

# Torah, Temple, Land

Edited by  
MARKUS WITTE,  
JENS SCHRÖTER,  
and VERENA LEPPER

*Texts and Studies in  
Ancient Judaism*

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**Mohr Siebeck**

# Texts and Studies in Ancient Judaism

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# Torah, Temple, Land

Constructions of Judaism in Antiquity

Edited by

Markus Witte, Jens Schröter,  
and Verena M. Lepper

Mohr Siebeck

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## Abbreviations

Abbreviations in this volume generally follow the guidelines in *The SBL Handbook of Style*, 2nd ed. (Atlanta: SBL Press, 2014). References to papyrological editions conform to the “Checklist of Editions of Greek, Latin, Demotic, and Coptic Papyri, Ostraca, and Tablets” (<http://papyri.info/docs/checklist>). Additional abbreviations:

- Gesenius W. Gesenius, *Hebräisches und Aramäisches Handwörterbuch über das Alte Testament*, 18th ed. (Heidelberg: Springer, 2013)
- GLAJJ M. Stern, *Greek and Latin Authors on Jews and Judaism*, 3 vols. (Jerusalem: Israel Academy of Sciences and Humanities, 1974–1984)
- IAM J. G. Février et al., eds., *Inscriptions antiques du Maroc* (Paris: Centre National de la Recherche Scientifique, 1966–)
- IJO D. Noy et al., eds., *Inscriptiones Judaicae Orientis*, 3 vols. (Tübingen: Mohr Siebeck, 2004)
- ILJug A. Šašel and J. Šašel, eds., *Inscriptiones Latinae quae in Iugoslavia ... repertae et editae sunt*, 3 vols. (Ljubljana: Narodni Muzej, 1963–1986)
- JIWE D. Noy, ed., *Jewish Inscriptions of Western Europe* (Cambridge: Cambridge University Press, 1993–)
- MekI Mekilta de-Rabbi Ishmael
- OED *Oxford English Dictionary*
- TAD B. Porten and A. Yardeni, *Textbook of Aramaic Documents from Ancient Egypt*, 4 vols. (Jerusalem: Hebrew University, 1986–1999)





## Introduction

The Holy One, blessed be he, has acquired five acquisitions:  
one acquisition is the Torah,  
one acquisition are the heavens and the earth,  
one acquisition is Abraham,  
one acquisition is Israel,  
one acquisition is the Temple.  
(m. 'Abot 6:10)

This volume goes back to a conference held at the Theological Faculty of the Humboldt University of Berlin in October 2018 with the title “Torah, Temple, Land: Ancient Construction(s) of Judaism.” It brings together articles which address the constellations of ancient Judaism between continuity and change, from the Persian up to the Roman period, by way of a series of case studies from leading experts in their fields who cover a wide range of perspectives. In doing so, diverse forms of Judaism come to the fore which have evolved in different geographical areas: in Elephantine, Samaria, Jerusalem and Judea, in Qumran as well as in Alexandria. Distinctive political, cultural, and social constellations are associated with each of these, in which Jewish communities developed their own conception of themselves and how they were perceived by the outside world. Judaism saw itself confronted with the distinctive contexts and challenges presented by the Persian Empire, Egypt, Greek culture, the Imperium Romanum, and, not least, by emerging Christianity.

Ancient Judaism existed, therefore, in a world which was permanently changing in terms of political, social, and religious parameters. Judaism itself was also subject to constant processes of change, both of its self-perception and its external perception. What was deemed to be “Judaism” or “Jewish” was fluid and often contested with a need for constant renegotiation. In the following, “Judaism” and “Jewish” are, therefore, not to be understood as designations for religious communities with a clearly defined profile, but as heuristic categories to be filled with content in different periods of time and diverse religious, social, and political constellations. As a consequence, current developments in research on ancient Judaism, which highlight the diversity and fluidity of the categories “Judaism” and “Jewish,” are taken into account and refined.

Specifically, the individual articles in this volume reflect on a range of categories for describing Judaism and critically evaluate our ability to characterize ancient religious communities in different historical situations in these terms. The contributions are framed against the background of recent research on (re-) constructions of ancient Judaism. The central questions tackled by the speakers

and discussions at the abovementioned conference, as well as by the articles brought together here, were, or respectively are: which factors make it possible to speak of stability or continuity with regard to “ancient Judaism”? How does this relate to change and discontinuity? How may Jewish communities have experienced this relationship themselves in different locations in the Persian, Hellenistic, and Roman periods and coped with experiencing instability caused by political tensions or changing cultural constellations? And, last but not least, the question of whether and to what extent “Judaism” can be conceived as a (consistent) religious and cultural community with stable characteristics. One particular heuristic line of enquiry poses the question of how different Jewish groups in the period from about 500 BCE up to about 200 CE dealt with the factors of Torah, Temple, and land. These three fundamental pillars for perceptions of the emergence and formation of Israel as God’s people are central in the search for understanding what was regarded as “Judaism” in antiquity – both as a mode of self-perception and in the perceptions of outsiders.

This volume aims to shed light on the complexity which can be assumed for ancient Judaism by exploring the significance of the relationship of Torah, the Temple in Jerusalem as a place where heaven and earth meet, and the “holy” or “promised” land as the dwelling place of God’s people. This relationship can range from a strict obligation to the Torah, on the one hand, to placing other writings – such as apocalyptic texts – in a central or complementary position, on the other hand. It can be characterized by the conviction that the Jerusalem Temple is the only legitimate holy place for the cult of the God of Israel or reflect practices and texts that suggest the God of Israel can be worshiped in another temple in another land. For the Samaritan tradition the site of the sanctuary excludes Jerusalem. It can range from the conviction that the land of Israel, known variously as Israel, Judah, and Judea, was given by God, even if it was also lost under the rule of the Assyrian, Babylonian, Persian, Greek, and Roman Empires, up to the conception that life in a Greek polis, including the adaptation of Greek language and culture, is a legitimate and appropriate form of existence for worshippers of the God of Israel. For this reason, the institutions of Torah, Temple, and land, regardless of their significance for ancient (and, of course, for present-day) Judaism, do not in any way lead to a consistent image of Judaism or a “common Judaism” (E. P. Sanders). On the contrary, it is precisely the attitude towards these central factors and the creation-theological and historical-theological aspects connected with these that show the diversity of the religious, social, and cultural options which characterize ancient Judaism.

Against this background, this volume contributes to the scholarly debate on determining what we mean by “ancient Judaism” and its cultural and social dimensions, from the disciplinary perspectives of classical, religious, and theological study based on primary texts from the Hebrew Bible, Samaritan/Samaritan sources, papyri from Elephantine and Herakleopolis, the Qumran texts

and the so-called Enochic writings, from the works of Philo of Alexandria and the New Testament, epigraphic sources from the Imperium Romanum as well as rabbinic and patristic texts. In the following we offer a brief summary of the political and social framework and highlight the pertinent larger context of the discussion.

Alexander the Great's campaign, which led him from Macedonia up to the Indus and which ended the dominance of the Persians in the eastern Mediterranean area, fundamentally changed the cultures of the Middle East, including those of Israel/Palestine and Egypt. The tremendous speed of Alexander's conquests had a particularly drastic effect on the southern Levant. Noteworthy is his capture of the Phoenician trading city of Tyre, which, in marked contrast to the fate of Jerusalem, the Babylonian king Nebuchadnezzar II (605–562 BCE) ultimately failed to conquer. Alexander's campaign brought about the complete collapse of the Persian Empire, which had been a stable regulatory force for his Jewish subjects. Under Persian rule, a significant degree of political and religious autonomy was granted which resulted in a cultural and religious restoration of Judaism. Alexander's sudden death in 323 BCE in Babylon, the city declared by him to be the capital of his imperium, as well as the battles for succession that followed his death led to the founding of separate monarchies in Mesopotamia/Syria, Asia Minor, Egypt, and Macedonia. These events have left manifold traces in the collective memory of ancient Judaism and played a major role in the transformation of Israelite-Jewish society.

Since the end of the fourth century BCE, Judah had found itself to be at the intersection of conflicts between the kingdoms of the Seleucids in Mesopotamia and Syria and the Ptolemies in Egypt. Within only a century, Judah was the site of six wars between the Ptolemies and the Seleucids, and Jerusalem, including its Yahweh-Temple, was conquered several times. Parts of the land were ravaged, sections of its population deported, and religious autonomy weakened. The following aspects were at least as efficacious as these direct consequences for the land and the central holy places of the Jews: (1) the experiences of varying political and tax systems; (2) the advance of the Greek language which supplanted Aramaic as the *lingua franca* in the eastern Mediterranean; (3) the spread of Greek cults, myths, and schools of philosophy, in particular Stoicism and Epicureanism; (4) the dealing with pagan religious conceptions, including the constantly expanding ruler cult and divine worship of the dead, and subsequently even of living kings and emperors, already in the Hellenistic-Roman period; (5) the encounters with a Greek way of life, with Greek, and later, Roman technology as well as the construction of Greek and Roman cities with their theaters, grammar schools, and schools for ephebi in the whole of the Mediterranean area.

The battles of the Hasmonians in 167 BCE against the attacks by the Seleucid king Antiochus IV Epiphanes on the religious autonomy of Judah led to

a conflict between pro- and anti-Seleucid circles within Judaism. This conflict brought with it notable economic crises in Israel/Palestine, culminating in the recovery of a religious and political independence and in the establishment of a Judean kingdom for the first time since 587 BCE. Although lacking Davidic or Zadokite legitimation, this Hasmonean kingdom developed into a dynasty which reigned in Judah for about a hundred years. Hasmonean rulers yielded political power over the Jerusalem priesthood and saw themselves as rulers over the only “true Israel,” as opposed to the Samaritan/Samaritan community which likewise worshiped Yahweh. For the Judean population, the Hasmonean reign signified an autochthonous Hellenistic monarchy which was characterized by a cultural upswing, intense building activity, a geographical expansion as well as considerable violence towards Jewish groups who subscribed to different political and religious orientations both within and, as shown by the conflicts with Samaria and Edom/Idumea, also beyond the borders of the Hasmonean state.

In addition to the political and cultural impact of the appearance of the short-lived imperium of Alexander, the subsequent Diadochi empires as well as the Hasmonean kingdom led to a noticeable increase of the Jewish diaspora. Following the deportations in the Assyrian and Babylonian periods, Jewish communities which cultivated their own cultural and religious traditions had emerged in northern and southern Mesopotamia, Persia, and in the whole of Egypt. In the Hellenistic period, Jewish communities developed across the whole of the Mediterranean area. In particular, the Egyptian diaspora grew rapidly, initially following the deportations under Ptolemy I Soter (367/366–283/282 BCE) in 301 BCE and later through the influx of further Jews. The city of Alexandria, founded in the Nile Delta by Alexander the Great, developed into the cultural metropolis par excellence of the Hellenistic period. Alexandria also became a center of particular attraction for Jewish people. By the third century BCE, the majority of Jews no longer lived in Syria-Palestine, but in the diaspora. Moreover, they no longer spoke predominantly Aramaic or Hebrew, but Greek.

Local differences and multilingualism became a characteristic part of Jewish existence at this time. What is more, certain parameters of Jewish “identity” had already evolved with the establishment of the provinces Samaria and Yehud by the Persians in the sixth century BCE; these distinctive communities became more firmly established in the Hellenistic period and characterized Judaism both in the mother country and in the diaspora. These distinctive identities drew on a number of developments: (1) the Torah in the form of the Pentateuch, the Shema Israel (Deut 6:4–5) and the Decalogue (Exod 20; Deut 5) at the center, irrespective of theological tensions within the Pentateuch and the existence of a Judean alongside a Samaritan Pentateuch (in different versions); (2) the concept that Yahweh is the one and only God, who created the world, who preserves it and directs the paths of history and who is to be worshiped

without image; (3) the awareness of Israel as God's chosen people; (4) the concentration of the cult on the Temple in Jerusalem which did not exclude the existence of other holy places sacred to Yahweh on the Samaritan/Samaritan Mount Gerizim and in Leontopolis in Egypt, as well as the establishment of synagogues; and (5) the rites of circumcision, the Sabbath, prayers, fasting, and the giving of alms – religious acts that could be maintained independently of location, as well as the adherence to the laws governing purity and diet.

These five factors – the written Torah, monotheism, election as the chosen people, the Temple as well as circumcision and observing the Sabbath – were interpreted and practiced in different ways, both in the Israelite-Palestinian mother country and the diaspora, already in Persian times and, more intensely, in the Hellenistic period. Different groupings and tendencies emerged within Judaism, which represented different positions, both towards the pagan Greek culture and, beginning with the Maccabean period, also in the attitude towards the Jerusalem kingdom and to the high priest. This process continued more intensely in the Roman period. Therefore, what Jewish “identity” meant in antiquity can hardly be expressed as a common denominator. The social life and religious practices of Jewish communities in Palestine under Roman, and particularly Herodian, rule should be taken into account just as much as those in the Roman colonies, in metropolises like Alexandria and Antioch and the capital Rome. For Jewish communities, the confrontation with Hellenistic culture and Roman politics constituted a continuous challenge between the poles of adaptation and resistance. This led to diverse forms of political, cultural, and religious kinds of reception and integration, which had a lasting influence on both the self-perception and the external perception of “the” Judaism. This “history of intertwining” that is evident both in Israel/Palestine and in the diaspora can be described in terms of “correlation between the center and the periphery,” “identity formation from within and without,” “rest and motion” and “arts of the weak” which lead to an attempt at integration on equal terms.

In recent research, this differentiation of Judaism has sometimes led to avoid speaking of “Judaism” in the singular in the Hellenistic-Roman period, but of “Judaisms.” The plural refers to various strands of Judaism represented, for example, by a Jerusalem, a Samaritan, an Egyptian, and a Qumran Judaism. Even this classification still seems to be too undifferentiated with regard to the different groups and geographical regions. The question of the self-perception and external perception of ancient Judaism, represented by different Jewish groups, plays a central role here: are there overlapping features of Judaism alongside the diversity of Judaism? Can we speak of a Jewish “identity” with regard to either self-perception or external perception? The different political, cultural, social, and temporal contexts in the Israelite-Palestinian mother country and in the different centers of the Jewish diaspora, in particular in Egypt (Elephantine, Alexandria, and Leontopolis), have to be taken into account when answering

these questions, as do the interdependencies between these contexts and centers. Against the background of this geographical aspect, the term “land” within the thematic triad of the conference and this volume is explained.

In addition to archaeological and epigraphic records as well as a small number of pagan texts, important sources on the historical description of Judaism in the period concerned are Jewish writings which originated in different places and in different languages during the Persian and Hellenistic-Roman periods. Much of this material reached the form in which it found its way into the Hebrew Bible and the Septuagint during these centuries. Together with non-biblical writings such as the papyri found on the island of Elephantine on the Nile, the vast majority of Jewish-Hellenistic writings not included in the Bible, and the Dead Sea Scrolls, they attest to different literary genres, that is, historiographic, prophetic-mantic, cultural-ritual, sapiential-didactic, juridical, administrative, calendrical, and apocalyptic texts. This demonstrates how ancient Judaism maintained its cultural self-perception in the wake of crises and mutations, each dealing in their own way with central institutions such as kingdom, Temple, land, and sacred writings. In particular the factors of (1) Torah, with its concentration on worshiping the one God Yahweh and the standardization of Jewish identity, (2) Temple, and (3) land appear as stabilizing factors and as indicators for Jewish self-perception.

Emerging Christianity constituted a special kind of religious and social challenge to ancient Judaism. From the beginning, Christianity incorporated the Israelite-Jewish writings and traditions into the basic stock of its lore, interpreted them, however, in its own way. This led to a further transformation of Jewish lore, which was now passed down and interpreted in two ways – in Christian and in Jewish lore. The cooperation, coexistence, and also conflict between Judaism and Christianity led to the concentration of rabbinic Judaism on the Hebrew (and Aramaic) writings, on the one hand, and to the translation of Jewish and Christian texts into Syrian, Coptic, Armenian, and Arabic in the Christian tradition, on the other hand. Even the Septuagint, originally a Jewish translation, was now passed down by Christians and became the first part of the Christian Bible, the “Old Testament.” Furthermore, what is important is the interpretative redaction (*Fortschreibung*) of Jewish writings by Christians: relevant examples of this are the Martyrdom of Isaiah, the Fourth Book of Ezra, and the Testaments of the Twelve Patriarchs.

The relationship of Judaism and Christianity in antiquity cannot be comprehended with the model of one or more “parting(s) of the ways.” The processes relating to this are considerably more complex and have led to diverse forms of “attraction and repulsion” (P. Schäfer). For Judaism, this involved a profound reorientation, concerning the attitude to its own writings and traditions. This is shown by the emergence of the Christian and the Jewish Bibles, into which the authoritative writings of the respective religious communities found their way. The complex processes leading to the collection of these writings reveal

that both in Judaism and Christianity and over a long time authoritative writings were neither clearly delimited as to their extent nor in their wording. The emergence of the Jewish and the Christian Bibles sheds light, therefore, on the diversity of ancient Judaism and ancient Christianity and on the multifaceted processes of their relationships.

The conference to which this volume goes back was supported financially by the Berlin Excellence Cluster Topoi, which has since been discontinued, and by the ERC-Grant Elephantine. We would like to thank the responsible bodies for awarding the funding which made it possible to hold the conference. Janina Skóra has earned a great deal of credit for the organizational preparation and realization of the conference, for which she has our sincere thanks. We thank the speakers for making their lectures available for publication and who also took the discussions during the conference into account for the printed version and waited for the publication with great patience. We thank our staff in Berlin, Veronika Einmahl, Florian Lenge, Lucas Mueller, Brinthanan Puvanewaran, and Katharina Vetter, for their support in reading the corrections and for compiling the index; thanks to Matthias Müller (Berlin) for preparing the camera-ready copy. Finally, we would like to thank the editors of the series “Texts and Studies in Ancient Judaism” for their acceptance of the volume and the staff at Mohr Siebeck publishing house for the great assistance during the publication process.

Berlin, August 2020

*Markus Witte, Jens Schröter, Verena Lepper*





# Judaism or Judaisms

## The Construction of Ancient Judaism

*Peter Schäfer*

In the last of his works and presumably not long before his death, Flavius Josephus, the historian of ancient Judaism, wrote about the proper constitution of the Jews. The work is called *Contra Apionem* (“Against Apion”) and it was written during the last years of the Roman emperor Domitian, that is, not long before 96 CE. It is a comprehensive apology of the Jewish people, claiming that Moses lived long before the Greek legislators and that therefore the Jewish laws are much older and more original than the Greek laws. Therein, more than twenty years after the destruction of Jerusalem and the Temple, the famous Jewish historian – who in Rome enjoyed the favor and support of the Flavian emperors – compares the forms of government known at his time: monarchy, oligarchy, and democracy. He comes to the conclusion that none of these is appropriate:

Our lawgiver, however, was attracted by none of these forms of polity, but gave to his constitution the form of what – if a forced expression be permitted – may be termed a “theocracy” (θεοκρατία), placing all sovereignty and authority in the hands of God.<sup>1</sup>

The theocracy as the typical and uniquely Jewish form of government was so important to Josephus that he invented the Greek word for it, calling it “a forced expression.” He then continues that Moses immediately convinced the Jewish people of the virtues of this constitution and presented them their God as One (εἷς), uncreated (ἀγένητος), immutable, of unsurpassable beauty, in the nature of his essence unrecognizable (ἄγνωστος), but made known to us by his power (δύναμις).<sup>2</sup> The unconditional acceptance of the Law led to an admirable harmony (ὁμόνοια) among the Jews, who are united in their opinion about God and cultivate the same way of life.<sup>3</sup> And then Josephus explains how this theocracy, God’s sole sovereignty, is maintained on earth:

Could there be a finer or more equitable polity than one which sets God at the head of the universe, which assigns the administration of its highest affairs to the whole body of priests, and entrusts to the supreme high priest the direction of the other priests? [...] Could there be a more saintly government than that? Could God be more worthily honored than by such

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<sup>1</sup> Josephus, *C. Ap.* 2.165.

<sup>2</sup> Josephus, *C. Ap.* 2.167.

<sup>3</sup> Josephus, *C. Ap.* 2.179–181.

a scheme, under which piety is the end and aim of the training of the entire community, the priests are entrusted with the special charge of it, and the whole administration of the state (πολιτεία) resembles some sacred ceremony?<sup>4</sup>

Josephus's theocracy is in fact a hierocracy, a government of priests, with the Temple at its center: "One Temple for the one God (εἷς ναὸς ἑνὸς θεοῦ) [...], common to all as God is common to all."<sup>5</sup> The triad "One God – One Temple – One People" is the central idea of his theocracy, and he propagates this idea not just as some faint echo of a long forgotten past or the ideal concept of some remote future but as the forever valid and forever practiced form of explicitly Jewish government.

It remains a mystery and a matter of dispute what prompted Josephus to lay out the design of the Jewish state toward the end of his life and under the emperor Domitian (who enforced the  *Fiscus Judaicus*) – the same Josephus who in his earlier works *Antiquitates* and *De bello Judaico* drew a very different picture of discord and strife among the Jews of Judea and who blamed the uncompromising theocratic doctrine of the Zealots in particular for the destruction of the Jewish Temple and nation.<sup>6</sup> For our purpose here the observation is important that the old and wise – or naïve or crazy (whatever one prefers) – Josephus drafted his vision of a theocratic polity the way he did, that it was absolutely clear to him that there was and always will be a Jewish nation or state or ethnos, with the Temple at its center, with the priests at its head, and with its people following in perfect harmony the Law of Moses, that is, the Torah. What Josephus does not explicitly emphasize is the fact that the Temple stands in Jerusalem and that Jerusalem is the capital of Judea, but this is a matter of course and refraining from spelling it out is probably the only concession he made in his long exposition to his Roman friends. From this perspective, Josephus's outline of the perfect Jewish state looks like the blueprint for the topic of the conference and ensuing book, summarized by the organizers under the keywords Torah, Temple, Land.

But things are not that simple. Josephus's theocracy with its unifying triad of "One God – One Temple – One People," designed at the very end of the Second Temple period and the transition to rabbinic Judaism, may well formulate an ideal picture or even an evolving consensus, yet it is highly questionable to what extent it was accomplished throughout the turmoil of ancient Jewish history. There was certainly a tendency in ancient Judaism towards unification and integration,<sup>7</sup> but there were, just as certainly, strong opposing tendencies towards diversity, multiplicity, variety, discord. These tendencies could not be

<sup>4</sup> Josephus, *C. Ap.* 2.185, 188.

<sup>5</sup> Josephus, *C. Ap.* 2.193. Josephus constructs this remarkable sentence without a verb, and in the following explanation he uses the present and future tenses.

<sup>6</sup> On this, see in more detail P. Schäfer, "Theokratie: Die Herrschaft Gottes als Staatsverfassung in der jüdischen Antike," in *Politik und Religion: Zur Diagnose der Gegenwart*, ed. F. W. Graf and H. Meier (Munich: Beck, 2013), 199–240, here 226 ff.

ignored after the full publication of the so-called Apocrypha and Pseudepigrapha in German translation by Emil Kautzsch (1900)<sup>8</sup> and in English translation by Robert Henry Charles (1913).<sup>9</sup> George Foot Moore's famous *Judaism in the First Centuries of the Christian Era: The Age of the Tannaim* (1927)<sup>10</sup> marks the pinnacle and at the same time the end point of a view that regards the Mishnah as the climax of normative Judaism and is still convinced that it can downplay the Apocrypha and Pseudepigrapha as peripheral phenomena of some aberrant and bizarre sects. And, of course, the discovery of the Qumran literature made such certainties completely untenable. Finally, the question of a full acknowledgment of Second Temple diversity became further complicated by New Testament scholarship. In view of what they regarded the proprium of the New Testament message, New Testament scholars neatly distinguished between legalistic and apocalyptic branches within Second Temple Judaism, elevating the New Testament to the legitimate heir of the apocalyptic branch and demoting rabbinic Judaism to the mere continuation of the legalistic branch. Some of them, particularly in Germany, even went as far as to label the period of rabbinic Judaism as "Spätjudentum" ("late Judaism"), a term clearly meant in a derogatory sense to mark the end of a genuine Judaism that was ultimately superseded by Christianity.

The tendency towards emphasizing diversity and multiplicity gained momentum in the second half of the twentieth century, primarily in North American scholarship. And it is almost ironic that the most outspoken and influential agent of the idea of a variety of Judaisms as opposed to a uniform Judaism was a scholar not of Second Temple literature in the narrower sense of the word, but of rabbinic Judaism: Jacob Neusner (1932–2016), the "most published man in human history," as the *New York Times* called him.<sup>11</sup> Neusner was a colorful personality, to say the least, and, to quote Schiller's Wallenstein: "the view of his character sways to and fro in history." Quite a few people have had their personal history with Neusner, and I am definitely among them. Neusner developed his theory of the many Judaisms in a constant dialogue with and influenced by no less colorful a scholar than the historian of religion Jonathan Z. Smith (d. 2017), and it is probably the theoretical underpinning provided by

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<sup>7</sup> S. Schwartz, "How Many Judaisms Were There? A Critique of Neusner and Smith on Definition and Mason and Boyarin on Categorization," *Journal of Ancient Judaism* 2 (2011), 208–238.

<sup>8</sup> E. Kautzsch, *Die Apokryphen und Pseudepigraphen des Alten Testaments*, 2 vols. (Tübingen: Mohr Siebeck, 1900).

<sup>9</sup> R. H. Charles, *The Apocrypha and Pseudepigrapha of the Old Testament in English*, 2 vols. (Oxford: Clarendon, 1913).

<sup>10</sup> G. F. Moore, *Judaism in the First Centuries of the Christian Era: The Age of the Tannaim*, 3 vols. (Cambridge, Mass.: Harvard University Press, 1927–1930).

<sup>11</sup> S. Magid, "Is It Time to Take the Most-Published Man in Human History Seriously," *Tablet Magazine*, August 23, 2016, <https://www.tabletmag.com/sections/arts-letters/articles/take-jacob-neusner-seriously>.

Smith that paved the way for a broader reception of Neusner's ideas in North America and beyond.<sup>12</sup> In his essay "Fences and Neighbors: Some Contours of Early Judaism," Smith had marked the sea change in the field of religious studies as follows:

As the anthropologist has begun to abandon a functionalist view of culture as a well-articulated, highly integrated mechanism and has slowly turned to accepting the sort of image set forth by F.E. Williams of culture as a "heap of rubbish," a "tangle," a "hotch-potch," but partially organized, so we in religious studies must set about a similar dismantling of the old theological and imperialistic impulse toward totalization, unification, and integration.<sup>13</sup>

Neusner would never have said this in these words, but he was definitely determined to dismantle the old theological impulse (probably less the imperialistic one) toward totalization, unification, and integration. He not only propagated many Judaisms, but carried this view ever further to the extreme by arguing, in the words of Seth Schwartz, "for the nearly monadic self-enclosure of the various Judaisms."<sup>14</sup> During his long and tiresome analyses of many texts of rabbinic Judaism he came to the conclusion that each and every one of them presents a self-enclosed and quasi-autonomous entity, a "system" or rather a "Judaic system" or "Judaism," and that it is the combination of all these "systems" that we call "rabbinic Judaism." First, I was impressed by these analyses, in particular as long as they were devoted to the system of the Mishnah, just as I was and still am impressed by Smith's furor against totalization, unification, and integration, not least since I had come to similar conclusions through my work on Hekhalot literature. It made sense to me that the Mishnah has a taxonomy that is different from, for example, the midrashim – yet, to give another example, not so much from the Tosefta, and I was less prepared to follow him when he insisted that the Tosefta is essentially a commentary on the Mishnah. In 1984, for the first time I gave a lecture about the *status quaestionis* of research on rabbinic literature,<sup>15</sup> in which I extended my observations about the

<sup>12</sup> Suggested by Schwartz, "How Many Judaisms" (see n. 7), 211 f.

<sup>13</sup> J.Z. Smith, "Fences and Neighbors: Some Contours of Early Judaism," in *Approaches to Ancient Judaism*, ed. W.S. Green, vol. 2 (Missoula, Mont.: Scholars Press, 1980), 1–25, here 20; repr. in id., *Imagining Religion: From Babylon to Jonestown* (Chicago: University of Chicago Press, 1982), 1–18, here 18.

<sup>14</sup> Schwartz, "How Many Judaisms" (see n. 7), 212.

<sup>15</sup> Published two years later: P. Schäfer, "Research into Rabbinic Literature: An Attempt to Define the *Status Quaestionis*," *JJS* 37 (1986), 139–152. The article triggered a debate with Chaim Milikowsky; see his "The *Status Quaestionis* of Research in Rabbinic Literature," *JJS* 39 (1988), 201–211, and my response "Once again the Status Quaestionis of Research in Rabbinic Literature: An Answer to Chaim Milikowsky," *JJS* 40 (1989), 89–94. My original article and Milikowsky's response were reprinted in *Rabbinic Texts and the History of Late-Roman Palestine*, ed. M. Goodman and P. Alexander (Oxford: Oxford University Press, 2010), 51–65, 67–78, and a response by the two of us, delivered at a conference of the British Academy, was added: P. Schäfer and Ch. Milikowsky, "Current Views on the Editing of the Rabbinic Texts of Late Antiquity: Reflections on a Debate after Twenty Years," *ibid.*, 79–88.

Hekhalot literature to rabbinic literature proper and questioned Neusner's concept of the individual works of rabbinic literature as stable and almost monadic entities, providing fixed frames of reference "within which closed systems can be worked out and placed in chronological relation to one another."<sup>16</sup> My main examples were the relationship between Mishnah and Tosefta (a detailed comparison of individual tractates of the Tosefta reveals that the relationship is more complex than Neusner assumed and different even with respect to different tractates), the two major manuscripts of Midrash Genesis Rabbah (which are sometimes so dissimilar that what I called the "redactional identity of the work" becomes debatable), and the relationship between Genesis Rabbah and the Jerusalem Talmud (which on closer examination makes the boundaries of these two "works" highly disputable). Neusner regarded this as a fundamental attack on his newest approach to rabbinic literature (after his earlier biographical approach had failed) and poured out his wrath not only on me but also on some of my students and on my German teacher Arnold Goldberg (who had nothing to do with this, but whose attempt to apply modern linguistic methods to rabbinic literature made him, in Neusner's eyes, our model and master in our conspiracy of dissolving the stability of rabbinic "works").<sup>17</sup> He did so in an article published in 2004 under the title "Three Generations of Post-War Study of Judaism in Germany: Goldberg, Schaefer, Houtman and Becker and the Demolition of Historical Judaism."<sup>18</sup> I am not going to discuss this article here in any detail and will limit myself to quoting the abstract summarizing the content:

German academic anti-Judaism – theological contempt for the religion set forth out of Scripture by the rabbinic sages of antiquity – begins with Martin Luther and survives the Third Reich. That is shown by the nihilistic representation of Rabbinic Judaism in post World-War II German scholarship, which denies to Judaism a determinate textual corpus, a synchronic venue, a diachronic context. Three generations – Arnold M. Goldberg, his disciple, Peter Schaefer, and Schaefer's disciples, Alberdina Houtman and Hans-Juergen Becker – have systematically denied to Judaism the possibility of historical study as a culture in dialogue with a particular social order. The outcome of the German academic tradition is a religion without determinate texts, religious texts out of all context and texts without contents: the nullification of Judaism as a fact of history and culture.

There lies a certain irony in the fact that the most fervent propagator of the idea of many Judaisms in antiquity, including, to emphasize this again, rabbinic Judaism, accuses the "Goldberg-Schaefer School," as he later calls us, of fragmenting rabbinic Judaism up to the point of its nullification. I did indeed go a step further than Neusner when I questioned the notion of stable boundaries

<sup>16</sup> Schäfer, "Research into Rabbinic Literature" (see n. 15), 150.

<sup>17</sup> That Goldberg's linguistic turn characterized the last phase of his scholarly work and that my students and I never followed him in this direction did not bother Neusner either.

<sup>18</sup> J. Neusner, "Three Generations of Post-War Study of Judaism in Germany: Goldberg, Schaefer, Houtman and Becker and the Demolition of Historical Judaism," *Religion* 34 (2004), 315–330.

between the works of rabbinic literature (although, to be sure, I never maintained that this applies in the same manner to all rabbinic works) and by this challenged Neusner's last resort of "determinate texts," islands, so to speak, in the vast ocean of rabbinic literature that can be visited, explored, and compared with each other. However, I did not do so in order to further fragmentize or atomize (one of the words he uses) the construct of a larger Judaism. Quite the contrary: works with unstable and overlapping boundaries do not necessarily dissolve in formless chaos (or a "heap of rubbish," "tangle," or "hotch-potch," as Jonathan Smith calls it), but need "something" broader or more comprehensive (whatever that is) that tends again toward unification and integration. Ultimately, I would thus conclude this part of my presentation as follows: The dynamic notion of "Judaisms" set up against the all too self-assured and static idea of the one and only "Judaism" can serve as a useful heuristic tool to understand the complexities of our field and to recognize the pitfalls in our endeavor to discuss them, but the invention of "Judaisms" is certainly not the philosopher's stone that solves the problems of our profession once and for all.

With this, however, the debate on Judaism and Judaisms is by no means over. In 2007, Josephus scholar Steve Mason published an article titled "Jews, Judaeans, Judaizing, Judaism: Problems of Categorization in Ancient History,"<sup>19</sup> in which he revived the earlier debate in new and more far-reaching terms. Mason is, as he describes himself on the website of Toronto's York University, a "historian of the ancient eastern Mediterranean world, under Roman rule,"<sup>20</sup> with, I might add, a strong philological bias; Seth Schwartz somewhat pointedly calls him a "straightforward positivistic empiricist."<sup>21</sup> Briefly summarized, Mason takes the earlier notion of "Judaisms" as opposed to "Judaism" much further and argues that there was not only no such thing as a normative "Judaism" or many different "Judaisms," but that there was no "Judaism" at all in antiquity, if we understand Judaism, as we usually do, as a religion. According to Mason the reason for this is that there was no such thing as "religion" in antiquity. The Greek, Latin, and Hebrew terms used in our sources – Ἰουδαῖος, *Judaeus*, and יהודי – are not to be translated as "Jew," but simply mean "Judean," that is, a member of an ethnic group, the ethnos Judea. Thus, he concludes that "there was no category of 'Judaism' in the Graeco-Roman world, no 'religion' too, and that the *Ioudaioi* were understood until late antiquity as an ethnic group comparable to other ethnic groups, with their distinctive laws, traditions, customs, and God. They were indeed Judaeans."<sup>22</sup>

<sup>19</sup> S. Mason, "Jews, Judaeans, Judaizing, Judaism: Problems of Categorization in Ancient History," *JSJ* 38 (2007), 457–512.

<sup>20</sup> Since 2015 he has held the Chair in Ancient Mediterranean Religions and Cultures at the Faculty of Theology and Religious Studies of the University of Groningen, The Netherlands.

<sup>21</sup> Schwartz, "How Many Judaisms" (see n. 7), 222.

The linguistic evidence is further complicated by the fact that the Second Book of the Maccabees introduces the Greek term Ἰουδαϊσμός for the first time as a counter term to Ἑλληνισμός, the fashionable Greek way of life adopted by the “Hellenists,” the Hellenistic Jewish fraction in Jerusalem which was so eager to participate in the competitions in the gymnasium.<sup>23</sup> Accordingly, as a countermeasure against Ἑλληνισμός, Judas Maccabee admitted to his rebellious army only those who “had remained ἐν τῷ Ἰουδαϊσμῷ,”<sup>24</sup> and “in former times, when there was no mingling with the Gentiles,” the elder Razis “had been accused of Ἰουδαϊσμός, and he had most zealously risked body and life on its behalf.”<sup>25</sup> Mason argues that these two opposing terms should not be translated as “Hellenism” versus “Judaism” or “Greek way of life” versus “Jewish way of life,” but rather that both terms are to be understood in a dynamic sense as the *activities* of “Hellenizing” and “Judaizing,” the *promotion* of Greek and Jewish ways of life.<sup>26</sup>

Although Mason is correct in pointing out that the term Ἰουδαϊσμός sometimes can have a dynamic and active connotation, this does not apply to all the, incidentally very few, attestations in pre-Christian literature (in the case of the elder Razis this may be true, but in the case of Judas Maccabee’s army it doesn’t make much sense to understand those who “had remained ἐν τῷ Ἰουδαϊσμῷ” as people who “had remained in Judaizing” instead of those who “had remained in Judaism”). Secondly and more importantly, even if Ἰουδαϊσμός has an active component, this activity is always directed towards something, namely, the distinctively Jewish way of life. As John J. Collins has put it:

But even if we grant the active connotation of these words [Ἑλληνισμός and Ἰουδαϊσμός], they can hardly be emptied of cultural content. *Hellēnismos* still implies a concept of an entire culture that was being advocated, and conversely *Joudaismos* is not simply agitation, even anti-Hellenistic agitation, but the advancement of the ancestral way of life of the Judeans.<sup>27</sup>

Mason’s claim that there was no “Judaism” in antiquity since there was no “religion,” I would argue, is a meaningless and empty reduction of both “Judaism” and “religion.” Mason seems to belong to those classical philologists who are driven by an antireligious or antitheological bias because they are motivated by a modern, post-Enlightenment idea of religion as something entirely separated from the ethnic identity of the group practicing it.<sup>28</sup> True, “no one should ever

<sup>22</sup> Mason, “Jews, Judaeans, Judaizing, Judaism” (see n. 19), 457 (the abstract of his extensive paper).

<sup>23</sup> 2 Macc 4:13 ff.

<sup>24</sup> 2 Macc 8:1.

<sup>25</sup> 2 Macc 14:38.

<sup>26</sup> Mason, “Jews, Judaeans, Judaizing, Judaism” (see n. 19), 467 f.

<sup>27</sup> J. J. Collins, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul* (Oakland, Calif.: University of California Press, 2017), 13.

<sup>28</sup> Mason, “Jews, Judaeans, Judaizing, Judaism” (see n. 19), 480 ff.



uncritically apply the category ‘religion’ to the Jews,” as Seth Schwartz cautions us,<sup>29</sup> but even more true, no one should ever apply the modern perception of religion to the Jews of antiquity. The distinction between “ethnos” and “religion” is a modern development, and in Judaism it was Moses Mendelssohn in particular who, in his famous pamphlet *Jerusalem*,<sup>30</sup> introduced a strict and clear-cut separation between “state” and “religion” and reduced the essence of Judaism to the “ceremonial law” with its peculiar customs and habits. This artificial distinction did not last long even in modern Judaism, not least in Mendelssohn’s own family. Certainly in antiquity, but also in most of its history up until the present, Judaism was always both an ethnicity *and* a religion – an “ethno-religion” as Shaye Cohen has called it<sup>31</sup> – suspended between the two extreme poles of the spectrum, sometimes gravitating more to one of the two poles and sometimes more to the other, but rarely – if ever – completely abandoning one in favor of the other.<sup>32</sup> Hence, the terminological debate on the translation of Ἰουδαϊσμός kicked off by Mason is misleading and does not help us understand the category of “Judaism” in antiquity.

Another question that also arises from the debate on “Judaism” in antiquity is whether Judaism turned from ethnicity into religion at a certain point in history. I am not going to discuss this here in detail but will confine myself to confessing that I regard this question as equally fruitless as the debate about the translation of Ἰουδαϊσμός. Shaye Cohen has argued that the shift from ethnos to religion was marked by the possibility of conversion, that is, the implementation of a ritual by which a non-Jew could enter the community of the Jews. Since this possibility (not only for individuals but even for entire nations such as the Idumeans and Itureans) is aptly documented in the Maccabean period, we can firmly date it.<sup>33</sup> I fully agree that conversion is a characteristic feature of religion and does not simply denote the transition from one ethnos to another.

<sup>29</sup> Schwartz, “How Many Judaisms” (see n. 7), 228.

<sup>30</sup> M. Mendelssohn, *Jerusalem oder über religiöse Macht und Judentum* (Berlin: Maurer, 1783).

<sup>31</sup> S. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley: University of California Press, 1999), 109–139. See also C. Baker, “A ‘Jew’ by Any Other Name?,” *Journal of Ancient Judaism* 2 (2011), 153–180, here 172: “But in what universe is the English term ‘Jew(s)’ *not* also an ‘ethnic’ signifier? Certainly not in the one we currently inhabit and for which historiographers attempt to produce coherent knowledge about the past. By what calculations or justifications is the term made to inhere exclusively in the ‘religion’ of ‘Judaism’? [...] In other words, how was or is Jewish ‘religion’ ever not ‘ethnic’?”

<sup>32</sup> See also Schwartz, “How Many Judaisms” (see n. 7), 223, 230, 232, aptly summarized on p. 238: “Judaism cannot be now and never could be subordinated to the categories of religion or ethnicity or nation or culture. [...] it has always been all of them, though, [...] not always in precisely the same proportions.”

<sup>33</sup> S. Cohen, “Religion, Ethnicity, and ‘Hellenism’ in the Emergence of Jewish Identity in Maccabean Palestine,” in *Religion and Religious Practice in the Seleucid Kingdom*, ed. P. Bilde et al. (Aarhus: Aarhus University Press, 1990), 204–223. He further developed his ideas in his monograph mentioned in n. 31.

er, but I do not think that conversion is the first religious component of Judaism, that is, the component that for the first time marks the transition of ancient Judaism from *ethnos* to religion. Judaism was no doubt an “ethno-religion” long before the Maccabean period, simply because the ethnic part cannot be neatly separated from the religious part and vice versa. The fact that conversion becomes highly visible in the Maccabean period does not mean that it was invented there, and even less that there was no religion in Judaism before the Maccabees.

In the last part of my paper I will focus on certain features regarded as central to ancient Judaism from within as well as from without, that is, from the point of view of observers from other nations, in particular Greeks and Romans. If we look at the available evidence, it immediately becomes clear that it is almost always the Torah that stands at the center of the taxonomy of what constitutes Judaism. As we have seen, in Josephus’s triad “One God – One Temple – One People” the Torah (the Law, in Greek: νόμος) forms the *cantus firmus* of everything he describes: the great lawgiver Moses gave the Law to his people who served the one God in his Temple and duly followed all the laws and precepts laid down in the Torah. Scholars are divided on the question of when the Torah gained the status of a more or less uncontested identity marker of Judaism, but I think all agree that the authority of the Torah is crucial for the reform of Ezra and Nehemiah during the Persian period after the return from exile. According to the Book of Nehemiah, the priest Ezra brought the “book of the Law of Moses” in a solemn ceremony before the assembly of the people gathered in Jerusalem and read from it in front of the people:

He read from it facing the square before the Water Gate from early morning until midday, in presence of the men and the women and those who could understand; and the ears of all the people were attentive to the book of the law (ספר התורה). The scribe Ezra stood on a wooden platform that had been made for the purpose. [...] And Ezra opened the book in the sight of all people; and when he opened it, all the people stood up. Then Ezra blessed the Lord, the great God, and all the people answered Amen, Amen, lifting up their hands. Then they bowed their heads and worshiped the Lord, with their faces to the ground.<sup>34</sup>

Here the Law of Moses is publicly installed as “the normative expression of the Judean way of life”<sup>35</sup> in both its political and religious components: it is the Law of the *ethnos* of the people of Judea that is ordained by God and accepted by the people in a thoroughly religious ceremony. Whatever the historical reliability of the scene described in the Book of Nehemiah, from now on the Torah becomes the ancestral Law of the Jews, in the Hellenistic period called τὰ πατέρα νόμματα, “the laws of (their) fathers.” When Antiochus III, predecessor of the infamous Antiochus IV Epiphanes who triggered the Maccabean revolt, took possession of the province of the Jews, he granted them the permission: “All the members of the (Jewish) nation (ἔθνος) shall have a form of

<sup>34</sup> Neh 8:3–6.

<sup>35</sup> Collins, *The Invention of Judaism* (see n. 27), 60.

government in accordance with the laws of their fathers (κατὰ τοὺς πατρίους νόμους),”<sup>36</sup> and this can refer only to the Torah of Moses in its political and religious dimensions. It was precisely this permission whose abrogation the Jewish Hellenists in Jerusalem requested from Antiochus IV:

They [the Hellenistic party] informed him [the king] that they wished to abandon the laws of their fathers (τοὺς πατρίους νόμους) and the corresponding constitution (πολιτεία) and to follow the king’s laws and adopt the Greek way of life (τὴν Ἑλληνικὴν πολιτείαν).<sup>37</sup>

But how common and generally accepted was the Torah in this religious-political sense in antiquity? I will discuss two extremely different examples, the Jews of Elephantine and rabbinic Judaism after the destruction of the Temple. Elephantine was a military colony protecting the southern border of Egypt against the Nubians. Probably as early as around 650 BCE, Jewish mercenaries joined the colony and received permission by the Egyptians to build their own Temple, in which sacrifices were offered to the Jewish God, who is called YHW (Yahu). We know all this from the discovery of a hoard of Aramaic papyri dated to the fifth century BCE. Their cult apparently included also female deities, among them Anat-Yahu, which supports the theory that the Yahu of Elephantine had a consort. Hence, the Jewish cult practiced at Elephantine is anything but normative, which is also evident from the fact that the Jews of Elephantine had a Temple cult, more than a hundred years after the Josianic reform with the centralization of the cult of the one God in his only Temple in Jerusalem and precisely at the time when Ezra and Nehemiah tried to implement the Torah as the universally valid norm for all the Jews in the Persian Empire.

Of particular interest for our purpose is the so-called Passover papyrus, a letter (dated 419 BCE) containing a decree of the Persian king Darius concerning the celebration of Passover, conveyed to the Jewish community at Elephantine by a certain Hananiah. We do not know who this Hananiah is, but he seems to be some official of the province of Judah, possibly even the Hananiah who was the commander of the fortress in Jerusalem and may have replaced Nehemiah as governor of Judah.<sup>38</sup> In any case, the main purpose of the letter was to communicate the correct dates for the celebration of Passover and the Festival of Unleavened Bread (Mazzoth) according to the legislation of the Torah. The letter also hints at some unspecified conflict with the Egyptian priests of Khnum, the ram-god and official lord of the region whose Temple was adjacent to the Jewish Temple. We do not know what triggered the conflict, but it may well have been the sacrifice of the paschal lamb or ram<sup>39</sup> as part of the Passover ritual that displeased the Egyptian priests. And we do know from

<sup>36</sup> Josephus, *A.J.* 12.142.

<sup>37</sup> Josephus, *A.J.* 12.240.

<sup>38</sup> Neh 7:2; see P. Schäfer, *Judeophobia: Attitudes toward the Jews in the Ancient World* (Cambridge, Mass.: Harvard University Press, 1997), 125.

<sup>39</sup> Num 28:19.

another letter that nine years after the Passover letter, open conflict broke out and the Jewish Temple was destroyed by the Egyptians. However, the Persian government backed the Jews and punished the Egyptians along with their Persian accomplices and, this is most remarkable for our context, the Elephantine Jews turned to the Persian governor of Judah and the Jerusalem high priest to request permission to rebuild their Temple, that is, they asked the Persian and Jewish authorities of the site where the allegedly sole Jewish Temple existed. Their first petition remained unanswered, and only after a second petition was their request granted in a memorandum issued jointly by the governor of Judah and the son of the governor of Samaria. I am not going to address the question of why the governor of Samaria is involved here; for our purpose it is crucial what exactly the permission entailed: the Jews of Elephantine were allowed to rebuild their Temple “on its site as it was formerly, and they shall offer the meal-offering and the incense upon that altar just as formerly was done.”<sup>40</sup>

This permission is odd – a Jewish Temple with meal-offering and incense, but without sacrifices – and scholars are divided about what caused this restriction: a concession to the sensibilities of the priests of the Egyptian ram-god Khnum or to the claim of the Jerusalem priests that their Temple is the only legitimate Temple of the Jewish ethnos. I believe both factors played a role here. With the reduced Jewish Temple cult at Elephantine, the Persian governor of Judah hoped to resolve the long-standing conflict between the Jews of Elephantine and the Egyptians and at the same time to support the authority of the Jews of Jerusalem. In any case, it becomes clear from the whole affair that the Jews of Elephantine regarded themselves and were regarded by their Jerusalem brethren as members of the Judean ethnos – though with quite different customs and a different understanding of their Jewish identity. We do not know much about their other customs and ritual practices – they seem to have celebrated the Sabbath, yet no mention of circumcision is made in the extant documents – however, I caution against rashly concluding that they did not have a copy of the Torah in their possession.<sup>41</sup> First, what has survived from the Jewish colony at Elephantine is certainly by accident, and we cannot conclude from the remaining evidence what was *not* part of their Jewish way of life. And second, the process of establishing the Torah of Ezra and Nehemiah as the legitimate Torah of the Jewish ethnos was a complicated process and was certainly not completed at all Jewish communities simultaneously; in other words, the Jewish Temple at Elephantine proves that different perceptions of the essence and range of the “ancestral laws” still existed.

Now I will offer a few words about the concept of the Torah in rabbinic Judaism, the Judaism guided by the rabbis as the self-appointed leaders of the Jewish people after the destruction of the Temple (70 CE) and after the loss of political autonomy. There can be no doubt that the rabbis still regarded what

<sup>40</sup> Schäfer, *Judeophobia* (see n. 38), 131.

<sup>41</sup> Collins, *The Invention of Judaism* (see n. 27), 49.

was left of their Israel as an ethnos, the nation of Israel, distinguished from other nations, the “nations of the world,” as they called them. And there can be no doubt either that the rabbis were well aware of the fact that they were set apart from the other nations by a way of life commanded them by their God – who was different from all the other gods of the nations – in the Torah, hence by a “religion.” Since there was no longer any Temple cult, the Torah was elevated to a hitherto unprecedented status. Following the Torah according to the instruction of the rabbis became the predominant identity marker of Judaism, unfolded and detailed in the rabbis’ vast literary output (Mishnah, Talmud, Midrash).

In the famous tractate *Pirque Avot* (“Sayings of the Fathers”), usually regarded as formulating the very essence of rabbinic Judaism (whether historically correct or not), the rabbis establish their understanding of the Torah’s transmission from the moment of revelation:

Moses received Torah from (Mount) Sinai and transmitted it to Joshua. Joshua to the Elders, the Elders to the prophets, and the prophets transmitted it to the men of the Great Assembly.<sup>42</sup>

In other words, Moses received the Torah on Mount Sinai, presumably from God, and opened a chain of transmission: from him to his successor Joshua (who led the people of Israel into the Promised Land), to the Elders (the leaders of the tribes), to the prophets, and to the members of the Great Assembly (whatever institution this is). The chain of transmission then continues with some mysterious, historically uncertain individuals, until it reaches the post-70 rabbis and climaxes in R. Yehudah ha-Nasi, the Patriarch of the house of Gamliel and the editor of the Mishnah (around 200 CE). What is conspicuously absent from this chain is the priesthood with Aaron at the top. And this is certainly not by coincidence: The rabbis establish themselves as the exclusive heirs of Moses who have superseded the priests. To be sure, the priests still exist, but they do not play any significant role; the Torah with all its implications is the Torah of the rabbis. And this bold claim is by no means expressed only in *Pirque Avot*; in fact, I would maintain that it imbues all their writings. This is not to say that the Mishnah and the other rabbinic texts do not mention the priests and the laws governing the Temple cult. On the contrary, they do, and the rabbis duly expect the rebuilding of the Temple. But they were very patient with regard to this expectation, to say the least, and quite happy with the leading role they were gradually and ever more successfully acquiring. And I do not think that the future Temple cult, reserved for the end of days, could ever be properly organized according to the rules preserved in rabbinic literature. Quite the opposite, I have argued elsewhere<sup>43</sup> that precisely by discussing

<sup>42</sup> m. 'Avot 1:1.

<sup>43</sup> P. Schäfer, “Rabbis and Priests, or: How to Do Away with the Glorious Past of the Sons of Aaron,” in *Antiquity in Antiquity: Jewish and Christian Pasts in the Greco-Roman World*, ed. G. Gardner and K. Osterloh, TSAJ 123 (Tübingen: Mohr Siebeck, 2008), 155–172.

the Temple laws the rabbis made clear that they, and not the priests, are now the masters of the Torah, including the precepts governing the Temple cult. Extending their authority over the Torah in the widest possible sense, it is the rabbis and their interpretation of the Torah (and not Josephus's) that succeeded in shaping Judaism up until the modern period, surviving even Enlightenment and secularization.

The concept of Torah as an identity marker is closely linked to the idea of the one and only Jewish God. I am not going to address here the thorny question of when and how this idea became the norm – if it ever prevailed – but there can be no doubt that the exile played an important role in consolidating it and that in the Hellenistic period it was more or less taken for granted. When the Hellenistic party in Jerusalem tried to reshape the Temple cult, they aimed at identifying the unique Jewish God (often described as unknown, invisible, and aniconic) with the Highest Heaven and the Zeus Olympios, thereby redeeming him from his Jewish characteristics and assigning him a firm place in the Greek Pantheon. As early as around 300 BCE the Greek historian Hecataeus of Abdera wrote about the Jews that they “had no images whatsoever of the gods made for them, being of the opinion that God is not in human form” and concluded from this and from the Jewish sacrifices that their “way of life [...] was somewhat unsocial and hostile to foreigners (ἀπάνθρωπὸν τινα καὶ μισόξενον βίον).”<sup>44</sup> Misanthropy (μισανθρωπία) and xenophobia (μισοξενία), based on their belief in one God and on their religious customs, would become the trademark of the Jews according to the Greeks and later on the Romans. The notion of an aniconic God, incomprehensible for the Greeks and Romans, led to all kinds of speculations, among them the offensive idea that the Jews in fact worshiped an ass in their Temple and were covering up this detestable custom through the myth of an invisible God. This legend appears around 200 BCE and finds its malicious climax in the version transmitted by Diodorus Siculus, the first-century BCE Greek compiler of earlier historical writings. According to Diodorus:

Antiochus [IV], called Epiphanes, on defeating the Jews had entered the innermost sanctuary of the god's Temple [in Jerusalem], where it was lawful for the priests alone to enter. Finding there a marble statue of a heavily bearded man seated on an ass, with a book in his hands, he supposed it to be an image of Moses, the founder of Jerusalem and organizer of the nation, the man, moreover, who had ordained for the Jews their misanthropic and lawless customs. And since Epiphanes was shocked by such misanthropy against all humankind, he had set himself to break down their traditional practices.<sup>45</sup>

Similar obnoxious legends developed around the alleged xenophobia of the Jews, and here it is again Antiochus IV around whom these legends were cre-

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<sup>44</sup> Hecataeus, *Aegyptiaca*, cited in Diodorus Siculus 40.3.4; cf. Schäfer, *Judeophobia* (see n. 38), 35.

<sup>45</sup> Diodorus Siculus 34–35.1.3.

ated and again Apion who transmitted them.<sup>46</sup> According to this legend Antiochus did not find Moses in the Temple sitting on an ass, but a man sitting before a table laden with the most lavish and delicious food. The man told him that he was a Greek, captured by the Jews, locked up in their Temple and forced to eat as much as he could in order to be fattened according to the “unutterable law of the Jews” (*legem ineffabilem Judaeorum*). When he was fat enough, they would kill him, “sacrifice his body with their customary ritual,” partake of his flesh, and swear an “oath of hostility to the Greeks” (*ut inimicitas contra Graecos haberent*). The story concludes with the Greek telling the king that the day of his slaughter had almost arrived and imploring him to rescue him and “to defeat this Jewish plot upon his life-blood.” It goes without saying that the king immediately took action, rescued the poor Greek and issued his decrees persecuting the Jews and putting an end to this hateful people once and for all. The motif of “cannibalistic conspiracy” that started with the Jews would have a long history – most famous is probably the *coniuratio Catilinae*, the conspiracy of Catiline – and would later be transferred to the Christians.

Among the specific Jewish customs, it is the triad of circumcision, Sabbath, and abstinence from pork that constitutes the most visible and best documented boundary marker of the Jews in their relationship to other nations. All three customs are ethno-religious markers in the sense discussed above; all three are of different origin but became the most significant identity markers in the Hellenistic period.

I begin with circumcision. Within the tension between ethnos and religion, circumcision is the strongest ethnic boundary marker, as the Bible explicitly says: “If any male who is uncircumcised fails to circumcise the flesh of his foreskin, that person shall be cut off/excised (כרת) from his kin; he has broken my covenant” (Gen 17:14). But since it is a ritual sealing the covenant of God with Abraham and the people procreated by him, it is at the same time thoroughly religious. The Greeks disapproved of circumcision, and it was one of the major goals of the Jewish Hellenists in Jerusalem to abolish it. Since the athletic games in the stadium, a major element of the Greek way of life, were held naked, the Jewish Hellenists even went so far as to undergo surgery aimed at restoring their foreskin, a procedure called *epispasmos*: “So they built a gymnasium in Jerusalem, according to Gentile custom,” says the author of the First Book of the Maccabees, “and removed the marks of circumcision, and abandoned the holy covenant.”<sup>47</sup> Accordingly, the prohibition of circumcision played an important role among the decrees issued by Antiochus IV.<sup>48</sup> Uncircumcised boys were forcibly circumcised,<sup>49</sup> and women who had their children

<sup>46</sup> Josephus, *C. Ap.* 2.91–96; cf. Schäfer, *Judeophobia* (see n. 38), 62f.

<sup>47</sup> 1 Macc 1:14f.; see also Josephus, *A.J.* 12.241.

<sup>48</sup> 1 Macc 1:48.

<sup>49</sup> 1 Macc 2:46.

circumcised were put to death.<sup>50</sup> The Second Book of the Maccabees tells the gruesome story of two women who had circumcised their children: “They publicly paraded them around the city, with their babies hanging at their breasts, and then hurled them down headlong from the wall.”<sup>51</sup>

Hence it comes as no surprise that the Greeks and Romans regarded circumcision as the most prominent identity marker of the Jews. When Emperor Domitian implemented the harsher enforcement of the levy of the *fiscus Judaicus*, he had men publicly examined who were suspected of avoiding payment of the tax. “I recall being present in my youth,” remembers the Roman historian Suetonius, “when the person of a man ninety years old was examined before the procurator and a very crowded court, to see whether he was circumcised.”<sup>52</sup> The historian who, in his famous digression on the Jews, “most vehemently and aggressively connects circumcision and Jewish separateness”<sup>53</sup> is Tacitus (d. 120 CE). The Jews, as he summarizes their “base and abominable customs,” eat and sleep apart from us Romans, and they “adopted circumcision to distinguish themselves from other peoples by this difference. Those who are converted to their ways follow the same practice, and the earliest lesson they receive is to despise the gods, to disown their country, and to regard their parents, children, and brothers as of little account.”<sup>54</sup>

The Sabbath, the day of rest, has its origin – according to the priestly source of the Bible (P) – in the act of creation: when God had finished the creation of heaven and earth, he rested on the seventh day (Gen 2:2). In the Decalogue version of the biblical Book of Exodus this is the reason why Israel is expected to rest on the seventh day as well (Exod 20:8–11). Whenever this law was introduced, there can be no doubt that it gained importance during and after the exile. And again, it reached its status as a significant identity marker during the Hellenistic period. Accordingly, the profanation of the Sabbath was among Antiochus IV’s infamous decrees<sup>55</sup> and was eagerly heeded by the “enlightened” Jewish Hellenists.<sup>56</sup> At the very beginning of the Maccabean uprising against the king’s and his Jewish accomplices’ policies, the insurgent Jews would be slaughtered by the Seleucid army because they did not defend themselves on a Sabbath. Mattathias and his friends, however, learned their lesson and decided: “Let us fight against anyone who comes to attack us on the Sabbath day; let us not all die as our kindred died in their hiding places.”<sup>57</sup>

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<sup>50</sup> 1 Macc 1:60.

<sup>51</sup> 2 Macc 6:10.

<sup>52</sup> Suetonius, *Dom.* 12.2; cf. Schäfer, *Judeophobia* (see n. 38), 113.

<sup>53</sup> Schäfer, *Judeophobia* (see n. 38), 98.

<sup>54</sup> Tacitus, *Hist.* 5.5.2; cf. Schäfer, *Judeophobia* (see n. 38), 98.

<sup>55</sup> 1 Macc 1:46.

<sup>56</sup> 1 Macc 1:43.

<sup>57</sup> 1 Macc 2:41.



The Greeks and Romans were well aware of this fatal Jewish obsession with the Sabbath,<sup>58</sup> but with the pragmatic change of heart of the Maccabees, the industrious Romans were more appalled by the alleged Jewish idleness reflected in their day of rest. The Roman philosopher Seneca (d. 65 CE) complains “that their practice [of the Sabbath] is inexpedient (*inutiliter*), because by introducing one day of rest in every seven they lose in idleness almost a seventh of their life.”<sup>59</sup> And Tacitus tops this by saying: “They claim that they first chose to rest on the seventh day (only) because that day ended their toils; but after a time they were led by the charms of indolence (*inertia*) to give over the seventh year [the so-called Sabbath year] as well to inactivity.”<sup>60</sup> And yet despite all these negative connotations associated with Jewish customs – in particular the observance of Sabbath, the abstinence from pork, and circumcision – it was precisely in the second half of the first century CE that Judaism gained considerable appeal among educated Romans. In fact, it may well be that the blunt aversion of Roman authors to the Jews and their strange customs was due in no small part to increasing proselytizing tendencies in the Roman upper class. This is at least how Juvenal, the last and greatest of the Roman satirists (d. 130 CE), sees it, combining all the prominent identity markers of Judaism:

Some who have had a father who reveres the Sabbath,  
 worship nothing but the clouds, and the divinity of heavens,  
 and see no difference between eating swine’s flesh, from which their father abstained, and  
 that of man;  
 and in time they take to circumcision. [...]
 For all which the father was to blame, who gave up every seventh day to idleness,  
 keeping it apart from all the concerns of life.<sup>61</sup>

Here we have it all, Sabbath, the invisible God, abstinence from pork, circumcision. The starting point of the decline that has befallen the Roman nation, threatening the validity of its ancestral laws, is the Sabbath’s power of attraction, and the end point of this fatal development is circumcision, the irreversible conversion to Judaism.

And finally, just a few words about the abstinence from pork, since in most sources it is treated together with circumcision and the Sabbath. The prohibition of eating pork is emphasized in Deuteronomy (Deut 14:8) as well as in the priestly source (Lev 11:7) and is again reinforced, as we could see already, during the Hellenistic and Roman periods. Immediately after recounting the story of Jewish ass worship, Diodorus goes on to report Antiochus IV’s immediate actions against the misanthropic and xenophobic Jews:

<sup>58</sup> Agatharchides of Cnidus, cited in Josephus, *C. Ap.* 1.209–211; cf. Schäfer, *Judeophobia* (see n. 38), 83.

<sup>59</sup> Quoted in Augustine, *Civ.* 6.11; cf. Schäfer, *Judeophobia* (see n. 38), 86.

<sup>60</sup> Tacitus, *Hist.* 5.4.3; cf. Schäfer, *Judeophobia* (see n. 38), 87.

<sup>61</sup> Juvenal, *Sat.* 14.96–106; cf. Schäfer, *Judeophobia* (see n. 38), 79.

He [Antiochus] sacrificed before the image of the founder [Moses sitting on an ass in the Temple] and the open-air altar of the God a great sow, and poured its blood over them. Then, having prepared its flesh, he ordered that their holy books, containing the xenophobic laws, should be sprinkled with the broth of the meat; [...] and that the high priest and the rest of the Jews should be compelled to partake of the meat. Rehearsing all these events, his friends strongly urged Antiochus to make an end of the race completely, or, failing that, to abolish their laws and force them to change their ways.<sup>62</sup>

Eating pork is seen here as the most extreme perversion of the Jewish religion; hence, once the Jews eat pork, they renounce their xenophobic and misanthropic laws and finally become like any other nation.<sup>63</sup> Taken up by Apion, the Latin satirists, and, most influentially, by Tacitus,<sup>64</sup> the triad of the prohibition of pork, the observance of the Sabbath, and circumcision as the most striking features of the Jewish ethno-religion enters the canon of Western “civilization.”

Summarizing, I developed my topic in several steps. Having started with Josephus’s vision of Jewish theocracy, I reviewed the growing tendency in Jewish Studies scholarship in the second half of the twentieth century to question the concept of a unified and integrated Judaism in antiquity. Primarily in the United States a movement gained momentum that split Judaism into many Judaisms. The most recent offshoot of this debate denied Judaism any religious component and suggested that the Jews were just an ethnos and that therefore Judaism or even Judaisms are meaningless terms. I argued strongly in favor of Judaism denoting both an ethnicity *and* a religion (not only in antiquity but up to the present). In the next step I surveyed several features central to ancient Judaism: Torah (here I contrasted two different examples, Elephantine and rabbinic Judaism), the Jewish God, and the often-combined triad of circumcision, Sabbath, and abstinence from pork.

Looking from a bird’s eye view, we observe a growing trend moving from a great diversity of competing features defining the self-image of ancient Judaism towards ever more visible and accepted identity markers in the postexilic period. This trend, however, was by no means a linear development from a certain point in history to its ultimate climax; rather, it was a complex movement in various and competing directions. The original inner diversity was gradually limited by internal conflicts and the perception of the Jews from the outside. This process of narrowing down the identity markers gained force in the Hellenistic period, peaking during the Maccabean crisis. Another major step in this development was reached after 70 CE under the impact of rabbinic Judaism.

So, in the end, Josephus got it right, at least in a certain sense. Under the last representative of the dynasty of Flavian emperors, which was closely connect-

<sup>62</sup> Diodorus Siculus 34–35.1.4 f.; cf. Schäfer, *Judeophobia* (see n. 38), 67.

<sup>63</sup> Schäfer, *Judeophobia* (see n. 38), 67.

<sup>64</sup> With a different emphasis: the Jews do not eat pork in remembrance of their expulsion from Egypt, but by doing so “they commemorate and enforce their disastrous habits which make them hateful to the gods of any civilized nation” (Schäfer, *Judeophobia* [see n. 38], 75).

ed with the demise of Judaism as an autonomous political and religious entity, he developed his ideal of a Jewish Temple state, governed by the Torah and the priests. History has proved him wrong with regard to Temple and priests, but his triad “One God – One Temple – One People” survived in its rabbinic interpretation: “One God – One Torah – One People.”

# Debating Temple and Torah in the Second Temple Period

## Theological and Political Aspects of the Final Redaction(s) of the Pentateuch<sup>1</sup>

*Benedikt Hensel*

### 1. Introduction

As recent scholarship has increasingly recognized, the exilic and early post-exilic period has had a major impact on the theological and literary history of the Hebrew Bible, while shaping other central identity markers, such as the institution of the central temple and the Torah. Most research assumes that *Judean* Golah groups primarily determined the historical-theological developments in this so-called formative period. It is within this period that Israel develops – and here I am taking up the helpful distinction of Julius Wellhausen, which he established in *Prolegomena to the History of Israel*<sup>2</sup> – from “ancient Israel” of the preexilic monarchy to “Judaism” of the postexilic period, or – as Reinhard G. Kratz has re-worded it in a modern adaptation of Wellhausen’s approach – from “historical” to “biblical Israel.”<sup>3</sup>

While I fully agree with the impact of the early postexilic period on these formative processes – and with the general hermeneutical key that Wellhausen provides us in his distinction of the two modes of Israel for the studies of the Hebrew Bible –, I doubt the limitation to the Judean Golah. This is a historical picture, which is clearly influenced by the *interpretation* of history *within* the Hebrew Bible. A growing number of scholars has come to recognize

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<sup>1</sup> This article is the result of a broader project entitled “The History of the Pentateuch: Combining Literary and Archaeological Approaches,” funded by the Swiss National Science Foundation (Sinergia project CRSII 160785). The project – a joint venture of the universities of Zurich, Lausanne and Tel Aviv – is directed by Konrad Schmid (Zurich), Christophe Nihan and Thomas Römer (Lausanne), and Israel Finkelstein and Oded Lipschits (Tel Aviv). I wish to thank Dr. Kenneth Brown (University of Mainz) for his helpful comments and for improving my English.

<sup>2</sup> See J. Wellhausen, *Prolegomena to the History of Ancient History* (Cleveland: World Publishing Company, 1965).

<sup>3</sup> See, e. g., R. G. Kratz, *Historical and Biblical Israel*, trans. P. M. Kurtz (Oxford: Oxford University Press, 2015); id., *The Composition of the Narrative Books of the Old Testament*, trans. J. Bowden (London: T & T Clark, 2005).

that a multiplicity of Yahwistic groups existed inside and outside Judah in the postexilic period.<sup>4</sup> The Yahwistic group in the province and region of Samaria, with its cultic center at Mount Gerizim, is certainly the most prominent group. These Samaritan Yahwists – later known as “Samaritans” – have returned to a position of focal interest in Hebrew Bible research in recent years. Significant work along these lines includes the recent monographs on the Samaritans by Magnar Kartveit (2009),<sup>5</sup> Jan Dušek (2012),<sup>6</sup> Gary N. Knoppers (2013),<sup>7</sup> Reinhard Pummer (2016),<sup>8</sup> Raik Heckl (2016),<sup>9</sup> Benedikt Hensel (2016),<sup>10</sup> and Dany Nocquet (2017),<sup>11</sup> while a long-desired critical edition of the Samaritan Pentateuch is currently under way under the responsibility of Stefan Schorch (2018).<sup>12</sup>

Despite this growing sensibility towards the Samaritans in Biblical Studies, little attention has been given to the role of this group during the *formative pe-*

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<sup>4</sup> On the phenomenon of Yahwistic diversity in the Second Temple period, see my article “Yahwistic Diversity and the Hebrew Bible: State of the Field, Desiderata and Research Perspectives in a Necessary Debate on the Formative Period of Judaism(s),” in *Yahwistic Diversity and the Hebrew Bible: Tracing Perspectives of Group Identity from Judah, Samaria, and the Diaspora in Biblical Traditions*, ed. B. Hensel, D. Nocquet, and B. Adamczewski, FAT 2/120 (Tübingen: Mohr Siebeck, 2020), 1–44. For comprehensive overviews, see D. V. Edelman, “Cultic Sites and Complexes beyond the Jerusalem Temple,” *ibid.*, 82–103; P. R. Davies, “Monotheism, Empire, and the Cult(s) of Yehud in the Persian Period,” in *Religion in the Achaemenid Persian Empire: Emerging Judaisms and Trends*, ed. D. V. Edelman, A. Fitzpatrick-McKinley, and P. Guillaume, *Orientalische Religionen in der Antike 17* (Tübingen: Mohr Siebeck, 2016), 24–35; J. Frey, “Temple and Rival Temple: The Cases of Elephantine, Mt. Gerizim, and Leontopolis,” in *Gemeinde ohne Tempel: Zur Substituierung und Transformation des Jerusalemer Tempels und seines Kults im Alten Testament, Judentum und frühen Christentum*, ed. B. Ego, A. Lange, and P. Pilhofer, WUNT 118 (Tübingen: Mohr Siebeck, 1999), 171–203.

<sup>5</sup> M. Kartveit, *The Origin of the Samaritans*, VTSup 128 (Leiden: Brill, 2009).

<sup>6</sup> J. Dušek, *Aramaic and Hebrew Inscriptions from Mt. Gerizim and Samaria between Antiochus III and Antiochus IV Epiphanes*, CHANE 54 (Leiden: Brill, 2012). Dušek concentrates primarily on the Gerizim inscriptions. In two of the study’s three chapters, however, he seeks to identify the YHWH-worshippers of Mount Gerizim (pp. 65–118 [chap. 2]) and to outline a history of the southern Levant between Antiochus III and Antiochus IV (pp. 119–151 [chap. 3]).

<sup>7</sup> G. N. Knoppers, *Jews and Samaritans: The Origins and History of Their Early Relations* (New York: Oxford University Press, 2013).

<sup>8</sup> R. Pummer, *The Samaritans: A Profile* (Grand Rapids, Mich.: Eerdmans, 2016).

<sup>9</sup> R. Heckl, *Neuanfang und Kontinuität in Jerusalem: Studien zu den hermeneutischen Strategien im Esra-Nehemia-Buch*, FAT 104 (Tübingen: Mohr Siebeck, 2016).

<sup>10</sup> B. Hensel, *Juda und Samaria: Zum Verhältnis zweier nach-exilischer Jahwismen*, FAT 110 (Tübingen: Mohr Siebeck, 2016).

<sup>11</sup> D. Nocquet, *La Samarie, la Diaspora et l’achèvement de la Torah: Territorialités et internationalités dans l’Hexateuque*, OBO 284 (Fribourg: Academic Press Fribourg; Göttingen: Vandenhoeck & Ruprecht, 2017).

<sup>12</sup> The first volume of this edition has been published in 2018: S. Schorch, ed., *The Samaritan Pentateuch: A Critical Editio Maior*, vol. 3: *Leviticus* (Berlin: de Gruyter, 2018).

*riod*.<sup>13</sup> On the one hand, this may be due to the fact that compared with other sources, evidence of the Samaritans is meager in the Hebrew Bible. Modern scholarship has mainly followed the narration of Josephus and certain biblical traditions – especially the Deuteronomistic and Chronistic views of history, in which the history of Israel essentially takes place in Judah, with its exclusive center in Jerusalem, while the territory of the former Northern Kingdom plays *no role* after 722 and 587 BCE.<sup>14</sup> On the other hand, most modern scholars still suggest that there were serious religious conflicts and economic and political rivalries between Judah and Samaria that covered the whole Second Temple period – starting with the erection of the sanctuary on Mount Gerizim, which is identified as rival sanctuary. Some biblical texts do imply such a scenario (such as Ezra 4:1–5, 6 ff.; Neh 1–6; 2 Kgs 17:24–41),<sup>15</sup> with Josephus’s *Antiquitates*<sup>16</sup> explicating it for the postexilic, especially for the Persian period.

All of this would seem to imply that there was little substantial contact between the groups – that is, that the Samaritans were not involved in the exilic and postexilic expansion of the biblical text.

In recent years, however, we have found ourselves in the fortunate position of witnessing an extensive enlargement of the primary source material that documents the culture of the Samaritan region, largely due to the archaeological excavations on Mount Gerizim,<sup>17</sup> the discovery of Samaritan coins from the

<sup>13</sup> A few exceptions can be named here, however, esp. R. Heckl, “Die Rolle Samarias bei der Entstehung des Judentums: Auf dem Weg zu einer neuen Sicht der nachexilischen Geschichte Israels,” *BZ* 62 (2018), 1–31; and B. Hensel, “Die Bedeutung Samarias für die formative Periode der alttestamentlichen Theologie- und Literaturgeschichte,” *SJOT* 32.1 (2018), 20–48, with several fundamental considerations on the possible significance of Samaritanism and its possible influence in the formative period (both with discussion of recent literature). See also the volume by M. Kartveit and G. N. Knoppers, eds., *The Bible, Qumran, and the Samaritans: Proceedings of the Research Group “Samaritan Studies” at IOSOT, Stellenbosch 2016*, *Studia Samaritana* 10/SJ 104 (Berlin: de Gruyter, 2018), that comprises several in-depth studies on certain (postexilic) biblical texts showing possible Samaritan involvement.

<sup>14</sup> It was already lamented by Weippert in 1993 that reconstructions of the history of Israel in the twentieth century followed this specific biblical view, which he fittingly called “Sub-Deuteronomism” (M. Weippert, “Geschichte Israels am Scheideweg,” *TRu* 58 [1993], 71–103, the term on p. 73). From today’s perspective one may also add the Chronistic view amongst this reception history, which Schmid most recently termed “Sub-Chronicism” (cf. K. Schmid, “Overcoming the Sub-Deuteronomism and Sub-Chronicism of Historiography in Biblical Studies: The Case of the Samaritans,” in Kartveit and Knoppers, *The Bible, Qumran, and the Samaritan* [see n. 13], 17–29, esp. 19).

<sup>15</sup> For an overview of how these texts influenced tradition and research, see Hensel, *Juda und Samaria* (see n. 10), 12f. (with further literature).

<sup>16</sup> For essential reading on this subject, see R. Pummer, *The Samaritans in Flavius Josephus*, TSAJ 129 (Tübingen: Mohr Siebeck, 2009).

<sup>17</sup> The most important publication volumes of the excavation: Y. Magen, H. Misgav, and L. Tsfania, *Mount Gerizim Excavations*, vol. 1: *The Aramaic, Hebrew and Samaritan Inscriptions*, trans. E. Levin and M. Guggenheimer, *Judea and Samaria Publications* 2 (Jerusa-

Persian period, the bullae and papyrus finds in Wadi ed-Daliyeh, Adam Zertal's survey results in the Samaritan region,<sup>18</sup> and the significant progress made in editing the sources<sup>19</sup> and placing them in cultural and religious history.<sup>20</sup> With

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lem: Israel Antiquities Authority, 2004); and Y. Magen, *Mount Gerizim Excavations*, vol. 2: *A Temple City*, Judea and Samaria Publications 8 (Jerusalem: Israel Antiquities Authority, 2008).

<sup>18</sup> See A. Zertal, *The Manasseh Hill Country Survey*, vol. 1: *The Shechem Syncline*; vol. 2: *The Eastern Valleys and the Fringes of the Desert*, CHANE 21/1–2 (Leiden: Brill, 2004–2008).

<sup>19</sup> The full edition of the Samaria papyri has been available since 2007 thanks to J. Dušek, *Les manuscrits araméens du Wadi Daliyeh et la Samarie vers 450–332 av. J.-C.*, CHANE 30 (Leiden: Brill, 2007). The nearly 400 inscriptions from Mount Gerizim in Aramaic, Hebrew, and Greek have been available in the *editio princeps* since 2004: Magen, Misgav, and Tsfania, *Mount Gerizim Excavations*, vol. 1 (see n. 17). The Samaritan coins have been available in a well-edited book by Meshorer and Qedar since 1999 (Y. Meshorer and S. Qedar, *Samaritan Coinage*, Numismatic Studies and Researches 9 [Jerusalem: Israel Numismatic Society, 1999]). More recent finds in Y. Ronen, "On the Chronology of the Yehud Falcon Coins," *Israel Numismatic Research* 4 (2009), 39–45. The seventy-two coins from the Persian period found at the sanctuary on Mount Gerizim are also potentially instructive. Regrettably, Magen has to date only been able to provide a very rough characterization of the coins and provides photographs of only twenty-six coins. He describes in a preliminary report on the excavations sixty-nine of the seventy-two coins (the other three were not identifiable) in a very rough and imprecise way (see his brief paragraph in Y. Magen, "The Dating of the First Phase of the Samaritan Temple on the Mount Gerizim in the Light of the Archaeological Evidence," in *Judah and the Judeans in the Fourth Century B.C.E.*, ed. O. Lipschits, G. N. Knoppers, and R. Albertz [Winona Lake, Ind.: Eisenbrauns, 2007], 157–211, here 179f.). Pictures of a total of twenty-six coins from the Persian period can be found in the same article on pp. 207–211 (fig. 27–29); cf. id., *Mount Gerizim Excavations*, vol. 2 (see n. 17), 196–199 (fig. 7, 19). The clay impression seals from Wadi ed-Daliyeh are published and analyzed in M. J. W. Leith, *Wadi Daliyeh*, vol. 1: *The Wadi Daliyeh Seal Impressions*, DJD 24 (Oxford: Clarendon, 1997). A selection of the clay impression seals was first published in F. M. Cross, "The Papyri and Their Historical Implications," in *Discoveries in the Wādi ed-Dāliyah*, ed. P. W. Lapp and N. L. Lapp, AASOR 41 (Cambridge, Mass.: ASOR, 1974), 17–29. The seals published in E. Stern, "A Hoard of Persian Period Bullae from the Vicinity of Samaria," *Michmanim* 6 (1992), 7–30, probably come from the same find. The most recent publication on this topic is O. Keel, *Corpus der Stempelsiegel-Amulette aus Palästina/Israel von den Anfängen bis zur Perserzeit*, vol. 2: *Von Bahan bis Tell Eton*, OBO.SA 29 (Fribourg: Academic Press Fribourg, 2010), 340–379. Only the excavation publications (see Magen's main publications mentioned in n. 17, also id., *The Samaritans and the Good Samaritan*, Judea and Samaria Publications 7 [Jerusalem: Israel Antiquities Authority, 2008]) still omit various absolutely essential details such as the stratigraphy data. A desideratum is still the official publication of "a dozen Greek inscriptions" (4th–2nd/1st cent. BCE) that Magen mentioned in a short footnote of his excavation publication (Magen, Misgav, and Tsfania, *Mount Gerizim Excavations*, vol. 1 [see n. 17], 13; Meerson in a later article speaks of "five Greek inscriptions from the Hellenistic era ever found on Mount Gerizim," see M. Meerson, "One God Supreme: A Case Study of Religious Tolerance and Survival," *JGRChJ* 7 [2010], 32–50, here 32). I was able to publish one of those inscriptions in B. Hensel, "Cult Centralization in the Persian Period: Biblical and Historical Perspectives," *Sem* 60 (2018), 221–272, here

a view to these sources now available to us, it is possible to look beyond the historical scenarios proposed in the biblical and non-biblical literature and, by doing so, to cast doubt on the apparent certainties that research holds to be true.

Hence, in the following I will address the question of the significance of Samaritan Yahwism in the Second Temple period, focusing on a possible Samaritan involvement in the formation of the Pentateuch. In particular, the article will focus on two particular pentateuchal traditions regarding cult centralization, that is, one expressed in the Deuteronomy and one in the Priestly writings (P). This analysis uncovers a crucial debate on the two important postexilic institutions of the temple and the Torah, which, in turn, could help us to understand the processes surrounding the final redaction(s) of the Pentateuch. The insights of this study also provide an evaluation of the relatively new theory about a so-called Common or Inclusive Torah (the Pentateuch understood as a Judean-Samaritan coproduction), suggesting several necessary changes, corrections and modulations.

## 2. The Sixth to Second Century BCE: Mutual and Creative Contacts

I have dealt with the relationship of Judah and Samaria in a monograph published in 2016.<sup>21</sup> Building on the discussions there, I would argue that describing the relations between Samaritans and Judeans first in terms of competition

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236–239. This inscription (on a sundial) could be a “little sensation” as it is the first attestation of Samaritans in Egypt (the donator of the sundial on Mount Gerizim clearly designates himself as “Ptolemaios [...] of Egypt” [lines 2–3] besides the [often polemical] mentions of Samaritans by Josephus). I maintain that the inscription also mentions a Samaritan sanctuary in Egypt (αγῶν, line 3; but the line is broken after this word).

<sup>20</sup> For a classification of the iconographic traditions on the Samaritan clay bullae, see the excellent study in almost monographic dimensions by S. Schroer and F. Lippke, “Beobachtungen zu den (spät-)persischen Samaria-Bullen aus dem Wadi ed-Daliyeh: Hellenisches, Persisches und Lokaltraditionen im Grenzgebiet Yehūd,” in *A “Religious Revolution” in Yehūd? The Material Culture of the Persian Period as a Test Case*, ed. C. Frevel and K. Pyschny, OBO 267 (Fribourg: Academic Press Fribourg; Göttingen: Vandenhoeck & Ruprecht, 2014), 305–390. A comparative paleographic study of the Gerizim inscriptions was published by Dušek in 2012 (Dušek, *Inscriptions* [see n. 6]). For a critical review of the finds at the Mount Gerizim excavations as well as their placement in religious history, see J.K. Zangenberg, “The Sanctuary on Mount Gerizim: Observations on the Results of 20 Years of Excavation,” in *Temple Building and Temple Cult: Architecture and Cultic Paraphernalia of Temples in the Levant (2.–1. Mill. BCE); Proceedings of a Conference on the Occasion of the 50th Anniversary of the Institute of Biblical Archaeology at the University of Tübingen (28–30 May 2010)*, ed. J. Kamlah, ADPV 41 (Wiesbaden: Harrassowitz, 2012), 399–418; and Hensel, “Cult Centralization” (see n. 19), 227–239; id., *Juda und Samaria* (see n. 10), 35–76 (with particular reference to the often neglected city on Mount Gerizim).

<sup>21</sup> See Hensel, *Juda und Samaria* (see n. 10), and (with additional considerations) id.,



and then as separation are inadequate. I suggest instead an alternative *model of mutual contacts* for the period between the sixth and the second centuries BCE, which can be summarized as follows:

(1) In postexilic times two independent Yahwistic communities existed within the two provinces Samaria and Judah, each with distinct contours, but sharing a (predominantly) monotheistic Yahwism. The archaeological findings from Mount Gerizim suggest the comparatively early existence of a Samaritan temple on Gerizim, showing that – already in the Persian period and also in the Hellenistic period, there were two sanctuaries devoted to the biblical God in the land of Israel. Taking all the findings together it is highly probable that a cult, even an aniconic one, was in place on Mount Gerizim that was largely comparable to that in Jerusalem.<sup>22</sup> Both communities saw themselves as self-standing denominations of “Israel” in the postexilic period.

(2) Samaritan-Judean relations were in fact not constantly marred by bitter conflict, but rather reflected a state of parallel coexistence. This is especially true for the Persian period, not least because the two groups of YHWH-worshippers dwelled in different provinces. It was not before the late fourth or third century BCE that relations between Judah and Samaria slowly began to sour – initially due to political and economic rivalries resulting from the unification of Judah and Samaria into one larger province, meaning that two official Yahwistic sanctuaries were – for the first time – forced to compete for the favor of the Ptolemaic and Seleucid potentates.<sup>23</sup> In the later historical development, this potential conflict increasingly affected both groups of YHWH-worshippers. The Jewish polemic against Samaritan YHWH-worshippers serves as an indication for existing tensions and conflicts between both denominations of “Israel.” Polemics against the Gerizim community are attested *outside* the biblical canon only from the second half of the second century BCE, and then dramatically increased in the frequency of attestation and in the nature and variety of polemical statements. Corresponding religious conflicts between Samaritan and Jewish YHWH-worshippers most likely developed in the course of the fourth and third centuries. I recently adjusted these datings from my previous works (there: 3rd/2nd cent.) as the plausible origin of Samaritan-Judean conflicts.<sup>24</sup> Seeing the biblical evidences that witness different polemical traditions and therefore different redactional circles (esp. Ezra 4:1 ff.; Chr; 2 Kgs 17:24–41), the critical notion towards the Samaritans could have circled in Judean scribal

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“On the Relationship of Judah and Samaria in Post-Exilic Times: A Farewell to the Conflict Paradigm,” *JSOT* 44 (2019), 19–42.

<sup>22</sup> On the operations of the cult on Mount Gerizim, and especially how they can be inferred from the inscriptions and the remains of animal bones and ashes, see Hensel, *Juda und Samaria* (see n. 10), 40, 54–58.

<sup>23</sup> For the details, see Hensel, *Juda und Samaria* (see n. 10), 218–229, and id., “Cult Centralization” (see n. 19), 253 f.

<sup>24</sup> See Hensel, “Cult Centralization” (see n. 19), 251 f.

groups *before* it actually resulted in a more conflict-driven Samaritan-Judean relationship for which there is no external evidence before the late second century BCE. Eventually, this resulted in the separation between the communities of Mount Gerizim and Mount Zion. From the end of the second century BCE, the formation of group-specific characteristics in both Israelite communities, as well as contrasting demarcation strategies, can be discerned.<sup>25</sup>

For the time prior to this parting of ways, however, it is important to note that the material culture of both provinces reveals a high degree of *mutual influence* on a cultural-historical level.<sup>26</sup> The commonalities between the groups are such that they cannot only have their basis in the shared cultural past of Israel and Judah in monarchical times. Rather, they allow the conclusion that regular interactions must have taken place between the two cultic communities across the full gamut of human activity. The two Yahwistic groups were in continuous contact with each other, interacting with each other on diverse levels (though especially among religious elites and scribes). As far as we know from the Elephantine correspondence *TAD* A 4.7–4.9 (407 BCE), the religious or literate elites were at least in semi-regular contact with each other.<sup>27</sup> Thus, the Samaritan-Judean relations were not disrupted by deep conflicts, but rather predominantly shaped by the *coexistence* of both communities.

(3) These observations lead to another point that cannot be stressed enough: in the Second Temple period, the Gerizim community was of immense cultural, religious and religio-political significance. Given the prosperity and importance of the Samaritan province and the relatively large number of YHWH-worshippers among the population in comparison to Judah, it is even possible to infer that the Samaritans were the more important group in play here, and that far from declining, their significance grew during the Hellenistic period. The extensive expansion of both the city and the temple on Mount Gerizim in the third century, and again around 200 BCE,<sup>28</sup> may serve as evidence for this interpretation.

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<sup>25</sup> On this, see S. Schorch, “The Construction of Samari(t)an Identity from the Inside and from the Outside,” in *Between Cooperation and Hostility: Multiple Identities in Ancient Judaism and the Interaction with Foreign Powers*, ed. R. Albertz and J. Wöhrle, *Journal of Ancient Judaism Supplements* 11 (Göttingen: Vandenhoeck & Ruprecht, 2013), 135–149; Pummer, *The Samaritans* (see n. 8), 128–131; and Knoppers, *Jews and Samaritans* (see n. 7), 172–174.

<sup>26</sup> For a detailed analysis of all the evidence referenced here, see Hensel, *Juda und Samaria* (see n. 10), 35–162; and G.N. Knoppers, “Aspects of Samaria’s Religious Culture during the Early Hellenistic Period,” in *The Historian and the Bible: Essays in Honour of Lester L. Grabbe*, ed. P.R. Davies and D.V. Edelman, *LHBOTS* 530 (London: T & T Clark, 2010), 159–174; id., *Jews and Samaritans* (see n. 7), esp. 103–109.

<sup>27</sup> A comprehensive description of the contacts and interactions between Judah and Samaria is given by Hensel, *Juda und Samaria* (see n. 10), 163–229.

<sup>28</sup> For this city, see Magen, *Mount Gerizim Excavations*, vol. 2 (see n. 17).

### 3. Observations in Deuteronomy and the Priestly Writings: A Necessary Modification of the Theory of a Common Torah

If we start from this main observation of mutual and creative contacts as a plausible historical scenario for the Second Temple period, this sheds new light on the formation of the Hebrew Bible. We know that Samaritans use essentially the same Torah (or Pentateuch) as Judeans do, with only a few differences to which I will come back later. Against the backdrop of the Samaritan-Judean relations outlined here, it seems unlikely that the Samaritan YHWH-worshippers followed a purely *Judean* Torah from the Hasmonean period onwards,<sup>29</sup> as is still assumed by many scholars. In fact, there are good grounds for concluding that both groups participated in the formation of the Pentateuch – at least in the time of its supposed finalizing, in the late Persian period – thereby creating what might be termed a “Common Pentateuch” or a “Common Torah,” which reflects the interest of both, the Judean and the Samaritan group. The main idea is that this shared form of the Torah is not only a result of compromise between several influential *Judean* groups, but is mainly a reflection of what I call “binnen-israelitische Ausdifferenzierungsprozesse”<sup>30</sup> (which can be roughly translated as “negotiating processes *within* Israel”), which included also the Samaritans.<sup>31</sup>

<sup>29</sup> See C. Nihan, “The Torah between Samaria and Judah: Shechem and Gerizim in Deuteronomy and Joshua,” in *The Pentateuch as Torah: New Models for Its Promulgation and Acceptance*, ed. G. N. Knoppers and B. M. Levinson (Winona Lake, Ind.: Eisenbrauns, 2007), 187–223; and R. Pummer, “The Samaritans and Their Pentateuch,” *ibid.*, 237–269, for the fundamental questions, insights and critics on this traditional paradigm.

<sup>30</sup> Hensel, *Juda und Samaria* (see n. 10), 312 (for details on this matter, see *ibid.*, 302–349).

<sup>31</sup> That the Torah in this sense is a “compromise document” or “common Pentateuch” (meaning: a Samaritan-Judean coproduction of the Persian period) is currently proposed among others by Nihan, “The Torah between Samaria and Judah” (see n. 29); Pummer, “The Samaritans and Their Pentateuch” (see n. 29), 239–247; B. Hensel, *Die Vertauschung des Erstgeburtssegens in der Genesis: Eine Analyse der narrativ-theologischen Grundstruktur des ersten Buches der Tora*, BZAW 423 (Berlin: de Gruyter, 2011), 290–314, esp. 305–312; *id.*, *Juda und Samaria* (see n. 10), 170–178; T. Römer, “Cult Centralization and the Publication of the Torah between Jerusalem and Samaria,” in Kartveit and Knoppers, *The Bible, Qumran, and the Samaritans* (see n. 13), 79–92. All these models are, however, very different in how they detail the historical setting, that lead to this Common Torah, or how this “compromise” is precisely to be interpreted (for a detailed overview of the research, see Hensel, *Juda und Samaria* [see n. 10], 187–194). To my knowledge, the first scholar who did interpret the Pentateuch as Samaritan-Judean coproduction is Diebner, who – already in the 80s(!) – developed the idea of a “Kompromissdokument,” which was mainly shaped (according to his interpretation) by Samaritan interests; see B. J. Diebner, “Genesis als Buch der antik-jüdischen Bibel: Eine unhistorisch-kritische Spekulation,” *DBAT* 17 (1983), 81–98. The whole theory of a Common Torah is not uncontested, see, e. g., R. G. Kratz, *Historisches*

Of major interest to all parties in the postexilic period is of course the legitimation of the respective religious center. So in the following I will detail the idea behind the Common Torah, as I understand it, on the basis of two particular pentateuchal traditions regarding centralization, which can be seen to have taken their final shape within this Samaritan-Judean debate.

### 3.1 Deut 11:29–30 and Deut 27\*

The Book of Deuteronomy features a distinctive concept of cult centralization. Deuteronomy 12 and related texts allow only one central shrine as the legitimate place for sacrificial offerings. This one *maqom* (“place”) is not located or named within the whole book, but because of the supposed origin of the first edition of Deuteronomy in late monarchic or early exilic Judah, this place is usually assumed to refer to the temple in Jerusalem. Yet while Jerusalem is never named in Deuteronomy, Mount Gerizim is mentioned twice: the public ceremonies in Deut 11:26–32 and 27:1–26 are localized on Mount Gerizim and Mount Ebal, with Mount Gerizim being the mount of blessing (cf. Deut 11:29; 27:4 SP; 27:12). Additionally, the erecting of an altar on Mount Gerizim<sup>32</sup> is explicitly mentioned in Deut 27:4 SP. The alternative reading “Mount Ebal” in the Masoretic Text is arguably a later, polemical correction.<sup>33</sup>

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*und biblisches Israel: Drei Überblicke zum Alten Testament* (Tübingen: Mohr Siebeck, 2013), 243 f.

<sup>32</sup> On the altar in Deut 27, see R. Müller, “The Altar on Mount Gerizim (Deuteronomy 27:1–8): Center or Periphery?,” in *Centres and Peripheries in the Early Second Temple Period*, ed. E. Ben Zvi and C. Levin, FAT 104 (Tübingen: Mohr Siebeck, 2016), 197–214.

<sup>33</sup> As is now commonly accepted, the reading of “Mount Gerizim” in Deut 27:4 SP (הַר גֵּרִיזִים) represents the original reading. Several witnesses support this reading: Papyrus Giessen 19 (αρχαζ[1]μ), Vetus Latina La<sup>19a</sup> (*Garzin*), the Samareitikon (αρχαζ[1]μ). The reading בהר גרזים is now also supported by a Dead Sea Scrolls fragment of Deut 27:4b–6, dating to the late second/first century BCE (J. H. Charlesworth, “What Is a Variant? Announcing a Dead Sea Scrolls Fragment of Deuteronomy,” *Maarav* 16 [2009], 201–212, 273–274; for a critical examination of the fragment whose provenance is not entirely clear, see U. Schattner-Rieser, “Garizim versus Ebal: Ein neues Qumranfragment samaritanischer Tradition?,” *Early Christianity* 1 [2010], 277–281). The Masoretic Text reads in Deut 27:4 הַר עֵבֶל, as do most of the witnesses to the Septuagint. For the textual evidences of the “Gerizim” and “Ebal” reading, see Hensel, *Juda und Samaria* (see n. 10), 176–178. On the ideological change from “Gerizim” to “Ebal” (MT), see also Müller, “Altar” (see n. 32), 199–202, 212–214; Kartveit, *Origin* (see n. 5), 300–309; S. Schorch, “The Samaritan Version of Deuteronomy and the Origin of Deuteronomy,” in *Samaria, Samaritans, and Samaritans: Proceedings of the 7th International Conference of the Société d’Études Samaritaines, Papa (Hungary)*, ed. J. Zsengellér, *Studia Samaritana* 6 (Berlin: de Gruyter, 2011), 23–37, here 28; A. Schenker, “Le Seigneur choisira-t-il le lieu de son nom ou l’a-t-il choisi? L’apport de la Bible grecque ancienne à l’histoire du texte samaritan et massorétique,” in *Scripture in Transition: Essays on Septuagint, Hebrew Bible, and Dead Sea Scrolls in Honour of Raija Sollamo*, ed. A. Voitila and J. Jokiranta, JSJSup 126 (Leiden: Brill, 2008), 339–351, here 349 n. 33; Pummer, “The Samaritans and Their Pentateuch” (see n. 29), 245; Nihan, “The Torah between Samaria and

There is a broad consensus amongst scholars that both references to Mount Gerizim are to be identified as redactional, part of a multilayered interpolation from the Persian period, added to the original legal corpus of Deut 12–26, 28\* just *before* the final redaction of the Pentateuch. Research in this line is connected with the studies of Christophe Nihan,<sup>34</sup> Gary N. Knoppers,<sup>35</sup> and Reinhard Müller.<sup>36</sup> This view has recently also been put forward in the monumental commentary on Deuteronomy by Eckart Otto, published in 2016 ff.<sup>37</sup>

One implication of this theory is that the Jerusalem-centered Deuteronomy has been opened up by these additions for a concession towards the Samaritan sanctuary.<sup>38</sup> It is observed by these scholars that within this redactional layer, Deut 27:4–8\*, which specifies the erection of the altar on Mount Gerizim, is unmistakably reminiscent of the altar law in Exod 20:24–26,<sup>39</sup> which on its site tolerates a multiplicity of altars by stating that “in every place, where I [sc. YHWH] cause my name to be remembered I will come to you and bless you” (Exod 20:24b). It is now assumed that through this allusion to Exod 20 a narrative “backdoor” is opened to see Mount Gerizim as *another* legitimate sanctuary. The altar in Deut 27:4–8 is thereby understood as a figurative depiction

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Judah” (see n. 29), 187–223; Dušek, *Inscriptions* (see n. 6), 90 f. E. Eshel and H. Eshel, “Dating the Samaritan Pentateuch’s Compilation in the Light of the Qumran Biblical Scrolls,” in *Emanuel: Studies in Hebrew Bible, Septuagint, and the Dead Sea Scrolls in Honor of Emanuel Tov*, ed. M. P. Shalom et al., VTSup 94 (Leiden: Brill, 2003), 215–240, here 218, rely on the originality of the “Ebal” reading.

<sup>34</sup> See Nihan, “The Torah between Samaria and Judah” (see n. 29), 190–193.

<sup>35</sup> G. N. Knoppers, “The Northern Context of the Law-Code in Deuteronomy,” *HeBAI* 4 (2015), 162–183.

<sup>36</sup> Müller, “Altar” (see n. 32), 202–213.

<sup>37</sup> See E. Otto, *Deuteronomium 12–34*, 2 vols., HThKAT (Freiburg im Breisgau: Herder, 2016–2017), 1.1133 and 2.1930–1933; cf. also his other publications: “Das Deuteronomium zwischen Tetrateuch und Hexateuch,” in *Das Deuteronomium im Pentateuch und Hexateuch: Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumsumrahmens*, FAT 30 (Tübingen: Mohr Siebeck, 2000), 156–233, here 203 f.; id., “Born out of Ruins: The Catastrophe of Jerusalem as *Accoucheur* to the Pentateuch in the Book of Deuteronomy,” in *The Fall of Jerusalem and the Rise of Torah*, ed. P. Dubovský, D. Markl, and J.-P. Sonnet, FAT 107 (Tübingen: Mohr Siebeck, 2016), 155–168, here 156. Already Albrecht Alt was convinced, that Deut 27 has to be interpreted as a late addition, cf. A. Alt, “Die Heimat des Deuteronomiums,” in *Kleine Schriften zur Geschichte des Volkes Israel*, vol. 2 (Munich: Kaiser, 1953), 250–275.

<sup>38</sup> For a different view, see Schorch, “Samaritan Version” (see n. 33), 26–29, who maintains that Deut 11 and 27 are part of the original layers of Deuteronomy, which as a whole he interprets as a Northern document from around the mid-eighth century BCE. Yet, the theory has several serious exegetical shortcomings (for details, see B. Hensel, “Deuteronomium 12,13–19: Zur Lokalisierung des einen Maqom,” *BN NF* 182 [2019], 9–43) and the historical problem that the Mount Gerizim sanctuary was (most likely) not erected *before* the fifth century BCE.

<sup>39</sup> For the comparison of Deut 27 and Exod 20, see Knoppers, “Northern Context” (see n. 35), 180 f.

of the sanctuary on Mount Gerizim.<sup>40</sup> This allowed, according to Nihan, “the coexistence of both cultic sites, *despite* the centralization law.”<sup>41</sup>

I would like to modify this view in several respects: On the one hand, it is likely that both mentions of Mount Gerizim here are Persian-period redactional interpolations, as Deut 27:4–8 breaks the original context of Deut 12–26, 28\* and thereby transfers the place of the ceremony from Transjordan (Moab) – which is mentioned in the immediate context in Deut 26:1, 16–19; 27:1–3 and 28:69 – to Mount Gerizim *inside* the land (Deut 27:4, 8). But I doubt the plausibility of a dual mode of argument concerning cult centralization. Effectively this implies a specific hierarchy, with Deuteronomy’s central shrine in Jerusalem being the “real temple,” and Mount Gerizim being just another shrine to be summed up amongst the “several shrines” from the older altar law of the Exodus tradition.<sup>42</sup>

Such a hierarchy cannot be inferred from Deut 27, however, because – and in contrast to vv. 4 and 8 – Deut 27:5–7<sup>43</sup> does *not* just cite the altar law, but also shows clear parallels to the centralization law in Deut 12 (see Deut 27:7: יהוה ואכלת שם ושמתח לפני יהוה, which parallels Deut 12:7, 12, 18; שם, “there,” Deut 27:7//12:7; מזבח יהוה, Deut 27:6//12:27; 16:21; 26:4).<sup>44</sup> Mount Gerizim is thus explicitly identified with the sanctuary alluded to in Deut 12. What is avoided here is the so-called centralization formula (“the place [מקום] that YHWH has chosen [בחר]”<sup>45</sup>). I maintain that this is purposeful, as the redactor did not want to make it impossible to identify Jerusalem as the one *maqom*. By adding Deut 11 and 27, Mount Gerizim becomes a possible, but not an exclusive interpretation of the unlocalized *maqom* of Deuteronomy, of the same rank – if you like – as Jerusalem’s temple.

Of further importance is the compositional emphasis Mount Gerizim gets, as the public ceremonies mentioned in Deut 11:26–32 and 27:1–26 on Mount Gerizim and Mount Ebal bracket the central legal collection (Deut 12–26,

<sup>40</sup> To be clear here, Deut 11 or 27 does *not* mention any kind of sanctuary, just an altar. But given the evidence that in later days the mentioning of “Mount Gerizim” in Deut 27:4 was purposely changed to “Mount Ebal” (see below), this might be taken as indication that Deut 11 and 27 were understood as a kind of *etiology* of the Samaritan sanctuary.

<sup>41</sup> Nihan, “The Torah between Samaria and Judah” (see n. 29), 216. On Deut 27, see also Knoppers, “Northern Context” (see n. 35), 162–183, with similar observations.

<sup>42</sup> See, e.g., Knoppers, *Jews and Samaritans* (see n. 7), 209, who states: “the altar of Deut 27:5–7 could be understood simply as one instantiation of the altar legislation presented in Exodus.”

<sup>43</sup> Following Müller, “Altar” (see n. 32), 210, the vv. 5–7 are within vv. 1–8 probably the youngest redactional layer.

<sup>44</sup> On the parallels, Müller, “Altar” (see n. 32), 210 f.

<sup>45</sup> The centralization formula of Deuteronomy appears twenty-one times in Deuteronomy (in a short and a long version): Deut 12:5, 11, 14, 18, 21, 26; 14:23, 24, 25; 15:20; 16:2, 6, 7, 11, 15, 16; 17:8, 10; 18:6; 26:2; 31:11.

28\*<sup>46</sup> Deuteronomy 27:11–13 transfers the ceremony of blessing in Deut 28, where it was originally located in Moab (Deut 28:69), to the *inside* of the land: on Mount Gerizim. Moab becomes in this way, as Eckart Otto formulated it, “a gateway station on the way to Mount Gerizim” (“eine Durchgangsstation auf dem Weg zum Berg Garizim”).<sup>47</sup> The Samaritan sanctuary becomes the actual *destination of Deuteronomy*. With Mount Gerizim standing at such strategic positions, it seems clear that the interpolation is not only a *concession* towards Samaritan interests. It is also and even more so an *acknowledgment of the importance* of the Northern sanctuary. This suggests that Samaritan leaders or scribes were able to promote their interests subtly, but effectively, through the common redaction of Deuteronomy.

### 3.2 The Priestly Writings

Within the pentateuchal traditions the Priestly document also seems to bear several concessionary strategies. Certain strands of the Priestly traditions, amongst them the texts that address and describe the wilderness cult, have proven secondary in character (compared to the *Priestergrundschrift* [Pg]) and seem to stem from the early Persian era.<sup>48</sup> These texts could therefore possibly reflect Judean-Samaritan relations of this very period. It is striking that these strands explicitly affirm the importance of Northern and Southern cultic *collaboration* in a centralized and ideally unified imagination of a pan-Israelite Yahwistic cult with even a *shared* high priest (see esp. Exod 28).<sup>49</sup> It is remarkable, though, that the question how this “unity” is to translate into reality is left open: In the Priestly writings, the sanctuary, called the “tent of meeting” (אֹהֶל מוֹעֵד), is portable, effectively promoting a significantly less centralized view of the Israelite cult than Deuteronomy. Depending on the historical setting to which one assigns P, this either purposely *avoids* identifying the sanctuary with one *specific* site.<sup>50</sup> It could also legitimize the multiplicity of Yahwistic shrines within the land.<sup>51</sup> I am mainly thinking here of a negotiation between the two

<sup>46</sup> For a similar observation, see Knoppers, “Northern Context” (see n. 35), 162–183.

<sup>47</sup> Otto, *Deuteronomium 12–34* (see n. 37), 2.1930.

<sup>48</sup> For the discussions around the dating of P materials, see, e. g., R. Achenbach, *Die Vollendung der Tora: Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch*, BZABR 3 (Wiesbaden: Harrassowitz, 2003), 443–556.

<sup>49</sup> On this issue, see C. Nihan and J. Rhyder, “Aaron’s Vestments in Exodus 28 and Priestly Leadership,” in *Debating Authority: Concepts of Leadership in the Pentateuch and the Former Prophets*, ed. K. Pyschny and S. Schulz, BZAW 507 (Berlin: de Gruyter, 2018), 45–67.

<sup>50</sup> See M. Douglas, *Leviticus as Literature* (Oxford: Oxford University Press, 1999), 90–98; see also C. Nihan, “Cult Centralization and the Torah Traditions in Chronicles,” in Dubovský, Markl, and Sonnet, *The Fall of Jerusalem* (see n. 37), 253–288, for the discussion.

<sup>51</sup> See B. J. Diebner, “Gottes Welt, Moses Zelt und das salomonische Heiligtum,” in *Lectio difficilior probabilior? L’exégèse comme expérience de décloisonnement*, ed. T. Römer, DBAT Beiheft 12 (Heidelberg: Esprint, 1991), 127–154.

“central sanctuaries” at Jerusalem and Mount Gerizim. The possibility that both Northern *and* Southern groups might claim to be the rightful heirs of the centralized cult of the wilderness period *is left open* by P. In my interpretation this constitutes a concessive text strategy, respecting and promoting both Judean and Samaritan interests.

This concessive nature of P remains true even if one agrees with the thoroughly developed theory of Julia Rhyder that the Priestly writings seemingly *favor* the Southern (Judean) perspective.<sup>52</sup> I personally think Rhyder’s observations on the centrality discourse in P are accurate, as P envisages (albeit in a very subtle way) an *ideal hierarchy* between south and north: for example, the organization of the tribes around the sanctuary has the tribe of Judah at the first place in Num 1–10 (Num 2:3); the appointment of the Judean leader Nahshon for the march across the wilderness (Num 2 and 10, etc.; cf. Exod 6:13–26); the commandment that the camp of Judah must “set out first on the march” (לְצַבְאוֹתָם רֵאשֹׁנָה יֵצְאוּ, Num 2:9); the image of Judean leaders taking charge of the wilderness cult, with only *the assistance* of Northerners, in texts like Exod 6:13–26; 31:1–11; Num 2 and 10.

This hierarchy reflects Judean hopes of grandeur and importance, probably because they had little of either in reality. But – and this is the decisive point I am going to make here – while favoring the Southern cult over the Northern, Samaritan tradition is not discarded or de-legitimized within the overall concept of P. These tendencies in the late Priestly texts suggest that Judean scribes responsible for the Priestly traditions were able to subtly promote their (Southern) interests, thereby asserting Judah’s right before all other tribes. The sanctuary on Mount Gerizim is thereby not opposed but included in the imagination of a mobile tent shrine.

#### 4. Temple and Torah: Some Conclusions on a Judean-Samaritan Debate in the Formative Period

This brief sketch of the recent discussion, which could easily be supplemented by further examples from the Pentateuch, indicates that the issue of Samaritan involvement in the Hebrew Bible and the Pentateuch is significantly more complex than previously assumed. On that basis, the following provisional conclusions and viewpoints can now be articulated regarding the question of Samaritan involvement in the formative period, especially in the formation of the Torah:

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<sup>52</sup> For details on the Northern and Southern collaboration in the P materials, see the recently published PhD thesis by Julia Rhyder: *Centralizing the Cult: The Holiness Legislation of Leviticus 17–26*, FAT 134 (Tübingen: Mohr Siebeck, 2019).



(1) Contrary to the current majority view, the formation process of early Judaism(s) reflects less an innovative achievement of an elite group of Judean exiles than a complex and multilayered process of *negotiation between diverse groups*. This thesis leads to the corollary that the late texts of the Hebrew Bible *reflect* this debate. With regard to the religious and cultural-historical achievements of the postexilic epoch (here: temple and Torah), certain texts *react* to the parallel developments of these groups.

(2) The pentateuchal traditions referenced here imply a relationship between Judeans and Samaritans in which the two provinces coexisted side by side in the Persian period and appear to have understood their relation not in terms of competition (not even around the erection of the sanctuary on Mount Gerizim in the fifth century)<sup>53</sup> but of concordance. The Common Torah promotes a *pan-Israelite imagination* of “Israel” (including Judah *and* Samaria) and is created as a normative account or a narrative presentation of the characteristics and criteria common to all groups of the “Israelite” cultural spectrum. The Torah is formulated in such a way that each group can find their interests represented, by leaving gaps when it comes to specific cultic issues. The specific group could fill in the gap in the context of their respective community.<sup>54</sup> In the examples presented here this concerns the location of the legitimate cultic site, which is never specified in Deuteronomy, the Priestly writings and the overall Pentateuch. The Common Torah represents the *status quo* of the late Persian period, when the redaction and publication of the Pentateuch was probably finalized.<sup>55</sup>

(3) The unity of Israel promoted in this way in the Pentateuch is by nature an *idealized discourse*, rather than a reflection of historical socio-cultic realities. It is hardly conceivable that there were real attempts to establish a common Israelite cult with one common central sanctuary.

(4) The current discussion of Samaritan involvement in the formation of the pentateuchal traditions needs to take the complex negotiation process of Ju-

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<sup>53</sup> On the dating of the temple into the first half of the fifth century BCE, see Magen, *Mount Gerizim Excavations*, vol. 2 (see n. 17), 167–170; id., “Dating” (see n. 19), 176f.; for criticism, see Dušek, *Inscriptions* (see n. 6), 3 (second half of the 5th cent.). For some considerations that the sanctuary could be older, see Hensel, *Juda und Samaria* (see n. 10), 43–47, and J. Dušek, “Mt. Gerizim Sanctuary: Its History and Enigma of Origin,” *HeBAI* 3 (2014), 111–133, esp. 128f.

<sup>54</sup> My preliminary thoughts on the hermeneutics of the Common Torah/Pentateuch in Hensel, *Juda und Samaria* (see n. 10), 170–194 (venturing from there I changed my view in several details – especially the role and concept of centralization within the different pentateuchal traditions of centralization), here also with more examples besides P and Deuteronomy and the concessive strategies (especially within the Joseph-Judah narrative Gen 37–50 [pp. 183–187], and a discussion of the evidence from Qumran manuscripts, bearing significant Samaritan features [pp. 173–176, 244–247]).

<sup>55</sup> See, e.g., C. Nihan, “The Emergence of the Pentateuch as ‘Torah,’” *RC* 4.6 (2010), 353–364.

dean-Samaritan interests more seriously. It is not just by small redactional additions or *glossae* that Samaritan interests are here and there added to a more or less *predominantly Judean text*. This was originally presumed for Deut 11 and 27: Mount Gerizim is added to the list of other legitimate sanctuaries. The distinctive point my thesis makes here, is that the emphasis on unity, concessions or collaboration *does not mean* that the scribes imagined total “*equality*” between Samaria and Judah. As could be demonstrated, Deuteronomy’s redactional additions articulate specific *Samaritan interests*, which Judeans *had to* or *wanted to* agree to – at least in the time of concordance; and the Priestly writings promoted *Judean interests* and implied a certain Judean-Samaritan hierarchy in cultic issues.<sup>56</sup>

(5) *Outside the Torah*, this compromise was disputed. What is more, the mainly Judean traditions of the Nevi’im and Ketuvim show rather different opinions, like when in the Deuteronomistic History (Josh–Kgs) clearly Jerusalem is pointed out as the *only* legitimate *maqom* – a view that is even further sharpened in Ezra–Nehemiah and Chronicles.<sup>57</sup> Also, the “Israel” imagined in

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<sup>56</sup> For a further example, where Samaritan or Judean interests are promoted under the surface for the “Concessive Torah,” see my reading of the Joseph–Judah narrative Gen 37–50 (Hensel, *Juda und Samaria* [see n. 10], 183–187). I interpret this narrative (at least at its latest redactional layer) as an ideological text of negotiating Samaritan–Judean interests from the Persian period. Joseph (i. e., Samaria) is the blessed firstborn and thus privileged amongst his brothers in Israel. A key passage in my reading is Gen 50:15–21, where it is stated that Joseph/Samaria is responsible for the survival of whole Israel (and thus also for Judah). Judah, on the other hand, the Davidic tribe(!), does never receive an explicit blessing. This is also true for the whole Torah (no explicit blessing is stated in Deut 33, too). But, as a sort of compensation, Judah receives “political power” amongst his brothers, cf. Gen 49:8–12.

<sup>57</sup> The Book of Ezra–Nehemiah in its present form seems to display strong anti-Samaritan “hermeneutics,” in a way that it de-legitimizes the Northern YHWH-worshippers and their sanctuary (see Hensel, *Juda und Samaria* [see n. 10], 283–366, esp. 363–365, for the details; cf. also id., “Ethnic Fiction and Identity-Formation: A New Explanation for the Background of the Question of Inter-marriage in Ezra–Nehemiah,” in Kartveit and Knoppers, *The Bible, Qumran, and the Samaritans* [see n. 13], 135–150; and Heckl, *Neuanfang* [see n. 9]). This is especially visible in the interpolated (and in itself multilayered) addition of Ezra 4:1–24 in the context of the temple-restoration narrative Ezra 5–6. Chronicles on the other hand, combines a certain Jerusalem-centered interpretation of Deuteronomy and the tabernacle of P. Chronicles purposely dismisses the concessive concept in Deuteronomy by combining the election of Jerusalem in the Former Prophets with the election of the one *maqom* in Deuteronomy, and presents the temple of Jerusalem as the only legitimate representation of this cultic site. For both concepts of delegitimization of the Samaritan sanctuary see in detail B. Hensel, “Ezra–Nehemiah and Chronicles: New Insights into the Early History of Samaritan–Jewish Relations,” *Religions* 11.98 (2020), 1–24. On the concept of centralization in Chronicles, and this concept receives its *Vorlage* in Kings by combining it (and thereby changing it) with the concepts from P and Deuteronomy, see Nihan, “Cult Centralization” (see n. 50), 253–288; and C. Nihan and H. Gonzalez, “Competing Attitudes toward Samaria in Chronicles and Second Zechariah,” in Kartveit and Knoppers, *The Bible, Qumran, and the Samaritans* (see n. 13), 93–114.

Ezra-Nehemiah is not the pan-Israel from the Pentateuch, but an exclusivist concept comprising only the Judean returnees from exile.<sup>58</sup> On the other hand, the Common Torah is also consistent with various postexilic texts, in particular from the prophetic tradition, which nourished hopes of the restoration of all Israel following the exile (see, e.g., Jer 30:3, 8–9; 31:27–28, 31–34; Ezek 34:23–21; 37:15–28; Obad 18–21; Isa 11:11–16; Jer 3:18; Zech 9:9–13; 10:6–10). The discourse surrounding the definition of “Israel”<sup>59</sup> and whether it did or did not include Samaria shows that the external borders of “Israel” – together with its internal structures and distinctions – were still undergoing a process of negotiation at this time. Apparently, for Judah there was no getting around Samaritan Yahwism during this period – at least for the time being.<sup>60</sup>

(6) Most likely, the souring of relations between Samaria and Judea in the Hellenistic era lead to giving up on the concessionary character of this Torah. A historical echo of this process is very likely the Ezra narrative with its focus on the Judean Torah, which is bound to Jerusalem within the literary world, as only Ezra, the Aaronite priest, and Judean scribes attest to its legitimacy – the Samaritan version is illicit within this ideological construction.<sup>61</sup> What actually happened historically is that, in the process of Samaritan-Judean estrangement, each group added group-specific textual layers to their versions of the Torah, emphasizing especially the legitimacy of their respective cultic center by slight textual changes. The Judean layers (which later lead to the Masoretic Text)

<sup>58</sup> On the postexilic conceptions of “Israel” within Ezra-Nehemiah, see for details K. Weingart, *Stämmevolk – Staatsvolk – Gottesvolk? Studien zur Verwendung des Israel-Namens im Alten Testament*, FAT 2/68 (Tübingen: Mohr Siebeck, 2014), 67–94; Hensel, *Juda und Samaria* (see n. 10), 302–349; and M. Häußl, “Einleitung: Begründungen für die Neukonstituierung des nachexilischen Israel,” in *Denkt nicht mehr an das Frühere! Begründungsressourcen in Esra/Nehemia und Jes 40–66 im Vergleich*, ed. M. Häußl, BBB 184 (Göttingen: Vandenhoeck & Ruprecht, 2018), 9–31, esp. 19–22.

<sup>59</sup> For the processes of constructing Israelite identity, see now the excellent volumes by E. Ben Zvi and D. V. Edelman, eds., *Imagining the Other and Constructing Israelite Identity in the Early Second Temple Period*, LHBOTS 591 (New York: Bloomsbury, 2015); and E. Bons and K. Finsterbusch, eds., *Konstruktionen individueller und kollektiver Identität*, vol. 1: *Altes Israel/Frühjudentum, griechische Antike, Neues Testament/Alte Kirche*, Biblisch-Theologische Studien 161 (Neukirchen-Vluyn: Neukirchener Verlag, 2016).

<sup>60</sup> The identification of “Israel” with its denomination “Judah” became the prevalent term in religious history and politics from the Hasmonean time onwards (at the latest); see also M. Böhm, “Wer gehörte in hellenistisch-römischer Zeit zu ‘Israel’? Historische Voraussetzungen für eine veränderte Perspektive auf neutestamentliche Texte,” in *Die Samaritaner und die Bibel: Historische und literarische Wechselwirkungen zwischen biblischen und samaritanischen Traditionen*, ed. J. Frey et al., SJ 70/Studia Samaritana 7 (Berlin: de Gruyter, 2012), 181–202.

<sup>61</sup> Cf. R. Heckl, “The Composition of Ezra-Nehemiah as a Testimony for the Competition between the Temples in Jerusalem and on Mt. Gerizim in the Early Years of the Seleucid Rule over Judah,” in Kartveit and Knoppers, *The Bible, Qumran, and the Samaritans* [see n. 13], 115–132, here 123; Hensel, *Juda und Samaria* (see n. 10), 304–306.

included the textual change of Deut 27:4 from “Gerizim” to “Ebal,” which is then taken up by the even later addition of Josh 8:30–35 MT.<sup>62</sup> The change in Deut 27:4 effectively dismisses the positive connotation of the altar building on Mount Gerizim in Deut 27 and the concessions made towards the Samaritan worshipers, when Deut 27 was added to Deut 12–26, 28\*. The change is made *after* the main redaction of the Torah. The anti-Samaritan change of Mount Gerizim/Mount Ebal could be interconnected with the change from the past tense בחר (*qatal*) in reference to the “chosen place” in Deut 12\* and in the centralization formula to the formula’s future in the Masoretic Text (יבחר/Q). Adrian Schenker has shown that the use of the past tense is supported in Greek manuscripts, which are unrelated to the Samaritan traditions and may reflect the original reading of the Deuteronomy.<sup>63</sup> Where the original past tense allowed the identification of the unnamed *maqom* with either Jerusalem or Mount Gerizim, the later change to the future tense in the Judean textual tradition makes it very clear that only Jerusalem is the chosen place. The Hebrew יבחר points *explicitly* and *exclusively* to the election of Jerusalem and Judah reported – outside Deuteronomy – in the Books of Samuel and Kings.<sup>64</sup> Jerusalem is exclusively interpreted as “the place that I will choose” – Mount Gerizim is delegitimized.<sup>65</sup> The Samaritan layer expands the Ten Commandments, by adding after Exod 20:17 and Deut 5:18 a mélange of texts taken from Exod 13:11 a; Deut 11:29 b; 27:2 b–3 b, 4 a SP, 5–7,<sup>66</sup> which all emphasize the legitimacy of Mount Gerizim as the place that YHWH has chosen. By these changes, Mount Gerizim, respectively Mount Zion, were interpreted as the only legitimate representation of the one cultic place in Israel. The Hasmonean destruction of Mount Gerizim is a tangible manifestation of this interpretation process.

<sup>62</sup> On Josh 8:30–35, see Nihan, “The Torah between Samaria and Judah” (see n. 29), 217–222; for the secondary character of Josh 8, cf. Müller, “Altar” (see n. 32), 214.

<sup>63</sup> See Schenker, “Le Seigneur” (see n. 33), 339; cf. Schorch, “Samaritan Version” (see n. 33). Differently Heckl, who pleads for the *yiqtol* of the Masoretic Text as the original reading, see R. Heckl, “Überlegungen zu Form und Funktion der Zentralisationsformel im Konzept des samaritanischen Pentateuchs, zugleich ein Plädoyer für die Ursprünglichkeit der masoretischen Lesart,” *ZABR* 23 (2017), 191–208.

<sup>64</sup> See, e.g., 1 Kgs 14:21; cf. Ps 78:68, or the election of the dynasty of David, king of Judah, in Jerusalem.

<sup>65</sup> On the hermeneutics of the changes from בחר to יבחר, see Hensel, “Deuteronomium 12,13–19” (see n. 38), esp. 18–23, 35.

<sup>66</sup> See Pummer, *Josephus* (see n. 16), 25 f., for a discussion of the text.

## 5. Research Perspectives: Considering Hexateuch Redactions and Possible *Pre-Persian* Samaritan Scribal Involvements

We need to imagine for the Samaritans a more active role in the formative period of early Judaism, especially in the formation of the Torah and the process of developing central religious ideas, such as the notion of cult centralization. It is also open for discussion if one should reckon with a Samaritan influence on the Hexateuch. The final chapter of Joshua can be named here, Josh 24, where the promulgation of the law for all Israel (meaning: Judah and Samaria) is situated in Shechem, at the foot of Mount Gerizim.<sup>67</sup> Although nearly every possible dating has been proposed for this concluding narrative that contains Joshua's farewell address after the conquest of the land, the assumption that this chapter is a postexilic text has increased significantly in recent scholarship.<sup>68</sup> If Thomas Römer is right that Josh 24 with its prominent Northern "Samaritan" location was created in order to produce a Hexateuch in the Persian period, and to integrate the Book of Joshua into the Torah,<sup>69</sup> then *this* work could probably also be seen as a Judean-Samaritan coproduction. In this scenario, Hexateuch and Pentateuch could be understood as competing book-conceptions. Although the idea of a Hexateuch could not be materialized in the end in a Torah containing six scrolls, the postbiblical traditions about Joshua amongst the Samaritans remained popular, as the Samaritan Chronicles of Joshua demonstrate.<sup>70</sup> Eckart Otto has a comparable concept of competing Hexa- and Pentateuch ideas in mind that propose to competing concepts of "Israel" in the Persian period: a "klein-judäische Lösung" (i. e., the Pentateuch) and a "groß-israelitische Lösung" (i. e., an "Israel" imagination that comprises Judean and Samaritan interests).<sup>71</sup> I am not (yet) convinced that Otto is right in seeing the Pentateuch (especially the core of Deuteronomy) as a *Judean-only* document ("klein-judäisch") regarding my observations above. But the issue

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<sup>67</sup> See the recent treatment of the text by Schmid, "Overcoming" (see n. 14), 23–29; Römer, "Cult Centralization" (see n. 31), 89f.; id., "Das doppelte Ende des Josuabuches: Einige Anmerkungen zur aktuellen Diskussion um 'deuteronomistisches Geschichtswerk' und 'Hexateuch,'" *ZAW* 118 (2006), 523–548.

<sup>68</sup> A plea for a Persian dating offer, e. g., Schmid, "Overcoming" (see n. 14), 29, the works of Thomas Römer cited in this article, and Nihan, "The Torah between Samaria and Judah" (see n. 29), 193–199.

<sup>69</sup> See Römer, "Das doppelte Ende" (see n. 67), 523–548; see also T. Römer and M. Z. Brettler, "Deuteronomy 34 and the Case for a Persian Hexateuch," *JBL* 119 (2000), 401–419.

<sup>70</sup> See I. Hjelm, *Jerusalem's Rise to Sovereignty: Zion and Gerizim in Competition*, JSOT Sup 404 (London: T & T Clark, 2004), 195–210.

<sup>71</sup> See Otto, *Deuteronomium 12–34* (see n. 37), 1.1132f.; in a similar way R. Achenbach, "Pentateuch, Hexateuch und Enneateuch: Eine Verhältnisbestimmung," *ZABR* 11 (2005), 122–154, who differentiates between a "Hexateuch" redactor and a later "Pentateuch" redactor.

of hexateuchal and pentateuchal redactions with regard to a possible Samaritan involvement definitively needs further investigation.<sup>72</sup>

What is more, prior research is right to look at the possible Samaritan involvement in Persian-period redactional processes. But what I identify as a major task for future studies is to pay more attention to Samaritan contributions *prior* to this period. One key insight of Samaritan studies is that there was far more ethnic and cultural continuity of Northern groups *after* 722 BCE than the biblical narratives imply. It is mainly the recent works of Knoppers that should be acknowledged for highlighting this in the available sources.<sup>73</sup> Whilst there were of course a number of disasters and upheavals in the region as a result of the Assyrian conquest, their outcomes were not fundamentally dissimilar to those which Judah is assumed to have undergone some 150 years later when it was also conquered. It is only in the historical reflections of certain Old Testament texts that the North is said to have disappeared completely. Thus, it is possible that the so-called Northern tradition was not simply adapted by the Judeans after 722 BCE, as commonly held. Further Samaritan involvement in the shaping of their tradition long after this date is plausible.

To give just one short example from the traditions mentioned here: I remain skeptical if the first edition of the Deuteronomy (the “Ur-Deuteronomy”) really does promote pure Judean interests as is commonly presumed.<sup>74</sup> Even in the

<sup>72</sup> For a recent overview of the Hexateuch/Pentateuch debate, see S. Germany, “The Hexateuch Hypothesis: A History of Research and Current Approaches,” *CurBR* 16.2 (2018), 131–156, esp. 142–143 (“The Theory of a ‘Redactional Hexateuch’”); and R. Albertz, “The Recent Discussion on the Formation of the Pentateuch/Hexateuch,” *HS* 59 (2018), 65–92, esp. 79–82.

<sup>73</sup> Cf. G. N. Knoppers, “Revisiting the Samaritan Question in the Persian Period,” in *Judah and the Judeans in the Persian Period*, ed. M. Oeming and O. Lipschits (Winona Lake, Ind.: Eisenbrauns, 2006), 265–289; id., “Cutheans or Children of Jacob? The Issue of Samaritan Origins in 2 Kings 1,” in *Reflection and Refraction: Studies in Biblical Historiography in Honour of A. Graeme Auld*, ed. R. Rezetko, VTSup 113 (Leiden: Brill, 2007), 223–239, the core findings of which can now be found in id., *Jews and Samaritans* (see n. 7), esp. 103–109. In my study I added further material, archaeological evidence and perspective to his observations, see Hensel, *Juda und Samaria* (see n. 10), 91–102 (“Ethische und kulturelle Kontinuität im Norden: archäologische und demographisch-soziologische Aspekte”).

<sup>74</sup> This is mainly the case because of the historical connection of Ur-Deuteronomy’s core Deut 12\* (and related texts) with Josiah’s cultic reform in the late monarchic era of Judah (cf. 2 Kgs 22–23\*), which was originally proposed by de Wette already in the nineteenth century and had major impact on critical research of the twentieth and twenty-first centuries (the impact of this theory on recent research is beyond the scope of this article, but see the very detailed discussions provided by M. Pietsch, *Die Kultreform Josias: Studien zur Religionsgeschichte Israels in der späten Königszeit*, FAT 86 [Tübingen: Mohr Siebeck, 2013], 1–23, 160–430, and Otto, *Deuteronomium 12–34* [see n. 37], 1.1188–1191; for the debate about the historicity of Josiah’s reform, see, e.g., C. Uehlinger, “Was There a Cult Reform under King Josiah?,” in *Good Kings and Bad Kings*, ed. L. L. Grabbe, JSOTSup 393 [London: T & T Clark, 2007], 297–316). Another important reason for assuming a Judean background of Deuteronomy is the possible connection of the arrangement of Deuteronomy (esp. Deut

presumably oldest core, Deut 12:13–19, the one *maqom* is not mentioned nor named.<sup>75</sup> Ur-Deuteronomy does *not* transmit an exclusivist Judean perspective. There is a lot that should be debated here – especially regarding what can be said about the historicity of the presumed cultic reforms in the late monarchic era, and regarding the interrelation of Deuteronomy with the so-called Deuteronomistic History (Josh, Sam, and Kgs), to which Deuteronomy later was subsequently linked, and which features a significantly Jerusalem-centered perspective on cultic affairs.<sup>76</sup> I addressed the whole discussion in a recent article.<sup>77</sup> Despite many open questions there, I propose that already Deut 12:13–19 demonstrates a certain awareness or willingness to integrate Samaritan interests within the idea of centralization that might have developed in the time of late monarchy, or – a date to which I am more inclined to – in the early exilic period.<sup>78</sup> In the time of the Ur-Deuteronomy, the Samaritan *maqom* in mind would not be Mount Gerizim. It would have to be examined, which Northern sanc-

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13:2–10\* and 28:20–44\*) and the Assyrian Vassal Treaties, which would situate the origins of Deuteronomy in the mid/late sixth century BCE – a rather impactful and convincing (yet, not uncontested: see, e.g., R.G. Kratz, “The Idea of Cultic Centralization, and Its Supposed Ancient Near Eastern Analogies,” in *One God – One Cult – One Nation: Archaeological and Biblical Perspectives*, ed. R.G. Kratz and H. Spieckermann, BZAW 405 [Berlin: de Gruyter, 2010], 121–144) theory put forward, namely, by Otto in his works (see his fundamental work: E. Otto, *Das Deuteronomium: Politische Theologie und Rechtsreform in Juda und Assyrien*, BZAW 284 [Berlin: de Gruyter, 1999], 15–90). A third reason are the literary connections of Deuteronomy with the Former Prophets, which are interpreted literary-historically as one major literary work (“Deuteronomistisches Geschichtswerk” in Noth’s terminology; on Noth’s impact on research, see U. Rüterwörden, ed., *Martin Noth – aus der Sicht der heutigen Forschung*, Biblisch-Theologische Studien 58 [Neukirchen-Vluyn: Neukirchener Verlag, 2004]). As Joshua–Kings promote a Jerusalem and Judah-centered perspective, this view is presupposed for Deuteronomy (even if the book does not mention Jerusalem explicitly).

<sup>75</sup> The general notion that the central place in Deuteronomy is unnamed and therefore not necessarily to be identified with Mount Zion/Jerusalem has been legitimately stressed in the last couple of years; see, e.g., Nihan, “Cult Centralization” (see n. 50), 254f.; Müller, “Altar” (see n. 32), 197f.; A.C. Hagedorn, “Placing (a) God: Central Place Theory in Deuteronomy 12 and at Delphi,” in *Temple and Worship in Biblical Israel*, ed. J. Day, LHBOTS 422 (London: T&T Clark, 2005), 188–211; Hensel, *Juda und Samaria* (see n. 10), 176–183. For a detailed analysis of Deut 12:13–19 and what option for identification with Jerusalem the text offers or how it strategically codes the description of the place, so that Samaritan and Judean interests can be met here, see my article “Deuteronomium 12,13–19” (see n. 38).

<sup>76</sup> On the first edition of Deuteronomy, see now R. Achenbach, “Überlegungen zur Rekonstruktion des Urdeuteronomiums,” *ZABR* 24 (2018), 211–254.

<sup>77</sup> See Hensel, “Deuteronomium 12,13–19” (see n. 38).

<sup>78</sup> The most common dating is into the late monarchic period. Newer approaches opt for a neo-Babylonian or early-Persian dating, see, e.g., Kratz, “Idea” (see n. 74), 121; and Juha Pakkala’s works (e.g., “Deuteronomy and 1–2 Kings in the Redaction of the Pentateuch and Former Prophets,” in *Deuteronomy in the Pentateuch, Hexateuch, and the Deuteronomistic History*, ed. K. Schmid and R. Person, FAT 2/56 [Tübingen: Mohr Siebeck, 2012], 133–162).

tuary the centralization law of Deuteronomy is referencing to. Bethel offers a fundamental, albeit archaeologically hardly provable option for this.<sup>79</sup> Another possibility would be that the authors were creating an imagined center for the Israelites – after the downfall of the Northern and Southern kingdoms in order to preserve group identity.<sup>80</sup> At the latest, however, with the erection of the sanctuary at Mount Gerizim it is clear that Deut 12 and related texts are understood as one – but not exclusive – reference to Mount Gerizim.

The concept of Ur-Deuteronomy, which I would like to call *concessive*, is even kept up when Deuteronomy was successively linked with the first editions of the Former Prophets (esp. Sam–Kgs),<sup>81</sup> which on their side present a very Jerusalem-centered view. Deuteronomy is at every stage of the *Fortschreibung* left open for Samaritan contexts, respectively: despite the deepened connections with (Joshua–)Samuel–Kings’ Jerusalem perspective, Deuteronomy does not adapt these specifications. Within Deuteronomy the identification of the *maqom* with the temple in Jerusalem remains (also and especially because of the *qatal* of the centralization formula) always a possible, but at no time an exclusive interpretation.

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<sup>79</sup> That Bethel was intact after 722 BCE is proposed by E. A. Knauf, “Bethel: The Israelite Impact on Judean Language and Literature,” in Oeming and Lipschits, *Judah and the Judeans* (see n. 73), 291–349; id., “The Glorious Days of Manasseh,” in *Data and Debates: Essays in the History and Culture of Israel and Its Neighbours in Antiquity*, ed. H. M. Niemann, K. Schmid, and S. Schroer, AOAT 407 (Münster: Ugarit-Verlag, 2013), 251–275, here 273. Referencing Knauf’s proposal and with literary-critical consequences for the Bethel episodes of the Jacob cycle, see U. Becker, “Jakob in Bet-El und Sichem,” in *Die Erzväter in der biblischen Tradition: Festschrift Matthias Köckert*, ed. A. C. Hagedorn and H. Pfeiffer, BZAW 400 (Berlin: de Gruyter, 2009), 159–185; see also Davies, “Monotheism” (see n. 4), 31–33. On the missing archaeological evidences for the sixth to fourth century BCE, see I. Finkelstein and L. Singer-Avitz, “Reevaluating Bethel,” *ZDPV* 125.1 (2009), 33–48. But see now O. Lipschits, “Bethel Revisited,” in *Rethinking Israel: Studies in the History and Archaeology of the Ancient Israel in Honor of Israel Finkelstein*, ed. O. Lipschits, Y. Gadot, and M. J. Adams (Winona Lake, Ind.: Eisenbrauns, 2017), 233–245, with a presentation of yet unpublished findings at E. P. 915, that may indicate activity in Bethel after 722 BCE. I interpret Bethel as a “Samaritan” site for the time after 722 BCE and until the building of Mount Gerizim as new Samaritan main sanctuary, see Hensel, “Cult Centralization” (see n. 19), 254–257.

<sup>80</sup> On this aspect of centralization, see Kratz, “Idea” (see n. 74); C. L. Crouch, *The Making of Israel: Cultural Diversity in the Southern Levant and the Formation of the Ethnic Identity in Deuteronomy*, VTSup 162 (Leiden: Brill, 2014), 133–139.

<sup>81</sup> On the (possibility of) different and independent origins of Deuteronomy and the Deuteronomistic History, see K. Schmid, “Deuteronomy within the ‘Deuteronomistic Histories’ in Genesis–2 Kings,” in Schmid and Person, *Deuteronomy in the Pentateuch* (see n. 78), 8–30.





# The Golah, the Temple, and the Torah in the Book of Ezra

## Biblical and Religious-Historical Perspectives on Judah and Jerusalem in Postexilic Times

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### 1. Introduction

The Book of Ezra offers an impressive testimony of biblical historiography of the postexilic period. It begins with the turning point of exile, the Cyrus edict, and concludes with the application of the Torah to the so-called mixed marriages. According to this, men who married “foreign women” would have mixed the “holy seed” (זרע הקדש) in an unlawful way (Ezra 9:2). The overarching narrative, therefore, runs from the divinely ordained homecoming of a group of exiles to Judah and Jerusalem to a Torah-defined religious-political congregation, which inhabits the corresponding area. One will hardly go wrong if one regards the narrated sequence of events in the Book of Ezra as primarily theologically oriented historiography: The interest of the authors in the individual parts of the book becomes too clear. Nevertheless, one can assume that the basic structure of the book contains information that mirrors historical data. Thus, it will be historically plausible that there were returning emigrants from Babylonia in Persian times, that the temple, which the Babylonians had destroyed according to 2 Kgs 25, was rebuilt, and that there was (later on) a written document relevant to religious law, the “Torah of Moses.” Whether the events described can also be reconciled with the timeline presented by the naming of different Persian kings is, however, no longer as certain. In the following, the respective religious-theological dimensions of three important terms and ideas of the Book of Ezra will be evaluated against a possible historical background.

### 2. The Golah

The term “Golah” is always used determined in the Book of Ezra: הגולה. Thus, the language usage from Jer 28–29 and the Book of Ezekiel is employed. Here, the determined term stands for the group of persons who were deported from Judah to Babylonia. A specific theological meaning could be gained from

Jer 29 as the exiled persons (הגולה) are announced to return after seventy years of imprisonment. The form of address of the fictitious letter has the effect that it is the addressees of the letter itself who are also to be led back – although after seventy years an individual return is rather unlikely. However, the term “Golah” is a collective that is to be understood in the same way:<sup>1</sup> it is the group, not the individual, who might have vague hopes of returning home. The fictional letter, therefore, aims at a continuity between the deportees and those who will return home after seventy years. This is important for our question because the Book of Ezra also assumes such continuity: those who are the subject of the Book of Ezra are those who come from exile and are thus identified by the term “Golah” with those who were previously exiled. The theological continuity with the preexilic “Israel”<sup>2</sup> would thus be unbroken from the postexilic perspective of the Book of Ezra – an important point of view both for the concept of the renewed temple building and for that of the Torah of Moses to which one will have to return.

An essential part of the Book of Ezra are different lists, from which the long list of returnees in Ezra 2 stands out. First, in vv. 1–2 an identification of the Golah with Judah, Jerusalem and Israel takes place:

Now these were the people of the province who came from those captive exiles (הגולה) whom King Nebuchadnezzar of Babylon had carried captive to Babylonia; they returned to Jerusalem and Judah, all to their own towns. They came with Zerubbabel, Jeshua, Nehemiah, Seraiah, Reelaiah, Mordecai, Bilshan, Mispar, Bigvai, Rehum, and Baanah. The number of the Israelite people [...].<sup>3</sup>

Analogous to Jer 29, those who were deported into exile are identified with those who have now returned. The final verse of the following long list of eponyms and population groups (v. 64) finally defines them as congregation or community (קהל). So, the Golah forms the קהל of Israel. The use of this term in the Book of Exodus (Exod 12:6) and the desert period (Num 10ff.), which designates the people’s congregation, will be just as little accidental as the number of the twelve Golah leaders named in v. 2.<sup>4</sup> The first two persons mentioned, Serubbabel and Jeshua, appear even more frequently in the course of the Book of Ezra as the governor and the (high) priest. Whether the Nehemiah mentioned in third place should be identified with that of the book of the same name is unclear, but conceivable: He no longer appears in the following list and

<sup>1</sup> See Gesenius (18th ed.), s. v.

<sup>2</sup> After the decline of the Northern Kingdom the term “Israel” was used primarily in a theological sense in order to label the unity of God’s people. See on this issue, e. g., R. G. Kratz, *Historical and Biblical Israel: The History, Tradition, and Archives of Israel and Judah* (Oxford: Oxford University Press, 2016), 79f.

<sup>3</sup> All biblical quotes follow NRSV.

<sup>4</sup> See A. H. J. Gunneweg, *Ezra: Mit einer Zeittafel von Alfred Jepsen*, KAT 19/1 (Gütersloh: Gütersloher Verlagshaus, 1985), 51.

therefore remains (like other name bearers) functionless in this context.<sup>5</sup> On the other hand, the name Bigvai appears again in the continuation of the list, namely, in v. 14, and then again in the context of the list of repatriates in Ezra 8:14. The name Bigvai is very probably of Persian origin: According to the dictionary of Gesenius, the original form \**Bāgoy* is of Persian origin,<sup>6</sup> whereas Ran Zadok suggests the original Persian name *Baga-vahya*.<sup>7</sup> The name form Bagohi (בגוהי) is also found in Elephantine (*TAD* A4.7:1; A4.9:1).<sup>8</sup> One of the leaders thus bears a name which cannot be of preexilic origin, but which is Persian. This simple observation suggests the question of the identity of the Golah defined in Ezra 2: A possible match of the names mentioned in Ezra 2 with preexilic eponyms is apparently not intended. When considering the lay names in Ezra 2:3–20, it is first of all noticeable that with a few exceptions no unambiguous YHWH-names can be found. “El” as theophoric element is also not represented at all. On the other hand, names of Akkadian and Persian etymology appear next to West Semitic ones.<sup>9</sup> While these names outside of the Books of Ezra-Nehemiah (partly also in Chronicles) do not occur otherwise in the Old Testament, it is to be observed that these names are attested in such or similar form in Elephantine or the Murašû archives from Nippur. This shows that the names in Ezra 2 reflect a multiethnic environment, as is also the case in the external evidence.<sup>10</sup> Consequently, the long list could have contained authentic names of Persian immigrants – Greek names are missing. According to Ezra 2, these would then have constituted the “people of Israel,” who, thus, came completely from the Babylonian diaspora and would have identified themselves in a completely new way without a direct genealogical connection to preexilic times. The term “Golah” thus forms the link between the deported preexilic Israel and the repatriated postexilic Israel; at least from a religious-theological point of view they represent the same group – although historically this does

<sup>5</sup> The same applies to Seraiah, whose name is mentioned in Ezra 7:1 as the name of the father of Ezra, and to Reelaiah, Mordecai, Bilshan, Mispar, Baanah, and finally Rehun, a name which, however, in Ezra 4:2, occurs in a completely different context again.

<sup>6</sup> See Gesenius (18th ed.), s. v.

<sup>7</sup> See R. Zadok, *The Jews in Babylonia during the Chaldean and Achaemenian Periods: According to the Babylonian Sources*, Studies in the History of the Jewish People and the Land of Israel Monograph Series 3 (Haifa: University of Haifa, 1979), 41, 113.

<sup>8</sup> See A. M. Bortz, *Identität und Kontinuität: Form und Funktion der Rückkehrerliste Esr 2*, BZAW 512 (Berlin: de Gruyter, 2018), 117–125, 283; Arah (< Bab. *Arāḥ* [?]), Ater (< Bab. [?] *Ēṭiru*), Bigvai (see above), Zattu (< Pers. *Zātu-vahya*; see W. Hinz, *Altiranisches Sprachgut der Nebenüberlieferungen*, Göttinger Orientforschungen 3/Iranica 7 [Wiesbaden: Harrassowitz, 1975], 278), Azgad (< Bab. *Ašgandu* < Pers. *Žganda*), possibly also Nekoda, Mehida, Peruda.

<sup>9</sup> See Bortz, *Identität* (see n. 8), 232–237.

<sup>10</sup> See Bortz, *Identität* (see n. 8), 234–236. On Elephantine, see esp. B. Porten and A. Yardeni, *Textbook of Aramaic Documents from Ancient Egypt: Newly Copied, Edited and Translated into Hebrew and English*, vol. 4: *Ostraca and Assorted Inscriptions* (Winona Lake, Ind.: Eisenbrauns, 1999), 194.

not have to be the case at all. It is, hence, a question of establishing a status quo, as is, above all, evident from Ezra 2:62:

These looked for their entries in the genealogical records (שׂרֵי *hitpael*), but they were not found there, and so they were excluded from the priesthood as unclean [...].

The present “examination”<sup>11</sup> therefore represents the status report of the Golah/Israel, which is authoritative for the authors of the Book of Ezra. Israel is a quantity determined both ethnically (by the concrete personal names) and theologically (by the term “Israel” itself), which historically has very little to do with the preexilic Israel to which it refers. The altogether twenty-one laymen who are mentioned by name and are probably to be understood as eponyms, as well as the fifty-eight persons belonging to the temple personnel who are named, form the core of this Israel. It becomes clear that the Israel of the Book of Ezra lends this label to itself and exclusively, as “invented tradition,” so to speak. This refers to the establishment of a tradition associated with a seemingly fitting past.<sup>12</sup> In particular, the claim to exclusivity makes it clear that the use of the Golah and Israel traditions by the group in question (or the author of the text) may have been created or instrumentalized for an at least imagined competitive situation. This competitive situation clearly shines through in the course of the report on temple construction.

### 3. The Temple

From the beginning, the Book of Ezra has been pervaded by references to the Persian kings, be it through their naming as authority (Ezra 4:3), through the dating of the narrative after these kings (1:1; 4:24; 6:15; 7:1) or through royal announcements and letters reproduced in the “original” wording (1:1–4; 4:6–24; chap. 6–7; 7:12–26). In the light of the history of religion, there exists a close connection between ruler and sanctuary. The Bible itself provides good examples with Solomon’s temple building (1 Kgs 6–8) and various restoration measures as reported, for example, by the kings Jehoash (2 Kgs 12) and Josiah (2 Kgs 22).<sup>13</sup> Ancient oriental sources also know the king as a builder within the framework of numerous text genres.<sup>14</sup> Above all, Babylonian texts report of the close connection of the gods to the king, who also suggest the appropriate

<sup>11</sup> See Bortz, *Identität* (see n. 8), 196–204.

<sup>12</sup> On this issue, see E. Hobsbawm, “Introduction: Inventing Traditions,” in *The Invention of Tradition*, ed. E. Hobsbawm and T. Ranger (Cambridge: Cambridge University Press, 1986), 1–14, here 1–3. B. Becking, *Ezra-Nehemiah*, HCOT (Leuven: Peeters, 2018), 23, employs the term “claimed tradition”: “fragments of history and memories on the past were transformed into a story that served as a legitimation of the deeds and doings of Esra.”

<sup>13</sup> See P. Dubovský, *The Building of the First Temple: A Study in Redactional, Text-Critical and Historical Perspective*, FAT 103 (Tübingen: Mohr Siebeck, 2015), 32–39.

<sup>14</sup> See Dubovský, *The Building of the First Temple* (see n. 13), 14–28.

building projects to the king. This can be seen in particular in the numerous building inscriptions of Nabonidus and – not least – also in the Cyrus cylinder, which here completely follows the paths of Babylonian traditions.<sup>15</sup> The king does not act at his own discretion, but “on command” (*ina qibât*) of the gods.<sup>16</sup> Ezra 1:1–3 is not too far away from this diction when God “commands” (פקד על) King Cyrus to build the temple in Jerusalem:

In the first year of King Cyrus of Persia, in order that the word of the LORD by the mouth of Jeremiah might be accomplished, the LORD stirred up (עור III) the spirit of King Cyrus of Persia so that he sent a herald throughout all his kingdom, and also in a written edict declared: “Thus says King Cyrus of Persia: The LORD, the God of heaven, has given me all the kingdoms of the earth, and he has charged me to build him a house at Jerusalem in Judah. Any of those among you who are of his people – may their God be with them! – are now permitted to go up to Jerusalem in Judah, and rebuild the house of the LORD, the God of Israel – he is the God who is in Jerusalem [...].”

The so-called Cyrus edict, which opens the Book of Ezra, draws on the Golah concept from Jer 29 and refers probably to Deutero-Isaiah concerning the choice of Cyrus as world ruler and temple builder probably. In particular, the use of the root עור III (“awaken”) is relevant there in connection with the “awakening” of Cyrus: The so-called Cyrus oracle in Isa 44:24–45:7 also connects the election of Cyrus with royal ideological terminology (“shepherd,” 44:28; “anointed one,” 45:1) and the commission to Cyrus to build the temple (44:28).<sup>17</sup> Now, in the Book of Ezra the king does not build himself, but his mandatary, the Golah. Ezra 1:3 explicitly states that the building of the sanctuary is the responsibility of the group emigrating from Babylonia to Judea, which acts on behalf of the divinely chosen builder.

Ezra 4:1–4 now explicitly mentions for the first time the opponents of the Golah:

When the adversaries of Judah and Benjamin heard that the returned exiles were building a temple to the LORD, the God of Israel, they approached Zerubbabel and the heads of families and said to them, “Let us build with you, for we worship your God as you do, and we have been sacrificing to him ever since the days of King Esar-haddon of Assyria who brought us here.” But Zerubbabel, Jeshua, and the rest of the heads of families in Israel said to them, “You shall have no part with us in building a house to our God; but we alone will build to the LORD, the God of Israel, as King Cyrus of Persia has commanded us.” Then the people of the land discouraged the people of Judah, and made them afraid to build [...].

<sup>15</sup> See A. Kuhrt, “The Cyrus Cylinder and Achaemenid Imperial Policy,” *JSOT* 25 (1983), 83–97, here 87.

<sup>16</sup> See F. Wetzell and F. Weissbach, *Das Hauptheiligtum des Marduk in Babylon, Esagila und Etemenanki*, Ausgrabungen der Deutschen Orient-Gesellschaft in Babylon 7 (Osna-brück: Zeller, 1967), 42 f.

<sup>17</sup> See, e. g., J. Blenkinsopp, *Ezra-Nehemiah: A Commentary*, OTL (London: SCM, 1989), 74 f.

First of all, it is noticeable that the term “Israel” is avoided as a term that defines a group. Only in relation to God’s predication “God of Israel” the term is used. Instead, the enemies of “Judah and Benjamin” prevent the temple from progressing. “Judah and Benjamin” is, for example in 1 Kgs 12, a term for the Southern Kingdom in clear (warlike) demarcation to the Northern Kingdom, the political Israel. It therefore seems probable that the opposition from Ezra 4 is located in the former Northern Kingdom, the contemporary province of Samaria.<sup>18</sup> As is well known, the YHWH-worshippers on Mount Gerizim also called themselves “Israel.”<sup>19</sup> The legitimacy of the temple building by the Golah is therefore not determined by the fact of the YHWH-worship, but by the royal order – or by the logic of the Cyrus edict from Ezra 1: commanded by God himself.

Interestingly, the Cyrus edict is quoted again in the course of the Book of Ezra: In Ezra 6:3–5 a memorandum (דְּכִרֹנָה) is reproduced which refers to an edict of King Cyrus. Verses 2\* and 3 read as follows:

A record. In the first year of his reign, King Cyrus issued a decree: Concerning the house of God at Jerusalem, let the house be rebuilt, the place where sacrifices are offered and burnt offerings are brought; its height shall be sixty cubits and its width sixty cubits [...].

In contrast to Ezra 1, this reproduction of a royal order knows no connection between the building of the temple and the Golah as well as the entire literary context of the so-called Aramaic Chronicle in Ezra 5:1–6:18. Here it is the יהודאין and especially their “elders” who are entrusted with the building of the temple.<sup>20</sup> A distinction between immigrants and residents is not made. Only in the Aramaic transitional part, Ezra 6:15–18, before the text changes back into Hebrew in Ezra 6:19, the idea of a Golah (vv. 16, 19) working exclusively on the temple building reappears again: temple consecration (Aramaic) and Pesach feast (Hebrew) are celebrated again exclusively by exactly this group. Nevertheless, it appears that the Aramaic Chronicle in its original form does not (yet) know or ignore the Golah-oriented concept from Ezra 1–4.

The temple building itself is described only very sparingly in the context of the Aramaic Chronicle: The completion is reported in Ezra 6:15, the dimensions of the temple only in the context of the just mentioned memorandum in Ezra 6:3–4 (textually partly corrupted).<sup>21</sup> The concern of the Aramaic Chronicle is also less the temple building itself, but the description of God’s providential action (Ezra 5:5) also by means of the rulers of this world. So it is finally King Darius who, in a letter in Ezra 6:6–12 (not uninfluenced by Deu-

<sup>18</sup> See B. Hensel, *Juda und Samaria: Zum Verhältnis zweier nach-exilischer Jahwismen*, FAT 110 (Tübingen: Mohr Siebeck, 2016), 290–292.

<sup>19</sup> See Hensel, *Juda und Samaria* (see n. 18), 79–83.

<sup>20</sup> See S. Grätz, “Die aramäische Chronik des Esrabuches und die Rolle der Ältesten in Esr 5–6,” *ZAW* 118 (2006), 405–422, here 407 f.

<sup>21</sup> See the commentaries.

teronomistic diction),<sup>22</sup> not only approves the building of the temple, but also specifically promotes it.

However, Ezra 3 refers more clearly to the construction itself. After the report about the altar building at the place of its predecessor (Ezra 3:3) and the beginning of the offering of sacrifices (vv. 3–6a), the section Ezra 3:6b–13 now looks at the temple building itself:

But the foundation of the temple of the LORD was not yet laid. So they gave money to the masons and the carpenters, and food, drink, and oil to the Sidonians and the Tyrians to bring cedar trees from Lebanon to the sea, to Joppa, according to the grant that they had from King Cyrus of Persia. In the second year after their arrival at the house of God at Jerusalem, in the second month, Zerubbabel son of Shealtiel and Jeshua son of Jozadak made a beginning, together with the rest of their people, the priests and the Levites and all who had come to Jerusalem from the captivity. They appointed the Levites, from twenty years old and upward, to have the oversight of the work on the house of the LORD. And Jeshua with his sons and his kin, and Kadmiel and his sons, Binnui and Hodaviah<sup>23</sup> along with the sons of Henadad, the Levites, their sons and kin, together took charge of the workers in the house of God. When the builders laid the foundation of the temple of the LORD, the priests in their vestments were stationed to praise the LORD with trumpets,<sup>24</sup> and the Levites, the sons of Asaph, with cymbals, according to the directions of King David of Israel; and they sang responsively, praising and giving thanks to the LORD, “For he is good, for his steadfast love endures forever toward Israel.” And all the people responded with a great shout when they praised the LORD, because the foundation of the house of the LORD was laid. But many of the priests and Levites and heads of families, old people who had seen the first house on its foundations, wept with a loud voice when they saw this house, though many shouted aloud for joy, so that the people could not distinguish the sound of the joyful shout from the sound of the people’s weeping, for the people shouted so loudly that the sound was heard far away.

The similarities of this section with the tradition of the construction of the temple of Solomon in the chronicles are clear: From the transport of the materials from Lebanon and the liturgy to the date there are numerous parallels (1 Chr 22:3 f.; 2 Chr 2:7, 15; 3:2; 5:3). The text apparently attaches great importance to the fact that the new building corresponds to its predecessor. To represent it, only one passage and its parallel are quoted:

Ezra 3:11: [...] and they sang responsively, praising and giving thanks to the LORD, “For he is good, for his steadfast love endures forever toward Israel.” And all the people responded with a great shout when they praised the LORD, because the foundation of the house of the LORD was laid.

2 Chr 5:13 f.: [...] and when the song was raised, with trumpets and cymbals and other musical instruments, in praise to the LORD, “For he is good, for his steadfast love endures

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<sup>22</sup> See Blenkinsopp, *Ezra-Nehemiah* (see n. 17), 127: “it would therefore not be hypercritical to conclude that the royal reply [...] is a free composition elaborated on the historical basis of a confirmation on the Cyrus rescript issued during the reign of Darius.”

<sup>23</sup> Cf. Ezra 2:14; see L. Fried, *Ezra: A Commentary* (Sheffield: Sheffield Phoenix Press, 2015), 112.

<sup>24</sup> See Fried, *Ezra* (see n. 23), 117.



forever,” the house, the house of the LORD, was filled with a cloud, so that the priests could not stand to minister because of the cloud; for the glory (כבוד) of the LORD filled the house of God.

Ezra 3 clearly reflects here through the interaction with 2 Chr 5 the restoration of the original state of the sanctuary, which will be inhabited again by the divine כבוד – even if this is explicitly stated neither here nor in Ezra 6.

Beside intertextual touches, another aspect might be important, to which especially Lisbeth Fried drew attention: The juxtaposition of shouting and crying in Ezra 3:13 could have a religious-historical background.<sup>25</sup> Claus Ambos sees typical *rites de passage* in the Mesopotamian building rituals he examines in connection with temple renovations or new constructions. The rituals stand, so to speak, at the transition from a destroyed sanctuary to a newly founded or erected sanctuary. In these rituals, the lament in particular has a fixed place, which accompanied the ritual with special lament singers.<sup>26</sup> The lament mourns the (still) absent deity. Possibly the liturgical framework of the temple foundation described in Ezra 3 can be interpreted in this way. In any case the retrospective view is constitutive for the transition ritual, as Ambos emphasizes: “It is important to point out that temple building rituals did not serve to ensure the transition to a new status, but rather the return to an old, desirable state.”<sup>27</sup> The text of Ezra 3:6b–13 is therefore not so much about the celebration of a new building, but above all about the return to the original shrine. Thus, the text of Ezra 3:11 quotes the hymn from 2 Chr 5:13 to document the return to the original status.

The temple building, like the idea of the Golah in Ezra 1–3, is hence closely linked to the preexilic time of Judah. The competing group mentioned in Ezra 4 is excluded from temple building. Behind this group one could probably assume the YHWH-worshippers from Samaria. The close connection between the Golah and the temple could be an invented tradition again. For neither the Aramaic Chronicle of the Book of Ezra nor the Book of Haggai, which also thematizes the temple construction, know this exclusive connection of the Golah and the (re)building of the temple.<sup>28</sup> Rather, the tradition has its starting

<sup>25</sup> See Fried, *Ezra* (see n. 23), 184–187, and also ead., “The Land Lay Desolate: Conquest and Restoration in the Ancient Near East,” in *Judah and the Judeans in the Neo-Babylonian Period*, ed. O. Lipschits and J. Blenkinsopp (Winona Lake, Ind.: Eisenbrauns, 2003), 21–54, here 42–47, where she suggests the Mesopotamian *kalû* ritual as a possible background: “A *kalû* priest makes offerings and sings lamentations as long as the old temple is being demolished and the new temple is being constructed” (44).

<sup>26</sup> See C. Ambos, *Mesopotamische Baurituale aus dem 1. Jahrtausend v. Chr.* (Dresden: ISLET-Verlag, 2004), 45–58.

<sup>27</sup> Ambos, *Mesopotamische Baurituale* [see n. 26], 46: “Es ist wichtig, darauf hinzuweisen, daß gerade Tempelbau-Rituale nicht dazu dienten, den Übergang in einen neuen Status, sondern vielmehr die Rückkehr in einen alten, als erstrebenswert geltenden Zustand zu gewährleisten.”

<sup>28</sup> On the mentioning of Zerubbabel and Joshua in the Book of Haggai, see M. Hallaschka,

point in the proclamation of Deutero-Isaiah, in which Cyrus is the executive organ between the will of YHWH and its execution. Therefore, in the story of the Book of Ezra, he also acts as the patron of the sanctuary to be built by the Golah commissioned by him. The same might be true for the third concept.

#### 4. The Torah

The chapters Ezra 1–6 show, as already mentioned, a quite prophetic-theological trait: Besides the already mentioned reception of motifs from the Books of Jeremiah and Deutero-Isaiah in Ezra 1:1–4, in Ezra 5:1(, 2); 6:14 also the prophets Haggai and Zechariah appear as companions of the temple building. In Ezra 6:18 (Aram.) the “book of Moses” (ספר משה) is mentioned for the first time and only once for Ezra 1–6 as a written document, although its inauguration is actually reserved for Ezra 7. Historical conclusions can hardly be drawn from this; rather it is probable that the Ezra story beginning in Ezra 7 originated literarily separately from the preceding context.<sup>29</sup> Nevertheless, the text Ezra 7–10 also makes use of the *topos* of the benevolent Persian ruler. Interestingly, the connection between the royal order and the Torah seems even closer than it was in the building of the temple, since even the terms are brought into agreement: Ezra 7:12–26 reproduces an alleged (Aramaic) letter of the great king Artaxerxes, which concludes in v. 26 with the following words to Ezra:

All who will not obey the law (דת) of your God and the law (דת) of the king, let judgment be strictly executed on them [...].

Research has racked its brains about what exactly the “law of the king” is, what exactly the “law of God” is, and how these two variables relate to each other.<sup>30</sup> This cannot be discussed here. It should suffice to point out, first, that the preceding Hebrew-language context in Ezra 7:1–11, especially in the transition from vv. 10 (Heb. תורת יהוה) and 12 (Aram. דתא דיאלה), suggests that the “law” of Ezra will be nothing other than the Torah<sup>31</sup> and that, secondly, this

*Haggai und Sacharja 1–8: Eine redaktionsgeschichtliche Untersuchung*, BZAW 411 (Berlin: de Gruyter, 2011), 133–135.

<sup>29</sup> See the commentaries and J. Pakkala, *Ezra the Scribe: The Development of Ezra 7–10 and Nehemiah 8*, BZAW 347 (Berlin: de Gruyter, 2004), 23–32.

<sup>30</sup> See on the debate of the thesis of the so-called “Reichsautorisation” and its consequences, e.g., K. Schmid, “The Persian Imperial Authorization as a Historical Problem and a Biblical Construct: A Plea for Distinctions,” in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance*, ed. G.N. Knoppers and B.M. Levinson (Winona Lake, Ind.: Eisenbrauns, 2007), 23–38.

<sup>31</sup> Of course, the meaning of Aram. דת which goes back to Pers. *data* (“law”) does not coincide with Heb. תורה. It seems that the translation דת juridifies the term תורה, in a sense comparable to the translation νόμος in the Septuagint. The reported divorces in Ezra 9–10 “in accordance with the Torah” (בתורה, Ezra 10:3) seem to mirror a juridical/legal understanding

also corresponds to the logic of the patronage of the Persians over the projects of the Judeans according to Ezra 1–6. As in the construction of the temple, the legislation is also closely connected with the will of the king. This phenomenon is also known, for example, from the Code of Hammurabi (5.10 ff.), the reform of Josiah (2 Kgs 22 f.), and in the Letter of Aristeas.<sup>32</sup> However, even in Ezra 7 it is not the king himself who tackles the measures, but again a mandatar: Ezra, who is, of course, a member of the Golah.

Moreover, according to Ezra 7:1–10 Ezra himself is not only delegated by the king to handle the Torah according to Ezra 7:25–26 as “law book,” but also qualified for it by his priestly descent, which leads directly back to the arch-priest Aaron (Ezra 7:5) and his qualities as סֹפֵר/סֹפֶר (7:6, 11, 12). This term is probably best to translate as “scribe,” for Ezra is sketched in the story of Ezra and in Neh 8 in a corresponding way: Ezra does not write down the law, but he interprets it, applies it (Ezra 9–10), and finally presents it to the assembled congregation (Neh 8).<sup>33</sup> For the law itself, of course, does not come from Ezra, but from Moses – that is, ultimately from God, as Ezra 7:6 (תּוֹרַת מֹשֶׁה) and Ezra 10 (תּוֹרַת יְהוָה) make clear. Ezra – as an Aaronite – and the Torah therefore stem from Mount Sinai, the immediate presence of God and his message to Moses. Like the Golah and the Temple, the Torah is thus not “new” but time-honored, even preceding the Temple, and in the perspective of the narrative probably also predominant.

The biblical Ezra himself is intimately linked to the teachings of the Torah, with the traits of an invented tradition again emerging: Equipped with outstanding political (authorized envoy of the Great King), cultic (Aaronite), and cultural-religious (סֹפֵר מְהִיר, Ezra 7:6) characteristics, only the Ezra figure fulfills the requirements of leadership qualities. As in the cases of the Golah and the Temple, the Torah is anchored in preexilic times. Just as Ezra 1–6 defines who belongs to the Golah and who may build the temple, Ezra 7–10 (Neh 8) defines who is authorized to use and teach the Torah.

## 5. Summary

The Book of Ezra presents the postexilic history of Judah and Jerusalem from a theological and chronological point of view. Three milestones are named: The returnees, the temple and the Torah. The framework of the narrative is the Persian sovereignty, which not only forms the outer frame of the event,

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of the Torah. See J. Blenkinsopp, *Judaism: The First Phase; The Place of Ezra and Nehemiah in the Origins of Judaism* (Grand Rapids, Mich.: Eerdmans, 2009), 221–227.

<sup>32</sup> On this parallel to Ezra 7, see esp. S. Grätz, *Das Edikt des Artaxerxes: Eine Untersuchung zum religionspolitischen und historischen Umfeld von Esr 7,12–25*, BZAW 337 (Berlin: de Gruyter, 2004), 204–207.

<sup>33</sup> See Fried, *Ezra* (see n. 23), 302 f.

but which is divinely chosen and through which God directs the fate of Judah and Jerusalem – a perspective which Deutero-Isaiah also takes on and which is also present in the text of the cylinder of Cyrus in the history of religion. The Persian rulers, however, do not only serve the demonstration of the divine providence, but they also legitimize the respective actors in the Book of Ezra: The Golah and its temple, Ezra and the Torah. Behind these focal points of the narrative, there are historical facts: There have been homecomers from Babylonia in Persian times – probably the list in Ezra 2 even keeps some names of these homecomers; there has been the construction of a sanctuary in Jerusalem; the Torah was very probably designed editorially in this time. However, the association of these events with an exclusive group acting according to royal and divine will seems more to reflect the view of the authors of the Book of Ezra. They see in the Israel defined by them the exclusive heir of a preexilic entity Israel, which now cultivates the traditions of the temple and the Torah. Above, the term “invented tradition” has been used. This means the establishment of a new tradition associated with a suitable past: the Golah and preexilic Israel, the Golah and temple building, Ezra and the Torah of Moses. Already the look into the Aramaic Chronicle of the Books of Ezra and Haggai shows, however, that these invented traditions are not shared everywhere even within the Bible. This probably allows conclusions to be drawn about the differentiation of the respective political and theological positions. The emphasis on exclusivity historically and ideologically makes one think of a competitive situation, at least perceived as such, which the Book of Ezra wants to encounter and for which the northern neighbor from Samaria is the first possible candidate: Its self-designation as Israel, its sanctuary on the Gerizim and its care of the Torah are processed by the Book of Ezra point by point as religious and politically illegitimate, so to speak.



# “Mount Gerizim is the house of God and the dwelling place for his glory”

## The Origins and Early History of Samaritan Theology<sup>1</sup>

*Stefan Schorch*

The Samaritans are an Israelite sect which separated from Judaism in the late second century BCE, but the break had more ancient roots.<sup>2</sup> Even if Jews and Samaritans often lived as neighbors, and although they continued to share many elements of their common Israelite heritage, the two sects had been deeply divided by their beliefs and respective religious cultures. A set of principal beliefs which appears in several of the earliest Samaritan prayers from the fourth century CE, amongst them the following by the poet Amram Dare,<sup>3</sup> illustrates this ambivalent relationship between Judaism and Samaritanism (Amram Dare 4:29–33):<sup>4</sup>

לית אלה אלא אחד	There is no God but one,
לא נבי הך משה נביה	There is no prophet like Moses,
ולא כתב הך ארהותה קדישתה	There is no writ like the Holy Torah,
ולא סגדה אלא ליהוה	and there is no worship but to YHWH,
קדם הרגרזים בית אל	Facing Mount Gerizim, the House of God.

While this text, like several others from the fourth century CE onwards, displays the fundamental similarity between Judaism and Samaritanism in terms

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<sup>1</sup> Thanks to Matthew Chalmers (Northwestern University, Evanston, Ill.) for his helpful comments and careful editing of this article.

<sup>2</sup> S. Schorch, “The Construction of Samari(t)an Identity from the Inside and from the Outside,” in *Between Cooperation and Hostility: Multiple Identities in Ancient Judaism and the Interaction with Foreign Powers*, ed. R. Albertz and J. Wöhrle, *Journal of Ancient Judaism Supplements* 11 (Göttingen: Vandenhoeck & Ruprecht, 2013), 135–149.

<sup>3</sup> For Amram Dare, see A. Tal, “Samaritan Literature,” in *The Samaritans*, ed. A. D. Crown (Tübingen: Mohr Siebeck, 1989), 413–467, here 452–453.

<sup>4</sup> The Samaritan liturgy was edited by A. E. Cowley, *The Samaritan Liturgy*, 2 vols. (Oxford: Clarendon, 1909). An edition of the Samaritan prayers, including the orally transmitted reading, a Hebrew translation, and a commentary focusing mainly on their language, was prepared by Z. Ben-Hayyim, *The Literary and Oral Tradition of Hebrew and Aramaic amongst the Samaritans*, vol. 3/2: *The Recitation of Prayers and Hymns* (Jerusalem: The Academy of the Hebrew Language, 1967). In the following, Samaritan prayers are quoted from the latter edition, and according to the name of the respective author, that is, Amram Dare, Marqe, and Ninna (see below).

of strict monotheism, the central role of Moses's prophecy, the Torah as holy scripture, and God's one central sanctuary, it also shows perhaps the most important difference between the two rival groups, and certainly the most contentious: the localization of the most holy place for Israel, which for the Samaritans is at Mount Gerizim.

Amram Dare's poems, together with those of Marqe and Ninna, form the oldest layer of Samaritan religious poetry, a corpus of around sixty poems comprising the classical core of Samaritan liturgy.<sup>5</sup> Moreover, together with the oldest layers of the midrashic collection Tebat Marqe ("Marqe's ark"), also dating to the fourth century CE,<sup>6</sup> they are the earliest extant sources for Samaritan ideology, or Samaritan theology, in the proper sense of the word.<sup>7</sup> Although the Samaritan Pentateuch and the older versions of the Samaritan Targum predate this Samaritan religious poetry, they are much less suitable sources for Samaritan theology, due to the following reasons.

The Samaritan Pentateuch, especially the several textual features which seem to set it apart from the Masoretic Text in terms of religious concepts, predates the break between Samaritans and Jews in the late second century BCE. As is clear from the Septuagint, the Dead Sea Scrolls, and further textual witnesses of the biblical text from the Hellenistic period, none of these textual divergencies originate in Samaritan ideology or in a Samaritan quest to change the text of the Pentateuch in accordance with Samaritan beliefs. In other words, the Samaritan Pentateuch is not a Samaritan text in terms of its origins.<sup>8</sup>

The earliest preserved Samaritan text in the strict sense of the word is the Samaritan Targum, which seems to have emerged from the first century CE onwards.<sup>9</sup> However, since the Samaritan Targum presents an extremely literal translation,<sup>10</sup> it basically reproduces the text of the Samaritan Pentateuch. It therefore provides very few insights into Samaritan theology. Samaritan theology thus first appears in the Samaritan Aramaic literature of the fourth century

<sup>5</sup> Tal, "Samaritan Literature" (see n. 3), 450–455.

<sup>6</sup> A short overview is provided by Tal, "Samaritan Literature" (see n. 3), 462–465.

<sup>7</sup> John Macdonald, in his pioneering study *The Theology of the Samaritans* (London: SCM, 1964), attributes all six books of Tebat Marqe to Marqe's authorship and therefore dates them consequently to the fourth century CE (see *ibid.*, 42–43). This assumption is not in line with the evidence, especially the differences in linguistic usage attested in different books, which demonstrates "that only the first book and several parts of the second were transmitted in the language that can be safely ascribed to Marqe's times," as concluded by Tal, "Samaritan Literature" (see n. 3), 465, on the basis of Ben-Hayyim's research.

<sup>8</sup> See S. Schorch, "The So-Called Gerizim Commandment in the Samaritan Pentateuch," in *The Samaritan Pentateuch and the Dead Sea Scrolls*, ed. M. Langlois, CBET 94 (Leuven: Peeters, 2019), 77–97.

<sup>9</sup> Tal, "Samaritan Literature" (see n. 3), 444–449.

<sup>10</sup> S. Kohn, "Die samaritanische Pentateuchübersetzung nach der Ausgabe von Petermann und Vollers," *ZDMG* 47 (1893), 626–697, here 686; P. Kahle, *Textkritische und lexikalische Bemerkungen zum samaritanischen Pentateuchertargum* (Leipzig: Drugulin, 1898), 7–8.

CE, that is, in the Samaritan liturgical poetry and in Tebat Marque,<sup>11</sup> although it should be noted that these sources exhibit a rather consistent conceptual framework, probably as the result of prior development.

In the following, I would like to explore the extent of this conceptual framework with a special focus on the Samaritan concepts associated with Mount Gerizim, the main point of Samaritan difference in opposition to Judaism. Despite its fundamental importance for Samaritan identity, the topic still awaits a systematic treatment. Only one comprehensive and systematic treatment of Samaritan theology has been published so far, by John Macdonald in 1964.<sup>12</sup> The book is pioneering, but it also suffers from several significant shortcomings. Besides his sometimes erroneous use of Samaritan sources,<sup>13</sup> Macdonald aimed to demonstrate that the Samaritan religion is “Northern Israelite religion developed, modified and substantially expanded with the aid of Christianity.”<sup>14</sup> This particularly misleading perspective not only led him to reconstruct the Samaritan concept of Moses in Christological terms,<sup>15</sup> but also seems to have induced distinct underestimation of the central role of Mount Gerizim as the central sanctuary within the Samaritan world view. Macdonald regards it, in his

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<sup>11</sup> Alan D. Crown argues that the Samaritans remained Jews until the third century CE, drawing inter alia on the observation “that there is no identifiable trace of a Samaritan liturgy until the time of Amram Darrah [*sic!*] in the fourth century CE” (A.D. Crown, “Redating the Schism between the Judaeans and the Samaritans,” *JQR* 82 [1991], 17–50, here 37). But the emergence of Samaritan Hebrew and of a specifically Samaritan Torah in the late second/first century BCE, the emergence of the Samaritan Targum in the first century CE as well as numerous indications in Jewish sources from the late Second Temple period seem to provide a firm basis for the conclusion that the split between Samaritans and Jews took place in the late second century BCE; cf. Schorch, “Samari(t)an Identity” (see n. 2), 135–138.

<sup>12</sup> Macdonald, *Theology of the Samaritans* (see n. 7). In fact, the first “Samaritan theology” was published by Wilhelm Gesenius: *De Samaritanorum theologia ex fontibus ineditis commentatio: Iesu Christi natalitia pie celebranda Academiae Fridericianae Halensis et Vitebergensis consociatae civibus indicunt prorektor et senatus* (Halle: Renger, 1822). Abraham Tal, in his appreciation of Gesenius as the “first Samaritanologist,” demonstrated that the latter, distinguishing himself “by his investigations in Samaritan theology and liturgical literature [...], has carried his research far beyond any of his predecessors” (A. Tal, “The First Samaritanologist: Wilhelm Gesenius,” in *Biblische Exegese und hebräische Lexikographie: Das “Hebräisch-deutsche Handwörterbuch” von Wilhelm Gesenius als Spiegel und Quelle alttestamentlicher und hebräischer Forschung, 200 Jahre nach seiner ersten Auflage*, ed. S. Schorch and E.-J. Waschke, BZAW 427 [Berlin: de Gruyter, 2013], 139–152, here 146). It is also obvious, however, that Gesenius, despite laying out the fundamentals of a Samaritan theology, could not yet produce a comprehensive treatment, both with respect to the scope of his study as well as with regard to the sources that were at his disposal.

<sup>13</sup> See for an example n. 6 above.

<sup>14</sup> Macdonald, *Theology of the Samaritans* (see n. 7), 419.

<sup>15</sup> Most prominently in chap. 22 of his work, which bears the title “Moses and Christ” (Macdonald, *Theology of the Samaritans* [see n. 7], 420–446).



analysis of the “Samaritan creed,” as secondary, possibly more recent, and in any case less fundamental than other elements.<sup>16</sup>

As the following study will demonstrate, however, the contrary seems to be the case. Belief in Mount Gerizim is so closely intertwined with the other basic tenets of Samaritan religion, and it has been so influential in shaping Samaritan hermeneutics and theology in all its facets, that there seems to be no reason to view it as of lesser importance. On the contrary, Mount Gerizim is without any doubt one of the central concepts of Samaritan theology.

Since Samaritan theology relates to, and relies on the Samaritan Pentateuch, however, some introductory remarks with regard to the distinctive features of this text seem required.

## 1. Mount Gerizim in the Samaritan Torah

According to the Torah, the central sanctuary of the Israelites was chosen by God “to establish his name there” (לשכן שמו שם, Deut 12:11, etc.). While Judaism identifies this holy center with Jerusalem, Samaritans recognize it as Mount Gerizim, situated at the southern outskirts of Nablus, that is, ancient Shechem.

From a textual perspective, there is an obvious difference between these two identifications.

Jerusalem is never mentioned in the Torah, at least not explicitly. Thus, the Jewish connection of Jerusalem with the chosen-place concept as established in Deuteronomy is created only through texts outside the Pentateuch, most prominently in 2 Chr 6:5–6:

מִן־הַיּוֹם אֲשֶׁר הוֹצֵאתִי אֶת־עַמִּי מֵאֶרֶץ מִצְרַיִם לֹא־בָחַרְתִּי בְעִיר מִכָּל שְׁבֵטֵי יִשְׂרָאֵל לְבָנוֹת בַּיִת לִהְיוֹת שְׁמִי שָׁם וְלֹא־בָחַרְתִּי בְּאִישׁ לִהְיוֹת נָגִיד עַל־עַמִּי יִשְׂרָאֵל: וְאָבַחַר בִּירוּשָׁלַם לִהְיוֹת שְׁמִי שָׁם וְאָבַחַר בְּדָוִד לִהְיוֹת עַל־עַמִּי יִשְׂרָאֵל:

Since the day that I brought my people out of the land of Egypt, I have not chosen a city from any of the tribes of Israel in which to build a house, so that my name might be there, and I chose no one as ruler over my people Israel; but I have chosen Jerusalem in order that my name may be there, and I have chosen David to be over my people Israel.<sup>17</sup>

Therefore, the Jewish identification of Jerusalem as the holy center of Israel is achieved only through paratexts to the Torah. The Samaritan identification of

<sup>16</sup> Macdonald, *Theology of the Samaritans* (see n. 7), 54: “We can well understand belief in God, in his prophet and law, being fundamental from earliest times, but belief in the sacred mountain?”

<sup>17</sup> A shorter version of this verse is found in the parallel account in 1 Kgs 8:16 MT. The Septuagint has the long version as attested in 2 Chr 6:5–6. English translations of the biblical texts are generally quoted here according to NRSV, occasionally with adaptation by the author, especially in the case of variants in the Samaritan Pentateuch.

the chosen place with Mount Gerizim, on the other hand, is present in the Torah, most prominently in the Samaritan version:

(1) According to the Samaritan text of Deut 27:4, the altar to be erected by the Israelites immediately after their crossing the Jordan into the promised land is to be built on Mount Gerizim, not on Mount Ebal:

והיה בעברכם את הירדן תקימו את האבנים האלה אשר אנכי מצוה אתכם היום בהר גריזים [נה"מ: בהר עיבל] ושדת אתם בשיד: ובנית שם מזבח ליהוה אלהיך מזבח אבנים לא תניף עליהם ברזל:

So when you have crossed over the Jordan, you shall set up these stones, about which I am commanding you today, on Mount Gerizim [MT: Mount Ebal], and you shall cover them with plaster. And you shall build an altar there to the LORD your God, an altar of stones on which you have not used an iron tool. (Deut 27:4–5 SP)

(2) Within the Samaritan Pentateuch, this same passage is repeated in Exod 20 and Deut 5, inscribing the veneration of Mount Gerizim into the Ten Commandments in both of their occurrences.<sup>18</sup> Thus, from the Samaritan perspective, the election of Mount Gerizim as the holy center of Israel is part and parcel of the Torah itself, as opposed to the Jewish Torah. And within the narrative of the Pentateuch, as presented by the Samaritan version, the divine order to establish the center of Israel's worship on Mount Gerizim is among the laws revealed on Mount Sinai.

While the meaning of the distinctive features is clear in these two cases, one further textual variant of the Samaritan Pentateuch relating to Mount Gerizim is more complex. In the centralization formula occurring first in Deut 12:5, and repeated no less than twenty-one times in this book, the Samaritan Pentateuch reads "the place which the Lord your God chose" (בחר), instead of the Masoretic "will choose" (יבחר). The exact reference point for the Samaritan past tense is unclear, and therefore which event the text has in mind remains open. Samaritan midrashic exegesis aims to fill this gap. The results can be observed already in the earliest layers of the Samaritan liturgical poetry, as well as in the Samaritan midrashic collection Tebat Marqe.

## 2. Aboriginal Determination of Mount Gerizim as the Holy Center of Israel

According to a Samaritan tradition found in Tebat Marqe, Mount Gerizim was prepared by God to house the sanctuary of Israel since the first days of the world, that is, the period of creation (Tebat Marqe II:57):<sup>19</sup>

<sup>18</sup> For a detailed analysis, see Schorch, "Gerizim Commandment" (see n. 8).

<sup>19</sup> Tebat Marqe is quoted here following the edition of Z. Ben-Hayyim, *Tibat Marqe: A Collection of Samaritan Midrashim, Edited, Translated and Annotated* [in Hebrew] (Jerusalem: Israel Academy of Sciences and Humanities, 1988).

ואנון ארבעה מערים מעתדים מן יומה תליתה מכפלתה לזכותה והרגרזיזים למשכנה והר ההר לכהנתה וטור נבא לנביותה

Four caves were prepared at the third day (of the creation): Machpelah for the righteous, Mount Gerizim for the tabernacle, Mount Hor for the priesthood, and Mount Nebo for the prophecy.

This statement not only links four pillars of Samaritan-Israelite identity and four different places, but additionally claims that these connections were pre-determined by God at the third day of the creation account, that is, the day when God created the surface of the earth (Gen 1:9–13):

וַיֹּאמֶר אֱלֹהִים יִקְוּוּ הַמַּיִם מִתַּחַת הַשָּׁמַיִם אֶל־מְקוֹם אֶחָד וַתִּרְאֶה הַיַּבְשָׁה וַיְהִי־כֵן: וַיִּקְרָא אֱלֹהִים לַיַּבְשָׁה אֶרֶץ וּלְמִקְוֵה הַמַּיִם קָרָא יַמִּים וַיִּרְא אֱלֹהִים כִּי־טוֹב: [...] וַיְהִי־עֶרֶב וַיְהִי־בֹקֶר יוֹם שְׁלִישִׁי:

And God said, “Let the waters under the sky be gathered together into one place, and let the dry land appear.” And it was so. God called the dry land Earth, and the waters that were gathered together he called Seas. And God saw that it was good. [...] And there was evening and there was morning, the third day.

Three sites are explicitly expressed in the Torah. Machpelah served as burial place for Abraham (Gen 23; 25:9–10), who was the righteous one par excellence according to Samaritan tradition.<sup>20</sup> Mount Hor is where the prototypic priest Aaron died according to Num 20:28, and is thought to be the site of his burial. At Mount Nebo the prophet Moses died (Deut 34). The biblical text identifies the burial place as a cave only in the first case, but the concept is conferred on the other two cases by analogy.

The fourth case, a cave at Mount Gerizim serving as the hiding place for the tabernacle, is obviously without reference in the Torah, even if the Samaritan Pentateuch identifies Mount Gerizim as the place of the central sanctuary (see above). The tradition is not unique to Tebat Marqe, however, but known from other sources too. The earliest parallel appears in Josephus’s description of an event that happened during the governorship of Pontius Pilate (26–36 CE) (*A. J.* 18.85):<sup>21</sup>

Ὁὐκ ἀπηλλάκτο δὲ θορόβου καὶ τὸ Σαμαρέων ἔθνος· συστρέφει γὰρ αὐτοὺς ἀνὴρ ἐν ὀλίγῳ τὸ ψεῦδος τιθέμενος κάφ’ ἡδονῆ τῆς πλεθθὸς τεχνάζων τὰ πάντα, κελεύων ἐπὶ τὸ Γαριζεῖν

<sup>20</sup> In Tebat Marqe II:44 (MS ψ), Abraham is referred to as “foundation of righteousness”: מה דאמר מקדם לארשה דזכותה לזרעד אהב ית ארעה (“as he had said earlier to *the foundation of righteousness*, ‘To your offspring I will give this land’ [Gen 12:7]”). In a more general sense, the expression can also refer to Abraham, Isaak, and Jacob; see A. Tal, *A Dictionary of Samaritan Aramaic*, HdO 1/50 (Leiden: Brill, 2000), 229–230, s. v. זכי.

<sup>21</sup> The Greek text of Josephus is quoted according to B. Niese, ed., *Flavii Josephi opera*, vol. 4: *Antiquitatum Judaicarum libri XVI–XX* (Berlin: Weidmann, 1890). The English translation is taken from L. H. Feldman, *Josephus, Jewish Antiquities*, vol. 8: *Books 18–19*, LCL 433 (Cambridge, Mass.: Harvard University Press, 1965). For a detailed analysis of this passage, see R. Pummer, *The Samaritans in Flavius Josephus*, TSAJ 129 (Tübingen: Mohr Siebeck, 2009), 236–238.

ὄρος αὐτῷ συνελθεῖν, ὃ ἀγνότατον αὐτοῖς ὄρων ὑπείληπται, ἰσχυρίζετό τε παραγενομένοις δείξειν τὰ ἱερὰ σκευὴ τῆδε κατορωρυγμένα Μωυσέως τῆδε αὐτῶν ποιησαμένου κατάθεσιν.

The Samaritan nation too was not exempt from disturbance. For a man who made light of mendacity and in all his designs catered to the mob, rallied them, bidding them go in a body with him to Mount Gerizim, which in their belief is the most sacred of mountains. He assured them that on their arrival he would show them the sacred vessels which were buried there, where Moses had deposited them.

Here, Josephus seems to report a tradition known among the Samaritans in the first century CE, according to which the sacred vessels were buried at Mount Gerizim. This tradition echoes Tebat Marqe, which postdates Josephus by at least three centuries.

The core motif that the sacred vessels were buried in a cave can even be traced back to the middle of the second century BCE. Second Maccabees 2:4–5 reads as follows:

ἦν δὲ ἐν τῇ γραφῇ ὡς τὴν σκηνὴν καὶ τὴν κιβωτὸν ἐκέλευσεν ὁ προφήτης χρηματισμοῦ γενηθέντος αὐτῷ συνακολουθεῖν ὡς δὲ ἐξῆλθεν εἰς τὸ ὄρος οὗ ὁ Μωυσῆς ἀναβὰς ἐθεάσατο τὴν τοῦ θεοῦ κληρονομίαν καὶ ἐλθὼν ὁ Ἰερεμίας εὔρεν οἶκον ἀντρῶδη καὶ τὴν σκηνὴν καὶ τὴν κιβωτὸν καὶ τὸ θυσιαστήριον τοῦ θυμιάματος εἰσήνεγκεν ἐκεῖ καὶ τὴν θύραν ἐνέφραξεν.

In that text it is also (written) that the prophet (Jeremiah) – upon the occurrence of a divine oracle – ordered (some people) to follow him with the Tabernacle and the Ark (of the Covenant), when he went out to the mountain from which Moses, after ascending it, viewed the inheritance of God. And Jeremiah, after going there, found a cave-like house and brought into it the Tabernacle and the ark and the altar of incense, whereupon he blocked the way to the door.<sup>22</sup>

Samaritan tradition adapted this motif to a different historical and geographical setting. In light of Josephus's report quoted above, this reception and adaption must have been accomplished already by the middle of the first century CE.<sup>23</sup>

New in Tebat Marqe, however, compared to the Jewish sources for this motif as well as the Samaritan tradition quoted by Josephus, is the claim that this

<sup>22</sup> English translation according to D. R. Schwartz, *2 Maccabees*, CEJL (Berlin: de Gruyter, 2008). Further parallels to this story within Jewish literature are listed *ibid.*, 160.

<sup>23</sup> The parallelism between the Jewish application of the motif of the hidden sacred in 2 Macc 2 and its Samaritan variant as reported in Josephus's *Antiquitates*, as well as the probable dependency of the Samaritan reception of the motif on its earlier Jewish application, may explain why, according to the *Antiquitates*, it was Moses who had hidden the vessels at Mount Gerizim. The name of Moses perhaps appears in Josephus's report of the Samaritan tradition as a remnant of the older variant of the motif, according to which the vessels were hidden in a cave at Mount Nebo. Collins's suggestion, on the basis of the *Antiquitates*, that there was once a Samaritan tradition claiming that Moses hid the vessels, is unfounded, as demonstrated by Kalimi and Purvis; see M. F. Collins, "The Hidden Vessels in Samaritan Traditions," *JSJ* 3 (1972), 97–116; I. Kalimi and J. D. Purvis, "The Hiding of the Temple Vessels in Jewish and Samaritan Literature," *CBQ* 56 (1994), 679–685. Moreover, as the Pentateuch leaves no doubt that Moses never entered the Land of Israel, it seems highly unlikely that such a tradition ever could have emerged among either Jews or Samaritans.

cave had already been prepared and determined for its ultimate purpose during the creation of the world. Mount Gerizim's role as the central place of the Israelite cult had been predetermined since the beginning.

Most obviously, this Samaritan modification of the motif relies on the concept that Mount Gerizim itself was from the outset the chosen and holy mountain, a view commonly acknowledged in the early Samaritan prayers as well as in Tebat Marqe.

In the continuation of the list of basic principles in Amram Dare's already quoted prayer, Mount Gerizim is designated as (Amram Dare 4:34):

[...] הרגרזים בית אל      [...] Mount Gerizim, the House of God,  
בחורה קדישה דמע דיבשתה      the chosen, the holy, the choicest land.

Like in the Samaritan adaptation of the motif of the vessels hidden at Mount Gerizim, this verse creates a clear connection between Mount Gerizim, the emergence of the "dry land" (יבשתה) during creation, and its being holy (קדיש). Mount Gerizim is the choicest (דמע) elevated land, being chosen (בחור) by God.

The aspect of being chosen and being choicest falls within the Samaritan concept of the "choicest things" (דמעין), as expressed in Tebat Marqe II:45:

שבעה דמעין אנון בעלמה קשטה בחרון ואפרש יתון לאלהותה אורה ושבתה והגרזים ואדם ותרי לוחי  
אבניה ונביה רבה משה וישראל [...] והגרזים דמע מקדש שם יתה משרוי לכבודה

Seven choicest (creations) exist in the world, which the True One chose and set them apart for his divinity: the light, the Sabbath, Mount Gerizim, Adam, the two stone tablets (of the Ten Commandments), the great prophet Moses, and Israel. [...] Mount Gerizim is the choicest sanctuary, which God had chosen as dwelling for his glory.

From the context it is clear that these "choicest things" were appointed already at their very beginning, that is, with the creation. Another passage from Tebat Marqe says explicitly that Mount Gerizim was holy from the outset (Tebat Marqe II:44):

טורה טבת קדש מכל טוריה מן ריש בראשית אתחיל בקדש

The good mountain is the holiest of all mountains, and its holiness began from the beginning of the act of creation.

Therefore, that Mount Gerizim would subsequently become the holy center of Israel was predetermined at the moment of creation.

In this regard, a significant difference emerges compared to the concept of the aboriginal election of Jerusalem found in early Jewish midrashim. When the Samaritan version of the motif refers to the aboriginal election of Mount Gerizim, it refers to a rather spacious natural landmark. The Jewish version of the motif refers to the foundation of the temple, a built structure erected at a specific spot (Gen. Rab. 3:4):<sup>24</sup>

<sup>24</sup> Midrash Bereshit Rabbah is quoted from J. Theodor and C. Albeck, eds., *Bereschit*

ר' ברכיה בשם ר' יצחק ממקום בית המקדש נברא האור הה"ר והנה כבוד אלהי ישראל בא מדרך הקדים וקולו בקול מים רבים והארץ האירה מכבודו אין כבודו אלא בית המקדש היך דאת אמר כסא כבוד מרום מראשון מקום מקדשנו

R. Berekiah said in R. Isaac's name: The light was created from the place of the Temple, as it is said, *And, behold, the glory of the God of Israel came from the east; and His voice was like the sound of many waters; and the earth did shine with His glory* [Ezek 43:2]. Now, "His glory" is nought else but the Temple, as you read, *Thou throne of glory, on high from the beginning, Thou place of our sanctuary* [Jer 17:12].

Accordingly, when light was created the place of the Jewish temple was already determined. It is the sanctuary yet to be built that provides the place its special status, in clear distinction from the Samaritan conception that the place itself is holy.

### 3. Mount Gerizim and the Creation of Adam

The concept that Mount Gerizim was chosen and holy from the very beginning of the world connects closely to another association that contributes to the special rank of Mount Gerizim, namely, the creation of men from dust taken from Gerizim (Tebat Marqe II:44):

אדם דברא יתה אלה מן עפר טורה טבה אדם דמע בריאתה וטורה טבה דמע דיבשתה

Adam, whom God created from the dust of the good mountain, is the choicest creature, and the good mountain is the choicest elevated land.

The motif of Adam created from dust taken from the place of the sanctuary is also found in Jewish midrashim from late antique Palestine, for example, in this passage from Bereshit Rabbah (Gen. Rab. 14:8):

ממקום כפרתו נברא היך מה דאת אמר אמר מזבח אדמה תעשה לי

He [sc. Adam] was created from the place of his atonement, as you read, *An altar of earth thou shalt make unto me* [Exod 20:24].

While the basic claim of the Samaritan text from Tebat Marqe and the Jewish text from Bereshit Rabbah may seem the same, namely, that Adam was created from earth taken from the place of the sanctuary, the underlying exegetical arguments are quite different.

The Jewish variant of the motif rests on the keyword אדמה ("earth"). Thus, Adam was created "of dust from the earth." This is interpreted as a reference to

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*Rabba mit kritischem Apparat und Kommentar, Einleitung und Register*, second printing, with additional corrections by C. Albeck (Jerusalem: Wahrmann, 1965); the English translation is quoted from H. Freedman and M. Simon, *Midrash Rabbah Translated into English with Notes, Glossary and Indices*, 10 vols. (London: Soncino, 1951). For further references, see L. Ginzberg, *The Legends of the Jews*, 6 vols. (Philadelphia: Jewish Publication Society of America, 1909–1938), 5.73 n. 16.

מזבח אדמה (“altar of earth”), which in turn is understood as a reference to the temple in Jerusalem, the future sacrificial cult of which is indicated by מקום כפרתו (“the place of his [sc. Adam’s] atonement”). Adam, therefore, depends on a link to the cultic service in order to endure. Bereshit Rabbah states this explicitly in a contiguous midrashic unit closely related to the first (Gen. Rab. 14:8):

אמר הקב"ה הריני בוראו ממקום כפרתו והלווי יעמוד

The Holy One, blessed be He, said, “Behold, I will create him from the place of his atonement, and may he endure!”

The Palestinian Talmud expresses the same idea, in a somewhat different form (y. Naz. 7:2, 56b):<sup>25</sup>

מלא תרודו אחד נטל הק'ב'ה ממקום המזבח וברא בו אדם הראשון. אמ' הלווי יברא ממקום המזבח ותהא לו עמידה. הדא הוא דכת' וייצר יי' אלהים את האדם עפר מן האדמה. וכת' מזבח אדמה תעשה לי. מה אדמה שנ' להלן מזבח. אף כאן מזבח.

The Holy One, blessed be he, took a spoonful of dirt from the place of the altar, and with it created the first man. He said, “May he be created from the place of the altar and so endure.” And it is written, *An altar of earth you shall make for me* [Exod 20:24]. Just as “earth” stated later on refers to earth of the altar, so earth stated here refers to earth of the altar.

The Jewish adaptation of the motive, therefore, stresses that ever since his creation Adam’s existence depends on the cult. Adam needs the cult (and not only atonement, as the version from Bereshit Rabbah seems to imply) in order to endure.

Samaritan sources from late antiquity also link Adam and the cult, but in a very different way (Marqe 10:69–72):

צעורה מן עפר	Form from dust
וכלה ברי בגללה	everything was created on their behalf,
צריך כל דמן אדם	every descendant of Adam needs
משתעבדין לך	to be subservient to you.

Marqe’s prayer substantiates cultic service with the view that God created the world on men’s behalf,<sup>26</sup> even though the first man was formed from dust himself. Thus, in Marqe’s view, the cultic service depends on the existence of men, and not vice versa. The persistence of men depends on the cult, as implied in the Jewish adaptation of the motif. Accordingly, the biblical text in Gen 2:7,

<sup>25</sup> The original is quoted from the transcription of MS Leiden as printed in P. Schäfer and H.-J. Becker, eds., *Synopse zum Talmud Yerushalmi*, vol. 3: *Ordnung Nashim*, TSAJ 67 (Tübingen: Mohr Siebeck, 1998). The English translation is quoted according to J. Neusner, ed., *The Talmud of the Land of Israel: A Preliminary Translation and Explanation*, vol. 24: *Nazir*, CSHJ (Chicago: University of Chicago, 1985).

<sup>26</sup> This idea appears frequently in the corpus under scrutiny here, that is, the early liturgical texts and Tebat Marqe (e.g., II:1). It is also well known from early Jewish sources, both Hellenistic and rabbinic; see Ginzberg, *Legends of the Jews* (see n. 24), 5.67–68 n. 8.

according to which Adam was formed from dust from the אדמה (“earth”), is not understood as a reference to מזבח אדמה (“earthen altar”) in the Sinaitic altar law.

In the same vein, Adam’s creation from the dust of Mount Gerizim does not express the pre-determination of the cultic service, but rather Adam’s endowment as one of the seven choicest creations (Tebat Marqe II:45; see above). In other words, Adam’s status as one of the choicest creations is expressed in the fact that he was created from dust taken from the choicest part of the earth, that is, Mount Gerizim. Tebat Marqe outlines this in more detail (Tebat Marqe II:44):

ויצר יהוה אלה' את האדם עפר מן האדמה מן עפרה טבה דמן טורה טבה וביתה דאדם מתרבי ביד קשטה דו דמע מכל בוראיה וכל דמע אמסיר לקדשה לית לפגול לגוה נמי כל דמע דידמע באדי אנשים על שמה קדשה מתחיל ומתיקר וכן גויתה דאדם דמע מכל בורא מכן לא אתנסבת אלא מאשר אתקדם טורה טבה דמע מכל טוריה מן ריש בראשית עבדה נצובה

*The LORD God formed man from the dust of the earth* [Gen 2:7], from the good dust of the good mountain. The house of Adam is exalted by the True One, for he is the choicest of all the creatures. And like all the choicest things appointed for the holy, imperfection has no share in it. Every offering that is offered by men for the sake of the holy name is empowered and glorified. Such is the body of Adam, the choicest of all creature(s), since he was only taken from what preceded him: “the good mountain,” the choicest of all the mountains. And like every chosen thing offered to holiness, there is no flaw in it. Every chosen thing offered by men to the holy name becomes exalted and glorified. Similarly, the body of Adam, the choicest of all creature(s), was only taken from what preceded him: the good mountain, the choicest of all the mountains. At the beginning of *IN THE BEGINNING* [i. e., in the seven days of creation] the Creator raised it up.

Thus, according to this passage from Tebat Marqe, just as an offering has to be flawless to be appropriate as a gift for the deity, so also Adam’s body was necessarily flawless to be exalted and glorified by God. This flawlessness was guaranteed, since Adam was formed from dust taken from Mount Gerizim, that is, from the best part of the world.

The closest parallel to this view from Jewish sources seems to be Philo’s interpretation of the creation of Adam’s body (*Opif.* 136–137):<sup>27</sup>

ἐκείνος δ' ὁ πρῶτος ἄνθρωπος ὁ γηγενής, ὁ παντὸς τοῦ γένους ἡμῶν ἀρχηγέτης, ἐκάτερον ἄριστος ψυχὴν τε καὶ σῶμα γεγενῆσθαι μοι δοκεῖ [...] τεκμηριώσατο δ' ἂν τις τὴν μὲν τοῦ σώματος εὐμορφίαν ἐκ τριῶν, ὧν ἐστὶ [...] δεύτερον δέ, οὐκ ἐκ τοῦ τυχόντος μέρους τῆς γῆς ἔοικεν ὁ θεὸς χοῦν λαβὼν τὸν ἀνθρωποειδῆ τοῦτον ἀνδριάντα πλάττειν ἐθελῆσαι μετὰ τῆς ἀνωτάτω σπουδῆς, ἀλλὰ διακρίνας ἐξ ἀπάσης τὸ βέλτιστον, ἐκ καθαρᾶς ὕλης τὸ καθαρώτατον καὶ διηθημένον ἄκρως, ὃ πρὸς τὴν κατασκευὴν μάλιστα ἤρμοσεν· οἶκος γάρ τις ἢ νεὸς ἱερὸς ἐτεκταίνετο ψυχῆς λογικῆς, ἣν ἔμελλεν ἀγαλματοφορήσειν ἀγαλμάτων τὸ θεοειδέστατον.

<sup>27</sup> The Greek text is quoted according to L. Cohn, ed., *Philonis Alexandrini opera quae supersunt*, vol. 1 (Berlin: Reimer, 1896); the English translation is quoted from D.T. Runia, *Philo of Alexandria, On the Creation of the Cosmos according to Moses: Introduction, Translation and Commentary*, PACS 1 (Leiden: Brill, 2001).



That first human being who was born from the earth, the original ancestor of our entire kind, seems to me to have come into existence as most excellent in both body and soul [...]. Evidence for the excellent form of his body can be gained from three considerations, of which [...] the second is, it is not likely that God took clay from any part of the earth which he happened to come across when he wished to mould this statue in the form of a human being with the outmost care, but rather that he separated out the best part from the entire mass, taking from pure matter the purest and utmost refined part which was especially suited for the construction. For it was built as a home or holy temple for the rational soul, which it was to carry around as the most god-like of images.

Thus, as in the Samaritan sources quoted above, God's choice of the best material is the reason for Adam's elevation as opposed to the other living creatures. But while in Philo's case the best material is selected by God from the different parts of the earth, Samaritan sources state that the best material is only to be found at Mount Gerizim, due to its antecedent appointment for the divine.

#### 4. Antediluvian Sacrifices at Mount Gerizim

In connection with the aboriginal election of Mount Gerizim, and as its consequence, the Samaritan tradition postulates that Mount Gerizim was the holy center of worship since the days of Adam (Tebat Marqe II:47):

אדם סגד לידה ואנוש קרא בשם יהוה עליו והנוך חכמה ורחט לידה ונח בנה מדבח וקעם עליו ושבח למרה דעלמה

Adam worshiped towards it [i. e., Mount Gerizim], and Enosh *called the name of the Lord* [Gen 4:26] at it, and Enoch knew it and rushed towards it, and Noah built an altar and stood on it and praised the Lord of the world.

Most prominently, the very first proper sacrifice according to the Torah, namely, the one offered by Abel according to Gen 4, took place at Mount Gerizim (Tebat Marqe II:48):

להאן אנדה אבל מנחתה אלא לאתרה דעליו השכינה

Where did Abel bring his offering, if not at the place where God's presence dwells?

In a similar vein, a roughly contemporary Jewish midrash stresses that Abel offered at the site of the future Jewish temple (Gen. Rab. 22:7):

ויקם קין אל הבל וגו', ר' יהושע דסיכנין בשם ר' לוי שניהן נטלו את הקרקעות ושניהם נטלו המיטלטלין, ועל מה היו אותן הדינים, זה אמר בתחומי בית המקדש ניבנה, וזה אמר בתחומי ויהי בהיותם בשדה, אין שדה אלא בית המקדש, זהו שנאמר ציון שדה תחרש, מתוך כן ויקם קין וגו'

*Cain rose up against his brother Abel* etc. [Gen 4:8]. R. Joshua of Siknin said in R. Levi's name: Both took land and both took movables, but about what did they quarrel? One said, "The Temple must be built in my area," while the other claimed, "It must be built in mine." For thus it is written, *And it came to pass, when they were in the field* [ibid.]: now "field" refers to nought but the Temple, as you read, *Zion* [i. e., the Temple] *shall be plowed as a field* [Mic 3:12].

Both the Samaritan and the Jewish text share the same motif – Abel offers at the place of the sanctuary – but the rationale provided by each for this localization are different. According to the Jewish midrash, the site is expected to house the future temple. In other words, the place is not yet a special cultic site. According to the Samaritan source, on the other hand, God’s Shekinah already dwells at the place.

## 5. Mount Gerizim, the Flood, and Noah’s Altar

Another feature of Mount Gerizim in Samaritan theology is its elevation, understood not just in a symbolic, but in a physical way. Samaritan traditions claim that due to its height, Mount Gerizim was the only mountain not covered by the waters of the flood. It was therefore the only part of the earth that did not become ritually impure after the flood from the dead bodies found in the water (Tebat Marqe III:33):

מי מבולה לא אמטה בה ולא אביד בה נפש למטמהתה

The water of the flood did not reach it, and no men died there and made it impure.

Confirmation of both the specifically Samaritan context of this story and its antiquity comes from a Jewish source, preserved in the midrash Bereshit Rabbah (Gen. Rab. 32:10):

המים גברו וגו' [ויכסו כל ההרים הגבוהים] ר' יונתן סלק למיצלייה לירושלם, עבר בהדן פלאטנוס וחמתייה חד שמריי, אמר ליה להן את אטיל, אמר ליה למיצלייה בירושלם, אמר ליה לא טב לך מצלי בהדן טורא בריכא ולא בייתה קיקלתא, אמר ליה למה הוא בריך, אמר ליה דלא טף במוי דמבולא, נתעלמה הלכה מר' יונתן לשעה, אמר ליה חמריה ר' תרשני ואני משיבו, [אמר ליה הין], אמר ליה אין מטוריא רמאי הוא [...] הא כת' ויכסו כל ההרים הגבוהים, ואין ממכייא הוא לא אשגח ביה קריא

*And the waters prevailed [and all the high mountains were covered, Gen 7:19].* Rabbi Yonatan was going up to pray in Jerusalem, and he passed by the palatinus [i. e., Mount Gerizim]. A Samaritan (שמריי) saw him and said, “Where are you going?” [Rabbi Yonatan] said to him, “To pray in Jerusalem.” [The Samaritan] said, “Is it not preferable for you to pray at this blessed mountain rather than at that dunghill?” [Rabbi Yonatan] said to him, “Why is [Mount Gerizim] blessed?” [The Samaritan] said to him, “Because it was not inundated by the waters of the Flood!” Rabbi Yonatan was momentarily at a loss to reply, so his donkey-driver said, “Rabbi, permit me and I will answer him.” [Rabbi Yonatan] said, “Do so.” [The donkey-driver] said [to the Samaritan], “If [you claim that Mount Gerizim] is one of the high mountains then scripture says, *All the high mountains [...] were covered* [Gen 7:19], but [if you claim that Mount Gerizim] is one of the low ones, then scripture ignored it completely!”<sup>28</sup>

<sup>28</sup> English translation from D.M. Grossberg, “On Plane Trees and the Palatine Hill: Rabbi Yishmael and the Samaritan in *Genesis Rabbah* and the Later Palestinian Rabbinic Tradition,” in *Genesis Rabbah in Text and Context*, ed. S. Kattan Gribetz, D.M. Grossberg, M. Himmelfarb, and P. Schäfer, TSAJ 166 (Tübingen: Mohr Siebeck, 2016), 195–212, here 203.

This passage shows that Jews in late antiquity were not only aware of the motif that the dead bodies in the water of the flood polluted the earth, but also of its Samaritan application as proof for the sanctity and purity of Mount Gerizim. Moreover, the story also seems to imply that the motif was not known to have been applied with regard to Jerusalem, since Bereshit Rabbah presents the motif as distinctively Samaritan.

As a consequence of this tradition, Samaritan sources claim that the altar that Noah built immediately after the flood, according to Gen 8, was found on Mount Gerizim (Tebat Marqe III:34):

ובד הוה דן אתרה מכלל בכל הדה אתא נח ובלש קדושה ועבד עובד בהלה קדיש לית בה מוס ונסב מכל בהמאתה דכיאתה כי לא יכל יעבד דכי באתר טמא דהוא חכס דכל אתריה המלת טמא מן אבדן כל היקום

And since this place was perfect in every respect, Noah came and was seeking his holiness and performed a ritual which was perfectly holy without any blemish. And he took from all the pure animals, and he would not have been able to act in purity in an impure place, since he knew that all places were impure from the death of all living being.

Accordingly, the Samaritan tradition localizes the altar explicitly mentioned in the Torah at Mount Gerizim.

## 6. The Altar(s) of Abraham and Jacob

In light of the extensive tradition described so far treating Mount Gerizim as the holy place since the creation, it will hardly come as a surprise that the Samaritan tradition also locates every legitimate holy place, altar or offering in the account of the pre-Sinaitic period at Mount Gerizim. This is particularly true of places related to Abraham and Jacob.

With respect to Abraham, two biblical traditions have to be mentioned: the altar built at Shechem (Gen 12) and the altar on Mount Moriah built on the occasion of the binding of Isaac (Gen 22). For the former, Tebat Marqe II:44 reads as follows:

מה דאמר מקדם לארשה דיכותה לזרעך אהב ית ארעה דאה ובנה תמן מדבח ולהאן בנה מדבחה אלא לבון בית חיולה

As he did say in the beginning to the first of the righteous: *To your offspring I will give this land, and he built an altar there* [Gen 12:7]. And where did he build the altar, if not towards Mount Gerizim.

Similarly, the altar of Isaac's supposed sacrifice at Mount Moriah is in fact built on Mount Gerizim (Tebat Marqe II:47):

מכן אמיר עליו דמות אברהם ויכן נח מזבח ויבן שם אברהם את המזבח כמה דעבד נח בקשט אברהם כן עבד

Therefore, it is said about Noah just in the same way as about Abraham: *And Noah built an altar* [Gen 8:20] – *And Abraham built there the altar* [Gen 22:9]. As Noah did it in a truthful way, Abraham did it in a truthful way.

Moreover, the place at which Jacob saw a ladder leading towards heaven and set up a pillar, according to Gen 28, is identified with Mount Gerizim. Consequently, several names appearing in this story became designations for Mount Gerizim, especially Bethel, Luz, and “gate of heaven” (שער השמים), for example in Tebat Marqe II:50:

השני בית אל כי האל הגבור והנורא מגן ועזר למי בו יאמנו ושם אתו מקלט הפליטה לכל השהבים אל האלהים יהוה

The second (name of Mount Gerizim) is Bethel, since the mighty and awesome God is a shield and a support for those who trust him. He made it a shelter for refuge for all who return to God, the Lord.

As can be observed in this last case, the identification of a place from the biblical tradition with Mount Gerizim is not unidirectional, but involves a complex intertextual dynamic. On the one hand, the biblical site receives a geographical setting familiar to the reader within the horizons of the sacred geography of the Samaritan community. On the other hand, however, Mount Gerizim is qualified theologically. In this case, the role of Bethel for Jacob within Gen 28 is conferred on Mount Gerizim, which thereby becomes qualified as a place of refuge and divine revelation.

Thus, since Samaritan tradition emphasizes Mount Gerizim as the only holy place of Israel both from a historical as well as from a systematic perspective, it becomes associated with all the attributes found in the biblical stories about holy places, as the following passage articulates (Tebat Marqe II:48):

הוא ביתה דאלהים ומשרוי כבודו לא שכינה אלא עליו הך דאמר לשכיננו תדרשו ולא דבה אלא לכבונה ולא קרבן אלא עליו ולא תרומה אלא לידה ולא נדבה ולא מעשר ולא ראשית ולא פדיון ולא תתקבל ברכה לבר מנה לעלם דהוא אתר שכינה דקשטה ומשרוי כבודה רבה

(Mount Gerizim) is the house of God and the dwelling place for his glory. There is no divine presence but on it, as is said, *Unto his habitation shall you seek* [Deut 12:5], and there is no sacrifice but towards it, and there is no offering but on it, and there is no gift but at it, and there is no willing offering, and no tithe, and no firstfruit, and no ransom. And blessing is never received except from it. Because it is the place of the divine presence of the True One, and the encampment of the great glory.

## 7. The Eschatological Dimension of Mount Gerizim

The Samaritan concept of history discerns three different periods. Mount Gerizim plays a pivotal role in each of them:<sup>29</sup>

<sup>29</sup> A detailed analysis of this tradition is provided in H.G. Kippenberg, *Garizim und Syn-*

(1) The period of divine favor (*ra'uta*) extended from the time of the creation up to the entrance into the promised land. During that period, all Israel had focused on Mount Gerizim, which bestowed blessing and divine favor.

(2) The period of divine disfavor (*fanuta*) began with the split between those Israelites who left Mount Gerizim and, under the leadership of the priest Eli, inaugurated a schismatic cultic site in Shiloh (and later in Jerusalem), and the remainder of the people, who truthfully remained at the true sanctuary under increased pressure.

(3) The period of renewed divine favor (*ra'uta*) inaugurated by the Taheb, a future “prophet like Moses”<sup>30</sup> who will reinaugurate the sacrificial cult on Mount Gerizim and at the same time turn it into the center of political power, as expressed in one of the liturgical poems of Amram Dare (16:33–41):

טובי תהבה	Happy is the Taheb,
וטובי תלמידיה דדמין לה	and happy are his disciples which are like him.
וטובי עלמה כד ייתי	Happy is the world when he comes,
דו נגד עמה שלמה	who brings with him the peace,
וגלי לדחותה ומדכי	and reveals the period of divine favour,
להרגריזים בית אל	and expurgates Mount Gerizim, the House of God,
ותלי רגזה מן ישראל	and removes the wrath from Israel.
ואלה יהב לה נצחון רב	God gives him a great victory,
ומגיח בה לכל עלמה	and fights through him against the whole world.

Thus, the importance of Mount Gerizim as the one and only holy place is not restricted to the past and the present. It also has an imminent future dimension, in terms of eschatology.

## 8. Sacral Geography and Direction of Prayer

Within Samaritan tradition, the centrality of Mount Gerizim has textual and conceptual dimensions. But it is also inscribed into the physical world, determined by sacral categories and conceptualized as a sacral geography. The world as seen by the Samaritan community is centered around Mount Gerizim. This can be observed at numerous excavated Samaritan synagogues from late antiquity, which are generally directed towards Mount Gerizim and demonstrate the direction of prayer.

This situation is also reflected in many Samaritan written sources. In many cases, these are based on midrashic exegesis of specific texts from the Torah, as in the following passage (Tebat Marqe II:46):

*agoge: Traditionsgeschichtliche Untersuchungen zur samaritanischen Religion der aramäischen Periode*, RVV 30 (Berlin: de Gruyter, 1971), 238–254.

<sup>30</sup> A detailed analysis of the Samaritan traditions on the Taheb is provided in F. Dexinger, *Der Taheb: Ein “messianischer” Heilsbringer der Samaritaner*, Kairos. Religionswissenschaftliche Studien 3 (Salzburg: Müller, 1986).

בליש אתרה דבחרה אלה שעתה דחזתה מרחיק אתפנה אליו וצלה וכד חסל מן צלותה תלא עיניה ולא תלא עיניה אלא מן סגוד דהוה זבן צפרה קעום מצלי ולהן הות צלותה אלא לכבון הרגריזים

(Abraham) went for the place which God had chosen, and when he saw it from afar, he turned his face towards it and prayed, and when he finished his prayer, *he lifted up his eyes* [Gen 22:4], and he did not lift up his eyes but from prayer, because it was in the morning, and he was standing and prayed. And to where was the direction of his prayer, if not towards Mount Gerizim?

The direction of prayer towards Mount Gerizim is also present in the liturgy, as in the following prayer composed by the Samaritan poet Marqe (1:1–3):

אדיק עלינן מרן	Look upon us, Lord,
לית לן לאהן ניפך אפינן	We have nothing to turn our face to
אלא לידך דאת רחמן	but to you, the merciful.

Turning the face towards Mount Gerizim is a literary topos in this prayer, aiming at the reciprocity of a face-to-face connection with God. A new stage is reached in the eleventh century, with the introduction of a prayer at the beginning of the liturgy which accompanies the act of turning the face towards Mount Gerizim.<sup>31</sup> As a consequence, a focus on the direction of prayer, which used to be an embedded habit, became an expressive and performative act.

## 9. Mount Gerizim and Samaritan-Jewish Polemics

At least from the Samaritan perspective, Mount Gerizim is the central point of contention between Samaritans and Jews.<sup>32</sup> According to the Samaritans, the Jews left the legitimate holy place for an illegitimate one (Tebat Marqe II:48):

הוא אתר שכינה דקשטה ומשרוי כבודה רבה וילה למחלפי קשטה בשקרה דבחרו לון אתר סגרה לבר מנה

(Mount Gerizim) is the place of the divine presence of the True One, and the encampment of the great glory. Woe to those who exchanged the truth for a lie, when they choose for themselves a different place.

Thus, while Samaritans and Jews share the concept of one holy center, the respective cultural semantics connected to that concept are completely different. This rupture is even intensified by an element inherent to the concept itself. Since a single one holy center is a requirement, there cannot be two. There is

<sup>31</sup> See S. Schorch, “An Unknown and Unique Samaritan Arabic Introductory Prayer by Abū l-Ḥasan al-Šūrī (11th Century),” in *The Samaritans in Historical, Cultural, and Linguistic Perspectives*, ed. J. Dušek, *Studia Samaritana* 11 (Berlin: de Gruyter, 2018), 131–162.

<sup>32</sup> From the perspective of the Jewish tradition, there is at least one further topic of similar pivotal importance, namely, the Kutim problem, that is, whether or not the Samaritans can legitimately be regarded as part of Israel, or whether they should be regarded as foreigners.

no intermediate position. Thus, the shared concept, combined with two mutually exclusive cultural semantics, creates a sharp distinction between the two communities.

## 10. Conclusion

The earliest sources for Samaritan theology appear in the fourth century CE, namely, the first stages of Samaritan liturgical poetry and Samaritan midrash. This does not mean that Samaritan theology originates at that time. Rather, the available evidence indicates that at least the roots of Samaritan theology go back to the joint Israelite culture that predates the break of the late second century BCE. One clear indication of this is the parallel appearance of several of the above described motifs connected to Mount Gerizim in Jewish sources, albeit related to the temple in Jerusalem. Alternative explanations for such shared motifs and concepts, such as that one side adopted them from the other after the break between the two communities, seem much less probable, especially due to considerable divergence in the oral and literal cultures of the two sides indicated by the application of different scripts and oral varieties of Hebrew and Aramaic. It is clear that the veneration of Mount Gerizim has been a fundamental and central tenet of Samaritan theology since its emergence, and is conceptually related to every different aspect of Samaritan identity.

# The Religion of the Elephantine Jews

*Karel van der Toorn*

The discovery of the Elephantine Jews occurred more than hundred years ago. It caused a sensation. The Aramaic papyri and potsherds that came to light during the first decade of the twentieth century documented the existence of a group of Jewish men and women that had lived in the deep south of Egypt all through the fifth century BCE. Never before had scholars come across such early records of Jewish history. Aside from a few Hebrew inscriptions from Jerusalem and other places, there were no written remains from the people of the Bible outside the Hebrew Bible. The Elephantine papyri promised direct and unbiased access to a Jewish community as it had been in real life. Scholars flocked to the new finds. The sheer number of publications on the papyri between 1905 and 1915 conveys a sense of the excitement that characterized the early days of Elephantine studies.<sup>1</sup>

A full century has passed since Eduard Sachau's edition of the Elephantine papyri in 1911.<sup>2</sup> Over the past hundred years, other discoveries have made the headlines. The Dead Sea Scrolls, found in 1947, had the greatest impact. Yet, despite major new finds from the world of the Bible, the interest in Elephantine is still very much alive. For a time it seemed the definitive monograph had been written when Bezalel Porten published his *Archives from Elephantine* (1968). As it turned out, Porten's study was the start of a stream of follow-up publications. Elephantine studies continue to flourish in the twenty-first century. Counting monographs only, the secondary literature is expanding by almost one book a year.<sup>3</sup> An important impetus for the ongoing investigations is the time frame of Elephantine. All the papyri are from the Persian period. That is

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<sup>1</sup> For a selective list of the secondary literature until 1912, see H. Anneler, *Zur Geschichte der Juden von Elephantine* (Bern: Drechsel, 1912), 151–155.

<sup>2</sup> E. Sachau, *Aramäische Papyrus und Ostraka aus einer jüdischen Militär-Kolonie zu Elephantine* (Leipzig: Hinrichs, 1911).

<sup>3</sup> See, e.g., A. Joisten-Pruschke, *Das religiöse Leben der Juden von Elephantine in der Achämenidenzeit* (Wiesbaden: Harrassowitz, 2008); A. F. Botta, *The Aramaic and Egyptian Legal Traditions at Elephantine* (London: T&T Clark, 2009); A. Azzoni, *The Private Lives of Women in Persian Egypt* (Winona Lake, Ind.: Eisenbrauns, 2013); A. Rohrmoser, *Götter, Tempel und Kult der Judäo-Aramäer von Elephantine*, AOAT 396 (Münster: Ugarit-Verlag, 2014); H. Nutkowitz, *Destins de femmes à Éléphantine au Ve siècle avant notre ère* (Paris: L'Harmattan, 2015); G. Granerod, *Dimensions of Yahwism in the Persian Period: Studies in the Religion and Society of the Judean Community at Elephantine*, BZAW 488 (Berlin: de Gruyter, 2016).



precisely the era that biblical scholars have come to regard as crucial in the formation of ancient Judaism. This contribution takes a fresh look at Elephantine, paying special attention to the religious life of the Jewish community.

## 1. A Temple Community

On the east bank of the Nile, right across from Elephantine, lies the city of Aswan, known in antiquity as Syene. This was the place where, throughout the fifth century BCE, two groups of Arameans lived. The one group had its roots in Babylonia, the other in what once had been the kingdom of Hamath in Syria. Just like the Jews, the Arameans served as military men in the pay of the Persians. Each of these groups lived in a separate quarter. These quarters were built around a temple. The temple of Yaho dominated the Jewish neighborhood, whereas the Babylonian Arameans had their houses in proximity to the temples of Nabu and Banit, and the Syrians lived around the temples of Bethel and the Queen of Heaven.<sup>4</sup>

Many if not all of the foreign communities in Persian Egypt had temples for their ancestral gods. Religion was important to them. Military life came with dangers. And living abroad gave new meaning to the gods of the ancestors. The places of worship provided access to the gods and cemented the cohesion of the community. They were an embodiment in timber and stone of their identity as a people in the diaspora. In the eastern Nile delta, the Arab soldiers had a shrine for their goddess Han-Ilāt.<sup>5</sup> In Memphis, the Aramean community from Babylonia had a temple for Nabu. One text speaks about the priests of the temples in the plural implying there were other Aramean temples in Memphis.<sup>6</sup> A funerary stele for a certain Anan, “the priest of Baal,” might be interpreted as evidence for a Baal temple in Memphis.<sup>7</sup> The presence of a temple for Yaho at

<sup>4</sup> For the temple of Yaho, see B. Porten and A. Yardeni, *Textbook of Aramaic Documents from Ancient Egypt*, 4 vols. (Jerusalem: Hebrew University, 1986–1999) [henceforth referred to as *TAD*], A4.7 and A4.8 The references to the Aramean temples are nearly all from the so-called Hermopolis papyri, see *TAD* A2.1:1; A2.2:1, 12; A2.3:1; A2.4:1. Note also the inscription identifying a sarcophagus as belonging to “She’il, the priest of Nabu, who dwells forever (יתב תקמא) in Syene” (*TAD* D18.1).

<sup>5</sup> See I. Rabinowitz, “Aramaic Inscriptions of the Fifth Century B.C.E. from a North-Arab Shrine in Egypt,” *JNES* 15 (1956), 1–9. The texts have been reedited as *TAD* D15.1–4.

<sup>6</sup> *TAD* C3.5:11 has a reference to silver paid by במרן בבתי אלהיא, “priests in the temples of the gods” (Memphis papyrus).

<sup>7</sup> See A. Dupont-Sommer, “Une stèle araméenne d’un prêtre de Ba‘al trouvée en Égypte,” *Syria* 33 (1956), 79–87; see also *TAD* D21.17. Noël Aimé-Giron made a rapid examination of the stele in 1926 at an Egyptian antiquities dealer who said it was found at Saqqara (Memphis), see his *Textes Araméens d’Égypte* (Cairo: Institut Français d’Archéologie Orientale, 1931), 107–108. André Dupont-Sommer bought the stele thirty years later from an antiquities dealer in Paris, “[p]ar un hasard peu ordinaire” (Dupont-Sommer, op. cit., 80).

Elephantine, and of temples for Nabu, Banit, Bethel, and the Queen of Heaven at Syene, then, is part of a pattern.<sup>8</sup>

Since temples for foreign gods were part of a pattern among the various diaspora communities, there is reason to reconsider the traditional bias against the Elephantine Jews. Many authors have implied the Yaho temple at Elephantine was unique to the Jewish community of the island. It was proof of their isolation.<sup>9</sup> But the Elephantine temple was less unusual than commonly granted. About hundred kilometers north of Aswan lies the town of Edfu (טבה, in Aramaic). Like Syene and Elephantine, it was a city with a fortress.<sup>10</sup> From the Persian period onward, there had been a Jewish community living there. Aramaic documents from the third century BCE indicate there were several priests in the community – the term is כהן, as in Elephantine and in the Bible. The most plausible explanation is that the colony at Edfu, like that of Elephantine, had a temple.<sup>11</sup> In the Ptolemaic era, there was another Jewish temple at Leontopolis. Had it been erected as a rival to the Jerusalem temple, as Josephus intimates?<sup>12</sup> Such it must have looked like from the perspective of the normative Judaism of later times. Given the presence of Jewish temples in Elephantine and Edfu, however, the Leontopolis sanctuary may in fact have been just another Jewish temple in Egypt. The presence of a Yaho temple at Elephantine, at any rate, was hardly unique.<sup>13</sup>

Both the Elephantine ostraca and the earliest papyri mention the temple. They refer to it as “the House of Yaho” or simply as “the Temple.”<sup>14</sup> The phrase “House of Yaho” combines the common Semitic word for “habitation” with the name of the deity. It characterizes the temple as the dwelling place of the god

<sup>8</sup> Note also the reference to two “Magians” who acted as witnesses to a house document a Jew wrote for his wife, see *TAD* B 3.5:24. It is not clear whether the term מגשיא serves as a term of ethnicity or as a reference to the priestly class these men belonged to. If the latter is the case, this would be an indication of a Zoroastrian cult among the Iranians of Elephantine Island.

<sup>9</sup> So, famously, Julius Wellhausen, who characterized the Elephantine Jews as a “vestige of Hebraism from before the Torah” (J. Wellhausen, *Israelitische und jüdische Geschichte*, 7th ed. [Berlin: Reimer, 1914; repr., Berlin: de Gruyter, 1958], 176).

<sup>10</sup> See the expression “in Edfu the fortress” (בטבה בירתא) in *TAD* D 1.17:3.

<sup>11</sup> The document mentioning priests is *TAD* C 3.28:85 (“Yohanan the priest”), 113 (“Shelemyah the priest”), 114. For an insightful discussion of the evidence, see S. Honigman, “Jewish Communities in Hellenistic Egypt,” in *Jewish Identities in Antiquity: Studies in Memory of Menahem Stern*, ed. L. I. Levine and D. R. Schwartz, TSAJ 130 (Tübingen: Mohr Siebeck, 2009), 117–135, esp. 121–123.

<sup>12</sup> See Josephus, *B.J.* 7.420; *A.J.* 13.62–73.

<sup>13</sup> See the observations by R. G. Kratz, *Historical and Biblical Israel: The History, Tradition, and Archives of Israel and Judah*, trans. P. M. Kurtz (Oxford: Oxford University Press, 2015), 137–147, esp. 143.

<sup>14</sup> See *TAD* D 7.18:2–3 (בית יהה). For references to the temple in early papyri, see *TAD* A 3.3:1 (Padua letter, second quarter 5th cent. BCE: [ב]ית יהו); D 1.6 frag. B (Padua letter, first half 5th cent. BCE: באגורא); D 4.9:1 (first half 5th cent. BCE: [ב]ית יהו).

of the Jews. The term commonly translated as “temple” has a Babylonian pedigree. The Aramaic word אגורא is an adaptation of the Babylonian term *ekurru*, which is based on Sumerian *ekur*, meaning “mountain house.” It was the name of a famous temple in southern Mesopotamia and conveys the idea that the gods inhabited a place elevated above human dwellings. By the fifth century BCE, the אגורא was mainly the current term for a prestigious religious building.<sup>15</sup> A description from 407 BCE implies that it had been – the temple was in ruins at the time – a monumental building. This was not a roadside chapel but a palace with a courtyard surrounded by a heavy wall.<sup>16</sup>

The temple of Yaho not merely symbolized the god’s presence at Elephantine Island, but served as its material guarantee. This is where Yaho lived. The phrase “Yaho the god who dwells in Elephantine” echoes the biblical phrase “Yahweh of hosts who dwells on Mount Zion.”<sup>17</sup> The Jews of Elephantine practiced a local cult of Yahweh the way worshipers all over the east Mediterranean honored their gods under local forms.<sup>18</sup> At Elephantine, the Jews were not cultivating memories of the temple in Zion, as some have speculated.<sup>19</sup> Nor did they long back for Samaria as the true dwelling place of Yaho. Yaho had a real presence down in Egypt, in his temple on the island. The temple was not a forerunner of the synagogue, a meeting place for religious Jews, but the true abode of the god. If they wanted to meet him, to beseech his favors, or make him a witness to their solemn declarations, this is where they went. Somehow, some way, this is where their god was physically present.

Precisely because the god inhabits the temple, it is first of all a place of worship. The term “worship” should not be confused with spiritual exercises and meditations designed to cultivate feelings of devotion. Worship was not con-

<sup>15</sup> See *DNWSI*, 9, s. v. 'gwr<sub>1</sub>; *CAD E*, 70–72; *AHw*, 196, s. v. *Ekur* and *ekurru*.

<sup>16</sup> See *TAD* A4.7:9–13//A4.8:8–12. For the archaeological remains of the temple, see C. von Pilgrim, “XII. Der Tempel des Jahwe,” *MDAI Kairo* 55 (1999), 142–145.

<sup>17</sup> The Aramaic expression is יהו אלהא שכן יב בירתא (*TAD* B3.12:2), see the variant יהו בירתא אלהא (*TAD* B3.3:2; B3.5:2; B3.10:2; B3.11:2). The expression is reminiscent of the biblical phrase יהוה שכן בציון and its variants (e. g., Isa 8:18; Joel 4:17, 21). Compare also the expression “Nabu residing forever in Syene” (גבו יתב תקמא בסון) (*TAD* D18.1).

<sup>18</sup> See the discussion by P. K. McCarter Jr., “Aspects of the Religion of the Israelite Monarchy: Biblical and Epigraphic Data,” in *Ancient Israelite Religion: Essays in Honor of Frank Moore Cross*, ed. P. D. Miller, P. D. Hanson, and S. D. McBride (Philadelphia: Fortress, 1987), 137–155, esp. 139–143.

<sup>19</sup> So Porten, who argues that the Elephantine temple was orientated toward Jerusalem in token of the abiding loyalty of the community to the sacred center, see B. Porten, “The Structure and Orientation of the Jewish Temple at Elephantine: A Revised Plan of the Jewish District,” *JAOS* 81 (1961), 38–42; so also J. Frey, “Temple and Rival Temple: The Cases of Elephantine, Mt. Gerizim, and Leontopolis,” in *Gemeinde ohne Tempel/Community without Temple: Zur Substituierung und Transformation des Jerusalemer Tempels und seines Kults im Alten Testament, antiken Judentum, und frühen Christentum*, ed. B. Ego, A. Lange, and P. Pilhofer, WUNT 118 (Tübingen: Mohr Siebeck, 1999), 171–203. For a critique, see Granerød, *Dimensions of Yahwism* (see n. 3), 116–124.

cerned with worshipers but with the god. As the divine patron of the community, the deity was entitled to what A. Leo Oppenheim has called “the care and feeding of the gods.”<sup>20</sup> The root metaphor of the temple cult is the ceremonial of the royal court. The temple is god’s palace and the priests are his servants. Priests at Elephantine came from high-ranking families. Temple stewards assisted them, performing most of the daily chores.<sup>21</sup> Through rites of feeding, fumigation, clothing, and obeisance, the temple staff acted out the belief that god dwelled in the sanctuary, leading the life of a sovereign. Most of the daily worship consisted of offerings and sacrifices. In keeping with the prominence of the sacrificial cult, the temple is on occasion referred to as the “altar house.”<sup>22</sup> This is the place where the Jews brought their vegetal offerings, burnt incense and sweet reeds, poured out their libations, and presented the holocaust offerings.<sup>23</sup> On special occasions, the temple hosted a sacrificial banquet for the community. At Elephantine, such a banquet was known as the מרזח. The word was common in Palmyra, occurs two times in the Hebrew Bible, and is found once in the Elephantine ostraca. Participants in the מרזח banquet paid a fee to cover the costs of the festivities. The meal of plenty with a liberal distribution of fermented drink united the worshipers with their god in joint revelry.<sup>24</sup>

<sup>20</sup> See A. L. Oppenheim, *Ancient Mesopotamia: Portrait of a Dead Civilization*, rev. ed. completed by E. Reiner (Chicago: University of Chicago, 1977), 183–198.

<sup>21</sup> For the priests, see, e.g., the references to “Uriyah and the priests of Yaho the God” in *TAD* A4.3:1, 12, and to “Yedanyah and his colleagues the priests” in *TAD* A4.7:1. For the temple steward Ananyah son Azaryah, see *TAD* B3.2 (451 BCE). Ananyah son Azaryah was presumably the brother of Menahem son Azaryah, married to Shelewah (*TAD* A3.7; B2.9:17 [420 BCE]; B3.8:44 [420 BCE]; C3.13:10–19). The word for priest is בֹּהֵן, a specifically Jewish term as opposed to the designation כַּמָּר used for priests of Egyptian or Aramean gods. For the term לֶחָן, see *DNWSI*, 573, s. v. *lhn*<sub>2</sub> (“certain type of temple servant”); *CAD* A/1, 294–296, esp. the discussion on p. 296; S. A. Kaufman, *The Akkadian Influences on Aramaic*, AS 19 (Chicago: University of Chicago Press, 1974), 66 and n. 176. For a seventh-century BCE occurrence of *lhn* in Phoenician, see F. M. Cross, “Inscriptions in Phoenician and Other Scripts,” in *Ashkelon*, vol. 1: *Introduction and Overview (1985–2006)*, ed. L. E. Stager, J. D. Schloen, and D. M. Master (Winona Lake, Ind.: Eisenbrauns, 2008), 333–372, esp. 343–344. It is clear that the word לֶחָן was not distinctly Jewish, witness also the occurrence of the term for an Aramean temple steward (לְשֵׁרָה לְחָנָא, *TAD* D21.2).

<sup>22</sup> *TAD* A4.9:3. בֵּית מִדְּבַחָא.

<sup>23</sup> For references to the offerings in the Jewish temple at Elephantine, see esp. *TAD* A4.7:25–28//A4.8:25–27; A4.9:9–11; A4.10–11; C3.13.

<sup>24</sup> For the מרזח ostracoon, see *TAD* D7.29. For references to the מרזח in Palmyra, see D. R. Hillers and E. Cussini, *Palmyrene Aramaic Texts* (Baltimore, Md.: Johns Hopkins, 1996), 386–387. The Hebrew texts are found at Jer 16:5 and Amos 6:7. For a study of the מרזח institution, see M. S. Smith, *The Ugaritic Baal Cycle*, vol. 1: *Introduction with Text, Translation and Commentary of KTU 1.1–1.2* (Leiden: Brill, 1994), 140–144, with references to further literature. Although the term מרזח does not occur in Papyrus Amherst 63, there are several references to banquets in the temple, see, e.g., cols. xiii 1–10; xv 1–3; xvi 9–12. For an edition of the papyrus, see K. van der Toorn, *Papyrus Amherst 63*, AOAT 448 (Münster: Ugarit-Verlag, 2018).

Although the temple of Yaho was situated at the edge of the Jewish quarter, it had a central place in the life of the community. The Jews were a temple community. The Jew from the Nile Delta who was writing to his son on a mission to Elephantine, sent his greeting “to the temple of Yaho.” In like manner, Arameans in Memphis, writing to their family in Aswan, sent their greetings to the sanctuaries of Nabu and Banit and, in a different letter, to the sanctuaries of Bethel and the Queen of Heaven. In all instances, it is clear the greetings are addressed to the communities that patronized these temples. But it is striking that the greetings are not to “the Jews,” nor to “the Babylonians,” or “the Syrians,” but to the temples of their gods.<sup>25</sup> It suggests that these communities took their identity from their religious orientation. On occasion, the leader of the Jewish community presented himself as a “priest.”<sup>26</sup> The word he used is the Hebrew term כהן rather than the more common noun כומר, employed for the priests of Khnum and the priests of the Babylonian gods in Syene and Memphis.<sup>27</sup> The fact that the political leader was a priest fits with the concept of a temple community. The same pattern prevails in connection with the Egyptians of Elephantine Island. The temple of Khnum was responsible for the collection of the harvest tax to be paid to the Persians. The priests of Khnum were the leaders of the local community.<sup>28</sup>

As several scholars have pointed out, religion today is not exactly the same thing as religion in earlier times; so much so that one could make the argument that religion is a misnomer when it comes to the beliefs and ritual practices of the ancients.<sup>29</sup> Although it will prove to be as good as impossible to eradicate the notion of religion as a conceptual category, it is important to be aware of the fact that religion has not always been something private but used to permeate societies in all their fibers to the degree where no one saw it as a separate

<sup>25</sup> “[Greetings to the] temple of Yaho in Elephantine” (*TAD* A 3.3:1); “Greetings to the temple of Bethel (בית בתאל) and the temple of the Queen of Heaven (ובית מלכת שמיין)” (*TAD* A 2.1:1); “Greetings to the temple of Banit (בית בנת) in Syene” (*TAD* A 2.2:1; 2.4:1); “Greetings to the temple of Nabu (בית נבו)” (*TAD* A 2.3:1). The interpretation of the temple greeting as a periphrastic blessing addressed to the recipient of the letter is unnecessary, contra F.M. Fales, “Aramaic Letters and Neo-Assyrian Letters: Philological and Methodological Notes,” *JAOS* 107 (1987), 451–469, esp. 455–456 (“The well-being of the temple of DN to PN<sub>1</sub> from PN<sub>2</sub>”); Fales’s interpretation has been adopted by D. Schwiderski, *Handbuch des nordwestsemitischen Briefformulars: Ein Beitrag zur Echtheitsfrage der aramäischen Briefe des Esrabuches*, BZAW 295 (Berlin: de Gruyter, 2000), esp. 146–149.

<sup>26</sup> See *TAD* A 4.8:1.

<sup>27</sup> See *TAD* A 4.5:3, 8 (Khnum); A 4.7:5//A 4.8:4 (Khnum); A 5.4:2 (Egyptian priest); B 2.7:15 (Khnum?); C 3.5:11 (“the priests in the temples”); D 5.10:2; D 18.1:1 (Nabu); D 18.2a; D 23.1.1:9.

<sup>28</sup> See C.J. Martin, “The Demotic Texts,” in *The Elephantine Papyri in English*, ed. B. Porten et al. (Atlanta: Society of Biblical Literature, 2011), 276–384, esp. the introduction (pp. 276–287), and texts nos. 1–3.

<sup>29</sup> See B. Nongbri, *Before Religion: A History of a Modern Concept* (New Haven: Yale University Press, 2013).

field of human culture. The phenomenon of temple communities illustrates the pervasive presence of religion. The fact that the leadership of these communities consisted of priests is telling of the porous boundary between the sacred and the secular. In our eyes, the leader of the Jewish community at Elephantine was more an administrator than a priest. In terms of his political role, this is true. But the ties between the leading family in the Elephantine colony and the priests were strong. And when the occasion demanded it, the leader would present himself as a priest.<sup>30</sup> The interpenetration of the sacred and the secular also meant that the temple served a variety of functions, many of which are not, or not exclusively, religious. Aside from being a place of offerings and prayer, the temple also did duty as the public square of the community. It was a meeting place and a kind of town hall. Some scribes may have been working out of the temple.<sup>31</sup> And the temple was the place to go to when litigation led to the imposition of an oath – a common outcome when there was no evidence other than the contradictory statements of the two opponents.

## 2. The Oath at Elephantine

The practice of the judicial oath illustrates the extent to which religion put its stamp on public life at Elephantine – as it did elsewhere in the ancient world. The oath is at home in a time with a strong belief in divine retribution. In cases where the evidence did not allow judges to reach a verdict of guilty or not guilty, the defendant was ordered to swear his innocence “by” or “before” the gods. Perjury would have dire consequences. In order to make the juror realize the seriousness of the situation, the oath ceremony could be followed by an ordeal. The juror would be exposed to a danger he could only survive by the grace of the gods; the consumption of a sacred substance with potentially lethal effects; submersion in the river, stones tied to the feet; or a variety of other tests. In most cases, the risks involved would be enough to put the fear of god into anyone even marginally guilty. They preferred to pay a penalty rather than to risk perjury. At Elephantine, nobody took the oath unless there was a court order. Was this because the oath involved a fee people were reluctant to pay?<sup>32</sup> Or did the oath involve an ordeal of sorts? We don’t know. Fact is that records

<sup>30</sup> See esp. *TAD* A 4.8:1.

<sup>31</sup> See E. Cussini, “Witnesses in Aramaic Legal Documents and Inscriptions,” in *Witnessing in the Ancient Near East: Proceedings of the Round Table Held at the University of Verona*, ed. N. Bellotto and S. Ponchia, *Acta Sileni* 2 (Padua: SARGON Editrice e Libreria, 2010), 191–224; E. Cussini, “The Career of Some Elephantine and Murašû Scribes and Witnesses,” in *In the Shadow of Bezalel: Aramaic, Biblical, and Ancient Near Eastern Studies in Honor of Bezalel Porten*, ed. A. F. Botta, *CHANE* 60 (Leiden: Brill, 2013), 39–52.

<sup>32</sup> An Akkadian wisdom text from Ugarit mentions the fee for the oath: *šukun kaspī ša māmīti itti ilī teleqqe*, “Deposit the money for the oath: you will get it back from the gods” (W.G. Lambert, *Babylonian Wisdom Literature* [Oxford: Clarendon, 1960], 116 [line 1]).

of an oath obligation reckon with the possibility that the defendant might “turn away from” the oath.<sup>33</sup> Refusal to take the oath automatically entailed the obligation to fully indemnify the opponent.

While the judges imposed the “oath of litigation” at their court in Syene, for the oath itself both accuser and accused would go to the temple. The oath was “a declaration by gods” made by the one litigant to the other. The god was not the recipient of the declaration but its witness. The oath was made “by” or “upon” the god, and addressed “to” the accuser.<sup>34</sup> One text refers to the presence of four “attendants.” They were most likely acting as witnesses, each party having the right to bring two witnesses.<sup>35</sup> The defendant would normally swear by his or her own god. For a Jew, that would normally be Yaho “the god in Elephantine the fortress,” or, more simply, “Yaho the god.”<sup>36</sup> Sworn in the temple, in the presence of Yaho, the oath settled the matter. It was now in the hands of a god whose faculties of perception and powers of retribution far exceeded the resources of human justice.

### 3. The Gods of the Elephantine Jews

The Elephantine Jews worshiped Yaho as their ancestral god. Their temple was the “House of Yaho,” they took their oaths by Yaho, and they gave extra force to their assertions with the phrase “by the life of Yaho.”<sup>37</sup> The three Israelite psalms of Papyrus Amherst 63 are addressed to Yaho and echo the religious

<sup>33</sup> The Aramaic expression is *תוב מן*, see *TAD* B7.1:5. Compare the parallel Akkadian expressions *ištu māmīti tāru* and *ašar ilāni tāru*, see *CAD* T, 257–258.

<sup>34</sup> For the “oath of litigation,” *מומא נפרת*, see *TAD* B8.9:5, a papyrus from Memphis. For the oath as “a declaration by gods,” *מקריא על אלהן*, see *TAD* B7.2:6. For gods as witnesses of the oath, see the following expressions: “You swore to me (לִי) by Yaho (ביהו) the god in Elephantine the fortress” (*TAD* B2.2:4); “And an oath to him was imposed upon me, and I swore to him (לה)” (*TAD* B2.3:24); “Then an oath came upon you and you swore to me (לִי) about them (עליהם) by Sati (בסתִי) the goddess” (*TAD* B2.8:4–5); [an oa]th to you (לְךָ) by Yaho (ביהו) the god that [I] did not steal fish [from you]” (*TAD* B7.1:4); “I will declare to you (לְךָ) upon (על) Herem-Bethel the god” (*TAD* B7.2:7–8); “Oath ([מומא]ה) which NN<sub>1</sub> swore to (ל) NN<sub>2</sub> by (ב) He[rem the go]d in the sanctuary and by (ב) Anat-Yaho” (*TAD* B7.3:1–3).

<sup>35</sup> See *TAD* B7.2:8, 10. The earlier translation of the term as “avengers” (so A. Cowley, *Aramaic Papyri of the Fifth Century B. C.* [Oxford: Clarendon, 1923], 21, comments to no. 7, line 8) is based on the reading *נקמיא/נקמן*. The new Porten/Yardeni edition of the text in *TAD* B7.2 has established that the reading must be *מקמן/מקמא*. Derived from verb *קום*, *מקם* refers to someone standing in attendance, in our case attending (and witnessing) the oath ceremony. The fact that the juror (and his opponent) is positioned “between (בין) the four attendants” suggests that each party was entitled to bring two witnesses.

<sup>36</sup> See *TAD* B2.2:4 (464 BCE) and B7.1:4 (413 BCE).

<sup>37</sup> The expression is attested in the Clermont-Ganneau collection, nos. 14, 20, 41, 56, 152 (*TAD* D7.16), 174, 185, and collection X16 and Join 8, see H. Lozachmeur, *La collection Clermont-Ganneau* (Paris: de Boccard, 2006), and esp. the discussion on pp. 528–529.

orientation encountered in the ostraca and the papyri.<sup>38</sup> In the religion of the Elephantine Jews, Yaho had a unique place. But he was not the only god they venerated. A document from 400 BCE shows that the temple at Elephantine accommodated two other gods beside Yaho. This is the list of names of all those who contributed money, each person two shekel, for Yaho the god. According to a summary at the end, the money will go to Yaho, Eshem-Bethel, and Anat-Bethel.<sup>39</sup> The account does not specify the purpose of the money, but the context suggests it served religious ends and that Eshem-Bethel and Anat-Bethel are gods. Papyrus Amherst 63 contains an oracle by, and a song to, Eshem-Bethel. There can be no doubt, then, that it is indeed the name of a god. Anat-Bethel is a goddess. Her name occurs in two Assyrian texts of the seventh century as the consort of the Syrian god Bethel. Eshem-Bethel and Anat-Bethel were apparently *theoi sunnaoi*, “gods in residence,” in the Yaho temple at Elephantine.<sup>40</sup> Other Elephantine papyri mention two other gods, in addition to Yaho, Eshem-Bethel, and Anat-Bethel. The documents in question are oath texts. A papyrus dated in 401 BCE is a promissory note to make a judicial declaration “upon Herem-Bethel the god.”<sup>41</sup> The other text is undated, but on the basis of the script and the people mentioned most likely from the late fifth century too. This time the oath is “by He[rem the go]d in the sanctuary and by Anat-Yaho.”<sup>42</sup> Anat-Yaho looks like a variant of Anat-Bethel and must refer to a goddess. Herem or Herem-Bethel is qualified as “the god” or “the god in the sanctuary.” The occurrence of Herem-Bethel as the lover of Nanay in the Amherst papyrus proves that Herem-Bethel is really the name of a god, and not a reference to “the sacred property” of Bethel.<sup>43</sup>

If the temple at Elephantine resembled the temples elsewhere in the east Mediterranean and west Asian world of the time, the presence of the gods who lived there must have been embodied by symbols. The usual form of such a symbol represents the god in the image of a human being, an animal, or an object. Israelite religion has often been thought of as the exception to this rule. The cult of Yahweh would have been aniconic. This school of thought turns the Israelites into the Protestants of the past. There is room for suspicion, though. It

<sup>38</sup> See Van der Toorn, *Papyrus Amherst 63* (see n. 24), 165–175.

<sup>39</sup> See *TAD* C3.15, esp. lines 1 and 123–128.

<sup>40</sup> For references to Eshem-Bethel in Papyrus Amherst 63, see col. xvi 1, 14, 15. For the Assyrian references to Anat-Bethel, see SAA 2, nos. 5.4.6; 6.467. The term *theoi sunnaoi* is borrowed from M. Weippert, *Historisches Textbuch zum Alten Testament* (Göttingen: Vandenhoeck & Ruprecht, 2010), 477.

<sup>41</sup> See *TAD* B7.2:7–8.

<sup>42</sup> See *TAD* B7.3:3. For Menahem son of Shallum, see *TAD* D3.17:1–2; B2.10:18 (416 BCE); B3.13:13 (402 BCE); B4.6 (400 BCE); C3.13:46–47 (after 411 BCE); D1.13 (late 5th cent.). For Meshullam son of Nathan, see *TAD* D3.17:9.

<sup>43</sup> For the reference to Herem-Bethel in the Amherst papyrus, see col. xvii 14. For the interpretation of Herem as “sacred property,” now to be abandoned, see K. van der Toorn, “Herem-Bethel and Elephantine Oath Procedure,” *ZAW* 98 (1986), 282–285.



is likely the portable shrine known as the ark contained an image that was later substituted by a copy of the Torah.<sup>44</sup> In the religious practice of Samaria (the Northern Kingdom), Yahweh's presence was symbolized by an image of a bull-calf (the "calves" of Bethel and Dan, satirized in the story of the golden calf) or through a bethel.<sup>45</sup> Against this background, the presence of material symbols of the gods in the Elephantine temple is a plausible scenario. In the one description that we have of the temple, in the 407 BCE petition to the Judean governor, there is no reference to divine images, unless they were included in "the furniture and other things that were there" or "the gold and silver basins and other things that were in that temple."<sup>46</sup> Several scholars have argued that the collection account of 400 BCE implies there had been images. They argue that the money divided between Yaho, Eshem-Bethel, and Anat-Bethel was in fact for the production of new images or symbols of these gods. Ernst-Axel Knauf was the first to suggest this; other scholars have followed him.<sup>47</sup> It is, all things considered, a distinct possibility. Without material symbols of the divine presence, a temple cannot function. Jews of Elephantine would normally take the oath by Yaho.<sup>48</sup> The occasional oath by other gods (Herem or Herem-Bethel, Anat-Yaho) is probably related to the circumstance that there was no cult symbol of Yaho available at the time. It is no coincidence that the texts that mention the oath by Yaho are all from before the temple destruction in 410 BCE, whereas the cases of an oath by other gods are from the final decade

<sup>44</sup> See the observations in K. van der Toorn, "The Iconic Book: Analogies between the Babylonian Cult of Images and the Veneration of the Torah," in *The Image and the Book: Iconic Cults, Aniconism, and the Rise of Book Religion in Israel and the Ancient Near East*, ed. K. van der Toorn, CBET 21 (Leuven: Peeters, 1997), 229–248, esp. 241–242. See also the reference to the ark (ארן) of Bethel in Papyrus Amherst 63, col. ix 3, and see the comments in Van der Toorn, *Papyrus Amherst 63* (see n. 24), 135.

<sup>45</sup> See 1 Kgs 12:25–33; Exod 32; and N. Wyatt, "Calf," *DDD*, 180–182. For the bethel, see Gen 28:10–22.

<sup>46</sup> See *TAD* A4.7:9–13//A4.8:8–12. The two quotations translate the Aramaic phrases ומזרקיא זי זהבא וכסף ומנדעמתא זי הוה באגורא זך (A4.7:11–12) and אשרנא ואחרן זי תמה הוה (A4.7:12, cf. A4.8:1). For the meaning of אשרנא, see J. Tavernier, *Iranica in the Achaemenid Period (ca. 550–330 B.C.): Lexicon of Old Iranian Proper Names and Loanwords Attested in Non-Iranian Texts*, OLA 158 (Leuven: Peeters, 2007), 437 (4.4.8.1). See also *TAD* C3.13, a cumulative list of memoranda drawn up by the temple administration not long before the destruction. It lists such implements and materials as bronze and silver cups, sweet-smelling reeds, and costly instruments used for libations.

<sup>47</sup> E. A. Knauf, "Elephantine und das vor-biblische Judentum," in *Religion und Religionskontakte im Zeitalter der Achämeniden*, ed. R. G. Kratz, Veröffentlichungen der Wissenschaftlichen Gesellschaft für Theologie 22 (Gütersloh: Kaiser, 2002), 179–188, esp. 185; Rohrmoser, *Götter, Tempel und Kult* (see n. 3), 197; C. Cornell, "Cult Statuary in the Judean Temple at Yeb," *JSJ* 47 (2016), 1–19, esp. 15. There is no need to assume a one-to-one relation between the money raised for the three deities, and the actual costs involved in the production of these symbols, contra Knauf, op. cit., 185.

<sup>48</sup> See *TAD* B2.2:4 (464 BCE) and B7.1:4 (413 BCE).

of the fifth century. Without the cultic presence of the god, the oath by Yaho would have been a hollow gesture.

#### 4. Conclusion

The Aramaic documents from Elephantine allow us a privileged view of the religious practices of a Jewish community in Persian Egypt. There is no reason to assume that this group was highly exceptional. On the contrary, the response to their letters to the leadership in Jerusalem and Samaria, extant in a memorandum supporting the reconstruction of the Yaho temple on the island (*TAD A4.9*), suggests the diaspora community was seen as mainstream. Its religion might be called an early form of Judaism. However, it does not conform to the image of Judaism as it developed a few centuries later. Apparently, then, some of the defining aspects of Judaism – such as monotheism, aniconism, and Torah veneration – came to full fruition only after the Persian period.



# The Dead Sea Scrolls

## Challenging the Particularist Paradigm<sup>1</sup>

*Charlotte Hempel*

Our vantage point, over seven decades after the initial discoveries at Khirbet Qumran, offers an excellent opportunity to explore the significance of the Dead Sea Scrolls found at that site for our understanding of Judaism in the late Second Temple period. While parts of the corpus have been explored since the 1950s, the entirety of the preserved material became fully accessible only since the close of the twentieth century.<sup>2</sup> Several aspects of the literature and the geographical context where the Scrolls were discovered contributed to an initial view that this was an important but rather idiosyncratic collection of texts that goes back to an ancient Jewish group of people who had turned their backs on the Judaism beyond. Scholars hoped that the diligent study of this material would bring us closer to this group, but ultimately expected it to reveal very little of significance about Judaism beyond Qumran. The latter could almost be imagined as a foil for anything expressed in the Scrolls.<sup>3</sup> Let me refer to two exceptions to this view. In an almost monograph-sized contribution to the proceedings of a Qumran congress in Madrid, Hartmut Stegemann argues that the Qumran movement belonged to what he identified as “the main Jewish union in late Second Temple times.”<sup>4</sup> In addition, in his contribution to a volume that

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<sup>2</sup> See, e. g., D. Stökl Ben Ezra, *Qumran: Die Texte vom Toten Meer und das antike Judentum*, Uni-Taschenbücher 4681 (Tübingen: Mohr Siebeck, 2016).

<sup>3</sup> For recent overviews, see G. J. Brooke and C. Hempel, eds., *The T&T Clark Companion to the Dead Sea Scrolls* (London: Bloomsbury, 2019); J. J. Collins, *Beyond the Qumran Community: The Sectarian Movement of the Dead Sea Scrolls* (Grand Rapids, Mich.: Eerdmans, 2009); Stökl Ben Ezra, *Qumran* (see n. 2); and G. G. Xeravits and P. Porzig, *Einführung in die Qumranliteratur: Die Handschriften vom Toten Meer* (Berlin: de Gruyter, 2015).

<sup>4</sup> H. Stegemann, “The Qumran Essenes: Local Members of the Main Jewish Union in Late Second Temple Times,” in *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid, 18–21 March 1991*, ed. J. C. Treballe Barreira and L. Vegas Montaner, STDJ 11 (Leiden: Brill, 1992), 83–166, esp. 138–166; see also id., *The Library of Qumran: On the Essenes, Qumran, John the Baptist, and Jesus* (Grand Rapids, Mich.: Eerdmans, 1998).

pays tribute and assesses his earlier work, Ed Sanders recently revisited the notion of “common Judaism”<sup>5</sup> and concludes by highlighting practices and commitments shared by ancient Jews such as the worship of the God of Israel, the Hebrew (and Greek) Bible with its account of God’s relationship with his people, the law of Moses, and an identification with Jewish history.<sup>6</sup> Elsewhere Sanders drew attention to commonalities between the movement behind the Scrolls and Palestinian Judaism.<sup>7</sup>

The notion that the Dead Sea Scrolls and the people responsible for them shed light on a very particular community and its secrets continues to grab our imagination. And to a certain extent this is justified. This paper will move beyond this notion and explore a range of areas where the Dead Sea Scrolls, and the movement responsible for curating<sup>8</sup> them, are emerging as less special and different from their ancient Jewish contemporaries. I will argue that a great deal of what was new and particular to us, both modern scholars and readers of the Scrolls, may not have been as unusual for scholars and their followers in antiquity. Such an analysis does not diminish but rather magnify the importance of this material and the wider social, cultural, and historical milieu it illuminates. To fully understand the broader context reflected in the texts and represented by the people behind the Dead Sea Scrolls is to shed light on the seminal period during which the Hebrew Bible/Old Testament took shape and which gave rise to early Christianity and early Judaism.

In order to fill in the gaps relating to the movement behind the Scrolls, scholars would – and still do – turn to accounts in the classical sources that speak of several Jewish sects and identify the Scrolls community with the Essenes. While there are a number of striking correspondences between the evidence of, particularly, Josephus, Philo, and Pliny the Elder and the movement that was associated with the site of Qumran from the early first century BCE, it is also clear that each author had their own *Tendenz* in reporting on the Essenes.<sup>9</sup> In what follows I will, therefore, prioritize the evidence of the Scrolls

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<sup>5</sup> See E.P. Sanders, *Judaism: Practice and Belief, 63 BCE–66 CE*, corr. ed. (London: SCM, 1994).

<sup>6</sup> E.P. Sanders, “Common Judaism Explored,” in *Common Judaism: Explorations in Second-Temple Judaism*, ed. W.O. McCready and A. Reinhartz (Minneapolis: Fortress, 2008), 11–23, esp. 23.

<sup>7</sup> E.P. Sanders, “The Dead Sea Sect and Other Jews,” in *The Dead Sea Scrolls in Their Historical Context*, ed. T.H. Lim et al. (Edinburgh: T & T Clark, 2000), 7–43.

<sup>8</sup> On the idea of curated communities, see C. Hempel, “Curated Communities: Refracted Realities at Qumran and on Social Media,” in *The Dead Sea Scrolls and Ancient Media Culture*, ed. T.B. Williams et al., STDJ (Leiden: Brill, forthcoming).

<sup>9</sup> For a convenient presentation of the major sources, see G. Vermes and M. Goodman, *The Essenes according to the Classical Sources*, Oxford Centre Textbooks 1 (Sheffield: JSOT Press, 1989). For analysis, see T.S. Beall, *Josephus’ Description of the Essenes Illustrated by the Dead Sea Scrolls*, SNTSMS 58 (Cambridge: Cambridge University Press, 1988); R. Bergmeier, *Die Essenerberichte des Flavius Josephus: Quellenstudien zu den Essenerexten-*

themselves. A number of pieces of this body of evidence suggest the Scrolls tell of a bigger story.

## 1. Textual Pluriformity

The discoveries to come out of Qumran include manuscripts of the emerging Hebrew Bible and the movement's rule texts, such as the Community Rule or Serek Hayahad, in substantially different witnesses.<sup>10</sup> This textual pluriformity is, as I have argued elsewhere, shared by fluidity between a range of manuscripts from Qumran, only some of which were to become biblical and helps us appreciate the scribal mind-set of the movement.<sup>11</sup> As has been noted already by, among others, Reinhard Kratz, we come across comparable pluriformity already within the Hebrew Bible itself such as in the law codes of Exodus and Deuteronomy.<sup>12</sup> A consequence of this pluriform textual picture was the recent further elevation of the value of both the Septuagint<sup>13</sup> and the Samaritan Pentateuch<sup>14</sup> as witnesses to the biblical text, including where they diverge from what was to become the Masoretic Text (MT). A prime example regarding the textual value of the Septuagint is the case of the text of Jeremiah with at least one and possibly two manuscripts from Qumran attesting an ancient Hebrew

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*ten im Werk des jüdischen Historiographen* (Kampen: Kok Pharos, 1993); Collins, *Beyond the Qumran Community* (see n. 3), 122–165; S. Mason, “Essenes and Lurking Spartans in Josephus’ *Judean War*: From Story to History,” in *Making History: Josephus and Historical Method*, ed. Z. Rodgers, JSJSup 110 (Leiden: Brill, 2007), 219–261; and J.E. Taylor, *The Essenes, the Scrolls, and the Dead Sea* (Oxford: Oxford University Press, 2012).

<sup>10</sup> For discussion, see E. Ulrich, “The Bible in the Making: The Scriptures Found at Qumran,” in *The Bible at Qumran: Text, Shape, and Interpretation*, ed. P.W. Flint, Studies in the Dead Sea Scrolls and Related Literature (Grand Rapids, Mich.: Eerdmans, 2001), 51–66; C. Hempel, *Qumran Rule Texts in Context: Collected Studies*, TSAJ 154 (Tübingen: Mohr Siebeck, 2013), 271–299; and ead., *The Community Rules from Qumran: A Commentary*, TSAJ 183 (Tübingen: Mohr Siebeck, 2020).

<sup>11</sup> See Hempel, *Qumran Rule Texts* (see n. 10), 271–284; ead., “Reflections on Literacy, Textuality, and Community in the Qumran Dead Sea Scrolls,” in *Is There a Text in This Cave? Studies in the Textuality of the Dead Sea Scrolls in Honour of George J. Brooke*, ed. A. Feldman, M. Cioată, and C. Hempel, STDJ 119 (Leiden: Brill, 2017), 69–82. See also A. Teeter, *Scribal Laws: Exegetical Variation in the Textual Transmission of Biblical Law in the Late Second Temple Period*, FAT 92 (Tübingen: Mohr Siebeck, 2014).

<sup>12</sup> See, e.g., R. G. Kratz, “Biblical Scholarship and Qumran Studies,” in Brooke and Hempel, *Companion to the Dead Sea Scrolls* (see n. 3), 204–215.

<sup>13</sup> Cf. E. Ulrich, *The Dead Sea Scrolls and the Developmental Composition of the Bible*, VTSup 169 (Leiden: Brill, 2015), 229–249, and E. Tov, *The Greek and Hebrew Bible: Collected Essays on the Septuagint*, VTSup 72 (Leiden: Brill, 1999).

<sup>14</sup> See R. T. Anderson and T. Giles, *The Samaritan Pentateuch: An Introduction to Its Origin, History, and Significance for Biblical Studies*, RBS 72 (Atlanta: Society of Biblical Literature, 2012), and Ulrich, *Dead Sea Scrolls* (see n. 13), 215–227.

*Vorlage* of the Septuagint of Jeremiah (4QJer<sup>b, d</sup>). The caves at and near Qumran also preserved four manuscripts which attest a text form of Jeremiah that is closer to a proto-MT (2QJer and 4QJer<sup>a, c</sup>).<sup>15</sup> As far as the Samaritan Pentateuch is concerned, 4QpaleoExod<sup>m</sup> preserves a text of Exodus that resembles a pre-Samaritan text type.<sup>16</sup> Consequently, the evidence of the biblical manuscripts from Qumran represent not only the earliest biblical manuscripts we have, but also text forms that testify to scribal traditions which would later part company.<sup>17</sup> Emanuel Tov adds a further category of biblical manuscripts which he labels “unaligned.”<sup>18</sup> However, the pluriform textual evidence sits uneasily with an aspiration to alignment.<sup>19</sup> An alternative hypothesis is advocated by Eugene Ulrich who operates with a model of variant literary editions of the same book.<sup>20</sup> In light of this broader picture painted by ancient manuscripts of the emerging Bible, there is no reason to believe that the evidence from Qumran was unique in attesting a textual picture that, to our sensibilities, is remarkably pluriform.<sup>21</sup>

<sup>15</sup> Cf. A. Lange, *Handbuch der Textfunde vom Toten Meer*, vol. 1: *Die Handschriften biblischer Bücher von Qumran und den anderen Fundorten* (Tübingen: Mohr Siebeck, 2009), 297–324; id., “7.2.1 Ancient Manuscript Evidence,” in *Textual History of the Bible*, vol. 1B: *Pentateuch, Former and Latter Prophets*, ed. A. Lange and E. Tov (Leiden: Brill, 2017), 514–518; E. Tov, *Textual Criticism of the Hebrew Bible*, 2nd ed. (Minneapolis: Fortress, 2001), 319–327; and id., *Greek and Hebrew Bible* (see n. 13), 363–384. For a recent nuanced analysis of the evidence, see also H.-J. Stipp, “A Semi-empirical Example for the Final Touches to a Biblical Book: The Masoretic *Sondergut* of the Book of Jeremiah,” in *Insights into Editing in the Hebrew Bible and the Ancient Near East: What Does Documented Evidence Tell Us about the Transmission of Authoritative Texts?*, ed. R. Müller and J. Pakkala, CBET 84 (Leuven: Peeters, 2017), 295–318.

<sup>16</sup> Lange, *Handbuch*, vol. 1 (see n. 15), 64–66; id., “2.2.1 Ancient, Late Ancient, and Early Medieval Manuscript Evidence,” in Lange and Tov, *Textual History of the Bible*, vol. 1B (see n. 15), 22–59; and D. Longacre, “A Contextualised Approach to the Hebrew Dead Sea Scrolls Containing Exodus” (PhD diss., University of Birmingham, UK, 2014), 114–119.

<sup>17</sup> For further illustrative examples, see S. W. Crawford, *Scribes and Scrolls at Qumran* (Grand Rapids, Mich.: Eerdmans, 2019), 221–223, as well as J. C. VanderKam, *The Dead Sea Scrolls and the Bible* (Grand Rapids, Mich.: Eerdmans, 2012).

<sup>18</sup> See Tov, *Textual Criticism* (see n. 15), 116–117, and Lange, *Handbuch*, vol. 1 (see n. 15), 1–32.

<sup>19</sup> Cf. Ulrich, *Dead Sea Scrolls* (see n. 13), 25–27.

<sup>20</sup> Ulrich, *Dead Sea Scrolls* (see n. 13), 8–9, and id., “Variant Editions of Biblical Books Revealed by the Qumran Scrolls,” in *Reading the Bible in Ancient Traditions and Modern Editions: Studies in Memory of Peter W. Flint*, ed. A. B. Perrin, K. S. Baek, and D. K. Falk, EJL 47 (Atlanta: Society of Biblical Literature, 2017), 13–33.

<sup>21</sup> See further Hempel, “Reflections on Literacy” (see n. 11).

## 2. Location – Location – Location

Our concept of Qumran has for a long time had a narrow geographical focus – almost an archetypal remote place. Such a perception is already espoused in Pliny’s account of a withdrawn and unique people (*gens sola*).<sup>22</sup> Recent research paints much wider vistas and suggests we need to allow for a more widespread network of localized manifestations of the movement. This trend is captured well in the title of John Collins’s recent monograph, *Beyond the Qumran Community*.<sup>23</sup> Thus, the literary riches and the movement associated with them are today recognized as having originated at a geographical site, or more likely sites, other than Qumran before some of them arrived at Qumran. The particularity of the site has been challenged from three directions.

First, some distinctive archaeological features have now been discovered elsewhere. As is well known, over one thousand individual dining dishes were recovered from a room at the site of Qumran known as the Pantry (Locus 89).<sup>24</sup> For a long time, this evidence for individual dining dishes was considered distinctive at a time when food was commonly served from larger bowls which were shared.<sup>25</sup> However, the distinctiveness was diminished partially when around 3,000 individual bowls were discovered in water installations in Hasmonean Jericho.<sup>26</sup> Recently, Yonatan Adler argued that the ritual immersion pools which began to emerge in the first half of the first century BCE in both Judea and Galilee are Jewish responses to the Hellenistic hip bath.<sup>27</sup> Rather than supporting a personal hygiene regime, Jewish ritual immersion pools (*miqva’ot*) were used for full body immersion in order to achieve ritual purification. Between eight and ten *miqva’ot* have been identified at the relatively small site of Khirbet Qumran – a remarkably large number in such a confined

<sup>22</sup> Pliny the Elder, *Nat.* 5.73, and see R. A. Kraft, “Pliny on Essenes, Pliny on Jews,” *DSD* 8 (2001), 255–261, and Taylor, *Essenes* (see n. 9), 131–140.

<sup>23</sup> For details, see n. 3 above.

<sup>24</sup> See J. Magness, *Debating Qumran: Collected Essays on Its Archaeology*, *Interdisciplinary Studies in Ancient Culture and Religion* 4 (Leuven: Peeters, 2004), 99.

<sup>25</sup> Cf. J. Magness, *The Archaeology of Qumran and the Dead Sea Scrolls* (Grand Rapids, Mich.: Eerdmans, 2002), 116–126.

<sup>26</sup> See R. Bar-Nathan, “Qumran and the Hasmonean and Herodian Winter Palaces of Jericho: The Implication of the Pottery Finds for the Interpretation of the Settlement at Qumran,” in *The Site of the Dead Sea Scrolls: Archaeological Interpretations and Debates*, ed. K. Galor, J.-B. Humbert, and J. Zangenberg, *STDJ* 57 (Leiden: Brill, 2006), 263–277; ead., *Hasmonean and Herodian Palaces at Jericho: Final Reports of the 1973–1987 Excavations*, vol. 3: *The Pottery* (Jerusalem: IAA, Institute of Archaeology, The Hebrew University of Jerusalem, 2002), 198. See R. Hachlili, “Communal Meals at Qumran Revisited,” *RevQ* 28 (2016), 215–256, who has noted a relationship in the chemical composition of the clay from which the pottery was produced on both sites.

<sup>27</sup> Y. Adler, “The Hellenistic Origins of Jewish Ritual Immersion,” *JJS* 69 (2018), 1–21. See also D. S. Fatkin, “Invention of a Bathing Tradition in Hasmonean Palestine,” *JSJ* 50 (2019), 155–177, here 174.



context.<sup>28</sup> Recent years have also revealed remains of – on Adler’s reckoning – around 850 stepped pools in Judea as well as in Galilee, mostly from the first century BCE until 135 CE.<sup>29</sup> The great majority of these pools have been found in Judea with a particular concentration in Jerusalem. While precise figures are debated, the overall trend of a mushrooming of such installations almost contemporaneously with the early communal occupation at Qumran seems uncontested.<sup>30</sup> The evidence highlights the need to integrate the evidence from Qumran into contemporary trends regarding the construction of ritual immersion pools in late Second Temple Judea.

Qumran revealed a sizeable cemetery with around 1,200 individual graves, oriented with the head in the south.<sup>31</sup> For some time, this burial practice in individual rather than family graves and the lack of grave goods was considered a peculiar feature of the Qumran site and the people who were associated with it. However, similar burial practices have now been uncovered at a number of sites including at Khirbet Qazone, Ein el-Ghuweir and Bet Zafafa in Jerusalem. The cemetery at Ein el-Ghuweir, a site discovered when the highway running along the western shore of the Dead Sea was built in the 1960s<sup>32</sup> and located nine miles to the south of Qumran, is small.<sup>33</sup> The most striking discovery comes from Khirbet Qazone in southern Transjordan, modern Jordan, where around 3,500 graves dating between the first and third centuries CE were excavated as part of a Nabatean cemetery.<sup>34</sup>

<sup>28</sup> See D. Mizzi, “Archaeology of Qumran,” in Brooke and Hempel, *Companion to the Dead Sea Scrolls* (see n. 3), 17–36, here 27.

<sup>29</sup> Cf. Y. Adler, “The Myth of the ‘ōṣār in Second Temple-Period Ritual Baths: An Anachronistic Interpretation of a Modern-Era Innovation,” *JJS* 65 (2014), 263–283.

<sup>30</sup> For a study problematizing the scholarly evaluation of stepped pools with a particular focus on Galilee, see R. G. L. M. Bonnie, “Studying Stepped Pools and Jewish Water Rituals in Galilee, Northern Israel,” *Fossa* 51 (2016), 17–25.

<sup>31</sup> Magness, *Archaeology of Qumran* (see n. 25), 163–187, and Mizzi, “Archaeology of Qumran” (see n. 28), 20, 26.

<sup>32</sup> Cf. R. Hachlili, *Jewish Funerary Customs, Practices and Rites in the Second Temple Period*, JSJSup 94 (Leiden: Brill, 2005), and Magness, *Archaeology of Qumran* (see n. 25), 216–217, 29–30.

<sup>33</sup> For discussion and further literature, see J. Taylor, “The Regional Context of the Dead Sea Scrolls,” in Brooke and Hempel, *Companion to the Dead Sea Scrolls* (see n. 3), 97–108, esp. 102–103; P. Bar-Adon, “Another Settlement of the Judean Desert Sect at ‘Ain el-Guweir on the Dead Sea,” *BASOR* 225 (1977), 2–25; Magness, *Archaeology of Qumran* (see n. 25), 210–225; R. Hachlili, “The Qumran Cemetery: A Reconsideration,” in *The Dead Sea Scrolls Fifty Years after Their Discovery, 1947–1997*, ed. L. H. Schiffman, E. Tov, and J. C. VanderKam (Jerusalem: IES, Shrine of the Book, Israel Museum, 2000), 661–672; and B. Zissu, “Odd Tomb Out: Has Jerusalem’s Essene Cemetery Been Found?,” *BAR* 25 (1999), 50–55, 62.

<sup>34</sup> See K. D. Politis, “The Discovery and Excavation of the Khirbet Qazone Cemetery and Its Significance Relative to Qumran,” in Galor, Humbert, and Zangenberg, *The Site of the Dead Sea Scrolls* (see n. 26), 213–219.

Moreover, we note the significance of the discovery outside of the Scrolls of an inscription in the Cryptic A script which was first identified in texts found at Qumran. Thus, the word אֲדוֹנִי (“lord”) and the first letter of the following word (“I have returned”) are written in Cryptic A script on a lime stone cup that was discovered in a fill above a *miqveh* outside the Zion Gate in Jerusalem.<sup>35</sup>

Alongside evaluating the discovery of archaeological and scribal features outside of Qumran that were once considered distinctive, it is worth remembering that the texts have always suggested a geographical spread. This is most clearly attested in the well-known accounts of camps in the Damascus Document (CD 12:22–14:18).<sup>36</sup> In addition, the Community Rule and the Damascus Document include references to smaller scattered gatherings.<sup>37</sup> Both documents include brief notices on small groups which under certain conditions require the presence of a priest.<sup>38</sup> The key passages read as follows:<sup>39</sup>

IQS 6:1–7: (1) With these (rules) (2) they shall conduct themselves in all their dwelling places everyone who is found (there) each with their fellow. Those of inferior rank shall obey (their) superiors in matters of work and money. And together they shall eat, (3) and together they shall pray and together they shall exchange counsel. And in every place where there are found ten people for the communal exchange of counsel a priest must be (4) found. They

<sup>35</sup> S. Pfann, “The Mount Zion Inscribed Cup: Preliminary Observations,” in *New Studies in the Archaeology of Jerusalem and Its Region: Collected Papers*, ed. D. Amit, O. Peleg-Barkat, and G. D. Stiebel (Jerusalem: IAA, The Hebrew University of Jerusalem, Institute of Archaeology, 2010), \*44–\*53.

<sup>36</sup> For references to parallels in copies of the same document from Qumran Cave 4 (4Q266, 4Q267, and 4Q268), see C. Hempel, *The Laws of the Damascus Document: Sources, Traditions and Redaction*, STDJ 29 (Leiden: Brill, 1998; repr., Atlanta: Society of Biblical Literature, 2006), 105–140. For overviews, see L. Goldman, “Damascus Document (D),” in Brooke and Hempel, *Companion to the Dead Sea Scrolls* (see n. 3), 306–309, and C. Hempel, “Damascus Document,” in *The Eerdmans Dictionary of Early Judaism*, ed. J. J. Collins and D. C. Harlow (Grand Rapids, Mich.: Eerdmans, 2010), 510–512.

<sup>37</sup> See the chapter on “Rewritten Rule Texts” in Hempel, *Qumran Rule Texts* (see n. 10), 136–150.

<sup>38</sup> For discussion, see J. J. Collins, “The Yahad and ‘The Qumran Community,’” in *Biblical Traditions in Transmission: Essays in Honour of Michael A. Knibb*, ed. C. Hempel and J. Lieu, JSJSup 111 (Leiden: Brill, 2006), 81–96; Collins, *Beyond the Qumran Community* (see n. 3); C. Hempel, “Interpretative Authority in the Community Rule Tradition,” *DSD* 10 (2003), 59–80; S. Metso, “Whom Does the Term Yahad Identify?,” in Hempel and Lieu, *Biblical Traditions in Transmission*, 213–235; and A. Schofield, *From Qumran to the Yahad: A New Paradigm of Textual Development for the Community Rule*, STDJ 77 (Leiden: Brill, 2009).

<sup>39</sup> English translations are my own. This material has parallels in a number of Cave 4 manuscripts. The small number of distinctive readings do not impact on the argument here. The Cave 4 evidence can be accessed with textual notes in P. S. Alexander and G. Vermes, *Qumran Cave 4*, vol. 19: *Serekh Ha-Yahad and Two Related Texts*, DJD 26 (Oxford: Clarendon, 1998), and Hempel, *Community Rules from Qumran* (see n. 10). See also S. Metso, *The Community Rule with Translation*, EJM 51 (Atlanta: Society of Biblical Literature, 2019), and Schofield, *From Qumran to the Yahad* (see n. 38).

shall sit before him each according to his rank and thus they shall be asked for their counsel regarding any matter. And when they prepare the table to eat or the new wine (5) to drink, the priest shall stretch out his hand first to bless the first fruits of the bread and the new wine. (6) And in every place where there are ten there shall be present a person who studies the law continually day and (7) night one replacing the other.

CD 13:2–3: And in a place of ten there shall not be lacking a priest who is knowledgeable in the book of *hagu*. All of them shall obey him.

A comparable statement is found at the end of one of the two annexes to the Community Rule, the Rule of the Congregation (1QSa), which refers to sharing new wine and bread as well as to gatherings of up to ten people referred to in similar terms as in 1QS 6.<sup>40</sup> It is difficult to imagine that this cross-compositional thematic correspondence is entirely fortuitous. I have suggested elsewhere that these small-scale gatherings, described in almost identical terms both in the Damascus Document and the Community Rule, are remnants of an embryonic stage of social interaction.<sup>41</sup> A gradual development on the basis of fellowship groups with shared interests is likely to have preceded many of the much more complex community structures attested elsewhere in our texts.<sup>42</sup> In other words, the small-scale gatherings refer to places where torah was studied, prayers were shared, and the scriptures<sup>43</sup> were debated. Such a shared purpose was not peculiar to the movement associated with the Community Rule but is reflected already in the latter strands of the Hebrew Bible as well as ancient synagogues as indicated by the Theodotus inscription.<sup>44</sup>

In addition to explicit references to some kind of geographical spread in the description of the movement, including in the Community Rule, another fundamental consideration is the revised chronology of the communal occupation of the site of Qumran. Whereas the original excavator of the site, Roland de Vaux, had dated the beginning of a communal occupation of the site to around 150 BCE,<sup>45</sup> such a dating is not – on closer inspection – supported by the archaeological remains. Particularly the coins, as well as analyses of the pottery, suggest that this date should be pushed forward from 150 BCE to

<sup>40</sup> It is noteworthy, however, that the pertinent verb to refer to meeting (77) in 1QSa 2:22 never occurs in 1QS.

<sup>41</sup> Hempel, *Qumran Rule Texts* (see n. 10), 79–105.

<sup>42</sup> Cf., e.g., the material on communal meetings including the admission of new members and the Penal Code in 1QS 6:8–7:25 and parallels.

<sup>43</sup> On the complexity of the emerging scriptures the section 1 above.

<sup>44</sup> See esp. Ps 1:2; Josh 1:8, and Hempel, *Qumran Rule Texts* (see n. 10), 285–299. Further, J. S. Kloppenborg Verbin, “Dating Theodotos (CIJ II 1404),” *JJS* 51(2000), 243–280, and M. Popović, “Reading, Writing, and Memorizing Together: Reading Culture in Ancient Judaism and the Dead Sea Scrolls in a Mediterranean Context,” *DSD* 24 (2017), 447–470.

<sup>45</sup> R. de Vaux, *Archaeology and the Dead Sea Scrolls: The Schweich Lectures 1959* (Oxford: Oxford University Press, 1973).

90–70 BCE.<sup>46</sup> Since a highly developed manuscript of the Community Rule dates from around 100–75 BCE, this later date challenges our reading of the text as reflecting a group exclusively associated with the site of Qumran. Moreover, the Community Rule includes the penalty of expelling a member who has been in the council of the community for a full ten years before betraying the community.<sup>47</sup> This suggests that the picture painted in this manuscript, copied at around the point of the (re-)settlement at Qumran, does not mirror a fledgling community. In short, wherever the fledgling phase of the movement occurred, it was not at Qumran.

### 3. Temple

Another widely held axiom that has recently been challenged is the view that the movement, some members of which moved to Qumran, had turned its back on the Temple. While acknowledging passages in the Scrolls that are critical of the Temple, Martin Goodman stresses the prevalence, beginning already with the biblical prophets, of inner-Jewish debates on the need to balance the role of the cult with other expectations.<sup>48</sup> Moreover, Daniel Falk has demonstrated that references to offerings of the lips likely developed as part of a Temple liturgy rather than representing a “replacement” of it.<sup>49</sup>

Moreover, Jerusalem and the Temple remain ubiquitous points of reference over and above other places in the literary texts from Qumran. This has been

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<sup>46</sup> See Magness, *Archaeology of Qumran* (see n. 25), 47–72; B. Callegher, “The Coins of Khirbet Qumran from the Digs of Roland de Vaux: Returning to Henri Seyrig and Augustus Spijkermann,” in *The Caves of Qumran: Proceedings of the International Conference, Lugano 2014*, ed. M. Fidanzio, STDJ 118 (Leiden: Brill, 2017), 221–235; and D. Mizzi, “Qumran Period I Reconsidered: An Evaluation of Several Competing Theories,” *DSD* 22 (2015), 1–42.

<sup>47</sup> See Collins, *Beyond the Qumran Community* (see n. 3), 166–208; T. Elgvin, “The Yahad is More Than Qumran,” in *Enoch and Qumran Origins: New Light on a Forgotten Connection*, ed. G. Boccaccini (Grand Rapids, Mich.: Eerdmans, 2005), 273–279; and J. Nati, “The Community Rule or Rules for the Community: Contextualising the Qumran *Serakhim*,” in *Sibyls, Scriptures, and Scrolls: John Collins at Seventy*, ed. J. Baden, H. Najman, and E. Tigchelaar, JSJSup 175 (Leiden: Brill, 2017), 916–939.

<sup>48</sup> M. Goodman, “The Qumran Sectarials and the Temple in Jerusalem,” in *The Dead Sea Scrolls: Texts and Context*, ed. C. Hempel, STDJ 90 (Leiden: Brill, 2010), 277–287. See also W. Horbury, “The Aaronic Priesthood in the Epistle to the Hebrews,” in *Messianism among Jews and Christians: Biblical and Historical Studies* (London: Bloomsbury T&T Clark, 2016), 260–288, here 265.

<sup>49</sup> D. K. Falk, *Daily, Sabbath, and Festival Prayers in the Dead Sea Scrolls*, STDJ 27 (Leiden: Brill, 1998), 218. For the earlier view, see, e.g., G. Klinzing, *Die Umdeutung des Kultus in der Qumrangemeinde und im Neuen Testament*, SUNT 7 (Göttingen: Vandenhoeck & Ruprecht, 1971).

demonstrated, for instance, by George Brooke in a spatial reading of the biblical commentaries known as the pesharim.<sup>50</sup>

#### 4. Judaism at Qumran

A key objective I am hoping to deliver with my observations is to gauge the extent to which elements of a broader Jewish culture, discourse, and thinking are present at Qumran – not an easy task given we know very little about what Judaism more broadly conceived looked like.<sup>51</sup> However, given the substantial amount of ancient Jewish primary texts to have emerged from Qumran, I am certain that this cache is as good a source as any – and better than most – for digging and sifting for late Second Temple Judaism. A number of scholars have attempted something along these lines with respect to legal issues. Yaakov Sussman, for instance, offered an assessment of 4QMMT’s legal debate as predating the partisan positions of Sadducees and Pharisees recorded in the Mishnah.<sup>52</sup> Sussman’s intervention offered a more chastened approach than bolder hypotheses such as the suggestion put forward by Lawrence Schiffman that the authors of 4QMMT and the movement behind the Scrolls should be identified as Sadducean.<sup>53</sup> Beyond such a moderating effect of Sussman’s argument, it is exciting to reflect further on literary connections between the legal positions in 4QMMT and later rabbinic literature and consider how and where these commonalities may have materialized. I have suggested elsewhere that what we have in 4QMMT is couched in a framework of formal legal debate that precedes later Tannaitic attributions to particular rabbinic authorities. I argue that before the custom of attributing positions to particular rabbis had become established, groups of Jews are likely to have debated contested or noteworthy halakic topics and the scriptures.<sup>54</sup>

<sup>50</sup> G.J. Brooke, “Room for Interpretation: An Analysis of Spatial Imagery in the Qumran Pesharim,” in Hempel, *Dead Sea Scrolls* (see n. 48), 309–324.

<sup>51</sup> In addition to the contributions by Stegemann and Sanders discussed and cited in nn. 4–7 above, see also G. Stemmerger, “Was There a ‘Mainstream Judasim’ in the Late Second Temple Period?,” *Review of Rabbinic Judaism* 4 (2001), 189–208.

<sup>52</sup> Y. Sussman, “Appendix I: The History of the Halakha and the Dead Sea Scrolls,” in *Qumran Cave 4*, vol. 5: *Miqsat Ma’aseh ha-Torah*, by E. Qimron and J. Strugnell, DJD 10 (Oxford: Clarendon, 1994), 179–206. For the characterization of the halakic position behind 4QMMT as non-Pharisaic, see M. Kister, “Studies in 4QMiqsat Ma’aseh ha-Torah and Related Texts: Law, Theology, Language, and Calendar” [in Hebrew], *Tarbiz* 68 (1999), 317–371.

<sup>53</sup> L.H. Schiffman, “The Place of 4QMMT in the Corpus of Qumran Manuscripts,” in *Reading 4QMMT: New Perspectives on Qumran Law and History*, ed. J. Kampen and M. Bernstein, SBL Symposium Series 2 (Atlanta: Scholars Press, 1996), 81–98, and id., *The Courtyards of the House of the Lord: Studies on the Temple Scroll*, ed. F. García Martínez, STDJ 75 (Leiden: Brill, 2008), 123–147, 299, 425–439.

<sup>54</sup> See C. Hempel, “4QMMT and Comfortable Theories,” in Hempel, *Dead Sea Scrolls*

## 5. Human Pegs

Much ancient literature, including the Hebrew Bible and the Scrolls, has a strong tendency to elevate individuals to heroic accomplishments and promote a founder narrative.<sup>55</sup> As far as the Scrolls are concerned the heroic human peg to whom most major achievements – both literary and communal – used to be credited is “the” or “a” Teacher of Righteousness. In fact, this figure occurs only rarely in the manuscripts. The Teacher is found in the opening and closing lines of the Admonition of the Damascus Document (CD 1:1 and 20:32), where he is promoted as the leading voice in the early history of the movement behind the Damascus Document and in the pesharim. Even where we come across the designation it is allusive, scripturally based (Joel 2:23) and, at times, apparently synonymous with the cipher “Interpreter of the Law” (CD 6) – a phrase that occurs much more frequently than “Teacher of Righteousness.”<sup>56</sup> Close analysis of the evidence has led to something of a backlash against attributing such a dominant role to the Teacher of Righteousness in recent research.<sup>57</sup> Moreover,

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(see n. 48), 275–292; ead., “4QMMT in the Context of the Dead Sea Scrolls and Beyond,” in *Interpreting and Living God’s Law at Qumran: Miqṣat Ma’āse Ha-Torah, Some of the Works of the Torah (4QMMT)*, ed. R. G. Kratz, *Scripta antiquitatis posterioris ad ethicam religionemque pertinentia* 37 (Tübingen: Mohr Siebeck, 2020), 117–136; and V. Noam, “From 4QMMT to Rabbinic Halakhah,” *ibid.*, 139–161.

<sup>55</sup> See H. Najman, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism*, JSJSup 77 (Leiden: Brill, 2003), and ead., “Configuring the Text in Biblical Studies,” in *A Teacher for All Generations: Essays in Honor of James C. VanderKam*, ed. E. F. Mason et al., JSJSup 153 (Leiden: Brill, 2012), 3–22.

<sup>56</sup> See M. A. Knibb, “Interpreter of the Law,” in *Encyclopedia of the Dead Sea Scrolls*, ed. L. H. Schiffman and J. C. VanderKam (New York: Oxford University Press, 2000), 383–384. On the past and eschatological contexts of these titles in the Dead Sea Scrolls, compare J. J. Collins, *The Scepter and the Star: The Messiahs of the Dead Sea Scrolls and Other Ancient Literature* (New York: Doubleday, 1995), 112.

<sup>57</sup> Cf. F. García Martínez, “Beyond the Sectarian Divide: The ‘Voice of the Teacher’ as an Authority-Conferring Strategy in Some Qumran Texts,” in *The Dead Sea Scrolls: Transmission of Traditions and Production of Texts*, ed. S. Metso, H. Najman, and E. Schuller, STDJ 92 (Leiden: Brill, 2010), 227–244; M. Grossman, “Roland Barthes and the Teacher of Righteousness: The Death of the Author of the Dead Sea Scrolls,” in *The Oxford Handbook of the Dead Sea Scrolls*, ed. T. H. Lim and J. J. Collins (Oxford: Oxford University Press, 2010), 709–722; A. K. Harkins, “Who Is the Teacher of the Teacher Hymns? Re-examining the Teacher Hymns Hypothesis Fifty Years Later,” in Mason et al., *A Teacher for All Generations* (see n. 55), 449–467; J. Jokiranta, “Qumran – The Prototypical Teacher in the Qumran Pesharim: A Social-Identity Approach,” in *Ancient Israel: The Old Testament in Its Social Context*, ed. P. F. Esler (Minneapolis: Fortress, 2006), 254–263; and L. T. Stuckenbruck, “The Teacher of Righteousness Remembered: From Fragmentary Sources to Collective Memory in the Dead Sea Scrolls,” in *Memory in the Bible and Antiquity: The Fifth Durham-Tübingen Research Symposium (Durham, September 2004)*, ed. S. Barton, L. T. Stuckenbruck, and B. Wold, WUNT 212 (Tübingen: Mohr Siebeck, 2007), 75–94.

most of the heavy lifting in the movement in leading the movement is ascribed to priests, with and without genealogical labels, the מִשְׁבִּיל, and the מְבַקֵּר.<sup>58</sup>

## 6. Conclusion

In sum, the literary quality of our sources, the much wider geographical spread of the movement, the diverse and rich place of Jerusalem and the Temple in the texts, the taking down a peg of human pegs like the teacher cumulatively suggest that the contents of the Qumran Caves document an extensive and diverse social and literary phenomenon. This larger framework invites us to think of places, people, and ideas that reflect a much richer intellectual, social, and cultural life than traditionally associated with a dissident group that had parted from that life. We could add the publication of technical astronomical and calendric lore,<sup>59</sup> liturgy,<sup>60</sup> and apotropaic<sup>61</sup> texts that enrich our sense of a broader Judaism underpinning the more limited tip of a sectarian iceberg.

Some of the most attention-grabbing hypotheses in Qumran studies are based on a smoking gun approach. A parade example is the so-called separation passage in 4QMMT. The key phrase “we have separated from the majority of the peo[ple/s]” in 4Q397 14–21 7–8 (C7) is fragmentary.<sup>62</sup> Elitzur Bar-Asher Siegal has proposed the attractive reconstruction of a plural “the majority of

<sup>58</sup> Cf. Hempel, *Qumran Rule Texts* (see n. 10), 25–45, 193–227.

<sup>59</sup> See J. Ben-Dov, *Head of All Years: Astronomy and Calendars at Qumran in Their Ancient Context*, STDJ 78 (Leiden: Brill, 2008), 44–47; S. Stern, “The ‘Sectarian’ Calendar of Qumran,” in *Sects and Sectarianism in Jewish History*, ed. S. Stern, IJS Studies in Judaica 12 (Leiden: Brill, 2011), 39–62; and J.C. VanderKam, *Calendars in the Dead Sea Scrolls: Measuring Time*, Literature of the Dead Sea Scrolls (London: Routledge, 1998), 46–47.

<sup>60</sup> See D.K. Falk, “Liturgical Texts,” in Brooke and Hempel, *Companion to the Dead Sea Scrolls* (see n. 3), 423–434.

<sup>61</sup> See P.S. Alexander, “The Demonology of the Dead Sea Scrolls,” in *The Dead Sea Scrolls after Fifty Years: A Comprehensive Assessment*, ed. P.W. Flint and J.C. VanderKam, vol. 2 (Leiden: Brill, 1999), 331–353; G. Bohak, *Ancient Jewish Magic: A History* (Cambridge: Cambridge University Press, 2008); E. Eshel, “Apotropaic Prayers in the Second Temple Period,” in *Liturgical Perspectives: Prayer and Poetry in Light of the Dead Sea Scrolls*, ed. E. Chazon with R. Clements and A. Pinnick, STDJ 48 (Leiden: Brill, 2003), 69–88; A. Feldman and F. Feldman, “4Q147: An Amulet?,” *DSD* 26 (2019), 1–29; id., “4Q148 (4QPhylactère U): Another Amulet from Qumran?,” *JSJ* 50 (2019), 197–222; and A. Feldman, “On Amulets, Apotropaic Prayers, and Phylacteries: The Contribution of Three New Texts from the Judean Desert,” in *Petitioners, Penitents, and Poets: On Prayer and Praying in Second Temple Judaism*, ed. A. Feldman and T. Sandoval, BZAW (Berlin: de Gruyter, forthcoming); T. Guerra, “Encountering Evil: Apotropaic Magic in the Dead Sea Scrolls,” (PhD diss., University of Birmingham, UK, 2007); and A. Lange, H. Lichtenberger, and K.F.D. Römheld, eds., *The Demonology of Israelite-Jewish and Early Christian Literature in Context of Their Environment* (Tübingen: Mohr Siebeck, 2003).

the peo[ples].”<sup>63</sup> Yet, even if we were to accept the predominant reading “we have separated from the majority of the peo[ple],” the prevalent interpretation of the wording as a reference to a rupture on the part of the authors’ group from Jerusalem at the emergence of the Qumran movement does not pass the Cinderella Slipper Test. It just doesn’t fit. In light of the context of the separation phrase, a halakic separation – rather than a reference to sect-formation – fits much better. In fact, references to “women,” “fornication,” and “abomination” in the lines leading up to the separation phrase<sup>64</sup> sit well with a reading that endorses abstaining from improper marriages with “foreign wives.”<sup>65</sup> Even if the passage did refer to another kind of separation there is no need to presuppose it was anything other than temporary. Even the most ardent proponents of the view that this is the smoking gun reference to the emergence of the sect spend some time justifying the text’s otherwise amenable tone. In addition, we would stress that “the peo[ple],” if this restoration of the meagre remains were correct, are portrayed in 4QMMT as rather vulnerable and misled by their priestly leaders rather than a lost cause.<sup>66</sup>

The true significance of 4QMMT is its witness to inner-Jewish, almost certainly priestly, debates about halakic issues in the late Second Temple period. I choose the words “almost certainly priestly debates” on the basis of Martha Himmelfarb’s reminder that we must allow for what she calls “lay interference in the domain of the priesthood” in the realm of torah interpretation.<sup>67</sup> A recent collection edited by Reinhard Kratz includes a new critical edition of 4QMMT that transparently draws on all the available manuscripts but is based on 4Q394 where possible.<sup>68</sup> The volume also includes a series of chapters written by experts on aspects of research on 4QMMT that examine a range of issues dealt with in this composition. In my own contribution, I offer a close reading of what we learn about the opponents referred to in the halakic part of 4QMMT, the so-called “they group.” I conclude that rather than offering insights into a schism, 4QMMT is part and parcel of the rich spectrum of halakic discourse

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<sup>62</sup> See Qimron and Strugnell, DJD 10 (see n. 52), 27, 58–59, and R.G. Kratz, “*Miqsat Ma’ase Ha-Torah* (4QMMT), Some of the Works of the Torah (Text, Translation and Notes),” in id., *Interpreting and Living God’s Law at Qumran* (see n. 54), 32–54, here 48–49.

<sup>63</sup> E. A. Bar-Asher Siegal, “Who Separated from Whom and Why? A Philological Study of 4QMMT,” *RevQ* 98 (2011), 229–256.

<sup>64</sup> See 4Q397 14–21 4–7 (C4–7).

<sup>65</sup> For the view that the reference to a separation forms the start of the epilogue, rather than its continuation, see M. Bernstein, *Reading and Re-reading Scripture at Qumran*, vol. 2: *Law, Peshet and the History of Interpretation*, STDJ 107/2 (Leiden: Brill, 2013), 570–571.

<sup>66</sup> Hempel, “Comfortable Theories” (see n. 54); see also D.R. Schwartz, “MMT, Josephus and the Pharisees,” in Kampen and Bernstein, *Reading 4QMMT* (see n. 53), 67–80.

<sup>67</sup> M. Himmelfarb, *Between Temple and Torah: Essays on Priests, Scribes, and Visionaries in the Second Temple Period and Beyond*, TSAJ 151 (Tübingen: Mohr Siebeck, 2013), 95.

<sup>68</sup> See R.G. Kratz, “Introduction,” in id., *Interpreting and Living God’s Law at Qumran* (see n. 54), 3–30.



reflected *within* the Dead Sea Scrolls which even preserve and endorse some faint voices of the so-called opponents in 4QMMT.<sup>69</sup>

I would like to close by proposing a promising fresh avenue of engagement with scholars working on the equally complex emergence of Christian identity. Thus, William Horbury's assessment, that "Jews and Christians shared a common sub-culture, the literary focus of which was the Jewish Scriptures," applies to Qumran Jews too.<sup>70</sup> This calls to mind a Twitter hashtag #Qumran-JewsToo. We can also learn from Judy Lieu when she stresses the need to allow for continuities alongside distinctiveness between Jews and Christians as well as Greeks and Romans, even as each group is striving for their own identity.<sup>71</sup> Debates and polemics play an important role in the Dead Sea Scrolls, as does their scholarly assessment. However, debates presuppose concern and engagement with the same issues on both sides. We do not tend to argue about things we do not care about. I am, therefore, proposing the Scrolls present us with a much richer literary heritage than narrow sectarian assessments suggest. Here we can learn a great deal from the much more nuanced accounts of emerging identities in the study of the parting of the ways between Jews and Christians – or perhaps the ways that never parted as Annette Reed and Adam Becker entitled one of their collected volumes.<sup>72</sup> While I am not suggesting that those who moved to Qumran never parted, I find it inconceivable that the social organization of the *yahad* emerged fully fledged – almost like a stropky teenager walking out in the middle of 4QMMT. In their editorial introduction, Reed and Becker point to the importance of not assuming monolithic movements but focus instead on "points of intersection, sites of interaction, and dynamics of interchange"<sup>73</sup> which offer constructive analytical tools for the complex relationships between the social and literary heritage from Qumran in its broader Jewish context.

In short, our efforts at tracing the emergence of the movement behind the Dead Sea Scrolls can benefit from Switzerland and the CERN facility – let us think less Big Bang and more Higgs boson – human and literary particles rubbing along in ways that are at first sight not easy to detect but which ultimately make up the basic constituents of matter, in our case ancient Judaism.

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<sup>69</sup> Cf. Hempel, "4QMMT in the Context of the Dead Sea Scrolls" (see n. 54); see also S. D. Fraade, "To Whom It May Concern: 4QMMT and Its Addressee(s)," *RevQ* 19 (2000), 507–526; and M. Grossman, "Reading 4QMMT: Genre and History," *RevQ* 20 (2001), 3–22.

<sup>70</sup> See W. Horbury, "Jews and Christians on the Bible," in *Christliche Exegese zwischen Nicaea und Chalcedon*, ed. J. van Oort and U. Wickert, Studien der Patristischen Arbeitsgemeinschaft 2 (Kampen: Kok Pharos, 1992), 72–103, here 102.

<sup>71</sup> Cf. J. Lieu, *Neither Jew nor Greek? Constructing Early Christianity* (London: Bloomsbury T & T Clark, 2016), 20–21.

<sup>72</sup> A. H. Becker and A. Y. Reed, eds., *The Ways That Never Parted: Jews and Christians in Late Antiquity and the Early Middle Ages* (Minneapolis: Fortress, 2007).

<sup>73</sup> A. Y. Reed and A. H. Becker, "Introduction: Traditional Models and New Directions," in Becker and Reed, *The Ways That Never Parted* (see n. 72), 1–33, here 3.

# Jewish Communities in the Dead Sea Scrolls

*John J. Collins*

The Ἰουδαῖοι, says Josephus, were known by this name from the time when they came up from Babylon (*A.J.* 11.173). Prior to the exile, Judah had been a kingdom. In the centuries that followed the exile, its people gradually worked out a new identity. The rebuilt temple figured prominently in the life of postexilic Judah. So, increasingly, did the Torah of Moses.<sup>1</sup> According to the biblical record, this was introduced as the official Law of Judah in the middle of the fifth century, by Ezra. At the beginning of the Hellenistic period Hecataeus could write about Moses as the lawgiver of the Jews.<sup>2</sup> Antiochus III reaffirmed its status when he captured Jerusalem.<sup>3</sup> But even while the Torah was formally recognized in the later Persian and early Hellenistic periods, observance appears to have been intermittent. The reforms of Ezra had lost their effect by the time of Nehemiah, a mere thirteen years later. The Hellenizing high priests of the early second century do not seem to have been unduly restrained by its demands.

## 1. The Maccabean Era

Everything changed, however, in the reign of Antiochus IV Epiphanes (175–164 BCE). When civil war broke out in Jerusalem between the rivals for the high priesthood, Jason and Menelaus, Antiochus, who had been humiliated by the Romans in Egypt took it that Judea was in revolt and sacked Jerusalem. He then withdrew the traditional privilege of living in accordance with ancestral laws and sent an Athenian elder to impose a new set of laws (2 Macc 6:1).<sup>4</sup> He also gave over the Jerusalem temple to the cult of Zeus Olympios or Baal Shamem. These actions led to the Maccabean revolt. According to First

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<sup>1</sup> See J.J. Collins, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul* (Oakland, Calif.: University of California Press, 2017).

<sup>2</sup> Hecataeus *apud* Diodorus Siculus 40.3 (*GLAJJ* 1, no. 11).

<sup>3</sup> Josephus, *A.J.* 12.142; E.J. Bickerman, “The Seleucid Charter for Jerusalem,” in *Studies in Jewish and Christian History*, Ancient Judaism and Early Christianity 68 (Leiden: Brill, 2011), 315–356.

<sup>4</sup> See esp. R. Doran, “The Persecution of Judeans by Antiochus IV Epiphanes: The Significance of ‘Ancestral Laws,’” in *The “Other” in Second Temple Judaism: Essays in Honor of John J. Collins*, ed. D. C. Harlow et al. (Grand Rapids, Mich.: Eerdmans, 2011), 423–433.

Maccabees, the rallying cry of Mattathias, father of the Maccabees, was “let everyone who is zealous for the law and supports the covenant come out with me” (1 Macc 1:27).

The Maccabees were not especially known for their piety. They famously made an exception for fighting on the Sabbath (1 Macc 2:40–1). Yet they attempted to impose “the Jewish way of life” within the territories they controlled. According to First Maccabees they “struck down sinners in their anger and lawless men in their wrath; the survivors fled to the gentiles for safety. Mattathias and his friends went about and tore down the altars, they forcibly circumcised all the uncircumcised boys that they found within the borders of Israel [...]. They rescued the law out of the hands of the gentiles and the kings” (1 Macc 2:44–47, cf. Josephus, *A.J.* 12.278).

This aggressive policy was continued by his descendants, the Hasmoneans. When John Hyrcanus conquered the Idumeans, about 128 BCE, he “permitted them to remain in their country so long as they had themselves circumcised and were willing to observe the laws of the Jews. And so, out of attachment to their ancestral land, they submitted to circumcision and to having their manner of life in all other respects made the same as that of the Judeans. And from that time on they have continued to be Judeans” (Josephus, *A.J.* 13.257–258). His successor Aristobulus did likewise with the Itureans in 104–103 BCE (*A.J.* 13.318). Alexander Jannaeus destroyed Pella when the inhabitants refused to comply (*A.J.* 13.397).

The Hasmoneans were largely concerned with aspects of the Law that could serve as boundary markers, such as circumcision and the Sabbath. But it is also during the Hasmonean period that *miqva'ot*, pools for ritual immersion, first appear in the archaeological record.<sup>5</sup> Hellenistic amphorae, which had been very common in Jerusalem before the rise of the Hasmoneans are virtually absent in Hasmonean Jerusalem and are also unattested in the Hasmonean palaces.<sup>6</sup> It is in the Hasmonean period that we see the rise of “common Judaism,” manifested in the observance of key aspects of the Torah – Sabbath, circumcision, observance of the festivals, avoidance of pork, support for the temple, and so forth.<sup>7</sup>

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<sup>5</sup> E. M. Meyers, “Sanders’s ‘Common Judaism’ and the Common Judaism of Material Culture,” in *Redefining First-Century Jewish and Christian Identities: Essays in Honor of Ed Parish Sanders*, ed. F. Udoh et al. (Notre Dame, Ind.: University of Notre Dame Press, 2008), 153–174, esp. 161–163; S. Miller, *At the Intersection of Texts and Material Finds: Stepped Pools, Stone Vessels, and Ritual Purity among the Jews of Roman Galilee*, *Journal of Ancient Judaism Supplements* 16 (Göttingen: Vandenhoeck & Ruprecht, 2015), 17–31.

<sup>6</sup> S. S. Miller, “Stepped Pools, Stone Vessels, and Other Markers of ‘Complex Common Judaism,’” *JSJ* 41 (2010), 214–243, esp. 222–223.

<sup>7</sup> E. P. Sanders, *Judaism: Practice and Belief, 63 BCE–66 CE* (London: SCM, 1992), 47–48.

## 2. The Rise of Sectarianism

But if the Torah provided a principle of cohesion in late Second Temple Judaism, it was also a source of division. Many Judeans were imbued with a zeal for the Law that went far beyond that of the Hasmoneans. We find an increasingly rigorist approach to the Law in writings from the Hasmonean period such as the Temple Scroll and Jubilees.<sup>8</sup> It is also in this period that we find the beginnings of Jewish sectarianism, fueled in large part by disagreements over the exact interpretation of the Law.<sup>9</sup> Josephus introduces his discussion of the Jewish sects in the *Antiquities* in the reign of Jonathan Maccabee (*A.J.* 13.171), but in the *War* he introduces it much later in the context of the early first century CE (*B.J.* 2.119–166). The Pharisees first appear as a force in Jewish life in the time of John Hyrcanus and were active opponents of Alexander Jannaeus. According to Josephus, they were the most accurate interpreters of the Law (*B.J.* 2.163). It is apparent that the sectarian movement known from the Dead Sea Scrolls, usually assumed to be the Essenes, was also concerned with the exact interpretation of the Law. This appears most clearly in 4QMMT, a polemical document outlining their disagreements with unnamed opponents, usually assumed to be the Pharisees.<sup>10</sup> These disagreements are mainly concerned with issues of purity.

The Scrolls contain two rule books for sectarian communities, each of which is preserved in several manuscripts. One of these, the Damascus Document, describes a movement spread throughout the land whose members married and had children (CD 7:6–7). This text was already known from the Cairo Geniza, fifty years before the discovery of the Scrolls (hence the abbreviation CD, Cairo Damascus).<sup>11</sup> Further copies were found at Qumran.<sup>12</sup> The other, Serek Hayaḥad or the Community Rule, makes no mention of women and children, but it too seems to be designed for multiple communities.<sup>13</sup> The movements described in these rule books are obviously closely related, but not quite iden-

<sup>8</sup> Collins, *Invention of Judaism* (see n. 1), 99–107.

<sup>9</sup> A. I. Baumgarten, *The Flourishing of Jewish Sects in the Maccabean Era: An Interpretation*, JSJSup 55 (Leiden: Brill, 1997).

<sup>10</sup> E. Qimron and J. Strugnell, *Qumran Cave 4*, vol. 5: *Miqṣat Ma'āse ha-Torah*, DJD 10 (Oxford: Clarendon, 1994).

<sup>11</sup> S. Schechter, *Documents of Jewish Sectaries*, vol. 1: *Fragments of a Zadokite Work* (Cambridge: Cambridge University Press, 1910); repr. with a “Prolegomenon” by J. A. Fitzmyer (New York: Ktav, 1970).

<sup>12</sup> J. M. Baumgarten et al., eds., *Qumran Cave 4*, vol. 13: *The Damascus Document (4Q266–273)*, DJD 18 (Oxford: Clarendon, 1996).

<sup>13</sup> J. H. Charlesworth, ed., *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*, vol. 1: *Rule of the Community and Related Documents* (Louisville, Ky.: Westminster John Knox, 1994); P. S. Alexander and G. Vermes, *Qumran Cave 4*, vol. 19: *Serekh ha-Yaḥad and Two Related Texts*, DJD 26 (Oxford: Clarendon, 1998).

tical. The current scholarly consensus is that the Damascus Rule describes the earlier form of community, although both forms continued to exist for some time.<sup>14</sup>

### 3. The New Covenant

The Damascus Rule consists of an Admonition (CD 1–8; 19–20) and Laws. The Laws are roughly twice as extensive as the Admonition, when the Qumran fragments are taken into account. The name “Damascus Document” is an ad hoc label, based on the fact that Damascus is mentioned a few times in the text. Steven Fraade has suggested that it might be more appropriately called “The Elaboration of the Laws” (פרוש המשפטים), a phrase that occurs at the conclusion of the work.<sup>15</sup> Joseph Baumgarten even reconstructed this phrase as a virtual title in 4Q266.<sup>16</sup> Regardless of the title, it is clear that the interpretation of biblical laws makes up a big part of the Damascus Rule. The blend of Admonition and Law is reminiscent of Deuteronomy. The word ברית, “covenant,” occurs more than forty times in the Damascus Document, including notable references to “the new covenant” (6:19; 19:33; 20:12) or “the new covenant in the land of Damascus” (8:21; 20:12).

The Laws in the Damascus Document are of two kinds. Some are designed for “the cities of Israel” (CD 12:19), others for a more elite group (12:22–23). The laws for the cities of Israel exhort people to observe the Torah of Moses but insist on a stricter interpretation than was usual. For example, one fragment speaks of a man who “approaches to fornicate with his wife” (4Q270 7:12–13), presumably by having intercourse with her during menstruation or while she was pregnant. The law of the Sabbath in CD 10:14–11:18 goes far beyond the biblical text:

No one should do work on the sixth day from the moment when the sun’s disc is at a distance of its diameter from the gate [...]. On the Sabbath day, no one should say a useless or stupid word. He is not to lend anything to his fellow. He is not to take decisions with regard to riches or gain. He is not to speak about matters of work or the task to be carried out on the following day [...]. No one should help an animal to give birth on the Sabbath day. And if (it falls) into a well or a pit, he should not take it out on the Sabbath [...]. And any living man who falls into a place of water or into a (reservoir), no one should take him out with a ladder or a rope or a utensil [...].

<sup>14</sup> J.J. Collins, *Beyond the Qumran Community: The Sectarian Movement of the Dead Sea Scrolls* (Grand Rapids, Mich.: Eerdmans, 2010), 12–87.

<sup>15</sup> CD 14:18; 4Q266 11 18; 4Q270 7 ii 12; S.D. Fraade, “Law, History, and Narrative in the Damascus Document,” in *Meghillot: Studies in the Dead Sea Scrolls V–VI; A Festschrift for Devorah Dimant*, ed. M. Bar-Asher and E. Tov (Jerusalem: Bialik, 2007), 35\*–55\*.

<sup>16</sup> Baumgarten, DJD 18 (see n. 12), 31–32.

Regulations of this sort are reminiscent of the rabbinic principle of “building a fence around the law.” We should expect that different groups had different interpretations of the exact requirements, and that such discussions had gone on for a while before the need to form a new covenant became evident.

The Damascus Document provides some narrative context for the emergence of a new community in the Admonition, but it does so in a way that is elliptic and opaque:

In the age of wrath, three hundred and ninety years after having delivered them up into the hand of Nebuchadnezzar, king of Babylon, he visited them and caused to sprout from Israel and from Aaron a shoot of the planting, in order to possess the land. (CD 1:5–7)

The figure of 390 years is taken from Ezek 4:5, and its chronological value cannot be pressed. It simply designates the time allotted for the exile. Several apocalyptic texts of the second century BCE conceive of the exile as a state that lasted down to their own time.<sup>17</sup> The reference to both Israel and Aaron indicates that this movement had both priestly and lay members. No reason is given for the rise of the movement other than divine grace. At first, we are told, that these people who wanted to return to the Law of Moses were like blind men groping for the way, until God raised up for them a Righteous Teacher. Through this Teacher, God revealed to the movement “the hidden matters in which all Israel had gone astray” (CD 3:12–16). The Torah itself was revealed to all Israel, and insofar as its interpretation was transparent it was regarded as “revealed law.” In many cases, however, the correct interpretation was hidden from Israel and could only be discovered by means of inspired exegesis.

The late Shemaryahu Talmon credited the Teacher with “transforming the loose group cohesion of the founding members into a structured socioreligious system.”<sup>18</sup> Other scholars suppose that the new covenant had been formulated before the Teacher arrived.<sup>19</sup> In fact, we are never told what the Teacher did in terms of organizing the community. It is clear, however, that at some point this group was constituted as a new covenant, with its own procedures for admission and expulsion. The central feature of the admission process was the swearing of an oath to return to the Law of Moses (CD 15:5b–6a). The new covenant was evidently a family-based organization. The members lived in camps, and married and had children. Members contributed two days’ wages per month to the common fund for the care of the needy and the elderly (CD 14:12–13). Anyone who lied about his property could be punished (14:20). They were subject to the authority of an “inspector” (מבקר) and required his permission to marry or to divorce (13:15–19). A person could be expelled for persistence in

<sup>17</sup> M. A. Knibb, “The Exile in the Literature of the Intertestamental Period,” *HeyJ* 17 (1976), 249–272; id., “Exile in the Damascus Document,” *JSOT* 25 (1983), 99–117.

<sup>18</sup> S. Talmon, *The World of Qumran from Within: Collected Studies* (Jerusalem: Magnes, 1989), 284.

<sup>19</sup> C. Hempel, *The Laws of the Damascus Document: Sources, Tradition and Redaction*, STDJ 29 (Leiden: Brill, 1998), 150.

various offences. There were occasional assemblies of all the camps. The rule for the assembly of the camps specifies that they should be “ten in number as a minimum, to (form) thousands, hundreds, fifties and tens” (CD 13:1), like Israel in the wilderness (cf. Exod 18:21). The congregation as a whole is called an עדה, as Israel is frequently called in the Book of Numbers. The organization was meant to evoke the sojourn of Israel in the wilderness, in preparation for the conquest of the promised land.

The relation of this covenant to the traditional Mosaic covenant was ambiguous. On the one hand, the new covenant was simply the old one properly interpreted and observed. On the other hand, it required membership in a new voluntary association,<sup>20</sup> whose members were to some degree separated from the rest of Israel. It should be noted that this kind of “covenant within the covenant” was not without precedent. In Neh 10:29 certain people “enter into a curse and an oath to walk in God’s law, which was given by Moses the servant of God, and to observe and do all the commandments of the Lord our God and his ordinances and his statutes.”<sup>21</sup> As in the Damascus Document, these people agree to observe a particular interpretation of the law. They also undertake to make financial contributions to the support of the temple. People who did not comply could be banned from “the congregation of the exiles” (Ezra 10:8).

The formation of a new covenant necessarily implies deep dissatisfaction with the existing state of affairs. According to the Damascus Document, the rest of Israel was caught in the three snares of Belial, fornication, wealth, and the pollution of the sanctuary (CD 4:15–18). The latter point was especially divisive. The passage in CD 6:11–16 cites Mal 1:10: “Who among you will shut its door?” and “you shall not kindle fire on my altar in vain.” It is not clear that the members of the new covenant had actually broken with the temple to the point of boycotting it. It may still have been possible to use the temple in ways that were not “in vain.” But they were evidently unhappy with the way worship was being conducted there.

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<sup>20</sup> For a comparison with Hellenistic voluntary associations, see M. Weinfeld, *The Organizational Pattern and the Penal Code of the Qumran Sect: A Comparison with Guilds and Religious Associations of the Hellenistic-Roman Period*, NTOA 2 (Göttingen: Vandenhoeck & Ruprecht; Fribourg: Éditions Universitaires, 1986); Y.M. Gillihan, *Civic Ideology, Organization, and Law in the Rule Scrolls: A Comparative Study of the Covenanters’ Sect and Contemporary Voluntary Associations in Political Context*, STDJ 97 (Leiden: Brill, 2011).

<sup>21</sup> M. W. Duggan, *Covenant Renewal in Ezra-Nehemiah (Neh 7:72b–10:40): An Exegetical, Literary, and Theological Study*, SBLDS 164 (Atlanta: Society of Biblical Literature, 2001). The analogy was noted already by M. Smith, “The Dead Sea Sect in Relation to Ancient Judaism,” *NTS* 7 (1961), 347–360. See also S. Hultgren, *From the Damascus Covenant to the Covenant of the Community: Literary, Historical, and Theological Studies in the Dead Sea Scrolls*, STDJ 66 (Leiden: Brill, 2007), 141–163.

#### 4. The *yaḥad*

The community described in the second sectarian rule book, Serek Hayaḥad or the Community Rule, evinces a higher degree of separation from society. This is evident in the expanded admission procedures in 1QS 6:13b–23.<sup>22</sup> The candidate must undergo an initial examination by the inspector. Then, after a period of instruction, he is examined again by the congregation. After another year, his property is handed over to the bursar, who registers it to his account but keeps it separate. He does not share in the drink of the congregation until he has completed a second year. After this, he is given a final examination. If he is accepted, then his property is merged with that of the community. The new covenant of the Damascus Document was already a “greedy” organization that made intrusive demands on its members. The *yaḥad* is even more so, apparently allowing no private property at all. The complex admission procedures and the highly unusual communal property correspond to features in the classical accounts of the Essenes.<sup>23</sup> These features, more than the location near the Dead Sea reported by Pliny, form the basis for the consensus view that the *yaḥad* was in fact Essene.

Moreover, the Serek makes no mention of women or children. Philo, Josephus and Pliny all report that the Essenes, or at least some of them, were celibate. Pliny says that they live without women (*Nat.* 5.73). Philo says that they abstain from marriage because women present a threat to communal life (*Hypoth.* 11.14). Josephus says they avoid marriage because of the promiscuity and infidelity of women (*B.J.* 2.120–121), but adds that a second order of Essenes accepts marriage, because of the need to procreate (*B.J.* 2.160–161). The absence of women and children in the Serek suggests to many scholars that the *yaḥad* was celibate too. It is true that the Serek never forbids marriage or requires celibacy,<sup>24</sup> but the absence of any reference to women and children is astonishing, especially in a document that is preoccupied with issues of purity. It may be also that CD 7:6–7 (“and if they dwell in camps [...] and marry and have children”) implies that not all members of the new covenant did so,<sup>25</sup> but this is disputed.<sup>26</sup> The evidence of the rule books is compatible with the view that the sectarian movement embraced two different lifestyles in this regard, but it remains ambiguous.

<sup>22</sup> The Serek also preserves the simpler provision of admission by oath in 1QS 5:7c–9a.

<sup>23</sup> Admission procedures: Josephus, *B.J.* 2.137–138; common property: Josephus, *B.J.* 1.122; *A.J.* 18.20; Philo, *Hypoth.* 11.4; *Prob.* 77.

<sup>24</sup> E. Regev, *Sectarianism in Qumran: A Cross-Cultural Perspective*, Religion and Society 45 (Berlin: de Gruyter, 2008), 254, regards the lack of a prohibition as decisive.

<sup>25</sup> J.M. Baumgarten, “Qumran-Essene Restraints on Marriage,” in *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin*, ed. L.H. Schiffman, JSPSup 8 (Sheffield: JSOT Press, 1990), 13–24.

<sup>26</sup> C. Wassen, *Women in the Damascus Document*, AcBib 21 (Leiden: Brill, 2005), 125–128. See Collins, *Beyond the Qumran Community* (see n. 14), 32–33.



Some scholars have been reluctant to believe that a Jewish community could be celibate, in view of the commandment to increase and multiply. But the commandment was not necessarily understood to admit of no exceptions. The Hebrew Bible required temporary abstinence of anyone coming into the divine presence. For example, the Israelites are warned not to go near a woman when the Lord is about to descend on Mount Sinai (Exod 19:15). The Book of the Watchers, in First Enoch, criticized the fallen angels for failing to realize that as heavenly beings, endowed with eternal life, they did not need to procreate with women (1 En. 15). Spiritual beings, living in the high and holy heaven could only be defiled by fleshly contact. The members of the *yahad* considered themselves to be already companions of the host of heaven, and aspired to live an angelic life.<sup>27</sup> As we read in the hymn in 1QS 11:

To those whom God has selected he has given them as an everlasting possession; and he has given them an inheritance in the lot of the holy ones. He unites their assembly to the sons of the heavens in order (to form) the council of the community and a foundation of the building of holiness to be an everlasting plantation throughout all future ages. (1QS 11:7–8)

Such a life had no place for carnal relations with women.

## 5. Different Degrees of Holiness

It is apparent then that the sectarian movement envisioned different degrees of holiness. This would seem to be the rationale for the development of the *yahad* from the new covenant. It also appears that a further group was set aside within the *yahad*, to aspire to a still higher level. An enigmatic passage in 1QS 8 says that “in the council of the community there shall be twelve men and three priests, perfectly versed in all that is revealed of the Law.” This is followed by three paragraphs, each of which begins “when these are in Israel.” The first paragraph says that “the council of the community will be established in truth, as a holy house of Aaron, to atone for the land. It shall be a house of perfection and truth in Israel that they may establish a covenant according to the eternal precepts. And they shall be an agreeable offering, atoning for the land and determining the judgement of wickedness, and there shall be no more iniquity.”

This group evidently brings the *yahad* to perfection. The number is probably symbolic, representing the totality of Israel (twelve tribes and three priestly families).<sup>28</sup> Some scholars have supposed that they constitute a “council” with-

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<sup>27</sup> D. Dimant, “Men as Angels: The Self-Image of the Qumran Community,” in *History, Ideology and Bible Interpretation in the Dead Sea Scrolls*, FAT 90 (Tübingen: Mohr Siebeck, 2014), 465–472; J. J. Collins, “The Angelic Life,” in *Scriptures and Sectarianism: Essays on the Dead Sea Scrolls*, WUNT 332 (Tübingen: Mohr Siebeck, 2014), 195–211.

<sup>28</sup> Hultgren, *From the Damascus Covenant* (see n. 21), 214.

in the *yahad*.<sup>29</sup> The passage in IQS 8, however, clearly indicates that they are a group within the council (which should be understood as simply the *yahad* itself): “When they have been confirmed for two years in perfection of way in the foundation of the community, they shall be set apart as holy *within the council* of the men of the community.” Furthermore, “when these become members of the community in Israel according to all these rules, they shall separate from the habitation of unjust men and shall go into the wilderness to prepare there the way of Him, as it is written, prepare in the wilderness the way of [...] make straight in the desert a path for our God. This is the study of the Law which he commanded by the hand of Moses, that they may do according to all that has been revealed from age to age, and as the Prophets have revealed by his Holy Spirit.”

From an early point in the study of the Scrolls, this passage has been taken to refer to the foundation of the community at Qumran, and the twelve men and three priests as “the first members of the Qumran community.”<sup>30</sup> Some scholars have disputed whether it refers to a literal move to the wilderness at all, arguing that the whole citation from Isa 40 should be taken as a metaphor for the study of the Law.<sup>31</sup> As George Brooke has shown, however, the insertion of the word “there” after “prepare,” which is not part of the biblical citation, most probably indicates that a literal move is implied; the interpretation “this is the study of the Torah” only applies to “the way of the Lord,” or “to prepare the way of the Lord.”<sup>32</sup>

It is apparent, however, that not all the *yahad* goes to the wilderness. Like the new covenant, the *yahad* was organized in groups with a minimum of ten members, including a priest (IQS 6:1c–8a). There is no evidence that there was more than one settlement in the wilderness. Whether IQS 8:12–14 refers specifically to Qumran cannot be proven. The possibility is attractive. But the Qumran community was not the whole *yahad*. The *yahad*, like the new covenant of the Damascus Document, was spread throughout the land. The wilderness location was not essential, and is rarely mentioned.

<sup>29</sup> So P.D. Mandel, *The Origins of Midrash: From Teaching to Text*, JSJSup 180 (Leiden: Brill, 2017), 97–98.

<sup>30</sup> E.F. Sutcliffe, SJ, “The First Fifteen Members of the Qumran Community,” *JSS* 4 (1959), 134–138.

<sup>31</sup> E.g., D. Dimant, “Not Exile in the Desert but Exile in Spirit: The Peshet of Isa 40:3 in the Rule of the Community and the History of the Scrolls Community,” in *History, Ideology, and Bible Interpretation* (see n. 27), 455–464.

<sup>32</sup> G.J. Brooke, “Isaiah 40:3 and the Wilderness Community,” in *New Qumran Texts and Studies: Proceedings of the First Meeting of the International Organization for Qumran Studies, Paris 1992*, ed. G.J. Brooke, STDJ 15 (Leiden: Brill, 1994), 117–132, esp. 123.

## 6. The Essenes?

Most scholars believe that the sectarian movement described in the Scrolls should be identified with the Essene sect, described by Philo, Josephus and Pliny. The identification was originally suggested by the location of Qumran, between Jericho and En-Gedi, in the area where Pliny located the Essenes. Some other correspondences should carry more weight. Notable among these is the multi-year process of admission described in IQS 6 and again in Josephus's account of the Essenes, and the communal sharing of possessions. As already noted, the Greek and Latin authors claim that the Essenes were celibate, but Josephus allows for a second order, who married. While the Scrolls never call explicitly for celibacy, the absence of women and children in the Community Rule is compatible with a celibate life-style, and the Damascus Document suggests that marriage was not the universal practice in the new covenant. The Essenes, we are told, lived in no one city but had communities in several towns. Philo says that "they live in a number of towns in Judea, and also in many villages and large groups" (*Hypoth.* 11.1). According to Josephus, "they are not in one town only, but in every town several of them form a colony" (*B.J.* 6.124). (There is no mention of a wilderness community.) To be sure there is much in the sectarian rule books that is not hinted at in the Greek and Latin sources – messianic expectation, the division of humanity between sons of light and sons of darkness.<sup>33</sup> Nonetheless, the identification remains overwhelmingly probable.<sup>34</sup>

## 7. A Higher Revelation

All forms of Jewish community described in the Scrolls are based on the Torah of Moses, and were devoted to its strict interpretation and observance. The Scrolls refer to the Pharisees derisively as "seekers after smooth things," which is to say, unduly lenient in their interpretation.

The sectarians derived their interpretations by exegesis, but they did not base their authority on their exegetical acumen. Rather, they based them on a claim to higher revelation. God revealed to them the hidden things in which all Israel had gone astray: "He unfolded before them his holy Sabbaths and his glorious feasts, the testimonies of his righteousness and the ways of his truth, and the desires of his will which a man must do in order to live" (CD 3:14–16, trans. G. Vermes). The new revelation was mediated through the inspired exegesis of the Teacher, and the tradition associated with him. But it was a higher revelation. Similar claims are made in the apocalyptic literature of the time,

<sup>33</sup> A. Momigliano, "What Josephus Did Not See," in *Essays on Ancient and Modern Judaism* (Chicago: University of Chicago Press, 1994), 67–78.

<sup>34</sup> Collins, *Beyond the Qumran Community* (see n. 14), 122–165.

from Enoch to Fourth Ezra. This higher revelation supplements rather than contradicts the Torah of Moses, but it is nonetheless essential. The Scrolls differ from the apocalyptic writings insofar as they do not attribute their new revelations to ancient worthies such as Enoch or Daniel, but rather to the Teacher who had played a key role in the development of the movement.

Insofar as the Scrolls are concerned with the interpretation of the Torah, they are not exceptional. The Pharisees certainly shared this concern. Even the Gospels engage in disputes about the interpretation of scripture. The more remarkable discovery in the Dead Sea Scrolls concerns the existence of a quasi-monastic community devoted to the pursuit of holiness. Prior to the discovery of the Scrolls, the only evidence for such a community within Judaism was provided by the classical accounts of the Essenes and Philo's account of the Therapeutae. The historicity of the Therapeutae has been questioned,<sup>35</sup> but the fact that they are located on the outskirts of Alexandria makes it unlikely that they are entirely fictitious.<sup>36</sup> They are, of course, somewhat different from the people described in the Scrolls, as the celibate community includes both men and women. Nonetheless the Scrolls lend credibility to Philo's account insofar as they show that there did exist quasi-monastic Jewish communities devoted to the pursuit of purity and holiness. In the Scrolls, but not in the Greek accounts, this community serves as a substitute for the temple cult in atoning for the land.

The quasi-monastic Jewish communities, however, also served a goal of personal fulfillment. This is nicely expressed in the hymn at the end of the Community Rule, where the hymnist declares:

My eyes have gazed on that which is eternal, on wisdom concealed from men [...]. God has given them to his chosen ones as an everlasting possession, and has caused them to inherit the lot of the holy ones. He has joined their assembly to the sons of heaven to be a council of the community, and a foundation for the building of holiness and eternal plantation throughout all ages to come. (IQS 11:5–9)

As Carol Newsom has argued, the placement of this hymn at the end of the Serek suggests that it represents the culmination of formation within the *yahad*, and is paradigmatic for the community.<sup>37</sup> The ideal of contemplation in the company of the angels, in a state of perfect purity, would certainly be facilitated by a retreat to the desert, but it was the ideal of the *yahad*, regardless of location.

The phenomenon of the *yahad*, and of the Essenes and Therapeutae in the Greek accounts, is intriguing in light of the development of Christian monasti-

<sup>35</sup> T. Engberg-Pedersen, "Philo's 'De Vita contemplativa' as a Philosopher's Dream," *JSJ* 30 (1999), 40–64.

<sup>36</sup> J. E. Taylor, *Jewish Women Philosophers of First-Century Alexandria: Philo's 'Therapeutae' Reconsidered* (Oxford: Oxford University Press, 2003), 8–9.

<sup>37</sup> C. A. Newsom, *The Self as Symbolic Space: Constructing Identity and Community at Qumran*, *STDJ* 52 (Leiden: Brill, 2004), 173.

cism several centuries later. No evidence of an historical connection has been demonstrated as yet.

# Finding “Judaism” in Documentary Papyri

## The Case of the Petitions from the Herakleopolis Archive

*Robert Kugler*

The legal reasoning recoverable from the petitions in the archive from the second-century BCE Jewish *πολίτευμα* in Herakleopolis provides remarkable evidence of the reach of Torah into the lives of the Jews of Hellenistic Egypt. Living deep in the Egyptian *χώρα* far from the intellectual center of Alexandria, these ordinary Jews with none of the apparent education and cultivation enjoyed by an Aristreas, Aristobulus, Artapanus, or Demetrius nonetheless knew the law contained in the Jewish scriptures and used it in relatively sophisticated ways. The petitions offer evidence that this hallmark of Jewish identity – substantive engagement with the Torah – was not the province of the *élite* alone. Indeed, the texts provide unusual proof of the actual use of the law for very practical purposes. These cases involve Jews who were not just thinking about how the Torah defines them; at least in some respects they were living out a Torah-defined life.

### 1. An Overview of the Petitions to the Jewish *πολίτευμα* in Herakleopolis

Presently, we know of eighteen petitions affiliated with the Jewish *πολίτευμα* at Herakleopolis, fourteen of which are substantial enough to say something of their authors’ legal reasoning. Sixteen were published in the critical edition of *Urkunden des Politeuma der Juden von Herakleopolis (P.Polit. Iud.)* by James Cowey and Klaus Maresch, four of which are too fragmentary to say anything about apart from the fact that they were petitions.<sup>1</sup> Thomas Kruse has identified in the papyri holdings in Munich one more complete petition to leaders of the *πολίτευμα*.<sup>2</sup> And I have identified *SB* 26.16801 as a petition to a chief of police that may have been intended for transmission to the leaders of the *πολίτευμα*.<sup>3</sup>

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<sup>1</sup> *P.Polit. Iud.* 1–16; the four fragmentary texts are nos. 13–16.

<sup>2</sup> Pap. Graec. Mon. 286 + 293, forthcoming in *CPJ* 4 and *P. Muench.* 4.

<sup>3</sup> See my discussion of the text in “Petion Contests Paying Double Rent on Farmland (*P. Heid. Inv.* G 5100): A Slice of Judean Experience in the Second Century BCE Herakleopo-

The petitions may be sorted into three categories corresponding to the wrongs they address: three speak to unlawful acts against persons, two of which make arguments that depend on principles derived from Jewish law.<sup>4</sup> Four pertain to legal complications associated with marriage and family relations, all of which upon notions deriving from Jewish law.<sup>5</sup> And seven concern disputes over contractual or property matters, five of which also rely on Jewish legal notions in some way.<sup>6</sup>

It must be said: given the context from which they arose, that Jewish law somehow figured into the majority of the petitions should hardly be surprising. The documentary evidence from the Herakleopolite in the years between the construction of the fort near Herakleopolis in 156 and 132 BCE, the date of the latest text associated with the *πολίτευμα*, testifies to a robust array of venues from which petitioners could choose for resolving their disputes. In a setting that no doubt included many ethnicities because of the Ptolemies' militarization of the nome, and in keeping with their policy of encouraging people to resolve their legal disputes with each other according to the normative system most amenable to them,<sup>7</sup> it was clearly in the Ptolemies' best interest to ensure a strong menu of litigation options (which included the Jewish *πολίτευμα*, if not also other *πολιτεύματα* that served other ethnicities). Indeed, of the 122 documentary texts from the Herakleopolite dating between 156 and 132 BCE, fifty-seven are petitions and nine more are related to the disposition of mat-

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lite Nome," in *A Teacher for All Generations: Essays in Honor of James C. VanderKam*, ed. E. F. Mason et al., JSJSup 153 (Leiden: Brill, 2011), 537–551.

<sup>4</sup> In the first category we have a complaint about a verbal assault (*P.Polit. Iud.* 1), overlong detention (no. 2), and the wrongful death of a child or slave (no. 6).

<sup>5</sup> Petitions in the second category include a complaint against a bride's father for failing to meet his obligations relative to a promised dowry (*P.Polit. Iud.* 3), one against another bride's father for promising his daughter to a second man after agreeing to permit her marriage to a first (no. 4), and an uncle's appeal for the return of his niece to his care (no. 7).

<sup>6</sup> Texts assigned to the third category are most abundant. They include complaints about an unpaid loan (*P.Polit. Iud.* 8), the failure to honor a combined slave sale and wet nurse contract (no. 9), the violation of contracts to spin wool, pay for a delivery of wine, and meet rent payment obligations (nos. 10–12), the neglect and double-leasing of farmland (Pap. Graec. Mon. 287 + 293), and double-charging rent for leased farmland (*SB* 26.16801). I also include in this category *P.Polit. Iud.* 5, a text that lacks in its surviving form the actual petitionary act, but that appears to be concerned to explain that property belonging to the petitioner is immune from claims made against it by a previous owner. Because the surviving text tells a tale of dowry arrangements and transactions between a bride's mother and her son-in-law the text might also be assigned to the second category.

<sup>7</sup> See, among others, U. Yiftach-Firanko, "Law in Graeco-Roman Egypt: Hellenization, Fusion, Romanization," in *The Oxford Handbook of Papyrology*, ed. R. S. Bagnall (Oxford: Oxford University Press, 2009), 541–560. For a compelling hypothesis on how a cooperation among systems might have worked in the case of the Torah, see J. M. Modrzejewski, "The Septuagint as *Nomos*: How the Torah became a 'Civic Law' for the Jews of Egypt," in *Critical Studies in Ancient Law, Comparative Law and Legal History*, ed. J. W. Cairns and O. F. Robinson (Oxford: Hart Publishing, 2001), 183–199.

ters associated with resolving disputes, making up (quite unusually) fifty-four percent of the corpus as a whole.<sup>8</sup> And the venues used by petitioners are diverse: in addition to the Jewish *πολίτευμα* and its leaders, people appealed to a *φρούραρχος*, the *στρατηγός*, a *πολιτάρχης* not associated with the Jewish *πολίτευμα*, *ἄρχοντες*, an *ἐπιστράτηγος*, and an *ἀρχιφυλακίτης*. With these facts in mind, as well as the universal principle of third-party dispute resolution that where multiple venues are available to complainants, they choose those that best serve their interests, we should *assume* that when the Jews of the Herakleopolite used the *πολίτευμα* it was because its distinctive character best served their aims – and the distinctive character was the normative system it gave them access to, Jewish law.

## 2. An Approach to Recovering Legal Reasoning from Petitions in Hellenistic Egypt

How can I be so sure that Jewish law figures in the reasoning of the petitioners to the *πολίτευμα*? A convenient way to explain my approach to teasing out the legal reasoning of complainants from their petitions entails taking seriously the claims of a scholar who vigorously critiques efforts to circumscribe the legal reasoning of petitioners, claiming that we cannot hear the “voice” of any petitioner in such brief, formulaic texts as these. It is precisely from the objections of a representative of this contrarian view that the contours of a method for getting at the legal reasoning of the petitioners can be discerned.

In his study of petitioning and litigation in Roman Egypt Benjamin Kelly explicitly rejects the idea that we can know something of the mind of petitioners.<sup>9</sup> He asserts that petitioners were motivated by their desire to get the better of their opponents “to tell outright lies, or to manipulate reality.”<sup>10</sup> And lest one think to learn something of petitioner intent from the lies, Kelly goes on to say that we cannot use the “fictive qualities of these documents as a way of gaining insight into the minds of the petitioners who submitted them” because they were “mostly written by scribes” who used “a long-established repertoire of stock phrases and *topoi*” so that “it is [...] impossible to tell whether we are hearing the ‘voice’ of the petitioner, or that of the scribe, or whether we are hearing an echo of discourses that were common scribal and legal culture, and simply repeated through force of habit, without necessarily representing the

<sup>8</sup> The petitions include *P.Diosk.* 1–12; *P.Heid. inv.* G 5 5017; *P.Polit. Iud.* 1–16; *P.Yale* 4.138–149, 150–151; *P.Köln* 10.413; 13.520. The texts dealing with matters related to dispute resolution processes include *P.Polit. Iud.* 17–20; *P.Duke inv.* 605r, 605v, and 599; *P.Paramone* 9; *P.Köln* 12.479.

<sup>9</sup> B. Kelly, *Petitions, Litigation, and Social Control in Roman Egypt* (Oxford: Oxford University Press, 2011), 38–74, here esp. 38–39.

<sup>10</sup> Kelly, *Petitions, Litigation, and Social Control* (see n. 9), 38.



innermost mentalities of either petitioner or scribe.”<sup>11</sup> He even warns against trying to “isolate strategic uses by scribes or petitioners of particular *topoi* in a text: such an approach puts one in danger of reading craft and guile into a largely mechanical process.”<sup>12</sup> Kelly *does* grant that we can count on petitions to offer accurate information as to the petitioners’ names, genders, locations, civic statuses, occupations, land tenure, and previous acts in the legal process – facts not easily falsified for the sake of inflating an account, given other documentation available to adjudicators.<sup>13</sup>

Kelly’s objections, in fact, gesture toward the elements of an interpretive framework for getting at what he says we cannot know. Much of what he judges to be reliable information from petitions is one element of the framework: a petitioner’s and her opponent’s fixed identity, those statuses that are given, fixed, and not open to manipulation. To what Kelly judges to be open to manipulation by the petitioner – how the petitioner characterizes the offender and the circumstances that gave rise to the petition – we can add aspects of the petitioner’s self-description as well: these correspond to constructed identity, the way petitioners portray themselves and the accused so as to gain sympathy, win arguments, move audiences, and so on. Petitioners relate the facts of a case in large part for the purpose of establishing these fixed and constructed identities – the first to assure standing and stake out entitlements and the second to make themselves sympathetic and deserving of the judge’s consideration and their opponent the opposite in all regards. It is what litigants do, no matter the time or place, in appealing to third parties for the resolution of their conflicts. What Kelly overlooks, though, is that these identities must be sensible as well as persuasive – they cannot be implausible identity claims and accounts of the facts of the case, or petitioners risk having their pleas dismissed without review. The manipulation and outright lies that Kelly ascribes to petitioners are, in fact, constrained by the exigencies of the petitionary process.

Further, while Kelly is right to be wary that scribes eclipse the voice of the petitioner and that formulaic rhetoric can obscure the individual’s perspective, he overstates the power of the general to obscure the particular, especially in a genre where so much is at stake for the petitioner. We should assume that even the illiterate petitioner working with a scribe could hear the difference between

<sup>11</sup> Kelly, *Petitions, Litigation, and Social Control* (see n. 9), 38–39.

<sup>12</sup> Kelly, *Petitions, Litigation, and Social Control* (see n. 9), 39

<sup>13</sup> Kelly, *Petitions, Litigation, and Social Control* (see n. 9), 74. In fairness, Kelly does also stake out positive grounds for analyzing petitions which constitute an intriguing and consequential research agenda he carries out in the rest of his monograph: “[E]ven if rhetorical elements of the documents are not indicative of the values of individual petitioners, the commonplaces in the texts at least tell us something about the legal culture of the province – that is, the web of discourse and ideologies surrounding the adjudicative process. Such discourses and ideologies are obviously an enormously important part of understanding the social impact of the legal process, even if we cannot know the minds of particular petitioners” (ibid.).

a draft that makes the case with vigor, persuasive power, and his distinctive voice and needs, and one that only laconically trots out the standard rhetoric. To be sure, some petitions of the latter sort did make it into the record – and all the better for us, as they provide a baseline against which to measure those that depart from that minimal standard by giving expression to the uniqueness of the particular petitioner. In that sense, Kelly errs especially in warning scholars off from identifying “strategic uses” of topoi. These are precisely what we ought to be examining as evidence of the fruit of scribal-petitioner partnerships and key indicators of petitioner intent. And as to scribes being so dominant as to obscure the petitioner’s voice altogether: to be sure, scribes contribute to the shape of a petition, but their voice in all but the simplest of petitions is married to that of the petitioner – after all it’s the fate of the petitioner that the scribe is securing, and thus the petitioner is sure to leave her imprint.

And then there is the law. It is one thing for a petitioner to construct and assign identities as a means of winning the case before a third party. But there must also be a standard by which the picture of oneself and the offender is to be measured: that is the law, the normative system that is explicitly or implicitly invoked. Significantly, the law is rarely explicit, inasmuch as once a petitioner has committed her case to a particular venue she is accepting its law to be dispositive and is liberated from actually announcing what part of it she relies on; simply by telling the story and asking for justice she has pointed the adjudicators to the appropriate norm in their system.

The typically implicit character of the petitioner’s reliance on laws or norms requires taking the most critical step in teasing out a petitioner’s legal reasoning: reading her petition in a rigorously comparative context, alongside other petitions and relevant documentary genres that address the same or similar issues. Just so, only comparative analysis reveals a petitioner’s unique, strategic use of tropes and topoi associated with addressing such issues. To put it simply: understanding a petitioner’s *unique* legal argument depends on knowing well the *general* law regarding the issue she addresses, as well as the *standard* rhetoric deployed to invoke that law.

The elements, then, of a framework for getting at the legal reasoning of petitioners – and ascertaining the law they rely on – are relatively simple. Determine the venue the petitioner chose for his or her complaint, the issue that the petition addresses, the way the petition identifies the petitioner and other parties to the petition (both as a matter of assigned identity and constructed identity), and the circumstances that gave rise to the petition. Then examine the petition in an appropriate comparative context to determine the norm or norms the petitioner relied on or invoked as dispositive and what topoi and tropes she used to communicate her case, and the ways in which she used them. From this data we have what is required to understand the law the petitioner invokes and reconstruct the petitioner’s legal argument.

### 3. Sampling the Results of the Study

Thus far I have published only preliminary readings of a number of the *πολίτευμα* petitions in a series of articles over the last number of years. I am presently working to complete a comprehensive commentary on all of the petitions that uncovers the degree to which they do or do not draw on Jewish legal norms or principles. Here I summarize the results of my examination of three of the petitions, one each from the three categories described above, reporting only what is necessary to demonstrate the ways in which each one draws on Torah.

#### 3.1 Complaints about Unlawful Acts against Persons: *P.Polit.Iud. 1*

From this category I address *P.Polit.Iud. 1*, a plea from a man who was publicly insulted and who seeks some sort of response from the officials of the *πολίτευμα*. In an earlier publication aimed at determining what the petitioner, Andronikos, wanted from the *πολιτάρχης* and the leaders of the *πολίτευμα* I addressed the fixed and constructed identities Andronikos inscribed for himself and for Nikarchos, the accused, as well as the tropes and *topoi* Andronikos used to present his case to the *πολίτευμα*. I demonstrated that Andronikos's complaint was that someone with status well below his had damaged and thieved his honor, and he feared that news of this might travel beyond his hometown to settlements nearby and even further abroad. What he wanted was the immediate restoration and repair of his honor. I stand by those general conclusions.<sup>14</sup> However, I revise my argument as to the legal definition of what Andronikos charges Nikarchos with having done. It was not as the consensus holds – with which I agreed in my earlier treatment of the text – a routine case of *ὑβρις* governed by Greek law. Rather, Nikarchos committed an extra-judicial false accusation, a delict *not* covered by Greek law, but one nonetheless addressed by a principle one can derive from Torah. Let me explain.

As to Greek law pertaining to cases of *ὑβρις* in Hellenistic Egypt, the consensus is that while a physical assault is typically involved, a plaintiff could charge someone with the delict simply for verbal assault, setting in motion a *δίκη κακηγορίας* – thus the consensus that *P.Polit.Iud. 1* is a cause of action for *ὑβρις*. This understanding of the delict assumes that Athenian law on *ὑβρις* as we know it from a reading of Demosthenes, *Or. 21.32, 47* was dispositive in Hellenistic Egypt. This consensus was also influenced by the repeated use of rhetorical formulae reporting abusive speech in petitions against persons charged with acts of *ὑβρις*.<sup>15</sup> Yet, examining the Hellenistic-era petitions

<sup>14</sup> R. Kugler, “What Really Troubled Andronikos? A Note on *P.Polit.Iud. 1*,” in *Sibyls, Scriptures, and Scrolls: John Collins at Seventy*, ed. J. Baden et al., JSJSup 175 (Leiden: Brill, 2016), 673–687.

<sup>15</sup> The *locus classicus* for the delict in literature from Classical Athens in Demosthenes's speech against Meidias, when he cites it to complain about Meidias having given him a blow to the head (Demosthenes, *Or. 21.47*); but in *Or. 21.32*, it is indicated that a cause

explicitly identified as charges of ὕβρις and petitions that use the rhetorical formulae without declaring explicitly the complaint concerns an act of ὕβρις proves the consensus wrong, at least in Hellenistic Egypt: while exchanges of unpleasanties are a routine part of both kinds of petitions, in all cases where there is sufficient text to reconstruct the cause of action, the verbal exchange is merely the prologue to a physical altercation that constitutes the basis for the complaint of ὕβρις.

Indeed, of the nineteen petitions from Hellenistic Egypt I have identified that explicitly allege the crime of ὕβρις, most recount an incident that began with a verbal exchange and evolved into a physical altercation of some sort. Sixteen of them report direct bodily injury to the petitioner and/or the violation of his or her personal physical space,<sup>16</sup> one reports physical attacks on a relative of the complainant,<sup>17</sup> one only refers to an act of ὕβρις without giving

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of action can also arise from simple verbal assault. In commenting on the passage, Douglas M. McDowell observes that although just what ὕβρις is in the case remains elusive, its differentiation from acts of violence such as αἰκεία suggests that it “means possessing a certain attitude of mind, self-indulgent egotism. An act is not an act of *hybris* unless it results from the appropriate attitude of mind” (D.M. McDowell, “Hybris in Athens,” *GR* 23 [1976], 14–31, here 27). McDowell cites as support for his assessment Aristotle, *Rhet.* 1378b23–29, where the philosopher says that ὕβρις is to do and say things that bring dishonor to the victim (αἰσχύνῃ ἔστι τῷ πάσχοντι) for the sake of one’s own pleasure (ὄπως ἡσθῆ) and feeling of superiority (αἰτιον δὲ τῆς ἡδονῆς τοῖς ὑβρίζουσιν ὅτι οἴονται κακῶς δρῶντες αὐτοὶ ὑπερέχειν μᾶλλον, 27–28). On the delict in Greco-Roman Egypt in general, see esp. H.-A. Rupprecht, “Hybris: Anmerkungen zu einem Delikt in den Papyri der ptolemäischen und römischen Zeit,” in *Überlieferung, Bewahrung und Gestaltung in der rechtsgeschichtlichen Forschung*, ed. S. Buchholz, P. Mikat, and D. Werkmüller (Paderborn: Schöningh, 1993), 269–275; id., “Straftaten und Rechtsschutz nach den griechischen Papyri der ptolemäischen Zeit,” in *Symposium 1990: Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, ed. M. Gagarin (Cologne: Böhlau, 1991), 138–148; A.D. Bitonto, “Le petizioni al re: Studio sul formulario,” *Aeg* 47 (1967), 5–57, here 22–24 (who includes instances of assault that do not invoke the delict with the noun or the verb); for general discussion of the delict of ὕβρις, see R. Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri, 332 B.C. – 640 A.D.*, 2nd ed. (Milan: Cisalpino-Golliardica, 1972), 435–442.

<sup>16</sup> *BGU* 6.1247 (Syene, 137 BCE); 10.1903 (unprovenanced, 275–226 BCE), 1904 (unprovenanced, 175–125 BCE); *P.Coll. Youtie* 1.16 (Arsinoite, 109 BCE); *P.Diosk.* 7 (Herakleopolite, 153 BCE); *P.Enteux.* 73 (Magdola, 222 BCE), 74 (Berenikis Thesmophorou, 221 BCE), 75 (Magdola, 222 BCE), 78 (Krokodilopolis [Arsinoite], 221 BCE), 79 (Krokodilopolis, 218 BCE); *P.Fay.* 12 (Theadelphia [Arsinoite], 104–103 BCE); *P.Gur.* 2 (Krokodilopolis [Arisonoite], 226 BCE); *P.Köln* 13.520 (Herakleopolite, 150–100 BCE); *P.Sorb.* 3.112 (Mouchis[?], 219 BCE); *P.Tor. Choach.* 8 (Thebes, 127 BCE); *UPZ* 1.12 (Memphis, 158 BCE).

<sup>17</sup> See *BGU* 8.1855 (Herakleopolite, 69–44 BCE), where the complainant alleges that the assailants were guilty of committing bodily injury, συντρίψαντες θύραν [κα]ὶ ἐπιθέμενοι τῇ μητρὶ περὶ τούτων λογοποιοιμένην ἐξὑβρισαν οὐ μετρίως καὶ εἰς τὸν περὶ τοῦ ζῆν κίνδυνον περιστήσαντες καὶ βία, “breaking down the door and setting upon my mother – who tried talking with them about these things – treated her with extreme hubris and put her life in danger.”

its details,<sup>18</sup> and one is too fragmentary to judge.<sup>19</sup> In addition, nine more texts use the formulaic rhetoric to describe a verbal altercation and follow that with an account of physical violence without explicitly charging the accused with the crime of ὕβρις.<sup>20</sup> On this evidence alone it seems likely that at least in Hellenistic Egypt a verbal assault is merely the warm-up to the act that actually triggers an accusation of ὕβρις, physically assailing the petitioner or his kin in some way. A close look at the evidence confirms this judgment.

First, a recurring formulaic construct that configures the relationship between a verbal quarrel and an ensuing physical altercation is quite telling. It is most obvious in *P. Tebt.* 1.44 (Kerkeosiris, 114 BCE) where the petitioner reports that the accused started a dispute which ἔως μὲν, “for a time,” or “at first,” amounted to verbal abuse (λοιδορέω), but then, ὕστερον δέ, was followed with physical acts. Second, while *BGU* 6.1247 (Syene, 137 BCE) uses the ἔως μὲν half of the construct but gives only δέ in the second clause, the petitioner incorporates δέ into a phrase that makes clear that the physical attack is the lawless deed: ἀνομί[αι] δέ τινη χρησάμενος, “but deploying a certain lawlessness,” the accused assaulted the complainant. Third, in four petitions that explicitly charge the accused with ὕβρις the complainants acknowledge their own full and hearty participation in verbal assault, hardly a wise admission if the act constitutes the basis for a criminal complaint: to denote the outbreak of the dispute, the petitioners in *P. Enteux.* 72.3 (Magdola, 222 BCE) and *P. Petr.* 2.18.8–9 (Theogonis, 236/235 BCE) both use the phrase λοιδορίας μοι γενομένης

<sup>18</sup> *P. Hib.* 1.32 (Hibeh, 246/245 BCE) does not actually recount the incident that gave rise to the complaint, but only refers to sequestration of livestock against the payment of a judgment of ὕβρις.

<sup>19</sup> *P. Petr.* 2.17/1 (Krokodilopolis [Arsinoite], 229/228 BCE) is too fragmentary to be certain what the offending act amounted to – we have only the middle of a column of text that seems likely to have been a man’s plea to a στρατήγος to make an inquiry regarding the charge of ὕβρις a woman named Lamiske brought against him. We do not know what he did to elicit the charge in the first place.

<sup>20</sup> For συστησάμενος [...] ἀμφιλογίαν, see *P. Giss. Univ.* 1.9 (Euhemeria, 131 BCE); *P. Grenf.* 1.38 (Pathyrite, 170 BCE); *PSI* 3.167 (Thinite, 118 BCE); *P. Tebt.* 1.44 (Kerkeosiris, 114 BCE; but with μάχη in place of ἀντιλογία), 138 (Tebtunis, end II BCE; but with μάχη in place of ἀντιλογία). For the language of λοιδορέω and λοιδορία, see *BGU* 3.1007 (unknown provenance, 243/218 BCE); *P. Petr.* 2.18 (2a)–(2b) (Arsinoite, III BCE); *P. Enteux.* 25 (Ghoran [Arsinoite], 222 BCE), 72 (Magdola, 218 BCE). Four of the texts that use the specific language of ὕβρις listed in n. 16 above also use some of this formulaic rhetoric: *BGU* 6.1247; *P. Enteux.* 74 and 79; *P. Gur.* 2. Two additional texts related to legal actions for assault that are not petitions describe incidents involving behavior denominated with the verb λοιδορέω, and these too follow the pattern of verbal insult followed by physical violence: *P. Hib.* 2.200 (unknown, 246 or 221 BCE) is the deposition of a witness who testifies that an assailant verbally assailed a victim and then ripped his garment and injured his ribs; *P. Tebt.* 3/1.765 (Tebtunis, 153 BCE) is a private letter urging someone to come soon to deal with the perpetrator of an assault – the victim was προσλοιδορ[η]θείς by the assailant, receiving from him πλῆγὰς ἀπρεπεῖς (lines 3–4).

πρὸς αὐτόν (with πρὸς αὐτόν referring to the accused), and in *P. Enteux*. 79.5 (Krokodilopolis, 218 BCE) and *P. Gur*. 2.20 (Krokodilopolis, 226 BCE) the petitioners declare that having been cursed, they cursed the accused in return. The accumulated evidence is unequivocal: in Hellenistic Egypt speech acts do not constitute grounds for a charge of ὕβρις; only a physical altercation rises to that level.

Turning back to *P. Polit. Iud*. 1 we see the familiar pattern: an account of an assault that was for a time, ἕως μὲν, merely a verbal assault, but then, ὕστερον δέ, escalated beyond that. But what follows ὕστερον δέ is not what we expect: Andronikos does not accuse Nikarchos of a physical assault, but rather of making a false accusation, ἐπέφερέν μοι ἀγένητον αἰτίαν. This is, to put it simply, an anomalous complaint in Hellenistic Egypt insofar as the charge pertains to an extra-judicial false accusation.<sup>21</sup> Ptolemaic legal norms do not view extra-judicial false accusations as actionable. *P. Hal*. 1.24–77 (Alexandria, mid-third cent. BCE) does report laws governing false witness at trial,<sup>22</sup> but that is not what Andronikos complains about; his concern is that a false accusation was made outside of a legal setting, in the course of an exchange of unpleasanties on the street. What makes Andronikos think, then, that his complaint might get a positive reception among the leaders of the πολιτεύμα?

The Greek Torah might provide a resource for Andronikos on this score in Deut 19:15–21. At first the passage seems, very much like *P. Hal*. 1.24–77, to speak to false accusations in the context of a court proceeding. Verse 15 indi-

<sup>21</sup> The turn of phrase ἐπέφερειν ἀγένητον αἰτίαν does occur in the early Roman-era, in *CPR* 15.15.16 (Soknopaiou Nesos, 7–4 BCE), apparently in reference to an early episode in the lengthy legal process involving the well-known Satabus. It is not clear that mention is made of the accusation to bring a charge against the accuser – it is just one feature of the larger legal dispute. The phrase probably also appears in a Ptolemaic-era text, *SB* 20.14708 (Theadelphia, 151 BCE), which is the author’s attempt to get on the right side of the law vis-à-vis an extortion racket he had been part of, but now wants to distance himself from by offering help to the authorities in reckoning with the ringleader, the local κωμάρχης. At one point he indicates that the target of his complaint, τῆ γύσει μοχθηρὸς ὢν, “being by his very nature a knave,” ἐπενέγκας μοι ἀ[γένη]τον αἰτίαν, “brought a groundless charge against me,” with the result being that the complainant was jailed and released only after doing the accused some sort of fiscal favor. Here too, the false accusation is just one feature of the larger narrative of the accused’s wrongdoing, and it is not the basis for the action that the complainant brings against the perpetrator; in fact his appeal is in part for assistance so that the accused is not able to jail him again to prevent him from testifying against the accused in the larger case. In sum, there is no evidence from Alexandria or the χώρα that people initiated legal action against another for making false accusations outside of a legal proceeding. See also the judgment rendered by R. Taubenschlag, *Das Strafrecht im Rechte der Papyri* (Leipzig: Teubner, 1916), 14, that on the evidence of *P. Hal*. 1, a complaint for κακηγορία or λοιδωρία in Alexandria cannot be established.

<sup>22</sup> *P. Hal*. 1 is likely a δικαίωματα, the collection of city legal norms used by one side of a lawsuit set in Alexandria to argue its case before adjudicators. False testimony was clearly an issue in the lawsuit.

cates that bringing a charge of wrongdoing against someone requires two or three witnesses – one will not suffice. Although it is not explicit in the passage, a reasonable reader would judge this to address charges made in a formal legal setting. Verses 16–17, though, seem to provide a toehold for Andronikos. While v. 16 can be read to continue the focus on testimony in a judicial setting – ἐὰν δὲ καταστή μάρτυς ἄδικος κατὰ ἀνθρώπου καταλέγων αὐτοῦ ἀσέβειαν, “If an unjust witness comes forth against a man, accusing him of impiety” – v. 17 can be read as declaring that only *then* the accuser and the one accused should appear before adjudicators: καὶ στήσονται οἱ δύο ἄνθρωποι, οἷς ἐστὶν αὐτοῖς ἡ ἀντιλογία, ἐναντι κυρίου καὶ ἐναντι τῶν ἱερῶν καὶ ἐναντι τῶν κριτῶν, οἳ ἐὰν ᾤσιν ἐν ταῖς ἡμέραις ἐκείναις, “then the two men between there is a dispute shall stand before the Lord and before the priests and before the judges, the ones who might be [in office] in those days.”<sup>23</sup> The rest of the passage makes clear the gravity of making a false accusation that necessitates a judicial determination: if the judges conclude from a careful inquiry that the accuser is false (v. 18), the penalty he intended for the one he accused falsely shall be levied against him and he should be excluded from the community (v. 19). Verses 20–21 make clear that such a harsh penalty for false witness is meant to be a deterrent against others committing the same crime.

Might Andronikos have had this legal tradition in mind when he charged Nikarchos with ἐπέφερέν μοι ἀγένητον αἰτίαν and sought a judgment against Nikarchos from the πολιτάρχης and the πολίτευμα? Given the absence of any basis for his claim in conventional Ptolemaic law, it certainly seems possible. Indeed, without recourse to such a reading of Deut 19:15–21 Andronikos had no basis otherwise for his complaint.<sup>24</sup>

<sup>23</sup> On the general paratactical (not syntactic) construction of Septuagint Greek, and the necessity of understanding καὶ to introduce apodoses where the sense demands it, see F. C. Conybeare and St. G. Stock, *Grammar of Septuagint Greek* (Boston: Ginn, 1905), §40.

<sup>24</sup> I stress *logical* because it could also be said that Andronikos had Egyptian law on his side in charging Nikarchos with making a false accusation claim against him. In his treatment of Egypt, Diodorus Siculus echoes Deut 19:19a in reporting that among Egyptians making a false allegation against someone was punished by the same penalty the false accuser intended for the falsely accused (1.77.4). The text reads: οἱ δὲ ψευδῶς τινῶν κατηγορήσαντες ὄφειλον τοῦτο παθεῖν ὃ τοῖς συκοφαντηθεῖσιν ἐτέτακτο πρόστιμον, εἴπερ ἔτυχον καταδικασθέντες; see, however, A. Burton, *Diodorus Siculus, Book 1: A Commentary*, EPRO 29 (Leiden: Brill, 1972), 227, who comments on the passage by saying that “There is too little evidence to determine the punishment suffered by those who laid false accusations.” It is true that one cannot be certain of the specific punishment, but the text seems clear enough that it should correspond in any case with what the false accuser intended for the falsely accused. Even if Egyptian norms might served him, though, it is obviously very unlikely that Andronikos would bring an action based on Egyptian law before the Jewish πολίτευμα.

### 3.2 Complaints Related to Contractual or Property Matters: Pap. Graec. Mon. 287 + 293

I discuss next the unpublished petition to the *πολιτάρχης* Straton and to the *ἄρχοντες* of the *πολίτευμα*, Pap. Graec. Mon. 287 + 293. This is an example of texts related to contractual or property matters.<sup>25</sup>

The petition is lean. As to identities, Philippos, the complainant, only gives the barest details of his and the accused’s fixed identities: he and Chaireas, the accused, are Jews, and he is among those from Sobthis (lines 1–5). Philippos introduces nothing in the petition that can be counted as constructed identities. Likewise, Philippos engages in little to none of the hyperbole petitioners often deploy to characterize the wrong done by the accused as particularly egregious. Instead, he satisfies himself with a straightforward, spare account of the facts of the case. He says he is wronged by Chaireas who leased to him five *ἄρουραι* of his cleruchy for a three-year period. He observes that before the three-year period was complete, for one year of the three the land was not amenable to sowing and harvesting because it was *ἄβροχος*, not inundated by the Nile’s waters. When Philippos went to sow the land for what he refers to as “the following year,” *τὸν ἐχόμενον ἐνιαυτόν*, he found that Chaireas had rented the land to other people. In view of these facts, he concludes by asking Straton, the *πολιτάρχης*, and the *ἄρχοντες* to bring Chaireas before them and require him to give Philippos justice.

As to what Philippos wanted from Straton and the *ἄρχοντες*, there can be little doubt that it was effectively an extension for a fourth year of the three-year lease period covered by the original contract, to make up for the year of cultivation and harvesting that he lost due to *ἀβροχία*. He says that the year of *ἀβροχία* occurred *πρὶν ἢ δὲ συνπληρωθῆναι τὰ τρία ἔτη*, “before the three years were over.” That he uses an aorist passive, with an emphatic *σύν* prefix that signals the completeness of the action contemplated in the verb, certifies that the three years of the original contract had elapsed when he went to sow *τὸν ἐχόμενον ἐνιαυτόν*, “for the following year.”<sup>26</sup> Thus, the following year was the fourth after the formation of the contract. It was not having access to the land in that fourth year that precipitated his complaint.

<sup>25</sup> I address this petition with the permission of Thomas Kruse; see further n. 2 above.

<sup>26</sup> For the *σύν* prefix, see H. W. Smyth, *Greek Grammar* (Cambridge, Mass.: Harvard University Press, 1966), § 1648. If the three-year term that the contracting parties agreed to was not complete in terms of calendar years, then Chaireas was clearly in violation of the contract in leasing the land to others, an eventuality that was addressed in some land lease contracts through a clause assuring that, among other things, the lessor will not lease the land to someone other than the lessee during the term of the contract; see, e. g., *PSI* 9.1020.11–12 (Pathyrite, 110 BCE: *μὴ ἐξέστω δὲ τοῖς περὶ Πικῶν ἑτέροις ἐγμισθοῦν ἐντὸς τοῦ χρόνου*), 1021.28–30 (Ta Memnomeia [Thebes], 109 BCE: *μὴ ἐξέστω δὲ τῷ γεούχοι ἑτέροις ἐγμισθοῦν ἐντὸς τοῦ χρόνου*); and see further H.-A. Rupprecht, “Beβαίωσις und Nichtangriffsklausel: Zur Funktion zweier Urkundsklauseln in den griechischen Papyri bis Diocletian,” in *Beiträge zur*



When we examine this demand in the context of typical Ptolemaic-era land lease contracts for agricultural use and the handful of complaints that provide, however remotely, comparative evidence for Philippos's complaint, his appeal proves to be quite unusual. There are no norms in Ptolemaic land lease contract practices that support his claim for use of the land beyond the calendrically-determined term of the original contract in the event of a year lost to natural impediments, and he eschews demanding the remediation that was available to him under such circumstances, a corresponding reduction in rent – a remedy that allowed certainty in planning for lessors that would otherwise have been impossible.<sup>27</sup>

So, why can Philippos have been so certain that Straton and the ἄρχοντες would see things his way that he could eschew constructing a sympathetic identity for himself and a villainous one for Chaireas in favor of merely identifying himself and Chaireas as Jews, satisfying himself with a spare summary

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*Juristischen Papyrologie: Kleine Schriften*, ed. A. Jördens [Stuttgart: Steiner, 2017], 51–61, here 53 with n. 16, where both texts are cited. If Chaireas was in error in this way, surely Philippos would have said as much and made clear that the three-year term was *not* συμπληρωθῆναι.

<sup>27</sup> Lease contracts for farmland dating to the Hellenistic and Roman eras often included explicit provisions to compensate a lessee through a reduction in rent for land use lost due to natural events like a failure of inundation (ἄβροχος), as well as its opposite, over-inundation (ποταμοφόρητος) and the related problems of over-silted, too-sandy soil (ὑφαμμος) or eroded land (κατεξυσμένη). For a text that lists all of these impediments, see *P. Amh.* 2.85.14–16 (Hermopolis, 78 CE); in the event of such difficulties the lessor was obliged to forgive the relevant portion of the rent, which usually corresponded to the amount of land made unusable by over- or under-inundation. For contracts addressing the eventuality of ἄβροχια in particular, see *BGU* 6.1270 (Tachona [Oxyrhynchite], 191 BCE); *P. Frankf.* 1.13–15 (Tholthis [Oxyrhynchite], 213 BCE); *P. Freib.* 3.34.11 (Philadelphia [Arsinoite], 173 BCE); *PSI* 10.1098.11–13 (Tebtunis, 151 BCE); *P. Tebt.* 1.106.16–17 (Ptolemais Euergetis [Arsinoite], 101–100 BCE); *P. Yale* 1.51.15–18 (Kerkesucha [Arsinoite], 184 BCE); *SB* 12.11061.8–11 (Tholthis [Oxyrhynchus], 218 BCE). See also J. Herrmann, *Studien zur Bodenpacht im Recht der graeco-ägyptischen Papyri*, MBPF 41 (Munich: Beck, 1958), 161–162. That the relevant clauses are absent in contracts from the Herakleopolite and Hermopolite, however, does not mean that remediation through rent reduction (and relief from relevant taxes) was not practiced there. Indeed, an appeal from farmers for relief from a land-related tax burden upon returning to the land after an episode of withdrawal related to flooding dated to the mid-first century BCE comes from the Herakleopolite (*BGU* 8.1843), and more to the point, in a nome adjacent to the Herakleopolite, three lessees declare that their lessor refuses to come and inspect the land they rented from him to confirm that it was ἄβροχος and that the relevant clause in their contract should come to bear (*P. Enteux.* 59, Magdola [Arsinoite], 222 BCE). See also the complaint of some crown farmers that they could not perform cultivation required because the land was ἄβροχος (*P. Tebt.* 3.1.787, Oxyrhyncha [Arsinoite], 138 BCE). On the absence of the clauses in Herakleopolite contracts, see H.-A. Rupprecht, “Die ‘Bebaiosis’: Zur Entwicklung und den räumlich-zeitlichen Varianten einer Urkundsklausel in den graeco-ägyptischen Papyri,” in *Beiträge zur Juristischen Papyrologie* (see n. 26), 75–85, here 76, 84.

of the facts of the case, and never mentioning the norm which he expected the adjudicators to apply to settle the case in his favor? How can he be so sure that the ἄρχοντες will agree with him that he is entitled to a third year of sowing, tending, and harvesting the land without regard for the actual passage of real time?

Jewish law may provide the basis for Philippos’s confidence. In addressing the Sabbatical and Jubilee Years, Lev 25 touches on the question of land “sales” between Jubilees. In the Jubilee Year ancestral owners of property are restored to the lands they “sold” sometime in the preceding forty-nine years. Thus Lev 25:14–17 decrees that land “sales” should be prorated to the number of years the “buyer” will actually be able to use the land – to sow and harvest its produce (vv. 14–16a). The text then says what this means: ὅτι ἀριθμὸν γεννημάτων αὐτὸς ἀποδώσεται σοι, “for he shall sell to you [according to] a number of harvests” (v. 16b). The implication of v. 16b is that if one bought land with just the last five years of the period between Jubilees remaining, the payment to the seller would be for five years, but if conditions made it impossible to harvest the land for one or more of those years, the cost to the buyer and the payment to the seller would be prorated accordingly.<sup>28</sup> Verse 17 declares that to fail in this is to oppress the neighbor and not fear the Lord. In short, in land contracts buyers become lessees, sellers become lessors, and what is leased are specific numbers of years of a plot’s *productivity*.

The legal principle implied in v. 16b, that one contracts for a number of years of a plot of land’s productivity, seems to lie behind Philippos’s argument. Likewise, his laconic account of the affair suggests that he takes for granted that Straton and the ἄρχοντες also understand that and require no real additional encouragement to share his judgment that the principle is dispositive. In Philippos’s estimation, only Chaireas seems unable to appreciate the norm that an agreement for the lease of agricultural land is for a number of years of the plot’s productivity.

### 3.3 Complaints Related to Marriage and Family Matters: P.Polit.Iud. 3

From the group of texts addressing marriage and family matters, I address *P.Polit.Iud. 3*, Protomachos’s appeal for help in gaining control of a portion of a vineyard his father-in-law, Euphranor, promised to him upon his marriage to

<sup>28</sup> See Sifra Behar 3:10, for a halakic midrash that declares such discounting for natural impediments to gaining a harvest is what the text does indeed require. Commenting on Lev 25:16b: שְׁנֵי תְּבוּאָתָא – “שני תבואת” (“the years of the crops’: A year of wind-blast or yellowing or shevi’ith do not enter into the count,” quoted from Sefaria: A Living Library of Jewish Texts, accessed May 1, 2019, <https://tinyurl.com/y5g4tehk>). Underscoring that it is impediments beyond the farmer’s control that count, the Sifra goes on to say, though, that if a buyer’s own farming practice results in a year without harvest, that year “does enter the count.”

Euphranor's daughter. This text presents a more complex, oblique reliance on Jewish law.

The petition is Protomachos's second appeal to the ἄρχοντες in the matter. Protomachos complains that in connection with the dowry that Euphranor provided to Protomachos, he also promised to convey a portion of a vineyard when Protomachos confirmed the marriage by executing a συγγραφή συνοικίστου. In response, Euphranor was to register the conveyance of the vineyard portion in the public records office. While Protomachos fulfilled his side of the bargain, Euphranor had yet to transfer the portion of the vineyard, even though he had guaranteed the whole matter with an oath, and judges in his own village had issued an order requiring him to do so after Protomachos complained for the first time that his father-in-law had not honored his commitment. In his second petition Protomachos requests that the ἄρχοντες compel Euphranor to honor his vow and conform to the village judges' order.

The unconventional feature among the events Protomachos narrates is the gift of extra-dotal property from the bride's family for the couple's use or outright possession. This resembles the Roman-era practice of προσφορά, a gift to the couple of the use of real property or slaves from a bride's parents to ensure a good start on married life. The practice aimed to ensure that such property was not absorbed into the dowry, over which the husband had control, and only the value of which he had to restore if the marriage dissolved.<sup>29</sup> Thus the προσφορά is generally recognized as a means to protect real property heritable by the daughter from a dilatory husband; but it is a Roman-era innovation and is otherwise unknown in definitive form in Ptolemaic-era documentary evidence.<sup>30</sup> Euphranor's promise of the vineyard portion seems quite unusual in the Hellenistic period.

<sup>29</sup> On the development and nature of the προσφορά (and the closely related παράφερνα), see U. Yiftach-Firanko, *Marriage and Marital Arrangements: A History of the Greek Marriage Document in Egypt, 4th Century BCE–4th Century CE*, MBPF 93 (Munich: Beck, 2003), 128–149, 164–175, 180–182, 310–311. Yiftach-Firanko builds on but corrects in significant ways the earlier work of G. Häge, *Ehegüterrechtliche Verhältnisse in den griechischen Papyri Ägyptens bis Diokletian* (Cologne: Böhlau, 1968), 214–223, who argues that the προσφορά evolved from Egyptian marriage agreement practices.

<sup>30</sup> While the editors of *P.Polit.Iud.* 3 cite *SB* 6.8974, frag. 3.2, lines 24–30 (Bousiris [Herakleopolite], beginning of the first cent. BCE), as a Hellenistic-period example of this phenomenon, the term προσφορά is not used, and the precise character of the property in relationship to the φερνή is not entirely clear (Cowey and Maresch, *P.Polit.Iud.*, p. 48 nn. 7 and 8). On the notion that *SB* 6.8974 does entail a προσφορά-like property transfer, see also Häge, *Ehegüterrechtliche Verhältnisse* (see n. 29), 48–49; for the possibility that the purported unnamed προσφορά in *SB* 6.8974 is just part of the φερνή, see H.J. Wolff, *Written and Unwritten Marriages in Hellenistic and Postclassical Roman Law* (Haverford, Pa.: American Philological Association, 1939), 116–117; and Yiftach-Firanko, *Marriage and Marital Arrangements* (see n. 29), 112–113, 115. Yiftach-Firanko also addresses *P.Polit.Iud.* 3, arguing with respect to the extra land in *SB* 6.8974 and *P.Polit.Iud.* 3 that, “In both cases, one could claim that it was delivered separately from the *phernē*, in both cases, however,

Yet this is not a unique practice, at least in the *πολίτευμα*, and it could also explain a curious legal exchange among Jews in nearby Samareia some decades earlier. I have argued elsewhere that the complex and otherwise inexplicable string of property transfers referred to in *P.Polit. Iud. 5* is best explained as the petitioner’s means of protecting a *προσφορά*-style gift of a house from reclamation by a seller on the basis of Lev 25:29.<sup>31</sup> And a similar arrangement could explain the contractual arrangement in *CPR 18.11* (218 BCE, Samareia) between two Jews, a former mother-in-law and her former son-in-law, which may have been intended to extend the life of a *προσφορά*-style grant of farmland use beyond the dissolution of the marriage (marked by *CPR 18.9*, a receipt for the return of a dowry) to which it was connected so the man could obtain fair value from the investments he made in the land while he held it as a *προσφορά*-gift.<sup>32</sup> These three texts – *P.Polit. Iud. 3*, *5*, and *CPR 18.11* – fill a significant gap in a long-recognized body of evidence that Jews in Egypt, and later in Judea, practiced this means of transferring parental real property to daughters through extra-dotal gifts. The earliest evidence from Egypt that Jews augmented dowries with property that could be of use to the daughter and husband comes from the Elephantine papyri and dates to the fifth century BCE,<sup>33</sup>

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the opposite contention could be made as well” (115). With respect to *P.Polit. Iud. 3*, this overlooks Euphranor’s oath with regard to the vineyard portion, but not regarding the dowry; thus the two seem to be separate.

<sup>31</sup> R. Kugler, “Judean Legal Reasoning in *P.Polit. Iud. 3–5*: A Research Report,” in *Proceedings of the 27th International Congress of Papyrology, Warsaw, 29 July–3 August 2013*, ed. T. Derda et al., vol. 3, JJPSup 28 (Warsaw: Raphael Taubenschlag Foundation, 2016), 1565–1578.

<sup>32</sup> *CPR 18.9* and *11* appear in a register of contracts from Theogonis in the Arsinoite dating to the late third century BCE. *CPR 18.9* is a dowry-return receipt, Philoumene’s acknowledgement that her erstwhile son-in-law, Menestratos, had returned a dowry that she had provided when her daughter married Menestratos. For some reason the marriage had dissolved and, as required of him, Menestratos had returned the dowry. The receipt acknowledged not only receipt of the value of the dowry, but also the annulment of any additional agreements attendant to the marriage. *CPR 18.11*, executed within days of *CPR 18.9*, is an agreement between Menestratos and Philoumene that Menestratos would lease a portion of an orchard Philoumene owned and that he would also labor in the same orchard in exchange for wages; the agreement also indicates that he prepaid four years of rent and assumed liability for taxes on part or all of the orchard. As I expect to make clear in a fuller treatment of *CPR 18.11*, the most parsimonious explanation of this completely unique sequence of legal procedures in the Hellenistic documentary record is that in connection with the dowry she provided for her daughter, Philoumene had made a *προσφορά*-style gift of the garden portion to the newlyweds upon their marriage; her son-in-law began to cultivate the plot as a vineyard while he had access to it through marriage; the end of the marriage and the annulment of the dowry’s provisions terminated his right to cultivate the land before the vineyard was productive enough to return his investment in cultivating it; and *CPR 18.11* was the means by which Philoumene and Menestratos extended his access to the plot long enough to ensure Menestratos did recover his investment in the land to convert it to a productive vineyard.

<sup>33</sup> The Mibtahiah archive reveals two episodes of the practice: Mahseiah’s bequest of a

and the evidence of the Roman-era Babatha archive from the Judean desert indicates that this practice persisted beyond the Hellenistic era and expanded beyond Egypt.<sup>34</sup> This body of evidence spanning nearly six centuries suggests that augmenting a dowry with a *προσφορά*-style gift to the bride and groom of real property was an enduring custom among Jews. Moreover, the absence of the practice in the rest of the documentary record from Egypt before the development of the *προσφορά* in the Roman period suggests that at least in this form this was a custom unique to the Jews of Egypt. But why might this practice have featured among Jewish parents of daughters before the Roman era?

Addressing the evidence from the Elephantine and Babatha archives, Michael Satlow points toward a sensible answer to this question. He says of the Jews of Elephantine, “It is possible” that they “structure[d] their strategies of marital payments and succession around one biblical obstacle, that concerning the inability of daughters to inherit from their parents in the presence of brothers. Their desire to circumvent this restriction, which they did with ease, would explain the use of ‘gift’ conveyances rather than ‘bequeaths.’”<sup>35</sup> We know of the “biblical obstacle” from the tale of Zelophehad’s daughters in Num 27 and the related passage in Num 36:6–9 that confirms the reason allowing daughters to inherit was abhorrent: it ran the risk of alienating property from the tribe or clan. This was hardly an issue in Egypt; but the norm was nonetheless a scripture, Torah – authoritative. And so, parents developed a means of getting around it to transfer heritable property to their daughters. Thus, when Euphra-

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house to his daughter Mibtahiah in connection with her marriage (*TAD* B2.3 and B2.4, dated to December 1, 459 BCE) and Anani’s gift of a life estate of usufruct in rooms and access to space within his house (i. e., an apartment) to his daughter Jehoishma, in anticipation of her marriage (*TAD* B3.7–9, 10–12).

<sup>34</sup> The clearest example from the archive is *P. Yadin* 19 (Maoza [Petra], April 16, 128 CE), a simple, two-stage gift that was clearly a *προσφορά*-type transfer of property. Eleven days after Shelamzion married Judah son of Hananiah, her father, Judah son of Eleazar Khthou-sion (Babatha’s second husband) gave her the gift of half a courtyard and half of some rooms in a house in En-Gedi, and promised that the other half of the property would become hers upon his death. In this case, it is difficult to argue that the aim is to ensure that property remains in the family line, as the far easier way to accomplish that would have been to let the property pass to Judah’s nephews, whom we know from *P. Yadin* 20 (Maoza [Petra], June 19, 130 CE), a document in which their guardians cede their claim to the same property to Shelamzion. In this regard, see also *P. Hever* 64 (Maoza [Petra], November 9, 129 CE), where Salome Gropite gives a similar kind of gift to her daughter Salome Komaïse, probably in anticipation of her marriage. For all of these texts and an argument that the deeds of gift are intended to circumvent laws of succession that could alienate a man’s property from his lineage upon his death if he lacks male heirs, see H. Cotton, “Deeds of Gift and the Law of Succession in the Documents from the Judaean Desert,” in *Akten des 21. Internationalen Papyrologenkongresses, Berlin 1995*, ed. B. Kramer et al., APF Beiheft 3 (Stuttgart: Teubner, 1997), 179–186.

<sup>35</sup> M.L. Satlow, *Jewish Marriage in Antiquity* (Princeton: Princeton University Press, 2001), 206.

nor vowed to transfer the vineyard portion to Protomachos and failed to carry through on his word, he violated a custom constructed to permit Jewish parents to remain law-abiding by *their own ancestral norms*, while fulfilling a desire to transfer parental property to daughters. This was to take Torah very seriously indeed. And inasmuch as this act arose from Jewish legal imagination, the *πολίτευμα* was the natural venue for Protomachos to appeal to for assistance.

### 3.4 Summarizing the Results

To review: In *P.Polit.Iud.* 1 Andronikos argues that Nikarchos should be penalized for making a false claim against him in public, a charge that is unsupported under general Ptolemaic law, but that does find authorization in reading Deut 19:15–19, and especially v. 17, as speaking to extra-judicial false accusations. In Pap. Graec. Mon. 287 + 293 Philippos argues that he should have access to farmland he leased for a three-year period in the fourth year after making the agreement because one year of sowing and harvesting was lost to *ἀβροχία*; lacking a basis for such a claim in Ptolemaic law, he seems to depend on the law of lands sales between Jubilees in Lev 25:14–17 which establishes the principle that one bargains for a number of harvests, not a simple calendrically-determined period of land access. And in *P.Polit.Iud.* 3 Protomachos seems to argue that an apparent Jewish custom of giving daughters and sons-in-law use of parental property through an augment to the dowry – so as to respect the Jewish norm that daughters cannot inherit property from their parents in the presence of brothers – should be enforced by the *ἄρχοντες* in the case of his father-in-law.

To be sure, some readers are sure to argue that without explicit lexical connections between the petitions and the legal principles derived from Torah that I argue petitioners had in mind there is reason to doubt the cogency of my analyses of *P.Polit.Iud.* 1, Pap. Graec. Mon. 287 + 293, and *P.Polit.Iud.* 3 in their wider legal contexts. Anticipating objection, I remind readers of some important facts. First, these petitioners had multiple adjudicatory venues available to them, yet they chose the one where adjudicators could be expected to know and apply specifically Jewish legal principles in judging their appeals. Second, in each of the cases summarized, no other known Ptolemaic legal norms can be found to support the petitioners’ reasoning; only recourse to principles derived from Torah can explain their position. And third, the petitioners make their arguments without explicitly stating the law they expect to be dispositive, suggesting their simple expectation that adjudicators would know and apply those legal principles without being directed to them. All of which is to say, there is little reason to expect substantial lexical overlap between the language of the petitions and the Greek Torah. That is not to say that there will or can be none of that; it is to say that it is not strictly necessary, given the venue the petitioners chose for adjudicating their disputes and general petitionary practice in Ptolemaic Egypt.

#### 4. Stepping Back

Stepping back from the three representative case studies, the appropriate question at this point is whether what they testify to – Jews who led in at least certain respects Torah-defined lives – may equally be declared evidence for a kind of Judaism. To be sure, the notoriously difficult definitional issues associated with the term “Judaism” complicate the way we answer my question. And I do not speak of the question of whether there is one Judaism or many – as I take the many for granted. Rather, I refer to the skepticism that we may speak of religion at all in antiquity. It is a skepticism I once shared – but teaching and thinking about religion in modern and ancient contexts has cured me of that particular affliction. Instead, I count myself among those who, though acknowledging that religion is a modern category, still find a commonsense, modest definition of the concept to have utility for examining and understanding premodern human expressions and experience. One such understanding is articulated by Seth Schwartz, who suggests with reference to the contemporary anxiety about using the category “religion” for understanding phenomena in the ancient world that it might best be “understood to refer simply to practices, social and cognitive, which embody people’s relationships with their god(s).”<sup>36</sup> On this understanding, “religion” is inextricably tied up with and embedded in the dimensions of life that modern scholarship classifies, like religion, as distinct human expressions – law, economics, politics, society, culture, and so on – but that were (and are still) deeply intertwined with each other in the fabric of daily human life. People then (and still today) acted out their “relationships with their god(s)” by responding to what they understood to be their god(s)’s wishes for them expressed in texts and other modes of revelation in their legal, economic, political, social, and cultural acts – such as the Torah. As a consequence, we should look for the traces of religion in a much wider variety of ancient texts and media than we heretofore imagined. My answer, then, to the question whether the legal reasoning of Andronikos, Philippos, and Protomachos may be taken as evidence of “Judaism,” is an unequivocal “Yes.” Of course, we may see traces of what modernity calls Judaism in Euphranor’s decision to transfer property to his daughter as inheritance through the instrument of a *proto-προσφορά* so as to respect the Torah’s implicit prohibition of making daughters direct heirs of parental property; likewise we may discern

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<sup>36</sup> S. Schwartz, *The Ancient Jews from Alexander to Muhammad* (Cambridge: Cambridge University Press, 2014), 8; for a similarly sensible approach, see also S.K. Stowers, “Theorizing the Religion of Ancient Households and Families,” in *Household and Family Religion in Antiquity*, ed. J. Bodel and S. Olyan (Malden, Mass.: Blackwell, 2008), 5–19, here 8–9, who argues that religion in antiquity is the imagined participation of gods or other non-observable beings in the corporate and individual lives of particular human populations (cultures, societies, ethnicities, etc.) such that those non-observable beings’ claims shape such populations’ acts, speech, thinking, and belief.

intimations of Judaism in Protomachos's insistence that he honor that decision. Of course, we should see hints of Judaism in Philippos's Jubilees-law-based insistence that he had a third year of land use from Chaireas, even if it was the calendrical fourth year since they made their land-lease contract. And, of course, we may regard as evidence of Judaism Andronikos's claim that the Torah's loosely-worded law regarding false witness should compel the leaders of the *πολίτευμα* to take up his cause against Nikarchos. Why not? All three petitioners demonstrably hold the view that the claims made on them by their God through their scriptures can and do shape their acts, speech, thinking, and belief. To be sure, we can argue about the depth, sincerity, and nature of their commitment. But in the end, I do not think we can deny that in their petitionary acts they were engaging in social and cognitive practices which embodied their relationship with the God of the Jews known to them through Torah and its law.





# Torah and Temple in Judean Pseudepigrapha

## From Jubilees to Fourth Ezra and Second Baruch

*Lutz Doering*

In this contribution, I shall consider the two key concepts of Torah and temple in Judean texts (referring here to texts both Jewish<sup>1</sup> and hailing from Judea) from the Hellenistic and early Roman periods. In doing so, I shall select one text from the middle of the Hellenistic period – the Book of Jubilees – and two from the early Roman period, probably following the destruction of the Jerusalem temple – Fourth Ezra and Second Baruch. All of these texts envisage a Jewish readership.<sup>2</sup> All of them are conventionally reckoned with the so-called Pseudepigrapha, that is, pseudonymous or anonymous literature relating to figures of Israel’s past, subsequently translated into Greek and other languages, and eventually collected and handed down by Christians. They are, more specifically, to some extent also comparable with respect to their genre: while Fourth Ezra and Second Baruch are prime examples of (late) Jewish apocalypses of the “historical” type, the Book of Jubilees, while representing a specimen of “rewritten scripture,” might also be considered a special case of “historical” apocalypse.<sup>3</sup> In what follows, I shall first analyze the treatment

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<sup>1</sup> In this article I am using “Jewish” in a broad sense, as being related to a group of people sharing a particular lifestyle, set of beliefs, and ethnic identification. In using this term, I am not making an argument about the existence of Jewish “religion” for the time under consideration, and while I recognize that the genealogical aspect was more central in the Hellenistic period, I do not here presuppose a move from “Judean” to “Jewish,” as suggested by Daniel R. Schwartz (see, e.g., his *Judaeans and Jews: Four Faces of Dichotomy in Ancient Jewish History* [Toronto: University of Toronto Press, 2014]).

<sup>2</sup> For Jubilees, we can assume that the implied readers are construed as “Judeans” in the geographical sense, while Second Baruch might also appeal to Jews in the diaspora, on account of its reference to the tribes in the “Babylonian” and “Assyrian” exile (see 2 Bar. 77:12, 17–19; and the letter to the nine and a half tribes in the “Assyrian” exile, 2 Bar. 78–86), the latter of which are also referred to in Fourth Ezra (see 4 Ezra 13:39–47).

<sup>3</sup> See the evaluation by J. C. VanderKam, *Jubilees: A Commentary*, Hermeneia (Minneapolis: Fortress, 2018), 19–21 (“It is reasonable to use labels such as Rewritten Scripture or Apocalypse for the genre of Jubilees, as long as one recognizes that there are strengths and weaknesses connected with both of them” [21]). For the suggestion that Jubilees “subverts” the form of the apocalypse, see T. R. Hanneken, *The Subversion of the Apocalypses in the Book of Jubilees*, EJL 34 (Atlanta: Society of Biblical Literature, 2012). J. J. Collins, “The Genre of the Book of Jubilees,” in *A Teacher for All Generations: Essays in Honor of J. C.*

of Torah and temple in each of these works and then make some comparative observations that also allow us to gauge some broad lines in which the roles of Torah and temple have developed in the course of the Hellenistic and early Roman periods.

## 1. Torah and Temple in the Book of Jubilees

### 1.1 Torah in Jubilees

The Book of Jubilees, probably dating from the middle of the second century BCE,<sup>4</sup> presupposes *something like the Torah* in the sense of “Pentateuch.” It deems this Torah authoritative and calls it “the book of the first law” (*maṣḥafa ḥegg za-qadāmi*, Jub. 6:22), written down by the angel of presence substituting for God.<sup>5</sup> Similarly, Jub. 30:12 refers to the Torah: “For this reason I [sc. the angel of presence] have written for you *in the words of the law* everything that the Shechemites did to Dinah and how Jacob’s sons said: ‘We will not give our daughter to a man who has a foreskin because for us that would be a disgraceful thing.’” At first sight, this looks like a rough quotation of Gen 34:14. However, the Ge‘ez and Latin versions of Jubilees clearly support the reading “daughter,” whereas all versions of Genesis have “sister.”<sup>6</sup> Jubilees, then, does not formally cite the Torah here, and even full-fledged paraphrase of Torah wording is relatively rare throughout the book. Rather, the relation between Jubilees and the Torah qua Pentateuch can be characterized as “rewriting,” and hence Jubilees features, as I have already indicated, as a prime example of “rewritten scripture,” presenting a rewritten form of the material from Gen 1 to Exod 24, with a few glimpses beyond.

Yet, Jubilees also inscribes into this rewriting the legal ideology and selected halakic details championed by its author group. The setting of Jub. 1:1–4 is modeled after Exod 24:12–18, Moses’s ascent to Mount Sinai and his forty-day stay. Jubilees 1:1 rewrites the ambiguous phrase in Exod 24:12, “I will give you the tablets of stone *and* the law and the commandment,” as follows: “I will

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VanderKam, ed. E.F. Mason et al., JSJSup 153 (Leiden: Brill, 2012), 737–755, drawing on Prototype Theory, is prepared to regard Jubilees as “a marginal member of the genre apocalypse [...] without claiming that this is its only generic affiliation” (754). For the common assignment of Second Baruch, Fourth Ezra, and Jubilees to the “historical” type of apocalypses, see id., *The Apocalyptic Imagination: An Introduction to Jewish Apocalyptic Literature*, 3rd ed. (Grand Rapids, Mich.: Eerdmans, 2016), 7–8.

<sup>4</sup> Cf. the recent review in VanderKam, *Jubilees* (see n. 3), 25–38, where he opts for “a time not too far from the 160s – perhaps the 150s” as “most likely” (38) while criticizing theories of literary growth of the work after its basic composition. For the purposes of this contribution I shall consider Jubilees as a coherent work. See further below, n. 13.

<sup>5</sup> Cf. VanderKam, *Jubilees* (see n. 3), 319.

<sup>6</sup> The reading “daughter” might be influenced by Gen 34:8–9, where this term is used.

give you the two stone tablets, the law and the commandment.”<sup>7</sup> Here, “the law and the commandment” seems to stand in apposition to “the two stone tablets,” hence probably making the entire phrase relate to the Torah.<sup>8</sup> At the same time, however, according to Jubilees, Moses is shown *more things* on Mount Sinai: “the Lord showed him what (had happened) beforehand as well as what was to come. He related to him the divisions of the times for the law and for the testimony” (Jub. 1:4). A similar wording occurs in Jub. 1:26<sup>9</sup> and is probably a self-reference to the Book of Jubilees, which incorporates, with the mention of “law” (תורה) and “testimony” (תעודה),<sup>10</sup> both halakic matters and the account of preordained history.<sup>11</sup> Hence, Jubilees claims to contain *additional* materials not included in the Pentateuch, which were nevertheless shown to Moses by God and dictated to him through the angel. It is debated whether this literary strategy of Jubilees to insert itself into the Sinai narrative implies that the book would claim a *more original* authority than the Torah: after all, the first stone tablets, as the reader of Exodus knows, were smashed following the incident with the golden calf (Exod 32:19) and then replaced with another set (cf. Exod 34); this would make Jubilees, which results from Moses’s *first* stay on the mountain, notionally the *oldest remaining* account of the Sinaitic revelation.<sup>12</sup> Nevertheless, as we have seen, Jubilees calls the Torah “the book of the *first* law,” which apparently acknowledges the primacy of the Pentateuch.

One significant insertion into the rewritten account is the presentation of the Sabbath, not merely as God’s exemplary resting at the culmination of creation week, but also as a day to be observed in the future by the Israelites, in company with God and the higher angels. Jubilees 2:19–23 records God’s intention, on Creation Sabbath, to elect the people of Israel and to grant them to keep the Sabbath in company with himself and the higher classes of angels, and Jub. 2:24 appears to refer to the Sabbath, probably including its prescriptions, with the phrase “the testimony and the first law.” Moreover, in Jub. 2:26–33,

<sup>7</sup> Translations from Jubilees follow VanderKam, *Jubilees* (see n. 3).

<sup>8</sup> In contrast, rabbinic interpretation derived from the phrase in Exod 24:12 the notion that Moses received both the Written and the Oral Torah on Mount Sinai. For a late variant, see b. Ber. 5b: the “tablets” refer to the Decalogue, the “law” to the Pentateuch, the “commandments” to the Mishnah, the phrase “I have written” (as Exod 24:12 continues) to the Prophets and Writings, and “to teach them” to the Gemarah.

<sup>9</sup> Here, the contents of what the angel of presence dictates to Moses are given as “what is first and what is last and what is to come during all the divisions of the times that are for the law and for the testimony and for the weeks of their jubilees until eternity.”

<sup>10</sup> For Jub. 1:4, 4Q216 i 11 preserves the reading [לתורה]ה, for Jub. 1:26, 4Q216 iv 4 has [ולתעודה]ה.

<sup>11</sup> Thus C. Werman, “The תורה and the תעודה Engraved on the Tablets,” *DSD* 9 (2002), 75–103, here 84–85.

<sup>12</sup> Cf. J. C. VanderKam, “Moses Trumping Moses: Making the Book of *Jubilees*,” in *The Dead Sea Scrolls: Transmission of Traditions and Production of Texts*, ed. S. Metso, H. Najman, and E. Schuller, STDJ 92 (Leiden: Brill, 2010), 25–44.

following a creation summary in Jub. 2:25 (cf. Exod 31:17), Moses (in the narrative setting on Mount Sinai) is ordered to command the Israelites to observe the Sabbath lest they incur the death penalty, with Jub. 2:29–30 detailing a list of Sabbath prohibitions, which is complemented by two further lists at the end of the book, at Jub. 50:8, 12. In my view, the author of Jubilees congenially rewrote Exod 31:13–17, equally situated at Mount Sinai, which connects the obligation to keep the Sabbath, threatening any transgression with capital punishment, with a summary of the creation account.<sup>13</sup> These lists of Sabbath prohibitions do not at all look like the Qumran Sabbath texts and seem to be less developed. If we date Jubilees in the middle of the second century BCE, these lists may well reflect legal tradition antedating the Maccabean revolt, which was preserved by the milieu from which Jubilees arose.<sup>14</sup>

Another significant feature written into the rewriting of the first part of the Torah is a version of the 364-day calendar particularly interested in excluding the moon from being an operative factor (Jub. 6:32–38).<sup>15</sup> As is well known,

<sup>13</sup> Cf. L. Doering, “The Concept of the Sabbath in the Book of Jubilees,” in *Studies in the Book of Jubilees*, ed. M. Albani, J. Frey, and A. Lange, TSAJ 65 (Tübingen: Mohr Siebeck, 1997), 179–205. – Matthew Monger has recently claimed that 4Q216 (4QJub<sup>a</sup>) originally contained only Jub. 1–2, though without Jub. 2:25–33, while 4Q218 (4QJub<sup>b</sup>) 1 1–4, containing Jub. 2:26–27, was part of a Herodian-period redactional expansion of such a short version: M.P. Monger, “4Q216: A New Material Analysis,” *Sem* 60 (2018), 309–333; id., “The Many Forms of Jubilees: A Reassessment of the Manuscript Evidence from Qumran and the Lines of Transmission of the Parts and Whole of Jubilees,” *RevQ* 30/112 (2018), 191–211, here 203, 208–209. I remain skeptical regarding this proposal. Whether Monger’s material reconstruction stands scrutiny remains to be seen, and even if it did, the redactional-critical suggestion would not necessarily follow, since such a short scroll might as well be the remainder of a larger scroll or an excerpt. In terms of content, the statement “This is the testimony and the fir[st] law [as it was sanctified and blessed on the seventh day]” (Jub. 2:24b according to 4Q216 vii 17, restored; against Doering, op. cit., 186–187 n. 35, and the article there quoted, the first word of the line should be read וְזֶה, “this,” not “and this”) is hardly a fitting end to the preceding section and belongs much more plausibly together with the section following (preserved in the Ethiopic), which concerns the communication of the Sabbath laws to Israel and concludes with a matching phrase: “This law and testimony were given to the Israelites as an eternal law throughout their history” (Jub. 2:33). This bracket is aptly noted by C. Werman, *The Book of Jubilees: Introduction, Translation, and Interpretation, Between Bible and Mishnah* [in Hebrew] (Jerusalem: Yad Izhak Ben-Zvi, 2015), 163, 166. Monger thinks his hypothesis matches that of J. Kugel, *A Walk through Jubilees: Studies in the Book of Jubilees and the World of Its Creation*, JSJSup 156 (Leiden: Brill, 2012), 35–37, although Kugel deems the phrase in Jub. 2:24b preserved in 4Q216 to belong with the interpolation, thus the proposals are not congruent. In turn, Kugel’s reasons for assuming an interpolation in Jub. 2:24–33 are weak; see the critique in VanderKam, *Jubilees* (see n. 3), 204–205.

<sup>14</sup> For comprehensive analysis of these lists and their halakah, see L. Doering, *Sabbat: Sabbathalacha und -praxis im antiken Judentum und Urchristentum*, TSAJ 78 (Tübingen: Mohr Siebeck, 1999), 59–62 (arguing for the traditional character of these lists), 70–108.

<sup>15</sup> For the specific form of the 364-day calendar in Jubilees, see J. Ben-Dov and S. Saul-

such a calendar is particularly suited for a strict separation of annual festivals and the Sabbath.<sup>16</sup> It is unclear whether a 364-day calendar operated at the temple any time in the second century BCE; if so, we would have to assume that it was tacitly intercalated in order to bring it in line with the true solar year. Depending on the historical circumstances, Jubilees would either protest against a recent calendar reform or propagate an alternative to the established calendar.

As opposed to the “belated” giving of the Torah on Mount Sinai according to the Pentateuch, Jubilees anchors the law in divine creation. The Creator, as a matter of fact, spoke Hebrew, the “language of creation” (Jub. 12:26), and thus the law set up by the Creator was engraved in creation from which it can be read off, as it were. This is what Enoch begins to do (4:17–19) and Noah picks up, who possesses a book on the division of the earth, writes down teachings about medicines, and gives “all the books that he had written” to his oldest son Shem (8:11–12; 10:13–14). This is why Abram is made to understand Hebrew, so that, apart from observing the course of the stars (12:16), he could read the Hebrew books of his forefathers (12:25–27; cf. 21:10); writing is continued by Jacob (32:26), who passes on “all his books and the books of his fathers to Levi” (45:16).<sup>17</sup> Another repository is the heavenly tablets, containing inter alia laws, from which the angel of presence reads off his account to Moses.<sup>18</sup> Additionally, the primordial figures and the patriarchs, as *exempla*, enact relevant parts of the law, such as purification from childbirth (3:8–14), circumcision (15:11–14, 23–27; 16:14), celebration of festivals in the 364-day calendar,<sup>19</sup> or the laws of tithes (32:2–15). They also instruct their offspring on various legally relevant issues, such as removal of and abstention from blood (7:27–33; 21:16–20), sacrificial laws (21:7–15), separation from gentiles (22:16–24), or the practice of righteousness and fraternal love (36:3–6). All of these instances of “the law before Sinai” appear to reflect interaction with Hellenistic concepts of natural law, without showing the philosophical quality of natural law dis-

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nier, “Qumran Calendars: A Survey of Scholarship, 1980–2007,” *CurBR* 7 (2008), 124–168, esp. 135–138.

<sup>16</sup> There would be minimal overlap during the *hōl ha-mō‘ed* days; see Doering, *Sabbat* (see n. 14), 109.

<sup>17</sup> See K. Müller, “Die hebräische Sprache als Textur der Schöpfung: Beobachtungen zum Verhältnis von Tora und Halacha im Buch der Jubiläen,” in *Bibel in jüdischer und christlicher Tradition: Festschrift für Johann Maier zum 60. Geburtstag*, ed. H. Merklein, K. Müller, and G. Stemberger, BBB 88 (Frankfurt am Main: Hain, 1993), 157–176. Cf. VanderKam, *Jubilees* (see n. 3), 1114–1116, who points out that “the ancestral literature was passed along in the priestly line” (1115).

<sup>18</sup> See F. García Martínez, “The Heavenly Tablets in the *Book of Jubilees*,” in id., *Between Theology and Philology: Contributions to the Study of Ancient Jewish Interpretation*, ed. H. Najman and E. Tigchelaar, JSJSup 162 (Leiden: Brill, 2013), 51–69.

<sup>19</sup> Jub. 6:17–19; 15:1; 22:1–6; 44:1–4 (Shavu‘ot); 6:28–31 (“memorial festivals” at the beginning of the four seasons); 16:20–31; 32:4–7 (Sukkot); 32:27–29 (‘Aseret); 18:18–19 (Maṣṣot); 49:1–14, 22–23 (Pesah and Maṣṣot).

courses in the Greek-speaking world.<sup>20</sup> Nevertheless, the adoption of natural law concepts provides legitimation and authority for the laws championed by Jubilees: The law of nature is none other than the law of the Israelites.

In some places Jubilees shows awareness of the difference between the contents of the law and the timing of its revelation. Thus, in Jub. 33:15–16 Reuben is excused for sleeping with the concubine of his father because the law had not been completely revealed by his time. Similarly, the choice of the legal material included in Jubilees is partly determined by the ambit of the Torah sections rewritten, though, as mentioned, some glimpses beyond Exod 24 are included.<sup>21</sup> This accounts for the specific shape of certain halakic topics and even their absence. Thus, there is no consistent inclusion of ritual impurity, though, for example, the Protoplasts observe the purification periods for the parturient according to Lev 12:4–5.<sup>22</sup> In sum, Jubilees develops a program for all of Israel according to a strict, reformist, and priestly informed approach to the Torah, which puts a prime on the holiness of the people, on their separation from gentiles, on the abstention from blood, and on the legitimation of the priesthood by pre-Aaronite figures such as the patriarchs. This is not a sectarian approach, though one that *views the Torah from the angle of its specific halakic legacy*.

### 1.2 The Temple in Jubilees

All of this has consequences for the way the temple is presented in Jubilees. First of all, the Jerusalem temple is a future reality from the Sinaitic narrative perspective of Jubilees. Therefore, we find only scattered references to the temple in this book. At several passages, however, Jubilees predicts its defilement. Jubilees 1:7–14 develops a scenario of idolatry and lawlessness, which includes abandonment of God's statutes, commandments, covenantal festivals, Sabbaths, holy things, tabernacle and temple (1:10)<sup>23</sup> and leads to the disper-

<sup>20</sup> Cf. C. E. Hayes, *What's Divine about Divine Law? Early Perspectives* (Princeton: Princeton University Press, 2015), esp. 5, 54–89, 103–105.

<sup>21</sup> See esp. Exod 31:13–17, reflected in Jub. 2:17–27; Num 9:10–13, reflected in Jub. 49:9, 11; Deut 16:1–9, reflected in Jub. 49:16–21; cf. more generally the festal calendars in Exod 34:16–28 and Deut 16:1–17. In addition, several aspects of the Holiness Code are referred to, e. g., Lev 19:2 (cf. Jub. 16:26); 19:17–18 (cf. Jub. 36:4); as well as the measures against “moral” impurity, e. g., Lev 21:9 (cf. Jub. 20:4; 30:7; 41:17, 28); 18:21; 20:2–5 (cf. Jub. 30:7–10). On Lev 12:4–5, see presently.

<sup>22</sup> Cf. 4Q265 frag. 7: forty days for a male, eighty days for a female child, before they are brought into the garden of Eden; potentially this reflects an old view that not only the mother (obviously absent here) but the children too have to await the respective periods. See L. Doering, “Purity and Impurity in the Book of Jubilees,” in *Enoch and the Mosaic Torah: The Evidence of Jubilees*, ed. G. Boccaccini and G. Ibba (Grand Rapids, Mich.: Eerdmans, 2009), 261–275, here 262–264 (with further literature).

<sup>23</sup> For the reference to the tabernacle alongside the temple, cf. VanderKam, *Jubilees* (see n. 3), 151, pointing to the “pseudepigraphic setting of the book” before the entry to the land of Canaan.

sion of the Israelites among the nations (1:13). This is followed by a period of return and restoration (1:15–19), in which the Israelites will be transformed into a righteous plant, and God will build his temple among them and will live with them (1:17). This can be considered a typically Deuteronomistic schema, and it might relate to the first temple, the exile, and the restoration. It cannot be excluded, however, that statements about forgetting statutes, commandments, festivals, Sabbaths, and also the temple are transparent for the time of the author(s) and their first readers. In fact, Jub. 1:23–29 speaks again of a return of the people to God and follows this up with a prediction of perfect harmony between God and Israel, with Zion and Jerusalem becoming “holy,” and the onset of a new creation with the eschatological “temple of the Lord” on Mount Zion. Another passage that is relevant here is Jub. 23:15–25. Here it is said of wicked Israelites that they “will defile the holy things of the holy one<sup>24</sup> with the impure corruption of their contamination” (23:21). God will punish them and arouse the sinful nations against them (23:22–23). But then one group, called “the children,” will begin to study the laws, seek the commandments, and return to the right way (23:26). Evil will be absent. This might refer to the Hellenizers in Jerusalem and the subsequent formation of pious resistance<sup>25</sup> or, as Menahem Kister has suggested, the beginnings of the Essene sect,<sup>26</sup> though it is difficult to pinpoint the statements firmly in historiographical terms. Finally, in Jub. 30:15 defilement of the sanctuary is announced in the context of the rejection of mixed marriages (here with Shechem and Dinah); mention is made of “those who do impure things and who defile the Lord’s sanctuary” and “those who profane his holy name,” actions that – if silently passed over – will lead to the condemnation of the entire nation. Again, this might have the Hellenizers in view, but we should also note the intertextual trigger: closing ones eyes, defiling the sanctuary, and profaning God’s name feature in Lev 20:3–4, which Jubilees appears to draw on in its rewriting.<sup>27</sup>

Thus, there is some insinuation that the temple in the time of Jubilees has been defiled, but this does not necessarily imply a *categorical* critique of the temple.<sup>28</sup> After all, Jub. 50:10–11, following a passage previewing life in the

<sup>24</sup> Eth. *qeddesāta qeddus*, not normally used for the holy of holies, hence perhaps referring to the sanctuary in general; cf. VanderKam, *Jubilees* (see n. 3), 691.

<sup>25</sup> Cf. F. Schubert, *Tradition und Erneuerung: Studien zum Jubiläenbuch und seinem Trägerkreis*, Europäische Hochschulschriften 3/771 (Frankfurt am Main: Lang, 1998), 124–151, who views an overlap between the circles of these “children” and those fleeing to the desert according to 1 Macc 2:29–38.

<sup>26</sup> M. Kister, “Towards the History of the Essene Sect: Studies in the Animal Apocalypse, the Book of Jubilees, and the Damascus Document,” *Tarbiz* 56 (1986–1987), 1–18. The passage in Jub. 23:14–31 is sometimes seen as a redactional addition, e. g., by C. Berner, *Jahre, Jahrwochen und Jubiläen: Heptadische Geschichtskonzeptionen im Antiken Judentum*, BZAW 363 (Berlin: de Gruyter, 2006), 239–254.

<sup>27</sup> Cf., e. g., VanderKam, *Jubilees* (see n. 3), 831–832.

<sup>28</sup> Contra J. T. A. G. M. van Ruiten, “Visions of the Temple in Jubilees,” in *Gemeinde ohne*



land of Israel, routinely mentions “offerings and sacrifices for the days and Sabbaths [...] in the sanctuary of the Lord your God” as the one type of “work” permitted on the Sabbath, and thus reckons with the functioning of the temple. It seems that Jubilees’ criticism is directed at the *administration* rather than the *institution* of the temple. But it is clear that the temple is not simply affirmed as the well-operating center of Judean life, while at the same time its crucial position is affirmed and predicted for the future. In part this is done via an *Urzeit-Endzeit* correspondence.<sup>29</sup> In Jub. 4:26 Moses is told that “there are four places on earth that belong to the Lord: the Garden of Eden, the mountain of the east,<sup>30</sup> this mountain on which you are today – Mount Sinai – and Mount Zion (which) will be sanctified in the new creation for the sanctification of the earth.” Similarly, Noah knows that the garden of Eden, Mount Sinai, and Mount Zion “were created as holy places.” As the laws of impurity apply to the garden of Eden, so Mount Zion will resume its place of holiness with the eschatological sanctuary that corresponds to the primordial sanctuary in Eden. This view of Jubilees should be compared with the Temple Scroll (11QT<sup>a</sup> 29:9–10), which links “the day of creation” (יום הברייה) with the creation of the temple of the Lord forever. However, while the eschatological sanctuary provides a critical standard, Jubilees probably implies hopes for a correct operation of the temple even before the new creation.

## 2. Torah and Temple in Second Baruch and Fourth Ezra

With these two Pseudepigrapha we move forward probably some 250 years in time. Despite Martin Goodman’s demurrals regarding the date of Second Baruch,<sup>31</sup> I still find a date in the period after 70 CE, probably in the decades before or after 100 CE, most likely for both Second Baruch and Fourth Ezra. Although the Qumran texts have suggested that a figure like Jeremiah could well feature as the hero of pre-70 texts, and hence the same could go for his scribe

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*Tempel/Community without Temple: Zur Substituierung und Transformation des Jerusalemer Tempels und seines Kults im Alten Testament, antiken Judentum und frühen Christentum*, ed. B. Ego, A. Lange, and P. Pilhofer, WUNT 118 (Tübingen: Mohr Siebeck, 1999), 215–227.

<sup>29</sup> For an overview of such a correspondence in some Pseudepigrapha and related texts, see L. Doering, “*Urzeit-Endzeit* Correlation in the Dead Sea Scrolls and Pseudepigrapha,” in *Eschatologie/Eschatology: The Sixth Durham-Tübingen Research Symposium; Eschatology in Old Testament, Ancient Judaism and Early Christianity* (Tübingen, September, 2009), ed. C. Landmesser, H.-J. Eckstein, and H. Lichtenberger, WUNT 272 (Tübingen: Mohr Siebeck, 2011), 19–58.

<sup>30</sup> The identification of this mountain is debated; see discussion in VanderKam, *Jubilees* (see n. 3), 262.

<sup>31</sup> M. Goodman, “The Date of 2 Baruch,” in *Revealed Wisdom: Studies in Honour of C. Rowland*, ed. J. Ashton, *Ancient Judaism and Early Christianity* 88 (Leiden: Brill, 2014), 116–121.

and companion Baruch, there are good reasons to conclude that Second Baruch presents the crisis ensuing from the destruction of the first temple as transparent for the situation of the book several decades after the temple destruction of 70 CE. Moreover, 2 Bar. 32:2–4 appears to refer to both the Babylonian *and* the Roman destructions of the temple.<sup>32</sup> For Fourth Ezra, a date towards the end of, or even following, the rule of Domitian is conclusively suggested by the vision of the three-headed and many-winged eagle in 4 Ezra 11–12.<sup>33</sup>

### 2.1 Torah in Second Baruch

In Second Baruch, “law” (Syr. *nāmōsā*), first and foremost, refers to the Mosaic Torah.<sup>34</sup> However, different from Jubilees, the communication of the Torah on Mount Sinai plays a little role, as does the Exodus narrative. Mount Sinai is mentioned only once (2 Bar. 4:5), as the place where God showed Moses the likeness of the tabernacle, and it is hinted at with the phrase “when he took Moses to him”<sup>35</sup> at 2 Bar. 59:3, followed by the things God disclosed to him (59:4–11). More important for Second Baruch is the Book of Deuteronomy: The covenant between God and Israel is modeled after that of Deuteronomy,

<sup>32</sup> The chief argument for Goodman’s claim that “we cannot show that 2 Baruch was composed or circulated among Jews after 70 CE” (Goodman, “Date” [see n. 31], 121) is that 2 Bar. 32:2–4, apart from referring to the Babylonian and Roman destructions of the temple, also refers to its eschatological renewal “in glory,” which on the account of the latter “must include at least some prophecy [...] so it seems quite possible that the rest of Baruch’s gloomy predictions were prophecy also” (118). But this does not necessarily follow: The expectation of an eschatological renewal of Zion is a trope found in several Second Temple Jewish texts (see, e.g., above, at the end of § 1.2), hence can be regarded an eschatological expectation in its own right, which could well coexist with an *ex eventu* prediction of the destruction of the second temple. For the interpretation of these verses, see further below, at n. 42. For the date of Second Baruch, see also M. Henze, *Jewish Apocalypticism in Late First Century Israel: Reading Second Baruch in Context*, TSAJ 142 (Tübingen: Mohr Siebeck, 2011), 25–34, who suggests an author “living a generation or two after the Jewish War of 68–73 CE” (32).

<sup>33</sup> So also Goodman, “Date” (see n. 31), 117. The heads apparently refer to the three Flavian emperors. There is some debate whether the text should be dated to the end of Domitian’s reign (so M. E. Stone, *Fourth Ezra: A Commentary on the Book of Fourth Ezra*, Hermeneia [Minneapolis: Fortress, 1990], 10) or, since 4 Ezra 12:2, 28 mentions the demise of the last head, to the period following his reign (so J. Schreiner, *Das 4. Buch Esra*, JSHRZ 5/4 [Gütersloh: Gütersloher Verlagshaus, 1981], 301).

<sup>34</sup> For law in Second Baruch, see also M. Desjardins, “Law in 2 Baruch and 4 Ezra,” *SR* 14 (1985), 25–37, here 26–31, 36–37, as well as R. L. Harris, “Torah and Transformation: The Centrality of the Torah in the Eschatology of 2 Baruch,” *Journal of Ancient Judaism* 10 (2019), 99–114. The term *nāmōsā* occurs in 2 Bar. 3:6; 15:5; 17:4; 19:3; 32:1; 38:2, 4; 41:3; 44:3, 7, 14; 46:3–5; 48:22, 24 (*bis*), 27, 38, 40, 47; 51:3–4, 7; 54:5, 14; 57:2; 59:2, 4, 11; 66:5; 67:6; 77:3, 15 (*bis*), 16; 84:2, 5, 8–9; 85:3, 14.

<sup>35</sup> Translations from Second Baruch follow M. E. Stone and M. Henze, *4 Ezra and 2 Baruch: Translations, Introductions, and Notes* (Minneapolis: Fortress, 2013).

with 2 Bar. 19:1 even citing Deut 30:19, “See, I have put before you life and death.” A related wording is found in 2 Bar. 84:2 (in the epistle). In line with the Deuteronomistic schema deployed in Second Baruch, Israel’s suffering is explained as divine chastisement: In sinning, Israel chose death, but if she repents God will remove her curses and restore her blessings.<sup>36</sup> These blessings do no longer concern prosperous life in *this* world but are concerned with eschatological reward. Hence, Torah obedience is crucial for Israel’s eschatological future but also for the fate of the individual at resurrection. In Second Baruch, only “those who are now righteous in my Torah, those who have had understanding in their lives, and those who have planted in their heart the root of wisdom” (2 Bar. 51:3) will be resurrected and transformed into a glorious, angelic life, while those who have “rejected my Torah and have stopped their ears so that they would not hear wisdom or receive understanding” (51:4) will be transformed into disfigured forms (51:2–12). The latter will certainly be the fate of the sinful nations (82:3–9), but there are also “many of your [sc. God’s] people who have withdrawn from your statutes (*qyāmayk*)<sup>37</sup> and have cast from them the yoke of your Torah (*nīreh dnāmōsāk*),” as there are “others who have abandoned their emptiness and have fled under your wings” (41:3–4); thus, Second Baruch reckons with both disobedient Israelites and obedient proselytes, whose respective status will be determined by their adherence to the Torah or lack thereof.

Second Baruch applies to the Torah the traditional metaphor of a “lamp” (*šrāgā*):<sup>38</sup> In bringing the Torah to the seed of Jacob, Moses “lit a lamp for the nation of Israel” (17:4).<sup>39</sup> Related is the motif of “light” (*nuhrā*): In lighting the lamp, Moses “took from the light” (18:1), which presents Moses as the transmitter rather than the originator of the light. The Torah gives off “that light in which nothing can stray” (19:3). The motif complex of lamps and light points to a sapiential concept of Torah, connecting it with creation. Several passages correlate Torah and wisdom (38:2, 4; 48:24; 51:3), as in Sir 24 and the wisdom poem of Bar 3:9–4:4. God “enlightens” the darkness for those “who have subjected themselves in faith to you and to your Torah” (2 Bar. 54:5). Specifically, there are some – though few – who “resemble” Moses (18:1) in lighting lamps, while many have taken “from the darkness of Adam” (18:2). For Second Baruch, as well as for Fourth Ezra (see below), transgression originated with Adam, who “brought death upon all who were not in his time” (2 Bar. 54:15).

<sup>36</sup> Cf. Henze, *Jewish Apocalypticism* (see n. 32), 208, 218–220.

<sup>37</sup> The plural *qyāmayk* (thus probably at 2 Bar. 41:3, despite lack of *syāmē* in MS 7a1) occurs also at 2 Bar. 48:22 and 82:6 and probably means “my statutes” rather than “my covenants.”

<sup>38</sup> Cf. Ps 119:105; 36:10; Prov 6:23.

<sup>39</sup> According to 2 Bar. 59:2, at the time of Moses and his generation “the lamp of the eternal Torah enlightened all those who sat in darkness.” For the motifs of lamp and light, see also Harris, “Torah and Transformation” (see n. 34), esp. 101–103, 106–108, 110–112.

Different from Fourth Ezra, the focus here is on mortality. Moreover, each transgression is a fresh act, so that “each of us has become our own Adam” (54:19). Moreover, there is the option to choose for oneself “the praises to come”; the person “who trusts will receive a reward” (54:15–16). The people complain to Baruch that shepherds, lamps, and springs have vanished, but Baruch affirms that “shepherds, lamps, and springs come from the Torah. And though we pass on, the Torah abides” (77:15). Hence, Baruch calls the people to follow and study the Torah; there will always be sages and sons of the Torah (46:4–6). In fact, the Torah and God are the *only ones* to rely on. While “we were in our land,” Baruch writes to the northern tribes in the epistle, we had helpers who “helped us when we sinned, and they interceded on our behalf with him who made us.” But now, after the loss of the land and of Zion, there is nothing “except the Mighty One and his Torah” (85:1–3). The reward will indeed be better than what has been lost because, as we have already seen earlier with respect to the resurrection, it concerns “incorruptible” things (85:5).

Given the crucial role of the Torah and the commandments of God,<sup>40</sup> it is striking that hardly any material details of law observance are mentioned. Instead, the dominant mode in which Torah is presented is *paraenesis* exhorting readers to keep it. One might interpret this as an *inclusive* approach: Different from Jubilees, the author does not emphasize one specific halakic view. In the epistle, Baruch calls for the study “of the commandments of the Mighty One”; he also says that before his death he “will set before you some of the commandments of his judgment” (84:1). What he says, however, is again fairly general: “Remember Zion and the Torah, also the Holy Land, and your brothers, and the covenant, and your fathers, and the festivals, and the Sabbaths do not forget” (84:8). What, then, is the Torah in Second Baruch? It looks as if it were mainly based on the Pentateuch or perhaps a larger set of Hebrew scriptures. But 2 Bar. 84:9 also says, “And pass this letter *and the traditions (mašmānwāteh)*<sup>41</sup> of the Torah on to your sons after you, as your fathers have also passed [them] on to you.” This suggests that the Torah is transmitted within a *wider set of legal traditions*, which Baruch tacitly presupposes and into which he notably inserts his own epistle.

## 2.2 The Temple in Second Baruch

The temple in Second Baruch is, first of all, the *object of destruction* by the Chaldeans (i.e., Babylonians), an event narrated dramatically in 2 Bar. 6–8; 80:1–5. The destruction appears to last for a long time; the priests are called to cast the temple keys “to the height of the heavens” (10:18). In the difficult

<sup>40</sup> For the latter, apart from *qyāmā* (pl.; see above), *pūqdānā* is frequently used; e.g., 2 Bar. 44:3; 57:2; 61:6; 77:4; 79:2; 84:1 (*bis*), 7.

<sup>41</sup> Thus the reading in the integral form of the epistle in Codex Ambrosianus, whereas the stand-alone epistle has the singular, “tradition” (*mašmānūteh*).

passage 2 Bar. 32:2–3 there seems to be a hint at both the Babylonian and the Roman destructions of the temple: “(2) Because after a short time, the building of Zion will be shaken, in order to be built again. (3) But that building will not remain, but will again be uprooted after a time and will remain desolate until the time.” The first “shaking” refers to the Babylonian destruction, the “rebuilding,” to the construction of the second temple, and the subsequent “uprooting,” to the Roman destruction of the latter.<sup>42</sup> Similarly, 2 Bar. 68:5–7, in the interpretation of the vision of the cloud and the black and bright waters, mentions the rebuilding of Zion, the resumption of the offerings, the return of the priests, and the arrival of the nations to glorify her, though less fully as in the beginning; this quite clearly also refers to the second Jerusalem temple.<sup>43</sup>

The ruined temple is also the place to which Baruch returns to lament (10:5; 34:1; 35:1). Moreover, Baruch is “standing on Mount Zion” when he hears the divine word initiating the dialogue on time and theodicy (13:1), and he returns to this place when he prays (21:2–3; 48:1 in connection with 47:2); in fact, it is here that Baruch “saw” the heaven open (22:1) and that he “saw” his two major visions, the vision of the forest, the vine, and the spring (cf. 36:1) and the vision of the cloud and the black and bright waters (cf. 53:1 in connection with 52:8; 47:2). Thus, the space of the destroyed temple<sup>44</sup> is also the *place of Baruch’s revelations*. This creates an unmistakable link between the past that is now lost and the esoteric information about the future that Baruch receives.

Part of this information is that 2 Bar. 32:4, 6 announce a glorious renewal of “Zion” and a new creation.<sup>45</sup> Using the motif of the *tabnit* (“pattern,” Exod 25:9), 2 Bar. 4:3 claims that the physical temple is “not the one revealed with me, the one already prepared here when I intended to make Paradise.” Rather, after showing the latter to Adam, Abraham, and Moses, God keeps it with him as also paradise (4:1–6). Thus, an *eschatological temple*, here too conceptualized in an *Urzeit-Endzeit* correspondence, is expected to follow the current pe-

<sup>42</sup> Thus Henze, *Jewish Apocalypticism* (see n. 32), 193–195, who takes the imperfect *etaph ‘al netzī’* in 2 Bar. 32:2 as “present perfect”: “has been shaken,” so that it “currently lies in ruins” (194). A different, though overly complicated solution has been proposed by P. Bogaert, *L’Apocalypse syriaque de Baruch*, 2 vols., SC 144/145 (Paris: Cerf, 1969), 1.422–424. According to Bogaert, 2 Bar. 32:2 refers to the Roman destruction of the temple (whose effects are still visible), v. 3, however, to the future destruction of the *Messianic* temple, after which the renewal in glory and the new creation follow. As Henze rightly states, there is no hint elsewhere in Second Baruch that the Messianic age is ended with a temple destruction: only 4 Ezra 7:29 – not Second Baruch – speaks of the death of the Messiah.

<sup>43</sup> Cf. Henze, *Jewish Apocalypticism* (see n. 32), 193 n. 27.

<sup>44</sup> For the ambiguity of the term “Zion” in Second Baruch, with an overlap between temple, city, and people, see L.I. Lied, *The Other Lands of Israel: Imaginations of the Land in 2 Baruch*, JSJSup 129 (Leiden: Brill, 2008), 35–36.

<sup>45</sup> Contrast H. Najman, *Losing the Temple and Recovering the Future: An Analysis of 4 Ezra* (New York: Cambridge University Press, 2014), 122, who claims that “there is no mention in 2 Baruch of the heavenly Temple’s ultimate revelation on earth.”

riod of the physical temple being in ruins. This eschatological temple is probably related to the paradisiac world still invisible according to 2 Bar. 51:8–14, which the righteous will inherit. Thus, the second temple, which was already less glorious than the first and is now lost, is bracketed by the expected resumption of the initial model of the temple.

### 2.3 Torah in Fourth Ezra

In Fourth Ezra, “law” – *lex* in the Latin, *nāmōsā* in the Syriac, *ḥegg* in the Ethiopic version, reflecting Greek νόμος and ultimately תורה in the (probably) Hebrew original – is a multifaceted term.<sup>46</sup> It occurs numerous times throughout the composition.<sup>47</sup> In addition, there are a number of other terms that refer to aspects or individual commandments of the law; in the Latin version, the most important ones are *constitutio* (4 Ezra 7:11; cf. 7:44–45), *diligentia* (3:7, 19; 7:37), *dispositio* (4:23;<sup>48</sup> cf. 8:23), *legitima* (pl., 7:24; 9:32; 13:42), *mandatum* (3:33, 35–36; 7:72), *sponsio* (5:29; 7:46; cf. 7:24),<sup>49</sup> and *via* (7:79, 88; 14:31).<sup>50</sup> Since *lex* is used in parallel with some of them,<sup>51</sup> it is fair to say that “law” in Fourth Ezra means “primarily the Torah with its individual prescriptions.”<sup>52</sup> In most cases, however, *lex* seems to refer to a corpus of legal tradition wider than written scripture,<sup>53</sup> although the latter is clearly in view in 4 Ezra 4:23 (“the Torah of our fathers has been made of no effect and the written covenants no longer exist”) and 14:21 (“for your law has been burned”).<sup>54</sup>

<sup>46</sup> For law in Fourth Ezra, see also Desjardins, “Law” (see n. 34), 31–37; J. Kerner, *Die Ethik der Johannes-Apokalypse im Vergleich mit der des 4. Esra*, BZNW 94 (Berlin: de Gruyter, 1998), 177–182; S. Beyerle, “Du bist kein Richter über dem Herrn”: Zur Konzeption von Gesetz und Gericht im 4. Esrabuch,” in *Recht und Ethos im Alten Testament – Gestalt und Wirkung: Festschrift für Horst Seebass zum 65. Geburtstag*, ed. S. Beyerle, G. Mayer, and H. Strauss (Neukirchen-Vluyn: Neukirchener Verlag, 1999), 315–337.

<sup>47</sup> Lat. *lex* occurs at 4 Ezra 3:19–20, 22; 4:23; 5:27; 7:17, 20, 24, 72, 79, 81, 89, 94, 133; 8:12, 29, 56; 9:11, 19, 31–32, 36–37; 13:38, 54; 14:21–22, 30. Cf. Kerner, *Ethik* (see n. 46), 177.

<sup>48</sup> Here: *dispositiones scriptae*, “written covenants,” with *dispositio* probably rendering διαθήκη; cf. Syriac ad loc.: *dīyateqes*.

<sup>49</sup> In the first two passages, the Syriac renders *sponsio* with *pūqdānayk*, “your commandments,” and *pūqdānek*, “your commandment,” respectively; cf. also the other versions. In 4 Ezra 7:24, the Syriac reads *qyāmaw*, which might mean “his statutes” here; see above on Second Baruch; the Georgian has the equivalent of *mandata*, whereas other versions have “covenant.”

<sup>50</sup> This term is also used with a wider meaning in Fourth Ezra, e. g., 4 Ezra 5:1; 7:23.

<sup>51</sup> Namely, with *diligentia* (4 Ezra 3:19), *dispositio* (4:23), *legitima* and *sponsio* (7:24), as well as *mandatum* (7:72).

<sup>52</sup> Kerner, *Ethik* (see n. 46), 177: “[...] wird [...] deutlich, daß mit Gesetz primär die Tora mit ihren Einzelbestimmungen gemeint ist” (similarly p. 181).

<sup>53</sup> Cf. Kerner, *Ethik* (see n. 46), 178, according to whom Fourth Ezra deems “alle alttestamentlichen, antik-jüdischen Gesetzesinhalte” as binding.

<sup>54</sup> Translations from Fourth Ezra follow Stone and Henze, *4 Ezra and 2 Baruch* (see n.

The proclamation of the Torah at Mount Sinai is referred to at 4 Ezra 3:17–19; 14:4–6; further references to the giving of the Torah in the desert, following the exodus, are found in 4 Ezra 9:31–32 and 14:30. According to 4 Ezra 9:31, the divine law is sown into the Israelites and will bring fruit. When Ezra later asks to rewrite it (see below), he does so in order that “men may be able to find the path” (14:22), that is, it is assumed that the law can generally be kept. However, the fathers did not keep it in the past (9:32; 14:29–35). The attitude towards the law is decisive for how a person fares after death (7:79–99): The souls of those who have despised the law “shall not enter into treasuries but shall immediately wander about in torments” (7:80), whereas the souls of the righteous who have “laboriously served the Most High, and withstood danger every hour, that they might keep the law of the Lawgiver<sup>55</sup> perfectly” (7:89), shall enter into their designated treasuries and be glorified. The presentation suggests that at least the latter are conceived as Israelites; and the context shows that at least part of the unjust are Israelites as well, as the angel denies the possibility that on judgment day (righteous) fathers might be able to intercede for their sons, children for their parents, etc., that is, within one and the same family (7:102–105).

Alongside this rather particularistic, Israel-centered notion of Torah, however, Fourth Ezra claims that there had been a law from the beginning: already Adam transgressed the *constitutiones* of God (7:11). In an anthropologically important section about the fashioning of the human being, the author also states that God “instructed him in your [sc. God’s] law” (8:12), which suggests that the law is directed to all human beings. Moreover, Ezra says at 4 Ezra 5:27, notably in the context of Israel’s election, that God has given Israel the Torah “which is approved by all” (Lat. *ab omnibus probatam*, Syr. *d’etbeher men kul*), which also hints at a wider appeal of the law beyond Israel. Finally, one might understand those who “have trampled upon” (*conculcaverunt*) the righteous (5:29; 8:57), “were contemptuous of the law” (8:56), and “opposed your commandments” (5:29),<sup>56</sup> as coming from the nations.

In this respect, Karina Hogan has suggested<sup>57</sup> that Ezra and the archangel Uriel, in their dialogues, represent two different notions of תורה. In both, תורה is connected with wisdom, though in Ezra’s dialogue contributions it retains a covenantal link. An example of this link is Ezra’s statement in his initial complaint. Asking, “Are the deeds of Babylon better than those of Zion?” (4 Ezra 3:31), he adds, “When have the inhabitants of the earth not sinned in your sight? Or what nation has kept your commandments so well? You may indeed find individual men who have kept your commandments, but nations you will

35), though with modifications regarding the rendering of the second person singular (“you” instead of “thou”).

<sup>55</sup> Lat. *legislatoris legem*. Syriac and Ethiopic have relative clauses.

<sup>56</sup> On the meaning of *sponsionibus* here, see above, n. 49. Stone translates “thy Torah.”

<sup>57</sup> K. M. Hogan, “The Meanings of *tôrâ* in 4 Ezra,” *JSJ* 38 (2007), 530–552.

not find” (3:35–36). The Torah is accessible to individual gentiles but in total is bound up with Israel, who, their sins notwithstanding, are still better than the gentiles. We have already mentioned Ezra’s reference to Israel’s election and gift of the Torah in 4 Ezra 5:27. Uriel, in contrast, so Hogan claims, propagates a more universal notion of law, as in 4 Ezra 7:21: “For God commanded those who came into the world, when they came, what they should do to live and what they should observe to avoid punishment,” though in what follows the angel appears to speak about Israel who “scorned his law, and denied his covenants” (7:24). There are further statements by Uriel that seem to suggest a universal law, for example 4 Ezra 7:72, where it is said of “those who dwell on earth” that “though they had understanding they committed iniquity, and though they received the commandments they did not keep them, and though they obtained the law, they dealt unfaithfully with what they received.” All of this suggests that there is some connection with concepts of “natural law” here. As in Jubilees, the details fall far short of, for example, the Stoic discourse on natural law as preserved in Greek and Latin sources, though there is clearly an engagement with universal law.<sup>58</sup>

While Hogan has certainly sharpened our view of Torah in Fourth Ezra, one might, however, question the neat distribution of covenantal versus universal to the two figures in this analysis. The anthropological reflections in Fourth Ezra serve to address the issue of the fate of *Israel* and the destruction of *Zion*.<sup>59</sup> Nowhere does Uriel positively state that the gentiles keep the law. The angelic interlocutor may conceptualize the law somewhat more strongly in anthropological terms than Ezra, but one can ask whether the author really stages two different תורה traditions, as Hogan claims,<sup>60</sup> one covenantal like Sir 24 or Bar 3:9–4:4, and the other one non-covenantal like Ps 119. In fact, the anthropological argument is first introduced by the figure of *Ezra* when he points to Adam’s “evil heart” (*cor malignum*). “For the first Adam,” says Ezra, “burdened with an evil heart, transgressed and was overcome, as were also all who were descended from him. Thus the disease became permanent; the Torah was in the people’s heart along with the evil root, but what was good departed, and the evil remained” (4 Ezra 3:20–21). Although the Torah here apparently refers to the Mosaic law, and “people” (Lat. *populi*, Syr. *d’ammā*) to Israel, Ezra in fact says that both Adam *and all his descendants* transgressed.<sup>61</sup> Conversely, *Uriel* states that the Messiah-Son of Man on top of Mount Zion will reprove the nations for their ungodliness and “destroy them without effort by the Torah”

<sup>58</sup> Cf. Beyerle, “Konzeption von Gesetz und Gericht” (see n. 46), 322–334. Hayes’s treatment is far too brief: Hayes, *What’s Divine* (see n. 20), 133 n. 55 (“In 4 Ezra [...], knowledge of a cosmic order does not lead inevitably to a universalism but is linked to a radical particularism”).

<sup>59</sup> So Stone, *Fourth Ezra* (see n. 33), 61.

<sup>60</sup> Hogan, “Meanings” (see n. 57), 539, 544, 546, 551.

<sup>61</sup> We also recall that Ezra is presented as labeling the Torah “approved by all” (5:27).



(13:38). The reading is uncertain (based on Syr. *bnāmōseh*)<sup>62</sup> but – if upheld – implies that the Messiah-Son of Man will judge the nations by the law, likely referring to the (covenantal) Torah here. Obviously, this will uplift all those within Israel that *do* obey the Torah. Moreover, Uriel refers to the ten northern tribes who migrated “to a more distant region, where no human race had ever lived, that there at least they might keep *their statutes* (Syriac and Ethiopic: *their law*) which they had not kept in their own land” (13:41–42).<sup>63</sup> This again shows that Uriel, too, may focus on Israel’s covenantal law.

To be sure, due to the anthropological skepticism expressed in the book, Fourth Ezra has a pessimistic view also of the efficacy of the Torah. Different from the view in Second Baruch, according to which there used to be shepherds, lamps, etc. (above §2.1), the Torah in Fourth Ezra apparently *failed* to orientate Israel in the past. Ezra’s strong probing of Uriel’s arguments thus entails also the ineffectiveness or even loss of the Torah (cf. 4 Ezra 4:23). However, Ezra’s encounter with the woman in 4 Ezra 9:38–10:28 is a turning point,<sup>64</sup> which allows him finally to accept Uriel’s perspective by taking his cue from the heavenly and future reality rather than the earthly and present. This becomes clear in 4 Ezra 14:28–36, where Ezra, having once again recapitulated the law transgressions of the forefathers, continues, thereby echoing Uriel’s themes,<sup>65</sup> “And now, you are here, and your brethren are farther in the interior. If you, then, will rule over your minds and discipline your hearts, you shall be kept alive, and after death shall obtain mercy. For after death the judgment will come, when we shall live again; and then the names of the righteous will become manifest, and the deeds of the ungodly will be disclosed” (14:33–35).

It is also in this context that we find Ezra in the role of the new Moses. The Torah, so we hear, “has been burned, and so no one knows the things which have been done or will be done by you” (4 Ezra 14:21; cf. also 4:23). Part of what is mentioned as contents of the Torah is God’s deeds; but the following

<sup>62</sup> The Latin manuscripts have *et legem*, “and the law,” and the Ethiopic reads *mesla xati’atomu*, “with their sins.”

<sup>63</sup> The term for “their statutes” in Latin is *legitima sua*, whereas Syriac has *nāmōshōn* and Ethiopic *heggomu*, “their law.”

<sup>64</sup> Cf. for different nuances regarding this turning point, E. M. Humphreys, *The Ladies and the Cities: Transformation and Apocalyptic Identity in Joseph and Aseneth, 4 Ezra, the Apocalypse and the Shepherd of Hermas*, JSPSup 17 (Sheffield: Sheffield Academic, 1995), 57–81; L. T. Stuckenbruck, “Ezra’s Vision of the Lady: The Form and Function of a Turning Point,” in *Fourth Ezra and Second Baruch: Reconstruction after the Fall*, ed. M. Henze and G. Boccaccini, collaboration by J. M. Zurawski, JSJSup 164 (Leiden: Brill, 2013), 137–150; Najman, *Losing the Temple* (see n. 45), 92–122.

<sup>65</sup> Cf. J. M. G. Barclay, *Paul and the Gift* (Grand Rapids, Mich.: Eerdmans, 2015), 281–283; cf. id., “The Gift and Its Perfections: A Response to Joel Marcus and Margaret Mitchell,” *JSNT* 39 (2017), 331–344, here 333–334, where he justifies the notion of Ezra’s progression to resolution against the skeptical reading by J. Marcus, “Barclay’s Gift,” *JSNT* 39 (2017), 324–330, here 327–328.

verse also states that Ezra volunteers to write up the Torah again so “that human beings might be able to find the path, and that those who wish to live in the last days may live” (14:22).<sup>66</sup> Rather than bemoan the loss of the law, Ezra himself becomes the mediator of the Torah. Filled with wisdom and understanding, he dictates ninety-four books in forty days (14:39–44). He is commanded by God to make public the twenty-four books forming the Hebrew Bible and to let the worthy and unworthy read them, but to keep the seventy for the wise among his people (14:45–46). This suggests two things: first, as Hindy Najman has aptly noted, *a shift in focus towards the Torah*;<sup>67</sup> second, *a confirmation that Torah in Fourth Ezra is wider than the Pentateuch or the Hebrew Bible*, with the additional revelation here being accessible only to an esoteric group of initiates.<sup>68</sup> It is likely that the esoteric books reflect the shift in the book towards the new eon, the incorruptible world that is disclosed to Ezra, but the Mosaic theme in this chapter also suggests a link with the law.

#### 2.4 The Temple in Fourth Ezra

As to the temple in Fourth Ezra, the first striking observation is that the book speaks more about *Jerusalem or “Zion”* than about the temple in particular.<sup>69</sup> David was ordered to build Jerusalem, the city of God, and to bring offerings in it (4 Ezra 3:23–24); only the Syriac and Armenian versions, as well as Latin manuscript L, with differences in detail, mention specifically the temple. Fourth Ezra shares the tradition of the heavenly “pattern” and its connection with the garden of Eden, though again the text is less outspoken about the temple (“And you did lead him into the garden which your right hand had planted before the earth appeared,” 3:6). In 4 Ezra 7:26, at the coming of the signs, “the city which now is not seen shall appear”<sup>70</sup> – again, the city rather than the temple in particular,<sup>71</sup> although the latter is very likely included in “Zion” prepared and (re-)built, as for example in the New Jerusalem text from Qumran (11Q18).

Moreover, Ezra is ordered to come to a field of flowers “where no house has been built” (4 Ezra 9:24), where he famously encounters the weeping woman, and it is here that in consoling her he extensively recounts the destruction of Jerusalem, including the temple, its celebrations, its holy vessels and holy things, the burning to death of the priests, and the exile of the Levites, but al-

<sup>66</sup> *Nota bene*, we find here too the use of “human beings” for Israelites, who must be implied by the written law.

<sup>67</sup> Cf. Najman, *Losing the Temple* (see n. 45), 125: “a version of Judaism that is shifting its focus from Temple to Torah.” See further below, §2.4.

<sup>68</sup> These books may have included Fourth Ezra as well. Cf. 4 Ezra 12:36–38 and Stone, *Fourth Ezra* (see n. 33), 439.

<sup>69</sup> In the Latin version, *templum* occurs only in 4 Ezra 10:21; see below.

<sup>70</sup> For the reading here (with Arabic 1, Armenian), see Stone, *Fourth Ezra* (see n. 33), 202.

<sup>71</sup> See also 4 Ezra 8:52; 13:36.

so the suffering of the people more widely and the loss of Zion's seal of glory (10:21–23). It is then that the woman transforms into a city (10:25–27), because the woman is indeed “Zion,” as Uriel comments (10:44). Uriel also explains the previous command to go on an empty field for “no work of man's building could endure in a place where the city of the Most High was to be revealed” (10:54). We have already identified Ezra's encounter with the woman as the turning point of the book that makes Ezra amenable to Uriel's apocalyptic perspective.

Thus, the transformation of the lady points Ezra beyond the earthly reality towards the reality of the new eon. As Najman suggests, the perspective of Fourth Ezra implies a “reboot” of the Second Temple period in which the second temple plays hardly any role<sup>72</sup> and which *re-orientates its readers towards the future reality of the heavenly city, including its temple*. However, it is also this empty field where Ezra receives the vision of the eagle (11:1–12:3) and the vision of the son of man (13:1–13)<sup>73</sup> and where he transforms into the medium through which the new and enhanced Torah is dictated (14:37–41).<sup>74</sup> This too underscores the *shifting of focus in Fourth Ezra from temple to Torah*, to be understood in the enriched and supplemented form as outlined above.

### 3. Conclusion

Torah and temple are by no means obvious and static notions in the Judean Pseudepigrapha under scrutiny here. In all of them, though in different ways, Torah includes *more* than the Pentateuch or the Hebrew Bible, and there is an attempt to correlate the covenantal, particularistic Torah with universal notions of natural law, though again this is achieved in different ways. In the later Pseudepigrapha, the focus is less on halakah, and in Fourth Ezra part of the revelation is esoteric. In all three texts, the temple is not Judea's central institution simply taken for granted. In each of them, there is a link with paradise and hence an *Urzeit-Endzeit* correlation. Jubilees probably reckons with *a temple operating along the lines of its halakah* in advance of the eschatological temple and the new creation, and also *inculcates its readers more widely with its halakically enhanced notion of Torah*. In both Second Baruch and Fourth Ezra, which look back at the destruction of the second temple, *the temple expected belongs to the heavenly realm and the center stage is taken by the focus on a reconceptualized Torah*. The details, however, are different in these two later Pseudepigrapha: Fourth Ezra appears more reticent about the second temple and focuses on an esoteric supplementation of the Torah, while Second Baruch more clearly acknowledges the lost reality of the second temple and seeks com-

<sup>72</sup> Cf. Najman, *Losing the Temple* (see n. 45), 1–25.

<sup>73</sup> See the details on the location in 4 Ezra 10:51–54, 58–60; 12:51; 13:47.

<sup>74</sup> See 4 Ezra 14:37: “we proceeded to the field, and remained there.”

fort in a paraenetically actualized Torah. And yet, how differently these compositions might develop the themes of Torah and temple, they nevertheless share a number of traditions and conceptions about them; Torah and temple remain focal points of the imagination of these texts and contribute to the shaping of Jewish identity and self-perception. Thus, while we might well speak of “varieties” of Judaism in this respect, partly separated by centuries, there is probably no warrant for speaking of distinct “Judaisms”<sup>75</sup> here.

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<sup>75</sup> An option hesitantly – or probingly – suggested by the subtitle of the Berlin conference, “Torah, Temple, Land: Ancient Judaism(s) in Context.”



# What Does the Forgiving Jesus Have to Do with the Unforgiving Enoch?

## Forgiveness of Sins in the Enochic Traditions

*Gabriele Boccaccini*

### 1. Enochic Judaism as a “Theology of Complaint”

When in 1913, in the “Introduction” to his collection of *The Apocrypha and Pseudepigrapha of the Old Testament*, Robert Henry Charles described Second Temple Judaism as “a Church with many parties,” he was largely an isolated voice, surrounded by the loudness of normative Judaism and orthodox Christianity.<sup>1</sup> Today our understanding of the period has radically changed (as also proved by the subject of our international conference in Berlin).

In the last fifty years, critical scholarship has built a solid case about ancient Jewish diversity, which from being utterly denied has arguably become one of the most distinctive features of the period, as the formative age out of which both rabbinic Judaism and Christianity emerged as parallel traditions.<sup>2</sup>

The contemporary “rediscovery” of Enochic Judaism has added an important component to such diversity.<sup>3</sup> Some conclusions are more widely accepted than others. While many scholars today would agree that Enochic Judaism was a “distinctive” form of ancient Judaism,<sup>4</sup> the debate about its “distinctive” features is today as open and lively as ever, and no issue has been more controversial than the attitude of Enochic Judaism toward the Mosaic Torah.

The absence of any specific reference to the Mosaic Torah has led many Second Temple specialists, including John Collins, to speak of Enochic Judaism as a “non-Mosaic” form of Judaism.<sup>5</sup> Does “non-Mosaic,” however, mean “anti-Mosaic”? Scholars are divided. At one extreme, Paolo Sacchi claimed

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<sup>1</sup> R.H. Charles, ed., *The Apocrypha and Pseudepigrapha of the Old Testament*, 2 vols. (Oxford: Clarendon, 1913), 2.vii.

<sup>2</sup> A.F. Segal, *Rebecca's Children: Judaism and Christianity in the Roman World* (Cambridge, Mass.: Harvard University Press, 1986).

<sup>3</sup> G. Boccaccini, *Roots of Rabbinic Judaism: An Intellectual History, from Ezekiel to Daniel* (Grand Rapids, Mich.: Eerdmans, 2002).

<sup>4</sup> J.J. Collins, “How Distinctive Was Enochic Judaism?,” *Meghillot: Studies in the Dead Sea Scrolls* 5–6 (2007), 17–34.

<sup>5</sup> J.J. Collins, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul* (Oakland, Calif.: University of California Press, 2017).

that “the lack of any mention [...] of the Torah in the Enochic literature cannot be regarded simply as an omission. The Enochians never accepted the Torah of Moses.”<sup>6</sup> George Nickelsburg also once talked of “Enochic Wisdom” as “an alternative to the Mosaic Torah.”<sup>7</sup> On the other hand, E. P. Sanders viewed it as a system compatible with “covenantal nomism.”<sup>8</sup>

It is true that the revelation to Enoch was claimed to precede that of Moses and was seen in no way subordinated to it. However, at no point in the early Enoch texts are there any polemics against the Mosaic Torah. The apocalyptic “counternarrative” of the Book of the Watchers was entirely centered on the collapse of the creative order by a cosmic rebellion (the oath and actions of the fallen angels). Against the priestly idea of stability and order,<sup>9</sup> the Enochians argued that God’s order was no more, having been replaced by the current disorder: “The whole earth has been corrupted by Azazel’s teaching of his [own] actions; and write upon him all sin” (1 En. 10:8). In the Enochic interpretation, the rebellion of the “sons of God” was not simply one of the primeval sins that characterized the ancient history of humankind; it was the mother of all sins, the original sin which corrupted and contaminated God’s creation and from which evil relentlessly continues to spring forth and spread. By crossing the boundaries between heaven and earth, the angels broke apart the divisions set by God at the time of creation. The consequent unleashing of chaotic forces condemns humans to be victims of an evil they have not caused and cannot resist.

Despite God’s reaction and the subsequent flood, the divine order of creation was not restored. The cosmos did not return to what it was. The good angels, led by Michael, Gabriel, Raphael, and Uriel, defeated the evil angels led by Semyah and Azazel; however, the victory resulted not in the death or submission of the rebels but in their confinement “in the wilderness which was in Dudael,” where the fallen angels were imprisoned “in a hole [...] underneath the rocks of the ground” (1 En. 10:4–6, 11–12). The mortal bodies of the giants, the offspring of the evil union of immortal angels and mortal women, were killed (10:9–10); however, their immortal souls survived as evil spirits and continue to ram about the world (15:8–10). Humankind was decimated with the flood but not annihilated, as Noah’s family survived (10:1–3). Creation was cleansed but not totally purified, as God used water and not the “fire” that is reserved only for “the great day of judgment” (10:6). As disturbing as this idea can be,

<sup>6</sup> L. Arcari, “The Book of the Watchers and Early Apocalypticism: A Conversation with Paolo Sacchi,” *Hen* 30.1 (2008), 9–79, here 23.

<sup>7</sup> G. W. E. Nickelsburg, “Enochic Judaism: An Alternative to the Mosaic Torah,” in *Hesed Ve-Emet: Studies in Honor of Ernest S. Frerichs*, ed. J. Magness and S. Gitin, BJS 320 (Atlanta: Scholars Press, 1998), 123–132.

<sup>8</sup> E. P. Sanders, *Paul and Palestinian Judaism: A Comparison of Patterns of Religion* (London: SCM, 1977).

<sup>9</sup> P. P. Jenson, *Graded Holiness: A Key to the Priestly Conception of the World*, JSOTSup 106 (Sheffield: JSOT Press, 1992).

God's reaction limited but did not eradicate evil. The world is still dominated by evil forces. A time of "seventy generations" was set "until the eternal judgment is concluded" (10:12).

It was Enochic Judaism that first introduced in Judaism the concept of the "end of days" as the time of final judgment and vindication beyond death and history. What in the prophetic traditions was the announcement of some indeterminate future events of God's intervention became the expectation of a final cataclysmic event that will mark the end of God's "first" creation and the beginning of a "second" creation – a new world qualitatively different from, and discontinuous with, what was before. Apocalyptic eschatology was born from protology.<sup>10</sup>

The problem of Enochic Judaism with the Mosaic law also was the product of protology. It did not come from a direct criticism of the law, but from the recognition that the angelic rebellion had made it difficult for people to follow any laws (including the Mosaic Torah) in a universe now disrupted by the presence of superhuman evil. The problem was not the Torah itself (its divine origin is never questioned or dismissed), but the difficulty of human beings to do good deeds, which affects the human relationship with the Mosaic Torah. The shift of focus was not primarily from Moses to Enoch, but from the trust in human responsibility to the drama of human culpability. While at the center of the Mosaic Torah was the human responsibility to follow God's laws (as exemplified by the experience of Adam and Eve in the garden of Eden), at the center of Enochic Judaism was now a paradigm of victimization of all humankind. Nowhere Enochic texts denies human freedom or exonerate humans from the consequences of their transgressions.

This is the reason it would be incorrect to talk of Enochic Judaism as a form of Judaism which arose "against" or "without" the Torah. Enochic Judaism was not "competing wisdom," but more properly a "theology of complaint." There was no alternative Enochic halakah for this world, no Enochic purity code, no Enochic Torah. Every hope of redemption was postponed to the end of times; this world is ruled by evil forces. And yet, regardless of how hard it might be, in the judgment humans will be accountable according to their deeds. The Enochians were not competing with Moses – they were merely complaining.

## 2. An Apocalyptic Controversy: Dream Visions and Jubilees

Consistently with the previous Enochic tradition, the Animal Apocalypse described the entire course of history as a continuous process of degeneration,

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<sup>10</sup> J.J. Collins, *The Apocalyptic Imagination: An Introduction to Jewish Apocalyptic Literature*, 3rd ed. (Grand Rapids, Mich.: Eerdmans, 2016).



which started at the beginning of humankind with the angelic sin.<sup>11</sup> Humans were created as “white-snow cows” (1 En. 85:3), but then “a star fell down from heaven and managed to rise and eat and to be pastured among those cows” (86:1). The fall of the devil was followed by a large rebellion of angels: “many stars descended and cast themselves down from the sky upon that first star, and they became bovids among those calves and were pastured together with them” (86:2). As a result, new animal species were born (“elephants, camels, and donkeys,” 86:4). Neither the intervention of the good angels, who reduce the rebels to impotence (87–88), nor the flood (89:2–8) can eradicate evil from the earth. Evil descendants are bound to arise, even from the holy survivors. From Noah, “the snow-white cow which became a man” (i. e., like the angels), are born “three cows,” but “one of those three cows was snow-white, similar to that [first] cow [Shem], and one red like blood [Japheth], and one black [Ham] [...]. They began to bear the beasts of the fields and the birds. There arose out of them many [different] species” (89:9–10).

History thus witnesses a continuous expansion of evil, with no way for human beings to oppose its spread. Nobody is spared: in the metaphorical world of the Animal Apocalypse, even the Jews, who are the noblest part of humankind, bear the evil gene of degeneration; by the generation of Jacob, from “cows” they have become “sheep.” Within this framework, there is no room for any reference to the Mosaic Torah. Its presence does not alter the progressive spread of evil. In particular, after the Babylonian exile the situation collapses; God entrusts God’s people to “seventy shepherds” (angels), who show themselves to be evil, trespassing upon their assigned tasks in such a way that the entire history of Israel in the postexilic period unfolds under a demonic influence (see 1 En. 89:59 ff.). Reconstructed “under the seventy shepherds,” the Second Temple can only be a contaminated sanctuary: “They again began to build as before; and they raised up that tower which is called the high tower, and they placed a table before [the tower], but all the bread which was upon it was polluted and impure” (89:73). This situation of evil and decay is irremediable and will end only with the establishment of a “new creation” at the end of times, when God’s intervention restores the goodness of the universe. In the insurgency of the “white sheep” in his own times, the apocalyptic author saw a sign that the end was imminent.

The Enochic view had disturbing implications for the self-understanding of the Jewish people as the people of the covenant. The chosen people of Israel are promised a future redemption in the world to come, but in this world, Israel is affected by the spread of evil with no divine protection, as are all other nations.<sup>12</sup> Not everybody agreed, even within apocalyptic circles.

<sup>11</sup> P.A. Tiller, *A Commentary on the Animal Apocalypse of 1 Enoch*, EJL 4 (Atlanta: Scholars Press, 1993).

<sup>12</sup> D.C. Olson, *A New Reading of the Animal Apocalypse of 1 Enoch*, SVTP 24 (Leiden: Brill, 2013).

Like the Enochians, the Essenes were an apocalyptic movement that shared the idea of the superhuman origin of evil and proclaimed themselves as the champions of the poor against the well-to-do.<sup>13</sup> Their roots were in the same movements of dissent that had challenged the power of the Zadokite priesthood. They never showed any nostalgia for the time in which the house of Zadok was in power, or did anything aimed to restore their authority. In a super-sessionist mood they even referred to themselves as the true “sons of Zadok,” just to demonstrate that they (and not them, the evil high priests of the house of Zadok) were the ones referred to and prophesized by Ezekiel.

If the Book of Jubilees – as seems likely – was indeed at the foundation of the entire Essene movement, the text marking the ideological revolution from which both “orders” of the Essenes came from, the *yahad* and the “camps” described in the Damascus Document,<sup>14</sup> then there was something very substantial that the entire Essene movement did not like in the Enochic movement – the idea that the Jews, like the other nations, were defenseless under the power of evil. It was against the “Enochic” lack of action and hope in this world that the Book of Jubilees reacted by creating an original synthesis between Enoch and Moses, that can no longer be labeled as either “Enochic” or “Mosaic,” but is now distinctively “Essene.”

The Essenes rejected the idea that the sin of angels had undermined the election of Israel. They maintained that the election of Israel was established by God since creation (Jub. 2:21). The distinction between Jews and gentiles belongs not to the (corrupted) history of humankind but to the (uncorrupted) order of creation. Its effectiveness was not diminished by the fall of angels. The power of the evil spirits was limited, and the sons of Noah were given a “medicine” that protects them from evil (10:10–14). This does not mean that Israel was completely safe in a world now dominated by evil. It remained safe as long as they kept the boundaries separating them from the other peoples. The issue of keeping the right halakah became central in preserving the holiness of the people.

Out of this concern, the Essenes became more and more skeptical about the effectiveness of the Mosaic Torah. They believed that the Mosaic halakah was “incomplete” since the complete Torah was written only in the tablets of heaven and was revealed only partially in the Mosaic Torah.<sup>15</sup> Moses, as other mediators like Enoch and his successors, was only given a glimpse at the tablets of heaven. In this respect, as says Collins, “Jubilees, which retells the stories of

<sup>13</sup> J.J. Collins, *Apocalypticism in the Dead Sea Scrolls* (London: Routledge, 1997).

<sup>14</sup> J.J. Collins, *Beyond the Qumran Community: The Sectarian Movement of the Dead Sea Scrolls* (Grand Rapids, Mich.: Eerdmans, 2010).

<sup>15</sup> G. Boccaccini, “From a Movement of Dissent to a Distinct Form of Judaism: The Heavenly Tablets in Jubilees as the Foundation of a Competing Halakah,” in *Enoch and the Mosaic Torah: The Evidence of Jubilees*, ed. G. Boccaccini and G. Ibba (Grand Rapids, Mich.: Eerdmans, 2009), 193–210.

Genesis from a distinctly Mosaic perspective, with explicit halachic interests,” stands “in striking contrast” to the Enochic tradition.<sup>16</sup> While reiterating the “Enochic” concept of the superhuman origin of evil, the movement that sprang from the Book of Jubilees took a radically different trajectory. The merging of Mosaic and Enochic traditions redefines a space, where the people of Israel can now live protected from the evilness of the world under the boundaries of an alternative halakah. No longer a “theology of complaint,” Essenism was now offering a competing view of the heavenly law and of its interpretation.

The parting of the ways between the Essene movement and Enochic Judaism is confirmed by the autonomous developments of the Enoch literature (Epistle of Enoch and the Parables of Enoch), independently from the Essene movement.<sup>17</sup> Contrary to what we see in Jubilees, the Halakic Letter or the Community Rule, Enochic Judaism would never develop an alternative halakah and would never question the legitimacy of the Mosaic Torah. Evil affects human choice, but transgressions are human responsibility. In the words of the Epistle of Enoch, “lawlessness was not sent upon the earth, but man created it by themselves, and those who do it will come to a great curse [...] all your unrighteous deeds are written down day by day, until the day of your judgment” (1 En. 98:4–8). The purpose of the myth of the fallen angels was to absolve God from being responsible for a world that the Enochians deemed evil and corrupted. It was not intended to deny human accountability. In the Enochic system of thought, the two contradictory concepts of human responsibility and human victimization had to coexist between the Scylla of an absolute determinism and the Charybdis of an equally absolute anti-determinism. Accept either of these extremes and the entire Enochic system would collapse into the condemnation of God as the unmerciful source of evil or the unjust scourge of innocent creatures.

From the Book of the Watchers to the Parables, the Enochians steadily kept their focus on the difficulty of humans to obey the Torah as a consequence of the spread of evil. Enochic Judaism was born as, and always remained, a “theology of complaint.”

### 3. Forgiveness of Sins in the Enochic Tradition

At the center of the Enochic “theology of complaint” is the apparently absolute rejection of God’s forgiveness of sins. In the introduction to his commentary, George Nickelsburg devotes only a short paragraph to what he defines as “a

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<sup>16</sup> J. J. Collins, “Enochic Judaism: An Assessment,” in *Apocalypse, Prophecy, and Pseudepigraphy: On Jewish Apocalyptic Literature* (Grand Rapids, Mich.: Eerdmans, 2015), 73–88, here 79.

<sup>17</sup> G. Boccaccini, *Beyond the Essene Hypothesis: The Parting of the Ways between Qumran and Enochic Judaism* (Grand Rapids, Mich.: Eerdmans, 1998).

minor issue in 1 Enoch,” and attributes this lack of interest in the subject to “its black-and-white distinction between the righteous and the sinners.”<sup>18</sup>

The issue has important ramification also for the study of the relations between the Jewish apocalyptic traditions and Christian origins. The absence of any reference to God’s forgiveness is one of the major obstacles in establishing a close connection and continuity between the Enoch books and the writings of the early Jesus movement, where the idea of forgiveness of sins takes central stage. What does the forgiving Jesus have to do with the unforgiving Enoch?

At first glance, a reading of First Enoch seems to confirm Nickelsburg’s conclusion. The message of repentance and forgiveness is significantly missing in First Enoch. Enoch was chosen by God not as a preacher of forgiveness, but rather as a messenger of unforgiveness – to announce to the fallen angels that “there will be no forgiveness for them” (1 En. 12). A compassionate Enoch indeed accepted to intercede on behalf of the fallen angels and “drew up a petition for them that they might find forgiveness, and read their petition in the presence of the Lord of Heaven” (13:4–5), but only to be lectured by God. Enoch had to report back to the fallen angels that such a petition “will not be accepted.” The last word of God leaves no room for any hope of forgiveness: “Say to them: You have no peace” (16:4).

The message, loud and clear, that the angelic sin cannot be forgiven is after all the generative idea of Enochic Judaism.<sup>19</sup> Had the angels been forgiven the entire Enochic system would have collapsed. This world is an evil world exactly because the angelic sin cannot be forgiven and the original goodness of the universe cannot be restored until a new creation is established at the end of times.

Later Enochic texts, both Dream Visions and the Epistle of Enoch, draw a clear distinction between the righteous and the sinners and make no reference to forgiveness of sins. In the Animal Apocalypse there are white sheep who open their eyes but no black sheep becomes white. In the Epistle of Enoch the opposition between the righteous and the sinners is turned into a social conflict between the rich and the poor, the oppressors and the oppressed, the haves and the have nots.<sup>20</sup>

The introductory chapters of the Book of Enoch also divide humankind sharply in two fields; “forgiveness of sins, and all mercy and peace and clemency” are promised to the righteous, resulting into “salvation,” while “for all you sinners there will be no salvation, but upon you a curse will abide” (1 En. 5:6).

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<sup>18</sup> G. W. E. Nickelsburg, *1 Enoch: A Commentary on the Book of 1 Enoch*, vol. 1: *Chapters 1–36, 81–108*, Hermeneia (Minneapolis: Fortress, 2001), 54.

<sup>19</sup> P. Sacchi, *Jewish Apocalyptic and Its History* (Sheffield: Sheffield Academic Press, 1996).

<sup>20</sup> On the Epistle of Enoch in particular, see L. T. Stuckenbruck, *1 Enoch 91–108*, CEJL (Berlin: de Gruyter, 2007).

And yet, in spite of the consistency of the entire Enochic tradition on the rejection of forgiveness of sins for the sinners, something substantially changes with the Parables of Enoch. With a language that is reminiscent of the Book of the Watchers, Parables says that in the last judgment the sinners will be punished, in particular the “kings and the mighty,” whose destiny will be like that of the fallen angels at the beginning of creation: “no one will seek mercy for them from the Lord of the Spirits” (38:6). They will be condemned by their own deeds: “And in those days Enoch received books of zeal and wrath, and books of disquiet and expulsion. And mercy shall not be accorded to them, said the Lord of Spirits” (39:2).

On the contrary, the righteous will be saved. The four archangels will intercede on their behalf, “uttering praises before the Lord of glory” (40:3). Quite mysteriously the task of the fourth archangel is announced to be that of “fending off the satans and forbidding them to come before the Lord of Spirits to accuse them who dwell on the earth” (40:7–8). In the Book of the Watchers (1 En. 9–11) the four archangels (Michael, Raphael, Gabriel and Uriel) presided to the punishment of the fallen angels and to the salvation of the righteous. Here in action is the same group: Michael, Raphael, and Gabriel, but the fourth is revealed to be “Phanuel, who is set over the repentance unto hope of those who inherit eternal life” (40:9). The text suggests that repentance will play some role in the last judgment. Some will be saved not because of their good deeds, but because of their repentance and because the satans will be prevented from presenting their accusations before God. The satans here mentioned are neither the rebellious angels nor the evil spirits, but the accuser angels who will act as prosecutors in the last judgment by reporting the evil deeds of individuals (cf. Zech 3:1–7). No further details are provided in 1 En. 40. But the fact the Book of the Parables felt compelled to replace Uriel (an angel of punishment) with Phanuel (an angel of repentance, never mentioned before in the tradition of Enoch) seems to indicate that something has changed in the idea of judgment, which is no longer presented exclusively as a judgment of destruction of evil (and salvation for the righteous) but implies some more nuanced merciful act toward the sinners.

In 1 En. 48 the emphasis is on the revelation of the Messiah Son of Man in the last judgment. The reference is explicitly to Dan 7, but contrary to the source text, the Son of Man is not the recipient of God’s judgment but is now the judge, sitting on the throne of God. We are repeated that the last judgment will be “according to the deeds”: the righteous will be saved in the name of God as they are filled with good works and “have hated and despised this world of unrighteousness” (1 En. 48:7). An opposite destiny awaits the sinners, the kings and the mighty; they will not be saved “because of the works of their hands” (48:8).

A brief interlude (1 En. 49) follows, where the justice of God and the elect is praised. Then in 1 En. 50–51 the judgment is presented in its more universal di-

mension, as the days in which “the earth will give back what has been entrusted to it and Sheol will give back what it has received” (51:1). As expected, we are repeated that the righteous will be rewarded and the sinners punished according to their deeds. However, quite unexpectedly a third group (“the others”) is here singled out besides the righteous and the sinners – they are “those who repent and abandon the works of their hands” (1 En. 50:1–4):

(1) And in those days a change shall take place for the holy and chosen, and the light of days will dwell upon them, and glory and honor will return to the holy. (2) On the day of distress, evil will be stored up against the sinners. And the righteous will be victorious in the name of the Lord of Spirits: and He will cause the others to witness (this), so that they may repent and abandon the works of their hands. (3) They will have no honor in the presence of the Lord of Spirits, yet through His name they will be saved, and the Lord of Spirits will have mercy on them, for great is His mercy. (4) And He is righteous in His judgement, and in the presence of His glory unrighteousness will not stand: at His judgement the unrepentant will perish in His presence. “And hereafter I will have no mercy on them,” says the Lord of Spirits.

In the context of the Enochic tradition, the passage is extremely important as for the first time it introduces the idea that repentance at the time of the last judgment will cause God to forgive by mercy some sinners. The passage, however, has not received the attention it deserves and has been mistranslated and misinterpreted even in the most recent and comprehensive commentaries to the Book of Parables by Sabino Chialà (1997), Daniel Olson (2004) and Nickelsburg (2012).<sup>21</sup>

With the majority of manuscripts and all previous translations, Chialà correctly translates v. 3 as “they will have no honor” (Eth. *kebr*), in the sense that they will have no “merit” before God. In the commentary, however, Chialà understands the verse as referred to the “righteous”: “they” (not the others) are the subject of the sentence. Chialà takes then the verse as a general statement that God’s judgment is based exclusively on God’s mercy even for the “righteous,” who cannot claim any “honor” before God. But this contradicts what the Book of Parables had just said in 1 En. 48; the righteous have good works, while the sinners do not. Besides, here the author refers to “the others” (the ones who repent and abandon the works of their hands) as it is proved by the fact that the following verses (vv. 4–5) continue the discussion about repentance not “righteousness,” to the extent that “the sinners” are now denoted as “the unrepentant.”<sup>22</sup>

Olson is aware of the presence of some manuscripts in which the negative (“no honor”) is omitted, however it recognizes that the salvation of “the others” is presented in the passage as an act of God’s mercy. “Jesus’s parable of

<sup>21</sup> S. Chialà, *Libro delle parabole di Enoc: Testo e commento* (Brescia: Paideia, 1997); D.C. Olson, *Enoch: A New Translation* (North Richland Hills, Tex.: BIBAL Press, 2004); G. W. E. Nickelsburg and J. C. VanderKam, *1 Enoch: A Commentary on the Book of 1 Enoch*, vol. 2: *Chapters 37–82*, Hermeneia (Minneapolis: Fortress, 2012).

<sup>22</sup> Chialà, *Libro delle parabole* (see n. 21), 224.

the workers in the vineyard makes a similar point.”<sup>23</sup> “The others” therefore are sinners. Olson concludes that “the others” must be gentiles. “This chapter presupposes a time of relief and prosperity for the righteous during which the Gentiles may repent and convert.”<sup>24</sup> The text, however, does not mention gentiles, and the Enochic tradition never claims that only gentiles are sinners, while Jews are all “righteous.” The others are “sinners who repent” (Jews and gentiles alike) as opposed to the “righteous.”

Nickelsburg also correctly identifies the “others” as a distinctive group – an intermediate group between the righteous and the sinners, but rather understands them as a subgroup of “the righteous” who may not have the same merits but will share the same destiny. “Given the references to the righteous and their oppressors in vv. 1–2b, ‘the others’ mentioned in this action must be either the gentiles not included among the oppressors of the righteous or other Israelites not included among the righteous, the holy, and the chosen.”<sup>25</sup> To reinforce his own interpretation, Nickelsburg somewhat arbitrarily “corrects” the text, based on the testimony of only two manuscripts against most manuscripts (and previous translations, like Charles, Olson and Chialà), and suppresses the negative (“they will have no honor”). Like the righteous, the others will have “honor” before God and will be saved in God’s Name. But “the others” are not defined in the text for who they are but for what they do (“they repent and abandon the works of their hands”). Nickelsburg’s interpretation that the “works of their hands” is a reference to idolatry is contradicted by the fact that the text here repeats the same phrase used in 1 En. 48:8 to denote the sinners (“the strong who possess the land because of the works of their hands [...] will not be saved”). “The others” are not “good gentiles” or “not-so-bad Israelites”; like the sinners they can claim no honor before God.

Chialà, Olson, and Nickelsburg all miss the revolutionary importance of the text, which at the end of times envisions the emergence of a third group beside “the righteous” and “the sinners.” The righteous have “honor” (merit, good works) and are saved in the name of God, while “the sinners” have no honor (no good works) and are not saved in the name of God. The others are not a subgroup of the righteous nor a less guilty group of sinners or gentiles, but, as the text explicitly states, they are rather a subgroup of the sinners who will repent and abandon the works of their hands. Like the sinners (and unlike the righteous), the “others” have no “honor” (no merit or good works) before God, but because of their repentance they will be justified and saved in the name of God, like the righteous (and unlike the unrepentant sinners).

In other words, the text explores not as much the relation between God’s mercy and God’s justice in the judgment, a theme that we would find broadly discussed in the early rabbinic movement. That no one (not even the righteous)

<sup>23</sup> Olson, *Enoch* (see n. 21), 94.

<sup>24</sup> Olson, *Enoch* (see n. 21), 94.

<sup>25</sup> Nickelsburg and VanderKam, *1 Enoch*, vol. 2 (see n. 21), 182.

would be saved without some intervention of God's mercy is a shared assumption in the entire Jewish tradition. The point is rather the possibility for some sinners to be justified by mercy alone, apart from God's justice.

According to the Book of Parables, the righteous will be saved according to God's justice and mercy, and the sinners will be condemned according to God's justice and mercy, but those who repent will be justified by God's mercy even though they should not be saved according to God's justice. Repentance makes God's mercy prevail over God's justice. No reference is made to the traditional means of atonement related to the Temple or good works; the Book of Parables refers to the time of the manifestation of God and the Messiah as a (short) time in which a last opportunity of repentance and justification will be offered to the sinners. The time is limited: after the judgment absolutely no further chance of forgiveness will be offered to "the unrepentant." The ones who do not repent will be lost forever.

We now finally understand the special function assigned to "Phaniel" in the last judgment: the archangel of repentance will prevent the satans from accusing the sinners who repent and will have them saved apart from God's justice. Through repentance some sinners will be forgiven by God's mercy. The "others" are justified sinners.

The interpretation of 1 En. 50 is consistent with the entire Book of Parables and allows us to better grasp the development of the text. Having affirmed that at the end repentance is granted to the sinners who repent, the text must clarify that nonetheless this possibility is not given to everybody. It does not apply to the fallen angels (thus preserving the integrity of the Enochic system) and does not apply to the kings and the mighty.

In 1 En. 54 we are told that "the kings and the mighty [are] the hosts of Azazel [...] and Michael, Gabriel, Raphael, and Phaniel shall take hold of them on that great day, and cast them on that day into the burning furnace, that the Lord of Spirits may take vengeance on them for their unrighteousness in becoming subject to Satan and leading astray those who dwell on the earth" (1 En. 54:1–6). The lack of support from the archangels (including Phaniel) shows that no possibility of repentance will be given to them.

The downfall of the kings and the mighty is made even more dramatic by the rhetorical development of the narrative, as their destiny shines in stark contrast with that of the other sinners. In what Nickelsburg describes as a "pitiful spectacle of role reversal,"<sup>26</sup> at the moment of judgment "the kings and the mighty and the exalted and those who rule the land will fall on their faces in his presence; and they will worship and set their hope on that Son of Man, and they will supplicate and petition for mercy from him" (62:9). Once again the language is reminiscent of the Book of Watchers. As the fallen angels did with Enoch, the kings and the mighty will petition the Son of Man to have mercy. They also hope that they could take advantage of God's mercy. But this is not

<sup>26</sup> Nickelsburg and VanderKam, *1 Enoch*, vol. 2 (see n. 21), 266.



the case: “But the Lord of the Spirits will press them that they shall hastily go forth from His presence, and their faces shall be filled with shame, and the darkness grow deeper on their faces. And He will deliver them to the angels for punishment, to execute vengeance on them” (62:10–11).

Even in the hands of the angels of punishment, the kings and the mighty “will implore [God] to give them a little respite, that they might fall down and worship in the presence of the Lord of the Spirits, and that they might confess their sins in his presence” (63:1). But once again their request is rejected. Their eternal place will be with “the angels who descended to the earth, and revealed what was hidden to the children of men and seduced the children of men into committing sin” (64:1–2).

#### 4. The Messiah and Forgiveness

The Book of Parables does not attribute any special power of forgiveness to the Messiah, who remains the judge and destroyer of evil and is deaf to the plea of the kings and the mighty. God’s mercy operates through the angel Phanuel; it is thanks to his intervention that the sinners who repent (i. e., the “others”) are acquitted by the judgment of the Son of Man.

Yet the text signals a radical turn in a tradition that had never paid attention to the problem of repentance or forgiveness of sin, except to exclude such a possibility. Repentance is now a central theme in the Book of Parables and should be a central concern for the sinners in the imminence of the last judgment. With the exclusion of the fallen angels and the kings and the mighty, God is willing to justify by God’s mercy those who repent.

The Parables of Enoch does not further elaborate on these points, but if we read the Synoptics about the preaching of John the Baptist and Jesus, it is like reading a retelling of 1 En. 50. Regardless of the issue whether or not this interpretation reflects, “adjusts” or corrects what the historical John the Baptist and the historical Jesus “really” did or meant to do, from the view point of the Synoptics the time of the end has come and God’s Messiah has been revealed in Jesus. The prophecy of 1 En. 50 does no longer belong to the future but has become true in the manifestation “on earth” of the Son of Man Jesus and his precursor John the Baptist. Their entire mission would be devoted to “the others,” the repentant sinners.

The function of the eschatological judge immediately connects the Messiah announced by John to the “Son of Man” of the Parables of Enoch (and not to the traditions related to the Messiah Son of David). The imminent coming of the eschatological judge who will cleanse the earth with fire, makes urgent repentance and “forgiveness of sins” for those who in this world have “no honor.” The urgency of John’s call is consistent with the Book of Parables’ view

that that at the end only a small window will be opened to repentance and there will be no time afterwards.

Facing the judge and the “fire” of judgment only means certain annihilation for the sinners. The solution indicated by John the Baptist is also based on a narrative central in the Enochic tradition – the purifying value that the Enochian tradition attributed to the water. The model was that offered by the flood, when the earth had already been immersed in order to limit the spread of evil. “Be baptized with water; otherwise, you will be baptized with the fire of judgment by the Son of Man” – this seems to be in essence the original message of John the Baptist, as understood by the Synoptics, an interpretation that does not contradict the interest of the Christian authors to present it as a prophecy of the Christian baptism (by the Holy Spirit). That expressed by John the Baptist was a call based on the prophecy of the Book of Parables (1 En. 50). At the end of times God will offer the sinners a last chance. If a sinner sincerely repents and abandons the works of his/her hands, even though such a person has no honor before God, God’s mercy will prevail on God’s justice, and he/she will be saved in God’s name. As in the Parables (and contrary to what the Synoptics would claim about Jesus), the Messiah has no part in the work of forgiveness and remains the judge and destroyer of evil.

From the Synoptics’ perspective, while John the Baptist was the precursor who announced the coming of the eschatological judge and the urgency of repentance, Jesus is the Son of Man who at the end of times will come with the angels to perform the judgment with fire.

The Christian tradition, however, introduced a significant variation into the Enochic model, where forgiveness of sins is promised at the end but no role is given to the Messiah in this task. From the Synoptic perspective, the Son of Man who will come from heaven as the eschatological judge, has already been manifested on earth in Jesus of Nazareth. The Christian distinctiveness lies exactly in this: “The Son of Man has power [and the mission] on earth to forgive sins” (Mark 2:1–12; cf. Matt 9:1–8; Luke 5:17–26). The statement sounds like “blasphemy” for those who maintain that the Messiah (the son of David) will be the leader of Israel in the world to come, but not the savior and redeemer of the individual, whose justice is measured by God the judge according to the Torah, but also breaks the tradition of Enoch that had presented the Son of Man exclusively as the final judge from heaven, and not as the forger “on earth.”

In this, according to the Synoptics, also lies the superiority of Jesus over John. The baptism of John was a call to the sinners to become “the others” through repentance. At the end only “the unrepentant” will be damned. But John could only express a hope, based on the prophecy of Enoch and the belief that God is good and merciful and cannot remain insensitive to the cries of anguish of sinners who, like Adam in the Life of Adam and Eve, plea to God in repentance and faith. According to his followers, Jesus offered a more concrete perspective as the promise of forgiveness comes from the Son of Man himself.

Who can have more authority to forgive than the one whom God has delegated as the eschatological judge?

Jesus the Messiah was not sent to “the righteous” but to “the sinners” so that they may repent. God is like a good shepherd who searches for the lost sheep; Jesus was sent to “the lost sheep of the house of Israel” (Matt 10:6); he was the doctor sent to heal the sinners (Mark 2:17; Matt 9:13), as Luke makes explicit: “I have come to call not the righteous but the sinners to repentance” (Luke 5:32).

Reading the Synoptics in light of the Book of Parables sheds light also on some parables that the Christian tradition attributed to Jesus. The parable of the lost sheep (Matt 18:10–14; Luke 15:1–7) defines the relationship between God and “the others”: Luke’s parables of the prodigal son (15:11–32) reiterates the theme but also adds a teaching about the relationship between “the righteous” and “the others,” between those who have honor and are saved because they have never abandoned the house of the Father and those who have no honor and yet are saved as well since they have repented and abandoned the works of their hands. The examples could be multiplied, but no parable seems more effective to me than the one narrated by Matthew on the workers in the vineyard (Matt 20:1–16). The householder who pays the same salary for different “measures” of work, gives the full reward (salvation) to the “righteous” and to the “others” as 1 En. 50 (in the Parables) claimed that God will also do in the last judgment. God’s mercy (“Am I not allowed to do what I choose with what belongs to me? Or to you begrudge my generosity?”) wins God’s justice, or as the Letter of James would say, “Mercy triumphs over judgment” (κατακαυχᾶται ἔλεος κρίσεως, Jas 2:13).

The Synoptics do not merely repeat the Enochic model of the Parables. Yet, the Enochic concept of the existence of a time of repentance immediately before the judgment and the prophecy that at that point “the sinners” will divide between “the repentant” (the others) and “the unrepentant” is the necessary “premise” of the mission of the Son of Man on earth.

## 5. Conclusion

Contrary to what commonly repeated the concept of forgiveness of sins is not foreign to the Jewish apocalyptic tradition of Enoch. In the Parables of Enoch the possibility offered to the sinners to repent and be forgiven by God’s mercy becomes an essential feature of the apocalyptic judgment.

The Christian tradition reads and interprets the experience of John the Baptist and Jesus the Messiah by borrowing its categories from the Book of Parables, or better from the traditions of the Book of Parables, to the point that the Synoptic Gospels could be understood almost as a retelling of 1 En. 50 in a perspective of realized eschatology – John the Baptist and Jesus have fulfilled the

Enochic prophecy. At the center is the destiny of the righteous, the sinners and the others now that the “end is near.” The Synoptics add some new elements, which indeed differentiate the Jesus movement from the Enochic model, and yet do not separate it from the world of Second Temple Judaism at large. These elements enhance the specificity of the Jesus movement in relation not only to the Sadducees and the Pharisees, but also in relation to its Enochic roots and to the message of John the Baptist himself. In the Synoptics, Jesus becomes the protagonist of a “prologue on earth” that precedes, and prepares for, the heavenly judgment of the Messiah Son of Man, who is now both the forgiver on earth and the eschatological judge. The possibility of repentance announced by the Parables of Enoch and John the Baptist as one of the signs of the end becomes the center of the activity of the Messiah Jesus, who came as the Son of Man who has authority on earth to forgive sins. In baptizing in his name the early church continues and prolongs Jesus’s message of forgiveness as an instrument of God’s mercy, until Jesus will return to perform the judgment and no further time for repentance will be then allowed. The Jesus movement was not an Enochic movement but an outgrowth of the Enochic movement. The Gospels are not Enochic texts, but an answer to an Enochic problem.



# Constructing Temple and Torah in Philo of Alexandria

*Maren R. Niehoff*

The Jerusalem Temple, as Philo knew it, was of course built by Herod the Great. Philo's brief account of his own visit to the Temple and his outline of pilgrimage there have been appreciated by generations of scholars as precious testimonies to the functioning of the Temple in the first century CE.<sup>1</sup> Recently, however, Ian Rutherford has suggested that Philo's account develops Greek motifs of pilgrimage and may have served as an advertisement for the Temple in Jerusalem.<sup>2</sup> This reconstruction raises intriguing questions about the nature of Philo's accounts: were they realistic descriptions of activities in a given building or rather imaginary constructions, or perhaps a mixture of both? Moreover, was the Jerusalem Temple a self-evident factor of Jewish identity or did it instead require special advocacy?

Similar questions have arisen regarding the role of the Torah. Generations of scholars took the Bible as a quintessential characteristic of Judaism and regarded Bible exegesis as the focus of the religion from its inception. Recently, however, John J. Collins and Paul D. Mandel have questioned this consensus by arguing that systematic Bible commentary developed at a relatively late stage and requires a historical explanation.<sup>3</sup> Philo is of special interest in this context, because large parts of his oeuvre are devoted to Bible interpretation. He provides the first systematic commentaries on the biblical text, which have survived from ancient Judaism.<sup>4</sup> Valentin Nikiprowetzky has consequently

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<sup>1</sup> I would like to thank the editors of the volume for organizing a lively conference in Berlin and the audience for a productive discussion. – Philo says surprisingly little about his own pilgrimage to Jerusalem: “there is a city on the sea-coast of Syria called Ascalon. While I was there at a time when I was on my way to our ancestral temple to offer up prayers and sacrifices, I observed many pigeons at the cross-roads and in each house” (*Prov.* 2.64). For uses of Philo's work to reconstruct pilgrimage during the Second Temple period, see J. Leonhardt, *Jewish Worship in Philo of Alexandria*, TSAJ 84 (Tübingen: Mohr Siebeck, 2001).

<sup>2</sup> I. Rutherford, “Concord and *Communitas*: Greek Elements in Philo's Account of Jewish Pilgrimage,” in *Journeys in the Roman East: Imagined and Real*, ed. M. R. Niehoff (Tübingen: Mohr Siebeck, 2017), 257–272.

<sup>3</sup> J. J. Collins, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul* (Oakland, Calif.: University of California Press, 2017); P. D. Mandel, *The Origins of Midrash: From Teaching to Text*, JSJSup 180 (Leiden: Brill, 2017).

<sup>4</sup> See also D. Dimant, *Pesher Habakkuk: A Scroll from the Wilderness of Judea (1QpHab); Text Introduction and Commentary* [in Hebrew] (Jerusalem: Bialik Institute, 1986), who has

identified Philo's Torah study as the essence of his work and Jewish identity.<sup>5</sup> David Runia similarly argued that Bible exegesis was the backbone of Philo's thought to which he always subordinated philosophy. This biblical orientation is said to have rendered him *sui generis*, isolating him from other intellectuals, such as the Middle Platonists.<sup>6</sup>

Such generalizations, however, overlook the exceptional diversity of Philo's oeuvre and harmonize discrepancies, even contradictions between his different series of treatises. No other author of antiquity has expressed himself in such a variety of literary genres as Philo, who wrote systematic commentaries on the Books of Genesis and Exodus, historical treatises on the events in which he participated as the head of the Jewish embassy to Gaius Caligula as well as philosophical works on specific topics. In yet another series Philo offers a general introduction to Judaism, explaining the rationale of the Jewish laws and presenting the biblical patriarchs to a broader Greco-Roman audience. Such differences between Philo's series of works cannot plausibly be harmonized and subsumed under one category of Bible interpretation. They instead deserve our special attention and demand an explanation. Indeed, the exceptional variety of Philo's series of works, which partly overlap in terms of the topics they cover, provide a unique opportunity to investigate the constructed nature of his views.

In this article I argue for the constructed nature of Philo's Judaism by studying his notions of Torah and Temple throughout his different works. I look especially at the relationship between these two themes and ask whether they form a stable, perhaps even essential pair of complementary elements or instead appear differently in different contexts. In other words, I investigate to what extent Torah and Temple go together in Philo's work, complementing each other, or rather assume different, perhaps even contradictory contours in the various series. I shall argue for Philo's considerable flexibility, which is dependent on the different contexts of his works. Particular attention will be paid to the following phenomenon: writings which emphasize the Temple virtually lack references to the Torah and, vice versa, treatises featuring the Torah prominently virtually ignore the Temple. Temple and Torah thus fulfilled different functions in Philo's oeuvre and challenge the image of stable complementarity that has been prompted by such sources as the Gospel of Luke and Josephus.

A brief look at Josephus and Luke will underscore the potential a close analysis of Philo's works holds. The author of the Gospel of Luke portrays Jesus as a young boy in the Temple of Jerusalem. Having arrived on a pilgrimage, he

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conclusively shown that the pesher literature from Qumran is based on oneirocritical principles, which place it in the realm of prophetic activity rather than systematic commentary.

<sup>5</sup> V. Nikiprowetzky, *Le Commentaire de l'écriture chez Philon d'Alexandrie: Son caractère et sa portée, observations philologiques*, ALGHJ 11 (Leiden: Brill, 1977).

<sup>6</sup> D. T. Runia, "Was Philo a Middle Platonist? A Difficult Question Revisited," *SPhiloA* 5 (1993), 124–133.

stayed behind when his parents already went home. Worried about his absence, they returned and “found him in the temple, sitting among teachers, listening to them and asking them questions. And all who heard him were amazed at his understanding and his questions” (Luke 2:41–47). The image of Jesus raising questions – the classical term of Greek scholarship ἐπερωτάω is used here – evokes an intrinsic association of the Temple with Torah study. Similarly, Josephus’s self-portrait suggests a strong connection between Temple and Torah in the first century CE. He nostalgically recalls: “while still a mere boy, approximately fourteen years old, I was applauded by everybody for my love of letters. The chief priests and the leading men of the city always came to me to learn some more precise information about our laws.”<sup>7</sup> To be sure, the priests are said to come to Josephus – and not vice versa, Josephus to the Temple – but this scene undoubtedly connects Torah study with the priests and by implication with the Temple. To what extent do these images apply to Philo, too?

I analyze Philo’s views of Temple and Torah in his different series of works, assuming the chronology recently established in the *Intellectual Biography* of Philo.<sup>8</sup> Even though we lack basic information about Philo’s life and the circumstances of his writing activity, we can reconstruct the chronology of his works, if we take his historical writings as our starting point. The *Legatio* and *Contra Flaccum* can safely be dated to the later part of Philo’s career, because they relate to the only sure fact we know, namely, his service as the head of the Jewish embassy to Gaius Caligula after the pogrom in Alexandria in the summer of 38 CE. At this point Philo addresses broader, non-Jewish audiences in Rome, hoping to convince them that Judaism makes a significant contribution to the Roman Empire. Many of his arguments seem to relate to the criticism heaped on Judaism by the head of the competing Egyptian embassy, Apion. The philosophical treatises and the *Exposition of the Law* are also part of this apologetic effort. The *Allegorical Commentary*, by contrast, addresses Alexandrian Jews intimately familiar with the details of the Bible in Greek translation.<sup>9</sup> Philo explains the text to his colleagues and opponents, dwelling on minute textual problems and solving them by recourse to allegory. These differences between Philo’s series of works have important repercussions for our topic. The Temple and the Torah play strikingly different roles in Philo’s earlier

<sup>7</sup> Josephus, *Vita* 9: ἔτι δ’ ἀντίπαις ὧν περὶ τεσσαρεσκαίδέκατον ἔτος διὰ τὸ φιλογράμματον ὑπὸ πάντων ἐπηνούμησιν συνιόντων αἰεὶ τῶν ἀρχιερέων καὶ τῶν τῆς πόλεως πρώτων ὑπὲρ τοῦ παρ’ ἐμοῦ περὶ τῶν νομίμων ἀκριβέστερόν τι γινῶναι.

<sup>8</sup> M. R. Niehoff, *Philo of Alexandria: An Intellectual Biography* (New Haven: Yale University Press, 2018).

<sup>9</sup> For details on the centrality of the Greek Bible among Alexandrian Jews, G. Sterling, “The Interpreter of Moses: Philo of Alexandria and the Biblical Text,” in *A Companion to Biblical Interpretation in Early Judaism*, ed. M. Henze (Grand Rapids, Mich.: Eerdmans, 2012), 415–434; B. G. Wright, *The Letter of Aristeas*, CEJL (Berlin: de Gruyter, 2015); M. R. Niehoff, “Alexandrian Judaism,” in *Ancient Judaism and Its Modern Interpreters*, ed. M. Henze and R. Werlin (Atlanta: Scholars Press, 2020), 281–304.



and later writings. While the *Allegorical Commentary* assumes intensive Torah study, but virtually ignores the Temple, the historical treatises feature the Temple rather prominently, while altogether neglecting direct commentary on the Torah.

## 1. Temple and Torah in Philo's *Allegorical Commentary*

The Jerusalem Temple is conspicuously absent in the *Allegorical Commentary* from the beginning of Philo's career. In a way, this is only to be expected, as the commentary treats the Book of Genesis, where no temple is mentioned. However, some remarks by Philo suggest that there are more fundamental reasons. His overall conception of God is too transcendental to appreciate Temple worship:

When we are about to entertain kings, we brighten and adorn our own houses. We consider no embellishment too little, but use all such freely and ungrudgingly, and make it our aim that their lodging shall be most pleasing, in addition to the proper honor given to them. What house shall be prepared for God the King of kings, the Lord of all, who in His tender mercy and loving-kindness has considered created being worthy of His visitation and has come down from the boundaries of heaven to the utmost ends of earth, to show His goodness to our race? Shall it be of stone or wood? Away with the thought, even to say such words is not guiltless. For even if the whole earth should suddenly turn into gold, or something more precious than gold, though all that wealth should be expended by the builder's skill on porches and porticos, on men's chambers, vestibules, and shrines, yet there would be no place where His feet could tread. The soul at any rate is suited to be a worthy house [of Him].<sup>10</sup>

Philo opposes here anthropocentric notions of God which imply that He dwells in concrete, material buildings, such as a temple, where He could be worshiped. Rejecting temples of stone or wood, Philo insists that God must not be compared to an earthly king who can be hosted in human dwellings. Only the soul is sufficiently spiritual to encounter Him and endure His presence. In the *Allegorical Commentary* Philo is so committed to transcendental theology that he even criticizes the deduction of God from His creation. Such proofs of God rely in his view merely on His shadow and are thus somewhat misleading. More perfect and cleansed minds will lift their eyes beyond the creation in or-

<sup>10</sup> *Cher.* 99–100: εἰ γὰρ βασιλεῖς ὑποδέχεσθαι μέλλοντες λαμπροτέρας κατασκευάζομεν τὰς ἰδίας οἰκίας, μηδενὸς τῶν εἰς κόσμον ὀλιγοροῦντες, ἀλλὰ πᾶσιν ἀδεῶς καὶ ἀφθόνως χρώμενοι, τοῦ τὴν καταγωγὴν ἡδίστην ἅμα καὶ μετὰ τοῦ πρέποντος ἀξιώματος αὐτοῖς γενέσθαι στοχαζόμενοι, τῷ βασιλέων βασιλεῖ καὶ τῶν συμπάντων ἡγεμόνι θεῷ δι' ἡμερότητα καὶ φιλικανθρωπίαν ἀξιώσαντι τὸ γενητὸν ἐπισκέψεως καὶ ἀπ' οὐρανοῦ περάτων μέχρι γῆς ἐσχάτων ἐπ' εὐεργεσία τοῦ γένους ἡμῶν κατελθόντι ποδαπὸν οἶκον ἄρα χρὴ κατασκευάζεσθαι; λίθων μὲν ἢ ξυλίνης ὕλης; ἄπαγε, ἀλλ' οὐδ' εἰπεῖν εὐαγές· οὐδὲ γάρ, εἰ πᾶσα γῆ χρυσὸς ἢ τι χρυσοῦ τιμαλφέστερον μεταβαλοῦσα ἐξαίφνης γένοιτο κάπειτα δημιουργῶν τέχναις στοῦς καὶ προπύλαια καὶ ἀνδρῶνας καὶ προτεμένισματα καὶ νεῶς κατασκευαζόντων ἀναλωθεῖη, γένοιτ' ἂν βάσις αὐτοῦ τοῖς ποσίν· ἀξίωχρεως μέντοι γε οἶκος ψυχῆ ἐπιτήδειος.

der to be initiated into the great mysteries of God and gain knowledge of the first cause (*Leg.* 3.99–101).

At this early stage of his career Philo immerses himself in Torah study, applying hermeneutic assumptions and methods from Homeric scholarship in Alexandria.<sup>11</sup> He is the first of the Alexandrian Jews known to have composed systematic commentaries on the Bible. While he had predecessors in this respect, their works have only survived in highly fragmentary form. Inspired by the cultural context of his hometown, Philo made the Greek translation of the Jewish Bible the object of minute investigations, treating the same problems as the Homer scholars, namely, apparent contradictions or cases of implausibility in the canonical text.<sup>12</sup> The following example illustrates his hermeneutic concerns:

“And Abraham was,” he [Moses] says, “seventy and five years old when he went out from Haran” (Gen 12:4). On the number of the five and seventy years, whose import agrees with what has just been said, we will dwell in detail hereafter. Let us first examine what is meant by “Haran” and what kind of emigration (*ἀποικία*) from this country is implied. It is likely that nobody versed in the reading of the laws (*οὐδένα τοίνυν τῶν ἐντετυχηκότων τοῖς νόμοις*) is unaware that Abraham previously went up from Chaldea and dwelt in Haran, and that after his father’s death there, he migrates (*μετανίσταται*) from that country also, so that he has at this point already undertaken a migration from two places. What should be said (*τί οὖν λεκτέον*)? The Chaldeans have the reputation of having, in a degree quite beyond that of other peoples, elaborated astronomy and the casting of nativities. They have set up a harmony between things on earth and things on high, between heavenly things and earthly.<sup>13</sup>

<sup>11</sup> For details, see M.R. Niehoff, *Jewish Exegesis and Homeric Scholarship in Alexandria* (Cambridge: Cambridge University Press, 2011), 133–151.

<sup>12</sup> P. Katz, *Philo’s Bible: The Aberrant Text of Bible Quotations in Some Philonic Writings* (Cambridge: Cambridge University Press, 1950), demonstrated that Philo only quotes the Septuagint and does not take recourse to the Hebrew original. This conclusion has been confirmed by Y. Amir, “Authority and Interpretation of Scripture in the Writings of Philo,” in *Mikra*, ed. M.J. Mulder, CRINT 2/1 (Minneapolis: Fortress, 1988), 421–454, and Sterling, “Interpreter of Moses” (see n. 9). Philo’s commitment to Greek is understandable in the context of his hometown Alexandria, which created a monolingual Greek culture in contrast, for example, to Rome, where intellectuals were fluent not only in their mother tongue Latin, but also in Greek. T. Rajak, *Translation and Survival: The Greek Bible and the Jewish Diaspora* (Oxford: Oxford University Press, 2009), however, reopened the question of Philo’s exposure to Hebrew and pointed to his use of Hebrew etymologies in his Bible interpretation, which suggest to her that he must have known Hebrew. However, Amir, *op. cit.*, already addressed the issue of the etymologies and suggested that they may well have been drawn from special lists in Greek, as attested elsewhere. Niehoff, *Jewish Exegesis* (see n. 11), 133–151, has moreover shown that Philo never solves a textual problem raised by critical colleagues by recourse to the Hebrew, which would in many cases have solved the problem. Disputes over the meaning of the Jewish Bible were thus handled in Alexandria in the exclusively Greek context of the Septuagint.

<sup>13</sup> *Migr.* 176–178: “Ἀβραάμ δὲ ἦν” φησὶν “ἑτῶν ἑβδομήκοντα πέντε, ὅτε ἐξῆλθεν ἐκ Χαρράν” (Gen 12:4). *περὶ μὲν οὖν τοῦ τῶν πέντε καὶ ἑβδομήκοντα ἑτῶν ἀριθμοῦ λόγον γὰρ ἔχει συνφθὸν τοῖς πρόσθεν εἰρημένοις αὐθις ἀκριβώσομεν. τίς δὲ ἐστὶ Χαρρὰν καὶ τίς ἡ ἐκ ταύτης*

Initially, we note that Philo takes for granted Moses's authorship of the Torah. His literary style and choice of expressions consequently require detailed study. Philo addresses readers well versed in the Bible and able to note connections between different biblical passages. Since no "pagan" author before Christianity is known to have taken such a keen interest in the Bible, Philo could only expect fellow Jews to raise questions regarding both the details and the larger context. The scholarly study of the Torah was evidently shared among elite members of the Jewish community in Alexandria and seems to have constituted a significant part of their identity.

Philo starts his interpretation by quoting the Septuagint text and then paraphrasing it with emphasis on vocabulary of migration and colonization. He speaks of ἀποικία and μετανίστημι instead of the biblical verb ἐξέρχομαι. Philo's terms suggest that Chaldea is home and the land of Israel the foreign place, which needs to be colonized – not a view conducive to pilgrimage to the Jerusalem Temple. Philo moreover addresses a specific textual problem in the above quoted passages. Referring to Terah's death, mentioned in the previous biblical chapter, he interprets Gen 12:4 by juxtaposition to Gen 11:31, where Abraham has already been presented as leaving Chaldea in the company of his father Terah and his family. The divine revelation in Gen 12:1 thus appears problematic, as Abraham had already reached Haran and did not require God to tell him to depart from Chaldea. This apparent contradiction between verses is solved nowadays by reference to the different sources of the Bible. How did Philo solve it almost two thousand years ago?

Philo insisted on the overall coherence of the Bible, stressing that Moses "was in the habit of perfectly remembering the principles laid down from the beginning, deeming it right to bring [his statements] into harmony and render them consistent and agreeable with his previous statements."<sup>14</sup> The contradiction between Gen 11:31 and 12:4 is thus resolved and shown to be an appearance without real basis. Philo takes recourse to allegory and points to different levels of meaning:

It is said that Terah left the land of Chaldea and migrated to Haran, taking with him his son Abraham and his kindred, not with the object that we may learn as from a writer of history, that certain people became emigrants, leaving the land of their ancestors, and making a foreign land their home and country, but that a lesson most useful for life and suitable for man may not be neglected. What is this lesson? The Chaldeans are astronomers, while the citizens of Haran busy themselves with the place of the senses. Accordingly, the Holy Logos says the

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ἀποικία τῆς χώρας, πρότερον ἐρευνήσωμεν. οὐδένα τοίνυν τῶν ἐντετυχηκότων τοῖς νόμοις ἀγνοεῖν εἰκός, ὅτι πρότερον μὲν ἐκ τῆς Χαλδαϊκῆς ἀναστὰς γῆς Ἀβραάμ ἤκησεν εἰς Χαρράν, τελευτήσαντος δὲ αὐτῷ τοῦ πατρὸς ἐκεῖθι κακὰ ταύτης μετανίσταται, ὡς δεῖν ἤδη τόπων ἀπόλειψιν πεποῖσθαι. τί οὖν λεκτέον; Χαλδαῖοι τῶν ἄλλων ἀνθρώπων ἐκπεπονηκέναι καὶ διαφερόντως δοκοῦσιν ἀστρονομίαν καὶ γενεθλιαλογικὴν, τὰ ἐπίγεια τοῖς μετεώροις καὶ τὰ οὐράνια τοῖς ἐπὶ γῆς ἀρμολογούμενοι.

<sup>14</sup> *Det.* 81: καὶ μὴν τῶν ἐξ ἀρχῆς ὑποθέσεων ἄκρως εἴθως διαμεμνήσθαι τὰ ἀκόλουθα καὶ ὁμολογούμενα τοῖς προτέροις δικαίων ἐφαρμόττειν.

following to the explorer of the facts of nature: Why do you carry on investigations about the sun, as to whether it is a foot in diameter, whether it is larger than the whole earth, whether it is many times its size? And about the illuminations of the moon, whether it has a borrowed light, or whether it uses one entirely its own? And why do you search into the nature of the other heavenly bodies, or into their revolutions or the ways in which they affect each other and affect earthly things?<sup>15</sup>

In this remarkable passage Philo distinguishes Moses from a historian who depicts real facts. The report of Abraham's migration to the land of Israel is not of such a kind, but rather conveys the idea of a choice between different worldviews. Philo has solved the problem of a contradiction between verses by identifying one as historically correct and interpreting the other one allegorically. In this case Philo has chosen Gen 12:1 as true, while insisting that Gen 11:31 cannot be taken as if "from a writer of history" (ὡς παρὰ συγγραφῆος ἱστορικοῦ). Philo allegorizes Chaldea and Haran as places of astrology and sense-perception, suggesting that such enquiries into the material nature of the world must be left behind. Attempts to observe God, the creator and provider of the universe, are unacceptable and doomed to failure. Philo calls his readers "to leave behind the lurking-places of sense-perception, called Haran" and adopt Abraham as a model of progress, since he advanced from sense-perception to inward inquiry. Abraham ultimately discovers his total nothingness before God. This intellectual and religious trajectory makes the inquirer also aware of "the nothingness in all respects of created being" (τὴν ἐν πᾶσι τοῦ γενητοῦ [...]) οὐδένειαν, *Somm.* 1.60).

Let's briefly look at two further examples, which highlight features of Philo's Torah study. The first passage shows his deep immersion in the Scriptures as well as his strong transcendental orientation:

Wherefore, even though it be said somewhere in the lawbook "God in heaven above and on the earth below" (Deut 4:39), let no one suppose that He is spoken of, since it is established that the existent Being contains, but is not contained. May [the reader instead recognize] His potency by which He established and ordered and marshaled the whole realm of being.<sup>16</sup>

<sup>15</sup> *Somm.* 1.52–53: καταλιπὼν μέντοι τὴν Χαλδαίαν γῆν εἰς Χαρρὰν λέγεται μετανίστασθαι Θάβρα, τὸν τε υἱὸν Ἀβραάμ καὶ τοὺς ὁμογνίους τῆς οἰκίας ἐπαγόμενος, οὐχ ἵν' ὡς παρὰ συγγραφῆος ἱστορικοῦ μάθωμεν, ὅτι μετανάσται τινὲς ἐγένοντο, τὴν μὲν πατρῶαν γῆν καταλιπόντες, τὴν δὲ ξένην ὡς πατρίδα οἰκήσαντες, ἀλλ' ὑπὲρ τοῦ μάθημα βιωφελέστατον καὶ ἀρμόττον ἀνθρώπῳ μὴ ἀμεληθῆναι. τί δὲ τοῦτο ἐστὶ; Χαλδαῖοι μὲν ἀστρονομοῦσιν, οἱ δὲ τῆς Χαρρὰν πολῖται περὶ τὸν τῶν αἰσθήσεων τόπον πραγματεύονται. φησὶν οὖν ὁ ἱερὸς λόγος τῷ κατασκόπῳ τῶν τῆς φύσεως πραγμάτων· τί περὶ ἡλίου ζητεῖς, εἰ ποδιαῖός ἐστιν, εἰ τῆς γῆς μείζων ἀπάσης, εἰ πολλαπλάσιος αὐτῆς; τί δὲ περὶ φωτισμῶν σελήνης, εἰ νόθον ἔχει φέγγος, εἰ γνησίῳ μόνῳ χρῆται; τί δὲ περὶ τῆς τῶν ἄλλων ἀστέρων φύσεως ἢ περιφορᾶς ἢ συμπαθείας πρὸς τε ἀλλήλους καὶ τὰ πύγεια;

<sup>16</sup> *Migr.* 182–183: διό, κἄν που τῆς νομοθεσίας λέγεται "ὁ θεὸς ἐν τῷ οὐρανῷ ἄνω καὶ ἐπὶ τῆς γῆς κάτω" (Deut 4:39), μηδεὶς ὑποτοπῆσάτω τὸν κατὰ τὸ εἶναι λέγεσθαι τὸ γὰρ ὄν περιέχειν ἀλλ' οὐ περιέχεσθαι θέμις, δύναμιν δ' αὐτοῦ, καθ' ἣν ἔθηκε καὶ διετάξατο καὶ δικόσμησε τὰ ὅλα.

Philo not only juxtaposes verses, interpreting Gen 12:1 by a verse from Deuteronomy, but also assumes a comprehensive knowledge of the Bible. The expression “somewhere in the lawbook” (που τῆς νομοθεσίας) indicates that Philo writes from memory, drawing on his familiarity with the five books of Moses, which he probably acquired already in childhood. He presupposes the same kind of familiarity in his Jewish readers, to whom he does not have to explain any basics. The verses and their respective contexts were apparently recognized by them, thanks to their immersion in Torah study. Furthermore, Philo is concerned to explain a theology of absolute transcendence. Opposing anthropomorphic images, he introduces the notion of mediating powers, which encounter the human realm.<sup>17</sup>

Philo’s interpretation of man’s creation according to the second account in Gen 2 throws further light on the fabric of his Bible commentary. He emerges as an exegete, who takes multiple perspectives into account:

Someone may inquire why God generally considered worthy of the Divine spirit the earth-born and body-loving mind and not the mind born in the image of the Ideal Form and in his own image. Second, [one may inquire] what is the precise meaning of the expression “breathed into”? Third, why was it breathed “into the face”? Fourth, why does he mention the word “breath” rather than “spirit” even though he knows the latter word, as when he said “and the spirit of God was lying upon the water” (Gen 1:2 LXX)? In response to the first question one thing must be said, namely, that God is generous and happily provides good things to everyone, even to the imperfect, inviting them to partnership and emulation of virtue as well as showing his own overwhelming wealth, which suffices even for those who will not derive very much profit from it. This he showed most clearly also concerning other matters. Another explanation that needs to be mentioned is the following: he wants to introduce principles of righteousness to the ordinances. The one into whom no true life has been breathed, but is unacquainted with virtue, when being punished for his sins, might say that he is punished without justification, seeing that it is through unfamiliarity with the good that he failed in respect of it, and that he is to blame who breathed no notion of it into him. He will perhaps say that he has not sinned at all, if, as some say, acts committed involuntarily or out of ignorance are not reckoned as wrongs.<sup>18</sup>

<sup>17</sup> For details, see Niehoff, *Philo of Alexandria* (see n. 8), 209–224.

<sup>18</sup> *Leg.* 1.33–35: ζητήσαι δ’ ἄν τις, διὰ τί ἠξίωσεν ὁ θεὸς ὄλως τὸν γηγενῆ καὶ φιλοσώματος νοῦν πνεύματος θεοῦ, ἀλλ’ οὐχὶ τὸν κατὰ τὴν ἰδέαν γεγυῖα καὶ τὴν εἰκόνα ἑαυτοῦ· δευτερον δέ, τί ἐστὶ τὸ “ἐνεφύσησε·” τρίτον, διὰ τί εἰς τὸ πρόσωπον ἐμπνεῖται· τέταρτον, διὰ τί πνεύματος ὄνομα εἰδώς, ὅταν λέγῃ “καὶ πνεῦμα θεοῦ ἐπεφέρετο ἐπάνω τοῦ ὕδατος” (Gen 1:2), πνοῆς νῦν ἀλλ’ οὐχὶ πνεύματος μέμνηται. πρὸς μὲν οὖν τὸ πρῶτον λεκτέον ἐν μέν, ὅτι φιλόδωρος ὢν ὁ θεὸς χαρίζεται τὰ ἀγαθὰ πᾶσι καὶ τοῖς μὴ τελείοις, προκαλοῦμενος αὐτοὺς εἰς μετουσίαν καὶ ζῆλον ἀρετῆς ἅμα καὶ τὸν περὶ τὸν πλοῦτον ἐπιδεικνύμενος αὐτοῦ, ὅτι ἐξαρκεῖ καὶ τοῖς μὴ λίαν ὠφεληθησομένοις. τοῦτο δὲ καὶ ἐπὶ τῶν ἄλλων ἐμφαντικώτατα παρίστησιν [...] ἕτερον δὲ λεκτέον ἐκεῖνο· βούλεται τὰ θέσει δίκαια εἰσαγαγεῖν. ὁ μὲν οὖν μὴ ἐμπνευσθεὶς τὴν ἀληθινὴν ζωὴν, ἀλλ’ ἄπειρος ὢν ἀρετῆς, κολαζόμενος ἐφ’ οἷς ἡμάρτανεν εἶπεν ἄν ὡς ἀδίκως κολάζεται, ἄπειρία γὰρ τοῦ ἀγαθοῦ σφάλλασθαι περὶ αὐτὸ, αἴτιον δὲ εἶναι τὸν μηδεμίαν ἐμπνεύσαντα ἐννοῖαν αὐτοῦ τάχα δὲ μηδὲ ἀμαρτάνειν φῆσει τὸ παράπαν, εἴ γε τὰ ἀκούσια καὶ κατὰ ἄγνοιαν οὐδὲ ἀδικημάτων ἔχει λόγον φασί τινας.

Philo's engagement of multiple perspectives and possible questions that may be raised conveys the impression of a vibrant community of Bible interpreters in Alexandria. Unlike the community at Qumran,<sup>19</sup> the Alexandrians did not rely on revelation to support their interpretation, but rather developed textual arguments, some of which related to theology. Philo engages, shapes and reflects a highly scriptural culture, revolving around the canonical text as a backbone of identity. To be sure, this Jewish identity is highly elitist, presupposing not only a good education, but also leisure to engage in studies. Many of the Jews of Alexandria will never have had a chance to participate in these scholastic discourses, but Philo and his colleagues enthusiastically set them up to develop elevated Jewish culture and fashion themselves as Jewish scholars parallel to the Homeric scholars of their hometown.

## 2. Temple and Torah in Philo's Later Writings

The inverse picture of Torah and Temple immerses in Philo's later works, addressed to a broader Greco-Roman audience. As we may expect, Philo no longer engages in systematic commentary activity, which would be very hard for non-Jews to follow. Instead of quoting verses, raising problems and offering solutions, he presents the Jewish tradition in a general narrative for readers with no background. As I have argued elsewhere, this remarkable shift of literary genres is connected to Philo's move to Rome, where he acted as an ambassador of the Jewish community of Alexandria and began to use the time of waiting for an imperial audience by addressing Roman intellectuals.<sup>20</sup> In Rome, where Philo spent at least three years in connection with the Jewish embassy, no commentary culture had developed and Roman intellectuals, such as Seneca, even expressed disdain for "hairsplitting" questions.<sup>21</sup> Appealing to an audience with such an intellectual background, Philo developed a new language to speak about Judaism and the Jews. Moving away from biblical interpretation as a prime focus of Jewish identity, he now stresses the Roman character of the Jews and their religion. They emerge as excellent citizens of the empire and their religion is said to center around the temple in Jerusalem.

The Roman dimension of Philo's new construction of Jewish identity is immediately visible in the following passage:

He [Augustus] neither ejected them from Rome nor deprived them of their Roman citizenship because they were careful to preserve their Jewish citizenship also, nor took any violent measures against the houses of prayer, nor prevented them from meeting for guidance in the laws, nor opposed their offerings of the first-fruits. On the contrary, he related to our traditions with such religious reverence that he, with the support of his household, adorned

<sup>19</sup> See esp. 1QpHab 7:4–6.

<sup>20</sup> For details, see Niehoff, *Philo of Alexandria* (see n. 8).

<sup>21</sup> Seneca, *Dial.* 10.13.1; Lucian, *Ver. hist.* 2.20.

our temple through the costliness of his dedications, and ordered that for all time continuous sacrifices of whole burnt offerings should be carried out every day at his own expense as a tribute to the most high God. And these sacrifices are maintained to the present day and will be maintained for ever to tell the story of a character truly imperial.<sup>22</sup>

The Jerusalem Temple plays here a central role in defining Jewish identity in the Roman Empire. The emperor himself recognizes this institution and even supports it, thus acknowledging the God of the Jews and their religious values. Sacrifice, parallel to instruction in the law in the synagogues, plays a defining role, which both integrates the Jews into wider discourses and renders them understandable. Indeed, Philo's emphasis of the Jerusalem Temple in the context of his embassy to Rome resonates well with Roman predilections for cult and ritual. In Rome political leaders regularly assumed priestly roles and from Augustus onwards the emperors functioned as *pontifex maximus* or high priest, exercising all-encompassing religious powers throughout the empire. Moreover, the Roman scholar Varro focused his discussion of religion on the cult rather than on texts, assigning it philosophical significance.

The Temple is also significant in the greatest crisis with Rome, namely, when Gaius Caligula decides to set up a statue of his own person in response to an incident of Jewish vandalism to a "pagan" shrine in Palaestina.<sup>23</sup> Philo tells this story as part of his narrative of the embassy in Rome. He presents bits and pieces in different places, not aiming for a chronological account, but rather for a dramatically effective picture. While his own role in the embassy was criticized by fellow Jews back in Alexandria, apparently for his too pro-Roman course, Philo stresses the importance of the Temple as the center of Jewish identity, which defines the features of Judaism both internally and externally. As he recalls it, the ambassadors first heard about Gaius's plans under the following circumstances:

While we were anxiously considering the statement of our case, since we were always expecting to be summoned, there came to us one with a troubled look in his bloodshot eyes and gasping convulsively. He drew us a little way apart since there were some people standing near and said, "Have you heard the new tidings?" and when he was going to report it he was brought up short, as a flood of tears streamed from his eyes. He began again and the second time stopped short and so too a third time. When we saw this, we were all in a flutter and bade him tell us the matter which he said had brought him there. "For," we said, "you have not come just to have your weeping witnessed. If the facts are worth tears do not be the only one

<sup>22</sup> *Legat.* 157: οὐτε ἐξῴκισε τῆς Ῥώμης ἐκείνους οὔτε τὴν Ῥωμαϊκὴν αὐτῶν ἀφείλετο πολιτείαν, ὅτι καὶ τῆς Ἰουδαϊκῆς ἐφρόντιζον, οὔτε ἐνεωτέρισεν εἰς τὰς προσευχὰς οὔτε ἐκόλυσε συνάγεσθαι πρὸς τὰς τῶν νόμων ὑφηγήσεις οὔτε ἠναντιώθη τοῖς ἀπαρχομένοις, ἀλλ' οὕτως ὡσίωτο περὶ τὰ ἡμέτερα, ὥστε μόνον οὐ πανοίκιος ἀναθημάτων πολυτελείας τὸ ἱερὸν ἡμῶν ἐκόσμησε, προστάξας καὶ διαιωίους ἀνάγεσθαι θυσίας ἐντελεχεῖς ὀλοκαυτούς καθ' ἐκάστην ἡμέραν ἐκ τῶν ἰδίων προσόδων ἀπαρχὴν τῷ ὑψίστῳ θεῷ, αἱ καὶ μέχρι νῦν ἐπιτελοῦνται καὶ εἰς ἅπαν ἐπιτελεσθήσονται, μῆνυμα τρόπων ὄντως αὐτοκρατορικῶν.

<sup>23</sup> *Legat.* 200–203; see also M.E. Smallwood, *Philonis Alexandrini Legatio ad Gaium* (Leiden: Brill, 1961), 260–265.

to feel sorrow. We have become inured to misfortunes by now.” He managed with difficulty while sobbing and breathing spasmodically to say, “Our temple is lost, Gaius has ordered a colossal statue to be set up within the inner sanctuary dedicated to himself under the name of Zeus.”<sup>24</sup>

Philo describes this moment of crisis in overtly personal terms and recalls a lively exchange between the unsuspecting ambassadors and a messenger, who is too shocked to break the horrifying news and needs to be encouraged to deliver his information piecemeal. Such messenger scenes are well-known from Classical tragedy and have been introduced in the second century BCE to Jewish literature. Ezekiel the Tragedian, an Alexandrian Jew, uses the messenger in his play on the exodus to depict the battle between the Israelites and the Egyptians at the Red Sea.<sup>25</sup> While Ezekiel has limited the messenger’s role to a factual report, which solves the problem of bringing a battle onto the stage, Philo imagines a highly emotional exchange between two parties. His scene has probably been inspired by Aeschylus’s play *The Persians* and looks like a conscious dramatization of the embassy.<sup>26</sup> Both Philo and Aeschylus stress the utter surprise of the innocent listeners by making them look at “someone,” who turns out to be the harbinger of the bad news. In both cases the messenger starts out by “gasping tremendously” or expressing “woes.” While Aeschylus dramatizes the scene by introducing the chorus’s lamentations, Philo describes in detail how the messenger collapses under his tears and is unable to speak. In contrast to the messenger, the Jewish ambassadors remain self-composed and succeed to extract from him the unutterable: “our Temple is lost, Gaius has ordered a colossal statue to be set up within the inner sanctuary dedicated to himself under the name of Zeus.”

The ambassadors react with a similar sort of consternation as the Persian king’s mother in Aeschylus’s play, who grasps the defeat of her son’s army. While she tries to orient herself in a world, where only her son has survived, Philo and his fellow ambassadors digest the new reality dawning on them:

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<sup>24</sup> *Legat.* 186–188: φροντίζουσι δὲ ἡμῖν τῆς ὑποθέσεως – αἰ γὰρ κληθήσεσθαι προσεδοκῶμεν – προσέρχεται τις ὑφαιμιόν τι καὶ ταραχῶδες ὑποβλεπόμενος, ἄσθματος μεστός, καὶ μικρὸν ἀπὸ τῶν ἄλλων ἀπαγαγών – πλησίον γὰρ ἦσαν τινες – “ἠκούσατε” ἔφη “τὰ καινά;” καὶ μέλλον ἀπαγγέλλειν ἐπεσχέθη, δακρῶν ἄθροα φορᾶς ἐνεχθείσης. καὶ πάλιν ἀρξάμενος δευτέρον ἐπεσχέθη καὶ τρίτον. ἄπερ ὀρῶντες ἡμεῖς ἐπτοήμεθα καὶ παρεκαλοῦμεν μηνῶσαι τὸ πρῶγμα, οὗ χάριν ἐλθεῖν ἔφασκεν: “οὐ γὰρ ἔνεκα τοῦ διὰ μαρτύρων κλαίειν εἰ δὲ ἄξια δακρῶν ἐστί, μὴ μόνος ἀπόλαυε τῆς λύπης· ἐθάδες γεγόναμεν ἤδη κακοπραγῶν.”

<sup>25</sup> Ezek. Trag., *Exagoge* frag. 15 (C.R. Holladay, ed., *Fragments from Hellenistic Jewish Authors*, vol. 2: *Poets* [Atlanta: Scholars Press, 1989]); see also P. Lanfranchi, *L’Exagoge d’Ezéchiel le Tragique: Introduction, texte, traduction et commentaire*, SVTP 21 (Leiden: Brill, 2006), 250–251; T. Whitmarsh, *Beyond the Second Sophistic: Adventures in Greek Postclassicism* (Berkeley: University of California Press, 2013), 218–220.

<sup>26</sup> Philo mentions Aeschylus in *Prob.* 143 and has used scenes from *The Persians* to interpret the biblical battle at the Red Sea (for details, see M.R. Niehoff, *Philo on Jewish Identity and Culture*, TSAJ 86 [Tübingen: Mohr Siebeck, 2001], 52–58).



“struck by his words and fixed by consternation, we could not move, but stood speechless and powerless, with our hearts melted and our bodies unnerved, while others appeared bringing the same terrible news. Afterwards we all gathered together in seclusion and bewailed the disaster personal to each and common to all and we recounted in detail such thoughts as the mind suggested, for the unfortunate man talks without end” (*Legat.* 189–190). Philo has created a dramatic and noble scene, which illustrates the dimensions of the disaster. The prospective desecration of the Jerusalem Temple would be a deathblow to Judaism as Philo understands it.

The messenger scene leads immediately to Philo’s definition of new priorities. He stresses that the purity of the Temple is an issue of life and death, which requires even martyrdom “in the defense of the laws” (*Legat.* 192). Philo moreover explains that the embassy must now give priority to the Temple issue rather than negotiate the civic rights of the Alexandrian Jews. This decision is obviously controversial, because Philo makes special efforts to justify it. He initially stresses that the Temple concerns all the Jews, while the question of Jewish rights in Alexandria is more local. Then he asks: “how can it be right and proper to struggle vainly to prove that we are Alexandrians, when over our head hangs the danger threatening the whole of the Jewish commonwealth?” (*Legat.* 194). Philo must have used the term “Alexandrian” in the technical sense of civic rights, because the dwelling of the Jews in the city was an obvious fact requiring no proof.<sup>27</sup> When Philo justifies himself for neglecting to “show that we are Alexandrians,” he seems to respond to criticism that his embassy is not sufficiently devoted to the issue of the legal status of the Alexandrian Jews. He even confronts such harsh questions as why he and his ambassadors do not resign from political life and go home (*Legat.* 195). Philo responds to such accusations of incompetence by a strong theological message: “the truly noble are always full of hope and the laws create good hopes for those who study them in depth and do not just pay lip-service. Perhaps these things are a trial of the present generation, to see how inclined it is to virtue and whether it has been trained to bear misfortune with unflinching reason and without stumbling. All human aid vanishes – let it vanish! But let our hope in God, our Savior, who has often saved our nation from hopeless and impossible situations, remain unshaken in our souls” (*Legat.* 195–196).

The highlight of Philo’s story is the ambassadors’ second meeting with Gaius, which enables him not only to describe the climax of the political crisis, but also the contours of Jewish identity. As he recalls it, the situation was lost from the beginning: “entering [Gaius’s presence], we immediately realized from his look and movements that we had come not to a judge but an accuser

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<sup>27</sup> On the term “Alexandrian,” see V. Tcherikover and A. Fuks, *CPJ* 1, p. 41 n. 102; Smallwood, *Legatio* (see n. 23), 27–31, 255; J.J. Collins, *Between Athens and Jerusalem: Jewish Identity in the Hellenistic Diaspora*, The Biblical Resource Series (Grand Rapids, Mich.: Eerdmans), 113–122.

of those more hostile than our enemy” (*Legat.* 349). While Philo is eager to present Gaius as a “ruthless tyrant” on the grotesque stage of history, the worst he can say about him is that he poked fun at Jewish customs. Stressing that he and his fellow ambassadors are “seized by a profound terror” and “helpless under such befooling and reviling,” Philo stages a clash of civilizations. While the issue of Alexandrian citizenship is no longer discussed, Gaius shows interest in the Jews’ peculiar customs and opens the meeting by a sneering question: “are you the god haters, who do not believe me to be a god?” Philo stresses the Jews’ otherness by introducing the perspective of the Egyptian embassy, which is said to rejoice at this opening and, dancing about, invokes blessings on Gaius. Philo further writes that the emperor poked fun at Jewish food customs, asking: “why do you refuse to eat pork?” This question, too, is enthusiastically greeted by the Egyptians, who thus confirm Judaism’s unique nature and clash with Egyptian values.

In Philo’s narrative the Jewish ambassadors focus on religion and explain to the emperor that “different people have different customs” (*Legat.* 362). The meeting between Gaius and the Jewish ambassadors is presented as a stage for constructing Jewish difference. This scenario fits neither the context of the civic dispute in Alexandria nor the threat of a statue in the Jerusalem Temple. Neither Gaius nor the ambassadors mention these topics. Most strikingly, the issue of Gaius’s deification is not connected to the prospect of his statue in the Jerusalem Temple; and the subject of Jewish customs does not lead to a discussion of Alexandrian citizenship. Philo’s scene is historically unlikely and primarily serves his overall theological purposes. The pillars of Jewish otherness, which he highlights, namely, monotheism, special food laws, and inherent opposition to Egyptian values, resurface in his *Exposition*. Philo declares essential features of Judaism, as he never did before in his earlier Alexandrian writings. It is under a critical gaze from the center of Roman power that Philo, as other Greek authors in the empire, formulates his specific ethnic identity.<sup>28</sup>

Philo’s historical writings thus point to the Jerusalem Temple as a focus of Jewish identity at a time when the civic rights of the Alexandrian Jews were publicly discussed and given central attention by his home constituency. The Temple creates common grounds among the Jews throughout the empire and represents the religion vis-à-vis the Roman emperor. In times of good relations, the Temple in Jerusalem is honored and financially supported, while in times of crisis it is threatened to be desecrated. It symbolizes both Jewish integration and potential otherness.

This picture is complemented by Philo’s discussion of pilgrimage in his treatises on Jewish law, which also belong to the mature stage of his career. He

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<sup>28</sup> For Greek strategies of constructing identity in a Roman context, see T. Whitmarsh, “Thinking Local,” in *Local Knowledge and Microidentities in the Imperial Greek World*, ed. T. Whitmarsh (Cambridge: Cambridge University Press, 2010), 1–16; S. Goldhill, “What Is Local Identity? The Politics of Cultural Mapping,” *ibid.*, 46–68.

depicts it as a journey, which tests the worshiper's true intentions and prompts fresh commitment. Its ultimate destination seems to be rather more marginal. Pilgrimage is necessary, Philo explains, because the One God has only One Temple, so that everybody must come up to Jerusalem. Philo expands the approach of the Book of Deuteronomy, which already established Jerusalem as the only place chosen by God to "put His name and make his habitation there." In Philo's view, monotheism justifies the exclusiveness of the Jerusalem Temple and requires every Israelite to leave behind family, friends and fatherland in order to "live abroad" and render service to God. Philo speaks of such journeys as tokens of insurance that the sacrifice will be offered in a "pure spirit," because only the person "drawn by the more powerful attraction of piety" can endure detachment from everything known and dear.<sup>29</sup>

Philo supports his argument by pointing to the reality of pilgrimage in his own days. "Countless multitudes from countless cities," he says, come at each feast from the ends of the earth to the Jerusalem Temple in the hope of finding a "safe shelter from meddlesome and turbulent life." According to Philo, the pilgrims "seek to find good weather and release from worries, which have joked and burdened them from their earliest youth, to spend some time taking respite in cheerful tranquility." He moreover speaks of their "leisure time" being devoted to "holiness and the honoring of God" and of the friendships that are formed between people who did not know each other beforehand (*Spec.* 1.67–70).

This description of pilgrimage has often been taken as historical evidence for the popularity of pilgrimage during the Second Temple period. For many readers Philo's reference confirms the obvious, namely, that ancient Jews observed the Torah, which enjoins every male Jew to go three times a year on a pilgrimage to Jerusalem (Exod 23:17). Others have been more cautious, stressing that there is little evidence for massive Jewish pilgrimage during the First Temple period, while the phenomenon may subsequently have expanded. On such estimations, pilgrimage in the Roman period was not very developed.<sup>30</sup>

Philo's image of pilgrimage must be appreciated as a literary construct with important theological and cultural implications for contemporaneous Judaism. Philo's reference to "countless multitudes from countless cities" provides the first clue. This expression is a literary exaggeration reminiscent of similar expressions in the historical writings, where Philo constructs Jewish identity around the notion of Jerusalem as the mother-city of the Jews throughout the world. Moreover, Philo depicts pilgrimage in nostalgic terms as a return to a pure form of Judaism. The individual person is supposedly no longer distracted by worldly concerns – as if pilgrimage itself did not require considerable prac-

<sup>29</sup> *Spec.* 1.67–68; Deut 12:5–18.

<sup>30</sup> See esp. M. Goodman, "The Pilgrimage Economy of Jerusalem in the Second Temple Period," in *Jerusalem: Its Sanctity and Centrality to Judaism, Christianity, and Islam*, ed. L.I. Levine (New York: Continuum, 1999), 69–76.

tical management – and is completely devoted to holiness. Pilgrimage offers a welcome opportunity of socializing and re-constituting the Jewish people as a homogeneous nation oriented towards philosophy. Philo creates a religious focus for his people, which is devoid of national and political connotations. The Temple defines Jewish identity. In a world populated by many local temples, but only one emperor, Jewish culture neatly fits into the wider landscape of the empire without competing with contemporary structures of power.

### 3. Conclusion

Our study of Torah and Temple in Philo's writings has shown the flexibility of his definition of Judaism, which emerges as contingent on varying cultural and political contexts. As an elite member of the Alexandrian Jewish community, Philo initially focused on Bible study as the backbone of his intellectual activity. He addresses fellow Jews similarly oriented towards the Scriptures and their interpretation. Arriving in Rome as the head of the Jewish embassy to Gaius Caligula, however, Philo addressed new audiences with different intellectual backgrounds than those he was used to in his hometown. Aware of the exigences of the hour and inspired by the new intellectual impulses he encountered in Rome, Philo conceived of Judaism in new terms, giving special emphasis to the Temple in Jerusalem as the center of Jewish identity.



# Paul as Persecutor and the History of Judaism

*Martin Goodman*

Previous studies of Paul as a Jew have been concerned to explain the origins of Christianity against the background of Judaism in Paul's time as known from other sources.<sup>1</sup> The current study attempts something quite different by examining the value of references to the pre-Christian Paul as persecutor as evidence for the prevalence of violence in response to religious differences within Judaism more generally in the late Second Temple period. It may be hoped that this brief discussion will raise wider questions about the best way to use early Christian writings in constructions of ancient Judaism.

It is uncontroversial to observe that, although all forms of Judaism in the first century CE shared a common core based on the covenant between God and Israel enshrined in the Torah, interpretations of the Torah varied greatly. Philo bears testimony to the existence of some Jews who saw no point in observing the laws of circumcision, sabbath and festivals in any literal fashion because they believed that these laws should be understood entirely on an allegorical level.<sup>2</sup> Josephus noted the emergence by the mid-second century BCE of groups (αἰρέσεις) of Jews dedicated to specific forms of Torah interpretation.<sup>3</sup> Discovery of the Dead Sea Scrolls, which revealed the existence in the same period of sectarian Jews who shared some but not all of the characteristics of the groups described by Josephus, makes it likely that the number of such distinctive groups considerably exceeded the total enumerated by Josephus, as was already plausible from references by Philo and Tannaitic rabbis to Jewish groups absent from Josephus's historical narrative.<sup>4</sup>

But it is by no means obvious that the prevalence of groups committed to different religious ideas and behavior should have led to violence rather than acceptance of difference. A model for religious violence was of course available to all Jews in this period through the biblical precedent of the zealous behavior of Phinehas in Num 25:7–13. In Judea, the example of Phinehas was

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<sup>1</sup> G. Boccaccini and C.A. Segovia, eds., *Paul the Jew: Rereading the Apostle as a Figure of Second Temple Judaism* (Minneapolis: Fortress, 2016); P. Fredriksen, *When Christians Were Jews: The First Generation* (New Haven: Yale University Press, 2018).

<sup>2</sup> Philo, *Migr.* 89–93.

<sup>3</sup> Josephus, *A.J.* 13.297–298.

<sup>4</sup> M. Goodman, "Josephus and Variety in First-Century Judaism," in *Judaism in the Roman World: Collected Essays*, Ancient Judaism and Early Christianity 66 (Leiden: Brill, 2007), 33–46.

specifically evoked by the author of First Maccabees in his account of Mattathias's slaughter of a Jew who was taking part in a pagan sacrifice at the beginning of the Maccabean revolt.<sup>5</sup> It is plausible that the Zealots, who constituted a distinct group in Jerusalem during the last stages of the war against Rome in 66–70 CE, adopted this name also as a way to align themselves with the ideology of Phinehas, although it is not easy to discern from Josephus's detailed narrative of their behavior in what ways their zeal was based on religious enthusiasm beyond their dedication to preserving worship in the Temple.<sup>6</sup> The Qumran sectarians retained memories of violence perpetrated by a "wicked priest" against their community at some point in the past.<sup>7</sup> Josephus reported the persecution of Pharisees by Alexander Jannaeus in the first half of the first century BCE, although it is unclear to what extent this was motivated by religious rather than political concerns.<sup>8</sup> Josephus reported also that James, "the brother of Jesus who was called the Christ," was delivered up to be stoned after being accused by the Sadducee high priest Ananus in 62 CE of having transgressed the law, although whether the laws he had allegedly broken were religious rather than political is unclear.<sup>9</sup> In the diaspora, Philo appears to have endorsed Jewish vigilante reactions to non-conformity to the Torah in his discussion of the special laws in Deut 13:2–12 about the summary execution to be meted out to false prophets and apostates,<sup>10</sup> although his insistence elsewhere that other biblical accounts of the slaughter of deviants were not to be taken literally should encourage caution in imagining Jewish vigilantes on the street of Alexandria in his time.<sup>11</sup>

Despite such possibilities for religious violence, there are strong grounds for assuming that toleration of religious differences was general within Jewish society in this period.<sup>12</sup> In Judea, it is striking that, although Josephus referred explicitly to controversies between Pharisees and Sadducees over the role of ancestral tradition in interpreting the Torah,<sup>13</sup> and although disputes between these groups on major religious issues such as purity regulations are attested in

<sup>5</sup> 1 Macc 2:15–28.

<sup>6</sup> Josephus, *B.J.* 7.268–270; for a maximalist interpretation, see M. Hengel, *Die Zeloten: Untersuchungen zur jüdischen Freiheitsbewegung in der Zeit von Herodes I. bis 70 n. Chr.*, ed. R. Deines and C.-J. Thornton, 3rd ed. (Tübingen: Mohr Siebeck, 2011).

<sup>7</sup> 1QpHab 11:3–7.

<sup>8</sup> Josephus, *A.J.* 13.372–373, 380, 401–406.

<sup>9</sup> Josephus, *A.J.* 20.200.

<sup>10</sup> Philo, *Spec.* 1.54–57, 315–317; 2.252–254; cf. T. Seland, *Establishment Violence in Philo and Luke: A Study of Non-conformity to the Torah and Jewish Vigilante Reactions*, *BibInt* 15 (Leiden: Brill, 1995).

<sup>11</sup> Philo, *Ebr.* 66–70, cited in D. Winston, review of *Establishment Violence in Philo and Luke*, by T. Seland, *JQR* 88 (1998), 372–374, at 373.

<sup>12</sup> M. Goodman et al., *Toleration within Judaism* (Oxford: Littman Library of Jewish Civilization, 2013).

<sup>13</sup> Josephus, *A.J.* 13.297–298.

rabbinic texts,<sup>14</sup> nonetheless Pharisees and Sadducees seem to have shared the one Temple.<sup>15</sup> Inevitably, one group or the other, or both, must have made compromises. Toleration was particularly likely in the diaspora. Jews were living in a polytheistic world in which attempts to change the religious attitudes of others were rare,<sup>16</sup> and the apologetic claim put forward by Josephus in *Contra Apionem* that Jews were exceptional in the unity and uniformity of their religious practices and beliefs (in contrast to the multiplicity of divinities, shrines, myths, and customs among Greeks) would have been foolhardy if Jews were known to persecute each other over precisely such matters.<sup>17</sup> Pagan polemic against Jews presupposed on the contrary that Jews espoused solidarity among themselves in hostility to outsiders.<sup>18</sup>

Against this background the narrative in Acts of Jewish persecution of the first generation of Christians is rather surprising, not least because it is not just violent but murderous, from the stoning of Stephen<sup>19</sup> and attempts upon the life of Paul in Judea,<sup>20</sup> to intense Jewish opposition to the work of the apostles in the diaspora.<sup>21</sup> This depiction of Jewish hostility is not consistent within the narrative, since in a number of passages the author describes the nascent Christian community as flourishing precisely in the courtyards of the Jerusalem Temple where it might be expected that Jewish religious authority would be at its strongest.<sup>22</sup> It is possible, of course, that this inconsistency reflected the sporadic nature of the presentation suffered by the community, but it is also possible that, although there is no reason to doubt that some Christians suffered at the hands of some Jews, much of the account in Acts is fictional and should be attributed to an attempt by a much later author to make sense of the inherited oral and written traditions of the first decades of the movement while also trying to portray the new Christian movement as more pro-Roman and anti-Jewish than might be implied by the foundational event of Jesus's crucifixion by the Roman state.<sup>23</sup>

In contrast to Acts, those letters attributed to Paul which can with some confidence be considered genuine (Rom, 1–2 Cor, Gal, Phil, 1 Thess, and Phlm) constitute direct contemporary evidence of the relationship of Jews to the na-

<sup>14</sup> m. Yad. 4:6.

<sup>15</sup> M. Goodman, "Religious Variety and the Temple in the Late Second Temple Period and Its Aftermath," *JJS* 60 (2009), 202–213.

<sup>16</sup> M. Goodman, *Mission and Conversion: Proselytizing in the Religious History of the Roman Empire* (Oxford: Clarendon, 1994).

<sup>17</sup> Josephus, *C. Ap.* 2.179–181.

<sup>18</sup> So explicitly Tacitus, *Hist.* 5.5.1; see, more generally, *GLAJJ*.

<sup>19</sup> Acts 7:54–60.

<sup>20</sup> Acts 9:29; 23:10.

<sup>21</sup> Acts 13:50; 14:5, 19; 22:22.

<sup>22</sup> Acts 21:46–47.

<sup>23</sup> On the date and purpose of Acts, see, e. g., J. A. Fitzmyer, *The Acts of the Apostles: A New Translation with Introduction and Commentary*, AB 31 (New York: Doubleday, 1998).



scent movement.<sup>24</sup> The letters were all addressed to gentile Christian communities, for whom Paul believed himself to have a special missionary responsibility as apostle to the gentiles.<sup>25</sup> Each letter deals with specific local issues of which the detailed ramifications are sometimes hard for later readers to discern. Among these ramifications are persecution, at various levels of violence, by Jews.

Paul was explicit, in the list of tribulations he had undergone for the sake of Christ presented to the community of Christians in Corinth as evidence of his worthiness as an apostle,<sup>26</sup> that some of these sufferings had been at the hands of Jews, from whom he had on five occasions received “forty lashes minus one.”<sup>27</sup> This will have been a formal judicial punishment which, as Ed Sanders has noted, implied the inclusion of Paul within the Jewish community both in his own eyes – since he could have removed himself from the jurisdiction of the Jewish authorities if he wished to do so, as apostates such as Tiberius Julius Alexander must have done – and in the eyes of the officers of the Jewish court themselves, since they would have run a high risk of an accusation for assault if control of Paul’s behavior was not deemed by the civic authorities to be within their rights.<sup>28</sup> That the position of the Jewish minority communities in the diaspora was insecure became all too horribly clear when the outbreak of war in Jerusalem in 66 CE led to pogroms in many cities on the edges of Judea.<sup>29</sup> The danger posed by Paul to the fragile communities may have been the spreading of political unrest by preaching the imminent end of the world,<sup>30</sup> but by the fifties CE it seems to me more likely that the fear of synagogue leaders was that they would be held responsible by their gentile neighbors for Paul, as a fellow-Jew, spreading what they saw as “atheism” among gentiles in the city when he persuades them to abandon their “idols” (1 Thess 1:9).<sup>31</sup>

I have argued elsewhere that similar concerns about accusations of atheism lay behind Paul’s obscure allusion at Gal 6:12–13 to persecution of gentile Christians for their failure to undergo circumcision.<sup>32</sup> Standard interpretations of this passage as a reflection of a Jewish campaign to circumcise male gen-

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<sup>24</sup> On the authorship of these letters, see E. P. Sanders, *Paul: The Apostle’s Life, Letters and Thought* (Minneapolis: Fortress, 2015).

<sup>25</sup> Gal 2:7.

<sup>26</sup> 2 Cor 11:21–27.

<sup>27</sup> 2 Cor 11:24.

<sup>28</sup> E. P. Sanders, *Paul, the Law and the Jewish People* (Philadelphia: Fortress, 1983), 192; on Tiberius Julius Alexander, see V. A. Burr, *Tiberius Julius Alexander* (Bonn: Habelt, 1955).

<sup>29</sup> Josephus, *B. J.* 2.457–480.

<sup>30</sup> So P. Fredriksen, “Judaism, the Circumcision of Gentiles, and Apocalyptic Hope: Another Look at Galatians 1 and 2,” *JTS* 42 (1991), 532–564.

<sup>31</sup> M. Goodman, “The Persecution of Paul by Diaspora Jews,” in *The Beginnings of Christianity: A Collection of Articles*, ed. J. Pastor and M. Mor (Jerusalem: Yad Ben-Zvi, 2005), 379–387.

<sup>32</sup> M. Goodman, “Galatians 6:12 on Circumcision and Persecution,” in *Strength to Strength:*

tiles are unconvincing because they postulate no plausible motivation for such Jews,<sup>33</sup> and the use of the present participle in the letter for “those who are being circumcised,” who Paul identified as the people insisting on the circumcision of gentile Christians in Galatia, makes best sense if these persecutors were not Jews but fellow gentile Christians who have undergone circumcision and are seeking to protect the nascent Christian community from accusations of atheism by the civic authorities by seeking to present all in the Christian community as converts to Judaism, and hence their abandonment of “idols” as legitimate in light of the privileges accorded to Jews in diaspora cities.<sup>34</sup>

It would be wrong, therefore, to view Paul’s letters as evidence that violent persecution of the nascent Christian community on religious grounds was a common phenomenon, and it is all the more important to explain Paul’s references to himself as a persecutor of Christians before his conversion. At Gal 1:13, Paul stated that in his “earlier life in Judaism,” he was “violently persecuting the church of God and was trying to destroy it.” At 1 Cor 15:9, Paul decried himself as “unfit to be called an apostle, because I persecuted the church of God.” At Phil 3:6, Paul boasted that his Jewish credentials included having been “as to zeal, a persecutor of the church.” What is to be made of these references?

All of these testimonies were written in the fifties CE, and therefore twenty years or more after the behavior described,<sup>35</sup> and Paul provided his readers with no explanation of his reasons for such persecution. Nor did Paul make any claim in his letters that he had been fulfilling an official role in the Jewish community when he set about attacking the church, even though he set out other Jewish credentials in Phil 3:5–6, and it seems unwise to fill in these gaps by recourse to the narrative in Acts, composed many decades later, according to which Paul was given authority through letters from the high priest to arrest Christians in Damascus and bring them to Jerusalem.<sup>36</sup>

But although explanations of Paul’s actions are hard to discern, the rhetoric of each letter requires Paul’s references to himself as a persecutor to have been true, or at least plausible. The Galatians who received Paul’s letter were said to have heard of his “earlier life in Judaism” and the purpose of the epistle was to show them that this authority came from independent divine revelation rather

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*Essays in Appreciation of Shaye J.D. Cohen*, ed. M.L. Satlow, BJS 363 (Providence, R.I.: Brown Judaic Studies, 2018), 275–279.

<sup>33</sup> A.E. Harvey, “The Opposition to Paul,” in *Studia Evangelica*, ed. F.L. Cross, vol. 4, TU 102 (Berlin: Akademie-Verlag, 1968), 219–232; F.F. Bruce, *The Epistle of Paul to the Galatians: A Commentary on the Greek Text*, NIGTC 2 (Exeter: Paternoster, 1982), 269.

<sup>34</sup> On the privileges accorded to Jews in these cities, see M. Pucci Ben Zeev, *Jewish Rights in the Roman World: The Greek and Roman Documents Quoted by Josephus Flavius*, TSAJ 74 (Tübingen: Mohr Siebeck, 1998).

<sup>35</sup> On the dating of the letters, see, e.g., *NIB* 10.373.

<sup>36</sup> Acts 9:2; in my view, the analysis in M. Hengel with R. Deines, *The Pre-Christian Paul* (London: SCM, 1991), is compromised by its reliance on Acts.

than the churches in Judea (Gal 1:11–13). Paul claimed that his previous life as a persecutor made all the more precious his present role in proclaiming Christ (1:23). In 1 Cor 5:9–10, Paul made a similar point that his past wickedness as persecutor makes his present achievements all the more impressive, and in Phil 3:4–8 his zeal as a persecutor was one of the Jewish credentials, along with membership of the tribe of Benjamin, which Paul asserted were without value compared to knowledge of Christ. The lack of particular emphasis on his role as persecutor in Phil 3:6 is striking, since it suggests that this element of Paul's pre-Christian career was too well known to need elaboration. Striking too is his assumption that his gentile audience in Philippi would see his zeal as a persecutor of the church as one of the qualities which could make him "confident in the flesh" (3:4), though whether he expected them to understand what he meant in this respect, any more than his reference to the tribe of Benjamin or his status as a Pharisee (3:5), is unclear.

As to the nature and location of Paul's activities as persecutor of Christians in the early thirties CE, Paul dropped only hints, but it can be surmised from his claim at Gal 1:21–23 that he had been "unknown by sight to the churches of Judea" when "they only heard it said, 'The one who formerly was persecuting us is now proclaiming the faith he once tried to destroy'" that the persecution in which he had taken part had been in the diaspora rather than in Judea. The passage in 1 Thess 2:14–16 about the suffering of the "churches of God in Christ Jesus that are in Judea" at the hands of "the Jews, who killed both the Lord Jesus and the prophets and drove us out" is not linked in the letter to Paul's own activities, and it seems to me likely that this passage, which ends by asserting that "God's wrath has overtaken them at last" was not written by Paul but was interpolated into the text by a later writer at some point after 70 CE.<sup>37</sup> It is possible, as Paula Fredriksen has suggested, that Paul was impelled to attack Christians in the diaspora out of the same concern for communal safety in the face of millenarian rhetoric which impelled the persecution later suffered by Paul himself,<sup>38</sup> but the term *πορθεῖω* ("destroy") in Gal 1:13 and 1:23 seems to refer to action more violent than the judicial persecution administered against Paul after he had become Christian.

What, then, can be concluded about religious intolerance within Judaism from Paul's references to himself as a persecutor? It seems clear that Paul had indeed violently attacked the nascent church in his youth, and such behavior should be incorporated into any picture of what was possible in Judaism in the

<sup>37</sup> On 1 Thess 2:14–16 as a later interpolation, see B. A. Pearson, "1 Thessalonians 2:13–16: A Deutero-Pauline Interpolation," *HTR* 64 (1971), 79–94. Note that this passage is the only place in Paul's letters with a reference to the notion that the Jews killed Jesus, which is very hard to understand as an assertion by Paul himself.

<sup>38</sup> Fredriksen, *When Christians Were Jews* (see n. 1), 144–147, 151–153. I am grateful to the participants in seminars in Berlin, Edinburgh and Oxford, especially Larry Hurtado and Markus Bockmuehl, for their comments on earlier drafts of this paper.

late Second Temple period, but there is no reason to see such behavior as normal, any more than the attitude to the Torah of the extreme allegorists attacked by Philo. We have seen from non-Christian evidence that religious persecution was not unknown in first-century Judaism but also that it is unlikely to have been common, particularly in the diaspora, and that this makes sense of Paul's references to himself as "far more zealous" than others for ancestral tradition (Gal 1:14).

Paul's attitudes, as revealed in his letters, deserve to be incorporated into our construction of Judaism in his time. His insistence on his Jewishness (Phil 3:4–6) should be taken seriously if only because he evidently suffered a severe beating on five occasions in order to maintain his inclusion within the Jewish community (2 Cor 11:24). Paul in later life was by his own admission an unusual Jew, since he claimed to have received the gospel through direct revelation (Gal 1:12), a privilege which does not seem to have been shared (according to him) by other early Christians to whom Christ had appeared after death, even though such a vision had been vouchsafed to "more than five hundred" and to "all the apostles" before a vision was vouchsafed to Paul (1 Cor 15:6–8). Since it has become standard to describe the Christian Paul as an unusual Jew, it would make sense to understand the pre-Christian Paul as an unusual Jew also. Part of his unusual nature will have been the energy, self-confidence and self-righteousness which had propelled him to be a persecutor of the church before he saw the light.



# What Sort of Jew Is the Jesus of Mark?

*Adela Yarbro Collins*

The question of the Jewishness of Jesus in Mark is multifaceted. It involves, for example, the social roles Jesus is depicted as playing and his relation to the Jewish parties (αἱρέσεις) as we know them from Josephus.<sup>1</sup> His relation to those parties can be discerned both in his teaching and in his deeds.

## 1. The Social Roles of Jesus in Mark

### *1.1 Jesus as Messiah*

The most prominent social role in which Jesus appears in Mark, if it can be so defined, is his role as Messiah. The epithet “Son of God” in Mark is messianic.<sup>2</sup> It is clear that when the term χριστός is applied to Jesus in Mark it means the Messiah, for example, in the opening titular sentence. Peter’s response to the question of Jesus, “Who do you (pl.) say that I am,” makes this point by declaring, σὺ εἶ ὁ χριστός, “You are the Messiah” or “You are *the* anointed one,” indicating that he, in the role of Messiah, is the anointed one that matters more than any other.<sup>3</sup> After a rebuke, which is part of the theme of the secrecy of the identity of Jesus, he teaches the disciples about the necessary suffering of the Son of Man.<sup>4</sup>

This shift from the designation “Messiah” to “Son of Man” in the teaching that follows Peter’s declaration is important in several ways. On one level, it suggests that the two epithets are equivalent.<sup>5</sup> On another level, it distinguishes between several understandings of the term “Messiah.” One idea of the role of

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<sup>1</sup> Josephus, *B. J.* 2.119–166; on the Essenes, see also Philo, *Prob.* 75–91; *Hypoth.* 11–18. Many scholars hold that the Essenes can be known also from the sectarian works among the Dead Sea Scrolls. On the Pharisees and Sadducees, see A. J. Saldarini, *Pharisees, Scribes, and Sadducees in Palestinian Society: A Sociological Approach* (Wilmington, Del.: Glazier, 1988). On the Essenes, see G. Vermes and M. Goodman, eds., *The Essenes according to the Classical Sources* (Sheffield: JSOT Press, 1989).

<sup>2</sup> A. Yarbro Collins and J. J. Collins, *King and Messiah as Son of God: Divine, Human, and Angelic Messianic Figures in Biblical and Related Literature* (Grand Rapids, Mich.: Eerdmans, 2008), 127–129.

<sup>3</sup> Mark 8:29.

<sup>4</sup> Mark 8:30–31.

<sup>5</sup> A. Yarbro Collins, *Mark: A Commentary*, Hermeneia (Minneapolis: Fortress, 2007), 402.

the Messiah involves the eschatological, definitive restoration of the Israelite monarchy, especially as embodied by David. Examples of the expression of this type of Messiahship include a number of documents from the late Second Temple period, namely, the Rule of the Community; the Rule of the Blessings, which is appended to it; the War Scroll, and Pss. Sol. 17.<sup>6</sup> Josephus presents evidence for messianic movements in the late first century BCE and in the first century CE. He rejects those who apparently claimed to be the Messiah, a king able to restore the Davidic monarchy, and who were to a significant degree recognized as such, by referring to them as illegitimate kings or tyrants.<sup>7</sup> All of these texts anticipate a Davidic Messiah who will be a successful military and political leader, defeating the Romans and their Jewish collaborators and reestablishing an autonomous kingdom of Israel.

Although Mark places emphasis on the authority of Jesus,<sup>8</sup> the passion predictions present a Messiah very different from the type just described. These predictions juxtapose an allusion to the powerful human-like figure of Dan 7, who is given kingship over all peoples, with a portrait of Jesus as one who will suffer, be rejected, killed, and rise from the dead. This portrait is probably a correction, or at least an addition, to the widespread picture of a powerful Messiah of Israel. This correction is due of course to the fact that Jesus was crucified by order of a Roman magistrate.

On a third level of meaning, the allusions to Jesus's resurrection from the dead and the epithet "Son of Man" introduce a third type of Messiah, a heavenly king and judge. This understanding of the Messiah is expressed in the Similitudes or Parables of Enoch and in Fourth Ezra.<sup>9</sup> In Mark, Jesus is presented as a fulfillment of Dan 7:13–14 in two stages. In the first Jesus is the Son of Man during his human life as one who has authority to forgive sins and to interpret the commands of God regarding the keeping of the Sabbath.<sup>10</sup> In the second stage the risen Jesus is a glorious, heavenly figure to whom God delegates kingship and judgment. The risen Jesus is the Christ, the Messiah in the full sense. This stage is introduced in the sayings about the Son of Man "coming," or more broadly, in the apocalyptic Son of Man sayings.<sup>11</sup>

### 1.2 *Jesus as Prophet*

Although Mark is careful to make and maintain the point that Jesus is the Messiah, he also portrays him as a prophet. The role of prophet is recognized as one of the identities of Jesus in the eyes of the people but is subordinated to

<sup>6</sup> Yarbro Collins, *Mark* (see n. 5), 53–55.

<sup>7</sup> Yarbro Collins, *Mark* (see n. 5), 55–58.

<sup>8</sup> E. g., Mark 1:22.

<sup>9</sup> Yarbro Collins, *Mark* (see n. 5), 58–63.

<sup>10</sup> Mark 2:10, 28.

<sup>11</sup> Mark 8:38; 13:24–27; 14:62; Yarbro Collins and Collins, *King and Messiah* (see n. 2), 150–152.

his role as Messiah.<sup>12</sup> The appropriation of the role of prophet in characterizing Jesus must be seen in the context of the revival of prophecy in the late Second Temple period.<sup>13</sup>

The endowment of Jesus with the Spirit has both messianic and prophetic connotations.<sup>14</sup> In the account of Elisha succeeding Elijah, the endowment with the Spirit signifies installation into prophetic office.<sup>15</sup> Thus the descent of the Spirit upon Jesus may be seen as his commission to be a prophet. The Spirit driving Jesus into the wilderness evokes earlier accounts of the divine Spirit carrying prophets from place to place.<sup>16</sup> Jesus's stay in the wilderness of forty days and the angels serving him recall Elijah's fleeing into the wilderness, where an angel appears to him and gives him food and drink that enable him to make a journey of forty days and nights to Mount Horeb.<sup>17</sup>

The similarities between the summary of Jesus's teaching and the use of Scripture in certain Dead Sea Scrolls suggest that the summary presents Jesus as an eschatological prophet.<sup>18</sup> Later, in response to Jesus's question, the disciples report that some people say that Jesus is a prophet and others that he is Elijah.<sup>19</sup>

### 1.3 Jesus as Teacher

The portrayal of Jesus as a teacher is compatible with his social roles as Messiah and prophet, since such figures were also known as teachers.<sup>20</sup> After the introduction to the Gospel of Mark in 1:1–15, Jesus is presented as calling disciples and then entering the synagogue of Capernaum and teaching.<sup>21</sup> He is also described as teaching in the synagogue in Nazareth.<sup>22</sup> Some of his teaching takes place by the sea (of Galilee) or on it in a boat.<sup>23</sup> He is portrayed as going around teaching in the villages of Galilee.<sup>24</sup> Jesus is also depicted as teaching in the region of Judea, in Perea (the region east of the Jordan River), and in the temple, apparently in the outer court.<sup>25</sup>

<sup>12</sup> Mark 8:27–30.

<sup>13</sup> Yarbrow Collins, *Mark* (see n. 5), 44–46.

<sup>14</sup> On the messianic connotations, see Yarbrow Collins, *Mark* (see n. 5), 65.

<sup>15</sup> Cf. Mark 1:10 with 2 Kgs 2:9, 15; cf. 1 Kgs 19:16.

<sup>16</sup> Mark 1:12; cf. 1 Kgs 18:12; 2 Kgs 2:16; Ezek 3:12–15; 8:3; 11:1, 24; 37:1; 43:5.

<sup>17</sup> Mark 1:12–13; 1 Kgs 19:4–8.

<sup>18</sup> Mark 1:14–15; Yarbrow Collins, *Mark* (see n. 5), 47–48.

<sup>19</sup> Mark 8:27–28.

<sup>20</sup> Yarbrow Collins, *Mark* (see n. 5), 73.

<sup>21</sup> Mark 1:16–21. The calling of the four disciples in Mark 1:16–20 has similarities with Elijah's call of Elisha; cf. this passage and also Mark 2:14 with 1 Kgs 19:19–21; Yarbrow Collins, *Mark* (see n. 5), 48.

<sup>22</sup> Mark 6:2.

<sup>23</sup> Mark 2:13; 4:1–2; he also taught in an unspecified uninhabited place (6:32–34).

<sup>24</sup> Mark 6:6b.

<sup>25</sup> Mark 10:1; 11:15, 17, 27; 12:1–37; cf. 12:41.



The epithet “teacher” (διδάσκαλος) is applied to Jesus twelve times in Mark. His disciples address him as “teacher.”<sup>26</sup> Others who come to Jesus for help do the same.<sup>27</sup> The Pharisees and the Herodians are portrayed as addressing Jesus as “teacher” and affirming that he teaches the way of God in accordance with the truth.<sup>28</sup> Some Sadducees also address him as “teacher.”<sup>29</sup> The scribe who saw that Jesus answered well in the dispute with the Sadducees uses the same epithet of him.<sup>30</sup> Jesus instructs two of his disciples to refer to him as “the Teacher” when seeking a place to celebrate the Passover.<sup>31</sup>

The teaching of Jesus is focused on the eschatological plan of God. The first time that the teaching of Jesus is reported, it takes the form of parables about “the mystery of the kingdom of God.”<sup>32</sup> When the teaching of Jesus is reported in plain language, it concerns the suffering, death, and resurrection of Jesus as Son of Man.<sup>33</sup> His interpretation of the Law and the exposition of Scripture are determined by the eschatological context in which they occur.<sup>34</sup>

#### 1.4 Other Characterizing Themes

Jesus is characterized as a herald by the use of the verb κηρύσσω. In the introductory summary of his activity, he is described as going to Galilee “proclaiming the good news of God.” This characterization follows closely upon the endowment of the Spirit upon Jesus. An analogy is thus created, perhaps one of eschatological fulfillment of prophecy, between Jesus and the speaker of Isa 61. The prophet, as servant of God, states:

The Spirit of the Lord is upon me, because he has anointed me; he has sent me to proclaim good news to the poor, to heal the brokenhearted, to proclaim release to captives, recovery of sight to the blind, to announce a year of the Lord’s favor, and a day of compensation to comfort all who mourn.<sup>35</sup>

Itinerant proclaiming activity characterized Jesus’s time in Galilee, both in his own words and the narrator’s summary that immediately follows.<sup>36</sup> Some of those healed by Jesus and those who witness a healing go forth proclaiming

<sup>26</sup> Mark 4:38; 9:38; 10:35; 13:1.

<sup>27</sup> The man who brings his demon-possessed son (9:17); the rich young man who comes for advice (10:17, 20); associates of Jairus (5:35).

<sup>28</sup> Mark 12:14.

<sup>29</sup> Mark 12:18–19.

<sup>30</sup> Mark 12:32.

<sup>31</sup> Mark 14:14.

<sup>32</sup> Mark 4:1–34; esp. 4:11.

<sup>33</sup> Mark 8:31; 9:31.

<sup>34</sup> Mark 10:1–12; 11:17; 12:13–17; 12:35–37. For further discussion, see Yarbro Collins, *Mark* (see n. 5), 76–79.

<sup>35</sup> Isa 61:1–2 LXX; all translations from the Greek are my own unless otherwise noted.

<sup>36</sup> Mark 1:38–39.

what he did for them.<sup>37</sup> Jesus also sends his disciples out to proclaim that people should repent.<sup>38</sup> After Jesus's death and resurrection, the duty of his followers is to proclaim the gospel to all nations.<sup>39</sup> This theme is elaborated in the second-century longer ending of Mark.<sup>40</sup>

A glimpse of the personal piety of Jesus is given in the passages that portray him as praying. After a full day of healing and exorcising, Jesus is described as rising before dawn, leaving Capernaum, and going to an uninhabited place to pray.<sup>41</sup> Later, after feeding the five thousand, dismissing the crowd, and taking leave of his disciples, Jesus goes up on a mountain to pray for an extended period of time.<sup>42</sup>

In the scene in Gethsemane, Jesus prays to his father (αββα ὁ πατήρ) in his time of distress and anxiety.<sup>43</sup> He prays that he not be required to undergo suffering and a violent death.<sup>44</sup> In the same breath, however, he submits to God's will. In this and other contexts, Jesus also instructs his disciples about prayer and criticizes the prayer of the scribes.<sup>45</sup>

## 2. Jesus and the Jewish Parties

### 2.1 Jesus and the Sadducees

I take the simplest case first. The Sadducees appear only once in Mark, while Jesus is teaching in the temple.<sup>46</sup> Some Sadducees approach him. The narrator characterizes them as saying that there is no resurrection. This characterization fits with Josephus's description of the party as rejecting the afterlife and judgment after death.<sup>47</sup> The only preliminary to their question is the address of Jesus as "teacher." This matter-of-fact approach is in keeping with Josephus's

<sup>37</sup> Mark 1:45; 5:20; 7:36.

<sup>38</sup> Mark 6:12.

<sup>39</sup> Mark 13:10; cf. 14:9.

<sup>40</sup> Mark 16:15, 20. On the longer ending, see J. A. Kelhoffer, *Miracle and Mission: The Authentication of Missionaries and Their Message in the Longer Ending of Mark*, WUNT 2/112 (Tübingen: Mohr Siebeck, 2000).

<sup>41</sup> Mark 1:35.

<sup>42</sup> Mark 6:46. According to v. 47, he prayed until evening came.

<sup>43</sup> The address of God as "father" in Mark 14:36 does not necessarily imply a metaphysical relationship; cf. 2 Sam 7:12–14. As noted above "Son of God" in Mark is a royal title.

<sup>44</sup> That this "hour" passes away and this "cup" be removed from him; Mark 14:35–36; cf. 14:39, 41.

<sup>45</sup> Instruction in Mark 11:24–25; 13:18; 14:38; and, in most manuscripts, Mark 13:33; criticism in Mark 12:40.

<sup>46</sup> Mark 12:18–27.

<sup>47</sup> Josephus, *B. J.* 2.165; according to *A. J.* 18.16, they hold the position that souls disappear along with bodies.

remark that the Sadducees consider disputing with teachers of wisdom an expression of excellence.<sup>48</sup>

Those who come to Jesus give an account of a case of levirate marriage, in which a woman marries seven brothers in succession. They then ask, “In the resurrection, when they rise, to which of them will she be wife?” This example could be taken as an attempt at humor. Such humor may be interpreted as mocking the notion of resurrection. The latter option fits with Josephus’s comment that they are ungentle (ἀπιτηνής) in their dealings with their fellow Jews.<sup>49</sup>

Jesus’s response is equally direct, opening his reply with the statement that they are mistaken and closing it by saying that they are greatly mistaken. He makes two points in favor of the resurrection. The first responds directly to their example. It is irrelevant because those who rise from the dead are like angels and do not live as married persons. This point would be weakened if the account of Paul’s examination by the Sanhedrin is correct in characterizing the Sadducees as not believing in the existence of angels and spirits.<sup>50</sup> There is, however, no trace of such a denial in the text of Mark.

The second point is based on the interpretation of Scripture.<sup>51</sup> God declares himself to be the God of Abraham, Isaac, and Jacob. Since God is not God of the dead but of the living, these three patriarchs must be living. The argument either presupposes that they are living at the time of the dispute and thus rose soon after dying or assumes an interim state and anticipates their resurrection at the general resurrection of the dead. In either case, the Jesus of Mark defends belief in the resurrection and is therefore closer to the Pharisees than to the Sadducees on this point.<sup>52</sup>

## 2.2 *Jesus and the Pharisees*

The Pharisees are introduced rather neutrally in the passage following the call of Levi.<sup>53</sup> Jesus is eating with tax collectors and sinners, either in his own house in Capernaum or in Levi’s house. “The scribes belonging to the Pharisees” ask the disciples of Jesus why he is doing so. Jesus replies with the parable about a physician going to those who are sick, not to the healthy. The term “scribes” here seems to refer not to copyists and low-level officials but to experts in the law.<sup>54</sup>

According to Josephus, the Pharisees are the leading party and “are considered to be the most accurate interpreters of the laws.”<sup>55</sup> He also says that they

<sup>48</sup> Josephus, *A.J.* 18.16.

<sup>49</sup> Josephus, *B.J.* 2.166.

<sup>50</sup> Acts 23:8.

<sup>51</sup> Exod 3:6, 15–16.

<sup>52</sup> For further discussion of this passage, see Yarbro Collins, *Mark* (see n. 5), 557–564.

<sup>53</sup> Mark 2:15–17.

<sup>54</sup> Cf. Yarbro Collins, *Mark* (see n. 5), 164.

<sup>55</sup> Josephus, *B.J.* 2.162 (H. St. J. Thackeray, LCL 203).

“cultivate harmonious relations with the community.”<sup>56</sup> It is thus not surprising that some scribes would affiliate with them. Furthermore, Anthony Saldarini has argued that the Pharisees “functioned as a political interest group,”<sup>57</sup> in which a religious dimension was of course embedded. They “entered into coalitions with other groups” among the upper strata of society “in order to gain influence and move those who had power.”<sup>58</sup>

Although the scribes of the Pharisees are not presented as opponents or as hostile to Jesus in this passage, the question does of course challenge his practices of fellowship in eating. It is likely that the reason for the challenge was that, in their view, Jesus’s practice here showed that he was not pursuing holiness to a sufficient extent.<sup>59</sup>

The next scene begins with the narration of a brief back-story, “And the disciples of John and the Pharisees were fasting.”<sup>60</sup> The scene itself begins with unspecified persons raising a question, “Why do the disciples of John and the disciples of the Pharisees fast, but your disciples do not fast?” Here the Pharisees are not characterized as opponents of Jesus. Rather the context seems to be the perception among the people that Jesus and his followers are competing with the Pharisees for influence over them and how they live their lives as Jews. Jesus replies by characterizing himself as a metaphorical bridegroom and his activity as a time of rejoicing, like that of a wedding, when fasting is inappropriate. The appended sayings further describe the time of Jesus’s activity as initiating a new order that breaks through and goes beyond the traditional one. The Markan Jesus does, however, accept the practice of fasting on the part of his followers in the time after his death and before his coming as Son of Man.

In this situation the Pharisees do not challenge Jesus. The question of unspecified persons, however, makes clear that Mark is presenting Jesus and his followers in competition for the allegiance of the people and for influencing what way of life they will choose to follow.

### 2.2.1 *The Controversies over Sabbath Observance: Plucking Heads of Grain (Mark 2:23–38)*

In this scene we find the first real conflict between Jesus and the Pharisees. The passage may have a complex tradition-history.<sup>61</sup> Since my topic is the Jesus of Mark, I will focus on its form as we find it in Mark.

<sup>56</sup> Josephus, *B.J.* 2.166.

<sup>57</sup> Saldarini, *Pharisees, Scribes, and Sadducees* (see n. 1), 120.

<sup>58</sup> Saldarini, *Pharisees, Scribes, and Sadducees* (see n. 1), 120.

<sup>59</sup> Yarbro Collins, *Mark* (see n. 5), 193.

<sup>60</sup> Mark 2:18–22.

<sup>61</sup> On the tradition-historical and redactional history of the passage, see L. Doering, *Sabbat: Sabbathalacha und -praxis im antiken Judentum und Urchristentum*, TSAJ 78 (Tübingen: Mohr Siebeck, 1999), 409–423.

The temporal setting is the Sabbath. The scene is set in the grain-fields, through which Jesus and his disciples are passing. The Pharisees ask Jesus polemically, “Why are they doing on the Sabbath what is not permitted?” There are two Jewish texts that shed light on what precisely the Pharisees of Mark are objecting to here. One is the Damascus Document, which contains the statement, “No one is to eat on the Sabbath day except what has been prepared and from what is perishing (האונבד) in the field.”<sup>62</sup> This implies that one may not separate any part of a plant that is growing in the ground on the Sabbath.<sup>63</sup>

The other passage comes from Philo: “[The rest required on the Sabbath] extends also to every kind of trees and plants; for it is not permitted to cut (τεμείν) any shoot or branch, or even a leaf, or to pluck (δρέψασθαι) any fruit whatsoever.”<sup>64</sup> This makes it clear that the prohibition of reaping has been extended to cases in which there is no economic gain and even when it is done for immediate use.<sup>65</sup> Since the Damascus Document is an Essene text and Philo comes from the Greek-speaking diaspora, it is likely that the issue in Mark is similar and that the attribution of this view to the Pharisees at least had verisimilitude.

The first reply of Jesus to the Pharisees’ objection begins with the question, “Have you never read what David did when he was in need and when he himself and those with him were hungry?”<sup>66</sup> When the scene is set in v. 23, no mention is made of Jesus or the disciples being hungry. This question implies that such was indeed the case.

What David did is then described in v. 26.<sup>67</sup> The transgression of David is emphasized: he “ate the bread of the Presence, which it is not permitted [for anyone] to eat, except the priests, and gave [some] also to those who were with him.” The context suggests that David’s breaking of that regulation was justified because he and his companions were hungry. The citation of David’s action here as a precedent is a strong argument, “For the Bible says explicitly of David that he ‘did that which was right in the eyes of the Lord, and turned not aside from any thing that He commanded him all the days of his life, except only in the matter of Uriah the Hittite.’” In the view of Menahem Kister, “David’s deeds are therefore the strongest precedents in a halakhic argument.”<sup>68</sup>

<sup>62</sup> CD 10:22–23 (trans. [modified] F. García Martínez and E.J.C. Tigchelaar, eds., *The Dead Sea Scrolls Study Edition*, 2 vols. [Leiden: Brill, 1997–1998], 1.568–569).

<sup>63</sup> Doering, *Schabbat* (see n. 61), 428. Cf. the discussion in Yarbro Collins, *Mark* (see n. 5), 201–202 n. 122.

<sup>64</sup> Philo, *Mos.* 2.22 (F.H. Colson, LCL 289).

<sup>65</sup> Doering, *Schabbat* (see n. 61), 428.

<sup>66</sup> Mark 2:25; cf. 12:10, 26.

<sup>67</sup> For discussion of details of lesser relevance here, see Yarbro Collins, *Mark* (see n. 5), 202–203.

<sup>68</sup> 1 Kgs 15:5; cited and discussed by M. Kister, “The Earliest Layers of the Jesus Tradition Concerning the Sabbath, in Light of Jewish Midrashim,” in *Midrashic Studies in the New Testament*, WUNT (Tübingen: Mohr Siebeck, forthcoming). I am grateful to Prof. Kister for sharing his work with me and allowing me to cite it.

In this response, Jesus recognizes that the Pharisees are correct in claiming that the activity of his disciples breaks a rule of Sabbath observance. He implicitly makes the point by analogy with David, however, that this transgression is justified because they were hungry. Jesus leaves open whether hunger justifies breaking other Sabbath rules. In any case, Jesus's argument does not abrogate the commandment not to work on the Sabbath as it is found in Exodus and Deuteronomy.<sup>69</sup> Rather it provides a criterion for interpreting that prohibition, namely, any work that meets a basic and immediate human need overrides the prohibition of work on the Sabbath. The rabbis justified David's act as overwhelming hunger that was a threat to life; so they allowed breaking the Sabbath to assuage hunger, but only if it was life threatening.<sup>70</sup> The Pharisees probably held a similar view, as we shall see below. So Jesus did not abolish any commandment but expanded a permissible exception.

The second reply of Jesus is given in vv. 27–28.<sup>71</sup> In the context of Mark, these two verses belong together, since v. 28 is introduced as a consequence of v. 27 (ὥστε). I would like to begin by looking at v. 27 separately, however, because its force is somewhat in tension with that of v. 28.

The saying of v. 27 reads, “The Sabbath came into being on account of man, not man on account of the Sabbath” (τὸ σάββατον διὰ τὸν ἄνθρωπον ἐγένετο καὶ οὐχ ὁ ἄνθρωπος διὰ τὸ σάββατον). The reference to the Sabbath coming into being would call to mind for the audience the ending of the first creation story of Genesis.<sup>72</sup> First God is said to have rested on the seventh day from all the work that he had done on the previous six days. Then he is said to have blessed the seventh day and made it holy, because he had rested on that day.<sup>73</sup> Since human beings were created on the sixth day, the Sabbath was created for them, not the other way around. In the saying attributed to Jesus, the point is made in a poetic and evocative way, using the figure of speech known as anastrophe (ἀναστροφή).<sup>74</sup>

As is well known, the rabbis knew a similar saying:

<sup>69</sup> Exod 20:8–11; 23:12; 31:12–17; 34:21; 35:2–3; Deut 5:12–15.

<sup>70</sup> A statement by an Amora in y. Yoma 8:5, 45b; Kister, “Earliest Layers” (see n. 68).

<sup>71</sup> These verses constitute a second reply, as is shown in the new introduction given at the beginning of v. 27, “And he said to them.”

<sup>72</sup> Gen 2:2–3; v. 4 is a generalizing conclusion.

<sup>73</sup> Lutz Doering has ably refuted the claim by Martin Ebner that there is no evidence in the Old Testament and ancient Jewish texts for the idea that the Sabbath “was created” (L. Doering, “Much Ado about Nothing? Jesus’s Sabbath Healings and Their Halakhic Implications Revisited,” in *Judaistik und neutestamentliche Wissenschaft: Standorte, Grenzen, Beziehungen*, ed. L. Doering, H.-G. Waubke, and F. Wilk, FRLANT 226 [Göttingen: Vandenhoeck & Ruprecht, 2008], 217–241, here 239).

<sup>74</sup> On this figure, see H. W. Smyth, *Greek Grammar* (Cambridge, Mass.: Harvard University Press, 1966), § 3011.

You shall keep the Sabbath for it is holy to you (לכם) [Exod 31:14] – Rabbi Shimon ben Me-nassiah said: *to you* (לכם) the Sabbath is delivered [lit. handed], and you are not delivered [lit. handed] to the Sabbath.<sup>75</sup>

The Mekilta de-Rabbi Ishmael also provides evidence that, in the saying just quoted “being handed to you” means “you are given authority over [what is handed to you].” So the point of the saying is not that the Sabbath was given to you on Mount Sinai, but that “you” (לכם) are given authority over the Sabbath.<sup>76</sup> It is likely that the saying of Jesus in v. 27 has similar significance: Since the Sabbath came into being (or was created) for human beings, human beings have the authority to interpret the prohibition of work on the Sabbath.

This saying is used in both the Mekilta de-Rabbi Ishmael and the Babylonian Talmud, however, “to flesh out the concept of saving a life on the Sabbath (*piquah nefesh*).” In Mark the saying has no explicit limit or qualification.<sup>77</sup> On the one hand, it could be seen as a generalizing summary of Jesus’s expansion of the exception regarding saving a life. On the other, it could be read as going beyond the preceding discussion to give a wider kind of authority to interpret the prohibition of work on the Sabbath.

As mentioned earlier, in the present context, the apparently unlimited saying about human authority over the Sabbath is closely linked to another saying in v. 28: “So the Son of Man is master also of the Sabbath” (ὅστε κύριος ἐστὶν ὁ υἱὸς τοῦ ἀνθρώπου καὶ τοῦ σαββάτου). Perhaps this saying sets some kind of limit upon the one in v. 27. On one level, the Son of Man saying creates a play on words with the preceding saying, based on an idiom found in both Hebrew and Aramaic. The word “man” in v. 27 (ἄνθρωπος) may have the same referent and meaning as the phrase “son of man” (without the articles: υἱὸς ἀνθρώπου) according to that idiom.<sup>78</sup> So v. 28 could be translated, “So the son of man (i. e., man) is master even (or indeed) of the Sabbath.”

Given the use of the phrase “son of man” in connection with Jesus elsewhere in Mark, the audience is led here to associate that phrase with Jesus as the human-like figure of Dan 7 interpreted as the Messiah.<sup>79</sup> In that case, v. 28 would imply that the followers of Jesus had authority to interpret the regulations regarding the Sabbath with a limit; that is, they are to follow the example of the Jesus of Mark in interpreting such regulations.

<sup>75</sup> MekI, Shabbtha; cited here from Kister, “Earliest Layers” (see n. 68); cf. Yarbro Collins, *Mark* (see n. 5), 203–204 with n. 137. See also b. Yoma 85b.

<sup>76</sup> MekI, Shabbtha 1; Kister, “Earliest Layers” (see n. 68).

<sup>77</sup> Kister, “Earliest Layers” (see n. 68).

<sup>78</sup> The idiom is preserved, for example, in Ps 8:5 LXX.

<sup>79</sup> See the section “Jesus as Messiah” (1.1) above.

### 2.2.2 The Controversies over Sabbath Observance: The Healing of the Man with a Withered Hand (Mark 3:1–6)

In this passage, the Pharisees, along with some Herodians, are depicted as hostile opponents to Jesus to the point of wanting to destroy him. The death of Jesus was already alluded to in the scholastic dialogue about fasting: “But days will come when the bridegroom is taken away from them, and then they will fast on that day.”<sup>80</sup> The evangelist has crafted this scene as a more dramatic foreshadowing of Jesus’s death, with opponents “watching him carefully [to see] whether he would heal him on the Sabbath, in order that they might bring charges against him.” When he does so, the passage ends with a conspiracy about how to bring about Jesus’s death. Such a scene is historically implausible, since breaking the commandment about resting on the Sabbath, let alone disagreements over specific, non-biblical Sabbath regulations, at this time were not prosecuted.<sup>81</sup> Further, the Pharisees are not mentioned in the passion narrative of Mark among those responsible for the death of Jesus.

After the scene is set, the Markan Jesus calls the man with a withered hand into the center of those gathered on the Sabbath. He then asks them, especially those watching him, “Is it permitted to do good on the Sabbath or to do harm, to save a life or to kill?” This saying is important for placing Jesus in his Jewish social context. I will return to this issue.

First, however, the question whether and in what way Jesus’s healing of this man broke the Sabbath must be addressed. Lutz Doering has refuted persuasively the argument that, since Jesus healed only by his word, he did not break the Sabbath laws.<sup>82</sup> He has also noted the fact that there is not a single source from the pre-Tannaitic period that mentions healing on the Sabbath.<sup>83</sup> A number of Tannaitic passages, however, make clear that doing anything on the Sabbath with the intention of healing is unlawful. If healing is the indirect result of eating food and drinking liquids that healthy people also consume, then it is lawful.<sup>84</sup> So the healing of the man with the withered hand seems clearly to violate Tannaitic regulations, since the intention of healing seems apparent. The reaction of the Pharisees to Jesus’s healing in this passage implies that they hold a similar view, since Jesus clearly has the intention of healing, yet heals without performing any other work in the currently defined sense.

<sup>80</sup> Mark 2:18–22, here v. 20.

<sup>81</sup> Doering, *Schabbat* (see n. 61), 396, 501 with n. 114.

<sup>82</sup> Doering, *Schabbat* (see n. 61), 446–447; id., “Much Ado about Nothing?” (see n. 73), 217–227.

<sup>83</sup> Doering, *Schabbat* (see n. 61), 448; id., “Much Ado about Nothing?” (see n. 73), 229.

<sup>84</sup> m. Šabb. 14:3–4; 22:6; t. Šabb. 12[13]:8–14; 16[17]:16, 19; Doering, *Schabbat* (see n. 61), 449; id., “Much Ado about Nothing?” (see n. 73), 232–234; Yarbro Collins, *Mark* (see n. 5), 206–207.



Now I would like to return to the question Jesus puts to the congregation, directed especially to the Pharisees.<sup>85</sup> Doering rightly excludes the interpretation that Jesus did good and saved lives, whereas the Pharisees and Herodians did harm and killed. Instead he argues that the alternatives are meant to exclude any middle ground: not to do good is to do harm; not to save a life is to kill.<sup>86</sup> He argues helpfully that Jesus places his healing activity on the Sabbath between the general “doing good” and the specific “saving a life” in such a way that it is a proper continuation of “saving a life.” Jesus uses the keyword “saving a life” to describe an activity that can be understood as a concrete example of “doing good.” His antagonists are familiar with the idea that failing to do a good deed is the same as killing. Jesus extends the idea of “saving a life” to include the healing of a sick person when there is no danger of death. He goes a step further than those who accept the profanation of the Sabbath in order to save a life. In the weighing up of the needs of a human being and keeping the Sabbath holy, he takes the side of the human being.<sup>87</sup> The position that Jesus takes is a consequence of the eschatological context of his message. Healing is a sign of the kingdom of God.<sup>88</sup>

Kister characterizes the saying of Jesus in Mark 3:4 as explicitly blurring the distinction “between cases of true *piqquah nefesh* and those in which there is no danger to life.”<sup>89</sup> The phrase used by Jesus “to save life” (ψυχὴν σῶσαι) expresses a concept practically synonymous with that of *piqquah nefesh*.<sup>90</sup> He argues further that, “the tendency to extend the limits of the halakhic category *piqquah nefesh* is not alien to Jewish halakhah in later generations.”<sup>91</sup> It was never, however, “so drastically extended in mainstream Judaism as in Jesus’s sayings.” The rabbis argued differently, but it is nevertheless “clear that Jesus’ assumption is that – as a rule – work on the Sabbath is prohibited.”<sup>92</sup>

### 2.2.3 A Dispute with the Pharisees (Mark 7:1–23)

The scene is set entirely in third person narration in vv. 1–2. “The Pharisees,” presumably local, and some scribes, whose origin or base was in Jerusalem, saw that some of Jesus’s disciples were eating with defiled hands. This narrative introduction is interrupted by an explanatory digression.<sup>93</sup>

<sup>85</sup> Mark 3:4. Those watching Jesus carefully turn out to be the Pharisees (3:6).

<sup>86</sup> Doering, *Schabbat* (see n. 61), 451.

<sup>87</sup> Doering, *Schabbat* (see n. 61), 452–453. 4Q265 5 6–7 concedes the saving of life only in so far as “no breach of the Sabbath is involved”; cf. Doering, “Much Ado about Nothing?” (see n. 73), 230. On the position that the Sabbath may be profaned for the sake of the life of a human being, see *ibid.*, 231.

<sup>88</sup> Doering, *Schabbat* (see n. 61), 454–455.

<sup>89</sup> Kister, “Earliest Layers” (see n. 68).

<sup>90</sup> Cf. Doering, “Much Ado about Nothing?” (see n. 73), 232.

<sup>91</sup> m. Yoma 8:6; b. Šabb. 109a; y. Šabb. 14:4, 14d.

<sup>92</sup> Kister, “Earliest Layers” (see n. 68).

In the two Sabbath controversies discussed earlier, the evangelist gives no explanation of the issues involved. The difference between those scenes and this one is probably due to the fact that Sabbath observance is a commandment of the Torah, whereas the washing of hands before eating is not.

The explanation begins already in v. 2: the phrase “defiled hands” is defined as unwashed hands. It continues in v. 3 with the remark that, “the Pharisees and all the Jews do not eat unless they wash their hands,<sup>94</sup> holding fast the tradition of the elders.”

Josephus states that, “the Pharisees had passed on to the people certain regulations handed down by former generations and not recorded in the Laws of Moses.”<sup>95</sup> He goes on to say that the Sadducees rejected these unwritten regulations, and the issue became a point of contention between the two parties.<sup>96</sup> It is clear that these traditional regulations are what Mark refers to as “the tradition of the elders.”<sup>97</sup> The statement that “all the Jews (do not eat unless they wash their hands)” may be a generalization like that of the Letter of Aristeas,<sup>98</sup> or it may reflect the assumed or actual influence of the Pharisees upon the people.<sup>99</sup>

The evangelist’s exposition of Jewish washing practices continues through v. 4. The tradition of the elders entails the washing of utensils related to eating and drinking and even dining couches or beds.<sup>100</sup> This explanatory digression does not necessarily signify that the audience of Mark is entirely made up of gentile followers of Jesus who were ignorant about Pharisaic practices. It need only imply that some part of the intended audience needed such an explanation.

Rather than with a continuation of the sentence begun in v. 2, the dialogue proper begins in v. 5 with the question of the Pharisees and scribes, “Why do your disciples not walk in accordance with the tradition of the elders but eat bread with defiled hands?” The question sounds rather innocent, seeking to determine what principles Jesus’s teaching is based on. The audience, however, will recall the conspiracy of the Pharisees and the Herodians, and Jesus’s response takes the form it does in that light, calling them “hypocrites” or “actors playing a role” in the introduction to his citation of the Greek version of Isa 29:13 against them. The contrast between the lips and the heart in the quotation introduces the theme of “outside” versus “inside,” which is taken up again in v. 15.

<sup>93</sup> Since the opening sentence is not completed, the digression creates an example of the figure of anacoluthon (ἀνακόλουθον); Smyth, *Greek Grammar* (see n. 74), §§3004–3007.

<sup>94</sup> I do not translate the difficult word πνευμῆ in v. 3. See the translation (“up to the elbow”) and the discussion in Yarbro Collins, *Mark* (see n. 5), 339, 347.

<sup>95</sup> Josephus, *A.J.* 13.297 (R. Marcus, LCL 365).

<sup>96</sup> Josephus, *A.J.* 13.298.

<sup>97</sup> Yarbro Collins, *Mark* (see n. 5), 347–348.

<sup>98</sup> Let. Aris. 305; for discussion, see Yarbro Collins, *Mark* (see n. 5), 345–346.

<sup>99</sup> Cf. Josephus, *A.J.* 13.298.

<sup>100</sup> See the discussion in Yarbro Collins, *Mark* (see n. 5), 349.

The force of the quotation is interpreted in v. 8, which follows it: “Abandoning the commandments of God, you keep the tradition of human beings.” In effect, Jesus here enunciates a principle of his teaching, one that is an attack on the major principle of the Pharisees’ teaching, which allows for a considerable human role in determining legitimate practices.<sup>101</sup> The principle of Jesus here serves as the thesis statement for the argument of vv. 9–13.

Kister has shown that language similar to that principle is used in some of the Dead Sea Scrolls, also against the Pharisees. For example, the speaker in col. 12 of the Hodayot states, “They are mediators of fraud and seers of deceit [...] to change your Law, which you engraved in my heart, for flattering teachings for your people.”<sup>102</sup> On this point Jesus is clearly closer to the community of the Dead Sea Scrolls, probably Essenes, than to the Pharisees. So even in his fundamental rejection of the tradition of the elders, Jesus can be placed firmly within the diverse spectrum of ancient Judaism.

Verse 9 then introduces an example of how the Pharisees’ observance of “their tradition” nullifies the commandments of God. The divine commandments used in this illustration are “Honor your father and your mother”;<sup>103</sup> and “Whoever reviles father or mother shall die.”<sup>104</sup> The illustration from the tradition observed by the Pharisees is the prohibitive vow.<sup>105</sup> It is exemplified in v. 11 by a man saying to his father or mother, “Whatever of mine may benefit you is *korban*, which means gift.” “Gift” here means that the man promises to give the property in question to God (the treasury of the temple). In other words, the prohibitive vow is a dedicatory vow “of a specific type, which [cannot] take effect for technical reasons. The practical effect was a personal prohibition.”<sup>106</sup> In this case the prohibitive vow seems to be a means for the man to avoid supporting his parents.

Like Jesus, the Damascus Document condemns this kind of vow:

Every binding oath by which anyone imposes upon himself [the obligation] to fulfill a letter of the law, he should not annul, even at the price of death. Anything by which he might impose upon himself to turn away fr[om the la]w, he should not fulfill, not even when the price is death.<sup>107</sup>

<sup>101</sup> See M. Kister, “The Dispute over Hand Washing,” in *Midrashic Studies in the New Testament* (see n. 68), the discussion of Unit B (7:8–13).

<sup>102</sup> 1QH<sup>a</sup> 12:9–11 (trans. García Martínez and Tigchelaar, *Study Edition* [see n. 62], 1.169); see also 1QH<sup>a</sup> 12:13–18; 4Q166 ii 5–6; 4Q301 4–5; all of these passages are cited by Kister, “Dispute over Hand Washing” (see n. 101), in the discussion of Unit B (7:8–13).

<sup>103</sup> Deut 5:16 LXX.

<sup>104</sup> Exod 21:16 LXX.

<sup>105</sup> For discussion, see M. Benovitz, *KOL NIDRE: Studies in the Development of Rabbinic Votive Institutions*, BJS 315 (Atlanta: Scholars Press, 1998); Yarbro Collins, *Mark* (see n. 5), 351–353.

<sup>106</sup> Benovitz, *KOL NIDRE* (see n. 105), 4; Yarbro Collins, *Mark* (see n. 5), 352.

<sup>107</sup> CD 16:7–9 (trans. García Martínez and Tigchelaar, *Study Edition* [see n. 62], 1.565); the passage is cited by Kister, “Dispute over Hand Washing” (see n. 101), discussion of Unit B.

According to the Mishnah:

if a man swore to set a commandment at naught, [to wit,] that he would not build a *Sukkah* or carry a *Lulab* or put on phylacteries, this is accounted a “vain oath” [Lev 5:4], for which, if it is uttered wantonly, a man is liable to Stripes, but if unwittingly, he is not culpable.<sup>108</sup>

Apparently, however, the Pharisees did not allow annulment of prohibitive vows.<sup>109</sup> Philo of Alexandria, however, was aware of a procedure for, in effect, annulling a vow.<sup>110</sup> The rabbis’ position was “that a vow that prevents one from supplying material support to one’s parents is binding, unless it has been formally annulled by sages.”<sup>111</sup>

The dialogue between Jesus and the Pharisees (and scribes) comes to an end with v. 13. A new beginning is given with Jesus summoning the crowd and teaching them. He signals that what he is about to teach is figurative language with the opening remark, “Listen to me all of you and comprehend” (v. 14).<sup>112</sup>

Verse 15 reads, “There is nothing outside of a man which, by going into him, is able to defile him; rather, it is what goes out of a man that defiles him.” To a certain degree, the first half of the saying can be reconciled with the Torah commandments regarding ritual impurity. In the rabbinic understanding of the Torah at least, no food is in itself unclean, that is, no food can defile a human being by the act of eating, except the corpse of a clean bird. Non-kosher food defiles a human being because one’s hands become defiled by touching it, and the defilement is transmitted to the mouth. Kosher food can never defile a human being to the first, highest degree of impurity, that is, it can never be “a father of impurity” (*av ha-tumah*). So to the degree that Jesus spoke about kosher food, the first half of the saying is compatible with the Torah. It is not compatible with the rabbinic decree, however, that a man eating “defiled food” does become defiled.<sup>113</sup> The context of Mark 7 suggests that the Pharisaic regulation was quite similar to the rabbinic decree, at least from the point of view of the evangelist and of the Markan Jesus.

The saying in v. 15 is an antithetical aphorism.<sup>114</sup> As noted earlier, it is also parabolic or figurative speech. On the literal level of meaning, it states that nothing (no food) that goes into a person is defiling, thus opposing the Pharisa-

<sup>108</sup> m. Šebu. 3:8 (trans. H. Danby, *The Mishnah* [London: Oxford University Press, 1933], 413); see also m. Ned. 5:6; both passages cited by Kister, “Dispute over Hand Washing” (see n. 101), in the discussion of Unit B.

<sup>109</sup> Mark 7:12–13.

<sup>110</sup> Philo, *Hypoth.* 7.5 (Eusebius, *Praep. ev.* 8.7.5); for discussion, see Yarbro Collins, *Mark* (see n. 5), 352–353.

<sup>111</sup> Kister, “Dispute over Hand Washing” (see n. 101), in the discussion of Unit B.

<sup>112</sup> Cf. Mark 4:3, 9; cf. 4:11–13. The saying in v. 15 is defined as a “parable” or “figurative saying” in Mark 7:17.

<sup>113</sup> In support of this interpretation, Kister cites Rashi’s commentary on b. Šabb. 13b (“Dispute over Hand Washing” [see n. 101], in the discussion of Unit C).

<sup>114</sup> On the figure of antithesis (ἀντιθέσις), see Smyth, *Greek Grammar* (see n. 74), §3013.

ic regulation about hand washing. The second half of the saying adds the idea that what comes forth from a person is defiling. The saying as a whole states clearly “not this, but that.” From the point of view of the second level of meaning, one can take seriously yet compensate for the hyperbolic literal claim and the use of language of defilement in the second half of the saying. One may see the contrast to be rhetorical, a striking way of saying that the Pharisees are putting their emphasis in the wrong place. Anticipating the interpretation in vv. 21–23, one can argue that the Markan Jesus is calling for an emphasis on morality rather than on ritual purity. Sin and vice are what cause real “defilement” in a metaphorical sense. Kister has argued that this shift from halakic issues to morality is typical of several sayings attributed to Jesus.<sup>115</sup>

In vv. 14–23 we see a typical Markan literary device: public teaching by Jesus, followed by private explanation to his disciples.<sup>116</sup> The disciples ask Jesus about “the parable.” In his interpretation of the first part of the saying, Jesus argues that nothing going into a person from outside, that is, what one eats, can be defiling because it does not enter the heart. Rather it goes through the belly and out into the latrine.<sup>117</sup> With this teaching the Markan Jesus effectively does away with biblical and Pharisaic purity regulations, at least those concerning food. The evangelist, or a later editor, adds the comment “making all (types of) food clean.”<sup>118</sup>

The interpretation of the second half of the saying elucidates the phrase “what goes out of a human being”: “For from within, from the hearts of human beings come evil intentions”; a list of sins and vices follows.<sup>119</sup>

In the controversy about hand washing as a whole, Jesus is portrayed as taking a variety of positions. In his first reply to the question of the Pharisees and the scribes, Jesus rejects the Pharisees’ observance of the “tradition of the elders” because it leads to the abandonment or even nullification of the commandments of God.<sup>120</sup> This stance of Jesus is similar to that taken in several of the sectarian works from Qumran, which also reject the regulations of the Pharisees. Jesus and the Qumran community, however, have different reasons for rejecting them. The Qumran covenanters reject them as undermining the letter of the commandments and thus as too lenient. One way of reading the illustration given by the Markan Jesus in this section, the prohibitive vow, is that they are too strict in their recognition of the inviolability of a vow that has the effect of allowing a man to disregard the commandment to provide for his parents.

<sup>115</sup> Kister, “Dispute over Hand Washing” (see n. 101), discussion of Unit C.

<sup>116</sup> Yarbro Collins, *Mark* (see n. 5), 343, 353, and commentary on vv. 17–19 on p. 355.

<sup>117</sup> Mark 7:18b–19a.

<sup>118</sup> Mark 7:19b.

<sup>119</sup> Mark 7:20–23; for discussion, see Yarbro Collins, *Mark* (see n. 5), 356–362.

<sup>120</sup> Mark 7:6–13.

Jesus addresses his second reply to the crowd.<sup>121</sup> This reply involves a figurative saying that rejects the Pharisees' principle that unclean hands defile food and therefore defile the person eating it. His own formulation can be read as halakically compatible with the Torah. On the second level of meaning, it criticizes the Pharisees for emphasizing ritual purity over moral considerations.

The third and last reply comes most obviously from the evangelist's point of view.<sup>122</sup> It is clearly the most radical of the three. It rejects all regulations of the Torah and the tradition of the elders that understand food and drink as communicating impurity. It may even imply the rejection of the entire biblical system of ritual impurity, as Kister has concluded.<sup>123</sup>

### 2.3 *Jesus and the Essenes/Qumran Community*

#### 2.3.1 *The Question of Divorce (Mark 10:2–12)*

Since the consensus is that the Essenes described by Josephus and Philo are the same group as the community that stands behind the sectarian works of the Dead Sea Scrolls, I will use the latter as a point for comparison with the Markan Jesus rather than the accounts of the former.

It is not clear whether the earliest recoverable reading of the text of Mark 10:2 presents the Pharisees asking whether it is lawful for a man to divorce his wife or whether the questioners are anonymous, as in the passage about fasting.<sup>124</sup> Since no Jewish group known to us in the first century forbade divorce, the question is odd in any case.<sup>125</sup>

Jesus replies by asking, "What did Moses command you?" and his interlocutors respond with a paraphrase of Deut 24:1–4. Jesus replies that Moses "wrote this commandment for you because of your hardness of heart." Stephen Fraade has argued plausibly that Mark 10:2–9 implies that "the law of divorce was Moses's own invention and not indicative of the divine will, and hence only a temporally bound concession to human weakness."<sup>126</sup>

Jesus goes on to demonstrate, by citing Gen 1:27 and 2:24, that the will of God is that "What therefore God has joined man shall not separate."<sup>127</sup> With this pronouncement the first scene comes to an end with what appears to be an absolute prohibition of divorce. In the next, closely related scene, however, the

<sup>121</sup> Mark 7:14–15. V. 16 is a later addition to the text of Mark; Yarbrow Collins, *Mark* (see n. 5), 339, 341 (note p).

<sup>122</sup> Mark 7:17–23.

<sup>123</sup> Kister, "Dispute over Hand Washing" (see n. 101), in the discussion of Unit D.

<sup>124</sup> Fasting is the issue in Mark 2:18–21; on the textual issue in Mark 12:2, see Yarbrow Collins, *Mark* (see n. 5), 457 (note b), 465.

<sup>125</sup> For discussion, see Yarbrow Collins, *Mark* (see n. 5), 465.

<sup>126</sup> S. D. Fraade, "Moses and the Commandments: Can Hermeneutics, History, and Rhetoric Be Disentangled?," in *The Idea of Biblical Interpretation: Essays in Honor of James Kugel*, ed. H. Najman and J. H. Newman, JSJSup 83 (Leiden: Brill, 2004), 399–422, here 417.

<sup>127</sup> Mark 10:6–9.

disciples ask Jesus privately “about this matter.” He replies that any man who divorces his wife and marries another commits adultery against his first wife, and that a woman who divorces and marries another commits adultery against her first husband.<sup>128</sup>

This response of Jesus indicates his acceptance that at times divorce is inevitable. It also, however, entails the prohibition of a second marriage as long as the first spouse is still alive. This position of the Markan Jesus is similar to that of a passage in the Damascus Document, one of the rule-books from Qumran. This passage reads:

*The builders of the wall* [Ezek 13:10] [...] have been caught in unchastity in two ways: by taking two wives in their lifetime, whereas the principle of creation [is] *Male and female he created them* [Gen 1:27], and those who entered [Noah’s] ark, *two [by] two went into the ark* [Gen 7:9]. And concerning the prince [it is] written: *He shall not multiply wives for himself* [Deut 17:17].<sup>129</sup>

The interpretation of this text has been controversial, but a fragmentary text of the Damascus Document from Qumran seems to settle the issue.<sup>130</sup> It states that a man may marry a widow, as long as she has not had intercourse with anyone since her husband died. This supports the conclusion that the text just quoted permits divorce but condemns all second marriages as long as the first wife is living. So in the second scene of this passage, the Markan Jesus takes a position similar to that documented for the Qumran community.

### 2.3.2 *The Issue of Eschatology*

In Mark both John the Baptist and Jesus are presented as eschatological figures whose activity is the fulfillment of Scripture.<sup>131</sup> The second part of the opening quotation from Scripture comes from Isa 40:3. The same passage is cited in the Community Rule from Qumran in a way that suggests the community interpreted it as being fulfilled in their own time and in their communal life.<sup>132</sup> The Community Rule also refers to “the final age” and “the time of the visitation” of God. The Gospel of Mark implies the presence of the final age and an analogous visitation in the announcement of Jesus’s message: The “time is fulfilled and the kingdom of God has drawn near.”<sup>133</sup>

The evangelist portrays John the Baptist as the forerunner of Jesus.<sup>134</sup> Both are described as “proclaiming” (κηρύσσων).<sup>135</sup> In addition to a baptism of re-

<sup>128</sup> Mark 10:10–12.

<sup>129</sup> CD 4:19–5:2 (trans. [punctuation modified] J.A. Fitzmyer, “The Matthean Divorce Texts and Some New Palestinian Evidence,” *TS* 37 [1976], 213–223).

<sup>130</sup> 4Q271 3 10–15.

<sup>131</sup> Mark 1:1–3 and what follows in Mark 1:4–15.

<sup>132</sup> IQS 8:12–16; 9:17–20. For discussion, see Yarbro Collins, *Mark* (see n. 5), 136–138.

<sup>133</sup> IQS 4:16–23; Mark 1:2–15; quotation from v. 15; Yarbro Collins, *Mark* (see n. 5), 138.

<sup>134</sup> Mark 1:2, 7–8.

<sup>135</sup> John in Mark 1:4, 7; Jesus in Mark 1:14.

pentance, John proclaims, “The one who is stronger than I is coming after me; I am not fit to crouch and untie the strap of his sandals.”<sup>136</sup> This description of Jesus fits well with his identification as the Messiah; it also strongly subordinates John to Jesus.<sup>137</sup> John’s declaration, “I have baptized you with water, but he will baptize you in [the] Holy Spirit,” does the same but also entails the idea that the anticipatory eschatological renewal occurs in two stages.

The baptism of John with water may be seen as an evoking of Ezek 36:25–28, where God promises to sprinkle clean water upon Israel to cleanse them, to give them a new heart, and to put God’s spirit within them. Whereas in Mark the sprinkling with water and the bestowal of the Spirit are separated in time, in the Community Rule these activities are two aspects of the same event or process.<sup>138</sup> The separation of the two in Mark creates a parallel that suggests that John’s activity both precedes and prepares for that of Jesus.

As is well known, the Qumran community expected an eschatological prophet; a Messiah of Aaron, that is, a priestly Messiah; and a Messiah of Israel, that is, a political Messiah.<sup>139</sup> According to the War Scroll, the outcome of the eschatological battle will be “the sway of Michael above all the gods (אֱלִים, ‘angels’), and the dominion of Israel over all flesh.”<sup>140</sup> Elsewhere in the War Scroll, the Davidic Messiah is depicted as playing a role in the final battle.<sup>141</sup> In this passage, he is called “the Prince of the whole congregation.”<sup>142</sup> The term “prince” (אֲשִׁי) comes from Ezekiel, where it is used both for the king of Judah who was sent into exile and also for the future king who would restore the Davidic monarchy. That “the prince of the congregation” refers to the Messiah of Israel in the War Scroll is indicated by the citation of the oracle of Balaam in col. 11 and the association of the “scepter” in that passage with “the prince of the whole congregation” in the Damascus Document.<sup>143</sup> Thus it is likely that the rule of Michael in the heavens will be accompanied by the rule of the Messiah of Israel over the earth.

The summary of Jesus’s teaching in Mark 1:15 implies that the prophecies of Scripture and the hopes of the people are in the process of being fulfilled. The process will not be complete until the Son of Man comes.<sup>144</sup> Mark’s Jesus

<sup>136</sup> Mark 1:7.

<sup>137</sup> See the section “Jesus as Messiah” (1.1) above.

<sup>138</sup> IQS 4:18–23.

<sup>139</sup> IQS 9:10–11; 4QTest (4Q175); CD 14:19; cf. 4QMidrEschat (4Q174 [also known as 4QFlor] + 4Q177); CD 7:18–21; the Rule of the Congregation (IQSa); the Rule of Benedictions (IQSb); for discussion, see M.A. Knibb, “Apocalypticism and Messianism,” in *The Oxford Handbook of the Dead Sea Scrolls*, ed. T.H. Lim and J.J. Collins (Oxford: Oxford University Press, 2010), 403–432, here 421–424.

<sup>140</sup> IQM 17:7–8.

<sup>141</sup> IQM 5:1–2.

<sup>142</sup> Trans. García Martínez and Tigchelaar, *Study Edition* (see n. 62), 1.121.

<sup>143</sup> IQM 11:6–7; CD 7:18–21; Yarbro Collins, *Mark* (see n. 5), 53–54.

<sup>144</sup> Mark 9:1; 13:24–27.



announces that “the time is fulfilled.” The Melchizedek Scroll refers to the “end of days” (אחרית הימים) and the end of the tenth jubilee.<sup>145</sup> In the Dead Sea Scrolls, the phrase “the end of days” refers to a period of separation and affliction for the pious, a time of temptation and suffering in which the community has to stand the test. This final period of history included events that were already past from the point of view of the community; the present time, from the point of view of sectarian works from the earliest to the latest; and events of the future, such as the coming of the two Messiahs.<sup>146</sup> According to another document from Qumran, the history of the world is divided into ten jubilee periods, each of which is subdivided into weeks of years, as in the Melchizedek Scroll.<sup>147</sup> The end of the tenth jubilee, therefore, would be the end or fulfillment of history. The Gospel of Mark and the Melchizedek Scroll thus seem to share the idea of the end as a period of time during which a series of eschatological events have occurred, are occurring, and will occur.

The following passage is especially interesting for comparison with Mark 1:2–15:

This is *the day* [of salvation (Isa 49:8) about w]hich [God] spoke [through the mouth of Isaiah the prophet who said, [“How] beautiful on [the] mountains are the feet of the heral[d who pro]claims peace, the her[ald of good who proclaims salvati]on, saying to Zion, ‘Your God [is king]’” (Isa 52:7)].<sup>148</sup>

The Melchizedek Scroll interprets the word “God” in Isa 52:7 as referring to Melchizedek, who is an angel and probably equivalent to Michael, but this figure is clearly the agent of God in God’s eschatological rule.<sup>149</sup> Thus Mark 1:15 and the Melchizedek Scroll both connect the fulfillment of history with the kingship of God.

The “herald” (מבשר) mentioned in the passage just cited and in what follows is probably identical with the eschatological prophet expected by the community.<sup>150</sup> An aspect of the role of the herald is to announce that Melchizedek is king. This constellation of eschatological ideas is strikingly analogous to the narrative introduction to Mark, in which the baptism performed by the prophetic figure John and his reference to the one who comes after him provide the occasion for the appointment of Jesus as Messiah. The analogy is even stronger if we take Melchizedek as Michael and keep in mind the parallel kingship of Michael and the Messiah of Israel in the War Scroll.

<sup>145</sup> 11QMelch 2:4, 7.

<sup>146</sup> A. Steudel, “אחרית הימים in the Texts from Qumran,” *RevQ* 16 (1993), 225–246.

<sup>147</sup> 4QpsEzek<sup>a</sup> (4Q385).

<sup>148</sup> 11QMelch 2:15–16 (trans. [punctuation modified] P. Kobelski, *Melchizedek and Melchireša*, CBQMS 10 [Washington, D.C.: Catholic Biblical Association of America, 1981], 8).

<sup>149</sup> 11QMelch 2:24–25; Kobelski, *Melchizedek* (see n. 148), 62–64, 71–74.

<sup>150</sup> 11QMelch 2:16, 18–19; on the eschatological prophet, see 1QS 9:11; 4QTest 5–8, citing Deut 18:18–19; Kobelski, *Melchizedek* (see n. 148), 61–62.

The Gospel of Mark implies that there is a divine plan in history and that, in the last days, the relevant part of this plan unfolds in stages. This last stage is related to the “good news” and it begins with John the prophet proclaiming his message of repentance and performing the rite of baptism. It continues with Jesus’s proclaiming the good news of the kingdom of God and his making it present in an anticipatory way in his authoritative teaching, meal fellowship, and mighty deeds. His suffering, death, and resurrection “must happen” and are part of the good news,<sup>151</sup> which must be proclaimed to all the nations before the end can come.<sup>152</sup> Other events then follow: “the beginning of the birth pains,”<sup>153</sup> the unprecedented tribulation,<sup>154</sup> and finally the coming of the Son of Man, which seems to be the end (τὸ τέλος).<sup>155</sup> The fixed character of this plan is clear, although God can amend it.<sup>156</sup>

The idea of a fixed divine plan is also found in a text from the Dead Sea Scrolls, known as 4QInstruction. It refers to a “mystery that is to be” or a “mystery that is to come” (רִי נְהִיָּה). This mystery “includes the entire divine plan from creation to eschatological judgment.”<sup>157</sup> The eschatological dimension of this work expresses both the fulfillment of the divine plan and the fact that only at the end will the plan become evident to all, especially in the reward of the righteous and the punishment of the wicked.

### 2.3.3 *The Role of the Temple*

Many New Testament scholars have detected an “anti-temple” theme in Mark and argued that it signified for the Markan Jesus an end to the temple cult, to the temple itself, or even to the Jewish way of life.<sup>158</sup> In my view this kind of argument is wrong-headed, as I will try to show in what follows.

First of all, it should be noted that the Markan Jesus affirms the role of the temple and the priesthood in his instruction of the leper he has just healed: “See that you say nothing to anyone, but go, show yourself to the priest and

<sup>151</sup> Mark 8:31; 9:31; 10:32–34; 14:8–9, 36, 41; 15:1–16:8; note the theme of the fulfillment of Scripture in Mark 15.

<sup>152</sup> Mark 13:10; cf. 13:7.

<sup>153</sup> Mark 13:7–8.

<sup>154</sup> Mark 13:19.

<sup>155</sup> Mark 13:24–27; cf. 13:7.

<sup>156</sup> See esp. Mark 8:31; 13:7, 10; 14:36; and the motif of the fulfillment of Scripture in Mark 14:49.

<sup>157</sup> J.J. Collins, *Jewish Wisdom in the Hellenistic Age*, OTL (Louisville, Ky.: Westminster John Knox, 1997), 122. Regarding eschatological punishment, see Mark 9:43–48.

<sup>158</sup> See the criticism by Nicole Wilkinson Duran of the supersessionist views of Bruce Chilton, N.T. Wright, John Dominic Crossan, Marcus Borg, and Nicholas Perrin in “‘Not One Stone Will Be Left on Another’: The Destruction of the Temple and the Crucifixion of Jesus in Mark’s Gospel,” in *Sacrifice, Cult, and Atonement in Early Judaism and Christianity: Constituents and Critique*, ed. H.L. Wiley and C.A. Eberhart, RBS 85 (Atlanta: SBL Press, 2017), 311–325, here 311–315.

offer for your cleansing what Moses commanded, as a proof for them.”<sup>159</sup> The phrase “as a proof for them” (εἰς μαρτύριον αὐτοῖς) indicates that the healing is to demonstrate to the authorities that Jesus has the power to heal and is thus God’s agent. Yet this demonstration is to take place within the normal function of the temple with regard to ritual purity.

Just after Jesus’s triumphal entry into Jerusalem, which is associated by the crowd with “the coming kingdom of our father David,” and before the cleansing of the temple, Jesus curses a fig tree, declaring, “May no one eat fruit from you again!”<sup>160</sup> Numerous scholars have claimed that the fig tree symbolizes the people of Israel as a whole or the temple and its destruction.<sup>161</sup> An interpretation more in keeping with the literary and cultural context is that the fig tree represents the local leaders of the people, especially the priests and the scribes.<sup>162</sup>

Furthermore, the actions of Jesus in the temple do not symbolize the destruction of the temple.<sup>163</sup> Contrary to what E. P. Sanders has argued, Jesus’s overturning tables and chairs is not a transparent image of destruction.<sup>164</sup> In addition, the cursing of the fig tree is interpreted, immediately after the scene in the temple, as an example of the power of faith or trust in God.<sup>165</sup>

Jesus’s actions in the temple do not imply the end of the temple service. The wording of Mark’s account places emphasis on Jesus driving *out* those who were selling and buying *on the temple mount*. The point is not that Jesus wished to put an end to the selling and buying in an absolute sense, but only that this activity should not take place on the temple mount.

The Scriptural citations also fail to establish an allusion to the destruction of the temple. The quotation of Isa 56:7 implies for Mark’s audience the traditional ideal that the gentiles will turn to the God of Israel and adopt Jewish practices. As in the original context of the saying in Isa 56:7, however, its use in the Markan context also entails a shift of emphasis from sacrifice to prayer. In its original context, Jer 7:11 condemned the incongruity between immoral behavior and the expectation of security in the holy place. In Mark, the allu-

<sup>159</sup> Mark 1:44.

<sup>160</sup> Mark 11:14.

<sup>161</sup> See the discussion of these views in Yarbro Collins, *Mark* (see n. 5), 523–525.

<sup>162</sup> Cf. Mark 11:18, 27–28; 12:12–13 (the unexpressed subject in Mark 12:12–13 is the chief priests, the scribes, and the elders of Mark 11:27–28); see Yarbro Collins, *Mark* (see n. 5), 525–526. Wilkinson Duran makes a similar argument (“Not One Stone” [see n. 158], 320–321).

<sup>163</sup> Mark 11:15–16.

<sup>164</sup> E. P. Sanders, *Jesus and Judaism* (Philadelphia: Fortress, 1985), 69–71; see the criticism and alternative interpretation in A. Yarbro Collins, “Jesus’ Action in Herod’s Temple,” in *Antiquity and Humanity: Essays on Ancient Religion and Philosophy*, ed. A. Yarbro Collins and M. M. Mitchell (Tübingen: Mohr Siebeck, 2001), 45–61.

<sup>165</sup> Mark 11:20–25, esp. vv. 23–24. For discussion, see Yarbro Collins, *Mark* (see n. 5), 534–536.

sion to Jer 7:11 contrasts with the promise of Isa 56:7 and protests against the factionalism and violence of the high priestly families, which was a contributing factor to the outbreak of the revolt against Rome. It probably also alludes to occupation of the temple by the Zealots, in which the temple quite literally became “a brigands’ den.”<sup>166</sup>

A narrative detail in this passage is interesting and important, namely, that Jesus did not permit anyone to carry a σκεῦος through the temple mount. It is difficult to determine precisely how this word should be translated here and to what it refers. The basic meaning of σκεῦος is “vessel or implement of any kind,”<sup>167</sup> that is, a container or a tool of some sort. The plural has the collective sense of property, household goods, or equipment. The word thus has a great range of meaning in both singular and plural, and the specific meaning in any given case is determined by the context. Here the context is the temple mount, which is not further specified. The proximity of the temple proper calls to mind τὰ ἅγια σκεύη τῆς λειτουργίας, the vessels and utensils associated with the sacrificial cult.<sup>168</sup> The point seems to be that Jesus taught that it was improper to carry an ordinary, that is, a profane or defiled container or implement from outside the temple mount, through the temple area, and out again. There seem to be two main implications: first, the whole area of the temple mount is sacred and thus only sacred vessels and implements are allowed there;<sup>169</sup> second, it is not proper to take a short-cut through the temple mount while carrying a defiled vessel or tool.<sup>170</sup> The saying clearly concerns the holiness of the temple mount and possibly ritual purity. Although the latter theme seems to be of little concern to the author of Mark, he may have preserved here a fragment of the teaching of the historical Jesus.<sup>171</sup>

Mark’s presentation of Jesus’s action in the temple still reflects the likely motivation of the historical Jesus. He was probably protesting the way in which Herod had remodeled the temple mount. As with the tabernacle in the wilder-

<sup>166</sup> For further discussion, see Yarbro Collins, *Mark* (see n. 5), 530–532. The conflict among the high priestly families began around 59 CE, according to Josephus (*B.J.* 2.254–256; *A.J.* 20.162–163). See also Yarbro Collins, “Jesus’ Action” (see n. 164).

<sup>167</sup> LSJ, s. v. σκεῦος.

<sup>168</sup> 4Bar. 3:9; cf. Heb 9:21; Josephus, *B.J.* 6.389; see also Exod 27:3; 30:27–28; 3 Kgdms 8:4; Isa 52:11; Jer 52:18; Ezek 40:42; 2 Esd 7:19; Eupolemus (Eusebius, *Praep. ev.* 34.14–15).

<sup>169</sup> Josephus states that ordinary food and drink are not permitted in the temple (*C. Ap.* 2.108–109). He also says that no vessel whatsoever may be carried into the temple; here he refers to the temple proper, the holy place, and must mean no ordinary vessel (2.106).

<sup>170</sup> J. Klausner, *Jesus of Nazareth: His Life, Times, and Teaching*, trans. H. Danby (New York: Macmillan, 1925), 315; G. Dalman, *Orte und Wege Jesu*, 3rd ed., BFCT 2/1 (Gütersloh: Bertelsmann, 1924), 309; contra J. Jeremias, “Zwei Miszellen: 1. Antik-jüdische Münzdeutungen; 2. Zur Geschichtlichkeit der Tempelreinigung,” *NTS* 23 (1977), 177–180, and Sanders, *Jesus and Judaism* (see n. 164), 364 n. 1.

<sup>171</sup> Contrast Mark 7:19b. See Yarbro Collins, “Jesus’ Action” (see n. 164).

ness and the temple of Solomon, in Herod's plan the whole interior was held to be more sacred than the area of the outer court.

In the description of the ideal temple-complex in the Book of Ezekiel emphatic instructions are given that no foreigner may enter the complex.<sup>172</sup> The exclusion of foreigners may signify that the outer court was no longer to be a civic center but part of the sanctuary in the strict sense. Unlike the design and norms of Ezekiel, the custom in the second temple was to allow gentiles to enter the outer courtyard. This arrangement shows that the outer courtyard was not envisioned as cultic space in the strict sense. The Mishnaic tractate Middot, like Ezek 40–48, envisages a temple-complex open to Jews only. As is well known, however, gentiles were allowed to enter the outer courtyard of the Herodian temple, as was the case with the second temple of the third century BCE.<sup>173</sup>

The members of the Qumran community believed that they had been commanded by God to build a temple in the final period of history, “the end of days.” The temple to be built in this period is probably the one described in the Temple Scroll.<sup>174</sup> This work probably originated in the same priestly circles from which the sect emerged; that is, it belongs to the formative period of the Qumran community, a time before its crystallization as sect.<sup>175</sup>

The passage extending from cols. 3–13 contains a design or norms for the construction of the temple and the altar. Following a section devoted to the festivals and their sacrifices is another architectural portion, a design or norms for the construction of the courtyards and other buildings within the temple-complex as a whole.<sup>176</sup> The Temple Scroll envisages a temple with three courtyards. Only the priests are to have access to the inner courtyard.<sup>177</sup>

Apparently only men of Israel over the age of twenty are to enter the second or middle courtyard.<sup>178</sup> The third courtyard is intended for the women of Israel and a certain category of foreigners, probably proselytes.<sup>179</sup> The temple is to have a terrace or platform around it, outside the third, outer courtyard, with

<sup>172</sup> Ezek 44:5–9.

<sup>173</sup> T.A. Busink, *Der Tempel von Jerusalem von Salomo bis Herodes*, 2 vols. (Leiden: Brill, 1970–1980), 2.834–836.

<sup>174</sup> Johan Maier argues along these lines, concluding that, although the design is ideal, it is not unrealistic: “The *Temple Scroll* and Tendencies in the Cultic Architecture of the Second Commonwealth,” in *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin*, ed. L.H. Schiffman, JSPSup 8/JSOT/ASOR Monographs 2 (Sheffield: JSOT Press, 1990), 67–82, esp. 67–68.

<sup>175</sup> F. García Martínez, “New Perspectives on the Study of the Dead Sea Scrolls,” in *Perspectives in the Study of the Old Testament and Early Judaism*, ed. F. García Martínez and E. Noort, VTSup 73 (Leiden: Brill, 1998), 230–248, here 243–244.

<sup>176</sup> 11QT<sup>a</sup> (11Q19) 30–45.

<sup>177</sup> This limitation seems to be implied by 11QT<sup>a</sup> 19:5–6; 32:10–12; and 37:8–14.

<sup>178</sup> 11QT<sup>a</sup> 38:12–39:11.

<sup>179</sup> 11QT<sup>a</sup> 40:5–6.

twelve steps leading up to it. Finally, a ditch or trench, more than seven times wider than the terrace, is to separate the temple-complex from the city so that no one can rush into the sanctuary and defile it. This barrier would sanctify the complex and lead the people to hold it in awe.<sup>180</sup> The plan of the Temple Scroll clearly does not allow for the use of the outer courtyard of the temple as a kind of civic center, open to gentiles and Israelites who are ritually impure. On the contrary, only Israelites, including proselytes, in a state of ritual purity are allowed to enter even the outer courtyard of the temple.

The design for the restored temple in Ezekiel and the norms for the ideal temple in the Temple Scroll clearly involve stricter regulations regarding holiness than the ones that were actually in use in the period of the second temple. These two works attest to a minority opinion regarding the use of the outer court, an opinion that at some point became dominant in the Pharisaic-rabbinic tradition. It is likely that Herod's re-design of the temple mount increased the degree to which the outer court served as a profane civic center.<sup>181</sup> One piece of evidence for this view is the fact that he greatly enlarged the area of the temple mount.<sup>182</sup> Herod increased the already ambiguous character of the outer court: on the one hand it was a *temenos*, a sacred area; on the other, it was a great civic esplanade.

Mark describes Jesus as disrupting the sale of doves and the changing of money in the outer courtyard. These actions suggest his advocacy of an ideal temple along the lines of those depicted by Ezekiel and the Temple Scroll. The outer court was to be sacred space devoted to prayer and teaching, not civic space, open to the general public and devoted to profane activities. Those who needed or wished to sacrifice doves could bring their own from home or purchase them outside the temple area. Money changing could also take place outside the temple mount.

The idea that Jesus insisted on stricter regulations regarding holiness than the priests administering the temple in his time may seem unlikely in light of the traditions attributed to him regarding the observance of the Sabbath and purity. But the various traditions are by no means incompatible. Jesus apparently subordinated the observance of the Sabbath to the needs of ordinary human beings, especially in relation to hunger, illness, and disability. The need of pilgrims to purchase animals and to change coins did not have to be met

<sup>180</sup> 11QT<sup>a</sup> 46:5–12.

<sup>181</sup> Jostein Ådna has argued that, in Herod's design, the outer courtyard was intended to function as an agora, and the royal portico or basilica as a marketplace: *Jerusalem Temple und Tempelmarkt im 1. Jahrhundert n. Chr.*, ADPV 25 (Wiesbaden: Harrassowitz, 1999), 72–87.

<sup>182</sup> G. Foerster, "Art and Architecture in Palestine," in *The Jewish People in the First Century*, ed. S. Safrai and M. Stern, vol. 2, CRINT 1/2 (Assen: van Gorcum; Philadelphia: Fortress, 1976), 971–1006, here 977–978; M. Goodman, "The Pilgrimage Economy of Jerusalem in the Second Temple Period," in *Jerusalem: Its Sanctity and Centrality to Judaism, Christianity, and Islam*, ed. L. I. Levine (New York: Continuum, 1999), 69–76, here 74.

in the outer court of the temple. Such activities could be placed elsewhere. In this case, Jesus seems to place the honor and dignity of God above human convenience. Insofar as the Temple Scroll represents the views of the Qumran community, the Markan Jesus is once again closer to their views than to those of the Pharisees.

The fact that Jesus's actions in the temple are not the only reason given in Mark for his arrest and execution is also important for the question of interpretation. The account of these activities is indeed followed by a statement that the chief priests were looking for a way to destroy him. The reason, however, is not that he posed a threat to the temple but rather their fear that the crowd was so taken with his teaching.<sup>183</sup> Later they question his authority "to do this," probably referring to his actions in the temple. Jesus wins the repartee, and they do nothing because the people think he is a prophet.<sup>184</sup> Moreover, it is their perception that Jesus told the parable of the wicked tenants against them that leads to the decision to arrest him.<sup>185</sup>

The Jesus of Mark utters a prophetic saying in Mark 13:2 predicting the destruction of the temple.<sup>186</sup> Two factors from the cultural context cast light on the significance of this prophecy. One is the expectation of a definitive, eschatological temple in the Temple Scroll and in Jubilees, a work closely related to the Dead Sea Scrolls. It would not be inappropriate to say that such an expectation implies that the current temple must make way for the future, final one.

A passage in the Temple Scroll reads:

I shall sanctify my [te]mple with my glory, for I shall make my glory reside over it until the day of creation, when I shall create my temple, establishing it for myself for all days, according to the covenant which I made with Jacob at Bethel.<sup>187</sup>

According to Jubilees, when God gathers the descendants of Abraham, Isaac, and Jacob from among the nations and grants them an age of peace and righteousness:

I will build my sanctuary in their midst, and I will dwell with them and be their God, and they shall be my people in truth and righteousness.<sup>188</sup>

The account that the angel will write for Moses begins with the beginning of creation and continues until "my sanctuary shall be built among them for all eternity."<sup>189</sup> That moment is elaborated in the following way:

<sup>183</sup> Mark 11:18.

<sup>184</sup> Mark 11:27–33.

<sup>185</sup> Mark 12:12; cf. 14:1–2.

<sup>186</sup> Wilkinson Duran's use of the phrase "the unbuilding of the temple" ("Not One Stone" [see n. 158], 324) is appropriate in its apparent antithetical allusion to Hag 2:15–16a LXX; Yarbro Collins, *Mark* (see n. 5), 602.

<sup>187</sup> 11QT<sup>a</sup> 29:8–10 (trans. Garcia Martínez and Tigchelaar, *Study Edition* [see n. 62], 2.1251).

<sup>188</sup> Jub. 1:17 (trans. R.H. Charles and C. Rabin, in H.F.D. Sparks, ed., *The Apocryphal Old Testament* [Oxford: Clarendon, 1984], 12).

Until the day when the heavens and the earth are renewed and with them all created things both in heaven and on earth, until the day when the sanctuary of the Lord is created in Jerusalem on mount Zion and all the luminaries are renewed as instruments of healing and of peace and of blessing for all the elect of Israel, and that so it may be from that day on as long as the earth lasts.<sup>190</sup>

The other factor is the evidence that an attack on the temple and perhaps its destruction was associated with imminent expectation of a divine intervention. This is implied in the eschatological discourse of Jesus. The disciples of Jesus associate the destruction of the temple with the fulfillment of “all these things.”<sup>191</sup> Part of Jesus’s reply is that wars (probably including the first Jewish War with Rome) will (only) be the beginning of the birth pains.<sup>192</sup> A prophecy of a time of tribulation follows, which sounds very much like aspects of that war with Rome.<sup>193</sup> Strikingly, Jesus prophesies the coming of the Son of Man as an event that will follow directly upon that time of trouble.<sup>194</sup>

Josephus also provides evidence for the connection between the war, the temple, and a divine intervention. After trying other forms of assault on the temple, Titus ordered that the gates be set on fire.<sup>195</sup> The fire spread to the porticoes.<sup>196</sup> When the rebels, who were using the temple as a fortress, did not surrender, Titus ordered that the fire be extinguished and a road be built to facilitate the army’s access to the temple.<sup>197</sup> Before Titus ordered the army to force its way into the temple, the rebels engaged some Roman soldiers. One of the latter cast a burning object into the temple proper, and the chambers surrounding the sanctuary (*ναός*) caught fire.<sup>198</sup> A large number of soldiers then fed the fire.<sup>199</sup> It finally enveloped the sanctuary itself.<sup>200</sup>

According to Josephus, while the temple complex was aflame, the rebels fled into the city, but some of the people took refuge on the outer portico.<sup>201</sup> He says that this group included women, children, and a mixed multitude, about 6,000 in number. The soldiers set fire to the portico from below, and they all perished. Josephus comments:

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<sup>189</sup> Jub. 1:29 (Sparks, *Apocryphal Old Testament* [see n. 188], 13–14).

<sup>190</sup> Jub. 1:29.

<sup>191</sup> Mark 13:4.

<sup>192</sup> Mark 13:7–8.

<sup>193</sup> Mark 13:14–25.

<sup>194</sup> Mark 13:24–27.

<sup>195</sup> Josephus, *B.J.* 6.228.

<sup>196</sup> Josephus, *B.J.* 6.232.

<sup>197</sup> Josephus, *B.J.* 6.236.

<sup>198</sup> Josephus, *B.J.* 6.249–252.

<sup>199</sup> Josephus, *B.J.* 6.256–258.

<sup>200</sup> Josephus, *B.J.* 6.265–266.

<sup>201</sup> Josephus, *B.J.* 6.277.



They owed their destruction to a false prophet, who had on that day proclaimed to the people in the city that God commanded them to go up to the temple court, to receive there the tokens of their deliverance (τὰ σημεῖα τῆς σωτηρίας).<sup>202</sup>

The literary context of the eschatological discourse as a whole in Mark 13 and the Jewish evidence from the cultural context make clear that the prophecy of the destruction of the temple attributed to Jesus is not anti-temple or anti-Jewish in any way. It fits rather with one or more of the apocalyptic groups among Jews at the time, whose views are attested by the Temple Scroll, Jubilees, and the sixth book of Josephus's history of the Jewish War.

#### 2.3.4 False Testimony against Jesus about the Temple (Mark 14:58 and 15:29)

During the trial of Jesus before the Sanhedrin, it is stated that some bore false witness against him saying, "We heard him saying, 'I will destroy this sanctuary (ὁ ναὸς οὗτος), which is made with hands, and in the course of three days I will build another, which is not made with hands.'" <sup>203</sup> Presumably this testimony is defined as false because in the prophetic saying in Mark 13, Jesus does not say that *he* will destroy "these great buildings," and does not mention a new temple that will replace the current one (τὸ ἱερόν), let alone that he would build it himself.<sup>204</sup> Nevertheless, behind the falsely worded charge lies a point that should be taken seriously as affirmed by the Markan Jesus. The most likely connotation of the "temple not made with hands" is the Jewish apocalyptic notion of an eschatological, eternal temple of divine origin, such as the one attested in the Temple Scroll and in Jubilees and discussed above.

Some of those who passed by the crucified Jesus reviled him saying, "Hah! You who are about to destroy the sanctuary (ὁ ναὸς) and build [another] in three days, save yourself by coming down from the cross!"<sup>205</sup> This saying reprises the statement of the false witnesses at the trial before the Sanhedrin. The thematic repetition connects the trial before the high priest with the crucifixion. Not only is Jesus mocked here because he is alleged to be unable to save himself in spite of his reputed mighty deeds, but the audience is also led to perceive the Jewish leaders as more culpable in the death of Jesus than Pilate. This shift of blame serves an apologetic purpose: the founder of the movement in and for which the evangelist writes was not freely and deliberately condemned as a criminal by a Roman magistrate.

<sup>202</sup> Josephus, *B.J.* 6.283–285; quotation from *B.J.* 6.285 (H. St. J. Thackeray, LCL 210).

<sup>203</sup> Mark 14:57–58.

<sup>204</sup> Mark 13:2 ("these great buildings"), 3 ("the temple"). For discussion of the significance of this charge, see Yarbro Collins, *Mark* (see n. 5), 701–702.

<sup>205</sup> Mark 15:29–30.

### 2.3.5 The Splitting of the Curtain of the Temple (Mark 15:38)

Like Jesus's action in the temple, the splitting of the temple curtain has often been interpreted both as a sign of the imminent destruction of the temple and as symbolizing God's abandonment or rejection of the temple. The splitting of the curtain of the sanctuary (ὁ ναός) is ambiguous and probably symbolic.<sup>206</sup> The most important clue to the significance of this omen is the similarity between the splitting (σχίζειν) of the heavens at the time of Jesus's baptism and the splitting (σχίζειν) of the curtain.<sup>207</sup> The two passages mark the beginning and the end of Jesus's public activity. When the heavens are split, the divine Spirit descends and Jesus hears the divine voice speaking to him. The connection of that passage with the splitting of the curtain suggests that the omen at the time of Jesus's death is a nontraditional theophany. The death of Jesus on the cross is accompanied by a real but ambiguous and mysterious theophany that suggests the vindication of Jesus.<sup>208</sup>

There is no compelling reason to view the splitting of the curtain as an anti-temple symbol or even a symbol of destruction. The splitting of the curtain may well be read as a positive portrayal of the temple: it signifies the mysterious revelation of the presence of God in the temple as an interpretation of the death of Jesus. This symbolic meaning is richly suggestive and open to a variety of interpretive elaborations.

## 3. Conclusion

In the Gospel of Mark, Jesus plays several traditional Jewish roles: prophet, teacher, herald, and a pious man who prays. The evangelist also makes the bold claim that he is the expected royal Messiah, but with a twist. He will not lead the Israelites in battle and will not rule as a political king, at least not in his human form. He will, it is implied, rule as the heavenly Son of Man, fulfilling the prophecy of Dan 7, after his death and resurrection. That rule is anticipated in his authoritative activity of forgiving sins and interpreting the commandment to keep the Sabbath holy.

The relationship of the Markan Jesus to the Pharisees is diverse and complex. In the Sabbath controversies, he shares their point of view for the most part. In each case, however, he expands a permissible exception. In the passage about plucking grain on the Sabbath, he expands the permission to break the Sabbath in the case of life-threatening hunger by arguing that hunger itself is a sufficient justification. He argues analogously in the healing of the man with

<sup>206</sup> For discussion, see Yarbro Collins, *Mark* (see n. 5), 759–764.

<sup>207</sup> Cf. Mark 1:10 with 15:38.

<sup>208</sup> Cf. Mark 15:38 with the prayer of Jesus in Gethsemane, when he submits to God's will (14:36).

the withered hand that the permission to violate the Sabbath in order to save a life be expanded to include any illness or disability.

The controversy over hand washing is more complex. In part of the passage, Jesus, like the Qumran community, puts the commandments of God above the regulations of the Pharisees based on the tradition of the elders. The Markan Jesus argues that a vow resulting in refusal to support one's parents is not to be viewed as inviolable. Analogously, he may be seen as adopting the idea that most foods are incapable of defiling a person, a view that is compatible with the Torah. The figurative saying and its interpretation criticize the Pharisees for emphasizing ritual purity more than moral issues. In all these instances, Jesus is within the sphere of Jewish ideas and practices of his time.

In part of the interpretation of the figurative saying, the part most characteristic of Markan redaction, however, Jesus goes beyond the boundary of identifiable Jewish practices of his time by associating "defilement" with the heart, rather than with anything that impinges on the human being from outside the body. In the rest of the passage, however, the Markan Jesus is shown to be familiar with halakic argumentation.

The Markan Jesus and the Qumran community agree that remarriage after divorce is only permitted after the first spouse has died. It is likely that the Pharisees, like the rabbis, did not limit remarriage in this way.

We have little evidence for the eschatology taught by the Pharisees. Their teaching of resurrection and of rewards and punishments after death suggest that these views probably had a wider eschatological context. The imminent expectation of Paul, the former Pharisee, regarding the coming of the resurrected Jesus may well have been facilitated by the expectation of a divine intervention by some Pharisees.

There are significant similarities between the much better known eschatology of the Dead Sea Scrolls and that of the Markan Jesus. In the Gospel of Mark, John the Baptist proclaims the coming of Jesus, and Jesus proclaims that the time is fulfilled and the kingdom of God has drawn near. The latter announcement refers not to a point in time but to a process that begins with the baptism of John and ends with the coming of Jesus as Son of Man. Similarly, the notion of the "end of days" in the Dead Sea Scrolls is a period of time encompassing the past, present, and future of the community. The similarities between Mark and the Melchizedek Scroll are especially noteworthy.

A number of works among the Dead Sea Scrolls and Mark also share the expectation of a Messiah of Israel, a political Messiah, although Mark considerably reinterprets the definition of that figure and gives more importance to a heavenly Messiah, who has some similarities with the angel Michael, also known as Melchizedek. The Markan Jesus implies that there is a fixed divine eschatological plan that has some elements in common with the *רז נהיה* of 4QInstruction.

With regard to the temple, the actions of Jesus in the temple as described by Mark imply that the outer courtyard should not be functioning as a public space open to gentiles and Israelites in a ritually impure state. Rather it should be as sacred as the inner court. The Temple Scroll was probably composed in circles related to the formation of the Qumran sect and was preserved and apparently read by its members. This document makes the same point made by the Markan Jesus and Ezek 40–48, that the outer court of the temple is sacred space and should not be profaned.

The prophecies of the destruction of the temple attributed to the Markan Jesus do not signify a rejection of the temple service, let alone of Jewish practices as a whole, or of the people of Israel. Rather they are explicable in the context of the expectation of a definitive, eternal temple to be built by God attested by Jubilees and the Temple Scroll and in the context of a divine intervention associated with an attack or destruction of the temple as attested by the sixth book of Josephus's history of the Jewish War.

Finally, the splitting of the curtain of the temple at the time of Jesus's death need not be taken as symbolizing the departure of God from the temple and foretelling its destruction. Rather, like the acclamation of the centurion and the empty tomb found by the women, it may be seen as a vindication of Jesus. Like the splitting of the heavens at the time of Jesus's baptism and the voice from heaven at the transfiguration, the splitting of the curtain symbolizes the presence of God in this case signifying approval of Jesus and his faithful death.

Although the Markan Jesus is distinctive in some ways, he may be seen in all but one instance as fitting well into one context or another of the Jewish groups of his time.



# Jew or Judean

## The Latin Evidence

*René Bloch*

*Iudaeus licet et porcinum numen adoret  
et caeli summas advocet auriculas,  
ni tamen et ferro succiderit inguinis oram  
et nisi nodatum solverit arte caput,  
exemptus populo Graia migrabit ab urbe  
et non ieiuna sabbata lege premet.*<sup>1</sup>

The Jew may worship his pig-god and clamour in the ears of high heaven, but unless he also cuts back with a knife the region of his groin, and unless he unlooses by art the knotted head,

he shall go forth from the Greek city (*Graia migrabit ab urbe*; Codex Bellovacensis)

he shall go forth from the holy city (*sacra migrabit ab urbe*; Baehrens; Heseltine)

he shall go forth from the paternal city (*patria migrabit ab urbe*; Courtney)

he shall go forth from his dear city (*grata migrabit ab urbe*; Casaubon)

he shall go forth to the Greek cities (*Graias migrabit ad urbes*; Binet in *marg.* and *GLAJJ*)

he shall go forth to a Greek city (*Graiam migrabit ad urbem*; Bücheler, Goldast in *marg.*, Shackleton Bailey)

cast forth from the people, and transgress the sabbath by breaking the law of fasting.<sup>2</sup>

This brief fragment of a Latin poem commonly attributed to Petronius, the Roman novelist of the first century CE, has come down to us through the *Anthologia Latina*. Originally, the poem was probably part of Petronius's novel *Satyricon*, which mixes prose and verse and which elsewhere mocks Jewish circumcision.<sup>3</sup> In this poem, which poses several textual problems of which I will

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<sup>1</sup> Petronius Arbitrator, *carm.* 50 (K. Müller, ed., *Petronii Arbitri Satyricon reliquiae*, 4th ed. [Munich: Saur, 2003]).

<sup>2</sup> Trans. M. Heseltine, LCL 15; with additional translations for v. 5: E. Baehrens, ed., *Poetae Latini minores*, vol. 4 (Leipzig: Teubner, 1882); E. Courtney, *The Poems of Petronius*, American Classical Studies 25 (Atlanta: Scholars Press, 1991); I. Casaubon, cited by F. Bücheler, ed., *Petronii Arbitri Satirarum reliquiae* (Berlin: Weidmann, 1862); C. Binet, ed., *Satyricon Petronii Arbitri viri consularis* (Paris: Linocier, 1585); M. Goldast, ed., *T. Petronii Arbitri, equitis Romani Satyricon, cum Petroniorum fragmentis ...* (Frankfurt: Schönwetter, 1610); D.R. Shackleton Bailey, *Towards a Text of "Anthologia Latina"* (Cambridge: Cambridge Philological Society, 1979).

<sup>3</sup> Shackleton Bailey, *Towards a Text* (see n. 2), 69; cf. *Satyricon* 102.14: *etiam circumcide nos, ut Iudaei videamur*.

discuss only the one in v. 5.<sup>4</sup> Petronius satirically describes the commandment of circumcision as a *conditio sine qua non* for all those who really want to live according to the Jewish law. To abstain from eating pork or just praying to heaven will not suffice. As in other texts – Jewish or non-Jewish (one may think of Josephus or Juvenal) – (male) circumcision is described as the decisive identity marker of Judaism.<sup>5</sup> What happens to the *Iudaei* who do not undergo circumcision? According to Petronius's satirical poem, these men have to leave their community. But where should they go? And from what place exactly would they leave? According to the Codex Bellovacensis, which is the only codex that transmitted this fragment and which is now lost, a *Iudaeus* who is not circumcised will need to leave the Greek city: *Graia migrabit ab urbe*. Many editors of Petronius's fragments have questioned this reading. What Greek city to be left behind by the *Iudaeus* might this possibly be? The list of editors and commentators, starting in the sixteenth century with the French humanists Claude Binet and Isaac Casaubon, who have tried to solve this riddle, is long.<sup>6</sup> Should *Graia migrabit ab urbe* be emendated to *Graiam ad urbem* (Bücheler) or *Graias ad urbes* (Binet)? Is the uncircumcised *Iudaeus* forced to move to a Greek city or to Greek cities or “to the Greek part of town,” as suggested by D.R. Shackleton Bailey who leaves open which part of which city is meant.<sup>7</sup>

It seems to me that this problem is not simply of a philological nature. There is much more at stake. When a *Iudaeus* leaves town, where is he going and whence is he coming? Isaac Casaubon replaced *Graia* by *grata*. The uncircumcised *Iudaeus* would then leave his beloved city behind. But which city is the *urbs grata* of a *Iudaeus*? Or should *Graia* be replaced by *patria*? This is the suggestion of Edward Courtney, endorsed by Shaye Cohen: *patria migrabit ab urbe*.<sup>8</sup> A *Iudaeus* who is not circumcised would need to leave the city of his

<sup>4</sup> A riddle remains v. 6: *et non ieiuna sabbata lege premet*. Bücheler, *Petronii Arbitri Satirarum reliquiae* (see n. 2), followed by Menahem Stern, suggested to read *tremet* instead of *premet*: “he shall not tremble at the fasts of Sabbath imposed by the law” (*GLAJJ* 1, no. 195). Shackleton Bailey, *Towards a Text* (see n. 2), 69, proposes to read *at nos [...] prement*. This would assume a Jewish perspective of the speaker.

<sup>5</sup> Josephus, *A.J.* 20.43–47; Juvenal, *Sat.* 14.99 (*qua pater abstinuit, mox et praepudia ponunt*). That a man who does not undergo circumcision is “cast forth from the people” (*exemptus populo*) is remindful of Gen 17:14 (הוא מעמיה) and, as noted by Courtney, *Poems of Petronius* (see n. 2), 70.

<sup>6</sup> Cf. the excellent article by S. Castelli, “‘Graia migrabit ab urbe’: A Textual and Literary Note on Petronius’ frg. 37 Ernout,” *JSJ* 43 (2012), 315–327. Castelli discusses at length the transmission of this poem and in particular the readings of v. 5. I find her reading of the textual evidence very convincing and agree with it. My purpose here is a different one. I look at the various readings of *Graia migrabit ab urbe* in the context of the very first word of the piece: *Iudaeus*. As a matter of fact, the different suggestions that were put forward for v. 5 are quite telling for how *Iudaeus* can be understood.

<sup>7</sup> Cf. Shackleton Bailey, *Towards a Text* (see n. 2), 69.

<sup>8</sup> E. Courtney, “Supplementary Notes on the Latin Anthology,” *Classica et Mediaevalia* 40 (1989), 179–211, here 211; id., *Poems of Petronius* (see n. 2), 70; S.J.D. Cohen, *The Be-*

ancestors. This is an interesting proposition which, however, obviously invites the next question: what then should be considered the *patria* of the *Iudaei*? Is it, as Philo of Alexandria would say, “the regions they obtained from their fathers, grandfathers, great-grandfathers, and even more remote ancestors, to live in [...], where they were born and brought up?”<sup>9</sup> This could be Alexandria, as in the case of Philo, or any other city of the Jewish diaspora; in the context of the Petronian poem it could be Rome. Or does *patria* rather stand for Judea, the fatherland of the *Iudaei* as suggested by the etymology of the word? That indeed Judea or rather the holy city of Jerusalem was meant in the Petronian poem was proposed by the nineteenth-century German philologist Emil Baehrens: not *Graia*, *grata* or *patria ab urbe*, but *sacra ab urbe*.<sup>10</sup> Baehrens’s reading was later accepted in the edition in the Loeb Classical Library, published for the first time in 1911 and reprinted many times since.<sup>11</sup> Thus according to this reading, the *Iudaeus* who follows the Jewish law, but does not accept circumcision needs to leave the holy city, that is, Jerusalem.

This brief poetic fragment by Petronius or rather the divergent interpretations of its fifth verse by a number of scholars over a time span of approximately 450 years mirror some of the questions that have been debated quite vigorously by historians, philologists, theologians, and scholars of Jewish Studies over the last ten years or so. What should be understood by the Greek word Ἰουδαῖος? And, connected to this, what is indeed the *patria*, the fatherland, of the Ἰουδαῖοι, both from their point of view and from that of pagan authors commenting on the Ἰουδαῖοι such as Petronius? What is the relation between the terms “Judea” (Ἰουδαία) and the term Ἰουδαῖος? Is a *Iudaeus* who leaves his Greek home (*Graia migrabit ab urbe*) a Jew or a Judean? Or a *Iudaeus* emigrating from the holy town of Jerusalem (*sacra migrabit ab urbe*): is he a Judean or a Jew? When a *Iudaeus* leaves his fatherland behind (*patria migrabit ab urbe*), does the translation of *Iudaeus* depend on the location of this *patria*?

As is well known, the recent discussion about an adequate translation of Ἰουδαῖος was initiated by an article by Steve Mason entitled “Jews, Judaeans, Judaizing, Judaism: Problems of Categorization in Ancient History,” published in 2007.<sup>12</sup> According to Mason, the translation “Judean” is to be preferred because the “Ioudaioi of the Graeco-Roman world remained an ἔθνος: a people associated with a place and its customs – no matter how far, or how long, they

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*ginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley: University of California Press, 1999), 40–41.

<sup>9</sup> Philo, *Flacc.* 46 (trans. P. W. van der Horst, *Philo’s Flaccus: The First Pogrom; Introduction, Translation and Commentary*, PACS 2 [Leiden: Brill, 2003]).

<sup>10</sup> Baehrens, *Poetae Latini minores*, vol. 4 (see n. 2), 98. In the *apparatus criticus* Baehrens notes: “*puto sacra (scil. Hierosolyma).*”

<sup>11</sup> See n. 2.

<sup>12</sup> S. Mason, “Jews, Judaeans, Judaizing, Judaism: Problems of Categorization in Ancient History,” *JSJ* 38 (2007), 457–512.



had been away from Judaea.”<sup>13</sup> With regard to the term Ἰουδαϊσμός, indeed only rarely used in Jewish sources (for the first time in 2 Macc 2:21) and nowhere in pagan comments on the Jews, Mason reads it exclusively in the sense of Judaization, as a “movement toward or away from Judaeon law and life, in contrast to some other cultural pull.” It was only with the rise of Christianity that Ἰουδαϊσμός received the meaning of a “belief system and way of life.”<sup>14</sup> Around the same time as Mason, Shaye Cohen also questioned the translation of Ἰουδαῖος as “Jew”: According to Cohen, Ἰουδαῖος received a religious meaning only in the Hasmonean era, as a result of the “clash” between Judaism and Hellenism.<sup>15</sup>

The discussion about the meaning of Ἰουδαῖος is a very loaded and difficult one.<sup>16</sup> What is clear is that neither Greek nor Latin distinguished between “Jew” and “Judean.” Moreover, one may suspect that the discussion is more “acute” in certain modern languages than in others. In German (*Jude*), modern Hebrew (יהודי), or Spanish (*judío*) the etymology of the word (inhabitants of the land of Judah/יהודה) is still easily discernible while in English and French it is not.<sup>17</sup> The debate is far from being over and there are even new terms popping up: the author of a recent German dissertation on the revolt of the Maccabees prefers the plural “Judäertümer” to the singular “Judentum.”<sup>18</sup> Naturally, the discussion of the appropriate translation of Ἰουδαῖος is linked to the more fundamental question of the beginnings of Judaism.<sup>19</sup>

The list of contributors to the debate is long. Let me just briefly mention recent publications by two scholars, Olivier Munnich and Daniel Boyarin, who suggest very different readings of Ἰουδαῖος: from a strictly philological point of view Munnich attacks the new tendency to translate Ἰουδαῖος by “Judean” (“Judéen”).<sup>20</sup> Munnich notes a methodological error (une “faute de méthode”) in those contributions which plead in favor of the translation “Judean” where previous scholars chose the term “Jews.” According to Munnich these scholars

<sup>13</sup> Mason, “Jews, Judaeans, Judaizing, Judaism” (see n. 12), 511. I am here taking up some of my comments in R. Bloch, “Jew, Jews: Greco-Roman Antiquity,” *EBR* 14 (2017), 155–158.

<sup>14</sup> Mason, “Jews, Judaeans, Judaizing, Judaism” (see n. 12), 511.

<sup>15</sup> Cohen, *Beginnings of Jewishness* (see n. 8), 104–105.

<sup>16</sup> Cf. “Jew and Judean: A Forum on Politics and Historiography in the Translation of Ancient Texts,” *Marginalia: Los Angeles Review of Books*, August 26, 2014, <https://marginalia.lareviewofbooks.org/jew-judean-forum/>.

<sup>17</sup> Modern English “Jews” derives from Old French *giu*, *gyu*, *giue*, cf. *OED*, s.v. Jew. In Old English *Iudeas* and Early Middle English *Iudeow*, *Judew* the letter “d” was not elided.

<sup>18</sup> J.C. Bernhardt, *Die jüdische Revolution: Untersuchungen zu Ursachen, Verlauf und Folgen der hasmonäischen Erhebung*, *Klio Beihefte* 22 (Berlin: de Gruyter, 2017).

<sup>19</sup> On the long history of this question, cf. S. Weitzman, *The Origin of the Jews: The Quest for Roots in a Rootless Age* (Princeton: Princeton University Press, 2017).

<sup>20</sup> O. Munnich, “Remarques sur un faux ami: Le terme ‘judéen,’” *Pallas* 104 (2017), 169–183.

tend to mistakenly approach the primary sources using modern critical secondary sources (“les sources *primaires* [les textes] sont envisagées à partir de sources *secondaires* [la critique]”).<sup>21</sup> Munnich is trying to do the opposite. As a proof-text Munnich (following Moshe Bar-Asher) refers to the Book of Esther (2:5) and the famous sentence: “There was a Jew in Susa [...] a Benjaminite” (איש ימיני [...] איש יהודי היה בשושן), that is, Mordecai who belonged to the tribe of Benjamin: “Benjaminite” explains the geographic aspect of Mordecai’s identity, while יהודי describes his religious affiliation.<sup>22</sup> Or, still following Munnich, one may think of Philo of Alexandria to whom Moses is the legislator of the Jews (ὁ τῶν Ἰουδαίων νομοθέτης), not of the Judeans, given that for Philo “Moïse transmet un code qui est celui d’une communauté régie par une allegiance religieuse.”<sup>23</sup> According to Munnich, one should not question the relevance of religious and cultural aspects of ancient Judaism.

At the other end of the spectrum is Daniel Boyarin, denying any existence of Judaism in the modern sense of the word in Greco-Roman antiquity. According to Boyarin there was no Judaism before late antiquity when the term was shaped out of the entrails of Christianity (Χριστιανισμός). “Judaism” is the result of a Christian theological concept. As for the meaning of Ἰουδαῖος Boyarin to a large extent endorses Mason’s reading of the evidence.<sup>24</sup>

It seems to me that the question whether there was Judaism in Greco-Roman antiquity in the end is a rather artificial one. Whether one translates Ἰουδαῖσμός as “Judaism” or prefers not to: it can hardly be denied that there was some kind of concept of Judaism in antiquity, a mixture of Jewish religion (as there was Greek and Roman religion), ethnicity, nation, and culture.<sup>25</sup> As Adele Reinhartz rightly notes: “it is by no means obvious that the absence of a word denotes the absence of a concept.”<sup>26</sup>

With regard to “Jew” versus “Judean,” the debate has until now focused very much on the Greek term Ἰουδαῖος. The use of *Iudaeus* in Roman litera-

<sup>21</sup> Munnich, “Remarques sur un faux ami” (see n. 20), 170.

<sup>22</sup> Munnich, “Remarques sur un faux ami” (see n. 20), 176–177; M. Bar-Asher, “איש יהודי, היה בשושן הביירה,” in *Leshonot Rishonim: Studies in the Language of the Bible, the Dead Sea Scrolls, and Aramaic* (Jerusalem: Magnes, 2012), 73–76.

<sup>23</sup> Munnich, “Remarques sur un faux ami” (see n. 20), 179.

<sup>24</sup> Cf. D. Boyarin, “Gab es in der griechisch-römischen Epoche ein ‘Judentum?’,” in *Handbuch Jüdische Studien*, ed. C. von Braun and M. Brumlik (Köln: Böhlau, 2018), 59–79, and id., *Judaism: The Genealogy of a Modern Notion*, Key Words in Jewish Studies 9 (New Brunswick, N.J.: Rutgers University Press, 2019). On the latter, see now “Daniel Boyarin’s Judaism: A Forum,” *Marginalia: Los Angeles Review of Books*, July 5, 2019, <https://marginalia.lareviewofbooks.org/daniel-boyarins-judaism-forum/>.

<sup>25</sup> Cf. S. Schwartz, “How Many Judaisms Were There? A Critique of Neusner and Smith on Definition and Mason and Boyarin on Categorization,” *Journal of Ancient Judaism* 2 (2011), 208–238.

<sup>26</sup> A. Reinhartz, “Was the Word in the Beginning? On the Relationship between Language and Concepts,” *Marginalia: Los Angeles Review of Books*, July 5, 2019, <https://marginalia.lareviewofbooks.org/word-beginning-relationship-language-concepts/>.

ture, on the other hand, has not been studied more closely.<sup>27</sup> In the following I would like to discuss the Roman use of *Iudaeus* and *Iudaicus* in Latin literature (I am not discussing the epigraphic evidence<sup>28</sup>). What can the study of Latin texts on Jews and Judaism contribute to the ongoing debate about Ἰουδαῖος? In classical Latin literature – here understood as the literature written in Latin from the very beginnings to the end of the second century CE – the term *Iudaeus* shows up 65 times (without counting *Iudaea*, the toponym for Judea, but including Pompeius Trogus and Valerius Maximus whose texts have come down to us in later epitomes<sup>29</sup>). The adjective *Iudaicus* is used 20 times in classical Latin literature. We are thus talking of 85 occurrences where *Iudaeus* or *Iudaicus* is used in classical Latin literature. If we added the toponym *Iudaea* we would arrive at 138 passages – which is not very much.<sup>30</sup> For a comparison: there are 806 passages where *Aegyptus*, *Aegyptius* and *Aegyptiacus*, including the toponym *Aegyptus*, show up – almost six times as often as in the case of *Iudaeus*, *Iudaicus*, and *Iudaea*. Roman interest in Jews and Judaism was limited, in comparison with pagan interest in other peoples and certainly in comparison with the later Christian interest in Jews. I will briefly return to this later.

Let us first take a closer look at the term *Iudaeus* which is used both as an adjective and as a noun. In classical Latin literature about half of the 65 occurrences of *Iudaeus* (again, not including *Iudaea*, the toponym) concern Judea. A little less often, about 20 times, *Iudaeus* is used in a diasporic context. In the remaining passages (about 15 times) *Iudaeus* is used as a noun or an adjective in a more general context (e. g., about the origins of the *Iudaei*).<sup>31</sup> Among the passages referring to Judea the geographic connotation can be quite obvious as in this passage from Apuleius: *Indi [...] super Aegyptios eruditos et Iudaeos superstitiosos* (“The Indians lived beyond the learned Egyptians and beyond the superstitious Jews”).<sup>32</sup> Or Pliny the Elder who in his rather detailed geographic description of Palestine describes the region as follows: *pars eius Syriae iuncta Galilaea vocatur, Arabiae vero et Aegypto proxima Perea, asperis dispersa montibus et a ceteris Iudaeis Iordane amne discreta* (“The part of Judaea adjoining Syria is called Galilee, and that next to Arabia and Egypt, Perea. Perea is covered with rugged mountains, and is separated from the oth-

<sup>27</sup> Cohen, *Beginnings of Jewishness* (see n. 8), 70–106, does refer to Latin sources as well, but overall very much focuses on the Greek evidence.

<sup>28</sup> For the epigraphic evidence, cf. R. S. Kraemer, “On the Meaning of the Term ‘Jew’ in Greco-Roman Inscriptions,” *HTR* 81 (1989), 35–53.

<sup>29</sup> *GLAJJ* 1, nos. 136–137 (Pompeius Trogus) and 147 (Valerius Maximus).

<sup>30</sup> Based on a search in Brepols’ online library of Latin texts. Unfortunately, there is no entry on *Iudaeus*, *Iudaicus* in the *TLL* as the project at some point stopped to include toponyms and names of ethnic groups (there is, e. g., an entry on *Aegyptus* and *Arabs*, but none on *Germanus* or *Hispanus*).

<sup>31</sup> The numbers are approximate, since the attribution is not in all cases equally clear.

<sup>32</sup> Apuleius, *Flor.* 6.

er parts of Judaea by the river Jordan”).<sup>33</sup> In this passage from Pliny *Iudaei* is synonymous with *Judaea*. The *Iudaei* are *Judaea*. From a grammatical point of view there is nothing surprising about this (as in Greek, in Latin, too, the name of a people, in the plural, can refer to the territory of that people). In the case of *Iudaei* this usage, where the people stands for the land, is rare, however, in Latin literature.<sup>34</sup> Another passage where *Iudaei* clearly refer to the population of Judea is Tacitus’s summary comment on the year 69 CE as a time period that *quantum ad Iudaeos per otium transiit* (“was passed in inactivity, so far as the Jews were concerned”). That he means the Jews in Judea becomes obvious from how Tacitus continues his report: “When peace had been secured throughout Italy, *foreign troubles (externae curae)* began again; and the fact that the Jews alone had failed to surrender increased our resentment.”<sup>35</sup> I see why in such cases some translators prefer to render *Iudaei* by “Judeans” instead of “Jews.” The Tacitus passage clearly speaks of Judea, presented explicitly as a *cura externa*: “distress abroad.” I will explain later why I nevertheless think that here, too, “Jews” can pass as an adequate translation.

If we move on to the Roman use of *Iudaeus* in contexts concerning the diaspora, we encounter a fairly long list of authors commenting on the Jews in the city of Rome (Cicero, Columella, Horace, Juvenal, Martial, Ovid, Quintilian, Suetonius, Valerius Maximus; Tacitus in his comments on Jewish customs [*Hist.* 5.4–5] surely had the local community in Rome in mind as well). What becomes obvious from these passages is that in the republican and even more so in the imperial period the Jews were quite well known in Rome. The Romans knew their rituals and they laughed at them. The *Iudaei* are a welcome topic in Roman satire, incidentally also from a metrical point of view: in Roman satire, the word *Iudaeus* with its two spondees (*Iū-dae*) proved attractive for the Latin hexameter, in particular at the beginning of a verse. We have seen this already in Petronius (*Iudaeus licet et porcinum numen adoret*), other examples come from Horace and Juvenal.<sup>36</sup> Jews figured prominently in Roman prosody and more generally in the urban landscape of Rome. Horace, in one of his satires, can have the poet Fuscus Aristius make a reference to the Sabbath which is not entirely clear to us today, but must have made sense to the Roman reader: *hodie tricesima sabbata: vin tu / curtis Iudaeis oppedere?* (“Today is the thirtieth day, a Sabbath. Would you affront the circumcised Jews?”).<sup>37</sup> Whatever is meant by the reference to the thirtieth Sabbath (Rosh Chodesh?),<sup>38</sup> it is clear that in this

<sup>33</sup> Pliny the Elder, *Nat.* 5.70 (H. Rackham, LCL 352).

<sup>34</sup> Another example is Tacitus, *Ann.* 12.23: *Iudaei [...] Syriae additi* (“Judea was annexed to the province of Syria”).

<sup>35</sup> Tacitus, *Hist.* 5.10 (C. H. Moore, LCL 249).

<sup>36</sup> Horace, *Sat.* 1.4.139 (*Iudaei cogemus in hanc concedere turbam*); Juvenal, *Sat.* 3.12 (*Iudaeis, quorum cophinus phoenique supellex*), cf. 14.100 (*Judaicum ediscunt et servant ac metuunt ius*). Cf. also Martial 7.35.3 (*Judaeum nulla sub cute pondus habet*).

<sup>37</sup> Horace, *Sat.* 1.9.69–70 (H. R. Fairclough, LCL 194).

<sup>38</sup> Cf. *GLAJJ* 1, no. 129.

passage (as in others from Latin literature) the *Judaei* are understood as a people with particular religious customs apparently well known in Rome.

But there are also Latin passages commenting on the *Judaei* in Rome which stress their origin in Judea: In Ovid's *Ars amatoria* the reader is invited not to miss any opportunity or place which might turn out as the beginning of an amorous experience, including the synagogues of a *Judaeus* from Syria: *Nec te praetereat Veneri ploratus Adonis / cultaque Iudaeo septima sacra Syro* ("Nor let Adonis bewailed of Venus escape you, nor the seventh day that the Syrian Jew holds sacred").<sup>39</sup> Why does Ovid add here *Syrus* to *Judaeus* (besides the fact that this results in an attractive alliteration: *septima sacra Syro*)? Is this because in Rome the word *Judaeus* alone does not define the origin of the *Judaei*? *Judaei* would then be understood as people who meet in synagogues in the city of Rome, but if one wants to clarify their origin one would have to add "the *Judaei* from Syria (or Judea)." In a way this passage runs parallel to the one in the Book of Esther mentioned earlier: Mordecai is a Jew (in the religious meaning of the word) who belongs to the tribe of Benjamin, Ovid's *Judaeus* is a Jew belonging to a people whose origins are in Syria. In both cases, *Judaeus*, יהודי, would then first of all be a religious description, accompanied by a geographic explanation (from Syria, from the tribe of Benjamin).

Things are thus complicated and one could certainly understand the passage from Ovid as an indication that for Roman authors the *Judaei* were in fact Judeans, a point underlined by the adjective *Syrus*. A similar passage to the one in Ovid can be found in Juvenal's sixth satire where there is mention of a Jewish woman (*Judaea*) who is described as "an interpreter of the laws of the *Solyimi*" (*interpres legum Solymarum*), meaning the laws of Jerusalem. *Solymus*, someone or something from Jerusalem, refers here to the origin of the Jewish law.<sup>40</sup> We may also briefly mention a passage in Suetonius who in his biography on Julius Caesar counts the *Judaei* among the *exterae gentes*, the "foreign nations," who showed their grief on the occasion of Casar's death.<sup>41</sup>

As far as the adjective *Judaicus* is concerned, its use is rare in pagan Latin literature (this is quite different in Christian literature). In most cases *Judaicus* has a geographic meaning, referring to Judea, either with regard to its products or to concrete places in Judea: *bitumen Iudaicum* (mentioned by the Claudian physician Scribonius Largus) evidently is "asphalt from Judea," *mare Iudaicum* (in Tacitus) is the "Dead Sea in Judea" (Clifford H. Moore's translation in the Loeb Classical Library surprisingly has "the Jewish sea").<sup>42</sup> Similarly, with *Judaicus exercitus* which took the oath of allegiance to Otho and later to Vespasian, Tacitus obviously refers to the Roman army "in Judea."<sup>43</sup> The very

<sup>39</sup> Ovid, *Ars* 1.75–6 (J. H. Mosley, LCL 232).

<sup>40</sup> *Solymus* in this sense is rare: cf. Martial 11.94.5; 7.55.4; Statius 5.2.138.

<sup>41</sup> Suetonius, *Jul.* 84.

<sup>42</sup> Scribonius Largus 207; Tacitus, *Hist.* 5.7.

<sup>43</sup> Tacitus, *Hist.* 1.76.2; 2.79.1.

same phrase can be found in Suetonius, where *Iudaicus* (sc. *exercitus*) is the Roman army stationed in Judea at the time of Vitellius (just as *Syriaticus* is, in the same passage, the Roman army stationed in Syria).<sup>44</sup> Less obvious is the translation of *Iudaicus* when Tacitus speaks of the *bellum Iudaicum* of which Vespasian was in charge or to which he gave a decisive turn (*profligaverat bellum Iudaicum Vespasianus*): this could be translated as “war in Judea,” but also as some translators (C. H. Moore) and the *Oxford Latin Dictionary* suggest as “the war against the Jews/Judeans” or “with the Jews.”<sup>45</sup> The same goes for *triumphum Iudaicum* in Suetonius and *victoria Iudaica* in Tacitus.<sup>46</sup>

The use of *Iudaicus* in a religious sense is rare in pagan Latin literature, but it is not absent and the few examples which do exist are interesting: Suetonius, in the context of the *fiscus Iudaicus* which according to him the Romans collected “with the utmost vigor,” mentions people who “without publicly acknowledging that faith yet lived as Jews (*inprofessi Iudaicam uiuerent uitam*), as well as those who concealed their origin and did not pay the tribute levied upon their people (*dissimulata origine imposita genti tributa non pependissent*).”<sup>47</sup> In this passage from Suetonius the phrase *vita Iudaica* is clearly used with regard to the faith of the *Iudaei*. *Vita Iudaica* is the Latin equivalent of what one could call today the “Jewish religion” (and what in Greek would be τὰ ἔθη τῶν Ἰουδαίων). It is also Suetonius who refers to the rituals of the *Iudaei* as *ritus Iudaici* (in the context of the expulsion of the Jews under Tiberius) and his contemporary Tacitus mentions in his report of the same event *sacra Iudaica*:<sup>48</sup> *vitam Iudaicam vivere, ritus Iudaici, sacra Iudaica* – these are examples where *Iudaicus* refers to the Jewish religion. And one should probably add Tacitus’s mentioning of the *panis Iudaicus*. This is not bread from Judea (although philologically this would be possible), as becomes clear from Tacitus’ remarkable explanation of this eating habit: *raptarum frugum argumentum panis Iudaicus nullo fermento detinetur*, “the unleavened *panis Iudaicus* is still employed in memory of the haste with which they seized the grain.”<sup>49</sup>

Before I attempt a conclusion – and also briefly return to our Petronius fragment –, it may be worthwhile taking a very brief look at how an early Christian author such as Tertullian makes use of the term *Iudaei* and *Iudaicus*. It needs to be repeated that to the church fathers the *Iudaei* were of a much greater importance than to the pagan authors. The numbers alone are very clear: As we have seen, the terms *Iudaeus* and *Iudaicus* are documented 138 times in all of

<sup>44</sup> Suetonius, *Vit.* 15.1.

<sup>45</sup> Tacitus, *Hist.* 1.10.3; 2.4.3 (C. H. Moore, LCL 111); cf. *OLD*, s. v. *Iudaicus*.

<sup>46</sup> Suetonius, *Dom.* 2.1; Tacitus, *Hist.* 2.78.

<sup>47</sup> Suetonius, *Dom.* 12.2 (J. C. Rolfe, LCL 38).

<sup>48</sup> Suetonius, *Tib.* 36.1; Tacitus, *Ann.* 2.85.

<sup>49</sup> Tacitus, *Hist.* 5.4 (C. H. Moore, LCL 249). Tacitus is the only pagan author mentioning the *mazza*, the unleavened bread for Passover. The formulation *raptae fruges*, “grain seized in haste,” goes well together with the biblical description according to which the Israelites left Egypt “in a hurried flight” (בְּחַפְזוֹן, Exod 12:11).

pagan Roman literature. In Tertullian alone (who writes three generations after Tacitus) *Iudaeus* and *Iudaicus* show up 270 times. To the Romans the Jews were a strange people, often viewed as a foreign people, but one among many. It is only with the arrival of Christianity that the *Iudaei* become a topic of essential importance. Tertullian frequently makes use of the adjective *Iudaicus*: like Tacitus Tertullian refers to *iudaici ritus*,<sup>50</sup> but he also uses phrases such as *iudaica religio*,<sup>51</sup> *iudaica ignorantia*,<sup>52</sup> and *iudaica litteratura*.<sup>53</sup> In Tertullian, the use of *Iudaeus* and *Iudaicus* is part of his (Christian) self-definition.<sup>54</sup> While a pagan author like Quintilian can refer to *Iudaica superstitio* (“Jewish superstition”),<sup>55</sup> in Tertullian there is much more at stake. Tacitus in his polemical chapters on Jewish rituals in the *Histories* famously states that “the Jews regard as profane all that we hold sacred; on the other hand, they permit all that we abhor.”<sup>56</sup> However, while it needs to be taken seriously, this cynical comparison is not part of some Roman identity process, at least not the way this would be the case for the church fathers. In Tacitus, the polemics are part of his negative portrait of the Jews at the beginning of his report about the final battle about Jerusalem. In other parts of his oeuvre Tacitus barely mentions the Jews.<sup>57</sup> Things are somewhat different with regard to references to Judea: While in Roman literature from the first and second centuries CE references to *Iudaea* (its location and geographic peculiarities) are quite frequent, the land of Judea only plays a minor role in early Christian literature. The revolts in Judea against the Romans have left their traces in pagan Roman literature.

What does this all mean for the question of translation of *Iudaeus* and *Iudaicus* in Roman literature? As has become obvious from our brief study of the Latin literary evidence, *Iudaeus* and a little less also *Iudaicus* can refer to geographic, ethnic and religious aspects – both with regard to *Iudaei* in Judea and in the diaspora. In my view in most cases there is no reason to distance oneself from the “traditional” translation of “Jew” for *Iudaeus*. Some scholars have suggested to translate Ἰουδαῖος/*Iudaeus* with “Jew” only in a religious context. But, as Adele Reinhartz has convincingly argued, such an approach is problematic because it depends on a reduced definition of “Jew” as someone who defines himself or herself as religious.<sup>58</sup> Moreover, looking at the pagan evidence for Ἰουδαῖοι I have some doubts that these terms were free of reli-

<sup>50</sup> Tertullian, *Nat.* 1.13.

<sup>51</sup> Tertullian, *Nat.* 1.11.

<sup>52</sup> Tertullian, *Marc.* 3.385.

<sup>53</sup> Tertullian, *Cult. fem.* 1.3.

<sup>54</sup> The noun *iudaismus*, absent in pagan Latin literature, is found frequently in Tertullian’s oeuvre (18 times; cf., e.g., *Marc.* 1.315).

<sup>55</sup> Quintilian, *Inst.* 3.7.

<sup>56</sup> Tacitus, *Hist.* 5.4 (C. H. Moore, LCL 249).

<sup>57</sup> Cf. R. Bloch, *Antike Vorstellungen vom Judentum: Der Judenexkurs des Tacitus im Rahmen der griechisch-römischen Ethnographie*, Historia Einzelschriften 160 (Stuttgart: Steiner, 2002).

gious connotations until the second century BCE or even later, as it has been suggested by Shaye Cohen, Steve Mason and others. Cohen's distinction between "Judean" in the sense of a function of birth and/or geography on the one hand and "Jew" as a function of religion or culture on the other hand is in my view difficult to uphold for Greco-Roman antiquity where religion was an intrinsic part of a people's identity.<sup>59</sup> It seems to me that throughout antiquity Ἰουδαῖος/*Iudaeus* could refer to both ethnicity and religion. As a matter of fact, religious customs often played a more central role in Greek and Roman ethnography on the Jews than in that on other peoples, starting with Hecataeus of Abdera's excursus on the Jews around 300 BCE.<sup>60</sup> Moreover, as I have argued elsewhere, anthropogeographic explanations of the Jews are practically nonexistent in Greco-Roman ethnography on the Jews. The land of Judea does not explain the character or customs of the Jews (contrary to many other peoples where this is the case).<sup>61</sup> There is no doubt that at times it is mainly or even uniquely the geographic origin of the *Iudaei* which lies behind the use of the term Ἰουδαῖος and *Iudaeus*, and in some cases it may indeed be more appropriate to opt for the translation "Judean" than "Jew." And as we have seen above, in the case of *Iudaicus* the distinction between "Judean" and "Jewish" is important. However, there is no reason to replace the Jews of antiquity across the board by Judeans. The arguments brought forward in favor of a principal translation of Ἰουδαῖοι and *Iudaei* as "Judeans" instead of "Jews" are not very convincing (and some are problematic).

What about Petronius's *Iudaeus* who was punished for not letting himself be circumcised? In the end, the original text as transmitted by the Codex Bellovacensis may be the correct one anyway. In the most recent critical edition of Petronius, the one by Konrad Müller, none of the conjectural emendations that have been suggested since the Renaissance is accepted. Müller prints *Iudaeus* [...] *Graia migrabit ab urbe* and this may very well be the correct reading. As has been noted by Silvia Castelli, the phrase *Graia migrabit ab urbe* is reminiscent of Virgil's *Graia pandetur ab urbe* in the sixth book of the *Aeneid*. There the Sybil of Cumae reassures Aeneas that "A first way of safety will open where you reckon on it least, *from a Greek city*."<sup>62</sup> By referring to a Greek city, the Sibyl predicts the foundation of the city of Rome, which according to

<sup>58</sup> A. Reinhartz, "The Vanishing Jews of Antiquity," *Marginalia: Los Angeles Review of Books*, June 24, 2014, <http://marginalia.lareviewofbooks.org/vanishing-jews-antiquity-adele-reinhartz/>.

<sup>59</sup> Cohen, *Beginnings of Jewishness* (see n. 8), 78–82. As a third category Cohen distinguishes Ἰουδαῖος as a citizen or ally of the Judean state.

<sup>60</sup> *GLAJJ* 1, no. 11.

<sup>61</sup> R. Bloch, "Geography without Territory: Tacitus' Digression on the Jews and Its Ethnographic Context," in *Internationales Josephus-Kolloquium, Aarhus 1999*, ed. J. U. Kalms, *Münsteraner judaistische Studien* 6 (Münster: Lit, 2000), 38–54.

<sup>62</sup> Vergil, *Aen.* 6.96–97 (trans. R. Fitzgerald, *The Aeneid* [New York: Random House, 1983]). Cf. Castelli, "Graia migrabit ab urbe" (see n. 6), 324–326.



Roman myth was founded by *Greek* settlers under the guidance of Evander.<sup>63</sup> Petronius, when calling Rome a Greek city, appears to use epic language in his caricature of Jewish circumcision. There are, it seems, no limits to irony in Roman satire. As for the uncircumcised *Iudaeus* who has to leave his hometown Rome, we can safely call him a Jew.

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<sup>63</sup> That *Graia* in the Petronian poem may actually refer to the Arcadian Evander and thus to Rome has already been suggested by Alexander Riese in his edition of the *Anthologia Latina* (Leipzig: Teubner, 1894), 170; cf. Castelli, “*Graia migrabit ab urbe*” (see n. 6), 325.

# Die – fast – unsichtbare jüdische Diaspora im Westen des Imperium Romanum vor der Spätantike

*Werner Eck*

Auf dem Höhepunkt seiner Macht und Ausdehnung umfasste das Imperium Romanum einen Raum von wohl mehr als fünf Millionen Quadratkilometern mit zahllosen ethnischen Gruppen. Es war ein Raum, der heute von 31 Staaten eingenommen wird – wenn man Kleinstaaten wie etwa Liechtenstein, San Marino oder den Vatikanstaat nicht einbezieht. Man könnte fast einen uns heute geläufigen Begriff nehmen und von einem gewaltigen Schengenraum sprechen. Denn Italien und die 45 Provinzen, in die das Reich seit der Eroberung Dakiens im 2. Jahrhundert n. Chr. gegliedert war, bildeten einen fast offenen Raum, in dem Personen und Waren sich frei bewegen konnten, wenn man von den wenigen Zollgrenzen innerhalb des Reiches absieht; es waren insgesamt nur fünf Zollbezirke, die aber die Mobilität nicht behinderten.<sup>1</sup>

Denn die Mobilität innerhalb des Reiches war intensiv.<sup>2</sup> Straßen von mehreren zehntausend Kilometern Länge – manche sprechen von rund 100.000 Kilometern – erschlossen alle Regionen; das Mittelmeer war seit dem Ende der römischen Bürgerkriege ein *mare nostrum* ohne Piraterie. So verwundert es auch nicht, wenn Menschen sehr unterschiedlicher ethnischer Herkunft an sehr vielen Orten lebten, was im Übrigen partiell ähnliche Reaktionen auslöste wie heute. Im frühen 2. Jahrhundert formulierte der Satiriker Iuvenal in einer seiner Satiren mit Blick auf die große Zahl der Menschen, die aus dem gesamten Nahen Osten nach Rom gekommen waren: *iam pridem Syrus in Tiberim defluxit Orontes* („schon längst ergieße sich der Syrische Orontes in den Tiber“).<sup>3</sup>

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<sup>1</sup> P. KRITZINGER, Das römische Zollsystem bis in das 3. Jh. n. Chr., in: P. Kritzinger/F. Schleicher/T. Stickler (Hg.), Studien zum römischen Zollwesen, Duisburg 2015, 11–56.

<sup>2</sup> Siehe den Sammelband E. LO CASCIO/L. E. TACOMA (Hg.), *The Impact of Mobility and Migration in the Roman Empire* (Impact of Empire 22), Leiden 2016; ferner auf Britannien konzentriert H. ECKARDT mit C. CHENERY, S. LEACH, M. LEWIS, G. MÜLDNER und E. NIMMO, *A Long Way from Home. Diaspora Communities in Roman Britain*, in: H. Eckardt (Hg.), *Roman Diasporas. Archaeological Approaches to Mobility and Diversity in the Roman Empire* (JRASup 78), Portsmouth 2010, 99–130.

<sup>3</sup> Iuvenal, *Sat.* 3,62: *iam pridem Syrus in Tiberim defluxit Orontes / et linguam et mores et cum tibicine chordas / obliquas nec non gentilia tympana secum / vexit et ad circum iussas prostare puellas.*

Die Anwesenheit von Menschen allgemein aus griechischem, vor allem aber aus dem großsyrischen Raum, auf die Iuvenal vor allem zielt, galt nicht nur für Rom:<sup>4</sup> Menschen aus den dortigen Regionen kennen wir zum Beispiel ebenso aus Misenum,<sup>5</sup> aus Corduba auf der iberischen Halbinsel,<sup>6</sup> aus Volubilis im Westen Mauretaniens<sup>7</sup> oder von einem unbekanntem Ort in *Germania inferior*.<sup>8</sup> Umgekehrt sind bereits seit dem 2. Jahrhundert v. Chr. zahllose römische Bürger aus Italien in allen Provinzen anzutreffen; der eroberte Raum stand ihnen offen. Mobilität war ein allgemeines Phänomen, wenn auch aus sehr verschiedenen Gründen. Viele wurden nicht gefragt, ob sie anderswo als in der Heimat leben wollten, wie etwa die Menschen, die als Kriegsgefangene oder aus sonstigem Grund über den Sklavenmarkt verhandelt wurden. Das galt aber genauso für die mehr als 400.000 Soldaten des römischen Heeres der Kaiserzeit, an die keiner die Frage richtete, wo sie denn die nächsten zwei oder mehr Jahrzehnte dienen wollten. Da sie am Ende ihrer langen Dienstzeit sehr oft in ihrer Einsatzprovinz blieben, trugen sie erheblich zu der ethnischen Vielfalt der Reichsbevölkerung bei. Nicht bezifferbar sind die Menschen, die wegen des Handels weite Reisen unternahmen und sich oft weit entfernt von der Heimat auf Dauer niedergelassen haben. Und nicht zu vergessen sind Senatoren und viele Personen ritterlichen Ranges, die durch den Aufstieg in die höheren *ordines* und unter die Führungskräfte des Reiches ihren Wohnsitz nach Rom und Italien verlegen mussten.<sup>9</sup> Es waren somit Menschen jeglicher ethnischer und sozialer Provenienz, die ihr Leben anderswo verbrachten als in dem Land, aus dem sie stammten.<sup>10</sup>

Bedenkt man diese generellen Erscheinungen, dann ist das Phänomen der jüdischen Diaspora keineswegs überraschend.<sup>11</sup> Denn warum sollten Juden nicht ebenso wie Leute aus Syrien, aus Kilikien, aus Thrakien oder Spanien an dieser Mobilität teilnehmen – wobei die Gründe bei ihnen sogar besonders vielfältig gewesen sein können?<sup>12</sup> Zeitweise war diese „Mobilität“ keineswegs freiwillig, sondern Folge der kriegerischen Phasen in Judäa selbst.

<sup>4</sup> Siehe z. B. D. NOY, *Foreigners at Rome. Citizens and Strangers*, London 2000.

<sup>5</sup> CIL 10,3407.3509.3652 und viele andere.

<sup>6</sup> CIL 2/7,356.

<sup>7</sup> IAM 2/2,513.

<sup>8</sup> CIL 13,8843.

<sup>9</sup> W. ECK, *Ordo senatorius und Mobilität. Auswirkungen und Konsequenzen im Imperium Romanum*, in: Lo Cascio/Tacoma, *Impact of Mobility* (s. Anm. 2), 100–115; ders., *The Imperial Senate. Center of a Multi-National Empire*, in: J. Price (Hg.), *Rome – An Empire of Many Nations* (in Honor of Ben Isaac), Cambridge (im Druck).

<sup>10</sup> Allgemein dazu NOY, *Foreigners at Rome* (s. Anm. 4).

<sup>11</sup> Siehe auch C. HESZER, *Jewish Travel in Antiquity* (TSAJ 144), Tübingen 2011.

<sup>12</sup> A. KASHER, *The Nature of Jewish Migration in the Mediterranean Countries in the Hellenistic-Roman Era*, *Mediterranean Historical Review* 2 (1987), 46–75. Generell zur jüdischen Diaspora, nicht nur während der Kaiserzeit, etwa J. M. G. BARCLAY, *Jews in the Mediterranean Diaspora. From Alexander to Trajan* (323 BCE–117 CE), Edinburgh 1996; J. J.

Zu fragen ist aber, wo diese jüdische Diaspora zu einer permanenten Erscheinung geworden ist und insbesondere, wo sie zu dauerhaften Gemeinden geführt hat; denn das ist der Unterschied zu vielen Personen anderer Ethnien, dass jüdische Präsenz in weit höherem Maße als bei anderen ethnischen Gruppen in einer speziellen Gemeindegründung ihren Ausdruck gefunden hat. Der wesentliche Grund lag in der jüdischen Religion, den damit verbundenen Notwendigkeiten, aber nicht weniger an den rechtlichen Privilegien, die seit caesarischer Zeit von römischer Seite ausgesprochen worden waren und jedenfalls bis in das frühe 4. Jahrhundert in Kraft blieben.<sup>13</sup>

Die jüdische Diaspora ist ein reichsweites Phänomen. Sie ist allerdings nicht überall zur selben Zeit entstanden, vielmehr haben sich Juden zu sehr verschiedenen Zeiten in manchen Provinzen des Imperiums niedergelassen, was auch heißt, dass die Bedingungen, unter denen das geschah, sehr unterschiedlich gewesen sein können. Für den Osten des Reiches wurde das Phänomen in vielfältiger Weise und vor allem auch mit entsprechender zeitlicher Differenzierung erörtert, um deutlich zu machen, wann und warum sich dort jeweils jüdische Gemeinden ausgebildet haben.<sup>14</sup> Für den Westen des Imperiums aber ist das nicht geschehen, obwohl sich auch dort, und nicht nur in Rom, eine jüdische Diaspora entwickelt hat.

Es scheint deshalb sinnvoll, den Versuch zu unternehmen, diese jüdische Diaspora – räumlich beschränkt auf den Westen des Imperiums, d. h. neben Italien auf die im Wesentlichen lateinischsprachigen Provinzen:<sup>15</sup> Africa, Donauraum,

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COLLINS, *Between Athens and Jerusalem. Jewish Identity in the Hellenistic Diaspora*, Grand Rapids, Mich. 2000. Wichtig auch für das Verständnis der jüdischen Diaspora: E. S. GRUEN, *The Construct of Identity in Hellenistic Judaism. Essays on Early Jewish Literature and History* (DCLS 29), Berlin 2016, bes. 283–312 („Diaspora and Homeland“).

<sup>13</sup> Siehe die Formulierung in *Cod. Theod.* 16,8,3: *ad solacium pristinae observationis*; dazu unten S. 250.

<sup>14</sup> Siehe allgemein etwa K. BRINGMANN, *Geschichte der Juden im Altertum. Vom babylonischen Exil bis zur arabischen Eroberung*, Stuttgart 2005; K. L. NOETHLICH, *Die Juden im christlichen Imperium Romanum (4.–6. Jahrhundert)* (Studienbücher Geschichte und Kultur der Alten Welt), Berlin 2001; T. RAJAK, *The Jewish Diaspora*, in: M. M. Mitchell/F. M. Young (Hg.), *The Cambridge History of Christianity*, Bd. 1, Cambridge 2006, 53–68; dazu für ein Detail etwa M. TRÜMPER, *The Oldest Original Synagogue Building in the Diaspora. The Delos Synagogue Reconsidered*, *Hesperia* 73 (2004), 513–598; M. BÖHM, *Samaritanische Diaspora im Imperium Romanum bis ca. 200 n. Chr.*, in: S. Alkier/H. Leppin (Hg.), *Juden, Christen, Heiden? Religiöse Inklusion und Exklusion in Kleinasien bis Decius* (WUNT 400), Tübingen 2018, 171–196.

<sup>15</sup> Dass die jüdische Diaspora auch dort in erheblichem Maße griechisch geprägt war, ist bekannt; siehe z. B. D. NOY, *Writing in Tongues. The Use of Greek, Latin and Hebrew in Jewish Inscriptions from Roman Italy*, *JJS* 48 (1997), 300–311; siehe ders., „Peace upon Israel“. Hebrew Formulae and Names in Jewish Inscriptions from the Western Roman Empire, in: W. Horbury (Hg.), *Hebrew Study from Ezra to Ben-Yehuda*, Edinburgh 1999, 135–146. Nur in Africa spielt Griechisch kaum eine Rolle; siehe Y. LE BOHEC, *Inscriptions juives et judaisantes de l’Afrique romaine*, *Antiquités africaines* 17 (1981), 165–207, hier 170.

iberische Halbinsel, Gallien-Germanien und Britannien – etwas genauer zu betrachten, und zwar in den Jahrhunderten bis zum Beginn der Spätantike. Die zeitliche Beschränkung ergibt sich daraus, dass eben im Westen unsere Kenntnisse über die jüdische Diaspora hinsichtlich der zeitlichen Verteilung, äußerst unterschiedlich sind. Während uns seit dem Ende des 3. Jahrhunderts n. Chr. relativ mehr Nachrichten nicht nur über die Präsenz einzelner Juden, sondern auch von jüdischen Gemeinden zur Verfügung stehen, sind solche aus der Zeit zwischen der Herrschaft des Augustus, unter dem Judäa provinzialisiert wurde, und dem späten 3. Jahrhundert äußerst gering. Für viele Regionen des Westens fehlt aus der frühen und hohen Kaiserzeit sogar jeder Hinweis auf die Anwesenheit von Juden. Das Beispiel Oberitalien mag dafür als Exemplum dienen.

Zwischen dem 4. und 6. Jahrhundert sind aus folgenden Städten der oberitalischen Regionen jüdische Gemeinden bezeugt: aus Pola, Tergeste, Gradus, Aquileia, Concordia, Verona, Ravenna, Bononia, Mediolanum, Augusta Taurinorum und Genua. Für diese elf Orte gibt es in der Spätantike immerhin für sechs auch Zeugnisse für Synagogen, ferner einen jüdischen Friedhof in Bononia, dem heutigen Bologna.<sup>16</sup> Doch aus den vorausgehenden drei Jahrhunderten fehlt in der gesamten Region jeglicher Hinweis auf die Anwesenheit einzelner Personen jüdischer Herkunft oder gar die Existenz einzelner Gemeinden. Zwar hat man immer wieder auf eine, vielleicht sogar noch spätrepublikanische Grabinschrift verwiesen, die aus Aquileia, dem wichtigsten Hafenzentrum in Norditalien, stammt. In diesem Text erscheint ein L. Aiadius Dama mit der Bezeichnung *Iudaeus*. Doch dieses Zeugnis besagt absolut nichts über das Phänomen, das hier interessiert. Denn Aiadius Dama war *libertus* eines römischen Bürgers, offensichtlich eines Publikenen, der seinen Freigelassenen in Aquileia als *portitor* eingesetzt hat, also bei der Erhebung von Zöllen.<sup>17</sup> Dass dort noch andere Juden lebten und dann vielleicht eine Gemeinde bildeten, ist daraus nicht zu entnehmen. Vielleicht ist es auch kein Zufall, dass der *libertus* für seinen Grabplatz noch zu Lebzeiten selbst gesorgt hat: *v(ivus) s(ibi) f(ecit)* heißt es in seiner Grabinschrift. Hätte ihn sein Herr anderswo für seine geschäftlichen Interessen eingesetzt, dann hätte dieselbe einzelne Grabinschrift die Präsenz eines einzelnen Juden in einem anderen Ort als Aquileia bezeugt, aber eben keine Gemeinde.

<sup>16</sup> Siehe im Detail L. CRACCO RUGGINI, *Ebrei e orientali nell'Italia settentrionale fra il IV e il VI secolo d. Cr.* (Studia et documenta historiae et iuris 25), Rom 1959, 186–308. Ferner mit einigen neuen Inschriften aus Ligurien und Piemont G. MENELLA, *Epigrafia rurale ebraica nel Piemonte paleocristiano*, in: S. Lusuardi Siena/E. Gautier di Confienzo/B. Taricco (Hg.), *Il viaggio della fede. La cristianizzazione del Piemonte meridionale tra IV e VIII secolo*, Alba 2013, 187–199; ders., *Ebrei nelle campagne di Augusta Praetoria*, *Vetera Christianorum* 52 (2015), 177–185.

<sup>17</sup> CIL 1<sup>2</sup>, 3422 (JIWE 1,7): *L(ucius) Aiadius P(ubli) I(ibertus) Dama Iudaeus portitor v(ivus) s(ibi) f(ecit)*. Siehe auch S. GÜNTHER, *Sklaven im römischen Zollwesen*, in: Kritzinger/Schleicher/Stickler, *Studien zum römischen Zollwesen* (s. Anm. 1), 229–243.

Der wesentliche Unterschied, warum wir in Oberitalien in der Zeit vor Diokletian nichts über die Anwesenheit von Juden wissen, anders als in den späteren Jahrhunderten, liegt in der Art der Überlieferung. Die meisten Hinweise auf jüdische Gemeinden in der Spätantike stammen aus literarischen Werken, durchwegs von christlichen Autoren abgefasst; es sei nur auf verschiedene Werke von Ambrosius, dessen Lebensbeschreibung durch Paulinus<sup>18</sup> oder die *Variae* Cassiodors verwiesen. Hinzu kommen einige wenige Inschriften aus Oberitalien, die zwar nicht exakt datiert sind, aber generell dem 4.–5./6. Jahrhundert zugewiesen werden.<sup>19</sup>

Dieser zeitlich so differierende Befund trifft fast auf alle Regionen des westlichen Imperiums zu, von den afrikanischen Provinzen,<sup>20</sup> über die iberische Halbinsel, Gallien, Germanien bis zu den Donauprovinzen, wenngleich dieser dort ein wenig verschieden ist. Lediglich in Italien selbst ist der Befund deutlich anders, jedenfalls in Rom, dem Zentrum des Imperiums. Hier sind vor allem in den literarischen Quellen der späten Republik und des frühen Prinzipats nicht wenige Hinweise auf Juden zu finden: Neben Cicero sind es vor allem Valerius Maximus, Josephus, Sueton, Tacitus, Iuvenal und natürlich die paulinischen Briefe. Das ist oft behandelt worden und braucht hier nicht wiederholt zu werden.<sup>21</sup> Allerdings fehlen in Rom für die Zeit, in der in der Literatur von Juden gesprochen wird, alle epigraphischen Hinweise auf einzelne Juden. Die vielen Hunderte von Inschriften aus den Katakomben werden einheitlich in die Zeit vom späten 3. bis ins 4./5. Jahrhundert datiert.<sup>22</sup> Ein wenig anders ist lediglich der Befund in Ostia;<sup>23</sup> denn dort lässt sich, ohne literarische Quellenbasis, eine Gemeindeorganisation der *Iudaei* nachweisen,<sup>24</sup> die in der *colonia* lebten (*commorantes*), unter anderem mit einem herausgehobenen Mitglied,

<sup>18</sup> Paulinus, *Vita sancti Ambrosii* 29 (PL 14, 39).

<sup>19</sup> JIWE 1,1–6 und 8–10.

<sup>20</sup> LE BOHEC, *Inscriptions juives et judaïsantes* (s. Anm. 15); ders., *Juifs et judaïsantes dans l'Afrique romaine. Remarques onomastiques, Antiquités africaines* 17 (1981), 209–229.

<sup>21</sup> Siehe nur bspw. H. J. LEON, *The Jews of Ancient Rome* [1960], überarbeitet von C. Osiek, Peabody 1995; H. WOLFF, *Die Juden im antiken Rom*, in: K. Rother (Hg.), *Minderheiten im Mittelmeerraum*, Passau 1989, 35–62; L. V. RUTGERS, *The Jews in Late Ancient Rome. Evidence of Cultural Interaction in the Roman Diaspora* (RGRW 126), Leiden 1995; S. CAPPELLETTI, *The Jewish Community of Rome from the Second Century B.C. to the Third Century C.E.* (JSJSup 113), Leiden 2006; C. NEMO-PEKELMAN, *Rome et ses citoyens juifs, IVe–Ve siècles*, Paris 2010.

<sup>22</sup> JIWE 2. Vgl. z. B. auch M. WILLIAMS, *The Structure of the Jewish Community in Rome*, in: M. Goodman (Hg.), *Jews in a Graeco-Roman World*, Oxford 1998, 215–227.

<sup>23</sup> L. M. WHITE, *Synagogue and Society in Imperial Ostia. Archaeological and Epigraphic Evidence*, in: K. P. Donfried/P. Richardson (Hg.), *Judaism and Christianity in First-Century Rome*, Grand Rapids, Mich. 1998, 30–68. Siehe auch B. OLSSON/D. MITTERNACHT/O. BRANDT (Hg.), *The Synagogue of Ancient Ostia and the Jews of Rome. Interdisciplinary Studies*, Stockholm 2001, dazu die Besprechung von E. M. MEYERS, *BASOR* 32 (2002), 97–99.

<sup>24</sup> AE 2009, 193; A. MARINUCCI, *Disiecta membra. Iscrizioni latine da Ostia e Porto, 1981–2009*, Rom 2012, 108.

einem *gerusiarches*;<sup>25</sup> zudem hat eine Synagoge sicher schon im 3. Jahrhundert, vermutlich sogar schon eher existiert, die im 4. Jahrhundert umgebaut wurde.<sup>26</sup> Aus Neapel ist nur ein einziger Hinweis sicher ins 1. Jahrhundert zu datieren: Claudia Aster, die als *Hierosolymitana captiva* in den Besitz eines Ti. Claudius Proculus, eines Freigelassenen von Kaiser Claudius oder Nero, gekommen war. Sie starb noch in flavischer Zeit. Auch der Freigelassene ist wohl jüdischer Herkunft. Denn auf ihn geht sicher die Formulierung des Grabtitulus zurück, in dem es heißt: *rogo vos fac[ite] per leg(e)m ne quis [mi]hi titulum deciat*.<sup>27</sup> Vielleicht hat er im Wissen um ihre gemeinsame jüdische Herkunft die junge Kriegsgefangene gezielt auf dem Sklavenmarkt gekauft. Ob man aus dieser Grabinschrift auf eine Gemeinde in Neapel schließen darf, bleibt unsicher; denn der Hinweis auf die *lex* kann sich auf das römische Recht, ebenso jedoch auch auf das mosaische Recht beziehen, wie das auch anderswo in jüdischen Inschriften geschieht. Wäre mit *lex* auf das mosaische Gesetz verwiesen, dann müsste man Menschen voraussetzen, die diesen Hinweis verstanden haben, was dann zwingend andere Juden in Neapel voraussetzen würde. Für Puteoli, den wichtigsten Hafen für Rom, bevor Claudius den Hafen von Ostia erbauen ließ, ist eine jüdische Gemeinde in der Zeit des Tiberius durch einen Hinweis bei Josephus sicher bezeugt.<sup>28</sup> Auch in Pompei könnte es eine solche gegeben haben, obwohl die Interpretation vieler Zeugnisse, die dort gefunden und entsprechend gedeutet wurden, mehr als problematisch ist.<sup>29</sup>

Der zeitliche Unterschied in der Überlieferungsdichte zeigt sich gerade bei den Inschriften in sehr deutlicher Weise, wie ein Vergleich der epigraphischen Zeugnisse für Juden im Westen des Imperiums nach JIWE 1 und IJO 1 – abgesehen von Rom – für die frühere und spätere Periode zeigt:

Regionen/Provinzen	bis ins späte 3. Jh.	Spätantike
Nord/Mittelitalien	4 (Ostia)	12
Campanien	2/5?	15 + 74 (Venosa)
Süditalien		25
Sizilien und Malta	1?	26
Sardinia		8
Iberische Halbinsel	1/2?	9
Gallien/Germanien		4
Pannonien	1/2	2

<sup>25</sup> JIWE 1,18.

<sup>26</sup> JIWE 1,13. 14. Nicht zur Gemeinde in Ostia gehört der Pantomime M. Aurelius Pylades (JIWE 1,18); siehe dagegen M.L. CALDELLI, *Varia agonistica Ostiensia*, in: G. Paci (Hg.), *Epigrafia Romana in area Adriatica*, Macerata 1998, 225–247, bes. 233–236.

<sup>27</sup> CIL 10,1971 (JIWE 1,26).

<sup>28</sup> Josephus, *B.J.* 2,104.

<sup>29</sup> Siehe z.B. C. GIORDANO/I. KAHN, *The Jews in Pompeii, Herculaneum, Stabiae and in the Cities of Campania Felix*, Rom <sup>3</sup>2003; A. VARONE, *Presenze Giudaiche e Cristiane a Pompei*, Neapel 1979.

Dalmatien	1	4
Moesien		2
Thrakien	1/1?	3
Macedonia	4?	13
Afrikanische Provinzen	unbestimmte Zahl	unbestimmte Zahl <sup>30</sup>

Außer in Pannonien und in den afrikanischen Provinzen sind überall die spätantiken Zeugnisse deutlich in der Überzahl. Im römischen Pannonien sind zwei Zeugnisse für die Präsenz von Juden in den Anfang des 3. Jahrhunderts datiert. In einem Text aus Mursa ist von der Restaurierung einer [*pro*]seucha die Rede, in der anderen aus Intercisa wird eine *synagoga Iudeorum* erwähnt.<sup>31</sup> Man hat aber noch weitere Zeugnisse für die Anwesenheit von Juden in dieser Provinz heranziehen wollen.<sup>32</sup> So sollen unter anderem in der *cohors I miliaria Hemesenorum civium Romanorum sagittaria equitata*, die während des 2. und 3. Jahrhunderts in Intercisa stationiert war – woher auch eine der eben genannten Synagogeninschriften stammt – Juden gedient haben.<sup>33</sup> Ein grundsätzlicher Zweifel am Militärdienst von Juden aus Emesa sei nicht erlaubt, so etwa Ludwig Berger in seiner Publikation eines Rings mit der Darstellung der Menora aus Kaiseraugst; denn, so argumentierte er wie schon andere vor und nach ihm, durch eine spätantike Grabinschrift aus Concordia (Ende 4./Anfang 5. Jh.) sei ein *numerus Regi(orum), Emesenorum, Iudeorum* bezeugt. Dabei wird, und das ist ein grundsätzlicher Einwand, verkannt, dass bis zu Konstantin Juden nur dann im römischen Heer dienen konnten, wenn sie ihre Religion abgelegt hatten oder zumindest nicht mehr ernst nahmen, womit man sie in der damaligen Zeit nicht mehr als Juden ansehen kann. Denn jede militärische Einheit war oftmals an kultischen Akten beteiligt. Das gesamte Jahr war davon geprägt.<sup>34</sup> Wenn man „Jude“ in unserem Kontext nicht nur als ethnische Kategorie ansieht, sondern damit eine religiöse Haltung verbindet, dann war für jeden Juden, der seine Religion ernst nahm, ein Eintritt ins Heer nicht möglich.<sup>35</sup> Seit

<sup>30</sup> Nach den Zusammenstellungen von Le Bohec sind in den afrikanischen Provinzen von der Proconsularis bis nach Mauretania Tingitana weit mehr Zeugnisse für das 2. und 3. Jahrhundert anzunehmen als in den anderen Provinzen. Allerdings sind auch hier die Datierungskriterien oft sehr unsicher.

<sup>31</sup> ILJug 2,1066 (IJO 1, Pann. 5); CIL 3,3327 = 10301 = D3981 (IJO 1, Pann. 3).

<sup>32</sup> Nach CIL 3,10998 soll folgende Aussage stehen: *Deo M[agno] | Aeter[no synago-] gam(?) pr[oseucham(?)] | ... | fecit ex v[oto]*. Alles Entscheidende ist hier ergänzt; damit kann man also nicht argumentieren.

<sup>33</sup> Siehe dazu L. BERGER, Der Menora-Ring von Kaiseraugst. Jüdische Zeugnisse römischer Zeit zwischen Britannien und Pannonien, Augst 2005, 73 f.; Á. SZABÓ, Jüdische Funde aus dem römischen Pannonien, in: R. Gross u. a. (Hg.), Im Licht der Menorah. Jüdisches Leben in der römischen Provinz, Frankfurt am Main 2014, 199–210.

<sup>34</sup> Man braucht nur das sogenannte *Feriale Duranum* zu betrachten, das den Kultkalender einer Einheit am Euphrat enthält.

<sup>35</sup> Siehe auch Josephus, *A.J.* 18,83f. mit dem Bericht über die Juden, die unter Tiberius



caesarischer Zeit besaßen Juden das Privileg, nicht an Handlungen teilnehmen zu müssen, die mit dem römischen Götterkult verbunden waren und ihrem Monothetismus widersprachen.<sup>36</sup> Das Privileg, nicht ins Heer eintreten zu müssen, galt bis Konstantin, genauso wie auch bei der Frage, ob Juden in die *ordines decurionum* eintreten mussten, um die damit verbundenen Verpflichtungen zu übernehmen – darauf ist zurückzukommen. Seit der konstantinischen Wende aber galt dieses Privileg für Juden gegenüber dem militärischen Dienst nicht mehr, weil im Heer, zumindest zunächst, die kultischen Handlungen entfielen. Wenn wir also im späteren 4. Jahrhundert einen *numerus REGI Emesenorum Iudeorum* bezeugt hätten, dann wäre das nicht so überraschend, sondern in gewisser Hinsicht sogar folgerichtig.

Doch dieser grundsätzliche Einwand gegen die Heranziehung des Zeugnisses aus Concordia für jüdische Soldaten in der *cohors I miliaria Hemesenorum civium Romanorum sagittaria equitata* schon in der Zeit Marc Aurels ist gar nicht nötig; denn schon vor längerer Zeit hat Michael P. Speidel gezeigt, dass diese spätantike Grabinschrift völlig anders gelesen werden muss.<sup>37</sup>

*Flavia Optata, mili(tis) de | num(ero) Regi(orum), emi(t) sib(i) de | r(e) v(iri). Si quis pos(t) obit(um) | me(um) arc(am) volu(erit) ap(erire), infelr(at) fisci) vi(ribus) aur(i) lib(ram) una(m).*

Mit dieser Lesung verschwindet auch für das 4. Jahrhundert jeglicher Hinweis auf Juden aus Emesa, die in einer römischen militärischen Einheit gedient hatten; die Inschrift kann damit auch keine Stütze für eine Interpretation der Anwesenheit von Juden in der *cohors I miliaria Hemesenorum* im 2. Jahrhundert sein,<sup>38</sup> obwohl dieses Postulat schon immer keinerlei Fundament hatte, auch ohne die Neulesung.

Auch zwei Inschriften, die vor rund zehn Jahren in Carnuntum gefunden wurden, sollten die Anwesenheit von Juden in dem *municipium* beweisen, weil die römischen Bürger, die den Text formulierten, der in ihren Grabinschriften erscheinen sollte, damit etwas ausgedrückt haben sollen, was einige moderne Autoren dort gerne gelesen hätten. Die römischen Bürger sagten nämlich von

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nach Sardinien gesandt wurden. Viele verweigerten den Dienst, weshalb sie von den Konsuln bestraft wurden.

<sup>36</sup> Gerade deswegen wurde umgekehrt von den Römern die jüdische Religion als *superstitio* angesehen, wie es etwa in einem Erlass von Kaiser Septimius Severus ausgedrückt ist. Es ist auch kein Zufall, dass wir keinen einzigen Fall bezeugt haben, dass ein Jude, der seine Religion ernst nahm, im römischen Heer gedient hat. Zu einem angeblichen Fall siehe jetzt W. Eck, Zu inschriftlichen Dokumenten aus Galiläa und ihrer Interpretation. Vorarbeiten zu CIIP V, ZPE 210 (2019), 151–158, hier 157–158.

<sup>37</sup> M. P. SPEIDEL, Raising New Units for the Late Roman Army. *Auxilia Palatina*, DOP 50 (1996), 163–170, bes. 165 Abb. 1.

<sup>38</sup> Den Hinweis auf Speidels Lesung verdanke ich Walter Ameling; siehe seinen Aufsatz: Epigraphische Kleinigkeiten IV, ZPE 210 (2019), 185–193, hier 187–188.

sich: *domo Iudaeus* bzw. *do(mo) Iud(a)ei*.<sup>39</sup> Doch einige voreilige Interpreten haben verkannt, dass *domo* in lateinischen Inschriften grundsätzlich auf die geographische Herkunft verweist, und nicht auf eine ethnische Qualität. Da in Judäa neben Juden viele lebten, die nicht dem jüdischen Volk und seiner Religion angehörten, kann daraus eben nicht geschlossen werden, die in Carnuntum bestatteten römischen Bürger seien Juden gewesen. Dazu wären andere Hinweise in den Inschriften nötig, die es jedoch nicht gibt.

Für Pannonien ist somit am Anfang des 3. Jahrhunderts in zwei Städten je eine Synagoge nachgewiesen,<sup>40</sup> ganz im Unterschied zu anderen Provinzregionen der gleichen Zeit; doch in vielen dieser Regionen nehmen seit dem Anfang des 4. Jahrhunderts die literarischen, aber auch die epigraphischen Zeugnisse zu. War die Entwicklung der Diaspora in den bis dahin zeugnislosen Provinzen also deutlich anders als etwa in Ostia oder in Pannonien, wo sich nachweislich schon im 2./3. Jahrhundert jüdische Gemeinden etabliert hatten? Kann man davon ausgehen, dass erst seit dem späten 3. oder dem Beginn des 4. Jahrhunderts vermehrt Juden in die anderen Regionen im Westen des Reiches auswanderten, wo sie dann auch in den Quellen erscheinen? Oder ist es nicht wahrscheinlicher, dass eine solche Zuwanderung auch dort deutlich früher eingesetzt hat, also eher nach der Zerstörung Jerusalems im Jahre 70 bzw. nach dem desaströsen Ende des Bar-Kochba-Krieges Anfang des Jahres 136 n. Chr.? Gerade dieser Krieg hatte dazu geführt, dass das jüdische Kernland, wenn auch nicht ganz Judäa, seine jüdische Bevölkerung weitgehend verloren hatte. Damals haben viele Bewohner, soweit sie nicht während der von Frühjahr 132 bis Frühjahr 136 andauernden Kämpfe und der damit verbundenen Blockade der zahllosen „hiding places“ umgekommen waren, entweder bewusst das Land verlassen oder sie wurden am Ende als Kriegsgefangene und Sklaven anderswohin verbracht, ähnlich wie schon nach der Zerstörung Jerusalems 70 n. Chr.

Vielleicht kann der exemplarische Fall einer Provinzstadt einen konkreteren Hinweis in dieser Frage geben. Aus allen römischen Provinzen im gallisch-germanischen Raum gibt es für die ersten drei Jahrhunderte der Kaiserzeit keinen einzigen sicheren Hinweis auf eine dauerhafte Anwesenheit von Juden oder gar eine jüdische Gemeinde.<sup>41</sup> Dabei fehlt es keineswegs an Zeugnissen für

<sup>39</sup> F. BEUTLER, *Domo Iudaeus*. Zwei neue Grabinschriften aus Carnuntum, *Tyche* 28 (2013), 5–20 (AE 2009, 1051; 2013, 1240).

<sup>40</sup> Münzen aus der Zeit Bar Kochbas, die an einigen Truppenstandorten an der Donau gefunden wurden, hat man verschiedentlich als Hinweis auf Anwesenheit von Juden gewertet. Doch eine solche Sicht übersieht, dass Truppen, die an diesem Krieg mit Vexillationen teilnahmen, Beute mitgebracht haben, darunter auch die Silbermünzen, die in der Zeit von den Rebellen überprüft wurden. Zuletzt wieder Á. SZABÓ, *Jüdische Funde aus dem römischen Pannonien*, in: Gross u. a., *Im Licht der Menorah* (s. Anm. 33), 199–210, bes. 209–210.

<sup>41</sup> Wenn z. B. BERGER, *Menora-Ring* (s. Anm. 33), 100, schreibt: „Offensichtlich ist für Trier eine Anwesenheit von handel- und/oder gewerbetreibenden Juden schon vor der Spätantike anzunehmen“, dann ist das nicht von Belang. Denn zum einen ist offensichtlich die Herkunft der Objekte aus Trier, auf die er sich dabei beruft, keineswegs sicher, sondern

Menschen, die aus dem Osten in die dortigen Gegenden gekommen sind;<sup>42</sup> es gibt sogar einzelne Zeugnisse für die Verwendung aramäischer Schriftzeichen, freilich nicht auf öffentlich sichtbaren Inschriften, sondern bei Graffiti auf Gebrauchskeramik, etwa aus Krefeld in Niedergermanien. Sie könnten entweder von Soldaten stammen, die in Nordsyrien rekrutiert worden waren, oder vielleicht von Händlern.<sup>43</sup> Dennoch: Es gibt keinerlei Hinweise auf jüdische Herkunft in diesen Jahrhunderten, wohl aber aus der Spätantike oder dem beginnenden fränkischen Reich, etwa in Clermont, in der Gegend von Nîmes, in Bourges, Paris, Arles, Narbo, Bordeaux, Avignon, Antibes, Marseille und Trier.<sup>44</sup>

Das früheste sichere und allbekannte Zeugnis ist jedoch der Erlass Konstantins vom 11. Dezember 321 n. Chr., der im *Codex Theodosianus* (16,8,3) überliefert ist:<sup>45</sup>

*Idem A(ugustus, sc. Constantinus) decurionibus Agrippinensibus. Cunctis ordinibus generali lege concedimus Iudaeos vocare ad curiam. Verum ut aliquid ipsis ad solacium pristinae observationis relinquatur, binos vel ternos privilegio perpeti patimur nullis nominationibus occupari. Dat(um) III Id(us) Dec(embres) Crispo II et Constantino II Caes(aribus) co(n)s(ulibus).*

Derselbe Kaiser (Konstantin) an die Ratsherren von Köln: Mit einem allgemeinen Gesetz erlauben wir allen Stadträten, Juden in den Rat zu berufen. Doch damit ein Rest der früheren Regelung ihnen zum Trost bestehen bleibe, gestehen wir mit einem immerwährenden Privileg ihnen zu, dass je zwei oder drei von ihnen von keinen Nominierungen in Anspruch genommen werden. Erlassen am 11. Dezember, als Crispus Caesar und Constantius Caesar zum zweiten Mal Konsuln waren [d. h. 321 n. Chr.].

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schlicht ungeklärt; vor allem aber sind die Zeichen auf den Bronze- bzw. Bleigewichten keineswegs so klar, dass man daraus auf jüdische Händler rückschließen könnte.

<sup>42</sup> L. WIERSCHOWSKI, *Fremde in Gallien – „Gallier“ in der Fremde. Die epigraphisch bezeugte Mobilität in, von und nach Gallien vom 1. bis 3. Jh. n. Chr.* (Historia. Einzelschriften 159), Stuttgart 2001; vgl. auch ders., *Die regionale Mobilität in Gallien nach den Inschriften des 1. bis 3. Jahrhunderts n. Chr. Quantitative Studien zur Sozial- und Wirtschaftsgeschichte der westlichen Provinzen des Römischen Reiches* (Historia. Einzelschriften 91), Stuttgart 1995; ferner D. NOY, *Epigraphic Evidence for Immigrants at Rome and in Roman Britain*, in: Eckardt, *Roman Diasporas* (s. Anm. 2), 13–26.

<sup>43</sup> W. ECK, *Köln in römischer Zeit. Geschichte einer Stadt im Rahmen des Imperium Romanum*, Köln 2004, 285; A. LUTHER, *Osrohoener am Niederrhein. Drei altsyrische Graffiti aus Krefeld/Gellep (und andere frühe altsyrische Schriftzeugnisse)*, Marburger Beiträge zur Antiken Handels-, Wirtschafts- und Sozialgeschichte 27 (2009), 11–30.

<sup>44</sup> F. LOTTER, *Die Juden und die städtische Kontinuität von der Spätantike zum Mittelalter im lateinischen Westen*, in: F. Mayrhofer/F. Oppl (Hg.), *Juden in der Stadt*, Linz 1999, 21–79 (JIWE 1,1189–1192). vgl. auch D. NOY, *Jews in the Western Roman Empire in Late Antiquity. Migration, Integration, Separation*, *Veleia* 30 (2013), 167–175.

<sup>45</sup> Die verschiedenen Handschriften für den *Codex Theodosianus* sind in der „Bibliotheca Legum. Eine Handschriftendatenbank zum weltlichen Recht im Frankenreich“ unter folgendem Link zusammengestellt: <http://www.leges.uni-koeln.de/lex/codex-theodosianus/>.

Was war geschehen?<sup>46</sup> Der Stadtrat der *colonia Agrippinensium*, wie das antike Köln damals nur noch genannt wurde, hatte vermutlich durch eine Gesandtschaft von Ratsmitgliedern eine Eingabe an den Kaiser übergeben oder durch den Statthalter der Provinz an den Kaiserhof senden lassen. Darin erbaten die Agrippinenser Dekurionen, man möge ihnen erlauben, Mitglieder der jüdischen Gemeinde in Köln in den Dekurionenrat zu berufen. Ein solcher Antrag ist aus den allgemeinen Umständen der Zeit leicht zu erklären. Denn seit den letzten Jahrzehnten des 3. Jahrhunderts hatten sich die allgemeinen militärischen Verhältnisse deutlich verschlechtert, was sich massiv auf die wirtschaftliche Situation aller ausgewirkt hat. Davon waren nicht zum wenigsten die Dekurionen betroffen, in sehr vielen Provinzen, zumal in einer Grenzprovinz wie Niedergermanien und deren Provinzhauptstadt. Wie dramatisch zumindest in vielen Gemeinden die Situation für die Verantwortlichen geworden war, er sieht man etwa aus der Tatsache, dass nach einem Erlass aus diokletianischer Zeit es nun möglich wurde, auch *personae infames* zumindest als Dekurionen zu akzeptieren, was früher ausgeschlossen gewesen wäre.<sup>47</sup> Jetzt aber sah man dies anders. Denn die Dekurionen blieben wie schon zuvor gegenüber der kaiserlichen Steuererhebung weiterhin für den vollständigen Eingang der Abgaben verantwortlich. Doch ihre wirtschaftliche Basis, die vornehmlich in dem agrarisch genutzten Territorium außerhalb der schützenden Mauern lag, hatte gerade in den Grenzgebieten am Rhein unter den Angriffen von rechts des Rheins schwer gelitten; die Vernichtung vieler *villae rusticae* konnte auch die Archäologie nachweisen.<sup>48</sup> Die Einnahmen der Dekurionen waren zurückgegangen, so konnten manche der bisherigen Stadträte nicht mehr das Mindestvermögen aufbringen, das für einen Sitz im Stadtrat und für die Übernahme von Ämtern nötig war.<sup>49</sup> Dass man dann versuchte, neue potente Mitglieder zu finden, um die bisherigen zu entlasten, ist mehr als verständlich. Vermutlich hatte man in Köln versucht, jüdische Mitbewohner, die das nötige Vermögen

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<sup>46</sup> Zum Folgenden W. ECK, *The Jewish Community in Cologne from Roman Time to the Early Middle Age*, in: B. Isaac/Y. Shahar (Hg.), *Judaea-Palaestina, Babylon and Rome. Jews in Antiquity* (TSAJ 147), Tübingen 2012, 249–259; ders., *Köln in römischer Zeit* (s. Anm. 43), 324–330; ders., *Die Teilnahme von Juden am politisch-administrativen Leben der Selbstverwaltungsgemeinden im Westen des römischen Reiches und der Konstantinische Erlass von 321 für die CCAA (= Köln)*, in: G. K. Hasselhoff/M. Strothmann (Hg.), *„Religio licita?“ Rom und die Juden* (SJ 84), Berlin 2016, 203–221; ders., *Existente und fehlende Quellen. Die Konstitution Konstantins zur jüdischen Gemeinde in Köln*, in: Gross u. a., *Im Licht der Menorah* (s. Anm. 33), 83–91.

<sup>47</sup> *Cod. Justin.* 10,59,1.

<sup>48</sup> Siehe H.-J. SCHULZKI, *Der Katastrophenhorizont der zweiten Hälfte des 3. Jahrhunderts auf dem Territorium der CCAA. Historisches Phänomen und numismatischer Befund*, *Kölner Jahrbuch* 34 (2001), 7–88; R. ZIEGLER, *Der Schatzfund von Brauweiler. Untersuchung zur Münzprägung und zum Geldumlauf im gallischen Sonderreich*, Köln 1983, 91–99; ferner ECK, *Köln in römischer Zeit* (s. Anm. 43), 547–564.

<sup>49</sup> Siehe dazu mit mehr Details ECK, *Teilnahme von Juden* (s. Anm. 46), 210–211.

aufwiesen, in den Dekurionenrat zu zwingen, war aber dabei gescheitert. Die Juden, die man im Auge hatte, verwiesen natürlich auf die althergebrachten rechtlichen Privilegien, was sich im Text des *Codex Theodosianus* in der Bemerkung *ad solacium pristinae observationis* noch erkennen lässt. Denn diese Sonderrechte machten es ihnen seit Caesar möglich, sich von solchen Aufgaben fern zu halten; der Grund, dass man ihnen diese Rechte zuerkannt und über so lange Zeit beachtet hatte, war – wie auch beim Heer –, dass sie bei Teilnahme im Rat oder als Magistrate mit Praktiken konfrontiert werden konnten, die mit ihrer Religion nicht vereinbar waren.<sup>50</sup> Dieses Privileg war auch nochmals von Septimius Severus zu Beginn des 3. Jahrhunderts festgehalten worden, als er Juden, die, ganz anders als ein Jahrhundert später im konstantinischen Köln, während seiner Regierungszeit in einen Stadtrat aufgenommen werden wollten, den Zugang zum Dekurionenrat und den städtischen Magistraturen gestattete. Gleichzeitig bestätigte er aber auch, sie dürften dabei zu nichts gezwungen werden, was ihrer *superstitio* widersprochen hätte.<sup>51</sup> Das alte Privileg blieb also bestehen.

Seitdem hatten sich die allgemeinen Umstände freilich drastisch geändert und die Belastungen waren angestiegen; die Kölner Juden hatten keine Sehnsucht, Lasten, die mit einem Sitz in der Kurie verbunden waren, zu übernehmen. Die Entscheidung Konstantins war gegenüber der jahrhundertelangen Haltung Roms eine massive Kehrtwende, die allerdings logisch konsequent war, da der entscheidende Grund für die Privilegierung entfallen war: Es gab keinen Zwang mehr für Dekurionen, an kultischen Handlungen teilnehmen zu müssen. Denn entweder wurden Kulthandlungen in den Räten nicht mehr durchgeführt oder Mitglieder konnten sich davon fernhalten. Das galt genauso für Christen, die jetzt auch keinen Grund mehr hatten, sich wegen der Gefahr, ihre religiösen Pflichten zu verletzen, öffentlichen Aufgaben in den Gemeinden zu entziehen.<sup>52</sup> Wegen der geänderten Situation waren die Kölner Antragsteller beim Kaiser erfolgreich, der aus dem Antrag eine *lex generalis* folgen ließ, die überall gegolten hat, nicht nur in Köln.<sup>53</sup>

<sup>50</sup> Siehe allgemein M. PUCCI BEN ZEEV, *Jewish Rights in the Roman World. The Greek and Roman Documents Quoted by Josephus Flavius* (TSAJ 74), Tübingen 1998.

<sup>51</sup> *Dig.* 50,2,3,3: *Eis, qui Iudaicam superstitionem sequuntur, divi Severus et Antoninus honores adipisci permiserunt, sed et necessitates eis imposuerunt, qui superstitionem eorum non laederent* („Denen, die dem jüdischen Glauben folgen, haben die vergöttlichten Severus und Antoninus erlaubt, Ehrenämter zu übernehmen, aber sie haben ihnen damit auch alle notwendigen Aufgaben aufgeladen, die ihren Glauben nicht verletzen“).

<sup>52</sup> Man sieht das vor allem daran, dass Privilegien, die zunächst christlichen Klerikern gegeben wurden, schnell zurückgenommen oder nur noch unter restriktiven Bedingungen gewährt wurden; siehe z. B. T. G. ELLIOTT, *The Tax Exemptions Granted to Clerics by Constantine and Constantius II*, *Phoenix* 32 (1978), 326–336.

<sup>53</sup> Gelegentlich hat man angenommen, es sei von Konstantin eine *lex generalis* erlassen worden, die dann auch für Köln gegolten habe (siehe etwa BERGER, *Menora-Ring* [s. Anm. 33]). Das ist deshalb auszuschließen, weil das Exemplar der Entscheidung, das nach

Für unsere Überlegungen ist aber nun entscheidend, dass die Kölner Dekurionen nur deshalb auf die Idee gekommen sind, Juden in ihren Rat zu holen, weil es eine Reihe von jüdischen Familien gegeben haben muss, die entsprechend vermögend waren, um die Aufgaben zu übernehmen. Das Vermögen aber bestand, wie generell bei der Übernahme von Führungsaufgaben, in Grundbesitz, weil dieser die Sicherheiten bot, die man für die Verpflichtungen leisten musste, die aus städtischen Ämtern erwachsen. Solcher Grundbesitz einer größeren Zahl von Familien aber entstand nicht in kurzer Zeit. Vielmehr müssen diese Familien mindestens seit Jahrzehnten im römischen Köln gelebt haben, um für sich solche ökonomischen Voraussetzungen zu schaffen, die sie für andere und auch für die kaiserliche Administration wählbar machten. Wenn es aber eine Reihe solcher Familien gegeben haben muss, ist es weiterhin zwingend, eine gewisse Größe der jüdischen Gemeinde anzunehmen, weil eine Gemeinde nicht nur aus gut betuchten Familien bestehen konnte. Wenn man aber von normalen historischen Entwicklungen ausgeht, dann heißt dies ebenso, dass die Kölner jüdische Gemeinde schon relativ lange vor 321 bestanden hat, also mindestens weit ins 3. Jahrhundert zurückgehen sollte, vermutlich aber sogar noch ins 2. Jahrhundert. Denn wann sollte es für Juden in etwas größerer Zahl attraktiv gewesen sein, sich in einer so andersartigen Lebenswelt niederzulassen, als in Situationen, die eine Auswanderung aus der Heimat, also vor allem aus Judäa selbst, notwendig machten, d. h. nach der ersten oder noch mehr nach der zweiten vernichtenden Niederlage gegen Rom? Konkreter lässt sich das nicht benennen, aber die historische Wahrscheinlichkeit spricht dafür. Das steht im Übrigen im Gleichklang mit dem erstmaligen für uns fassbaren Auftreten von Christen in Gallien-Germanien; auch dies geschah im Verlauf des 2. Jahrhunderts.<sup>54</sup>

Sind diese Schlussfolgerungen zutreffend, dann ist dies mit dem totalen Schweigen der sonstigen Überlieferung zu Juden zu konfrontieren. Für Köln und sein mehr als 4.000 Quadratkilometer umfassendes Territorium kennen wir heute weit mehr als 4.000 lateinische Inschriften, einerseits Weiheinschriften, vor allem aber Grabinschriften.<sup>55</sup> Doch nicht ein einziger Text dieser sehr dichten epigraphischen Überlieferung verweist auf die Präsenz von Juden. Auch andere Hinweise archäologischer Art darauf fehlen vollständig.<sup>56</sup> Zwar hat in den vergangenen zwei Jahrzehnten der Archäologe Sven Schütte, dem die Er-

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Köln gegangen war, damals sicher nicht mehr existierte, zumal die Stadt um 438, als der *Codex Theodosianus* abgefasst wurde, längst nicht mehr unter römischer Herrschaft stand. Deshalb müssen die Kompilatoren dieses Gesetzeswerkes in einem zentralen Archiv eben die originale kaiserliche Entscheidung gefunden haben, in der auch die Adressaten, also die *Agrippinenses* genannt waren. In der *lex generalis* waren diese natürlich nicht angeführt

<sup>54</sup> ECK, Teilnahme von Juden (siehe Anm. 46), 220–221.

<sup>55</sup> Siehe B. GALSTERER/H. GALSTERER, Die römischen Steininschriften aus Köln. IKöln<sup>2</sup>, Mainz 2010, sowie die „Epigraphik-Datenbank Clauss-Slaby“ unter den Orten Köln, Bonn, Remagen, Neuss, Jülich, Pesch und anderen kleinen Orten.

<sup>56</sup> Wie dieses „Schweigen“ zu erklären ist, lässt sich letztlich nicht beantworten.

schließung des Geländes für das im Zentrum Kölns geplante Jüdische Museum übertragen worden war, immer wieder behauptet, dass er unter der seit den frühen 60er Jahren des vergangenen Jahrhunderts bekannten mittelalterlichen Synagoge einen Vorgängerbau aus dem 4. Jahrhundert gefunden habe.<sup>57</sup> Aber da war der Wunsch der Vater des Gedankens. Seit er von seinem Posten abgelöst wurde und die eigentlichen Ausgräber wieder zu Wort kommen konnten, ist der frühere Tatbestand erneut bestätigt worden: die frühesten Hinweise auf die Präsenz von Juden an dieser Stelle sind ins 9. Jahrhundert zu datieren. Die Behauptung Schüttes war immer absurd gewesen: Denn dann hätte der römische Statthalter erlauben müssen, dass innerhalb seines Gerichtsgebäudes die Synagoge erbaut wurde.<sup>58</sup> Die politisch-topographische Situation im Zentrum Kölns hat sich erst seit dem 8. Jahrhundert langsam so verändert, dass Juden das betreffende Gelände nahe dem römischen Prätorium erwerben und bebauen konnten.

Wir haben also folgenden Befund: Der nur durch die Aufnahme in den *Codex Theodosianus* erhaltene konstantinische Erlass bezeugt im Jahr 321 eine jüdische Gemeinde, die nach historischer Wahrscheinlichkeit bereits seit längerer Zeit, wohl seit Jahrhunderten bestanden haben muss und auch nicht klein gewesen sein kann. Aber: in Köln und seinem gewaltigen Territorium findet sich – jedenfalls bisher – auch nicht der kleinste Hinweis, der auf diese Gemeinde oder überhaupt auf eine jüdische Präsenz verweisen würde; es findet sich absolut nichts, was für eine solche Präsenz sprechen könnte. Wäre nicht der konstantinische Erlass, würde man, gerade wegen der so breiten epigraphischen Überlieferung verbunden mit einer intensiven archäologischen Erschließung des gesamten ehemaligen Kölner Territoriums, eher davon ausgehen, dass im niederrheinischen Gebiet, in Köln und auf seinem Territorium, in römischer Zeit keine Juden gelebt haben.

So, wie wir nur durch eine zufälligerweise erhaltene kaiserliche Konstitution von der Anwesenheit einer jüdischen Gemeinde im römischen Köln unterrichtet sind, so wissen wir aus dem 4. bis 6. Jahrhundert vor allem durch literarische Nachrichten christlicher Autoren, dass an nicht wenigen Orten in den westlichen Provinzen wie auch in Italien Juden lebten und ihre Synagogen hatten. Zudem überliefern immerhin einige Inschriften die Namen von Personen, die Aufgaben in den Gemeinden übernommen haben.<sup>59</sup> Die Frage drängt sich

<sup>57</sup> Siehe z. B. S. SCHÜTTE/M. GECHTER, Köln Archäologische Zone/Jüdisches Museum. Von der Ausgrabung zum Museum. Ergebnisse 2006–2011, Köln 2011; dagegen schon W. ECK, Juden im römischen Köln, in: Gesellschaft zur Förderung eines Hauses und Museums der Jüdischen Kultur e. V./Stadt Köln, Dezernat für Kunst und Kultur (Hg.), Ein Haus und Museum der Jüdischen Kultur in Köln – eine einzigartige Chance. Dokumentation des Symposiums vom 27. September 2002, Köln 2002, 44–46; ders., Spurensuche. Juden im römischen Köln (Beiträge zur rheinisch-jüdischen Geschichte 1), Köln 2011.

<sup>58</sup> G. PRECHT, Der Apsidialbau im Praetorium der Colonia Claudia Ara Agrippinensium/Köln, Kölner Jahrbuch 41 (2010), 287–338.

<sup>59</sup> Vgl. dazu F. LOTTER, Die Grabinschriften des lateinischen Westens als Zeugnisse jüdi-

meines Erachtens leicht auf, ob man nicht an diesen Orten, oder zumindest an manchen, eine ähnliche Diskrepanz wie in der *colonia Agrippinensium* annehmen darf, d. h. dass in der Realität auch dort die jüdische Präsenz weit früher anzusetzen ist, als es die späte Überlieferung aus dem 4. bis 6. Jahrhundert zunächst suggeriert. Konkretisieren lässt sich dies für andere Orte freilich nicht, weil die spezifischen Voraussetzungen, wie sie für Köln vorliegen, nicht gegeben bzw. nicht genügend bekannt sind. Man muss auch eine gewisse Einschränkung gegenüber den literarischen Zeugnissen machen. Denn bei den christlichen Autoren können, insbesondere in theologischen Abhandlungen, leicht die auf Grund der Tradition gegebene Konfrontation zwischen beiden Religionen in eher theoretischen Überlegungen ihren Niederschlag gefunden haben, ohne dass es an allen Orten, die dort genannt werden, stets einen konkreten Anhaltspunkt für Juden gegeben haben muss. Der vor kurzem verstorbene Mediävist Rudolf Schieffer hat dies präzise beschrieben: „Nicht nur in exegetischen Werken, die unmittelbar an die Heilige Schrift anknüpften, sondern auch in Predigten, systematischen Traktaten und sogar in Bestimmungen des kirchlichen und des weltlichen Rechts griff man immer wieder auf die dem Christentum seit jeher inhärente Tendenz zur Auseinandersetzung mit dem Judentum zurück [...] und bedurfte dazu nicht der Anschauung von leibhaftigen Juden im eigenen Gesichtskreis. Es ist also keineswegs gesagt, dass polemische Äußerungen bischöflicher Autoren den Rückschluss auf eine Judengemeinde in deren Stadt oder gar auf akute Konflikte mit ihr erlauben [...]. In diesem Kontext wird verständlich, warum eine weite Verbreitung jüdischer Gemeinden im lateinischen Europa des Frühmittelalters in letzter Zeit gesteigerter Skepsis begegnet.“<sup>60</sup> Und Günter Stemberger hat in einem erst in Kürze erscheinenden Beitrag mit dem Titel „*The Epistola Severi and the Destruction of the Synagogue of Magona*“ resümierend vor allem auf „literary and propagandistic elements“ in der *Epistola Severi* hingewiesen, die es nicht erlaubten, den Bericht einfach „as an historical text“ zu lesen.<sup>61</sup> Man muss die literarische christliche Tradition über Juden in Spätantike und frühem Mittelalter also mit mehr Skepsis sehen als dies oft geschieht. Allerdings wird seit dem späten 3. Jahrhundert in vielen Provinzregionen die Präsenz von Juden an deutlich mehr Orten durch Inschriften nachgewiesen, als dies in den ersten drei Jahrhunderten der Kaiserzeit der Fall ist; die Zahlen, die oben in der Tabelle gegeben werden, machen dies sehr

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schen Lebens im Übergang von der Antike zum Mittelalter (4.–9. Jahrhundert), in: C. Cluse/A. Haverkamp/I. J. Yuval (Hg.), *Jüdische Gemeinden und ihr christlicher Kontext in kulturell vergleichender Betrachtung von der Spätantike bis zum 18. Jahrhundert*, Hannover 2003, 87–147.

<sup>60</sup> R. SCHIEFFER, *Die ältesten Judengemeinden in Deutschland*, Paderborn 2015, 6f.

<sup>61</sup> G. STEMBERGER, *The Epistola Severi and the Destruction of the Synagogue of Magona*, in: J. Hahn (Hg.), *Expropriation and Destruction of Synagogues in Late Antiquity* (RGRW), Leiden (im Druck); siehe schon ders., *Zwangstaufen von Juden im 4.–7. Jahrhundert. Mythos oder Wirklichkeit?*, in: ders., *Judaica Minora*, Bd. 2: *Geschichte und Literatur des rabbinischen Judentums* (TSAJ 138), Tübingen 2010, 82–109.



klar. Auch in Rom bezeugen nichtchristliche Quellen für die späte Republik und die frühe und hohe Kaiserzeit eine in die viele Tausende gehende jüdische Bevölkerung. Doch die epigraphische Überlieferung stammt, soweit sie sich einigermaßen datieren lässt, erst aus der Spätzeit. Insoweit lässt der exemplarische Fall Köln mit dem Zeugnis des Jahres 321 doch den vorsichtigen Schluss zu, dass nicht nur dort, sondern auch an anderen Orten schon während der hohen Kaiserzeit jüdische Gemeinden bestanden haben müssen. Es fehlen nur die konkreten Zeugnisse. Doch sollte hier das *argumentum e silentio* kein großes Gewicht haben. Ob diese vermuteten oder in der Spätantike konkreteren Gemeinden in der Ausgestaltung jüdischen Lebens – entsprechend der Zielsetzung dieses Bandes – andere Wege gegangen sind als die besser bekannten Gemeinden des Ostens,<sup>62</sup> wird man allerdings unserer wenig aussagefreudigen Überlieferung kaum entnehmen dürfen.<sup>63</sup>

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<sup>62</sup> D. NOY, Echoes of Israel in Jewish Inscriptions from Europe, in: S. Jones/S. Pearce (Hg.), *Jewish Local Patriotism and Self-Identification in the Graeco-Roman Period*, Sheffield 1998, 106–117; ders., *The Sixth Hour Is the Mealtime for Scholars. Jewish Meals in the Roman World*, in: I. Nielsen/H. S. Nielsen (Hg.), *Meals in a Social Context. Aspects of the Communal Meal in the Hellenistic and Roman World*, Aarhus 2001, 135–144; ders., *Where Were the Jews of the Diaspora Buried?*, in: Goodman, *Jews in a Graeco-Roman World* (s. Anm. 22), 75–89.

<sup>63</sup> Für die von D. MENDELS/A. EDREI, *Zweierlei Diaspora. Zur Spaltung der antiken jüdischen Welt*, Göttingen 2010, behauptete und beschriebene Spaltung der antiken jüdischen Welt kann m. E. der hier vorgestellte Befund nichts beitragen.

# Jews and Judaism in Antioch as Portrayed by John Chrysostom and the Rabbinic Sages

*Shaye J.D. Cohen*

For the past several decades one of the main issues discussed by students of Judaism in late antiquity is the normativity of rabbinic Judaism. The rabbinic sages, who gave us the Mishnah and the Tosefta, the Yerushalmi and the Bavli, the halakic and haggadic midrashim, were active mainly in Roman Palaestina and Sassanid Babylonia. Their literature usually – but not always – presents them as the leaders of Jewish society, not necessarily in an institutional sense but in a moral sense. The sages saw themselves as the bearers of Torah, the avatars of authenticity, the molders and shapers of Judaism. Many, or at least some, rabbinic texts are aware that the Jews “out there” were not sages and did not observe the Torah as the rabbis would have wanted them to, but in the final analysis rabbinic texts assume that the sages were central to the definition and practice of “Judaism” (even if they don’t use the word).<sup>1</sup> On this large point not all modern scholars are convinced. Were the rabbinic sages really the shapers and molders of Judaism? Were the sages the leaders, whether formal or informal, of Jewish society? Was “rabbinic Judaism” synonymous with “Judaism” *tout court*? These questions form a natural sequel to the much-debated question of the status of the Pharisees in Second Temple Judaism; there too a scholarly debate pits the upholders of Pharisaic dominance and centrality against those who argue that the Pharisees were merely a sect among sects.<sup>2</sup>

Even if we allow the sages a certain degree of social prominence in their homelands of Palaestina and Babylonia, we may be certain that their prominence in the cities and villages of the Greek diaspora was less. How much less? Hard data is hard to find. This essay is a case study of the Jewish community of one city, Antioch, for which we have little archaeological and epigraphical evidence,<sup>3</sup> but relatively abundant literary evidence. The literary evidence is

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<sup>1</sup> As is well known, ancient rabbinic literature seldom uses the word יהודים/יהודי (Ἰουδαῖος, Ἰουδαῖοι) and almost never uses the word יהדות (Ἰουδαϊσμός). These words do not become common until the high Middle Ages. This is not our concern here.

<sup>2</sup> See, e.g., Martin Hengel and Roland Deines (in favor of Pharisaic centrality) vs. E. P. Sanders (against Pharisaic centrality) in M. Hengel and R. Deines, “E. P. Sanders’ ‘Common Judaism’, Jesus, and the Pharisees,” *JTS* 46 (1995), 1–70.

<sup>3</sup> D. Noy and H. Bloedhorn, *IJO* 3, p. 116: “There is almost no epigraphic or archaeolog-

contained in two corpora: (1) rabbinic texts, and (2) the sermons *Against the Jews* by John Chrysostom. I hope I am not ruining any surprise if I state at the outset that the rabbinic texts assume that the Jewish community of Antioch was under rabbinic influence while the sermons of John Chrysostom do not.<sup>4</sup>

First a brief introductory note about each of our sources. The rabbinic works of late antiquity extend from the second or third century CE (the Mishnah and Tosefta) to the early Islamic period (some of the “late” midrashim).<sup>5</sup> All of these works are anonymous anthologies, large collections of material that have reached us through complicated, mostly unknown, processes of collection and edition. Within these large anonymous anthologies are passages and statements attributed to named sages; the reliability of these attributions is a subject of intense scholarly debate. The main form of this literature is the commentary: the Tosefta and the Talmuds are commentaries on the Mishnah, the midrashim are commentaries on the Bible, mainly the Torah. The commentary form masks a rich variety of other literary forms which are embedded in this literature, such as legal debates, anecdotes, homilies, folklore, and much else. Whatever the genre, we may be sure that none of the rabbinic references to Jewish life in Antioch was written by an eyewitness.

All of this literature is written in a combination of Hebrew and Aramaic with occasional Greek (and Latin) words and phrases. How much Greek and Greek rhetoric the sages knew is an open question.<sup>6</sup> If one fine day in Antioch a rabbinic sage visiting from Palaestina bumped into John Chrysostom on the street, would they have been able to hold a conversation? Not clear.<sup>7</sup> More impor-

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ical evidence of the Jewish community [of Antioch].” On the archaeological remains of Antioch in general, see G. Brands, *Antiochia in der Spätantike: Prolegomena zu einer archäologischen Stadtgeschichte*, Hans-Lietzmann-Vorlesungen 14 (Berlin: de Gruyter, 2016).

<sup>4</sup> There is abundant scholarship on the Jewish community of Antioch although I do not know any study that does what this essay proposes to do. See, e.g., S. Krauss, “Antioche,” *REJ* 45 (1902), 27–49; C. Kraeling, “The Jewish Community at Antioch,” *JBL* 51 (1932), 130–160; B. Broton, “The Jews of Ancient Antioch,” in *Antioch: The Lost Ancient City*, ed. C. Kondoleon (Princeton: Princeton University Press, 2000), 29–37; R. Brändle, “Die Reden Adversus Judaeos (386/387) von Johannes Chrysostomus im Kontext der multikulturellen Metropole Antiochien,” in *Antioch II: The Many Faces of Antioch; Intellectual Exchange and Religious Diversity*, ed. S.-P. Bergjan and S. Elm (Tübingen: Mohr Siebeck, 2018), 297–316 (*non vidi*); A. Finkelstein, “Taming the Jewish Genie: John Chrysostom and the Jews of Antioch,” in *Strength to Strength: Essays in Appreciation of Shaye J. D. Cohen*, ed. M. L. Satlow, *BJS* 363 (Providence, R. I.: Brown Judaic Studies, 2018), 555–576 (with recent bibliography).

<sup>5</sup> For a brief but useful introduction to ancient rabbinic literature, see *Handbook of Jewish Literature from Late Antiquity*, ed. F. Millar, E. ben Eliyahu, and Y. Cohn (Oxford: Oxford University Press, 2012).

<sup>6</sup> See the recent study by R. Hidary, *Rabbis and Classical Rhetoric: Sophistic Education and Oratory in the Talmud and Midrash* (Cambridge: Cambridge University Press, 2018).

<sup>7</sup> Cf. the story in t. Hul. 2:24 of R. Eliezer having a conversation with a *min* (a heretic, apparently a Jewish Christian) in Sepphoris; the storyteller does not reveal in which language

tantly, if a rabbinic sage from Palaestina visited Antioch, would he have been able to converse with the Jews of the city? The rabbinic texts suggest that the answer is yes, even if the texts do not tell us what language they were speaking.

According to the Bar Ilan Responsa Database (version 26 plus) “Antioch” (אנטוכיא/אנטוכיה) appears over one hundred times in the rabbinic literature of late antiquity. This number is inflated because the database contains duplicates (e. g., two editions of the Yerushalmi, two editions of the Tosefta, two editions of Genesis Rabbah) and parallels, as well as passages in texts whose claim to antiquity, even late antiquity, is dubious. The important point, however, is that late antique rabbinic literature refers to Antioch frequently enough to support the conclusion that the city was on the rabbinic radar screen. Antioch is invoked several times as a byword for “a large city.”<sup>8</sup> The rabbis tell anecdotes that are set in Antioch.<sup>9</sup> They mention “Daphne of Antioch,” “the valley of Antioch,” and “Hamat Antioch.”<sup>10</sup> Edessa, in contrast, was not on the rabbinic radar screen; in all of ancient rabbinic literature Edessa is mentioned only once.<sup>11</sup> I freely admit that we cannot be sure that all the Antiochs of rabbinic literature are necessarily our Antioch, the great city on the Orontes in northern Syria, known today as Antakya, but surely the simplest assumption is that they are all one and the same, and I shall proceed on that basis. I recognize too that in assembling this corpus of rabbinic evidence I am homogenizing texts of different genres, dates, and origins, but the corpus is small and I do not have much alternative.

And now some brief introductory remarks about John Chrysostom. In his sermons *Against the Jews*, delivered in Antioch in the fall of 386, the spring of 387, and the fall of 387 CE,<sup>12</sup> John Chrysostom fulminates against some of

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they had their conversation (probably Aramaic). Chrysostom says that he does not have Hebrew (*Hom. Gen.* 4 [PG 53.43], cited by R. C. Hill, *St. John Chrysostom: Commentary on the Psalms*, 2 vols. [Brookline, Mass.: Holy Cross Orthodox Press, 1998], 1.5 n. 15).

<sup>8</sup> E. g., t. ‘Erub. 3:13 (p. 101 ed. Lieberman); y. ‘Erub. 5:5, 22d.

<sup>9</sup> t. Yebam. 14:7 (pp. 53–54 ed. Lieberman); b. Yebam. 122a; b. Šabb. 53b; see below.

<sup>10</sup> “Daphne of Antioch”: y. Sanh. 10:5, 29c; Gen. Rab. 94 end (p. 1185 ed. Theodor-Albeck); “the valley of Antioch”: t. Demai 2:1 (p. 68 ed. Lieberman); “Hamat Antioch”: Lev. Rab. 5:3 (p. 105 ed. Margulies).

<sup>11</sup> The only reference to Edessa is in Genesis Rabbah; see A. Oppenheimer, *Babylonia Judaica in the Talmudic Period*, TAVO B 47 (Wiesbaden: Reichert, 1983), 133–134, s. v. Hadas. On rabbinic Judaism in Edessa, see my article “Jewish Observance of the Sabbath in Bardaisan’s Book of the Laws of Countries” [in Hebrew], in *Between Babylonia and the Land of Israel: Studies in Honor of Isaiah Gafni*, ed. G. Herman et al. (Jerusalem: Zalman Shazar Center, 2016), 169–182.

<sup>12</sup> W. Pradels, R. Brändle, and M. Heimgartner, “The Sequence and Dating of the Series of John Chrysostom’s Eight Discourses *Adversus Iudaeos*,” *ZAC* 6 (2002), 90–116. Whether this reconstruction is correct or not, does not much matter for my purposes. – I cite the *Adversus Iudaeos* (“Against the Jews”) of John Chrysostom from the translation of P. Harkins, FC 68. I reject Harkin’s title “Against Judaizing Christians” in favor of the traditional title. The Greek text is PG 48; I indicate the column number after each reference, the volume

the Christians of the city, accusing them of consorting with the Jews, the enemies of Christ, and thus denying their own Christianity. Modern scholars call these Christians “Judaizers,” and cite them as evidence for the porosity of the boundary between Jews and Christians, and between Judaism and Christianity. Elsewhere I hope to investigate this allegedly porous boundary, in particular whether “Judaizing” is the right label to apply to these Christians. Why Antiochene Christians “Judaized,” and why Chrysostom reacted so strongly to their actions, are questions for another time.<sup>13</sup>

In this essay I am interested not in the Christianity of Antioch’s Christians but in the Judaism of Antioch’s Jews. I admit that a full study of this topic would demand minimally a survey of all the works of Chrysostom’s Antiochene period, and maximally a study of all of his works.<sup>14</sup> Both of these tasks are beyond my competence and expertise. According to the *Thesaurus Linguae Graecae*, words formed with the root *ιουδ-* (e. g., *Ἰουδαῖοι*, *Ἰουδαϊσμός*, *ιουδαῖζειν*) occur no less than 3,782 times in Chrysostom’s corpus.<sup>15</sup>

Aside from the challenge of the sheer volume of material is the challenge of the genre. The sermons *Against the Jews* are polemics; as a polemicist, Chrysostom is under no obligation to be accurate or truthful. His goal is to highlight the wickedness of the Jews, in order to encourage his flock to stay away from them. As many scholars have observed, his evidence for the wickedness of the Jews consists primarily of passages drawn from the biblical prophets. The sins of Israel denounced by Amos, Isaiah, and Jeremiah are also the sins of contemporary Jews. As a result of this ahistorical perspective, which allows him to speak of “Jews” even in the biblical period, in many passages he even conflates the destruction of the first temple in 587 BCE with the destruction of the second in 70 CE. For Chrysostom both destructions prove Jewish wickedness and divine rejection, hence he has little reason to distinguish one destruction from the other.<sup>16</sup> Chrysostom acknowledges that the Jews of Antioch

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number 48 should be understood. In citing other works of Chrysostom, I supply the volume number as well as the column number. A section of the second oration, which had disappeared from the manuscript tradition, was recently re-discovered; it is a good specimen of Chrysostom’s anti-Jewish polemic but does not contribute to my discussion. See W. Pradels, R. Brändle, and M. Heimgartner, “Das bisher vermisste Textstück in Johannes Chrysostomus, *Adversus Judaeos*, Oratio 2,” *ZAC* 5 (2001), 23–49.

<sup>13</sup> See my “Parting of the Ways in Antioch in 386/7 CE: What John Chrysostom Says and What He Doesn’t,” an early version of which was delivered at the SBL conference in San Antonio in 2016.

<sup>14</sup> Part of the challenge is that the provenance of many of Chrysostom’s works is not known: which are from Antioch, and which are from Constantinople?

<sup>15</sup> Not to mention words formed on the stems *ἔβραι-* and *ἰσραηλιτ-*.

<sup>16</sup> For the conflation of the two destructions, see, e. g., *Adv. Jud.* 4.6.6–9 (880–881) and 6.4.4 (922). Rabbinic midrash sometimes does the same. See my “The Destruction: From Scripture to Midrash,” in *The Significance of Yavneh and Other Essays in Jewish Hellenism*, TSAJ 136 (Tübingen: Mohr Siebeck, 2010), 22–43.

are not as sinful as the Israelites of old. He admits that contemporary Jews do not worship idols or dedicate their children to Molek; he admits that they observe the Sabbath and abstain from forbidden food.<sup>17</sup> Contemporary Jews, says Chrysostom, suffer exile and degradation for the sin of killing Christ, just as their ancestors had suffered exile and degradation for slaying the prophets. So it is not a simple matter to ask Chrysostom to tell us about contemporary Jews since in his mind the timeline of Jewish wickedness extends without interruption from the biblical era into the fourth century CE.

Now that the introductions are out of the way we can turn to the matter at hand: Jews and Judaism in Antioch as represented by rabbinic texts and by John Chrysostom. I begin with the rabbinic texts. Please note that my translations of the rabbinic passages are actually a cross between translation and paraphrase; for our purposes we need to focus only on what each passage has to say about Jews and Judaism in Antioch.

## 1. Rabbinic Texts on Rabbis and Rabbinic Judaism in Antioch

(1) Both the Bavli and the Yerushalmi mention “the lawcourts of Syria” (b. Sanh. 23a; y. Sanh. 3:1, 21a). The Yerushalmi includes the following anecdote about two litigants in Antioch:

תרין בני נש הוה לן דין באנטוכיא אמר חד לחביריה מה דרבי יוחנן אמר מקבל עלי שמע רבי יוחנן ומר לא כל מיניה מיטרפא בעל דיניה אלא שמעין מליהון תמן ואין הוות צורכא כתבין ומשלחין עובדא לרבנן

[...] One litigant says, “whatever ruling R. Yohanan gives [in Tiberias about this case] I accept.”<sup>18</sup> R. Yohanan [in Tiberias] hears of this and says, “one litigant does not have the power to compel the other [to accept a ruling in a distant place]. But let them [the judges] there [in Antioch] hear their words, and if there is need, let them write and send the case to the sages [here].”

The anecdote assumes that rabbinic sages enjoy authority and prestige in Antioch, even as it also assumes that the judges of Antioch may have to consult the sages of Palaestina for guidance. Rabbi Yohanan, a major sage of the mid-third century CE in Palaestina, thinks it perfectly natural that the sages of Antioch would want to consult the sages of Tiberias. The passage also assumes that there were rabbinic courts in Antioch.

In the first of his sermons *Against the Jews* Chrysostom tells a story about a Christian man in the city who attempts to compel his Christian disputant, a woman, to take an oath in the synagogue, because the man believes that oaths taken in a synagogue are more fearsome than oaths taken in a church.<sup>19</sup> Some modern scholars explain that the man trusted an oath taken in a synagogue

<sup>17</sup> *Adv. Jud.* 6.2.8 (906), 10 (907); 6.3.3 (907).

<sup>18</sup> Or: “whatever the law is according to R. Yohanan, I accept.”

<sup>19</sup> *Adv. Jud.* 1.3.4–5 (847–848).

because of the integrity and competence of the Jewish legal tribunal that met there.<sup>20</sup> This explanation, which at first glance might seem to confirm our story in the Yerushalmi, actually derives, I believe, from a mistaken translation of the word *συνέδρια* that Chrysostom uses here. Chrysostom asks the man why he reveres oaths taken in the place where the Jews congregate (*συνέδρια*); he is not referring to rabbinic or any other law courts.<sup>21</sup> Chrysostom knows nothing of rabbinic tribunals in Antioch, but the Yerushalmi does.

The following rabbinic stories locate named rabbinic sages in Antioch. The stories seldom make clear why the sages are in the city.<sup>22</sup> No sage is said to be a native of the city. In the following stories we have rabbinic sages in Antioch doing what rabbinic sages do, that is, teaching, deciding law, raising money, and interacting with government officials.

(2) b. Yebam. 45a:

רבי אחא שר הביירה ור' תנחום בריה דרבי חייא איש כפר עכו, פרוק הנהו שבוייתא דאתו מארמון לטבריא, הוה חדא דאעברא מגוי, ואתו לקמיה דר' אמי; אמר להו, ר' יוחנן ור' אלעזר ור' חנינא דאמרי: גוי ועבד הבא על בת ישראל – הולד ממזר

R. Aha the captain of the fortress<sup>23</sup> and R. Tanhum the son of R. Hiyya, a man of Kefar Akko, redeemed some female captives who came from Armenia to [Antioch<sup>24</sup>]. One of them had been impregnated by a gentile. They came before R. Ami [in Tiberias in Palaestina]. He said to them: R. Yohanan, R. Elazar and R. Hanina all say that if a gentile or a gentile slave impregnates an Israelite woman, the offspring is a *mamzer*.<sup>25</sup>

This brief anecdote is part of a long and involved discussion about the status of the offspring of a Jewish (“Israelite”) woman and a gentile man. Too bad

<sup>20</sup> Krauss, “Antioche” (see n. 4), 43 (“Les synagogues étaient très fréquentées par des chrétiens [...] ils s’adressaient parfois aux tribunaux juifs”); Kraeling, “Antioch” (see n. 4), 156 (“Christians were attracted to the Jewish synagogue of Antioch for various reasons. They found the judicial tribunal which sat there solemn and impartial”); D. Flusser, “Antioch,” *EncJud* 3 (1972), 71–73, at 72 (“John Chrysostom of Antioch [...] vituperatively denounced those Christians in Antioch who attended synagogues and resorted to the Jewish lawcourts”).

<sup>21</sup> Chrysostom reports “I asked him why he rejected the Church and dragged the woman to the place where the Hebrews assembled (*συνέδρια*)” (*Adv. Jud.* 1.3.5 [848]). Similar translation in V. Jegher-Bucher, *Johannes Chrysostomus: Acht Reden gegen Juden*, Bibliothek der griechischen Literatur 41 (Stuttgart: Hiersemann, 1995), 89 (“die Zusammenkünfte der Juden”).

<sup>22</sup> Kraeling, “Antioch” (see n. 4), 155–156 nn. 125–126, tries to distinguish sages living in Antioch (R. Isaac, R. Ephas) from those visiting Antioch.

<sup>23</sup> The meaning of the *בירה* is obscure. The title also appears in m. ‘Or. 2:12.

<sup>24</sup> The standard edition of the Bavli reads “from Armenia to Tiberias,” but Rashi and numerous medieval testimonia read “from Armenia to Antioch.” See the edition of Yebamot, vol. 2, published by the Institute for the Complete Israeli Talmud (Jerusalem, 1986), ed. A. Liss, p. 152 n. 28 [in Hebrew].

<sup>25</sup> A *mamzer* is the offspring of a prohibited union who, as the result of his parentage, may not marry a Jew of good standing.

that the reading “Antioch” is not certain, and too bad that the movement of the story’s characters (from Armenia to Antioch to Tiberias, home of R. Ami) is not laid out with greater precision. Why R. Aha and R. Tanhum, whom we will meet again in the next story, were in Antioch, the story does not say. The redemption of captives, especially female captives, was deemed by rabbinic piety to be a high form of charity.<sup>26</sup> All of the named sages are conventionally dated to the mid- or later third century CE.

(3) b. Ketub. 88a//b. ‘Arak. 22b:

ונפרעת שלא בפניו – לא תפרע אלא בשבועה. אמר רב אחא שר הבירה: מעשה בא לפני רבי יצחק באנטוכיא, ואמר: לא שנו אלא לכתובת אשה, משום חניא, אבל בעל חוב לא; ורבא אמר רב נחמן: אפי’ בעל חוב, שלא יהא כל אחד ואחד נוטל מעותיו של חברו והולך ויושב במדינת הים, ואתה נועל דלת בפני לווין.

[...] R. Aha the captain of the fortress<sup>27</sup> said: a case came before R. Isaac in Antioch. [...]

In Antioch R. Isaac ruled that a woman collecting money owed to her in her marriage contract (*ketubbah*) may seize the money even in the absence of the husband. Other creditors, however, may seize the money owed to them only in the presence of the debtor. The exception is made for a divorced woman collecting her *ketubbah* because rabbinic social policy wants her to remarry, and if she has money she may well attract a potential spouse. But a standard creditor may not seize assets except in the presence of the debtor. The Talmud reports that Rava in the name of R. Nahman, two well-known Babylonian sages of the mid-fourth century, disagree; in their opinion a creditor may seize what is owed to him even in the absence of the debtor. Why R. Isaac was in Antioch the narrator does not say. If we may deduce that the storyteller believes a *ketubbah* to be standard issue for Jewish women in Jewish marriages in Antioch, we have learned something important because a *ketubbah* is a hallmark of rabbinic marriage.<sup>28</sup>

(4) y. Qidd. 3:13, 64d. In m. Qidd. 3:13, R. Tarfon declares that a *mamzer* can remove the stain from his descendants if he (the suggestion works only for a male *mamzer*, not a female *mamzeret*) marries a slave woman. The offspring of that union is a slave, who can be manumitted and thus become a Jew of good standing. The Yerushalmi comments as follows:

רבי טרפון אומר יכולין ממזרין ליטרהו כו' כיני מתניתא ממזר מותר לו לישא שפחה רב יהודה בשם שמואל הלכתא כרבי טרפון רבי שמלאי הורי באנטוכיא רבי סימאי הורי כפר ספוריית הלכה כרבי טרפון

<sup>26</sup> See, e.g., m. Git. 4:6; Ketub. 4:9; Hor. 3:7; S. Baron, *The Jewish Community: Its History and Structure to the American Revolution* (Philadelphia: Jewish Publication Society, 1942), index, s. v. Redemption of Captives.

<sup>27</sup> See n. 23 above.

<sup>28</sup> See m. Ketub. 4. According to t. Ketub. 4:9, Jewish marriages in Alexandria in the time of Hillel also featured *ketubbot*.



The Mishnah follows the view that a (male) *mamzer* is permitted to marry a (female) slave. Rabbi Judah says in the name of Samuel: the law (הלכה) follows R. Tarfon. Rabbi Simla'i pronounced a verdict in Antioch; R. Sima'i pronounced a verdict in Kefar Sipuraya: the law (הלכה) follows R. Tarfon.

We are dealing with a case of a *mamzer*, the offspring of a strongly prohibited union who as the result of the sinfulness of his origins may not marry a Jew of good standing. Rabbi Tarfon (a Mishnaic sage of the early second century CE) found a way for the male *mamzer* to remove this impairment from his descendants, and R. Tarfon's ruling was put into effect by R. Simla'i in Antioch (second half of the third century CE). Once again numerous key details are missing from this highly compressed narrative; but the storyteller would have us believe that in Antioch one could find a *mamzer* as well as a rabbinic sage from Palaestina who could help the *mamzer's* descendants escape their impairment.

(5) y. Hor. 3:4, 48a; Lev. Rab. 5:4 (pp. 110–113 ed. Margulies):

מעשה בי רבי אליעזר ורבי יהושע ורבי עקיבה שעלו לחולת אנטוכיא על עסק מגבת חכמים והוה תמן חד אבא יהודה עביד מצוה בעין טובה פעם אחת ירד מנכסיו וראה רבותינו ונתייאש מהן עלה לו לביתו ופניו חולניות אמרה לו אשתו מפני מה פניך חולניות אמר לה רבותינו כאן ואיני יודע מה אעשה אשתו שהיתה צדקת ממנו אמרה לו נשתיירה לך שדה אחת לך ומכור חצייה ותן להן הלך ועשה כן ובא אצל רבותינו ונתן להן ונתפללו עליו רבותינו אמרו לו אבא יהודה הקדוש ברוך הוא ימלא חסרונותיך עם כשהלכו להם ירד לחרוש בתוך חצי שדהו עם כשהוא חורש בתוך חצי שדהו שקעה פרתו ונשברה ירד להעלותה והאיר הקדוש ברוך הוא עיניו ומצא סימא אמר לטובתי נשברה רגל פרתי ובהדורת רבותינו שאלון עלוי אמרין מה אבא יהודה עביד אמרין מאן יכיל חמי אפוי דאבא יהודה אבא יהודה דתורוי אבא יהודה דגמלוי אבא יהודה דחמריו חזר אבא יהודה לכמות שהיה ובא אצל רבותינו ושאל בשלומן אמרין ליה מה אבא יהודה עביד אמר להן עשתה תפילתכם פירות ופירי פירות אמרו לו אף על פי שנתנו אחרים יותר ממך בראשונה אותך כתבנו ראש טימוס נטלוהו והושיבוהו אצלם וקראו עליו הפסוק הזה מתן אדם ירחיב לו ולפני גדולים ינחניו

It once happened that R. Eliezer and R. Joshua and R. Aqiva went to the valley of Antioch for the purpose of raising money for the sages. One Abba Judah was there, who gave generously to charity. It happened that he suffered financial loss; he saw our rabbis and despaired because of them.<sup>29</sup> He went to his house; his face was sickly. His wife said to him: why is your face sickly? He said to her: our rabbis are here and I don't know what to do. His wife, who was even more righteous than he,<sup>30</sup> said to him: you still have one field left; go and sell half of it and give the proceeds to them. He went and did so; he went to our rabbis and gave them the money. They prayed on his behalf. They said: Abba Judah, may the holy One, blessed be He, make full what you have lost. When they left he went down to plow his half-field. While he was plowing in his half field his cow sank [into a hole] and [her leg] was broken. He went down [into the hole] in order to raise her up, and the holy One, blessed be He, enlightened his eyes and he found a treasure. He said: it was for my benefit that my cow's leg was broken. Upon the return of our rabbis [the next year] they asked about him. They said: how [lit. what] is Abba Judah doing? They [the local people] said: who is ever able to see the face of Abba

<sup>29</sup> That is, he sees the sages approaching but is embarrassed because he is unable to give them his usual gift.

<sup>30</sup> She is the opposite of Mrs. Job. I do not understand the function of the pious wife in this story.

Judah? Abba Judah and his oxen! Abba Judah and his camels! Abba Judah and his donkeys! Abba Judah has returned to his prior state. He went to our rabbis and greeted them. They said to him: how [lit. what] is Abba Judah doing? He said to them: your prayer yielded fruit, and the fruit yielded fruit. They said to him: even though others gave more than you, we have written your name first at the head of the scroll (טימוס).<sup>31</sup> They took him and seated him with them, and applied to him this verse, *a person's [charitable] gift opens the way, and leads him to the great ones* (Prov 18:16).

This is a wonderful and charming folktale whose legendary and homiletical quality is obvious. The text is too rich and too long to be fully unpacked here. What is important is that the rabbinic storyteller imagines that at Antioch one will find Jews like Abba Judah: not a sage, not a rabbi, but a pious and sincere supporter of “our” rabbis when they visit from Palaestina. Three well-known sages (all of the early second century CE) go to Antioch to raise funds; Abba Judah does his best to support the sages financially and is rewarded from heaven for his actions. The storyteller imagines that Abba Judah and the rabbinic sages have no difficulty communicating with each other, but the storyteller does not tell us if they were speaking Greek or Aramaic (or Hebrew).

(6) Gen. Rab. 10:4 (p. 76 ed. Theodor-Albeck):

אמר רבי הושעיא דרש ר' אפס באנטוכי' אין לשון ויכלו אלא לשון מכה וכליה

R. Hoshaya said: R. Afas expounded (in public) in Antioch [...]

After this opening line follows a homily of a typical rabbinic sort on Gen 2:1 which I do not need to transcribe here since text and translation will take us far afield. But R. Afas's homily assumes an audience which knows enough Hebrew to understand that Hebrew ויכלו, “were completed” (Gen 2:1), sounds similar to כליה (“destruction”). This is an audience that can appreciate fanciful rabbinic midrash.

(7) Gen. Rab. 19:4 (p. 172 ed. Theodor-Albeck):

אמר ר' תנחומא השאלה הזו שאלוני באנטוכי'א, אמרתי להם כי יודעים אלהים אין כתי' כאן אלא כי יודע אלהים

R. Tanhum(a) says: they asked me this question in Antioch. [Gen 3:5 says *Because God (Elohim) knows that as soon as you eat of it your eyes will be opened and you will be like Gods (Elohim) who know good and bad*. Why does the verse use the plural *Elohim* and the plural *who know*? Is there more than one God?] I said to them, “Because Gods know” [in plural] is not written here; what is written is *Because God knows* [in the singular].

<sup>31</sup> That is, even though last year you were not able to make your usual contribution, we kept your name at the top of the list of contributors (because we had every confidence that your fortunes would be restored, and that you would contribute again as you had done previously).

This passage is truncated but its meaning is clear based on parallels in Genesis Rabbah and elsewhere which feature conversations between *minim* (“heretics”) and R. Simla’i, whom we have already met in Antioch (see passage no. 4 above).<sup>32</sup> The standard pattern is the following: the heretics point to a biblical passage which uses a plural with reference to God; the heretics ask, does not the plural imply a plurality of Gods in heaven? The rabbi responds: in the same verse or in a nearby verse is a singular verb or noun, thus affirming the singularity of God. In some passages after the departure of the heretics the sage shares with his disciples (and thus the reader) a deeper explanation. The precise identity of the questioners is never revealed by the narrator.<sup>33</sup> In Antioch R. Tanhum (or Tanhuma) met such questioners, whoever they may have been.

(8) y. Ber. 5:1, 9a is a series of stories about sages who meet powerful generals or officials and, to everyone’s surprise, it is the official who stands before the sages, rather than the reverse. The following excerpt features the Roman general Ursicinus who was active in the 350s CE in various military campaigns in the eastern Roman Empire; he was a citizen of Antioch and figures prominently in the narratives of Ammianus Marcellinus.

רבי יונה ורבי יוסי עלון קומוי ארסקינס באנטוכיא חמתין וקם מן קומיהון אמרין ליה מן קומוי אילין יהודאי  
את קאים לך אמר לון אפיהון דהני אנא תזי בקרבא ונצח

R. Yonah and R. Yosi went before Ursicinus in Antioch. He saw them and arose before them. They [his courtiers] said to him, “you stand before these Jews?” He said to them, “because I see their faces in battle and I am victorious.”

This intriguing little story reminds us of the story in Josephus about the meeting of Jaddus the High Priest and Alexander the Great. Alexander bows down to Jaddus, because, he explains, he saw the image of the high priest in his dream, urging him on to victory.<sup>34</sup> In the context of the fourth century one wonders whether this story is meant to be a kind of Jewish response to the Christian story about Constantine.<sup>35</sup> Constantine was victorious at the Milvian bridge through his Christian vision, Ursicinus was victorious through his vision of two rabbinic sages. One wonders too why these two sages, R. Yonah and R. Yosi, traveled from Palaestina to Antioch; were there no sages in Antioch who could have greeted the general properly? No doubt there is more here to unpack.<sup>36</sup>

<sup>32</sup> Gen. Rab. 8:9 (pp. 62–63 ed. Theodor-Albeck) and parallels.

<sup>33</sup> Thus giving ample scope for speculation by modern scholars.

<sup>34</sup> Josephus, *A.J.* 11.329–339. See my “Alexander the Great and Jaddus the High Priest according to Josephus,” *AJSR* 7–8 (1982–1983), 41–68; repr. in *Significance of Yavneh* (see n. 16), 162–186.

<sup>35</sup> H. Lapin, “Toward a History of Rabbinic Powerlessness,” in Satlow, *Strength to Strength* (see n. 4), 329–339, at 332, following a suggestion of Seth Schwartz.

<sup>36</sup> Lieberman suggests that the meeting between Ursicinus and the sages took place in

## 2. The Jews of Antioch as Seen by Rabbinic Texts

In sum, the rabbinic texts represent the Jews of Antioch as living within the rabbinic orbit. True, there are people within(?) the community who ask questions about Scripture that seem more appropriate in the mouths of heretics than in the mouths of pious Jews, but such questioners (Jews? Christians? Jewish Christians? Greeks? “Gnostics”?) could be found in Palaestina too, and we cannot be sure that they are Christians. The community has rabbinic courts, even if not a single native Antiochene rabbi appears in our corpus. The judges of these courts consult the sages in Galilee if they have cases that they cannot solve. Sages from Palaestina visit Antioch and rule on cases there. The community knows enough Hebrew in order to follow a rabbinic sermon. The values of the community are those of the rabbinic sages: respect for sages, charity, redemption of captives. *Ketubbot* (“marriage contracts”) are a normal feature of marriage. It may be significant that two of the cases in our small corpus deal with *mamzerut*, the marriageability of the offspring of severely prohibited unions. Does this fact imply that sexual mixing was frequent between Jews and non-Jews, and sexual libertinism was rife within the Jewish community? Or do these two cases imply precisely the opposite? Not sure. In sum, the rabbinic texts imagine that the Jewish community of Antioch is an outpost of rabbinic Judaism, or at least that rabbinic sages find a welcome there when they visit from Roman Palaestina. The Antiochene Jews are not sages themselves, but like Abba Judah they respect the sages and heed their words.

## 3. The Sermons *Against the Jews* of John Chrysostom on the Jews of Antioch

Let us ignore Chrysostom’s anti-Jewish fulminations. Let us ignore his rhetorical excesses, his rabid anti-Jewish hostility. Let us ignore his denigration of synagogues, his claim that Jews are demonic and need to be destroyed. In other words, let us ignore the features of Chrysostom’s sermons that have monopolized scholarly attention. Let us instead read the sermons *Against the Jews* in search of data about Jews and Judaism in Antioch in the 380s CE.

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353 CE; see S. Lieberman, “Palestine in the Third and Fourth Centuries,” *JQR* 36 (1946), 336–341, esp. 340 n. 89; repr. in his *Texts and Studies* (New York: Ktav, 1974), 119–124. See now, for a less positivistic discussion, H. Lapin, *Rabbis as Romans: The Rabbinic Movement in Palestine* (New York: Oxford University Press, 2012), 144–149. The Yerushalmi might mention Julian at Ned. 3:3, 37d but it nowhere alludes to the proposed rebuilding of the temple. The story about the meeting with Ursicinus may well be the latest datable story in the Yerushalmi.

The Jews of Antioch are loyal to the law; they honor its demands in a way that their ancestors did not.<sup>37</sup> Of course, Chrysostom says, their observance of the law is untimely, since they should have observed the law when the temple still stood; with the temple destroyed and the Jews in exile, they are unable to observe one of the main dictates of the law: to sacrifice to God in Jerusalem.<sup>38</sup> In response the Jews say that in the future their way of life will be restored, their temple will be rebuilt, and they will resume the worship of God through sacrifices. As to Chrysostom's argument that in the meanwhile the destruction of the temple and the exile from Jerusalem render the practice of Jewish rituals untimely and pointless, the Jews have nothing to say, or at least Chrysostom does not give their response. Their implicit response is clear: they continue to observe the Jewish laws and customs that they can.

Chrysostom is vague about the non-sacrificial worship of contemporary Jews. What Jewish rituals do the Jews of Antioch perform in their synagogues and homes? Chrysostom apparently does not know, aside from some allusions to the fall festivals, about which more in a moment. He repeatedly calls the synagogue a place of demons and salacious entertainment; what exactly the Jews were doing in their synagogues that might have elicited this accusation, I do not know.<sup>39</sup> In their synagogues the Jews store and read the books of the law and the prophets. The books of the law are stored in special boxes, very unlike the ark of the law in the temple of old.<sup>40</sup>

The Jews of Antioch have at least two synagogues, one in the city and one in the suburb of Daphne.<sup>41</sup> Their community is led by priests and perhaps a patriarch (or perhaps patriarchs, plural).<sup>42</sup> No named leader is mentioned. In

<sup>37</sup> *Adv. Jud.* 1.2.3 (845–846); *Exp. Ps.* 8 (Hill, *Commentary* [see n. 7], 1.158–164).

<sup>38</sup> See, e. g., *Adv. Jud.* 1.2.3 (845–846); 2.1.6 (858); 2.2.5 (861); 4.4.2 (876); J. Malkowski, "The Element of *akaios* in St John Chrysostom's Anti-Jewish Polemic," *StPatr* 12 (1975), 222–231. See now the recovered section of the second sermon.

<sup>39</sup> Perhaps it was the music (trumpets?) played in the synagogue; see below. Chrysostom, with his monastic training, regarded music as the devil's work; to this day Greek Orthodox services do not employ musical instruments.

<sup>40</sup> *Adv. Jud.* 6.7.2 (914).

<sup>41</sup> *Adv. Jud.* 1.6.2 (852). I do not discuss here the Hasmonean shrine in Antioch because by the 380s CE it had become a Christian, not a Jewish, shrine; it is nowhere mentioned in the *Adversus Judaeos*. The Maccabees themselves are mentioned in *Adv. Jud.* 5.7.5 (894), but not the shrine. For a full discussion, see M. Vinson, "Gregory Nazianzen's Homily 15 and the Genesis of the Christian Cult of the Maccabean Martyrs," *Byzantion* 64 (1994), 166–193.

<sup>42</sup> *Adv. Jud.* 6.5.6 (911). It is not clear from this passage whether Chrysostom is referring to the patriarch(s) of Palaestina or to some local Jewish official with that title in Antioch. Chrysostom's argument is that the patriarch does not enjoy the prerogatives or authority of the high priest of old. This passage is puzzling. Any number of rabbinic texts show that the patriarch in Palaestina claimed royal authority (descent from King David), not priestly authority. So either Chrysostom is confused or he has heard that some Jewish patriarch somewhere (Antioch?) claimed priestly descent. Chrysostom's other passage on the patriarch (*Jud. gent.* 16 [PG 48.835]) clearly speaks of the patriarch in Palaestina (the *nasi*) but does

Daphne is the synagogue of Matrona where Christians and others go to be healed through incubation,<sup>43</sup> much to Chrysostom's outrage. Sick people also go directly to Jews in order to receive from them incantations and amulets. Chrysostom admits that these healings might be effective, but he is outraged nonetheless. Better that a Christian should die rather than be healed through the arts of a Jew.<sup>44</sup>

The Jews of Antioch welcome the Christians of the city into their homes and synagogues. Chrysostom wishes that the Jews were less friendly and less welcoming. Some modern scholars take Chrysostom to imply that the Jews missionize among the Christians, but I do not believe that the inference is warranted.<sup>45</sup>

The Jews, says Chrysostom, are the enemies of Christ. The Jews, like the Arians, regard Christ as a man, not as a God. They see him as an impostor, a sinner, and a deceiver. They blaspheme.<sup>46</sup> The ancestors of the Jews slew Christ but the guilt is transmitted across the generations to contemporary Jews, who apparently have nothing to say on this subject. (As for the Romans, Chrysostom never accuses them of killing Jesus; apparently, they bear no guilt for the crucifixion.) In the privacy of their homes the Jews mock the Christians who have visited their synagogues. How Chrysostom knows what transpires in the privacy of the Jews' homes, he does not explain.<sup>47</sup> Christians befriend and imitate Jews; in contrast, the Jews are not influenced by Christians and show no interest in Christian rituals.<sup>48</sup> Christians attend Jewish synagogues, but Jews do not attend Christian churches.

The Jewish celebrations of the fall festivals are particularly conspicuous and draw the attention of Christians: the festival of trumpets, the fast or the fasts, and tent-building. The trumpets, and perhaps the playing of other instru-

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not speak of his descent. See G. Stemberger, *Jews and Christians in the Holy Land* (Edinburgh: T&T Clark, 2000), 248. M. Jacobs, *Die Institution des jüdischen Patriarchen: Eine quellen- und traditionskritische Studie zur Geschichte der Juden in der Spätantike*, TSAJ 52 (Tübingen: Mohr Siebeck, 1995), does not discuss our passage.

<sup>43</sup> G. Renberg, *Where Dreams May Come: Incubation Sanctuaries in the Greco-Roman World*, RGRW 184 (Leiden: Brill, 2016).

<sup>44</sup> *Adv. Jud.* 8.5.6 (935); 8.8.4 (940).

<sup>45</sup> Nor does K. A. D. Smelik, "John Chrysostom's Homilies Against the Jews," *NedTT* 39 (1985), 194–200.

<sup>46</sup> *Adv. Jud.* 1.6.3 (852); 6.3.1 (907); 6.6.7 (913); *Exp. Ps.* 8:3 (PG 55.110; Hill, *Commentary* [see n. 7], 1.164). I do not think that Chrysostom is referring to the *birkat ha-minim*. He simply means that the Jews do not venerate Jesus. If the Jews of Antioch cursed Christ and/or Christians in their prayers, surely Chrysostom would have mentioned it. So we have two possibilities: either the Jews of Antioch recited the *birkat ha-minim*, but hid it so well that Chrysostom and the "Judaizing" Christians knew nothing of it, or they did not recite it at all. The latter possibility seems more plausible than the former.

<sup>47</sup> *Adv. Jud.* 8.8.9 (941); 8.9.1 (941).

<sup>48</sup> *Adv. Jud.* 4.3.8 (875–876).

ments too,<sup>49</sup> attract crowds to the synagogue. The public observance of the fast is a public procession or parade; the Jews, accompanied by some Christians, “dance barefoot in the market place.”<sup>50</sup> Jewish observances, of course, include more than just the festival of trumpets, fasts, and tent-building. In these sermons and elsewhere Chrysostom mentions their observance of the Sabbath, their abstention from blood, that is, forbidden meat, their frequent bathings (which, Chrysostom hastens to add, are inferior in every way to Christian baptism).<sup>51</sup>

These are some of the practices and characteristics of Antiochene Judaism as seen by John Chrysostom.

#### 4. Judaism in Antioch as Seen by “Our Rabbis” versus Judaism in Antioch as Seen by John Chrysostom

The “big picture” drawn by our two corpora is remarkably consistent. The Jews of Antioch are secure in their identity, loyal to the Torah, unafraid to observe their ancestral practices, private and public. No one accuses the Jews of Antioch of aping the ways of the gentiles, whether Greek or Christian. They live in a large pluralistic city but remain faithful to their Judaism. Neither corpus explains how exactly the Antiochene Jews negotiated this challenge, but the two corpora agree that they did so successfully.

The problems arise and the difficulties multiply when we look at details. There are remarkably few intersections between the Judaism described by Chrysostom and the Judaism assumed by the sages. The rabbinic accounts assume a close connection between the Jews of Antioch and the rabbinic sages of the land of Israel, something that Chrysostom never mentions. If the rabbinic sages knew Chrysostom’s Jews, they should have spoken about Christians in synagogues. They spoke about *mamzerim*, but Chrysostom does not even hint at sexual improprieties between Christians and Jews. If the rabbinic sages knew Chrysostom’s Jews, they might have mentioned amulets, healings, and incantations;<sup>52</sup> instead, if we look for evidence of the supernatural, we have a

<sup>49</sup> *Adv. Jud.* 1.7.2 (853); 7.3.4 (920). Chrysostom seems to be referring to the music of the temple of old.

<sup>50</sup> *Adv. Jud.* 1.2.7 (846); 1.4.7 (849); 4.7.4 (881); cf. 2.3.5 (861). See below.

<sup>51</sup> For Jewish observances, see inter alia *Adv. Jud.* 6.3.3 (907); *Hom. Jo.* 68 on John 12:35–36 (PG 59.374); *Hom. Rom. 12:20* (PG 51.174–175). A nice summary of Chrysostom’s statements about Jewish observances in R. Wilken, *John Chrysostom and the Jews: Rhetoric and Reality in the Late 4th Century* (Berkeley: University of California, 1983), 64–65.

<sup>52</sup> Just to be clear: the sages frequently mention amulets, healings, and incantations, but they do not do so in connection with Antioch. In general, see G. Bohak, *Ancient Jewish Magic: A History* (Cambridge: Cambridge University Press, 2008).

story about a general who sees sages in a vision. In sum, it does not appear that rabbinic storytellers knew, or even knew of, Chrysostom's Jews.

Similarly, Chrysostom seems not to have known the rabbinic Judaism that was taking shape in Palaestina and Babylonia. He mentions the patriarch, presumably the *nasi* in the land of Israel, but does not mention sages or tribunals or rabbinic judges or the oral Torah or the rabbinic books beyond the Torah (what Jerome and others will call the *δευτέρωσις*). Chrysostom talks about the Jewish observance of the Pascha and the feast of unleavened bread but seems not to know anything about the Passover *seder* which was created by rabbinic sages in the second century CE and elaborated by their successors.<sup>53</sup> Chrysostom seems not to know that the period from the first of Tishri, what he calls "Trumpets," to Yom Kippur, what he calls the Fast, was a period of penance and atonement, called by the sages "the ten days of penitence" (and similar phrases).<sup>54</sup> He does not know that because of calendrical uncertainty rabbinic Jews in both the land of Israel and the diaspora, observed two days of Rosh Hashanah, not just one. He does not know that the festival of Trumpets, as he calls it, is the Jewish New Year, and that it is marked by the sounding of horns (*shofar*, *shofarot*), not trumpets.<sup>55</sup> He is wrong when he refers to Fasts in the plural – there was only one fast in that season, the Day of Atonement itself.<sup>56</sup> He is wrong when he gives the sequence Trumpets–Tents–Fasts; the correct sequence is Trumpets–Fast(s)–Tents.<sup>57</sup> And what were these mysterious Yom Kippur parades of which Chrysostom speaks? They "dance with bare feet in the marketplace." "With bare feet" seems right, since any number of sources, both rabbinic and Greco-Roman, refer to the prohibition of wearing normal

<sup>53</sup> The absence of a *seder* is conspicuous in *Adv. Jud.* 4.5.2 (878).

<sup>54</sup> See, e.g., b. Roš Haš. 18a; y. Roš Haš. 1:3, 57a; Lev. Rab. 30:2 (p. 694 ed. Margulies).

<sup>55</sup> Normative rabbinic practice as it develops after 70 CE has Rosh Hashanah celebrated with the blowing of ram's horns, not trumpets. The history of this development, and the place of the trumpet in the history of Rosh Hashanah are complicated questions that I cannot pursue here. See Philo, *Spec.* 2.188 and Lev 23:24 LXX with the discussion of S. Belkin, *Philo and the Oral Law: The Philonic Interpretation of the Biblical Law in Relation to the Palestinian Halakah* (Cambridge, Mass.: Harvard University Press, 1940), 211–214; G. Alon, *Jews, Judaism and the Classical World*, trans. I. Abrahams (Jerusalem: Magnes, 1977), 124–132 (who seems not to distinguish between *shofar* and trumpet); and J. Tabory, *Jewish Festivals in the Time of the Mishnah and the Talmud* [in Hebrew] (Jerusalem: Magnes, 1996), 240–256. According to Chrysostom the trumpets are sounded in the synagogue (*Adv. Jud.* 4.7.4 [881]); on this point the sages agree (as long as the trumpets were really horns).

<sup>56</sup> Some pietists may have fasted during the Rosh Hashanah–Yom Kippur season, but these fasts were individual, not communal. See Tabory, *Jewish Festivals* (see n. 55), 222, citing Lev. Rab. 30:7 (p. 705 ed. Margulies). The communal fast on the third day of Tishri (the day after Rosh Hashanah), known as the fast of Gedaliah, was instituted in the post-talmudic era (see Tabory, *op. cit.*, 404); hence it cannot explain the plural "Fasts."

<sup>57</sup> "Trumpets, Setting up Tents, and Fasts" (*Adv. Jud.* 1.1.5 [844]); "Trumpets, Fasts, Tents" (7.1.2 [915]).



footwear on the Day of Atonement.<sup>58</sup> But what are we to make of the reference to public dancing? Something is wrong.<sup>59</sup> Either Chrysostom is ill-informed or the Judaism of the Jews of Antioch is of a very non-rabbinic sort.<sup>60</sup>

All this is in addition to the central issue: Chrysostom repeats endlessly that with the destruction of the Jerusalem temple Judaism could no longer be observed because it was missing its main ritual, the sacrificial cult. A rabbinic Jew could have told Chrysostom that of course we Jews yearn for the restoration of the temple and the sacrifices. But in the interim, and here is where Chrysostom fails badly, instead of animal sacrifices we have prayer, Torah study, charity, and good deeds, both individually and communally (see the rabbinic stories assembled above), and these serve in lieu of animal sacrifices. And the Torah that we study is not just the Bible but also the interpretations, elaborations, and inventions of the rabbinic sages. Chrysostom seems not to be aware of the rabbinic re-invention of Judaism in the decades and centuries after 70 CE. Rabbinic literature will supplement and ultimately supplant the words of the Torah. Chrysostom knows nothing of this. He does not know post-70 Judaism.<sup>61</sup>

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<sup>58</sup> For sources, see Cohen, *Significance of Yavneh* (see n. 16), 338 n. 9.

<sup>59</sup> See *Adv. Jud.* 1.2.7 (846); 1.4.7 (849); 4.7.4 (881); cf. 2.3.5 (861). I somehow overlooked these passages in my “Dancing, Clapping, Meditating: Jewish and Christian Observance of the Sabbath in Pseudo-Ignatius,” in *Judaea-Palaestina, Babylon and Rome: Jews in Antiquity*, ed. B. Isaac and Y. Shahar, TSAJ 147 (Tübingen: Mohr Siebeck, 2012), 29–51. Some scholars (Wilken, *John Chrysostom* [see n. 51], 65) have suggested that the Yom Kippur dancing is in consonance with what is reported in m. Ta’an. 4:8 that the daughters of Jerusalem would go dancing in the vineyards on Yom Kippur. But this is unlikely because Mishnah Ta’anit is speaking of the time when the Jerusalem temple still stood; Chrysostom is speaking of a time three hundred years after its destruction. Perhaps the simplest – if partial – explanation is that the Jews of Antioch had some kind of procession or parade on the Day of Atonement, and Chrysostom mocks it by referring to it derisively as “dancing.” Long ago Hermann Usener suggested that the dancing was in celebration not of Yom Kippur but in celebration of Sukkot (what Chrysostom, following Deut 16:16 LXX, calls “Tent-Building,” σκηνοπηγία). The passage in m. Sukkot 5:4 documents dancing in connection with the *bet ha-sho’evah* celebration on the second night of Sukkot. This suggestion seems a touch more plausible but is vulnerable to the same objection: it seems unlikely that a Jerusalem temple ritual will have survived in the religious behavior of the Jews of Antioch. See H. Usener, *Religionsgeschichtliche Untersuchungen*, vol. 1: *Das Weihnachtsfest* (Bonn: Cohen, 1911; repr. Hildesheim: Olms, 1972), 236 n. 5.

<sup>60</sup> This is a key methodological challenge: if Chrysostom’s description of the Judaism of the Jews of Antioch appears strange to us, is that because Chrysostom was an ignorant reporter, given to fantasy and exaggeration? Or is it because Antiochene Judaism was not a rabbinic Judaism, hence unlike the more familiar Judaism of the sages? There is no easy answer.

<sup>61</sup> In *Adv. Jud.* 7.2.2 (918) Chrysostom seems to be aware that some Jewish rituals were intended to replace those of the temple, but omits details.

## 5. Conclusion

I conclude that the rabbis do not know the Jews or Judaism of Chrysostom and Chrysostom does not know the Jews or Judaism of the rabbis. The rabbis represent the Jews of Antioch as the rabbis wish them to have been: Hebraically literate, respectful of sages who visit from Palaestina, respectful of rabbinic law, and respectful of rabbinic values. Chrysostom presents the Jews of Antioch as he wishes them to have been: practitioners of biblical piety, ignorant of post-biblical piety, devoted to the restoration of animal sacrifices and the temple, ignorant of rabbis and rabbinic piety, openly friendly to Christians but secretly hostile to them, Hebraically ignorant.

Can either of these portraits, that of the sages and that of Chrysostom, be accepted as historical? On the one hand the rabbinic sages in general have little knowledge of Greek-speaking Jews; they have no knowledge of Greco-Jewish literature; they have no knowledge of the Greek classics; so why should we assume that they would have any knowledge of the Greek-speaking Jews of Antioch? On the other hand, the assumptions that they make about the Antiochene Jewish community do not seem to be exaggerated or unbelievable. They do not claim that Antiochene Jews are sages or the disciples of sages. They do not claim that Antiochene Jews are models of piety. They do not claim that sages live in the city or lead the Jewish community. The modesty of the rabbinic claims enhances their verisimilitude. It is Chrysostom – paradoxically – and not the sages that speaks of a connection between the Jews of Antioch and the patriarch, presumably the patriarch (*nasi*) in Palaestina. The connection between Antioch and Palaestina is attested also in an epitaph from Beth She‘arim, the Jewish necropolis in lower Galilee, which commemorates an Antiochene Jew buried there.<sup>62</sup> I conclude that the rabbinic representation of the Jews of Antioch, taken as a whole, just might be historical.

The historicity of Chrysostom’s account is also subject to doubt. On the one hand, Chrysostom seems never to have had a conversation with a real live Jew. At least nowhere in the eight orations against the Jews is there any evidence that he did so. Apparently Chrysostom heeded his own advice that Christians should stay away from Jews and have nothing to do with them. Never having stepped foot in a synagogue, never having had a conversation with a real Jew, what could Chrysostom have known of Antiochene Judaism? On the other hand, his orations against the Jews were delivered in church to an audience of Christians, many of whom, according to Chrysostom’s own testimony, fraternized with Jews and attended their synagogues; if he lied or exaggerated or fantasized too much about the Jews, he would have lost his audience. Instead of

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<sup>62</sup> *IJO* 3, Syr 74 (L. Roth-Gerson, *The Jews of Syria as Reflected in the Greek Inscriptions* [in Hebrew] [Jerusalem: Zalman Shazar Center, 2001], 122 n. 1). On the links between the Jews of Syria and the Jews of Palaestina after 70 CE, see *ibid.*, 49–50.

applauding him<sup>63</sup> they would have laughed at him. I conclude that there must be some truth in his characterizations.

So both accounts may have at least a measure of historicity. In order to make sense of our data I would like to suggest, cautiously and hesitantly, that perhaps there were two Jewish communities in the city, one rabbinic in character, oriented towards Palaestina and its sages, and the other non-rabbinic, oriented towards Antiochene society and its diverse population. I am *not* suggesting that one of these communities was “orthodox” and the other “reform,” since these anachronistic labels do not in the slightest help us understand the world of antiquity. I am simply suggesting that one community was oriented towards the sages of Palaestina, and the other was not. As to the legal standing of either of these communities, or their relationship one with the other, I have no opinion since I have no data. Perhaps instead of speaking of two communities we should instead speak of two factions or groups within the municipal Jewish community.

Jewish history provides various analogues to this proposal: two Jewish communities in one city at one time, or a single community riven by rival factions to such an extent that the single community behaved like two. Here are some examples that come to mind; no doubt there are others:

- In various German cities (notably Frankfurt and Berlin) in the nineteenth and twentieth centuries, in addition to the official Jewish community of the city (*Gemeinde*), there was a separate break-away community (*Austrittsgemeinde*) for those who did not want to belong to the official communal organization.<sup>64</sup>
- Sephardim (Jewish exiles from Spain and their descendants) and Ashkenazim (Jews from Germany and central Europe) constituted separate synagogue communities in Amsterdam, London, and Venice.<sup>65</sup>
- Rabbanites and Karaites in some times and places constituted separate communities; at other times and places they constituted rival factions within the community.<sup>66</sup>
- The Jews of Alexandria sent two delegations to the emperor Claudius “behaving as if they were representing two separate cities.” The emperor was not amused.<sup>67</sup>

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<sup>63</sup> *Adv. Jud.* 1.1.3 (844); 1.4.3 (849).

<sup>64</sup> Here we can speak of Orthodox vs. Reform, see Wikipedia’s entry on “Israelitische Religionsgesellschaft,” accessed February 20, 2019, [https://de.wikipedia.org/wiki/Israelitische\\_Religionsgesellschaft](https://de.wikipedia.org/wiki/Israelitische_Religionsgesellschaft).

<sup>65</sup> Baron, *Jewish Community* (see n. 26), index, s. v. Sephardim, Ashkenazim.

<sup>66</sup> M. Rustow, *Heresy and the Politics of Community: The Jews of the Fatimid Caliphate* (Ithaca, N. Y.: Cornell University Press, 2008).

<sup>67</sup> The emperor Claudius complains that the Jews of Alexandria have sent two delegations to him, “behaving as if they were representing two separate cities” (*CPJ* 2.153.90–91). What exactly Claudius meant has been much debated; one suggestion is that the Jewish community

Perhaps these analogues can help us understand the state of things in Antioch. The sermons of Chrysostom and the anecdotes of the rabbinic sages appear to ignore one the other but are mutually illuminating nonetheless.

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of Alexandria was riven by internal disputes. So this may not be an example of two Jewish communities within a single city but rather members of a single community behaving as if they were members of two communities. See the discussion in *CPJ* 2, pp. 50–53.



# The Contested Image of King David in Rabbinic and Patristic Literature and Art of Late Antiquity

*Catherine Hezser*

The biblical king David is linked to some of the most significant institutions in Judaism: the Israelite monarchy, the establishment of Jerusalem as the capital (Jerusalem is henceforth called the “city of David,” see 1 Kgs 2:10 etc.), and the building of the Temple, for which he is said to have made preparations (cf. 2 Sam 6:2: bringing the ark of the covenant to Jerusalem; 2 Sam 8:7–11: procuring gold and brass). It is therefore not astonishing that his image was hotly contested in Jewish and Christian literature and art of the first five centuries CE.<sup>1</sup> Both Jews and Christians appropriated David as one of their most important ancestors and linked him to the most essential aspects of their religious traditions, whether rabbinic Torah study or the belief in Jesus as the Davidic messiah and son of God.

Especially interesting is the focus on some of the same aspects of David’s biblical image that are taken up in both Jewish and Christian contexts: his presentation as a harp-player and author of psalms;<sup>2</sup> the one “sin” he committed with Bathsheba, causing her husband Uriah’s death;<sup>3</sup> the establishment of a Davidic dynasty, the so-called “house of David”;<sup>4</sup> and the prophetic vision

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<sup>1</sup> For prior studies, see W. Dietrich and H. Herkommer, eds., *König David: Biblische Schlüsselfigur und europäische Leitgestalt* (Fribourg: Universitätsverlag; Stuttgart: Kohlhammer, 2003), esp. C. Thoma, “David im antiken Judentum,” *ibid.*, 213–228. A collection of rabbinic references to David is presented by J. Neusner, *Rabbi David: A Documentary Catalogue* (Lanham, Md.: University Press of America, 2012). Astonishingly, no comprehensive study of the reception of the biblical David tradition in ancient Judaism and Christianity exists to date. Based on a conference on “Warrior, Poet, Prophet and King: The Character of David in Judaism, Christianity and Islam,” held in Warsaw in 2016, Marzena Zawadowska is preparing a conference volume on the topic. There is also a research project on the reception of the biblical David conducted by Meira Polliack at Tel Aviv University.

<sup>2</sup> Cf. Ps 3:1; 4:1; 5:1, etc., where individual psalms are attributed to him. David is mentioned eighty-eight times in the Book of Psalms.

<sup>3</sup> 1 Kgs 15:5: “David did that which was right in the eyes of the Lord and turned not aside from anything that He commanded him all the days of his life, save only in the matter of Uriah the Hittite.”

<sup>4</sup> See Isa 38:5: from Solomon to the last kings of Judah.

of David as the ancestor of the messiah.<sup>5</sup> The similarities in the Jewish and Christian adaptations of David suggest that the respective authors, editors, and art commissioners were aware of the other's use of the respective theme and ready to enter a creative dialogue and competition that tried to claim David for their own theological, social, and political purposes. The differences within these broad thematic similarities highlight the diverse attitudes of Jewish and Christian religious leaders, culminating in the later rabbinic portrayal of David as a Torah scholar in contrast to Christian claims about David as the prophet and predecessor of Christ. Ultimately, one may argue that the shared ancestral figure of David served to separate rather than unite the two religions.

## 1. David and Orpheus

The motif of David as Orpheus playing the harp appears in two ancient synagogues: as a wall painting in Dura Europos (3rd cent. CE) and as part of the mosaic floor in Gaza (beginning of the 6th cent. CE). In the Dura Europos synagogue, this scene appears alongside David's anointment as king (cf. 2 Sam 2:4, 7; 5:3; 12:7) and his being seated on a throne, ruling over Israel. Whereas the biblical text talks about "the men of Judah" (2 Sam 2:4) and "the elders of Israel" (2 Sam 5:3) anointing David, in the Dura painting it is one prominent figure, probably representing the prophet Nathan (cf. 2 Sam 12:7), who makes David king, thereby stressing the divine legitimacy of his kingship.<sup>6</sup> The clothes worn by David and his companions are those worn by ordinary Jews in late antiquity, with the *tallit* covering an undergarment.<sup>7</sup> The smallness of David and his companions in comparison to Nathan may be meant to express his humility in the face of the divine will. Only once David has been established as king does he sit on an elevated throne wearing royal garb, that is, his rise in status is connected to his office.<sup>8</sup> In this context, the image of David playing the harp to wild animals, amongst them a lion and an ape, may reveal the more poetic, artistic side of David's personality.<sup>9</sup>

<sup>5</sup> Isa 9:5–6: "For a child is born unto us, a son is given unto us; and the government is upon his shoulder [...] of peace there be no end, upon the throne of David, and upon his kingdom, to establish it, and to uphold it through justice and through righteousness from henceforth even for ever."

<sup>6</sup> See the image at [https://commons.wikimedia.org/wiki/File:Samuel\\_e\\_david.jpg](https://commons.wikimedia.org/wiki/File:Samuel_e_david.jpg) (accessed December 26, 2018).

<sup>7</sup> See D. Shlezinger-Katsman, "Clothing," in *The Oxford Handbook of Jewish Daily Life in Roman Palestine*, ed. C. Hezser (Oxford: Oxford University Press, 2010), 362–381, here 371, fig. 19.3 and 19.4.

<sup>8</sup> See the image at [https://commons.wikimedia.org/wiki/File:DuraSyn\\_Centre\\_sup\\_David\\_King.jpg](https://commons.wikimedia.org/wiki/File:DuraSyn_Centre_sup_David_King.jpg) (accessed December 26, 2018).

<sup>9</sup> See the image at <https://www.talivirtualmidrash.org.il/dura-europos-synagogue-david-as-orpheus-det-reredos/> (accessed December 26, 2018).

Others have already pointed to the similarity between this image of David playing the harp and depictions of Orpheus in Roman mosaics.<sup>10</sup> Both David and Orpheus are depicted as sitting on a chair, legs apart, with the instrument in their left hand. Both are surrounded by wild animals listening – and allegedly being tamed – by their play. Even the hats they wear look similar. Rachel Hachlili has argued that David is “conflated with the pagan god Orpheus” here.<sup>11</sup> According to Greek myth, Orpheus, wearing a Phrygian cap, played to the animals in the underworld, charming them with his music.<sup>12</sup> Those who commissioned the Dura painting and/or the artist who painted it may have perceived similarities between Orpheus and the biblical David. The Second Book of Samuel reports that when David brought the ark of the covenant to Jerusalem, “David and all the house of Israel played before the Lord with all manner of instruments made of cypress-wood, and with harps, and with psalteries, and with timbrels, and with sistra, and with cymbals” (2 Sam 6:5).<sup>13</sup> Some psalms were imagined as songs that were recited with musical accompaniment.<sup>14</sup> The image of the tamed wild animals may also be an allusion to messianic times as imagined by the prophet Isaiah: “And the wolf shall dwell with the lamb, and the leopard shall lie down with the kid; and the calf and the young lion and the fatling together” (Isa 11:6); “The wolf and the lamb shall feed together, and the lion shall eat straw like the ox” (Isa 65:25). The Davidic messiah king is associated with bringing peace to the world, ending all animosities.

In the later fragmented image on the Gaza synagogue mosaic floor from the early sixth century CE, David’s difference from Orpheus and his royal status seem to be stressed much more.<sup>15</sup> The typical pointed hat is replaced by a di-

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<sup>10</sup> See the references in R. Hachlili, *Ancient Jewish Art and Archaeology in the Diaspora*, HdO 1/35 (Leiden: Brill, 1998), 247. P.V.M. Flesher, “Rereading the Reredos: David, Orpheus, and Messianism in the Dura Europos Synagogue,” in *Ancient Synagogues: Historical Analysis and Archaeological Discovery*, ed. D. Urman and P.V.M. Flesher, 2nd ed., StPB 47 (Leiden: Brill, 1995), 346–366, here 352, points to alleged differences in the depiction of David, namely, shepherd associations. He maintains that the “shepherd’s crook behind David’s back” refers to “David as the shepherd of his people Israel” (354). As R.M. Jensen, *Understanding Early Christian Art* (London: Routledge, 2000), 41, has pointed out, however, Orpheus also appears as a shepherd in Christian art: “The figure of Orpheus may parallel the Good Shepherd, since Orpheus (as a Christ metaphor) is shown as a shepherd, surrounded by both wild bears and a flock of sheep.”

<sup>11</sup> Hachlili, *Ancient Jewish Art* (see n. 10), 247.

<sup>12</sup> On the Orpheus myths, see R.G. Edmunds III, “Orphic Mythology,” in *A Companion to Greek Mythology*, ed. K. Dowden and N. Livingstone (Malden, Mass.: Wiley-Blackwell, 2011), 73–106.

<sup>13</sup> See also 2 Sam 16:23, where David is said to have played before Saul to ease his depression (“evil spirit”).

<sup>14</sup> This issue is investigated by N.L. DeClaissé-Walford, *Introduction to the Psalms: A Song from Ancient Israel* (St. Louis: Chalice Press, 2004), 151–154.

<sup>15</sup> See the image at <https://members.bib-arch.org/sites/default/files/bsba3701014021.jpg> (accessed December 26, 2018).



adem and nimbus befitting the royal robes worn by the harp-player. He sits on a stone throne. The musician is explicitly identified as David by a Hebrew inscription.<sup>16</sup> While only a serpent and a tiger (or lioness, as suggested by Hachlili) remain visible, the figure was originally surrounded by more animals.<sup>17</sup> It seems, then, that Orpheus merely served as a formal artistic prototype, more so in the Dura than in the later Gaza depiction of David. In the Gaza synagogue David plays the harp as a king and the image may have symbolic, messianic connotations.<sup>18</sup>

The Orpheus typology was also adopted by ancient Christians, as a depiction of a harp-player in the catacomb of Peter and Marcellinus in Rome (early 4th cent. CE) shows.<sup>19</sup> This depiction is quite similar to that of David at Dura Europos and similarly close to the Orpheus typology, with the Phrygian hat and seated position. The youthful musician is surrounded by trees full of birds rather than wild animals, though. Another Christian funerary depiction appears in the even earlier Domitilla catacomb (3rd cent. CE, Rome).<sup>20</sup> In a Christian funerary context the musician may represent Christ as the “good shepherd” or a savior figure, symbolizing rebirth and afterlife (with the birds symbolizing the souls of the deceased?). According to Robert Calkins the image reflects “Christ’s three-day descent into Purgatory between the Crucifixion and the Resurrection, and carrying with it the promise of an ascent from the dead by the blessed. The Orpheus legend served as a classical prefiguration of the Christian theme of salvation.”<sup>21</sup> Robin Margaret Jensen also assumes that the similarity with Orpheus was not merely formal: “the Orpheus image was transferred to the new religion almost purely by virtue of its signification in Greco-Roman tradition.”<sup>22</sup>

Interestingly, Clement of Alexandria (died ca. 210 CE) was eager to emphasize the distinction between Orpheus and Christ, the alleged descendant of David. Following a tendency that is also evident elsewhere, Christian theologians

<sup>16</sup> When the synagogue was found, the mosaic was partially destroyed. The head has been reconstructed since then, see C. Kestenbaum Green, “King David’s Head from Gaza Synagogue Restored,” *BAR* 20.2 (1994), 58–63. A dedication inscription identifies the donors of the mosaic: “[We] Menahem and Yeshua, sons of the late Isai (Jesse), wood traders, as a sign of respect for a most holy place, donated this mosaic in the month of Louos [the year of] 569” (see “Gaza Synagogue Mosaic, 6th Century CE,” COJS: Center for Online Judaic Studies, accessed July 21, 2018, [http://cojs.org/gaza\\_synagogue\\_mosaic\\_6th\\_century\\_ce/](http://cojs.org/gaza_synagogue_mosaic_6th_century_ce/)).

<sup>17</sup> R. Hachlili, *Ancient Mosaic Pavements: Themes, Issues, and Trends; Selected Studies* (Leiden: Brill, 2009), 72, with references to earlier studies. See the photo of the mosaic *in situ* *ibid.*, 73, fig. IV-2.

<sup>18</sup> See also Hachlili, *Pavements* (see n. 17), 74.

<sup>19</sup> See the image at [https://commons.wikimedia.org/wiki/File:Christ-Orpheus\\_from\\_Rome\\_catacombe.jpg](https://commons.wikimedia.org/wiki/File:Christ-Orpheus_from_Rome_catacombe.jpg) (accessed December 26, 2018).

<sup>20</sup> See R. G. Calkins, *Monuments of Medieval Art* (Ithaca, N. Y.: Cornell University Press, 1979), 7, fig. 4; Jensen, *Understanding Early Christian Art* (see n. 10), 41, fig. 8.

<sup>21</sup> See Calkins, *Monuments* (see n. 20), 6.

<sup>22</sup> Jensen, *Understanding Early Christian Art* (see n. 10), 42.

tried to separate between Christian beliefs and pagan myths by, at the same time adapting pagan imagery and symbols.<sup>23</sup> In the first chapter of his *Exhortation to the Heathen*, Clement calls the Thracian Orpheus a deceiver who uses “artful sorcery” to entice his listeners. He allegedly used poetry “for purposes of destruction.” His songs and incantations served to subdue free people to the “tyranny of demons.” Christ, on the other hand, was different:

And He who is of David, and yet before him, the Word of God, despising the lyre and harp, which are but lifeless instruments, and having tuned by the Holy Spirit the universe, and especially man [...], makes melody to God on this instrument of many tones; and to this instrument, I mean man, he sings accordingly: “For you are my harp, and pipe, and temple”: a harp for harmony, a pipe by reason of the Spirit, a temple by reason of the word; so that the first may sound, the second breathe, the third contain the Lord.

And David the king, the harper [...], who exhorted to the truth and dissuaded from idols, was so far from celebrating demons in song, that in reality they were driven away by his music. Thus, when Saul was plagued with a demon, he cured him by merely playing.

A beautiful breathing instrument of music the Lord made man, after His own image. And He Himself also, surely, who is the supra-mundane Wisdom, the celestial Word, is the all-harmonious, melodious, holy instrument of God. What, then, does this instrument, the Word of God, the Lord, the New Song desire? To open the eyes of the blind, and unstop the ears of the deaf, and to lead the lame or the erring to righteousness, to exhibit God to the foolish, to put a stop to corruption, to conquer death, to reconcile disobedient children to their father. The instrument of God loves mankind.<sup>24</sup>

The connection between, yet also disassociation of Orpheus from David and Christ, made by Clement of Alexandria here, concurs with the artistic depictions of David and Christ as Orpheus mentioned above. Clement was probably familiar with the Christian (and Jewish) use of the Orpheus iconography and tried to control its interpretation. He criticizes a too close association of David and Christ with Orpheus. He offers a symbolic reinterpretation of the typology, casting David and Christ in an entirely different, positive light, while condemning the pagan hero Orpheus as a conjurer of demons. As a harpist, David “exhorted to the truth and dissuaded from idols.” A reference to his playing before Saul (cf. 2 Sam 16:23) serves as an example.

The third part of the text provides a symbolic, philosophical interpretation of instrument-playing for a Hellenistically-educated pagan-Christian audience that would have been familiar with the Orpheus myth. The musician is God himself,<sup>25</sup> Christ, the “supra-mundane Wisdom, the celestial Word, is the all-harmonious, melodious, holy instrument of God” meant to “open the eyes

<sup>23</sup> This is also evident in the belief that Mary was impregnated by the Holy Spirit who came upon her in form of a bird, see C. Hezser, *Bild und Kontext: Jüdische und christliche Ikonographie der Spätantike*, Tria corda 11 (Tübingen: Mohr Siebeck, 2018), 31–80.

<sup>24</sup> Clement of Alexandria, *Protr.* 1.5.3–1.6.2 (*ANF* 2.172).

<sup>25</sup> On the association of the musician with God in early Christian writing, see E. Henry, *Orpheus with His Lute: Poetry and the Renewal of Life* (London: Bristol Classical Press, 1992), 88, with examples.

of the blind.” In this reading, which tries to overlay any pagan connotations, the image of the harp-player becomes a representation of the preaching of the gospel and Christian missionary activity.<sup>26</sup>

## 2. David’s Sin

The passage in 1 Kgs 15:5 already stresses that David was completely blameless except for what he did to Uriah, committing adultery with his wife and subsequently causing him to die in battle. The story about David’s deed, related in 2 Sam 11, is followed by the prophet Nathan’s parable and David’s repentance, acknowledging his sin: “And David said to Nathan: I have sinned against the Lord. And Nathan said to David: The Lord has forgiven your sin; you shall not die” (2 Sam 12:13). As a punishment, the son born out of the adulterous relationship is destined to die instead (2 Sam 12:14).

The biblical episode about David’s sin and repentance was taken up by both rabbis and church fathers. Richard Kalmin has argued that Palestinian rabbis tend to downplay his sin, whereas Babylonian rabbis are more explicit about his wrong-doing.<sup>27</sup> In his discussion of “Palestinian attitudes,” he only deals with traditions attributed to Palestinian rabbis that appear in the Bavli, however, rather than examining references to the Uriah story in Palestinian rabbinic documents.

The Tannaitic midrash *Sifre Deuteronomy 26* comments on Moses pleading with God to let him enter and see the promised land to which he brought the Israelites (Deut 3:23–25). Moses is subsequently compared to David. The passage begins with: “Two good leaders (פרנסים) stood up for Israel, Moses and David.” The פרנס is presented as a communal leader in rabbinic texts only.<sup>28</sup> The role involved the provision of charity. The rabbis who formulated this midrash obviously associated the biblical figures with communal leaders of their own times. Unlike Moses, David is said to have asked God not to have his sin recorded. The midrash points out, however, that people might think, then, that David was privileged and say: “It is because He loved him that He forgave him.” Rather, David was reprovved and punished for his evil deed and repented before receiving forgiveness. The examples of Moses and David lead to the following theological conclusion:

Two good leaders stood up for Israel, Moses and David, King of Israel. Although they were able to suspend [judgement for] sin through their good deeds, they requested of the Lord only

<sup>26</sup> For medieval Christian depictions of David, see C. Hourihane, ed., *King David in the Index of Christian Art* (Princeton: Princeton University Press, 2002).

<sup>27</sup> R. Kalmin, *The Sage in Jewish Society of Late Antiquity* (New York: Routledge, 1999), 84.

<sup>28</sup> G.E. Gardner, *The Origins of Organized Charity in Rabbinic Judaism* (Cambridge: Cambridge University Press, 2015), 162.

that he grant them gratuitous favor (חסד). Can we not argue *a fortiori*: If these, who were able to suspend [judgment for] sin through their good deeds, requested of the Holy One, Blessed be He, that He grant them only gratuitous favor, how much more should he who is but one of the thousand thousands and myriad myriads of the disciples request of the Holy One, Blessed be He, that He grant him only gratuitous favor.<sup>29</sup>

Moses and David could have compensated for their sins with the huge number of good deeds they had done. Yet, according to rabbis, they did not point to their good deeds but appealed to God's mercy. The theological conclusion drawn from these examples is that an ordinary disciple of sages is even more dependent on God's mercy and therefore needs to pray for it. Like the term פְּרִנְס, the term "disciples of their disciples" links David to rabbinic circles. He is presented as a model rabbinic ancestor here, who shared rabbis' belief in God's mercy, in contrast to a righteousness that weighed the number of transgressions against the number of good deeds.

The view that is countered here is the caricature of a "work-righteousness" that Christian writers sometimes attributed to Jews. The rabbis who formulated this text seem to have been in agreement with Paul's statement in Romans: "We reckon therefore that a man is justified by faith apart from the works of the law" (Rom 3:28). They would argue, though, that the faith must be faith in God's mercy, not faith in Jesus Christ. Furthermore, this justification by faith would not dispense of the need for Torah observance and "good deeds" and would not automatically extend to pagans (in contrast to Paul in his next sentence in Rom 3:29). While rabbis were concerned about the possible assumption that God might favor David and extend mercy to him more readily than to other, ordinary Jews, Paul stresses that God extends his mercy deliberately: "He has mercy on whom he will" (Rom 9:18), that is, Paul might have justified God's favorable treatment of David.

The biblical story about David's sin and God's forgiveness was also frequently taken up by Christian writers of the first five centuries CE. Already in First Clement, a letter sent by a Christian leader in Rome to Christians in Corinth at the end of the first or beginning of the second century CE, the emphasis on David's pleading for God's mercy is similar to the rabbinic text in Sifre Deuteronomy. What is even more striking is that First Clement also mentions Moses and David together as examples of humbleness and belief in God's mercy:<sup>30</sup>

Moses was called faithful in all His house [...]. Yet he also, though greatly glorified, yet spoke no proud words, but said, when an oracle was given to him at the bush: Who am I, that You send me? (1 Clem. 17:5)

<sup>29</sup> Trans. with S.D. Fraade, "Sifre Deuteronomy 26 (ad Deut 3:23): How Conscious the Composition?," *HUCA* 54 (1983), 245–301, here 267.

<sup>30</sup> See also Ign. *Eph.* 10, where Moses and David are used as models of meekness in his exhortation to humility.

But what must we say of David that obtained a good report? [...] of whom God said: I have found a man after My heart, David the son of Jesse: with eternal mercy have I anointed him. Yet he too said to God: Have mercy upon me, O God, according to Your great mercy; and according to the multitude of Your compassions, blot out mine iniquity [...]. For I acknowledge my iniquity, and my sin is ever before me. (1 Clem. 18:1–3)

The humility therefore and the submissiveness of so many and so great men, who have thus obtained a good report, has through obedience made better not only us but also the generations which were before us, even them that received His oracles in fear and truth. (1 Clem. 19:1)<sup>31</sup>

What the author of First Clement and rabbis shared was the biblical reputation of Moses and David and their own concerns about sins. Both rabbis and Christian leaders claimed the biblical great as their own ancestors and role models, who could teach humility to their own generation.

Whereas First Clement uses the biblical example as an instruction for his own community, in Justin's *Dialogue with Trypho* (2nd cent. CE) the Bathsheba episode becomes part of his constructed controversy with Jews.<sup>32</sup> Justin refers to "this one fall of David in the matter of Uriah's wife" (*Dial.* 141). David "mourned and wept" and was eventually forgiven by God.

But if even to such a man no remission was granted before repentance, and only when this great king, and anointed one, and prophet, mourned and conducted himself so, how can the impure and utterly abandoned, if they weep not, and mourn not, and repent not, entertain the hope that the Lord will not impute to them sin?<sup>33</sup>

In the preceding context, Justin stresses humans' free will to repent. Addressing Trypho, he states that "you may not have a pretext for saying that Christ must have been crucified, and that those who transgressed must have been among your nation." In this context the reference to God's forgiveness of David's sin serves his argument that Jews (identified here with "the impure and utterly abandoned") must first admit their alleged transgression of not believing in Christ before entertaining the hope that God will remit their sins. Throughout his *Dialogue with Trypho* Justin presents the biblical king David as a prophet who predicted Jesus as the Davidic messiah.<sup>34</sup> Trypho's and other Jews' rejection of this interpretation of Scripture is viewed as a "sin" that requires repentance. David is held up to Trypho as a believer who acknowledged Christ and was therefore granted God's mercy. He is thereby separated from Justin's

<sup>31</sup> Trans. with J.B. Lightfoot, *The Apostolic Fathers*, vol. 1/2: *S. Clement of Rome*, 2nd ed. (London: Macmillan, 1890), 280.

<sup>32</sup> D. Rokeah, *Justin Martyr and the Jews*, Jewish and Christian Perspectives Series 5 (Leiden: Brill, 2002), 7, correctly writes: "The use of the Hebrew Bible in the *Adversus Iudaeos* literature was not intended to prove Christ's divine nature to the Jews, but to convince Christians that the Jews' sacred writings were compatible with the belief in Christ," an aspect that becomes most obvious in Justin's reference to David as a prophet of Christ, see §4 below.

<sup>33</sup> Justin, *Dial.* 141 (ANF 1.270).

<sup>34</sup> Justin, *Dial.* 34 and below.

Jewish contemporaries and turned into a true Christian. By being presented as a true Christian, his adultery and polygamy is distinguished from what Justin views as contemporary Jewish practices:

And this one fall of David, in the matter of Uriah's wife, proves, sirs, I said, that the patriarchs had many wives, not to commit fornication, but that a certain dispensation and all mysteries might be accomplished by them; since, if it were allowable to take any wife, or as many wives as one chooses, and how he chooses, which the men of your nation do over all the earth, wherever they sojourn, or wherever they have been sent, taking women under the name of marriage, much more would David have been permitted to do this.<sup>35</sup>

Although David would have been allowed to have many wives, just as "men of your nation do all over the earth," he did not use these women for his personal pleasure but to reveal some higher truths. As a true Christian ancestor David is disassociated from adultery, rape, and other base instinct here. Justin has a clear theological interest in white-washing David's transgressions.

Tertullian (2nd–3rd cent. CE) goes even further in separating David from Jews and Judaism and emphasizing the "new state" in Christ. His treatise *The Shows* (*De spectaculis*) deals with Christian participation in pagan festivals and attendance of theaters and circuses, practices which he considers idolatrous.<sup>36</sup> David is said to have warned against the "assembly of the impious," who are associated with both Jews and pagans.<sup>37</sup> David allegedly predicted Christ and "called those few Jews an assembly of the wicked" (*Spect.* 3).<sup>38</sup> At the same time, the difference between so-called "Old Testament" figures such as David and the new state in Christ is stressed. In his work *The Prescription against Heretics*, Tertullian refers to "David, a good man" who "is guilty afterwards of murder and adultery" (*Praescr.* 3), unlike Christ, who alone is "without sin," despite the temptations he was threatened with. In his tractate *On Modesty*, Tertullian claims that the old offenses of adultery, which, in the past, were pardoned, are not tolerated anymore: "David, by confession, purged Uriah's slaughter, together with its cause – adultery" (*Pud.* 6). Now, in Christ, a "new state" of "pure water and a clean spirit" has begun in which no more pardon will be granted to adulterers (*ibid.*). While the author of First Clement and Justin refrain from describing David's deed and stress his repentance, Tertullian presents David's "sin" in harsh terms ("murder," "slaughter") and

<sup>35</sup> Justin, *Dial.* 141.

<sup>36</sup> On this treatise, see S. E. Binder, *Tertullian, On Idolatry and Mishnah Avodah Zarah: Questioning the Parting of the Ways between Christians and Jews*, Jewish and Christian Perspectives Series 22 (Leiden: Brill, 2012), 96.

<sup>37</sup> Binder, *Tertullian* (see n. 36), 201, suggests that when Tertullian addresses pagan converts to Christianity he "avoids mentioning that Christianity is the heir to Judaism, since pagan culture tends to scorn the Jewish faith." In the context of *Spect.* 3, however, he appropriates the biblical David figure for Christological beliefs, while calling contemporary Jews' lack of belief "wickedness."

<sup>38</sup> Trans. with *ANF* 3.81.

downplays his remorse and God's forgiveness. This strategy serves to emphasize the alleged change brought about by Christ. Those who believe in Christ are not expected to commit sins for which a divine pardon is necessary. Their faith in Christ will protect them against sins such as adultery. If they do commit such transgressions, they thereby place themselves outside of the Christian community.

In the sixth century, Gregory the Great uses David as an example of the corrupting influence of power, not only in the political but also in the religious realm.<sup>39</sup> In the *Pastoral Rules*, addressed to John, bishop of Ravenna, he writes:

Thus David, who in the judgment of Him who chose him was well pleasing to Him in almost all his deeds, as soon as the weight of pressure was removed, broke out into a swelling sore and, having been as a laxly running one in his appetite for the woman, became as a cruelly hard one in the slaughter of the man; and he who had before known pitifully how to spare the bad learned afterwards, without impediment of hesitation, to pant even for the death of the good. For, indeed, previously he had been unwilling to smite his captured persecutor; and afterwards, with loss to his wearied army, he destroyed even his devoted soldier. And in truth his crime would have snatched him further away from the number of the elect, had not scourges called him back to pardon.<sup>40</sup>

The reference to David appears at the end of a chapter that illustrates the "weight of government, lest whosoever is unequal to sacred offices of government should dare to profane them, and through lust of pre-eminence undertake a leadership of perdition" (ibid.). Gregory admonishes those who might strive for authority in the church: "For commonly in the school of adversity the heart is subdued under discipline, while, on sudden attainment of supreme rule, it is immediately changed and becomes elated through familiarity with glory" (ibid.). The corrupting effect of power on King David follows the example of Saul. David, a pious and morally good man, became hard, cruel, and pitiless in the "slaughter" of Uriah. George Demacopoulos thinks that Gregory's concerns about finding the right candidates for clerical offices stand in the background of this exegesis: "As pope, Gregory was required to fill a number of clerical vacancies. Hoping that his clergy would avoid the corrosive effect of authority," Gregory favored monastic candidates.<sup>41</sup> As in First Clement, David's "sin" is used as a communal exhortation here. Since the focus is on David's transgression, it is described in stark terms. Yet unlike Tertullian, Gregory considers David to have remained one of the "elect," since he was granted a pardon.

A similar use of the David story for internal admonition is evident in the third- to fourth-century CE Syrian Christian author Aphrahat's writing. In his discourse *On Penitence* (*Demonstrationes* 7.14–15), he presents David's re-

<sup>39</sup> G. E. Demacopoulos, *Five Models of Spiritual Direction in the Early Church* (Notre Dame, Ind.: University of Notre Dame Press, 2007), ch. 5 ("Pope Gregory I and the Asceticizing of Spiritual Direction").

<sup>40</sup> Gregory the Great, *Liber regulae pastoralis* 1.3 (NPNF<sup>2</sup> 12.3).

<sup>41</sup> Demacopoulos, *Five Models* (see n. 39), ch. 5.

penitance as an example of his claim that “God forgives him who confesses his sins.”<sup>42</sup> When David confessed and said, “I have sinned,” Nathan said to him, “The Lord also has put away your sin because you have confessed” (2 Sam 12:13). Similarly, Jesus’s disciple Simon, when he denied Jesus and said, “I do not know Him” (Matt 26:74), repented, whereupon “our Lord received him and made him the foundation, and called him Peter, the edification of the Church” (ibid.). In contrast to Justin and Tertullian, no anti-Jewish use of the biblical story of David’s “sin” is evident here.

In their use of the David story for moral exhortation, Aphrahat and Gregory come close to the rabbinic midrash in Sifre Deuteronomy 26. Yet in each of these exegeses the emphasis is different. Whereas rabbis stressed even Torah scholars’ need for God’s mercy, Gregory points to the possible corruption of authority, and Aphrahat emphasizes repentance, as the author of First Clement already did. In the fifth century Salvianus shifts the emphasis to God’s judgment of David rather than thematizing his gratuitous kindness: “You see what immediate judgment so great a man suffered at once for one sin.”<sup>43</sup> Therefore, Christians must also expect divine justice and punishment for their bad deeds. In contrast to these authors, Justin and Tertullian employ the David story in their polemics against Jews (Justin) and pagans (Tertullian). They use the David story to separate Christians from non-Christians either by appropriating him as a witness of Christ (Justin) or by presenting his “sin” as a negative foil from which Christian believers are distinguished (Tertullian).<sup>44</sup>

### 3. Davidic Descent

According to the historical books of the Bible (2 Sam, 1–2 Kgs, 1–2 Chr), from David onwards, descendants of the Davidic dynasty ruled over Judah until the Babylonian exile in the sixth century BCE, when the monarchy ended. From the time of David onwards, kingship was passed from father to son through patrilineal descent. It was linked to independent political rule and therefore

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<sup>42</sup> C. B. Horn, “Penitence in Early Christianity in Its Historical and Theological Setting: Trajectories from Eastern and Western Sources,” in *Repentance in Christian Theology*, ed. M. J. Boda and G. T. Smith (Collegeville, Minn.: Liturgical Press, 2006), 153–188, here 180, points to further biblical figures mentioned as models of repentance by Aphrahat.

<sup>43</sup> Salvianus, *De gubernatione Dei* 2.4 (trans. E. M. Sanford, *On the Government of God* [New York: Columbia University Press, 1930], 73).

<sup>44</sup> On Islamic representations of David’s sin, see A. Makhlabi, “The ‘Sin’ of David in Light of Islamic Thought,” in *Reading the Bible in Islamic Context: Qur’anic Conversations*, ed. D. J. Crowther et al. (New York: Routledge, 2017), 62–76; K. Mohammed, *David in the Muslim Tradition: The Bathsheba Affair* (Lanham, Md.: Lexington Books, 2015). The author shows that in Islam the biblical David is also generally presented in a positive light. He even speaks of a “glorification” and “edification” of David’s image, despite his sin against Bathsheba and Uriah (177).



absent in the periods of foreign dominion. According to the prophet Isaiah, a restoration of Davidic rule could be expected only at the end of times, when an anointed king would arise (Isa 9:5–6).<sup>45</sup> Until then, the claim to Davidic descent was mute.

Since early Christians claimed that Jesus was the expected messiah, the gospels from Mark onwards present Jesus as the “son of David.” In Mark, this appellation appears only later (cf. Mark 10:47–48: blind beggar’s address of Jesus; Mark 11:10: reference to “the kingdom of our father David”; Mark 12:35–37: question how the messiah can be David’s son when David himself called him “Lord”), whereas Matthew places it at the very beginning of his account (Matt 1:1: “The book of the generation of Jesus Christ, the son of David, the son of Abraham,” followed by a genealogy that continues the Davidic line even beyond the Babylonian exile, Matt 1:12–16). Following patrilineal descent, Matthew claims that “Jacob begat Joseph the husband of Mary, of whom was born Jesus, who is called Christ” (Matt 1:16; cf. Luke 1:27). When read together with the following story about Mary’s so-called virgin birth, a logical inconsistency emerges, however. If the Holy Spirit rather than Joseph was Jesus’s father, Joseph’s alleged Davidic descent becomes irrelevant. Even if Joseph is eventually said to have married Mary, Jesus would not have been his biological son. This did not prevent the gospel writers from continuing to call Jesus “son of David” to whom “the Lord God shall give the throne of his father David” (Luke 1:32).<sup>46</sup> This inconsistency caused a problem for some later patristic writers, though, who claimed that Jesus’s Davidic descent was through his mother Mary, that is, through matrilineal kinship ties.<sup>47</sup>

Justin already talks about Christ, “born of this virgin of the family of David” (*Dial.* 45, cf. 43). He considered this issue important enough to refer to it several times in his *Dialogue with Trypho*. The alleged virgin birth is traced back to Isaiah: “Behold, the virgin shall conceive” (*Dial.* 66). Trypho is said to have countered this argument by pointing out that the correct translation is “young woman” and that the prophesy referred to Hezekiah, one of the last kings of Judah, not Jesus (*Dial.* 67). Virgin births, on the other hand, occur in

<sup>45</sup> On the king-messiah in Isaiah, see W.C. Kaiser, *The Messiah in the Old Testament* (Grand Rapids, Mich.: Zondervan, 1995), 156–172.

<sup>46</sup> See M.L. Strauss, *The Davidic Messiah in Luke-Acts: The Promise and Its Fulfilment in Lukan Christology* (Sheffield: Sheffield Academic, 1995), 126: “Luke’s presentation in the birth narrative confirms his special interest in Jesus’ Davidic descent.” Strauss rejects some scholars’ distinction between “legal and natural descent, which was clearly not an issue for Luke” (127). “The emphasis throughout the synoptic tradition is on Joseph’s Davidic descent; there is no reason to suppose that the reference in 1.27 was originally to Mary” (127–128).

<sup>47</sup> G. Sigal, *The Virgin Birth Myth: The Misconception of Jesus* (Bloomington, Ind.: Xlibris, 2013), 104: “The contention that Mary was of Davidic descent results from the realization that it is impossible to reconcile a Davidic descent for Jesus through Joseph with the claim that Joseph was not his biological father.”

Greek myths. In his reply Justin uses the alleged virgin birth as a sign of Jesus's uniqueness (*Dial.* 66). He refers to the "mystery" of God's plan ("Isaiah has explained how that which was spoken by God to David in mystery would take place," *Dial.* 68). What is not addressed here is the problematic claim of matrilineal descent when biblical kinship was always patrilineal.<sup>48</sup>

That the Christian claim of Jesus's Davidic descent continued to be highly controversial and was repudiated by Jewish Christians, Jews, and pagans is also evident from other patristic writings. According to Alan Segal, the Ebionites "opposed the idea of a Davidic messiah. There is in the Pseudo-Clementine literature no claim that Jesus descended from David."<sup>49</sup> In the fourth century, Ephraim the Syrian states that whether Jesus was David's son "remained in doubt among the scribes" (*Against Marcion* 2.104). In his treatise *Against the Galileans*, Julian maintains that the phrase "the sceptre shall not depart from Judah" was "most certainly not said of the son of Mary, but of the royal house of David, which [...] came to an end with King Zedekiah" (1.1, 253D).<sup>50</sup>

It seems that Eusebius of Caesarea (3rd–4th cent. CE) was especially keen on countering any doubts about Jesus's Davidic descent amongst his constituency. In his work *Demonstratio evangelica* he acknowledges that Davidic kingship ended with the Babylonian exile but claims that Jesus was the direct successor of that line:

"You have broken down his throne to the ground, you have lessened the days of his time, you have proved dishonour upon him" [Ps 89:45–46], a course of events which has been begun and carried to its conclusion from the Babylonian captivity of the Jews up to the Roman Empire and Tiberius. For no one of the seed of David appears to have sat on the throne of the Hebrews in the intervening period up to the coming of Christ. But when our Lord and saviour Jesus Christ, who was of David's seed, was proclaimed king of all the world, that very throne of David, as though renewed from its degradation and fall, was restored in the divine kingdom of our saviour, and will last for ever; and even now.<sup>51</sup>

Eusebius quotes from Ps 89, a psalm that, on the one hand, emphasizes the permanent nature of Davidic reign ("I have made a covenant with my chosen, I have sworn unto David my servant. For ever will I establish your seed, and build up your throne to all generations," 89:4–5) but also seems to be aware of the end of Davidic kingship and the Babylonian exile.<sup>52</sup> Eusebius claims that

<sup>48</sup> Matrilineal descent emerged in Judaism in post-biblical times only; see S. J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley: University of California Press, 1999), 282, who refers to "the old patrilineal view of the Bible."

<sup>49</sup> A. F. Segal, "Jewish Christianity," in *Eusebius, Christianity, and Judaism*, ed. H. W. Attridge and G. Hata (Detroit: Wayne State University Press, 1992), 326–351, here 347.

<sup>50</sup> Trans. W. C. Wright, LCL 157.

<sup>51</sup> Eusebius, *Dem. ev.* 7.1 (trans. W. J. Ferrar, *The Proof of the Gospel: Being the Demonstratio Evangelica of Eusebius of Caesarea*, vol. 2 [London: Macmillan, 1920], 76).

<sup>52</sup> See A. Moore, *Moving Beyond Symbol and Myth: Understanding the Kingship of God of the Hebrew Bible Through Metaphor* (New York: Lang, 2009), 214, who considers Ps 89 postexilic, despite the fact that the destruction of the Temple and the deportation of Zedekiah

Christ is the direct successor of the Davidic kings, that with him the Davidic line has been renewed and that the prophecy of everlasting reign is fulfilled in him. He harmonizes the promise of everlasting kingship, based on Nathan's prophecy in 2 Sam 7 ("Now therefore let it please You to bless the house of Your servant, that it may continue for ever before You," 7:29) with the destruction brought about by foreign rulers and the Christian belief that Jesus is the expected Davidic messiah.

Eusebius was aware of the Jewish rejection of this line of argumentation. In the same passage he continues:

There is no doubt that Solomon was the son of David and his successor in the kingdom. And he first built the Temple of God at Jerusalem, and perhaps the Jews understand him to be the subject of the prophecy. But we may fairly ask them whether the oracle applies to Solomon, which says, "And I will set up his throne for ever," and also where God swore with the affirmation of an oath by his holy one, "The throne of him that is foretold, shall be as the sun, and the days of heaven." For if the years of the reign of Solomon are reckoned, they will be found to be forty and no more. Even if the reigns of all his successors be added up, they do not altogether come to 500 years. And even if we suppose that their line continued down to the final attack on the Jewish nation by the Romans, how can they fulfill a prophecy which says, "Your throne shall remain for ever, and be as the sun and the days of heaven"? And the words, "I will be to him a father, and he shall be to me a son," how can they refer to Solomon, for his history tells us much about him that is foreign and opposed to the adoption of God?<sup>53</sup>

The biblical prophecy of an ever-ruling king of Davidic descent cannot apply to Solomon or any other earthly ruler whose time was limited, even if it continued to be valid throughout the Second Temple period. Solomon's association with the prophesied "son of David" is also dismissed on the basis of idolatry. Eusebius claims that there is "much about him that is foreign," since he took wives from other ethnic groups and "went after Astarte" (*ibid.*). He therefore concludes that "there was no other born of him, as is recorded, save only our Lord and Saviour Jesus the Christ of God, who alone of the kings of David's line is called through the whole world the son of David according to His earthly birth, and whose Kingdom continues and will continue, lasting for endless time" (*ibid.*).

Eusebius became bishop of Caesarea in 314 CE, at a time when a considerable number of rabbis would have lived in the city. His reference to Jews who associated the "son of David" with an earthly leader – and the prophesied everlasting kingship with a Davidic messiah expected at the end of times – may well be based on rabbinic arguments. In his *Church History* he goes one step further and claims that also after Christ (and the destruction of the Temple in 70 CE) no Davidic descendant remained: "Vespasian after the conquest of Jerusalem gave orders that all that belonged to the lineage of David should

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are not explicitly mentioned in vv. 39–46: "Ps. 89 is part of the articulation of the theological crisis posed by the exile."

<sup>53</sup> Eusebius, *Dem. ev.* 7.3 (trans. Ferrar, *Proof of the Gospel* [see n. 51], 86).

be sought out, in order that none of the royal race might be left among the Jews; and in consequence of this a most terrible persecution again hung over the Jews" (*Hist. eccl.* 3.12).<sup>54</sup> In another chapter he attributes the murder of all descendants of David to Domitian (*Hist. eccl.* 3.19). This claim serves him to maintain that the Davidic line culminated and ended with Jesus.

Eusebius's pseudo-historical argument stood in obvious contradiction to late antique rabbinic assertions about the Davidic descent of Hillel, the Palestinian patriarch, and the Babylonian exilarch. As Martin Jacobs has shown, the rabbinic claims that the patriarch descended from Hillel and that Hillel was a descendant of David only appear in Amoraic sources.<sup>55</sup> According to *y. Ta'an.* 4:2, 68a (par. *Gen. Rab.* 98:8), "R. Levi said: They found a genealogical scroll in Jerusalem and in it was written: Hillel is from [the line of] David." Israel Levy already maintained that the Amoraic claim of a Davidic descent of Hillel would have been ideologically motivated.<sup>56</sup> A similar ideological motivation would have applied to the notion that the patriarch was of Davidic descent. Although Alexei Sivertsev is right in pointing out that there is no "explicit reference to the Davidic pedigree of R. Judah ha-Nasi," several Amoraic traditions connect the patriarch and/or exilarch with descent from Judah. All rabbis would have known that David came from the tribe of Judah and that descent from Judah meant descent from David.<sup>57</sup> Jacobs's suggestion that by claiming Davidic descent some rabbis might have associated messianic connotations with the patriarch must be rejected though.<sup>58</sup> It is more likely that rabbis countered Christian claims that Davidic descent ended with Jesus by extending the Davidic line to their rabbinic ancestors (Hillel) and the patriarch and exilarch, that is, to contemporary Jewish leaders.

Interestingly, rabbis were entangled in similar logical problems concerning matrilineal or patrilineal descent as church fathers, who vacillated between Jesus's Davidic descent from Joseph (as maintained in the gospels) or Mary (cf. Justin above). In *y. Ketub.* 12:3, 35a (par. *y. Kil.* 9:4, 32b) a story juxtaposes the Palestinian patriarch Rabbi with the Babylonian exilarch Rav Huna. Rabbi is presented as exceedingly humble here. He was allegedly willing to raise Rav Huna above himself, because "he [descended] from Judah, and I from Benjamin; he [descended] from the male line and I from the female line" (*ibid.*). Various understandings are possible here. If these status-denominators are alterna-

<sup>54</sup> Trans. *NPNF*<sup>2</sup> 1.146.

<sup>55</sup> M. Jacobs, *Die Institution des jüdischen Patriarchen: Eine quellen- und traditionskritische Studie zur Geschichte der Juden in der Spätantike*, TSAJ 52 (Tübingen: Mohr Siebeck, 1995), 212.

<sup>56</sup> I. Lévy, "L'origin davidique de Hillel," *REJ* 31 (1895), 202–211.

<sup>57</sup> A. Sivertsev, *Private Households and Public Politics in 3rd–5th Century Jewish Palestine*, TSAJ 90 (Tübingen: Mohr Siebeck, 2002), 76; D. Goodblatt, *The Monarchic Principle: Studies in Jewish Self-Government in Antiquity*, TSAJ 38 (Tübingen: Mohr Siebeck, 1994), 154, associates descent from Judah with Davidic descent.

<sup>58</sup> Jacobs, *Institution* (see n. 55), 222.

tives, one might assume that Rabbi stemmed from the female line of the house of Judah; if they are considered supplementary, Rabbi stems from the female line of Benjamin, that is, he would be twice inferior to the exilarch on genealogical grounds. A third possibility is to combine the two statements: Rabbi may then be said to stem from Benjamin in patrilineal descent and from Judah in matrilineal descent.<sup>59</sup> Even if matrilineal descent from Judah is claimed, it would not be of much value, unless rabbis were familiar with the Christian claims that Jesus's Davidic descent was through Mary and were similarly unconcerned about the logic. David Goodblatt writes: "On their fathers' side only Huneh [*sic!*] could claim descent from the tribe of Judah and hence from David."<sup>60</sup> As far as the patriarch is concerned, on his "mother's side he could claim descent from the tribe of Judah and thus from David."<sup>61</sup> Since descent through the male line was considered superior, the story seems to be "polemic" and claim the exilarch's genealogical superiority.<sup>62</sup> The tradition suggests that (the followers of) the patriarch and exilarch competed for superior heritage and that the claim to Davidic descent through the line of Judah was part of that strife.

A more explicit response to late antique Christian claims of an end of the Davidic dynasty within Judaism and the biblical prophecy's fulfillment in Christ can be found in the midrash *Genesis Rabbah* (Gen. Rab. 97:10), with parallels in the *Bavli* (b. Sanh. 5 a//b. Hor. 11 b):

"The scepter shall not depart from Judah" [Gen 49:10]: These are the exilarchs who are in Babylonia, who rule over the people Israel with a staff. "nor the ruler's staff from between his feet" [ibid.]: These are the patriarchs of the House of Rabbi who teach Torah publicly in the land of Israel. Rabbi said: "The scepter shall not depart from Judah": that is the messiah of the House of David, who will, in the future, rule the kingdom with a staff, as it is written: "You shall break them [the nations] with a rod of iron" [Ps 2:9].

The version in the *Bavli* applies the second half of Gen 49:10 to "the descendants of Hillel" rather than to the Palestinian patriarch. Although the patriarchs were probably included here, in *Genesis Rabbah* a more explicit interest in aligning the patriarchs with the exilarchs as fulfillers of the biblical prophecy is evident. Nevertheless, the exilarchs are described in royal terms, whereas the patriarchs are presented as public Torah instructors, perhaps suggesting less authority. When read on the background of Eusebius's claims, the rabbinic texts can be understood as counterarguments that maintain that the Davidic line (the scepter of Judah) continues within Judaism in rabbis' own times. The exilarch in Babylonia and – perhaps to a lesser extent – the patriarch in Palestine

<sup>59</sup> Jacobs, *Institution* (see n. 55), 216, with reference to J. Liver, *The History of the House of David from the Destruction of the Reign of Judah until after the Destruction of the Second Temple* [in Hebrew] (Jerusalem: Magnes, 1959), 38.

<sup>60</sup> Goodblatt, *Monarchic Principle* (see n. 57), 154.

<sup>61</sup> Goodblatt, *Monarchic Principle* (see n. 57), 154.

<sup>62</sup> Goodblatt, *Monarchic Principle* (see n. 57), 154.

are presented as exemplars of the continuation of Davidic leadership in late antiquity. An alternative interpretation is attributed to Rabbi himself, who relates the biblical prophecy to messianic times by, at the same time, threatening “the nations,” that is, gentiles, including (pagan) Christians, with destruction. This interpretation suggests that some Palestinian rabbis hesitated to associate the patriarch with Davidic descent, probably because of possible messianic connotations that they tried to avoid in the face of Christian claims. They stressed that a Davidic ruler would appear in the future only, relocating messianic expectations to the end of times.

Origen seems to have been aware of Jewish claims that Gen 49:10 relates to their “ethnarch” who, “being of the tribe of Judah, is the ruler of the people, and those of his seed will not depart, until the coming of their imaginary messiah” (*Princ.* 4.1.3). The similarity with the midrash in Gen. Rab. 97:10 was already recognized by Sivertsev.<sup>63</sup> If Origen’s “ethnarch” refers to the Jewish patriarch, his comment would support the assumption that the patriarch and/or his followers claimed his descent from Judah/David and insisted on the continuation of this genealogical line within contemporary Judaism. This would have constituted a forceful counterclaim to Christian notions of the end of this line in Judaism and its continuation in Jesus only. Furthermore, the Christian belief in Jesus as the messiah, son of David, was contradicted by upholding the biblical hope in a messianic ruler, who would appear at the end of times.

As Sivertsev has pointed out, “It is ironic that by far the biggest collection of Palestinian sources referring to the Davidic pedigree of the Patriarchs comes from the Christian polemical texts.”<sup>64</sup> The reason for this phenomenon may have been the oral cultural context in which both rabbis and church fathers expressed their views. Only remnants of these disputes would have been preserved in writing, of which the midrashic text and Origen’s comments are exemplars.<sup>65</sup>

#### 4. The Davidic Messiah

In patristic texts David is most often presented as a prophet who predicted the coming of Jesus as the messiah. The Gospel of Mark already transmits a

<sup>63</sup> See Sivertsev, *Private Households* (see n. 57), 78, where he cites the passage.

<sup>64</sup> Sivertsev, *Private Households* (see n. 57), 79. He also refers to Cyril of Jerusalem, *Catech.* 12.17, relating to Gen 49:10: “In his interpretation of Gen. 49.10 Cyril explicitly traces the origins of the patriarchal family not simply to Judah son of Jacob, but more specifically to King David himself.” Sivertsev acknowledges that “by 350 C.E. [...] at least some Jewish traditions claimed a Davidic pedigree for their leaders” (79–80).

<sup>65</sup> Traces of the Jewish and Christian controversy about Davidic descent and the messiah can also be found in the seventh-century *Sefer Zerubbabel*, as Martha Himmelfarb has shown, see her *Jewish Messiahs in a Christian Empire: A History of the Book of Zerubbabel* (Cambridge, Mass.: Harvard University Press, 2017), 50–52.

tradition about Jesus teaching in the Jerusalem Temple, in which the Christian view of Christ is distinguished from the Jewish expectation of a Davidic king-messiah:

And Jesus answered and said, teaching in the Temple: How [can] the scribes (γραμματεῖς) say that the messiah (χριστός) is the son of David? David himself said in the Holy Spirit: “The Lord (κύριος) said unto my Lord: Sit on my right-hand side, until I make your enemies the footstool of your feet” [Ps 110:1]. David himself calls him “Lord” (κύριος), and whence is he his son?<sup>66</sup>

The gist of this scriptural interpretation, attributed to Jesus, seems to be that the messiah/Christ is more than the “son of David” envisioned by Jewish scribes. David was considered the author of Ps 110, which is introduced as a “Psalm of David.” In the Hebrew Bible, this is one of the so-called king-psalms with a messianic tendency. In the first verse God tells the future Davidic king to sit at his right-hand side and promises him to subdue his enemies. In the continuation, non-Israelite nations (גוֹיִם) are threatened with destruction (110:6). In the context of the Gospel of Mark, the alleged Davidic prophecy is used in a controversy with scribes, who seem to have upheld the traditional belief in a Davidic king-messiah. It is not clear whether Jesus identified himself with Christ here, but he – or the author of the gospel, who formulated the text – allegedly stressed that Christ was closer to God himself than an ordinary descendant of David, that David himself acknowledged Christ’s divinity or superiority. In the following passage (Mark 12:38–40) Jewish scribes are heavily criticized as haughty in their behavior in public and in synagogues, and they are threatened with divine judgment.

In the Gospel of Matthew this tradition is turned into a controversy dialogue between Jesus and Pharisees about Christ’s origin (Matt 22:41–45): “While the Pharisees were gathered together (συνηγμένον), Jesus asked them, saying: What do you think about the Christ? Whose son is he? They said to him: The son of David” (Matt 22:41–42). Jesus’s reply is similar to that in Mark: Since David called Christ/the messiah “Lord,” how can he be his son (Matt 22:45)? Matthew makes clear that this is a rhetorical question: “And no one was able to answer him a word” (Matt 22:46).

The gospel texts already indicate that early Christians could not just go ahead and apply the biblical tradition of a future king-messiah, upheld by contemporary Jews, to Jesus. Obviously, Jesus was not a king and his Davidic descent was disputed by Jews. The Christian strategy was to, on the one hand, relate the biblical prophesies of a Davidic messiah to Jesus, but, on the other hand claim that Christ was much more than a Davidic king. In the Epistle of Barnabas this issue is dealt with more explicitly:

Behold again: Jesus who was manifested, both by type and in the flesh, is not the son of man, but the son of God. Since, therefore, they were to say that Christ was the son of David,

<sup>66</sup> Mark 12:35–37.

fearing and understanding the error of the wicked, he says, “The Lord said unto my Lord, sit at my right-hand side, until I make your enemies the footstool of your feet” [Ps 110:1]. And again, thus says Isaiah, “The Lord said to Christ, my Lord, whose right hand I have holden, that the nations should yield obedience before him; and I will break in pieces the strength of kings” [Isa 45:1]. Behold how David calls him Lord and the son of God.<sup>67</sup>

The author is eager to stress Jesus’s divinity, which the appellation “son of David” does not necessarily imply. Like the gospel writers, he is familiar with those who insist that Christ/the messiah is supposed to be a son of David. By calling this view “the error of the wicked” he outrightly condemns the (probably Jewish) non-believers. In addition to Ps 110:1, a passage of Deutero-Isaiah is quoted which, in its biblical context, refers to the Persian king Cyrus: “Thus says the Lord to His anointed (משיח, ‘his messiah’), to Cyrus” (Isa 45:1), predicting his victory over the Babylonians on behalf of Israel (Isa 45:4). Barnabas replaces Cyrus with “my Lord,” that is, Jesus Christ, turning Isaiah’s dictum into another Christological prophecy.

Justin also turns David into a prophet of Christ, allegedly inspired by the Holy Spirit to predict his rule. In his *Dialogue with Trypho*, David is mentioned fifty-three times, mostly as the author of Christologically interpreted psalms (see, e.g., *Dial.* 32, 34, 76). Justin writes, for example, that “David in the twenty-first Psalm thus refers to the suffering and the cross in a parable of mystery” (*Dial.* 97). This notion of David as the one who prophesied Christ is found throughout patristic literature. Thus, Eusebius of Caesarea mentions “the wondrous David [who was] inspired by the Holy Spirit to foresee the future” (*Dem. ev.* 1.10). Combining Davidic descent with the title “son of God” he makes Nathan prophesy that the seed of David “should be called the son of God” (*Dem. ev.* 6.12). Similarly, Hippolytus of Rome has David “announcing prophetically the judgment and coming of the Lord” (*Antichr.* 64). According to Tertullian, David in his psalms predicted the Christian mission among the nations (*Spect.* 5 and 7). This appropriation of David as a Christian messenger and forerunner of Jesus clearly separates him from Judaism. As already mentioned above, Tertullian goes so far as to claim that David warned against the “assembly of the impious,” that is, Jews who did not believe in Christ, and “called those few Jews an assembly of the wicked” (*Spect.* 3).

How did late antique rabbis react to the Christian claims that the biblical David had announced Jesus as the Davidic messiah and that Isaiah’s messianic prophecy had already been fulfilled? On the one hand, they held up the biblical belief of a future Davidic king-messiah. The prophecy of Gen 49:10 (“The sceptre shall not depart from Judah, nor the ruler’s staff from between his feet, until Shiloh comes”) is applied to the king-messiah in Gen. Rab. 98:8. Jews are declared superior to gentiles in messianic times:

<sup>67</sup> Barn. 12:10–11 (trans. with ANF 1.145).



R. Chanin said: Israel does not need the instruction (תלמודו) of the king-messiah in the age to come, as it is said: “Unto him shall the nations (גוים) seek” [Isa 11:10], not Israel. If so, why will the king-messiah come? And what is he going to do? To gather the exiles of Israel [cf. Isa 11:12] and to give them thirty *mitzvot*. “And I said to them: If you think good, give me my hire, and if not, forbear. So they weighed for my hire thirty pieces of silver” [Zach 11:12]. Rav said: These [refer to] thirty heroes. R. Yochanan said: These [refer to] thirty *mitzvot*. They said to R. Yochanan: Do you not accept the view of Rav that [the passage] speaks only about the nations of the world? According to Rav’s opinion “And I said to them” [refers] to Israel; according to R. Yochanan’s opinion “And I said to them” refers to the nations of the world. According to Rav’s opinion, at a time when Israel has [sufficient] merit, most of [the thirty heroes] are in the land of Israel and less of them in Babylonia; and at a time when Israel does not have [sufficient] merit, most of them are in Babylonia and less of them are in the land of Israel.

Whereas the first part of this passage deals with messianic times, the second part, that is, the controversy between Rav and R. Yochanan, seems to lose interest in the messianic future and rather talks about *mitzvot* and merits in this world, in the land of Israel and Babylonia, where rabbinic circles were active. As far as messianic times are concerned, the text stresses that Jews do not need instruction: they are already familiar with the Torah and able to observe it. Non-Jews, on the other hand, are lacking in Torah knowledge. Therefore, they need the king-messiah’s guidance. For Israel, messianic times mainly consist of an ingathering of Jews from the diaspora. Non-Jews, however, will have to start from scratch. This image of messianic times and the Davidic king-messiah stands in stark contrast to the patristic perception. The Davidic king-messiah is expected to come in the future only. His main significance is to bring exiled Jews back to Israel, to unite the Israelite nation. For gentiles, messianic times will mean acknowledgement of the Jewish God and Torah study and observance, that is, assimilation to rabbinic Judaism, or utter destruction (cf. Isa 11:13–15).

A passage in the Talmud Yerushalmi emphasizes that the king-messiah would be called David, both if he were “living” and if he were (resurrected from the) dead (y. Ber. 2:4, 5a). This statement, attributed to anonymous sages, seems to be an outright rejection of Christian claims that the Davidic messiah had already been living in the person of Jesus, who had died and was expected to return in the future. Another suggestion that his name would be Menachem is followed by a long satirical narrative (ibid.), in which the arrival of the messiah is juxtaposed to the destruction of the Temple. Both events are announced by an “Arab” and prove to be false alerts, especially as far as the alleged messiah born in Bethlehem is concerned. The child is not only unable to rebuild the Temple but blown out of his mother’s hands by a storm.<sup>68</sup>

<sup>68</sup> On this story, see also P. Schäfer, *The Jewish Jesus: How Judaism and Christianity Shaped Each Other* (Princeton: Princeton University Press, 2012), 231: “in my view the Yerushalmi story is a complete and ironical inversion of the New Testament.” Schäfer argues that “Messiahs who have already been born pose a problem because of Christianity, or, more

## 5. The Rabbinization of King David

As we have already seen above, some Amoraic rabbis claimed that the patriarch and/or exilarch were of Davidic descent. They associated the Davidic messiah with providing Torah instruction to gentiles. In later sources, however, especially in the Babylonian Talmud and in later midrashim such as *Pesiqta de Rab Kahana* and the midrash on Psalms, King David himself is rabbinized and presented as a Torah sage. A few examples must suffice here.<sup>69</sup>

According to a tradition in *b. Sanh. 16a*, commenting on *m. Sanh. 1:5*,

[...] R. Acha b. Bitznah said [that] R. Shimon the Pious said: There was a harp suspended over David's bed. At midnight a north wind would blow through it, and it would play on its own. David would get up right away and take up Torah study until dawn. At dawn the sages of Israel would come in to him. They said to him: Our Lord, King, our people Israel need sustenance.

The biblical associations of David as a harp-player and king are maintained here but added to these is Torah study. The biblical king David is turned into a rabbinic sage. Although the rabbinic movement developed after 70 CE only and expanded to Babylonia in late antiquity, rabbis are imagined here to have lived in monarchic times already. This backward extension of the rabbinic movement into monarchic times also becomes evident in the following sentence: "Forthwith they [sc. the sages] took counsel with Ahitophel, the counsellor of King David, and ask advice of the Sanhedrin" (*ibid.*). Since rabbis presented the Sanhedrin as a rabbinic institution with a long history, they considered sages its members in biblical times already.

Whereas *Sifre Deuteronomy 26* presented David as an example of a biblical hero dependent on God's mercy, in the *Bavli* David has to stand up against rabbis and the Sanhedrin to justify his actions.<sup>70</sup> A long *sugya* in *b. Sanh. 107a–b* deals with David's obvious and hidden sins. Various verses from the Psalms are cited as evidence of David's pleas with God for remittance. After a quotation of *Ps 19:14* ("Let them [sc. the sins] not have dominion over me, then I shall be faultless"), the *Bavli* explains: "So that the rabbis (רבנן) do not hold me up as an example" (107a). According to a later statement attributed to R. Yehudah in the name of Rav, David received a threefold punishment for his sin with Bathsheba: "For six months David was afflicted with *sara 'at*, and the Shekinah left him, and the Sanhedrin abandoned him" (*ibid.*). After further pleading and discussion David is eventually granted God's mercy.

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precisely, because of the relationship between Judaism and Christianity. For there is only a single community which claims that the (Jewish!) Messiah was born at a certain point in time and which sticks to this claim – the Christian community" (232).

<sup>69</sup> For more examples, see Kalmin, *Sage* (see n. 27), 84–90.

<sup>70</sup> J. E. Diamond, "King David of the Sages: Rabbinic Rehabilitation or Ironic Parody?," *Prooftexts 27* (2007), 323–426, shows that the *Bavli* uses irony and satire to align the sometimes scandalous actions of David with rabbinic standards of morality.

Jacob Neusner has observed that “the transformation of the royal messiah into a Rabbi” does not happen in Palestinian Tannaitic and Amoraic literature but is particular to the Bavli.<sup>71</sup> Only the Bavli contains long discourses on David as a sage. Neusner’s association of Rabbi David with the messiah (“the Bavli signifies the advent of the sage-messiah with all that that formulation signifies”) is questionable, though.<sup>72</sup> Besides the Bavli, late midrashim such as *Pesiqta de Rab Kahana* turn David into a “model of the sages.”<sup>73</sup> In *Pesiqta de Rab Kahana* David is presented as a Torah sage who disputes the interpretation of Scripture with rabbis. What is interesting in these late depictions is that David’s time and rabbis’ own time are conflated. Neusner calls this procedure “obliterating the sense of the pastness of the past.”<sup>74</sup>

What could have been the reasons behind this recasting of David that developed in Babylonia in the Stammaitic period? One reason could be the loss of hope in a Davidic king-messiah who would establish a universal Israelite rule. At a time when foreign dominion had been experienced for hundreds of years, a reestablishment of Davidic rule may have seemed unlikely. Traditional Jewish messianic expectations may also have been de-emphasized as a reaction to Christian theology. What is also evident is the rabbinic attempt to re-appropriate David for Judaism. By claiming that David was a worldly rabbinic scholar, rabbis created a forceful counterimage to Christian notions of an elusive Davidic Christ/messiah. They created a figure who represented their own values and served as a role model they could identify with.<sup>75</sup>

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<sup>71</sup> Neusner, *Rabbi David* (see n. 1), xvi.

<sup>72</sup> Neusner, *Rabbi David* (see n. 1), xvi.

<sup>73</sup> J. Neusner, *A Theological Commentary to the Midrash: Genesis Rabbah* (Lanham, Md.: University Press of America, 2001), 275.

<sup>74</sup> Neusner, *Theological Commentary* (see n. 73), 275.

<sup>75</sup> See also J.L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore, Md.: Johns Hopkins University Press, 2003), 77, who refers to b. Sanh. 107a where a story about King David’s imagined academy serves as a model for the “vulnerability and humiliation” experienced by the Stammaim in the Babylonian academies of their own times: “King David’s nasty colleagues enjoy shaming him by alluding to his adulterous relationship with Batsheva.”

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