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# SCRIBAL PRACTICES AND THE SOCIAL CONSTRUCTION OF KNOWLEDGE

in Antiquity, Late Antiquity and Medieval Islam

edited by

MYRIAM WISSA

*foreword by*

SEBASTIAN BROCK

*préface by*

PASCAL VERNUS



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## THE RABBINIC CONCEPT OF HOLY SCRIPTURES AS SACRED OBJECTS\*

Timothy H. LIM  
University of Edinburgh

Rabbinic Judaism developed a concept of holy scriptures that was distinctive in the ancient world. Rabbis believed that for scriptures to be holy, they must hold certain physical properties: they had to be written in square script, which they called “Assyrian”; they had to be written on prepared leather scrolls; and the letters of scripture had to be penned in ink.

According to David Stern, the sacrality of the physical Torah scroll has no precedent or parallel in the ancient Near East or Graeco-Roman world. It may be compared to the sanctuary, the *mikdashyah*, which makes its first appearance in the Damascus Document and then re-emerges in Karaite literature and medi-aeval rabbinic tradition.<sup>1</sup> Philip Alexander underscores the uniqueness of the Torah Scroll by comparing it to the Christian belief in the incarnation of God in Jesus: “A Sefer Torah written in the approved Rabbinic fashion did not *contain* the word of God, in the sense of alluding to some ideal, perfect text existing in the mind of God, which was never fully actualized in the material world. It *was* the word of God in all its physical details. Only in the Rabbinic Sefer Torah was the word of God completely ‘incarnate’”.<sup>2</sup> There is some similarity to the *logos* doctrine that became part of the Gospel of John and Christian tradition, but Sefer Torah is not incarnate in the way that Christians came to believe that God was made flesh in Jesus. Sefer Torah is a human and not divine product; Sefer Torah is not singular and unique; it may be reproduced.

In this paper, I will first show that there was not one Rabbinic opinion about the physical requirements of the biblical scrolls. This will require a discussion of key Rabbinic texts. Only some and not all Rabbis held the view that holy scriptures were sacred objects. Stern and Alexander’s discussions of the physical attributes of Sefer Torah leave other questions unanswered about the Rabbinic

\* Many thanks to the organizers of the conference, Myriam Wissa and Hugh Kennedy, for the invitation, and to Stephen Quirke, Charles Häberl, Ewa Balicka-Witakowska, and Larry Hurtado for further discussions.

<sup>1</sup> “On Canonization in Rabbinic Judaism”, in *Homer, the Bible, and Beyond. Literary and Religious Canons in the Ancient World*, ed. M. Finkelberg and G. Stroumsa (Leiden: Brill, 2003), p. 233.

<sup>2</sup> “The Formation of the Biblical Canon in Rabbinic Judaism”, in *The Canon of Scripture in Jewish and Christian Tradition. Le canon des Ecritures dans les traditions juive et chrétienne*, ed. P.S. Alexander and Jean-Daniel Kaestli (Lausanne: Editions du Zèbre, 2007), p. 61.

concept of holy scriptures. How is this concept of sanctity related to the principle that holy scriptures defile the hands? As the Mishnah states: “a Hebrew scroll does not defile [the hands] unless he (i.e. the scribe) writes it in Assyrian [square script], on skin, and in ink” (mYad. 4:5).

Elsewhere I have suggested that by the beginning of the common era some Rabbis believed that holy scriptures could transmit contagion. Counter-intuitively, it was not about the content of a composition, its dating, presumed divine origin, or acceptance by the Jewish community that made a book holy. Rather, a book was holy because it made ‘the hands’ (a metonym for the whole person) ritually impure. This enigmatic criterion (*tum’at yadayim*) assumes that *kitvey ha-qodesh* or holy scriptures were holy objects that had the ability to spread sacred contagion.<sup>3</sup>

The principle of defilement of the hands, however, only addresses the effects that a holy book have on the mundane. What made a book holy in the first place? In the following, I want to discuss the concept of a holy book by investigating the source of this Rabbinic concept. Where did the Rabbis derive this very ‘high view’ of holy scriptures? The Babylonian Talmud’s reference to the legend of the origins of the Septuagint provides a clue to uncovering the principle that all scriptural scrolls, and not just the Torah Scroll, must be presented in a certain form.

#### TANNAITIC VIEWS ON THE LANGUAGE OF SCRIPTURAL SCROLLS

Rabbinic Judaism does not have just one view of the presentation of holy scriptures. In the tannaitic period, the Mishnah reports the views of unnamed Rabbis and Rabban Gamaliel. According to them, scriptural scrolls may also be written in Greek. Mishnah Megillah states:

(A) There is no difference between scrolls [of scriptures] and *tefillin* and *mezuzot* except that the scrolls may be written in any script (or language), whereas *tefillin* and *mezuzot* may only be written in the Assyrian [square script]. (B) Rabban Simeon ben Gamaliel says: also they have not permitted [them or the scribes] to write [in any language in scrolls] except Greek (mMeg. 1:8).<sup>4</sup>

This ruling concerns the presentation of the biblical scrolls and biblical excerpts found in the ritual objects of the *tefillin* and *mezuzot*. The *tefillin* or phylacteries

<sup>3</sup> “The Defilement of the Hands as a Principle Determining the Holiness of Scripture”, *JTS* n.s. 61.2 (2010): 501-15.

<sup>4</sup> The translations of the Mishnah are my own from the MS 50 Kaufmann available at <http://kaufmann.mtak.hu/en/study04.htm>. Square brackets are added to complete the sense of the text, and rounded brackets are editorial remarks for clarification. The English translation of bMegillah is cited from *Hebrew-English Edition of the Babylonian Talmud. Seder Mo’ed. Ta’anith, Megillah, Hagigah*, translated by J. Rabbinowitz (London: The Soncino Press, 1990).

are small boxes in which excerpts of biblical texts (Exod. 13:1-10, 11-16; Deut. 6:4-9; 11:13-21) are to be placed. They are to be worn on the hand and on the forehead. The *mezuzot* (lit. 'door posts') are likewise boxes containing excerpts of selected biblical texts (Deut. 6:4-9; 11:13-21). These are to be affixed to door posts and the gates of a house (Deut. 6:9; 11:20).<sup>5</sup>

The mishnah states that there is no difference between scrolls of biblical texts *as such* and excerpts of biblical texts found in the ritual boxes with the one proviso that the latter must be written in Assyrian or square script. By contrast, the biblical scrolls may be written in any script or language. Rabban Gamaliel restricted this permission to the use of Greek. Other rabbis, however, disagreed. Their opinion, also found in tractate Megillah, is implicit in a discussion about the conditions required for fulfilling religious obligation. Mishnah Meg. 2:1-2 states:

(1) (A) The one who reads the Scroll [of Esther] backwards has not fulfilled his obligation. (B) [If] he read it by heart (lit. 'by mouth'), (C) [if] he read it [in] translation into any language (D) he has not fulfilled his obligation.

(E) But they do read [the content of the book of Esther] to the speakers of a foreign language in a foreign tongue. (F) Now the speaker of a foreign language who hears [the Scroll read in Hebrew from a scroll written in] Assyrian [script] has fulfilled his obligation.

(2) (A) [Even if] he read it [in] intervals (B) or drowsily, (C) he has fulfilled his obligation. (D) [If] he were copying, expounding or correcting it, [and] if he set his heart [to the reading of the Scroll in Hebrew from a scroll written in Assyrian script], then he has fulfilled his obligation. (E) [And] if not, [then] he has not fulfilled his obligation. (F) [If] it (i.e. the Scroll) were written with caustic, red chalk, gum or copperas, (G) or on paper or on unprepared leather, (H) he has not fulfilled his obligation, (I) unless it is written [in] Assyrian [square script], on the scroll and in ink.

One does not fulfill one's religious obligation if one read the Scroll of Esther backwards, recalled it by heart, or read it in translation (2:1 A-D). For those who are speakers of a foreign language, it is the hearing of the Hebrew being read from a leather scroll written in square script that constitutes the fulfillment of religious duty (2:1 F). Presumably, these foreign speakers would not have understood, or would have understood imperfectly, what was being read, but religious obligation was fulfilled in any case by the words simply being vocalized in their hearing.

<sup>5</sup> The tradition of excerpting biblical texts to be included in the *tefillin* and *mezuzot* is already attested by the *Letter of Aristeas*, Philo, Josephus, the Gospel of Matthew, and the Dead Sea Scrolls. The selection of biblical texts to be excerpted varied (see my "Deuteronomy in the Judaism of the Second Temple Period", in Maarten J.J. Menken and Steve Moyise, *Deuteronomy in the New Testament* [London/New York: T&T Clark International, 2007], pp. 15-18).



The overriding principle is that the Scroll of Esther has been prepared according to the prescribed requirements. Thus, even someone who reads it in intervals or piecemeal or drowsily has fulfilled his obligation (2:2 A-C). A copyist or an expositor of the scroll has fulfilled his obligation when copying, expounding or correcting it, so long as he is also reading from a properly prepared scroll, namely that the material of the scroll was made from prepared leather, and the words are written in ‘Assyrian’ and in ink (2:2 D-E). The implication is that the Greek language cannot be used to prepare a scriptural scroll.

The same view is implied in another place in the Mishnah. Mishnah Yadayim states that the Aramaic portions of the biblical texts, which it calls ‘a translation’, must be written in Aramaic to defile the hands, and Hebrew passages in Hebrew, and not vice versa:

(A) [The Aramaic] translation that is in [the book of] Ezra and in [the book of] Daniel defiles the hands. (B) [If the Aramaic] translation is written [in] Hebrew, or Hebrew [passage] is written [in the Aramaic] translation or [in palaeo-] Hebrew script, [then] it never defiles the hands. (C) It does not defile [the hands] unless he (i.e. the scribe) writes it in Assyrian [square script], on skin, and in ink (mYad. 4:5).

The mishnah draws out a further distinction that the script and language are two components to be considered independently. Accordingly, passages copied in palaeo-Hebrew script (כתב עברי) would not defile the hands, even if it was written in the Hebrew language.

The palaeo-Hebrew script was the script used in the First Temple Period. In post-exilic times, this ancient script continued to be used selectively on inscriptions of various kinds (e.g. Siloam, coins, seals, building columns), but the so-called “square script”, adopted from the Aramaic language, became the common script of the Jews. The Rabbis continued this practice of using the Aramaic square script, which they called “Assyrian”, as the official script for copying scriptural scrolls.<sup>6</sup> Thus, a biblical passage must not only be written in the Hebrew and Aramaic languages respectively — and not interchanged — it must also be copied in the Assyrian or square script. This mishnah, contra m.Meg. 1:8, does not permit the possibility that a biblical scroll could be copied in other languages and scripts, including Greek.

<sup>6</sup> By “Assyrian” is meant “Syrian”, as Hebrew and Greek sources confuse the two (Abraham Wasserstein and David Wasserstein, *The Legend of the Septuagint. From Classical Antiquity to Today* (Cambridge: CUP, 2009), p. 55 n. 12. What has not been recognized is that the *Letter of Aristeas* describes the language of the Jews as another dialect of “Syrian” (Συριακός; LA § 11).

## SCROLLS OF SCRIPTURE MAY BE WRITTEN IN ANY LANGUAGE

The framers or *stammaim* of the Babylonian Talmud tried to reconcile the views of the tannaim as regards the language and script used for copying scriptural scrolls by bringing together the opinions of various amoraic Rabbis.<sup>7</sup> Bavli Megillah 8a-9b begins by quoting Mishnah Megillah 1:8 and asserts that the issue of the defilement of the hands is comparable to the requirement to use sinews to stitch sheets of a scroll together.<sup>8</sup> Unfortunately, it does not say how the analogy is to be compared, and the argument remains undeveloped and incomplete.

It, then, juxtaposes two apparently contradictory rulings about the prescriptions for a biblical scroll: a clause from mMeg. 1:8 (“books may be written in any language”) and a baraita, which is a tannaitic text not found in the Mishnah or Tosefta, are compared. The baraita states: “[a scriptural scroll containing] a Hebrew text written in Aramaic or an Aramaic text written in Hebrew, or [either] in Hebraic script, does not defile the hands; [it does not do so] until it is written in Assyrian script upon a scroll and in ink”.

The mishnaic ruling that allows books to be written in any language is understood to be a reference to the way that official Aramaic and Greek translations, namely Targum Onkelos and the Greek translation of Aquila, are used in synagogues. It seems to contradict the baraita that requires that the biblical scroll must be written in Assyrian script, on a scroll, and in ink.

The verb ‘written’ (כתב) in the baraita has different meanings. First, it refers to a translation. Thus, a Hebrew biblical text that is “written in Aramaic” means that it is translated into the Aramaic language, as in the case of the Targum. Second, the verb refers to a text in one language that is embedded in the narrative of another. Thus, “an Aramaic text written in Hebrew” refers to the Aramaic portions of Daniel and Ezra.

There are some two hundred verses in the Hebrew Bible that are written in Aramaic. The passages in Ezra (4:7b-6:18, 7:12-26) are letters written in Aramaic, the lingua franca of the Persian period, which are embedded within the narrative of the Hebrew book of Ezra. In the book of Daniel the Aramaic is likewise embedded within a Hebrew narrative. The language of Daniel switches from Hebrew to Aramaic in chapter 2:4b and switches back from Aramaic to Hebrew at the beginning of chapter 8. This bilingual feature has been explained variously, but remains enigmatic.<sup>9</sup> Apart from the passages in Ezra and Daniel,

<sup>7</sup> The Babylonian Talmud was edited over several hundred years. For a discussion of the framers or *stammaim*, the anonymous voice of the Talmud, see David Weiss Halivni, *The Formation of the Babylonian Talmud*. Introduced, translated and Annotated by Jeffrey L. Rubenstein (Oxford: OUP, 2013), pp. 4-64.

<sup>8</sup> Rather than flax thread.

<sup>9</sup> See John J. Collins’ succinct summary of the different theories in *Daniel*. Hermeneia (Minneapolis: Fortress Press, 1993), p. 24.

the Hebrew Bible also attests to the name יגַר שֶׁהִדּוּתָא (Hebrew: גלעד) in Gen. 31:47, which is Aramaic. There is also a single sentence in Jer. 10:11 that is written in Aramaic. All these Aramaic texts are considered by the baraita to have been “written” or embedded in Hebrew narrative.

Third, the verb “written” is used in the sense that corresponds broadly to transcription and transliteration. Transcription represents the letters and sounds of one language in its own script; whereas, transliteration refers to the representation of the letters and sounds of one language in the corresponding letters of a different language and alphabet. The baraita states that a scriptural scroll, transcribed in “Hebraic script” (כַּתָּב עִבְרִי), does not defile the hands. It only defiles the hands if the scroll is transcribed or transliterated in Assyrian, on leather and in ink. The ruling applies both to those passages that have been translated into Aramaic and the Aramaic passages that are embedded in the Hebrew text.

The Talmud, then, goes on to report the opinions of various Rabbis who sought to reconcile these two statements. After reporting several dissenting views, both partial and more complete ones, the Talmud switches to the first person and declares: “I must say therefore ‘Scrolls of the Scripture may be written in any language, and our Rabbis permitted them to be written in Greek.’ They permitted.” This legal decision only rules on the scrolls of scripture, for nothing is explicitly decided about the language to be used for the writing of the biblical excerpts of the *tefillin* and *mezuzot*.<sup>10</sup>

#### THE HALAKHA FOLLOWS RABBAN GAMALIEL

From this point onwards the Talmudic discussion turns to the use of Greek, and the legend of the translation of Hebrew scriptures into Greek. The trigger for this change of direction is the statement that “our Rabbis permitted them (i.e. scriptural scrolls) to be written in Greek”. From this decision, the possible but not necessary, inference is drawn that the “first Tanna” must have forbidden it. Moreover, the anonymous first person voice qualifies his own previous declaration by stating that “Our Rabbis permitted them to be written *only* in Greek”. There follows a report that R. Judah said that “when our teachers permitted Greek, they permitted it only for a scroll of the Torah”.

The talmudic passage does not make clear what was the original context of these fragments of opinions, attributed or anonymous. The redactors of the Bavli seem to believe that they all address the same issue of using Greek as

<sup>10</sup> Evidently, the clause “and they shall be”, found in the biblical excerpts of the *tefillin* and *mezuzot*, is interpreted as an implicit command to leave the *tefillin* as they should be in their original language of Hebrew. In its original context, the *wayiqtol* of the verb “to be” in Deut. 6:8 says nothing of the kind; it simply complements the verb of command to bind scripture on the body as a sign.

the language for copying scrolls of scripture. There is, then, an account of the legend of the Septuagint with an enumeration of textual variants that vary from the Hebrew texts.

The concluding section re-cites the mishnaic statement that Gamaliel permitted the books of holy scripture to be written in Greek. R. Abbahu, then, declares in the name of R. Johanan that the books of scripture may be written in Greek, stating explicitly that “the *halachah* follows R. Simeon b. Gamaliel (הלכה כרשב"ג)”. The whole *sugya* or thematic passage closes with a proof-text of Gen. 9:27, interpreting the clause of God’s enlargement of Japheth in the tents of Shem as support for the favourable status of Greek and its permissibility as a language of scripture.<sup>11</sup>

From the above discussion it is clear that the Mishnah and Babylonian Talmud did not have one view of how the biblical scrolls should be presented. There were different opinions and the *halachah* allows Greek to be used as a language of scripture.

But why did some rabbis insist on a particular form of holy scriptures? It would seem that some Jews believed that it was the content, and not the language, script or physical aspects, such as the use of leather scrolls and ink, which make a writing holy. Rabban Gamaliel represents what may be conveniently called the liberal view. For him, scriptural scrolls may also be written in the Greek language, and this is the position adopted by the Bavli. By permitting Greek translations, Gamaliel implies that holiness is not bound by the material of the scroll, its language and script. The content of scripture may be translated into another language.<sup>12</sup> His conservative co-religionists, however, insisted on the physical form of the scroll and it is to this issue that we now turn.

#### THE LEGEND OF THE SEPTUAGINT IN BAVLI MEGILLAH

Where did these conservative Rabbis derive their view that scriptural scrolls must be written in a particular way? The Rabbinic sources do not explain why holy scriptures had to be presented in a particular form, but the discussion in the Talmudic text provides a clue. In bMegillah 9a it states:

<sup>11</sup> See Marguerite Harl, *La Langue de Japhet. Quinze Études sur la Septante et le Grec des Chrétiens* (Paris: Les Éditions du Cerf, 2007), pp. 11-15, who shows that despite the absence of the tradition in the Church Fathers and the episode of the Tower of Babel in the Hellenistic and Roman period Gen 9:27 was understood to refer to three ethno-linguistic groups, the descendants of Shem who spoke Hebrew, the sons of Ham who spoke indigenous Canaanite languages, and the generation of Japheth who spoke Greek.

<sup>12</sup> In the past, it was thought that the Rabbis rejected the LXX after the translation was taken over by Christians. Giuseppe Veltri, however, has made a case that there was no official rejection of the Septuagint until the middle ages; see his *Eine Tora für den König Talmi* (Tübingen: J.C.B. Mohr [Paul Siebeck], 1994).

This was an account of the incident related in connection with King Ptolemy, as it has been taught: “It is related of King Ptolemy that he brought together seventy-two elders and placed them in seventy-two [separate] rooms, without telling them why he had brought them together, and he went in to each one of them and said to him, Translate for me the Torah of Moses your master.” God then prompted each one of them and they all conceived the same idea and wrote for him.

A list of fifteen biblical verses, where the LXX differed from the Hebrew Text, is enumerated (Gen. 1:1, 26; 2:2; 5:2; 11:7; 18:12; 49:6; Exod. 4:20; 12:40; 24:5, 11; Num. 16:15; Deut. 4:19; 17:3; Lev. 11:6). Similar lists are found in eight or more sources of Rabbinic literature, and enumerate between 10 and 18 verses of scripture that have been emended. These textual variants are called ‘Ptolemaic changes.’ They are important for the study of divergences of the LXX from the MT, interreligious disputations, and debates about the continuing validity of the Greek translation in Rabbinic Judaism.<sup>13</sup> There is little doubt that some kind of list of textual variants circulated before it was incorporated by the *stammaim* into bMegillah.

More important for the present discussion is the reference to the origins of the translation of the Torah or Pentateuch into Greek in the time of Ptolemy. There are several versions of this legend, and it is impossible to know for certain which one or ones the Talmud knew. The account in bMegillah contains features of the myth found in *The Letter of Aristeas (LA)*, Philo’s *Life of Moses (Mos.)* 2.25-44, and Josephus’ *Jewish Antiquities (Ant.)* 12.11-118, but its version is not the same as any of them.

First, only King Ptolemy is associated with the translation enterprise as he is said to have gathered seventy-two translators and placed them in separate rooms. Although the Talmud does not say so, this ‘Ptolemy’ is identified with Ptolemy Philadelphus (285-247 BCE). Also absent in the Talmudic notice is any mention of Demetrius, the royal keeper, who noticed a gap in the collection of books in the king’s library of Alexandria (*LA* § 9-11; *Ant.* 12.11-16). Philo likewise does not mention Demetrius and attributes the initiative of the translation enterprise to anonymous persons who thought it scandalous that the Jewish laws should not be known to the Greeks because they have not been translated (*Mos.* 2.27).<sup>14</sup>

<sup>13</sup> See E. Tov, “The Rabbinic Tradition Concerning the ‘Alterations’ Inserted into the Greek Pentateuch and their Relation to the Original Text of the LXX”, *JSJ* 15 (1984): 65-89, who judges that the Rabbinic sources provide reliable information of the changes introduced by the LXX. Tov’s preference for Rabbinic tradition over the manuscripts of the LXX has been criticized by Eliezer Segal, “*Aristeas* or Haggadah: Talmudic Legend and the Greek Bible in Palestinian Judaism”, in *Common Judaism. Explorations in Second-Temple Judaism*, ed. W.O. McCready and A. Reinhartz (Minneapolis: Fortress Press, 2008), pp. 159-72, who regards the passage as haggadic more than history.

<sup>14</sup> It is uncertain why Philo left out the name of the librarian. One possibility is that Demetrius is wrongly named as the chief keeper of the royal collection. More likely, it is Philo’s emphasis upon kingship and the house of the Ptolemies, T.H. Lim, *The Formation of the Jewish Canon* (New Haven, CT: YUP, 2013), pp. 81-82.

In all three sources, it was Ptolemy who sent an embassy to the high priest of Jerusalem to bring back translators.

Second, the number of translators, seventy-two, follows the *LA* § 50, 307. Philo does not specify the number of translators (*Mos.* 2.32), and Josephus enumerates them as seventy (*Ant.* 12.57, 86), even though he also recounted that six translators from each of the twelve tribes were chosen and sent by the High Priest (*Ant.* 12.39, 49, 56). Evidently, Josephus is not bothered by the discrepancy between seventy and seventy-two.<sup>15</sup>

Third, the mention of separate rooms is distinctive to the talmudic account. In all the sources, the place where the translation took place was described as isolated and on an island. Philo names it the island of Pharos (*Mos.* 2.35). But none of them mentions that the translators worked in separate “rooms” (lit. ‘houses’, בתיים).<sup>16</sup> The *LA* states that each translator had “their own place” (§ 304). Philo’s account comes closest as he describes each translator working in isolation (*Mos.* 2.37-38).

Fourth, there is no corroboration for the talmudic account that Ptolemy withheld the purpose of the gathering from the translators, or that he ordered them to translate “the Torah of Moses our master”.

Finally, the feature of the talmudic account that describes the translators conceiving the same idea (הסכימו כולן לדעת אחת) is closest to Philonic version of the myth, according to which the men were possessed by the divine spirit of prophecy, their translation was dictated to them by God, and it agreed word for word (*Mos.* 2.37-38). This conception of the translation process is not shared by the *LA* which describes the translators to be comparing their renderings and harmonizing the details under the auspices of Demetrius (§300-307; probably also Josephus, *Ant.* 2.103).

#### HEBREW SCROLLS OF JEWISH LAW

The reference to the myth, I suggest, is highly significant for tracing the source of the rabbinic concept of the physical torah. In *LA* § 3, the divine law of the Jews is said to be written “on parchments in Hebrew characters” (ἐν διφθέραις Ἑβραϊκοῖς γράμμασιν). In *LA* § 172-180 the holy law of the Jews, which King Ptolemy requested and the High Priest Eleazar sent, is described as having been written on rolls of parchment, in the Hebrew language, and in Jewish letters with writing of gold. The passage is worth quoting in full:

<sup>15</sup> Nor were the Church Fathers. Justin Martyr, Clement of Alexandria, Jerome, and many others referred to the seventy translators; whereas, Tertullian and Epiphanius enumerate them as seventy-two.

<sup>16</sup> Probably influenced by *LA*’s description of a large house, οἶκος (*LA* §301).

the Law was inscribed in Jewish letters with writing of gold (ἡ νομοθεσία γεγραμμένη χρυσογραφία τοῖς Ἰουδαϊκοῖς γράμμασι), the material being wonderfully worked and the joinings of the leaves being made imperceptible; and when the king saw the men he began to put questions concerning the books. When they had uncovered the rolls and had unrolled the parchments the king paused for a considerable space, and after bowing deeply some seven times said, “I thank you, good sirs, and him that sent you even more, but most of all I thank God whose holy words these are.” (§ 176-77)<sup>17</sup>

The description that the law was written with “writing of gold” is puzzling, since no such practice is attested elsewhere. Moses Hadas suggests that it may have referred to the Egyptian practice of writing the names of God in gold (cf. *Sopherim* 1:10), but that is an unlikely interpretation of ἡ νομοθεσία which elsewhere refers to the books or the content of the Pentateuch (*LA* § 5, 15, 31, 128, 133, 147, 176 and 313).<sup>18</sup>

It seems more likely that the writing of gold was influenced by the description of the High Priest’s garment. In *LA* § 98 it states that the name of God is inscribed in sacred letters on a golden plate (ἐπὶ πετάλῳ χρυσοῦ γράμμασιν ἁγίοις ὄνομα τοῦ θεοῦ) that sits on the priestly turban. By describing the Jewish law to be written in gold, the anonymous author of the *LA* in effect associates the rolls with the priestly headgear. He is ascribing preciousness and sanctity to the scrolls in a way no different from other objects of the Temple.<sup>19</sup>

Solomon Zeitlin sees significance in the description of “Jewish letters”, since elsewhere in the *LA* the script is described as “Hebrew characters”. He proposed that “Jewish letters” referred to the Jewish square script, and that the variant was inserted into the *LA* after the destruction of the Second Temple when the square script became more widely used than the ancient Hebrew script.<sup>20</sup> There is no textual witness to support Zeitlin’s view, and it is more likely that “Jewish” is an adjective used interchangeably with “Hebrew” (cf. *LA* § 3, 22, 24, 28, 30, 38, 121 and 176).

The myth of the translation of Jewish law into Greek was an important source of the Rabbinic concept of holy scriptures as sacred objects. The scrolls came from the Jerusalem Temple and as such were considered sacred objects. In the *LA* the sanctity of the scriptural scrolls is evidenced by the detrimental effects they had on those who used them inappropriately. Thus, Theopompus and Theodectes attempted to introduce Jewish law into their history and play, but were struck down with mental and physical illness (*LA* § 313-16). Implicit in

<sup>17</sup> Translation by M. Hadas, *Aristeas to Philocrates (Letter of Aristeas)* (New York: Harper and Brothers, 1951), p. 169.

<sup>18</sup> Hadas, *Aristeas to Philocrates*, p. 168 n. 176.

<sup>19</sup> E. Tov, *Scribal Practices and Approaches Reflected in the Texts Found in the Judean Desert* (Leiden: Brill, 2004), p. 54, hints at this explanation, explaining the writing in gold as a literary embellishment, but he does not refer to the priestly headgear.

<sup>20</sup> Zeitlin’s opinion is cited in Hadas, *Aristeas to Philocrates*, p. 168 n. 176.

this report is the negative effect sanctity has on the mundane. As Hecataeus of Abdera is believed to have said: “the views set forth in them (i.e. the books) have a certain holiness and sanctity” (*LA* § 31).

Each day before the translators set about their task they would wash their hands in the sea and offer prayers to God before they interpreted and clarified each passage. It was a custom of all Jews, so it is explained, that the practice served as a testimony to the fact that they had done no wrong, since “the hands are the organs of all activity” (*LA* § 305-306).

#### THE EMERGENCE OF THE RABBINIC CANON

The myth of the origins of the Septuagint was formulated in the second or third century BCE. The *LA* was probably written in the middle of the second century BCE by an anonymous Alexandrian Jew, but the myth referred to events that took place more than a century before.<sup>21</sup> Why did this concept re-emerge in the first century CE?

In one sense it never disappeared; the myth was transmitted and remained latent in Jewish tradition. But how did this concept come to be applied to other scriptural scrolls, since it was restricted to the first five books, the Pentateuch. As the Talmud says: “When our teachers permitted Greek, they permitted it only for a scroll of the Torah” (bMeg. 9a).

The solution, I believe, is to be found in the emergence of the Jewish canon at the end of the first century CE. I have argued elsewhere that the twenty-two or twenty-four book canon of the Pharisees became the canon of Rabbinic Judaism. The school of the Pharisees formed the majority party of Judaism in the aftermath of the destruction of the Second Temple of Jerusalem, and it was their canon that was adopted. This majority canon, as I have called it, was not yet closed in the first century CE, since Rabbis continued to argue about a few books, namely Qohelet and the Song of Songs (m.Yad 3:5), but it was substantially defined.<sup>22</sup> With the emergence of the Rabbinic canon, the concept of holy scriptures as sacred objects was extended to all books that were included on the list.

#### OTHER POSSIBLE FACTORS

External factors may also have affected the development of the concept of holy scriptures as sacred objects. The Rabbis may have been reacting to practices among other Jews, Samaritans, Christians, and Greeks.

<sup>21</sup> For the dating of the *LA* to the second century BCE, see my *Formation of the Jewish Canon*, pp. 74-93.

<sup>22</sup> *Formation of the Jewish Canon*.



The practice of writing biblical scrolls in palaeo-Hebrew script is amply evidenced by the Dead Sea Scrolls (e.g. 4QpaleoExod<sup>m</sup>, 11QpaleoLev). The sectarians used the palaeo-Hebrew script in copying biblical scrolls and in writing the tetragram (e.g. 1QpHab). There is a series of sixteen manuscripts, primarily of books of the Pentateuch, that use palaeo-Hebrew script, and date to between the 3<sup>rd</sup> century BCE and 1<sup>st</sup> century CE. Some of these scrolls are textually close to the Samaritan version of the Pentateuch. Thus, for instance, 4QpaleoExod<sup>m</sup> is widely regarded as a pre-Samaritan text type, and it is often supposed that the Samaritans selected this pre-existent text-type as their Torah scroll.

The Rabbinic requirement to read those portions written in Aramaic in Aramaic, and other portions written in Hebrew in Hebrew could be read against the backdrop of other Jews translating the Hebrew texts into Aramaic. An interchange of language and biblical passage is prohibited by the Rabbis. The implication is that holy scriptures had been fixed in bilingual form. Those passages in Ezra and Daniel that are in Aramaic are now holy only if they are in Aramaic. Likewise, holiness is conferred on the rest of the passages only if they are written in Hebrew.

In the opinion of some conservative Rabbis other Jews were blurring the boundaries between the “original” language of scripture and its translation. The dating of the Aramaic targumim is notoriously difficult. Jewish tradition traces the phenomenon of translating Hebrew scriptures into Aramaic to the time of Ezra (as described in Neh. 8:1-8), during which time the reading of the torah is interposed by the levites giving the sense (*mēpōraš*) of the torah. I date this entire post-exilic episode to the final redaction of the book of Ezra-Nehemiah at around 300 BCE.<sup>23</sup> Despite this, in no source of the Second Temple period is there a mention of the translation of the Hebrew biblical texts to Aramaic. Therefore, the Rabbinic targumim cannot be dated with any certainty to the earlier period.

Yet, we have evidence that Aramaic translations were being produced around this time. They are not identical to the Rabbinic targumim. There are three Aramaic translations of the books of Leviticus and Job found among the Dead Sea Scrolls: 4QtgJob [4Q157] and 11QtgJob [11Q10]; 4QtgLev [4Q156]. Two of these scrolls (4Q157 and 4Q156) are too fragmentary to date; however, 11Q10 has been dated to between 0 and 68 CE.

Moreover, some of the Rabbinic rules governing the liturgical reading of the targum in the synagogue assume that there was a concern that the congregation might inadvertently conflate the scriptural reading with its subsequent translation and exposition. The reader of scripture must read from a written text, and not by heart. A different person who served as the *meturgeman* must not read

<sup>23</sup> *Formation of the Jewish Canon*, pp. 54-73.

from a written text. Nor should the reader prompt the translator. The reasoning behind this is the avoidance of confusion: “so that people would not say that the translation is written in the Torah” (bMeg. 32a).<sup>24</sup>

On the translation of the Hebrew biblical texts into Greek which divided Rabbinic opinion, fragments of Greek Deuteronomy (4QLXXDeut [4Q122], ca. 200-150 BCE), Numbers (4QLXXNum [4Q121], ca. 40 BCE-10 CE), and Leviticus (4QpapLXXLev<sup>a</sup> [4Q119], ca. 125-1 BCE), 4QpapLXXLev<sup>b</sup> [4Q120], ca. 100-1 BCE) have been found in one of the caves by Khirbet Qumran. These have been dated to between the first CE and second century BCE. Cave 7, which contained only fragments of Greek manuscripts, also yielded a few fragments that have been identified by the principal editors as early septuagintal manuscripts of Exodus (7QpapLXXExod [7Q1]; 100 BCE) and the Epistle of Jeremiah (7QpapEpJer [7Q2]; 100 BCE).

Moreover, there are first and second century BCE fragments of Greek translations found in Egypt. Papyri Fouad include Greek translations of Genesis (PFouad 266a) and Deuteronomy (PFouad 266b; PFouad 266c). They were found in Fayyum and attest to the phenomenon of translating the Jewish laws into Greek in Egypt. Papyrus Ryland 458 (Deuteronomy) dates a century earlier and is likely to have come from the same area.

In the first centuries of the common era, Christians began appropriating the Septuagint or the Jewish Greek translations as scripture. Already Paul, in his letters to the churches, cited scripture in Greek, and many of these quotations are of the septuagintal text-type.<sup>25</sup> The Septuagint became the Bible of the Early Church, but there was no official rejection of the Septuagint by Jewish tradition until the Middle Ages. This early acceptance turned into unease as the Septuagint came to be used by Christian polemicist and missionaries.<sup>26</sup> This later negative view is reflected in various texts that compared the day of the translation to the day when Israel made the golden calf in the wilderness (*Massekhet Sepher Torah* I, 8-9; *Masskhet Sopherim* I, 7-8). Moreover, in *Megilat Ta'anit*, it states: “On 8 Tebet the Torah was written in Greek in the days of King Ptolemy, and darkness came upon the world for three days.”

As for the Rabbinic insistence on the scroll format, a wider look at the use of rolls and codices is salutary. Christians clearly preferred the codex over the roll. This is not to say that Christians did not use rolls, which they in fact did,

<sup>24</sup> See P.S. Alexander, “The Targumim and the Rabbinic Rules for the Delivery of the Targum”, in *Supplements to Vetus Testamentum. Salamanca 1983* (Leiden: E.J. Brill, 1988), pp. 14-28.

<sup>25</sup> It is inaccurate to say that Paul’s Bible was the LXX, but the apostle no doubt knew septuagintal texts, see *Holy Scriptures in the Qumran Commentaries and Pauline Letters* (Oxford: Clarendon Press, 1997); and *Formation of the Jewish Canon*, pp. 165-77.

<sup>26</sup> Wasserstein and Wasserstein, *Legend of the Septuagint*, p. 54, state that the disquiet over the Christian use “did not cause the Rabbis to jettison what had become rabbinic foundation legend of the Greek translation or to abandon faith in its historical authenticity”.

but they preferred the codex. The preference for codices over rolls, as against the wider trend of using rolls to copy Greek literary texts, is startling.

Larry Hurtado provides calculations from the collection of works, dating between third century BCE and eighth century CE, which is catalogued in the Leuven Database of Ancient Books (<http://www.trismegistos.org/ldab/>). He shows that Christian codices account for 73% of the total number of codices (3,188); whereas, Christian rolls just 2.7% of the total number of rolls (3,033). The difference between copies of New Testament writings in codex form (91.6%) and rolls (1.1%) cannot be explained away as statistically insignificant. By contrast, works of Homer (62.8% rolls/18.5% codices) and Euripides (65.9% rolls/17.9% codices) are primarily copied on rolls rather than codices. Of the 75 manuscripts of the Old Testament writings that date to the second and third centuries CE, 66 are written on codices. “[I]n the earliest extant artifacts of their book practice,” concludes Hurtado, “it appears that Christians strongly preferred the codex for *those writings that they regarded as scripture*.”<sup>27</sup>

It is now widely recognized that there was no decisive parting of the ways between Christianity and Judaism at the end of the first century CE. Jews and Christians continued to interact in the centuries following. Rabbinic literature knew about Jesus and the writings of the New Testament which they considered heretical or “outside books”. As the Tosefta states: “The Gospels and heretical books do not defile the hands” (tYad 2:13). The Rabbinic requirement to use rolls in producing scriptural books derived from the *Letter of Aristeas*, but one cannot help but think that the practices of Christians contributed to the development of the concept.

I have not found a plausible explanation for the requirement to write scriptural scrolls in ink. The Mishnah prohibits the use of caustic (סם), red chalk (סיקרא), gum (קומוס) and copperas (קלקנתוס), and stipulates that the text must be written in ink (דיי). Perhaps it is a practical issue about its relative permanency that necessitated a ruling on ink (cf. *m.Shabbath* 12:4-5). Or, the Rabbis may simply have inferred the legal requirement from the description of the rolls in the *Letter of Aristeas*. We do not know what they meant by “ink” or what pigment is required.

In the ancient world, two main kinds of ink were used, the carbon ink based on lampblack or soot (Vitruvius, *de architectura* VII.10 2; and Discorides, *de materia medica*, V.162), and the iron-gall ink made from copperas and treated with a decoction of oak-nut galls (Pliny, *Naturalis Historia*, Book XXXIV, 43,

<sup>27</sup> *The Earliest Christian Artifacts. Manuscripts and Christian Origins* (Grand Rapids/Cambridge UK: Wm. B. Eerdmans Publishing Company, 2007), p. 57; and “The ‘Meta-Data’ of Earliest Christian Manuscripts”, in *In Identity and Interaction in the Ancient Mediterranean. Jews, Christians and Others: Essays in Honour of Stephen G. Wilson*, eds. Zeba A. Crook and Philip A. Harland (Sheffield: Sheffield Phoenix Press, 2007), pp. 149-63. See also the seminal work of Colin H. Roberts and T.C. Skeat, *The Birth of the Codex* (London: OUP, 1983).

48).<sup>28</sup> The ink used in some of the Dead Sea Scrolls has been tested for its chemical compound and the black pigment of the ink was found to be carbonaceous.<sup>29</sup> Presumably this would have been consistent with the Rabbinic requirement. But red ink was also used in the writing of selected passages in four Dead Sea Scrolls (2QPs, 4QNum<sup>b</sup>, 4Q270 and 4Q481d), and Emanuel Tov has judged that these would not have met the approval of the Rabbis (*Sof.* 1:8).<sup>30</sup>

### CONCLUSIONS

The notion that sanctity is inherent in the material on which a text is written finds its fullest expression in the Rabbinic concept of scriptural scrolls as sacred objects. In the Hebrew Bible, there is already a hint of this. When Ezra opened the *sepher* or scroll, all the people stood up. He blessed the Lord and all the people answered “Amen, Amen”, lifted their hands high, and bowed their heads to the ground (Neh. 8:5-6).

It was, however, in the legend of the translation of Jewish law into Greek that the Rabbis found their halakhic requirement that holy scriptures had to be written on a scroll of leather, in square script, and in ink. Not all Rabbis held this view; some allowed scriptural scrolls to be translated into Greek. Those who insisted on the physical scroll may have been reacting to the practices of other Jews, Samaritans and Christians who adopted various forms and techniques in the copying of the same biblical books.

<sup>28</sup> C.A. Mitchell and T.C. Hepworth, *Inks—their Composition and Manufacture* (London: Charles Griffin and Co., 1924), pp. 3-10, 33-34; and D. Diringer, *The Hand Produced Book* (New York: Philosophical Library, 1953), pp. 544-52.

<sup>29</sup> Yoram Nir-El and Magen Broshi, “The Black Ink of the Qumran Scrolls”, *DSD* 3.2 (1996): 157-67. Traces of metal elements resulted from unintentional transference. See also S.H. Steckoll, “Investigations of the Inks Used in the Writing of the Dead Sea Scrolls”, *Nature* 220 (1968): 91-92.

<sup>30</sup> He infers this from the Rabbinic prohibition to use purple ink (*Scribal Practices*, p. 54).