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## Genesis 38 in Social and Historical Perspective

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While many scholars still view the Judah–Tamar tale in Genesis 38 as a once-independent unit secondarily woven into the Joseph story (chs. 37–50), the relationship with its intertext in 2 Samuel 13 is more complicated. Questions remain regarding a possible direction of literary influence from one narrative to the other, or whether both narratives independently drew from a common trove of tradition. The present study addresses this issue through a closer look at Genesis 38, evaluating its linguistic/sociolinguistic features, its tradition-historical and sociological presuppositions, and the symbolic/mythic valences running through the text. The author behind Genesis 38 drew from an authoritative agrarian mythology that also informed the composition of the narrative beginning in 2 Samuel 13 but cast this mythology in contradistinction to its function in that work.

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The problems of family integrity, the threat to progeny, the temptation to abuse power, and the underlying themes regarding monarchic politics flavor both the Judah–Tamar tale in Genesis 38 and the chapters surrounding it.<sup>1</sup> Plot devices and literary correspondences reveal the degree to which Genesis 38 imparts greater meaning and significance to the Joseph story and the ancestral traditions in Genesis more generally.<sup>2</sup> While many scholars have studied Genesis 38 as an

An earlier version of this paper was presented at the International Meeting of the Society of Biblical Literature in Vienna in 2007. I am deeply indebted to the participants in the session where it was first read, to Benjamin Sommer for his helpful comments on an earlier draft, and to the anonymous reviewers at *JBL* for their suggested revisions.

<sup>1</sup>On the issue of monarchic politics encoded into the Joseph story (at different stages of its growth), see Yigal Levin, “Joseph, Judah and the Benjamin Conundrum,” *ZAW* 116 (2004): 223–41; David M. Carr, *Reading the Fractures of Genesis: Historical and Literary Approaches* (Louisville: Westminster John Knox, 1996), 273–74, 279–80.

<sup>2</sup>Such was the conclusion reached several decades ago by George W. Coats, “Redactional

independent narrative secondarily situated in its present location,<sup>3</sup> others have taken a step back and considered the chapter's relation to the Joseph story and the Jacob story *en masse*, seeing the chapter as intimately connected to the composition of the adjacent material.<sup>4</sup> One of the more recent arguments in favor of this view is that of Richard Clifford, who observes a network of thematic and lexical correspondences between the Judah–Tamar tale and its larger literary context.<sup>5</sup> Especially noteworthy is his discussion of the phrase הָכַר (NRSV: “Take note, please”) in Gen 38:25, which is paralleled in only one other place in the entirety of the Hebrew Scriptures, namely, in Gen 37:32.<sup>6</sup> Clifford's position is supported by the recurrence of the הָכַר terminology at a poignant moment later in the Joseph story (Gen 42:8), and this, he adds, sets up the later, climactic moment where Joseph changes from a man driven by vengeance to a forgiving brother. The theme of recognition (הָכַר) thus functions as a motif that binds together the entire

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Unity in Genesis 37–50,” *JBL* 93 (1974): 21. See also Paul R. Noble, “Esau, Tamar and Joseph: Criteria for Identifying Inner-Biblical Allusions,” *VT* 52 (2002): 232–43, 248–49.

<sup>3</sup>The list of scholarship advocating this view is exhaustive. More recent studies include Peter Weimar, “Gen 38—Eine Einschaltung in die Josefsgeschichte” (Teil 2), *BN* 140 (2009): 5–30 (who sees the chapter's current location as part of a larger pentateuchal redactional effort); André Wenin, “L'aventure de Juda en Genèse 38 et l'histoire de Joseph,” *RB* 111 (2004): 5–27; Craig Y. S. Ho, “The Stories of the Family Troubles of Judah and David: A Study of Their Literary Links,” *VT* 49 (1999): 514–31; Brian Peckham, *History and Prophecy: The Development of Late Judean Literary Traditions* (ABRL; New York: Doubleday, 1993), 559–61; Gary A. Rendsburg, “David and His Circle in Genesis xxxviii,” *VT* 36 (1986): 438–46; Erhard Blum, *Die Komposition der Vätergeschichte* (WMANT 57; Neukirchen-Vluyn: Neukirchener Verlag, 1984), 224. See also the summary of scholarship by Richard Clifford, “Genesis 38: Its Contribution to the Jacob Story,” *CBQ* 66 (2004): 519–32, here 520–21 n. 4. Hans-Christoph Schmitt suggests that the chapter knows both the Deuteronomistic tradition and the Holiness Code and includes references to both in order to create greater connectivity across the Pentauch (“Die Josephsgeschichte und das deuteronomistische Geschichtswerk Genesis 38 und 48–50,” in *Deuteronomy and Deuteronomistic Literature: Festschrift C. H. W. Breckelmans* (ed. M. Vervenne and J. Lust; BETL 133; Leuven: Peeters, 1997), 403. This position recalls that of Peckham, which posits a Deuteronomistic redactional allusion to the levirate law of Deuteronomy 25 (*History and Prophecy*, 559–61). Despite initial impressions that the author knows and invokes these works, the difficulties in accepting these conclusions will be discussed below.

<sup>4</sup>Jan Wim Wesseliuss, “From Stumbling Blocks to Cornerstones: The Function of Problematic Episodes in the Primary History and in Ezra–Nehemiah,” in *The Interpretation of Exodus: Studies in Honour of Cornelius Houtman* (ed. Riemer Roukema et al.; CBET 44; Leuven: Peeters, 2006), 41; Anthony J. Lambe, “Judah's Development: The Pattern of Departure–Transition–Return,” *JSOT* 89 (1999): 53–68; Aaron Wildavsky, “Survival Must Not Be Gained through Sin: The Moral of the Joseph Stories Prefigured through Judah and Tamar,” *JSOT* 62 (1994): 37–48; J. Gordon Wenham, *Genesis 16–50* (WBC 2; Dallas: Word, 1994), 363–65.

<sup>5</sup>Clifford, “Genesis 38,” 519–32.

<sup>6</sup>*Ibid.*, 521. This lexical parallel (and others) was noted also by Coats, “Redactional Unity,” 17. See also J. A. Emerton, “Some Problems in Genesis xxxviii,” *VT* 25 (1975): 347.

narrative involving the sons of Jacob, with its early appearances in chs. 37–38 informing how the reader perceives its function in the crucial later chapters.<sup>7</sup>

Yet, while the appearance of the phrase in Genesis 38 contributes to a thematic trajectory running throughout the entire Joseph story, it does not necessarily depend on it. The **הכר נא** of v. 25—uttered by Tamar as she produces incriminating evidence concerning her liason with Judah—may also be explained as a tit-for-tat response to Judah's request for sexual contact earlier in the narrative when this liason took place:

Gen 38:16: הבה נא אבוא אליך . . .

Come, let me come in to you. (NRSV)

Gen 38:25: הכר נא למי החתמת . . .

Take note, please, whose these are, the signet . . . (NRSV)

In other words, the linguistic peculiarity noted by Clifford may be explained as deriving from the internal drama of the narrative rather than as arising from common authorship with Genesis 37 (or beyond). The **הכר נא** in ch. 37 may thus be a redactional gloss inspired by the introduction of ch. 38 into the developing Joseph story,<sup>8</sup> as the verse reads perfectly well without it:

וישלחו את כתנת הפסים ויביאו אל אביהם ויאמרו זאת מצאנו [ . . . ] הכתנת בנך  
הוא אם לא

Then they sent the colored tunic and brought it to their father, and said, "We have found this . . . is this not your son's tunic?" (Gen 37:32)

The presence of the **נכר** root at the outset of the following verse (in 37:33) would have provided a redactor with a superb strategic moment to anticipate the appearance of **הכר נא** in 38:25. Through this method, the redactor created a work that draws the reader's attention away from the above-mentioned wordplay between Judah's request for sex and Tamar's production of incriminating evidence and instead focuses attention on the motifs of family conflict shared between the two tales. This produced a cohesive narrative with a different emphasis: the second occurrence of **הכר נא** forces the reader to recall the circumstances where it first appeared and to consider the Judah–Tamar episode a stop along the way to Judah's later emergence as a restored family leader (ch. 44).<sup>9</sup>

Therefore, while the thematic and lexical yarns running through ch. 38 set it

<sup>7</sup> Clifford, "Genesis 38," 530–32.

<sup>8</sup> See also Walter Dietrich (*Die Josephserzählung als Novelle und Geschichtsschreibung: Zugleich ein Beitrag zur Pentateuchfrage* [Biblich-theologische Studien 14; Neukirchen-Vluyn: Neukirchener Verlag, 1989], 51 n. 144), who draws attention to this phrase as a sign of redactional incursion.

<sup>9</sup> Such is the interpretation offered by Clifford, "Genesis 38," 520, 527.

comfortably within the Joseph story and indeed make it integral to the story's function in the book of Genesis, the hallmarks of the redactional process call attention to themselves and alert the reader that the tale once had a life of its own.<sup>10</sup> Apart from the sudden shift in tone and focus (a band of brothers and international interaction vs. a single man's experience in a geographically protracted setting),<sup>11</sup> the *Wiederaufnahme* in 37:36b and 39:1 marking the points of insertion is otherwise difficult to explain (פּוֹטִיפָר סָרִיס פְּרַעָה שֶׁר הַטְּבַחִים, "Potiphar, an officer of Pharaoh, the captain of the guard"). The literary form of ch. 38 may have resulted from a scribe writing with an eye to the larger Joseph story,<sup>12</sup> but this scribe's handling of the Judah–Tamar episode points to its origins beyond the sources that constitute the tale of Joseph and his brothers. If this is the case, then the thematic commonalities may be attributed to a common set of cultural tropes behind each work rather than a single story built from the ground up.

On the other hand, it remains difficult to deny a closer relationship between Genesis 38 and the Tamar–Amnon drama of 2 Samuel 13, since these are the only narratives in the Hebrew Bible where a character named Tamar plays a major role. Beyond Tamar's name and the overt concern with the Davidic line (via the concluding reference to Perez in Gen 38:29), both tales highlight the fragility of the leading family in Judahite society, challenges to matters of succession within a family, and the vulnerability of women in a patriarchal society.<sup>13</sup> The questions this raises are manifold. Is one narrative a conscious response to (or comment on) the other?<sup>14</sup> Or, rather, did both narratives arise in parallel response to a common concept or set of circumstances? Finally, should the critique of Judah and his family in Genesis 38 be viewed as a condemnation of David, or may it contain a different type of critique?

<sup>10</sup>This may well have been a deliberate choice on the part of the redactor; see Brian Peckham, "Writing and Editing," in *Fortunate the Eyes That See: Essays in Honor of David Noel Freedman in Celebration of His Seventieth Birthday* (ed. Astrid B. Beck et al.; Grand Rapids: Eerdmans, 1995), 368–69, 382.

<sup>11</sup>Clifford is correct that the opening note does not create any greater discontinuity than similar shifts elsewhere in narrative transitions ("Genesis 38," 521). But this, coupled with the protracted geographic and sociological spectrum of ch. 38 in comparison with the larger Joseph story, indicates deeper fissures between the two narratives.

<sup>12</sup>I would further suggest that the parallel usage of the root יָרַד in 38:1 and 39:1 arises from this redactor's eye to the bigger picture; see the conclusion of the present study for additional discussion.

<sup>13</sup>For a convenient summary of these and other parallels, see Ho, "Family Troubles," 515–22.

<sup>14</sup>For rather different takes on this common view, see Ho, "Family Troubles," 514–31; Rendsburg, "David and His Circle," 438–46; A. Graeme Auld, "Tamar between David, Judah and Joseph," in *Samuel at the Threshold: Selected Works of Graeme Auld* (SOTSMS; Aldershot: Ashgate, 2004), 216–18.

## I. TEXTUALITY AND LINGUISTIC/SOCIOLINGUISTIC CONSIDERATIONS

To address these questions, the first task is to establish a general period for the composition of both narratives; I will begin with 2 Samuel 13. Positions vary on a date of origin, but most commentators accept a preexilic setting for the composition of (most of) 1–2 Samuel,<sup>15</sup> and some have proposed an Iron IIA dating of the narrative.<sup>16</sup> Such an argument remains tenable, and the circulation of official tales regarding the founding of the monarchy may well have originated in a fairly early period.<sup>17</sup> However, the view that a good amount of the narrative took textual form in the late eighth century during the reign of Hezekiah seems reasonable.<sup>18</sup> This is in part because Hezekiah's was the first reign since the tenth century B.C.E. that saw northern subjects (refugees from the fallen northern kingdom) under the jurisdiction of a Davidic king.<sup>19</sup> Furthermore, Hezekiah's

<sup>15</sup>There are, of course, notable exceptions or adjustments to this view. Recently, for example, John Van Seters, has argued that a late-seventh-century, pro-Davidic collection in 1–2 Samuel received an anti-Davidic redaction during the Persian period, accounting for a significant amount of content in that work (*The Biblical Saga of King David* [Winona Lake, IN: Eisenbrauns, 2009]). Van Seters, however, does not give enough consideration to linguistic and redaction-critical elements; see the critique by Tzemah Yoreh, "Van Seters' Saga of King David," *Journal of Ancient Near Eastern Religions* 10 (2010): 111–13.

<sup>16</sup>On the possibility of an Iron IIA scribal production of the Davidic narratives, see Jeremy M. Hutton, *The Transjordanian Palimpsest: The Overwritten Texts of Personal Exile and Transformation in the Deuteronomistic History* (BZAW 396; Berlin/New York: de Gruyter, 2009), 91–156. Hutton's discussion of literacy and scribal resources in the Iron I–IIA periods (pp. 168–74) provides a compelling reason to consider the likelihood that a sophisticated narrative such as 1–2 Samuel could indeed have obtained in written form in the Iron IIA period. The most thorough defense of an early date for the David narratives is that of Baruch Halpern, *David's Secret Demons: Messiah, Murderer, Traitor, King* (Bible in Its World; Grand Rapids: Eerdmans, 2001), 57–72, 99–100. Moshe Garsiel also has recently mounted a case for tenth-century authorship ("The Book of Samuel: Its Composition, Structure, and Significance as an Historiographic Source," *Journal of Hebrew Scriptures* 10 [2010] Article 5; online at <http://www.jhsonline.org>).

<sup>17</sup>Edward L. Greenstein, "The Formation of the Biblical Narrative Corpus," *AJSR* 15 (1990): 177.

<sup>18</sup>Walter Dietrich, *The Early Monarchy in Israel: The Tenth Century B.C.E.* (trans. Joachim Vette; SBL Biblical Encyclopedia 3; Atlanta: Society of Biblical Literature, 2007), 247, 263. See also Neil A. Silberman and Israel Finkelstein, "Temple and Dynasty: Hezekiah, the Remaking of Judah, and the Rise of the Pan-Israelite Ideology," *JSOT* 30 (2006): 259–85. The brief comments by Paul S. Ash (review of Halpern, *David's Secret Demons*; online at <http://www.bookreviews.org>) that the memories of David among northern refugees to Judah in the late eighth century might explain the shaping of Davidic tradition.

<sup>19</sup>Nadav Na'aman has recently mounted a detailed argument against a large wave of such refugees; see his "When and How Did Jerusalem Become a Great City? The Rise of Jerusalem



royal administration would have had much interaction with the rural clan leadership as part of the king's urbanization program ca. 705–701 B.C.E. Establishing connections between Hezekiah and David, the latter of whom is remembered for negotiation with the elders of the hinterland (2 Sam 5:3), would be helpful in promoting cooperation among the clans faced with otherwise unpopular royal policies.

Although Hezekiah's reign may have been a suitable time for the shaping of some narratives in 1–2 Samuel, it is unlikely that a troubled narrative such as 2 Samuel 13 would have been composed at this time. On one hand, 2 Samuel 13 contributes to the unfurling of events that legitimized Solomon's seizure of the throne and thus supports the hegemony of Hezekiah's ancestry.<sup>20</sup> On the other, a time when traditional rural family structures were challenged through Hezekiah's urbanization program seems an inappropriate context for highlighting the flaws of David's own family. 2 Samuel 13 may have been textualized by Hezekiah's scribes along with other Davidic legends, but it must have originated in an earlier time when Solomon's ascent to the throne in particular was still in need of defense.

It is significant, however, that Genesis 38 has much in common with 2 Samuel 13 on linguistic grounds. Contemporary linguistic research into Biblical Hebrew has highlighted the difficulty with using linguistic criteria as a sure vehicle for dating texts.<sup>21</sup> Robert Rezetko, for example, has recently argued that "what we

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as Judah's Premiere City in the Eighth–Seventh Centuries B.C.E.," *BASOR* 347 (2007): 21–48. But even if the influx of northerners into Judah was limited, their impact was significant and accounts for the survival of Amos's and Hosea's oracles as well as the inclusion of the Asaphite psalms in the Psalter. On the latter, see Harry P. Nasuti, *Tradition History and the Psalms of Asaph* (SBLDS 88; Atlanta: Scholars Press, 1988), 175–78, 194. Na'aman suggests that the words of Amos and Hosea reached Jerusalem as a result of Josiah's plundering of the Bethel sanctuary and his seizure of literature preserved therein ("The Israelite–Judahite Struggle for the Patrimony of Ancient Israel," *Bib* 91 [2010]: 20), but this remains speculative.

<sup>20</sup>Continuity between Solomon and Hezekiah is famously attested in the superscription of Prov 25:1, which attributes to Hezekiah's scribes the transmission of "Solomonic" proverbs. Other passages support the tradition of a Solomon–Hezekiah connection. On the idealization of Solomon's reign, see William M. Schniedewind, *How the Bible Became a Book: The Textualization of Ancient Israel* (Cambridge: Cambridge University Press, 2004), 69–70, 73–87; Iain Provan, *Hezekiah and the Books of Kings: A Contribution to the Debate about the Composition of the Deuteronomistic History* (BZAW 172; Berlin/New York: de Gruyter, 1988), 116–17.

<sup>21</sup>See Ian M. Young, "Late Biblical Hebrew and Hebrew Inscriptions," in *Biblical Hebrew: Studies in Chronology and Typology* (ed. Ian M. Young; JSOTSup 369; London/New York: T&T Clark International, 2003), 276–311; and, in the same volume, Martin Ehrensverd, "Linguistic Dating of Biblical Texts," 164–88; and Robert Rezetko, "Dating Biblical Hebrew: Evidence from Samuel–Kings and Chronicles," 215–50. See also Jan Joosten, "The Distinction between Classical and Late Biblical Hebrew as Reflected in Syntax," *Hebrew Studies* 46 (2005): 338–39 (though Joosten does suggest that the "classical" style of Biblical Hebrew would have declined significantly past 500 B.C.E.); and Mats Eskhult, "Traces of Linguistic Development in Biblical Hebrew," *Hebrew Studies* 46 (2005): 369–70.



today call EBH [early biblical Hebrew] and LBH [late biblical Hebrew] were co-existing styles of literary Hebrew used by authors, editors and scribes throughout the biblical period.”<sup>22</sup> Positions such as Rezetko’s call into question arguments regarding linguistic chronology, but a way past this problem is to move beyond morphology and focus on the sociolinguistic dimensions of narrative syntax. According to the method developed by Frank H. Polak, a simple syntactical profile closer to oral performance results from a scribe working in a culture with very limited literacy. A complex style, on the other hand, is strongly influenced by the scribal conventions of the great empires that Israel encountered beginning in the late eighth century: Israelite scribes begin to construct accounts based on the dense, complicated style of Mesopotamian scribal chanceries.<sup>23</sup> These texts presuppose a higher degree of literacy and often occur in narratives that make overt reference to the writing of documents, infusing literacy into religious and social interaction.

Polak’s own study of narratives in 1–2 Samuel reveals a style closer to oral performance in most cases. 1–2 Samuel may be concerned with monarchic politics but reflects a popular culture where orality remained the primary vehicle for transmitting tradition. These considerations apply to Genesis 38 as well, which as a whole falls into what Polak considers an “intermediate” style, that is, a form of expression generally oral in character but containing periodic flourishes of complex characteristics.<sup>24</sup> The following excerpt from Genesis 38, for example, possesses mostly simple passages with only small stretches that are more encumbered by complex forms:<sup>25</sup>

- 1 It happened at that time / that Judah <מאת אחיו> / ויהי בעת ההיא / וירד יהודה <מאת אחיו>  
 went down <from his brothers> / ויט עד איש עדלמי / וישמו חירא /  
 / and settled near a certain Adullamite /  
 whose name was Hirah.
- 2 There Judah saw the daughter of a / וירא שם יהודה בת איש כנעני / וישמו שוע /  
 certain Canaanite / and his name was / ויקחה / ויבא אליה

<sup>22</sup>Rezetko, “The Spelling of ‘Damascus’ and the Linguistic Dating of Biblical Texts,” *SJOT* 24 (2010): 128.

<sup>23</sup>Polak, “The Oral and the Written: Syntax, Stylistics, and the Development of Biblical Prose Narrative,” *JANES* 26 (1998): 59–105; idem, “Style Is More than the Person: Sociolinguistics, Literary Culture, and the Distinction between Written and Oral Narrative,” in Young, *Biblical Hebrew*, 38–103, esp. 54–55, 76–77. See also Polak, “Sociolinguistics and the Judean Speech Community in the Achaemenid Empire,” in *Judah and Judeans in the Persian Period* (ed. Oded Lipschits and Manfred Oeming; Winona Lake, IN: Eisenbrauns, 2006), 585–624.

<sup>24</sup>Polak, “Style Is More than the Person,” 66, 83–84.

<sup>25</sup>In this excerpt, independent clauses are separated by a slash (/); subordinate clauses are marked by angled brackets (< >); and complex hypotaxis with embedded clauses are marked by square brackets ([ ]). Direct speech (which is excluded from syntactical evaluation) occurs in parentheses.

- Shua /; he married her / and went in  
to her.
- 3 She conceived / and bore a son; / and      ותהר / ותלד בן / ותקרא את שמו ער  
he named him Er.
- 4 Again she conceived / and bore a son /      ותהר עוד / ותלד בן / ותקרא את שמו אונן  
and she named him Onan.
- 5 Yet again / she bore a son, / and she      ותסף עד / ותלד בן / ותקרא את שמו שלה /  
named him Shelah. / She was in      והיה בכזיב <בלדתה אתו>  
Chezib <when she bore him.>
- 6 Judah took a wife <for Er his first-      ויקח יהודה אשה <לער בכורו> / ושמה תמר  
born;> her name was Tamar.
- 7 And Er, Judah's firstborn, was      ויהי ער בכור יהודה רע <בעיני יהוה>  
wicked <in the sight of the LORD,>      / וימתהו יהוה  
/ and the LORD put him to death.
- 8 Then Judah said <to Onan,> ("Go in      ויאמר יהודה <לאונן> (בא אל אשת אחיך  
to your brother's wife and perform      ויבם אתה והקם זרע לאחיך)
- 9 And Onan knew <that the off-      וידע אונן <כי לא לו יהיה הזרע> / והיה  
spring would not be his> / and he      אם בא אל אשת אחיו / ושחת ארצה  
would go to [his brother's wife] /      <לבלתי נתן זרע לאחיו>  
and spill [his semen] on the ground  
<so as not to give offspring  
to his brother.>
- 10 <What he did> was displeasing in the      וירע בעיני יהוה <אשר עשה> / וימת  
sight of the LORD, / and he put him      גם אתו  
to death also.
- 11 Then Judah said to his daughter-      ויאמר יהודה לתמר כלתו (שבי אלמנה  
in-law Tamar, ("Remain a widow in      בית אביך עד יגדל שלה בני) <כי אמר [פן  
your father's house until my son      ימות גם הוא <כאחיו> < / ותלד תמר /  
Shelah grows up"> <for he said to      ותשב בית אביה
- himself [that he too would die, <like  
his brothers.]> / So Tamar went /  
and she dwelt in her father's house.

Most of the text in this excerpt exhibits characteristics of the simple style; an increase in complex characteristics is found only toward the end of the excerpt (especially in vv. 9 and 11). But in each case, the noun groups remain quite low, and the increased syntactical density remains quite limited.<sup>26</sup> The style points to an audience where literacy was not normative, and additional sociolinguistics features in Genesis 38 support this as well. In a tale dealing with detailed marital

<sup>26</sup> Compare this to complex prose narrative of the Persian period, where noun strings are considerably longer and higher in frequency than the rhythmic-verbal "simple" style or the complex-nominal style of the seventh to mid-sixth centuries or later (Polak, "Oral and the Written," 101–5).

and familial customs, there is nary a mention of written laws or contracts relating to kinship obligations.<sup>27</sup> Likewise, there are no written pledges or promissory notes generated by Judah after his encounter with the disguised Tamar. Judah's promise of payment may have included his cord and staff, but not his written signature.

In and of itself, this does not prove that Genesis 38 is roughly contemporaneous with 2 Samuel 13 in its compositional origin, that is, from the tenth to eighth centuries B.C.E.<sup>28</sup> Throughout the entirety of the monarchic era (and beyond), most Israelites possessed only the most rudimentary degree of literacy or were entirely nonliterate.<sup>29</sup> One could therefore argue that Genesis 38 might have originated in times well beyond the Hezekian era and either derived from a nonliterate audience or was penned by a scribe who sought to engage that audience. From the seventh century B.C.E. onward, however, texts obtained a more familiar position in public awareness.<sup>30</sup> Deuteronomy, for example, presupposes literate figures throughout the hinterland (Deut 16:18–20) and situates texts within the reach of common Israelites, a view supported by epigraphic evidence from the same general period.<sup>31</sup> Likewise, Jer 32:6–15 is set in a rural context but still focuses on the significance of written documents in the conduct of clan-based business. The same may be said regarding Ezekiel, who is deeply entrenched in the tradition of priestly oral instruction but who nevertheless acknowledges the written medium (Ezek 2:9–3:3; 37:16, 20).<sup>32</sup> Even the postexilic narrative of Ruth shows signs of literacy as a fixture in the author's conceptual world, in terms of both its linguistic profile and its familiarity with pentateuchal legal logic.<sup>33</sup>

The seventh to fifth centuries B.C.E. saw inscriptions, letters, contracts, written

<sup>27</sup> Polak, "Style Is More than the Person," 53–55.

<sup>28</sup> As I have suggested above, 2 Samuel 13 should be dated to earlier in this temporal range.

<sup>29</sup> See Ian M. Young, "Israelite Literacy: Interpreting the Evidence," VT 48 (1998): 239–53, 408–22.

<sup>30</sup> With respect to the rise in references to literacy and written documents in the biblical literature of the seventh–sixth centuries B.C.E., see David M. Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* (Oxford: Oxford University Press, 2005), 134–42; Schniedewind, *How the Bible Became a Book*, 91–117.

<sup>31</sup> For an overview, see Schniedewind, *How the Bible Became a Book*, 98–106.

<sup>32</sup> For the oral focus of priestly instruction, see Mark Leuchter, "The Politics of Ritual Rhetoric: A Proposed Sociopolitical Context for the Redaction of Leviticus 1–16," VT 60 (2010): 346–51.

<sup>33</sup> On the language of Ruth, see Ziony Zevit, "Dating Ruth: Legal, Linguistic, and Historical Observations," ZAW 117 (2005): 592–94. Zevit concludes that the language of Ruth places its composition no later than the end of the sixth century B.C.E., but a later date is more widely assumed by researchers and has more recently been supported by Peter H. W. Lau, *Identity and Ethics in the Book of Ruth: A Social-Identity Approach* (BZAW 416; Berlin/New York: de Gruyter, 2011). The linguistic style of Ruth may thus be a rhetorical choice by the author of the work. On Ruth's knowledge and adjustment of pentateuchal law, see Bernard M. Levinson, *Legal Revision and Religious Renewal in Ancient Israel* (Cambridge: Cambridge University Press, 2008), 37–45.

laws, and treaties become commonplace throughout the Israelite social universe. This no doubt may be credited both to the inoculation of Israelite society with modes of imperial administration where documentation and officialdom went hand in hand and to consequent efforts among Israel's political leadership either to conform or to compete. A rural Israelite living in these periods may not have been able to read, but the *concept* of literacy was not alien to his or her experience and local outlets for encountering written texts were more frequent. The absence of any such elements in Genesis 38 leads to the conclusion that its origins are to be sought among a population whose primary social experiences predated the countenancing of textual technologies—in other words, before the seventh century.<sup>34</sup> We must therefore consider the features embedded in the narrative that the author and initial audiences of the tale considered to be familiar fixtures of their social location.

## II. GEOGRAPHIC, SOCIAL, AND CULTIC DIMENSIONS

In their recent book *Life in Biblical Israel*, Philip J. King and Lawrence E. Stager address the significance of the tale of Micah, the Levite, and the eventual foundation of the Dan shrine in Judges 17–18: “That this story served the interests of the northern kingdom after the division of the monarchy is clear; nevertheless, embedded in the narrative are family relations and arrangements that accurately reflect highland realities of the twelfth through tenth centuries.”<sup>35</sup> King and Stager's insight is applicable to Genesis 38. The tale is set in an (imagined) ancestral period but speaks to the genuine experiences of a specific audience. The first feature that sheds light on the world behind the text is the mention of several Judahite cities/locales: Adullam, Chezib, Enaim, and Timnah. With the exception of Enaim, all of these cities are attested in other prominent biblical texts concerned with a Judahite setting including 1 Sam 22:1; Josh 15:10, 57; Judges 14; and Mic 1:10–16.<sup>36</sup> The Micah text warrants special attention, for the prophet lists cities that were destroyed

<sup>34</sup>Genesis 38:24 does seem to relate to Lev 21:9 (see further below). This allusion, however, does not refer to the process whereby laws are generated and systematized or presuppose the existence of the larger legislative collection beyond the passage in question.

<sup>35</sup>King and Stager, *Life in Biblical Israel* (Louisville: Westminster John Knox, 2001), 10.

<sup>36</sup>Micah 1:10–16 depicts the devastation wrought on towns in the Shephelah including Adullam and Chezib, confirmed by archaeological surveys of the region as well. See Baruch Halpern, “Jerusalem and the Lineages in the Seventh Century BCE: Kinship and the Rise of Individual Moral Liability,” in *Law and Ideology in Monarchic Israel* (ed. Baruch Halpern and Deborah W. Hobson; JSOTSup 124; Sheffield: Sheffield Academic Press, 1991), 31, 33–41. On Timnah in particular, see Amihai Mazar and Nava Panitz-Cohen, *Timnah (Tel Batash)*, part 2, *The Finds from the First Millennium BCE* (2 vols.; Jerusalem: Hebrew University, 2001); Amihai Mazar and George L. Kelm, “Three Seasons of Excavation at Tel Batash: Biblical Timnah,” *BASOR* 248 (1982): 1–36.

during the campaign of the Assyrian king Sennacherib in 701 B.C.E.<sup>37</sup> The archaeological evidence for the repopulation of the countryside demonstrates a sharp break in economic autonomy with most of these cities, suggestive also of a serious break in the culture in these regions predating Sennacherib's campaign.<sup>38</sup>

It is certainly the case that later authors may recall locales that had long been abandoned or lost (Sinai, Jericho, etc.), but the details involved in the depiction of these places are often anachronistic in nature and reveal later conditions and presuppositions. As Robert D. Miller has noted, Israel's historiographers often conflate, telescope, or confuse details regarding the remote past with the result that they do not align well with the archaeological record.<sup>39</sup> Such is the case, for example, with the recollections of Shechem in narratives set in the eleventh century B.C.E., which project the memory of earlier conflicts into subsequent periods.<sup>40</sup> This is not the case with the details embedded in Genesis 38, which reflect religious and economic praxes that fit well with archaeological evidence regarding pre-701 B.C.E. Judahite agrarian settlements and economic and religious practices typical of these settlements.<sup>41</sup> An author far removed from the Hezekian era would not have been able to recall this type of authentic detail, since most of the cities mentioned in the account suffered significantly during Sennacherib's campaign of 701 B.C.E., and the subsequent and limited repopulation of the area saw different economic outlets arising under the aegis of Assyrian administration.<sup>42</sup>

The geographic references and economic presuppositions in Genesis 38

<sup>37</sup> For dating the oracles in Micah 1–3 to 701, see Nadav Na'aman, "The House-of-no-shade shall take its tax from you' (Micah i 11)," *VT* 45 (1995): 526–27.

<sup>38</sup> On the limited repopulation during this time and shifts in the relationship between the rebuilt settlements and Jerusalem, see W. Boyd Barrick, *The King and the Cemeteries: Toward a New Understanding of Josiah's Reform* (VTSup 88; Leiden: Brill, 2002), 150–52; Halpern, "Jerusalem and the Lineages," 61–65. A population shift occurs in Timnah after Sennacherib's campaign: Mazar and Kelm identify western coastal pottery forms dating to the post-701 stratum that point to Philistine residence, even if the city remained under ostensibly Judahite control during Manasseh's reign ("Three Seasons," 31).

<sup>39</sup> Miller, *Chieftains of the Highland Clans: A History of Israel in the 12th–11th Centuries B.C.* (Bible in Its World; Grand Rapids: Eerdmans, 2005), 121. See also Nadav Na'aman, "Literary and Topographical Notes on the Battle of Kishon (Judges iv–v)," *VT* 40 (1990): 423–36, regarding the historiographer's problematic reconstruction of twelfth-century events.

<sup>40</sup> Miller, *Chieftains of the Highland Clans*, 35. For a different view, however, see Lawrence E. Stager ("The Fortress-Temple at Shechem and the 'House of El, Lord of the Covenant,'" in *Realia Dei: Essays in Archaeology and Biblical Interpretation in Honor of Edward F. Campbell Jr. at His Retirement* [ed. Prescott H. Williams, Jr., and Theodore Hiebert; Scholars Press Homage Series 23; Atlanta: Scholars Press, 1999], 232, 245–46), who dates the destruction of the site to 1100 and associates it specifically with the Abimelech episode in Judges 9.

<sup>41</sup> The classic study of socioeconomic features in Israelite agrarian family life is that of Lawrence E. Stager, "The Archaeology of the Family in Ancient Israel," *BASOR* 260 (1985): 1–28.

<sup>42</sup> As noted above, Timnah shows signs of industrialization and stronger ethno-cultural and economic ties to nearby Philistine Ekron during the period of Assyrian domination in

resonate with a culture predating Hezekiah's urbanization and Sennacherib's campaign, and most telling is the casual reference to sheepshearing in relation to Tamar's course of action (Gen 38:13). In an illuminating article, Jeffrey C. Geoghegan looks to a variety of texts that assist in reconstructing the ideological underpinnings of the springtime Israelite sheepshearing festival.<sup>43</sup> Geoghegan argues that these festivals were times of local celebrations involving drunkenness and sexual activity, the release of debts and the settling of scores, reinforcing an earlier study of Genesis 38 by Michael C. Astour, which offered a similar conclusion.<sup>44</sup> The liaison between Judah and Tamar stands out in light of these observations. Tamar's decision to settle her score with Judah is set against his journey to the sheepshearing center at Timnah, where she famously poses as a prostitute along the roadside (vv. 14–19). The pressing question is, how is it that Tamar is so certain that Judah will fall for her ruse? One might speculate that loneliness or sexual frustration impelled the widower to seek out affection, but in a narrative that reveals Judah's inner thoughts and motivations in other instances (vv. 11 and 23), the absence of any mention of such motivation renders this unlikely. Geoghegan's study provides a better answer, and one that was long ago anticipated in Astour's study: Tamar fully anticipates Judah's decision to engage in sexual union during the sheepshearing festival, since sexuality and fertility were concepts celebrated during this time.<sup>45</sup>

### III. DOUBLE ENTENDRES AND SYMBOLIC VALENCES

The author of Genesis 38 packs the narrative with metaphorical implications, relying on the devices of double entendre and homonymy with several of the personal and geographic names in the story. If the narrative's style presupposes a preliterate audience, then the narrative itself was geared for oral performance and morphology would take a backseat to the aural dimensions of the narrative. The first few verses of the chapter introduce us to Shua (שוּעָ), a name that bears a strong aural similarity to the word שְׁבוּעָה ("promise" or "pledge"). This can hardly be a coincidence, since the major purpose of the story is that Judah reneges on his

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the seventh century B.C.E. (Mazar and Panitz-Cohen, *Timnah*, 277), concomitant with trends throughout Judah during the reign of Manasseh (Halpern, "Jerusalem and the Lineages," 63–65).

<sup>43</sup>Geoghegan, "Israelite Sheepshearing and David's Rise to Power," *Bib* 87 (2006): 55–62. Geoghegan's study builds on the implications of an earlier examination of the sheepshearing motif; see Joseph Blenkinsopp, "Theme and Motif in the Succession History (2 Sam. xi 2ff.) and the Yahwist Corpus," in *Volume du Congrès: Genève 1965* (VTSup 15; Leiden: Brill, 1966), 53. He also notes the sheepshearing motif ("Family Troubles," 518, 519–20).

<sup>44</sup>Astour, "Tamar the Hierodule: An Essay in the Method of Vestigial Motifs," *JBL* 85 (1966): 192–93.

<sup>45</sup>So also *ibid.*

pledge to Tamar to give her a husband from among his sons. Nor can it be a coincidence that this very son's name is Shelah, literally "hers" (שלה).<sup>46</sup> To drive this matter home to the audience, the author informs us of Judah's location when Shelah was born: "and he was in Chezib [בכזיב] when she [Judah's wife] bore him" (v. 5). Unlike in the mention of Timnah as a sheepshearing center, no explanation is given for Judah's distance from his domicile, and one might view this as a tacit statement about his distance from his family and their best interests. But Chezib is more than just a city name; the word also means "deceit" or "moral decline," a wordplay used to great effect in Micah's horrifying oracle regarding the Assyrian devastation of Judah in Mic 1:14 (בתי אכזיב לאכזב, "the houses of [A]Khezib will be a deceit").

Judah's deceitful behavior in renegeing on his pledge to Tamar concerning Shelah is anticipated from the outset of the narrative. It is no wonder, then, that Tamar awaits Judah at "the Entrance to Enaim" (בפתח עינים; v. 14) when she recognizes what she must do to secure offspring. Of course, the phrase בפתח עינים may be translated as "open eyes"; that is, Tamar was fully aware of Judah's intentions and what she needed to do to secure her own interests.<sup>47</sup> But פתח עינים also appears to refer to a place characterized by various river tributaries (עין = river/brook).<sup>48</sup> The motif of a brook or river evokes mythic concepts not only of life and fertility but also of divinity and royalty.<sup>49</sup> The elaborate details in v. 14 describing this location present it not simply as a toponym but as a symbolic double entendre; בפתח עינים may be understood also as "the beginning of the flowing waters." Because the items that the disguised Tamar takes from Judah in pledge of payment are common symbols of ancient royalty,<sup>50</sup> the nature of her union with Judah as a basis for the Davidic line becomes obvious.

One of the most potent metaphors is the depiction of Tamar as a קדשה in vv. 20–21. The root of this term, קדש, led earlier commentators to conclude that Tamar's particular brand of (posed) prostitution represented a familiar type of

<sup>46</sup>The Masoretic pointing of the word varies only slightly from what an early listener would have heard as the story was read or performed orally.

<sup>47</sup>The second part of v. 14, והיא לא נתנה לו לאשה, highlights this very understanding of the significance of the toponym. The narrator makes clear that the actual toponym עינים is meant to carry multiple meanings, indicating that this reading strategy should be applied more generally within the narrative.

<sup>48</sup>See the discussion in Clifford, "Genesis 38," 529. The motif of important women and their association with water as the mothers of major figures in Israelite religious history is well attested in biblical narrative.

<sup>49</sup>For a discussion of this particular motif as assimilated into Israelite religion, see Jon D. Levenson, *Sinai and Zion: An Entry into the Jewish Bible* (New Voices in Biblical Studies; Minneapolis: Winston, 1985), 129–31.

<sup>50</sup>Eleanor Ferris Beach, "An Iconographic Approach to Genesis 38," in *A Feminist Companion to Reading the Bible: Approaches, Methods and Strategies* (ed. Athalya Brenner and Carol Fontaine; Sheffield: Sheffield Academic Press, 1997), 294–97.



religious functionary.<sup>51</sup> More recent studies, however, question whether Tamar's posture is that of a "ritual prostitute" or whether such a social category can be posited in ancient Israel at all.<sup>52</sup> In light of contemporary research, it is difficult to see Tamar's behavior as representing a category of sexual-cultic functionary in Israelite society, but one must hesitate before dismissing a mytho-sacral dimension of Tamar's function in the narrative. After all, Genesis 38 is not historiography but legend, where the common and the mythic regularly intersect. In the story, Tamar is both a human character and a symbolic topos used by the author to evoke the audience's sensitivities regarding the injustices visited upon her by Judah's selfishness. The term קדשה does not therefore refer to a category of sexual-cultic functionary but informs the audience that Tamar's efforts to reverse this injustice and secure progeny are an enterprise of sacred proportions.

#### IV. THE ETYMOLOGICAL IMPLICATIONS OF תמר

This leads us to the significance of Tamar's own name. The word תמר is used in Hebrew to designate "palm tree,"<sup>53</sup> a tree that yields a tremendous abundance of fruit and which is thus a fitting name to bestow upon a female character who restores Judah's line through childbirth. But the symbolic and sacral significance of the word/name goes even beyond its Hebrew usage. As Yoel L. Arbeitman discussed in an insightful study, the word תמר appears to be derived from Bronze Age cultures related to the Hittite Empire. The term is closely etymologically related to the old Anatolian *dammara*, Mycenaean *da-mart/du-mart*, and Cypriot *tu-mi-ra*, all of which relate to female cultic figures or numinous feminine principles.<sup>54</sup> The text reveals an awareness of this etymological origin when Judah discovers that she is pregnant:

<sup>51</sup>For the classic discussion of this theme, see Astour, "Tamar the Hierodule," 192–93. Rather than the vestige of earlier traditions, I suggest that this depiction is the cultural vernacular of the original author and his intended audience. See also the critique and comments by Joan Goodnick Westenholz, "Tamar, *qedesa*, *qadistu*, and Sacred Prostitution in Mesopotamia," *HTR* 82 (1989): 245–65.

<sup>52</sup>Christine Stark, for example, argues convincingly that the idea of prostitution was only a polemical association with women connected to religious centers criticized by the biblical writers ("Kultprostitution" in *Alten Testament? Die Qedeschen der Hebräischen Bibel und das Motiv der Hurerei* [OBO 221; Göttingen: Vandenhoeck & Ruprecht, 2006], 165–83). See also Phyllis Bird, "The Harlot as Heroine: Narrative Art and Social Presupposition in Three Old Testament Texts," *Semeia* 46 (1989): 126; Stephanie Lynn Budin, *The Myth of Sacred Prostitution in Antiquity* (New York: Cambridge University Press, 2008), 37–38; K. Nyberg, "Sacred Prostitution in the Biblical World?" in *Sacred Marriages: The Divine–Human Sexual Metaphor from Sumer to Early Christianity* (ed. Martti Nissinen and Risto Uro; Winona Lake, IN: Eisenbrauns, 2008), 305–20.

<sup>53</sup>See Astour's closing remarks on the symbolic/mythic nature of the tree image in the conclusion to Genesis 38 ("Tamar the Hierodule," 195).

<sup>54</sup>Arbeitman, "Tamar's Name, Or Is It? (Gen 38)," *ZAW* 112 (2000): 341–55.

And it came to pass about three months after, that it was told Judah, saying: "Tamar thy daughter-in-law has played the harlot; and moreover, behold, she is with child by harlotry." And Judah said: "Bring her forth, and *let her be burnt.*" (v. 24)

The nature of the death sentence raises the question, why death by fire, in specific? The Holiness Code (H) in Leviticus sheds light on this death sentence, as Lev 21:9 legislates death by fire for the daughter of a priest who engages in sexual misconduct.<sup>55</sup> The H legislator does not specify that the daughter of a priest is herself a cultic functionary, but such a role is certainly possible and even likely; in both overt and implied ways, the biblical record attests to women serving in official cultic capacities.<sup>56</sup> The commonalities between Gen 38:24 and Lev 21:9 do not demand viewing the former as literarily dependent on the latter. Rather, both texts may draw from a shared tradition regarding women's sacral status that the narrative of Genesis 38 exploits to great dramatic effect. Following Arbeitman's observations, we should view the term תמר as inheriting the numinous overtones of the term's linguistic patrimonies, which retained a currency in the vernacular of the hinterland.<sup>57</sup>

## V. CONCLUSIONS

Genesis 38 reflects a hinterland culture very much like that which characterized rural Judahites uprooted from their lands during Hezekiah's urbanization project of 705–701 B.C.E. Their socioeconomic values, their geographic horizons, and their sacral and mythic traditions are encoded into the tale at every turn. This suggests that before it was textualized and incorporated into the Joseph story, Genesis 38 was conceived on the oral level by an author of rural Judahite stock. Many features of the narrative furthermore suggest that this author was forcibly

<sup>55</sup>See, among others, Clifford, "Genesis 38," 526 n. 19; Astour, "Tamar the Hierodule," 193–94.

<sup>56</sup>E.g., 1 Sam 2:22; 2 Kgs 23:7; Hos 4:14. See also Stark's discussion regarding the denigration of the religious duties of these figures (*Kultprostitution*, 165–83).

<sup>57</sup>I refer particularly to the Judahite hinterland, and it is in a Judahite context that we encounter such Hittite valences. 1 Kings 9:20 identifies the regional population with Hittite cultural origins, and Susan Ackerman notes that the office of the queen mother borrows heavily from Hittite prototypes but is attested only in the royal court of Judah ("The Queen Mother and the Cult in Ancient Israel," *JBL* 112 [1993]: 385–401), and David's royal administration incorporates individuals of alleged Hittite ancestry. See Benjamin Mazar, "The Military Elite of King David," *VT* 13 (1963): 310–20. The use of a Hittite term in a narrative set in a geographical region retaining old memories of Hittite influence is consistent with the use of regional vernacular in other biblical narratives datable to the preexilic period. See Gary A. Rendsburg, "Some False Leads in the Identification of Late Biblical Hebrew Texts: The Case of Genesis 24 and 1 Samuel 2:27–36," *JBL* 121 (2002): 45–46; idem, "Hurvitz Redux: On the Continued Scholarly Inattention to a Simple Principle of Hebrew Philology," in Young, *Biblical Hebrew*, 116–26.

uprooted from his (or her) ancestral estate and resettled in Jerusalem. Judah's departure from his kin (וִירַד יְהוּדָה מֵאֵת אָחָיו in v. 1aβ) mirrors the movement of the rural population away from the ancestral estates that anchored kinship networks;<sup>58</sup> his descent into "Canaanite" territory matches how Judahite villagers must have felt about their forced migration into the once-Jebusite Jerusalem; and the dwindling of his lineage echoes the corrosive effects of forced urbanization on the integrity of the rural lineages.<sup>59</sup> The characterization of Judah as being in a state of moral decline (בְּכִזִּיב) following his break with his kin must have much in common with how the rural population viewed the royal administration of Judah by the late eighth century B.C.E.<sup>60</sup> Micah, for example, pulls no punches in criticizing the misguided royal policies, likening the uprooting of the rural people to the tearing of flesh from the bone (Mic 3:2–3).<sup>61</sup> The narrative's characterization of Judah contains a more subtle but essentially similar critique, showing the eponymous ancestor's family, fortunes, and future dwindling under the misuse of his own authority.<sup>62</sup>

<sup>58</sup>In the context of the Joseph story, אָחָיו appears to refer to the other sons of Jacob, but it is primarily a term regarding kinship networks revolving around shared ancestral allotments. See Halpern, "Jerusalem and the Lineages," 49–59; Karel van der Toorn, *Family Religion in Babylonia, Syria, and Israel: Continuity and Change in the Forms of Religious Life* (SHCANE 7; Leiden: Brill, 1996), 194–205. See also several of the essays in the volume *Household and Family Religion in Antiquity* (ed. John Bodel and Saul M. Olyan; Ancient World—Comparative Histories; Malden, MA/Oxford: Blackwell, 2008), for the larger cultural context for the role of kinship in ancient Near Eastern religious and cosmological concepts. I would also suggest here that the redactor who constructed the Joseph story drew the usage of וִירַד in Gen 39:1 from its preexisting position in the Judah–Tamar tale.

<sup>59</sup>Halpern, "Jerusalem and the Lineages," 70–73.

<sup>60</sup>It remains possible, of course, that this complaint grew out of a period before Hezekiah's reign, as conflict between urban and rural cultures is attested already in early poetry such as Exodus 15: lowland, urban Canaanite threats are mythologized as heralds of Egyptian challenges to YHWH's hegemony. See my article "Eisodus as Exodus: The Song of the Sea (Exodus 15) Reconsidered," *Bib* 92 (2011): 321–46. For the Late Bronze Age political reality behind this mythologization, see Carolyn R. Higginbotham, *Egyptianization and Elite Emulation in Ramesside Palestine: Governance and Accommodation on the Imperial Periphery* (Culture and History of the Ancient Near East 2; Leiden: Brill, 2000), 132–42. But this only supports the Hezekian period as a time when the pitch of this complaint rose as rural and urban worlds collided, crystallizing in polemical narratives such as the Judah–Tamar tale.

<sup>61</sup>See also the close similarity between Micah's double entendre regarding Chezib (Mic 1:14) and the one we encounter in Gen 38:5. The linguistic and rhetorical strategies are virtually identical, differing only in terms of conforming to their formal contexts (oracle vs. narrative settings). Chezib's compromised status stemming from Hezekiah's urbanization policy stands behind Micah's double entendre; a similar logic may inform Gen 38:5.

<sup>62</sup>We should here reconsider the death sentence in Gen 38:24, which recalls the H legislation in Lev 21:9. In its final form, H is certainly the product of a post-Deuteronomistic era, but the origins of the H movement may be traced to Hezekiah's day, as argued most forcefully by Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis:

It is only through reconciliation with Tamar, a symbol of sacred hinterland fertility, that Judah is restored to righteousness and that the survival of his progeny is secured.<sup>63</sup> Yet this reconciliation takes place at the very end of the tale, when Judah admits to his own guilt in mistreating Tamar (צדקה ממני, “she is righteous, not I”; v. 26aβ).<sup>64</sup> Only at this point does Judah end his victimization of Tamar, which has lasted throughout the narrative: withholding Shelah denies her the right to bear children and secure a place in the clan, which in turn forces her to adopt a position of social liminality (prostitution) to secure her rights.<sup>65</sup> Circumstances move from bad to worse, for after Tamar does conceive, Judah is only too ready to pronounce death upon her without any hint of judicial inquiry.<sup>66</sup> If the narrative is a metaphor for the uprooting of the rural Judahite population, then Judah’s mistreatment of Tamar parallels the monarchic administration’s mistreatment of the hinterland and its institutions.<sup>67</sup> The conclusion of the narrative, which sees Tamar give birth to David’s ancestor Perez, drives home the author’s polemical point: the future of the Judahite kingdom will be secured only if the royal administration, like Judah himself, admits to the errors of its ways and ends its assault on the institutions of the hinterland.

What, then, of the intertextual relationship between Genesis 38 and 2 Samuel 13? The many points of contact beyond Tamar’s name strongly suggest that the author of Genesis 38 knew the narrative of 2 Samuel 13, especially if the Hezekian era saw renewed promotion of the Davidic myth.<sup>68</sup> Yet it is difficult to see the

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Fortress, 1995), 209. If the law in Lev 21:9 has roots in Hezekiah’s day, then the narrative further equates a Jerusalemite institution of the late eighth century B.C.E.—the Jerusalem priesthood (or at least a faction thereof)—with a threat to the survival of Judah.

<sup>63</sup>The rabbis came to a similar conclusion in their reading of the episode, despite the questionable sexual conduct of the participants (*m. Meg.* 4:10).

<sup>64</sup>Drawing from Clifford’s translation (“Genesis 38,” 530–31).

<sup>65</sup>On childbirth as a definition of a woman’s place within a kinship network, see Dvora Weisberg, “The Widow of Our Discontent: Levirate Marriage in the Bible and Ancient Israel,” *JSOT* 28 (2004): 409–10; Zevit, “Dating Ruth,” 577. On the socially liminal place of prostitution, see Susan Niditch, “The Wronged Woman Righted: An Analysis of Genesis 38,” *HTR* 72 (1979): 147–48.

<sup>66</sup>A process of inquiry or consideration of evidence seems to have had a normative role in the execution of justice in relation to clan-based or family-based cases. Joshua 7 shows Joshua securing an admission of guilt from Achan before punishment is administered to him and his family; the daughters of Zelophehad point out the logic of their right to inheritance due to their father’s sin not applying to their own legal standing (Num 27:1–11); and even Joab’s murder of Abner, despite David’s public criticism of the event, is justified as a matter of blood-vengeance (2 Sam 3:27, 30)—and David does not ultimately punish Abner for the deed. Judah’s immediate pronouncement of death for Tamar does not conform to accepted standards of deliberation.

<sup>67</sup>See Halpern, “Jerusalem and the Lineages,” 26–27, for an overview of Hezekiah’s demolition of the rural cult.

<sup>68</sup>Ho, “Family Troubles,” 514–31; Auld, “Tamar between David, Judah and Joseph,” 216–18. Rendsburg’s suggestion that בַּת שׁוֹעַ is a thinly veiled reference to Bathsheba further supports

author of the Genesis 38 patterning his Tamar solely after the Tamar of 2 Samuel 13. The Tamar of the Davidic narrative initiates a sequence of events leading to the dissolution of David's family which cleared the way for Solomon's reign, a reign that was remembered as an affront to traditional agrarian sensibilities and rural kinship organization.<sup>69</sup> Indeed, the efforts by Hezekiah's scribes to portray his ancestor Solomon as a luminary of a golden age may be a response to the rural sentiment that Hezekiah's policies repeated Solomon's earlier abuses.<sup>70</sup> If Genesis 38 is a product of a rural mind-set, it is unlikely that the Tamar of 2 Samuel 13, the harbinger of hard times for the hinterland of Solomon's day, was his prototype.

A different explanation for the appearance of a Tamar in Genesis 38 and 2 Samuel 13 is that both narratives draw from an old myth regarding a woman of the same name who symbolized the principle of the land's numinous fertility in rural lore.<sup>71</sup> The fact that both David and Absalom give their daughters this name suggests as much, since both are presented as deeply concerned with supporting premonarchic kinship structures and old hinterland religious institutions.<sup>72</sup> The naming of royal daughters after a figure of hinterland myth would be a tip of the proverbial hat to old agrarian ideology. It is therefore significant that the Tamar of 2 Samuel 13 sets in motion the events that nullify the viability of Amnon, Absalom, and eventually Adonijah as heirs to the throne. All of these were born to David before his move to Jerusalem and thus maintained connections to the clans of the

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this view ("David and His Circle," 441–43). It seems to me, however, that the tone is more severe than Rendsburg suggests, since the *בַּת שׁוּעַ* reference equates the venerable first queen mother of Judah with a Canaanite outsider.

<sup>69</sup>Halpern, *David's Secret Demons*, 406–24. See also Lawrence E. Stager, "The Patrimonial Kingdom of Solomon," in *Symbiosis, Symbolism and the Power of the Past: Canaan, Ancient Israel, and Their Neighbors from the Late Bronze Age through Roman Palaestina. Proceedings of the Centennial Symposium*, W. F. Albright Institute of Archaeological Research and American Schools of Oriental Research, Jerusalem, May 29/31, 2000 (ed. William G. Dever and Seymour Gitin; Winona Lake, IN: Eisenbrauns, 2003), 63–73, for Solomon's imposition of a royal patrimonial hierarchy over older tribal social organization. The Deuteronomistic critique of Solomon preserves aspects of Solomon's shortcomings; see Marvin A. Sweeney, "The Critique of Solomon in the Josianic Edition of the Deuteronomistic History," *JBL* 114 (1995): 609–21.

<sup>70</sup>See now my article "The Ambiguous Details in the Blasphemer Narrative: Sources and Redaction in Leviticus 24:10–23," *JBL* 130 (2011): 446–48.

<sup>71</sup>Astour had earlier proposed a similar proto-myth underlying the narrative ("Tamar the Hierodule," 196). See also Michael M. Homan, "Date Rape: The Astronomical and Agricultural Background of the Sumerian Sacred Marriage and Genesis 38," *SJOT* 16 (2002): 283–92.

<sup>72</sup>David is repeatedly portrayed as negotiating with both the Judahite and Ephraimite clan elders, and his coronation ceremonies occur in sites known to be the home base of rural Levite groups (Hebron [2 Sam 2:1–4] and Shechem [2 Sam 5:1–5]). Shechem is the home of an ancient rite attributed by the authors of Deuteronomy to the Levites (Deuteronomy 27). Numbers 26:58a identifies Hebron as the locus of a Levite clan, and it is later in Hebron that Adonijah declares cultic allegiance (2 Sam 15:8) and that he is coronated during his revolt (2 Sam 15:10). Both sites are identified in Josh 20:7 as sacral loci and places of refuge.

rural sectors.<sup>73</sup> That their candidacy for kingship is decimated through the Tamar affair suggests a polemic encoded into the pro-Solomon succession narrative against a socioreligious value system represented by Solomon's competitors.

2 Samuel 13 and Genesis 38, then, represent divergent views on the religious and social legacy of Israelite agrarian life. The former is part of an effort to subordinate hinterland society to the Davidic myth as shaped by Solomon's reign; the latter is a complaint against injuries suffered by the rural clans at the hands of the Judahite leadership. Despite the rift between the rural and royal worldviews, it is important to note that Genesis 38 is not an essentially anti-Davidic tale. Kingship is not pitted against rural culture but is claimed by it, positioned as an institution that draws sacral legitimacy through its connection to agrarian life. This concept survives in the book of Deuteronomy, where the monarch is to be drawn from the rural public (Deut 17:15), and in the book of Kings, where both Joash and Josiah (2 Kings 11; 21:24) are either placed on the throne by עַם הָאָרֶץ ("the people of the land") or take power with their blessing.<sup>74</sup> That this same vision of kingship was worked into the Joseph story, a primarily northern composition informed by the David traditions,<sup>75</sup> perhaps constitutes a step in the same direction. Its place within that story establishes the rural worldview as a constitutive element of a national identity that was to define the self-perception of northern Israelites and southern Judahites alike.<sup>76</sup>

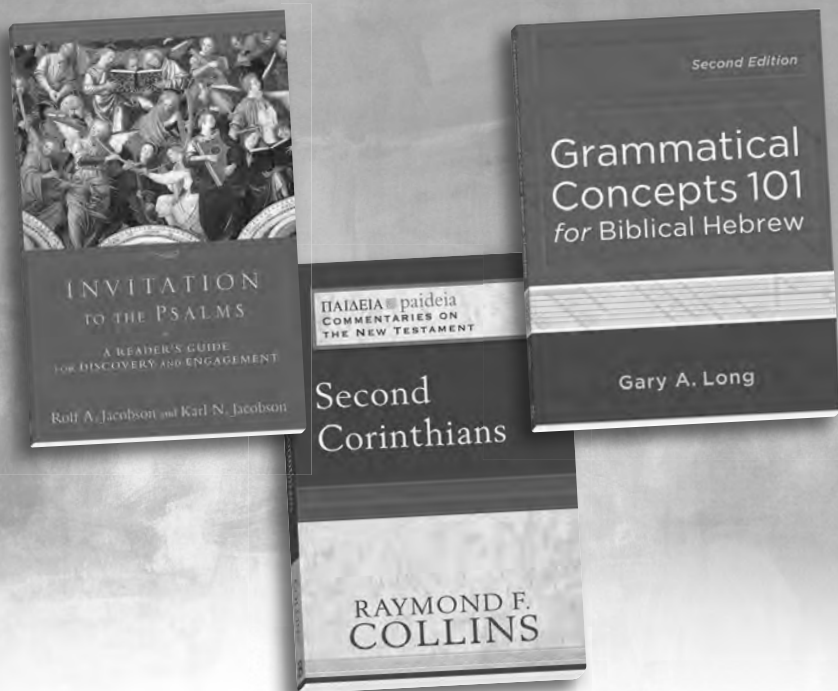
<sup>73</sup> See further Sweeney, "Critique of Solomon," 618–19.

<sup>74</sup> These two episodes are not necessarily historically accurate, but the redactor's depiction of each king's ascent to the throne presumes a sort of monarchic typology that was acceptable to the landed gentry according to which he shaped his narratives.

<sup>75</sup> For different views on the shaping of the Joseph story with an eye to the David traditions, see Dietrich, *Die Josephserzählung*, 72–73; Carr, *Fractures of Genesis*, 276.

<sup>76</sup> Though the foregoing analysis argues for an earlier date than Auld has suggested, his view that chs. 38 and 49 of Genesis "bracket" the Joseph story is significant ("Tamar between David, Judah and Joseph," 224; see also Carr, *Fractures of Genesis*, 253). The former reflects the rural concept of Judahite kingship, while the latter's depiction of Judah is clearly a product of royal court ideology. Both concepts, then, were viewed by the later redactor as fundamental to the construction of pan-Israelite identity.

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## Histories Twice Told: Deuteronomy 1–3 and the Hittite Treaty Prologue Tradition

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The many discrepancies between the historical accounts in Deuteronomy 1–3 and the parallel accounts in Exodus and Numbers led classical scholarship to conclude that the author of Deuteronomy could not have intended his work to be read together with those alternative traditions. An ancient literary model for precisely such activity, however, was available to the author of Deuteronomy in the Hittite treaty prologue tradition. Reviewing successive treaties between the Hittite kingdom and the kings of Amurru, and between the Hittite kingdom and the kings of Ugarit, we see in each case history retold again and again and that the various retellings of the same event differ markedly one from another. Even as the Hittite kings redrafted their historical accounts in accord with the needs of the moment, both they and their vassals would read these accounts while retaining and recalling the earlier, conflicting versions of events. Studies of the El Amarna letters from the vantage point of international relations offer a social-science perspective to explain why the Hittite kings composed such conflicting histories and how, in turn, these were read and interpreted by their vassals. This literary practice has implications for our understanding of the historical accounts of Deuteronomy 1–3 in the context of the Pentateuch, where other, conflicting versions of those same stories are found.

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*Day by day and almost minute by minute the past was brought up to date. In this way every prediction made by the Party could be shown by documentary evidence to have been correct; nor was any item of news, or any expression of opinion, which conflicted with the needs of the moment, ever allowed to remain on record. All history was a palimpsest, scraped clean and reinscribed exactly as often as was necessary.*

—George Orwell, 1984 (1949; New York: Plume, 2003), 41

The rewritings of the past to fit the needs of the moment—Orwell's palimpsests—are found throughout recorded history, the Hebrew Bible included. We find rewritten history in the Pentateuch—notably in Deuteronomy 1–3—where the

I offer thanks to Aaron Koller, David Rothstein, and Benjamin Sommer for their thoughtful comments on earlier drafts of the manuscript.

author of Deuteronomy has reworked several accounts from Exodus and Numbers in line with his own agenda.<sup>1</sup> These accounts are remarkable, however, because in the form in which we encounter them today—the received text of the Pentateuch—there is no erasure. We first encounter the stories in the books of Exodus and Numbers and then, reworked, later in the text continuum of the Pentateuch as part of Moses' recollections, in the book of Deuteronomy. This phenomenon has puzzled expositors since the dawn of modern scholarship. How are we to make sense of the Pentateuch, which offers two mutually exclusive accounts of the appointment of judges, of the Israelite conquests in Transjordan, and, extending our scope further, mutually exclusive accounts of the theophany at Sinai, and the sin of the golden calf? Modern expositors have hardly been alone in their puzzlement. The ancient author/editor of the Samaritan Pentateuch conflated the accounts found in Exodus and Deuteronomy at several junctures to remove the inconsistencies. That author apparently reasoned that allowing the received text of the Pentateuch to remain fraught with such contradictions could well jeopardize its authoritative and divine standing for the community.<sup>2</sup>

Modern critical scholarship, of course, views the accounts in Deuteronomy as a later reworking of the earlier materials, precisely along the lines of Orwell's palimpsest. Hypotheses proliferate around the issue of how, when, and why Deuteronomy was appended to the other books of the Pentateuch, but consensus is hard to come by. Nonetheless, the vast majority of expositors agree that the presence of such bald contradictions is proof positive that the author of Deuteronomy did not intend his histories to be read against the backdrop of the traditions preserved in Exodus and Numbers, traditions that undermine his own agenda.

Recently scholars have begun to seek out the ways that the disparate parts of the Pentateuch might hold together through hermeneutics that may differ from our own. Even while affirming the importance of the diachronic study of the Pentateuch's origins and literary precursors, these scholars argue that the final step of diachronic study must be to understand how we can move from part to whole, to understand how the received text holds together.<sup>3</sup>

<sup>1</sup>See extensive treatments in Raik Heckl, *Moses Vermächtnis: Kohärenz, literarische Intention und Funktion von Dtn 1–3* (Arbeiten zur Bibel und ihrer Geschichte 9; Leipzig: Evangelische Verlagsanstalt, 2004); Otto Eckart, "Deuteronomiumstudien I: Die Literaturgeschichte von Deuteronomium 1–3," *ZABR* 14 (2008): 86–236; 15 (2009): 65–215.

<sup>2</sup>On conflation of sources in the Samaritan Pentateuch, see Jeffrey H. Tigay, "Conflation as a Redactional Technique," in idem, *Empirical Models for Biblical Criticism* (Philadelphia: University of Pennsylvania Press, 1985), 61–83.

<sup>3</sup>See Eckart Otto, "Das postdeuteronomistische Deuteronomium als integrierender Schlußstein der Tora," in *Die deuteronomistischen Geschichtswerke: Redaktions- und religionsgeschichtliche Perspektiven zur "Deuteronomismus." Diskussion in Tora und Vorderen Propheten* (ed. Markus Witte et al.; BZAW 365; Berlin: de Gruyter, 2006), 71–102. Jan Christian Gertz addresses the issue from a narratological perspective: the third person narration of the earlier books provides a baseline from which we can best judge Moses' first person, and hence subjective, account of

In this article, I claim that what we witness in the Pentateuch—rewritten history that does not displace earlier, conflicting versions of those same events—has an ancient precursor. I claim that we may understand Deuteronomy's retelling of events recorded in the earlier books of the Pentateuch with recourse to the Late Bronze Age Hittite treaty prologue tradition. Here we find that as Hittite kings communicated with their vassals they routinely recounted the history of the relationship between the two kingdoms. Strikingly, the record reveals that each communication brought with it a redrafted version of that history that more often than not was at odds with the history recounted in the earlier communications. Most significantly, we see that the redrafted versions were not Orwellian palimpsests; past versions were not erased from the record. Rather, what we will see is that even as the Hittite kings redrafted their historical accounts in accord with the needs of the moment, both they and their vassals would read these accounts while retaining and recalling the earlier, conflicting versions of events. They did this, I submit, through a hermeneutic that governed the writing and reading of history, a hermeneutic covered by the sands of time and that I seek to recover here.

My study will unfold in three parts. In the first part, I lay out the case for examining Deuteronomy 1–3 in light of the Late Bronze Age Hittite treaty tradition. I review the many lines of congruence that have been identified between Deuteronomy as a whole and the Hittite treaty tradition, with particular attention to the elements of Deuteronomy 1–3 that are typical of the historical prologues of these treaties. In the second part, I turn to the historical prologues of the Hittite treaties and demonstrate how time and again we see the Hittite kings redrafting history in their communications with their vassals, creating multiple conflicting narratives that were plain for the vassal to see. Drawing inspiration from a series of pioneering studies of the El Amarna letters, I turn to the field of international relations for a social-science perspective to explain why the Hittite kings composed such conflicting histories and how, in turn, these were read and interpreted by their vassals. In the third and final part, I return to Deuteronomy and discuss the implications of this practice for our understanding of the historical accounts of chs. 1–3 in the context of the Pentateuch, where other, conflicting versions of those same stories are found.

## I. DEUTERONOMY 1–3 IN THE CONTEXT OF THE HITTITE TREATY TRADITION

Although contemporary scholarship tends to stress the links between Deuteronomy and Neo-Assyrian treaty traditions, many aspects of the Hittite treaty

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those events ("Kompositorische Funktion und literarhistorischer Ort von Deuteronomium 1–3," in Witte, *Die deuteronomistischen Geschichtswerke*, 103–23).

tradition are found in Deuteronomy and elsewhere in the Pentateuch that have no parallel in the Neo-Assyrian tradition. Blessings are matched with curses (cf. Lev 26:3–46; Deut 28:1–68) only in the Hittite treaties, never in the Neo-Assyrian ones. Instructions for deposition of the treaty (cf. Exod 25:11; Deut 9:5) and its periodic reading (cf. Deut 31:10–13) are likewise features found only in the Hittite materials and not in the Neo-Assyrian treaty or loyalty oath texts. Promises made by the sovereign king to the vassal and expressions of affection toward him—elements so cardinal in the Pentateuch's portrayal of God's disposition toward Israel—are found only in the Hittite treaties, never in the Neo-Assyrian ones.<sup>4</sup> Elsewhere I have demonstrated that the apostasy clauses of Deuteronomy 13, long thought to imitate the sedition clauses of Neo-Assyrian treaties, are much closer in language and in structure to the fifteenth-century Hittite Išmerika treaty.<sup>5</sup>

My focus is on Deuteronomy 1–3, which one strand of scholarship views as a historical introduction to the stipulations found in chs. 12–26 of the book. The historical prologue, which emphasizes the beneficence of the sovereign as the basis for the loyalty of the subordinate is, likewise, a feature exclusive to the Hittite treaties.<sup>6</sup> The beneficence could take different forms. Sometimes the Hittite king performed an act of salvation on behalf of the vassal. George E. Mendenhall, who first drew attention to the parallels between the Hittite treaties and the biblical notions of covenant, saw the exodus story prior to the Sinai covenant as such a prologue.<sup>7</sup> The historical prologue of Deuteronomy 1–3, however, makes little mention of the exodus from Egypt. Rather, we should see these chapters as an exemplar of the form of the prologue that Amnon Altman refers to as the Hittite land-grant treaty. In these treaties, the Hittite king would install the vassal of his choice to rule over a defined territory. The Hittite king held the ultimate title over the territory and hence dictated the terms of the grant.<sup>8</sup> This is the essential thrust of Deuteronomy 1–3. The Lord prepares to give the Israelites territory over which

<sup>4</sup>See K. A. Kitchen, *On the Reliability of the Old Testament* (Grand Rapids: Eerdmans, 2003), 283–94; Hayim Tadmor, "Treaty and Oath in the Ancient Near East: A Historian's Approach," in *Humanizing America's Iconic Book: Society of Biblical Literature Centennial Addresses 1980* (ed. Gene M. Tucker and Douglas A. Knight; SBLBSNA 6; Chico, CA: Scholars Press, 1980), 142–52; G. E. Mendenhall and G. A. Herion, "Covenant," *ABD* 1:1179–1202; Moshe Weinfeld, "Covenant Making in Anatolia and Mesopotamia," *JANES* 22 (1993): 135–39.

<sup>5</sup>Joshua Berman, "CTH 133 and the Hittite Provenance of Deuteronomy 13," *JBL* 130 (2011): 25–44.

<sup>6</sup>Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon, 1972), 69–74.

<sup>7</sup>Mendenhall, "Covenant Forms in Israelite Tradition," *BA* 17 (1954): 50–76.

<sup>8</sup>Altman, *The Historical Prologue of the Hittite Vassal Treaties: An Inquiry into the Concepts of Hittite Interstate Law* (Bar-Ilan Studies in Near Eastern Languages and Culture; Ramat Gan: Bar-Ilan University Press, 2004), 55, 144. This form of grant was distinct from the land grants known to us from the middle Babylonian period made to valued officials, where no obligations were imposed upon the grantee. See *ibid.*, 145.

to rule and in return demands obedience to the treaty he imposes. Deuteronomy 1–3 employs specific motifs found in these land-grant treaty prologues. As Moshe Weinfeld notes, the sovereign in these treaties urges the vassal to take possession of the land as a gift: “See, I gave you the Zippašla mountain land, occupy it.”<sup>9</sup> This command resonates with Deut 1:8, 21: “See, I have given over the land to you, go and inherit it.” In CTH 92, the Hittite king declares to his vassal that his own grandfather had written out the borders of the vassal kingdom, an act that was taken to be constitutive of the borders of that territory: “My grandfather . . . wrote a treaty tablet for him. He wrote out the borders of the land of Amurru of his ancestors and gave it (the tablet) to him.”<sup>10</sup> Similarly, the Lord lists the borders of the promised land for Israel in 1:7–8.<sup>11</sup> In several Hittite treaties the king delineates the vassal’s territory and stresses that the latter is to avoid confrontation with other neighboring vassals of the Hittite king.<sup>12</sup> In Deuteronomy we find likewise, “you will be passing through the territory of your brothers, the children of Esau, who dwell in Seir. . . . Do not provoke them, for I will not give you of their land so much as a foot can tread on, for I have given the hill country of Seir as an inheritance to Esau” (Deut 2:4; cf. 2:9 and 19, with regard to Moab and Ammon respectively).

Politics can make for strange bedfellows, and sometimes the Hittite king would grant a territory to a vassal who had a history of rebellious behavior toward the Hittite throne. Power politics of the region during the fourteenth and thirteenth centuries B.C.E. were such that allegiances between states were in constant flux. Even if the ruler of such a state had reneged on his earlier vassalage, the Hittite kings frequently sought to reestablish ties when it was politically expedient to do so. When a once-rebellious king agreed again to accept submission, the prologue of the treaty would enumerate the seditious acts of the vassal, underscoring the debt of gratitude now owed the Hittite king for his beneficence.<sup>13</sup> The historical introduction of Deuteronomy 1–3 not only underscores the grant of the land to

<sup>9</sup> Albrecht Goetze, *Madduwattaš*, MVAG 32:1 (1928), lines 19, 43–44; quoted in Weinfeld, *Deuteronomy and the Deuteronomistic School*, 72.

<sup>10</sup> Treaty between Ḫattušili III and Bentešina of Amurru (CTH 92 [Emmanuel Laroche, *Catalogue des textes Hittites* (Paris: Klincksieck, 1971)] obv. 5–6), translated in Gary Beckman, *Hittite Diplomatic Texts* (2nd ed.; SBLWAW 7; Atlanta: Scholars Press, 1999), 101; hereafter *HDT*.

<sup>11</sup> Nili Wazana, *All the Boundaries of the Land: The Promised Land in Biblical Thought in Light of the Ancient Near East* (in Hebrew; Jerusalem: Bialik Institute, 2007), 37. Curiously, Šuppiluliuma I of Ḫatti delimits his own empire, saying, “The Euphrates [is my frontier(?)]. In my rear I established Mount Lebanon as my frontier” (CTH 51 §10 translated in *HDT*, 45). Cf. the highly similar language in Deut 1:7.

<sup>12</sup> See CTH 106 §§9–10 (*HDT*, 109–10); CTH 67 §8 (*HDT*, 71); CTH 68 §25 (*HDT*, 80–81); CTH 69 §8 (*HDT*, 84). See discussion in Wazana, *All the Boundaries*, 37; and in Weinfeld, *Deuteronomy and the Deuteronomistic School*, 72.

<sup>13</sup> Cf. CTH 66, Treaty between Muršili II of Ḫatti and Niqempa of Ugarit (*HDT*, 64–68); CTH 68, Treaty between Muršili II of Ḫatti and Kupanta-Kurunta of Mira Kuwaliya (*HDT*, 74–81); CTH 92, Treaty between Ḫattušili III of Ḫatti and Bentešina of Amurru (*HDT*, 100–102);

the Israelites but also stresses that they are hardly deserving of such grace, having reneged on their vassalage to the Lord. They rebelled against him at Qadesh when they refused to fight for the land following the report of the spies (1:26), and then again, when they embarked on a campaign against the Lord's wishes (1:43).

Having established the affinities between Deuteronomy 1–3 and the Hittite treaty prologue, I turn now to the central focus of this study: an examination of the Hittite treaty literature and its phenomenon of communicating to the vassal contradictory narratives of the same event.

## II. THE TWICE-TOLD ACCOUNT OF HOW NIQMADDU II OF UGARIT BECAME A VASSAL TO ŠUPPILULIUMA I OF ḪATTI

I take as my first exhibit two diplomatic texts that date to sometime in the mid-fourteenth century B.C.E, CTH 46 (= RS 17.340, 17.369A) and CTH 47 (= RS 17.227). Both texts were found at the Southern Palace at Ugarit and are Akkadian versions of texts that had been delivered by the Hittite king to his Ugarit vassal. They are both styled as an address from Šuppiluliuma I of Ḫatti to Niqmaddu II of Ugarit, and both texts begin with a historical introduction that recalls the developments that led Niqmaddu to submit to Šuppiluliuma as his overlord. From there, each text moves on to delineate a number of stipulations and mandates that are to govern the relationship between Ḫatti and Ugarit. Although both documents are composed in the name of the same Hittite king for the same recipient, Niqmaddu II, there are great discrepancies between the histories that are narrated in the introduction to each. I present here each introduction and highlight their mutually exclusive differences. The prologue of CTH 46 reads:

(A obv. 1–8) Thus says His Majesty, Šuppiluliuma, Great King, King of Ḫatti, Hero: When Itur-Addu, king of the land of Mukiš; Addu-nirari, king of the land of Nuḫašši; and Aki-Teššup, king of Niya were hostile to the authority of His Majesty, the Great King, their lord; [they] assembled their troops; captured cities in the interior of the land of Ugarit; oppressed (?) the land of Ugarit; carried off subjects of Niqmaddu, king of the land of Ugarit, as civilian captives; and devastated the land of Ugarit;

(A obv. 9–28; B obv. 1'–2') Niqmaddu, king of the land of Ugarit, turned to Šuppiluliuma, Great King, writing: "May Your Majesty, Great King, my lord, save me from the hand of my enemy! I am the subject of Your Majesty, Great King, my lord. To my lord's enemy I am hostile, [and] with my lord's friend I am at peace. The kings are oppressing(?) me." The Great King heard these words of Niqmaddu, and Šuppiluliuma, Great King, dispatched princes and noblemen

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CTH 105, Treaty between Tudhaliya IV of Ḫatti and Šaušgamuwa of Amurru (*HDT*, 103–7); Altman, *Historical Prologue*, 55.

with infantry [and chariotry] to the land of Ugarit. And they chased the enemy troops [out of] the land of Ugarit. [And] they gave [to] Niqmaddu [all of] their civilian captives whom they took (from the enemy). [And Niqmaddu, king of the land] of Ugarit [...] honored the princes and noblemen very much. He gave them silver, gold, bronze, [and...] He arrived [...] in the city of Alalah before His Majesty, Great King, his lord, and [spoke as follows] to His Majesty, Great King, his lord: “[...] with words of hostility [...] Niqmaddu is [not] involved [...] . . .” And [Šuppiluliuma, Great King], witnessed [the loyalty] of Niqmaddu.

(B obv. 3’–4’) Now Šuppiluliuma, Great King of Ḫatti, has made the following treaty with Niqmaddu, king of the land of Ugarit.<sup>14</sup>

I note several points that will stand out in bold relief as we move to the account found in the second document: (1) the pressure that was brought to bear on Ugarit was of a *military* nature: the confederation of Syrian kings invaded and plundered its territory; (2) Šuppiluliuma sent troops to the rescue, and these troops restored the plundered goods to Ugarit; (3) Niqmaddu paid a visit of homage to Šuppiluliuma at Alalakh.<sup>15</sup> I note also two points about the general tenor of the account. First, it casts Šuppiluliuma as Niqmaddu’s savior and stresses the latter’s indebtedness to the Hittite throne. Second, the account highlights the *reciprocity* of the relationship. The relationship has proven itself through a series of responsive steps taken by each side. Niqmaddu appealed to Šuppiluliuma offering submission, and the Hittite king responded by saving him. Niqmaddu paid tribute to his deliverers and homage to Šuppiluliuma. In return, the Hittite king composed a treaty outlining Niqmaddu’s rights as vassal.

Turning to the prologue of CTH 47, we see roughly the same story, but in a fashion that differs sharply (A 1–24):

Thus says His Majesty Šuppiluliuma, Great King, King of Ḫatti, Hero: When all of the kings of the land of Nuḫašši and the king of the land of Mukiš were hostile to His Majesty, Great King, their lord, Niqmaddu, king of the land of Ugarit, was at peace with His Majesty, Great King, his lord, and not hostile. Then the kings of the land of Nuḫašši and the kings of the land of Mukiš oppressed(?) Niqmaddu, king of the land of Ugarit, saying, “Why are you not hostile to His Majesty along with us?” But Niqmaddu did not agree upon hostilities against His Majesty, Great King, his lord, and His Majesty, Great King, King of Ḫatti, has thus made a treaty for Niqmaddu, king of the land of Ugarit.<sup>16</sup>

Although both accounts relate how Niqmaddu came to submit to Šuppiluliuma, there are major points of divergence. In contrast to the account of CTH 46, the pressure that the Syrian kings exerted upon Niqmaddu in this text was *political*

<sup>14</sup>HDT, 34–35

<sup>15</sup>On the historical introduction to CTH 46, see HDT, 34; and Altman, *Historical Prologue*, 237–55.

<sup>16</sup>HDT, 166.



(note, also, that the two lists of kings are not identical). They urged him to join their campaign against Šuppiluliuma. They did not invade his territory. As there was no need for salvation by Šuppiluliuma, no troops were sent and no visit of homage was paid to the Hittite king. The tenor of the argument is, accordingly, different. Here it is the Hittite king who is indebted to Niqmaddu for his loyalty.

Scholars debate the chronological order of the two documents. By cross-referencing various records from the period, most scholars date these documents to the so-called one-year campaign of Šuppiluliuma I early in his reign against a confederation of Levantine kings, and they view the communication of CTH 46 as prior to that of CTH 47, in all likelihood by a few months.<sup>17</sup> A minority of scholars invert the chronological order of the two documents, and an even smaller number date them to a later period in Šuppiluliuma's reign.<sup>18</sup> While this debate is important for reconstructing the history of the Levant in the mid-fourteenth century, it is less important for the issue at hand here. My concern is to comprehend the dynamics that produce conflicting accounts of the same event. No matter the chronology, it is evident that both texts were composed by the same authority at the Hittite court and were read before the same Ugaritic king, Niqmaddu II.

The mutually exclusive nature of the two accounts of the circumstances through which Niqmaddu submitted to the Hittite king raises numerous questions. Regardless of which text was composed first, did the Hittite king think that he could simply recompose history as an Orwellian palimpsest, without arousing the suspicion, let alone ire, of the vassal king? How could such fabrication induce the vassal to want to trust the sovereign and comply with his demands? Both documents conclude with a stern warning that divine witnesses will duly punish anyone who alters the treaty tablet.<sup>19</sup> Yet Šuppiluliuma clearly proceeds to rewrite history from one tablet to the next. How could Šuppiluliuma deny the account of history written on the earlier tablet, without concern for the ire of the gods who had attested to that version? These questions loom even larger if we accept the majority consensus that these differences appear in documents that were composed and sent within just months of each other. Just as harmonization of the accounts is not an option to make sense of the two accounts, so neither is a source-critical approach. These documents were found *in situ*, written by the same authority for the same recipient. What we lack here is a hermeneutic that will allow us to understand how these kings of old could have construed such divergent accounts. I suggest that such a hermeneutic exists and goes to the heart of a more

<sup>17</sup>Ibid., 34, 166; Itamar Singer, "A Political History of Ugarit," in *Handbook of Ugaritic Studies* (ed. Wilfred G. E. Watson and Nicolas Wyatt; HO 1, Nahe und der Mittlere Osten 39; Leiden: Brill, 1999), 635; Daria Gromova, "Hittite Role in the Political History of Syria in the Amarna Age Reconsidered," *UF* 39 (2007): 284.

<sup>18</sup>Amnon Altman, "EA 59:27–29 and the Efforts of Mukiš, Nuḫašše and Niya to Establish a Common Front against Šuppiluliuma I," *UF* 33 (2001): 11–22 (p. 11, bibliography, and nn. 35–36).

<sup>19</sup>See CTH 46 A rev. 16'–17' (*HDT*, 36) and CTH 47 A 52–53 (*HDT*, 167).

fundamental question: Why did the Hittite rulers go to such effort in the first place to compose these histories and incorporate them in their diplomatic treaties?

### III. THE HITTITE TREATY HISTORICAL PROLOGUE AND POLITICAL CULTURE IN THE AMARNA PERIOD

Seeking a lens through which to view the function and purpose of the historical prologue of the Hittite vassal treaties, I would like to draw inspiration from a series of pioneering studies conducted on a related set of texts, the El Amarna letters. This cache of more than three hundred diplomatic correspondences between the pharaohs of the mid-fourteenth century B.C.E. and their vassals in the Levant overlaps significantly with the Hittite treaties under study here in time, locale, states, and even individuals. Šuppiliuma I of Hatti, for one, appears in the letters, as does Aziru, king of Amurru, whose treaty with the Hittite throne we will examine shortly.

Since the discovery of the letters in 1887, scholars have recognized the importance of these texts for the study of philology and for recreating the political history of the period. In 1996 Raymond Cohen and Raymond Westbrook convened a workshop devoted to the letters, bringing together historians of the ancient Near East and scholars of the social sciences—international relations, in particular. The operating assumption of the workshop was that the Amarna letters, in conjunction with diplomatic texts from around the region, provide a particularly vivid picture not only of the political *history* of the period but also of its political *culture*.<sup>20</sup> These studies of the Amarna letters, I maintain, are equally important for a proper understanding of the function of the historical prologues of the Hittite treaties of the same period.

These scholars conclude that the letters reveal a political order that functioned in line with realist tenets of international relations. States fundamentally see other states as threatening. The strong prey on the weak and the weak do their best to survive, often by seeking alliance with stronger players. Yet even when they do seek cooperative arrangements, all sides are aware that actors act in their best interests and will lie and cheat to achieve those ends and that rulers can never be certain about the intentions of other state actors. Many of the correspondences make appeals to gods or to oaths made in their name so that treaties will be upheld, but this rarely limited a king's actions when realpolitik determined that survival left no choice but to break the oath. Crucially, conventional morality is understood to have little or no place in this order. Actors hoped that their alliances would be long-lasting but were well aware that, more often than not, these alliances would

<sup>20</sup>These studies were subsequently published in *Amarna Diplomacy: The Beginnings of International Relations* (ed. Raymond Cohen and Raymond Westbrook; Baltimore: Johns Hopkins University Press, 2000).

be tenuous and temporary. In short, both the great kings of the region—in Egypt, Ḫatti, and Assyria—and the more minor vassal kings of the Levantine city-states were all shrewd players in the game of balance-of-power politics.<sup>21</sup>

On a surface reading, many of the Amarna letters seem preoccupied with issues of gift giving and reciprocity. When the vassal sends his daughter to be married into the pharaoh's court, what level of entourage will receive her? When the pharaoh sends a gift to the vassal, do the quality and quantity of gold meet the vassal's expectations? As Kevin Avruch notes, the nitty-gritty details raised in these correspondences are merely the "minor issue subgames." They are the medium through which the "major relationship metagames" of relative standing and status are played out. In these letters, the putative, manifest topic—the quality of a gift, for example—is merely a vehicle through which the parties jockey with each other and negotiate the nature of their relationship.<sup>22</sup>

Daniel Druckman and Serdar Güner argue that the diplomatic correspondences of the Amarna letters, with their emphasis on the quality of the gifts, flattery, honorific epitaphs, and displays of bravado reveal that the kings writing them were seeking to manage the impressions that they projected. Impression management refers to the ways in which a communication seeks to influence the perceptions, evaluations, and decisions of the recipient.<sup>23</sup> Like modern negotiators, they note, the Amarna correspondents alternate between hard and soft communications, what we might call a balance between verbal carrot and stick.<sup>24</sup> In a word, these letters reveal the kings of the period engaging in *diplomatic signaling*.<sup>25</sup>

To illustrate just how closely the parties read these correspondences and how much was at stake in even the simplest formulation, consider the following passage from EA 42. The communication is written by Šuppiluliuma I of Ḫatti—the very same Hittite king whose treaties with Niqmaddu II of Ugarit have been the subject thus far—and responds to a letter he had received from the Egyptian king. Šuppiluliuma takes umbrage at the formulation of a sentence in the pharaoh's letter in which the pharaoh's name appears above his own:

As to the tablet that [you sent me], why [did you *put*] your name over my name?  
And who (now) is the one who upsets the good relations [*between us*], and is  
su[ch *conduct*] the accepted practice? My brother, did you write [*to me*] with

<sup>21</sup> See Steven R. David, "Realism, Constructivism, and the Amarna letters," in Cohen and Westbrook, *Amarna Diplomacy*, 55–63.

<sup>22</sup> Avruch, "Reciprocity, Equality, and Status-Anxiety in the Amarna Letters," in Cohen and Westbrook, *Amarna Diplomacy*, 154–64.

<sup>23</sup> See Druckman and Güner, "A Social Psychological Analysis of Amarna Diplomacy," in Cohen and Westbrook, *Amarna Diplomacy*, 174–88.

<sup>24</sup> *Ibid.*, 185.

<sup>25</sup> See Christer Jönsson, "Diplomatic Signaling in the Amarna Letters," in Cohen and Westbrook, *Amarna Diplomacy*, 191–204.

peace in mind? And if [*you are my brother*], why have you exalted [*your name*], while I, for [*my part*], am thou[*ght of as*] a [co]rpse?<sup>26</sup>

Šuppiluliuma's letter demonstrates that when a king received a diplomatic document, sent by royal courier, carefully engraved by an official scribe, he read it and interpreted it with the greatest of scrutiny. In contemporary times, leaders converse nearly at will. In the Amarna age, by contrast, a king needed to weigh carefully the words that would be inscribed in the correspondence, as letters could take weeks or even months to transmit.

These insights allow us a sharpened understanding of the purpose and function of the historical prologue of the Hittite treaties. The Hittite kingdom was the strongest force in its immediate region during the Late Bronze Age. It did not, however, possess the overwhelming might, say, of the Neo-Assyrian Empire of the eighth and seventh centuries B.C.E. Intimidation and fear of invasion by the Assyrian army were sufficient to bend smaller, neighboring states into submission. This was not the case for Ḫatti in the Late Bronze Age. Its rulers sought to leverage the relative strength they possessed by coaxing smaller, vulnerable states into cooperative vassal arrangements. At all times, though, the political balance in the region was in flux. The states south of the Taurus Mountains—such as Ugarit and Amurru, whose treaties with Ḫatti we will examine shortly—shifted often between the Egyptian orbit of influence and that of Ḫatti. The states of the region could also band together counter to the interests of the Hittite throne, as we saw in the two treaties with Niqmaddu II of Ugarit.

This constantly shifting political landscape meant that the Hittite kings could never take their vassals for granted. Once a vassal had agreed to submission, the Hittite king sought to formulate stipulations that would bring maximum benefit to Ḫatti but would also prove attractive for the vassal, inducing him to remain loyal. Hittite kings sought to achieve a balance between carrot and stick as they formulated treaties for their vassals. The impression that the Hittite king sought to create would reflect his perception of the balance of power between the two sides. Here is where the crucial role of the historical prologue comes into play. The prologue is the most standard element in the treaties and in many instances the longest as well. The Hittites were uninterested in portraying history as “it really was,” in the formulation of the father of modern historiography, the nineteenth-century German scholar Leopold von Ranke. The Hittites devoted so much attention to this element of the treaty because it was here that they engaged in diplomatic signaling. To be sure, the actual stipulations of the treaty were of great concern to both sides. However, it was in the historical prologues that the Hittite kings sought to set the tone of the relationship, to manage impressions. The narratives they communicated to their vassals were a way of broadcasting a more

<sup>26</sup>EA 42: 15–24 in William L. Moran, ed., *The Amarna Letters* (Baltimore: Johns Hopkins University Press, 1992), 115. See Avruch, “Reciprocity, Equality and Status-Anxiety,” 162.

threatening and domineering posture or, alternatively, a more flattering, convivial one. A Hittite monarch's decision to tack one way or the other, or to offer a mix of signals, reflected his perception of the political landscape at the moment of drafting. Through conveying the right balance of signals, The Hittite king hoped to maximize the benefit for Ḫatti by building a long-lasting relationship with the vassal.

All sides to a treaty, I submit, understood that the prologue was the place where this signaling took place. Across the rich record of documentation in our hands from the period, we find kings expressing their displeasure with one another over a host of issues. We never find, though, a vassal complaining that the Hittite king's account of events was incorrect. This is the case even when the Hittite king himself offered conflicting accounts of that history, as in the present case of the treaties between Šuppiluliuma I and Niqmaddu II of Ugarit. Both sides, I suggest, understood that the historical narrative offered in the prologue was an exercise in diplomatic signaling and read it and considered it on those lines only.<sup>27</sup>

The respective historical prologues of CTH 46 and 47, therefore, exhibit more than two sets of "facts." More significantly, as I noted, they each weave these facts into narratives that characterize the vassalage of Niqmaddu in distinctly different tones. In CTH 46, the vassalage that Šuppiluliuma offers the Niqmaddu is an act of grace and underscores the latter's utter dependence on his Hittite overlord. In CTH 47, the facts are spun to create an image of Niqmaddu as a trusted and valued ally. It is difficult to pin down the chronology of these two documents against a complete backdrop of the diplomatic events of the time, and it is thus difficult to understand why Šuppiluliuma adopted one tone in one document and a different tone in another. As I noted earlier, balances of power were fluid in this period, and it could well be that even in a short span of time political tides had shifted. The Hittite king could have taken a new political landscape as an opportunity to recalibrate the nature of his relationship with his Ugarit vassal. Inscribing a new tablet with a new historical narrative was a way of "pressing the reset button" on the relationship, to borrow a contemporary image, and signaling to the vassal that their relationship was now on new footing.

A final observation about diplomatic signaling will allow us further insight into how these monarchs might have related to the sharply divergent depictions of the historical origins of the vassalage present in these two documents. A

<sup>27</sup>Hence, this approach to the function and purpose of the historical prologue is far removed from that taken by O. R. Gurney that the historical prologue was meant to arouse within the vassal "a sense of duty and gratitude" (*The Hittites* [2nd ed.; Harmondsworth: Penguin, 1962], 173). Whereas some scholars see the historical prologue as an element of the Hittite *vassal* treaty, it is, in fact, present as well in the parity treaty between Ḫattušili III and Ramses II of Egypt (ca. 1259 B.C.E.). The need to manage impressions and impart a tone about the nature of the relationship is no less pressing in a parity treaty than in a vassal one. For a summary of other views of the function of the historical prologue in the Hittite treaty tradition, see Altman, *Historical Prologue*, 25.

contemporary example illustrates the point: when a spokesperson for the United States Department of State says concerning an adversary that “the military option is still on the table,” that statement—that diplomatic signaling—has meaning only in the context of previous dispatches on the issue. If the spokesperson had commented in an earlier release, “we are sending the U.S. Seventh Fleet to the region,” then the newer statement, “the military option is still on the table,” signals a moderate, more restrained tone, even as it keeps the pressure on. By contrast, if the spokesperson had previously said, “all options are still on the table,” then the newer statement, “the *military* option is still on the table,” represents a ratcheting-up of the rhetoric by a notch. The point of this example is that diplomatic signaling always takes place in the context of the codes that both sides understand and, most pointedly, the context of previous communications on the issue. Past communications provide a baseline for understanding the nuance and import of a given diplomatic statement.

This observation allows us to return to the question of twice-told histories in the Hittite historical prologues. Neither sovereign nor vassal had any expectation that these narratives would dutifully reflect history “as it really had been.” All sides understood that these were exercises in diplomatic signaling. It is indeed true that the Hittite kings “updated the past to serve the needs of the moment,” as Orwell described the motives for rewriting history. Crucially, however, and in stark contrast, the historical prologue of the Hittite vassal treaty was not a “palimpsest.” To write new history was expressly *not* a process of erasure. Rather, the retention of the previous telling of the history was crucial, even as that history was rewritten. Diplomatic statements today can be construed properly only against the grid of what has been said previously on the issue. The same was true for the vassals, I submit, as they read the historical narratives of the vassalage sent them by the Hittite kings. Only by accessing the previous version of the history between the two kings would the vassal fully grasp the nuance of the new version of those events and properly digest the diplomatic signaling inherent in the telling. Like all of the Hittite treaty prologues, the prologues to CTH 46 and CTH 47 are tendentious records and may not give accurate testimony to the circumstances that lead Niqmaddu to submit himself to Šuppiliumu. What is clear, however, is that when Niqmaddu received the second communication, the first communication could have afforded him a baseline from which to interpret the nuances of the newly received tablet.

Archaeological evidence supports the hypothesis that, during the Late Bronze Age, sovereigns and vassals alike archived, accessed, and read these treaty tablets. The vast majority of the Hittite treaty texts that we have are the “file copies”—clay tablet inscriptions, often in multiple copies, that were found in the ruins of the archives immediately southeast of the Great Temple to the Storm God in the lower city at Hattuša. Here limestone bases give evidence of the pillars that supported the shelves on which the clay tablets were stored. The remains of staircases suggest that

these archives were multistoried structures.<sup>28</sup> The clay tablet catalogues or shelf lists that have been recovered—ancient precursors to the modern-day card catalogue—are revealing. The treaty copies could have been archived chronologically so that, for example, a given section would contain all of the treaties of Šuppiluliuma I. The shelf lists suggest, however, that the treaties were arranged by vassal so that a scribe could easily access the diplomatic record with a given vassal, all the way back to its origins, even to periods that preceded living memory.<sup>29</sup>

The archaeological record is equally clear that vassal states also preserved and accessed the treaty tablets of a previous age. The evidence from Ugarit is particularly telling. Both CTH 46 and CTH 47 were found in a room of the Southern Palace at Ugarit known as the “Hittite archive,” a repository for all of the diplomatic correspondence between Ḫatti and the court of Ugarit, across several generations. CTH 46 has been recovered in several Akkadian “file” copies and in a Ugaritic version as well.<sup>30</sup> The existence of multiple copies attests to a desire to maintain the written record against the risk of breakage. Two Hittite documents indicate that when a vassal reported that a copy of an earlier treaty had been lost or broken, he would send to Ḫatti so that a duplicate could be produced for him, one that would match the copy of the treaty on file in the Hittite archives.<sup>31</sup> All of these findings suggest that sovereign and vassal alike preserved the entire diplomatic record not merely out of antiquarian interest but in order to access and reference prior correspondence.

I turn now to a second set of treaties: the treaties between the Hittite throne and the kings of the land of Amurru. This examination will allow us to ground further the phenomenon of rewriting history in the historical prologues, and to explore additional elements of its dynamics.

#### IV. THE FOUR-TOLD ACCOUNT OF HOW AZIRU OF AMURRU BECAME A VASSAL TO ŠUPPILULIUMA I OF ḪATTI

The Amurru treaties were four successive vassal treaties established between the kings of Ḫatti and the rulers of Amurru, a coastal state in the Levant immediately

<sup>28</sup>On the archaeology of the storerooms of the Great Temple at Ḫattuša, see Peter Neve, “The Great Temple in Boğazköy-Ḫattuša,” in *Across the Anatolian Plateau: Readings in the Archaeology of Ancient Turkey* (ed. David C. Hopkins; AASOR 57; Boston: ASOR, 2000), 84–85.

<sup>29</sup>On the shelf lists for treaty tablets, see Harry Hoffner, “Histories and Historians of the Near East: The Hittites,” *Or* 49 (1980): 323–24. That archival records were accessed in this fashion is well attested across the ancient Near East. See Richard C. Steiner, “Bishlam’s Archival Search Report in Nehemiah’s Archive: Multiple Introductions and Reverse Chronological Order as Clues to the Origin of the Aramaic Letters in Ezra 4–6,” *JBL* 125 (2006): 650.

<sup>30</sup>Singer, “Political History of Ugarit,” 634.

<sup>31</sup>See CTH 75, Treaty between Muwatalli II of Ḫatti and Talmi-Sharrumma of Aleppo, §2 (*HDT*, 93); Copy of Letter from Sharri-Kushuh of Carchemish to Niqmaddu II of Ugarit §2 (*HDT*, 127).



south of Ugarit. The period in question is from the mid-fourteenth century to the late thirteenth century B.C.E., when the hegemony of the Hittite Empire reached its zenith. The four treaties represent the largest series of treaties in our possession between the Hittite Empire and any of its vassals. The beginning of the period, the rule of Šuppiluliuma I, marks the point at which Hittite influence begins to extend south of the Taurus Mountains and into the plains of the northern Levant. Amurru was situated at the southernmost reaches of Hittite hegemony and was throughout this period a swing state, sometimes casting its lot with Egypt to the south, sometimes with Ḫatti to the north, and sometimes even feigning loyalty to both simultaneously. Amurru was the main bone of contention between the rival powers at the time.<sup>32</sup>

The first treaty that I examine is the initial treaty, through which Aziru of Amurru accepted vassalage to Šuppiluliuma I. The subsequent three treaties are what may be termed “renewal treaties” and were typically drafted when a new subordinated king succeeded his father on the throne and inherited the existing commitments of his forefathers. Renewal treaties sought to reinforce these commitments by adding a personal oath taken by a new subordinated king, binding him personally to the sovereign.<sup>33</sup> My focus will be on the manner in which each treaty reviews and describes the conditions under which Aziru initially submitted to Šuppiluliuma. All four renditions of the event differ markedly one from another. For the sake of brevity, however, I will examine only the first and third of the series. These offer the best example of how history in these treaties is at once rewritten and yet also retained for comparison.

CTH 49 is the initial treaty between Šuppiluliuma I of Ḫatti and Aziru of Amurru. This treaty was concluded when Šuppiluliuma succeeded in exerting enough power in the northern Levant that he could pry away Aziru from his former commitment to his Egyptian overlord.<sup>34</sup> The historical introduction reads as follows (i 14–26):

Previously [...] the King of Egypt, the King of the land of Hurri, the king of the land [of Ashita?], the king of the land of Nuhashshi, the king of the land of Niya, the king of the land [of Kinza (?), the king of the land of Mukish], the king of the land of Aleppo, and the king of the land of Carchemish—all of these kings—suddenly became hostile [to My Majesty]. But Aziru, king of the land [of Amurru], came up from the gate of Egyptian territory and became a vassal [of] My Majesty, [King] of Hatti. And I, My Majesty, Great King [accordingly rejoiced] very much. Did not I, My Majesty, Great King, accordingly rejoice very much? As I to Aziru [...] Because Aziru [knelt down] at the feet [of My Majesty,

<sup>32</sup>Horst Klengel, *Syria 3000 to 300 B.C.: A Handbook of Political History* (Berlin: Akademie, 1992), 107–19, 161–66. See also Itamar Singer, “A Concise History of Amurru,” in Shlomo Izre’el, *Amurru Akkadian: A Linguistic Study* (2 vols.; HSS 40–41; Atlanta: Scholars Press, 1991), 2:135–95.

<sup>33</sup>Altman, *Historical Prologue*, 54, 339–40.

<sup>34</sup>On this treaty generally, see *HDT*, 36–40; and Altman, *Historical Prologue*, 325–35.

and] came from the gate of Egyptian territory, and knelt [down at the feet of My Majesty], I My Majesty, Great King, [took up] Aziru and ranked him (as king) among his brothers.<sup>35</sup>

I highlight several key points for the purpose of comparison to the later version: (1) Aziru came to Šuppiluliuma of his own volition. (2) In doing so, Aziru broke ranks with his former Egyptian overlord (“came up from the gate of Egyptian territory”) and did so precisely at a moment of heightened tensions between Ḫatti and the Egyptian coalition. (3) Although it is Aziru who submits to Šuppiluliuma, it is the Hittite king who rejoices exceedingly. (4) Aziru is brought into the group of Hittite vassal kings, referred to here as the “brothers.”<sup>36</sup>

Compare this with the parallel account found in CTH 92, the treaty between Ḫattušili III of Ḫatti, the third Hittite ruler after Šuppiluliuma, and Bentešina of Amurru, the fourth ruler of Amurru following Aziru. In the early part of the thirteenth century, Seti I and Ramesses II reasserted Egyptian power in the Levant, and the balance of power began to shift. This apparently led the king of Amurru at this time, Bentešina, to reconsider his allegiance to Ḫatti and to return Amurru to the Egyptian sphere. Tensions between Ḫatti and Egypt reached their apex in 1278 B.C.E. at the battle of Qadesh, in which neither side achieved a decisive victory, although apparently Ḫatti gained the upper hand. Bentešina was exiled to Ḫatti by the Hittite king of the time, Muwattalli II. While in Ḫatti, Bentešina allied himself with Muwattalli’s brother, Ḫattušili, who, in time, would usurp the Hittite throne. In return for Bentešina’s support, Ḫattušili III reestablished him on his former throne in Amurru. The present treaty, CTH 92, is the document that establishes this new order.<sup>37</sup> My interest here is to examine how the reworked account of how and why Aziru submitted himself to Šuppiluliuma several generations earlier complements Ḫattušili’s diplomatic signaling to his vassal. The prologue reads:

(obv. 4–6) In the time of my grandfather, Šuppiluliuma, Aziru [king of the land of Amurru] revoked [his vassalage(?)] to Egypt, and [fell] at the feet of my grandfather Šuppiluliuma. My grandfather had [compassion] for him and wrote a treaty tablet for him. He wrote out the borders of the land of Amurru of his ancestors and gave it (the tablet) to him . . .

(obv. 11–15) Following my father, my brother Muwattalli acceded to the throne of kingship. To(!) my brother Muwattalli, Bentešina was (politically) dead in [the land] of Amurru. Bentešina had acceded to the throne of kingship in the land of Amurru, but my brother Muwattalli removed Bentešina from the throne of kingship of the land of Amurru. He took him to Ḫatti. At that time I requested Bentešina from my brother Muwattalli and he gave him to me. I transported

<sup>35</sup> *HDT*, 37.

<sup>36</sup> Altman, *Historical Prologue*, 325–26.

<sup>37</sup> *HDT*, 100.

him to(!) the land of Hakkis and gave him a household. He did not suffer any harm. I protected him.

(obv. 16–21) When Muwattalli, Great King went [to] his fate, I Ḫattušili, took my seat upon the throne of my father. I released Bentešina for a second time to(!) [the land of Amurru]. I assigned to him the household of his father and the throne of his kingship . . .

(obv. 22–27) Bentešina said this before My Majesty: “Say to my lord—You are giving life to me, a dead man. You returned me [for a second time(?)] to(!) the land of Amurru, to the throne of my father. Like a dead man, you have given life to me. Let my lord make a tablet of treaty and of oath. Let him seal and write it, to the effect that Bentešina is king of the land of Amurru. In the future no one shall take the kingship of the land of Amurru from the hand of Bentešina or from the hand of his sons or the hand of his grandsons.” [Thus says] My Majesty: “I, My majesty, will not withhold from you(!) that which you, Bentešina have requested from me.”

(obv. 28–33) [Now], I, Great King <wrote> a treaty tablet for Bentešina, corresponding to the tablet which Šuppiluliuma, Great King . . . for Aziru. I, Great King, wrote it for Bentešina, king of the land of Amurru, according to the text of the treaty of my grandfather, and I gave it to him. . . .<sup>38</sup>

Ḫattušili’s diplomatic signaling is clear: he wishes to portray an image of strength by underscoring the vassal’s utter dependence on him. Extended attention is devoted to the political misfortunes that befell Bentešina and of the gradual political resurrection (note Bentešina’s language: “you are giving life to me, a dead man”) afforded him by Ḫattušili. The account of the circumstances through which Aziru became a vassal to Šuppiluliuma is reworked in accordance with this agenda. The relationship between Aziru and Šuppiluliuma in lines 4–6 emerges as an earlier precedent for what was now transpiring between Ḫattušili and Bentešina. Every element in those lines parallels a development in the more recent relationship between Ḫattušili and Bentešina. Just as Aziru had reneged on his former ties to the enemies of Ḫatti, so too does Bentešina now. Just as Aziru “fell at the feet” of Šuppiluliuma, so too does Bentešina humble himself before Ḫattušili now. Just as Šuppiluliuma had displayed compassion for Aziru, so does Ḫattušili for Bentešina, now. Just as Šuppiluliuma had written out a tablet of vassalage for Aziru, so too does Ḫattušili compose one for Bentešina now.

The reworked account of how Aziru became a vassal to Šuppiluliuma has all the makings of an Orwellian palimpsest. In significant ways, it departs from the account of that event as recorded in the original treaty, in CTH 49. In the earlier treaty, the Hittite king lauded Aziru for resisting the pressure of the confederation of nine kings who conspired against Ḫatti, whose ranks included all of his sur-

<sup>38</sup> *HDT*, 101–2, Treaty between Ḫattušili III of Ḫatti and Bentešina of Amurru.

rounding neighbors. Indeed, as we saw, it was Šuppiluliuma who rejoiced—twice, in the formulation of the treaty—over the establishment of the pact between Ḫatti and Amurru. Šuppiluliuma ranked Aziru among his “brothers”—the other valued vassals of the Hittite throne.

In the present treaty between Ḫattušili III and Bentešina we hear none of that. From this treaty, we would never know that Aziru had broken ranks with all his neighbors; we would not know that Šuppiluliuma related to Aziru as a “brother” within the “family” of Hittite vassals. Most importantly, we would not know that Šuppiluliuma had rejoiced upon learning of Aziru’s decision. Here, instead, we read that when Aziru defected from Egypt, Šuppiluliuma had “compassion” on him.<sup>39</sup>

In Orwell’s imagined world, recorded history was “scraped clean and reinscribed as often as necessary,” and it would seem that this was the case in Ḫattušili’s treaty with Bentešina. A new account of Aziru’s vassalage to Šuppiluliuma was drafted, so that Aziru’s vassalage to Šuppiluliuma could be enlisted as a model and a precursor for Bentešina’s arrangement with Ḫattušili. Yet, while in Orwell’s world the older accounts of history were discarded because they conflicted with the needs of the moment, the same is not true, I suggest, in the dynamics of the present treaties, the treaties with Amurru.

Note that in the prologue of CTH 92 itself, Ḫattušili pledges before Bentešina (obv. 28–33), “[Now], I, Great King <wrote> a treaty tablet for Bentešina, corresponding to the tablet which Šuppiluliuma, Great King . . . for Aziru. I, Great King, wrote it for Bentešina, king of the land of Amurru, according to the text of the treaty of my grandfather, and I gave it to him.” Although we do not have precise dates for the regnal years of the Late Bronze Hittite kingdom, it is certain that some eighty years separate the composition of CTH 49 and CTH 92. When Ḫattušili pledged to compose for Bentešina a treaty that corresponded to the terms of the original treaty with Amurru, neither he nor anyone else was doing so from living memory. They could do so only by accessing existing copies of that treaty. Ḫattušili, we know, was good to his word. Although CTH 92 has survived only in fragmentary condition, it is clear that the clauses of offensive and defensive alliance of the two treaties are identical.

The capital of the land of Amurru has not been located, and we cannot be certain that Bentešina had his own copy of the original treaty. Nonetheless, Ḫattušili’s pledge to compose an identical copy for his vassal and the fact that he held good to his word suggests that he would have been pleased for his vassal to corroborate the fulfillment of his pledge. As scribes read out before him the contents of the two treaty tablets, Bentešina would have been able to affirm the faithfulness of his Hittite interlocutor.

Yet, had the scribes of Amurru in fact reviewed both the old treaty and the new, they no doubt would have noticed that the account of how Aziru became a

<sup>39</sup> Altman, *Historical Prologue*, 376.

vassal had undergone significant reworking in the new tablet now before them. I suggest that this was fully part of Ḫattušili's intent and an integral part of the diplomatic signaling taking place. In the earlier treaty, Aziru was a celebrated and valued vassal. By altering both the content and tone of the original story, Ḫattušili signals to Bentešina that he considers himself in a stronger position than Šuppiluliuma had commanded in his own age. Through comparing the two versions of that account, Bentešina would need to conclude that he was truly indebted to his Hittite overlord. He would now receive the same terms as had Aziru. Yet the diminished stature accorded Aziru in CTH 92 *relative* to his stature in CTH 49, would signal to the present king of Amurru that he was receiving those same terms as an act of grace. The full force of the historical prologue of CTH 92 is understood—as are all diplomatic dispatches—when seen in the context of earlier communications. I cannot claim, of course, to have access to Ḫattušili's intentions when he authorized the reworking of the original story. Nor can I know how this was read and interpreted by his vassal, Bentešina. It is fair, however, to conclude that the reworking of history in these prologues represented an exercise in diplomatic signaling and that these cues and codes could be best understood against the backdrop of previous communications between the parties.

Finally, I dramatize my interpretation of these data with an observation. As we have seen, the corpus of treaties from the Hittite Empire exhibits reworked histories in the treaties from Ugarit (CTH 46 and 47) and in the four treaties with Amurru (CTH 49, 62, 92, and 105). I stress now that these are the only treaties in the Hittite corpus in which histories are retold from treaty to treaty. In each instance we find variance from telling to telling. We find not a single example in which full consistency is seen in the portrayal of an event across two treaties. The finding should not surprise us. It was only when the Hittite kings sensed that they were traversing a new political landscape that the need arose to recalibrate the relationship and to tell anew the history of the vassalage in the act of diplomatic signaling. So long as the relationship with the vassal was stable and the balance of power remained relatively undisturbed, it would have been pointless in subsequent correspondences with the vassal to retell verbatim that which was already known and established in earlier writing.

## V. THE RETELLING OF HISTORY IN DEUTERONOMY 1–3

The dynamics of history writing in the Hittite treaty tradition shed light on the historical introduction of Deuteronomy 1–3. Here Moses calls on the Israelites to *recall* that which had happened “at that time” (1:16, 18; 2:34; 3:4, 8, 12, 18, 21, 23). While Moses, of course, is not the sovereign king YHWH but merely his emissary, the narratological tone is highly similar to that which we encounter in the Hittite treaties. The Hittite sovereign essentially mandates the vassal to recall events that putatively are known to both sides and to draw the appropriate

lessons. Discrepancies between the original treaties and the later ones, I claimed, were evidence of diplomatic signaling. Far from erasing the past and deceiving the servant kings, the Hittite kings intended the vassals to note the ways in which the history had been reworked. The changes that the vassal could plainly see for himself were to serve as an index of change in the sovereign king's disposition toward him. Sometimes the retold history could be more charitable toward the vassal, as in the difference in tone between the prologues of CTH 46 and CTH 47. At other times, it could signal to the vassal that his stature had diminished in the eyes of the sovereign, as we saw in the account of Aziru's submission to Šuppiluliuma in CTH 92, relative to the original version of the story found in CTH 49.

The stories found in Deuteronomy 1–3 may be understood as serving just such a function when read in comparison with the accounts of the events found in Exodus and Numbers. The sovereign king, YHWH, looks to renew the treaty with his rebellious vassal, Israel, as a new generation has supplanted the old. As I noted at the beginning of this study, treaty elements permeate other parts of the Pentateuch, and some scholars have seen the structure of Exodus–Leviticus as hewing toward that of the Hittite vassal treaty, if in looser form than is found in Deuteronomy.<sup>40</sup> As several scholars have pointed out, these retellings exhibit a consistent editorial thread: the stories recalled in Deuteronomy 1–3 are reworked in a way that highlights the guilt and responsibility of the people over against the versions of the story found earlier in the text continuum of the Pentateuch.<sup>41</sup>

Many lines of editing may distinguish the accounts in Deuteronomy from their parallels in the other books of the Pentateuch, and I cite this one merely as an example of how one such editorial line would be fitting for a sovereign king renewing a treaty with a rebellious vassal. Of greater importance is the vista opened to understand anew the accounts found in Deuteronomy 1–3 and how they relate to the parallel accounts in the other books of the Pentateuch. As I demonstrated in the first part of this article, the author of Deuteronomy 1–3 was clearly familiar—either directly or in some refracted fashion—with the Hittite treaty prologue tradition. I suggest that he may have used history in the fashion in which it is used in those prologues. On the one hand, he rewrites history to suit the needs of his narrated moment. The accounts of appointing judges, of the spies, of the conquests of the area of the Transjordan are all narrated anew and given new agendas. Yet, for the author of Deuteronomy, the rewriting of history is not a process of erasure, so that a new, blank palimpsest may be inscribed. Rather, in his prologue to the renewed treaty on the plains of Moab, he adopts the tradition of the Hittite treaty prologues and rewrites history. A later king of Amurru could read the varying accounts of how his forefather, Aziru, had

<sup>40</sup>K. A. Kitchen, "The Fall and Rise of Covenant, Law and Treaty," *TynBul* 40 (1989): 118–35.

<sup>41</sup>Richard D. Nelson, *Deuteronomy: A Commentary* (OTL; Louisville: Westminster John Knox, 2002), 25; Nathan MacDonald, "The Literary Criticism and Rhetorical Logic of Deuteronomy i–iv," *VT* 56 (2006): 203–24.

submitted to Šuppiluliuma and note how those varying narratives reflected the nature of the bond between vassal and sovereign in each generation. So too, the author of Deuteronomy intended for his readers—themselves descendants of the earliest vassal Israel—to discern the unilaterally more critical depiction afforded Israel in the accounts of Deuteronomy. The discerning reader would take this as a signal that as the rebellious Israelites renewed their covenant on the plains of Moab, Israel the vassal was now on different terms with its sovereign Lord, YHWH.<sup>42</sup>

To be sure, the author of Deuteronomy did not expect that a broad readership would be familiar with the niceties of Hittite treaty formulation. My assumption, however, is that the practice of retelling accounts in those treaties is a reflection of what was common practice: when an authority figure—a king in a treaty or a bard in a village—retold a story, his audience focused on how the message had changed, not on the strict factual nature of the claims.<sup>43</sup> Nor should it surprise us that Deuteronomy calls on its readers to access accounts that we find today in the other books of the Pentateuch. At several other junctures Deuteronomy presupposes the reader's ability to fill in details known to us from earlier stories, such as the reference to Caleb's exemption from divine wrath (1:36), to the sin of Baal Peor (4:3), to God's anger at Aaron (9:20), and to what befell Miriam (24:9).<sup>44</sup>

Historiography, of course, is not the only genre of reworked text found in Deuteronomy, as many legal passages reverberate with resonances of other pentateuchal law collections. No analysis, then, of how Deuteronomy reworks other historical accounts can be complete without an examination of how that dovetails with its reworking of law as well. This requires consideration of the nature of law in the Bible and of whether Deuteronomy is a replacement for other texts or a complement to them. I hope to address these issues in a larger study. My analysis here, then, is a prologue to a larger discussion.

Finally, the question at what point Hittite culture interacted with Israelite culture and through what mechanism remains more an issue of conjecture rather than of debate.<sup>45</sup> It is a curious reality that, while state vassalage was practiced

<sup>42</sup> Although I have restricted myself to commenting on the historical accounts of Deuteronomy 1–3, my general thesis here is no less applicable to the historical accounts found elsewhere in Deuteronomy. Indeed, Weinfeld saw all of chs. 1–11 as a multipart introduction to the laws of chs. 12–26 (*Deuteronomy 1–11: A New Translation with Introduction and Commentary* [AB 5; New York: Doubleday, 1991], 7), and we may interpret discrepancies between the account of the golden calf in Deut 9:8–21 and the earlier version of Exodus 32–34 in the same fashion.

<sup>43</sup> My analysis assesses how the rhetoric of the early chapters of Deuteronomy functions on the narratological level. I have not, however, contextualized my discussion on the historical level. There is conflicting evidence adduced for a dating of Deuteronomy, and the date of its composition is greatly debated. I leave it to others, therefore, to determine whether the analysis here accords with one proposed provenance or another.

<sup>44</sup> See Jeffrey H. Tigay, *Deuteronomy דברים: The Traditional Hebrew Text with the New JPS Translation* (JPS Torah Commentary; Philadelphia: Jewish Publication Society, 1996), xxiv, 7.

<sup>45</sup> See recent appraisals in Harry A. Hoffner, "Ancient Israel's Literary Heritage Compared



throughout the second and first millennia B.C.E., written vassal *treaties* are extant nearly exclusively from the Late Bronze Hittite and Neo-Assyrian periods, and that historical prologues are exclusive to the Hittite corpus. It may be that in due time we will unearth more treaties from other periods and locales and that the treaty elements in Deuteronomy may represent a highly refracted reworking of a tradition that we witness today only in Hittite material. We have seen, however, many lines of congruence between the historical prologue of the Hittite treaties and the opening chapters of Deuteronomy. This should deepen our growing awareness that, in the words of Harry Hoffner, “there remain far too many points of similarity—especially in legal, ritual, and cult matters—between Hittite culture and the Bible for us to dismiss them as coincidental or accidental.”<sup>46</sup>

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with Hittite Textual Data,” in *The Future of Biblical Archaeology: Reassessing Methodologies and Assumptions* (ed. J. K. Hoffmeier and A. Millard; Grand Rapids: Eerdmans, 2004), 172–82; Itamar Singer, “The Hittites and the Bible Revisited,” in *I Will Speak the Riddles of Ancient Times”: Archaeological and Historical Studies in Honor of Amihai Mazar on the Occasion of His Sixtieth Birthday* (ed. Aren M. Maeir and Pierre de Miroschedji; Winona Lake, IN: Eisenbrauns, 2004), 753–54; and Billie Jean Collins, *The Hittites and Their World* (SBLABS 7; Atlanta: Society of Biblical Literature, 2007), 213–18.

<sup>46</sup>Harry A. Hoffner, Jr., “Hittite-Israel Cultural parallels,” COS 3:xxxiv. On points of intersection between Hittite culture and the Bible, see Hoffner, “Ancient Israel’s Literary Heritage,” 172–92; and Singer, “Hittites and the Bible Revisited,” 723–56. See also Billie Jean Collins, “Hittitology, Importance for Biblical Interpretation,” *Oxford Encyclopedia of Biblical Interpretation* (forthcoming).

## The Aniconic Tradition, Deuteronomy 4, and the Politics of Israelite Identity

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The present article examines the aniconic polemics of the Hebrew Bible in an attempt to appreciate better their role in defining Israelite cultural boundaries and belief. The first part of the article deals with early sources in the aniconic tradition on which Deuteronomy 4 builds, particularly the idol prohibition of the Decalogue and the altar law of Exodus 20. The second part seeks to elucidate the creative appropriation of these traditions in Deuteronomy 4 and the historical circumstances that inspired this chapter's rhetoric. Drawing on the conclusions of the previous sections, particularly the strikingly divergent critiques of idolatry as motivated by different historical contexts, the final section will attempt to draw some broader conclusions regarding the role of polemical strategies in establishing a distinctive cultural discourse.

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In his inquiry into the nature of Israel's distinctiveness, Peter Machinist has shown the difficulty of identifying any particular religious belief as unique, since the ones that are usually singled out (e.g., monotheism, universalism, etc.) are evidenced to varying degrees in the literature of other ancient Near Eastern cultures.<sup>1</sup> But if this argument is conceded, one must nevertheless address another difficulty, namely, accounting for ancient Israel's profound influence on Western culture. In other words, if many of the fundamental ideas traditionally attributed to ancient Israel can be found in other Near Eastern cultures, why was it primarily the Hebrew Bible that succeeded in propagating them? Though several factors may be suggested, I will examine the possibility that the influence of Israelite ideas

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<sup>1</sup>Machinist, "The Question of Distinctiveness in Ancient Israel," in *Ah, Assyria . . . : Studies in Assyrian History and Ancient Near Eastern Historiography Presented to Hayim Tadmor* (ed. Mordechai Cogan and Israel Eph'āl; ScrHier 33; Jerusalem: Magnes, 1991), 196–201.

is less an immediate result of the ideas themselves<sup>2</sup> than it is the effect of successful rhetorical strategies for marking certain values as distinct and inviolable.<sup>3</sup> As a test case for this assertion, I will focus on the polemics surrounding idolatry.

As recognized by Machinist, the question of distinctiveness (from the outsider's perspective) is inextricably tied to that of identity (the insiders' view of themselves). As many modern studies of identity have argued, the differences that make a difference<sup>4</sup> are not "givens" determined by objective reality; rather, they are dependent on priorities determined by cultural discourse, both intercultural and intracultural. We should keep in mind Fredrik Barth's important comments regarding the study of ethnicity: "The features that are taken into account are not the sum of 'objective' differences, but only those which the actors themselves regard as significant. . . . Some cultural features are used by the actors as signals and emblems of differences, others are ignored, and in some relationships radical differences are played down and denied."<sup>5</sup> So it was not zealotry over the correct pronunciation of *shibboleth* that incited Jephthah's army to kill forty-two thousand Ephraimites on the banks of the Jordan (Judg 12:6) but rather the underlying political circumstances that lent this phonetic difference its dire significance.

Hence, attention must be given to the rhetorical means by which a culture determines the sociological and ideological significance of a given trait.<sup>6</sup> Furthermore, we must bear in mind that a culture's discourse on distinctiveness is not

<sup>2</sup>For this view, see Yehezkel Kaufmann, *The Religion of Israel: From Its Beginnings to the Babylonian Exile* (trans. Moshe Greenberg; Chicago: University of Chicago Press, 1960), 7–121.

<sup>3</sup>Edward Greenstein hints at a similar approach in his discussion of Israelite monotheism and Canaanite religion, writing: "The God of Biblical Israel may not actually be very different from the gods of the neighboring nations, but claiming that he is, is an important part of the rhetoric promoting devotion to that God alone. . . . From a sociological, as well as a theological, perspective, that is a major, and possibly the major, component of Israel's identity as a people" ("The God of Israel and the Gods of Canaan: How Different Were They?" in *Proceedings of the Twelfth World Congress of Jewish Studies: Jerusalem, July 29–August 5, 1997*, Division A, *The Bible and Its World* (ed. Ron Margolin; Jerusalem: World Union of Jewish Studies, 1999), 58\*.

<sup>4</sup>Suggestively, this is how Gregory Bateson defined the elementary unit of information (*Steps to an Ecology of Mind* [Chicago: University of Chicago Press, 1972], 459).

<sup>5</sup>Barth, "Introduction," in idem, ed., *Ethnic Groups and Boundaries: The Social Organization of Culture Difference* (Scandinavian University Books; Bergen: Universitetsforlaget, 1969), 14.

<sup>6</sup>As noted by Jonathan Z. Smith, "otherness" "is a political and linguistic project, a matter of rhetoric and judgement" ("What a Difference a Difference Makes," in *To See Ourselves as Others See Us: Christians, Jews, "Others" in Late Antiquity* [ed. Jacob Neusner and Ernest S. Frerichs; Scholars Press Studies in the Humanities; Chico, CA: Scholars Press, 1985], 46). See also Laurence J. Silberstein, "Others Within and Others Without: Rethinking Jewish Identity and Culture," in *The Other in Jewish Thought and History: Constructions of Jewish Culture and Identity* (ed. Laurence J. Silberstein and Robert L. Cohn; New Perspectives on Jewish Studies; New York: New York University Press, 1994), 4–7; Meir Sternberg, *Hebrews between Cultures: Group Portraits and National Literature* (Indiana Studies in Biblical Literature; Bloomington: Indiana University Press, 1998); Lawrence M. Wills, *Not God's People: Insiders and Outsiders in*

merely a response to external realities but also a dynamic dialogue with earlier traditions in the culture through which its self-image is constantly reconstructed. Therefore, the study of rhetoric as defined here maintains a historical dimension, requiring both an examination of the historical setting in which the text was composed and an attempt to situate the treatment of a given set of themes and ideas vis-à-vis the text's predecessors in the chain of tradition.

The case of aniconism in Israel provides an ideal subject for such an investigation. If we are to interpret the term "aniconism" broadly, we may define it as worship without the use of iconic (anthropomorphic or theriomorphic) symbols. Following Tryggve N. D. Mettinger, we may then distinguish between *de facto* aniconism, which tolerates iconic worship, and *programmatic* aniconism, which repudiates images.<sup>7</sup> Although admittedly this distinction involves a considerable distortion of the comparative evidence and its implications,<sup>8</sup> it rightly draws attention to the role of rhetorical marking in designating a practice as distinctive. Indeed, regardless of whether the Israelites' programmatic aniconism is understood as having developed from a broader cross-cultural tradition of West Semitic *de facto* aniconism, as argued by Mettinger,<sup>9</sup> it is ultimately the rhetoric surrounding the ban on images and the sociological and theological weight attributed to it that would enable it to serve as an important basis for Israelite self-differentiation.

As we shall see, however, this "program" was anything but unified. In this article, I will examine the development of the aniconic tradition in Israel with the goal of clarifying the relationship between the implicit ideology of the polemics and their historical contexts. Since a central focus will be the manner in which Deuteronomy 4 creatively appropriates earlier sources in this tradition, it is necessary to establish the diachronic relationship between the sources in question. Hence, historical and literary-rhetorical analysis will be employed as two essential, complementary aspects of a single interpretive process.<sup>10</sup>

The first part of this article deals with early sources in the aniconic tradition on which Deuteronomy 4 builds. In particular, I will focus on the idol prohibition

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*the Biblical World* (Religion in the Modern World; Lanham, MD: Rowman & Littlefield, 2008), 5–19.

<sup>7</sup>Mettinger, *No Graven Image? Israelite Aniconism in Its Ancient Near Eastern Context* (ConBOT 42; Stockholm: Almqvist & Wiksell, 1995), 16–20.

<sup>8</sup>When applied to cultures (e.g., Mari, Emar, Hatti) that incorporate stele worship side by side with iconic worship, the designation "aniconism" is incongruous, since this term is meaningful only as part of the discussion framed by the value-laden biblical attitudes toward idolatry. See Christoph Uehlinger, "Israelite Aniconism in Context," *Bib* 77 (1996): 543–45.

<sup>9</sup>In itself, the comparative approach does not account for the break from "tolerant aniconism" to iconoclasm in Israel.

<sup>10</sup>See Meir Sternberg, *The Poetics of Biblical Narrative: Ideological Literature and the Drama of Reading* (Indiana Literary Biblical Series; Bloomington: Indiana University Press, 1987), 12–23. Note his remark on the impossibility of reading a text out of any context or contextualizing it without reading (p. 19).

of the Decalogue, Hosea's polemics against calf worship, and the altar law of Exodus 20. The purpose of this analysis is twofold: to determine the ideological aims of the aniconic polemics as related to their historical contexts and to clarify the diachronic relationship between these sources and Deuteronomy 4. The second part of this article seeks to elucidate the creative appropriation of these traditions in Deuteronomy 4 and the historical circumstances that inspired this chapter's rhetoric. Drawing on the conclusions of the previous sections, particularly the strikingly divergent critiques of idolatry as motivated by different historical contexts, the final section will return to our opening question and attempt to draw some broader conclusions regarding the role of polemical strategies in establishing a distinctive cultural discourse.

## I. ANICONIC POLEMICS IN THE DECALOGUE AND HOSEA: THEIR RHETORIC AND HISTORICAL CONTEXT

Any attempt to reconstruct the historical context in which a biblical text was composed must contend with the long and complex processes of transmission, oral and written, to which it has been subjected. Though careful execution of source and redaction criticism may enable distinctions between textual strata and clarify the diachronic relationship between them, frequently such conclusions are dependent on a priori assumptions that preclude any certainty. It is thus essential to supplement these methods with an analysis of the text's ideology, which may serve in many cases as a better indicator of the author's intention and historical context.

One such method is "framing analysis." According to this approach, rhetorical frames serve to "highlight some features of reality while omitting others" in order to convey to the audience the issues and values that are at stake.<sup>11</sup> These implicit issues and values can be viewed as the source's ideological subtext. To use a facile example from the modern debate regarding abortion, the rhetoric of a "pro-choice" activist will tend to focus on civil liberties and female equality, whereas a "pro-life" activist will invoke a dichotomy between killing and preserving life. As can be seen, the rhetoric of each side reflects a very different set of values, often rooted in distinct belief systems and sources of moral authority. These fundamental principles are rarely spelled out. Since frame analysis exposes these implicit viewpoints, this method can offer important information about the historical circumstances in which the rhetoric originated, divulged *en passant*. Since source-critical approaches often yield divergent results, this method can serve as an independent means to test their conclusions.

<sup>11</sup> See Robert M. Entman, "Framing: Toward Clarification of a Fractured Paradigm," *Journal of Communication* 43 (1993): 53; see also Jim A. Kuypers, "Framing Analysis," in idem, *The Art of Rhetorical Criticism* (Boston: Pearson, 2005), 186–211.

If the biblical authors placed immense weight on the ban of images, modern scholarship has followed their lead, as is indicated by the heated debate surrounding when this ban emerged and the possible existence of YHWH idols in the kingdoms of Israel and Judah. The wide spectrum of views can be grouped into three camps:<sup>12</sup> (1) the traditional view, which attributes the prohibition of images to an ancient aniconic tradition (whether explicit or implicit) that stretches back to the Israelites' earliest history;<sup>13</sup> (2) a revisionist view, which argues that the Israelites traditionally worshiped images until this practice was banned by the religious reforms of Hezekiah and/or Josiah;<sup>14</sup> and (3) an intermediate position that has emerged in recent years requiring a distinction between northern and southern cults.<sup>15</sup>

Despite this variance of opinion, a broad consensus has emerged that the *explicit* prohibition of images should not be dated before the exilic period, regardless of whether it was preceded by an implicit aniconic tendency. In particular, the Decalogue of Deuteronomy 5, including the idol prohibition, is attributed to an exilic or postexilic stratum on the basis of which the parallel in Exodus 20 was modeled. Even Mettinger, one of the staunchest advocates of the antiquity of the aniconic tradition, concedes the Deuteronomic nature of the image prohibition, leading him to distinguish between *de facto* and *programmatically* aniconism.<sup>16</sup>

At first glance, we should have little hope that an analysis of the Decalogue could clarify this matter.<sup>17</sup> Even if the relative earliness of some sections could be

<sup>12</sup>For recent surveys of this question, see Frank-Lothar Hossfeld, "Das Werden des alttestamentlichen Bilderverbotes im Kontext von Archäologie, Rechtsentwicklung, und Prophetie," in *Die Sichtbarkeit des Unsichtbaren: Zur Korrelation von Text und Bild im Wirkungskreis der Bibel* (ed. Bernd Janowski and Nino Zchomelidse; Arbeiten zur Geschichte und Wirkung der Bibel 3; Stuttgart: Deutsche Bibelgesellschaft, 2003), 11–22; Christian Frevel, "Du sollst dir kein Bildnis machen!—Und wenn doch?" in *ibid.*, 23–35.

<sup>13</sup>See Ronald S. Hendel, "Aniconism and Anthropomorphism in Ancient Israel," in *The Image and the Book: Iconic Cults, Aniconism, and the Rise of Book Religion in Israel and the Ancient Near East* (ed. Karel van der Toorn; CBET 21; Leuven: Peeters, 1997), 212–20; Theodore J. Lewis, "Divine Images and Aniconism in Ancient Israel," *JAOS* 118 (1998): 36–53. Cf. Frevel, "Bildnis," 25–33; Trygve N. D. Mettinger, "A Conversation with My Critics: Cult Image or Aniconism in the First Temple?" in *Essays on Ancient Israel in Its Near Eastern Context: A Tribute to Nadav Na'aman* (ed. Yairah Amit et al.; Winona Lake, IN: Eisenbrauns, 2006), 281–84.

<sup>14</sup>See, e.g., Herbert Niehr, "In Search of YHWH's Cult Statue in the First Temple," in van der Toorn, *Image and the Book*, 73–96; Christoph Uehlinger, "Anthropomorphic Cult Statuary in Iron Age Palestine and the Search for Yahweh's Cult Images," in *ibid.*, 97–156; Karel van der Toorn, "The Iconic Book: Analogies between the Babylonian Cult of Images and the Veneration of the Torah," in *ibid.*, 229–48.

<sup>15</sup>Hossfeld, "Das Werden," 14–16. Cf. Nadav Na'aman, "No Anthropomorphic Graven Image," *UF* 31 (1999): 413–15.

<sup>16</sup>See Mettinger, "The Veto on Images and the Aniconic God in Ancient Israel," in *Religious Symbols and Their Functions* (ed. Haralds Biezais; Scripta Instituti Donneriani aboensis 10; Stockholm: Almqvist & Wiksell, 1979), 15–29. This terminology appears in his later works.

<sup>17</sup>For some recent contributions, see Werner H. Schmidt, *Die Zehn Gebote im Rahmen*

established,<sup>18</sup> this would not determine the age of the image prohibition. Conversely, even if the Decalogue contains Priestly and Deuteronomistic additions, one cannot negate the possibility that this source is based on an earlier venerated *Urdekalog*. In the following, we will explore the possibility that rhetorical frame analysis can provide a point of orientation from which to navigate this labyrinth.

The following is a synoptic view of the Decalogue's beginning as it appears in Exod 20:2–5 and Deut 5:6–9:<sup>19</sup>

אֲנִי יְהוָה אֱלֹהֶיךָ אֲשֶׁר הוֹצֵאתִיךָ מֵאֶרֶץ מִצְרַיִם מִבֵּית עֲבָדִים לֹא יִהְיֶה לְךָ אֱלֹהִים  
 אֲחֵרִים עַל פְּנֵי לֹא תַעֲשֶׂה לְךָ פֶסֶל (ו) כָּל תְּמוּנָה אֲשֶׁר בַּשָּׁמַיִם מִמַּעַל וְאֲשֶׁר בָּאָרֶץ  
 מִתַּחַת וְאֲשֶׁר בַּמַּיִם מִתַּחַת לָאָרֶץ לֹא תִשְׁתַּחֲוֶה לָהֶם וְלֹא תַעֲבֹדֵם כִּי אֲנִי יְהוָה  
 אֱלֹהֶיךָ אֵל קָנָא פֶקֶד עֵינַי אֶת עַל בָּנִים וְעַל שְׁלִשִׁים וְעַל רִבְעִים לְשָׁנָא

<sup>2</sup>I am YHWH, your God, who took you out of the land of Egypt, from the house of bondage. <sup>3</sup>You will have no other gods besides me. <sup>4</sup>You shall not make for yourself a statue (or) any image of that which is in the heavens above or on the earth below or in the water below the earth. <sup>5</sup>You shall not bow down to them nor worship them, for I am YHWH, your God, a jealous God, who visits the iniquity of fathers on their children until/and the third and fourth generation for those who show contempt for me.

Though v. 3 has frequently been distinguished from the following verses to establish a distinction between the “foreign-god prohibition” (the so-called First Commandment) and the “idol prohibition” (the so-called Second Commandment), this segmentation contradicts both the linguistic and logical unity of this passage. The dependence of the “idol prohibition” on the “foreign-god prohibition” has been noted in research, though it has often been viewed as evidence for the view that v. 4, that is, the idol prohibition, is a late insertion into the context. Before discussing the rhetorical significance of this unit, we must first examine the grounds for the view that the idol prohibition is a late insertion.

I will not address here the highly speculative reconstructions that are based on minor differences between these texts, such as the addition and deletions of *waws* in vv. 4 and 5,<sup>20</sup> since these are based on questionable interpretations and

*alttestamentlicher Ethik* (EdF 281; Darmstadt: Wissenschaftliche Buchgesellschaft, 1993); Reinhard G. Kratz, “Der Dekalog im Exodusbuch,” VT 44 (1994): 205–38; *Die Zehn Worte: Der Dekalog als Testfall der Pentateuchkritik* (ed. Christian Frevel et al.; QD 212; Freiburg: Herder, 2006).

<sup>18</sup>Regarding possible allusions to the Decalogue in the words of the eighth-century prophets (e.g., Hos 4:2; Amos 3:1), see Meir Weiss, “The Ten Commandments in Prophetic Literature,” in *The Ten Commandments in History and Tradition* (ed. Gershon Levi; Publications of the Perry Foundation for Biblical Research, the Hebrew University of Jerusalem; Jerusalem: Magnes, 1990), 67–81; Schmidt, *Die Zehn Gebote*, 30–32.

<sup>19</sup>The “additions” of the Exodus version are marked by parentheses; those of Deuteronomy are in italics. Verse numbers correspond to the former.

<sup>20</sup>Walther Zimmerli, “Das zweite Gebot,” in idem, *Gottes Offenbarung: Gesammelte*



insecure methodological assumptions.<sup>21</sup> Two additional points, however, require closer scrutiny. The first of these is the observation that the grammatical antecedent to the verbs in v. 5 is the plural noun “gods” in v. 3, leading scholars to conclude that v. 4 is a later addition.<sup>22</sup> But if we recognize that the signifier “god” was used in reference to the god’s cultic representation throughout the Near East,<sup>23</sup> the “interruption” caused by v. 4 proves to be chimerical. The second argument, that the hendiadys of verbs שחו and עבד in v. 5 reflects characteristically Deuteronomistic terminology warrants consideration.<sup>24</sup> However, we cannot discount an alternative possibility, that this formula represents a point of continuity with earlier northern proto-Deuteronomic traditions.<sup>25</sup>

Interestingly, these two characteristics of Exod 20:4–5 appear also in Exod 23:24:

לא תשתחוה לאלהיהם ולא תעבדם ולא תעשה כמעשיהם כי הרס תהרסם ושבר  
תשבר מצבתיהם

You shall not bow down to their gods to worship them nor act according to their customs, for you shall tear them down [i.e., the gods] and smash their steles to bits.

First, note that the antecedent of the verb תהרסם (“tear them down”) is אלהיהם (“their gods”), such that once again the cult representation was understood to be synonymous with the deity. Just as here the grammar must not be interpreted as a sign of interpolation, the same goes for Exod 20:4–5. Second, we find again the hendiadys שחו and עבד. Though some commentators would also view this source as Deuteronomistic, a significant number of scholars—including those who elsewhere posit Deuteronomistic additions to the Tetrateuch—take this source to be

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*Aufsätze zum Alten Testament* (TB; Munich: Kaiser, 1963), 234–48; Frank-Lothar Hossfeld, *Der Dekalog: Seine späten Fassungen, die originale Komposition und seine Vorstufen* (OBO 45; Freiburg: Universitätsverlag, 1982), 21–25; Christoph Dohmen, *Das Bilderverbot: Seine Entstehung und seine Entwicklung im Alten Testament* (BBB 62; Königstein: Hanstein, 1985), 213–16.

<sup>21</sup> See Axel Graupner, “Zum Verhältnis der beiden Dekalogfassungen Ex 20 und Deut 5,” *ZAW* 99 (1987): 311–15; Moshe Weinfeld, *Deuteronomy 1–11: A New Translation with Introduction and Commentary* (AB 5; New York: Doubleday, 1991), 290–91.

<sup>22</sup> So Zimmerli, “Das zweite Gebot,” 234–38; and William L. Moran, “The Conclusion of the Decalogue,” *CBQ* 29 (1967): 553–54.

<sup>23</sup> So already Weinfeld, *Deuteronomy 1–11*, 291.

<sup>24</sup> For a Št stem derivation of תשתחוה from the root חו״, see Terry L. Fenton, “שאלות,” *Leš* 44 (1979–80): 268–80.

<sup>25</sup> Cf. the expression אלהים אחרים found in Hosea (3:1; cf. 13:4) and repeatedly in Deuteronomy, but which is absent from Amos, Isaiah, and Micah. See Hans Walter Wolff, *Hosea: A Commentary on the Book of the Prophet Hosea* (trans. Gary Stansell; Hermeneia; Philadelphia: Fortress, 1982), 60. See also Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon, 1972), 366–70; Joel S. Burnett, *A Reassessment of Biblical Elohim* (SBLDS 183; Atlanta: Society of Biblical Literature, 2001), 79–120; Joel S. Baden, *J, E, and the Redaction of the Pentateuch* (FAT 68; Tübingen: Mohr Siebeck, 2009), 241–42.

proto-Deuteronomic.<sup>26</sup> With these questions lacking resolution, let us attempt an alternative approach: an analysis of the rhetoric of the two prohibitions.

Whether the link between the prohibition of foreign gods and that of idols are original or the product of redaction, there is no question that these prohibitions are a single commandment—grammatically, structurally, and logically. The subordination of the idol prohibition to the foreign-god prohibition reveals a fundamental assumption, that idolatry is the practical expression of worshipping “other gods.” In other words, “having” other gods is a matter not of private contemplation but of concretely worshipping them. More importantly, the worship of idols is taken, by definition, to be the worship of gods besides YHWH.<sup>27</sup>

By taking the equation of idolatry with foreignness for granted, this text establishes a strict dichotomy between authentic and alien worship. Accordingly, this commandment establishes a twofold exclusion of the “Other”: the requirements to be separate from *other* peoples and to proscribe the worship of *other* gods (cf. Exod 23:23–24; 34:12–17). Thus, contrary to what might have been expected, the motivation that the Decalogue offers for banning idolatry is less theological than sociological—an implication that is explicitly elaborated on in Deuteronomy 4 (see below). An underlying supposition of the Decalogue is that idolatry is what *they* do. Just as YHWH is juxtaposed to “other gods,” Israel is demanded to distinguish itself from other nations. By analogy to YHWH—depicted as an anti-god, Israel is exhorted to view itself as an anti-nation, thereby establishing the distinctiveness of both.<sup>28</sup>

In situating the Second Commandment historically, it should be compared with the anti-calf polemics of Hosea, whose relatively secure dating is crucial for understanding the development of the aniconic tradition. The key question to

<sup>26</sup>See, e.g., Ludger Schwienhorst-Schönberger, *Das Bundesbuch* (Ex 20,22–23,33): *Studien zu seiner Entstehung und Theologie* (BZAW 188; Berlin/New York: de Gruyter, 1990), 406–14; Yuichi Osumi, *Die Kompositionsgeschichte des Bundesbuches Exodus 20,22b–23,33* (OBO 105; Freiburg: Universitätsverlag, 1991), 160–61. See also Hans Ausloos, “Deuteronomi(sti)c Elements in Exodus 23, 20–33? Some Methodological Remarks,” in *Studies in the Book of Exodus: Redaction, Reception, Interpretation* (ed. Marc Vervenne; BETL 126; Leuven: Leuven University Press, 1996), 481–500; idem, “The Angel of YHWH in Exod. xxiii, 20–33 and Judg. ii, 1–5: A Clue to the ‘Deuteronomi(sti)c’ Puzzle?” *VT* 58 (2008): 1–12.

<sup>27</sup>Cf. the views cited by Frevel, “Bildnis,” 34.

<sup>28</sup>See Jan Assmann, “Was ist so schlimm an den Bildern?” in *Die Zehn Gebote: Ein widersprüchliches Erbe?* (ed. Hans Joas; Schriften des Deutschen Hygiene-Museums Dresden 5; Cologne: Böhlau, 2006), 19–22. Elsewhere, Assmann offers a provocative explanation for these negative characterizations through comparison with Akhenaten’s reform. Whereas Akhenaten’s iconoclasm was motivated by his naturalistic inclination to worship the Aten (sun-disk) directly, Israelite aniconism, which did not equate YHWH with a natural phenomenon, was compelled to conceptualize the unrepresentable deity by means of an anti-image—through juxtaposition with other gods and their iconic worship (*Moses the Egyptian: The Memory of Egypt in Western Monotheism* [Cambridge, MA: Harvard University Press, 1997], 210–11).

be addressed is this: What is the relationship between Hosea's critique and the Decalogue's image ban? Is Hosea relying on the authority of an antecedent law code, or is the law inspired by Hosea?

These questions require an attempt to clarify the aspect of the Samarian calf cult that aroused the prophet's ire.<sup>29</sup> Though some scholars have associated the calf with El,<sup>30</sup> the evidence in Hosea points toward an identification with Baal, YHWH, or some form of syncretism between the two. Turning to the central question of the calf's function, many scholars assume that it served as a cult statue. On the basis of this inference, they deduce that there was no image prohibition in the northern kingdom, or at least it did not include theriomorphic icons, since even Yahwistic zealots such as Jehu, Eliya, and Elisha (not to mention Amos) failed to register any complaint on the biblical record.<sup>31</sup> Other scholars, however, have proposed that the calves were originally intended as pedestals, parallel to the cherub throne of the Jerusalem temple, arousing the criticism of Hosea only after they began to be treated as cult statues.<sup>32</sup>

Since the function of calves, or more commonly bulls, as both images and pedestals of gods is attested in the texts and iconography of Israelite and other Syro-Canaanite cultures, any conclusion must be tentative. Nevertheless, a few considerations support the assumption that northern Israelites viewed the calves as cult statues. First, even if we are to dismiss the accounts of Jeroboam's calves in 1 Kgs 12:28 and Aaron's calves in Exod 32:4, 8 as being polemically motivated, one can less easily dismiss the rebuke in Hos 8:6: "An artisan made it; it is not a god." Furthermore, the description of Sargon II's campaign against Samaria in Nimrud Prism 4 (lines 29–34), in which the Assyrian king boasts of despoiling "the gods in whom they trusted" (*ilāni tiklišun*) has been taken as external confirmation of the existence of iconic polytheism in Israel.<sup>33</sup> Though Nadav Na'aman has

<sup>29</sup>For a comprehensive discussion of Israelite calf worship, see now Youn Ho Chung, *The Sin of the Calf: The Rise of the Bible's Negative Attitude toward the Golden Calf* (Library of Hebrew Bible/Old Testament Studies 523; New York: T&T Clark, 2010).

<sup>30</sup>See Nick Wyatt, "Of Calves and Kings: The Canaanite Dimension in the Religion of Israel," *SJOT* 6 (1992): 73–91; see also Daniel Fleming, "If El Is a Bull, Who Is a Calf? Reflections on Religion in Second-Millennium Syria," *ErIsr* 26 (1999): 52\*–63\*.

<sup>31</sup>See, e.g., Walther Zimmerli, "Das Bilderverbot in der Geschichte des alten Israel," in *Schalom: Studien zu Glaube und Geschichte Israels: Alfred Jepsen zum 70. Geburtstag* (ed. Karl-Heinz Bernhardt; Stuttgart: Calwer, 1971), 89–90; Patrick D. Miller, *The Religion of Ancient Israel* (Library of Ancient Israel; London: SPCK, 2000), 20.

<sup>32</sup>See Zimmerli, "Das Bilderverbot," 87; Rainer Albertz, *A History of Israelite Religion in the Old Testament Period*, vol. 1, *From the Beginnings to the End of the Monarchy* (trans. John Bowden; London: SCM, 1994), 143–46. For earlier literature, see Wyatt, "Calves and Kings," 73–74 n. 80.

<sup>33</sup>See Bob Becking, "Assyrian Evidence for Iconic Polytheism in Ancient Israel?" in van der Toorn, *Image and the Book*, 157–71. For the original publication, see C. J. Gadd, "Inscribed Prisms of Sargon II from Nimrud," *Iraq* 16 (1954): 173–98, here 179.

raised some doubts regarding the reliability of this inscription,<sup>34</sup> another passage in Hosea (10:5–6) may lend it some credence:

לעגלות בית און יגורו שכן שמרון כי אבל עליו עמו וכמרו עליו יגילו על כבודו  
כי גלה ממנו<sup>6</sup> גם אותו לאשור יובל מנחה למלך ירב בשנה אפרים יקח ויבוש  
ישראל מעצתו

<sup>5</sup>The inhabitants of Samaria fear for the calves of Beth-Aven. Its people lament over it, its priests are distressed over it—over its glory for it has been exiled from it. <sup>6</sup>It will be brought to Assyria as a tribute to a great king. Ephraim will be disgraced, Israel will be humiliated by his plan.

Despite several difficulties with the MT, it seems reasonably clear that these verses refer to the calf of Beth-El being taken as tribute by the Assyrian king.<sup>35</sup> Since Hosea elsewhere emphasizes the religious devotion surrounding this image (reminiscent of Sargon's *ilāni tiklišun*), this passage appears to offer a premonition of the fall of Samaria which closely parallels Sargon's claims in Nimrud Prism 4.<sup>36</sup>

This evidence justifies a working assumption that the official northern cult viewed the use of theriomorphic cult images as legitimate. This reconstruction is also consistent with the numerous examples of bull images discovered in northern territories, including the cult stands from Taanach (tenth century), a plaque from Dan (ninth century), and a stele from Bethsaida (eighth century). These artifacts, which exhibit extensive parallels in the Syro-Canaanite iconology of storm and moon gods, show that the Israelite worship of Baal, and probably also YHWH, in the form of a calf or bull, draws on ancient Canaanite traditions.<sup>37</sup>

Ostensibly, this evidence could be construed as supporting the assumption that the formal image ban had not yet come into existence, but a closer look at Hosea's critique indicates otherwise. Note especially the following passage (8:1b–6):

יען עברו בריתי ועל תורתי פשעו<sup>1b</sup>  
לי יזעקו אלהי ידענוד ישראל<sup>2</sup>  
זנה ישראל טוב אויב ירדפו<sup>3</sup>  
הם המליכו ולא ממני<sup>4</sup>

<sup>34</sup>Na'aman, "No Anthropomorphic Graven Image," 395–408.

<sup>35</sup>See the helpful discussion of A. A. Macintosh, *A Critical and Exegetical Commentary on Hosea* (ICC; Edinburgh: T&T Clark, 1997), 399–405.

<sup>36</sup>A relation between these texts was suggested already by Mordechai (Morton) Cogan (*Imperialism and Religion: Assyria, Judah and Israel in Eighth and Seventh Centuries B.C.E.* [SBLMS 19; Missoula, MT: Scholars Press, 1974], 105), though he nevertheless maintains that the calves were viewed as pedestals.

<sup>37</sup>See Mark S. Smith, *The Early History of God: Yahweh and the Other Deities in Ancient Israel* (2nd ed.; Grand Rapids: Eerdmans, 2002), 83–85 with references. See also A. H. W. Curtis, "Some Observations on 'Bull' Terminology in the Ugaritic Texts and the Old Testament," *OTS* 26 (1990): 17–31.

השירו ולא ידעתי  
 כספם וזהבם עשו להם עצבים למען יכרת  
 זנח עגלך שמרון<sup>5</sup>  
 חרה אפי במ  
 עד מתי לא יוכלו נקין  
 כי מישראל והוא<sup>38</sup>  
 חרש עשהו ולא אלהים הוא  
 כי שבבים יהיה עגל שמרון

<sup>1b</sup>Because they transgressed my covenant and rebelled against my teaching.

<sup>2</sup>To me they call out: My God—we, Israel, are devoted to you!

<sup>3</sup>(Yet) Israel has abandoned what is good, an enemy shall pursue him

<sup>4</sup>They have made kings, but without my sanction,

They have made officers, but without my knowledge.

Of their silver and gold they have made idols to be cut off.

<sup>5</sup>Your calf has departed, Samaria!

My anger is ignited against them—

How long will they be incapable of innocence?

<sup>6</sup>For it is from Israel—

An artisan made it; it is not a god.

It will be in splinters, the calf of Samaria!

This passage raises several challenges to the assumption that Hosea is the originator of the image ban.<sup>39</sup> By referring to the violation of God's "covenant" and "teaching" (v. 1b), Hosea is explicitly invoking an authoritative tradition.<sup>40</sup> Furthermore, the accusation in v. 4, "Of their silver and gold they have made idols," would have had little force if it was not taken for granted that images constitute illegitimate worship. More likely, Hosea is advocating a strict adherence to or expansion of an already widely acknowledged prohibition.<sup>41</sup>

Like the Decalogue, Hosea's rhetoric toward illegitimate cult practices is framed by an "us-versus-them" dichotomy and the equation of cult images with foreign worship (e.g., 4:4–19; 5:1–15; 11:2b; 13:1–4). From the perspective of both

<sup>38</sup> For the MT and other versions, see Macintosh, *Hosea*, 307.

<sup>39</sup> For instance, Dohmen, who accepts the notion of an ancient *de facto* aniconism in Israel, argues that Hosea is the first *Bildkritik*, whose attacks against iconic worship were motivated by the fear that the use of icons in the worship of YHWH would ultimately lead to Baal worship (*Bilderverbot*, 258–62).

<sup>40</sup> See further Wolff, *Hosea*, 67; also Schwienhorst-Schönberger, *Bundesbuch*, 285.

<sup>41</sup> For example, if the prohibition was originally understood to pertain only to anthropomorphic images, it was now expanded to include theriomorphic representation. Interestingly, Brian B. Schmidt notes that the image prohibition of the Decalogue is focused on theriomorphic imagery. See "The Aniconic Tradition: On Reading Images and Viewing Texts," in *The Triumph of Elohim: From Yahwisms to Judaisms* (ed. Diana Vikander Edelman; CBET 13; Kampen: Pharos, 1995), 81–83.

sources, the underlying motive is infidelity to YHWH. This notion—the betrayal of the “jealous God” (אל קנא) in the Decalogue—is developed into a full-blown allegory of the unfaithful wife in Hosea.

In his investigation of ethnic sentiments in the Hebrew Bible, Kenton L. Sparks inquires: “Did Hosea reject practices associated with other deities *only* in foreign cultic contexts or also in Yahwistic contexts?” To this question, he responds aptly that “these practices were, from Hosea’s point of view, ‘negative indicia’ that distinguished foreign religious practices from Israelite practice.”<sup>42</sup> In other words, practices such as image worship could not be used in service of YHWH because they are alien by definition. Taken in conjunction with Hosea’s frequent references to the exodus and wilderness wanderings of Israel (2:17; 8:13; 9:3, 10; 11:1, 5; 12:10, 14; 13:4, 5), this rhetoric may lend some credibility to the “Israelite as outsider” tradition,<sup>43</sup> considering the Syro-Canaanite origins of bull worship. In other words, Hosea is denigrating local traditions as being foreign to authentic YHWH worship. Even one who questions the historical validity of this claim must give Hosea credit for being consistent in his ethnic rhetoric.<sup>44</sup> Furthermore, we should note that more formidable archaeological evidence can be gathered in support of the aniconic nature of the Judean cult, such that there may be an alternative tradition—the authentic one in his view—on which Hosea is basing his sectarian opposition to the northern cult.<sup>45</sup> From his explicit references to a written Torah and the use of rhetoric similar to that of the Decalogue, it seems probable that Hosea and his audience were aware of the idol prohibition of the Decalogue. At the least, one can hardly avoid the impression that the two sources stem from a shared ideology attacking the improprieties (in their view) of the official northern cult.

The sociological implications of the idol prohibition of the Decalogue find striking echoes in the allusions to this text in Deuteronomy 4. As part of its extended paraphrase of the Second Commandment, closely following its source in wording and structure,<sup>46</sup> we find the following warning:

<sup>42</sup> Sparks, *Ethnicity and Identity in Ancient Israel: Prolegomena to the study of Ethnic Sentiments and Their Expression in the Hebrew Bible* (Winona Lake, IN: Eisenbrauns, 1998), 149–50. So already H. T. Obbink, “Jahwebilder,” *ZAW* 47 (1929): 264–74.

<sup>43</sup> See Peter Machinist, “Outsiders or Insiders: The Biblical View of Emergent Israel and Its Contexts,” in Silberstein and Cohn, *Other in Jewish Thought*, 35–60.

<sup>44</sup> Ironically, 1 Kgs 12:28 attributes similar rhetoric to Jeroboam in establishing the calf cult!

<sup>45</sup> See sources cited in nn. 13 and 15 above. If the late-eleventh/tenth-century settlement at Khirbet Qeiyafa was indeed Judean, as argued by the excavators, the fact that the three cult rooms excavated at the site (which include steles, a basalt altar, and libation vessels) have turned up no zoomorphic or anthropomorphic figures would significantly strengthen this position. See Yosef Garfinkel, Saar Ganor, and Michael Hasel, “Khirbet Qeiyafa Excavations and the Raise [sic] of the Kingdom of Judah” (in Hebrew), *ErIsr* 30 (2010): 184.

<sup>46</sup> See Knut Holter, *Deuteronomy 4 and the Second Commandment* (Studies in Biblical Literature; New York: Lang, 2003).

וּפֶן תִּשָּׂא עֵינֶיךָ הַשְּׁמִימָה וּרְאִיתָ אֶת הַשֶּׁמֶשׁ וְאֶת הַיָּרֵחַ וְאֶת הַכּוֹכָבִים כָּל צֶבֶא  
 הַשָּׁמַיִם וְנִדְחָתָה וְהִשְׁתַּחֲוִיתָ לָהֶם וְעַבַּדְתָּם אֲשֶׁר חֵלֶק יְהוָה אֱלֹהֶיךָ אִתָּם לְכָל הָעַמִּים  
 תַּחַת כָּל הַשָּׁמַיִם<sup>20</sup> וְאַתְּכֶם לֶקַח יְהוָה וְיוֹצֵא אֶתְכֶם מִכּוּר הַבְּרִזָּל מִמִּצְרַיִם לִהְיוֹת  
 לוֹ לְעַם נַחֲלָה כִּיּוֹם הַזֶּה

<sup>19</sup>And lest you raise your eyes to the heavens and see the sun, the moon, the stars and the legions of the heavens, and you are drawn to bow down to and serve those which YHWH, your God, allotted to all of the nations everywhere under heaven. <sup>20</sup>But you he brought out of Egypt, the iron furnace, to be his allotted people, as is now the case.

This is a clear example of how this chapter adapts its sources to its own rhetorical needs. Here the Deuteronomic text is elaborating on the implicit argument of the Decalogue—namely, the distinction between authentic and foreign worship—and exploiting it as an argument for Israel's election and the requirement that Israel recognize its distinctiveness. Specifically, aniconic devotion to YHWH is contrasted with the astral worship that is the allotment of the nations. This point will be developed below, but first we must examine an additional tradition to which the rhetoric of Deuteronomy 4 alludes.

## II. THE ALTAR LAW OF EXODUS 20: ITS RHETORIC AND RELATION TO DEUTERONOMY 4

The altar law of Exod 20:22–26 in its present position serves as a transition between the preceding narrative of the Horeb theophany and the Book of the Covenant. Despite its proximity to the Decalogue, it offers a significantly different perspective on the image ban:

וַיֹּאמֶר יְהוָה אֶל מֹשֶׁה כֹּה תֹאמַר אֶל בְּנֵי יִשְׂרָאֵל אִתָּם רְאִיתֶם כִּי מִן הַשָּׁמַיִם  
 דִּבַּרְתִּי עִמָּכֶם<sup>23</sup> לֵאמֹר תַּעֲשׂוּן אֵתִי אֱלֹהִי כֶסֶף וְאֱלֹהֵי זָהָב לֹא תַעֲשׂוּ לָכֶם<sup>24</sup> מִזְבֵּחַ  
 אֲדָמָה תַעֲשֶׂה לִּי וְזִבְחָתָה עָלָיו אֶת עֹלֶתֶיךָ וְאֶת שְׁלַמֶּיךָ אֶת צֹאנְךָ וְאֶת בִּקְרֶדְךָ בְּכָל  
 הַמָּקוֹם אֲשֶׁר אֶזְכֹּר אֶת שְׁמִי אָבוֹא אֵלֶיךָ וּבִרְכֶתֶיךָ

<sup>22</sup>YHWH spoke to Moses: "Speak thus to the Israelites: 'You saw that it was from the heavens that I spoke to you. <sup>23</sup>You shall not make for me gods of silver, nor gods of gold shall you make for yourself. <sup>24</sup>An earthen altar you shall make for me and slaughter upon it your burnt offerings and well-being offerings, your sheep and cattle. In every place that I cause my name to be mentioned,<sup>47</sup> I shall come to you and bless you.'"

<sup>47</sup>For the emendation to תִּזְכֹּר, following the Peshitta and some of the targumim, see Jeffrey H. Tigay, "The Presence of God and the Coherence of Exodus 20:22–26," in *Sefer Moshe: The Moshe Weinfeld Jubilee Volume. Studies in the Bible and the Ancient Near East, Qumran, and Post-Biblical Judaism* (ed. Chaim Cohen et al.; Winona Lake, IN: Eisenbrauns, 2004), 203–4; but



By means of a series of oppositions, this passage emphasizes the discrepancy between idolatry and proper worship of YHWH.<sup>48</sup> In particular, the negative injunction against making gold and silver idols (v. 23) is juxtaposed with the positive commandment to make a simple earthen altar (v. 24). These extravagant idols, which were believed to provide earthly dwelling places for deities, are deemed superfluous for YHWH, who speaks directly to Israel from heaven and makes only fleeting visitations to earth (vv. 22b, 24b).<sup>49</sup>

By means of the redactional link in vv. 22–23,<sup>50</sup> these oppositions serve as commentary—and modification—of the Decalogue. This literary dependence is reflected in the reference to the divine revelation to the entire nation in v. 22 as well as in the terminology of v. 23. However, unlike the formulation of the idol prohibition in Exod 20:3, “You shall not make for yourself” (לֹא תַעֲשֶׂה לָךְ), which was rooted in the assumption that iconic worship of YHWH is an oxymoron, this passage (v. 19) states, “You shall not make *for me* . . .” (לֹא תַעֲשֶׂה אֵתִי), expressly forbidding the use of images in YHWH’s cult.<sup>51</sup> Whereas the Decalogue’s idol prohibition is based on the assumption that idol worship is alien by definition, Exod 20:23 addresses the very possibility that the Israelites will worship images of silver and gold. It is not unlikely that the placement and formulation of this passage were motivated by the need to provide a legal basis for the denunciation of the golden calf in Exodus 32, forestalling any doubts that the Israelites should have known better.<sup>52</sup>

Although much recent scholarship assumes this passage to be a Deuteronomistic (or post-Dtr) interpolation, dependent on Deuteronomy 4,<sup>53</sup> there are compelling reasons to reverse the assumed direction of influence.<sup>54</sup> First, the

cf. Bernard M. Levinson, “The Right Chorale”: *Studies in Biblical Law and Interpretation* (FAT 54; Tübingen: Mohr Siebeck, 2008), 311–14.

<sup>48</sup> See further Tigay, “Presence of God,” 195–209.

<sup>49</sup> See Umberto Cassuto, *A Commentary on the Book of Exodus* (trans. Israel Abrahams; Jerusalem: Magnes, 1967), 255; and Ibn Ezra’s short and long commentaries on this pericope.

<sup>50</sup> Though the alternation between plural and singular address need not indicate distinct sources, the thematic continuity, which links v. 23 with v. 22 (the latter clearly redactional), makes this view rather persuasive.

<sup>51</sup> For this rendering of אֵת + עִשֶׂה, cf., e.g., Deut 1:30 and Judg 11:27. Many scholars gloss this expression “along with me,” viewing it as parallel to עִל פָּנֵי of the Decalogue, but this rendering makes the verse superfluous.

<sup>52</sup> Cf. Jacob Milgrom, *Leviticus 23–27: A New Translation with Introduction and Commentary* (AB 3B; New York: Doubleday, 2001), 2283–84.

<sup>53</sup> In the present context, I will not be able to engage in a full treatment of the complicated issues regarding the redaction of this pericope. My focus here is to clarify the diachronic relationship between this textual unit and Deuteronomy 4. For further discussion, see Osumi, *Kompositionsgeschichte*, 187–92; and Schwiendhorst-Schönberger, *Bundesbuch*, 287–99, 409–14.

<sup>54</sup> See Walter Beyerlin, “Die Paränese im Bundesbuch und ihre Herkunft,” in *Gottes Wort und Gottes Land: Hans-Wilhelm Hertzberg zum 70. Geburtstag am 16. Januar 1965* (ed. Henning

positive attitude toward multiple cult places implied by v. 24 is hard to reconcile with the Deuteronomic ideal of cult centralization.<sup>55</sup> Second, if the centralization law of Deuteronomy 12 is based on exegesis of Exod 20:24, as has been argued convincingly by Bernard M. Levinson and others,<sup>56</sup> this would also indicate that Deuteronomy 4 (generally considered to be later than ch. 12) is dependent on the altar law.

Third, we should also note the significant differences between Exod 20:22–23 and Deuteronomy 4. Let us consider the relevant passages in Deuteronomy 4:

<sup>11</sup>You approached and stood under the mountain. The mountain was ablaze in flames until the very heavens, with darkness, cloud, and a thick mist.

<sup>12</sup>YHWH spoke to you from amid the fire, you heard the sound of the words, but you saw no image—nothing but the voice.

<sup>15</sup>Be exceedingly careful, for your own sake, for you did not see any image on the day that YHWH spoke to you at Horeb from out of the fire

<sup>36</sup>From the heavens he let you hear his voice to discipline you, and on the earth he showed you his great fire, and from amid that fire you heard his words.

<sup>11</sup>ותקרבו ותעמדון תחת ההר וההר  
בער באש עד לב השמים חשך ענן  
וערפל <sup>12</sup>וידבר יהוה אליכם מתוך  
האש קול דברים אתם שמעים  
תמונה אינכם ראים זולתי קול

<sup>15</sup>ונשמרתם מאד לנפשתיכם כי לא  
ראיתם כל תמונה ביום דבר יהוה  
אליכם בחרב מתוך האש

<sup>36</sup>מן השמים השמיעך את קלו ליסרך  
ועל הארץ הראך את אשו הגדולה  
ודבריו שמעת מתוך האש

Despite the similarity between this passage and the altar law, several important differences can be detected. Deuteronomy 4 specifies that Israel heard God's voice from amid the fire on the mountain top, which burned "to the very heavens" (v. 11). Here Deuteronomy is taking pains to explain exactly what Israel did and did not see, in order to maintain a delicate balance between emphasizing the

Graf Reventlow; Göttingen: Vandenhoeck & Ruprecht, 1965), 13–4, 21; Arie Toeg, *Lawgiving at Sinai* (in Hebrew; Jerusalem: Magnes, 1977), 89–90, 134–35; Weinfeld, *Deuteronomy 1–11*, 213. See also following note. One can also consider Menahem Haran's view regarding Deuteronomy's dependence on E's Horeb narrative in *The Biblical Collection* (vol. 2; in Hebrew; Jerusalem: Bialik, 2003), 158–63 in light of the parallelism between "you saw" (אתם ראייתם) in Exod 20:21–22b, and the preceding narrative of Exod 19:3–4a could indicate that these constitute a single layer. See also Baden, *Redaction*, 153–72.

<sup>55</sup>A. Phillips, "A Fresh Look at the Sinai Pericope," *VT* 34 (1984): 41–43; Osumi, *Kompositionsgeschichte*, 187–92.

<sup>56</sup>See Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (Oxford: Oxford University Press, 1997), 28–43, with references to previous research.

unparalleled nature of the Horeb revelation and asserting the invisibility of God on that occasion. This account may also be trying to harmonize the account of YHWH “descending” on the mountain (Exod 19:18–19) with its own references to God’s heavenly dwelling.<sup>57</sup> In contrast, Exod 20:22 states simply that the people saw that God spoke to them from heaven, without any harmonistic additions or clarifications.

Furthermore, although both Deuteronomy 4 and the altar law depict the graven image as imposing limitations on the deity, they employ substantially different arguments. Whereas the altar law (Exod 20:24) emphasizes the fleetingness of God’s earthly visitations (“In every place that I cause my name to be mentioned, I shall come to you and bless you”), Deut 4:12 emphasizes the invisibility of the deity: “YHWH spoke to you from amid the fire, you heard the sound of the words, but you saw no image—nothing but the voice.” Since God cannot be seen, God should not be visually represented.<sup>58</sup>

The foregoing points indicate that Deuteronomy 4 is a nuanced elaboration of Exod 20:22–24. This recognition will serve as the basis of the following comparison of the distinct ways in which Deuteronomy 4 develops the different aniconic critiques of the Decalogue and the altar law.

### III. THE APPROPRIATION OF THE ANICONIC TRADITION IN DEUTERONOMY 4

Having analyzed the traditions appropriated by Deuteronomy 4, we can now evaluate how these allusions contribute to the understanding of this chapter. In previous research, much discussion has been devoted to the question of whether this chapter comprises different sources and/or layers, because of the chapter’s eclectic treatment of themes and its variation between singular and plural forms of address.<sup>59</sup> Though the question of this chapter’s compositional unity is not

<sup>57</sup> The emphasis in Deuteronomy 4 on YHWH’s dwelling in heaven has recently been denied by Ian Wilson (*Out of the Midst of the Fire: Divine Presence in Deuteronomy* [SBLDS 151; Atlanta: Scholars Press, 1995], 45–104) and Peter T. Vogt (*Deuteronomic Theology and the Significance of Torah: A Reappraisal* [Winona Lake, IN: Eisenbrauns, 2006], 113–35). A crucial weakness in their arguments is their interpretation of v. 36: “From the heavens he let you hear his voice . . . and on the earth he showed you his great fire.” In interpreting the parallelism as implying that God dwells both in heaven and on earth, they fail to recognize that the verse distinguishes clearly between the people’s perception of an earthly theophany and the assertion that God spoke from heaven.

<sup>58</sup> Tigay, “Presence of God,” 210; Friedhelm Hartenstein, “Die unvergleichliche ‘Gestalt’ JHWHs: Israels Geschichte mit den Bildern im Licht von Deuteronomium 4, 1–40,” in Janowski and Zchomelidse, *Die Sichtbarkeit des Unsichtbaren*, 49–71, esp. 67–68.

<sup>59</sup> For useful summaries, see Knut Holter, “Literary Critical Studies of Deut 4: Some Criteriological Remarks,” *BN* 81 (1996): 91–103; Richard D. Nelson, *Deuteronomy: A Commentary*

of central importance to the present discussion, it is worthwhile to consider the degree to which the heterogeneity of the chapter's form and message can be attributed to its adaptation of earlier sources in pursuing its own rhetorical goals.

The main themes of this chapter are highlighted by its literary structure, which can be characterized as deliberately, though not rigorously, chiasitic:

- A 1: Observance of Torah = life
- B 1–14: Giving of law as expression of intimacy<sup>60</sup>
  - C 15–24: Image prohibition as expression of intimacy
  - C' 25–31: Violation leads to exile/distance
- B' 32–40: Covenant based on dual recognition: YHWH's uniqueness and Israel's election
- A' 40: Observance of Torah = life

The beginning and end of the chapter frame its contents with statements equating the observance of Torah with life, thus establishing the requirement to observe the Torah as the primary message of the chapter, like that of the Deuteronomic frame in general. The intermediate sections of the chapter depict this obligation as based on Israel's unique relationship with God. In vv. 1–14, the giving of the law and Horeb theophany serve as manifestations of this closeness. The final section, vv. 32–40, elaborates on this theme and establishes the covenant as dependent on a double recognition: the uniqueness of YHWH and the election of Israel.

These two topics—the distinctiveness of God and the distinctiveness of Israel—find expression in the chapter's allusions to the altar law and the Decalogue, respectively. The altar law asserts that God's primary dwelling is the heavens and thereby emphasizes why iconic worship, accepted by other nations, is incompatible with YHWH's distinctive cult. The Decalogue depicts idolatry as a foreign practice that constitutes infidelity to YHWH, such that the violation of this commandment is tantamount to a denial of Israel's distinctiveness. As intimated earlier, this notion was implicit already in the Decalogue. Deuteronomy 4 appropriates this in-group/out-group sectarian invective and translates it into a timeless doctrine of Israel's election. In effect, it has subordinated the *theological* pretext of the altar law and the *sociological* pretext of the Decalogue to the Deuteronomic program of emphasizing the covenantal commitment to the law. These allusions represent discrete voices that, by maintaining the integrity of their original message, contribute to the intricacy and texture of Deuteronomy 4's rhetoric.

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(OTL; Louisville: Westminster John Knox, 2002), 61–62. For advocates of the chapter's unity, see Georg P. Bräulik, *Die Mittel deuteronomischer Rhetorik: Erhoben aus Deuteronomium 4,1–40* (AnBib 68; Rome: Biblical Institute Press, 1978); A. D. H. Mayes, "Deuteronomy 4 and the Literary Criticism of Deuteronomy," *JBL* 100 (1981): 23–25; Weinfeld, *Deuteronomy 1–11*, 221–23.

<sup>60</sup>According to the internal markers of the text, vv. 1–14 should be divided into three sections: vv. 1–4 equate obedience to the law with life; vv. 5–8 depict the law as a manifestation of the closeness between YHWH and Israel; and vv. 9–14 depict the giving of the law, that is, the Horeb theophany, as a supreme expression of this intimacy.

#### IV. THE COUNTER IMAGE OF CULT IN DEUTERONOMY 4 AND ITS HISTORICAL CONTEXT

To appreciate the full implications of Deuteronomy 4's argument, one must consider the conventional paradigm of worship with which it was contending, namely, that of the cult. Cultic worship in Israel was based on the ancient Near Eastern anthropomorphic conception in which the temple was viewed as an earthly abode for the deity.<sup>61</sup> The enormous expenditures and labor involved in temple building were motivated by the conviction that the prosperity and the very existence of society were dependent on the god's favor, ensured through cultic service and gifts.<sup>62</sup> This conception amounts to the wholly literal belief that *closeness* to the deity equals divine favor and *distance* implies disfavor. A clear expression of this idea is the Israelite term for offering, קרבן, literally something that is brought close.

It is this model that Deuteronomy 4 seeks to subvert. So far we have viewed the polemic against idolatry in Deuteronomy 4 as subordinated to the broader Deuteronomic program. However, this chapter can also be viewed inside out, such that the discussion of the Torah is taken as secondary to the central treatise against iconic worship. If we compare once again the structure of the chapter, we may notice that the dominant leitmotif is the unique closeness that characterizes Israel's relationship with YHWH. Historically, this closeness was demonstrated by God's providence during the exodus and the Horeb theophany (vv. 32–34). In the future, however, the continuation of this relationship will be dependent on Israel's observance of the law (vv. 1–4, 40). The paradigmatic case for this observance is the prohibition of idolatry.

Several reasons can be offered for this chapter's presentation of idolatry as the test case for Israel's observance of the covenant. Since the veneration of idols is equated with the worship of foreign gods, this act is a clear violation of this chapter's monotheistic demands. Moreover, image worship is depicted here, as elsewhere in Deuteronomy (e.g., 6:14; 28:36), as representing the danger of Israel's assimilation with its neighbors. But ch. 4 seems to be making an even more subtle—and more profound—point. The notion that observance of the law will serve as the fundamental expression of Israel's commitment is itself a radical innovation and deconstruction of the traditional view that the cult constitutes

<sup>61</sup>The Sumerian term for temple, É.GAL, literally "big house," is the etymological and conceptual precursor to Akkadian *ēkallum*, Ugaritic *hkl* (*/hēkalu/*) and Hebrew הֵיכָל, signifying "temple" or "palace." See Paul V. Mankowski, *Akkadian Loanwords in Biblical Hebrew* (HSS 47; Winona Lake, IN: Eisenbrauns, 2000), 51–52, 157.

<sup>62</sup>Fritz Rudolf Kraus, *The Role of Temples from the Third Dynasty of Ur to the First Dynasty of Babylon* (trans. B. Foster; Monographs on the Ancient Near East 2/4; Malibu, CA: Undena, 1990), 1–5.

the ultimate expression of devotion. The depiction of the law as an expression of intimacy is most clearly presented in vv. 7–8:

כי מי גוי גדול אשר לו אלהים קרבים אליו כיהוה אלהינו בכל קראנו אליו<sup>7</sup>  
 גוי גדול אשר לו חקים ומשפטים צדיקים ככל התורה הזאת אשר אנכי נתן לפניכם  
 היום

<sup>7</sup>For what great nation is there that has gods so close at hand as is YHWH, our god, whenever we call on him? <sup>8</sup>Or what great nation is there that has laws and rules as just as all of this teaching that I set before you this day?<sup>63</sup>

Whereas the traditional view was based on the assumption that *closeness* is defined by physical proximity, that is, the god's dwelling among the community in his/her temple, Deuteronomy 4 argues that the basis for intimacy is the law, as a show of devotion for the God who dwells in heaven.

This innovation is ironically conveyed by the two central sections of the chapter, which outline the prohibition against idolatry (vv. 15–22) and the punishment for its transgression (vv. 23–31). By rejecting image worship, the accepted means of establishing a localized presence of the deity, Israel is affirming its intimate relationship with YHWH. But should Israel be drawn into idolatry, the immediate result is exile—the *distancing* of Israel from God's inheritance. In other words, Deuteronomy 4 is standing the accepted scheme of worship on its head and establishing the law as the indispensable means of establishing closeness.<sup>64</sup>

What was the impetus for this de-emphasis of the cult and radical redefinition of worship? In the past, this question has been addressed in the context of the so-called Deuteronomistic Name Theology.<sup>65</sup> According to these studies, the emphasis in Deuteronomy and Deuteronomistic sources on YHWH's heavenly dwelling and the notion that (only) God's name resides in the temple has been interpreted as a response to the crisis of the destruction of the First Temple, an attempt to overcome the "cognitive dissonance" of seeing the once-impregnable temple pillaged and destroyed.<sup>66</sup> This explanation is unsatisfactory for several reasons. First, the notion of gods being exiled and returning to their temples was well established throughout the Near East. Though all of these events were tragic for their victims, they did not generate radically new conceptions of the divine presence.<sup>67</sup> Second, the writings from the time of the destruction, such

<sup>63</sup>Translation follows Weinfeld, *Deuteronomy 1–11*, 193.

<sup>64</sup>See also Nathan MacDonald, *Deuteronomy and the Meaning of "Monotheism"* (FAT 2/1; Tübingen: Mohr Siebeck, 2003), 197–204; Vogt, *Deuteronomistic Theology*, 130–34.

<sup>65</sup>See above n. 57 and below n. 81.

<sup>66</sup>See Trygve N. D. Mettinger, *The Dethronement of Sabaoth: Studies in the Shem and Kabod Theologies* (trans. Frederick H. Cryer; ConBOT 18; Lund: Gleerup, 1982), 116–34.

<sup>67</sup>Daniel Bodi, *The Book of Ezekiel and the Poem of Erra* (OBO 104; Freiburg: Universitätsverlag, 1991), 183–218; Daniel I. Block, *The Gods of the Nations: Studies in Ancient Near Eastern National Theology* (2nd ed.; Grand Rapids: Baker Academic, 2000), 113–53; John F. Kutsko,

as the books of Jeremiah, Ezekiel, and Lamentations, show no hint of such a fundamental crisis. On the contrary, they face up to the bitter reality and even depict God's abandonment of the temple in vivid terms (see, e.g., Jer 7:12–14; 26:6; Ezek 11:22–23; cf. Mic 3:12). Thus, it is preferable to take Deuteronomy 4 at face value and view the confrontation with idolatry as motivating the new conception of the divine presence and cult.

To understand these developments, we must briefly consider the conceptual scheme underlying iconic worship. Through analysis of firsthand testimonies, particularly the Mesopotamian “mouth washing” (*mīs pī*) ritual texts,<sup>68</sup> recent studies have made a significant contribution to our understanding of this belief system. As has been shown, the notion that a god could be incarnate in a statue was not viewed as contradictory to the fundamental belief in the god as a cosmic entity. Through the statue, the god could be made imminent and dwell among his earthly worshipers, but the deity remained simultaneously transcendent.<sup>69</sup> By acknowledging the paradoxical nature of image worship, the participants were effectively immunizing themselves against the venom of potential critics, from within and without.<sup>70</sup>

Returning to the aniconic tradition in Israel, earlier sources (Decalogue, Hosea) managed to sidestep questions of belief, basing the image ban on the force of authority and through the “us-versus-them” sociological distinction. However, these tactics amount to little more than preaching to the converted. These authors seem to have known intuitively this basic sociological truth: the moment that orthodoxy is understood to be a choice, its hegemony has already been compromised.<sup>71</sup> But there came a time when the charade could no longer be

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*Between Heaven and Earth: Divine Presence and Absence in the Book of Ezekiel* (Biblical and Judaic Studies from the University of California, San Diego 7; Winona Lake, IN: Eisenbrauns, 2000), 103–23.

<sup>68</sup>Text edition: Christopher Walker and Michael Dick, *The Induction of the Cult Image in Ancient Mesopotamia: The Mesopotamian mīs pī Ritual* (SAA Literary Texts 1; Helsinki: Neo-Assyrian Text Corpus Project, 2001).

<sup>69</sup>See T. Jacobsen, “The Graven Image,” 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), 15–32; Angelika Berlejung, *Die Theologie der Bilder: Herstellung und Einweihung von Kultbildern in Mesopotamien und die alttestamentliche Bildpolemik* (OBO 162; Göttingen: Vandenhoeck & Ruprecht, 1998); Michael B. Dick and Christopher Walker, “The Induction of the Cult Image in Ancient Mesopotamia,” in *Born in Heaven, Made on Earth: The Making of the Cult Image in the Ancient Near East* (ed. Michael B. Dick; Winona Lake, IN: Eisenbrauns, 1999), 55–121.

<sup>70</sup>A vivid illustration of the potential for skepticism can be found in the fourteenth-century Hittite “Instructions to Priests and Temple Officials.” The priests charged with the care and feeding of the gods are warned against embezzlement lest they say: “Since he is a god (i.e., a statue), he will say nothing, and he will do nothing to us” (Ada Taggar-Cohen, *Hittite Priesthood* [Texte der Hethiter 26; Heidelberg: Winter, 2006], 74).

<sup>71</sup>See Pierre Bourdieu, *Outline of a Theory of Practice* (trans. Richard Nice; Cambridge Studies in Social Anthropology; Cambridge: Cambridge University Press, 1977), 167–71.



maintained. Exposure to the belief system associated with idol worship revealed that “they” were not so different after all, since image worship was based on the same conception that underlies the Israelite cult, namely, the equation of intimacy/closeness (blessing, protection) with physical proximity/presence.<sup>72</sup>

Unlike earlier sources, Deuteronomy 4 frames the image ban with explicit theological arguments emphasizing God’s invisibility, God’s heavenly dwelling, and adherence to Torah as the prime expression of religious devotion. As suggested above, these claims share the common function of undermining the traditional notion of cult. The implicit rejection of the literal notion of closeness with the deity seems to have originated from the need to differentiate more clearly the conceptual basis of Israelite aniconism from that of Mesopotamian image worship. Like so many other cases of “differentiation” in the history of Israelite religion, it appears that this new strategy was motivated by the perception of sameness with Israel’s neighbors.<sup>73</sup>

This type of confrontation is vividly depicted in Psalm 115. When the psalmist pleads “Why should the nations say: ‘Where is their god?’” (v. 2), he is not merely repeating the common formula for requesting divine intervention in a time of crisis (cf. Joel 2:17; Pss 42:4, 11; 79:10). Rather, this question appears here as part of a disputation with an idolater in which the latter interprets the abstraction—that is, the nonrepresentation—of the Israelite deity as the latter’s absence or even nonexistence. This equation is firmly rejected by the psalmist, who offers an alternative rhetorical frame. In the psalm’s scheme, the graven image becomes an expression of limitation and weakness (vv. 4–8), whereas YHWH’s nonrepresentation is taken as an expression of unlimited capability: “Our God is in the heavens / He does whatever he desires” (v. 3). Like the altar law and Deuteronomy 4, this source uses God’s heavenly dwelling as an argument for the inappropriateness of idolatry.

We may now turn from our rhetorical analysis and the delineation of the ideological subtext of Deuteronomy 4 to the question of historical context. Most previous studies have ascribed this chapter to an exilic or a postexilic setting on the basis of the emphasis on exile, repentance, and redemption in vv. 15–31 and the monotheistic assertions of vv. 35 and 39, which find parallels in Deutero-Isaiah.<sup>74</sup> Though any conclusion is necessarily tentative,<sup>75</sup> the present study would

<sup>72</sup>In fact, Niehr takes this similarity as grounds for assuming the existence of a statue of YHWH in the First Temple (“In Search of YHWH’s Cult Statue,” 74).

<sup>73</sup>See M. S. Smith, *Early History of God*, 195–202.

<sup>74</sup>See Georg Braulik, *The Theology of Deuteronomy: Collected Essays of Georg Braulik* (trans. Ulrike Lindblad; BIBAL Collected Essays 2; North Richland Hills, TX: BIBAL, 1994), 196–98; Weinfeld, *Deuteronomy 1–11*, 223–30; Holter, *Deuteronomy 4 and the Second Commandment*, 110–12.

<sup>75</sup>Cf. Tova Ganzel, “The Transformation of Pentateuchal Descriptions of Idolatry,” in *Transforming Visions: Transformations of Text, Tradition, and Theology in Ezekiel* (ed. William A. Tooman and Michael A. Lyons; Princeton Theological Monograph Series 127; Eugene, OR: Pickwick, 2009), 33–49.

support this consensus. In view of the preceding analysis, which determined that this chapter's revolutionary noncultic conception of closeness represents a need to distinguish Israelite notions of the divine presence from those of idolatry, the Babylonian exile would be the most likely context for such a confrontation. Lacking a legitimate form of cultic expression, the exiles would be most vulnerable to the influence of their Babylonian counterparts and would need a basis to distinguish their belief system.<sup>76</sup>

## V. CONCLUSION: THE FRONTIERS OF POLEMICAL DISCOURSE

In the beginning of this article, I raised the question of cultural distinctiveness, particularly the problem of accounting for Israel's influence in light of the existence of similar ideas in neighboring cultures. Though only a modest first step, the present study may suggest an approach for resolving this contradiction. That is, we should look not to the cultural traits or beliefs themselves to serve as objective means of distinguishing Israelite culture but rather to the relative weight ascribed to them in the polemically oriented rhetoric of the Israelite authors, who zealously sought to guard the boundary between legitimate and illegitimate belief and practice.

In evaluating the cultural significance of polemical discourse, we may refer to Geoffrey Lloyd's important studies on the emergence of rationalistic scientific thought in ancient Greece.<sup>77</sup> As he demonstrates, scientific methods did not emerge spontaneously in the form of a systematic program but rather as a gradual, indirect product of crucial category distinctions in cultural discourse. In several cases, these distinctions, and the significance ascribed to them, can be attributed to the polemical rhetoric of particular intellectual movements seeking to delegitimize their opposition. For example, Lloyd writes in reference to Aristotle's emphasis on the distinction between literal and metaphoric language,

Its introduction was, I said, no mere neutral piece of logical analysis, but a move in a polemic in which the introducers, Aristotle especially, sought to establish the proper criteria for proper philosophy and science—their kind—and to put down rivals (both poets and other philosophers). In terms of the influence

<sup>76</sup>For the role of idol parodies in the confrontation with Babylonian culture, see Nathaniel B. Levtow, *Images of Others: Iconic Politics in Ancient Israel* (Biblical and Judaic Studies from the University of California, San Diego 11; Winona Lake, IN: Eisenbrauns, 2008).

<sup>77</sup>See, e.g., Lloyd, *Magic, Reason and Experience: Studies in the Origin and Development of Greek Science* (Cambridge: Cambridge University Press, 1979); idem, *Demystifying Mentalities* (Themes in the Social Sciences; Cambridge: Cambridge University Press, 1990). See also Jan Assmann, *The Price of Monotheism* (trans. Robert Savage; Stanford: Stanford University Press, 2010), 12. This comparison is for heuristic purposes, with no presumption that aniconism represents an inherently more rationalistic view.

Aristotle's ideas have had on centuries of subsequent discussion, that has been nothing short of amazing.<sup>78</sup>

Likewise, the derogatory connotations of terms such as "myth" and "magic," which emerged in no less polemical circumstances, were fundamental in the establishment of rational historiography and medicine, respectively.<sup>79</sup>

These observations pertaining to the role of discursive practices in creating epistemological self-consciousness can be applied also to the role of rhetoric surrounding cultic practices in cultural self-definition. Many scholars have argued that Deuteronomy and Deuteronomistic sources advance a "demythologization" of earlier cultic ideas.<sup>80</sup> Although this view has been questioned recently on several accounts,<sup>81</sup> the present investigation would support characterizing the treatment of the cult in Deuteronomy 4 as demythologization—with a caveat. In Israel, we do not find a parallel to the Greek historians who explicitly labeled the writings of their predecessors *mythos* or a Hippocratic healer who dismissed the medicine of his opponents as *magia*, phenomena that could be called demythologization in the full sense. Nevertheless, the substitution of a new mode of discourse for depicting the role of the temple, such as is suggested by Deuteronomy 4 and 1 Kgs 8:27–49, for earlier literal conceptions of the divine presence in the temple has had a no less profound effect on subsequent Jewish and Christian thought.

In evaluating the significance of Deuteronomy 4, one must remember that the Near Eastern notion of the heavenly dwelling of the deities was understood to be literally true. By depicting the gods as living "out there," the ancients were able to create the intuitive dichotomy between this world and the heavenly realm of the gods, though without denying the possibility that the gods could dwell in proximity to their devotees in the temple.<sup>82</sup> By reinterpreting the embodied notion of presence that underlies the cult, the authors of texts such as Deuteronomy 4, 1 Kgs 8:27–49, and Isaiah 66 moved Western religions a step closer to the non-corporeal conception of the deity that would ultimately prevail.

<sup>78</sup>Lloyd, *Demystifying Mentalities*, 34.

<sup>79</sup>Lloyd, *Magic, Reason and Experience*, 10–125; idem, *Demystifying Mentalities*, 14–72.

<sup>80</sup>See, e.g., Ronald E. Clements, *God and Temple* (Oxford: Blackwell, 1965), 90–92; Mettinger, *Dethronement*, 46–47; Weinfeld, *Deuteronomy 1–11*, 213.

<sup>81</sup>See Wilson, *Out of the Midst*, 45–104; Vogt, *Deuteronomistic Theology*, 113–35. See n. 56 above. Much argument also surrounds the "Name Formulas," which have been interpreted by many scholars as asserting a more abstract conception of the temple. See Mettinger, *Dethronement*, 39–78. For a different view, see Sandra L. Richter, *The Deuteronomistic History and the Name Theology: Lešakkēn šemô šām in the Bible and the Ancient Near East* (BZAW 318; Berlin: de Gruyter, 2002); eadem, "The Place of the Name in Deuteronomy," *VT* 57 (2007): 342–66. Nevertheless, even Richter shows willingness to concede that 1 Kings 8 reinterprets the traditional notion of the divine presence (*Deuteronomistic History*, 215–17).

<sup>82</sup>See Edmund R. Leach, *Culture and Communication: The Logic by Which Symbols are Connected. An Introduction to the Use of Structuralist Analysis in Social Anthropology* (Themes in the Social Sciences; Cambridge: Cambridge University, 1976), 81–84.

In summary, through the analysis of the rhetoric of aniconic polemics, we have identified two distinct strategies for defining Israelite cultural boundaries. The first of these operated according to a sociological premise, as a response to sectarian controversies within Israel, the “other-from-within.” The second operated on an intellectual premise, stemming from the confrontation with the beliefs of surrounding cultures, the “other-from-without.” In the first case, iconic worship in the northern kingdom was delegitimized on the sociological grounds that it represented a foreign custom. In the case of Deuteronomy 4, however, we find a theological redefinition of temple worship and an emphasis on God’s heavenly dwelling designed to differentiate the Israelite practice from idolatry. In one case, that of the Decalogue and Hosea, the polemic against idolatry aims to exclude a group of Israelites whose socioethnic closeness required special efforts to label their practices as alien. In the other, that of Deuteronomy 4, the closeness of the ideas of the surrounding culture demanded a new strategy for their exclusion.

All of this brings us back to Mettinger’s terminological distinction. Although *de facto* aniconic worship can be found in many Near Eastern cultures, it is the *programmatic* aniconism of the Hebrew Bible that was distinctive and had such a profound impact on later Western religion. This influence can be attributed first of all to the sociological distinction of the Decalogue, which solidified vigilant adherence to the ban, but this command’s impact ultimately passed into the intellectual sphere through its reinterpretation in Deuteronomy 4.

## An Exquisitely Poetic Introduction to the Psalter

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Against the skepticism of some scholars, this essay argues that Psalm 1 is not only poetry but exquisite poetry. The aesthetic excellence consists not of balanced structure, predictable rhythmic patterns, or intricate design. Rather, it is on account of its brilliant imagerial contrast, its clever employment of both symmetry and asymmetry, its shrewd play with lineation, its subtle use of ambiguity and polyvalence, and its performative closure that this poem deserves to be considered among the finest in the Psalter and indeed the Bible. Furthermore, the essay shows how interpreters through the centuries are indispensable conversation partners for the modern interpreter. They broaden the horizon of every interpreter, and their voices contribute to a deeper appreciation of Psalm 1 as a theologically profound introduction to the Psalter, thereby inviting the reader to live a commendable life amid uncertainties, but a life that leads nevertheless to the praise of God.

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R. Yudan in the fourth century C.E. proclaimed Psalm 1 “the most excellent of all the psalms” (*Midr. Teh.* 1:3).<sup>1</sup> Whether this psalm is indeed superior to all others in the Psalter is, of course, a matter of aesthetic judgment and personal taste. Nevertheless, the rich reception of it in music—including some sixty choral compositions, duets, and solos, numerous hymns in various languages, as well as several contemporary pieces—is a testimony to its capacity to inspire. Yet the psalm is not only evocative, it is also “exceedingly important,” as Radaq (Rabbi David Qimhi) judged in the twelfth century, an assessment shared by many ancient and modern interpreters.<sup>2</sup> Its importance is due in large measure to its initial position, which makes it an inevitable entrée, what Jerome characterized as “the main entrance into the mansion of the Psalter” and what Aquinas regarded as “like the title of the entire work.”<sup>3</sup>

<sup>1</sup> See William G. Braude, *The Midrash on Psalms* (2 vols.; Yale Judaica Series 13; New Haven: Yale University Press, 1976). Psalm 1 is treated in 1:3–34.

<sup>2</sup> *The Book of Psalms by Rabbi David Qimhi* (in Hebrew; Brooklyn, NY: Reich, 1992), 2.

<sup>3</sup> Jerome, *Tractatus in librum Psalmos* (CCSL 78) 3; Aquinas, *In psalmos Davidis expositio*,

This essay offers an exegesis that corroborates the encomiums regarding the excellence and importance of Psalm 1, doing so in conversation with Jewish and Christian interpreters past and present. Its purpose is twofold. First, it is to show how the psalm should be read as poetry. Despite important contributions in this direction,<sup>4</sup> the poem is still largely underread as poetry, and most poetic analyses continue to focus primarily on matters of structure and putative intricate design. A recent article criticizes Sigmund Mowinckel for his negative view of the psalm's aesthetic quality but ends up with an endorsement that is tepid at best: "Psalm 1 is not bad, but it is neither good theology nor an appropriate introduction to the Book of Psalms."<sup>5</sup>

Second, my purpose is also to illustrate how Psalm 1 may be read profitably in conversation with interpreters of old. The perspectives of ancient and medieval interpreters and artists, long denigrated by modern scholars as "pre-critical," are now often seen as anticipating modern views and offering insights missed by modern exegetes.<sup>6</sup> This study shows how contemporary exegesis may benefit from attention to exegetical precedents.

## I. THE POEM

### *Title*

The Old Greek (OG) and the Vulgate (Vg.) interpret the opening Hebrew word, אֲשֶׁר, as a declaration of blessedness.<sup>7</sup> This view may be corroborated by the juxtaposition of the verbs אֲשֶׁר and בָּרַךְ in Ps 72:17. The equivalence is further suggested by Jer 17:7–8, which has בְּרוּךְ הַגִּבֹּר אֲשֶׁר ("Blessed is the man who . . .") in a context that, as in Psalm 1, speaks of a tree being planted by waters. Yet the verb אֲשֶׁר is never used with God as the subject or the object, and the form אֲשֶׁרִי is

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in *Corpus Thomasticum* (Pamplona, Spain: Ad Universitatis Studiorum Navarrensis, 2000), accessed online at <http://www.corpusthomaticum.org>. This view was, however, not new or unique to Aquinas. It was anticipated by Remigius of Auxerre (ca. 841–908) in his *Enarrationes in psalmos* (PL 131:148) and Peter Lombard (ca. 1110–1160) in his *In totum Psalterium commentarii* (PL 191:60). See Bruce K. Waltke and James K. Houston, *The Psalms as Christian Worship: A Historical Commentary* (Grand Rapids: Eerdmans, 2010), 118–19.

<sup>4</sup>Robert Alter, *The Art of Biblical Poetry* (New York: Basic Books, 1985), 114–18; David L. Petersen and Kent H. Richards, *Interpreting Hebrew Poetry* (GBS: Old Testament Guides; Minneapolis: Fortress, 1992), 89–97; Konrad Schaefer, *Psalms* (Berit Olam; Collegeville, MN: Liturgical Press, 2001), 3–8; William P. Brown, *Seeing the Psalms: A Theology of Metaphor* (Louisville: Westminster John Knox, 2002), 55–79.

<sup>5</sup>Kirsten Nielsen, "Sigmund Mowinckel and Beyond," *SJOT* 11 (1997): 208.

<sup>6</sup>For a recent example of exegesis of Psalm 1 that includes the history of Christian interpretation, see Waltke and Houston, *Psalms*, 115–44.

<sup>7</sup>The Tg. and Syr. have טוֹבוֹרִי ("his goodnesses" or "his fortunes"), but the term also means "felicitations" or "congratulations."

never used of God or by God. The closest one comes to the use of the verb with God's involvement is only by implication: "May YHWH keep him and preserve him; may he be commended [אשר] in the land" (Ps 41:3). One may conclude, therefore, that אשר is an atheological equivalent of ברך.<sup>8</sup> Whereas ברך is "bless," אשר in the *piel* means something like "commend."<sup>9</sup> At the same time, the *piel* may be delocutive—"declare fortunate/privileged," or the like.<sup>10</sup> This sense is suggested by the folk etymology of the name Asher: "What fortune of mine [באשרי]! Women will declare me fortunate!" (Gen 30:13). Asher, whose name in folk etymology suggests fortune, is the brother of Gad, a name that means "Luck": "What luck [בגד]!"<sup>11</sup> So [Bilhah] named him Gad (Luck)" (Gen 30:11). "Fortune" and "Luck" are two brothers in this tale.

Rashi renders אשר as "commendations" (אשוריו), presuming a noun attested in Rabbinic Hebrew.<sup>12</sup> He thus links אשר with the *piel* of אשר, which occurs in juxtaposition with הלל ("to praise"; Prov 31:28; Song 6:9). The verb is used also in reference to testimony of one's standing in society. So one reads in Job 29:11, "The ear that heard me commended me [תאשרתני]; the eye that saw me acclaimed me." At issue here is the respect Job had commanded prior to his downfall: he was a person of standing, laudable and envied by others.

The Hebrew root אשר is related to Arabic *ʿaṭara* ("to make a mark/an impression"),<sup>13</sup> which in the fourth form means "prefer, select, honor."<sup>14</sup> Hence, one finds the Arabic term *ʿaṭirun* ("honored, favored"). One may surmise, therefore, that the original sense of Hebrew אשר is "mark (leave a trace/footprint)," hence "step, walk" (*qal*, Prov 9:6),<sup>15</sup> and so the *piel* אשר means "lead" (Isa 1:17; 3:12; 9:16) but also "declare (someone as being) ahead," thus, to be admired, envied, or congratulated.<sup>16</sup> The אשר declaration does not promise blessing or happiness but rather points to a person or persons as being commendable or enviable.<sup>17</sup>

<sup>8</sup>See Waldemar Janzen, "Ašrê in the Old Testament," *HTR* 58 (1970): 215–26.

<sup>9</sup>The Greek verb μαχαρίζω has the same range of meaning, including "to praise/congratulate," as evident in Homer (*Od.* 15.538), Pindar (*Nem.* 11.11) and Herodotus (7.45). Similarly, related forms may imply both praise and envy. See LSJ, 1073–74.

<sup>10</sup>Delbert Hillers, "Delocutive Verbs in Biblical Hebrew," *JBL* 86 (1967): 320–24.

<sup>11</sup>In view of 30:13, one should follow the Ketiv (cf. LXX ἐν τύχῃ; Vg. *feliciter*), instead of reading with the Qere.

<sup>12</sup>See Mayer J. Gruber, *Rashi's Commentary on Psalms* (Philadelphia: Jewish Publication Society, 2007), 173–74. For the Hebrew text, see p. 811.

<sup>13</sup>The verb originally probably had to do with leaving a footprint.

<sup>14</sup>Edward W. Lane, *An Arabic-English Lexicon* (1863; repr., Beirut: Librairie du Liban, 1980), part 1, 18–19.

<sup>15</sup>Cf. the related noun אשור ("step"), the verb אשר ("to proceed"), and the relative particle אשר, originally meaning "marker." Cf. Old South Arabic *ʿaṭar* ("track, trace"), the verb "to walk"; Ethiopic *ʿasar* ("trace, track, sign, mark"); Ugaritic *atr* ("trace"), the verb meaning "to proceed."

<sup>16</sup>Edward Lipiński refers to the אשר-Psalms as congratulatory psalms ("Makarismes et psaumes de congratulations," *RB* 75 [1968]: 321–67).

<sup>17</sup>Cf. Waltke and Houston, *Psalms*, 133.



The individual who is being commended in the psalm has been identified in Jewish exegesis with Adam, Noah, Abraham, Moses, David, and Josiah. In Christian exegesis, Joseph of Arimathea<sup>18</sup> and especially Christ are most commonly named (so Origen, Augustine, Eusebius of Caesarea, Cassiodorus, Theodoret of Cyrrhus, and Luther).<sup>19</sup> Such identifications are not exclusive. In fact, the sheer variety of proposals indicates that many candidates fit the mold. So the **שׂא** represents anyone, as the midrashic identification of him with Adam implies,<sup>20</sup> but more specifically it may be anyone who earnestly searches for good and seeks what is pleasing (so *Midr. Teh.* 1:1, citing Prov 11:27), who trusts in God (*Midr. Teh.* 1:4, citing Ps 84:13). As one interpreter expounds, it is not any particular person who is the **שׂא** but “every such person” (*Midr. Teh.* 1:4). For many Christian interpreters, Christ is the quintessential commendable person and thus a model to those who desire to live a commendable life, as Erasmus explains,<sup>21</sup> and an indispensable guide, as a manuscript illumination in the Theodore Psalter illustrates.<sup>22</sup> The opening of this psalm, and therefore also the opening of the Psalter, is an implicit invitation to become such a commendable person.

### *The Commendable Person (vv. 1–3)*

The Psalms were received as poetry from the beginning. Hence, at least fifteen of the manuscripts of the book found at Qumran and in its vicinity are poetically lineated.<sup>23</sup> Although Psalm 1 is not preserved in any of these, it is difficult to imagine that it would have been formatted any differently. Sebastian Bullough contends, however, that this psalm is not poetry but rather “plain rhythmic prose.”<sup>24</sup>

<sup>18</sup>See the Psalter of Lambert le Bègue in the Fitzwilliam Museum, Cambridge, ms 288, fol. 14v; the Serbian Psalter in the Bayerische Staatsbibliothek, ms slav. 4, fol. 8v, and the Stuttgart Psalter in the Landesbibliothek, Stuttgart, Bibl. fol. 23, fol. 21r.

<sup>19</sup>Hence Christ is often depicted in Christian iconography as “the blessed man.” See, e.g., the Psalter of Petersborough Abbot (Fitzwilliam Museum, Cambridge, ms 12, fol. 12v) and the Stuttgart Psalter (Landesbibliothek, Stuttgart, Bib. fol. 23, fol. 2r).

<sup>20</sup>Basil of Caesarea seems to hold this view as well, for he cites Gen 1:26, noting that both male and female are included in the reference to the “man.” See his *Homilia in Psalmum* (PG 29:216–17).

<sup>21</sup>Desiderius Erasmus, *Expositions of the Psalms* (ed. Dominic Baker-Smith; trans. Michael J. Heath; Collected Works of Erasmus 63; Toronto: University of Toronto Press, 1997), 10.

<sup>22</sup>See British Library, ms Add. 19352, fol. 1r. The illustration shows the commendable person standing before Christ and receiving Scripture from Christ. For a similar scene, see the Chludoff Psalter (Historical Museum of Moscow, ms gr. 129, fol. 2r) and the Barberini Psalter (Biblioteca Vaticana, Barb. gr. 372, fol. 6g).

<sup>23</sup>See Emanuel Tov, *Scribal Practices and Approaches Reflected in the Texts Found in the Judean Desert* (STDJ 54; Leiden: Brill, 2004), 168 and table 8.

<sup>24</sup>Bullough, “The Question of Metre in Psalm 1,” *VT* 17 (1967): 42–49.

Following a cue by R. H. Kennett in a lecture in 1928, Bullough argues that Psalm 1 lacks meter and uses “prose particles” such as the definite article and the relative particle **אשר** (see vv. 1, 3, 4). Wilfred G. E. Watson, in his introduction to Hebrew poetry, expresses doubt as well about Psalm 1 being poetry.<sup>25</sup> Yet scholars of Hebrew poetry have increasingly recognized that Hebrew poetry is not metrical but rather freely rhythmic.<sup>26</sup> As for the so-called prose particles, they are well attested in Hebrew poems, not least in the Psalms, including those in lineated manuscripts from the Judean desert.<sup>27</sup>

As far as rhythmic balance is concerned, the main problem for Kennett in v. 1 is with the first three words, **אשרי האיש אשר**. They seem to him to disturb the otherwise balanced lines. Yet midrashic exegesis regards **אשרי האיש** as a title—the title of Book I of the Psalter, according to *Midr. Teh.* 1:2. Certainly the absence of a superscription in this the first psalm is glaring, as interpreters have long noticed. So one might regard **אשרי האיש** as an incipit, like **הלליה**, which serves as an incipit in Pss 106:1; 111:1; 112:1; 113:1; 135:1; 146:1; 147:1; 148:1. Indeed, **אשרי האיש** may be seen as the title of Psalm 1 and, as such, also of Book I and indeed of the entire Psalter. Given the controlling metaphor of a journey in this poem, as indicated by the threefold repetition of the word **דרך** (“way”; vv. 1a, 6a, 6b) and the reference to walking (v. 1a), the **אשרי** formula is especially appropriate in the title of the poem since the term, whatever its etymology, recalls the verb **אשר**, which means “walk” (*qal*) and “make way, lead” (*piel*).<sup>28</sup> Moreover, the three occurrences of the relative particle **אשר** (vv. 1a, 3b, 3b) echo the title, thus keeping the commendable person on track, as it were, whereas the wicked are not so.

The poem, then, properly begins with what comes immediately after **אשרי האיש** (“How commendable is the one”), which is a lovely triplet:

<sup>25</sup> Watson, *Classical Hebrew Poetry: A Guide to Its Techniques* (1984; corrected ed.; T&T Clark Biblical Languages; London/New York: T&T Clark, 2005), 45.

<sup>26</sup> On the distinction between meter and rhythm, see Benjamin Hrushovski, “Notes on the System of Hebrew Versification,” in *The Penguin Book of Hebrew Verse* (ed. and trans. T. Carmi; New York: Penguin, 1981), 58–60; idem, “On Free Rhythms in Modern Poetry,” in *Style in Language* (ed. Thomas A. Sebeok; Cambridge, MA: Technology Press of the Massachusetts Institute of Technology, 1960), 178–83.

<sup>27</sup> Even in the biblical poems regarded as archaic, one finds the definite article (e.g., Pss 18:8; 68:12; 89:16). Beyond the Psalms, “prose particles” are attested even in poems said to be among the most ancient in the Bible: the definite article (e.g., Gen 49:14, 15, 17; Judg 5:20, 31), the marker of direct object (Gen 49:25; Deut 33:9) and **אשר** (e.g., Gen 49:20; Judg 5:27). There are fewer of these particles in poetry not because they are supposed to be restricted to prose but because poetry is compact, requiring fewer words. If, however, such particles were deemed appropriate, the poets did not hesitate to use them.

<sup>28</sup> Note the frequent association of **אשרי** with walking (Pss 89:16 [Eng. v. 15]; 119:1; 128:1; Prov 20:7) and with a journey (Pss 84:6 [Eng. v. 6]; 119:1; 128:1; Prov 8:32).

Who has not walked in the counsel of the wicked,<sup>29</sup>  
 And has not stood in the way of sinners,  
 And has not sat in the company of scoffers.<sup>30</sup>

Early Jewish and Christian interpreters commonly recognized in this triplet a degeneration of conduct—from walking to persisting and then to remaining, and perhaps from the wicked to sinners and then to scoffers.<sup>31</sup> The ancients realized that poetic parallelism does not mean mere repetition of ideas. In this case, each line in the verse raises the stakes and heightens the tension.<sup>32</sup>

The expression הלך בעצה (“to walk in the counsel”) occurs elsewhere only in 2 Chr 22:5, where the meaning is “to follow advice,” and it is related to the more common idiom, הלך מועצות (“to walk in devices”; Ps 81:13; Jer 7:24; Mic 6:16). At issue is the attempt by unsavory characters to lead one on a wrong course. The verb עמד seems at first blush to be out of place in the second line. One expects “walked in the way,” an exceedingly common biblical idiom for moral conduct.<sup>33</sup> Yet one may take the Hebrew to mean not just “stand,” which is certainly appropriate between “walk” and “sit,” but also “persist,” as Jerome and Radaq recognized.<sup>34</sup> Thus, reflexive behavior (walking) leads to willful persistence (standing), which in turn leads to comfortable abidance (sitting) in the company of the לצים (“scoffers”), that is, the insolent who dismiss others as naïve, the arrogantly cynical. In the brief compass of a single verse, the poet moves from counsel/council (עצה) to a way (דרך) and then to settlement (מושב). Altogether, the three lines in v. 1 show how one might end up in the wrong company, the wrong direction, the wrong destination. The person who is on track will not be caught in such a downward spiral.

<sup>29</sup> Hebrew עצה does not mean only “council,” as Roland Bergmeier insists (“Zum Ausdruck עצת רשעים in Ps 1:1; Hi 10:3; 21:16 und 22:18,” ZAW 79 [1967]: 229–32). Rather, as in Latin *concilium*, it means both “council” and “counsel.”

<sup>30</sup> Where the MT has לצים, the OG has λοιμῶν (“pestilent”), an interpretation that is followed by the Vg. (*pestilentiae*). This does not reflect a reading different from the MT and the other versions. Symmachus renders לץ the same way in Prov 14:6; 15:12; 19:29; 20:1. The OG and the Vg. are simply interpreting לצים as “pestilent (ones),” meaning troublemakers. This is not the only interpretation among the Greek versions. Aquila, Symmachus, and Theodotion render the term as χλευσαστῶν (“scoffers”), while Quinta and Sexta have παρανόμων (“criminals”). All these renderings more or less get at various nuances of לצים.

<sup>31</sup> So R. Shimon ben Pazi (see *b. ‘Abod. Zar.* 18b; *Midr. Ps.* 1.7), Basil of Caesarea (*Homilia in Psalmum* [PG 29:220]), Eusebius of Caesarea (*Commentarius in Psalmos* [PG 23:76–77]), Saadiah (*Psalms with Translation and Commentary of the Gaon Rabbenu Saadia ben Joseph Fayyumi* [in Hebrew; ed. and trans. into Hebrew by J. Kafih; Jerusalem: American Academy for Jewish Research, 1965–66], 55). Cf. G. W. Anderson, “A Note on Psalm I 1,” VT 24 (1974): 231–33.

<sup>32</sup> Cf. Alter on “The Structures of Intensification” (*Art of Biblical Poetry*, 62–84).

<sup>33</sup> Indeed, the Syriac has “walk in the way . . . stand in the council.” Yet this does not necessarily represent a different reading in its underlying Hebrew text, but a smoothing out of the text in translation.

<sup>34</sup> See Pss 33:11; 102:27; Eccl 1:4; 8:3; Lev 13:5; Jer 32:14; 48:11 (לא נמר, “not changed”).



Figure 1. Illustration of Psalm 1 in the Utrecht Psalter from the ninth century (British Library, Harley 603, fol. 1v). Photograph courtesy of the Princeton Theological Seminary Library Special Collection.

It is poignant that the singular *איש* faces a plurality of threats from the *רשעים* (“wicked”), the *חטאים* (“sinners”), and *לצים* (“scoffers”).<sup>35</sup> This contrast is highlighted in a manuscript illumination in the Utrecht Psalter (see fig. 1). In this picture, the wicked are portrayed as a plurality of men accompanied by all sorts of unsavory creatures (right top and bottom), whereas the commendable person is alone engaging *תורה* day and night (note the sun and the crescent moon), though he is guided by a celestial being (left top). He is also confidently ensconced by “a tree planted by the waters” (left bottom). Indeed, throughout the first stanza of the poem (vv. 1–4), one perceives a tension between the singularity of the commendable

<sup>35</sup> So Norbert Lohfink, “Die Einsamkeit des Gerechten: Zu Psalm 1,” in his *Im Schatten deiner Flügel: Große Bibeltex te neu erschlossen* (Freiburg/Basel/Vienna: Herder, 1999), 163–71.

one and the plurality of the pernicious others. At issue is the pressure to conform to their counsel/council, their way, their company.<sup>36</sup> Yet the commendable person has already resolutely resisted all pressure, as the three negatives in v. 1 suggest: “not . . . not . . . not.”

The strong adversative (“rather”) at the beginning of v. 2 highlights the difference between what the commendable person *has not done* over against what the person *will do*:

Rather, his delight is in YHWH’s תורה;  
He engages his תורה day and night.<sup>37</sup>

Modern scholars have usually seen no temporal significance in the aspects of the verbs in v. 1. Thus, John Goldingay assumes that the perfect (*qatal*) verbs in v. 1 are “gnomic *qatal*,” which may be used interchangeably with the imperfect (*yiqtol*) verbs.<sup>38</sup> The Targums and the Syriac follow the Hebrew in using *qatal* forms in v. 1 and *yiqtol* forms in the rest of the poem, but the OG and the Vg. take the verbs in v. 1 to refer to events that have already taken place. This is not without significance. As Norbert Lohfink argues, the lone commendable person decided long ago to resist.<sup>39</sup> So this poem is not about anyone at all but about anyone who has already made a commitment to faith. But then what? What else shall such a one do? Hence, the rest of the verbs will be in the imperfect, suggesting what should follow.

The three negative clauses in v. 1 give way to a positive response entailing both affect (delight in “YHWH’s תורה,” v. 2a) and effect (constant engagement of “his תורה,” v. 2b). The joining of affect and effect comes as no surprise, for the preceding references to walking, standing, and sitting recall the Shema (Deut 6:4–7), as Ibn Ezra observed long ago.<sup>40</sup> Luther, too, saw a connection with between Ps 1:2

<sup>36</sup>This is the point, too, of the opening chapter of Proverbs, where the student is advised to avoid the חטאים (Prov 1:10). The youngster must resist the temptation to join the gangs: “do not go in the way with them” (אֶל־תֵּלֶךְ בְּדֶרֶךְ אֹתָם; Prov 1:15). See also Prov 4:14–15.

<sup>37</sup>The verb הִגָּה is difficult to render. It is traditionally translated as “meditate,” though the Hebrew verb involves both thought and sound, sometimes including words. Erasmus pointed out that Latin *meditatio* and Greek μελέται both involve not only cogitation but also practice (*Expositions of the Psalms*, 28, 30). In his commentary, Radaq cites various rabbinic authorities to argue that הִגָּה in fact implies action. Jesús Arambarri points out that the idiom הִגָּה בִּי suggests not only thought but commitment on the part of the subject. See his “Zu einem gelungenen Leben: Psalm 1,2,” in “Jedes Ding hat seine Zeit . . .”: Studien zur israelitischen und altorientalischen Weisheit. Diethelm Michel zum 65. Geburtstag (ed. Anja A. Diesel et al.; BZAW 241; Berlin: de Gruyter, 1996), 1–17. See also William P. Brown, *Psalms* (Interpreting Biblical Texts; Nashville: Abingdon, 2010), 82–83.

<sup>38</sup>Goldingay, *Psalms* (3 vols.; Baker Commentary on the Old Testament Wisdom and Psalms; Grand Rapids: Baker Academic, 2006–8), 1:79.

<sup>39</sup>Lohfink, “Die Einsamkeit,” 162–63.

<sup>40</sup>See Stefan C. Reif, “Ibn Ezra on Psalm I 1–2,” VT 34 (1984): 232–56. See also André Gunnel, “Walk; ‘Stand,’ and ‘Sit’ in Psalm I 1–2,” VT 32 (1982): 327. On the relation between

and the Shema,<sup>41</sup> and his explication of the relation between effect and affect is to the point: “For wherever love leads, the whole heart and body follows.”<sup>42</sup>

In light of the allusion in the preceding triplet to movement in an undesirable direction (so “walk,” “way”), Ibn Ezra’s interpretation of תורה as “direction” is apt,<sup>43</sup> for the root ירה can mean “to point (someone in a direction).”<sup>44</sup> The repetition of the word תורה in both lines of the couplet signals its importance in the Psalter where the terms “way” and “walk” abound. Indeed, תורה will appear thirty-four more times in the Psalms, where it typically refers not to “law” but to direction (Pss 78:10; 89:31; 119:1) or instruction regarding the good news of God’s salvific intervention in history, as well as God’s covenantal expectations (see, e.g., Ps 78:1, 5).<sup>45</sup> This is what תורה means too in the first five books of the Bible, which recount the story of God’s acts as well as God’s ethical demands, broadly the books of Genesis–Exodus for the former and Leviticus–Deuteronomy for the latter, with Numbers in the middle being a balance of the two aspects of תורה. Yet the language of v. 2b also echoes Josh 1:7–8, where God charges Joshua to engage (הגה) the תורה “day and night.” The commendable person thus stands as an heir of this tradition of commitment to יהוה’s תורה, that is, divine direction.

R. Yudan perceived a theological point in the shift from “יהוה’s תורה” in the first line of the couplet to “his תורה” in the second (*Midr. Teh.* 1:16; see also *b. ‘Abod. Zar.* 19a; *b. Qidd.* 32b). In this view, “his” in the second line refers not to God but to the commendable person. Accordingly, the devout person will so thoroughly engage יהוה’s תורה that the תורה becomes his own (so also Rashi, Radaq). Divine direction will become the commendable person’s own direction. God’s will becomes that person’s own will. As the sixteenth-century English poet Abraham Fraunce puts it, recalling the Shema:

Night and day by the same his footsteps duly directing,  
Day and night by the same, heart, mynde, soule, purely preparing.<sup>46</sup>

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feeling and action in the Shema, see Jacqueline E. Lapsley, “Feeling Our Way: Love of God in Deuteronomy,” *CBQ* 65 (2003): 350–69.

<sup>41</sup> See *Luther’s Works* (ed. Jaroslav Pelikan et al.; 55 vols.; St. Louis: Concordia, 1955–86), 9, 69.

<sup>42</sup> John N. Lenker, *Luther’s Commentary on the First Twenty-Two Psalms Based on Dr. Henry Cole’s Translation from the Original Latin* (Sunbury, PA: Lutheran in All Lands, 1903), 38.

<sup>43</sup> See *Abraham Ibn Ezra’s Commentary on the First Book of Psalms* (trans. H. Norman Strickman; Brooklyn, NY: Yashar, 2006), 1–2.

<sup>44</sup> See the usage of ירה with “way” in 1 Sam 12:23; 1 Kgs 8:36; Isa 2:3; Mic 4:2; Pss 25:8, 12; 27:11; 32:8; 86:11; 119:23; Prov 4:11. Cf. also the association of תורה with the walking and/or “way” (Exod 16:4; 2 Kgs 10:31; Isa 2:3; 42:24; Mic 4:2; Ps 119:1, 29).

<sup>45</sup> See further Gerhard Wallis, “Torah und Nomos: Zur Frage nach Gesetz und Heil,” *TLZ* 105 (1980): 321–32.

<sup>46</sup> Abraham Fraunce, *Countesse of Pembrokes Emanuell* (London: Orwyn, 1591; reprinted in *Miscellanies of the Fuller Worthies’ Library* [ed. A. B. Grosart; 4 vols.; New York: AMS, 1970]), 3:117–18.



An arboreal simile is introduced in v. 3: “like a tree planted beside channels of water” (v. 3a).<sup>47</sup> The trope is attested elsewhere in the ancient Near East and in the Bible, most notably in Jer 17:7–8, a text that has a number of affinities with Ps 1:3, as is widely acknowledged (see also Ezek 19:10–11). The scene with its flowing streams sounds paradisiacal (see esp. Gen 2:9), thus prompting the frequent identification of it with the “tree of life” in that garden, a source for both life and wisdom (Gen 2:9–10; Prov 3:18).<sup>48</sup> In any case, flourishing is poetically conveyed not only by the language of a tree yielding fruit and foliage that does not wither, but also performatively, by an excess of poetic lines:

He shall be like a tree planted beside the channels of water,  
which yields fruit in its season,  
and its leaves do not wither,  
and all that it produces will flourish.

Admittedly, many modern scholars have tried to eliminate the final line as a gloss derived from Josh 1:8. Yet all textual witnesses attest to its inclusion. Indeed, deletion obscures the poetry, for the fourth line performs the flourishing of which the line speaks. The quatrain, which is uncommon in Hebrew poetry, is for poetic effect as it performs profusion.

There is poetic play as well in the ambiguity of the subject of the verb עשה, which can mean “produce” or “do,” as medieval Jewish commentators regularly noticed. In light of the arboreal imagery, one should first take the verb to refer to the plant.<sup>49</sup> Ezekiel 17:8–10 is an especially pertinent parallel, for it speaks of a vine planted (שתל) by abundant waters to be productive (עשה), a plant that is expected to flourish (צלח). Understanding the well-rooted plant to be the subject, therefore, one might translate the subject with the English neuter: “whatever it produces thrives” (NJPS). This is the interpretation of the Targums and was followed by Radaq. At the same time, as Ibn Ezra and others prefer, the subject may be the

<sup>47</sup> The long-standing view that שתל means strictly “to transplant” (so Aquila; R. Yannai, quoted in *b. ʿAbod. Zar.* 19a; BDB; and many commentators) rather than “to plant” cannot be sustained. In fact, none of the occurrences of the verb in the Bible requires the meaning “to transplant.” In Rabbinic Hebrew, too, שתל simply means “to plant,” and it may be used of procreation (*b. Sanh.* 37b; *Cant. Rab.* to 8:6), which can hardly be regarded as transplanting, though in other contexts “transplant” is possible. Similarly, cognates in Aramaic, Syriac, Akkadian, and Arabic all indicate the meaning “plant,” though “transplant” is possible. The point of שתול is that the tree is firmly fixed so that it is not easily blown away (see *Midr. Teh.* 1:11, 12, 15). So Tg. has נציב (“fixed”).

<sup>48</sup> See Tg.; *Midr. Teh.*, 1:9, 12; Hilary of Poitiers (*Tractatus in Psalmum primum* [PL 9:255–56]); Jerome (*Tractatus in Psalmum* [CCSL 78:6–7]); Erasmus, *Expositions of the Psalms*, 34–35. See also Jerome F. D. Creach, “Like a Tree Planted by the Temple Stream: The Portrait of the Righteous in Psalm 1:3,” *CBQ* 61 (1999): 34–46.

<sup>49</sup> Cf. עשה used of plants in Gen 1:11–12; Isa 5:2, 4, 10; 37:31 (= 2 Kgs 19:30); Jer 12:2; 17:8; Hos 8:7; 9:17.



commendable person who delights in יהוה's תורה and, like Joshua, engages it "day and night." Hence the subject of עשה is not only the plant ("it") but also the commendable one ("he"): "whatever he does prospers" (NIV; similarly KJV, NRSV). Diodore of Tarsus is perceptive in his interpretation, for he recognizes that the poet is moving from the figure (the tree) to its referent (the person).<sup>50</sup> Ambiguity is a tool of the poet at this point, and it is particularly shrewdly employed, for the commendable person and the tree become one and the same.

Yet there is more. The affinities with Joshua led to the observation in a midrash that צלח has to do also with success in a journey, for Joshua is promised success (צלח) in all his ways (*Midr. Teh.* 1:11). One might add that צלח is very commonly associated with "way" and the verb "to go." Indeed, Erasmus points out that the Greek translation of the verb, κατευοδωθήσεται, implies success in a journey (the literal meaning of the Greek; see OG Judg 18:5), and Hilary of Poitiers, following the interpretation of the OG, has "everything that he does will be well directed."<sup>51</sup> So the poet's choice of the word not only allows for the possibility that the subject may be both the tree and the commendable person; it also keeps the dominant metaphor of the journey in view.

Furthermore, just as the subject of עשה is not exclusive, so also the subject of צלח is not exclusive. It may refer to all that the tree produces—its fruit (v. 3a) and foliage (v. 3b) will be abundant: "all that it produces will flourish" (so Jerome; similarly Augustine, Hilary of Poitiers, Cassiodorus). It may refer to all that the commendable person does: "all that he does will succeed" or he will bring all he does to a successful conclusion (so *Midr. Teh.* 1:12, 13; Peshitta; Diodore of Tarsus; Aquinas; NJB: "every project succeeds"), an interpretation that is compelling in light of the intertextuality with Josh 1:7–8. It may also refer to God, as Erasmus implies: "Whatever they do, they have God as their guide. . . . How could anything undertaken with God's guidance fail to prosper?" So one may translate, "All that he does, He will prosper."<sup>52</sup> Indeed, the *hiphil* of the verb, which may be transitive, intransitive, or causative, allows a surfeit of meaning here, altogether performing the flourishing that is conveyed. The promise of flourishing is being played out in the abundance of lines and in the polyvalence of the text.

### *The Wicked (v. 4)*

Scholars who have analyzed the structure of the poem have invariably tried to discover symmetry, either discerning an in-and-out structure (chiasm) with a center point (either v. 3 or vv. 3d–4a),<sup>53</sup> or two halves (concerning the righteous

<sup>50</sup>Diodore of Tarsus, *Commentary on Psalms 1–51* (trans. Robert C. Hill; SBL Writings from the Greco-Roman World 9; Atlanta: Society of Biblical Literature, 2005), 6.

<sup>51</sup>Hilary of Poitiers, *Tractatus in Psalmum primum* (PL 9:258).

<sup>52</sup>See Waltke and Houston, *Psalms*, 128 n. 59.

<sup>53</sup>These interpreters typically assume that the outer units are concerned with the righteous

[vv. 1–3] and the wicked [vv. 4–6]),<sup>54</sup> or two stanzas (vv. 1–3 on the righteous matched by vv. 4–5 on the wicked) with a concluding couplet (v. 6).<sup>55</sup> None of these is satisfactory because *על־כן* (“therefore”) in v. 5 marks closure and vv. 5–6 clearly belong together, since the two couplets are chiastically arranged, with “the wicked” in v. 5a matching “the righteous” in v. 6b, and “the way” in v. 6a matching “council” in v. 5b.<sup>56</sup> In fact, asymmetry can be as much a poet’s art as symmetry, and here asymmetry serves a poetic function. Whereas the first stanza (vv. 1–3) displays harmonious rhythm in triplet (v. 1), couplet (v. 2), and quatrain (v. 3), the expected second stanza consists of a single couplet that is rhythmically unsatisfying and obviously imbalanced, as indeed the wicked are:

Not so the wicked;

Rather, they are like chaff that the wind blows away.

The OG adds another “not so” in line 1: “not so the impious, not so.” This addition is marked as such by Origen, and it has no support in the other witnesses, though some scholars accept it in order to achieve a greater balance of lines.<sup>57</sup> Erasmus recognizes that it is an interpolation for a rhetorical reason, namely, to emphasize the difference between the wicked and the righteous. So it is not a question of a different underlying Hebrew text but a hermeneutical move that is evident in the OG. The shortness of the first line in Hebrew, which also lacks a verb, is part of the poetry. The wicked are poetically attenuated, and the OG adds “from the face of the earth” at the end of the couplet to emphasize the completeness of their removal.

Contrast between the wicked and the commendable one is highlighted by the presence of *כִּי־אֵם* (“rather”) in v. 4b, which echoes the same in v. 2a.<sup>58</sup> Whereas the commendable one’s “rather” is his delight in and engagement with *תורה*, the wicked’s “rather” is their being like chaff. Unlike the commendable person, who is characterized as a flourishing tree deeply rooted by the waters, the wicked are not even depicted as an opposite tree, one that is withering, as the impious are said to be in Bildad’s parable of two plants (Job 8:12). Rather, they are already finished, like lightweight and useless chaff that the wind blows away. Unlike the tree that

(vv. 1–2) and the wicked (vv. 5–6). See, e.g., Walter Vogels, “A Structural Analysis of Psalm 1,” *Bib* 60 (1979): 410–16; Martino Conti, “La via della beatitudine e della rovina secondo il Salmo 1,” *Anton* 10 (1987): 21; Petersen and Richards, *Interpreting Hebrew Poetry*, 96.

<sup>54</sup>So Pierre Auffret, “Structure littéraire du psaume 1,” *BZ* 22 (1978): 26–45; Gianfranco Ravasi, *Il libro del salmi: commento e attualizzazione* (3 vols.; Bologna: Dehoniane, 1986–88), 1:74–75.

<sup>55</sup>So, e.g., Bernd Janowski, “Freude an der Tora: Psalm 1 als Tor zum Psalter,” *EvT* 67 (2007): 19–21.

<sup>56</sup>See Schaefer, *Psalms*, 4.

<sup>57</sup>So, e.g., Hans-Joachim Kraus, *Psalmen* (2 vols.; BKAT; Neukirchen-Vluyn: Neukirchener Verlag, 1961), 1:1–2.

<sup>58</sup>See E. Beauchamp, “Le sens de KI-IM en Psaume 1, vv. 2 et 4,” *RSR* 57 (1969): 435–37.

represents the commendable one, a tree firmly rooted and flourishing, the wicked are “not so,” the Hebrew term כֵּן (“so”) carrying at the same time a connotation of reliability and firmness. The wicked are “not so.” They are not rooted and not flourishing but, on the contrary, are “like chaff” in the winnowing of harvested grain.<sup>59</sup> Their season is already finished. The harvest is over and all that remains is judgment, which is precisely what the imagery of the blown chaff implies in the Bible (Isa 17:13; 29:5; 41:5–6; Hos 13:3; Zeph 2:2; Ps 35:5; Job 21:18). In a single imbalanced couplet, the wicked are poetically blown away.

### *Two Outcomes (vv. 5–6)*

The poet proceeds immediately to introduce the concluding stanza, with על־כֵּן (“therefore”) signaling closure. Yet על־כֵּן in v. 5 echoes לֹא־כֵּן (“not so”) in v. 4. Indeed *Midr. Teh.* 1:21 takes על־כֵּן to mean “on account of ‘so.’” That is, because the wicked are “not so,” their demise is “so.” Milton, with due attention to the Hebrew, highlights this connection between v. 4 and v. 5:

Not so the wicked, but as chaff which fann'd  
The wind drives, so the wicked shall not stand.<sup>60</sup>

Rashi is correct that vv. 5–6 belong together. The last two couplets are not about the wicked only, contrasting with the first stanza, as scholars often think. Rather, they concern alternate outcomes:

Therefore, the wicked will not stand in judgment,  
Nor sinners in the council of the righteous.  
For YHWH knows the way of the righteous,  
But the way of the wicked shall perish.

Augustine astutely observed that “stand” is apt here; the wicked obviously cannot “stand,” since they, being lightweight and useless, have already been blown away in v. 4.<sup>61</sup> Augustine’s insight brings to mind the fact that the Hebrew verb קום may be used of something that is firm and enduring.<sup>62</sup> The verb here alludes not only to chaff that will not hold up in the face of a wind, a frequent metaphor for judgment, indeed judgment that is implicit in v. 4 but now made explicit in v. 5. Even though the expression קום משפט occurs nowhere else in Hebrew, the verb קום often occurs in the context of judgment. Thus, Amos uses the verb to speak of

<sup>59</sup> Since “rather” in v. 4b echoes “rather” in v. 2a, one might take the insubstantiality of the wicked to be contrasted with commitment to תורה.

<sup>60</sup> John T. Shawcross, *The Complete English Poetry of John Milton* (New York: New York University Press, 1963), 206.

<sup>61</sup> Augustine, *Exposition of the Psalms* (ed. John E. Rotelle; trans. M. Fiedrowicz; Works of Saint Augustine III/15; Hyde Park, NY: New City Press, 2000), 70.

<sup>62</sup> See Isa 40:7–8, which contrasts things that the wind will blow away with the word of God, which “stands forever” (יָקוּם לְעוֹלָם). Cited in *Midr. Teh.* 1:19.

survival in a context that portrays the destruction of vegetation (Amos 7:2); Nahum employs the same in reference to survival in the face of the wrath of the deity whose way is a storm-wind (Nah 1:6).

The rabbis, too, recognized that survival is at issue, arguing that the wicked will not stand a chance when they are judged (*Midr. Teh.* 1:20). The Targum sees an idiom here “the wicked shall not be acquitted in judgment” (לא יזכון רשעִי) (בדִּינא). This interpretation may be corroborated by a sapiential text from Qumran that has rather similar language: “none can stand, and who can be acquitted in his judgment?” (לֹא יַעֲמֹד כּוֹל וּמִי יִצְדָּק מִשְׁפָּט) (4QInstruction<sup>c</sup> [4Q417] frg. 2, col. 1, line 16). The point is simply that the wicked will not get away with their conduct. They will not survive judgment.

Interpreters have often imagined an eschatological judgment here (so Rashi, Radaq, Aquinas). The OG (*ἀναστήσονται*) and the Vg. (*resurgent*) already imply this by using language that hints at resurrection. The Targum speaks of “the great day of judgment.” Yet this does not preclude the possibility of present judgment, as Theodore of Mopsuestia and Luther preferred.<sup>63</sup> Still, regardless of what its original force might have been, the decisiveness of a final judgment remains a viable consequence of the poem’s claim.

As is common in Hebrew poetry, there is gapping in v. 5, with the verbal expression in the first line serving both lines of the couplet. Just as the wicked will not have standing in the face of judgment (v. 5a), they will have no standing “in the council of the righteous” (v. 5b). The Vg.’s rendering of בעֵדַת צְדִיקִים in v. 5b as *in concilio iustorum* (“in the council/counsel of the just”) suggests that the end of the poem echoes its beginning (v. 1a), where בעֵצַת רְשָׁעִים is translated as *in concilio impiorum* (“in the council/counsel of the impious”). The OG, too, may be making the same exegetical move when it renders with ἐν βουλῇ δικαίων (“in the counsel of the righteous”) in v. 5b, which recalls ἐν βουλῇ ἀσεβῶν (“in the counsel of the impious”) in v. 1a. That is, the OG does not necessarily reflect a different underlying Hebrew text, as scholars usually assert. Rather, it is engaged in interpretation, as indeed it is elsewhere in the poem. In this reading, the commendable person is equated with the righteous. It is here that such a one will finally find company.

Just as the commendable person has not walked among the wicked, the wicked will not be judged among the righteous. The wicked will stand no chance when they are judged, because they will not be among the righteous and so will have no share of what belongs to the latter (Theodore of Mopsuestia). Hence, Erasmus and Calvin recall the separation of sheep and goats in divine judgment

<sup>63</sup>Theodore of Mopsuestia, *Commentary on Psalms 1–81* (trans. Robert C. Hill; SBL Writings from the Greco-Roman World 5; Atlanta: Society of Biblical Literature, 2006), 13. In Theodore’s view, the wicked will not stand up to judgment but will be condemned on the spot. See Luther, *Luther’s Works*, 10:24.

(Matt 25:32–33); the wicked will not be acquitted because they will not be among the righteous.<sup>64</sup>

The initial כִּי (“for”) in v. 6 is the second marker of closure. As such it corroborates the first: “therefore.” Despite the disproportionate emphasis on the flourishing of the faithful in v. 3, the final two couplets (vv. 5–6) seem to acknowledge that the journey the faithful are expected to take up will not be an easy one, as indeed the rest of the Psalter will show. There will be many bumps in the way, as it were. Certainly the promise of judgment in v. 5 implies theodicy.

So the poet affirms that YHWH not only provides direction (so v. 3); YHWH knows (יָדַע) the way of the righteous. The God who guides the way indeed knows the way of the righteous. As Calvin avers, the psalmist recognizes that there may be no outward appearance of the advantage of right conduct, yet travelers are assured that God knows their way.<sup>65</sup> The psalm thus anticipates the theme of God’s knowledge that the reader will encounter in the rest of the Psalter (37:18; 40:10 [Eng. v. 9]; 44:22 [Eng. v. 21]; 50:11; 69:6, 20 [Eng. vv. 5, 19]; 94:11; 103:14; 139:2, 4, 23; 142:4 [Eng. v. 3]). Whereas the wicked will doubt that God knows (73:11), the righteous are preemptively assured in the opening Psalm that God does know. The verb “know” is not merely cognition, however. Rather, as Diodore of Tarsus pointed out, it points to divine involvement—God’s intimate relationship with and care of the righteous (Radaq makes the same point).

Cued by the juxtaposition of the way of the righteous and the way of the wicked, Origen assumed that just as God knows the way of the righteous but God will not know the way of the wicked, God will not care for, approve of, or relate to the wicked.<sup>66</sup> He is followed by other Christian interpreters, including Ambrose, Augustine, Hilary of Poitiers, Aquinas, Erasmus, and Luther. Yet the text does not say that God knows the way of the wicked. Nor does it imply that God hates it (so Rashi). Indeed, God is not the subject of the only verb in the line, and the way of the wicked is not the object. The line does not assert that the wicked will perish, only that the way of the wicked will. This formulation is reminiscent of the wisdom tradition’s doctrine of retribution, as if the evil way finishes itself off.<sup>67</sup>

Strikingly, the final word of the poem, תֹּאבֵד (“perishes”), begins with the last letter of the alphabet, just as the first word of the title, אֲשֶׁרִי, and the first word of the poem itself, אֲשֶׁר, both begin with the first letter of the alphabet.<sup>68</sup> The psalm is as complete as the alphabet—“from A to Z,” as one might say. Similarly, in

<sup>64</sup> Erasmus, *Expositions of the Psalms*, 60; *Ioannis Calvini Opera quae supersunt omnia* (Corpus Reformatorum 29–87; Brunsvigae: Schwetschke, 1863–1900), 31:41.

<sup>65</sup> Calvin, *Corpus Reformatorum*, 31:41.

<sup>66</sup> See Origen, *Selecta in Psalmos*, PG 12:1100.

<sup>67</sup> See Patrick D. Miller, Jr., *Interpreting the Psalms* (Philadelphia: Fortress, 1986), 85.

<sup>68</sup> See Janowski, “Freude an der Tora,” 19–21.

Psalms 112, which contains a full alphabetic acrostic, **אשרי** and **תאבד** mark the beginning and the end. The structure of Psalm 1 finds a parallel as well in Job 14, a poem with twenty-two couplets matching the number of letters in the Hebrew alphabet. The latter begins with an *aleph*-word, **אדם**, and ends also with a *taw*-word that also signals the end: **תאבד** (“mourns”/“dries up”), mentioned here in connection with the death of humanity.<sup>69</sup> In each of these cases, the final word is closural. With a final word of ending, each of these poems decisively finishes.<sup>70</sup>

## II. CONNECTIONS

The opening **אשרי** prompted Jewish interpreters to make two hermeneutical moves that highlight the importance of Psalm 1: (1) the linkage of the Psalter with the Pentateuch, and (2) the linkage of Psalm 1 with Psalm 2.

### *External*

Rabbinic interpreters saw a connection between the opening **אשרי** in Ps 1:1 and Deut 33:29, which has **אשריך ישראל**, “How fortunate are you, O Israel!” (Deut 33:29). Thus, a midrash notes that “just as Moses blessed Israel with **אשרי**, so David blessed Israel with **אשרי** (*Midr. Teh.* 1:2; see also 1:5).<sup>71</sup> Indeed, the midrash further explains that “Moses gave Israel the five books of the Torah and David gave Israel the five books of the psalms.” This connection between the Psalms and the Pentateuch is suggested not only by the lone occurrence of **אשרי** in the Pentateuch (Deut 33:29) but also by the two occurrences of the term **תורה** in Ps 1:2, which led Saadiah to speak of a “first **תורה**” (of Moses) and a “second **תורה**” (of David). Yet Saadiah’s view was not new. According to the Talmud, R. Shimon son of R. Judah Ha-Nasi once taught R. Hiyya “two-fifths (**שני חומשים**) of the Psalms” (*b. Qidd.* 33a).<sup>72</sup> Christians in the same period knew as well of a fivefold division of the Psalter,<sup>73</sup> although not all accepted it.<sup>74</sup>

<sup>69</sup> See C. L. Seow, “Poetic Closure in Job: The First Cycle,” *JSOT* 34 (2010): 443–46.

<sup>70</sup> For such closural devices in English poetry, see Barbara Herrnstein Smith, *Poetic Closure: A Study of How Poems End* (Chicago: University of Chicago Press, 1968), 172–84.

<sup>71</sup> See Therese Hansberger, “Mose segnete Israel mit **אשריך** und David segnete Israel mit **אשרי** (MTeh 1,2): Psalm 1 und der Psalter im rabbinischen Midrasch zu Psalmen, (MTeh 1),” *BZ* 46 (2002): 25–47.

<sup>72</sup> In Rabbinic Hebrew, the five books of the Pentateuch are known as **חומשי התורה**, “fifths of the Torah” (*b. Hag.* 14a), and each book is called **חומש**, “a fifth” (*y. Meg.* 3.74a).

<sup>73</sup> So esp. Gregory of Nyssa’s *Treatise on the Inscriptions of the Psalms*, 1.37–123 (trans. Ronald E. Heine; Oxford Early Christian Studies; New York: Oxford University Press, 1995). See further Paul de Lagarde, *Analecta Syriaca* (1858; repr., Osnabrück: Zeller, 1967), 86.

<sup>74</sup> Jean-Marie Auwers, “L’organisation du Psautier chez les Pères grecs,” in *L’Psautier chez les Pères* (ed. P. Maraval; Cahiers de Biblia Patristica 4; Strasbourg: Centre d’analyse et de documentation patristiques, 1994), 37–54.

Unlike the Pentateuch, where the division into five scrolls is necessitated by the length of each, the same is not true for the Psalter, where Books III and IV consist of only seventeen psalms each. So the pentateuchal division in the case of the Psalter is probably for hermeneutical reasons, not practical ones. As R. Yudan saw it, David began the Psalter (Ps 1:1) as Moses ended his blessing (Deut 33:29). The two are complementary, the rabbi argued: “Where this one begins that one ends; and where that one ends, this one begins.” His point is that the Psalter picks up where the Pentateuch leaves off; the former is an extension of the latter (*Midr. Teh.* 1:5). The prominent mention of the תורה in Psalm 1 signals that the Psalter is to be read as תורה—David’s תורה to be read alongside the תורה of Moses.<sup>75</sup> It prompts the reader to expect תורה in the rest of the Psalter and to be guided by it.<sup>76</sup> The difference between the two pentateuchs, Nahum M. Sarna has suggested, is that the first is “anthropotropic” (it is the narrative of God’s turning to humanity), while the second is “theotropic” (it is humanity’s turning to God).<sup>77</sup> Indeed, the fact that the opening triplet echoes the Shema, as Ibn Ezra notes, indicates the emphasis on response in the Psalter. Psalm 1 signals the theotropic nature of the Psalter.

Following the method of the rabbis, one might note that אשרי in Psalm 1 points not just to a connection with the Pentateuch but also to connections with the wisdom literature of the Bible. The אשרי formula is, after all, a sapiential one. Apart from the Psalter, it appears most often in the wisdom books—Proverbs, Job, and Ecclesiastes. Moreover, Psalm 1 manifests certain wisdom traits, such as the ethical dualism that is reminiscent of Proverbs (two types of people, two ways, two outcomes), the emphasis on taking proper counsel, the didactic tone, the concern for individual flourishing, and the formulation of the doctrine of retribution that implies that acts bring their own consequences. These traits do not necessarily mean that the poem is a “wisdom psalm” that originated in wisdom circles, as is often alleged. Yet they do suggest affinities with the wisdom books, not least the concern with how one is to live life amid all its challenges and disappointments, indeed, even when the justice of God seems utterly remote. Following Calvin’s exegesis of v. 6a, one may note that the opening psalm anticipates the concern later in the Psalter that the reality of human experience often contradicts the confidence in God’s oversight over order in the world (so Psalm 73), a prominent theme in Job and Ecclesiastes. In this sense, one may follow Patrick D. Miller in designating the theology of the Psalter a “theology from below,” a theology that complements the “theology from above” that the Pentateuch proffers.<sup>78</sup>

<sup>75</sup> So Reinhard G. Kratz, “Die Tora Davids,” *ZTK* 93 (1996): 1–34.

<sup>76</sup> See James L. Mays, “The Place of the Torah-Psalms in the Psalter,” *JBL* 106 (1987): 4–5.

<sup>77</sup> Sarna, *Songs of the Heart: An Introduction to the Book of Psalms* (New York: Schocken, 1993), 27.

<sup>78</sup> Miller, “Deuteronomy and Psalms: Evoking a Biblical Conversation,” *JBL* 118 (1999): 6. Miller is here speaking of the book of Deuteronomy as the “theology from above,” but his characterization of it may just as easily apply to the Pentateuch as a whole.



Though not often, the **אשרי** formula occurs also in prophetic texts, thus gesturing toward a link between Psalms and the Prophets as well (Judg 1:32; 1 Kgs 10:8; Isa 30:18; 32:20; 56:2). Indeed, Psalm 1 contains intertextualities with the Former Prophets (vv. 2b and 4d with Josh 1:7–8) as well as the Latter Prophets (v. 3 with Jer 17:8–9 and Ezek 17:8–10), and it concludes with the prospect of divine judgment and the separation of the righteous and the wicked (vv. 5–6). These prophetic elements anticipate the fuller explication in the Psalter of divine intervention in the nexus of human history through a particular people, an element that would be immediately developed in its partner psalm, namely, Psalm 2.

We may go beyond the rabbis, then, to note that Psalm 1 exhibits contacts not only with the Torah but also with the *Nevi'im*, and the *Ketuvim*.<sup>79</sup> The psalm thus prompts the reader to expect a condensed version of Scriptures in the Psalter—what Luther has famously called *eine kleine Biblia*.<sup>80</sup>

### Internal

The Talmud quotes various authorities holding the view that Psalms 1–2 are to be read together (*b. Ber.* 10a). A basis for this view is that the **אשרי** formula forms an *inclusio* around these two psalms: Psalm 1 begins with **אשרי** and Psalm 2 ends with **אשרי**. The unitary view is found also in the NT. According to Codex Bezae, Acts 13:33 refers to a citation from Ps 2:7 as “in the first psalm.” Justin Martyr cited the two psalms as if they were one (*1 Apol.* 40). Origen reported in the third century that he had two Hebrew manuscripts, one of which linked the two psalms, and he further observed that this linkage is corroborated by Acts 13:33 (so also Eusebius of Caesarea, Athanasius, Apollinaris).<sup>81</sup> Some Latin interpreters also referred to citations from Psalm 2 as being part of “the first psalm.”<sup>82</sup> It is not that the two psalms were *composed* as a single piece. They were not.<sup>83</sup> Yet they seem to have been intentionally brought together at some point to serve as an introduction, a sort of double-door to the great structure that is the Psalter.<sup>84</sup> Accordingly, Psalm 1 is introductory to the Psalter, but only incompletely so; the introduction would continue in Psalm 2.

It is perhaps not an accident that Psalm 2 begins with the letter *lamed*, the

<sup>79</sup> So also Jürgen Ebach, “Freude an der Tora: Beobachtungen an Psalm 1,” *BK* 55 (2000): 2–5.

<sup>80</sup> *Martin Luthers Psalmen-Auslegung* (ed. Erwin Mülhaupt; 3 vols.; Göttingen: Vandenhoeck & Ruprecht, 1959), 1:3.

<sup>81</sup> Origen, *Selecta in Psalmos*, PG 12:1100.

<sup>82</sup> So Tertullian, *Adv. Marcion* 4.22; Cyprian, *Testimonia* 1.13; 3.112.

<sup>83</sup> See John T. Willis, “Psalm 1: An Entity,” *ZAW* 91 (1979): 381–401.

<sup>84</sup> Jerome first proffered the metaphor of a door into a great house in a homily on “the first psalm,” though elsewhere he recognized Psalms 1–2 as unitary. Adapting this view, Bernd Janowski has argued in several essays that Psalms 1–2 serve as a door into the “great house” that, in his view, is a temple that is built on words. See, most recently, his “Ein Tempel aus Worten: Zur theologischen Architektur des Psalters,” in *The Composition of the Book of Psalms* (ed. Erich Zenger; BETL 238; Leuven: Peeters, 2010), 279–88.

first letter of the second half of the Hebrew alphabet. In this way, it forms the second part of the introduction. Whereas Psalm 1 concerns the individual and the generic categories of the righteous and the wicked, Psalm 2 has to do with nations amid the geopolitical realities of the world. In Psalm 1, the commendable one piously engages (הגה) God's תורה by day and by night (1:2); in Psalm 2, nations vainly contemplate (הגה) rebellion against the divine sovereign as well as God's anointed (2:1). Psalm 1 introduces the notion of God's guidance through God's תורה; Psalm 2 introduces the key theological claim of God and the nations. Whereas in Psalm 1, the way of the wicked perishes, in Psalm 2 the wicked themselves perish in respect to their way. Thus, the two psalms together introduce the key theological concepts that will be more thoroughly fleshed out in the rest of the Psalter. Or, to use a musical analogy that is apt, given the association of psalms with music, Psalm 1 and Psalm 2 together constitute a two-themed overture.

The framing of the two-themed overture with אשרי indicates the purpose of the Psalter: it is a composition about the commendable life. All the אשרי sayings in the Psalter pertain to human beings as individuals, as a nation, and as humanity in general. Yet the frequency of the אשרי saying (twenty-six times) is matched by an almost equal number of the quintessential praise of God formula, הללויה (twenty-seven times). Significantly, the Psalter begins with a commendation of a human, אשרי האיש (Ps 1:1). It ends with a praise of God, הללויה (Ps 150:6).<sup>85</sup> This framing suggests that the Psalter is about living a commendable life that commences to praise God.

### III. CONCLUSION

Despite the skepticism of some modern critics, I have argued that Psalm 1 is not only poetry, it is exquisite poetry. The aesthetic excellence consists not of balanced structure, predictable rhythmic patterns, or intricate design. Rather, it is on account of its brilliant imagerial contrast, its clever employment of both symmetry and asymmetry, its shrewd play with lineation, its subtle use of ambiguity and polyvalence, and its performative closure that this poem deserves to be considered among the finest in the Psalter and indeed the Bible.

I have also endeavored to show how commentators through the centuries are indispensable conversation partners for the modern scholar. They broaden the horizon of every interpreter, and their voices contribute to a deeper appreciation of Psalm 1 as a theologically profound introduction to the Psalter, thereby inviting the reader to live a commendable life amid the uncertainties, but a life that leads nevertheless to the praise of God: Hallelujah!

<sup>85</sup> So Luis Alonso Schökel and Cecilia Carniti, *Salmos: Traducción, introducciones y comentario* (2 vols.; Nueva Biblia Española; Pamplona: Verbo Divino, 1994), 2:138.

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## “Without My Flesh I Will See God”: Job’s Rhetoric of the Body

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While almost all commentators take notice of Job’s descriptions of physical suffering, the ways Job uses his body to rhetorical effect have not been fully recognized. This article considers the impact of the legal metaphor on Job’s use of body imagery (Job 9:20, 30–31; 16:8; 19:20–23; and 19:25–27) and maintains that Job’s speeches draw on the ancient world’s understanding of the body to question and invert traditional usage of body imagery, particularly the stock of body images from the Psalms that present the body, the self, and the voice as a manifold unity. Job overturns traditional images of the disintegrated body known from the biblical laments in order to distance his body’s appearance of guilt from his testimony of innocence. In contrast to the psalmists, who petition God to restore them to health, Job uses images of disembodiment and bodily disintegration to separate his broken body from his contention that he is innocent. In this way, Job uses imagery of the body to form a counternarrative that testifies to his innocence.

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In Job’s speeches, corporeal imagery is both abundant and multivalent. The presence of Job’s disintegrating, decaying, broken, and abused body lurks like a specter in the dialogue between Job and his friends (3:1–27:23). Almost all commentators take notice of Job’s descriptions of physical suffering; however, the ways Job uses his body to rhetorical effect have not been fully recognized.<sup>1</sup> While biblical scholars employing theories of disability have begun to analyze depictions

I am tremendously grateful to G. Brooke Lester and Sara Koenig for their excellent feedback and helpful suggestions on earlier drafts of this piece.

<sup>1</sup>Carol A. Newsom does consider this issue, but it is not the focus of her work (*The Book of Job: A Contest of Moral Imaginations* [New York: Oxford University Press, 2003], 134–36). See also Choon-Leong Seow, “Job’s *gō’ēl*, Again,” in *Gott und Mensch im Dialog: Festschrift für Otto Kaiser zum 80. Geburtstag* (ed. Markus Witte; 2 vols.; BZAW 345; Berlin/New York: de Gruyter, 2004), 2:689–709.

of Job's body, none has yet offered a sustained study of the way the body functions rhetorically in Job's speeches.<sup>2</sup>

What follows is a consideration of passages in Job's speeches that highlight the impact of the legal metaphor on Job's use of body imagery: Job 9:20, 30–31; 16:8; 19:20–23; and 19:25–27.<sup>3</sup> My contention is that Job draws on the ancient world's understanding of the body to question and invert traditional usage of body imagery, particularly the stock of body images from the Psalms that present the body, the self, and the voice as a manifold unity.<sup>4</sup> I will argue that Job overturns traditional images of the disintegrated body, known from the biblical laments, in order to distance his body's appearance of guilt from his testimony of innocence.<sup>5</sup> In contrast to the psalmists, who petition God to restore them to health, Job uses images of disembodiment and bodily disintegration to separate his broken body from his contention that he is innocent. In this way, Job uses imagery of the body to form a counternarrative that testifies to his innocence.<sup>6</sup>

In 19:25–27, the Joban poet explores the full implications of the metaphor of the disintegrated human body in the courtroom. Here Job expresses his desire to be free from the body that undermines his testimony. Indeed, I will argue that in 19:25–27, instead of merely expressing his experience of pain *in* the body, Job's

<sup>2</sup>Rebecca Raphael deals primarily with Job 7:12 and God's speeches in *Biblical Corpora: Representations of Disability in Hebrew Biblical Literature* (Library of Hebrew Bible/Old Testament Studies 445; New York: T&T Clark, 2008). Jeremy Schipper has pointed out that, while Job's diseased body and afflicted skin play an important role in the prologue and the dialogues, the epilogue does not mention Job's skin disease and implies that Job's restoration applies only to Job's children and possessions. Job is reincorporated into the community in the epilogue, yet the narrator does not say, or even imply, that Job's body has been healed ("Healing and Silence in the Epilogue of Job," *WW* 30 [2010]: 16–22).

<sup>3</sup>While the material in chs. 29–31 contains body terminology in the context of a legal trope, the corporeal imagery there is of a fundamentally different nature, and as such it is beyond the scope of this study. Further, as Bruce Zuckerman has argued with regard to genre, a distinction between the wisdom dialogue (chs. 3–27) and the genre(s) represented in chs. 29–31 (which is contested) can and should be maintained (*Job the Silent: A Study in Historical Counterpoint* [Oxford: Oxford University Press, 1991], 97). So also Newsom, *Contest of Moral Imaginations*, 79–89. My study will be limited to body imagery in the wisdom dialogue.

<sup>4</sup>Susanne Gillmayr-Bucher, "Body Images in the Psalms," *JSOT* 28 (2004): 301–26.

<sup>5</sup>Many scholars have assumed that the understanding of the self in the Hebrew Bible is unequivocally one of psychosomatic unity. James Barr contested this idea of "totality thinking" and argued that, in some contexts, the word *נַפְשִׁי* ("self, life, soul") signified something akin to modern notions of soul, something distinct from the body (*The Garden of Eden and the Hope of Immortality: The Read-Tuckwell Lectures for 1990* [Minneapolis: Fortress, 1993], 42–43). While Job's language of the body does not suggest immortality of the soul or a clear dualism between body and soul, in some instances Job's body rhetoric depicts a disjunction between the self and the body.

<sup>6</sup>Raphael argues that, in biblical narrative, a broken body or a disabled body "influences events and relationships. It becomes an aesthetic device, both through its propagation of narrative and through its potential for forming counter-narratives" (*Biblical Corpora*, 51).

images of bodily disintegration and disembodiment signify freedom *from* the body as a container of pain and as an object of divine violence and scrutiny.

As many scholars engaged in the philosophical and theological understandings of disability have observed, the whole, healthy body tends to be absent to consciousness; it is often the onset of pain and/or disability that makes one acutely aware of having a body.<sup>7</sup> Yet that same pain-filled body that is impossible to ignore also compels the self to identify strategies to go beyond, even transcend, the experience of the body. That undeniable presence of the body ensures that even modes for transcendence retain a bodily dimension.

Susan Wendell's philosophical reflections on disability provide a theoretical framework in which to place Job's depictions of his body. Wendell says, "People with disabilities often describe advantages of not identifying the self with the body."<sup>8</sup> To manage the body's experience of pain or helplessness and to provide distance between identity as a whole person and bodily weakness and illness, people with disabilities seek strategies to disembody the self. Particularly for people who become disabled as adults, coping with disability and forging a working identity at times may require separation from the chaos of the body's suffering. Wendell refers to certain habits of the mind that distance one from chronic suffering and increase freedom as "strategies of transcendence." "It is because we are led to adopt them by the body's pain, discomfort, or difficulty, and because they are ways of interpreting and dealing with bodily experience, that I call them transcendence of the body."<sup>9</sup> Wendell suggests that embodied transcendence allows the sufferer a means to recast the embodied experience in ways that go beyond bodily experience.

In short, the body-in-pain is capable of initiating new insights. For Job, that means, as Raphael succinctly states it, "disease and disability are the beginnings of new insight, rather than the middle of a sin-and-repentance narrative, as the friends would have it."<sup>10</sup> Rather than limiting him, Job's metaphors of disembodiment, particularly when they are brought into the frame of the legal trope, function to "expand the possibilities of experience beyond the miseries and limitations of the body."<sup>11</sup>

Job's rhetoric of the body ultimately reveals a strategy of transcendence, but his depiction of his diseased and suffering body is fundamentally grounded in

<sup>7</sup>Drew Leder, *The Absent Body* (Chicago: University of Chicago Press, 1990), 3, 92; Robert Murphy, *The Body Silent* (New York: Norton, 1990), 12.

<sup>8</sup>Wendell, *The Rejected Body: Feminist Philosophical Reflections on Disability* (New York: Routledge, 1996), 169–70, 176.

<sup>9</sup>*Ibid.*, 178.

<sup>10</sup>Raphael, *Biblical Corpora*, 103.

<sup>11</sup>Wendell, *Rejected Body*, 178. Wendell notes that feminists have been reticent to theorize positively around notions of transcending the body, partly because historically dualist modes of thinking have privileged the spiritual self and denigrated the physical—often, female—body. Yet, for many people with disabilities, it is a practical matter of dealing with persistent bodily suffering (pp. 165–69).

the cultural world of the ancient Near East. In order to make the case that Job's language of the body interacts with larger conceptions of the body in the Hebrew Bible, a brief survey of the way the Israelite body was socially and culturally constructed is required.

## I. THE BODY IN THE HEBREW BIBLE

Job's counternarrative is worked out against the dominant worldview of the broader culture and its views about bodies, disease, and society. Recent studies on the body by Jon L. Berquist and Meir Malul have shown that the body functions as a metaphor for society as a whole.<sup>12</sup> Malul concludes that "from the direction of society as an ordered body of laws, any afflicted person has by his deformed body violated the social order."<sup>13</sup> Alex Basson explicitly notes the importance of this cultural milieu for understanding depictions of Job's body. Given the Priestly literature's focus on purity as an ordering system and the correlation between bodily wholeness and purity, Basson argues that "in ancient Israel where bodily wholeness stood parallel to the wholeness of society, Job's unwhole body impinges on the ordered structure, fullness and harmony of society and endangers the corporate character of the social group."<sup>14</sup> Thus, Job is excluded from the center of society, a place he occupied before he was beset by physical and financial disasters (cf. 1:3; 29). Based on the assumption that bodily wholeness was "the sine qua non of social inclusion, recognition and honour," Basson asserts that Job's references to his body as deteriorating and damaged express his desire for wholeness.<sup>15</sup> While Basson accurately describes the milieu from which Job's body terminology stems, he does not take into account the way Job uses his body to make an argument about his innocence.<sup>16</sup>

In addition to priestly conceptions of the body, Job's language assumes not only a priestly conception of the body but also a relationship between divine law and disease and disability, evident in numerous biblical and Mesopotamian texts. In the ancient Near East, suffering was often understood as evidence of

<sup>12</sup>Berquist, *Controlling Corporeality: The Body and the Household in Ancient Israel* (New Brunswick, NJ: Rutgers University Press, 2002), esp. 18–50; Malul, *Knowledge, Control, and Sex: Studies in Biblical Thought, Culture and Worldview* (Tel Aviv: Archeological Center Publication, 2002). See also Howard Eilberg-Schwartz, *The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism* (Bloomington: Indiana University Press, 1990).

<sup>13</sup>Malul, *Knowledge, Control, and Sex*, 441.

<sup>14</sup>Basson, "Just Skin and Bones: The Longing for Wholeness of the Body in the Book of Job," *VT* 58 (2008): 287–99, here 289.

<sup>15</sup>*Ibid.*, 288.

<sup>16</sup>Although Job laments his physical condition, unlike the psalmists he does not ask for restoration or wholeness.



divine judgment on sinful human behavior.<sup>17</sup> Leprosy or a similar skin disease (*garābu* and *saḥaršubbū*) was “one of the most unambiguous sanctions” for sin in the ancient world.<sup>18</sup> Job's body, clothed in disintegrating skin (see 7:5), would likely have suggested to ancient readers divine sanction for sin and have stood in contrast to evaluations of his character by the narrator and by God in the prologue (1:1, 8; 2:3).

In general, the body serves as an outward indicator of one's role and place in the community as well as one's standing in God's eyes. The body and the self function, in large part, as a unity. As Robert A. Di Vito makes plain, in the Hebrew Bible “one cannot easily dissociate who one is from one's bodily integrity, because there is no ‘center’ with a self and apart from the body to be set over against the body as a ‘real’ self. . . . One is one's body.”<sup>19</sup>

While this worldview is evident in the book of Job (i.e., in the speeches of the friends), Job's speeches push the distinction between the aspects of the self that are observable by others and the features of the self that remain hidden from sight.<sup>20</sup> Although Job does not possess a sense of the self's “inner depths” as moderns do,<sup>21</sup> Job's presentation of the self indicates a disjunction between what is written on the body and the essence of one's character, as righteous or wicked. Thus, as Job raises questions about the validity of retribution theology in his case, he also struggles with traditional perceptions of the body as being equivalent to the “true self.” Job

<sup>17</sup>In particular, KAR 184:31–32 indicates that one man's suffering constitutes legal judgment for his guilt. See also Erich Ebeling, *Die akkadische Gebetsserie “Handerhebung”* (Veröffentlichungen des Instituts für Orientforschung 20; Berlin: Akademie, 1953), 8.7–12.

<sup>18</sup>Karel van der Toorn, *Sin and Sanction in Israel and Mesopotamia: A Comparative Study* (SSN 22; Assen: Van Gorcum, 1985), 73. Skin disease was cause for expulsion from the community, as it was considered highly polluting (Num 5:2–3; Lev 13:45–46). See also Saul Olyan, *Disability in the Hebrew Bible: Interpreting Mental and Physical Differences* (New York: Cambridge University Press, 2008), 54–55; Hector Avalos, *Illness and Health Care in the Ancient Near East: The Role of the Temple in Greece, Mesopotamia, and Israel* (HSM 54; Atlanta: Scholars Press, 1995), 128–39. Neal H. Walls argues that, although many people in Mesopotamia with disabilities were incorporated fully into the social structure, people with skin diseases were a different matter. Leprosy or skin disease ensured that a person would be ostracized, even in the netherworld (“The Origins of the Disabled Body: Disability in Ancient Mesopotamia,” in *This Abled Body: Rethinking Disabilities in Biblical Studies* [ed. Hector Avalos, Sarah J. Melcher, and Jeremy Schipper; SemeiaSt 55; Atlanta: Society of Biblical Literature, 2007], 13–30, esp. 25).

<sup>19</sup>Di Vito, “Old Testament Anthropology and the Construction of Personal Identity,” *CBQ* 61 (1999): 217–38, here 233.

<sup>20</sup>That there is a distinction between the two is apparent in texts such as Ps 51:8 and Prov 18:8. David J. A. Clines calls attention to passages in Job that suggest disjunction between the body and the self, including 27:4; 31:5, 7, 9, 27; 33:2 (“The Disjoined Body: The Body and Self in Hebrew Rhetoric,” in *Biblical Interpretation* [ed. G. A. van der Heever and S. W. van Heerden; Pretoria: University of South Africa, 2001], 148–57, here 148).

<sup>21</sup>On the construction of the modern self, see Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1989), 111.

inverts traditional images of the body—in particular, the broken and diminished body—in order to present his testimony as freed from the supposition of guilt attached to his bodily disease.

## II. THE BODY AS FALSE WITNESS IN JOB'S SPEECHES

In Job's speeches, corporeal and legal images interact to open up new avenues of exploration. There is some consensus among scholars that legal idioms and metaphors in the book emerge in ch. 9 and resurface at times through ch. 31.<sup>22</sup> In particular, largely undisputed legal metaphors appear in Job's speeches in 9:2–35; 10:2, 6–7, 17; 13:6–12, 17–28; 14:3; 16:8, 19–21; and 23:6.<sup>23</sup> Many commentators also note the presence of legal language in ch. 19, particularly in vv. 5,<sup>24</sup> 7,<sup>25</sup> and 25.<sup>26</sup> Though the legal connotations of these lines do not exhaust their various levels of meaning, Job draws on legal vocabulary to make an argument that his diminished

<sup>22</sup>By contrast, some studies argue that legal vocabulary, themes, and tropes pervade the book as a whole. See, e.g., Heinz Richter, *Studien zu Hiob: Der Aufbau des Hiobbuches, dargestellt an den Gattungen des Rechtslebens* (Theologische Arbeiten 11; Berlin: Evangelische Verlagsanstalt, 1959); Sylvia Scholnick, "Lawsuit Drama in the Book of Job" (Ph.D. diss., Brandeis University, 1975); F. Rachel Magdalene, *On the Scales of Righteousness: Neo-Babylonian Trial Law and the Book of the Job* (BJS 348; Providence: Brown Judaic Studies, 2007).

<sup>23</sup>See, e.g., Newsom, *Contest of Moral Imaginations*, 150–51. Newsom cautions against going too far with the interpretive implications of legal metaphor, but she also recognizes that in these instances, clusters of legal expressions and images appear, although "the reader often must make an active judgment whether to hear legal overtones or not" (p. 150).

<sup>24</sup>Using יָחַד ("to decide, judge"), a term with legal connotations, Job indicates that if the friends were to testify in his imagined lawsuit, his experience of suffering and disgrace would serve as a significant piece of evidence against him. See Hans Jochen Boecker, *Redeformen des Rechtslebens im Alten Testament* (WMANT 14; Neukirchen-Vluyn: Neukirchener Verlag, 1970), 45–47.

<sup>25</sup>In this verse, Job explicitly refers to his charge against the deity: violence (חַמָּס). In Exod 23:1 and Deut 19:6, חַמָּס is a technical term for wrongdoing, and in Prov 4:17 the same term refers to what is gained illegally. In the Psalms, the term refers to false accusation, unlawful judgments, and those who render them (Pss 7:17; 27:12; 35:11; 55:10; 140:2, 5, 12). The use of the term here has particular resonance with Jer 20:8 and Hab 1:2. For more on the legal use of חַמָּס, see Boecker, *Redeformen des Rechtslebens*, 6.

<sup>26</sup>With the term גָּאֵל ("redeemer"), Job once again asserts the need for an arbitrator in his lawsuit against God, as he has previously. Given the numerous times the Hebrew Bible refers to God as redeemer (Ps 78:35; "my redeemer" in Ps 19:15; Isa 41:14; 43:14; 44:6, 24; 47:4; 48:17; 49:7, 26; 54:5, 8; 59:20; 60:16; 63:16; Jer 50:34), it follows that the poet is alluding to God. On at least one level, Job's expression of confidence draws on images from the legal realm in which the deity functions as a "Judge-Advocate." The term גָּאֵל appears clustered with legal terms in a number of places in the laments, including Ps 119:154a: "Plead my case [רִיב] and redeem me." In prophetic lawsuit speeches, God can function not only as prosecutor and judge of God's people but also as their defender and advocate (Isa 49:25a; Jer 50:34) as well as the prosecutor and judge of Israel's enemies (Isa 49:25a, 26a; Jer 50:34b, 35). See Zuckerman, *Job the Silent*, 115–16.

body contradicts and works against him and his testimony of innocence.<sup>27</sup> It is in the context of the legal metaphor—and influenced by its deployment—that Job's images of his body function in a new way.<sup>28</sup>

### A. Job's Mouth as False Witness: Job 9:20

Job first introduces the idea of parts of his body acting as witnesses against him, indeed acting beyond his self's control, in 9:20. Drawing in part on images of enemies who make false accusations against the psalmists from the individual laments, Job constructs his own version of the false witness.<sup>29</sup> Instead of his enemies speaking falsely about him and slandering him, in an absurd twist Job's own mouth condemns him.<sup>30</sup>

אִם-אֶצְדָּק פִּי יִרְשִׁיעֵנִי תִם-אֲנִי וְיַעֲקֹשֶׁנִּי

Though I am righteous, my own mouth<sup>31</sup> would condemn me as wicked;  
though I am blameless, it would declare<sup>32</sup> me crooked (9:20).

<sup>27</sup> Similarly, Job wishes that he had someone to represent him in court: "an arbiter" (9:33), a witness, advocate, and mediator (16:19–21). Again the גַּאֵל is not identical to these mediator figures, but surely they inform the role this figure will play for Job.

<sup>28</sup> Dan Matthewson recognizes a shift in Job's death language following the introduction of the legal metaphor (*Death and Survival in the Book of Job: Desymbolization and Traumatic Experience* [Library of Hebrew Bible/Old Testament Studies 450; New York: T&T Clark, 2006], 82–83).

<sup>29</sup> In many individual laments, the psalmist uses legal tropes to describe the actions of his enemies. In particular, it is the enemies' false accusation or testimony about which the psalmist frequently complains. In at least eighteen instances in the individual laments, the enemies are portrayed as false speakers (Pss 7:15; 10:7; 12:3; 27:12; 35:20; 36:4; 50:19, 20; 54:4, 5; 58:4–5; 59:13; 69:5; 101:5, 7; 109:2, 20; 140:10). The image takes on a more overt judicial sense when the enemies are said to accuse or speak falsely or function as false witnesses against the righteous psalmist, as in Pss 27:12; 35:20; 69:5.

<sup>30</sup> Edward Greenstein maintains that the Joban poet often transforms something sensible into something not only radical but either surreal or absurd ("Jeremiah as an Inspiration to the Poet of Job," in *Inspired Speech: Prophecy in the Ancient Near East. Essays in Honor of Herbert B. Huffmon* [ed. John Kaltner and Louis Stulman; JSOTSup 378; London/New York: T&T Clark, 2004], 98–110, esp. 99).

<sup>31</sup> Eliphaz will eventually build on Job's words here in order to present condemnatory evidence against him (15:6: "Your own mouth condemns you, not I").

<sup>32</sup> The form וְיַעֲקֹשֶׁנִּי is odd. If it were a *hiphil*, one would expect the form וְיַעֲקֹשֶׁנִּי. Further, because the *hiphil* of עֲקַשׁ is not elsewhere attested, it seems best to take the form as a *piel* imperfect (וְיַעֲקֹשֶׁנִּי), rather than as a *hiphil wāw*-consecutive (wayyiqṭōl), as Karl Budde suggested (*Das Buch Hiob, übersetzt und erklärt* [Göttinger Handkommentar zum Alten Testament 2/1; Göttingen: Vandenhoeck & Ruprecht, 1896], 44). Taking the form as a *piel* is the best option because (1) the form is attested, and (2) in the context of the legal metaphor, the estimative-declarative or delocutive usage of the *piel* (IBHS 24.2f) emphasizes the importance of what is said in the courtroom versus what is known by Job as well as by God.

God's fury is so intimidating and the power disparity between Job and God is so great that Job's mouth responds out of terror (cf. 9:34–35; 13:20–22), speaking in a desperate yet futile attempt to pacify the divine anger. Job's body is so vulnerable and weak that even parts of himself invariably fall into the service of his legal adversary. His wounds signify guilt to the community, and his own mouth cannot speak without divine manipulation (9:20).<sup>33</sup> In this image of his own mouth testifying against him, part of Job's own body betrays him,<sup>34</sup> revealing the opposition between Job's knowledge of his innocence and what is declared about him in the courtroom. Job's rhetorical deployment of body imagery, influenced by the introduction of the legal trope, presents a disjunction between Job's "true" self and the "false" self represented by his body.

God is depicted in 9:30–31 as the agent who compromises Job's bodily witness. Job seeks to present his body as clean, perhaps alluding to a legal ritual (cf. Deut 21:1–9) or possibly drawing on more general discourse that connects innocence and cleanliness (Deut 21:6–7; Pss 26:6; 51:4; 73:13; Isa 1:16, 18). As Carol A. Newsom rightly notes, Job's actions to present himself as innocent point to his attempts to claim agency and dignity.<sup>35</sup> God reverses Job's assertions about his innocence by plunging him into filth, so that his own clothes make him an abomination.<sup>36</sup> His filthy clothes function like his skin or his physical appearance, indicating to all who see him that he is an abomination, in spite of his innocence. Job's account of trying to make himself appear clean only to be sullied by God's actions demonstrates not only the difficulty of taking God to court but also Job's inability to control his body.

### B. Job's "Leanness" Testifies against Him: Job 16:8

The problem of Job's body presenting false courtroom testimony appears again in 16:8. In direct address to God, Job says,

ותקמטני לעד היה

You have shriveled me up<sup>37</sup> so that it has become a witness.<sup>38</sup>

<sup>33</sup>Newsom, *Contest of Moral Imaginations*, 144.

<sup>34</sup>The idea of a part of the body witnessing or testifying against a person, despite the self's attempt to speak differently (part of the body working against or in isolation from the rest of the body/self/person), is not entirely unprecedented in the Hebrew Bible. See Deut 31:19–21; Isa 3:9.

<sup>35</sup>Newsom, *Contest of Moral Imaginations*, 144.

<sup>36</sup>The *piel* of תעב can mean not only "abhor" but also "cause to be an abomination" (as in Ezek 16:25). Although many translations assume the more common usage of the verb ("abhor") (so NRSV, NIV, NJPS, NET, KJVS, etc.), it makes less sense in the context.

<sup>37</sup>In later rabbinic usage, as well as in Syriac, קמט means "to wrinkle, shrivel up." According to the Syro-Hexapla, Aquila had "you have wrinkled me." See Georg Fohrer, *Das Buch Hiob* (KAT 16; Gütersloh: Gütersloher Verlagshaus Gerd Mohn, 1963), 280.

<sup>38</sup>לעד היה is typically translated "as a witness against myself" (so NRSV), but the phrase is better rendered "to become a witness," as in Jer 42:5; Mic 1:2. The subject of the verb likely refers to Job's body. The perfect verb with לעד indicates that לעד היה is an unmarked purpose clause.

Here Job's complaint about the shriveled condition of his body mirrors corporeal imagery in the individual laments. Language of the body as diminished and overwhelmed is widely attested in the laments (Pss 6:3, 7; 31:10–11; 38:11; 61:3; 69:4; 71:9).<sup>39</sup> Job's description here in 16:8 also recalls 7:5, in which Job describes his body as losing definition and breaching its boundaries; Job is so diminished that he says his flesh "melts away."<sup>40</sup> While Job alludes to his disintegrating body here, the imagery functions in a different way for Job than it does for the psalmists. Instead of presenting his weakened body to God in the hopes of obtaining divine mercy, as the psalmist does, Job attributes responsibility for his bodily condition directly to God.

Job laments the futility of a trial, not only because of God's power to control the outcome but also because his ghastly physical condition serves as a testimony against him. In other words, the punishment of his body indicates his guilt. In 16:8b, Job laments:

יִקָּם בִּי כַחַשׁי בַּפִּנִּי יַעֲנֶה

My leanness has risen up against me and accused me.<sup>41</sup>

The MT's כַּחַשׁי is typically translated as "my leanness" by modern interpreters. This understanding of the term is consistent with the verb in the first line, "to shrivel up" (קָמַט). As in v. 8a, the focus in v. 8b is on Job's bodily appearance. As Norman C. Habel expresses it, "a degraded appearance was considered public evidence of past debauchery or present divine affliction. . . . [Job's] innocent inner self cannot be heard because the court sees only his gaunt outer self."<sup>42</sup> Thus Job complains that his very appearance functions as a false witness against him (cf. 2:7).

Wordplay with כַּחַשׁי in this line intensifies the discontinuity within Job's body. The other meaning of the root כַּחַשׁ, which the versions consistently understand as meaning "to lie" (כַּחַשׁ), is the basis for the wordplay.<sup>43</sup> The Peshitta, the Targum, Theodotion, and Aquila all read "my lie," and the Vulgate, along with

<sup>39</sup>See Amy C. Cottrill, *Language, Power, and Identity in the Lament Psalms of the Individual* (Library of Hebrew Bible/Old Testament Studies 493; New York: T&T Clark, 2008), 29–57.

<sup>40</sup>The Peshitta and the Targum correctly understand the root to be מָאָס II, a by-form of מָאָס, "to melt, flow, drip" (Pss 22:15; 58:8). See Norman C. Habel, *The Book of Job* (OTL; Philadelphia: Westminster, 1985), 153.

<sup>41</sup>In a legal context, the construction -בַּעֲנֶה often means "to accuse." The phrase is used frequently to refer to the testimony of the prosecution witness in a trial (with עֵד: Exod 20:16; Num 35:30; Deut 5:20; 19:16, 18; Prov 25:18; cf. also 1 Sam 18:5; Ps 50:20; Isa 3:26; Jer 15:6; Hos 5:5; 7:10). For more on the role of the witness in the courtroom, see Boecker, *Redeformen des Rechtslebens*, 18–20.

<sup>42</sup>Habel, *Book of Job*, 271.

<sup>43</sup>August Dillmann translates "my lie," claiming that "my lie" is the equivalent of "the suffering which witnesses falsely against me" (*Hiob* [3rd ed.; Kurzgefasstes exegetisches Handbuch zum Alten Testament; Leipzig: S. Hirzel, 1891]. N. H. Tur-Sinai also translates "my lying," but he notes that this may be a scribal correction of כַּחַשׁוֹ, "his false accusation" (*The Book of Job: A New Commentary* [Jerusalem: Kiryath-Sepher, 1957], 265).

Symmachus, understands the word to mean “liar” and translates *falsiloquus*, “my slanderer” (כִּחְשִׁי) (cf. Isa 30:9). One also finds the term used in the legal sense in Job (31:28, “I should have been false to God”) as well as elsewhere in the Hebrew Bible (Lev 6:3; Josh 24:27; Isa 59:12–13; Jer 5:12). In all of these occurrences, the verb “to deceive” (כִּחַשׁ) is used in conjunction with false speaking. The wordplay, identified by the versions’ translations, suggests that Job’s physical leanness acts as a personification of the lie his body communicates and deceives those gathered in the imagined courtroom.

Job’s shriveled state in v. 8b takes on a life of its own and walks into the courtroom to condemn him. Indeed, the verb “to rise up, stand” (קוּם) appears in a number of legal texts in which the witness rises up and gives testimony either for or against a person (Deut 19:15, 16; Mic 6:1; Zeph 3:8).<sup>44</sup> In the individual laments, the psalmist speaks of false witnesses or witnesses of violence who rise up against her in a legal context (Pss 27:12; 35:11; 94:16) and call on God to rise up and judge or plead God’s case (Pss 7:7; 9:20; 74:22; 76:10; 82:8). Job complains not that an enemy will accuse him but that his own body’s shriveled and diminished condition will rise up in court as a ghoulish witness and testify against him.

It is notable that in the body imagery of the Psalms, “the different parts of the body are sometimes shown as single, independent units that are able to act on their own. . . . it is the psalmist’s task to organize and control this manifold unity.”<sup>45</sup> Newsom further observes that the self in Psalms may suffer and be guilty, but its speaking voice is fully integrated into its experience; “indeed the quality of that voice is generated out of the suffering or guilt which it is experiencing.”<sup>46</sup> Job’s body rhetoric, by contrast, presents a righteous self that is obscured by the appearance of a physically diminished body. Job complains that in a courtroom his testimony is or will be manipulated by God; therefore he cannot express truthful testimony the way the psalmist does. In the psalmist’s corporeal imagery, body and self work together. Job highlights the ways in which the two contradict each other.

### III. SEPARATING FLESH FROM SELF

#### A. *Flesh and Bones: Job 19:20–23*

These depictions of Job’s body as an entity that acts beyond his control in the courtroom in 9:20; 9:30–13; and 16:8 inform Job’s extended reflection on the body in 19:20–23 and 25–27, where, I argue, he rejects his physical body because it

<sup>44</sup> See Édouard Dhorme, *A Commentary on the Book of Job* (trans. Harold Knight; London: Thomas Nelson & Sons, 1967), 233.

<sup>45</sup> Gillmayr-Bucher, “Body Images in the Psalms,” 320.

<sup>46</sup> Carol A. Newsom, “The Case of Blinking I: Discourse of the Self at Qumran,” *Semeia* 59: *Ideological Criticism of Biblical Texts* (ed. David Jobling and Tina Pippin; Atlanta: Society of Biblical Literature, 1993), 16.

communicates something false to the community (namely, that his wounds signify his guilt). The poet conjoins images of the body in pain and disintegrating with legal metaphors to point to the way God uses Job's body to control Job's testimony and obscure the truth of Job's innocence.

Although legal metaphors influence Job's argument and legal vocabulary appears in ch. 19, I do not want to suggest that the legal metaphor is the only governing trope in this chapter—or even that it is explicitly present in the whole of the chapter. Indeed, Job threads images, allusions, and forms from the psalms of lament and Lamentations throughout the poetry of ch. 19.<sup>47</sup> However, the legal metaphor does provide a framework for understanding Job's depiction of the disjunction between his testimony and his body in this literary unit.

The language of the body is to the fore in 19:20–27. “Flesh” and “skin” each appear three times in this unit (vv. 20, 22, 26), while “eyes,” “bones,” kidneys,” and “loins” each occur once. In this section, however, Job does not merely lament his physical experience of pain and isolation; he speaks, rather, of his self as disembodied.<sup>48</sup> This imagery of the disembodied self provides Job with a new means to imagine his legal confrontation with the deity, and that image provides him with an ironic hope.

The first image of disembodiment appears in Job 19:20. Job says that his flesh and skin cling to his bones and that he has escaped with the skin of his teeth.<sup>49</sup> On the one hand, Job, echoing complaints of the psalmists, laments that his physical body is falling to pieces (e.g., Ps 102:6): “my bones cling [דבק] to my skin and my flesh.” He may also refer more literally to the effects of a skin disease that causes his skin and flesh to flake and peel away. However, as David J. A. Clines notes, interpreters have had problems with this line because, first, it is odd, placed as it is following verses of complaints about his alienation; and, second, “it is curious that he should complain that his bones are ‘cleaving to his flesh,’ since that seems to be a very satisfactory situation anatomically.”<sup>50</sup>

<sup>47</sup> For allusions to the psalms, see Tryggve N. D. Mettinger, “Intertextuality: Allusion and Vertical Context Systems in Some Job Passages,” in *Of Prophets' Visions and the Wisdom of Sages: Essays in Honour of R. Norman Whybray on His Seventieth Birthday* (ed. Heather A. McKay and David J. A. Clines; JSOTSup 162; Sheffield: JSOT Press, 1993), 257–75; for parallels with Lamentations 3, see Amy Erickson, “Resistance and Surrender: The Self in Job 19,” *Journal of the Bible and Human Transformation* 1 (2011): 1–33.

<sup>48</sup> Seow, “Job's *gōʿāl*, Again,” 704–5, 707.

<sup>49</sup> Commentators have long noted that v. 20a is overly long. Various emendations have been proposed, based in part on the Greek, which has “in my skin my flesh rots, and my bones are held in my teeth,” reading *בשרי* (“my flesh”) for *ובבשרי* (“and in my flesh”) and *רקבה* (“rots”) for *דבקה* (“clings”) and connecting the last word (“my bones”) with the second line. See, e.g., Adalbert Merx, *Das Gedicht von Hiob: Hebräischer Text, kritisch bearbeitet und übersetzt, nebst sachlicher und kritischer Einleitung* (Jena: Mauke, 1871). It may be, however, that the OG corrects the imbalance in meter in the MT. In the Peshitta, “my flesh” and “my skin” are both retained as the subjects of “cling.”

<sup>50</sup> Clines, *Job 1–20* (WBC 17; Dallas: Word Books, 1989), 450.



With regard to the first problem, it is Job's physical appearance that prompts the alienation he laments in vv. 13–19. Because of his appearance, the people in his life no longer recognize him in terms compatible with his former role in the community. Job's complaint in v. 20 similarly centers on the issue of unrecognizability. His disintegrating skin and flesh, which stubbornly cling to his person, signify to the community that he is a cursed sinner and obscure his former, righteous self.

Concerning the second issue identified by Clines above, it is notable that Job reverses the image of Ps 102:6. The psalmist complains, "my bones cling to my skin," suggesting that his bones are holding onto the skin so that the skin will not fall off. Job, by contrast, laments that his skin clings stubbornly to his bones. The problem for Job is that his skin hangs onto his bones; he cannot escape the corrupted garment of flesh he wears.<sup>51</sup>

Verse 20b contains a body image that is somewhat obscure: "And I have escaped with the skin of my teeth."<sup>52</sup> If one understands Job to say that he is left *only* with the skin of his teeth (i.e., his gums), the image is yet another instance of Job's frustration with his embodiment. Job laments that even if he were to declare his innocence with no teeth, only gums, his testimony would be compromised, for he cannot speak intelligibly. The condition of his mouth corrupts and clouds the words of his testimony. In this way, Job's complaint that he cannot escape the skin and flesh that hamper his appearance as a witness extends to v. 20b. Just as Job complains that his bones cannot escape his skin and flesh, he sarcastically claims that he has escaped with the skin of his teeth (meaning, gums) still intact. He continues to be plagued by his skin.

The body images in v. 20 indicate that Job uses metaphors of disembodiment, such as we find in the laments, to express physical suffering. But wordplay, read in the context of the legal metaphor, suggests that another meaning is in play. While Job laments his physical disintegration, he also suggests that being in his body—being clothed with skin and flesh—is problematic. His shriveled condition has testified against him (16:8), and the corrupted skin and flesh stubbornly cling to his bones. Thus, the problem is not simply that he is wasting away and so disembodied; rather, at issue is that he has not been thoroughly disembodied. No matter what he does, his flesh and his skin, which testify to his guilt, continue to stick to him.

In v. 22, Job compares his friends to God, who is not satisfied with his flesh; the implication is that the friends do not accept (literally, "are not satisfied with")

<sup>51</sup> Job exploits the notion of weakness or corruptibility inherent in the term "flesh" (בשר). When applied to human beings in the Hebrew Bible, the word "flesh" often emphasizes the weakness and inadequacy of humans and their utter dependence on God. See Graham J. Warne, *Human Perspectives on the Human Person in the Hellenistic Era: Philo and Paul* (Mellen Biblical Press Series 35; Lewiston, NY: Mellen Biblical Press, 1995), 76.

<sup>52</sup> For a survey of the numerous renderings of this line, see Clines, *Job* 1–20, 431–32.

Job's profession of innocence because his flesh (his appearance), which God has manipulated, testifies to his guilt (see 19:5–6).<sup>53</sup> Yet this image of the friends as chewing insatiably on Job's flesh recalls animal imagery often applied to enemies in the laments.<sup>54</sup> In Psalm 27, the psalmist complains that his enemies "eat my flesh" (v. 2). Like the psalmist, Job complains that his friends, like God, pursue him like savage beasts. His flesh is not coterminous with his sense of self as an innocent person; it is more like a meal for the animalistic enemies who pursue him.

In sum, legal and corporeal metaphors inform one another so that in 19:20–22, Job complains not only that his body is literally falling to pieces but also that he *has* a body. By ch. 19, for Job, the body has come to be thoroughly associated with his physical pain, with his experience of abuse, and with the extent to which his former friends and family misperceive him. Therefore, he wishes he could be free from it.

### *B. A Fleshless Witness: Job 19:23, 25–27*

Perhaps because Job's physical testimony is so compromised, he longs for an inscription to present his words (vv. 23–24). Job implies that the inscription will stand forever and that it will serve as a witness to his testimony. Whereas the MT has לְעֶד ("forever"), Theodotion, followed by Jerome, reflects לְעֵד ("as a witness"). Although the MT is sensible as it stands, Theodotion's translation helps identify the wordplay. Job wants a witness that is, unlike his flesh (which will never satisfy his accusers), an enduring one. This complaint resonates with his accusation in 16:8, in which Job insists that God shriveled him up, causing his leanness to become as a witness (לְעֵד) against him. In 16:19, Job longs for a witness in heaven to provide a counter-testimony in his favor.<sup>55</sup>

Because his flesh has become so identified with his guilt, Job desires a physical stand-in for his flesh that will not be susceptible to divine abuse and manipulation as his body has been. Job longs for a lasting inscription to function as a witness that will not be hampered by the guilt the desiccation of his body communicates (16:8).<sup>56</sup> Job longs for his testimony to be contained and presented by way of a strong, durable material, perhaps a large monumental inscription<sup>57</sup> or an epitaph

<sup>53</sup> In Aramaic, the phrase "to bite the flesh" (אָכַל קָרֶץ) is idiomatic for "to slander" (see Dan 3:8; 6:25). Similar idiomatic usage occurs in Akkadian and Syriac.

<sup>54</sup> Psalms 7:3; 10:9; 17:12; 22:13, 14, 17, 21, 22; 35:17; 57:5; 59:7, 15.

<sup>55</sup> Seow, "Job's *gō'ēl*, Again," 695.

<sup>56</sup> H. S. Gehman first argued for this interpretation ("סִפֵּר: An Inscription, in the Book of Job," *JBL* 63 [1944]: 303–7). The term is parallel with "rock," and both are objects of the verbs "engrave" and "hew"; therefore, a material with a hard surface is most likely. Also note Exod 17:14 and Isa 30:8, where סִפֵּר indicates an inscription.

<sup>57</sup> Beginning with Rashi, interpreters have noted parallels between the method invoked in v. 24a (pouring lead into engraved letters) and the Behistun inscription.

that will survive the death of his body.<sup>58</sup> The point here is that Job expresses his desire for his witness to take a durable form that will not decay like his flesh.

Earlier Job vowed to speak through his damaged body, “through the bitterness of [his] throat” (7:11), but because God placed a watch over him and his voice (7:12, 19–20), manipulated his mouth (9:20), and corrupted his bodily testimony (16:8), Job here identifies a different medium for his voice. Free of its contaminated and manipulated flesh, Job’s authoritative testimony will be represented fairly on a rock.

This notion of a fleshless witness continues in 19:26–27. These lines are permeated with the language of the body and visual perception.

ואחר עורי נקפוצאת ומבשרי אחזה אלוה  
אשר אני אחזה-לי ועיני ראו ולא-זר

And after my skin has been stripped off,<sup>59</sup> without my flesh,<sup>60</sup>  
I will see God, whom I, I will see for myself.  
My eyes will see—and not a stranger.

After lamenting his deteriorating physical condition, in vv. 26–27 Job appears to welcome being stripped of his skin and flesh. Being fleshless, he claims that he will *see* God.

The phrase *מִבְּשָׁרִי* appears here for the second time in ch. 19. Many interpreters maintain that it means “in my flesh” (so KJV, NIV, NRSV, NJV),<sup>61</sup> but the preposition *מִן* does not have this meaning anywhere else with other nouns or with “flesh” (e.g., in Gen 2:23; Eccl 11:10; and Isa 58:7, *מִן* with *בָּשָׂר* means “of flesh” or “from flesh”). Where “in flesh” is intended, it is clearly expressed with the preposition *בְּ* (Gen 17:13; Ps 38:4, 8; Ezek 11:19; 36:26). Given the parallel with “skin stripped,” the *מִן* is likely privative, meaning “without my flesh” or “separated from my flesh”

<sup>58</sup>Matthew Suriano, “Death, Disinheritance, and Job’s Kinsman-Redeemer,” *JBL* 129 (2010): 49–66, esp. 51.

<sup>59</sup>The verb *נִקְפוּ* (“they have stripped”) may function here in the impersonal sense (GKC §144g). In this line, *זאת* is admittedly awkward, but I understand it to be a demonstrative with no true antecedent. In particular *זאת* may refer to an action or circumstance vaguely defined. See *IBHS* 6.6.d (Gen 3:14; cf. 3:13; 2:23; Job 33:12). Typically, such a *neutrum* is expressed with a feminine form (*IBHS* 17.4.3b).

<sup>60</sup>I read the *מִן* of *מִבְּשָׁרִי* as privative, meaning “without my flesh” or “separated from my flesh.” The versions are divided, and each reflects a different reading of this verse. The Greek reflects *ὁ μὲν* (*ἐν* *κλῆπῳ*, “in [my] breast”) for *ומבשרי*. The Peshitta has “these things surround [connecting the verb *נִקְפוּ* with *הִקִּיף*] both my skin and my flesh.” The Vulgate has “in my flesh” (*in carne mea*), but it is likely colored by a theological bias and a desire to support the Christian belief in the resurrection of the body. The Targum has “and after my skin has swollen [rendering *זאת* with *אתפח*, from *נִפַּח*] and from my flesh I will still see God.”

<sup>61</sup>Many interpreters who translate “in my flesh” do so because they assert that “without flesh” does not make sense in the context. However, many such arguments are based on an overly literal interpretation of Job’s words. They do not explore the metaphorical aspects of the expression. Clines, for example, expresses wonderment regarding how Job would “see” if he were without a body (*Job* 1–20, 461).

(so RSV).<sup>62</sup> However, Job is not referring to a postmortem encounter with God.<sup>63</sup> Rather, Job is speaking figuratively of the benefits of a disembodied testimony.

Debate among commentators over this phrase centers primarily on the question of whether Job is suggesting that he will see God in this life or in the afterlife, or in his body on earth (as in this life) or after his death (as in after his bodily resurrection).<sup>64</sup> However, Job's language continues to be metaphorical rather than literal. The image of Job "without flesh" interacts with other images of Job's disembodiment that recur throughout this passage.<sup>65</sup> Thus, בשר here echoes Job's usage of the term in v. 20 (which also has "flesh" and "skin" in parallel), and in v. 22, in which Job accuses his friends of insatiably feasting on his flesh (ומבשרי). Verses 20 and 22 indicate the various ways in which Job's flesh is problematic. Job imagines that he will meet God without the flesh that has stubbornly clung to his body (v. 20) and that has provided a feasting ground for his enemies and for God (v. 22) as well as a false testimony to his guilt. In Job's version of an expression of confidence in v. 26, he imagines himself free of the flesh that has plagued him.

Job is not referring to his death here, nor is he expressing hope that he will be restored physically;<sup>66</sup> rather, he is imagining the ideal condition of his self in a confrontation with God. This fantasy of a meeting with God is colored by, though not limited to, the trial setting that Job has conjured periodically throughout his speeches since ch. 9. Job's legal case has been consistently hampered by the testimony of his body (Job 9:15, 18, 20, 30–31; 16:8; etc.). Moreover, his body has been the site of divine abuse (16:12–14; 19:6–12) and the cause of his social isolation (19:13–19). His flesh has clung to him stubbornly (19:20), and his ruined body has provided endless fodder for those who proclaim his guilt over against God's justice (19:22). Thus, Job fantasizes that if he could remove himself thoroughly from his skin, his testimony would not be compromised by his corrupted flesh. I am not implying here that Job longs for some sort of resurrection or that he believes such an encounter with God will take place.<sup>67</sup> Rather, his words represent

<sup>62</sup> GKC §119w; Job 11:15; 21:9; Jer 48:45.

<sup>63</sup> Some commentators have offered interpretations of this phrase based on this meaning of the MT ("without my flesh") but assume that Job refers to an encounter with God that will occur after his death. See, e.g., Bernhard Duhm, *Das Buch Hiob erklärt* (KHC 16; Tübingen: Mohr Siebeck, 1897), 103.

<sup>64</sup> For an overview of the various readings and interpretations, see Clines, *Job 1–20*, 461–65.

<sup>65</sup> Seow compares מבשרי here with מבשרי in v. 22b, where it refers to the metaphorical act of devouring the body. The use of the term in v. 26b, therefore, recalls the idiom of dismemberment and, at the same time, implies the insatiability of the friends' appetite for his flesh, both of which are suggested in v. 22b ("Job's *gō'el*, Again," 705–6).

<sup>66</sup> Some interpreters argue that Job refers here to his decaying and dying (and perhaps even dead) body. Many proponents of this view, however, believe that Job implicitly expresses confidence that he will be restored before his death. See Fohrer, *Das Buch Hiob*, 320; T. J. Meek, "Job xix 25–27," *VT* 6 (1956): 100–103.

<sup>67</sup> Older Christian and Jewish interpreters viewed these verses as affirming their faith in a bodily resurrection.

an ironic fantasy that entails escaping the testimony he wears constantly: his flesh (as opposed to a robe of righteousness and a cloak of justice, as in Job 29:14).<sup>68</sup>

The idea that Job's flesh has rendered him a virtual stranger among his peers and his household recurs with the phrase "not a stranger" (לֹא־זָר, v. 27). Many commentators understand Job to be emphasizing that he, and not another person, will see God.<sup>69</sup> However, the recurrence of the term זָר echoes the motif of Job as a stranger and foreigner in 19:13–19. Job's friends are estranged (זָרוּ) from him (v. 13); Job's breath, even his "spirit" (רוּחַ), is strange (זָר) to his wife (v. 17). And in v. 15, he says, "the guests of my house reckon me a stranger [זָר] / as a stranger [נִכְרִי], I am in their eyes." In this unit, Job emphasizes the degree to which his physical appearance has not only alienated him but also rendered him unrecognizable, to his community. Therefore, with the expression "not a stranger" in v. 27, Job refers to his fleshly, embodied self. In Job's imagined encounter with God, although—even because—he will be without his flesh, it will be he himself, not a stranger (which he considers his flesh to be), who will see God. Without his devastated flesh, Job can meet God in court without the flesh that has concealed his identity as a righteous individual in his community.

### C. Seeing God: Job 19:26–27

To counter God's relentless watching, in 19:26–27 Job imagines his own body as invisible, without flesh, so as to avoid not only divine aggression and ill-willed scrutiny but also to direct attention away from his physical form and toward God. A similar theme is evident in 7:8; here in 19:26–27, Job brings the idea of escaping the divine gaze to fuller expression. Job not only enacts the diminishment of his own body before God but also reverses the images of divine watching and seeing—the focus on his body and his sin—and turns them on God.

Job's vocabulary in vv. 25–26 echoes and redeploys language of seeing and perception that Job has used in various ways throughout his speeches. Therefore, the phrase "I will see God" needs to be understood in the context of Job's speeches and in light of the ways in which Job has problematized seeing. My contention is that the language of seeing here serves several purposes: (1) to highlight the ways God has not been "seen" or been present in court; (2) to counter God's relentless watching; and (3) to direct attention away from Job and onto God.

First, seeing God—or, rather, not seeing God—is a theme that Job explores elsewhere in the context of the courtroom (9:11; 23:3–9 ["I cannot see him," v. 9]).<sup>70</sup> In chs. 9 and 13, in particular, the language of seeing appears explicitly

<sup>68</sup> Job's vision of a trial in ch. 13 also traffics in the realms of irony and fantasy.

<sup>69</sup> See Robert Gordis, *The Book of Job: Commentary, New Translation, and Special Studies* (Moreshet 2; New York: Jewish Theological Seminary of America, 1978), 207.

<sup>70</sup> J. J. M. Roberts, "Job's Summons to Yahweh," *ResQ* 16 (1973): 159–65.

in conjunction with the trial metaphor.<sup>71</sup> In the courtroom, the invisibility of any of the interested parties is problematic, as it inhibits the trial if the plaintiff or prosecutor does not appear in court. After asking God in 13:23 to provide him with an account of his transgression, Job laments, "Why do you hide your face and count me as your enemy?" (13:24). Therefore, Job expresses frustration that God refuses to be present in the courtroom but also confidence that if he could only face God in court, they could achieve a reconciliation (13:15–16).<sup>72</sup> Job also recontextualizes the theme from the laments of the divine face hiding (Pss 44:25; 69:18; 88:15; 102:3; 104:29; 143:7) by placing it in a legal context, in which hiding or being hidden is inappropriate. For Job, unlike the psalmists who complain that God's face is hidden, God's hiding of face is not a charge of negligence but one of a disruption and distortion, even perversion, of the legal process, which, in order to be effective, must operate in the open. It is the problem of God's inscrutability or invisibility that provides the background for Job's demand to see God in 19:26b–27a.

Second, Job inverts the motif of divine scrutiny by asserting that he will be the one to see God, rather than vice versa. The inscrutability of God finds a parallel in the recurring motif of God's relentless scrutiny of Job. Job has consistently portrayed his body as the object of God's hostile, scrutinous, and violent gaze.<sup>73</sup> Chapter 7, in particular, is replete with terms for seeing and inspecting, actions attributed to God (vv. 7, 8, 12, 18, 19, 20, 21). Though God's scrutiny is represented by the psalmist as legitimate and even welcome, Job suggests a close and even inevitable connection between divine looking and harming.<sup>74</sup> Thus, Job expresses a longing to disappear; in 7:8, he complains, "the eyes that see me will see me no more; while your eyes are on me, I shall be gone." When Job says that he will see God without his flesh, Job reverses the roles in the trope of divine scrutiny. Instead of enduring the violent divine gaze that results in innocent suffering, Job will recede as the object of God's vision and be the one to see God.<sup>75</sup>

Third, Job's insistence in 19:26–27 on seeing God without flesh directs the reader's attention away from Job and toward God. Examining parallel Righteous Sufferer texts from Mesopotamia and psalms of lament, Bruce Zuckerman says, "by its very nature, this lament-form directs attention toward the Sufferer. The victim says to his god and fellow human beings alike, 'Look at me, pity me.'<sup>76</sup> . . .

<sup>71</sup>The forensic implications are surely in play here, but the rich and multivalent set of images here far exceeds any one interpretive schema.

<sup>72</sup>M. B. Dick, "The Legal Metaphor in Job 31," *CBQ* 41 (1979): 37–50, esp. 45.

<sup>73</sup>Newsom, *Contest of Moral Imaginations*, 136.

<sup>74</sup>P.-E. Dion argues that Job 7:7–16 is a parody of Ps 8:4–5 ("Formulaic Language in the Book of Job: International Background and Ironical Distortions," *SR* 16 [1987]: 187–93).

<sup>75</sup>By insisting that he will see, Job also asserts his own legitimacy to act as a witness in his own trial as he does in 13:1–2 (cf. Lev 5:1).

<sup>76</sup>The final plea of the Sufferer in the *Babylonian Theodicy* is, "You are kind my friend;

But it is precisely this fixed attention that the poet of Job is determined to break.”<sup>77</sup> Zuckerman argues that, in contrast to the laments, Job seeks to redirect the reader’s attention from his own suffering to the inscrutable God and God’s failure to uphold justice. Indeed, “he has made a dramatic issue of this divine inscrutability.”<sup>78</sup> Thus, when Job claims that he will see God, he redirects the reader’s attention away from his own body and toward the body of God. When we arrive at the Joban version of the lament’s expression of confidence, we find our attention—our eyes, following Job’s—focused on God alone.

Without flesh, Job’s witness will not be tainted because his body will be released from the divine gaze and he will be the one to look starkly and unmercifully on God (with his strangely disembodied eyes), revealing God’s farcical commitment to justice. Thus, *seeing* God—the sole inflicter of the violence upon his body—without his body to be abused or controlled provides Job with a measure of hope, albeit ironic.<sup>79</sup>

#### D. “My Kidneys . . . Are Finished”: Job 19:27

The language of disembodiment continues into the final line of v. 27 with Job’s reference to his kidneys in his loins. The MT has בָּלוּ בְּלִיְתִי בַחֲקִי, literally, “my kidneys in my loins are finished.”<sup>80</sup> With his kidneys “finished,” “vanished” (7:9; Ps 37:20; Isa 10:25), “thoroughly destroyed” (4:9; Ps 90:7; Isa 1:28; 10:23), or “come to an end” (Isa 21:16; 24:13; Lam 3:22), Job implies, again, that in his fantasy interaction with the deity, his physical self ceases to exist.

With the reference to his kidneys, Job highlights that aspect of his body that is subject to persistent and ill-willed divine scrutiny. Psalmists suffering from illness or persecution plead with God to inspect their bodies, in particular their kidneys, in order that God will see their righteousness and restore them to wholeness (Pss 7:10; 26:2; cf. Jer 11:20; 12:2; 17:10; 20:12). The psalmists’ assumption is that God can see the essence of a person in a way that a human cannot; therefore the

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Behold my grief. Help me; look on my distress; know it” (lines 287–88). Translation from William G. Lambert, *Babylonian Wisdom Literature* (Oxford: Clarendon, 1960), 89.

<sup>77</sup> Zuckerman, *Job the Silent*, 98–99.

<sup>78</sup> Ibid., 102. This shift of the reader’s attention is evident also in 19:5–6, in which Job shifts the focus from himself and his guilt to God as the one who is culpable.

<sup>79</sup> In the laments, there is confidence in God’s visual perception. The psalmist is convinced that if God *sees*, God’s compassion and desire for justice will be mobilized. However, in Job, human mis-seeing is the fault of God. God is taking advantage of God’s power by manipulating the vision of humans. When God destroys Job, financially, physically, and psychologically, the result is the community’s perception of him as guilty.

<sup>80</sup> Both Theodotion and the Targum support the MT. The Peshitta reflects בְּלִיְתִי but also has כָּלוּ בְּלִיְתִי (“I am utterly finished”). Kevin Snapp has argued for reading כָּלוּ בְּלִיְתִי (“I am thoroughly exhausted”) instead of the MT’s בָּלוּ בְּלִיְתִי. This reading, however, disregards the prominence of body imagery and language in 19:25–27 (“Job’s Displaced Kidneys: Job 19:27,” *JBQ* 29 [2001]: 125–26).



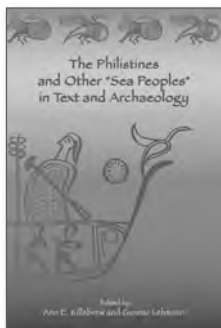
psalmists trust God to inspect their inward parts and find them worthy of redemption and liberation. Job parodies the motif of divine inspection from the psalms in 10:4–7, where, in conjunction with the legal metaphor, Job insists that, although God sees Job's innocence, God probes him relentlessly in search of any sign of infraction. Job accuses God of seeing as humans see, with "eyes of flesh" (10:4). God has also subjected Job's kidneys to a violent attack, slashing them without mercy (16:13; cf. Lam 3:13). Therefore, in v. 27 when Job speaks of his kidneys as finished in the context of his fleshless encounter with God, Job reiterates that he has withdrawn his self from scrutiny as well as from divine abuse. Job declares that his kidneys are "finished" being inspected, a divine task that leads to violence and further defamation rather than vindication.

Whereas the psalmists lament that they are coming to an end or vanishing in order to motivate God to act on their behalf, Job uses it as a means to withdraw, in his physical being, from God. Psalmists in distress use the term כֹּלֵה to refer to their bodies, which are exhausted, "spent" (Pss 31:11; 102:4; 143:7). The soul, strength, and eyes are all said to grow weak with longing or waiting for God (Pss 69:4; 84:3; 119:81, 82, 123). The language of fainting or fading away (כֹּלֵה) expresses the urgency of the psalmists' situation to God; if God does not intervene soon, their exhausted bodies will waste away entirely. Job, by contrast, does not use the term to express his impatience with waiting for God; consistent with his stance in the rest of his speeches, he does not ask God to intervene to deliver him. Just as he imagines himself without flesh, here Job imagines his kidneys as having entirely faded away. In his imagination, the end of his kidneys is just as welcome as the freedom from his flesh.

#### IV. CONCLUSIONS: THE BODY TRANSCENDENT

Job's broken and deteriorating body functions as a metaphor for the destruction of self—physical, spiritual, emotional, existential—he has experienced. Yet, in 19:26–27, the image of the body as shattered and distorted is fully redeployed. Job declares in triumph that he will be free of his body as the site of divine control and abuse, and all eyes, especially Job's, will be on the deity.

In Job's rhetoric, the conditions of possibility presented by the image of the witness in the courtroom merge with images of the disintegrating body. The result is a rhetoric that separates the guilt associated with his diseased flesh from the reliability and metaphorical wholeness of his testimony. Ultimately, in 19:25–27, the metaphor of the disembodied witness emerges as a hopeful concept for Job. Images of disembodiment function not only to articulate Job's pain but also as a means to reinterpret and re-present his testimony. With no little irony, Job's rhetoric transcends the limitations and vulnerability of his body *with* metaphors of the body.



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## Interpreting the Lamb Imagery in Isaiah 53

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Many interpretations of the servant's role(s) in Isaiah 53 depend largely on how a given scholar understands the comparison of the servant to a slaughtered lamb in v. 7. This comparison has led many scholars to ask whether the servant plays a role similar to one of the ritually sacrificed animals discussed in the Pentateuch. Arguments in favor of comparisons of the servant to a ritually sacrificed animal are typically based on the cumulative effect of a variety of images and expressions from throughout Isaiah 53 (vv. 4, 7, 8, 11, 12) that seem similar to imagery from certain pentateuchal texts. The typical arguments against such comparisons have focused on the fact that Isaiah 53 does not use much of the technical terminology found in those pentateuchal texts. Rather than argue over perceived similarities or differences between Isaiah 53 and the Pentateuch, this article approaches the issue by examining the type of lamb that the servant is described as in Isaiah 53.

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The unnamed servant figure in Isa 52:13–53:12 (hereafter Isaiah 53) has captured the imagination of countless readers since very early in the history of biblical interpretation. Attempts to discern his role(s) in this passage represent one of the standard preoccupations within Isaiah scholarship. Many interpretations of the servant's role(s) depend largely on how a given scholar understands the comparison of the servant to a slaughtered lamb in 53:7, which reads, “like a lamb that is led to the slaughter, and like a sheep that before its shearers is silent, so he did not open his mouth.”<sup>1</sup> The comparison has led many scholars to ask whether

I presented an earlier version of this article in a joint session of the “Disability Studies and Healthcare in the Bible and Near East” and the “Levites and Priests in History and Tradition” sections at the 2010 annual meeting of the Society of Biblical Literature. I would like to thank Jeffrey Stackert for his thoughtful response to that presentation.

<sup>1</sup>With occasional modifications, all biblical translations come from the NRSV and follow its versification. As Naphtali S. Meshel noted in a personal communication, although the English word “lamb” is a conventional translation for *שׁוֹן* (cf. KJV, NRSV, etc.), it is not an ideal translation since *שׁוֹן* could refer to a variety of members of the flock including sheep and goats of any age and either sex.

the servant plays the role of one of the ritually sacrificed animals discussed in the Pentateuch. This recurring question represents a critical issue in scholarship not only from the last half of the twentieth century but in the ongoing interpretation of Isaiah 53 as well.<sup>2</sup>

Arguments in favor of comparisons of the servant to a ritually sacrificed animal are typically based on the cumulative effect of a variety of images and expressions from throughout the chapter (vv. 4, 7, 8, 11, 12) that seem similar to imagery from the Pentateuch. The typical arguments against such comparisons have focused on the fact that the chapter does not use much of the technical terminology found in those pentateuchal texts.

Rather than argue over perceived similarities or differences between Isaiah 53 and Leviticus, I approach this issue by examining the type of lamb that the servant is described as in Isaiah 53. Although v. 7 clearly compares the servant to a slaughtered lamb and a shorn sheep, it is not clear that the lamb is slaughtered as a ritual sacrifice. I will show that the servant is not described as the type of animal used in any of the ritual sacrifices discussed in the Pentateuch. Instead, descriptions of the servant throughout Isaiah 53 employ imagery that both Malachi and Leviticus use for animals unfit for sacrifice. Yet, unlike previous scholarship that argues against comparisons to the animals accepted for sacrifice in the Pentateuch, my proposal in this article is not based on perceived differences between Isaiah 53 and Leviticus. It is not just that the Isaian text does not use the technical terminology from Leviticus that should caution us against using the material from the Pentateuch to interpret the lamb imagery in Isaiah 53. Instead, it is the terminology that Isaiah 53 *does use* that raises red flags regarding connections between the Isaian passage and material from the Pentateuch.

As the secondary literature on Isaiah 53 is enormous and several fine surveys of the history of scholarship already exist, I do not offer an exhaustive survey of this scholarship.<sup>3</sup> Instead, I begin with a brief review of some representative examples

<sup>2</sup>One finds support for this statement in the commentaries, monographs, edited volumes, and journal articles published in the last five to fifteen years (as well as earlier scholarship) cited throughout this article's summary of scholarship.

<sup>3</sup>See Colin G. Cruse, "The Servant Songs: Interpretative Trends since C. K. North," *Studia Biblica et Theologica* 8 (1978): 3–27; Samuel R. Driver and Adolf Neubauer, *The Fifty-Third Chapter of Isaiah according to the Jewish Interpreters* (Oxford/London: James Parker, 1877); Herbert Haag, *Der Gottesknecht bei Deuterojesaja* (EdF 233; Darmstadt: Wissenschaftliche Buchgesellschaft, 1985), 34–195; Wolfgang Hüllstrung and Gerlinde Feine, updated by Daniel P. Bailey, "A Classified Bibliography on Isaiah 53," in *The Suffering Servant: Isaiah 53 in Jewish and Christian Sources* (ed. Bernd Janowski and Peter Stuhlmacher; trans. Daniel P. Bailey; Grand Rapids: Eerdmans, 2004), 462–92; Christopher R. North, *The Suffering Servant in Deutero-Isaiah: An Historical and Critical Study* (2nd ed.; London: Oxford University Press, 1956); H. H. Rowley, *The Servant of the Lord and Other Essays on the Old Testament* (London: Lutterworth, 1952), 1–57; John D. W. Watts, *Isaiah 34–66* (rev. ed.; WBC 25; Nashville: Nelson Reference & Electronic, 2005), 791. For further references to surveys of the history of interpretation of Isaiah 53, see

of arguments that use ritual sacrifices from the Pentateuch in their interpretations of the lamb imagery that describes the servant in Isaiah 53. Second, I will briefly review the typical arguments against using this sacrificial material to interpret the Isaian text. Third, I will provide some underappreciated evidence from Leviticus and Malachi that shows how one can make a more definitive argument against the connection between Isaiah 53 and the Pentateuch by focusing on the language and concepts that *do* appear in Isaiah 53 rather than focusing on the language and concepts that *do not* appear.

The goal of my comparisons of the imagery in Isaiah 53, Malachi, and Leviticus is not to provide a historical explanation of the inner-biblical relationship of these texts. My concern is whether Isaiah 53 uses imagery of a ritually sacrificed animal, not what Isaiah 53 reveals about the community that produced it in relation to the communities represented in Malachi or Leviticus. The comparisons with Malachi and Leviticus may help us with the former concern regardless of whether these comparisons can help us with the latter concern (as important as the latter concern may be). Along these lines, as seen below, scholars tend to engage the former concern by comparing the language and imagery of Isaiah 53 to pentateuchal texts without necessarily mapping the inner-biblical relationship of these texts. Therefore, I address this concern by following the standard conventions for argumentation that have framed the debate over this particular issue within ongoing scholarship.

## I. ARGUMENTS FOR USING RITUAL SACRIFICIAL MATERIAL TO INTERPRET THE SERVANT

Since very early in the history of biblical interpretation, exegetes have drawn connections between the lamb imagery in Isaiah 53 and the ritual sacrifices in the Pentateuch. In Christian traditions throughout the centuries, interpreters have applied these connections to Jesus. For example, in the second century C.E., the Christian apologist Justin Martyr quotes Isa 52:10–54:6 and applies this passage to Jesus' suffering (*Dial.* 13.2–9).<sup>4</sup> For Justin's (possibly fictitious) Jewish interlocutor Trypho, however, the comparison of the messiah to "a lamb that is led to the slaughter" (Isa 53:7) does not mean that the messiah must be crucified like Jesus (*Dial.* 90.1). Justin responds to Trypho's objection with a number of typological

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Kristin Joachimsen, "Steck's Five Stories of the Servant in Isaiah lii 13–liii 12, and Beyond," *VT* 57 (2007): 209 nn. 2 and 3, 217 n. 33.

<sup>4</sup>For detailed discussions of Justin's use of Isaiah 53, see D. Jeffrey Bingham, "Justin and Isaiah 53," *VC* 53 (2000): 248–61; Daniel P. Bailey, "'Our Suffering and Crucified Messiah' (*Dial.* 111.2): Justin Martyr's Allusions to Isaiah 53 in His Dialogue with Trypho with Special Reference to the New Edition of M. Marcovich," in Janowski and Stuhlmacher, *Suffering Servant*, 324–417; and, in the same volume, Christoph Marksches, "Jesus Christ as a Man before God: Two Interpretative Models for Isaiah 53 in the Patristic Literature and Their Development," 225–323.

connections between certain Hebrew Bible passages and Jesus' death. These typologies, based on a comparison between the lamb in Isa 53:7, understood by Justin as a prophecy of Jesus, and the unblemished lamb in Exodus 12, culminate in a claim that Jesus was the Passover lamb.<sup>5</sup> For Justin, references to slaughtered lambs in Exodus and Isaiah are connected to each other because they both have a typological relation to the death of Jesus. Similar connections between pentateuchal ritual sacrifices, Isaiah 53, and Jesus became commonplace among Christian interpreters over the centuries. Connections between Isaiah 53 and Jesus' passion appear in the writings of Theodoret of Cyrus (fifth century), Thomas Aquinas (thirteenth century), Martin Luther (sixteenth century), and John Calvin (sixteenth century), among others.<sup>6</sup>

Very few contemporary critical scholars use the Passover lamb imagery in Exodus 12 to connect the lamb imagery in Isaiah 53 to Jesus. Nevertheless, one possible by-product of such ancient interpretative traditions is that scholars still compare the servant to an unblemished sacrificial animal. Contemporary scholars still routinely explain the lamb imagery in Isaiah 53 by referring to the ritual sacrifices in the Pentateuch, especially in Leviticus. In 1974, Walther Zimmerli argued that the so-called scapegoat ritual in Leviticus 16 helps explain the description of the servant as a lamb in Isaiah 53.<sup>7</sup> According to Lev 16:21–22, during the scapegoat ritual the priest will lay his hands on the head of a live goat and “confess over it all the iniquities of the people of Israel, and all their transgressions, all their sins, putting them on the head of the goat, and sending it away into the wilderness. The goat shall bear [אֲשָׁר] on itself all their iniquities to a barren region; and the goat shall be set free in the wilderness.” Zimmerli saw several allusions to this scapegoat ritual in Isaiah 53. For example, v. 4 states that the servant “has borne [אֲשָׁר] our infirmities and carried our diseases” and, according to v. 12, “he bore [אֲשָׁר] the sin of many” (cf. v. 11).

Zimmerli's work influenced many biblical scholars over the next few decades. Trygve N. D. Mettinger follows Zimmerli's lead. Mettinger writes, “Several unmistakable allusions to the priestly tradition of driving the scapegoat into the wilderness to carry off the sins of the people are to be found in Isa 53.”<sup>8</sup> For Mettinger, these “unmistakable allusions” include Zimmerli's examples (see Lev 10:17). Mettinger also compares the way that the goat was set free in the wilderness to Isa 53:8, which states that the servant “was cut off from the land of the living.”

<sup>5</sup>See Marksches, “Jesus Christ as a Man before God,” 265–66.

<sup>6</sup>For a helpful overview of these and other Christian interpreters' use of Isaiah, including ch. 53, see Brevard S. Childs, *The Struggle to Understand Isaiah as Christian Scripture* (Grand Rapids: Eerdmans, 2004).

<sup>7</sup>Zimmerli, “Zur Vorgeschichte von Jes 53,” in idem, *Studien zur alttestamentlichen Theologie und Prophetie* (TB 51; Munich: Kaiser, 1974), 213–21.

<sup>8</sup>Mettinger, *A Farewell to the Servant Songs: A Critical Examination of an Exegetical Axiom* (trans. Frederick H. Cryer; Scripta minora 1982–1983, 3; Lund: Gleerup, 1983), 41.

Several scholars have objected that, although the scapegoat in Leviticus “bears the iniquity” (various forms of נשא עון) of the people, Isaiah 53 does not use this precise language to describe what the servant does. Nevertheless, Mettinger and Zimmerli argue for connections to Leviticus based on the overall context or “deep structure,” to use Mettinger’s words, of the entire chapter rather than any type of exact match in vocabulary or terminology.<sup>9</sup>

Like Mettinger, Joseph Blenkinsopp cites the ejection of the servant from the land of the living in v. 8 to compare the servant to the scapegoat who is set free in the wilderness. Furthermore, Blenkinsopp connects the term נשא (“reparation offering”) in Isa 53:10 to certain offerings that involve a sacrificial animal in Leviticus. Blenkinsopp finds analogies between the servant in Isa 53:10 and ritual sacrifices involving a ram or a lamb in Leviticus 5; 7:2; and 14:24. For example, Lev 7:2 describes the slaughter of an animal that serves as an נשא as follows: “at the spot where the burnt offering is slaughtered, they shall slaughter the reparation offering, and its blood shall be dashed against all sides of the altar.” Regarding the possible connections between Isaiah 53 and these passages from Leviticus, Blenkinsopp writes, “The Isaian poet does not state the analogy in formal terms or explore it at length, but it is hinted at elsewhere in the poem in the image of the sheep being led to the slaughter (53:7b) and the pouring out of the life-blood (cf. Isa 53:12).”<sup>10</sup> Instead of arguing that Isaiah 53 makes a direct comparison to Leviticus, he finds hints at such comparisons throughout the Isaian chapter, esp. vv. 7–8, 10, 12.

Similarly, when discussing the use of the word נשא in Isa 53:10, John Goldingay and David Payne claim, “This adds to the indications that the prophet is working with a framework of thinking like that in Leviticus.”<sup>11</sup> Goldingay and Payne find further evidence of this “framework of thinking” in Isa 52:15. Following the MT, Aquila, the Vulgate, and other witnesses, they translate the first line of 52:15 as “so [the servant] will spatter many nations” instead of “so [the servant] shall startle many nations” (cf. LXX).<sup>12</sup> They associate the verb “spatter” with the spattering of blood from sacrificed animals by priests in texts such as Lev 4:6, which reads, “The priest shall dip his finger in the blood and spatter some of the blood seven times before the LORD in front of the curtain of the sanctuary” (cf. Lev 4:17).

If one includes the references to an נשא in 53:10 and the spattering of blood in 52:15, the scholars discussed thus far have connected six of the fifteen verses in the Isaian passage, over one-third, to Leviticus. These arguments for a connection

<sup>9</sup> Ibid.

<sup>10</sup> Blenkinsopp, *Isaiah 40–55: A New Translation with Introduction and Commentary* (AB 19A; New York: Doubleday, 2000), 351.

<sup>11</sup> Goldingay and Payne, *A Critical and Exegetical Commentary on Isaiah 40–55* (2 vols.; ICC; New York: T&T Clark International, 2006), 2:320.

<sup>12</sup> See the discussion and overview of scholarly opinions in *ibid.*, 2:294–95.



to this ritual sacrificial material do not typically depend on the presence or absence in Isaiah 53 of precisely the same words or phrases that appear in Leviticus. Instead, the arguments are based on the influence of a broadly conceived common conceptual framework believed to inform both the relevant material in Leviticus and in Isaiah 53. Thus, Mettinger refers to a “deep structure,” Blenkinsopp refers to “hints at” an “analogy,” and Goldingay and Payne refer to a “framework of thinking.” It is the cumulative effect of multiple images used to describe the servant throughout Isaiah 53 that they use to justify comparisons between certain sacrificial animals in Leviticus and the servant.

## II. ARGUMENT AGAINST USING RITUAL SACRIFICIAL MATERIAL TO INTERPRET THE SERVANT

Scholars who argue against the influence of sacrificial material from the Pentateuch on Isaiah 53 usually claim that there is not enough of the same terminology in the Isaian text or the relevant passages from Leviticus to make a compelling connection. For example, Lev 16:22 states, “the goat shall bear on itself all [of Israel’s] iniquities.” Yet the servant in Isaiah 53 does not bear the people’s iniquities. In 53:4, the servant bears the “sickness” of others, and in v. 12, he bears “the sins of many.” Unlike in the scapegoat ritual, however, he never bears the “iniquities” of others.

As noted earlier, Isa 53:10 describes the servant as an אָשָׁם, and scholars such as Blenkinsopp have cited the use of this term in various texts throughout Leviticus. Yet the description of the scapegoat in Leviticus 16 never uses the term אָשָׁם. In fact, 16:5 refers to the goat used in the scapegoat ritual as a “purification offering” (חַטָּאת) rather than a “reparation offering” (אָשָׁם). This difference in sacrificial terminology presents a potential challenge to connections between the servant and the scapegoat ritual, since the servant does not play the role of the scapegoat, or at least Isaiah 53 does not refer to him specifically as a purification offering.<sup>13</sup> For some scholars, the lack of common terminology in these texts suggests the lack of a common conceptual framework behind these texts.

To be sure, Isaiah 53 and certain ritual sacrifices discussed in Leviticus share some vocabulary, such as the verb “to bear” (נָשָׂא) or the word “iniquity” (עוֹן). Yet, even if the words are the same, some scholars argue that the context in which the words are used is very different. Thus, the mere occurrence of the same words does not indicate that Isaiah 53 and the passages from Leviticus are describing the same thing. Instead, the context of their respective usages seems to reflect different conceptual frameworks to some scholars. For example, whereas Blenkinsopp finds hints at an analogy between the use of אָשָׁם in Isaiah 53 and Leviticus 5, others

<sup>13</sup> Although v. 12b states that “he bore the sin of many” (וְהוּא חָטֵאת רַבִּים נָשָׂא).

focus on the differences in context of these two texts. Unlike Leviticus 5, Isaiah 53 does not use the term in the context of a ritual performed by a priest. As Fredrick Hägglund observes, "In Isa 53 we lack the priest, the ram (even if the servant is described as a lamb), and the statement that it is an offering to YHWH."<sup>14</sup> The lack of references in Isaiah 53 to these other elements of the ritual discussed in Leviticus 5 cautions some scholars against finding hints at an analogy.<sup>15</sup>

Furthermore, several scholars argue that imagery in Isaiah 53 that is often associated with ritual sacrifices is not actually ritual vocabulary.<sup>16</sup> For example, the word for "slaughter" (טבח) in the phrase "a lamb that is led to the slaughter" (53:7) never appears in the books of Leviticus or Numbers. As Bernd Janowski observes, the Hebrew Bible never uses this word in the context of a ritual sacrifice performed by a priest.<sup>17</sup> To build on Janowski's observation, this type of slaughtering of an animal refers to the work of a cook or butcher killing for food (Gen 43:16; Exod 21:37; Deut 28:31; 1 Sam 25:11; cf. 1 Sam 9:23–24).<sup>18</sup> Other texts extend this image metaphorically to the wartime slaughtering of humans as a divine punishment (Isa 34:2; 65:12; Jer 25:34; Lam 2:21; Ezek 21:15, 20, 33), but this metaphor does not evoke imagery of a ritual sacrifice performed by priests.<sup>19</sup> According to this argument, the description of the lamb led to the slaughter does not at all suggest an animal ritually sacrificed to a deity.

The closest parallel to the image of a slaughtered lamb in Isa 53:7 does not come from a text involving a ritual sacrifice. Instead, Jer 11:19 uses the image of a slaughtered lamb to express how Jeremiah's opponents deceived the prophet. In this verse, the prophet Jeremiah claims, "But I was like a gentle lamb led to the slaughter. And I did not know it was against me that they devised schemes, saying, 'Let us destroy the tree with its fruit, let us cut him off from the land of the living,

<sup>14</sup>Hägglund, *Isaiah 53 in the Light of Homecoming after Exile* (FAT 31; Tübingen: Mohr Siebeck, 2008), 69.

<sup>15</sup>See also Heike Henning-Hess, "Bemerkungen zum ASCHAM-begriff in Jes 53,10," ZAW 109 (1997): 618–26.

<sup>16</sup>See Ernst Kutsch, "Sein Leiden und Tod—unser Heil: Eine Exegese von Jes 52,13–53,12," in idem, *Kleine Schriften zum Alten Testament* (ed. Ludwig Schmidt and Karl Eberlein; BZAW 168; Berlin: de Gruyter, 1986), 186–87.

<sup>17</sup>Janowski, *Stellvertretung: Alttestamentliche Studien zu einem theologischen Grundbegriff* (SBS 165; Stuttgart: Katholisches Bibelwerk, 1997), 89.

<sup>18</sup>In 1 Sam 9:24, the cook (or "butcher/slaughterer," a noun form of טבח) gives Saul the thigh portion of the meat. According to Num 18:18, the right thigh of a sacrificed animal was reserved for priests. Nonetheless, although 1 Sam 9:24 may evoke a ritual sacrifice involving priests, it does not reflect any of the specific sacrifices discussed in the ritual texts from the Pentateuch that scholars use as comparisons to the servant's role in Isaiah 53.

<sup>19</sup>Isaiah 34:6 may contain the one exception that proves the rule, since the word "slaughter" parallels the phrase "sacrifice [זבח] to the LORD," which could suggest some type of ritual sacrifice (Exod 13:15; 1 Sam 15:15; 1 Kgs 8:63; Jonah 1:16). Ritual texts throughout the Pentateuch use the word "sacrifice" (זבח) repeatedly in the context of ritual sacrifices for various offerings performed by priests (Exod 29:28; Lev 3:1; 4:10; 22:21; Num 7:17; 10:10; Deut 27:7).

so that his name will no longer be remembered.” Jeremiah 11:19 and Isa 53:7–8 share two nearly identical phrases (“lamb led to the slaughter” and “cut off from the land of the living”). Yet Jeremiah uses these phrases in the context of someone who is the victim of the larger community’s abuse instead of a ritual sacrifice.<sup>20</sup> Likewise, in Ps 44:23, the psalmist complains to God, “Because of you we are being killed all day long, and accounted as sheep for the slaughter [טבח].” Proverbs 7:22 compares a seduced young man to “an ox to the slaughter [טבח].” None of these texts, however, associates idioms involving animals led to the slaughter with the ritual sacrifices described in Leviticus.

Along similar lines, some scholars have turned to texts outside of Leviticus to understand the use of the term אשם in Isa 53:10. For example, Janowski compares the use of אשם in Isaiah 53 to its use in 1 Sam 6:3 and other texts outside of Leviticus and Numbers.<sup>21</sup> 1 Samuel 6:3 uses the word אשם in reference to a Philistine ritual rather than an Israelite ritual.

As seen in this section, scholars have raised serious challenges to the connections between Isaiah 53 and ritual sacrifices from the Pentateuch. These challenges focus on the absence of either shared terminology or similar contexts that would otherwise strengthen arguments for this connection. Even when isolated terms appear in both Isaiah 53 and material from Leviticus (e.g., אשם or נשא or עון), some scholars argue that the contexts are different because Isaiah 53 does not mention priests or the spattering of blood, which play key roles in certain ritual sacrifices in Leviticus that other scholars typically cite as comparable texts. Scholars such as Janowski argue that words in Isaiah 53 that are often cited to connect it to Leviticus are better understood against the backdrop of texts from Jeremiah or 1 Samuel.

Although the arguments against connecting Isaiah 53 with texts from Leviticus may seem fairly compelling, they have not become the general consensus among scholars. A consensus may not have emerged because of the way the debate is usually structured. As seen thus far, scholars on either side of the issue focus their respective arguments on how similar or dissimilar Isaiah 53 and parts of Leviticus are. Yet what counts as enough evidence to suggest a common conceptual framework beyond two texts depends in part on the sensibilities of the particular scholar. The cumulative effect of various expressions in Isaiah 53 rests partly in the eye of the beholder. What one scholar thinks is enough to make a connection between two texts, another scholar may not.

<sup>20</sup> Like the Christian connections between the servant, the Passover lamb, and Jesus, the connections between the servant and the prophet Jeremiah go back several centuries. Based in part on Jer 11:19, scholars have compared the servant to Jeremiah since at least Saadia Gaon in the tenth century C.E. See the references provided in Patricia Tull Willey, *Remember the Former Things: The Recollection of Previous Texts in Second Isaiah* (SBLDS 161; Atlanta: Scholars Press, 1997), 193 n. 16.

<sup>21</sup> Bernd Janowski, “He Bore Our Sins: Isaiah 53 and the Drama of Taking Another’s Place,” in Janowski and Stuhlmacher, *Suffering Servant*, 48–74, esp. 68–69.

### III. REFRAMING THE DEBATE

Scholars on both sides of the issue will probably continue to talk past each other as long as we debate how similar or different Isaiah 53 and Leviticus are. Therefore, in this third section I will take a different approach. In addition to imagery possibly associated with sacrificial animals in the Pentateuch, Isaiah 53 repeatedly describes the servant with imagery typically associated with sickness, disease, or disability. Isaiah 52:14 MT describes the servant's appearance as "marred" (משחת).<sup>22</sup> This rare word appears only a few other times in the Hebrew Bible. Elsewhere, Lev 22:25 includes animals that are "marred [משחת], with a blemish in them" among the animals that should not come into contact with the altar and will not be accepted as ritual sacrifices. Thus, a marred animal could not serve as a reparation or purification offering.

Isaiah 53:3, 4, and 10 MT all use noun or verbal forms of חלה ("sickness" or "disease") in association with the servant.<sup>23</sup> Throughout the passage, the servant is "acquainted with" sickness (v. 3), he "bears" the sickness of others (v. 4), and is "crushed with" sickness (v. 10). Although scholars generally overlook this fact, the prophet Malachi uses nearly identical vocabulary when he decries the use of sick and marred animals for offerings. Malachi 1:13b–14a reads, "You bring what has been taken by violence or is lame or sick [החולה], and this you bring as your offering! Shall I accept that from your hand? says the LORD. Cursed be the cheat who has a male in the flock and vows to give it, and yet sacrifices to the Lord what is marred [משחת, a *hophal* participle of שחת]."

In Mal 1:7 and 12, the prophet claims that the people offer inappropriate sacrifices because they see the condition of the altar of the LORD as "despised" (בזיה). The same *niphal* form appears twice in Isa 53:3 when describing the servant's sickness: "He was despised [בזיה] and rejected by others; a man of suffering and acquainted with sickness; and as one from whom others hide their faces he was despised [בזיה], and we held him of no account."<sup>24</sup> To be sure, this common vocabulary does not necessarily suggest a direct literary dependence between Malachi 1 and Isaiah 53.<sup>25</sup> Rather, comparing these texts highlights how Isaiah 53

<sup>22</sup> 1QIsa<sup>a</sup> reads משחי ("I have anointed") instead of משחת, but this reading finds little support among the versions.

<sup>23</sup> The LXX glosses חלה as "sin" in v. 5, but this reading finds little support among the versions. In v. 10, 1QIsa<sup>a</sup> reflects חלל ("profane"; cf. v. 5) instead of חלה, but this reading also finds little support among the versions.

<sup>24</sup> Malachi 1:12 also claims that the condition of the altar "profanes" (מחללים) the name of the LORD, which is the same word that is used to describe the servant in 53:5 if one follows Aquila, who translates מחלל as "made profane" (המחלל) as in Ezek 36:23; cf. 24:21), although the NRSV translates the Hebrew מחלל in Isa 53:5 as "he was wounded." The Targum also takes מחלל in v. 5 as "profaned" rather than "wounded."

<sup>25</sup> Joseph Blenkinsopp traces Malachi's purity requirements to Deuteronomic thought (Deut

uses various expressions throughout the passage that describe the servant as unfit for certain ritual activities. If one asks what type of lamb Isaiah 53 describes the servant as, the answer is a lamb unfit to come into contact with the altar. The repeated use of expressions like “sickness,” “marred,” and “despised” in Isaiah 53 creates an overall context that compares the servant to an animal unfit for use in certain ritual activities instead of an ideal sacrificial animal for reparation or purification offerings.<sup>26</sup>

Furthermore, the word “stricken” (נכה) in the phrases “we accounted him stricken” (53:4) and “stricken for the transgression of my people” (53:8) could also be translated as “diseased” or “plagued” as in the JPS translation of v. 4 “we accounted him plagued.” This term נכה (“stricken,” “diseased,” or “plagued”) also describes the skin diseases discussed at length in Leviticus 13. Ibn Ezra specifically connects that phrase from 53:4 with Lev 13:5, which reads, “The priest shall examine him on the seventh day, and if he sees that the disease [הנכה] is checked and the disease [הנכה] has not spread in the skin, then the priest shall confine him seven days more.” Although they interpret the servant figure collectively as a personification of Israel (cf. Isa 41:8; 43:10; 44:1–2, 21; 45:4; 49:3), both Rashi and Ibn Ezra suggest that Isa 53:3–4 compares the servant to a person with a skin disease. This comparison represents a very long-standing interpretative tradition from at least the time of the Vulgate’s translation of these verses (fifth century C.E.) and is possibly reflected in a discussion in *b. Sanh.* 98b.<sup>27</sup> A handful of modern biblical scholars also identify the servant as a figure with a skin disease, including Bernhard Duhm.<sup>28</sup> A possible implication of interpreting the word “stricken” in the sense of “diseased” or “plagued” is that Isa 53:3 and 8 provide additional evidence that the passage does not describe the servant as fit for participation in certain ritual activities. According to Leviticus 13, a skin disease renders a person ritually impure (cf. Lev 22:4).

One could claim that the servant is morally or ethically “unblemished” because v. 9b claims that “he had done no violence, and there was no deceit in his mouth.” This claim, however, would be immaterial for the present debate. The relevant material from Leviticus does not take into account the sacrificial animal’s moral or ethical standing. In short, if scholars base their argument for comparisons with

15:21; 17:1; cf. Mal 2:4, 8, 11; 3:3) rather than Priestly or Holiness material. See Blenkinsopp, *A History of Prophecy in Israel: Revised and Enlarged* (Louisville: Westminster John Knox, 1996), 211–12.

<sup>26</sup> Additionally, as discussed below, Isa 53:4 and 8 describe the servant as “stricken” (נכה), a term that appears in verbal or noun forms sixty-one times in Leviticus 13–14, although this is certainly not an exclusively cultic term or priestly expression.

<sup>27</sup> See, with citations, Walther Zimmerli and Joachim Jeremias, *The Servant of God* (SBT 20; London: SCM, 1957), 62–64.

<sup>28</sup> For a detailed discussion of this interpretative tradition, see Jeremy Schipper, *Disability and Isaiah’s Suffering Servant* (Oxford: Oxford University Press, 2011).

material from Leviticus on the cumulative effect of various expressions throughout the passage, they should account for the repeated use of the imagery of sickness or disease in Isaiah 53 as well. The repeated use of such imagery supports the conclusion that the servant is not just compared to a lamb, but compared to a lamb unfit for ritual sacrifice.

One finds further support for this conclusion in the texts from Leviticus that scholars typically use to make comparisons with Isaiah 53. Leviticus 4 and 5 discuss rituals involving purification offerings (חטאת). Leviticus 4:3 and 5:15 specifically require the animal used in a purification offering to be “without blemish” (תמים; cf. Lev 22:21). Likewise, as discussed earlier, several scholars cite the so-called scapegoat ritual in Lev 16:22 in their interpretations of the servant. Yet the goat used in this ritual is also designated as a “purification offering” (16:5). Thus, the physical requirements for the animals discussed in texts from Leviticus that scholars typically invoke do not support comparisons to the lamb imagery describing the servant. Instead, these texts call comparisons with Isaiah 53 into question.

#### IV. CONCLUSIONS

This article has addressed a significant scholarly debate about Isaiah 53. Rather than continue to argue over the perceived similarities or differences between Isaiah 53 and parts of Leviticus, I considered an underappreciated comparison with the imagery in both Malachi and Leviticus. This comparison suggests that Isaiah 53 describes the servant not as an ideal sacrificial animal but as an animal physically unfit for sacrifice. The repeated requirement that the animals discussed in several passages from Leviticus should be “unblemished” only further supports this claim. Thus, even if, for the sake of argument, one were to grant a shared conceptual framework behind both Isaiah 53 and the material from Leviticus, this would still not demonstrate that the servant is compared to an ideal sacrificial animal. In short, comparisons between the servant and an unblemished animal that dies a sacrificial death work only if one ignores or downplays the repeated images of disease or sickness throughout Isaiah 53.



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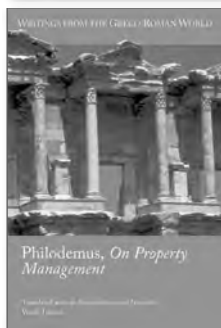
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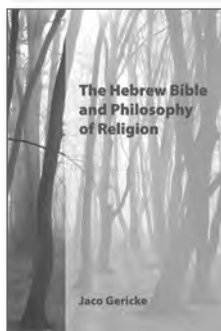
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## The Meanings of “Life” in the Hebrew of Ben Sira

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The present note offers further examples where the Hebrew word חַיִּים seems to indicate “maintenance,” “livelihood,” “manner of living,” and “what sustains life.” Many dictionaries list this definition of the word, but they usually cite just one passage in which the word has this meaning. The additional examples I provide derive mainly from the Wisdom of Ben Sira and suggest that this nuance to the word was common at least at the time when Ben Sira’s work was composed, ca. 180 B.C.E.

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Study of the word חַיִּים in the Wisdom of Ben Sira reveals that the Hebrew word is used in contexts that suggest a meaning such as “maintenance,” “livelihood,” “manner of living,” and “what sustains life.” Although most Biblical and Classical Hebrew dictionaries offer definitions for the word חַיִּים that are similar (e.g., “maintenance,” “livelihood,” “*Lebensunterhalt*”), these same dictionaries cite just one passage for this meaning, Prov 27:27. Moreover, one recent dictionary, *DCH*, implies that the word חַיִּים may not have this sense at all. The following note supplies solid evidence for the existence of these nuances for the word in Hebrew, at least in the era surrounding the composition of Ben Sira’s book, around the year 180 B.C.E.

The definitions of BDB, *HALOT*, *DCH*, and the eighteenth edition of Gesenius’s *Handwörterbuch*, as well as the more expansive definitions such as those in *TDOT*, indicate a range of meanings for the noun, as well as for the related adjective and verb. In essence, the word חַיִּים can indicate (1) the state of being alive; (2) a life span or duration of time that someone is alive; (3) a state of blessedness, healthiness, vitality, happiness; and (4) sustenance, maintenance.<sup>1</sup> Although

<sup>1</sup>BDB list the following definitions: “1. life: physical . . . 2. life: as welfare and happiness . . . as consisting of earthly felicity combined (often) with spiritual blessedness . . . 3. sustenance, maintenance.” *HALOT* lists: “1. lifetime, lifespan . . . 2. life (existence :: חַיִּוּת) . . . 3. (good things in) life, joy of life . . . 4. maintenance.” *DCH* gives: “life, in ref. to duration of life . . . eternal life . . . quality of life . . . etc.; perh. also livelihood.” Wilhelm Gesenius’s *Hebräisches und aramäisches*

these definitions are sufficient for explaining most uses of the word in Ben Sira, the last definition deserves more attention.

In Ben Sira, the word is used in contexts that suggest that it carries this last sense. In 31:27a, the word indicates what sustains life: “wine is truly life to a person” (כמו [חיים היין לאנוש]; mss B and F).<sup>2</sup> In two other passages the Hebrew word is not preserved, though presumably it did exist in the text’s original form: Sir 29:21 and 39:26.<sup>3</sup> The Greek and Syriac of these passages suggest that the

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*Handwörterbuch über das Alte Testament* (18th ed.; ed. Rudolf Meyer and Herbert Donner; 6 vols.; Berlin: Springer, 1987–2010), s.v. (henceforth Ges<sup>18</sup>) lists: “1. Leben . . . 2. Leben i.S.v. Lebenszeit . . . 3. Lebensunterhalt . . . 4. Gesundheit” Helmer Ringgren (*TDOT*, s.v. חיה, 4:324–344) breaks his article on the root into the following subdivisions: “1. Life-span; 2. Life and Death; Survival; 3. Life as Activity or Well-being; 4. Life as Health; Life to the Full; 5. Life through Keeping the Commandments; 6. Life and the King; 7. The Life of the Nation in the Prophets; 8. God Gives Life; 9. The Living God; 10. The Tree of Life, Book of Life, Land of the Living; 11. Man’s Mortality; Eternal Life.” Gillis Gerleman (*TLOT*, s.v. חיה, 1:415) mentions: “‘life,’ . . . ‘lifetime,’ . . . ‘existence,’ . . . In some passages, *ḥayyīm* and *nepeš* appear almost as interchangeable terms.” Alison Schofield (*Theologisches Wörterbuch zu den Qumrantexten* [ed. Heinz-Josef Fabry and Ulrich Dahmen; Stuttgart: Kohlhammer, 2011], vol. 1, cols. 951–57, s.v. חיה) does not list a meaning “livelihood” for חיים.

<sup>2</sup>The chapter number of this verse is labeled according to the parenthetical chapter number in Joseph Ziegler’s edition of the Greek text (*Sapientia Iesu Filii Sirach* [Septuaginta: Vetus Testamentum Graecum 12.2; Göttingen: Vandenhoeck & Ruprecht, 1965]). The Hebrew text that is presented here has been partially changed from what is preserved in the manuscripts. Ms B of 31:27a reads למי היין חיים לאנוש (Pancratius C. Beentjes, *The Book of Ben Sira in Hebrew: A Text Edition of All Extant Hebrew Manuscripts and a Synopsis of All Parallel Hebrew Ben Sira Texts* [VTSup 68; Leiden: Brill, 1997], 57). This word order, as Israel Lévi pointed out (*L’Ecclésiastique* [2 vols.; Paris: Leroux, 1898], 2:148), presumes the translation: “to whom is wine life? To humans!” which, in light of the Greek and Syriac translations, seems unlikely. The reconstruction of כמו and the rearrangement of the words follow Lévi’s example, which itself is based on the Greek translation. Notice that the garbled Hebrew word order is evidenced also in the portion of this verse preserved in ms F (חיים לאנוש [Beentjes, *Book of Ben Sira in Hebrew*, 109]). Lévi translates “tonique.” Other commentators translate “Lebenswasser” (reading כמי חיים, so Norbert Peters, *Der jüngst wiederaufgefundene hebräische Text des Buches Ecclesiasticus* [Freiburg: Herder, 1902], 372; or reading למי חיים, so Rudolf Smend, *Die Weisheit des Jesus Sirach, hebräisch und deutsch* [Berlin: Reimer, 1906], 54 and 26 [Hebrew section]; G. H. Box and W. O. E. Oesterley, “Sirach,” in *APOT* 1:423; Burkard M. Zapf, *Jesus Sirach*, 25–51 [NEchtB; Würzburg: Echter, 2010], 202), while those who follow the Hebrew or Greek more closely simply translate “life” (Patrick W. Skehan and Alexander A. Di Lella, *The Wisdom of Ben Sira: A New Translation with Notes* [AB 39; Garden City, NY: Doubleday, 1987], 385) or “Leben” (Georg Sauer, *Jesus Sirach/Ben Sira* [ATD Apokryphen; Göttingen: Vandenhoeck & Ruprecht, 2000], 223). My translation of the colon as a whole is similar to that of Moses Z. Segal (*Sefer Ben Sira* [Jerusalem: Bialik Institute, 1953], 200); it makes sense of the Greek and Syriac prepositional phrases (ἐφ’ ὃς ζῶς, γκ my<sup>2</sup> hy<sup>2</sup>) without proposing an expression that does not occur in any Classical Hebrew text (i.e., מי חיים).

<sup>3</sup>Rudolf Smend (*Die Weisheit des Jesus Sirach, erklärt* [Berlin: Reimer, 1906], 34) cites these latter verses in his comment on Sir 4:1; he also lists 31:25, which is referred to in this article as 31:27.

original Hebrew חיים expressed “maintenance of life”; although the more general sense of “being alive” is also possible, this seems less likely. These verses might be translated in the following manner:

Primary for (the maintenance of) life (are) bread, water,  
clothing, and a house that covers nakedness. (Sir 29:21)<sup>4</sup>

Primary among all the needs for (the maintenance of) human life (are)  
water, fire, iron, salt,  
choice wheat, milk, honey,  
blood of the grape, oil, and clothing. (Sir 39:26)<sup>5</sup>

The nuances “livelihood” and, more generally, “manner of living” seem to appear in at least three other passages.

Sir 4:1 (MS A):

בני אל תלעג לחיי עני אל תדאיב עין מר נפש

My child, do not mock (the) livelihood of one (who is) poor,  
do not weary the eye of a person in misery.<sup>6</sup>

<sup>4</sup>The translation presumes the initial words ראשית חיים (see Segal, *Sefer Ben Sira*, 180); it also follows the suggestion by Smend (*Weisheit des Jesus Sirach, erklärt*, 261) to understand the last word as Hebrew ערוה. Although Smend recognizes the meaning of חיים here as “Lebensunterhalt” (ibid.), he translates “Lebensbedürfnisse” (*Weisheit des Jesus Sirach, hebräisch und deutsch*, 50). Other translators do not comment on the word in this verse.

<sup>5</sup>The verse is partially preserved in Hebrew, though the word under discussion is not; see Beentjes, *Book of Ben Sira in Hebrew*, 68; as well as Segal, *Sefer Ben Sira*, 261. The Greek reflects the preserved Hebrew text closely, while the Syriac is slightly different and can be translated, “primary among all things that are needed for human life (are) water, fire, iron, salt, fat, wheat, milk, honey, grapes, wine, garments, and clothing.” Again Smend recognizes the meaning of חיים as “Lebensunterhalt” (*Weisheit des Jesus Sirach, erklärt*, 364) but translates “Lebensbedürfnisse” (*Weisheit des Jesus Sirach, hebräisch und deutsch*, 69). Other commentators do not comment on the word.

<sup>6</sup>For the Hebrew text, see Beentjes, *Book of Ben Sira in Hebrew*, 24. The Hebrew of the second colon differs from what is preserved in MS A: ואל תדאיב נפש עני ומר נפש. The reconstruction is based on the Greek version. The translations of the first colon often reflect the sense of חיים as livelihood, for example, “Lebensunterhalt des Armen” (Peters, *Ecclesiasticus*, 323), “Unterhalt” (Smend, *Weisheit des Jesus Sirach, hebräisch und deutsch*, 6), “his sustenance” (Box and Oesterley, “Sirach,” 327), פרנסה (Segal, *Sefer Ben Sira*, 21), “livelihood” (John G. Snaith, *Ecclesiasticus or the Wisdom of Jesus, Son of Sirach* [CBC; Cambridge: Cambridge University Press, 1974], 24), “Lebensunterhalt” (Johannes Marböck, *Jesus Sirach 1–23* [HTKAT; Freiburg: Herder, 2010], 84), while in other cases the translations are a bit more general: “la condition du pauvre” (Lévi, *L’Ecclesiastique*, 2:13). It is surprising, therefore, that Ges<sup>18</sup> list this verse under their definition “Leben.” For the second colon, the phrase “weary the eye . . .” refers to crying, similar to expressions in Ps 88:10 and 1 Sam 2:33. This reading presumes that an original עין or עיני was misread as עני and that subsequently the word נפש was added before this word to create the expression “poor soul,” a phrase appearing somewhat frequently in the Dead Sea Scrolls (e.g., 1QH X, 36; XIII, 15, 16). It seems unlikely that the colon contained two instances of the word נפש

Sir 40:18; Mas (ms B):

ומשניהם מצא [שימה]                      חיי יתר <ו> שכר ימתקו

A life of plenty <and> (a life) of wages is sweet,  
but even more so, finding [treasure].<sup>7</sup>

Sir 40:28; Mas (ms B, Bm):

טוב [נא] סף ממחציר                      [בני חיי מתן אל תחי]

[My child, do not live a life (based on receiving) gifts,  
better the one gathered (to the tomb) than the one acting insolently (in this regard)].<sup>8</sup>

The first example is one of the clearest instances of the word חיים indicating “livelihood” (or perhaps “lifestyle”), something reflected in most translations of this verse, though, again, not in the dictionaries. Although the context of 4:1 does not make explicit this nuance, the verb “mock” seems to rule out the other meanings of the word.<sup>9</sup> In the second example, the connection of חיים with שכר seems to imply that the former word has again the nuance of “livelihood,” though here the meaning “lifetime” seems also possible.<sup>10</sup> The last example uses the word חיים in a

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or that the verse, as a whole, contained two occurrences of the word עני (see Eric D. Reymond, *Innovations in Hebrew Poetry: Parallelism and the Poems of Sirach* [Studies in Biblical Literature 9; Atlanta: Society of Biblical Literature, 2004], 89–101, 141–44).

<sup>7</sup>For the Hebrew text, see Yigael Yadin, “The Ben Sira Scroll from Masada” in *Masada: The Yigael Yadin Excavations, 1963–1965. Final Reports*, vol. 6, *Hebrew Fragments from Masada* (ed. Shemaryahu Talmon, with contributions by Carol Newsom and Yigael Yadin; Jerusalem: Israel Exploration Society, 1999; originally published as a book under this same title [Jerusalem: Israel Exploration Society, 1965]), 214; and Beentjes, *Book of Ben Sira in Hebrew*, 70, 114. For the translation and interpretation, see Reymond, *Innovations in Hebrew Poetry*, 32; and idem, “Sirach 40:18–27 as *Ṭḏb*-Spruch,” *Bib* 82 (2001): 85. The last word is a metaphor for Wisdom (see Skehan and Di Lella, *Wisdom of Ben Sira*, 472). The garbled nature of the Genizah texts means that the earlier commentators have little of relevance to offer on the meaning of חיים here. In addition, it might be noted that if the Hebrew word עקבותם (“their end”) in Sir 16:3b (mss A and B) is interpreted as “gain” (see, e.g., Box and Oesterley, “Sirach,” 371; and Ps 19:12; Prov 22:4), then the parallel word, חייהם, in 16:3a (ms A) might be understood with the meaning “livelihood.”

<sup>8</sup>For the Hebrew text, see John Strugnell, “Notes and Queries on ‘The Ben Sira Scroll from Masada,’” *ErIsr* 9 (1969): 112; Elisha Qimron, “Notes on the Reading,” in *Hebrew Fragments from Masada*, 227; and Beentjes, *Book of Ben Sira in Hebrew*, 71, 114. For the interpretation, see Reymond, *Innovations in Hebrew Poetry*, 37.

<sup>9</sup>The possibility that the phrase חיי עני is to be interpreted as a periphrastic way of saying “poor person,” חיים being used in a way that is similar to how נפש is sometimes used (e.g., נפש ברכה, “one who blesses” [Prov 11:25]; and נפש רמיה, “one who is idle” [Prov 19:5]), seems unlikely.

<sup>10</sup>The problems encountered in distinguishing different nuances of a word and the fact that native speakers sometimes are not even aware themselves of the multiple meanings of a word or the ambiguity of a word in its context are discussed in Philip Edmonds, “Disambiguation,

more general sense (“manner of living”). Although it is conceivable that here the word is being used with another nuance (such as “lifetime”), this seems less likely when one considers another passage (Sir 22:11) where “life” also appears to mean “manner of living.”<sup>11</sup> In this passage the Hebrew is not preserved, but the Greek (presumably) reflects Hebrew חיים: “but, the life [חַיִּים] of a fool is worse than death.”

One additional example in which the Hebrew חיים may convey the nuance “livelihood” is Sir 40:29, which builds on the idea of 40:28:

[אִישׁ מְשַׁגֵּחַ עַל שְׁלֹחַן זָר]                      [אֵין חַיִּיו לְמִנּוֹת חַיִּים]

As for the one (always) attentive at a stranger’s table,  
one cannot count his life a (true) life. (40:29; Mas [MS B])<sup>12</sup>

In this passage, Ben Sira is saying that one should not consider living continually on another’s generosity to be a legitimate way of making one’s way in the world. As has been mentioned elsewhere, however, the word חיים here is likely being used to draw on all its nuances, implying not only livelihood but also the basic notion of being alive, healthy, vital, as well as the more concrete notion of sustenance or food.<sup>13</sup> This is illuminated, in part, by the Greek translation, which renders the first חיים with βίος and the second with ζωή. In this sense, the Hebrew text can be read in multiple ways, to imply that the lifestyle characterized by sycophancy is not a legitimate lifestyle and does not result in health or vitality, as well as to imply that the sustenance gained through this sycophancy is not nourishing.

It should be noted that the word חיים seems to carry the meaning “lifestyle” or “manner of living” in at least one passage from the Dead Sea Scrolls, 4Q416 (4QInstruction<sup>b</sup>) 2 ii, 20–21: “Do not act prideful in your need, while you are poor, lest / you make your life contemptible.”<sup>14</sup> In addition, the meanings “sustenance,

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Lexical,” in *The Encyclopedia of Language and Linguistics* (ed. Keith Brown; 2nd ed.; Oxford: Elsevier, 2006), 3:607–23, esp. 608–10.

<sup>11</sup> This connection was pointed out to me by an anonymous reviewer of the present article.

<sup>12</sup> Reymond, *Innovations in Hebrew Poetry*, 37.

<sup>13</sup> Eric D. Reymond, “Wordplay in the Hebrew to Ben Sira,” in *The Texts and Versions of the Book of Ben Sira: Transmission and Interpretation* (ed. Jean-Sébastien Rey and Jan Joosten; JSJSup 150; Leiden/Boston: Brill, 2011), 43.

<sup>14</sup> Or, “Do not act prideful in your need, while you are poor, lest / you despise your life.” For the interpretation of the passage, see John Strugnell and Daniel J. Harrington, *Qumran Cave 4.XXIV: Sapiential Texts, Part 2, 4QInstruction (Mûsâr lē Mēvîn): 4Q415ff* (DJD 34; Oxford: Clarendon, 1999), 108. They write: “Whether חיים could mean ‘lifestyle, manner of living’ is not clear, but this at least would give a sense that is meaningful and that provides תבֹה with a satisfactory object.” In addition, one other passage, 1QS III, 1 (= 4Q257 III, 2), may imply a similar meaning for the word, though the interpretation of the passage is more difficult: “he is not confident in turning his life (around).” For a brief description of the complexities of the passage, see Philip S. Alexander and Geza Vermes, *Qumran Cave 4.XIX: Serekh ha-Yahad and Two Related Texts* (DJD 26; Oxford: Clarendon, 1998), 76.

livelihood” for חיים are similar to the meaning the word has in some passages from the Talmud and other rabbinic writings (for which Jastrow offers the definition “necessaries of life”). That this word in Ben Sira expresses nuances found more commonly in the Hebrew of rabbinic texts fits with the general observation that Ben Sira uses many words and meanings that appear only (or primarily) in Hebrew attested from later eras.<sup>15</sup>

<sup>15</sup>Haim Dihi writes: “. . . of all the post-biblical sources, Ben Sira’s language retains the strongest relation to MH [= Mishnaic Hebrew]” (“Non-Biblical Verbal Usages in the Book of Ben Sira,” in *Diggers at the Well: Proceedings of a Third International Symposium on the Hebrew of the Dead Sea Scrolls and Ben Sira* [ed. T. Muraoka and John F. Elwolde; STDJ 36; Leiden/Boston: Brill, 2000], 56). See also, e.g., James K. Aitken, “The Semantics of ‘Glory’ in Ben Sira: Traces of a Development in Post-Biblical Hebrew?” in *Sirach, Scrolls, and Sages: Proceedings of a Second International Symposium on the Hebrew of the Dead Sea Scrolls, Ben Sira, and the Mishnah, Held at Leiden University, 15–17 December 1997* (ed. T. Muraoka and John F. Elwolde; STDJ 33; Leiden/Boston: Brill, 1999), 1–24; Haim Dihi, “Amoraic Hebrew in the Light of Ben Sira’s Linguistic Innovations,” in *Conservatism and Innovation in the Hebrew Language of the Hellenistic Period: Proceedings of a Fourth International Symposium on the Hebrew of the Dead Sea Scrolls and Ben Sira* (ed. Jan Joosten and Jean-Sébastien Rey; STDJ 73; Leiden/Boston: Brill, 2008), 15–28; John F. Elwolde, “Developments in Hebrew Vocabulary between Bible and Mishnah,” in *The Hebrew of the Dead Sea Scrolls and Ben Sira: Proceedings of a Symposium Held at Leiden University, 11–14 December 1995* (ed. T. Muraoka and John F. Elwolde; STDJ 26; Leiden/New York: Brill, 1997), 17–55; Avi Hurvitz, “The Linguistic Status of Ben Sira as a Link between Biblical and Mishnaic Hebrew: Lexicographical Aspects,” in Muraoka and Elwolde, *Hebrew of the Dead Sea Scrolls and Ben Sira*, 72–86; W. Th. van Peursen, *The Verbal System in the Hebrew Text of Ben Sira* (Studies in Semitic Languages and Linguistics 41; Leiden/Boston: Brill, 2004), 19–23, 55–56.

## Revisiting the προσήλυτος in “the LXX”

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One of the more heated lexical debates in LXX studies surrounds the meaning of the Greek term προσήλυτος. Yet the only thorough examination of the word in the LXX is W. C. Allen's 1894 article “On the Meaning of ΠΡΟΣΗΛΥΤΟΣ in the Septuagint,” which argues that the LXX translators distinguish carefully between two different uses of גל in the Hebrew Bible: the first is rendered by the Greek word πάροικος and is used in contexts where a convert to Judaism cannot be intended; the second is rendered by the Greek word προσήλυτος and is used in contexts where a convert to Judaism could be intended. Most modern treatments of conversion in early Judaism rely heavily on Allen's conclusions, often indirectly through Karl Georg Kuhn's *TDNT* entry on προσήλυτος, without reassessing the methodology or evidence Allen used to support his argument. Consequently, I provide a criticism of Allen's methodological assumptions and a reassessment of LXX renderings of גל by utilizing recent studies on the significance of the varying translation techniques of the LXX translators, concluding that Allen's methodology, which treats the entirety of the LXX as a translational unity, leads him, and those who rely on him, to misinterpret the evidence of the LXX. In contrast, analyzing the evidence of the individual books of the LXX as discrete translations by different translators demonstrates that Allen anachronistically renders προσήλυτος in the LXX as “proselyte,” when in fact it should be translated as “alien.”

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Most scholars believe that גל, the Hebrew word that the LXX translators frequently render into Greek as προσήλυτος, did not originally mean a proselyte or convert to Israelite religion; rather, the word referred to an alien, Israelite or non-Israelite, residing in a foreign land.<sup>1</sup> At some point in later Jewish literature,

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<sup>1</sup>For arguments against seeing the גל as a convert in the Hebrew Bible, see Matty Cohen,



though, גר came to designate a convert to Judaism. For instance, *Mekilta de-Rabbi Ishmael*, *Nezikin* 18, states:

Beloved are the proselytes [הגררים]. It was for their sake that our father Abraham was not circumcised until he was ninety-nine years old. Had he been circumcised at twenty or at thirty years of age, only those under the age of thirty could have become proselytes [להתגיר]. Therefore God bore with Abraham until he reached ninety-nine years of age, so as not to close the door to future proselytes [הגררים הבאים].<sup>2</sup>

Consequently, the question arises as to when the word גר acquired this new meaning. Numerous scholars argue that it is in the LXX's use of the term προσήλυτος, often considered to be a neologism,<sup>3</sup> that we have our earliest evidence of this latter meaning. Yet only W. C. Allen's 1894 article, entitled "On the Meaning of ΠΡΟΣΗΛΥΤΟΣ in the Septuagint," has thoroughly examined how the LXX translates the term גר.<sup>4</sup> Allen argues that the LXX translators distinguished carefully between two different uses of גר in the Hebrew Bible: the Greek word πάροικος translates the first meaning and appears in contexts that do not envisage a convert to Judaism; the Greek word προσήλυτος translates the second meaning of גר and occurs in contexts that can conceivably refer to a convert to Judaism. Most modern discussions of προσήλυτος, particularly in NT studies, rely heavily

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"Le 'ger' biblique et son statut socio-religieux," *RHR* 207 (1990): 131–58; Jan Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–26* (VTSup 67; Leiden: Brill, 1996), 63–72; Jacob Milgrom, "Religious Conversion and the Revolt Model for the Formation of Israel," *JBL* 101 (1982): 169–76; and idem, *Leviticus 17–22: A New Translation with Introduction and Commentary* (AB 3A; New York: Doubleday, 2000), 1493–1501. For arguments that the גר may be a convert, at least in some strands of pentateuchal law, see Alfred Bertholet, *Die Stellung der Israeliten und der Juden zu den Fremden* (Freiburg: Mohr Siebeck, 1896), 152–78; Theophile James Meek, "The Translation of *Gêr* in the Hexateuch and Its Bearing on the Documentary Hypothesis," *JBL* 49 (1930): 172–80; Morton Smith, *Palestinian Parties and Politics That Shaped the Old Testament* (Lectures on the History of Religions n.s. 9; New York: Columbia University Press, 1971), 178–82; Christoph Bultmann, *Der Fremde im antiken Juda: Eine Untersuchung zum sozialen Typenbegriff 'ger' und seinem Bedeutungswandel in der alttestamentlichen Gesetzgebung* (FRLANT 153; Göttingen: Vandenhoeck & Ruprecht, 1992); and Christiana van Houten, *The Alien in Israelite Law* (JSOTSup 107; Sheffield: JSOT Press, 1991).

<sup>2</sup>Translation slightly adapted from Jacob Z. Lauterbach, *Mekilta de-Rabbi Ishmael* (3 vols.; Philadelphia: Jewish Publication Society, 1933), 3:140. Even in rabbinic literature distinctions exist within the category of the גר: a גר תושב was not a Jew, while a גר צדק was. Cf. Bernard J. Bamberger, *Proselytism in the Talmudic Period* (New York: Ktav, 1939), 133–40.

<sup>3</sup>As the article of David M. Moffitt and C. Jacob Butera in the preceding issue of *JBL* demonstrates, it does not appear that the LXX translators coined the term ("P.Duk. inv. 727r: New Evidence for the Meaning and Provenance of the Word προσήλυτος," *JBL* 132 [2013]: 159–78).

<sup>4</sup>Allen, "On the Meaning of ΠΡΟΣΗΛΥΤΟΣ in the Septuagint," *Expositor* IV/10 (1894): 264–75. J. A. Loader ("An Explanation of the term *Proselutos*," *NovT* 15 [1973]: 270–77) attempts to relate προσήλυτος to the Hebrew verb קרב ("to draw near") but provides little explicit argumentation dealing with the evidence of the LXX.

on the conclusions of Allen’s article, whether directly or indirectly, through Karl Georg Kuhn’s *TDNT* entry on προσήλυτος, without reassessing the methodology or evidence Allen used to support his argument.<sup>5</sup> Thus, in an appendix to *The Alien in Israelite Law*, Christiana van Houten discusses the meaning of προσήλυτος in the LXX, stating that her study “is greatly helped by a study of W. C. Allen.”<sup>6</sup>

At the same time, some recent studies on individual LXX books suggest a growing unease with translating προσήλυτος as proselyte (i.e., convert to Judaism) but do not explicitly rebut Allen’s argument.<sup>7</sup> The following pages will provide a critique of Allen’s methodological assumptions in light of recent studies on the significance of the varying translation techniques of the LXX translators. As I will show, Allen’s methodology leads him to misunderstand the evidence of the LXX and, consequently, to conclude wrongfully that in the LXX προσήλυτος is a technical term for a convert to Judaism.

### I. W. C. ALLEN’S ARGUMENT: A ΠΡΟΣΗΛΥΤΟΣ IS A CONVERT IN THE SEPTUAGINT

In a helpful summary of the conclusions that he draws from the evidence of the LXX, Allen states:

A consideration of the following facts will, I believe, lead to the certain conclusions (1) that προσήλυτος is not synonymous with πάροις; (2) that it does not mean “advena,” “stranger,” “sojourner,” in the sense of the old Hebrew נָכַר; (3) that its original meaning, so far as the extant literature enables us to judge, was “proselyte.”<sup>8</sup>

As Allen argues, these conclusions suggest that the LXX translators did not translate נָכַר in keeping with its original meaning but imported “the later meaning which it has in the Mishna.”<sup>9</sup>

<sup>5</sup> Kuhn, “προσήλυτος,” *TDNT* 6:727–44, esp. 727. For a history of scholarly interpretation of the word, see Moffitt and Butera, “P.Duk. inv. 727r,” 161–70.

<sup>6</sup> Van Houten, *Alien in Israelite Law*, 180. See also Emanuel Tov, “Three Dimensions of LXX Words,” *RB* 83 (1976): 529–44, esp. 537; Neil J. McEleney, “Conversion, Circumcision and the Law,” *NTS* 20 (1974): 328–33; Emil Schürer, *The History of the Jewish People in the Age of Jesus Christ (175 B.C.–A.D. 135)* (rev. and ed. Geza Vermes, Fergus Millar, and Martin Goodman; 5 vols.; Edinburgh: T&T Clark, 1986), 3/1:170 n. 78; and James Carleton Paget, “Jewish Proselytism at the Time of Christian Origins: Chimera or Reality?” *JSNT* 62 (1996): 65–103, esp. 96.

<sup>7</sup> For instance, the various translators of *A New English Translation of the Septuagint and the Other Greek Translations Traditionally Included under That Title* (ed. Albert Pietersma and Benjamin G. Wright; Oxford: Oxford University Press, 2008); and Alain Le Boulluec and Pierre Sandevor, *L’Exode: Traduction du texte grec de la Septante* (La Bible d’Alexandrie 4; Paris: Cerf, 1989), 51–52.

<sup>8</sup> Allen, “On the Meaning of ΠΡΟΣΗΛΥΤΟΣ,” 266.

<sup>9</sup> *Ibid.*

To substantiate these claims he lists eleven texts in which the LXX renders גר with πάροις.<sup>10</sup> He observes that in none of these passages could גר bear the meaning of a convert to Judaism and concludes that the LXX translators avoided rendering גר with προσήλυτος in such contexts. On the other hand, the LXX renders גר with προσήλυτος over seventy times in contexts that, according to Allen, bear the meaning of a convert to Judaism.<sup>11</sup> He believes that this distinction applies even to the verb גור. Thus, where the context prevents the reader from sensing the presence of a convert, the LXX translates גור with παροιέω. Conversely, where a convert might be in view, the translators often render גור with προσέρχομαι, πρόσκειμαι, προσγίνομαι, προσπορεύομαι, or προσηλευτεύω.<sup>12</sup> In other words, according to Allen, where converts are intended, the LXX translators greatly prefer προσήλυτος and related verbs, and they avoid προσήλυτος in favor of πάροις and its cognates where the context prevents the reader from envisaging a convert.<sup>13</sup>

<sup>10</sup>Ibid. See the following passages: Gen 15:13; 23:4; Exod 2:22; 18:3; Deut 14:21; 23:8; 2 Sam 1:13; 1 Chr 29:15; LXX Pss 38:14; 118:19; Jer 14:8. Allen (p. 266) notes that the recension of Aquila renders גר as προσήλυτος in 2 Sam 1:13 and the recension of Lucian renders גר as προσήλυτος in 1 Chr 29:15, but he makes nothing of the fact that the context of these passages makes it unlikely that גר refers to a convert.

<sup>11</sup>Allen, "On the Meaning of ΠΡΟΣΗΛΥΤΟΣ," 267–68. Although he mentions the double occurrence of προσήλυτος in Deut 10:18, where the MT has only one occurrence of גר, his treatment does not mention two other occurrences of προσήλυτος where the MT does not have גר (Lev 17:3 and Deut 12:18). Cf. van Houten, *Alien in Israelite Law*, 181 n. 4. Additionally, Allen did not have access to the Hebrew fragments of Sirach and so was unable to take into account the way in which the Greek translator of that book rendered גר/גור. One of the problems with Allen's study is the fact that he was not using a critical edition of the LXX along the lines of the Göttingen edition. Although his article makes no mention of which edition of the LXX he used, it seems likely that it was a lightly revised version of Codex Vaticanus, such as the edition of Robert Holmes and James Parsons (*Vetus Testamentum Graecum cum variis lectionibus* [5 vols.; Oxford: Clarendon, 1798–1827] or one of the editions of Constantin von Tischendorf (*Vetus Testamentum Graece: iuxta LXX Interpretes*). It is conceivable that he used Henry Barclay Swete's first edition (*The Old Testament in Greek according to the Septuagint* [3 vols.; Cambridge: Cambridge University Press, 1887–94]), which is also basically Codex Vaticanus, although perhaps not as likely, since the last volume of this edition came out in the year that Allen published his article.

<sup>12</sup>Cf. Allen, "On the Meaning of ΠΡΟΣΗΛΥΤΟΣ," 269–71. Further, the LXX translators render מגור and מגרים, which occur ten times in contexts clearly not referring to converts, with the verb παροιέω.

<sup>13</sup>In an article on ἐξιλάσασθαι in the LXX, Dirk Büchner has rightly argued that care must be taken in determining the meaning of a Greek word from the scriptural context in a work of translation where Greek words are being matched to Hebrew words, often for no reason other than convention ("Εξιλάσασθαι: Appeasing God in the Septuagint Pentateuch," *JBL* 129 [2010]: 237–60). Yet προσήλυτος presents interpreters with the problem that, apart from the recently unearthed evidence of Moffitt and Butera ("P.Duk. inv. 727r"), the word does not occur outside of the LXX until the first century C.E., and there in works (Philo, Matthew, Acts) that are under the influence of the LXX. Consequently, although pitfalls remain, we are left with little apart from the context to determine the way in which the LXX translators used προσήλυτος.

## II. SEPTUAGINT TRANSLATION TECHNIQUES AND THE DIFFERING RENDERINGS OF ἄλ

At first glance, Allen's treatment appears to demonstrate that the LXX translators perceived two distinct meanings for the word ἄλ. But, as even Allen notes and Moffitt and Butera argue, a number of passages do not quite fit this tidy scheme.<sup>14</sup> In light of this fact, one suspects that something may be fundamentally wrong with his analysis. Indeed there is: his methodology. Throughout the lists that Allen provides in his article, he lumps together texts from all over the LXX. This would be appropriate if the same person or group translated “the LXX” in its entirety.<sup>15</sup> But such a perception of the LXX translation is indebted not to historical realities but to the legends that arose regarding it.<sup>16</sup> If, on the other hand, different individuals were responsible for translating different books of the Hebrew Bible, and did so at different times, to assume one translational strategy is a significant methodological mistake akin to assuming that different modern English translations of the Bible employ English words in exactly the same way. Since Allen's article, study of the LXX has demonstrated just this: each translation of each book of the Hebrew Bible is unique.<sup>17</sup> For instance, the Greek translator of Genesis did not translate Ezekiel, nor were the two translators necessarily contemporaries. Consequently, as Staffan Olofsson argues, “Neither explicitly nor implicitly should the Septuagint be looked upon as one translation in line with, for example, Symmachus or Aquila.”<sup>18</sup>

Each book was translated by a different person (or group); these translators presumably lived at different times and in different places and used different methods of translation (whether intentionally or otherwise). Some translations

<sup>14</sup>See Moffitt and Butera, “P.Duk. inv. 727r,” 172–74.

<sup>15</sup>I acknowledge that by continuing to refer to the early Greek translations of the books of the Hebrew Bible as “the LXX,” I may be inadvertently perpetuating this misconception, but to my mind no adequate solution for this problem exists.

<sup>16</sup>See *Let. Aris.* 301–7, in which a team of seventy-two is responsible for the translation of the Law (although even this account suggests that they were not responsible for the translation of the Prophets or the Writings); and Philo, *Mos.* 2.25–44. See also the recent discussion of these traditions in Giuseppe Veltri, *Libraries, Translations, and “Canonic” Texts: The Septuagint, Aquila and Ben Sira in the Jewish and Christian Traditions* (JSJSup 109; Leiden/Boston: Brill, 2006), 100–146.

<sup>17</sup>E.g., Emanuel Tov and Benjamin Wright, “Computer-assisted Study of the Criteria for Assessing the Literalness of Translation Units in the LXX,” *Text* 12 (1985): 148–87; and Emanuel Tov, “The Nature and Study of the Translation Technique of the LXX in the Past and Present,” in *VI Congress of the International Organization for Septuagint and Cognate Studies, Jerusalem 1986* (ed. Claude E. Cox; SBLSCS 23; Atlanta: Scholars Press, 1986), 337–59.

<sup>18</sup>Olofsson, *The LXX Version: A Guide to the Translation Technique of the Septuagint* (ConBOT 30; Stockholm: Almqvist & Wiksell, 1990), 34.

are more wooden than others. Some translations consistently render one Hebrew word with one particular Greek word; others consistently render that same Hebrew word with a different Greek word; and still others render that same Hebrew word with a number of different Greek words.<sup>19</sup> As Anneli Aejmelaeus argues, “Each and every phenomenon in translation technique, be it word equivalence, use of transliteration, poor knowledge of Hebrew, free rendering, or addition of items, should be localized. What has happened in one book has not necessarily happened in another.”<sup>20</sup> Further, recent studies indicate, contrary to the claims of Henry St. John Thackeray, that even the books that constitute the Greek Pentateuch are not a unified translation.<sup>21</sup> As Robert J. V. Hiebert argues, the Greek Pentateuch “exhibits more heterogeneity in terms of translation technique than the account of Aristeeas would appear to allow. When one expands the frame of reference to include the whole of the Old Greek canon, the literary diversity between books is often dramatically greater than it is among the constituent components of the Pentateuch.”<sup>22</sup>

As a result, to compare the way in which a verse in Genesis renders גר to the way in which a verse in Leviticus renders גר—let alone one of the Prophets or Writings—is methodologically unsophisticated and possibly misleading. The first step to assessing the range of meaning of any word is to determine, insofar as is possible, its meaning in the individual translations of each book of the Greek Bible. It is here that Allen’s broad theological conclusions are based on inadequate philological grounds, for he neither systematically examines the translation of

<sup>19</sup> See Ilmari Soisalon-Soininen, *Die Infinitive in der Septuaginta* (AASF B, 132.1; Helsinki: Suomalainen Tiedekatemia, 1965); idem, “Renderings of Hebrew Comparative Expressions with *min* in the Greek Pentateuch,” *BIOCS* 12 (1979): 189–99; Anneli Aejmelaeus, *Parataxis in the Septuagint: A Study of the Renderings of the Hebrew Coordinate Clauses in the Greek Pentateuch* (AASF 31; Helsinki: Suomalainen Tiedekatemia, 1982); and Raija Sollamo, *Renderings of Hebrew Semiprepositions in the Septuagint* (AASF 19; Helsinki: Suomalainen Tiedekatemia, 1979).

<sup>20</sup> Aejmelaeus, “The Significance of Clause Connectors in the Syntactical and Translation-Technical Study of the Septuagint,” in Cox, *VI Congress of the IOSCS*, 361–80, here 377; eadem, “What We Talk about When We Talk about Translation Technique,” in *X Congress of the International Organization for Septuagint and Cognate Studies, Oslo, 1998* (ed. Bernard A. Taylor; SBLSCS 51; Atlanta: Society of Biblical Literature, 2001), 531–52, esp. 547–49; and Olofsson, *LXX Version*, 33.

<sup>21</sup> Thackeray, *A Grammar of the Old Testament in Greek according to the Septuagint* (Cambridge: Cambridge University Press, 1909), 13–14. Cf. Friedrich Baumgärtel, “Zur Entstehung der Pentateuchseptuaginta,” in Johannes Herrmann and Friedrich Baumgärtel, *Beiträge zur Entstehung der Septuaginta* (BWAT n.F. 5; Berlin: Kohlhammer, 1923), 53–80, esp. 53–62; Aejmelaeus, *Parataxis in the Septuagint*, 174–81; and Sollamo, *Renderings of Hebrew Semiprepositions*, 281–83.

<sup>22</sup> Hiebert, “The Hermeneutics of Translation in the Septuagint of Genesis,” in *Septuagint Research: Issues and Challenges in the Study of the Greek Jewish Scriptures* (ed. Wolfgang Kraus and R. Glenn Wooden; SBLSCS 53; Atlanta: Society of Biblical Literature, 2006), 85–103, here 85.

גור/ג in each book nor keeps the evidence of each book separate.<sup>23</sup> Only once one has completed the initial step of determining the philology of the individual books can one assess whether the way in which each translator has rendered a Hebrew word is due to theologizing and not merely due to translation technique.<sup>24</sup> And only once one has separately assessed the different translation techniques of each book, can one begin the process of synthesizing the various data in order to determine whether the translators share a common translational or theological trend.<sup>25</sup> It could be the case that προσήλυτος means “sojourner” in some books and “convert” in others.

### III. SIX CATEGORIES OF EVIDENCE

The various books of the LXX divide into six separate categories: (1) those whose Hebrew *Vorlage* never used גור/ג and do not use προσήλυτος (Joel, Amos, Obadiah, Jonah, Micah, Habakkuk, Zephaniah, Haggai, Proverbs, Song of Songs, Ecclesiastes, Esther, Daniel); (2) those whose Hebrew *Vorlage* used ג but used neither πάροις nor προσήλυτος (Job: ξένος); (3) those whose Hebrew *Vorlage* used גור/ג but always render it with πάροις or παροιέω, never with προσήλυτος or related verbs (Genesis,<sup>26</sup> Judges, 1–2 Samuel, 1–2 Kings,<sup>27</sup> Hosea, Nahum, Ruth, Lamentations, Ezra-Nehemiah); (4) those whose Hebrew *Vorlage* used גור/ג and always render it with προσήλυτος or related verbs, but never use πάροις or παροιέω

<sup>23</sup> On the penultimate page of his article, Allen does briefly discuss separately the evidence of Deuteronomy (“On the Meaning of ΙΠΟΣΗΛΥΤΟΣ,” 274), but, as I show below, his conclusions inadequately deal with the evidence.

<sup>24</sup> As Raija Sollamo notes, “translation technique has a negative role when it points out what is pure translation technique and philology, not theology. What is not philology, only that can contain theology in the sense of a theology of the Septuagint differing from the theology of the source text” (“Translation Technique as a Method,” in *Translating a Translation: The LXX and Its Modern Translations in the Context of Early Judaism* [ed. H. Ausloos et al.; BETL 213; Leuven: Leuven University Press, 2008], 35–42, here 41).

<sup>25</sup> On the hope that such a synthesis is ultimately possible, see Martin Rösel, “Towards a ‘Theology of the Septuagint,’” in Kraus and Wooden, *Septuagint Research*, 239–52.

<sup>26</sup> Although Otto J. Baab has argued for two distinct translators (one for chs. 1–25 and one for chs. 26–50; “A Theory of Two Translators for the Greek Genesis,” *JBL* 52 [1933]: 239–43), most interpreters treat LXX Genesis as a unified translation. With regard to גור/ג specifically, there is no difference in translation technique between chs. 1–25 and chs. 26–50.

<sup>27</sup> Since there are no critical editions of 1–2 Samuel and 1–2 Kings in the Göttingen series, discussion of these books is based on Alfred Rahlfs, *Septuaginta: Id est Vetus Testamentum graece iuxta LXX interpretes* (2 vols.; Stuttgart: Württembergische Bibelanstalt, 1935). Further, while there remains debate over the unity of the Old Greek translation of 1–2 Samuel and 1–2 Kings, the solution is inconsequential, since the books are consistent in their rendering of גור/ג. See the discussion of Bernard A. Taylor, “To the Reader of the Old Greek Text of Reigns,” in Pietersma and Wright, *New English Translation of the Septuagint*, 244–48.

(Joshua, Zechariah, Malachi);<sup>28</sup> (5) those whose Hebrew *Vorlage* used גור/גֵּר and *always* render it with προσήλυτος or related verbs, and *always* use πάροιχος or παροικέω to translate ישב/תושב (Leviticus, Numbers); and (6) those books whose Hebrew *Vorlage* used גור/גֵּר and sometimes render these words with προσήλυτος and related verbs and sometimes render גור/גֵּר with πάροιχος and related verbs (Exodus, Deuteronomy, Isaiah, Jeremiah, Ezekiel, Psalms, 1–2 Chronicles; see chart).<sup>29</sup>

	Books	Use גור/גֵּר	Use προσήλυτος or related verbs	Use πάροιχος/ παροικέω
Category 1	Joel, Amos, Obad, Jonah, Micah, Hab, Zeph, Haggai, Prov, Song of Songs, Eccl, Esther, Daniel	No	No	—
Category 2	Job	Yes	No	No
Category 3	Gen, Judg, 1–2 Sam, 1–2 Kings, Hosea, Nahum, Ruth, Lam, Ezra-Neh	Yes	No	Yes
Category 4	Josh, Zech, Mal	Yes	Yes	No
Category 5	Lev, Num	Yes	Yes	Yes (but only for ישב/תושב)
Category 6	Exod, Deut, Isa, Jer, Ezek, Pss, 1–2 Chron	Yes	Yes	Yes

Clearly, the first and second categories cannot help to determine the meaning of either πάροιχος or προσήλυτος. The third category demonstrates that these translators believed that πάροιχος referred to a resident alien, whether Israelite or

<sup>28</sup>C. Robert Harrison Jr. has argued that the books comprising the Twelve had different translators (“The Unity of the Minor Prophets in the Septuagint: A Reexamination of the Question,” *BIOCS* 21 [1988]: 55–72). In contrast, Henry St. John Thackeray (*The Septuagint and Jewish Worship: A Study in Origins* [London: British Academy, 1921] and “The Greek Translators of the Prophetic Books,” *JTS* 4 [1903]: 578–85), Joseph Ziegler (“Die Einheit der Septuaginta zum Zwölfprophetenbuch,” in *Sylloge: Gesammelte Aufsätze zur Septuaginta* [MSU 10; Göttingen: Vandenhoeck & Ruprecht, 1971], 29–42), and George E. Howard (“To the Reader of the Twelve Prophets,” in Pietersma and Wright, *New English Translation of the Septuagint*, 780–81) argue for the overall unity of the Greek translation of the Twelve. Although I treat each prophet separately, the results remain the same.

<sup>29</sup>Whether the Greek translation of Sirach belongs to category 5 or 6 is uncertain because of the fragmentary nature of the extant Hebrew manuscripts of the work.



non-Israelite, but indicates nothing about the translator’s knowledge or understanding of the term προσήλυτος. The fourth category can perhaps help us narrow down the possible meanings of the word προσήλυτος but cannot demonstrate that the translators intended to distinguish between προσήλυτος and πάροις. The fifth category *may* help distinguish between different meanings of προσήλυτος and πάροις, but these differences may indicate nothing more than the translators’ preferred renderings of Hebrew words—προσήλυτος for גֵּר, and πάροις for עֲבֵד.

It is only the sixth category, which consists of Exodus, Deuteronomy, Isaiah, Jeremiah, Ezekiel, Psalms, and 1–2 Chronicles, that is truly useful for determining translational intentionality and, therefore, the meaning of the word προσήλυτος and its relation to the word πάροις. In light of the fact that the five books of the Pentateuch were probably the first books of the Hebrew Bible translated into Greek, I will begin with Exodus and Deuteronomy and then move to consider the various translations of the Prophets and the Writings.<sup>30</sup> The following discussion is based on critical editions of the LXX, where available.

### A. Προσήλυτος in the Greek Pentateuch

The LXX translator of Exodus uses both πάροις and προσήλυτος. Consequently, LXX Exodus might give us the evidence we need to weigh Allen’s claims. Exodus contains twelve occurrences of the noun גֵּר, which the translator renders as προσήλυτος nine times (12:48, 49; 20:10; 22:20 [2x]; 23:9 [3x]; 23:12), πάροις twice (2:22; 18:3), and γειώρας once (12:19).<sup>31</sup> Not once does προσήλυτος render a word other than גֵּר in LXX Exodus. Additionally, the verbal form גֵּר occurs four times (3:22; 6:4; 12:48, 49) and is rendered as σύσκηνος (3:22), παροιέω (6:4), and προσέρχομαι (12:48, 49).<sup>32</sup>

Does Allen’s thesis fit the evidence of Exodus? To be sure, the use of πάροις to describe Gershom, Moses’ son, would make sense of the avoidance of proselyte language, since Gershom was a born Israelite (2:22; 18:3). Yet the use of γειώρας in 12:19 is striking, since, on Allen’s thesis, one would expect, in a context that clearly permits envisaging a convert to Israelite religion, to see προσήλυτος here, were it a technical term denoting a convert.<sup>33</sup> Additionally, the use of προσήλυτος in LXX

<sup>30</sup>For an attempt to date the translations of the individual books of the LXX, see Gilles Dorival, Marguerite Harl, and Olivier Munnich, *La Bible grecque des Septante: Du judaïsme hellénistique au christianisme ancien* (Initiations au christianisme ancien; Paris: Cerf, 1988), 96–98.

<sup>31</sup>For a helpful discussion of the translation of גֵּר in LXX Exodus, see Le Boulluec and Sandevor, *L’Exode*, 51–52.

<sup>32</sup>In Exod 12:48, a few manuscripts have ἔρχομαι or παρέρχομαι instead of προσέρχομαι, while in 12:39, one manuscript has πρόσκειμαι instead of προσέρχομαι. See the textual apparatus of John William Wevers, *Exodus* (Septuaginta 2.1; Göttingen: Vandenhoeck & Ruprecht, 1991), 179–80. For a more detailed discussion of Exod 12:19 and 12:48–49, see Moffitt and Butera, “P. Duke. inv. 727r,” 162–63, 172–74.

<sup>33</sup>A few LXX manuscripts, as well as Aquila and Symmachus, do render גֵּר in 12:19 as προσήλυτος, as the textual apparatus of Wevers (*Exodus*, 170) makes clear.

Exodus militates against the proselyte definition. Although Exod 12:45 stipulates that the *πάροικος* (Hebrew: *תושב*) cannot partake of the Passover, 12:48–49 provides an exception: a circumcised *προσήλυτος* can. This verse appears to assume the existence of an *uncircumcised* *προσήλυτος*, demonstrating that the term cannot in itself indicate a full convert to Judaism in LXX Exodus, for a full convert is one who has undergone circumcision.<sup>34</sup> This leaves four passages in which *προσήλυτος* could refer to a convert: 20:10; 22:21; 23:9; and 23:12. Exodus 22:21 and 23:9 command Israel not to oppress the *προσήλυτος*, since Israel was itself a *προσήλυτος* in the land of Egypt. But the use of *προσήλυτος* to refer to the identity of the Israelites in Egypt suggests that the first occurrence of *προσήλυτος* in these verses cannot refer to a convert. Allen dismisses the evidence of this passage too hastily. The logic of the command demands that whatever a *ג* or *προσήλυτος* might be, it is appropriate to use this word in reference to Israel. In other words, if *προσήλυτος* in the first instance means a “convert to Judaism,” then it makes no sense to use this word in reference to Israel’s time in Egypt. Both occurrences of *προσήλυτος* must mean the same thing or else there is no connection between Israel’s experience in Egypt and the experience of the *προσήλυτος* in their midst. And only if they both have shared the same experience does the imperative have any force.<sup>35</sup> If, on the other hand, *προσήλυτος* means “resident alien,” then the translation makes perfect sense.

Finally, the reference to a *προσήλυτος* in Exod 20:10 also creates problems for Allen’s thesis, since the passage describes the *προσήλυτος* as the one who dwells among you (*ὁ παροικῶν ἐν σοί*; MT: *אשר בשעריך*)—a verbal form that Allen thinks is used *exclusively* of sojourners, not converts.<sup>36</sup> In other words, of the nine occurrences of *προσήλυτος* in LXX Exodus, only one, 23:12, a passage in which the *ג*/*προσήλυτος* is to rest on the Sabbath, can possibly fit Allen’s theory. In light of these other occurrences in LXX Exodus, it seems more likely that the *προσήλυτος* of 23:12 is a resident alien, not a convert.

The LXX translator of Deuteronomy translates *ג*, which occurs twenty-two times in the book, as *προσήλυτος* twenty times, and *πάροικος* twice (14:21; 23:8).<sup>37</sup> Two additional occurrences in 10:18 and 12:18 may be the result of a Hebrew

<sup>34</sup> Allen (“On the Meaning of ΠΡΟΣΗΛΥΤΟΣ,” 269) recognizes this problem but does not deal with it.

<sup>35</sup> Again, see Moffitt and Butera, “P.Duk.inv. 727,” 174.

<sup>36</sup> To be sure, according to two LXX manuscripts (see Wevers, *Exodus*, 242), there is an intervening *καί* between *προσήλυτος* and *ὁ παροικῶν*, which would then distinguish between the two words. John William Wevers (*Notes on the Greek Text of Exodus* [SBLSCS 30; Atlanta: Scholars Press, 1990], 312) argues that *ὁ παροικῶν ἐν σοί* is a free though not incorrect translation of MT’s *בשעריך*.

<sup>37</sup> See Deut 1:16; 5:14; 10:18, 19 [2x]; 14:29; 16:11, 14; 24:14, 17, 19, 20, 21; 26:11, 12, 13; 27:19; 28:43; 29:10; 31:12. Deuteronomy uses the verbal form *ג* three times; LXX Deuteronomy renders it as *παραγίνομαι* (18:6), *ἀπέχω* (18:22), and *παροικέω* (26:5).

*Vorlage* that differed from the MT.<sup>38</sup> Deuteronomy 14:21 stipulates that Israelites cannot eat נבלה (meat from animals that have died naturally), but that a גר can. Presumably, the translator would not have permitted a full convert to eat food forbidden to the native Israelite, so it is possible that he uses πάροικος here instead of προσήλυτος to show that a proselyte is not in mind.<sup>39</sup> In the second instance, Deuteronomy says that Israel was a גר in the land of Egypt (23:8). In both instances, the LXX translator of Deuteronomy has rendered גר as πάροικος. Additionally, Deuteronomy uses the verb גור of Levites, who dwell in Israelite towns, and of Abraham, who dwelled in Egypt, and LXX Deuteronomy translates the verb as παροικέω (18:6; 26:5). Thus far, these Greek renderings fit Allen’s thesis.

But do the occurrences of προσήλυτος in LXX Deuteronomy consistently portray a convert? The answer is no. In Deut 10:19, God commands Israel to love the προσήλυτος, for Israel was itself a προσήλυτος in Egypt. While the translator has used πάροικος for Israel’s sojourn in Egypt elsewhere (Deut 23:8; 26:5), here he translates it as προσήλυτος. If the translator was intent on distinguishing between προσήλυτος and πάροικος, as Allen suggests has happened in 23:8 and 26:5, why does he render גר as προσήλυτος in 10:19 in a context in which it cannot possibly mean a convert? As I noted of similar passages in Exodus, it seems more logical to assume that, by identifying Israel as a προσήλυτος in Egypt, the translator ensures that his readers will properly identify προσήλυτοι in their midst as resident aliens.<sup>40</sup> And if the translator can refer to Israel’s (or Abraham’s) identity in Egypt with either προσήλυτος (10:19) or πάροικος (23:8; 26:5) does this fact not suggest that he believed the two words are, if not synonyms, at least closely related?<sup>41</sup> Additionally, one of the curses for infidelity to the covenant is that the גר will be higher than the Israelite and will lend to Israel, rather than Israel lending to him (28:43). Clearly a convert to Israelite religion cannot be in view here, yet the LXX translator renders גר as προσήλυτος. Finally, Deut 1:16 refers to a dispute between a person and *his* sojourner (גר). The translators render this phrase as προσηγλύτου αὐτοῦ, although the αὐτοῦ is lacking in a number of LXX manuscripts. Allen’s only comment on this usage of προσήλυτος is that it is “strange.”<sup>42</sup> Yet this passage can hardly refer to

<sup>38</sup> In both 10:18 and 12:18, the Samaritan Pentateuch agrees with the reading of the MT, while extant readings from Qumran are fragmentary at this point. See Julie Ann Duncan, “4QDeut,” in *Qumran Cave 4.IX: Deuteronomy, Joshua, Judges, Kings* (ed. Eugene Ulrich et al.; DJD 14; Oxford: Clarendon, 1995), 110; and, in the same volume, eadem, “4QDeut,” 22.

<sup>39</sup> Aquila renders the גר of 14:21, who is permitted to eat נבלה, as προσήλυτος, not πάροικος.

<sup>40</sup> See the discussion of Moffitt and Butera, “P.Duk. inv. 727r,” 174.

<sup>41</sup> Rahlfs (*Septuaginta*) links the two in Deut 5:14: ὁ προσήλυτος ὁ παροικῶν ἐν σοί. Nonetheless, the critical edition of 5:14 in John William Wevers (*Deuteronomy* [Septuaginta 3.2; Göttingen: Vandenhoeck & Ruprecht, 1977], 112) reads: ὁ προσήλυτος ὁ ἐντὸς τῶν πυλῶν σου. See also the discussion of this verse in Wevers, *Notes on the Greek Text of Deuteronomy* (SBLSCS 39; Atlanta: Scholars Press, 1995), 102.

<sup>42</sup> Allen, “On the Meaning of ΠΡΟΣΗΛΥΤΟΣ,” 268. On the manuscript evidence, see Wevers,

someone's convert; rather, it clearly portrays a dispute between a person and his guest. As Melvin K. H. Peters argues,

The default rendering *προσήλυτος* describes in the Pentateuch and certainly in Deuteronomion someone clearly not yet a proselyte, a convert, but more like a guest of the community who receives preferential treatment alongside the orphan and the widow. He should be treated fairly and paid a just wage. That he is an outsider is not in doubt. But he is not just any passing outsider, nor as yet fully an insider. He has "come over" to the community and is treated as its guest, with all the privileges that such a status implied.<sup>43</sup>

In summary, there is no clear evidence that the earliest translated books of the Greek Bible worked with a definition of *προσήλυτος* that meant "convert." While LXX Genesis, Leviticus, and Numbers are inconclusive due to the translators' stereotyped equivalents for גר/גור, the translators of Exodus and Deuteronomy did not consider the Greek word *προσήλυτος* to mean "a convert." It is possible, however, that biblical books later translated into Greek do reflect such a meaning.

### B. Jeremiah, Psalms, and Book of the Twelve

Because the evidence of Greek translations of Jeremiah, Psalms, and the Twelve needs to be understood in relation to LXX Deuteronomy, I will deal with them briefly here.<sup>44</sup> Eleven times the book of Deuteronomy refers to a list of three people: the גר, יתום, and אֵלֶמְנָה, "resident alien," "orphan," and "widow," respectively.<sup>45</sup> LXX Deuteronomy consistently translates this list as *προσήλυτος*, *ὀρφανός*, and *χήρα*. Significantly, the only times LXX Jeremiah and LXX Psalms use *προσήλυτος* is in translating this same list (Jer 7:6; 22:3; LXX Pss 93:6; 145:9). In other words, LXX Jeremiah and LXX Psalms translate גר as *προσήλυτος* because they are influenced by LXX Deuteronomy;<sup>46</sup> in all other passages they render גור

Deuteronomy, 59. On the interpretation of this verse, see Moshe Weinfeld, *Deuteronomy 1–11: A New Translation with Introduction and Commentary* (AB 5; New York: Doubleday, 1991), 136.

<sup>43</sup> Peters, "Deuteronomion: To the Reader," in Pietersma and Wright, *New English Translation of the Septuagint*, 143.

<sup>44</sup> Henry St. John Thackeray has argued that three different people translated Jeremiah, the first responsible for chs. 1–28, the second responsible for chs. 29–51, and the third responsible for ch. 52 ("The Greek Translators of Jeremiah," *JTS* 4 [1903]: 245–66). Even if Thackeray is correct, this does not explain the different renderings of the noun גר, since all three occur in the first twenty-eight chapters.

<sup>45</sup> On the significance of this list in Deuteronomy and the ancient Near East, see Weinfeld, *Deuteronomy 1–11*, 439–40.

<sup>46</sup> As Emanuel Tov states, "Quotations from and allusions to passages in the Torah occurring in the later books of the Bible were often phrased in the Greek in a manner identical with the Greek Pentateuch" ("The Impact of the LXX Translation of the Pentateuch on the Translation of the Other Books," in *The Greek and Hebrew Bible: Collected Essays on the Septuagint* [VTSup 72; Leiden: Brill, 1999], 183–94, here 192). See also Olofsson, *LXX Version*, 26–28. This does not

with verbs of dwelling. LXX Deuteronomy’s influence extends to the three other occurrences of the list mentioning the גר, יתום, and אֵלֶמְנָה in Ezek 22:7; Zech 7:10; and Mal 3:5. Zechariah 7:10 and Mal 3:5 contain the only two occurrences of προσήλυτος in the LXX translation of the Twelve. In both cases, προσήλυτος occurs in the context of this Deuteronomistic list. Thus, apart from these two instances, the Book of the Twelve does not render גר as προσήλυτος.<sup>47</sup> Consequently, Jeremiah, Psalms, and the Twelve give no evidence of conscious distinguishing between two different meanings for the Hebrew word גר.

### C. Προσήλυτος in the LXX Prophets

Isaiah contains one occurrence of the noun גר and ten occurrences of the verb גוי.<sup>48</sup> The verbal form occurs with reference to the wolf residing with the lamb (5:17; 11:6), and the LXX renders the verb with βόσκω or its cognate συμβόσκομαι. There are an additional five occurrences of גוי in contexts that cannot possibly mean “to convert,” and the translator renders them as παροικέω (16:4; 52:4), παραδίδωμι (23:7), or ἀναγγέλλω (33:14 [2x]). Isaiah 54:15 contains the final three occurrences of גוי. In the MT, the passage has nothing to do with either sojourners or converts.<sup>49</sup> Nonetheless, the LXX translator, understanding גר and גוי to mean “to sojourn” (not “to stir up”), renders the verse in the following way: ἰδοὺ προσήλυτοι προσελεύσονται σοι δι’ ἐμοῦ καὶ ἐπὶ σὲ καταφεύξονται (“Behold, προσήλυτοι will come to you through me, and flee to you”). Whatever the LXX’s Hebrew *Vorlage*, and whatever its original meaning, προσήλυτος and προσέρχομαι could refer either to converts or to sojourners.<sup>50</sup>

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necessitate that the LXX Pentateuch served as a lexicon for later translators, a claim James Barr criticizes (*The Typology of Literalism in Ancient Biblical Translations* [MSU 15; Göttingen: Vandenhoeck & Ruprecht, 1979], 310). Additionally, Peters (“Deuteronomion,” 141) suggests, “If we assume that the Pentateuch was translated sequentially, Deuteronomy, given its position, might reflect knowledge of the work of previous translators.” Consequently, it is possible that the list of προσήλυτος, ὀρφανός, and χήρα in Exod 22:20–23 has influenced the translator of Deuteronomy.

<sup>47</sup> On the question of the unity of the translation of the Book of the Twelve, see n. 28 above.

<sup>48</sup> Johannes Herrmann and Friedrich Baumgärtel (*Beiträge zur Entstehungsgeschichte der Septuaginta*) have argued that different translators are responsible for different parts of Isaiah, but Joseph Ziegler (*Untersuchungen zur Septuaginta des Buches Isaias* [ATA 12.3; Münster: Aschendorff, 1934], 31–46, esp. 20–31) has convincingly argued for the unity of the translation.

<sup>49</sup> Cf. Klaus Baltzer, *Deutero-Isaiah: A Commentary on Isaiah 40–55* (trans. Margaret Kohl; Hermeneia; Minneapolis: Fortress, 2001), 456–59.

<sup>50</sup> Isac Leo Seeligmann argues that the translator had a difficult time understanding his *Vorlage* and therefore read proselytism into the text (*The Septuagint Version of Isaiah and Cognate Studies* [ed. Robert Hanhart and Hermann Spieckermann; FAT 40; Tübingen: Mohr Siebeck, 2004], 289), but this assumes that προσήλυτος was a technical term for “convert,” when it could just as easily refer to a resident alien who has sought out asylum, as the use of καταφεύγω might suggest.

Unfortunately, and inexplicably, Allen does not discuss the only occurrence of the noun גר in Isaiah, for it occurs in a context where his thesis suggests that the translator should have rendered it with προσήλυτος. According to Isa 14:1, YHWH will choose Judah and reestablish the people in the land. At this time the גר will join them and attach himself to the house of Jacob (בית עליהם ונספחו על בית יעקב). This is a positive reference to the גר—quite possibly suggesting conversion, for the גר joins (ליוה) the house of Jacob. Yet the LXX translator of Isaiah does not render גר as προσήλυτος, as one would expect if the word were a *technical term* denoting conversion. Instead, the translator merely transliterates גר as γιώρας.<sup>51</sup> The fact that in Isa 14:1 the translator has rendered גר not with προσήλυτος but with γιώρας suggests that, whatever the precise meaning of the term in LXX Isa 54:14, he was unaware of the word being a technical term for a convert.

The book of Ezekiel contains five occurrences of גר, each of which the Greek translator renders as προσήλυτος (14:7; 22:7, 29; 47:22, 23), and three occurrences of גוי, which the translator renders once as προσηλυτεύω (14:7), once as προσήλυτος (47:23), and once as παροικέω (47:22).<sup>52</sup> Not once does the translator use the noun πάροικος, again suggesting that προσήλυτος was the standard Greek equivalent for גר in the translator's mind. Nonetheless, the fact that the translator renders גר with either προσηλυτεύω or παροικέω in the space of two verses suggests that, whatever the meaning of προσήλυτος, he did not think there was a significant difference between the two verbs προσηλυτεύω and παροικέω, and, by extension, between προσήλυτος and πάροικος.

In summary, not one of the various Greek translations of the Prophets supports Allen's thesis that προσήλυτος means "convert" and πάροικος means "sojourner." The Greek translations of Joshua, Judges, 1–2 Samuel, 1–2 Kings, Jeremiah, and the Twelve (or the individual books making up the Twelve) do not provide enough data to assess the interpretive decisions of the various translators. While LXX Isaiah does use προσήλυτος three times in 54:15, in a version of the verse that could refer to converts, the fact that the translator does not use προσήλυτος to translate גר in 14:1, a passage that portrays Gentiles joining Israel, suggests that he did not think that προσήλυτος was an adequate word to denote conversion. Finally, LXX Ezekiel uses προσηλυτεύω and παροικέω in ways that suggest they are synonyms, demonstrating that its translator did not think that προσήλυτος had a technical meaning signifying a convert.

<sup>51</sup> Here Aquila, Symmachus, and Theodotion render גר as προσήλυτος. See Joseph Ziegler, *Isaias* (Septuaginta 14; Göttingen: Vandenhoeck & Ruprecht, 1939), 173.

<sup>52</sup> Henry St. John Thackeray ("The Greek Translators of Ezekiel," *JTS* 4 [1903]: 398–411) has argued that LXX Ezekiel is the product of two different translators, the first responsible for chs. 1–27 and 40–48, and the second responsible for chs. 28–39. Again, even if Thackeray is correct to detect two different hands at work, this does not aid us in explaining the evidence surrounding the translation of גר/גוי, since all occurrences are found in Thackeray's hypothetical first hand.



### D. Προσήλυτος in the Writings

1 and 2 Chronicles contain four occurrences of גר and three occurrences of גוי. The translator renders גר three times as προσήλυτος (1 Chr 22:2; 2 Chr 2:16 [LXX 2:17]; 30:25), and once as πάροικος (1 Chr 29:15), while rendering גוי once as παροικέω (1 Chr 16:19) and once as προσήλυτος (2 Chr 15:9).<sup>53</sup> The first two uses of προσήλυτος undermine Allen’s thesis, since both envisage David and Solomon enslaving this group of people. Does the LXX translator believe that David and Solomon enslaved converts to build the temple, as LXX 1 Chr 22:2 and 2 Chr 2:17 would then suggest? Surely, if this term signified converts to Judaism, such stories would detract from the appeal of conversion! Further, the use of προσήλυτος for a participial form of גוי in 2 Chr 15:9 refers not to converts but rather to those who resided in the territories of Judah and Benjamin and yet were genealogically descended from the tribes of Ephraim, Manasseh, and Simeon. 2 Chronicles 30:25 contains a similar use of גוי, where those of Israel who were sojourning (the LXX again calls them προσήλυτοι) in Judah celebrated the Passover. The LXX translator has twice equated a number of the twelve tribes with προσήλυτοι, demonstrating that he does not think that a προσήλυτος is a convert. In other words, in none of the four instances where προσήλυτος translates גר/גוי can the translator intend a reference to a convert. Supporting this conclusion is the fact that, in 1 Chr 29:15, the LXX translator has equated גר and תושב, rendering both with πάροικος: “For we were aliens [גר/πάροικοι] before you, and sojourners (תושבים/παροικοῦντες), like all our fathers. . . .” In the mind of the translator of the Chronicler, a גר is nothing more and nothing less than a תושב, and a προσήλυτος nothing more and nothing less than a πάροικος.

Finally, for the sake of completeness, we must turn to the book of Sirach.<sup>54</sup> The Hebrew manuscripts of Sirach use גר in 10:22, stating: גר זר נכרי ורש תפארתם יראת יי (“the resident alien, stranger, foreigner, and poor, their boast is in the fear of the Lord”).<sup>55</sup> According to the critical edition of Joseph Ziegler, the Greek translator rendered the verse as προσήλυτος καὶ ξένος καὶ πτωχός, τὸ καύχημα αὐτῶν φόβος κυρίου.<sup>56</sup> While the context does not exclude the possibility of a convert, it seems more likely, given that the list mentions the προσήλυτος in conjunction with the ξένος (“foreigner”), that he is a resident alien. Further, LXX Sirach 29 discusses

<sup>53</sup> Since there is currently no Göttingen critical edition of 1–2 Chronicles, I again base my discussion on Rahlfs, *Septuaginta*.

<sup>54</sup> Allen did not examine Sirach since he had no access to the Hebrew fragments of the work and so could not examine how the translator rendered גר/גוי.

<sup>55</sup> See MS A IV r. 10:22 (which ends with ת אלהים [...]) and MS B I r. 10:22, in Pancratius C. Beentjes, *The Book of Ben Sira in Hebrew: A Text Edition of All Extant Hebrew Manuscripts and a Synopsis of All Parallel Hebrew Ben Sira Texts* (VTSup 68; Leiden: Brill, 1997).

<sup>56</sup> See the textual evidence in Joseph Ziegler, *Sapientia Iesu Filii Sirach* (Septuaginta 12.2; Göttingen: Vandenhoeck & Ruprecht, 1965), 172. Rahlfs’s edition follows a different manuscript tradition, in which 10:22 states πλούσιος καὶ ἑνδοξος καὶ πτωχός, τὸ καύχημα αὐτῶν φόβος κυρίου.



living among foreigners (ἀλλοτρίοι, 29:22): reproach follows the one who sojourns (παροιμία, v. 23); to sojourn (παροιμέω, v. 24) is a terrible life. According to Sirach, the πάροικος will hear such bitter words as these: “Come, sojourner [πάροικε], prepare a table, and if there is something in your hand, feed me. Go, sojourner [πάροικε], because of good repute, my brother has come to visit, I have need of the house” (vv. 26–27). Clearly the context here indicates that the author intends a resident alien, not a convert. Unfortunately, no extant Hebrew manuscripts of Sirach contain these verses, and so we do not know what Hebrew word πάροικος renders. Similarly, LXX Sir 38:32 refers to the πάροικος of the city, in a context where it clearly means nothing more than “to inhabit,” but again we have no Hebrew manuscript evidence for this verse. Thus, LXX Sirach also provides no evidence for or against Allen’s thesis.<sup>57</sup>

#### IV. CONCLUSION

By utilizing the results of recent LXX scholarship, which emphasize that each individual book of the LXX reflects a distinctive translation technique, I have tried to demonstrate the methodological problem with Allen’s argument. Only if one were convinced that the same person or group, using the same translational technique, translated all the books of the LXX could one arrive at Allen’s conclusions. On the other hand, by examining the distinctive way that each book of the Greek Bible translates גר or גוי, I have shown that there is no firm evidence that any translator used προσήλυτος to mean a convert to Israelite or Jewish religion. In fact, the evidence of some translations militates against it.

Translators often use words or phrases as responses to verbal stimuli, rather than as acts according to choice. Practical experience in this field shows that the translators usually render words mechanically with the receptor language term they adopted when they encountered the word in the original for the first time, and transfer renderings of phrases that they feel to be well chosen to any further occurrence of the same phrase.<sup>58</sup>

<sup>57</sup> I should also mention that LXX Tob 1:8 refers to a προσήλυτος in the context of a list with widow (χήρα) and orphan (ὀρφανός), people to whom Tobit provides tithes in accordance with Deut 26:12. Although we do not have any Hebrew witnesses to this verse, it is likely, in light of the numerous lists in biblical books that contain these three groups, that προσήλυτος renders גר here. Joseph A. Fitzmyer claims that “Tobit includes the ‘proselytes,’ who are not mentioned in the biblical prescriptions about such tithing [in Deut 26:12]” (*Tobit* [Commentaries on Early Jewish Literature; Berlin/New York: de Gruyter, 2003], 110). This statement is misleading, since MT Deut 26:12 mentions the גר, which LXX Deuteronomy renders as προσήλυτος. In contrast to the Old Latin, which refers to the *proselytis*, the Vulgate refers to both *proselytis et advenis*.

<sup>58</sup> Olofsson, *LXX Version*, 10. Similarly, Sollamo (“Translation Technique as a Method,” 36) argues, “A certain translator does not vary his way of translating without limits from instance to

Consequently, it is the sixth category mentioned above (i.e., those books whose Hebrew *Vorlage* used גר/גרים and which sometimes render these words with προσήλυτος and related verbs and sometimes render these words with πάροικος and related verbs) that is most helpful for determining the meaning of the word προσήλυτος and its relation to the word πάροικος. Thus, only Exodus, Deuteronomy, Isaiah, Jeremiah, Ezekiel, Psalms, and 1–2 Chronicles shed light on this question.<sup>59</sup> Yet the likelihood that previous translations of similar passages in Deuteronomy influenced the translation of προσήλυτος in Jeremiah, the Psalter, Zechariah, and Malachi renders these books unhelpful in this task. As a result, we can safely use only five books (Exodus, Deuteronomy, Isaiah, Ezekiel, 1–2 Chronicles) to determine clearly the intentions of these translators in their uses of προσήλυτος and πάροικος. Each of these books uses προσήλυτος in considerably more complicated ways than the analysis of Allen suggests. If the translators of Exodus and Isaiah were aware that the word προσήλυτος was a technical title for a convert to Judaism, their use of γ(ε)ώρας in Exod 12:19 and Isa 14:1 is inexplicable. Why use a transliteration of an Aramaic word if a convert was intended and a Greek term readily conveyed this meaning? Apparently, they did not believe that προσήλυτος was a particularly apt word to describe converts. This suggests that LXX Exodus and LXX Isaiah serve as evidence that προσήλυτος did not mean a “convert.” More clearly, the use of προσήλυτος in Exodus, Deuteronomy, and 1–2 Chronicles, in contexts that exclude the possibility of Gentile converts to Judaism, indicates that, at least to these translators, the word meant not “convert” but “resident alien.”<sup>60</sup> In fact, Deuteronomy, Ezekiel, and 1–2 Chronicles indicate that προσήλυτος and πάροικος had considerable semantic overlap with each other in the minds of the translators.

Allen’s influential article has led the majority of scholars to conclude that in the LXX the word προσήλυτος is not synonymous with πάροικος, since the former word is used exclusively of proselytes in the LXX, while the latter word retains the original sense of the Hebrew word גר, “stranger,” or “alien.” I have demonstrated that Allen is wrong: (1) Deuteronomy, Ezekiel, and 1–2 Chronicles treat προσήλυτος and πάροικος as synonyms; (2) Exodus, Leviticus, Deuteronomy, Ezekiel, and 1–2 Chronicles use προσήλυτος in contexts where it can only mean “sojourner”;

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instance, but utilizes on most occasions the same way of translating. A kind of stereotype or a favorite rendering comes into his mind for the expressions of the source language.”

<sup>59</sup> As I pointed out above, whether the Greek translation of Sirach belongs to category 5 or 6 is uncertain because of the fragmentary nature of the extant Hebrew manuscripts of the work.

<sup>60</sup> To be sure, later readers, whether of an individual book of the LXX or its entirety, apparently did come to define the word προσήλυτος as a convert, but, as J. A. L. Lee states, “It is what the translator intended his rendering to mean at the time of translation that the lexicographer must try to recover, not what a subsequent reader might take it to mean” (“Equivocal and Stereotyped Renderings in the LXX,” *RB* 87 [1980]: 104–17, here 104). Thus, to define προσήλυτος as “convert” and not as “sojourner” in the LXX is to confuse reception history with the intentions of the various LXX translators.

and, most significantly, (3) not one of the various translations of the LXX books enables us to judge that the original meaning of *προσήλυτος* was “proselyte.” These facts, should place the burden of proof squarely on those who believe that the translators of some or all of the books of the LXX used *προσήλυτος* to denote converts to Judaism. If the analysis of each LXX book above is largely correct, such proof can come only from evidence external to and contemporaneous with the Greek translations of the Hebrew Bible. Yet, according to the newfound papyrological evidence that Moffitt and Butera discuss in their article, the only extant external evidence appears to support the conclusion of this article: at the time of the Greek translations of the Hebrew Bible, the term *προσήλυτος* meant resident alien.<sup>61</sup>

<sup>61</sup> Again, see Moffitt and Butera, “P.Duk. inv. 727r.”

# **“This Is the Manner of the Remission”: Implicit Legal Exegesis in 11QMelchizedek as a Response to the Formation of the Torah**

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This article sheds light on the debates that took place in ancient Judaism between sectarian and early rabbinic interpretation of Scripture. Scholarship on 11QMelchizedek (11QMelch; 11Q13) has largely taken the scroll's harmonization of Deuteronomy's Sabbatical debt release (Deut 15:2) with the Jubilee (Lev 25:13) for granted, without examining its rationale. We provide an analysis of the hermeneutics that triggered the synthesis and argue that it was generated in part as a response to a legal-exegetical question: The Jubilee of Leviticus releases slaves, but does it require debt remission? When the separate sources of the Pentateuch were redacted into a single corpus, the compilation of originally inconsistent material into a single Torah must have posed interpretive problems for postexilic readers. After the promulgation of the Torah, Deuteronomy's Sabbatical debt law and the Jubilee were read synchronically, now for the first time as part of a unified literary composition. This had to raise the issue of their relationship. Among the questions that emerged for Second Temple readers was whether the Jubilee of Leviticus requires debt release, as Deuteronomy commands. But the absence of an explicit demand for debt release in Leviticus left the door open to argue that the Jubilee does *not* release debts (the position maintained in the halakic exegesis of the *Sipre Deuteronomy* and *Sipra Leviticus*). Taking a contrary stance, the author of 11QMelchizedek responded to that absence by identifying Leviticus's Jubilee with Deuteronomy's Sabbatical debt release. His synthesis of the two laws demonstrates that the often presumed opposition of legal and eschatological exegesis does not hold in the case of 11QMelchizedek.

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Scholarship on the Melchizedek scroll from Qumran (11QMelch; 11Q13) has largely taken for granted the scroll's harmonization (2:2–3) of Deuteronomy's

Sabbatical Year debt remission (Deut 15:2) with the right to return to alienated land in the Jubilee Year (Lev 25:13). But a crucial question is often left unasked: What are the hermeneutics that generated the exegetical synthesis in the first place?<sup>1</sup> Those who do attempt to account for the connection of the Deuteronomic Sabbatical debt remission with the Jubilee land return of Leviticus usually follow A. S. van der Woude, who noted that three key Hebrew words that appear in the Melchizedek scroll, as part of either a quotation or an allusion, יובל ("Jubilee"; Lev 25:13), שמיטה ("remission"; Deut 15:2), and דרור ("release" or "liberty"; Lev 25:10; Isa 61:1), are each rendered in the Greek translation of the Hebrew Bible (LXX)<sup>2</sup> with a form of the noun ἄφεσις.<sup>3</sup> By way of analogy with the Greek translation, it has been suggested that יובל, שמיטה, and דרור (11QMelch 2:6) are synonymous terms in the scroll.<sup>4</sup> Building on that idea, George J. Brooke proposes that "the scriptural texts cited in 11QMelchizedek are associated with one another through *gəzērā šāwā*."<sup>5</sup> This line of thought does not explain the textual evidence. It is only in the LXX that the three Hebrew terms are leveled, while they are kept distinct in 11QMelchizedek. On that basis, explaining the collocation of separate texts as deriving from the common recourse to ἄφεσις would seem to require that the author of the Melchizedek scroll wrote in Hebrew but thought in Greek.

The authors would like to thank Alex Jassen (University of Minnesota) for his helpful comments as well as the two *JBL* referees.

<sup>1</sup>See Michael Fishbane's category of "synthetic exegesis [as] . . . a mode of legal reasoning . . . which operates on the basis of textual comparisons or associations" (*Biblical Interpretation in Ancient Israel* [Oxford: Clarendon, 1985], 250).

<sup>2</sup>There are no significant text-critical variants in the Greek manuscripts of Deut 15:2 and Lev 25:13 relevant to this article. See John William Wevers, *Notes on the Greek Text of Deuteronomy* (SBLSCS 39; Atlanta: Scholars Press, 1995), 254–55; idem, *Notes on the Greek Text of Leviticus* (SBLSCS 44; Atlanta: Scholars Press, 1997), 405–8. Symmachus perhaps reacts against the lexical leveling by transliterating יובל as ιωβηλ (see Wevers, *Greek Text of Leviticus*, 408 n. 23).

<sup>3</sup>Van der Woude first noted the connection in "Melchisedek als himmlische Erlösergestalt in den neugefundenen eschatologischen Midraschim aus Qumran Höhle XI," *OtSt* 14 (1965): 354–73, esp. 361–62; and in Marinus de Jonge and A. S. van der Woude, "11QMelchizedek and the New Testament," *NTS* 12 (1965–66): 301–26, here 304. See also F. García Martínez, E. J. C. Tigchelaar, and A. S. van der Woude, *Qumran Cave 11.II (11Q2–18, 11Q20–31)* (DJD 23; Oxford: Clarendon, 1998), 221–40, here 230. Joseph A. Fitzmyer cites van der Woude in apparent agreement ("Further Light on Melchizedek from Qumran Cave 11," *JBL* 86 [1967]: 25–41, here 33). John Sietze Bergsma notes that "this septuagintal reading would lend itself to a conflation of the jubilee and *shemittah*; or, it may itself reflect the fact that Jewish interpreters already equated the two institutions. 1QWords of Moses (1Q22) witnesses a similar equation of the sabbatical and *shemittah* years" (*The Jubilee from Leviticus to Qumran: A History of Interpretation* [VTSup 115; Leiden/Boston: Brill, 2007], 281).

<sup>4</sup>Van der Woude, "Melchisedek," 361; and de Jonge and van der Woude, "11QMelchizedek and the New Testament," 304.

<sup>5</sup>Brooke, *Exegesis at Qumran: 4Q Florilegium in Its Jewish Context* (JSOTSup 29; Sheffield: JSOT Press, 1985), 320–21. He defines *gezerah shavah* as a rabbinic hermeneutical method "whereby biblical verses can be juxtaposed in commentary or interpretation simply because they share a common word or two" (pp. 22–23).

The lexical equivalence of the terms for Jubilee and debt remission in the LXX certainly provides a parallel to the synthesis in the Melchizedek scroll. Yet, while the LXX demonstrates that such connections were also being made by other textual communities in the postexilic period, this still leaves unexplained *why* the connection between the two specific biblical passages was made in the first place: What is the exegetical logic generative of the synthesis?

In his fine treatment of the scroll, Gary A. Anderson notes the “striking . . . textual correlation” of the distinct Sabbatical debt remission and Jubilee law in 11QMelchizedek.<sup>6</sup> He recognizes that the author takes “ample liberties” with his combination of the two distinct laws—the Jubilee, with its release of slaves every fifty years—and Sabbatical debt remission, which releases debts every seventh year.<sup>7</sup> Anderson also states that the “logic behind this exegetical innovation can be reconstructed without much difficulty. The eschatological moment of deliverance is not completely a *novum*; it is patterned on Israel’s primal category of salvation—the Exodus from Egypt.”<sup>8</sup> Whereas the redemption of the exodus was “solely martial in nature,” the redemption of the second exodus “must also be forensic” because of the exilic notion that Israel had been sold into slavery due to “the *debt of her own sins*.”<sup>9</sup>

Along with the eschatological exegesis that Anderson elaborates, our article suggests that a complete reconstruction of the “logic behind this exegetical innovation” must also include a study of legal exegesis as well as an account of the generation of the legal problem. We will argue that the exegetical synthesis of Deuteronomy’s Sabbatical debt remission (שמטה) with the Jubilee (יובל) of Leviticus in the Melchizedek scroll was generated in part as a response to an ancient legal-exegetical question: The Jubilee of Leviticus sets slaves free, but does it require debt remission?

The exegetical problem arose because of the tensions, gaps, and contradictions that inevitably were triggered for ancient readers once the Pentateuch was promulgated. The Jubilee (Lev 25:1–55) itself is the product of inner-biblical exegesis and represents a form of “rewritten Scripture.” Leviticus 25 is an exilic or postexilic text that responds to and reworks the earlier Sabbatical and manumission laws of the Covenant Code (Exod 23:10–12; 21:2–11) and the manumission law of Deuteronomy (15:12–18).<sup>10</sup> When the separate sources of the Pentateuch were

<sup>6</sup> Anderson, “From Israel’s Burden to Israel’s Debt: Towards a Theology of Sin in Biblical and Early Second Temple Sources,” 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 A. Clements; STDJ 58; Leiden/Boston: Brill, 2005), 1–30, here 15.

<sup>7</sup> Ibid., 16.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid., 17 (*italics in original*).

<sup>10</sup> See Bernard M. Levinson, “The Manumission of Hermeneutics: The Slave Laws of the Pentateuch as a Challenge to Contemporary Pentateuchal Theory,” in *Congress Volume: Leiden*

redacted into a single composition, the integration of originally independent and inconsistent material into a single Torah presented problems for postexilic readers.<sup>11</sup> After the redaction, Deuteronomy's Sabbatical law (Deut 15:1–3) and the Jubilee legislation of Leviticus 25 (belonging to the Holiness Code) were read synchronically, now for the first time as part of a unified literary composition. This had to have raised the question of their relationship and mutual significance. Chief among the legal and exegetical questions that emerged in this context for ancient Judaism was whether the Jubilee of Leviticus requires debt remission, as commanded by the legislation of Deuteronomy.<sup>12</sup>

It is the absence of an explicit demand for debt remission in Leviticus 25 that leaves the door open for the argument that the Jubilee does *not* remit debts, a position maintained by the ancient halakic exegesis of the *Sipre Deuteronomy* and *Sipra Leviticus*. The *Sipre* and *Sipra* abide by hermeneutical principles requiring that the two laws of Deuteronomy and Leviticus refer to separate cases, consistent with a restrictive reading of Scripture. We will argue that the author of 11QMelchizedek took a different exegetical position. He responded to the absence by identifying Leviticus's Jubilee with Deuteronomy's Sabbatical debt remission, thus implicitly interpreting the Jubilee law of Leviticus as requiring remission of debts.

The Melchizedek scroll has long been established as a *peshet*, a literary genre in which Scripture is explicitly cited and interpreted by prophetic or eschatological exegesis. Our study suggests that ostensibly prophetic or eschatological

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2004 (ed. André Lemaire; VTSup 109; Leiden: Brill, 2006), 281–324, here 322; idem, “The Birth of the Lemma: The Restrictive Reinterpretation of the Covenant Code's Manumission Law by the Holiness Code (Leviticus 25:44–46),” *JBL* 124 (2005): 617–39; Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus* (FAT 2/25; Tübingen: Mohr Siebeck, 2007), 520–35; and Jeffrey Stackert, *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation* (FAT 52; Tübingen: Mohr Siebeck, 2007), 113–65. In contrast, Bergsma argues that H (Holiness Code) predates D (Deuteronomic law) and denies any literary connection between the two legal corpora (*Jubilee from Leviticus to Qumran*, 139). His approach does not take into account literary intentionality, nor does it distinguish between the social world represented by the author of a literary work and the social world from which the text emerges historically.

<sup>11</sup> See Gary N. Knoppers and Bernard M. Levinson, “How, When, Where, and Why Did the Pentateuch Become the 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), 1–19; and Norbert Lohfink, “Prolegomena zu einer Rechtshermeneutik des Pentateuch,” in idem, *Studien zum Deuteronomium und zur deuteronomistischen Literatur V* (SBAB 38; Stuttgart: Katholisches Bibelwerk, 2005), 181–231.

<sup>12</sup> Our use of the phrase “ancient Judaism” is meant to mitigate the difficult terminological issue of how to characterize the broader setting of late Second Temple Judaism, including the literature of the Dead Sea Scrolls together with rabbinic Judaism. One of the aims of this article is to place seemingly chronologically disparate traditions in dialogue with one another. Drawing attention to these issues, see Alex P. Jassen, review of 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), *AJSR* 34 (2010): 418–21.



interpretations of pentateuchal citations in 11QMelchizedek might be revisited and reread for implicit legal interpretation as well. Vered Noam emphasizes in her discussion of implicit “halakhic exegesis” in the Dead Sea Scrolls that both the “exegetical derivation” and “the inductive process” leading to the conclusion of a legal argument are rarely explicated.<sup>13</sup> There are no clearly delineated hermeneutical principles or exegetical rules for the halakic exegesis of the Dead Sea Scrolls, as there are in the later and more formalized rabbinic midrash halakah of the *Sipre* and *Sipra*.<sup>14</sup> Noam writes:

As opposed to tannaitic legal midrash, Qumranic law is not presented in a framework of a verse by verse interpretation of the Torah. It lacks an interpretive rhetoric, disputes are absent, and its laws are not attributed to specific, named personae. It will never propose interpretative options only in order to reject them, as is common in tannaitic legal midrash.

However, the most significant omission in the Qumranic material is the absence of the fundamental infrastructure that we refer to as midrash—that is, a cited verse followed by differentiated interpretation that explicitly relates to the biblical text, and which is characterized by a different lingual [*sic*] register and fixed, sophisticated terminology.<sup>15</sup>

In the Melchizedek scroll, legal texts from the Pentateuch are explicitly cited, but the explicit interpretation (פֶּשֶׁר, “its interpretation”) is eschatological (לְאַחֲרִית, “for the last days”). In this article, we argue that, along with the explicit citation and explicit eschatological interpretation, the author of 11QMelchizedek embeds implicit legal-exegetical reworking and interpretation.

# I. THE HARMONIZATION OF THE JUBILEE (LEV 25:13) AND THE SABBATICAL DEBT REMISSION (DEUT 15:2) IN 11QMELCHIZEDEK: EXPLICIT CITATION AND IMPLICIT LEGAL INTERPRETATION

11QMelchizedek (11QMelch; 11Q13) is a fragmentary manuscript, found in cave 11 near Qumran.<sup>16</sup> Paleographic studies of the scroll suggest a date of either

<sup>13</sup>Noam, “Embryonic Legal Midrash in the Qumran Scrolls,” in *The Hebrew Bible in Light of the Dead Sea Scrolls* (ed. Nóra Dávid et al.; FRLANT 239; Göttingen: Vandenhoeck & Ruprecht, 2011), 237–62, here 239. Noam does not discuss 11QMelchizedek.

<sup>14</sup>On the differences between the implicit legal exegesis of the Second Temple period and rabbinic midrash, see Alex P. Jassen, *Scripture and Law in the Dead Sea Scrolls and Ancient Judaism* (Cambridge: Cambridge University Press, in press), chs. 1–2. See further 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, 12–14 May 1996* (ed. Michael E. Stone and Esther G. Chazon; STDJ 28; Leiden/Boston: Brill, 1998), 59–79.

<sup>15</sup>Noam, “Embryonic Legal Midrash,” 238–39.

<sup>16</sup>For the *editio princeps*, see van der Woude, “Melchisedek,” 354–73. Also important is J. T.

50–25 B.C.E. or 75–50 B.C.E.<sup>17</sup> The second column<sup>18</sup> comprises an anthology of scriptural passages and allusions (Leviticus 25; Deuteronomy 15; Isaiah 52; 61; Psalms 7; 82; Daniel 9).<sup>19</sup> These passages are interpreted by the composer of the scroll in terms of the tenth and final Jubilee period, in which an eschatological prophet announces that the captives are to be set free and atonement is to be made for the lot of Melchizedek.<sup>20</sup> Melchizedek, who is usually identified as an angelic or heavenly being, is to visit the judgments of God upon Belial and his followers as the eschatological Jubilee period is ushered in.<sup>21</sup>

The Melchizedek scroll is usually categorized as a thematic pesher, which brings together and interprets a collection of divergent biblical texts on the basis of a particular theme.<sup>22</sup> In the case of the extant portions of 11QMelchizedek, the main theme dictating the constellation of various biblical texts and their interpretation is the tenth and final Jubilee period. While most studies of the thematic pesharim have focused on the interpretation of the poetic and prophetic texts of the Hebrew Bible, Shani Tzoref has valuably studied the interpretation of penta-teuchal material, arguing that Deuteronomy was a particularly important text for

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Milik, "Milki-sedeq et Milki-reša' dans les anciens écrits juifs et chrétiens," *JJS* 23 (1972): 95–144. Émile Puech has provided an important transcription and reconstruction ("Notes sur le manuscrit de XIQMelkisédeq," *RevQ* 12/48 [1987]: 483–513). For the updated publication of 11QMelchizedek, see García Martínez et al., *Qumran Cave 11*, 221–40.

<sup>17</sup>García Martínez et al., *Qumran Cave 11*, 223.

<sup>18</sup>Only a couple of words are extant from the first column. The third column is in relatively better condition, but DJD does not offer a reconstruction of any full line. Of the twenty-five lines of the second column, only the first is too badly damaged to offer a reconstruction. According to DJD, "more than 65 percent of the text of the column is certain. The author's literary procedure of quotations from and allusions to specific parts of scripture may assist in reconstructing even more of the column" (García Martínez et al., *Qumran Cave 11*, 226).

<sup>19</sup>Michael Fishbane, "Use, Authority and Interpretation of Mikra at Qumran," in *Mikra: Text, Translation, and Interpretation of the Hebrew Bible in Ancient Judaism and Early Christianity* (ed. Martin Jan Mulder; CRINT 2.3; Assen/Maastricht: Van Gorcum; Philadelphia: Fortress, 1988), 373.

<sup>20</sup>On the eschatological character of the Jubilee in 11QMelchizedek, see James C. VanderKam, "Sabbatical Chronologies in the Dead Sea Scrolls and Related Literature," in *The Dead Sea Scrolls in Their Historical Context* (ed. Timothy H. Lim et al.; London: T&T Clark, 2000), 159–78, esp. 169–76. On the eschatological prophet, see Alex P. Jassen, *Mediating the Divine: Prophecy and Revelation in the Dead Sea Scrolls and Second Temple Judaism* (STDJ 68; Leiden/Boston: Brill, 2007), 183–84.

<sup>21</sup>See Paul J. Kobelski, *Melchizedek and Melchireša'* (CBQMS 10; Washington, DC: Catholic Biblical Association of America, 1981).

<sup>22</sup>Jean Carmignac was the first to propose the distinction between thematic and continuous pesharim ("Le document de Qumrân sur Melkisédeq," *RevQ* 7 [1969–71]: 343–78, esp. 360–62). George J. Brooke notes that the distinction between thematic and continuous pesharim may no longer be useful ("Thematic Commentaries on Prophetic Scriptures," in *Biblical Interpretation at Qumran* [ed. Matthias Henze; Studies in the Dead Sea Scrolls and Related Literature; Grand Rapids: Eerdmans, 2005], 134–57, here 135).

Qumran pesharim. Tzoref points out that the Melchizedek scroll cites Lev 25:13 as the primary text, and its interpretive “subsidiary citation” of Deut 15:2 “depends upon an exegetical leap, identifying the year of release in Deut 15 with the sabbatical cycles of Leviticus.”<sup>23</sup> Our article extends the study of the interpretation of the Pentateuch in the pesharim by suggesting that, in the case of the Melchizedek scroll, implicit legal exegesis accompanies the explicit citation of Torah.

The author of the Melchizedek scroll most likely used the Jubilee text of Leviticus (25:8–13) as the primary source, which he explicitly interpreted as eschatological, by way of supporting and secondary scriptural citations.<sup>24</sup> We suggest that he also used the secondary citation of Deut 15:2 as an implicit legal interpretation. The beginning of the second column consists of a primary quotation of Lev 25:13, followed by a secondary quotation of Deut 15:2, and reads as follows:<sup>25</sup>

2 [וְאִשֶּׁר אָמַר בְּשָׁנַת הַיּוֹבֵל [הַזֹּאת תְּשׁוּבוּ אִישׁ אֶל אַחֲזוֹתוֹ  
וְעָלִיו אָמַר וְזֶה  
3 [דְּבַר הַשְּׁמִטָּה] שְׁמוֹט כּוֹל בְּעַל מִשָּׁה יָד אֲשֶׁר יִשֶּׁה [בְּרַעְהוּ לֹא יִגּוֹשׁ אֶת רַעְהוּ  
וְאֵת אַחִיו כִּי אֵין קָרָא [שְׁמִטָּה  
4 לְאֵלֶּה]

(2) And as for what he said, “In [this] year of Jubilee [each of you shall return to his holding,” (Lev 25:13) and concerning it he said, “and th]is is

(3) [the manner of the remission:] every possessor of a loan shall remit what he has lent his neighbor. He shall not press [his neighbor or his brother because it has been proclaimed]<sup>26</sup> a remission

(4) for G[od]” (Deut 15:2).<sup>27</sup>

The Melchizedek scroll goes on to interpret the eschatological significance of the two scriptural passages: פֶּשֶׁר [לְאַחֲרֵית הַיָּמִים עַל הַשְּׁבוּיִים] (“its interpretation”)<sup>28</sup>

<sup>23</sup>Tzoref, “Qumran Pesharim and the Pentateuch: Explicit Citation, Overt Typologies, and Implicit Interpretive Traditions,” *DSD* 16 (2009): 190–220, here 202.

<sup>24</sup>In his influential article, Fitzmyer claimed that “the thread which apparently runs through the whole text and ties together its various elements is Lev 25” (“Further Light on Melchizedek,” 29). Fitzmyer’s argument regarding the centrality of Leviticus 25 was followed by Milik, “Milki-sedeq et Milki-reša’,” 100.

<sup>25</sup>Our translation. The transcription follows García Martínez et al., *Qumran Cave 11*, 224 (for the photographs, see plate 27). The reconstruction of the quotations of Lev 25:13 and Deut 15:2 is nearly certain (see *Qumran Cave 11*, 230).

<sup>26</sup>The impersonal use of a third person verb in an active stem (קָרָא is *qal* perfect, third person masculine singular), with unstated subject, is often best translated passively, as in Gen 11:9. See Ronald J. Williams, *Williams’ Hebrew Syntax* (rev. and expanded by John C. Beckman; 3rd ed.; Toronto: University of Toronto Press, 2007), 66 (§160).

<sup>27</sup>The partial reconstruction of לְאֵלֶּה (“for God”), which replaced לַיהוָה (“for Yahweh”; Deut 15:2), is nearly certain (García Martínez et al., *Qumran Cave 11*, 230). This change is common in the “sectarian” Dead Sea Scrolls.

<sup>28</sup>The restored term פֶּשֶׁר, which immediately follows the citation of Deut 15:2, “would be one of only two extant occurrences, along with 4Q252 (*Commentary on Genesis A*), in which a

for the last days concerns the captives”) (2:4).<sup>29</sup> The captives will have liberty proclaimed for<sup>30</sup> them (וּקְרָא לְהֵמָּה דְּרוּר) and will be freed from all iniquities (לְעִזּוֹב) (לְהֵמָּה] מִשָּׂא [כּוֹל עֲוֹנוֹתֵיהֶמָּה (2:6). The identification of the Sabbatical debt release with the eschatological Jubilee entails the remission of all debts, not only financial ones but, by extension, moral iniquities as well.<sup>31</sup> In effect, however, the author of the scroll had already implicitly interpreted “In [this] year of Jubilee [each of you shall return to his holding]” (Lev 25:13) by connecting it to the Sabbatical remission law of Deuteronomy (Deut 15:2).

In order to introduce the Holiness Code passage that deals with the return to alienated land (Lev 25:13), and in turn to connect the Deuteronomic passage concerning debt remission (Deut 15:2), the author of 11QMelchizedek uses introductory citation formulas. Detecting the use of specific citation formulas allows for a proper assessment regarding what exactly constitutes the base text with which the author of the scroll worked. Moshe J. Bernstein has provided an important analysis of introductory citation formulas in the pesharim of the Dead Sea Scrolls, including 11QMelchizedek.<sup>32</sup> In the pesharim, וְאִשֶּׁר אָמַר is often used to indicate the primary text of the interpretation.<sup>33</sup> Bernstein notes that the composer of the Melchizedek scroll used the formula וְאִשֶּׁר אָמַר (“and as for what he said”) to introduce quotations to the Jubilee legislation of Leviticus at both the beginning and the end of the second column.<sup>34</sup> Along with the Melchizedek scroll’s concern with the periodization of time in Jubilee periods, the use of וְאִשֶּׁר אָמַר to introduce the two passages quoted from Leviticus 25 indicates that at least a portion of Leviticus 25 served as the primary base text interpreted by the scroll’s author.<sup>35</sup> The

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formula including the word ‘*peshet*’ is used for an explicit Pentateuchal citation” in the pesharim (Tzoref, “Qumran Pesharim and the Pentateuch,” 200–201).

<sup>29</sup>Jean Carmignac urged caution against describing the Melchizedek scroll as eschatological, considering it too colored by NT conceptions. He saw the scroll’s focus as on the end of the era of injustice and the inauguration of an era of justice, rather than on the end of history (“Le document de Qumrân sur Melkisédék,” 369–71). While Carmignac’s caution is important, 11QMelchizedek places the end of the era of injustice in the “end of days” (לְאַחֲרֵית הַיָּמִים).

<sup>30</sup>On the ל of advantage (*dativus commodi*), see Williams and Beckman, *Williams’ Hebrew Syntax*, 107 (§271a).

<sup>31</sup>On the postexilic connection of financial debt with notions of sin, especially in 11QMelchizedek, see Anderson, “From Israel’s Burden to Israel’s Debt,” 1–30, esp. 14–18.

<sup>32</sup>Bernstein, “Introductory Formulas for Citation of Biblical Verses in the Qumran Pesharim: Observations on a Peshet Technique,” *DSD* 1 (1994): 30–70.

<sup>33</sup>On the basis of the formula’s use and meaning in other pesharim, Bernstein makes a good case that וְאִשֶּׁר אָמַר functions in 11QMelch 2:2 “to return to the main text under consideration and to cite a new portion for comment” (*ibid.*, 60).

<sup>34</sup>The two quoted passages from Leviticus are 25:13 (in 11QMelch 2:2) and 25:9 (in 11QMelch 2:25).

<sup>35</sup>The scroll quotes Lev 25:9 (11QMelch 2:25) and 25:13 (11QMelch 2:2), and possibly alludes to a phrase from 25:10 (11QMelch 2:6; וּקְרָא לְהֵמָּה דְּרוּר). It also alludes to the Day of

author may also have used a formula unique to the Melchizedek scroll, ועליו אמר (“and concerning it he said”), in order to introduce the passage from Deuteronomy, which, according to Bernstein, may indicate a secondary quotation designed to interpret the preceding primary citation.<sup>36</sup>

The secondary quotation of Deuteronomy (15:2) allowed the author of the scroll to synthesize the Sabbatical debt remission with the Jubilee of Leviticus (25:13). Along with the use of citation formulas, היובל (“the Jubilee”) and השמטה (“the remission”) are effectively synthesized through the juxtaposition and recontextualization of definite articles and the common nouns that they refer to, היובל (“the Jubilee”) and השמטה (“the remission”).

2 [ ]and as for what he said, “In [this] year of <u>Jubilee</u> [each of you shall return to his holding,” and <u>concerning it</u> he said, “and th]is is	2 [ ]לְאָשֶׁר אָמַר בְּשָׁנַת הַיּוֹבֵל [הַזֹּאת תָּשׁוּבוּ אִישׁ אֶל אַחֲזוֹתָיו וְעַלֵּיוֹ אָמַר זֶה]
3 [the manner of the <u>remission</u> :] every possessor of a loan shall remit that which he lent his neighbor. He shall not press [his neighbor or his brother because it has been proclaimed] a <u>remission</u>	3 [דְּבַר הַשְּׁמִטָּה] שְׁמוֹט כּוֹל בְּעַל מִשָּׁה יָד אֲשֶׁר יִשֶּׁה [בְּרַעְהוּ לֹא יִגֹּשׁ אֶת רַעְהוּ וְאֵת אֲחִיו כִּי קָרָא [שְׁמִטָּה]
4 for Go[d.]”	4 לְאָ [ ]

FIGURE 1: THE SYNTACTICAL IDENTIFICATION OF DEBT REMISSION (DEUT 15:2) WITH THE JUBILEE (LEVITICUS 25)

The antecedent of the secondary citation formula’s pronominal suffix ועליו (“and concerning it”) is היובל (“Jubilee”). After employing the citation formula, ועליו אמר (“and concerning it he said”), the author follows with [דְּבַר הַשְּׁמִטָּה] (“and this is the manner of the remission”), which is the opening phrase of the passage quoted from Deuteronomy. In its original context (Deut 15:2), the definite article of השמטה refers back to indefinite שמטה in the previous verse (Deut 15:1). The cited text of Deut 15:1–2 reads as follows:

15.1 מִקֵּץ שִׁבְעָה שָׁנִים תַּעֲשֶׂה שְׁמִטָּה 2 זֶה דְּבַר הַשְּׁמִטָּה שְׁמוֹט כּל בְּעַל מִשָּׁה יָד  
אֲשֶׁר יִשֶּׁה בְּרַעְהוּ לֹא יִגֹּשׁ אֶת רַעְהוּ וְאֵת אֲחִיו כִּי קָרָא שְׁמִטָּה לִיהוּה

Atonement (Lev 25:9/11QMelch 2:7). Leviticus 25:8–13 likely served as the primary base text of 11QMelchizedek. Bernstein suggests that Leviticus 25 serves as the base text for 11QMelchizedek but notes his own hesitation due to the fragmentary state of the manuscript (ibid.).

<sup>36</sup>Kobelski bases his reconstruction on the extant occurrence of the same introductory formula in 11QMelch 2:10 (*Melchizedek and Melchireša*<sup>c</sup>, 11). Bernstein accepts the reconstruction of ועליו אמר proposed by Kobelski but adds that it serves to introduce a secondary citation (Bernstein, “Introductory Formulas,” 61).

(1) Every seventh year you shall grant a remission.<sup>37</sup> (2) And this is the manner of the remission: every possessor of a loan shall remit that which he lent his neighbor. He shall not press his neighbor or his brother because it has been proclaimed a remission for the LORD. (NJPS, trans. modified)

In 11QMelchizedek, דבר השמטה [ז] is connected to the Jubilee passage from Leviticus (25:13), so that the definite noun השמטה now refers back to היובל (“the Jubilee”).<sup>38</sup> The rest of the secondary quotation of Deuteronomy’s Sabbatical debt remission serves to show that the Jubilee return to land is equated with release from debt. Through the use of citation formulas and careful positioning of definite articles, the author of the Melchizedek scroll synthesizes the concepts of יובל and שמטה, making explicit the need for debt remission in the Jubilee. The authoritative meaning and understanding of the two respective concepts are now provided by 11QMelchizedek. The Jubilee is indeed an eschatological event, but by juxtaposing it with the Sabbatical debt remission, the author of the Melchizedek scroll provides an implicit legal interpretation.

## II. THE SOURCE OF THE EXEGETICAL PROBLEM: THE REDACTION OF THE PENTATEUCH AND THE ABSENCE OF EXPLICIT DEBT REMISSION IN THE JUBILEE OF LEVITICUS

Prior to the composition of 11QMelchizedek, the Second Temple period had already witnessed an ongoing and dynamic series of exegetical transformations that elaborated and eschatologized the Jubilee of Leviticus 25. The Melchizedek scroll continues and is a product of this process of rethinking, expanding, and building upon this ongoing process of literary, exegetical, and theological reflection. For example, Dan 9:24–27 and Isa 61:1—two texts alluded to in the Melchizedek scroll—both reinterpret the Jubilee of Leviticus 25. Daniel 9 reinterprets Jeremiah’s prophecy of seventy years of desolation (Jer 25:9–12). According to Michael Fishbane: “This text begins with the wise Daniel inquiring into prophetic books in the hope of discerning the correct application of Jeremiah’s seventy-year oracle concerning the period of Jerusalem’s desolation (v. 2).”<sup>39</sup> The author of

<sup>37</sup> Contrast the NRSV and the NJPS, each of which adds a specifying phrase that is absent in the Hebrew: “of debts.” In this way, both translations embed modern midrash halakah into their renderings, just as did the ancient Jewish sources that are being discussed here.

<sup>38</sup> While 11QMelchizedek does equate the Jubilee of Lev 25:13 with the שמטה of Deut 15:2, it does not explicitly equate the Sabbatical Year of Lev 25:1–7 with the שמטה. As Bergsma points out, other Qumran texts—1QWords of Moses (1Q22 [1QDM]), *Rule of the Community* (1QS X, 6–8), 4Q319—indicate that the equation of the Sabbatical Year and Sabbatical release of debt could be made at Qumran (*Jubilee from Leviticus to Qumran*, 259–62). They are also equated in the *Targumim Onqelos*, *Pseudo-Jonathan*, and *Neofiti I* (Stackert, *Rewriting the Torah*, 126 n. 36).

<sup>39</sup> Fishbane, *Biblical Interpretation*, 482.

Daniel 9 proceeds to reinterpret Jeremiah's seventy years as seventy weeks of years or seventy Sabbatical cycles (490 years). Fishbane argues that the author of the prophecy in Daniel 9 probably drew on 2 Chr 36:21, "which, owing to its reuse of Lev 26:34–5, seems to have understood the seventy years of Jeremiah's oracle as ten sabbatical cycles."<sup>40</sup> However, as Fishbane points out:

Another influence on Dan. 9:24–27 was undoubtedly the jubilee computation of Lev. 25:1–55 as a whole, wherein it is taught that a jubilee cycle of forty-nine years marked both the maximal period of indentured servitude and the maximal period wherein land may be alienated—due to economic constraints—from its ancestral heirs. . . . [T]he initial period of Jerusalem's servitude was interpreted to be of forty-nine years' duration, so that its subsequent restoration to Israelite ownership would constitute a דרור, or the return of ancestral patrimony to its rightful heir (cf. Lev. 25:10). It is intriguing to suppose that the references in Isa 61:1 to the postexilic restoration as a release of prisoners may reflect an even earlier exegetical application of Lev. 25:1–55.<sup>41</sup>

Benjamin D. Sommer argues that Isa 61:1 drew on the Jubilee of Leviticus, specifically Lev 25:10 and its conception of דרור.<sup>42</sup> Just as Lev 25:10 "proclaim[s] a release (וקראתם דרור) in the land, to all its inhabitants," so Isa 61:1 "proclaim[s]

<sup>40</sup>Ibid.

<sup>41</sup>Ibid., 482–83. Fishbane notes that Isa 61:1 and "possibly" Dan 9:24–27 are "cited" in 11QMelchizedek (ibid., 483 n. 63). See also Reinhard Gregor Kratz, "Innerbiblische Exegese und Redaktionsgeschichte im Lichte empirischer Evidenz," in idem, *Das Judentum im Zeitalter des Zweiten Tempels* (FAT 42; Tübingen: Mohr Siebeck, 2004), 126–56, here 129–35.

<sup>42</sup>Sommer, *A Prophet Reads Scripture: Allusion in Isaiah 40–66* (Contraversions; Stanford: Stanford University Press, 1998), 141–42. Sommer's argument that Isa 61:1–3 draws textually on and presupposes Leviticus 25 seems to represent the consensus. For the classic statement of this position, see Walther Zimmerli, "Das 'Gnadenjahr des Herrn,'" in *Archäologie und Altes Testament: Festschrift für Kurt Galling zum 8. Jan. 1970* (ed. Arnulf Kuschke and Ernst Kutsch; Tübingen: Mohr, 1970), 321–32; reprinted in Zimmerli's *Studien zur alttestamentlichen Theologie und Prophetie: Gesammelte Aufsätze II* (TB 51; Munich: Kaiser, 1974), 222–34. That assumption of textual dependence has received two contrasting challenges. For the argument that the author of Isaiah 61 develops his notion of freedom of the captives without reference to Leviticus 25, see John J. Collins, "A Herald of Good Tidings: Isaiah 61:1–3 and Its Actualization in the Dead Sea Scrolls," in *The Quest for Context and Meaning: Studies in Biblical Intertextuality in Honor of James A. Sanders* (ed. Craig A. Evans and Shemaryahu Talmon; Biblical Interpretation Series 28; Leiden: Brill, 1997), 225–40, esp. 228–29. In contrast, Reinhard Achenbach proposes that Isaiah 61 historically precedes rather than follows Leviticus 25 ("König, Priester und Prophet: Zur Transformation der Konzepte der herrschaftslegitimation in Jesaja 61," in *Die Tora in der Hebräischen Bibel: Studien zur Rezeptionsgeschichte und zur synchronen Logik diachroner Transformationen* [ed. Reinhard Achenbach et al.; Beihefte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte 7; Wiesbaden: Harrassowitz, 2007], 196–245, esp. 224–25). While the article valuably takes into account Near Eastern *andurāru* legislation, Achenbach's claim concerning the sequence of the texts is not accompanied by philological or historical evidence.



(לקרא) release (דרור) to captives.”<sup>43</sup> Whereas the Jubilee in Leviticus refers to “a social and economic institution,” the author of Isa 61:1 alludes to the institution of the Jubilee in typological terms, whereby the Levitical Jubilee serves as a type of the imminent eschatological transformation.<sup>44</sup>

The author of 11QMelchizedek, in his own eschatological interpretation of the Jubilee, alluded to the earlier reinterpretations of Daniel 9 and Isaiah 61.<sup>45</sup> But along with the eschatological reinterpretations in 11QMelchizedek, the Jubilee was also the object of legal-exegetical reworking. The originally inconsistent and separate legal collections of the Covenant Code (Exodus 21–23), the laws of Deuteronomy 12–26, and the Holiness Code (Leviticus 17–26), along with the narrative sources of which they were part, were integrated into a single Torah.<sup>46</sup> Their redaction triggered a series of hermeneutical transformations as the sources came to be read, during the period of the Second Temple, necessarily as a coherent and unified text.<sup>47</sup> The coherence needed to be accomplished through legal-exegetical reworking and through new compositions such as *Jubilees* or the *Temple Scroll*.

The exegetical synthesis of Deuteronomy’s Sabbatical debt remission with the Jubilee of Leviticus is a response to the contradictions that emerge when the Sabbatical and Jubilee laws are read together, after the Pentateuch had been

<sup>43</sup> Sommer, *Prophet Reads Scripture*, 141 (quoting Lev 25:10 and Isa 61:1; Hebrew vowels provided in Sommer’s text). Jeremiah 34, where the phrase לקרא להם דרור appears, might have served as a model for the synthetic exegesis in 11QMelchizedek. The composition of Jeremiah 34 presupposes synthetic exegesis. See Bernard M. Levinson, *Revelation and Redaction: The Role of Intellectual Models in Biblical Studies* (New York: Oxford University Press, in preparation).

<sup>44</sup> Sommer, *Prophet Reads Scripture*, 141. On the typology of the exodus in 11QMelchizedek, see Anderson, “From Israel’s Burden to Israel’s Debt,” 16.

<sup>45</sup> Merrill P. Miller has argued that Isa 61:1–2 “appears in the form of *Stichwörter* at crucial points” in the Melchizedek scroll (“The Function of Isa 61,1–2 in 11Q Melchizedek,” *JBL* 88 [1969]: 467–69, here 467). See the seminal study by James A. Sanders on the use of Hebrew Bible quotations and allusions in 11QMelchizedek (“The Old Testament in 11Q Melchizedek,” *JANESCU* 5 [1973]: 373–82). Milik also notes how the main thread provided by Leviticus 25 is interwoven with the frequent use of material from Isa 61:1–3 (“Milki-šedeq et Milki-reša’,” 101).

<sup>46</sup> European scholarship has essentially abandoned any notion of the classical documentary sources of the Pentateuch. See Erich Zenger, “Theorien über die Entstehung des Pentateuch im Wandel der Forschung,” and “Der Prozess der Pentateuchredaktion,” in *Einleitung in das Alte Testament* (ed. Erich Zenger et al.; 7th ed.; Studienbücher Theologie 1.1; Stuttgart: Kohlhammer, 2008), 74–123, 124–35. Seeking to revive the classical model, see Joel S. Baden, *The Composition of the Pentateuch: Renewing the Documentary Hypothesis* (Anchor Yale Bible Reference Library; New Haven: Yale University Press, 2012).

<sup>47</sup> For such hermeneutical reworking in the *Temple Scroll*, see Bernard M. Levinson and Molly M. Zahn, “Revelation Regained: The Hermeneutics of כִּי and אֲמַר in the Temple Scroll,” *DSD* 9 (2002): 295–346, esp. 306–9; repr. in Levinson, *A More Perfect Torah: At the Intersection of Philology and Hermeneutics in Deuteronomy and the Temple Scroll* (Critical Studies in the Hebrew Bible 1; Winona Lake, IN: Eisenbrauns, 2013), 12–15.

redacted together into a single work from its originally separate sources. The author of the Melchizedek scroll created his own exegetical synthesis of the divergent assumptions concerning the remission of debts in the Sabbatical Year (Deut 15:1–3) and the Jubilee legislation of the Holiness Code (Lev 25:8–13).

The primary citation for the Melchizedek scroll, Lev 25:13, concludes the passage that introduces the Jubilee laws (Lev 25:8–13). This passage does not mention debt remission, but rather exclusively provides for the return to alienated land. The secondary citation from Deuteronomy (15:2) deals exclusively with debt remission.<sup>48</sup> (The reader is asked to review the Jubilee law of Leviticus 25 and the remission of debts law of Deuteronomy 15, which could not be included here for reasons of space.) In the larger context of the Jubilee legislation as a whole (Lev 25:1–55), several major discrepancies emerge. (1) Leviticus speaks of a return to alienated land every fifty years (Lev 25:10, 13, 28), whereas Deuteronomy does not address this matter at all. (2) Leviticus allows for the manumission of indentured servants every fifty years (Lev 25:40), whereas Deuteronomy requires manumission every seventh year (Deut 15:12). (3) Leviticus does not explicitly address remission of debts, whereas Deuteronomy requires debt remission at the end of every seventh year (Deut 15:1–2).<sup>49</sup>

It is important to emphasize that debt remission is implicit in Leviticus 25. The legacy of ancient Near Eastern *andurāru* legislation is almost certainly presumed by the Jubilee.<sup>50</sup> Leviticus 25 also deals with progressive stages of indebtedness, culminating in what effectively is debt slavery, even if it is couched in terms of “hired labor.” Jeffrey Stackert has argued that such rhetoric does not substantially change the fact that the wage laborer is a slave—and, more precisely, a debt slave.<sup>51</sup> Leviticus 25:35–46 deals with the indenture and eventual release of Israelites who have fallen into economic destitution. In practice, manumission would require the remission of debts. If the Jubilee releases slaves, then one would think that the debts that led to indenture would be released. This was the position taken by the author of 11QMelchizedek, as well as by Josephus, who claimed that the Jubilee required the remission of debts (*Ant.* 3.282 [Thackeray, LCL]).<sup>52</sup> Nevertheless, it is the lack of *explicit* debt remission that allows for the possibility

<sup>48</sup> Given the degree of textual fluidity in the Second Temple period, there is no intent to imply that the author of 11QMelchizedek was working directly with a *Vorlage* of the consonantal text that eventually became the MT.

<sup>49</sup> Jacob Milgrom notes that Deut 15:1–12 only stipulates the release of debts and that the Jubilee of Lev 25:8–13 provides only for the release of slaves and the return to alienated land (*Leviticus 23–27: A New Translation with Introduction and Commentary* [AB 3B; New York: Doubleday, 2001], 2266–67).

<sup>50</sup> Moshe Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (2nd ed.; Jerusalem: Magnes, 2000), 152–78.

<sup>51</sup> Stackert, *Rewriting the Torah*, 141–64, here 162–63.

<sup>52</sup> Yizhak D. Gilat recognizes that Josephus’s view stands in opposition to the position of the *Sipre* and *Sipra* (“Does the Jubilee Cancel Debts?” [in Hebrew], *Tarbiz* 64 [1995]: 229–36).

of arguing against what would otherwise be inferred. The absence of the textually explicit demand of debt remission, depending on the hermeneutics involved, allows for an argument that the Jubilee does not remit debts, as we will see is the case with the *Sipre* and *Sipra*.

The author of the Melchizedek scroll eliminates any ambiguity whether the Jubilee releases debts by way of “synthetic exegesis.” According to Fishbane, synthetic exegesis assumes “that certain diversities or contradictions in the biblical record are merely apparent, not real, as well as . . . [assuming] that it is one of the tasks of exegesis to indicate how the divergences might coexist.”<sup>53</sup> Fishbane points to Nehemiah’s reading of the Torah and the requirement to forgo debts in the seventh year (Neh 10:32). The exegetical synthesis achieved by the author of Nehemiah may be considered analogous to our own case, especially since it deals with Deut 15:2 and related laws in Exodus:

ועמי הארץ המביאים את המקחות וכל שבר ביום השבת למכור לא נקח מהם  
שבת וביום קדש ונטש את השנה השביעית ומשא כל יד

The peoples of the land who bring their wares and all sorts of foodstuff for sale on the Sabbath day—we will not buy from them on the Sabbath or a holy day. We will forgo [the produce of] the seventh year, and every outstanding debt. (Neh 10:32 NJPS)

Fishbane argues that, “since the sabbatical prescriptions found in Exod. 23:11 and Deut. 15:2 could easily be regarded as complementary—the one agricultural, the other financial—all that was required was to combine them in one ruling.”<sup>54</sup>

Jacob Milgrom develops in detail the hermeneutical principle of harmonization in his analysis of the connection of Deut 15:2 and Exod 23:11 by the author of Neh 10:32:

The text [Leviticus] clearly assumes that in order for the landholder to be restored to his land and his kin group, he no longer remains indebted or indentured to his creditor. . . . Neh 10:32b indeed combines the two requirements for the seventh year: *wēniṭṭōš et-haššānā haššēbiʿit* “We will forgo (the produce of) the seventh year” based on *ūnēṭaštāh* (Exod 23:11a), and *ūmaššāʾ kol-yād* “and the exaction of every debt” based on *maššēh yādō* (Deut 15:2). There is reason to assume that Nehemiah was the first to merge the two. . . . One cannot work without the other, a postulate that must have been taken for granted in the *dērôr* “release” of the jubilee. . . . Indeed, what good is land burdened by the same debt, which caused its loss in the first place?<sup>55</sup>

Milgrom quite reasonably infers along with Nehemiah that the Jubilee would require debt remission: “The text [Leviticus] clearly assumes that in order for the

<sup>53</sup> Fishbane, *Biblical Interpretation*, 251.

<sup>54</sup> *Ibid.*, 252.

<sup>55</sup> Milgrom, *Leviticus* 23–27, 2173.

landholder to be restored to his land and his kin group, he no longer remains indebted or indentured to his creditor.” The author of Nehemiah exegetically merges the two distinct Sabbatical releases of Exodus and Deuteronomy. As Milgrom puts it: “One cannot work without the other.” The exegetical synthesis achieved by the author of the Melchizedek scroll is analogous to that effected by the author of Neh 10:32.

Nevertheless, the lack of explicit mention of debt remission in Leviticus 25 provides the opportunity for one to come to the opposite conclusion. Jeffrey H. Tigay has argued:

It is . . . very unlikely that the remission of debts is operative in Leviticus. Leviticus 25:25–45 deals with several stages of indebtedness, calls upon the creditor to treat the debtor as a kinsman, and provides for his indenture and his eventual manumission. If Leviticus were aware that a debtor might eventually gain relief through the remission of his debt, its failure to mention this would be a glaring, inexplicable omission.<sup>56</sup>

### III. THE PARALLEL IN THE *SIPRE DEUTERONOMY* AND THE *SIPRA LEVITICUS*

Two Tannaitic halakic midrashim, *Sipre Deuteronomy* and the *Sipra Leviticus*—both of which derive from the first few centuries of the Common Era<sup>57</sup>—argue that only the Sabbatical debt remission law of Deuteronomy remits debt, but the Jubilee does not.<sup>58</sup> The *Sipre* and *Sipra* are early rabbinic commentaries on

<sup>56</sup>Tigay, *Deuteronomy* דברים: *The Traditional Hebrew Text with the New JPS Translation* (JPS Torah Commentary; Philadelphia: Jewish Publication Society, 1996), 467. Milgrom notes the ongoing scholarly debate as to whether the Jubilee legislation of Leviticus requires debt release. Milgrom argues against Tigay’s view that the Jubilee of Leviticus does not remit debts (Milgrom, *Leviticus* 23–27, 2173).

<sup>57</sup>Dating the *Sipre Deuteronomy* and *Sipra Leviticus* is difficult. Regarding *Sipre Deuteronomy*, Steven D. Fraade writes, “it is generally thought to draw its traditions from the teachings of the Palestinian Rabbinic sages from ca. 70–ca. 230 C.E., but to have been editorially composed in its present form probably a generation or two later (mid- to late third century)” (“Deuteronomy in *Sifre* to Deuteronomy,” in *Encyclopaedia of Midrash: Biblical Interpretation in Formative Judaism* [ed. Jacob Neusner and Alan J. Avery-Peck; 2 vols.; Leiden/Boston: Brill, 2005], 1:54–59, here 54). According to Günter Stemberger, “the first stage of *Sifra*, consisting mainly of a simple commentary on Leviticus, may be considered contemporary with the Mishnah” (“Leviticus in *Sifra*,” in *Encyclopaedia of Midrash*, 1:429–47, here 445).

<sup>58</sup>Gilat discusses talmudic evidence for this ongoing debate (*y. Roš Haš. 3:5; y. Šebi. 10:2*), including manuscripts that diverge from the published editions (*b. Roš Haš. 29a; b. ʿArak. 3b–4a*) (“Does the Jubilee Cancel Debts?” 229–36). See also Milgrom, *Leviticus* 23–27, 2174. The rabbinic texts other than the *Sipre* and *Sipra*, however, do not cite and juxtapose the specific texts of Deut 15:2 and Lev 25:13.

Deuteronomy and Leviticus that are arranged as exegetical comments in distinct lemmata drawn from the scriptural text. The form of legal exegesis has changed from the implicit rewritten harmonization in 11QMelchizedek to explicit exegesis. The *Sipre* and *Sipra* are constrained by a hermeneutical strategy that must avoid any notion of redundancy or inconsistency between the two texts—to insist that there is no inconsistency between them.<sup>59</sup> The rabbis read the pentateuchal contradictions differently from their Second Temple predecessors. While the Second Temple readers usually work toward harmonization in the sense of synthesizing and conflating differences—as does the author of the Melchizedek scroll, who reads the Sabbatical debt remission and the Jubilee essentially as synonyms—the rabbinic readers usually look toward unique elements as expressed in the different presentations. That is, the rabbinic readers achieved harmonization of the otherwise disparate texts by insisting that the differences are intentional and not contradictory—that the different texts deal with separate cases—they thus avoid redundancy.

Both the *Sipre Deuteronomy* and *Sipra Leviticus* connect the Deuteronomic passage on the Sabbatical debt remission directly to the Jubilee passage of Leviticus (25:13). Here is the relevant section from the *Sipre*:

[זה דבר השמטה] שמטה משמטת מלוה ואין יובל משמט מלוה שהיה בדן מה שמטה שאין מוציאה עבדים משמטת מלוה יובל שמוציא עבדים אינו דין שישמט מלוה תלמוד לומר זה דבר השמטה שמטה משמטת מלוה ואין יובל משמט מלוה קל וחומר לשמטה שתוציא עבדים ומה יובל שאין משמט מלוה מוציא עבדים שביעית שמשמטת מלוה אינו דין שתוציא עבדים תלמוד לומר בשנת היובל הזאת שביעית משמטת מלוה ויובל מוציא עבדים

“And this is the manner of the remission” [Deut 15:2]: The Sabbatical Year remits debts, but the Jubilee does not remit debts. One might reason by analogy: if the Sabbatical Year, which does not set slaves free, does remit debts, then the Jubilee, which does set slaves free, certainly should remit debts. Therefore scripture says, “And this is the manner of the remission”—the Sabbatical Year remits debts, but the Jubilee does not remit debts. One might reason from the minor to the major about the Sabbatical Year releasing slaves: if the Jubilee, which does not remit debts, does free slaves, should not the Sabbatical Year, which does remit debts, surely free slaves? Therefore Scripture says, “In this year of Jubilee” [Lev 25:13]—the Sabbatical Year remits debts, and the Jubilee sets slaves free.<sup>60</sup>

<sup>59</sup>The assumption regarding the coherence and nonredundancy of Scripture is shared by nearly all ancient Jewish exegetes. See James Kugel, “Early Jewish Biblical Interpretation,” in *The Eerdmans Dictionary of Early Judaism* (ed. John J. Collins and Daniel C. Harlow; Grand Rapids: Eerdmans, 2010), 121–41, here 132.

<sup>60</sup>The Hebrew follows Louis Finkelstein, *Sifre on Deuteronomy* (Berlin: Jüdischer Kulturbund, 1939; repr., New York: Jewish Theological Seminary of America, 1969), 173. The English translation is ours. We have consulted Reuven Hammer, *Sifre: A Tannaitic Commentary on the Book of Deuteronomy* (Yale Judaica Series 24; New Haven: Yale University Press, 1986), 159.

The *Sipre* (*pisqa*<sup>61</sup> 112) begins by quoting the opening phrase of Deut 15:2, just as 11QMelchizedek does: *זוה דבר השמטה* (“And this is the manner of the remission”). Immediately following, the *Sipre* states, *משמט מלוה ואין יובל משמט מלוה* (“The Sabbatical Year remits debts, but the Jubilee does not remit debts”). The *Sipre* then acknowledges that one might very well argue otherwise “by analogy” (*שהיה בדין*). The *Sipre* reasons as follows: “since the Sabbatical Year, which does not set slaves free, does remit debts, then so much the more [אִינוּ דִּין] should the Jubilee, which does set slaves free, also remit debts.” The *Sipre* responds: *תלמוד לומר* (“Therefore scripture says, ‘And this is the manner of the remission’—the Sabbatical Year remits debts, but the Jubilee does not remit debts”). The *Sipre* overrides any arguments by analogy, in favor of a restrictive reading. Scripture refers only to *השמטה* (“the Sabbatical”) as requiring the remission of debts. The meaning of the term is restricted, in the sense that its range of meaning cannot legitimately be conflated by way of analogy with that of the Jubilee. The *Sipre* insists on reading the laws of the Sabbatical remission and those of the Jubilee as completely distinct. Where the author of the Melchizedek scroll reads debt remission as implicit in the Jubilee, the *Sipre* turns the absence of debt remission in Leviticus 25 into an explicit rejection of debt remission in the Jubilee.

The *Sipre* then anticipates and fends off another argument for the release of slaves during the Sabbatical Year. This one employs the technique of *a fortiori* reasoning commonly known as *qal va-homer* (but more accurately vocalized as *qōl wa-hōmer*), which makes an inference *a minori ad maius*, from minor to major.<sup>61</sup> The argument proceeds as follows: *קל וחומר לשמטה שתוציא עבדים ומה יובל שאין משמט מלוה מוציא עבדים שביעית שמשמט מלוה אינו דין שתוציא עבדים* (“One might reason from the minor to the major about the Sabbatical Year releasing slaves: if the Jubilee, which does not remit debts, does free slaves, should not the Sabbatical Year, which does remit debts, surely free slaves?”). In this case and, as we shall see, in the *Sipra* as well, the *qōl wa-hōmer* reasoning is rejected.<sup>62</sup> The argument, reasoning from minor to major, works as follows: “If A [the Jubilee], which lacks y

<sup>61</sup> For the correct vocalization, see Adolf Schwarz, *Der hermeneutische Syllogismus in der talmudischen Litteratur: Ein Beitrag zur Geschichte der Logik im Morgenlande* (Karlsruhe: J. Bielefeld, 1901), 8–14. Schwarz writes passionately against the “monströse Name Qal wachomer” and explains the misunderstanding of the form as the adjective *qal*, “light” (p. 8). The form *qal*, vocalized as *qōl* (which is attested in Jer 3:9), is a substantive derived from the geminate root *qll* and means “lightness”; it develops in rabbinic hermeneutics into the concept “lenient ruling” or the “minor premise” of an argument. In the *Sipre*, the term is spelled conservatively, without the consonantal *mater* (*קל וחומר*). In contrast, in the *Sipra*, discussed below, it generally is written *plene* (*קול וחומר*). This article retains the two divergent spellings of the rabbinic sources.

<sup>62</sup> For the selective rabbinic rejection of *qōl wa-hōmer* argumentation, especially in cases of transgressions, see Azzan Yadin, *Scripture as Logos: Rabbi Ishmael and the Origins of Midrash* (Philadelphia: University of Pennsylvania Press, 2004), 83–86. Yadin does not discuss this case, which falls outside the corpus he addresses.

[remission of debts], has x [release of slaves], then B [the Sabbatical Year], which has y, certainly has x.”<sup>63</sup>

The *Sipre* responds to that particular argument as follows: תלמוד לומר בשנת (‘‘Therefore scripture says, ‘In this year of Jubilee’ [Lev 25:13]—the Sabbatical year remits debts, and the Jubilee sets slaves free’’). Again, the *Sipre* employs a restrictive reading, one that cites Leviticus 25 to the letter, in the sense that ‘‘Scripture says’’ only that the Jubilee releases slaves, but it does not say that the Jubilee remits debts. The two texts, Deut 15:2 and Lev 25:13, are construed as referring to two different cases.

Like the *Sipre*, the *Sipra Leviticus* (Behar 3:6) demands that Deut 15:2 and Lev 25:13 be read as referring to two separate cases.

בשנת היובל הזאת זו מוציאה עבדים אין השביעית מוציאה עבדים ה'ד' מה  
אם היובל שאינו משמיט כספים מוציא עבדים שביעית שהיא משמטת כספים  
אינו דין שתוציא עבדים ת"ל בשנת היובל הזאת זו מוציאה עבדים אין השביעית  
מוציאה עבדים קול וחומר ליובל שישמיט כספים ומה אם השביעית שאינה  
מוציאה עבדים משמטת כספים יובל שהוא מוציא עבדים אינו דין שישמיט  
כספים ת"ל וזה דבר השמיטה שמוט שביעית משמטת כספים והיובל מוציא  
עבדים

‘‘In this year of Jubilee’’ [Lev 25:13]: This year sets slaves free, but the Sabbatical Year does not set slaves free. But is the opposite of that proposition not a matter of logical inference? If the Jubilee, which does not remit monetary debts, frees slaves, then the Sabbatical Year, which does remit monetary debts, should surely free slaves! Scripture says, ‘‘In this year of Jubilee’’ [Lev 25:13]: this year sets slaves free, but the Sabbatical Year does not set slaves free. One might reason from minor to major that the Jubilee also should remit monetary debts: if the Sabbatical Year, which does not set slaves free, does remit monetary debts, then how much more so should the Jubilee, which does set slaves free, also remit monetary debts. Scripture says, ‘‘And this is the manner of the remission’’ [Deut 15:2]. The Sabbatical Year remits monetary debts, but the Jubilee frees slaves.<sup>64</sup>

<sup>63</sup> For an explication of this type of ‘‘complex’’ *qōl wa-ḥōmer* argument, see Louis Jacobs and David Derovan, ‘‘Hermeneutics,’’ *Encyclopaedia Judaica* (22 vols.; 2nd ed.; Detroit: Macmillan Reference, 2007), 9:25–29, here 25–26. The material in brackets has been added to the citation. See further Louis Jacobs, ‘‘The Qal Va-ḥomer Argument in the Old Testament,’’ *BSOAS* 35 (1972): 221–27.

<sup>64</sup> There is not yet a complete modern critical edition of the *Sipra Leviticus*. Citations of the *Sipra* are based on Breslau 108, catalogued at Jewish Theological Seminary as JTS Rab. 2171. Breslau 108 is close to Vatican 66, which is generally regarded as the best manuscript of the *Sipra* (Menahem I. Kahana, ‘‘Sifra,’’ *Encyclopaedia Judaica* [2007], 18:560–62, here 560–61). Our citations of Breslau 108 have been drawn from the *Accordance Sifra* module, which we have checked against the classic edition of Isaac Hirsch Weiss, *Sifra de-be Rab hu Sefer Torat Kohanim* (Vienna: J. Schlossberg, 1862; repr., New York: Um, 1946), 107. There are some minor differences in the Hebrew between Weiss’s edition and Breslau 108 but nothing that would alter our reading. Louis Finkelstein’s edition extends only from Lev 1:1 to 5:26 (*Sifra on Leviticus* [5 vols.; New



The *Sipra* (Behar 3:6) begins with a citation of the exact phrase quoted in 11QMelchizedek: בשנת היובל הזאת (“In this year of Jubilee” [Lev 25:13]). The *Sipra* immediately states: זו מוציאה עבדים אין השביעית מוציאה עבדים (“This year sets slaves free, but the Sabbatical Year does not set slaves free”). Like the *Sipre*, the *Sipra* then deals with possible objections based on the rabbinic interpretative rules associated with R. Ishmael: מה אם היובל שאינו משמיט כספים מוציא עבדים (“But is the opposite of that proposition not a matter of logical inference? If the Jubilee, which does not remit monetary debts, frees slaves, the Sabbatical Year, which does remit monetary debts, surely should free slaves!”). And like the *Sipre*, the *Sipra* responds by citing Scripture: ת”ל בשנת היובל הזאת זו מוציאה עבדים אין השביעית מוציאה עבדים (“Scripture says, ‘In this year of Jubilee’ [Lev 25:13]—this year sets slaves free, but the Sabbatical Year does not set slaves free”). The *Sipra* also responds to the possible objection based on *qōl wa-hômer* reasoning: קול וחומר ליובל שישמיט כספים ומה אם השביעית שאינה מוציאה עבדים משמטת כספים יובל שהוא מוציא עבדים אינו דין שישמיט כספים (“One might reason from the minor to the major that the Jubilee also should remit monetary debts: if the Sabbatical Year, which does not set slaves free, does remit monetary debts, then how more so should the Jubilee, which does set slaves free, also remit monetary debts”). The *Sipra*, like the *Sipre*, responds by citing Scripture in a restrictive sense: ת”ל וזה דבר השמיטה שמוט שביעית משמטת כספים (“Scripture says, ‘And this is the manner of the remission’ [Deut 15:2]—the Sabbatical Year remits monetary debts, but the Jubilee frees slaves”). The two passages are read as distinct and as referring to two separate scenarios.

Both the *Sipre* and *Sipra* determine that the debt remission law in Deuteronomy and the Jubilee laws in Leviticus refer to two different legal situations. The *Sipre* and *Sipra* connect precisely the same biblical passages (Lev 25:13 and Deut 15:2) as 11QMelchizedek, but reach the opposite conclusion in their attempts to address the Jubilee legislation’s silence regarding debt remission.

#### IV. CONCLUSIONS

The ancient legal-exegetical problem—the absence of explicit demand for debt remission in the Jubilee of Leviticus—generated the exegetical synthesis of Deuteronomy’s Sabbatical debt remission (שמיטה) with the Jubilee (יובל) of Leviticus in the Melchizedek scroll. Exegetical synthesis allowed the author of 11QMelchizedek to overcome the tensions that arose when the Sabbatical and Jubilee materials of the Torah were read synchronically, after the Pentateuch had been redacted. The composer of the Melchizedek scroll makes an implicit legal argument when he

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York/Jerusalem: Jewish Theological Seminary of America, 1983–91]). The English translation is ours. We have consulted Jacob Neusner, *Sifra: An Analytical Translation*, vol. 3, *Aharé Mot, Qedoshim, Emor, Behar, and Behuqotai* (BJS 140; Atlanta: Scholars Press, 1988), 310.

combines the Sabbatical debt remission with the Jubilee, deciding that the Jubilee requires universal debt remission. In contrast, while the *Sipre* and *Sipra* are aware of arguments that would dictate that the Jubilee of Leviticus remit debts, they are compelled to override these arguments and instead subordinate such interpretative rules to their own exegetical system.

This article sheds light on the debates that took place in ancient Judaism between sectarian and early rabbinic interpretation of Scripture. Whereas rabbinic midrash halakah provides both explicit citations and explicit interpretations, Noam emphasizes that legal interpretation at Qumran is often implicit.<sup>65</sup> She shows how “the scrolls frequently disclose the tip of a legal midrash[,] the details of which can be supplemented by comparing it to the tannaitic parallel.”<sup>66</sup> We suggest that 11QMelchizedek not only combines eschatological and legal exegesis, but offers another example of the “tip of a legal midrash” in the Second Temple period.

A concluding word regarding the eschatology of the scroll is in order. The neat separation of legal exegesis from eschatological exegesis does not hold in the case of 11QMelchizedek. Debt remission is posited for the Jubilee when the author of 11QMelchizedek syntactically identifies Deuteronomy’s Sabbatical debt remission with the Jubilee of Leviticus. In the Melchizedek scroll, the Jubilee is an eschatological category, so when its author resolves the legal-exegetical problem of whether the Jubilee remits debt, this resolution also effectively posits debt remission as eschatological.

It is equally important to recognize that the manumission, debt remission, and Jubilee laws of Deuteronomy and the Holiness Code already had a utopian character from the very beginning. Their utopian character was the product of the sophisticated legal exegesis essential to their original composition.<sup>67</sup> It would have been a short step between this particular legal material and the eschatological scenario envisioned by the author of the scroll. The utopian aspects of the legal exegesis already at work in Leviticus 25 and Deuteronomy 15 overlap with the eschatology of the legal exegesis at work in the synthesis of שְׁמִטָּה (“remission”) and יוֹבֵל (“Jubilee”) in 11QMelchizedek. The synthetic exegesis is a part of the explicitly eschatological context of the scroll’s exposition on the final Jubilee. One could say that, in 11QMelchizedek, legal exegesis *is* eschatological exegesis.

Milgrom argued that the Jubilee “would have been implemented were it not for the typical and expected resistance from those who might be adversely effected [*sic*]: the rich and the political leaders in control.”<sup>68</sup> The eschatology of

<sup>65</sup>Noam, “Embryonic Legal Midrash,” 239.

<sup>66</sup>*Ibid.*, 240.

<sup>67</sup>On the utopian character of the manumission and Jubilee laws, see Weinfeld, *Social Justice in Ancient Israel*, 156, 172; Levinson, “Manumission of Hermeneutics,” 322–23; and *idem*, “Birth of the Lemma,” 619, 635.

<sup>68</sup>Milgrom, *Leviticus 23–27*, 2251.

the Melchizedek scroll attests to an abandonment of any hope in the willingness of contemporary authorities to remit debts or implement justice. Even if the law is utopian, this does not mean that it could not be implemented under different social conditions. It was under the then current political and economic conditions that the law could not be implemented. In such cases, the utopian law could easily be read as a demand for a radically new society, economically and politically, the heralding of which is signaled by universal debt remission. When the Melchizedek scroll announces the coming Jubilee, it announces imminent emancipation from those who owned, both spiritually and financially, the debts of the captives.

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## Narrative World, Rhetorical Logic, and the Voice of the Author in *4 Ezra*

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The relationship between the dialogues in the first three episodes of *4 Ezra* and the visions and epilogue in the closing four episodes has challenged scholars for over a century. The inconclusiveness of the dialogues (episodes 1–3) along with the apparently different emphases in the visions and epilogue (episodes 4–7) has made it difficult for scholars to agree on the actual author's position. Who does the author want the reader to agree with: Ezra, Uriel, neither, or some combination of both? This article seeks to address these problems from a fresh perspective by studying the foundational narratives appealed to and presupposed in the worldviews of Ezra and Uriel in the dialogues, and by the visions in the second half of *4 Ezra*. A concluding section will explore the answers provided by the author of *4 Ezra* to the two dominant problems he raises in the book (the one/many, and many/few) and will reflect on the rhetorical force of the book, the voice of the author, and the purpose of *4 Ezra*. The narrative frame and flow of *4 Ezra* solidly root the author's own convictions and theology in episodes 4 through 7. The author's primary purpose for the book is to renew Israel's faith in its covenant-keeping God and motivate the people to pursue righteousness through obedience to the law in the absence of a functioning temple.

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*4 Ezra* honestly and incisively probes questions of theodicy, rejects easy explanations and rationalizations, and leads the reader, along with Ezra, to a visionary encounter with God that somehow answers all the questions (cf. the similar dynamic in the books of Job and Habakkuk).<sup>1</sup> The reception history of *4 Ezra*, its wide geographical distribution, translation into multiple languages, and popularity over the past two millennia easily demonstrate that its message deeply resonated with its readers.<sup>2</sup>

<sup>1</sup>Cf. Jan Du Rand, "Theodicy Provides New Perspectives on God according to *4 Ezra*," *ETL* 84 (2008): 123–33.

<sup>2</sup>See Michael E. Stone, *Fourth Ezra: A Commentary on the Book of Fourth Ezra* (Hermeneia; Minneapolis: Fortress, 1990), 1–8, 36–49; Robert A. Kraft, "'Ezra' Materials in Judaism and Christianity," *ANRW* 19.1:119–36.

4 *Ezra* narrates Ezra's dialogues with the angel Uriel (episodes 1–3; 3:1–9:25), his reception of various apocalyptic visions (episodes 4–6; 9:26–13:58), and his activity in rewriting the twenty-four books of the Hebrew Scriptures along with seventy secret, apocalyptic books (episode 7; 14:1–49).<sup>3</sup> The relationship between the dialogues in the first three episodes of 4 *Ezra* and the visions and epilogue in the closing four episodes has challenged scholars for over a century.<sup>4</sup> The inconclusiveness of the dialogues (episodes 1–3) and the apparently different emphases in the visions and epilogue (episodes 4–7) have also made it very difficult for scholars to agree on the actual author's position. Who does the author want the reader to agree with: Ezra, Uriel, neither, or some combination of both?<sup>5</sup>

The striking differences between the two halves of 4 *Ezra* along with the difficulty of ascertaining the author's voice and actual theology have elicited a number of scholarly explanations. Interpreters in the later nineteenth and early twentieth centuries primarily utilized source criticism and appealed to a relatively careless redactor to account for the differences.<sup>6</sup> Other scholars, rejecting the source-critical approach, opt for a psychological approach and argue that Ezra and Uriel are two sides of the author's personality that cannot be reconciled or that 4 *Ezra* reflects the psychological development of the author from confusion and disbelief in the dialogues to order and belief through religious visionary experience.<sup>7</sup> Still others

<sup>3</sup> All quotations from 4 *Ezra* are from *The New Oxford Annotated Apocrypha* (ed. Bruce M. Metzger and Roland E. Murphy; New York: Oxford University Press, 1991).

<sup>4</sup> Michael P. Knowles notes the change in the primary interlocutor from Uriel to God and the transformation of Ezra's attitude from bitter complaint, lamentation, and unwillingness to accept Uriel's answers to terror and a full endorsement of "Uriel's own dogmatic orthodoxy" ("Moses, the Law, and the Unity of 4 *Ezra*," *NovT* 31 [1989]: 257–74, esp. 257). "Remarkably, almost none of his questions are answered in the course of the dialogues. . . . Yet somehow Ezra is comforted" (p. 258).

<sup>5</sup> A. Peter Hayman pointedly poses and develops this question ("The Problem of Pseudonymity in the *Ezra* Apocalypse," *JSJ* 6 [1975]: 47–56, here 47). He opts for both by employing a psychological approach to the book.

<sup>6</sup> See Richard Kabisch, *Das vierte Buch Esra auf seine Quellen* (Göttingen: Vandenhoeck & Ruprecht, 1889); George H. Box, *The Ezra Apocalypse* (London: Pitman, 1912); William O. E. Oesterley, *II Esdras (the Ezra Apocalypse) with Introduction and Notes* (Westminster Commentaries; London: Methuen, 1933); and, more recently, E. P. Sanders, *Paul and Palestinian Judaism: A Comparison of Patterns of Religion* (Philadelphia: Fortress, 1977), 417–18; Walter Harrelson, "Ezra among the Wicked in 2 Esdras 3–10," in *The Divine Helmsman: Studies on God's Control of Human Events, Presented to Lou H. Silberman* (ed. James L. Crenshaw and Samuel Sandmel; New York: Ktav, 1980), 21–40.

<sup>7</sup> See Hermann Gunkel, "Das vierte Buch Esra," *APAT*, 2:331–402; Stone, *Fourth Ezra*; Earl Breech, "These Fragments Have I Shored against My Ruins: The Form and Function of 4 *Ezra*," *JBL* 92 (1973): 267–74; Hayman, "Problem of Pseudonymity." See also Edith McEwan Humphrey, *The Ladies and the Cities: Transformation and Apocalyptic Identity in Joseph and Aseneth, 4 Ezra*,

argue that the dialogues represent a theological debate in which Uriel speaks God's truth and represents the author's position.<sup>8</sup>

Karina Martin Hogan, in a well-researched recent monograph, argues that *4 Ezra* is a literary representation of a theological debate that sets two different and quite distinct theologies or worldviews in first-century Judaism (covenantal wisdom represented by Ezra versus eschatological wisdom represented by Uriel) in conflict with each other, demonstrates the inadequacy of both positions, and proposes a third theology (apocalyptic theology) representing the true position of the author.<sup>9</sup> Hogan's proposal rightly notes the difficulty and importance of correctly identifying the author's position in the midst of the various conflicting arguments throughout the book, but her thesis leads her to maximize the differences between Ezra, Uriel, and the latter half of the book and to minimize the overlap and similarities in their positions in order to argue for three distinct and opposing theologies.<sup>10</sup>

This essay seeks to address these problems from a fresh perspective by studying the foundational narratives appealed to and presupposed in the worldviews of Ezra and Uriel in the dialogues, and by both and the visions in the second half of *4 Ezra*. A concluding section will explore the answers provided by the author of *4 Ezra* to the two dominant problems he raises in the book and will reflect on the rhetorical force of the book, the voice of the author, and the purpose of *4 Ezra*.

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*the Apocalypse and the Shepherd of Hermas* (JSPSup 17; Sheffield: Sheffield Academic Press, 1995), 57–81; Dereck M. Daschke, "Loss, Fantasy and Recovery in Ancient Judaism: Ezekiel, 4 Ezra and the Baruch Apocalypses as Texts of Mourning" (Ph.D. diss., University of Chicago, 2000); Shannon Burkes, *God, Self, and Death: The Shape of Religious Transformation in the Second Temple Period* (JSJSup 79; Leiden/Boston: Brill, 2003), 191–233; Frances Flannery-Dailey, *Dreamers, Scribes and Priests: Jewish Dreams in the Hellenistic and Roman Eras* (JSJSup 90; Leiden/Boston: Brill, 2004), 212–20.

<sup>8</sup>See Egon Brandenburger, *Adam und Christus: Exegetisch-religionsgeschichtliche Untersuchung zu Röm 5:12–21 (1 Kor 15)* (WMANT 7; Neukirchen: Neukirchener Verlag, 1962), 27–36; Wolfgang Harnisch, *Verhängnis und Verheissung der Geschichte: Untersuchungen zum Zeit- und Geschichtsverständnis im 4. Buch Esra und in der syr. Baruchapokalypse* (FRLANT 97; Göttingen: Vandenhoeck & Ruprecht, 1969). Brandenburger later argued that *4 Ezra* is not polemicizing against an opposing sect (*Die Verborgenheit Gottes im Weltgeschehen: Das literarische und theologische Problem des 4. Esrabuches* [ATANT 68; Zurich: Theologischer Verlag, 1981]).

<sup>9</sup>Hogan, *Theologies in Conflict in 4 Ezra: Wisdom, Debate, and Apocalyptic Solution* (JSJSup 130; Leiden/Boston: Brill, 2008). For support of Hogan's conclusions, see John J. Collins, "The Idea of Election in 4 Ezra," *Jewish Studies Quarterly* 16 (2009): 83–96.

<sup>10</sup>Hogan discusses the divergent beliefs held by Ezra and Uriel in the dialogues under five headings: (1) anthropology and moral responsibility, (2) epistemology, (3) election, covenant, and salvation, (4) the significance of the Torah, and (5) divine justice and mercy (*Theologies in Conflict*, ch. 3).



## I. WORLDVIEW AND FOUNDATIONAL NARRATIVES

"Worldview" has been defined as "an intertwined, interrelated, interconnected system of beliefs."<sup>11</sup> It refers to "the presuppositional, pre-cognitive stage of a culture or society."<sup>12</sup> N. T. Wright draws attention to the generative function that narratives play in shaping the theological, metaphysical, epistemological, ethical, and anthropological dimensions of worldviews.<sup>13</sup> Propositions are grounded and produced by stories.

Norman R. Petersen, although using the phrase "symbolic universe" instead of "worldview" likewise draws attention to the essential role of narrative in relation to Pauline studies.<sup>14</sup> He argues that Paul's symbolic universe takes the form of a narrative while his theologizing in particular letters is simply reflection on the underlying, narrative-shaped, symbolic universe. Daniel Patte, although not drawing attention to the narrative shaping of worldview, argues for a similar two-tiered system where a system of convictions (what is viewed as self-evident and taken for granted as absolutely true or real) undergird and inform the actual ideas and arguments found in a text.<sup>15</sup> Patte proceeds to call for a reading strategy that will enable the interpreter of a text to "discern the convictions which undergird it."<sup>16</sup> Combining the insights of Wright and Petersen, this system of convictions discussed by Patte should be seen as narratively shaped. That is to say, narratives function within worldviews to generate particular beliefs that can thereby be framed in propositional language (theology) and discussed in nonnarrative discourse.<sup>17</sup>

<sup>11</sup>Richard DeWitt, *Worldviews: An Introduction to the History and Philosophy of Science* (Malden, MA: Blackwell, 2004), 3 (italics original). Cf. David K. Naugle, *Worldview: The History of a Concept* (Grand Rapids: Eerdmans, 2002); Ninian Smart, *Worldviews: Crosscultural Explorations of Human Beliefs* (3rd ed.; Englewood Cliffs, NJ: Prentice Hall, 1999).

<sup>12</sup>Wright, *Christian Origins and the Question of God*, vol. 1, *The New Testament and the People of God* (Minneapolis: Fortress, 1992), 122.

<sup>13</sup>*Ibid.*, 123–24. Cf. *Why Narrative? Readings in Narrative Theology* (ed. Stanley Hauerwas and L. Gregory Jones; Grand Rapids: Eerdmans, 1989); Wesley A. Kort, *Story, Text, and Scripture: Literary Interests in Biblical Narrative* (University Park: Pennsylvania State University Press, 1988), 2–3.

<sup>14</sup>Petersen, *Rediscovering Paul: Philemon and the Sociology of Paul's Narrative World* (Philadelphia: Fortress, 1985), 30.

<sup>15</sup>Patte, *Paul's Faith and the Power of the Gospel: A Structural Introduction to the Pauline Letters* (Philadelphia: Fortress, 1983), 17.

<sup>16</sup>*Ibid.* This reading strategy involves identifying an author's core convictions from the discourse and evaluating "the way in which the convictions are organized to form a system" (p. 20). This system of convictions, or "semantic universe," undergirds the actual arguments of the discourse (p. 14).

<sup>17</sup>This interpretive approach has received increased attention over the past three decades in biblical studies. See Richard B. Hays, *The Faith of Jesus Christ: An Investigation of the Narrative*

This two-tiered understanding of the relationship between foundational narratives and propositional statements (reflective discourse) leads to a fairly simple methodology. Richard B. Hays succinctly notes, “This inquiry may have two phases: we may first identify within the discourse allusions to the story and seek to discern its general outlines; then, in a second phase of inquiry we may ask how this story shapes the logic of argumentation in the discourse.”<sup>18</sup> The application of Hays’s methodology in this study will forgo his complicated use of A. J. Greimas’s actantial model and instead use Hays’s insights as the theoretical basis for a reading strategy that seeks to analyze the worldview(s) represented by the different characters in *4 Ezra* through the foundational narratives to which they appeal to make sense of the world.<sup>19</sup> This reading strategy will account for the dynamic and dialogical character of *4 Ezra* by distinguishing between Ezra and Uriel in the dialogues and between the two halves of the book. Furthermore, the analysis will proceed through the book sequentially in order to assess how elements of the foundational story are affirmed or challenged in the dialogues (episodes 1–3), in Ezra’s transformation (episodes 4–6), and in his subsequent ministry to Israel (episode 7). To anticipate the conclusions of this study, such a reading strategy demonstrates a far deeper continuity between Ezra, Uriel, and the two halves of the book than is generally acknowledged by past studies of the problem.

### *Episodes 1 and 2*

Ezra begins his first lament and the entire book with a historical review of his foundational story.<sup>20</sup> Although historical reviews are prominent in apocalyptic texts, this review has a unique function and sets itself apart from other apocalyptic reviews of history “because it lacks an eschatological conclusion and is not presented as an *ex eventu* prophecy.”<sup>21</sup> This particular historical review functions

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*Substructure of Galatians 3:1–4:11* (SBLDS 56; Chico, CA: Scholars Press, 1983); and *Narrative Dynamics in Paul: A Critical Assessment* (ed. Bruce W. Longenecker; Louisville: Westminster John Knox, 2002).

<sup>18</sup> Hays, *Faith of Jesus Christ*, 28.

<sup>19</sup> Both Hays (*Faith of Jesus Christ*) and Wright (*New Testament and the People of God*) methodologically utilize Greimas’s actantial model. This methodology is not utilized here because a determination to fill the various slots for sender, object, receiver, subject, helper, and opponent can lead to misidentification or misinterpretation of the various “actants” within the text in order to fit the model. It is also significant that structuralists, those who originally developed the actantial model, have abandoned it in light of further research (Patte, *Paul’s Faith and the Power of the Gospel*, 362).

<sup>20</sup> See Pieter G. R. de Villiers, “Understanding the Way of God: Form, Function and Message of the Historical Review in *4 Ezra* 3:4–27,” in *SBL Seminar Papers, 1981* (ed. Kent H. Richards; SBLSP 20; Chico, CA: Scholars Press, 1981), 357–75.

<sup>21</sup> *Ibid.*, 357. Other examples of historical reviews as *ex eventu* prophecy include *4 Ezra* 11–12; *2 Baruch* 36–40; 53–74; *1 Enoch* 85–90; 91:12–17. See John J. Collins, “Introduction: Toward the Morphology of a Genre,” *Semeia* 14 (1979): 1–20.

to introduce the foundational narrative of the author's, Ezra's, and Uriel's worldview. This claim is made not because the historical review stands at the beginning of the book but because it introduces fixed narratological events and characters that are appealed to and developed as the book unfolds.

Ezra begins by recounting how God created (planted) the earth (3:4), created and breathed life into Adam (3:5), placed him in the garden (3:6), and laid upon him one commandment (3:7).<sup>22</sup> Adam, however, transgressed God's commandment (3:7), and God appointed death for him and his descendants (3:7). Adam's transgression resulted in an evil heart that overcame him and all who descended from him (3:21). This is the "evil *yēser*" of rabbinic theology.<sup>23</sup> Nations, peoples, and clans without number came from Adam, but they all walked after their own will, did ungodly things, and rejected God's commands (3:8). God responded by destroying them all with the flood, but leaving Noah and his household (3:9–11).

When Noah's descendants multiplied to become many nations, they "began to be more ungodly than were their ancestors" (3:12). In the midst of the iniquity of all the nations, God chose Abraham, a man whom he loved. God revealed end-time secrets to Abraham, made an everlasting covenant with him, and promised never to forsake his descendants (3:13–15). God gave him Isaac, and to Isaac, Jacob and Esau (3:15); but God chose Jacob for himself and rejected Esau (3:16). Jacob became a great multitude whom God led out of Egypt (3:16–17), and brought to Mount Sinai (3:17). At Sinai, God gave "the law to the descendants of Jacob, and your commandment to the posterity of Israel" (3:19).

Because God did not take away the evil heart that they had received from Adam "the law was in the hearts of the people along with the evil root; but what was good departed, and the evil remained" (3:22). Time passed and God raised up a servant, David, and commanded him to build a city and offer oblations (3:23–24). Offerings were continued for many years, but the inhabitants of the city transgressed, just as Adam and his descendants had, because they had the evil heart; and God handed over his city to his enemies (3:25–27). The written law and the covenants were destroyed and lost in the destruction of the city (4:23; cf. 14:21).

This historical review provides the foundation for Ezra's first lament and functions as the foundational narrative for the entire book of *4 Ezra*, providing the narrative basis for the two primary problems raised by Ezra throughout the

<sup>22</sup>De Villiers observes, "It is important further to note that the giving of the commandment is the last (and most important) of God's deeds" ("Understanding the Way of God," 358).

<sup>23</sup>Alden L. Thompson, *Responsibility for Evil in the Theodicy of IV Ezra: A Study Illustrating the Significance of Form and Structure for the Meaning of the Book* (SBLDS 29; Missoula, MT: Scholars Press, 1977), 49–63, 332–39. Thompson directs readers to *b. Ber.* 60–61; *b. Sukkah* 51b–52a; *b. Qidd.* 30b, 81; *b. B. Bat.* 16a; *b. Yoma* 69b–70b; *b. Sanh.* 20a; and *Gen. Rab.* 22, 34 in the rabbinic sources (p. 78).

dialogues.<sup>24</sup> On the one hand, Israel, God's chosen people, had been given over to foreign nations (3:2, 28–34; 4:23; cf. 5:28–30; 6:57–59; 8:15–16), and, on the other hand, humankind's sin was so deeply ingrained that very few, including Israelites, would be able to survive the final judgment (3:20–22, 35–36; 4:24; cf. 7:17–18, 45–48, 62–69, 116–26, 132–40; 8:31, 36, 42–45; 9:14). Alden L. Thompson traces these two concerns through the book and describes them as problems of the one/many (the “one,” Israel, given into the hands of the “many,” foreign nations; 5:28) and the many/few (the many who will perish and the few who will be saved).<sup>25</sup> The two problems are both a result of the evil heart within all of humanity (3:25–27, 35–36), but the problem of the many/few is overshadowed throughout by the problem of the one/many.<sup>26</sup> The real problem behind both the one/many and many/few was that God seemed to be at fault and unjust for failing to remove the evil heart from the people (3:20).<sup>27</sup>

Ezra follows this initial foundational historical review by complaining that Israel was more righteous than Babylon, the nation that God had used to punish them (3:28–36). Israel was relatively more righteous than any other nation on earth because the people had uniquely believed God's covenant (3:32) and had God's commandments (3:33). Uriel initially answers Ezra's lament without referencing the actual problem or the foundational narrative by appealing to God's transcendent understanding and ways, the depths of which humans cannot fathom

<sup>24</sup>De Villiers writes, “The historical review, therefore, is firmly embedded in the first section, and is an integral part of the attempt of Pseudo-Ezra to present the basic problem about which he writes to his readers. He is confronted with the riddle of the working of evil forces in this world, of human transitoriness, of the inexplicable fate of his people, of the function of the law in Israel's religion. In short, he is struggling to understand the way of God to secure a firm basis for his faith in the God of his fathers” (“Understanding the Way of God,” 363–64).

<sup>25</sup>Thompson, *Responsibility for Evil*, 288–90; cf. Harrelson, “Ezra among the Wicked,” 33. The problem of the many/few appears on the surface to evidence a great deal of concern for the wicked among all of humanity, but Ezra's statements in 8:15–16 make it clear that he is still primarily concerned about Israel. In this regard, Bruce W. Longenecker rightly identifies Ezra, even with his eloquent appeals for the wicked among all the inhabitants of the earth, as the particularist (*Eschatology and the Covenant: A Comparison of 4 Ezra and Romans 1–11* [JNTS Sup 57; Sheffield: JSOT Press, 1991]). See also Tom W. Willett, *Eschatology in the Theodicies of 2 Baruch and 4 Ezra* (JSPSup 4; Sheffield: JSOT Press, 1989), 69–70, 143; contra Thompson, *Responsibility for Evil*, 269.

<sup>26</sup>Collins, “Idea of Election in 4 Ezra,” 87.

<sup>27</sup>See Richard J. Coggins and Michael A. Knibb, *The First and Second Books of Esdras* (CBC; Cambridge: Cambridge University Press, 1979). Knibb notes, “What is distinctive here is that Ezra blames this state of affairs on God. It is true that God had given his people the law which ought to have provided them with the means of salvation. But he had failed to take their ‘wicked heart’ away from them, and this is why the Israelites had continued in sin and had, in consequence, been punished by God at the hands of the Babylonians. . . . and implicitly he accuses God of acting unjustly towards his people” (pp. 114–15). See also Hogan, *Theologies in Conflict*, 103; Stone, *Fourth Ezra*, 61.

or understand (4:1–21; 5:34–40). This appeal to divine inscrutability fails to satisfy Ezra (4:22–23; 5:41), who continues to return to the same problem with a desire for a response that will satisfy human, not divine, rationality. In response, Uriel appeals to a future reversal in the age to come as an answer to the present age of oppression, injustice, and corruption (4:26–33, 43; cf. 5:42; cf. 7:12–16, 50). God's future is set and certain in its timing (4:34–37, 40–42) and God (6:6) will one day set everything right again in complete justice.

With this response, Uriel affirms and builds on an element of Ezra's foundational narrative: the evil seed that had been sown in Adam's heart and had spread to and corrupted all of humanity (4:28–32; cf. 4:4). Furthermore, while Uriel's answer functions to extend the time frame of Ezra's foundational narrative from the destruction of Jerusalem to the end of the age, this extension is anticipated in Ezra's foundational historical review when Ezra refers to Abraham as one to whom God had "revealed the end of the times" (3:14). It is evident that both Ezra and Uriel are working from the same foundational narrative.

This is further evident in the way that Ezra immediately accepts Uriel's extension of the foundational story to the final judgment at the end of the age and the age to come. He does not debate the reality of that future day of judgment or what will transpire in it because it is already part of his foundational narrative, but he does proceed to vocalize the common lament of oppressed people: "how long?" (4:33; 6:59; cf. Rev 6:10). Ezra's persistent longing to know the timing of the end indicates that an immediate, or near-immediate, end would answer, for him anyway, the problem of the one/many (4:44–50; 5:43, 50; 6:7, 11–12; cf. 8:63). Uriel does not give a precise answer, but rather indicates the signs that must precede the end (5:1–13; 6:18–24; 9:1–6; cf. Matt 24:4–31; Mark 13:5–27; Luke 21:8–28) and assures Ezra that it is close, relative to the entire course of history (4:47–50; 5:51–55; 6:8–10). Uriel assures Ezra that they were nearer the end than the beginning, but the lack of precision fails to persuade or satisfy Ezra.

The only other question Ezra voices in the first two episodes concerns "through whom" God would visit creation (5:56). Uriel responds by building on God's creation of the world, a major component of Ezra's foundational narrative, to claim that "I planned these things, and they were made through me alone and not through another; just as the end shall come through me alone and not through another" (6:6).<sup>28</sup> God was responsible for the beginning, and God would be responsible for the end.

### *Episode 3*

Episode 3 begins, similar to episode 1, with Ezra reviewing God's creation of the world (6:38–54), God's his placement of Adam as ruler over creation (6:54),

<sup>28</sup>See Joan E. Cook, "Creation in 4 Ezra: The Biblical Theme in Support of Theodicy," in *Creation in the Biblical Traditions* (ed. Richard J. Clifford and John J. Collins; CBQMS 24; Washington, DC: Catholic Biblical Association of America, 1992), 129–39.

and the special choice of Israel (6:54). Ezra concludes this review of the beginning of his foundational narrative by noting how God had made all of creation Israel-focused (6:55–59). This initial lament indicates that, although Ezra had accepted Uriel's discussion of the final judgment and the age to come, such knowledge of the future did not fix the present problem. Ezra's foundational narrative indicated that Israel was set apart as elect, unique, special, and blessed by God.<sup>29</sup> Ezra's primary problem, the one/many, stems directly from the unfulfillment of Ezra's metanarrative. God was not being faithful to the promises. Things were not supposed to work out this way for God's elect people, and the fact that things had happened this way called into question the validity of the entire narrative. Ezra's shattered metanarrative resulted in severe cognitive dissonance.<sup>30</sup>

Uriel responds to Ezra by drawing attention to several elements of Ezra's foundational narrative presented in episode 1! He affirms that the world was made for Israel's sake (7:11), but when Adam sinned the world was judged and existence in this world has become very difficult (7:12–13). The living had to pass through this difficult world in order to arrive at the future world to come (7:14). Uriel chides Ezra, "Why have you not considered in your mind what is to come, rather than what is now present?" (7:16). Uriel is seeking to get Ezra to focus on the future of his foundational narrative and not on the difficult present on which he was fixated.

Ezra agrees with Uriel's future-oriented answers; he easily incorporates a future day of judgment and the age to come into his foundational narrative, but this future day of impartial judgment, joined with the pervasiveness of the evil heart that he had first discussed in relation to the destruction of Jerusalem (3:22–27), creates the further problem of the many/few. Most of humanity will be condemned as sinners, and only very few righteous people, even from Israel, will enter the age to come. Uriel answers the problem of the many/few by refusing to budge or concede anything to Ezra's complaints and questions (7:19–25, 52–61, 70–74, 127–31; 8:1–3, 37–41, 47, 55–62; 9:17–22). He repeatedly affirms Ezra's assessment of the situation that very few righteous people will be saved by faith and obedience to the law (7:20–21, 72, 89, 94), although he consoles Ezra by noting that he, Ezra, would be included in the few that would be saved (7:76–77; 8:47–54).

<sup>29</sup> See Collins, "Idea of Election in 4 Ezra," 83–96

<sup>30</sup> See Philip F. Esler, "The Social Function of 4 Ezra," *JSNT* 53 (1994): 99–123. Esler draws attention to how 4 Ezra helps Jews deal with the cognitive dissonance created by the destruction of Jerusalem. "If the conditions are right, cognitive dissonance gives rise to pressures to reduce it and such pressures are very obviously present in 4 Ezra. The central achievement of the work consists in the reduction (if not complete elimination) of the dissonance present at the start. From a theological perspective, 4 Ezra represents an exercise in theodicy" (pp. 108–9). For further discussion of cognitive dissonance, see Leon Festinger, *A Theory of Cognitive Dissonance* (Evanston, IL: Row Peterson, 1957); Bruce J. Malina, "Normative Dissonance and Christian Origins," *Semeia* 35 (1986): 35–59; and *Theories of Cognitive Consistency: A Sourcebook* (ed. Robert P. Abelson et al.; Chicago: Rand McNally, 1968).

Ezra is not content with the fact that most of humanity would be condemned in the final judgment and proposes two solutions to the problem. First, drawing from the examples of various individuals in his foundational story (Abraham, Joshua, Samuel, David, Solomon, Elijah, and Hezekiah), he asks if the godly could intercede and pray for the ungodly in the final judgment (7:102–3, 106–11). Uriel, however, quickly rejects this proposal because of the decisive nature of the future day of judgment (7:104–5, 112–15). Second, Ezra appeals to God's mercy, grace, patience, and compassion (7:132–40; cf. 8:20–36, 42–45), to which Uriel responds, "Many have been created, but only a few shall be saved" (8:3; cf. 8:37–41, 46–61). Ezra's impassioned pleas for mercy and compassion accomplish nothing. Uriel remains unmoved and even commands Ezra not to "ask any more questions about the great number of those who perish. For when they had opportunity to choose, they despised the Most High, and were contemptuous of his law, and abandoned his ways" (8:55–56; cf. 9:13).

Salvation will not be in mercy or forgiveness.<sup>31</sup> Those few who will escape God's judgment and enter the age to come must store up treasures of faith and works in this life (6:5; 7:77; 8:33). Uriel's only concession in the dialogues to Ezra's appeal to God's mercy comes at the very end of episode 3, where he says, "And I saw and spared some with great difficulty, and saved for myself one grape out of a cluster, and one plant out of a great forest. So let the multitude perish that has been born in vain, but let my grape and my plant be saved, because with much labor I have perfected them" (9:21–22). God's mercy is evident in the extraordinary effort he expends to save the few righteous.

The only really new information added in episode 3 to the foundational story that Ezra first presented at the beginning of episode 1 comes when Uriel describes the activity of God's Messiah, who will be revealed, "and those who remain shall rejoice four hundred years" (7:28).<sup>32</sup> Although Uriel only mentions the Messiah and his activity in passing in order to discuss the universal final judgment that would follow (7:32–44), Uriel and Ezra's shared presupposition pool, primarily in the form of their shared foundational story, necessitated a Jewish-focused Messiah.<sup>33</sup> How else would Ezra have understood a reference to the Messiah? Thus, Uriel foreshadows the primary answer to the problem of the one/many provided to Ezra in episodes 4 through 6: A Jewish Messiah will restore the fortunes of Israel before the final judgment.

<sup>31</sup> Willett argues that 4 *Ezra* presents the mercy of God as the resolution to the problem of sin (*Eschatology in the Theodicies of 2 Baruch and 4 Ezra*, 69–70, 75), but episodes 4 through 7 rather seem to provide a solution in rededication and commitment to the law. Uriel's answers in episode 3 are reconfirmed in the later episodes despite the eloquence of Ezra's appeals: mercy will not help sinners.

<sup>32</sup> Jonathan Moo, "A Messiah Whom 'The Many Do Not Know'? Rereading 4 *Ezra* 5:6–7," *JTS* 58 (2007): 525–36. Moo cogently argues that Uriel also refers to the Messiah in 4 *Ezra* 5:6–7.

<sup>33</sup> For further discussion of "presupposition pools," see Peter Cotterell and Max Turner, *Linguistics and Biblical Interpretation* (Downers Grove, IL: InterVarsity, 1989), 90–96, 257–59.



### Summary of Episodes 1 through 3

Although Uriel and Ezra debate several points, Uriel never denies any elements of Ezra's foundational story and affirms it at several points (God, creation, Adam, the evil heart), while elaborating and focusing on its culmination in the day of judgment. Ezra readily accepts Uriel's emphasis on a future day of judgment and a new age, having already mentioned it when referring to Abraham (3:14). This future orientation, however, fails to comfort Ezra because it does not seem to fix the underlying problems, the evil heart and the present distress of Israel. Even though Ezra eloquently raises the problem of the many/few in the third episode, his foundational story clearly communicates that he agrees with Uriel's statements concerning the universal impartiality and justice of God, who punishes disobedience and sin.<sup>34</sup> He is primarily concerned with Israel and the fact that Israel's present circumstances seem to completely undermine God's justice and the foundational story of his entire worldview.

### Episode 4

Ezra begins episode 4 with a lament similar to that which began episode 1. He begins by recounting how God revealed himself to his ancestors in the wilderness when they came out of Egypt and had sown the law in them (9:29–31).<sup>35</sup> Despite the fact that they had received God's law they did not obey it and have been destroyed, yet the law has survived (9:32–37). In this lament Ezra establishes a clear connection between the written law given to Israel and the universal law advocated by Uriel. The connection indicates that the written law given to Israel at Sinai accurately represents and communicates God's universal law, which is the standard by which all of humanity, including Israel, will be judged.<sup>36</sup>

<sup>34</sup> Cf. Ezra's recounting of God's swift punishment of Adam (3:7), the pre-flood generation (3:9–10), and Jerusalem (3:27).

<sup>35</sup> See Knowles, "Moses, the Law, and the Unity of IV Ezra," 268–70. Knowles draws attention to the significance of how this statement contrasts the sowing of the law in the people with the earlier descriptions of the evil seed that had been sown among humanity. The law that had been sown among them is the key to overcoming the evil heart that had also been sown among them.

<sup>36</sup> Contra Karina M. Hogan, "The Meanings of *tôrâ* in 4 Ezra," *JSJ* 38 (2007): 530–52. Hogan reads this section as demonstrating the "incompatibility of Uriel's understanding of *tôrâ* with Ezra's emphasis on its covenantal context" (p. 546). Contra Hogan, the failure of the analogy from nature (9:34–37) highlights the pathos of the lament and not the impossibility of holding to both a covenantal and a universal Torah (cf. Ezra's earlier "universal" statements in 3:34–36; 5:27). Hogan herself acknowledges that Ben Sira also endorsed both of these conceptions of Torah (Sir 15:14–15; 17:7, 11; 24:23), apparently without sensing a contradiction. Hogan's search to find theologies in conflict in 4 Ezra leads her to overstate her case when she describes these as "conflicting views of the Torah" (Hogan, *Theologies in Conflict*, 136). The universal and covenantally particular conceptions of Torah are not mutually exclusive. Hermann Lichtenberger astutely notes, "The lament does not really express the truth—at least on a *prima facie* level: The

Ezra's lament is interrupted by the appearance of a mourning woman whom he tries to console and who is transformed before his eyes into a magnificent city. In Uriel's interpretation, the woman's thirty years of barrenness represent the three thousand years in the world before offerings were made in Zion (10:45); her bearing of a son represents Solomon's building of the city and offering of sacrifices (10:46); her bringing up her son with much care represents the period of residence in Jerusalem (10:47); and the son's death represents the destruction of Jerusalem (10:48). This recounting of the foundational narrative by the vision and Uriel's interpretation directly coincides with Ezra's initial description of it in his first lament. Finally, the transformation of the woman represents the reality and existence of God's own city, the true, imperishable, heavenly Zion (10:50–54).

This is the beginning of our author's answer to Ezra's first dilemma, the problem of the one/many evidenced by the destruction of Jerusalem, the temple, and the priesthood (10:21–23). It powerfully communicates the truth that the story was not yet finished! True Jerusalem is revealed to be God's own city, presently invisible to human eyes, but real nonetheless.<sup>37</sup> This is hinted at earlier (7:26), but it is not revealed to Ezra earlier that God's own future city and land was Jerusalem. It is important to note that Ezra is not seeing what Jerusalem will be like temporally in the future, but what it is now: God's city is not destroyed but is more real, brilliant, lavish, and glorious than its earthly representation ever was.<sup>38</sup> This supernatural revelation that what he thought would be true of God's future only in the age to come was true in the present, although invisible to human eyes, begins his transformation from questioning skeptic to wholehearted believer, and from grief to confidence. Ezra's foundational narrative is unchanged but is presupposed and reinforced by the vision and its interpretation. He actually sees (10:55–56) what before had only been told to him (7:26) and what he had even told to the woman (10:16). The change in genre from dialogue to visionary narrative that continues in the following two episodes facilitates his genuine acceptance of Uriel's prior answers.<sup>39</sup>

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Law is burnt, and it must be restored (*visio* 7). But we must also see the other side: because Law is incorruptible it can be restored" ("Zion and the Destruction of the Temple in 4 Ezra 9–10," in *Gemeinde ohne Tempel: 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], 239–50, 247).

<sup>37</sup> See Michael E. Stone, "The City in 4 Ezra," *JBL* 126 (2007): 402–7.

<sup>38</sup> Lichtenberger, "Zion and the Destruction of the Temple," 246–47. Lichtenberger notes, "The city he now can see, *is* Zion. And the city doesn't disappear with the end of the vision! There is already a new Jerusalem, but it is only revealed to the visionary" (italics original).

<sup>39</sup> Daniel J. Harrington, "The 'Holy Land' in Pseudo-Philo, 4 Ezra, and 2 Baruch," in *Emanuel: Studies in the Hebrew Bible, Septuagint, and Dead Sea Scrolls in Honor of Emanuel Tov* (ed. Shalom M. Paul et al.; VTSup 94; Leiden/Boston: Brill, 2003), 661–74. Harrington notes how this vision helps Ezra "move from relentless questioning about past and present misfortunes into hopeful visions of the future" (p. 666).

### Episode 5

In episode 5, Ezra receives a vision of an eagle and learns that a powerful and oppressive nation (Rome) will reign over the earth and those who inhabit it (11:5, 32, 34) for a set period of time (11:44) with a set number of rulers who would themselves fight with each other (11:24–31, 35).<sup>40</sup> At God's predetermined time the Messiah, pictured as a lion, would appear (11:37) and would declare judgment on Rome (11:38–46) and destroy it (12:1–3, 33). The interpretation of the vision provides the additional information that the Messiah would then set free God's remnant, the saved, and bring them joy until the final judgment and the end (12:34).

This vision provides additional details to the foundational story held by Ezra and Uriel but does not contradict or correct what had previously been revealed (7:26, 28–29; cf. 5:6–7, 40; 6:8–10). The vision reveals the new information that a future Jewish Messiah, "from the offspring of David" (12:32), will judge and destroy Rome, the nation that had recently destroyed Jerusalem, and would "in mercy" set free the Jewish remnant and make them joyful until the final day of judgment (12:34).

After this second vision, Ezra is in a position to exhort the people to courage and comfort because "the Most High has you in remembrance, and the Mighty One has not forgotten you in your struggle" (12:47). Earlier in the book, Ezra would have met such consolation with a set of skeptical questions, but now he is the one providing the consolation, indicating that his faith has been renewed in the God of his foundational narrative: the electing and covenanting God of Israel who would one day soon make good on the promises to Israel and through the Messiah set things right again.

### Episode 6

In episode 6, the third vision, Ezra is again shown the activity of the Messiah, God's Son (13:32), as he delivers God's creation (13:26, 29), destroys the innumerable multitude arrayed against him with the law proceeding out of his mouth (13:10–11, 38), and miraculously gathers and defends the ten tribes that had been exiled (13:39–50).<sup>41</sup> Ezra is informed that the ten tribes that Shalmaneser, king of Assyria, had taken captive had fled to a distant region of the world in order to

<sup>40</sup> André Lacocque, "The Vision of the Eagle in 4 Esdras: A Rereading of Daniel 7 in the First Century C. E.," in *SBL Seminar Papers*, 1981, 237–57.

<sup>41</sup> The importance of this account of the ten tribes for our author is evident in the amount of attention given to the interpretation (13:39–50) of an almost incidental reference in the original vision (13:12–13). This also likely indicates the author's use of "a strongly crystallized preexistent vision" (Stone, *Fourth Ezra*, 399). Stone proceeds to note that "this dream vision may well originally have expressed very different ideas from those which are expressed by the interpretation. Those of the interpretation will be the ones the author is interested in promoting" (pp. 399–400).

“keep their statutes that they had not kept in their own land” (13:42). During the period of messianic activity, Mount Zion would be revealed (13:35–36), the lost tribes who had been keeping God’s laws since the exile would return to the land and join the others who remained of Israel in the land who would be saved (13:46–50), and they would all be defended by the Messiah (13:49–50).<sup>42</sup>

This new information answers the problem of the one/many, as did the previous two visions, by promising the future destruction of hostile nations and the restoration of ethnic Israel by the activity of the Messiah, but it also answers God’s apparent injustice in the problem of the many/few by indicating that there would indeed be a large multitude that had kept God’s laws and would be saved in this future period of messianic activity.<sup>43</sup> It nationalizes Uriel’s “few” who would be saved while keeping his standard for salvation: the law. Not all Jews would be saved, but only those who had set themselves apart to keep God’s statutes that they had not kept prior to the exile (13:42; cf. 13:23). In this vision, the period of messianic activity seems to merge with the final judgment and the new age. Instead of seeing this as a contradiction, Michael Stone is likely correct to emphasize that the apocalyptic genre does not have the same standards for coherence and consistency as modern interpreters.<sup>44</sup>

After this third vision, Ezra’s questions seem to be completely answered and he is convinced that the Most High “governs the times and whatever things come to pass in their seasons” (13:58) and praises God accordingly (13:57–58). Ezra’s transformation is now complete.

### *Episode 7*

Episode 7 begins with God addressing Ezra as a new Moses. God recounts his divine revelation to Moses and how he sent Moses to lead the people out of Egypt to Sinai. At Sinai God revealed to Moses the secrets of the end-times, which were to be kept hidden, and the law that was to be published openly (14:1–6). God

<sup>42</sup>Ibid., 404–5. Stone notes how the “word translated ‘statutes’ is singular in some versions, giving the translation ‘Law,’ ‘Torah.’”

<sup>43</sup>Thompson comments that “the number of the saved constitute an innumerable multitude, rather than the paltry few over which Ezra and Uriel debate in the earlier episodes. Perhaps this explains why Ezra can break briefly into unrestrained praise in 13:57–58: the few have become a great multitude!” (*Responsibility for Evil*, 237). Cf. Longenecker, *Eschatology and the Covenant*, 130.

<sup>44</sup>See Michael E. Stone, “Coherence and Inconsistency in the Apocalypses: The Case of ‘The End’ in 4 Ezra,” *JBL* 102 (1983): 229–43. Stone observes that “the documents of apocalyptic literature are religious compositions of a non-Aristotelian type, and consequently the application of a criterion of rigid logical consistency within them is not appropriate” (p. 42). Apocalyptic authors can be completely coherent without being rigorously consistent. See also idem, *Features of the Eschatology of IV Ezra* (HSS 35; Atlanta: Scholars Press, 1989).

instructs Ezra to put his house in order, for he would soon be taken up from among humankind (14:8–9, 13–15). Ezra intercedes with God to allow him to rewrite the law that had been destroyed with Jerusalem “so that people may be able to find the path, and that those who want to live in the last days may do so” (14:22).<sup>45</sup>

God grants Ezra’s request and gives him instructions (14:23–26), but before Ezra restores the law he gives one final speech to the people of Israel (14:27–36). He recounts elements of the familiar foundational story: their ancestors lived in Egypt and were liberated (14:29); they received the law, which they did not keep (14:30), and the land of Zion, which God took from them because he was a righteous judge and they had committed iniquity (14:31–32). At this point Ezra leverages the rhetorical force of Israel’s foundational story and exhorts the people directly in 14:34–35.

If you, then, will rule over your minds and discipline your hearts, you shall be kept alive, and after death you shall obtain mercy. For after death the judgment will come, when we shall live again; and then the names of the righteous shall become manifest, and the deeds of the ungodly shall be disclosed.

In this final exhortation Ezra brings together many of the themes mentioned throughout the book: life after death, the universal final judgment, God’s mercy, and the necessity of keeping the law (ruling over your minds and disciplining your hearts).

With this final exhortation the author, through Ezra, summarizes the rhetorical point of the whole book: In Israel’s present state of despair they must believe God’s ancient promises to Israel and pursue righteousness through obedience to the law in order that they might be saved in the final day of judgment.<sup>46</sup> This final exhortation also provides the key for understanding the “logical” connection between Uriel’s emphasis on an impartial universal final judgment of all humanity and the national eschatology present in episodes 4 through 6. Uriel’s universalism does not contradict the national eschatology of the visions but rather provides the rhetorical force or motivating power to Ezra’s reemphasis on the law and exhorta-

<sup>45</sup> Knowles cogently argues that the author of *4 Ezra* presents the law as good seed or *yēšer* in direct contrast to the evil seed that was sown. “Nonetheless, if our analysis of the function of the Law as a good seed or *yetzer* at work in *Ezra* is correct, this new evaluation of the Law is itself intended as testimony to the Law’s efficacy—earlier demurrals notwithstanding—in accomplishing that which it demands” (“Moses, the Law, and the Unity of IV *Ezra*,” 273).

<sup>46</sup> Lichtenberger argues that the author of *4 Ezra* presents the Torah as a replacement of the temple. “The fourth vision (the Zion-vision) is certainly the center of the book, but the climax rather is the seventh vision with the revelation of the Tora. It is not a new one, not a messianic Tora. In a time without the Temple there will only be Tora as it was in the beginning up to David, who had built the Temple” (“Zion and the Destruction of the Temple,” 248).

tion to the people to pursue righteousness by obedience to the law.<sup>47</sup> Future salvation and restoration required recommitment to God's revealed and restored law.<sup>48</sup>

## II. IDENTIFYING THE AUTHOR'S VOICE

Assuming the literary unity of *4 Ezra*, the narrative frame and flow of the work solidly root the author's own convictions and theology in episodes 4 through 7.<sup>49</sup> This is where the author provides the clearest answers to the two main problems (the one/many and many/few) that he highlights in the dialogues between Ezra and Uriel in episodes 1 through 3.<sup>50</sup> The author answers the problem of the one/many and the apparent lack of God's faithfulness to his election and covenant with Israel by affirming a future reversal where Israel's oppressors will be destroyed and God's Messiah will restore Israel. He responds to the problem of God's apparent injustice in the damnation of many and the salvation of only a few by reemphasizing the possibility of obedience to the law for salvation and the revelation that the "few" were actually a great multitude (13:39–48), and by Ezra's example of restoring and proclaiming the law in episode 7. Once Ezra became convinced that only those who kept the law would be saved, he became an active participant in the restoration of the law and in exhorting the people to righteousness. He became part of the solution to the problem of the many/few and an active participant in the narrative.<sup>51</sup>

<sup>47</sup> See Shannon Burkes, "'Life' Redefined: Wisdom and Law in Fourth Ezra and Second Baruch," *CBQ* 63 (2001): 55–71, here 62. Burkes writes, "Life, however, now means something quite different. It means eternity for the righteous individual. Anything else is of no consequence in the dying present age, which is soon to be swept away and replaced. The language of persuasion has remained recognizable, but the stakes have changed completely."

<sup>48</sup> Contra Collins ("Idea of Election in 4 Ezra," 92–93), who argues that "in the end, an ethnic criterion for salvation prevails. . . . The apocalyptic salvation will come at its own proper time, whether Israel keeps the law or not." This does not seem to do justice to Ezra's final exhortation to the people in the epilogue.

<sup>49</sup> Jacob M. Myers (*I and II Esdras: Introduction, Translation, and Commentary* [AB 42; Garden City, NY: Doubleday, 1974], 119–21) and Stone (*Fourth Ezra*, 11–13) cogently argue for literary unity with the use of some preexistent materials. Hogan comments that "the structure of the work, however, points to the visions and epilogue for the author's resolution to the problems raised in the dialogues" (*Theologies in Conflict*, 2). This fact makes studies that deal only with the first three episodes, such as that by P. Richard Choi ("The Inter-Jewish Dialogue in 4 Ezra 3:1–9:25," *AUSS* 41 [2003]: 237–54) deeply problematic. How could you possibly determine the author's position by examining only the first half of the book? This concern is particularly pronounced in a complicated text like *4 Ezra*, where the latter half holds the keys to the whole.

<sup>50</sup> Methodologically, because of the likely use of preexistent materials for the visions, it is important to keep in mind that the author's convictions will be primarily found in the interpretations provided for the visions and not in the visions per se.

<sup>51</sup> According to Knowles, "the way in which the Law takes root within Ezra himself, bringing him to 'a change of heart and . . . a better mind' and inspiring him to share its riches with

By restoring the law and calling people to obedience he would perhaps increase the number of those who would be saved. The author thus rhetorically uses Ezra's renewed passion for the law as an example for the reader to emulate in answering the problem of the many/few.

In addition to episodes 4 through 7, the author's voice is represented in the dialogues by both Ezra and Uriel on points that are not corrected by episodes 4 through 7.<sup>52</sup> Methodologically, episodes 4 through 7 can be used as the standard or control for evaluating what in the dialogues the author agrees with and what he intends to correct. The presence of the author's voice in the dialogues is evidenced by the shared foundational narratives held by everyone in the book.<sup>53</sup> Ezra, Uriel, and the author share the same heritage and the same set of core beliefs based on the same foundational stories.<sup>54</sup> The use of episodes 4 through 7 as the standard for evaluation of the author's voice in episodes 1 through 3 leads to the following observations: Ezra's initial pessimism concerning the inability of the law to overcome the evil heart is rejected by the author; Ezra's appeal to God's mercy (7:132–40; cf. 8:20–36, 42–45) is reinterpreted as God's mercy upon the righteous (14:34; cf. 9:21–22; 12:34); and Uriel's universalism (see, however, Uriel's attention to Israel in 5:33, 40; 6:19; 7:83) is refocused on Israel by the author in episodes 4 through 6. These examples of correction and redirection are the exact means used by the author to lead readers to their own solutions to the problems of the one/many and many/few. Ezra and Uriel are literary creations that are used as mouthpieces by the author to highlight and provide answers to the main problems he wants to address in the book.

Uriel's universalism (in terms of a universal and impartial final judgment) and eschatological ideas in the dialogues are never rejected by the author (12:34, "the day of judgment, of which I spoke to you at the beginning") because in the latter half of the book ethnicity is not presented, by itself, as sufficient for salvation in the final judgment. The remnant (the few) that would be saved would be primarily Jews, but they would be Jews who were righteous by keeping the law (13:23,

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a disconsolate Israel" is itself proof of God's faithfulness to Israel in the present ("Moses, the Law, and the Unity of IV Ezra," 274).

<sup>52</sup>Contra Hogan (*Theologies in Conflict*, 2), who states, "The present study argues that neither of the interlocutors in the dialogues represents the author's views at the time of writing."

<sup>53</sup>Further evidence consists in the choice of Ezra and Uriel by the author as the leading figures in the narrative. Uriel spoke for God, and Ezra was highly respected by the Jews. It is almost impossible that our author would put words in the mouth of Uriel (speaking for God) with which he disagreed, and the transformation of Ezra in the latter half of the book shows which of Ezra's original points and arguments the author agreed with and which needed correction.

<sup>54</sup>Hayman notes that Ezra's views are "perfectly acceptable in the mouth of an orthodox Jew. They are neither heretical nor gnostic" ("Problem of Pseudonymity," 52). Hayman also draws attention to various examples of the overlap between the views of Ezra and Uriel, particularly as seen in 4:30–31 and 9:27–37.



42; 14:19–22, 34–35). God's universal standard and criterion for the final judgment are never rejected in favor of ethnicity, although the Jews did have a distinct advantage. Because of God's faithfulness to his election, favor, and covenant, along with Ezra's quick thinking (14:19–22), they actually had the written law and were thus better equipped to keep it and actually be righteous.<sup>55</sup> Uriel's strong emphasis on the universality and ethnic impartiality of the final judgment in the dialogues is not rejected by the nationalistic visions (12:34), but is rather used by the author rhetorically to call the people back to renewed covenant faithfulness and the obedience that would ensure that his readers would be a part of the final multitude that would be saved by the Messiah and survive the final judgment to enter the age to come.<sup>56</sup>

### III. THE NATURE AND PURPOSE OF 4 EZRA

The preceding analysis points away from seeing *4 Ezra* as a result of sloppy redaction, a psychological portrait of a conflicted soul, a polemic against a heretical sect, or a literary representation of a theological debate. The author of *4 Ezra* skillfully raises and deals with two real theological issues that confronted Israel at the end of the first century in the wake of Jerusalem's destruction that were presumably current in the population to some degree and had the potential to call into question Israel's entire identity as a people by undermining its foundational narrative.<sup>57</sup> The author of *4 Ezra* seems to direct his book to a restricted readership,

<sup>55</sup> Cf. Longenecker, *Eschatology and the Covenant*, 96. Longenecker exceeds the evidence when he argues that the author of *4 Ezra* redefines "Israel" as "the few who earn their way into the next age through their faultless obedience to the law" (cf. pp. 117, 129, 152). In contrast, the author of *4 Ezra* holds to a primarily nationalistic eschatology, but one in which those who are saved actually are righteous by keeping the law. No Jew who abandoned the law would be included, but most of those included would be Jews. Longenecker's later work nuances his prior interpretation and allows for more of a national eschatological orientation in the visions (*2 Esdras* [Guides to Apocrypha and Pseudepigrapha; Sheffield: Sheffield Academic Press, 1995], 71).

<sup>56</sup> James R. Mueller ("A Prolegomenon to the Study of the Social Function of *4 Ezra*," in *SBL Seminar Papers*, 1981, 259–68). Mueller, without discussing it in those terms, draws attention to the rhetorical function of the book: "Thus *4 Ezra* . . . functions, at least partly, as an exhortation, using the threats of punishments immediately after death and after the great judgment, and of rewards at the same times, for its readers to renewed [*sic*] fidelity to the past, a past masterfully reworked by the author to correspond to his ideals for the present" (p. 265).

<sup>57</sup> For more detailed discussions of the social location and function of *4 Ezra*, see Bruce W. Longenecker, "Locating *4 Ezra*: A Consideration of Its Social Setting and Functions," *JSJ* 28 (1997): 271–93; Esler, "Social Function of *4 Ezra*," 99–123; Mueller, "Prolegomenon," 259–68; Hogan, *Theologies in Conflict*, 222–27. Longenecker likely overstates the evidence when he argues for a specific Yavnean context, but he is on much firmer ground when he contends that the author is an authoritative Jewish figure "with scribal credentials" (p. 284).

the “wise,” whom he hoped to convince and who would then likely disseminate his answers to the people.<sup>58</sup>

The two main problems that the author deals with (the one/many, and many/few) can be more fully expressed in the following questions. Was God faithful to the election, covenant, and promises or had God completely rejected Israel, and was it all God’s fault in the first place for not removing the evil heart from humanity? These questions threatened the faith of at least some Jews in Palestine, and the author of *4 Ezra* deals with each of them in a carefully crafted literary manner by raising the questions through the course of several dialogues and answering the questions through the transformation of his main character (Ezra) through the apocalyptic visions and the epilogue.<sup>59</sup> The gradual transformation of Ezra from grief and doubt to joy and confidence is a literary construct that is rhetorically effective in leading the reader to the author’s solutions and does not necessarily represent the author’s own spiritual pilgrimage from doubt to faith.

Through *4 Ezra*, the author argues that God has not abandoned the promises to Israel because God would soon act to destroy Israel’s oppressors and restore the people; nor was God to blame for not removing the evil heart because God had sown the law among the people, which was indeed able to lead people to righteousness and salvation in the final day of judgment. The author’s primary purpose for the book is to renew Israel’s faith in its covenant-keeping God and motivate the people to pursue righteousness through obedience to the law even in the absence of a functioning temple.<sup>60</sup> This pursuit of righteousness represents true wisdom and would lead to salvation in the rapidly approaching final day.

<sup>58</sup>Dissemination through the wise to the broader population seems to do justice to the cogent arguments of Michael Knibb (“Apocalyptic and Wisdom in 4 Ezra,” *JSJ* 13 [1982]: 56–74) for a restricted audience (p. 72) and the emphasis on the significance of *4 Ezra* for the broader nation in Esler (“Social Function of 4 Ezra,” 119).

<sup>59</sup>The author’s answers may not rationally satisfy modern questions about the problem of evil, but that says very little about their persuasiveness in Palestine at the end of the first century, especially in light of the close connection between wisdom and apocalypticism. See Knibb, “Apocalyptic and Wisdom,” 56–74; Lester L. Grabbe, “The Social Setting of Early Jewish Apocalypticism,” *JSP* 4 (1989): 27–47; Philip R. Davies, “The Social World of Apocalyptic Writings,” in *The World of Ancient Israel: Sociological, Anthropological, and Political Perspectives. Essays by Members of the Society for Old Testament Study* (ed. R. E. Clements; Cambridge: Cambridge University Press, 1989), 251–71; Daniel J. Harrington, “Wisdom and Apocalyptic in 4QInstruction and 4 Ezra,” in *Wisdom and Apocalypticism in the Dead Sea Scrolls and in the Biblical Tradition* (ed. F. García Martínez; BETL 168; Leuven: Leuven University Press, 2002), 343–55.

<sup>60</sup>This renewal of faith in its covenant-keeping God includes both the removal of cognitive dissonance (Esler, “Social Function of 4 Ezra,” 121–22) and the management of sorrow in healing the nation (Longenecker, “Locating 4 Ezra,” 285–88). The author of *4 Ezra* was highly skilled and likely had other purposes such as the legitimization of apocalyptic literature in rabbinic circles, and the promotion of nonviolence in Palestine (Longenecker, “Locating 4 Ezra,” 288–93).



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## Saved by Obedience: Matthew 1:21 in Light of Jesus' Teaching on the Torah

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Recent studies by Warren Carter and Boris Repschinski have argued that the notice in Matt 1:21 that Jesus “will save his people from their sins” signals a major theme to be elaborated the Gospel’s subsequent narrative. The standard exegesis of the passage identifies Jesus’ function of forgiving sin (Matt 9:2–8), particularly in connection with his death by crucifixion (26:28), as the most significant elaboration of 1:21. Although both Carter and Repschinski make significant advances beyond the “standard view,” both fail to define adequately the nature of the “sin” from which Jesus is depicted as saving his people. Following important strands of Second Temple Judaism, “sin” is defined in Matthew as transgression of the stipulations of the Torah. Once this definition is recognized, a mode of salvation from sin suggests itself: Jesus’ advocacy of Torah observance. Throughout the Gospel, Jesus is depicted as a proponent of strict obedience to the law (e.g., 5:17–20; 23:1–3; 28:19–20). In terms of the amount of material devoted to its exposition and its placement at important points in the narrative, the Gospel strongly marks Jesus’ advocacy of Torah observance as one of its most important themes. The standard view inverts Matthew’s own literary and theological priorities: Jesus “saves his people from their sins” not primarily by forgiving sin or by his death on the cross but by exhorting his audience to follow the Torah with perfect obedience.

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Interpreters of the Gospel of Matthew have tended to view the angel’s statement in 1:21 that Jesus “will save his people from their sins” as foreshadowing John’s baptism of repentance and confession of sins in 3:1–6; Jesus’ forgiveness of sinners in 9:2–8; and 26:28, in which Jesus’ shed blood is said to effect the forgiveness of sins. Recent studies by Warren Carter and Boris Repschinski have emphasized that Matt 1:21 exerts a literary “primacy effect” analogous to the *prooimion* of forensic speeches; it signals a major theme that is to be elaborated throughout the Gospel’s narrative.<sup>1</sup> The references to the forgiveness of sin in 3:1–6; 9:2–8; and 26:28, identified by the majority of commentators as the passages foreshadowed in

<sup>1</sup>For pertinent works by Carter and Repschinski, see nn. 5 and 7 below.

1:21, do not constitute material of either the length or elaboration that would be required to constitute an adequate response to the *prooimion*. While these passages echo the language of 1:21, and so elaborate the theme that it announces, a few scattered verses fail to elaborate fully and adequately the *prooimion*'s theme.

Both Carter and Repschinski employ narrative-critical methods in efforts to identify additional material that might be seen as elaborating the theme of 1:21 in Matthew's Gospel. While they have advanced the discussion of 1:21 by identifying its literary function, both operate with an inadequate conception of the nature of "sin" in the Gospel. In the symbolic world of early Judaism, from which the author of the Gospel of Matthew draws his inspiration, "sin" is often defined as transgression of the Torah; it is so defined in the Gospel of Matthew. Since they work with flawed conceptions of "sin," both Carter and Repschinski overlook what is arguably the most significant elaboration of the *prooimion*: Jesus' advocacy of perfect obedience to the Torah. But before an argument to that effect may be advanced, a brief overview of the present state of research on Matt 1:21 is in order.

## I. MATTHEW 1:21: THE STATUS QUAESTIONIS

An examination of recent commentaries on the Gospel of Matthew indicates the consistency with which interpreters relate 1:21 to John's baptism of confession and repentance in 3:1–6, Jesus' act of forgiving a sinner in 9:2–8, and his blood poured out "for the forgiveness of sins" in 26:28. For the sake of convenience, we refer to this as the "standard view," of which the comments of Hubert Frankemölle may be taken as representative. Frankemölle notes that the assertion in 1:21 that Jesus would "save his people from their sin" is based on a Hebrew wordplay that was known to Greek-speaking Judaism, by which the name "Jesus" was understood to mean "Rettung/Erlösung des Herrn" (as in Philo, *Mut.* 121). On the basis of this wordplay, Frankemölle reasons:

Das Matthäus damit ein wichtiges Thema seines Evangeliums präludiert hat, zeigen 3,1ff; 9,8 und 26,28. Bei der Erzählung über die Johannestaufe in 3,1ff streicht Matthäus die in Mk 1,4 vorgebende Wendung, wonach diese "zur Vergebung der Sünden" gespendet worden sei. . . . Wenn Matthäus . . . die Vollmacht des Menschensohnes betont, "hier auf die Erde Sünden vergeben zu können" (9,6) . . . dann wird die Übertragung der bis dahin allein Jahwe zugebilligten Vollmacht auf Jesus als Immanuel deutlich. Deises Interesse an der Sündenvergebung kann somit nicht anders gedeutet werden, als Gott selbst—in Jesus—wirkt.<sup>2</sup>

The notice in 1:21, which forms a prelude to the Gospel's later themes, is answered primarily by the references to the forgiveness of sin signaled in 3:1–6; 9:8; and

<sup>2</sup>Frankemölle, *Matthäus: Kommentar* (2 vols., Düsseldorf: Patmos, 1994, 1997), 1:158.

26:28. Jesus exhibits a "funktionalen Identität" with the God of Israel by assuming the divine prerogative of forgiving sin.<sup>3</sup> Matthew 1:21 primarily signals subsequent passages referring to that function.

Although other examples could be adduced, the comments of Frankemölle are representative of the influence that the "standard view" exerts over the exegesis of 1:21.<sup>4</sup> There is a striking uniformity with which 1:21 is linked with particular passages such as 20:28; 26:26; 9:2–8; and 3:1–6 and yet remains disconnected from the Gospel's larger themes. It is this failure to connect 1:21 to larger themes that are developed in Matthew's Gospel that has drawn the criticism of Carter and Repschinski, to whose work we now turn.

## II. MATTHEW 1:21 AS "PROGRAMMATIC STATEMENT": THE CONTRIBUTIONS OF WARREN CARTER AND BORIS REPSCHINSKI

In a series of books and articles, Warren Carter takes what he calls a "narrative-critical approach," which seeks to relate the content of 1:21 to broader themes developed throughout Matthew's Gospel.<sup>5</sup> Carter rejects the "standard view," which tends to "select pericopes according to predetermined theological schemes, focus on their redaction, and neglect their narrative location, sequence, form, and the audience's interpretive work."<sup>6</sup> By way of counterpoint to this methodologically

<sup>3</sup>Ibid.

<sup>4</sup>One could point to Donald A. Hagner, *Matthew* (2 vols.; WBC 33A–B; Dallas: Word Books, 1993, 1995), 1:19; Ulrich Luz, *Matthew: A Commentary* (3 vols.; Hermeneia; Minneapolis: Fortress, 2001–7), 1:95; Robert H. Gundry, *Matthew: A Commentary on His Handbook for a Mixed Church under Persecution* (2nd ed.; Grand Rapids: Eerdmans, 1994), 23–24; David L. Turner, *Matthew* (Baker Exegetical Commentary on the New Testament; Grand Rapids: Baker Academic, 2008), 67–68; R. T. France, *The Gospel of Matthew* (NICNT; Grand Rapids: Eerdmans, 2007), 54; and John Nolland, *The Gospel of Matthew: A Commentary on the Greek Text* (NIGTC; Grand Rapids: Eerdmans; Bletchley: Paternoster, 2005), 98–99, as proponents of this view. Although their notice that Jesus' healing activities and teaching of legal observance (28:20; 5:20) may be viewed as elaborating that the *proimion* has the potential to unsettle or displace the standard view, the insistence of W. D. Davies and Dale Allison on the primacy of Jesus' atoning death, signaled by references to 20:28 and 26:26, indicates that their interpretation, too, remains fully within its orbit (*A Critical and Exegetical Commentary on the Gospel according to Saint Matthew* [3 vols.; ICC; Edinburgh: T&T Clark, 1988–97], 1:210).

<sup>5</sup>See the following works by Carter: "Evoking Isaiah: Matthean Soteriology and an Inter-textual Reading of Isaiah 7–9 and Matthew 1:23 and 4:15–16," *JBL* 119 (2000): 503–20, esp. 513, 519; "To Save His People from Their Sins (Matt 1:21): Rome's Empire and Matthew's Salvation as Sovereignty," in *Society of Biblical Literature 2000 Seminar Papers* (SBLASP 39; Atlanta: Scholars Press, 2000), 379–401; *Matthew and Empire: Initial Explorations* (Harrisburg, PA: Trinity Press International, 2001), 75–90; cf. *Matthew and the Margins: A Sociopolitical and Religious Reading* (Bible and Liberation; Maryknoll, NY: Orbis, 2000), 69–70.

<sup>6</sup>Quotations in this paragraph are from Carter, *Matthew and Empire*, 76, 85–86.

atomistic approach, Carter notes that 1:21, located in the Gospel's opening chapter, exercises a literary "primacy effect," because, as "content located at the beginning of the gospel, [it] shapes its audience's expectations, understandings, and questions throughout the whole work." In a rebuttal of the "standard view," Carter contends that, "from a narrative perspective, if Jesus saves only or primarily through the cross, there would be little point to the preceding twenty-five chapters of the Gospel narrative about Jesus' life, words, and actions." Carter's identification of 1:21 as exerting a literary primacy effect and his insistence that it be connected with Matthew's larger themes constitute a significant advance beyond the standard view.

Like Carter, Boris Repschinski points out the important literary function of 1:21. Repschinski likens 1:21 to the *prooimion* (Lat. *exordium*) of a forensic speech, which, according to Aristotle, provides

a sample of the subject, in order that the hearers may know beforehand what it is about, and that the mind may not be kept in suspense, for that which is undefined leads astray. . . . So then the most essential and special function of the exordium is to make clear what is the end or purpose of the speech.<sup>7</sup>

In short, the *prooimion* provides "a road map to what follows"<sup>8</sup> in the narrative. In Repschinski's view, 1:21 prepares just such a "road map for the reader."<sup>9</sup>

Both Carter and Repschinski are right to point out that, once 1:21 has been identified as a "programmatic verse" or *prooimion*, the "standard view" is far too limited when it restricts the elaboration of 1:21 to the references in 3:1–6; 9:2–8; 20:28; and 26:28. The elaboration of the *prooimion* is to be found in the Gospel's major themes, and not only in a few isolated passages.

### III. DEFINING "SIN": THE "STANDARD VIEW," REPSCHINSKI, AND CARTER

Although Carter and Repschinski have advanced the discussion of 1:21 by pointing to its function as a "programmatic statement," the larger arguments of each must be subjected to scrutiny. Central to the identification of narratives in the Gospel that elaborate the *prooimion's* statement that Jesus "will save his people

<sup>7</sup> Aristotle, *Rhet.* 3.14.5–6. Cited in Repschinski, "For He Will Save His People from Their Sins" (Matthew 1:21): A Christology for Christian Jews," *CBQ* 68 (2006) 248–67, here 251.

<sup>8</sup> Aristotle, *Rhet.* 3.14.5–6, cited in Repschinski, "For He Will Save," 252.

<sup>9</sup> Repschinski, "For He Will Save," 250. Petri Luomanen also notes that 1:21 assumes a "programmatic position of the verse at the beginning of the gospel" (*Entering the Kingdom of Heaven: A Study on the Structure of Matthew's View of Salvation* [WUNT 2/101; Tübingen: Mohr Siebeck, 1998], 224–25).



from their sins" is the question of how "sin" is to be understood in the narrative. Both Carter and Repschinski, as will be shown, operate with problematic notions of sin, which result in the misidentification of material that elaborates the *prooimion*.

Repschinski understands "sin" as entailing separation between God and humans, as indicated in his comments on 1:21:<sup>10</sup>

The sins from which Jesus will save are not explicitly mentioned, but are hinted at in the genealogy [Matt 1:1–17]. There the recurring theme of the Babylonian exile alerts the reader to the fact that the relationship between Israel and God is not perfect, but is fraught with infidelities on the part of Israel and consequent withdrawal on the side of God. Israel's history of unfaithfulness put a distance between God and the people, expressed in the image of the exile.<sup>11</sup>

Sin involves "withdrawal on the side of God," "distance between God and the people," and a "rift between God and the people."<sup>12</sup> This view, however, is alien to the Gospel of Matthew. In Matthew's Jewish milieu, sin was viewed as affecting the proximity between humans and Israel's God: it could either drive away Israel's deity from the people, or it could have the opposite effect of eliciting the presence of that deity in judgment.

In biblical texts such as Ezekiel, human disobedience to the stipulations of YHWH results in YHWH's departure from the Jerusalem temple (Ezek 10:18–19; 11:22–23). However, human disobedience is just as likely to result in the opposite divine reaction—that of drawing near to the sinner for the purpose of judgment. In Isa 29:1–4, YHWH is depicted as drawing near to the people in order to punish them for failing to follow his desires (cf. Zeph 1:7–9; 3:8). The theophany in *1 Enoch* 1 incorporates the tradition that the God of Israel will appear on the day of judgment to make peace with some and annihilate others: "And my Great Holy One will go forth from his dwelling, and the eternal God will tread upon Mount Sinai . . . and with the righteous he will make peace . . . but he will destroy all the impious" (*1 En.* 1:3–4, 8).<sup>13</sup> Rather than separating YHWH from humans, sin draws

<sup>10</sup>The view of sin as a "wall of separation" between God and humans appears to derive from the Reformation-era exegesis of Eph 2:14. See, e.g., Martin Luther's *Lectures on Genesis*, 11 (*Luther's Works* [ed. Jaroslav Pelikan and Helmut T. Lehmann; 55 vols.; St. Louis: Concordia, 1955–87], 2:215); *Lectures on Romans*, 5:1 (25:285); cf. *Lectures on Zechariah*, 9:11 (20:289). Davies and Allison rely on the same view: Jesus' messianic "[l]iberation removes the wall of sin between God and the human race" (*Matthew*, 1:210).

<sup>11</sup>Repschinski, "For He Will Save," 256.

<sup>12</sup>*Ibid.*

<sup>13</sup>My translation of the Greek text edited by Matthew Black, *Apocalypsis Henochi Graecae* (PVTG 3; Leiden: Brill, 1970). George W. E. Nickelsburg (*1 Enoch 1: A Commentary on the Book of 1 Enoch, Chapters 1–36; 81–108* [Hermeneia; Minneapolis: Fortress, 2001], 7) dates *1 Enoch* 1–5 to the middle of the third century B.C.E.

the deity to humans in an act of judgment. The *Damascus Document* encapsulates the dual nature of YHWH's response to sin in its use of terms derived from the radical פקד ("to visit" or "inspect"). The God of Israel may "visit" human beings either in a negative sense when he carries out his eschatological judgment (CD-A VII, 9; VIII, 3), or in a positive sense by providing support for his chosen people (CD-A I, 7).<sup>14</sup>

The parable in Matt 18:21–35 falls in line with these earlier texts by associating the presence of the God of Israel, analogized to a king in 18:34–35, with judgment for sin. In the parable, sin results in the slave's summons into the king's presence.<sup>15</sup> Sin is associated with proximity to, not separation from, the God of Israel.

Repschinski's definition of sin controls the manner in which he sees the *prooimion* of 1:21 being unfolded in the remainder of the narrative. He takes Jesus' role as Messiah (1:1, 17, 18) to be that of "put[ting] an end to the rift between God and the people."<sup>16</sup> This interpretation is reinforced by 1:21, which refers to Jesus as Emmanuel, glossed as "God with us." Through Matthew's use of the name Emmanuel, "the reader is guided to view the activity of Jesus as the realization of God's presence to the people."<sup>17</sup> Inasmuch as it relies on a flawed conception of sin, Repschinski's treatment of 1:21 fails to be fully convincing.

Like Repschinski, Carter has addressed the question of how Jesus "saves his people from their sin," as indicated in Matt 1:21. He objects to the standard view's definition of sin as religious and moral failings that separate God from humans. Carter supplies a different definition: sin is that which "expresses a rejection of God's will."<sup>18</sup> This definition, as far as it goes, is unobjectionable, but the way in which Carter applies the definition is problematic. In Matthew's Gospel, Carter reasons, the rejection of God's will is evident above all in Roman imperial rule. Carter comments on the temptation scene in 4:1–11, in which Satan offers Jesus "all the kingdoms of the world" if he will only fall prostrate:

If Satan controls all the world's empires, it follows that the leading empire, Rome, is under the devil's control and is, in the Gospel's perspective, the devil's agent. Rome's rule manifests Satan's empire. . . . Jesus . . . exposes and challenges imperial control as contrary to God's empire (20:25–28). . . . The imperial world is not structured according to God's will.<sup>19</sup>

<sup>14</sup>So Thomas R. Blanton IV, *Constructing a New Covenant: Discursive Strategies in the Damascus Document and Second Corinthians* (WUNT 2/233; Tübingen: Mohr Siebeck, 2007), 44 n. 71.

<sup>15</sup>In this case, the sin involves the failure to forgive the sins of others (18:21–22, 23–35), in violation of Matthean community regulations.

<sup>16</sup>Quotations in this paragraph are from Repschinski, "For He Will Save," 256–57.

<sup>17</sup>Further elaborations of the *prooimion*'s theme are identified in passages that use the keywords "sin" and "to save" (e.g., 3:7–14; 9:2–8; 18:15–18, 21–25; 26:26–29; and 27:39–43).

<sup>18</sup>Carter, *Matthew and Empire*, 79.

<sup>19</sup>*Ibid.*, 80.

If one defines sin as opposition to the will of the God of Israel and postulates that Rome's "imperial world" is "not structured according to God's will" and its agents "resist God's will," it follows that Rome's imperial system is the very embodiment of sin. A *modus operandi* for Jesus' salvific action then suggests itself: Jesus saves from sin by abolishing Roman imperialism. Carter states, "To save Israel from its sin requires the defeat of Rome," and again: "The Roman imperial world . . . manifests Satan's reign. *From this world* people are to be saved."<sup>20</sup> In this way, Carter replaces Matthew's concern, "sin," with his own concern, "the world" of Roman imperialism, as if the two were interchangeable. "Sin" and "the world," however, are hardly equivalent.

While Carter's larger point that Matthew's Gospel implicitly sets the kingdom of God in opposition to Roman imperialism is well taken—Matthew's apocalyptic worldview virtually guarantees it—his exegesis of 1:21 suffers from serious flaws.<sup>21</sup> First, Carter's exegesis does not take sufficient notice of the possessive pronoun modifying "sins" in 1:21: Jesus is to save his people from *their* sins. Carter's exegesis tends to place the responsibility for "sins" squarely with the Romans; it is from the sinful world of Roman imperialism that people are to be saved. Pointing to the role of Herodian rulers in the narrative (2:16; 14:1–12), Carter does, however, suggest that the ruling elite of first-century Judea acted as Roman collaborators, effectively shifting the blame for "sin" back onto Israel itself.<sup>22</sup> Yet a survey of the use of terms involving "sin" indicates that neither Roman imperialism nor Roman collaboration is in view in Matthew's use of this term group.

Excluding the usage in 1:21, the term "sin" (ἁμαρτία) and its cognates "sinful"/"sinner" (ἁμαρτωλός) and the verb "to sin" (ἁμαρτάνειν) occur fourteen times in the Gospel. In no case is "sin" terminology directly connected with Roman officials or Roman policies, nor is it connected with Judean provincial elite rulers of the status of Herod Antipas. The preponderance of the references to "sin" and cognates in Matthew refer to nonelite Judeans, as the following list indicates.

<sup>20</sup> Ibid., 82 (emphasis added).

<sup>21</sup> Matthew espouses an apocalyptic worldview (e.g., chs. 24–25) that implies the expectation of a reversal of political fortunes in the near future. Richard A. Horsley's comments on Judean apocalyptic literature are apropos: "Most important is a twofold resolution of the historical crisis [caused by Hellenistic and Roman imperialism]: God will intervene (1) to defeat or judge the oppressive imperial or indigenous rulers and (2) to restore the people" ("The Kingdom of God and the Renewal of Israel: Synoptic Gospels, Jesus Movements, and Apocalypticism," in *The Encyclopedia of Apocalypticism*, vol. 1, *The Origins of Apocalypticism in Judaism and Christianity* [ed. John J. Collins; New York/London: Continuum, 2000], 303–44, here 304–5).

<sup>22</sup> Carter discusses the role of Herodians in *Matthew and Empire*, 66–67, 79–80. In *Matthew and the Margins*, he points to Herod the Great and Herod Antipas as tyrannical allies of Rome (pp. 69–70).

TABLE 1. GROUPS AND INDIVIDUALS IDENTIFIED WITH “SIN” AND COGNATE TERMS

Matt 3:6	“the people of Jerusalem and all Judea”
Matt 9:2, 5, 6	a paralytic brought to Jesus for healing
Matt 9:10, 11, 13	“tax collectors and sinners” sharing a meal with Jesus in Capernaum (cf. 11:19)
Matt 12:31	“people” (in general; perhaps primarily the Judeans addressed in 12:15–50)
Matt 18:15, 21	members of the early Christian community identified as “brothers” on the basis of fictive kinship
Matt 26:28	members of the early Christian community who participate in the Lord’s supper
Matt 26:45	representatives from the chief priests and elders sent to arrest Jesus
Matt 27:4	Judas, Jesus’ betrayer

The list suggests that the Matthean use of “sin” and cognate terms focuses on ordinary, nonelite Judeans in almost all cases. The one exception is the reference to the “chief priests and elders” in 26:45, which could be taken to indicate that collaboration with the Romans is in view. It is more likely, however, that the sin of those involved was that not of collaboration but of bearing false witness (26:59) and condemning an innocent man to death (27:4, 19, 23–25) in violation of biblical injunctions (cf. Exod 20:16; Deut 5:20; 19:18; Ps 94:21). It is not the sins of Roman rulers or those of Judean collaborators that are primarily in view in Matthew’s Gospel but those of Jesus’ own people, the nonelite populace of Judea. Carter’s exegesis contradicts both the wording of 1:21, which speaks of the sins of the Judean people, and the references to sin and cognate terms in Matthew’s narrative, which relate not to Rome or to Roman collaborators but to the Judean populace.

“Sin” is not to be defined primarily as separation from the god of Israel, with Repschinski, nor is it to be defined, with Carter, in terms of the “world” of the Roman Empire. In early Jewish literature and in the Gospel of Matthew, sin is more appropriately defined as a rejection of the stipulations of the Torah.

#### IV. DEFINING SIN IN EARLY JUDAISM: THE CONTEXT AND IDEOLOGICAL BACKGROUND OF THE GOSPEL OF MATTHEW

A brief discussion of the background of Matthew’s conception of sin begins with the Deuteronomic reforms of the seventh century B.C.E.<sup>23</sup> These reforms opened the way for a new conceptualization of “sin” in the history of Israelite

<sup>23</sup> On the reforms, see Moses Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Clarendon, 1972).

religion that would have a lasting impact on subsequent Jewish thought. Whereas prior to the Deuteronomic reforms associated with Josiah in 621 B.C.E., the *tôrâ*, or “instruction,” of the God of Israel could be associated with prophetic speech (Isa 1:10; 5:24; 8:16; Amos 2:4), after Deuteronomy was written, the “instruction” of YHWH assumed a textual character: it was viewed as codified in the “law [*tôrâ*] of YHWH” that Deuteronomy constituted. The written law of YHWH, first identified with Deuteronomy itself,<sup>24</sup> was later identified with the entire Pentateuch.<sup>25</sup> Once the will of the God of Israel had been identified with laws of the Pentateuch, a new meaning of *tôrâ* emerged: it could then refer to the “law” inscribed in the Pentateuch, the Torah, construed as the statement par excellence of YHWH’s stipulations. Alongside the semantic shift from *tôrâ* (i.e., “instruction”) to Torah (i.e., the divine will as expressed in the Pentateuch),<sup>26</sup> there occurs a concomitant shift in the significance of terms for failing to follow the divine will: the Hebrew terms חטא and חטאת (“sin”) and רשע (“wickedness”) come to denote the failure to follow the divine will as expressed in the Torah. A few examples suffice to establish the point.

In 1 Kgs 8:47–50, Solomon formulates a penitential prayer to be recited during a future period of exile, and asks YHWH for a favorable response:

“We have sinned [חטאנו], and have done wrong [והענינו]; we have acted wickedly [ורשענו]; if they turn to you [ושבו אליך] with all their heart and all their soul in the land of their enemies who took them captive, and they pray to you in the direction of their land . . . then in heaven, the place where you dwell, hear their prayer and their supplication . . . and grant them compassion in the presence of their captors.

The Deuteronomistic author assumes that “sin” is to be equated with failing to observe the laws in Deuteronomy, echoing a pattern enunciated in Deut 28:25, 36–37, 41, 47–57, according to which breaches of covenantal laws precipitate exile, while repentance reverses the pattern and allows exiles to return home (30:1–5). 1 Kings 8:56–61 refers to the laws of Moses and enjoins the people “to walk in all his ways, and to keep his commandments, his statutes, and his (legal) judgments, which he commanded our forefathers,” echoing similar formulations in Deuter-

<sup>24</sup>Deuteronomy consistently refers to “this law” (הַתּוֹרָה הַזֹּאת; e.g., Deut 1:5; 4:8; 17:18) or “the words of the law written in this book” (31:24; cf. 28:58; 29:10; 30:10), that is, Deuteronomy itself. On the book’s gradual literary development, see John J. Collins, *Introduction to the Hebrew Bible* (Minneapolis: Fortress, 2004), 159–79.

<sup>25</sup>Hindy Najman, “Torah and Tradition,” in *The Eerdmans Dictionary of Early Judaism* (ed. John J. Collins and Daniel C. Harlow; Grand Rapids: Eerdmans, 2010 [henceforth EDEJ]), 1316–17.

<sup>26</sup>Observe, however, the caveat of Najman, who notes, “While Mosaic Torah as embodied in the Pentateuch was certainly authoritative and definitive in early Judaism, additional authoritative texts—both legal and narrative—continued to be written throughout the Second Temple period, before the Hebrew Bible was canonized, and these, too may be called Torah” (“Torah and Tradition,” 1316–17).

onomy (e.g., Deut 4:1, 5, 8; 5:31; 6:1; 8:11). There is considerable semantic overlap among the phrases “to sin,” “to do wrong,” “to act wickedly,” and “to transgress”; Deuteronomy provides the legal standard by which these are defined.

Beginning in the third century B.C.E.,<sup>27</sup> Greek translations of the Hebrew Bible include renderings of terms derived from the radical חטא (“to do wrong,” “to sin”) that make explicit a connection with the law. Renderings of nominal forms derived from the radical include ἀμαρτία (Lev 4:3, 8) and ἀνομία (lit., “lawlessness”; Ps 31[32]:5 [G<sup>A</sup>, א<sup>2</sup>]). “Sin” had come to connote the failure to adhere to the stipulations of the Torah.

A penitential prayer, the recitation of which constituted part of the ritual of admission into the Dead Sea sect, sheds light on the way in which “sin” was construed in the sect from the late second century B.C.E. until 68 C.E.<sup>28</sup> The prayer exists in two closely related forms, which derive from a common archetype dated not later than the end of the second century B.C.E.<sup>29</sup> The confession reads: “We have sinned [חטאנו], we have acted wickedly [רשענו], both we and our fathers, because we have acted contrary to the statutes of the covenant [כלכנתו קרי בחקי הברית], and your judgments against us are truth” (1QS I, 24–26). “Sin” and “acting wickedly” are explicitly defined in the confession as acts “contrary to the statutes of the covenant,” that is, acts not in accordance with the Torah as interpreted by the sect’s teacher (CD-B XX, 1, 27–28, 32–33) or teachers (cf. 1QS I, 1; IX, 12–21a). The same definition is evident from the mid-second century B.C.E. through the late first century C.E. in the book of *Jubilees*, the *Psalms of Solomon*, the *Wisdom of Solomon*, and *4 Ezra*.<sup>30</sup>

<sup>27</sup> On the date, see Melvin K. Peters, “Septuagint,” *ABD* 5:1093–1104, esp. 1093–94; Emanuel Tov, *Textual Criticism of the Hebrew Bible* (Minneapolis: Fortress; Assen/Maastricht: Van Gorcum, 1992), 136–39.

<sup>28</sup> On the basis of dated coinage and Josephus’s notices about Roman troop movements during the Jewish revolt, Roland de Vaux dated the destruction of the Qumran site to 68 C.E. (*Archaeology and the Dead Sea Scrolls* [London: Oxford University Press, 1973], 36–41). Despite some revisions to de Vaux’s chronology on other points, Jodi Magness concurs (*The Archaeology of Qumran and the Dead Sea Scrolls* [Studies in the Dead Sea Scrolls and Related Literature; Grand Rapids: Eerdmans, 2002], 61–62).

<sup>29</sup> See Daniel K. Falk, *Daily, Sabbath, and Festival Prayers in the Dead Sea Scrolls* (STDJ 27; Leiden/Boston: Brill, 1998), 227. The two forms occur in CD-B XX, 27b–30a and 1QS I, 24–26.

<sup>30</sup> See *Jub.* 1:22–24; *Wis* 2:12–13; 4:20–5:1; 14:22–31; *Pss. Sol.* 4:8; 8:8–10, 12–13; 15:8, 10; 17:23–24; *4 Ezra* 3:35–36; 7:45–46; 7:132–34; 9:36. On the dates of the *Psalms of Solomon* and *4 Ezra*, see Kenneth Atkinson, “Solomon, Psalms of” and Karina Martin Hogan, “*Ezra*, Fourth Book of,” *EDEJ*, 1238–40 and 623–26, respectively. On *Jubilees*, see James C. VanderKam, *The Book of Jubilees* (Guides to Apocrypha and Pseudepigrapha; Sheffield: Sheffield Academic Press, 2001), 17–22; on the *Wisdom of Solomon*, see David Winston, *The Wisdom of Solomon: A New Translation with Introduction and Commentary* (AB 43; Garden City, NY: Doubleday, 1979), 20–25. Many of the citations collected by J. Andrew Overman (*Matthew’s Gospel and Formative Judaism: The Social World of Matthean Christianity* [Minneapolis: Fortress, 1990] 16–19, 23–30) likewise define “sin” as the failure to observe the law.

Disparate strands of early Jewish literature define "sin" in legal terms: it entails the failure to adhere to the stipulations of the Torah. This definition persisted from the time of the Deuteronomic reforms in the late 600s B.C.E. until the time of the composition of the Gospel of Matthew near the end of the first century C.E. The author of that Gospel is likely to have been familiar with the definition, as a brief survey of the Gospel indicates.

## V. DEFINING "SIN" IN MATTHEW'S GOSPEL

The Gospel of Matthew employs the definition of sin that was common during and shortly after the Second Temple period—transgression of the Torah. The term *ἀνομία* ("lawlessness") in Matthew connotes the failure to act in a manner that conforms to stipulations of the Torah.<sup>31</sup> In 7:21–24, Jesus indicates, "Not everyone who says to me, 'Lord, lord,' will enter into the kingdom of the heavens, but he who does the will of my father who is in the heavens." Those who had cast out demons and prophesied in Jesus' name without "doing the will of God" are designated "workers of lawlessness" (οἱ ἐργαζόμενοι τὴν ἀνομίαν). Performing the "will of God" is defined in terms of keeping the law. This is confirmed by the saying that follows immediately in 7:24: "Every one who hears these words and does them will be likened to a wise man who built his house on the rock." "These words," which are to be both heard and followed, refer to Jesus' teaching in the Sermon on the Mount, as 7:28 and 8:1 indicate. In the sermon, Jesus affirms that all of the Torah should be followed (5:18–19; cf. 23:23).

The term *ἀνομία* appears again in 23:28, where it is applied to Pharisees, with whom Matthew's group was in competition.<sup>32</sup> In Matthew's Gospel, the Pharisees are portrayed as punctilious interpreters of the law (23:2) who do not, in practice, follow their own halakic precepts (23:3–4, 27–28). The "lawless" Pharisees of 23:28 are contrasted with the *δίκαιοι*, or "righteous" individuals who, by implication, follow the Torah in practice.

The "righteous" man is contrasted with two other designations for those who fail to keep the law in 9:13 and 13:49–50. In 9:13, Jesus indicates, "I have not come

<sup>31</sup> Overman is mistaken when he asserts that "*anomia* does not refer to the failure to keep the law. . . . Charismatic and seemingly legalistic Pharisees can both be *anomia* [*sic*]. Lawlessness in Matthew refers to failure to fulfill the will of God" (*Matthew's Gospel and Formative Judaism*, 158). The Pharisees are described as "lawless" in Matthew because, although they appear to follow the law, they do not actually do so (Matt 23:27–28). One may concur that "lawlessness . . . refers to the failure to fulfill the will of God"; the "will of God," however, is defined as that which is revealed in the Torah (see text below).

<sup>32</sup> For the location of the Matthean group within Judaism, see Overman, *Matthew's Gospel and Formative Judaism*, 147–61; and Anthony J. Saldarini, *Matthew's Christian-Jewish Community* (Chicago Studies in the History of Judaism; Chicago: University of Chicago Press, 1994).



to call the righteous, but sinners.” Jesus calls sinners into the coming kingdom in 9:13, eats with sinners and tax collectors in 9:10–11, and is called a “friend” of those groups in 11:19. Although the misdeeds of the “sinners” in 9:10–11 and 11:19 are not specified, it is likely that, as W. D. Davies and Dale C. Allison indicate, the “sinners” are to be identified with “the ‘wicked,’ the *reša'im*, those Jews who, in the eyes of others, have abandoned the law and denied God’s covenant with Israel.”<sup>33</sup> A related usage occurs in 27:4, where Judas confesses, “I have sinned [*ἥμαρτον*] by handing over innocent blood,” in violation of biblical law (Deut 27:25).<sup>34</sup>

Sin terminology occurs in the Gospel of Matthew not only in legal contexts but also in connection with the healing activity imputed to Jesus. A close connection between sin (*ἁμαρτία*) and illness is assumed in the story of Jesus’ healing of the paralytic in 9:2–8. The pericope assumes a connection between sin and illness that was grounded in well-attested traditions within early Judaism. Deuteronomy, for example, includes various diseases in its list of afflictions that are said to befall those who fail to uphold to the covenant (Deut 28:21–22, 27–29, 35, 60–61). The book of *Jubilees* also assumes that illness serves as a punishment for sin (*Jub.* 10:10–14).<sup>35</sup> The same understanding is presupposed in Matt 9:2–8, where the forgiveness of sin entails the healing of bodily illness, since it removes its cause (cf. John 5:14; 9:2–3).

Similar to the term *ἀνομία*, the cognate terms “sin,” “to sin,” and “sinners” in the Gospel of Matthew are associated with the failure to perform the will of God as defined in the Torah, expressed in the law and the prophets and interpreted by Jesus in the Sermon on the Mount. Matthew’s Jesus advocates a practice of rigorous obedience to the Torah, as a survey of the Gospel indicates.

## VI. JESUS’ PREACHING OF THE LAW IN MATTHEW

Discussions of the law in Matthew have been complicated by the attempts to distinguish between “traditional” legal material in the Gospel, viewed as deriving from an early, rigorously law-observant stage of Matthew’s community, and later material, viewed as reflecting a period in which the group had abandoned many of the Torah’s stipulations.<sup>36</sup> This view is untenable. In his redaction of the Gospel of

<sup>33</sup>Davies and Allison, *Matthew*, 2:100, citing E. P. Sanders, “Jesus and the Sinners,” *JSNT* 19 (1983): 5–36.

<sup>34</sup>The issue of false witnesses underlies the use of the term “sinners” in Matt 26:45 (cf. 26:59–60; Deut 19:16–20).

<sup>35</sup>*Jubilees* adds an element not present in Deuteronomy, as it is demons who are viewed as the agents responsible for causing disease.

<sup>36</sup>So Hans Dieter Betz, “The Sermon on the Mount,” in *The Future of Early Christianity: Essays in Honor of Helmut Koester* (ed. Birger A. Pearson; Minneapolis: Fortress, 1991), 258–75; John P. Meier, *Law and History in Matthew’s Gospel: A Redactional Study of Mt. 5:17–48* (AnBib 71;

Mark, Matthew omits material that advocates the abandonment of *kašrūt* (Matt 15:17; par. Mark 7:19) and adds material promoting Sabbath observance (Matt 24:20; par. Mark 13:18; cf. Matt 12:7–8; par. Mark 2:27–28). In the Sermon on the Mount in chs. 5–7, “Matthew . . . has not only appropriated [material demanding that all of the Torah be followed]; he has also intensively edited it and placed it at a prominent place in his Sermon on the Mount.”<sup>37</sup> It is not only Matthew’s traditions that espouse Torah observance; the Matthean redactor himself does so. The legal material in the Gospel must therefore be regarded as an integral feature of the Gospel in its final form.

The Matthean legal perspective is evident not least in the Gospel’s eschatology. Like many other early Jewish and Christian texts, the Gospel of Matthew assumes that the apocalyptic judgment of the God of Israel is imminent (3:7–12; 24–25; cf. 1 Thessalonians 4; Mark 13; Revelation). Judgment will be rendered, in Matthew’s view, based on the degree to which one’s actions correspond to “the will of God” as expressed in the law and the prophets and interpreted by Jesus.

If one wishes to “enter into the kingdom of the heavens,” that is, to receive a judgment that results in acquittal and thus “salvation,” one must act in accordance with the “will of God.” In 7:21, Matthew’s Jesus indicates that only those who carry out the will of God will enter the kingdom of heaven (cf. also 21:28–32). In the Lord’s Prayer in 6:9–13, the coming of the eschatological kingdom is connected with the fulfillment of God’s will by humans on earth.<sup>38</sup> Performance of the will of God is a central category in Matthew’s Gospel; one’s success or failure to act in conformity with it determines one’s fate at the time of the apocalyptic judgment.<sup>39</sup> The “will of God” is not, however, left undefined; it is expressed in the law and the prophets.

In Matthew’s view, the law and the prophets both predicted episodes in the lives of John the Baptist and Jesus (e.g., 1:22; 2:6, 15, 17; 3:3; 11:13–14; 26:31, 56) and serve as a divinely authorized guide to behavior (7:12; 15:3–4). When, in 19:16, Jesus is asked what one must do to gain eternal life, he replies, “Keep the commandments” (v. 17). The commandments are subsequently identified with injunctions of the Decalogue (vv. 18–19). The performance of the commandments of the Torah is a prerequisite for “entering into life,” or receiving salvation at the time of the eschatological judgment.

But it was not only the Decalogue’s commandments that were to be performed.

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Rome: Pontifical Biblical Institute, 1976), 23, 29–30, 64, 82–83, 121–22, 164–65, 168; Luomanen, *Entering the Kingdom of Heaven*, 87–90, 283.

<sup>37</sup> Luz, *Matthew*, 1:221.

<sup>38</sup> For a list of parallels to this idea, see Davies and Allison, *Matthew*, 1:605.

<sup>39</sup> On apocalyptic judgment in early Jewish and early Christian literature, see Marius Reiser, *Jesus and Judgment: The Eschatological Proclamation in Its Jewish Context* (Minneapolis: Fortress, 1997); Kent Yinger, *Paul, Judaism, and Justification according to Deeds* (SNTSMS 105; Cambridge: Cambridge University Press, 1999).

All of the injunctions of the Torah and the prophets needed to be incorporated into one's praxis. In Matthew's Sermon on the Mount, Jesus says,

Do not think that I have come to abolish the law or the prophets; I have come not to abolish, but to fulfill. For truly I say to you, until heaven and earth pass away, neither an iota nor a serif will pass away from the law, until all has taken place. Accordingly, whoever relaxes one of the least of these commandments and teaches people to do so will be called "least" in the kingdom of the heavens, but whoever practices and teaches them will be called "great" in the kingdom of the heavens. (5:17–20)

If one wishes to enter into the kingdom of heaven, one must effectively perform the commandments; those who observe them most rigorously, the saying indicates, will receive greater honor in the coming kingdom than those who relax some of the commandments.<sup>40</sup>

These statements are followed by the antitheses, a series of reflections on laws of the Pentateuch: the prohibition of murder (5:21–26), adultery (5:27–30), divorce (5:31–32), oaths (5:33–37), the law of retaliation (5:38–43), and the commandment to fulfill communal obligations toward members of one's religious or ethnic community (5:43–48). Although the antitheses are sometimes taken as evidence that Matthew's community no longer valued strict observance of the Torah, or that Jesus' ethic of love superseded the Torah's formulations,<sup>41</sup> neither of these views is correct, as an examination of the antitheses indicates.

Commentators often distinguish between antitheses that interpret the Torah more stringently than the wording of a commandment necessitates, as in the cases of murder, adultery, and love of neighbor, and those that are thought to "abrogate" the law, as in the cases of divorce, oaths, and retaliation.<sup>42</sup> However, as Daniel J. Harrington rightly points out, Matt 5:17 indicates that the author of the Gospel did not view Jesus' teaching as "abrogating" any commandment; rather, it upheld the commandments.<sup>43</sup> In order to illustrate how a commandment may be contravened without abrogating it, a comparison between Matthew and the *Damascus Document* is instructive.

Like Matthew's Jesus, the *Damascus Document* strictly qualifies biblical injunctions concerning divorce (a man, once divorced, cannot remarry; CD-A IV, 20–21),<sup>44</sup>

<sup>40</sup>Luz (*Matthew*, 1:220) is curiously hesitant to take the statement at face value, even though he notes that "Matthew is familiar with the concept of different positions in heaven (11:11; 18:1, 4; 20:21), and . . . also knows the idea of degrees of reward (10:41; cf. 5:12)."

<sup>41</sup>So, e.g., Luomanen, *Entering the Kingdom*, 87; Meier, *Law and History*, 23, 29–30, 121.

<sup>42</sup>So Meier, *Law and History*, 159.

<sup>43</sup>Harrington notes that, for the Matthean community, "the Torah remains in force. Jesus came not to destroy it but to fulfill it" (*The Gospel of Matthew* [SP; Collegeville, MN: Liturgical Press, 1991], 84). So also Luz, *Matthew*, 1:223.

<sup>44</sup>These lines have sparked debate. Polygamy is forbidden, but does the masculine possessive suffix in בְּחַיִּיהֶם refer to the lifetimes of males, females, or both? See Solomon

oaths (contrary to biblical practice, one may not swear by the name of YHWH or by close substitutes; CD-A XV, 1–3), and retaliation (individuals may not act in anger against a fellow sectarian; CD-A IX, 2–8). These qualifications of biblical practice, even though they may contravene earlier formulations, are not in any sense viewed as “abrogating” the law. Rather, in some cases, they are viewed as means of preventing inadvertent transgression of the law by advocating a practice that exceeds its specified requirement. In the cases of oaths, adultery, and murder, following the stringent interpretations of Matthew or the *Damascus Document* effectively prevents inadvertent transgression of the laws pertaining to those issues. One cannot break one's oath if one refrains from swearing (Matt 5:33–37; CD-A XV, 1–3); adultery is forestalled by the elimination of lust (Matt 5:27–30), and murder by the elimination of anger (Matt 5:21–22; cf. CD-A IX, 2–8).

In other cases, such as that of divorce and the law of retaliation, biblical injunctions are qualified when read in the light of other injunctions deemed more significant, with the result that earlier biblical practices are modified or even rejected. Both Matt 19:3–9 and CD-A IV, 20–21 qualify biblical injunctions about divorce in light of the statement of Gen 1:27, “male and female he created them,” taken in Matthew to indicate the indissolubility of a marriage bond,<sup>45</sup> and in the *Damascus Document* as a prohibition of both polygamy and remarriage. The law of retaliation was for all practical purposes set aside in favor of biblical injunctions involving love of neighbor in Matt 5:43–44 (cf. 22:39);<sup>46</sup> the same law was eclipsed by passages indicating that vengeance was a prerogative of YHWH in CD-A IX, 2–8. Despite the apparent contravention of earlier formulations on divorce and retaliation, neither Matthew's Jesus nor the *Damascus Document* viewed their interpretative procedures as “abrogating” biblical laws; rather, they “fulfilled” them, both by making “fences around the Torah” to prevent inadvertent transgression and by interpreting some scriptural passages in light of others deemed more significant.<sup>47</sup>

Although Matthew's halakic reasoning includes a relative ranking of commandments,<sup>48</sup> all of the Torah's injunctions are to be carried out (5:18–19). The twin love commandments are accorded pride of place in Matthew's ranking system

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Schechter, *Fragments of a Zadokite Work* (1910; repr., New York: Ktav, 1970), 68 n. 3; Joseph A. Fitzmyer, “Matthean Divorce Texts and Some New Palestinian Evidence,” *TS* 37 (1976): 197–226, esp. 217–20; Lawrence H. Schiffman, *Reclaiming the Dead Sea Scrolls: The History of Judaism, the Background of Christianity, the Lost Library of Qumran* (New Haven/London: Yale University Press, 1994), 130; John J. Collins, *Beyond the Qumran Community: The Sectarian Movement of the Dead Sea Scrolls* (Grand Rapids: Eerdmans, 2010), 17 n. 18.

<sup>45</sup> Matthew does, however, add an exception clause (5:32; cf. 19:9) to the material that he inherits from Mark 10:2–9.

<sup>46</sup> The passage on love of neighbor in Matt 5:43–48 likely provides a ground and rationale for the preceding antithesis on nonretaliation in 5:38–42.

<sup>47</sup> The phrase “making a fence around the Torah,” borrowed from *m. 'Abot* 1:1, refers to the practice of interpreting the law in a strict manner so as to prevent inadvertent transgression.

<sup>48</sup> As do later rabbinic sources, e.g., *m. 'Abot* 4:2.

(22:34–40; cf. 7:12). This does not, however, relieve Jesus' followers of the necessity of observing all of the commandments, even those deemed less significant (23:23).

## VII. THE RESULT OF FOLLOWING THE LAW: A "BETTER RIGHTEOUSNESS"

Matthew's Jesus assumes that it is possible to follow all of the commandments. There is no suggestion by Matthew of any human incapacity to follow the precepts of the Torah. "Sin" for Matthew refers to acts that violate the Torah; there is no hint of the idea that it operates as an independent, personified power controlling human actions (Rom 5:12–7:25).<sup>49</sup> The author of the Gospel of Matthew would undoubtedly have endorsed Deuteronomy's statement on the law: "Surely, this commandment which I have commanded you today is not too difficult for you, nor is it too far away. . . . On the contrary, the word is very near to you; it is in your mouth and in your heart, so that you may perform it" (Deut 30:11, 14).

When a young man asks Jesus how he might obtain eternal life, Jesus responds, without a hint of irony, "Follow the commandments." In the antitheses of the Sermon on the Mount (Matt 5:21–48), Jesus says to his disciples, "Be perfect, as your heavenly father is perfect." In the context of the Sermon, in which Jesus declared that "neither an iota nor a serif will pass away from the law" (5:18), "perfection" refers to behavior that fulfills, in every respect, the demands of the law. Jesus' comment on the stringency of this ethic is apropos: "How narrow the gate and constricted the way that leads to life; few are those who find it" (7:14). Matthew's view recalls the sentiment repeatedly encountered in the Qumran *Community Rule*, where the legal praxis of members of the sectarian community is ideally to be characterized by their "perfection of way" (1QS V, 24; XI, 2, 11); they are to "act in accordance with all that [YHWH] commanded" (1QS I, 16–17), "not turning aside from his true statutes, to go either to the right or to the left" (1QS I, 15).

Members of Matthew's Christian-Jewish sect are exhorted to fulfill the injunction of Jesus: "For I say to you, unless your righteousness exceeds that of the scribes and Pharisees, you will by no means enter into the kingdom of the heavens" (5:20). If only by way of contrast to the argument being developed here, Rudolf Schnackenburg's comments on this passage are instructive:

In contrast with Judaism and its legal piety, Jesus calls for a "righteousness that exceeds" that of the scribes and Pharisees (5:20). Jesus proclaims a morality, made possible through God's boundless mercy, grounded in trust in his Father,

<sup>49</sup>On sin as a controlling force in Romans, see Simon J. Gathercole, "Sin in God's Economy: Agencies in Romans 1 and 7," in *Divine and Human Agency in Paul and His Cultural Environment* (ed. John M. G. Barclay and Simon J. Gathercole; Library of New Testament Studies 335; New York/London: T&T Clark, 2008), 158–72.

and transcending legal prescriptions, that is directed to the love of God and reaches from love of siblings and love of neighbors all the way to love of enemies (5:43–48). The righteousness given and required by God, which is on a higher level than that of human beings, stamps Matthew's attitude of piety (6:1–18).<sup>50</sup>

The "righteousness" that Jesus advocates, in Schnackenburg's view, "transcends legal prescriptions." This interpretation however, contradicts 5:17, which indicates that, in Matthew's view, Jesus' ethic does not transcend but rather "fulfills" the law, remaining firmly grounded in it. For Matthew's Jesus, even the law's minor injunctions should be obeyed (5:18–19; 23:23). Schnackenburg appears to retroject later theological categories when he states that the "righteousness" mentioned exists "on a higher level than that of human beings." However, the "righteousness" indicated in 5:17 is not "higher" than that of human beings in general, as though it referred to a state not attainable by human effort; it is "higher" only relative to that of the particular groups referred to in the passage: the scribes and Pharisees.<sup>51</sup> Jesus enjoins his hearers to act in a manner that is more righteous than the behavior of those groups. As the target of a heated polemic throughout the Gospel of Matthew, the Pharisees are collectively portrayed as authoritative legal interpreters (23:2) who do not follow their own teachings in practice—they are hypocrites. Unlike the scribes and Pharisees, Jesus' auditors are to "practice what they preach" (23:3); they are to be blameless both in deed (7:17–27) and in intention (5:28; 12:34; 15:19). Given Matthew's view of the Pharisees as "lawless," both in their legal praxis (15:3–6) and in their intentions (23:25–28), Jesus' injunction to cultivate a "righteousness that exceeds that of the scribes and Pharisees" can only be viewed as an attainable goal.

In Matthew's view, however, perfect legal praxis is a necessary but not itself a sufficient criterion for obtaining eternal life. Matthew views praxis from standpoints both legal and sociological: in order to achieve perfection and salvation, one must not only perform the correct actions; one must also welcome and support emissaries of the Jesus movement (10:5–15, 40–42; 23:34; 25:31–46) and identify oneself as a follower of Jesus (10:32–33; 11:25–27; 19:27–30).<sup>52</sup> The two latter criteria, however, do not negate the former; they further nuance what it means, from Matthew's perspective, to follow YHWH's Torah perfectly.

<sup>50</sup> Schnackenburg, *The Gospel of Matthew* (trans. Robert R. Barr; Grand Rapids: Eerdmans, 2002; German original, 1985–87), 10.

<sup>51</sup> Both Catholic exegetes (Schnackenburg was a German Catholic priest), influenced by Augustine's doctrines of prevenient and operative grace, and Protestant exegetes, under the influence of Luther's doctrine of imputed righteousness, tend to postulate the unattainability of "righteousness" by human effort.

<sup>52</sup> The latter criterion does not, as is sometimes maintained, mark Matthew's group as existing outside of Judaism. As Overman (*Matthew's Gospel and Formative Judaism*, 8–34) and Saldarini (*Matthew's Christian-Jewish Community*, 11–26) have shown, exclusivistic claims function as markers of sectarian identity.

### VIII. ESCHATOLOGICAL SALVATION AND JESUS' TEACHING OF TORAH OBSERVANCE

Once sin is defined as the transgression of the law, and it is established that Jesus exhorts his hearers to follow the law perfectly, it is difficult to avoid the conclusion that Jesus' preaching, inasmuch as it advocates the cessation or reduction of the commission of sins, serves a salvific function in Matthew's Gospel. Jesus' advocacy of Torah observance saves people from their sins by enjoining them not to commit sin. In order to substantiate the salvific function of the law, and to show how this theme elaborates the *prooimion* of 1:21, it is necessary to examine briefly Matthew's use of the verb σώζειν ("to save").

Matthew's narrative creates strong thematic and verbal links between the idea of judgment based on one's adherence or nonadherence to the stipulations of the Torah and the theme of salvation. This link is established by Matthew's use of two logia attributed to Jesus in 16:24–28. The first, "For whoever wishes to save his life will lose it, and whoever loses his life on account of me will find it" (v. 25) employs the verb σώζειν in the context of a saying on eschatological judgment. Followers of Jesus, the saying indicates, will fare well in the judgment. The logion is closely followed by a notice indicating that the final judgment will be conducted on the basis of one's deeds (v. 27): "The Son of Man is about to come . . . and then he will repay each in accordance with his deed" (κατὰ τὴν πράξιν αὐτοῦ).

The legal standard according to which eschatological judgment is rendered is made explicit in several instances: it is the Torah, the "commandments" indicated in the Pentateuch and prophetic books. When asked, "What good deed shall I do [τί ἀγαθὸν ποιήσω], that I might have eternal life?" Jesus responds, "Keep the commandments" (19:16–19). Matthew's Jesus espouses the same view in 15:1–20, in which he denies that eating with unwashed hands renders one impure; it is the words that one utters, since they disclose intentions, that are indicative of one's state of purity. Jesus proceeds to enumerate the intentions that render a person impure: murder, adultery, *porneia*, theft, bearing false witness—a list of actions prohibited in the Torah.<sup>53</sup>

Other passages reflect the same idea. In the context of his injunction to fulfill the law down to the "least" of the commandments, Matthew's Jesus states that, unless one's righteousness exceeds that of the Pharisees, one will not enter the kingdom of the heavens (5:20). Here righteousness, defined as adherence to the Torah, is the criterion on which eschatological judgment, and subsequent entry into the kingdom of the heavens, is based. In 7:21–23, "evildoers" do not enter the kingdom of heaven, but only those who "do the will" of God, which, as we have seen, is indicated in the Torah and the prophets. In a speech attacking the Pharisaic

<sup>53</sup> Cf. Deut 5:17–20; *porneia* (Heb. *zēnūt*) is a postbiblical addition observed also in CD-A II, 16; IV, 17, 20.



*paradosis*,<sup>54</sup> Matthew's Jesus indicates that Pharisees will not enter the kingdom of the heavens because they follow halakic precepts that Matthew's Jesus rejects (23:16–22), they neglect the law's more important injunctions (vv. 23–24), and they follow the law in appearance only (vv. 25–28). Proper observance of the Torah is a *sine qua non* for entry into the kingdom of the heavens.<sup>55</sup> "Sinners," by definition, are excluded.

Although the Gospel never indicates explicitly that Jesus saves people from their sins by advocating Torah observance, the logic of Matthew's narrative demands it. Sin is defined as transgression of the Torah, and eschatological salvation is predicated in part on Torah observance. When he advocates Torah observance, Jesus in effect enjoins his followers to avoid sin so that they may achieve salvation in the eschatological judgment. Jesus "saves" by exhorting people to follow the law.

### IX. SALVATION BY OBEDIENCE: A CORRECTIVE TO THE STANDARD VIEW

Once it is recognized that Jesus saves, at least in part, by teaching people to follow the Torah, questions arise as to how this relates to the other means by which Jesus saves in Matthew's Gospel: healing from illness and his salvific death on the cross. Healing narratives in Matthew's Gospel employ the verb σῶζειν in 9:21, 22 (*bis*), and 27:42. In 9:20–22 and 27:42, it is Jesus' healing activity that "saves." The use of the verb σῶζειν makes explicit a connection between salvation and sin, and so marks these narratives as elaborations of the *proomion*.

The story in 9:2–8 in which a paralytic is healed explicitly connects healing with the forgiveness of sin in vv. 5–6. This assumes the idea, attested in Deuteronomy and *Jubilees*, that illness results from sin. Although no word of forgiveness is pronounced in the subsequent story of the healing of the archon's daughter in 9:18–19, 23–26, the healing of the hemorrhagic woman in 9:20–22, or the healing of the two blind men in 9:27–31, the view that sin is linked with illness is likely presupposed in those stories. The pairing of healing with forgiveness in the first story in 9:2–8 provides the context and presuppositions that guide the reading of subsequent healing narratives. Jesus' healing activity in Matthew's Gospel serves as a means by which he saves from sin.<sup>56</sup>

<sup>54</sup> On which, see Albert I. Baumgarten, "The Pharisaic *Paradosis*," *HTR* 80 (1987): 63–77; John P. Meier, *A Marginal Jew: Rethinking the Historical Jesus*, vol. 3, *Companions and Competitors* (ABRL; New York: Doubleday, 2001), 289–388.

<sup>55</sup> As noted previously, there is also a sociological component: one must identify in some way with groups that espouse allegiance to Jesus.

<sup>56</sup> A few commentators working within the parameters of the standard view have suggested this connection; so Davies and Allison, *Matthew*, 1:210; and Nolland, *Gospel of Matthew*, 98.

The standard view has long identified passages that mention Jesus’ salvific death on the cross as elaborations of the *prooimion* (20:28; 26:26–28). The interpretation of Jesus’ death in covenantal terms as providing for “remission of sins” (ἄφεσις ἁμαρτιῶν; 26:28) establishes a link with 1:21.

In short, the Gospel of Matthew presents three modes by which Jesus saves people from their sins: his teaching of the Torah, his healing activities, and his death on the cross. Each of these three modes elaborates the theme announced in the *prooimion* of 1:21. A list of the passages in which these three modes of Jesus’ salvation are described includes the following:

TABLE 2. THREE MODES OF SALVATION FROM SIN IN THE GOSPEL OF MATTHEW

<i>Torah Teaching</i>	<i>Healing</i>	<i>Death on the Cross</i>
3:1–10	4:23–25	20:28
4:17	8:1–17	26:26–28
5:17–48	9:2–8, 18–31, 35	
6:1–18, 33	10:1, 8	
7:12–29	11:2–5	
9:10–13	14:35–36	
11:19–24, 28–30	15:29–31	
12:1–14, 33–37	20:29–34	
13:36–43, 47–52, 54		
15:1–20		
16:19, 27		
18:8–9, 15–18		
19:3–9, 16–26		
21:28–32, 43		
22:15–40		
23:1–39		
25:31–46		
28:18–20		
<i>Total</i>	<i>Total</i>	<i>Total</i>
263 verses	59 verses <sup>57</sup>	4 verses

As a tally of the number of verses that constitute each category indicates, Jesus’ mode of salvation by teaching the Torah far outweighs the other themes; it is elaborated in a total of 263 verses. The theme of salvation by healing from illness ranks a distant second place, represented in a total of 59 verses. The theme of Jesus’ salvific death on the cross receives only minimal development in four verses.

<sup>57</sup> I have excluded from this list narratives of exorcism, some of which involve concurrent healing. In view of the connection of demons, sin, and illness established in *Jub.* 10:1–14, this delimitation is perhaps too strict. If the narratives of exorcism that entail healing from some form of malady are included (i.e., Matt 9:32–34; 12:22–29; 15:21–28; 17:14–18), the total for this category rises to eighty-three verses.

The importance of Jesus' mode of saving through his teaching of the Torah is indicated not only by the large number of verses devoted to the topic; it is signaled also by the prominent placement of material at critical positions within the narrative. Jesus' teaching on the Torah is featured prominently in four of Jesus' five main discourses,<sup>58</sup> occurring in the Sermon on the Mount (chs. 5–7), in his third discourse on the kingdom of the heavens (ch. 13), in the fourth discourse on community discipline (ch. 18), in the eschatological discourse (chs. 24–25), and, most importantly, in Jesus' last, climactic words in 28:18–20: "Go therefore, instruct all the nations . . . teaching them to observe [τηρεῖν] all that I have commanded [ἐνετειλάμην] you." Matthew's narrative strongly marks Jesus' mode of salvation by teaching the Torah as one of the Gospel's most important themes, both by devoting a large amount of material to its elaboration and by placing that material at salient points in the narrative.

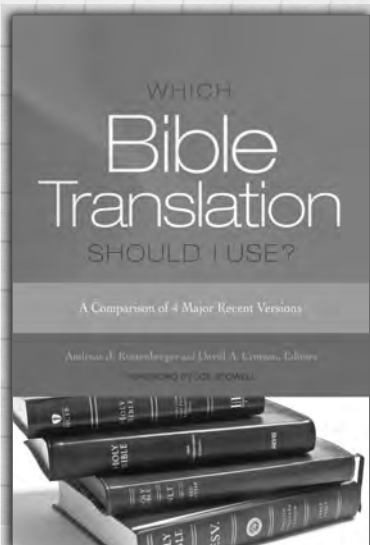
The standard view, as should by now be quite plain, suffers from severe shortcomings: it completely overlooks the most significant means by which Jesus saves people from sin in Matthew's narrative, his advocacy of Torah observance, and focuses almost exclusively on the least developed—and therefore the least significant—means by which Jesus saves in the Gospel, his death on the cross. The recognition of Jesus' salvific role as Torah teacher helps to place Matthew's portrait of Jesus more firmly within its first-century Jewish context and serves as a corrective to exegesis that is unduly influenced by later Christian theologies of atonement, in which the cross plays a central role.

Carter and Repschinski have done Matthean scholarship a great service by highlighting the role of 1:21 as a *prooimion*, setting out a "road map to what follows" in Matthew's narrative and by offering initial attempts to identify material that might be seen as elaborating the *prooimion*, beyond those several passages typically identified by the standard view. However, it is only after sin has been adequately defined and Jesus' role as a teacher of the law has been explored that the significance of the *prooimion* can be fully appreciated: Jesus functions as ὁ Ἰησοῦς' emissary who is able to save those who listen to him, in large part by calling them to pursue the "better righteousness" that may be obtained only by those who scrupulously observe the Torah.

<sup>58</sup> On the delineation of five major blocks of Jesus' speech in Matthew, sometimes viewed as corresponding to the five books of the Torah, see Davies and Allison, *Matthew*, 1:58–61.

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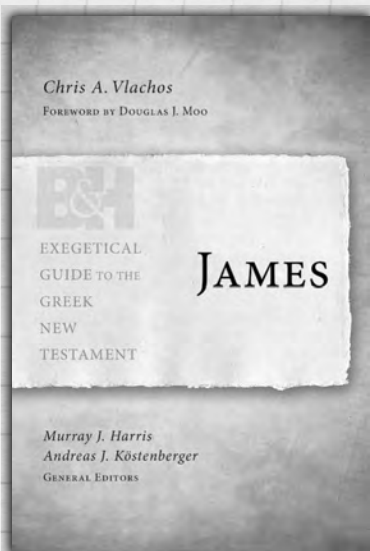
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## “Jesus Said to Them . . .”: The Adaptation of Juridical Rhetoric in John 5:19–47

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More than simply a speech crafted to fit the specific situation that Jesus' miracle creates, John 5:19–47 resonates with the larger themes of the Gospel and its characterization of Jesus. This article utilizes rhetorical categories present in the Gospel's milieu to analyze Jesus' speech. There are noticeable points of connection with rhetorical conventions mentioned in handbooks, *progymnasmata*, and found in rhetorical practice. These similarities include (1) *prosopopoiia*, or the manner in which authors created believable speeches in their narratives; (2) *ethos*, or the orator's construction of his/her own character as a part of the method of persuasion; (3) instructions concerning the use of testimony in the ancient world; and (4) methods of refutation. There are, however, also significant points of contrast with these same categories, which serve to highlight the specific rhetorical goals of the Fourth Gospel. By employing rhetorical conventions, the evangelist makes use of common expectations regarding speech, even while undermining them, in order to emphasize the unique character of his subject.

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John 5:19–47 contains a speech given by Jesus in response to his first controversial Sabbath healing of the Gospel (5:1–18). At the heart of this conflict—as with much of the rest of the Gospel—is Jesus' identity. In vv. 19–47, the evangelist offers a monologue crafted for Jesus meant to justify his actions and words but which nevertheless seems directed more toward the Gospel audience than toward Jesus' accusers in the text. Scholars are right to recognize the forensic nature of this speech, characterizing it as a defense (or *apologia*) and noticing connections with “divine lawsuits” in the prophets, debates found in ancient dramas, and rhetorical argumentation outlined in various handbooks.<sup>1</sup> In the present essay I focus on the

A previous draft of this essay was presented at the SBL annual meeting in Atlanta, Georgia, in November 2010.

<sup>1</sup>See, e.g., C. H. Dodd, *The Interpretation of the Fourth Gospel* (Cambridge: Cambridge University Press, 1953), 319; Jerome H. Neyrey, *An Ideology of Revolt: John's Christology in Social-Science Perspective* (Philadelphia: Fortress, 1988), 9–36; Francisco Lozada Jr., *A Literary Reading*

relationship between John 5:19–47 and Greco-Roman rhetoric, extending the work begun by other scholars by examining not only how Jesus speaks in this passage but also how this speech contributes to the overall rhetorical goals of the Fourth Gospel.

I approach Jesus' speech in John 5 in light of ancient rhetorical expectations described in rhetorical handbooks and *progymnasmata* and reflected in ancient Mediterranean literature. I begin with a brief overview of the context of John 5 before moving on to the passage itself. In the analysis of the passage, special attention will be given to the relationship between vv. 19–47 and common aspects of juridical speeches from rhetorical literature. By employing rhetorical conventions, the evangelist appeals to common expectations regarding speech; however, he does not do so rigidly but rather exploits them in order to emphasize the unique character of his subject. Analyzing John 5 in light of these rhetorical practices both exposes the ways in which the evangelist makes use of the audience's expectations and the ways in which he subverts them in order to convince them to trust his witness that Jesus is the Word, the Son of God.

### I. JOHN 5: GOSPEL CONTEXT

In John 5 Jesus travels to Jerusalem for an unnamed "festival of the Jews" (ἐορτῇ τῶν Ἰουδαίων, v. 1). While in the temple precincts, he performs his first Sabbath miracle of the Gospel when he heals the lame man beside the pool (vv. 2–9). By ordering the man "get up, pick up your mat and walk" (ἐγείρε ἄρον τὸν κράβαττον σου καὶ περιπάτει),<sup>2</sup> Jesus effectively "stirs up the waters" at the temple, earning not praise from the healed man but a report of his activities to the Jews, who begin to "pursue" or perhaps "prosecute" (ἐδίωκον) him as a result of his Sabbath work (v. 16).<sup>3</sup> Nevertheless, as the Jews are soon to discover, Jesus' actions on the

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of *John 5: Text as Construction* (Studies in Biblical Literature 20; New York: Peter Lang, 2000), 61; Kasper Bro Larsen, *Recognizing the Stranger: Recognition Scenes in the Gospel of John* (Biblical Interpretation Series 93; Leiden/Boston: Brill, 2008), 174; Andrew T. Lincoln, *Truth on Trial: The Lawsuit Motif in the Fourth Gospel* (Peabody, MA: Hendrickson, 2000), 45, 73; Martin Asiedu-Pepurah, *Johannine Sabbath Conflicts as Juridical Controversy* (WUNT 2/132; Tübingen: Mohr Siebeck, 2001), 52–115; Jo-Ann A. Brant, *Dialogue and Drama: Elements of Greek Tragedy in the Fourth Gospel* (Peabody, MA: Hendrickson, 2004), 140–43; George L. Parsenios, *Rhetoric and Drama in the Johannine Lawsuit Motif* (WUNT 258; Tübingen: Mohr Siebeck, 2010), 49–85.

<sup>2</sup>The correlation between "walking" and "living" in περιπατέω foreshadows Jesus' defense, which emphasizes his ability to "make life" (ζωοποιέω) as a result of his unique relationship with the Father (5:19–30; cf. 1:1–5). See especially the parallel between Jesus' command to the man quoted above from v. 6 and Jesus' description of the Father, who "raises the dead and makes [them] alive" (ἐγείρει τοὺς νεκροὺς καὶ ζωοποιεῖ, v. 21).

<sup>3</sup>The Jews' desire to "prosecute" Jesus comes after they hear the initial report of his activities from the healed man. After they have a personal encounter with Jesus himself, they reportedly "were seeking all the more to kill Jesus" (μᾶλλον ἐζήτουν αὐτὸν οἱ Ἰουδαῖοι ἀποκτείνειν) because of

Sabbath are the result of a much deeper—and much more controversial—claim, namely, that he is working on the Sabbath because his “Father is still working” (ὁ πατήρ μου ἔως ἄρτι ἐργάζεται, v. 17).<sup>4</sup> The Jews understand this statement to mean that Jesus believes himself to be “equal to God” (ἴσον ἑαυτὸν ποιῶν τῷ θεῷ, v. 18). It is to these charges that Jesus responds in vv. 19–47, not in order to refute them but rather to explain the ways in which they are true, justifying his unique relationship with the Father in terms of his unique identity.<sup>5</sup>

Although John 5 is regularly considered to be an interruption to the narrative flow between chs. 4 and 6,<sup>6</sup> as it is now found in the canonical Gospel it begins a series of festival confrontations that continue the conflict initiated in John 2:13–25. On the heels of this unnamed festival, Jesus faces conflicts during the feasts of Passover in ch. 6, Tabernacles in 7:2–10:21, and Dedication in 10:22–39. As a result, it is not surprising that the entire section from 5:1 to 10:39 carries a juridical tone, full of defensive and explanatory speeches made by Jesus in response to his range of interlocutors.<sup>7</sup> The most significant interruption to this sequence occurs in ch. 9, when the counterpart to the lame man from ch. 5 takes Jesus’ place in the interrogation by the Pharisees. Throughout this narrative sequence, Jesus (and the blind man in ch. 9) is repeatedly asked to clarify his identity in order to justify his words and the claims he makes in them.<sup>8</sup> Yet, although Jesus delivers a number of juridical responses, his words (not to mention his actions) never squelch the

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both his Sabbath violation and his blasphemy (vv. 16–18). Incorporating the work of A. E. Harvey and Francis Moloney, Parsenios prefers to translate ἐδίωχον as “prosecute” (*Rhetoric and Drama*, 59 n. 42).

<sup>4</sup>See John Painter, “‘The Light Shines in the Darkness . . .’: Creation, Incarnation, and Resurrection in John,” in *The Resurrection of Jesus in the Gospel of John* (ed. Craig R. Koester and Reimund Bieringer; WUNT 222; Tübingen: Mohr Siebeck, 2008), 41, who argues that this verse illustrates the fact that the Fourth Gospel presents creation as “incomplete” until Jesus completes it through his death and the giving of the Holy Spirit after his resurrection.

<sup>5</sup>Parsenios also recognizes the relationship between Jesus’ identity and his innocence throughout the Gospel (*Rhetoric and Drama*, 94–107). For Parsenios, this overlap reinforces the fact that drama and juridical rhetoric should not be studied in isolation from one another; rather, because of the relationship between these materials, both should be used to enable a deeper understanding of the Fourth Gospel.

<sup>6</sup>For different suggestions on the original order of these passages, see Michael A. Daise, *Feasts in John: Jewish Festivals and Jesus’ “Hour” in the Fourth Gospel* (WUNT 2/229; Tübingen: Mohr Siebeck, 2007), 167–70; Urban C. von Wahlde, *The Gospel and Letters of John* (3 vols.; Eerdmans Critical Commentary; Grand Rapids: Eerdmans, 2010), 2:250–52.

<sup>7</sup>See John 5:19–47; 6:26–58; 7:14–36, 37–52; 8:12–59; 10:1–21, 22–39. It is important to reinforce, however, that the juridical tone of John is not limited to this section. Instead, juridical rhetoric and motifs can be found throughout the Gospel. See, e.g., Lincoln, *Truth on Trial*, 12–35; Parsenios, *Rhetoric and Drama*, 34–47; Willis Hedley Salier, *The Rhetorical Impact of the Sēmeia in the Gospel of John* (WUNT 2/186; Tübingen: Mohr Siebeck, 2004), 172–75.

<sup>8</sup>It is the disconnection between Jesus’ appearance and the claims that he makes that causes his interlocutors to respond negatively, and even violently, to him. See, e.g., John 6:42, 61–63; 7:24–52; 8:19–20, 25, 48–58; 9:16–17, 25–34; 10:19–21, 24–31.



animosity expressed by most characters in the text. Instead, his speeches often further inflame the tension as the many reject Jesus, even among his disciples, while only the few—those “chosen”—continue to follow or express faith (6:66–71; 8:31–32; 9:3–5, 39–41).

As the beginning of this sequence, ch. 5 has a special place in the Johannine narrative and in its rhetorical aims, particularly with regard to its characterization of Jesus. The first, extended trial-like scene between Jesus and the Jews, ch. 5 sets the stage for the encounters to follow and forms a baseline for the responses Jesus offers in each of them. The evangelist reinforces the importance of ch. 5 by referring back to this confrontation throughout chs. 6–10 with direct allusions, such as Jesus’ discussion of the law in 7:19–24 and the repetition of similar charges and scenarios.<sup>9</sup> Throughout this section Jesus’ basic defense is the same: his identity. Turning now to discuss some of the rhetorical features of ch. 5 in greater detail, we will see how the evangelist makes use of common techniques, while omitting and subverting others, in order to convince the audience that his characterization of Jesus is truthful.

## II. THE JURIDICAL RHETORIC OF JOHN 5

Juridical rhetoric and speeches are found in a variety of ancient Mediterranean genres including historiographies, biographies, dramas, and novels.<sup>10</sup> These speeches were often reproduced in or fashioned for particular works. In addition to crafting such speeches for their own fictional works, or reproducing speeches from historically rooted settings, writers often offer summaries or simply describe a speech taking place and then note the results of the trial.<sup>11</sup> Examining several of

<sup>9</sup>The most obvious of these similarities is the well-noted parallel between ch. 5 and ch. 9 as Jesus’ two “Sabbath” miracles in the Fourth Gospel. Other references, however, also surface. For example, Jesus’ identity is consistently the focus of the investigation, particularly in determining his relationship with the Father and his origins. Throughout the passages the characters are confounded by the appearance of Jesus before them in contrast to the words he speaks (cf. 7:24). Emphasizing the lack of progress made by the characters in the text in discerning Jesus’ true identity, the evangelist has Jesus’ opponents accuse Jesus in ch. 10 of the same charge that they used in ch. 5 (cf. 5:18; 10:22–39).

<sup>10</sup>See Thucydides, *Hist.* 3.53–67; Xenophon, *Hell.* 2.3.34–49; Livy 6.15.1–16.4; 40.8.7–15.16; Tacitus, *Ann.* 4.34.2–35.4; Chariton, *Chaer.* 1.5–6; 2.4; 5.6–8; Longus, *Daphn.* 1.15–17; Achilles Tatius, *Leuc. Clit.* 8.1–3, 8–15; Heliodorus, *Aeth.* 10.10–17; Aeschylus, *Agamemnon*, *Libation Bearers*, *Eumenides*; Euripides, *Alcestis*, *Bacchae*; Sophocles, *Oedipus tyrannus*. Larsen compares the trial scenes in John to the “trial-like recognition” scenes of *Oedipus tyrannus*, *Bacchae*, and *Aethiopica* (*Recognizing the Stranger*, 175–80). In view of the overlap between these types of literature, Parsenios does not make a distinction between the recognition scenes found in Greek dramas and those replicated in juridical rhetoric (*Rhetoric and Drama*, 87–111).

<sup>11</sup>In addition to actual speeches, descriptions of forensic speeches and trials are also common in narrative literature. See Plutarch, *Alc.* 19.1–20.1; *Cor.* 18–20; *Sol.* 31.1–2; *Publ.* 6.1–

these speeches and the guidelines laid out in various *progymnasmata* and rhetorical handbooks, some common elements come to the fore. The following analysis will highlight a few of these conventions, noting their connection to and contrast with John 5:19–47 before concluding with some thoughts on the significance of the evangelist's manipulation of these norms.

It should be noted that this article focuses on specific elements common to juridical speeches rather than comparing the overall form of John 5:19–47 to other juridical forms offered by rhetoricians. Harold W. Attridge offers this type macro-rhetorical analysis of John 5:19–47 based on “the most perfect and complete” argument in *Rhet. Her.* 2.18.28.<sup>12</sup> While Attridge's analysis is helpful, it will be clear from what follows that rhetorical handbooks were regularly descriptive of common practices instead of necessarily being prescriptive for them. For this reason, there is a degree of overlap between the types of juridical speeches often described and the standard *topoi* employed in them.<sup>13</sup> As a result, the following will be a micro-analysis of John 5:19–47 that highlights particular elements of Jesus' speech that correspond to and contrast with particular *topoi* that regularly feature in a variety of juridical speeches, thereby adding to Attridge's previous investigation.

### *Jesus' Defense: Precedent, Proof, and Refutation in John 5*

In John 5:19–47, the Johannine Jesus uses rhetoric to defend both his actions on the Sabbath and his claim of a unique relationship with the Father (vv. 16–18). What he does not do is try to escape responsibility for healing the man, nor does he concede that his actions were wrong. In this way, the juridical issue in John 5 is closest to what Pseudo-Cicero calls a Juridical Issue with an Absolute Cause (*Rhet. Her.* 2.13.19), or what Quintilian calls an Issue of Quality (*Inst.* 3.6.66, 76–82). In other words, the question is not one of conjecture—did the defendant commit the act—but rather of “lawfulness”—was the act committed justified. In ancient rhetorical literature, one of the most common examples used for this type of case

7.3; *Cam.* 36.5–7; *Per.* 10.5; 32.1–3; *Dem.* 5.1–5; Sallust, *Bell. cat.* 32; 48.1. For further discussion of the forensic speeches in historiographies, see John Marincola, “Speeches in Classical Historiography,” in *A Companion to Greek and Roman Historiography* (ed. John Marincola; 2 vols.; Blackwell Companions to the Ancient World; Malden, MA: Blackwell, 2007), 1:127–28.

<sup>12</sup> Attridge, “Argumentation in John 5,” in *Rhetorical Argumentation in Biblical Texts: Essays from the Lund Conference* (ed. Anders Eriksson, Thomas H. Olbricht, and Walter Übelacker; Emory Studies in Early Christianity 8; Harrisburg, PA: Trinity Press International, 202), 188–99.

<sup>13</sup> For example, Pseudo-Cicero lists “comparison” as a *topos* in both a Conjectural Issue and an Assumptive Juridical cause (*Rhet. Her.* 2.4.6; 2.14.21). He also limits his discussion on the use of “testimony” to Conjectural Issues only, while testimony was a common element in a variety of juridical speeches, proceedings, and other types of rhetoric in general since they were commonly acknowledged to have significant overlap with “examples” (cf. *Rhet. Her.* 4.1.2; 4.3.5; Aristotle, *Rhet.* 2.20; Quintilian, *Inst.* 5.1.1–2; Pseudo-Aristotle, *Rhet. Alex.* 18.3.30). For an example of testimony being used outside a “conjectural” case, see Aeschylus's *Eumenides* 609–80; also see further discussion of this drama below.

is that of Orestes, who killed his mother, Clytemnestra, and her lover, Aegisthus.<sup>14</sup> Citing this well-worn model, Quintilian writes:

Why should I not use the same example as almost everyone else? "Orestes killed his mother." This is agreed. He says he did it justifiably. The Issue will be Quality; the Question "whether he did it justifiably," the Line of Defense that Clytemnestra killed her husband, who was Orestes' father. This is called the *aition* (Motive), and the Point for Decision (the *krinomenon*) is whether it was right even for a guilty mother to be killed by her son. (*Inst.* 3.11.4; cf. 3.11.1–8 [Russell, LCL])

As Quintilian explains, in defending himself Orestes does not deny committing the murder but rather claims to be justified in doing so. This justification stems from the fact that Clytemnestra killed his father, Agamemnon, and because the god Apollo commissioned Orestes to execute judgment. Indeed, Orestes acknowledges that normally such an act would be considered a crime needing punishment; but, in his own case, because he was ordered by the god to act as a result of Clytemnestra's own sin, he is absolved of his guilt. While not an exact match, this case provides an interesting parallel for Jesus' defense in John 5. Like Orestes, Jesus does not deny committing the act—although his deed brings life, not death. Moreover, his justification also comes from a unique relationship he has with the divine. Thus, while Jesus' deeds or claim may be blameworthy if committed by another person, his very identity and commissioning illustrate the lawfulness of his act.

Jesus begins his speech in 5:19–30 by expanding his previous statement in v. 18, offering more detail on the consequences of his unique relationship with the Father. Jesus' attention to this relationship bears similarities to the practice of describing the defendant's Manner of Life or character at the outset of a juridical speech. Quintilian explains, "The character of the litigant himself may also be treated in various ways. Sometimes his worth is emphasized, sometimes his weakness is commended to the court's indulgence. . . . Sex, age, and status are also important" (*Inst.* 4.1.13–14; cf. 4.1.14–19 [Russell, LCL]).<sup>15</sup> Exemplifying this practice, Orestes outlines his own origins from Argos, his lineage from Agamemnon,

<sup>14</sup>For the speeches in Aeschylus's *Oresteia*, see *Cho.* 973–1043; cf. *Eum.* 574–680. Another example of this type of case is found in Cicero's defense of his friend, Titus Annius Milo, who killed his rival, Publius Clodius. Rather than denying the action, Cicero argues that the killing was justified since not only was it committed in self-defense, but also because of the harm Clodius had brought to Rome (cf. *Mil.* 9.23–29; 14.36–15.41; 19.52). Indeed, at one point Cicero argues that his fellow Romans should honor Milo for his deed rather than punish him (28.80–83). That this case is similar to Orestes' own is made clear by Cicero's incorporation of Orestes' story as an example in his favor. He writes, "And so too, gentlemen, it is not without reason that even in their fictions accomplished poets have narrated how one, who, to avenge the father, had slain a mother, was, though the human vote was divided, acquitted by a sentence that proceeded not merely from a divine being, but from the wisest of the goddesses" (3.8 [Watts, LCL]).

<sup>15</sup>Cf. Pseudo-Cicero, *Rhet. Her.* 2.3.5; Aristotle, *Rhet.* 1.10.1–11. See again Cicero, *Mil.* 1.1–3; 34.93–94; *Rab. Post.* 1.2–2.4.

and his love for his father before his judge, Athena (Aeschyles, *Eum.* 453–65). Likewise, in his defense of Caelius, Cicero minimizes Caelius's youthful association with the conspiring Catiline while maximizing his lineage, education, and military career to gain sympathy from his hearers (*Cael.* 1–8). By appealing to his relationship with his “Father,” therefore, the Johannine Jesus seems to be establishing a positive character for his audience. Moreover, as Attridge notes, the reference to his Father's actions sets a precedent for Jesus' own behavior, another common rhetorical technique in juridical speeches.<sup>16</sup> That these actions are God's rather than those of a human—or a human court—lends further weight to Jesus' defense.

Nevertheless, Jesus does not *prove* his relationship with his Father or the claims he makes as a result of this relationship in these verses. Instead, in vv. 19–30 Jesus speaks as though this aspect of his person has been established, using the refrain of “amen, amen, I say to you” in order to reinforce the authority with which he speaks (vv. 19, 24, 25). The proof for Jesus' claims does not appear in earnest until he begins his list of witnesses in vv. 31–47. First discounting his own “testimony” as invalid, Jesus outlines others who testify on his behalf including John (the Baptist), his own works, the Father, and Scripture, including its representative author, Moses.<sup>17</sup>

Quintilian categorizes witnesses and testimony in juridical speeches under the heading of “nontechnical proofs,” which can also include oaths, previous judgments, rumors, and evidence from torture and written documents.<sup>18</sup> According

<sup>16</sup>Cf. Quintilian, *Inst.* 5.2.1–5; Pseudo-Cicero, *Rhet. Her.* 2.13.19–20. Attridge calls this the “divine precedent” for Jesus (“Argumentation in John 5,” 191). For some additional examples of precedent, see Cicero, *Mil.* 3.7–4.14. In his defense of Rabirius Postumus, Cicero notes the lack of precedent for the particular type of corruption case being made against his client as a reason to argue for his acquittal (*Rab. Post.* 5.10–12).

<sup>17</sup>Scholars cite Deut 19:15; 17:6; and Num 35:30, along with several rabbinic writings (*m. Ketub.* 2.9; *m. Roš Haš.* 3:1) that disallow self-testimony in court cases (see C. K. Barrett, *The Gospel according to John: An Introduction with Commentary on the Greek Text* (New York: Macmillan, 1957), 338; Raymond E. Brown, *The Gospel according to John: Introduction, Translation, and Notes* [2 vols.; AB 29, 29A; Garden City, NY: Doubleday, 1966, 1970], 1:223; D. Moody Smith, *John* [ANTC; Nashville: Abingdon, 1999], 139). It should be noted, however, that self-testimony is discouraged in the larger Greco-Roman context as well. The author of *Rhetorica ad Herennium* writes, “Would not a man be ridiculous, then, if in a trial or in a domestic procedure he should contest the issue on the basis of his own personal testimony?” (4.1.2 [Caplan, LCL]). Nevertheless, because of Jesus' own character (and his divine status in the Fourth Gospel), Jesus *does* actually pronounce his testimony as valid in 8:14, even if he is unwilling to do so at this particular juncture in the narrative. Of course, as Attridge and Parsenios note, Jesus does here incorporate some of his own testimony in 5:32 when he reports that he “knows” that the testimony offered by these other witnesses on his behalf is “true” (Attridge, “Argumentation in John 5,” 198; Parsenios, *Rhetoric and Drama*, 126).

<sup>18</sup>Quintilian, *Inst.* 5.1.1. Quintilian bases his own classification of proofs on Aristotle's divisions. Aristotle himself categorizes testimony under “inartificial proofs” (*Rhet.* 1.15.1 [Freese, LCL]) and Cicero under “extrinsic subjects” (*Top.* 19.72 [Hubbell, LCL]).

to Quintilian, these types of proofs make up the “major part of forensic disputes” being put forward by one party and discredited by the other (Quintilian, *Inst.* 5.1.1–2 [Russell, LCL]).<sup>19</sup> Aristotle separates testimony into two major categories, “ancient” and “recent,” while Cicero and Quintilian prefer to use the pairing of “human” and “divine.” By ancient witnesses, Aristotle means “poets and men of repute” while recent witnesses are “all well-known persons who have given a decision on any point” (*Rhet.* 1.15.13–17 [Freese, LCL]). For Cicero and Quintilian, divine witnesses can include oracles and prophecies, divination, and dreams.<sup>20</sup> Quintilian, for example, cites as divine testimony the oracle concerning Socrates from Delphi, which prompted his investigation for truth that ultimately led to his death.<sup>21</sup> Human testimony, however, can be either ancient or recent, those persons having the best reputation bringing forth the best form of testimony.<sup>22</sup> Of Aristotle’s categories, ancient witnesses are considered more trustworthy than recent because “they cannot be corrupted” (*Rhet.* 1.15.15 [Freese, LCL]); and divine testimony is better than human for both Quintilian and Cicero since, as Cicero explains, “the surpassing virtue of the gods is a result of their nature, but the virtue of men is the result of hard work” (*Top.* 20.76–77 [Hubbell, LCL]).

Jesus makes use of all these categories in John 5:31–40, building an impressive cast of witnesses to support his comments in vv. 19–30. John acts as a recent, human witness, well known by these Jewish leaders from their previous encounter with him in ch. 1 (1:19–28; 5:33) and even more well known to audience members who have heard the entirety of his testimony on Jesus’ behalf in chs. 1 and 3. According to the categories discussed above, John is a good witness for Jesus. He is well known and virtuous, one whose deeds inspired the Jews themselves to surmise a number of positive identities for him including Messiah, Elijah, and prophet (1:19–21). Moreover, beginning in the Prologue, the Gospel writer is emphatic concerning John’s mission of testimony being divinely inspired. He was sent “by God” as a “witness to the light” and spends his entire ministry in the Gospel fulfilling this calling. Citing Isa 40:3 as his own example, John identifies himself as “the voice of one crying out in the wilderness” and then completes this mission with his testimony of Jesus’ identity in John 1:29–37 and 3:22–36.

<sup>19</sup>Parsenios cites Charikleia’s comment to her father during the trial of her identity in Heliodorus’s *Aethiopica* 10.12: “In every case that comes to trial, sire, two types of evidence are recognized as most conclusive: documentary proof and corroboration of witnesses. Both types I shall adduce to demonstrate that I am your daughter” (*Rhetoric and Drama*, 110). In John 5, Jesus likewise combines these proofs to underscore his own claims of identity and authority.

<sup>20</sup>On divine testimony, see Quintilian, *Inst.* 5.11.37–42; Cicero, *Top.* 20.76–77. Also see James R. McConnell, “The *Topos* of Divine Testimony in Luke/Acts” (Ph.D. diss., Baylor University, 2009), 64–91.

<sup>21</sup>Quintilian, *Inst.* 5.11.42; Plato, *Ap.* 21a–b. See also Socrates’ mention of his “divine sign” that kept him from participating in public life (*Ap.* 31c–32a).

<sup>22</sup>Cicero comments, “In the case of a man, it is the opinion of his virtue that is most important. For opinion regards as virtuous not only those who really are virtuous, but also those who seem to be” (*Top.* 20.78 [Hubbell, LCL]).

Yet, although John's testimony is good, Jesus has better testimony available to him; and he underscores the greatness of these other witnesses by making use of another common rhetorical technique: *synkrisis*. *Synkrisis*, or "comparison," was regularly used by rhetoricians to amplify, prove, clarify, or vivify narration.<sup>23</sup> When viewed in this light, what at first may seem to be a diminishment of John's testimony in 5:36 turns into an amplifying comparison, reinforcing the significance of Jesus' additional witnesses in vv. 37–41. Having already established John as a positive character offering good, recent, and human testimony, the Johannine Jesus highlights the "greater" testimony he has available to him. These greater witnesses are both divine and ancient. The first is "the works which [his] Father has given [him] to complete," which "testify" that the Father has "sent" Jesus (v. 36; cf. 19:28). In other words, that Jesus can and did heal the man on the Sabbath acts as proof that he has been given authority from the Father. This act of healing demonstrates Jesus' ability to grant life to those who have none in that he "raises" (ἐγείρει) this man and commands him to "walk about" or "live" (περιπάτει, v. 8).<sup>24</sup> In fact, it is his ability to heal when no one else can (and on the Sabbath) that proves his origins to the formerly blind man in ch. 9. In ch. 5, however, the Jews miss the testimony offered them in Jesus' actions, and, therefore, they fail to see the Father's authority manifested in the healing.<sup>25</sup> Indeed, Jesus goes on to explain, the Father himself "has testified" on his behalf. Yet, because his opponents do not know the Father, they cannot recognize the sent one in spite of the powerful, divine testimony before them.

Moreover, the Jews miss the third example of divine testimony on Jesus' behalf—the written testimony of Scripture—by refusing to come to the one who could give them life (vv. 39–40). The appeal to Scripture, and to Moses in particular, also corresponds to rhetorical practices in the ancient world. Jesus' mention of Moses has connections to suggestions offered in rhetorical handbooks. Aristotle, for example, encourages his readers to make reference to authors, such as Homer, when presenting writings as evidence (*Rhet.* 1.15.21; cf. Pseudo-Cicero, *Rhet. Her.* 4.1.2). Similarly, Cicero notes the relationship between the testimony of virtuous people and their writings, observing:

<sup>23</sup> On *synkrisis* in general, see Theon, *Prog.* 112; Ps.-Hermogenes, *Prog.* 18; Aphthonius, *Prog.* 31R; Nicolas the Sophist, *Prog.* 60; Aristotle, *Rhet.* 1.9.39–41; 2.23.4–5, 12, 17; Quintilian, *Inst.* 5.10.86–93; 8.4.10–14; 9.2.100–101; Cicero, *Top.* 3.23; 18.68–71; *Orat.* 2.40.172; *Part. or.* 55; Pseudo-Cicero, *Rhet. Her.* 1.6.10; cf. 4.45.59–48.61. For formal examples, see the *synkrisis* at the conclusion of many of Plutarch's *Parallel Lives*.

<sup>24</sup> On the association between ἐγείρω and resurrection in the Fourth Gospel, see 2:19–22; 5:21; 7:52; 11:29; 12:1, 9, 17; 13:4; 14:31; 21:14. See also Craig R. Koester, who likewise notes that the sign of John 5:1–8 illustrates Jesus' life-giving power ("Jesus' Resurrection, the Signs, and the Dynamics of Faith in the Gospel of John," in Koester and Bieringer, *Resurrection of Jesus in the Gospel of John*, 59–60).

<sup>25</sup> For discussions of the juridical nature of the Johannine signs, see Salier, *Rhetorical Impact*, 34–38, 46–170; and Parsenios, *Rhetoric and Drama*, 87–128.

When people see men endowed with genius, industry and learning, and those whose life has been consistent and of approved goodness, like Cato, Laelius, Scipio and many more, they regard them as the kind of men they would like to be. Nor do they hold such an opinion only about those who have been honoured by the people with public office and are busy with matters of state, but also about orators, philosophers, poets, and historians. *Their sayings and writings are often used as authority to win conviction.* (*Top.* 20.78 [Hubbell, LCL]; emphasis added)

Quintilian likewise instructs his readers to use

opinions which can be attributed to nations, peoples, wise men, distinguished citizens, or famous poets. Even common sayings and popular beliefs may be useful. All these are in a sense testimonies, but they are actually all the more effective because they are not given to suit particular Causes, but spoken or given by minds free of prejudice and favour for the simple reason that they seem either very honourable or very true. (*Inst.* 5.11.36-37 [Russell, LCL]; cf. 5.11.38-41)<sup>26</sup>

In the Gospel of John, Moses' traditional identification as lawgiver, prophet, and ideal servant of God qualifies him to be one of these people of virtue whom others are inspired to imitate. Therefore, Jesus fashions Moses and his writings as powerful witnesses in his favor who are nevertheless misunderstood by Jesus' opponents.

With his list of witnesses complete, the Johannine Jesus ends his speech by refuting his accusers. He does this by creating an additional *synkrisis*, this time between himself and his accusers, that is meant to highlight the contradiction present in their accusation. Noting contradictions in the accuser's charges and highlighting flaws in their character by means of invectives were common means of refutation in juridical speeches. Quintilian notes that a defender with a "skillful hand" will "discover real or apparent contradictions in an opponent's speech" and that the "ill-judged speech of our opponents" provides opportunities for finding such contradictions (*Inst.* 5.13.30 [Russell, LCL]).<sup>27</sup> In vv. 41-47, Jesus moves to uncover a contradiction by comparing himself to his interlocutors in order to accuse them of accepting *δόξα* from one another instead of from "the one who alone is God" (v. 44). Not only does this statement recall the evangelist's characterization of Jesus as the *μονογενής* from the Prologue who embodies God's glory, but,

<sup>26</sup>See also Theon's advice for his readers to include "evidence of famous men, poets and statesmen and philosophers" as well as "any histories that agree with what is being said" in practical theses and the opinion of "wise men" and "lawgivers" in theoretical theses (*Prog.* 123, 126 [Kennedy]). Also see Pseudo-Cicero, *Rhet. Her.* 4.1.1-3.3 on the importance of being skilled in selecting one's references.

<sup>27</sup>For an additional example, see Socrates' exposure of the contradiction in Menelaus's charges against him in Plato's *Apology*; does Menelaus accuse him of not believing in gods or of positing new ones, since the accusation of both stances is untenable? (26b-28a). Also see the extended *synkrisis* between Milo and Clodius in Cicero, *Mil.* 14.36-15.41.



as Lori Baron has suggested, it also resonates with the *Shema* (Deut 6:4).<sup>28</sup> With this refutation, Jesus turns the tables on the Jews by claiming that *they* contradict the law in their pursuit of glory from one another. As a result, Moses, the author of the law they have broken, will act as their prosecutor, even as he defends Jesus.

It is at this point in the narrative that Jesus' speech ends and the scene shifts abruptly to "the other side of the Sea of Galilee" (6:1). While this sudden change brings up questions of composition history, it also has a special rhetorical force in the narrative by omitting a key feature of forensic rhetoric. When one reads through narrative retellings of juridical speeches in the writings of Mediterranean antiquity, it becomes clear that the reaction of other characters in the text, that is, the judgment rendered as a result of the speech, is of prime importance in many of these works. In *Leucippe and Clitophon*, for example, Leucippe's faithfulness to her husband is put on trial near the end of the novel. Although the audience knows Leucippe's innocence, they must wait for her vindication in the text before she is reunited with Clitophon (8.12–14, 19). Plato also is careful to include the judgment rendered against Socrates in his *Apology*, using it as another chance for Socrates to exemplify his virtue.<sup>29</sup> The Gospel of John, however, completely ignores this aspect of Jesus' speech in ch. 5. In fact, after their accusations against Jesus are delivered in vv. 16–18 the Jews disappear from the scene of ch. 5. Instead of a judgment, Jesus predicts their rejection of him, audaciously taking his place as their "judge" (vv. 22–30) and establishing Moses as the prosecuting attorney.<sup>30</sup>

Parsenios offers one possible explanation for such a startling turn of events. According to him, interpreters err when they read John 5 as a "trial" scene. Instead,

<sup>28</sup>Baron developed this idea further in John 5 and throughout the Fourth Gospel in "Reinterpreting the Shema: The Battle over the Unity of God in the Fourth Gospel" (paper presented at the annual meeting of the Society of Biblical Literature in Boston, Massachusetts, in November 2008).

<sup>29</sup>Additional examples of narratives containing trial scenes of this sort can be multiplied (see n. 10 above). Thus, in *Daphnis and Chloe*, Longus includes a trial-like scene with a beauty contest between Daphnis and his rival, Dorcon. Chloe's judgment in favor of Daphnis sparks the love affair between them that drives the rest of the novel (1.15–17). In Heliodorus's *Aethiopika*, the final verdict recognizing Charikleia's identity as the king's daughter spares her from sacrifice (10.10–18). See also the trial narratives in Livy 38.43–51; Thucydides 3.10.52–68; and Tacitus, *Ann.* 3.10–19. Parsenios is right, however, to note that not all narrative trial scenes end with a verdict. In Chariton's *Chaereas and Callirhoe*, the judgment to be rendered by the Persian king is interrupted by his own love for Callirhoe and then a war with the Egyptians. Instead of the verdict from the lovesick king, a fortunate turn of events brings about the correct "verdict" when Callirhoe is reunited with Chaereas, her first husband (5.4–8.4).

<sup>30</sup>In other juridical speeches, defendants do not claim to be the "judge"—nor would this be a move encouraged by rhetorical handbooks and practitioners. In John 5 (as elsewhere in the Gospel), however, Jesus' emphasis is on the fact that his accusers have failed to recognize him. Thus, they see him as a defendant when, in reality, he has been appointed judge by the Father. On similarities between the Gospel of John and recognition literature, see Larsen, *Recognizing the Stranger*, 25–72.

incorporating evidence from legal rhetoric and Greek tragedies, Parsenius suggests that John 5 is only an “investigation,” which, combined with the other probes into Jesus’ identity elsewhere in the Gospel, lead up to the singular *trial* of the narrative: the trial before Pilate in chs. 18–19.<sup>31</sup> Parsenius examines Sophocles’ *Oedipus tyrannus* and Andocides’ *On the Mysteries* in particular, noting that in each case investigators “seek” (ζητεῖν) in order to “find” (εὑρεῖν) the culprits of various blasphemies: the murder of a king and father, and the defacing of the statues of Hermes, respectively. While the investigations in *Oedipus* never render a trial—Oedipus himself enacts his own punishment—the investigations that Andocides describes do. Plutarch describes one of these resulting trials in his *Life of Alcibiades*, wherein Alcibiades is convicted of blasphemy even as he begins his campaign against Sicily as an Athenian general. Like Oedipus, Alcibiades does not wait for a verdict but chooses to exile himself among the Spartans. Unlike in Sophocles’ *Oedipus*, however, Plutarch does record the guilty verdict that resulted, at least in part, from Alcibiades’ absence (*Alc.* 20–22). According to Parsenius, the fact that there is no verdict in John 5 fits the idea of conducting an investigation, a ζήτησις, long before the actual trial takes place. Like Oedipus and the Athenians, the Jews of John 5 are still seeking to know who Jesus is, collecting information to bring to the trial in chs. 18–19. This trial is the only place where the Gospel audience ever encounters a verdict—one of innocence, thrice repeated (18:38; 19:4–6).<sup>32</sup>

The parallels noted by Parsenius are helpful and correspond nicely to the sequence of events in the Gospel. There are, however, a few additional factors to consider. One of these factors is the rhetorical implications for the audience of delaying the trial until the end of the Gospel. While the Gospel audience may have to wait until chs. 18–19 to hear the verdict delivered by Pilate, the Gospel itself works to shape the audience’s response to Jesus throughout the entirety of the narrative. Indeed, the Gospel is so invested in presenting a rhetorically persuasive characterization of Jesus that it makes Pilate’s conclusion of Jesus’ innocence a reinforcement of the conclusion aimed at among the audience and facilitates the reversal of roles in which Jesus takes over control of the scene by highlighting Pilate’s position of weakness. Moreover, while a verdict is not explicit in John 5, the judgment of the Jews is included, or at least alluded to, in v. 18 when the evangelist highlights their desire not just to “seek” or “investigate” Jesus but to bring about his death as the result of their investigation. In this way, the evangelist sets his protagonist up to face a hostile audience *within* the text even as he works to engender the sympathy of his own Gospel audience outside the narrative. Thus, while an explicit verdict from the Jews fails to appear in John 5, the verdict of the Gospel audience also remains absent, as they determine whether they are

<sup>31</sup> Parsenius’s work centers on the technical use of “seeking” (ζήτησις) in juridical rhetoric and Greek drama. In these contexts, “seeking” carries an overtone of investigation and information gathering that often leads up to (but does not require) a trial (*Rhetoric and Drama*, 49–60).

<sup>32</sup> *Ibid.*, 37–41.

persuaded by Jesus' defense. As will be demonstrated below, it is this difference between Jesus' juridical rhetoric in John 5 and that of the Gospel's milieu that highlights the rhetorical goals of the evangelist.

### *Persuasion through Presentation: Ethos and Prosopopoiia*

In the ancient Mediterranean world, the way in which speakers presented themselves—and the way in which narrators presented their characters—was an important part of persuasion. This self-presentation is often described in terms of one's *ethos*, or moral character, while the presentation of another's speech is a technique called *prosopopoiia* or *ethopoiia*.<sup>33</sup> Whether crafting words for oneself or for another, the goal was to construct a credible *persona* able to convince either an audience listening to the speech or those interacting with a written work. Above all, the speech—either spoken to a crowd in an oratory performance or composed for a character in a narrative—was to be *appropriate*. In a performance this meant that the speaker should pay attention to proper decorum and to the presuppositions of the audience.<sup>34</sup> In crafting speech for a character, this meant creating words that accurately reflect the character's identity, setting, and reason for speaking.<sup>35</sup>

The importance of appropriateness is emphasized in a variety of rhetorical handbooks and *progymnasmata*. Aristotle lists a number of guidelines for crafting appropriate speeches, noting that the words spoken should align with the age, social location, and fortune of the speaker since, he notes, "Appropriate style also makes the fact appear more credible" (*Rhet.* 3.7.4 [Freese, LCL]; cf. 2.12.1–17). Aelius Theon reiterates this argument in his *progymnasmata*, writing, "In order for

<sup>33</sup>Theon calls this practice *prosopopoiia* (*Prog.* 115–17), as does Quintilian (*Inst.* 3.8.49–54). Pseudo-Hermogenes (*Prog.* 20), Aphthonius the Sophist (*Prog.* 44–45), Nicolaus the Sophist (*Prog.* 64–65), and John of Sardis (*Prog.* 194), however, have different categories for the creation of speech. They consider the creation of speech for a person, either historical or legendary, to be *ethopoiia*; the creation of speech for a god or for one who is speaking as a dead person to be *eidolopoiia*; and creation of speech for a thing to be *prosopopoiia* (thereby literally making it into a "person"). Nevertheless, for the sake of consistency, I will use the term *prosopopoiia* here unless I am specifically referring to the work of one of authors who prefers the term *ethopoiia* instead.

<sup>34</sup>See Quintilian, who writes: "Aristotle however thinks that the place where praise or blame is given makes a difference. For much depends on the character of the audience and the generally prevailing opinion, if people are to believe that characteristics of which they especially approve are present in the person to be praised, and those which they hate in the person to be denounced. In this way, there will be no doubt about their judgment because it will have preceded the speech" (*Inst.* 3.7.23 [Russell, LCL]). See also *Inst.* 3.7.23–25; 3.8.1–48; 6.2.1–24; 11.1.43–44; Aristotle, *Rhet.* 1.2.2–8; 1.9.28–31; 3.7.1–11; 3.14.7–11; Pseudo-Aristotle, *Rhet. Alex.* 29.17–40; Cicero, *Orat.* 2.128, 178, 182–87; *Inv.* 1.16.22–23; 1.49.92; 2.75.304–6; *Part. Orat.* 8.28; Pseudo-Cicero, *Rhet. Her.* 1.4.6–7.11.

<sup>35</sup>See Theon, *Prog.* 115–18; Pseudo-Cicero, *Rhet. Her.* 4.43.55–57; 4.50.63–53.66. Also see Alicia D. Myers, *Characterizing Jesus: A Rhetorical Analysis on the Fourth Gospel's Use of Scripture in Its Presentation of Jesus* (Library of New Testament Studies 458; London: T&T Clark, 2012).

the narration to be credible one should employ styles that are natural for speakers and suitable for the subjects and the places and the occasions" (*Prog.* 84 [Kennedy]). Indeed, orators and writers were to be cautious about the repercussions of creating speeches that did not fit the speakers or occasions. Quintilian, for example, warns, "A speech which is out of keeping with the speaker is just as bad as one which is out of keeping with the subject to which it ought to have been adapted" (*Inst.* 3.8.51 [Russell, LCL]).<sup>36</sup> This idea of "appropriateness" reflects a larger assumption in the ancient Mediterranean world that, as Quintilian explains, "speech indeed is very commonly an index of character, and reveals the secrets of the heart. There is good ground for the Greek saying that a man speaks as he lives" (*Inst.* 11.1.30 [Russell, LCL]). Thus, Plutarch writes in his *Life of Alexander*, "a slight thing like a phrase or a jest often makes a greater revelation of character than battles when thousands fall, or the greatest armaments, or sieges of cities" (*Alex.* 1.2 [Perrin, LCL]).<sup>37</sup> That NT authors also seem to have been aware of this connection is revealed in the saying of the Lukan and Matthean Jesus that "out of the overflow of the heart, the mouth speaks" (Luke 6:45; Matt 12:34).

Understanding the significance of *ethos* and *prosopopoiia* in the ancient Mediterranean world contributes to our understanding of the juridical conventions employed and ignored in John 5. In order to persuade the other characters to whom the Johannine Jesus speaks in the text, Jesus must evoke a credible *ethos* for himself: that is, he must speak the words most fitting his person and location. For the characters in the text, this means that Jesus should speak as is proper for a Jewish man from Galilee who is less than fifty years of age and who is visiting the temple during a festival. In order to persuade the audience of the Gospel, however, the evangelist must craft credible *prosopopoiia* for Jesus: that is, Jesus should be given words that reflect his identity (i.e., his overarching characterization), his setting from the perspective of the narrative, and any traditions they might know about him outside of the Gospel. For the audience, this means that the Johannine Jesus should speak as the divine *Logos* made flesh who will eventually be rejected, crucified, and resurrected. This contrast in the perspective of the characters in the narrative and that of the audience provides fertile ground for the evangelist to exploit, just as it did for other ancient authors.<sup>38</sup>

<sup>36</sup>For Quintilian's instructions on the creation of speeches for characters, see *Inst.* 3.8.49–54; 9.2.29–32. Also see Theon's criticism of Euripides' portrayal of Hecuba, whom he suggests "philosophize[s] inopportunistly" in Euripides' drama (*Prog.* 60 [Kennedy]).

<sup>37</sup>See also Thucydides' famous explanation for his speech writing for his characters: "[T]he speeches are given in the language in which, as it seemed to me, the several speakers would express, on the subjects under consideration, the sentiments most befitting the occasion, though at the same time I have adhered as closely as possible to the general sense of what was actually said" (*Hist.* 1.22.1 [Smith, LCL]).

<sup>38</sup>For example, the readers of Chariton's *Chaereas and Callirhoe* know Callirhoe's true identity as a Syracusean noblewoman at the outset of the novel, in contrast to her second husband's confusion, making sense of some otherwise bold words spoken on her part. The audience of

In the Fourth Gospel, the evangelist makes use of the expectations governing *ethos* and *prosopopoiia* in order to elevate the perspective of his own audience. Having provided the audience with a bounty of additional information about Jesus, the evangelist focuses his rhetoric on meeting their expectations even while he undermines the expectations of characters in the text. Indeed, even his omission of a final judgment, while perhaps seemingly abrupt for his own audience, also reveals his focus on them. Rather than waiting to hear the Jews' response to Jesus' words, it is Jesus who controls the scene. He offers the final "judgment" and then escapes to continue his ministry unscathed until his "hour" should come. In fact, when viewed in this light, it is only the Gospel audience who has access to the information needed for Jesus' words to be persuasive in John 5. Without the larger context of the Gospel, especially the Prologue, the Jews of ch. 5 find Jesus' actions and words to be extremely inappropriate; indeed, rather than bolstering Jesus' connection to God, they actually warrant his death according to their understanding of Scripture (cf. Num 15:32–36; Lev 24:6). In contrast, however, Jesus' actions and words are very appropriate to the *Gospel audience*. D. Moody Smith notes this contrast of perspectives, explaining that for Jesus to deny his equality with God in 5:19–47 "would be disingenuous, to say the least."<sup>39</sup> Furthermore, the review of the literary and rhetorical context of the Gospel's milieu above makes clear that such "disingenuousness" would work against the credibility of the evangelist's larger narrative. Thus, paradoxically, it is because of the seeming inappropriateness of Jesus' words for the characters in the Gospel itself that the characterization offered becomes more believable for the audience listening to the narrative unfold.

Approaching John 5 with this contrast of perspectives in mind helps to explain the evangelist's use and omission of forensic conventions in Jesus' speech, as well as his presentation of both Jesus and the Jews in this pericope. Rather than incorporating every aspect of juridical speeches, the evangelist makes use of a few common conventions to communicate the forensic context and bolster his characterization of Jesus for the Gospel audience even as his protagonist befuddles the Jews within the narrative who are not privy to the same information that guides the audience.<sup>40</sup> For the audience of the Gospel, the Johannine Jesus' adept use of

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Achilles Tatius's *Leucippe and Clitophon* knows of Leucippe's virginity even as it is on trial before other characters in the text. And in Plutarch's *Life of Alcibiades*, Plutarch emphasizes to his readers that Alcibiades adapts his personality to fit any situation in which he may find himself (even better than a chameleon), thus encouraging them to be wary of any promises he should make (see *Alc.* 23.4).

<sup>39</sup> Smith, *John*, 135.

<sup>40</sup> In this way, the focus on the rhetorical expectations of *ethos* and *prosopopoiia* can help readers better understand the long-debated question of the Jews in the Fourth Gospel as well. Rather than their being the object of scorn, their hostility and confusion make sense, given that in each situation Jesus' words and behavior *are* confusing in light of their expectations for the person in front of them. The Gospel audience is guided by the narrator to avoid this confusion. Instead of being negative characters, then, the Jews reinforce the audience's own elevated status

these techniques, including precedent, manner of life, witnesses, and refutation demonstrates his intelligence and rhetorical prowess. Moreover, his appeal to Scripture in particular highlights his expertise in matters of the “law.” This presentation of an insightful Jesus, in control of the situation and well aware of his role within the larger scriptural narrative, resonates with the complete characterization of him in the Gospel. At the same time, the narrative setting prevents the evangelist from having to use additional juridical conventions since he is not presenting an entire speech but rather crafting a scene in which Jesus can defend himself for the benefit of the Gospel audience. Thus, the evangelist relies on the rest of his narrative to fill in any gaps, employing some conventions while subverting others as a part of his presentation of Jesus, without losing sight of his larger rhetorical plans.

### III. CONCLUSION

In this essay I have argued that the evangelist places a variety of juridical figures into Jesus’ speech in John 5:19–47. Rather than admitting that he has committed a crime, or dodging his responsibility for the healing of 5:1–8, the Johannine Jesus defends his actions—and his words—on the basis of his unique identity. In the course of his speech, he appeals to the divine precedent set for him by God; expounds on his manner of life by describing his relationship with the Father; offers an impressive list of human and divine witnesses in the person of John, his own deeds, the Father, and Scripture; and ends with a stinging refutation against the Jews. Nevertheless, while making use of all these conventions, the evangelist omits many common procedures as well, the most significant of which is the final judgment rendered at the conclusion of Jesus’ speech. In this way, the evangelist continues his manipulation of the expectations governing *ethos* and *prosopopoiia* in order to continue elevating the perspective of his own audience over the audience of his protagonist in the text. With his selective use of rhetorical conventions, the evangelist offers his audience a consistent portrait of Jesus that explains his ultimate rejection without tarnishing his identity as the Word of God made flesh. Moreover, by focusing on his audience over other characters in the text, the evangelist draws his audience into the tale, emphasizing the significance of their own judgment of Jesus. For the evangelist, it is not Jesus’ speech in John 5:19–47 alone that offers “proof” (or *πίστεως*) for Jesus’ identity but the entire witness of his Gospel, which is meant to confirm Jesus as “the Son of God” (20:30–31; 5:19–30).

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and remind the audience of the importance of the Gospel’s own testimony in forming their belief. On the impact of *prosopopoiia* on understanding Jesus’ interaction with the Jews in the Fourth Gospel, see Alicia D. Myers, “*Prosopopoetics* and Conflict: Speech and Expectations in John 8,” *Bib* 92 (2011): 580–96.

## Hanukkah and the Testimony of Jesus' Works (John 10:22–39)

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This study offers a new proposal concerning the importance of the Hanukkah setting of Jesus' discourse in John 10:22–39 by arguing that the discourse's focus on Jesus' works suits the festival of Hanukkah because of a tendency to associate Hanukkah with miracles and the use of miracles to justify its observance. The first section surveys previous proposals for Hanukkah imagery in 10:22–39, noting their shortcomings and the lack of consensus concerning the connection between the content and occasion of Jesus' discourse. This lack of consensus stands in stark contrast to the almost universally recognized links between the content and occasion of Jesus' discourse on the "bread of life" at Passover (ch. 6) and his discourse on "living water" at Tabernacles (chs. 7–8), and it raises the question of whether there is an undetected link in 10:22–39. The second section examines discussions of Hanukkah in Second Temple and rabbinic texts, detecting a connection between Hanukkah and miracles in texts that are both chronologically earlier and later than the Gospel of John. The third section discusses how this association between Hanukkah and miracles illuminates the discourse in 10:22–39 and offers other implications for the study of the Gospel of John.

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Links between the content and occasion of Jesus' discourse on the "bread of life" at Passover (John 6) and his discourse on "living water" at Tabernacles (John 7–8) are almost universally recognized by scholars, but dispute surrounds the existence of a similar connection between the content and occasion of Jesus' discourse at the Feast of Dedication, also known as Hanukkah.<sup>1</sup> While scholars

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<sup>1</sup>I will henceforth refer to the feast as Hanukkah. For varying explanations of its background and development, see Oliver Shaw Rankin, *The Origins of the Festival of Hanukkah, the Jewish New Age Festival* (Edinburgh: T&T Clark, 1930); Solomon Zeitlin, "Hanukkah: Its Origin and Its Significance," *JQR* 29 (1938–39): 1–36; F. M. Abel, "La fête de Hanoucca," *RB* 53 (1946): 538–46; Julian Morgenstern, "The Chanukkah Festival and the Calendar of Ancient Israel," *HUCA* 20 (1947): 1–136; H. E. Del Medico, "La cadre des fêtes de Hanukkah et de Purim," *VT* 15 (1965): 238–70; James C. VanderKam, "Hanukkah: Its Timing and Significance according to 1 and 2 Maccabees," *JSP* 1 (1987): 23–40.



have suggested numerous possible connections, a consensus has not emerged around a particular explanation, leaving the question open as to what significance, if any, the Hanukkah setting has for Jesus' discourse in John 10:22–39.

In this study I offer a new proposal for the importance of Hanukkah in John 10:22–39, arguing that the discourse's focus on Jesus' works suits the festival of Hanukkah because of a tendency to associate Hanukkah with miracles. I will develop this argument in three sections. The first section will survey previous proposals for Hanukkah imagery in John 10:22–39, noting their shortcomings. Utilizing a method proposed by Brian D. Johnson, the second section then examines discussions of Hanukkah in Second Temple and rabbinic texts, detecting a connection between Hanukkah and miracles in texts chronologically earlier and later than John. The third section discusses how this association illuminates the discourse in John 10:22–39 and offers other implications for the Gospel.

## I. SURVEY OF PREVIOUS PROPOSALS

One can divide previous proposals for a connection between John 10:22–39 and Hanukkah into three general categories based on the nature of the connection: historical, liturgical, and narrative. After examining the nature and weaknesses of the proposals comprising each group, the discussion will turn to the collective shortcomings of these proposals.

### A. *Historical*

Since the link between the discourse of John 6 and the feast of Passover draws on the manna traditions, many scholars note an association between John 10:22–39 and the historical events at the origin of Hanukkah. These proposals have drawn on four aspects of the Maccabean revolt: (1) the liberation of the nation, (2) the blasphemous actions of Antiochus, (3) the leadership of the Maccabees, and (4) the cleansing and rededication of the temple.

#### 1. *The Liberation of the Nation*

Some scholars stress the political deliverance of the Maccabean revolt as the background for the discourse of John 10:22–39 and its question concerning Jesus' messianic identity (10:24). For example, B. F. Westcott notes that Hanukkah was a nationalistic feast remembering the liberation of the people and looking forward to a future deliverance.<sup>2</sup> Etienne Nodet similarly argues that Hanukkah originally had messianic associations connected to the victory of the Maccabees.<sup>3</sup> In an

<sup>2</sup>Westcott, *Gospel according to St. John* (1881; repr., Grand Rapids: Eerdmans, 1978), 157.

<sup>3</sup>Etienne Nodet, "La Dédicace, les Maccabées et le Messie," *RB* 93 (1986): 321–75.

appendix to his 1930 book on Hanukkah, Oliver Shaw Rankin cites connections between John 10:22–39 and Jesus' response to the question of his messianic identity in Matt 11:2–19 par. Luke 7:22–35, arguing that the miracles of Jesus indicate the arrival of the "new age" that Rankin claims Hanukkah celebrates.<sup>4</sup> The central weakness of this group of proposals, as noted by James C. VanderKam, is that there is no evidence for "special associations between Hanukkah and hopes for national deliverance led by a messiah."<sup>5</sup>

## 2. *The Blasphemy of Antiochus*

Rather than focusing on Hanukkah as revealing Jesus' messianic identity in light of the question in 10:24, VanderKam observes that Jesus states that he and the Father are one (10:30), that he is the Son of God (10:36), and that the Father is in him (10:38) at Hanukkah and in the temple (10:22–23).<sup>6</sup> Furthermore, "the Jews" charge Jesus with blasphemy and claim that he makes himself God (10:33). These statements and accusations occur on the occasion when the Jews remembered the actions of Antiochus IV, who required the people to venerate him as divine. Therefore, "Jesus' unbelieving audience who do not belong to his sheep see in the divine Son only another blasphemer who, like the Seleucid king, claimed to be god."<sup>7</sup> Alan R. Kerr has built on VanderKam's work, noting further parallels between John 10–11 and the Maccabean accounts, arguing that there are "polyvalent echoes weaving throughout the narrative."<sup>8</sup>

VanderKam's proposal is plausible, but it might not be the passage's primary concern. Kerr's chart on the parallels highlights an important flaw in VanderKam's argument: Antiochus's claim to be divine is not the central element in the Maccabean accounts.<sup>9</sup> Furthermore, Kerr uses VanderKam's observations to bolster his claim that the passage highlights Jesus as the new temple through his statement about being consecrated by the Father (10:36); the parallel to Antiochus therefore functions as a supportive point rather than the primary focus of the passage. Gale A. Yee

<sup>4</sup>Rankin, *Festival of Hanukkah*, 273–78. For criticism of Rankin's explanation of Hanukkah, see Zeitlin, "Hanukkah: Its Origin and Its Significance," 33–36.

<sup>5</sup>VanderKam, "John 10 and the Feast of Dedication," in *Of Scribes and Scrolls: Studies on the Hebrew Bible, Intertestamental Judaism, and Christians Origins Presented to John Strugnell on the Occasion of His Sixtieth Birthday* (ed. Harold W. Attridge, John J. Collins, and Thomas H. Tobin; Lanham, MD: University Press of America, 1990), 206.

<sup>6</sup>Ibid., 210–14.

<sup>7</sup>Ibid., 213.

<sup>8</sup>Kerr, *The Temple of Jesus' Body: The Temple Theme in the Gospel of John* (JSNTSup 220; Sheffield: Sheffield Academic Press, 2002), 250–55, esp. 252–53, where a chart appears listing the connections.

<sup>9</sup>No passage from 1 or 2 Maccabees appears on this point in Kerr's chart, though he footnotes 2 Macc 9:12, which VanderKam observes could allude to the fact that Antiochus expected the Jews to proclaim him to be divine.

also discusses Antiochus in her study of the Jewish feasts in John, but she notes that the issue was Antiochus's desecration of the temple by instituting the worship of an alien god rather than his divine claims, thus connecting the actions of Antiochus with Jesus' word concerning consecration (10:36).<sup>10</sup>

### 3. *The Leadership of the Maccabees*

While agreeing that the period of the Maccabean revolt is the background through which one must read John 10:22–39, Brian D. Johnson argues that the “focus should rather be placed on the Maccabean rulers themselves.”<sup>11</sup> Johnson bases his proposal on the connection between the discussion of the “good shepherd” (10:1–21), where Jesus contrasts himself to “all who came before” (10:8), and the discourse at Hanukkah. Since shepherding was a metaphor for rulers and kings, Johnson argues that Jesus thus claims to be the legitimate ruler who differs from the Maccabees, who, like thieves and robbers, used violence to lead the people. While Johnson is correct in observing a close relationship between 10:1–21 and 10:22–39,<sup>12</sup> his proposal seems to depend more on 10:1–21 than 10:22–39, as Jesus does not contrast himself with other leaders in 10:27–29. Furthermore, it seems more likely that the imagery of the shepherd in ch. 10 stands in contrast to the present religious leaders than to the Maccabees.<sup>13</sup>

### 4. *The Cleansing and Rededication of the Temple*

The most commonly proposed link between Hanukkah and the discourse of John 10:22–39 is that Jesus' statement that the Father consecrated (ἀγιάζω) the Son

<sup>10</sup>Yee, *Jewish Feasts and the Gospel of John* (Zacchaeus Studies: New Testament; Wilmington, DE: Michael Glazier, 1989), 90–91.

<sup>11</sup>Johnson, “The Jewish Feasts and Questions of Historicity in John 5–12,” in *John, Jesus, and History*, vol. 2, *Aspects of Historicity in the Fourth Gospel* (ed. Paul N. Anderson, Felix Just, and Tom Thatcher; SBLSymS 44; Atlanta: Society of Biblical Literature, 2009), 124. Johnson also develops this suggestion in “Salvation Is from the Jews: Judaism in the Gospel of John,” in *New Currents through John: A Global Perspective* (ed. Francisco Lozada Jr. and Tom Thatcher; SBLRBS 54; Atlanta: Society of Biblical Literature, 2006), 96–97. For a similar argument, see John C. Poirier, “Hanukkah in the Narrative Chronology of the Fourth Gospel,” *NTS* 54 (2008): 469–70.

<sup>12</sup>A point of general agreement among the two-year Johannine Writings Seminar of the Studiorum Novi Testamenti Societas was the close relationship between 10:1–21 and 10:22–39; see Johannes Beutler and Robert T. Fortna, “Introduction,” in *The Shepherd Discourse of John 10 and Its Context: Studies* (SNTSMS 67; Cambridge: Cambridge University Press, 1991), 3; this is illustrated throughout the volume's essays. Furthermore, while one need not accept the displacement theories of J. H. Bernard (*A Critical and Exegetical Commentary on the Gospel of St. John* [2 vols.; ICC; Edinburgh: T&T Clark, 1929], 1:xiv–xv) and Rudolf Bultmann (*The Gospel of John: A Commentary* [trans. George R. Beasley-Murray; Philadelphia: Westminster, 1970], 312–13, 358–85), their proposals also reveal the close connections between these discourses.

<sup>13</sup>See Yee, *Jewish Feasts*, 90.

(10:36) evokes the cleansing and dedication of the temple altar by the Maccabees.<sup>14</sup> Those who advocate this position note that Hanukkah recalls the dedication of houses of God (Num 7:10–11; 1 Kgs 8:63; 2 Chr 7:5; Ezra 6:16), so at this time Jesus declares that he, not the altar of the temple, is the true consecrated one. Furthermore, since the Father is in the Son (10:38), Jesus, not the temple, is now the place of God's dwelling and stands as a replacement of the temple.<sup>15</sup>

This popular proposal has not gone without challenge. It hinges on one word in one verse rather than on the overall theme of the discourse.<sup>16</sup> Furthermore, the term in 10:36 (ἀγιάζω) is not from the same root as the name of the festival in 10:22 (ἐγκαίνια). In addition, although ἀγιάζω appears in the account of the Maccabees (1 Macc 4:48), the word applies to the sanctifying of the *courts* (καὶ τὰς αὐλὰς ἡγίασαν), not the consecration of the *altar*. The word ἐγκαίνιζω is more common in the narrative (1 Macc 4:36, 54, 57; 5:1).<sup>17</sup> Scholars have offered a variety of rebuttals to these criticisms: Raymond E. Brown notes that ἐγκαίνιζω and ἀγιάζω are synonymous;<sup>18</sup> Craig S. Keener states that “the term for ‘consecration’ used in 10:22 was applied to things, whereas the term used in 10:36 applies to persons”;<sup>19</sup> and Richard Bauckham notes that because ἐγκαίνιζω actually refers to an inaugu-

<sup>14</sup>This view is associated with Raymond E. Brown, *The Gospel according to John I–XII: Introduction, Translation, and Notes* (AB 29; Garden City, NY: Doubleday, 1966), 401–11, but appears also in Yee, *Jewish Feasts*, 91; D. A. Carson, *The Gospel according to John* (Pillar New Testament Commentary; Grand Rapids: Eerdmans, 1991), 399; R. Alan Culpepper, *The Gospel and Letters of John* (Interpreting Biblical Texts; Nashville: Abingdon, 1998), 181–83; Francis J. Moloney, *The Gospel of John* (SP 4; Collegeville, MN: Liturgical Press, 1998), 317, 319; Mary L. Coloe, *God Dwells with Us: Temple Symbolism in the Fourth Gospel* (Collegeville, MN: Liturgical Press, 2001), 145–55; Kerr, *Temple of Jesus' Body*, 250–55; Craig S. Keener, *The Gospel of John: A Commentary* (2 vols.; Peabody, MA: Hendrickson, 2003), 822, 830; Paul M. Hoskins, *Jesus as the Fulfillment of the Temple in the Gospel of John* (Paternoster Biblical Monographs; Waynesboro, GA: Paternoster, 2006), 170–75; Richard Bauckham, “The Holiness of Jesus and His Disciples in the Gospel of John,” in *Holiness and Ecclesiology in the New Testament* (ed. Kent E. Brower and Andy Johnson; Grand Rapids: Eerdmans, 2007), 106. Variation exists concerning the exact meaning of this connection: Coloe thinks that the passage emphasizes Jesus as the dwelling place of God, while Bauckham suggests that the notion of consecration points to the temple as the place of sacrifice, preparing for Jesus' offering of himself.

<sup>15</sup>Brown, *John I–XII*, 411. On the role of this passage in the theme of Jesus as the new temple, see esp. Coloe, *God Dwells*, 45–55; Kerr, *Temple of Jesus' Body*, 250–55; Hoskins, *Jesus as Fulfillment*, 170–75.

<sup>16</sup>Urban C. von Wahlde, *The Gospel and Letters of John* (3 vols.; Eerdmans Critical Commentary; Grand Rapids: Eerdmans, 2010), 2:228.

<sup>17</sup>Pace Coloe, *God Dwells*, 153: “the word central to the celebration of this Feast [ἀγιάζω] is now applied to Jesus.”

<sup>18</sup>Brown, *John I–XII*, 402, 404. He notes that ἀγιάζω appears in LXX Num 7:1 when Moses consecrates the tabernacle, while ἐγκαίνιζω and cognates appear in Num 7:10–11; 1 Kgs 8:63; 2 Chr 7:5; and Ezra 6:16.

<sup>19</sup>Keener, *Gospel of John*, 823.

ration through use and Hanukkah was a celebration of the inauguration of the altar through proper sacrifice, ἐγκαθίστω would not be appropriate to describe Jesus here, as this inauguration comes when Jesus offers himself as the sacrifice.<sup>20</sup>

Advocates of this proposal also acknowledge, however, that there is another way to interpret ἐγκαθίστω.<sup>21</sup> In the LXX, ἐγκαθίστω refers to priests (2 Chr 26:18), prophets (Jer 1:5), and the ancestors (2 Macc 1:25), as well as Moses (Sir 54:4). Therefore, the term could refer to Jesus as “the authorized, Spirit-filled speaker of God’s words”<sup>22</sup> or to the priestly service of Jesus.<sup>23</sup> That the word appears alongside the concept of sending in John 10:36 and 17:17–19 points to its referring to the setting apart of a person for a mission, indicating that the primary focus is Jesus’ mission, not his replacement of the altar or temple.

### B. Liturgical

Another approach in discovering a link between Hanukkah and John 10:22–29 utilizes the liturgy of Hanukkah, akin to the way that Jesus’ statements about water and light match the rituals of Tabernacles in John 7–8. Scholars have proposed links to (1) the lectionary readings and (2) the rituals of Hanukkah.

#### 1. Lectionary

Aileen Guilding cites links between the lectionary readings around Hanukkah and John 10.<sup>24</sup> She contends that “virtually all the *regular* lections for every year of the cycle contain the theme of sheep and shepherds and of God the Shepherd of Israel,”<sup>25</sup> which explains the placement of the discourse on the “good shepherd” (10:1–18) immediately before the discourse at Hanukkah (10:22–39). She finds an additional link between the lectionary for Hanukkah and John 10:22–39 through the Hanukkah reading for the second year of the cycle (Lev 24:1–25:13), which is “the *locus classicus* for the punishment of blasphemy” and corresponds to the charge against Jesus and the attempt to stone him in John 10:31–33.<sup>26</sup> The most

<sup>20</sup>Bauckham, “Holiness of Jesus,” 98–107.

<sup>21</sup>E.g., Keener, *Gospel of John*, 830. Carson (*Gospel according to John*, 399) and Hoskins (*Jesus as Fulfillment*, 174) argue for a double meaning.

<sup>22</sup>Rudolf Schnackenburg, *The Gospel according to St. John* (trans. Kevin Smyth; 3 vols.; vol. 1, New York: Herder & Herder, 1966; vols. 2, 3, New York: Crossroad, 1980–82), 2:311. Cf. F. F. Bruce, *The Gospel of John* (Grand Rapids: Eerdmans, 1983), 235; von Wahlde, *Gospel and Letters of John*, 2:475.

<sup>23</sup>J. Ramsey Michaels, *The Gospel of John* (NICNT; Grand Rapids: Eerdmans, 2010), 605–6; cf. Brown, *John I–XII*, 411.

<sup>24</sup>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), 127–42.

<sup>25</sup>*Ibid.*, 129–30.

<sup>26</sup>*Ibid.*, 131.

obvious weakness in her proposal is the existence of the three-year lectionary cycle of readings in the first century, as the evidence for such a cycle comes from a later date. While this proposal has not gained wide acceptance, some scholars tentatively cite the connection between shepherd imagery and the Sabbath to Hanukkah.<sup>27</sup>

## 2. Candle Lighting Ritual

Others advocate for a connection based on the ritual of lighting lamps at Hanukkah and Josephus's label of the feast as the "Festival of Lights" (*Ant.* 12.325). Jerry R. Lancaster and R. Larry Overstreet argue that the healing of the blind man in John 9 shows the light of the world shining on the spiritually blind akin to the lamps of Hanukkah.<sup>28</sup> Such a link draws attention to the "close coherence" of John 9 and 10.<sup>29</sup> John C. Poirier goes a step further, noting that light is a more important theme for Hanukkah than for Tabernacles and suggesting that the events of John 8 occur at Hanukkah, not Tabernacles.<sup>30</sup> The result of Poirier's proposal is that each feast has one theme: Jesus discusses the bread of life at Passover, living water at Tabernacles, and the light of the world at Hanukkah.

This view may overemphasize the light imagery of the festival. While Josephus testifies to Hanukkah being known as the "Festival of Lights," the widespread emphasis on lights may be a later development.<sup>31</sup> In addition, the connections between Tabernacles and Hanukkah could mean that the theme of light applies to both festivals, particularly since there are numerous echoes between the two feasts in John.<sup>32</sup> Finally, the imagery of light appears in 8:12 and 9:4–5, but it also appears in 11:9–10 and 12:35–36, indicating that the light imagery in this section may be part of a larger theme of Jesus as light rather than related to a particular festival.<sup>33</sup> Above all, the theme of light does not appear in 10:22–39.

## C. Narrative

Other scholars have sought a narrative purpose rather than a thematic reason for the reference to Hanukkah in John 10:22. Michael A. Daise proposes that the

<sup>27</sup> E.g., Schnackenburg, *Gospel according to St. John*, 2:305; Keener, *Gospel of John*, 824.

<sup>28</sup> Lancaster and Overstreet, "Jesus' Celebration of Hanukkah in John 10," *BSac* 152 (1995): 318–33, esp. 328–31.

<sup>29</sup> The "close coherence" of John 9 and 10 was a point of agreement in the Johannine Writings Seminar (see n. 12 above).

<sup>30</sup> Poirier, "Hanukkah in the Narrative Chronology," 465–78, esp. 475–77. Poirier also notes that the main point of John 8 (the question of freedom [8:31–38]), makes more sense in the context of Hanukkah than at Tabernacles.

<sup>31</sup> Keener, *Gospel of John*, 822–23.

<sup>32</sup> See Brown, *John I–XII*, 404.

<sup>33</sup> Von Wahlde sees the discussion of light as part of a later stratum of John (*Gospel and Letters of John*, 1:256–60).

feasts in John are “temporal benchmarks,” indicating the passage of “a substantial interval of time” as the story moves from Passover (2:13) to Passover (11:55) toward Jesus’ “hour.”<sup>34</sup> Therefore, the reference to Hanukkah indicates that eight months have passed since the first Passover and that the second Passover is four months away, showing Jesus to be closer to his hour and death.<sup>35</sup> A related proposal is that the chronological marker has a spiritual significance, with the reference to the festival occurring in the winter indicating the cold condition of “the Jews.”<sup>36</sup>

Such a position, however, does not eliminate the possibility of the feasts having other functions.<sup>37</sup> The reference to Hanukkah may be a temporal mark that simply indicates that a short time has elapsed between the events,<sup>38</sup> or it may have chronological as well as symbolic importance, as do the other feasts.<sup>39</sup>

#### D. *The Shortcomings of Previous Proposals*

This survey of previous proposals indicates that the associations with Hanukkah are neither as clear nor as strong as those with Passover and Tabernacles, and the sheer number of proposals demonstrates that no single theory is a compelling explanation of the reference to Hanukkah. Even the combination of allusions proves tenuous, as after integrating a number of these proposals, Keener still seeks to explain why the connections to Hanukkah are weaker than those to the Passover and Tabernacles.<sup>40</sup> The inability to uncover a convincing explanation for the explicit reference to Hanukkah in John 10:22 may indicate either that no such connection exists or that the approaches previously employed are unable to discover this link. If the latter is true, a new method may be necessary to detect an association between the feast and the discourse.

Furthermore, previous proposals have failed to discuss or address a critical aspect of the discourse of John 10:22–39 and a key element in the traditions of

<sup>34</sup>Daise, *Feasts in John: Jewish Festivals and Jesus’ “Hour” in the Fourth Gospel* (WUNT 2/229; Tübingen: Mohr Siebeck, 2007), 156–70. In his proposal, the Passover in 6:4 is the Second Passover of 14 Iyyar.

<sup>35</sup>Cf. Bultmann (*John*, 361), who relates the feast to the progress of revelation.

<sup>36</sup>George R. Beasley-Murray, *John* (WBC 36; Waco: Word, 1987), 178; Thomas L. Brodie, *The Gospel according to John: A Literary and Theological Commentary* (New York: Oxford University Press, 1993), 374.

<sup>37</sup>Daise, *Feasts*, 163. While Daise notes that the Passovers (6:4; 11:55) and Tabernacles (7:2; cf. 7:37) give symbols for the accompanying discourses, he makes no such remark about Hanukkah.

<sup>38</sup>C. K. Barrett, *The Gospel according to St. John: An Introduction with Commentary and Notes on the Greek Text* (2nd ed.; Philadelphia: Westminster, 1978), 378; Schnackenburg, *Gospel according to St. John*, 2:305.

<sup>39</sup>E.g., Carson, *Gospel according to John*, 391.

<sup>40</sup>Keener offers two reasons for lack of close connections: it may show that John felt constrained by the tradition and/or may stem from the fact that Hanukkah was an extrabiblical feast (*Gospel of John*, 821–23).



Hanukkah. Scholars have rarely explored the potential relationship between the discussion of Jesus' works as a witness to his identity and the festival of Hanukkah, a striking oversight because of the focus in this discourse on Jesus' works, commonly noted by commentators.<sup>41</sup> In addition, previous proposals have not discussed the associations between Hanukkah and miracles displayed in the insertion of the *Al ha-Nissim* ("for the miracles") thanksgiving into the *Amidah* at Hanukkah.<sup>42</sup> Such an oversight is likely due to the uncertainty regarding when this liturgical tradition originated and became widespread as well as the late date for the tradition describing the miracle of the cruse of oil. While previous examinations have excluded these practices and traditions because they appear to postdate the Gospel of John, they may prove relevant in a methodology that considers texts both prior to and subsequent to John.

## II. MIRACLES AND HANUKKAH

The approach that Brian D. Johnson recommends in regard to the question of historicity of the Jewish feasts of John may open up a new way to seek connections between Hanukkah and the discourse of John 10:22–39.<sup>43</sup> Johnson suggests examining texts that discuss the Jewish feasts that are earlier and later than John, "charting a trajectory in the development of the practice, content, and significance of the Jewish feasts"<sup>44</sup> to see if the Johannine description of the feast coheres with this trajectory. This method of study focuses on developments and tendencies concerning feasts in both the Second Temple and the rabbinic periods, seeing how both may be relevant in interpreting John. The brevity of Johnson's comments on Hanukkah traditions prompts the need for a more in-depth examination of the few references to Hanukkah in these texts.<sup>45</sup>

### A. 2 Maccabees

While 1 and 2 Maccabees both describe the origin of Hanukkah, they do so in different ways and for different purposes.<sup>46</sup> The great similarity in the descrip-

<sup>41</sup> E.g., C. H. Dodd, *The Interpretation of the Fourth Gospel* (Cambridge: Cambridge University Press, 1953), 356; Barrett, *Gospel according to St. John*, 378; Michaels, *Gospel of John*, 594, 606; von Wahlde, *Gospel and Letters of John*, 2:479–83, 3:333–38. One of the few who connect the emphasis in Jesus' response on his works with the imagery of Hanukkah is Rankin (*Festival of Hanukkah*, 273–78), but his view, appearing in an appendix, has remained obscure and overlooked by scholars.

<sup>42</sup> See "Al ha-Nissim," *EncJud* (2nd ed.; 2007), 1:655. On the development of this tradition, see S. Stein, "The Liturgy of Hanukkah and the First Two Books of Maccabees," *JJS* 5 (1954): 100–106, 148–55.

<sup>43</sup> See Johnson, "Jewish Feasts," 117–29.

<sup>44</sup> *Ibid.*, 121.

<sup>45</sup> His discussion consists of less than two pages (*ibid.*, 123–24).

<sup>46</sup> A helpful comparison of the books appears in Jonathan A. Goldstein, *I Maccabees: A New*

tions of 1 Macc 1:11–7:49 and 2 Macc 4:7–15:36 points to the possibility of a common source containing these traditions about the historical origin of Hanukkah, meaning that the differences between the two documents may reflect editorial activity.<sup>47</sup> In line with the likely purpose of 1 Maccabees to support the Hasmoneans,<sup>48</sup> this book describes Hanukkah as a celebration of the deliverance that occurred through the Maccabees, recalling the joy and gladness of their restoration of temple worship (1 Macc 4:36–59). Meanwhile, the opening letters of 2 Maccabees (1:1–2:18) point to a central purpose of the book as encouraging the observance of Hanukkah among the Jews in Egypt (see esp. 1:9, 18).<sup>49</sup> Thus, while describing the origin of Hanukkah, 2 Maccabees also seems to be an argument to recognize the legitimacy of this feast. The description of Hanukkah in 2 Maccabees would therefore be a window into the way that advocates sought to convince people to observe this feast. The book displays three important motifs in relation to Hanukkah: linking Hanukkah to the feast of Tabernacles, stressing the holy fire, and highlighting miraculous events occurring during the time of the restoration of the temple.

In encouraging the Jews in Egypt to keep Hanukkah, the letters describe it as “the festival of booths in the month of Chislev” (1:9, 18), thereby linking Hanukkah to a biblical feast. The account of 1 Maccabees describes the establishment of the feast after the cleansing and dedication of the temple but gives no explanation for why the feast lasts eight days (1 Macc 4:54–59). In contrast, 2 Maccabees notes that the people “celebrated it for eight days with rejoicing, in the manner of the festival of booths, remembering how not long before, during the festival of booths, they had been wandering in the mountains and caves like wild animals” (2 Macc 10:6).<sup>50</sup> By linking Tabernacles with Hanukkah in both the narrative and the introductory letters, Hanukkah becomes a “Second Tabernacles” in line with the Second Passover established in Num 9:9–14 on 14 ‘Iyyar for those who could not observe Passover.<sup>51</sup> Similarly, 2 Macc 15:35–36 connects the celebration of the defeat of Nicanor with the feast of Purim by stating that this feast is “the day before Mordecai’s day.”

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*Translation with Introduction and Commentary* (AB 41; Garden City, NY: Doubleday, 1976), 3–36. For a resolution of the differences in chronology, see VanderKam, “Hanukkah: Its Timing and Significance,” 23–40.

<sup>47</sup>For slightly different arguments for a common source, see Goldstein, *I Maccabees*, 90–103; idem, *II Maccabees: A New Translation with Introduction and Commentary* (AB 41A; Garden City, NY: Doubleday, 1983), 37–41.

<sup>48</sup>As noted in, e.g., George W. E. Nickelsburg, *Jewish Literature between the Bible and the Mishnah: A Historical and Literary Introduction* (Philadelphia: Fortress, 1981), 116–17; Daniel J. Harrington, *Invitation to the Apocrypha* (Grand Rapids: Eerdmans, 1999), 122.

<sup>49</sup>This does not mean that this is the only purpose of the book. Moreover, the book does not appear to have succeeded in this goal, as Philo does not discuss Hanukkah as one of the feasts of the Jews (see *Dec.* 2.158–65; *Spec.* 2.41–223).

<sup>50</sup>The singing of hymns and carrying of branches (10:7) also connect the two feasts.

<sup>51</sup>VanderKam, “Hanukkah: Its Timing and Significance,” 31–32.

In addition to calling Hanukkah the “festival of booths,” 2 Maccabees describes it as the “festival of the fire given when Nehemiah, who built the temple and the altar, offered sacrifices” (1:18). The second letter recounts how fire descended from heaven when Moses dedicated the tabernacle and Solomon dedicated the temple, noting that Jeremiah hid this fire and that Nehemiah then found it (1:19–2:15). While this could be an attempt to establish the superiority of the Jerusalem temple over the temple built by Onias,<sup>52</sup> one must note the *way* that the writer establishes this superiority: a special act of God affirms the validity of the proper place of worship.<sup>53</sup> Unlike the description in 1 Macc 4:36–60, the description of the dedication of the temple in 2 Macc 10:1–8 mentions fire (10:3), thus connecting the event to previous dedications and the accompanying miracles.<sup>54</sup> Therefore, the fire seems to serve two purposes, as it links the celebration to biblical events while also showing that miraculous interventions from God occurred at the origin of the festival.

Associations with the miraculous interventions of God continue throughout 2 Maccabees.<sup>55</sup> According to the outline of Daniel J. Harrington, 2 Maccabees focuses on three attacks on the temple (3:1–30; 4:1–10:9; 10:10–15:36).<sup>56</sup> Important supernatural incidents appear in the first and the third attacks: a horse appears against the attack of Heliodorus (3:22–28), and Judas receives a vision featuring Onias and Jeremiah before battling Nicanor (15:6–19). Judas responds to his vision by calling on the God “who works wonders” (15:21).<sup>57</sup> No distinctly supernatural event occurs in the purification of the temple by Judas, though the restoration of fire in 10:3 seems to demonstrate a providential intervention in line with the discussion of 1:19–2:18.<sup>58</sup> Furthermore, the compiler’s preface (2:19–32) makes reference to miracles (2:21: “appearances that came from heaven to those who fought bravely for Judaism” [τὰς ἐξ οὐρανοῦ γενομένας ἐπιφανείας τοῖς ὑπὲρ τοῦ Ἰουδαϊσμοῦ φιλοτίμως ἀνδραγαθήσασιν]) occurring at the time of Judas’s purification and dedication of the altar, indicating that miracles surround the origin of Hanukkah. That this reference to miracles occurs in the preface suggests that the author of 2 Maccabees is interested in miracles, as they bolster his appeal to observe Hanukkah.

<sup>52</sup>Nickelsburg, *Jewish Literature*, 121; Harrington, *Invitation to the Apocrypha*, 139.

<sup>53</sup>Zeitlin, “Hanukkah: Its Origin and Its Significance,” 21–24.

<sup>54</sup>Morgenstern, “Chanukkah,” 122; Abraham P. Bloch notes that the fact that the fire comes from flint rather than from heaven may be a way to link this event to biblical events without elevating the Maccabees (*The Biblical and Historical Background of the Jewish Holy Days* [New York: Ktav, 1978], 56–57).

<sup>55</sup>See, e.g., 5:2–3; 10:29–30; 11:8–10; 12:22; 15:27. These miracles cause Thomas Fischer to describe 2 Maccabees as a “festal scroll that speaks of a miracle working God” (“Maccabees, Books of” in *ABD* 4:443 [trans. Frederick Cryer]).

<sup>56</sup>Harrington, *Invitation to the Apocrypha*, 137.

<sup>57</sup>The word here (τεραπεσιον) is a neologism, appearing in the LXX only here and in 3 Macc 6:32.

<sup>58</sup>Bloch, *Jewish Holy Days*, 56.

In sum, 2 Maccabees discloses traditions that associate Hanukkah with biblical parallels and the presence of miracles performed by God. Since the book seeks to promote observance of the feast, these miracles serve to prove the validity of Hanukkah.

### ***B. Rabbinic Texts: The Babylonian Talmud, Soperim, and Pesiqta Rabbati***

One would normally turn to the Mishnah to find the views of the rabbis concerning Hanukkah, but Hanukkah appears in only a few passages. It does not receive a tractate in the second division of the Mishnah (*Mo'ed*), perhaps because it was not a biblical feast.<sup>59</sup> Scholars commonly note that the feast diminished in importance in Roman times in order to avoid charges that the Jewish people were revolutionaries and to maintain peaceful existence with the Romans,<sup>60</sup> but other reasons could also exist. At this point, one must simply note that the Mishnah does not show much interest in discussing the meaning or origin of Hanukkah.

The Mishnah does reveal the observance of Hanukkah in the first century C.E. and after the destruction of the temple. Some passages discuss customs such as the position of the lamp (*m. B. Qam.* 6:6) and the liturgy accompanying Hanukkah (*m. Meg.* 3:6).<sup>61</sup> Most of the references to Hanukkah in the Mishnah, however, briefly mention Hanukkah alongside other feasts and give little information about the feast itself (*m. Ta'an* 2:1; *Mo'ed Qat.* 3:9; *Bik.* 1:6; *Roš Haš.* 1:3; *Meg.* 3:4).<sup>62</sup> Similarly, the appearance of Hanukkah in *Megillat Ta'anit* 9 reveals a prohibition of fasting on the day but does not describe other customs or the significance of the feast. While explanations of the reason for Hanukkah appear in the Scholium to *Megillat Ta'anit* and the Scroll of the Antiochus,<sup>63</sup> the uncertainty concerning the date of these texts necessitates caution in using them as data in a historical reconstruction. In effect, these traditions merely indicate that the feast was observed in the first two centuries C.E.

<sup>59</sup> One must note, however, that the feast of Weeks (Pentecost), a biblical feast, also does not receive its own section (Poirier, "Hanukkah in the Narrative Chronology," 476 n. 30).

<sup>60</sup> E.g., Theodore H. Gaster, *Festivals of the Jewish Year: A Modern Interpretation and Guide* (1953; repr., New York: William Morrow, 1972), 248; Bloch, *Jewish Holy Days*, 76.

<sup>61</sup> The Talmud also describes the debate between the Houses of Hillel and Shammai concerning whether the number of lamps lit each day should increase or diminish (*b. Šabb.* 21b).

<sup>62</sup> For a similar classification of the references to Hanukkah in the Mishnah, see Rankin, *Festival of Hanukkah*, 259–60.

<sup>63</sup> For an English text of the Scholium of *Megillat Ta'anit*, see Vered Noam, "The Miracle of the Cruse of Oil: The Metamorphosis of a Legend," *HUCA* 73 (2002): 196–205. For the Scroll of Antiochus, also known as the Scroll of the Hasmoneans, see Philip Birnbaum's translation in Philip Goodman, *The Hanukkah Anthology* (Philadelphia: Jewish Publication Society of America, 1976), 80–86.

Talmudic texts demonstrate that interest in Hanukkah revived at a later date. These texts stress that the reason for the feast is that God worked miracles at the time of the Maccabees. Regardless of the historical value of the story itself, the Babylonian Talmud explains that the basis for Hanukkah is a miracle, stating in *b. Šabb.* 21b that

when the Greeks entered the Temple, they defiled all the oils therein, and when the Hasmonean dynasty prevailed against them and defeated them, they made search and found only one cruse of oil which lay with the seal of the High Priest, but which contained sufficient for one day's lighting only; yet a miracle was wrought therein and they lit [the lamp] therewith for eight days. The following year these [days] were appointed a Festival with [the recital of] Hallel and thanksgiving.<sup>64</sup>

While mentioning the victories of the Hasmoneans, this text stresses the miracle of the cruse as the reason for the eight-day celebration. The appearance of this story in the Scroll of Antiochus, a text dated typically between the second and fifth centuries C.E.,<sup>65</sup> may indicate an earlier date for this story than often noted. Regardless of the date of the tradition, this text is relevant for our purposes because it shows a tendency to associate miracles with Hanukkah.<sup>66</sup> In addition, the reason that women participate in the lighting of the lamps is that “they too were concerned in the miracle” (*b. Šabb.* 23a). Essentially, the Talmud uses miracles to justify and legitimize Hanukkah.

Miracles also explain why Hanukkah continued to be observed while the feast of Nicanor, another feast associated with the Maccabees (1 Macc 7:49; 2 Macc 15:36) and observed in the first century (*Megillat Taʿanit* 12.3; Josephus, *Ant.* 12.411), was not. In a debate about whether the destruction of the temple annulled the regulations of *Megillat Taʿanit*, R. Joseph notes that “Hanukkah is different because there is a religious ceremony [attached to it]” and that “Hanukkah is different because it commemorates publicly a miracle” (*b. Roš Haš.* 18b). Therefore,

<sup>64</sup> All translations from the Babylonian Talmud are from *The Babylonian Talmud* (trans. I. Epstein; 7 vols.; quincentury ed.; London: Socino, 1978).

<sup>65</sup> “Scroll of Antiochus,” *EncJud* (2nd ed.; 2007), 18:213–15; Brigitte (Rivka) Kern-Ulmer, “The Midrashim for Hanukkah: A Survey and a Sample Analysis,” in *Approaches to Ancient Judaism*, n.s. vol. 3, *Historical and Literary Studies* (ed. Jacob Neusner; South Florida Studies in the History of Judaism 56; Atlanta: Scholars Press, 1993), 170, 175–78. Bloch argues for a date in the first century (*Jewish Holy Days*, 64–69). While never explicitly dating the work, Goodman calls it “The Medieval Scroll of the Hasmoneans,” indicating a late date for the text (*Hanukkah Anthology*, 80–81).

<sup>66</sup> Noam’s position that the Scholium to *Megillat Taʿanit* includes an earlier form of the story that would grow to become the miracle of the Talmud may indicate that stories associated with Hanukkah *became* miracles used to explain and defend Hanukkah (“Miracle of the Cruse of Oil,” 218–26).

the miracles that give Hanukkah its religious nature are what distinguish it from other days on which fasts were prohibited and justify its continued validity.

The rabbis appear to have chosen this tradition of a miracle over other traditions in circulation. According to the “P” form of the Scholium identified by Vered Noam, the eight days of the feast arose from the Hasmoneans taking eight days to make a candelabrum in the temple from seven iron spits.<sup>67</sup> A truncated version of this event also appears in the Babylonian Talmud, indicating that its compilers were aware of the story but did not use it as the reason for celebrating Hanukkah.<sup>68</sup> This tradition would continue to circulate and appears instead of the miracle of oil in *Pesiq. Rab.* 2.1. Therefore, it seems that the rabbis chose to emphasize miraculous events occurring during the time of the Maccabees as the explanation for the feast.<sup>69</sup> The statement in *m. Ber.* 9:1 that if one sees “a place where miracles have been wrought for Israel, he should say, ‘Blessed is he that wrought miracles for our fathers in this place’” may explain this choice, as emphasizing the miraculous nature of the event would justify its continued observance since one must remember the works of God.<sup>70</sup>

This association of Hanukkah and miracles appears also in discussions concerning the benedictions recited at the feast. *B. Sukkah* 46a notes that one is not to omit the benediction concerning the miracle because “the miracle occurs every day [and therefore cannot be omitted].” Thus, the miracle is an integral and essential part of the Hanukkah celebration. *Soperim* 20 also discusses miracles in relation to the benedictions accompanying the lighting of the lamp. Before recounting the third benediction, one is to note that God worked miracles for their fathers. After the three benedictions, one is to say, “We kindle these lights on account of the deliverances and the miracles and the wonders which Thou didst work for our fathers, by means of Thy holy priests” (20.6).<sup>71</sup> Furthermore, one cannot use the lights of Hanukkah for profane purposes “in order that we may give thanks unto Thy Name for Thy wonders, Thy miracles, and Thy deliverances” (20.6). Although it would not become part of the *Al ha-Nissim*, the thanksgiving that *Sop.* 20.8 describes at Hanukkah (and Purim) also includes a request for miracles to happen again: “So also, O Lord our God and God of our fathers, perform for us miracles and wonders, and we will give thanks unto Thy name forever.” That these traditions associate miracles with Hanukkah without explicitly naming the miracle of the oil

<sup>67</sup> See *ibid.*, 196–206, 210–12.

<sup>68</sup> *B. Roš Haš.* 24a; *‘Abod. Zar.* 43; *Menah.* 28b, as cited in Noam, “Miracle of the Cruse of Oil,” 210 n. 43.

<sup>69</sup> Bloch notes that the choice of this miracle may have been because miracles concerning the victories of the Hasmoneans could cause political suspicion (*Jewish Holy Days*, 74).

<sup>70</sup> Stein, “Liturgy of Hanukkah,” 148–49; translation from Herbert Danby, *The Mishnah: Translated from the Hebrew with Introduction and Brief Explanatory Notes* (London: Oxford University Press, 1950).

<sup>71</sup> All quotations of the *Soperim* are from Abraham Cohen, ed., *Minor Tractates of the Talmud* (2 vols.; London: Socino, 1971).

points to a broader tradition of miracles. The miracle of the oil also recalls the way that 2 Maccabees uses biblical imagery in conjunction with the feast. The miracle story preserved in the Talmud evokes a biblical miracle, that of Elisha and the oil (2 Kgs 4:1–7).<sup>72</sup> Associations between Hanukkah and biblical events would continue, as *Pesiq. Rab.* 2–8 shows.<sup>73</sup> In addition to the connections to the building of the tabernacle, the dedication of the temple, and the work of Nehemiah in 2 Maccabees (see esp. *Pesiq. Rab.* 2.1–2, 5–6), *Pesiq. Rab.* 4 cites the construction of the altar on Mount Carmel by Elijah in 1 Kgs 18:31. Therefore, texts also expanded the biblical background for the feast through associations with Elijah and Elisha.

These texts indicate that the tendency to associate miracles with Hanukkah and to justify its observance based on miracles also occurred in the rabbinic period. Therefore, this tendency appears both prior to and subsequent to the Gospel of John.

### C. Josephus as a Break in This Trajectory?

While 2 Maccabees and the Babylonian Talmud make associations between Hanukkah and miracles, Josephus does not discuss miracles with Hanukkah, thus potentially raising the question of whether a trajectory continued from the Second Temple period to the rabbinic period. Recognition of the presence of Josephus's editorial tendencies in his discussion of Hanukkah makes this omission neither surprising nor significant, and the tentative nature of his explanation coheres with the Mishnah's failure to discuss the reason for the feast.

In his works, Josephus presents the Jewish faith in alignment with Greco-Roman philosophical ideals, highlighting Jewish piety and allegiance to the law while defending the Jews' right to worship.<sup>74</sup> The introduction or retention of miracles does not have a function in this scheme. For example, in his discussion of Exod 15:27–16:36 (*Ant.* 3.9–32), Josephus seems to explain away the miracles of the manna and the quail while portraying Moses as an exemplary hero who encourages the Israelites to faithfulness in accordance with Greco-Roman standards.<sup>75</sup> One finds similar tendencies in Josephus's editing of 1 Maccabees in

<sup>72</sup>While one need not accept Rankin's contention that this substitution occurred because the "holy fire" came from Iranian thought (*Festival of Hanukkah*, 61–80), his observation about the substitution of a story recalling a biblical miracle seems significant.

<sup>73</sup>Kern-Ulmer, "Midrashim," 165.

<sup>74</sup>Although *Antiquities* and *Against Apion* represent very different genres, this seems to be the general thrust of both. See Paul Spilsbury, "Contra Apionem and *Antiquitates Judaicae*: Points of Contact," in *Josephus' Contra Apionem: Studies in Its Character and Context with a Latin Concordance to the Portion Missing in Greek* (ed. Louis H. Feldman and John R. Levison; AGJU 34; Leiden: Brill, 1996), 348–68.

<sup>75</sup>On this point, I am indebted to a lecture by Dr. Thomas H. Tobin. On Josephus's tendencies and interest in his retelling of Scripture, see Harold W. Attridge, *The Interpretation of Biblical History in the Antiquitates Judaicae of Flavius Josephus* (HDR 7; Missoula, MT: Scholars Press, 1976).



*Antiquities*.<sup>76</sup> Josephus transforms Mattathias's deathbed speech from a recounting of the deeds of figures like Abraham and Daniel into an exhortation using philosophical language,<sup>77</sup> and throughout the narrative he stresses the courage (12.307) and piety of the figures (12.291). Josephus thus shows that victory comes because one is pious rather than because of God's intervention, with obedience to the law as the key to a "happy and blessed life" (εὐδαίμονα καὶ μακάριον βίον) (12.303). In recounting the actions of Antiochus, Josephus notes that he introduced foreign worship and tried to force the Jews to practice a religion that was not native to them (12.253, 269). The goal of the Maccabees was to preserve the customs of the people by restoring their ancient form of government (ἀρχαίαν πολιτείαν; 12.279–80), which in Josephus's mind seems to refer to the liberty to perform their religious practices (12.312). They ultimately restore the right to worship and renew their customs, which is the cause of their eight-day celebration and the reason for its continued observance (12.323–24). While Josephus seems to have used 1 Maccabees for his work, it is unclear if he was aware of the traditions appearing in 2 Maccabees.<sup>78</sup> If he was aware of the association with miracles reflected in 2 Maccabees, omitting the miraculous descriptions would match his normal tendencies. Therefore, Josephus's omission of miracles does not significantly speak against the associations noted above.

In addition, one must note the tentative nature of Josephus's description of the origin and meaning of Hanukkah. In *Ant.* 12.325, he states, "And from that time to the present we observe this festival, which we call the Festival of Lights, giving this name to it, I think [οἶμαι], from the fact that the right to worship appeared to us at a time when we hardly dared hope for it." Josephus is not certain about the reason why the festival was called the "Festival of Lights." While such uncertainty could indicate that the exact meaning of the feast had been forgotten by the time of Josephus, it may also be a ploy of Josephus, who usually exudes self-confidence, to obscure the actual reason. Furthermore, the reason he gives matches his interests, as the Hasmoneans restored the right for the Jews to worship. His uncertainty concerning the event also coheres with the approach the rabbis take in the Mishnah, as they mention Hanukkah's observance but never discuss its origin or meaning. Therefore, Josephus indicates that, after the temple was destroyed, Jews celebrated the feast but were unaware of, uninterested in, or uncomfortable with its origin and significance.

<sup>76</sup>A comparison of his account in *Jewish War* with *Antiquities* indicates that 1 Maccabees likely became available to him between the writing of the two texts (Bloch, *Jewish Holy Days*, 63–64; Goldstein, *I Maccabees*, 60–61).

<sup>77</sup>As discussed in an editorial note in *Josephus*, vol. 7 (trans. Ralph Marcus; LCL; London: William Heinemann, 1943), 145. All translations from Josephus are from this volume.

<sup>78</sup>Goldstein maintains that Josephus was aware of 2 Maccabees but chose to follow 1 Maccabees because he did not like the anti-Hasmonean nature of 2 Maccabees (*I Maccabees*, 55–61; *II Maccabees*, 26, 549).

### D. *The Trajectory of Hanukkah*

Having analyzed traditions concerning Hanukkah in 2 Maccabees, rabbinic texts, and Josephus, one is now in a position to sketch a trajectory concerning the practice, content, and significance of the feast. The feast began as a celebration of the Maccabean purification of the temple and restoration of sacrifices, as recorded in 1 Maccabees. Shortly thereafter, traditions arose that associated the feast with the feast of Tabernacles, the sacred fire of the temple, and miracles that occurred at the time of the Maccabees, and 2 Maccabees shows that these traditions serve as the grounds for the celebration of this feast. Hanukkah continued to be celebrated even after the destruction of the temple, but its meaning became unknown or unacknowledged. Interest in the origin and meaning of the feast revived during the Amoraic period, with the Babylonian Talmud and related texts also employing miracles as the reason for this extrabiblical feast.

## III. IMPLICATIONS FOR JOHN

This background illuminates the study of John in three important ways. First, it offers an explanation for the relationship between the occasion (Hanukkah) and focus (the testimony of Jesus' works) of the discourse in John 10:22–39. Second, it strengthens the case for the miracle of John 9 relating to Hanukkah rather than Tabernacles. Third, it may have historical value, explaining trends in the trajectory noted above by indicating another reason for the decreasing significance of Hanukkah in the latter half of the first century C.E. and the appearance of the story of the miracle of the cruse of oil.

### A. *Connections between the Occasion and the Focus of the Discourse*

The primary focus of John 10:22–39 seems to be the testimony of Jesus' works to his identity, a theme that matches the occasion of the discourse at Hanukkah. When one removes from 10:24–28 the elements that Urban C. von Wahlde has identified as common to the discourses of chs. 6, 8, and 10,<sup>79</sup> the only element that remains is the statement that “the works [ἔργα] that I do in my Father's name testify to me” (10:25b). In addition, Jesus responds to the attempt of “the Jews” to

<sup>79</sup> Von Wahlde, “Literary Structure and Theological Argument in Three Discourses with the Jews in the Fourth Gospel,” *JBL* 103 (1984): 575–84; idem, *Gospel and Letters of John*, 3:333–38. These six elements are the demand for proof of Jesus' identity (10:24), a statement by Jesus that the Jews do not believe although they have already heard (10:25a), the reason they do not believe (10:26), a statement describing those who do believe (10:27), the promise that Jesus will not lose any who belong to him (10:28b), and an affirmation that they have eternal life (10:28b).

stone him by saying, "I have shown you many good works [πολλὰ ἔργα καλὰ] from the Father. For which of these are you going to stone me?" (10:32). While "the Jews" deny that their actions are prompted by any good work performed by Jesus, they proclaim that "you, though only a human being, are making yourself God" (10:33), a remark reminiscent of the discussion following the Sabbath healing in John 5:9–18. This occasion features an attempt by "the Jews" to kill Jesus as a result of his statement about the Father that makes him equal with God, a statement Jesus made while defending his performance of a miracle on the Sabbath (5:17–18). Therefore, Jesus' miracles lead to his claims to equality with the Father and provoke "the Jews" in both 5:17–18 and 10:22–39. The *a fortiori* argument of 10:34–36 that justifies Jesus' ability to proclaim himself to be the Son of God is not the central argument of the passage, as Jesus then states, "If I am not doing the works [ἔργα] of my Father, then do not believe me. But if I do them, even though you do not believe me, believe the works [ἔργα], so that you may know and understand that the Father is in me and I am in the Father" (10:37–38). His works therefore are what cause him to be able to make his great claims.

The surrounding context also supports the discourse's focus on Jesus' works. While using a different word for miracles (σημεῖον), the passage immediately following the discourse notes that the Baptist did not perform a single miracle (10:40–42), which stands in stark contrast to the preceding account, which notes that Jesus performed many good works (πολλὰ ἔργα καλὰ).<sup>80</sup> Therefore, an important difference between John and Jesus is the works of Jesus; John was a man who testified to Jesus (cf. 1:6–8), while Jesus performed works that testify to his identity as the Son of God (cf. 20:30–31). The works of Jesus therefore prove Jesus to be the Son of God and John to be a prophet.<sup>81</sup> In the account of the healing of the man born blind (ch. 9), the reason for the man's blindness is in order "that God's works [ἔργα] might be revealed in him" (9:3). The identification of the miracle as one of "God's works" is similar to Jesus' statement that he performs "works from the Father" (10:32; cf. 5:36),<sup>82</sup> connecting this miracle to the works that testify to Jesus' identity. In sending the man to wash himself in the pool of Siloam (9:7), the story recalls the healing of Naaman in 2 Kgs 5:10–14, thus establishing a connection to a biblical miracle in line with the tendency to connect Hanukkah to biblical stories. While the miracle recalls a biblical healing, the dialogue also indicates that this miracle surpasses any previous miracle (9:32) and points to Jesus being sent from God (9:33) as a unique messenger.

The emphasis on "works" in John 10:22–39 and its surrounding context thus

<sup>80</sup>The use of different words for miracles may indicate that the texts come from different literary strata, but the juxtaposition of Jesus' discussion of his "works" (ἔργα) with the mention of no "sign" (σημεῖον) from the Baptist seems intentional.

<sup>81</sup>Cf. Beasley-Murray, *John*, 178.

<sup>82</sup>The discussion of "the works of him who sent me" in 10:4 may also connect the action with the works of the Father.

corresponds to the appearance of miracles in discussions surrounding Hanukkah. The discourse also features a similar line of argumentation, as the miracles of Hanukkah justify the feast and the works of Jesus prove his identity.

### ***B. The Connection between John 9 and 10***

In addition to showing a connection between the occasion and the content of 10:22–39, the proposed trajectory concerning Hanukkah may clarify whether one should associate John 9 with Tabernacles or with Hanukkah.<sup>83</sup> In light of the associations between Hanukkah and miracles, it would seem more natural to view this miracle as occurring at Hanukkah. As noted above, this miracle also reflects the tendency to describe miracles at Hanukkah that recall biblical events. Furthermore, the miracle allows Jesus to overcome the accusation that he is a sinner who breaks the Sabbath (9:15–16, 31). Questions also arose concerning the Maccabees because of their actions on the Sabbath, as some saw them as breaking the Sabbath by fighting on it. The miracles that accompanied their leadership, however, indicated that God approved of their actions, thus exonerating them.<sup>84</sup> As the performance of miracles countered accusations against the Maccabees, so the miracles of Jesus counter claims that he is a sinner and reveal him to be an agent of God.

The close connection between Hanukkah and Tabernacles shown in 2 Maccabees may also explain why the break between 8:59 and 9:1 is vague. In fact, the ambiguity could be intentional because of the similarities between these two festivals. The connection between Tabernacles and Hanukkah may also explain why only these two feasts appear alongside Passover in the Gospel of John.<sup>85</sup>

### ***C. Potential Contributions to the Development of Hanukkah***

Following the suggestion of Adele Reinhartz that the Fourth Gospel could be “a potential source of knowledge of first-century Judaism,”<sup>86</sup> the discourse at Hanukkah may also offer insight into the development of the feast. This text could help illuminate two features of the trajectory sketched above, as it presents a

<sup>83</sup> Keener states that John 9 occurs on the last day of Tabernacles (*Gospel of John*, 777) but Poirier argues that these events occur at Hanukkah (“Hanukkah in the Narrative Chronology,” 471–74). Carson notes that 9:1 is vague and that the events happened sometime between Tabernacles and Hanukkah (*Gospel according to John*, 361).

<sup>84</sup> If there is a polemic against the Maccabees present (see n. 11 above), then this connection could indicate another way that Jesus surpasses the Maccabees, as Jesus “breaks” the Sabbath to give life while the Maccabees “break” the Sabbath to save their own lives.

<sup>85</sup> In Daise’s scheme, in which the Passover of 6:4 was the Second Passover of 14 ‘Iyyar (see *Feasts*, 156–70), it would seem appropriate that Hanukkah, the “Second Tabernacles,” serves as a chronological marker rather than another feast.

<sup>86</sup> Quoted in Johnson, “Jewish Feasts,” 121.

potential reason why Josephus and the Mishnah do not include an overt explanation of its meaning and may explain the introduction of a miracle tradition that recalls a story of Elisha.

The evidence from Josephus and the early rabbis shows that the observance of Hanukkah continued after the destruction of the temple but without a clear rationale for the festival's origin or the meaning of its rituals. The intimate connection between Hanukkah and the militant Maccabees is one likely reason for the declining significance of the feast, with the rabbis failing to discuss it because they sought to counter the perception that the Jews were rebellious people. This may explain the decreasing role of the Maccabees in the observance of the feast, but it does not explain why stories of miracles fell out of favor only to reappear during the Amoraic period. The claim that one should practice an extrabiblical feast because of miracles employs the same logic used by worshipers of Christ to support their beliefs about Jesus, with John 10:22–39 being a prime example in that it states that the miracles performed by Jesus reveal him to be the Messiah and the Son of God. Some Jews may have been uneasy justifying Hanukkah with miracles because of the use of a similar argument in the Jesus movement.<sup>87</sup> Just as the attention to the Hasmoneans would reappear at a later date when it was more politically convenient, so discussions of the miracles of Hanukkah would reemerge in the Amoraic period, when Judaism and Christianity were more clearly separated.<sup>88</sup>

The discourse of Jesus at Hanukkah may also explain why the story of the miracle of the cruse of oil appeared. The miracle that seems related to Hanukkah in the Gospel of John is the healing of the man born blind, a miracle reminiscent of Elisha. Interestingly, the story of the miracle of the oil also recalls a miracle of Elisha, and the *Pesiqta Rabbati* discusses Elijah in relation to Hanukkah. What accounts for this association with Elijah and Elisha? The similarity between the miracles of Jesus and the miracles of these figures may be one answer. If the Scroll of Antiochus comes from the early second century, there is a possibility that the story of the oil influenced the placement of the story of the man born blind; the unknown date of this tradition makes it impossible to determine which story influenced which, if there is a connection. While possible, a direct connection is not provable, so it is best simply to note that an association between Hanukkah and the miracles of Elisha appears in both the Gospel of John and texts of the Amoraic period.

<sup>87</sup> Even if this particular story was not widely known, the use of the same argument in other traditions (e.g., Matt 11:2–5 par. Luke 7:18–22) affirms that worshipers of Christ drew on a line of reasoning to justify their beliefs about Jesus similar to that used by Jews to explain Hanukkah.

<sup>88</sup> For reexaminations of the “parting of the ways” that led to Christianity and Judaism, see Judith Lieu, “‘The Parting of the Ways’: Theological Construct or Historical Reality?” in *Neither Jew nor Greek? Constructing Early Christianity* (Studies of the New Testament and Its World; Edinburgh: T&T Clark, 2002), 11–29; and *The Ways That Never Parted: Jews and Christians in Late Antiquity and the Early Middle Ages* (ed. Adam H. Becker and Annette Yoshiko Reed; TSAJ 95; Tübingen: Mohr Siebeck, 2003), esp. 4–16.

These theories are admittedly speculative. In light of the scant evidence concerning Hanukkah, however, all proposals on this subject are speculative, seeking to fill in gaps with explanations that fit the data. These theories cohere with the evidence we have and therefore may be a further example of the historical value of the Gospel of John, an issue of recent interest with the John, Jesus, and History group of the Society of Biblical Literature.<sup>89</sup>

#### IV. SUMMARY AND IMPLICATIONS

This study has sought to develop an unexplored link between Hanukkah and the discourse of John 10:22–39, arguing that the discussion of Jesus' works in this discourse reflects the tendency to associate miracles with Hanukkah in order to promote its observance. The first section surveyed previous proposals for connections between John 10:22–39 and Hanukkah, noting their weaknesses and their collective failure to connect the emphasis of 10:22–39 on the works of Jesus with stories of Hanukkah miracles. The second section examined traditions in Second Temple and rabbinic texts, sketching a trajectory in which miracles and other biblical precedents function as rationale for the celebration of Hanukkah. The third section analyzed John 10 in light of this trajectory, noting that a focus on miracles and the use of miracles to justify claims also appears in 10:22–39. Furthermore, the Hanukkah traditions may serve to strengthen the case for associating the miracle of John 9 with Hanukkah and may explain the lack of discussion of the meaning of the Hanukkah celebration in Josephus and the Mishnah and the appearances of traditions associated with Elisha and Elijah in later Jewish texts.

The proposed connection between Hanukkah and miracles points to the discourse of John 10:22–39 operating as a defense of Jesus' identity as the Son of God rather than as an argument that Jesus "fulfills" or "replaces" Hanukkah. In effect, the discourse shows that, although "the Jews" recognize and celebrate Hanukkah because of miracles associated with the feast, they reject Jesus in spite of his great miracles, which testify to his identity as the Messiah and the Son of God. Therefore, the members of the Johannine community are Jesus' sheep and have life, while the synagogue community, led by "the Jews," face judgment.

<sup>89</sup>See *John, Jesus, and History*, vol. 1, *Critical Appraisals of Critical Views* (ed. Paul N. Anderson, Felix Just, and Tom Thatcher; SBLSymS 44; Atlanta: Society of Biblical Literature, 2007); *idem*, *Aspects of Historicity* (see n. 11 above).



## Reading Genesis 1-2

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## Περιβόλαιον as “Testicle” in 1 Corinthians 11:15: A Response to Mark Goodacre

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In 2004, I published an article in the *Journal of Biblical Literature* in which I argued that περιβόλαιον in 1 Cor 11:15 means “testicle.” In the same journal in 2011, Mark Goodacre wrote a critique challenging and contesting my translation not only in this passage but also in Euripides’ *Herc. fur.* 1269. In this article, I respond to Goodacre’s critique and offer additional arguments supporting the translation of περιβόλαιον as “testicle” in both passages. I rely on modern linguistic theory to demonstrate that context requires the meaning of “testicle” for περιβόλαιον in both 1 Cor 11:15 and *Herc. fur.* 1269. I conclude that my reading of περιβόλαιον as “testicle” makes better sense of the use of this term in both passages than any other proposed readings, including Goodacre’s.

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In a recent article, Mark Goodacre evaluates my proposed reading of περιβόλαιον in 1 Cor 11:15 as a “testicle.”<sup>1</sup> I am grateful that he has taken my proposal so seriously and has provided me with an opportunity to explain my reading in greater detail.<sup>2</sup> Although the purpose of his article is to evaluate my reading of 1 Cor 11:15, he devotes the majority of his article to challenging my translation of περιβόλαιον in Euripides’ *Herc. fur.* 1269 and Achilles Tatius’s *Leuc. Clit.* 1.15.2 since these texts, he assumes (p. 396), provide “the necessary lexical basis for the [my] desired translation of 1 Cor 11:15.” Goodacre’s entire argument in his article rests on this assumption. I want to begin my response by pointing out that his assumption is questionable in the light of recent linguistic theory.

<sup>1</sup>Mark Goodacre, “Does περιβόλαιον Mean ‘Testicle’ in 1 Corinthians 11:15?” *JBL* 130 (2011): 391–96. References to the page numbers of Goodacre’s article will be placed in parentheses in the text of my response. Goodacre is evaluating my publication “Paul’s Argument from Nature for the Veil in 1 Corinthians 11:13–15: A Testicle instead of a Head Covering,” *JBL* 123 (2004): 75–84.

<sup>2</sup>I am also grateful to Clare K. Rothschild and Christopher Matthews for reading drafts of my response and offering helpful comments and suggestions.

Modern linguistics emphasizes that words have meaning in context, and “the necessary lexical basis” for any particular meaning of any word is the specific context in which that word is used.<sup>3</sup> A particular context may indicate a special meaning for a word that is not illustrated by uses of that word in other contexts. Even if other examples of this meaning cannot be found, that particular context still provides “the necessary lexical basis” for that special meaning of that word.<sup>4</sup> Thus, modern linguistics emphasizes that the context of 1 Cor 11:15 determines the meaning of *περιβόλαιον* in this verse even if no other contexts illustrate that meaning.<sup>5</sup>

For example, consider the use of *ψήφισμα* in Aristophanes’ *Nub.* 1019. Now, this word means “decree” or “edict” in many contexts. In this line in Aristophanes’ play, however, *ψήφισμα* occurs in a list of undesirable body parts that Pheidippides will have if he follows bad reasoning. Lines 1016–19 read: *πρῶτα μὲν ἔξεις στῆθος λεπτόν, χροῖαν ὠχράν, ὦμους μικρούς, γλῶτταν μεγάλην, πυγὴν μικράν, ψήφισμα μακρόν*. The published English translations of these lines refuse to take the context seriously and to translate *ψήφισμα* as a body part. So, Jeffrey Henderson (LCL) translates, “You’ll start by having a puny chest, pasty skin, narrow shoulders, a grand tongue, a wee rump and a lengthy edict [*ψήφισμα*].” An edict is not a body part and is not a satisfactory translation of *ψήφισμα* in this context. The more recent translation by Paul Roche is similarly unsatisfactory. He translates, “a tiny bottom and a long harangue.”<sup>6</sup> A harangue is not a body part, and neither of these translations makes sense of the passage. Even less satisfactory are the translations that render *ψήφισμα μακρόν* as “long harangues” or “decrees” and understand the word as disparaging oratory.<sup>7</sup> None of these translations makes sense of this pas-

<sup>3</sup>Kurt Baldinger, *Semantic Theory: Towards a Modern Semantics* (New York: St. Martin’s Press, 1980), 15–16. Baldinger comments, “The isolated word is put into a broader context, and through this it is decided what is meant by the individual word; i.e., the context determines the meaning within the concrete linguistic situation.” For a survey, discussion, and critique of recent works on lexical semantics, see Vyvyan Evans, *How Words Mean: Lexical Concepts, Cognitive Models, and Meaning Construction* (Oxford: Oxford University Press, 2009), 3–26. Evans comments, “The observation with which this book proceeds, then, is that words are never meaningful independent of the utterance in which they are embedded, and the encyclopaedic knowledge and extra-linguistic context which guide how words embedded in an utterance should be interpreted” (p. 21).

<sup>4</sup>Evans says that it is possible to assume that a word “has exactly the same number of distinct meanings . . . as the number of different sentences in which it appears” (*How Words Mean*, 19–20).

<sup>5</sup>Evans states, “As observed by a large number of scholars, the meanings associated with words are flexible, open-ended, and highly sensitive to utterance context” (*How Words Mean*, 22). After listing a number of these scholars, Evans concludes, “Word meaning, from this perspective, is always a function of a situated interpretation: the context in which any given word is embedded and to which it contributes” (p. 23).

<sup>6</sup>Roche, *Aristophanes: The Complete Plays* (London: Penguin, 2005), 178.

<sup>7</sup>See Cyril Bailey, *Aristophanes Clouds* (Oxford: Clarendon, 1921), 65 and Alan H.

sage in Aristophanes’ comedy because each fails to consider ψήφισμα in this context as a reference to a body part.<sup>8</sup> Each translation misses the hilarious point of Aristophanes’ use of ψήφισμα in reference to Pheidippides’ penis.

The context is a list of body parts, and the passage makes sense only if ψήφισμα is understood as referring to a body part. The passage contrasts the body parts Pheidippides will come to possess if he follows wrong thinking and not right thinking.<sup>9</sup> Line 1019 specifically contrasts undesirable body parts with the desirable body parts in line 1014. The words ψήφισμα μακρόν in line 1019 contrast in particular with the words πόσθην μικράν (a small penis) in 1014. The word ψήφισμα in line 1019 thus refers to Pheidippides’ penis. Instead of refusing to understand ψήφισμα in reference to a body part and specifically to a penis, we need to explore why in this context Aristophanes uses ψήφισμα in reference to a penis.

In many other contexts, ψήφισμα refers to a decree or act representing the end result of a decision-making process that is passed by a majority of votes with small stones (ψῆφοι). Once the legislators cast their votes or stones, the decision is out of their control and rests solely with the stones. In other words, the stones determine the decision that is finally made, and this decision prescribes and controls the behavior of the populace and hopefully the legislators as well. By referring to a penis with the word ψήφισμα, Aristophanes connects the penis to decision making and behavioral control. He thus expresses a thought akin to the colloquial English notion of a man who “thinks with his dick.” If Pheidippides follows wrong reason, his decision making will rest not with him and his good sense (cf. line 1010) but with his “long dick” (line 1019). Aristophanes explains how in the lines that follow (1020–23).

In these lines, the subject of the two verbs ἀναπέσει (1020) and ἀναπλήσει (1023) is not clearly stated. The subject could be wrong reason, since these verbs form part of the apodosis for the protasis, which reads “if you Pheidippides practice what current men practice” (1015). Since wrong reason instructs these men to do what they do (987), wrong reason could be what persuades (ἀναπέσει) Pheidippides that the shameful is good and fills him (ἀναπλήσει) with unnatural lust as well.

The subject, however, is more likely Pheidippides’ long penis (ψήφισμα μακρόν), since these words are the last image left in the mind of the audience

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Sommerstein, *The Comedies of Aristophanes*, vol. 3, *Clouds: Edited with Translation and Notes* (Chicago: Bolchazy-Carducci, 1982), 109, 210. Bailey translates, “And your public harangues never come to an end” (p. 65). Sommerstein translates the word as “long . . . winded decree” (p. 210) and explains, “Under the aegis of the Worse Argument, Pheidippides will become an orator and propose verbose decrees in the assembly” (p. 109).

<sup>8</sup> Although he does not explicitly state that ψήφισμα refers to a penis, K. J. Dover nevertheless comments that “either a reference to the penis or a surprise substitute for it” is what is needed. He concludes, “ψήφισμα μακρόν gives precisely the new twist needed” (*Aristophanes Clouds: Edited with Introduction and Commentary* [Oxford: Clarendon, 1968], 223).

<sup>9</sup> C. C. Felton, *The Clouds of Aristophanes with Notes* (Cambridge: John Bartlett, 1858), 206.

before these verbs are spoken. Thus, Pheidippides' long penis will convince him that the shameful is good and fill him with unnatural lust. Seeing Pheidippides' long penis as the subject of these verbs contributes to the humor of these lines.

Whether wrong reason or a long penis is the subject of these verbs, the flow of thought is similar. The reference to Pheidippides' long penis (ψήφισμα μακρόν) allows Aristophanes to transition from a list of undesirable body parts to a description of Pheidippides' moral degradation resulting from his following wrong reason.

In this example from Aristophanes' *Nub.* 1019, the context specifies the referent of "penis" for ψήφισμα. Now, this referent is not given for ψήφισμα in LSJ, and, as far as I can tell, ψήφισμα never refers to a penis anywhere else in the surviving literature from the ancient world. Considering this example, one cannot say that there is no lexical basis for translating ψήφισμα as "penis" or that "penis" is an incorrect translation of ψήφισμα just because there are no lexical parallels to support this referent for ψήφισμα in Aristophanes' *Nub.* 1019. Yet Goodacre's argument based on his questionable linguistic assumption would require denying that ψήφισμα refers to a penis in this passage.

An even more pertinent example that illustrates Goodacre's dubious assumption is the use of σύναμμα in reference to testicles in Aristotle's *Gen. An.* 788a10. This word means "knot," "syllogism," or "clamp" in other contexts but is used in association with the testicles only in this passage in Aristotle and in the commentary on this passage by John Philoponus.<sup>10</sup> Goodacre's argument requires providing other texts in which this word is used in association with the testicles before allowing this association in this passage in Aristotle. No association other than "testicles," however, makes sense of σύναμμα in the context of *Gen. An.* 788a10. Furthermore, Aristotle uses the singular form of this word in reference to the testicles even though Goodacre reasons, "If Paul had wished to contrast women's hair with male testicles in 1 Cor 11:15, we would have expected him to use a plural noun" (p. 395). Although other examples could be cited, these two from Aristotle and Aristophanes are sufficient to demonstrate the dubious linguistic assumption of Goodacre's argument against my reading περιβόλαιον as "testicle" in 1 Cor 11:15.<sup>11</sup>

Goodacre thus dismisses Euripides' *Herc. fur.* 1269 and Achilles Tatius's *Leuc. Clit.* 1.15.2, the two lexical illustrations I provide, and concludes that "'testicle' is an incorrect translation of περιβόλαιον" in 1 Cor 11:15 (p. 393). He further concludes, "There is no basis, then, for translating περιβόλαιον as 'testicle' in 1 Cor 11:15" (p. 395). Goodacre's entire argument in his article rests on his mistaken linguistic assumption that by dismissing these two illustrative texts, he has destroyed my case for translating περιβόλαιον as "testicle" in 1 Cor 11:15.

Even if I were to concede for the sake of argument that Goodacre had dismissed the two lexical illustrations I provide, he still cannot cogently conclude that

<sup>10</sup>Diogenes Laertius, *Vit.* 7.191.18; Plutarch, *Alex.* 18.3.4; Aristotle, *Part. an.* 687b15; John Philoponus, *In G.A.* 14.3.

<sup>11</sup>For references to further examples, see n. 17 below.

περιβόλαιον does not mean “testicle” in 1 Cor 11:15, because the context of this passage must be considered. This lack of consideration I deem to be the weakest part of his article, for he does not account for the context but skirts it. He says that my reading “opens up a new and intriguing possibility” (p. 391) and that my “exposition of ancient attitudes to sex and gender is intriguing” (p. 392). He concludes that “the interesting ancient medical data may shed light on the kinds of perspectives that Paul and his readers shared with respect to hair, but, in the absence of the necessary lexical basis for the desired translation of 1 Cor 11:15, Martin’s case is not established” (p. 396). Goodacre does not discuss the context of περιβόλαιον in 1 Cor 11:15 but ignores this context, which is the most important lexical basis for translating περιβόλαιον as “testicle.”

Aside from lexical illustrations, I would argue that the most persuasive evidence for translating περιβόλαιον as “testicle” is the specific context of 1 Cor 11:15. In this passage, Paul develops an argument from nature about the different functions of long hair in men and women.<sup>12</sup> The context is thus one of physiology and the contrasting body parts of men and women.<sup>13</sup> Paul’s statement that long hair is given by nature to a woman instead of a περιβόλαιον requires a translation of περιβόλαιον that refers to a male body part lacking in a woman but having a function corresponding to her long hair.<sup>14</sup> The only translation proposed thus far that satisfies this context of περιβόλαιον is “testicle.” Elsewhere, I have provided the substantial gynecological material demonstrating long feminine hair as the functional counterpart to a male testicle, and “testicle” is the only translation of περιβόλαιον that makes sense of the passage and provides a cogent explanation of Paul’s argument and his flow of thought.<sup>15</sup>

The traditional translation of “covering” does not satisfy this context, since hair provides a covering for both men and women (see Aristotle, *Hist. an.* 498b). This traditional translation thus leads to conclusions that Paul’s flow of thought does not make sense or that Paul has lost the thread of his argument.<sup>16</sup> Goodacre states that “there may be good answers to the puzzles thrown up by this passage” (p. 396). If he has any good answers, I certainly would like to hear them so I can evaluate their merit in the light of my proposed reading. At present, however, only my reading makes sense of this passage and satisfies the lexical context of

<sup>12</sup> Martin, “Paul’s Argument,” 78–79.

<sup>13</sup> Ibid., 77. I tried to make this point clear when I wrote, “Since περιβόλαιον is contrasted with hair, which is part of the body, the physiological semantic domain of περιβόλαιον in 1 Cor 11:15b becomes particularly relevant.”

<sup>14</sup> Ibid., 83.

<sup>15</sup> Ibid., 77–84.

<sup>16</sup> Neither does the more recent suggestion of *hairstyles* as the issue make sense of Paul’s argument. See Preston T. Massey, “The Meaning of κατακαλύπτω and κατά κεφαλῆς ἔχων in 1 Corinthians 11.2–16,” *NTS* 53 (2007): 502–23. Massey’s linguistic argument against hairstyles would be more conclusive if he had shown that this issue does not satisfy the physiological context of this passage and especially of περιβόλαιον in 1 Cor 11:15.

περιβόλαιον. Since translating περιβόλαιον as “testicle” makes sense of the context, I would argue that this context is the “necessary lexical basis” for this translation even if the word περιβόλαιον, just as ψήφισμα in Aristophanes’ *Clouds* or σύναμμα in Aristotle’s *Generation of Animals*, never occurs elsewhere with this meaning in the material that survives from the ancient world.

The problem with providing lexical illustrations for these words and others like them is that colloquial euphemisms are often used for sexual body parts.<sup>17</sup> The material that survives from the ancient world, however, is largely literary, technical, and scientific, and the living colloquial speech is often not adequately represented. It is not surprising that the two illustrative texts I provide are from plays and erotic literature, which preserve more of the colloquial speech than some other types of ancient materials. If only the literary production of intellectuals and academics in our culture survives the next two thousand years, we should not be surprised if colloquial terms such as “balls,” “nuts,” or “family jewels” in reference to testicles are rarely represented in that body of literature.

Before turning to the specifics of Goodacre’s arguments against translating περιβόλαιον as “testicle” in Euripides’ *Herc. fur.* 1269 and Achilles Tatius’s *Leuc. Clit.* 1.15.2, I want to emphasize that my case for translating περιβόλαιον as “testicle” in 1 Cor 11:15 does not ultimately rest on the meaning of this word in these two illustrative texts but rather on the specific context of 1 Cor 11:15. Although parallels may be helpful and instructive, they are not decisive. Context, however, is. Unfortunately, Goodacre’s article is based primarily on the linguistic assumption that if περιβόλαιον does not mean “testicle” in Euripides’ *Herc. fur.* 1269 or Achilles Tatius’s *Leuc. Clit.* 1.15.2, then it does not mean “testicle” in 1 Cor 11:15. In this assumption, he could not be more mistaken from the perspective of recent linguistic theory. Nevertheless, I intend to respond to his specific arguments against the two illustrative texts that I provide and not concede that he has dismissed them.

Goodacre takes particular issue with my translation of the clause ἐπεὶ δὲ σαρκὸς περιβόλαι’ ἐκτησάμην ἡβῶντα in Euripides’ *Herc. fur.* 1269. I translate these words as Heracles’ saying literally, “After I received [my] bags of flesh, which are the outward signs of puberty,” or saying dynamically, “After I received my testicles, which are the outward signs of puberty.” Goodacre points out that “there are important problems” with my translation and asserts, “‘testicle’ is an incorrect translation of περιβόλαιον” (p. 393). Instead of a body part, Goodacre prefers to

<sup>17</sup>The euphemisms are numerous and diverse, as Dover comments, “We must be prepared for the possibility that words which we could not recognize as sexual by inspecting them in isolation . . . had a precise sexual reference” (*Greek Homosexuality: Updated and with a New Postscript* [Cambridge, MA: Harvard University Press, 1989], 17). Among other examples, Dover cites Aristophanes’ use of “rope” (σχονίον) in reference to Lovekleon’s penis (*Vesp.* 1343–44), and the general comic use of the plural of “barley” (κριθαί) as slang for “penis” (p. 59). Further examples can be found in Jeffrey Henderson, *The Maculate Muse: Obscene Language in Attic Comedy* (2nd ed.; New York: Oxford University Press, 1991), passim.

understand περιβόλαια as a clothing metaphor and to translate the clause *σαρκὸς περιβόλαι’* . . . ἡβῶντα as “youthful vestures of flesh” or “youthful garb of flesh.” Although he points to problems with my translation, he fails to recognize at least three significant problems with his own.

The first problem is his inconsistent treatment of the plural περιβόλαια as a clothing metaphor. He translates it with both the plural noun “clothes” and the singular noun “garb” (p. 393) before finally settling on the plural noun “vestures” (p. 396). He appeals to “all published translations of the passage” to support his translation of περιβόλαια. Almost all of these translations, however, render the Greek plural noun with an English singular noun. Hence, Theodore Alois Buckley translates περιβόλαια as “vesture,” Robert Browning as “garb,” and E. P. Coleridge as “cloak” (pp. 393–94 and nn. 14–16). For support, Goodacre (p. 393 n. 12) also appeals to Ulrich von Wilamowitz-Moellendorff, who comments on this passage, “To see the body as a garment [singular] is a metaphor stemming from Orphic circles” (my translation). The published English translations and the comment by Wilamowitz-Moellendorff indicate that the bodily clothing metaphor employs a singular noun, not a plural one such as περιβόλαια in Euripides’ *Herc. fur.* 1269.

Several texts demonstrate the use of a singular noun rather than a plural in clothing metaphors referring to the body. The body is described as a sack (Diogenes Laertius 9.10.59) and as a robe, garment, coat, cloak, or tunic (Empedocles *Fr.* 126; Philo, *Leg.* 3.69; *QG* 1.53; *Corpus hermeticum* 7.3; *Ascen. Isa.* 11:35; *Apoc. Ab.* 13:14; *Acts Thom.* 108–13; *Teach. Silv.* 105.13–16). Philo’s interpretation of Gen 3:21 (*QG* 1.53) is particularly instructive. Although the text of Genesis contains the plural “garments of skin,” Philo shifts to the singular “garment of skin” each time he refers to a single, individual body.<sup>18</sup> In texts that contain bodily clothing metaphors, a singular noun is thus commonly used as a metaphorical reference to the body.

Goodacre mentions a few texts that use a plural noun in a clothing metaphor (p. 393 with n. 12), but he fails to recognize that the context of these uses differs markedly from the use of περιβόλαια in Euripides’ *Herc. fur.* 1269. One text is Euripides’ *Bacchae* 746, which contains the phrase “garments of flesh” (*σαρκὸς ἐνδυτά*) in reference to the bodies of the cows and bulls that are being torn asunder by the Bacchae. Although “garments” is plural, the context of many cows and bulls indicates that each bovine has only a single body or garment of flesh. Another text cited by Goodacre is Plato’s *Phaed.* 87c, which compares a succession of cloaks worn out by a weaver to the many bodies worn out by a soul. At any given time, however, the soul is wearing only a single garment or body, since Plato writes, “When the soul perishes, it must necessarily have on its last cloak” (87e). Plato refers to a single, individual body not with the plural “cloaks” but with the singular “cloak.”<sup>19</sup> The final text cited by Goodacre is Euripides’ *Herc. fur.* 549, which refers

<sup>18</sup> Unfortunately, this passage from Philo survives only in translation and not in Greek.

<sup>19</sup> For a similar use of the plural in reference to individual bodies, see also Plato’s *Gorg.* 523c.



to “our having put on garments of death” (θανάτου . . . περιβόλαι’ ἐνήμεθα). The plural subject and verb in this context indicate that each person mentioned bears only a single mortal body or garment of death and not many bodies or garments at the same time.<sup>20</sup> The context of these three texts, therefore, differs markedly from the context of Euripides’ *Herc. fur.* 1269, which has only a single, individual body in view at the specific time of puberty. Referring to Heracles’ body with a clothing metaphor as “vestments of flesh” or “garments of flesh” is very unusual and not supported by any of the texts or material that Goodacre provides.<sup>21</sup>

This unusual use of the plural περιβόλαια as a clothing metaphor for an individual body signals caution in translating this word as “clothes,” “vestures,” or “garb” in Euripides’ *Herc. fur.* 1269. I have not been able to find a precedent early enough to illustrate a plural noun in reference to a single body in a clothing metaphor. Much later than Euripides, the Jewish and Christian traditions speak of an individual’s wearing garments in an afterlife, and these garments may refer to an individual’s body (Rev 3:4; 6:11; 7:9, 13–14; 22:14; *Apoc. El.* 5:6; 4 *Ezra* 2:45; 2 *En.* 22:8; 1 *Apoc. Jas.* 28.16–17; *Great Pow.* 44.25–26; Lucian, *Peregr.* 40). The sources of these traditions are Zech 3:1–5 and Jesus’ transfiguration (Mark 9:2–8 and parallels). In both of these sources, however, the garments do not refer to the body of the prophet or to the body of Jesus, whose face and hair are described separately from his garments. Hence, the secondary literature debates whether the plural noun “garments” in these traditions refers to the body or simply to an individual’s moral and spiritual condition in the afterlife.<sup>22</sup> In either case, the use of the plural “garments” is too late and too tradition-specific to provide a precedent for reading the plural περιβόλαια in Euripides’ *Herc. fur.* 1269 as a clothing metaphor referring to a single body.

Goodacre’s inconsistent treatment of the plural περιβόλαια is the first significant problem with his contention that this noun is a clothing metaphor referring to the entire body of Heracles rather than to body parts such as testicles. Almost all of the published translations of this passage want to translate the plural περιβόλαια as though it were singular to fit the clothing metaphor. To his credit, Goodacre finally settles on a plural translation of περιβόλαια as “vestures” (p. 396), but he does not consider that the plural is unnatural for a clothing metaphor on

<sup>20</sup> Other texts not mentioned by Goodacre that use a plural noun in a clothing metaphor in reference to many bodies also have in view only a single garment for each body. For examples, see Origen, *Cels.* 4.40 and *Apoc. El.* 5:6, although this latter text may be explained by Zech 3:1–5 or the transfiguration of Jesus. See the explanation below.

<sup>21</sup> One other text cited by Goodacre (p. 393 n. 12) is Pindar, *Nem.* 11.15. This text describes clothes’ covering mortal members of the body and the earth’s being the final clothing of these members. This text does not use the plural “clothes” or “garments” as a reference to a single body and is therefore not parallel to the use of περιβόλαια in Euripides’ *Herc. fur.* 1269.

<sup>22</sup> For a discussion of the options and references to other texts, see David E. Aune, *Revelation* 1–5 (WBC 52A; Dallas: Word, 1997), 222–23.

which he bases his translation. Translating the plural περιβόλαια as a reference to body parts in this passage is therefore much more natural than understanding it as a clothing metaphor. Furthermore, the specific context of περιβόλαια in this passage points to even more significant problems with Goodacre’s clothing metaphor.

The second significant problem with Goodacre’s contention that περιβόλαια does not refer to testicles in Euripides is his translation of the participle ἡβῶντα as “youthful.” The English word “youthful” has a broad semantic range since “youth” includes stages of development both before and after puberty. The Greek verb ἡβάω, however, is a denominative verb formed from the noun ἥβη, which refers to the pubic hair or pubes and then to other aspects of development associated with puberty.<sup>23</sup> Aristotle comments, “Now in human beings this stage [puberty] is marked by a change in the voice, and by a change both in the size and in the appearance of the sexual organs . . . and above all by the growth of the pubic hair (τῇι τριχώσει τῆς ἥβης).”<sup>24</sup> Goodacre’s translation of the participial form of this denominative verb as “youthful” obscures the essential connection of this participle and περιβόλαια, the noun it modifies, with puberty. In contrast, my translation of this participle as “which are the outward signs of puberty” makes this connection explicit. Goodacre criticizes my translation as “clunky” and a “lexical leap” (p. 393 n. 11), but he does not demonstrate that it is a lexical leap. My translation satisfies the context of specifying a time when Heracles’ labors began, namely, at the time when his testicles appeared at puberty.

Furthermore, Goodacre’s translation of the participle ἡβῶντα as “youthful vestures of flesh” overlooks the fact that the participle with this meaning would more naturally modify σαρκός than περιβόλαια. The ancients certainly distinguished between old and youthful flesh. In an extended discussion, one Hippocratic author explains the difference between the flesh of young and old (*Morb.* 1.22.12–23). When someone is described as bearing youthful flesh, the participial form of ἡβάω modifies σάρξ. Thus, Aeschylus (*Sept.* 622) describes Lasthenes as sporting or bearing youthful flesh (σάρκα δ’ ἡβῶσαν φύει [variant: φέρει]). Goodacre’s translation of the participle ἡβῶντα in Euripides’ *Herc. fur.* 1269 would be more natural if the participle modified “flesh” (σαρκός), but it does not. It modifies περιβόλαια. When distinguishing between young and old bodies, the ancients prefer the expressions “youthful flesh” and “old flesh” to “youthful garments” and “old garments.” Goodacre’s translation of the clause ἐπεὶ δὲ σαρκὸς περιβόλαι’ ἐκτησάμην ἡβῶντα in Euripides’ *Herc. fur.* 1269 as “youthful vestures of flesh” is therefore neither as natural nor as straightforward as he implies.

The third significant problem with Goodacre’s treatment of this clause is his inadequate consideration of the verb ἐκτησάμην (“I acquired”). Whatever the word περιβόλαια means in this context, it refers to something associated with puberty

<sup>23</sup> Hippocrates, *Epid.* 3.4; Aristotle, *Hist. an.* 493b3. Compare also Aristophanes, *Nub.* 976; and Theopompus Comicus, *Fr.* 37.

<sup>24</sup> Aristotle, *Hist. an.* 544b21–25 (Peck); see also *Hist. an.* 581a–b.

that Heracles acquired. To imply as Goodacre does that Heracles acquired “youthful vestments of flesh” or a body of flesh at puberty overlooks Heracles’ having a (youthful) body of flesh both before and after this time. Instead of a body, the primary acquisition for males at puberty is the testicles, according to the common view that the testicles first appear on the outside of the male body at puberty.

Hippocrates (*Epid.* 6..4.21) describes puberty as marked by the appearance of a testicle on the outside of the body.<sup>25</sup> Galen (*UP* 14.7; Helmreich 2.307) quotes Hippocrates approvingly and describes the testicles as appearing (*ἐπισημαίνει*; *UP* 14.7; Helmreich 2.309.3) or swelling-out (*ἐξαίρειτο*; *UP* 14.7; Helmreich 2.309.6) at puberty. The Greek verb *κτάομαι* accurately expresses this ancient perception that the testicles were the primary acquisition of males at puberty and that their appearance marked the passage from a child to a pubescent youth.<sup>26</sup> This verb supports translating the plural *περιβόλαια* in Euripides’ *Herc. fur.* 1269 as “testicles,” not “vestures,” and Goodacre’s translation does not adequately account for this verb.

The issue to be decided, therefore, is whether Goodacre’s translation “youthful vestures of flesh” or my translation “bags of flesh” and specifically “testicles” more adequately renders *σαρκὸς περιβόλαια* in Euripides’ *Herc. fur.* 1269. The phrase “bags of flesh” is an apt description of testicles. Aristotle (*Hist. an.* 493a33–34) says that the testicles are not exactly the same as flesh but are not far from it. He makes this statement because he considers flesh to be a uniform part of the body whereas a testicle is a nonuniform part of the body (*Hist. an.* 486a1–8). A piece can be cut from a uniform part such as flesh, bone, hair, or blood, and that part still remains completely flesh, bone, hair, or blood. A piece cut from a nonuniform part such as the face, hand, or testicle cannot fully be that bodily part but only a piece of that part. Thus, Aristotle cannot say that the testicles are exactly the same as flesh, but he recognizes that they are not far from it. He perceives them to be very fleshlike.

Physiologically, a testicle is a mass of flesh enclosed in a membrane or sack. Anyone who has ever castrated or slaughtered an animal and cut into a testicle would recognize Euripides’ phrase *σαρκὸς περιβόλαια* as a reference to the testicles. The ancients often slaughtered and castrated animals and even ate the flesh of testicles. Galen comments, “The people around me cut the testicles off young pigs and bulls . . . goats and sheep. . . . All the animals just mentioned have testicles that are difficult to digest and unwholesome, although when cooked properly they are

<sup>25</sup> In his Loeb translation of this passage, Wesley D. Smith renders *τράγος* as “lubriciousness” or “sexual urge.” Galen (*UP* 14.7) understands it more accurately as a reference to puberty. In other contexts, the word means “he-goat” and often refers to puberty because of the pubescent change of voice that resembles the sound made by this animal.

<sup>26</sup> See Aristotle, *Gen. an.* 787b21–788a15 and 728a18–19. Dover comments, “Old Philokleon in *Wasps* 578, listing the enjoyable perquisites of jury service, includes ‘looking at the genitals of boys’ whose attainment of the age necessary for registration as full citizens had been questioned and referred to a lawcourt” (*Greek Homosexuality*, 125).

nourishing.”<sup>27</sup> He points out that the defects and virtues of the testicles as food “parallel what was said about flesh.”<sup>28</sup> Euripides’ description of the testicles as bags of flesh would have been very familiar to the ancients, and their familiarity with the physical nature of testicles, therefore, is a very persuasive argument that *σαρκὸς περιβόλαια* in Euripides’ *Herc. fur.* 1269 refers to Heracles’ testicles and not to garments or vestures as a metaphor for Heracles’ entire body, as Goodacre wants to translate.

Goodacre states that there are “important problems” with my translation of the passage from Euripides (p. 393), but I have demonstrated that Goodacre’s translation encounters problems more significant than mine.<sup>29</sup> I maintain that translating *περιβόλαια* as “testicles” in this passage fits the context better and provides a lexical illustration for the usage of this word in 1 Cor 11:15. My case for translating *περιβόλαιον* as “testicle” in 1 Cor 11:15, however, ultimately depends not on Euripides’ *Herc. fur.* 1269 but on the specific context of the passage in 1 Corinthians.

The second text I provide as a lexical illustration for translating *περιβόλαιον* as “testicle” in 1 Cor 11:15 is Achilles Tatius’s *Leuc. Clit.* 1.15.2. Goodacre allows that this text can support the meaning of “testicle” for *περιβόλαιον* if that meaning is established elsewhere. I think I have demonstrated sufficiently that this word does convey this meaning in Euripides’ *Herc. fur.* 1269, so I hope Goodacre can now also see this passage in Achilles’ erotic work as an allusion to male and female sexual organs. Again, however, my case for translating *περιβόλαιον* as “testicle” in 1 Cor 11:15 does not finally rest on his seeing this allusion in Achilles’ work.

In conclusion, I want to respond to some scattered arguments that Goodacre makes against my reading of 1 Cor 11:15. Goodacre concludes, “If Paul had wished to contrast women’s hair with male testicles in 1 Cor 11:15, we would have expected him to use a plural noun, and the noun of choice would have been *ὄρχις*” (p. 395). Paul could not have used the word *ὄρχις*, however, without confusing his readers, since the semantic range of this Greek word includes both male testicles and female ovaries.<sup>30</sup> Both genders thus have *ὄρχεις*, but the appearance and function of these *ὄρχεις* differ significantly between the genders.<sup>31</sup> A female *ὄρχις* or ovary is flat, thin, and small and plays a marginal role in her genital system. In contrast, a

<sup>27</sup> Galen, *De alimentorum facultatibus* 3.6 (Kühn 6:675–76); translated by Mark Grant, *Galen on Food and Diet* (London: Routledge, 2000), 160.

<sup>28</sup> Galen, *De alimentorum facultatibus* 3.6 (Kühn 6:676); translated by Owen Powell, *Galen On the Properties of Foodstuffs (De alimentorum facultatibus): Introduction, Translation and Commentary* (Cambridge: Cambridge University Press, 2003), 121.

<sup>29</sup> Another problem with Goodacre’s translation is that it mistakenly implies that youthful bodies are strong and vigorous. Such is not always the case, however. See Aristotle, *Hist. an.* 581b19–582a5.

<sup>30</sup> Aristotle, *Hist. an.* 497a30–31; Galen, *UP* 14.6 and 14.9.

<sup>31</sup> See the extended discussion of the differences in Galen, *UP* 14.6, 10, 12, and 14.

male ὄρχις or testicle is large, hollow, and porous. It plays a most significant role in drawing the bloodlike fluid and concocting it into pure semen.<sup>32</sup> Referring to a male testicle as a bag thus distinguishes it and its function from the female's ὄρχις, since she does not have a bag. If the English word "testicles," for example, could refer both to male testicles and female ovaries, then an English writer would need to use a colloquial expression such as "balls" or "nuts" to specify the meaning of male testicles. Since the Greek word ὄρχις does not refer to a male body part lacking in a woman, this word does not therefore fit the contextual requirements of 1 Cor 11:15. Paul must use a colloquial word to specify a male testicle and its function in contrast to a female's genital system, and the word he uses is περιβόλαιον, which is best rendered by the English word "testicle."

Goodacre further states, "If Paul had wished to contrast women's hair with male testicles in 1 Cor 11:15, we would have expected him to use a plural noun" (p. 395). Paul, however, does not use plural nouns in contexts similar to 1 Cor 11:15. Paul's ancient physiology does not perceive the testicles as working in tandem in the same way as the kidneys or lungs (Aristotle, *Gen. an.* 765a23–26). The testicles' independent function is similar to the function of the eyes or the ears in that a man with only one testicle, eye, and ear can still reproduce, see, and hear. When Paul speaks of dual body parts that function independently of one another, he customarily speaks of the singular eye, hand, or ear and not the plural (1 Cor 2:9; 12:15–17, 21; 15:52).<sup>33</sup> In 1 Cor 11:15, Paul contrasts the function of a woman's long hair with male testicles, and he characteristically does so with the singular περιβόλαιον ("testicle") rather than the plural περιβόλαια ("testicles").

Furthermore, Goodacre insists that if σαρκὸς περιβόλαια in Euripides' *Herc. fur.* 1269 means "testicles," then the limiting genitive (σαρκὸς) must occur with περιβόλαιον in 1 Cor 11:15 if περιβόλαιον means "testicle." There are so many nouns that express a particular meaning with and without a limiting genitive that his insistence seems arbitrary and unrealistic in the case of περιβόλαιον. The context determines whether a limiting genitive is needed to specify the meaning of a noun or whether this noun can be used with this meaning without the genitive. In any case, our task is not to rewrite what Paul has written but to try to make sense of the words as he has written them.

Finally, Goodacre criticizes me for not giving more attention to possible alternative meanings of περιβόλαιον in 1 Cor 11:15 (p. 395). Actually, I did consider the possible reference of περιβόλαιον to the scrotum more seriously than my brief reference in a footnote indicates.<sup>34</sup> This alternative is appealing because the scrotum is called a "wrapping," which falls within the semantic range of περιβόλαιον,

<sup>32</sup> See, e.g., Galen, *UP* 14.10 and 14.14.

<sup>33</sup> When Paul refers to dual body parts and their mutual function is in view, however, he uses the plural. See his use of the plural "feet" in 1 Cor 12:21.

<sup>34</sup> Martin, "Paul's Argument," 77 n. 7.

although not in reference to a scrotum. Aristotle (*Gen. an.* 719b1–2) calls the scrotum a shelter (σκέπη) and a covering (καλύμματος) that protects the testicles. He calls it “the skin that surrounds (the testicles)” (πέριξ δέρμα; *Hist. an.* 493a33) and “a skin covering” (σκέπη δερματική; *Gen. an.* 719b5). In reference to the scrotum, Aristotle uses words such as περιληπτική and περιλαβεῖν, which are rendered with the English word “wrapping” in Peck’s Loeb translation. Galen (*UP* 14.7; Helmreich 2.308.10) also describes the scrotum as surrounding a testicle (ὁ ἀμφ’ αὐτὸν ὅσχεος). Understanding περιβόλαιον in 1 Cor 11:15 as a reference to a scrotum is thus appealing.

In addition, the male genital structure is downward and outward, while the female structure is inverted from the male and is oriented inward and upward.<sup>35</sup> The scrotum, therefore, forms the covering for the extremity of the male genital structure just as a woman’s hair forms a covering for the extremity of her genital system. Thus, it is possible for περιβόλαιον in 1 Cor 11:15 to mean “scrotum,” as I suggest in a footnote.<sup>36</sup>

I decided not to pursue this alternative, however, because the function of a woman’s hair is more similar to the structure and function of a male testicle. The structure of the scrotum is skin wrapped around the testicles, while the testicles themselves are hollow and porous (διάκενοι καὶ σηραγγώδεις; Galen, *UP* 14.10; Helmreich 2.316.22–23) similar to the hollow and porous structure of a woman’s hair.<sup>37</sup> The function of a scrotum is to protect the testicles and keep them warm. Although it participates in the coction of semen (Aristotle, *Gen. an.* 719b1–3), it does not draw the semen downward as a testicle does. Since a woman’s hair participates in the drawing up of semen, I decided that the contrasting male part to a woman’s hair in 1 Cor 11:15 is a testicle, not the scrotum.<sup>38</sup> Nevertheless, περιβόλαιον in 1 Cor 11:15 may refer to a scrotum, but it seems to me that a reference to a testicle is the better alternative.

After carefully considering Goodacre’s evaluation and article, I conclude that my reading of περιβόλαιον as “testicle” in 1 Cor 11:15 makes better sense of this passage than any other reading proposed thus far. If Goodacre or anyone else can suggest a more cogent reading, I am happy to consider it. Until then, however, I shall continue to read this passage in the only way that makes sense by translating περιβόλαιον in the context of 1 Cor 11:15 as “testicle.”

<sup>35</sup> Aristotle, *Hist. an.* 493b3–6; Galen, *UP* 14.6 (Helmreich 2.296–297) and 14.10 (Helmreich 2.318).

<sup>36</sup> Martin, “Paul’s Argument,” 77 n. 7.

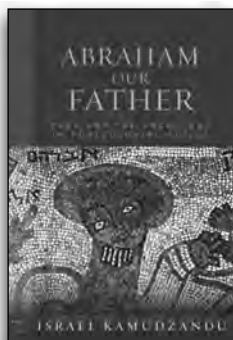
<sup>37</sup> For texts that hold the hair to be hollow, see *ibid.*, 77–79.

<sup>38</sup> For the ancient sources that describe the physiological function of female hair and male testicles, see *ibid.*, 77–83.



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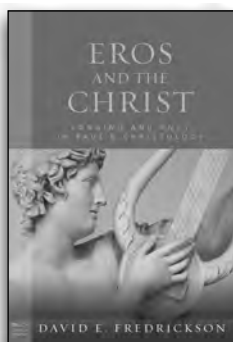
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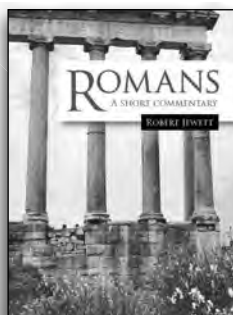
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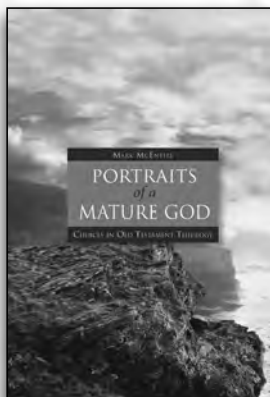






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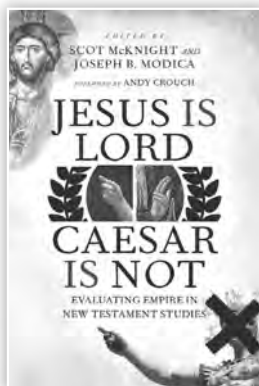


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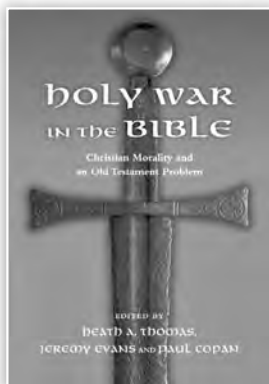


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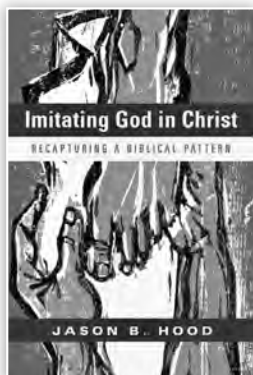
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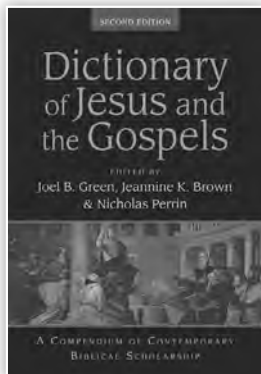


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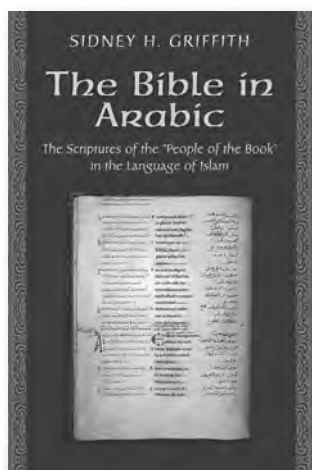
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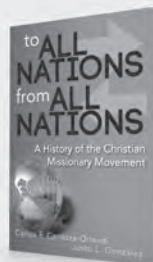
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