance that it was adopted as a foundational text for the Jewish community in Jerusalem and the Samaritan in Samaria. But it was also considered possible to adapt the text to the needs of the communities. Both communities would also develop other texts that carried on their self-understanding as found in the Torah, on the Jerusalem side in other Hebrew Bible texts and in texts from the Hellenistic period, and on the Samaritan side in the Gerizim inscrip-

25. Benedikt Hensel, “Von ‘Israeliten’ zu ‘Ausländern’: Zur Entwicklung anti-samaritanischer Polemik ab der hasmonäischen Zeit,” *ZAW* 126 (2014): 475–93.

26. Hensel, “Von ‘Israeliten’ zu ‘Ausländern,’” 482.

27. Hensel, “Von ‘Israeliten’ zu ‘Ausländern,’” 480–82.

28. Hensel, “Von ‘Israeliten’ zu ‘Ausländern,’” 482–83. Similarly, Stefan Schorch, “The Construction of Samari(t)an Identity from the Inside and from the Outside,” in *Between Cooperation and Hostility: Multiple Identities in Ancient Judaism and the Interaction with Foreign Powers*, ed. Rainer Albertz and Jakob Wöhrle, *JAJSup* 11 (Göttingen: Vandenhoeck & Ruprecht, 2013), 135–49.

29. Benjamin G. Wright, “Sirach/Ecclesiasticus,” in Aitken, *Companion to the Septuagint*, 410–24.

tions, in their new tenth commandment, and in texts from the Roman and Byzantine periods. The understanding of Torah in the last centuries before and after the turn of the eras was therefore both that it was a foundational text for the communities and their cultic life in each location, but also an adaptable text, which was able to receive new or revised elements that would provide the communities with enough material for their own theological needs. Polemics were developed on the basis of the Torah, and they were turned into physical violence as the destruction of the sanctuary on Mount Gerizim in 111–110 BCE shows, and in the spreading of human bones in the temple in Jerusalem (Josephus, *Ant.* 18.30) and in hostility to pilgrims traveling to Jerusalem (Luke 9:51–56), and in similar incidents reported by Josephus and other ancient sources. The Torah itself contained enough violent stories and laws with strong legislation, such as the death penalty, to provide its followers with ammunition for contemporary action. But when such texts were interpreted and, in some cases, turned into action, this face of the text became uncomfortably harsh, at least in liberal, Western scholars' eyes.

We are dealing with a Torah that contained some of the most fundamental texts for human self-esteem generally, as in the case of the creation of humans in Gen 1 and of man and woman in Gen 2, and with the commandment to love your neighbor as yourself, Lev 19:18. Interspersed with these lasting endowments to the humanity of the human race are texts of terror and horror, which also have made their imprint on history. It is worth remembering that the gift of humanness sometimes comes in ugly wrapping.

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From *tôrâ* to νόμος:
How the Use of νόμος in the LXX Pentateuch
Enlightens the Process That Leads the Word *tôrâ*
to the Concept of Torah

Patrick Pouchelle

Introduction

The word *tôrâ* is translated as “law” in the English translations of the Hebrew Bible, particularly when the *tôrâ* of Moses or the *tôrâ* of God is concerned. This is due to the Septuagint (LXX). Indeed, the textual relationship between *tôrâ* and νόμος, “law,” is obvious, as approximately 90 percent of the occurrences of *tôrâ* in the Masoretic Text (MT) correspond to νόμος.¹ Conversely, in the Septuagint books having a counterpart in the

1. Approximately 200 out of 220, according to Walter Gutbrod, “νόμος,” *TDNT* 4:1046, which did not take into account 1 Esdras (23 occurrences, 7 of them corresponding to *tôrâ*) and Sirach, where νόμος occurs 16 times, corresponding 8 times to *tôrâ*. This latter lexeme can be found 12 times in the manuscripts of Sirach, according to the concordance of Dominique Barthélemy and Otto Rickenbacher, *Konkordanz zum hebräischen Sirach* (Göttingen: Vandenhoeck & Ruprecht, 1973). According to Takamitsu Muraoka, *Hebrew/Aramaic Index to the Septuagint* (Grand Rapids: Baker, 1998), in the Septuagint, *tôrâ* also corresponds to βίβλος (1x, 1 Esd 5:49), διαγραφή (1x, Ezek 43:12), διαθήκη (1x Dan 9:13 [LXX]), ἐντολή (4x), ἐξηγορία (1x, Job 22:22), θεσμός (1x Prov 1:8), νόμιμος (7x), and πρόσταγμα (2 Chr 19:10; Sir 39:18). The neologism δευτερονόμιον (Deut 17:18; and Josh 9:2 [LXX 8:32]) is a specific case, as the compound word corresponds to *mišnêh hattôrâ* (a copy of the law). Similarly, ἐννόμως and νομοθέσμως occurring in a Greek doublet (Prov 31:26, 28; both corresponding to Prov 31:28 [MT]), should be attributed to the creativity of the translator but the relationship between *tôrâ* and νόμος is kept. Only a few, less than 5, occurrences of *tôrâ* have no counterpart in Greek. See Sheldon H. Blank, “The LXX Renderings of Old Testament Terms for Law,” *HUCA* 7 (1930): 259–83, esp. 275.

MT, νόμος corresponds to *tôrâ* 80 percent of the time.² This relationship being established, the study of the concept of torah through the Septuagint elicits the following questions:

1. Why have the translators chosen νόμος to render *tôrâ*? What does that choice tell us about the early understanding of the Hellenistic concept of torah, notably in the Egyptian diaspora?
2. Assuming the rendering of *tôrâ* by νόμος, what was the mutual influence of *tôrâ* on νόμος and vice-versa? Did the Greek νόμος convey nuances belonging to *tôrâ* only, and conversely, did the Hebrew *tôrâ* adopt nuances specific to the Greek νόμος so that a new concept of torah emerged?

This short study delves deeper into the first approach. One of the most recent contributions to the second approach is from Jason Zurawski.³ The difference as well as the completeness of both approaches is well illustrated by his methodological warning:

Before looking closely at the texts, it is important that I make clear how I am reading the Greek translation. I am attempting to understand how the Greek text might have been read in the Hellenistic settings where it was studied and used. The intention of the actual LXX translator is of secondary importance, as conclusions related to the motivations of the translator are necessarily speculative.⁴

Although I am aware of the necessarily speculative nature of any conclusion related to the translator, I am certain that it is important to study this topic to understand better how the concept of torah evolves at the

2. Otherwise, νόμος corresponds to *dābār* (5x), *dāt* (~20x, including the Aramaic part and 1 Esdras), *ḥōq* and *ḥuqqâ* (12x), *mišwâ* (2x, 1 Esd 8:8; Prov 6:20), *mišpāṭ* (Jer 30:6 [49:12 MT]), and *pitgām* (1x, a variant of Isa 1:20). These statistics come from the concordance of Hatch and Redpath; Sirach does not add new correspondence (*dābār*, *mišwâ*, and *mišpāṭ*).

3. Jason M. Zurawski, "From Musar to Paideia, from Torah to Nomos: How the Translation of the Septuagint Impacted the Paideutic Ideal in Hellenistic Judaism," in *XV Congress of the International Organization for Septuagint and Cognate Studies, Munich, 2013*, ed. Wolfgang Kraus, Michaël N. van der Meer, and Martin Meiser, SCS 64 (Atlanta: SBL Press, 2016), 531–54.

4. Zurawski, "From Musar to Paideia," 537.

beginning of the Hellenistic period. Owing to the subject of this volume, we cannot observe the impact of this translation in isolation without questioning the origin of this rendering or, as in this case, we would miss a step in the overall process that leads *tôrâ* to torah.

Hence, the strong relationship between *tôrâ* and *vóμος* raises some questions, as the two semantic fields seem somewhat different. Unfortunately, the first studies of the translation of *tôrâ* by *vóμος* were biased by Christian preconceptions of Judaism; *tôrâ* was translated by *vóμος* because Judaism presumably drifted toward legalism. Hence, according to Walter Gutbrod, the choice of the LXX reflects the development of the concept of torah during the Persian period.⁵ The concept of torah is understood as restricted only to denoting legal commandments revealed to humankind.⁶ Today, the word *tôrâ* is no longer understood as denoting a legalistic concept in every part of its evolution.⁷ This implies that *vóμος* cannot be used as a proof of such an evolution.

Another conclusion has been argued by Joseph Méléze-Modrzejewski, that *vóμος* was used to render *tôrâ* because the Torah became the civil law of the Jewish communities in Greek Egypt.⁸ This view implies that the Septuagint was translated for that purpose, which is still debated.

Without qualifying it as legalism, Martin Rösel considered the translation as showing a shift toward a more ethical and less cultic approach to the Torah.⁹ This shift meets with the Hellenistic develop-

5. Gutbrod, “*νομός*,” 4:1046–47.

6. See also C. H. Dodd, *The Bible and the Greeks* (London: Hodder & Stoughton, 1935), 25–26; and *LTK* 4:818.

7. This was noticed in Ps 119 as early as A. Robert, “Le sens du mot Loi dans le Ps. CXIX,” *RB* 46 (1937): 182–206; and also in the Qumran corpus by Meinrad Limbeck, *Die Ordnung des Heils: Untersuchungen zum Gesetzesverständnis des Frühjudentums*, KBANT (Düsseldorf: Patmos, 1971).

8. Joseph Méléze-Modrzejewski, “La Septante comme ‘nomos’: Comment la Torah est devenue une ‘loi civile’ pour les Juifs d’Égypte,” *AScR* 2 (1997), 143–58; see also Méléze-Modrzejewski, *Un peuple de philosophes: Aux origines de la condition juive*, Les quarante piliers (Paris: Fayard, 2011). A similar idea is presented in Johann Maier, “Das jüdische Gesetz zwischen Qumran und Septuaginta,” in *Studien zur Entstehung und Bedeutung der griechischen Bibel*, vol. 1 of *Im Brennpunkt: Die Septuaginta*, ed. Heinz-Josef Fabry and Ulrich Offerhaus (Stuttgart: Kohlhammer, 2001), 155–65.

9. Martin Rösel, “Nomothese: Zum Gesetzesverständnis der Septuaginta,” in *Studien zur Theologie, Anthropologie, Ekklesiologie, Eschatologie und Liturgie der Griechischen Bibel*, vol. 3 of Fabry and Böhler, *Im Brennpunkt*, 132–50.

ment of the concept of law. Yet, Rösel was conscious that his article raised some questions. One of them concerns placing the translation of *tôrâ* by νόμος chronologically: When did the concept of torah evolve so that it could be rendered by νόμος? This should be studied against the Hellenistic background of the concept of law but also against the Aramaic background of the Aramaic *dât*, “law.” On the contrary, Laurent Monsengwo Pasinya contested these views.¹⁰ For him, there were no shifts in the LXX, νόμος and *tôrâ* shared the same semantic field in the Pentateuch. The Greek word νόμος does not convey our modern concept of law only. This is a rather flexible word that fits well with the concept of torah as described in the Pentateuch. Although the approach of Monsengwo Pasinya was correct when he attempted to understand the whole semantic field of νόμος better, which led to reducing the difference between *tôrâ* and νόμος as much as possible, the conclusion that there is an exact correspondence between the two semantic fields is debatable. The sapiential nuance of the law as denoting a teaching (notably in Deuteronomy) seems absent from the classical nuance of νόμος.¹¹ Therefore, the question of the appropriateness of choosing νόμος to render *tôrâ* is still open. The aim of this short study is to examine the following four topics:

1. Is it possible to draw a sketch of the semantic field of νόμος in Classical Greek, including papyrological and epigraphic material?
2. Does the concept of torah (law?) as denoted by the word *tôrâ* in the Torah (Pentateuch) really fit the semantic field of νόμος?
3. Does the choice of the Greek translators to render *tôrâ* by νόμος have something to do with the Aramaic word *dât*?
4. Does the difference between the LXX and MT shed additional light on the concept of the torah in the third century BCE?

10. Laurent Monsengwo Pasinya, *La notion de “nomos” dans le Pentateuque grec*, AnBib 52 (Rome: Pontifical Biblical Institute, 1973); see also Cécile Dogniez, “Le vocabulaire de la Loi dans la Septante,” in *Die Sprache der Septuaginta/The Language of the Septuagint*, ed. Eberhard Bons and Jan Joosten, Handbuch zur Septuaginta LXX.H 3 (Gütersloh: Gütersloher Verlagshaus, 2016), 350–54.

11. He probably goes too far by denying to νομοθετέω in the LXX its basic sense of “frame a law,” or “ordain by law.” (See Monsengwo Pasinya, *La notion de “nomos,”* 52–53); see also Hans Hübner, “νόμος,” *EDNT* 2:473.

It goes without saying that the results obtained at the end of this study are tentative and open to discussion; this is an on-going process, an opportunity for debating that is the very essence of the Enoch Seminar.

A Short Survey of *Νόμος* in Classical Greek,
Including Papyrological and Epigraphical Material

Monsengwo Pasinya is right in asserting that the semantic field of *νόμος* is wider than usually expected. The word *νόμος* derives from *νέμω*, “to allot.”¹² This word is not attested in the Homeric corpus. Its basic meaning relates to what is “conformed to the allotment” and “what has been received” and naturally evolves toward what is specific:

τόνδε γὰρ ἀνθρώποισι νόμον διέταξε Κρονίων,
ἰχθύσι μὲν καὶ θηρσί καὶ οἰωνοῖς πετεηνοῖς
ἔσθειν ἀλλήλους, ἐπεὶ οὐ δίκη ἐστὶ μετ’ αὐτοῖς. (Hesiod, *Op.* 276–78)

For the son of Cronos has ordained this *νόμος*¹³ for men,
that fishes and beasts and winged fowls
should devour one another, for right is not in them. (trans. Evelyn-White)

From this meaning of “allotment,” *νόμος* evolves toward the concept of “customs, habit,” the way of doing something (e.g., a house in Herodotus, *Hist.* 5.16.2) or the way of behaving (e.g., for a woman in Aeschylus, *Ag.* 594).¹⁴ In plural, it denotes the habits of a specific people or city (e.g.,

12. See Pierre Chantraine, *Dictionnaire étymologique de la langue grecque: Histoire des mots*, 4 vols. (Paris: Klincksieck, 1977), s.v. “νέμω.” See also Emmanuel Laroche, *Histoire de la racine *nem- en grec ancien*, Etudes et Commentaires 6 (Paris: Klincksieck, 1949). The following description of the word *νόμος* and its evolution is mainly based on the work of Monsengwo Pasinya, *La notion de “nomos,”* 26–30.

13. For this meaning of *νόμος* (translated by “law” by Evelyn-White), see Martin Ostwald, *Nomos and the Beginnings of Athenian Democracy* (Oxford: Clarendon, 1969), 21 n. 5. This nuance, applied to divine beings is also illustrated by the sentence in a fragment attributed to Pindar: *Νόμος ὁ πάντων βασιλεὺς θνατῶν τε καὶ ἀθανάτων*, “law, king of all mortals and immortals”; cf. Marcello Gigante, *Νόμος βασιλεὺς* (Naples: Glauk, 1956), 92. See also Remi Brague, *The Law of God: The Philosophical History of an Idea*, trans. Lydia G. Cochrane (Chicago: University of Chicago Press, 2007).

14. Herodotus: *τοὺς δὲ σταυροὺς τοὺς ὑπεστεῶτας τοῖσι ἰκρίοισι τὸ μὲν κου ἀρχαῖον ἔστησαν κοινῇ πάντες οἱ πολιῆται, μετὰ δὲ νόμῳ χρεώμενοι ἰστᾶσι τοιᾶδε*. “In olden times all the people working together set the piles which support the platform there, but

Herodotus, *Hist.* 4.26.1).¹⁵ According to Monsengwo Pasinya, from this nuance comes the meaning of common opinion or convention:¹⁶

λήγει δὲ αὕτη, οὐ λήγουσα εἰ μὴ νόμῳ, ἐς τὸν κόλπον τὸν Ἀράβιον. (Herodotus, *Hist.* 4.39.1)

This peninsula ends (not truly but only by common consent [νόμος]) at the Arabian Gulf. (trans. Godley)

An important religious nuance derives from the concept of “habit,” that of rites and ritual:

καὶ γὰρ νῦν, ὅτε πού τις ἐπιχθονίων ἀνθρώπων
ἔρδων ἱερά καλὰ κατὰ νόμον ἱλάσκηται,
κικλήσκει Ἑκάτην. (Hesiod, *Theog.* 416–18)

For to this day, whenever any one of men on earth
offers rich sacrifices and prays for favor according to custom [νόμος],
he calls upon Hecate. (trans. Evelyn-White)

Hence, many rituals will be denoted as νόμος, especially burials:¹⁷

οἶδε νό[μ]οι περὶ τῶν κατ[α]φθι[μέ]νω[ν· κατὰ]
[τά]δε θά[πτ]εν τὸν θανόντα. (*IG* 12.5.1–2, Keos, fifth century BCE).
Here are the νόμοι (rituals) concerning the dead according to them bury
the dead. (my trans.)

Or

they later developed another method of setting them” (trans. Godley). Aeschylus: “According to their womanly custom [γυναικείῳ νόμῳ], they raised a shout of happy praise” (trans. Weir Smyth).

15. “It is said to be the custom of the Issedones [νόμοισι δὲ Ἰσσηδόνες] that, whenever a man’s father dies, all the nearest of kin bring beasts of the flock and, having killed these and cut up the flesh, they also cut up the dead father of their host, and set out all the flesh mixed together for a feast” (trans. Godley).

16. Monsengwo Pasinya, *La notion de “nomos,”* 28.

17. See Monsengwo Pasinya, *La notion de “nomos,”* 30 n. 46. For a detailed analysis of the so-called *patrios nomos*, (Thucydides, *Hist.* 1.34) the ritual of commemoration of a fallen warrior, see Christoph W. Clairmont, *Patrios Nomos: Public Burial in Athens during the Fifth and the Fourth Centuries B.C.*, BARIS 161 (Oxford: BAR, 1983).

Ἀλέξων Δάμωνος εἶπεν νόμον εἶναι τοῖς Γαμβρειώταις, τὰς πενθούσας ἔχειν φαιάν ἐσθῆτα, μὴ κατερρυπωμένην χρῆσθαι. (LSAM 16, Gambreion, third cent. BCE)

Alexon, son of Damon, proposed: May the Gambreiotai have as a law [νόμος] that the women who are in mourning wear a grey garment, not made dirty. (trans. Chaniotis)¹⁸

But it also denotes a ritual of purity:

κατὰ νόμους τοὺς ἐπιχωρίους καθαρσίου ἐδέετο κυρῆσαι, Κροῖσος δέ μιν ἐκάθηρε. (Herodotus, *Hist.* 1.35.1)

[he] asked to be purified according to the custom [νόμος] of the country; so Croesus purified him. (trans. Godley)

Or

Νόμος ἃ οὐχ ὅσιον ἐσίμειν οὐδὲ ἐσφέρειν ἐς τὸ ἱερὸν καὶ τὸ τέμενος τὰς Ἀλεκτρῶνας. — Μὴ ἐσίτω ἵππος, ὄνος, ἡμίονος, γῆνος, μηδὲ ἄλλο λόφουρον. (LSCG 136, sanctuary of Alektrona in Ialysos, third c. BCE)

Law [νόμος] concerning what is religiously improper to enter or to be brought into the sanctuary and the precinct of Alektrona. A horse, a donkey, a mule, a small mule or any other animal that has a mane should not enter. (trans. Chaniotis)

This kind of regulation has been traditionally gathered into the corpus of “sacred laws.” This corpus is difficult to define, as it frequently does not contain the term *νόμος*. Hence, it could be more safely described as Greek religious norms.¹⁹ An example could be found in the so-called Paeon to Asclepius written by Isyllus in *IG* 4.2.128 (Epidauros, 280 BCE), which has described

18. Angelos Chaniotis, “The Dynamics of Ritual Norms in Greek Cult.” Pages 91–125 in *La norme en matière religieuse en Grèce ancienne: Actes du XIe colloque du CIERGA (Rennes, septembre 2007)*, ed. Pierre Brulé, Kernos Supplement 21; Liège: Presses universitaires de Liège, 2009).

19. See Robert Parker, “What Are Sacred Laws?,” in *The Law and the Courts in Ancient Greece*, ed. Edward M. Harris and Lene Rubinstein (London: Bristol Classical Press, 2004), 57–70; Eran Lupu, *Greek Sacred Law: A Collection of New Documents*, RGRW 152 (Leiden: Brill, 2005), esp. 5–6; and Jan-Mathieu Carbon and Vinciane Pirenne-Delforge, “Beyond Greek ‘Sacred Laws,’” *Kernos* 25 (2012): 163–82. They suggest some criteria to define this corpus and propose another title to denote the whole corpus: “Greek ritual norms.”

a “sacred law” (ἱερὸς νόμος, lines 10–25) established by him: a procession for praising Apollo and Asclepius, which when performed correctly, will grant stability and success to the city.²⁰ These “laws” may have originated from a god, especially Apollo, sometimes called νόμιος, especially because his oracle had authoritative value.²¹ Accordingly, although it does not contain the word νόμος, the so-called sacred law of Cyrene begins with [A]πόλλων ἔχρη[σε]: “Apollo has ordained,” followed by specific regulations regarding purity and sacred things.²² Hence, the respect of the religious rituals, qualified as νόμος and generally received from the most ancient tradition, is a condition for the stability of a city as suggested by Isocrates, *Demon*. 13:²³

20. τόνδ' ἱερὸν θείαι μοίραι νόμον ἤρην Ἴσυλλος ἄφθιτον ἀνάσσειν γέρας ἀθανάτοισι θεοῖσιν, καί νιν ἅπας δᾶμος θεθμὸν θέτο πατρίδος ἀμᾶς, χεῖρας ἀνασχόντες μακάρεσσιν ἐς οὐρανὸν εὐρύ[ν]. οἳ κεν ἀριστεύωσι πόλῃος τᾶσδ' Ἐπιδάουρου, λέξασθαι τε ἀνδρας καὶ ἐπαγγεῖλαι κατὰ φυλάς, οἷς πολιοῦχος ὑπὸ στέρνοις ἀρετὰ τε καὶ αἰδώς, τοῖσιν ἐπαγγέλλειν καὶ πομπεύειν σφε κομῶντας Φοῖβωι ἄνακτι υἰῷ τε Ἀσκληπιῷ ἱατῆρι εἴμασιν ἐν λευκοῖσι, δάφνας στεφάνοις ποτ' Ἀπόλλω, ποί δ' Ἀσκληπιδὸν ἔρνεσι ἐλαίας ἡμεροφύλλου ἀγνῶς πομπεύειν καὶ ἐπεύχεσθαι πολιᾶταις πᾶσιν αἰεὶ διδόμεν τέκνοις τ' ἐρατὰν ὑγίειαν, τὰν καλοκαγαθίαν τ' Ἐπιδάουροί αἰεὶ ῥέπεν ἀνδρῶν εὐνομίαν τε καὶ εἰρήναν καὶ πλοῦτον ἀμεμψή, ὥραις ἐξ ὥρᾶν νόμον αἰεὶ τόνδε σέβοντας· οὕτω τοί κ' ἀμῶν περιφείδοιτ' εὐρύοπα Ζεὺς, “This law, sacred by divine Fate, Isyllus composed, an imperishable, everlasting gift to the immortal gods; and all the people, lifting their hands to the wide heaven, to the blessed gods, set it up as a binding rule of our fatherland: to select and to summon by tribes whichever men may be best in this city of Epidaurus, those who have in their hearts virtue and reverence that safeguard the city; to summon them and to have them lead a procession to lord Phoebus and to his son Asclepius, the physician, dressed in white raiment and with flowing hair; to lead a solemn procession to the temple of Apollo bearing garlands of laurel and then to the temple of Asclepius bearing branches of tender olive shoots; to pray them to grant forever to all citizens and to their children fair health and to grant that the noble character of the men of Epidaurus always prevail, together with good order and peace and blameless wealth from season to season so long as they reverence this law. So may Zeus the far-seeing spare us” (trans. Emma J. Edelstein and Ludwig Edelstein, *Asclepius: Collection and Interpretation of the Testimonies* [Baltimore, John Hopkins University Press, 1998]). See also Yves Lafond, “Normes religieuses et identité civique dans les cités de Grèce égéenne (IIe siècle av. J.-C.–IIIe siècle ap. J.-C.),” in Brulé, *La norme en matière religieuse en Grèce ancienne*, 321–34.

21. E.g., Cicero, *Nat. d.* 3.23.57; see Ken Dowden, “Olympian Gods, Olympian Pantheon,” in *A Companion to Greek Religion*, ed. Daniel Ogden, BCAW (Malden, MA: Blackwell, 2007), 41–55, esp. 50.

22. Noel Robertson, *Religion and Reconciliation in Greek Cities: The Sacred Laws of Selinus and Cyrene*, ACSt 54 (Oxford: Oxford University Press, 2010), 259–60.

23. See Lafond, “Normes religieuses.”

τίμα τὸ δαιμόνιον αἰεὶ μέν, μάλιστα δὲ μετὰ τῆς πόλεως: οὕτω γὰρ δόξεις ἅμα
τε τοῖς θεοῖς θύειν καὶ τοῖς νόμοις ἐμμένειν.

Do honor to the divine power at all times, but especially on occasions of public worship; for thus you will have the reputation both of sacrificing to the gods and of abiding by the laws [νόμοι] (trans. Norlin).

Therefore, the nuance of “law” is only a development from the nuance of “customs,” which, owing to the development of the cities, will be codified and, of course, written so that they could be read by everyone able to read.²⁴ Then, the law controls the life of the citizens, for instance, regarding inheritance:

ἐρῶ δὲ δὴ καὶ τὸν Σόλωνός σοι νόμον·
νόθῳ δὲ μὴ εἶναι ἀγχιστεῖαν παίδων ὄντων
γνησίων· ἐὰν δὲ παῖδες μὴ ᾧσι γνήσιοι, τοῖς
ἐγγυτάτῳ γένους μετεῖναι τῶν χρημάτων. (Aristophanes, *Av.* 1661–1666)

Thus runs Solon’s law: “A bastard shall not inherit, if there are legitimate children; and if there are no legitimate children, the property shall pass to the nearest kin.” (trans. Oates)

Therefore, it is not surprising that papyri contain many references to these nuances:²⁵ laws concerning marriage (P.Eleph. 1, 1.12, Elephantine, 310 BCE), concerning credit (κατὰ τὸν τῶν παραθη[κῶν] νόμων;²⁶ BGU 2.637, Arsinoites, 212 CE), or the laws of the Romans (κατὰ τοὺς Ῥωμαίων νόμους; P.Oxy. 10.1268.9, Oxyrhynchus, 249/250 CE).

A further step of the evolution of *νόμος* consists in its conceptualization.²⁷ The divine and human origin of the law will be debated and the royal pretention to incarnate the law during the Hellenistic era emphasized.²⁸ This evolution is not analyzed further in this study. However, despite the importance of the concept of “law,” the old nuances of *νόμος*

24. This does not mean that laws, both oral and written, were nonexistent. However, they were rather denoted by the word *θεσμός*. The new nuance of *νόμος* will compete with *θεσμός* and finally win (see Ostwald, *Nomos*).

25. See also Monsengwo Pasinya, *La notion de “nomos,”* 50–51.

26. The editor suggests *νόμον*.

27. Notably, Plato and his thoughts about what should be the best laws for a city. See also Monsengwo Pasinya, *La notion de “nomos,”* 30–32, 37–42.

28. For the divine vs. human debate, see Monsengwo Pasinya, *La notion de “nomos,”* 30–32, 33–37. For the royal pretention, see Monsengwo Pasinya, *La notion de “nomos,”* 46–50.

will not disappear. The notions that the translators of the LXX ignored should not be taken for granted, at least for those for whom the use of νόμος to render *tôrâ* was not a mechanical one.²⁹

The Use of *tôrâ* in Torah

In this section, the etymology of *tôrâ* will be briefly discussed.³⁰ The aim of this study is not to provide a detailed study of the word *tôrâ* in the whole MT, as there is currently no reason to doubt that the Pentateuch was the first corpus to be translated into Greek in Egypt during the third century BCE, and this study is limited to this corpus. Indeed, the word *tôrâ* in the Pentateuch conveys some nuances that could explain the choice of νόμος to render it. The earliest occurrences of *tôrâ* seem preexilic and belong to the semantic field of oracles and divine revelations.³¹ All the other occurrences could be classified into three groups.³²

(1) The main occurrences of *tôrâ*, principally in the so-called Priestly source, are used to denote one specific regulation and not a conceptualized notion of torah uttered by God. It qualifies diverse rituals and, exceptionally, ethical regulations.³³ This “torah” is almost always lexically related to its theme.³⁴ The mention of the Lord as the originator of the law is exceptional.³⁵ Hence, *tôrâ* could be in the construct state: never with the divine

29. Monsengwo Pasinya, *La notion de “nomos,”* 32.

30. See Felix García López and Heinz-Josef Fabry, “תּוֹרָה,” *TDOT* 15:611. This short paragraph offers a rough survey of this word in the MT only. For more details, please refer to the other chapters in the present volume.

31. García López and Fabry, “תּוֹרָה,” 15:640.

32. For more details, see García López and Fabry, “תּוֹרָה”; and *TLOT*, s.v. “תּוֹרָה.”

33. Different kinds of sacrifice and offerings (Lev 6:2, 7, 18; 7:1, 7, 11, 37; Num 15:15, 29; 19:2), the assessment of the purity of animals (Lev 11:46), a ritual of purification concerning a woman who bears a child (12:7), the way to deal with leprosy diseases (13:59; 14:2, 32, 54, 57) or with the person who has a discharge (Lev 15:32), the ritual concerning the Nazirites (Num 6:13, 21), and contact with the deceased (19:14), as well as purification after war (Num 31:21). The case of jealousy (Num 5:29, 30) is the only occurrence of *tôrâ* in the Torah directly related to ethics.

34. Twice the Pentateuch asserts that the law in the absolute state is the same for “the native and the alien” (Exod 12:49; Num 15:29), respectively, the Passover ritual and the atonement.

35. Num 19:2, qualifying the law concerning the red heifer as commanded by the Lord; and Num 31:21, where Eleazar the priest reminds the troops of the law, qualifying it as commanded to Moses by the Lord.

name but with the object of the *tôrâ*. It could also be used in the absolute state, but in this case, it is associated with the object of the law, either because it has been mentioned before (Num 5:30), by apposition (Lev 7:7), or a construction with *š* (Lev 7:37; 14:54). For instance, in Num 19:14, the absolute state does not denote a unified corpus, but a specific regulation of purity concerning how to deal with death, which is impure.

(2) In some occurrences, the word *tôrâ* is used in the plural, in association with other terms related to commandments, with the pronoun suffix denoting God as the one who uttered the commandments.³⁶ A few times, *tôrâ* is used in the singular; in Exod 13:9, there is the unique expression “the law of the Lord.” In Exod 16:9, the fidelity of the people to the law is tested. Finally, in Deut 17:11 and 33:10, the Levites are said to be teaching the law, with respect to the king, who will copy (Deut 17:18) and read it (Deut 17:19), and to the people.³⁷ To this could be added the conclusion of the so-called twelve curses (Deut 27:26). The difference from plural to singular seems to denote an evolution from *tôrâ* as one commandment among others to *tôrâ* as a unified concept.

(3) If the evolution noted in the preceding paragraph is true, then Exod 24:12 may be the witness of another state of this evolution: *tôrâ* is used in the singular, in the absolute state, associated with *mišwâ*, also in the singular, and in the absolute state. Written on a stela, these lexical lexemes are present mainly in Deuteronomy: *tôrâ* and *mišwâ* denotes here a unified concept.³⁸ In Deuteronomy, whereas *mišwâ* is used to introduce a specific regulation concerning the relationship between the people and God (e.g., Deut 5:31; 6:1, 25; 7:11), *tôrâ* sometimes seems to convey sapiential nuances. Indeed, the word *tôrâ* is used here in the absolute state and is associated neither with its promulgator nor with what it concerns. The mention of the explanation of the law introduces (Deut 1:5) and concludes (Deut 4:44) the first discourse of Moses. In Deut 4:8 and 29:28, the law fits

36. Except Exod 18:20, because this was mentioned in 18:6, or because this is the father-in-law of Moses who speaks; and Lev 26:46, which is a special case, as *tôrâ* does not have a pronoun suffix, but God is mentioned just after as the one who gave the laws. *mišmeret* (sg.), *mišwâ*, and *hōq* in Gen 26:5; *mišwâ* in Exod 16:28; *hōq* in Exod 18:16, 20; *hōq* and *mišpāt* in Lev 26:46.

37. In Deut 17:18 it is rendered by *δευτερονόμιον* in the LXX. In Exod 18:20, the function of teaching laws plural and in the absolute state is dedicated to Moses by his father-in-law.

38. See also Deut 27:3, 8; 28:58, 61; 29:20; 30:10; 31:9, 11, 12, 24, 26.

well as an element of seeking wisdom, such as discourse, for which the *tôrâ* should be taught, heard, and meditated (e.g., Deut 32:46).

The word *tôrâ* is used as denoting the regulation of the people of Israel only. There is no mention of the torah of a foreign country, as opposed to *hōq*, for instance, which is used for a civil Egyptian law, although promulgated by Joseph (Gen 47:26). Moreover, *tôrâ* is not etymologically linked with legal regulations, as opposed to *mišpāt* (of the king in 1 Sam 8:11), or *mišwâ* (of the king in 2 Kgs 18:36 and, for a foreign king, in Esth 3:3). This would not be the case of *dāt*, which denotes either the law of God or the law of a foreign people.

The Aramaic Word *dāt*

The Aramaic word *dāt* is a loanword from the Persian language, also borrowed into Hebrew. The word *dāt* is infrequent in the corpus of Aramaic texts not related to the Jewish biblical literature. It is notably absent from the Elephantine papyri. Nevertheless, it is found in the so-called Letoon Trilingual Stela. Found in 1973 near Xanthos (Lycia) and dating from the fourth century BCE, this stela is an inscription written in Greek, Aramaic, and Lycian. It describes how Pixodaros, a Satrap, had founded a new cult in the Temple of Letoôn. The inscription describes the cult, the field consecrated to the god, tithes to be paid, and sacrifices to be performed. The Aramaic text finishes with a last paragraph beginning with a mention of *dāt* as a prescription or regulation written by the satrap.³⁹ Unfortunately, the Greek translation is not a word-for-word translation; there is no word corresponding to *dāt* but merely a simple reference to what was inscribed.⁴⁰

This inscription is close to the so-called sacred laws, and it seems that the semantic field of *dāt* and νόμος is very close.⁴¹ This feeling is confirmed by the occurrence in the MT. In Aramaic, the word *dāt* is used in the so-

39. "This law [DTH], he [Pixidora] has written so as it will be kept. And if someone removes one clause..." Transcription and translation based on André Dupont-Sommer, "La stèle trilingue récemment découverte au Létôon de Xanthos: Le texte araméen," CRAIBL 118 (1974): 132–49, esp. 137.

40. Ξάνθιοι καὶ οἱ περίοικοι ὅσα ἐν τῇ στήλῃ ἐγγέγραπται ποιήσιν ἐντελῆ, "And the Xanthians and the *perioikoi* made oaths to do completely what is inscribed on the stela"; edition and translation in P. J. Rhodes and Robin Osborne, *Greek Historical Inscriptions 404–323 B.C.E.* (Oxford: Oxford University Press, 2003), 389, no. 78.

41. Of course, it is hard to draw firm conclusions based on a single inscription.

called Letter of Artaxerxes to Ezra (Esdr 7:12–26), where it denotes the law of the God of Heaven (and Esdras's God, see Esdr 7, 12, 14, 21, 25, 26) and the law of the king (Esdr 7:26). The Hebrew context of this Aramaic letter suggests an identification of the *dât* of God with the *tôrâ* of the Lord (Esdr 7:10).⁴² The Aramaic letter, as well as the Greek translation, does not hesitate to use the same word for the law of the God and the law of the foreign Persian kings.⁴³ This feature is not found for *tôrâ*. The same could be said of the occurrences of *dât* in Daniel, related to that of the king (Dan 2:9, 13, 15), of the Medes and the Persians (Dan 6:9, 13, 16) and that of God (Dan 6:6; 7:25). In Hebrew, *dât* only denotes the law of a foreign king or of a nation, as well as the law of the Jews:⁴⁴

ודתיהם שנות מכל-עם ואת-דתי המלך אינם עשים

Their laws are different from those of every other people, and they do not keep the king's laws. (Esth 3:8 NRSV)

One could nevertheless observe that *dât* is almost never used as a mere synonym or correspondent of *tôrâ*. Indeed, when it refers to the law of God, it is always from the point of view of a foreigner. There is only one exception in the Aramaic Dan 7:25, in a description of the arrogant pretention of the "fourth beast":⁴⁵

ויסבר להשניה זמנן ודת

And he shall attempt to change the sacred seasons and the law. (NRSV)

With Daniel having been written after the translation of the Septuagint, it is difficult to assess whether this specific usage of *dât* could have been

42. See also one of the more recent contributions to this topic, Lester L. Grabbe, "Penetrating the Legend: In Quest of the Historical Ezra," in *Open-Mindedness in the Bible and Beyond: A Volume of Studies in Honour of Bob Becking*, ed. Marjo C. A. Korpel and Lester L. Grabbe, LHBOTS 616 (London: Bloomsbury, 2015), 97–110, esp. 103–4.

43. But this topic will not be delved into deeper, as our topic is the Greek Penta-teuch.

44. A foreign king or nation mainly in Esther, but also in Ezra 8:36. The textual issue of Deut 33:2 will not be dealt with here (see *BHQ*).

45. The question of the reception of *dât* and its competition with the Aramaic 'ôraytâ' for rendering the notion of Torah will not be dealt with here (see, e.g., García López and Fabry, "תורה," 15:643).

accepted in the time of Esdras but is accidentally absent from this corpus or if *dāt* evolves, and if this evolution is based on the Septuagintal νόμος. Because *tôrâ* has been translated by νόμος even in texts not originated from foreigners (even fictionally), *dāt* may well have also been used as such.⁴⁶

The notion that the word *tôrâ* could have been translated by the Aramaic *dāt* implies that the concept conveyed by *tôrâ* as expressed in the book of Esdras is closer to the Priestly source. However, the use of the same word *dāt* for *tôrâ* and for foreign laws shows that Torah is understood as being the basis of the legal system of the nation. The identification is, however, even fictionally, uttered by non-Jews exclusively, at least before the second century BCE, showing that it was probably not obvious to qualify the Torah in such a profane manner. This is not the case in the LXX.

The Pentateuchal νόμος

Although νόμος corresponds to each occurrence of *tôrâ* except one (Gen 26:5), this does not mean that the Septuagint of the Pentateuch conveys a message fully identical with that of the MT. As a matter of fact, these differences could be due either to its Hebrew original (its *Vorlage*) or to the work of the translator. Fortunately, this is not so pertinent for this study. Whatever the origin of the difference between MT and LXX could be, it denotes that either the scribe who altered the Hebrew text or the translator who interpreted it had a specific conception of the torah.⁴⁷

The analysis of νόμος in the first paragraph shows that this lexeme could fit well with the first and the second group of meaning of *tôrâ*, but less with the third, as presented in the second section of this study. This fact implies that the relationship between *tôrâ* and νόμος originated earlier than the translation of the Pentateuch and that the translator of

46. The relation of Biblical Aramaic and Hebrew *dāt* and Septuagintal νόμος seems complicated. Although νόμος always corresponds to *dāt* when the divine law is dealt with, the profane *dāt* may have different renderings or could be simply have no counterpart at all (e.g., Dan 2:9, 6:6). This should be investigated further.

47. It is not our presupposition that the MT is always the oldest text. However, it seems that the main differences analyzed below, if attributed to the *Vorlage*, could be characterized as secondary (the demonstration will lead this study a little bit too far afield, but is based on the fact that it is easier to explain the shift shown in the LXX toward a unified concept of torah than the alternative).

Deuteronomy used *vóμος* to render *tôrâ* as a forced translation.⁴⁸ This leads to two observations: (1) the translation of *tôrâ* by *vóμος* is based on a concept related to rituals and norms, basically related to the concept denoted by the *tôrâ* of the Priestly source; (2) the systematic rendering of *tôrâ* by *vóμος* shows that the concept pointed to by *tôrâ* evolved toward one unified concept. Almost all kinds of differences between MT and LXX could be qualified as harmonization. Among minor changes, the most famous is a discrepancy in number.⁴⁹ When *tôrâ* is in the plural in the MT (Exod 16:28; 18:16; 18:20; Lev 26:46), *vóμος* is in the singular.⁵⁰ This difference in number leads to the homogenization of the second groups of usages of *tôrâ*.⁵¹ It is not accepted that *tôrâ* could be in the plural and a simple synonym of other words related to commandments. This harmonization is so strong that in Exod 24:12, the expression *wehattôrâ wehammišwâ* corresponds to τὸν νόμον καὶ τὰς ἐντολάς. A similar phenomenon occurs in Lev 19:37; here, *huqâ* and *mišpāṭ* in plural correspond respectively to *vóμος* in singular and *πρόσταγμα* in plural. It is also noticeable here that *vóμος/tôrâ*, corresponding to *huqâ*, denotes ethics regulations.⁵²

Several other times, *vóμος* corresponds to *hōq* or *huqâ*, where it denotes the ritual of a sacrifice (Lev 6:15) or the avoidance of animal, agriculture, and textile mixing (Lev 19:19). This is particularly true for the Passover ritual. Qualified as *huqâ* in the twelfth chapter of Exodus and the ninth

48. This forced translation is not followed, e.g., by the NRSV, which does not hesitate to use “ritual” (e.g., Lev 6:9) instead of “law” (e.g., Deut 1:5).

49. In the MT, for denoting the object of the law, the Hebrew uses the construct state of *tôrâ* (except in Lev 7:37; 14:54, a construction with *ʔ*). The word *vóμος* is always used with a genitive and once (Lev 11:46) with the preposition *περί*. Although in Classical Greek the construction with *περί* is more frequent, the genitive could also be used alone for denoting what is the object of the law. See, e.g., πάντες γὰρ εἰσονται ὅτι τοὺς μὲν νόμους τῆς μοιχείας χαίρειν ἔαν δεῖ, τὴν δὲ ψῆφον τὴν ὑμετέραν δεδιέναι· αὕτη γὰρ ἐστὶ πάντων τῶν ἐν τῇ πόλει κυριωτάτη (Lysias, *De Caede Eratosthenis* 36), “For everyone will know that the laws on adultery are to be given the go-by, and that it is your vote that one has to fear, because this has supreme authority over all the city’s affairs.” (trans. Lamb). For discrepancy in number, see Blank, “LXX Renderings of Old Testament Terms for Law,” 278–80.

50. As a matter of fact, the plural *vómoi* is infrequent (thirty-nine times, including the deuterocanonical books).

51. See above, p. 105.

52. Which is rare in MT. See note 33.

of Numbers, the ritual of Passover is rendered by νόμος in five instances (Exod 12:43; 13:9; Num 9:3, 12, 14). The fact that Passover was the only feast whose ritual is qualified as *tôrâ* in Exod 12:49 may well be the reason why the harmonization occurred.⁵³ Moreover, all the occurrences where it is said that natives and aliens will be subjected to the same *hôq* or *huqâ* correspond in Greek to the same νόμος (Num 15:15).

Another difference to be noted is the presence of νόμος in the LXX, with no counterpart in the MT. This happens four times. In Lev 15:3, the presence of νόμος introducing the law concerning bodily discharges corresponds to the conclusion of this part in Lev 15:32: “This is the ritual [*tôrâ*] for those who have a discharge.” In Deut 24:8, the appearance of νόμος denotes the introduction of priestly terminology into Deuteronomy: “the law concerning leprous skin disease” alludes to Lev 14. The last two occurrences of νόμος without a counterpart concern the “book of the law” in Deut 29:18, 26, where the MT contains only “book.” This is a probable harmonization with Deut 29:19, and this emphasizes the Torah as a written document, transmitted through Moses. This emphasis is very probably the reason that in Gen 26:5, the LXX contains τὰ νόμῳ, corresponding to the plural of *tôrâ*: At the time of Abraham, the law was not yet revealed to Moses.⁵⁴

All these differences could originate either in the Hebrew original or in the work of the translator. However, they give an overview of the concept of torah at the time. (1) The absence of the plural of νόμος/*tôrâ* shows that the concept of torah is unified so that the word νόμος/*tôrâ* could not be associated with the same number as the other term denoting rituals or regulations. (2) The lexeme νόμος/*tôrâ* could be used for denoting ethics regulation. However, this is not completely absent from the MT, and the presence of this notion in the LXX is not quantitatively important. On the contrary, νόμος/*tôrâ* is still used for denoting rituals of sacrifice and purity. (3) The Passover, as a feast, is more qualified as νόμος/*tôrâ* than in the MT.

53. תורה אחת יהיה לאזרח ולגר, “There shall be one law for the native and for the alien” (NRSV). This is particularly true for Exod 12:43; and Num 9:14: חקה אחת יהיה לכם ולגר ולאזרח הארץ, “There shall be one statute for both the resident alien and the native” (NRSV).

54. For the impact of the presence of the word *tôrâ* in Gen 26:5, see Samuel Greengus, “The Anachronism in Abraham’s Observance of the Laws,” *HUCA* 86 (2015), 1–35; even if this should be nuanced by the fact that in Exod 12:49, νόμος corresponds to a *tôrâ* given before the Sinai.

(4) The unity of regulation regarding the alien and the native is, in Greek, only present for the law. (5) The concept of torah is understood as revealed to Moses and written in a document.

Conclusion

This short survey of the relationship between *vôμος* and *tôrâ* is based on the presentation of the flexibility of the word *vôμος* in Classical Greek, as well as in epigraphy and papyri, and on the observation of the word *tôrâ* in the Pentateuch. The first conclusions directly deal with the Aramaic word *dât*. Finally, this study ends with a brief comparison between the MT and the LXX. This fresh review explores the nuances in the thesis of Monsengwo Pasinya. The choice of *vôμος* to render *tôrâ* may be related to the importance of the sacred law in Hellenistic cities or even earlier to those “sacred laws” possibly qualified as *dât* during the Persian period:⁵⁵ the priestly regulations were understood as normative for the province of Yehud around the sacrificial system of the temple. The association of *tôrâ* with a foreign word denoting “law,” like *dât*, was probably not without reluctance, as in the available corpus, *dât* denotes torah in Jewish Aramaic texts but from a foreign point of view only, at least before the second century BCE, leaving *tôrâ* somewhat untranslatable. This normative interpretation of torah found its way into the LXX, where it has been rendered by *vôμος*, including texts “from a Jewish point of view.”⁵⁶ It is probable that the lexeme *vôμος* was used more to qualify the Jewish religious customs in Egypt, perhaps linked with the Passover, than the Jewish legal laws. This relationship was probably coined before the translation of the Pentateuch. Indeed, the translator seemed to receive the relationship between *vôμος* and *tôrâ* as well established. Moreover, the text of the LXX shows a tendency toward a greater unification of the concept of torah as revealed by God to Moses and then communicated to the people through a written document. Hence, the use of *vôμος* in the LXX sheds light on a specific period of the process that leads *tôrâ* to torah. This was a time where this process was in progress and not complete (in so far as this process could be

55. But here we are limited by the small number of profane occurrences of the word *dât*.

56. The old hypothesis that the LXX was translated for the foreign Ptolemy king is not convincing. However, even if this hypothesis is true, the narrative of the LXX does not show this text as uttered by a foreigner, as did Aramaic Esdras.

defined as complete). From this point, the reception of the LXX will lead the concept of torah to be permeated by all the semantic fields of νόμος, but this should be a topic for another study.

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Levites as Prophets and Scribes and Their Role in the Transmission of the Torah

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During one of the plenary sessions of the Colloquium Biblicum Lovaniense in 2016, Rainer Kessler quipped that we should assume that writers in Jerusalem were able to produce wisdom literature in the morning and prophetic texts in the afternoon, emphasizing that we associate too readily different literary genres with different groups despite connecting traditions or motifs.¹ The current literature gives the impression that Levites were responsible for writing or collecting most of the Hebrew Bible and, perhaps, even some of the New Testament writings. Analyzing the role of Levites as scribes and the sociohistorical setting of the production, collection, and curation of authoritative texts perhaps allows us to identify their scribal activity as the unifying force leading to the canon. But ascribing most texts to Levites is not without problems.²

1. Cf. Richard A. Horsley, *Scribes, Visionaries, and the Politics of Second Temple Judea* (Louisville: Westminster John Knox, 2007), 196: “Scribes learned and copied texts of all sorts, from collections of laws and omens to psalms to myths and legends, and not just ‘wisdom.’”

2. Similarly, Norbert Lohfink once lamented that “Deuteronomism” would become an empty name if everything were called deuteronomistic. See Norbert Lohfink, “Gab es eine deuteronomistische Bewegung?,” in *Studien zum Deuteronomium und zur deuteronomistischen Literatur III*, SBAB 20 (Stuttgart: Katholisches Bibelwerk, 1995), 65–142. Deuteronomy was linked to Levitical origins, too (cf. Lohfink, “Bewegung,” 65). For the theory of a northern and Levitical origin of Deuteronomy, cf. also Risto Nurmela, *The Levites: Their Emergence as a Second-Class Priesthood*, SFSHJ 193 (Atlanta: Scholars Press, 1998), 181; Mark Leuchter, *The Levites and the Boundaries of Israelite Identity* (Oxford: Oxford University Press, 2017), 159–60.

Who Wrote the Twelve?

According to a tradition preserved in the Talmud (b. B. Bat. 15a), the men of the “Great Assembly” (אנשי כנסת הגדולה) wrote Ezekiel, the Twelve, Daniel, and Esther. ³Abot de Rabbi Nathan (³Abot R. Nat. A1.3) posits that Haggai, Zechariah, and Malachi received from the earlier prophets, while the Great Assembly received from those three. ³Abot R. Nat. perhaps supposes that Haggai, Zechariah, and Malachi were part of this anonymous collective who would have been responsible for the conclusion of the Twelve. While the “Great Assembly” remains elusive, the tradition could reflect changes in the organization of knowledge in postexilic Yehud wherein the temple and Levites gained in importance.

Byron Curtis, for example, argues, based on the Levitical sermons in Chronicles, that Levites edited the Twelve. He believes that prophecy was “strategically important for the social consolidation and survival of a particular people, and with them, their faith.”³ The anthology Zech 9–14 reflects the changing history of the society as well as the role and fate of the prophet who becomes more and more alienated and marginalized, which he concludes from Zech 13.⁴

Zechariah 13:2–6 shows an interesting shift in the concept of prophecy seemingly predicting the end of prophecy: YHWH will remove the prophets (13:2) and anyone who still prophesies, “his father and mother who gave birth to him will pierce him through when he prophesies” (13:3).⁵ The prospect seems unclear. Are all prophets removed as 13:2 seems to indicate or only the false prophets as 13:3 suggests?⁶ We should pay attention, though, to what is not said. Zechariah 13:4–6 is preoccupied with the acting of prophets (נבא *niphal*) and the modes of revelation. They reject visions, public performances, prophets acting as miracle workers, or seeking ecstasy.⁷ Prophets who interpret the Torah are not mentioned.

3. Byron G. Curtis, *Up the Steep and Stony Road: The Book of Zechariah in Social Location Trajectory Analysis*, AcBib 25 (Atlanta: Society of Biblical Literature, 2006), 1.

4. Curtis, *Stony Road*, 161; Mark J. Boda, *The Book of Zechariah*, NICOT (Grand Rapids: Eerdmans, 2016), 68. Boda suggested “a canon consciousness for those responsible for Zech 9–14” (183, cf. 194–95) including Deuteronomy, other prophetic writings, and also Genesis. See Boda, *Exploring Zechariah, Vol. 2: The Development and Role of Biblical Traditions in Zechariah*, ANEM 17 (Atlanta: SBL Press, 2017).

5. Biblical quotations adapted from NRSV.

6. Paul L. Redditt, *Zechariah 9–14*, IECOT (Stuttgart: Kohlhammer, 2012), 107–8.

7. Cf. the hairy robe alluding to Elijah in 13:4.

The Torah in the Twelve

At the end of the Twelve, Mal 3:22 reminds Israel to “Remember the *torah* of my servant Moses, the statutes and ordinances that I commanded him at Horeb for all Israel.” LXX puts this verse last presumably preserving the original order. MT emphasizes the return of Elijah and the conversion of hearts promoting a prophetic perspective. Judging from the number of occurrences, *torah* is not a major subject for the Twelve. It appears as something forgotten, broken, or transgressed (Hos 4:6; 8:1, 12; Amos 2:4; Hab 1:4; Zeph 3:4)—the remarkable exception being the vision in Mic 4:2.⁸ Zechariah 7:12, expanding on the theme of Zech 1:4–6 (see below), summarizes the behavior of the ancestors: “They made their hearts adamant in order not to hear the *torah* and the words that YHWH Šeba’ot had sent by his spirit through the former prophets. Therefore, great wrath came from YHWH Šeba’ot.” In this view, Israel never kept the *torah* before the exile (cf. 7:7) although constantly reminded by prophets. Therefore, it needs to be persistently prompted to remember it after the exile.

Malachi 2:4–9 talks about the covenant with Levi and mentions *torah* four times. Levi is the role model for the priest as he obeys the law and gives true instruction (תורת אמת, 2:6). “For the lips of a priest should guard knowledge [דעת], and people should seek *torah* from his mouth, for he is the messenger [מלאך] of YHWH Šeba’ot (2:7).”⁹ In contrast to Levi, the *kohanim* “have turned aside from the way,” “have caused many to stumble by the *torah*,” and have thus “corrupted the covenant of Levi” (2:8). The term *torah* refers to ethical demands concluding from 2:6.¹⁰ While it could simply be an individual priestly instruction, the expression סור מִן־הַדֶּרֶךְ evokes Deut 11:28 (“the curse, if you do not obey the com-

8. In Hag 2:11, *torah* is a priestly instruction concerning purity. See Martin Leuenberger, *Haggai*, HThKAT (Freiburg im Breisgau: Herder, 2015), 196.

9. According to Karel van der Toorn (*Scribal Culture and the Making of the Hebrew Bible* [Cambridge: Harvard University Press, 2007], 93–94), “the Levites are still designated as priests (Mal 2:1–9), though the prophecy emphasizes the role of the Levites in giving reliable instruction in the Torah (Mal 2:6–7).” The division of tasks between Zadokite priests and Levites are subsequently more pronounced in Chronicles. See also Lester L. Grabbe, “The Priesthood in the Persian Period: Haggai, Zechariah, and Malachi,” in *Priests and Cults in the Book of the Twelve*, ed. Lena-Sofia Tiemeyer, ANEM 14 (Atlanta: SBL Press, 2016): 149–56.

10. Cf. Henning Reventlow, *Die Propheten Haggai, Sacharja und Maleachi*, ATD 25.2 (Göttingen: Vandenhoeck & Ruprecht, 1993), 144–45.

mandments of YHWH your God, but turn from the way”); 31:29; Judg 2:17; and the account of the golden calf (Deut 9:12, 16; Exod 32:8). While Israel transgressed the Torah all the time, Levi warrants its observation. Israel must be reminded of it, which is the duty of the prophets.

For James Nogalski, the “book of remembrance” (Mal 3:16), an early form of the Book of the Twelve dating from the first half of the fourth century, was “used for instruction and housed in the temple library ... and reflects an expanding curriculum for the temple elite to aid their instruction of the people.”¹¹ In this regard, it is in line with the teaching obligations of the Levites according to Chronicles (cf. 2 Chr 17:7–9).

Prophets and Levites in Chronicles

While most date Chronicles to the end of the fourth century, Martin Hengel suspects that the canon of the prophetic writings was mostly finalized given that the Chronicler cites from prophetic books.¹² He presumes the first half of the third century.¹³ Chronicles virtually identifies prophecy with scribal activity. As prophets become exegetes and scribes, the author of Chronicles sees his work as an inspired prophetic authority reinterpreting history.¹⁴ By attributing his source, the Deuteronomistic History, constantly to prophets, he turns it into a written prophetic word, too.

Promoting the temple, Chronicles highlight the roles of priests and particularly Levites throughout. Already the genealogies in 1 Chr 1–9 point out the importance of the Davidic line, the tribe of Judah, and the tribe of Levi. The Levitical priesthood obviously wants to derive legitimation from the preexilic temple with its cult.¹⁵ This explains the emphasis

11. James Nogalski, “How Does Malachi’s ‘Book of Remembrance’ Function for the Cultic Elite?,” in Tiemeyer, *Priests and Cults in the Book of the Twelve*, 211.

12. For the finalization of Chronicles, see, e.g., Sara Japhet, *I and II Chronicles*, OTL (London: SCM, 1993), 27–28.

13. Martin Hengel, “‘Schriftauslegung’ und ‘Schriftwerdung’ in der Zeit des Zweiten Tempels,” in *Judaica, Hellenistica et Christiana: Kleine Schriften II*, WUNT 109 (Tübingen: Mohr Siebeck, 1999 [1994]), 29, 30 n. 102.

14. Cf. William M. Schniedewind, *The Word of God in Transition: From Prophet to Exegete in the Second Temple Period*, JSOTSup 197 (Sheffield: Sheffield Academic, 1995), esp. 209–30; Steven James Schweitzer, *Reading Utopia in Chronicles*, LHBOTS 442 (New York: T&T Clark, 2007), 43–46.

15. See also Rainer Albertz, *Religionsgeschichte Israels in alttestamentlicher Zeit*, GAT 8 (Göttingen: Vandenhoeck & Ruprecht, 1997), 622.

on its destruction in 2 Chr 36 as well as the call to rebuild it and to go up there (36:23). In this final chapter, 36:15–16 seeks the cause of the destruction in the constant rejection of the prophets:

YHWH, the God of their ancestors, sent persistently to them by his messengers [מַלְאֲכָיו], because he had compassion on his people and on his dwelling place; but they kept mocking the messengers of God, despising his words, and scoffing at his prophets [נְבִיאָיו], until the wrath of YHWH against his people became so great that there was no remedy. (2 Chr 36:15–16)

The notion that God had consistently sent his prophets in vain resembles the opening verses of Zechariah closely:¹⁶

Do not be like your ancestors, to whom the former prophets [הַנְּבִיאִים] proclaimed, “Thus says YHWH Šeba’ot, Return from your evil ways and from your evil deeds.” But they did not hear or heed me, says YHWH. Your ancestors, where are they? And the prophets, do they live forever? But my words and my statutes, which I commanded my servants the prophets [דְּבַרִּי וְחֻקֵּי אֲשֶׁר צִוִּיתִי אֶת־עֲבָדֵי הַנְּבִיאִים], did they not overtake your ancestors? So they repented and said, “YHWH Šeba’ot has dealt with us according to our ways and deeds, just as he planned to do.” (Zech 1:4–6)

While these former prophets had not been successful, the “words and statutes” eventually were. The rare expression *דְּבַרִּי וְחֻקֵּי* brings to mind: (1) the Torah the king is supposed to copy from the Levitical priests “so that he may learn to fear YHWH his God, observing all the words of this *torah* and these statutes” (Deut 17:19); (2) the title of Ezra: “the priest, the scribe, the scribe of the words of the commandments of YHWH and his statutes to Israel” (Ezra 7:11); (3) and, less closely, Josiah’s covenant according to 2 Chr 34:31.¹⁷ Furthermore, the phrase *דְּבַרִּי וְחֻקֵּי אֲשֶׁר צִוִּיתִי* has its closest parallel in Deut 6:17: (“You must diligently keep the commandments of YHWH your God, and his decrees, and his statutes that he has commanded you [וְחֻקֵּי אֲשֶׁר צִוָּךְ]”) with several similar instances in Deuteronomy.¹⁸ Two further sets of parallels are noteworthy as they

16. So also 2 Kgs 17:15, where YHWH’s warnings are rejected by the people.

17. Also Ps 147:19 according to the *qere*: *מִגִּיד דְּבָרָיו לִיעֲקֹב חֻקֵּי וּמִשְׁפָּטָיו לְיִשְׂרָאֵל*.

18. Cf. Deut 4:14, 40; 6:1, 17, 20, 24; 7:11; 26:16; 27:10; see also 1 Kgs 8:58 (also *אֲבֹתֵינוּ*); 9:4; Num 30:17.

also contain references to Moses and the Torah: (1) the end of the Twelve, Mal 3:22, (discussed above); and (2) three passages in Chronicles: 1 Chr 22:13 within David's charge to Solomon; 2 Chr 7:17 promising the establishment of the royal throne to Solomon; and 2 Chr 33:8 recalling the promise to David and Solomon while explicitly mentioning the exile (cf. also Neh 1:7; 9:14). A cluster of allusions links Chronicles to the prophets as well as the Torah, especially Deuteronomy. At the same time, Levites are characterized not only as teachers and exegetes of the Torah but also as prophets.¹⁹ In the view of Chronicles, a prophet is a "Mosaic figure," that is, someone who follows the commands of the Torah, as Ehud Ben Zvi put it: "In practical terms, this means these prophets must be imagined as following the agreed upon readings of existing authoritative texts."²⁰

Levites and Torah in Chronicles

The extensive details on the duties of the Levites in Chronicles reflect postexilic conditions in an idealized way.²¹ They testify to a development in which several groups of the lower clergy were included in the class of the Levites adding significance and expanding their range of responsibilities (see, e.g., 1 Chr 26) while priests recede to the background in comparison, for example, with the Priestly Code.²² According to 2 Chr 34:13, "some of the Levites were scribes, and literate officials, and gatekeepers [סופרים ושטרים ושוערים]," but the priest Ezra was also a scribe (ספר מהיר, Ezra 7:6).²³ "There appears to have been significant overlap in these indi-

19. Cf. Leuchter, *Levites*, 245, 248.

20. Ehud Ben Zvi, "Observations on Line of Thoughts concerning the Concepts of Prophecy and Prophets in Yehud, with an Emphasis on Deuteronomy–2 Kings and Chronicles," in *Words, Ideas, Worlds: Biblical Essays in Honour of Yairah Amit*, ed. Athalya Brenner and Frank H. Polak, HBM 40 (Sheffield: Sheffield Phoenix, 2012), 14.

21. Cf. Schweitzer, *Reading Utopia*, 12–13; Joachim Schaper, *Priester und Leviten im achämenidischen Juda: Studien zur Kult- und Sozialgeschichte in persischer Zeit*, FAT 31 (Tübingen: Mohr Siebeck, 2000), 291; skeptical: Thomas Willi, "Leviten, Priester und Kult in vorhellenistischer Zeit: Die chronistische Optik in ihrem geschichtlichen Kontext," in *Gemeinde ohne Tempel*, ed. Beate Ego, Armin Lange, and Peter Pilhofer, WUNT 118 (Tübingen: Mohr Siebeck, 1999), 84.

22. Cf. Schaper, *Priester und Leviten*, 280–302; Schweitzer, *Reading Utopia*, 149–75.

23. Cf. Horsley, *Scribes*, 80.

cations of status and position in the operation of the temple-state.”²⁴ Levites are essential for the cult, not just subordinate to the priests.²⁵ At times, they take on tasks of priests or lay people in order to guarantee a smooth functioning of the cult, “but *no one* ever substitutes for the Levites—their unique duties are not performed by others in any circumstance.”²⁶

Several authorities legitimize cultic and other practices, first and foremost Moses and the Torah of Moses, David, and Solomon, but also other kings and even the קהל (2 Chr 30:2) and words of prophets. These authorities demonstrate that current practices comply with the tradition. They legitimize innovations, especially regulations not found in the Pentateuch.²⁷

Moses and the Torah of Moses are of particular importance: Eighteen of twenty-one instances belong to the Chronicler’s *Sondergut*.²⁸ The Torah is invoked seven times by the expression ככתוב especially in the context of cultic regulations like the Passover (2 Chr 23:18; 25:4; 30:5, 18; 31:3; 35:12, 26). This formula implies a written source, although no actual quotation is given. It serves as a homology; stipulations that in fact differ from the Torah of Moses are claimed to be consistent with it.²⁹ References to Moses coincide with an emphasis on the Levites.³⁰ The Torah represents the framework for the detailed regulations by the kings, but some of their regulations differ in substance.³¹ Especially King David interprets the Torah. He introduces the majority of cultic regulations, organizes the

24. Horsley, *Scribes*, 79.

25. Cf. Schaper, *Priester und Leviten*, 298. Their secondary role is mitigated, e.g., in 1 Chr 23:13 where Moses and Aaron are shown as part of the Levite genealogy. Cf. Gary N. Knoppers, “Hierodules, Priests, or Janitors? The Levites in Chronicles and the History of the Israelite Priesthood,” *JBL* 118 (1999): 70.

26. For the smooth functioning of the cult, see, e.g., 2 Chr 29:34; 30:17–20; 35:11–15. Quotation from Schweitzer, *Reading Utopia*, 154.

27. Cf. Gary N. Knoppers, *I Chronicles 1–9*, AB 12 (New York: Doubleday, 2004), 92–93; Judson R. Shaver, *Torah and the Chronicler’s History Work: An Inquiry into the Chronicler’s References to Laws, Festivals, and Cultic Institutions in Relationship to Pentateuchal Legislation*, BJS 196 (Atlanta: Scholars Press, 1989), 73–86.

28. Ernst Michael Dörrfuss, *Mose in den Chronikbüchern: Garant theokratischer Zukunftserwartung*, BZAW 219 (Berlin: de Gruyter, 1994), 3.

29. Willi, “Leviten, Priester und Kult,” 86 (“Schriftkonformitätsklausel”).

30. See, e.g., 2 Chr 30:16; 35:6, also 35:12 probably refers to actions of the Levites.

31. Cf. Sara Japhet, *The Ideology of the Book of Chronicles and Its Place in Biblical Thought*, BEATAJ 9 (Frankfurt am Main: Lang, 1989), 237–38.

Levites, and allocates their responsibilities. It signals the completion of the Torah that new stipulations were not included.³²

Teaching the Torah is primarily, albeit not exclusively, the duty of Levites, as can be learned from 2 Chr 17:7–9 where Jehoshaphat sends out ten Levites and two priests alongside five officials to teach the ספר תורה יהוה in Judah.

Levites and Psalms

Levites were in charge of temple music, according to Chronicles. Thus, they probably were responsible not only for the performance of psalms during temple liturgy but also for the writing, collecting, and composing of the Psalter. The Psalter shows an affinity to the Torah right from the beginning (Ps 1:2), and David plays a prominent role in it. Erich Zenger has summarized his understanding succinctly: Levitical temple singers composed the Psalter for laypeople; it served as an abridged version of Torah and Prophets and connected Torah wisdom with prophetic eschatology and the piety of the poor.³³

A recent volume edited by Frank-Lothar Hossfeld, Johannes Bremer, and Till Magnus Steiner deals with different groups responsible for the creation and the development of the Psalter.³⁴ Ulrich Berges considered the connections of Isaiah and especially Deutero-Isaiah to the Psalter. He thinks that it is no longer sufficient to demonstrate literary links between texts. Those must be corroborated in regard to the sociological background of literary production. He believes that those transmitting Isa 49–54 had close relationships to those of the Psalter. He thinks of Levitical singers because of shared key topics, such as Zion, joy and singing, YHWH's kingship, and foreign people's inclusion.³⁵

For Susan Gillingham, it is not enough to identify those compiling the five books of the Psalter just with sages or scribes within the wisdom tradi-

32. Hengel, "Schriftauslegung," 32, believes the Pentateuch already had its final form by then.

33. Erich Zenger and Frank-Lothar Hossfeld, "Das Buch der Psalmen," in *Einleitung in das Alte Testament*, ed. Christian Frevel, 9th ed., KStTh 1.1 (Stuttgart: Kohlhammer, 2016), 451.

34. Frank-Lothar Hossfeld, Johannes Bremer, and Till Magnus Steiner, eds., *Trägerkreise in den Psalmen*, BBB 178 (Göttingen: Vandenhoeck & Ruprecht, 2017).

35. Ulrich Berges, "'Singt dem Herrn ein neues Lied': Zu den Trägerkreisen von Jesajabuch und Psalter," in Hossfeld, *Trägerkreise in den Psalmen*, 31.

tion or with writers interested in prophetic traditions and concerned with the imminent establishment of God's kingdom, as both "cater for only a small proportion of Psalms."³⁶ Her "Levitical-singer-hypothesis" is based in part on the Chronicler's view of the Levitical singers. As she summarizes her arguments:

So in these six ways—the liturgical presentation of David, the interest in the Torah (and the king's status as it relates to the Torah), the more general didactic emphases, the redefining of cultic practice as (essentially) sacred song, the emphasis on the poor and needy, and the interest in prophecy—we might identify those who collected and edited the Psalter as Levites whose particular role was to provide music, singing and teaching for Second Temple liturgy.³⁷

By means of this collection, Levites were able to link their authority back to the First Temple, David, and even Moses.³⁸

Bernd Janowski is more cautious about ascribing everything to Levitical groups. The genuine theology of the Psalter receives and transforms prophetic, Deuteronomistic, and wisdom traditions. Responsible groups—like Levitical temple singers—cannot be recognized throughout, he believes, but could be assumed "here and there."³⁹ He emphasizes the long process of writing, editing, and archiving. It is striking, though, that psalms transform priestly theology and use cultic terms metaphorically. He considers them an amalgamation of cultic prophecy and interpretation of scripture at the temple.⁴⁰

Levites Everywhere?

Levitical authorship could even extend to Hebrews and the Revelation of John, as Torleif Elgvin argues. The authors "may derive from priestly milieus that were able to produce both theological treatises and apoca-

36. Susan Gillingham, "The Levitical Singers and the Compilation of the Psalter," in Hossfeld, *Trägerkreise in den Psalmen*, 36.

37. Gillingham, "Levitical Singers," 47.

38. Cf. Gillingham, "Levitical Singers," 56.

39. Bernd Janowski, "Auf dem Weg zur Buchreligion: Transformationen des Kultischen im Psalter," in Hossfeld, *Trägerkreise in den Psalmen*, 253–54.

40. Janowski, "Auf dem Weg," 255.

lyptic visions.”⁴¹ Forms of mantic wisdom and wisdom traditions in the stricter sense seem to connect prophetic and wisdom literature as well as later apocalyptic writings.

Karel van der Toorn made a case for a Levitical setting of the scribal education in Jerusalem tracing its roots back to preexilic times.⁴² Extrabiblical sources such as the Aramaic Levi Document (ALD 13:4–7), Jubilees (Jub 45:15), or the Testament of Qahat (4Q542) also hint at a Levitical scribal education.⁴³ Responsibility for the education would encompass the curation and archival of the texts that served as a basis for the scribal curriculum and hence the canon.⁴⁴ “In addition, it appears that the entire curriculum was increasingly depicted in prophetic ways.”⁴⁵ As part of their education, young scribes would also learn how to interpret these texts.

After the exile, scribal education and literacy were centered in the temple where priests and Levites handled, interpreted, and taught scripture.⁴⁶ As mainly priests and Levites were educated, their curriculum started with the Mosaic Torah and continued with prophetic texts and the Psalter.⁴⁷ “This does not mean that the Torah now served as a priestly how-to manual to a group of cultic professionals. Rather, it means that the

41. Torleif Elgvin, “Priests on Earth as in Heaven: Jewish Light on the Book of Revelation,” in *Echoes from the Caves: Qumran and the New Testament*, ed. Florentino García Martínez, STDJ 85 (Leiden: Brill, 2009), 278.

42. Cf. Van der Toorn, *Scribal Culture*, esp. 89–96, 101–104. William M. Schniedewind assumes there was a break in the educational system with the destruction of the temple: “A new scribal infrastructure would be built in the Persian period, but it was a new system complete with a different alphabet ... and presumably a new curriculum.” (Schniedewind, *The Finger of the Scribe: How Scribes Learned to Write the Bible* [New York: Oxford University Press, 2019], 166).

43. For the Aramaic Levi Document, see the edition of Jonas C. Greenfield, Michael E. Stone, and Esther Eshel, *The Aramaic Levi Document: Edition, Translation, Commentary*, SVTP 19 (Leiden: Brill, 2004). Cf. Horsley, *Scribes*, 80. See also David Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* (Oxford: Oxford University Press, 2005), 205–6.

44. Cf. Nogalski, “How Does,” 206.

45. Carr, *Tablet of the Heart*, 167.

46. Cf. David Carr, “The Rise of Torah,” in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance*, ed. Gary N. Knoppers and Bernard M. Levinson (Winona Lake, IN: Eisenbrauns, 2007), 45; William M. Schniedewind, *How the Bible Became a Book* (Cambridge: Cambridge University Press, 2005), 199–200.

47. Cf. Nogalski, “How Does,” 208.

Torah was the kind of oral-written literature that was used to enculturate and shape *various sorts of students* in Second Temple Judah.”⁴⁸

Indeed, not all Levites were scribes, and there were probably other scribes as well.⁴⁹ But Levites and priests formed the literary elite in the late Persian and more clearly in the Hellenistic era.⁵⁰ Their unique role conveyed power to the Levites on several levels: the power to shape society by educating the elites, the power to interpret authoritative texts, even the power to define which texts were authoritative and the texts themselves. Powerful were “those who had the texts and could read them.”⁵¹ More and more this became the remit of the Levites.⁵²

The texts give us insight into their self-concept: The Levites are tasked to keep the authoritative copy of the Torah of Moses, to interpret it, and to teach it to the people who will not listen and part quickly from the way (Deut 31:28; Judg 2:17) as history has shown. A future can be found only in the Torah according to the ending of the Deuteronomistic history.⁵³ The Levites have assumed the duty of the prophets of reminding Israel of the Torah. The “former prophets” weren’t successful in preventing the people from forgetting and transgressing it. Israel should not be like their ancestors (Zech 1:4) but remember the Torah (Mal 3:22). Moses cannot act anymore as the mediator of divine revelation. God’s will can hence only be learned from the Torah. The Levites are here to help.

This sociohistorical view facilitates the understanding of common traits and traditions within different texts and genres. It is not necessary to resort to direct literary dependencies or to overstate inner-biblical allusions. We hazily see a unifying force that leads to the canon. Differ-

48. Carr, “Rise of Torah,” 45, emphasis added.

49. Cf. Horsley, *Scribes*, 80; *pace* Kyung-jin Min, *The Levitical Authorship of Ezra-Nehemiah*, JSOTSup 409 (London: T&T Clark, 2004), 44.

50. Cf. Carr, “Rise of Torah,” 44; Schniedewind, *How the Bible*, 194; Mark Leuchter, “From Levite to Maškil in the Persian and Hellenistic Eras,” in *Levites and Priests in Biblical History and Tradition*, ed. Mark A. Leuchter and Jeremy M. Hutton, AIL 9 (Atlanta: Society of Biblical Literature, 2011), 219.

51. Schniedewind, *How the Bible*, 197.

52. Cf. Schaper, *Priester und Leviten*, 305–6; Mark A. Christian, “Middle-Tier Levites and the Plenary Reception of Revelation,” in Leuchter and Hutton, *Levites and Priests*, 194; Leuchter, “From Levite to Maškil,” 230.

53. Cf. Dominik Markl, “No Future without Moses: The Disastrous End of 2 Kings 22–25 and the Chance of the Moab Covenant (Deuteronomy 29–30),” *JBL* 133 (2014): 711–28.

ing groups are obviously excluded like the Enochic tradition that depicts Enoch as scribe (1 En. 18).⁵⁴

On the other hand, an indiscriminate ascription of a vast majority of texts to Levites keeps us from seeing and understanding divergent currents and interests. If “Levitical authorship” means little more than “written by Jerusalem scribes” it is void and useless. Differences in the texts can point us to groups and factions within the Levitical scribes as well as to other relevant groups with political or religious interests and should, therefore, be scrutinized.⁵⁵

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54. Cf. Carr, *Tablet of the Heart*, 203–6. The case is more difficult with Jubilees.

55. Cf. Eckart Otto, “Scribal Scholarship in the Formation of Torah and Prophets,” in Knoppers and Levinson, *Pentateuch as Torah*, 178: “The post exilic Priestly and ‘prophetic’ circles were as close to each other in their use of the same scribal techniques as they were different from each other in their hermeneutical approaches.” Carr’s notion of “small-scale, family-oriented forms of textuality and education” also emphasizes the diversity of scribal education (*Tablet of the Heart*, 206).

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From the Torah of Polluted and Inedible Meats to Diet as a Marker of Jewish Identity

James W. Watts

This is the torah of the quadruped, the flyer, and all living beings that scramble in the water and even all beings that swarm on the ground, to separate the polluted from the pure and edible animals from animals that you must not eat. (Lev 11:46–47)

As Judeans in the Second Temple period became increasingly Torah observant, they defined Jewish identity around observance of a small subset of the Pentateuch's laws and instructions. Prominent among them were diet restrictions. Keeping the torah of the animals distinguished Torah-observant lay people in their day-to-day activities.

This trend is evident in a wide variety of Second Temple literature from the third century BCE on. Both Judith and Daniel demonstrated their piety by abstinence from polluted food (Jdt 12:1–4; Dan 1:8–17). The Letter of Aristeas provided a detailed interpretation of the diet rules as moral object-lessons. Aristeas thought herbivores are classified as clean and predators as unclean to teach people to avoid violence (Let. Aris. 142–148). Philo of Alexandria later interpreted the biblical diet laws as ascetic exercises that teach moderation (*Spec.* 4.100–118).¹

1. On Philo's interpretation of diet laws, see Hans Svebakken, *Philo of Alexandria's Exposition of the Tenth Commandment*, SPhiloM 6 (Atlanta: Society of Biblical Literature, 2012). For contemporary interpretations of diet laws as moral examples, see Jacob Milgrom, "Ethics and Ritual: The Foundations of the Biblical Dietary Laws," in *Religion and Law: Biblical, Jewish, and Islamic Perspectives*, ed. Edwin B. Firmage, Bernard G. Weiss, and John W. Welch (Winona Lake, IN: Eisenbrauns, 1989), 159–91; and Mary Douglas, *Leviticus as Literature* (Oxford: Oxford University Press, 1999), 134–51, 232.

Greek authors commented on Jewish diet laws, especially pork avoidance, already by the second and first centuries BCE (so Diodorus, who was perhaps quoting Posidonius).² First Maccabees 1:44–48 maintains that the Seleucid persecution included offering pork “and other unclean animals” as offerings (1:47; so also Josephus, *Ant.* 12.235–236). Second Maccabees says Seleucid torturers tempted faithful Jews to eat pork in order to escape (6:18, 20; 7:1). The martyrs’ refusal to eat unclean meat then motivated God to support the rebellion of Judah Maccabee, according to 2 Maccabees.³

Late Second Temple sectarians took diverse stands on diet regulations. It is notable that Qumran texts do not reflect any significant development of food laws beyond biblical mandates or in conflict with other Jewish groups, in contrast to their distinctive views on corpse impurity, bodily discharges, and sex.⁴ Early Christian texts, by contrast, explicitly disputed or mitigated diet restrictions (Mark 5:25–34; Matt 9:11; Acts 10:15).

The usual research question about the subject of Jewish food rules (*kashrut*) has been: Why these rules in particular? Research has focused on the specific contents of the regulations in Lev 11 and Deut 14 to ask, for example, what is the matter with pork or shellfish?⁵ Historians have noted that avoiding the consumption of pigs, rabbits, and camels seems to have been traditional among Canaanite cultures. They suggest that it emerged as a distinguishing ethnic marker only in contrast to the Philistines, the Babylonians, or the Greeks.⁶

2. Peter Schäfer, *Judeophobia: Attitudes toward the Jews in the Ancient World* (Cambridge: Harvard University Press, 1997), 66–67.

3. Beate Ego, “Purity Concepts in Jewish Traditions of the Hellenistic Period,” in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and in Ancient Judaism*, ed. Christian Frevel and Christophe Nihan, *Dynamics in the History of Religions* 3 (Leiden: Brill, 2013), 477–92.

4. Ian Werrett, “The Evolution of Purity at Qumran,” in Frevel and Nihan, *Purity and the Forming of Religious Traditions*, 511.

5. Nicole Ruane noted that traditional and recent explanations for banning pork focused on the indiscriminate diet of pigs, but she added another distinctive: sows give birth to litters of young from multiple sires and so challenge cultural conceptions of proper patrilineality. See Nicole J. Ruane, “Pigs, Purity, and Patrilineality: The Multiparity of Swine and Its Problems for Biblical Ritual and Gender Construction,” *JBL* 134 (2015): 489–504.

6. Walter Houston, *Purity and Monotheism: Clean and Unclean Animals in Biblical Law*, JSOTSup 140 (Sheffield: JSOT Press, 1993), 178–80.

I want to focus attention on a neglected but historically more important question: Why did the food laws become such prominent markers of Jewish identity? This is historically more important because most cultures practice some kind of food avoidance, but only rarely does it become one of their most well-known and distinguishing features. Out of the 613 separate laws that the rabbis identified in the Torah, why did food restrictions emerge, along with circumcision and resting on the Sabbath, as distinguishing characteristics of observant Jews?

One answer is simply that their diet was different from that of Greeks and Romans and so drew attention as distinctive. However, the classical authors who commented on Jewish diets also observed that different cultures regularly have different food taboos. For example, they talked as much about the Egyptians' distinctive dietary preferences, which they exaggerated, as about Jewish food laws.⁷

A second answer from ancient critics is the observation that Jews tried to separate themselves from other peoples. Seleucid apologists and other Greco-Roman critics charged Jews with *misanthropia* because they avoided pollution in general and, especially, from food.⁸ This charge finds a basis in Leviticus itself, which claims that the motivation for the food laws is to "separate" Israel from other peoples:

I am YHWH your God who separated you from the peoples. You must separate pure quadrupeds from the polluted, and polluted flyers from the pure, so you do not nauseate yourselves with quadrupeds, flyers, and everything that scrambles on the ground that I have separated as polluted for you. You are holy to me because I, YHWH, am holy. I have separated you from the peoples to be mine. (Lev 20:24–26)⁹

A third answer suggests that the rules of *kashrut* attracted attention because they conflicted with Hellenistic cultic meals. Robert Doran

7. Philippe Borgeaud, "Greek and Comparatist Reflections on Food Prohibitions," in Frevel and Nihan, *Purity and the Forming of Religious Traditions*, 269–74. Giuseppina Lenzo, Christophe Nihan, and Alessandra Rolle in an unpublished paper, "Jewish and Egyptian Food Prohibitions: A Reexamination of Ancient Sources," presented at the University of Lausanne in 2017, argued that the Greco-Roman tradition of comparing Jewish and Egyptian food prohibitions dates only from the second century CE and later.

8. Schäfer, *Judeophobia*, 21–22, 67.

9. Unless otherwise noted, all translations are mine.

argued that Antiochus changed Jerusalem's "ancestral laws" about circumcision, Sabbath, and diet just to demonstrate his own power and to conform them to practices he knew, not out of particular knowledge of Jewish distinctives.¹⁰ John J. Collins, on the other hand, observed that "one might equally well argue that these practices were singled out because of their symbolic value as boundary markers of Judean ethnicity" since the Seleucids also attacked Torah scrolls as iconic symbols of Jewish identity.¹¹

This study argues that Lev 11 lays another foundation for linking diet and Jewish identity by explicitly grounding both in the interpretation of Torah. Leviticus 11 does so by exhorting lay people not only to Torah observance, but also to engage themselves in Torah interpretation about the rationales for the rules of pure, polluted, and nauseating meats.

The path toward this conclusion begins with the literary structure of Lev 11–15, in which food laws get regulated (Lev 11) before the more severe pollutions from blood, semen, and infestations of skin, cloth, and buildings (Lev 12–15). By contrast, Deut 14 frames its nearly identical rules about meat with a prohibition on cutting skin or hair in mourning (14:1–2) and a prohibition on eating animals that die naturally and the rule against boiling a kid in its mother's milk (14:21), followed by laws for tithing crops (14:22–29). So Deuteronomy groups various kinds of food and offering laws together while Leviticus focuses attention on pollution and nausea (or disgust), and the transmission of pollution by touch (which is unmentioned by Deuteronomy).

Leviticus 11 makes a unique distinction between animal meats that pollute on contact, which it labels *tāmēʿ* (טָמֵא), and those that may not be

10. Robert Doran, "The Persecution of Judeans by Antiochus IV Epiphanes: The Significance of 'Ancestral Laws,'" in *The "Other" in Second Temple Judaism: Essays in Honor of John J. Collins*, ed. Daniel C. Harlow et al. (Grand Rapids: Eerdmans, 2011), 432.

11. John J. Collins, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul*, Taubman Lectures in Jewish Studies 7 (Berkeley: University of California Press, 2017), 15. On the growing iconicity of Torah scrolls starting in the Second Temple period, see James W. Watts, "Using Ezra's Time as a Methodological Pivot for Understanding the Rhetoric and Functions of the Pentateuch," in *The Pentateuch: International Perspectives on Current Research*, ed. Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwarz, FAT 78 (Tübingen: Mohr Siebeck, 2011), 496–98; and more broadly in Watts, *Understanding the Pentateuch as a Scripture* (Oxford: Wiley Blackwell, 2017), 68–122.

eaten though they do not pollute, which it labels *šeqeš* (שקש).¹² Another unique feature of Lev 11 is its concern that water sources not be polluted by animal carcasses. This concern probably motivates the analytical distinction between *tāmēʾ* and *šeqeš*, because if the corpses of water fowl, crustaceans, and insects pollute water on contact, few water sources would remain clean and fit for consumption. The influence of this chapter's description of clean pools and cisterns (11:36) appears concretely in the many water installations that archeologists have found in late-Second-Temple-period Jewish settlements.¹³

However, the repetitive use of the vocabulary of *šeqeš* shows that the chapter's rhetoric employs analytical categorization for emotional emphasis and appeal. *Šeqeš* appears six times in four verses to try to prompt the audience to feel disgust at the sight of certain species of dead birds and seafood. Later verses add insects and rodents. I translate with the English words “nauseous/nauseating” because of the close association between *šeqeš* and potential food:

They should be nauseating for you! They will be nauseating for you!
 Their meat you must not eat and their carcasses should nauseate you.
 Everything in the water that does not have fins and scales—it should be
 nauseating for you! These should nauseate you of the flyers that you must
 not eat because they are nauseating. (11:10–13; also 11:20, 23, 41–43)

The repetition of the root *šqs* six times in four verses serves no rational analytical purpose. Redundant repetition instead signals emotional content and intent. The writers want listeners and readers to feel nauseous at the sight of these animal carcasses so that they will never eat them. But they do not pollute on contact, so water in which they may be found remains drinkable.

The chapter ends by connecting the identity of the people through their observance of these food laws to the essential identity of their god:

12. On this distinction in Lev 11, see esp. Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 656–59; Naphtali S. Meshel, “Food for Thought: Systems of Categorization in Leviticus 11,” *HTR* 101 (2008), 203–29 (214–16); Thomas Kazen, *Emotions in Biblical Law: A Cognitive Science Approach*, HBM 36 (Sheffield: Sheffield Phoenix, 2011), 75–76.

13. Stuart S. Miller, *At the Intersection of Texts and Material Finds: Stepped Pools, Stone Vessels, and Ritual Purity among the Jews of Roman Galilee*, JAJSup 16 (Göttingen: Vandenhoeck & Ruprecht, 2015).

they must be a holy people like their holy god (11:44–45).¹⁴ The implication is that the Israelites' identification with YHWH binds them to a certain diet. But how does extending the rules to seafood, predatory birds, insects, and burrowing animals advance this Israelite distinctiveness? There is no evidence that anyone regularly ate buzzards or spiders, though Peter Altman recently compiled evidence that some of the prohibited birds were in fact eaten somewhere in the ancient Near East.¹⁵ The chapter instead provides a comprehensive categorization of wildlife in order to train listeners and readers in how to think about distinguishing polluted from clean meats, and edible from inedible. So the chapter's summary also requires Israelite lay people to make ritual distinctions regarding diet for themselves.

That may come as a surprise, because the Priestly (P, including H) material in Exod 25 through Leviticus and Numbers concentrates on issues of cult and priestly ritual. It emphasizes the essential and central role of the hereditary Aaronide priests in all temple rituals, and also in the most important purification rites. We expect Deuteronomy to focus on lay behavior more than Leviticus or P generally.

Yet chapters on lay ritual and life are scattered throughout P, either in the middle of more cultically oriented material or bracketing or introducing it (Lev 2, 11, 18–20, 23, 25; Num 5–6). Like Lev 11, P's other lay-oriented material tends to address hearers and readers directly in the second person.¹⁶ These chapters require lay people to be concerned with ritual behavior.

The exhortations and refrains at the end of Lev 11 make that explicit (Lev 11:43–47). The previous chapter had given the priests, Aaron and his sons, the authority to draw ritual distinctions, “to separate the holy from the secular and the polluted from the pure” (10:10). Now all Israelites are called upon to share the second part of those duties, “to separate the polluted from the pure and edible animals from animals that you must not eat” (11:47). This verse makes the food laws emblematic of the fact that lay Israelites also have the ability and responsibility to draw ritual distinctions.

14. Christine Hayes observed that the command to be holy appears especially around purity rules, where it marks the irrational nature of the rules and emphasizes their role in distinguishing Israel from other peoples. See Hayes, *What Is Divine about Divine Law? Early Perspectives* (Princeton: Princeton University Press, 2015), 17.

15. Peter Altmann, *Banned Birds: The Birds of Leviticus 11 and Deuteronomy 14*, *Archaeology and Bible 1* (Tübingen: Mohr Siebeck, 2019), 74–122.

16. See James W. Watts, *Leviticus 1–10*, HCOT (Leuven: Peeters, 2013), 230–33.

It makes the diet rules a badge of the people of Israel's priestly status before God (cf. Exod 19:6)

The phrase in the chapter's subscript, "this is the torah of" (11:46), is a distinctive locution of P legislation to label specific regulations. It echoes throughout Leviticus as a subscript to regulations for distributing various kinds of offerings (six times in Lev 6–7) and for cleansing different kinds of impurities (eight times in Lev 11–15; also six times in Numbers). Twice it is followed by infinitive verbs describing the priests' responsibility to diagnose polluted people and things (13:59; 14:54–57), just as "this is a permanent mandate" introduces charges to priests to distinguish holy from common and clean from unclean in 10:10–11 and to mitigate (atone) for the people in 16:34. In 11:46–47, however, "this is the torah" followed by an infinitive verb summarizes lay people's responsibility to distinguish polluted animals and to avoid inedible meats.

The refrains of Lev 10–16 thus single out meat regulations as a sphere not only for lay people's observance, but specifically for lay people to exercise discriminating judgment. Torah observance here requires them to do more than obey the priests. When it comes to meat, lay people must reason about pollution and purity for themselves. In Lev 11–15, food laws introduce a set of more serious pollution concerns that place social and religious restrictions on people (12:1–13:46; 15:1–33) and on property (13:47–59; 14:33–53). But whereas more serious pollutions require priestly diagnosis and mitigation, the meat restrictions require lay people to arbitrate ambiguities for themselves.

Jacob Milgrom denied this conclusion because he argued that P, to which he credited this verse, maintained the priestly monopoly over ritual interpretation, in contrast to H, which expanded it to lay people.¹⁷ Christophe Nihan captured the implications more accurately when he concluded that H in Lev 20:24–26 "correctly points to the unique significance of this *tôrâ* within Lev 11–15" by emphasizing that the diet laws set Israel apart from the nations.¹⁸ However, Lev 11:47 does not just emphasize observance of preexisting diet rules. It requires every Israelite to reason correctly about their application.

That explains why Lev 11, in contrast to Deut 14, extends the meat regulations to include conceptually every kind of animal. While both

17. Milgrom, *Leviticus 1–16*, 688–89.

18. Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*, FAT 2/25 (Tübingen: Mohr Siebeck, 2007), 339.

chapters contain lists of examples (the list of quadrupeds in Lev 11:4–7 parallels Deut 14:7–8, though Deuteronomy precedes it with a list of clean edible animals that does not appear in Leviticus; the list of birds in Lev 11:13–19 parallels Deut 14:12–18) and various criteria (for quadrupeds in Lev 11:3 and Deut 14:6; for seafood in Lev 11:9–10 and Deut 14:9–10), the criteria for flying insects in Lev 11:21 and the lists of edible insects in 11:22 and of swarming land animals in 11:29–30 have no parallels in Deut 14. Leviticus has extended its regulations to all kinds of animals to teach listeners and readers how to reason about animals and animal carcasses that they encounter.

The juxtaposition of criteria with lists of species implies that further lists can be generated from the criteria or by analogy with the lists that presumably embody these or other implicit criteria. Already in the fourth century BCE, Aristotle (*Rhet.* 1356) observed that rhetorical arguments to general audiences depend on deductive and inductive reasoning, which he explained means criteria and examples. Just so, Lev 11 presents criteria and examples to encourage listeners and readers to engage in reasoning about polluting and nauseous meats, and to motivate them to act on their conclusions. As a result, reasoning about torah also became a distinguishing characteristic of Israel's identity. The efforts of subsequent interpreters, from Aristeeas to modern commentators, to understand the diet regulations respond to the persuasive rhetoric of this chapter itself. The frustrations of interpreters who fail to reach definitive conclusions about how to apply explicit or implicit criteria to the lists of examples do not contradict the fact that they are attempting to do what P wants them to do.

Leviticus 20:24–26 connects diet restrictions with Israel's corporate identity explicitly. As Milgrom pointed out: "The separation of the animals into the pure and the impure is both a model and a lesson for Israel to separate itself from the nations."¹⁹ The torah of the animals (11:46) then becomes explicitly an exhortation to stay separate from other peoples in order to maintain Israel's holiness in imitation of God (11:44). Whereas Ezra and Nehemiah defined the purity of the people on the basis of endogamous marriage (Neh 10:28), Leviticus exhorts the people of Israel to maintain their distinctiveness by what they eat. The evidence of later Second Temple literature, both Jewish and Greco-Roman, suggests that increasing numbers of Jews internalized this rhetoric to do just that.

19. Milgrom, *Leviticus 1–16*, 689.

Leviticus's rhetoric of lay inclusion in reasoning about food impurities encouraged acceptance of the authority of the priestly hierarchy in other matters.²⁰ But it did more than that: it turned diet into a symbol of lay fidelity to Torah and of Israel's status as the people of Torah, in their own minds and increasingly in the perspective of outsiders as well. The prominent position and formulation of the food laws at the beginning of Leviticus's purity regulations therefore led to consolidating Jewish lay identity around an observant diet, as well as around other regulations that fell under lay control, such as circumcision and refraining from working on *Shabbat*. As the Torah's status rose and its authority spread, its rhetoric increasingly shaped Jewish practices. But Lev 11's effort to teach how to reason about ritual practices through criteria and examples also spread in late Second Temple Judaism. Now reasoning about *torot* became an important part of keeping Torah.

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20. On Leviticus's rhetoric of priestly authority, see Watts, *Leviticus 1–10*, 107–119; Watts, "Scripturalization and the Aaronide Dynasties," *JHebS* 13 (2013), <https://tinyurl.com/SBL3556c>; and Julia Rhyder, *Centralizing the Cult: The Holiness Legislation in Leviticus 17–26*, FAT 134 (Tübingen: Mohr Siebeck, 2019).

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Part 2

Notions of Torah in Second Temple Judaism

Where Is the Torah in Ben Sira?

Benjamin G. Wright III

Sirach 24, the centerpiece of the book of Ben Sira, famously associates Wisdom—with a capital W—with “the book of the covenant of the Most High God, a law that Moyses commanded us, an inheritance for the gatherings of Iakob” (24:23).¹ Exactly how the relationship should be construed between Wisdom and T/torah in 24:23 is debated in scholarship, but this verse only highlights a set of larger issues connected with Ben Sira’s understanding of T/torah in his book.² What constitutes T/torah for Ben Sira? How does he envision the function of T/torah? How does T/torah figure in his pedagogy, and how does he employ it?

My arguments in this essay take as a starting point and build on three scholarly studies: (1) an earlier study of mine, “Torah and Sapiential Pedagogy in the Book of Ben Sira,” on what Torah is for Ben Sira and how it

1. All translations of the Greek of Ben Sira come from Albert Pietersma and Benjamin G. Wright, eds., *A New English Translation of the Septuagint and the Other Translations Traditionally Included under That Title* (New York: Oxford University Press, 2007). Translations of the Hebrew are my own unless otherwise indicated. I give the source of each quotation in parentheses. If the notation simply has Greek, then no Hebrew has survived for that passage. Sirach 24:23 does not survive in Hebrew, and thus we are left with the Greek as the primary witness to the text. As I will argue below, the Greek νόμος likely translates תורה in almost all of its occurrences in Sirach.

2. Should T/torah be capitalized in English? This is a question that I will not treat in detail here. SBL Press style capitalizes the term when it indicates a division of the canon and uses lowercase when it is used in a general way, but that is precisely the issue in Sirach. Since in some cases it is difficult to tell whether Ben Sira uses the term in a general or technical sense, I will use T/torah when the SBL Press distinction is not clear from the text. Torah will, then, refer to authoritative texts that Ben Sira has inherited, even if they are not identical with the Pentateuch as it came into the Hebrew Bible.

fits into his instructional strategies;³ (2) Claudia Camp's book *Ben Sira and the Men Who Handle Books* in which she discusses the relationship between Wisdom and Torah through the lens of gender and its iconicity;⁴ and (3) John J. Collins's book, *The Invention of Judaism*, where he makes brief remarks about Ben Sira's view of Torah, particularly about its iconic status.⁵ I want to think about one central paradox of Ben Sira's representation of T/torah. On the one hand, fulfilling the Torah/law is one of the central ideas of Ben Sira's book, and from 24:23 it seems clear that at least in some instances, Ben Sira is referring to a body of material that has been written down and that he has inherited and studied, Torah with a capital "T." On the other hand, Ben Sira never explicitly cites Torah and only rarely does he make obvious references to material that we find in Mosaic law (or the Pentateuch), if that is indeed what constitutes Torah for Ben Sira. Moreover, in a number of instances, when Ben Sira does discuss matters for which the Torah sets out parameters for behavior, not only does he not cite the law, his advice seems to contravene the stipulations that we find in the Torah as we know it through the books of the Pentateuch. So, although he knows Torah as a written repository, its content, at least its legal material, does not have as great an impact on what he writes as one might initially expect. This is not to say that Ben Sira's book lacks evidence of the Torah as we know it; we can see in a good number of places, especially in his use of the narrative portions of the Torah, that he knows texts that have come down to us in the Hebrew Bible. Yet in some passages where we might anticipate seeing Ben Sira depending on Torah, we do not. This independence does not indicate lack of knowledge on his part but rather that other traditions or sources of wisdom override or take precedence over what he knows in the "law that Moyses commanded us." So, one approach to answering the question of my title might be to look at Ben Sira's use of the Torah based on the places where he applies or adapts

3. Benjamin G. Wright III, "Torah and Sapiential Pedagogy in the Book of Ben Sira," in *Wisdom and Torah: The Reception of "Torah" in the Wisdom Literature of the Second Temple Period*, ed. Bernd U. Schipper and D. Andrew Teeter, JSJSup 163 (Leiden: Brill, 2013), 157–86.

4. Claudia V. Camp, *Ben Sira and the Men Who Handle Books: Gender and the Rise of Canon-Consciousness*, HBM 50 (Sheffield: Sheffield Phoenix, 2013).

5. John J. Collins, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul*, Taubman Lectures in Jewish Studies 7 (Berkeley: University of California Press, 2017), esp. 88–90.

specific legal material in Torah/law or in the way that he employs narrative traditions found there, but another avenue might be to dig a bit more deeply, since Ben Sira's conception of Torah/law, his construction of its place and function—his T/torah discourse—conditions what he actually does with any of the specific content found in the Torah.⁶

The Term *Torah* in Ben Sira

In the Hebrew that is preserved in the Cairo Genizah manuscripts A–F and the Dead Sea manuscripts from Qumran (2Q18 and 11Q5) and Masada, the Hebrew term Torah occurs twelve times (15:1; 32:15, 17, 18, 24; 33:2, 3; 41:4, 8; 42:2; 45:5; 49:4). In nine of these, the Greek translator renders the term with νόμος (15:1; 32:15, 17, 24; 33:2; 41:8; 42:2; 45:5; 49:4). In all three cases where the Greek does not have νόμος (32:17, 18; 41:4), the relationship between the Greek and the extant Hebrew is not straightforward. Outside of the passages where νόμος renders תורה, the Greek word can also translate מצוה (44:20) and משפט (45:17).⁷ In two passages, 41:4 and 45:17, it seems likely that the Greek had a different Hebrew text from that preserved in the manuscripts. Thus, the equivalence of νόμος and תורה is well established in Ben Sira, and most instances of νόμος in Greek probably render the Hebrew תורה in passages where no Hebrew has been preserved.

If we look at the contexts in which these terms appear in Ben Sira, we find several recurring ideas. First, νόμος/תורה is something that one keeps or fulfills, as in 21:11: “He who keeps [φυλάσσει] the Law gains mastery over the object of his thought” (Gk). The Torah can be studied, as in 32:15: “The one who studies [διδασκ] Torah will obtain it” (Heb MS B).⁸ Torah/Law

6. I have borrowed the helpful phrase, Torah discourse, from David Lambert, who used it in the Seminar on Early Biblical Interpretation at Oxford University (June 11, 2018) to describe the fuzzy quasi-objective/quasi-subjective status of Torah in the Second Temple period. In this, he was adapting Hindy Najman's idea of a discourse tied to a founder. See Lambert's “*Tôrâ* as Mode of Conveyance: The Problem with ‘Teaching’ and ‘Law,’” in this volume; as well as Hindy Najman, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism*, JSJSup 77 (Leiden: Brill, 2003).

7. For a more detailed discussion of the νόμος/תורה equivalence, see Benjamin G. Wright, *No Small Difference: Sirach's Relationship to Its Hebrew Parent Text*, SCS 26 (Atlanta: Scholar's Press, 1989), 181–82.

8. The Greek has something a little different: “He who seeks the law will be filled with it.”

can be abandoned or forsaken, as in 41:8, “Woe to you sinful men who have abandoned [עזב/ἐγκατελίπετε] the Law of the Most High [תורת עליון Mas/νόμον θεοῦ ὑψίστου].”⁹ Indeed, in 49:4 Ben Sira indicts the kings of Judah—except David, Hezekiah, and Josiah—for abandoning “the Law of the Most High.” It can be hated, as in 33:2, “The one who hates the T/torah is not wise” (Heb MSS B, E, F), and misrepresented, as in 33:17 in which a sinner will “distort [ימשך] T/torah according to his necessity” (Heb MS E). In cases such as these, Ben Sira’s comments can be read in a couple of ways. Torah might have a specific content that is available to the student, who can apprehend and practice or hate, leave behind, and distort it. Yet Torah in these cases might point as well to “a constructed object, an imagined object, a quasi-object” that requires a “Torah-giver, an authorizer,” and as we will see, Ben Sira positions himself as that authorizer.¹⁰

In a number of places Ben Sira makes clear that T/torah originates from and belongs to God. On seven occasions, either in Hebrew or Greek, we find the phrase “Law of the Most High,” תורת עליון or νόμος ὑψίστου (νόμον θεοῦ ὑψίστου in 41:8). In the critical verse 24:23, for which unfortunately no Hebrew text is extant, Ben Sira relates Torah to Wisdom, but he also connects it with a covenant and a book that come from the Most High: Ταῦτα πάντα βιβλος διαθήκης θεοῦ ὑψίστου, νόμον ὃν ἐνετείλατο Μωυσῆς κληρονομίαν συναγωγαῖς Ιακωβ.¹¹ Gerald Sheppard, followed by Greg Goering, argues that in this verse the reliance on Deut 4 and 32 with a close verbal reminiscence of Deut 33:4 indicates that Ben Sira has given Deuteronomy “a more expansive meaning” than simply the laws of Deuteronomy, one that connects God’s covenant not with some generalized body of wisdom teaching but with “the specific content of the nation’s literary heritage,” primarily the Pentateuch.¹² Moreover, the giving of the law in Sir 17:11–12 combines “knowledge,” “a law of life,” and a “perpetual

9. Ms B from the Genizah probably has the same text as Mas, but it is fragmentary.

10. See Lambert, “*Tôrâ* as Mode of Conveyance,” in this volume.

11. It is critical that we bear in mind all the time that we are dealing with a translation in ch. 24, which should temper the confidence that we can place in attributing in detail these ideas to Ben Sira himself rather than to the translator. The plenitude of cases in the Greek where the translator departs from a close rendering of his *Vorlage* should give modern scholars pause about how much the Greek represents Ben Sira’s thought or that of the translator.

12. See Gerald T. Sheppard, *Wisdom as a Hermeneutical Construct: A Study in the Sapientializing of the Old Testament*, BZAW 151 (Berlin: de Gruyter, 1980), 63–68; and Greg Schmidt Goering, *Wisdom’s Root Revealed: Ben Sira and the Election of Israel*,

covenant,” reflecting a combination of ideas shared with 24:23.¹³ Similarly, in 45:5, when speaking of Moses, we find a nexus of ideas that recalls both 17:11–12 and 24:23: “And he [i.e., God] caused him [i.e., Moses] to hear his voice, and he led him into the thick darkness, and he put into his hands a commandment [Gk. plural], a Torah of life and knowledge, to teach in Jacob his statutes [Gk. a covenant], and in Israel his testimonies and judgments” (Heb MS B). Finally, the conclusion that Torah in Ben Sira often refers to a text, and indeed in this case its particular content, is reinforced in the discussion of a woman’s adultery in 23:23, a passage not extant in Hebrew, in which we see an indictment of the woman on three accounts, the first of which is “she disobeyed the Law of the Most High,” indicating a transgression of some specific legal stricture. I will return to this passage below.

All in all, then, the term Torah in Ben Sira generally refers to a body of material that has its origins from God, that was transmitted through Moses, and that Ben Sira has inherited as part of the Israelite literary heritage, Mosaic Torah that has come to him in a “book.” If we can take the three references in the translator’s prologue to νόμος, which he clearly understands to be written down and translated into Greek, as even close to how Ben Sira himself knew the Mosaic Torah, then it seems probable that when he used the term Torah, Ben Sira most often was referring to material that we now find in the Pentateuch. As we will see, however, to make this equation does not take us far enough down the road to answering my title question, since much more is going on in Ben Sira than the sage acting as the subjective reader of an objective text.

Torah as a Source of Wisdom

As I noted in my first sentence, Sir 24:23 relates Wisdom and Torah in an especially close way.¹⁴ I will not outline the scholarly debates here, since I spent some time on them in my earlier article on Torah.¹⁵ To

JSJSup 139 (Leiden: Brill, 2009), 93–95. The quoted phrases come from Goering, 94 and 95, respectively.

13. See Sheppard, *Wisdom*, 62 n. 101. Also, see Goering’s remark in *Wisdom’s Root*, 94.

14. Much of the material in this section summarizes my more detailed arguments in “Torah and Sapiential Pedagogy.”

15. Wright, “Torah and Sapiential Pedagogy,” 160–65.

summarize, though, some scholars think that Torah has been subsumed under Wisdom, which is a more universal concept than the Mosaic law, which was specifically given to Israel, and others argue that 24:23 presents Wisdom as subsumed under Torah by being embodied in it. I find myself in agreement with Goering's formulation in which Wisdom has been apportioned in two ways. First, there is a universal Wisdom available to all people, which Goering calls general wisdom, as in 1:9–10: "The Lord ... poured her out upon all his works, among all flesh according to his giving" (v. 9; Gk). Second, there is an apportioning of Wisdom that God made only to Israel in the Mosaic Torah, a special wisdom, which we see in the continuation of 1:10, "and he furnished her abundantly to those that love him."¹⁶ We also see these ideas in 17:1–14 in the knowledge given at creation (17:7) and that given at Sinai (17:11–12).¹⁷ In chapter 24 as well, the phrase "all these things" refers to the general wisdom spoken of earlier in the chapter and the "book of the covenant," or Israel's special wisdom, connects to it by asyndeton. Thus, rather than equating the two, universal wisdom and Israel-specific Torah are correlated as two apportionments of Wisdom to humanity.¹⁸

This special Wisdom is not the only wisdom that the Israelite sage had at his disposal, however. In fact, in the Second Temple period, the Torah was a rather new source of the sage's wisdom. In this period, Torah-piety still was developing into the central feature of Jewish life that it would become later, but the evidence of Ezra, Pss 19 and 119, and Ben Sira shows that "Torah" remained a malleable idea and that Torah-piety, as a practice of exegesis of a text, although it was spreading, had not become normative as yet.¹⁹ So, at the same time that Ben Sira can claim that the Torah is a "law of life" and that fearing God, finding wisdom, and fulfilling the law are all inextricably linked, he can also rely on the other traditional sources of wisdom for the sage: the accumulated sapiential tradition and the observation of the created order. These sources of teaching provide insight into two types of wisdom: practical and theoretical.²⁰ Practical

16. See Goering, *Wisdom's Root*, 22.

17. Goering, *Wisdom's Root*, 91–94.

18. Goering, *Wisdom's Root*, 9, 94.

19. For more discussion, see Wright, "Torah and Sapiential Pedagogy," 165–69; and Anja Klein, "Half Way between Psalm 119 and Ben Sira: Wisdom and Torah in Psalm 19," in Schipper and Teeter, *Wisdom and Torah*, 137–55.

20. Patrick W. Skehan and Alexander A. Di Lella, (*The Wisdom of Ben Sira: A New*

wisdom deals with the way that the student engages the concrete problems of the real world. On almost any page of ancient wisdom texts, one can find sages teaching about proper behavior concerning speech, money, women, wealth, and social superiors, to name a few. This wisdom enabled the student to negotiate the day-to-day issues that could make or break his standing in a world dominated by the accrual of honor and the avoidance of shame. Theoretical wisdom inquires into the makeup of the universe and how to make meaning out of it. While such wisdom cannot answer every problem, it confronts the basic conundrums of being a human being, such as death and God's justice.

With respect to the sapiential tradition, Ben Sira repeatedly advises his students to seek out wise people and to learn from them. Just to give one example: "Stand in a crowd of elders, and be willing to listen. Be willing to listen to every godly discourse, and do not let proverbs of understanding escape you. If you see an intelligent person, turn to him early, and let your foot wear out the thresholds of his doors" (6:34–36; Gk [v. 34], Heb MSS A, C). Of course, Ben Sira views his own teaching as part of this tradition, and he admonishes his charges to listen to him, as in 6:23: "Listen, child, and accept my opinion, and do not reject my counsel."²¹

Within the sphere of practical wisdom, Ben Sira often speaks to the nuts and bolts of his students' lives. So, for example, one of my favorites is 31:21: "If you have been overpowered by food, get up and vomit a distance away, and you will have rest" (Heb MS B). There is nothing theoretical about that advice. Yet, the sage's wisdom also enabled the student to gain insight into theoretical concerns. So, in 11:21 Ben Sira addresses God's justice: "Do not wonder at the works of a sinner, but have faith in the Lord, and continue your labor, for it is easy in the eyes of the Lord, quickly, suddenly, to make a needy person rich" (Gk, Heb MS A).

The wisdom of creation works in a similar way. Ben Sira often uses examples from the created order to buttress his very practical advice. So, in 11:2–3, he teaches that looks can be deceiving: "Do not praise a man for his good looks, and do not loathe a man for his appearance. Small among

Translation with Notes, AB 39 [Garden City, NY: Doubleday, 1987], 32–33) call these types "recipe" and "existential" wisdom.

21. For more on Ben Sira and his relation with his students, see Benjamin G. Wright, "From Generation to Generation: The Sage as Father in Early Jewish Literature," in *Biblical Traditions in Transmission: Essays in Honour of Michael Knibb*, ed. Charlotte Hempel and Judith M. Lieu, JSJSup 111 (Leiden: Brill, 2006), 309–32.

flying things is a bee, and the origin of sweet things is its produce" (Heb MS A). Yet, most of his teaching from creation concerns more theoretical matters. For Ben Sira the reality of dual opposites in the world, such as good and evil, reflects the basic fabric of creation as God has ordained it. "The opposite of evil is good, and life the opposite of death; a good person is opposite of an evil one. Look at all the works of the Lord, all come two by two, each opposite the other" (33:14–15; Heb MS E) or "Everything is in pairs, this one opposite that one, and he [i.e., God] did not make anything deficient" (42:24; Heb MS B, Mas).

Into this sapiential mix came the Torah, and it fell to the sage to incorporate it into his pedagogy. For Ben Sira, fulfilling Torah becomes one major avenue for acquiring wisdom. He speaks often of God's commandments and statutes that as a rule should be observed, even if he never cites any specific law to follow. Sirach 1:26 says explicitly that the person who desires wisdom "should keep the commandments, and the Lord will furnish her [i.e., Wisdom] abundantly to you" (Gk). In several places, Ben Sira seems to allude to specific commandments found in the Torah. So, Sir 29:9–11, "On account of the commandment, assist a needy person, and according to his need do not turn him away empty" (Gk), connects giving to the needy with God's commandments, perhaps alluding to the injunction in Deut 15:10–11 to give liberally to the poor. In chapter 35, Ben Sira deals with cultic obligations, and again he refers to the law and the commandments: "He who keeps the Law multiplies offerings. One who makes a sacrifice for deliverance is he who pays heed to the commandments" (Gk). The Greek, *σωτηρίον*, refers specifically to the peace offering (שלמים) of Exodus and Leviticus, where the same translation equivalence occurs in the Septuagint. These specific references, however, are the exception rather than the rule, and they demonstrate Ben Sira's knowledge of specific legal material from Torah, even if he does not rely on the specifics of that material extensively.²²

Yet, in at least one case, adultery, where Ben Sira acknowledges the law without citing it, he does not apply the penalties stipulated in the Mosaic law about this transgression. In 23:16–26, for which no Hebrew survives, Ben Sira considers both a man and a woman who have committed adultery. When dealing with the man, he does not refer to the law, but rather

22. See also his remarks about honoring parents in 3:1–16, which seem to rely on the Decalogue, and his comments on reproaching a neighbor in 19:13–17, which might allude to Lev 19:17. For discussion of these passages, see Wright, "Torah and Sapiential Pedagogy," 174–76.

the man transgresses “against his bed” (23:18; and not even against his wife!), and he thinks no one will see, including God (23:18). When he is discovered, “This one will be punished in the streets of the city, and when he did not expect it, he will be seized.” When it comes to the woman, the law is specifically invoked as one of three violations she has committed; she has “disobeyed the Law of the Most High,” “committed a wrong against her husband” (not against his bed!), and “presented children by another man” (23:23). Her punishment is to be brought out into public, where “there will be a visitation on her children. Her children will not take root, and her branches will not bear fruit. She will leave behind a memory for a curse, and her reproach will not be blotted out” (23:24–26). In neither case does Ben Sira acknowledge the punishment for adultery found in the Torah, which in Lev 20:10 and Deut 22:22–24 is death. Perhaps the man’s punishment “in the streets” and the woman’s memory “blotted out” allude to stoning, but they certainly do not make the death penalty explicit. Rather, the punishment of public shame for the man and woman, the children not flourishing, and her memory being a curse seem more attuned to Ben Sira’s (and in general the wisdom tradition’s) concern for a lasting memory in the community and his revulsion of shame for Israelite men. In the three other places where he mentions adultery, 9:8–9; 26:9; and 42:10, the Law does not come up at all. Since adultery is already a topic of Israelite wisdom instruction (cf. Prov 5:15–20; 6:24–35; cf. Prov 6:33 with Sir 23:26), Ben Sira brings the regulations in Torah on adultery under the umbrella of the wisdom teaching of the sage.²³

The previous examples have come from legal and cultic provisions of Torah, but Ben Sira also alludes frequently to narrative traditions found there. These cases, however, can be difficult to adjudicate, since Ben Sira does not make explicit reference to the Torah unlike in the examples we saw above, where he either mentions “the law,” commandments, or statutes, or he borrows its language. Yet, in a similar way to the legal and cultic material, the narrative Torah serves as a source of wisdom teaching. We find one good example in 17:1–10, which treats the creation of human beings. Much of the language harks back to Genesis. We read of the human being’s creation “out of earth” and the human being’s return to the earth (17:1), human authority over the earth (17:2), creation “in his [i.e., God’s] image” (17:3),

23. See Wright, “Torah and Sapiential Pedagogy,” 173–74. I also treat honoring parents and reproving friends and neighbors, where similar issues are at stake.

and “dominion over beasts and birds” (17:4). The text draws on both creation accounts as we have them in Gen 1 and 2. Yet, in significant respects, the text also departs from the creation narratives. First, in 17:2 we read, “He gave them days in number and a fixed time” (Gk), and this line seems to be a further elaboration of 17:1b, “and he returned them to it [i.e., earth] again.” Thus, part of what God intended for humans was to have a limited life span. Yet the curses on the man and woman and God’s fear that they might eat from the tree of life in Gen 3 suggest that death only enters the picture then (cf. Gen 3:19), and the course of human life is specifically limited to 120 years in Gen 6:3 after the descent of the sons of God. Moreover in 17:6–7, Ben Sira’s account of creation runs counter to that of Genesis. “Deliberation and a tongue and eyes, ear and a heart for thinking he gave them. With knowledge of understanding he filled them, and good things and bad he showed them” (Gk). Whereas the first human couple of Genesis gain knowledge by transgressing God’s command not to eat of the tree of the knowledge of good and evil, in Ben Sira’s account, God granted knowledge to humans right at the start with no hint of human disobedience as a factor. Here, in my view, we see Ben Sira sapientializing the Torah, subsuming it beneath the inherited wisdom tradition. To follow the Genesis account would be to cast negative aspersions on the reasons for acquiring wisdom, the prime directive of sapiential teaching, since originally that wisdom was forbidden to humans. For Ben Sira, getting knowledge and wisdom leads to fulfilling Torah and fearing God, and thus, it constitutes one of his highest values. Indeed, even as early as chapter 1, he claims that God “poured her out on all his works” (1:9). So, in effect, God *had* to give humans the ability to be wise from the start and to live a life pleasing to God, thus tracing Ben Sira’s entire enterprise back to creation and the first human beings.²⁴

In other cases, it is not so clear what traditions Ben Sira inherited and employed in his teaching. One example is 16:5–10, where Ben Sira gives a short list of historical precedents where God did not overlook punishment on evildoers. Among these were a “congregation of sinners” against whom fire “blazed out” (16:6), a probable reference to the rebellion of Korah narrated in Num 6; “the neighbors of Lot” in Sodom and Gomorrah (16:8); a “doomed nation that was trampled in their iniquity” (16:9), likely the Canaanites; and the “six hundred thousand people on foot” (16:10), referring to those who would not enter the land in Num 11:21. Ben Sira’s rep-

24. For a fuller discussion, see Wright, “Torah and Sapiential Pedagogy,” 176–77.

representations of all of these examples are consistent with what we find in the biblical narratives. We encounter one exception in 16:7: “He did not forgive the princes of old [נסיכי קדם] who rebelled in their might” (Heb MS B). While this phrase might appear to be an allusion to Gen 6 and the descent of the sons of God, the Genesis account does not even hint at any rebellion, and the language describing these figures is completely different.²⁵ In fact, the actions of these princes are more consistent with the myth of the Watchers as told in other ancient Jewish texts, such as 1 Enoch. Ben Sira knows Enochic lore, as we can see in 44:16, and it seems more likely that at least for this verse, Ben Sira relied on material that does not appear in Torah as we know it.²⁶ If Ben Sira drew on Enochic tradition in 16:10, does that raise questions about the sources of the other elements of his list?²⁷

Of course, the most obvious place to look for Ben Sira’s use of narrative traditions is in his Praise of the Ancestors (ch. 44–50), and, indeed, the bulk of what he discusses likely had origins in books that became biblical—at least the traditions for most of the figures whom Ben Sira invokes is consistent with those texts. Yet even here Ben Sira adapts his material to suit his needs. In the description of Aaron’s vestments in 45:7–13, Ben Sira includes a “golden crown” (עטרת פז), an item not in Exod 28, from which most of the elements of this list seem to derive. The only place in the Hebrew Bible where this phrase occurs is in Ps 21:3, where it refers to the king. Ben Sira’s priestly ideology includes the role of ruler or leader of the people, as we see in his praise of Simon II in Sir 50, and he does not look nostalgically back to the monarchy. Thus, the crown adds to the high priest the function of ruler, a role not ascribed to Aaron in the biblical narratives.²⁸

25. See, e.g., Skehan and Di Lella (*Wisdom of Ben Sira*, 270, 273), who argue for an allusion to Gen 6, although they say that the language of the “princes of old” “is conscious avoidance of the mythological overtones to the Genesis narrative so familiar from the Enochic literature and (later) Jubilees.” Thus, they take the phrase to reflect a reference to such princes as found in Isa 14:4–21 and Dan 4:7–30. In their reference to “giants,” however, they seem to conflate the Hebrew text with the Greek. The Hebrew of MSS A and B does not have giants. Both the Greek of Sirach and Genesis do, however, but even in this case, LXX Genesis does not refer to any rebellion on their part.

26. See Randal A. Argall, *1 Enoch and Sirach: A Comparative Literary and Conceptual Analysis of the Themes of Revelation, Creation and Judgment*, EJL 8 (Atlanta: Scholars Press, 1995), 9–13.

27. See Wright, “Torah and Sapiential Pedagogy,” 177–78.

28. On this issue, see also Martha Himmelfarb, “The Wisdom of the Scribe, the Wisdom of the Priest, and the Wisdom of the King according to Ben Sira,” in *For a*

For Ben Sira, then, Torah serves as a critical source of wisdom instruction, coequal in many ways with the sapiential tradition and the observation of nature, but in some instances, these latter two sources can overshadow it. All three sources are repositories for the sage to craft instruction for his students in order that they might ultimately gain Wisdom (with a capital W in this case) for themselves. In this sense, we can talk about the sapientializing of Torah. Even if Ben Sira does not refer to specific places in the Torah, it undergirds much of his teaching, either in its content or in the sage's idealization of it. So, where is Torah in Ben Sira? It serves as one of the foundations upon which his teaching is built. But there is more.

Torah as Icon in Ben Sira

In his book *The Invention of Judaism*, Collins writes the following about Ben Sira and the Torah:

Where Ben Sira differed from these writers [i.e., such as Qoheleth and the Book of the Watchers] was in his explicit acknowledgment of the status of the Torah. In this, I suspect, he was influenced by his social location. His admiration for the high priest Simon suggests that he was a retainer, who enjoyed and depended on the patronage of the priestly establishment in Jerusalem in a way that the authors of Qoheleth and the Enochic writings did not. Consequently he had to acknowledge the wisdom of the official “ancestral laws” of Judah, more explicitly than some of his contemporaries. But Ben Sira’s use of the Torah still seems to be largely iconic.²⁹

By “iconic,” Collins means that Ben Sira did not have “the kind of obsession with the details of Mosaic law that we will find in some of the Dead Sea Scrolls.”³⁰ As I argued above, that certainly is the case, but for Ben Sira,

Later Generation: The Transformation of Tradition in Israel, Early Judaism and Early Christianity, ed. Randal A. Argall, Beverly A. Bow, and Rodney A. Werline (Harrisburg, PA: Trinity Press International, 2000), 89–99; and Benjamin G. Wright, “Ben Sira on Kings and Kingship,” in *Jewish Perspectives on Hellenistic Rulers*, ed. Tessa Rajak et al., HCS 50 (Berkeley: University of California Press, 2007), 76–91. For other examples from the Praise of the Ancestors, see Wright, “Torah and Sapiential Pedagogy,” 178.

29. Collins, *Invention of Judaism*, 90.

30. Collins, *Invention of Judaism*, 90.

Torah's iconicity also seems tied up with its materiality. That is, it exists in writing; it has "thinginess."³¹ Indeed, not only does Torah have a material existence in "a book" (24:23; βιβλος); so also does Ben Sira's teaching (50:27; βιβλος).³²

Claudia Camp has argued that this materiality has symbolic valence for Ben Sira, however we might conceive of the actual form the text might have taken. Torah as icon for Ben Sira is something to be possessed; as a book that embodies Woman Wisdom, Torah is a "woman-book" that "becomes a possession into which he can sublimate his anxiety about the women he cannot possess and the God he cannot trust."³³ In the discourse of chapter 24, Ben Sira not only connects Wisdom with Torah, but through a complex fluvial metaphor, he represents his own teaching as flowing from this very same source (more on this below). In this way, he brings Torah under Wisdom as a source of sapiential teaching, and he subtly makes a case for his own instruction to be included in or alongside of Torah as an authoritative source of Wisdom. Yet as Camp has argued, by making this move to bring cosmic Wisdom into a confined material space, Ben Sira depersonalizes Wisdom, essentially robbing her of her specifically feminine characteristics, depersonalizing her by transforming her into a book that is mediated through a scribal text in which Wisdom's presence in the Torah gets subsumed under Ben Sira's textual voice and is controlled by it. Indeed, in his praise of Simon II in chapter 50, he even masculinizes her, displacing her for an "all-male utopia" of the temple cult.³⁴

I am especially interested here in the depersonalizing of Wisdom by "embodying" her in a book. Since Ben Sira genders Wisdom as a woman, she cannot escape the gender constructions that are grounded in the masculine identity founded on honor and shame that we encounter in Ben Sira's teaching.³⁵ For Ben Sira, the women who belong to a man's

31. This term is used by Camp, *Men Who Handle Books*, xi.

32. Sir 50:27 is beset with textual problems. It does seem, however, that there was a reference to a book in this verse, even though the one Hebrew manuscript that survives here preserves no mention of one. Both the Greek and the Syriac refer to a book, even though they differ from each other on other aspects of the text. For a critical discussion of the concept of a finalized book in antiquity and the methodological problems attached to the idea, see Eva Mroczek, *The Literary Imagination in Jewish Antiquity* (Oxford: Oxford University Press, 2016).

33. Camp, *Men Who Handle Books*, 10.

34. Camp, *Men Who Handle Books*, 11 and in detail esp. in chs. 5–6.

35. Here Camp has done a great deal of work on Ben Sira. Besides *Men Who Handle*

household, his possessions, must be controlled sexually in order that they not bring shame on him. With “other” women, those outside of the household, men must control their own sexual libidos in order to avoid the same fate.³⁶ One critical aspect of Ben Sira’s relationship to women is to their physical bodies. Women’s bodies constitute focused sites of multiple interpretations for Ben Sira and his students, sites that due to their corporeality become obstacles to male discernment. To put it in a nutshell, embodied women pose a critical threat to Ben Sira’s ability to control his own women and to reign in his male sexual drive with others.³⁷ So, for example, Ben Sira’s discussion in 9:1–9 of women with whom his students must be cautious focuses primarily on women’s beauty and corporeality and the potential for a man to be drawn into sin because of it.³⁸ Wives head the list, and thus, even a wife, when she is considered to be sexually embodied, can present risks of shame to her husband. When Ben Sira describes the “good” wife in 26:13–18, however, her body disappears behind the benefit that she brings to her husband—delight and fat on his bones—and in metaphors that substitute temple and piety for physical beauty. He describes her beauty as the “sun in the heights of the Lord” (26:16; cf. Simon II in 50:7), her face as a lamp shining on “a holy lampstand” (26:17; i.e., the menorah in the temple), and her legs and feet

Books, see esp. Camp, “Understanding a Patriarchy: Women in Second Century Jerusalem through the Eyes of Ben Sira,” in *Women Like This: New Perspectives on Women in the Greco-Roman World*, ed. Amy-Jill Levine, EJL 1 (Atlanta: Scholars Press, 1991), 1–39; and Camp, “Honor and Shame in Ben Sira: Anthropological and Theological Reflections,” in *The Book of Ben Sira in Modern Research: Proceedings of the First International Ben Sira Conference, 28–31 July 1996 Soesterberg, Netherlands*, ed. Pancratius C. Beentjes, BZAW 255 (Berlin: de Gruyter, 1997), 171–87.

36. For an in-depth discussion, see esp. Camp, *Men Who Handle Books*, ch. 3.

37. Benjamin G. Wright and Suzanne M. Edwards, “‘She Undid Him with the Beauty of Her Face’ (Jdt 16.6): Reading Women’s Bodies in Early Jewish Literature,” in *Religion and the Female Body in Ancient Judaism and Its Environments*, ed. Géza G. Xeravits, DCLS 28 (Berlin: de Gruyter, 2015), 73–108, on Ben Sira, 99–103. The paper was delivered in 2012, and we did not have an opportunity to engage Camp’s book in this paper, although in some aspects of our argumentation we came to similar conclusions using different methods.

38. On the construction of masculinity in Ben Sira, especially as ch. 9 reveals it, see Benjamin G. Wright, “Unbridled Libido: Ben Sira and the Billy Graham Rule,” in *Testing and Temptation in Second Temple Jewish and Early Christian Texts*, ed. Daniel L. Smith and Loren T. Stuckenbruck, WUNT 2/519 (Tübingen: Mohr Siebeck, 2020), 171–85.

as “golden pillars upon a stable base” (26:18; columns in the temple?). By making her body disappear, Ben Sira has removed the possibility of the good wife bringing shame on him through her sexuality.³⁹

The sage’s quest to acquire Wisdom takes a similar trajectory with Wisdom implicated in both the positive and negative aspects of Ben Sira’s gender construction. Two passages illustrate this trajectory. First, in 51:13–30, Ben Sira describes his own pursuit of Wisdom, which has an erotic tinge to it.⁴⁰ The Hebrew version in 11Q5 certainly trades on erotic images and suggests a young man’s pursuit of a lover. This much is consistent with Ben Sira’s advice elsewhere about Wisdom (cf. 14:20–15:10). Yet, Wisdom comes “in her beauty” (51:14; בְּתִרָה), and she produces desire in the young man (51:19). In this desire for beauty lies the possibility of shame, which Ben Sira warns against elsewhere, and his relationship with Wisdom “mirrors his relationship with the women in his life.”⁴¹ As Camp observes, though, this admission of sexual desire creates a tension in the poem that finds resolution (only partial in her estimation) in domesticating Wisdom—in his “house” of instruction—and possessing her in his own book and that of the Torah where she becomes desexualized, her sensuality taken away.⁴² She becomes the good wife, who cannot shame her husband. Indeed, after the description of the young man’s pursuit of Wisdom, Ben Sira enjoins young men to “draw near to me and lodge in my house of instruction,” there to “bring your neck under her yoke.” Within the domestic framework of the house, then, the sage becomes the mediator and controller of Wisdom, just as he would his own wife.⁴³

The central chapter 24 works similarly. Wisdom is connected with the center of Israelite cultic piety in the images of 24:15 in which Wisdom compares herself to substances used in the temple, and she even ministers

39. See Wright and Edwards, “She Undid Him,” 99–101; and Camp, *Men Who Handle Books*, ch. 3.

40. There are varying estimations of how erotic the poem is, although all agree that it is eroticizing and that is enough for my point here. See James A. Sanders, *The Psalms Scroll of Qumran Cave 11 (11QPs^a)*, DJD IV (Oxford, Clarendon, 1965), 84; Takamitsu Muraoka, “Sir 51:13–20: An Erotic Hymn to Wisdom?” *JSJ* 10 (1979): 166–78; Ibolya Balla, *Ben Sira on Family, Gender, and Sexuality*, DCLS 8 (Berlin: de Gruyter, 2011), 207–15. See the critique in Camp, *Men Who Handle Books*, 116–17.

41. Wright and Edwards, “She Undid Him,” 102.

42. Camp, *Men Who Handle Books*, 118.

43. See Camp’s comment on Wisdom as/in a house in *Men Who Handle Books*, 90.

in the temple in 24:10. The tree images of 24:13–14 and 16–17 anticipate similar images about Simon II and the priests in chapter 50. So, like the good wife, Wisdom has no sexual physicality to lure the sage, and she ultimately will lose her femininity altogether in chapter 50. Yet, 24:19 begins with desire (ἐπιθυμέω), and 24:20–22 emphasize the sweetness of Wisdom as honey and Wisdom’s availability as food and drink, all sensual images. This tension is resolved, as it is in chapter 51, with Wisdom contained in a book, “a textualized (and comprehensible) materialization of the primeval order represented by Wisdom.”⁴⁴ Ben Sira heightens the significance of the transformation of sensual Wisdom into textualized Wisdom in chapter 24 with her embodiment in a book by bracketing this poem with one on the adulterous wife in 23:22–27 and a comparison of evil and good wives in 25:13–26:18. The contrast with Wisdom’s fate could not be more stark. Although she is to be desired in a way similar to real women, unlike those women, she will not, indeed cannot, bring shame to the sage, only honor.

Thus, for Ben Sira, Torah materially represents something greater than itself, a real icon. It contains cosmic Wisdom, a woman to be desired who also can be comprehended, that is, controlled, as a possession, just like the other “good” women in Ben Sira’s world. The iconic status of Torah also makes Ben Sira’s lack of direct reference to the specific details of Torah as well as the presence of Torah throughout his work more comprehensible. For Collins, Torah as icon indicates that “halakhic Judaism, the view that Judaism is defined primarily by Mosaic law, as law, had not yet become dominant in Judah when Ben Sira wrote.”⁴⁵ The relationship of Wisdom to Torah in Ben Sira, however, points to a profound shift in the Jewish wisdom tradition in this period that now must reckon with an emerging set of texts that had gained authority, as we see in other contemporary wisdom texts, especially those discovered at Qumran. Yet, the discourse of Wisdom/Torah as icon in Ben Sira participates in a more expansive discourse of gender, as Camp has so ably demonstrated, that at least for Ben Sira is constitutive of that shift, since he only renders the emergence and significance of Torah meaningful through that discourse.

44. Camp, *Men Who Handle Books*, 144.

45. Collins, *Invention of Judaism*, 90.

Where Is Torah? The Sage as Mediator of Wisdom/Torah

At the pinnacle of this edifice of sapiential teaching stands the sage himself, who mediates Wisdom in whatever form she might take.⁴⁶ The sage has acquired wisdom and is the authoritative transmitter of the tradition. Ben Sira's "Meditation on the Sage" in 38:34c–39:11 sums up the place of the sage in Ben Sira's ideal world. He will "seek out wisdom," "be occupied with prophecies," "preserve narratives," "penetrate illustrations," "seek out obscurities of parables," and "be engaged with riddles." He prays to God, who, if God so desires, will fill him "with a spirit of understanding. He will pour forth words of his understanding." The combination of study and inspiration allows the sage to gain wisdom and to offer *his own* insight.

The student who desires to acquire wisdom will pursue her through the guidance of a sage/teacher (see above), who has already become wise, and the sage acts not only as an instructor but, more importantly, as an exemplar to his students and the conveyor of Torah. It is insufficient for them simply to imitate the sage; they must work to become what the sage is. Sirach 6:37—"Reflect on the Law of the Most High and meditate constantly on his commandments. And he will inform your heart, and he will grant you the wisdom that you desire" (Heb MS A)—concludes a short section that begins with the student's eagerness to pursue wisdom and enjoins him to listen to the sage(s), who already have it. Thus, reflection on the Law and the inspiration to understand and teach it are the end of a process of education and emulation that transforms the student from wannabe to sage. In his book, Ben Sira constructs the ideal sage that his students should become through his first-person accounts, his assumption of the role of the father, and the activities mentioned in the "Meditation on the Sage" that have parallels throughout the book.⁴⁷ Thus, in Ben Sira, Torah is fundamentally interpersonal and performed in the relationship between master and disciple.⁴⁸ The path to wisdom, as Ben

46. For more detailed discussion, see Wright, "Torah and Sapiential Discourse," 179–83; and Wright, "Ben Sira on the Sage as Exemplar," in *Praise Israel for Wisdom and Instruction: Essays on Ben Sira and Wisdom, the Letter of Aristeas and the Septuagint*, JJSup 131 (Leiden: Brill, 2008), 165–82.

47. See Wright, "Torah and Sapiential Pedagogy," 182.

48. See Lambert, "Tôrâ as Mode of Conveyance," ch. 3 in this volume for his understanding of the interpersonal and performative aspects of Torah.

Sira notes in numerous places, is filled with pitfalls, and success is not a foregone conclusion. The persistent student who aggressively perseveres in the search for wisdom guided by a teacher, who himself has succeeded in that search, stands the best chance of finding “the wisdom that you desire” (6:37).

Ben Sira establishes his position vis-à-vis Wisdom in 24:30–34, which concludes the chapter. Sirach 24 begins with the descent of primordial Wisdom to earth and her residence in Israel (24:1–12). She then compares herself to trees and fragrant spices (24:13–17) and invites the seeker to eat and drink of her (24:19–22). Then we discover that “All these things are the book of the covenant of the Host High God” (24:23). This law “fills wisdom,” “supplies understanding,” and “shines forth education” like the four rivers of Eden in Gen 2:10–14 (to which Ben Sira adds the Jordan). The text stays with creation in 24:28–29: “The first man did not complete knowing her [i.e., Wisdom], and so the last one did not track her out; for her thought was filled from the sea and her counsel from the great abyss.” Next, through a series of water metaphors, Ben Sira creates a continuity between his teaching and Wisdom. His “canal from a river” becomes a river then a sea, which is Wisdom (cf. 24:29). He transitions to light metaphors in 24:32 and returns to water in 24:33, where he will “pour out teaching like prophecy.” Thus, the chapter begins in the heavenly council and ends with Ben Sira’s own instruction, which flows from this primordial Wisdom but is connected as well to the Torah of which he establishes himself as an authoritative interpreter for his students. We see a similar claim to the sage’s interpretive authority and mediation of Torah in 3:21–24, where Ben Sira admonishes his students not to seek things too marvelous for them but to think on “things that have been authorized” for them (3:22).

In the end, then, we find Torah in Ben Sira in the person of the sage. Wisdom resides in Torah as well as in the sapiential tradition and in creation, but the gatekeeper, framer, and purveyor of “all these things”—both universal and special wisdom—is the sage himself. He controls what gets taught and what gets transmitted to his students. *His words* come from God’s inspiration, and thus, he serves as the authoritative mouthpiece for Wisdom. Indeed, in Ben Sira’s case, he represents his teaching as akin to prophecy that he “will leave behind for generations of eternity” (24:33). Moreover, Ben Sira’s own words become textualized in a book, where he controls the voices that can be heard, acting, as Camp puts it, as “the ventriloquist whose lips we cannot see moving because we can only barely see

him at all.”⁴⁹ Wisdom speaks through Torah but only as filtered through Ben Sira’s own authoritative teaching. We find further reinforcement of Ben Sira’s centrality in his use of the language of hearing and seeing as metaphors for knowing.⁵⁰ Ben Sira transforms the indirect knowledge of hearing into the direct knowledge of seeing, and in the process, he steps into the picture frame of the ideal sage, where he has drawn that ideal for his students, the conduit for Wisdom in all her forms. Torah, then, as a source of sapiential teaching and a repository of Wisdom, can be found in different forms throughout Ben Sira’s book. In a few cases, he draws on its specific content; he alludes to it on numerous occasions; and it serves as an iconic representation of Wisdom and sapiential authority. All of these different spokes have Ben Sira and his book as their hub. Like his canal that turns into a river, they all flow from and through him. His centrality as a teacher is only obviated for his students when they acquire Wisdom for themselves and become sages like him. While Ben Sira might not be concerned with all the details of the law, the Torah—and by extension Wisdom—still requires an authoritative mediator and hermeneut, one who understands and controls them within his own torah/teaching. For Ben Sira, only the inspired sage who possesses the Torah can fulfill that role.

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49. Camp, *Men Who Handle Books* 134.

50. See Greg Schmidt Goering, “Sapiential Synesthesia: The Conceptual Blending of Light and Word in Ben Sira’s Wisdom Instruction,” in *Cognitive Linguistic Explorations in Biblical Studies*, ed. Bonnie Howe and Joel B. Green (Berlin: de Gruyter, 2014), 121–43.

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The Normativity of Torah in Ezra-Nehemiah and Ben Sira

Jonathan Vroom

Since the discovery of the Dead Sea Scrolls there has been a general shift in the terminology used to describe the literature from the Second Temple period (and earlier). The adjectives “biblical” and “canonical” are now, quite rightly, deemed anachronistic, and have been replaced with more appropriate terms, such as “scriptural” and “authoritative.” The concept of authority has proved to be quite slippery, however, with several critical discussions appearing in recent years.¹ The goal of this essay is to draw from legal theory to provide a more nuanced theoretical framework for understanding the nature of textual authority in early Judaism. While a few scholars have looked beyond the discipline of biblical studies to

1. See, e.g., Bronson Brown-deVost, *Commentary and Authority in Mesopotamia and Qumran*, JASup 29 (Göttingen: Vandenhoeck & Ruprecht, 2019); Nathan Mastnjak, “Prestige, Authority, and Jeremiah’s Bible,” *JR* 98 (2018): 545–47; Emanuel Tov, “Were Early Hebrew Scripture Texts Authoritative?,” in *The Prophetic Voice at Qumran: The Leonardo Museum Conference on the Dead Sea Scrolls, 11–12 April 2014*, ed. Donald W. Parry, Stephen David Ricks, and Andrew C. Skinner, STDJ 120 (Leiden: Brill, 2017), 128–43; Francis Borchardt, “Influence and Power: The Types of Authority in the Process of Scripturalization,” *SJOT* 29 (2015): 182–96; Michael L. Satlow, *How the Bible Became Holy*, (New Haven: Yale University Press, 2014), 4–5; Hanne von Weissenberg, “Defining Authority,” in *In the Footsteps of Sherlock Holmes: Studies in the Biblical Text in Honour of Anneli Aejmelaesus*, ed. Kristin De Troyer, T. Michael Law, and Marketta Liljeström, CBET 72 (Leuven: Peeters, 2014), 679–96; Timothy H. Lim, *The Formation of the Jewish Canon*, ABRL (New Haven: Yale University Press, 2013), 1–16; Stefan Schorch, “Which Kind of Authority? The Authority of the Torah during the Hellenistic and the Roman Periods,” in *Scriptural Authority in Early Judaism and Ancient Christianity*, ed. Tobias Nicklas, Géza G. Xeravits, and Isaac Kalimi, DCLS 16 (Boston: de Gruyter, 2013), 1–15; and George J. Brooke, “Authority and the Authoritativeness of Scripture: Some Clues from the Dead Sea Scrolls,” *RB* 25 (2012): 507–23.

address this problem, no one has drawn from legal theory.² Legal theory, however, with its long history of research discussing the nature of normativity, authority, and authoritative texts, is well poised to provide a means of pushing current discussions forward.

The focus of this essay is not on how a text acquires authority, as important as that issue is.³ Rather, my concern is with distinguishing between two distinct types of authority and, furthermore, with identifying the respective normative impacts that each type of authority produces within its addressees. The essay is divided into three main sections. First, I outline Eugene Ulrich's definition of authority, which I will take as my point of departure. Second, I provide a legal-theoretical framework for distinguishing between the two types of authority that legal theorists discuss. In the third section, I demonstrate instances in which the Torah held each of these distinct forms of authority, focusing on two famous passages: Ezra 9–10 and Sir 24.

Eugene Ulrich's Definition of Authority

I begin by discussing Ulrich's definitions of an authoritative work and a book of scripture. He writes:

An authoritative work is a writing which a group, secular or religious, recognizes and accepts as *determinative for its conduct*, and as of a higher

2. E.g., Borchardt and Brooke begin their discussion with dictionary definitions of authority. See Borchardt, "Types of Authority," 183; and Brooke, "Authoritativeness of Scripture," 507–8. Brooke, however, goes on to draw from literary theory to distinguish between different forms of authority: actantial authority; authorial and audience authority; and acted authority (509–23). Mastnjak relies on Bruce Lincoln's 1994 book for his discussion of authority. See Lincoln, *Authority: Construction and Cohesion* (Chicago: University of Chicago Press, 1994); Mastnjak, "Prestige, Authority, and Jeremiah's Bible," 545–47; and Mastnjak, *Deuteronomy and the Emergence of Textual Authority in Jeremiah*, FAT 2/87 (Tübingen: Mohr Siebeck, 2016), 31–33.

3. The question of the process by which a text achieves authoritative/scriptural status is addressed in discussions of scripturalization. See, e.g., William M. Schniedewind, "Scripturalization in Ancient Judah," in *Contextualizing Israel's Sacred Writings: Ancient Literacy, Orality, and Literary Production*, ed. Brian B. Schmidt, AIL 22 (Atlanta: SBL Press, 2015), 305–21.

order than can be overridden by the power or will of the group or any member. A constitution or law code would be an example.⁴

He goes on to define scripture as a certain kind of authoritative text:

A book of scripture is a sacred authoritative work believed to have God as its ultimate author, which the community, as a group and individually, recognizes and accepts as *determinative for its belief and practice* for all time and in all geographical areas.⁵

While there is much to discuss with these definitions, what I want to highlight is a seemingly subtle difference between them. In the first definition, Ulrich notes that an authoritative text (such as a law code) is “determinative” for a group’s “conduct.” By contrast, a work of scripture is “determinative” for a group’s “belief and practice.”

This distinction between belief and practice/conduct is intuitive.⁶ A law code (at least in the modern world) tells us what to do and what not to do, and its subjects feel obligated to comply based on its mere say-so. But law codes do not tell us what to believe and what not to believe. In fact, law codes tell us what to do and what not to do regardless of what we believe; we pay our taxes and parking tickets regardless of what we believe about them. Similarly, a book of scripture tells its addressees what to do and what not to do—so long as it is recognized as scripture. But a book of scripture also tells its addressees what to believe, such as what to believe about God, creation, good and evil, the afterlife, and so forth.

Ulrich’s account of scriptural authority is not wrong. An important distinction is overlooked, however, when a text’s authority over a community’s beliefs and its authority over its actions are lumped together, as if authority is one monolithic phenomenon. When it comes to the normative impact that an authoritative text has upon its addressees, there is a significant difference between belief and practice.

4. Eugene Ulrich, “The Notion and Definition of Canon,” in *The Canon Debate: On the Origins and Formation of the Bible*, ed. Lee Martin McDonald and James A. Sanders (Peabody, MA: Hendrickson, 2002), 29, emphasis added.

5. Ulrich, “Notion and Definition of Canon,” 29, emphasis added.

6. Others also recognize the elements of belief and practice. See Borchardt, “Types of Authority,” 183; Weissenberg, “Defining Authority”; and Lim, *Formation of the Jewish Canon*, 4–6.

A Legal Account of Authority

Practical and Epistemic Authority

Legal theorists make a distinction between two types of authority. First is what is known as practical authority, which has to do with authority over one's actions. Practical authorities tell their subjects what to do and what not to do; they make commands and impose binding obligations. Law is the obvious example of a practical authority, but it also applies to a general's orders to his troops, company policies, or a parent's house rules for their children. Examples in the ancient world would be a king's edict, or a judge's verdict.⁷

The second type of authority is known as epistemic authority. This concerns authority over one's beliefs. An example of an epistemic authority would be a doctor's recommendation for an influenza vaccination or an expert witness's testimony in court. Examples in the ancient world would be a sage's instructions to his students or a prophetic warning to turn away from idols. In each case, the one in possession of epistemic authority has more (or special access to) knowledge and expertise on a particular matter than his addressees. While an epistemic authority often gives directives with normative content, in the sense that they seek to influence their addressees' actions and decision-making, epistemic authorities cannot impose binding obligations upon their addressees. In short, practical authorities command while epistemic authorities persuade.⁸

7. For the binding character of a king's edict in Mesopotamia see Dominique Charpin, *Writing, Law, and Kingship in Old Babylonian Mesopotamia*, trans. Jane Marie Todd (Chicago: University of Chicago Press, 2010), 83–96. This stands in contrast to the nonbinding character of the Mesopotamian (and pentateuchal) law collections. See Raymond Westbrook, "Cuneiform Law Codes and the Origins of Legislation," *ZA* 79 (1989): 201–22.

8. For further comments see Dudley Knowles, *Political Obligation: A Critical Introduction*, Routledge Contemporary Political Philosophy (London: Routledge, 2010), 34–35. This distinction between practical and epistemic authority is similar to Mastnjak's recent account of authority. He, however, seems to assume that the term authority should be restricted to authority over one's actions—i.e., practical authority. A text that simply persuades is, according to Mastnjak, "prestigious," not authoritative. See Mastnjak, *Textual Authority*, 31–33. Similarly, see the distinction between texts that are religiously authoritative and texts that are religiously useful by K. L. Knoll, "Did 'Scripturalization' Take Place in Second Temple Judaism?," *SJOT* 25 (2011): 201–16.

The Normative Impact of Practical and Epistemic Authorities

The chief difference between practical and epistemic authority lies in the way that they affect their addressees' practical reasoning.⁹ For this I turn to an essential feature of Joseph Raz's theory on the authority of law: the preemption thesis.¹⁰ The preemption thesis is the best means of explaining the impact that a practical authority's directives have upon its addressees. According to the preemption thesis, law's authority operates by providing reasons for action that preempt its subjects' other reasoning, such that they feel obligated to comply simply based on its say-so. He explains as follows:

A simplified picture captures the gist of the matter: laws are normally made to settle actual or possible disagreements about which standards those subject to them should follow.... So the law sets things straight: telling people "this is what you should do and whether you agree that this is so or not, now that it is the law that you should, you have the law as a new, special kind of reason to do so." *The law is a special kind of reason for it displaces the reasons which it is meant to reflect.* It functions as court decisions do: the litigants disagree about what they have reason to do. The court determines matters. Of course they may still disagree ... [but] it does not matter. The court's decision settles matters. It displaces the original reasons (the cause of action) and now the parties are bound by the decision instead. Similarly, a law, when it is binding, preempts the reasons which it should have reflected, and whether it successfully reflects them or not it displaces them, and is now a new source of duties.¹¹

Similarly, Satlow compares the authority of literature in the seventh century BCE with the authority of an encyclopedia, which he distinguishes from normative authority. This is also very similar to the difference between practical and epistemic authority. See Satlow, *How the Bible Became Holy*, 51.

9. For further discussion on the nature of reasoning with practical and epistemic authorities see Arie Rosen, "Two Logics of Authority in Modern Law," *University of Toronto Law Journal* 64 (2014): 669–702.

10. Raz's theory on the authority of law is known as the service conception of law. It consists of three theses: (1) the content-independent thesis; (2) the normal justification thesis; and (3) the preemption thesis. See Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon, 1986), 38–70; and Raz, "The Problem of Authority: Revisiting the Service Conception 1," in *Between Authority and Interpretation: On the Theory of Law and Practical Reason* (Oxford: Oxford University Press, 2009), 134–43.

11. See Raz, "Introduction," in *Between Authority and Interpretation*, 7 (emphasis added). Similarly, Frederick Schauer writes: "When a court follows a rule, it does not decide for itself whether the rule is a good or a bad one. Nor does the court decide

Despite any criticism of Raz's full theory on the law's authority, it is widely agreed that the preemption thesis explains how legal authority operates: it operates by providing preemptive reasons for action.¹²

One of the clearest examples of a law's preemptive reason-giving power from early Jewish sources is the scene in 1 Macc 2:29–38, where a group was killed because they refused to defend themselves from attack on the Sabbath. For them, the Torah's Sabbath law provided a reason for action (or in this case nonaction) that usurped even the urge to defend themselves and their families. They felt obligated to comply with the Torah's demand despite the strongest of reasons for action: self-defense. Similarly, in the episode of Daniel and the lion's den from Dan 6, King Darius was bound by his decree to throw Daniel in the den despite the fact that he did not want to (6:14). For Darius, the decree was a reason for action that displaced his other reasons for action, such that he was obligated to comply based on its mere say-so, even though he wanted to do otherwise. As Frederick Schauer states: "Law makes us do things we do not want to do."¹³ This is how practical authorities affect their subjects' practical reasoning.

By contrast, epistemic authorities have a much different normative effect on their subjects' practical reasoning. Epistemic authorities only have the power to preempt one's reasons for belief. They work by persuasion. For example, we treat a doctor's recommendation for an influenza vaccination much differently than we treat a legally mandated vaccination, even though they both come from authoritative sources. If we follow the doctor's directive, we do so because we believe something to be true about what she says, because the doctor's knowledge and expertise on vaccinations is superior to ours. But her directive only has the power to preempt

whether in this case to obey the rule. Instead, rules function as rules by excluding or preempting what would otherwise be good reasons for doing one thing or another." See Schauer, *Thinking Like a Lawyer: A New Introduction to Legal Reasoning* (Cambridge: Harvard University Press, 2009), 61.

12. The most important criticism of Raz's service conception of law is Stephen L. Darwall, *Morality, Authority, and Law: Essays in Second-Personal Ethics* (Oxford: Oxford University Press, 2013), 135–78. E.g., while criticizing Raz's service conception of law, Scott Hershovitz writes: "The preemption thesis tells us what an authoritative order does, but it does not tell us which claims to authority are legitimate." See Hershovitz, "The Role of Authority," *Philosophers' Imprint* 11 (2011): 2.

13. This is the opening line of Frederick F. Schauer, *The Force of Law* (Cambridge: Harvard University Press, 2015), 1.

our beliefs about the benefits of the vaccination, which can only add to our reasons for action, not preempt them. Arie Rosen states:

Although both types of authority [practical and epistemic] are practical, in the sense that they ultimately guide our actions and behavior, they have a different impact on what we believe to be the right course of action. In order to affect our practical reasoning, epistemic authority has to influence our personal beliefs regarding what is right and wrong, proper and improper ... it tells us not only what to do but what to believe.¹⁴

He goes on to write:

What we are urged to respect in decisionist [his term for practical authority] directives is not ... the impact it should have on our beliefs and convictions but the directive's particular content, the arbitrary element that is left to the discretion of the person in authority.¹⁵

Thus, while practical authority preempts one's reasons for action—such that we feel obligated to comply regardless of what we believe—epistemic authority can only add to one's reasons for action, by preempting their reasons for belief. This explains why one type of authority commands, while the other persuades; one preempts reason, while the other engages it.

Identifying Textual Authority in Second Temple Sources

This distinction between practical and epistemic authority is important for our understanding of the development of textual authority in the Second Temple period. It is essential that we identify which type of authority texts like the Torah possessed for the various scribes and their communities. To look only for the emergence of the Torah's binding legal authority oversimplifies a complex issue. Authority is not one monolithic phenomenon.¹⁶ The Torah's authority may have been purely practical for some, purely epistemic for others, or, more likely, involved an interplay between the two.

In the remainder of this study I will provide examples of how the Torah was viewed as a practical authority and as an epistemic authority. I will first demonstrate that the Torah was depicted as possessing practical

14. See Rosen, "Two Logics of Authority," 675–76.

15. Rosen, "Two Logics of Authority," 680.

16. This is one of the main points made by Rosen, "Two Logics of Authority."

authority in the mixed marriage crisis of Ezra 9–10. Second, I will argue that Ben Sira presents his Torah as an epistemic authority.

The Torah's Authority in Ezra 9–10

In the mixed marriage crisis of Ezra 9–10, Ezra, acting as a judge, must resolve a problem: Members of the *Yehud* community, including leaders, had married foreign women (9:1–2). This, apparently, threatened the “holy seed” (זרע הקדש; 9:2). In the end, Ezra’s decision, which was voiced by Shecaniah in 10:3, was that all these foreign wives, along with their children, must be sent away: נברת ברית לאלהינו להוציא כל נשים והגולד מהם (“Let us make a covenant with our God to send out all women and offspring from them”).¹⁷

There can be no doubt that this decision was meant to be received as a preemptive reason for action. All adjudication is necessarily preemptive. If a judge does not render a decision that preempts the litigants’ background reasoning, then that judge fails to act as a judge. This is simply the nature of adjudication.¹⁸ In this scene, Ezra’s decision is clearly meant to preempt all background reasoning and conflicting opinions that were surely raging within the community. On the one hand, the community leaders viewed intermarriage as a contamination of “the holy seed”; that is their reason for expelling the foreign wives—their reason for action. On the other hand, expelling women and children is painful and morally reprehensible; this provides strong reason for action as well. These protesting reasons are even given voice in 10:15, where two men openly oppose this verdict; they attempted to make their reasons for action usurp Ezra’s verdict as a reason for action. The whole point of adjudication, however, is to, as Raz puts it, “set things straight.”¹⁹ That is, the whole point of adjudication is to preempt the disputing parties’ background reasoning with one authoritative reason for action. There is no doubt that Ezra’s verdict does this (as all verdicts do) and that the community treats his verdict in this way.²⁰

17. Unless otherwise noted, all translations are mine.

18. See the discussion on juridical bivalence in Timothy Endicott, *Vagueness in Law* (Oxford: Oxford University Press, 2000), 72–74.

19. Raz, “Introduction,” 7.

20. Although the text does not give us the end of the story, there is no question that the narrator depicts Ezra’s Torah-verdict as a preemptive reason for action, settling the contested question of what to do with the foreign wives. Whether or not the

What is crucial to note in this episode is that Ezra's decision is said to be given "according to the Torah" (ובתורה יעשה; 10:3). It does not matter at this point what Ezra's Torah looked like—whether it was a form of Deuteronomy or if it also included other pentateuchal sources.²¹ The fact that the decision is presented as an application of the Torah indicates that the (practical) authority for Ezra's decision derives from the Torah: "You cannot argue with this decision because it is what the Torah requires." In other words, for the *Yehud* community, at least as depicted in the narrative, the Torah held practical authority. Despite the reasoning and debates over the issue—the conflicting reasons for action by the various parties in the dispute—Ezra's Torah verdict set everything straight and cut off all reasoning. It settled the matter. The foreign wives and children had to be expelled simply because that is what (according to Ezra) the Torah commanded. This is especially obvious from the fact that (at least some members of) the community complied with the decree, acting against moral reason. Similar to King Darius in Dan 6, the law made them do something they did not want to do. Thus, the Torah is presented as a practical/legal authority in this narrative.

At this point it is necessary to briefly address the question of how Ezra could have commanded the community to do something that the Torah does not actually say and pass it off as something that the Torah does say. To resolve this issue, some conclude that Ezra had a different Torah that did command the expulsion of foreigners.²² Others prefer to call this Torah-

community actually complied, the narrator still presents a picture in which the Torah is treated as a preemptive reason for action—as a practical authority.

21. In the leader's complaint in 9:1–2 and Ezra's penitential prayer in 9:11–12, there are clear citations of portions of Deut 7 and 23. There are also possible references to Deut 18 and Lev 18. For further discussion on citations/allusions to pentateuchal texts, see Philip Young Yoo, *Ezra and the Second Wilderness*, Oxford Theology and Religion Monographs (Oxford: Oxford University Press, 2017), 165–72, 185–87; Juha Pakkala, "The Quotations and References of the Pentateuchal Laws in Ezra-Nehemiah," in *Changes in Scripture: Rewriting and Interpreting Authoritative Traditions in the Second Temple Period*, ed. Hanne von Weissenberg, Juha Pakkala, and Marko Mar-ttila, BZAW 419 (Berlin: de Gruyter, 2011), 195–97; Michael Lefebvre, *Collections, Codes, and Torah: The Re-characterization of Israel's Written Law*, LHBOTS 451 (New York: T&T Clark, 2006), 115–16; and Michael A. Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1988), 115–18.

22. See, e.g., Cornelis Houtman, "Ezra and the Law: Observations on the Supposed Relation between Ezra and the Pentateuch," in *Remembering All the Way ... A*

interpretation: Ezra was just interpreting existing laws, such as Deut 7:1–4, which prohibits intermarriage with some nations.²³ The problem with this explanation is that no preserved version of the Torah gives any indication as to what to do in cases of intermarriage.

The solution to this problem, I suggest, lies in the nature of interpreting authoritative texts. In modern law, it is natural for a judge to pass off a decision as an interpretation of existing law, rather than the creation of a new law, because judges have the power to interpret and apply the law, not the power to create new law. Timothy Endicott states:

Judges, instead of claiming authority to invent a resolution to a dispute, have a natural inclination to see what they are doing as interpreting what others have decided (the parties, the legislature, framers of a constitution, states that signed a treaty, previous courts).²⁴

In the same way, Ezra saw what he was doing with the Torah—or at least presented what he was doing with it—as the application of an established authoritative text. Because the Torah, as opposed to Ezra, had the power to provide preemptive reasons for action, he presented his difficult command as if it were Torah itself: “Don’t argue with me; this is what the Torah says you must do.” What Ezra did was not much different than what judges often do with the law and what religious leaders today often do with sacred texts, such as the Bible.²⁵

Collection of Old Testament Studies Published on the Occasion of the Fortieth Anniversary of the Oudtestamentisch Werkgezelschap in Nederland, ed. Bertil Albrektson, OTS 21 (Leiden: Brill, 1981), 107–11; and Pakkala, “Quotations and References,” 195–97.

23. For examples of this explanation, see Fishbane, *Biblical Interpretation*, 114–23; and H. G. M. Williamson, *Ezra and Nehemiah*, OTG (Sheffield: JSOT Press, 1987), 95–96.

24. Timothy Endicott, “Legal Interpretation,” in *The Routledge Companion to Philosophy of Law*, ed. Andrei Marmor (New York: Routledge, 2012), 110. Similarly, Aharon Barak suggests that judges have a “tendency to present all their actions as interpretive. They presume that, in doing so, they will enjoy the legitimacy that interpretation confers on judicial activity. Judges sometimes ‘cram’ noninterpretive activities into interpretative limits, blurring the distinction between giving meaning to a text and acting beyond it.” See Barak, *Purposive Interpretation in Law* (Princeton: Princeton University Press, 2005), 17.

25. E.g., Paula White, a popular American televangelist and spiritual advisor to Donald J. Trump, makes the case to her followers that the Bible says that they should give their January salaries to her ministry (see <https://subsplash.com/paulawhiteministries/media/mi/+cfvh2sw>).

What is peculiar about Ezra's use of the Torah is the fact that there is no evidence of midrashic-type argumentation.²⁶ He does not say "the Torah says X, which we should understand as Y, which leads to verdict Z." In modern legal systems, a judge must justify why she thinks a verdict is a legitimate application of the law. Aileen Kavanagh, for example, states:

Judges cannot simply present their conclusion about what the provision means as their interpretation of the legislation. Their conclusion is simply the outcome ... of an interpretation.... To constitute an interpretation, judges must provide reasons supporting that outcome which show why they believe it to be correct.²⁷

Such a constraint on interpretive freedom does not seem to have been operative for Ezra; it appears that there was no need for midrashic argumentation. In fact, there are numerous other instances in which there is no interpretive justification for the creative application of the Torah's provisions.²⁸ Ezra seemed to have enjoyed great flexibility in what he could declare as a requirement of the Torah.

I suggest that the best explanation for this peculiarity is that Ezra and his Torah-expert colleagues were the living embodiment of Torah. They had so studied and internalized the Torah that whatever they declared as Torah was considered as Torah itself.²⁹ In other words, the expert in the Torah became the living voice of the Torah.³⁰ This was necessary due to a lack of

26. This is a general trend in Second Temple sources, as noted by Steven D. Fraade, "Looking for Legal Midrash at Qumran," in *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls; Proceedings of the First International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature*, ed. Michael E. Stone and Esther G. Chazon, STDJ 28 (Leiden: Brill, 1998), 59–79.

27. See Aileen Kavanagh, "The Elusive Divide between Interpretation and Legislation," *Oxford Journal of Legal Studies* 24 (2004): 262.

28. For examples, see Lefebvre, *Collections, Codes and Torah*, 105–38.

29. This explanation for Ezra's use of the Torah is very similar to that of Elsie Stern, "Royal Letters and Torah Scrolls: The Place of Ezra-Nehemiah in Scholarly Narratives of Scripturalization," in Schmidt, *Contextualizing Israel's Sacred Writings*, 239–62.

30. This is similar to the explanation of Hindy Najman, "Torah of Moses: Pseudonymous Attributions in Second Temple Writings," in *Interpretation of Scripture in Early Judaism and Christianity*, ed. Craig A. Evans, JSPSup 33 (Sheffield: Sheffield Academic, 2000), 202–16.

literacy and a scarcity of scrolls among the community. This situation is no different than in countries today where some communities have low literacy rates and need to rely on legal experts to tell them what the law requires.³¹ Thus the Torah-expert served as the community's access point for understanding the requirements of the text.³² This point will also be important in the next section, where I discuss Ben Sira's presentation of the Torah.

The Torah's Authority in Ben Sira

The relationship between wisdom and Torah in Ben Sira has received enormous attention, particularly the famous statement in 24:23: "All this [wisdom discussed in the previous verses] is the book of the covenant of the Most High God, the law that Moses commanded us" (NRSV). The many explanations of this enigmatic relationship between wisdom and Torah need not be explored here.³³ My concern is with how Ben Sira envisions the normative impact of the Torah upon his community. By identifying Torah with wisdom, Ben Sira wants his addressees to equate living according to sagely wisdom with living according to the Torah.³⁴ In other

31. This is also similar to hiring a tax lawyer because the complex legal language of the tax laws is not understandable to a layperson. See further discussion in Matthew H. Kramer, *Objectivity and the Rule of Law*, Cambridge Introductions to Philosophy and Law (New York: Cambridge University Press, 2007), 117–18.

32. It is worth noting that this phenomenon involves an interplay between epistemic and practical authority. Although the community views the Torah as a practical authority, they must rely on Ezra's expertise to understand its specific demands. Thus, Ezra serves as an epistemic authority, mediating the demands of the Torah's practical authority. See my discussion in Jonathan Vroom, *The Authority of Law in the Hebrew Bible and Early Judaism: Tracing the Origins of Legal Obligation from Ezra to Qumran*, JSJSup 187 (Leiden: Brill, 2018), 195–99.

33. For a long list of references see Benjamin G. Wright, "Torah and Sapiential Pedagogy in the Book of Ben Sira," in *Wisdom and Torah: The Reception of "Torah" in the Wisdom Literature of the Second Temple Period*, ed. Bernd Ulrich Schipper and D. Andrew Teeter, JSJSup 163 (Leiden: Brill, 2013), 157–59. More recent additions to Wright's list can be found in Shane Berg, "Ben Sira, the Genesis Creation Accounts, and the Knowledge of God's Will," *JBL* (2013): 141–42; and Joshua Ezra Burns, "The Wisdom of the Nations and the Law of Israel: Genealogies of Ethnic Difference in Ben Sira and the *Mekhilta*," in *Sibyls, Scriptures, and Scrolls: John Collins at Seventy*, ed. Joel Baden, Hindy Najman, and Eibert J. C. Tigchelaar, 2 vols., JSJSup 175 (Leiden: Brill, 2017), 1:243–47.

34. I disagree with Goering that the *null copula* clause in 24:23 refers to cor-

words, to do what the sage says is tantamount to doing what the Torah says. This is how I understand this identification of wisdom and Torah.³⁵ The main point I want to make is that this identification ascribes the Torah with the epistemically oriented normativity of the wisdom tradition. In short, Ben Sira casts the Torah as an epistemic authority, rather than as a practical authority.

There is no question that the Torah was authoritative for Ben Sira, just as it was authoritative for Ezra and his community. The Torah's authority, however, operates much differently for Ben Sira than for Ezra. This is intuitive; law functions differently than wisdom. While the Torah for Ezra's community provided preemptive reasons for action, Ben Sira's Torah only provide preemptive reasons for belief. While the former cuts off reason, the latter engages it.

It must be emphasized that this does not diminish the Torah's authority for Ben Sira. It would be alien to Ben Sira's rhetorical goals if his addressees complied with his practical instruction based on its mere say-so. For example, when he states: "Do not become a beggar by feasting with borrowed money" (18:33 NRSV), he is not commanding his addressees not to borrow money. While this statement is certainly meant to have a normative impact, and is even framed apodictically ("Do not!"), the aphorism operates by providing an authoritative reason for *belief* that is meant to be considered among its addressees' other reasons for action. It is meant to convince his addressees of the relationship between unnecessary borrowing and poverty.

relation, not identity. See Greg Schmidt Goering, *Wisdom's Root Revealed: Ben Sira and the Election of Israel*, JSJSup 139 (Leiden: Brill, 2009), 8–9. However, I agree with Jessie Rogers that this identification does not entail complete interchangeability "without remainder." See Rogers, "'It Overflows Like the Euphrates with Understanding': Another Look at the Relationship between Law and Wisdom in Sirach," in *Of Scribes and Sages: Early Jewish Interpretation and Transmission of Scripture; Ancient Versions*, ed. Craig A. Evans, LSTS 50 (London: T&T Clark, 2004), 114–21.

35. This claim is not far from Berg's claim about the universality of the Torah in Sirach 16:24–17:14; and 15:11–20. He claims that Ben Sira's reinterpretation of the Genesis creation accounts emphasizes the universal knowability of God's law. All humanity, not just Israel, is capable of knowing God's law and living according to it. See Berg, "Knowledge of God's Will," 139–57. If Berg's suggestion is correct, then Ben Sira's identification of wisdom and Torah can be understood as the identification of wise living with Torah living. It must also be stated that this identification creates a tension in the book, because Ben Sira also wants to highlight the uniqueness of Israel and its Torah. See Burns, "Law of Israel," 244–52.

In other words, this provides a reason for action that gets weighed among one's other reasons for action. If there is ever a situation in which there are good reasons to borrow money, then the addressee is free to do so without it being considered a violation of the sage's wisdom/Torah. This is because epistemic authorities are meant to *engage* their addressees' practical reasoning, rather than preempt it. Rosen states:

Epistemic directives invite their addressees to weigh considerations of reasonableness and correctness when following them, thus allowing for situations in which the required course of action deviates from the directive's literal meaning, and even from the intentions of the person who issued it.³⁶

This is the nature of epistemic authority: It persuades and educates rather than commands. This does not make it less authoritative than practical (legal) authority; it is just a different type of authority. Ben Sira's sagely instruction is no less authoritative than the Torah for Ezra's community (or for the Tannaim for that matter). For Ben Sira, the Torah possessed a different form of authority that produces an alternative normative effect within its addressees.

The point to highlight is that this sagely instruction is identified with Torah. Ben Sira wants his audience to view his sagely instruction as Torah instruction. When he states, "Do not become a beggar by feasting with borrowed money," he wants the audience to view that as coming from the Torah; it, along with the entire book, is to be received as Torah-instruction. It is true that there is no express Torah passage underlying this aphorism. In fact, as is well known, there is no explicit interpretive engagement with the Torah throughout the book (though in some cases there are clear Torah allusions).³⁷ As noted above with Ezra, a lack of explicit connection

36. Rosen, "Two Logics of Authority," 676.

37. For a number of clear instances, see Wright, "Pedagogy in the Book of Ben Sira," 172–78; and Wright, "Biblical Interpretation in the Book of Ben Sira," in *A Companion to Biblical Interpretation in Early Judaism*, ed. Matthias Henze (Grand Rapids: Eerdmans, 2012), 373–82. For other possible cases see Eckhard J. Schnabel, *Law and Wisdom from Ben Sira to Paul: A Tradition Historical Enquiry into the Relation of Law, Wisdom, and Ethics*, WUNT 2/16 (Tübingen: Mohr Siebeck, 1985), 57–62. One must be wary, however, of attempting to read a Torah verse behind every aphorism. Ben Sira is not midrash. As noted above, midrashic interpretation was not common in much of the Second Temple period.

between a text and its interpretive reformulation was common in Second Temple Judaism. Scribes were able to make their interpreted objects—such as the Torah—say things they simply do not say. Just as Ezra was able to claim that the Torah commands the expulsion of foreign wives and children (among other things), so too was Ben Sira able to claim that his wisdom instruction—such as “Do not become a beggar by feasting with borrowed money”—is actually Torah instruction.³⁸

Conclusion

In this essay I have drawn from legal theory to distinguish between two types of authority, and I have provided examples of each type in Second Temple sources. While the Ezra-Nehemiah narratives depict the community as treating the Torah as a practical/legal authority, Ben Sira presents the Torah as an epistemic authority. My larger goal in this study, however, is to bring legal theory to bear upon this important issue of the nature of textual authority in early Judaism. Legal theory provides a productive framework for understanding the essence of authority; it provides the best means of understanding how a text's authority operates; and it provides an excellent means of distinguishing between the normative impacts that each type of authority has on its addressees. This puts us in a much better position to know what it is that we are looking for when we attempt to trace the development of textual authority, which eventually gave rise to the formation of a canon.

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38. This lack of connection between the Torah and what is presented as Torah can equally be said of the Mishnah. It is what underlies the famous statement in the Mishnah: “The absolution of vows hovers in the air, for it has nothing [in the Torah] upon which to depend. The laws of the Sabbath, festal offerings, and sacrilege— lo, they are like mountains hanging by a string, for they have little Scripture for many laws” (m. Hag. 1:8; translation from Jacob Neusner, *The Mishnah: A New Translation* [New Haven: Yale University Press, 1988]).

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Variegated Notions of Torah: The Law (νόμος) in the Prologue to Ben Sira

Juan Carlos Ossandón Widow

Traditionally, the prologue to Ben Sira has been quoted by scholars mainly in relation to two historical issues: the tripartite division of the Scriptures of Israel and their translation into Greek. By contrast, as far as I know, nobody has devoted a specific study to the notion of law/torah in this text.¹ In the first part of the study, I will discuss why νόμος is referred to several times in the prologue to Ben Sira, and how it is described.² Next, in order to highlight the particular way in which the prologue speaks about the torah in the context of the literature of the Second Temple period, I will carry out a short comparison with the torah according to a very different work, 4 Ezra—an apocalypse written in Hebrew around 100 CE.

1. To be sure, there are numerous studies about the torah in Ben Sira—especially its relation to wisdom—but they do not consider the prologue. For bibliographical references, see Benjamin G. Wright III, “Torah and Sapiential Pedagogy in the Book of Ben Sira,” in *Wisdom and Torah: The Reception of “Torah” in the Wisdom Literature of the Second Temple Period*, ed. Bernd Ulrich Schipper and D. Andrew Teeter, JSJSup 163 (Leiden: Brill, 2013), 157–59, as well as his study in ch. 8 of the present volume, “Where Is the Torah in Ben Sira?”

2. Having chosen this topic, we can skip other issues concerning the prologue, such as its goal, its theory of translation, or its authenticity. On such matters, in addition to the bibliography quoted in n. 3, see Giuseppe Veltri, *Libraries, Translations, and “Canonic” Texts: The Septuagint, Aquila, and Ben Sira in the Jewish and Christian Traditions*, JSJSup 109 (Leiden: Brill, 2006), 196; Benjamin G. Wright III, “Translation Greek in Sirach in Light of the Grandson’s Prologue,” in *The Texts and Versions of the Book of Ben Sira: Transmission and Interpretation*, ed. Jan Joosten and Jean-Sébastien Rey, JSJSup 150 (Leiden: Brill, 2011), 75–94.

The Torah in the Prologue to Ben Sira

Although closely related to the book of Ben Sira, its prologue—written in Greek, probably in the latter half of the second century BCE—can be studied independently. Formed by three long periods written in an elevated Koine Greek, it is similar to other prologues of both Classical Greek and Hellenistic literature. It is of fundamental importance to recall that its author knows and follows the norms of rhetoric.³

Before proceeding further, it is convenient to quote the text in full:

(1) Seeing that many and great things have been given to us through the Law and the Prophets (2) and the others that followed them, (3) for which reason it is necessary to commend Israel for education and wisdom [ἐπαινέειν τὸν Ἰσραὴλ παιδείας καὶ σοφίας], (4) and whereas it is necessary that not only those who read them gain understanding, (5) but also that those who love learning be capable of service to outsiders, (6) both when they speak and when they write, (7) Iesous, my grandfather, since he had given himself increasingly (8) both to the reading of the Law (9) and the Prophets (10) and the other ancestral books (11) and since he had acquired considerable proficiency in them, (12) he too was led to compose something pertaining to education and wisdom (13) in order that lovers of learning, when they come under their sway as well, (14) might gain much more in living by the law [διὰ τῆς ἐννόμου βιώσεως].

(15) You are invited, therefore, (16–17) to a reading with goodwill and attention, (18) and to exercise forbearance (19) in cases where we may be thought (20) to be insipid with regard to some expressions that have been the object of great care in rendering; (21–22) for what was originally expressed in Hebrew does not have the same force when it is

3. For other prologues and for the use of rhetoric, see Alexander A. Di Lella and Patrick William Skehan, *The Wisdom of Ben Sira: A New Translation with Notes*, AB 39 (Garden City, NY: Doubleday, 1987), 132; Anssi Voitila, “For Those Who Love Learning: How the Reader Is Persuaded to Study the Book of Ben Sira as a Translation,” in *Houses Full of All Good Things: Essays in Memory of Timo Veijola*, ed. Martti Nissinen and Juha Pakkala, PFES 95 (Helsinki: Finnish Exegetical Society; Göttingen: Vandenhoeck & Ruprecht, 2008), 451–60; James K. Aitken, “The Literary Attainment of the Translator of Greek Sirach,” in Joosten and Rey, *Texts and Versions of the Book of Ben Sira*, 95–126, esp. 101–8 and 123–26; and Francis Borchardt, “Prologue of Sirach (Ben Sira) and the Question of Canon,” in *Sacra Scriptura: How “Non-canonical” Texts Functioned in Early Judaism and Early Christianity*, ed. James H. Charlesworth, Lee M. McDonald, and Blake A. Jurgens, Jewish and Christian Texts 20 (London: T&T Clark, 2014), 64–71.

in fact rendered in another language. (23) And not only in this case, (24) but also in the case of the Law itself and the Prophets [ἀλλὰ καὶ αὐτὸς ὁ νόμος καὶ αἱ προφητεῖαι] (25) and the rest of the books (26) the difference is not small when these are expressed in their own language.

(27) For in the thirty-eighth year, in the reign of Euergetes the king, (28) when I had arrived in Egypt and stayed a while, (29) when I had discovered an exemplar of no little education, (30) I myself too made it a most compulsory task to bring some speed and industry to the translating of this tome, (31–32) meanwhile having contributed much sleeplessness and skill, (33) with the aim of bringing the book to completion and to publish it (34) also for those living abroad if they wish to become learned, (35) preparing their character (36) to live by the law [ἐννόμως βιοτεύειν]. (NETS)⁴

First, Ben Sira's grandson introduces his grandfather's book (lines 1–14) and, then, his own translation of it into Greek (lines 15–36). Thus, the goal of his prologue is not directly related to the law or torah; he does not intend to explain what it is or to exhort people to live according to it. However, despite its brevity, the prologue alludes to the torah five times. Therefore, it is worth asking what the grandson says about it, why he does so, and what he supposes that his readers think about it.

The prologue begins with a *captatio benevolentiae*. As usual in an exordium, the first statements do not intend to make a new proposal but to express values that are supposed to be shared by the audience.⁵ Accordingly, lines 1–3 imply that both the writer and the readers consider themselves as belonging to Israel. The presentation of common beliefs becomes more interesting if we keep in mind that the grandson describes himself as someone who can read Hebrew and had come to Egypt some time ago (probably from Judea) so that he has to look for shared claims between (at least) two different Jewish communities. In this sense, the statement of line 3—“it is necessary to commend Israel for education and wisdom,” which is affirmed without proof, as an axiom—becomes especially relevant. On the one hand, it can be put in relation to the claim according to which the Jewish wisdom is prior and superior to any form of Greek philosophy. Probably, the readers of

4. For the Greek text and the line numbering, I follow Joseph Ziegler, ed. *Sapientia Iesu Filii Sirach*, SVTG 12.2 (Göttingen: Vandenhoeck & Ruprecht, 1980).

5. See Voittila, “For Those,” 453. Borchardt, “Prologue,” 66–68, who is very critical of many of Voittila's claims, except this one.

the prologue were familiar with such a thesis since it was common in the Greek diaspora.⁶ On the other hand, the assertion of the grandson about commending Israel should be put in relation to Deut 4:5–8—an exhortation to fulfill the precepts: “You shall keep and do them, because this is your wisdom and discernment before all the nations, as many as might hear all these statutes, and they will say, ‘Look, this great nation is a wise and understanding people!’” (4:6 NETS). This text of Deuteronomy, surely well known both to the grandson and to his audience, is the only place in the Pentateuch where torah and wisdom are related to each other. The nations are expected to commend Israel as a wise people because of their practice of the torah.⁷ Life according to the torah is described as a form of wisdom that can be appreciated by non-Israelites. They do not possess a torah, but they are supposed to have some form of wisdom enabling them to recognize the sapiential value of living by the torah. It is the description of keeping the Mosaic precepts as σοφία that allows the comparison between Israel and the other peoples. By contrast with Deuteronomy, the prologue to Ben Sira does not mention the nations: it is not said who should praise Israel. Moreover, the grandson has taken the idea of praising Israel, omitting any mention of the divinity, whereas, according to Deuteronomy, the source of this wisdom is “the Lord our God” (Deut 4:7). Curiously enough, we do not find related terminology such as “divine,” “sacred,” “saint,” or the like either in this paragraph or in the rest of the prologue. Only the participle “given” comes close to being an allusion to the divine realm since one can infer that Israel has received the “many and great things” contained in the books from God. Another important difference with the text of Deuteronomy is that the prologue does not mention Moses or the Sinai covenant. The historical narrative that provides the framework for the gift of the torah to Israel is absent. A possible explanation for this omission could be that Moses’s mediation is no longer necessary since the written torah is available to everybody (who can read)

6. See Voithila, “For Those,” 453 n. 7. For expressions of this idea, see John M. G. Barclay, *Jews in the Mediterranean Diaspora: From Alexander to Trajan (323 BCE–117 CE)* (Edinburgh: T&T Clark, 1996), 127–32 (Artapanus) and 150–58 (Aristobulus).

7. On the performative nature of torah, see the studies in the present volume by Jacqueline Vayntrub, “Torah as Speech Performance in the Hebrew Bible” (ch. 2); and Francis Borchardt, “Torah for the Moment: Understanding Torah in a Performative Context” (ch. 15). The text of Deuteronomy seems to go in this direction.

as suggested by Deut 30:11–14.⁸ However, the rhetorical context offers a more satisfactory answer. As Francis Borchardt has pointed out, the assertion that Israel has to be praised because of the “education and wisdom” contained in the Law, in the Prophets, and in the other writings prepares for the presentation of Ben Sira’s book as being on a similar level:

The very reason for which the three corpora of literature are praiseworthy is their instruction and wisdom. Because Ben Sira’s own book pertains to these as well, it follows that it must also be praiseworthy. The translator strengthens his argument by closing the first section with the claim that Sirach (presumably like the other books) can be read to make progress in living a life according to the law. This is a quality that is unlikely to be attributed to all books, but reserved for those that share in the traditions of the Law, the Prophets, and the other writings.⁹

We can add that this rhetorical strategy allows us to explain also why there is no explicit mention of God in the prologue to Ben Sira. If the grandson had recalled the divine origin of the Law (and of the other books), it would have become harder to affirm that his grandfather’s book was on the same level. Thus, the prologue’s silence about the divine origin of the torah and about its historical framework as the document of the Sinai covenant should not be construed as theologically significant or as controversial.

As noted above, the prologue alludes to the Law five times. In lines 1, 8, and 24, the term νόμος is employed to designate a textual entity: a book or a collection of books, inasmuch as it is always mentioned in association with two other literary corpora: the Prophets (or “Prophecies”; see line 24) and the other writings of the ancestors. In the other two occurrences (lines 14 and 35), the law is alluded to by the adjective ἐννομος and by the derivate adverb ἐννόμως; in these cases, the torah seems to be understood as the criterion or measure to which any member of Israel is supposed to wish to adjust his or her life. This sapiential character distinguishes the torah from “law” in the sense of a legal code established by a political authority.¹⁰

8. See Thomas Krüger, “Law and Wisdom according to Deut 4:5–8,” in Schipper and Teeter, *Wisdom and Torah*, 41.

9. Borchardt, “Prologue,” 69.

10. See Catherine Hezser, “Torah als ‘Gesetz’? Überlegungen zum Torahverständnis im antiken Judentum,” in *Ist die Tora Gesetz? Zum Gesetzesverständnis im Alten*

It is easy to distinguish two ways of referring to the νόμος in the prologue: (1) as a textual entity (a book or a collection of books), and (2) as a normative teaching for life or, if preferred, as a measure or norm of life, as “normative wisdom,” in the sense of ethical or practical knowledge that is not merely an expression of common sense—like many proverbs—but that intends to be received as an instruction that must be observed. As a text, ὁ νόμος is not alone: it appears as the first of three groups of writings.¹¹ The other two seem to be less important than the Law since they are mentioned after it and are not alluded to by themselves elsewhere in the prologue. However, there is no explicit statement of subordination. Furthermore, the mention of these three groups of books implies that both the Prophets and the other writings are different from the Law. The fact that the Torah as a text does not include the Prophets and the other writings might seem self-evident to us but is in contrast with many other texts, such as 1 Macc 2:49–68; the book of Tobit; John 10:34–35; 15:25; 1 Cor 14:21; and 4 Ezra 14 (on which see below).¹²

Although the content of the Law as a text is not explicitly mentioned—by contrast, for example, with Josephus’s description in *Ag. Ap.* 1.39—we can say that the difference assumed between the Law and other writings makes it highly probable that ὁ νόμος was understood by the readers of the prologue to Ben Sira as designating the five books of the Law of Moses, both in Hebrew and in their Greek translation. Even from a minimalist point of view, it seems clear that, in the second century BCE, the books of the Law were five—more or less as we know them.¹³ In any case, it is also

Testament, Frühjudentum und Neuen Testament, ed. Udo Rüterswörden, BThSt 167 (Göttingen: Vandenhoeck & Ruprecht, 2017), 119–39.

11. This is by contrast, e.g., with Aristeas, where other books of the Jews are never mentioned. See Ian W. Scott, “A Jewish Canon before 100 BCE: Israel’s Law in the Book of Aristeas,” in *Early Christian Literature and Intertextuality: Volume 1: Thematic Studies*, ed. Craig A. Evans and H. Daniel Zacharias, LNTS 391 (London: T&T Clark, 2009), 42–53. On the notion of νόμος in Aristeas, see Borchardt, “Torah for the Moment” (ch. 15); and Lutz Doering, “Torah and Halakah in the Hellenistic Period” (ch. 14) in the present volume.

12. See John J. Collins, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul*, Taubman Lectures in Jewish Studies 7 (Oakland: University of California Press, 2017), 94–96; Gabriele Boccaccini, “Torah and Apocalypticism in the Second Temple Period” (ch. 13); and Doering, “Torah and Halakah in the Hellenistic Period,” in the present volume.

13. See Kristin De Troyer, “When Did the Pentateuch Come into Existence?”

important to recall that the first author who says that the Law of Moses is contained in *five* books is Philo of Alexandria (cf. *Abr.* 1 and *Aet.* 19).

If we find both a textual and a normative-sapiential understanding of the torah in the prologue to Ben Sira, we should ask ourselves what kind of relationship is established between them. In the first place, the consideration of the torah as a textual entity implies that a text can be considered as a source of a norm or instruction for life; at the same time, the activity of reading (also individually, as in the case of Ben Sira; see lines 8–10) is considered a means for living *ἐν νόμῳ*. Since living by the law was the goal of Ben Sira and his book—and should be of the readers of the translation—the sapiential dimension of the torah seems to be more important than the textual one. The books are an instrument to attain this goal, not the goal itself. Furthermore, living *ἐν νόμῳ* might not refer to following the Pentateuch directly as a specific written code, as is the case in the book of Ben Sira itself as well as in other texts of the same period.¹⁴ According to Benjamin Wright, in line 14 of the prologue, “the grandson almost certainly is not referring to a category of books but to the content of all these categories together.”¹⁵ I agree with the first part of this sentence; the second could be formulated more precisely: the grandson is not referring to the content of any book as such but to a norm of life, which is not necessarily identical to the content of a book, although it is contained or expressed mainly in the books called the Law and also in other books, like that of Ben Sira himself (lines 12–14), including its translation (lines 34–36).

Finally, we can observe that nothing is said by the grandson about the consequences of living a life according to the torah. There is no allusion to something like “becoming righteous” or “attaining salvation,” even less to an eschatological hope, either individual or collective. This silence, normal

An Uncomfortable Perspective,” in *Die Septuaginta—Texte, Kontexte, Lebenswelten: Internationale Fachtagung veranstaltet von Septuaginta Deutsch (LXX.D), Wuppertal 20.–23. Juli 2006*, ed. Martin Karrer and Wolfgang Kraus, WUNT 219 (Tübingen: Mohr Siebeck, 2008), 269–86.

14. In many cases, “Ben Sira appears to be filtering the Torah through the lens of the wisdom tradition that he has inherited” (Wright, “Torah and Sapiential Pedagogy,” 176). Cf. Wright, “Where Is the Torah in Ben Sira?,” ch. 8 in the present volume. See some examples in Borchardt, “Torah for the Moment,” ch. 13; and Doering, “Torah and Halakah in the Hellenistic Period,” ch. 14, both in this volume.

15. Wright, “Translation Greek,” 84 n. 23.

in the context of wisdom literature, differs from the value and contents attributed to the torah in 4 Ezra, as we shall see.

A Comparison with 4 Ezra

Undoubtedly, 4 Ezra is a much longer and more complex work than the prologue to Ben Sira. To avoid an incomplete interpretation of this apocalypse, one must take into account its narrative structure and distinguish among its different characters: the protagonist Ezra, the angel, Uriel, sent to him, and especially God, who speaks in the last section (4 Ezra 14). A detailed examination of the notion of torah in 4 Ezra goes far beyond the scope of this study. However, the topic has been recently discussed in depth so that we can take the conclusions of such studies as a starting point and, thus, proceed directly to compare it with the view of the torah in the prologue to Ben Sira.¹⁶

At first glance, a striking difference between the two texts is the references to the role of God. There is much explicit mention of the “Most High” in 4 Ezra. More concretely, the torah is usually described as “the law of God” (4 Ezra 7:20) or similar expressions. When Uriel refers to it, the torah seems to enjoy a divine status: it is prior to creation and independent of its historical manifestation to Israel and of its subsequent written transcription; it is somehow present in every human being.¹⁷ By contrast, the prologue never mentions the deity, but this seems to be due to the rhetorical context, not to an ideological program, as we have seen.

Similarly, both the prologue to Ben Sira and 4 Ezra pay little attention to Moses and to the context commonly associated with the gift of the torah to Israel, namely the exodus from Egypt and the Sinai covenant. In 4 Ezra, Moses and Sinai are mentioned—especially in Ezra’s speeches—but their importance is downplayed, when compared not only with the founding narrative in Exodus but also with the way in which the torah is described in other works and authors of the Second Temple period, such as Jubilees, Philo, or Josephus.¹⁸ Nevertheless, it would be unfair to conclude that

16. See Karina Martin Hogan, “The Meanings of *tôrâ* in 4 Ezra,” *JSJ* 38 (2007): 530–52; and Juan Carlos Ossandón Widow, *The Origins of the Canon of the Hebrew Bible: An Analysis of Josephus and 4 Ezra*, *JSJSup* 186 (Leiden: Brill, 2018), ch. 10.

17. See Hogan, “Meanings,” 539–45.

18. See John J. Collins, “The Transformation of the Torah in Second Temple Judaism,” *JSJ* 43 (2012): 455–74; Lawrence H. Schiffman, “The Term and Concept of

the grandson of Ben Sira and the author of 4 Ezra are defending an anti-historical view of the torah or that they are writing polemically against the authority of Moses as lawgiver or against the Sinaitic covenant as the origin of the torah. On the contrary, we have seen that the grandson of Ben Sira puts himself in continuity with Israel's tradition through the allusion to Deut 4:5–8. Similarly, the historical aspect of the torah is not entirely omitted in 4 Ezra since there are allusions to Sinai and to Moses: in 4 Ezra 7:129, the angel Uriel quotes Deut 30:19; and in the last chapter Ezra is depicted as a second Moses.

Regarding the purpose or function of the torah, both texts state its value as normative wisdom, that is, as a measure and guidance for life. In 4 Ezra, the torah is described in sapiential terms, especially with reference to the seventy secret books that contain it (see 4 Ezra 14:47). However, the wisdom of the torah is strongly concentrated in the knowledge of the end times. Furthermore, obeying the torah is necessary for salvation; the fulfillment of it will be employed as the criterion for the judgment of each human being (see 4 Ezra 7:70–73). Both the eschatological content and the salvific value of the torah are absent in the prologue to Ben Sira.

Finally, we can compare how the two texts refer to the torah's relationship with books. A link between the torah and its written expression appears in both but in different ways. Ben Sira's grandson has no difficulties in speaking of the torah of Israel as equivalent to its configuration as text (most probably the Pentateuch), and in parallel to other texts. It would not be fair to attribute to the author of the prologue a reduction of the torah to its textual configuration. However, he sees no problem in speaking about the torah of Israel as a text and in putting it on roughly the same level as other texts: the Prophets, the other writings and, implicitly, the book of his grandfather. By contrast, in 4 Ezra, the torah's transcendence with respect to its written expression is stressed: the torah of God is more than the books that contain it; and the written torah is surely wider than the Pentateuch, not only because it exists before any book was written but also because it is contained in more than five books. The torah rewritten by Ezra includes ninety-four books, twenty-four for everybody and seventy for the wise (see 4 Ezra 14:44–46).

Torah," in *What Is Bible?*, ed. Karin Finsterbusch and Armin Lange, CBET 67 (Leuven: Peeters, 2012), 173–91, esp. 175–81.

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Torah for Insight: Inquiry via Enigma

Robert G. Hall

Jubilees, the Temple Scroll, and Matt 5 clearly love the law, but rather than interpret it, they rewrite it. Alex Jassen explains the rewriting as updating the law for a new situation but leaves a perplexity unanswered: Why is altering Torah the right way to study, honor, and obey it?¹ This study suggests that scribes investigated Torah to gain insight and rewrote Torah to provoke it.

Greeks probed enigma for insight and composed riddles to provoke discovery. Perhaps Jews explored perplexities in Torah and rewrote Torah to elicit insight. We will examine inquiry via enigma among Greeks, then watch it among Jews, and finally seek it among Jewish readings of Torah.²

Inquiry via Enigma among Greeks

Heraclitus composes enigmas; good students examine them for insight:

His diction was often obscure: he wrote so only the adept would continue reading (Diogenes Laertius, *Heraclitus* 9.6 [Hicks])

1. Alex P. Jassen, *Scripture and Law in the Dead Sea Scrolls and Ancient Judaism* (Cambridge: Cambridge University Press, 2014), 62.

2. Extending research in three earlier studies: Robert G. Hall, “The Reader as Apocalypticist in the Gospel of John,” in *John’s Gospel and Intimations of Apocalyptic*, ed. Catrin H. Williams and Christopher C. Rowland (Edinburgh: T&T Clark, 2013), 254–73; Hall, “Subtleties of Translation and Ancient Interpretation: Cues for Understanding the *Ascension of Isaiah*,” in *The Ascension of Isaiah*, ed. Jan N. Bremmer, Thomas R. Karmann, and Tobias Nicklas, SECA 11 (Leuven: Peeters, 2016), 145–74; Hall, “Paul, Classical Rhetoric, and Oracular Fullness of Meaning in Romans 1:16–17,” in *Paul and Ancient Rhetoric: Theory and Practice in the Hellenistic Context*, ed. Stanley E. Porter and Bryan R. Dyer (Cambridge: Cambridge University, 2016), 163–85.

The brevity and the depth of interpretation are incomparable. (9.7 [Hicks])

Do not be in too great a hurry to get to the end of Heraclitus the Ephesian's book: the path is hard to travel. Gloom is there and darkness devoid of light. But if an initiate be your guide [ἤν δέ σε μύστης εἰσαγάγῃ], the path shines brighter than sunlight. (9.16 [Hicks])

From Darius to Heraclitus:

You have thrown down a treatise, *Concerning Nature*, hard both to understand and to explain [δυσνόητον τε καὶ δυσεξήγητον]. On the one hand, among some indeed, when interpreted according to your manner of speech, it seems to encompass a certain power of seeing both of the whole world and of the things happening in it, which are resting in most divine motion; on the other hand it gives pause [ἐποχήν] to most, so that those partaking most in writings are thoroughly perplexed [διαπορεῖσθαι] concerning the right explanation seeming to have been written by you. (9.13 [Hicks])

Aristotle (*Sens.* 5, 443a21) quotes Heraclitus: εἰ πάντα τὰ ὄντα καπνὸς γένοιτο, ῥῖνες ἂν διαγνοῖεν, “Were all things smoke, nostrils would distinguish”—a saying that will not let minds rest.³ How many things are not smoke! Noses can distinguish so little. But sight and hearing are limited, too; even intellect knows only what suits it. Why do we assume our concepts can explain the world? How can we think the world comprehensible? Human inquiry sniffs for things that are not smells.

Diogenes Laertius quotes Heraclitus: ἐν τὸ σοφόν, ἐπίστασθαι γνώμην, οὔτε κυβερνῆσαι πάντα διὰ πάντων (Diogenes Laertius 9.1). Kahn emends οὔτε to ὅκη and κυβερνῆσαι to ἐκυβέρνησε and translates, “The wise is one, knowing the plan by which it steers all things through all.”⁴ But emendation is unnecessary if Heraclitus writes with “linguistic density,” using meaningful ambiguity to say several things at once.⁵ The words οὔτε (read

3. C. H. Kahn, *The Art and Thought of Heraclitus: An Edition of the Fragments with Translation and Commentary* (Cambridge: Cambridge University, 1979), 78. Unless otherwise noted, translations are my own.

4. Kahn, *Heraclitus*, 54–55, 170–171; 320 nn. 204 and 205. Cf. G. S. Kirk, *Heraclitus: The Cosmic Fragments; A Critical Study* (Cambridge: Cambridge University, 1962), 388–89.

5. Kahn, *Heraclitus*, 89–92.

as ὅτε ἦ or ὅ τε ἦ) and κυβερνήσαι (allowing πάντα as object or subject) contribute ambiguity:

What is wise is one: intelligence knowing how when hers [ὅτε ἦ] is to steer all things by means of all things. [The Logos is the one wisdom.]

What is wise is one: being versed in intelligence when hers [ὅτε ἦ] is to steer all things by means of all things. [The wisdom of lesser intelligences is to be versed in the greater intelligence]

What is wise for thought to know is one thing, since in truth [ὅ τε ἦ] all things steer by means of all things. [If all things use all things to steer, then real knowing must understand the unity of goals and influences.]

What is wise for intelligence to know is one thing, since hers is [ὅ τε ἦ] to steer all things by means of all things. [If to steer all things is only by means of all things, then the intelligence that steers them must know everything at once. Hence, all real knowing is one.]

Heraclitus does not write to convey meaning but to point toward the incomprehensible.⁶ He composes riddles that open and expand on examination or that twist to offer one view, then another. He writes for readers who will investigate enigma for insight.

Plutarch, priest of Apollo at Delphi, quotes Heraclitus: ὁ ἀναξ, οὗ τὸ μαντεῖόν ἐστι τὸ ἐν Δελφοῖς, οὔτε λέγει οὔτε κρύπτει ἀλλὰ σημαίνει, “The Lord whose oracle is in Delphi neither tells nor conceals but signs” (Plutarch, *Pyth. orac.* 404e [Babbitt, modified]). Divine speech evokes truths it cannot contain; Apollo poses enigma to draw minds to seek the truth:

The beloved Apollo, in giving oracles ... injects [ἐνιέναι] and casts before the one by nature a philosopher those perplexities [τὰς ἀπορίας] concerning the wording [τὸν λόγον], creating in the soul a longing drawing toward the truth. (Plutarch, *E Delph.* 384e–f [Babbitt])

Since the beginning of philosophizing is seeking [ζητεῖν] and of seeking is marveling and the posing of a perplexity [ἀπορεῖν], suitably many

6. Ancient speech often seeks less to convey meaning than to point toward it. See F. Gerald Downing, “Ambiguity, Ancient Semantics, and Faith,” *NTS* 56 (2010): 139–62.

of the things concerning the god seem hidden in riddles [αἰνίγμασι κατακεκρύφθαι] and an utterance craving, ‘What?’ and ‘Why?’ and an elucidation [διδασκαλία] of the reason [αἰτία]. (*E Delph.* 385c [Babbitt])

[Such riddles] lure [δელιάζει] and encourage [παρακαλεῖ] to investigate [σκοπεῖν], to listen, and to discuss [διαλέγεσθαι] concerning them. (*E Delph.* 385d)

For Plutarch, Apollo clothes truth in enigma to provoke inquiry. The devout investigate the riddles to seek the god’s teaching (*E Delph.* 385b).

Plutarch investigates the E hanging at Delphi (*E Delph.* 385b): E might signify five or, remembering E’s name (EI), εἰ, “if,” or εἶ, “you are.” As five, Plutarch discerns marriage (388a–c), the universe (388e; 390a, c–e; 391b–c), music (389c–f), and powers of mind (390f). As εἰ, “if,” Apollo invites requests (“if only you would,” 386c) or inquiries (“whether I should,” 386d). Syllogistic “if” reveals Apollo’s love of inference in solving perplexing sayings (386e–f) or in learning from causality (387b). Addressing Apollo as εἶ, “you are,” the E discovers Apollo’s eternal oneness as true being and ground of being (392a–393d), drawing naïve worshipers to his deeper goodness (393d–e).⁷ Plutarch probes enigma to compose new enigma: readers ponder Apollo as EI, “you are,” to join Plutarch in beatific vision.

Socrates remembers an oracle from Apollo: “No one is wiser than Socrates” (Plato, *Apol.* 21a). Since Socrates knows he is not wise, he is perplexed (ἡπόρουν [21b]) at the god’s riddling (αἰνίττεται [21b]) and investigates (διασκοπέω [21c], σκοπέω [21e], ζητέω [22a; 23b], ἐρευνάω [23b]) to discover Apollo’s gift: “The god is really wise and by his oracle means this: ‘Human wisdom is of little or no value’” (23a [Fowler]). When Socrates glimpses the truth, he composes a new enigma: “The wisest know they are not wise” (23b).

Heraclitus, Plutarch, and Socrates stand at the edge of human knowing: speech cannot tell what they see, but it can point toward it. Therefore, Heraclitus composes riddles, and Plutarch and Socrates, having investigated riddles, write new ones. The wisest response to a riddle is a new riddle. Like Apollo, the wise neither tell, nor conceal, but sign.

7. Has Plutarch heard ἐγώ εἰμι ὁ ὢν, “I am who I am” (Exod 3:14)?

Inquiry via Enigma among Jews

Jews also compose enigmas and expect readers to investigate them. In Dan 5, Belshazzar and his court, perplexed by the handwriting on the wall (מנא תקל פרס), cannot decide how to divide the letters and vocalize them. Daniel sees them and says:

MENE, God has reckoned your kingdom and paid it out; TEKEL, you have been weighed on the scales and found wanting; PERES, your kingdom is assessed and given to the Medes and Persians (Dan 5:26–28).

Dividing the enigma into three words of three letters each, Daniel pronounces each of the three words three ways and accords each of the three words three meanings:⁸

מנש	תקל	פרס
מִנָּה, “mina”	תִּקְלָה, “shekel”	פֶּרֶס, “half-mina”
מְנֶה, “He has reckoned”	תִּקְלָה, “He has weighed”	פָּרַס, “He has assessed”
מְנֶה, “He has counted out in payment”	תִּקְלָה, “You are light in weight”	פָּרַס, “Persia”

Daniel finds a riddle and composes another. Investigating Daniel’s saying, readers see interpretation so sophisticated that it immediately convinces. Not only do they glimpse God’s judgment; they learn to read revelatory riddles.

Hagar’s sayings (Gen 16:13) baffle interpreters. What if they are enigma calling for inquiry? Consider some possibilities:

1. רִאִי yields רְאִי (noun) “vision”—either the act of seeing or something seen. Or רִאִי (*qal* participle with suffix) from רָאָה, “to see, to look, to look out for.”
2. אֵל yields אֱלֹהִים “power” or אֱלֹהִים “God.”
3. אַחֲרֵי yields אַחֲרָיו, “after”—temporal or spatial. Or אַחֲרָיו “hinder part of,” “back.”
4. חַי yields חַיִּים the adjective “living” or the noun “life” or the third-person perfect, “he lives.”

8. I am summarizing an article by Al Wolters, “The Riddle of the Scales in Daniel 5,” *HUCA* 62 (1991): 155–77.

5. רָאִיתִי yields רָאִיתִי or רְאִיתִי, “I have seen” or “I have been seen.” Hagar propounds two riddles. The first relates to God’s name.

1. The Name: אַתָּה אֵל רֹאִי
 אַתָּה אֵל רֹאִי is literally “You are God of vision,” but this might imply:
 “You are God who sees.”
 “You God who is seen.”
 אַתָּה אֵל רֹאִי “You are God seeing me.”
 “You are God searching me out.”
 “You are God providing for me.”
 אַתָּה אֵל רֹאִי “You are power of vision.”
2. The Question: הֲגַם הַלֵּם רָאִיתִי אַחֲרֵי רֹאִי
 אַחֲרֵי, “after”—temporal or spatial.
 “Have I really seen so far toward the one seeing me [רֹאִי]?”
 “Have I really seen this long after the vision [רֹאִי]?”
 “Have I really seen so long after seeing [רֹאִי]?”
 “Have I really seen so far in the direction of seeing [רֹאִי]?”
 אַחֲרֵי, “hinder part of,” “back.”
 “Have I really seen the back of the one who sees me?” (cf. Exod 33:23).
 רָאִיתִי, “I have been seen” (*pual* perfect).
 “Am I even so far provided for after the vision?” or “after his seeing me?”

Hagar’s statements assert none of these possibilities; they do not even assert all of them together. Rather, for minds trained to see and inquire, they offer flashes of insight as meanings shift. Such statements do not convey meaning; they provoke insight.

Hagar knows the best interpretation of a riddle is another riddle, and so does the narrator:

- בְּאֵר לְחַי רֹאִי, “Well belonging to” or “Well for”
 The living one who sees me.
 The life of seeing.
 The one seeing me is life.
 The one seeing me lives.
 The living one who is seen.

The life of the one providing for me.

The narrator sets the story at a spring:

העין בדרך שור

The spring on the way to Shur,
The eye watching on the road.⁹

Later Abraham joins the fun, producing two new riddles in the same genre:

אלהים יראה לו השא

God will see his lamb.
God will provide for himself a lamb.

יהוה יראה

The LORD sees.
The LORD is seen.

These six sayings show successive enquirers composing new riddles. Glimpsing beauty, they kept opening new windows to improve the view. Each turning reveals new facets of God's seeing and being seen.

In Prov 1, the Septuagint understands מוֹסֵר first as noun then as *pual* participle:

1:2: לְדַעַת חֵכְמָה וּמוֹסֵר

γινῶναι σοφίαν καὶ παιδεῖαν
for coming to know wisdom and *discipline*

1:3: לְקַחַת מוֹסֵר הַשֶּׁכֶל צֶדֶק

δέξασθαι τε στροφὰς λόγων νοῆσαι τε δικαιοσύνην,
for taking up *turnings of words* to intuit righteousness.

“Turnings of words” refers to riddling speech: ἐπίσταται στροφὰς λόγων καὶ λύσεις αἰνιγμάτων, “[Wisdom] understands turnings of words and solving of riddles” (Wis 8:8). Probably ancient readers of Prov 1:2–3 heard מוֹסֵר twist from noun to participle, from “discipline” to “turning”; either meaning

9. Nahum M. Sarna, *Genesis: The Traditional Hebrew Text with New JPS Translation* (Philadelphia: Jewish Publication Society, 1989), 120.

works well in either verse. Certainly, translators of the Septuagint discerned a “turning of words” in מוֹסֵר and preserved it.

Readers alert to “turnings of words” can investigate Proverbs’ riddles (חידות, αἰνίγματα, Prov 1:6). In Prov 1:5–6, Masoretes pointed יִשְׁמַע (*qal*), but they might have chosen יִשְׁמַע (*hiphil*), for meanings of לְהַבִּין, לִקַּח, יוֹסֵף לִקַּח, and possibly יִקְנֶה can shift in harmony:

1. The wise shall hear [*qal*: יִשְׁמַע] and gain instruction [יִוְסַף לִקַּח], and the discerning can acquire [יִקְנֶה] steering to gain insight [לְהַבִּין] in a proverb and a figure, the words of the wise and their riddles.
2. The wise shall teach [*hiphil*: יִשְׁמַע] and enhance instruction [יִוְסַף לִקַּח], and the discerning can procure [יִקְנֶה] steering to impart insight [לְהַבִּין] in a proverb and a figure, the words of the wise and their riddles.

Readers pondering the “turnings of words” discern the full range of inquiry via enigma: The wise study riddles to gain insight (translation 1) and write riddles to impart it (translation 2).

Jesus poses an enigma for inquiry:

Now while the Pharisees were gathered together, Jesus asked them this question: “What do you think of the Messiah? Whose son is he?” They said to him, “The son of David.” He said to them, “How is it then that David by the Spirit calls him Lord, saying, ‘The Lord said to my Lord, “Sit at my right hand, until I put your enemies under your feet”’? If David thus calls him Lord, how can he be his son?” No one was able to give him an answer, nor from that day did anyone dare to ask him any more questions (Matt 22:41–46 NRSV).

The perplexity (ἀπορία) is clear, potential for insight is suggestive, and Matthew leaves the reader to grasp the flash of insight.

Habakkuk complains against God’s righteousness (Hab 1:2, 13) and stubbornly awaits an answer (2:1). The answer focuses in one sentence (Hab 2:4b):

וְצַדִּיק בְּאַמּוֹנָתוֹ יֵחִיָּה

and a righteous one from *his* faithfulness shall live,

but the Septuagint, presupposing יחיה באמונתו, has:

ὁ δὲ δίκαιος ἐκ πίστεώς μου ζήσεται
and the righteous one from *my* faithfulness shall live.

Since י and ו were often indistinguishable, ancient readers chose to pronounce באִמּוֹתוֹ or באִמּוֹתִי, “in his faithfulness” or “in my faithfulness.”¹⁰ Does the righteous one live by God’s faithfulness (LXX) or one’s own (MT)?

Paul quotes Hab 2:4 as proposition to Romans: ὁ δὲ δίκαιος ἐκ πίστεως ζήσεται, “The righteous one from faith shall live” (Rom 1:17). Paul’s omission of “my/his” retains the ambiguity for Greek readers.

Comparing Paul’s quotation with subsequent passages in Romans suggests Paul pondered Hab 2:4 in several ways:

The righteous one [Christ] shall live from [God’s] faithfulness (cf. Rom 1:4; 6:10).

The righteous one [Christ] shall live from [his own] faith [trust in God].¹¹

The righteous one [anyone] shall live from [Christ’s] faithfulness (cf. Rom 3:22).

The righteous one [anyone] shall live from [God’s or Christ’s] act of persuading (cf. Rom 5:8; 8:1–11).

The righteous one [anyone] shall live from [his or her own] faith (cf. Rom 4:16–22).

The righteous one [anyone] shall live from [God’s] faith [his calculation, πίστις as proof and its result πίστις as conviction] and from [his or her own] faith [trust and conviction] (cf. Rom 4:5–6).

And even:

The righteous one [God] lives [conducts himself] from [Christ’s] faithfulness (cf. Rom 3:21–22, 26).

10. In the Habakkuk Peshier *waws* and *yods* in ויעניי, “and he answered me” (Hab 2:2; 1QpHab VI, 14), וישרה, “she is smoothed,” (Hab 2:4; 1QpHab VII, 14), and גוים (“nations” Hab 1:17; 1QpHab VI, 9) look virtually identical.

11. Leander E. Keck, *Romans*, ANTC (Nashville: Abingdon, 2005), 54.

Paul may have studied more turnings than these, but these are sufficient to show that Paul investigated enigma in Hab 2:4.¹²

And glimpsing insight, Paul composed a new riddle:

δικαιοσύνη γὰρ θεοῦ ἐν αὐτῷ ἀποκαλύπτεται ἐκ πίστεως εἰς πίστιν

For the righteousness of God is revealed in it from faith to faith (Rom 1:17).

We might understand “in faithfulness after faithfulness God reveals his righteousness” or “God reveals his righteousness in faith after faith” (in Christ’s faith and ours).¹³ We might understand God’s righteousness revealed from Christ’s faith to ours or from my faith to yours or from God’s faithfulness to human faith.¹⁴ And each of the understandings of faith can be read through any of the possible senses for God’s righteousness:¹⁵ his goodness that blesses, his kingly judgment that delivers, his goodness in Christ’s mind as Christ’s faith, his goodness in Christian minds as their faith.¹⁶

Paul discerns his gospel, in part at least, by inquiry via enigma over Hab 2:4 and composes a new enigma. Paul practices inquiry via enigma and expects readers to follow suit.

The Septuagint preserves enigma. Daniel depicts inquiry via enigma and expects readers to practice it. Jesus proposes it. Paul finds his gospel in it. Genesis, Paul, and Proverbs write perplexities for investigation. Like the Greeks, Jews studied riddles for insight and wrote riddles to provoke it. Therefore, they practiced inquiry via enigma. Do they interpret Torah accordingly?

Inquiry via Enigma over Torah

Certainly Second Temple Jews study the Law for “character formation” as Kent Reynolds suggests, but they also seek insight.¹⁷ In Baruch, knowledge

12. Fuller account in Hall, “Paul and Oracular Fullness.”

13. For the former, see John W. Taylor, “From Faith to Faith: Romans 1.17 in the Light of Greek Idiom,” *NTS* 50 (2004): 342–43.

14. James D. G. Dunn, *Romans 1–8*, WBC 38A (Dallas: Word, 1988), 48.

15. Dunn, *Romans*, 48.

16. For his goodness that blesses, see Douglas A. Campbell, “An Echo of Scripture in Paul and Its Implications,” in *The Word Leaps the Gap: Essays on Scripture and Theology in Honor of Richard B. Hays*, ed. J. Ross Wagner, C. Kevin Rowe, and A. Katherine Grieb (Grand Rapids: Eerdmans, 2008), 367–91.

17. Kent A. Reynolds, *Torah as Teacher: The Exemplary Torah Student in Psalm 119*, VTSup 137 (Leiden: Brill, 2010), 14, 87, 88.

is inaccessible (Bar 3:24–37), yet grasping commands yields knowledge (3:9, 37–38; 4:1–2).¹⁸ In Psalms, Jews investigate torah (Pss 1:2; 119:15, 23, 27, 48, 78, etc.) to gain understanding (Ps 19:7–11; 119:97–105)—and the Septuagint often heightens elements of inquiry and discovery (cf. LXX Ps 118:129–130).

Maren Niehoff argues that Aristotle's *Aporemata HomERICA* influenced Torah study in Alexandria. Textual critics examined difficulties (*ἀπορίαι*) and corrected passages they could not explain.¹⁹ But perplexity also yielded discovery: Israel took no weapons from Egypt (LXX Exod 5:3) but later wielded them (LXX Exod 17:8–9); Demetrius infers that Israel garnered weapons from Egyptians who perished in the sea (Eusebius, *Praep. evang.* 9.29.16).²⁰ Some Jews interrogated perplexity in Torah to acquire knowledge.

When divine fire kills Nadab and Abihu, Moses recalls: בקרבי אקדש ועל פני כל העם אכבד (Lev 10:3). James Watts finds the oracle intentionally ambiguous.²¹ Is בקרבי the infinitive construct, “When I draw near,” or the participle, “Among those drawing near to me”? Are אקדש and אכבד *qal* (“I am holy and glorious”), *niphal* (“I show myself holy or glorious”) or *piel* or *hiphil* (“I make holy or glorious”) or על פני כל object of אכבד or of על פני? Perhaps God has sanctified Nadab and Abihu, showing how he will glorify all the people: “In drawing near I sanctify and I glorify all the people in my presence” (cf. Exod 29:43). Or perhaps God manifested holiness among his erring ministers to glorify himself in his people's eyes: “Among those nearing me I show myself holy and before all the people I glorify myself.”

James Kugel collects interpretations on both sides of the question: Nadab and Abihu, touched with the divine fire, ascend to God with the smoke of sacrifice (Philo *Somn.* 2.67; *Fug.* 59; Lev. Rab. 12:2), or, transgressing, they are consumed to show God's glory (Josephus, *Ant.* 3.209;

18. Sebastian Grätz, “‘Wisdom’ and ‘Torah’ in the Book of Baruch,” in *Wisdom and Torah: The Reception of “Torah” in the Wisdom Literature of the Second Temple Period*, ed. Berndt U. Schipper and D. Andrew Teeter, JSJSup 163 (Leiden: Brill, 2013), 190–91.

19. Maren R. Niehoff, *Jewish Exegesis and Homeric Scholarship in Alexandria* (Cambridge: Cambridge University Press, 2011), 38–53. For the Samaritan Pentateuch, see Jonathan J. Ben Dov, “Early Texts of the Torah: Revisiting the Greek Scholarly Context,” *JAJ* 4 (2013): 210–34.

20. See Niehoff, *Jewish Exegesis*, 41.

21. James W. Watts, *Leviticus 1–10*, HCOT (Leuven: Peeters, 2013), 530–31.

Tg. Ps.-J. Lev 10:2–3; Lev. Rab. 12:1).²² Either understanding invites further inquiry. The debate reflects inquiry via enigma.

Sirach advocates investigating Torah by inquiry via enigma:²³

How different the one who devotes his mind and thinks things through in the Law [διανοούμενου ἐν νόμῳ] of the Most High! He seeks out the wisdom of all the ancients and occupies himself with prophecies. He treasures up the accounts of famous human beings and he enters in among the turnings of the parables [ἐν στροφαῖς παραβολῶν συνεισελεύσεται]; he searches out secrets of proverbs [ἀπόκρῃθα παροιμιῶν ἐκζητήσει] and turns about [ἀναστραφήσεται] among the riddles of parables [ἐν αἰνίγμασι παραβολῶν]. (Sir 39:1–3 LXX [38:34–39:3 ET])

Good students investigate laws as proverbs, riddles, and parables, searching out secrets among their shifts of meaning. Like Ben Sira himself (50:27), they will pour forth new words of wisdom (39:6), new *paromimiai* (18:29), which they can then investigate for new secrets (39:7).²⁴ Torah is among the riddles (αἰνίγματα), parables (παραβολαί), figures (παροιμίας), and turnings (στρόφαι) that provoke insight for the composition of new riddles.

Ben Sira depicts rivers from the Law becoming in Ben Sira himself rivers of wisdom:

The Book of the Covenant of Highest God is all these things [all the things of wisdom], the Law that Moses commanded us, an inheritance for the congregations of Jacob, filling wisdom as Pishon and as the Tigris on days of new things, filling up insight as Euphrates and as the Jordan on days of harvest, shining forth training like light, like Gihon on the day of vintage. The first did not finish knowing her and so the last shall not track her out. For her thought is multiplied by the sea, and her counsel by the great abyss. And I, like a conduit from a river and like an aque-

22. James L. Kugel, *Traditions of the Bible: A Guide to the Bible as It Was at the Start of the Common Era* (Cambridge: Harvard University Press, 1998), 744–46.

23. Νόμος probably refers to Mosaic Torah. See Benjamin G. Wright III, “Torah and Sapiential Pedagogy in the Book of Ben Sira,” in Schipper and Teeter, *Wisdom and Torah*, 164.

24. NRSV unnecessarily inserts “the Lord” as subject in this verse. The Lord fills the one who studies with understanding (39:6), but the one who studies pours forth new words of wisdom and considers their secrets (39:6–7).

duct I came out into paradise.²⁵ And I said, “I will water my garden and drench my plot,” and behold, the conduit became for me as a river and my river as a sea. Still I will shine training as dawn and show forth the same things at a distance. I will pour out teaching as prophecy and leave it to generations of eternity. Look, for I have not labored for myself alone but for all those seeking her. (Sir 24:23–34)

Ben Sira drinks wisdom, insight, and training from the Law and pours it out in teaching.²⁶ He investigates the Law and writes proverbs; he studies Torah by inquiry via enigma.²⁷

Tradition about Jesus reports three inquiries on “You shall love your neighbor as yourself” (Lev 19:18). “Neighbor” presents the *aporia*: רֵעַ can refer to one’s lover (Hos 3:1; Song 5:16), one’s friend (Deut 13:7; Prov 17:17), one’s associate (Zech 3:8), one’s neighbor (Exod 20:17, Lev 19:13, 16), or one’s adversary (Exod 18:16; Prov 6:3; 25:8–9; 2 Kings 3:23; Zech 11:6); עֹרֵף can refer to one who harms you.²⁸

A lawyer initiates an inquiry: “Who is my neighbor?” (Luke 10:27–28). Jesus replies with a riddle (παραβολή): the good Samaritan (10:30–37) does not define the neighbor, but provokes reflection for deeper insight. Luke presents the full pattern of inquiry via enigma over Torah.

Jesus initiates an inquiry:

You have heard that it was said, “You shall love your neighbor and hate your enemy.” But I say to you, “Love your enemies and pray for those persecuting you.” (Matt 5:43–44)

To the question, “Who is my neighbor?” someone proposed a proverb (παροιμία), “You shall love your neighbor and hate your enemy,” and Jesus offers a counter proverb, “Love your enemies and pray for those persecuting you” (Matt 5:44).²⁹ Both proverbs presuppose the full pattern of inquiry via enigma over Torah.

25. Or “a garden.”

26. Sir 21:11–17 likewise portrays law as source for wise speech.

27. Sir 2:15–16 reformulating Deut 10:12–13; Sir 17:14 reformulating Lev 19:13–18; Sir 4:1–10 reformulating Deut 24:17–22; Sir 3:21–23 reformulating Deut 30:11–14; and Sir 7:27 reformulating Exod 20:12 might show Ben Sira at work.

28. HALOT, s.v. “עֹרֵף.”

29. The Byzantine Text (Matt 5:44, 47) shows continued inquiry on “who is my neighbor?”

Matthew continues, “You shall be perfect as your heavenly Father is perfect” (5:48). The latter crosses “You shall be holy for the Lord your God is holy” (Lev 19:2) with “you shall be perfect along with [עם] the Lord your God” (Deut 18:13). If Matthew investigates Lev 19:2 together with Deut 18:13 to explain loving enemies (Lev 19:18; Matt 5:43–48), Matthew must love the Law (Matt 5:18–19). But the right way to love the Law is not to reproduce it, but to reformulate it. Like “Love your enemies,” “Be perfect as your heavenly Father is perfect” is new Torah (Matt 13:52), new enigma for investigation. Twice in this passage (Matt 5:43–48), Jesus examines the Law and reexpresses it, and Matthew knows that not one jot or tittle of the Law has passed and that it is not ruined but fulfilled (Matt 5:17–18).

Moshe Bernstein and Shlomo Koyfman point out that the Community Rule presupposes interpreting the *ב* in *לא תלך רכיל בעמך* (Lev 19:16) two ways:³⁰

והבדילו שנה אחת מטהרת הרבים ונענש והאיש אשר ילך רכיל ברעהו
ואיש ברבים ילך רכיל לשון לח הוא מאתם ולוא ישוב עוד³¹

And as for the man who walks as talebearer against his neighbor, it shall separate him one year from the purity of the many and he shall be fined. But a man shall walk a talebearer against the many to his sending away from affiliation with them and he shall not ever return. (1QS VII, 15–17)

“Walking as talebearer against his neighbor” assumes interpreting Leviticus as “among his people” and “walking as talebearer against the many” assumes “against his people.” The *ב* imposes an *aporia*. Therefore, the passage in the Community Rule listens both ways and reformulates two new sayings of Torah as a result. The Temple Scroll formulates a third:

ותליתמה יהיה איש רכיל בעמו ומשלים את עמו לגוי נכר ועושה רעה בעמו כי
אותו על העץ וימת

When a man shall be a talebearer against his people, delivering up his people to a foreign nation, and doing harm against his people, you shall hang him on a tree and he shall die. (11Q19 LXIV, 6–8)

30. Moshe J. Bernstein and Shlomo A. Koyfman, “The Interpretation of Biblical Law in the Dead Sea Scrolls,” in *Biblical Interpretation at Qumran*, ed. Matthias Henze, SDSSRL (Grand Rapids: Eerdmans, 2005), 77 n. 38.

31. Text from Florentino García Martínez and Eibert J. C. Tigchelaar, *The Dead Sea Scrolls Study Edition* (Grand Rapids: Eerdmans, 1997), 1:86.

Like Matthew, these writings examine enigma in Torah and write new Torah in response.

Conclusion

Those in the ancient Mediterranean world viewed human knowing as significant but limited. Reality exceeds human comprehension. Apollo constructs enigma to entice humans to inquire and to trip them into glimpsing more than they can see. Those who glimpse can then construct new enigmas to facilitate others' glances. At the edge of human vision, Heraclitus glimpses cosmic wisdom and writes enigmas affording sight. Hagar, glancing in beatific vision, writes riddles and, investigating her work, others compose new riddles to improve the view. Habakkuk writes enigma and Paul investigates it to write Romans, a train of enigma glancing into God's righteousness. Sirach and Matthew investigate Torah as enigma. Tripping on *aporiai* they inquire and glimpse and write new Torah to help readers see. They are not modifying Torah to replace it. They are joining Torah to fulfill its purpose. Torah is given to conform human beings to realities they cannot see. They must conform not to what their minds can contain but to the ineffable realities to which Torah points. Scribes write new Torah not to replace the old but to offer new vantage points, new obstacles to trip one another out among the realities they seek, new windows onto the Torah flowing from God's thinking.

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Torah and the Search for Wisdom in Hellenistic Judea

Elisa Uusimäki

Introduction

Several Jewish texts from the Hellenistic and early Roman periods document the rise of the exemplary sage, a wise figure to be emulated by those who seek wisdom. These texts also suggest that diverse forms of torah piety gained further significance in Judaism and its pedagogical traditions.¹ In this brief article, I shall analyze the ways in which the sage and his pupils are associated with torah in texts that originate from Hellenistic and early Roman Judea.² Particular attention will be paid to Qoheleth, the instruction of Ben Sira, the maskil materials of the Dead Sea Scrolls, and two manuscripts discovered at Qumran, 4Q185 and 4Q525. As I hope to show, the portrayal of sages and wisdom-seekers is colored by torah piety, which contributes to the distinctive profiles of Jewish intellectuals in the cultural context of the Hellenistic East.

1. I do not capitalize the term *t Torah* in this essay because of its various meanings that range from the etymological meaning of “instruction” to the more particular connotations of “Pentateuch” and “law.” In early Jewish writings, as will be demonstrated in this essay, the term torah often stands for divine instruction broadly understood.

2. Recent publications on wisdom and torah include, e.g., Bernd U. Schipper and D. Andrew Teeter, eds., *Wisdom and Torah: The Reception of “Torah” in the Wisdom Literature of the Second Temple Period*, JSJSup 163 (Leiden: Brill, 2013); Charlotte Hempel, “Wisdom and Law in the Hebrew Bible and at Qumran,” *JSJ* 48 (2017): 155–81. See also the pioneering work of Eckhard J. Schnabel, *Law and Wisdom from Ben Sira to Paul: A Tradition-Historical Enquiry into the Relation of Law, Wisdom, and Ethics*, WUNT 2/16 (Tübingen: Mohr Siebeck, 1985).

The Rise of the Sage in Jewish Antiquity

Proverbs does not yet highlight the sage as a wisdom teacher (but see Prov 22:17). Instead, the figure receives more attention in Qoheleth with first-person speeches of the sage and the epilogue underlining his pedagogical and contemplative pursuits. The exemplary sage becomes explicit in the instruction of Ben Sira where he serves as an object of emulation.³ As shown by Benjamin Wright, three features are particularly pertinent in this respect: (1) the use of father-son language; (2) the sage's first-person accounts; and (3) the section on scribal activity in Sir 38:34c–39:11. Sirach 51:13–25 further crystallizes the theme of exemplarity, inviting “the student not simply to abide by the sage's teaching, but to emulate and then become the sage who produced it.”⁴

I have argued that the rise of the ideal sage in Judaism should be contextualized over against Greek philosophical discourse, which had widespread impact in the Eastern Mediterranean region.⁵ Apart from the key evidence of Ben Sira, the conception is internalized in several Hellenistic Jewish sources, including the maskil materials from Qumran and 4Q525, which mentions a teacher to be remembered by his followers (14 II 15–16). The book of the parables refers to those who will walk on Enoch's path (1 En. 71:16–17), and the theme of identifying oneself with a biblical

3. Benjamin G. Wright III, “Ben Sira on the Sage as Exemplar,” in *Praise Israel for Wisdom and Instruction*, JSJSup 131 (Leiden: Brill, 2008), 165–82. Wright's insightful article builds on Hindy Najman's groundbreaking work on the exemplary function of biblical figures in the pseudepigrapha; see Najman, “How Should We Contextualize Pseudepigrapha? Imitation and Emulation in 4 Ezra,” in *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honour of Florentino García Martínez*, ed. Anthony Hilhorts, Emile Puech, and Eibert Tigchelaar, JSJSup 122 (Leiden: Brill, 2007), 529–36.

4. Wright, “Ben Sira on the Sage as Exemplar,” 178. On the ideal sage in Ben Sira, see also Judith H. Newman, “Liturgical Imagination in the Composition of Ben Sira,” in *Prayer and Poetry in the Dead Sea Scrolls and Related Literature: Essays in Honor of Eileen Schuller on the Occasion of Her 65th Birthday*, ed. Jeremy Penner, Ken Penner, and Cecilia Wassen, STDJ 98 (Leiden: Brill, 2012), 323–38, who points out that the grandson's autograph and ch. 24 underline “the importance of the individual,” which implies that anyone may become a wise teacher. Thus, Newman argues that the sage holds a central place in Jewish life by creating “an eternal dynasty through generations of future students.”

5. See Elisa Uusimäki, “The Rise of the Sage in Greek and Jewish Antiquity,” *JSJ* 49 (2018): 1–29.

figure is prominent in other pseudepigrapha.⁶ In Greek Jewish writings, exemplary wise appear in the Wisdom of Solomon, which reimagines the ancient king as a meditative and prayerful sage (Wis 9:7–8), and in Philo of Alexandria's works, which likewise invoke models of the biblical past.⁷

Intriguingly, the model-sage emerges in Greek philosophical texts already in the classical period. At this point, a philosopher comes to denote one who pursues wisdom in order to become a sage to be emulated by his pupils. The Greek sage has been described as a figure who provides the wisdom-lover with an "ideal described by philosophical discourse."⁸ The aspirational tone that characterizes the portrayal of Hellenistic Jewish sages suggests that even though these sources are not directly indebted to Greek writings, they share the motif of an exemplary sage. Thus, Jewish texts partake in a cross-cultural wisdom discourse, which resulted from the intermingling of cultural influences. While the idealized nature of the Jewish sage reminds one of the Greek world, many of the texts simultaneously emphasize the role of torah in the life of the wise.⁹ How is this visible in the wisdom discourse of the learned people from Hellenistic Judea?

Torah in the Life of the Wise: Exemplary Teachers

Jewish sources attest to types of interplay between the sage and torah (lit. "instruction"). Although the wise person depicted in Qoheleth does not count as particularly torah-devoted, a concern for interacting with texts is clear in the epilogue to the book (Qoh 12:9–11). It specifies that the sage teaches people, collects and composes proverbs, and meditates on them. While their specific content is never detailed, the collection of proverbs

6. This has been demonstrated by Najman, "How Should We Contextualize Pseudepigrapha?" 529–36. See also Najman, *Losing the Temple and Recovering the Future: An Analysis of 4 Ezra* (Cambridge: Cambridge University Press, 2014).

7. See, e.g., *Abr.* 3–4; *Post.* 174; *Virt.* 51; *Mos.* 1.158–159. For a detailed survey of the Jewish evidence, see Uusimäki, "Rise of the Sage," 9–17.

8. So, Pierre Hadot, *Qu'est-ce que la philosophie antique?* (Paris: Gallimard, 1995); Eng. trans.: *What Is Ancient Philosophy?*, trans. Michael Chase (Cambridge: Harvard University Press, 1995), 224. On the aspirational nature of pursuing wisdom in ancient Greece, see also Julia Annas, "The Sage in Ancient Philosophy," in *Anthropine Sophia: Studi di filologia e storiografia filosofica in memoria di Gabriele Giannantoni*, ed. Francesca Alesse et al., *Elenchos* 50 (Naples: Bibliopolis, 2008), 11–27.

9. See the lengthier discussion in Uusimäki, "Rise of the Sage," 1–29, esp. 17–23.

might involve something that was understood as divine instruction—that is, torah of some sort.

The sage depicted in Ben Sira is explicitly associated with contemplation on torah and divine commandments (e.g., Sir 1:26; 6:37; 15:1; 19:20; 33:2–3). The prayerful wise person even boasts in torah (38:8). The elder's aim to achieve and transmit wisdom is very visible in Sir 24:30–34, which details the efforts of the instructor who begins with watering his own garden, but whose canal becomes a river and a sea (24:30–31). Water imagery, connected with *nomos*/torah (24:23–27), may suggest that wisdom is to be found in the Jewish tradition. The sage further describes his torah devotion in a section where the concepts of wisdom and torah seem to intermingle (51:18–19): “For I intended to practice her.... My soul has grappled with her, and in the performance of the law I was exacting” (NETS).¹⁰

Another wise teacher is the maskil whose audience is the *yahad* dedicated to torah (e.g., 1QS I, 1–3; V, 1, 7–8; VII, 15–16). The Dead Sea Scrolls link him with multiple roles and portray him as a pedagogue, receiver of revelation, spiritual authority, and liturgical performer.¹¹ Such functions construct his perfection that is crystallized in the Community Rule (1QS). The instructions in 1QS IX, 13–21a stress the maskil's fulfillment of regulations, correct attitude, and perfect insight. The claim that “he shall do God's will, according to everything which has been revealed from time to time” (IX, 13) reveals his sense of divine revelation. Another set of instructions in 1QS IX, 21b–25 emphasizes the maskil's virtue and torah obedience. The figure is “a man enthusiastic for the statute” and said to “perform

10. On the sage of Ben Sira, see, e.g., Wright, “Ben Sira on the Sage as Exemplar,” 165–82; Newman, “Liturgical Imagination in the Composition of Ben Sira,” 311–26; Elisa Uusimäki, “The Formation of a Sage according to Ben Sira,” in *Second Temple Jewish “Paideia” in Context*, ed. Jason M. Zurawski and Gabriele Boccaccini, BZNW 228 (Berlin: de Gruyter, 2017), 59–69.

11. On the maskil in the light of the Qumran corpus, see, e.g., Carol A. Newsom, “The Sage in the Literature of Qumran: The Functions of the Maskil,” in *The Sage in Israel and the Ancient Near East*, ed. John G. Gammie and Leo G. Perdue (Winona Lake, IN: Eisenbrauns, 1990), 373–82; Armin Lange, “Sages and Scribes in the Qumran Literature,” in *Scribes, Sages, and Seers: The Sage in the Eastern Mediterranean World*, ed. Leo G. Perdue, FRLANT 219 (Göttingen: Vandenhoeck & Ruprecht, 2008), 271–93, esp. 277–78, 286–91; Elisa Uusimäki, “Maskil among the Hellenistic Jewish Sages,” *JAJ* 8 (2017): 42–68.

(God's) will in every enterprise and in all his dominion, as he has commanded" (IX, 23–24).

Thus, two wise teachers from Hellenistic Judea, the sage of Ben Sira and the maskil, serve as exemplars and encourage others to lead a torah-devoted life—whatever that may mean in practice—filled with pedagogical pursuits, prophetic tasks, and prayer (esp. Sir 38:34b–39:11; 1QS IX, 12–XI, 22). To these pedagogues we might also add the figure of Jesus: he serves, especially according to Matthew's Gospel, as a wisdom teacher who does not hesitate to revisit the teachings of torah (esp. Matt 5:17–48).

Torah in the Life of the Wise: Instruction for the Dedicated

The Dead Sea Scrolls also offer new evidence on the integration of torah into the curriculum of wisdom students. Many of them refer to wisdom's divine sources, torah and/or another divine revelation (*raz nihyeh*).¹² The mixture of wisdom and torah is so widespread that according to Armin Lange, all wisdom texts from Qumran represent *Toraweisheit*, apart from 4Q424.¹³ Lange seems to understand *Toraweisheit* as an inclusive category of texts that display some interest in torah. While I agree with such a notion, it should be stressed that the modes of impact are often subtle; very diverse passages could be equally characterized as attesting to some sort of torah piety.¹⁴ Some texts, however, directly connect the wise life with torah observance (e.g., 4Q426 1 I 1–2; 4Q184 1:13–17; 4Q421 1 II 12). I argue that this phenomenon is also conspicuous in 4Q185 and 4Q525, even if the term תורה occurs only once in 4Q525 (2 II 4) and never in 4Q185

12. On the latter concept, see, e.g., Daniel J. Harrington, "The Rāz Nihyeh in a Qumran Wisdom Text (1Q26, 4Q415–418, 423)," *RevQ* 17 (1996): 549–53.

13. Armin Lange, "Die Weisheitstexte aus Qumran: Eine Einleitung," in *The Wisdom Texts from Qumran and the Development of Sapiential Thought: Studies in Wisdom at Qumran and Its Relationship to Sapiential Thought in the Ancient Near East, the Hebrew Bible, Ancient Judaism, and the New Testament*, ed. Charlotte Hempel, Armin Lange, and Hermann Lichtenberger, BETL 159 (Leuven: Leuven University Press, 2002), 3–30, esp. 30.

14. Regarding torah piety in wisdom texts from Qumran, see, e.g., the order not to abandon the statutes in 4Q416 2 II 8–10 or to walk according to the commandment in 4Q417 19:4. Notice also the variegated pentateuchal influence on wisdom discourse. To mention but a few instances, consider the impact of the paradise narrative on 4Q416 2 III 20–IV, 5; and 4Q423 1–2 I 1–7; or that of the Decalogue on 4Q415 2 II 1; and 4Q416 2 III 15–19.

(yet see 3:3). Instead, it is relevant to observe that both texts employ the feminine, third-person singular suffix ה. What does this suffix refer to: wisdom, torah, or both?¹⁵

In 4Q185, ה appears in the latter half of fragments 1–2 II. First, a macarism is followed by explanations that describe the divine gift of “her” (1–2 II 8–10): “Happy is the person to whom *she* has been given.... Let not the wicked boast by saying that *she* has not been given to him, nor [...] to Israel.”¹⁶ The suffix could primarily refer to wisdom, but its likely association with Israel signals that it does not stand for any kind of human wisdom. The instruction continues as follows (1–2 II 11–13): “He says: ‘When shall there be prosperity in her, and security in her?’ To [pos]sess *her* he has to find *her*, to ga[*n* know]ledge of *her* he has to bear *her* along. With *her* [are length of d]ays, sparkle of eyes, and joy of heart.... His mercies are *her* secrets, and his salvations are upon [...] Prosperity and security accompany wisdom/torah, but “she” is first to be found, absorbed, and kept consciously.

The section ends with another macarism that brings the torah nuances of the instruction to a culmination (1–2 II 13–15): “Happy is the person who performs *her*, and does not repay [*her* with ...], [with] a treacherous [he]ar[t] he does not seek *her*, and with flatteries he does not grasp *her*. As *she* was given to his fathers, so he in turn inherits *her* [...] in all the power of his strength, and with all his [mig]ht, without lack. And he will give *her* as an inheritance to his descendants.” The idea of performing “her” reveals the motif of torah observance, while “her” pursuit is expanded to concern future generations through the idiom of inheritance. Thus, the audience plays an essential role in the transmission of divine wisdom, which has been revealed in torah, given to the fathers in the past.¹⁷

15. The possibility that the recurrent suffix would refer to some other feminine noun than wisdom or torah (e.g., נחלה) seems unlikely, specifically given that 4Q525 2 II 3–4 explicitly mentions both wisdom (חוכמה) and torah (תורת עליון) within a passage where several feminine suffixes appear. The present discussion on the use of the feminine suffix in 4Q185 and 4Q525 summarizes the research that I have previously presented in more detail in Elisa Uusimäki, “‘Happy Is the Person to Whom She Has Been Given’: The Continuum of Wisdom and Torah in 4QSapiential Admonitions B (4Q185) and 4QBeatitudes (4Q525),” *RevQ* 26 (2014): 345–59.

16. Unless otherwise noted, all translations are mine.

17. Apart from the use of the feminine suffix, the command not to defy the “words of YHWH” (1–2 II 3) and the portrayal of Jacob and Isaac as exemplary figures (1–2

4Q525 also employs the feminine suffix ה. Fragment 2 II with remains of five macarisms and another poem focuses on a life with “her,” beginning with 2 II 1: “happy are those who hold fast to *her* statutes.” This probably refers to those who cling to the statutes of torah, although their content is not specified. The next macarisms (2 II 2–3) continue to use the suffix in references to rejoicing in “her” and seeking “her” with pure hands instead of a deceitful heart. The search for “her” can apply to wisdom (e.g., Sir 51:13–14) but reminds one of torah as well, for the verb דרש is sometimes used in connection with it (e.g., 1QS VI, 6; CD VI, 7; VII, 18). The final beatitude (2 II 3–4) states: “Happy is the one who attains wisdom, *vacat* and walks in the torah of the Most High.” Achieving wisdom is here paralleled by walking in—that is, observing—torah. This claim opens a new section on the life of those who have found wisdom, and the wise person is described as one who “reflects on *her* continually” (2 II 6), thus resonating with the torah piety of many texts.¹⁸ Similar reflection reappears in the latter part of frag. 5: “those who fear God keep *her* ways and walk in [...] *her* statutes and do not reject *her* chastisements” (5:9–10). The perfect ones “do not reject *her* punishments” (5:11) and “those who love God walk humbly in *her*” (5:13). The statements about “her” are fairly general, but lines 5:7–8 indicate that the question is about Israel’s inheritance and lot. A final remark can be made on the water imagery of frags. 21 and 24 II, for the phrase “her source” (21:7) suggests a reference to the source of wisdom and water idiom is often associated with torah in Second Temple Judaism.¹⁹

In 4Q185 and 4Q525, ה seems to function as a deliberate literary and pedagogical device. The feminine suffix enables multiple interpretations as it can refer to both wisdom and torah. In fact, the internal evidence of these texts does not allow for making sharp distinctions between cases when the question is about wisdom and when it is about torah. Rather, the use of the suffix appears to encourage torah piety in both attitude and behavior. This interpretation is particularly true of 4Q525 with the paradigmatic identi-

II 4) can also be regarded as a part of 4Q185’s torah piety (cf. 1–2 I 14–15; 3:3). On the evidence of 4Q185, see Uusimäki, “Continuum of Wisdom and Torah,” 350–53.

18. See esp. Josh 1:8; Pss 1:2; 119:1; 154 (11Q5 XVIII, 12–14); Sir 14:20.

19. Cf. CD VI, 2–7; Sir 24:25–29; 4Q418 81:1; 103 II 6. The link between water and torah in 4Q525 has been suggested by Matthew J. Goff, *Discerning Wisdom: The Sapiential Literature of the Dead Sea Scrolls*, VTSup 116 (Leiden: Brill, 2007), 216–17. For further discussion on 4Q525, see Uusimäki, “Continuum of Wisdom and Torah,” 353–55.

fication of wisdom and torah (2 II 3–4), but the torah-related resonance of 4Q185's language also grows over the course of teaching and culminates in the idea of performing and inheriting "her" (1–2 II 8–15). 4Q525 might also provide more unambiguous evidence for the phenomenon simply because the crucial passages are somewhat better preserved than those of 4Q185, although both texts remain in very fragmentary forms that leave many questions open as to their original forms and contents.

Conclusions

Elias Bickerman famously argued that the notion of *paideia*, that education forms a human being, shaped Judaism in the late Second Temple era. Wisdom had come to mean culture, which enabled the erudite elite of Jerusalem to reimagine the Jewish sage as an intellectual with leisure for learning. Yet, Ben Sira assembled his own curriculum where the torah, not Homer's poems, constituted the core of education.²⁰ As this brief survey has shown, forms of torah piety indeed left a mark on the portrayal of sages and wisdom-seekers in texts from Hellenistic Judea, indicating that the study of wisdom could mean torah studies. Meanwhile, the torah discourse detected in the primary sources remains abstract, which implies that there were many ways to understand the concept of torah and to show enthusiasm toward it. Overall, the evidence resonates with the observations of Carol Newsom who describes תורה as "the site of intersecting accents."²¹ The flavor of torah in wisdom-related contexts is undoubtedly Jewish, but the concept refers to divine instruction broadly understood. Although various nuances—the etymological meaning of an "instruction" as well as the more particular connotations—are equally at home in wisdom teaching, torah piety is typically abstracted into the conceptual level.²² The ambiguous use of the feminine suffix in 4Q185 and 4Q525 is

20. Elias J. Bickermann, *The Jews in the Greek Age* (Cambridge: Harvard University Press, 1988), 166–68, 170–71.

21. These accents were not merely scholarly abstractions but existed in the word itself, since all words bear traces of their previous use within them; see Carol A. Newsom, *The Self as Symbolic Space: Constructing Identity and Community at Qumran*, STDJ 52 (Leiden: Brill, 2004), 10–11.

22. On the question of whether wisdom in the Dead Sea Scrolls has anything to do with halakah, see George J. Brooke, "Biblical Interpretation in the Wisdom Texts from Qumran," in Hempel et al., *Wisdom Texts from Qumran*, 201–20, esp. 209; Lawrence H. Schiffman, "Halakhic Elements in the Sapiential Texts from Qumran," in

a case in point: this kind of rhetorical game is natural in poetic contexts, which tend to make use of suggestive expression, thus consciously allowing for multiple nuances, interpretations, and associations.

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Torah and Apocalypticism in the Second Temple Period

Gabriele Boccaccini

A Premise by Way of Introduction

Two major reasons prevent us from talking of a single attitude of Jewish apocalypticism toward the Mosaic Torah during the Second Temple period: (1) Synchronically, historical situations and ideological positions changed dramatically over the course of six centuries. The social relevance of apocalyptic groups varied, and so did the status of the Torah and the terms of the Mosaic discourse.¹ (2) Diachronically, there were different trends in Jewish apocalypticism. By Jewish apocalypticism modern interpreters denote the worldview of the apocalypses, not a single social group or a unified ideology.²

Early Apocalyptic Trends

As is widely recognized, preexilic Judaism and the earliest phase of postexilic Judaism were not regulated by the Mosaic Torah. The Torah is essentially a postexilic construct. Although many historical factors (first of all, the Babylonian exile and the transition from polytheism to monotheism) and many social groups (first of all, the kings of the house of David and their scribes and prophets) contributed to such phenomenon, the invention of the Torah was the direct responsibility of the often-neglected protagonists of the first three hundred years of the Second Temple, that is, the

1. Hindy Najman, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism*, JSJSup 77 (Leiden: Brill, 2003).

2. John J. Collins, *The Apocalyptic Imagination: An Introduction to Jewish Apocalyptic Literature*, 3rd ed. (Grand Rapids: Eerdmans, 2016).

priests of the house of Zadok.³ It was the Zadokite priesthood that created the concept of Torah as Mosaic law and affirmed its primacy and centrality. What is particularly relevant for our discussion is that they did so outside an apocalyptic framework.⁴ In their view, the Mosaic Torah established the temple and the priesthood and was at the center of the covenant that regulated the relations between the only God and humans in this world, with no relation to an eschaton or a world to come. This world was the only one they knew, and it was believed to be good and eternal, the result of God's good and eternal creation (Gen 1).

In a recent publication, after describing the processes that led to the emergence of the Torah in postexilic Judaism, John Collins devotes a chapter to "The Persistence of Non-Mosaic Judaism."⁵ This description correctly applies to the remains of the ancient polytheistic religion of Israel (as attested by the Elephantine papyri and some biblical passages as well as by archaeological evidence).⁶ It also applies to the wisdom tradition, which originated in a preexilic polytheistic context (see Ahiqar 6:3; Job 28), before the Torah attained its central status (and, in fact, in the earliest wisdom literature there is no reference to the Mosaic covenant and law).⁷

This situation would change only in the late third century (Tobit) and second century BCE (Ben Sira). By this time the Torah was incorporated into the educational curriculum of the sages, as an important source of wisdom. The phenomenon of rapprochement between Zadokite and sapiential traditions has been examined in detail by scholars, including myself, especially in relation to Ben Sira.⁸ Here I would only like to emphasize the often-neglected testimony of the book of Tobit. A comparison between

3. James C. VanderKam, *From Joshua to Caiaphas: High Priest after the Exile* (Minneapolis: Fortress, 2004).

4. Philip Peter Jenson, *Graded Holiness: A Key to the Priestly Conception of the World*, JSOTSup 106 (Sheffield: JSOT Press, 1992).

5. John J. Collins, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul*, Taubman Lectures in Jewish Studies 7 (Berkeley: University of California Press, 2017).

6. Diana Vikander Edelman, ed., *The Triumph of Elohim: From Yahwisms to Judaisms* (Grand Rapids: Eerdmans, 1996).

7. David M. Carr, "The Rise of Torah," in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance*, ed. Gary N. Knoppers and Bernard M. Levinson (Winona Lake, IN: Eisenbrauns, 2007), 39–56.

8. Gabriele Boccaccini, *Roots of Rabbinic Judaism: An Intellectual History, from Ezekiel to Daniel* (Grand Rapids: Eerdmans, 2012); John J. Collins, *Between Athens*

the traditions of Proverbs, Jeremiah (Ezekiel), and Tobit immediately reveals the (chronological and ideological) distance that separates these documents, and the progression of ideas that prepared for the position of Ben Sira. In Proverbs, torah is associated with parental instruction, specifically that of the mother: "Keep, my son, your father's commandment [מצות], forsake not your mother's torah." (Prov 6:20).⁹ In both Jeremiah and Ezekiel, torah is already associated with the priesthood, although not yet with the book of Moses and in the context of a still balanced relationship between the main three religious authorities of preexilic Judaism: "Instruction [תורה] must not perish from the priest, nor counsel [עצה] from the wise, nor word [דבר] from the prophet." (Jer 18:18; cf. Ezek 7:26, where God threatens to put an end to "vision" from the prophet, "torah" from the priest, and "counsel" from the elders). In Tobit, torah is not only associated with the Jerusalem priesthood as in Jeremiah and Ezekiel but is explicitly referred to as the "law of Moses" (Tob 1:8; 6:13 [some Greek manuscripts]; 7:13; cf. 2 Chr 23:18; 30:16) or "the book of Moses" (Tob 6:13 [other Greek manuscripts]; 7:11, 12; cf. 2 Chr 35:12; Ezra 6:18), according to the Zadokite lexicon. In an astonishing reversal of the text of Proverbs, torah is transferred from the mother's mouth to the masculine authority of the priests, and the righteousness of Tobit is said to be based on both "the ordinance decreed in the law of Moses and the instructions of Deborah, the mother of my father [Tobiel]" (Tob 1:8). Following this trajectory, Ben Sira would eventually claim that "the book of the Most High's covenant, the law which Moses imposed upon us," is the embodiment of the heavenly Wisdom, created by God (Sir 24).

While sapiential Judaism attests to the "persistence of non-Mosaic Judaism," which only later and gradually came to terms with the Mosaic Torah, could the same be said about Enochic Judaism? There are several elements that strongly warn against this conclusion.

(1) Persistence. It was Margaret Barker who, in 1988, most explicitly claimed that Enochic Judaism was a survival form of the religion of the First Temple, which the Zadokites replaced and tried in vain to eradicate.¹⁰ The hypothesis is fascinating but untenable. Enochic Judaism contains

and Jerusalem: *Jewish Identity in the Hellenistic Diaspora*, 2nd ed. (Grand Rapids: Eerdmans, 2000).

9. Unless otherwise noted, all translations mine.

10. Margaret Barker, *The Lost Prophet: The Book of Enoch and Its Influence on Christianity* (London: SPCK; Nashville: Abingdon, 1988).

mythological elements that go back to the ancient preexilic and polytheistic traditions, common to all Middle Eastern and Mediterranean civilizations. Even Josephus knew this: “the deeds that tradition ascribes to [the nephilim] resemble the audacious exploits told by the Greeks of the giants” (*Ant.* 1.73). However, as a system of thought, Enochic Judaism did not originate before the postexilic period. The Enochic counternarrative makes sense only as a reaction to the rising power of the Zadokites. Against the Zadokite idea of stability and order, the Enochians argued that God’s creative order was no more, as it had been replaced by the current disorder, the consequence of a cosmic rebellion of angels. Even from the literary point of view authors like Helge Kvanvig have demonstrated that the Book of the Watchers as we have it presupposes the Priestly source in Genesis.¹¹ Enoch is the Jewish counterpart of the mythical Sumerian king Enmeduranki, but it was the Priestly chronology that made him contemporaneous to the fallen angels and allowed the Enochic tradition to introduce him as their central mediatorial figure. In sum, “persistence” is not a felicitous term to describe the emergence of Enochic Judaism in the early Second Temple period. We are facing not the survival of an old tradition but a new phenomenon that parallels the development of Zadokite Judaism and the emergence of normative Torah.

(2) Non-Mosaic Judaism. The definition of Enochic Judaism, the earliest known expression of apocalyptic Judaism, as non-Mosaic Judaism is even more controversial. Scholars are divided. At one extreme, Paolo Sacchi claimed that “the lack of any mention ... of the Torah in the Enochic literature cannot be regarded simply as an omission. The Enochians never accepted the Torah of Moses.”¹² George Nickelsburg also once talked of “Enochic Wisdom” as “an alternative to the Mosaic Torah.”¹³ On the other hand, E. P. Sanders has viewed it as an example of “covenantal nomism.”¹⁴ It is true that the revelation to Enoch was claimed to precede

11. Helge S. Kvanvig, *Primeval History: Babylonian, Biblical, and Enochic*, JSJSup 149 (Leiden: Brill, 2011).

12. Luca Arcari, “The Book of the Watchers and Early Apocalypticism: A Conversation with Paolo Sacchi,” *Hen* 30 (2008): 23.

13. George W. E. Nickelsburg, “Enochic Wisdom: An Alternative to the Mosaic Torah,” in *Hesed Ve-Emet: Studies in Honor of Ernest S. Frerichs*, ed. Jodi Magness and Seymour Gitin, BJS 320 (Atlanta: Scholars Press, 1998), 123–32.

14. E. P. Sanders, *Paul and Palestinian Judaism: A Comparison of Patterns of Religion* (London: SCM, 1977).

that of Moses and was seen in no way subordinated to it. However, at no point in the early Enoch texts are there any polemics against the Mosaic Torah. The generative idea of Enochic Judaism was neither the opposition to the Mosaic Torah nor the hope of the eschatological world to come. The counternarrative of Enoch centered on the collapse of the creative order by a cosmic rebellion (the oath and the actions of the fallen angels): "The whole earth has been corrupted by Azazel's teaching of his [own] actions; and write upon him all sin" (1 En. 10:8). It was this cosmic rebellion that produced the catastrophe of the flood but also the need for a new creation.

The idea of the "end of times" is today so much ingrained in the Jewish and Christian traditions to make it difficult even to imagine a time when it was not and to reimagine its revolutionary impact when it first emerged. In the words of Genesis, nothing is more perfect than the perfect world, which God himself saw and praised as "very good" (Gen 1:31). Nobody would change something that works, unless something went terribly wrong. In apocalyptic thought, eschatology is the product of protology. The problem with the Mosaic law also was the product of protology. It did not come from a direct criticism of the law, but from the recognition that the angelic rebellion had made it difficult for people to follow any laws (including the Mosaic Torah) in a universe now disrupted by the presence of evil. The problem was not the Torah itself but the incapability of human beings to do good deeds, which affects the human relationship with the Mosaic Torah. The shift of focus was not primarily from Moses to Enoch, but from the trust in human responsibility to the drama of human culpability. While at the center of the Mosaic Torah was the human responsibility to follow God's laws (as exemplified by the experience of Adam in the garden of Eden), at the center of Enochic Judaism was now a paradigm of victimization of the entire humankind. This is why it would be incorrect to talk of Enochic Judaism as a form of Judaism "against" or "without" the Torah. Enochic Judaism was not "competing wisdom," but more properly a "theology of complaint." There was no alternative Enochic halakah for this world, no Enochic purity code, no Enochic torah; every hope of redemption was postponed to the end of times. The Enochians were not competing with Moses; they were merely complaining.

The End of Zadokite Power

As the Mosaic Torah was essentially a Zadokite invention, not surprisingly, the end of Zadokite power and the Maccabean revolt marks a turn-

ing point. The two major apocalypses written during the Maccabean crisis (Daniel and the Enochic Book of Dreams) took two different directions in relation to the Mosaic Torah.

In the first direction, the Enochic Animal Apocalypse describes the entire course of history as a continuous process of degeneration that started at the beginning of humankind with the angelic sin. Humans were created as "snow-white cows" (1 En. 85:3), but then "a star fell down from heaven and managed to rise and eat and to be pastured among those cows" (86:1). The fall of the devil was followed by a large rebellion of angels: "many stars descended and cast themselves down from the sky upon that first star, and they became bovids among those calves and were pastured together with them" (86:2). As a result, new animal species were born ("elephants, camels, and donkeys" [86:4]). Neither the intervention of the good angels, who reduce the rebels to impotence (87–88), nor the flood (89:2–8) can eradicate evil from the earth. Evil descendants are bound to arise, even from the holy survivors. From Noah, "the snow-white cow which became a man" (i.e., like the angels), are born "three cows," but "one of those three cows was snow-white, similar to that [first] cow [Shem], and one red like blood [Japheth], and one black [Ham].... They began to bear the beasts of the fields and the birds. There arose out of them many [different] species" (89:9–10).

History thus witnesses a continuous expansion of evil, with no way for human beings to oppose its spread. Nobody is spared. In the metaphorical world of the Animal Apocalypse, even the Jews, who are the noblest part of humankind, bear the evil gene of degeneration; by the generation of Jacob, from "cows" they have become "sheep." Within this framework, there is no room for any reference to the Mosaic Torah. Its presence does not alter the progressive spread of evil. In particular, after the Babylonian exile the situation collapses; God entrusts God's people to "seventy shepherds" (angels), who show themselves to be evil, trespassing upon their assigned tasks in such a way that the entire history of Israel in the postexilic period unfolds under demonic influence (1 En. 89:59). Reconstructed "under the seventy shepherds," the Second Temple can only be a contaminated sanctuary: "They again began to build as before; and they raised up that tower that is called the high tower, and they placed a table before [the tower], but all the bread that was upon it was polluted and impure" (1 En. 89:73). This situation of evil and decay is irremediable and will end only with the establishment of a "new creation" at the end of times, when God's intervention restores the goodness of the universe. In the insurgency of

the “white sheep” in his own times, the apocalyptic author saw a sign that the end was imminent.

In the second direction, Daniel has often, and sometimes improperly, been associated with Dream Visions. The two documents are very nearly contemporary, both being dated to the first years of the Maccabean revolt, between the murder of Onias III, the last legitimate Zadokite high priest (170 BCE), and the death of Antiochus Epiphanes (164 BCE). Both documents are apocalyptic; they share the same literary genre (apocalypse) and the same worldview (apocalypticism), and—which is even more significant—substantially address the same questions. Yet, as all specialists now agree, Daniel does not come from the same circles that produced the Books of Enoch. Like Dream Visions, the book of Daniel presents Israel being in exile and under God’s wrath, and at the center of a cosmic battle between good and evil. And yet Daniel does not condemn the temple or the former priestly ruling class, spending even some words to praise the last legitimate Zadokite High Priest Onias III. Both texts support the insurgency and yet the attitude of these two apocalyptic texts toward the Maccabean revolt is distinctively different. The Enochic writing is more militant, while Daniel rather leans toward passive resistance. Not surprisingly, their respective attitudes toward the Mosaic Torah are different.

In chapter 9, Daniel explicitly refers to the “law of Moses” and makes it one of the concurring reasons for the spread of evil, which is not attributed only to the presence of superhuman forces and cosmic conflicts but also to human transgression: “The curse and the oath written in the Law of Moses, the servant of God, have been poured out upon us, because we have sinned against [him]” (Dan 9:11).

The length of the punishment and the presence of evil are explained and calculated with categories that are compatible with the Torah of Moses, with Leviticus in particular: “If you will not obey me ... I will set my face against you, and you will be struck down by your enemies.... If in spite of these punishments you have not turned back to me, but continue hostile to me, then I too will continue hostile to you; I myself will strike you sevenfold for your sin” (Lev 26:14–18). This is exactly what happened according to Dan 9. Israel “broke the covenant” (Lev 26:15) and was punished by God with seventy years of exile, as announced by the prophet Jeremiah, but then Israel, in spite of this, did not turn back to God but continued hostile. As a result, God multiplied the punishment “sevenfold,” and the “seventy years” prophesized by Jeremiah became “seventy weeks of years” (Dan 9:24).

This difference of attitude within the apocalyptic tradition between the Enochic and the Danielic streams will become crucial in the Hasmonian and Roman periods, generating (increasingly) different and distinctive positions toward the Mosaic Torah.

The Book of Jubilees and the Emergence of the Essene Tradition

Like the Enochians, the Essenes were an apocalyptic movement that shared the superhuman origin of evil and proclaimed themselves as the champions of the poor against the well-to-do. Their common roots were in those movements of dissent that had challenged the power of the Zadokites.¹⁵ The Essene movement never showed any nostalgia for the time in which the house of Zadok was in power or did anything aimed to restore their authority. In a supersessionist mood they referred to themselves as “sons of Zadok,” just to demonstrate that they (and not them, the evil high priests of the house of Zadok) were the ones referred to and prophesized by Ezekiel (CD, IV 2–4; cf. Ezek 3:20–4:2; 44:15).

However, if the book of Jubilees—as seems likely—is at the foundation of the entire Essene movement, the text marking the ideological revolution from which both orders of the Essenes came, the *yahad* and the camps described in the Damascus Document, then there was something very substantial that the entire Essene movement did not like in the Enochic movement—the idea that the Jews, like the other nations, were subjected to the power of evil.¹⁶ It was against the Enochic lack of action and hope in this world that the book of Jubilees reacted by creating an original synthesis between Enoch and Moses, which can no longer be labeled as either “Enochic” or “Mosaic,” but is now distinctively “Essene.”¹⁷

The Essenes rejected the idea that the sin of angels had undermined the election of Israel. They maintained that the election of Israel was established by God since creation (Jub. 2:21). The distinction between Jews and gentiles belongs not to the history of humankind but to the

15. Gabriele Boccaccini, *Beyond the Essene Hypothesis: The Parting of the Ways between Qumran and Enochic Judaism* (Grand Rapids: Eerdmans, 1998), 124–25.

16. John J. Collins, *Beyond the Qumran Community: The Sectarian Movement of the Dead Sea Scrolls* (Grand Rapids: Eerdmans, 2010).

17. Gabriele Boccaccini and Giovanni Ibba, eds., *Enoch and the Mosaic Torah: The Evidence of Jubilees* (Grand Rapids: Eerdmans, 2009).

order of creation. Its effectiveness was not diminished by the fall of angels. The power of the evil spirits was limited, and the sons of Noah were given a medicine that protects them from evil (10:10–14). This does not mean that Israel was completely safe in a world now dominated by evil. It remained safe as long as they kept the boundaries separating them from the other peoples. The issue of keeping the right halakah became central in preserving the holiness of the people. Out of this concern, the Essenes became more and more skeptical about the effectiveness of the Mosaic Torah. They believed that the Mosaic halakah was “incomplete” as the complete Torah was written only in the tablets of heaven and was revealed only partially in the Mosaic Torah. Moses, as other mediators like Enoch and his successors, was only given a glimpse at the tablets of heaven.¹⁸

As Collins has it, “In this respect the Enochic tradition stands in striking contrast to Jubilees, which retells the stories of Genesis from a distinctly Mosaic perspective, with explicit halachic interests.”¹⁹ The merging of Mosaic and Enochic traditions redefines a space where the people of Israel can now live protected from the evilness of the world under the boundaries of an alternative halakah. No longer a theology of complaint, Essenism was now offering a competing view of the heavenly law and of its interpretation.

If we define Essenism as the entire movement that sprang from the book of Jubilees, I fully agree with Collins that it would be improper to label it as “Enochic Judaism.” Not only because of the different trajectory taken by the Essene texts in relation to their Enochic roots, but also because the Epistle of Enoch and the Parables of Enoch give us evidence that the Enochic movement continued its autonomous growth, independently from the Essene movement. Contrary to what we see in Jubilees, the Halakic Letter or the Community Rule, Enochic Judaism would never develop an alternative halakah and would never question the legitimacy of the Mosaic Torah. They kept their focus on the inability of humans to obey the Torah as a consequence of the spread

18. Gabriele Boccaccini, “From a Movement of Dissent to a Distinct Form of Judaism: The Heavenly Tablets in Jubilees as the Foundation of a Competing Halakah,” in Boccaccini and Ibba, *Enoch and the Mosaic Torah: The Evidence of Jubilees*, 193–210.

19. John J. Collins, “Enochic Judaism: An Assessment,” in *Apocalypse, Prophecy, and Pseudepigraphy: On Jewish Apocalyptic Literature* (Grand Rapids: Eerdmans, 2015), 79.

of evil. Enochic Judaism was born as, and always remained, a theology of complaint.

At the Turn of the Common Era

The strength and popularity of apocalyptic groups (according to their Enochic, Danielic, or Essenic forms of expression) did not eliminate the presence of nonapocalyptic forms of Judaism.

The Sadducean and Jewish-Hellenistic traditions provide examples in which the Mosaic Torah continued to be held outside and against any apocalyptic framework. The Sadducees firmly maintained, like the ancient Zadokites, that the Torah was the rule of the relationship between God and humans in this world. The Jewish Hellenistic tradition would rather claim that the Mosaic Torah was subordinated to “wisdom,” the universal law, an expression of the covenantal relationship between God and all humankind. Yet both traditions were united in rejecting the apocalyptic worldview and, in particular, the idea of the superhuman origin of evil. There is, however, a new phenomenon to consider: the growing role that apocalyptic traditions and ideas played in some nonapocalyptic texts that maintained the centrality of the Mosaic Torah. Here the reference is primarily to Daniel. Daniel is a ubiquitous apocalyptic text, largely used also in Essenic traditions (where there is an overflow of Pseudo-Danielic texts) and in Enochic literature (where Dan 7 provided the foundation for the development of the figure of the “son of man” in the Parables of Enoch). But, the explicit reference to the Mosaic Torah in chapter 9 made Daniel a text of interest also for those (Pharisaic, protorabbinic) movements that saw in it an opportunity to strengthen the centrality of the Mosaic Torah by incorporating ideas and concepts from the apocalyptic tradition.

The first example is provided by 2 Maccabees, or better, by its theological digressions.²⁰ Any criticism of the Second Temple is absent; the past is idealized as the time when “the holy city was inhabited in unbroken peace and the laws were strictly observed because of the piety of the high priest Onias and his hatred of wickedness” (2 Macc 3:1). The belief in resurrection and in the final judgment vindicates the choice of the

20. On 2 Maccabees, see Robert Doran, *2 Maccabees: A Critical Commentary*, Hermeneia (Minneapolis: Fortress, 2012).

martyrs, who, during the persecution of the evil King Antiochus, chose obedience to the covenant over their own lives. As the seven brothers say to the persecutor, “The King of the universe will raise us up to an everlasting renewal of life, because we have died for his laws.... But for you there will be no resurrection to life!” (2 Macc 7:9, 14). What disappears in 2 Maccabees is the sense of exceptionality of the Maccabean crisis, which the apocalyptic Daniel had seen as the climax of evil before the end. For 2 Maccabees, even dramatic events like the ones he described, belong to the norm of the covenant:

Now I urge those who read this book not to be depressed by such calamities, but to recognize that these punishments were designed not to destroy but to discipline our people. In fact, it is a sign of great kindness not to let the impious alone for long, but to punish them immediately. For in the case of the other nations the Lord waits patiently to punish them until they have reached the full measure of their sins; but he does not deal in this way with us, in order that he should not take vengeance on us afterward when our sins have reached their height. Therefore he never withdraws his mercy from us. Although he disciplines us with calamities, he does not forsake his own people. (2 Macc 6:12–17)

Keeping the law and suffering in this world are no longer seen as contradictory elements for the righteous individuals. On the contrary, the expectations of reward or punishment in the world to come strengthen the obedience to the law against any disappointing experience in this world.

One century later, similar ideas would be reiterated in the Psalms of Solomon.²¹ The document restates that God is in full control of the universe and each individual is responsible for their own actions: “Our works are subject to our own choice and power. To do right or wrong is in the works of our hands” (9:4). However, as part of an often-disobedient community, the members of the people of Israel are aware that the eternal covenant implies punishment and discipline: “You are the God of righteousness, judging Israel with chastening” (8:26). The righteous, “those who love God in trust,” are also “those who endure God’s chastening” and even in the sufferings of this world “walk in the righteousness of God’s

21. On the Psalms of Solomon, see Kenneth Atkinson, *I Cried to the Lord: A Study of the Psalms of Solomon's Historical Background and Social Setting*, JSJSup 84 (Leiden: Brill, 2001); Heerak Christian Kim, *Psalms of Solomon: A New Translation and Introduction* (Highland Park, NJ: Hermit Kingdom Press, 2008).

commandments, in the law that God commanded us that we might live.” (14:1–2). All Israel is “the portion and the inheritance of God,” but in the end the inheritance of the sinners is “Sheol and darkness and destruction,” while “the pious of the Lord will inherit life in gladness” (14:5–10). The apocalyptic idea of the world to come allows the author to make a clear distinction between the destiny of Israel, subjected in this world to punishment and reward, and the destiny of the righteous as individuals who will see their works rewarded at the end even if they lived and suffered in a time of punishment for their people.

The importance of these texts should not be downplayed. Thanks to them, apocalyptic ideas were no longer understood as a menace to the covenantal framework, but, on the contrary, as a way to strengthen the role and the effectiveness of the Mosaic Torah. The eschaton becomes the time in which the righteous will be vindicated against the injustice (and contradictions) of this world.

In summary, at the turn of the Common Era, we have evidence of at least three distinctive apocalyptic responses to the Mosaic Torah: (1) the Enochic trajectory (which ignores the Mosaic Torah not because they have something against it, but because their focus is entirely on the inability of humans to obey the Torah); (2) the Essenic trajectory (which is engaged in building an alternative halakah, as the only effective protection against evil); (3) the Danielic trajectory (in which apocalyptic and covenantal elements come together without tension or conflict). In the first century CE, the most interesting developments happened in the Enochic trajectory, with the emergence of the Christian tradition, and in the Danielic trajectory, with the emergence of a distinctively protorabbinic apocalypticism with 2 Baruch and 4 Ezra.

Later Developments of Enochic Judaism and the Emergence of the Jesus Movement

In the first century, the apocalyptic traditions related to Enoch appear to be engaged in an effort to overcome the mere expression of complaint. They did so, however, not the way the Essenes had done by developing an alternative halakah, but by stressing the merciful action of God at the end of times. Chapter 50 of the Parables of Enoch claimed that at the moment of the final judgment those who repent will be saved even though they have “no honor” before God:

On the day of distress, evil will be stored up against the sinners. And the righteous will be victorious in the name of the Lord of Spirits: and he will cause the others to witness (this), so that they may repent and abandon the works of their hands. They will have no honor in the presence of the Lord of Spirits, yet through his name they will be saved, and the Lord of Spirits will have mercy on them, for great is his mercy. And he is righteous in his judgment, and in the presence of his glory unrighteousness will not stand: at his judgment the unrepentant will perish in his presence. "And hereafter I will have no mercy on them," says the Lord of Spirits. (1 En. 50:2–5)

In the context of the Enochic tradition, the passage is extremely important. For the first time, the idea of forgiveness of sins penetrates the apocalyptic tradition.²² At the end of time, the text envisions the emergence of a third group, besides the righteous and the sinners. According to God's justice, the righteous will be saved and the sinners will be punished, but those who repent will also be saved by God's mercy, even though they have "no honor" before God's justice.

The preaching of John the Baptist offers an interesting variant of this doctrine. The imminent coming of the eschatological judge who will cleanse the earth with fire makes urgent repentance and forgiveness of sins for those who in this world have no honor. "Be baptized with water; otherwise, you will be baptized with the fire of judgment by the Son of Man"—this seems to be, in essence, the original message of John the Baptist. He called the sinners to repent and made a plea to God's mercy, through a public act of atonement, in order to be spared in the final judgment.

Similar ideas find an echo also in the *Life of Adam and Eve*, a text also generally dated to the first century CE, in which the sinner Adam does penance for forty days immersed in the waters of the River Jordan. The first man (and first sinner) is driven by one steadfast hope: "Maybe God will have mercy on me" (LAE 4:3). His plea to be allowed back in the garden of Eden will not be accepted, but at the time of his death, his soul will not be handed over to the devil, as his crime deserved, but carried out to heaven despite the complaints of Satan.²³

22. Gabriele Boccaccini, "Forgiveness of Sins: An Enochic Problem, a Synoptic Answer," in *Enoch and the Synoptic Gospels: Reminiscences, Allusions, Intertextuality*, ed. Loren T. Stuckenbruck and Gabriele Boccaccini (Atlanta: SBL Press, 2016) 153–67.

23. On the *Life of Adam and Eve*, see Johannes Tromp, *The Life of Adam and Eve in Greek: A Critical Edition*, PVTG 6 (Leiden: Brill, 2005).

In yet another variant of the Enochic model, the Synoptic Gospels depict Jesus as the protagonist of a prologue on earth that precedes, and prepares for, the heavenly judgment of the messiah Son of Man, who is now both the forgiver on earth and the eschatological judge. The possibility of repentance announced by the Parables of Enoch and John the Baptist as one of the signs of the end becomes the center of the activity of Jesus, who came as the Son of Man who has authority on earth to forgive sins. In baptizing in his name, the early church continues and prolongs Jesus's message of forgiveness as an instrument of God's mercy, until Jesus will return to perform the judgment and no further time for repentance will then be allowed.

The announcement of God's forgiveness has profound moral implications for those living at the time of the end ("Forgive us our trespasses, as we forgive those who trespass against us" Matt 6:12). Christians would discuss what this could mean in relation to the Mosaic Torah, especially when facing the trauma of the delay of the end, whether the new covenant in Christ should be understood as an addition to the obligations of the Mosaic covenant or a replacement of the old covenant.

Following the path opened by the Parables of Enoch, the major concern of the early followers of Jesus, including Paul's, was not the Mosaic Torah but the incapability of many to fulfill its obligations and the possibility for those who are under the power of evil to be forgiven and saved in the imminent judgment.²⁴ The Jesus movement accomplished this task, developing a clearly distinctive identity. The Jesus movement was not Enochic Judaism, but an original, apocalyptic outgrowth of that tradition.

Protorabbinic Apocalypticism

The tradition of 4 Ezra and 2 Baruch shows how apocalyptic and covenantal traditions could harmoniously merge in a framework in which the Torah maintained a central status. Texts like 2 Maccabees and the Psalms of Solomon had prepared the path for such a development. In 4 Ezra, we still find all the traditional Enochic apocalyptic complaints and doubts about the strength of evil: "O Adam, what have you done? For though it was you who sinned, the fall was not yours alone but ours also who are your descendants" (4 Ezra 7:118). Yet 4 Ezra is not an Enochic text and in

24. Gabriele Boccaccini, *Paul's Three Paths to Salvation* (Grand Rapids: Eerdmans, 2020).

no way can be associated to Enochic Judaism, as Sacchi once suggested.²⁵ The conclusion of 4 Ezra is that even the “evil heart [*cor malignum*]” is from God and is part of those rules of the game set by God in order to receive salvation at the end of a hard contest.²⁶

These concerns are completely overcome in 2 Baruch where all doubts disappear, and the centrality of the law is reaffirmed against any odds, even in the aftermath of the fall of Jerusalem and the destruction of the temple: “Shepherds and lamps and fountains come from the law: And though we depart, yet the law abides. If therefore you have respect to the law and are intent upon wisdom, a lamp will not be wanting, and a shepherd will not fail, and a fountain will not dry up.” (2 Bar. 77:15–16). As Matthias Henze has conclusively argued, 2 Baruch breaks down any potential conflict that might exist between apocalyptic and Mosaic authority and instead incorporates the latter into the former, fully endorsing the single authoritative status for the Torah and turning it into the centerpiece of his apocalyptic program.²⁷

Scholars have long recognized the continuity between 4 Ezra’s concept of the “*cor malignum*” and the later rabbinic doctrine of the *yetzer hara*.²⁸ Rabbinic literature bears evidence of a debate that in the second century divided the sages on the issue, between the school of Ishmael (where the *yetzer hara* was portrayed as a real entity that struggles against humans’ free will) and the school of Akiva (where the problem was dismissed).²⁹ This is not to say that 2 Baruch should be attributed to the school of Akiva and 4 Ezra to the school of Ishmael; it is only to notice that the apocalyptic stream of thought they represent was already

25. Paolo Sacchi, *The History of the Second Temple Period*, JSOTSup 285 (Sheffield: Sheffield Academic, 2000).

26. Gabriele Boccaccini, “The Evilness of Human Nature in 1 Enoch, Jubilees, Paul, and 4 Ezra: A Second Temple Jewish Debate,” in *Fourth Ezra and Second Baruch: Reconstruction after the Fall*, ed. Matthias Henze and Gabriele Boccaccini, JSJSup 164 (Leiden: Brill, 2013), 63–79.

27. Matthias Henze, *Jewish Apocalypticism in Late First Century Israel: Reading Second Baruch in Context*, TSAJ 142 (Tübingen: Mohr Siebeck, 2011), 103.

28. Geert H. Cohen Stuart, *The Struggle in Man between Good and Evil: An Inquiry into the Origin of the Rabbinic Concept of Yetzer Hara* (Kampen: Kok, 1984); Piero Capelli, *Il male: Storia di un’idea nell’ebraismo dalla Bibbia alla Qabbalah* (Florence: Società editrice fiorentina, 2012).

29. Ishay Rosen-Zvi, *Demonic Desire: Yetzer Hara and the Problem of Evil in Late Antiquity*, Divinitations (Philadelphia: University of Pennsylvania Press, 2011).

perfectly integrated within the boundaries and the interests of the emerging rabbinic movement.

Conclusion

The relationship between Jewish apocalypticism and the Torah during the Second Temple period was very complex. The early Enochic texts presupposed the existence of the covenant and the Mosaic torah, but complained that their benefits were annulled by the spread of evil and the cosmic rebellion of angels. The people of Israel, like the other nations, were exposed to corruption and decay, defenseless against the temptation, until the end would come. Daniel could even incorporate some elements of covenantal Judaism to strengthen the point. Ancient apocalypticism was not a non-Mosaic or anti-Mosaic movement, but essentially a theology of complaint.

By combining Enochic and Mosaic traditions, the Book of Jubilees and the Essenes developed an alternative view. They saw the covenant as a security net, established by God before creation, in order to protect Israel from the spread of evil and the presence of the evil spirits. Since obedience to the rules of the covenant was essential in order to remain in, and the law had to be precisely defined and obeyed in order to be the effective medicine offered to the chosen people against the power of evil, the definition of the right halakah became the Essenes' primary concern and led to the construction of an alternative halakah, different from, and competing against, the one promoted by the authorities of the temple.

In the first century, the apocalyptic traditions associated with Enoch, John the Baptist and Jesus (each in their distinctive way) pursued a trajectory that offered a path to salvation based on God's mercy toward the sinners who will repent at the end. For the Parables of Enoch this will happen at the very moment of God's final judgment. John the Baptist invited the sinners to prepare and repent in the imminence of the judgment, making a public plea before God through a baptism in the River Jordan. For the Synoptics, God sent his own Messiah, Jesus, to call the sinners to repentance; the eschatological Judge, the Son of Man, was given "authority on earth" to forgive sins.

Other Jewish groups instead went back to Daniel, finding inspiration in the text for a rapprochement between the Mosaic Torah and apocalyptic ideas, as would become evident in some Jewish apocalypses at the end of the first century (4 Ezra and 2 Baruch). The eschaton becomes the place

where the righteous according to the law would be finally vindicated and rewarded against the sufferings they have experienced in this world.

Modern Christianity and Judaism both share strong apocalyptic elements. If these elements play a different role in each of them, it is because within the ancient religion of Israel, out of which both emerged, competing perspectives were already deeply rooted, long before the Christian and the Jewish communities were born and parted as separate religions.

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Torah and Halakah in the Hellenistic Period

Lutz Doering

Introduction

“The Torah” in the sense of “Pentateuch” received its final shape in the fourth century BCE as a document of compromise and redactional design.¹ The Pentateuch did not and could not allow for a sufficient regulation of life due to the limited scope of its laws. The Sabbath commandment may serve as an illustration. Apart from the general commandment not to do any “labor” on this day, directed at the hearers as well as their families, slaves, cattle, and resident aliens (Exod 20:8–11; Deut 5:12–15), to “rest” on the seventh day (at least from the exile onward taken to refer to the Sabbath; Exod 23:12; 34:21) or to “keep” the Sabbath (Lev 19:3, 30; 26:2), we find very few specific laws relating to Sabbath behavior in the Pentateuch: “leaving one’s place” (Exod 16:29), lighting fire (35:3), and gathering wood (Num 15:32–36) are forbidden, food should be “prepared” on Friday (Exod 16:5), and the priests should bring an additional burnt-offering (Num 28:9–10) and replace the showbread on the Sabbath (Lev 24:8). At a couple of places, the breach of the Sabbath commandment is threatened

I wish to thank Michael Satlow for his response at the Enoch Seminar, which invited me to clarify several points of my argumentation, and the participants for numerous helpful comments.

1. See, e.g., Konrad Schmid, (“The Prophets after the Law or the Law after the Prophets? Terminological, Biblical, and Historical Perspectives,” in *The Formation of the Pentateuch: Bridging the Academic Cultures of Europe, Israel, and North America*, ed. Jan C. Gertz et al., FAT 111 [Tübingen: Mohr Siebeck, 2016], 847), who also admits the possibility that there were a few later accruals. While there are numerous approaches to the formation of the Pentateuch, not least showcased in the volume cited, most critical scholars today would agree with a fourth-century BCE closure of (most of) the Pentateuch.

with death or “extirpation” (Exod 31:13–17; 35:2). What “doing labor” or “keeping the Sabbath” means, however, is never specified or defined in the Pentateuch. That Judeans looked to further concretization can be gauged from the Prophets and Writings, where carrying loads, pressing wine, loading goods onto donkeys, and selling are mentioned (Jer 17:19–27; Neh 13:5–22; cf. Amos 8:5); an enigmatic verse appears to advocate against “making one’s ways,” “finding one’s wish,” and “speaking a word/thing” on the day (Isa 58:13). It is thus very well conceivable that the rabbis later called the Sabbath laws “mountains hanging by a hair—little Torah and many halakot” (m. Hag. 1:8). It is indeed legal tradition, in part inspired by the Pentateuch and other relevant writings but in part independent from it, that ought to be considered alongside “Torah” in the Hellenistic period under discussion here. For want of a more suitable term, I shall call this Judean legal tradition “halakah.”² Hence, on the path from *tôrā* to Torah we must not overlook the role of halakah.³

When did the concern about halakah arise in Judaism? Among recent contributors to the debate, John Collins has renewed the suggestion that Judaism became halakic only subsequent to the Maccabean revolt.⁴ Before

2. To be clear, although the term *halakah* appears first in rabbinic texts, I do not take halakah in the sense of either the (rabbinic) halakah or an individual ruling (as in m. Hag. 1:8, quoted above). Rather, I use it for a body of legal traditions considered normative by a given group of Judeans; see Vered Noam, “Halakhah,” in *T&T Clark Companion to the Dead Sea Scrolls*, ed. George J. Brooke and Charlotte Hempel (London: T&T Clark, 2019), 395. This includes legal customs, insofar as they exert normative appeal. Halakah is only in part derived exegetically from the Torah; other parts are largely independent traditions, prompted not least by the exigencies of life and sometimes secondarily correlated with the Torah.

3. Since some ancient Jewish texts do not distinguish between Torah and halakah, “Torah” in this essay may refer either to the Pentateuch or to a concept of (Jewish) law, related to it, that may comprise also other material, e.g., customs (see below).

4. Most comprehensively in John J. Collins, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul*, Taubman Lectures in Jewish Studies 7 (Berkeley: University of California Press, 2017). Similar views were prominent in some older research, predating the Qumran finds and the study of law in the scrolls; cf. for the Sabbath, Johannes Meinhold, “Zur Sabbathfrage,” *ZAW* 48 (1930): 134: “Es mag schon sein, daß erst die Makkabäerzeit unter dem törichten Druck des Antiochus dem jüdischen Sabbath, wie er uns im NT und in der Mischna entgegentritt, den festen Boden bereitete.” In some aspects, Collins’s claim has affinities with the more sweeping thesis by Michael L. Satlow (*How the Bible Became Holy* [New Haven: Yale University Press, 2014]), according to whom biblical texts were largely unimportant

the revolt, Collins argues, the Torah was treated as an “icon” that could be invoked without paying attention to the finer details of its laws. While I agree that in some early Hellenistic texts the reference to the Torah remains formal and without much detail, and while I also agree that halakic discourse became more intense and more differentiated from around the end of the second century BCE, there is evidence that halakic concern, at least in some domains of the law, is older, dating to at least the earlier part of the second century BCE, if not before.⁵ Already then, Judeans had concepts in which customary laws were held alongside the Pentateuch. Thus, testing where we find references to “Moses” or the “Torah of Moses” in our texts, while to some extent certainly indicative, is not sufficient for gauging the full extent of halakic concern. In addition, Torah could also be correlated with wisdom and the created order, thereby reflecting broader Hellenistic discourses on natural and positive law.

In what follows, I shall review the evidence and start with remarks on the consolidation of Torah in the Persian and Hellenistic period, address the alleged absence of the Torah from the early Enoch literature, look for evidence of legal and halakic concern in Hellenistic-Jewish wisdom and cognate literature, turn to the Egyptian diaspora, and finish with remarks on Palestinian literature that suggests pre-Maccabean roots of interest in halakah. A general remark might be in order: Judean or Jewish texts from the Hellenistic period are the products of elites, and whether halakah was generally practiced, or by whom, remains an open question. Literary portrayals and material evidence, in different ways, afford us but few and isolated glimpses at the everyday practice of ordinary people. But this should not be taken to diminish the value and relevance of those extant witnesses.

in Palestine until sometime into the Common Era, and that it was first in the diaspora, through the translation into Greek, and subsequent study, of the Pentateuch, that a real interest in scripture developed. I agree with Satlow on the importance of customs and traditions, which I subsume under the term “halakah,” but I would contest his statement that, by 150 BCE, what “by and large lacked” in Judeans’ ascriptions to texts from the Pentateuch “was normative authority” (149).

5. It should be mentioned here that some Pentateuch scholars such as Reinhard Achenbach see attempts at a sacralization of the Torah already in late redactional strata of the Pentateuch stretching into the fourth century BCE; see below for more on this. There is no room here to discuss the distinction between practical and epistemic authority of the law as it has been suggested by Jonathan Vroom, *The Authority of Law in the Hebrew Bible and Early Judaism: Tracing the Origins of Legal Obligation from Ezra to Qumran*, JSJSup 187 (Leiden: Brill, 2018).

Attempts to Consolidate Torah in the Persian and Early Hellenistic Period

In the book(s) of Ezra and Nehemiah, the Torah is emphatically enjoined on the people of Jerusalem. In the edict ascribed to Artaxerxes in Ezra 7:12–26, Ezra is commissioned “to make inquiries about Judah and Jerusalem according to the law of your God, which is in your hand” (Ezra 7:14). Ezra is here styled “the scribe of the law of the God of heaven” (7:21); the temple is to be provided with that which is “in accordance with the command of the God of heaven” (7:23); and Ezra, according to “the wisdom of your God, which is in your hand,” is told to install judges to judge the people in the province Beyond the River, that is, “all who know the laws of your God” (7:25). “All who will not obey the law of your God and the law of the king, let judgment be strictly executed on them” (7:26). While there is a certain parallel between wisdom and law (cf. also 7:10), the emphasis on the law (*dat*) is clear. Whether this law is strictly identical with what we know as the Pentateuch might be asked; but there is enough to suggest that the particular legal traditions of Israel are invoked here. Ezra 7:26 probably does not mean that “the law of your God” and “the law of the king” are the same; rather, the law of the king might give validation to the law of the Judean God in Ezra’s hand.⁶ While this, at first sight, appears to speak in favor of Peter Frei’s theory of the “imperial authorization” of the Torah, there are reasons to assume that the Aramaic letters in Ezra are not verbatim Persian court documents but in their present form belong to the early Hellenistic period: The epistolary formulas overall do not match Imperial Aramaic royal letters, and Ezra 7 might show signs of Hellenistic euergetism.⁷ Overall, this might point to a final redaction

6. See Sebastian Grätz, *Das Edikt des Artaxerxes: Eine Untersuchung zum religionspolitischen und historischen Umfeld von Esra 7,12–26*, BZAW 337 (Berlin: de Gruyter, 2004), 69–70.

7. For recent assessment of Frei’s theory, see Kyong-Jin Lee, *The Authorization of Torah in the Persian Period*, CBET 64 (Leuven: Peeters, 2011), who endorses his theory with significant modifications. For Imperial Aramaic letters, see Dirk Schwiderski, *Handbuch des nordwestsemitischen Briefformulars: Ein Beitrag zur Echtheitsfrage der aramäischen Briefe des Esrabuches*, BZAW 295 (Berlin: de Gruyter, 2000), 343–80. Schwiderski has been critiqued by Hugh G. M. Williamson, “The Aramaic Documents in Ezra Revisited,” *JTS* 59 (2008): 57–62 and others. However, Schwiderski is in my view correct to question the conformity of the *shelam* and perhaps also *shelama kolla* greeting in Ezra 4–6 with Imperial Aramaic salutations. Regarding Ezra 7:12–26,

of Ezra-Nehemiah in the early Hellenistic rather than the Persian period. This might mean that Ezra 7 is too late for Frei's theory, and the concept operative here is rather benefaction; it has been suggested that the "law of the king" here is the law of the endowment, as arguably in the case of the late Persian trilingual inscription of Xanthos in Lycia.⁸

Certainly some attempts to promulgate Torah are probably to be associated with the Persian period. In Neh 8 we find Ezra, together with the Levites, read and explain "the book of the law/Torah of God" to the assembly in Jerusalem (Neh 8:8). In Neh 13 we further see Jerusalem presented as a microcosm in which the Torah could be implemented: the wall around the city (cf. Neh 4; 12:27–43) demarcating the space for law-conforming practice.⁹ Thus, having heard "this torah" from "the Book of Moses" about nonaccess of Ammonites and Moabites to "the assembly of God," the assembled people allegedly separate out all those of mixed descent (Neh 13:1–3; whatever mixed descent may have meant historically). Nehemiah is said to have intervened against some Judeans in mixed marriages (Neh 13:23–31). He also warns rural Judeans treading the winepress, bringing in corn, loading donkeys with produce, bringing it for sale to Jerusalem on the Sabbath; similarly, he rebukes the nobles of Judah for buying fish and other products from Tyrians in Jerusalem on the Sabbath. Nehemiah retains control over Sabbath behavior by closing the city gates at the approach of the Sabbath on Friday afternoon (Neh 13:15–22). Apparently, Nehemiah does not (yet) know of the death penalty ordained for deliberate transgression of Sabbath law in late strata of the Pentateuch, such as Num 15:32–36.¹⁰ These late strata of the Pentateuch, stretching into the fourth century BCE, may be seen as attempts to sacralize the law

Schwiderski remains undecided, but the parties' formula used here, "A to B," frequent in the Hellenistic period, never appears in Imperial Aramaic letters, as Schwiderski shows elsewhere (104–14); cf. Lutz Doering, *Ancient Jewish Letters and the Beginnings of Christian Epistolography*, WUNT 298 (Tübingen: Mohr Siebeck, 2012), 123–24. For Hellenistic euergetism, see Grätz, *Das Edikt*, 147–91.

8. See Grätz, *Das Edikt*, 112–40. Lee, *Authorization*, 214–35, is too quick to dismiss criticism of the authenticity of Ezra 7.

9. Cf. Etienne Nodet, *A Search for the Origins of Judaism: From Joshua to the Mishnah*, JSOTSup 248 (Sheffield: Sheffield Academic, 1997), 62, who speaks of "city of Nehemiah" or "model of Nehemiah" to designate a community structure defined by a limited and protected space, where the Torah—and especially the Sabbath—could be observed without any hindrance."

10. Cf. Reinhard Achenbach, *Die Vollendung der Tora: Studien zur Redaktions-*

by threatening certain transgressions of it with severe punishment.¹¹ The measures associated with Nehemiah thus mark but one stage in a series of attempts at implementing Sabbath laws socially and politically. We do not know how enduring these measures were, but the literary history of the book of Ezra-Nehemiah shows a lasting attachment by some Judean circles. Similarly, we do not know how effective the announcement of capital punishment on certain transgressions, for example, of Sabbath laws, were, but we note that later the book of Jubilees adopts this approach. All of this suggests that practical consolidation of the Torah was at any rate a desire of at least some circles in late Persian and early Hellenistic Judea.¹²

If this is correct, then it is likely that the Torah played some role in the privileges granted by Antiochus III to Jerusalem in 200/198 BCE. Josephus, *Ant.* 12.138–145a, transmits a royal letter to Ptolemy the son of Thraseas, Ptolemaic-turned-Seleucid strategos and high priest of Coele-Syria and Phoenicia, regarding the status of Jerusalem that includes the permission for “all from the *ethnos* to govern their affairs according to the *patrioi nomoi*.”¹³ According to 2 Macc 4:11, John the father of Eupolemus

geschichte des Numeribuches im Kontext von Hexateuch und Pentateuch, BZABR 3 (Wiesbaden: Harrassowitz, 2003), 521–22.

11. Cf. Reinhard Achenbach, “*Lex Sacra* and the Sabbath in the Pentateuch,” ZABR 22 (2016): 101–9.

12. From an outside perspective, Hecataeus of Abdera, writing around 300 BCE, attests that the Judeans had ancestral laws deriving from Moses which differed from those of other peoples (*apud* Diodorus Siculus, *Hist.* 40.3, as transmitted by Photius, *Bibl. codex* 244); see the analysis in Bezalel Bar-Kochva, *The Image of the Jews in Greek Literature: The Hellenistic Period*, HCS 51 (Berkeley: University of California Press, 2010), 99–119.

13. Authenticity of this letter has been robustly argued by Elias Bickerman, “La charte séleucide de Jérusalem,” *REJ* 100 (1935): 4–35; English trans. “The Seleucid Charter for Jerusalem,” in *Studies in Jewish and Christian History: A New Edition in English including The God of the Maccabees*, 2 vols, AJEC 68 (Leiden: Brill, 2007), 1:315–356. Doubts have been raised, and a mixture of authentic and inauthentic elements has been suggested, by Jörg-Dieter Gauger, *Authentizität und Methode: Untersuchungen zum historischen Wert des persisch-griechischen Herrscherbriefs in literarischer Tradition* (Hamburg: Kovač, 2000), 195–204; Gauger, “Antiochos III. und Artaxerxes: Der Fremdherrscher als Wohltäter,” *JSJ* 38 (2007): 207–10. Most recently, Lester L. Grabbe (*A History of the Jews and Judaism in the Second Temple Period*, 2 vols., LSTS 68 [London: Continuum, 2008], 2:324–326) considers the letter authentic in general but assumes scribal addition of the passages in first person, while Dov Gera (“The Seleucid Road towards the Religious Persecution of the Jews,” in *La mémoire des per-*

led a delegation of Jerusalemites in negotiating these privileges. While Elias Bickerman's claim that the meaning of *patrioi nomoi* was different for a Greek polis and for Jerusalem, insofar as it meant the democratic institutions for the former and the Mosaic Torah for the latter, might be problematic, it is nevertheless a reasonable assumption that for the Jerusalem delegation led by John the *patrioi nomoi* were indeed related to the Torah, including cognate customs, which therefore must have enjoyed a practical, "political" role at the time.¹⁴ This might receive some further corroboration if Antiochus's so-called *programma* for the Jerusalem temple, also quoted by Josephus (*Ant.* 12.145b–146), were equally authentic. It prohibits the entrance of foreigners to the temple precinct as well as the import into Jerusalem of meats and hides of certain unclean animals, whose breeding is also forbidden in Jerusalem. The list of animals, which includes horses, asses, mules, leopards, foxes, and hares but leaves out pigs, has puzzled some scholars, who suggest a later forgery.¹⁵ However, suggestions that the *programma* is based on negotiations between Antiochus III and the Judeans voicing a temple-centered ideology or was drafted by priests on behalf of the king are still options to be considered, which would underline the practical import of Judean (dietary and sancta) laws.¹⁶

sécutions: Autour des livres des Maccabées, ed. Marie-François Baslez and Olivier Munich, CREJ 56 [Leuven: Peeters, 2014], 22–26) deems the letter's authenticity "beyond question" (23).

14. Cf. Bickerman, "Seleucid Charter," 341–42; for critique, see Sylvie Honigman, *Tales of High Priests and Taxes: The Books of the Maccabees and the Judean Rebellion against Antiochos IV* (Oakland: University of California Press, 2014) 23–26, 306–7.

15. Jörg-Dieter Gauger, "Überlegungen zum Programma Antiochos' III. für den Tempel und die Stadt Jerusalem (Jos. *Ant. Jud.* 12,145–146) und zum Problem jüdischer Listen," *Hermes* 118 (1990): 150–64; Gauger, "Antiochos III. and Artaxerxes," 210–12; Benedikt Eckhardt, "The Seleucid Administration of Judea, the High Priesthood and the Rise of the Hasmoneans," *Journal of Ancient History* 4 (2016): 61–62. However, while not mentioning pigs, the list of animals concludes with "generally all animals forbidden to the Judeans." The inclusion of leopards would be puzzling in a forgery as well.

16. Authenticity of the *programma* was argued by Elias Bickerman, "Une proclamation séleucide relative au temple de Jérusalem," *Syria* 25 (1946): 67–85; English trans., "A Seleucid Proclamation concerning the Temple in Jerusalem," in *Studies* 1:357–75. That the contents were part of the negotiations is suggested by Johann Maier, "Systeme ritueller Reinheit im Rahmen sozialer Bindungen und Gruppenbildungen im Judentum des Zweiten Tempels," in *Ethos und Identität: Einheit und Vielfalt des Judentums in hellenistisch-römischer Zeit*, ed. Matthias Konradt and Ulrike Stein-

The Early Enoch Literature and the Issue of Torah

The early Enoch literature is sometimes seen as a Judaism that presents the traditions around the Watchers narrative and the figure of Enoch as an alternative to the Mosaic Torah.¹⁷ While it is true that the figure of Moses plays a limited role in this literature and we find only a few references—some debated—to the Pentateuch, this should not be taken as an anti-Torah stance. In the Hellenistic period, the Torah was in various ways correlated with creation and natural law, thus reflecting Greek discourses on the relation of natural and positive law.¹⁸ What we find, in this respect, in the early Enochic literature are, first, connections with materials of the Pentateuch without the link to Moses; second, structural similarities with laws of the Pentateuch and/or aspects of law that seem to go beyond the Pentateuch but represent a distinctive form of Jewish law; and third, at some stage of the history of Enoch literature, specific references to the Sinai tradition.

ert, *Studien zu Judentum und Christentum* (Paderborn: Schöningh, 2002), 90–91, who refers to the position centering on the cult as represented by the Temple Scroll (11Q19 [11QT^a] XLVII, 7b–18: ban on bringing to Jerusalem meat and hide from profane slaughtering; XLVIII, 1–5: ban on breeding chickens in the city) and 4QMMT (B 58–59: ban on bringing in dogs; cf. B 21–22: ban on making utensils of the bones and hides of unclean animals). Whether even asses as pack animals might have been banned by the *programma* (so Gera, “Seleucid Road,” 26–39), can be questioned. For the drafting of the document by Judean priests, see Martin Hengel, *Judentum und Hellenismus: Studien zu ihrer Begegnung unter besonderer Berücksichtigung Palästinas bis zur Mitte des 2. Jh.s v. Chr.*, 3rd ed., WUNT 10 (Tübingen: Mohr Siebeck, 1988), 494. According to Gera (“Seleucid Road,” 36–37), the *programma* shows that around 200 BCE “Jewish law, or its interpretation, had been communicated to the Seleucid authorities and was given an official stamp of approval by them.”

17. So notably George W. E. Nickelsburg, “Enochic Wisdom: An Alternative to the Mosaic Torah?,” in *Hesed Ve-Emet: Studies in Honor of Ernest S. Frerichs*, ed. Jodi Magness and Seymour Gitin, BJS 320 (Atlanta: Scholars Press, 1998), 123–32; cf. Nickelsburg, *1 Enoch 1: A Commentary on the Book of 1 Enoch, Chapters 1–36; 81–108*, Hermeneia (Minneapolis: Fortress, 2001), 50. As “early” Enoch literature I count here the Book of Watchers, the Astronomical Book, Dream Visions with the Animal Apocalypse, and the Epistle of Enoch with the Apocalypse of Weeks.

18. These are sketched, together with Roman discourses, in Christine Hayes, *What’s Divine about Divine Law? Early Perspectives* (Princeton: Princeton University Press, 2015), 54–89.

On the first point, I agree with George Nickelsburg that the early Enoch literature takes up materials from the Pentateuch, without referring to them as such: The story of the Watchers combines the mythic fragment Gen 6:1–4 with Noahic elements present in Gen 6–8 and thus shows dependence on the Genesis narrative; and 1 En. 24–25 and 32 both allude to Gen 2–3, despite locating the tree of life and the tree of wisdom in different places.¹⁹ The Animal Apocalypse recounts world and Israelite history from the first white bull (Adam) to the death of one sheep (Moses) alluding to and rewriting material from Genesis to Deuteronomy, “without deprecating it or criticizing Moses.”²⁰ In this somewhat later book of the “early Enoch literature,” Moses is present, but he is assigned the specific role of the leader of the exodus (1 En. 89:16–38) rather than the giver or receiver of the law. Indeed, the giving of the law is not explicitly narrated in the relevant verses 1 En. 89:29–32, but we should be cautious in evaluating this facet of the narrative, since it is clear that the Ethiopic has lost some material from the Aramaic at 1 En. 89:29, and the precise wording is unclear.²¹

This uncertainty notwithstanding, three aspects in this section might be relevant in relation to the law in the Animal Apocalypse. First, according to several scholars, the remark in 1 En. 89:28 that the sheep’s “eyes were opened, and they saw” (a reading partially based on 4Q206 [4QEn^c] 4 iii, 17, Drawnel: 11, 5) alludes to Exod 15:25–26, the giving of “statute and ordinance” at Marah.²² While Daniel Olson recently challenged this

19. George W. E. Nickelsburg, “Enochic Wisdom and Its Relationship to the Mosaic Torah,” in *The Early Enoch Literature*, ed. Gabriele Boccaccini and John J. Collins, JSJSup 121 (Leiden: Brill, 2007), 88–89.

20. Nickelsburg, “Mosaic Torah,” 88.

21. For the lack of a law-giving narrative, cf. e.g., Collins, *Invention*, 73: “The Animal Apocalypse ... conspicuously fails to mention either the making of a covenant or the giving of the law.” Cf. Patrick A. Tiller, *A Commentary on the Animal Apocalypse of 1 Enoch*, EJL 4 (Atlanta: Scholars Press, 1993), 291; Nickelsburg, *1 Enoch* 1, 50. For the Ethiopic loss of material, cf. Daniel C. Olson, *A New Reading of the Animal Apocalypse of 1 Enoch: ‘All Nations Shall Be Blessed,’* SVTP 24 (Leiden: Brill, 2013), 175, and see below.

22. Cf. Nickelsburg, *1 Enoch* 1, 379; Tiller, *Commentary*, 292–293; Beate Ego, “Vergangenheit im Horizont eschatologischer Hoffnung: Die Tiervision (1 Hen 85–90) als Beispiel apokalyptischer Geschichtskonzeption,” in *Die antike Historiographie und die Anfänge der christlichen Geschichtsschreibung*, ed. Eve-Marie Becker (Berlin: de Gruyter, 2012), 179. The alternative numbering of the fragments here and in the following references has been proposed by Henryk Drawnel, *Qumran Cave 4:*

interpretation, suggesting that the passage instead refers to the revelation of God's glory, the relation with "statue and ordinance" and hence an instructional reference of "eyes opened" is nevertheless appealing because in the continuation it is contrasted with "being blinded and straying" (see 1 En. 89:32, 54), which points to disobedience.²³ Second, we do hear in 89:29 that "that sheep [sc. Moses] ascended to a certain high crag, and the Lord of the sheep sent (it?) to them." For the part italicized here, only the Ethiopic is extant; most Ethiopic II witnesses read *fannawo* ("sent it/him," masc. suffix, probably referring to "that sheep"), whereas most Ethiopic I witnesses read *fannawa* ("sent," without suffix).²⁴ It is unclear which, if any particular, of Moses's returns from the mountain (before the new ascent in Exod 24) is alluded to here; perhaps the Animal Apocalypse has conflated several of them. In the Aramaic (4Q206 4 iii, 20, Drawnel: 11, 8), the verse continues and provides text beyond the Ethiopic, restored by Józef Milik as "they al[l] [st]ood at [a distance]." Hence, it is likely that the people's standing "at a distance" (Exod 20:18, 21) after the giving of the Decalogue is referred to.²⁵ It is therefore conceivable that God's "sending" of "that sheep" would entail some instruction on the part of Moses, for example, on God's unapproachability or even on the contents of the Decalogue. Third, when "that sheep" went up the mountain "again for a

The Aramaic Books of Enoch; 4Q201, 4Q202, 4Q204, 4Q205, 4Q206, 4Q207, 4Q212 (Oxford: Oxford University Press, 2019).

23. Pace Olson, *A New Reading*, 66–72, there is certainly an antithetical link between "eyes opened" as expressing divine disclosure as well as human discernment and "being blinded and straying" as expressing disobedience to what is disclosed and discerned here. Cf. Loren T. Stuckenbruck, "'Reading the Present' in the Animal Apocalypse (1 Enoch 85–90)," in *Reading the Present in the Qumran Library: The Perception of the Contemporary by Means of Scriptural Interpretation*, ed. Kristin De Troyer and Armin Lange, SymS 30 (Atlanta: Society of Biblical Literature, 2005), 96–99. The thesis subscribed to here is not incompatible with the view of VanderKam that the "eyes opened" motif should also be correlated to the etymology of "Israel" as "seeing God," that is, obeying him, although VanderKam questions the reference to Exod 15:25–26. See James C. VanderKam, "Open and Closed Eyes in the Animal Apocalypse (1 Enoch 85–80)," in *The Idea of Biblical Interpretation: Essays in Honor of James L. Kugel*, ed. Hindy Najman and Judith H. Newman, JSJSup 83 (Leiden: Brill, 2004), 279–92.

24. Olson, *New Reading*, 174, claims that the prevalent Ethiopic I reading was *fannawā* (with fem. suffix, referring to the Torah), which seems to be mistaken. He also points out that four Ethiopic II manuscripts read *fannawomu* ("sent them"), potentially referring to the tablets of the law.

25. There is less resemblance with Exod 19:17.

second time/as the second,” the rest of the sheep “began to be blinded and to stray from the path that it/he had shown them” (1 En. 89:32, partly based on 4Q204 [4QEn^c] 4, 3–4, Drawnel: 15, 3–4). The subject of “it/he had shown them” is most likely “that sheep,” that is, Moses.²⁶ This again points at instruction, with the “path/way” metaphor clearly referring to conduct, including proper worship. This is an unmistakable reference to the law. Taking these references together, we might see here a continuum of revelation of divine law from the desert to Mount Sinai, corresponding to the desert narrative in Exodus, where the disclosure of commandments in fact commences already en route to Sinai (Exod 15–16).²⁷ Thus, though the giving of the law may not be explicitly narrated, law is nevertheless present in this passage.

An important effect of this retelling, it seems to me, lies in emphasizing the divine origin and authorship of the law. The law in the Enochic tradition is not normally presented as “the Torah of Moses” (though see above for Moses’s instruction probably referenced at 1 En. 89:32) but rather as divine command, and this strengthens its connection with wisdom that is characteristic for the early Enoch literature. Again, this is a reflection of Greek discourses on natural law, in addition to earlier attempts in the Israelite literature of correlating wisdom, creation, and torah. Even such a Mosaic book as Jubilees views the law as having *secondarily* come under the authority of Moses: its root is in the creative act of God, who fashions the world according to its pattern. In the early Enoch books, Enoch—as an antediluvian hero—is an apt guarantor of this tradition, and cosmic order is achieved by divine command; for example, the delay of stars in their rising is presented as a transgression of the command of the Lord, for which they are punished (1 En. 18:15–16). Thus, “the eternal laws by which the universe operates are the positivistic commands of a divine will,” while “wisdom does serve as a bridge that enables the regularities of the cosmic order to influence the norms guiding human behavior.”²⁸ Observation of how the created order fulfills the law can become a model for human conduct. Thus, “everything and everybody is under God’s one law.”²⁹ The importance of law is also suggested by the motif of judgment,

26. Cf. Drawnel, *Books of Enoch*, 277.

27. In addition to “statute and ordinance” at Marah, cf. also the manna and the Sabbath in Exod 16.

28. Hayes, *What’s Divine*, 100.

29. Eckhard J. Schnabel, *Law and Wisdom from Ben Sira to Paul: A Tradition*

present in various parts of 1 Enoch, which requires a legal standard by which it is carried out.³⁰

In addition, and this is the second relevant point here, there seems to be some material convergence between the law thus understood in the early Enoch literature and the Mosaic Torah. Thus, 1 Enoch and the Holiness Code share the notion of moral impurity, particularly as it relates to sexual transgressions. The rejection of boundary transgressions stands not only behind the Watchers narrative but also behind the prohibition of *kil'aim* (Lev 19:19; Deut 22:9), possibly deployed for prohibited marriages in 4QMMT B, 80–82. The consumption of blood is denounced in 1 En. 98:11 (Epistle of Enoch) and finds its counterpart in the prohibitions of Gen 9:4; Lev 3:17; 7:26–27; 17:12, 14; 19:26; Deut 12:16, 23, 27; 15:23. The prohibition is also reflected in the (“Mosaicized”) book of Jubilees, in the divine command to Noah as well as in Noah’s speech (Jub. 6:7–14; 7:28–33; cf. Abraham’s instructions to Isaac, 21:6, 16–20), and in the Temple Scroll (11Q19 LII, 11; LIII, 5–6); its transgression is mentioned in CD A III, 6, and it might also be referred to by the sinners’ “unclean mouth” in 1 En. 5:4.³¹

As is well known, explicit references to the Mosaic Torah are extremely limited in the Enochic corpus. Nickelsburg views 1 En. 93:6 as “the only explicit reference to the Mosaic covenant/Torah in the whole Enochic corpus.”³² The verse reads: “And after this, in the fourth week, at its end, visions of holy and righteous ones will be seen, and a law for every generation, and an enclosure will be made for them.” Both Nickelsburg and Loren Stuckenbruck allow for potential further relevant references in the Epistle at 99:2, 14 (“you who ... violate the eternal covenant/law”; “you who reject the ... eternal inheritance of the fathers”), but these are less certain.³³ A side problem here is the understanding of Ethiopic *šer’āt*, which could represent either “law” or “covenant”; the Greek Chester-Beatty Michigan

Historical Inquiry into the Relation of Law, Wisdom, and Ethics, WUNT 2/16 (Tübingen: Mohr Siebeck, 1985), 107.

30. This has been pointed out by Paul Heger, “1 Enoch—Complementary or Alternative to Mosaic Torah?,” *JSJ* 41 (2010): 41–44.

31. Cf. Nickelsburg, *1 Enoch* 1, 158, who alternatively suggests a reference to consumption of unclean food. See, e.g., Lev 11, and/or a denunciation of idolatry, which would obviously match the Decalogue’s prohibition of idolatry.

32. Nickelsburg, *1 Enoch* 1, 446.

33. Cf. Nickelsburg, *1 Enoch* 1, 489, 498; Loren T. Stuckenbruck, *1 Enoch* 91–108, CEJL (Berlin: de Gruyter, 2007), 376–79, 420–23.

papyrus at 99:2 reads διαθήκην (but is not extant at 93:6). Stuckenbruck concludes for 93:6 (Apocalypse of Weeks):

While the absence of emphasis [on the Mosaic Torah] in the Enochic corpus is conspicuous, this verse and its integration—along with the rest of the *Apocalypse*—into the *1 Enoch* materials at a very early stage (i.e. at least the copying of 4QEn^g ca. the mid-1st cent. BCE) means that such a differentiation should not be pressed too far, that is, this does not mean that the postulated groups were in open ideological (and social) conflict with one another.³⁴

Even earlier in terms of date is the reference to Sinai in 1 En. 1:4, God's treading upon Mount Sinai for judgment. It is very well possible in light of this locale "that the Torah given on Sinai would be the basis of that judgment."³⁵ In light of this, the divine "commandments" that were abandoned (5:4) probably at least include Torah commandments. At any rate, the contrast between the ordered cosmos (2:1–5:3) and its transgression is similar to what we find at other places in the Enochic corpus. Andreas Bedenbender has suggested viewing the addition of 1 En. 1–5 as a *Mosaisierung* of the Book of Watchers.³⁶ Perhaps one should speak more precisely of a connection of 1 Enoch's legal tradition with the (Mosaic) Torah of Mount Sinai: "Moses" as a figure does not play an explicit role in these chapters. When did this connection happen? Bedenbender is confident that a post-167 BCE setting best explains this rapprochement.³⁷ However, he justly realizes that the paleographical evidence regarding the earliest copy containing text of 1 En. 1–5 (4Q201 [4QEn^a]) might complicate matters:³⁸ according to Milik, 4Q201 dates from the first half of the second century BCE; but Milik argues further that scribal features,

34. Stuckenbruck, *1 Enoch* 91–108, 107.

35. Thus Nickelsburg (*1 Enoch* 1, 145), albeit hesitantly, pointing out that the judgment concerns "all flesh" (1 En. 1:9), hence "the Sinaitic covenant and Torah cannot be the only point of reference" (*1 Enoch* 1, 50). However, that the notion of law in 1 Enoch is wider and includes the regularity of the cosmos, etc. is clear.

36. Andreas Bedenbender, *Der Gott der Welt tritt auf den Sinai: Entstehung, Entwicklung und Funktionsweise der frühjüdischen Apokalyptik*, ANTZ 8 (Berlin: Institut Kirche und Judentum, 2000), 215.

37. Bedenbender, *Der Gott*, 215; and Bedenbender, "The Place of the Torah in the Early Enoch Literature," in Boccaccini and Collins, *Early Enoch Literature*, 76–77.

38. Bedenbender, "Place of the Torah," 78.

such as “instances of strictly consonantal orthography” (e.g., 4Q201 1 i 1, Drawnel: 1, 1 חֲנֹךְ, with a *waw* inserted later) and the misreading of *pe* as *yod* (1 ii, 13, Drawnel: 3 i, 13 בִּיּוֹם instead of בַּפּוֹם), suggest that the manuscript was “made from a very old copy, dating from the third century at the very least.”³⁹ If this is so, then the rapprochement between the early Enoch literature and Mosaic Torah cannot be dated as late as the crisis under Antiochus, nor of course, a fortiori, post-Maccabean. Bedenbender, who, as mentioned, allows for the earlier paleographical date, nevertheless states: “only what happened then [i.e., after 167 BCE] can explain the intensity it reached and the path it took.”⁴⁰ This might be correct in hindsight, but it is problematic as a historical explanation. In addition, Bedenbender deems the Apocalypse of Weeks a post-Maccabean work, whereas others like Stuckenbruck date it to 175–170 BCE.⁴¹ Thus, there, too, the Mosaic reference(s) discussed above might in fact antedate the Maccabean rising.

Therefore, Nickelsburg’s explanation of the increase in references to the Torah might be deemed more appealing: Since the early Enoch literature has never been *anti*-Mosaic but simply conceptualized its own ideas in different ways, continuing particularly approaches in the Prophets and wisdom texts (which are largely oblivious of Moses, too), the adoption of references to Sinai and the Mosaic Torah is a response to the growing authority of the Mosaic Torah, and one that should in all likelihood be dated well before the Maccabean rising (late third to early second century BCE).⁴² In view of an increased importance of the Torah of Moses in other Judean circles, the authors/redactors of Enochic texts were not reluctant to connect their legal and sapiential tradition with the Mosaic Torah and related motifs where appropriate. Still, their narrative fiction of deploying an antediluvian protagonist could accommodate this only in select places.⁴³

39. Józef T. Milik, *The Books of Enoch: Aramaic Fragments from Qumran* (Oxford: Clarendon, 1976), 140–41.

40. Bedenbender, “Place of the Torah,” 78.

41. Stuckenbruck, *1 Enoch 91–108*, 62, on the basis of the reference to a “wicked generation” in 1 En. 93:9a.

42. Nickelsburg, “Mosaic Torah,” 88–94, esp. 93 on the “growing influence of the Mosaic Torah.”

43. Avoidance of anachronism in the narrative fiction is one of the reasons adduced for the lack of references to the Mosaic Torah in 1 Enoch by Heger, “1 Enoch,” 37–38. Collins (*Invention*, 74 with 220 n. 58) qualifies this by saying that the choice of

The Torah in Hellenistic Wisdom and Cognate Literature

As a novelistic text that incorporates important sapiential sections, the book of Tobit is of interest for the question of the relation between Torah and wisdom. Attested from around 100 BCE in a few manuscripts at Qumran (4Q196–199 Aramaic, 4Q200 Hebrew), but probably composed between 200 and 175 BCE, perhaps in Palestine, this book not only contains three wisdom instructions (Tob 4:3–19; 12:6–10; 14:3–11) but also displays an emphasis on the Mosaic Torah at significant points, especially in the portrayal of Tobit as paradigmatically righteous.⁴⁴ The first and most detailed passage concerns tithes and other levies (Tob 1:6–8). To complicate matters, the text is extant in two recensions, a long and a short one. According to the long text (represented by Codex Sinaiticus [= G^{II}] and Old Latin witnesses and closest to the Qumran fragments, see below), the narrative figure of Tobit brings the tithe of cattle (cf. Lev 27:32), along with the first shearing of wool (cf. Deut 18:4), the heave offerings (*ἀπαρχαί* = תרומות; cf. Num 18:11–13; Deut 18:4), and the first fruits (*πρωτογενήματα* = בכורים; cf. Exod 23:19; 34:26), to “the priests, the sons of Aaron, at the altar” while the (first) tithe of grain, wine, oil, pomegranate, figs, and other fruit-trees is given to “the sons of Levi who minister in Jerusalem.” By reserving the cattle tithe for the priests, this form of the passage agrees with 4QMMT B, 63–64; 4Q270 (4QD^e) 2 ii, 6–8; Jub. 32:15, against the wider wording in 2 Chr 31:4–6 (“to the priests and the Levites”). At the same time, the assignment, in the long recension, of the vegetal (first) tithe to the Levites and not (in total) to the priests is in line with Num 18:21–24, which makes the Levites the recipients of this tithe, from which they would then give a tenth to the priests (Num 18:26–28).

According to the short text (represented by Codices Vaticanus and Alexandrinus [= G^I]), there is some ambiguity: Tobit brings “the tithe of the produce” (*τὰς δεκάτας τῶν γεννημάτων*) “to the priests, the sons of Aaron, at the altar,” but the text continues by saying that he gave “the tithe of all produce” (*πάντων τῶν γεννημάτων τὴν δεκάτην*)⁴⁵—thus without mentioning

a primordial hero long before Sinai is indicative for the focus of such a book. However, there is no need to contrast the cosmic order or law for which such a hero stands with the Mosaic Torah; rather, ancient Jewish texts tended to negotiate between the two.

44. For the dating and location, see Joseph Fitzmyer, *Tobit*, CEJL (Berlin: de Gruyter, 2003), 50–55.

45. The introduction of a colon after *γεννημάτων* in the Rahlfs-Hanhart edition

the various species from which it is taken—"to the sons of Levi who minister in Jerusalem." Moreover, the shorter text knows only of ἀπαρχαί, not πρωτογενήματα. While some scholars prefer the shorter text as reflecting Second Temple practice (see presently), others think, and probably rightly so, that the shorter text is an abridged variant.⁴⁶ This would be in line with the priority given to the G^{II} text by most scholars today, which is generally seen as closer to the Qumran fragments of the book too.⁴⁷

Other texts from the Second Temple period state that the (first) tithe was given to the priests, suggesting that this may have been the prevailing practice from some point onward during this period.⁴⁸ However, there are some texts that mention both "priests and Levites" (Josephus, *Ant.* 4.68, 205) and there are a number of witnesses that insist on the proper distinction of recipients of the tithes, with the (first) tithe going to the Levites—especially the Temple Scroll (11Q19 LX, 6–7), Philo of Alexandria (*Spec.* 1.156–157 [ἱερεῖς – νεωχόροι]; *Mut.* 191), and Josephus (*Ant.* 4.240).⁴⁹ This might be part of a restorative approach and/or a special consideration of the scriptural heritage. If the G^{II} reading is original, then Tobit may par-

of the LXX is a somewhat helpless attempt at remedy: What would be the difference between "the tithe of the/all produce" and "the tithe"?

46. For the originality of the shorter text, see, e.g., Marcello del Verme, *Giudaismo e Nuovo Testamento: Il caso delle decime*, SGCA 1 (Naples: D'Auria, 1989), 128–134. For the shorter text being an abridgment, see, e.g., Devorah Dimant, "The Book of Tobit and the Qumran Halakhah," in *From Enoch to Tobit: Collected Studies in Ancient Jewish Literature*, ed. Devorah Dimant, FAT 114 (Tübingen: Mohr Siebeck, 2017), 193–94 and passim.

47. Cf., e.g., Stuart Weeks, Simon Gathercole, and Loren Stuckenbruck, *The Book of Tobit: Texts from the Principal Ancient and Medieval Traditions; With Synopsis, Concordances and Annotated Texts in Aramaic, Hebrew, Greek, Latin and Syriac*, FSBP 3 (Berlin: de Gruyter, 2004), 3: "The Qumran fragments actually reflect a text close to the 'Long' Greek and the Old Latin, and so they tend to affirm the very early character, although not necessarily the priority of that tradition." No Qumran fragment attests to Tob 1:6–8.

48. See Jdt 11:13; Jub. 13:25–27; cf. the statement attributed to Hecataeus of Abdera in Josephus, *Ag. Ap.* 1.188; see also *Ant.* 20:181, 206–207 (from the threshing floors, tithes belonging to "the priests" were violently taken away). At *Life* 63, 80, Josephus speaks of tithes due to the priests, without specifying their nature.

49. There is some debate about *Virt.* 95, but del Verme, *Giudasimo*, 155–156, takes τοῖς ἱερωμένοις as inclusive of Levites and thinks that here too the Levites are the principal beneficiaries of the (first) tithe.

ticipate in this approach.⁵⁰ It is worth emphasizing that the treatment in Tobit is not so much exegetically motivated as it shows an interest in the proper distinctions in order to render Tobias an example of a righteous person. In this sense it is engaged in the intricacies of the law. Moreover, the choice and order of crops for the first tithe in Tob 1:7 G^{II} (“grain, wine, oil”) matches that of other Second Temple texts on tithes.⁵¹ The addition of “pomegranates, figs, and other fruit trees” is probably a concretization of Lev 27:30 (“from the fruit of the tree,” here in connection with priestly gifts); it “may reflect the understanding that the tithe should be set aside from all types of edible produce, including fruits.”⁵²

In addition to the (first) tithe, Tob 1:7b reflects the spending of the monetary proceeds of what is here explicitly called “second tithe” in Jerusalem (cf. Deut 14:22–27; Jub. 32:10–14), with some differences in detail between the two text forms.⁵³ Finally, Tob 1:8 mentions the tithe for *personae miserae* (cf. Deut 14:28–29; 26:12–13; Josephus, *Ant.* 4.240; Tg. Ps.-J. Deut 26:12; cf. the “pauper’s tithe” of the rabbis); although the text in Codex Sinaiticus is somewhat problematic (αὐτὰ seems to refer back to the second tithe), this tithe apparently relates to the third year (thus also the Old Latin; G^I has the shorthand: “and I gave the third [sc. tithe] to whom it was my duty”). It is unclear whether Tobit envisioned this tithe to be brought in the third year of the sabbatical cycle or every third year, and whether it was to be brought in addition to the second tithe (as Josephus has it) or in its stead (as the rabbis later ordain for the third and sixth year of the sabbatical cycle).⁵⁴ Interestingly, in G^{II} the ordinance to bring this tithe is rooted both “in the law of Moses” and in the commandments of Deborah, Tobit’s great-grandmother (in G^I only in the latter), suggesting that the Torah of Moses was conceptually merged with familial *paradosis*. In sum, the passage from Tobit shows a concretizing and harmonizing approach to tithes that can be compared with other Second Temple lit-

50. If, conversely, the G^I reading were original, we might see here some interaction with increasing practice.

51. E.g., Neh 13:5, 12; Jub. 13:26; 11Q19 LX, 6–7. The order appears also in other texts with respect to priestly portions (Deut 18:4; Neh 10:40; 2 Chr 31:5) and second tithes (Deut 12:17; 14:23).

52. Dimant, “Book of Tobit,” 202.

53. This passage (in either text form) is one of the early attestations of the phrase “second tithe,” first appearing in LXX Deut 26:12; cf. Jub. 32:10.

54. See discussion in Dimant, “Book of Tobit,” 203–4.

erature from Palestine; according to Devorah Dimant, there is a strong conceptual similarity to the system of tithes in the Dead Sea Scrolls.⁵⁵

A second relevant point in the book of Tobit concerns purification after contamination with a corpse (Tob 2:5; also 2:9 G^{II}). This seems cognizant of the possibility of removing a first level of uncleanness by ablutions with water. According to Tob 2:9 G^{II}, despite having washed himself, the figure of Tobit prefers to sleep in the courtyard initially, which probably reflects a concern to avoid spread of contamination that would still be possible at this stage (G^I simply refers to his uncleanness). Such “first day ablutions” are well attested in some Qumran texts, in Philo of Alexandria, and perhaps Josephus, and might be implied in the installation of stepped pools (*miqwa’ot*) close to cemeteries from the late Second Temple period through the third to fourth centuries CE.⁵⁶ Since there is no direct scriptural warrant for such ablutions, Tobit probably shares legal tradition here.⁵⁷

A third case in point is the narrative about the marriage between Tobias and Sarah, where Raguel (according to G^{II}) has his daughter given to Tobias “according to the decree of the book of Moses” (κατὰ τὴν κρίσιν τῆς βίβλου Μωυσέως), hands her over to Tobias “according to the law and according to the decree written in the book of Moses” (κατὰ τὸν νόμον καὶ κατὰ τὴν κρίσιν τὴν γεγραμμένην ἐν τῇ βίβλῳ Μωυσέως; Tob 7:13), writes up a “marriage contract” (ἔγραψε[ν] συγγραφὴν βιβλίου συνοικίσεως) and marries her to Tobias “according to the order of the law of Moses” (κατὰ

55. Cf. Dimant, “Book of Tobit,” esp. 209–11. Cf. also Dimant, “Tobit and the Qumran Aramaic Texts,” in *Is There a Text in This Cave? Studies in the Textuality of the Dead Sea Scrolls in Honour of George J. Brooke*, ed. Ariel Feldman, Maria Cioatǎ, and Charlotte Hempel, STDJ 119 (Leiden: Brill, 2017), 385–406, esp. 403–6.

56. The attestations for corpse impurity are 11Q19 IL, 16–21; L, 13–16; 1QM XIV, 2–3; 4Q414 2 ii–4 2; Philo, *Spec.* 3.205–206; cf. 1:261; Josephus, *Ag. Ap.* 2.198; cf. 2.205. For the installation of *miqwa’ot*, see Esther Eshel, “4Q414 Fragment 2: Purification of a Corpse-Contaminated Person,” in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995; Published in Honour of Joseph M. Baumgarten*, ed. Moshe Bernstein, Florentino García Martínez, and John Kampen, STDJ 23 (Leiden: Brill, 1997), 9. The rationale for these pools is described differently by Yonatan Adler (“Ritual Baths Adjacent to Tombs: An Analysis of the Archaeological Evidence in Light of the Halakhic Sources,” *JSJ* 40 [2009]: 55–73): these *miqwa’ot* would have served those contaminated with the lesser, one-day impurity contracted (not from a corpse, but) from a person who had touched a corpse, e.g., a relative.

57. Though Lev 14 about the three-stage process of the cleansing of a leper may have provided a model.

τὴν σύγκρισιν τοῦ Μωυσέως νόμου, 7:14 G^{II}).⁵⁸ Since the Pentateuch does not spell out any marriage ceremony we can infer that “the law of Moses” here entails legal custom as well (note the separate reference to “the law”). Thus the concept of law is enriched by halakic detail. Something similar can be observed in relation to endogamous marriage, which is already practiced by Tobit (1:9) and with which he inculcates his son Tobias (4:12); the latter is told by the angel Raphael that Raguel will not betroth his daughter to someone outside the tribe “without incurring the penalty of death according to the decree of the book of Moses” (6:13 G^{II}; similar, though in different syntactical order, in G^I [here: “according to the law of Moses”]). Since this is never spelled out in the Pentateuch, the concept of “Mosaic Torah” must comprise legal custom here.

Of further interest for our topic is Tobit’s steering clear of gentile foods (1:10–11) as well as his double commandment directed at his son, urging the latter to bury him “as appropriate” (καλῶς) when he passes away, and to honor his mother (καὶ τίμα τὴν μητέρα σου; 4:3; cf. 14:1, 10, 12),⁵⁹ both of which reflect the Decalogue commandment of honoring one’s parents (Exod 20:12; Deut 5:16). Tobit’s own conspicuous readiness to bury corpses (Tob 1:18; 2:3–8; 12:12–13) might thus be seen as a Torah-inspired form of piety. The obligation to inter an unburied corpse, later known as *met mišwah* in rabbinic halakah, is also mentioned by Josephus (Ag. Ap. 2.211).⁶⁰ Although the legal and halakic issues in the book of Tobit are woven into a folkloristic tale, they are quite robust. That Tobit in his instruction to his son (Tob 4:3–19) does not additionally refer to certain commandments, such as the Sabbath, may have to do with the specific origin and shape of the traditional material taken up; on the other hand, on what grounds can we assume that certain topics “have to be mentioned,” as it were, in a given work?⁶¹ Overall, this probably pre-Maccabean narrative is ostensibly interested in Torah-conforming practice on the part of its heroes and discloses some details of the law as it might have been practiced and debated on in the Second Temple period.

58. Of these references, G^I has, as equivalence to the first, “according to the decree,” to the second, “according to the law of Moses,” and to the third, “a contract.” There is no equivalent to the fourth reference.

59. In Tob 4:3 G^I, καλῶς is lacking.

60. Cf. Dimant, “Tobit and the Qumran Aramaic Texts,” 403.

61. The lack of mention of some commandments is noted by Collins, *Invention*, 95, who picks up merely a selection of the legal issues in Tobit discussed here.

As is well known, the relation between Torah and wisdom in Ben Sira is controversial in recent scholarship. For the purview of this study, I side with those who view in the mention of the “law” a reference to the Mosaic Torah, which stands in a close correlation with, but is nevertheless distinct from, cosmic wisdom.⁶² However, we cannot know in what form Ben Sira would have encountered Mosaic Torah (which is never quoted in this work), and what the author would have considered as belonging to it.⁶³ While for Collins this appears to be a shortfall in details (“a formal acknowledgment of the superiority of Mosaic wisdom” and a “largely iconic” use of Torah), it should be appreciated what Ben Sira has achieved here, coming from a tradition of wisdom that is not immediately correlated with Torah.⁶⁴ Anja Klein views as “one of the great achievements of Ben Sira” his success “in integrating the historical election of Israel into the universal concept of wisdom”: “The encompassing quality of wisdom manifests itself in the guidelines of the law and its universal presence takes shape in the Mosaic law.”⁶⁵ Historically, as Benjamin Wright states, “The increasing authority of the Torah and the growing importance of Torah-piety in post-exilic and then Second Temple Judaism worked to make the Torah an indispensable source of wisdom for a sage like Ben Sira.”⁶⁶ Thus, Ben Sira attests to the increased importance of Torah piety and teaching in the decades before the Maccabean revolt. Setting a sapiential work such as Ben Sira off from later halakic texts by observing that it “is far removed from the kind of obses-

62. For such a view see Greg Schmidt Goering, *Wisdom's Root Revealed: Ben Sira and the Election of Israel*, JSJSup 139 (Leiden: Brill, 2009); and Benjamin G. Wright, “Torah and Sapiential Pedagogy in the Book of Ben Sira,” in *Wisdom and Torah: The Reception of “Torah” in the Wisdom Literature of the Second Temple Period*, ed. Bernd Schipper and D. Andrew Teeter, JSJSup 163 (Leiden: Brill, 2013), 160–64. Crucial in this respect are the passages Sir 17:1–14, apparently speaking about creational wisdom in 17:1–10 and about the Sinaitic covenant in 17:11–14, with an unclear referent of αὐτοῖς in 17:11, and Sir 24:23, where “all this” appears to refer back to wisdom, while the phrase βίβλος διαθήκης θεοῦ ὑψίστου, νόμον δὲ ἐνετείλατο ἡμῖν Μωυσῆς κληρονομίαν συναγωγᾶς Ἰακωβ follows asyndetically, so that its precise relation to the preceding text remains vague.

63. Cf. Wright, “Torah and Sapiential Pedagogy in the Book of Ben Sira,” 164–65.

64. Collins, *Invention*, 89–90.

65. Anja Klein, “Half Way between Psalm 119 and Ben Sira: Wisdom and Torah in Psalm 19,” in Schipper and Teeter, *Wisdom and Torah*, 153.

66. Wright, “Torah and Sapiential Pedagogy in the Book of Ben Sira,” 166.

sion with details of Mosaic law that we will find in some of the Dead Sea Scrolls,” might in fact ask too much of this genre.⁶⁷

Further texts should be briefly recalled as well. The Aramaic Levi Document, often seen as a text from the early second century BCE or even earlier with affinities to wisdom literature, contains what we might call priestly laws, for example, about purification, acceptable types of wood for the burnt offering, and correct sacrificial procedure (ALD 19–30 [7:1–8:6 Greenfield, Stone, and Eshel]).⁶⁸ These laws are not found in the Pentateuch, but they constitute a collection of priestly halakah that should not be ignored for the development of halakah in general.⁶⁹ The evidence of the Aramaic Levi Document suggests that priestly legal traditions were one driving force in the development of early halakah; such traditions are continued in texts like the Temple Scroll or Jubilees (see below, “Torah and Halakah in Second and First Century BCE Palestine”). In a different vein, the (apocryphal) book of Baruch, in recent scholarship justly dated to around 164 BCE, presents a view of Torah and wisdom, particularly in the sapiential exhortation in Bar 3:9–4:4, in which “only the Torah achieves the rating of ‘wisdom.’”⁷⁰ We see here a further development of the path taken in Ben Sira, and certainly not one that arose merely in the three or four years since the beginning of the Maccabean revolt.

67. Quotation from Collins, *Invention*, 90.

68. Henryk Drawnel, *An Aramaic Wisdom Text from Qumran: A New Interpretation of the Levi Document*, JSJSup 86 (Leiden: Brill, 2004), 63–75, dates the text to the early Hellenistic period. Jonas C. Greenfield, Michael E. Stone, and Esther Eshel, *The Aramaic Levi Document: Edition, Translation, Commentary*, SVTP 19 (Leiden: Brill, 2004), 19–20, opt for the late third/early second c. BCE. James Kugel (“How Old Is the ‘Aramaic Levi Document’?” *DSD* 14 [2007]: 291–312), demurs and dates the text to the mid-second c. BCE.

69. Drawnel, *Aramaic Wisdom Text*, 260, speaks of “Levitical ‘wisdom’ and Levitical ‘Torah.’” For a brief appreciation of ALD for the development of halakah, see now Daniel Stökl Ben Ezra, *Qumran: Die Texte vom Toten Meer und das antike Judentum* (Tübingen: Mohr Siebeck, 2016), 380–82.

70. For dating, see Jonathan A. Goldstein, “The Apocryphal Book of Baruch,” *PAAJR* 46/47 (1979/1980): 179–99; Odil Hannes Steck, *Das apokryphe Baruchbuch: Studien zur Rezeption und Konzentration “kanonischer” Überlieferung*, FRLANT 160 (Göttingen: Vandenhoeck & Ruprecht, 1993). Steck was already aware of tradition historical links with the Jeremiah Apocryphon found in Qumran Cave 4. Quotation from Sebastian Grätz, “‘Wisdom’ and ‘Torah’ in the Book of Baruch,” in Schipper and Teeter, *Wisdom and Torah*, 199.

Torah as *Nomos* and Legal Practice in the Hellenistic-Jewish Diaspora

By the middle of the third century BCE, the books of the Pentateuch had been translated into Greek. The Torah became νόμος, both as a lexeme within the books of the Torah and as a designation of these books and what they refer to. While hardly a mistranslation, this sidelined some semantic aspects of Hebrew תורה, such as “divine will” or “instruction,” and inserted the Torah into Greek discourses on νόμος as “custom” and “law,” generally emphasizing the normative, legal, and political dimensions of the Torah.⁷¹ This does not necessarily imply that the Torah as νόμος was a comprehensive normative system generally implemented among Judeans in the Hellenistic diaspora. There is some evidence that “law” in Hellenistic-Jewish diaspora writings had a special focus on monotheism, sexual matters, duties of parents and children, of husbands and wives, of young and old, and the burial of the dead.⁷² Specifically Jewish topics are often sidelined, although this is not true for some texts, as will be discussed below, hence it appears to depend on the milieu, genre, and aims of a given text. In addition, the Judean “law” as νόμος is part and parcel of Hellenistic debates about universal and particular law.⁷³ Do these features suggest a less rigorous or less practical take on the law?

In this respect, we should not overlook some early material evidence of practice, showing, for example, that some Judeans in Egypt observed the Sabbath by abstention from labor, which implies that the unspecific Sabbath commandments of the Pentateuch as well as prophetic and other writings would have been supplemented by legal custom in some circles.⁷⁴

71. For a balanced review of positions on the semantic difference between the terms and claims of “mistranslation,” see Stephen Westerholm, “Torah, *Nomos* and Law,” in *Law in Religious Communities in the Roman Period: The Debate over Torah and Nomos in Post-biblical Judaism and Early Christianity*, ed. Peter Richardson and Stephen Westerholm, SCJud 4 (Toronto: Wilfrid Laurier University Press, 1991), 45–56.

72. Cf. Collins, *Invention*, 138–39.

73. See Hayes, *What’s Divine*, 105–24. Hayes here discusses texts that “focus on reason (*logos*) as well as wisdom (*sophia*),” such as the Letter of Aristeas, 4 Maccabees, and Philo of Alexandria. “This correlation allows the transfer of properties from the divine natural law to the Mosaic Law” (105).

74. The paucity of the material evidence discussed in the following may be due to find patterns. Arguably, these finds do not merely attest to idiosyncratic practices by stray individuals. Hence, even a few specimens suffice to suggest wider practice corresponding to legal custom, though the extent of it is unknown.

Somewhat ironically, the earliest evidence of this kind comes from the diaspora rather than Palestine. Thus, a papyrus from the Zeno archive, probably dating from the reign of Ptolemy II Philadelphus (ca. 260–250 BCE), contains a list of received brick deliveries in connection with construction work for the *dioikētēs* Apollonius in Philadelphia. For the seventh Epeiph, rather than giving a total amount of bricks received, the list simply states, Σάββατα (*CPJ* 10, recto i 6). Thus, it appears that someone has rested on this day, from either delivering or receiving bricks, or both, and that, by referring to the Sabbath, the author of the list knows of the rationale for this. He may have been a Judean foreman himself who, perhaps together with a squad of Judean masons, rested on the Sabbath. Less explicit, but also capturing the social structuring of time stimulated by the Torah, is the evidence of a toy from Alexandria (an *icosahedron*), perhaps dating from the reign of Ptolemy IV Philopator (221–204 BCE), which shows numbers and corresponding names, such as “nine” – “the Muses” (Μοῦσαι), “twelve” – “hours” (ῥαί); next to the number six we find the word προσάββατ(ον), “Sabbath eve.”⁷⁵ This shows that the Sabbath was celebrated in such a way that the preceding day, Friday, was named with reference to it (corresponding to ערב שבת);⁷⁶ the editor suggests that the toy might have been made for “Judaizers,” which would imply not only practice by Judeans themselves, but such practice that would have impressed others, too.

Among the papyri of the Judean *politeuma* of Herakleopolis (144/143–133/132 BCE), there are several references to Judean legal norms.⁷⁷ Per-

75. Paul Perdrizet, “Le jeu alexandrin de l’icosaèdre (avec 2 planches),” *BIFAO* 30 (1931): 1–16. Text: 5–6; dating: 11. There is no number seven on the device.

76. The Greek word is otherwise “extremely rare,” mentioned in the headlines of LXX psalms (Pss 92:1 and 91:1 [Sinaiticus]), in Jdt 8:6 (ca. 100 BCE), and Mark 15:42; cf. 2 Macc 8:26; Josephus, *Ant.* 3.255 (ἡ πρὸ τοῦ σαββάτου). See Deborah L. Gera, *Judith*, CEJL (Berlin: de Gruyter, 2013), 266 (quotation), 40 (date of Judith). The phrase ערב שבת is not biblical and is first attested in the Mishnah (e.g., m. Šabb. 2:7), but the Aramaic form ערובה שבתא is found three times in a series of ostraca apparently from mid-first century CE Palestine. See Ada Yardeni, “New Jewish Aramaic Ostraca,” *IEJ* 40 (1990): 137, 139, 141; the term ערובה occurs already in the Elephantine ostraca (Clermont-Ganneau 204, line 5; *TAD* 7.8, line 15) and might mean Friday there, although this is debated; cf. Lutz Doering, *Schabbat: Sabbathalacha und -praxis im antiken Judentum und Urchristentum*, TSAJ 78 (Tübingen: Mohr Siebeck, 1999), 34–35.

77. James M. S. Cowey and Klaus Maresch, *Urkunden des Politeuma der Juden von*

haps the clearest of these is found in the petition P.Polit.Iud. 4 (= CPJ 560): Philotas, a member of the *politeuma*, claims that one Lysimachus has given him his daughter Nikaia as wife, together with the dowry. At that time, not only were “determinations” made “in common” (οὐ μόνο[ν] ὀρισμῶν γενομένων κατὰ κοινόν, lines 12–13) but also something “according to the law” (κατὰ τὸν νόμον, lines 13–14) was prescribed, perhaps an oath. The petitioner now states that shortly thereafter her father “joined Nikaia, without cause, to another man before receiving from me the customary writ of separation” (τὸ εἰθισμένον τοῦ ἀποστασίου βυβλίον, lines 19–24). This is a clear allusion to Deut 24:1 LXX (βιβλίον ἀποστασίου), made by either the petitioner or the executing scribe. In addition, the occurrence of the term ὀρισμός here is unusual (it normally means “marking out by boundaries” or simply “boundary” [LSJ s.v.]); however, it is used several times in Num 30 LXX (30:3, 4, 5 [2x], 6, 8, 9, 11, 12, 13, 15), where it apparently refers to the binding character of a pledge, which seems to be the background to the usage in the papyrus. Moreover, the petitions to the *archontes* at three points mention an “ancestral oath” (ὄρκος πατήριος), taken by different persons: by a father-in-law regarding the promised gift of a vineyard in addition to the dowry (P.Polit.Iud. 3 [= CPJ 559], lines 28–29), by a man to a woman regarding the price for a slave wet-nurse (P.Polit.Iud. 9 [= CPJ 565], lines 7–8), and by a man to his fellow regarding rent of land (P.Polit.Iud. 12 [= CPJ 568], line 10; the latter two “ancestral oaths” are both communicated in epistolary form). Such an oath is otherwise rarely found in contracts in Ptolemaic Egypt and seems to have developed specifically among Judeans. That “the appeal to the Septuagint” here “is indirect at best” is less significant than the inherent claim to a distinctive Judean legal practice.⁷⁸ In fact, the female petitioner in P.Polit.Iud. 9 (= CPJ 565) accuses her counterpart, reluctant to fulfill his oath, of “breaking the ancestral law” (πα[ρὰ]βεβηκότος τὸν πατήριον νόμον, lines 28–29), which suggests that the oath was considered Judean law, and demonstrates a notion of the latter that goes beyond the Septuagint and encompasses

Herakleopolis (144/3–133/2 v. Chr.) (P. Polit. Iud.): *Papyri aus den Sammlungen von Heidelberg, Köln, München und Wien*, PapyCol 29 (Wiesbaden: Westdeutscher, 2001). See now the inclusion of these in Noah Hacham and Tal Ilan, eds., *Corpus Papyrorum Judaicarum, Volume IV* (Berlin: de Gruyter; Jerusalem: Magnes, 2020), 86–134 (CPJ 557–77, with 577 being an additional petition from the *politeuma*).

78. Quotation from Collins, *Invention*, 147.

specific legal customs.⁷⁹ Robert Kugler, in several studies of the Herakleopolis papyri, perceives further references to Judean law in these epistolary petitions, some more compelling than others.⁸⁰

Debates about details notwithstanding, it seems justified to account for the Judean Torah as a major factor of Judean legal practice in Egypt, whether within the Judean Herakleopolite *politeuma* or outside of it. There is thus some support for the earlier thesis of Joseph Méléze Modrzejewski that the Judean Torah had become the *nomos politikos* of the Judeans. This thesis is inter alia based on P.Entreux. 23 (= CPJ 128), where one Heliadote mentions that her marriage has been conducted “according to the civic law (*nomos politikos*) of the Judaeans” ([κατὰ τὸν νόμον π]ολιτικὸν τῶν [Ἰου]δαίων, lines 2–3, restoration following H. J. Wolff).⁸¹ However,

79. Contrast Collins, *Invention*, 149: “The use of the *patrios horkos* shows the persistence of a distinctively Jewish custom, but is not so directly based on Jewish law.”

80. Robert A. Kugler, “Dorotheos Petitions for the Return of Philippa (*P.Polit. Jud.* 7): A Case Study in the Jews and Their Law in Ptolemaic Egypt,” in *Proceedings of the Twenty-Fifth International Congress of Papyrology, Ann Arbor 2007*, ed. Traianos Gagos (Ann Arbor: University of Michigan Press, 2010), 387–96; Kugler, “Uncovering a New Dimension of Early Judean Interpretation of the Greek Torah: Ptolemaic Law Interpreted by Its Own Rhetoric,” in *Changes in Scripture: Rewriting and Interpreting Authoritative Traditions in the Second Temple Period*, ed. Hanne von Weissenberg, Juha Pakkala, and Marko Marttila, BZAW 419 (Berlin: de Gruyter, 2011), 165–75; Kugler, “Dispelling an Illusion of Otherness? Juridical Practice in the Heracleopolis Papyri,” in *The “Other” in Second Temple Judaism: Essays in Honor of John J. Collins*, ed. Daniel C. Harlow et al. (Grand Rapids: Eerdmans, 2011), 457–79; Kugler, “Uncovering Echoes of LXX Legal Norms in Hellenistic Egyptian Documentary Papyri: The Case of the Second-Century Herakleopolite Nome,” in *XIV Congress of the IOSCS, Helsinki, 2010*, ed. Melvin K. H. Peters, SCS 59 (Atlanta: Society of Biblical Literature, 2013), 143–54; Kugler, “Judean Custom and Law in Second-Century BCE Egypt: A Case of Migrating Ideas and a Fixed Ethnic Minority,” in *Minderheiten und Migration in der griechisch-römischen Welt: Politische, rechtliche, religiöse und kulturelle Aspekte*, ed. Patrick Sänger, Studien zur Historischen Migrationsforschung 31 (Paderborn: Schöningh, 2016), 123–39; see also the related matter in Kugler, “Petion Contests Paying Double Rent on Farmland (*P.Heid.Inv.* G 5100): A Slice of Judean Experience in the Second Century B.C.E. Herakleopolite Nome,” in *A Teacher for All Generations: Essays in Honor of James C. VanderKam*, ed. Eric F. Mason et al., 2 vols., JSJSup 153 (Leiden: Brill, 2012), 2:537–51. Kugler is preparing a monograph on the topic. For criticism of some of Kugler’s examples see S. Moore, *Jewish Ethnic Identity and Relations in Hellenistic Egypt: With Walls of Iron?*, JSJSup 171 (Leiden: Brill, 2015), 83–84; Collins, *Invention*, 147–49.

81. Cf. Joseph Méléze Modrzejewski, *The Jews of Egypt: From Ramses II to*

it should also be noted that the Judeans of these papyri negotiated Judean law within the spectrum of legal options available in Ptolemaic Egypt: while they kept to Judean law especially in family matters (but, as the application of the “ancestral oath” shows, not only in these), in business transactions (including the charge of interest) they “followed the common Ptolemaic law of the time, which was a blend of Greek and Egyptian legal traditions.”⁸² Recent studies on multilegalism have suggested that legal systems coexisted in various forms, and that people on the ground navigated through these systems as required by the circumstances.⁸³ In this context, conscious references to “ancestral laws” are an important indicator of the normative appeal this tradition had, although it would be a genre mistake to measure these documentary papyri against the halakic texts from Qumran, and anachronistic to measure them, for example, against the legal vision (if not praxis) in rabbinic literature.

Presenting a very different piece of evidence, the Alexandrian scholar Aristobulus, sometime in the second quarter or around the middle of the second century BCE, during the rule of Ptolemy VI Philometor, wrote a philosophically viable and theologically ambitious interpretation of the Torah, of which only fragments have survived.⁸⁴ One of his concerns was

Emperor Hadrian, trans. Robert Cornman, repr. with corr. (Princeton: Princeton University Press, 1997), 99–112; and see now the comprehensive study on *politeumata* by Patrick Sängér, affirming the role of Torah among the *politikoi nomoi*: Sängér, *Die ptolemäische Organisationsform politeuma: Ein Herrschaftsinstrument zugunsten jüdischer und anderer hellenischer Gemeinschaften*, TSAJ 178 (Tübingen: Mohr Siebeck, 2019), 63–64, 127–30, 137–39.

82. Sylvie Honigman, “Ethnic Minority Groups,” in *A Companion to Greco-Roman and Late Antique Egypt*, ed. Katelijn Vandorpe (Hoboken, NJ: Wiley, 2019), 319.

83. Cf. Kimberley Czajkowski and Stéphanie Wackénier, “Legal Strategies of Judeans in Herakleopolis,” *HBAI* 9 (2020): 415–34; for a later period, cf. Kimberley Czajkowski, *Localized Law: The Babatha and Salome Komaise Archives*, Oxford Studies in Roman Society and Law (Oxford: Oxford University Press, 2017), esp. 17–24.

84. Some scholars date Aristobulus’s work in the time of Philometor’s sole reign (176–170 BCE); others allow for a slightly later date within his reign, which comprised in total 180–145 BCE. For an almost exhaustive list of scholars on the date of Aristobulus, see Markus Mülke, *Aristobulos in Alexandria: Jüdische Bibelepexese zwischen Griechen und Ägyptern unter Ptolemaios VI. Philometor*, UALG 126 (Berlin: de Gruyter, 2018), 1–2 n. 5. The main witness is Eusebius: *Hist. eccl.* 7.32.14–19 (frag. 1; from the lost work on Passover by Anatolius, bishop of Laodicea); *Praep. evang.* 8.9.38–10.18a (frag. 2); 13.11.3–12.16 (frags. 3–5). Parts of the fragments, in a different but less reliable wording, are also transmitted by Clement of Alexandria in his

a metaphorical or allegorical interpretation of anthropomorphisms in the Greek Pentateuch, a book to which he refers as ἡ νομοθεσία, “the Legislation.” Thus God’s leading Israel out of Egypt with “a mighty hand” (Exod 13:9) is taken to refer to God’s power (frag. 2). In this respect, Aristobulus’s assertion about God’s descent to Mount Sinai is remarkable: “So then it is clear that for these reasons the divine descent (really) happened” (ὥστε σαφές εἶναι διὰ ταῦτα τὴν κατάβασιν τὴν θείαν γεγονέναι; frag. 2.17).⁸⁵ Aristobulus here emphasizes the importance and nature of divine revelation at Mount Sinai, poignantly connecting it with the giving of the law, and here particularly with the Decalogue, as Aristobulus’s reference to both fire and trumpet sounds (frag. 2.13) suggests.⁸⁶ Aristobulus insists on the reality of law giving, while pointing at the miraculous character of the event that befits divine agency: the descent was not local, the fire consumed nothing, and the sounds came not from any extant trumpets (frag. 2.15–16).

In fragment 5, Aristobulus speaks about the seventh day. Although the arithmological properties of the number seven are key for him, he is aware of the etymology of “Sabbath” and draws conclusions from it for the nature of the day: “But that it is called σάββατον means that it is (a day of) rest” (ἀνάπαυσις οὖσα; frag. 5.13b). Aristobulus emphasizes the practical importance already when he introduces the day: “God, who established the whole universe, also gave us (a day of) rest [καὶ δέδωκεν ἀνάπαυσιν ἡμῖν]—because life is toilsome for everyone—the seventh day” (frag. 5.9). The rationale may be Greek, but Aristobulus upholds the Sabbath as a concrete day of rest.⁸⁷ When “the Legislation” speaks of God’s “ceasing” on the seventh day of creation, he argues, this does not mean that God no longer does anything but rather that he “ceased the arrangements of his works, that they were thus arranged for all times” (taking κατέπαυσεν in

Stromata; see Carl R. Holladay, *Fragments from Hellenistic Jewish Authors, Vol. III: Aristobulus*, SBLTT 39 (Atlanta: Scholars Press, 1995).

85. Cf. frag. 2:12: “This descent is manifest” (κατάβασις γὰρ αὕτη σαφής ἐστι).

86. See Jacobus Cornelis de Vos, *Rezeption und Wirkung des Dekalogs in jüdischen und christlichen Schriften bis 200 n. Chr.*, AJEC 95 (Leiden: Brill, 2016), 177. For divine descent (καταβαίνειν) at the (initial) giving of the Decalogue and law see Exod 19:18, 20; 24:16; for fire see Exod 19:18; 24:17; Deut 5:4, 22; for trumpet sounds see Exod 19:16, 19; 20:18.

87. Isaak Heinemann, *Philons jüdische und griechische Bildung: Kulturvergleichende Untersuchungen zu Philons Darstellung der jüdischen Gesetze*, 2 vols. (Breslau: Marcus, 1929–1932), 114, mentions similar views of festivals and rest in Democritus and Aristotle.

Gen 2:2 LXX transitive, as Philo would do later as well). Then Aristobulus goes on to state that it—probably, again, “the Legislation”—clearly shows the seventh day as “ordained by the law” (ἐννομον), to serve as a “symbol of the principle of the Seven established all around us through which we have knowledge of things both human and divine” (frag. 5.12b).⁸⁸ Thus, the day as designated by the Torah symbolizes the epistemological key to grasp the workings of the world, since all animal and plant life revolves through periods of seven (frag. 5.13a). Aristobulus goes on to quote verses (partially doctored and even fabricated) from the greatest Greek bards, Hesiod, Homer, and Linus (frag. 5.13c–16), claiming that they have taken their information from “our books” and also consider the seventh day “to be holy” (ἱερὰν εἶναι). For Aristobulus, then, the Sabbath has both a cosmic and a noetic function. This, however, does not suspend the aspect of legally prescribed rest, which Aristobulus clearly maintains. The universal character of the seventh day as presented by Aristobulus suggests that the Sabbath is potentially also accessible to Greeks. Whether they were the predominantly intended readers is however questionable—despite the book’s literary form of a dialogue with the king. Judging by its contents and aims, the work seems to be addressed also, if not foremost, to educated Judeans in Alexandria, who can be no less than proud of their Torah and its universal appeal.⁸⁹ In important ways, this applies to the Torah in its function as “Legislation.”

For the Letter of Aristeas, probably written slightly later than Aristobulus in the second century BCE in the mask of a gentile courtier, the Pentateuch is presented as “the customs/laws of the Judeans” (τῶν Ἰουδαίων νόμιμα; Let. Aris. 10) or “the books of the Judean law” (τοῦ νόμου τῶν Ἰουδαίων βιβλία; 30), and the designation “the law” (ὁ νόμος) abounds throughout this work (3, 15, 32, 38–39, 45–46, 122, 168, 171, 309, 314), as does the term “the legislation” (ἡ νομοθεσία; 5, 15, 31, 128, 129, 133, 147, 176, 313).⁹⁰ Apart from highlighting the cultural, political, and reli-

88. For the argument that ἐννομον here has the (usual) meaning “ordained by law” rather than “an inherent law of nature,” as suggested by Holladay, *Fragments III*, 185, 230 n. 141, see Doering, *Sabbat*, 314.

89. Cf. Erich S. Gruen, *Heritage and Hellenism: The Reinvention of Jewish Tradition*, HCS 30 (Berkeley: University of California Press, 1998), 251. A mixed Greek and Judean, highly educated audience is assumed by Mülke, *Aristobulos*, 61–63.

90. For dating, see Benjamin G. Wright, *The Letter of Aristeas: “Aristeas to Philocrates” or “On the Translation of the Law of the Jews,”* CEJL (Berlin: de Gruyter,

gious value of the Pentateuch, Aristeas also relates some of the individual commandments of the Jewish law, which—despite allegorical interpretation—are presented as if they would have indeed been kept by the Judean protagonists (e.g., Let. Aris. 128–171 dietary laws; 228 honoring parents).⁹¹ This text “seeks to hold together the universal and the particular aspects of its identification of reason and Torah: the Mosaic law that conforms entirely to the universal *logos* is to be observed by Jews, and cheerfully admired by wise Gentiles.”⁹²

Torah and Halakah in Second and First Century BCE Palestine

Two texts from second century BCE Palestine are of special importance for our question: the Temple Scroll and the book of Jubilees. Both are dated relatively late by Collins, to the last third of the century, as reflecting the situation after the Maccabean revolt. However, not only is such a late date open to question, but we should also consider the likelihood that both texts drew on earlier sources and traditions, which do not necessarily postdate the revolt. The Temple Scroll is most likely a text composed before the full flourishing of the *yahad* because it does not deploy terminology characteristic for the latter while showing some proximity to it in legal approach. Collins, following Lawrence Schiffman, dates the final redaction of the text to “no earlier than the second half of the reign of John Hyrcanus” (i.e., ca. 120–104 BCE), since the “law of the king” (11Q19, LVI–LIV) fits this historical situation best.⁹³ However, this is far from conclusive, as has been pointed out by scholars like Johann Maier, Florentino

2015), 28, who comes down at a range “from the 150s BCE to the last decade of the second century BCE.” On the abundance of law terms, contrast Satlow, *How the Bible*, 165: The Letter of Aristeas “uncomfortably settled on the genre of law.” Whence Satlow takes this lack of comfort is unclear to the present writer.

91. Cf. Let. Aris. 9–11 (the Judean Torah worthy to be present in the library of Alexandria), 176–177 (the king’s proskynesis before the Hebrew scrolls, recognized by him as *logia* of God), 312–317 (the king’s admiration of, and proskynesis before, the Greek translation, to be kept “holy”).

92. Hayes, *What’s Divine*, 109.

93. Lawrence H. Schiffman, in Lawrence H. Schiffman, Andrew D. Gross, and Michael Chaim Rand, *Temple Scroll and Related Documents*, PTSDSS 7 (Tübingen: Mohr Siebeck; Louisville: Westminster John Knox, 2011), 5; approvingly cited by Collins, *Invention*, 102.

García Martínez, and Daniel Stökl Ben Ezra.⁹⁴ The issue of the final date of the Temple Scroll notwithstanding, however, Schiffman affirms, like others, that some sources of the Temple Scroll, originating in Zadokite circles, “clearly go back to a time before the Maccabean uprising.”⁹⁵ This seems to lend support to the view adopted here that halakic focus, particularly within priestly circles, well preceded the Maccabean rising. This is particularly relevant if we take the Temple Scroll (with Maier, Stökl Ben Ezra, and others), being a specimen of rewritten scripture, not so much as a work of exegesis than of legal tradition—in fact, a form of torah—in its own right.⁹⁶ The evidence remains suggestive even though it is debated what the specific practical aims of the Temple Scroll were.⁹⁷

Moreover, one can hardly deny the strong interest of the book of Jubilees in Moses and the Torah. Jubilees posits that the Torah, originating in creation and reflecting the structure of the world (“*was die Welt / im Innersten zusammenhält*,” to quip Goethe⁹⁸), comes secondarily under Mosaic authority at Sinai, being dictated from heavenly tablets to Moses by an angel of presence. Arguably, the book claims that it contains a fuller form of the Torah than what we know as the Pentateuch, incorporating, as it does, a number of laws and legal specifications missing from the five books of Moses. However, a date in the last quarter of the second century BCE, as suggested by some, comes very close to the paleographical date of the oldest manuscript 4Q216 attesting at least to parts of Jubilees, which is given as

94. Johann Maier, *Die Tempelrolle vom Toten Meer und das 'Neue Jerusalem'*: 11Q19 und 11Q20; 1Q32, 2Q24, 4Q554–555, 5Q15 und 11Q18; Übersetzung und Erläuterung mit Grundrissen der Tempelhofanlage und Skizzen zur Stadtplanung, 3rd ed. (Munich: Reinhardt, 1997), 47–51; Florentino García Martínez, “Temple Scroll,” *EDSS* 2:931–32; Stökl Ben Ezra, *Qumran*, 221.

95. Lawrence H. Schiffman, *The Courtyards of the House of the Lord: Studies on the Temple Scroll*, *STDJ* 75 (Leiden: Brill, 2008), 19; similarly, xxxv, 161, 176, 269; cf. also García Martínez, “Temple Scroll,” 932.

96. Cf. Maier, *Die Tempelrolle*, 47 (the Temple Scroll is a complementary form of Torah alongside texts of similar contents within and without the Pentateuch) and *passim*; Stökl Ben Ezra, *Qumran*, 220–21. Cf. Hartmut Stegemann, *The Library of Qumran: On the Essenes, Qumran, John the Baptist, and Jesus* (Grand Rapids: Eerdmans; Leiden: Brill, 1998), 96, the Temple Scroll as conceived “as the sixth book of the Torah,” composed around 400 BCE, that did not make its way into the collection. But see García Martínez, “Temple Scroll,” 930.

97. E.g., constructive, utopian, and/or critical of the present.

98. Johann Wolfgang von Goethe, *Faust I*, Scene 1: “Night” (“whatever binds the world’s innermost core together”).

125–100 BCE by the editors.⁹⁹ In addition, Jubilees is most plausibly a pre-sectarian text, probably referred to in the Damascus Document (CD A XVI, 2–4). This would require some time to have elapsed between the composi-

99. A later date is held by some, including Collins, *Invention*, 99–107, esp. 102–3, though on p. 106 he seems to allow also for an earlier date. For the editors' view, see James C. VanderKam and Józef T. Milik, "4Q216. 4QJubilees^a," in *Qumran Cave 4. VIII: Parabiblical Texts, Pt. 1*, ed. Harold Attridge et al., DJD XIII (Oxford: Clarendon, 1994), 2. Milik preferred a date even closer to the middle of the 2nd c. BCE. Recently, Matthew Monger, with apparent input from Michael Langlois, suggested lowering the palaeographical date of sheet 2 of 4Q216 to the first half of the 1st c. BCE, but it remains to be seen whether his assessment that the script, showing both early and standard Hasmonean features, is "morphologically closer in many aspects to a standard Hasmonean script," will stand scrutiny: Monger, "4Q216: A New Material Analysis," *Sem* 60 (2018): 320. The first sheet of the manuscript is later (approximately mid-first century BCE according to DJD XIII, 2; lowered to the "last half of first century BCE" by Monger, "4Q216," 318). In the most recent version of his views, Monger claims (1) that sheet 1 lacked Jub. 1:15b–25; (2) that 4Q216 contained parts of Jub. 1–2 only, ending with Jub. 2:24; and (3) that 4Q218 (=4QJub^c) 1 1–4, containing Jub. 2:26–27, was part of a Herodian-period redactional expansion of such a short version: Monger, "4Q216," 323–33; Monger, "The Many Forms of Jubilees: A Reassessment of the Manuscript Evidence from Qumran and the Lines of Transmission of the Parts and Whole of Jubilees," *RevQ* 30 (2018): 203, 208–9. Each part of the argument raises questions. Whether Monger's material analysis can stand remains to be seen. In terms of contents, Jub. 2:24b ("This is the testimony and the fir[st] law [as it was sanctified and blessed on the seventh day]") would be an odd end to the preceding section and belongs much more plausibly together with the section following (preserved in the Ethiopic), which concerns the communication of the Sabbath laws to Israel and concludes with a matching phrase: "This law and testimony were given to the Israelites as an eternal law throughout their history" (Jub. 2:33). Monger thinks his hypothesis matches that of James Kugel, *A Walk through Jubilees: Studies in the Book of Jubilees and the World of Its Creation*, JSJSup 156 (Leiden: Brill, 2012), 35–37, although Kugel deems the phrase in Jub. 2:24b to belong with the interpolation; thus the proposals are not congruent. Kugel's reasons for assuming an interpolation in Jub. 2:24–33 are weak; see the critique in James C. VanderKam, *Jubilees: A Commentary*, 2 vols., Hermeneia (Minneapolis: Fortress, 2018), 204–205. Even if Monger's material reconstruction of 4Q216 were correct, it would not necessarily follow that the Sabbath commandments of Jub. 2:25–33 derive from later redaction: the two sheets might be an abbreviated account of the creation, similar to what Monger traces as part of the reception of Jubilees in late antiquity and the Middle Ages (Monger, "Many Forms," 197–198, 203), or the beginning of a once longer scroll. In sum, I remain skeptical of Monger's attempts to take 4Q216 as evidence for the process of composition or redaction of Jubilees.

tions of the two texts. In addition, it should be noted that, first, the material Sabbath halakah of Jubilees differs from that of the Damascus law code (D; see presently) and, second, that in both cases the halakic passages are arguably older than the respective compositions themselves. Charlotte Hempel has argued this persuasively for some strata of the D laws, albeit not in detail for the Sabbath law; but she agrees that the D Sabbath laws represent an earlier collection belonging to the halakah stratum, which does not reflect the social structure of the D community and comprises “traditional halakic exegesis.”¹⁰⁰ Since most scholars would date the redaction of the Damascus Document to around 100 BCE, this brings us back to the last third of the second century BCE—if not earlier—for the D laws.¹⁰¹

In my view, Jubilees might have been composed sometime between 170 and 140 BCE, and possibly in the 150s BCE, as James VanderKam has recently reiterated.¹⁰² However, the list of Sabbath laws in Jub. 2:29–30, 50:8, 12, which differ from the D Sabbath laws due to their greater stringency and lack of differentiation (see below) and thus prove to be older, likely go back to the pre-Maccabean period. An author does not invent such lists ad hoc; rather, they represent the legal tradition within a given milieu.¹⁰³ There is nothing in these laws that would suggest a post-Maccabean date. The issue of making war on the Sabbath, for example, is presented in a completely nonpolemical fashion.¹⁰⁴ That its transgression is threatened with capital punishment does not distinguish this prohibition from others such as those banning sex, fasting, or walking a distance. The wording “and makes war” does not reflect the debate since the Maccabean period, namely whether persons are allowed to defend themselves. Instead, it seems to represent the older, undifferentiated ban on fighting. Such a ban was naturally reflected, according to 1 Macc 2:29–38, by those pious who retreated to the desert and preferred to be killed on the Sabbath to what they perceived would amount to a breach of the Sabbath laws.

100. Cf. Charlotte Hempel, *The Laws of the Damascus Document: Sources, Tradition, and Redaction*, STDJ 29 (Leiden: Brill, 1998), 30–38, 187–89, quotation from 189.

101. For dating, see the recent summary in Stökl Ben Ezra, *Qumran*, 242: “zwischen 130 und 90 v. Chr.”

102. VanderKam, *Jubilees*, 25–38, where he opts for “a time not too far from the 160s—perhaps the 150s” as “most likely” (38).

103. As I have argued already in Doering, *Schabbat*, 59–62.

104. This has now been agreed by VanderKam, *Jubilees*, 1210 n. 91.

Thus, certain groups in Judea, by the time of Antiochus IV, arguably had already developed a halakically stringent view of the Sabbath.

Such a stringent view is also reflected in several accounts of successful attacks on Jerusalemites by Hellenistic kings or commanders, beginning with the account by Agatharchides of Cnidus of the capture of Jerusalem under Ptolemy son of Lagus, as recounted by Josephus (*Ag. Ap.* 1.209–210): “the people, instead of defending their city, continued in their stupidity, so that their homeland acquired a cruel master, and the law was convicted of containing a despicable custom.”¹⁰⁵ While details of this account raise notorious questions, it does suggest that Jerusalemites would not have naturally defended themselves on the Sabbath.¹⁰⁶ Even if we grant that some might ultimately not have been reluctant to resist, what suffices for our purposes here is to note that practice shaped by the Sabbath commandment apparently inhibited some or most of the residents of Jerusalem from carrying weapons and responding to a military assault on the seventh day. A similar account can be found in 2 Macc 5:24–26, according to which Antiochus IV sent the mysarch Apollonius who, holding back until the Sabbath and “catching the Jews while they were abstaining from labor,” conducted a military show outside the walls and thus lured the Jerusalemites out, killed many and entered the city.¹⁰⁷ At the very least, this account suggests that the Jerusalemites would have been “in a lower state of readiness on the Sabbath.”¹⁰⁸ The commander’s use of a trick does not prove that the Jerusalemites would have readily defended themselves but may have simply been necessary to have the gates opened. This, however, brings us back to an aspect mentioned earlier in this study:

105. The parallel in *Ant.* 12:6 does not mention the Sabbath but attributes the Judeans’ reluctance to fight to their “unseasonable superstition.”

106. The assumption by Bezalel Bar-Kochva, *Judas Maccabaeus: The Jewish Struggle against the Seleucids* (Cambridge: Cambridge University Press, 1989), 474–93, and others that Jews would always have defended themselves is not borne out by the sources; cf. Doering, *Sabbat*, 540–47.

107. A similar account in 1 Macc 1:29–32 does not mention the Sabbath; rather, the commander is said to have “deceitfully spoken peaceful words to them” and “suddenly fell upon the city.” I assume that “suddenly” reflects the commander’s waiting for a good moment. The Sabbath would be such a moment, so I do not think, contra Daniel R. Schwartz, *2 Maccabees*, CEJL (Berlin: de Gruyter, 2008), 266, that the author of 2 Maccabees introduced the motif of the Sabbath.

108. Schwartz, *2 Maccabees*, 266.

stringent Sabbath practice could develop in the protected space enclosed by the city walls.¹⁰⁹

While concern about strictness on the Sabbath is thus older than the Antiochus crisis, comparison of the Sabbath laws in Jub. 2:29–30, 50:8, 12 with those in D demonstrate that the latter show further development of Sabbath halakah. In particular, we find here attempts at halakic differentiation: one is no longer forbidden to “walk a distance,” but may go out one thousand cubits in the case of mere walking, and two thousand cubits in the event that someone grazes cattle (cf. Jub. 50:12 with CD A X, 21; XI, 5–6). We also find further moves toward precision and measurement, for example, the ban on work on Friday “from the time that the sun disk is from the gate by its diameter” (CD A X, 14–17). Conspicuously, CD A XII, 3–6 softens the default death penalty on Sabbath breach maintained in Jubilees to a seven-year custody. Further halakic texts, perhaps belonging to the first century BCE, clarify additional issues. Thus, while CD A XI, 16–17 merely bans the use of instruments for rescuing a person fallen in a cistern on the Sabbath, 4Q265 6, 6–7 allows the use of one’s garment; 4Q264a i, 7–8 (with parallels in 4Q421) clarifies the ban on speaking perceived in Isa 58:13 underlying Jub. 50:8 and CD A X, 17–19.¹¹⁰ All of this may be due to a tendency toward systematization, but it may also reflect concern for practicality.

More generally speaking, at the end of the Hellenistic period, in the late second and early first century BCE, we see growing evidence of halakic rigor and differentiation. This can certainly be contextualized against Hasmonaean rule, the memories of what the Maccabees fought for, and the development of sectarianism during this period. This is all well known and can only be hinted at here. The Dead Sea Scrolls’ legal texts show the whole spectrum, from mere halakic detail (as in many texts published in DJD XXXV) through halakic disagreement (as in MMT—of debated date) to outright polemic (as in 4Q513 frag. 4: the opponents’ waving the *omer*

109. Certainly, Judeans serving in the Hellenistic armies (cf. Let. Aris. 12–13, 37; Josephus, *Ant.* 11.339; *CPJ* 18 [third century BCE]; *JIGRE* 154–156 [second–first century BCE]) would have carried weapons and fought on the Sabbath (only later do we hear of exemption from military service, inter alia on account of Sabbath laws: *Ant.* 14.225–240), but what applies to them does not necessarily apply to those enclosed within the walls of Jerusalem.

110. For analysis, see Doering, *Sabbat*, 87–94, 145–54, 175–76, 228–29 (walking vs. Sabbath limits), 68–69, 210–15 (death penalty vs. seven-year-custody), 201–4, 232–35 (life-saving without instruments, with one’s garment), 83–87, 138–43, 225–27 (forbidden vs. allowed talk).

is “not from the Torah of Moses”).¹¹¹ Other halakic debates in the late Hellenistic period can be gauged from Josephus and, cautiously, from rabbinic literature.¹¹² Toward the end of this period, we see initial material evidence in Palestine for halakically shaped behavior by wider circles of (presumably) ordinary Judean people: the introduction of stepped pools, which demonstrate the increasing role of immersion.¹¹³ This, together with the spread of similar kinds of locally produced pottery across the enlarged territory of the Hasmonaean state, constitutes the beginnings of what Andrea Berlin calls “household Judaism,” a phenomenon which would soon be followed by the emergence of stone vessels.¹¹⁴ This, however, points beyond the period under review here.

Conclusion

In this study, I have suggested that, building on attempts at consolidating the status of the Torah already in the Persian period, there is increasing halakic interest throughout the Hellenistic period; that an explicit concern with halakah is not merely one of the outcomes of the Maccabean revolt; and that such a concern is not limited to Palestine/Eretz Israel but is partly also reflected in the (Egyptian) diaspora, although the context and shape were different in the diaspora, especially Alexandria, where Jewish law was seen from the perspective of natural law and thus as principally accessible by Greeks as well. For Palestine, I have pointed to the increasing role of the Mosaic Torah that by the early second century BCE was allowed by authors and redactors of parts of Enochic as well as sapiential literature. I have further pointed to the role of priestly legal tradition, which in varying ways seems to stand behind texts such as the Aramaic Levi Document, the Temple Scroll, and the book of Jubilees, which all have a robust interest in rigorous halakah. Jubilees, it

111. DJD XXXV is Joseph M. Baumgarten et al., *Qumran Cave 4.XXV: Halakhic Texts*, DJD XXXV (Oxford: Clarendon, 1999).

112. See, e.g., Aharon Shemesh, *Halakhah in the Making: The Development of Jewish Law from Qumran to the Rabbis*, Taubman Lectures in Jewish Studies 6 (Berkeley: University of California Press, 2009).

113. For a suggestion of historical and cultural context, see Yonatan Adler, “The Hellenistic Origins of Jewish Ritual Immersion,” *JJS* 69 (2018): 1–21.

114. Andrea Berlin, “Household Judaism,” in *Galilee in the Late Second Temple and Mishnaic Periods 100 BCE–200 CE, Vol. 1: Life, Culture, and Society*, ed. David Fiensy and James Strange (Minneapolis: Fortress, 2014), 208–15.

seems, was not uninfluenced by discourses on natural and positive law, but it views, somehow conversely to the Alexandrian model, Jewish law as underlying the structure of creation, which is thus really accessible only to Judeans. However, from about the end of the second century BCE onward, initially in the legal texts redacted and composed by the *yahad*, we note an increase in halakic differentiation, which aims at clarifying and systematizing the earlier legal tradition. While such differentiation, until 70 CE (and possibly slightly beyond), largely took place in the framework of competition between the elite groups that we call sects, material evidence, especially the emergence of stepped pools, suggests that halakically shaped behavior also gained a foothold in wider Palestinian circles.

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Torah for the Moment: Understanding Torah in a Performative Context

Francis Borchardt

Introduction

In some dark corners of the field of early Judaism, the nature of תורה/טóμος as a concept in the Hellenistic period is simply assumed.¹ What else could it be after all, than the collection of texts attributed to Moses as speaker, known since the patristic era as the Pentateuch?² Indeed, because some scholars theorize that the formation of the Pentateuch had both achieved something close to its proto-Masoretic form by the late Persian period, and had come to be closely associated with Moses as promulgator, it would seem to be a reasonable conclusion.³ However, such a claim encounters difficulty in dealing with some important pieces of literary evidence from the Hellenistic period. These include nonpentateuchal works claiming the

1. See, e.g., Jack Lightstone, “The Rabbi’s Bible: The Canon of the Hebrew Bible and the Early Rabbinic Guild,” in *The Canon Debate*, ed. Lee McDonald and James Sanders (Peabody, MA: Hendrickson, 2002), 163–84, esp. 172–73. On the relationship between τóμος and תורה see esp. W. Gutbrod, “τóμος אדא,” *TDNT* 4:1036–91.

2. On the history of the term see Anthony Maas, “Pentateuch,” *The Catholic Encyclopedia: An International Work of Reference on the Constitution, Doctrine, Discipline and History of the Catholic Church*, ed. Charles G. Herbermann et al., 16 vols. (New York: Appleton, 1911), 11:646–61, <https://tinyurl.com/SBL3556d>, who notes that the earliest recorded use stems from the mid- to late-second-century CE.

3. David Carr, *The Formation of the Hebrew Bible: A New Reconstruction* (Oxford: Oxford University Press, 2011), 215–24, e.g., mounts an extended argument for the late Persian period as the final reconstructible stage in the formation of the Pentateuch. Another extensive contribution to the discussion can be found in James Watts, ed., *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch*, *SymS* 17 (Atlanta: Society of Biblical Literature, 2001).

title of torah (11Q19, Jubilees), texts related to the traditions also found in the Pentateuch, though in radically divergent forms (4Q158, 364–367), and literary texts that seem to refer to multiple written works as bearing תורה/νόμος (1 Macc 1:56–57).⁴ Each text separately reveals that to argue for a complete Pentateuch at such an early stage one must marginalize significant evidence to the contrary. Once this evidence is taken seriously, any idea of a final form of the Pentateuch at this point must be heavily scrutinized for the inherent teleology and assumption of mass production implicit in it.⁵ After the idea of the Hellenistic “final form” of the Pentateuch dies, so too must the claim that this must be the referent for terms like תורה and νόμος in the Hellenistic period, even when these are modified by terms like משה and יהוה or מωσῆς and κυρῖος. Although there are many cases wherein תורה/νόμος may well refer to something like the Pentateuch, this is manifestly not always the case.

Even some of those who would readily admit that תורה/νόμος is not necessarily correlated with the Pentateuch in the Hellenistic period would

4. On 11Q19, its claim to torah and relationship to pentateuchal traditions, see Molly Zahn (*Rethinking Rewritten Scripture: Composition and Exegesis in the 4QRe-worked Pentateuch Manuscripts*, STDJ 95 [Leiden: Brill, 2011], 180), who notes that this is one of two major scholarly interests regarding the Temple Scroll. The interest is seen in other publications, such as Hindy Najman, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism*, JSJSup 77 (Leiden: Brill, 2003), 41–69, esp. 48–50; Juha Pakkala, *God’s Word Omitted: Omissions in the Transmission of the Hebrew Bible*, FRLANT 251 (Göttingen: Vandenhoeck & Ruprecht, 2013), 167–81, esp. 178–79; Lawrence Schiffman, “Introduction: The Enigma of the Temple Scroll,” in *The Courtyards of the House of the Lord: Studies on the Temple Scroll*, ed. Florentino García Martínez, STDJ 75 (Leiden: Brill, 2008), xxxiv; James C. VanderKam, “Questions of Canon Viewed through the Dead Sea Scrolls,” *BBR* 11 (2001): 269–92, esp. 281–82. On Jubilees and its relationship to torah, see Michael Segal, *The Book of Jubilees: Rewritten Bible, Redaction, Ideology, and Theology*, JSJSup 117 (Leiden: Brill, 2007), 282–91. For more on the so-called reworked Pentateuch manuscripts and their relationship to torah, see Moshe Bernstein, “What Has Happened to the Laws? The Treatment of Legal Material in 4QRe-worked Pentateuch,” *DSD* 15 (2008): 24–49. Regarding the 1 Maccabees passage, which refers separately to a scroll of the law and a scroll of the covenant and the implications this might have for identifying torah as Pentateuch, see Francis Borchardt, “Concepts of Scripture in 1 Maccabees,” in *Jewish and Christian Scripture as Artifact and Canon*, ed. Craig Evans and H. Daniel Zacharias, LSTS 70 (Edinburgh: T&T Clark, 2009), 24–41, esp. 32–33.

5. For the broader problem of teleology in the approach to literature of the Hellenistic and Greco-Roman eras, see Eva Mroczek, “The Hegemony of the Biblical in the Study of Second Temple Literature,” *JAJ* 6 (2015): 2–35.

still like to argue that the terms refer to some text, even if it is not one specific set of texts in the Pentateuch.⁶ There is some solid ground upon which to rest one's case here. In Hellenistic period texts, references to torah overwhelmingly make connections to some sort of text. In later times, there is a significant trend toward what has been called a "textualization of torah."⁷ After all, when, in the prologue to the translation of the Wisdom of Ben Sira, the translator writes of the νόμος (prologue 1, 8, 24), he consistently makes reference to the textual nature of this and other traditions (prologue 4, 10, 24–25). Likewise, in T. Levi 13:1–2, Levi, in another indication of the non-Mosaic and nonpentateuchal character of the νόμος, instructs his children to teach their descendants letters "so that they may have understanding all their life, reading the law of God without end." Even in 4 Maccabees, wherein the νόμος often appears to be so much more than a set of writings, there is indication of an attachment to text. At 4 Macc 18:10–11, the mother of the martyred young men, speaking of her husband, notes that he "taught ... τὸν νόμον καὶ τοὺς προφῆτας" by reading (ἀνεγίνωσκεν), among many other means. For this reason, there is great appeal to the idea that torah, even if not the Pentateuch, is ultimately a text by the Hellenistic period.

Yet there are indications that the torah is evidently not *only* a writing. One indication comes through a special set of Greek words used to translate a remarkable variety of generically negative Hebrew terms. The words ἀνομία, ἄνομος, ἀνομέω, παρανομία, παράνομος, παρανομέω would all seemingly have something to do with the concept of νόμος. They combine the term either with the prefix α-, which refers to those actions, things, or events, in relation to which νόμος is entirely absent, or with the prefix παρα-, which refers to those actions, things or events, in relation to which

6. John J. Collins, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul*, Taubman Lectures in Jewish Studies 7 (Berkeley: University of California Press, 2017), 62, provides a stunning example of this when he remarks: "It is reasonable to assume that they bore some resemblance to what we know as the Torah or Pentateuch, although there was still some textual fluctuation well into the Hellenistic period. But even when allowance is made for some variation in the formulation of the Torah, the great bulk of Jewish literature that has survived from the Hellenistic period onward relies in some way on the Torah of Moses as a foundational document."

7. William Schniedewind, *How the Bible Became a Book: The Textualization of Ancient Israel* (Cambridge: Cambridge University Press, 2004), 136–38, provides a succinct description of this process in the Hellenistic and even rabbinic periods.

νόμος is marginalized or transgressed.⁸ Thus, examining the way in which these terms are employed, and especially the Hebrew terms they are used to translate in the Jewish scriptures in Greek helps to ascertain the range of νόμος and perhaps also of תורה. Surprisingly, ἀνομία, ἄνομος, ἀνομέω, παρανομία, παράνομος, παρανομέω are used only rarely to translate Hebrew terms related to transgression of torah either as a specific written set of laws and customs, or an identifiable body of teaching.⁹ Greek ἄνομος, for example, is used ninety-eight times in the LXX, fifty-nine of which occur in books or sections where there exists a Hebrew equivalent. In thirty-two instances, it translates the term רשע and derivatives, which are most frequently used for acts/actors of general iniquity rather than transgression of torah qua statutes or teachings.¹⁰ Other terms it translates on multiple occasions are: פשע, בצע, שקר, און, and חנף, few of which are used with a specificity greater than to impose a negative moral/ethical judgment on a person or act.¹¹ The same holds true for the other Greek terms translating Hebrew words. This suggests that the range of νόμος and maybe also of תורה expands beyond a written text in any form and refers to general rectitude. So, living by the torah might not refer to following any specific statute or even code of teaching, but to conducting oneself in an ethically upright manner.

An entirely different set of examples also suggests that the textual nature of torah is not entirely assured. Whereas the previous evidence suggests that concepts of torah may have existed entirely independent of texts, the following proofs reveal a concept of torah that may begin in text form but then quickly extend beyond it, thereby superseding the text. On the basis of such texts as Damascus Document III, 12–18 and 1QS VIII, 11–16, Qumran scholarship has convincingly argued that Deut 29:28 was read in a specialized way that determined the torah to be divided into

8. See LSJ, s.vv. “ἀ-” and “παρά-” for the usage of these prefixes in compounds, as in the terms discussed here.

9. An extensive analysis of these Greek terms and their use and relationship to Hebrew terms in Hellenistic Jewish literature can be found in Francis Borchardt, “Lawless, Lawlessness (Second Temple and Hellenistic Judaism),” *EBR* 15:1045–49.

10. C. van Leeuwen, “רשע,” *TLOT* 3:1261–66.

11. Rolf Knierim, “און,” *TLOT* 1:60–63; Knierim, “חנף,” *TLOT* 1:447–48; Knierim, “פשע,” *TLOT* 2:1033–37; M. Klopfenstein, “שקר,” *TLOT* 4:1399–405. Only the latter two terms can be tied either etymologically or through usage to legal contexts. However, even in these cases, which represent only six instances combined, the relationship to torah is in question.

two parts, one hidden and one revealed.¹² The hidden torah, however, is believed to be available to the members of the community on account of their observance of the revealed torah and through the process of revelatory exegesis.¹³ This revelation then completes the otherwise incomplete written torah and provides the community with the hidden torah for which they are being held accountable. Thus, while torah begins with a text, it is surpassed by the revelatory process. Most significantly, Aharon Shemesh and Cana Werman have argued that this appears to have been the case not only within the Qumran community, but also among rabbinic sages.¹⁴ This indicates that there may well have been a broad basis for the idea that torah was something larger than any given textual form.

Beyond the above indications from texts wherein torah seems to be either a catchall for ethical rectitude or the product of special sort of exegetical revelation, there is more profound evidence that the concept of torah in the Hellenistic period must exceed a written text. This has to do with the role of the speaker or teacher of torah. As Benjamin Wright has argued in the case of Ben Sira, the concept of torah seems not to be shaped by the text alone, though certainly Ben Sira knew a text. It is also shaped by the teacher, who molds, and even exemplifies the torah for his students.¹⁵ In this sense, Ben Sira, by performing the torah also recomposes torah for his audience. By doing so, he uses his social role as teacher and sage to authorize his performance of torah, even as it might depart from what is found in any text. This overlaps with the concept of “author-

12. Naphtali Wieder, *The Judean Scrolls and Karaism* (London: East & West Library, 1962), 53–62, 78; Joseph Baumgarten, *Studies in Qumran Law*, SJLA 24 (Leiden: Brill, 1977), 29–35; Alex Jassen, *Mediating the Divine: Prophecy and Revelation in the Dead Sea Scrolls and Second Temple Judaism*, STDJ 68 (Leiden: Brill, 2007), 51, 332; Lawrence Schiffman, *The Halakhah at Qumran*, SJLA 16 (Leiden: Brill, 1975), 22–32.

13. Aharon Shemesh, “Halakhah between the Dead Sea Scrolls and Rabbinic Literature,” in *The Oxford Handbook of the Dead Sea Scrolls*, ed. Timothy Lim and John Collins (Oxford: Oxford University Press, 2010), 595–616, esp. 602.

14. Aharon Shemesh and Cana Werman, “Hidden Things and Their Revelation,” *RevQ* 18 (1998): 409–27.

15. Benjamin W. Wright, “Torah and Sapiential Pedagogy in the Book of Ben Sira,” in *Wisdom and Torah: The Reception of “Torah” in the Wisdom Literature of the Second Temple Period*, ed. Bernd Schipper and D. Andrew Teeter, JSJSup 163 (Leiden: Brill, 2013), 157–86, esp. 179–83, illustrates this well in the case of Ben Sira’s idea of the sage.

ity in performance” that Gregory Nagy, on the basis of the work of Albert Lord, has noted is essential to understanding the ideals of composition and “authorship” in oral-written poetic settings.¹⁶ This authority in performance is established both by the claims of the performer and through the acceptance of the audience.¹⁷ One constructs this authority through imitation of the ostensible originator of a text and all other similarly authorized performances as a way of making claims to the unchanging nature of the work and of one’s own performance. The concept has a number of similarities with what Hindy Najman has labeled “Mosaic discourse” in her own work investigating the transmission of torah.¹⁸ In both arguments, what is transmitted, the one who transmits, and the people to whom something is transmitted all participate to some degree in shaping the contours and contents of any given work. They construct what is determined to be traditional, and even authentic.¹⁹ Importantly, this is as true of the first “performance” by the “composer” as it is of subsequent recitals by scribes, sages, and other figures.

Based on the three above pieces of evidence that point to a nontextual (or not solely textual) understanding of תורה/νόμος in the Hellenistic period, I would like to argue that the definition of torah, even at this comparatively late date, is thoroughly shaped by performers of the tradition who operate in settings in which they seek and are granted author-

16. Gregory Nagy, *Poetry as Performance: Homer and Beyond* (Cambridge: Cambridge University Press, 1996), 19–24, proposes that changes introduced in authoritative performances are accepted as traditional while changes introduced in the context of unauthorized performances are constructed as improper. Albert Lord, *The Singer of Tales* (Cambridge: Harvard University Press, 1960), is the foundational text for work on orality in the ancient world, especially as it relates to Homeric epic.

17. Nagy, *Poetry*, 21.

18. Najman, *Seconding Sinai*, 13–15, highlights the constant appeal to the Mosaic past as a trope that allows for the inspired updating of Mosaic tradition. Key to the comparison with Nagy’s work is that both note the discourse surrounding performance insists that the thing performed is unchanged, while the performer openly makes adaptations. It should be pointed out that unlike Nagy, she ties this only to a discourse surrounding the founder of a tradition, and not to other performers of that tradition.

19. Gregory Nagy, *Pindar’s Homer: The Lyric Possession of the Epic Past* (Baltimore: John Hopkins University Press, 1997), in ch. 12: “Authority and Authorship in the Lyric Tradition,” speaks of this particularly in relation to the extent that the performer or performance is framed as mimetic of all previous performances, including whatever is constructed as the original.

ity to perform ancestral tradition. This thereby allows the performers to construct torah in directions departing from the text and still have it be accepted as authentic. I shall attempt to show this by examining three literary constructions of תורה/νόμος transmission in which both the performative nature and the adaptation of torah are fully acknowledged and accepted. The three situations in which this shall be shown are: the scribes who translate the torah in the Letter of Aristeas, Mattathias the Hasmonean ancestor who invents a new Sabbath law in *Ant.* 12.275–277, based on 1 Macc 2:39–41, and Moses, who performs divine torah in Philo's *De vita Mosis*. These exemplars should show the variety of ways in which performance is fundamental for the shaping of what is considered to be torah in the Hellenistic period.

Performing the Torah Authoritatively in the Letter of Aristeas

The degree to which the Letter of Aristeas constructs the Greek translation of the Jewish torah (νόμος), usually thought of as some version of the Pentateuch, as an adaptation and improvement of the tradition is a matter of some debate.²⁰ Wright has argued that the entire goal of Aristeas is to show that the Greek translation of the torah has been produced so that it is equal in quality and meaning to the Hebrew.²¹ Sylvie Honigman, Giuseppe Veltri, and Francis Borchardt have all suggested on different bases that the Greek translation is constructed as improving upon the Hebrew manuscripts used for translation and thereby becomes the best version of the torah, at least in a specific Alexandrian context.²² Whether the extent of

20. Benjamin W. Wright, *The Letter of Aristeas: "Aristeas to Philocrates" or "On the Translation of the Law of the Jews,"* CEJL (Berlin: de Gruyter, 2015), 444–45, provides a summary of some of the key points in the discussion.

21. Wright, *Letter*, 439, 443–44, insists that this does not imply denigration of the Hebrew original.

22. Sylvie Honigman, *The Septuagint and Homeric Scholarship in Alexandria: A Study in the Narrative of the Letter of Aristeas* (London: Routledge, 2003), 49, bases this suggestion upon the discussion of Hebrew Torah manuscripts that are carelessly written in §30. Giuseppe Veltri, *Libraries, Translations, and "Canonic" Texts: The Septuagint, Aquila and Ben Sira in the Jewish and Christian Traditions*, JSJSup 109 (Leiden: Brill, 2006), 36–37. Francis Borchardt, "The LXX Myth and the Rise of Textual Fixity," *JSJ* 43 (2012): 1–21, esp. 12–15, argues that the fact that the Greek text is here presented as fixed might suggest that it is conceived of as superior to the Hebrew versions. In Borchardt, "What Do You Do When a Text Is Failing? The Letter of Aristeas and

divergence between the new and old versions is minimized or emphasized, there is certainly acknowledgment of the transformation necessary to bring the Jewish torah into the Greek language within Aristeas.²³ One can discern the significance of the translation as a major new performance at multiple points, including §§10–11, 28–31, 38–40, 44–46, 302, 308–11. These passages, which cover the planning and execution of the translation, all note that an adaptation of the torah is occurring that is at least changing its language, but also has the potential to change its nature, for good or ill. Therefore, the project demands figures skilled in the torah, who will ensure a positive outcome for this performance (§§39, 46).

The special interest for the purposes of our argument here will be the ways in which the figures responsible for the translation (here the Jewish scribes) and the setting of the project authorize the performance and thereby render all changes as authentic torah. Dries De Crom has argued persuasively for the processes by which these characters and this occasion are authorized.²⁴ He suggests that “the authority of the translation is, to a very great extent, derived from and reflected in the personal authority of those involved in the translation.”²⁵ De Crom particularly highlights the piety attributed to the translators, significantly contrasted with the impiety of previous performers, as the fundamental value guaranteeing its quality.²⁶ This piety is put on display in the way the translators wash their hands in the sea in order to guarantee their righteousness before engaging in translation (§§305–306), and in their constant reference to God, and insistence on piety as the most important virtue in their symposia with Ptolemy Philadelphus (§§187–300, esp. §§210, 215, 229, 255). Piety on the part of these translators would seem

the Need for a New Pentateuch,” *JSJ* 48 (2017): 1–21, Borchardt furthers his previous arguments by showing the ways in which the Letter of Aristeas employs Greco-Roman rhetoric of literary adaptation to insist upon the superiority of the Greek translation for the Alexandrian setting.

23. Wright, *Letter*, 149, notices the anxiety about this project and proposes the ultimate goal is to “ultimately certify that the Greek translation accurately represents *both* the meaning and character of the most pristine Hebrew original.

24. Dries De Crom, “The Letter of Aristeas and the Authority of the Septuagint,” *JSP* 17 (2008): 141–60.

25. De Crom, “Letter,” 155.

26. De Crom, “Letter,” 156, 158. Part of the argument here also includes ensuring the piety of the Ptolemaic king, the high priest, and Philocrates, the idealized audience for the narrative. These are of course also important for authorization of the translation project but are perhaps less central to the performative aspect concerning us here.

to be an especially crucial aspect of their authority to perform torah inasmuch as torah, for Aristeas, is perceived to have a divine, rather than a solely Mosaic origin.²⁷ So, to present the work these figures are engaged in as imitative of its originator, a special knowledge of and concern for God is necessary in this context. The piety presumably makes claims for the preservation of torah even as it comes to be encountered in a new language.

The translators are further authorized as performers of torah through emphasis on their general erudition and familiarity with the torah, which is discussed (§§32, 39, 43, 46, 121–122) and put on display (§§187–307) throughout the text.²⁸ Especially interesting here is the way in which the translators arrive at this new torah: comparing translations, harmonizing them, and finally having them copied by Demetrius of Phalerum, who is depicted as the king's librarian. This exhibits the creative aspects of their performance while also ensuring its reliability.²⁹ Moreover, De Crom and Wright are undoubtedly correct that the high priest Eleazar's skill in performing the torah for Aristeas by pointing out tropological meanings for the torah reflects well on the skill of the translators, the details of whose performance of the torah remain mostly mysterious within the narrative (§§128–170).³⁰ Ultimately, this presentation

27. Francis Borchardt, "Influence and Power: The Types of Authority in the Process of Scripturalization," *SJOT* 29 (2015): 182–96, esp. 186–89, argues that all authority for the torah ultimately derives from its ostensible divine origin, which is underscored at six different points in the Letter of Aristeas. However, note that Benjamin G. Wright, "Pseudonymous Authorship and Structures of Authority in the *Letter of Aristeas*," in *Scriptural Authority in Early Judaism and Ancient Christianity*, ed. Isaac Kalimi, Tobias Nicklas, and Géza Xeravits, DCLS 16 (Berlin: de Gruyter, 2013), 43–62, esp. 52, sees a significant strand of Mosaic discourse in Aristeas, especially related to the figure of the high priest Eleazar. He joins Harry Orlinsky, "The Septuagint as Holy Writ and the Philosophy of the Translators," *HUCA* 46 (1975): 89–114, esp. 92; Honigman, *Septuagint*, 56–58; and Noah Hacham, "The Letter of Aristeas: A New Exodus Story?," *JSJ* 36: 1–20, in recognizing the Mosaic link. The existence of this discourse is evident, but it should be recognized in conjunction with the claims to the ultimate divinity of torah. Thus the performance presented here is imitating not only the originator, but the subsequent performance of Moses.

28. De Crom, "Letter," 155–56; Wright, "Pseudonymous," 49–50.

29. Honigman, *Septuagint*, 48–49, notes that this establishes the work along lines similar to the text-critical efforts of Alexandrian grammarians working in the museion to arrive at the critical text of Homer.

30. De Crom, "Letter," 156; Wright, "Pseudonymous," 50–52. Both suggest that the relationship between the translators and Eleazar facilitates a blending of the skills of one party with the skills of the other.

shows the translators to have unquestioned ability and interest in performing the torah accurately and according to its divine nature. It is important to recall throughout, however, that this does not mean the torah is unchanged or unchanging. Rather, the piety and knowledge of the translators regarding torah is precisely what guarantees whatever changes they might introduce in the process of translation as a return to the perfection of the original torah, rather than a radical innovation through their own genius or for this special context.³¹ This is a key aspect of both Nagy and Najman's discourse on authorized performance.³²

One final element contributing to the authorization of this torah performance has to do with the way in which the Jewish community of Alexandria receives the text. As Harry Orlinsky points out, the reading aloud of a text followed by its approval in the context of a community, as is portrayed in Aristeeas §§308–311, constitutes a trope of text authorization in the literature of ancient Judaism.³³ Even if he overreaches in arguing that this ritual confers scriptural status on a text, as has been argued, he points in the right direction.³⁴ His reading permits us to note that the community's response affirms that the quite obvious change of language, and whatever other less-obvious changes to torah introduced through translation are authorized as authentic. They become part of a tradition of performance of a divine torah, as is made clear by the curse formula borrowed from Deut 4:2 and 13:1 in §311. Therefore, torah here is defined neither exclusively as a specific text, nor only the teaching of an authoritative figure. Torah is the result of the performance of a text, which is authorized by sanctioned performers on the one hand, and a representative and knowledgeable audience on the other.

Performing the Torah Authoritatively in Josephus's *Antiquities* and 1 Maccabees

A far less studied pair of passages dealing with torah performance depicted as simultaneously novel and traditional comes in the depictions

31. On this point especially see Wright, "Pseudonymous," 50; and Borchardt, "What," 20.

32. Nagy, *Poetry*, 22–23; Najman, *Seconding Sinai*, 13–17.

33. Orlinsky, "Septuagint," 94–97, notes this occurs at Exod 24:3–7; 2 Kgs 22–23; Jer 36:1–10; and Neh 8:1–6.

34. Borchardt, "LXX," 3–4.

of the Hasmonean forebear Mattathias in Josephus's *Ant.* 12.275–277, which is based upon 1 Macc 2:39–41.³⁵ Both passages depict Mattathias as introducing a new teaching to torah, but Josephus's version is particularly interesting because it illustrates the permanence of the new teaching more clearly. Josephus's description of this performance of torah is of a manifestly different sort because it neither claims direct connection to a text, nor does it make any pretensions to performance of torah as a whole.³⁶ The depiction of Mattathias is more focused on the performance of a particular element associated with torah, Sabbath observance, and the way in which it is authorized.³⁷ Mattathias is presented as originating a decision for Jews to fight defensively against enemies on the Sabbath day in order to avoid becoming their own enemies by simply accepting death.

Of primary concern here is the way in which Josephus constructs this event as an authoritative performance of torah while also acknowledging the innovative elements. His account of Mattathias's decision acknowledges Mattathias as the originator of change, but simultaneously notes that Mattathias's decision remains in force into his own day (12.275–277).

35. Justus Destinon, *Die Quellen des Flavius Josephus in der Jüd. Arch. Buch XII–XVII = Jüd. Krieg Buch I* (Kiel: Lipsius & Tischer, 1882), esp. 90; and Harold Attridge, *The Interpretation of Biblical History in the Antiquitates Judaicae of Flavius Josephus*, HDR 7 (Missoula, MT: Scholars Press, 1976), 31, esp. n. 1, regard 1 Maccabees to be the source for this section of Josephus's work. However, Francis Borchardt, "Sabbath Observance, Sabbath Innovation: The Hasmoneans and Their Legacy as Interpreters of the Law," *JSJ* 46 (2015): 159–81, esp. 176–77, raises the possibility that 2 Maccabees has served as his source especially in this section. Borchardt, however, ultimately discounts the evidence.

36. Borchardt, "Sabbath," 169–73, thoroughly discusses all evidence for engagement with written laws and concludes there is little basis on which to decide, which, if any, text lay behind the torah here.

37. The topic has been discussed from numerous angles. A list of recent contributions includes: Francis Borchardt, "Sabbath," 159–81; Martin Goodman and A. J. Holaday, "Religious Scruples in Ancient Warfare," *CIQ* 36 (1986): 151–71, esp. 165–71; Joshua Efron, *Studies on the Hasmonean Period*, SJLA 39 (Leiden: Brill, 1987), 21, esp. the extensive n. 63; Bezalel Bar Kochva, *Judas Maccabeus: The Jewish Struggle against the Seleucids* (Cambridge: Cambridge University Press, 1989), 474–93; Bar Kochva, *The Image of the Jews in Greek Literature: The Hellenistic Period*, HCS 51 (Berkeley: University of California Press, 2010), 280–305, esp. 292–94; Herold Weiss, "The Sabbath in the Writings of Josephus," *JSJ* 29 (1998): 363–90; Lutz Doering, *Schabbat: Sabbathalacha und -praxis im antiken Judentum und Urchristentum*, TSAJ 78 (Tübingen: Mohr Siebeck, 1999), 537–64, esp. 547–54.

Further, throughout the rest of Josephus's works wherein Jews are encountered with the possibility of battle on the Sabbath, the momentous change of Mattathias is endorsed. In those cases of attack on the Sabbath taking place before Mattathias's decision, the Jews do not fight (*Ag. Ap.* 1.208–212; *Ant.* 12.4–5). But in those cases where Sabbath attack takes place after the decision, Jews are openly permitted to engage in defense but not to attack (*Ant.* 13.252; 14.63; 18.318–324, 354–356 *J.W.* 1.146; 2.392–394, 455–456, 517; 4.99–102).³⁸ This conforms well with Mattathias's performance and suggest that Josephus is constructing Mattathias as authoritatively performing torah. It might be argued that this simply displays an instance of interpretative halakah along rabbinic models and is therefore not a proper performance of the torah so much as an interpretation, but this would only avoid the broader question concerning the nature of torah this study seeks to address by drawing an arbitrary line between various types of torah performance.³⁹

The question still remains, though, as to how Mattathias's performance in this passage comes to be authorized. This takes place in a number of ways. First, when Josephus introduces Mattathias in 12.265, he is a "priest of the order of Joarib" (cf. 1 Macc 2:1). Although the order is otherwise unknown, Mattathias's identification as priest may be significant for his performance of torah. As is frequently noted in studies on torah, it is often considered to be the dominion of priests.⁴⁰ So, underlining Mattathias's

38. Borchardt, "Sabbath," 177–81, discusses all the evidence for these accounts in order to rebut the claims of Weiss, "Sabbath," 383–84; Lutz Doering, "Jewish Law in the Dead Sea Scrolls: Some Issues for Consideration," in *The Hebrew Bible in Light of the Dead Sea Scrolls*, ed. Norá Dávid et al., FRLANT 239 (Göttingen: Vandenhoeck & Ruprecht, 2012), 449–62, esp. 459, and Bar Kochva, *Image*, 294–95, who claim either that Mattathias's performance is not maintained as decisive throughout Josephus's narratives, or that the evidence that might support this actually deals with different problems.

39. Lutz Doering, "Parallels without 'Parallelomania': Methodological Reflections on Comparative Analysis of Halakhah in the Dead Sea Scrolls" in *Rabbinic Perspectives: Rabbinic Literature and the Dead Sea Scrolls; Proceedings of the Eighth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature*, 7–9 January, 2003, ed. Steven Fraade, Aharon Shemesh, and Ruth Clements, STDJ 62 (Leiden: Brill, 2006), 13–42, esp. 15–16, notes that in the case of Qumran halakah at least, it is rare for the text to present itself as exegesis or interpretation.

40. See, e.g., David Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* (Oxford: Oxford University Press, 2005), 215, who in this context notes how the Qumran group extends priestly education to nonpriests by permitting the whole community to continue the tradition borne by priests.

priestly status provides him with an institutional authority to perform torah. However, as a note of caution for drawing too sure a conclusion on this point, it should be observed that Josephus omits two further instances wherein Mattathias's priestly status is emphasized in his source: 1 Macc 2:26 explicitly constructs a link between Mattathias's zeal for the νόμος and the character of Phinehas, with whom it is later recalled a covenant of everlasting priesthood is made (1 Macc 2:54; cf. Num 25:6–8).⁴¹ Both of these occurrences are directly tied to Mattathias's performance of torah in 1 Maccabees. Because both are absent in Josephus's account, the priestly aspect of the characterization of Mattathias is actually diminished, and therefore might not be an important aspect of Mattathias's authority as performer of torah within that text.

A second means of authorization comes as Mattathias is repeatedly depicted as exhorting his sons and others to follow their torah, even unto death, whether their own or others (12.267, 269–271, 278, 280–281, 285). This constant recollection of the importance of torah observation, including the murder of those who do not properly observe torah, casts Mattathias as someone who takes torah seriously, and fulfills his institutional function as priest to perform torah. Were Mattathias cast as someone otherwise disinterested in torah, or were he more flexible as a performer of torah in other ways, perhaps his authority to perform torah in a novel way at 12.275–277 would be undermined. But because he is depicted as performing torah so strictly elsewhere, his innovation can be accepted as authentic.

A third way in which Mattathias's performance is authorized comes through his explicit status as a leader and exemplar for those who surround him. At 12.268 Mattathias is singled out by the king's officers to be the first to offer sacrifice in his hometown because he is deemed the worthiest of the Jews of Modein. This is directly tied to the possibility that other residents of the town will follow (κατακολουθέω) him, imitating his practice, and thereby accept the king's decree. The word κατακολουθέω is used on twenty occasions in Josephus's works.⁴² In all but two of those instances (*Ant.* 6.28, 133) it is used in a mimetic pedagogical sense of following either laws, kings, ancestors, the Romans, the Pharisees, philosophical schools,

41. Francis Borchardt, *The Torah in 1 Maccabees: A Literary-Critical Approach to the Text*, DCLS 19 (Berlin: de Gruyter, 2014), 57.

42. *Ant.* 1.14, 19, 161; 5.73; 6.28, 133, 147; 8.271, 337; 9.99, 233; 10.51; 12.255, 269; 14.243, 247, 257; *Life* 12; *Ag. Ap.* 1.17; 2.281.

or Moses as legislator. This evidence suggests that Mattathias is cast in an authoritative role worthy of teaching and being imitated. That impression is only strengthened when, after tearing down an illicit altar and killing a Jew who offers illicit sacrifice, Mattathias asks those who are zealous for the torah to follow him (12.271), and those fleeing the attacks of Greek soldiers appoint him as ruler (12.275, 278). These descriptions combine to depict Mattathias not only as one who seeks authority, but is duly authorized by those by whom he is surrounded. He becomes a political leader, teacher, and also paradigm. Particularly the element that constructs Mattathias as authorized political leader is significantly increased in Josephus's account when compared to his source in 1 Macc 2:38–41. There Mattathias is neither given full agency for the innovative performance of torah, nor is he ever officially named ruler. The paradigmatic aspect of the characterization of Mattathias is underscored in the testamentary speech given by Mattathias to his sons (12.279–285). Here too, Josephus constructs the testament significantly differently from the speech in his source, 1 Macc 2:47–70. For Josephus, Mattathias twice makes himself the paradigm to be imitated by his children, whereas for 1 Maccabees, it is only the ancestors that are paradigmatic.⁴³ These differences may indicate a shift toward presenting Mattathias, rather than he and all his followers, as authoritative performer of torah.

Once the full extent of the authorization of Mattathias and his performance is realized, it becomes easier to understand how Josephus can depict Mattathias's innovation as authentic torah, not only for the figures of Mattathias's day, but also into his own time. This constitutes a separate type of evidence that constructs torah as a product of authorized performance. It is particularly interesting because, though clearly for Josephus torah might exist in a text form (*Ant.* 1.5, 12–13, 17–19, 26), it is not limited to this form.⁴⁴ It can be produced and/or discovered through the teaching and innovation of an important individual.

43. Louis Feldman, "Josephus' Portrayal of the Hasmoneans Compared with 1 Maccabees," in *Josephus and the History of the Greco-Roman Period: Essays in Memory of Morton Smith*, ed. Fausto Parente and Joseph Sievers, StPB 41 (Leiden: Brill, 1994), 41–68, esp. 44, finds this particularly significant because in 1 Macc 2:47–70, it is the great heroes of Jewish history that are the paradigms. Thus Josephus sets up Mattathias as a paradigm on the level of such heroes in his speech here.

44. Louis Feldman, *Josephus' Interpretation of the Bible*, HCS 27 (Berkeley: University of California Press, 1998), 23–36, provides a thorough discussion of the evidence

Performing the Torah Authoritatively in Philo's *De vita Mosi*

When at *Mos.* 1.1 Philo introduces Moses as legislator/interpreter of torah (νομοθέτης/ἐρμηνέως νόμων ἱερῶν), a third notable aspect of torah as performance can be observed. In this case, one can see that torah (νόμος) is not only the product of authorized performance for later interpreters of a text or ancestral tradition, as in the cases of the Jewish translators in Aristeeas and Mattathias in *Antiquities*, but is also an authorized performance for Moses, the first person to put the torah into writing. This performative aspect of Moses's role in producing torah necessarily stems from Philo's premise that torah is identical to the law of nature (e.g., *Mos.* 2.11, 51–52).⁴⁵ That the law of nature is unwritten arises out of Stoic conceptions of natural law.⁴⁶ The unwritten nature of the law manifests itself both in the universal perfection of the divine realm (*Mos.* 2.48), and in the idea of law lived by sages, which in the case of Philo are kings, Moses, and the patriarchs (*Mos.* 1.162; 2.4, 11, *Abr.* 3, 5–6).⁴⁷ Because the law of nature is unwritten, in order to reach the written form of torah, it must be performed in writing by a human figure, fundamentally changing its material state and putting it at risk (*Mos.* 2.10, 12, 14–15).⁴⁸ For Philo, all of this is steeped in the language of an unchanging and authentic torah, which appears common to such contexts of performance. So, in part, Philo's goal is to demonstrate how the translation from the perfection of the immaterial to the imperfection of the material does not detract from the quality of

for Josephus's knowledge of Jewish scriptures and considerations concerning both the language and form in which they appear.

45. On this point see Hindy Najman, "The Law of Nature and the Authority of Mosaic Law," *SPA* 11 (1999): 55–73; Najman, "A Written Copy of the Law of Nature: An Unthinkable Paradox?" *SPhiloA* 15 (2003): 54–63; Markus Bockmuehl, "Natural Law in Second Temple Judaism," *VT* 45 (1995): 17–44, esp. 39–41; John Martens, *One God, One Law: Philo of Alexandria on the Mosaic and Graeco-Roman Law*, SPhAMA 2 (Leiden: Brill, 2003), 95–99.

46. Najman, *Seconding Sinai*, 74–76, supports the arguments of Richard Horsley, "The Law of Nature in Philo and Cicero," *HTR* 71 (1978): 35–59, who in turn negates the bold claims of Helmut Koester that Philo originates the idea in antiquity. Koester, "νόμος φύσεως: The Concept of Natural Law in Greek Thought," in *Religions in Antiquity: Essays in Memory of Erwin Ramsdell Goodenough*, ed. Jacob Neusner, SHR 14 (Leiden: Brill, 1968), 521–41.

47. Bockmuehl, "Natural," 41; Martens, *One God*, 88–89; Najman, "Written," 60.

48. Najman, *Seconding Sinai*, 98–100.

the law as torah.⁴⁹ This is accomplished in establishing Moses as an (the?) authoritative performer and his text as a sanctioned performance.

The means by which Philo authorizes Moses's performance of torah remains to be demonstrated. As in the previously discussed cases, this is accomplished through the elevation of the performer, in this case Moses, and the authorization of the newly performed torah, in this case the first written copy. Each is achieved in multiple ways, all of them interrelated. The two most prominent ways in which Moses is constructed are as innately gifted human and virtuous sage.⁵⁰

Moses's natural gifts are primarily highlighted in the depiction of his youth, which is more extensive than what one finds in Exodus and bears some relation to the *Exagoge* of Ezekiel the Tragedian.⁵¹ In this context one sees Moses with preternatural attainment, from being weaned earlier than usual (*Mos.* 1.18) to growing dissatisfied with mere play at an early age (*Mos.* 1.20), to attaining knowledge so naturally and so quickly that he soon surpasses his teachers (*Mos.* 1.22–23, 27, 48). In connection with this set of educational accomplishments, Moses is presented as extraordinarily handsome, a trope frequently seen in the presentation of divinely selected sage figures like Daniel and Joseph in Jewish literary tradition (*Mos.* 1.9, 18–19, 59).⁵² These natural gifts help to construct a performer of torah who is already extraordinary even before he reaches maturity and proves his virtuosity in life experiences.

Once Moses has the opportunity to display his virtue in *De vita Mosis* he does so without fail. So, when he witnesses one of the Hebrews being unnecessarily beaten, Moses murders the guard responsible (*Mos.* 1.44). In this case it is notable that Philo frames this as an act of piety, rather than anger or unrestrained passion, which would detract from Philo's

49. Najman, "Written," 62–63.

50. For the discussion surrounding the figure of Moses as (divinely gifted) sage in the works of Philo see M. David Litwa, "The Deification of Moses in Philo of Alexandria," *SPhiloA* 26 (2014): 1–27; Hywel Clifford, "Moses as Philosopher-Sage in Philo," in *Moses in Biblical and Extra-biblical Traditions*, ed. Axel Graupner and Michael Wolter, BZAW 372 (Berlin: de Gruyter, 2007), 151–67.

51. Clifford, "Moses," 152–53. For an argument on the relationship to the *Exagoge* see Pierluigi Lanfranchi, "Reminiscences of Ezekiel's *Exagoge* in Philo's *De Vita Mosis*," in Graupner and Wolter, *Moses*, 143–50, esp. 147–49.

52. On the association between beauty and sagely knowledge due to their both being God-given virtues, see Jacqueline Vayntrub, "Beauty, Wisdom, and Handiwork in Proverbs 31:10–31," *HTR* 113 (2020): 45–62.

consideration of Moses's virtue (cf. *Mos.* 1.26). Similarly, when the seven Midianite women are being harassed by local shepherds, Moses defends the women and chases off the shepherds with constant appeals to justice (*Mos.* 1.52–57). Beyond these specific displays, Moses is repeatedly shown to be a model of virtue (*Mos.* 1.48, 148, 150–154, 159–161; 2.8–12). This is especially important because, by Philo's own admission, it authorizes Moses as sage, ruler, and lawgiver (*Mos.* 1.162; 2.2, 7, 14).⁵³ Moses's virtues in fact make him more than merely an ideal performer of torah in terms of committing it to writing, but also in terms of being an embodied law (*Mos.* 1.162; 2.4, 10–11, 48).⁵⁴ These claims concerning Moses's relationship to virtue and to natural law go so far as to, at times, present him as a divine figure (*Mos.* 1.158; 2.288).⁵⁵

It should come as no surprise, then, that Philo authorizes the torah as performed by Moses to the extent that it is perfect. Philo calls Moses's writing "faithful copies of the original examples which were consecrated and enshrined in the soul" (*Mos.* 2.11). Philo continues that these are "the most admirable of all laws, and truly divine, omitting no one particular which they ought to comprehend" (*Mos.* 2.12). He further calls the product of Moses's performance "firm, not shaken by commotions, not liable to alteration, but stamped as it were with the seal of nature herself" (*Mos.* 2.14). In these three examples the extent to which Philo appeals to the authenticity qua originality of the performance is notable. As noted in the examples earlier, this is a common rhetorical device employed to authorize performance.

Additionally, Philo authorizes the performance by noting the torah's influence on other nations, a distinction no other law code enjoys (*Mos.* 2.17, 20). This culminates with a rendition of the origin myth of the Greek translation of the torah similar to that found in the Letter of Aristeas (*Mos.* 2.26–45).⁵⁶ Thus, it is the foreign reception, rather than domestic that authenticates the performance of torah for Philo. This is undoubtedly related to its identity as the perfect expression of natural law, which demands universal appeal.

53. Clifford, "Moses," 154, 157; Litwa, "Deification," 11–12.

54. Martens, *One God*, 88. Najman, "Written," 62–63.

55. On Moses's deification as a participatory divinity see Litwa, "Deification," 27.

56. For a discussion of the origin myth in *De vita Mosis* and how it communicates authentic performance discourse in its own right see, Borchardt, "LXX," 15–18.

Conclusion

In this brief survey we have observed three instances in Hellenistic and Greco-Roman texts wherein (1) torah is performed, (2) some aspect of torah is manifestly changed in the process of performance, and (3) the new performance is authenticated as torah. This pattern has been shown in three distinct situations of torah performance: translation (and editing?), creation of a new statute (or interpretation?), and the first ostensible performance in writing. In all three examples we have seen that though the concept of torah might bear some relationship to text, it is most certainly not limited to a text form. Rather torah exists as a performance, whether in text or speech, that is authorized through authoritative speakers and a willing audience. Because all three of these texts come from Hellenistic and Greco-Roman contexts, this study should serve to caution those scholars who would point either to the Pentateuch specifically or to any given text as torah by the Hellenistic period. While that might be the case according to some evidence, there is some indication from these examples that any text or oral pronouncement treating ancestral customs has the potential to be considered part of the authentic torah when it is authorized through the authority of the speaker and the acceptance of an audience. Though the texts covered here were necessarily limited, further inquiry into other texts, such as Matt 7:29 and Mark 1:22 might reveal an even broader application for the concept of torah as authorized performance of ancestral customs.

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The “Stoic” Solomon: From Torah to *Nomos* via Wisdom in the Hellenistic Age from the Perspective of the Wisdom of Solomon

Joachim Schaper

Introduction

A special place in the history of early Jewish conceptualizations of torah, or νόμος, belongs to the Wisdom of Solomon. The book is a fascinating example of Jewish Hellenistic wisdom literature. In it, the author speaks through the voice of a wise ruler who is never explicitly identified as King Solomon. However, it becomes clear from the wise man’s beliefs and actions that the author had Solomon in mind. Yet many of the views expressed by the wise ruler are reminiscent not of biblical accounts of the king or of other conceptualizations of Solomon, for example, in early Jewish literature, but of Stoic philosophical texts; and as is well known, the νόμος plays a significant role in Hellenistic philosophy, especially in the Stoa.¹

Unsurprisingly there has always been, with regard to the Wisdom of Solomon, a lively discussion among commentators and other interpreters of the book as to how deep the influence of nonbiblical and non-Jewish thought on the author really was. It is often thought that it remained rather superficial and that concepts and expressions that strongly remind us of Stoic thought and Middle Platonism have been used simply to dress up more or less traditional Jewish thought in a new garb, in order to make it

1. See, e.g., *SVF* 1:43, line 1; 2:315, line 23, to name just two particularly characteristic examples out of countless references to νόμος among the early Stoics, leaving aside many more among the later Stoics.

more attractive to the book's Jewish readers, given the cultural dominance of Hellenistic trends.²

David Winston, in his commentary on the Wisdom of Solomon, is one of a few authors who take the influence of contemporary Hellenistic philosophy on the author seriously.³ However, even he does not see that biblical and Stoic thought are completely amalgamated in the book of Wisdom. Given the constraints of space, I cannot demonstrate in this study just how Stoic the book's Solomon really is, but then that is not the main purpose of my study anyway.⁴ I would simply like to locate the book of Wisdom in the development of biblical and early Jewish conceptualizations of Torah and provide a few insights into what Stoic thought contributed to that development. It will become obvious that the way in which the book of Wisdom conceptualizes torah, or rather νόμος, is different from that of books that are otherwise fairly close to it with regard to form, content, and setting. This is particularly true of Ben Sira where νόμος is a key concept but is conceptualized in a manner that is very different from the treatment νόμος receives in the Sapientia Salomonis; the same is true of σοφία.

Christian exegetes and theologians who are interested in the history of the theological traditions that connect the two testaments of the Christian Bible have traced the development of biblical and early Jewish (under that heading I include the New Testament writings) conceptualizations of law and wisdom. As far as such tradition-historical approaches are concerned, Hartmut Gese's is one of the most prominent, and historically and theologically the most subtle.⁵ He observed decades ago that the postexilic period was characterized by an increasing confluence of originally separate "streams of tradition," to adapt A. Leo Oppenheim's expression;⁶ this

2. For Middle Platonism, see John Dillon, *The Middle Platonists: A Study of Platonism 80 B.C. to A.D. 220* (London: Duckworth, 1977).

3. David Winston, *The Wisdom of Solomon: A New Translation with Introduction and Commentary*, AB 43 (Garden City, NY: Doubleday, 1979).

4. I hope to demonstrate the nature and extent of that amalgamation in a commentary on the Wisdom of Solomon for Herders theologischer Kommentar zum Alten Testament, which I hope to finish in 2022.

5. Hartmut Gese, "Die Weisheit, der Menschensohn und die Ursprünge der Christologie als konsequente Entfaltung der biblischen Theologie," in *Alttestamentliche Studien* (Tübingen: Mohr Siebeck, 1991), 218–48.

6. A. Leo Oppenheim, "Assyriology—Why and How?," *Current Anthropology* 1 (1960): 410.

is particularly true of the amalgamation of torah and wisdom concepts.⁷ Interestingly, his approach is the only one that escapes James Barr’s all-out onslaught against biblical theologies and their proponents.⁸

Eckhard J. Schnabel has developed some of Gese’s insights. He concentrates on the developments of law and wisdom respectively and their amalgamation from Ben Sira to Paul.⁹ With regard to the book of Wisdom and the question of how it conceptualizes law and wisdom, he concludes that

In contrast to the concept of wisdom which is prominent in Sap Sal—even if it is not harmonized into a theological conceptual system due to its eclectic character—the concept of the (Jewish) law is not developed at all. This makes any attempt at establishing an implicit or explicit identification of wisdom and law impossible, not to speak of the nature of such an identification.¹⁰

Be that as it may, Schnabel’s deliberations indicate how complex the problem is, and that there is a marked contrast in this matter between Sapiientia Salomonis and Ben Sira, not to mention other Hellenistic Jewish works.

Regarding the confluence and eventual amalgamation of traditions, Menahem Kister, who explores these matters from a decidedly nontheological, purely historical and philological point of view, notes, in a manner similar to Gese’s, that “amalgamating, through interpretation, concepts from diverse biblical strata in a Hellenistic environment” was a “major project” of that era.¹¹

7. Cf. Hartmut Gese, “Das Gesetz,” in *Zur biblischen Theologie: Alttestamentliche Vorträge* (Tübingen: Mohr Siebeck, 1991), 68–78: “Die Sapiientialisierung und die Eschatologisierung der Tora.” Cf. recent contributions to the debate, such as Bernd U. Schipper and D. Andrew Teeter, eds., *Wisdom and Torah: The Reception of “Torah” in the Wisdom Literature of the Second Temple Period*, JSJSup 163 (Leiden: Brill 2013).

8. James Barr, *The Concept of Biblical Theology: An Old Testament Perspective* (Minneapolis: Fortress, 1999), 362–77.

9. Eckhard J. Schnabel, *Law and Wisdom from Ben Sira to Paul: A Tradition Historical Enquiry into the Relation of Law, Wisdom, and Ethics*, WUNT 2/16 (Tübingen: Mohr Siebeck, 1985).

10. Schnabel, *Law and Wisdom*, 134.

11. Cf. Menahem Kister, “Wisdom Literature and Its Relation to Other Genres: From Ben Sira to Mysteries,” in *Sapiiential Perspectives: Wisdom Literature in Light of the Dead Sea Scrolls*, ed. John J. Collins, Gregory E. Sterling, and Ruth A. Clements, STDJ 51 (Leiden: Brill, 2004), 13–47. This is taken up in William Horbury, “Monarchy and

From whichever angle one looks at the evidence: that amalgamation of concepts from diverse biblical strata—or, more precisely, traditions—*did* take place on a grand scale, but it also involved, at least in the case of the book of Wisdom, the full integration of nonbiblical concepts adopted from Hellenistic philosophy, especially from the Stoics; and the consequence of that was a conceptualization of νόμος that at first sight looks fairly traditional but in fact is not.

In what follows, I will explore the conceptualization of νόμος in the book of Wisdom and will attempt to answer the question whether the book “amalgamates” torah and wisdom. In so doing, I will summarize, in the next section, the results of an enquiry I have conducted elsewhere.¹² Once the use of νόμος and its relation to wisdom in Sapiientia have been analyzed, I will move on to situate the results in the context of Stoic conceptualizations of the νόμος and of wisdom. It will become clear that Stoic thought had a profound effect on the author of Sapiientia and that that influence is found not so much in his conceptualization of the νόμος but in his view of wisdom and its function in and significance for the life of the just.

The use of the concepts of νόμος, that is, of “law”—in the sense of torah; in conjunction with that of “commandments”—in Sapiientia is best appreciated against the background of this observation. In an epoch in which the amalgamation of several streams of tradition, and especially of the law and the wisdom traditions, was of paramount importance, the author of Sapiientia did not amalgamate them. I will try to find out the reasons for his approach and in what sense he thus created his Solomon in the image of a Stoic sage.

Torah/νόμος Terminology in Sapiientia Salomonis

In the following pages, I will explore allusions to and invocations of the concepts of νόμος/νόμοι and/or ἐντολή, as well as references to other texts employing those concepts, in the Wisdom of Solomon and in other examples of Jewish wisdom literature of the Hellenistic and Roman periods as well as in Stoic philosophical texts of the same periods. The aim of this

Messianism in the Greek Pentateuch,” in *The Septuagint and Messianism*, ed. Michael A. Knibb, BETL 195 (Leuven: Peeters, 2006), 101.

12. Joachim Schaper, “Νόμος and Νόμοι in the Wisdom of Solomon,” in Schipper and Teeter, *Wisdom and Torah*, 293–301.

exploration is to identify the demarcation lines between νόμος and ἐντολή, on the one hand, and σοφία, on the other.

Mentions of νόμος and ἐντολή are found in Wis 2:11–12; 6:4, 18; 9:5; 14:16; 16:6; 18:4, 9. Also of note is the reference to the λόγια, the words of the law, in 16:11–12. Among the modern commentaries, Johannes Fichtner’s is one of the exemplary ones, not least because Fichtner does not indiscriminately interpret νόμος or νόμοι as “law” or “laws.”¹³ He translates “Gesetz”/“Gesetze” in 2:12; 6:4; 14:16; 16:6; 18:4, 9, viewing them as references to the *Mosaic* law. In other cases, he opts for “Maßstab” (2:11) and “Gebote” (6:18, 9:5) respectively. Given the objective of the present study, I will focus on passages employing νόμος or ἐντολή/ἐντολαί to refer to the Mosaic torah or commandments: Wis 2:12; 6:4, 18; 9:9 (“your,” i.e., God’s, ἐντολαί); 16:6 (the ἐντολή; cf. the divine λόγια of the law in 16:11–12); and 18:4.

It is clear from the use of νόμος in 2:12 that here we have a reference to the Mosaic torah. It thus becomes obvious, right at the outset, that the author of Wisdom sees adherence to the torah as one of the most distinctive characteristics of the life of the just. A just person can thus be seen as a “child [or son] of the Lord” (2:13).¹⁴

The νόμος is of central importance not just to the life of the δίκαιος generally but also to the life of the rulers specifically: in 6:4, the νόμος is viewed in relation to kingship, and the βασιλεῖς (6:1) are admonished to follow the νόμος. This is, of course, a consequence not least of Deut 17. But it is also the Hellenistic conceptualization of true kingship that has left its traces here. The addressees of our verse are said to have neglected to fulfill one of their key duties, that of upholding the law. It stands in parallel here with living according to the “will of God” (βουλὴ τοῦ θεοῦ); the two are obviously thought to be identical. Winston agrees with Carl Grimm when he assumes, like him, “that *nomos* here refers not to the Mosaic Law, but to natural principles of justice, a knowledge of which could be expected even of pagan rulers.”¹⁵ But we need to keep in mind that νόμος is used in the singular and parallels the “will of God” (i.e., the God of Israel): the God of Israel is here painted as the suzerain whose vassals are all the kings of the earth (cf. 6:3–4). But was the torah seen “as an expression of natural

13. Johannes Fichtner, *Weisheit Salomos*, HAT 2/6 (Tübingen: Mohr Siebeck, 1938).

14. Unless otherwise noted, all translations are mine.

15. Winston, *Wisdom*, 153.

law”?¹⁶ There are instances of that view in Jewish Hellenistic literature, and it is true that 6:4 could have been read by a Stoic who was ignorant of the Bible as simply confirming his views. But the author of the book of Wisdom does not view “the Torah itself as an expression of natural law.” The resonance with Deut 17 militates against such an interpretation; Wis 6:4 states that the kings should have observed the law, which mirrors Deut 17. It is also clear from the text of *Sapientia Salomonis* that the law is seen as having its origin in God; this Deuteronom(ist)ic view is firmly rooted in the Israelite tradition and differs from non-Jewish views of kingship that, rooted in ancient Near Eastern traditions, see the king as the key figure in the origination, promulgation, and administration of law.¹⁷ Indeed, the king could now, in non-Jewish Hellenistic texts, be seen as the embodiment of the law, an ideology that finds expression in the concept of the νόμος ἐμψυχος.¹⁸

The kings are singled out; it had always been their special duty, in ancient Near Eastern tradition, to safeguard legal procedure and to ensure that justice be done. But, as just stated, Wisdom does not envisage the kings as the source of law; instead, they have to study the law whose source is the God of Israel. The keeping of the law is required of the king just as much as it is of the δίκαιος in general. *Sapientia* addresses as kings all potentially wise men, in a way that is very reminiscent of Stoic thinkers: “[The Stoics say:] (1) Only he [the wise man] is free, but the inferior are slaves. For freedom is the power of autonomous action, but slavery is the lack of autonomous action.... (2) Besides being free the wise are also kings, since kingship is rule that is answerable to no one; and this can occur only among the wise” (Diogenes Laertius 7.121–122).¹⁹

Wisdom 6:5–8 effectively continue 6:4 by announcing the remedy for the rulers’ disobedience, which was denounced in 6:4. God will not favor the mighty “because he himself made both small and great, and he takes thought for all alike” (6:7; NRSV). It now becomes clear that “wisdom” is not identical with “torah”/νόμος but that wisdom creates the conditions

16. Winston, *Wisdom*, 153.

17. See, e.g., Eckart Otto, *Theologische Ethik des Alten Testaments*, ThW 3.2 (Stuttgart: Kohlhammer, 1994), 81–99.

18. Cf. Jan Assmann, *Monotheismus und die Sprache der Gewalt*, Wiener Vorlesungen im Rathaus 116 (Vienna: Picus, 2006), 33, 47–48.

19. Trans. *The Hellenistic Philosophers*, ed. Anthony A. Long and David N. Sedley, 2 vols. (Cambridge: Cambridge University Press, 1987), 1:431–32, 2:426.

that enable the wise/kings to adhere to the torah/νόμος: those who “learn wisdom” will not “transgress.”

In the exhortation to the kings, we also have a famous passage (6:17–20) that constitutes a sorites, that is, a chain-syllogism, and states that “love [of Wisdom] is the keeping of her rules [τήρησις νόμων αὐτῆς]” (NRSV [Anglicized ed.], modified).²⁰ Here we have more proof that wisdom is *not* being identified with the νόμος/torah: the νόμοι are the “rules” or “standards” of wisdom, the standards that the sage has to aspire to and the rules according to which he has to proceed in order to attain ἀφθαρσία. It is probably inappropriate to translate, like Fichtner, “Gebote” (“commandments”) since that would be too reminiscent of the commandments of the Torah and read a proximity of wisdom and torah into the text.²¹

Wisdom 9:9 speaks of “your,” that is, God’s, ἐντολαί, which indicates that it most likely is a direct reference to the Mosaic law as received on Mt. Sinai.

Wisdom 16:6 displays a differentiated use of νόμος and ἐντολή in the phrase to be translated as “a reminder of the commandment of your law,” that is, the torah; compare the ἐντολαί of God in 9:9. The punishment is seen as an instrument of education designed to correct the ways of the Israelites. The stress on the importance of the νόμος in the context of temporal and eternal salvation is interesting.

In Wis 16:11–12, the poison as well as being preserved from the poison’s natural consequences prevent the Israelites/the wise from forgetting (cf. λήθη in 16:11), that is, from forgetting the divine νόμος and the salvific acts of God. This is also supposed to aid the remembrance (ὑπόμνησις) of God’s “words,” that is, of the ἐντολή of the νόμος (cf. 16:6). In 16:12, it is made clear that God heals, not in the natural manner, though, but through his word (λόγος). And while there is no amalgamation of σοφία and νόμος in the book of Wisdom, there is no identification or amalgamation of σοφία and λόγος either, in contrast to the *Corpus Philonicum*.

With regard to Wis 18:4, it is interesting to explore the image of the “imperishable light of the law”; ἄφθαρτος is used elsewhere in the book to refer to the soul. Using the adjective with regard to the law reminds one of the mention of human ἀφθαρσία in 6:18; the life of the just/sage

20. On the details of the present sorites, cf. Fichtner, *Weisheit Salomos*, 27. Cf. William Horbury, “The Wisdom of Solomon,” in *The Oxford Bible Commentary*, ed. J. Barton and J. Muddiman (Oxford: Oxford University Press, 2001), 658.

21. Fichtner, *Weisheit Salomos*, 7.

is implicitly likened to the imperishable light of the law. Wisdom 18:4 correlates being in the service of wisdom, fulfilling the stipulations of the law, and being immortal. The author stresses that the divine law is aimed at the whole world; in spite of the polemic against the Egyptians (who are not mentioned by name) he has not abandoned his universalistic views. Our verse should be seen in conjunction with Wis 14:6, where αἰών also stands for “world.”²² God is seen as its lord. While it has been argued that αἰών in 14:6 and 18:4 refers to a “future age,” the parallelism between κόσμος and αἰών in 14:6 clearly supports translating αἰών as “world”—in the sense of “‘Welt’ als die eine, Zeit, Raum und Bewegung umfassende Gesamtwelt.”²³ Wisdom 18:4 can thus be considered a universalistic statement based on the view that the possibility to become a δίκαιος will be extended, or has indeed always been open, to individuals beyond the boundaries of the Jewish people. Wisdom 18:4 builds on 14:6, and that amounts to proof that there is an incipient tendency toward universalism in Sapientia.²⁴

What Is Stoic about the Law and/or about Wisdom in Sapientia?

As I said earlier, I intend to demonstrate the profound effect that Stoic thought had on the author of Sapientia, not so much with regard to his conceptualization of the νόμος but with regard to his view of wisdom and its function and significance; and that will ultimately deepen our understanding of the transition from *tôrā* to Torah/νόμος and will help us better to grasp the complexities of that development, and the fact that it was not linear. Let us see what we can confidently say about the relation between

22. Fichtner, *Weisheit Salomos*, 64, translates “Welt,” but seems to see “Menschheit” as the basic meaning of αἰών here (see his note b on 18:4). Helmut Engel, *Das Buch der Weisheit*, NSKAT 16 (Stuttgart: Katholisches Bibelwerk, 1998), 225, rightly translates “Welt,” not least because αἰών stands in parallel with κόσμος in 14:6.

23. Horbury, “Wisdom of Solomon,” 665, translates αἰών as “future age.” Quotation from Engel, *Das Buch der Weisheit*, 273.

24. Cf. Matthew Edwards, *Pneuma and Realized Eschatology in the Book of Wisdom*, FRLANT 242 (Göttingen: Vandenhoeck & Ruprecht, 2012), 239: “Wisdom retains a commitment to the God of the history related in the Jewish scriptures. This particularism, summarized in the concluding verse of the book, is not without a related appeal to universality: the Jewish God is the creator of the whole world who continues to care for his creation; he desires that all should be enlightened by his law (Wis. 6:4, 18; 18:4).”

νόμος and σοφία. In Sapiaientia, the term νόμος refers—unsurprisingly, and in much the same way as it does in other Jewish Hellenistic writings—to the “Torah,” taken as a term encapsulating the whole of the Pentateuch as the foundational document of Judaism. When the terms νόμοι and ἐντολαί are used in Sapiaientia, they mostly serve as references to the “commandments” found in the Torah. Adhering to the νόμος and its νόμοι and ἐντολαί is propagated as being centrally important to the life and ethical and religious practice of the δίκαιος.

But there is another side to the term νόμος in the Sapiaientia Salomonis. Since the speaker is never actually identified as King Solomon, a non-Jewish take on the book’s message is possible. It is left to the discretion of Wisdom’s disciples, of the δίκαιοι, to decide what νόμος to adhere to: Jewish readers will automatically understand the term to refer to the Mosaic law, but pagan readers with a Stoic background will think of the cosmic law that is the basis of Stoic ethics. By avoiding to name any of the biblical characters alluded to in the book of Wisdom, and by employing the term νόμος in the spirit of calculated ambiguity, the author produces a truly ecumenical, universalistic religious and philosophical document. The dividing-line is no longer that between Israelites and non-Israelites, but that between practitioners and nonpractitioners of the νόμος, with the term νόμος oscillating between the Mosaic law and the cosmic law of the Stoics, or, rather, νόμος being a term that can be read as identifying the Mosaic law with the cosmic νόμος of the Stoics.

Yet Sapiaientia, precisely because it does not equate νόμος and σοφία, lets the νόμος provide orientation in a cosmos that is permeated and ruled by wisdom.²⁵ The νόμος has its place in the world of the wise/just, as a guideline. It shines its light not only on the just, but on the whole world (18:4), so that the designation δίκαιος will also be applicable to non-Israelites who conform to the νόμος, regardless of the perspective from which they approach it.

25. For νόμος and σοφία not being equated, see Engel, *Das Buch der Weisheit*, 159–63, esp. 159–60. Cf. Edwards, *Pneuma and Realized Eschatology*, 145: “In Wisdom 6:17–20 obedience to the Mosaic law is advocated as the path of Wisdom rather than the contemplation of eternal truths, at least as conceived abstractly from the Mosaic law. Even if we were to ask whether Mosaic law operated in Wisdom as mediator of ideal divine reality, in a manner akin to Philo, we would still have to stress that Wisdom’s emphasis falls much more strongly on Sophia as mediator of the divine than on the Mosaic law itself.”

How does the author of Wisdom see the correlation and interaction between wisdom and torah? The book postulates that the search for wisdom and the keeping of the torah are intertwined: the keeping of the divine νόμος (which is identical with living according to the βουλή τοῦ θεοῦ; 6:4) is the key to finding wisdom, with the ultimate result that the desire for wisdom will lead the practitioner of the law to a “kingdom” (ἀνάγει ἐπὶ βασιλείαν; 6:20).

The law thus provides orientation on the way to wisdom but, given the parameters of the author’s worldview, cannot be identified with it. Differently from the case of Ben Sira, such an identification or amalgamation was impossible for the author of Wisdom because at the basis of his thought was a Stoic conception of the relation between God, wisdom, humans, and matter; and because, in his view, God, wisdom, and human beings are pervaded by the same material (!) πνεῦμα, an identification or amalgamation of law and wisdom was unthinkable. The reason is that he saw σοφία as a living being consisting of *material*, corporeal πνεῦμα, whereas he conceptualized the νόμος as an intellectual, noncorporeal entity. Therefore, one could not possibly be amalgamated or identified with the other. For the author of the book of Wisdom such an identification or amalgamation was unthinkable because he was—not with regard to νόμος but with regard to πνεῦμα—too much under the influence of Stoic thought even to contemplate taking a line similar to the one that Ben Sira opted for.

The relative “autonomy” of the law within the world of Lady Wisdom, according to Sapientia Salomonis, is also demonstrated by the fact that ethical demands are based on the νόμος (and not in an abstract manner on Wisdom herself), and it is quite appropriate to say that the ethics of the book of Wisdom are based, in a fairly traditional Jewish manner, on the law.²⁶

Up to a point, the Wisdom of Solomon is indeed an example of the general tendency of Jewish Hellenistic writing toward “amalgamating, through interpretation, concepts from diverse biblical strata in a Hellenistic

26. Edwards, *Pneuma and Realized Eschatology*, 240: “Firstly, ethics in Wisdom are not directly based on the idea of acting ‘in accordance with nature.’ Although the argument of the oppressors in the second chapter is based on a faulty understanding on the nature of life and death, it is also plain within that chapter (v. 12) that the ethics in Wisdom are fundamentally law-based (2:12; 6:18). This is not to deny that the Law is understood as a rational expression of God in accordance with Sophia’s activity in the cosmos, but rather to insist that the ethical argumentation in Wisdom is quite distinct from Stoicism particularly with regard to the Law.”

environment.”²⁷ However, it does not go as far as many other Jewish Hellenistic texts. Contrary to other products of wisdom literature and to, say, Philo, it does not *equate* wisdom and torah.²⁸ Rather, Wisdom is being correlated with the law; the former is seen as providing the framework or the basis for the fulfillment of the latter.

Winston, in his commentary, postulates that the author of Sapiaientia held the notion of an “Archetypal Torah” of which the Torah of Moses is “but an image.” It seems that Winston interprets Sapiaientia’s concept of the νόμος in the context of his overall thesis, according to which Sapiaientia is, like the Philonic corpus, a product of Middle Platonism.²⁹ Winston even says that “very likely he [the author of Wisdom] believed with Philo that the teachings of the Torah were tokens of the Divine Wisdom, and that they were in harmony with the laws of the universe.”³⁰ Further, he concludes that “Wisdom is conceived by him as a direct bearer of revelation.... She is clearly the Archetypal Torah, of which the Mosaic Law is but an image.”³¹ An impassionate look at the evidence shows that the notion of an “Archetypal Torah” is absent from Sapiaientia and that a better way to make sense of the book is to understand Sapiaientia’s concept of νόμος as an example of a fairly traditional view of the Mosaic law. Thus the “Stoic Solomon” does not offer his readers a Stoicized concept of the νόμος; he does not venture far beyond a traditional understanding of the Mosaic law and does not universalize it in the way envisaged by Winston. The innovation delivered by the book of Wisdom is of a different kind: it is the Stoicization of the concept of wisdom, an intellectual transformation of a key concept of Hellenistic Jewish religion that paved the way not for a “sapientalization of the Torah” but for a reinterpretation of the cosmic role of wisdom—it reorientated the concept of the life of the sage and of the nature of wisdom and provided a new view of wisdom that was later seen as providing a very distinctive basis for wisdom Christologies.

27. Kister, “Wisdom Literature,” 19.

28. Cf. Bruce D. Chilton, “Commenting on the Old Testament,” in *It Is Written: Scripture Citing Scripture; Essays in Honour of Barnabas Lindars SSF*, ed. D. A. Carson and H. G. M. Williamson (Cambridge: Cambridge University Press, 1988), 122–40, on Philo equating torah and wisdom.

29. Winston, *Wisdom*, 34.

30. Winston, *Wisdom*, 34.

31. Winston, *Wisdom*, 34.

The Stoicization of Wisdom in Sapientia

In Wis 7:22b–23 we find the twenty-one names of wisdom, in a manner similar to that of lists of divine attributes in other non-Jewish and Jewish (and, e.g., in Islamic) texts. We have here a list of attributes of *sophia*, deeply influenced by the terminology of contemporary pagan philosophy, especially that of Stoicism. The number twenty-one (possibly indicating ultimate perfection) is due to the multiplication of two other important holy numbers, that is, three (e.g., Gen 18:2; Exod 2:2) and seven, the most sacred number in Judaism, indicating wholeness and perfection (cf. Gen 2:3 and the multitude of sets of seven persons and items in the Hebrew Bible).

I will here concentrate on a single one of these attributes, that is, the very first one on the list. In 7:22, we find an attribute that is dear to Stoic philosophers. It is used by one of their greatest, Posidonius, as an attribute of God. He speaks of a πνεῦμα νοερόν διήκον δι' ἀπάσης οὐσίας (frags. 100–101, ed. Kidd). This was an attempt to understand the nature of God in relation to the unity of the cosmos, attributing material qualities to the deity (as pointed out earlier, πνεῦμα was conceived of as being material).³² Max Pohlenz explains what is, to us, a counterintuitive view by pointing out that for Posidonius, the starting point was not abstract matter but πνεῦμα: “das bereits Synthese von Geist und Stoff und Träger der Lebenskraft ist. Dieses Pneuma ist das Göttliche in der Welt.”³³ The Stoics conceptualized the being (οὐσία) of God as a πνεῦμα νοερόν καὶ πυρῶδες, οὐχ ἔχον μὲν μορφήν, μεταβάλλον δ' εἰς ὃ βούλεται καὶ συνεξομοιούμενον πᾶσιν (SVF 2 §1009), translated by Pohlenz as “das denkende und feuerartige Pneuma, das an sich gestaltlos ist, sich aber in alles wandelt, in das es will, und sich allem angleicht.”³⁴

The use of πνεῦμα νοερόν, both in Wis 7:22 (with reference to wisdom) and among the Stoics (with reference to the deity), is remarkable, and the

32. See Max Pohlenz, *Die Stoa: Geschichte einer geistigen Bewegung*, 2 vols., (Göttingen: Vandenhoeck & Ruprecht, 1948–1949), 218: “Der Kosmos ist eine große Lebenseinheit, und diese Einheit muß aus einem einheitlichen Urgrunde stammen. Das Problem, wie aus diesem die Fülle der Erscheinungen hervorgegangen sei, hatte schon die alte Stoa beschäftigt. Sie löste es durch die Annahme, die Qualitäten aller Einzeldinge seien bereits in der Urmaterie beschlossen, die selbst noch keine bestimmte Eigenschaft habe, aber die stofflichen Möglichkeiten für alle enthalte.”

33. Pohlenz, *Die Stoa*, 218.

34. Pohlenz, *Die Stoa*, 218.

question of the relation between God, wisdom, and the cosmos in the book of Wisdom arises. Matthew Edwards, who pays special attention to the significance of the concept of *πνεῦμα* for the philosophical architecture of the book of Wisdom, states:

Wisdom wishes to benefit from the philosophical explanation of the workings of the cosmos that Stoicism supplies, but it is not acceptable for the Jewish creator God to be identified with the cosmos. Instead, Sophia operates in the role of Stoic *pneuma*. This allows God to be understood to remain transcendent, while retaining the philosophical benefits of Stoic physics.³⁵

But Edwards does not quite take into account how close Sophia is to God, how intimately connected God is to all of his creation. His transcendence is upheld, but at the same time he is—for want of a better term—intertwined with creation, through Sophia qua the *πνεῦμα* of which Sophia is composed. It is the same *πνεῦμα* of which 7:25 states that it is an emanation (*ἀπόρροια*) of God. Wisdom is pervasive, it pervades the cosmos and potentially every human being, because it is composed of *πνεῦμα*, which is not immaterial but consists of very fine matter.³⁶ Peter Schäfer is thus right when he states that

apparently Wisdom is Spirit and simultaneously has a Spirit, and this is exactly what 7:22 states.... The same overlapping of “Wisdom,” “(holy) Spirit,” and “Spirit of Wisdom” appears already at the very beginning of *Sapientia Salomonis* (1:4–6).... At the same time, this Wisdom/Spirit is almost equated with God himself (1:7).... Again, she is not God, but she is very close to him. Through Wisdom/Spirit, God reaches into the world, permeates it, and transforms human beings.³⁷

35. Edwards, *Pneuma and Realized Eschatology*, 71.

36. Thus Niehoff rightly stresses, with regard to Wis 7:22–24: “die zahlreichen Attribute, die unser Autor anhäuft, um die Weisheit zu beschreiben (Sap 7,22–24), verdeutlichen, dass er sie als einen reinen Stoff ansieht, der die gesamte Welt ‘durchdringt.’” See Maren R. Niehoff, “Die *Sapientia Salomonis* and Philon: Vertreter derselben alexandrinisch-jüdischen Religionspartei?,” in *Sapientia Salomonis (Weisheit Salomos)*, SAPERE 27 (Tübingen: Mohr Siebeck 2015), 262.

37. Peter Schäfer, *Mirror of His Beauty: Feminine Images of God from the Bible to the Early Kabbalah* (Princeton: Princeton University Press, 2002), 35.

In the following verses, Wis 7:22–8:1, the author of *Sapientia* draws the consequences from his conceptualization of the relation between *Sophia* and the deity, a conceptualization to which *pneuma* is central:

Now, in verses 22b ff., the subject shifts to Wisdom's essence and her relationship to God. Although it does not depict Wisdom as God, *Sapientia Salomonis* is clearly the one among our Wisdom texts that moves Wisdom closest to God. Possibly referring back to Jesus Sirach (24:3), but much more explicitly, it introduces another term explaining the delicate relationship between God and his Wisdom: Spirit (*pneuma*). Wisdom is not just Wisdom, but also the "Spirit of Wisdom" (*pneuma sophias*). Solomon prays for her, and she is given to him as a "Spirit of Wisdom" (7:7).³⁸

Conclusions: The Torah of the Stoic Solomon

As we have seen, the Wisdom of Solomon does not "amalgamate" wisdom and torah. Its author chose a path that is very different from that of Ben Sira. The Stoicization of wisdom, conceptualizing wisdom as consisting of finest matter and as thus being all-pervasive, which Pseudo-Solomon needed in order to bridge the gap between the transcendent (!) God and his creation, did not, in his view, allow for an amalgamation of wisdom and torah. Ben Sira had a different view of the nature of σοφία and νόμος according to which it was precisely their amalgamation or identification that allowed one to perceive wisdom as the mediatrix between the deity and the cosmos.³⁹

38. Schäfer, *Mirror of His Beauty*, 34–35. Edwards, *Pneuma and Realized Eschatology*, passim, focuses on the centrality of the concept of *pneuma*, following a suggestion of the present author (cf. Edwards, *Pneuma and Realized Eschatology*, 9). Cf. Niehoff, "Die Sapientia Salomonis," 263: "Der Autor der *Sapientia* stützt sich ... auf stoische Physik, wenn er betont, dass die Weisheit zwar eine ist, aber doch alle verschiedenen Aspekte der Welt durchdringt.... Genau dieses Konzept von einem alles durchdringenden, aber mit sich selbst identisch bleibenden Stoff wird in der *Sapientia* vertreten und mit der Weisheit identifiziert."

39. Cf. Schnabel, *Law and Wisdom*, 82 on the reasons for the amalgamation in Ben Sira: "Wisdom and law are one since they are both the expression of God's will for life. To keep the commandments is practiced wisdom, and to be wise means to obey the law—both are proof of one's fear of the Lord and of one's desire to commit one's life to God in submitting to his will concerning all areas of life." As we have seen, the conceptualization of Wisdom found in the book of Wisdom is very different from

Pseudo-Solomon, by contrast, probably was so much under the spell of the attractive, rigorous systematization of philosophic enquiry offered by the Stoa and conveyed by Middle Platonism that he saw the Stoic view of the nature and workings of Sophia as the only viable conceptualization of the interaction between the Creator and his creation, thus reconciling the Hellenistic Jewish concept of a transcendent deity with the Stoic view of the divine governance of the cosmos.⁴⁰

What did that mean for Pseudo-Solomon’s view of the torah? The effect was ambivalent: on the one hand it preserved the autonomy of the torah, on the other hand, it did not elevate it to the status of a mediatrix. Pseudo-Solomon intended to assign to the νόμος its rightful place in the history of salvation, and to describe its proper relation to God and his wisdom. In his view, possibly the most fundamental reason for not identifying or amalgamating σοφία and νόμος was his belief that σοφία is something like a hypostasis, fulfilling the role of mediatrix between God and humanity (cf. Wis 7:22b–30; 9:4). Σοφία was, in the author’s view, a living being that has πνεῦμα as its substance, as God and humans have. He did not conceive of νόμος as having such characteristics. Given his Stoic understanding of πνεῦμα, he could not possibly have conceptualised νόμος as a hypostasis.

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that of Ben Sira. According to Sapiientia Salomonis, wisdom is—as just pointed out—a living being, a hypostasis of the deity.

40. Beautifully and concisely put in John J. Collins, *Jewish Wisdom in the Hellenistic Age* (Edinburgh: T&T Clark, 1998), 200: “In the cosmic analogy, Wisdom is the mind or spirit of the universe. In effect, Wisdom embodies the Stoic concept of the Pneuma or Logos, but subordinates it to a transcendent God, who is affirmed as its source.”

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Nomos Human and Divine in the Wisdom of Solomon

Michael C. Legaspi

Though it is difficult to say for whom, exactly, *Wisdom of Solomon* was written, it seems likely that the book was written in Roman Alexandria, sometime around the turn of the era. As such, it reflects internal and external social realities belonging to this context: on the one hand, anxieties about the assimilation of fellow Jews to elite Greek culture and, on the other hand, tensions between Jews and Egyptians living under Roman rule. In two different but related ways, then, concern for the integrity of the Jewish way of life serves as a background. “Wisdom” is what names this integrity and allows the author to present Jewish piety as something continuous with God, reason, justice, and the particular national experience of the Jews themselves. Yet if the goal is to vindicate Jewish wisdom by revisiting its foundations, then why does the book have so little to say about the Mosaic law? To an outsider like Hecataeus, the Jews owed their wisdom entirely to the constitutional innovations of Moses, who framed not only civic life but the basic principles of religious life as well (Diodorus Siculus 40.3); and within Judaism, the roster of works in the Hellenistic and Roman periods that identify Jewish wisdom with Moses and the Torah is impressive: Sirach, 4 Maccabees, and the works of Philo, to name a few. In *Wisdom of Solomon*, however, Moses is only a minor figure. The third section of the book begins with a description of wisdom’s role in the lives of individuals from Genesis and Exodus (Wis 10). Moses appears toward the end of this sequence: wisdom “entered the soul of a servant of the Lord, and withstood dread kings with wonders and signs” (10:16). Though wisdom is personified throughout this chapter as an active presence in sacred history, the only activity attributed to wisdom in the case of Moses is that of entering Moses’s soul. No mention is made of the Torah. The historical sequence in chapter 10 ends with the Red Sea crossing and thus excludes the giving of the law at Sinai. *Wisdom* 11–19 rehearse

the plague narratives from Exodus. In a sequence of seven antitheses or diptychs, the author frames a series of contrasts between the deliverance of the holy nation and judgment visited upon the sinful nation. Moses appears at the beginning of this sequence as a “holy prophet” through whom wisdom “prospered” the people (11:1), but he virtually disappears from the book after this brief mention.¹ Moses’s role as an intermediary is effaced, as God deals with the two nations directly; and just as Wis 10 breaks off before the giving of the law, the seven diptychs in Wis 11–19 end with the Red Sea crossing. The book as a whole stops short of Israel’s arrival at Sinai.

Though it may seem odd for a book devoted to Jewish wisdom to circumvent Moses and the torah in this way, it is nevertheless true that Wisdom of Solomon does not accord the written law revealed at Sinai a significant role in the national wisdom of the Jewish people. The theater of wisdom’s activity is markedly, deliberately pre-Sinaitic. The book presents itself as a Solomonic work, one in which the king commends the divine gift of wisdom by recourse to his own experience and that of the nation. It is significant that Solomon looks back, specifically, on the birth of the nation, reviewing its life, so to speak, *avant la loi*. In light of the fact that the author has taken pains to steer around the torah, it is unlikely that mentions of “law” (*nomos*) in Wisdom of Solomon are, as some believe, references to the Mosaic law.² The relevant distinction as far as the book is concerned is not between Mosaic law and non-Mosaic law. The word *nomos* occurs in nine different verses in Wisdom of Solomon, both in the singular (2:11, 12; 6:4; 14:16; 16:6; 18:4, 9) and in the plural (6:18; 9:5). In these verses (with the possible exception of 18:4), the relevant distinction is, in terms that Plato would recognize, a contrast between divine

1. In the sixth antithesis (18:5–25), there is an allusion to the “child” who “had been abandoned and rescued” (18:5). Moses is mentioned as the lone survivor of pharaoh’s murderous decree, for which the Israelites are later avenged.

2. See, e.g., Joachim Schaper, “Νόμος and Νόμοι in the Wisdom of Solomon,” in *Wisdom and Torah: The Reception of “Torah” in the Wisdom Literature of the Second Temple Period*, ed. Bernd U. Schipper and D. Andrew Teeter, JSJSup 163 (Leiden: Brill, 2013), 293–306; Luca Mazzinghi, “Law of Nature and Light of the Law in the Book of Wisdom (Wis 18:4c)” in *Studies in the Book of Wisdom*, ed. Géza G. Xeravits and József Zsengellér, JSJSup 142 (Leiden: Brill, 2010), 39. Mazzinghi spots references to the Torah in 2:12; 16:6; 18:4; 18:9. To this list, Schaper adds 6:4. Mazzinghi also finds allusions to the Torah in 9:17 and 16:11.

law and human law.³ As Christine Hayes has demonstrated, Jewish texts from the Hellenistic period reflect a variety of strategies for bridging the gap between the two rival notions of divine law found in classical and biblical traditions.⁴ In biblical tradition, divine law is divine because “it is the expression of a personal being’s *will*, which can take the form of detailed written instruction and legislation.”⁵ In classical tradition, however, divine law is not susceptible to written form. It is instead identified with unchanging, universal truth accessible through reason, while human law takes the form of concrete, written rules that are changeable and arbitrary.⁶ That the two understandings of divine law are at odds with one another is clear. When the author of Wisdom of Solomon refers to law, he does so almost exclusively within the classical paradigm outlined by Hayes. With the possible exception of 18:4, the book’s references to law reflect clearly the classical dichotomy between arbitrary laws that originate with human rulers and divine law that governs the world according to reason and justice.

In book 4 of *Laws*, Plato distinguishes between divine and human law in the following way. On the principle that the superior rightly governs the inferior, human life should be ordered by something higher than itself. The Athenian argues that we ought to “order both our homes and our States in obedience to the immortal element within us [*hosion en hēmin athanasias*], giving to reason’s ordering the name of ‘law’ [*tēn tou nou dianomēn eponomazontas nomon*]” (713e–714a [Bury]). The rational faculty that lies within human beings is the point of contact with what is divine and immortal; thus, the “ordering” prescribed by one’s grasp of immutable truths is rightly regarded as authoritative. The Athenian points out, however, that *human* laws do not normally function in this way. In a bit of dialogue that recalls the conversation with Thrasymachus in book 1 of *Republic*, the Athenian introduces Clinias to the notion

3. “Divine law” should be distinguished from “natural law” or a “law of nature.” Mazzinghi (“Law of Nature”) argues persuasively that Wisdom of Solomon reflects an awareness of the Stoic concept of natural law; yet, as he demonstrates, the author avoids specific Stoic terminology in order to distinguish his sense of *nomos* from that of the Stoics.

4. Christine Hayes, *What’s Divine about Divine Law? Early Perspectives* (Princeton: Princeton University Press, 2015), 94–139.

5. Hayes, *What’s Divine about Divine Law?*, 2, emphasis original.

6. Hayes, *What’s Divine about Divine Law?*, 3–4.

that laws are most often drafted to serve the interests of the stronger, that is, to perpetuate the power of those who rule (714c). Such laws are rooted in the self-interest of the powerful (whether within a dictatorship, oligarchy, or democracy is irrelevant); these laws are not formulated with regard for the good of the state as a whole. When greedy and unscrupulous leaders find even these laws inconvenient, they trample them (714a). By contrast, law worthy of the name—law that corresponds to the immortal element within human beings—leads to the prosperity of the state (715d). Because it is continuous with an underlying metaphysical order that connects goodness with divine blessedness and evil with godless misery, divine law cannot be ignored with impunity.⁷ Neither can it be cynically trampled by those who are greedy for power and pleasure, for justice will ultimately prevail. The Athenian describes the ultimate authority behind the law as a just and powerful deity: “there is a god who holds in his hands the beginning and end and middle of all things, and straight he marches in the cycle of nature. Justice [*dikē*], who takes vengeance on those who abandon the divine law [*tou theiou nomou*], never leaves his side” (715e–716a [Bury]). Put in mythological terms, *Dikē* is the *paredros* or throne-attendant of Zeus who stands ready to enforce divine justice at his command.

For Plato, then, divine law is a rational ordering of human affairs consistent with a just moral order. Human law, by contrast, originates in human perception, is unreliably rational, and is subject to the vagaries of human character. This contrast informs the presentation of *nomos* in Wisdom of Solomon. The author refers to human law as something dependent upon human judgment. In some cases, the author refers disparagingly to human law that is unjust (2:11) or idolatrous (14:16). In other cases, he refers to human law(s) in neutral terms, as a kind of cultural norm or expectation (2:12) or as judgments that kings are expected to produce as a matter of course (9:5).⁸ More important to the author’s argument is the role of divine law. In Plato’s presentation, divine law is enforced by

7. See *Theaet.* 176e: “My friend, there are two patterns set up in reality. One is divine and supremely happy; the other has nothing of God in it, and is the pattern of the deepest unhappiness” [Levet].

8. Note that in 2:12 “law” is parallel to “our training.” The righteous man is said to reproach the rulers for their “sins against the law” and to accuse them of “sins against our training [*paideia*].” At stake here is not the rulers’ conformity to the torah but their failure to show a decency consistent with their status as refined and educated rulers.

Dikē, portrayed as a mighty, vigilant *paredros* stationed beside the divine throne. In two places, Wisdom of Solomon employs similar *paredros* imagery, in 9:4–11 and 18:14–16. The book, however, makes a key substitution, placing Wisdom rather than Justice beside the divine throne. In the first passage, Wisdom instructs Solomon in the divine law; in the second passage, which describes the death of the Egyptian first-born, Wisdom is the “all-powerful word” (18:15) that visits death upon the unrighteous nation. In both cases, Wisdom is, so to speak, an officer of the divine law. Given this connection between Wisdom and divine law, the references to *nomos* in chapter 6 (6:4; 6:18) may be understood as the divine law that unwise rulers ignore at their peril (6:4) and wise rulers keep to their everlasting benefit (6:18).

The remaining instances of *nomos* are found in the retelling of the plague stories. Because all three verses (16:6; 18:4; 18:9) reflect a positive relation between *nomos* and the Israelites, it is tempting to see these as references to the Mosaic law. Given the fact that the plagues took place before the giving of the law, however, any references to the Mosaic law that operate within the literary present tense would violate the logic of the book. It makes more sense, then, to see these as references to divine law in the Platonic sense, specifically to the inexorable divine law that rewards goodness and punishes evil. In 16:6, the righteous are saved from attacking snakes by the bronze serpent, which is described as a “symbol of deliverance to remind them of your law’s command” (16:6). The Israelites are not “reminded” of the torah, which had not yet been revealed; instead, they are reminded of the divine law that assures the salvation of the righteous. In 18:9, the Israelites sacrifice the Passover lamb: “in secret the holy children of good people offered sacrifices, and with one accord agreed to the divine law, so that the saints would share alike the same things, both blessings and dangers.” Here the author refers explicitly to divine law. In stating that the Israelites agreed to it, the author does not signal their acceptance of Mosaic legislation but, as he explains, their collective willingness to submit to divine justice without making distinctions among themselves. It is their unity, their desire to “share alike the same things” that is lauded. Of all verses containing *nomos*, Wis 18:4 is the best candidate for a reference to the Mosaic law. In describing the plague of darkness, the author sees it as fitting that the oppressors were deprived of light, for “they kept your children imprisoned, through whom the imperishable light of the law was to be given [*ēmellen ... didosthai*] to the world.” The explicit reference to a future time, as indicated by the

verb *mellein*, makes it possible that the verse contains a proleptic reference to the giving of the law at Sinai and the special vocation of Israel to bring the light of the torah to the nations. The fact that the future tense is clearly indicated, however, makes it the exception that proves the rule. If it is indeed a reference to torah, then the Mosaic law referenced here is not itself the totality of divine law but rather a source of enlightenment, an “imperishable light” that is “given” to all of the nations by the mediation of one.

The word *nomos*, then, suits well the book’s contrast between divine justice and human justice. If the author had meant to refer specifically to the written, Mosaic law, a different but related Greek word would perhaps have suited this purpose better. Instead of *nomos*, the author might have referred to *nomothesia*, a “legislation” or “law code” devised by a “lawgiver” (*nomothetēs*) like Moses. When Hecataeus, for example, refers specifically to the laws that Moses put in place to regulate political and religious life, he speaks of Moses as having “legislated” rites, ceremonies, and public order (*enomothetēse*; Diodorus Siculus 40.3.3). Returning to book 4 of Plato’s *Laws*, we see that the word *nomos* answers well to the Athenian’s desire to give a name to an overarching order that is reasonable, just, and god-like (713c–714b). But when it comes to the devising of a law code that reflects and honors this order, the aim is not to produce *nomos* but rather to devise an appropriate *nomothesia*—or, put differently, to draft *nomothesia* that is consistent with *nomos*. The crucial question in this part of the dialogue is how the founder of the state can produce *nomothesia* that will guide citizens “along the path of virtue” (718c [Bury]; cf. 707d). Doing so is supremely difficult (“legislation and the settlement of States are tasks that require men perfect above all other men in goodness”; 708d [Bury]). For it requires *technē*, the ability to do things in an opportune way (in accord with *kairos*; 709c). Just as skill is necessary to the one who steers a ship in a storm, so too is the ability to understand local conditions and seize favorable opportunities necessary for the production of *nomothesia* (709c).

In the fragmentary writings of Aristobulus, an Alexandrian philosopher and exegete of the second century BCE, we have an example of a Jewish writer who refers repeatedly to the written Mosaic law as *nomothesia*. The fragments of Aristobulus are part of a larger work (now lost but excerpted by Eusebius and Clement) that was likely a sustained commentary on the Pentateuch, structured as a question-and-answer session between the Jewish sage and a young Hellenistic ruler eager to under-

stand Judaism. In a work devoted to the written torah, Aristobulus uses *nomothetēs* when referring to Moses and *nomothesia* when referring to what the written law states or prescribes.⁹ Moses, then, is called “our law-giver” (*ho nomothetēs hēmōn*; frag. 2.3). When Aristobulus introduces a quotation from the Pentateuch, he says that Moses indicates something “through our law code” (*dia tēs nomothesias hēmōn*; frag. 2.8).¹⁰ In fragment 3, when Aristobulus claims that Greek philosophers borrowed their ideas from Moses, he mentions an early Greek translation of the torah (*nomothesia*) that Plato studied diligently and in painstaking detail.¹¹ But when Aristobulus refers to the philosophical ideas of the Jewish people, he uses *nomos*. In fragment 4, he points to the agreement of Judaism with notions of divine power found in an Orphic poem and the well-known *Phaenomena* of Aratus. He concludes his discussion of these two compositions by declaring that “all philosophers agree that it is necessary to hold devout convictions about God, something which our school prescribes particularly well.”¹² According to Aristobulus, then, the Jews understand the importance of theology more clearly than their pagan counterparts. This is clear from the Jewish way of life: “the whole structure of our law [*hē de tou nomou kataskeuē pasa tou kath’ hēmas*] has been drawn up [*tetaktai*] with concern for piety, justice, self-control, and other qualities that are truly good.”¹³ While it is conceivable that Aristobulus indicates the written law here, the context suggests that he refers instead to the way that Jewish philosophers’ recognition of divine order corresponds to and excels pagan philosophers’ “devout convictions about God.” In this

9. Following the text and numbering of the edition of Carl R. Holladay, *Fragments from Hellenistic Jewish Authors, Volume III: Aristobulus* SBLTT 39 (Atlanta: Scholars Press, 1995). Subsequent translations are taken from Holladay.

10. See also frag. 4 (= Eusebius, *Praep. ev.* 12.3): “For it is necessary to understand the divine ‘voice’ not in the sense of spoken language but in the sense of creative acts, just as Moses in our lawcode [*kathōs kai dia tēs nomothesias hēmin*] has said that the entire beginning of the world was accomplished through God’s words. For invariably he says in each instance, ‘And God spoke, and it came to be’” (Holladay 162–63).

11. Frag. 3 (= Eusebius, *Praep. ev.* 12.1): “It is clear that Plato followed the tradition of the law that we use [*te kath’ hēmas nomothesia*] and he is conspicuous for having worked through each of the details contained in it” (Holladay 154–55).

12. Frag. 4.8 = Eusebius *Praep. ev.* 13.12 (Holladay, *Fragments from Hellenistic Jewish Authors*, 174–75).

13. Frag. 4.8 = Eusebius *Praep. ev.* 13.12 (Holladay, *Fragments from Hellenistic Jewish Authors*, 174–75).

instance, the *nomos* of the Jewish philosophers is not the written torah but rather their theological program for virtue.¹⁴

Divine law is a background concept in Wisdom of Solomon, an assumed understanding of the world by which other things like wisdom, virtue, and immortality become intelligible. It names the order of things by which ethical, political, and cosmological realities are governed. Human laws, by contrast, are not inherent in the world. They are drafted by rulers or lawgivers. Though some may be drafted skillfully and well; others are irrational and unjust. Their relation to wisdom is therefore contingent and unstable. The contrast between divine and human law informs the use of *nomos* in Wisdom of Solomon. Wisdom, of course, is the book's main theme: It is ruling knowledge that kings must have (chs. 1–6) and that Solomon received through prayer (chs. 7–9); it is also what guided the righteous nation throughout its history (ch. 11) and acted as an agent of divine justice during the exodus (chs. 12–19). But wisdom and law are essentially related. If reality obeys a *nomos* by which the righteous attain immortality and the wicked perish, then wisdom is both the recognition of this reality and the active, divine power by which life is aligned with goodness. In a manner of speaking, *nomos* is the metaphysical backstop for the book's sapiential program and, at the same time, the standard by which human rulers, societies, and *nomoi* are measured. As for the written law of Moses, Wisdom of Solomon does not comment on its relation to *nomos*—except, perhaps, obliquely. Seen from the perspective of the Israelites awaiting deliverance in Egypt, the giving of the written law may be described as a glimmer on a distant horizon, by which the divine law will one day shine forth on the nations, an “imperishable light” emanating from the holy nation but shed, in due course, upon the entire world (18:4).

14. In frag. 5, Aristobulus uses an adjectival form of *nomos* (*ennomos*) to argue that the Sabbath is not an arbitrary religious rule but rather “an inherent law of nature [something that is *ennomon*] that serves as a symbol of the sevenfold principle established all around us” (Holladay, *Fragments from Hellenistic Jewish Authors*, 185). Aristobulus goes on to cite passages from Homer and Hesiod as evidence that pagan writers recognized the sanctity of the seventh day on account of its natural, cosmic significance.

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From Torah to Torahization: A Biocultural Evolutionary Perspective

Anders Klostergaard Petersen

The default assumption of this chapter lies in evolutionary thinking. With Theodosius Dobzhansky I assert that everything in biology can be understood in light of evolution, but I want to push the point further in arguing that culture can also be understood in terms of evolution.¹ This is not an undue take-over of the humanities by natural science. I agree with Kevin Laland, when he argues that by adopting such a perspective we do not turn culture into biology. On the contrary, “Biology provides no substitute for a comprehensive historical analysis. However, our understanding of the underlying biology feeds back to make the historical analysis so much richer and intelligible.”² In fact, a growing number of colleagues in the natural and behavioral sciences are coming to recognize the importance of culture in evolution. Contrary to previously prevalent forms of thinking in the natural sciences that came close to arguing that human behavior and culture was a result of our genome (e.g., Dawkins), several evolutionary biologists and psychologists advocate what is called gene-culture coevolution. Thus, there is a growing acknowledgement of continuous interaction between genes and culture, with culture in modern humans having gained the upper hand in the relationship.³

1. Theodosius Dobzhansky, “Nothing in Biology Makes Sense Except in Light of Evolution,” *The American Biology Teacher* 35.3 (1973): 125–29. For culture in terms of evolution, see Cecilia Heyes, *Cognitive Gadgets: The Cultural Evolution of Thinking* (Cambridge: Belknap, 2018).

2. Kevin N. Laland, *Darwin’s Unfinished Symphony: How Culture Made the Human Mind* (Princeton: Princeton University Press, 2017), 314.

3. Laland, *Darwin’s Unfinished Symphony*, 318, cf. 234–35; Robert M. Sapolsky, *Behave: The Biology of Humans at Our Best and Worst* (London: Penguin, 2017), 227–30, 360–65.

Here I try to demonstrate what may be gained by looking at culture, religion included, from a biocultural evolutionary perspective.⁴ In particular, I seek to show how this approach may enable us to get a better grasp on the changes in the understanding of torah that occurred during those centuries in which Israelite religion evolved into what we, for lack of better terminology, will call Judaic religion.⁵ Admittedly, I cast my net widely, but I do so to shed light on the transformations of torah during

4. I agree with Brent Nongbri (*Before Religion: A History of a Modern Concept* [New Haven: Yale University Press, 2013]) and Carlin A. Barton and Daniel Boyarin (*Imagine No Religion: How Modern Abstractions Hide Ancient Realities* [New York: Fordham University Press, 2016]) that as a third-order concept religion could not emerge prior to modernity, but I use it unproblematically as a third-order category. See Anders Klostergaard Petersen, "Plato's Philosophy—Why Not Just Platonic Religion?" in *Religio-Philosophical Discourses in the Ancient World: From Plato through Jesus to Late Antiquity*, ed. Anders Klostergaard Petersen and George van Kooten, *Ancient Philosophy and Religion and Their Interactions* 1 (Leiden: Brill, 2017), 9–36; Petersen, review of *Imagine No Religion: How Modern Abstractions Hide Ancient Realities*, by Carlin A. Barton and Daniel Boyarin, *Bryn Mawr Classical Review* (2017), <https://tinyurl.com/SBL3556>; Petersen, "Carrying Coal to Newcastle or Much Ado for Nothing," in *After Religion*, ed. Gerhard van den Heever, *Studies in Ancient Religion and Culture* (London: Bloomsbury, forthcoming). It was not until late Enlightenment that the elements we now etically designate religion became detached from culture in general—a point forcefully made by Max Weber, "Zwischenbetrachtung," in Weber, *Gesammelte Aufsätze zur Religionssoziologie I*, 5th ed. (Tübingen: Mohr Siebeck, 1963), 546–54; and Émile Durkheim, *The Elementary Forms of Religious Life*, trans. Karen Fields (New York: Free Press, 1995), 385–86, cf. 8. Hence, I use religion and culture interchangeably in interpreting ancient cultures.

5. I do not want to enter into politico-historical debates about the legitimacy of the term *Judaism*, although I acknowledge the wider issues at stake. I try to obtain a lucid nomenclature enabling us to account for finer gradations in the development of Israelite religion into what eventually—as a reciprocal result of Christianity's independence as a religion—became Judaism subsequent to the institutionalization of the Yerushalmi and Bavli as the foundational documents of Judaism and Judaism's take on the Tanak. In this thinking, I am indebted to Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity*, *Divinations* (Philadelphia: University of Pennsylvania Press, 2006). Unlike him, though, I see the development as intrinsically related to different types of religion. For the problems relating to the terms as regard the prerabbinic period, see John J. Collins, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul*, *Taubman Lectures in Jewish Studies* 7 (Berkeley: University of California Press, 2017), 2–10. I grant the infelicitous boundedness of the term *Judaic* to Judea and, thereby, the problem in applying it to diaspora Judaic religion, but currently I cannot think of a better term.

the centuries Israelite religion evolved into Judaic or late Second Temple Judaism.⁶ Rather than presenting a meticulous analysis of torah in a particular text or during a confined period of time, I paint the landscape with a broad brush to tease apart the value of looking at the subject in a new way. If we gain anything thereby, the way is paved for thick-description analysis of distinct texts, particular periods, and specific areas.

Different forms of Judaic religion filled different niches in the cultural landscape.⁷ Simultaneously, they adapted to and changed their respective niches considerably. They constituted cultural habitats that we from a third-order perspective may categorize according to their degree of compliance with urban and cosmic types of religion, classified in Robert Bellah's evolutionary typology of religion as archaic and Axial age forms of religion.⁸ One way to understand the development is to argue for increas-

6. Demonstrably, torah is a polyvalent term, since it refers to the Pentateuch, to the Tanak, and to the entire complex of rules and ordinances given by Yahweh to the Israelites at Mount Sinai/Horeb during the years of wandering. See Shaye Cohen, *From the Maccabees to the Mishnah*, LEC (Philadelphia: Westminster, 1987), 182–85. Other works like the Temple Scroll could instantiate themselves as torah, just as the different Judaic texts exemplify distinct understandings of what torah encompassed. There are texts that do not purport to be Torah, but nevertheless claim to provide the interpretative key to unlocking torah (cf. CD 3:12–16). Thereby, torah becomes a common denotation for attributing authority to various norms, regulations, ordinances, injunctions, and prohibitions understood to originate in God's bestowal of the law on Israel. When not specified, I use it to designate law as abstract category signifying God's regulations in general and being related to the figure of Moses and the book bequeathed by him on the Israelites (see Deut 31:13; Ps 1:2; Josh 1:7–8; 23:6).

7. Due to constraints of space, I will not elaborate on niche construction. Suffice it to say that it lies at the back on my thinking about evolution. See Anders Klostergaard Petersen, "Unveiling the Obvious: Synagogue and Church—Sisters or Different Species?" in *Wisdom Poured Out Like Water: Essays in Honor of Gabriele Boccaccini*, ed. J. Harrold Ellens et al., DCLS 38 (Berlin: de Gruyter, 2018), 575–92. For niche construction theory, see F. John Odling-Smee, Kevin N. Laland, and Marcus W. Feldman, *Niche Construction: The Neglected Process in Evolution*, Monographs in Population Biology 37 (Princeton: Princeton University Press, 2003); and Dereck Bickerton, *Adam's Tongue: How Humans Made Language; How Language Made Humans* (New York: Hill & Wang, 2009), 92–127.

8. See Robert N. Bellah, "Religious Evolution," *American Sociological Review* 29 (1964): 358–74; Bellah, "What Is Axial about the Axial Age?" *European Journal of Sociology* 46 (2005): 69–87; and Bellah, *Religion in Human Evolution: From the Paleolithic to the Axial Age* (Cambridge: Belknap, 2011). Although I am strongly inspired by Bellah, I am reticent about his terminology for two reasons. First, the

ing torah promotion characterized by the shift from torah to torahization in some strands of late Second Temple Judaic religion. By torahization I refer to the enhanced ideological role torah was assigned to constitute in Judean daily life. To what extent it became social reality, I will leave open, since the continuous need for torah inculcation points to its failure in becoming social reality *en toute court*. Similarly, I will not discuss institutions like the synagogue that served to disseminate torah. Finally, the biocultural focus and, thereby, different approach from other chapters in this volume prevents me from entering into debate with Christine Hayes's significant book on divine law.⁹ Suffice it to say that despite its virtues, I am skeptical toward its forging differences in Greek and Israelite views of law in dichotomous terms. I see them being more heterogeneous in character and also overlapping at various points.

The Culture Biology Dichotomy and the Human Propensity for Learning

Initially I will explain my understanding of culture and its relationship to biology as a prerequisite for following the argument. The distinction is infelicitous when posed in dichotomous terms, since it suggests a categorical difference between the two and, therefore, intonates time-honored but problematic binary ways of thinking, like that between nature and nurture, heredity and environment. Granted the analytical advantage in differentiating between biology and culture, there is no culture that is not part and parcel of biology. It pertains also to the most complex forms of culture like Shakespearean sonnets and launching a space shuttle to set up a joint international laboratory in distant space. For "culture, and cultural evolution, are then a consequence of genetically evolved psychological adaptations for learning from other people."¹⁰

Despite numerous similarities between humans and other animals, the differences are patently clear. Bonobos and chimpanzees with which

nomenclature suffers from an emphasis on the intellectual dimension at the cost of the socio-material aspect. Second, it has a Eurasian bias that inhibits its comparative usefulness, hence, my different terminology.

9. Christine Hayes, *What's Divine about Divine Law? Early Perspectives* (Princeton: Princeton University Press, 2015).

10. Joseph Henrich, *The Secret of Our Success: How Culture Is Driving Human Evolution, Domesticating Our Species and Making Us Smarter* (Princeton: Princeton University Press, 2016), 35; cf. 259, 263, 277.

we share 98.7 percent of our genes do not write poems or launch rockets. It would, however, be a mistake to deny them culture inasmuch as it refers to the dissemination of socially transmitted knowledge. When Japanese macaque monkeys, for instance, wash their sweet potatoes before eating them, they are not bio-programmed for this behavior. They have learned it by culture, by imitating others in the group.¹¹ When chimpanzees use five different tools in gaining access to termite mounds, this also exemplifies culture. There is, however, one crucial difference between hominin and nonhuman culture. The utensils used by nonhuman animals remain the same over time. This is different in hominin culture, which as early as Acheulean culture (1.7 million years ago) testifies to the existence of cumulative culture characterized by ongoing refinement and increasing degree of complexity. The distinction is significant. Many animals possess culture, but they do not have cumulative culture.

Humans continuously develop and perfect culture—for good or bad—which I, following Joseph Henrich, understand to comprise socially and not genetically transmitted information. To understand the human propensity for cumulative culture, we will make a detour to the distinctiveness of hominin evolution. In a recent book, Laland points to the importance of copying and imitation, but he combines the insight with the role of teaching in the emergence of cumulative culture.¹² Presumably, the distinct hominin capacity for symbolic competence and language ratcheted onto the need for accurate copying and cooperation.¹³ We are touching upon two issues central to torah: faithful transmission of tradition and norms for cooperation.

Two Words on the Emergence and Evolution of Religion

To understand the cultural and social need for regulations and injunctions as embodied in torah, we need to look at religion and human groupish-

11. Imitation is the most important element in the spread of learning, and it cannot be confined to humans only as we also acknowledge by our term “aping,” but it takes on special forms in hominin evolution. See Laland *Darwin's Unfinished Symphony*, 150–74.

12. Cf. Bickerton *Adam's Tongue*, 47–54

13. Laland, *Darwin's Unfinished Symphony*, 191–96; cf. Michael Tomasello, *Why We Cooperate* (Cambridge: MIT Press, 2009); and Tomasello, *A Natural History of Human Morality* (Cambridge: Harvard University Press, 2016) on the ratcheting effect.

ness. When our predecessors left the arboreal areas three million years ago by entering the grassland, they had to establish stable groups. To survive on the savanna with regard to protecting oneself against predators and attaining food, it is decisive to engage in cooperation with others. Apes are generally despotic, self-centered and aggressive, only partaking in fission-fusion groups with a limited number of peers.¹⁴ In the savanna environment such a community would have had no chance of sustaining itself.¹⁵ Like other apes, hominins have four primary emotions: fear, anger, sadness, and happiness. Three of them are predominantly dysphoric, whereas only happiness as a euphoric emotion can hold itself against the others. To have a fundamentally self-centered ape partake in cooperation and survive the translocation to the savanna, natural selection worked on the hominin emotional system and paved the way for a greater palette of secondary emotions (like shame and guilt) as well as an enhanced inclination for prosociality and tolerance of groupishness.¹⁶

Emotions, however, are evanescent. It is difficult to maintain the positive values of euphoric feelings for group bonding given their ephemeral character. Throughout most of hominin history religion presumably paid remedy for this deficiency. Religion emerged as a by-product or exaptation of the emotional system that eventually gained adaptive function in affording the means to stabilize the group by endowing it with a more constant storage battery for positive emotions. By directing emotions toward an emblem—symbolically indexically signifying the fundamental ideals of the community—the group could uphold the group-stabilizing positive emotions for longer periods and, thereby, strengthen the bonds uniting the diverse members of society.

In continuity with Émile Durkheim, I understand religion as a storage battery in which the group, consisting of individual selves, invest emotions

14. Jonathan Turner et al., *The Emergence and Evolution of Religion: By Means of Natural Selection* (London: Routledge, 2017).

15. Peter Turchin, *Ultrasociety: How 10,000 Years of War Made Humans the Greatest Cooperators of Earth* (Chaplin, CT: Beresta, 2016), 140.

16. See Heyes, *Cognitive Gadgets*, 54–56. This is Jonathan Turner's ingenuous point heralded in several books. See, e.g., Jonathan Turner and Alexandra Maryanski, *On the Origin of Societies by Natural Selection* (Boulder: Paradigm, 2008). I am indebted in my understanding of culture, religion, society, and hominoid evolution to Turner and Maryanski who have generously incorporated me into their thinking and writing, see Turner et al., *Emergence and Evolution of Religion*.

into the emblem on behalf of the collective.¹⁷ Subsequent to the group gathering around the emblem and celebrating its fundamental core values, the ongoing commitment to these ideals will increasingly fade away. Therefore, a new gathering or emblem re-presentation is needed to reaffirm the significance of the group and its associated values. In an important passage Durkheim contends that:

Without symbols, moreover, social feelings (*les sentiments sociaux*) could have only an unstable existence (*existence précaire*). Those feelings are very strong so long as men are assembled, mutually influencing one another, but when the gathering is over, they survive only in the form of memories that gradually dim and fade away (*vont de plus en plus en pâlis-sant*) if left to themselves (*s'ils sont abandonnés à eux-mêmes*). Since the group is no longer present and active, the individual temperaments take over again. Wild passions that could unleash themselves in the midst of the crowd cool and die down (*tombent et s'éteignent*) once the crowd has dispersed, and individuals wonder with amazement (*avec stupeur*) how they could let themselves be carried so far out of character (*ils ont pu se laisser emporter à ce point hors de leur caractère*). But if the movements by which these feelings have been expressed eventually become inscribed on things that are durable (*qui durent*), then they too become durable (*durables*). These things keep bringing the feelings to individual minds (*aux esprits*) and keep them perpetually aroused, just as would happen if the cause that first called them forth was still acting. Thus, while emblemizing is necessary if society is to become conscious of itself, so it is no less indispensable in perpetuating the consciousness.¹⁸

The understanding of humans as *homines duplices* whose existence is extended between biology and culture, self and collective, puts religion into focus when it comes to the establishment and preservation of culture and society.¹⁹ Durkheim's perspicacious acknowledgement of the frailty of society and group is an important counterweight to a long tradition of thinking about culture as an instrument of suppression. Far from understanding culture as a means to exert power, although he was not blind to this dimension, Durkheim emphasized the vulnerability of culture and social fragility and pointed to religion as the means to establish and

17. Durkheim, *Elementary Forms of Religious Life*, 41, 227, 230.

18. Durkheim, *Elementary Forms of Religious Life*, 232; French edition, *Les formes élémentaires de la vie religieuse*, *Biblis Sociologie* 83 (Paris: CNRS, 2007), 344–45.

19. Durkheim, *Elementary Forms of Religious Life*, 65, 239.

uphold community. It stands to reason that religion as a storage battery in which the group invests its positive emotions in a split second can evolve into something nasty as well, if the community—dependent on its socio-material and psychological stance—empowers the battery with negative emotions. Thus, the positive effects of religion may by the same token turn 180 degrees around and develop into something repugnant, as history amply demonstrates.

In arguing about the emergence of religion, I do not mean to assert that it appeared *ab ovo*. Religion could ratchet onto already existing ritualized behavior found in numerous nonhuman animals. With the appearance of religion, however, the way was paved for the introduction of a reward and punishment system implemented in the group and imposed on its members to diminish risks of free riding, cheating, defection, and betrayal.²⁰ Insofar as humans, similar to their ape cousins, do not possess a strong social proclivity for groupishness, the social inclination must be culturally inculcated upon them. Yet, it is astounding to observe the exponential curve of groupishness during the past ten thousand years from the transition of hunter-gatherer forms of living to the earliest form of agriculture. From groups of approximately fifty to eighty individuals we have increased social living to the extent of modern megalopolises like Seoul with 23 million people or the northeast American coast from Boston down to Washington DC with more than 50 million people. How could such development occur? An important driver was religion, since evolutionarily it enabled self-centered, despotic, and aggressive apes to enhance prosociality.²¹ Contrary to bees and ants bioprogrammed for their sociality (hence eusociality), the hominin lineage became incrementally ultrasocial.²² By culture human apes came to be tamed and turned, in some measure, into ultrasocial beings.

The Transition from an Urban to Cosmic Forms of Religion

On the basis of these considerations, it is evident that leaps in population size, density, and increased processes of urbanization were conducive to changes in cultural development. If religion is thought of as a means of

20. Jonathan Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religion* (New York: Vintage Books, 2012), 285–318.

21. Turner et al., *Emergence and Evolution of Religion*.

22. Turchin *Ultrasociety*, 14–15.

establishing and maintaining society, it is obvious that changes in socio-material presuppositions for community have exerted influence on culture and religion, just as the latter continuously stimulated and impelled the former. The forms of religion that work in the context of hunter-gatherer cultures do not function in an urban setting, which requires more complex rewards and punishment systems simply because the social ramifications and need for governing have become considerably enlarged. Changes in thinking led to environmental transformations that involved new ways of organizing community and of thinking.

Evolutionary thinking remains contested in some academic circles given its alleged racist and supremacy biases. Let me, therefore, in accordance with the three basic Kantian epistemological domains of assertions, emphasize that I discuss it only in terms of the beautiful, but not in relation to truth or ethics. Scholarship, of course, can distinguish between higher and lesser degrees of social complexity, that is, a question pertaining to aesthetics. Thus, I do not argue that hunter-gatherer cultures now and in the past are without complexity. Anyone familiar with such cultures acknowledges their sophistication. In terms of social organization and culture, however, there is a huge difference between the type of culture characteristic of groups of 150 people, of 100,000 people, and of 25 million. This constitutes my premise for discussing developments in Israelite religion.

With the emergence of the first cities in the Near East six thousand years ago, religion began to change from agricultural into urban forms. Much remains in darkness, but we know of the first temple structures already at the time when hunter-gatherer forms of religion evolved into agricultural types with Göbekle Tepe (10,000–8000 BCE) and Çatalhöyük (7000–5700 BCE). As cities came into existence selective pressure for larger symbolic scales of organizing community and establishing reward and punishment systems grew significantly. Thus, we see considerable growth and expansion in temple architecture, which in conjunction with the sacrificial system became the fundamental institution and focal point of urban religion as in the large ancient city religions.

Around the sixth century BCE, important changes occurred as convergent evolution at various places on the Eurasian continent. The developments evolved under similar conditions like growth in affluence, of enhanced urbanization, population increase and related density, which gave rise to enhanced labor differentiation. Another crucial factor is likely to have been geographical expansion of political sovereignty (the rise of

empires), which in a reciprocal process furthered representations of divine powers beyond the narrow ethnic group. The religious transformations prompted by and exerting influence on these transitions were confined to small elite segments, but eventually became disseminated to far more people. Religio-philosophical movements arose in China with Laozi and subsequent figures like Confucius, Xunzi, and Mencius. A similar development occurred in India with the transition from Vedic literature to the Upanishads, the appearance of Siddhartha Gautama, and the rise of the two non-Brahmin religions Buddhism, Jainism, and the manifold Brahmin phenomenon we call Hinduism. In Israel the emergence of sapiential thinking in Job and Ecclesiastes as well as Deuteronomistic theology testify to a parallel development. An analogous development occurred in Greece with the pre-Platonist philosophers, Socrates, Plato, and Aristotle, and the subsequent emergence of the four major Hellenistic religio-philosophical schools, Stoicism, Skepticism, Epicureanism, and Cynicism. As a reaction to previously ethnically defined urban religions, these types of religions focused on individual salvation and in principle were transethnic as well as predominantly universalizing in worldview.

Some criticize the idea of Axial-age religion on the basis that it reflects a Protestant bias.²³ Although there may well have been a Protestant partiality in the forging of the term, that does not reduce the value of the concept or its theoretical implications inasmuch as it is capable of shedding light on a decisive transition in cultural history.²⁴ The burden of proof, therefore, lies not in unraveling the ideological background of the term, important as it is, but in providing an alternative explanation that can account for the empirical data.

The transition from complex urban to early cosmic forms of religion obviously did not happen overnight. It was a long process, which is why it is reasonable to distinguish between early cosmic and complex cosmic types of religion.²⁵ Although there are great differences between individual

23. Cosmos religion in my terminology. See note 8.

24. See Hans Joas (*Was ist die Achsenzeit? Eine wissenschaftliche Debatte als Diskurs über Transzendenz*, Jacob Burckhardt Gespräche auf Castelen 29 [Basel: Schwabe, 2014]) for the background in Anquetil-Duperron, Hegel, and Lassaulx.

25. Such a distinction between Axial age and axuality has been put forward by Jan Assmann, *Die mosaische Unterscheidung oder der Preis des Monotheismus* (München: Carl Hanser Verlag, 2003), 371–78. Assmann, however, is not only critical toward the concept of the Axial age but also the idea underlying it. See, in particular, Jan

manifestations of cosmic religions as to how much each one of them shared in characteristics, ten elements stand out as being particularly distinctive:²⁶

1. Contrary to urban religion, cosmic religion testifies to increasing self-reflexivity expressed as second-order concepts and from a seemingly external perspective.
2. The self-reflexivity is mirrored by a foundational epistemology expressed in spatial terms, whereby differences between opposing views are projected onto a vertical axis and expressed as a contrast between the heavenly over and against the mundane perspective. The dualistic spatial staging is also expressed on an axis of depth signifying the disparity between interiority and exteriority, soul and body.²⁷
3. There is not necessarily a transition from polytheism toward henotheism or monotheism, but there is a noticeable reduction of the divine pantheon of urban types of religion.
4. Rivaling worldviews are denigrated to substantiate one's own truth.
5. Cosmic religions differ from urban ones by abolishing the ontological difference between gods and humans. They enjoin adherents to emulate the divine to the extent that followers transcend the ontological difference between divine and human.²⁸
6. They emphasize *askēsis* understood as training. By engaging in self-exercises, practitioners undergo different privations relating to what they consider false values. Simultaneous with

Assmann, *Die Achsenzeit: Eine Archäologie der Moderne* (Munich: Hanser, 2018). See also my review of Assmann's book in "The Tangled Cultural History of the Axial Age: A Review of Jan Assmann's *Achsenzeit* 2018," *Journal of Cognitive Historiography* 4 (2019): 257–71.

26. A differentiation between types of religion necessarily reflects an ideal model in the Weberian sense that does not involve any claim to actual social reality of the models at stake.

27. See Anders Klostergaard Petersen, "The Use of Historiography in Paul: A Case-Study of the Instrumentalisation of the Past in the Context of Late Second Temple Judaism," in *History and Religion: Narrating a Religious Past*, ed. Bernd-Christian Otto, Susanne Rau, and Jörg Rüpke, RVV 68 (Berlin: de Gruyter, 2015), 63–92.

28. Anders Klostergaard Petersen, "Attaining Divine Perfection through Different Forms of Imitation," *Numen* 60 (2013): 7–38.

the abandonment of previous values, they strive to inculcate the principles of the new worldview by embodying them.²⁹

7. They exemplify a shift in emphasis from the ritual observances of traditional sacrifices to various forms of inner attitudes as a prerequisite for proper observance. Although sometimes called the displacement of ritual by a moral stance, traditional cult per se is not criticized. What is called for is a moral attitude reflecting the new worldview as a presupposition for observing rituals in the proper way.
8. They emerge on the background of social competition involving religious entrepreneurs' dissociation from the ruling elite—whether political or religious or both—and defiance against traditional kinship structures and political power as well as a plea for greater equality and social justice, often involving a universal egalitarian ethic.³⁰
9. They typically evolve under socio-cultural conditions of increased affluence, enhanced population density in tandem with urbanization growth and related to imperial societies and, thereby, geographical expansion of the space ruled by the political sovereignty.
10. By virtue of their defiance of ethnic religion and the emphasis on partaking in universal truth, they develop a transethnic stance confronting and changing traditional religious boundaries.

The developments in understanding of torah were intrinsically related to the rivalry between the two types of religion. Different forms of Judaic religion came to fill out different niches on a continuum extended between the two poles marked by the two types of religion. Some manifestations were more cosmic, some were characterized by a mixture, while others tended toward the urban pole. There was not only diachronical development in the understanding of torah from *tôrâ* toward Torah but the development

29. Peter Sloterdijk, *Die musst dein Leben ändern: Über Anthropotechnik* (Frankfurt am Main: Suhrkamp, 2009); Pierre Hadot, *Qu'est-ce que la philosophie antique?* (Paris: Gallimard, 1995); and Hadot, *Exercices spirituels et philosophie antique*, preface by Arnold I. Davidson, new ed. (Paris: Michel, 2002).

30. For dissociation from the ruling elite, cf. Seth Abrutyn, "Religious Autonomy and Religious Entrepreneurship: An Evolutionary Institutionalism's Take on the Axial Age," *Comparative Sociology* 13 (2014): 105–34.

also came to be synchronically expressed in the contestations between different forms of Judaic religion during the Second Temple period.

Finding Our Way into Different Understandings of the Torah

An important discussion in the assessment of torah during the late Second Temple period is the judicial aspect concerning the legal extension of torah as actual law system. Seth Schwartz endorses the view that during the late Second Temple period (from 200 BCE) torah functioned as the constitution and official legal foundation for the Jews of Judea.³¹ I agree with Catherine Hezser's critique of Schwartz, when she advocates torah as the "legacy of the fathers" and Judaic tradition as functioning in an unregulated legal context in addition to other legal practices like Persian, Hellenistic, and Roman law.³² The extent to which the ideals and reward and punishment system conveyed by torah could be imposed upon Jews during these centuries—whether in Palestine or the diaspora—is contested; but I want to push Hezser's argument further by asserting that torah and related textual creations of the period be understood predominantly as expressing ideals rather than being an accurate testimony to reality.³³ It is often the discrepancy between social reality and ideals that called forth the need to produce the various documents. Had the ideals constituted social reality, there would have been no need to inculcate torah on the addressees. In effect, torah instantiates ideals of Israelite/Judaic religion to be instilled on the members of the group by setting up a reward and punishment system aimed to enforce the ideals. Argu-

31. Seth Schwartz, *Imperialism and Jewish Society 200 B.C.E. to 640 C.E.* (Princeton: Princeton University Press, 2001), 55–56.

32. Catherine Hezser, "Torah als 'Gesetz'? Überlegungen zum Torahverständnis im antiken Judentum," in *Ist die Tora Gesetz? Zum Gesetzverständnis im Alten Testament, Frühjudentum, und Neuen Testament*, ed. Udo Rüterswörden, BThSt 167 (Göttingen: Vandenhoeck & Ruprecht, 2017), 119–20.

33. I do not mean to say that Torah had already come into existence in a settled textual form with a fixed number of books equaling Tanak. The late Second Temple period witnesses the need of some elite segments for stabilizing the text and fixing the number of books included in Torah. Canonization processes lasted for centuries and although the contours of the later development could be seen in these courses of action, they did not come to an end until late antiquity. I speak about torah as connoting a variety of Scriptures held authoritative by different Judaic groups and not yet canonized in terms of textual fixation or exact establishment of texts.

ably, that does not diminish the social reality of the ideals, but it is crucial to acknowledge the difference between the social existence of ideals and norms and their implementation as reality.

In pointing to the importance of setting up behavioral norms, regulations, and values with an associated reward and punishment system, I do not assert that torah or traditions relating to Torah per se was the only option for a Judaic religion. In the sapiential literature such as Proverbs, Qoheleth, and Job, the role of torah is a moot question. The use of terms like *toraḥ* or *mišwâ* in, for instance, Proverbs does not imply references to either law or legally enforceable ordinances. Similar problems pertain to Qoheleth and Job.³⁴ Additionally, torah as a compilation of regulations related to Moses is patently absent in the earlier strata of the Enochic tradition. The same applies to Esther and Daniel in which torah similarly falls under the radar of attention.³⁵ Despite these exceptions, though, it is fair to say that from the end of the fourth century BCE, torah gained a steadily increasing influence in most forms of Judaic religion as normative behavioral and cognitive foundation.

Painting the picture with a broad brush, it is reasonable to argue that torah as disseminated across the Pentateuch consists of two predominantly different trajectories of material, although the two lines are inextricably interwoven in the present form. On the one hand, there are ordinances, so-called *mišmar*, *ḥuqah*, *mišpaṭ*, and *mišwâ*, that focus on moral, religious, and civil aspects for how Israelites should act with respect to each other and with regard to Yahweh (cf. Deut 11:1). Some of these ordinances imply judicial sanctioning in addition to divine punishment (cf. Deut 11:16–18 with 13:7–12). On the other hand, *toraḥ* may constitute priestly ordinances, regulations or instructions regarding cultic-ritual subjects like pure and impure animals, priestly conduct, or distinct sacrifices and festivals (cf. Lev 6:1–6 [the burnt offering]; 10:6–20 [regulations for priests]; 11 [impure and pure animals]; 16 [the feast of atonement]). There is no judicial sanctioning for transgressions within the latter trajectory. Punishment will be executed by divine will only.

Historically, the two trajectories had different origins, but merged with the ongoing compilation of the Pentateuch during the Hellenistic age. Within each of the two trajectories, it is possible to dissect different layers

34. Collins, *Invention of Judaism*, 68.

35. Cf. Collins, *Invention of Judaism*, 76–79.

originating in diverse social contexts, but I do not attempt to tease apart how the different norms, regulations, ordinances, and instructions became amalgamated. I concentrate on the two lines as eventually evolving into different types and concomitant niches of religion. Whereas the priestly line of regulations was inextricably related to the temple and priesthoods and, hence, the urban form of religion, the other trajectory had greater potential for becoming a foundation for cosmos religion.

The transition incipiently occurs in the Deuteronomistic theology in which torah was assigned increasing influence as the means through which Israel as God's elect people would show loyalty to the covenant of God.³⁶ It was not least due to Deuteronomistic theology that the two trajectories intersected. It is also a hallmark of Deuteronomistic theology to emphasize Jerusalem and its temple as the only legitimate place for worshipping God. Thus, it is corollary with the urban religion with the temple as the focal point. Simultaneously, however, as Deuteronomistic theology accentuates its claim for cultic centralization, it points to the torah as the words of God, something every Israelite should lay up in heart and in soul and bind as a sign on hand and as frontlets between eyes (cf. Deut 11:18). Thereby, Deuteronomistic theology promotes what Erhard Gerstenberger termed "a community of faith" (*Glaubensgemeinschaft*).³⁷

In its emphasis on covenant, loyalty to God, and spatial and temporal extension of torah to be ingrained omnitemporally and ubiquitously, Deuteronomistic theology exemplifies important hallmarks of the cosmos religion.³⁸ Although it does not inculcate monotheism, it promotes the need for monolatry. Associated with this emphasis it seeks to denigrate

36. For the discussion of Deuteronomy and Deuteronomistic theology, see Eckhart Otto, *Das Gesetz des Mose* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2007), 137–46; Reinhard G. Kratz, "'The Peg in the Wall': Cultic Centralization Revisited," in *Law and Religion in the Eastern Mediterranean: From Antiquity to Early Islam*, ed. Anselm C. Hagedorn and Reinhard G. Kratz (Oxford: Oxford University Press, 2013); and Kratz, *Historical and Biblical Israel: The History, Tradition, and Archives of Israel and Judah* (Oxford: Oxford University Press, 2015), 53–54, 115–20.

37. Erhard S. Gerstenberger, *Theologien im Alten Testament: Pluralität und Synkretismus alttestamentlichen Gottesglaubens* (Stuttgart: Kohlhammer, 2001); cf. Deut 11:19–20; and Ps 1:2.

38. Cf. Anders Klostergaard Petersen, "Suifaction: Typological Reflections on the Evolution of the Self," in *Religious Individualisation in Historical Perspective*, ed. Riccarda Suitner, Martin Mulsow, and Jörg Rüpke (Berlin: de Gruyter, 2019).

rivaling claims to truth.³⁹ It accentuates *askēsis* in the sense of torah being daily impregnated on heart and soul and being bound upon hands as well as frontlets between eyes. Life is changed into an ideological training program in which the worldview's norms and values are meant to be increasingly internalized and adhered to in behavior. Deuteronomistic theology does not criticize ritual and cult per se, but the need for an internalization of norms, values, and ordinances of the torah is emphasized. The more prominence is given to these elements at the cost of the urban type of religion also advocated by Deuteronomistic theology, the more the way is paved for more bombastic cosmic forms of religion over and against urban types.

From Torah to Torahization

I now move to the last part of the Second Temple period in which different Judaic groups came to fill out different niches. I focus on Sadducean, Pharisaic, and early Christ-religion as represented by Paul. We know little of the Sadducees. All the sources are from either groups or individuals disagreeing with them (Josephus, the gospels, Acts), or from considerably later sources (Mishnah, Tosefta, later Midrashim, as well as the Yerushalmi and Bavli). The little we know, however, points in an unambiguous direction. Josephus and the Synoptic Gospels testify to the fact that the Sadducees constituted an important group in the late Second Temple period, and that they specifically denied the resurrection from the dead (*Ant.* 18.16; *J.W.* 2.165; Mark 12:18–27 with parallels; Acts 23:8). They also indicate how the Sadducees constituted an affluent segment in Judaic society (cf. *Ant.* 13.298; 18.17; 20.199; Acts 4:1–4; 5:17–18; 23:6–8). Finally, Josephus is consistently arguing that the Sadducees opted for a rigorous interpretation of torah (*Ant.* 13.297; 18.16).

Insofar we can reconstruct Sadducees on the basis of the meager evidence, they endorsed a conservative view of the torah consistent with their social status. If they were not the people in power per se, they certainly were located close to the temple aristocracy. It is no wonder, therefore, that their teaching appears closest to the urban religion with the temple institution as focal point. It is not with the Sadducees that one finds the

39. Cf. Assmann's emphasis on what he calls *Die mosaische Unterscheidung*, and which I—contrary to Assmann—prefer to see as a general characteristic of cosmic forms of religion.

movement toward torahization understood as its dissemination to include wider circles of daily life.

The Pharisees, in contrast, were representative of this move. They filled out a niche in which the regulations of torah (including priestly ones) were disseminated to cover all instances of life. They extended the purity regulations pertaining to the temple to embrace all life aspects implying that all of Israel be thought of as one grand temple with diminishing degrees of sacredness. They constituted a radicalization of Deuteronomistic theology in the sense that they took the two trajectories and extended both of them to apply to civil life also. What previously only applied to priests they expanded to be in force for all Israel. The Pharisaic torahization to cover all aspects of life and to be in force for all Israel is in line with the democratization of the cosmos religion. The emphasis placed on purity rules and the ordinances of torah to apply to all life aspects similarly changed the rationale of the urban religion. The torahization led to an understanding by which torah became the goal of continuous *askēsis* as a response to God's command to live in accordance with torah. Contrary to the idea of an ontological difference ritually upheld between humans and God and permeating all urban forms of religion, Deuteronomistic theology included, Pharisaic religion turned into a cosmos religion. Through *askēsis* the Pharisees sought to obtain eternal life.

Apart from Paul and Josephus we do not have texts originating from the Pharisees. And in the case of Paul, he does not say much about his Pharisaic life until the point at which he became a Christ-adherent. Although Josephus professes himself to be Pharisee, the information we get from him is meager in terms of telling us in detail about the Pharisees' daily life, religious program, view on the relationship between temple worship and individual *askēsis* (see *J. W.* 2.119–166; *Ant.* 18.11–25; cf. 13.171–173, 297–298). Yet, the few things we have point in the direction of a group in pursuit of constant sacredness by means of *askēsis* (*Ant.* 18.12) with the aim in mind to attain eternal life (*Ant.* 18.14; cf. Paul being blameless as regards the law [*genomenos amemptos*, Phil 3:6]).

The emphasis on purity rules does not come from Paul or Josephus, but from the Gospels as well as what may be reconstructed from rabbinic tradition regarding the Pharisees. Obviously, this material is not as valuable as Paul and Josephus, but it is the best available. The continuous confrontations in the Synoptic Gospels between Jesus, his followers, and the Pharisees exemplify the importance accorded purity (Mark 2:15–17, cf. 7:1–15; fasting 2:18–22; Sabbath observance 2:23–28; and legitimacy of

divorce 10:1–12). These narratives (with parallels in the other Synoptic Gospels and supported by the Mishna and Tosefta) underline the significance of purity regulations extended by Pharisees to all Israel. It indicates a Judaic religion that has taken Deuteronomistic theology and extended it to all segments of the community of faith and to all matters of life. Thereby, they filled a niche in which cosmos religion had gained upper hand over urban religion with the ideal of *askēsis* pertaining to torahization consisting in the attainment of eternal life. At the same time, though, they retained, as in urban religion, the emphasis placed on ethnicity in conflating Israel with Judaic ethnicity.

The torahization exemplified by early Christ-religion is one filling out a slightly different niche from that of Pharisaic religion.⁴⁰ Whereas the Pharisees stayed closer to the urban type of religion by maintaining a greater dependence upon the priestly trajectory in Deuteronomistic theology, early Christ-religion was more radical in its niche adaptation.

The diverse forms of Judaic religion all claimed to be authentic, faithful, and true representations of torah, but the diverse appearances were markedly different in interpretative transmission of torah. De facto Paul lets go of much of the torah, but he never refrains from both wanting to have his cake and eat it. The priestly regulations pertaining to the temple by and large disappear in his thinking. Yet, he still argues that the new type of Judaic religion to which he has been evoked by a prophetic call (Gal 1:13–17; Phil 3:4–11) is the true Judaic religion, or as in Rom 10:4: “For Christ is the goal of the Torah [*telos nomou*] for righteousness for everyone who invests faithfulness (sc. in him) [*panti tō pisteuonti*].”

Paul dismisses essential elements relating to torah in Galatians, Philippians, and partly in Romans, in which much of the debate revolves around converted pagans’ need to observe circumcision and kashrut. Paul vehemently protests against this, but he is confronted with rivaling

40. Catherine Hezser, “The Jesus Movement as a ‘Popular’ Judaism for the Unlearned,” in *Jesus—Gestalt und Gestaltungen: Rezeption des Galiläers in Wissenschaft, Kirche und Gesellschaft; Festschrift für Gerd Theissen zum 70. Geburtstag*, ed. Petra von Gemünden, David G. Horrel, and Max Küchler, NTOA 100 (Göttingen: Vandenhoeck & Ruprecht, 2013), 73–97, understands the difference between Pharisees and the Jesus movement in terms of social location. Whereas the Jesus movement gained its majority of followers from “the unlearned masses” (92), the Pharisaic movement drew its followers from a “literate, educated, and mostly urban elite” (73). Important as the differences regarding social location are, they need to be supplemented by divergences as regard niche with respect to overall type of religion.

forms of Christ-religion that also among pagan converts takes continuous observance of circumcision and kashrut for granted. Does that reduce Paul's dependence upon torah or indicate a less Judaic form of religion? Not at all.

A comparison with the radical allegorizers of Philo's *De migratione Abrahami* shows that there were other Judaic manifestations moving along the same lines of niche construction, although nothing indicates that the allegorizers wanted to disseminate their worldview to a greater public or promote its spread to non-Jews (see *Migr.* 89–93). Also Philo was a representative of cosmos religion. What we see in Paul is a radical form of Judaic religion that could set aside central elements of torah by reinterpreting them in light of cosmos religion. Paul retains the temple as important part of Judaic religion, but he metaphorizes it in the way that it becomes the community of Christ-adherents and individual Christ-followers in which God's spirit has taken abode (1 Cor 3:16–17; 6:19; 2 Cor 6:16). This is not different from other forms of cosmos religion, as parallels in Stoicism make abundantly clear. Similar to the Pharisees who took the cultic purity rules to apply to the realms of Judaic religion also outside the temple precinct, Paul turns purity rules into severe moral standards for his communities. What once pertained to the temple in terms of upholding purity and retaining sacredness now applies to the body of the Christ-community and to the bodies of individual Christ-adherents (cf. Phil 2:14–15), although again purity regulations have undergone a transposition from ontological to moral purity.

In Phil 3:2–3 Paul rebukes his opponents as dogs, false laborers, and mutilated (offensively and derogatorily alluding to circumcision), before he proceeds to arrogate the symbolic value of circumcision for his Christ-community: “For we are the circumcision who worship by God's spirit and boast in Christ Jesus and do not invest confidence in the flesh” (3:3). A parallel reinterpretation occurs regarding Israel and ethnicity. Paul installs a differentiation between carnal and spiritual Israel (1 Cor 10:18; cf. Rom 4; Gal 4:21–31).⁴¹ Something similar takes place in Rom 8. Paul attributes to the people he is countering that they serve an incompetent law determined by sin and death, whereas Christ-mediated torah is governed by the spirit of life (8:3–4): “in order that the righteous requirement of the

41. The continued use of ethnic language in Paul has been amply demonstrated by Caroline Johnson Hodge, *If Sons, Then Heirs: A Study of Kinship and Ethnicity in the Letters of Paul* (Oxford: Oxford University Press, 2007).

torah may be fulfilled among us who walk not according to the flesh but in accordance with the spirit" (8:4).

Almost all the characteristics of cosmos religion have a corollary in early Christ-religion. Neither does it turn early Christ-religion into a non-Judaic religion, nor does it make it superior to other forms of Judaic religion. Other forms of Judaic religion moved along the same lines and filled out similar niches. Yet early Christ-religion was, as Friedrich Nietzsche perspicaciously saw, the most dramatic form of cosmos religion that we know of from the Mediterranean basin surviving to the present. I think Nietzsche was right in his assessment of early Christ-religion as Platonism for the masses or a complex cosmos religion implying—contrary to Platonism—its dissemination to far wider groups of people (cf. Matt 28:16–20).⁴² It is easy to understand this move in light of torahization. It differed from the torahization of the Pharisees by demonstrably breaking with the boundaries of literal ethnicity, the fundamental principle on which all urban religion was founded. Nevertheless, it retained the urban cluster of ethnic thinking, but it transferred Jerusalem to the heavenly world and carnal Israel to a pneumatic entity embracing Judeans as well as pagans. Thereby, the entire *kosmos* was changed into a playground for thinking and acting for this Judaic religion.

A Brief Conclusion

I have argued for the need to understand cultural development and the history of religions in light of evolutionary thinking. I opted for an understanding of evolution based on gene-culture coevolution with focus on niche construction. Unlike most of its advocates, I apply it also to the study of culture and assert that thereby we attain a better grasp on distinctive cultural developments such as the transitions in the understanding of torah. We have wrestled with the problem of theorizing about, developing suitable models and terminology, and providing accurate interpretations of relevant texts relating to the transition processes from Israelite to Judaic religion. I offered a new and different way for looking at a classical problem. The development from *tôrâ* to Torah and *nomos* and to torahization is an obvious area to tease apart what this approach can give us in terms of

42. Friedrich Nietzsche, *Jenseits von Gut und Böse: Vorspiel einer Philosophie der Zukunft*, vol. 4 of *Werke in vier Bänden* (Salzburg: Verlag das Bergland-Buch, 1985), 156.

new insights and, perhaps, a more plausible framework for understanding cultural historical processes, religious included.

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Part 3

Notions of Torah in the New Testament

Paul and Νόμος, and Broader Perspectives: Romans 13:8–10 as Case Study

Jeremy Punt

Νόμος in Paul beyond *Misojudaioi*/Judeophobia

The role of νόμος (law) in the Pauline Letters is one of the most contested issues in the study of biblical literature.¹ This contribution is no attempt to provide either an in-depth study of Paul's notion of νόμος as expressed in his letters, or even to offer an overview of the scholarly conversation on the topic. Two points of departure, rather, frame this study. One, diverging views on Second Temple Jews and the torah abounded in the first century. Anti-Jewish traditions often exhibited both dislike and fear as emotional responses toward Jews, which can be grouped under the term Judeophobia.² Within the Roman imperial world, writers such as Cicero, Juvenal,

1. In his letters, νόμος is mostly translated as “law” or “the law” or even “(the) Law” in reference to (aspects of or the whole of) the Jewish torah, and/or Scriptures of Israel. As indicated below, at times the inference of νόμος is different or broader. In the words of Frank Thielman (“Law,” in *Dictionary of Paul and His Letters*, ed. Gerald F. Hawthorne, Ralph P. Martin, and Daniel G. Reid [Downers Grove, IL: Intervarsity Press, 1993], 529), “No area of Pauline studies has undergone more sweeping revision in the last half century than the apostle’s view of the Law. Compelling evidence has required a reassessment of Christian, and especially Protestant, assumptions about the Law in Judaism and therefore about Paul’s relationship to this single most important aspect of his ancestral faith”. See Peter Richardson (“Law and Religion: Origins and Present State,” in *Law in Religious Communities in the Roman Period*, ed. Peter Richardson and Stephen Westerholm, SCJud 4 [Waterloo: Wilfrid Laurier University Press, 1991], 1–18) for the wide spectrum of discussions and developments regarding law in biblical times and texts.

2. Peter Schäfer, *Judeophobia: Attitudes towards the Jews in the Ancient World* (Cambridge: Harvard University Press, 1997). As Schäfer explains, “the peculiarity of

and Tacitus saw Judaism as the typical *barbara superstitio*, that was by its very nature ill-disposed towards Roman *religio*, which was seen as “the essence of the political, cultural, and religious ideals of ancient Rome.”³ Still, Judaism continued to exercise a strong appeal among many and probably for different reasons in the ancient Greek and Roman world.⁴ Paul’s deliberations on νόμος should be understood within a context of prevailing ambivalence toward matters Jewish.

Two, the traditional perception of Second Temple Jewish thought (often anachronistically understood in a monolithic sense) as legalistic, is evidence not so much of attempts at an accurate sociohistorical assessment of the situation but rather of the heavy investment of Christian orthodox, systematic theological interest in the Pauline Letters.⁵ Such theologi-

the Roman attitude toward the Jews seems better expressed by the term ‘Judeophobia’ in its ambivalent combination of fear and hatred ... the Roman fear is peculiar not only in that it projects onto the Jews an irrational feeling of being threatened by some mysterious conspiracy but also, and mainly, in that it responds to the very real success of the Jews in the midst of Roman society, that it is the distorted echo of sympathy” (210–11).

3. Schäfer, *Judeophobia*, 181. He notes that ancient authors were hardly concerned about what today would be seen as theological matters, but focused on social concerns: “They [i.e., the Greek and Roman authors] turned Jewish separateness into a monstrous conspiracy against humankind and the values shared by all civilized human beings, and it is therefore *their* attitude which determines anti-Semitism” (208; emphasis original).

4. See Jeremy Punt, “Paul’s Jewish Identity in the Roman World: Beyond the Conflict Model,” in *Paul the Jew: Rereading the Apostle as a Figure of Second Temple Judaism*, ed. Carlos A. Segovia and Gabriele Boccaccini (Minneapolis: Fortress, 2016), 267–68. “Proselytism is a subject only in Roman, not in Greek literature” (Schäfer *Judeophobia*, 193). If Schäfer’s reconstruction of Domitian’s motives for prosecuting the *fiscus iudaicus* is reliable, enough Romans were drawn to conversion that their forced inclusion onto the tax roll might have significantly increased government revenues. See Schäfer, *Judeophobia*, 183, 106–8. Until Christianity, conversion to Judaism and the nonobservance of other cults was for Romans in a certain way a betrayal of the *patria nomima*. Joining another people in the worship of its god, the God of Israel, was seen in some circles as *maiestas*, high treason.

5. Brice L. Martin (*Christ and the Law in Paul*, NovTSup 62 [Leiden: Brill, 1989], 156): “Paul gives a coherent total view of the law. The negative and positive statements on the law stem from the distinction between the law as a means of salvation and as a way of life for the Christian.” Cf. Räisänen on Pauline incoherency, esp. when it comes to the law, in Heikki Räisänen, *Paul and the Law*, 2nd ed., WUNT 29 (Tübingen: Mohr, 1987).

cal interest has curtailed possibilities to interpret νόμος in the letters in alternative ways since even adjustments over time to prevailing interpretation have largely been regulated through those frames considered normative.⁶ Without the restrictive gaze of traditional Christian theological frameworks with judgments about legalistic and formalistic religion, Second Temple Judaism can be seen as “the purveyor of deep spirituality and ethics.” And torah was central within Judaism: the “act of participating in the legal system—an engagement that absorbed and lent sanctity to human life—constituted the proper goal of religious practice.” The Jewish law was seen as “God’s finest gift to humanity.”⁷

Given these two points of departure, the focus of the following brief discussion is to consider the appropriate framing of νόμος in Rom 13:8–10 (within the broader context of the Pauline Letters) and links with matters like identity and community without imposing the conventionalist, theological interpretive framework as a heuristic point of departure, although total avoidance of *rezeptionsgeschichtlich* is probably impossible.

Convention Called Theology: Drowning Out Νόμος

Even where the intention is to deliberately avoid theological tugs-of-war or to set aside theological agendas in favor of history and religious studies, secular academic approaches cannot conceal or refract such agendas altogether.⁸ Detheologized language also, as James Crossley notes, may not be able to sidestep theological issues altogether, and may even retain notions of religious if not theological superiority that have been

6. See Jeremy Punt, “(Post-)Perspectivally Paul,” *Neot* 54 (2020): 373–98. As Magnus Zetterholm (*Approaches to Paul: A Student’s Guide to Recent Scholarship* [Minneapolis: Fortress, 2009], 10) suggests, the influence of “social climate, theological trends, and philosophical traditions” all play a role in the “evolution of various images of the apostle.” However, in Pauline interpretation over the centuries it seems that as long as a particular theological framework was privileged, the impact of other possible influential factors was minimized or at times even drowned out.

7. Roger Brooks, *The Spirit of the Ten Commandments. Shattering the Myth of Rabbinic Legalism* (San Francisco: Harper & Row, 1990).

8. E. P. Sanders, “Comparing Judaism and Christianity: An Academic Autobiography,” in *Redefining First-Century Jewish and Christian Identities: Essays in Honor of Ed Parish Sanders*, ed. Fabian E. Udoh (Notre Dame: Notre Dame University Press, 2008), 11–41.

characterizing Pauline scholarship over many years.⁹ E. P. Sanders's position, that New Testament scholarship has overvalued theology and undervalued religion, sits well with the comment that in the history of biblical scholarship the critic does not play the same role as a priest or a theologian.¹⁰ Theological views have not always been appreciative of religion-politics-culture intersections, while traditional biblical scholarship's embeddedness in theology entails the constant pressure of theological frameworks.¹¹ In fact, "our scholarly habit of pretending that we

9. James Crossley, "The Multicultural Christ: Jesus the Jew and the New Perspective on Paul in an Age of Neoliberalism," *Bible and Critical Theory* 7 (2011): 12, argues, "While covenantal nomism is not perpetuating a specifically Lutheran model, it certainly is a model influenced by Christian systematic theology which imposes on Jewish ideas of grace and works, neither of which seem to have been systematized at all in early Judaism." It is interesting that Zetterholm's book, written from a decidedly nontheological point of departure (*Approaches to Paul*, x), nevertheless uses theological distinctions and lines of division as organizing principles, primarily with regard to Second Temple Judaism. Crossley further argues: "From the ties between scholarly Jesuses and Pauls and the Enlightenment, emerging nationalism, the 'Jewish Question', Nationalism, Socialism, the Cold War, liberal America and so on, it is only to be expected that contemporary scholarly Jesuses and Pauls will be, in part, products of dominant discourses surrounding neoliberalism, postmodernism and multiculturalism." (14). While attention to broader scholarly formations, in tandem with reigning intellectual configurations, for understanding biblical studies' social history is helpful, especially if alternative understandings are not forced into necessarily being or becoming mutually exclusive, whether on the one hand the impact of theological work can be excluded altogether and on the other hand reigning sociophilosophical-intellectual discourses like neoliberalism, postmodernism, and multiculturalism tell the full social (hi)story of biblical studies, is doubtful.

10. Sanders, "Comparing Judaism and Christianity," 14. For an appropriate contrast, see James D. G. Dunn ("A New Perspective on the New Perspective on Paul," *Early Christianity* 4 [2013]: 157–82), for a spirited, theological defense of justification by faith in Paul. For Todd Penner and Davina C. Lopez (*De-Introducing the New Testament: Texts, Worlds, Methods, Stories* [Chichester: Wiley Blackwell, 2015], 222) "the critic is simply someone who underscores the fundamental human dimension of reality as construed through discursive practices" and "the position of the critic relies upon, and is by no means antithetical to, two essential principles in the study of religion: empathetic identification and defamiliarization."

11. Kathy Ehrensperger (*Paul at the Crossroads of Cultures: Theologizing in the Space in Between*, LNTS 456 [London: T&T Clark, 2013], 219) concludes her piece on the impact of newer interpretative approaches to Romans with an idealized portrayal of Paul, claiming his lasting significance: "Paul lived and theologized in a context of cultural diversity, he theologized in conversation with others, in relation to concrete

are dealing with primarily religious texts or institutions, which means basically imposing modern presuppositions and concepts on historical materials that had neither concepts nor terms for religion, blocks rather than enhances understanding.”¹²

As the increased significance of the Pauline Letters in post-Reformation contexts suggests, the link between the letters and Christian, especially Protestant (Reformed), theology can hardly be overestimated.¹³ But having different perspectives on Paul in this context can become neoliberal fads, at times in helpful ways and with good intentions of making the most of scholarly legacies, and honoring scholarly giants of the past.¹⁴ However, the Pauline perspective-industry may perpetuate a less constructive discourse at work, of trying to do something new, but not *that* new; radical but still manageable within and according to conventionalist frameworks; shifting or adjusting perspectives rather than creating new optics; devising lateral moves, not radical eruptions.¹⁵ In short, in Pauline studies and

everyday life issues in his communities. This may render him the ideal partner in our theological conversations today in all their diversity.”

12. Richard A Horsley, “Empire, Temple and Community—but No Bourgeoisie! A Response to Blenkinsopp and Peterson,” in *Second Temple Studies 1: The Persian Period*, ed. Philip R. Davies, JSOTSup 117 (Sheffield: JSOT Press, 1991), 163.

13. Notwithstanding increased research, especially since the work of E. P. Sanders, the conventionalist position prevails, see, e.g., Martin, *Christ and the Law in Paul*, 155. Or as Crossley (*The New Testament and Jewish Law: A Guide for the Perplexed* [London: T&T Clark, 2010], 2) puts it, “the specifics of Jewish Law are still regularly misunderstood in New Testament studies. Even ideas surrounding ‘covenantal nomism’ ... are understood in terms of systematic *Christian* theology, such as the language of grace and works.” (emphasis original).

14. The phrase “different perspectives on Paul” has in the past sometimes served as theological-academic speak for different explanations of *nóμος* in his letters.

15. Ehrensperger (*Paul at the Crossroads of Cultures*, 189): “The question has to be asked whether the New Perspective is actually new or rather a variation of the ‘old’ perspective which repeats what Sanders had tried to overcome—a negative stereotyping of Judaism through a replacement theology.” See also Crossley (*New Testament and Jewish Law*, 117) on the persistence of a negative view of Jewish law among New Testament scholars. In the end, certain caricatures remain, as Richard Horsley (“Submerged Biblical Histories and Imperial Biblical Studies,” in *The Postcolonial Bible*, ed. R. S. Sugirtharajah, *Bible and Postcolonialism 1* [Sheffield: Sheffield Academic, 1998], 154) lamented years ago: “theologically determined biblical studies fabricated a parochial-political and legalistic-ritualistic ‘Judaism’ as an Other-religion over against true, universal and purely spiritual religion: Western European Christianity.”

especially scholarship on νόμος in these letters, the conventional theological position by and large prevails.¹⁶

A worthy challenge, then, is to read νόμος in the Pauline Letters beyond the dominant (Reformed) Christian theological focus on νόμος as law and therefore as commandments or as legal(istic) enterprise. So too the traditional attempts to overcome negative sentiments while retaining an authoritative concern by posing νόμος either as torah-like teaching or instruction, or its subsequent development, no longer convince. A more profitable approach to νόμος in Paul may be found in cultural studies, a first few steps of which are given here.

Paul, Νόμος, and Judaism: A Cultural Studies Approach

The emerging consensus among scholars is that Second Temple Judaism within the Roman Empire of the first century was the matrix for the earliest Jesus followers and incipient early Christianity.¹⁷ Taking this to imply

16. In fact, for what today is seen as religion, the word cult is the better term in the first-century Mediterranean world: “those rituals and offerings whereby ancients enacted their respect for and devotion to the deity, and thereby solicited heaven’s good will.” Individual households and, at times, individuals themselves practiced their own versions of piety, but ancient worship was generally public, communal, and political (at civic and imperial levels). “Ancient religion was this intrinsically communal and public performance-indexed piety.” Paula Fredriksen, “Christians in the Roman Empire in the First Three Centuries CE,” in *A Companion to the Roman Empire*, ed. David S. Potter, BCAW (Malden, MA: Blackwell, 2006), 590.

17. Annette Yoshiko Reed and Natalie B. Dohrmann (“Introduction: Rethinking Romanness, Provincializing Christendom,” in *Jews, Christians, and the Roman Empire: The Poetics of Power in Late Antiquity*, ed. Natalie B. Dohrmann and Annette Yoshiko Reed, Jewish Culture and Contexts [Philadelphia: University of Pennsylvania Press, 2013], 4–5): The term *Greco-Roman* conflates “Hellenistic and Roman empires ... to provide a seemingly stable ‘pagan’ backdrop to the drama of Second Temple Judaism, the origins and spread of Christianity, and the rise of the rabbinic movement in Late Antiquity.” The tendency is active among revisionist scholars too. See Mark D. Nanos (“Introduction,” in *Paul within Judaism: Restoring the First-Century Context to the Apostle*, ed. Mark D. Nanos and Magnus Zetterholm [Minneapolis: Fortress, 2015], 9), who rightly claims that “Judaism—that is, the Jewish way(s) of life—was also an expression of Greco-Roman culture that included a great deal of variety, not least in the Diaspora where Paul was active,” but in the next line can apparently subsume matters Roman into the Greek: “Judaism as a multifaceted, dynamic, cultural development, took place within other multifaceted dynamic cultures in the Hellenistic world” (9).

more than just scenery or backdrop, and that Judaism informs the socio-historical context of (also) the Pauline Letters, both the limits of a history of ideas approach and the need for a culturally attuned approach are increasingly evident.¹⁸ A cultural turn is slowly emerging in New Testament studies, manifesting in different ways.¹⁹ The turn in some instances translates into the use of post-structural hermeneutics showing how language shaped the sociocultural setting of the early Christian world, and in other instances refers to the use of cultural anthropology as an analytical method for making sense of biblical texts.²⁰ Regardless of these and other epistemological approaches, culture is reappropriated; rather than a static deposit, culture is now understood as “the dynamic and contentious pro-

18. Culture is difficult to define or describe, partly because it is unstable, contested, and inclusive of nonelites, popular culture, and subcultures along with the behavioral values and characteristics that constitute groups as such. See J. Albert Harrill, “Paul and Empire: Studying Roman Identity after the Cultural Turn,” *Early Christianity* 2 (2011): 284. In short, culture is a group of people’s entire way of life. See Dale B. Martin, “Introduction,” in *The Cultural Turn in Late Ancient Studies: Gender, Asceticism, and Historiography*, ed. Dale B. Martin and Patricia Cox Miller (Durham: Duke University Press, 2005), 6. Or as Simon During, (*Cultural Studies: A Critical Introduction* [London: Routledge, 2005], 6) put it, “Culture is not a thing or even a system: it’s a set of transactions, processes, mutations, practices, technologies, institutions, out of which things and events (such as movies, poems or world wrestling bouts) are produced, to be experienced, lived out and given meaning and value to in different ways within the unsystematic network of differences and mutations from which they emerged to start with.” Culture is both universal to all societies and particular in each case (cf. Martin, “Introduction,” 8), and as way of life calls for a different, broader understanding of power in society than was the case in the past.

19. For a brief discussion of how some scholars portray the cultural turn as growing out of the linguistic turn, and “the centrality of textuality for the writing of history,” see Martin “Introduction,” 7–9, 18. See also Jeremy Punt, “A Cultural Turn in New Testament Studies?,” *HvTSt* 72 (2016): 1–7.

20. The cultural studies label is used for a broad field of academic work and research, including areas that intersect with and impact on biblical studies. Toby Miller (“What It Is and What It Isn’t: Introducing ... Cultural Studies,” in *A Companion to Cultural Studies*, ed. Toby Miller [Malden, MA: Blackwell, 2001], 1) calls cultural studies “magnetic” for the wide range of approaches included under its umbrella, a “master-trope.” See also Jeremy Punt (“Dealing (with) the Past and Future of Biblical Studies: A New South African Perspective,” in *The Future of the Biblical Past: Envisioning Biblical Studies on a Global Key*, ed. Roland Boer and Fernando F. Segovia, SemeiaSt 66 [Atlanta: Society of Biblical Literature, 2012], 29–45) for some deliberations on cultural studies from the perspective of past and future biblical studies.

cess by which meaning, and with it, power is produced, circulated, and negotiated by all who reside within a particular cultural milieu.”²¹ On the one hand, literary texts increasingly are seen as part of an extensive network of interlinked, mutually constituting residues and material objects that are variously intertwined in a myriad of ways that does not allow for simple explanation.²² On the other hand, the cultural situatedness of interpretation also informs the cultural turn that follows in the footsteps of the linguistic turn.²³ Different understandings of cultural studies notwithstanding, the movement of scholarly inquiry beyond the universalisms of the Enlightenment and nineteenth- and twentieth-century liberalism is evident.

The result is that scholars more and more “have come to view human beings as historical creatures located within the complex matrices of particular cultures and social worlds,” and increasingly deal with the “located, particular, pluralistic, and thoroughly historical nature of human existence, experience, and knowledge.”²⁴ Cultural studies as a way of investigating the New Testament can be seen therefore as a form of newness in the sense that Homi Bhabha uses the notion: “The borderline work of culture demands an encounter with ‘newness’ that is not part of the continuum of past and present. It creates a sense of the new as an insurgent act of cultural translation.... It renews the past, refiguring it as a contingent ‘in-between’ space, that innovates and interrupts the performance of the

21. Sheila Greeve Davaney, “Theology and the Turn to Cultural Analysis,” in *Converging on Culture: Theologians in Dialogue with Cultural Analysis and Criticism*, ed. Delwin Brown, Sheila Greeve Davaney, and Kathryn Tanner, RSTR (Oxford: Oxford University Press, 2001), 5.

22. Davina C. Lopez, “Visualizing Significant Otherness: Reimagining Paul(ine Studies) through Hybrid Lenses,” in *The Colonized Apostle: Paul through Postcolonial Eyes*, ed. Christopher D. Stanley, Paul in Critical Contexts (Minneapolis: Fortress, 2011), 80.

23. David Chaney, *The Cultural Turn: Scene-Setting Essays on Contemporary Cultural History* (London: Routledge, 1994), 2; Martin, “Introduction,” 8.

24. Davaney, “Theology and the Turn to Cultural Analysis,” 5. One particular distraction associated with a cultural turn is the balkanization of knowledge, with traditional scholars withdrawing to their bounded communities away from the public realm, or where liberal scholars engage in uncritical celebration of popular culture, or simply when social location or identity replace reason-giving as the source arguments’ legitimation and delegitimation. See Davaney, “Theology and the Turn to Cultural Analysis,” 10.

present.”²⁵ Taking culture seriously in itself demands a different perspective to the past and the future, a rethinking of attitudes and concepts. The newness of culture is situated both in its hybridity, impurity, and intermingling, and in the transformation resulting from novel and unforeseen combinations of human beings, cultures, ideas, and various media, as well as in the celebration of this all as culture.²⁶

A cultural studies approach allows for a wider appreciation for the rhetorical use of νόμος in the Pauline Letters. Rhetoric is used here not in the sense of classical rhetoric with its emphasis on literary structures but rather in the broader sense of accounting for the rhetorical situation of the persuasive powers of texts and their readers’ rhetorical self-constructions.²⁷ The focus on νόμος and its ritual functions shifts away from often artificial, flat theological binaries introduced at a later stage of reception, to its social or community-sustaining and identity-negotiating functions in the letters.²⁸

Pauline νόμος and Identity Negotiation

The traditional position on νόμος in the New Testament in general and in the Pauline corpus in particular, namely that Jews used the law as an instrument to obtain salvation, has been broadly challenged since Sanders’s work but often still acts as the default position.²⁹ Even in the ever

25. Homi K. Bhabha, *The Location of Culture* (London: Routledge, 1994), 10.

26. Salman Rushdie (*Imaginary Homelands: Essays and Criticism 1981–1991* [London: Granta, 1991], 393, emphasis original): “It rejoices in mongrelization and fears the absolutism of the Pure. *Mélange*, hotchpotch, a bit of this and bit of that is how newness enters the world.”

27. See, e.g., Todd Penner and Davina C. Lopez, “Rhetorical Approaches: Introducing the Art of Persuasion in Paul and Pauline Studies,” in *Studying Paul’s Letters: Contemporary Perspectives and Methods*, ed. Joseph A. Marchal (Minneapolis: Fortress, 2012), 33–52.

28. Martin (“Introduction,” 17) notes that in cultural studies, “the goal of the historian becomes not the conscious or even unconscious intentions of the author, but the larger matrix of symbol systems provided by the author’s society from which he must have drawn whatever resources he used to ‘speak his mind.’”

29. Paul’s approach approximates other positions in Judaism on the relation between practicing the law and the salvation of the gentiles. His emphasis on “the centrality of faith, his insistence that all need transformation, and his specific language for flesh and spirit” are, however, different from the positions of other Hellenistic Jewish

newer perspectives on Paul that have grown from and relate to Sanders's work, traditional, theologically inscribed positions on Judaism often prevail.³⁰ But the Pauline writings, rather than focused on mechanisms of salvation, suggest continuing efforts by various groups and by their author, not in the least, to establish religious and sociopolitical control by insisting on strict lines of demarcation—with the νόμος-discourse as an important case in point.³¹ The strong sense of identity in a collectivist or group-oriented culture, and continuous efforts to maintain and also elaborate on it, necessarily required demarcation as much as identification.³² In other words, it was at least as important to define a group over against other groups as was the concern with self-identity (and reflection upon it).³³

Constructing borders between people and us-and-them binaries was within the first-century agonistic society not seen as complimentary, as the Pauline Letters also attest: opposites led to competition and even hostilities.³⁴ This negotiation of identity relied upon stereotyping,

writers. Alan F. Segal, "Universalism in Judaism and Christianity," in *Paul in His Hellenistic Context*, ed. Troels Engberg-Pedersen (Minneapolis: Fortress, 1995), 23.

30. Amid concern that the new(er) perspectives on Paul essentially still invokes a Baurian binary between Second Temple Judaism and Paulinism, the *Innovations-potential* of New Perspective on Paul for Pauline studies—even if the New Perspective on Paul results are not accepted in full—is a potential that has to be mined lest the "innovativen Kräfte aus der Paulusforschung" degenerates into "eine Karriere im Hüttenwesen." Christian Strecker, "Paulus aus einer 'neuen Perspektive,'" *Kul* 11 (1996): 15.

31. Although, as Crossley (*New Testament and Jewish Law*, 20) argues, "Using the Torah to emphasize Jewish identity could be done in different ways, some more confrontational than others."

32. The identity of Paul's early Jesus follower-communities refers to "a complex phenomenon of fundamental beliefs, embodied in myth, rites, and ethos of living communities, evolving and institutionalizing over time in interplay with local realities." Bengt Holmberg, "Understanding the First Hundred Years of Christian Identity," in *Exploring Early Christian Identity*, ed. Bengt Holmberg, WUNT 226 (Tübingen: Mohr Siebeck, 2008), 1–32.

33. Judith Lieu (*Christian Identity in the Jewish and Graeco-Roman World* [Oxford: Oxford University Press, 2004], 15), holds that identity involves sameness while presupposing difference, that is, "us" presupposes "them" and the positive requires the negative.

34. The practice of stereotyping others in order to define and sustain the in-group was rife among the early followers of Jesus also: to "use ethnoracial language to denounce Christian rivals as barbarians and Jews." Denise Kimber Buell, "Rethinking the Relevance of Race for Early Christian Self-Definition," *HTR* 94 (2001): 473 n. 31. Jennifer Wright Knust (*Abandoned to Lust: Sexual Slander and Ancient Christianity*,

embedded in the social fiber of the time. As is evident in his Galatians letter, his sense of ideologies of kinship (Gal 4:21–5:1) and understandings of the spirit in baptism (Gal 3:1–2) appear quite fixed, although Paul portrayed a fluid sense of ethnicity in relating both Jewish and gentile identity to Christ. A complex logic characterizes Paul's claims about Jewish identity and heritage and the role of νόμος. Insisting initially upon a biologically defined Jewish identity in Gal 2:15 and arguing that the promise takes precedence over νόμος (Gal 3), new understandings of the people of God (Gal 4:28) and νομός (τὸν νόμον τοῦ Χριστοῦ, Gal 6:2) are tabled.³⁵ In the end, Paul appears to forge a notion of identity that did not erase ethnic and cultural differences, but combined them in a hybrid existence, with Israel still serving as umbrella concept (cf. Gal 4:28), and retaining a complex and asymmetrical relationship between Jews in Christ and gentiles in Christ.³⁶ Paul stands in a long line of Jews and even some others who set stock by the torah as a crucial aspect of Jewish identity, and as his letters also show, in the time of the New Testament, "development and expansion of the biblical commandments was in full swing."³⁷

Gender, Theory, and Religion [New York: Columbia University Press, 2006]) shows how sexual slander, e.g., also amounted to invented categories of social identity and attempts at exercising control. See also David Frankfurter, "Violence and Religious Formation: An Afterword," in *Violence in the New Testament*, ed. Shelly Matthews and E. Leigh Gibson (London: T&T Clark, 2005), 143.

35. Paul consciously interacted with the interplay between νόμος and identity in Galatia, as in his remark in Gal 4:21 (οἱ ὑπὸ νόμον θέλοντες εἶναι, "[you] who want to be under the law"), by emphasizing their volition and choice for a certain modality of existence "under the law." Unless otherwise noted, all translations are mine.

36. Although universalizing tendencies can be identified in Paul, his use of ethnicity can neither be essentialized nor can his sense of universalism be seen as opposed to ethnicity. See Denise Kimber Buell and Caroline Johnson Hodge, "The Politics of Interpretation: The Rhetoric of Race and Ethnicity in Paul," *JBL* 123 (2004): 250. For the hybridization, see Sze-Kar Wan, "Does Diaspora Identity Imply Some Sort of Universality? An Asian-American Reading of Galatians," in *Interpreting beyond Borders*, ed. Fernando F. Segovia, *Bible and Postcolonialism* 3 (Sheffield: Sheffield Academic, 2000), 126. For the complex and asymmetrical relationship, see Buell and Hodge, "Politics of Interpretation," 249 n. 42. Paul used totalizing categories when he took over the often-used contrast between those descendants from a chosen lineage of Abraham, and other peoples, applying this well-known ethnic reasoning in what amounted to oppositional ethnic self-definition.

37. Crossley, *New Testament and Jewish Law*, 25.

Pauline νόμος and Community-Building

The identification of self and others in New Testament times entailed being part of a community built around core beliefs and practices, regardless of a community's ability to maintain such beliefs or the level at which these are posed as normative. Marginalized communities constructing their own narratives tend to subvert the hegemonic constructions of history and culture imposed by the dominant in society. Memory was important in the shaping of the narratives in form and strategy, so as to reclaim a suppressed past while it at the same time enabled a revisioning that is vital to (re)gain control over the individual's and the group's life and future.³⁸ The Jesus traditions were invoked and claimed in the Pauline communities in their negotiation of identity, but their connection to the collective past often was established through a connection to the Scriptures and νόμος.³⁹

Along with other early Jesus-follower communities, the Pauline communities exhibited distinct connections between their social memory and the narrative basis of such memory, including the memory of Jesus's words and deeds, and related these to the life of the movement. History's horizon is determined by the availability of resources, while cultural memory's horizon depends on a community's self-identification with and accounting for the past.⁴⁰ Part of the process of acquiring social identity in and through these communities happened by being socialized into the

38. Amritjit Singh, Joseph T. Skerrett Jr., and Robert E. Hogan, "Introduction," in *Memory, Narrative, and Identity: New Essays in Ethnic American Literatures*, ed. Amritjit Singh, Joseph T. Skerrett Jr., and Robert E. Hogan (Boston: Northeastern University Press, 1994), 19.

39. For invoking Jesus traditions, see, e.g., 1 Thess 1:6–10; Phil 2:6–11 (cf. Col 1:15–23); 1 Cor 11:23–26. Texts come into being and are conditioned locally, but at times convey a sense of threads that connect them with others. See Lieu, *Christian Identity*, 22. For some scholars, νόμος as the law did not play a particularly significant role in the formation of Pauline communities. In her 2015 paper, Nicolet concludes, "I think that childhood language provides Paul with a powerful tool to shape the identity of his addressees and to discipline them in living as the new aeon requires. In this construction of the identity of the Galatians, the law is only a secondary element, on which Paul relies when it comes time to regulate ethical behaviour inside the boundaries of the new eschatological community." See Valerie Nicolet, "Infants (*Nēpioi*), Captivity and Freedom: Games of Power in Galatians 3:23–4:9" (paper presented at the International Meeting of the Society of Biblical Literature, Buenos Aires, 21 July 2015).

40. Jan Assmann, *Religion and Cultural Memory: Ten Studies*, trans. Rodney Livingstone, *Cultural Memory in the Present* (Stanford: Stanford University Press, 2006), 179.

memories of the group and in that way identifying with their collective past.⁴¹ While the Jesus traditions were invoked and claimed in the Pauline communities in their construction and negotiation of identity, even their connection to the collective past was often established through a connection to the Scriptures of Israel.

The argument that a cultural studies approach shows greater appreciation for the rhetorical use of νόμος in the Pauline Letters, heuristically transcending conventional, theological binaries, and appreciating the social or community-sustaining and identity-formative functions of the use νόμος, can be illustrated further by briefly considering its role in Rom 13:8–10.

Romans 13:8–10:

Love as Fulfilment of Νόμος (πλήρωμα ... νόμου ἢ ἀγάπη)

With Rom 13:8–14 the focus shifts from exercising authority (Rom 13:1–7) to relationships among Jesus followers: love summarizes (ἀνακεφαλαιοῦται) νόμος as the primary principle informing relationships in the Jesus community.⁴² Citing stipulations from the Decalogue in the Scriptures of Israel, Paul claims that acting in love fulfills the true intent of the law (13:10), that love for the other (τὸν ἕτερον) is the essence of the law (see also Gal 5:14; 6:2).⁴³ Paul names four prohibitions corresponding with stipulations from the Decalogue (see Exod 20:13–17; Deut 5:17–21;

41. Not only was this process more complicated and less linear and univocal than what is often contemplated, but the relationship between the author of the texts used and the communities from which these texts emerged and to which the texts are directed are also complex, and simple equations in the identity of author and originating and receiving communities should be avoided. However, leaving this discussion for another time, and acknowledging possible dissimilar opinions, the argument here rests on the assumption that the identity of Paul and the communities he addresses at least cohered broadly. Samuel Byrskog, “Memory and Identity in the Gospels: A New Perspective,” in Holmberg, *Exploring Early Christian Identity*, 57.

42. Robert Jewett (*Romans: A Commentary*, Hermeneia [Minneapolis: Fortress, 2007], 810) contends that the four commandments mentioned have been “particularly relevant for life in the urban environment of Rome, where interpersonal tensions, especially in the slums where most Christian cells were located, were tense, volatile, and full of temptations and provocations.”

43. Paul’s comments reflect Jesus’s teaching about love (e.g., Matt 22:37–40; John 13:34–35); Paul himself is of course also on record for prioritizing love above faith and hope (1 Cor 13:13).

cf. Luke 18:19–21), against adultery (e.g., Exod 20:14; Deut 5:18), murder (e.g., Exod 20:13; Deut 5:17), stealing (Exod 20:15; Deut 5:19), coveting (e.g., Exod 20:17; Deut 5:21), and “any other commandment” (τις ἑτέρα ἐντολή). The positive instruction, ἀγαπήσεις τὸν πλησίον σου ὡς σεαυτόν, is probably a quotation from Lev 19:18.⁴⁴ All of these sentiments are, of course, socially embedded since law is not abstract rules imposed on society, but forms an integral part of society with roots in society members’ social, economic, and religious behaviors and attitudes.⁴⁵

Νόμος in Romans 13:8–10

Addressing an audience comprising gentile and possibly some Jewish Jesus-followers, the Romans letter argues that God has not given up on Jews, implying also that torah is neither worthless nor reprehensible.⁴⁶ The letter encourages reconciliation and unity within the early Jesus-follower communities of Rome amid troubling times, not least of which was the

44. Theological explanations are dominant. E.g., Murray argues that “sum up” means repeated (recapitulated), condensed, or reduced, and concludes, “all the commandments receive their fulfillment and so they can all be reduced to this demand.” John Murray, *The Epistle to the Romans* (Grand Rapids: Eerdmans, 1959), 162–63. C. E. B. Cranfield and William Sanday (*A Critical and Exegetical Commentary on the Epistle to the Romans: Commentary on Romans IX–XVI and Essays; Vol. 2*, ICC 52.2 [Edinburgh: T&T Clark, 1979], 862) hold that gospel and law amount to the same, refusing to call the summary of the law the “principle of love” but insist that love is the sum total of what the law requires. Käsemann insists that the summary of the law upholds its continuity but only “the ethical portion of the Torah,” since “only the moral law of the Old Testament (OT) [is] binding in the community.” Ernst Käsemann, *Commentary on Romans*, trans. G. W. Bromiley (Grand Rapids: Eerdmans, 1980), 361–62. Dunn also reckons that all commandments are “covered by the summary of the Law,” and “Paul’s Gospel was not antinomian, it asserts the continuity of the Law,” and so Dunn does not reduce all the commandments to a single demand but sees the summary of the law transforms and transposes the commandments to serve as a guiding principle for moral practices. James D. G. Dunn, *Romans 1–8*, WBC 38A (Dallas: Word, 1988), 782.

45. Richardson, “Law and Religion,” 10.

46. The reason for Paul’s letter to the Romans is variously explained, but seeing it as a document intent on galvanizing support for Paul’s intended expansion of his missionary activities to the west, and simultaneously serving as a letter recommending Paul, are convincing. See Luke Timothy Johnson, *The Writings of the New Testament: An Interpretation*, rev. ed. (Minneapolis: Fortress, 1999).

lingering impact of Claudius's expulsion of the Jews in 49 CE.⁴⁷ The four similar commandments and chiasmic recapitulation in Rom 13:8–10 form a “demi-decalogue, a Christian embodiment of the whole law.”⁴⁸ Romans 13:8–10 fits into the larger argument of the letter, which deals with a number of issues, but all of which are embedded in Paul's argument in a letter on God's impartial faithfulness toward all people, Jew and gentile, with a corresponding need for all to be obedient to God, to all of which νόμος is connected.⁴⁹

Paul's letter to the Romans is for this reason (also) understandably rich in references to νόμος.⁵⁰ A brief statistical count already shows, even when the comparative length of Romans is taken into account, that νόμος features prominently in the letter.⁵¹ As usual, statistical presence and scope or spectrum of reference can only be the beginning of analyzing the use

47. E.g., Mark D. Nanos, *The Mystery of Romans: The Jewish Context of Paul's Letter* (Minneapolis: Fortress, 1996); Stanley K. Stowers, *A Rereading of Romans: Justice, Jews and Gentiles* (New Haven: Yale University Press, 1994); John L. White, *The Apostle of God: Paul and the Promise of Abraham* (Peabody, MA: Hendrickson, 1999).

48. Jewett, *Romans*, 805.

49. The central argument of the letter has been variously structured to run to chs. 6 or 8, or in some instances ch. 11 or even all the way to ch. 15. Johnson (*Writings of the New Testament*) follows Stowers, seeing Romans as a diatribe and sustained argument. Nanos (*Mystery of Romans*, 9–10): Paul's concern is to avert an ethnocentric or Christian-gentile exclusivism of Jews by the early Christian community in Rome. The early, negative portrayal of the gentile world in Rom 1:18–32 is revealing. Romans 1:18–2:29 and 11:13–24 can be seen as the framing brackets of the argument that gentile Christians cannot boast in contrast to either the sinfulness of gentiles or the disobedience of Jews vis-à-vis Jesus, since in both cases it is only faith that has secured their own reversal (Nanos, *Mystery of Romans*, 12 n. 26). For obedience to God, see Nanos, *Mystery of Romans*, 226.

50. The strong presence of νόμος in Romans has evoked various explanations, more often along the conventional format of the author's intention but at times also from the perspective of its literary-rhetorical purpose; all too often sociohistorical context is neglected in such explanations.

51. Of the 178 results of a word search in Logos Bible Software on the root of νόμος, 86 results are found in Romans alone, compared to 66 in all the other authentic Pauline Letters (1 Cor: 23; 2 Cor: 1; Gal: 39; Phil: 3); and 26 occurrences in the deuterio-Paulines (Eph: 8; Col: 2; 2 Th: 3; 1 Tm: 7; 2 Tm: 1; Tit: 5). Of the last four chapters of the sixteen-chapter Romans, νόμος is used only three times, two of which are in the three-verse passage under discussion here. Thielman (“Law,” 540) may be overstating the case when he argues, “Paul's purpose in Romans was probably at least in part to correct misunderstanding about his view of the Law.”

and purpose of words and notions in arguments and contexts. In the Pauline Letters generally νόμος can refer to law or precept in general (e.g., Rom 8:2), to the Mosaic law (e.g., Rom 2:15), the Scriptures of Israel (Rom 3:19), and even the Jesus follower tradition (Rom 3:27).⁵² Although νόμος in Rom 13, with its likely reference to LXX texts from Exodus and Deuteronomy, primarily refers to the Mosaic law, the Scriptures and the Jesus follower traditions, too, cannot be excluded from its semantic spectrum in this passage altogether—but the still wider-reaching impact of νόμος also requires attention.⁵³

In its sociohistorical, imperial context Roman law was ubiquitous and determinative of people's lives and scripted issues of justice and power as much as morality and daily lives. Roman law in the first century CE, as, for example, Augustus's laws against adultery, even attempted to arrange and regulate public morality.⁵⁴ More than morality, the Roman emperors and their "spin doctors" promoted the propaganda that Roman law brought peace to all people.⁵⁵ The explicit references to aspects of Jewish law and

52. Davies also makes a fourfold distinction in the understanding of *torah*: commandments (*mitzvot*) to be obeyed; the history of the people of Israel, messages of significant prophets of Israel, and the wisdom traditions; wisdom after the pattern of which and by means of which God created the world; the whole of the revealed will of God in the universe, in nature, and in human society. W. D. Davies, "Paul and the Law: Reflections on Pitfalls in Interpretation," in *Jewish and Pauline Studies* (Philadelphia: Fortress, 1984), 92–93.

53. Richardson ("Law and Religion," 13): "The law is not a self-contained system independent of society with its complex social, cultural and religious dimensions. For law is not simply the private playground of legal professionals; it develops out of other rules of society, especially moral and religious rules."

54. In social legislation in 18–17 BCE, Augustus pursued his so-called moral revolution through, inter alia, two laws, the *lex Iulia de maritandis ordinibus* and the *lex Iulia de adulteriis*. Elsewhere Pauline rhetoric on body and celibacy was contrasted with Augustus's legislation against celibacy, childlessness, and adultery. See Punt, "Paul's Jewish Identity." Jewett (*Romans*, 808–9) points out that the "fulfill" notion more readily finds parallels in Greek or Roman than Hebraic material, e.g., an official inscription celebrating Augustus for fulfilling people's hopes (*BMusIn* 4.1 no. 894.12), and in Hellenistic Judaism, e.g., Philo's reference to a nation fulfilling moral law by honorable deeds (*Praem.* 83).

55. Today, it may be argued that having to pay taxes to a dominating, hegemonic, and oppressive regime was only one aspect where the legality and morality of Roman law was seen to part ways, and where Roman law's protection of the interests of the elite is evident.

the Decalogue with νόμος in Rom 13:8–10 sit next to the infamous Rom 13:1–7 with its insistence on submission to the authorities (Πᾶσα ψυχὴ ἐξουσίαις ὑπερεχούσαις ὑποτασσέσθω), complete with divine sanction (οὐ γὰρ ἔστιν ἐξουσία εἰ μὴ ὑπὸ θεοῦ, αἱ δὲ οὕσαι ὑπὸ θεοῦ τεταγμέναι εἰσίν), implicitly referencing Roman law. It was Roman dominance that reduced local laws “from *nomoi* (laws) to *ethê* (customs)—customs kept in force by the force of good will of the Roman authority.”⁵⁶ Not only considering how Paul’s rescripting of νόμος as living in love could have resonated in first-century Rome, reference to it raised issues linked to identity negotiation and community formation.⁵⁷

Romans 13, νόμος, and Identity Negotiation

Paul’s religious, Jewish perspective informed by the Scriptures knew the power of a personal God, which replaced the neutral force of nature that is equated with deity.⁵⁸ The supremacy of God remains intact over time, and God’s essence is found in God’s power.⁵⁹ From a Jewish perspective, “as

56. Judith Perkins, *Roman Imperial Identities in the Early Christian Era* (London: Routledge, 2009), 14. Before Caracalla’s grant of citizenship (*Constitutio Antoniniana*) in 212 CE, Carrié suggests that Roman law in provincial cities provided for local laws as long as they did not contradict Roman laws. Jean-Michel Carrié, “Developments in Provincial and Local Administration,” in *The Crisis of Empire, A.D. 193–337*, ed. Alan K Bowman, Averil Cameron, and Peter Garnsey, 2nd ed., CAH 12 (Cambridge: Cambridge University Press, 2005), 274; cf. also Perkins, *Roman Imperial Identities*, 14.

57. Crossley (*New Testament and Jewish Law*, 21) citing various examples from Josephus, provides evidence of “several first century Palestinian examples of the combustible elements involved with the Torah under imperialism.”

58. As Grundman explains, in the Scriptures of Israel the focus is not on power itself, as independent entity, but rather “the will which it must execute and serve.” As all demonstrations of divine power, the exodus event rules supreme (e.g., Exod 15:6, 13; 32:11; Deut 9:26), with Deut 3:24 as typical of its significance and with many indications (e.g., Neh 1:10; Isa 10:33) that similar future events are not precluded. See Walter Grundmann, “*dýnamai*,” in *Theological Dictionary of the New Testament: Abridged in One Volume*, ed. Geoffrey W. Bromiley (Grand Rapids: Eerdmans, 1985), 187.

59. In Second Temple Judaism, the Scriptures’ emphasis on God’s power as demonstrated in the exodus is retained and even heightened by the Maccabean deliverance. In New Testament times, the emphasis shifted to eschatological deliverance (but see already Isa 2:19; Ezek 20:33), with daily life as a battlefield of good and hostile forces inhabiting the space between God and people.

regards the saving power of God, it is found in the law. The strength that God gives his people is none other than the law. By the law he creates the world, directs his people, and gives sanctification and power to those who obey it. The law is thus saving power as the revelation of God's will."⁶⁰ Such an understanding of νόμος is, of course, theological but not necessarily in the sense of a historical, Protestant Christian script.

As the early communities of Jesus followers morphed into (incipient) Christianity, an emphasis on and preference for faith, dogma, and conversion developed—in which νόμος as law figured prominently—but which are notions that are not quite adequate for portraying religion in first-century Roman times. Amid much variety, Roman religious forms were about actions, performing state and local rituals to appease the gods, even if ancient religions were not totally devoid of beliefs.⁶¹ Religion in imperial times was predominantly a matter of participation in rituals.⁶² Officially sanctioned ritual activities constituted religion in the eyes of the Romans. Notwithstanding some theological reflection (e.g., Cicero's *De natura deorum*), religious rites were what constituted reality for the general populace.⁶³ Religious persuasion did not have to be translated into action since the latter established the former, given traditional understandings of the relationships between gods and humans. Insisting on relationships based on love but in line with νόμος, indicates the Romans

60. Grundmann, "dynamai," 188.

61. See, e.g., H. S. Versnel, *Coping with the God: Wayward Readings in Greek Theology*, RGRW 173 (Leiden: Brill, 2011).

62. Christopher Bryan (*Render to Caesar: Jesus, the Early Church and the Roman Superpower* [Oxford: Oxford University Press, 2005], 117): "The ritual was what mattered, rather than any doctrinal or theological rationale," which augurs against the validity of a construct such as "Roman imperial theology." See also Warren Carter, *The Roman Empire and the New Testament: An Essential Guide*, Abingdon Essential Guides (Nashville: Abingdon, 2006); John Dominic Crossan, "Roman Imperial Theology," in *In the Shadow of Empire: Reclaiming the Bible as a History of Faithful Resistance*, ed. Richard A. Horsley (Louisville: Westminster John Knox, 2008), 59–73; Crossan and Jonathan L. Reed, *In Search of Paul: How Jesus's Apostle Opposed Rome's Empire with God's Kingdom; A New Vision of Paul's Words and World* (New York: HarperSan Francisco, 2004), 10.

63. A notion underwritten by the frequent references to the unacceptable practices (primarily of not showing deference to Roman gods) rather than improper belief, reasoning, or philosophy: "So, for pious Romans, Christians who refused to sacrifice were evidently atheoi—atheists." Bryan, *Render to Caesar*, 118.

letter's concern with "religion" in a broad sense, not to be divorced from "nonreligious" spheres of life.⁶⁴

By invoking the Scriptures, νόμος is grounded and explained in the negotiation of the identity of the Jesus-follower communities in Rome. Reference to νόμος in Rom 13 in the context of the Scriptures but also within the larger Romans letter, is an instance of cultural memory that attempted to link three elements: memory (the contemporized past), culture, and the community.⁶⁵ From Paul's earlier to later letters, the story of Abraham as mediated through Paul's use of the Scriptures is often presented as the basis of the identity of the Pauline communities, as is explicitly the case in Rome (Rom 4) and Galatia (Gal 4). Alan Kirk adds, "through narration of its master narrative a group continually reconstitutes itself as a coherent community, and as it moves forward through its history it aligns its fresh experiences with this master narrative, as well as vice versa."⁶⁶

Romans 13, νόμος, and Community

In another (earlier) letter, Galatians, νόμος features as prominently in Paul's response to the recipients (and indirectly to his opponents), in an argument with a renewed focus on the primeval covenant, according it an imperial-like nature. Paul in addressing a largely gentile environment then nevertheless set up a distinction between two understandings of the covenant, built respectively on what he called the promise and the law. While this position respects the importance of the covenant for Jewish identity and self-definition, Paul emphasized the covenant as deriving from (reliance on) the promise and not from (affiliation through) the law.⁶⁷ Such sentiments are carried through to the later letters and are found in Romans

64. Horsley ("Empire, Temple and Community," 163): "'Religion' is embedded with kinship and/or local community life and/or 'the state' in virtually any traditional agrarian society, and hence is inseparable from political and economic matters." See, e.g., Crossley (*New Testament and Jewish Law*, 20) on the importance of the physical performance of the law.

65. Jan Assmann, "Collective Memory and Cultural Identity," *New German Critique* 65 (1995): 129.

66. Alan Kirk, "Social and Cultural Memory," in *Memory, Tradition, and Text: Uses of the Past in Early Christianity*, SemeiaSt 55 (Atlanta: Society of Biblical Literature, 2005), 5.

67. James D. G. Dunn, *The Epistle to the Galatians*, BNTC 9 (Peabody, MA: Hendrickson, 1993), 429.

as well. Theologically Paul argued that all people sinned and are judged by the law (Gal 2:15–21; cf. Rom 1:18–3:20) and therefore that repentance and faith are required of all people, Jews and gentiles.⁶⁸ However, to close the letters off into theological positions goes beyond the letters' concerns, which would at least for the first century have included a wider, sociocultural (for want of better terms) reach.⁶⁹

The Pauline Letters urged the followers of Jesus to take up a new, reformed identity, not as abstract ideal, but an identity closely connected to the letters' vision of a new community, establishing a reciprocal relationship between identity and community.⁷⁰ Taking a cue from Josephus (*Ant.* 18), and the Jewish tradition that εὐσέβεια signals the first five commandments of the Decalogue, and δικαιοσύνη the remaining five, Paula Fredriksen connects Paul's emphasis on νόμος strongly to community.⁷¹ "Thus, in the same place where Paul reviews the sins of the flesh that Christ-following pagans have left behind (Rom 13:13–14), and where he speaks urgently of the impending end (13:11–12), he also lists the commandments of the Second Table (13:9–10). 'Righteoused' pagans, spirit-filled, enabled by their commitment to Christ and, through him, to God, act 'righteously'

68. The instruction "to love one another" was not unique to Paul and to the Scriptures, but has numerous parallels in Greek, Jewish, and apocalyptic literature (e.g., T. Zeb. 8:5; CD 6:20–21; Appian 2.2.20; Isocrates, *Demon.* 1). It is repeated elsewhere in the Pauline Letters (e.g., 1 Thess 3:12; Gal 5:13; cf. 2 Thess 1:3; 4:9). See Jewett, *Romans*, 806–7. Unlike Dunn, Jewett sees the reference of ἀλλήλους as members of the immediate assembly and not all those in the broader social context of the city.

69. Jeremy Punt, "Religion, Sex and Politics: Scripting Connections in Romans 1:18–32 and Wisdom 14:12–14," *HvTSt* 73 (2017): 1–8. The position that Rom 13:8–10 is all about regulating behavior at "agape meals of house and tenement churches of Rome" (Jewett, *Romans*, 804–15) is attractive for arguing the social reach of the text; however, the extent to which well-established communities and "agape meals" already existed, is not clear. Claims about the arthrous use of ἀγάπη in Rom 13:10 (Jewett, *Romans*, 814), indicating topicalization, is only one possible explanation, and not altogether convincing; the same applies to the anarthrous use of νόμου in 13:10.

70. As Krister Stendahl (*Paul among Jews and Gentiles and Other Essays* [Philadelphia: Fortress, 1976]) has argued, the Pauline Letters' primary goal is the social issue of the integration of gentiles into the messianic communities, and the controversy about νόμος was not the temptation of legalism but attempts to impose the Jewish law upon gentile converts.

71. Paula Fredriksen, "Paul's Letter to the Romans, the Ten Commandments, and Pagan 'Justification by Faith,'" *JBL* 133 (2014): 801–8. In his letters, Paul never used εὐσέβεια, but frequently used δικαιοσύνη, thirty-six times in Romans alone.

toward others in community.”⁷² Picking up on the previous verse’s sentiment (ἀπόδοτε πᾶσιν τὰς ὀφειλάς), Rom 13:8 urges relationships free of debts toward others, a position that aligns well with ancient concerns and anticipates the weak-strong discourse of Rom 14.

However, the darker side of revisionist hermeneutics and identity-advocacy is that they are implicated in power, assuming the right to challenge existing convention while offering different and even subversive alternatives. Absolute claims inevitably lead to rigid categories, and strong boundaries have a way of calling out for their own protection, as well as for the custody of those inside. Dissent is outlawed and compromise unwarranted, especially in a world perceived to be dominated by the struggle of good and evil, and encouraging divisions necessarily gives rise to exclusion and, depending on control over power and ideology, also marginalization (see, e.g., Rom 1:29–32; 6:16–20).

Conclusion

The prevalence of νόμος in Romans and the sheer volume of scholarly writing on νόμος in the Pauline Letters require a modest approach in any short study, and the focus here was on a cultural studies reading of νόμος in Rom 13:8–10. Ironically, acknowledging a first-century life and world experienced as unified in its different spheres of existence, the equally sociopolitical and religiously significant lives people lived because they had no other option, can and do enhance theological work including biblical interpretation. Depending on the particular understanding of the concept of theology, it can of course also include a range of sociocultural aspects, but probably one of the most crucial, if simple, aspects of life in the first century was its integrated nature, where people did not experience sociocultural, economic-political, or religious dimensions of their lives as separate entities.⁷³ This is why a cultural studies-focused rather

72. Fredriksen, “Paul’s Letter to the Romans,” 808. Within apocalyptic, first-century Hellenistic and gentile-oriented Judaism, δικαιωθέντες ἐκ πίστεως confirms Paul’s Jewishness. With δικαιοσύνη as summary of the second table of the law and πίστις as “conviction, steadfastness, or loyalty” (not “faith or belief”), the Pauline Letters indicate people’s Spirit-enabled ability to act toward each other in community in line with the torah.

73. The biblical world is portrayed as agrarian, notwithstanding the increasing inclusion of the urban situation in the New Testament. An agrarian society is charac-

than a theological-conventional hermeneutics can better appreciate the rhetorical use of νόμος in the Pauline Letters. It deals with the wider ambit of νόμος, including its strong social or community-sustaining and identity-formative functions as seen in Rom 13:8–10, where torah commandments and emphasis on neighborly love are prioritized, made indicative for the identity of Jesus followers and foundational for the community of believers and its internal relationships.

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terized by "the emergence of world religions, the process of urbanisation, the growth of conquest states, the increase of inequality in social stratification and the increase of the scarcity of resources." Andries G. Van Aarde, "The Epistemic Status of the New Testament and the Emancipatory Living of the Historical Jesus in Engaged Hermeneutics," *Neot* 28 (1994): 578–79. Before the dawn of the contemporary technological world or information age, Frederick C. Grant (*An Introduction to New Testament Thought* [New York: Abingdon, 1950], 303) already argued that the reason for the perceived "impracticality" and "impracticability" of the gospel can be explained by an "overgrown urban and industrial society."

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Paul's Definition of "Circumcision of the Heart": A Transcultural Reading of Romans 2:28–29

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It is plausible that Paul could not really have imagined the impact his use of the notion of "circumcision of the heart" would have on the history of early Christianity. It is hard to believe that Paul would have intended to use this notion as a main exegetical tool for disqualifying Judaism in favor of Christianity, provided that this later established contraposition might have had any sense at the time.

In the end, the assumption that a religious behavior should reflect both exterior and interior attitudes—so to say both heart and flesh—was not alien to many coeval streams of Judaism during the Second Temple period. Most of them shared a common interest in disciplining the believer's life in every aspect and encouraging a way of life that would associate ritual observance with a clear intention of the mind—heart—as well as remove any mechanical adhesion to religious practices. Besides, this common interest has been well proven by recent scholarship in Jewish studies and religious studies. For instance, E. P. Sanders's seminal work *Paul and Palestinian Judaism* evinced many similarities between Pauline and Pharisaic theology, especially when trying to determine what the proper religious behavior of a pious individual at the time should be.¹

The greatest accomplishment of Sanders's work has been to draw attention to the fact that Paul never conceived of himself as a sort of convert

1. Sanders contextualized Paul within the social, religious, and intellectual life of Second Temple Judaism, rejecting Billerbeck's unscientific selections from rabbinic literature but also concluding that Paul shared significant similarities both with the Qumran community and the Pharisaic movement. See E. P. Sanders, *Paul and Palestinian Judaism: A Comparison of Patterns of Religion* (Philadelphia: Fortress, 1977); and Jörg Frey, "Paul's Jewish Identity," in *Jewish Identity in the Graeco-Roman World*, ed. Jörg Frey, Stephanie Grippentrog, and Daniel R. Schwarz, AGJU 71 (Leiden: Brill, 2016), 285–321.

to Christianity, as if it made any sense to postulate a rigid contraposition between two emerging, yet cognate forms of religious belief: early Christianity and early rabbinic Judaism. In addition to this, Gabriele Boccaccini's works on middle Judaism have proven that Judaism during the period was particularly rich and variegated, manifesting multiple alternatives in conceiving of a pious religious life.² Emerging Christianity and rabbinic Judaism were no exception. Only later would they have begun to compete with one another in the form that has been transmitted for centuries—the former claiming the outdatedness of the latter and the latter claiming the polytheistic nature of the former. This contraposition—here admittedly reported in a simplified form—was caused by a concomitant number of causes and also reflected contrasting theological-political interests at the verge of the expansion of the Roman Empire.

In the present study, I will not address the historical, cultural, and political reasons that led to an increasingly stronger contraposition between Christianity and Judaism. I will rather try to analyze—and deconstruct—the Pauline notion of the circumcision of the heart that has played a remarkable, if not fundamental role in advocating the spiritual supremacy of Christianity over a “legalistic” Judaism. I will propose a transcultural reading of Rom 2:28–29, which has been notoriously used for centuries in opposing Judaism to Christianity, in terms of a reminiscent Neoplatonic opposition between body and spirit. More specifically, I will argue that a rigid contraposition between Christianity and Judaism is also built on a philosophical reception of the Pauline notion of circumcision of the heart that assigns to Judaism the role of a bodily religion and Christianity the role of a spiritual religion.

In contrast to this, I will advocate a sort of transcultural approach to Paul's Epistle to Romans with the intention to show how this specific, traditional reception of Paul is not inherent to his conceptuality, as if some passages from his Epistle to the Romans cannot but designate, voucher, and justify such a contraposition between Christianity and Judaism. On the contrary, on the basis of a number of presuppositions from critical studies and translation studies, I will rather assume that this philosophical reception is a cultural product—which is, as such, sensitive to a number of

2. See, for instance, Gabriele Boccaccini, *Middle Judaism: Jewish Thought, 300 BCE–200 CE* (Minneapolis: Fortress, 1991); Boccaccini, *Beyond the Essene Hypothesis: The Partings of the Ways between Qumran and Enochic Judaism* (Grand Rapids: Eerdmans, 1998); and especially Boccaccini, *Paul's Three Paths to Salvation* (Grand Rapids: Eerdmans, 2020).

linguistic and ideological presuppositions, not necessarily implied by the already complex Pauline discourse.³

My study will be divided as follows: a first examination of a famous passage from Paul's Epistle to the Romans from a formal perspective; a second reexamination of the same passage from a poststructural perspective; a third, conclusive reexamination of the same passage from a trans-cultural perspective. More specifically, I will try to hold three different assumptions: first, that Paul's use of circumcision of the heart has been used to install a binary contraposition between body and spirit; second, that this given contraposition is based on a number of Neoplatonic presuppositions that are inherent to the Greek language but not necessarily to Paul's conceptuality; third, that this binary contraposition between body and spirit can be deconstructed by providing a transcultural reading of Paul, namely, rereading him in Syriac and (Modern) Hebrew.

A Formal Reading of Romans 2:28–29: A Binary Contraposition

For he is not a Jew, which is one outwardly; neither *is that* circumcision, which is outward in the flesh: But he *is a* Jew, which is one inwardly; and circumcision *is that* of the heart, in the spirit, *and* not in the letter; whose praise *is* not of men, but of God. (Rom 2:28–29 KJV)

3. Modern scholarship—and especially the so-called New Perspective on Paul movement (James D. G. Dunn, ed., *The New Perspective on Paul* [Grand Rapids, Eerdmans, 2004] and Dunn, *The New Perspective on Paul: Collected Essays*, WUNT 185 [Tübingen, Mohr Siebeck, 2007])—has had the merit of putting Paul in a wider context, both treating him in relation to other coeval movements of Second Temple Judaism and interpreting the resonance of his notion of the law with modern philosophy of law. Nevertheless, there is an important difference in examining Paul: modern scholarship on Paul emerging from religious studies understands Paul specifically in historical terms, whereas modern scholarship on Paul emerging from Jewish studies and contemporary philosophy (such as Scholem, Taubes, Boyarin, Badiou, Žižek, and Agamben) still indulges in the stereotype of considering Paul as the “abolisher” of Jewish law. See Daniel Boyarin, *A Radical Jew: Paul and the Politics of Identity*, Contraversions 1 (Berkeley: University of California Press, 1994); Slavoj Žižek, *The Ticklish Subject: The Absent Centre of Political Ontology* (London: Verso, 1999); Alain Badiou, *Saint Paul: The Foundation of Universalism*, Cultural Memory in the Present (Stanford: Stanford University Press, 2003); Jacob Taubes, *The Political Theology of Paul* (Stanford: Stanford University Press, 2004); and Giorgio Agamben, *The Time That Remains: A Commentary on the Letter to the Romans*, Meridian (Stanford: Stanford University Press 2005).

At this point in the analysis, it is particularly important to approach the text with a purposefully naïve assumption—namely, with the expectation that the perimeter of Paul’s conceptuality falls fully within the boundaries of the Greek language and therefore no other supplementary explanation would be required. In other words, the economy of Paul’s concepts would be fully Greek and inherent to the Greek conceptuality—with the obvious consequence that further clarifications on the nature of this difficult passage should come from within Greek—or, better put, Jewish Hellenistic—culture.⁴ On a formal level, this passage holds three interconnected claims.

First, there are two kinds of pious individuals who claim to be Jewish: the one who does it apparently and the one who does so covertly. Second, only those who are covertly Jewish will be regarded as truly Jewish. Third, only those who are covertly Jewish and therefore truly Jewish will be praised by God. As a consequence of these three interconnected claims, Paul then exhorts any believer in Christ to conform to this assumption and pursue a way of being covertly Jewish—namely, by observing the prescription of being circumcised in the heart rather than being circumcised in the flesh.

It is clear that the notion of the circumcision of the heart has the function of reinforcing the already established contraposition between what is apparently and what is covertly Jewish. This distinction is designated by two Greek expressions: respectively, ἐν τῷ φανερῷ and ἐν τῷ κρυπτῷ. An important question then arises: Is the contraposition between *appearance* and *secrecy* intended in actual or metaphorical terms?

Paul’s lexical choice seems to exclude that he is referring to a sort of physiognomic contraposition. As far as circumcision, as literal incision of the foreskin of a Jewish male individual, might have the historical function of providing an apparent mark of distinction at least among males, Paul’s mobilization of the notion of circumcision of the heart seems to suggest that he is not referring to a difference in behavior and therefore that the contraposition that he claims would rather be metaphorical. In other words, it would not reflect a distinction in someone’s “flesh” (σάρξ)

4. These preliminary considerations should not lead to the mistaken conclusion that Paul’s letters are void of tensions and latent conflicts with coeval Second Temple Judaism. On the contrary, I acknowledge that Paul’s statements on the Jewish law and the condition for entering into the new covenant are controversial, but I also claim that they are coherent—albeit relatively occasionally and mostly in the Letter to the Romans—which is different from what Räisänen holds. See Heikki Räisänen, *Paul and the Law*, WUNT 29 (Tübingen: Mohr Siebeck, 1983).

but rather in his "spirit" (πνεῦμα), as Paul himself strongly holds. There would be no religious physiognomy at stake but only a specific attitude that is itself covert to humans—but not to God, who is the ultimate judge of the individual. With respect to this, the notion of the circumcision of the heart would reinforce the aforementioned opposition between appearance and secrecy—which in turn reflects the opposition between "flesh" (σάρξ) and "spirit" (πνεῦμα).

On account of this, Paul's line of thought would read as follow: there is an apparent Jewish individual and a covert Jewish individual whose membership to the people of God is respectively built on flesh and circumcision of the flesh and spirit and circumcision of the heart; however, only a covert Jewish individual will be regarded as truly Jewish, especially because God will praise the one but not the other.

On a formal level, Paul's argument would appear to be circular: whoever builds his faith on the circumcision of the heart will be praised, exactly because they build their faith on spirit and not on flesh, since no one will build their faith on flesh rather than spirit. As we are about to see, this slightly tautological argument is then supplemented by a further notion, that of letter.

A Poststructural Reading of Romans 2:28–29: A Supplementary Contraposition

A poststructural reading of the same passage from Paul's Epistle to the Romans does not contradict the previous analysis but rather shows how the aforementioned contraposition between body and spirit supports not only the prominence of the circumcision of the heart over the circumcision of the flesh but also the prominence of orality over letter. This can easily be evidenced from a poststructural perspective, namely, from a philosophical perspective that does not take the opposition between body and soul for granted but, rather, questions the very nature of the opposition.

This specific reading obviously elaborates on a number of premises from poststructural philosophy, namely, from Jacques Derrida's deconstruction and his treatment of the notion of "trace" and "supplement." Before offering a poststructural reading of this passage, it is necessary to provide a methodological clarification on the way in which deconstruction will be used in the present case.⁵

5. The methodology that I intend to use here consists of a combination of philol-

The conventional understanding of deconstruction is deeply influenced by its reception by both some Italian and American intellectuals, who have fundamentally understood it as a sort of radical hermeneutics, an almost sophistic way of interpreting texts under the controversial assumption that there is nothing outside the text and therefore that the reader is the only one actually responsible for the ontological fact that there is a text. In other terms, a hermeneutical understanding of deconstruction suggests that the reader is granted an extreme freedom of interpreting the text, whose rules can be explained, bent, or broken, regardless of their inner structure.

A subtler, less common understanding of deconstruction suggests a different approach to the text and refrains from these hermeneutical excesses. When interpreted in continuity with the post-Hegelian history of philosophy, deconstruction manifests some typical traits of the so-called critical theory and has a specific purpose: to analyze the structure of a given text and to expose its ideological components. In other words, whereas a radical hermeneutical approach to deconstruction seems to vouch a looser way of interpreting texts, a post-Hegelian approach to deconstruction rather suggests that a reader will examine a text by a specific assumption: a text typically manifests a set of binary oppositions that provide the fundamental concepts at work but also a set of heterogeneous elements—traces, marks, or supplements—whose function is to supplement the textual structure that would otherwise be unable to subsist.

In other words, the traditional, fundamental opposition between body and spirit is not a natural product but rather a cultural product, whose deep structure involves a number of presuppositions that remain unexpressed. One of them surely is the opposition between orality and letter, to which Paul alludes here only indirectly, in an almost cursory way, by assuming that the series of oppositions here considered—apparent versus covert, flesh versus spirit, circumcision of the flesh versus circumcision of the heart—also rely on a supplementary opposition that, in the present context, is only hinted at. Paul alludes to it only in passing, while providing

ogy and deconstruction. It is a methodology that I have successfully used on three separate occasions: during my first confrontation with Augustine's texts (Federico Dal Bo, *La Legge e il Volto di Dio: La rivelazione sul Sinai nella letteratura ebraica e cristiana* [Florence: La Giuntina, 2004]); in my gender-studies commentary on the Talmud (Dal Bo, *Massekhet Keritot: Text, Translation, and Commentary*, Feminist Commentary on the Babylonian Talmud 7 [Tübingen: Mohr Siebeck, 2013]); and in my monograph, Dal Bo, *Deconstructing the Talmud: The Absolute Book* (London: Routledge, 2019).

some details on the fundamental opposition between the apparent Jew and the covert Jew: "circumcision *is that* of the heart, in the spirit, *and* not in the letter" (Rom 2:29 KJV).

At first, it is clear how the Greek expression ἐν γράμματι has the rhetorical function of emphasizing the opposition between an apparent Jew against a covert Jew, as already examined. In other words, the opposition between the circumcision of the flesh and the circumcision of the heart would be the same that there is between writing and spirit. Therefore, this allusion to "letter" (γράμμα) would reinforce the aforementioned opposition between circumcision of the flesh and circumcision of the heart and, by extension, between an apparent Jew and a covert Jew.

Yet one cannot emphasize enough how this Greek expression implicitly mobilizes a number of presuppositions that a Hellenized Jew of the time would hardly have failed to appreciate, namely, the Platonic polemics against "writing" (γραμμή) that is fundamentally opposed to the creative ability of "speech" (φωνή), as eloquently reported in his most famous dialogue, the *Phaedrus*.⁶

With respect to this, it is then important to note how Paul's argument in favor of being a covert Jew actually relies on a number of Neoplatonic presuppositions: the opposition between "flesh" and "spirit" as well as the opposition between "writing" and "orality." With respect of this, Paul's argument could be rephrased—as it actually was—in rigorous philosophical terms, showing how specific ritual forms of Judaism should be rejected out of a number of philosophical presuppositions. When rephrased philosophically, Paul's argument might sound as follows: God has commanded to be circumcised but this order should be interpreted according to two simultaneous assumptions—namely that spirit is superior to body and that spiritual exegesis is superior to literal exegesis—with the consequence that one should be circumcised in the heart rather than being circumcised in the flesh. This traditional reading of Paul's Epistle to the Romans has traditionally reinforced Christian anti-Semitism and suggested that Judaism should be accounted as an outdated, carnal, and literal understanding of God's commands.

A poststructural reading of this passage should appreciate the mediating role played by the Greek expression ἐν γράμματι that reinforces, or

6. I am obviously following here: Jacques Derrida, "Plato's Pharmacy," in *Dissemination*, trans. Barbara Johnson (Chicago: University of Chicago Press, 1981), 61–172.

supplements, the metaphysical assumptions that flesh is opposed to spirit, apparent to covert, circumcision of the flesh to circumcision of the heart. In other words, the Greek expression *ἐν γράμματι* does not simply reinforce rhetorically the fundamental oppositions that are at work in Paul's letter but also—and especially—orients its hermeneutical parameters: one should be circumcised in the heart rather being circumcised in the flesh exactly because letter cannot provide that very truth that only spirit can. When interpreted in deconstructive terms, it is clear that the expression *ἐν γράμματι* provides the deepest reason for Paul's opposition between body and soul: it is not simply a matter of body and soul rather a question of deep hermeneutics. Should Scripture be interpreted according the letter or according the spirit? Provided the obvious assumption that one should interpret it spiritually, so should the circumcision of the heart obviously be preferred to the circumcision of the body.

If the analysis of this passage from Paul's Epistle to the Romans is so far correct, one should then conclude that the deep core of his argument is not the Hellenistic opposition between body and soul, but rather the more complex opposition between letter and spirit, which apparently plays a supplementary role but which really plays a fundamental one, since it dictates the direction of Paul's hermeneutics. If it is so, an innovative reading of Paul's Epistle to the Romans can be achieved only by addressing the fundamental opposition between letter and spirit, rather than by providing interesting, yet somehow inconclusive comparative data on the notion of body and spirit in late antiquity or, like Sanders, by showing how Palestinian Judaism was as concerned about spirituality as Paul was.

The major weakness in Sanders's work indeed lies in the effort of providing a historiographical answer to the philosophical issues of opposing letter to spirit. In other words, Paul's argument—the circumcision of the heart is preferable to the circumcision of the flesh out of expressed and unexpressed philosophical presuppositions—cannot be objected to from a cumulative, historiographical perspective, arguing that Palestinian Judaism too had a major interest in spirituality, just like Paul did. Paul's real argument seems rather to lie on the assumption that one can interpret Scripture either “literally” (*ἐν γράμματι*) or “spiritually” (*ἐν πνεύματι*).

A Transcultural Reading of Romans 2:28–29:
A Theological-Political View

A transcultural reading of Paul's Epistle to the Romans starts from the assumption that his argument fundamentally depends on a specific, deeper opposition—the one between letter and spirit.

One should first emphasize that the aforementioned readings of this passage fundamentally rely on a sort of pervading Greek horizon. In other words, a traditional reception of Paul's argument manifests a specifically closed and binary economy as far as it is read in Greek—without transgressing the perimeter of the given assumption that Paul did write in Greek and therefore should be comprehensible only with respect to a given Greek conceptuality.

A transcultural perspective rather rejects these assumptions and argues that Paul, as a Hellenized Jew who was educated in the oral law by Gamaliel, one of the greatest of his times, has surely written his letters in Greek without implying that they should be understood, strictly speaking, as Greek documents. In other words, one might suppose that language and conceptuality do not necessarily coincide and, on the contrary, that one should take into account transcultural and cross-cultural interferences, especially when examining the exceptional texts of a polyglot Jew, whose unprecedented mission was to deliver God's word to the gentiles, that is, delivering the Hebrew message of a Hebrew God to a people whose main communication language was Greek.

This apparently obvious assumption—Paul was a Jew who wrote in Greek for the sake of the gentiles, usually excluded from God's salvation—actually has an important hermeneutical consequence: the content of Paul's epistle might not be coincidental with the actual language in which he delivered it. Therefore, a transcultural perspective should rather be preferred, especially when analyzing particularly controversial passages that have provided for centuries the scriptural proofs that Judaism should be considered an outdated, carnal, and literal religion, in opposition to a new, spiritual, and metaphysical religion like Christianity.

The assumption that language and conceptuality must not always overlap relies on the presupposition derived from translation studies that the process of communicating necessarily involves a gap that becomes especially apparent, when one examines a text and its translations. In the present case, the traditional reading of Paul's Epistle to the Romans relies on the assumption that Paul has originally written in Greek and this would

allegedly justify the conclusion that language and message originally coincided in one single text. Accordingly, Paul should be read in Greek, exactly because it has been written in Greek, with the implication that there would be no gap between his concepts and his chosen language. This is actually a curious argument that not only presupposes an almost metaphysical coincidence between origin, language, and message but is also tendentious. As far as it might seem surprising, the same church fathers who would advocate a reading of the Epistle to the Romans as close as possible to its original Greek did actually object to this assumption, when they took into consideration the very case of Scripture. It is especially relevant to see how Augustine would object that Scripture should be read in translation, namely in Greek, and that any possible contrast between the original Hebrew text and its Greek translation should be resolved by appealing to the latter's authority.

A transcultural approach to the text relies, as anticipated, on the assumption that content and message must not necessarily overlap. When one reads the Epistle to the Romans outside the traditional perimeter of the Greek-Latin tradition and especially when one reads it in its ancient Syriac and Modern Hebrew translation, one sees how the aforementioned conceptuality and its oppositions—apparent versus covert, flesh versus spirit, circumcision of the flesh versus circumcision of the heart—actually fail to sustain a transcultural analysis.⁷

When read in a Semitic language like Syriac or Hebrew, Paul's concepts sound remarkably different and seem to introduce a number of

7. Reading Paul's letters in two translations—in Syriac and Modern Hebrew—enables us to address their critical intellectual history from a broader perspective. By "critical intellectual history," I refer to a way of delivering an intellectual history on the basis of critical theory—whose mission is to analyze how hegemonic forces in a culture seek to marginalize and impose themselves over the oppressed. From a strictly historical point of view, the emergence of Greek, Syriac, and Latin translations of the Bible belongs to two distinct phases in the well-studied history of Bible translations: namely, the First Great Age (200 BCE–fourth century CE) drawn from a Jewish setting, with Greek (Septuagint) and Syriac-Aramaic (Targumim and Peshitta) as target languages, and the Second Great Age (fourth century CE–sixteenth century CE), which stems from a Catholic setting and has Latin as its target language. See: T. Johannes Makutoane and Jacobus A. Naudé, "Towards the Design for a New Bible Translation in Sesotho," *AcT* 28 (2008): 1–32; and, Lamin Sanneh, "Gospel and Culture: Ramifying Effects of Scriptural Translation," in *Bible Translation and the Spread of the Church*, ed. Philip Stine, StCM 2 (Leiden: Brill, 1990), 1–23.

Let's then look at the Syriac and (modern) Hebrew translations of the passage:

οὐ γὰρ ὁ ἐν τῷ φανερῷ Ἰουδαῖός ἐστιν οὐδὲ ἡ ἐν τῷ φανερῷ ἐν σαρκί
περιτομή, ἀλλ' ὁ ἐν τῷ κρυπτῷ Ἰουδαῖος, καὶ περιτομὴ καρδίας ἐν πνεύματι.
οὐ γράμματι, οὐ ὁ ἔπαινος οὐκ ἐξ ἀνθρώπων ἀλλ' ἐκ τοῦ θεοῦ.

[illegible]

כִּי לֹא־הִמְצִין לְמַרְאֵה עֵינַיִם הוּא יְהוָה יְהוּדִי וְלֹא הָאוֹת הִנָּרְאָה בְּבֶשֶׁר הִיא הַמִּילָה כִּי אִם־תּוֹכוֹ שֶׁל אָדָם הוּא יְהוּדִי וּמִילָה הִיא בְּלֵב כָּפִי הָרוּחַ וְלֹא כִּפִּי הַכֶּתֶב אֲשֶׁר־לֹא מִבְּנֵי אָדָם תִּהְיֶה לָּנוּ כִּי אִם־מֵאֵת הָאֱלֹהִים

I will discuss briefly the most important linguistic differences (underlined) before suggesting a transcultural reading of the text.

1. The first notable difference pertains to the rendering of the expression *ἐν γράμματι*. As mentioned earlier, Paul's concepts rely on the hidden opposition between letter and spirit, on which the rest of the consequent oppositions are built. In other terms, the Greek expression *ἐν γράμματι* would immediately recall the ears of an educated Greek-speaker the Platonic myth of the *Phaedrus* and consequently suggest that only orality can provide a significant exegesis of the letter. Yet the translation of this expression in Syriac and Hebrew—respectively ܚܕܝܬܐ and כפי הכתב—suggests a net of different associations; it especially suggests the notion of Scripture (*ha-katur*) rather than one of letter.

2. The second notable difference pertains to the rendering of the expressions circumcision of the flesh and circumcision of the heart. Each of them requires a specific treatment. (a) The notion of circumcision in Hebrew is expressed by the term מילה that is homograph to the Hebrew term for “word” (מילה) and therefore suggests, as such, a notable connection between circumcision and word, as usually happens in rabbinic literature. (b) The notion of flesh is expressed both in Syriac and Hebrew with a term (ܒܫܪ, בשר) that designates not only the actual flesh of the body but also the foreskin of the penis and euphemistically the penis itself.

3. The third notable difference is the rendering, in Syriac, of the expression *ἐν τῷ καρπῷ* with the expression ܕܡܝܬܐ, whose term ܡܝܬܐ specifically designates a covering of the skin, by implication the foreskin.

These hidden connotations complicate the already complex net of overt connotations in the Pauline text and seem to suggest that he might have intended to deliver a theological-political piece of interpretation rather than vouchering the necessity of abandoning a carnal religion (and associated hermeneutics) for a spiritual religion (and associated hermeneutics).

When put in sequence, Paul's concepts translated into Syriac and Hebrew seem to resonate with quite a different number of issues than the so-called original Greek text. Whereas the Greek Paul allegedly elaborates on a Neoplatonic opposition between body and spirit, on whose account circumcision of the heart should be preferred to the circumcision of the flesh, just like introverted Jews should be preferred (by God) to extroverted Jews, a Semite Paul—namely, Paul read in Syriac and Hebrew—seems to aim to something different entirely.

When translated into Syriac and Hebrew, this short passage from Romans seems to offer multiple wordplays that more or less explicitly hint at the very nature of circumcision that are then freely associated with a number of other assumptions: the election of Israel, due to the association

between circumcision and the alliance with God; the connection between circumcision and God's word, due to the homophony between the two words; the assumption that a covet Jew actually is an individual who is uncircumcised and yet still liable of being called a Jew; finally, the assumption that one should not refer to Scripture as such, but rather approach it by oral interpretation.

If this transcultural analysis is correct, one could assume that Paul did actually write in Greek a text, whose interpretation outside its Semite setting actually sounds like the traditional one, founded on the metaphysical opposition between body and spirit but whose concomitant theological-political connotations can be appreciated only when this very text is read back into its Semitic setting. Only in this case would this passage from Paul's Epistle to the Romans sound like an accusation against those Jews who insist on discriminating against the new uncircumcised believers. Against this traditional, if not scriptural interpretation, Paul would then object with a complex argument that not without sapid irony claims the following: these are indeed uncircumcised and the law would command us to discriminate against them, but the new message from God opposes this command and argues that those very people who are uncircumcised are true believers and should eventually be praised by God himself.

With respect to this transcultural reading of Paul, the opposition between letter and spirit—notoriously utilized as the proof for Judaism's metaphysical outdatedness—would then designate something entirely different: the opposition between a religious attitude that posits Scripture at its center and a new religious attitude that posits God's new message at its center.

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Jewish Torah for a Gentile World: A Comparison of Pseudo-Phocylides and Paul Editing Torah and Adapting Ethics in Romans 12:9–21; 13:8–10

Jason A. Myers

Introduction

Almost forty years ago Martin Hengel challenged the reigning paradigm separating the study of the New Testament along the two often opposing lines of Hellenism and Judaism.¹ Nearly twenty years ago, in Hengelian fashion John Barclay attempted a similar effort to the diaspora to show the various ways Jews interacted with non-Jews through assimilation, acculturation, and accommodation.² Nearly three years ago in 2014, at the “Rereading Paul as a Second Temple Jew” conference, Gabriele Boccaccini in his opening remarks to the conference set out three caveats about the Jewishness of Paul. While such caveats set out helpful considerations for any study of Paul, one has a particular bearing on the nature of the study I present here. First, Boccaccini argues that to reclaim the Jewishness of Paul, we need not “prove that he was a Jew like everybody else, or that he was not an original thinker. It is important not to apply to Paul a different standard than to any other Jew of his time.”³

The domain of New Testament ethics has proved to be particularly impervious to these challenges, while Pauline ethics is inimical to such

1. Martin Hengel, *Judaism and Hellenism: Studies in Their Encounter in Palestine during the Early Hellenistic Period* (Eugene, OR: Wipf & Stock, 2003).

2. John M. G. Barclay, *Jews in the Mediterranean Diaspora: From Alexander to Trajan (323 BCE–117 CE)* (Berkeley: University of California Press, 1996).

3. Gabriele Boccaccini, “The Three Paths to Salvation of Paul the Jew,” in *Paul the Jew: Rereading the Apostle as a Figure of Second Temple Judaism*, ed. Gabriele Boccaccini and Carlos A. Segovia (Minneapolis: Fortress, 2016), 3.

demands. Studies of Pauline ethics since Hengel and Barclay have specifically been drawn along the lines they sought to blur.⁴ It is here that the most recent call by Boccaccini becomes particularly important. In the same remarks mentioned above, he goes on to mention, “To claim that finding any idea in Paul that is unparalleled in other Jewish authors makes ‘non-Jewish’ would lead to the paradox that no original thinker of Second Temple Judaism should be considered ‘Jewish.’”⁵ Although Pauline scholarship often acknowledges the various backgrounds to Pauline ethics, many retreat to the standard distinction between Hellenistic and Jewish sources for Paul’s ethics, so that Paul’s affinities with both the Jewish Scriptures and Greco-Roman moral language are often played off one another as the basis for the moral formation of his communities.⁶ Few have sought to offer a historically informed and synthesized account of Hellenistic-Jewish ethics in the time of Paul.⁷

Recently James W. Thompson has proposed that Hellenistic Jewish ethics might provide a more appropriate background for Pauline ethics.⁸

4. Only a sampling of examples are offered here: Abraham J. Malherbe, *Moral Exhortation: A Greco-Roman Sourcebook*, LEC 4 (Philadelphia: Westminster, 1986); Malherbe, *Paul and the Popular Philosophers* (Minneapolis: Fortress, 1989); Troels Engberg-Pedersen, ed., *Paul in His Hellenistic Context* (Edinburgh: T & T Clark, 1994); Brian S. Rosner, *Paul, Scripture, and Ethics: A Study of 1 Corinthians 5–7* (Grand Rapids: Baker, 1999); Troels Engberg-Pedersen, *Paul and the Stoics* (Louisville: Westminster John Knox, 2000); Bruce W. Winter, *After Paul Left Corinth: The Influence of Secular Ethics and Social Change* (Grand Rapids: Eerdmans, 2001); Markus Bockmuehl, *Jewish Law in Gentile Churches: Halakhah and the Beginning of Christian Public Ethics* (Grand Rapids: Baker Academic, 2003); Runar M. Thorsteinsson, “Stoicism as a Key to Pauline Ethics in Romans,” in *Stoicism in Early Christianity*, ed. Tuomas Rasimus, Troels Engberg-Pedersen, and Ismo Dunderberg (Grand Rapids: Baker Academic, 2010), 15–38.

5. Boccaccini, “Three Paths,” 3.

6. Wayne A. Meeks, *The Moral World of the First Christians*, LEC 6 (Philadelphia: Westminster, 1986); Victor P. Furnish, *Theology and Ethics in Paul*, NTL (Louisville: Westminster John Knox, 2009), 25–67.

7. One such exception is Gerd Theissen, “Urchristliches Ethos: Eine Synthese aus biblischer und griechischer Tradition,” in *Kontexte Der Schrift: Kulture, Politik, Religion, Sprache—Text*, ed. Christian Streker (Stuttgart: Kohlhammer, 2005), 209–22.

8. James W. Thompson, *Moral Formation according to Paul: The Context and Coherence of Pauline Ethics* (Grand Rapids: Baker Academic, 2011). Another very recent treatment of the section is offered by Seyoon Kim, “Paul’s Common Paraenesis (1 Thess. 4–5; Phil. 2–4; and Rom. 12–13): The Correspondence between Romans 1:18–32 and 12:2, and the Unity of Romans 12–13,” *TynBul* 62 (2011): 109–39.

He notes that previous studies on Pauline ethics have neglected the important parallel between Hellenistic Jewish writers who faced a situation similar to Paul as they “attempted to be loyal to the Jewish law while communicating it with the terminology of the Greek ethical tradition.”⁹ Thompson argues that Paul faced a task similar to these Hellenistic Jewish writers. The textual focus of *Moral Transformation according to Paul* is limited primarily to Tobit, 4 Maccabees, and the Wisdom of Solomon, with brief glances given to Philo, Josephus, and the Sentences of Pseudo-Phocylides. Much of Thompson’s work is to be commended for its comparative look into the moral formation of Paul’s communities and other Hellenistic Jewish works. However more work remains to be done, specifically regarding the Sentences of Pseudo-Phocylides, often neglected by New Testament scholars.

This essay seeks to offer short comments on the motivations, aims, and goals of the author of Pseudo-Phocylides and Paul’s exhortations in Rom 12:9–21 and 13:10–13. We will note the similarities and differences between the formation of the moral framework of each author to provide insights into the formation of Pauline ethics and use of scripture in Pauline ethicizing. The first section will be dedicated to a short summary of the rhetoric of wisdom sayings and the shaping of the gnomic literature in the rhetorical handbooks. The second section will sketch out very broad contours of Jewish wisdom in the diaspora to place both the Sentences and Paul in their respective context(s). The third section will focus specifically on the Sentences and the fourth section on Paul’s paraenesis in Rom 12:9–21 before turning to address Paul’s summation of the law in Rom 13:10–13. The fifth and final section will offer some conclusions on the symbolic and moral world of each author as well as implications for Pauline ethics and use of scripture.

The Rhetoric of Wisdom

The *Progymnasmata*

The construction of a γνώμη (Latin *sententia*) or maxim was one of the early exercises in the *progymnasmata* and discussed by ancient rhetors.¹⁰

9. Thompson, *Moral Formation*, 15.

10. Malherbe, *Moral Exhortation*, 109–11; David E. Aune, *The Westminster Dictionary of New Testament and Early Christian Literature and Rhetoric* (Louisville: Westminster John Knox, 2003), 300. See further, Seneca, *Ep.* 9.19–21; 33.5–9.

According to Theon, the maxim not only provided an opportunity to learn how to write well, but also formed “good character” as one “exercised in the moral sayings of the wise” (1.60).¹¹ The maxim was closely related to the *chreia* in the exercises. However, the maxim is distinguished from the *chreia* in four ways: (1) a *chreia* is attributed to a person, whereas a maxim is not, (2) the maxim only states universal truths, (3) the maxim is always about “something useful in life,” and (4) the maxim is always a brief saying.¹² When a maxim is attributed to a person it becomes a *chreia*. Likewise, Apothonius states, the maxim was a summary statement that either advocated or dissuaded a person from a course of action (4.25). A *gnome* or maxim could be extended by different types of *chreia* to explain the maxim. A maxim could be followed up by giving a cause, offering praise, providing an example, or by stating the opposite.¹³ Maxims could also be simple, complex, true, or hyperbolic, but in every instance it is marked by a declarative statement.¹⁴ As part of the initial exercises of the *progymnasmata* evidently anyone with a modicum of rhetorical knowledge would have been able to identify, if not produce, their own γνώμη. When we turn to the work of the rhetoricians we find similar features at work in Aristotle and the *Rhetorica ad Herennium*.

Aristotle, *Art of Rhetoric*

Aristotle defined the maxim as, “a statement, not however concerning particulars ... but general” (*Rhet.* 2.21.2). Specifically, the maxim deals with “the objects of human actions, and with what should be chosen or avoided” (*Rhet.* 2.21.2). For Aristotle, the maxim is the starting basis for the *enthymeme* as the maxim contains only the statement (positive or negative) and when the why or wherefore is added, the maxim becomes an *enthymeme*. According to Aristotle, certain maxims are appropriate for certain conditions (*Rhet.* 2.21.7). A good rhetor would not construct a

11. George A. Kennedy, *Progymnasmata: Greek Textbooks of Prose Composition and Rhetoric*, WGRW 10 (Atlanta: Society of Biblical Literature, 2003), 4.

12. Apothonius states that the maxim is “uttered impersonally”; this is also supported by the preliminary exercises attributed to Hermogenes 3.6–7 and Nicolaus 5.25–26 (Kennedy, *Progymnasmata*, 100). For the brevity of maxims, see Kennedy, *Progymnasmata*, 15.

13. Kennedy, *Progymnasmata*, 100.

14. Kennedy, *Progymnasmata*, 99.

maxim in the same way for every occasion. The adaptability of the gnomic literature lends importance to an issue we will need to deal with in a later section, namely the gnomic wisdom of Paul and its relationship to the Roman community. Do the statements of Rom 12:9–23 relate to the situation at Rome or are they generically inserted into Paul's argument with no consideration of his audience? Suffice it to say here, that Aristotle points in the direction of the former, the gnomic instructions are directly related to the situation in Rome.

Most importantly for Aristotle, maxims make a speech ethical. After discussing that maxims are useful because they establish a common place between audience and speaker, he goes on to state a more preferable reason:

This is one of the advantages of the use of maxims, but another is greater; for it makes speeches ethical. Speeches have this character, in which the moral purpose is clear. And this is the effect of all maxims, because he who employs them in a general manner declares his moral preferences, if then the maxims are good, they show the speaker also to be a man of good character. (*Rhet.* 2.21.16)

Aristotle's comments bear several striking implications for Paul's paraenesis in Rom 12:9–23. First, the inclusion of maxims in Romans indicate its ethical character, if one had missed that feature already in Romans. Second, it further specifies Paul's ethical aim in the letter: that of forming morally mature community members. As Richard Hays has stated, "Theology is for Paul never merely a speculative exercise; it is always a tool for constructing community."¹⁵ Third, we gain a glimpse into the moral preferences of Paul himself and what he desires for this community. This is most important as we reflect on the intersection of Pauline theology and ethics, as it becomes clear where his thoughts of Rom 1–11 were pointed as he formulates these ethical maxims directly out of his theologizing in Rom 1–11. Fourth, as Aristotle stated, the good maxims also show the rhetor to be of good character. This aspect is important given Paul's relationship, or more accurately, lack of relationship with the Roman house church(es). If Paul is engendering good will toward the community that he has until now not visited, nor founded, then the gnomic sayings function to establish a character profile for Paul within this church. Through

15. Richard B. Hays, *The Moral Vision of the New Testament: A Contemporary Introduction to New Testament Ethics* (New York: HarperOne, 1996), 18.

the gnomic sayings Paul builds a trustworthy ethos with the community with which he seeks to instruct, challenge, and eventually unite in support for the Spanish mission.¹⁶

Rhetorica ad Herennium

Finally, the author of the *Rhetorica ad Herennium* defines the maxim as “a saying drawn from life, which shows concisely either what happens or ought to happen in life” (Rhet. Her. 4.17.1). The author of this work however offers caution about the employment of maxims and warns that maxims should be inserted only rarely. If they are employed too frequently the rhetor may be seen as “preaching morals” rather than actually making an argument to further the case (Rhet. Her. 4.7.25). This point bears further reflection for our present purposes. One wonders if this author would have viewed the Sentences as the “preaching of morals?” Certainly, the Sentences employ maxims throughout the work without express reasoning attached to such principles. However this is mitigated by the issue of genre, as the Sentences are not explicitly forming a speech to be performed in the forum, but perhaps as John Collins as argued, are aimed at the classroom.¹⁷ The issue is further lessened regarding Paul, as it appears Paul remains within the boundaries that the *Rhetorica ad Herennium* would find appropriate. The rhetoricians and rhetorical handbooks show the elementary nature of the *γνώμη* and its importance for the ethical and rhetorical world of the wisdom writers to whom we now turn.

The World of Hellenistic Wisdom Writers

The diaspora offered a number of unique and unforeseen challenges for Judaism outside Palestine. Without temple and land, diaspora Judaism was forced to reconfigure two of its primary pillars as it sought to live life outside the land. Several of the literary works that survive call attention to the unique task of being the people of God apart from one’s homeland and institutions. Works such as Tobit, Joseph and Aseneth, as well as the Maccabean literature all offer options for Jewish identity amid a for-

16. On maxims and ethos, see James. J. Murphy et al., eds., *A Synoptic History of Classical Rhetoric*, 3rd ed. (London: Hermagoras Press, 2003), 103.

17. John J. Collins, *Jewish Wisdom in the Hellenistic Age*, OTL (Louisville: Westminster John Knox, 1997), 176. See also Malherbe, *Moral Exhortation*, 115.

eign and often hostile dominant culture. Literary works such as the Letter of Aristeas and the Sibylline Oracles indicate that Jewish writers easily adopted the genres and literary features of Greek literature in an attempt to communicate their ancestral heritage to their own community and the wider culture. As Erich Gruen has noted, “They appropriated Hellenism to the goals of rewriting biblical narratives, recasting the traditions of their forefathers, reinvigorating their ancient legends” to shape the distinctive Jewish identity in the diaspora.¹⁸ However the literary endeavors were not just a reformulation of a bygone era, rather as Gruen states, “they strove to present Judaic traditions and express their own self-definition through the media of the Greeks—even to make those media their own.”¹⁹

Hellenistic wisdom literature, and particularly gnomic or sapien-tial wisdom, clearly represents this process of Jewish self-identification through Greek media. Indeed, for centuries the Sentences were regarded as a product of a Greek poet, and it wasn’t until the sixteenth century that Joseph Scalinger pointed out the Jewish origin. As Katell Berthelot warns, “not all Jewish literature is ‘obviously Jewish.’”²⁰ The Hellenistic Jewish wisdom tradition finds itself bridging the gap between its two operative domains: Hellenism and Judaism. The ability to bridge the two domains is indebted to the adaptability of the gnomic literature as a “Gnome is a short sentence giving a rule for conduct in daily life.”²¹ Such literary features are readily applicable in a wide variety of cultures and testify to the lasting influence of easily memorable phrases such as the *γνώμη*.

Adaptability did not necessarily lead to outright rejection or apostasy. Even the author of the Sentences who edited out any specific reference to the law and recast the biblical tradition as paraenesis, still remains indebted to the Jewish scriptures to a large degree.²² As Barclay has argued, “The range of interpretive constructions ... indicates the extraordinary adaptability of this biblical material. Whether as legislation, mystery, constitution, philosophy, founding legend or moral guide, the Jewish Scriptures

18. Erich S. Gruen, “Judaism in the Diaspora,” in *The Eerdmans Dictionary of Early Judaism*, ed. John J. Collins and Daniel C. Harlow (Grand Rapids: Eerdmans, 2010), 83.

19. Gruen, “Judaism in the Diaspora,” 83.

20. Katell Berthelot, “Early Jewish Literature Written in Greek,” in Collins and Harlow, *Eerdmans Dictionary of Early Judaism*, 182.

21. Collins, *Jewish Wisdom*, 159.

22. Collins, *Jewish Wisdom*, 159.

were integral to all the social and intellectual achievements of Diaspora Judaism.”²³ The indebtedness to the Jewish scriptures appears to be one of the mainstays of Hellenistic Jewish wisdom. The Jewish scriptures remain central whether in explicit form as in the case of Ben Sira, or in manner of the Sentences in what Daniel Harrington has called a, “compendium of biblical ethics in non-biblical garb.”²⁴ It is to this compendium that we now turn.

The Sentences of Pseudo-Phocylides

The Sentences are one outworking of the Jewish-Hellenistic wisdom tradition sketched out in the section above.²⁵ Given the limits of this study, we only have space to offer a detailed treatment of the Sentences’ use of the Hebrew Scriptures in the introduction and the moral outlook as summarized in the epilogue.²⁶ Pseudo-Phocylides provides an apt comparison

23. Barclay, *Jews in the Mediterranean Diaspora*, 425.

24. Daniel J. Harrington, “Ethics,” in Collin and Harlow, *Eerdmans Dictionary of Early Judaism*, 608.

25. For general introductory issues see Pieter W. van der Horst, “Phocylides, Pseudo-,” *ABD* 5:347–48; Michael E. Stone, ed., *Jewish Writings of the Second Temple Period: Apocrypha, Pseudepigrapha, Qumran Sectarian Writings, Philo, Josephus*, CRINT 2.2 (Philadelphia: Fortress, 1984), 313–15; Everett Ferguson, *Backgrounds of Early Christianity*, 3rd ed. (Grand Rapids: Eerdmans, 2003), 460–61.

26. Scholarly investigation of the Sentences has been carried out primarily by Horst, Wilson, and Collins and much of the work on the Sentences has been done through a series of articles or chapters with only a few full-length commentaries. Since little work has been done on this subject, their work will form the primary basis for the following section. See Pieter W. van der Horst, “Pseudo-Phocylides and the New Testament,” *ZNW* 69 (1978): 187–202; Van der Horst, *The Sentences of Pseudo-Phocylides*, SVTP 4 (Leiden: Brill, 1978); Van der Horst, “Pseudo-Phocylides Revisited,” in *Essays on the Jewish World of Early Christianity*, NTOA 14 (Göttingen: Vandenhoeck & Ruprecht; Fribourg: Academic Press, 1990), 35–62; Walter T. Wilson, *The Mysteries of Righteousness: The Literary Composition and Genre of the Sentences of Pseudo-Phocylides*, TSAJ 40 (Tübingen: Mohr Siebeck, 1994); Collins, *Jewish Wisdom*, 158–77; Collins, *Between Athens and Jerusalem: Jewish Identity in the Hellenistic Diaspora*, 2nd ed. (Grand Rapids: Eerdmans, 2000), 168–73; Walter T. Wilson, *The Sentences of Pseudo-Phocylides*, CEJL (New York: de Gruyter, 2005); Van der Horst, “Pseudo-Phocylides on the Afterlife: A Rejoinder to John Collins,” in *Jews and Christians in Their Graeco-Roman Context: Selected Essays on Early Judaism, Samaritanism, Hellenism, and Christianity*, WUNT 196 (Tübingen: Mohr Siebeck, 2006), 93–97.

to the apostle Paul in several ways. Both are Jews steeped in the traditions of Israel and aimed at moral formation. Both communicate their moral language using Hellenistic and Jewish forms. Further, the dating of the Sentences in the early to mid-first century also provides an apt parallel to Paul, unlike some of the other Hellenistic-Jewish writings.

The 230 line gnomic poem covers a vast ground of ethical landscapes beginning with a summary of the Decalogue (vv. 3–8), which is immediately followed by a much longer exhortation structured on the four cardinal virtues of ancient moral philosophy (vv. 9–131).²⁷ The summation of the Decalogue indicates the prominent emphasis the author placed on the pentateuchal texts of Exodus 20–23, Lev 18–20, and Deut 5 and 27, an emphasis he shared with Josephus (*Ag. Ap.* 2.190–219) and Philo (*Hypoth.* 7.1–9). The placement of the Decalogue before the cardinal virtues indicates the ethical matrix the author sought to create. The author's placement of the Decalogue in the primary position expresses the relationship the cardinal virtues have with the Mosaic law. The cardinal virtues are part of the ethical outworking of the torah, they are subsequent developments, not only temporally, but also theologically for the author.

Walter Wilson divides verses 9–131 into four distinct units on justice (9–54), moderation (55–96), courage/fortitude (97–121), and wisdom and speech (122–131).²⁸ The rest of the poem is geared toward social relationships (132–227) and then followed up by a short epilogue (228–230). Given the extent and diversity of the poem, we will only concentrate on the author's summation of the Decalogue as this intersects with Rom 13:8–10 and the epilogue as a means to analyze the moral outlook of the Sentences.

Summary of the Decalogue (Ps.-Phoc. 3–8)

After the initial two-verse prologue, the author begins with six verses of infinitive clauses summarizing the Decalogue (Ex 20:3–17; Deut 5:7–21). The author's summary includes the prohibitions against adultery, murder, stealing, and bearing false witness, and it ends with the command to honor

27. Although Collins argues that, "the gnomic poet does not appear to attach any importance to a specific number of cardinal virtues" (*Jewish Wisdom*, 163).

28. Wilson, *Mysteries of Righteousness*, 76. Collins, *Jewish Wisdom*, 160–61, agrees with Wilson. This is only one of many literary outlines. Cf. Van der Horst, *Sentences of Pseudo-Phocylides*, 78; Pascale Derron, *Pseudo-Phocylide: Sentences* (Paris: Société d'Édition, 1986), xxvi–xxvii.

God and parents. The sequence of the commands follows the LXX by placing adultery before murder.²⁹ The summary focuses heavily on the second table of the Decalogue consisting of horizontal relationships (Ps.-Phoc. 3–7) and concluding with an emphasis on the vertical relationship with God and parents (Ps.-Phoc. 8).³⁰ All the commands except verse 8 deal with social relations revealing the author's communal focus.³¹ As Wilson has noted, the exhortation "follows a loose interpretation ... [and] exhibiting considerable freedom in selection, formulation, and arrangement."³² Indeed the second half of the first verse is a prohibition to not "arouse the male Cypris," a prohibition against homosexuality that does not originally appear in the Decalogue. Such an addition is maintained for the sake of the conceptual parallelism against heterosexual sin (adultery) in the first half of the verse, and both fall under the broad heading of sexual relations that make up the first verse. Although the additions to the list are notable, it is the omissions that raise more important issues.

Attention has been drawn to what is noticeably absent from the author's summary, that is, the key Jewish issues of idolatry, blasphemy, and Sabbath observance.³³ One also searches in vain for any reference to circumcision. As Pieter van der Horst has noted, "what remains is a set of rules that *are* Israelite but nevertheless of such a nature that they could be expected to find a sympathetic hearing among non-Jews too."³⁴ This selective editing by the author has led many to believe that the document was initially intended for apologetic purposes, as a "response to pagan

29. As noted by Van der Horst, this is seen in the New Testament as well in Luke 18:20; Rom 13:9; and Jas 2:11. He also notes that the list in Pseudo-Phocylides 3–6 also appears in Mark 7:21–22 ("Pseudo-Phocylides and the New Testament," 191). On the Decalogue and the New Testament see David Flusser, "The Decalogue and the New Testament," in *The Jewish Sages and Their Literature*, vol. 2 of *Judaism of the Second Temple Period*: (Grand Rapids: Eerdmans, 2009), 172–90.

30. A similar feature is seen in Philo, *Decal.* 50–51.

31. Contra Collins who argues that the commandment against covetousness is not a socially oriented directive. One wonders how coveting is not a social relation, as one would seem to need another social entity to practice the vice of coveting (*Jewish Wisdom*, 161).

32. Wilson, *Mysteries of Righteousness*, 67.

33. Van der Horst, "Pseudo-Phocylides and the New Testament," 188–89; Collins, *Jewish Wisdom*, 161–62; Wilson, *Sentences of Pseudo-Phocylides*, 74.

34. Van der Horst, "Pseudo-Phocylides and the New Testament," 189, emphasis original.

criticisms that the Mosaic law encouraged a way of life that was lax and misanthropic.”³⁵ However it is important to note that in leaving behind these badges of Jewish identity, the author remains firmly planted in his Jewish environment.³⁶ The author is not considered to be a renegade, a revolutionary, or an apostate. Although the author is indebted to the Mosaic tradition for his social outlook, much of the commendations of the poem could readily be found in non-Jewish sources. Although commenting on Philo, Barclay’s comments are appropriate for Pseudo Phocylides, his “place remains firmly ‘in Judaism’ even if ‘his hellenization is so thorough and so complete that undoubtedly he himself was unaware of how Greek his Judaism is.’”³⁷

The summary of the Decalogue also serves the author’s rhetorical purposes as the summation functions as the *propositio* to his work. As a *propositio*, verses 3–8 are a concise statement placed at the beginning of the poem and indicate the issues to be discussed later on in the discourse.³⁸ This summary statement is filled out by the rest of the poem, which functions as a *probatio*.³⁹ Here Wilson deserves to be quoted at length: “The heart of the poem strives to develop in the readers an improved understanding about the nature, authority, and value of the *propositio*, as well as the conviction necessary to implement its principles in their own moral decision-making.”⁴⁰ Thus the entire moral outlook of the poem is shaped by the selective portrayal of the Decalogue and in this sense the poem is indebted to the Mosaic law, even though it departs in significant ways from the original text.

We are now able to offer a few concluding remarks on the role of the Hebrew Scriptures in the construction of the poem. First, as seen in the reference to “Cypris” in verse 3, the author draws from two separate literary rivers, that of classical Greek poetry and Mosaic literature. However, in the poem, the two literary rivers have merged. Second, as Wilson has noted, even though explicit verbal echoes or references to the biblical writ-

35. Wilson, *Sentences of Pseudo-Phocylides*, 21.

36. Collins notes an allusion to the Shema in verse 54 (*Jewish Wisdom*, 164).

37. Barclay, *Jews in the Mediterranean Diaspora*, 91.

38. Aristotle, *Rhet.* 3.13; Cicero, *Inv.* 1.31–33; *Rhet. Her.* 1.10.17; Quintilian, *Inst.* 4.4.1–4.5.28.

39. Wilson, *Sentences of Pseudo-Phocylides*, 76–77.

40. Wilson, *Sentences of Pseudo-Phocylides*, 77. Wilson also points to other ancient gnomic texts that portray the same rhetorical strategies.

ings are infrequent, the “poem’s subject matter has been determined by these very writings” and “Pseudo-Phocylides’ debt to biblical traditions is unquestionable.”⁴¹ Third, and most important, Wilson has also noted that, “teachings that in their original context spoke to specifically Jewish concerns now take on cross-cultural form and application.”⁴²

Wilson’s final point bears further consideration for our present concerns. The author of the Sentences felt free to adapt, rearrange, add, delete, and leave out major aspect of Jewish tradition, all the while remaining a Jew and valuing the Hebrew Scriptures. However, given the author’s context, certain features rose to importance while others were left aside. Certainly some Jewish groups would have regarded the author as a renegade or apostate, but this remains at the level of intra-Jewish debate.⁴³ Further the author’s position and relation to torah, especially in contrast to the Maccabean literature, reveals the wide range of possibilities available to Jews in the Second Temple period. Paul likewise must be placed on this spectrum. It is to be admitted that Paul goes much further than the author of the Sentences, in that what the author implicitly neglected, Paul explicitly denies. However even this might be regarded as a short step beyond the author of the Sentences and perhaps even the next logical step.

The Epilogue and the Moral Outlook of The Sentences

At the end of the poem the author states, “Purifications are purity of the soul, not of the body. These are the mysteries of righteousness; thus living may you complete a good life, to the threshold of old age.” Here we see the moral outlook, aims, and basis of the previous ethical material arrive at a culmination. Although the basis and these aims could be seen throughout the work, in what the author presupposed as opportunities and possibilities for the implied reader, it is here at the end where we most clearly see his intention.

41. Wilson, *Sentences of Pseudo-Phocylides*, 14, 17. “The text presents us with a classical Greek poet whose maxims accord, not with this or that particular biblical teacher, but with the full range of the Hellenistic Jewish moral tradition.” (22)

42. Wilson, *Sentences of Pseudo-Phocylides*, 6.

43. See the excellent chapter “Ways of Being Jewish in the Greco-Roman World” in Luke Timothy Johnson, *Among the Gentiles: Greco-Roman Religion and Christianity*, ABRL (New Haven: Yale University Press, 2009), 111–29.

The epilogue begins with a focus on purity, but purity in a specific direction. The purification language derives from the cultic institution, yet unlike the cultic institution the focus is on the soul rather than the body. Collins comments that the author, “discounts the value of actual rituals, and favors a spiritualizing or allegorizing interpretation.... These mysteries do not require that one belong to a specific religious group or observe specific cultic practices. What is important is that one practice righteousness and the other virtues.”⁴⁴ Here the author shifts and emphasizes the interiority of the purification language rather than the external manifestation. Indeed, on the whole, the author speaks relatively little about the institutions of the cult. However this is not surprising as like other wisdom literature, the ritual aspect is often downplayed or transferred to the moral realm.⁴⁵ Similar features can be seen at work in Paul’s letters, where the community members are now the temple of God, they are “holy,” called “saints,” and “set apart” for God’s purposes. We see Paul operating with the cultic language in a similar way. Most poignantly, it is through a “renewed mind” that the Roman audience is made into an acceptable sacrifice of worship (Rom 12:1–2).

The author of the Sentences indicates that his work consists of “the mysteries of righteousness” (v. 229). The affinity between the prologue and the epilogue indicate the structuring of the entire discourse. Two of the similarities are worth noting. First, both the prologue and the epilogue contain a reference to the *δίκη* word group; the *Ταῦτα δίκης* (v. 1) is paralleled to the *ταῦτα δικαιοσύνης* (v. 229). Wilson takes this structural similarity as further suggesting a relationship between the *θεοῦ βουλεύματα* of verse 1 and *δικαιοσύνης μυστήρια* in verse 229.⁴⁶ These word group similarities along with other features form a rhetorical *inclusio* between the prologue and the epilogue providing a prominent emphasis on the issue of justice or righteousness. The righteous language that begins and ends the poems is further defined by the middle body of the poem and indicates “the moral intention of the Torah” whose chief concern is justice.⁴⁷

44. Collins, *Jewish Wisdom*, 177.

45. Leo G. Perdue, *The Sword and the Stylus: An Introduction to Wisdom in the Age of Empires* (Grand Rapids: Eerdmans, 2008), 305–6. Perdue mentions that there is little emphasis on worship in the author (306). See also, Collins, *Jewish Wisdom*, 176–77.

46. Wilson, *Mysteries of Righteousness*, 151. Wilson takes the former phrase as indicating the Mosaic law (167).

47. Wilson, *Mysteries of Righteousness*, 172.

Finally, the author indicates that by living according to the ethical and moral standards he has put forward, his readers will inherit a “good life.” The entire poem communicates the “ideal life” for each of its readers and presupposes that this life has certain moral goals and a religious inclination. Importantly, the poem is at work in constructing a social identity for its audience to follow, as Wilson observes, “participation ... has a certain role to play in individual moral formation, resulting in a certain way of thinking and acting that helps to distinguish its participants as some sort of special community.”⁴⁸ Thus all who read and abide by the words of the author inculcate a moral attitude and outlook that is in some sense distinctive. This leads us now to offer some conclusions on the moral outlook of the author and his intended audience.

The moral world of the *Sentences* depends not only on Torah, but also on Greco-Roman philosophy and the pursuit of the virtues, namely justice. As indicated throughout his work, the Jewish and Greco-Roman aspects appear intertwined and should not be played off one another. Nor should the author be viewed as a renegade or apostate for his selection or adaptation of Torah and the use of Greco-Roman categories, values, and terms. Luke Timothy Johnson has observed that Jews of this period did not in the least turn their backs on their “traditional forms of observance” in pursuit of moral transformation, but in pursuing this goal they used and employed the insights of Greco-Roman philosophy.⁴⁹

Two issues remain for comment on the moral outlook of the *Sentences*: the individual and the community. Regarding the individual, Wilson comments:

An important ramification of this social orientation for the *Sentences* is that its prospective student/reader must assume a certain status before fully engaging the poem’s cultural and pedagogical exchange ... as the text assumes an audience [is] ... sufficiently literate to appreciate the poem’s archaic, classical argot. Beyond this ... Pseudo-Phocylides’ social space is constructed with ... the readers being invited, in effect, to imagine themselves making moral decisions from the privileged end of each one.⁵⁰

48. Wilson, *Mysteries of Righteousness*, 173.

49. Johnson, *Among the Gentiles*, 125.

50. Wilson, *Sentences of Pseudo-Phocylides*, 32–33.

Although the poem offers an invitation to all, it is quickly recognized that not all can inhabit or appreciate the pedagogical orientation of the poem. The educational and socio-economic outlook envisaged by the author can easily be seen in the first commendation outside the summation of the Decalogue. In verses 9–10, the author assumes that one is in the position of judge and has the opportunity to weigh in on the poor. Certainly, the author cannot be addressing the lower socio-economic categories with his instructions to judge the poor justly (v. 10) or the command to give fair wages (v. 19), a command that assumes one has employees. The presupposed ideal reader of the Sentences is male, adult, wealthy, and married. The ideal reader of the Sentences stands in stark contrast with Paul's ethical lists as his lists invite all persons to be moral decision makers, whether male or female, married or single, or rich or poor.⁵¹

Concerning the moral community there is more continuity between Paul and the author of the Sentences. The actions and habits that are prohibited are anticomunal vices that could possibly injure other members of the community.⁵² One such example is Sentences 48, where the author states, "Do not conceal a different thought in your mind while uttering another." The author thus prohibits insincerity and a double-edged tongue. As Wilson again rightly observes, "Harmony and stability are positively assessed, while association of any kind with discord and its sources is rejected.... The encoded reader ... is advised regarding his responsibilities to pursue a variety of aims that contribute to this stability."⁵³ Similar features are at work in the formulation of Pauline communities, most notably in 1 Corinthians as well as Rom 12–15.⁵⁴ Attitudes, actions, and habits are routinely ruled out of order in the Pauline communities based on the moral ramifications for the life and health of the community. We turn now to specifically address the Pauline exhortations of Rom 12:9–21 and 13:8–10 in consideration of the previous material.

51. This raises the issue of what part of Paul's ethics are from above as in the household codes and which are from below.

52. Matera's comparison to the advice of Greek moralists regarding the *polis* is helpful. See Frank J. Matera, *New Testament Ethics: The Legacies of Jesus and Paul* (Louisville: Westminster John Knox, 1996), 195–96.

53. Matera, *New Testament Ethics*, 38.

54. See Margaret M. Mitchell, *Paul and the Rhetoric of Reconciliation: An Exegetical Investigation of the Language and the Composition of 1 Corinthians* (Louisville: Westminster John Knox, 1991).

Paul and Gnostic Instruction in Romans 12:9–21 and 13:8–10

Over ninety years ago Martin Dibelius called attention to the importance of Pseudo-Phocylides for New Testament studies.⁵⁵ Although many have left behind his form-critical methodology, his point on the importance of the Sentences has been almost entirely neglected.⁵⁶ Although some commentators note the gnomic style of Paul's ethical argumentation in Rom 12:9–21, few note a comparison to the Sentences.⁵⁷ Fewer still carry forward the importance of the gnomic character and the wisdom genre to a discussion of Rom 13:8–10. However before turning to a discussion of Rom 13:8–10, we must first look at Rom 12:9–21 in light of Jewish-Hellenistic wisdom to establish the gnomic character of 12:1–13:10.

Romans 12:9–21

The interpreter of Rom 12:9–21 often analyzes it as a disparate and often unconnected section of phrases made up from a myriad of sources including the Jesus tradition, the Hebrew scriptures, early Christian teaching, or some combination of the three.⁵⁸ Two interpretive approaches seem to dominate this section of Romans. One group views the material as described above as just that, a smattering of various tradition(s) and lacking an overall coherence or train of thought with often no concern for

55. Martin Dibelius, *Geschichte Der Urchristlichen Literatur*, Sammlung Göschen 934 (Berlin: de Gruyter, 1926), 141.

56. This point was brought to light by one of the few to take up his challenge, Van der Horst, "Pseudo-Phocylides and the New Testament," 187. Most of the New Testament studies have focused on the *Haustafel* codes of Ephesians and Colossians or the Epistle of James. One other exception is Luke Timothy Johnson, "The Use of Leviticus 19 in the Letter of James," *JBL* 101 (1982): 391–401.

57. The few being Walter T. Wilson, *Love without Pretense: Romans 12.9–21 and Hellenistic-Jewish Wisdom Literature*, WUNT 2/46 (Tübingen: Mohr Siebeck, 1991); Kent L. Yinger, "Romans 12:14–21 and Nonretaliation in Second Temple Judaism: Addressing Persecution within the Community," *CBQ* 60 (1998): 74–96; Charles H. Talbert, *Romans*, SHBC (Macon, GA: Smyth & Helwys, 2002), 280–81; Thomas H. Tobin, *Paul's Rhetoric in Its Contexts: The Argument of Romans* (Peabody, MA: Hendrickson, 2005), 386–95.

58. For a summary of the structural makeup of the section see David Alan Black, "The Pauline Love Command: Structure, Style, and Ethics in Romans 12:9–21," *FNT* 2 (1989): 3–22.

genre.⁵⁹ C. E. B. Cranfield actually titles the section on Rom 9:12–21 “A Series of Loosely Connected Items of Exhortation,” and Douglas Moo considers the section a “haphazard arrangement.”⁶⁰

A second group, although agreeing that the section is at times loosely constructed, draws attention to the genre of the text and the influence of the Jewish wisdom tradition or gnomic literature.⁶¹ Thomas Tobin rightly

59. Ernest Best, *The Letter of Paul to the Romans*, CBC (Cambridge: Cambridge University Press, 1967), 143; Ernst Käsemann, *Commentary on Romans* (Grand Rapids: Eerdmans, 1980), 344; Paul J. Achtemeier, *Romans*, IBC (Louisville: Westminster John Knox, 1985), 196–203; C. E. B. Cranfield, *The Epistle to the Romans: A Critical and Exegetical Commentary*, 2 vols., ICC 45 (Edinburgh: T&T Clark, 1987), 2:628–29; Walter Schmithals, *Der Römerbrief: Ein Kommentar* (Gütersloher: Gütersloher Verlagshaus Mohn, 1988), 436–38; C. K. Barrett, *The Epistle to the Romans*, 2nd ed., BNTC 6 (Peabody, MA: Hendrickson, 1991), 240; Peter Stuhlmacher, *Paul's Letter to the Romans: A Commentary*, trans. Scott J. Hafemann (Louisville: Westminster John Knox, 1994), 195; Adolf Schlatter, *Romans: The Righteousness of God*, trans. Siegfried S. Schatzmann (Peabody, MA: Hendrickson, 1995), 235–40; Douglas J. Moo, *The Epistle to the Romans*, NICNT (Grand Rapids: Eerdmans, 1996), 744–71; Thomas R. Schreiner, *Romans*, BECNT (Grand Rapids: Baker, 1998), 641; Klaus Haacker, *Der Brief des Paulus an die Römer*, THKNT (Leipzig: Evangelische Verlagsanstalt, 1999), 252; Christopher Bryan, *A Preface to Romans: Notes on the Epistle in Its Literary and Cultural Setting* (New York: Oxford University Press, 2000), 196; Pierre Grelot, *L'épître de Saint Paul aux Romains* (Versailles: Saint-Paul, 2001), 156–58; Katherine Grieb, *The Story of Romans: A Narrative Defense of God's Righteousness* (Louisville: Westminster John Knox, 2002), 119–23; N. T. Wright, “Romans,” *NIB* 10:711–15; Phillip F. Esler, *Conflict and Identity in Romans: The Social Setting of Paul's Letter* (Minneapolis: Fortress, 2003), 308–10; Dierk Starnitzke, *Die Struktur paulinischen Denkens im Römerbrief: Eine linguistisch-logische Untersuchung*, BWANT 163 (Stuttgart: Kohlhammer, 2004), 373–87; Leander Keck, *Romans*, ANTC (Nashville: Abingdon, 2005), 302–10; Folker Blischke, “Die Entsprechung von Gottesverhältnis und ethischer Neubestimmung als Begründung der Ethik im Römerbrief,” in *The Letter to the Romans*, ed. Udo Schnelle, BETL 226 (Leuven: Peeters, 2009), 403–24; Arland J. Hultgren, *Paul's Letter to the Romans: A Commentary* (Grand Rapids: Eerdmans, 2011), 452–53; Hermen C. Waetjen, *The Letter to the Romans: Salvation as Justice and the Deconstruction of the Law*, New Testament Monographs 32 (Sheffield: Sheffield Academic, 2011), 278; Colin G. Kruse, *Paul's Letter to the Romans*, PNTC (Grand Rapids: Eerdmans, 2012), 486–89.

60. Cranfield, *Romans*, 2:628; Moo, *Romans*, 711.

61. James D. G. Dunn, *Romans*, 2 vols., WBC 38 (Dallas: Word, 1988), 2:737–55; Wilson, *Love without Pretense*; Joseph A. Fitzmyer, *Romans: A New Translation with Introduction and Commentary*, AB 33 (New York: Doubleday, 1993), 652–3; Stanley K. Stowers, *A Rereading of Romans: Justice, Jews, and Gentiles* (New Haven:

recognizes that, “12:1–21 is ... deeply indebted to traditional Jewish wisdom instructions,” and James D. G. Dunn emphasizes, “The unusually heavy concentration of OT allusions indicates a strong concern on the part of Paul to root this most demanding of ethical obligations in the tried and tested wisdom of Jewish scripture and experience.”⁶²

The identification of the genre of the text is key to understanding the argument at work in the section.⁶³ Romans 12 has long been identified as a new section of argumentation in Romans and this has not gone unnoticed by most scholars, Paul Meyer observes that, “the nature and tone of the letter shift unmistakably to ethical and practical exhortation.”⁶⁴ However, many have failed to go beyond a general outlook of the chapter and work with the details or rhetorical features of the text.⁶⁵

Further, if Robert Jewett is correct that Rom 12:9–21 is “artfully constructed for rhetorical impact and closely related to the tensions between Christian groups in Rome,” then more attention is needed to the particulars of the text.⁶⁶ However, as seen in the first group above, few manage

Yale University Press, 1997), 319; Yinger, “Romans 12:14–21,” 74–96; Luke Timothy Johnson, *Reading Romans: A Literary and Theological Commentary*, Reading the New Testament (Macon, GA: Smyth & Helwys, 2001), 188–94; Talbert, *Romans*, 280–81; Ben Witherington, *Paul’s Letter to the Romans: A Socio-Rhetorical Commentary* (Grand Rapids: Eerdmans, 2004), 281–91; Tobin, *Paul’s Rhetoric in Its Contexts*, 384–87; Brendan Byrne, *Romans*, SP 6 (Collegeville, MN: Liturgical Press, 2007), 375–81; Robert Jewett, *Romans: A Commentary*, Hermeneia (Minneapolis: Fortress, 2007), 756–58; Craig S. Keener, *Romans: A New Covenant Commentary* (Eugene, OR: Cascade, 2009), 147.

62. Dunn, *Romans*, 2:738; Tobin, *Paul’s Rhetoric in Its Contexts*, 384.

63. Although not specifically commenting on 12:9–21, Aletti notes that it is important to determine the genre of the passage under study See Jean-Noël Aletti, *God’s Justice in Romans: Keys for Interpreting the Epistle to the Romans*, SubBi 37 (Rome: Gregorian & Biblical Press, 2010), 248.

64. Paul W. Meyer, *The Word in This World: Essays in New Testament Exegesis and Theology*, ed. John T. Carroll, NTL (Louisville: Westminster John Knox, 2004), 205. Luke Timothy Johnson also notes that there is, “undoubtedly a shift in the form of rhetoric” (*Reading Romans*, 188).

65. According to Moo, “Paul fires off a volley of short, sharp injunctions with little elaboration ... related to the rapid-fire style is ... its loose structure” (*Romans*, 771).

66. Jewett, *Romans*, 756. Dunn makes similar comments, “Vv 15–16 seem to break the pattern of an exhortation directed to Christian relationships with the wider society. But they partially reflect the use of a traditional Jewish paraenesis which could embrace a whole social ethic within the mutual relations of the covenant people, whereas in a Christian and Diaspora context the boundary lines fell differently. Perhaps more to the

to even identify the gnomic character of the text or attempt to place Rom 12:9–21 within the Jewish wisdom tradition.⁶⁷ One example worth noting is Leander Keck, who, in commenting on 12:9 and 15, notes that the section is drawn from various traditions and even notes that the “exhortations combine specificity and open-endedness.”⁶⁸ Keck is seemingly unaware that these are typical hallmarks of a gnomic saying. Keck comes as close as he possibly can when he states that 12:9 and 15 “sounds *like* a maxim.”⁶⁹ Contrary to Keck, 12:9 and 15 *are* maxims, which is why they sound like maxims, pull from various traditions, and are seemingly open-ended. It is odd that one can point to three or four of the typical identification markers of a γνώμη and still be unaware of the section’s genre under focus, although Keck is certainly not alone at this point.⁷⁰

If one extreme is not to see any connection with the gnomic literature of the Jewish wisdom tradition, we certainly do not want to run to the other extreme in a search for parallels in the Sentences to every line of Paul’s thought in Rom 12:9–21. Tobin’s comments serve as a balanced warning, “the similarities are not such as to show that Paul is literarily dependent on any of these ... texts.... Rather, he is aware of, and is a participant in, the broad tradition of Jewish wisdom instruction.”⁷¹ Even Walter Schmithals, who does not identify Rom 12:9–21 as Hellenistic Jewish wisdom, nonetheless states that, “V.9–15 vorliegende Pflichtenkatalog als solcher in seinem überlieferten Grundbestand schon in der Paränese der hellenistischen Synagoge zu Hause gewesen sein.”⁷² Rather, the identification of Rom 12:9–21 as gnomic in form carries with it several important implications for the Roman community, the apostle Paul, and his hermeneutics.

point, these verses were probably addressed to some of the tensions within the Roman congregations, particularly between Jewish and Gentile Christians, which were a result of the persecution already suffered by the Roman Jews” (*Romans*, 2:738–39)

67. See Helmut Koester, “Νόμος, Ἀγάπη, and Χάρισμα in Paul’s Writings,” in *Celebrating Paul: Festschrift in Honor of Jerome Murphy-O’Connor, O.P., and Joseph A. Fitzmyer, S.J.*, ed. Peter Spitaler, CBQMS 48 (Washington, DC: Catholic Biblical Association of America, 2011), 233. Koester argues, “Paul’s Jewish education ... belongs [in] the Hellenistic, Greek-speaking Jewish diaspora” (233).

68. Keck, *Romans*, 302, 310.

69. Keck, *Romans*, 305, emphasis added.

70. See Schreiner, *Romans*, 641; Grieb, *Romans*, 119–23.

71. Tobin, *Paul’s Rhetoric in Its Contexts*, 386–87.

72. Schmithals, *Der Römerbrief*, 444.

These topics will be the focus of this section rather than a detailed analysis of the section itself.⁷³

One perennial issue concerning this section is whether these instructions are general wisdom sayings pulled from various traditions without regard for the Roman community, so that Paul could have used these parænetic instructions as easily in Corinth as in Rome? Or, do these instructions provide specific insight into the makeup, character, and problems in the Roman house churches? Those who do not identify the gnomic character of the section are more inclined to the general nature of the sayings. C. K. Barrett indicates that the section, “covers a wide field ... in addition to more evidently moral questions” and N. T. Wright regards 12:9 as the “most general of commands” followed by “a more general list of ways in which individual Christians and groups of churches are to behave.”⁷⁴ The inclination to view 12:9–21 as a general collection of sayings results from a failure to identify the gnomic character of the section and indicates a lack of understanding of the rhetorical features and implications of maxims.

Although the gnomic sayings are general in character, a good rhetor according to Aristotle would adapt the gnomic saying to the audience in particular (*Rhet.* 2.21.7). Indeed, this is not only confirmed at the microrhetorical level, but at the macro level as well. As a deliberative letter this section should be geared toward the particular Roman audience to be persuasive. As Ben Witherington notes, “Deliberative rhetoric quite frequently included exhortations, as the rhetor would try to persuade the audience to take action one way or another.”⁷⁵ Both micro and macro rhetoric point in the direction that the list of maxims and gnomic sayings in Rom 12:9–21 are adapted to the Roman audience and not a miscellaneous collection of wisdom sayings that Paul could take from church to church.

The gnomic genre also indicates several important features about Paul. First, the creation of gnomic sayings was an essential elementary task of the *progymnasmata* and indicates Paul had at least a general rhetorical

73. Regarding the formal features and details of the text, Jewett, Dunn, and Tobin all provide excellent examples of exegesis that are aware of the rhetorical and gnomic quality of the text. See Dunn, *Romans*, 2:737–55; Jewett, *Romans*, 756–58; and Tobin, *Paul's Rhetoric in Its Contexts*, 384–87.

74. Schmithals, *Der Römerbrief*, 444; Barrett, *Romans*, 240; Wright, *Romans*, 711; Meyer, *Word in This World*, 206.

75. Witherington, *Romans*, 281.

education.⁷⁶ The thirty artfully constructed maxims in this section reveal a rhetor at work in constructing a rhetorically powerful arrangement to persuade his audience of a certain course of action. A rhetorical arrangement like this mitigates against seeing the maxims as a “grab-bag of ethical ideas”; for far more is at work than miscellaneous pithy sayings.⁷⁷

Second, the importance of the gnomic genre goes further in identifying Paul’s task among the Roman community. As indicated at both the beginning and closing of the letter (1:8–15; 15:14–29), Paul is at work to create a social profile of himself as a trustworthy apostle of good character. According to Aristotle, if the gnomic sayings are deemed good by the audience, they will indicate the good character of the rhetor behind them (*Rhet.* 2.21.16). As Tobin aptly observes, “Paul does not simply hold controversial ethical views. He himself is controversial and a cause of division.... For this reason his ethical exhortation in 12:1–15:7 is no less about who he is ... and his character.”⁷⁸ Given Paul’s absence from the Roman community, he is an “apostle on trial” and the ethical sections go a long way in building up his social profile among the churches in Rome. Therefore, we conclude with Wilson that Paul deliberately applied, composed, and arranged the gnomic sayings in Rom 12:9–21 in a “skillful and purposeful way.”⁷⁹

The gnomic genre carries another important implication for the hermeneutics of Paul, that is, for how Paul uses various traditions both Hellenistic and Jewish. There is widespread agreement that the maxims of Paul have been drawn from various traditions such as Greco-Roman philosophical ethics, the Hebrew Scriptures, and the Jesus tradition. Each tradition has been analyzed in an attempt to identify the primary or *Urtext* for the Pauline exhortation in this section.⁸⁰ Folker Blischke rightly notes that, “Im Hintergrund steht nicht die Übernahme einer

76. On the rhetoric of Paul see Ben Witherington, *New Testament Rhetoric: An Introductory Guide to the Art of Persuasion in and of the New Testament* (Eugene, OR: Cascade, 2009), 94–157.

77. Rightly Witherington, *Romans*, 281–82.

78. Tobin, *Paul’s Rhetoric in Its Contexts*, 384.

79. Wilson, *Love without Pretense*, 161.

80. Schmithals, *Der Römerbrief*, 444–45. Barrett of course wondered if the material “goes back to a Semitic source originating in very primitive Christian circles” (*Romans*, 240). See also the summary of the debate between Esler, Engberg-Pedersen, and Thorsteinsson that illustrates the precise problem of dividing Hellenistic and Jewish sources in Paul’s thought in Esler, *Conflict and Identity in Romans*, 486–89.

einzig Textquelle, sondern die Einbindung in einen Traditionsstrom urchristlicher Paränese.”⁸¹

The attempts to discern the primary or earliest layer of the tradition behind the ethics of 12:9–21 seems to miss the point of the Hellenistic Jewish wisdom genre as exemplified most particularly in the Sentences of Pseudo-Phocylides. The author of the Sentences tied together the best of the ethical traditions of the Jewish-Hellenistic world to communicate the interplay of agreement between the two traditions. The idea of unwinding the intertwining threads cuts against the grain of the Jewish-Hellenistic wisdom tradition at its core, as it was not seeking to lay parallel ideas beside one another for comparison, but to meld them into one indeterminate ethical tradition through a “fusion of cultures.”⁸²

The fact that Paul does not fit neatly into any one category reveals the fundamental Jewish-Hellenistic wisdom tradition in which he takes part. We agree with the many who have stressed the Jewish rootedness of Paul’s ethics, most notably Tobin who notes, “Paul quite consciously couches his ethical exhortation in modes of thought that are recognizably and traditionally Jewish.”⁸³ However, even this statement must be tempered by the multifaceted nature of the Jewish-Hellenistic wisdom tradition. Although the Sentences are firmly rooted in the Hebrew Scriptures, they are capable of adapting that literature to new ends and in new ways that to untrained ears and eyes bear little resemblance to the Hebrew Scriptures. Indeed, the way the author of the Sentences uses the Hebrews Scriptures provides an important insight for how Paul also uses the Hebrew Scriptures.

Romans 13:8–10

We remember that in Ps.-Phoc. 3–8 the author provides a summary of the law that derives almost solely from the second half of the Decalogue and

81. Blischke, “Begründung Der Ethik Im Römerbrief,” 420–21: “In the background is not the assumption of a single source text, but the inclusion of a stream of early Christian tradition exhortation.”

82. The comments of Hays are helpful at this point, “Paul’s thought-world reflects the fusion of cultures; there are many clear instances where his ethical categories and vocabulary are drawn from his Jewish and Hellenistic cultural backgrounds” (*Moral Vision*, 41).

83. Tobin, *Paul’s Rhetoric in Its Contexts*, 384. Also, Witherington, *Romans*, 291; Talbert, *Romans*, 280–81; Dunn, *Romans*, 2:755; Byrne, *Romans*, 375–81.

most importantly do not include a reference to the typical Jewish badges of Sabbath, circumcision, or food laws throughout the poem. We are also reminded that the author of the Sentences remained firmly within Judaism even with his omission of the key identifying marks of Second Temple Judaism. The author of the Sentences was free to adapt, add, and delete aspects of the Jewish tradition while continuing to value the Hebrew Scriptures. The author's context and audience allowed certain ethical issues to rise to prominence and others to be left out. Most important, while other groups of the Second Temple period may have viewed the author as a revolutionary or even worse, an apostate, this was still an in-house Jewish debate. Keeping the work of the Sentences in mind, we now turn to Paul's discussion of the Decalogue in Rom 13:8–10.

In Rom 13:8–10, Paul offers his own summation of the Mosaic law bracketed by two parallel statements indicating love as the fulfillment of the law. In between the bracketing of the fulfillment language Paul lists four specific prohibitions and a general concluding statement, (13:9). However even Paul's statement about the fulfillment of the law is indebted to the law itself, as he quotes Lev 19:18. Paul's pairing the Ten Words from the LXX (Deut 5:18–21 and Exod 20:14–17) under the broad heading of one categorical statement should not strike the reader as surprising, considering the Sentences and other Hellenistic-Jewish writers. As Thompson has shown in his excellent study, writers of the Hellenistic-Jewish tradition did not build casuistic law, but rather, "the writers summarized the law in order to meet the needs of the communities, often without explicit citations."⁸⁴ Like these Hellenistic-Jewish wisdom writers, Paul does not explicitly quote scripture at this point or use his typical designation of *καθὼς γέγραπται*. Rather, Paul uses an indefinite article and does not even indicate that these quotations are found anywhere else, perhaps in an attempt to retain the gnomic quality of the instructions. Further at the end of 13:9 he simply labels *καὶ εἴ τις ἐτέρα ἐντολή* as being summed up *ἐν τῷ λόγῳ* before quoting Lev 19:18.⁸⁵

The generality that marks this section is characteristic of the wisdom literature that sought to use the Hebrew Scriptures to speak to new situations and audiences. As indicated above, the *γνώμη* was differentiated from the *chreia* by the lack of attachment of the saying to a person or a

84. Thompson, *Moral Formation*, 39.

85. See Willi Marxsen, "Der *Heteros Nomos* Röm 13, 8," *TZ* 11 (1955): 230–37.

story. Had Paul wanted to form a *chreia* he could have included a declarative indicator such as, “as it is written,” (Rom 1:17; 2:24; 3:4, 10; 4:17; 8:36; 9:13, 33; 10:15; 11:8, 26; 15:3, 9, 21) or, “as Moses says” (Rom 10:5; 10:19; 1 Cor 9:9; 2 Cor 3:15), something he knows full well how to do. However, Paul does not do this. He leaves the phrases unattached to any person or book and thus retains the gnomic quality of the sayings.

However more can be said about Rom 13:8–10 that indicates Paul is exemplifying the best of the Hellenistic-Jewish wisdom tradition. Paul in this section is laying three parallel traditions so closely to one another that it shows his “weaving” of the wisdom ethical traditions before him.⁸⁶ As Jewett has shown, 13:9 follows the pattern of “antilogical γνῶμαι” found in classical Greek collections.⁸⁷ Whereas 13:7 was a command to render to all what is obligated, 13:8 states that no one should be in debt to anyone. The phrase, *μηδενὶ μηδὲν ὀφείλετε* (“owe no one anything”) has numerous parallels in the Greco-Roman world as Jewett has shown.⁸⁸ The last phrase of 13:8 ends the preceding clause and introduces the next thread of tradition.

Romans 13:9 consists of ethical tradition drawn from the Hebrew Scriptures and specifically the Torah. Paul draws explicitly from the LXX version of the Decalogue in providing ethical instruction for his community. In an attempt to undergird the ethical section of this portion Paul reverts to the Torah, perhaps in part to show that his gospel (Rom 2:16) did not negate the ethical imperatives of the Hebrew Scriptures, but that his communities actually embodied the possibility that the Hebrew Scriptures pointed toward.

In Rom 13:10 Paul progresses further than the allusions to the Torah to include a general statement that love does no wrong to a neighbor and then reiterates for the third time that, “love is a fulfilling of the law.” The combination of love, neighbor, and law points to an echo of the Jesus tradition and, as Pierre Grelot has mentioned, “On ne peut lire la suite du texte sans songer à la règle donnée par Jésus au sujet du ‘second commandement.’”⁸⁹

86. Indeed, Meyer states, “More illuminating is the sudden increase of echoes and reminiscences of identifiable traditions” and he lists the Jesus tradition, Jewish wisdom traditions, and the LXX (*Word in This World*, 208).

87. Jewett, *Romans*, 807.

88. Jewett, *Romans*, 807.

89. Grelot, *L'épître de Saint Paul aux Romains*, 164. For the Jesus tradition in Rom 12:1–15:13 see also Antti Mustakallio, “Motivation and Paraenesis and Jesus-Tradition in Romans,” in Schnelle, *Letter to the Romans*, 453–62; Michael B. Thompson, *Clothed*

In each verse Paul has said the same thing in three ways. In 13:8, the law was fulfilled by love, in 13:9 the law is “summed up” (ἀνακεφαλαιόω) with the command to love the neighbor, and in 13:10 love is the “fullness” (πλήρωμα) of the law. If 13:10 merely reiterates the quote from Lev 19:18 in 13:9, then Paul could have saved space by not repeating essentially the same point.⁹⁰ However, if Paul is not quoting from Leviticus at this point, and I do not think he is, then Dunn is right when he states,

The talk of love as an obligation (v 8) and the uncontrived rendering of the love command in negative as well as positive form (vv 9–10) would strike many of his audience as characteristically Jewish. But Paul nevertheless is evidently moving beyond this characteristic emphasis drawn from the law, and he would probably expect his readers to recognize a more specific allusion to the teaching of Jesus as such.⁹¹

Indeed, Dunn is right. The echoes to the Jesus tradition at this point are an important last stage in Paul’s summation of the law. For Paul has now in this short section intertwined three traditions all commenting on the same theme as seen in the diagram below:

Romans	Ethical Tradition
13:8	Greco-Roman Tradition
13:9	Jewish Tradition
13:10	Jesus Tradition

The three ethical traditions all speak in one voice to the same issue. Paul has played his most important ethical card last. Paul’s community operating with eschatological love has fulfilled what Greco-Roman moral philosophers, the Mosaic law, and even the words of Jesus himself pointed toward. Paul has intertwined three separate traditions in a rhetorical tour de force to emphasize his ethical point.⁹² However the Jesus tradition

with Christ: *The Example and Teaching of Jesus in Romans 12:1–15:13* (Eugene, OR: Wipf & Stock, 2011).

90. This is also a characteristic feature of *diaphora*, which is the repeated instance of the same word, but with each repetition, the word acquires added significance.

91. Dunn, *Romans*, 2:782. So also, Meyer, *Word in This World*, 211.

92. In light of this, Byrne’s comment becomes stronger, “Paul appears to be drawing upon both the Wisdom tradition of Israel and the teaching of Jesus refracted through the common Christian tradition” (*Romans*, 381).

is most important, for the intertwining of the first two would not have set him apart from any other Hellenistic-Jewish writer or Greco-Roman moral philosopher. It is the Jesus tradition that makes Paul's ethical admonitions unique. We do not however need to choose between which of the three takes priority, as it is the combination of the three that adds to the rhetorical force and Hellenistic-Jewish wisdom tradition typically combines various ethical traditions. Such a statement helps mitigate Dunn's apparent explanation for a lack of quotations when he states, "In both cases we are evidently dealing with a paraenesis whose authority and relevance gave it an immediacy and force which did not depend on chapter and verse."⁹³ By way of answering Dunn, Paul did not need to explicitly quote Greco-Roman law, the Hebrew Scriptures, or the Jesus tradition as the genre did not indicate the necessity to do so.

In formulating his gnomic instructions, Paul did as any other Hellenistic-Jewish writer would have done and incorporated the material in a coherent way that did not need to explicitly rely on quotations. Rather, as Wilson has argued for the Sentences, "The basis of moral self-making here involves the consolidation of multiple, mutually reinforcing forms of power, all grounded in the revered traditions of the classical past."⁹⁴ Such a statement applies equally well to Paul and explains Rom 13:8–10. Paul grounds his ethical formulations in the "revered traditions of the past" which for him include the Hellenistic world, the Hebrew Scriptures, and the Jesus tradition.

Pauline paraenesis differs largely from the Sentences with the eschatological/apocalyptic outlook of Paul that comes right after his summation of the law in Rom 13:11. Paul reminds his audience that the ages have shifted and they are now part of God's new eschatological creation. Romans 13:11 indicates the moral presuppositions required by Paul in order to fulfill the law and any other ethical demand.⁹⁵ As Hermen Waetjen has rightly observed, "The ethics that Paul formulates ... presupposes the community of God's New Humanity ... people ... who are participants in the moral order of the New Creation that God established through the death and resurrection of Jesus."⁹⁶ Within Paul, the relationship between humanity, ethics, and God are, as Blischke has noted, "Gottesbeziehung und Ethik

93. Dunn, *Romans*, 2:755.

94. Wilson, *Sentences*, 32.

95. As well as Paul's argument in Rom 5–8.

96. Waetjen, *Letter to the Romans*, 278.

stehen in einem Entsprechungs Verhältnis.”⁹⁷ The audience’s ability to fulfill the Pauline paraenesis, and likewise the law, is a direct result of their relationship to God and his new moral creation under the aegis of Jesus and the Holy Spirit.

Conclusion

Many have puzzled over the seemingly disconnected argument of Paul in Rom 12:9–21, arguing that the section contains no coherent theme or organizing principle. This often results in promoting the idea that Paul pulled these generic sayings and applied them haphazardly to the community (or communities) at Rome. This study has sought to show that such an explanation results from a failure to identify the gnomic quality of the section. Gnostic sayings were an important tool of Hellenistic-Jewish wisdom writers like the Sentences of Pseudo-Phocylides and an early stage of the rhetorical education as seen in the *progymnasmata* and the ancient rhetorical works such as Aristotle and the *Rhetorica ad Herennium*. These cultural and rhetorical features of the text led us to compare the Sentences’ use of the Hebrew Scriptures and the moral outlook of the text with Paul’s paraenesis in Rom 12:9–21 and Paul’s use of the Hebrew Scriptures in Rom 13:8–10.

From our study several important conclusions can be drawn. First, Paul’s ethical material is directly tied to his community at Rome, just as Aristotle argued that a good rhetor directed his maxims specifically to his audience. Second, Paul’s ethical material is not so easily pulled from various traditions, but rather like the Sentences, Paul offers a reworked and interwoven ethical program that draws from many ancient sources. Rather than seeking to separate out these strands of ancient sources, more attention should be paid to the Hellenistic-Jewish program of wisdom writing in the Second Temple period as an example. Third, Paul’s construction of ethical sayings reveals his own character to the Roman audience and is another part of his program to build his social profile among the Roman community. Fourth, Paul’s summation of the Decalogue under a broad heading in Rom 13:8–10 is a key feature taken up by many in the Second Temple period, most notably the author of the Sentences. From this we

97. Blischke, “Begründung der Ethik im Römerbrief,” 421: “Relationship with God and ethics are in an equivalent ratio.”

should not regard Paul as irresponsible with the text or clipping and editing his way to his own agenda. Rather Paul takes part in a long-standing Hellenistic-Jewish tradition by offering a summary of the law under a particular virtue. For Paul, this is the virtue of love that organizes all the other commands of the Hebrew Scriptures.

More fruitful research could be done in comparing the ethical outlook with particular ethical sayings of Paul in Romans and his other letters. This study only had space to sketch out the broad contours of the aims, motivations, and goals of each author to draw attention to a neglected area in Pauline research. This study hoped to draw further attention and to encourage more study of the Sentences in relation to Paul's argumentative and ethical writing and perhaps to place Paul within a closer and more appropriate context for his ethical program.

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Jewish Legal Interpretation and the New Testament

Calum Carmichael

Problems in New Testament literature often yield solutions by taking into account Jewish legal background. One particularly clear example is the bewildering allegation that Jesus was “a glutton and drunkard, a friend of publicans and sinners” (Matt 11:19). The charge is intelligible once we see that his accusers attempt to bring him under the rule of Deut 21:18–21 about the rebellious son who will not obey his parents and is “a glutton and drunkard.” That Jesus could be so characterized is decidedly dubious. The reason, however, is that talmudic jurisprudence has the severity of the law apply to a son, not on account of mere revelry but because he keeps bad company (b. Sanh. 70b). Jesus is accused of hanging out with godless associates, “a friend of publicans and sinners.”¹

Another, again briefly summarized, example is the parable of the good Samaritan with its discussion between Jesus and a lawyer about legal hermeneutics centering on the meaning of the rule about love of one’s neighbor (Luke 10:25–37). Jesus contributes his expertise because he knows his way round the quite unreal juxtaposition of an injunction that, in full, counsels vengeful behavior be met with no less an emotion than love. Thus Lev 19:18 reads that an Israelite is “not to avenge nor bear any grudge against the sons of his people but is to love a neighbor who is like himself [an Israelite].”² Jesus recognizes that the rule is a distillation of Joseph’s treatment of his brothers (Gen 37–50). The victim in the parable experiences indifference to his battered state by a passing priest and a Levite. They are temple servants descended from the ancestor Levi. A

1. *New Testament Judaism*, vol. 2 of *Studies in Comparative Legal History: Collected Works of David Daube*, ed. Calum Carmichael (Berkeley: Robbins Collection, 2000), 54–56.

2. Unless otherwise noted, all translations are mine.

Samaritan rescues him. Joseph, a brother of Levi, is the Samaritan's first ancestor. Joseph, we recall, first treated his brothers roughly by imprisoning them after they arrived in Egypt from neighboring Canaan in search of relief from starvation (Gen 42:16). Unlike them, however, after they trapped Joseph in a pit, he changed his vengeful attitude and exhibited the emotion, no less, of love for them. The prominence given the priest and the Levite in the parable is because of the enmity between Samaritans and first century Jewry about the proper location of the temple (Mt. Gerizim and Zion/Jerusalem, respectively). Jesus has just passed through a Samaritan village but is shunned "because his face was as though he would go to Jerusalem" (Luke 9:53).³

A third example of how Jewish legal background allows understanding of an episode is the manifest problem about the woman taken in adultery in John 8:2–11. The scribes and Pharisees cite the Mosaic law on adultery that carries a capital sentence. To all appearances the law condemns the woman (Lev 20:10; Deut 22:22). Yet it is made in effect not to apply to her and, equally surprising, the scribes and Pharisees, his fellow judges, accept his stance. Puzzlingly writing on the ground, Jesus pronounces judgment in words that have become proverbial, "Let him who is without sin among you be the first to throw a stone at her." The scribes and Pharisees go their way, the clear implication being that they accept his judgment. He then speaks to her and tells her to sin no more.

How could Jesus have gone against sacred legislation plainly calling for a capital sentence for adultery and how could his fellow judges not consider his pronouncement an abrogation of that law? It cannot be by an appeal to conscience. Moral considerations might back up legal argumentation but cannot carry the day in the interpretation of a law. The statement about casting the first stone, long noticed, is of a type familiar to all cultures: "Judge not that you be not judged," "Don't throw stones from a glasshouse," and "Sweep before your own door." However influential moral teaching might be, it cannot usurp reasoned legal argument. The saying about casting the first stone has become generalized but is not its original import. The notion would not apply to someone involved in a shady business deal nor is it so specific that it will refer only to those bystanders who have not committed adultery. The saying refers to sexual

3. Calum Carmichael, *Sacrificial Laws of Leviticus and the Joseph Story* (Cambridge: Cambridge University Press, 2017), 174–88.

licentiousness in all its forms: a serious infraction of sexual morality by deed or intent.⁴

A legal development contemporaneous with Jesus is a crucial consideration: A woman accused of adultery is subjected by her husband to a particularly unpleasant ordeal, the bitter water test of Num 5. She is brought before the priests and made to drink a potion, which she is told will do terrible harm if she is guilty. The institution still existed in first century Palestine. The rabbinic authorities, however, had become sensitive to the discrepancy between the genders but they could not set aside a scriptural institution.⁵ Someway, somehow the law had to be viewed as retaining its legitimacy, a divinely sanctioned, fully recognized statute.

How, then, is the test interpreted in first-century Palestine? Crucial is the manner in which the rabbis came to read the concluding text of the law. Num 5:30, 31 states: "If the spirit of possessiveness comes upon a man, then shall he set the woman before Yahweh and the priest shall execute upon her all this law; and the man shall be clear from iniquity and that woman shall bear her iniquity." The rabbis divide the text (borrowing a hermeneutical rule, *collocatio*, from the Hellenistic rhetorical schools) and read it as follows: "If the spirit of possessiveness comes upon a man and if he sets the woman before Yahweh and if the priest executes upon her all this law and [so the rabbis read] *if the man is clear from iniquity*, then shall that woman bear her iniquity" (Sipre on Num 5:31; y. Sotah. 24a; b. Sotah 74b, emphasis added). The rabbis cite in support the prophet Hosea. God says to the men of Israel, "I will not punish your daughters when they commit whoredom, nor your spouses when they commit adultery: for you yourselves make off with whores and sacrifice with harlots" (Hos 4:14). The emphasis is on the woman's freedom from punishment for proven adultery because of male sexual sinning.

4. It is a universal phenomenon for some saying or rule formulated for a particular problem to be generalized, usually to the detriment of the original meaning. See Peter Stein, *Regulae Juris: From Juristic Rules to Legal Maxims* (Edinburgh: Edinburgh University Press, 1966); and my essay in *Daube on Roman Law*, vol. 5 of *Studies in Comparative Legal History*, ed. Calum Carmichael and Laurent Mayali (Berkeley: Robbins Collection, 2013), xxiii–xxv.

5. Israel Abrahams, *Studies in Pharisaism and the Gospels* (Cambridge: Cambridge University Press, 1917), 73–74.

Jesus is familiar with the ritual's rabbinic interpretation.⁶ The almost total lack of interest in the male partner by the scribes and Pharisees suggests that the law of adultery is, in our terms, no longer operative and that the woman is brought into the temple solely to test Jesus's understanding of the law. A male court, Jesus implies, cannot convict her because every one of them is given to lust. But why then is the woman brought for judgment? We are probably witnessing a phenomenon common in both New Testament and rabbinic literature: the attempt by one party to test another in matters of legal interpretation. Each party fundamentally shares the same set of beliefs but for one reason or another, for example, jockeying among themselves for enhanced status, they compete with each other. All parties know the reinterpreted bitter water test for the woman accused of adultery but Jesus's standing as an interpreter of Scripture is being tested. "How knows this man letters [learning]" (John 7:15; cf. Mark 1:21–28). He passes the test by showing that he does indeed know his "letters." The law of adultery is not in effect for her but Jesus has to show that he knows how to judge the situation properly. Scripture continues to be authoritative but a male court cannot convict her because every one of them is given over to lust. The law still stands but is not being enforced because the self-test for male guilt has but one outcome: the male judges must be above reproach in their sexual lives.

To appreciate the incident, we have to go to the story of Tamar in Gen 38 because her seeming wrongdoing is the specific inspiration for the Num 5:12–31 bitter water test.⁷ Fundamental to understanding both the test at the wilderness tabernacle for a woman being tried for adultery and the Johannine adulteress brought to the temple for trial are the details of Tamar's circumstances. J. Duncan Derrett is rightly puzzled about the temple as the place the woman is brought for judgment. He thinks that we are not dealing with a regular trial.⁸ The link with the Numbers test at the tabernacle accounts for the surprising location.

6. For the rabbinic background, see David Daube, "Biblical Landmarks in the Struggle for Women's Rights," in Carmichael, *New Testament Judaism*, 239–47.

7. For a full discussion, see Calum Carmichael, *The Book of Numbers: A Critique of Genesis* (New Haven: Yale University Press, 2012), 26–32.

8. Derrett, *Law in the New Testament* (London: Darton, Longman & Todd, 1970), 25.

Aileen Guilding notes the story's placement immediately after the Feast of Tabernacles in John 7. The feast (as do others) plays a major role in John's Gospel. Its arrangement of topics is indebted to Jewish temple worship and synagogue preaching, in particular, to the Jewish lectionary system going back to the first century. The reading immediately following the Feast of Tabernacles is the story of Tamar in Gen 38.⁹

Judah, head of his family, learns that the widowed Tamar is pregnant and concludes that she has committed adultery. He has good reason to think this way. She is bound to Shelah, Judah's sole surviving son, because of the *zikhah* bond, the legal situation of a childless woman after the death of her husband. Judah, however, fears that like Onan and Tamar's dead husband Er, Shelah might die in a union with her as did the two brothers. Disguised as a harlot, she goes to Judah and, unrecognized by him, makes him the *levir*. The latter is usually a brother of the deceased who is bound by a sacred duty to produce a son and heir for her dead husband. Irregular sex by the widow with another partner during the *zikhah* period of inchoate marriage constitutes adultery. Judah orders Tamar to be burned for, to him, her obvious guilt. Yet she is saved from a terrible fate because of his own guilt. He comes to recognize that he was her drunken ("eyes red with wine") client (Gen 49:12) when she disguised herself as a prostitute to obtain seed from him. His own guilt turns her grim fortune around.

Tamar crucially furnishes evidence, Judah's seal with his identity inscribed on it, which proves he is the one who has impregnated her. He failed to recognize that the prostitute whom he encountered on his way to a sheep-shearing festival—a typically licentious occasion (Gen 38:12, 13; 1 Sam 25:4; 2 Sam 13:23–28; T.Jud. 12:2, 3)—was his daughter-in-law. Later, it very much appeared to him that, pregnant after three months (Gen 38:24), she had committed adultery. When confronted by his own culpability, however, he changed how he appraised her act. To repeat, male guilt, Judah's own, saves the woman from the awful consequences of her sexual wrongdoing. It is precisely the same reversal of fortune that saves the woman in John 8 from death by stoning.

We should highlight that there is indeed sexual wrongdoing in Gen 38 and in John 8 both by the males (Judah's son Onan and Judah himself in Gen 38 and the adulterer caught in the act in John 8) and by the females (Tamar

9. Aileen Guilding, *The Fourth Gospel and Jewish Worship: A Study of the Relation of St. John's Gospel to the Ancient Jewish Lectionary System* (Oxford: Clarendon, 1960), 2, 110–12.

in Gen 38 and the woman in John 8). Onan and then Judah himself are seriously remiss in failing to have the levirate custom fulfilled. Onan dies during intercourse with Tamar because, avariciously intent on acquiring his dead brother's share of the family inheritance, he purposefully avoids giving Tamar conception. God strikes him down on account of his violation of a sacred custom. Judah is next blameworthy because by intentionally holding back his third son Shelah from going into Tamar he chooses to delay imposing a son's levirate obligation. He fears that this son also will die in union with her. Tamar is also blameworthy because, disguising her identity, she passes herself off as a prostitute in order to target Judah and obtain seed from him. Her seeming licentious action is wholly antithetical to engaging in a private, solemn ritual involving sexual intercourse with a brother-in-law that should be far removed from conventional marital intercourse and its worldly associations.

In the circumstances, however, because of males failing to do their duty, Tamar's conduct emerges as justified in seeking out Judah and seducing him into giving her seed. Prostitution is not acceptable, but Judah acknowledges that it has been forced upon Tamar because of his failure to attend to the custom. Judah too is to be further condemned morally for engaging with a prostitute. Sexual sinning by both the male and the female players stands out in both stories. In John 8, the couple actually (and incredibly so) caught in the sexual act in public may owe this dramatic aspect to the incident in Gen 38. Tamar waylays Judah and has intercourse with him in the highlighted public setting of a dissolute festival.

Tamar's fraught situation provides, then, the background details that explain every facet of the ritual of the bitter water test. The woman confronting the test is pregnant and accused of adultery not on the grounds of a husband's suspicion but because he genuinely but wrongly thinks he could not have been the one who impregnated her. In focus is Judah's situation with the disguised Tamar. We have a model example of how ancient rules typically take up the quite specific details of a particular case. There is, for instance, the remarkable twist that Tamar's aim is to make Judah her legal husband in the special sense of the levirate custom.

A key feature of the Numbers ritual is the use of a piece of parchment to determine a wife's guilt or innocence when accused of adultery. With a curse inscribed on it and the words then dissolved in a mixture of water and earth from the temple floor, she is required to drink it. Should she have committed adultery, she is to expect that the inky curse written into the water will have terrible effect, causing her thigh to rot and her belly

to swell.¹⁰ The ritual in Num 5 is so designed as to imitate precisely what happens to Tamar in Gen 38 and provides a perfect illustration of George Buchanan Gray's statement that it is entirely in the manner of priestly procedure "to connect the origin of an institution with an event."¹¹

No formal institutional sanctuary like the later temple existed in patriarchal times. In its absence, Tamar's alleged guilt for breaking the levirate bond by having sex with someone other than Shelah comes to trial before Judah as the possessor of *patria potestas*. Judah has already made up his mind that she is guilty of adultery. In the Numbers rule, the woman's guilt is highlighted initially such that her husband immediately treats her as an adulteress.¹² That is why, before she is subjected to the test, she is shamed by having her hair unbound. There is no recognition that the accusation might be wrong. On the face of it and remarkably so, there is instead consideration of the husband not being culpable for proceeding against her in the first place. It is erroneous to think, however, that the institution hints at the possibility that a husband's jealousy might have little or no foundation. The error is the misconception that the rule is all-encompassing, covering different possibilities. *Qin'a*, "jealousy," "zeal," or, better, "possessiveness," in this context is an out of ordinary state of mind, often momentary but it need not be, especially the role of zeal in the religious-political sphere. The ritual deals with a truly complicated situation. In Judah's case he is at fault for failing to remember his dealings with a prostitute, Tamar in disguise.

10. That a bad conscience can cause physical harm is well recognized. There are eras when a sick person is considered a guilty person, disease counting as the expression of God's anger for a person's misdeeds, the externalization of internal vileness. The plagues afflicting the houses and land of pharaoh and King Abimelech come about because of Sarah's presence in the harem of each (Gen 12:14–20; 20). King Jeroboam suffers a withered arm because he ordered the detention of the nameless prophet who predicted dire developments (1 Kgs 13). Miriam's leprosy is a consequence of her questioning Moses's authority (Num 12). Blessings accrue if the laws are kept, curses if they are not (Deut 28).

11. See George Buchanan Gray, *A Critical and Exegetical Commentary on Numbers*, ICC (Edinburgh: T&T Clark, 1903), 384. Only events in the lawgiver Moses's life are explicitly referred to but this particular literary convention has other events before and after his time also fully in focus.

12. "Vv. 12–13 describe a wife who has in fact committed adultery" (Jo Ann Hackett, *HarperCollins Bible: New Revised Standard Version, with the Apocryphal/Deuterocanonical Books*, ed. Wayne A. Meeks [San Francisco: HarperSanFrancisco, 1993], 209).

She, in turn, is on a sacred mission to salvage her dead husband's inheritance and Judah's very own line. Judah is not her husband in any regular sense and there is little or no scope for bringing up, as is commonly done, a husband's sexual jealousy. Judah was mistaken in suspecting Tamar of adultery in his initial reaction to finding her pregnant. His reaction is not that of sexual jealousy but of outrage because he thinks she has violated a sacred family duty.

To all appearances Tamar is guilty of adultery, but then comes the dramatic turning point. She sets before Judah his identifying seal, which he had given her as a pledge to pay for the sexual services he received from her. That seal itself is made of clay, a mixture of water and earth with Judah's name inscribed on it: "rolled over documents incised in clay, it [the seal] would be the means of affixing a kind of self-notarized signature."¹³ Tamar thus makes Judah aware of his own sexual guilt and he accepts the judgment against himself when he says: "She has been more righteous than I because that I gave her not to Shelah my son" (Gen 38:26). The topic of female guilt triggering male guilt could not be clearer.

Tamar's use of an artifact made of earth and water to recall male culpability is mirrored in the bitter water test when the priest uses earth and water to assess female culpability. In John 8 also, there is initial attention fully devoted to female culpability for adultery and then a switch to male. Jesus writes on the earthen floor of the temple (recalling the priest's use of dust from that same floor in Num 5:17) and then renders his judgment: "He that is without sin among you [the males], let him first cast a stone at her." His pronouncement effectively declares the accused woman free of punishment because the male judges and executioners—only they could participate in criminal trials—are themselves given to sexual sinning in one form or another. In Gen 38 and John 8, the concentration solely on the woman's misconduct switches to that of the males sitting in judgment over her.

Particularly striking is that in Num 5 the woman's fate hinges on the written words on the parchment. The contents of a curse are dissolved into a mixture of water and earth from the temple floor and she is required to drink the solution. The writing necessarily becomes unrecognizable when soaked with water. The fate of the woman in John 8 also hinges on writing

13. See Robert Alter, *Genesis: Translation and Commentary* (New York: Norton, 1996), 221.

when Jesus bends down and writes on the floor of the temple words likewise unrecognizable. The woman in John 8 is in the identical position of the woman in Num 5, her sexual misbehavior held to account by means of a short-lived piece of writing. Inscription in each instance plays a central role in eliciting a verdict. After Jesus's gesture reenacting the ritual of the bitter water test (as interpreted at the time) he gives his oral response and again bends down and writes on the floor of the temple.

The verdict deflecting guilt from the woman is essentially the same in each narrative: "She [Tamar] has been more righteous than I [Judah] because that I gave her not to Shelah my son." The narrator adds "and he knew her again no more" (Gen 38:26). Having sinned against her, Judah acknowledges that on this account he could not proceed to judge her. The import of Jesus's saying, in turn, reflects the same stance: Males forfeit their right to judge a woman guilty of a sexual offense because of their own sexual blameworthiness: "He who is without [sexual] sin among you, let him first cast a stone at her" (John 8:7). Jesus also climactically remarks to the woman, "Go, and sin no more."

A Johannine equivalent of the water of Num 5 should also be considered. In John 7, in a context very much about judgment into which the adultery story fits uncommonly well ("Judge not according to appearance, but judge righteous judgment," John 7:24), and in the same setting, the temple, Jesus makes a pronouncement at the end of the Feast of Tabernacles: "If any man thirst, let him come to me, and drink. He that believes in me, as the scripture has said, out of his belly shall flow rivers of living water" (John 7:37, 38). When Jesus writes in the earth, he is graphically reenacting the bitter water test: he (figuratively) provides the water, and the earth is (literally) the temple earth.

In his judgment, or rather nonjudgment of the woman in John 8, Jesus is the living embodiment of the bitter water test of Num 5 as understood in his time: No guilty verdict on account of male guilt because in Rabbi Aki-va's words "Only when the [accusing] husband is himself free from guilt will the waters be an effective test of his wife's guilt or innocence" (Siphre on Num 5:31; b. Sotah 47b).¹⁴ In telling the woman not to sin again, the implication is that he holds out to her the prospect of becoming in her own person "living water." As C. H. Dodd points out, we learn from John 7:38,

14. Cited by Abrahams, *Studies in Pharisaism*, 74.

39 that “living water” comes from the Christ figure and means the imparting of spiritual enlightenment to the person.¹⁵

It is not particularly insightful to read John 8 as a historical incident. The sophistication that has gone into its construction is the outstanding feature. A parabolic action by Jesus evinces the bitter water ritual of Num 5. Ritual is fundamentally dramatized storytelling and John 8 furnishes a repeat of the kind that the ritual in Num 5 relays: Tamar’s licentious behavior is set aside at the point of her pending execution because Judah’s misconduct comes into reckoning. Imitating the scriptural ritual, Jesus produces for his time and place the correct judgment on the unnamed woman facing execution for her sexual offense. Having avoided an enforceable punishment her crime becomes a sin. It is a distinction with an important role in the history of law and religion.

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15. C. H. Dodd, *The Interpretation of the Fourth Gospel* (Cambridge: Cambridge University Press, 1965), 158, 310.

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Part 4
Notions of Torah in Late Antiquity

The Status of the Torah in Late Antiquity

Michael L. Satlow

It is a scholarly commonplace that torah played a central role for Jews in late antiquity. Much of the evidence for this assertion comes from rabbinic literature, which puts “torah” at the very center of the rabbinic project. For the rabbis, torah—particularly when subjected to rabbinic exegesis—was a source not only of norms but also of enduring and continuing divine wisdom. Mastery of torah was lauded and seen as a source of status. Treatment of the Torah as a material object, as well as its regular public performance, was highly ritualized. To the rabbis, torah (as object, content, and concept) was central.

What, though, about everybody else? The point of departure of this essay is the rather simple question of whether other Jews outside of the rabbinic orbit—the vast majority of Jews in late antiquity, that is—shared this rabbinic understanding of torah and its significance.¹ By extension, to what degree was Jewish use and veneration of (the) torah visible to non-Jews?

This study is a probe that tries to make sense of the available, meager evidence that might throw some light on these questions. My primary focus is on nonrabbinic evidence, both archaeological and textual.

Torah, I argue, did play a role in Jewish communities. This role, however, differed quite significantly from the one it played for the rabbis. Unsurprisingly, the nonrabbinic evidence supports the rabbinic claim that

1. On the nonrabbinic nature of Jews in late antiquity, see esp. Seth Schwartz, *Imperialism and Jewish Society: 200 B.C.E. to 640 C.E.*, Jews, Christians, and Muslims from the Ancient to the Modern World (Princeton: Princeton University Press, 2001), 162–76; Stuart S. Miller, *Sages and Commoners in Late Antique 'Erez Israel: A Philological Inquiry into Local Traditions in Talmud Yerushalmi*, TSAJ 111 (Tübingen: Mohr Siebeck, 2006).

scrolls of the Torah were stored and read regularly in synagogues. At the same time, though, these communities focused on the Torah as a source of legends and lore; as a numinous object; and for its apotropaic functions. There is very little evidence that these communities turned to the Torah as a source of norms or that they valued those who were learned in it.

The Torah in the Public Square

The rabbis assume that the Torah was read regularly in public, particularly on Mondays, Thursdays, Saturdays, and holidays. While the lectionary appears to have been fluid, the rabbis also assume that the readings were often translated into the vernacular, particularly Aramaic.² They also suggest that most Jews, or at least male Jews, would have been familiar with the contents of the Torah, perhaps also as the result of secondary education.³ Sources from the Second Temple period similarly suggest that Jews regularly read the Torah in public, particularly on Saturdays (Philo, *Somn.* 2.127; Josephus, *Ag. Ap.* 2.175; Luke 4:16–19). This is a practice that continued into late antiquity as seen in archaeological, iconographic, and literary evidence.

The two archaeological features found within many synagogues that suggest that Torah scrolls were kept and (probably) read there are niches and the remains of reading tables. Many synagogues, in and out of Palestine, contain permanent niches on their Jerusalem-aligned wall.⁴ These niches are generally termed aediculae, since they resemble the niches in Roman buildings that held statues of the gods or altars. Almost all scholars have taken these, in their synagogue context, to be Torah shrines. Some synagogues probably contained wooden Torah shrines rather than permanent niches.⁵

2. On the lectionary, see Lee I. Levine, *The Ancient Synagogue: The First Thousand Years*, 2nd ed. (New Haven: Yale University Press, 2005), 536–40. On Targum, see Ze'ev Safrai, "The Origins of Reading the Aramaic Targum in Synagogue," *Imm* 24/25 (1990): 187–93.

3. Catherine Hezser, *Jewish Literacy in Roman Palestine*, TSAJ 81 (Tübingen: Mohr Siebeck, 2001), 39–68.

4. Rachel Hachlili, *Ancient Jewish Art and Archaeology in the Land of Israel*, HdO 1/4 (Leiden: Brill, 1988), 166–87; Hachili, *Ancient Jewish Art and Archaeology in the Diaspora*, HdO 1/35 (Leiden: Brill, 1998), 67–76. See also *IJO* 2.129, commemorating the gift of a νομοφυλ[ά]κιον.

5. Steven Fine, *This Holy Place: On the Sanctity of the Synagogue during the Greco-Roman Period*, CJAn 11 (Notre Dame: University of Notre Dame Press, 1997),

Whether it takes the form of a niche, an aedicule, or an apse, the form of these Torah shrines varies little inside and outside of Palestine.⁶ Outside of Israel synagogues rarely (only in the case of Sardis) contain more than one such structure; in Israel several synagogues (Nabratein, Capernaum, Chorazin, and Meroth) have two. Rachel Hachlili suggests that one might have held the menorah and the other the ark of scrolls, but in any case it remains an architectural focal point.⁷ What is more certain is that the niches or apses would have been understood by anybody in antiquity—whether Jewish or not—to house something holy. Normally one would expect to find a cultic image or altar in such a spot.⁸ The architecture sends a message of holiness.

Some synagogues may have contained permanent reading tables. A substantial part of what is thought to be part of such a table was found at Migdal (although this might be from the Second Temple period).⁹ There are remains of a few other such tables in synagogues, from both within and outside of Israel.¹⁰ There are not many such surviving structures, perhaps because, as Lee Levine plausibly suggests, they normally used wooden tables for the reading of the Torah.¹¹

There is much iconography of a structure that is commonly identified as the Torah ark, the ark of the covenant, or the tabernacle or

212 n. 90. It is unclear whether this is to be associated with the “chest” mentioned in a synagogue inscription (Lee I. Levine, “Excavations at the Synagogue of Ḥorvat ‘Ammudim,” *IEJ* 32 [1982]: 1–12). Other inscriptions in Hebrew and Aramaic mention בית אֶרְוֶנָה (*IJO* 3.Syr35, Syr89).

6. See also the discussion in Carl H. Kraeling, *The Synagogue*, Excavations at Dura-Europas Final Report 8.1 (New Haven: Yale University Press, 1956), 54–62.

7. Hachlili, *Ancient Jewish Art and Archaeology in the Diaspora*, 94.

8. For the provocative claim that the Torah was in fact a kind of replacement for a cultic object, see Martin Goodman, “Sacred Scripture and ‘Defiling the Hands,’” *JTS* 41 (1990): 99–107.

9. Mordechai Aviam, “The Decorated Stone from the Synagogue at Migdal: A Holistic Interpretation and a Glimpse into the Life of Galilean Jews at the Time of Jesus,” *NovT* 55 (2013): 205–20.

10. Mordechai Aviam, “Another Reading Table Base from a Galilean Synagogue: Some Comments on the Stone Table from Ḥorvat Kur,” in *Arise, Walk through the Land: Studies in the Archaeology and History of the Land of Israel in Memory of Yizhar Hirschfeld on the Tenth Anniversary of His Demise*, ed. Joseph Patrich, Orit Peleg-Barkat, and Erez Ben-Yosef (Jerusalem: Israel Exploration Society, 2016), 79*–82*; Levine, *Ancient Synagogue*, 253 (Dura Europos), 263 (Sardis).

11. Levine, *Ancient Synagogue*, 345.

temple. It depicts a columned building facade, often with a curtain that is drawn back to reveal (wood?) doors. The structure is often flanked by two seven-branched candelabra (*menorot*) and other implements associated with the temple, such as incense shovels, *shofrot*, and *lulavim*. In Palestine such depictions have been found at Hammat Tiberias, Sephoris, Beit Alpha, Na'aran, Susiya, Khirbet Samara (maybe Samaritan), and Beit Shean (Samaritan). The identity of this structure has been hotly debated with three primary interpretations offered: it depicts the temple or tabernacle; it depicts an idealization of the holy structures, pointing toward messianic hope; or it depicts actual structures that stood in the synagogue.¹² (A somewhat analogous structure depicted in Dura Europos is quite clearly to be associated with the temple.)¹³ As Rina Talgam indicates, though, the picture does not necessarily bear a single interpretation.¹⁴ If the structure would have been seen as containing scrolls of Scripture, then there is no reason why it might not also have been seen as depicting the temple or tabernacle, and thus reinforcing the identification of the synagogue as a “lesser temple” and the scrolls as serving a similar function as the sacrifice.¹⁵

Aside from the depiction of scrolls in open arks (discussed below), the single depiction of what might be a scriptural scroll can be found on the synagogue walls of Dura Europos. It shows a standing man in a toga holding an open scroll in both hands. The identity of both the man and the scroll is unclear. It might well be connected to the nearby portrait of Moses and is meant to convey Moses's reception of the written law. Other scholars, though, have identified the figure as Ezra, and at least one other scholar has dismissed any link to a biblical figure, stating that the “reader of the scroll, then, may be any reader of sacred scriptures, past or present.”¹⁶

Literary evidence too attests to the use of Torah scrolls in synagogues. Perhaps the most explicit nonrabbinic testimony to the reading and

12. For a summary of this debate with sources, see Rina Talgam, *Mosaics of Faith: Floors of Pagans, Jews, Samaritans, Christians, and Muslims in the Holy Land* (Jerusalem: Yad Ben-Zvi; University Park: Pennsylvania State University Press, 2014), 266–67.

13. Kraeling, *Synagogue*, 105–13.

14. Talgam, *Mosaics of Faith*, 267.

15. This interpretation is suggested by Fine, *This Holy Place*, 118–21.

16. Clark Hopkins, *The Discovery of Dura Europos*, ed. Bernard Goldman (New Haven: Yale University Press, 1979), 148. The figure is Ezra according to Kraeling, *Synagogue*, 232–35.

importance of Scripture to Jews in late antiquity can be found in a novella of Justinian that dates to 553. The Jewish community had been quarreling over whether to read Scriptures in public in Hebrew only or also in the vernacular. Unable to settle the question themselves, they finally, according to the novella, petitioned the emperor to resolve their dispute.¹⁷ After laying out the context, the novella states:

We decree, therefore, that it shall be permitted to those Hebrews who want it to read the Holy Books in their synagogues and, in general, in any place where there are Hebrews, in the Greek language before those assembled and comprehending, or possibly in our ancestral language (we speak of the Italian language), or simply in all the other languages, changing language and reading according to the different places; and that through this reading the matters read shall become clear to all those assembled and comprehending, and that they shall live and act according to them.¹⁸

It is clear that the drafters of this law were familiar with the public ritual reading of the Torah in the synagogues (presumably, although this is not explicit, on the Sabbath).

The authors of a few other Christian texts too show awareness that scrolls of Scripture are stored in the synagogue although they fall short of telling us how they were used. Severus of Minorca tells of Christians removing “the sacred books so that they wouldn’t suffer harm among the Jews” from a synagogue that had been burned (13 [Bradbury]). Theodoret of Cyrus notes dryly that Jews, unlike Christians, continue to keep their sacred writings in scrolls of parchment (*Commentarius in omnes sancti Pauli Epistolas*, PG 82:853d, on 2 Tim 4:13). At least some Christians, then,

17. *Novellae* 146, found in Amon Linder, *The Jews in Roman Imperial Legislation* (Detroit: Wayne State; Jerusalem: Israel Academy of Sciences and Humanities, 1987), 302–11. There is such a strong Christian theological agenda to this rescript (i.e., that Jews should understand the words of Scripture, with the assumption that in so doing they will also come to see the truth of Christianity) that it is possible that the attribution to the Jewish community is fictional. Nevertheless, it seems likely that the reference to synagogue reading does reflect some reality.

18. Linder, *Jews in Roman Imperial Legislation*, 408: Θεσπίζομεν τοίνυν, ἄδειαν εἶναι τοῖς βουλομένοις Ἑβραίοις κατὰ τὰς συναγωγὰς τὰς αὐτῶν, καθ’ ὃν Ἑβραῖοι ὅλως τόπον εἰσὶ, διὰ τῆς ἐλληνίδος φωνῆς τὰς ἱεράς βίβλους ἀναγινώσκειν τοῖς συνιοῦσιν, ἢ καὶ τῆς πατρῖου τυχόν (τῆς ἰταλικῆς ταύτης φασμέν).

knew that Jews kept scrolls of Scripture in the synagogue, even if they were not all entirely sure what was done with them.

While many Jews may have been exposed to the Torah in synagogue settings (particularly if it was recited in a language they understood), others may have received training in them. Rabbinic literature mentions the “pedagogue” and seems to assume that at least some children were taught Scripture, presumably (although this is not at all clear) in private tutoring arrangements.¹⁹ No other nonrabbinic evidence known to me, however, throws light on how and in what topics Jewish families and communities educated their children.

Legends and Lore

Artistic representation was not uncommon in late antique synagogues. Both inside and outside of Palestine, ancient synagogues were often decorated, whether by paintings, mosaics, or stonework. Much of this decoration consisted of geometric designs; symbols that would commonly have been associated with Jews (e.g., menorah or *lulav*); and texts (e.g., donation or votive inscriptions or the exceptional texts found in the synagogues of ‘Ein Gedi and Rechov). Some synagogues, however, also had much more elaborate artistic programs that included figural representation. A handful of examples survive, including especially the elaborately painted wall of the synagogue in Dura Europos and a number of mosaics from synagogues in Palestine.

The richly decorated synagogue at Dura Europos contains illustrations of, among other things, the exodus, Jacob at Bethel, Solomon, the battle at Shiloh, the return of the ark (1 Sam 5:2–5), Aaron, Moses hitting the rock, the anointing of David, pharaoh and the infancy of Moses, the story of Esther and Mordechai, Elijah reviving the widow’s son (1 Kgs 17:17–24), Elijah meeting the widow of Zarephath (1 Kgs 17:10–16), Elijah triumphing over the priests of Baal (1 Kgs 18:29–39), the dry bones vision of Ezekiel (37:1–14), three youths in the furnace, and, perhaps, the victory of Judas Maccabee over Gorgias (Josephus, *Ant.* 12.298–316) and the cleansing of the temple (1 Macc 4:36).

The iconography of the synagogues of Palestine is equally varied, although hardly any of it overlaps with that of Dura Europos. The

19. Hezser, *Jewish Literacy*, 39–68.

synagogues contain images of zodiacs (Hammat Tiberias; Sepphoris; Beit Alpha), the angels visitation to Abraham (Sepphoris) and the attempted sacrifice of Isaac (Sepphoris and Beit Alpha), Aaron's consecration (Sepphoris), Daniel in the lions' den (Na'aran), Noah's ark (Gerasa), David (Gaza; Meroth; Wadi el Hamam), construction of Solomon's temple (Wadi el Hamam), the exodus (Wadi el Hamam), Samson (Huqoq), and Alexander the Great (?; Huqoq).

The appearance of biblical scenes in these mosaics should not be surprising. In secular Roman buildings the mosaics were richly decorated with mythological scenes.²⁰ When Jews began to use figural mosaics (apparently a development beginning in the fourth century CE) they needed an artistic program. Only a few synagogues with mosaics balked at human (or even more rarely animal) representation. However one understands the Jewish encounter with and appropriation of figural representation (and there is a long and complex scholarship on this topic), once that decision was made it would have been natural to draw on ancestral traditions in order to inform the artistic choices. It is likely that the scenes depicted in these mosaics were by and large well known. It is interesting to note that several panels also contain captions (e.g., Aaron and Solomon in Dura Europos; Abraham and Isaac at Beit Alpha), perhaps indicating the artist's unease that his (?) work would not be readily identified.

The stories tend to center around dramatic narratives and heroes. Abraham, Isaac, Moses, Aaron, David, Solomon, Elijah, Mordechai, and Esther, among others appear. There is no representation of the theophany on Sinai or the entrance into the promised land. One wonders if such stories were even widely known. In contrast to many modern synagogues that contain biblical citations (or representations of the Ten Commandments) ancient synagogues almost never do so. To the extent that the artistic programs draw on Scripture, Scripture serves as a source of stories, not law.

It is also worth noting that a few depictions seem to fall outside of the traditional bounds of Scripture. The panels at Dura Europos that may depict scenes from the Maccabees are fragmentary, but if that identification holds then it could indicate that these stories were well known and not distinguished from "canonical" ones. So too with the potential image

20. One fresco from Pompeii might reflect knowledge of the judgment of Solomon, perhaps mediated through a theater performance. The identification of the image, though, is hardly certain. See Joseph Gutmann, "Was There Biblical Art at Pompeii?" *Antike Kunst* 15 (1972): 22–24.

of Alexander the Great at Huqoq.²¹ In any case, it is likely that the Torah (and Scripture more generally) was used as the source for a great majority of synagogue art.

Numinous

There is ample rabbinic and epigraphical evidence that the synagogue was considered to be holy. Inscriptions in ancient synagogues, for example, regularly refer to it as a “holy place,” and the rabbis craft a variety of laws that reinforce the notion of the synagogue as “holy.”²² Why the synagogue is deemed holy is not entirely clear. For Levine, the holiness of the synagogue seems to derive from its association with the temple.²³ Without dismissing this view, Steven Fine suggests that the synagogue’s holiness derived primarily from the status of the Torah scrolls within it.

Late antique Christian texts further support the claim that Torah scrolls were seen as having a numinous quality. John Chrysostom (*Adv. Jud.* 1.5, 850) famously delivered a homily that sought to counter a Christian belief that the swearing of an oath in the presence of Torah scrolls was especially effective; it would be hard to believe that the Jews of Antioch did not share that judgment. Severus (8) relates that the Jews consulted their sacred books at a time of danger, which implied a more oracular and potentially numinous role for them.

There is only one Jewish biblical text known to me that dates from late antiquity, and this is the recently deciphered Ein Gedi scroll.²⁴ Discovered in 1970, badly charred next to the Torah-shrine in the synagogue in Ein Gedi, the scroll was recently found to contain at least the first two chapters of the book of Leviticus. Given the context of its discovery, it is now sometimes taken as an example of the kind of scroll that would have been read liturgically in the synagogue.

21. See Karen Britt and Ra’anan Boustán, *The Elephant Mosaic Panel in the Synagogue at Huqoq: Official Publication and Initial Interpretations*, JRASup 106 (Portsmouth, RI: Journal of Roman Archaeology, 2017).

22. Fine, *This Holy Place*, 35–94.

23. Levine, *Ancient Synagogue*, 238–42.

24. See also Michael Satlow, “The Ein Gedi Scroll: What We Could Potentially, Maybe Learn,” *Then and Now*, 31 Aug 2015; <http://mlsatlow.com/2015/08/31/the-ein-gedi-scroll-what-we-could-potentially-maybe-learn/>.

Two factors, however, should caution us against reaching such a conclusion too quickly. First, a variety of other material remains were found alongside the burnt scroll, including coins, perfume bottles, lamps, and a menorah. This could indicate either that the scroll was moved to this site along with other debris after it was burned or that the scroll was stored or buried with these other items.

Second, and more significantly, the scroll was small: only 7 cm. The scrolls from Qumran that we normally consider to have been used liturgically are significantly larger. While it is not impossible that this scroll was used liturgically, its size suggests another function.

One such possible function is that it was part of a foundation or other kind of deposit that was used to enhance the holiness of the space. If this is true—and we have plenty of evidence for foundation deposits of coins—then this scroll could indicate the numinous power associated with Torah scrolls at that time.

Apotropaic

Torah also seemed to serve an apotropaic function among Jews in antiquity. Perhaps best seen as flowing from its numinous authority, the Torah—or even evocations of it—was seen as effective in warding off evil forces.

This can perhaps be seen in the depictions of Torah shrines in Jewish graveyards. At the necropolis at Beit Shearim, for example, depictions of Torah shrines appear in a graffito, on a sarcophagus, and on a glass plate.²⁵ These images have also been found on mirror-plaques. Such mirror-plaques are frequently found in mortuary settings, and L. Y. Rahmani has plausibly argued that they are meant to serve an apotropaic function.²⁶ Images of the Torah shrine, often with open doors, appear frequently in funerary contexts outside of Palestine.²⁷

25. Benjamin Mazar, *Beth Shearim: Report on the Excavations during 1936–1940*, 3 vols. (New Brunswick: Rutgers University Press, 1973–1976), 1:111–13; 1:176–77; 3:209–13. See Erwin Ramsdell Goodenough, *The Archeological Evidence from Palestine*, vol. 1 of *Jewish Symbols in the Greco-Roman Period*, Bollinger Series 37 (New York: Pantheon Books, 1953), 1:159, 174–77, for more examples.

26. L. Y. Rahmani, “Mirror-Plaques from a Fifth-Century A.D. Tomb,” *IEJ* 14 (1964): 50–60. It is possible, however, that the depiction of the Torah shrine is incidental to the apotropaic function of the mirror.

27. For examples, see *JWE* 2.11, 134, 164, 167, 185, 187, 195, 443, 502, 515, 516. See also Hachlili, *Ancient Jewish Art and Archaeology in the Land of Israel*, 272–80.

The epigraphic citation of biblical texts might also have been seen as serving an apotropaic function. There are some such citations outside of Palestine. One doorway in Palmyra has several verses written in Hebrew (*IJO* 3.Syr44–47). A text of Num 6:22–27, mostly in Greek (with a line of Hebrew), was found in Thessalonica (*IJO* 1.Mac17). Some inscriptions identified as Samaritan contain verses from Scripture. One (probably Samaritan) amulet (*IJO* 1.Ach50), for example, contains a mash-up of verses, and on a column in Syracuse is inscribed in Hebrew Num 10:35, which is associated with the taking out of the Torah.²⁸ One late bronze lamp has written in Hebrew, תורה אור (*JIWE* 1.21). A curse on those who would add their bones to a tomb contains an indirect reference to “the law the Lord gave the Jews” (*per licem quem Dominus dedit Iudeis*; *JIWE* 1.145). Within Palestine, while several churches have mosaics of biblical citations (Birsama, Caesarea, Ein Semsem, Evron, or on a lintel in Jueizeh), synagogue inscriptions never cite Scripture.

Finally, in considering the apotropaic function of Torah one might mention *tefillin*, the *mezuzah*, and amulets. The amulets, some found in synagogues, are notable for their use of both the names of God and quotations of Scripture.²⁹ At least at an earlier period *tefillin* was seen as having apotropaic powers (like amulets) and it is likely (although a full study must still be done) that the *mezuzah* too was frequently seen by its owners as warding off demonic forces.³⁰

Conclusions

There is very little evidence outside of rabbinic sources that Jews regarded the Torah as a source of normative law or even salutary advice. Moreover, unlike what would develop in the Middle Ages and beyond, mastery

On these, see Steven Fine, “The Open Torah Ark: A Jewish Iconographic Type in Late Antique Rome and Sardis,” in *Viewing Ancient Jewish Art and Archaeology: Ve-Hin-neni Rachel—Essays in Honor of Rachel Hachlili*, ed. Ann E. Killebrew and Gabriele Fassbeck, *JSJSup* 172 (Leiden: Brill, 2016), 121–34. Fine interprets these as representing the “centrality of the scroll” for Jews (131).

28. *JIWE* 1.153. See the commentary on p. 205 there, and Albrecht Alt, “Zwei samaritanische Inschriften,” *ZDPV* 48 (1925): 398–400.

29. See Hanan Eshel and Rivka Leiman, “Jewish Amulets Written on Metal Scrolls,” *JAJ* 1 (2010): 189–99.

30. Yehudah Cohn, *Tangled Up in Text: Tefillin and the Ancient World*, *BJS* 351 (Providence, RI: Brown Judaic Studies, 2008), 151–61.

of Torah is rarely singled out for praise, even on gravestones.³¹ Perhaps the clearest reference to praise for knowledge of Scripture is a commemoration in Rome of a certain Eusebius as a “teacher, student of the law.”³² Others are denoted as “lover of the law” although since those who receive this commemoration include not only a *grammateus* (JIWE 2.502) and a “father of the synagogue” (JIWE 2.576) but also a woman (JIWE 2.281) and a child (JIWE 2.212), it is difficult to know what to make of the term.³³ Another woman was praised for her observance of the law, but this has only a tenuous link to torah (JIWE 2.103).

This however does not mean that the torah—whatever was meant by it—was unimportant to most Jews. At least some Jews would have known the contents of the Torah through readings in synagogues and perhaps childhood education. Jewish communities drew on its stories in order to create art, which in turn reinforced a sense of ethnic distinctiveness (even if none of the examples can be said to convey a narrative or historical coherence).

Whether or not the Torah was read or understood, though, it also served an important role as a ritual object that channeled the divine force and could be used to ward off evil forces. The real force of Torah, in this view, was not what was in it but its very material being. This use of Torah frustrated Justinian and Chrysostom, as, I suspect, it would have the rabbis as well.

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31. For the medieval evidence, see <http://www.steinheim-institut.de/cgi-bin/epidat>.

32. JIWE 2.68. See also nos. 307, 374 (same Eusebius?), and 390.

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Paul, Augustine, and the “I” of Romans 7

Paula Fredriksen

I do not understand my own actions. For I do not do what I want to do; but the very thing that I hate, this I do. Now if I do what I do not want, I confess that the Law is good ... For I do not do the good that I want, but the evil I do not want is what I do ... Wretched man that I am! Who will deliver me from this body of death?

Thus the lament of the divided self in the seventh chapter of Paul’s letter to the Romans.¹ A long Western tradition, both in Christian theology and in scholarship on Christianity, has seen in Rom 7 Paul’s personal report of his own frustrations with Jewish law. This Pauline introspective anguish so resonated with Augustine’s own, according to this tradition of interpretation, that the fourth-century church father used it, to lyrical literary effect, when describing his own spiritual struggles against the flesh in his *Confessions*, especially in its tumultuous book 8. Further, the conflicted “I”

1. Thus the RSV’s English for Romans 7:15–16, 19, 24. In Paul’s Greek, and in Augustine’s Latin, the text is: 7:15 ὁ γὰρ κατεργάζομαι οὐ γινώσκω· οὐ γὰρ ὃ θέλω τοῦτο πράσσω, ἀλλ’ ὃ μισῶ τοῦτο ποιῶ. 16 εἰ δὲ ὃ οὐ θέλω τοῦτο ποιῶ, σύμφημι* τῷ νόμῳ ὅτι καλός ... 19 οὐ γὰρ ὃ θέλω ποιῶ ἀγαθόν, ἀλλὰ ὃ οὐ θέλω κακὸν τοῦτο πράσσω ... 24 Ταλαίπωρος ἐγὼ ἄνθρωπος· τίς με ῥύσεται ἐκ τοῦ σώματος τοῦ θανάτου τούτου; Quod enim operor, ignoro. Non enim quod volo, hoc ago, sed quod odi, illud facio. Si autem quod nolo, hoc facio, consentio legi, quoniam bona est.... Non enim quod volo bonum, hoc facio; sed quod nolo malum, hoc ago.... Infelix ego homo; quis me liberabit de corpore mortis huius? Parts of the current essay draw on arguments that I have made in Paula Fredriksen, “The *Confessions* as Autobiography,” in *Blackwell Companion to Augustine*, ed. Mark Vessey, BCAF (Oxford: Blackwell, 2012), 87–98; and in Fredriksen, “Paul, Augustine, and Krister on the Introspective Conscience of the West,” in *Krister Among the Jews and Gentiles: An Appreciation of the Life and Work of Krister Stendahl*, ed. Paula Fredriksen and Jesper Svartvik, SJC (New York: Paulist, 2018), 146–62.

of Rom 7 bore late fruit in the theology of the Augustinian monk, Martin Luther, whose slogan *simul iustus et peccator* encapsulated this Pauline-Augustinian understanding of anguished introspective selfhood.

Introspection, in these theological readings, spurred on by the individual's frustrated failure to live according to the canons of the law, invariably leads to painful self-awareness of the power of sin. Not only is this notion of individuality imagined as a stable construct across some fifteen centuries; so too is the moral and psychological pain of the divided self. Paul's anguish in Rom 7 was memorialized by Augustine in his *Confessions*; Luther's punishing introspective conscience instantiated it.

Paul as Subject in Romans 7

This reading of Paul should not have survived Werner Georg Kümmel's 1929 monograph on Rom 7, but it did.² In the mid-twentieth century, three great Scandinavian scholars—Johannes Munck, Nils Dahl, and Krister Stendahl—all argued that Paul had a “robust conscience,” *especially* with respect to the law, as evinced by his line in Phil 3:6: “As to righteousness under the law, I was blameless.”³ Nonetheless, the older reading has perdured.

(Some) New Testament scholars have relinquished the autobiographical reading of Paul in Rom 7, but not without regret. Understood traditionally, after all, this chapter stands as a powerful repudiation of the law, and as an important index of the superiority of Christianity to Judaism. Some indeed still insist that the “I” of Rom 7 stands in for “everyone,” whether gentile or Jew (thus for Paul, too, if not Paul in particular), who strives to live under the law.⁴

2. Republished in Kümmel, *Römer sieben und das Bild des Menschen im Neuen Testament: Zwei Studien*, TB 53 (Munich: Kaiser, 1974), esp. 117–32, arguing against this identification as autobiographical.

3. Johannes Munck, *Paulus und die Heilsgeschichte*, Acta Jutlandica 26.1 (Copenhagen: Munksgaard, 1954); Munck, *Paul and the Salvation of Mankind*, trans. Frank Clarke (Richmond, VA: John Knox, 1959); Nils A. Dahl, *Studies in Paul: Theology for the Early Christian Mission* (Minneapolis: Augsburg, 1977), esp. “The Missionary Theology in the Epistle to the Romans” (70–94), and “The Future of Israel” (137–58); Krister Stendahl, “The Apostle Paul and the Introspective Conscience of the West,” *HTR* 56 (1963): 199–215.

4. So Robert Jewett in his massive Romans commentary (*Romans: A Commentary*, Hermeneia [Minneapolis: Fortress, 2007]), 441–73, splitting the difference between Paul's referring to humans in general and himself in particular.

Back in 1963, however, Stendahl had pushed even harder against reading Rom 7 as Paul’s self-report. He also proposed an energetically self-confident Paul. Not only was Paul, in his earlier life, “flawless” when it came to law-observance, Stendahl noted (Phil 3:6, cf. Gal 1:14). Paul continued always to be the best at whatever he did. He was the best at speaking in tongues, the charismatic glossolalia that marked spirit-possession (1 Cor 14:18: “I thank God that I speak in tongues more than you all”). He was better than all of the other apostles, specifically better than those who were apostles before him (1 Cor 15:10: “By the grace of God I am what I am, and his grace to me has not been in vain”). Of the remnant of Israel chosen by grace, in the time before Christ’s impending return, Paul was himself a conspicuous member (Rom 11:1 “Has God then rejected his people? By no means! I myself am an Israelite”). Anguished introspection—or even a glimmer of self-doubt—was not, Stendahl urged, Paul’s strong suit.

So how did Paul come to be read this way? Where did Luther’s Paul—and, for that matter, Luther’s Luther—come from? *Ecce unde*, as Stendahl might have said. In two paragraphs of his important article, he identified the source of the West’s introspective conscience: not Paul himself, but Augustine and, most specifically, the Augustine of the *Confessions*.

Augustine and Anguished Introspection

Augustine’s *Confessions*, said Stendahl, not only first articulated the West’s idea of the introspective conscience: the *Confessions* also served as its historical conduit. “The *Confessions* are the first great document in the history of the introspective conscience,” he asserted. “The Augustinian line leads into the Middle Ages, and reaches its climax in the penitential struggle of the Augustinian monk, Martin Luther, and in his interpretation of Paul.”⁵ From Luther, this Augustinian “self” was carried forward into modern New Testament criticism, which—in part thanks to Luther—was itself a product of the Protestant Reformation. In brief, Augustine’s reading of Paul—and his ideas about his own self as revealed especially in the *Confessions*—were an important source of Luther’s Paul, of Luther’s Luther, and of New Testament scholarship’s interpretation of Rom 7 as Paul’s autobiographical report.

5. Stendahl, “Apostle Paul,” 205.

Stendahl published his influential article—originally an address to the American Psychoanalytic Association—in 1963. The late 1950s and the 1960s happened to be the high-water mark of psychoanalytic historiography, then known as “psycho-history.” Throughout the US, Erik Erickson’s *Young Man Luther* was canonical reading in liberal arts departments of religious studies.⁶ This same period, coincidentally, also saw the birth and development of Roman late antiquity as a field with its own academic identity, and a bloom of scholarly attention to the figure of Augustine of Hippo. Inevitably, Augustine himself came to serve as the subject, or the object, of psychoanalytic historical writing. This mode of reading Augustine was particularly showcased in a gathering of essays, mid-1960s, in the *Journal for the Scientific Study of Religion*. Diagnosis: unresolved Oedipal issues.⁷

But the influence of this tradition of psychoanalytically inflected historical interpretation is best seen, and seen at its best, in Peter Brown’s classic biography *Augustine of Hippo*.⁸ In that great book, Brown characterized Augustine’s writing of the *Confessions* as “an act of therapy.”⁹ This work, Brown said, represented a “climax” of antiquity’s autobiographical genre (no examples of which, however, were offered).¹⁰ When writing the *Confessions*, claimed Brown, Augustine had “felt compelled to reveal himself” through an “anxious turning to [his] past.”¹¹ Augustine thereby

6. Erikson, *Young Man Luther* (New York: Norton, 1958).

7. Earlier efforts were made by E. R. Dodds, “Augustine’s *Confessions*: a Study of Spiritual Maladjustment,” *Hibbert Journal* 26 (1928): 459–73; C. Kligerman, “A Psychoanalytic Study of the *Confessions* of St. Augustine,” *Journal of the American Psychoanalytic Association* 5 (1957): 469–84. The *JSSR* essays include those by Philip Woollcott Jr., “Some Considerations of Creativity and Religious Experience in St. Augustine of Hippo,” *JSSR* 5 (1966): 273–83; David Bakan, “Some Thoughts on Reading St. Augustine’s *Confessions*,” *JSSR* 5 (1965): 149–52; Walter Houston Clark, “Depth and Rationality in Augustine’s *Confessions*,” *JSSR* 5 (1965): 144–48; James Dittes, “Continuities between the Life and Thought of Augustine,” *JSSR* 5 (1965): 130–40; and Paul W. Pruyser, “Psychological Examination: Augustine,” *JSSR* 5 (1966): 284–89. I reviewed these essays—while, unfortunately, venturing my own diagnosis (“infantile narcissism”)—in Fredriksen, “Augustine and His Analysts: The Possibility of a Psycho-history,” *Soundings* 56 (1978): 206–27.

8. Brown, *Augustine of Hippo: A Biography* (Berkeley: University of California Press, 1967). Henri-Irénée Marrou noted Brown’s subtle allegiances to psychoanalytic theory in his review of Brown’s work, *Revue des Études Latines* 45 (1967): 175.

9. Brown, *Augustine of Hippo*, 165.

10. Brown, *Augustine of Hippo*, 159.

11. First quotation from Brown, *Augustine of Hippo*, 160; the second is on 164.

achieved a “therapy of self-examination.”¹² Brown’s psychoanalytic orientation focused attention on Augustine’s conscious and (imputed) unconscious thoughts and feelings, especially as these related to his relationship with his mother. (Brown devoted the second chapter of this biography to Monica.) Finally, Brown raised the issue of the emotional authenticity of Augustine’s depiction of his past, as well as of the psychotherapeutic benefits accrued on account of that depiction.¹³

Brown’s historical acumen combined with his sensitivity to psychological nuance to produce a biography of tremendous beauty and depth. But this sensitivity was purchased at a price. In his chapter 10, on the conversion of 387 CE, Brown simply quoted Augustine’s own description of the event from *Conf.* 8, which was written some ten long years after the event.¹⁴ Unsurprisingly, in his chapter devoted specifically to the *Confessions*, Brown chose not to take into account the final third of Augustine’s complex work. Instead, he merely mentioned the existence of its last three dense, very philosophical books in the closing paragraph of his twenty-four-page chapter.¹⁵

The effect of Brown’s approach was a subtle reediting of the *Confessions*: the “impersonal” sections of Augustine’s so-called autobiography, books 11 through 13, simply dropped from view. American publishers were not slow to note the lesson. They offered classroom-friendly paperback editions shorn of these bothersome meditations on memory, time, biblical revelation, and eschatological redemption. Undergraduates could finally read the *Confessions* as it should have been written.¹⁶

12. Brown, *Augustine of Hippo*, 181.

13. Brown, *Augustine of Hippo*, 170.

14. Noted too by Augustine’s more recent biographer, James J. O’Donnell, *Augustine: A New Biography* (New York: Harper Perennial, 2005), 73. On the interpretive gaps between Augustine’s presentation of self in the Cassiciacum dialogues (penned immediately following his conversion experience, 386/387) and his later account in the *Confessions*, as well as his changing understandings of Paul’s writings in the decade 386–396, see Paula Fredriksen, “Paul and Augustine: Conversion Narratives, Orthodox Traditions, and the Retrospective Self,” *JTS* 37 (1986): 3–34, esp. 20–26; in greater detail, Fredriksen, “Beyond the Body/Soul Dichotomy: Augustine on Paul against the Manichees and the Pelagians,” *RechAugPat* 23 (1988): 89–98.

15. Brown, *Augustine of Hippo*, 180–81.

16. Such an edition is currently available through Wal-Mart: *Augustine’s Confessions I–X* (Palala Press, 2016).

I would like to pause here briefly, then, to consider how the *Confessions* was in fact written. The life-story section of the *Confessions* is well known. Augustine was beaten as a schoolboy. He stole pears as a teenager. He came to Carthage burning, burning, where a cauldron of unholy lusts leapt and boiled about his flesh. He had the freshman year from hell: he joined the Manichees; he acquired a live-in girlfriend, whom he got pregnant; and he changed his major from law to philosophy. But then, Augustine became disillusioned with the Manichees. He moved to Rome, then to Milan. He listened to Ambrose preach. He read in translation some “books of the Platonists” (as he off-handedly refers to them in *Conf.* 7.9, 13).

Through late Platonism, Augustine says in book 7, he came to reconceive the problem of evil. Evil is not *something*, an active malignant force, as the Manichees had taught. Evil is *no*-thing, the *absence* of something: the absence of good, just as cold is the absence of heat. God creates, which means, since God is all good and only good, that whatever God creates is only good, too. Evil erodes the good, like rust erodes steel. But evil does not *invade* the good, because evil is *not*-good, *not*-being. God creates every thing. But not even God can create *no*-thing.

This is Augustine’s account, written in 397–400 in the *Confessions*, of how he was thinking about the problem of evil, preconversion, in cosmopolitan Milan, in the mid-380s. He offers in this work not an “*introspective self*” so much as a “*retrospective self*.”¹⁷ Through the ostensibly historical narrative of his life in the mid-380s, Augustine the bishop retrojected his current grasp, in the late 390s, of Neoplatonic theodicy. His understanding of Plotinus and of Porphyry was both more sure and much better integrated with biblical learning by the time that he wrote *Confessions* than it actually had been a decade earlier, during his sojourn in Italy.

So much for cosmic evil. But what about personal evil, *willed* evil, also known as “sin”? This is Augustine’s great theme in books 7 and 8, which are structured by constant appeal to the letters of Paul, and especially to Romans. Augustine presents himself as convinced of the truth of (catholic) Christianity by book 7, yet still he holds back: he cannot commit to a lifetime of sexual renunciation.¹⁸ In concentrated succession, he then listens

17. See Fredriksen, “Paul and Augustine,” esp. 26–28 and 33–34.

18. Celibacy was not required of baptized catholics, but the fashion of celibacy among the “best and the brightest”—intellectual elites both pagan and Christian—very likely attracted Augustine. During his decade-plus as a Manichee, his sexual activity with his concubine had relegated him to second-class status as an *auditor*

to a cascade of conversion stories that will lead up to the dramatic climax of book 8. Simplicianus relates how Marius Victorinus came to baptism (*Conf.* 8.2, 3–6); then Ponticianus speaks about Antony’s call to the Egyptian desert (8.6, 14), and about a community of male celibates directed by Ambrose just outside of Milan (8.6, 15). Finally, Ponticianus relates his personal knowledge of two affianced couples in Trier who resolved to quit the world in order to devote themselves to lifetime celibacy.

Torn by violent inner conflict, Augustine impotently berates himself. But then he hears a child’s voice mysteriously chant *Tolle, lege*: “Pick up and read.” Augustine seizes a copy of Paul’s letters. He happily lands upon Rom 13:14: “Make no provision for the flesh and its appetites.” His will instantaneously healed, Augustine firmly resolves to be baptized as a life-long celibate (*Conf.* 8.12, 29). In book 9, Augustine and his household are baptized. Monica dies. Having framed his story through a complex set of allusions to the divided self of Rom 7, Augustine heads back to North Africa, baptized, celibate, resolute, a changed man.

I rehearse this outline to make a point. Outstanding scholars of the caliber of Stendahl and of Brown have read the *Confessions* as introspective autobiography for good reason. Augustine seems to have constructed his singular work as a powerful narrative explaining how he came to convert from sin and error to the true church.

But. But after his review of his past draws to its close, Augustine’s *Confessions* continues on for four more long, complex books. Forty percent of its 80,000 Latin words still remain, rich and intellectually complex meditations on memory, on time, on divine revelation, on text and truth and biblical interpretation. If we read with the whole in view, therefore, we cannot see the *Confessions* as primarily a work of autobiography. Rather, it stands as a brilliant—and as a brilliantly idiosyncratic—catholic application of late Roman pagan Neoplatonism to that difficult, perennially inter-related cluster of philosophical issues: the nature of man, the nature of the cosmos, and the nature of the divine. In the *Confessions*, Augustine ingeniously transposed the best of late pagan philosophy into a Pauline key. Not since Philo of Alexandria had Jews and Greeks, the Bible and Plato, been brought into such intimate contact. It is all happening, within the laboratory of Augustine’s mind, in bad Latin editions.

(“hearer”). He did not want to repeat the experience as a second-tier, married catholic. See Paula Fredriksen, *Augustine and the Jews* (New Haven: Yale University Press, 2010), 112–32 and notes.

The question that had driven Augustine's story all along was not: How can the sinner find a gracious god? One thousand years later, that would be Luther's question. Augustine asked, rather: How can any time-bound, imperfect human being *know* the timeless, perfect God? He answered: Through the mind, God's image in humanity, because God has planted in each soul the desire to know him. ("Our hearts are restless until they rest in you," i.e., in God; *Conf.* 1.1, 1.)

But humans, after Adam, are adrift in time. Their consciousness is divided, distracted, dependent on interpretation. Unlike God, humans have no immediate, perfect knowledge. To know *anything*, humans must interpret. In an infinitely interpretable universe, what certainty can one ever have? Only such certainty as God imparts (as he had done for Augustine, at the end of book 8, with the counsel to "pick up and read"). The *Confessions*, in short, is only in part a book about Augustine. It is also (I think, preeminently) a book about God, and about how humans can know God. Augustine mobilized the life-story in his first nine books, from his vantage in 397, in order to illustrate his larger theological inquiry.¹⁹

Augustine argues throughout the *Confessions* that the soul—or, more exactly, the mind, that highest part of the soul—is the royal road back to God. As he closes the autobiographical movement of his opus, he narrates an experience validating this conviction, the vision at Ostia (*Conf.* 9.10, 23–25). As Augustine (together with Monica) through disciplined introspection transcends levels of human consciousness, he moves metaphysically up through the universe, back to the nonmaterial, eternal God, the source both of the soul and of the universe. This is not self-critical, penitential introspection—the sort of introspection that will later be seen in, and read into, Rom 7. It is late Platonic meditative introspection, wherein the architecture of the soul resonates with the architecture of the metaphysical cosmos. In a sense, within this system, one touches eternity by thinking about it.

Augustine's *Confessions*, in brief, is no less indebted to Plotinus and Porphyry than it is to Paul and, via Paul, to Genesis. Like these late Roman Platonists—because Augustine depends upon these late Roman Platonists—Augustine foregrounds the mind of the soul as the thinking self's

19. See Fredriksen, *Augustine and the Jews*, 196–210, for this analysis of the *Confessions*; further on the epistemology of fallen human consciousness, Fredriksen, *Sin: The Early History of an Idea* (Princeton: Princeton University Press, 2012), 114–20.

ladder back to the One.²⁰ Again, like these pagan philosophers, Augustine also posits a sort of doubled metaphysical self. The first, distant and impersonal yet internal to oneself, faces eternity; the second, proximate and personal, instantiated in one’s self, is enmeshed the world of chance, change, and time.²¹

For Augustine the catholic theologian, the ontological and historical linchpin of these two selves is the figure of Adam. Adam for Augustine was the primal parent of all humanity, including of Eve. And in Adam, Augustine insists, all humanity fell because Adam fell: all humanity was—really, or realistically—in Adam, in and through whom “human nature” sinned: *natura nostra peccavit*.²² Because of Adam’s sin, all subsequent humanity is born into a situation of mortality, difficulty, and ignorance. The fleshly body is damaged by mortality and by its own appetites; and soul no less than body is also damaged—damaged by a penal division between will and affect, between will and will power, conflicted by its own disordered appetitive loves, wanting and not wanting the same thing at the same time. In this way and for this reason, says Augustine, soul too, though immaterial, is “carnal.”²³

20. See Henry Chadwick, *Augustine* (New York: Oxford University Press, 1986), 17–29; and his notes throughout his excellent translation of *Confessions* (Chadwick, *Confessions* [New York: Oxford University Press, 1990]). For a general orientation in Augustine’s philosophical sources, see Richard T. Wallis, *Neoplatonism* (New York: Scribners, 1972); on Augustine’s transformative interpretations of these, see the essays by R. A. Markus in *Cambridge History of Later Greek and Early Medieval Philosophy*, ed. Arthur H. Armstrong (Cambridge: Cambridge University Press, 1970).

21. In pagan Neoplatonism, that higher part of the individual human soul that attains (re)union with the One seems to be absorbed by the transpersonal, or postpersonal, World Soul. In Augustine’s anthropology, human souls are serially damaged by having been “in Adam” (thus, the distant, transhistorical species-self); but they individually choose to commit their own, personal sins (thus, the proximate, individualized soul). See too the following note.

22. Thus question. 63.3 of *Div. quaest. LXXXIII*, composed in the course of the period between his commentaries on Romans (384/85 CE) and the path-breaking *Answers to Simplicianus* (396 CE), immediately preceding *Confessions*. On the ways that his thinking with Adam expresses this “doubleness” of soul, see Fredriksen, *Augustine and the Jews*, 169–71 and n. 8; further on being “in Adam,” see J. M. Rist, *Augustine: Ancient Thought Baptized* (Cambridge: Cambridge University Press, 1994), 122–29.

23. On the carnality of the postlapsarian soul, adumbrated in Augustine’s early notes on Romans and in question 66 of *Div. quaest. LXXXIII*, see Fredriksen, “Body/Soul Dichotomy,” 91.

For Augustine, this double-disjointedness—appetitive, mortal flesh and distracted, disordered soul—is the just consequence of and inherited punishment for Adam’s sin. It was Adam who historically housed all of “human nature.” He is the parent who represents and embodied the distant, nonindividuated, prehistoric species-self, what Augustine will elsewhere call the *massa damnata*.²⁴ But these difficult spiritual and somatic disjunctures, transmitted across generations, are expressed individually for each person in the historical, personal, proximate self of one’s own lifetime—that particular self whose particular past Augustine narrates, as exemplum, in books 1–9 of the *Confessions*.

The Law and the Gospel: Augustine

It is within this theological context that we should understand how Augustine in the 390s read Paul and, most especially, the epistle to the Romans, with its message about the law.²⁵ In his commentaries on that letter, written just a few years before he started the *Confessions*, Augustine had used Paul to sketch a salvation history broken down in a sequence of four stages: *ante legem*, *sub lege*, *sub gratia*, and *in pace*. These stages calibrate universal history, wherein Christ is history’s hinge. But these stages also calibrate the process of salvation for the individual believer, who languishes *sub lege*, wanting not to sin yet not being able not to sin, until he receives the grace of Christ.

Augustine was able to correlate these two progressions, the macrohistorical sweep of salvation history and the microhistorical drama of individual conversion, because of a daring identification that he made between “law” and “gospel.”²⁶ Decades later, in his final masterwork, *The City of God*, Augustine would urge that the Old Testament is nothing less or other

24. Allan D. Fitzgerald, ed., *Augustine through the Ages: An Encyclopedia* (Grand Rapids: Eerdmans, 1999), s.v. “Massa.”

25. Paul would have been an important figure for the Manichaean Augustine; some sort of exegetical retrieval of the apostle would have been part of Augustine’s transitioning to catholic Christianity. But his public confrontation once back in Africa with Fortunatus, a former Manichaean colleague, forced the issue upon him: their entire debate (*Fort.*, in 392) was dominated by questions arising from the epistles; Fredriksen, “Body/Soul Dichotomy,” 89–92; Fredriksen, *Augustine and the Jews*, 134–54.

26. He was guided in this bold identification by the work of the Donatist theologian Tyconius, esp. by the latter’s *Book of Rules*; see Fredriksen, *Augustine and the Jews*, 158–69; Fredriksen, “Body/Soul Dichotomy,” 98–105.

than a “concealed” form of the New Testament, and the New Testament a “revealed” form of the Old (*Civ.* 16.26). In the mid-390s, however, working repeatedly through Paul’s letter to the Romans (with a side-excursion through Galatians), Augustine made a similar move: identifying “law” with “gospel,” he argued that the former was a concealed form of the latter, and that the latter was a revealed form of the former. Though these two entities characterize different historical phases, both together, he insisted, represented a single unified divine initiative of salvation.

What changed with the gift of grace was one’s affect. The redeemed person passes from fearing the Law to loving it; and it is only through love, Augustine insists, that law can be fulfilled.²⁷ This positive orientation toward the law would lead Augustine, in this same decade, to insist that Jesus himself and indeed all of the Jews in the first generation of the church—Paul included—had always continued to observe the law according to Jewish tradition. The apostles, as Jews, did so; and they did so as well for a principled and kerygmatic purpose: to teach gentiles that the source of Jewish practices was God, but the source of pagan practices, demons. The gentiles’ not living according to Jewish practices, therefore, had nothing to do with their reasons for disavowing their native ones.²⁸ There was nothing intrinsically wrong, Augustine insisted, either with Jewish law or with the Jewish observance of Jewish law.

In the mid-390s, then, Augustine understands the “I” of Rom 7 to speak for anyone (Jew or gentile) who stands *sub lege*, who has not yet been moved *sub gratia*. The law itself is good, he insists with Paul (and against the Manichean condemnation of the law). “For the law is good; but without grace, it only reveals sins, and does not take them away” (*Propp.* 37.5). The man described in Rom 7:15–16, who cannot do what he wants to do but does the very thing he hates “is here under the law, prior to grace; sin overcomes him” (44.2; for the whole discussion of Rom 7, see 41–46; for the individual’s transition from law to grace, 46.5–6). Romans 7, in brief, voices the lament of Everyman languishing *sub lege*, his sinfulness articu-

27. E.g., *Propp.* 75.1–4, and frequently; cf. Rom 13:8b: “Love is the fulfilling of the law.”

28. Thus his innovative argument in his *Faust.* (written immediately following the *Conf.*), 19.16 and 32.12, against the Manichean critique of Jewish law and practice; cf. *Ep.* 82.2:9–15, arguing with Jerome about the apostles’ observance of Jewish practices as related in Gal 2. For detailed review of his thought on the appropriateness of Jewish law observance, see Fredriksen, *Augustine and the Jews*, 240–330.

lated by the law; his will, thus his loves, not yet healed *sub gratia*. By definition, then, for Augustine in this decade, the voice of Rom 7 in no personal way could be Paul's.

How then do we attain to the Augustinian seedbed of Luther's tormented Paul? Here we have to fast-forward some two decades, into the thick of Augustine's battle with Pelagius and with Julian of Eclanum. Pelagius had held that God's grace strengthened man's good will so that, aided by grace, man does what is right; and he cited Augustine's two earlier Romans commentaries from 394/395 when making his case. Furious, Augustine countered that man always needs God's help, even after the reception of grace. No one has any merit on his own; even one's own good works, after conversion, are themselves the work of God.²⁹

Augustine "proves" his point by appealing to Rom 7. The tormented "I" of Rom 7, he now insists, is not just Everyman before the reception of grace. The 'I' of Rom 7 is specifically the *Christian* Paul, thus Paul even after he had received grace. The voice of Rom 7, says the anti-Pelagian Augustine, is the voice of Paul himself who, though Christian, still continues to be torn between flesh and spirit, spirit and flesh. Since they miss the saint's autobiographical reference in these lines, Augustine urges, the Pelagians misread Paul's entire text.³⁰

Augustine's anti-Pelagian Paul, the Paul of the dark 420s, the Paul who voices his own anguish in Rom 7, is the Paul who approximates Luther's *simul iustus et peccator*. This Paul, *pace* Stendahl, was not the product of the *Confessions*. He was not the offshoot of Augustine's own "introspective conscience." This Paul is the strategic product of Augustine's toxic campaign against Pelagius. If even the sainted apostle, after his conversion, still struggled against the flesh, then clearly Pelagius must be wrong. Augustine must be right. The will, even *sub gratia*, is never, ever "free."

29. His revised views of the relation between divine omnipotence and human free will emerged in the work immediately preceding the *Confessions*, namely *Div. Quaest. Simpl.*, question 2, which focused on Rom 9; his changed perspective was a necessary preliminary to the positions that he took in the Pelagian controversy. On Augustine's deployment of Paul against Julian of Eclanum, see Fredriksen, "Body/Soul Dichotomy," 105–14.

30. *C. du. ep. Pelag.* 1.8.13–11.24 (cf. 1.10,22, where he refers to his own earlier, and "erroneous," reading of this passage); *Praed.* 1.2.4; 1.4.8. Cf. Augustine's anti-Pelagian disavowal of the earlier position taken in *Propp.* 44.2 ("The man described here [i.e., in Rom. 7:15–16] is under the law, prior to grace") in *Retract.* 22 (23), 2.

The Law and the Gospel: Galatians

The Augustinian-Lutheran interpretation of Rom 7 has dominated Western Christian readings of Paul.³¹ Yet as we saw above, a stream of work done in the mid-twentieth century challenged this Pauline “I.” If we attempt to look at Paul not as the first Christian theologian, not as the founder of a new gentile church, not as a Jew who became a Christian; if we look at Paul as Paul arguably saw himself, that is, as an exemplary apostle standing at the edge of history’s end; if we situate Paul, as Albert Schweitzer long ago urged, within a context of thorough-going Jewish eschatology; in brief, if we see Paul as standing not against late Second Temple Judaism, but within it, how then can we read Rom 7?³²

To answer this question, we first need to consider Paul’s furious prequel to the issues and answers that he offers in his letter to the Romans. To plumb Romans on the question of the law, we must first turn to Galatians.

Galatians, of all his extant letters, represents Paul at his angriest and most intemperate. The immediate occasion of this epistle is the disloyalty (as Paul sees it) of his gentile assemblies in Galatia: they have been listening to “other apostles” who teach a “different gospel” than the one that Paul had taught them earlier (Gal 1:6–9). These other apostles evidently had urged male Christ-following gentiles in Galatia to fulfill their com-

31. For a recent appreciation of this tradition of interpretation, see John Barclay, *Paul and the Gift* (Grand Rapids: Eerdmans, 2015), 85–116.

32. The expectation of Christ’s imminent parousia frames everything that Paul says and does. For Paul’s conviction that Christ would return within his own lifetime, see 1 Thess 4:15; 1 Cor 15:51; Rom 8 passim; 13:11–12; 16:26. Heikki Räisänen argued that Paul’s eschatological urgency diminished as time marched on. See “Did Paul Expect an Earthly Kingdom?” in *The Bible among Scriptures and Other Essays*, WUNT 392 (Tübingen: Mohr Siebeck, 2017), 51–66; but he had to admit that the eschatology of Romans did not accommodate his model (“Romans 8.18–21 confuses the picture,” 63). On Paul’s expectation of Christ’s imminent return, see most recently Paula Fredriksen, “How Jewish Is God? Divine Ethnicity in Paul’s Theology,” *JBL* 137 (2018): 193–212; Fredriksen, *Paul: The Pagans’ Apostle* (New Haven: Yale University Press, 2018). Albert Schweitzer, in *Mysticism of the Apostle Paul*, trans. William Montgomery (New York: Macmillan, 1931; repr., Baltimore: Johns Hopkins Press, 1998) had already argued energetically that Paul’s epistles had to be framed within an imminent eschatology. The point is that Paul envisaged none of these socially anomalous arrangements between Jews and Christ-following gentiles as behaviors for the *longue durée*.

mitment to Christ and, thus, to the god of Israel, by receiving proselyte circumcision (cf. 5:12).

In making their case, these apostles could point, fairly, to the figure of Abraham. Genesis 12 speaks of God's calling Abraham, but the text offers no explanation for God's choice. By Paul's lifetime, however, Jewish traditions had filled in a backstory: before God's call, and accounting for it, Abraham first had renounced the worship of idols.³³

But the biblical story of the covenant between Abraham and God only begins in Gen 12; the narrative arcs through Gen 15 through to 17, when God finally commands circumcision (Gen 17:10–14). Abraham's journey had only begun with his renunciation of idols; his commitment and that of his family to the exclusive worship of God was sealed only thereafter, with covenantal circumcision. Galatian gentiles still lingered in the phase represented by the early Abraham. By receiving circumcision, urged these other apostles, Galatian Christ-followers would themselves be sealed in the promise made to Abraham, and thus be included in the imminent redemption of Israel expected with Christ's return.³⁴

Some such argument would explain why Paul himself seizes on the figure of Abraham when embarking upon his highly charged polemic opposing "confidence" or "trust" in God (*pistis*) to "the works of the law."³⁵ Along the way, he offers a difficult allegorizing reading of Abraham's relations with his two women, Hagar the slave and Sarah his wife (4:21–31). The slave Hagar gives birth "according to flesh" to a slave-son (Ishmael) who does not inherit; the wife (Sarah) gives birth to the free son "according to promise," the son who does inherit (Isaac).

Commentators since antiquity have read this letter (and this allegory in particular) as Paul's indictment of Judaism itself, and as a global condemnation of circumcision and the observances of Jewish law—con-

33. According to Jub. 11:4, Abraham's father made idols for a living. Abraham later destroyed these idols (12:12). Thereafter, God called out *Lech le-cha!* (12:22). The story will continue in later rabbinic midrash.

34. For a fuller description of this reconstruction, see Fredriksen, *Pagans' Apostle*, 104–8.

35. These are my translations of *pistis* (Latin: *fides*), traditionally given as "faith." For the problems with the traditional translation, see Fredriksen, *Pagans' Apostle*, 36; and at length and in detail, Teresa Morgan, *Roman Faith and Christian Faith: Pistis and Fides in the Early Roman Empire and the Early Churches* (Oxford: Oxford University Press, 2015).

demned, that is, for Jews and gentiles both.³⁶ Judaism (thus, circumcision, flesh and, more broadly, Jewish practices) represents slavery; Paul’s gospel (thus, Christianity) represents freedom (i.e., grace, spirit, salvation). Any standard commentary on this epistle will sound this familiar refrain. “For freedom Christ has set us free! Stand fast, then, and do not submit again to the yoke of slavery” (Gal 5:1).

This traditional reading, however, disregards the obvious: Paul’s competitors are themselves part of the Christ-movement. What they preach is specifically “a gospel,” though one that is “different” from Paul’s (Gal 1:6); against this stands the only *true* gospel, authorized by heaven itself—that is, Paul’s gospel (1:8, 11–17). Paul’s knotty allegory, therefore, does not speak to Christianity in general over-against Judaism in general (whatever that might mean in the mid-first century). Rather, Paul polemicizes within an intraapostolic contestation over how to incorporate sympathetic gentiles into this messianic movement.

Both Paul and his competitors required such gentiles to foreswear their native deities and their sacrificial protocols: no other gods, and no idols. This criterion of gentile affiliation, their exclusive worship of the god of Israel, seems the *sine qua non* of all known forms of the first generation of the Christ-movement. This criterion, in turn, gives us the measure of this movement’s eschatological sensibilities: such a non-Jewish population dedicated to the exclusive worship of the god of Israel was native only to those prophetic traditions that anticipated the nations’ turning to Israel’s god at the end of days.³⁷

Jesus’s followers’ conviction that Jesus had been raised from the dead and their subsequent expectation that he would soon return to establish God’s kingdom, had plunged his followers into an eschatological zone of (oddly) indefinite duration. Awaiting Jesus’s imminent messianic return, this earliest community experienced charismatic confirmation of their hopes: abilities to heal, to prophesy, to do “works of power,” to speak in tongues. They proclaimed their message of the risen Christ and the coming kingdom, first, to other Jews in Jerusalem; then eventually, to

36. Thus Tertullian, *Marc.* 5.2, agreeing with the (“arch-heretic”!) Marcion: Galatians is Paul’s premier letter “against Judaism.”

37. For a catena of these primary sources, both canonical and otherwise, see Fredriksen, *Pagans’ Apostle*, 28–29 and notes; and, exhaustively, Terence L. Donaldson, *Judaism and the Gentiles: Jewish Patterns of Universalism (to 135 CE)* (Waco, TX: Baylor University Press, 2007).

synagogue communities further afield. It was in mixed cities both within Judea (such as Joppa and Caesarea) and without (further afield, such as Antioch and Damascus) that these apostles eventually encountered god-fearers: pagans who voluntarily associated with Jewish communities while continuing in their own native cults as well. The willingness of these gentile god-fearers to become expagans—that is, to renounce their own gods and, in Jesus’s name, to make an exclusive commitment to Israel’s god—would have only reinforced the apostles’ certitude that they stood at the edge of history’s end.³⁸

Unclear as these earliest decades are, we can nevertheless infer, both from Paul’s own letter to the Galatians 2:1–10 and from an account given two generations after, in Acts 15, that the question whether to circumcise Christ-following gentiles arose only eventually, in the course of the movement’s missions mid-century. It was not a policy from the beginning. To put this same observation differently: Jewish apostles in the postcrucifixion Jesus movement initially had never demanded circumcision of sympathetic gentiles. Their only requirement was exclusive allegiance to Israel’s god. To put this observation a third way, in the traditional language of Christian theology: the movement *ab origine* with respect to gentile circumcision had always been “law-free.”³⁹

In this last regard, the new messianic movement formed around Jesus’s mission and memory was Jewishly traditional in two senses, one quotidian, one eschatological. In the normal course of events, no Jewish authorities known to us ever held that Jewish circumcision was also incumbent upon gentiles. On the contrary: circumcision, both by insiders and by outsiders, was seen quite precisely as a hallmark of specifically Jewish ancestral custom (even though other ancient peoples, such as the Egyptians, were known also to observe this practice). In the eschatological course of events—as anticipated by the classical prophets (most especially Second

38. I explore this confirming concatenation of powers, prophecy, and expectation in Fredriksen, *When Christians Were Jews: The First Generation* (New Haven: Yale University Press, 2018).

39. With respect to their prime theological requirement—no god but God; no idols—and to their behavioral requirements (chaste and monogamous marriages, community support, idealized community ethics as presented in the second table of the law, Rom 13:8–10), the Jesus movement, for gentiles, was at *no* point “law-free.” See Paula Fredriksen, “Why Should a ‘Law-free’ Mission Mean a ‘Law-free’ Apostle?” *JBL* 134 (2015): 637–50.

Isaiah) as well as by many late Second Temple writings—the nations were expected to join in Israel’s redemption qua gentiles. Many nations, sang Isa 2:2–4, would gather in the eschatological Jerusalem.⁴⁰

These circumcising apostles in Galatia, then, whoever they were, appear in our evidence only midcentury. It was they who were the innovators, both within the Jesus movement and thus, more broadly, within Judaism. Little wonder, then, that James, Peter, John all sided with Paul on this issue (Gal 2:6–10). These men all adhered to mainstream Jewish tradition. With respect to the ethnicity of circumcision, they were all—Paul included—traditionalists.

But why was Paul so stridently, bitterly, adamantly opposed in principle to Christ-following male gentiles’ becoming Jews through circumcision? Galatians states (loudly) only that Paul was so opposed; Paul nowhere explains why. But a hint of an explanation can be found in Paul’s remark to Peter, as he relates it in Gal 2. Lambasting Peter for withdrawing from mixed commensality in Antioch—Peter’s reasons are not clear—Paul observes to him that “we are Jews *physei* and not gentile sinners” (2:15). The RSV translates this word as “by birth.” What it means, however, is “by nature.”

What does it mean to be a Jew “by nature”—or, for that matter, to be a gentile sinner “by nature”? Here we have to think with ancient ideas of ethnicity. Ancients by and large were ethnic essentialists: that is, they thought of ethnicity—“Greek-ness,” “Persian-ness,” “Egyptian-ness,” “German-ness”—and moral characteristics associated with particular ethnicities, as hard-wired, *physei* (e.g., all Cretans are liars; see Titus 1:12). In the Greek view, Greeks were “hard” and masculine, Persians were “soft,” effeminate. Eventually, once power shifted West, these stereotypes did, too: Romans were “hard” and virile, Greeks soft and effeminate. Germans were physically strong but intellectually dim. Phoenicians were shifty and untrustworthy. So, too, Egyptians. So, too, Jews. As one historian has remarked about ancient ethnic stereotyping, even the stereotypes were stereotyped.⁴¹

40. For Second Isaiah’s vision of gentile redemption, and the ways that Paul resonates with these traditions, see esp. J. Ross Wagner, *Heralds of the Good News: Isaiah and Paul “in Concert” in the Letter to the Romans*, NovTSup 101 (Leiden: Brill, 2002).

41. On ancient conceptualizations of ethnicity, see esp. the magisterial study by Benjamin Isaac, *The Invention of Racism in Classical Antiquity* (Princeton: Princeton University Press, 2004). Stereotypical stereotyping is Gidi Bohak’s *bon mot*: “The Ibis and the Jewish Question: Ancient ‘Anti-Semitism’ in Historical Context,” in *Jews and*

This essentialism might strike us as odd because, in certain arenas, ancient people were so clearly genealogical/ethnic constructivists. Kinship diplomacy provides a prominent example of this. In order to work, this mode of forging intercity alliances required diplomats to generate ancestral stemmata connecting the citizen bodies of two different locations back to a common (often a divine) ancestor. These ancestral stemmata were clearly opportunistic, constructed according to the political needs of the ancient actors. However, in order to work politically, kinship lineages had to be regarded realistically. We see these ancient peoples as creative constructivists, but they thought of themselves as essentialists. In their own view, they were not generating lines of kinship descent; they were recovering them.⁴²

Paul, like his contemporaries, was an ethnic essentialist.⁴³ God himself had set Israel apart from the gentile nations. Descended from Abraham, Isaac, and Jacob, Paul's *syngeneis*, his blood-kinsmen, Israel, were distinguished from the nations by their family relationship to Israel's god (*huiiothesia*); by his glorious divine presence in Jerusalem (*doxa*); by the covenants, the torah (*nomiothesia*), and the cult of sacrifice practiced in Jerusalem's temple (*latreia*); by the many divine promises made to them; and by their blood-kinship with God's messiah (Rom 9:4–5). Through this lineage and by these privileges, God had made the Jews "Jews." They were Jews *physei*, "by nature." They knew who God was. They knew how to conduct themselves and how to show right worship to God. They were not like "sinners of the nations" (Gal 2:15).

Gentiles and the Law: Romans 7

What did it mean, then, in Paul's view, to be one of the *ethnē*, the pagan/gentile nations? What characterized those who "by nature" were not-Israel?

Gentiles in the Holy Land in the Days of the Second Temple, the Mishnah and the Talmud, ed. Menahem Mor and Leo Mildenberg (Jerusalem: Yad Ben-Zvi, 2003), 27–43.

42. See esp. C. P. Jones, *Kinship Diplomacy in the Ancient World*, Antiquity 12 (Cambridge: Harvard University Press, 1999). By generating a shared stemma going back to Heracles via a granddaughter of Abraham's, Hellenistic Judean diplomats "discovered" that they shared *syngeneia* with Spartans: Josephus, *Ant.* 1.240–41; 12.226; cf. 1 Macc 12:21 and 2 Macc 5:9.

43. Most recently, Matthew Thiessen, "Paul, Essentialism, and the Jewish Law," *JSPL* 7 (2017): 80–85.

In several passages in various of his letters, Paul details gentile behaviors, which he lambasts as “works of the flesh.” “Now the works of the flesh are plain,” he lectures the Galatians. “Sexual profligacy [*porneia*], impurity, lewdness, idolatry, sorcery, enmity, strife, dissention, sectarianism, envy, drunkenness, reveling—all such things! I warn you now as I warned you before: those who do such things will not inherit the kingdom of God” (Gal 5:19–21). “Do you not know that the unrighteous will not inherit the kingdom of God?”—this to the Corinthians. “Do not be deceived! Neither fornicators nor idolaters nor adulterers nor sexual exploiters and effeminate nor thieves nor the greedy, nor drunks nor revilers nor robbers will inherit God’s kingdom! And such were some of you!” (1 Cor 6:9–11). Bad religion—the worship of idols—invariably leads to bad behavior.⁴⁴

The Letter to the Romans opens with a lush review of this typical pagan religious and moral malfeasance. Those who do not honor God worship images (Rom 1:23, 25). In consequence of their idolatry, these people have distempered societies, dysfunctional families, and perverse sexual relations (1:24, 26–32). This prelude enumerating pagan sins in Romans is therefore not a polemic against universal human error. It is Paul’s view of the way that sinners from the nations behave.⁴⁵ That’s just how “they”—or, rather, most of “them”—are.

So much for the objects of God’s (and Paul’s) wrath in chapter 1. How does Paul segue from Rom 1:32 to 2:1? Here attention to ancient conventions of rhetoric, to Paul’s use of diatribe and speech-in-character, and to his specific address in Romans to non-Jews (the *ethnē* of Rom 1:5–6, 13; 11:13, cf. 15:9–12; 16:26) gives us some traction up the slippery slopes of this premier epistle of the New Testament canon.

In 1994, Stanley Stowers, in *A Rereading of Romans*, urged that readers should particularly attend to Paul’s deployment of prosopopoeia, “speech in character.” No matter what the actual ethnic make-up of Rome’s *ekklesia* was, Stowers argued, the implied audience through-

44. On the literary genre of Hellenistic Jewish vice lists, see Ernst Käsemann, *Commentary on Romans*, trans. Geoffrey W. Bromiley (Grand Rapids: Eerdmans, 1980), 49; and in Paul’s letters, see James D. G. Dunn, *The Theology of the Apostle Paul* (Grand Rapids: Eerdmans, 1998), 662–63.

45. Even pagans, such as Varro, would have recognized the behaviors surveyed in Rom 1:18–32 as particularly “pagan.” See Matthew Thiessen, *Paul and the Gentile Problem* (New York: Oxford University Press, 2016), 47–52.

out the letter was specifically the community's expagan pagans.⁴⁶ Paul introduces himself to them as an apostle who had been called to "reap a harvest among all the *ethnē*, including yourselves" (1:6; cf. 1:13–14, gentiles both Greek and barbarian). "Now I am speaking to you *ethnē*" (11:13). Paul foresees the inclusion of the *ethnē* in Israel's final redemption (11:25; 15:9–12). As apostle, he now serves as an altar-assistant for the *ethnē* (*leitourgos*; 15:16). He speaks of the mystery kept secret for long ages but which "is now disclosed to all the *ethnē*" (16:25). Whatever and however many Jews may have numbered among those collected in Roman *ekklēsiai*, in brief, Paul in his letter aims his remarks at Rome's Christ-following, expagan gentiles.

Runar Thorsteinsson, in 2003, developed Stowers's idea further, arguing not only about the letter's implied audience, but also about the letter's rhetorical interlocutor.⁴⁷ That rhetorical persona, Thorsteinsson explained, was also constant throughout the whole letter. The judgmental (male) "person" of Rom 2 was thus himself a gentile, someone who "calls himself a Jew" (Rom 2:17)—by implication, someone who was not "really" a Jew. Then who is this man? A Judaizing gentile, perhaps even a proselyte (cf. 7:1: he is someone who knows the law). Nonetheless, this person still struggles for self-mastery. He continues to commit archetypically gentile sins: theft, adultery, sacrilege (2:21–22). Boasting of the law, by his behavior he dishonors God by violating the law (2:23–24). Accordingly, his circumcision still counts as "foreskin" (2:25).

In other words, according to Thorsteinsson, the persona of Paul's rhetorical interlocutor, the man who "calls himself a Jew" (2:17)—who was perhaps even a proselyte, therefore circumcised (2:25)—remains a rhetorically conjured "gentile," that is, a non-Jew "by nature," throughout the letter's entire length. If we read with Thorsteinsson's interpretation in mind,

46. Besides the works of Paul K. Stowers, *A Rereading of Romans : Justice, Jews, and Gentiles* (New Haven: Yale University Press, 1994); and Runar Thorsteinsson, *Paul's Interlocutor in Romans 2: Function and Identity in the Context of Ancient Epistolography*, ConBNT 40 (Stockholm: Almqvist & Wiksell, 2003); see Thiessen, *Gentile Problem*, 43–71, and the anthology edited by Rafael Rodríguez and Matthew Thiessen, *The So-Called Jew in Paul's Letter to the Romans* (Minneapolis: Fortress, 2016); and esp. the essay by Matthew Novenson, "The Self-Styled Jew of Romans 2 and the Actual Jews of Romans 9–11," in Rodríguez and Thiessen, *So-Called Jew*, 133–62; also the essays collected in Mark D. Nanos and Magnus Zetterholm, eds., *Paul within Judaism: Restoring the First-century Context to the Apostle* (Minneapolis: Fortress, 2016).

47. Thorsteinsson, *Paul's Interlocutor in Romans 2*.

then Paul’s indictment of gentile behavior continues through to the end of chapter 2. Some exceptional gentiles, Paul notes here, though they do not “have the law” by nature (*physei* again) do do what the law requires (2:14): for them, the work of the law is “written on their hearts” (2:15). Foreskin counts as circumcision, and circumcision as foreskin, depending on how the person in question behaves vis-à-vis the law—and in particular (as we shall shortly see) the law regarding circumcision.⁴⁸

Paul’s argument from chapter 2 through to the end of chapter 6 elaborates on the consequences of (an essentialist construction of) gentleness, and how the gentiles’ “natural” disabilities have been ameliorated in and by the coming of Christ. Being a born Jew—a Jew “by nature,” we might say—and having Jewish circumcision, is of real value (“much in every way”) for the Jew: only Israel has been privileged to bear God’s prophecies (Rom 3:1–3; further privileges are detailed in 9:4–5 and alluded to in 11:29 and 15:8).⁴⁹ Not that Jews are any better off than gentiles in terms of sinning: all peoples are under the power of sin. But Jews sin in their way, and gentiles in theirs (3:9–20). Redemption comes exclusively through confidence in or trusting in Christ, whom God has given as a gift, to reconcile humanity to himself (3:25).⁵⁰ This view, Paul argues, upholds the supreme oneness of God, his sovereignty over all humanity, and the abiding nature of his law (3:29–31).

What does any of this have to do with God’s promises to Abraham? Romans 4 represents Paul’s calmer second pass through the argument that he had made, confusingly, in Galatians. However, the standard authorized English translation of Rom 4:1 obscures Paul’s meaning here. In both Galatians and in Romans, Paul configured gentile salvation as God’s gracious act of “adoption.” Through Christ, the nations—though they represent a different people-group or *genos* from Jews—have been brought into God’s family.

48. For the identity of this exceptional gentile, see Thiessen, *Gentile Problem*, 64–71; Novenson, “Self-Styled Jew,” 149. See also Novenson’s critique of the RSV’s translation of Rom 2:28–29 at pp. 149–50.

49. Thus Paul’s statement in 1 Cor 7:19 that neither “circumcision” nor “foreskin” matters, “but keeping the commandments of God,” is said of a gentile. For Paul, Jewish circumcision—a prime directive of God’s Law to ethnic Israel (Rom 9:4)—matters very much: see Fredriksen, *Pagans’ Apostle*, 113; Novenson, “Self-Styled Jew,” 149.

50. On *hilastarion* (Rom 3:25) not as “expiation” but as “conciliation,” see Stowers, *Rereading of Romans*, 206–13.

The RSV, however, renders Rom 4:1 as, "What then shall we say about Abraham, our forefather according to the flesh?" Adoption, however, can occur only when the new "son" is brought into a family where there had been no previous blood-connection. Gentiles (*pace* the RSV) are not related by blood to Abraham; they are not connected to Abraham "according to the flesh"—that is, by biological descent. Had they been, they would not have needed to be "adopted." Romans 4:1, therefore, should be translated: "What then shall we say? Have we found Abraham to be our forefather according to the flesh?"⁵¹ Answer: No. But through Abraham's trust in God's promise, he became a father of the gentiles who also trust in God's promise, now realized through God's messiah. But the father of gentiles who supremely matters is not Abraham, but God. Thanks to Christ, gentiles have been adopted into the family. Like Israel, they can now address the Jewish god by his Jewish family name in the Jewish language: they too can cry "Abba, Father!" (Gal 4:7; cf. Rom 8:15).⁵²

If in Romans Paul explicitly addresses gentiles (Stowers), and if he argues throughout with his construct of a gentile interlocutor (Thorsteins-son), then who is the tormented "I" of Rom 7? Not Everyman, Jew or gentile, each of whom struggles beneath the yoke of the law.⁵³ Nor, surely, is he Paul himself (Phil 3:6)! Rather, by employing speech-in-character, an act of rhetorical ventriloquism, Paul speaks here specifically as a gentile, specifically as a Judaizing gentile, the persona introduced in the letter's second chapter.⁵⁴ Whether a liminal sympathizer or, more likely, a full proselyte (a circumcised gentile who calls himself a Jew, 2:17), this person knows the law (cf. 7:1) but cannot achieve self-mastery through it.

51. This translation of Rom 4:1 has been proposed and defended by Richard B. Hays, *The Conversion of the Imagination: Paul as Interpreter of Israel's Scriptures* (Grand Rapids: Eerdmans, 2005), 61–84.

52. On the ethnic specificity of Abba, see Fredriksen, "How Jewish Is God?" 208–9.

53. Despite the typically Jewish antipagan rhetoric of Rom 1:18–32 (most especially the linked vices of *porneia* and idol worship), some readers still insist that this chapter stands as Paul's indictment of "all humanity," e.g., Barclay, *Paul and the Gift*, 462–66.

54. Stowers had argued that this stand-in character referred to famous lines of Euripides, 1077–80 spoken by Medea as she struggles for self-mastery. Tracing the afterlife of Medea's speech in Latin Stoicism and poetry, Stowers insisted that an ancient audience could have missed the reference "only with difficulty." See *Rereading of Romans*, 4, 260.

Despite his volitional allegiance, this gentile still sins: he cannot overcome his essential nature, his *physis*. The law calibrates his sin, but cannot help him not to sin.⁵⁵ What hope, then, for such a person, who knows the law but struggles without success to live according to its standards—indeed, who is impelled toward sin by the very clarity of the law’s prohibitions? “Wretched man that I am! Who will deliver me from this body of death?” Paul answers, “Thanks be to God, through Jesus Christ our Lord!” (Rom 7:24–25).

Through Jesus Christ—but only if this gentile is brought “into” Christ in Paul’s way: receiving Spirit through immersion into Christ’s death and, thus, into his resurrection (Rom 6:5–11). Immersion and spirit, versus circumcision and flesh (the modality of Paul’s reviled apostolic competitors in Galatia). Make no mistake: despite his overheated attack on his opponents’ advocacy of Judaizing, Paul himself advocates Judaizing, the assumption by gentiles-in-Christ of (some, if not all) Jewish ancestral customs. His demands conform most specifically to those of Jewish law.⁵⁶ The problem seems not to be the law itself, then, but proselyte circumcision. But what then is the problem with circumcision, especially in light of the fact that Paul himself had once urged gentiles to “become” Jews in this way (Gal 5:11; cf. his high dudgeon in 5:2–6)?

In two recent books, *Contesting Conversion* (2011) and *Paul and the Gentile Problem* (2016), Matthew Thiessen has proposed a new answer to this old question. Paul did not think that gentiles should not convert to Judaism, says Thiessen. Rather, he thought that gentiles could not convert to Judaism. Many ancient Jewish texts do lift up circumcision as a way for non-Jews to become Jews, and that view is particularly propounded in later rabbinic tradition. But other Second Temple texts and traditions—the important apocryphon Jubilees; the views of the Qumran community preserved in the Dead Sea Scrolls—hold otherwise. For this latter group, only eighth-day circumcision effected membership within God’s covenant with Israel (cf. Phil 3:5). Adult male gentiles, choosing circumcision, were manifestly past this eighth-day mark. Not only could proselyte circumcision not effect a translation of ethnicity, thus of religion: in

55. See Thiessen, *Gentile Problem*, 47–52, 59–63, on the ethnic specificity of these sins listed in Rom 2:21–22; also Novenson, “Self-Styled Jew,” esp. 160–62.

56. Paula Fredriksen, “Judaizing the Nations: The Ritual Demands of Paul’s Gospel,” *NTS* 56 (2010): 232–52; Fredriksen, “Paul’s Letter to the Romans, the Ten Commandments, and Pagan ‘Justification by Faith,’” *JBL* 133 (2014): 801–8.

receiving circumcision as adults, these Judaizers were actually violating the law of circumcision, which mandated that the rite occur on the male child's eighth day (Gen 17:14).⁵⁷

Thus, Paul's remark in Gal 5:30—"Every man who receives circumcision ... is bound to keep the whole law"—should be interpreted as Paul's thinking in terms of the mandate of the eighth day: the whole law about circumcision means the law of the eighth day as well. Given Paul's ethnic essentialism, a gentile (even one who has been circumcised—though as an adult—and who knows the law) is a gentile is a gentile: try as he might, he will continue to commit gentile sins (Rom 2 and 7). Or, as Thiessen nicely puts it, "to Paul's mind gentile circumcision is mere cosmetic surgery compared with the holistic remedy of gene therapy that the infusion of Christ's *pneuma* into gentile flesh brings."⁵⁸ Only spirit, through trust (*pistis*) in Christ, fixes errant gentile nature (cf. Rom 7:25). Sustained by spirit, this gentile can await the return of Christ and the transformation of his flesh, in the (brief) meanwhile enabled by Spirit to behave as the law requires (Rom 8 passim; 13:8–10; cf. 1 Cor 15:44).

Still: Paul had once "preached circumcision"—thus, presumably, proselyte circumcision (Gal 5:11).⁵⁹ What accounted for his change of mind here? Why, unlike his apostolic competitors, did Paul utterly repudiate proselyte circumcision, and instead advocate immersion, regarding only his baptized Judaizing gentiles as *adelphoi*, adopted "brothers"?

Here, I think, we need to place Thiessen's very plausible solution to the puzzle of Paul's views on proselyte circumcision within the larger framework of Jewish apocalyptic eschatology. Jews were long used to the fact that they were an ethnic (and, thus, a religious) minority (e.g., Deut 7:7). The nations had their gods; Israel had its (bigger and better) god. That was

57. As Novenson notes, "One felicitous result of Thiessen's argument is that it provides an inner-Jewish rationale for the position taken by Thorsteinsson's Paul in Rom 2:17–29" ("Self-Styled Jew," 137). Thiessen pithily sums up and extends his argument in "Paul's So-Called Jew and Lawless Lawkeeping," in *So-Called Jew*, 59–83.

58. Thiessen *Gentile Problem*, 15; see too 117.

59. Hellenistic Jews did not run missions to turn gentiles "into" Jews—an argument made by some mid-twentieth-century scholars (Bernhard Blumenkranz, Marcel Simon). For a review of their position, see Fredriksen, *Augustine and the Jews*, xvi–xviii. Our earliest and only evidence of such missions occurs mid-first century, and it is internal to the Jesus movement (Galatians, passim); see Fredriksen, *Pagans' Apostle*, 69–77. I assume that the objects of Paul's prior attentions, Gal 5:11, must have been pagan god-fearers already associated with his synagogue community in Damascus.

simply the way things were. Gentiles qua pagans, in other words, were not a problem. They became a problem only when viewed from the perspective of the end times. At the end, Israel’s god had insisted, he would be worshiped by all the nations, and even by those nations’ gods. But the nations, even if streaming to Jerusalem, would worship God qua *goyim/ethnē*. Paul himself, nodding toward Isaiah, repeats this idea in Rom 11, when he speaks of the *plērōma* of the nations and *pas Israēl*, all Israel, being redeemed, that is, participating in God’s eschatological kingdom (11:25–26). Even at the end time, pagans will be expagans. They are in this sense a “new creation” (Gal 6:15), but they will nonetheless remain non-Jews.

It was precisely and only the conviction that this end-time loomed that, for Christ-following Jews, radically problematized paganism. Their experience of Jesus raised from the dead had strengthened Jesus’s followers’ commitment to his eschatological prophecy: surely, the kingdom must be at hand (cf. Mark 1:15). The unanticipated exclusive commitment to God on the part of the synagogue’s pagan god-fearers both confirmed the earliest apostles in this conviction and left them in a socially destabilizing situation: What, in the (inexplicable) meanwhile, was the *ekklesia* to do with these people?

By mid-century, strategies for coping with these gentiles within the movement diverged. Some apostolic Jesus-followers—James, Peter, John, Barnabas, Paul—thought that expagans could continue to affiliate as expagans (Gal 2:1–10); others, on the evidence of Paul’s vituperation, thought that these expagans needed to be incorporated as (new) Jews (Phil 3:2–3; 2 Cor 11:22–23, perhaps; Galatians *passim*). Within twenty years of Jesus’s death, the movement was splintering over this question.

Paul’s furious repudiation of these other apostles, and of proselyte circumcision in principle, gives us the measure of his commitment as a Jewish traditionalist to the apocalyptic eschatology that we see, most prominently, in Isaiah. In referring to the “full number” of the nations and “all Israel” in Rom 11:25–26, Paul was not sounding inclusive platitudes. He was repeating eschatological arithmetic. The “full number” of the nations refers to the seventy nations descended from Noah’s three sons, after the flood. “All Israel” summons the number of the twelve tribes—the plenum of Israel who lived in David’s kingdom.⁶⁰

60. Fredriksen, “How Jewish Is God?” 203–9.

Paul repeats this eschatological demography in his penultimate chapter of Romans: the *ethnē* rejoice with Israel, they join with Israel; but they do not join Israel (Rom 15:9–12). Expagan pagans may be a “new creation,” made such by the eschatological gift of Spirit through the Davidic Christ (Gal 6:15; Rom 1:5–6); but that does not make them Jews. Gentiles remain gentiles. They are grafted into the olive tree of Israel *para physin*, “against [their] nature” (11:24). Their intrinsic, sinful gentileness can be healed only by the infusion of spirit thanks to the Davidic messiah, Jesus Christ (7:25). Paul is an ethnic essentialist right up to—and including—the end.

To return to Rom 7, then. We have seen how Augustine originally read these verses as speaking for a generic “anyone” before his reception of Christ. We have further seen how Augustine came to interpret the “I” of Rom 7 as always about Paul—Paul, that is, both pre- and post-Damascus—only eventually, in the course of his abreaction to Pelagius. Further, we have surveyed Paul’s own remarks about gentile nature, and the ways that this sets his discourse in Galatians and, more calmly, in Romans: the apostle to the gentiles was as ethnically essentialist as any of his first-century contemporaries were. Summing up all of these various interpretations, then, and situating Paul within the tumultuous confusions of the first generation of the Jesus movement—which fervently believed that it was the only generation of the Jesus movement—we conclude: the “I” of Rom 7, for Paul, is the Judaizing gentile unable, indeed, incapable of living according to the law until infused by the redemptive *pneuma* of Christ.

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Tôrâ? Torah? Flora!

Law and Book in Ptolemaeus Gnosticus's *Letter to Flora*

Anne Kreps

In the second century, the semantic range of the term “G/gospel” (*euangelion*) mapped on to the meaning of the term “L/law” (*torah/nomos*). These words could function as general and proper nouns. As general designations, law and gospel referred to rule and good news. As proper nouns, Law and Gospel came to mean the sacred books of Torah and the Gospels.¹ To what extent did the written Torah influence the creation of written gospels? Claims such as “Christianity was born with a Bible in its cradle” and “Christianity was a literary movement from its inception” assume that Torah books provided a blueprint for gospel books.² The parent-child analogy of the relationship between Judaism and Christianity drives such arguments: Christianity started as a Jewish movement, Jews had sacred books, and, therefore, the first Christians did, too. However, as the common narrative of Christianity as the child of Judaism has been abandoned, and in light of evidence that Second Temple Jewish texts exhibited diverse ways of understanding the term *tôrâ*, it is difficult to accept that Christians were uniform in their adoption of books as divine, sacred texts.³ That is, if we can trace variegated notions of torah among the Jewish

1. See Annette Reed, “Εὐαγγέλιον: Orality, Textuality and the Christian Truth in Irenaeus’ *Adversus Haereses*,” VC 56 (2002): 11–46. Also, Helmut Koester, *Ancient Christian Gospels: Their History and Development* (Harrisburg, PA: Trinity Press International, 1990), 37–44; Hans von Campenhausen, *The Formation of the Christian Canon*, trans. James A. Baker (Philadelphia, Fortress, 1972).

2. First quotation from C. F. Evans, “Tradition and Scripture,” *RelS* 3 (1967): 324. Second quotation from Harry Gamble, *Books and Readers in the Early Church: A History of Early Christian Texts* (New Haven: Yale University Press, 1995), 11.

3. For Second Temple Jewish texts, see most recently Eva Mroczek, *The Literary Imagination in Jewish Antiquity* (New York: Oxford University Press, 2016); Christine

sects of antiquity, we will find variegated ideas about gospel as well.⁴ For the second-century Christian, living in an era of burgeoning literary production to the extent that a historian diagnosed them all with “acute logorrhea,” the proliferation of texts titled Gospel provoked the question what kind of significance did these new books carry?⁵ Were they divine like the Books of Moses? Pedagogical instruction like the torah? Rules to live by like the law? How did a Christian’s definition of *nomos*/torah influence her definition of sacred book?⁶

Ptolemy’s *Letter to Flora* offers a unique perspective on these questions.⁷ This short letter, written around the time Irenaeus was mounting the first zealous defense of a fourfold gospel (approximately 155–170 CE), was preserved in Epiphanius’s fourth-century heresiography *Panarion*. Epiphanius recorded the letter as an example of Christian heresy, accusing Ptolemy of espousing gnostic beliefs and following the teachings of Valentinus (*Haer.* preface). The rhetorical aims of Ptolemy’s letter endeavored to explain the status of the “law put down through Moses” to a female acolyte named Flora.⁸ Ptolemy presumed the torah was textualized, describing it

Hayes, *What’s Divine about Divine Law? Early Perspectives* (Princeton: Princeton University Press, 2015).

4. For an illuminating example, see Blossom Stefaniw, *Mind, Text, and Commentary: Noetic Exegesis in Origen of Alexandria, Didymus the Blind, and Evagrius Ponticus*, Early Christianity in the Context of Antiquity 6 (Frankfurt am Main: Lang, 2010). On the diversity of Christian scriptural practices, see David Brakke, “Scriptural Practices in Early Christianity,” in *Invention, Rewriting, Usurpation: Discursive Fights over Religious Traditions in Antiquity*, ed. Jörg Ulrich, Anders-Christian Jacobsen, and David Brakke, Early Christianity in the Context of Antiquity 11 (Frankfurt am Main: Lang, 2012), 263–80.

5. Quotation from William V. Harris, *Ancient Literacy* (Cambridge: Harvard University Press, 1989), 22. On alternative modes of canonicity, see Christoph Marksches, “The Canon of the New Testament in Antiquity: Some New Horizons for Future Research,” in *Homer, the Bible and Beyond: Literary and Religious Canons in the Ancient World*, ed. M. Finkelberg and G. G. Stroumsa, JSRC 2 (Leiden: Brill, 2003), 175–94; and David Brakke, “Canon Formation and Social Conflict in Fourth-Century Egypt: Athanasius of Alexandria’s Thirty-Ninth *Festal Letter*,” *HTR* 87 (1994): 395–419.

6. Stefaniw, *Mind, Text, and Commentary*, 62.

7. The two most current and comprehensive treatments of this letter include Christoph Marksches, “New Research on Ptolemaeus Gnosticus,” *ZAC* 4 (2000): 225–54; and Einar Thomassen, *The Spiritual Seed: The Church of the “Valentinians,”* NHMS 60 (Leiden: Brill, 2006), 119–32.

8. This paper consults the critical edition of Gilles Quispel, *Ptolémée, Lettre à Flora: Analyse, texte critique, traduction, commentaire et index grec*, 2nd ed., SC 24

as “that whole law that is contained in Moses’ Pentateuch.”⁹ Yet, he was suspicious about the book. Although he considered the law in the Pentateuch to be divine, he also asserted that it was corrupt. In Ptolemy’s logic, the Torah could be divided into three. In his schema, one part of the law was composed by the demiurgical deity, one part was authored by the human Moses, and a third section was written by the elders of the people. Within the category of laws authored by the demiurgical deity, he discerned three additional layers: the law “pure and uncomplicated by hands,” law “mixed with injustice,” and a spiritual law that required ritual commandments to be interpreted allegorically.¹⁰ Ptolemy did not invent these categories himself. His taxonomy maps onto similar models put forth by Philo and other Hellenistic Jewish theories of divine law.¹¹ Thus, in these divisions, Ptolemy’s model of divine law exhibited similarities with Philo and other Hellenistic Jewish ideas about the law. Thus once we remove Ptolemy from his gnostic category, his correspondence with Flora can be considered as part of a larger discussion taking place about the definition of divine law in Jewish antiquity.

This paper unpacks Ptolemy’s theory of divine law as he explains it in his *Letter to Flora*. It places Ptolemy in the context of a wider ancient debate about the bookishness of divine law. It considers the *Letter to Flora* in light of contemporary Christian ideas about the relationship between torah and gospel. The way a Christian defined the authority of the Hebrew biblical texts governed the way she imbued Christian texts with authority. Not surprisingly, just as there were a variety of theories about the textual authority of Jewish law, Christians evaluated the relative sanctity of Jewish scriptures to lend holiness to their own compositions. Ptolemy’s letter defined Jewish law as divine, but incomplete and a little corrupt. This did not mean that Ptolemy was anti-Torah as, say, Marcion. Rather, his definition of Jewish law was consistent with the

(Paris: Cerf, 1966). Epiphanius, *Pan.* 3.1 “Τὸν διὰ Μωσέως τεθέντα νόμον” (Quispel, 46). Unless otherwise noted, all translations are mine.

9. The term “textualized” is borrowed from William Schniedewind, *How the Bible Became a Book* (Cambridge: Cambridge University Press, 2004), 195. Epiphanius *Pan.* 4.1. ὁ σύμπας ἐκεῖνος νόμος ὁ ἐμπεριεχόμενος τῇ Μωσέως πεντατεύχῳ (Quispel 50).

10. Epiphanius *Pan.* 5.3. Καὶ ἔστι μὲν ὁ τοῦ θεοῦ νόμος, ὁ καθαρὸς καὶ ἀσύμπλοκος τῷ χεীরονι (Quispel, 56); *Pan.* 5.4. ὁ δὲ ἔστιν συμπεπλεγμένος τῇ ἀδικίᾳ (Quispel, 58).

11. Francis F. Fallon, “The Law in Philo and Ptolemy: A Note on the Letter to Flora,” *VC* 30 (1976): 45–51.

scriptural practices of Valentinian Christians.¹² Ptolemy's model of an imperfect law contained in imperfect writing provided license for Valentinian scriptural practice—a practice that approved of the generation of new, imperfect gospels.

Ptolemy's Demiurgical *Nomos*

Christians in the second century looked to the Hebrew Bible to lend legitimacy to new Christian writings.¹³ How a Christian related the Hebrew Bible to *nomos* governed his definition of "gospel." As Origen put it: "The power of the gospel is, therefore, also found in the law and it becomes clear that the gospels are based on the foundation of the law. And I do not call the law 'Old Testament,' when I try to understand it spiritually. The law becomes the Old Testament only to those who try to understand it carnally" (*Comm. Matt.* 5:44).¹⁴ Origen derived the authority of the term gospel from that of the law. While it is clear that by the word "law," he referred to the texts of the Hebrew Bible, Origen also distanced the law from its textualized form. By advocating a two-tiered method of reading, he transformed the Hebrew Scriptures into the book "Old Testament" when read literally, and used the more general term "law," ambiguous in its textual connotations, when read allegorically.

Origen employed the term gospel similarly. He categorized both the four gospels and Paul's letters as "gospel," even though only Matthew, Mark, Luke, and John used this term as a title. Origen anticipated objections to this nomenclature: to the ones who said "that we are wrong to call the epistles by the title 'gospel,' it must be said that frequently, when it comes to written texts, two or more of something are called by the same name, the name is fixed more strongly on one of the things when spoken

12. For gnostic scriptural practices in general, see Brakke, "Scriptural Practices in Early Christianity," 263–80. For a theory of Valentinian scriptural practices, see Anne Kreps, "The Passion of the Book and Valentinian Scriptural Practice," *J ECS* 24 (2016): 311–33.

13. Wolfram Kinzig, "καινή διαθήκη: The Title of the New Testament in the Second and Third Centuries," *JTS* 45 (1994): 519–44.

14. *Sic ergo invenitur et evangelii virtus in lege et fundamento legis subnixa intelliguntur evangelia; nec vetus testamentum nomino ego legem, si eam spiritaliter intelligam. Illis tantummodo lex vetus efficitur testamentum, qui eam carnaliter intelligere volunt.* Cf. Kinzig, "Title of New Testament," 541.

than the other” (*Comm. Jo.* 1.5).¹⁵ Just as law referred to the status of a text when read allegorically, the term gospel marked a text that could be read with higher authority. Thus, Origen leveraged the multiple meanings of the terms law and gospel to provide a fluid measure of the sanctity of a text.

The perceived correlation between law and gospel also shaped Christian ideas of a fixed canon. Irenaeus, for instance, drew on the theory of divine law as natural law to articulate the first proposal of a fourfold written gospel. He argued for the canonicity of the gospels based on patterns he observed in nature. He looked to the “four regions of the earth,” the “four universal spirits,” the “four-faced Cherubim,” all “four-footed living creatures,” and the “four covenants of the human race,” to explain why the number of written gospels “could be neither more nor less than four in number.”¹⁶ Based on observable patterns in nature, Irenaeus deemed it “fair that the church have four pillars” of the fourfold gospel (*Haer.* 3.11.8).¹⁷ For Irenaeus, the gospel message was also governed by the principles of natural law: The existence of four written texts was consistent with other organic patterns of four. Moreover, Irenaeus insisted that the content of the written gospels share a “natural alliance with truth.”¹⁸ Irenaeus cited the illiterate barbarians he ministered to in Gaul, who would block their ears if they

15. ἐπὶ ἅν ἐξετάσωμεν τί τὸ ἔργον τοῦ εὐαγγελιστοῦ, ὅτι οὐ πάντως διηγήσασθαι τίνα τρόπον ὁ σωτὴρ τυφλὸν ἀπὸ γενετῆς ἰάσατο, ὁδωδὸτα νεκρὸν ἀνέστησεν ἢ τι τῶν παραδόξων πεποίηκεν, οὐκ ὀκνήσομεν, χαπακτηριζομένου τοῦ εὐαγγελιστοῦ καὶ ἐν προτρεπτικῷ λόγῳ τῷ εἰς πιστοποίησιν τῶν περὶ Ἰησοῦ, εὐαγγέλιόν πως εἰπεῖν τὰ ὑπὸ τῶν ἀποστόλων γεγραμμένα. Ἄλλ’ ὅσον ἐπὶ τῇ δευτέρᾳ ἀποδόσει, τῷ ἀνυποφέροντι διὰ τὸ μὴ ἐπιγεγράφθαι τὰς ἐπιστολὰς εὐαγγέλιον ἡμῶν ὀνομασάντων, λεκτέον ὅτι πολλαχοῦ τῶν γραφῶν δύο τινῶν ἢ πλείονων τῷ αὐτῷ ὀνόματι ὀνομαζομένων κυριώτερον ἐπὶ τοῦ ἑτέρου τῶν λεγομένων κεῖται τὸ ὄνομα (Cécile Blanc, ed., *Commentaire sur saint Jean*, SC 120 [Paris: Cerf, 1966], 66–68).

16. Irenaeus identified four covenants (καθολικαὶ διαθήκαι) revealed to humanity—the single command to Adam, the Noahide covenant, the Mosaic covenant, and the gospel, *Haer.* 3.9.8. See Reed, “Εὐαγγέλιον,” 22; André Benoit, “Écriture et Tradition chez Saint Irénée,” *RHPR* 40 (1960): 41–43; Guy Stroumsa, *Hidden Wisdom: Esoteric Traditions and the Roots of Christian Mysticism*, SHR 70 (Leiden: Brill, 1996), 30, 38, 85–86.

17. Ἐπεὶ γὰρ τέσσαρα κλίματα τοῦ κόσμου ἐν ᾧ ἔσμεν καὶ τέσσαρα καθολικὰ πνεύματα κατέσπαρται δὲ ἡ ἐκκλησία ἐπὶ πάσης τῆς γῆς στῦλος δὲ καὶ στήριγμα ἐκκλησίας τὸ εὐαγγέλιον καὶ Πνεῦμα ζωῆς εἰκότως τέσσαρας ἔχειν αὐτὴν στύλους πανταχόθεν πνέοντας τὴν ἀφθαρσίαν καὶ ἀναζωπυροῦντας τοὺς ἀνθρώπους (SC 211:168–71).

18. Hayes, *What’s Divine about Divine Law?*, 54.

heard something contrary to the four gospels even though they could not read the texts. For Irenaeus, knowledge of the gospel was intuitive.

Classical readings of Irenaeus attribute his canonical statement to a rejection of Marcion.¹⁹ Yet, with Marcion too, his definition of *nomos* shaped what he perceived a gospel to be. Marcion defined his canon through a dualistic approach to law and gospel. He rejected the Hebrew Scriptures as laws written by an evil deity and claimed that his gospel alone (a variation of Luke) along with some epistles of Paul, were authoritative. Whether or not Marcion was the sole instigator for the creation of a Christian canon, he provides a useful example of how, for the ancient Christian, the question “what’s divine about divine law” provoked the question how “sacred was the sacred book?” From Origen’s fluid use, to Irenaeus’s ideas of natural and immutable gospels, and to Marcion’s antagonistic relationship between law and gospel, the way a Christian understood the term *nomos*—capitalized or not, textual or not, fully divine or not—governed their definition of the concept “gospel.” Yet Marcion, Irenaeus, and Origen are only three examples in a vast discussion about the scope of the sacred book.²⁰

Ptolemy’s *Letter to Flora* is another example.²¹ In fact, it appears that the letter deliberately aimed to weigh in on the debate. It opened by observing that “disagreeing opinions” (Epiphanius, *Pan.* 3.1) circulated about the law and observed that the law itself was a confusing topic that no one, except perhaps Ptolemy himself, properly understood.²² Ptolemy placed himself between two established positions—those who thought the five books of Moses were “given by God and Father” and others who claimed they were given by the “devil, maker of destruction” (*Pan.* 3.1).²³ Because Ptolemy rejected the idea that the law was purely evil (*Pan.* 3.2),

19. See Adolf von Harnack, *Marcion: Das Evangelium vom fremden Gott; Eine Monographie zur Geschichte der Grundlegung der katholischen Kirche*, TUGAL 3 (Leipzig: Hinrichs, 1921); von Campenhausen, *Formation of the Christian Bible*, 148–67.

20. Or, as Martin Jaffe described it, “an empire-wide debate about the relative primacy of the sacred book.” Jaffe, *Torah in the Mouth: Writing and Oral Tradition in Palestinian Judaism 200 BCE–400 CE* (New York: Oxford University Press, 2001), 9.

21. I.e., *pace* Thomassen, it was not necessarily “written as an introduction to Valentinian Christianity for the uninitiated.” Thomassen, *Spiritual Seed*, 119.

22. τὰς διαφωνούσας γνώμας περὶ αὐτοῦ (Quispel, 46).

23. οἱ μὲν γὰρ ὑπὸ τοῦ θεοῦ καὶ πατρὸς νενομοθετῆσθαι τοῦτον λέγουσιν, ἕτεροι δὲ τούτοις τὴν ἐναντίαν ὁδὸν τραπέντες ὑπὸ τοῦ ἀντικειμένου φθοροποιοῦ διαβόλου τεθεῖσθαι τοῦτον ἰσχυρίζονται (Quispel, 46).

many have explained his letter as a direct response to Marcion.²⁴ However, while Marcion equated an evil deity with an evil law, he was not the only Christian to do so.²⁵ Moreover, Ptolemy also addressed those who thought that the law was purely divine. In this instance, he may have been referring to Jews, or perhaps a form of Ebionite Christianity, or more generally to nascent Christian orthodoxy.²⁶ The two positions outlined could very well have been strawmen, with Ptolemy presenting himself as the great compromiser between two caricatures of positions about the divine law. As such, for Ptolemy, the law in the Torah was neither wholly evil nor purely perfect—it included the divine, the spiritual, and the corrupt. However, his position was not an effort to demote the status of the law. Instead, it offered an innovative model for explaining the relationship between law, revelation, and sacred books.

The structure of the letter indicates as much. The body is built around three systematic expositions of the law and its characteristics.²⁷ In the first exposition (4.1–11), Ptolemy argued that the law of God could be divided into three parts: the law of God, the law of Moses, and the law of the elders. How would one distinguish among these layers? The words of God were discernable in the text of the Pentateuch as the direct speech of the deity. He also claimed that some of the law was legislated by Moses, and by this, Ptolemy did not mean the content surrounding the direct speech of the deity that Moses composed for context.²⁸ According to Ptolemy, Moses added laws, such as laws of divorce and personal injury, based on the needs of a generation. He defined the third category of the law as “certain traditions of the elders.” In the Mishnah, the “traditions of the elders” came to

24. ὡς καὶ τὴν τοῦ κόσμου προσάπτουσιν αὐτῷ δημιουργίαν, πατέρα καὶ ποιητὴν τοῦτον λέγοντες εἶναι τοῦδε τοῦ παντός. (Quispel, 46). Cf. Marksches, “New Research on Ptolemaeus Gnosticus,” 234. Quispel, *Ptolémée, Lettre à Flora*, 76. Campenhausen, *Formation of the Christian Bible*, 148.

25. E.g., see Hippolytus, *Haer.* 6.35.1.

26. Adolf von Harnack, *Der Brief des Ptolemäus an die Flora*, SPAW.PH (Berlin: Reimer, 1902), 531, suggest the Jews; cf. Marksches, “New Research on Ptolemaeus Gnosticus,” 28. Quispel, *Ptolémée, Lettre à Flora*, 76, argues Ebionite Christianity or nascent orthodoxy.

27. For an illuminating analysis of this tripartite structure of the letter, and its place in ancient rhetorical traditions, see Marksches, “New Research on Ptolemaeus Gnosticus,” 228–33.

28. Unlike Philo, e.g., who saw the Mosaic hand as interpretive (e.g., *Mos.* 1.4). See Fallon, “Law in Philo and Ptolemy,” 49–51.

designate rabbinic teachings that were not contained in the Torah. Did Ptolemy have this in mind when he defined the “traditions of the elders that have been mixed with the law” (Epiphanius, *Pan* 4.11) as malicious additions to the Pentateuch?²⁹ Ptolemy thought the additions of Moses had legal justification even if they lacked divine authority. However, for him, the traditions of the elders were an utter corruption of the law of God, and, unlike the law of Moses, possessed no authority. While Ptolemy located these corrupt laws in the text of the Torah, a subtext of his invective may have been directed at the contemporary Jewish rabbis, who were gaining prominence in the era when Ptolemy wrote his letter.

In the second exposition (5.1–6.6), Ptolemy divided the law of God itself into three subcategories: law comprising the perfect, unadulterated law of God, as represented by the Decalogue, and the laws that had been corrupted by unspecified causes, which the savior must fix. He also created a third category of “spiritual law” consisting of legislation that required interpretation. These included laws about ritual practices—laws of sacrifice, temple operations—that need to be read allegorically. In the third portion of the letter (7.1–7), Ptolemy abruptly changed the subject, moving away from a discussion of the law to a discussion of the divine agents at work in the world. These agents, like the law, were also three, and consisted of the supreme, unknowable father, the demiurge, and the adversary.

The three-part structure of his letter may have been deliberate, suggesting that “topics of the theory of principles and the theory of legislation are closely connected and thus that the text is a perfect ring composition.”³⁰ That is, Ptolemy’s tripartite law of God, Moses, and elders aligned with his theory of three divine actors, which was then mirrored by the three-part nature of his letter. The emphasis on three, however, opens up the question that, if Ptolemy intended for his divisions of the law to correspond to three divine agents, why did he attribute the “pure law” (τὴν καθαρὰν νομοθεσίαν) of the law of God to the middle character the demiurge, and not the “perfect God and father” (ὑπο τοῦ τελείου θεοῦ καὶ πατρὸς)?

This problem might be explained by Ptolemy’s understanding of divinity and his definition of sacred book. For Ptolemy, the demiurge who authored the law was not evil, as some other gnostic Christians main-

29. ὅτι δὲ καὶ τῶν πρεσβυτέρων εἰσὶν τινες συμπεπλεγμένοι παραδόσεις ἐν τῷ νόμῳ (Quispel, 54).

30. Markschie, “New Research on Ptolemaeus Gnosticus,” 235.

tained (Epiphanius, *Pan.* 7.3). Rather, Ptolemy characterized the demiurge as “just.” Therefore, his demiurge resembled the perfect, yet unknowable father more than an evil figure. Moreover, even though Ptolemy decided not to explain the nature of divinity to Flora, thinking it too complex a subject, he did equate the demiurge with the savior. Therefore, for Ptolemy, the savior was both an author and editor of divine law.³¹

To show how the savior edited the law, Ptolemy compared the divorce law in Leviticus to the mandate in Matt 19:8 that prohibited a man from divorcing his wife. Ptolemy interpreted the contradiction between Leviticus and Matthew as evidence that the Levitical divorce law was authored by Moses, not the deity. He insisted it had to be Mosaic because there could be no contradiction in divine law (Epiphanius, *Pan.* 4.5).³² The fact that Matthew could override Leviticus suggested that Ptolemy viewed the divine law, as compiled in the Torah, as incomplete. Additionally, by quoting what the savior said in Matthew as divine law, he expanded the definition of divine law to include the contents of gospel texts, even as he shrunk the amount of divine law contained in the Torah.

While Ptolemy presumed that divine law could be read in the Torah and gospel books, he was not interested in their textuality. The law might be written, but it was also spoken. The law included the “words of the savior,” not the writings about him. When Ptolemy quoted gospel books such as Matthew and John, he did not cite them as “scripture says.” Instead, he cited them as oral sources. When he referred to the Matthew tradition that revised divorce law, he introduced the material as “the apostle says.” Likewise, even when quoting a gospel source verbatim, he cited the sources as “the apostle says” (Epiphanius, *Pan.* 3.6).³³ In line with Origen’s broad definition of gospel that included both the gospels and Epistles, Ptolemy cited Paul as an authority in the same way he cited the gospels: “the apostle says” (*Flor.* 5.15). Ptolemy cited content from the gospels as oral traditions,

31. For the equation between the figures of the savior and the demiurge in Ptolemy’s letter, see Marksches, “New Research on Ptolemaeus Gnosticus,” 240–41; and Thomassen, *Spiritual Seed*, 122–23.

32. ἐνταῦθα ἕτερον μὲν τὸν τοῦ θεοῦ δείκνυσι νόμον, τὸν καλύοντα χωρίζεσθαι γυναῖκα ἀπὸ ἀνδρὸς αὐτῆς, ἕτερον δὲ τὸν τοῦ Μωσέως, τὸν διὰ τὴν σκληροκαρδίαν ἐπιτρέποντα χωρίζεσθαι τοῦτο τὸ ζεύγος (Quispel, 52).

33. ὁ ἀπόστολος, προαποστερήσας τὴν τῶν ψευδηγορούντων ἀνυπόστατον σοφίαν, καὶ οὐ φθοροποιῶν θεοῦ, ἀλλὰ δικαίου καὶ μισοπονήρου: “the apostle says that the creation of the world is the savior’s that all things were made by him and without him nothing is made.”

even as he was probably reading the gospels as books: When quoting any direct speech of Jesus, Ptolemy consistently cited the “words of the savior” rather than the books containing these words (Epiphanius, *Pan.* 4.3).³⁴ By including the words of the savior in the category *nomos*, Ptolemy indicated that he did not consider the law to be a text only.

In effect, Ptolemy’s theory included the words of the savior as part of a perfectly just divine law, which was imperfectly represented in writing. Consequently, the words of the savior possessed the ability to improve the laws of the Pentateuch. However, Ptolemy also acknowledged the flaws of the words of the savior. These words could only serve as a deficient “guide to the grasping of the truth,” they could not accurately duplicate truth (Epiphanius, *Pan.* 3.8).³⁵ This position on the value of the words of the savior was congruent with Ptolemy’s other ideas about divine law: Both the elders and Moses had corrupted the law of God as contained in the books of the Torah. This did not render the Pentateuch obsolete. Rather, these corruptions made room for additions and emendations through a new source of law—the words of the savior. Similarly, the words of the savior, while they could improve the Pentateuch, possessed their own deficiencies as Platonically flawed “grasping of the truth.”

This is consistent with what we know about Valentinian scriptural practice. David Brakke has argued that early Christians thought of sacred text in a variety of ways: While some groups study and contemplate, others looked to revelation and continued inspiration, and still others saw sacred texts as sources of community edification.³⁶ Christian communities did not have a uniform idea of gospel-as-sacred-book. I have argued elsewhere that as Valentinians studied scripture, their own findings, whether written or spoken, became regarded as revelation as well.³⁷ The Gospel of Truth, a text that may have been written by Valentinus or his student Ptolemy, described Jesus as a living law, reading out the contents of his heart as he died on the cross (Gospel of Truth 20.24–26).³⁸ The contents of his

34. οἱ τοῦ σωτῆρος λόγοι διδάσκουσιν ἡμᾶς. Also 3.8 τῶν ῥηθισμένων ἡμῖν τὰς ἀποδείξεις ἐκ τῶν τοῦ σωτῆρος ἡμῶν λόγων παριστάντες.

35. ἐκ τῶν τοῦ σωτῆρος ἡμῶν λόγων παριστάντες, δι’ ὧν μόνον ἔστιν ἀπταιστως ἐπὶ τὴν κατάληψιν τῶν ὄντων ὁδηγεῖσθαι (Quispel, 50).

36. Brakke, “Scriptural Practices in Early Christianity,” 265.

37. Anne Kreps, “Passion of the Book,” *J ECS* 24 (2016): 311–35.

38. Some posit that the *Gospel of Truth* was written by Valentinus. Others have suggested it was written by Ptolemy, or another immediate disciple of Valentinus. For

heart were then transcribed onto the hearts of elect Christians. Valentinian sources referred to these people as living laws (Valentinian Fragment 6 = Clement, *Strom.* 4.52.3–53.1).³⁹ If Ptolemy, as Valentinus's student, viewed the divine law contained in the Pentateuch as imperfect, this did not entail a rejection of the law. Rather, in his logic, it made room for other sources of law to be revealed piecemeal. The Apocryphon of James, another Valentinian text, envisioned the disciples engaged in the act of textual production—each one writing down “words of the savior” that Jesus had communicated to each one individually (Apocr. Jas 2.10–15). Still, the text maintained, some information was withheld, reserved for people who were not yet born (Apocr. Jas. 15.35–16.3). Thus, the Apocryphon of James argued, humans should expect additional revelation in the future.

This position should not be viewed as an aberration of Christian orthodoxy. Such a stance would require the definition of torah to be fixed within Judaism and idealized as a closed set of divine laws contained in writing. The other papers in this volume emphatically reject this idea. As Jacqueline Vayntrub has demonstrated, the text of the Torah contains indicators of its oral, performative dimensions. The question Ben Wright's paper poses, “Where is the Torah in Ben Sira?,” is not answered by defining the torah as a written document. Even the Samaritan Pentateuch, as Stefan Schorch's paper has shown, lacked a fixed text. Jack Collins's paper on the book of Jubilees argued that Jubilees promoted a definition of law that included “authority without text, Torah without law.”⁴⁰ In sum, the diversity of ideas about how Jews regarded torah—as law, text (fixed or fluid), a performance, a didactic tool—indicates that we should not expect a uniform idea of divine law in early Christianity.

the case for Valentinus's authorship, see Henri Charles Puech and Gilles Quispel, “Les écrits gnostiques du Codex Jung,” VC 8 (1954): 22–38. For arguments against Valentinus's authorship, see Christoph Marksches, *Valentinus Gnosticus? Untersuchungen zur valentinianischen Gnosis mit einem Kommentar zu den Fragmenten Valentins*, WUNT 65 (Tübingen: Mohr Siebeck, 1992), 339–65.

39. Πολλὰ τῶν γεγραμμένων ἐν ταῖς δημοσίαις βίβλοις εὑρίσκεται γεγραμμένα ἐν τῇ ἐκκλησίᾳ τοῦ θεοῦ τὰ γὰρ κοινὰ ταῦτά ἐστι τὰ ἀπὸ καρδίας ῥήματα, νόμος ὁ γραπτὸς ἐν καρδίᾳ οὗτος ἐστὶν ὁ λαὸς ὁ τοῦ ἡγαπημένου, ὁ φιλούμενος καὶ φιλῶν αὐτόν (SC 446:166–68).

40. See Jacqueline Vayntrub, “Torah as Speech Performance in the Hebrew Bible,” ch. 2; and Benjamin Wright, “Where Do We Find Torah in Ben Sira?,” ch. 8 in the present volume. Stefan Schorch, “The Early Textual History of the Samaritan Pentateuch”; and Jack Collins, “Authority without Text, Torah without Law: the Strange Case of Jubilees” were offered at the Ninth Enoch Seminar but are not included here.

Conclusion: A Second-Century Text in a Fourth-Century Context

Ptolemy's *Letter to Flora* is both a second-century text and a fourth-century text. While it was written in the second century, it was preserved in Epiphanius's *Panarion*, a fourth-century heresiography. Epiphanius included Ptolemy's letter in order to refute its arguments. Often, Epiphanius's invective is read as part of the disagreement between gnostic and orthodox forms of Christianity. However, in Epiphanius's objections, we also see a clash between second-century ideas about sacred books and their textual fluidity, and fourth-century orthodox ideas about holy books and their fixity. When Epiphanius read Ptolemy's letter, he could not understand how the words of the savior counted as "law." He asked Ptolemy, "where, you troublemaker with your erratic judgment, can you show that the words mentioned by the savior were said in the five books of the Pentateuch and God's legislation? You can't show it, since the saying is nowhere to be found in the Pentateuch, and you have deceived your dupe Flora for nothing" (Epiphanius, *Pan.* 9.6 [Williams]). This confusion could only occur because Epiphanius unequivocally equated the term law with the books of the Torah. Two centuries ago, Ptolemy could make no such distinction. In a similar vein, as Epiphanius scrutinized Ptolemy's category of "tradition of the elders," where Ptolemy had located corrupted portions of the Pentateuch. Epiphanius objected that Ptolemy's category "tradition of the elders" were not in the "law," but rather would be found in the Mishnah or the "repetitions," the compendium of oral rabbinic teachings that were not collected into a book until 200 CE. Behind Epiphanius's bombastic rhetoric, then, his objections demonstrate that terms Ptolemy had understood in a broader sense—law, gospel, tradition—had become textualized in the fourth century.

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