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## Implicit Criticism of Scriptures and Josephus' Rewritten Bible

Timothy H. Lim

### I. Introduction

The normativity of the Torah or Pentateuch is central to the genre of the “Rewritten Bible.” In 1961, Geza Vermes coined the term to describe his “retrogressive” and “progressive” historical studies of the life of Abraham.<sup>1</sup> He described the genre as the result of the interpreter’s anticipation of questions, problem-solving and gap-filling of the biblical narrative. Vermes identified the Palestinian Targum, Josephus’ *Jewish Antiquities*, Pseudo-Philo’s *Liber antiquitatum biblicarum*, the book of Jubilees and the Genesis Apocryphon in order to illustrate how “the Bible was rewritten about a millennium before the redaction of Sefer ha-Yashar.”<sup>2</sup> Ensuing discussions questioned the terminology of “Bible,” the exclusion of legal works in the genre, and the distinctiveness of the interpretative process, but the concept of rewriting, variously understood, has become commonplace.<sup>3</sup> A topic yet to be

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<sup>1</sup> Geza Vermes, *Scripture and Tradition in Judaism: Haggadic Studies* (SPB 4; Leiden: Brill, 1961), 67–126. The scholarly context of Vermes’ work is discussed in my, “The Origins and Emergence of Midrash in Relation to the Hebrew Scriptures,” in *The Midrash: An Encyclopedia of Biblical Interpretation in Formative Judaism* (ed. Jacob Neusner and Alan J. Avery-Peck; Leiden: Brill Academic Publishers, 2004), 2:595–612. The characteristics of the genre have been articulated by Philip S. Alexander in 1987. See Philip S. Alexander, “Retelling the Old Testament,” in *It is Written: Scripture Citing Scripture. Essays in Honour of Barnabas Lindars* (ed. D. Carson and H. G. M. Williamson; Cambridge: Cambridge University Press, 1987), 99–121.

<sup>2</sup> Vermes, *Scripture and Tradition*, 95.

<sup>3</sup> Notably, in a 2011 conference celebrating the golden Jubilee. See J. Zsengellér (ed.), *Rewritten Bible after Fifty Years: Texts, Terms, or Techniques? A Last Dialogue with Geza Vermes* (Leiden: Brill, 2014). See also Sidnie White Crawford, *Rewriting Scripture in Second Temple Times* (Grand Rapids: Eerdmans, 2008), 1–18; D. Dimant and R. G. Kraz (ed.), *Rewriting and Interpreting the Hebrew Bible. The Biblical Patriarchs in the Light of the Dead Sea Scrolls* (Berlin: De Gruyter, 2013); Moshe Bernstein, Moshe, “‘Rewritten Bible’: A

discussed is the nature of the authority assumed in the act of redrafting scriptures.

The rewriting process implies the acceptance of the authoritative status of scriptures and acknowledgement of their relevance for subsequent generations. The biblical texts are authoritative and need to be updated for communities that continue to read, study and reflect on their meaning.<sup>4</sup> But the decision to rewrite also implies a degree of dissatisfaction. If the biblical texts were perfect as they were, then there would have been no need to rewrite them. They could be interpreted without changing the text. In the following, I will explore one understanding of scriptural authority in a work that exemplifies the “Rewritten Bible” genre.

### **I. Josephus’ Methodology in Rearranging Biblical Laws**

Josephus paraphrased the book of Deuteronomy in *Ant.* 4.176–331 and at the beginning of the section he stated that first he wanted to describe the polity, constitution or form of government (πολιτεία), before returning without

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Generic Category which has Outlived its Usefulness,” *Textus* 22 (2005): 169–196; George J. Brooke, “Between Authority and Canon: The Significance of Reworking the Bible for Understanding the Canonical Process” in *Reworking the Bible: Apocryphal and Related Texts at Qumran: Proceedings of a Joint Symposium by the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature and the Hebrew University Institute for Advanced Studies Research Group on Qumran 15–17 January 2002* (ed. E. Chazon, D. Dimant, and R. Clements; Leiden: Brill, 2005), 85–104.

<sup>4</sup> An exception is B. Z. Wachholder who believes that the Temple Scroll and the book of Jubilees replace the Torah. B. Z. Wachholder, “Jubilees as the Super-Canon: Torah-Admonitions versus Torah-Commandment,” in *Legal Texts and Legal Issues: Proceedings of the International Organization for Qumran Studies, Cambridge 1985* (ed. M. Bernstein, F. García-Martínez, and J. Kampen; Leiden: Brill, 1997), 195–211.

embellishment to the narrative (διήγησις; *Ant.* 4.196).<sup>5</sup> The laws pertaining to the constitution have been reorganized for the following reason.<sup>6</sup>

νεωτέρωται δ' ἡμῖν τὸ κατὰ γένος ἕκαστα τάξαι· σποράδην γὰρ ὑπ' ἐκείνου κατελείφθη γραφέντα καὶ ὡς ἕκαστόν τι παρὰ τοῦ θεοῦ πύθοιτο. τούτου χάριν ἀναγκαῖον ἡγησάμην προδιαστείλασθαι, μὴ καί τις ἡμῖν παρὰ τῶν ὁμοφύλων ἐντυχόντων τῇ γραφῇ μέμνις ὡς διημαρτηκόσι γένηται.<sup>7</sup>

It [sc. scripture] was changed by us to rearrange each topic according to [its] class. For the writings were left scattered by that one [sc. Moses], just as he had learned each topic from God. Because of this, I considered it necessary to preface [my account], lest some blame would be placed on us for having erred by [my] fellow countrymen who turn to the writing (Josephus, *Ant.* 4.197).<sup>8</sup>

Josephus explained that his method was to rearrange the biblical laws according to its class (τὸ κατὰ γένος ἕκαστα τάξαι), because the writings had been left in a scattered condition (σποράδην). Moses was not responsible for the state of the material since that was how he learned it from God. Josephus felt it necessary to preface his account with this caveat, since he was concerned that his fellow Jews, who would read his narrative, might blame him for having strayed from the biblical text.

Josephus described his method as νεωτέρωται δ' ἡμῖν (“it was innovated by us), but it is unclear what he meant by this. Translators offer different solutions: the subject could be supplied as “the arrangement of each

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<sup>5</sup> He also intended to write an account of the laws governing the manner of life, but he did not carry out this aspiration (*Ant.* 4.198).

<sup>6</sup> Josephus did not say that these were laws, but in the concluding section he referred to the preceding material as νόμοι (*Ant.* 4.302).

<sup>7</sup> Greek text of Etienne Nodet with the collaboration of Serge Bardet, Yohanan Lederman, Yohanan, *Flavius Josèphe. Les Antiquités juives. Volume II: Livres IV et V* (Paris, Édition du Cerf, 1995), 48\*.

<sup>8</sup> Unless indicated, translations are my own.

topic”<sup>9</sup> and the classification of the material (“le classement des matières”),<sup>10</sup> but in this sentence τάξει functions as a verb meaning “to arrange” or “to rearrange” and not a substantive and subject of the sentence.<sup>11</sup> Or the whole clause could be paraphrased to approximate what Josephus might have meant (“[o]ur one innovation has been to classify the several subject”).<sup>12</sup>

Josephus’s style is difficult and he did not make clear what was the subject of the singular νενεωτέριστα. <sup>13</sup> It could be the singular τὸ βιβλίον (cf. *Ant.* 4.194) or neuter plural τὰ βιβλία (e.g., *Ant.* 4.304; 8.159). <sup>14</sup> Or more likely it could be ἡ γραφή (*Ant.* 3.101). Josephus used the concept of “writing” in several senses and two of them are relevant for the present discussion: 1) as a reference to his own composition (e.g. γραφήν ἑτέραν *Ant.* 3.223; ἐν ἑτέρῃ γραφῇ 4.302); and 2) as a designation of the biblical text, either in the singular “scripture” (e.g. τῆ γραφῆ τοῦ θεοῦ *Ant.* 3.101) or plural “scriptures” (cf. γεγραμμένους *Ant.* 4.302).

In his methodological statement of *Ant.* 4.197, Josephus used the same concept, and variations of the term “writing,” to designate his own

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<sup>9</sup> Louis H. Feldman, *Flavius Josephus. Judean Antiquities 1–4* (Leiden: Brill Academic Publishers, 2004), 397.

<sup>10</sup> Nodet, *Flavius Josèphe. Les Antiquités juives*, 48.

<sup>11</sup> The sentence would be tautological: the arrangement was innovated (changed) by us to rearrange each topic according to its class.

<sup>12</sup> H. St. J. Thackeray, *Josephus. Jewish Antiquities, Books I–IV* (Loeb Classical Library; London: William Heinemann Ltd, 1930), 571.

<sup>13</sup> In the previous sentence, the subject of γέγραπται is the neuter plural “all”, which is unspecific (“all were written as he [sc. Moses] left them” [γέγραπται δὲ πάνθ’ ὡς ἐκεῖνος κατέλειπεν], *Ant.* 4.196). It could refer to the “settlements” associated with the constitution. Josephus stated that these were likewise described without embellishment, neither adding anything nor leaving out anything that Moses has not left behind.

<sup>14</sup> Josephus used the term βιβλίον to designate several kinds of documents other than the biblical book or books (e.g., Ptolemaic library collection of books, *Ant.* 1.10).

composition and scriptures. He was concerned that his fellow countrymen, other Jews, would find fault with his method when they turned to “the writing” (τῆ γραφῆ), which referred to his own composition. But he also used “writings” (γραφήντα, lit. “what were written”) to designate the scattered scriptures that Moses left behind. Given the immediate context, the implied subject of νεωτερίζειν is more likely to have been ἡ γραφή. In this methodological passage, ἡ γραφή, explicitly stated or implied, referred to Jewish scripture and his own composition.

The verb νεωτερίζειν means “to make new” or “to innovate,” changing something that is established by introducing an element for the first time, whether it be a method, idea, substance or in the case of Josephus’ usage, the order. The change could be perceived as positive, negative or neutral. As it is used in classical Greek, the verb frequently carried a negative connotation of an unwelcome change, from health to sickness, forcible measures with implied violence, and political and revolutionary movements.<sup>15</sup> Étienne Nodet noted that the verb (especially in the passive) and its derivatives in Josephus’ writings have a negative sense. He understood, however, that in *Ant.* 4.197 the verb had the neutral sense (“[i]ci, il est cependant difficile de voir plus que le sens classique ‘innover’”) and translated the clause as “[c]e qui est nouveau

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<sup>15</sup> *A Greek-English Lexicon* compiled by H. G. Liddell and R. Scott. Revised with a Supplement (Oxford: Clarendon Press, 1968), 1172. For a list of passages that use the verb, see Perseus Greek Word Study Tool, June 2020, [http://www.perseus.tufts.edu/hopper/morph?l=newteri%2Fzw&la=greek&can=newteri%2Fzw1&prior=o\)ligarxi/an&d=Perseus:text:1999.04.0058:entry=newteri/zw&i=2](http://www.perseus.tufts.edu/hopper/morph?l=newteri%2Fzw&la=greek&can=newteri%2Fzw1&prior=o)ligarxi/an&d=Perseus:text:1999.04.0058:entry=newteri/zw&i=2).

chez nous” (“what is new with us”).<sup>16</sup> Nodet supposed that there was “probably a trace of the collaborator, perhaps the author of the compilation.”<sup>17</sup>

Josephus used νεωτερίζειν forty-nine times in the *Jewish Antiquities* (18x), *Jewish War* (30x), and *Against Apion* (1x). Excluding *Ant.* 4.197, in each and every case the verb carried a negative connotation. Josephus used the verb to describe various forms of unrest, disturbance, uprising, revolution, sedition and insurrection (*Ant.* 2.254; 4.63; 10.102; 11.323; 12.147, 149; 14.157, 450; 15.8, 291; 16.135; 18.92; 20.7, 117, 129, 133; *J.W.* 1.4, 202, 224, 303, 326; 2.5, 8, 224, 274, 318, 332, 407, 410, 417, 479, 494, 513, 593, 652; 3.108, 289, 445, 447, 463; 4.114, 120, 133; 5.244; 6.239; 7.4; *Ag. Ap.* 1.206). Those innovators who created unrest and disturbance were seditious revolutionaries. Only in the one case, did Josephus use the verb to describe something other than social, military and political disorder. In *Ant.* 9.195, he described the changes to ritual practices enacted in King Amasias’ worship of Amalekite gods as an innovation. An unnamed prophet predicted that God would not overlook the king of Judah’s attempt to introduce new practices (ὃν ἐπικεχείρηκε νεωτερίζων; *Ant.* 9.193; cf. 2 Chr 25:14).

It is possible that Josephus exceptionally used νεωτερίζειν in a neutral sense, but that seems unlikely. According to this view, Josephus would not imply that there was anything wrong with the reordering of the material,

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<sup>16</sup> Nodet, *Flavius Josèphe. Les Antiquités juives*, 48.

<sup>17</sup> Nodet, *Flavius Josèphe. Les Antiquités juives*, 48 note 4 : “il y a probablement la trace d’un collaborateur, peut-être l’auteur de la composition.”

subject by subject. Nodet suggested that Josephus (and perhaps with his collaborator) had rearranged the topics according to their class without insinuating any criticism of the biblical material.<sup>18</sup> Yet, Josephus felt compelled to preface his account with a caveat in order to anticipate blame (μέμψις) that might be levelled against him by his fellow countrymen. He perceived that other Jews would consider his innovation of scripture culpable. Presumably, he did not consider what he himself did reproachable.

The clause νενεωτέρισται δ' ἡμῶν (“it was innovated by us”) could have a negative or positive connotation, depending on the point of view, but it was not neutral. It stated that scripture was changed by Josephus, and possibly with the help of his collaborator as implied in the grammatical use of the first-person plural (“we”). They did so because the writings were left by Moses in a scattered condition. They innovated or changed the writing or scripture by rearranging the order of each topic according to its class.

Josephus adopted an innovative rearrangement of biblical laws that implied criticism of scripture. This criticism was not directed at Moses, since he had learned each topic from God, the source of the disorder. It is likely that Josephus had a version of the Sinaitic giving of the law in mind, since God not only gave Moses the ten commandments, but also many other laws over a period of forty days and nights (cf. Exod 24:18; Deut 10:10). Precisely which

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<sup>18</sup> Nodet, *Flavius Josèphe. Les Antiquités juives. Volume II: Livres IV et V*, 48 notes 4 and 5. Louis H. Feldman, *Flavius Josephus. Judean Antiquities 1–4*, 397 note 573, follows Nodet in understanding νεωτερίζειν in the neutral sense.



biblical version of the Sinai event Josephus had in mind remains unclear (cf. Exod 19–23; 24–31 plus 32:15–19 and 34; Deut 4–5, 9:8–10).<sup>19</sup>

Josephus’s rearrangement of the laws, then, took the form of a systematized discussion according to topic, gathering passages from various places of the Pentateuch, and not just Deuteronomy, to form what he perceived to be a coherent and logical whole. Whether he succeeded in doing so is moot. In *Ant.* 4, Josephus reordered the laws relevant to the constitution: legislation governing the Holy City, temple and cult (176–213; Deut 12 and Exod 20); the administration of justice (214–218; Deut 16); witnesses (219; Deut 19); undetected murder (220–221; Deut 21); the king (223–225; Deut 17); the displacement of boundary markers (225; Deut 19); the fruit of the fourth year (226; Lev 19); the mixing of kinds (228–230; Deut 22 and Lev 19); various laws of charity (231–239; Deut 24 and Lev 19); tithes (240–243; Deut 14 and 26); marital laws (244–259; Deut 21–22, 24–25 Lev 21); rebellious children (260–265; Deut 21); and usury and loans (266–270; Deut 23–24). The remaining laws (270–314) draw on parallel passages from Exodus, Leviticus, Numbers and Deuteronomy. A second rearrangement of scriptural laws is found in *Ag. Ap.* 2.190–219.<sup>20</sup>

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<sup>19</sup> This is likely to be the source of the Rabbinic dispute of whether the Torah was transmitted in its entirety or roll by roll (*Git* 60a). See Feldman, *Flavius Josephus. Judean Antiquities 1–4*, 397 note 575.

<sup>20</sup> The ancient systematization of the laws was evident in Philo’s use of the decalogue as headings, the Temple Scroll, and the Mishnah. See my, “Deuteronomy in the Judaism of the Second Temple Period,” in *Deuteronomy in the New Testament* (ed. Maarten J. J. Menken and Steve Moyise; London/New York: T&T Clark, 2007), 23–24; M. Elon, *Jewish Law: history, sources and principles*. English Text by B. Auerbach and M. Sykes. Vol. 3 (Philadelphia: Jewish Publication Society, 1994), 1031–1033, 1055; Steven Fraade, “The Temple Scroll as

## II. Implicit Criticism in Reordering the Biblical Narrative

Josephus not only rearranged the laws, but he also changed the order of the biblical narrative. For instance, in *Ant.* 1.37–39 he displaced the description of the Garden of Eden and the four rivers from its order in the book of Genesis to present what he considered to be a more coherent account of the creation of Adam. He perceived that the account of Eden and its four rivers (Gen 2:8–14) interrupted the narrative about the creation of Adam (Gen 1:27 and 2:7) and its continuation (Gen 2:15–22). So, Josephus retold the story by immediately following up the creation of Adam with the presentation of the animals and Eve (*Ant.* 1.34–36) before turning to a description of the garden and its rivers (*Ant.* 1.37–38). Josephus carried out this programme of rewriting of the Pentateuch in the first four books of the *Jewish Antiquities*.<sup>21</sup>

In his statements about the rearrangement of the biblical narrative Josephus did not mention innovation or blame, but one infers that the same criticism of the disorder of scriptures applies. In the proem to the *Jewish Antiquities* Josephus stated that his narrative “will indicate, going forward, the precise matters of those things in the scriptures according to their proper order” (κατὰ τὴν οἰκείαν τάξιν), promising that he would “neither add nor omit anything” (οὐδὲν προσθεῖς οὐδ’ αὖ παραλιπὼν) throughout his narrative (1.17). This statement affirms the biblical order of the narrative, even insisting

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Rewritten Bible: When Genres Bend” in *Hā-’ish Mōshe: studies in scriptural interpretation in the Dead Sea Scrolls and related literature in honor of Moshe J. Bernstein* (ed. B. Goldstein, M. Segal and G. Brooke; Leiden: Brill, 2017), 139–154.

<sup>21</sup> See Louis H. Feldman, “Rearrangement of Pentateuchal Narrative Material in Josephus’ ‘Antiquities’, Books 1–4,” *HUCA* 70/71 (1999-2000): 129 and 150.

that nothing has been added to or omitted from the scriptural texts. In fact, Josephus is using a *topos*, a traditional formula with biblical analogues (cf. Deut 4:2 and 12:32) that convey a rhetorical turn of speech for his primarily Greek audience. He did not mean by it that the biblical narrative, as regards its order, could not be rearranged.<sup>22</sup>

The expression “neither adding to nor taking anything away from,” succinctly encapsulated in the Latin *non addetis neque auferetis*, is a basic arithmetic concept that expresses the idea of and aspiration for perfection. It is a rhetorical *topos* used in a broad range of contexts and in many cultures.<sup>23</sup> Aristotle, for instance, noted that it was customary to remark (εἰώθασιν ἐπιλέγειν) that any excess or deficiency destroys perfection (τὸ εὖ), and that nothing was to be added to or taken away from perfect works of art (*Nicomachaea*, 2.6.9).

Josephus also used the formula in his paraphrase of the account of the origins of the LXX translation (*Ant.* 12.107–109).<sup>24</sup> In the Letter of Aristeas, a *diegesis* composed in the second century BCE, once the translation of the rolls of the Jewish law from Hebrew to Greek had been made, the leaders of the Jewish community in Alexandria pronounced an imprecation against anyone

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<sup>22</sup> Feldman, “Rearrangement”, 133–134, suggests that Josephus is following the principle of a well-ordered literary work and that the term that he used τάξις is also one of the stylistic criteria of Dionysius of Halicarnassus for judging historical works.

<sup>23</sup> For a discussion of this formula, see my, *Holy Scripture in the Qumran Commentaries and Pauline Letters* (Oxford: Clarendon Press, 1997), 34–40. Suggestions have not always addressed the problem directly. For a summary and critique of scholarly explanations, see Feldman, *Flavius Josephus. Judean Antiquities 1-4*, 7-8 note 22.

<sup>24</sup> See my, *The Formation of the Jewish Canon* (New Haven, CT: Yale University Press, 2013), 91–93.

who would revise (διασκεύασει) the text by adding to (προστιθείς) or transposing (μεταφέρων) anything whatever in what had been written down, or by making any excision from (ποιούμενος ἀφαίρεσιν) the present form” (311).<sup>25</sup> Like Aristotle, the anonymous author of *Letter of Aristeas* stated that it was customary to make this remark (καθὼς ἔθος αὐτοῖς ἐστίν).<sup>26</sup>

In his paraphrase of the origin-story of the LXX, Josephus included the imprecation against change and described how the priest, eldest of the translators, and chief officers of the community all requested that the translation “remain as it was and not be altered” (διαμεῖναι ταῦθ’, ὡς ἔχοι, καὶ μὴ μετακινεῖν; *Ant.* 12.108). Significantly, Josephus added that should anyone see “any further addition (περισσόον) made to the text of the Law or anything omitted from it (λεῖπον), he should examine it, and make it known and correct it” (διορθοῦν; *Ant.* 12.109). This diorthotic exhortation not only allowed changes to the Greek translation, it positively encouraged them after verification. The rewording took a diametrical opposite view to the imprecation against change in the *Letter of Aristeas* and showed that Josephus did not understand the adding/taking away formula literally. For him, the rewriting of a source-text, be it the *Letter of Aristeas* or scriptures, admitted changes.

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<sup>25</sup> On the *Letter of Aristeas*, see *Formation of the Jewish Canon*, 74–93.

<sup>26</sup> The Jewish over the Ptolemaic initiative of the translational project is discussed in my article, “The Idealization of the Ptolemaic Kingship in the Legend of the Origins of the Septuagint,” in *Times of Transition: Judea in the Early Hellenistic Period* (ed. Sylvie Honigman, Oded Lipschits, Christoph Nihan, and Thomas Römer; Mosaic Studies on Ancient Israel; Tel Aviv: Marco Nadler Institute of Archaeology, forthcoming 2020).

One infers that in his statements about rearranging the narrative, Josephus must have likewise implied a criticism of scriptures, even if he did not say so explicitly. After all, the narrative, like the laws, were embedded in the writings that were in a disorderly state. That he held the same view about the narrative as with the law was linked in a specific way by his use of a version of the formula that emphasized the absence of any addition. In *Ant.* 4.196, Josephus stated that “[e]verything has been written as he left it. We have added nothing for embellishment (οὐδὲν ἡμῶν ἐπὶ καλλωπισμῶ προσθέντων), nor anything that Moses has not left behind (οὐδ’ ὅτι μὴ κατελέλοιπε Μωυσῆς).”<sup>27</sup> This statement was made immediately before his methodological discussion about the rearrangement of the biblical laws.<sup>28</sup>

### III. Josephus’ Concept of the Biblical Canon

Josephus’ rearrangement of the laws and narratives was premised on the scattered condition of scriptures. He considered scriptures disorderly, but he also held that they were authoritative. In *Against Apion*, Josephus states:

[A]mong us there are not thousands of books in disagreement and conflict with each other, but only twenty-two books, containing the record of all time, which are rightly trusted. Five of these are the books of Moses, which contain both the laws and the tradition from the birth of humanity up to his death; this is a period of a little less than 3,000 years. From the death of Moses until Artaxerxes, king of the Persians

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<sup>27</sup> Translation adapted from Feldman, *Flavius Josephus. Judean Antiquities 1-4*, 397. The same verb, προστίθημι, is used by Josephus and in *Aristeas* 311.

<sup>28</sup> Despite his rhetoric, Josephus added other laws in *Ant.* 3.91–294 and *Ag. Ap.* 2.145–295.

after Xerxes, the prophets after Moses wrote the history of what took place in their own times in thirteen books; the remaining four books contain hymns to God and instructions for people on life. From Artaxerxes up to our own time every event has been recorded, but this is not judged worthy of the same trust, since the exact line of succession of the prophets did not continue (1.38-41).<sup>29</sup>

The agonistic context of this well-known passage was his refutation of Greek detractors, especially the Alexandrian grammarian Apion, who had criticized Josephus' account of the antiquity of the Jewish people. Addressed to a certain Epaphroditus, *Against Apion* set out to show the accuracy of Josephus' previous account by an appeal to the reliability of the sources used, records that contained the names of the priestly succession that had lasted for two thousand years.

Josephus asserted that unlike the inconsistent books of the Greeks that recount their origins, there was no discrepancy in the Jewish records because knowledge of the earliest origins was acquired through inspiration of the prophets who moreover wrote down the events in their own time. In contrast to the myriad of Greek books, Jewish scriptures numbered exactly twenty-two books, five of Moses, thirteen of the prophets and four of hymns and warnings for human life.

This is the earliest implied list of biblical books and showed that by the first century CE a Pharisaic canon of the Hebrew Bible that eventually became

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<sup>29</sup> Translation by John Barclay, *Against Apion*, vol. 10: *Flavius Josephus* (Leiden: Brill, 2007), 29–30.

the Jewish canon was already defined, if not finally closed.<sup>30</sup> The five books were widely agreed to have been the Pentateuch (Genesis to Deuteronomy). Thirteen books of the prophets were enumerated, including the prophecy of Isaiah and twelve other books (cf. *Ant.* 10.35). One suggestion, based on Josephus' use, is that the books of the prophet included: Joshua, Judges-Ruth, Samuel, Kings, Chronicles, Ezra-Nehemiah, Esther, Job, Isaiah, Jeremiah-Lamentations, Ezekiel, Daniel, and the twelve prophets.<sup>31</sup> But Job and Chronicles were not mentioned by Josephus.<sup>32</sup> There is no sure way of knowing which other books were included. The third category of hymns and instructions included four books, and it has been suggested that they included the Psalms (possibly with Ruth), Proverbs, Ecclesiastes and Song of Songs (or Lamentations).

While there is uncertainty about the identity of the books in the second and third categories, there is no ambiguity about an implied canonical list, assumed in the enumeration of five, thirteen and four books.<sup>33</sup> Josephus hyperbolically stated that all Jews esteemed these books that contained divine teachings, and would willingly die for them, whereas no Greek would undergo the slightest harm to defend the destruction of all the accounts (*Ag. Ap.* 1.42). To emphasize the consistency and unity of Jewish scriptures against the

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<sup>30</sup> See my, *Formation of the Jewish Canon*, 35–53. On the enumeration of the books in the Prologue and Wisdom of Ben Sira, see the same work, 94–106

<sup>31</sup> Andrew Steinman, *The Oracles of God: The Old Testament Canon* (Saint Louis: Concordia Academic Press, 1999), 116.

<sup>32</sup> See my, *Formation of the Jewish Canon*, 43–49.

<sup>33</sup> The enumeration of twenty-two books is one three ways of counting the books of the canon, see *Formation of the Jewish Canon*, 47.

multitude of conflicting accounts of the Greeks, Josephus again asserted that throughout their long history no Jew dared to add or to take anything from (οὔτε προσθεῖναι τις οὐδὲν οὔτε ἀφελεῖν) the corpus of twenty-two books. That Josephus was again using a rhetorical *topos* is evident.

In his writings, Josephus did use other sources, including the works of other Jewish and Hellenistic authors. In addition to scriptures, he used archival material, lists of kings and priests, and books that were not included in the pharisaic canon (1 Maccabees, additions to Esther, and 1 Esdras). As far as the extra-canonical material is concerned, Josephus stated that “[f]rom Artaxerxes up to our own time every event has been recorded, but this is not judged worthy of the same trust, since the exact line of succession of the prophets did not continue” (*Ag. Ap.* 1.41). He divided his Jewish sources into two categories, scriptures and non-scriptures, and he accorded the former with more historical reliability than the latter because of the absence of an exact prophetic succession.<sup>34</sup> In doing so, he distinguished between two kinds of authority. In writing the ancestral history of the Jews and for the period extending from the Persians to Josephus’ own time at the end of the first century CE, the non-scriptural, Jewish sources were in his eyes less reliable for historical writing.

#### **IV. Conclusions**

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<sup>34</sup> See my, “The Literature of Early Judaism,” in *Early Judaism and Its Modern Interpreters* (ed. Matthias Henze and Rodney Werline; 2nd ed.; Atlanta: SBL, forthcoming 2020).



I have sought to address the authority of scriptures in the genre of the “Rewritten Bible” by discussing the implicit criticism in recasting the biblical laws and narrative. I focused on what Josephus said and did with the material that he found in the Torah or Pentateuch in his rewriting of the history of the Jewish people, and his notice about the twenty-two books of scriptures.

When Josephus set out to write the history of the antiquity of the Jewish people, he perceived some problems with his sources. The sources on which he based his history up to the time of the Persians were those of the scriptural texts.<sup>35</sup> The material of the Torah or Pentateuch was thought to be in a disorderly state. The flow of the narrative was judged to have been disrupted by the placement of non-sequential material. The same laws referring to the constitution of the Jewish people were found here and there.

Josephus, and possibly with a collaborator, decided to change scripture. He described this act as an “innovation” and he believed that he was improving the flow of the narrative.<sup>36</sup> He recognized, however, that other Jews might not see the matter in the same way and could blame him for having erred. The events of scripture were reordered according to Josephus’ perceived sense of the narrative flow, and laws on the same topic were gathered under a classified discussion. It is difficult to avoid the impression that Josephus

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<sup>35</sup> Josephus used other sources to piece together the remaining period. Cf. E. Schürer, *The History of the Jewish People in the Age of Jesus Christ (175 B.C.-A.D. 135)*, Vol. 1 (ed. Geza Vermes and Fergus Millar; rev. ed., Edinburgh: T & T Clark, 1973), 1:48–52.

<sup>36</sup> Feldman, “Rearrangement,” 133–134, argued that Josephus was following the rhetorical convention of assessing historical works on the stylistic criterion of organization of material (τάξις). This is possible, but Josephus does not say so.

thought that his source-texts, scriptures, were defective in this stylistic sense.<sup>37</sup> He did not blame Moses for the scattered condition of scriptures, because that was how he learned it from God.

Josephus also held that the twenty-two books of the Jewish canon were reliable sources for writing history. Not only were they the agreed and venerated books of all Jews, so he asserted, but they were based on priestly records going back over two thousand years.<sup>38</sup> The sources for the history of the Jews between the Persian period and the first century were not as reliable, owing to what Josephus asserted was the absence of an exact line of prophetic succession.

Josephus' concept of scriptural authority was formulated in the context of writing a Jewish history amidst competing Greek histories. He believed in the divine origin of scripture, mediated through the prophets, which was sufficient for his historiographical purposes, but the order of the narrative and laws was not necessary. He, therefore, sought to rearrange their order to improve them.

*Abstract:* This article discusses scriptural authority among ancient Jews. Josephus' methodological statement about rearranging the order of the biblical laws (*Ant.* 4.197) is examined within the context of scholarly discussions about the "rewritten Bible." It is shown that Josephus intended that the laws

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<sup>37</sup> Source critics have long posited theories of the disorder of the narrative of the Pentateuch, the most influential of which is the Documentary Hypothesis. Whether one subscribes to its classical formulation, the New Documentarian theories, or the *Literarkritik* of redactional layering in primarily, contemporary Germanophone scholarship, it is intriguing that the disorder of the Pentateuchal laws and narrative was already recognized in antiquity.

<sup>38</sup> Josephus' canon was the canon of the Pharisees and not of all Jews as he claimed (see my, *Formation of the Jewish Canon*).

and narratives of scripture to be reordered to accommodate a better sense of the content of the laws and the flow of the events. He perceived that the writings (scriptures) were left in a scattered condition, so he innovated to rearrange the order of the topics of the laws and narratives. Josephus held that the twenty-two books of the Jewish canon was authoritative and accurate for historiographical purposes, but he also believed that scripture could be changed and added to, especially for the period extending from the reign of Artaxerxes to his own day at the end of the first century CE.

Keywords: Rewritten Bible, Josephus, Authority, Scripture, History.