

manteau a connu une évolution notable dans le corpus rabbinique. Son insertion dans une structure double (manteau/site du Temple) ou sa dimension ésotérique, très nettes dans les recueils anciens, tendent à disparaître par la suite. Il peut revêtir des formes variées, comme, par exemple, celle du déploiement de la lumière dans PRE, alors que le verset de Ps 104, 2, parle plutôt d'enveloppement. Le lien des traditions avec leurs contextes respectifs pose des problèmes cosmologiques et exégétiques non négligeables. Nous avons particulièrement insisté sur les versions qui articulent l'émanation et la création, articulation qui remonte à l'époque hellénistique mais qui n'apparaît explicitement que dans les *Midrashim* les plus tardifs. Comme l'avait déjà suggéré A. Altmann, les textes sur le manteau traitent de questions qui vont devenir centrales dans la pensée juive médiévale, philosophique ou mystique<sup>76</sup>. Ainsi, le premier philosophe juif connu en terre d'islam, Isaac Israeli, expose une cosmologie qui articule à la fois création et émanation<sup>77</sup>. Les rabbins du Moyen Age débattent de la nature de la *Shekhina*: identique à Dieu ou créée<sup>78</sup>. Quant au rôle des émanations multiples, conçues comme des lumières, dans la kabbale, il est à peine nécessaire de le rappeler<sup>79</sup>. Certains des *midrashim* que nous avons commentés font d'ailleurs plus qu'anticiper ces développements, ils leur sont probablement contemporains.

<sup>76</sup> «A Note on the Rabbinic Doctrine of Creation», p. 130-131.

<sup>77</sup> Sur ce point voir les travaux d'A. Altmann (pour le premier d'entre eux en collaboration avec S. M. Stern): *Isaac Israeli, A Neoplatonic Philosopher of the Early Tenth Century*, Chicago: University of Chicago Press, 2009, p. 171-180 et «Creation and Emanation in Isaac Israeli: A Reappraisal», in *Essays in Jewish Intellectual History*, Hanovre: University Press of New England, 1981, p. 17-34. H. A. Wolfson estime au contraire que la création (à partir du néant) chez Isaac Israeli est encore une forme d'émanation («The Meaning of *Ex Nihilo* in Isaac Israeli», *Jewish Quarterly Review*, 50, 1959, p. 1-12).

<sup>78</sup> Voir E. Urbach, *Les Sages d'Israël. Conceptions et croyances des maîtres du Talmud*, Paris: Le Cerf, 1996, p. 46-47.

<sup>79</sup> Sur les textes kabbalistiques qui évoquent la lumière du manteau, voir V. Aptowitz, «Zur Kosmologie der Aggada», p. 367-369 et A. Altmann, «A Note on the Rabbinic Doctrine of Creation», p. 136-139.



## Inscriptions, Synagogues and Rabbis in Late Antique Palestine

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### Abstract

The numerous works of "rabbinic" literature composed in Palestine in Late Antiquity, all of which are preserved only in medieval manuscripts, offer immense possibilities for the historian, but also present extremely perplexing problems. What are their dates, and when did each come to be expressed in a consistent written form? If we cannot be sure about the attribution of sayings to individual named rabbis, how can we relate the material to any intelligible period or social context? In this situation, it is natural and right to turn to contemporary evidence, archaeological, iconographic and epigraphic. The primary archaeological evidence is provided by the large (and increasing) number of excavated synagogues. But, it has been argued, rabbinic texts are not centrally concerned with synagogues or the congregations which met in them. So perhaps "rabbinic Judaism" and "synagogal Judaism" are two separate systems. Alternatively, the epigraphic evidence attests individuals who are given the title "rabbi," and these inscriptions, on stone or mosaic, include some which derive from synagogues. But perhaps "rabbi," in this context, was merely a current honorific term, and these are not the "real" rabbis of the texts? It will be argued that this distinction is gratuitous, and that in any case the largest and most important synagogue-inscription, that from Rehov, both is "rabbinic" in itself and mentions rabbis as religious experts.

### Keywords

Inscriptions, Late Antiquity, Palestine, rabbis, synagogues

### Introduction\*

No-one who approaches the vast and varied corpus of "rabbinic" works which derive from Late Antique Palestine will fail to appreciate their immense potential for social history on the one hand, or the complex problems which they present on the other. Unlike the contemporary, and in some ways quite comparable, corpus of Syriac writing, there are no original manuscripts dating to the period.<sup>1</sup> The entire material depends on

\*) This paper has been written in the wake of an inspiring visit to Galilee and the Golan in September 2009, for which profound thanks are due to Eyal Ben-Eliyahu, Chaim Ben-David and Mordechai Aviam, as well as to Hannah Cotton and Ari Paltiel, for all their help and guidance. It is also a reflection of the joint work of Eyal Ben-Eliyahu, Yehudah Cohn and myself on a book which is in preparation, *Jewish Literature of Late Antiquity: a Handbook*, due for publication by the British Academy. I am very grateful for comments to Hannah Cotton, Jonathan Price, Jodi Magness, Martin Goodman, Aharon Oppenheimer, and above all Stuart Miller. This paper follows Stuart Miller's work in many ways, differing from it primarily in looking not from the rabbis to the synagogue, but from the synagogue to the rabbis, or some rabbis. I owe much also to the valuable comments of the anonymous reviewer for *JSJ*. Warm thanks are due also to Michal Molcho for her help in setting the Hebrew texts cited here.

The following abbreviations are used in the text:

- ASR = L. Levine (ed.), *Ancient Synagogues Revealed* (Jerusalem: Israel Exploration Society, 1981)  
 CIJ = J.-B. Frey, *Corpus Inscriptionum Judaicarum II* (Rome: Pontificio Istituto di Archeologia Cristiana, 1952)  
 H-R = F. Hüttenmeister and G. Reeg, *Die antiken Synagogen in Israel I* (Wiesbaden: Reichert, 1977)  
 InsJudOr III = D. Noy and H. Bloedhorn, eds., *Inscriptiones Judaicae Orientis III: Syria and Cyprus* (Tübingen: Mohr Siebeck, 2004)  
 Milson, *Synagogue* = D. Milson, *Art and Architecture of the Synagogue in Late Antique Palestine: In the Shadow of the Church* (Leiden: Brill, 2007)  
 Naveh = J. Naveh, *On Stone and Mosaic: the Aramaic and Hebrew Inscriptions from Ancient Synagogues* (Jerusalem: Israel Exploration Society, 1979) [Hebrew]  
 NEAEHL = E. Stern, A. Lewinson-Gilboa, and J. Aviram, eds., *The New Encyclopedia of Archaeological Excavations in the Holy Land I-IV* (1993); *Supplementary Volume V* (Rome: Bretschneider, 2008).  
 Ovadiah, *Mosaic Pavements* = R. and A. Ovadiah, *Hellenistic, Roman and Early Byzantine Mosaic Pavements in Israel* (Rome: Bretschneider, 1987)  
 TIR = Y. Tsafrir, L. Di Segni, and J. Green, eds., *Tabula Imperii Romani: Judaea-Palaestina. Maps and Gazetteer* (Jerusalem: Israel Academy, 1994)  
<sup>1)</sup> See, for comparison, W. H. P. Hatch, *Album of Dated Syriac Manuscripts* (Boston: American Academy, 1946; 2d ed., with a valuable foreword by L. Van Rompay, Piscataway, N.J.: Gorgias, 2002), listing 46 mss dating to before C.E. 700, some of which are complete *codices*.

medieval manuscripts which themselves were not written in Palestine. None of these works has the name of an author attached to it, or gives any explicit indication of its own date of composition. Almost none makes any reference to known historical events, and least of all to contemporary events. All are built on quotations of the sayings and opinions of named rabbis, but, as Jacob Neusner has shown, attempts to bring this anecdotal material together to create something like a portrait or biography of any individual rabbi have no secure basis. Worse still, the same opinion may be credited to more than one rabbi. Finally, it is striking how, although the later ones among the rabbis quoted certainly belong in the context of the rapid establishment of Christian churches and bishoprics, and Christian monasteries, in Palestine in the centuries following Constantine's conversion, no reader of these texts who did not know this already would gather that the Judaism of Late Antique Palestine was practiced in the context of a Greek-speaking Christian world, in which bishops were established in all the main centres of rabbinic learning, Tiberias, Sepphoris/Diocaesarea, Caesarea and Lydda/Diospolis. Such a reader would also not gather that the last pagan Emperor, Julian, had attempted in C.E. 363 to restore the Temple.<sup>2</sup>

None the less, the mentions of Tiberias, and the other rabbinic centres, along with many other Palestinian cities and villages, in rabbinic texts, do provide a quite secure geographical-social context.<sup>3</sup> The world of the rabbis was primarily the northern zone of Palestine, from the borders of the province of Arabia in the east across Gaulanitis (the Golan) and Galilee to Caesarea, and also to Akko/Ptolemais which in fact lay in the province of Phoenicia (as we will see below, rabbinic conceptions of the boundaries of Eretz Israel took no account whatsoever of Roman provincial borders). But rabbis from this primary zone also speak of "the rabbis of the south"—perhaps meaning not just Lydda/Diospolis, as Hezser proposes, but also (as the distribution of excavated synagogues suggests), though on a more limited scale, the territory of Eleutheropolis/Beth Guvrin.<sup>4</sup>

<sup>2)</sup> See F. Millar, "Rebuilding the Jerusalem Temple: Pagan, Jewish and Christian Conceptions," *Vestnik Drevnei Istorii* 1, 264 (2008): 19-37.

<sup>3)</sup> For this and what follows, see the masterly analysis by Catherine Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine* (Tübingen: Mohr Siebeck, 1997). For the geographical context, see 152-84.

<sup>4)</sup> See *TIR*, with the fold-out map of "Synagogues in Eretz Israel in the Roman and Byzantine Period."

As the example offered by Catherine Hezser shows, one entirely valid approach to the rabbinic texts is to read them as a group, and to analyse what patterns of social interaction, or hierarchy or authority are (or are not) presented within them. Another is to pose the question asked in a classic paper by Lee Levine.<sup>5</sup> What concerns do rabbinic texts show for the communal life, and communal worship, of synagogues? The answer given is quite clear: the rabbis make occasional references to synagogues, and to the forms of service within them, such as the rules for the public reading of the Bible. But synagogues and the communities which created them and worshiped in them are not the central concern of rabbinic discourse. In some respects this is not surprising. As is common knowledge, "rabbi" in Late Antique Palestine or Babylonia was simply an honorific term used in the texts to denote someone deemed to be possessed of religious learning. Unlike their modern equivalents, Late Antique synagogue-communities did not appoint a "rabbi" as their chief religious official, and being called "rabbi" did not imply the holding of any post. In any case the Palestinian evidence from Late Antiquity gives few if any indications of the decision-making or office-holding structures of a synagogue community. The occasional *archisynagogoi* who are referred to in the inscriptions are all individuals who held, or had held, the office elsewhere.<sup>6</sup>

Late Antique Judaism was not marked by the elaborate clerical hierarchy of Christianity, going from deacons through presbyters, to bishops, metropolitan bishops, archbishops or patriarchs, or by profound and divisive theological disputes, or by the elaborate codes of rules which governed both churches and, increasingly, monasteries. So, since communal organisation and discipline, like the systematic determination of orthodox and heretical belief, was not central to Judaism, and since rabbis, unlike almost all Christian writers of the period, were not the holders of any specific religious post, it is perhaps to be expected that "synagogal" issues will not have been central to their concerns. Rabbinic sources do however allude to a sort of "ordination" (*semikhah*) by which the title of "rabbi" was conferred.

<sup>5</sup> L. Levine, "The Sages and the Synagogue in Late Antiquity: The Evidence of the Galilee," in *The Galilee in Late Antiquity* (ed. L. Levine; New York: Jewish Theological Seminary, 1992), 201-22.

<sup>6</sup> For *archisynagogoi* see *CIJ*, no. 591, from Sepphoris (Sidon and Tyre); 1414 (perhaps Phrygia, but very dubious); M. Schwabe and B. Lifshitz, eds., *Beth She'arim II: The Greek Inscriptions* (1967), no. 164 (Beirut); 203 (Pamphylia); 221 (Sidon).

Should we therefore draw the conclusion, as Seth Schwartz, following Levine, does, if with qualifications, that "rabbinic" Judaism and "synagogal" Judaism not only represent distinct spheres of religious practice, but were actually distinct, the one from the other?<sup>7</sup> Such a conclusion would be premature. Firstly, S. S. Miller has both noted that the known synagogue-inscriptions (whether on stone or mosaic) generally derive from a later period than the *tannaim* and *amoraim* of the main rabbinic texts, and has re-opened the question of rabbinic attitudes to synagogues and their decoration.<sup>8</sup> But, as is the universal rule in all historical analysis, the primary starting-point must be the strictly contemporary evidence, whether physical, iconographic or documentary, rather than texts which, however rich in content, are derived from manuscripts copied several centuries after the period concerned. More particularly, if the "rabbinic" texts do not show much concern for synagogues, what if we turn the question around, and ask whether the documentary evidence, in Hebrew, Aramaic and Greek, has anything to say about rabbis? More particularly still, do the inscriptions put up in synagogues, or incorporated in the mosaic floors of synagogues, cast any light on the relation of rabbis to these synagogue-communities? If the inscriptions from Late Antique Palestine, as the most direct means of access which we have to the Jewish society of the period, were found to make no mention of rabbis, that would inevitably suggest either that rabbis were indeed wholly marginal to the communal life of ordinary Jews—or even that the representation of the rabbinic movement and of rabbinic authority is in some way a literary construct, which had no real place in the Palestine of the second to seventh centuries.

One further check on the historicity of the rabbinic role would be to ask if observers, whether pagan or Christian, and whether writing in Greek or in Latin, ever used the term "rabbi," or commented on the role of those who were designated by it. But in fact, it seems, none does, though Jerome in *Letter 121* refers to Jewish teachers who are described in Greek as "the wise" (οἱ σοφοί), and gives an example of their teaching; and the largely fictional *Life* of the fourth-century bishop and writer, Epiphanius, speaks

<sup>7</sup> See S. Schwartz, *Imperialism and Jewish Society 200 BC to 640 CE* (Princeton: Princeton University Press, 2001), 226f., esp. 238-39.

<sup>8</sup> S. S. Miller, "'Epigraphical' Rabbis, Helios and Psalm 19. Were the Synagogues of Archaeology and the Synagogues of the Sages one and the same?" *JQR* 94 (2004): 27-76.

of a Jewish *nomodidaskalos* ("teacher of the law") who instructs Epiphanius, by birth a Jewish boy from near Eleutheropolis/Beth Guvrin.<sup>9</sup>

If we then turn to the contemporary archaeological, iconographic and inscriptional evidence, to see whether it offers any support for the image of the "rabbinic" Jewish world which is portrayed, or perhaps, assumed as a background, in the texts, the archaeological evidence for everyday life will not take us far. There seem to be relatively few markers to distinguish a house occupied by Jews from one occupied by gentile pagans or Christians (for instance among the numerous excavated houses in Capernaum around both the synagogue and the church over the "house of St Peter"). But the presence of the stone vessels or stepped pools, or both, can be taken as indicative.<sup>10</sup>

When we turn to synagogues, however, and to their architecture, iconography and epigraphy, our evidence for the Judaism of the period becomes both quite extensive (with more than fifty synagogues known) and, especially in particular cases, laden with meaning.<sup>11</sup> This is not the place to review all this material, except to emphasize a few key points. Firstly, the mosaic floors of some synagogues, especially those of Beth Alpha and Sepphoris, reveal a specifically Jewish representational and narrative art, deployed to portray scenes and episodes from the Bible. Secondly, while Christians also, of course, used the Old Testament, as well as the New, in Palestine at least they do not seem to have deployed visual material from either. In their basilical structures, normally with three aisles divided by pillars, synagogues and churches could be quite similar. Moreover, both synagogues and churches could and did use Greek in inscriptions on stone and mosaic. But what makes a Jewish synagogue instantly distinguishable, apart from the presence of some carved reliefs of menorahs, and representations of them on mosaic floors,<sup>12</sup> is that Jews put up inscriptions in Hebrew and Aramaic, and used the square Hebrew alphabet to write both. It is not irrelevant to the theme of this paper that at

<sup>9</sup> For the *Life* of Epiphanius, probably written in the sixth century, and of which there is no modern edition, translation or commentary, see Migne, *Patrologia Graeca*, 41:73-113. For Jewish *sophoi* and *didaskaloi*, see S. S. Miller, *Sages and Commoners in Late Antique Eretz Israel* (Tübingen: Mohr Siebeck, 2006), 432, n. 120.

<sup>10</sup> See S. S. Miller, "Stepped Pools, Stone Vessels, and other Identity Markers of 'Complex Common Judiaims,'" *JSJ* 41 (2010): 214-43.

<sup>11</sup> See H-R, *ARS* and, for the latest detailed account and analysis, Milson, *Synagogue*.

<sup>12</sup> See R. Hachlili, *The Menorah, The Ancient Seven-Armed Candelabrum: Origin, Form and Significance* (Leiden: Brill, 2001), esp. chs. 2 and 6.

Gerasa, across the border in the Roman province of Arabia, the fragmentarily-preserved mosaic from the synagogue both uses narrative and representational art to portray Noah's sons, Shem and Japheth, whose names are written in Greek, and records the names of three benefactors, written in the standard Hebrew script.<sup>13</sup> For, as we will see, the contemporary evidence for Judaism, and for rabbis, in this region is not confined within the borders of Roman Palestine.

### Epigraphical Rabbis

To say that is of course to assert implicitly that the persons whom we find described as "rabbi" in contemporary documents are in fact "rabbis" in the same sense as those whose opinions fill the texts of the "rabbinic" works preserved on medieval manuscripts. But a famous and much-quoted article by a major scholar, S. J. D. Cohen, while summarily listing all the evidence, casts doubt on the assumption that these are "real" rabbis.<sup>14</sup> Firstly, might "rabbi" in Hebrew, or transliterated into Greek, have been, in the epigraphical context, just an honorific term meaning in origin "my great one," or have been a form of address, which did not carry any specific implications of religious learning?

Of course such a usage is theoretically possible. A form of address, originally used in the second person, could easily (like "Monsieur" or "Monsignore") become a term of respect which could be attached, in the third person, to the name of an individual. The root RB, meaning "become great" or, as an adjective, "great," is attested in inscriptions in several west-Semitic languages, and can be used with no implication of a religious context.<sup>15</sup> Similarly, in Syriac, the term MR ("lord" or "master"), was widely used in the first-person possessive form MRY ("my lord"), and again became established as an honorific term in the third person, with the difference that the possessive ending, being redundant, ceased to be pronounced (so MRY was pronounced "Mor" or "Mar"). This term could indeed be used of secular dignitaries; but it is found predominately, in Christian Syriac literature, in reference to persons marked by sanctity or

<sup>13</sup> See most conveniently M. Piccirillo, *The Mosaics of Jordan* (Amman: American Center of Oriental Research, 1992), 290-91.

<sup>14</sup> S. J. D. Cohen, "Epigraphical Rabbis," *JQR* 72 (1981-82): 1-17.

<sup>15</sup> See J. Hofijzer and K. Jongeling, *Dictionary of the North-West Semitic Inscriptions* (Leiden: Brill, 1995), 1045f.

ecclesiastical rank.<sup>16</sup> It is striking that in one of the inscriptions listed below (no. 2) RBY and MRY are used together of the same person.

But the fact that a particular, "secular," usage is in principle possible does not mean that we should interpret the terminology of the inscriptions on this basis. On the contrary, unless there are clear indications that the two contexts are diverse, and that "rabbi" in the inscriptions means something different from "rabbi" in the texts, we should start from the presumption that the meaning is the same. One very relevant cautionary note is that struck by Miller, namely that the synagogue-inscriptions, unlike those from Beth-Shearim, generally derive from a later period than the primary "rabbinic" texts—other than the main Late Antique *midrashim*, which are taken to belong to the fifth-sixth centuries. This exception is of course very significant, as indicating that some genres of rabbinic writing were being composed in this same period.

It should be observed that, though the root RB is common, RBY, as a form of honorific used in the third person, is unique to Hebrew and Jewish Aramaic. Are there nonetheless reasons why we should be hesitant about identifying persons called "RBY," or just "R," or "RB," in the inscriptions as real "rabbis," that is as members of a recognised category of learned religious experts? The reasons put forward by Cohen do not seem to me to justify such an approach. As noted above, it is common ground that the Palestinian rabbis of Late Antiquity were not synagogue-officials, and did not control the synagogues, or occupy any office within them. So it is not necessarily to be expected that synagogue-inscriptions mentioning people identified as "rabbis" will also attest their religious authority. Most, as we will see, do not; but one (no. 9, from Rehov) does. Alternatively, what if none of the individuals described as "RBY" in the inscriptions can be identified with any who appear in the texts? Given the large number of names appearing in the texts,<sup>17</sup> it would be remarkable if there was no overlap with names attested in inscriptions; but equally the appearance in an

<sup>16</sup> See R. Payne Smith, *Thesaurus Syriacus* (Oxford: Clarendon, 1891), 2204f.

<sup>17</sup> There appears so far to be no modern analysis of the personal names in rabbinic texts, to match T. Ilan, *Lexicon of Jewish Names in Late Antiquity. Part I: Palestine 330 BCE–200 CE* (Tübingen: Mohr Siebeck, 2002), T. Ilan and Th. Ziem, *Lexicon of Jewish Names in Late Antiquity. Part III: The Western Diaspora 330 BCE–650 CE* (Tübingen: Mohr Siebeck, 2008). The nearest approximation is the "Rabbinical Index" for the Babylonian Talmud, J. J. Slotki, ed., *Index Volume to the Soncino Talmud* (London: Soncino, 1952), 621–730, a truly remarkable work of scholarship in itself.

inscription of a name which is familiar from the texts will not be grounds for suggesting an actual identity of the individual, even if both name and patronymic are the same, unless there are other reasons for arguing that this is the same person. As we will see below, in at least one case there are such reasons, or possible reasons.

Two further arguments are put forward by Cohen for distinguishing the "rabbis" of the inscriptions from the "real" rabbis of the texts. Firstly, their names appear, especially (but not only) in Beth Shearim, not only in Hebrew and Aramaic, but also on occasion in Greek. Surely "real" rabbis would have rejected Greek? I would suggest that we start from the recognition that, for Jews, Samaritans and Christians (more or less) alike, Late Antique Palestine was a bilingual society, in which Greek and Aramaic were common to all. "Rabbis" do appear in Greek in the inscriptions, though almost entirely in epitaphs. So what we see is in any case not Greek as used *by* them, but as used *about* them. Similarly, Greek appears along with Hebrew and Aramaic also in the inscriptions from synagogues. If "real" rabbis did have any relation to synagogue-communities, those communities were typically bi- or trilingual, as at Sepphoris itself, which was one of the great centres of rabbinic learning. Paradoxically, in the context of synagogues, it is above all at Engeddi (see no. 1 below) and Rehov (no. 9 below), neither of which is attested as a major rabbinic centre, that Greek does not appear in the inscriptions from the synagogue (a fact which might be connected with the relatively late date of these synagogues). If the rabbis of the texts really had confined their religious discourse to Hebrew or Aramaic, that would not, I suggest, have been because they did not know any Greek, but because they chose not to use it. It is worth noting, as we will see below, that all the reference to "rabbis" which appear in synagogue inscriptions, as opposed to epitaphs, are in fact in Hebrew or Aramaic.

Furthermore, would "real" rabbis necessarily have rejected the use of representational art in a Jewish context? The necropolis of Beth-Shearim notoriously reveals a wide range of pagan, or secular, artistic motifs, including representations, and it is perhaps not unreasonable to suggest that rabbis would not have chosen such motifs. But at any rate the families of these "rabbis" showed no such reluctance. But this argument in any case becomes irrelevant in the face of the profoundly "Biblical" art, both narrative and representational, of the synagogue mosaic from Sepphoris. As it happens, the benefactors recorded, in Aramaic, in the side-aisle of the Sepphoris synagogue, do not include anyone identified as "rabbi," though they do

record a Cohen (Aramaic inscription no. 3) and a Levite (no. 6).<sup>18</sup> With (as usual) some reading between the lines, it can be argued that *y. Abod. Zar.* 4:1 shows rabbis disagreeing in their attitude to the presence of figural representations on the floors of synagogues.<sup>19</sup> So perhaps, although the Sepphoris synagogue, of the early fifth century, lay at the heart of the rabbinic world, there may indeed have been rabbis who disapproved of the representations found on the art of the mosaic floor of the synagogue there, just as they are also at Beth Alpha and at Naaran, and (as above) at Gerasa. Alternatively, as suggestively argued by Miller, rabbinic conceptions of the divine may have accommodated the Helios-imagery found on some major synagogue mosaics.<sup>20</sup>

None of these arguments, however, comes anywhere near to disturbing the basic empirical principle that, if the same term is used in different sources relating to the same society, it should be assumed to have the same meaning unless there are clear reasons to think differently. I therefore take it as a working hypothesis that the persons described as "rabbis" in the inscriptions have the same social and religious role as those who appear in "rabbinic" literature. On this basis, those inscriptions which both derive from synagogues and mention persons called "rabbi" have a special significance. For they may potentially shed some light on how rabbis were viewed from within synagogue-communities, what role they were seen as playing, and what authority, if any, was ascribed to them. In short, they allow us to pose the question in the form "the synagogue and the rabbis," rather than the other way round.

### Synagogues and Rabbis

This paper will not, therefore, review the numerous inscriptions referring to rabbis from the necropolis of Beth-Shearim,<sup>21</sup> which seem to belong broadly to the third century C.E.; but it will look in detail at a brief list of synagogue-inscriptions on stone or mosaic which mention rabbis, and which all seem to derive from a later period, the fifth and sixth centuries.

<sup>18</sup> See Z. Weiss, *The Sepphoris Synagogue* (Jerusalem: Israel Exploration Society, 2005), ch. 4: "The Synagogue Inscriptions."

<sup>19</sup> See Levine, "The Sages and the Synagogue in Late Antiquity," 212-13.

<sup>20</sup> Miller, "Epigraphical Rabbis, Helios and Psalm 19."

<sup>21</sup> Cohen, "Epigraphical Rabbis," nos 14-41.

Before this, however, it will be worth mentioning briefly several epigraphic documents which, like the synagogue-mosaic from Gerasa, serve to locate two synagogues and two rabbis in areas lying just beyond the borders of Roman Palestine. First, from Nave or Nawa in the province of Arabia, which Eusebius, *Onom.*, p. 136, calls "a city of the Jews," there is a fragmentary Aramaic inscription recording the construction of a Torah shrine (בית ארונה, *InsJudOr*, Syr. 35) which can only derive from a synagogue. From the same place comes the sarcophagus of Ἀρβιάδης ὁ ῥαββί (Syr. 36); and from Tafas, some 17 km from Nave, a Greek inscription recording that Iakobos, Samouēlos and their father Klēmatis had built a *synagōgē* (Syr. 34). If, as is suggested in *InsJudOr*, this inscription belongs to the fourth century, then it will be broadly contemporary with the Jerusalem Talmud.

More significant still for the theme of the epigraphic representation of rabbis is the by now famous Hebrew inscription from Dabbura in the northern Golan, which may also have lain across the border of Roman Palestine, in Phoenicia and the territory of Caesarea Paneas.<sup>22</sup> The inscription, carved on a decorated stone lintel, is now to be seen, along with many other interesting items from the Golan, in the museum at Qazrin.<sup>23</sup> The text is composed of three lines of 1-2 words each, with the two-word name of the rabbi who is mentioned here set on either side, outside a carved wreath formed by two intertwining snakes:

אליעזר      זה בית      הקפר  
                 מדרשו  
                 של הרבי

This is the Beth Midrash (which is that) of the Rabbi, Eli'ezer ha-Qappar

This brief text is of immense importance. Firstly, it provides documentary evidence of the Beth Midrash as an institution, distinct from a synagogue,

<sup>22</sup> For provincial boundaries in this area see Z. U. Maoz, "The Civil Reform of Diocletianus in the Southern Levant," *Scripta Classica Israelica* 25 (2006): 105-19, with map on 106.

<sup>23</sup> Published by D. Urman, "Jewish Inscriptions from Dabboura in the Golan," *Tarbiz* 40 (1971): 399-408, at 406-8 [Hebrew]; idem, *IEJ* 22 (1972): 21-23; *ASR*, 154-6; R. C. Gregg, D. Urman, *Jews, Pagans, and Christians in the Golan Heights: Greek and Other Inscriptions of the Roman and Byzantine Eras* (Atlanta: Scholars Press, 1996), 128-29, with photo.

and occupying its own building, over whose doorway the lintel was evidently placed. Secondly, this is a case where scholarly caution in hesitating to identify a rabbi mentioned on an inscription with one referred to in the texts is quite unjustified, and would amount to reluctance to accept empirical evidence. Gregg and Urman (*op. cit.* in n. 20) note that Rabbi Eli'ezer ha-Qappara is quoted in the Mishnah (*Abot* 4:21), and that he is mentioned frequently in later literature both under this name or (in an Aramaic form) as "Bar Qappara." Without straining the evidence, it can be accepted that R. Eli'ezer was a known rabbi of the period of the Mishnah, and that this inscription identifies and locates his school.

It is beyond doubt, however, that the inscription is not contemporary with him, but perhaps dates to around C.E. 400, and may have served to identify a Beth Midrash founded earlier by this Rabbi. There is a clear parallel in the many Christian monasteries of the period which were identified as being "of" a particular person, whether a holy man or a benefactor (past or present), who is distinct from the current *hegoumenos*, or abbot, of the monastery.<sup>24</sup>

From Dabbura, we may turn to looking at the synagogue-inscriptions from within Palestine itself. Only one (no. 5, from Beth Alpha) is securely dated, to the sixth century; but it is very likely that all belong to the fifth-sixth centuries.

### 1. Engeddi

This synagogue was excavated in 1970-1972, but has not been the subject of a final report. For the first four of the five sections of the floor-mosaic see Naveh, no. 70 (pp. 105-9), with photo; H-R, 108-14, with text and translation; *ASR*, 116-19, without text or photo; Ovadiah, *Mosaic Pavements*, nos. 73-4 (pp. 54-56), with text of sections i-iv and translation, and plate xlv.2; *NEAEHL* II, 405-9; Milson, *Synagogue*, 352-57. The inscription (attributed to the later fifth or sixth century) is made up of five sections, of which the last, for unknown reasons, has never been published.

The published text consists of two paragraphs, in Hebrew, recording the ancestors of man, from Adam to Japheth; the names of the signs of the

<sup>24</sup> See R. Fine, "'Their Faces Shine with the Brightness of the Firmament': Study Houses and Synagogues in the Targumim to the Pentateuch," in *Biblical Translation in Context* (ed. F. W. Knobloch; Bethesda: University Press of Maryland, 2002), 63-92, and Miller, *Sages and Commoners*, 428, n. 103.

zodiac; the twelve months of the year; then the names of Abraham, Isaac and Jacob, followed by "Shalom"; and then Hananiah, Mishael and Azariah, also followed by "Shalom." There follows an 8-line section in Aramaic concerning the affairs of the community, and then come two lines in Aramaic which mention a rabbi:

רבי יוסה בר חלפי חזקיו בר חלפי דכירין לטב  
דסגי סגי הנון עבדו לשמה דרחמנה שלום

Rabbi Yose the son of Hilfi, (and) Hiziqiyu the son of Hilfi, may they be remembered for good, for they did a great deal in the name of the Merciful, Peace (trans. Ovadiah).

This text introduces the dominant theme in the inscriptional record of rabbis as found in synagogues, namely that they appear, and are "remembered for good," along with others who have done some service or made some contribution, in cash or otherwise. They are not, in all but one of the documents, quoted as religious authorities. In that sense, of course, S. J. D. Cohen is right to claim that "rabbi," "(my) great one," could have functioned as a neutral honorific term. But, firstly, to repeat, it is misguided to make a distinction in the meaning of the same term as used within the same society, unless there is positive reason to do so. The fact that there is no allusion in rabbinic literature to a rabbi in Engeddi does not remove the force of this principle. Secondly, the context is specifically a synagogue; and thirdly, it is striking, in these lines, that, of the two sons of Hilfi, Yose has the title "rabbi," while Hiziqiyu does not (it should however be admitted that section III of the mosaic inscription mentions three sons of Hilfi, namely Yose, 'Ezron and Hiziqiyu, none of whom is there called "rabbi"). What is clear at least is that designating someone as "rabbi" cannot have been simply a product of social or family status; Yose is given this mark of distinction which his two brothers do not receive.

### 2. Khirbet Susiya (Horvat Susiya)

Excavated in 1971-2 by S. Gutman, Z. Yeivin and E. Netzer. See S. Safrai, "The Synagogues in the Southern Judaeen Hills," *Immanuel* 3 (1973-74): 44; H-R, 422-32, with text and translation; Naveh, no. 79 (pp. 115-16), with photo; *ASR*, 123-28, with photo, and colour plate on pl. II; Ovadiah, no. 170 (pp. 100-2), with text and translation; *NEAEHL* IV, 1417-21; Milson, *Synagogue*, 467-68.

Apart from many other significant features in the architecture and iconography of this synagogue, the mosaic floor incorporates four "remembrance" inscriptions, of which one, the most detailed of all known inscriptions of this type from Late Antique Palestine, placed in the southern portico of the courtyard, mentions, in six lines written in Hebrew, two rabbis, father and son:

זכור לטובה קדושת מרי רבי  
איסי הכהן המכובד בירבי שעשה  
הפסיפוס הזה וטח את כותליו  
בסיד מה שנתנדב במשתה  
רבי יוחנן הכהן הסופר בירבי  
בנו שלום על ישראל אמן

(May there be) remembered for good the sanctity of (my) master Rabbi Ise, the *cohen*, the honourable, the venerable, who made this mosaic, and plastered its (the synagogue's) walls with lime, which he donated at a feast. Rabbi Yohanan, the *cohen*, the venerable scribe, his son. Peace on Israel. Amen.

Not all aspects of the meaning are beyond doubt. It is striking that MRY, as an honorific term often found in Christian Syriac texts, appears here in Hebrew along with RBY. The parallel with Syriac suggests that it, like "rabbi," will have lost its original possessive meaning, and should be translated as "master," not "my master." The further honorific term, applied to both father and son, BYRBY, seems not to mean "son of a rabbi," but something like "venerable" (*ASR*, 128).<sup>25</sup> It is possible to translate ll. 4-5 as "which he donated at the (wedding) feast of Rabbi Yohanan." But on balance I think a new phrase begins at the beginning of l. 5, and that Rabbi Yohanan appears here as the author of the remembrance of his father.

It would surely be difficult to read this richly suggestive Hebrew text (whose date is uncertain, possibly as late as c. C.E. 600) and still to assert that we do not encounter in it the same world, and the same type of "rabbi," that we meet in rabbinic or Talmudic literature.

### 3. Naaran (Noarah)

*CIJ*, no. 1199; H-R, 320-34, with text and translation; Naveh, no. 60 (pp. 95-97, with photo); *NEAEHL* III, 1075-76; Milson, *Synagogue*, 440-41.

<sup>25</sup> For the various honorific or status terms used here, RBY, KHN, BYRBY, see esp. Miller, *ibid.*, 443-44, esp. 444, n. 156.

The elaborate mosaic floor of this probably sixth-century synagogue from near Jericho, incorporating a zodiac, representational art, including Daniel in the lions' den, and two menorahs flanking what I believe (see below) to be a symbolic representation of the Temple (rather than the Ark of the Law), contains no less than twelve inscriptions (Naveh, nos. 58-69), of which eight are of the "remembrance" type. One of these, in Aramaic, mentions the daughter of a rabbi:

דכירה לטב חליפו ברת רבי ספרה  
דאתחזקת בהדין אתרה [קדי]שה אמן

(Let there be) remembered for good Halifu, daughter of Rabbi Safra, who contributed to this holy place. Amen.

None of the inscriptions offer any indication of dating, but the elaborate style, and the presence of representational art, suggests that the synagogue is of the fifth-sixth century. Since Rabbi Safra is mentioned only as the father of Halifu, there is nothing, apart from the religious context, to indicate the basis of his honorific status.

### 4. Hammath-Gader

E. L. Sukenik, *The Ancient Synagogue of El-Hammeh* (Jerusalem: R. Mass, 1935); *CIJ*, no. 857 (see also nos. 856 and 858-59); H-R, 153-59, with text and translation; Naveh, no. 33 (pp. 57-60; see also nos. 32 and 35-36); *NEAEHL* II, 567-69; Milson, *Synagogue*, 320-21.

The mosaic floor of this synagogue contains, apart from four fragmentary inscriptions in Greek, four substantial remembrance-inscriptions in Aramaic, totalling twenty-three lines in all. One of these records a rabbi, whose honorific title is abbreviated as RB. I use Sukenik's text and translation of the first two lines:

וד[כיר לט]ב רב תנחום הלוי ב[ר חל]יפה דהב  
חד טרימיסין ודכיר לטב מוניקה דסוסי(ת)ה צפוריה  
וק[ירוס פ]טריק ד(כ)פר עקביה ויוסה בר דוסתי  
דמן כפר נחום דיהבון תלתיהון תלת גרמין

And r[emembered be for] good Rab (sic!) Tanhum the Levite, the s[on of Hal]ipha, who has donated one tremissis; and remembered be for good Monikos of Susitha (?), the Sepphorite. And K[yros Pa]tricius, of (Ke)phar Aqab-yah, and Yose, the son of Dositheus, of Capernaum, who have, all three, donated three scruples.



Sukenik expressed surprise that the title should have appeared in the form RB, which is used in literary texts only for rabbis from Babylonia. But in fact Cohen's invaluable list of different forms in which the term "rabbi" is indicated on inscriptions,<sup>26</sup> shows that this form (reflected also in Greek as  $\rho\alpha\beta$  or  $\rho\iota\beta$ ) is among the many variants attested. Just as the father and son from Susiya were Cohanim, Rab Tanhum, remembered here, is a Levite. Otherwise this inscription is notable for its reflection of a number of the names of local places (Susita?, Sepphoris, Capernaum) from which other contributors came, while another of the inscriptions lists some benefactors distinguished by what really are secular honorific terms, transliterated from Greek or Latin: *kyr(i)a*, *kyri(o)s* and *comes*. It should be admitted that we cannot prove that here RB also is a not "secular" honorific term. But the contracts with the transliterated Greco-Roman terms speaks against this.

##### 5. Beth Alpha?

E. L. Sukenik, *The Ancient Synagogue of Beth Alpha* (Jerusalem: Oxford University Press, 1932); *CIJ*, no. 1165 (see also nos. 1162-64 and 1166); *H-R*, 44-50, with text and translation; Naveh, no. 43 (pp. 72-76, with photo on p. 73; see also nos. 44-45); *NEAEHL* I, 190-92; Milson, *Synagogue*, 315-16.

The mosaic floor of the synagogue is very well known for its representation of the Sacrifice of Isaac, complete with identification of the key figures, and quotations from Gen 22, followed by a zodiac and again by what I believe to be a symbolic representation of the Temple (or, less probably, the Ark of the Law).<sup>27</sup> For our purposes what is significant is the Aramaic inscription set in the mosaic floor which, in recording contributions, gives a date by the reigning Emperor; Justin, hence either Justin I (518-527

<sup>26</sup> Cohen, "Epigraphical Rabbis," 7-8.

<sup>27</sup> This interpretation is of course acutely controversial. For the established view among experts that the structure represented in a number of synagogues is the Ark of the Law, see esp. Steven Fine, *Art and Judaism in the Greco-Roman World: towards a New Jewish Archaeology* (Cambridge: Cambridge University Press, 2005), 189-96. My contrasting view, tentatively offered, is based on three arguments: (1) That it would seem otiose to represent on the floor of a synagogue a structure which the viewer could observe directly facing him- or herself; (2) More significantly, instruments and/or materials of sacrifice, necessarily recalling the Temple, appear in several mosaic floors in conjunction with the structure concerned; (3) Both Beth Alpha and Sepphoris exhibit a symbolic connection between the Sacrifice of Isaac and this structure. For some general observations, Millar, "Rebuilding the Jerusalem Temple," 33-34.

C.E.) or Justin II (565-578). In either case the broad chronological context of the mosaic-laying (*psephosis* in Greek, transliterated here) is secure. What remains unclear is whether in l. 5 we can read only RBY (as in Sukenik, op.cit., 43), or also, with Naveh, BYRBY, an honorific term which is attested for rabbis (see above), but could hardly be proved to be confined to them. Naveh's text is as follows:

[הדין פסי] פוסה אתקבע בשתה  
 [ל] מלכותה דיוסטנינוס מלכה  
 [זבן חטייה מאת  
 [ד] אתנדבון כל בני  
 [ק] רתה [בירבי  
 [א] דכירין] לטב כל  
 [ב] ני קרתה דכיר לטב

[This *p*] *sephosis* has been set in the year of the reign of Ioustinos the king [...] donation of 100 [...] donated all the members [of the community...] RBY/ BYRBY...[remembered] for good all....

From the photo printed by Naveh it is possible to see, at best, the very tops of the two letters before RBY. So it remains at least very possible that this is another case where a person is described as "rabbi" by a local synagogue community, and is recorded as a benefactor.

##### 6. Sepphoris

C. Clermont-Ganneau, "Mosaique juive à inscription, de Sepphoris," *CRAI* 1909, 677-83; *CIJ*, no. 989; *H-R*, 400-18, with text, translation and extensive rabbinic references; Naveh, no. 29 (pp. 51-52), with photo; *NEAEHL* IV, 1327 (also V, 2029-35); Milson, *Synagogue*, 414.

Set in a surviving fragment of mosaic floor, and evidently following the standard formula for a remembrance inscription, this brief Aramaic text clearly comes from a synagogue (but not the same one as the already famous one excavated in the 1990's).<sup>28</sup> It is very relevant to our confidence in the reading that there is also an epitaph from Sepphoris recording a

<sup>28</sup> I owe to S. S. Miller the information that this other synagogue is thought to be the same one which produced the Greek inscription, *CIJ*, no. 591, mentioned in n. 6 above), which records *archisunagogoi* from Sidon and Tyre. Note also that *Haaretz*, Apr. 1, 2010, reports the recent discovery in Sepphoris (Tzippori) of a cave with the inscription, "This is the burial place of the Rabbi Yehoshua ben Levi ha-Kapar."

rabbi with the same name, Ioudan (*CIJ* II, no. 900: רבי יודן). On the synagogue-inscription only four incomplete lines are preserved. The text is set in a circular frame, and the photo suggests that DKYR was the only word in the first line:

דכיר  
 [לטב] רבי יודן  
 [בר תנ]חוס [ב]ר  
 [ד]יהב חד  
 [ ]  
 [ ]  
 Remembered  
 [For good] Rabbi Ioudan  
 [son of Tan]hum son  
 [... who] gave one  
 [.....]

Brief as it is, the text leaves no reasonable doubt that another person identified as “rabbi” is being recorded, as a contributor or benefactor, and in a synagogue.

#### 7. Rama?

J. Ben Zvi, “A Third Century Aramaic Inscription,” *JPOS* 13 (1933): 94-96; *CIJ* II, no. 979; H-R, 367-69, with text and translation; Naveh, no. 15 (pp. 33-34), with photo; Milson, *Synagogue*, 453.

Unlike the preceding examples, this Aramaic text does not come from a mosaic floor, but from a (rather roughly) carved oblong stone which may have functioned as a lintel, and may have been an architectural element in a synagogue. Of the two long lines, Naveh offers a reading only of part of the first, while Frey in *CIJ* supplies a fragmentary second line and offers an interpretation of it. I give Frey’s reading first, and then the more cautious version by Naveh, with a different reading of the rabbi’s name:

(Frey)  
 דכירין לטב רבי אלעזר בר טדאור ובניו דבנין בית דה דאורחותה  
 דמיד קדם לתרעא חולקהון [עם צדיקיה]

(May there be) remembered for good Rabbi Eleazer son of TD’WR (Theodore?) and his sons, because they built BYT DH D’WRHWTH (hostelry) which is situated before the door. May their share [be with the just?]

(Naveh)  
 דכירין לטב רבי אליעזר בר פרחיה ובניו...  
 .....תרעה.....

(May there be) remembered for good Rabbi Eliezer son of PRḤYH and his sons  
 [.....] door

From either version it is clear that a person described as “rabbi” and his sons are being commemorated in the style familiar from synagogues, while the setting, a piece of carved masonry, itself suggests a public or communal building, and hence probably a synagogue.

#### 8. Thella (*Yesud ha-Ma’alah*)

S. Klein, “Zwei Synagogeninschriften aus Galiläa,” *Palestina-Studien* I.4 (1928): 59-60; *CIJ*, no. 971; H-R, 514-15, with text and translation; Milson, *Synagogue*, 475-76.

This inscription too is carved on stone, in this case a column, seemingly the same column which is fragmentarily mentioned in the text. Given the familiar formula and the architectural setting, appropriate for a public or communal building, we can reasonably take it that this is another case where someone identified as “R(abbi)” is recorded in a synagogue:

דכיר לטב ר' מתיה ב[ר]  
 דעביד [הדין] עמו[דה]

(May there be) remembered for good R(abbi) Mattiyah son [of...] who made [this] column

Compare Naveh, no. 18: עבד הדן עמודה, and no. 40: עבד הדין עמודה. There is no reason to doubt that the single *resh* functions here as one of the various abbreviations for “rabbi,” or that this text also comes from the architectural setting of a public building.

Taken together, these inscriptions on mosaic or stone from Late Antique synagogues, though relatively few in total, are quite sufficient to demonstrate that among benefactors or contributors to the costs of building or of laying mosaics “rabbis” were a familiar category to synagogue-communities. Among the benefactors commemorated, indeed, rabbis form a minority, but a significant one. While these generally brief texts are not sufficient for decisive proof, they may suggest that the notion of a division between

the Judaism of the synagogue and that of the rabbis is not convincing. What they do not do, of course, given their precise and limited function in recording benefactors, is to cast any light on any learning or any authority in terms of which contemporaries earned the honorific appellation "rabbi." But that is exactly what is demonstrated by the most important documentary text from Late Antique Palestine, the long mosaic inscription from the synagogue at Rehov.

### 9. Rehov

J. Sussmann, "A Halakhic Inscription from the Beth-Shean Valley," *Tarbiz* 43 (1974): 88-153 [Hebrew]; H-R, 370-6, with text, translation and notes; Naveh, no. 49 (pp. 79-86); *ASR*, 90-94 (the synagogue, by F. Vitto), 146-51 (the inscription, with photo on p. 153, by J. Sussmann); Ovadiah, *Mosaics*, nos. 206-8 (pp. 120-24), with text and translation; *NEAEHL* IV, 1272-74 (F. Vitto); Milson, *Synagogue*, 456-61.

The synagogue at Rehov, lying 7 km south of Beth Shean/Scythopolis, was excavated in 1974-80, but no final report has been published, though one is reported to be currently in preparation. Its most important feature is the unique halakhic inscription in Hebrew, set in the mosaic floor of the narthex, amounting to 365 words arranged in 29 lines. From the accounts published so far (see above) it seems that the mosaic may have been laid at the end of the fifth century or in the sixth. This extremely important text has been published and analysed several times, first by Sussmann (1974), with a translation in *ASR*, and then by Naveh, while a text and translation is also provided by Ovadiah. Most importantly, various other texts from this synagogue, including an earlier version of the mosaic text, benedictions, dedications and a list of priestly courses, some painted on the plastered columns of the synagogue (see photo in *ASR*, p. 93, and *NEAEHL* IV, 1274), have been reported, but not published, or translated. Since I have no precise evidence on these texts, I cannot bring them into the present discussion.<sup>29</sup>

The long inscription in Hebrew from the narthex therefore remains without any detailed archaeological context, and without the context which might be provided by the other Hebrew and Aramaic texts reported from the site. This is particularly regrettable because, from the photograph

<sup>29</sup> For a relevant discussion see S. Fine, "Rehov Synagogue Mosaic Floor," in *Printing the Talmud: from Bomberg to Schottenstein* (ed. S. Liberman Mintz and G. M. Goldstein; New York: Yeshiva University, 2005), 170-75.

available (see above), one of these texts is of at least ten lines. None the less, the inscription (now, when not on tour, on show in the Israel Museum, with a replica to be seen in Kibbutz 'En ha-Natziv), is of priceless value for the history of both "rabbinic" and "synagogal" Judaism. It remains amazing that the only detailed analysis of its relationship to a number of rabbinic texts, all known from later manuscripts, that has ever been published is that in Hebrew by Sussmann (1974, see above). As is obvious, the availability of a documentary version dating from half a millennium earlier than the manuscripts, and providing close parallels to a number of passages from several different rabbinic works, provides—or should have provided—an entirely new starting-point both for textual history and (even more significant in the present context) for the currency of "rabbinic" works and for the public role of rabbis in Late Antique Palestine.

The text concerns rules governing tithing and the Sabbatical year, as they applied in various regions, depending on whether these counted as areas of Jewish settlement or not: in succession, Beth Shean (ll. 1-9); the territory of Sussita (ll. 9-10, see below); the territory of Nave (ll. 10-11); the territory of Tyre (ll. 11-13); the overall boundaries of Eretz Israel (ll. 13-18); Paneas (ll. 18-26); Caesarea and its territory (ll. 22-6, see below); the territory of Sebaste (ll. 26-29). The required textual analysis, and detailed comparison with the parallel passages known from manuscripts, which the author is in no way qualified to attempt, will not be offered here. Suffice to say that the rabbinic works to which parallels are offered by different sections of the inscription are set out in summary by Sussmann in *ASR*, pp. 146ff. The main rabbinic parallels are from the *t. Demai* 2:22c; *t. Seb.* 4 and 6; and *Sifre on Deuteronomy* 10. A book-length analysis and comparison, which would have to confront the question of the malleability of rabbinic texts, and the issue of whether the material already circulated in written form, or only orally, in the period when the text of the inscription was put together, would be required to do justice to the problem.<sup>30</sup>

What concerns the topic of this paper more particularly is the two specific references to rabbis in the inscription. The first comes in ll. 9-10, and

<sup>30</sup> A similar degree of complexity attaches to the urban and rural topography revealed in the inscription. I owe to the reader from *JSJ* a reference to the important paper by Z. Weiss, "New Light on the Rehov Inscription: Identifying the 'Gate of Campon' at Bet Shean," in *What Athens has to do with Jerusalem: Essays on Classical, Jewish and Early Christian Art and Archaeology in Honor of Gideon Foerster* (ed. L. V. Rutgers; Leuven: Peeters, 2002), 211-33.

relates to the "forbidden towns" (that is Jewish settlements to which the rules of tithing apply) in the territory of Sussita (Hippos, situated high above the east shore of the Sea of Galilee). I present the lines in question preceded by the translation in Ovadiah, *Mosaics*, and followed by the remarkably close parallel passage from the *Tosefta*:

*Rehov*

The forbidden towns in the territory of Sussita: Ayyanosh, and 'ynhrh, and dmbr, Iyyon, and Yaarut, and Kefar Yahrib, and Nob, and Hasfiya (=Caspin), and Kefar Zemah, and Rabbi permitted Kefar Zemah.

העירות האסורות ביתחום סוסיתא עינוש ועינחרה ודמבר עין ויערוט וכפר  
כריב ונוב וחספיה וכפר צמח ורבי היתיר כפר צמח

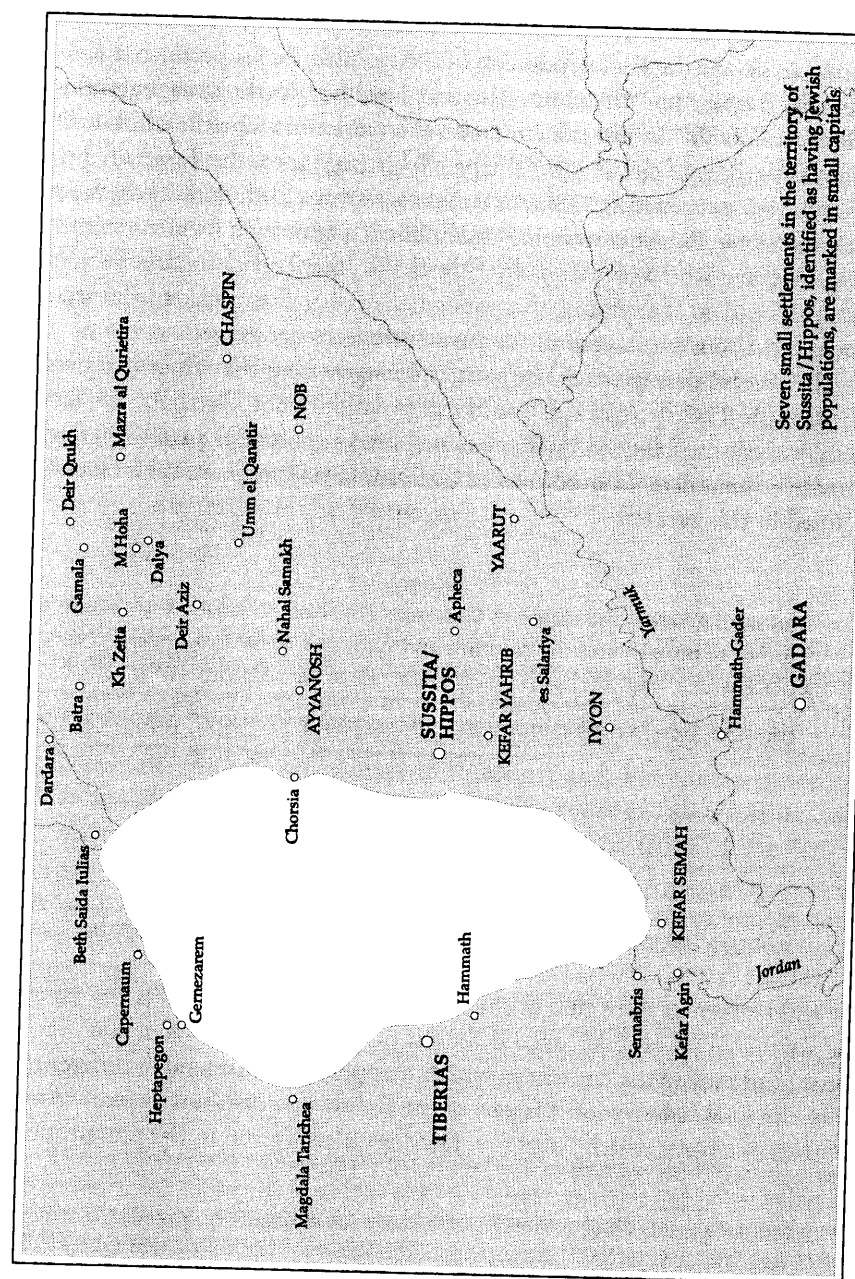
*Tosefta*

עירות חייבות במעשרות בתחום ציצית ועיני שת ועין תרעא ורומכוד ועין יעריט  
וכפר יערים רנב צפיה וכפר צמח ר' התיר כפר צמח

*Seder Zeraim: Šeb. 4.10*, ed. K. H. Rengstorff, *Rabbinische Texte, Die Tosefta* (Stuttgart: Kohlhammer, 1983), 220. A parallel, but not identical, text is to be found in *t. Demai 2*, see H. W. Guggenheimer, *The Jerusalem Talmud. First Order, Zeraim: Tractates Peah and Demai* (Berlin: de Gruyter, 2000), 418.

Rengstorff in fact notes that one ms of the *Tosefta* has the reading סוסיתא for the fifth word, but rejects it in favour of ציצית. The correct reading is firmly demonstrated by the Rehov version, and it is furthermore of some interest that, of the nine rural settlements listed, seven can be identified on the ground, namely Ayyanosh, Iyyon, Yaarut, Kefar Yahriv, Nob, Hasfiya (Chaspin) and Kefar Semah; see the Map. From the point of view of social and religious history, it is very significant that these small places, lying in the territory of the Greek city, and Christian bishopric, of Hippos/Sussita, should be identified as Jewish. According to the remarkable Syriac *Life of Maximus Confessor*, edited by Sebastian Brock,<sup>31</sup> Maximus, born in Chaspin (in 580), was the son of a Samaritan and the Persian slave girl of a Jewish merchant in Tiberias—as good an illustration of a mixed society as one could hope to find.

<sup>31</sup> S. Brock, "An Early Syriac Life of Maximus the Confessor," *Analecta Bollandiana* 91 (1973): 299-346, reprinted in his *Syriac Perspectives on Late Antiquity* (London: Variorum, 1984), no. XII.



For our purposes, however, what is significant in this extract from the Rehov inscription is the reference at the end to a ruling by "Rabbi," who must, as always, be Rabbi Yehudah ha-Nasi: "and Rabbi permitted Kefar Zemar / ורבי היתיר כפר צמח". The text inscribed in the synagogue thus alludes to "Rabbi" in just the same way as countless passages in rabbinic literature do. But, of course what the parallel passage from the Tosefta (where "Rabbi" is abbreviated as ר) shows is that this is not a formulation which was original to the Rehov community itself, but is a quotation from an existing text, and one which is universally believed to have been composed several centuries earlier. If anything, this strengthens rather than weakens the argument for rabbinic influence in the Late Antique synagogue.

The second passage could be seen as strengthening that argument even further (ll. 25-26). Again, I give the translation from Ovadiah, *Mosaics*, with variations, followed by the text and then a (partially) parallel passage from the Jerusalem Talmud, where Caesarea is referred to earlier, but not named in this extract:

*Rehov*

And until where is the region of Caesarea? Till Soran (Sorna?), and the inn of Tiberah (Tbitha?), and the column, and Dor, and Kefar Saba, and if there is a place which was purchased by Jews our rabbis are suspicious of it.

ועד איכן סביב לקיסרין עד צוורנה ופנדקא דטבייתה ועמודה ודור וכפר סבה ואם  
יש מקום שקנו אותו ישראל חוששין לו רבותינו

*Jerusalem Talmud*

*Demai* 2:22c (ed. and trans. Guggenheimer, 407)<sup>32</sup>

עד היכן. פונדקא דעמודא פונדקא דטיבתא עד כפר סבא

How far? The inn of the pillars, the inn at Tayibeh, as far as Kefar Saba.

It will be seen at once that in the Talmud the area concerned is the same, as are the issues at stake, even if the list of places shows considerable variants (and indeed the context in which it appears is considerably different). But the final sentence of this part of the Rehov text does not appear: "And if there is a place which Israel (i.e. Jews) acquired (given in the plural), our

<sup>32</sup> It is striking that in Guggenheimer's excellent, clear and beautifully printed presentation of *Demai*, published in 2000, the readings of the Rehov inscription are referred to, both here and elsewhere, but the new epigraphic text plays no fundamental part in his approach to the text of this Tractate.

rabbis (רבותינו) are suspicious of it."<sup>33</sup> At first sight this allusion to rabbinic opinion, recorded in the present tense, unlike the reference back to Rabbi (above), seems like an expression of deference to the views of the contemporary rabbis associated with the Rehov community. And this is indeed the most reasonable interpretation. But it remains possible that there was in circulation a text something like that which appears in the Jerusalem Talmud, and which did have this sentence already attached to it. In that case the reference to "our rabbis" would clearly be less specific, and less local. However, until such a passage is found, the first interpretation should provisionally be adopted.

In either case, the implications are very similar. It was a free choice on the part of the Rehov community, or of someone associated with it, to make a selection of "rabbinic" texts on the topic of tithing and the Sabbatical year, to include in it references to "Rabbi" (but to no other individual rabbis) and to "our rabbis," and to set the whole text in the mosaic floor at the entrance to the synagogue.

### Conclusion

The much briefer synagogue-inscriptions, on stone and mosaic, which are quoted earlier, are sufficient to demonstrate that persons to whose names the honorific term "rabbi" was attached were familiar to worshippers in Late Antique synagogues in Palestine, and, like others, could be recorded as benefactors. The Rehov inscription takes us much further, and demonstrates that, for this community at least, "rabbinic" texts, Rabbi himself (Yehudah ha-Nasi) and "our rabbis" could all be seen as sources of religious authority. There is in consequence no good reason to imagine any systematic divergence between rabbis and the synagogue in Late Antique Palestine.

<sup>33</sup> Note the valuable discussion of the use of the term "rabboteinu" by Miller, *Sages and Commoners*, 443-44, esp. 444, n. 156. B. Z. Rosenfeld, "The Title 'Rabbi' un Third- to Seventh-Century inscriptions in Palestine," *JJS* 61 (2010): 234-56, now offers an invaluable survey of the evidence, using a wide range of material. My paper could be seen as a complement to it, in focusing in greater detail on those of the inscriptions which come from synagogues.

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Journal for  
the Study of  
Judaism  
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VOLUME XLIII NO. I (2012)



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*Journal for the Study of Judaism* 43 (2012) 1-21

Journal for  
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## The LXX Myth and the Rise of Textual Fixity\*

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### Abstract

This brief study investigates the desire for a fixed textual form as it pertains to scripture in the Judean tradition. It particularly delves into this phenomenon in three early versions of the Septuagint origin myth. This paper argues that this myth is invaluable for the study of transmission and reception of scripture, as it is one of the earliest testimonies to the desire for a scriptural text to be frozen. By highlighting the ways the author of the *Letter of Aristeas*, Philo, and Josephus deal with the issue of textual fixity in the origin myth, this study aims to elucidate the range of opinions held by Judeans concerning the process of transmission of their holy books.

### Keywords

Aristeas, Philo, Josephus, Septuagint

The myth<sup>1</sup> of the origin of the LXX, known to us in various forms, is often investigated for its potential to shed light on the translation process,<sup>2</sup> the

\* This study was prepared under the auspices of the EURYI project "The Birth and Transmission of Holy Tradition led by Juha Pakkala at the University of Helsinki. The group has provided funding and a setting for enlightening discussion.

<sup>1</sup> The use of the term myth here should not be understood as derogatory or as a judgment about the objective truth or accuracy behind a story or belief. It should be understood, as Steven Grosby, "The Myth of Man-Loving Prometheus: Reflections on Philanthropy, Forethought, and Religion," *Conversations on Philanthropy* (2010): 11-24 at 12, defines the term: "an empirically unverifiable position."

<sup>2</sup> Tessa Rajak, *Translation and Survival: The Greek Bible of the Ancient Jewish Diaspora* (Oxford: Oxford University Press, 2009), 27; Benjamin G. Wright III, *Praise Israel for Wisdom and Instruction: Essays on Ben Sira, Wisdom, the Letter of Aristeas and the Septuagint*

Judean<sup>3</sup> community in Alexandria,<sup>4</sup> and attitudes toward the law book(s) that form the central plot device.<sup>5</sup> The myth has proven itself a rich mine from which many deductions can be drawn in each of these areas. This study approaches the myth for its contribution to our understanding of the canonical and transmission process. Specifically we will investigate the various ways in which the different forms of this myth promote and contribute to the idea of textual fixity as an ideal in sacred and authoritative literature. We will argue that this represents an innovation on the part of the author, tradent, or community that preserves and transmits the myth by reacting against the custom of acceptance with regard to fluidity of textual form.<sup>6</sup> Though we acknowledge that there are some cognate precursors to this attitude, we believe the position on textual form witnessed in the LXX myth is of a different species. In short, it is one of the earliest extant examples of reception of text(s) as scripture that holds not only the book, but also its exact contents and wording to be esteemed to the extent

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(JSJS 131; Leiden: Brill, 2008), 279; Arie van der Kooij, "The Promulgation of the Pentateuch in Greek According to the Letter of Aristeas," in *Scripture in Transition: Essays on Septuagint, Hebrew Bible, and Dead Sea Scrolls in Honour of Raija Sollamo* (ed. Anssi Voitila and Jutta Jokiranta; JSJS 126; Leiden: Brill, 2008), 179-92, esp. 179.

<sup>3</sup> We will use "Judean" throughout to refer to the socio-anthropological group often termed "Jewish," because the latter term in modern usage seems to imply at times much more, and at others much less about identity than the historical situation allows. Judean at this time is very likely a more accurate translation of the terms employed. Cf. S. Mason, "Jews, Judeans, Judaizing, Judaism: Problems of Categorization in Ancient History," *JSJ* 38 (2007): 457-512.

<sup>4</sup> V. Tcherikover, "The Ideology of the Letter of Aristeas," *HTR* 51 (1958): 59-85; John R. Bartlett, *Jews in the Hellenistic World: Josephus, Aristeas, The Sybilline Oracles, Eupolemus* (Cambridge: Cambridge University Press, 1985), 14; John J. Collins, *Between Athens and Jerusalem: Jewish Identity in the Hellenistic Diaspora* (New York: Crossroad, 1986), 179-82; Judith Lieu, "Impregnable Ramparts and Walls of Iron": Boundary and Identity in Early 'Judaism' and 'Christianity,'" *NTS* 48 (2002): 297-313.

<sup>5</sup> Ian Scott, "A Jewish Canon Before 100 B.C.E.: Israel's Law in the Book of Aristeas," in *Early Christian Literature and Intertextuality, Volume I: Thematic Studies* (ed. Craig A. Evans and H. Daniel Zacharias; JSNT 391; London: T&T Clark, 2009), 42-64. Martin Hengel, *The Septuagint as Christian Scripture: Its Prehistory and the Problem of Its Canon* (tr. Mark E. Biddle; Grand Rapids, Mich.: Baker, 2002), 11-12, 50-51, *inter al.*

<sup>6</sup> The custom is even admitted by such maximalists as Roger Beckwith, "Formation of the Hebrew Bible" in *Mikra: Text, Translation, Reading and Interpretation of the Hebrew Bible in Ancient Judaism & Early Christianity* (ed. Martin Jan Mulder and Harry Sysling; Assen: van Gorcum, 1988; repr. Peabody, Mass.: Hendrickson, 2004), 39-86, esp. 43, citing the evidence of *Sifrei Deut* 356. He would doubtless disagree with the broader conclusions this study will draw.

that changes to the text are not permitted. The myth will be examined in three of its earliest forms. In the *Letter of Aristeas* we will observe the process by which the novel idea of an authoritative and fixed textual form is introduced. In Philo's *De Vita Mosis*, the inflexibility of the text and its importance to Philo's exegetical method will be displayed. When reading Josephus, we will discuss how some minor adaptations he makes to the myth turn the idea of textual fixity on its head.

The argument will proceed first with a definition of terms, particularly those relating to the canonical process. Following this, the biblical and extra-biblical precedents to this sort of reception will be discussed. We will then examine the ways the *Letter of Aristeas*, Philo's *De Vita Mosis* 2.25-44, and Josephus' *Antiquitates* 12.11-118 contribute to the idea of an unchanged and static textual form of scriptural texts. Finally, we will discuss the implications this might have for the study of the transmission of texts and the communities that contributed to them.

### Definition of Terms

Because our argument that the desire for textual fixity is an innovation in the textual record relies on a specific notion of the nature of the received text, it is imperative that the terms employed in this argument have a very specific definition. We argue that the "laws of the Judeans" are received as scripture. We define scripture, with Eugene Ulrich as:

[A] sacred authoritative work believed to have God as its ultimate author, which the community, as a group and individually, recognizes and accepts as determinative for its belief and practice for all time and in all geographical areas.<sup>7</sup>

Though one might quibble with one point or another of this definition (such as the requirement of divine origin), it establishes a strict set of boundaries and rigorous criteria a text must cross among an audience for it to be considered scripture. It is for this reason that we choose to employ Ulrich's terminology. Some scholars, such as Orlinsky, have a vague notion of "scripture" as indicated by a set of official actions and statements within

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<sup>7</sup> Eugene Ulrich, "The Notion and Definition of Canon," in *The Canon Debate* (ed. Lee Martin McDonald and James A. Sanders; Peabody, Mass.: Hendrickson, 2002), 21-35 at 29.



our records. Reading a text aloud before the people and subsequently having it approved of makes a text scripture.<sup>8</sup> This sounds fine in general, but when it comes to specific examples, the proposition becomes dubious. For example, are we to suppose that 1 Macc 14:27-49 is received as scripture by the tradent who included in the account of Simon's reign as high priest? It might be the case, but it is difficult then to see what would separate scripture from any pronouncement given authority by a group of people. Other recommendations for defining types or even levels of reception among populations are perhaps more helpful. Robert Kraft's recommendation to use only the terminology employed by the sources concerning the texts they receive may fall into this category.<sup>9</sup> The trouble here is that aggregation of information becomes nearly impossible. There is no assurance that one author's use of a specific term or phrase in reference to a book or collection denotes identical status as that of another author using the same vocabulary. This problem is complicated even further by the issue of using the ancient term in a modern context, where it may have very different connotations. That is, in the ancient context authors may have used "scriptures" to refer to a body of writings but not intended all the meaning that comes along with that term in a modern context. Moreover, this is not helpful when there is no vocabulary of reception employed by the ancient author, but a text is described. Thus, though we appreciate the variety of different models employed to define scripture and the various other types of texts, and certainly see the value in taking seriously the individual ancient testimonies to reception, we believe it best to use modern categories created ex-post in order to describe the reception of ancient literature. Ulrich's attempt is a rigorous example of such an approach, even if it can be limiting.

Perhaps as important for our purposes as defining scripture is defining other types of reception, which can be similar, but are not identical to scripture. First among these is an authoritative work:

*An authoritative work* is a writing which a group, secular or religious, recognizes and accepts as determinative for its conduct, and as of a higher order than can be overridden by the power or will of the group or any member.<sup>10</sup>

<sup>8</sup> Harry M. Orlinsky, "The Septuagint as Holy Writ and the Philosophy of the Translators," *HUCA* 46 (1975): 89-114, esp. 96-97.

<sup>9</sup> Robert Kraft, "Finding Adequate Terminology for 'Pre-canonical' Literatures," n.p. [cited 8 August, 2011]. Online: <http://ccat.sas.upenn.edu/rak/SBL2007/canon>.

<sup>10</sup> Ulrich, "Notion," 29. The emphasis is retained from the original.

We might amend Ulrich's definition here slightly by dropping the requirement for determination of conduct, as this appears to be unnecessarily limiting. There are many types of authority a given work can retain and they need not all affect one's conduct. Some writings might tell what is understood as the authoritative history of a dynasty, a people, or a ruler and be revered for their quality. Other treatises might gain authority because of the teachings they contain, even if these teachings are not binding but are repositories of wisdom.

With this small emendation it is clear where an authoritative text differs from a scriptural text, though indeed, all scriptural texts are by definition also authoritative. Scripture has a sacral quality in that holiness is attached to it. It also is recognized as having its source in God, though this might be through inspiration or reflection than divine dictation or even scribal activity. It is also recognized as determinative for conduct in all times and places, rather than being occasional or arbitrary.

Now that the distinction is clear between authoritative and scriptural texts, we should also note that the presence of scripture does not necessarily denote canon. Ulrich understands the canon of scripture to be:

[T]he definitive list of inspired, authoritative books which constitute the recognized and accepted body of sacred scripture of a major religious group, that definitive list being the result of inclusive and exclusive decisions after serious deliberation.<sup>11</sup>

Ulrich's definition highlights the fact that the canon is primarily a definitive collection of books of sacred scripture that is the result of conscious decision-making concerning which belong and which are excluded. By definition, this places it at a perceived end point in the process. Though there may be several editions of "canon," successive generations must make what *they believe* is the final decision on the books included. This definition does not rule out previous collections of scripture that are open-ended,<sup>12</sup> nor does it deny the existence of libraries including possibly

<sup>11</sup> Ibid., 29.

<sup>12</sup> E.g. at Qumran, if we can even speak of these texts as a collection and/or tie them to any one community. Both points are significantly open for debate. A less debatable position would be the literature cited by Ben Sira's descendant in the translator's prologue to Sirach. There are clearly demarcated "collections" in the author's conception. He also obviously believes them to be open-ended, as he argues that he and his grandfather are both contributing to these collections.

scriptural or authoritative works without a conscious decision about their contents.<sup>13</sup> The definition does importantly distinguish between these bodies of literature and canon however. Canon is the capstone of a long process and should not be confused with other collections, and most importantly should be clearly separated from scripture. In all our examples, as we shall see, there is little indication of canon.

Finally, let us define textual fixity as a uniform textual appearance down to the word. When we speak of the desire for textual fixity, we presume the community or individual aspires to a formally frozen copy that not only communicates the same stories and material, but does so in the same order with the same words.<sup>14</sup> This might reach its most extreme form in the Masoretic tradition, wherein letters and even accents are preserved, but textual fixity need not be so fastidious as that. It should be noted that though the form of the text exists largely outside the canonical process, it is not totally unrelated. One cannot place it at any one point, such as when the text becomes scripture, authoritative, or included in the canon, but the desire for textual fixity seems to correlate with texts that fall into those categories. It is part of the transmission process that is naturally aligned with a text's authority, divine origin, or inclusion within an official collection. Though the text may take many forms in reality, it is not hard to understand that the desire might arise for attention to be paid to the words themselves when the texts exert some authority over their audience. In such cases a particular community might only accept one form of a text as authentic, even if it acknowledges there are multiple versions.

### Precursors to Textual Fixity

Two commonly cited indications of the desire for a stable textual form come from Deut 4:2 and 13:1. The relationship between these two similar

<sup>13</sup> A library of this sort might be witnessed in 2 Macc 2:13-15 if the story is not completely fictional. Those who see the canon present in this text are begging the question. Cf. Armin Lange, "2 Maccabees 2:13-15: Library or Canon?" in *The Books of the Maccabees: History, Theology, Ideology. Papers of the Second International Conference on the Deuterocanonical Books, Pépa, Hungary, 9-11 June, 2005* (ed. Géza Xeravits and József Zsellengér; JSJS 118; Leiden: Brill, 2007), 155-68.

<sup>14</sup> James A. Sanders, "The Issue of Closure in the Canonical Process," in *The Canon Debate* (ed. Lee Martin McDonald and James A. Sanders; Peabody, Mass.: Hendrickson, 2002), 252-63, esp. 256, terms this verbal inspiration, which he differentiates from the looser dynamic inspiration of the message and the more strict literal inspiration of even the letters.

texts has been long discussed. Some scholars, such as Timo Veijola, have argued that 13:1 is a later insertion into Deuteronomy which traces its lineage back to 4:2, where the sentiment is expressed more thoroughly.<sup>15</sup> In his case even 4:2 is an addition in its context. On the other side, Bernard Levinson has argued that 13:1 is original to its context and is later expanded by the tradent responsible for Deut 4:2.<sup>16</sup> The basis for this observation is that, in its context, 13:1 works in the same way as does the injunction against adaptation in Esarhaddon's succession treaty. In fact, Levinson sees Deut 13:1 as a subversion of the treaty in order to create a rival pact in the Judean context.<sup>17</sup> It is beyond the scope of this study to take sides in this debate. It is enough to note that a wealth of scholarly opinion sees these texts as related, and even noting their nature as possible additions, sees them as far earlier than the passages we will discuss.

So, why are these not of the same species as the sentiments in the LXX myth? First, if we examine the function of these verses in their context, it becomes clear that they do not affirm the authority of the text under discussion. Rather, they employ a formula widely used in Greek and Near Eastern contexts that tries to stem the current of frequent and open textual emendation.<sup>18</sup> That is, these verses make no statement about reception. They provide little clue as to how the text in question was received. They merely purport to express the wishes of the author that the commands he gives be carried out in their fullest form. Since the desire for textual fixity as it relates to authoritative and scriptural texts is primarily a question of reception, these verses provide little insight.

Even if it is correct that these verses are later additions, as Veijola remarked, and thus imply some sort of reception, there is no indication that the material to which they refer is textual in nature. Surely הדבר is mentioned in both 4:2 and 13:1, but the type of changes listed by the

<sup>15</sup> Timo Veijola, *Das 5. Buch Mose Deuteronomium* (ATD 8,1; Göttingen: Vandenhoeck & Ruprecht, 2004), 113-14.

<sup>16</sup> Bernard M. Levinson, "The Neo-Assyrian Origins of the Canon Formula in Deuteronomy 13:1," in *Scriptural Exegesis: The Shapes of Culture and the Religious Imagination. Essays in Honour of Michael Fishbane* (ed. Deborah A. Green and Laura S. Lieber; Oxford: Oxford University Press, 2009), 25-45, esp. 35-36.

<sup>17</sup> *Ibid.*, 37.

<sup>18</sup> Armin Lange, "'Nobody Dared to Add to Them, to Take from Them or to Make Changes' (Josephus, *AG. AP.* 1.42): The Textual Standardization of Jewish Scriptures in Light of the Dead Sea Scrolls," in *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honor of Florentino García Martínez* (ed. Anthony Hilhorst, Émile Puech, and Eibert Tigchelaar; JSJS 122; Leiden: Brill, 2007), 105-26 at 106.

tradent could just as easily refer to interpretations or adaptations of the *message* as they have been interpreted to refer to the *text* in later times. There is no clue about the textual form at all. If one examines the situation from the outside, it seems puzzling to deduce that the author of these verses desires a stable textual form while simultaneously making innovations to the text.

The third and final reason these verses might be different relies on their relationship to the Neo-Assyrian cognates. Even if Levinson is incorrect in tying 13:1 with the verses following it to the succession treaties of Esarhad-don, it cannot be denied that the formula itself has roots in the Neo-Assyrian treaty form, as shown by Moshe Weinfeld.<sup>19</sup> The fact that it is used in such documents means that, if it is not simply repeated a formulaic part of the treaty form, it is likely used because the text in question is held in similar regard to those treaties. The Neo-Assyrian treaties, like whatever commands are included in these verses in Deuteronomy, were no doubt authoritative texts for some of their audience, but likely do not meet the criteria for scripture. They are occasional as opposed to eternal and have a limited command over the conduct of those under their sway. This point is especially damning for the Assyrian treaties, as they obviously had no claim to divine origin, and thanks to a fuller historical record, can be pointed to as having a limited reach. It is nearly as difficult to demonstrate the authority whatever text is in question here held over its audience, whoever they were, especially considering the archaeological and textual record.

Turning to the later biblical evidence, one recognizes rather quickly that there is little of substance with which to compete. Ecclesiastes 3:14 obviously refers to divine acts and not to a text of any sort. Another text oft cited, Eccl 12:11-13 does mention the large amount of books being dangerous sources of practice, but seems to argue for a concentration on divine commandments and the sayings of the teacher more than it makes a case for a specific textual form of those sayings or commandments. It is a verse perhaps more useful in discussions of scripture or authority. Sirach 42:20-21 is a wonderful reflection on the omnipotence and omniscience of the divine being which uses some literary imagery. It is a stretch though to see any reference to any specific text, let alone a single form of that

<sup>19</sup> Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Oxford University Press, 1972), 261-65.

text. Likewise, Sir 18:6 has little to do with the form of literary output, concentrating instead on divine works. Jeremiah 26:2 clearly speaks of an oral context and concerns prophetic words, rather than a literary work. The other uses in Jer 26 also fall into this category. Proverbs 30:6 very obviously refers to divine words, but it is unclear whether they are reported in oral or written form, and whether verbal stability is called for. In all these cases one would have to investigate these texts looking for proof of the desire for textual fixity in order to find traces of it. We believe these texts give evidence of the trend toward a desire for stabilization of teachings, but they do not extend to textual fixity of a work considered to be scripture.

### The Desire for Textual Fixity in the LXX Myth

#### *The Letter of Aristeas*

Because the LXX myth exists in several different accounts and each has disparate emphases we will discuss each of the early versions separately. Though all these editions are close enough to be properly seen as the same story, there are enough differences, especially when it comes to their attitudes toward scripture, that they provide interesting points for comparison. One of the earliest extant accounts of the origin of the LXX is doubtless found in the *Letter of Aristeas*.<sup>20</sup> Even if the fragmentary account attributed by Eusebius to Aristobulus the Judean peripatetic is earlier, it hardly presents us with enough material regarding the myth itself or the nature of the text to merit discussion.<sup>21</sup> Further, Aristeas<sup>22</sup> appears to be the basis for both Philo's account in *De Vita Mosis* 2.25-44,<sup>23</sup> and Josephus' version of the story in *Antiquitates* 12.11-118.<sup>24</sup> Therefore it is fitting that we should start our examination with this treatise.

<sup>20</sup> Rajak, *Translation*, 34, notes that it is unknown whether Aristeas or Aristobulus was the first to write down an account of the LXX translation. She also speculates as to whether one drew upon the other or they were both influenced by a common oral source.

<sup>21</sup> The fragments are found in Eusebius, *Praep. ev.* 12.12.1-2.

<sup>22</sup> We will use Aristeas as shorthand for the author or the work itself interchangeably. If we make reference to the character it will be explicitly made known.

<sup>23</sup> Paul Wendland, "Zur ältesten Geschichte der Bibel in der Kirche," *ZNW* 1 (1900): 267-90, esp. 269-70.

<sup>24</sup> Giuseppe Veltri, *Libraries, Translations, and "Canonic" Texts: The Septuagint, Aquila, and Ben Sira in the Jewish and Christian Traditions* (JSJS 109; Leiden: Brill, 2006), 40.

Since definitions are so important to our case, we will first demonstrate that the books under consideration meet the criteria outlined by Ulrich for scripture. We will recall that this requires the work to be considered sacred, authoritative, of ultimate divine authorship, and applicable to the whole community for all time and in all geographical areas. The texts in question are obviously written documents (§3, τὸ γεγράφθαι παρ' αὐτοῖς ἐν διφθέραις Ἑβραϊκοῖς γράμμασιν) that appear to contain the customs and/or laws of the Judeans (§10, τῶν Ἰουδαίων νόμιμα; §30, τοῦ νόμου τῶν Ἰουδαίων βιβλία). For this reason, as well as some perceived allusions many scholars have surmised the texts were some version of the Pentateuch.<sup>25</sup> When we look at the bare evidence without prejudice we cannot conclude what the specific contents of this text were for our author or his imagined community more than that it was some collection of laws that seem to be attributable to Moses (§144).<sup>26</sup>

Despite this lacuna the status Aristeas envisions for the text is unambiguous. The sacral character of the text is ensured in several instances. First, they are in the possession of the high priest, Eleazar (§3). Second, the texts are explicitly said to have a “sacred and religious Weltanschauung” (§31, διὰ τὸ ἀγνήν τινα καὶ σεμνήν εἶναι τὴν ἐν αὐτοῖς θεωρίαν). A third proof of the sacred character of the text is that the high priest calls the law itself holy (§45, τοῦ ἁγίου νόμου). It is evident by the context that he conceives of it in textual form (§45-46), so there is no danger here of the law being holy, but the text being extraneous. The final point in which the text is shown to be sacred for Aristeas is that both Ptolemy Philadelphus (§177, 317) and the Judean community of Alexandria (§310) greet the law with reverence and pay homage to it. This occurs both in its Hebrew and Greek forms! There is no question that for our author, the text is sacred. It seems almost redundant to prove that this sacred text is also authoritative, but let us add a single proof on this note. In Eleazar’s apology for the law he clearly sees it as holding great sway over the people’s conduct in everyday life, noting that it creates impregnable ramparts and walls of iron around the people (§139-142). Eleazar goes on to note that this marks off the

<sup>25</sup> E.g. Wright, *Praise*, 275 n. 2, 280.

<sup>26</sup> There are several specific laws listed, such as dietary taboos, purity laws, and the use of various items such as mezuzot, prayer shawls, and phylacteries that could lend some clues. However, if one is thoroughly empirical, one must admit the possibility of these laws being known in a separate form or even document than their current locations.

Judeans as men of god among the Egyptians. The law plainly influences the conduct of the community, and is therefore authoritative.

The question of ultimate divine authorship is ambiguous, but ultimately answered in the positive. Though Moses is singled out as the legislator explicitly on one occasion (§144), a human legislator is implied at several other points (§131, 139), and the agency of the mortal interpreters is emphasized (§39, 302, 308), it is evident that the author of Aristeas considers there to be a divine source behind the text. Demetrius of Phaleron remarks on the divine origin of the law (§31). Ptolemy likewise shows respect to the scrolls because he understands the oracles to be divine (§177). Even Eleazar, when attributing the law to a human author concedes that he was especially endowed by God to understand all things (§139). Therefore, though there is certainly a great degree of human agency in the production of the text in Aristeas, the true source is divine.

The last criterion for a text to be considered scripture in Ulrich’s definition, that it be considered applicable to the whole community for all time and in every place, is perhaps easiest to demonstrate. The fact that the law is applied to Judeans living in Alexandria as well as those at home opens the possibility that the law applies everywhere. The desire to make it more widely available to the Alexandrian community through translation also supports this contention. The idea that the law is applicable to the people eternally may be communicated by the fact that the law seems to preserve the people in purity and separation from the rest of the world (§139-142). If there were any divergence from the law in the past or any in the future this might harm that purity. So, it is a significant possibility that the law is eternally applicable.

It has been shown that the law in the *Letter of Aristeas* meets our stringent requirements for being considered scripture. Now, let us examine the instances in which a concern for textual fixity is displayed. The most obvious, and most often noted by scholars, is the explicit decision in §310-311 to allow no further changes to the text:

After the books had been read, the priests and the elders of the translators and the Jewish community and the leaders of the people stood up and said, that since so excellent and sacred and accurate a translation had been made, it was only right that it should remain as it was and no alteration should be made in it. And when the whole company expressed their approval, they bid them pronounce a curse in accordance with their custom upon any one who should make any alteration either by adding anything or changing in any way

whatever any of the words that had been written or making any omission. This was a very wise precaution to ensure that the book might be preserved for all the future time unchanged.<sup>27</sup>

Unlike the previous examples from the “biblical” corpus there can be no doubt what is intended here. There is a specific collection of books, which have attained a certain form that was so excellent and acclaimed, that nothing in it was lacking or deserving of emendation. The curse that follows specifically indicates that it is not only the general message, but also the written words themselves that should eternally be preserved. There is a hint in this section that the impulse to make such a curse is customary among the people. It is likely a reading of Deut 4:2 or 13:1. However, as Giuseppe Veltri has pointed out, “in Deuteronomy, the focus is the observance of the Torah, without stress on possible divine copyright; in *Aristeas*, the accent is on the preservation of the Torah without changing the text.”<sup>28</sup> This is an important difference that is central to our hypothesis. For perhaps the first time in written record,<sup>29</sup> an author expresses the desire that a text version considered to be scripture be frozen. By doing so, Aristeas both acknowledges the status quo ante of fluid textual transmission and anticipates the desires of later scribes and scholars to reach an authoritative version. It is unfortunately unclear whether his rereading of Deuteronomy is an innovation on the part of the author, or was a current trend among the Judean or broader Hellenistic community of that time and place. However, it is evident that Aristeas wishes to portray this as a major contribution of the LXX project.

The author hints at this desire for a frozen textual form earlier in the text at numerous places. The first of these comes at §30-32 in an ostensible decree from Demetrius to the king. He writes:

<sup>27</sup> Translations of the Letter of Aristeas come from The Pseudepigrapha (English) Translated by Craig A. Evans, assisted by Danny Zacharias, Matt Walsh, and Scott Kohler. Acadia Divinity College, Wolfville, Nova Scotia CANADA. Portions also translated by Daniel Christiansen. Copyright © 2009 by OakTree Software, Inc. Version 2.4.

<sup>28</sup> Veltri, *Libraries*, 36.

<sup>29</sup> Most scholars, e.g. Rajak, *Translation*, 34, date the *Letter* to the latter half of the 2d century B.C.E., but there is relatively little to firmly date the text, so it could be anytime between the 3d century B.C.E. and the 1st century C.E., when Philo and Josephus seem to use it as a source. However, Elias Bickermann, “Zur Datierung des Pseudo-Aristeas,” *ZNW* 29 (1930): 280-98 sets the range much tighter on linguistic and geographical grounds: c. 145-125 B.C.E.

The books of the law of the Jews (with some few others) are absent from the library. They are written in the Hebrew characters and language and have been carelessly interpreted, and do not represent the original text as I am informed by those who know; for they have never had a king's care to protect them. “It is necessary that these (books) should be made accurate for your library since the law that they contain, in as much as it is of divine origin, is full of wisdom and free from all blemish. For this reason literary men and poets and the mass of historical writers have held aloof from referring to these books and the men who have lived and are living in accordance with them, because their conception of life is so sacred and religious, as Hecataeus of Abdera says. “If it please you, O king, a letter will be written to the High Priest in Jerusalem, asking him to send six elders out of every tribe—men who have lived the noblest life and are most skilled in their law—that we may find out the points in which the majority of them are in agreement, and so having obtained an accurate translation may place it in a conspicuous place in a manner worthy of the work itself and your purpose. May continual prosperity be yours!”

According to Benjamin Wright, the clause about the text being “carelessly interpreted” and not representing the original (ἀμελέστερον δέ, καὶ οὐχ ὡς ὑπάρχει, σεσήμανται) should be rendered as “they have been *transcribed* somewhat carelessly and not as they should be.”<sup>30</sup> He argues, conclusively in our opinion, that the context shows total interest in the Hebrew text, and therefore must be referring to transcription rather than translation. If this is the case, the text astoundingly acknowledges that the Hebrew textual editions are corrupted.<sup>31</sup> The reason given, as is likely correct for this point in Judean history, is that there has been no king to act as steward over the texts. This is supported by the solution proposed: to have legal scholars sent from Judea to debate the finer points of the law so as to achieve an accurate translation. There is, in Aristeas' view, no authoritative (here used with a distinct meaning from that of Ulrich) version of the law. Astoundingly, the author sets up Demetrius as the source of the will to establish a fixed form of the text. For Demetrius (and perhaps Ptolemy as well), this desire applies to all texts, as §29 demonstrates when discussing the general commission to gather all books and *repair* the defective books. It seems

<sup>30</sup> Wright, *Praise*, 306. Emphasis added.

<sup>31</sup> Cf. D.W. Gooding, “Aristeas and Septuagint Origins: A Review of Recent Studies,” *VT* 13 (1963): 357-79.

that Demetrius and Ptolemy by extension want perfect copies for the library, and therefore apply that standard to the Judean laws as well.

The Ptolemaic provenance of the desire for a standard text is again underlined at §39. The king has a letter drafted in which he requests from Eleazar to send sages of the highest quality, who seemingly are intended to represent the whole Judean community.<sup>32</sup> These men are required, as Demetrius suggested to the king initially, to be “skilled in your law and able to interpret it, that in questions of dispute we may be able to discover the verdict in which the majority agree.” Again, Ptolemy’s goal appears to be creating a consensus edition of the text through a method of careful interpretation and deliberation. Whether one agrees with the method proposed for attaining an authoritative version is secondary to the point. What is important for our purpose is that the impulse for a text worthy of being fixed is made to come from the Hellenistic monarch, or at least his court.<sup>33</sup> The closing statement of this paragraph, expressing the hope of glory on account of this work recalls that the production of this sort of text of the Judean law (in Greek? See below) is an innovation. When the work is completed under the direction of Demetrius, it is confirmed that the method he initially proposed is employed (§302). The translators work separately (or in separate groups) and compare the results in order to make them agree. Demetrius is then said to copy down the result.

Throughout the text, until of course the climactic scene of approval above, the Judeans show little initiative in the creation of a fixed textual form. Though plurality or corruption of texts is previously acknowledged, it is evident the Judeans either have no concern for this situation or no means to correct it until Ptolemy inserts himself. This does not necessarily mean that Aristeeas did not envision the existence of a reliable or authoritative Hebrew text, however. The provenance of the Hebrew version of the

<sup>32</sup> Sylvie Honigman, “The Narrative Function of the King in the *Letter of Aristeeas*,” in *Jewish Perspectives on Hellenistic Rulers* (ed. Tessa Rajak et al.; Berkeley: University of California Press, 2007), 128-46, esp. 133, suggests that this point is made by analogy both to Judean history in the tribes and to Hellenistic culture in the selection of elders. Whether the theory is true in all its intricacies is unimportant. It is only necessary to point out that there is ample support for these representing the whole community.

<sup>33</sup> This might be tied to the Alexandrian schools of Homeric scholars who attempted textual criticism in order to find the true Homeric works in the myriad interpolations. Cf. Maren R. Niehoff, “Questions and Answers in Philo and *Genesis Rabbah*,” *JSJ* 39 (2008): 337-66, esp. 360. It might also be tied to the well-known stories of Ptolemy’s desire for the books of highest authority and quality for the Museum. Cf. Honigman, “Narrative,” 136-37.

laws in the temple (§46), as well as the decoration, and craftsmanship of the scrolls (§176) may indicate that the author means to present these as “reliable versions” of the law.<sup>34</sup> It may also be that these multiple scrolls contain manifold versions of the same law, rather than separate works included under the heading of law.

Though one cannot definitively prove the case in either direction, it is worthwhile to be aware that the LXX might be the first authoritative Greek version for Aristeeas, instead of the first truly authoritative version of the law. In any case, as Aristeeas presents the origin myth, it is the Greek edition produced in Alexandria that is first fixed not only in its message, but also its textual form. The concern for this level of control over the text seems to stem almost entirely from the Hellenistic court. De Crom is likely correct in ascribing this text-centered approach to the law to the Greek mindset, and placing it alongside the quality of the translators, king, Hebrew version, and acclamation by the community as proofs of the text’s authority.<sup>35</sup> It is novel in the literary record that the preservation of a fixed and, for lack of a better term, reliable textual edition is cited, for this or any other purpose.

#### De Vita Mosis 2.26-45

Here it is hardly necessary to exhaustively affirm Philo’s reception of the text as scripture. We’ll only note that 2.27 ensures that the legislation of Moses has been respected by the community from time immemorial so that it has dictated the actions of that community throughout its history. Philo also presents these texts to be sacred and of ultimate divine authorship in 2.34 when he notes that they are “divinely given by direct inspiration” (θεσπισθέντας νόμους χρησιμοῖς).<sup>36</sup> There is thus little doubt that

<sup>34</sup> Wright, *Praise*, 283, writes that these qualities as well as the king’s show of obeisance ensure the divine nature of the Hebrew. It should be noted, however, that the king is clearly honoring the contents of the scrolls, rather than their actual form; Gooding, “Aristeeas,” 360, gives a similar line of reasoning.

<sup>35</sup> Dries De Crom, “The Letter of Aristeeas and the Authority of the Septuagint,” *JSP* 17 (2008): 141-60. We do not necessarily agree with all De Crom’s conclusions about how these different aspects function to confer authority upon the LXX, especially given his lack of reference to the emergent nature of authority, but we do agree with the principle that they function as proofs.

<sup>36</sup> Translations of Philo’s *Life of Moses* are provided by *The Works of Philo, Completed and Unabridged, New Updated Edition*. Translated by C. D. Yonge. (Peabody, Mass: Hendrickson,

Philo receives the laws of Moses as scripture for the Judeans in this version of the LXX myth. This is perhaps of little surprise as Philo is active so much later than the author of *Aristeas* and likely knows his version of the myth, but it is important for our argument to ensure it meets the definitions with which we are working.

Now we may move on to discuss how Philo deals with the desire for textual fixity in his edition of the origin myth. In many ways, he raises the level of stabilization of the LXX text, but along the way he diminishes the importance of the Ptolemaic publication for the standardization of the text. We witness this first early in the text. At 2.26-27 there is an indication that the language and laws have remained unchanged since they were first written down in the language of the Chaldeans. In this case, it appears as though it is not necessarily the text that remains unchanged, but only the language and observance. However language here may include the exact wording within its concept as well. This is suggested by a clue slightly later. The translators, according to Philo, were not permitted “either to take away anything, or to add anything, or to alter anything, but were bound to preserve the original form and character of the whole composition” (2.34, μήτ' ἀφελεῖν τι μήτε προσθεῖναι ἢ μεταθεῖναι δυναμένουσ, ἀλλὰ τὴν ἐξ ἀρχῆς ιδεάν καὶ τὸν τύπον αὐτῶν διαφυλάττοντας). The suggestion is that the Hebrew version of the law is already considered to be fixed in content and form. The task of the translators is made nearly herculean because they must essentially reproduce a text already considered perfect in another language. Philo gives the impression that the Hebrew laws have a definite and recognized textual form. If the Hebrew were not fixed, to what could the LXX translation be compared? Even if Philo is allowing for multiple Hebrew forms to exist, he certainly wishes to endorse one as the “authentic” version, which cannot be changed just as the Greek admits no flexibility. The fixed form of each depends on the other by Philo’s own logic.

By making this change Philo’s version of the myth raises the stakes of the translation project. Instead of correcting a pluriform text and producing a consensus edition, as in the *Letter of Aristeas*, the translators are tasked with making changes, but limiting the adaptation only to the language. These translators must preserve all the other qualities. Luckily for them, Philo

1993). The phrasing here, though imperfect, does a good job conveying the meaning of a tricky phrase.

provides a bit of divine help in taking on this commission. After requesting divine aid for the translation they are described:

like men inspired, prophesied, not one saying one thing and another another, but every one of them employed the self-same nouns and verbs, as if some unseen prompter had suggested all their language to them.

καθάπερ ἐνθουσιῶντες προεφήτεον οὐκ ἄλλα ἄλλοι, τὰ δ' αὐτὰ πάντες ὀνόματα καὶ ῥήματα, ὡσπερ ὑποβολέως ἐκάστοις ἀοράτως ἐνηχοῦντος (2:37)

From this description it is obvious that Philo deals with the problem of translating a fixed work of scripture the only way possible: the translation itself must also be divinely inspired. Instead of producing a critical edition through the cooperation of the best legal scholars Judea had to offer, human agency is essentially removed by Philo. God has provided the words and transferred the sense and form of the text into a new language. Scripture, which accordingly to Philo was in a fixed form, remains so through this miracle (2.40). The extraordinary nature of the event is not lost on Philo, as he points out the various ways meanings can be conveyed between languages (2.38-39). It is obvious from this that Philo wishes to convey that a fixed text is essential for scripture. He moves the authorized version out of the hands of gentiles, and really out of the purview of humans altogether, and transfers the production of a fixed textual form to the realm of the divine. For Philo it may be that this is his justification for reading the LXX instead of the Hebrew.<sup>37</sup> In any case, we have witnessed a marked increase in the extent to which textual fixity is important for scripture in Philo’s *De Vita Mosis*.

This may not be a major surprise considering the way Philo treats scripture elsewhere and his employment of the Alexandrian exegetical method. According to Adam Kamesar, the revelation contained in scripture comes by means of a two-stage process for Philo. First, Moses receives revelation non-verbally, and then Moses, with the help of intellect communicates the revelation in the form of verbs and nouns.<sup>38</sup> This might seem to suggest that Philo does not see the literal form, but only the message as important.

<sup>37</sup>) Yehoshua Amir, “Authority and Interpretation of Scripture in the Writings of Philo,” in Mulder and Sysling, eds., *Mikra*, 421-453, esp. 444.

<sup>38</sup>) Adam Kamesar, “Philo and the Literary Quality of the Bible: A Theoretical Aspect of the Problem,” *JJS* 46 (1995): 55-68, esp. 58.

If the literary form is a human creation, and the message divine, then the form is not important. However, this conclusion is belied by the way Philo employs allegory in his reading of scripture. Niehoff has shown that when Philo poses questions about the text and answers them with allegory it is often because he is concerned with textual details.<sup>39</sup> When he encounters turns of phrase that are theologically problematic for him—such as the plural form of verbs of divine subject in the first creation story—he does not brush aside the forms as a mistake in transmission or even a misrepresentation by Moses. The text itself remains constant. He deals with instead by coming up with an allegorical reading of what Philo apparently sees as a fixed textual form.<sup>40</sup> Though Philo is employing a method that originated among Alexandrian Homeric scholars as a tool of text criticism, he does not utilize it for such purposes.<sup>41</sup> Problematic passages are taken for granted as part of the text.

#### *Antiquitates* 12.11-118

The version Josephus repeats in *Antiquitates* is a very close paraphrase of his source Aristeas with only a few, rather large omissions, such as the discussion of the law between Eleazar and Aristeas and the symposium between the translators and Ptolemy.<sup>42</sup> Given this fact, we can take for granted that the laws of the Judeans fit the definition of scripture we have employed throughout. For the most part also, Josephus conceives of the law texts in the same way as Aristeas. He notes that the Hebrew text has been poorly transmitted (12.37), that it is Demetrius' idea to have a reliable version (12.108), and that this is accomplished through the cooperation of scholars of the law (12.39). Josephus also has the Hebrew scrolls emanating from the temple (12.56), and seems to believe they are of a high quality (12.89-90), though Ptolemy here does not prostrate himself before the texts. In this account there is even recognition by the Judean community in Alexandria that the texts have reached a state where they should not be altered (12.108).

<sup>39</sup>) Niehoff, "Questions," 344, 359.

<sup>40</sup>) *Ibid.*, 359.

<sup>41</sup>) *Ibid.*, 360.

<sup>42</sup>) Louis H. Feldman, "Use, Authority and Exegesis of Mikra in the Writings of Josephus," in Mulder and Sysling, eds., *Mikra*, 455-518, esp. 457-58; Veltri, *Libraries*, 40.

There is, however a major difference. After this agreement between the priests, translators, elders and leaders of the commonwealth to "freeze" the text in its current state, a provision is added:

When everyone congratulated one another on this resolution, they commanded that if anyone saw something redundant or something lacking in the law that he would look it over once more and unrolling it, make the correction. Doing this was wise so that when it was judged to have been done well, it might continue forever.<sup>43</sup>

ἐκέλευσαν εἴ τις ἢ περισσόν τι προσγεγραμμένον ὄρᾳ τῷ νόμῳ ἢ λείπον πάλιν ἐπισκοποῦντα τοῦτο καὶ ποιοῦντα φανερόν διορθοῦν σωφρόνως τοῦτο πράττοντες ἵνα τὸ κριθέν ἅπαξ ἔχειν καλῶς εἰς αἰὲ διαμένη.  
(12.109)

Even though there was a sentiment expressed by these characters to maintain a fixed text, Josephus does not want to concede the point. Either he, or whatever version of the LXX myth he knew added the provision that additions were allowed after all. Even after the text has been approved there is a procedure for making corrections. Now, it may be argued that Josephus or his source envision this as corrections toward a more reliable version of the law. But, then a legitimate question arises as to what text is imagined as the standard against which this one would be judged, if any text at all. How much was allowed under the heading of anything redundant or lacking?

Josephus' version of the LXX myth has, in the end, erased the concept of a fixed textual form. What seems to have been a germinating idea in Aristeas, and an issue of central importance to Philo is pushed aside by Josephus through this editorial remark. That is not to say that Josephus wants to relinquish all control over the textual form in his version. It does seem that these changes must be made by this group and at their approval, but they are changes nonetheless. Even Ptolemy's wish that the texts remain uncorrupted rings hollow after this addition (12.114). Though there are many more versions of this myth known, making even more adaptations to the legend and text, these three early editions have provided interesting insight into attitudes toward the form of the text.

<sup>43</sup>) Translation by the author.



## Conclusions

We have now traced the varying attitudes toward textual fixity of scripture through three early versions of the LXX myth. Our study has revealed that, though there are Semitic, Hellenic, and “biblical” precursors to the impulse to freeze the tradition, this myth seems to be the first to apply this desire to the exact textual form of a version of scripture. This might serve as a correction both to maximalists who place the requirement for a fixed textual form early in the history of transmission,<sup>44</sup> as well as for those who locate this attention to the textual form only in the Christian period.<sup>45</sup> There is little doubt that the *Letter of Aristeas* and *De Vita Mosis* both desire a fixed textual form that communicates the true message. While both of these authors—and Josephus as well—tend to have the LXX in focus throughout this discussion, we do not feel this weakens the impulse found in these texts. These authors all contribute to a myth of the LXX as scripture by assuring their audience that it is at least as reliable a copy of the law as is “the Hebrew version.” Aristeas acknowledges that other forms exist, but authorizes only the one translation created under Demetrius and the king. Philo does not even allow for this. For him, there is only one form of the text divinely guided (through inspiration and human intellect) once in Hebrew, and once more in Greek. The need for a fixed form is so strong that he cannot even acknowledge variant traditions. Even if Philo would have conceded the existence of various Hebrew forms (which he probably knew existed) his presentation requires at least one authoritative form that matches the Greek word for word. Rationally thought out, a word for word translation that is identical in form and sense cannot have a free-floating comparison in Hebrew. There must be a solid tradition to which it can point.

This does not mean, however, that we should conclude this is a linear progression through history that must simply be moved earlier or later, depending on what our previous biases have been. Josephus’ version of the myth ensures that. He acknowledges multiple versions while telling the story of the authoritative edition created by Ptolemy. He also allows for the fact that even this version of the Judean laws could be adapted as long as it met with the approval of the leaders of the community in Alexandria. While he does seem to desire a stabilized text, it is not so fixed as to be frozen. There are clearly a variety of opinions at play here, even in the

<sup>44</sup> Beckwith, “Formation,” 41.

<sup>45</sup> Sanders, “Issue,” 256; Ulrich, “Notion,” 24-25.

ancient receptions of scripture. The way these three examples communicate about this text they consider scripture ensures that. Neither location nor time seem to strongly influence the ways these texts present the attention to textual form of the LXX within the same mythic tradition.

This study does lend support to those who believe a fixed textual form should be divorced from our discussions of scripture and even canon.<sup>46</sup> All three of these accounts receive the Judean laws as scripture, using the rather stringent criteria laid out by Ulrich. All three have different ideas about textual fixity as well. Aristeas seems to present a desire to have a locally fixed form that is agreed upon by experts to represent the authentic tradition. Philo desires an eternally stabilized textual form, unchanged and unchangeable, transmitted through divine intervention. Josephus seems to desire a high quality textual form, but perhaps correctly thinks the only way this might be achieved is through constant attention to the text for what might be extraneous or lacking. Scriptural status does not safeguard anything regarding the textual form, if the LXX myth is any guide. The textual record we know from outside these accounts supports this.<sup>47</sup>

Where this investigation might have uncovered new ground for further study is in the provenance of the desire for textual fixity. Aristeas like Philo’s *De Vita Mosis* likely comes from a heavily Hellenized community in Alexandria.<sup>48</sup> Josephus is writing for his Flavian sponsors in Rome. Might it be that the strong desire for an authoritative version, tied so closely to the Alexandrian court in these accounts, has some link to the desire for authoritative versions of texts in the collections at the Serapeum and the Museum?<sup>49</sup> Support for this proposition may come in the form of the strong association Alexandria has with the allegorical model of exegesis.<sup>50</sup> It is only once texts find a fixed form (at least in the minds of some) that it becomes necessary to read them symbolically.<sup>51</sup> Though, obviously this myth does not communicate fact, it may inadvertently give a clue about the Hellenistic world’s role in igniting the spark of desire for a stabilized text.

<sup>46</sup> Ulrich, “Notion,” 28, n. 26.

<sup>47</sup> Emanuel Tov, “The Septuagint,” in Mulder and Sysling, eds., *Mikra*, 161-88, esp. 167.

<sup>48</sup> Tcherikover, “Ideology,” 60-61.

<sup>49</sup> Honigman, “Narrative,” 136-37, who includes a rather illustrative story from Galen about the lengths to which Ptolemy would go to acquire authoritative copies.

<sup>50</sup> Tcherikover, “Ideology,” 82.

<sup>51</sup> Sanders, “Issues,” 258. This would correspond with Sanders’ third stage of transmission, wherein God no longer acts within history and so humanity is forced to interact with the text in new ways.



## Jubilees 34:1-9: Joseph, the “House of Joseph,” and the Josephites’ Portion

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### Abstract

This paper analyses *Jub.* 34:1-9, an extra-biblical account of Jacob and his sons warring against the Amorites. Herein, the Jubilean author portrays Joseph as an exemplary family man who assists his brothers in fighting for and occupying the allotment of Ephraim and Manasseh. While Joseph’s portrayal corresponds to the favorable presentation of the patriarchs in *Jubilees*, it also highlights Israelite solidarity in the face of an enemy attack. Enhancing Jacob-Israel’s military prowess, this unity leads the Israelites to victory and thus to inheritance of the land. While these themes appear apposite to the Maccabean period in general, the pericope does not reflect a historical military campaign.

### Keywords

*Jubilees* 34; House and allotment of Joseph; inheritance of Canaan; Shechem; Gen 48:22

### Introduction

The biblical Joseph cycle—as the figure of Joseph himself—are treated in a wide range of Second Temple period Jewish texts, some composed in Hebrew or Aramaic in the Land of Israel, others written in Greek in the diaspora.<sup>1</sup> The book of *Jubilees*, dated to the second century B.C.E., falls

<sup>1</sup> For the former, see 4Q538; 4Q539; Sir 49:15; 1 Macc 2:53; *Jub.* 34:1-46:9; *L.A.B.* 8:9-10. For the latter, see Wis 10:10-14; the fragments from Demetrius the Chronographer and Artapanus in Eusebius, *Praep. ev.* 9.21.12-18, 9.23.1-4 respectively; Philo, *Joseph*; Josephus, *Ant.* 2.7-200; cf. also the possibly later works of *T. 12 Patr.* and *Jos. Asen.*

into the first category and devotes over six full chapters to narratives directly concerning Joseph.<sup>2</sup> Curiously, the majority of the literary units relating to Joseph, as well as this group of stories as a whole, have received only minimal scholarly attention to date. An exception to this rule is *Jub.* 34:1-9, an episode in which Joseph first appears on the Jubilean stage as a fourteen-year-old youth.<sup>3</sup> This pericope comprises an extra-biblical account of Jacob’s war against the kings of the seven Amorite cities in the “field of Shechem,” a narrative which appears to reflect Jacob’s final words to Joseph: “And now I assigned you one portion (כֶּבֶד) more than to your brothers

<sup>2</sup> *Jub.* 34:1-19, 39:1-40:13, 42:1-43:24, 45:1-46:9. For a discussion of *Jub.* 34-45, see J. C. Endres, *Biblical Interpretation in the Book of Jubilees* (CBQMS 18; Washington: Catholic Biblical Association, 1987), 171-95. Although fourteen Hebrew manuscripts of *Jubilees* were discovered at Qumran, only a very few words from the passage under discussion have survived in these (cf. 4Q223-224 2 i 4-5). While a Latin translation of *Jub.* 34:1-5 also exists, the full text of this literary unit—as well as of the book as a whole—is only preserved in Ge’ez. As VanderKam has demonstrated, this text closely reflects the Hebrew original: see J. C. VanderKam, *Textual and Historical Studies in the Book of Jubilees* (Missoula: Scholars Press, 1977), 91-95. Herein, we rely primarily upon VanderKam’s critical edition of the Ge’ez text: J. C. VanderKam, *The Book of Jubilees* (CSCO 510-11; Scriptores Aethiopici 87-88; Leuven: Peeters, 1989). For the dating of *Jubilees*, see idem, “The Origins and Purposes of the Book of Jubilees,” in *Studies in the Book of Jubilees* (ed. M. Albani, J. Frey, and A. Lange; Tübingen: Mohr Siebeck, 1997), 3-24.

<sup>3</sup> Other exceptions to this rule are *Jub.* 34:10-19, 46:1-9. For the mourning for Joseph (*Jub.* 34:10-19; cf. Gen 37), see C. M. Carmichael, “The Story of Joseph and the Book of *Jubilees*,” in *The Dead Sea Scrolls in their Historical Context* (ed. T. H. Lim et al.; London: T&T Clark, 2000), 143-58. His final words (*Jub.* 46:1-9; cf. Gen 50:22-26) have been subjected to scrutiny by B. Halpern-Amaru, “Burying the Fathers: Exegetical Strategies and Source Traditions in *Jubilees* 46,” in *Reworking the Bible: Apocryphal and Related Texts at Qumran* (STDJ 58; ed. E. G. Chazon, D. Dimant, and R. A. Clements; Leiden: Brill, 2005), 135-52; J. T. A. G. M. van Ruiten, “Between Jacob’s Death and Moses’ Birth: The Intertextual Relationship between Genesis 50:15-Exodus 1:14 and *Jubilees* 46:1-16,” in *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honour of Florentino García Martínez* (SJSJ 122; ed. A. Hilhorst, É. Puech, and E. J. C. Tigchelaar; Leiden: Brill, 2007), 467-89; J. C. VanderKam, “*Jubilees* 46:6-47:1 and 4QVisions of Amram,” *DSD* 17 (2010): 141-58. For studies of *Jub.* 34:1-9, see n. 6 below. The figure of Joseph in *Jubilees* has been studied by M. Niehoff, *The Figure of Joseph in Post-Biblical Jewish Literature* (Leiden: Brill, 1992), 43-44 and S. Docherty, “Joseph the Patriarch: Representations of Joseph in Early Post-Biblical Literature,” in *Borders, Boundaries and the Bible* (JSOTSup 313; ed. M. O’Kane; Sheffield: Sheffield Academic Press, 2002), 194-216, esp. 208-12; R. A. Kugler, “Joseph at Qumran: The Importance of 4Q372 Frg. 1,” in *Studies in the Hebrew Bible, Qumran and the Septuagint Presented to Eugene Ulrich* (VTSup 101; ed. P. W. Flint, E. Tov, and J. C. VanderKam; Leiden: Brill, 2006), 261-78, esp. 264-65.

which I wrested from the Amorites with my sword and bow" (Gen 48:22).<sup>4</sup> According to *Jubilees*, having sent his sons to Shechem to herd their flocks, Jacob himself remains behind in Hebron with Levi, Judah, and Joseph in order to tend the elderly Isaac. Benjamin stays at home as the "youngest." When the news reaches Jacob that his sons have been attacked by seven Amorite kings, he sets out to their aid with Levi, Judah, and Joseph. Having killed six of the kings personally by the sword, he makes peace with the Amorites, subjecting them and imposing a tribute upon them.<sup>5</sup>

From the first stages of Jubilean research, this story—paralleled in *T. Judah*, *Midrash Wayyisa'u*, and *Sefer Hayashar*—has prompted numerous comparative studies and/or discussions of its geographical-historical background, various scholars endeavouring to identify the cities specified and adducing its features in order to determine the date of *Jubilees*.<sup>6</sup> While

<sup>4</sup> See B. Beer, *Das Buch der Jubiläen und sein Verhältnis zu den Midraschim* (Leipzig: Wolfgang Gerhard, 1856), 3. Gen 48:22 constitutes the only biblical intimation that Jacob took part in a battle. Some ancient translations and interpretations understood the term כֶּסֶף as referring to the city (cf. LXX Gen 48:22 [Σίκιμοῦ]; cf. *Gen. Rab.* 97:6), others rendering it as a "portion" (cf. Aquila, *Tg. Neof.*, Vulgate). *Tg. Ps.-J.* combines both meanings. While *Jub.* 34:1-9 takes the noun to designate the city (Shechem), *Jub.* 45:14 interprets it as a "portion." All biblical quotations cited here are taken from the NJPS, unless otherwise indicated.

<sup>5</sup> Joseph does not play an independent role in earlier chapters. While *Jub.* 28:24 notes his birth, prior to the conflict story in *Jub.* 34:1-9 only his name appears in a genealogical list together with the remainder of Jacob's sons (*Jub.* 33:22). Endres (*Biblical Interpretation in the Book of Jubilees*, 171-72) thus correctly gives the title "Joseph's beginnings" to *Jub.* 34:1-21; cf. Docherty's similar observation ("Joseph the Patriarch," 209).

<sup>6</sup> For comparative studies of *Jub.* 34:1-9, see Beer, *Das Buch der Jubiläen*, 2-8; H. Rönisch, *Das Buch der Jubiläen oder die kleine Genesis* (Leipzig: Fues's Verlag, 1874), 390-98; J. Becker, *Untersuchungen zur Entstehungsgeschichte der Testamente der zwölf Patriarchen* (AGJU 8; Leiden: Brill, 1970), 114-25; A. Hultgård, *Leschatologie des Testaments des Douze Patriarches II: Composition de l'ouvrage textes et traductions* (Historia Religionum 7; Uppsala: Almqvist & Wiksell, 1981), 123-27; H. W. Hollander and M. de Jonge, *The Testaments of the Twelve Patriarchs: A Commentary* (SVTP 8; Leiden: Brill, 1985), 26-27, 185-86; E. M. Menn, *Judah and Tamar (Genesis 38) in Ancient Jewish Exegesis* (JSJSup 51; Leiden: Brill, 1997), 123-35, 142-43; J. Kugel, *Traditions of the Bible* (Cambridge: Harvard University Press, 1998), 369-73. For historical-geographical studies, see W. Bousset, "Die Testamente der zwölf Patriarchen, II," *ZNW* 1 (1900), 202-5; R. H. Charles, *The Book of Jubilees or the Little Genesis* (London: Adam and Charles Black, 1902), lxii-lxiii, 200-204; S. Klein, "Palästinisches im Jubiläenbuch," *ZDPV* 57 (1934): 7-27; J. C. VanderKam, *Textual and Historical Studies in the Book of Jubilees* (Missoula: Scholars Press, 1977), 217-54 (cf. also his later treatment of *Jub.* 34 in *The Book of Jubilees* [Sheffield: Academic Press, 2001], 73-74); K. Berger, *Das Buch der Jubiläen* (JSHRZ 2/3; Gütersloh: Mohn, 1981), 483-86;

these two methods have dominated the research of *Jub.* 34:1-9, Doran has recently argued that, in light of its biblical background and the context of *Jubilees* as a whole, the unit should rather be approached as literature.<sup>7</sup> Virtually no examination of the literary and exegetical features of this episode having been undertaken to date, the following comments represent an effort to redress this circumstance. As I hope to demonstrate below, such an analysis reveals Joseph's prominent role in *Jub.* 34:1-9. Joseph not only takes centre stage within the narrational universe, wherein, alongside Levi and Judah, he pursues the Amorites, but also appears "behind the scenes" in the details adduced from the biblical Joseph story and/or relating to the "House of Joseph" and the Josephites' portion.

While a detailed comparison of the parallel texts in *T. Judah* and the two midrashim lies beyond our present scope, it is noteworthy that *Jubilees* is the only source to mention Joseph by name—not to speak of ascribing him a prominent role in the battle.<sup>8</sup> This brief observation suggests that the Jubilean author deliberately chose to attribute a particular literary-ideological function to Joseph in his extra-biblical elaboration of Jacob's war with the Amorites. This assertion is further supported by the temporal structure in which the story is framed. In contrast to Genesis, where Joseph's dreams elicit his brothers' jealousy and hatred (Gen 37:1-11) and lead to the events at Dothan, the Jubilean narrative first places the "adult" Joseph on the

G. Schmitt, *Ein indirektes Zeugnis der Makkabäerkämpfe: Testament Juda 3-7 und Parallelen* (Wiesbaden: Reichert, 1983); A. Caquot, "Jubilés," in *La Bible: Écrits Intertestamentaires* (Paris: Gallimard, 1987), 627-815, esp. 766-67; Z. Safrai, "Midrash Wayyisa'u: The War of the Sons of Jacob in Southern Samaria," *Sinai* 100 (1987): 613-27 [Hebrew]; cf. also D. Mendels, *The Land of Israel as a Political Concept in Hasmonean Literature* (TSAJ 15; Tübingen: Mohr, 1987), 70-82. For further comment on *Jub.* 34:1-9 see L. Ginzberg, *The Legends of the Jews* (Philadelphia: JPS, 1909-38), 1:408-11, 5:315, n. 292; A. Jellinek, *Bet ha-Midrash* (2d ed.; Jerusalem: Bamberger and Wahrman, 1938), 3:ix-xiv [Hebrew]; M. de Jonge, *The Testaments of the Twelve Patriarchs: A Study of their Text, Composition and Origin* (Assen: Van Gorcum, 1975), 60-66; J. A. Goldstein, "The Date of the Book of Jubilees," *PAAJR* 50 (1983): 63-86; C. Werman, "The Attitude Toward Gentiles in the Book of Jubilees and Qumran Literature Compared with Early Tanaaic Halakha and Contemporary Pseudepigrapha" (PhD diss., Hebrew University of Jerusalem, 1995), 11-22 [Hebrew].

<sup>7</sup> R. Doran, "The Non-Dating of Jubilees," *JSJ* 20 (1989): 1-11, esp. 1-4; cf. also Endres, *Biblical Interpretation in the Book of Jubilees*, 171-73.

<sup>8</sup> *Jubilees* is also unique in presenting Jacob as the principal protagonist in the war against the Amorites, in line with the central role this patriarch plays in the book, the Jubilean author not only giving Judah secondary status but also equal ranking with Levi and Joseph: see n. 41 below.

scene prior to his brothers' plot (*Jub.* 34:10-19; cf. Gen 37:12-36), thereby offering an alternative "beginning" to the Joseph cycle by introducing him as a youthful warrior.<sup>9</sup> The full significance of this exegetical move is revealed through an examination of the description of Jacob's war against the Amorites in *Jub.* 34:1-9. By this means, the Jubilean author's ideological concerns are also elucidated: the proper conduct in/of war, the necessity of military combat for inheriting Canaan, the divine promises/blessings and their fulfilment, and Israelite-gentile relations.

### Jubilees 34:1-9<sup>10</sup>

<sup>1</sup> During the sixth year of this week of this forty-fourth jubilee [2148], Jacob sent his sons to tend his sheep<sup>11</sup>—his servants were also with them—to the field of Shechem. <sup>2</sup> Seven Amorite kings assembled against them to kill them from their hiding place beneath the trees and to take their animals as booty. <sup>3</sup> But Jacob, Levi, Judah, and Joseph remained at home with their father Isaac because he was distressed and they were unable to leave him. Benjamin was the youngest, and for this reason he stayed with him. <sup>4</sup> Then came the kings of Tafu, the king of Ares, the king of Seragan, the king of Selo, the king of Gaaz, the king of Betoron, the king of Maanisakir, and all who were living on this mountain, who were living in the forest of the land of Canaan. <sup>5</sup> It was reported to Jacob: 'The Amorite kings have just surrounded your sons and have carried off their flocks by force.' <sup>6</sup> He set out from his house—he, his three sons, all his father's servants, and his servants—and went against them with 6000 men who carried swords. <sup>7</sup> He killed them in the field of Shechem, and they pursued the ones who ran away. He killed them with the blade of the sword. He killed Ares, Tafu,

<sup>9</sup> When Joseph is first presented as an "adult" in Genesis, he is seventeen years old (Gen 37:2). The Jubilean author relates this temporal allusion to the time of his sale into Egypt (*Jub.* 39:1).

<sup>10</sup> English citations of *Jubilees* follow VanderKam, *The Book of Jubilees*.

<sup>11</sup> The rendering "his sheep" in *Jub.* 34:1 follows M. Goldmann, "The Book of Jubilees," in *The Apocryphal Books* (ed. A. Kahana; Tel Aviv: Masada, 1956), 2:288; Berger, *Das Buch der Jubiläen*, 491. While the majority of editions, including VanderKam (*The Book of Jubilees*, 2:225) prefer the plural suffix—i.e., "their sheep"—the singular suffix, which is "a strongly supported variant" (ibid.) seems to fit the context better, Jacob repossessing *his* flock at the end of the war (*Jub.* 34:8 [cf. 4Q223-224 2 I 5]). Gen 37:12-13, which constitutes the source of *Jub.* 34:1, likewise indicates that Jacob's sons were herding their *father's* sheep.

Saregan, Silo, Amanisakir, and Gagaas<sup>8</sup> and collected his flocks. He got control of them and imposed tribute on them so that they should give him as tribute five of their land's products. He built Robel and Tamnatares<sup>9</sup> and returned safely. He made peace with them, and they became his servants until the day that he and his sons went down to Egypt.

### Verse 1

In typical Jubilean style, the pericope first dates the episode—which takes place in the sixth year of the sixth week. This notation corresponds to other numerical data in the story structured around the figure six: three of Jacob's sons, along with six thousand servants, come to the beleaguered brothers' aid (*Jub.* 34:6), Jacob himself slaying six Amorite kings (*Jub.* 34:7).<sup>12</sup> It also establishes that Joseph was fourteen years old when the hostilities with the Amorites erupted (cf. *Jub.* 28:24), thereby announcing Joseph's stage entrance at "two weeks" old—in direct parallel to Abraham (*Jub.* 11:16-23).<sup>13</sup> In the tradition of his grand-grandfather, Joseph also proves that he walks in God's paths (cf. *Jub.* 34:2, 6).<sup>14</sup>

The literary unit proceeds to describe Jacob as "sending" his sons to "tend his sheep . . . to the field of Shechem" in accordance with the Genesis account: "One time, when his brothers had gone to pasture their father's flock at Shechem, Israel said to Joseph: 'Your brothers are pasturing in Shechem. Come, I will send you to them'" (Gen 37:12-13).<sup>15</sup> These verses

<sup>12</sup> Exceptionally, the Amorite kings were seven in number (*Jub.* 34:2); see below. The parallel narratives differ with regard to the number of Amorite kings Jacob and/or his sons kill. Thus while *T. Jud.* 3-7 refers to six Amorite kings, *Midrash Wayyisá'u* speaks of five (cf. Josh 10:1-27) and *Sefer Hayashar* (37-40) seven.

<sup>13</sup> See below on v. 5. *Jub.* 11:16-23 states that Abraham was fourteen when he separated himself from his idol-worshipping father and prayed to God to save him from error and sin. At the same age, Abraham also caused the ravens threatening to destroy the new seeds to flee, thereby enabling the people of Ur to plant their fields and consume their crops. For the chronology of Abraham's life in *Jubilees*, see J. C. VanderKam, "Studies in the Chronology of the Book of Jubilees," in *From Revelation to Canon: Studies in the Hebrew Bible and Second Temple Literature* (JSJSup 62; Leiden: Brill, 2000), 532-40; C. Berner, *Jahre, Jährwochen and Jubiläen* (BZAW 363; Berlin: de Gruyter, 2006), 278-83; K. D. Dobos, "The Consolation of History: A Reexamination of the Chronology of the Abraham Pericope in the Book of Jubilees," *Henoch* 31 (2009): 84-91.

<sup>14</sup> See below.

<sup>15</sup> VanderKam, *Textual and Historical Studies*, 218; Berger, *Das Buch der Jubiläen*, 491; Endres, *Biblical Interpretation in the Book of Jubilees*, 171, n. 26. As in Gen 37:12-13, *Jub.*

are further alluded to in the episode immediately following the conflict story, which constitutes a reworking of the brothers' plot against Joseph (*Jub.* 34:10-19; *Gen* 37:12-36). Hereby, the Jubilean author creates two sequential episodes employing analogous terminology and set in the same framework—namely, Jacob's sending of his son(s) to Shechem—thus linking the conflict story with the account of Joseph's brothers' scheme to harm him.<sup>16</sup>

The "field of Shechem" referred to in *Jub.* 34:1 most likely derives from this reference, in combination with *Gen* 33:18-19 and *Josh* 24:32, wherein the biblical text notes that Jacob bought a field "before the city" of Shechem for one hundred *qesitah*—the same "plot" in which Joseph is later buried—"which had become a heritage of the Josephites."<sup>17</sup> Joseph's first appearance on stage is thus associated with his burial site in his ancestral heritage. Since the "field of Shechem" was also the pasture in which Jacob's sons were herding their flock when the news of Dinah's rape reached Jacob, the circumstances at the eruption of the hostilities depicted in the Jubilean story parallel those prevailing during the earlier offensive at Shechem (*Gen* 34; *Jub.* 30).<sup>18</sup>

While *Jubilees* sets the war against the Amorites in the framework of the biblical account of the herding of Jacob's flocks at Shechem, it also significantly diverges from the Genesis account. All mention of Jacob's procurement of the field next Shechem and the biblical implication that Jacob's sons were tending their flocks in pastures purchased in peace by their father (*Gen* 33:18-19; cf. *Josh* 24:32) is thus lacking.<sup>19</sup> The omission

34:1 states that Jacob is in Hebron when he sends his son(s) to Shechem (cf. also *Jub.* 33:21-23, 34:3). For the question of whom Jacob sent, see the following note.

<sup>16</sup> Cf. *Jub.* 34:1: "During the sixth year of this week of this forty-fourth jubilee [2148], Jacob sent his sons to tend their sheep—his servants were also with them—to the field of Shechem" with *Jub.* 34:10: "During the seventh year of this week [2149] he [Jacob] sent Joseph from his house to the land of Shechem to find out about his brothers' welfare" (italics added). The affinities between these verses similarly draws the reader's attention to the contrast between the narratives: see the discussion of *Jub.* 34:6 below.

<sup>17</sup> For Shechem as belonging to the territory of the House of Joseph, see *Josh* 20:7, 21:21; 1 Chr 6:52, 7:28-29; cf. 1 Kgs 12:25.

<sup>18</sup> For the implied analogy between these stories and the implications of such parallelism, see the discussion of v. 2 below.

<sup>19</sup> The omission of the description of Jacob's trade with Hamor, Shechem's father, given in *Gen* 33:18-19 may reflect the Jubilean author's insistence upon the Israelites' separation from the gentile nations, a view laid out most prominently in *Jub.* 30: cf. Endres, *Biblical Interpretation in the Book of Jubilees*, 122; C. Werman, "Jubilees 30: Building a Paradigm for

of this fact on the one hand and the expansion of *Gen* 48:22 into a full-length narrative of Jacob's "wresting the field of Shechem" from the Amorites on the other, appear to exemplify the Jubilean author's belief that the Israelites' inheritance and possession of the Land was dependent upon military conquest.<sup>20</sup>

## Verse 2

The scene now moves to the Amorites at Shechem seeking to ambush Jacob's sons.<sup>21</sup> Here, the extra-biblical reworking of *Gen* 48:22 appears to be elaborated by details taken from the biblical description of Joshua's wars against the Amorites. The "seven Amorite kings" possibly reflects *Josh* 10:28-43, the depiction of their "assembling against" the Israelites likewise recalling other Joshuan texts (10:6; cf. 9:1-2).<sup>22</sup> While the clause

the Ban on Inter-marriage," *HTR* 90 (1997): 1-22, esp. 9. Cf. also Abraham's instruction to Jacob: "Separate from the nations, and do not eat with them. Do not act as they do, and do not become their companion..." (*Jub.* 22:16); see E. Schwarz, *Identität durch Abgrenzung* (Frankfurt: Peter Lang, 1982), 21-36; A. Shemesh, "Hilkhot ha-hibadlut shel kat midbar yehudah [The Separatist Halakhot of the Dead Sea Community]," in *Revealing the Hidden: Exegesis and Halakha in the Qumran Scrolls* (ed. C. Werman and A. Shemesh; Jerusalem: Bialik Institute, 2011), 246-54 [Hebrew].

<sup>20</sup> While the Jubilean author retains the account of the purchase of the cave of Machpelah—where, as at Shechem, several of the patriarchs are buried—he drastically abbreviates the negotiation with the Hittites, representing the episode as God's testing of Abraham (*Jub.* 19:1-9). He also inserts a lengthy extra-biblical account (*Jub.* 37:1-38:14) concerning Jacob's battle at Hebron to highlight his view that the land can only be possessed through military combat. For the affinities between *Jub.* 34:1-9 and *Jub.* 37:1-38:14 see notes 24, 41, 50, 58 and A. Livneh, "With my Sword and Bow: Jacob as Warrior in *Jubilees*," in *Rewriting and Interpretation: The Patriarchs in Light of the Dead Sea Scrolls* (BZAW; ed. D. Dimant and R. Kratz) (forthcoming).

<sup>21</sup> *Jub.* 34:1-4 consists of two parallel threads, the first relating to the events in Hebron (vv. 1, 3), the second to occurrences at Shechem (vv. 2, 4). The interweaving of these two strands creates the impression that these two episodes take place concurrently. The two units are linked by the report Jacob receives about the incident in Shechem (v. 5) and his setting forth from Hebron to the aid of his ambushed sons (v. 6). For literary devices of this type, cf. 1 Sam 17:12-20; 2 Sam 15-19.

<sup>22</sup> Joshua is himself a descendent of Joseph (cf. 1 Chr 7:20-29). The account of his war against seven Amorite kings (*Josh* 10:28-43) refers to Judahite cities, together with Gezer in Ephraim's portion (cf. *Josh* 16:3, 10). As Becker notes, however, the tension between the notation of seven kings in *Jub.* 34:2 and six kings in *Jub.* 34:7, together with other discrepancies in the story, may suggest that *Jub.* 34:1-9 constitutes a reworking of an earlier tradition of Jacob as warrior: J. Becker, *Untersuchungen zur Entstehungsgeschichte der Testamente*

“assembled against them to kill them...” may also derive from similar sources (cf. Josh 7:8-9), it also evokes Jacob’s rebuke of Levi and Simeon for their retaliatory assault on Shechem: “. . . if they [the inhabitants of the land] *gather themselves against* me [Jacob] and attack me, I *shall be destroyed*, both I and my household” (Gen 34:30 [NRSV; italics added]).<sup>23</sup>

Jacob’s war with the Amorites further parallels the aftermath of Jacob’s sons’ revenge on the Shechemites for Dinah’s rape (*Jub.* 30; cf. Gen 34). Having attacked Shechem, slain its inhabitants, and plundered their property, the avengers are subsequently assailed in the “field of Shechem” by locals seeking to kill them and take their animals as booty. While Jacob’s sons’ assault on the Shechemites was undertaken in righteous indignation over Dinah’s violation, however, the Amorite attack possesses no such moral grounds. In fact, while *Jubilees* presents the slaying of the Shechemites by Jacob’s sons as the means whereby divine judgment falls upon the former (*Jub.* 30: 5-6), the hostilities launched by the Amorite kings fall under the category of misdeeds relating to warfare (cf. *Jub.* 11:2).<sup>24</sup> The analogy thus serves to accentuate the Amorites’ wickedness, a characterization running throughout the Jubilean text.<sup>25</sup> Here, too, the Jubilean author also

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*der zwölf Patriarchen* (AGJU 8; Leiden: Brill, 1970), 114-16. Other inner “tensions” in the narrative are the names, which refer once to the Amorite cities and once to the kings (cf. *Jub.* 34:4/34:7), and the location of Jacob’s servants (at Shechem according to *Jub.* 34:1, at Hebron according to *Jub.* 34:6).

<sup>23</sup> This would support VanderKam’s suggestion (*The Book of Jubilees* [2001], 74) that “the location [of the battle] raises the possibility that this was the sort of attack that Jacob had feared after Simeon and Levi decimated the Shechemites.” With the exception of the notation mentioned above, however, no hint is given that the Amorite ambush constituted a late counter-attack in retaliation for the massacre at Shechem—which, according to *Jubilees*, took place five years (and three chapters) earlier. The parallel account in *Midrash Wayyisa’u* does imply such a connection, however, in juxtaposing the two incidents.

<sup>24</sup> *Jubilees* 11:2: “Noah’s children began to fight one another, to take captives, and to kill one another; to shed human blood on the earth, to consume blood; to build fortified cities, walls, and towers; men to elevate themselves over peoples, to set up the first kingdoms; to go to war—people against people, nations against nations, city against city; and everyone to do evil, to acquire weapons, and to teach warfare to their sons. City began to capture city and to sell male and female slaves.” While bloodshed and warfare are considered abominations in *Jubilees*, they are permissible under certain conditions. The positive portrayal of Jacob in the account of his war with the Amorites clearly demonstrating self-defence to be a legitimate act, the Jubilean author thereby depicts the patriarch as establishing his possession of the Land of Israel by means of a war of defence (cf. *Jub.* 37:1-38:14).

<sup>25</sup> “The Amorites—evil and sinful—lived in their [the Rephaim’s] place. Today there is no nation that has matched all their sins” (*Jub.* 29:11).

relates to the (extra) “portion” of land Jacob promises Joseph in Gen 48:22. The Amorite tactic of “hiding beneath the trees” is consistent with the depiction of the allotment given to the House of Joseph in Josh 17:18 as “forest land,” this verse being clearly alluded to in *Jub.* 34:4.<sup>26</sup> The Jubilean story also appears to form a reverse image of the slaying by the “men of Gath” of Ephraim’s sons who had “gone down to take their [i.e., the Gathites’] cattle” (1 Chr 7: 21)—the Amorites descending from mountains in the same area (i.e., the Ephraimite hills) in order to “plunder” Jacob’s sons’ flocks.<sup>27</sup>

### Verse 3

The plot now returns to Hebron and the circumstances within the ancestral house, thus picking up v. 1. As we have noted, Gen 37:12-14 implies that Joseph stayed at home with Jacob when his brothers were sent to pasture the flocks in Shechem—without explaining the circumstances. The Jubilean author reworks this text by placing not only Joseph but also Levi, Judah, and Benjamin at home with Jacob. While Benjamin’s presence derives from the biblical allusion to his being the “youngest” who therefore remains with his father (Gen 42:13), this depiction is consistent with the chronological data given in *Jubilees*, according to which Benjamin was only five years old when the hostilities with the Amorites erupted.<sup>28</sup>

The notation regarding Jacob, Levi, Judah, and Joseph’s presence at home, on the other hand, has no foundation in the biblical texts. By attributing their “abidance” to the fact that Isaac “was distressed and they were unable to leave him,” the Jubilean author signifies their fulfilment of the commandment “Honour your father and your mother” (Exod 20:12).<sup>29</sup> Jacob and his three “sons” thus demonstrate themselves to be dutiful offspring, a depiction corresponding to their favorable portrayal elsewhere in

<sup>26</sup> See below.

<sup>27</sup> Both the Jubilean conflict story and 1 Chr 7:21 portray the aggressors as failing to achieve their objective, dying in their self-initiated offensive (see *Jub.* 34:7-8).

<sup>28</sup> VanderKam, *Textual and Historical Studies*, 229. Thus, *contra* Kugler (“Joseph at Qumran,” 265), Benjamin did not stay at home to comfort Isaac.

<sup>29</sup> Cf. *Jub.* 35:12: “He [Jacob] has not separated from us from the day he came from Haran until today. He has continually been living with us at home (all the while) honoring us” (cf. also *Jub.* 29:14-20, 35:10). A similar interpretation of the fifth commandment as “not abandoning one’s parents” is attested in contemporary works: cf. Tob 4:3 (G<sup>11</sup>) and Sir 3:12 (Ms A).

the book.<sup>30</sup> This representation of Joseph sharply diverges from the account in Gen 37:9-10, wherein he is portrayed as a young upstart whom Jacob berates for dreaming that his parents will bow down to him.<sup>31</sup> Likewise, the fact that Levi, Judah, and Joseph are in Hebron when the Amorites attack saves them from the ambush and enables them to go to the aid of their brothers—an act of fraternal solidarity which further underlines their law-abiding character according to *Jubilees*.<sup>32</sup>

#### Verse 4

Here, the Jubilean author again resumes his account of the events at Shechem, at this juncture specifying the identity of the seven Amorite kings. Although such lists of kings recall biblical war narratives such as Gen 14 and Josh 10-12, the specific enumeration of cities in the area of Shechem in this verse is absent from the biblical text. Virtually all the sites referred to in the Jubilean list and identified with some certainty as referring to biblical toponyms are related to the territories of Ephraim and Manasseh, the clause “all who were living on this mountain, who were living in the forest of the land of Canaan,” alluding, as we noted above,

<sup>30</sup> Jacob and his sons are portrayed as dutiful offspring elsewhere in *Jubilees*: cf. *Jub.* 27:6, 29:14-20, 33:21-23, 35:10-12, 36:21-24, 38:1-14. The favorable portrayal of Jacob in *Jubilees* has been discussed in detail by Endres (*Biblical Interpretation in the Book of Jubilees*, 18-182) and Werman (“The Attitude Toward Gentiles,” 177-99). For the positive portrayal of Levi in *Jubilees*, see *Jub.* 30, 31:5-23, 32:1-10, 38:6; J. Kugel, “Levi’s Elevation to the Priesthood in Second Temple Writings,” *HTR* 86 (1993): 1-64; R. A. Kugler, *From Patriarch to Priest: The Levi Priestly Tradition from Aramaic Levi to Testament of Levi* (SBLEJL 9; Atlanta: Scholars Press, 1996), 139-70; J. C. VanderKam, “Jubilees’ Exegetical Creation of Levi the Priest,” *RevQ* 17 (1996): 359-73; idem, “Isaac’s Blessing of Levi and his Descendants in *Jubilees* 31,” in *The Provo International Conference on the Dead Sea Scrolls* (STDJ 30; ed. D. W. Parry and E. Ulrich; Leiden: Brill, 1999), 497-519. For the positive portrayal of Judah, see *Jub.* 31:5-23, 38:5 (cf. also *Jub.* 41). For the latter text, see A. Shinan and Y. Zakovitch, *The Story of Judah and Tamar* (Jerusalem: Hebrew University Press, 1992) [Hebrew], 151; M. Segal, *The Book of Jubilees: Rewritten Bible, Redaction, Ideology and Theology* (JSJSup 113; Leiden: Brill, 2007), 59-72. The positive portrayal of Joseph in *Jubilees* is an elaboration of the favorable depiction given in Genesis: see *Jub.* 39-40, 42-43 (esp. *Jub.* 39:6-7, 40:8); Niehoff, *The Figure of Joseph*, 41-46; Docherty, “Joseph the Patriarch,” 208-12; Kugler, “Joseph at Qumran,” 264-65.

<sup>31</sup> Bowing is a gesture of respect expected from children to their parents: see Gen 48:12; *Jub.* 33:21-23.

<sup>32</sup> See below on v. 6.

to the biblical description of the allotment belonging to the House of Joseph according to Joshua: “Then Joshua said to the House of Joseph: ‘...the hill country shall be yours, for though it is a forest, you shall clear it and possess it to its farthest borders; for you shall drive out the Canaanites...’” (Josh 17:17-18 [NRSV]).<sup>33</sup> By interweaving an allusion to this passage into his narrative, the author of *Jubilees* associates the two texts, implying that Jacob and his sons “drove out the Amorites” from the wooded hill country (*Jub.* 34:7-9) in the same way as the House of Joseph will subsequently succeed in doing—according to Joshua’s words—in later years (Josh 17:17-18).<sup>34</sup> He hereby denotes the significance of Joseph’s participation in the battle against the Amorite kings, in which he wins the right to the heritage which Ephraim and Manasseh will (also) inherit by the sword.<sup>35</sup>

#### Verse 5

Following the first four verses in which the scene shifts back and forth between Hebron to Shechem, the events in the two places being presented separately (vv. 1, 3 vis-à-vis vv. 2, 4), this verse links together the two subplots. While the “intelligence report” repeats the details given by the narrator in *Jub.* 34:2, it does not refer to the Amorites’ intention to kill Jacob’s sons, possibly due to the fact that—unlike the omniscient narrator—the anonymous messenger was ignorant of the Amorite scheme. It does, however, echo the account of Lot’s misfortune—likewise the consequence of an attack by an alliance of kings: “They also took Lot... and his possessions” (Gen 14:12). Both the biblical and Jubilean narratives thus recount the story of a group of kings taking Israelite family members captive and

<sup>33</sup> For the identification of the names of the cities as they appear in the Ge’ez translation of *Jubilees*, see esp. VanderKam, *Textual and Historical Studies*, 219-29, and n. 6 above. For these cities in the Hebrew Bible, see VanderKam, *ibid.*, and Goldstein, “The Date of the Book of Jubilees,” 83-86. For their occurrence in passages explicitly related to the allotments of Ephraim and Manasseh, see Tafu (תפוח; cf. Josh 16:8, 17:8), Gaaz (געז; cf. Josh 24:30; Judg 2:9), Betoron (בית חרון; cf. Josh 16:3, 5, 21:22; 1 Chr 6:53, 7:24). Cf. also the location of Selo (שלה) in the Ephraimite hills (Judg 21:19).

<sup>34</sup> In actual fact—as noted elsewhere in this chapter—the Josephites did not fully dispossess the Canaanites (Josh 17:12; cf. 16:10).

<sup>35</sup> Hereby, the Jubilean author links the patriarchs with the tribal portions in line with the method employed in such passages as 1 Chr 7:14-29, discussed above. For this feature in 1 Chr 7:21, see S. Japhet, *I & II Chronicles* (Louisville: Westminster, 1993), 181-82.

plundering their possessions, the patriarch concerned taking his servants and, pursuing the aggressors, defeating them, rescuing his relatives, and restoring their property.<sup>36</sup> The portrait of Jacob as warrior in *Jub.* 34 thus derives from a biblical account which demonstrates Abraham's prowess, thereby drawing a link between the two patriarchs.<sup>37</sup>

### Verse 6

This verse delineates the composition of Jacob's "army," Jacob himself standing at the head (both literarily and militarily), serving—as the story later indicates—as the principal protagonist of the battle by virtue of his position as "commander-in-chief" of the "Israelite" force.<sup>38</sup> Next are listed "his three sons"—an apparent reference to Levi, Judah, and Joseph (cf. *Jub.* 34:3).<sup>39</sup> In allotting these three figures a significant role in the battle, the Jubilean author signifies their fulfilment of the ordinance "Love your fellow as yourself" (Lev 19:18b), which he represents as acting as allies in time of war: "He ordered them . . . that they should love one another; that they should be like this in every war so that they could go against each one (who was) against them" (*Jub.* 20:2).<sup>40</sup> Their fraternal solidarity is further

<sup>36</sup> The first to note the similarities between *Jub.* 34:1-9 and Gen 14 was A. Caquot, "Jubilés," 766. Doran ("The Non-Dating of Jubilees," 1-4) and Werman ("The Attitude Toward Gentiles," 14) have further elaborated this association.

<sup>37</sup> See Doran (ibid.) and Werman (ibid.). Associations between Jacob and Abraham occur elsewhere in the book: cf. *Jub.* 19:15-31, 22:1-23:8, 25:5. The story of Abraham's war against the kings is elaborated in *Jub.* 13:22-29, a reworking which omits the account of the battle and Lot's deliverance, possibly indicating the Jubilean author's discomfiture with the idea that Abraham fought on behalf of the sinful ancestor of Moab and Ammon.

<sup>38</sup> See *Jub.* 34:7-9, below.

<sup>39</sup> Levi's military prowess is demonstrated by his "coming upon" Shechem after Dinah's rape (Gen 34), while Judah and Joseph's fighting capacities can be discerned from Jacob's blessings (Gen 49:8-10, 23-24). Since the latter text also refers to the skills of Dan, Gad, and Benjamin, it does not in and of itself explain the special role ascribed to Levi, Judah, and Joseph in the Jubilean conflict account: see below.

<sup>40</sup> Cf. ". . . the children of Israel . . . were of the same mind so that each one loved the other and each one helped the other" (*Jub.* 46:1); see D. Lambert, "Last Testaments in the Book of Jubilees," *DSD* 11 (2004): 82-107, esp. 88-90; *Jubilees* understands the ordinance "You shall not hate your kinsfolk in your heart" as referring to "malicious intent," specifically, the intent to murder: cf. *Jub.* 35:20, 36:4, 8-11, 37:4, 13, 18, 24. See A. Livneh, "Love Your Fellow as Yourself: The Interpretation of Leviticus 19:17-18 in the Book of *Jubilees*," *DSD* 18 (2011): 173-99, esp. 181-82, 195-97.

stressed by the fact that Leah's sons join forces with Rachel's son, Joseph, in assisting Leah, Bilhah, and Zilpah's offspring.<sup>41</sup> The love prevailing between Joseph and his brothers exemplified here stands in sharp contrast to the hatred and jealousy dominating their relationship in the opening pericope of the biblical Joseph narrative (Gen 37:1-11). Significantly, Judah and Levi's alliance with Joseph also reflects the collaboration between the southern and northern tribes.<sup>42</sup> Thus, while *Jub.* 34:1-9 links Joseph with the conquest of the Josephite portion, the victory is attributed to the combined efforts of Jacob and his sons—in accordance with the portrayal of the inheritance of Canaan as due to the cooperative efforts of the tribes (cf. Josh 1-12).

The participation of Levi, Judah, and Joseph in the battle further anticipates their future central role in Israelite history. While Joseph is destined to deliver his family from the famine (cf. Gen 45:7),<sup>43</sup> Levi and Judah are the progenitors of the priestly and royal lines respectively. Although the three sons all play a similar role, the significance attributed to it differs with respect to Levi and Judah on the one hand and Joseph on the other. Thus whereas Levi and Judah represent the law-abiding king and priest who *jointly* assist the Israelites in time of war, this episode portrays Joseph first as warring in the "field of Shechem"—territory explicitly defined as belonging to his House (Josh 24:32)—and subsequently as a loving sibling

<sup>41</sup> VanderKam's comment (*Textual and Historical Studies*, 229) that, since he was only fourteen years old, Joseph was "clearly too young for military duty" and that Levi and Judah may thus have led Jacob's forces is not supported by *Jub.* 34:6-7, which refers to three of Jacob's sons—i.e., Levi, Judah, and Joseph—joining their father *equally* in aiding their brothers and pursuing the Amorites. For fourteen as a suitable age for going to war, cf. *Gen. Rab.* 80:10 (to Gen 34:25), which maintains that Simeon and Levi were thirteen when they put Shechem to the sword. Cf. the alliance between Jacob's sons in their war against Esau, as reflected in their division into groups consisting of sons from different mothers (*Jub.* 38:4-8).

<sup>42</sup> "Judah" and "Joseph" designate the southern/northern tribes respectively in the Hebrew Bible itself: cf. Ezek 37:15-22; Ps 78:67-68; Zech 10:6. Cf. also 4Q372 1 13-15: אַמְרֵי [וּכְלִי] כּוּזַב יִדְבְּרוּ לְהַכְעִיס לְלוֹי וּלְיִהוּדָה וּלְבְנֵימִן בְּדַבְרֵיהֶם וּבְכַל זֶה יוֹסֵף [נָתַן] בְּיַד בְּנֵי נְאֻכָר. See E. Schuller and M. Bernstein, "4QNarrative and Poetic Composition," in *Wadi Daliyeh II and Qumran Cave 4 XXVIII: Miscellanea, Part 2* (DJD 28; ed. D. M. Gropp et al.; Oxford: Clarendon, 2001), 165-97.

<sup>43</sup> The chronological system of *Jubilees* links Joseph with another redeemer—Moses—who is born precisely four jubilees after Joseph (cf. *Jub.* 28:24, 47:10). The four jubilees separating the births of the two figures may reflect the "four generations" of enslavement indicated in Gen 15:16.



loyal to his brothers.<sup>44</sup> In the context of *Jubilees*, Joseph's conduct stands in contrast to that of his brothers as depicted in the following episode of their scheming against him (*Jub.* 34:10-19; Gen 37:12-36). Whereas Joseph practices brotherly love during the war, his brothers violate the same injunction by seeking to hurt him in the immediate aftermath. Joseph's subsequent complaint to his brothers—"Why did you repay good with evil?" (Gen 44:4; *Jub.* 43:2)—thus additionally adduces the concrete episode of his going to their aid.<sup>45</sup>

While the notation that Jacob's and Isaac's servants also join Jacob's men resembles the account of Abraham's forces in his war with the five kings (Gen 14:14), it introduces three unique elements. Firstly, Jacob takes not only his own servants but also Isaac's, further reinforcing the Jubilean presentation of the harmony between Jacob and Isaac.<sup>46</sup> Secondly, while Abraham pursues his enemies with a mere three hundred and eighteen servants (Gen 14:14), Jacob enters the fray with six thousand men, this huge number perhaps being intended to demonstrate Isaac and Jacob's great wealth in consequence of the divine blessing.<sup>47</sup> The depiction of the servants as "men who carried swords" recalls the characterization of warriors in general in the Hebrew Bible (cf. Judg 20:2; 1 Sam 25:13; 2 Kgs 3:26)—although it may also reflect the portrayal of Jacob as wielding a sword in Gen 48:22: "... which I wrested from the Amorites with my *sword* and bow."<sup>48</sup>

<sup>44</sup> Cf. the close cooperation between the law-abiding king and the priest in time of war depicted in the *Temple Scroll* (11Q19 56:15-59:21; cf. 61:12-15 [cf. Deut 20:2-4])—although there the context is legal and their collaboration takes place primarily in the context of a non-obligatory war: see Y. Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983), 1:344-62, 2:252-70; L. H. Schiffman, "Laws of War in the *Temple Scroll*," in *The Courtyards of the House of the Lord* (STDJ 75; Leiden: Brill, 2008), 505-18.

<sup>45</sup> Cf. Docherty's comment: "In this [Jubilean] account... Joseph is presented as an entirely virtuous character, the undeserving victim of his brother's plotting" ("Joseph the Patriarch," 210).

<sup>46</sup> Cf. the portrayal of Jacob as not abandoning his aged father in *Jub.* 34:3 (see above). The passage—which precedes the conflict account—stresses familial harmony (*Jub.* 33:21-23) by depicting Jacob as residing with his father in Isaac's house in Hebron. This circumstance explains how Jacob set out not only with his own servants but also Isaac's.

<sup>47</sup> Cf. Gen 26:12-14, 30:43-31:1, 36:6-7. As noted above, the number 6000 corresponds to other numerical data in the story which are multiples of six. It is also very large in comparison to the story of Jacob's war against Esau, which speaks of only two hundred servants fighting with Jacob's sons (*Jub.* 38:4-8). In the latter story, the small number of Jacob's men accentuates his victory against all the odds.

<sup>48</sup> See *Jub.* 34:7, below.

### Verses 7-8a

Verse 7 describes the clash between Jacob's forces and the Amorite kings at Shechem. The anaphora—i.e., the repetition of the phrase "he killed"—at the beginning of each clause highlights Jacob's central role in the war. Each of the clauses describes an aspect of the battle—the place (Shechem), the means (by the sword), and the object (the six Amorite kings). This three-fold depiction corresponds to the three principal elements in Gen 48:22, namely, שַׁחֵם (Shechem/portion), the "sword and bow," and the Amorites, clearly indicating that the author of *Jubilees* interpreted the idiom "with my sword of bow" literally.<sup>49</sup> He likewise distinguishes between Jacob and the remainder of his force by attributing divergent feats to each. While Jacob slays the enemy's commanders, his sons and servants "pursued the ones who ran away."<sup>50</sup> In denoting the fact that Jacob "collected ('*astagābā* 'a) his flocks" (cf. Gen 14:16), the Jubilean author closes the conflict account with an act parallel to that with which it opens: "Seven Amorite kings assembled (*tagābā* 'u) ... to take their animals as booty" (*Jub.* 34:2).

### Verses 8b-9

These two verses describe the outcome of the war, recalling the descriptions in the books of Joshua and Judges concerning the fate of some of the

<sup>49</sup> The bow, not attested in this Jubilean story, is Jacob's choice of weapon in his war against Esau (*Jub.* 38:1-3). For a literal interpretation of the expression "with my sword and bow," cf. *Tg. Ps.-J.* to Gen 48:22; *Gen. Rab.* 80:10, 97:6. Unlike *Jubilees*, these texts attribute the use of both weapons to a single battle in Shechem. Other ancient translations and interpretations understand this idiom figuratively: cf. *Tg. Neof.*; *Mek.* Beshallah 3, ll. 40-44; *Mek. de R. Simeon bar Johai* Beshallah to Exod 14:10; *b. B. Bat.* 123a; cf. Jerome, *QG* to Gen 48:22; and the surveys of M. Maher, *Targum Pseudo-Jonathan: Genesis Translated, with Introduction and Notes* (Collegeville: Liturgical Press, 1992), 156, n. 27 and C. T. R. Hayward, *Saint Jerome's Hebrew Questions on Genesis* (Oxford: Clarendon, 1995), 234-35. Of the four sources which recount Jacob's war against the Amorite kings, *Jub.* 34 is unique in depicting him as slaying them with his sword: *T. Jud.* 3:7 does not specify any weapon, while *Sefer Hayashar* and *Midrash Wayyisa'u* describe Jacob killing at least one king with his bow.

<sup>50</sup> For a similar "division of labor" between Jacob and his sons and servants, see the account of Jacob's opposition to Esau (cf. esp. *Jub.* 38:1-14). In contrast, the parallel accounts in *T. Jud.* 3-7, *Midrash Wayyisa'u*, and *Sefer Hayashar* all attribute the killing of the Amorite kings to both Jacob and his sons.

Canaanite/Amorite cities in Ephraim and Manasseh's allotments.<sup>51</sup> The precise tribute mentioned in *Jubilees*—"five of their land's products"—is most likely drawn directly from the Joseph story: "And when harvest comes, you shall give one fifth to Pharaoh" (Gen 47:24, cf. Gen 41:34, 47:26).<sup>52</sup> Interposed between the descriptions of the fate of the Amorites in the concluding sentence of the narrative (vv. 8-9) lies a clause relating to Jacob's "municipal" activities: "He [Jacob] built Robel and Tamnatares and returned safely" (*Jub.* 34:8-9). Although Genesis does not explicitly depict any of the patriarchs as establishing cities, Joshua is said to have consolidated the status of Tamnatares (סרח/תמנת חרס): "When they finished allotting the land by its boundaries, the Israelites gave a portion in their midst to Joshua son of Nun... they gave him the town that he asked for, Timnath-Serah in the hill country of Ephraim; he fortified the town and settled in it" (Josh 19:49-50).<sup>53</sup> The portrayal of Jacob in *Jub.* 34:8-9 thus appears to be modelled on Joshua as the military leader who, having "allotted the land" by conquest, built a city "in the hill country of Ephraim."<sup>54</sup>

Significantly, having erected Robel and Tamnatares, Jacob is said to have "returned safely [lit. in peace]." While this common biblical phrase on occasion signifies the protagonist's military success, in the Jubilean account it highlights the fact that Jacob did not move to the newly-built cities and

<sup>51</sup> While these were not dispossessed by the House of Joseph, they were subject to their control: see Josh 16:1-17:13; Judg 1:22-35 (the latter text indicating a similar phenomenon in additional northern tribes as well). Cf. also the more general statement in 1 Kgs 9:20-21.

<sup>52</sup> Cf. the reworking of these verses in *Jub.* 45:12: "Joseph took the king's fifth of the food which had been sown, and he left *four* parts for them for food and seed. Joseph made it a law for the land of Egypt until today" (original italics).

<sup>53</sup> According to Genesis, Jacob is said to have built a house and "stalls," the place consequently being named "Succoth" (Gen 33:14). The omission of this episode from *Jubilees* appears to derive from the author's efforts to present Jacob as a dutiful son who did not abandon his parents: the building of a permanent residence far removed from his father's home contradicts this image (cf. *Jub.* 7:13-16 and nn. 29, 30 above). Genesis explicitly ascribes the building of cities to earlier generations: cf. Gen 4:17, 10:11, 11:4, *Jubilees* attributing this activity also to Noah's sons (cf. *Jub.* 7:14-17, 11:2).

<sup>54</sup> Robel and Tamnatares are not mentioned prior to this episode (cf. *Jub.* 34:4, 7). While it is generally accepted that Tamnatares refers to Timnath-heres (תמנת חרס) (see Judg 2:9; cf. Josh 19:50), the precise identification of Robel (probably ארבבל) is less obvious: see VanderKam, *Textual and Historical Studies*, 227 and the references in n. 6 above. As VanderKam (ibid.) notes, if Robel is indeed ארבבל, it is located in the Galilee and thus stands out in the list of hill-country cities in the Jubilean conflict story.

thus abandon his parents in Hebron.<sup>55</sup> The reference to this construction campaign in the context of the wake of the war similarly represents the cities as Jacob's legitimate possession in Canaan. The fact that this detail also conjoins the two notations regarding Jacob's rule over the Amorites further emphasises the patriarch's rightful settlement in the Promised Land.<sup>56</sup>

The narrative of the war culminates with the notation: "He [Jacob] made peace with them, and they became his servants until the day that he and his sons went down to Egypt" (*Jub.* 34:9), a statement reinforcing the earlier depiction of the Amorites as paying tribute (*Jub.* 34:8). While the three elements of peace, servitude, and tribute occur in the laws governing war in Deut 20:10-11, the concluding clause emphasizes two aspects in particular. Firstly, the war—launched by the Amorites—ends in an Israelite-initiated peace. Hereby, the Jubilean author illustrates the disparity between the Amorites and Jacob-Israel: as they seek war, he pursues peace.<sup>57</sup> In light of *Jub.* 11:2, which presents fighting as an abominable act, the contrast between Jacob and the Amorites may be read as accentuating the moral disparity between the two parties: Jacob's righteousness vs. the Amorites' wickedness.<sup>58</sup>

Secondly, the Amorites' servitude to Jacob fulfils both Noah's curse against Canaan—"... let Canaan be his [Shem's] slave" (Gen 9:26)—and Isaac's blessing to Jacob: "Let people serve you and nations bow to you" (Gen 27:29). The Jubilean author assures his readers that these circumstances prevailed "until the day that he and his sons went down to Egypt"—i.e., as long as Jacob and his family were resident in Canaan to impose them.<sup>59</sup> The allusion to Canaan's curse—underscored by its occurrence in

<sup>55</sup> See Judg 8:9, 11:31; 2 Chr 18:19. Cf. the similar notation—"Jacob... returned to his house"—in the account of Esau's offensive against Jacob (*Jub.* 38:9).

<sup>56</sup> Cf. Goldstein, "The Date of the Book of Jubilees," 85; Werman, "The Attitude Toward Gentiles," 16.

<sup>57</sup> While *T. Jud.* 7:7, *Midrash Wayyisa'u*, and *Sefer Hayashar* all indicate that peace was made with the Amorites immediately following their plea to Jacob for mercy, the author of *Jubilees* ascribes the quality of peace-making to Jacob in accordance with his negative view of warfare.

<sup>58</sup> See above on v. 2. The account of Jacob's struggle with Esau (*Jub.* 37:1-38:14) likewise depicts Jacob as acting in self-defence.

<sup>59</sup> See Kugel, *Traditions of the Bible*, 371. For other reworkings of the theme of the curses against the surrounding nations, cf. *Jub.* 10:29-34, 23:30, 24:28-33, 36:8-11.

the conclusion of the story—exemplifies the Jubilean author's close interest in the curses against surrounding nations. Significantly, the Jacob-Esau war narrative presents the curse against Esau as realized in this battle (cf. esp. *Jub.* 38:10-14).

### Conclusion

This analysis of the extra-biblical account of Jacob's war with the Amorites demonstrates that *Jubilees* elaborates the reference to Joseph in Gen 48:22. Jacob "sends" his sons to Shechem while Joseph stays with his father, the war taking place in "the field of Shechem" wherein Joseph would later be buried and which would become his descendants' heritage. The plundering of the flock as grounds for an attack in the "Ephraimite hills"—and its unfortunate results for the aggressors—recalls the account of Ephraim's sons in 1 Chr 7:21, many of the cities indicated in the Jubilean account also being located within the Josephites' allotment. Jacob founds Tamnatares, described as being in "the hill country of Ephraim" in Joshua, immediately following the dispossession of his enemies. Finally, the Jubilean topographical and floral depiction of the Amorite towns as located in wooded mountains alludes to Joshua's promise to the "House of Joseph" that they will dispossess the Canaanites who live in the forested hill country.

This interweaving of various biblical passages based on their thematic affinity—a common exegetical method in Rewritten Bible texts—is not merely a technical device. In associating passages concerning the "House of Joseph" and their portion with a war fought by Jacob and his sons, the author of *Jubilees* thus elucidates Gen 48:22 in such a way as to assert that the Josephites' possession of their territory was accomplished by military combat during Jacob's lifetime. This emphasis, which is further reflected in the omission of the biblical episode concerning Jacob's purchase of the field near Shechem, demonstrates the author's concern over the Israelites' right to the land of Canaan, inheritance of which could only be achieved, in his view, through battle. In contrast to the biblical source, *Jubilees* portrays Joseph as participating in the battle against the Amorites, thus sharing in the responsibility for driving them out from the "forest land" of the "hill country"—just as his progeny will essentially succeed in doing during the settlement period. Since Joseph joins forces with Levi and Judah, the Jubilean episode exemplifies the collaboration between the northern and southern tribes in inheriting Canaan

Tracing the evocations of Joseph, his progeny, and their territorial holdings in *Jub.* 34:1-9 thus reveals the author's emphasis on Israelite unity in time of war as necessary for the possession of Canaan. Other details in the story indicate that military combat is also the method by which the patriarchal blessing to Jacob—"Let people serve you and nations bow to you" (Gen 27:29)—is fulfilled. Although war is perceived as the means by which the promise of the land and the patriarchal blessings alike are realized, Jacob—the prototype of Israel—does not initiate the hostilities, possibly since warfare and bloodshed are conceived as abominations in *Jubilees*. Rather, the Jubilean author depicts the patriarch as establishing his right to Canaan by means of a war of defence (cf. *Jub.* 37:1-38:14). The conflict—forced upon the peace-loving Jacob/Israel by the aggressive Gentiles—ends in an Israelite victory due to Jacob's/Israel's military capabilities and the fraternal love/unity exhibited by the Israelites.

The fact that many of the details in *Jub.* 34:1-9 are determined by exegetical, literal, and/or ideological considerations leads us to conclude that this story does not reflect an actual historical campaign. This determination does not preclude the possibility that the historical circumstances of the author's own days have exercised some influence on his text, however, the elements of inheriting Canaan through combat, fraternal solidarity in the face of an enemy, and the stress laid on Jacob-Israel's military prowess and success all being apposite to the Maccabean period in general.<sup>60</sup>

<sup>60</sup> I would like to thank Joseph Khalil for kindly sharing his observations regarding the figure of Joseph in *Jubilees* with me



## Reaction to Fergus Millar's article "A Rural Community in Late Roman Mesopotamia, and the Question of a 'Split' Jewish Diaspora"

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In *JSJ* 42 (2011) Professor Fergus Millar made an attempt to show that our thesis of the split Diaspora can be partly challenged since Aramaic and Hebrew can be found in Greek speaking areas in the West as well as in the Eastern Jewish Diaspora.<sup>1</sup> He adduces several examples to prove what he thinks will "complicate," as the abstract declares, "the recently-proposed conception of a "split" Jewish Diaspora" (p. 351). Unfortunately, Millar's article (especially pages 364-368) may be incorrectly understood by readers since it ignores much of what we have said in two English articles and a German book (where we added about 25% in addition to the two articles).<sup>2</sup>

In order to avoid misunderstandings we will repeat our thesis very briefly. We claim that the enormous rabbinic corpus which emerged during the 2nd to 5th centuries, included hundreds of rabbis from the eastern part of the Jewish Diaspora (the Land of Israel included). None, except for a few *dubious* ones in this corpus, emanate from the western Jewish Diaspora. The western Jews were not part of this cultural and religious

development. Whereas the eastern rabbis left an enormous oral heritage (which was written down much later), the western Jews left almost nothing. This *gap* was a fact, defined by us and described in the above mentioned studies. But we also made an attempt to explain why this gap (the so-called split Diaspora) occurred. We came to the conclusion that it was the result of a language divide, Greek and Latin in Western Jewry and Aramaic and Hebrew in the Eastern Jewish one. The occasional Hebrew on gravestones and other artifacts was a symbolic use by Jews but does not indicate a broad knowledge of Hebrew and Aramaic in the Western Jewish Diaspora (thus Jews there could not understand rabbinic literature that was never translated into Greek or Latin). Between the two zones there was a *third* one where people spoke Greek but where some Aramaic and Hebrew may have been known. Perhaps some rabbinic lore can be found there as well (namely in Egypt, Syria and the Land of Israel) (see the map on pages 104-105 of our German book, *Zweierlei Diaspora*). Most of the examples adduced by Millar to prove the existence of such a third zone, as well as some additional ones, have been discussed by us repeatedly and explicitly in these three studies. Thus it is quite clear that a careful reading of the two articles and in particular the German book would reveal that we have already detected the complexity that Millar wishes to show and that he does not reject our theory—an impression conveyed in the article—but rather supports it all along.

<sup>1</sup> Fergus Millar, "A Rural Jewish Community in Late Roman Mesopotamia, and the Question of a 'Split' Jewish Diaspora," *JSJ* 42 (2011): 351-374.

<sup>2</sup> Arye Edrei and Doron Mendels, "A Split Jewish Diaspora: Its Dramatic Consequences," *JSP* 16 (2007): 91-137, and 17 (2008): 163-187; Doron Mendels and Arye Edrei, *Zweierlei Diaspora. Zur Spaltung der antiken jüdischen Welt* (Göttingen: Vandenhoeck & Ruprecht, 2010).



BRILL

*Journal for the Study of Judaism* 42 (2011) 293-310Journal for  
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The *Journal for the Study of Judaism* (print ISSN 0047-2212, online ISSN 1570-0631) is published 5 times a year by Brill, Plantijnstraat 2, 2321 JC Leiden, The Netherlands, tel + 31 (0)71 5353500, fax + 31 (0)71 5317532.

**Greek Influence on the Composition of 2 Maccabees****Malka Zeiger Simkovich**

97 Williston Road, Brookline, MA 02445, U.S.A.

[mzeiger@brandeis.edu](mailto:mzeiger@brandeis.edu)**Abstract**

This paper is comprised of three parts. First, I compare festival motifs in 1 and 2 Maccabees to demonstrate that unlike 1 Maccabees, 2 Maccabees is holiday-centered and that it seems to equate holiday observance with religious piety. Because the abridger and audience of 2 Maccabees are familiar with the festival-centered Greek calendar, the observance of Jewish holidays is offered as an alternative to Hellenism. Second, I examine why prayer plays a more significant role in 2 Maccabees than 1 Maccabees. Although the prominence of prayer in 2 Maccabees might suggest a borrowing from biblical precedent, prayer passages in 2 Maccabees are more likely influenced by Greek drama and the genre of *mimos*. Finally, I attempt to demonstrate that, unlike 1 Maccabees, 2 Maccabees is temple-centered but not Judea-centered. This stems from the authors' and audience's unfamiliarity with the land of Israel but appreciation of temple-centralized worship. I conclude that 2 Maccabees is not necessarily intended as a refutation of the "Hasmonean propagandist's" 1 Maccabees, but is a retelling of Hasmonean history which emphasizes religious themes familiar to a diasporan audience.

**Keywords**

2 Maccabees, 1 Maccabees, Second Temple

**1. Introduction**

The author of 2 Maccabees recounts the Jewish revolt against Antiochus IV and the consequent period of Judean independence between the years 175-161 B.C.E. with a markedly different agenda than the author of 1 Maccabees, who covers roughly the same time period.<sup>1</sup> While the author

<sup>1</sup> 1 Maccabees covers Maccabean history until Simon's assassination in 136 B.C.E.

193/270 (bovine creature); 208/285 and Plate XII (ram's head); 306/91 (birds); 348/41 and Plate III (birds)

- (3) **menorah + at least two other Jewish ritual objects**—145/257 (recorded *lulavim* no longer extant); 151/347/Goodenough III, fig. 766; 200/331 and Plate XIV; 234/323 and Plate XIII; 250/233; 254/248; 283/535 and Plate XX (sarcophagus panel); 318/114; 331/6 and Plate I (painted); 351/188; 361/102 and Plate VI; 374/56; 382/192; 385/548; 416/194 and Plate VIII; 418/118; 479/565; 480/198; 484/67 and Plate IV; 499/550; 523/577 (sarcophagus; no longer extant); 545/580; *JJWE* II 432/Fasola, 58, fig. 26; *JJWE* II 566
- (4) **Rural scene with two types of birds, a dovecot (?) and a conical hut (?) representing Paradise?**—144/246
- (5) **Torah shrine with flanking ritual objects**—327/185 and Plate VII; 343/167; 401/187; 460/195; *JJWE* II 502/Fasola 20, fig. 7; *JJWE* II 515/Fasola 25, fig. 10; *JJWE* II 516/Fasola 26, fig. 11



## A Rural Jewish Community in Late Roman Mesopotamia, and the Question of a “Split” Jewish Diaspora

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### Abstract

This paper emphasises the significance of Syriac evidence for the history of the Jewish Diaspora, and then focuses on an episode in the Syriac *Lives of the Eastern Saints* by John of Ephesus, which records the demolition by the local Christians of the synagogue of a Jewish community established in a village in the territory of Amida. The significance of this story is explored in two inter-related ways. Firstly, there is the relevance of Syriac-speaking Christianity which, like Judaism, was practised on both sides of the Roman-Sasanid border. Secondly, the article suggests that the presence of Jewish communities in those areas of the Roman empire where Syriac or other dialects of Aramaic were spoken complicates the recently-proposed conception of a “split” Jewish Diaspora, of which a large part was unable to receive rabbinic writings because it knew only Greek. But for Jews living in areas where Aramaic or Syriac was spoken, there should have been no major linguistic barrier to the reception of the rabbinic learning of either Palestine or Babylonia.

### Keywords

Jewish communities, Late Antiquity, Roman Mesopotamia, Jewish Aramaic, Syriac

For Tessa Rajak

### Introduction

In the social and cultural history of the Late Roman Near East the sixth century C.E. occupies a very special place, whose significance has perhaps

not yet been sufficiently stressed. For it is then that historical narratives written in Syriac come to represent a major element in our source material, in a way which had not been the case before.

Among the most important of these authors is John of Ephesus, and the most illuminating of his writings for social and religious history is *The Lives of the Eastern Saints*, written in the 560's and strongly monophysite in tendency. It contains 58 relatively brief biographies of monks, and focuses, though not exclusively, on ones who came from his own homeland, the northern part of the Roman province of Mesopotamia.<sup>1</sup> It is the account which he gives of the confrontation between one of his heroes, Sergius, and the local Jewish community that will form the topic of this paper.

Though John, born in about 507, spent the second part of his life, from the 540's onwards, in Constantinople, and was nominally bishop of Ephesus, he was by origin and attachment, a Syriac-speaker from near Amida (Diyarbakir on the Tigris, whose massive walls still follow the line of the Late Roman defences).<sup>2</sup> Amida plays a major part in the narratives of Late Roman wars against Sasanid Persia, for instance in Ammianus Marcellinus;<sup>3</sup> and in Procopius' *Persian Wars* I-II and his *Buildings*.<sup>4</sup> But even within the context of Roman Mesopotamia, itself an inland region, far from the centres of Greek culture and urbanism in the East, the area of Amida was relatively remote. To its south lay the Tur Abdin, the "Mountain of the Servants (of God)," the heartland of a Syriac-speaking monasticism which was already thriving in the fifth-sixth centuries,<sup>5</sup> and which still persists today.<sup>6</sup> But the area which enjoyed a greater degree of prominence was the southern

<sup>1</sup> Text and translation by E. W. Brooks in *Patrologia Orientalis* XVII.1; XVIII.4; XIX.2 (Paris: Firmin-Didot, 1923, 1924, 1926). For the best modern treatment of this powerful and illuminating work, see S. A. Harvey, *Asceticism and Society in Crisis: John of Ephesus and the Lives of the Eastern Saints* (Berkeley: University of California Press, 1990).

<sup>2</sup> See esp. M. Van Berchem and J. Strzygowski, *Amida* (Heidelberg: Winter, 1910); T. A. Sinclair, *Eastern Turkey: an Architectural and Archaeological Survey* III (London: Pindar, 1989), 161f.

<sup>3</sup> See J. F. Matthews, *The Roman World of Ammianus* (London: Duckworth, 1989), ch. 4: "The North-Eastern Frontier."

<sup>4</sup> See G. Greatrex, *Rome and Persia at War, 502-532* (Leeds: Francis Cairns, 1998).

<sup>5</sup> See G. Bell, *The Churches and Monasteries of the Tur Abdin*, ed. M. M. Mango (London: Pindar, 1982); A. Palmer, *Monk and Mason on the Tigris Frontier: the Early History of the Tur Abdin* (Cambridge: Cambridge University Press, 1990).

<sup>6</sup> See the perceptive and sympathetic popular account by W. Dalrymple, *From the Holy Mountain: a Journey in the Shadow of Byzantium* (London: Flamingo, 1998), 88f.

part, the shelf of fertile territory stretching from the Euphrates at Zeugma to Edessa, Tela/Constantina, Reshaina/Theodosiopolis, Dara (from the early sixth century), Nisibis, and then the Tigris. From this shelf, two major rivers, the Balikh and the Chabur, and their tributaries, flowed south and eventually joined the Euphrates. This was the area which Septimius Severus had conquered in the 190's, which was subsequently divided into two Roman provinces, Osrhoene and Mesopotamia; and it was here that the failure of Julian's expedition meant that Nisibis was surrendered to the Persians in 363, thus producing a frontier cutting off the eastern third of a populous area, in both parts of which there lay a number of cities, in which Syriac was (at the least) in regular use alongside Greek, and was quite possibly the predominant language (see below).

The new frontier, running between Dara and Nisibis, was no Iron Curtain. However, if we take the history of Christianity in this area as a possible clue to relationships between Jewish communities in the two empires (see further below), both linguistic and doctrinal divisions are apparent. In Church councils and synods held within the Roman empire, Greek was the language most regularly used by bishops and clergy from Osrhoene and Mesopotamia, though Syriac makes an occasional appearance;<sup>7</sup> and when the baptistery at Nisibis was built in 359 C.E., four years before the city was surrendered to the Persians, the inscription recording this was in Greek.<sup>8</sup> Similarly, Tela/Constantina, which remained in the Roman Empire, produces a number of Late Antique inscriptions in Greek, including several which record bishops of the 5th-6th centuries. A few brief texts from Amida confirm that Greek was in use there too.<sup>9</sup> The whole area was also riven by conflicts, first over the Council of Ephesus of 431 C.E., and then over the doctrines promulgated at the Council of Chalcedon in 451, "monophysite" resistance to which indeed represents the key motif in John of Ephesus' *Lives*. It was in the course of this wider conflict that Syriac came to be characteristic of this doctrinal stand-point, leading to the formation of a separate Church (see below).

The principal Christian Church in the Sasanid empire, subsequently identified as "the Church of the East," on the other hand, appears to have

<sup>7</sup> For the fifth century, see F. Millar, *A Greek Roman Empire: Power and Belief under Theodosius II, 408-450* (Berkeley: University of California Press, 2006), 107-16.

<sup>8</sup> See F. Canali De Rossi, *Iscrizioni dello Estremo Oriente Greco* (Bonn: Habelt, 2004), Mesopotamia, no. 62 (p. 39).

<sup>9</sup> See Canali De Rossi, *Iscrizioni*, Mesopotamia, nos. 36-46, pp. 23-26 (Tela); nos. 50-51, p. 29 (Amida).

been firmly Syriac-speaking, at least from the moment of the first synod whose acts, written in Syriac, are preserved, namely that held at Seleucia/Ctesiphon in 410 C.E.<sup>10</sup> In this period relations with the Church in the Roman empire were still close, and a large part was played in the synod by Maroutha, bishop of Maipherkat (Martyropolis), a city lying east of Amida and the Tigris, but still (just) within the Roman empire; he had come on an embassy to Persia, and was instrumental in achieving the adoption of canons formulated by successive Councils of the Greek Church. At this point in time, the question of subscription to the “two-nature” doctrines of Nestorius did not arise, since his role as bishop of Constantinople, and his subsequent deposition, came later (428-431 C.E.). But by the later fifth and the sixth centuries, what is called the Church of the East was both accepted as the established church by the Sasanid kings, and was firmly wedded to those “two-nature” doctrines which in essence derived from Theodore of Mopsuestia, who had died in 428 C.E.,<sup>11</sup> while no avowedly “Nestorian” Church remained within the Roman empire.

Given the pressures, at some moments amounting to a real persecution, exerted on the monophysites in the empire by the “Chalcedonians,” it is not surprising that a separate “monophysite” Church (subsequently identified as the “Syrian Orthodox Church”) also began to form from the 540’s onwards,<sup>12</sup> or that some monophysites spilled over into the Sasanid empire, and thus came into conflict with the dominant, two-nature, “Nestorian” church there. Thus, for instance, the tenth of John’s *Lives*, that of Mar Simeon, eventually bishop of Beth Arsham, provides a brilliant series of images of conflicts within Christianity, producing effects which crossed the frontier between the empires.<sup>13</sup>

This Simeon, “the debater,” a monophysite like all the subjects of John’s *Lives*, is described as having been himself a Persian, and as having battled all his life against those of the “house of Nestorius.” Hence he combatted the doctrines of Theodore of Mopsuestia and of Nestorius, which were widespread within the Sasanid empire, as well as those of other heretics,

<sup>10</sup> See J.-B. Chabot, *Synodicon Orientale ou Recueil de Synodes nestoriens* (Paris: Notices et Extraits des Manuscrits de la Bibliothèque Nationale, XXXVII, 1902), 252-75 (French translation).

<sup>11</sup> For a clear account, see W. Baum and D. W. Winkler, *The Church of the East: a Concise History* (London: RoutledgeCurzon, 2003).

<sup>12</sup> See now V. L. Menze, *Justinian and the Making of the Syrian Orthodox Church* (Oxford: Oxford University Press, 2008).

<sup>13</sup> *PO* XVII.1, pp. 137-58.

such as Marcion, Bar Daisan and Mani. After the “school of the Persians” (a centre for the teaching of “two-nature” Christology, and until now located within the Empire) had been driven out of Edessa in 489, it had crossed the border to establish itself in Nisibis,<sup>14</sup> and Simeon travelled around within the Persian empire, debating against the “Nestorians” (modern scholars reject this term for the “Church of the East,” but contemporaries used it freely, if always in a hostile sense). When the “Nestorian” bishops persuaded the Persian king that the monophysites in his domains were pro-Roman traitors, he travelled to Constantinople and asked the Emperor Anastasius (491-518) to intercede to protect them. Later, he is found debating with the Katholikos of the Nestorians (seemingly Babai, 499-504) before a high-placed Persian official, when the point about monophysite loyalty to Rome and disloyalty to Persia was made again.

We need not pursue the further details in this narrative, but may rather note how John, writing in Constantinople, can report debates between Christians in the Sasanid empire, and can represent the doctrines of Nestorius as flourishing only in the Sasanid empire, while (as he claims) all others rejected them (*PO* XVII.1, p. 157). Both of these two rival Churches, as represented within the Sasanid borders, were evidently Syriac-speaking; but one was in general treated by the Sasanid kings as an “established” Church, while the other was suspected of too close relations with the monophysites in the Roman Empire, and on occasion with the Imperial court in Constantinople. I give this extended background because the question of religious contacts, and of linguistic relations across the border between the two empires, is fundamental also to the history of Late Antique Judaism, and the very rich Christian evidence offers an illuminating framework for that history.

It is another of John’s *Lives*, that on Simeon and Sergius, which gives a vivid picture of conflicts between the predominant Christians and a Jewish community established in a village near Amida, the *metropolis* of the Roman province of Mesopotamia, and raises many difficult questions, of both local and more general relevance. How common was Jewish rural, as

<sup>14</sup> See E. R. Hayes, *L’école d’Edesse* (Paris: Les Presses Modernes, 1930), and S. Gero, *Bar-sauma of Nisibis and Persian Christianity in the Fifth Century* (Louvain: Peeters, 1981). See now above all A. H. Becker, *Fear of God and the Beginning of Wisdom: The School of Nisibis and the Development of Scholastic Culture in Late Antique Mesopotamia* (Philadelphia: University of Pennsylvania Press, 2006), and now also his extremely useful presentation of the main Syriac texts, *Sources for the Study of the School of Nisibis* (Translated Texts for Historians 50; Liverpool: Liverpool University Press, 2008).



opposed to urban, settlement in this border area, or elsewhere? Can we assume that a Jewish community settled among Syriac-speaking Christians who used a language which was very similar to Jewish Aramaic, except for writing the same 22 letters in different forms and in a more cursive style, will themselves have been native speakers of Aramaic? And should we see the Jewish communities of the eastern borderlands of the Roman Empire as playing a mediatory role in relation to the long-established group of Jewish communities which were scattered over Sasanid Babylonia? We can return to such questions after looking at the details of John of Ephesus's report.

### Christians and Jews in the Territory of Amida

The context, in both time and space, of the conflicts affecting a rural Jewish community which John describes is provided by two successive and interconnected *Lives*, that of Abraham and Maro (*Life* 4), and Simeon and Sergius (*Life* 5).<sup>15</sup> As far as geography is concerned, Abraham and Maro came from a village called Kalesh in the territory of Amida, and then moved to a monastery called Ar'a Rabtha in the territory of Ingila, the city and bishopric to the north of Amida (*PO* XVII, p. 56). It was there that Abraham became a stylite, and apparently there, or near there, that the family of John of Ephesus lived, for it was Maro who by miraculous powers prevented his early death when he was born in the early years of the sixth century (pp. 60-64). Simeon, the elder of the two subjects of the next *Life*, came from the same village as that from which Abraham and Maro originated, and it was there (Kalesh) that he set up as a recluse (pp. 84-85), and evidently there that his disciple, Sergius, followed him, and after 20 years sought Simeon's permission to retire as a recluse himself (p. 90). The last few pages of the *Life* (pp. 108-11) serve to confirm that it was near the village of Kalesh that Simeon lived as a recluse, and that this was somewhere "in the northern country" in relation to Amida. As we will see below, the land on which the Jewish community was settled seems to have belonged to the church of Amida.

The context is a village in the territory of Amida (ܟܠܫܐ ܕܩܘܪܝܬܐ ܕܥܡܝܕܐ /KWR' HD' DMDYNT' 'MD, p. 109), in its northern sector, between Amida and Ingila, certainly one of the least-known areas of the

<sup>15</sup> *PO* XVII.1, pp. 56-84 (Abraham and Maro); pp. 84-111 (Simeon and Sergius).

Ancient World. The approximate date of the conflicts is much less clear. Simeon died after forty years as a recluse, and in his last days John of Ephesus was already in Constantinople, and came from there to see him (pp. 93-94), which seems to indicate a time not before the early 540's. For his part, Sergius had been Simeon's disciple for twenty years, when he asked his permission to become a recluse in his own right, and it was just before that that he launched his assault on the Jews of the village (p. 90). So it would seem that this episode belongs some time around the year 520, and it is perhaps significant that it is only after a few more pages of the narrative that the "persecution" of monophysites by the Chaldeonians (which belongs broadly to the 520's) becomes the central theme (pp. 95f.).

It should be stressed that attacks on Jews are not a recurrent motif of John's *Lives*, and indeed this is the only such event which is recorded in them. Furthermore, Kalesh was a place which John knew personally. He describes in the first person the sometimes excessive demands which Simeon made on visitors (p. 88), and, as we have seen, says that he visited him there towards the end of his life. So we must presume that the story of these Christian-Jewish conflicts has a basis in reality, however incomplete John's narration of them may be, and however much is left unclear.

This episode occupies some four pages (90-93) in the text and translation by E. W. Brooks, which is used here, and begins, as we saw earlier, at the moment when Sergius is about to take up the life of a recluse (trans. Brooks):

But, before doing this, because there were many Jews in that village, and they went about with great freedom (ܟܠܫܐ ܕܩܘܪܝܬܐ /PRHSY—παρηρησία), he carried on a continuous contest against them, and every day he used to contend against them as with slayers of God, being fervent in the love of his Lord, and gnashing his teeth, and saying: "These crucifiers of the Son of God should not be allowed to live at all"; and he used to upbraid Christians who had dealings with them in the way of taking and giving. And one day he led about twenty of their [Simeon's and his] disciples by night, and took fire, and went and burnt their great synagogue-house, with their books and their trumpets and all their furniture, saying "As for those who crucified my Lord Jesus, I will never make peace with them." But these men, when they saw that all their hope had been cut off through the burning of their books and of all their furniture, lamented bitterly; and, because they were settled in the territory of the church of Amida (ܟܠܫܐ ܕܩܘܪܝܬܐ ܕܥܡܝܕܐ /BTWTBWT' D'DT' D'MD), and used to pay many contributions

(ܣܪܓܝܘܣ /SNTLYS—συντελείας) to the members of the church, out of desire for the abundance of their gold all the members of the church became their supporters, threatening the blessed Sergius and saying: “This man wishes to destroy the property of the church.”

The way that events then unfolded can be set out more briefly, in a series of actions and reactions (pp. 91-93):

1. Some Jews go off to “the church of the city” (Amida) to make an accusation.
2. Sergius and followers damp down the fire, and in three days build a small *martyrion* (ܩܝܘܢܐ ܩܝܡܘܘܢܐ ܕܘܫܘܐ /BYT SHD’ Z’WR’) on the site of the synagogue, dedicated to the Virgin Mary.
3. The Jews who have made the accusation (nothing is said of any outcome) see that they cannot regain their synagogue, and burn down the huts in which the aged Simeon had been living.
4. Sergius rebuilds the huts.
5. The Jews begin to build another synagogue, which Sergius then pulls down.
6. Sergius carries out his plan to take to seclusion.
7. Encouraged by this, the Jews continue building a new synagogue, but Sergius’ followers burn it down “and so they (the Jews) desisted from building all the days of his life.”

The narrative then reverts to the “old man” (Simeon), his love of God and his ascetic practices, which he maintained for forty years in all. The story of Sergius’ conflict with the Jewish community of the village of Kalesh over the synagogue is thus a mere passing episode in these paired *Lives*. But if John of Ephesus did not stop to consider its implications, we certainly should. It is not of course that this story has not attracted attention already. It is recounted by J. B. Segal in his invaluable article in the Jews of North Mesopotamia,<sup>16</sup> and is mentioned by J. M. Fiey in discussing Jews and Christians in the Syriac-speaking East,<sup>17</sup> as indeed by J. A. S. Evans in his survey of the reign of Justinian.<sup>18</sup> But both the details of this episode, and

<sup>16</sup> J. B. Segal, “The Jews of North Mesopotamia before the Rise of Islam,” in *Studies in the Bible Presented to M. H. Segal* ספר סגל (ed. J. M. Grintz and J. Liver; Jerusalem: Israel Society for Biblical Research, 1964), 32\*-63\* at 60\*-61.\*

<sup>17</sup> J. M. Fiey, “Juifs et Chrétiens dans l’Orient syriaque,” *Hispania Sacra* 40 (1988): 933-53 at 941.

<sup>18</sup> J. A. S. Evans, *Justinian: the Circumstances of Imperial Power* (London: Routledge, 1996), 243.

the wider implications of the presence of Jews in a Syriac-speaking context close to the border with Sasanid Persia, deserve further examination.

Much remains obscure about the immediate context. On the Christian side, while the village of Kalesh was clearly inhabited by a Christian majority, whose children came in large groups to be taught by Simeon and Sergius (pp. 89-90), there is no reference to a presbyter or to a church there, or at least not until the *martyrion* is built on the site of the synagogue. There is, however, as we saw above, a reference to the church of Amida, in whose territory Kalesh lay, and John explains that the Jews were living “in the territory” of the church (see above), and made payments to it, apparently in cash. The reference must be to some economic relationship more concrete than simply living within the bounds of the civil territory, and ecclesiastical see, of Amida. So, though certainty is clearly unattainable, I would suggest that John means to imply that the Jews were tenants on lands owned by the Church. In the context of this episode, however, no bishop or other ecclesiastical official makes an appearance, and nothing is said about what actually happened when some of the Jews went to “the church of the city” to complain.

Nor do any civic authorities appear, or still less any Roman forces. Yet Imperial legislation of the late fourth century and earlier fifth had laid down categorically that the practice of Judaism was permitted, and that attacks on synagogues were forbidden.<sup>19</sup> Such attacks did take place of course, the best-attested being that on the synagogue in Menorca in 418, described in detail in the notorious letter of bishop Severus.<sup>20</sup> But it is striking that neither Severus nor John of Ephesus, composing his *Lives* in the Imperial capital, shows any sign of concern over the legality of the actions described, or any anticipation of consequential penalties.

What is recounted by John is, however, in no sense a pogrom. No injuries or deaths are recorded; the Jewish community remains in Kalesh, but without any identifiable synagogue, and (unlike the case of Menorca, where the entire Jewish community converts under pressure) there is no indication that conversion was at issue.

<sup>19</sup> See A. Linder, *The Jews in Roman Imperial Legislation* (Detroit: Wayne State University Press, 1987), nos. 21 (Theodosius, Arcadius and Honorius, 393 C.E.); 25 (Arcadius and Honorius, 397 C.E.); 40 (Honorius and Theodosius II, 412 C.E.); 46 and 47 (Honorius and Theodosius II, 420 and 423 C.E.). The repetition of this ruling tells its own story, and there is no evidence of its having subsequently been repealed.

<sup>20</sup> See the edition, translation and commentary by S. Bradbury, *Severus of Minorca, Letter on the Conversion of the Jews* (Oxford: Clarendon, 1996).

While we must allow for the possibility that John's narrative plays down or obscures inter-communal violence, the picture which he presents portrays the issue which was at stake as being solely that of the visible presence of a building, evidently substantial, identified as a synagogue; and the successive phases of the conflict centre on the destruction of the synagogue and its replacement by a Christian *martyrion*; and the violent destruction, in two distinct steps, of one designed, abortively, to replace it.

Nothing whatsoever is said about the Jewish community itself, or how large it was, or what proportion of the inhabitants of Kalesh it represented. Nor are any office-holders of the community recorded. The focus is solely on the synagogue itself, described literally (p. 90) as "their big house of the house of the Sabbath" (ܘܒܝܬܗܘܢ ܕܘܚܘܬܐ ܕܫܒܬܐ /BYT' RBT' DBYT ŠBT' DYLHWN), with their books (ܘܟܬܘܒܝܗܘܢ /SPRYHWN) and their trumpets (ܘܫܘܦܪܝܗܘܢ /ŠYPWRYHWN) and all their furniture (ܘܟܘܠܗܘܢ ܕܬܫܡܫܬܗܘܢ /KWLH TŠMŠTHWN). BYT' ŠBT' is the standard Syriac term for a synagogue, and the rather clumsy repetition is apparently intended to convey a sense something like "the large building which served as their synagogue," reinforcing the impression of the indignation felt by Sergius at the freedom of their conduct, and at the fact of active economic exchanges between members of the two communities.

Outside Palestine itself, it is very difficult to find clear evidence of Jews settled on the land as opposed to in cities. Indeed the only familiar example from within the Late Roman Empire is the reference in Libanius' oration *On Patronage* to Jewish tenants of his in a village in the territory of Antioch.<sup>21</sup> But Walter Ameling, in his excellent recent chapter on the inscriptions of the Jewish Diaspora in Asia Minor and Syria, draws attention to a plaque mentioning a synagogue at Ornithokome, which was perhaps a settlement in the territory of Sidon, and to a synagogue-mosaic of 605/6 C.E. from Han Halde south of Berytus.<sup>22</sup> It may be relevant, however, as we will see below, that the Jews of Sasanid Babylonia in this period were also largely settled in rural communities. How far they too lived side-by-side with Syriac-speaking Christian communities is a question which would deserve further examination.

<sup>21</sup> Libanius, *Oration XLVII*, 13.

<sup>22</sup> W. Ameling, "The Epigraphic Habit and the Jewish Diasporas of Asia Minor and Syria," in *From Hellenism to Islam: Cultural and Linguistic Change in the Roman Near East* (ed. H. M. Cotton, R. G. Hoyland, J. J. Price and D. J. Wasserstein; Cambridge: Cambridge University Press, 2009), 203-34 at 221.

All that we learn about the "large house of the house of the Sabbath" is that it contained, first, "their books," presumably a reference to the scrolls which contained the books of the Bible, and presumably in Hebrew. Might there also have been other books? The question of the linguistic and religious culture of Jews, both here and in the wider Syriac-speaking area on either side of the Imperial border, will be discussed later.

Then, among the contents of the synagogue, there were "their trumpets," clearly the shofars (ܫܘܦܪܘܬܐ), strictly rams' horns, not trumpets, used on various occasions, but above all on Rosh-ha-Shana. It was not surprising that this practice attracted the attention of their Christian neighbours; and it is interesting that John Chrysostom, in warning his congregation against the attractions of the synagogue in Antioch, specifically mentions trumpets.<sup>23</sup> There is therefore a clear implication that the Jewish community of Kalesh was equipped to follow the standard calendar of festivals. What the rest of their "furniture" consisted of is less clear.

Even if, at least during Sergius' lifetime, the synagogue of Kalesh could not be rebuilt, it is clearly indicated that the community itself persisted, and could have replaced its Biblical texts, its shofars and whatever other "furniture" it needed for worship now conducted (presumably) in a private house. We gain only this one brief glimpse of it, and know neither how it got there nor how long it remained. But much larger questions arise about the significance of a rural Jewish community established on the border of the Roman empire with Sasanid Persia. For, if there really was, further west, a diaspora which was "split" from the Jewish population of Palestine, and was unable to receive the "rabbinic" writings of Late Antiquity, whether deriving from Palestine or from Babylonia, because it knew only Greek (see below), what was the situation of Jews who lived not in a purely Greek-speaking environment but a Syriac-speaking one?

### Jewish Language and Culture in the Euphrates-Tigris Zone and in the Sasanid Empire

Strictly speaking, it is not correct to characterise the eastern frontier-zone simply as "Syriac-speaking," since Greek also remained in use there. We have noted already some examples of the scatter of Greek inscriptions from Mesopotamia, and it is also quite clear that in the fifth and sixth centuries

<sup>23</sup> John Chrysostom, *Adversus Iudaeos* I, 5 (*Patrologia Graeca* XLVIII, col. 851. See R. L. Wilken, *John Chrysostom and the Jews* (Berkeley: University of California Press, 1983), 149-50.

bishops from Roman Mesopotamia could and did participate in Oecumenical Councils or regional synods, and are attested on occasion as speaking or writing in Greek. Thus, for instance, Simeon of Amida attended a synod at Antioch in 448, and subscribed to its verdict in Greek; he was present at the Council of Ephesus in the next year, where he spoke in Greek to approve the reinstatement of Eutyches and (separately) the condemnation of Flavian of Constantinople and Eusebius of Dorylaeum; and he then subscribed in Greek at the end. He was also present at Chalcedon in 451, where he spoke again (in the opposite direction). Bishop Noah of the fort of Cepas also attended, and spoke and subscribed in Greek.<sup>24</sup> Similarly, shortly after the probable date of the conflict over the synagogue at Kalesh, a deacon named Eusebius was acting as the representative (*apokrisiarios*) in Constantinople of the church of Amida, and subscribed in Greek a letter to Pope Agapetus, sent in 535/6. It is worth stressing that if he had subscribed in Syriac this would have been recorded; for the same letter notes that bishop Dauithos of Circesium on the Euphrates subscribed “in Syriac” (Συριᾶ).<sup>25</sup> At the Fifth Oecumenical Council of 553, held in Constantinople, Cyriacus of Amida and Stephanus of Dara, cities which now both enjoyed the title “metropolis,” attended and subscribed in Greek.<sup>26</sup>

These details, behind which lies a complex story of conflict between “Chalcedonians” and Monophysites, and with that, as it seems, a changing balance between Greek and Syriac as the language of the Church in the easternmost areas of the Empire, are necessary simply to indicate that in the first half of the sixth century the public language of the church in Mesopotamia, and that in which its representatives could and did communicate on a wider stage, was still Greek.

That does not tell us which was the everyday language used by the monks who were the subject of John’s *Lives*, or of the villagers among whom they lived. But it is surely significant that, of those of his monks who originated from the Mesopotamian region, there is only one, Tribu-

<sup>24</sup> For a key to these details see R. Price and M. Gaddis, *The Acts of the Council of Chalcedon I-III* (Translated Texts for Historians 45; Liverpool: Liverpool University Press, 2005), Index A (vol. III, pp. 235-87).

<sup>25</sup> E. Schwartz, *Acta Conciliorum Oecumenicorum III* (Berlin: de Gruyter, 1940), 5.697 (Dauithos); 6920 (Eusebius), both on p. 150.

<sup>26</sup> Latin text of the Acts in J. Straub, *ACO IV.1* (Berlin: de Gruyter, 1971). See now R. Price, *The Acts of the Council of Constantinople of 553 I-II* (Translated Texts for Historians 51; Liverpool: Liverpool University Press, 2009), Index (II, p. 333f.).

nus from Sophanene (who may in fact have been a native Armenian speaker), of whom John attests that he was literate in Greek as well as Syriac: “his parents also set themselves to teach him to read and write Greek, and besides Greek he learned Syriac also”; he thus read the Scriptures in both Greek and Syriac.<sup>27</sup> More problematic, however, is the question of which was the language of the liturgy and of preaching, either in the city of Amida or in the surrounding villages. In the case of Sergius, John later (pp. 101-3) provides a wonderfully dramatic account of how he burst into the church at Amida while the Chalcedonian bishop was present, and a sermon was being preached; Sergius threw the preacher down and anathematised the Council of Chalcedon. But John does not record in what language the service was being conducted, or what language Sergius spoke. However, it does seem clear that, just as Syriac rapidly became the established language of the “Nestorian” Church of the East in the Sasanid empire (see above), it also (eventually) became, even within the Roman Empire, characteristic of the Monophysite church, which took the diametrically opposed Christological position, and which came step-by-step to separate itself in the course of the sixth century from the Chalcedonian church, which was firmly supported by the Emperors from Justin I (518-27 C.E.) onwards.

What is at least certain is that, just as Palestine itself was marked by co-existence between Greek on the one hand, and Aramaic (whether Jewish, Samaritan or Christian) and Hebrew (whether Jewish or Samaritan) on the other, so large areas of the Roman Near East were characterised by co-existence between Greek and Syriac. Or, to put it perhaps more accurately, Syriac steadily developed, and spread geographically, as a Christian language of culture alongside Greek and was expressed in translations from Greek, in the composition of original literary works (such as those of John of Ephesus), in the copying of magnificent *codices*, of which large numbers survive, and in inscriptions.<sup>28</sup> At the risk of offering too crude a generalisation, this pattern of bilinguality or co-existence, as between Syriac and Greek, was, in the sixth century, characteristic of, at any rate, the provinces of Syria, Euphratensis, Osrhoene and Mesopotamia, while there is some

<sup>27</sup> John of Ephesus, *Lives* 44 (*PO XVIII.4*, pp. 661-68), on p. 661.

<sup>28</sup> See F. Millar, “The Syriac Acts of the Second Council of Ephesus, CE 449,” in *The Council of Chalcedon in Context* (ed. R. Price and M. Whitby; Liverpool: Liverpool University Press, 2009), 45-69, and now S. Brock, “Edessene Syriac Inscriptions in late antique Syria,” in Cotton et al., eds., *From Hellenism to Islam*, 289-302.

evidence for the use of Syriac further south, in Phoenicia Libanensis and the province called "Arabia"—in fact the south of modern Syria and the north of Jordan (see below).

So, while we certainly can *not* say that this area was a world in which Greek had decisively lost its status as the prestige language, we must equally recognise that, for Jewish communities settled there, the cultural and linguistic context, and the options for self-expression in speech or writing, were profoundly different from those which prevailed in Asia Minor, the Black Sea region, Greece, Egypt, Cyrene and the central Mediterranean, in all of which Greek was without question the dominant language of culture, of communal (and ecclesiastical) business, and of daily life.

It is not surprising therefore that in these latter areas Greek soon came to dominate also in the communal life of Jewish communities settled there, and (until the first century C.E.) was an important language of Jewish literary expression; and also that (as it seems) the Greek translation of the Bible, made in the Hellenistic period was (at least) the prime channel through which it was studied.<sup>29</sup> It is this fundamental aspect of ancient Jewish history which has given rise recently to the important and stimulating proposal that we should imagine a "split" Jewish diaspora, the western part of which did not receive the abundant Jewish literature composed in Hebrew and Aramaic in Palestine and Babylonia in the Christian era, and could not have done so, for the simple reason that it had lost command of the languages concerned.<sup>30</sup> This conclusion may however be over-hasty. Reviewing the evidence for the Diaspora elsewhere, the author has drawn attention to scattered items of evidence which suggest that Hebrew, and in one striking instance Aramaic, was not wholly unknown even in the "Greek" Diaspora.<sup>31</sup> To summarise drastically, we find evidence of written Hebrew in Late Antique Sardis and in Chersonesus in the Crimea, as well as in fourth-century Sicily and in Late Roman Spain, while the remarkable Aramaic marriage-contract from Antinoopolis in Egypt,

<sup>29</sup> See now T. Rajak, *Translation and Survival: the Bible of the Ancient Jewish Diaspora* (Oxford: Oxford University Press, 2009).

<sup>30</sup> See A. Edrei and D. Mendels, "A Split Jewish Diaspora: Its Dramatic Consequences," *JSP* 16 (2007): 91-137; and 17 (2008): 163-87; and now *Zweierlei Diaspora* (Göttingen: Vandenhoeck & Ruprecht, 2010).

<sup>31</sup> F. Millar, "Christian Emperors, Christian Church and the Jews of the Diaspora in the Greek East, CE 379-450," *JJS* 55 (2004): 1-24; and "The Many Worlds of the Late Antique Diaspora: Supplements to the 'Cambridge History of Judaism', vol. IV," *JJS* 59 (2008): 120-38.

written in 417 C.E., shows that, there at least, there existed within the Jewish community the capacity to compose a legal document in the Aramaic of daily life, marked by numerous Greek loan-words.

The fifth-century theologian and Church Historian, Theodoret, presumably drawing on his personal experience in Syria, where he was born, and in the province of Euphratensis, where he was bishop of Cyrrhus, notes specifically that Hebrew was an unusual case among languages, in that Jewish boys did not learn it from birth, but only later in the course of their education. He certainly had some knowledge of both spoken and written Syriac, but he does not indicate what he took to be the first language of the boys.<sup>32</sup> We must therefore allow for the possibility that Hebrew was studied in the Diaspora, even if (no doubt) often not fully mastered, and not to a degree which would have allowed composition in Hebrew. We also have evidence of religious teachers in Diaspora communities: a *sophodidaskalos* ("teacher of wisdom"?), attested in the synagogue of Sardis in Asia Minor; and a *nomodidaskalos* ("teacher of the Law"?), recorded by Synesius as being one of the observant Jewish crew of a ship plying between Cyrene and Egypt. Rather significantly, at least as regards Christian conceptions, the same term appears twice in the fictional biography, perhaps written in the sixth century, of the fourth-century Christian writer and bishop, Epiphanius. According to this *Life*, Epiphanius, by origin a Jew from near Eleutheropolis in Palestine, was as a boy educated in the Bible by a pious Jewish *nomodidaskalos* ("an admirable man, and pious in accordance with the Law of Moses"), before he was converted to Christianity; later, in Egypt, he encountered another Jewish *nomodidaskalos*.<sup>33</sup> The Christian author, it seems, saw no reason to assume that similar Jewish religious teachers could not be found both in Palestine and in the Diaspora.

None of this evidence uses the term "rabbi." But Late Roman Jewish inscriptions from Italy and Spain do, and it seems over-cautious to argue that these persons (like those described as "rabbi" on Jewish inscriptions from Palestine) should not be seen as "real" rabbis.<sup>34</sup> Why not? At any rate

<sup>32</sup> Theodoret, *Questions on Genesis* 10, Qu. 61 (*Patrologia Graeca* LXXX, col. 165). See F. Millar, "Theodoret of Cyrrhus: A Syrian in Greek Dress?" in *From Rome to Constantinople: Studies in Honour of Averil Cameron* (ed. H. Amirav and B. ter Haar Romeny; Leuven: Peeters, 2007), 105-25.

<sup>33</sup> *Vita* of Epiphanius, *Patrologia Graeca* XLI.1, cols. 24-113, ch. 4 (Jewish *nomodidaskalos* in Eleutheropolis); 26 (Jewish *nomodidaskalos* in Alexandria).

<sup>34</sup> So S. J. D. Cohen, "Epigraphical Rabbis," *JQR* 72 (1981/82): 1-17. For a fuller discussion see F. Millar, "Inscriptions, Synagogues and Rabbis," *JSJ* 42 (2011):253-271.

the relevant function, namely religious instruction, is clearly reflected in the letter of Severus, mentioned above, recording the conversion of the Jewish community of Menorca. One of their leaders, Theodosius, is described as a *legis doctor* (again “teacher of the Law”) and, as Severus puts it, “if I may use their own phrase, *pater pateron*”—the Greek genitive plural preserved in Latin no doubt reflecting the fact that this was in origin an immigrant community from the Greek East.<sup>35</sup>

It goes without saying that these scattered items of evidence for the use of Hebrew or Aramaic, and for the presence of religious teachers, among Jewish communities in the Greek-speaking, and eventually the Latin-speaking, areas of the Empire, do not disprove the hypothesis of a fundamental linguistic split between the interconnected worlds of Palestine and Babylonia on the one hand, and the Mediterranean Diaspora on the other. But they do serve to raise some doubts as to whether a work such as the Mishnah, once embodied in written form (whenever that was, which is of course a highly controversial question), might not have been of interest even in the Graeco-Roman Diaspora, and might not have found there scholars who could understand and expound it.

That possibility in no way removes the contrast between Diaspora communities set in the context of a world where Greek, and in the west Latin, was the established language of both daily life and culture, and on the other those living in a context where one or other branch of Aramaic, written right to left in what was essentially the same alphabet of 22 letters as Hebrew (even if in different letter-forms), was (at the least) current along with Greek, and may have been the normal spoken language of daily life. If the members of Jewish communities in this area also used the Semitic dialect and script of the relevant locality in their daily life, how profoundly will this have affected their potential capacity to absorb and appreciate “rabbinic” works, which were written, whether in Hebrew or Aramaic, in the square Hebrew script, and which might have reached them from either Palestine in Babylonia? This question needs to be raised explicitly, because Edrei and Mendels, in their article of 2007 (n. 30 above) which first highlighted the problem of the “split” Jewish diaspora, do (p. 92) speak of an eastern diaspora extending “from Transjordan to Babylonia”—but then never return to the question of this intervening area. As it happens, however, this passing (and anachronistic) reference to “Transjordan,” which we could reasonably take to mean the province now called “Arabia” (see above)

<sup>35</sup> Bradbury, *Severus of Minorca, Letter*, 6.

is potentially quite significant. For, firstly, there is evidence for Jewish communities there, using Hebrew, Aramaic and Greek.<sup>36</sup> Secondly, in parallel with that, recent research has shown both that the use of Syriac by the Church could extend south to this region; and that it is also possible to map the evidence for the use of a distinctive dialect, and corresponding script, of Aramaic, used by Christians and often labelled “Christian Palestinian Aramaic,” but in fact found in Phoenicia, Palestine and Arabia.<sup>37</sup> So we should indeed accept that an eastern Jewish diaspora, existing in an environment where gentiles also might use Semitic languages as well as Greek, really did begin “across the Jordan.”

Moving further north and east, if we look at the linguistic evidence for Jewish communities in the Roman Near East,<sup>38</sup> from an earlier period, we can find in Dura on the Euphrates, destroyed in the 250’s, a Jewish community which used both Hebrew and Aramaic, written in the square Hebrew script, and also Greek, but in a context where, as the inscriptions and graffiti show, the normal language of gentile society was Greek. But in Palmyra in the same period the linguistic pattern was quite different, for both Greek and Palmyrene (another dialect of Aramaic, written in a very distinctive script) had an established place in public inscriptions, and very often in the form of bilingual inscriptions with parallel texts in the two languages. It is thus extremely important for the argument of this paper that we find at Palmyra a Jewish epitaph of 212 C.E. which is inscribed in

<sup>36</sup> For the Jewish presence in this area see F. Millar, “Christian Monasticism in Roman Arabia at the Birth of Mahomet,” *Semitica et Classica* 2 (2009): 97-115 at 103, unfortunately omitting the Jewish inscriptions, in Greek, Hebrew and Aramaic, in D. Noy and H. Bloedhorn, *Inscriptiones. Iudaicae Orientis III. Syria and Cyprus* (Tübingen, Mohr Siebeck, 2004), Syr 34-9 (pp. 52-59).

<sup>37</sup> For the use of Syriac and “Christian Palestinian Aramaic” in this area see now Millar, “Christian Monasticism”; R. G. Hoyland, “Late Roman Provincia Arabia, Monophysite Monks and Arab tribes: a problem of centre and periphery,” *Semitica et Classica* 2 (2009): 117-39, and “Mount Nebo, Jabal Ramm, and the status of Christian Palestinian Aramaic and Old Arabic in Late Roman Palestine and Arabia,” in *The Development of Arabic as a Written Language* (Supplement to the Proceedings of the Seminar for Arabian Studies 40; ed. M. C. A. Macdonald; Oxford: Archaeopress, 2010), 29-46. The latter two papers constitute a major advance as regards the linguistic history of the area.

<sup>38</sup> For these points see Millar, “The Many Worlds,” 129-32, and also D. Noy, “The Jews of Roman Syria: The Synagogues of Dura-Europos and Apamea,” in *Aspects of the Roman East* (ed. R. Alston and S. Lieu; Turnhout: Brepols, 2007), 62-80, and Ameling, “The Epigraphic Habit.”

both Greek and Palmyrene, using the Palmyrene script.<sup>39</sup> Moreover, at some stage in the life of Palmyra, and perhaps very late, the Hebrew Bible was known, as is shown by a series of extracts from Deuteronomy carved, in square Hebrew lettering, on a doorway.<sup>40</sup> The most striking evidence, however, is provided by the epitaphs of Jews from Palmyra found in the necropolis of Beth Shearim in Palestine.<sup>41</sup> These texts are also in Palmyrene script, and several, though not all, have parallel Greek versions. In this case, therefore, it is undeniable that the Jews of Palmyra both adopted the Aramaic/Greek linguistic pattern of their place of residence, and also retained contact with the Jewish community of Palestine, and hence with Hebrew.

A further possibility is raised by a Hebrew inscription from Beth Shearim,<sup>42</sup> reading

This is the tomb of Rabbi Isaac son of Moqim(os). Peace

הקבר הזה שלרבי יצחק בן מקים. שלום

Given that “Moqim(os)” is a well-attested Palmyrene name,<sup>43</sup> and that his son, Rabbi Isaac, is also recorded several times in Greek, it must be very probable that he too had roots in the Jewish community of Palmyra. If so, had he come to Palestine to function as a rabbi? Or had he fulfilled that role in Palmyra itself?

Similarly suggestive of an interplay between Greek, Hebrew and another dialect of Aramaic, namely Syriac, is a bilingual Jewish tomb-inscription of uncertain date from Edessa. Here the script of the Semitic-language part of the inscription is Hebrew, but the language of opening phrase is Syriac: **בֵּיעֵלְמָא הַנָּא**—“this is the tomb” (literally “house of eternity”).<sup>44</sup> Slight as it is, this evidence is enough to suggest that there was no insurmountable linguistic barrier dividing the Jews of Arabia, eastern Syria, the Euphrates valley and Osrhoene from their fellow Jews in Palestine.

<sup>39</sup> Noy and Bloedhorn, *Inscriptiones*, Syr 46 (pp. 77-79).

<sup>40</sup> Noy and Bloedhorn, *Inscriptiones*, Syr 44-7 (pp. 70-75).

<sup>41</sup> Noy and Bloedhorn, *Inscriptiones*, App. 1 (pp. 227-32).

<sup>42</sup> Noy and Bloedhorn, *Inscriptiones*, App. 1 no. 3 (pp. 228-29).

<sup>43</sup> See J. K. Stark, *Personal Names in Palmyrene Inscriptions* (Oxford: Clarendon, 1971), 35-37 (index of names under MQYMW); J.-B. Yon, *Les notables de Palmyre* (Beyrouth: Institut français d'archéologie du Proche-Orient, 2002), 290.

<sup>44</sup> Noy and Bloedhorn, *Inscriptiones*, Syr 80 (pp. 130-32); see also 78 (pp. 128-29).

From the later fourth, fifth and sixth centuries there is no further inscriptional evidence for Jewish communities in the zone—along the Euphrates and to the east of it—where Syriac was most firmly established, to match the synagogue inscriptions in Greek, Hebrew and Aramaic from Late Antique Palestine. But, to summarise material collected elsewhere, literary evidence of various types records Jewish communities at Callinicum on the Euphrates, at Edessa and at Tela/Constantina.<sup>45</sup> For what it is worth, the Syriac “Julian-Romance,” a Christian historical novel probably written in the early sixth century, represents the Jews of Edessa as sending a delegation to the Emperor Julian in 363 C.E., headed by a “Chief of the synagogue of the Jews” (**ܪܒܝܢܐ ܕܩܝܡܐ ܕܩܝܡܐ** /RB KNWŠTHWN DYHWDY').<sup>46</sup>

These items of evidence are sufficient to make clear that Jewish communities were an established element in the ethnic and religious make-up of Late Roman cities in Euphratensis and Osrhoene, and thereby that they functioned in an environment where Syriac at least co-existed with Greek, and was perhaps the normal language of everyday life. It was also the language in which an important series of Christian *codices* were copied in this area (see below). The same use of Syriac in daily life was surely true of Amida and its territory, though it should be admitted that in John's *Lives*, of course themselves written in Syriac, the general use of Syriac by his holy men and in the villages where they lived is implied rather than specifically stated.

Amida, however, as we have seen, was relatively a backwater. The area which had much much greater significance in religious and cultural history was the more southerly part of Roman Mesopotamia, from Edessa to Nisibis and the Tigris. Until 363 C.E. Nisibis had been in Roman territory, and when it was then lost to the Persians, Ephrem, the greatest of Syriac writers, left it, his native city, and settled in Edessa. A century later, as we have seen above, the Nestorian “school of the Persians” was forced out of Edessa and settled in Nisibis. As J.B. Segal emphasized long ago, the frontier which was now imposed west of Nisibis cut across an area of common culture.<sup>47</sup> This frontier, however, did not wholly prevent movement, and it

<sup>45</sup> See F. Millar, “Community, Religion and Language in the Middle-Euphrates Zone in Late Antiquity,” *SCI* 27 (2008): 67-93 at 82-84.

<sup>46</sup> See F. Millar, “Rebuilding the Jerusalem Temple: Pagan, Jewish and Christian Conceptions,” *Vestnik Drevnei Istorii* 264 (2008): 19-37 at 30.

<sup>47</sup> J. B. Segal, “Mesopotamian Communities before the Rise of Islam,” *Proc. Brit. Acad.* 41 (1955): 109-39 at 133.

is fundamental to the theme of this paper that rabbis moving between Palestine and Babylonia, as they regularly did, must have passed through Osrhoene, and sometimes through Roman Mesopotamia—unless the more southerly route, through Damascus and Palmyra and then to the Euphrates (where Dura was now deserted), was still also in use. Otherwise, the normal route was to cross the Euphrates at Zeugma—where we hear from Theodoret of a monastery made up of separate groups of Greek- and Syriac-speakers<sup>48</sup>—and to turn south down the River Balikh to meet the Euphrates at Callinicum (where, as we saw above, there was a synagogue, in the late fourth century at least), and then on to the confluence of the Euphrates and the Chabur at Circesium, which was now the last Roman outpost (whose bishop, as we saw above, subscribed in Syriac at the Council of Constantinople in 536 C.E.). The traveller, rabbinic or otherwise, would then continue down the Euphrates. It still required a journey of some 400 km to reach the borders of the main area of Jewish settlement in Babylonia. Very little is known of the population or culture of the settlements along the river, and the best description is provided by Ammianus' account of Julian's campaign in 363 C.E., which brings him to a *civitas*, unfortunately not named, which had been deserted by its Jewish inhabitants.<sup>49</sup> The army must by this time have been near to the main area of Jewish settlement, as mapped out by Aharon Oppenheimer.<sup>50</sup>

The other regular route was to cross Osrhoene and Mesopotamia to Nisibis, before turning south to travel along, or near, the Tigris. At Nisibis, the rabbinic traveller will immediately have encountered a Jewish community, equipped with a well-known *yeshiva* (to parallel the Syriac-speaking Christian "School of the Persians," which had been established there in 489). Or so it seems, for the map of Jewish settlement in Babylonia, as reflected in the Babylonian Talmud, shows just how far (some 400 km or more) Nisibis was from the borders of the main area of Jewish settlement, which lay north and south of Seleucia/Ctesiphon. But the evidence (Oppenheimer, pp. 319-34) seems to leave no doubt that it is this Nisibis which is referred to, even if there was also a smaller one near Nehardea: "Nisibis, which she (Rome) sometimes swallows and sometimes spits out"

<sup>48</sup> Theodoret, *Historia Religiosa* 5.5-6. See P. Canivet and A. Leroy-Molinghen, *Theodoret de Cyr, Histoire des Moines de Syrie I* (Paris: Le Cerf, 1977), 334-38.

<sup>49</sup> Ammianus XXIV.4.1.

<sup>50</sup> A. Oppenheimer, *Babylonia Judaica in the Talmudic Period* (Wiesbaden: Reichert, 1983), map inside rear cover.

(*b. Qidd.* 72a). It is very suggestive that in the same Syriac-speaking city there was in Late Antiquity both a Christian (Nestorian) and a Jewish centre of learning, even if we have no evidence of mutual contacts.<sup>51</sup> However, the contemporary Syriac church historian, Barhadbeshabba, does record an alleged plot by the Jews of Nisibis against Abraham of Bet Rabban, who was head of the Nestorian school in 510-569.<sup>52</sup>

In Babylonia also, therefore, a Late Antique Jewish community whose scholarly members wrote in Jewish Aramaic (and extensively quoted the Hebrew of the Bible and the Mishnah), using the square Hebrew letters, co-existed with a widespread Christian presence, predominantly "Nestorian," whose scholars and bishops wrote in a different dialect of Aramaic, namely Syriac, written in the identical alphabet, but with different letterforms, and constituting a semi-cursive script. David Taylor has demonstrated that the grammar of simple sentences showed some variation in the different dialects and scripts of Aramaic,<sup>53</sup> and it must remain uncertain whether these dialects were all mutually intelligible when spoken; or whether a Jew in Edessa, where bishop Rabbula converted a synagogue into a church in 412 C.E., could have read easily, or at all, the beautiful Syriac *codex* written there in the previous year.<sup>54</sup>

However, whatever doubts we may have about the mutual intelligibility of dialects of Aramaic, or the scripts in which they were written, the same reasons which led the Jewish diaspora communities of the Mediterranean region to adopt Greek as the language of their communal life, and as the means of communication with their non-Jewish neighbours, will surely have meant that in Sasanid Babylonia the same two roles were played by Aramaic. Their own version of Aramaic will have been used in daily life by the Jews settled there, and it, or some variety of it, must have been the

<sup>51</sup> Note the interesting observations by A. H. Becker, "The Comparative study of 'Scholasticism' in Late Antique Mesopotamia: Rabbis and East Syrians," *Association for Jewish Studies Review* 34 (2010): 91-113.

<sup>52</sup> See Becker, *Fear of God*, 81.

<sup>53</sup> D. Taylor, "Bilingualism and Diglossia in Late Antique Syria and Mesopotamia," in *Bilingualism and Ancient Society: Language Contact and the Written Text* (ed. J. N. Adams, M. Janse and S. Swain; Oxford: Oxford University Press, 2002), 298-331 at 303.

<sup>54</sup> See W. H. P. Hatch, *An Album of Dated Syriac Manuscripts* (Boston: American Academy of Arts and Sciences, 1946; second edition with Foreword by L. van Rompay), no. 1. For further examples of dated mss written in this area in the fifth and sixth centuries see no. 4 (Amida); and nos. 6; 12; 16; 19-20; 23 and 28 (all from Edessa). Several others were written by scribes who identify themselves as Edessene.



vehicle through which they communicated with the gentile pagans and Christians inhabiting the same area.

Nisibis, as a frontier town far to the north, which had been in the Roman Empire—with interruptions in the third century—from the 190's to 363, and had had the status of a Roman *colonia*, may have remained partly Greek-speaking for a time after 363. But already in 410 C.E. its bishop was attending a synod held at Seleucia-Ctesiphon whose proceedings, as we have seen above, were conducted in Syriac. Meanwhile, the students at the *yeshiva* there will have spoken and written in Jewish Aramaic, but must have been familiar also with the Hebrew of the Bible and the Mishnah. On the Roman side of the frontier, in Amida, in the cities of southern Mesopotamia and along the Euphrates, in those places where there were Jewish communities, a similar linguistic pattern will have prevailed, except that Greek, as well as Aramaic or Syriac, will also have played a role as a language of daily life, of public life, and of culture.

The Jews of the village of Kalesh, meeting in their “house of the Sabbath” with its books and trumpets, will surely also have read the Bible in Hebrew, perhaps with the aid of Targumim in Aramaic (but surely not of any translation into Greek); and they presumably conducted their economic exchanges with their Christian neighbours in the Syriac of the region. But when they went to complain in the church of the *metropolis*, Amida, it is not impossible that they will have had to use Greek.

### Conclusion

John of Ephesus in his *Lives* happens to offer us the surprising revelation of a Jewish community with a synagogue located in a village in the territory of Amida—itself a very remote place which acquired some prominence only from its role in the Roman-Persian wars. Whether in Mesopotamia more generally, or indeed anywhere else in the Roman East, Jewish communities were often to be found in villages remains a mystery; but in Sasanid Babylonia this was clearly the normal pattern.

What this item of evidence does do is to complicate the picture of a “split Jewish Diaspora,” namely the idea of there having been two, but only two, Semitic-language contexts of Jewish life, Palestine and Babylonia, whose literary products were, for linguistic reasons, not accessible to the Jews of the Diaspora. But, first, it has to be remembered that Late Roman Palestine too was predominantly Greek-speaking, and predominantly

Christian;<sup>55</sup> and second, that there is some evidence for the currency of Hebrew, and in one case Aramaic, even in the Graeco-Roman Diaspora, as well as of there having been religious teachers or experts in Diaspora communities (see above); and, third, that there was a quite extensive zone, covering the Roman provinces of Osrhoene, Mesopotamia, Euphratensis, Syria, and perhaps also Phoenicia and Arabia (see above), in which Syriac co-existed with Greek as a language of daily life, of public inscriptions and (increasingly) of Christian literary culture. In these areas we must assume that some variety of Syriac/Aramaic either always had been, or became with time, their native language (and was not just, like Hebrew, a language acquired for reading religious texts) for the Jewish inhabitants also. If so, there was in this quite extensive and populous region no decisive linguistic barrier to the reception of rabbinic works composed in either Palestine or Babylonia. Nor was there any simple reason why some form of “rabbinic” learning and writing, expressed in Aramaic or Hebrew, should not have been practised there. Furthermore, in the case of Osrhoene and Mesopotamia, since we know that rabbis travelled between Palestine and Babylonia, and will often have passed, by one route or another, through this area, it is easy to envisage the possibility of the oral transmission to the Jewish communities on either side of the frontier of the rabbinic teaching practiced in either Palestine or Babylonia. Whether the communities here might also have been received written texts, for instance that of the Mishnah, depends first on the much-debated question of when such texts first came to circulate in written form.

However, when all these possibilities have been aired, it remains the case that the entire known corpus of Jewish writings from Late Antiquity emanates from either Palestine or Babylonia, and that it is only in the context of the Cairo Genizah of the ninth century onwards that we first find some of these works circulating more widely in written form.<sup>56</sup> As always, we should beware of asserting too confidently any negative generalisation.

<sup>55</sup> See F. Millar, “Not Israel’s Land then: the Church of the Three Palestines in 518,” in *Israel’s Land* (ed. J. Geiger, H. Cotton, and G. Stiebel; Jerusalem: Israel Exploration Society, 2009), 147\*-178\*; “The Palestinian Context of Rabbinic Judaism,” in *Rabbinic Texts and the History of Late Roman Palestine* (ed. M. Goodman and Ph. Alexander; New York: Oxford University Press, in press).

<sup>56</sup> See, e.g., R. Brody, *A Hand-list of Rabbinic Manuscripts in the Cambridge Genizah Collections* (Cambridge: Cambridge University Press, 1998); S. Morag, *Vocalised Talmudic Manuscripts in the Cambridge Genizah Collections I* (Cambridge: Published for Cambridge University Library by Cambridge University Press, 1988).

But, while those Jews in Kalesh who were literate should have had no fundamental difficulty in understanding either an Aramaic Targum, or the Mishnah, written in Hebrew, it is idle to speculate as to whether any such works might actually have been among those "books" which the religious extremists among their Christian neighbours reduced to ashes. The question of the possible reception of the rabbinic literature of Palestine or Babylonia, even in this very distinctive section of the Diaspora, still remains a mystery.<sup>57</sup>

<sup>57</sup> An earlier draft of this paper was given at the colloquium held at the University of Reading in June 2009, to mark Tessa Rajak's retirement, and this version is offered as a warm testimony to a friendship stretching back over four decades. I am very grateful to Hannah Cotton, Philip Alexander, Meredith Riedel and Alison Salvesen for help of various kinds.



BRILL

*Journal for the Study of Judaism* 42 (2011) 375-440

*Journal for  
the Study of  
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## Review of Books

*La Bible d'Alexandrie: Ruth*. Translated from Greek, Introduced and Annotated by Isabelle Assan-Dhôte and Jacqueline Moatti-Fine. (La Bible d'Alexandrie 8). Paris: Les Éditions du Cerf, 2009. Pp. 118. Paperback. €26.00. ISBN 978-2-204-08831-2.

This volume is again a nice volume in the famous series *La Bible d'Alexandrie*. As usual the volume starts with a lot of notes (9-16). It first reminds the reader that there are two important bibliographies at her disposition: S.P. Brock, C.T. Fritsch & S. Jellicoe, *A Classified Bibliography of the Septuagint* (Leiden: Brill, 1995) and C. Doigniez, *Bibliography of the Septuagint—Bibliographie de la Septante* (1970-1993) (SVT, 60; Leiden: Brill, 1995). Then, it offers a concise but totally appropriate bibliography directly related to the book of Ruth. It is quite impressive that the Greek text used by the team Isabelle Assan-Dhôte and Jacqueline Moatti-Fine is the editio maior of the Greek text of the book of Ruth which was only published in 2006 (U. Quast, *Ruth* [Septuaginta. Vetus testamentum graecum auctoritate academiae scientiarum göttingensis editum, IV.3; Göttingen: Vandenhoeck & Ruprecht, 2006]. For the review, see below). I noted a couple mistakes in the bibliography, for example the omission of accents in Spanish names. A handy list of abbreviations and signs used as well as a list of transcription used for Greek and Hebrew closes the remarks to the reader.

Then, there is an excellent introduction (17-61). It is composed of the following parts: I. The original, in the sense of somehow unexpected, position of the book of Ruth as an anchoring into history and a chain-lock in the Davidic lineage; II. The book of Ruth and the festival of Shavuot; III. The history of the Greek text of the book of Ruth; IV. Characteristics of the translation; V. The reading of the book of Ruth according to the Greek text; VI. Other ancient readings of the book.

The first section consists of two parts, one demonstrating that the book of Ruth, although its canonicity has never been questioned, does not have a fixed position in the Hebrew biblical canon, albeit that it is part of the third section of the Bible and one elaborating on the historico-ideological consequences and importance of the book of Ruth as the turning point between Judges and Kingdoms (the Greek title of the books of Samuel and Kings). In the last mentioned part, there is a truly nice note about how the book of Ruth opens up the Davidic

## JOURNAL FOR THE STUDY OF JUDAISM *in the Persian, Hellenistic and Roman Period*

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**Transformations in Second Temple Judaism:  
Special Issue in Honour of Florentino García Martínez  
on the Occasion of his 70th Birthday**

*Journal for the Study of Judaism* Volume 43, Issue 4-5 (2012)

Woude and to continue his work and heritage. Thus, he fully subscribed to the importance of a combined study of all the literary and historical sources of Second Temple Judaism, and hence to include articles which reflect a broad array of aspects of Judaism in antiquity. Additionally, Florentino García Martínez helped to realize the vision he shared with Van der Woude, namely to have a journal that would survey all areas of Second Temple Judaism in the review of articles and of books. While Van der Woude established a journal that was largely confined to traditional historical and literary approaches, Florentino deliberately published articles and monographs which employed new methodological approaches and perspectives. Above all, Florentino's contribution to *JSJ* and its Supplement series was based on the conviction that Second Temple and post-70 C.E. Jewish texts, which are so often seen as peripheral to established and traditional fields of research, can play an important role in enriching and deepening our understanding of Biblical Studies, Rabbinics, Ancient Christianity and the Greco-Roman world.

Florentino identified numerous young scholars, often at very early stages of their careers, and provided them with great opportunities for presenting and publishing their work. Florentino opened doors for these young scholars with a kind of generosity and persistence that is exemplary and exceptional. Moreover, he supported and enabled scholarship throughout the world with his critical and constructive assessments. Florentino's own intellectual agenda never interfered with his willingness to consider and support the scholarship of his colleagues. He responded to each scholar with scrupulous attention, regardless of their status, stature, or stage in their careers.

Florentino's own scholarly work and interest continued to transform as he critically reconsidered his earlier insights. He was and is always learning from his colleagues and his students, and he continues to reconsider the place of the Scrolls in this history of Jewish thought and exegesis. Also related to his generosity is his congeniality. Wherever Florentino goes, he builds communities of scholars and friends.

Throughout this special issue, we celebrate Florentino's contributions to Second Temple Judaism. Thanks to his brilliant mind, determined will, and generous spirit, it is now much larger and much more variegated.

Hindy Najman, Yale University  
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*Journal for the Study of Judaism* 43 (2012) 455-474

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## The Transformation of the Torah in Second Temple Judaism

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### Abstract

While the Torah enjoys central importance in the sectarian scrolls, it is not nearly so central in the Aramaic texts found at Qumran. These texts show familiarity with the stories of Genesis and Exodus, but they treat them as sources for stories and wisdom instruction rather than for prescriptive law. The same is true of Ben Sira. Ancestral laws were very important in the Hellenistic world, but their importance was largely symbolic. Even Ezra seems to have focused primarily on a few issues of symbolic importance. Only after the Maccabean revolt do we begin to get sustained halakic discussion in such books as the *Temple Scroll* and *Jubilees*. The increased prominence of halakic disputes went hand in hand with the rise of sectarianism.

### Keywords

Torah, halakah, ancestral laws, Ezra, Maccabean revolt, sectarianism

The Dead Sea Scrolls have provided ample confirmation, if any were needed, of the centrality of the Torah in late Second Temple Judaism. The Torah was the well dug by the "penitents of Israel" in CD 6:4, from which the Interpreter of the Law derived the statutes by which they should live. The command in Isaiah to go to the desert to prepare the way of the Lord is interpreted in 1QS 8:15 as referring to "the study (*midrash*) of the Torah, which he commanded through the hand of Moses." Moreover, the Scrolls show that concern for the correct interpretation of the Torah was not just a preoccupation of this sect. The publication of *4QMMT* made clear that the basic reason why this sect separated from the rest of Judaism was the conflict of interpretations, especially with the Pharisees,

that raged in the Hasmonean era (and not the Hasmonean usurpation of the High Priesthood as earlier scholarship had supposed).<sup>1</sup> This should have already been clear from the *Damascus Document*, which specifies some of the issues in dispute:

But with those who remained steadfast in God's precepts, with those who were left from among them, God established his covenant with Israel for ever, revealing to them hidden matters in which all Israel had gone astray: his holy Sabbaths and his glorious feasts, his just stipulations and his truthful paths and the wishes of his will which a man must do in order to live by them. (CD 3:12-16)

The sectarians claimed new revelation, but the subject of the revelation was the interpretation of the Torah. When they appealed to the ruler of Israel, probably the High Priest, in *4QMMT*, the appeal was that he study the books of Moses and the Prophets and David, and appreciate that the interpretations proposed by the sectarians were correct.<sup>2</sup>

Halakic interest, however, does not characterize the entire corpus of Dead Sea Scrolls. It is notably lacking in the corpus of Aramaic texts found at Qumran.<sup>3</sup> These texts are often thought to be presectarian, and most of them surely are, though not necessarily all. They are part of the literary heritage of the third and early second centuries B.C.E. These texts do not lack familiarity with the Torah, but they typically develop its narrative themes, or treat it as a source of wisdom, but not of legal rulings. So, for example, the *Book of the Watchers* in *1 Enoch* takes its departure from the story of the sons of God in Gen 6, but makes no mention of the Mosaic covenant. This omission might be explained by the prediluvian time-frame of that book, but there is a notable contrast with the Hebrew *Book of Jubilees*, which has no inhibition about reading the provisions of the Torah into the primeval history. Even the *Animal Apocalypse*, which gives an

<sup>1</sup> E. Qimron and J. Strugnell, *Qumran Cave 4. V. Miqṣat Ma'ase Ha-Torah* (DJD 10; Oxford: Clarendon, 1994). The text was first brought to public attention in a paper by Qimron and Strugnell at the first International conference on Biblical Archaeology in April, 1984.

<sup>2</sup> *4QMMT* Composite Text C 10.

<sup>3</sup> K. Berthelot and D. Stökl Ben Ezra, *Aramaica Qumranica. Proceedings of the Conference on the Aramaic Texts from Qumran in Aix-en-Provence, 30 June-2 July 2008* (STDJ 94; Leiden: Brill, 2010), especially D. Dimant, "Themes and Genres in the Aramaic Texts from Qumran," *ibid.*, 15-45.

account of the ascent of Mt. Sinai, does not mention the giving of the Law.<sup>4</sup> As George Nickelsburg has written: "This use of material from the Pentateuch (and the Hebrew Bible more generally) notwithstanding, to judge from what the Enochic authors have written, and not written, the Sinaitic covenant and the Mosaic Torah were not of central importance to them."<sup>5</sup>

Likewise, the wisdom literature from Qumran, which is written in Hebrew rather than Aramaic, does not treat the Torah as a source of legal rulings. Ben Sira identifies wisdom with "the book of the covenant of the Most High God, the law that Moses commanded us" (Sir 24:23). But he reads the Torah as a source of wisdom and insight, not of prescriptive law.<sup>6</sup> The same is true for *4QInstruction*, which draws heavily on Genesis in its account of the human situation, but does not thematize law as such.<sup>7</sup> Even works that do thematize law, such as Ps 119 and 4Q525, speak of the Torah in general terms as a guide to life, something on which the righteous should meditate (compare Ps 1). Psalm 119 refers repeatedly to statutes and ordinances, but its main concern is with wisdom and understanding: "make me understand the ways of your precepts, and I will meditate on your wondrous works" (Ps 119:27). The psalmist prays that God open his eyes so that he may behold the wondrous things contained in the Law. What we do not find in the psalm is a concern with specific legal rulings. It attests to a kind of Torah piety, but it is not halakic. One may argue that the difference between the wisdom texts and the more halakic texts from Qumran is a matter of genre, and to some degree this is also true of the

<sup>4</sup> G. W. E. Nickelsburg, *1 Enoch 1. A Commentary on the Book of 1 Enoch, Chapters 1-36; 81-108* (Hermeneia; Minneapolis: Fortress, 2001), 380. There is mention of "a law for all generations" in the *Apocalypse of Weeks* (1 En. 93:6) but it is not discussed further.

<sup>5</sup> G. W. E. Nickelsburg, "Enochic Wisdom and the Mosaic Torah," in *The Early Enoch Literature* (ed. G. Boccaccini and J. J. Collins; JSJSup 121; Leiden: Brill, 2007), 81-94. See also A. Bedenbender, "The Place of the Torah in the Early Enoch Literature," *ibid.* 65-79, and J. J. Collins, "Enochic Judaism. An Assessment," in *The Dead Sea Scrolls and Contemporary Culture. Proceedings of the International Conference held at the Israel Museum, Jerusalem (July 6-8, 2008)* (ed. A. D. Roitman, L. H. Schiffman, and S. Tzoref; STDJ 93; Leiden: Brill, 2011), 219-34.

<sup>6</sup> See my discussion in *Jewish Wisdom in the Hellenistic Age* (Louisville: Westminster, 1997), 42-61.

<sup>7</sup> See my essay "The Interpretation of Genesis in the Dead Sea Scrolls," in *Pentateuchal Traditions in the Late Second Temple Period. Proceedings of the International Workshop in Tokyo, August 28-31, 2007* (ed. A. Moriya and G. Hata; JSJSup 158; Leiden: Brill, 2012), 157-75.

narrative texts preserved in Aramaic. But it is remarkable that no halakic works are preserved in Aramaic. Neither, I would argue, have we any works devoted primarily to halakah that date clearly to the time before the Maccabean revolt. Undoubtedly, halakic exegesis went on from early times, and is often implicit in the Bible itself.<sup>8</sup> Halakic concerns are sometimes implicit in the wisdom texts from Qumran.<sup>9</sup> There seems, however, to have been a great upsurge in interest in halakic issues in the Hasmonean period, and they assume much greater prominence in the literature of that time.

### The Transformation of Torah

The question of the origin of halakic exegesis intersects with another debate about the transformation in the understanding of Torah. It is widely agreed that the great law codes of the ancient Near East were not prescriptive in nature. They did not provide the basis for the practice of law. They are variously viewed as literary exercises, royal apologia or juridical treatises.<sup>10</sup> In ancient Israel too, the practice of law was not based on the written law codes.<sup>11</sup> Written laws served various purposes. They might serve didactic purposes, or be used for ritual reading.<sup>12</sup> This is not to suggest that they were entirely irrelevant to the practice of law, but they did not serve as the basis of law in the manner of a modern law code. In the age of the monarchy, the king rather than a law code was the ultimate authority.

At some point, however, biblical law came to be understood in a prescriptive sense. Scholars disagree as to whether that shift should be located at the time of Josiah's reform, of Ezra's reform, or in the Hellenistic period.

<sup>8</sup> See especially M. Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985), 91-277.

<sup>9</sup> L. H. Schiffman, "Halakhic Elements in the Sapiential Texts from Qumran," in *Sapiential Perspectives: Wisdom Literature in Light of the Dead Sea Scrolls* (ed. J. J. Collins, G. E. Sterling, and R. A. Clements; STDJ 51; Leiden: Brill, 2004), 89-100.

<sup>10</sup> M. LeFebvre, *Collections, Codes and Torah. The Re-Characterization of Israel's Written Law* (New York: T&T Clark, 2006), 8-18; R. Westbrook, "The Character of Ancient Near Eastern Law," in *A History of Ancient Near Eastern Law* (ed. R. Westbrook; HdO 72; 2 vols.; Leiden: Brill, 2003), 1:12-24.

<sup>11</sup> LeFebvre, *Collections, Codes and Torah*, 31-54. See also A. Fitzpatrick McKinley, *The Transformation of Torah from Scribal Advice to Law* (JSOTSup 287; Sheffield: Sheffield Academic Press, 1999), 81-112.

<sup>12</sup> B. S. Jackson, *Studies in the Semiotics of Biblical Law* (JSOTSup 314; Sheffield: Sheffield Academic Press, 2000), 121-41; LeFebvre, *Collections, Codes and Torah*, 32-39. Jackson also distinguishes archival and monumental uses of law.

For Dale Patrick, "A shift in the understanding of God's law can be detected in the literature bearing the stamp of the Deuteronomic school and sustaining the impact of Josiah's reform. The new understanding comes to expression in statements exhorting the addressee to adhere strictly to the words of the legal text and praising persons for doing so."<sup>13</sup> Yet when Josiah hears the words of the book of the law, he promptly consults the prophetess Huldah. In the words of Michael LeFebvre, "It is Huldah (not the book) who reveals heaven's ruling."<sup>14</sup> Her response is not an interpretation of the book, but a direct word from the Lord. It is evident that Josiah accepted the authenticity of the book, but needed an oracle to determine its application in the specific case. Moreover, as J. G. McConville observes, "Deuteronomy's king is nothing like King Josiah."<sup>15</sup> Deuteronomy denies the king any role in the cult, but Josiah is firmly in control. The Law of the King may be a later addition to Deuteronomy, but it does not appear that Josiah subordinates his authority to that of the Law. The discovery of the book seems to be used primarily to authorize Josiah's cultic reform. While Josiah's reform was certainly a milestone in the development of the Torah as Law, his lawbook was not yet a statutory law for Judah.

A stronger claim can be made that the shift in the perception of the Torah took place in the time of Ezra.<sup>16</sup> Westbrook, who sees the beginnings of legislative thinking in Deuteronomy, finds the full bloom of statutory law in Ezra and Nehemiah. Ezra, a "scribe skilled in the torah of Moses," "may be credited with laying the jurisprudential foundations of Jewish Law as we understand it today. For he and his fellow priests read 'from the book, from the torah of God, with interpretation' before the assembled people (Neh 8:1-8). Thus the legal system became based upon the idea of a written code of law interpreted and applied by religious authorities."<sup>17</sup> Bernard Jackson similarly looks to Neh 8 as a pivotal moment: "It is in this context," he writes, "that we should locate the transformation of the biblical legal collections into 'statutory' texts, binding

<sup>13</sup> D. Patrick, *Old Testament Law* (London: SCM, 1986), 200.

<sup>14</sup> LeFebvre, *Collections, Codes and Torah*, 59.

<sup>15</sup> J. G. McConville, *Deuteronomy* (Leicester: Apollos, 2002), 33.

<sup>16</sup> The Book of Ezra poses significant problems from an historical point of view. See L. L. Grabbe, *Ezra-Nehemiah* (London: Routledge, 1998), 125-53; idem, *A History of Jews and Judaism in the Second Temple Period Vol. 1. Yehud: A History of the Persian Province of Judah* (New York: T&T Clark, 2004), 324-31. For the present, we are only concerned with what is claimed in the book, without pressing its historical accuracy.

<sup>17</sup> Westbrook, "Biblical Law," 3-4.

upon the courts and subject to verbal interpretation.”<sup>18</sup> Jackson appeals to Peter Frei’s theory of imperial authorization of law in the Persian period.<sup>19</sup> In Ezra 7:26, the Torah is called both “the law of your God” and “the law of the king.” Many scholars infer that the Torah acquired the status of statutory law in virtue of its royal authorization. Against this, however, the objection has been raised that Persia did not itself have a written law code, so it is unlikely that they would have instituted one in Judah.<sup>20</sup> Ezra’s lawbook appears to have been something close to our Pentateuch, even if not in its final form. (It included the Priestly laws as well as Deuteronomy). Ezra presumably required Persian permission in order to give his lawbook any authority at all, but it is noteworthy that the Torah was not translated into Aramaic, and so the Persians could not read it.<sup>21</sup> James Watts infers that “the Persians may have designated the Pentateuch as the ‘official’ law of the Jerusalem community simply as a token of favor, with little or no attention to that law’s form or content.”<sup>22</sup> Kyong-Jin Lee sees the Persian authorization as an act of royal propaganda. By equating the law of Ezra’s God and the lot of the king, the king announced himself as the divinely authorized champion of law, and reaffirmed his legitimacy as the ruler of the land.<sup>23</sup>

In fact, the actions of Ezra and Nehemiah are not a simple implementation of Pentateuchal Law. Lefebvre lists several cases where there are discrepancies with the Torah as we have received it.<sup>24</sup> For example the Davidic temple courses were said to conform to “the book of Moses.” Stipulations regarding the Feast of Booths “according to the Law” (Neh 8:13-18) are different from what we find in the Torah. The prohibitions against intermarriage go beyond Deuteronomy (Neh 10:31), and making purchases on

<sup>18</sup> Jackson, *Studies*, 141-2.

<sup>19</sup> P. Frei and K. Koch, *Reichsidee und Reichsorganisation im Perserreich* (OBO 55; Fribourg: Universitätsverlag, 1984); P. Frei, “Persian Imperial Authorization: A Summary,” in *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch* (ed. J. W. Watts; SBLSymS 17; Atlanta: SBL, 2001), 5-40.

<sup>20</sup> LeFebvre, *Collections, Codes and Torah*, 98-99.

<sup>21</sup> See K.-J. Lee, *The Authority and Authorization of Torah in the Persian Period* (CBET 64; Leuven: Peeters, 2011), 213-53.

<sup>22</sup> Watts, *Persia and Torah*, 3.

<sup>23</sup> Lee, *The Authority and Authorization*, 249.

<sup>24</sup> LeFebvre, *Collections, Codes and Torah*, 103-31. Compare J. R. Shaver, *Torah and the Chronicler’s History Work: An Inquiry into the Chronicler’s References to Laws, Festivals, and Cultic Institutions in Relationship to Pentateuchal Legislation* (BJS 196; Atlanta: Scholars Press, 1989), 100-103.

the Sabbath is not actually prohibited in the Pentateuch (Neh 10:32). The institution of an annual temple tax and of a wood offering (also in Neh 10) lack scriptural support. Conversely, Nehemiah does not appeal to scriptural authority when he could have done so, in his lawsuit in Neh 5. Michael Fishbane has argued that the innovations may be derived exegetically,<sup>25</sup> but there is no account of exegetical activity in Ezra-Nehemiah. The interpretation that accompanies the reading of the law in Neh 8 is most plausibly taken to be a matter of translation, for those who did not know Hebrew, or know it well, than of exegesis.<sup>26</sup>

Fishbane has argued that Ezra-Nehemiah attest to “the axial transformations that mark the onset of classical Judaism. This involves making the movement from a culture based on direct divine revelations to one based on their study and reinterpretation.”<sup>27</sup> Ezra is introduced as “a scribe skilled in the law of Moses that the Lord the God of Israel had given” (Ezra 7:6). Further, he “had set his heart to study (*lidrosb*) the law of the Lord, and to do it, and to teach the statutes and ordinances in Israel” (7:10). “This,” says Fishbane, “is no mere depiction of a routine priestly function of ritual instruction . . . It is, rather, an extension and virtual transformation of this role.” The word *darash* had been used in earlier times for consulting an oracle (e.g. 1 Kgs 22:8). “Since Ezra’s textual task is to seek from the Torah new divine teachings (or explication of older ones) for the present, there is a sense in which exegetical praxis has functionally co-opted older mantic techniques of divine inquiry.”<sup>28</sup>

There is no doubt that Ezra’s use of the Torah marks a new development in the history of Judaism. Prior to Ezra, there was scarcely a Torah to be studied. It is also indisputable that Ezra and Nehemiah invoke the authority of the Torah for new rulings (even in cases where the Torah that has come down to us does not support them). But we are very far here from the kind of systematic scrutiny of scriptural law that we find in the Dead Sea Scrolls. In fact, the reforms of Ezra are quite limited. They concern primarily mixed marriages (Ezra 9) and the festival calendar (Neh 8), and there are discrepancies with the biblical text in both cases. Nehemiah also addresses social and cultural issues. In the matter of the mixed marriages,

<sup>25</sup> Fishbane, *Biblical Interpretation*, 107-34.

<sup>26</sup> LeFebvre, *Collections, Codes, and Torah*, 129-30.

<sup>27</sup> M. Fishbane, “From Scribalism to Rabbinism,” in *The Sage in Israel and the Ancient Near East* (ed. J. G. Gammie; Winona Lake, Ind.: Eisenbrauns, 1990), 439-56, here 440.

<sup>28</sup> *Ibid.*, 441.

the people defer to the authority of Ezra, and ask that things be done “according to the Law” (10:3). In Neh 8, he reads to the people from the book, and afterwards “the heads of ancestral houses of all the people, with the priests and the Levites, came together with the scribe Ezra in order to study the words of the law” (Neh 10:13). In a society where few people could read, however, study was heavily dependent on the word of the scribe. But as Kyong-Jin Lee has observed: “There is no record that Ezra launched a massive educational campaign to inform the people of the content of the Torah.”<sup>29</sup> Neither does it seem that he undertook a systematic examination of all the Torah. Rather, he seems to have focused on a few issues of great symbolic importance, primarily the matter of mixed marriages and the festivals.

Consequently, even though the Torah as Law acquired new importance in the Persian period, I agree with LeFebvre that the “axial shift” described in the Book of Ezra was less dramatic than Fishbane claims. The Torah was enshrined as the official statement of the Jewish way of life, but this did not necessarily mean that it would henceforth be scrutinized in great detail. Its importance was largely symbolic, and a few issues had metonymic significance for the way of life as a whole.<sup>30</sup> If Ezra’s Law was substantially the Pentateuch that has come down to us, it was far from a consistent document. Later scribes and rabbis would labor to resolve the inconsistencies, but there is much to be said for LeFebvre’s argument that it was originally compiled “as a collection of historic descriptions, not as a prescriptive code.”<sup>31</sup> It does take on prescriptive force in the Book of Ezra, but its prescriptive use remains sporadic and selective, and not closely based on the literal wording of the text (at least if that text corresponded to the Pentateuch as we know it).

### Ancestral Law in the Hellenistic Period

Whether or not the Law brought to Jerusalem by Ezra had official authorization from the Persians, Judah was certainly thought to have its own ancestral law in the Hellenistic period. Josephus claims that Alexander the Great visited Jerusalem, and that “when the High Priest asked whether

<sup>29</sup> Lee, *The Authority and Authorization*, 246.

<sup>30</sup> This, I would argue, is still the case for conservative Christians in contemporary America.

<sup>31</sup> LeFebvre, *Collections, Codes and Torah*, 141.

they might observe the ancestral laws and in the seventh year be exempt from tribute, he granted all this.”<sup>32</sup> This whole narrative is highly legendary; it is unlikely that Alexander went to Jerusalem in person. As Eric Gruen has put it, “Alexander’s visit to Jerusalem is outright fabrication.”<sup>33</sup> The idea that the conquering king, however, would affirm the right of the conquered city to observe its ancestral laws is quintessentially Hellenistic. We find references to ancestral laws already in Thucydides.<sup>34</sup> When Andokides was on trial for impiety, he cited an earlier decree of Teisamenos which stated that “The Athenians shall conduct their affairs in the traditional manner” (*kata ta patria*).<sup>35</sup> Elias Bickerman demonstrated that “the first favor bestowed by a Hellenistic king on a conquered city—and the basis of all other favors—was the re-establishment of the municipal statutes. In virtue of the conquest, the subjugated city was no longer entitled to its institutions and laws, and it regained these only by means of an act promulgated by its new master.”<sup>36</sup> There are plentiful examples. When Philip V of Macedon gained control of the island of Nisyros in 201 B.C.E., he proclaimed to the inhabitants that “The king has re-established among us the use of the ancestral laws which are currently in force.”<sup>37</sup> When Antiochus III conquered Jerusalem he issued a proclamation that “All who belong to the people are to be governed in accordance with their ancestral laws” (*Ant.* 12.142). “Ancestral laws” usually meant “laws hitherto in effect.”<sup>38</sup>

In the case of Judea, writes Bickerman, the ancestral laws meant the law of Moses. What was “the book of the Jewish laws” (*Ps. Aristeas* 30), if not

<sup>32</sup> Josephus, *Ant.* 11.338.

<sup>33</sup> E. Gruen, *Heritage and Hellenism. The Reinvention of Jewish Tradition* (Cambridge, Mass.: Harvard, 1998), 195.

<sup>34</sup> Thucydides 8.76.6, in the context of a debate between democratic and anti-democratic parties on Samos. R. Doran, “The Persecution of Judeans by Antiochus IV: The Significance of ‘Ancestral Laws,’” in *The ‘Other’ in Second Temple Judaism* (ed. D. C. Harlow et al.; Grand Rapids, Mich.: Eerdmans, 2011), 423-33, esp. 427.

<sup>35</sup> Andokides 1.83. Doran, *ibid.*

<sup>36</sup> E. J. Bickerman, “The Seleucid Charter for Jerusalem,” in *Studies on Jewish and Christian History* (AJEC 68; Leiden: Brill, 2011), 315-56 at 340. Compare J. Ma, *Antiochus III and the Cities of Western Asia Minor* (Oxford: Oxford University Press, 2000), 112-13.

<sup>37</sup> Bickerman, “The Seleucid Charter,” 342, other examples on 340; Doran, “The Persecution of Judeans,” 427.

<sup>38</sup> A. Fuks, *The Ancestral Constitution: Four Studies in Athenian Party Politics at the End of the Fifth Century B.C.* (London: Routledge and Kegan Paul, 1953), 40.



the Pentateuch?"<sup>39</sup> Moses was famous as lawgiver of the Jews in the Hellenistic world.<sup>40</sup> Our earliest witness in this regard is Hecataeus of Abdera, who says that "at the end of their laws there is even appended the statement: These are the words that Moses heard from God and declares unto the Jews."<sup>41</sup> The book of the Jewish law was so well known that Ptolemy was supposed to have sought a copy for his library in Alexandria. We should not necessarily assume, however, that reference to the ancestral laws brought to mind the full Pentateuch in all its details.

In fact, the decree of Antiochus is reminiscent of Ezra in its selective focus. Most of his provisions have to do with the upkeep of the temple. Josephus tells us that

out of reverence for the temple he also published a proclamation throughout the entire kingdom of which the contents were as follows: "It is unlawful for any foreigner to enter the enclosure of the temple which is forbidden to the Jews, except to those of them who are accustomed to enter after purifying themselves in accordance with the law of the country. Nor shall anyone bring into the city the flesh of horses or of mules or of wild or tame asses, or of leopards, foxes or hares, or, in general, of any animals forbidden to the Jews. Nor is it lawful to bring in their skins or even to breed any of these animals in the city. But only the sacrificial animals known to their ancestors and necessary for the propitiation of God shall they be permitted to use." (*Ant.* 12.145-146).

There are plentiful parallels for conquering monarchs showing concern for temples in the Hellenistic world. Early in the Persian period the Egyptian Udjahorresnet, who had become a courtier to the Persian conqueror of Egypt, Cambyses, reports:

I made a petition to the majesty of the King of Upper and Lower Egypt, Cambyses, about all the foreigners who dwelled in the temple of Neith, in order to have them expelled from it, so as to let the temple of Neith be in all its splendor, as it had been before. His majesty commanded to expel all the foreigners [who] dwelled in the temple of Neith to demolish all their houses

<sup>39</sup> Bickerman, "The Seleucid Charter," 342.

<sup>40</sup> J. G. Gager, *Moses in Greco-Roman Paganism* (SBLMS 16; Nashville: Abingdon, 1972), 25-79.

<sup>41</sup> Hecataeus, in Diodorus Siculus 40.3 (6); M. Stern, *Greek and Latin Authors on Jews and Judaism. I. From Herodotus to Plutarch* (Jerusalem: Israel Academy of Sciences, 1976), 26-29.

and all their unclean things that were in this temple. When they had carried [all their] personal [belongings] outside the wall of the temple, his majesty commanded to cleanse the temple of Neith and to return all its personnel to it.<sup>42</sup>

In Egypt, temples were off-limits to all but the priests except for festivals, "because one may enter only in a state of purity, after observing numerous abstinences."<sup>43</sup> As Bickerman noted, there is no precept excluding foreigners from the temple in the Law of Moses.<sup>44</sup> He supposed that it was probably deduced from the rule in Exod 30:20 that purification is necessary before making an offering. A more probable source is Ezek 44:9: "No foreigner, uncircumcised in heart and flesh, of all the foreigners who are among the people of Israel, shall enter my sanctuary." The exclusion does not only apply to those who would offer sacrifice. The ancestral law includes more than was explicit in the Torah of Moses.

Neither is the prohibition of the flesh or hides of certain animals explicit in the Torah. To Bickerman, "the choice of animals in the ordinance seems bizarre: why do we find the panther, but not the pig?"<sup>45</sup> He suggests that the ordinance had Gentiles rather than Jews in mind, and that it singles out animals that visitors might actually have brought to Jerusalem. He attributes the mention of the panther to the fact that a panther hunt is depicted in the decorations on a tomb at Marissa. Tobias the Ammonite is said, in the Zenon papyri, to have sent Ptolemy II a gift consisting of horses, dogs, and colts of wild asses. But in any case, the list of excluded animals is not based on the Torah. Interestingly, the prohibition of certain hides appears again in *4QMMTB* B 21-22, which also prohibits dogs in "the holy camp" (B 58).<sup>46</sup> The prohibition is quite probably based on reflection on the discussion of unclean carcasses in Lev 11. We should note, however, the narrow focus of this reflection: it concerns only what is brought into the temple. Moreover, we should note that dogs were prohibited on Delos, and a sacred law of Ialysos from the beginning of the second century B.C.E. decrees that "The horse, the ass, the male mule, the little mule, and

<sup>42</sup> M. Lichtheim, *Ancient Egyptian Literature. Volume III: The Late Period* (Berkeley, Calif.: University of California, 1980), 38.

<sup>43</sup> Chaeremon in Porphyry, *De abstinentia* 4.6. E. J. Bickerman, "A Seleucid Proclamation concerning the Temple in Jerusalem," in *Studies*, 357-75 at 360.

<sup>44</sup> Bickerman, "A Seleucid Proclamation," 363.

<sup>45</sup> *Ibid.*, 364.

<sup>46</sup> Qimron and Strugnell, *DJD* 10:155.

any other animal whose tail is furnished with long hairs may not enter the sacred enclosure of Alectrone."<sup>47</sup>

LeFebvre claims that the decree of Antiochus is "the first indication of Israel expecting to prescribe its legal institutions from Torah."<sup>48</sup> The decree is a slender basis for such a far reaching conclusion. There is something to be said for the view that the idea that each people should have its ancestral laws was a by-product of the Hellenistic age. This observation in itself, however, does not explain the explosion of interest in halakic issues in Jewish texts of the Hasmonean period and later.

Antiochus, interestingly enough, does not say anything about the written form of the ancestral laws. In the cases of both Ezra and Antiochus there are some discrepancies between the written laws that have come down to us and the ancestral laws observed in antiquity. I would suggest that the written laws had mainly an iconic role. The ancestral law was known from tradition and custom, and it was presumed to correspond to the written law. Neither in the case of Ezra nor in the case of the Seleucid take-over of Jerusalem, however, was there great interest in checking to see whether traditional custom corresponded to the written law. That situation changed, however, in the second century B.C.E.

### Antiochus Epiphanes

The traditional Jewish way of life came under threat in the time of Antiochus IV Epiphanes. According to 2 Maccabees, when Jason made his bid for the High Priesthood he also sought permission to establish a gymnasium, and

to enroll the men of Jerusalem as citizens of Antioch. When the king assented and Jason came to office, he at once shifted his countrymen over to the Greek way of life. He set aside the existing royal concessions to the Jews, secured through John, the father of Eupolemus . . . and he destroyed the lawful ways of living and introduced new customs contrary to the law. (2 Macc 4:9-11)

Bickerman argued that Jason in effect set up a *politeuma* around the gymnasium, which was exempt from the traditional laws.<sup>49</sup> But it seems clear

<sup>47</sup> Bickerman, "A Seleucid Proclamation," 366.

<sup>48</sup> LeFebvre, *Collections, Codes and Torah*, 181.

<sup>49</sup> E. J. Bickerman, *The God of the Maccabees*, in *Studies*, 1072-76.

that the changes affected the whole city. The view that Jason was reconstituting the city as a *polis*, "Antioch-at-Jerusalem," now draws support from a parallel in an inscription in which the Attalid king Eumenes II (197-160) granted the Phrygian community of Tyriaion permission to become a *polis*.<sup>50</sup> Danny Schwartz argues plausibly that "it is doubtful that all Jerusalemites were forced to become citizens of the new city and to participate in its institutions; those who wanted to go on observing the ancestral ways were certainly allowed to do so."<sup>51</sup> But the reorganization probably had the effect of marginalizing traditional observance.

A more direct threat was posed by the actions of Antiochus Epiphanes a few years later. At the time of Epiphanes' second invasion of Egypt, which ended with his humiliation by the Roman legate Popilius Laenas on "the day of Eleusis," civil war broke out in Jerusalem, when Jason tried to recover the High Priesthood from Menelaus, who had procured it by offering to increase the tribute to the king. As 2 Maccabees tells it, "when news of what had happened reached the king, he took it to mean that Judea was in revolt. So, raging inwardly, he left Egypt and took the city by storm (5:11). Not long afterwards, he sent "Geron the Athenian to compel the Jews to forsake the laws of their fathers and cease to live by the laws of God" (6:1).<sup>52</sup> The reasons for this measure have been endlessly debated. At the least, as Robert Doran has shown, 2 Maccabees provides a coherent account that is plausible in the Seleucid context: "Thinking the city was in revolt, Antiochus IV took it by storm and abrogated the gift of allowing the city to live by its ancestral laws, as his father had done formerly to Apollonia at Rhyndacos."<sup>53</sup> Instead, he imposed new laws that included cultic celebration of the king's birthday, sacrifices to Zeus, and processions in honor of Dionysus. The enforced observances were cultic in nature, and it was the disruption of the cult that provoked the Maccabean revolt.<sup>54</sup>

<sup>50</sup> D. R. Schwartz, *2 Maccabees* (CEJL; Berlin: de Gruyter, 2008), 530-32. For the inscription see L. Jonnes, *The Inscriptions of the Sultan Dagi, I* (Inscriben griechischer Städte aus Kleinasien 62; Bonn: Habelt, 2002), 85-89, no. 393.

<sup>51</sup> Schwartz, *2 Maccabees*, 220.

<sup>52</sup> So Schwartz, *2 Maccabees*, 275. Alternatively, he sent "an Athenian elder."

<sup>53</sup> Doran, "The Persecution of Judeans," 432. See now his commentary *2 Maccabees* (Hermeneia; Minneapolis: Fortress, 2012), 133.

<sup>54</sup> See my essay, "Cult and Culture: The Limits of Hellenization in Judea," in my book *Jewish Cult and Hellenistic Culture* (JSJSup 100; Leiden: Brill, 2005), 21-43. Compare F. P. Mittag, *Antiochos IV. Epiphanes. Eine politische Biographie* (Klio NF 11; Berlin: Akademie Verlag, 2006), 245.

Our present concern, however, is not so much with the causes of Epiphanes' action as with what we can glean from the episode about the understanding of ancestral law in Judea in the early second century B.C.E. Doran summarizes: "The ancestral laws abrogated included circumcision, Sabbath observance and kosher regulations. It appears that these were attacked not because Antiochus IV was persecuting the Jewish religion, but because circumcision affected citizenship, Sabbath observance affected the civic economy, and kosher regulations affected cultic meals."<sup>55</sup> Antiochus, no doubt, did not have a concept of "Jewish religion." What he wanted to break down was the ancestral law of Judea and thereby the distinctive identity of the rebellious people.<sup>56</sup> One might equally well argue that these practices were singled out because of their symbolic value. For the same reason, it was forbidden to have copies of the Torah, the iconic representation of the Judean way of life (1 Macc 1:56). These were the practices most widely associated with Judaism. In addition to practices like circumcision and Sabbath observance, the king also struck at the temple cult, the most prominent public expression of the Jewish way of life, both by forbidding the traditional offerings and requiring sacrifices to foreign gods. Conversely, we may infer that the practices forbidden by Epiphanes were protected and authorized by the decree of Antiochus III some forty years earlier.

The rallying cry of the Maccabees was the defense of the ancestral laws. 1 Maccabees has Mattathias cry out: "Let everyone who is zealous for the law and supports the covenant come out with me!" (1 Macc 2:27). They were not necessarily bound by the letter of the law. They famously made an exception for fighting on the Sabbath: "If we do as our brethren have done and refuse to fight with the Gentiles for our lives and our ordinances, they will quickly destroy us from the earth" (2:40-41). Yet they attempted not only to defend, but to impose, "the Jewish way of life" within the territory they controlled. According to 1 Maccabees, they "struck down sinners in their anger and lawless men in their wrath; the survivors fled to the Gentiles for safety. And Mattathias and his friends went about and tore down the altars; they forcibly circumcised all the uncircumcised boys that they found

<sup>55</sup> Doran, "The Persecution of Judeans," 432.

<sup>56</sup> See A. Portier-Young, *Apocalypse Against Empire. Theologies of Resistance in Early Judaism* (Grand Rapids, Mich.: Eerdmans, 2011), 140-210 on the logic of the Seleucid repression. For an attempt to explain the king's actions in political terms see Mittag, *Antiochus IV*, 279-81. His attempt to shift responsibility to the king's advisers cannot relieve the king of ultimate responsibility.

within the borders of Israel... They rescued the law out the hands of the Gentiles and kings." (1 Macc 2:44-47; compare Josephus *Ant.* 12.278). Josephus tells us that when John Hyrcanus was negotiating with Antiochus Sidetes, he sent envoys with the request that he restore to Judea its ancestral form of government (*politeia*) (*Ant.* 13.245). When he conquered the Idumeans "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 the land of their fathers, they submitted to circumcision and to making their manner of life conform in all other respects to that of the Jews. And from that time on they have continued to be Jews." (*Ant.* 13.257-258). Also Aristobulus I, when he conquered the Itureans, "compelled the inhabitants, if they wished to remain in their country, to be circumcised and to live in accordance with the laws of the Jews." (*Ant.* 13.318-319). We do not read that the Hasmoneans required these subject peoples to be instructed in the details of the Torah. Rather they were required to observe key practices such as circumcision. We might expect that they were also expected to observe the Sabbath, and the other practices that had been suppressed in the time of Antiochus Epiphanes.

Josephus's accounts are not always confirmed by archaeology. There is no material record of the conquest of the Itureans by Aristobulus or Galilee, but it is clear that the northern regions were under Judean control by the end of the reign of Alexander Jannaeus.<sup>57</sup> From the archaeological perspective, the expanding Jewish presence is shown by material remains that indicate a greater concern for ritual purity. These include *miqva'ot*, or immersion pools, and the use of stone vessels, which begin to proliferate in the later Hasmonean period.<sup>58</sup> Josephus says that Alexander Jannaeus on his deathbed advised his widow to yield a certain amount of power to the Pharisees (*Ant.* 13.400). After his death, "she permitted the Pharisees to do as they

<sup>57</sup> E. M. Meyers and M. A. Chancey, *Archaeology of the Land of the Bible. From Cyrus to Constantine* (YABRL; New Haven: Yale, 2013), chapter 3.

<sup>58</sup> For overviews and bibliography see the articles by B. R. McCane, "Miqva'ot," in *The Eerdmans Dictionary of Early Judaism* (ed. J. J. Collins and D. C. Harlow; Grand Rapids, Mich.: Eerdmans, 2010), 954-56 and M. A. Chancey, "Stone Vessels," *ibid.* 1256-57. According to Chancey, "Exactly when usage of stone vessels began is uncertain, but it clearly increased in the late first century B.C.E. when Herod's renovation of the Jerusalem Temple resulted in increased quarrying of limestone." J. Magness, *The Archaeology of Qumran and the Dead Sea Scrolls* (Grand Rapids, Mich.: Eerdmans, 2002), 142, following Ronny Reich, notes that stepped pools are widespread in Judea during the first century B.C.E. and the first century C.E.

liked in all matters, and also commanded the people to obey them; and whatever regulations, introduced by the Pharisees in accordance with the tradition of their fathers, had been abolished by her father-in-law Hyrcanus, these she again restored. And so, while she had the title of sovereign, the Pharisees had the power" (*Ant.* 13.408-409). We might expect an intensification of Torah observance when the Pharisees held sway. So, while the Hasmoneans were not noted for their piety, by professing adherence to the Law they opened the way for stricter halakic debate and observance.

### The Temple Scroll and Jubilees

The oldest extant works that show sustained engagement with halakic issues are the *Temple Scroll* and *Jubilees*. Neither of these works is thought to be a product of the "new covenant" or the *yahad*. Both are thought to have originated in the kind of priestly circles from which the sect emerged. Neither of these works is presented as exegesis, but both are clearly reworkings of older scriptures. The *Temple Scroll* is presented as revelation from God, addressed to Moses on Mt. Sinai. It begins with renewal of the covenant of Exodus 34 and continues with the instructions for building the sanctuary. It systematically integrates the laws about the temple in Exodus, Leviticus and Numbers, dealing with the construction of the temple, the festivals, sacrifices and purity. The latter part of the Scroll is a rewriting of Deut 12-23, with a noteworthy treatment of "the law of the king" of Deut 17.<sup>59</sup> Throughout, it practices "a distinct form of harmonistic exegesis," mainly on legal materials.<sup>60</sup> *Jubilees* retells the story of Genesis and Exodus through Exod 19. While *Jubilees* makes occasional reference to "the first law" (*Jub.* 6:20-22; 30:12), it too is presented as a revelation, delivered to Moses by the angel of the presence. Its relation to the "first law" has been aptly described by James VanderKam as "Moses trumping Moses," insofar as it claims to supersede the older scripture at some points, without rejecting its general validity.<sup>61</sup> Here again, the new material is

<sup>59</sup> See the description of the contents by F. García Martínez, "Temple Scroll," in *Encyclopedia of the Dead Sea Scrolls* (ed. L. H. Schiffman and J. C. VanderKam; New York: Oxford University Press, 2000), 929.

<sup>60</sup> L. H. Schiffman, *Reclaiming the Dead Sea Scrolls* (Philadelphia: Jewish Publication Society, 1994), 260.

<sup>61</sup> J. C. VanderKam, "Moses Trumping Moses," 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.

derived exegetically, even if the exegesis is not explicit.<sup>62</sup> Michael Segal has argued persuasively, in my opinion, for a distinct halakic redaction that juxtaposes laws known from the legal corpora of the Pentateuch with stories of the patriarchal period.<sup>63</sup> The *Temple Scroll* and *Jubilees* were not the first exercises in "rewritten scripture." That process can be found as early as the books of Chronicles. The novelty of these texts lies in the halakic focus of their rewriting. The novelty of *Jubilees* can be appreciated by contrasting its treatment of the Watcher story with that of the *Book of the Watchers* in *1 Enoch*. As Michael Segal has shown, the purpose of the story in *Jubilees* is no longer to explain the origin of evil in the world. Instead it functions as a paradigm for the observance of the commandments, and emphasizes the punishment awaiting anyone who does not follow them.<sup>64</sup> While the *Book of the Watchers* took no note of the Sinai covenant, *Jubilees* is a thoroughly Mosaic work, which integrates the perspective of the Mosaic law even into the primeval period.<sup>65</sup>

Hartmut Stegemann claimed that the *Temple Scroll* was written as early as 400 B.C.E., but there is no specific evidence for such an early dating. The question is complicated by the fact that the scroll as found in 11Q19 (11QT<sup>a</sup>) was compiled from sources.<sup>66</sup> Arguments for dating based on specific passages may only reflect the date of the source from which the passage was taken. Since our present concern is with the rise of halakic exegesis, however, the date of the sources is significant.

4Q524 is variously taken as the oldest copy of the *Temple Scroll*, as a possible source or early edition, or simply as a closely related text.<sup>67</sup> It contains close parallels to 11QT<sup>a</sup> 59-66, but also significant discrepancies.

<sup>62</sup> See especially J. L. Kugel, *A Walk through Jubilees. Studies in the Book of Jubilees and the World of its Creation* (JSJSup 156; Leiden: Brill, 2012), 18-205.

<sup>63</sup> M. Segal, *The Book of Jubilees. Rewritten Bible, Redaction, Ideology and Theology* (JSJSup 117; Leiden: Brill, 2007), 45-82. Kugel also sees a redactional hand at work in *Jubilees* (*A Walk through Jubilees*, 227-96).

<sup>64</sup> Segal, *The Book of Jubilees*, 143.

<sup>65</sup> The contrast between *1 Enoch* and *Jubilees* in this regard sets the agenda for the essays in G. Boccaccini and G. Ibba, eds., *Enoch and the Mosaic Torah. The Evidence of Jubilees* (Grand Rapids, Mich.: Eerdmans, 2009). See the preface by G. Boccaccini, xiv.

<sup>66</sup> M. O. Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11* (Studies in Ancient Oriental Civilization 49; Chicago: Oriental Institute, 1990).

<sup>67</sup> See the overview of the discussion by J. H. Charlesworth, with A. de la Ronde van Kirk, "Temple Scroll Source or Earlier Edition (4Q524[4QT<sup>b</sup>])," in *Temple Scroll and Related Documents* (ed. L. H. Schiffman, A. D. Gross, and M. C. Rand; The Dead Sea Scrolls. Hebrew, Aramaic, and Greek Texts with English Translations 7; Tübingen: Mohr Siebeck, 2011), 249-51.

The text is very fragmentary, but it clearly parallels the “law of the king” and also some of the levitical laws. It evidently contained reworking of passages from both Deuteronomy and Leviticus. Puech dates the script to 150-125 B.C.E., and takes it to be a copy of an even earlier manuscript.<sup>68</sup> Others allow for a slightly later date, but “no later than the last quarter of the second century B.C.E.”<sup>69</sup> The law of the king in the *Temple Scroll*, however, is often thought to be a polemic against the Hasmonean rulers because it proposes “a king subject to the priesthood and free from all cultic activities.”<sup>70</sup> As Florentino García Martínez put it: “The need for reformulating the biblical data with respect to royalty seemed more pressing once the Maccabees attained national independence than had been the case during the Persian period or under Ptolemaic or Seleucid dominion.”<sup>71</sup> Whether this requires a date after the Hasmoneans formally proclaimed themselves king is less certain. García Martínez pushes the date of the purity laws back to the Maccabean era, and suggests that the “midrash on Deuteronomy” containing the Law of the King may have been prompted by the discussions leading to the investiture of Simon. All this is very tentative, however. Schiffman argues that “we must see the composition of the Law of the King as taking place no earlier than the second half of the reign of John Hyrcanus. He is the first of the Hasmoneans to have consolidated a stable empire.”<sup>72</sup> The dating of this and other key Scrolls compositions has been influenced on occasion by the assumption that the sect originated in a dispute over the High Priesthood when the Hasmoneans assumed that office. That assumption, however, is unfounded. The disputes that are cited in CD and 4QMMT as generative of sectarian separation are all halakic issues, and the high priestly succession is not among them. There is no need, then, to push a “presectarian” text such as the *Temple Scroll* back to the middle of the second century B.C.E. The Law of the King is likely to presuppose a certain development of Hasmonean power and is not likely to be earlier than the reign of John Hyrcanus.

*Jubilees* also is likely to have originated in the Hasmonean era, in the second century B.C.E. In an influential study, James VanderKam dated the composition between 161 and 140 B.C.E., with a preference for the first

<sup>68</sup> E. Puech, *Qumrân Grotte 4. XVIII. Textes hébreux (4Q521-4Q528, 4Q576-4Q579)* (DJD 25; Oxford: Clarendon, 1998), 87.

<sup>69</sup> Schiffman, *Temple Scroll*, 4.

<sup>70</sup> García Martínez, “Temple Scroll,” 931.

<sup>71</sup> *Ibid.*

<sup>72</sup> Schiffman, *Temple Scroll*, 5.

half of that period.<sup>73</sup> His argument rested in large part on supposed references to the Maccabean wars in *Jubilees*, but this would at most provide a *terminus a quo*. The oldest copy of *Jubilees*, 4Q216, dates from the last quarter of the second century B.C.E. A number of scholars have tried to date the book on the basis of chapter 23:9-32. Nickelsburg takes this as polemic against the Hellenizers before the Maccabean revolt.<sup>74</sup> Menahem Kister argues to the contrary that the revolt is not mentioned because it was already long past.<sup>75</sup> Doron Mendels argued for a date in the 120's, arguing that *Jub.* 38, which refers to the subjection of the Edomites, must presuppose the final conquest of Idumea by John Hyrcanus.<sup>76</sup> None of these considerations can be considered decisive.<sup>77</sup> The question is complicated further if we accept that the work is the product of more than one hand, as Segal and Kugel have argued. Nonetheless, it seems safe to say that *Jubilees* is a product of the Hasmonean period, roughly contemporary with the *Temple Scroll*. The fact that the two works have much in common is widely recognized.<sup>78</sup>

The kind of halakic analysis that we find in the *Temple Scroll* and *Jubilees* cannot have developed overnight. Undoubtedly, these issues were being discussed for some decades before these books were written, certainly before they attained their final shape. Halakic issues must have exercised priests already in the biblical period. The fact that the surviving writings that reflect halakic debates date from the Hasmonean era, however, suggests that they enjoyed new prominence in Jewish society at this time, and

<sup>73</sup> J. C. VanderKam, *Textual and Historical Studies on the Book of Jubilees* (HSM 14; Missoula, Mont.: Scholars Press, 1977), 207-85.

<sup>74</sup> G. W. E. Nickelsburg, “The Bible Rewritten and Expanded,” in *Jewish Writings of the Second Temple Period* (ed. Michael E. Stone; CRINT 2.2; Philadelphia: Fortress, 1984), 89-156 at 103.

<sup>75</sup> M. Kister, “Concerning the History of the Essenes: A Study of the Animal Apocalypse, the Book of Jubilees, and the Damascus Covenant,” *Tarbiz* 56 (1986): 1-18 [Hebrew]. See Segal, *The Book of Jubilees*, 35-41.

<sup>76</sup> D. Mendels, *The Land of Israel as a Political Concept in Hasmonean Literature: Recourse to History in Second Century B. C. Claims to the Holy Land* (TSAJ 15; Tübingen: Mohr Siebeck, 1987), 80.

<sup>77</sup> See the cautionary comments of R. Doran, “The Non-dating of Jubilees. *Jub.* 34-38; 23:14-32 in Narrative Context,” *JSJ* 20 (1989): 1-11.

<sup>78</sup> J. C. VanderKam, “The Temple Scroll and the Book of Jubilees,” in *Temple Scroll Studies* (ed. G. J. Brooke; JSJSup 7; Sheffield: Sheffield Academic Press, 1989), 211-36; L. H. Schiffman, “The Book of Jubilees and the Temple Scroll,” in Boccaccini and Ibba, *Enoch and the Mosaic Torah*, 99-115.

this accords with the appearance of stone vessels and miqvaoth in the archeological record. The attempt to displace the traditional Torah in the time of Antiochus Epiphanes had the contrary effect of making the Torah, construed specifically as law, the touchstone for Jewish observance. While the Hasmoneans were not especially known for their piety, they accorded the Law a pivotal place in forming Judean national identity, and thereby created the context in which halakic discussion, and controversy, flourished.

### Halakah and Sectarianism

The Hasmoneans may have hoped that the Torah as ancestral law would unify the newly independent nation, and in a sense it did, but it would also be the source of bitter divisions. In his study of the rise of Jewish sectarianism, Albert Baumgarten noted several contributing factors.<sup>79</sup> These included urbanization, increased literacy, and disappointment with the native dynasty when independence was achieved. Most relevant to our present discussion is the maxim formulated by Morton Smith in 1960: "But touch the Law, and the sect will split."<sup>80</sup> Jews could tolerate a range of opinions on belief—one or two messiahs, the role of supernatural forces in human sin, etc. But the range of tolerance on legal issues, among people who took seriously the call to be zealous for the Law, was narrow. Moreover, the received laws were ambiguous and elliptic, and so disagreement was inevitable. The increased focus on the Torah as Law in the Hasmonean period had, perhaps, its inevitable outcome in *4QMMT*, which posited the conflict of legal interpretation as the primary cause of sectarian division. The light shed on that conflict is one of the great contributions of the Dead Sea Scrolls to our understanding of late Second Temple Judaism.

<sup>79</sup> A. I. Baumgarten, *The Flourishing of Jewish Sects in the Maccabean Era: An Interpretation* (JSJSup 55; Leiden: Brill, 1997).

<sup>80</sup> M. Smith, "The Dead Sea Sect in Relation to Ancient Judaism," *NTS* 7 (1960): 347-60 at 360. See Baumgarten, *The Flourishing*, 76.



## The Riverrun of Rewriting Scripture: From Textual Cannibalism to Scriptural Completion<sup>1</sup>

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### Abstract

To retain the concept of rewritten Bible as a scholarly category it is not only crucial to slightly change the name of the notion by re-designating it "rewritten Scripture" but also to accord the term the status of a cross-cultural third-order concept. This will allow research to detach the notion from its somewhat current "parochial" nature intrinsically linked as it is to the study of Second Temple Jewish literature. Rewritten Scripture should be conceived of as an excessive form of intertextuality that signifies the relationship existing between scriptural predecessor and rewritten piece with respect to the question of authority. Apart from advancing the theoretical discussion of the nomenclature, the essay takes a fresh look at a moot point that has loomed large in previous debates, whether rewritten Scripture strives to replace its scriptural predecessor or aims to complement it in an irenic fashion. The acknowledgement of some aspectualism grants legitimacy to both viewpoints, when they are rightfully understood within their proper perspectives. Finally, the article engages in typological considerations that will allow us to distinguish between three continua defined by respectively content, form, and function. Each constitutes a continuum on its own that advantageously may be segmented by

<sup>1</sup> It is a pleasure and honour to dedicate this essay to Florentino García Martínez who is not only by virtue of his works an admirable and prolific scholar but also a living token of the Schillerian dictum that: "Und es gibt keine höhere und keine ernsthaftere Aufgabe als die Menschen zu beglücken" from *Die Braut von Messina oder die feindlichen Brüder*. I am grateful to the influence which Professor García Martínez for more than 14 years has exerted on my thinking. As a token of gratitude I focus on a subject that García Martínez has worked copiously on, that is, the moot question of rewritten Bible. See García Martínez, "Las Fronteras de «lo bíblico»," *ScrTh* 23 (1991): 759-84, and "Rethinking the Bible-Sixty Years of Dead Sea Scrolls," in *Authoritative Scriptures in Ancient Judaism* (ed. M. Popović; JSJSup 141; Leiden: Brill, 2010), 19-36.