

Genealogy, Circumcision and Conversion
in Early Judaism and Christianity

by

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Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor
of Philosophy in the Department of
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ABSTRACT

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Abstract

In his important work, *The Beginnings of Jewishness*, Shaye J. D. Cohen has argued that what it meant to be a Jew underwent considerable revision during the second century B.C.E. While previously a Jew was defined in terms of ethnicity (by which Cohen means biological descent), in the wake of Judaism's sustained encounter with Hellenism, the term Jew came to be defined as an ethno-religion—that is, one could choose to become a Jew. Nonetheless, the recent work of scholars, such as Christine E. Hayes, has demonstrated that there continued to exist in early Judaism a strain of thinking that, in theory at least, excluded the possibility that Gentiles could become Jews. This genealogical exclusion, found in works such as *Jubilees*, was highly indebted to the “holy seed” theology evidenced in Ezra-Nehemiah, a theology which defined Jewishness in genealogical terms.

This dissertation will attempt to contribute to a greater understanding of differing conceptions of circumcision in early Judaism, one that more accurately describes the nature of Jewish thought with regard to Jewishness, circumcision, and conversion. In terms of methodology, my dissertation will combine historical criticism with a literary approach to the texts under consideration. The dissertation will focus on texts from the Hebrew Bible as well as Jewish texts from the Second Temple period as these writings provide windows into the various forms of Judaism from which the early Christian movement arose.

Beginning with the Hebrew Bible, I will argue that there is no evidence that circumcision was considered to be a rite of conversion to Israelite religion. In fact,

circumcision, particularly the infant circumcision instantiated within Israelite and early Jewish society excludes from the covenant those not properly descended from Abraham.

In the Second Temple period, many Jews did begin to conceive of Jewishness in terms which enabled Gentiles to become Jews. Nonetheless, some Jews found this definition of Jewishness problematic, and defended the borders of Jewishness by reasserting a strictly genealogical conception of Jewish identity. Consequently, some Gentiles who underwent conversion to Judaism in this period faced criticism because of their suspect genealogy. Our sources record such exclusion with regard to the Herodians, Idumeans who had converted to Judaism.

Additionally, a more thorough examination of how circumcision and conversion were perceived by Jews in the Second Temple period will be instrumental in better understanding early Christianity. It is the argument of this dissertation that further attention to a definition of Jewishness that was based on genealogical descent has broader implications for understanding the variegated nature of early Christian mission to the Gentiles in the first century C.E.

In Memory of Isaac J. Meyers

Contents

Abstract.....	iv
Abbreviations.....	xii
Acknowledgments.....	xviii
Introduction.....	1
Scholarly Conceptions of Circumcision and Conversion in Early Judaism.....	6
Contesting Conversion.....	18
Part I: Genealogy and Circumcision in the Hebrew Bible.....	19
Part II: Genealogy and Circumcision in Early Judaism.....	21
Part III: Genealogy and Circumcision in Early Christianity.....	23
PART I: GENEALOGY AND CIRCUMCISION IN THE HEBREW BIBLE	
1. Genesis 17: Ishmael, Isaac, and Covenantal Circumcision.....	26
1.1 Introduction.....	26
1.2 Manuscript Evidence for the Text of Genesis 17:14.....	27
1.2.1 The Masoretic Text.....	27
1.2.2 The Septuagint Witnesses.....	28
1.2.3 The Samaritan Pentateuch.....	32
1.2.4 The Book of <i>Jubilees</i>	35
1.2.5 8QGenesis.....	37
1.3 Explanations Accounting for MT Genesis 17:14.....	42
1.4 Text-Critical Conclusion.....	50
1.5 Genesis 17 and Boundary Creation Through Eighth-Day Circumcision.....	54

1.5.1 Circumcision, Covenant, and Non-Israelite Circumcision.....	54
1.5.2 The Rationale for the Exclusion of the Circumcised Ishmael.....	63
1.5.3 Genealogy and Circumcision in Post-Exilic Judah.....	75
1.6 Conclusion.....	78
2. The Uncircumcised, and the Circumcised Yet Uncircumcised in the Hebrew Bible.....	81
2.1 Introduction.....	81
2.2 The Uncircumcised.....	82
2.2.1 The Uncircumcised Philistine in the Deuteronomistic History.....	83
2.2.2 Ezekiel 44:6-9: The Uncircumcised in the House of YHWH.....	87
2.2.3 Isaiah 52:1: The Uncircumcised in the Holy City.....	91
2.2.4 Genesis 34: The Circumcision of the Uncircumcised.....	95
2.2.5 Excursus: Is Psalm 118 a Proselyte Circumcision Ceremony?.....	103
2.3 Circumcised, yet Uncircumcised.....	105
2.3.1 Jeremiah 9:24-25: Circumcised and Uncircumcised within the Alliance of the Circumcised.....	106
2.3.2 Ezekiel 28:10; 32:17-32: Circumcised, yet Lying amongst the Uncircumcised.....	115
2.4 The Proximate Circumcised Other.....	117
2.4.1 The Status of the Circumcised Slave in Priestly Thought.....	119
2.4.2 The Circumcised נגל in Priestly Thought.....	125
2.5 Conclusion.....	130

PART II: GENEALOGY AND CIRCUMCISION IN EARLY JUDAISM

3. Boundary Maintenance in an Age of Shifting Identities: Circumcision in <i>Jubilees</i>	134
3.1 The Redefinition of Jewishness in the Hasmonean Period.....	134
3.2 <i>Jubilees</i> and Hasmonean Foreign Policy.....	140
3.3 Circumcision in <i>Jubilees</i>	144
3.3.1 Circumcision of the Heart.....	144
3.3.2 <i>Jubilees</i> and the Establishment of Circumcision.....	145
3.3.3 Remaining References to Circumcision in <i>Jubilees</i>	159
3.3.4 <i>Jubilees</i> ' Omission of Circumcision.....	163
3.4 Defending the Boundaries of Jewishness in <i>Jubilees</i>	166
3.5 Conclusion.....	171
4. Jewishness as Genealogy in the Late Second Temple Period.....	177
4.1 Introduction.....	177
4.2 A Biblical Rationale for Hyrcanus's Circumcision of the Idumeans.....	179
4.3 Genealogical Exclusion in the <i>Animal Apocalypse</i>	182
4.4 1 Esdras and the Idumeans.....	191
4.5 The Genealogical Exclusion of Herod.....	194
4.5.1 Genealogical Criticisms of Herod the Great in Josephus.....	196
4.5.2 Herod in the <i>Testament of Moses</i>	202
4.5.3 Herod in <i>Psalms of Solomon</i> 17.....	205
4.5.4 Herod's Patronage of the Abraham Cult.....	208
4.6 Genealogical Criticisms of Agrippa I.....	211
4.7 Rabbinic Evidence of Genealogical Exclusion of the Herodian Family.....	218

4.8 Conclusion.....	220
PART III: GENEALOGY AND CIRCUMCISION IN EARLY CHRISTIANITY	
5. Remapping Jews and Gentiles onto Luke’s Convictional World.....	228
5.1 Introduction.....	228
5.2 Eighth-Day Circumcision in Luke-Acts.....	236
5.2.1 Circumcision in the Lukan Infancy Narrative.....	236
5.2.2 Circumcision in Stephen’s Speech (Acts 7:8, 51).....	242
5.2.3 Acts 21:18-26: Paul Accused of Preaching Against Circumcision.....	248
5.2.4 An Anomalous Circumcision for an Anomalous Situation.....	251
5.2.5 Summary: Eighth-day Circumcision in Luke-Acts.....	255
5.3 The Gentile Problem according to Luke.....	257
5.3.1 The Suggested Remedy of Gentile Circumcision.....	257
5.3.2 Cornelius and the Menagerie of Animals (Acts 10).....	260
5.3.3 Excursus: Common Misunderstandings of κοινός.....	266
5.3.4 Impure Gentiles and the Cleansing Gift of the Holy Spirit.....	276
5.3.5 The Divine Remedy for the Gentile Problem.....	290
5.4 Conclusion.....	295
Conclusion.....	297
Genealogy and Conversion in Rabbinic Judaism.....	301
Christianity, Genealogy, and Circumcision.....	305
Bibliography.....	310

Primary Literature.....	310
Dictionaries, Encyclopedias, Lexicons, and Grammars.....	315
Secondary Literature.....	316
Biography.....	366

List of Abbreviations

AASF	Annales Academiae scientiarum fennicae
AASOR	Annual of the American Schools of Oriental Research
AB	Anchor Bible
<i>ABD</i>	<i>Anchor Bible Dictionary</i> . Edited by D. N. Freedman. 6 vols. New York, 1992
ABRL	Anchor Bible Reference Library
ACNT	Augsburg Commentaries on the New Testament
ACW	Ancient Christian Writers. 1946-
AGJU	Arbeiten zur Geschichte des antiken Judentums und des Urchristentums
<i>AJP</i>	<i>American Journal of Philology</i>
<i>AJSR</i>	<i>Association for Jewish Studies Review</i>
AnBib	Analecta biblica
<i>ANEP</i>	<i>The Ancient Near East in Pictures Relating to the Old Testament</i> . Edited by J. B. Pritchard. Princeton, 1954
<i>ANET</i>	<i>Ancient Near Eastern Texts Relating to the Old Testament</i> . Edited by James B. Pritchard. 3d ed. Princeton, 1969
<i>ANF</i>	<i>The Ante-Nicene Fathers</i> . Edited by A. Roberts and J. Donaldson. 1885-1887. 10 vols. Repr. Peabody, 1994
ANTC	Abingdon New Testament Commentaries
ArBib	The Aramaic Bible
ASNU	Acta seminarii neotestamentici upsaliensis
<i>AUSS</i>	<i>Andrews University Seminary Studies</i>
<i>BAR</i>	<i>Biblical Archaeology Review</i>
BBB	Bonner biblische Beiträge
<i>BBR</i>	<i>Bulletin for Biblical Research</i>
BDAG	Bauer, W., F. W. Danker, W. F. Arndt, and F. W. Gingrich. <i>Greek-English Lexicon of the New Testament and Other Early Christian Literature</i> . 3d ed. Chicago, 1999
BDB	Brown, F., S. R. Driver, and C. A. Briggs. <i>A Hebrew and English Lexicon of the Old Testament</i> . Oxford. 1907
BDF	Blass, F., A. Debrunner, and R. W. Funk. <i>A Greek Grammar of the New Testament and Other Early Christian Literature</i> . Chicago, 1961
BETL	Bibliotheca ephemeridum theologiarum lovaniensium
BGBE	Beiträge zur Geschichte der biblischen Exegese
<i>Bib</i>	<i>Biblica</i>
BibOr	Biblica et Orientalia
<i>BIOSCS</i>	<i>Bulletin of the International Organization for Septuagint and Cognate Studies</i>
BIS	Biblical Interpretation Series
BJS	Brown Judaic Studies

<i>BRev</i>	<i>Bible Review</i>
BRLJ	Brill Reference Library of Judaism
<i>BSac</i>	<i>Bibliotheca Sacra</i>
BZAW	Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft
BZNW	Beihefte zur Zeitschrift für die neutestamentliche Wissenschaft
CahRB	Cahiers de la Revue biblique
<i>CBQ</i>	<i>Catholic Biblical Quarterly</i>
<i>CBR</i>	<i>Currents in Biblical Research</i>
CC	Continental Commentaries
<i>COS</i>	<i>The Context of Scripture</i> . Edited by W. W. Hallo. 3 vols. Leiden: Brill, 1997-2002
COut	Commentaar op het Oude Testament
<i>CP</i>	<i>Classical Philology</i>
<i>CQR</i>	<i>Church Quarterly Review</i>
CRAI	Comptes rendus de l'Académie des inscriptions et belles-lettres
CRINT	Compendia rerum iudaicarum ad Novum Testamentum
CSCO	Corpus scriptorum christianorum orientalium. Edited by I. B. Chabot et al. Paris, 1903-
CSHJ	Chicago Studies in the History of Judaism
<i>DBSup</i>	<i>Dictionnaire de la Bible: Supplément</i> . Edited by L. Pirot and A. Roberts. Paris, 1928-55
DJD	Discoveries in the Judaean Desert
<i>DSD</i>	<i>Dead Sea Discoveries</i>
<i>EncJud</i>	<i>Encyclopaedia Judaica</i> . 2d ed. Edited by Michael Berenbaum and Fred Skolnik. 22 vols. Detroit. 2007
<i>ERE</i>	<i>Encyclopaedia of Religion and Ethics</i> . Edited by J. Hastings. 13 vols. New York, 1908-1927
<i>ETL</i>	<i>Ephemerides theologicae lovanienses</i>
<i>ETR</i>	<i>Études théologiques et religieuses</i>
<i>EvQ</i>	<i>Evangelical Quarterly</i>
<i>EvT</i>	<i>Evangelische Theologie</i>
<i>ExpTim</i>	<i>Expository Times</i>
FAT	Forschungen zum Alten Testament
FC	Fathers of the Church. Washington, D.C., 1947-
FJCT	Flavius Josephus: Translation and Commentary
FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
GCS	Die griechische christliche Schriftsteller der ersten [drei] Jahrhunderte
<i>HAR</i>	<i>Hebrew Annual Review</i>
HAT	Handbuch zum Alten Testament

<i>Hen</i>	<i>Henoch</i>
<i>HeyJ</i>	<i>Heythrop Journal</i>
<i>HS</i>	<i>Hebrew Studies</i>
<i>HSAT</i>	<i>Die Heilige Schrift des Alten Testaments</i> . Edited by E. Kautzsch and A. Bertholet. 4th ed. Tübingen, 1922-23
<i>HSM</i>	Harvard Semitic Monographs
<i>HTR</i>	<i>Harvard Theological Review</i>
<i>HTS</i>	Harvard Theological Studies
<i>HUCA</i>	<i>Hebrew Union College Annual</i>
<i>ICC</i>	International Critical Commentary
<i>IEJ</i>	<i>Israel Exploration Journal</i>
<i>ITQ</i>	<i>Irish Theological Quarterly</i>
<i>JANES</i>	<i>Journal of the Ancient Near Eastern Society</i>
Jastrow	Jastrow, M. <i>A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature</i> . 2d ed. New York, 1903
<i>JBL</i>	<i>Journal of Biblical Literature</i>
<i>JBQ</i>	<i>Jewish Bible Quarterly</i>
<i>JETS</i>	<i>Journal of the Evangelical Theological Society</i>
<i>JJS</i>	<i>Journal of Jewish Studies</i>
<i>JNES</i>	<i>Journal of Near Eastern Studies</i>
<i>JNSL</i>	<i>Journal of Northwest Semitic Languages</i>
<i>JPS</i>	Jewish Publication Society
<i>JQR</i>	<i>Jewish Quarterly Review</i>
<i>JRitSt</i>	<i>Journal of Ritual Studies</i>
<i>JRT</i>	<i>Journal of Religious Thought</i>
<i>JSHRZ</i>	Jüdische Schriften aus hellenistisch-römischer Zeit
<i>JSJ</i>	<i>Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Periods</i>
<i>JSJSup</i>	Journal for the Study of Judaism: Supplement Series
<i>JSNT</i>	<i>Journal for the Study of the New Testament</i>
<i>JSNTSup</i>	Journal for the Study of the New Testament: Supplement Series
<i>JSOT</i>	<i>Journal for the Study of the Old Testament</i>
<i>JSOTSup</i>	Journal for the Study of the Old Testament: Supplement Series
<i>JSP</i>	<i>Journal for the Study of the Pseudepigrapha</i>
<i>JSPSup</i>	Journal for the Study of the Pseudepigrapha: Supplement Series
<i>JSQ</i>	<i>Jewish Studies Quarterly</i>
<i>JSS</i>	<i>Journal of Semitic Studies</i>
<i>KAT</i>	Kommentar zum Alten Testament
<i>KEK</i>	Kritisch-exegetischer Kommentar über das Neue Testament (Meyer-Kommentar)

LCL	Loeb Classical Library
LEC	Library of Early Christianity
LHB/OTS	Library of Hebrew Bible/Old Testament Studies
LNTS	Library of New Testament Studies
LSJ	Liddell, H. G., R. Scott, H. S. Jones, <i>A Greek-English Lexicon</i> . 9th ed. with revised supplement. Oxford. 1996
MThS	Münchener theologische Studien
NAC	New American Commentary
NCBC	New Century Bible Commentary
NEB	New English Bible
NEchtB	Neue Echter Bibel
NICNT	New International Commentary on the New Testament
NICOT	New International Commentary on the Old Testament
NIGTC	New International Greek Testament Commentary
NIV	New International Version
NJB	New Jerusalem Bible
<i>NovT</i>	<i>Novum Testamentum</i>
NovTSup	Novum Testamentum Supplements
NTD	Das Neue Testament Deutsch
NTL	New Testament Library
<i>NTS</i>	<i>New Testament Studies</i>
OBO	Orbis biblicus et orientalis
OBT	Overtures to Biblical Theology
OTL	Old Testament Library
<i>OTP</i>	<i>Old Testament Pseudepigrapha</i> . Edited by J. H. Charlesworth. 2 vols. New York, 1983
<i>OtSt</i>	<i>Oudtestamentische Studiën</i>
<i>PEQ</i>	<i>Palestine Exploration Quarterly</i>
PNTC	Pelican New Testament Commentaries
<i>Proof</i>	<i>Prooftexts: A Journal of Jewish Literary History</i>
<i>PRSt</i>	<i>Perspectives in Religious Studies</i>
<i>PSB</i>	<i>Princeton Seminary Bulletin</i>
<i>RB</i>	<i>Revue biblique</i>
<i>RevQ</i>	<i>Revue de Qumran</i>
RNT	Regensburger Neues Testament
RSV	Revised Standard Version
SANT	Studien zum Alten und Neuen Testaments
SBL	Society of Biblical Literature
SBLABS	Society of Biblical Literature Archaeology and Biblical Studies
SBLAIL	Society of Biblical Literature Ancient Israel and Its Literature
SBLEJL	Society of Biblical Literature Early Judaism and Its Literature

SBLMS	Society of Biblical Literature Monograph Series
SBLSCS	Society of Biblical Literature Septuagint and Cognate Studies
<i>SBLSP</i>	<i>Society of Biblical Literature Seminar Papers</i>
SBLTT	Society of Biblical Literature Texts and Translations
SDSSRL	Studies in the Dead Sea Scrolls and Related Literature
SemeiaSt	Semeia Studies
SHANE	Studies in the History of the Ancient Near East
SJ	Studia Judaica
SJLA	Studies in Judaism in Late Antiquity
<i>SJT</i>	<i>Scottish Journal of Theology</i>
SNTSMS	Society for New Testament Studies Monograph Series
SOTSMS	Society for Old Testament Studies Monograph Series
SP	Sacra pagina
STDJ	Studies on the Texts of the Desert of Judah
SUNT	Studien zur Umwelt des Neuen Testaments
SVTG	Septuaginta: Vetus Testamentum Graecum
SVTP	Studia in Veteris Testamenti pseudepigraphica
SWBA	Social World of Biblical Antiquity
TANZ	Texte und Arbeiten zum neutestamentlichen Zeitalter
<i>TAPA</i>	<i>Transactions of the American Philological Association</i>
TBN	Themes in Biblical Narrative
<i>TDNT</i>	<i>Theological Dictionary of the New Testament</i> . Edited by G. Kittel and G. Friedrich. Translated by G. W. Bromiley. 10 vols. Grand Rapids, 1964-76
TDOT	<i>Theological Dictionary of the Old Testament</i> . Edited by G. J. Botterweck and H. Ringgren. Translated by J. T. Willis, G. W. Bromiley, and D. E. Green. 15 vols. Grand Rapids, 1974-
TSAJ	Texte und Studien zum antiken Judentum
TUGAL	Texte und Untersuchungen zur Geschichte der altchristlichen Literatur
<i>TynBul</i>	<i>Tyndale Bulletin</i>
<i>TZ</i>	<i>Theologische Zeitschrift</i>
<i>TZT</i>	<i>Tübingen Zeitschrift für Theologie</i>
<i>USQR</i>	<i>Union Seminary Quarterly Review</i>
<i>VT</i>	<i>Vetus Testamentum</i>
VTSup	Vetus Testamentum Supplements
WBC	Word Biblical Commentary
WMANT	Wissenschaftliche Monographien zum Alten und Neuen Testament
<i>WTJ</i>	<i>Westminster Theological Journal</i>
WUNT	Wissenschaftliche Untersuchungen zum Neuen Testament
YJS	Yale Judaica Series

ZAW
ZKG
ZWT

Zeitschrift für die alttestamentliche Wissenschaft
Zeitschrift für Kirchengeschichte
Zeitschrift für wissenschaftliche Theologie

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the influence of her book, *Gentile Impurities and Jewish Identities*, can be detected on many pages of this work. Finally, Joel Marcus has been everything that I had hoped for in a dissertation advisor and mentor. His willingness to meet and discuss various aspects of my research, his promptness in reading pieces of my dissertation, and his critical eye for both the minutiae and the more substantive aspects of my work have all contributed to make the writing of this dissertation immensely enjoyable and profitable to me.

My parents, Peter and Agnes Thiessen, and parents-in-law, Paul and Susan Coon, have been tremendously supportive of me in my studies. So, too, my siblings and siblings-in-law. Of course, no one has been more supportive than my wife, Jennifer. The joy which I have found in my research has been multiplied exponentially by the fact that I have been able to share it with her.

The Oxford Centre for Hebrew and Jewish Studies, where I first conceived of this project, provided a wonderful opportunity for Jews and non-Jews to study together and build friendships. I was fortunate enough to form one such relationship with Isaac J. Meyers, who later began pursuing a Ph.D. in Classics at Harvard University. At the same time that I was writing the proposal for the current project, he was tragically killed in a pedestrian-vehicle accident in Cambridge, Mass. Many days during the writing of this dissertation I found myself feeling grateful for our friendship and a sense of responsibility to foster the same sense of community between Jews and Christians that we were fortunate enough to share. This dissertation is written in the hope of such community, and dedicated to the memory of Isaac.

Introduction

Belbo: “Our Diotallevi thinks he’s Jewish.”

Diotallevi: “What do you mean, ‘thinks’? I *am* Jewish...”

Belbo: “Diotallevi, a person can’t just decide to be a Jew the way he might decide to be a stamp collector or a Jehovah’s Witness. Jews are born. Admit it! You’re a gentile like the rest of us.”

Diotallevi: “I’m circumcised.”

Belbo: “Come on! Lots of people are circumcised, for reasons of hygiene. All you need is a doctor with a knife. How old were you when you were circumcised?”

Diotallevi: “Let’s not nitpick.”

Belbo: “No, let’s. Jews nitpick.”¹

Belbo and Diotallevi, two characters in Umberto Eco’s novel *Foucault’s Pendulum*, vividly illustrate the central concern that drives the present work: the relationship between the rite of circumcision and Jewish identity. Their argument surrounds the identity of Diotallevi. Is he or is he not a Jew? While it is clear that Belbo, who himself is a Gentile, does not think that Diotallevi is a Jew, Diotallevi claims that his circumcision demonstrates his Jewishness. In reply, Belbo argues that not all circumcised males are in fact Jewish, asking him when he was circumcised. Diotallevi’s response (“Let’s not nitpick”) evades Belbo’s question, suggesting that he was not circumcised as an infant, as Jewish law requires. Diotallevi and Belbo give voice to two very different conceptions of Jewish identity. For Diotallevi, Jewishness is a matter of choice and of practice (“I’m circumcised”); for Belbo, Jewishness is a matter of birth (“a person can’t just decide to be a Jew.... Jews are born”). While Eco’s novel does not resolve this dispute about Jewish identity, the question has been, and continues to be, of considerable magnitude to many

¹ Umberto Eco, *Foucault’s Pendulum* (trans. William Weaver; New York: Ballantine Books, 1989), 65-66 (emphasis original).

Jews. What are the nonnegotiable criteria of Jewish identity? How are genealogical conceptions of Jewishness to be related to questions of Jewish praxis?

As the argument of this dissertation unfolds, it will be seen, as Belbo so indelicately puts it, that “Jews nitpick.” I take it that Belbo’s main intention is to further corroborate his claim that Diotallevi is not Jewish, for what Diotallevi considers nitpicking (i.e. the details of circumcision) is of deep importance to many Jews. Belbo’s logic is impeccable: if Diotallevi is indeed Jewish, he would not consider the timing of his circumcision to be an inconsequential detail, for it is precisely in the details that Jewish circumcision distinguishes itself from non-Jewish circumcision. Those outside a tradition often consider the disputes and debates of adherents to a tradition as inconsequential and little better than hairsplitting. But to those on the inside, appropriate observation of a tradition’s rituals plays an integral role in the construction of self-identity.²

I hope to show that a dispute similar to that between Diotallevi and Belbo in *Foucault’s Pendulum* is preserved in the Jewish literature of the Second Temple period. The extant literature demonstrates that conceptions of Jewishness during this period were variegated, and, in fact, were in competition with one another. There were no established criteria held by all Jews to define Jewishness. Jewish identity was, therefore, a matter of

² Albert I. Baumgarten (“The Temple Scroll, Toilet Practices, and the Essenes,” *Jewish History* 10 [1996]: 9-20), for instance, discusses how seemingly insignificant toilet practices of the Qumran community served to help distinguish the group from others. Cf. Carol A. Newsom’s rich account of identity construction within the Qumran community (*The Self as Sacred Space: Constructing Identity and Community at Qumran* [STDJ 52; Leiden: Brill, 2004]).

debate. Who was a Jew?³ Who could become a Jew? How could one become a Jew? Or, even, *could* a non-Jew become a Jew?⁴ As the Jewish philosopher David Novak states, “From the very beginning of our history until the present time, we Jews have been involved in a continuing process of self-definition. We have never stopped asking ourselves the most fundamental question of our identity: Who is a Jew?”⁵ Since questions of identity are vital to make sense of human existence, it is not surprising that impassioned arguments have surrounded the question of Jewish identity for centuries. Given the significance of self-identity, the debates that raged (and continue to rage) over such questions can hardly be characterized as a matter of nitpicking!

Yet a quick survey of biblical scholarship on the topic of circumcision demonstrates a lacuna in the discussion of the details surrounding circumcision, which leads to the suspicion that the vast majority of scholars have concluded, along with

³ A question that has vexed modern scholarship has been whether the Greek word Ἰουδαῖος should be rendered in English as “Judean” or “Jew.” For instance, Steve Mason (“Jews, Judaeans, Judaizing, Judaism: Problems of Categorization in Ancient History,” *JSJ* 38 [2007]: 457-512) argues that “Judean” better captures the geographical and ethnic aspects inherent in the word Ἰουδαῖος, while not omitting what we would call religious aspects. While I agree whole-heartedly with Mason that the term Ἰουδαῖος should not be taken to designate only religious adherence, following Daniel R. Schwartz (“‘Judean’ or ‘Jew’? How Should We Translate *IOUDAIOS* in Josephus?” in *Jewish Identity in the Greco-Roman World / Jüdische Identität in der griechisch-römischen Welt* [ed. Jörg Frey, Daniel R. Schwartz, and Stephanie Gripenrog; AGJU 71; Leiden: Brill, 2007], 3-27), I believe that rendering the word in English as “Jew” accurately captures for the modern reader the same ambiguity that would have faced those in the Second Temple period when asked what was meant by the Greek term Ἰουδαῖος.

⁴ For treatments of Jewish identity in antiquity, see, for instance, Lawrence H. Schiffman, *Who Was a Jew? Rabbinic and Halakhic Perspectives on the Jewish-Christian Schism* (Hoboken, N.J.: KTAV, 1985); Shaye J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Hellenistic Culture and Society 31; Berkeley, Calif.: University of California Press, 1999); Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002); and Avi Sagi and Zvi Zohar, *Transforming Identity: The Ritual Transition from Gentile to Jew—Structure and Meaning* (Kogod Library of Judaic Studies 3; London: Continuum, 2007).

⁵ David Novak, *The Election of Israel: The Idea of the Chosen People* (Cambridge: Cambridge University Press, 1995), 1.

Diotallevi, that matters such as the timing of circumcision are little more than nitpicking. No doubt one of the explanations for this fact is that the great preponderance of biblical scholarship in the last few centuries has been indebted to the presuppositions of Christian theology, particularly as it has been shaped by Enlightenment thinking;⁶ therefore, it is not surprising that scholarship on circumcision has, for the most part, lacked nuance. How can true religion care so much about a piece of skin? What is more, how can true religion care so much about the details surrounding how that piece of skin is removed? For far too long Christian disdain for this most fleshly of all Jewish practices, and concomitant impatience with regard to its particulars, has set the terms of scholarly discussion on the significance of physical circumcision in ancient Israel, early Judaism, and early Christianity.

Within the last generation, to be sure, non-Jewish scholars have increasingly realized the importance of attempting to sympathetically portray the complexities of early Judaism.⁷ Nonetheless, even so careful and knowledgeable a scholar of Judaism as E. P. Sanders reflects a certain hurriedness toward the topic of circumcision. In his book *Judaism: Practice and Belief, 63 BCE - 66 CE*, Sanders deals with the topic of circumcision in just over one page of his 595-page tome.⁸ Presumably Sanders' relatively brief treatment of circumcision is due to his belief that circumcision was universally

⁶ On this intellectual debt and some of its repercussions, see Jon D. Levenson, *The Hebrew Bible, the Old Testament, and Historical Criticism: Jews and Christians in Biblical Studies* (Louisville, Ky.: WJKP, 1993), and Jonathan Sheehan, *The Enlightenment Bible: Translation, Scholarship, Culture* (Princeton, N.J.: Princeton University Press, 2005).

⁷ In many ways, such awareness has arisen in the wake of the important article of George Foot Moore, "Christian Writers on Judaism," *HTR* 14 (1921): 197-254.

⁸ E. P. Sanders, *Judaism: Practice and Belief, 63 BCE – 66 CE* (London: SCM Press, 1992), 213-14.

important in early Judaism, and thus his brevity does not signify the denigration of Jewish practices.⁹ Yet lumping all Jews of the Second Temple period together on the basis of a shared belief in the importance of circumcision seems about as helpful as lumping all Christians together on the basis of their common commitment to the rite of baptism. While not false, such an approach papers over the very real and, in some circles, very controversial debates over aspects of this shared rite such as timing, method, and meaning. Although Sanders is no doubt correct in asserting that the vast majority of Jews of the period believed that physical circumcision was a nonnegotiable criterion of Jewishness (for males),¹⁰ there remained room within this agreement for a great amount of diverse thinking regarding the rite.¹¹ Did Jews living in the early third century B.C.E. think about circumcision in exactly the same way as Jews living in the late first century

⁹ Sanders wrote *Judaism: Practice and Belief*, in part, with the intention of countering the arguments of scholars, such as Jacob Neusner, who lay heavy emphasis on the different forms of Judaism (or Judaisms) existent in the Second Temple period. See, for instance, Jacob Neusner, William Scott Green, and Ernest S. Frerichs, eds., *Judaisms and Their Messiahs at the Turn of the Christian Era* (Cambridge: Cambridge University Press, 1987), Jacob Neusner, *Judaism: The Evidence of the Mishnah* (2d ed.; BJS 129; Atlanta: Scholars Press, 1988), 25-44; idem, "Parsing the Rabbinic Canon with the History of an Idea: The Messiah," in *Formative Judaism: Religious, Historical and Literary Studies: Third Series: Torah, Pharisees, and Rabbis* (BJS 46; Chico, Calif: Scholars Press, 1983), 173. On the question of whether it is better to speak of Judaisms rather than a common Judaism, see, most recently, Wayne O. McCready and Adele Reinhartz, eds., *Common Judaism: Explorations in Second-Temple Judaism* (Minneapolis: Fortress Press, 2008).

¹⁰ Cf. Judith Lieu, "Circumcision, Women, and Salvation," *NTS* 40 (1994): 358-70, and Shaye J. D. Cohen, *Why Aren't Jewish Women Circumcised? Gender and Covenant in Judaism* (Berkeley, Calif.: University of California Press, 2005).

¹¹ There is evidence that some Jews tried to reconceive Jewishness in terms that made physical genital circumcision irrelevant. For instance, Philo, himself an allegorist, refers to allegorical approaches to Jewish law, in which once the deeper meaning has been attained, the outer observance can be neglected. In contrast, Philo appears to dispute the belief that once someone discovers the deeper meaning of circumcision, he can do away with the physical rite: "It is true that receiving circumcision does indeed portray the excision of pleasure and all passions, and the putting away of the impious conceit, under which the mind supposed that it was capable of begetting by its own power: but let us not on this account repeal the law laid down for circumcising" (*Migration* 92).

C.E.? Did Jews in Jerusalem, Rome, Alexandria, and Babylon believe the same things about circumcision? Presumably not.

Accordingly, we should not force Jewish conceptions of circumcision to fit some oversimplified uniformity; rather, we must distinguish carefully between differing views of circumcision in order to understand the competing definitions of Jewishness during this period. It is therefore surprising that only one full-length treatment of Jewish circumcision in antiquity, Andreas Blaschke's *Beschneidung: Zeugnisse der Bibel und verwandter Texte*, has been produced in the last century.¹² While Blaschke's treatment, spanning materials from the Hebrew Bible to the tannaitic period, is immensely helpful, there is room for further work on circumcision, particularly as it pertains to disputes over Jewish identity construction.

Scholarly Conceptions of Circumcision and Conversion in Early Judaism

By and large, scholarship on the Hebrew Bible, early Judaism, and early Christianity has presented Jewishness in the same terms as Eco's character Diotallevi: Jewishness is a choice. Consequently, modern discussions of circumcision almost always assume that the rite held conversionistic significance for ancient Israelites and Jews of the

¹² Andreas Blaschke, *Beschneidung: Zeugnisse der Bibel und verwandter Texte* (TANZ 28; Tübingen: Francke, 1998). David A. Bernat, *Sign of the Covenant: Circumcision in the Priestly Tradition* (SBLAIL 3; Atlanta: SBL, 2009), treats circumcision language in P materials. Other recent book-length treatments of circumcision, spanning both ancient and modern times, also exist. Cf. Lewis M. Barth, ed., *Berit Mila in the Reform Context* (New York: Berit Mila Board of Reform Judaism, 1990), Leonard B. Glick, *Marked in Your Flesh: Circumcision from Ancient Judea to Modern America* (Oxford: Oxford University Press, 2005), and Elizabeth W. Mark, ed., *The Covenant of Circumcision: New Perspectives on an Ancient-Jewish Rite* (Hanover, N.H.: Brandeis University Press, 2003). For treatments of circumcision in rabbinic literature see Lawrence A. Hoffman, *Covenant of Blood: Circumcision and Gender in Rabbinic Judaism* (CSHJ; Chicago: University of Chicago Press, 1996), and Cohen, *Why Aren't Jewish Women Circumcised*.

Second Temple period: Gentiles could become Israelites or Jews through the rite of circumcision. In his classic study on conversion, A. D. Nock assumes this very fact:

Judaism said in effect to a [Gentile] who was thinking of becoming a proselyte: “You are in your sins. Make a new start, put aside idolatry and the immoral practices which go with it, become a naturalized member of the Chosen People by a threefold rite of baptism, circumcision, and offering, live as God’s Law commands, and you will have every hope of a share in the life of the world to come.”¹³

For Nock, Christianity and Judaism are the two great missionary religions, distinct in this regard from other religions in antiquity. Such a belief is, in part, indebted to Christian theology, which has for much of the history of the Church paralleled Christian baptism with Jewish circumcision. The author of the letter to the Colossians is an early proponent of this parallel, contrasting bodily circumcision to baptism (2:12),¹⁴ but such an understanding of circumcision is indebted to later rabbinic conceptions of circumcision as well. For instance, an anonymous statement preserved in one of the earliest rabbinic biblical commentaries, *Mekhilta de-Rabbi Ishmael*, declares:

Beloved are the proselytes (הגרים). It was for their sake that our father Abraham was not circumcised until he was ninety-nine years old. Had he been circumcised at twenty or at thirty years of age, only those under the age of thirty could have become proselytes (להתגייר). Therefore God bore with Abraham until he reached ninety-nine years of age, so as not to close the door to future proselytes (הגרים הבאים, *Nezikin* 18).¹⁵

¹³ A. D. Nock, *Conversion: The Old and the New in Religion from Alexander the Great to Augustine of Hippo* (London: Oxford University Press, 1933), 13.

¹⁴ See T. F. Torrance, “Proselyte Baptism,” *NTS* 1 (1954-55): 150-54; Meredith G. Kline, *By Oath Consigned: A Reinterpretation of the Covenant Signs of Circumcision and Baptism* (Grand Rapids, Mich.: Eerdmans, 1968); Paul D. Gardner, “‘Circumcised in Baptism—Raised Through Faith’: A note on Col. 2.11-12,” *WTJ* 45 (1983): 172-77; Everett Ferguson, “Spiritual Circumcision in Early Christianity,” *SJT* 41 (1988): 485-97; and J. P. T. Hunt, “Colossians 2:11-12, The Circumcision/Baptism Analogy, and Infant Baptism,” *TynBul* 41.2 (1990): 227-44.

¹⁵ Translation slightly adapted from Jacob Z. Lauterbach, *Mekilta de-Rabbi Ishmael* (3 vols.; Philadelphia: JPS, 1933), 3.140. On circumcision as a rite of conversion in rabbinic Judaism, see Geza Vermes, “Baptism

It is thinking such as this, whether found in Christian or Jewish writings, which has led many to assume that circumcision has always been regarded as an initiation or conversion rite into Israelite religion or Judaism. Thus, following the thinking of the *Mekhilta*, Abraham becomes the model for all who desire to join the people of Israel. No male needs to despair that he is too old to undergo circumcision and convert to Judaism, for Abraham was 99 years old when circumcised. In this way, Genesis 17 functions as the foundational conversion narrative for all who want to become Israelites or Jews.¹⁶ We can see this interpretation of Genesis 17, for example, in the statements of Paul R. Williamson, who claims that according to Genesis 17 “circumcision was a mechanism through which non-Israelites could become part of the covenant community.”¹⁷

In order to demonstrate the existence of conversion within the Hebrew Bible scholars point to the numerous foreign women who marry into Israelite families. Ruth is the paradigmatic case of intermarriage, since she is absorbed so effectively into the clan of Judah that she becomes the great-grandmother of King David (4:17).¹⁸ Of course,

and Jewish Exegesis: New Light from Ancient Sources,” *NTS* 4 (1957): 308-19; Neil J. McEleney, “Conversion, Circumcision and the Law,” *NTS* 20 (1974): 328-33; John Nolland, “Uncircumcised Proselytes?” *JSJ* 12.2 (1981): 173-94; and Cohen, *Beginnings of Jewishness*, 198-238.

¹⁶ Cf. Maren R. Niehoff, “Circumcision as a Marker of Identity: Philo, Origen and the Rabbis on Gen 17:1-14,” *JSQ* 10.2 (2003): 89-123.

¹⁷ Paul R. Williamson, *Abraham, Israel and the Nations: The Patriarchal Promise and its Covenantal Development in Genesis* (JSOTSup 315; Sheffield: Sheffield Academic Press, 2000), 183.

¹⁸ Cf. Peter T. Nash, “Ruth: An Exercise in Israelite Political Correctness or a Call to Proper Conversion?” in *The Pitcher is Broken: Memorial Essays for Gösta W. Ahlström* (ed. Steven W. Holloway and Lowell K. Handy; JSOTSup 190; Sheffield: Sheffield Academic Press, 1995), 347-54. In contrast, Cohen (*Beginnings of Jewishness*, 122 n. 36) argues that Ruth retains her foreignness throughout the book.

since Ruth is a woman, she is not required to undergo circumcision.¹⁹ Perhaps the most compelling case for conversion in the Hebrew Bible is the status of the גֵר (usually translated as “resident alien”) vis-à-vis the Israelite community. Numerous times, the גֵר is said to be equal to the native born Israelite (גֵר כְּאִזְרָאֵל), leading some interpreters to conclude that the גֵר is in *all* respects an Israelite. Of particular importance for this study, the Passover legislation of Exod 12:48-49 requires the גֵר who desires to participate in the festival to undergo circumcision. Consequently, Christiana van Houten argues, “These aliens are given the option of becoming Israelites. Once they have been circumcised, they are allowed to participate in the Passover. Because of the significance of circumcision as a ritual which distinguishes Israelites from non-Israelites, a circumcised alien is[,] in effect, an Israelite.”²⁰ One of the most troublesome aspects of van Houten’s claim that circumcision distinguished Israelites from non-Israelites (and her claim is the implicit belief of many scholars) is that it demonstrates ignorance of the fact that many ethnic groups practiced circumcision in antiquity. The material culture of ancient Egypt and the claims of the fifth-century B.C.E. historian Herodotus (*Hist.* 2:36-37, 104) attest the

¹⁹ This also applies for a number of non-Israelite women, such as Asenath, Tamar, and Rahab, who marry into Israelite families in the Hebrew Bible.

²⁰ Christiana van Houten, *The Alien in Israelite Law* (JSOTSup 107; Sheffield: Sheffield Academic Press, 1991), 138. See also, Alfred Bertholet, *Die Stellung der Israeliten und der Juden zu den Fremden* (Freiburg: Mohr [Siebeck], 1896), 152-78; Theophile James Meek, “The Translation of *Gêr* in the Hexateuch and Its Bearing on the Documentary Hypothesis,” *JBL* 49.2 (1930): 172-80; Morton Smith, *Palestinian Parties and Politics that Shaped the Old Testament* (London: SCM, 1971), 178-82; and Christoph Bultmann, *Der Fremde im antiken Juda: Eine Untersuchung zum sozialen Typenbegriff ‘ger’ und seinem Bedeutungswandel in der alttestamentlichen Gesetzgebung* (FRLANT 153; Göttingen: Vandenhoeck & Ruprecht, 1992).

widespread practice of circumcision in the Ancient Near East.²¹ Surely, ancient Israelites and post-exilic Jews distinguished themselves from such circumcised groups! As Eco's Belbo states: "Come on! Lots of people are circumcised."

Those scholars who believe that conversion was a possibility in ancient Israel generally acknowledge that the evidence for such claims is relatively sparse. In contrast, the majority of scholars believe that, in the Second Temple period, Judaism became considerably more open to conversion, and received numerous proselytes or converts. Often scholars argue that this openness to conversion can be seen in the Septuagint (LXX), the Greek translation of the Hebrew Bible. Thus many scholars believe that the Greek word προσήλυτος, which frequently translates the Hebrew word גֵר, was a neologism coined by the LXX translators as a technical term for a Gentile who became a Jew.²² The need for a new word to denote this category of person indicates, according to these scholars, that Judaism was faced with a new phenomenon—an influx of Gentiles who adopted Jewish practices.²³

²¹ Material culture, such as the relief depicted in *ANEP*, figure 629, and the Egyptian text in *ANET* 326, points to the practice of circumcision amongst the Egyptians. Cf. Frans Jonckheere, "La Circonsion [*sic*] des Anciens Egyptiens," *Centaurus* 1 (1951): 212-34; C. de Wit, "La circoncision chez les anciens Egyptiens," *Zeitschrift für Ägyptische Sprache und Altertumskunde* 99 (1973): 41-48; J. T. Rowling, "The Rise and Decline of Surgery in Dynastic Egypt," *Antiquity* 63 (1989): 312-19; and Mary Knight, "Curing Cut or Ritual Mutilation? Some Remarks on the Practice of Female and Male Circumcision in Graeco-Roman Egypt," *Isis* 92.2 (2001): 317-38.

²² Cf. W. C. Allen, "On the Meaning of ΠΡΟΣΗΛΥΤΟΣ in the Septuagint," *The Expositor* 4 (1894): 264-75; Karl Georg Kuhn, "προσήλυτος," *TDNT* 6.727-44; J. A. Loader, "An Explanation of the term Prosêlutos," *NovT* 15.4 (1973): 270-77; Emanuel Tov, "Three Dimensions of LXX Words," *RB* 83 (1976): 529-44; Emil Schürer, *The History of the Jewish People in the Age of Jesus Christ (175 B.C.-A.D. 135)* (5 vols.; rev. and ed. Geza Vermes, Fergus Millar, and Martin Goodman; Edinburgh: T&T Clark, 1986), 3/1.170 n. 78; van Houten, *Alien in Israelite Law*, 180; and James Carleton Paget, "Jewish Proselytism at the Time of Christian Origins: Chimera or Reality?" *JSNT* 62 (1996): 65-103 (96).

²³ David M. Moffitt ("New Papyrological Evidence Regarding the Meaning of the Term Proselyte," [paper presented to the annual meeting of the Society of Biblical Literature, New Orleans, November 23, 2009]),

In addition to the word προσήλυτος, there are a number of stories in the LXX which point to an openness toward Gentile converts. For instance, LXX Esther 8:17 states that after Esther saved the Jews from Haman’s murderous plotting, “many of the Gentiles were circumcised and Judaized (περιετέμοντο καὶ ἰουδαίζον), out of fear of the Jews.” This is an interpretive expansion on the Hebrew *Vorlage*, which states only that “many Gentiles professed to be Jews (מִן־הַגּוֹיִם) out of fear of the Jews.”

Consequently, the LXX rendering of the Hebrew, particularly the reference to circumcision, might suggest that the LXX translator of Esther could conceive of the possibility of conversion to Judaism through the rite of circumcision. Although some interpreters have taken the term to demonstrate that the Hebrew version of Esther portrays these Gentiles as converting, the *hithpael* form of פָּתַח can, and in this case should, be understood to signify that these Gentiles pretended to be Jews in order to avoid the royally sanctioned revenge against the enemies of the Jews (cf. Esther 8:11).²⁴

however, has presented papyrological evidence that the LXX translators did not coin the word προσήλυτος, but that it was in use before the first books of the Hebrew Bible were translated into Greek. Additionally, based on the content of the papyrus in which προσήλυτος is found, Moffitt argues convincingly that the term likely had no initial religious connotation. In other words, the LXX translators did not mean “convert” or “proselyte” when they used the word προσήλυτος.

²⁴ For this reflexive-estimative use of the *hithpael*, see Solomon Zeitlin, “Proselytes and Proselytism during the Second Commonwealth and the Early Tannaitic Period,” in *Harry Austryn Wolfson Jubilee Volume: On the Occasion of his Seventy-Fifth Birthday* (3 vols.; Jerusalem: American Academy for Jewish Research, 1965), 2.871-81 (873), and Ronald J. Williams, *Williams’ Hebrew Syntax* (3d ed.; rev. and exp. by John C. Beckman; Toronto: University of Toronto Press, 2007), 64. For other instances where the *hithpael* form of a Hebrew verb indicates pretension, see 2 Sam 13:5-6; 1 Kings 14:5-6. As Jon D. Levenson (*Esther: A Commentary* [OTL; Louisville, Ky.: WJKP, 1997], 117) suggests, just as Esther had to pretend to be a Gentile, now Gentiles need to pretend to be Jews: “Whereas the Jews were once threatened and trying to pass as non-Jews, now the Gentiles, feeling endangered by the unexpected consequences of the anti-Semitism in their midst, are passing as Jews, perhaps permanently.” Cohen (*Beginnings of Jewishness*, 181-82) rightly argues that even the LXX translator of Esther does not intend to portray conversion here, but only the *imitation* of Jewishness, since he uses an -ιζειν verb. Cf. Michele Murray, *Playing a Jewish Game: Gentile Christian Judaizing in the First and Second Centuries CE* (Studies in Christianity and Judaism 13; Waterloo, Ont.: Wilfred Laurier University Press, 2004), 3-4.

Similarly, Judith 14:10 portrays Achior circumcising the flesh of his foreskin and joining the house of Israel (περιετέμετο τὴν σάρκα τῆς ἀκροβυστίας αὐτοῦ καὶ προσετέθη εἰς τὸν οἶκον Ἰσραηλ ἕως τῆς ἡμέρας ταύτης), in response to God’s miraculous deliverance of the Jews from the hand of Holofernes and the Assyrians. Significantly, the narrator identifies Achior as an Ammonite (cf. 5:5; 6:5; 14:5). This identification of Achior as an Ammonite is of interest in light of the prohibition of Deut 23:3, which states, “No Ammonite or Moabite shall enter into the congregation of YHWH” (לֹא יבא עמוני ומואבי בקהל יהוה). According to the Mishnah, this ban on the Ammonite is an eternal prohibition (אסור עולם, *m. Yeb.* 8:3).²⁵ If the book of Deuteronomy unequivocally excludes Ammonites from the people of God, how can the author of Judith dare present Achior as an Ammonite who joins the house of Israel? To many interpreters, the book of Judith demonstrates the existence of a strongly universalistic impulse in Second Temple Judaism that overrode biblical exclusivism.²⁶

The actions of the Hasmoneans also demonstrate openness to Gentile conversion to Judaism, as indicated by the incorporation of the Idumeans by John Hyrcanus I (134-104 B.C.E.) and the Itureans by Aristobulus I (104-103 B.C.E.).²⁷ In the case of the Idumeans, at least, the majority of the inhabitants appear to have complied with the

²⁵ But see also *m. Yad.* 4:4, which contains a dispute between R. Gamaliel and R. Joshua over whether to admit Judah, an Ammonite גַּד, into the congregation of Israel.

²⁶ For instance, A. Deprez, “Le Livre de Judith,” *Évangile* 47 (1962): 5-69 (58), and Adolfo D. Roitman, “Achior in the Book of Judith: His Role and Significance,” in “*No One Spoke Ill of Her*”: *Essays on Judith* (ed. James C. VanderKam; SBLEJL 02; Atlanta: Scholars Press, 1992), 31-45.

²⁷ For the conversion of the Idumeans, see *Ant.* 13:258-58; *Bell.* 1:63; Strabo, *Geogr.* 16.2.34; and Ptolemy (cf. Menahem Stern, *Greek and Latin Authors on Jews and Judaism* [3 vols.; Jerusalem: Israeli Academy of Sciences and Humanities, 1974-84], n. 146). For the conversion of the Itureans, see *Ant.* 13:318-19.

Hasmonean demand that they be circumcised and live according to Jewish laws. In contrast to these incidents in which large groups, however willingly or unwillingly,²⁸ took up Jewish practices, a later Hasmonean, Alexander Jannaeus, destroyed the city of Pella because its inhabitants would not promise to forsake their ancestral customs in favor of the customs of the Jews (*Ant.* 13:397).²⁹ While Alexander was unsuccessful in his efforts to compel these people to adopt Jewish customs, his actions nonetheless demonstrate the belief that it was possible for Gentiles to become Jews. Finally, evidence of openness toward conversion continues to be found into the first century C.E., as suggested by the oft-cited story of Izates, the king of Adiabene, who underwent circumcision in order to

²⁸ Doron 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], 57-81) and Martin Goodman (*Mission and Conversion: Proselytizing in the Religious History of the Roman Empire* [Oxford: Clarendon Press, 1994], 74-76) argue that the Idumeans and Itureans took up Jewish practices out of compulsion, while Aryeh Kasher (*Jews, Idumaeans, and Ancient Arabs: Relations of the Jews in Eretz-Israel with the Nations of the Frontier and the Desert during the Hellenistic and Roman Era [332 BCE-70 CE]* [TSAJ 18; Tübingen: Mohr Siebeck, 1988], 46-77) and Cohen (*Beginnings of Jewishness*, 116-17) argue that they willingly took up Jewish practices.

²⁹ Presumably the adoption of Jewish customs included the rite of circumcision, particularly if Shaye J. D. Cohen ("Crossing the Boundary and Becoming a Jew," *HTR* 82.1 [1989]: 13-33 [27]) is correct in arguing that for Josephus "'to adopt the customs of the Jews' and 'to be circumcised' are synonymous expressions (cf. *Vita* 23 § 113 with 31 § 149)." On Hasmonean activities in Pella and the Transjordan, see Adam Lowry Porter, "Transjordanian Jews in the Greco-Roman Period: A Literary-Historical Examination of Jewish Habitation East of the Jordan River from its Biblical Roots through the Bar-Kochba Revolt" (Ph.D. diss., Duke University, 1999), 62-111.

convert to Judaism,³⁰ and Jesus' accusation against the Pharisees of traversing the sea in order to make one προσήλυτος (Matt 23:15).³¹

This evidence of conversion in the Second Temple period has suggested to Shaye J. D. Cohen, for instance, that in this period the word “Jew” (Ἰουδαῖος) underwent considerable redefinition. As a result of Judaism's encounter with Hellenism, the term “Jew” came to refer to members of an ethno-religion, rather than, as previously, to members of an *ethnos*.³² In the wake of the Maccabean Revolt, the term “Jew” came to have a religious and political meaning as well: Jews “are all those, of whatever ethnic or geographic origins, who worship the God whose temple is in Jerusalem (a religious definition), or who have become citizens of the state established by the Judaeans (a political definition).”³³ As Cohen notes, “[W]ith the emergence of these new definitions in the second century B.C.E., the metaphoric boundary separating Judaeans from non-

³⁰ Cf. *Ant.* 20:17-47; Jacob Neusner, “The Conversion of Adiabene to Judaism: A New Perspective,” *JBL* 83 (1964): 60-66; Lawrence H. Schiffman, “The Conversion of the Royal House of Adiabene in Josephus and Rabbinic Sources,” in *Josephus, Judaism, and Christianity* (ed. Louis H. Feldman and Gohei Hata; Detroit: Wayne State University Press, 1987), 293-312; Gary Gilbert, “The Making of a Jew: ‘God-Fearer’ or Convert in the Story of Izates,” *USQR* 44 (1991): 299-313; and Daniel R. Schwartz, “God, Gentiles, and Jewish Law: On Acts 15 and Josephus' Adiabene Narrative,” in *Geschichte - Tradition - Reflexion: Festschrift für Martin Hengel zum 70. Geburtstag* (3 vols.; ed. Peter Schäfer; Tübingen: Mohr [Siebeck], 1996), 1.263-82.

³¹ While Martin Goodman (*Mission and Conversion: Proselytizing in the Religious History of the Roman Empire* [Oxford: Clarendon Press, 1994], 69-74) and Edouard Will and Claude Orrieux (“*Prosélytisme juif?*” *histoire d'une erreur* [Paris: Les Belles Lettres, 1992], 123-36) interpret this saying to mean that Pharisees are trying to convince other Jews to join the Pharisaic movement, the majority have understood the verse to signify a Jewish mission to the Gentiles. Cf. Ulrich Luz, *Matthew 21-28: A Commentary* (Hermeneia; trans. James E. Crouch; Minneapolis: Fortress Press, 2005), 117-118; and Louis H. Feldman, *Jew and Gentile in the Ancient World: Attitudes and Interactions from Alexander to Justinian* (Princeton, N.J.: Princeton University Press 1993), 298.

³² Cohen, *Beginnings of Jewishness*, 109-39. See also Shaye J. D. Cohen, “Religion, Ethnicity, and ‘Hellenism’,” in *Religion and Religious Practice in the Seleucid Kingdom* (ed. Per Bilde et al.; Aarhus: Aarhus University Press, 1990), 204-223.

³³ Cohen, *Beginnings of Jewishness*, 109.

Judaeans [i.e. Jews from non-Jews] became more and more permeable.”³⁴ According to Cohen, the forced circumcision of the Idumeans and Itureans by Hyrcanus and Aristobulus were unprecedented actions, not inspired by scripture; rather, it resulted from the adoption of the Greek concept of Jewish laws as constituting a *politeia*: “By accepting the Greek definition of their way of life as a *politeia*, and by separating ‘citizenship’ from ethnicity, the Hasmonaeans discovered a way to incorporate gentiles into the Judaeian polity.”³⁵ Ironically, through the deployment of this new conception of what it meant to be a Jew, “Hyrcanus and Aristobulus were working within a decidedly Hellenistic framework.”³⁶

This increasing permeableness between Jewish and Gentile identity has led most scholars to argue that, in the Second Temple period, Judaism as a whole was open to Gentile conversion,³⁷ and some to conclude that Judaism was missionary-minded at this time.³⁸ Even those scholars, such as Martin Goodman and Scot McKnight, who reject portrayals of early Judaism as proselytizing, claim that Jews were at least receptive

³⁴ Cohen, *Beginnings of Jewishness*, 110.

³⁵ Cohen, *Beginnings of Jewishness*, 127.

³⁶ Cohen, *Beginnings of Jewishness*, 129.

³⁷ For a very helpful treatment of the varying types of openness to Gentiles in this period, see Terence L. Donaldson, *Judaism and the Gentiles: Jewish Patterns of Universalism (to 135 CE)* (Waco, Tex.: Baylor University Press, 2007). For a summary of the evidence of conversion in this period, see especially pp. 483-92.

³⁸ Cf. William G. Braude, *Jewish Proselyting In the First Five Centuries of the Common Era: The Age of the Tannaim and Amoraim* (Providence, R.I.: Brown University Press, 1940); Bernard J. Bamberger, *Proselytism in the Talmudic Period* (Cincinnati: Hebrew Union College Press, 1939); Louis H. Feldman, “Was Judaism a Missionary Religion in Ancient Times?” in *Jewish Assimilation, Acculturation and Accommodation: Past Traditions, Current Issues and Future Prospects* (ed. Menachem Mor; Studies in Jewish Civilization 2; Lanham, Md.: University Press of America, 1992), 24-37; and idem, *Jew and Gentile in the Ancient World*, 288-341.

toward Gentiles who wanted to convert. For instance, Goodman claims, “[I]t was recognized by all Jews that outsiders (that is, the offspring of non-Jews or mixed marriages) *could* become proselytes and therefore in some sense Jews”³⁹ With regard to how this conversion from Gentile to Jewish identity took place, Cohen states, “[b]y the time of the Maccabees, conversion, ritually defined as circumcision, is securely in place, not to be questioned until the middle ages.”⁴⁰

If Goodman and Cohen are correct to describe Second Temple Jews as universally open to the possibility of Gentile conversion to Judaism via circumcision, then Christianity constituted a radical break from Judaism, or, in particular, from these widely-held Jewish conceptions of circumcision. In contrast to early Judaism, which required the circumcision of Gentiles, Christianity, or at least some factions of it, chose not to require circumcision of Gentile Christians. As F. C. Baur argued long ago, this dispute between a law-observant and a non-law-observant faction within early Christianity threatened to tear the nascent movement apart.⁴¹ While the gospels are virtually silent on the topic of

³⁹ Goodman, *Mission and Conversion*, 47 (emphasis original). Similarly, Scot McKnight (*A Light Among the Gentiles: Jewish Missionary Activity in the Second Temple Period* [Minneapolis: Fortress Press, 1991], 48) asserts that in Second Temple Judaism “there is clearly an almost universally positive attitude toward proselytes and proselytism.” See also Will and Orrieux, “*Prosélytisme juif?*”, and Shaye J. D. Cohen, “Was Judaism in Antiquity a Missionary Religion?” in *Jewish Assimilation, Acculturation and Accommodation: Past Traditions, Current Issues and Future Prospects* (ed. Menachem Mor; Studies in Jewish Civilization 2; Lanham, Md.: University Press of America, 1992), 14-23.

⁴⁰ Shaye J. D. Cohen, “Conversion to Judaism in Historical Perspective: From Biblical Israel to Postbiblical Judaism,” *Conservative Judaism* 36.4 (1983): 31-45 (42).

⁴¹ F. C. Baur, “Die Christuspartei in der korinthischen Gemeinde, der Gegensatz des petrinischen und paulinischen Christenthums in der alten Kirche, der Apostel Paulus in Rom,” *TZT* 4 (1831): 61-206, and idem, *Paul the Apostle of Jesus Christ: His Life and Works, His Epistles and Teachings* (trans. E. Zeller and A. Menzies; 2 vols.; Peabody, Mass.: Hendrickson, 2003). More recently, see Michael D. Goulder, *A Tale of Two Missions* (London: SCM, 1994), and idem, *Paul and the Competing Mission in Corinth* (Library of Paul Studies; Peabody, Mass.: Hendrickson, 2001).

circumcision,⁴² Paul's letters and the Acts of the Apostles reverberate with the volatility surrounding this question. Paul's letter to the Galatians is concerned with whether or not the Galatian believers needed to undergo circumcision. Romans, Philippians, the Corinthian correspondence, and several deutero-pauline letters (Colossians, Ephesians, and Titus) also reflect anxiety over the question of circumcision. The Acts of the Apostles provides an account of the early Church in which the circumcision controversy looms large, although it is ultimately resolved amicably. As demonstrated by these writings, Paul and Luke conclude that Gentile believers do not need to undergo circumcision in order to be part of the new Jesus movement.

Thus, in light of the supposedly monolithic conception of circumcision in early Judaism, almost all scholarship has regarded Paul, and those sympathetic to the Pauline mission such as Luke, as preaching a gospel that was in radical discontinuity with early Judaism's insistence upon circumcision. Interpreters often make comparisons between Paul and Philo, or Paul and the allegorists whom Philo claims reject physical

⁴² The only references to circumcision in the canonical gospels are Luke 1:59; 2:21; and John 7:23. The *Gospel of Thomas* contains a logion of Jesus that discusses circumcision: "His disciples said to him: Is circumcision useful or not? He said to them: 'If it were useful, their father would beget them from their mother (already) circumcised. But the true circumcision in Spirit has proved useful in every way'" (*Gospel of Thomas* 53; translation of Beate Blatz, "The Coptic Gospel of Thomas," in *New Testament Apocrypha, Volume One: Gospels and Related Writings, Revised Edition* [trans. R. McL. Wilson; ed. Wilhelm Schneemelcher; Louisville, Ky.: WJKP, 1991], 110-33). This logion is a creation of the early Christian movement, and does not go back to the Historical Jesus. Cf. J.-B. Bauer, "Echte Jesusworte," in *Evangelien aus dem Nilsand* (ed. W. C. van Unnik; Frankfurt: Verlag Heinrich Scheffer, 1960), 108-50; and Antti Marjanen, "Thomas and Jewish Religious Practices," in *Thomas at the Crossroads: Essays on the Gospel of Thomas* (ed. Risto Uro; Studies of the New Testament and Its World; Edinburgh: T&T Clark, 1998), 163-82. At the same time, the logion in the *Gospel of Thomas* echoes disputes later recorded in rabbinic literature. Thus, according to *Midrash Tanhuma (Tazria 7)*, a second century C.E. Roman governor of Judea asked R. Akiva why God, if he took such pleasure in circumcision, did not create humans who were born circumcised. Similarly, in *Dialogue with Trypho*, the second century Church Father Justin states to his Jewish interlocutor: "Be not offended at, or reproach us with, the bodily uncircumcision with which God has created us" (*Dialogue* 29).

circumcision.⁴³ Another comparison could be drawn between Paul and the Hellenizing Judaizers in the early second century B.C.E. who stopped circumcising their sons and even reversed their own circumcisions through the process of epispasm (cf. 1 Macc 1:15).⁴⁴ Apart from these rare instances, it appears from the scholarship that all Jews stressed the importance of circumcision. Thus, according to this reconstruction, while virtually all Second Temple Jews believed Gentiles could, and many Jews thought they should, convert to Judaism via the rite of circumcision, Paul and Luke denied the value of circumcision. In contrast, Paul and Luke's opponents preached the necessity that Gentile believers undergo circumcision, demonstrating that in this respect these opponents remained in continuity with Second Temple Jewish thinking.⁴⁵

Contesting Conversion

The scholarly perceptions described above regarding the relation between Jewishness and circumcision are heavily indebted to the belief, similar to that of Eco's Diotallevi, that Jewishness is a matter of choice. A Gentile can become a Jew. I do not

⁴³ Cf. the above discussion of Philo, *Migration* 92.

⁴⁴ For a discussion of epispasm, see Robert G. Hall "Epispasm and the Dating of Ancient Jewish Writings," *JSP* 2 (1988): 71-86; idem, "Epispasm: Circumcision in Reverse," *BRev* 8 (1992): 52-57; and Blaschke, *Beschneidung*, 139-44. Elias Bickerman (*The God of the Maccabees: Studies on the Meaning and Origin of the Maccabean Revolt* [trans. Horst R. Moehring; SJLA 32; Leiden: Brill, 1979]) has made a strong case for the conclusion that Hellenizing Jews instigated these reforms and the persecution of law-observant Jews, although see the reservations of Jonathan A. Goldstein (*II Maccabees: A New Translation with Introduction and Commentary* [AB41A; Garden City, N.Y.: Doubleday, 1983], 105-112), and Joan Scurlock ("167 BCE: Hellenism or Reform?" *JSJ* 31:2 [2000]: 125-61). Other interpreters, such as Victor Tcherikover (*Hellenistic Civilization and the Jews* [Philadelphia: JPS, 1959], 189-200) and Shaye J. D. Cohen (*From the Maccabees to the Mishnah* [LEC; Philadelphia: Westminster Press, 1987], 42-43), have basically followed Bickerman.

⁴⁵ See, for instance, J. Louis Martyn's reconstruction of what a sermon of Paul's opponents in the Galatian churches may have looked like (*Theological Issues in the Letters of Paul* [Nashville: Abingdon Press, 1997], 20-24).

deny that Diotallevi's view had proponents in antiquity. Further, I agree with these scholars that this was the dominant view, at least in the Second Temple period. Yet, at numerous points I believe this sketch of early perceptions of Jewishness, and Jewish views about Gentile conversion via circumcision, to be either incomplete or incorrect.

Consequently, what I intend to show in the following chapters is the existence of proponents of Belbo's view, who thought that Jewishness was not a matter of choice but of descent (i.e., "Jews are born"). In particular, I will examine the interconnection between circumcision and genealogy in the Hebrew Bible, Second Temple Judaism, and the New Testament.⁴⁶ What follows is not intended to serve as an exhaustive account of every reference to circumcision in these bodies of literature; the reader can find such a survey of circumcision up until the tannaitic period in Blaschke's fine study.⁴⁷ Instead, I will examine circumcision texts that call into question the scholarly construction of a monolithic role for circumcision in antiquity. Below I will sketch the main outline and arguments of this study.

Part I: Genealogy and Circumcision in the Hebrew Bible

Contrary to those scholars who believe that conversion was a possibility in ancient Israel, I will argue that, so far as we can know, it was an unknown and incomprehensible phenomenon to ancient Israelites because Israelite identity was believed to be genealogical in nature. As Solomon Zeitlin states,

⁴⁶ There are a number of other points of disagreement with the scholarly consensus that will not be discussed at length in this work. For instance, I do not believe that the LXX uses προσήλυτος as a technical term for a convert to Judaism. See the more recent translations of the LXX, such as the *New English Translation of the Septuagint*, and *La Bible d'Alexandrie*, which respectively render προσήλυτος as "guest" and "étranger," and Moffitt, "New Papyrological Evidence."

⁴⁷ Blaschke, *Beschneidung*.

The Pentateuch as well as the early prophets did not recognize conversion. Yahweh was held to be an ethnic God, the God of the children of Abraham, Isaac and Jacob with whom He made a covenant. Yahweh was the God of the descendants of those whom He had brought out of Egypt, the land of slavery. Hence those who were not descendants of Abraham, Isaac and Jacob and whose ancestors were not slaves in Egypt could not worship Yahweh.⁴⁸

An examination of the rite of circumcision as it pertains to Gentiles in the Hebrew Bible demonstrates the general validity of Zeitlin's remarks. In order to substantiate this claim,

I will begin with the establishment of the covenant of circumcision in Genesis 17.

Although this text is not the earliest passage preserved in the Hebrew Bible that deals with circumcision, there are two good reasons for beginning here:⁴⁹ it is the first occurrence of the command to circumcise in the narrative of Israel's history, and it is the only text in Jewish Scripture that provides an explicit rationale for Israel's circumcision of its male infants. In light of the twofold importance of Genesis 17, any consideration of the role circumcision played in Israelite religion, early Judaism, and early Christianity must begin here. As I will argue, the priestly writer attempts to distinguish between Israelite circumcision (exemplified by Isaac) and non-Israelite circumcision (exemplified by Ishmael) via the timing of circumcision, in order to show that not all who are circumcised belong to the covenant. In other words, contrary to many interpretations of Genesis 17, including some early rabbinic ones, circumcision according to the priestly writer does not function as an initiatory or conversionistic rite.

⁴⁸ Zeitlin, "Proselytes and Proselytism," 871. See also, Jacob Milgrom, "Religious Conversion and the Revolt Model for the Formation of Israel," *JBL* 101.2 (1982): 169-76; Hayes, *Gentile Impurities*, 19-44; and Cohen, *Beginnings of Jewishness*, 109-110.

⁴⁹ For an attempt to deal with the evidence of the Hebrew Bible in a chronological fashion, see Blaschke, *Beschneidung*, 19-108.

Chapter Two will examine the role circumcision plays throughout the remainder of the Hebrew Bible. In particular, I will discuss each biblical passage that deals with the (un)circumcision of non-Israelites in order to assess the implications regarding Gentile circumcision. These passages can be treated under two separate categories: (1) passages such as 1 Samuel 18, Ezekiel 44:6-9, Isaiah 52:1-2, and Genesis 34, which view non-Israelites as uncircumcised and do not appear to conceive of the possibility that they can undergo circumcision; and (2) passages such as Jeremiah 9:24-25, Ezekiel 32, Genesis 17, and Exodus 12:43-49, which readily acknowledge the existence of circumcised non-Israelites, but maintain impermeable boundaries between them and Israel.

Part II: Genealogy and Circumcision in Early Judaism

Chapter Three will examine the continued significance of genealogical definitions of Jewishness in the Second Temple period. As I noted above, scholars rightly see an increasing permeability between Jewish and Gentile identity in the Second Temple period as conversions of Gentiles become more and more common; however, not all Jews were convinced by this redefinition of what it meant to be a Jew. The recent work of scholars such as Christine E. Hayes and Jonathan Klawans has demonstrated that there continued to exist in early Judaism a strain of thinking that, at least in theory, excluded the possibility that Gentiles could become Jews.⁵⁰ Hayes argues that this genealogical exclusion, found in works such as *Jubilees* and 4QMMT, was indebted to the “holy seed” theology evidenced in Ezra-Nehemiah, which defined Jewishness in predominantly

⁵⁰ Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002), and Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000).

genealogical and ancestral terms. Those who were descended from Jacob were Jews; all others were not and could never become Jews, regardless of the Jewish rites they might adopt.

Building on this previous scholarly work, I will argue that the book of *Jubilees* resists redefining Jewishness in a way that eliminates genealogy. As Hayes has argued, for *Jubilees* the rite of circumcision could not efface the genealogical distinction between Jew and Gentile. I will examine the role circumcision plays in the book of *Jubilees* and contextualize it within the social and historical situation facing Jews in the second century B.C.E. In particular, I will argue that *Jubilees* stresses the appropriate timing of circumcision—only eighth-day circumcision is covenantal circumcision. A genealogical definition of Jewishness does not make circumcision ancillary to Jewish identity; rather, circumcision properly observed functions to buttress the wall between Jew and non-Jew, by linking circumcision as closely as possible to birth.

In Chapter Four I will show that genealogical exclusion can be found in other second-century B.C.E. works—namely, the *Animal Apocalypse* and *I Esdras*. More importantly, I will show that genealogically exclusionary thought persisted in the first century B.C.E. and first century C.E. While the evidence for this strain of thought is sparse, we are aided by the attention the extant Jewish literature gives to one Idumean family that converted to Judaism—the Herodians. I will argue that some Jews did not consider the Herods to be Jews because of their Idumean ancestry. If some Jews considered suspect the Jewishness of converted Idumeans, who were the descendants of Jacob's brother Esau, because of their genealogical status, presumably this raises the possibility that no

one could become a Jew. If Idumeans could not overcome the seemingly small distance between themselves and Jews through the rite of circumcision, how could others overcome the significantly greater genealogical distances between themselves and Jews?

Part III: Genealogy and Circumcision in Early Christianity

It is a common perception of scholars of the New Testament that, by omitting the requirement that Gentile believers be circumcised, the early Christian movement began the lengthy and complex process of the parting of the ways between Judaism and Christianity. According to most scholars, contemporaneous Jews would have found this supposed laxity toward circumcision to be unacceptable.

By applying the findings of the first four chapters to the New Testament, I will argue in Chapter Five that this is neither the only, nor the most accurate, portrayal of early Christian perceptions of circumcision, at least according to the author of Luke-Acts. In light of the conclusions of the previous chapters, I will show that Luke's view of circumcision belongs within the same trajectory as the views found in Genesis 17 and the book of *Jubilees*. Similar to the priestly writer and the author of *Jubilees*, Luke denies that circumcision functions as a rite of conversion; rather, he sees it is a custom only intended for and of value to Jews. Consequently, Luke believes that Jewish believers should still practice circumcision on their newborn males, while Gentile believers should not be circumcised. Contrary to the majority of scholars who understand Luke to have broken from law-observant Judaism, this reading suggests that Luke's thinking had much in common with the most stringent forms of Judaism, which conceived of Jewishness in

genealogical terms. This interpretation will be confirmed by an examination of Peter's vision in Acts 10.

Returning to the dialogue between Belbo and Diotallevi with which this chapter began, this dissertation is an attempt to provide a forum for those ancient Jews who defined Jewishness in the same way as Belbo did: "[A] person can't just decide to be a Jew the way he might decide to be a stamp collector or a Jehovah's Witness. Jews are born." It is illuminating that Belbo contrasts Judaism to another religious movement—Jehovah's Witnesses. Modern conceptions of religion almost universally portray all religious movements as inherently open to the possibility of conversion, yet for many Jews in antiquity Jewishness was a matter of genealogy. Gentiles could not become Jews regardless of whether or not they underwent circumcision. This is not the whole story regarding ancient Jewish perceptions of Jewishness and conversion, but it is an important one nonetheless. With due deference to Diotallevi, to such ancient Jews the views studied herein are far from nitpicky.

PART I:

**GENEALOGY AND CIRCUMCISION
IN THE HEBREW BIBLE**

1. Genesis 17: Ishmael, Isaac, and Covenantal Circumcision

1.1 Introduction

Genesis 17 plays a foundational role in providing an accurate understanding of the rite of circumcision in the Hebrew Bible, early Judaism, and early Christianity. This is for at least two reasons: it is the first occurrence of the command to circumcise in the narrative of Israel's history, and it is the only text in the Hebrew Bible that provides an explicit rationale for Israel's performance of circumcision on its male infants.¹

Consequently, it behooves the scholar attempting to assess the significance of circumcision to pay careful attention to the details of the passage, both text-critical and interpretive. One misstep here and the whole interpretive enterprise is bound to go astray.

The purpose of this chapter, which divides into two sections, is to lay a new foundation for understanding the role of circumcision in ancient Israel. In the first section, I will attempt to establish the text of Genesis 17. Although there are a number of variant readings in the ancient textual witnesses to the chapter, I will focus on verse 14 in particular.² It is a disconcerting fact that scholars have almost universally overlooked the text-critical issue of Gen 17:14—a problem that might be of considerable importance for the reconstruction of the function of circumcision in ancient Israel, and subsequently in

¹ Cf. Michael V. Fox, "The Sign of the Covenant: Circumcision in the Light of the Priestly 'ôl Etiologies," *RB* 81 (1974): 557-96 (558), For a similar assessment of the importance of Genesis 17 for early Judaism and Christianity, see Maren R. Niehoff, "Circumcision as a Marker of Identity: Philo, Origen and the Rabbis on Gen 17:1-14," *JSQ* 10.2 (2003): 89-123.

² The other textual variants attested in the critical apparatus of *BHS* are neither substantive nor sufficiently attested to merit attention here. These variants, apart from 17:14, have minimal bearing on the function of circumcision in the narrative.

early Judaism and Christianity. In the second section of this chapter, I will provide a reading of the role of circumcision in Genesis 17 in light of the stipulation that Israel is to practice circumcision on the eighth day after birth, a reading that the text-critical conclusion of the first part of the chapter facilitates.

1.2 Manuscript Evidence for the Text of Genesis 17:14

1.2.1 The Masoretic Text

According to *Biblia Hebraica Stuttgartensia* (BHS), the Masoretic Text (MT) of Gen 17:14 reads as follows:

וערל זכר אשר לא ימול את בשר ערלתו ונכרתה הנפש ההוא מעמיה את בריתי הפר

A number of the minor versions, including the Vulgate, Syriac, and Targumim support the reading of the MT.³ Modern Bibles render the passage accordingly, as the selection of translations below demonstrates:

RSV: “Any uncircumcised male who is not circumcised in the flesh of his foreskin shall be cut off from his people; he has broken my covenant.”

NEB: “Every uncircumcised male, everyone who has not had the flesh of his foreskin circumcised, shall be cut off from the kin of his father. He has broken my covenant.”

NIV: “Any uncircumcised male, who has not been circumcised in the flesh, will be cut off from his people; he has broken my covenant.”

³ *Tg. Onq.* and *Tg. Neof.* Gen 17:14 are quite similar to MT Gen 17:14, but *Tg. Ps.-J.* Gen 17:14, states: וערל אה דכורא דלא יגזר ית בישרא דעורלתיה אין לית ליה מן דיגזר וישתצני בר נשא ההוא מעמי' <ה> ית קימי אשני (“And the uncircumcised male, who does not circumcise the flesh of his foreskin, when there is none to circumcise him, that person will be destroyed from his people, he has changed my covenant”). Although these additional glosses are in a work that postdates the Arab conquest of the Middle East, much of the Targum reflects earlier traditions, as argued by Michael Maher, *Targum Pseudo-Jonathan: Genesis: Translated, with Introduction and Notes* (ArBib 1B; Collegeville, Minn.: Liturgical Press, 1992), 11-12.

NJB: “The uncircumcised male, whose foreskin has not been circumcised—that person must be cut off from his people: he has broken my covenant.”

1.2.2 The Septuagintal Witnesses

Yet, as the textual apparatus of *BHS* alerts the reader, other early manuscript witnesses to Gen 17:14 provide a somewhat different reading. So, for instance, the majority of Septuagintal witnesses (LXX) reads as follows:

καὶ ἀπερίτμητος ἄρσην, ὃς οὐ περιτμηθήσεται τὴν σάρκα τῆς ἀκροβυστίας αὐτοῦ τῇ ἡμέρᾳ τῇ ὀγδόῃ, ἐξολεθρευθήσεται ἡ ψυχὴ ἐκείνη ἐκ τοῦ γένους αὐτῆς, ὅτι τὴν διαθήκην μου διεσκέδασεν.⁴

“And the uncircumcised male, who shall not be circumcised in the flesh of his foreskin on the eighth day, that soul shall be cut off from his people for he has broken my covenant.”

In John William Wevers’ critical edition of the LXX translation of Genesis, the reader can see that the Greek manuscripts are in unanimous agreement on the fact that the phrase “on the eighth day” occurs in 17:14. Nonetheless, there are minor differences in a small number of LXX MSS: (1) the *b* family has the preposition ἐν preceding the phrase τῇ ἡμέρᾳ τῇ ὀγδόῃ,⁵ and (2) MS 370, an eleventh century manuscript from the *t* family,⁶ has a slightly different phrase: τῇ ὀγδόῃ ἡμέρᾳ. Despite these variations, all the LXX witnesses to Gen 17:14 refer to the eighth day.⁷

⁴ Based on John William Wevers, ed., *Genesis* (SVTG 1; Göttingen: Vandenhoeck & Ruprecht, 1974), 179.

⁵ For these manuscripts, see John William Wevers, *Notes on the Greek Text of Genesis* (SBLSCS 35; Atlanta: Scholars Press, 1993), xviii, and idem, *Genesis*, 57.

⁶ Again, see Wevers, *Notes*, xviii.

⁷ Cf. Wevers, *Genesis*, 179.

The evidence of a number of early writers confirms that, at an early date, the LXX contained this reference to the eighth day. For instance, Philo (*QG* 3:52) writes: “Why does [God] prescribe a sentence of death for the infant, saying, ‘The uncircumcised male who shall not circumcise the flesh of his uncircumcision on the eighth day, that soul shall be destroyed from its kind’?... But if the child is not circumcised on the eighth day after birth, what sin has he committed that he should be judged deserving of suffering death?”⁸ Like the LXX, Philo’s quotation of Gen 17:14 includes a reference to the eighth day. Since Philo is deeply troubled by the implication of Gen 17:14, it seems probable that had he known of an alternate reading of the verse he would have offered it. Further, Justin Martyr’s *Dialogue with Trypho* twice alludes to a version of Gen 17:14 in which the eighth day is mentioned (chapters 10, 23). Also following the LXX, Old Latin witnesses to Gen 17:14 contain a reference to the eighth day.⁹

Presumably, such strong early evidence (i.e. first and second century C.E.) for the LXX reading could lead some scholars to the conclusion that the MT reading is secondary and that the text should therefore read: “And the uncircumcised male, who shall not be circumcised in the flesh of his foreskin on the eighth day, that soul shall be cut off from his people, for he has broken my covenant.” Nonetheless, Wevers claims that the LXX reading of 17:14 is in fact secondary, having been influenced by its close

⁸ Following the translation of the Armenian by Ralph Marcus, *Philo, Supplement I: Questions and Answers on Genesis* (LCL; Cambridge, Mass.: Harvard University Press, 1953). See also the Latin in Charles Mercier and Françoise Petit, *Quaestiones et Solutiones in Genesim III-IV-V-VI e versione armeniaca* (Les Oeuvres de Philon D’Alexandrie 34B; Paris: Cerf, 1984), 122.

⁹ Cf. Petrus Sabatier, ed., *Vetus Latina 1: Die Reste der Altlateinischen Bibel* (Freiburg: Herder, 1949), 189.

proximity to the reference to the eighth day in Gen 17:12.¹⁰ Although he does not state so explicitly in his discussion of the verse, Wevers believes the LXX reading to be secondary because of the low value he places on the LXX in general for the reconstruction of the Hebrew text. His assessment of the text-critical importance of LXX is illuminating: “For far too long scholars have treated the LXX as a grabbag for emendations. Unfortunately only too many have treated the note *lege cum Graece* found again and again in the various editions of ‘the Kittel Bible,’ and by no means wholly absent from BHS, as sacred lore, almost as a divine injunction to emend the text.”¹¹ Wevers’ assessment of the text-critical value of the LXX coincides with the views of a number of other scholars, who have argued that the translation technique of the LXX of Genesis is rather freer than that of other books of the Pentateuch; it would therefore be possible to suggest that the LXX translators have added something to their Hebrew *Vorlage* of Gen 17:14.¹² And, in fact, Marguerite Harl argues that the LXX translators of our passage have inserted the phrase in order to stress that the observance of circumcision on the eighth day after birth takes priority over Sabbath observance.¹³

¹⁰ Wevers, *Notes*, 236.

¹¹ Wevers, *Notes*, xv.

¹² Cf. Johann Cook, “The Translator of the Greek Genesis,” in *La Septuaginta en la investigación contemporánea: V Congreso de la IOSCS* (ed. Natalio Fernández Marcos; Textos y Estudios 34; Madrid: Instituto Arias Montano, 1985), 168-82; idem, “The Exegesis of the Greek Genesis,” in *VI Congress of the International Organization for Septuagint and Cognate Studies, Jerusalem 1986* (ed. Claude E. Cox; SBLSCS 23; Atlanta: Scholars Press, 1987), 91-125; idem, “The Septuagint of Genesis: Text and/or Interpretation?” in *Studies in the Book of Genesis: Literature, Redaction and History* (ed. A. Wénin; BETL 155; Leuven: Leuven University Press, 2001), 315-29; Martin Rösel, *Übersetzung als Vollendung der Auslegung: Studien zur Genesis-Septuaginta* (BZAW 223; Berlin: Walter de Gruyter, 1994), and idem, “The Text-Critical Value of Septuagint-Genesis,” *BIOSCS* 31 (1998): 62-70.

¹³ Marguerite Harl, *La Bible D’Alexandrie: La Genèse* (Paris: Cerf, 1986), 171. For example, John 7:22-23 acknowledges the priority of circumcising an eight-day old infant over Sabbath observance. Cf. J. Duncan Derrett, “Circumcision and Perfection: A Johannine Equation (John 7:22-23),” *EvQ* 63.3 (1991): 211-24.

More recently, however, a number of scholars have argued that the evidence of Qumran demonstrates that the LXX of Genesis is a considerably more careful translation than has often been thought. For instance, after comparing LXX Genesis to readings of Genesis 1 preserved at Qumran, James Davila argues that many of the LXX readings are supported by the Hebrew MSS of Genesis found there and concludes: “[W]e must take the LXX of Genesis very seriously as a source for a Hebrew textual tradition alternate to the MT. We have strong reason to believe that the translators of Genesis treated their Vorlage with respect and rendered the Hebrew text before them into Greek with great care and minimal interpretation.”¹⁴ In light of these agreements between the LXX and readings found amongst Hebrew MSS from Qumran, the overly skeptical view of Wevers toward the value of the LXX translation of Genesis should not predetermine how to read the textual evidence of Gen 17:14. As Robert J. V. Hiebert, the translator of Genesis in the *New English Translation of the Septuagint (NETS)*, concludes:

The overall assessment of Greek Genesis is that, lexically and syntactically, it is a strict, quantitative representation of its source text. Thus the concept proposed in NETS discussions of the Septuagint (LXX) as an interlinear translation is an apt metaphor for this book because of the significant degree of dependence on the Hebrew that it exhibits. However, this general characterization of LXX Genesis as being slavishly subservient to the Hebrew needs to be nuanced somewhat in the light of the Greek translator’s periodic departures from his typical patterns to produce renderings that reflect Greek usage rather than Hebrew idiom, or that, in one way or another, contextualize a given passage for the benefit of the Greek reader.¹⁵

¹⁴ James R. Davila, “New Qumran Readings for Genesis One,” in *Of Scribes and Scrolls: Studies on the Hebrew Bible, Intertestamental Judaism, and Christian Origins Presented to John Strugnell on the Occasion of His Sixtieth Birthday* (ed. Harold W. Attridge et al.; Resources in Religion 5; Lanham, Md.: University Press of America, 1990), 3-11 (11). See also Emanuel Tov, *The Text-Critical Use of the Septuagint in Biblical Research* (Jerusalem: Simor, 1981), 33-35, and Ronald S. Hendel, *The Text of Genesis 1-11: Textual Studies and Critical Edition* (Oxford: Oxford University Press, 1998), 16-20.

¹⁵ Robert J. V. Hiebert, “Genesis,” in *A New English Translation of the Septuagint* (eds. Albert Pietersma and Benjamin G. Wright; Oxford: Oxford University Press, 2007), 1. Elsewhere, Hiebert specifically

1.2.3 The Samaritan Pentateuch

Additionally, the LXX is not alone in attesting a reading in which v. 14 states that all those who have not been circumcised on the eighth day shall be cut off, for the text of Gen 17:14 according to the Samaritan Pentateuch (SP) also contains this reference:¹⁶

וערל זכר אשר לא ימול את בשר ערלתו ביום השמיני ונכרתה הנפש ההוא
מעמיה את בריתי הפר

“And the uncircumcised male, who is not circumcised in the flesh of his foreskin on the eighth day, that soul shall be cut off from his people, for he has broken my covenant.”¹⁷

This reading is supported by the two recensions of the Targum for the SP, which Abraham Tal has edited.¹⁸ Admittedly, these witnesses to the SP and Samaritan Targum are late, the oldest known codex of the SP dating to about 1150 C.E.,¹⁹ while MSS of the Samaritan Targum are later still, but Hebrew MSS in the Masoretic recension also date to

examines the Greek translation of Genesis 17, but does not discuss v. 14 (“The Hermeneutics of Translation in the Septuagint of Genesis,” in *Septuagint Research: Issues and Challenges in the Study of the Greek Jewish Scriptures* [ed. Wolfgang Kraus and R. Glenn Wooden; SBLSCS 53; Leiden: Brill, 2006], 85-103.

¹⁶ See the critical edition of August Freiherrn von Gall, ed., *Der Hebräische Pentateuch der Samaritaner* (Giessen: Alfred Töpelmann, 1914-18), 26, and, more recently, Luis-Fernando Giron-Blanc, *Pentateuco Hebreo-Samaritano: Genesis: Edición crítica sobre la base de Manuscritos inéditos* (Madrid: Fundación Universitaria Española, 1976), 207.

¹⁷ Reinhard Pummer (“Samaritan Rituals and Customs,” in *The Samaritans* [ed. Alan D. Crown; Tübingen: Mohr Siebeck, 1989], 650-90 [655]) claims that “on the eighth day” is an addition in the SP, without reckoning with either the textual evidence of the LXX or the further evidence discussed below.

¹⁸ Abraham Tal, ed., *The Samaritan Targum of the Pentateuch Vol. 1 (Genesis-Exodus)* (Texts and Studies in the Hebrew Language and Related Subjects 4; Tel Aviv: Tel-Aviv University, 1980), and idem, “The Samaritan Targum to the Pentateuch, Its Distinctive Characteristics and Its Metamorphosis,” *JSS* 21 (1976): 26-38.

¹⁹ See Ernst Würthwein, *The Text of the Old Testament: An Introduction to the Biblia Hebraica* (trans. Erroll F. Rhodes; 2d ed.; Grand Rapids, Mich.: Eerdmans, 1995), 47.

the tenth and eleventh centuries C.E.²⁰ Slightly earlier evidence for this reading is found in the *Kitāb al-Kāfi* (c. 1042 C.E.), which states that one must not postpone circumcision even one day beyond the eighth day, citing Gen 17:14 as it is found in the SP as evidence.²¹ Further, although Wilhelm Gesenius dismissed the value of the SP, believing it to be a late revision of the MT, Paul Kahle has rightly challenged this conclusion:²² in light of the fact that the LXX and SP agree against the MT almost 2000 times, it appears that there existed, at the time of the translation of the Pentateuch into Greek, a Hebrew text that differed considerably from the Masoretic text.²³

Both the LXX and SP agree upon the existence of the phrase “on the eighth day” in Gen 17:14; it is therefore plausible that this variant is older than the variant preserved by the MT. But, while this external evidence supporting a non-Masoretic reading of Gen 17:14 is certainly impressive, most commentators skate over the textual issue with no comment.²⁴ And, of the few commentators who do mention the presence of the textual

²⁰ Würthwein, *Text of the Old Testament*, 30.

²¹ Translation of Sergio Noja, *Il Kitāb al-Kāfi dei Samaritani* (Napoli: Istituto Orientale di Napoli, 1970), 75: “Non è permesso ritardare la circoncisione oltre la notte dell’ottavo giorno, poiché il precetto della purificazione con acqua non è richiesto ad un tempo determinato, ma il tempo serve solo a far acquistare la purità a ciò che è immondo; è richiesto invece un tempo per la purità che si acquista colla circoncisione in merito alla quale disse—Egli è l’Altissimo—nella Sua Legge.” For fascinating treatments of later Samaritan views of circumcision, see Pummer, “Samaritan Rituals,” 656-57, and Jacob ben Aaron, “Circumcision among the Samaritans,” *BSac* 65 (1908): 694-710.

²² See the discussion in Würthwein (*Text of the Old Testament*, 45-47), as well as the general treatment of the Samaritan Pentateuch in Emanuel Tov, *Textual Criticism of the Hebrew Bible* (2d rev. ed.; Assen: Van Gorcum, 2001), 80-100.

²³ For this statistic, see Würthwein, *Text of the Old Testament*, 46.

²⁴ Cf. Gerhard von Rad, *Genesis: A Commentary, Revised Edition* (trans. John H. Marks; Philadelphia: Westminster Press, 1972), 197-201; Ephraim A. Speiser, *Genesis: Introduction, Translation, and Notes* (AB 1; Garden City, N.Y.: Doubleday, 1964), 122-27; Robert Davidson, *Genesis 12-50* (Cambridge: Cambridge University Press, 1979), 54-55; Josef Scharbert, *Genesis 12-50* (NEchtB; Würzburg: Echter, 1986), 145-46; Victor P. Hamilton, *The Book of Genesis: Chapters 1-17* (NICOT; Grand Rapids, Mich.:

variant, virtually all opt for the MT reading without providing any explicit rationale for preferring this reading to that which the LXX/SP preserves.²⁵ In fact, the only commentators known to me who suggest the possibility that the reading which the LXX and SP preserves is earlier than the MT reading are Gerhard Kittel and the late 19th-century scholar Charles J. Ball.²⁶ Although Ronald Hendel claims that “it has become increasingly difficult for a biblical scholar to be a Masoretic fundamentalist,” discussions of Gen 17:14 indicate just how pervasive such “fundamentalism” continues to be!²⁷

Eerdmans, 1990), 473-74; John J. Scullion, *Genesis: A Commentary for Students, Teachers, and Preachers* (Collegeville, Minn.: Liturgical Press, 1992), 149-50; Laurence A. Turner, *Genesis* (Sheffield: Sheffield Academic Press, 2000), 81-83; W. Sibley Towner, *Genesis* (Westminster Bible Companion; Louisville, Ky.: WJKP, 2001) 162-68; David W. Cotter, *Genesis* (Berit Olam; Collegeville, Minn.: Liturgical Press, 2003), 106-12; Martin Kessler and Karel Deurloo, *A Commentary on Genesis: The Book of Beginnings* (New York: Paulist Press, 2004), 112-113; and Kenneth A. Mathews, *Genesis 11:27-50:26* (NAC 1B; Nashville: Broadman & Holman, 2005), 204-205. Even those looking specifically at the role of circumcision in Genesis 17, such as Fox (“The Sign of the Covenant”), Andreas Blaschke (*Beschneidung: Zeugnisse der Bibel und verwandter Texte* [TANZ 28; Tübingen: Francke, 1998], 79-92), Paul R. Williamson (*Abraham, Israel and the Nations: The Patriarchal Promise and its Covenantal Development in Genesis* [JSOTSup 315; Sheffield: Sheffield Academic Press, 2000]), and R. Christopher Heard (*Dynamics of Diselection: Ambiguity in Genesis 12-36 and Ethnic Boundaries in Post-Exilic Judah* [SemeiaSt 39; Atlanta: SBL Press, 2001], 74-76), make no mention of the textual issue in 17:14. Norbert Lohfink (“Textkritisches zu Gn 17,5.13.16.17,” *Bib* 48 [1967]: 439-42) examines a number of text-critical issues in Genesis 17, but the important textual issue in v. 14 is not one of them.

²⁵ Cf. John Skinner, *A Critical and Exegetical Commentary on Genesis* (2 vols.; ICC; Edinburgh: T&T Clark, 1910), 1.294; Gordon J. Wenham, *Genesis 16-50* (WBC 2; Dallas: Word Books, 1994), 15; Claus Westermann, *Genesis 12-36* (trans. John J. Scullion; CC; Minneapolis: Fortress Press, 1985), 254; Horst Seebass, *Genesis II* (Neukirchen-Vluyn: Neukirchener, 1996), 96-97; W. H. Gispen, *Genesis* (COUt; Kampen: Kok, 1974), 142; Otto Procksch, *Die Genesis übersetzt und erklärt* (KAT 1; Leipzig: Deichertsche, 1913), 520; Klaus Grünwaldt, *Exil und Identität: Beschneidung, Passa und Sabbat in der Priesterschrift* (BBB 85; Frankfurt am Main: Anton Hain, 1992), 42 n. 5; and J. de Fraine, *Genesis* (Roermond: J. J. Romen & Zonen, 1963), 149. Compounding the problem, de Fraine wrongly says that the LXX states that circumcision must take place “op de zevende dage.”

²⁶ Charles J. Ball, *The Sacred Books of the Old Testament: A Critical Edition of the Hebrew Text: Part I: The Book of Genesis: A Critical Edition* (Leipzig: J. C. Hinrichs, 1896), 13, although he places brackets around the words. The textual apparatus of Gerhard Kittel’s *Biblia Hebraica* also suggests that the LXX/SP reading ought to be followed. Additionally, William H. Propp (“The Origins of Infant Circumcision in Israel,” *HAR* 11 [1987]: 355-70 [356]) notes these variants, but claims that “there is no way to judge” which of the two is original.

²⁷ Hendel, *Text of Genesis*, vii. Similarly, Emanuel Tov (“Hebrew Scripture Editions: Philosophy and Praxis,” in idem, *Hebrew Bible, Greek Bible, and Qumran: Collected Essays* [TSAJ 121; Tübingen: Mohr Siebeck, 2008], 247-70 [267]) claims: “Although critical scholars, as opposed to the public at large, know

1.2.4 The Book of *Jubilees*

Further, and contrary to the critical apparatus of *BHS*, the case for the LXX/SP reading is not yet complete, for *Jubilees*, a second-century B.C.E. Palestinian Jewish work, also provides evidence for a Hebrew *Vorlage* in which the phrase בְּיוֹם הַשְּׁמִינִי was present.²⁸ *Jubilees*' rewriting of Gen 17:14 reads: "The male who has not been circumcised—the flesh of whose foreskin has not been circumcised on the eighth day—that person will be uprooted from his people because he has violated my covenant" (*Jub.* 15:14).²⁹

that MT does not constitute *the* Bible, they nevertheless often approach it in this way. They base many *critical* commentaries and introductions mainly on MT; occasional remarks on other textual witnesses merely pay lip service to the notion that other texts exist. Many critical scholars mainly practise exegesis on MT" (emphasis original). See also, idem, "The Status of the Masoretic Text in Modern Text Editions of the Hebrew Bible: The Relevance of Canon," in *The Canon Debate* (ed. Lee Martin McDonald and James A. Sanders; Peabody, Mass.: Hendrickson, 2002), 234-51.

²⁸ While scholars contest the exact dating of *Jubilees*, there is general agreement that it belongs to the second-century B.C.E. Most scholars, following James C. VanderKam (*Textual and Historical Studies in the Book of Jubilees* [HSM 14; Missoula, Mont.: Scholars Press, 1977], 283), date the work to shortly after the Antiochan crisis of 167-164 B.C.E. Cf. Klaus Berger, *Das Buch der Jubiläen* (JSHRZ; Gütersloh: G. Mohn, 1981), 299-300, and Eberhard Schwarz, *Identität durch Abgrenzung: Abgrenzungprozesse in Israel im 2. vorchristlichen Jahrhundert und ihre traditions-geschichtlichen Voraussetzungen Zugleich ein Beitrag zur Erforschung des Jubiläenbuches* (Europäische Hochschulschriften 162; Frankfurt am Main: Peter Lang, 1982), 99-129. Nonetheless, a few scholars, such as Doron 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], 148-49) and Michael Segal (*The Book of Jubilees: Rewritten Bible, Redaction, Ideology and Theology* [JSJSup 117; Leiden: Brill, 2007]), date it, or at least its final redaction, to the late second century B.C.E. On the difficulties of determining a precise dating for *Jubilees*, see Robert Doran, "The Non-Dating of Jubilees: Jub 34-38; 23:14-32 in Narrative Context," *JSJ* 20.1 (1989): 1-11. The manuscript evidence extant from Qumran provides a *terminus ante quem*, for, according to VanderKam (*Textual and Historical Studies*, 215), the earliest extant manuscript of *Jubilees*, 4QJub^a (4Q216), dates to 125-100 B.C.E. Unfortunately, this early manuscript does not contain the author's rewriting of Genesis 17.

²⁹ Quotations from *Jubilees* are taken from the translation of the Ethiopic by James C. VanderKam, *The Book of Jubilees: A Critical Edition* (CSCO 511; Louvain: Peeters, 1989). VanderKam (*Book of Jubilees*, 89) further notes that some Ethiopic MSS of Genesis also contain the phrase "on the eighth day." Neither the reading of *Jubilees*, nor the evidence of the Ethiopic MSS VanderKam mentions, are cited in the critical apparatus of *BHS*.

To be sure, our text of *Jubilees* is dependent upon late MSS of an Ethiopic translation of a Greek translation of a Hebrew work; there are, therefore, a number of possible explanations that might account for the presence of the phrase “on the eighth day” in *Jub.* 15:14.

First, since the author of *Jubilees* has a specific agenda when it comes to the topic of circumcision, it is possible that he added the phrase “on the eighth day” to Gen 17:14.³⁰ For instance, Michael Segal argues that *Jubilees* stresses the necessity of eighth-day circumcision in order to combat Pharisaic laxity toward the timing of circumcision. As evidence for such leniency, Segal points to early rabbinic halakhah which permits the postponement of circumcision when the life of the infant is endangered (*m. Shabbat* 19:5). If Segal is correct, it is possible that the author of *Jubilees* has inserted the phrase in order to explicitly require eighth-day circumcision.³¹ But it seems problematic that Segal appeals to a Mishnaic passage as evidence for what halakhah Pharisees were promulgating in the second century B.C.E., some four centuries or so prior to the codification of the Mishnah. Additionally, since the reading of *Jub.* 15:14 corresponds to both the LXX and SP of Gen 17:14, it seems highly unlikely that *Jubilees* has, independently of these two textual traditions, rewritten Gen 17:14 to include a reference to the eighth day in order to address a halakhic issue.

Second, it is possible that the influence of the LXX caused the Greek translator of the Hebrew, or the Ethiopic translator of the Greek, to insert this phrase into the text of

³⁰ Cf. Segal, *Book of Jubilees*, 229-45.

³¹ For fuller argumentation, see Chapter Three below.

Jubilees.³² But, while *Jubilees* agrees with the LXX against the MT at numerous points, there are still numerous other points where it agrees with the MT against the LXX.³³

Perhaps most damning of all for the belief that a scribe or translator has altered the text of *Jubilees* during its translation and transmission history is the fact that “in the relatively small amount of text where the Ethiopic can be compared with the published Hebrew fragments from caves 1, 2, 3, 4, and 11 at Qumran, the two texts agree very closely.”³⁴

Thus, even though *Jub.* 15:14 is extant only in the Ethiopic, we can be relatively confident that it faithfully preserves the original Hebrew version of the verse.

1.2.5 8QGenesis

There seems to be clear evidence, therefore, that there existed in the Second Temple period a reading of Gen 17:14 with a wide enough circulation that both the LXX translators in Alexandria and the Palestinian circles responsible for the book of *Jubilees* knew of it.³⁵ Nonetheless, one final piece of textual evidence, the late first century B.C.E. scroll 8QGenesis fragment 4,³⁶ needs to be considered. If Maurice Baillet, the *DJD* editor

³² This is the proposal of August Dillmann, “Das Buch der Jubiläen oder die kleine Genesis,” *Jahrbücher der Biblischen Wissenschaft* 3 (1851): 88-90.

³³ James C. VanderKam, “Jubilees and the Hebrew Texts of Genesis-Exodus,” in idem, *From Revelation to Canon: Studies in the Hebrew Bible and Second Temple Literature* (Leiden: Brill, 2002), 448-61 (453).

³⁴ VanderKam, “Jubilees and Hebrew Texts,” 456. For a detailed comparison of the Ethiopic MSS and Qumran fragments see VanderKam, *Textual and Historical Studies*, 18-95.

³⁵ Although VanderKam (*Textual and Historical Studies*, 136-38) previously argued that the LXX, SP, and *Jubilees* all belonged to a Palestinian family of texts, he has more recently (“Jubilees and the Hebrew Texts,” 460) backed away from this position, believing *Jubilees* to be “rather more independent of the Palestinian family of which Sam [i.e. SP] and the LXX are, at different stages, supposed to be witnesses.” This change of mind seems to have been precipitated, in part, by Emanuel Tov’s criticisms (“A Modern Textual Outlook Based on the Qumran Scrolls,” *HUCA* 53 [1982]: 11-27) of Frank M. Cross’s theory of local recensions of the text of the Hebrew Bible.

³⁶ On the dating of the scroll based on paleographic evidence, see Maurice Baillet, “Genèse,” in *Les “Petites Grottes” de Qumrân* (ed. M. Baillet, J. T. Milik, and R. de Vaux; *DJD* 3; Oxford: Clarendon

of this scroll, is correct in identifying these extremely fragmentary remains as Gen 17:12-17, then the fragment might suggest that 17:14 contained the phrase **בְּיוֹם הַשְּׁמִינִי**. While *8QGen* frag. 4 preserves only four letters that are on the right hand side of the column, and really only one of these, an *'ayin*, clearly, the slightly less fragmentary contents of fragment 1 seem to confirm this identification.

Baillet reconstructs the text based on the four fragmentary letters preserved within a column width that permits roughly 65 letters, exclusive of spaces between words. Thus, the first line begins with *zayin*, the first letter of the word **זָכַר** in Gen 17:12, and contains 67 letters. The second line begins with a *kaph*, the first letter of **כַּסְפֶּךָ** in v. 13. No letter is preserved from the third line. The fourth line begins with a *taw*, corresponding to the *taw* of **תִּקְרָא** in Gen 17:15. Line five begins with a very clear *'ayin*, the first letter of **עָמִים** in Gen 17:16. Additionally, Baillet believes fragment 1 of *8QGen* preserves lines 6 and 7 of this column; line 6 would then be 59 letters long, with **אֲבָרְדָהֶם** in 17:18 preserved, and line 7, which now preserves only **וְקָרָה** (cf. 17:19 – **וְקָרָאתָ**), would be 64 letters long, exclusive of spaces.

Baillet's reconstruction of the text on the basis of such minimal evidence finds further support in the fact that lines 1, 2, 4, 5, and 7 would each have 64-67 letters on them, not including spaces. Only two of the seven lines fall outside of this range: line 3, which has 45 letters, and line 6, which has 59 letters. The first of these, falling about 20

Press, 1962), 147-48, and Esther Eshel and Hanan Eshel, "New Fragments from Qumran: 4QGen^F, 4QIsa^B, 4Q226, 8QGen, and XQPapEnoch," *DSD* 12 (2005): 134-57 (144-46).

letters short of the average line length, is particularly problematic, so Baillet attempts to solve this problem by positing the one-time existence of a large blank space on line 3, separating the last word of v. 14 (דַּפֵּר) from the first word of v. 15 (וַיֵּאמֶר). He believes that this blank space corresponds to the *setumah* (סְתוּמָה), symbolized by the Hebrew letter *samek* that denotes the close of a section in the MT.³⁷ His suggested explanation for this blank space is plausible, since the *setumah* does indeed appear in numerous Qumran scrolls;³⁸ nevertheless, this *setumah* would have to account for 20 characters within a column that averages roughly three times that number of characters per line.

If Baillet accurately reconstructs the text of *8QGenesis*, then there is textual evidence that at least some early copies of Genesis did not contain the reference to the eighth day in Gen 17:14. But I believe that the large gap in line 3 of *8QGen* frag. 4 might signal the presence not only of a *setumah* but also of a slightly longer text than that which Baillet posits. On my reconstruction, lines 1, 4, 5, 6, and 7 remain the same, but lines 2 and 3 are modified. Baillet reconstructs line 2 in the following way:

³⁷ The *setumah* was a Masoretic marking denoting the end of paragraphs (or, in Hebrew, פְּרָשׁוּת). Cf. Page H. Kelley et al., *The Masorah of Biblia Hebraica Stuttgartensia: Introduction and Annotated Glossary* (Grand Rapids, Mich.: Eerdmans, 1998), 155-56, and Tov, *Textual Criticism*, 50-52. For just such a *setumah* at the end of Gen 17:14 see David Noel Freedman, ed., *The Leningrad Codex: A Facsimile Edition* (Leiden: Brill, 1998), 29. In this belief, Baillet is followed by Josef M. Oesch, *Petucha und Setuma: Untersuchungen zu einer überlieferten Gliederung im hebräischen Text des Alten Testaments* (OBO 27; Göttingen: Vandenhoeck & Ruprecht, 1979), 262.

³⁸ Cf. the discussions of Hans Bardkte, “Die Parascheneinteilung der Jesajaroll I von Qumram,” in *Festschrift für Franz Dornseiff zum 65. Geburtstag* (ed. Horst Kusch; Leipzig: Bibliographisches Institut, 1953), 33-75, and Konrad D. Jenner, “Petucha and Setuma: Tools for Interpretation or Simply a Matter of Lay-Out? A Study of the Relations Between Layout, Arrangement, Reading and Interpretation of the Text in the Apocalypse of Isaiah (Isa. 24-27),” in *Studies in Isaiah 24-27: The Isaiah Workshop – De Jesaja Werkplaats* (ed. Hendrik Jan Bosma et al.; OudStud 43; Leiden: Brill, 2000), 81-117. For a fuller discussion, see Oesch, *Petucha und Setuma*, 181-282. Emanuel Tov (“The Background of the Sense Divisions in the Biblical Texts,” in *Delimitation Criticism: A New Tool in Biblical Scholarship* [ed. Marjo C. A. Korpel and Josef M. Oesch; Pericope 1; Assen: Van Gorcum, 2000], 312-50 [313]) concludes that “in Qumran texts of all types, this system of sense division was the rule rather than the exception.”

כ[ספך והיתה בריתי בבשרכם לברית עולם וערל זכר אשר לא ימול את בשר ערלתו ונכרתה הנפש]

In contrast, I suggest that line 2 should be reconstructed as follows:

כ[ספך והיתה בריתי בבשרכם לברית עולם וערל זכר אשר לא ימול את בשר ערלתו ביום השמיני]

The length of line 2 remains the same (Baillet's reconstruction and my own both have 65 letters + 15 spaces for a total of 80 characters), since I have placed **ביום השמיני** before

ונכרתה הנפש and have moved the phrase **ונכרתה הנפש** to line 3. This change

modifies the length of line 3, as seen by comparing Baillet's reconstruction to my own.

Baillet's reconstruction:

[ההוא מעמיה את בריתי הפר ויאמר אלהים אל אברהם שרי אשתך לא]

In contrast, I propose that line 3 should be reconstructed as follows:

[ונכרתה הנפש ההוא מעמיה את בריתי הפר ויאמר אלהים אל אברהם שרי אשתך לא]

I have tried to give the reader a sense of the disparity between the sense divisions proposed by Baillet and myself. On Baillet's reconstruction, line 3 has 45 characters, about 20 letters shorter than the other lines he reconstructs. In contrast to the gap Baillet proposes, which is about one-third the length of the lines in this column of *8QGenesis*, my reconstruction provides line 3 with ten more characters, leaving line 3 only ten characters short of the width of the other lines, or with a sense division of about one-fifth of the length of the average line length. While Tov provides evidence that such sense divisions can range from 2 letter-spaces to 20 letter-spaces, it appears that interspaces of a length equivalent to 7-10 letters are most common.³⁹

³⁹ Tov, "Sense Divisions," 316.

Due to the fragmentary state of *8QGenesis*, it is impossible to adjudicate between Baillet’s reconstruction and my own—if we only had the first letter of line 3, we could answer this question definitively. Nonetheless, the evidence of the fragment does not prohibit the possibility that the phrase **ביום השמיני** once existed in *8QGenesis*; in fact, the large gap between v. 14 and v. 15 that Baillet is forced to propose should be taken as evidence that, like *Jubilees*, LXX, and SP, *8QGenesis* once contained a reference to the eighth day in Gen 17:14 and read:

וערל זכר אשר לא ימול את בשר ערלתו ביום השמיני ונכרתה הנפש ההוא
מעמיה את בריתי הפר

Tov characterizes the MT, SP, LXX, and Qumran readings as “the major textual witnesses” to the Hebrew Bible.⁴⁰ Similarly, in spite of his cautious view regarding the value of the LXX, Wevers states:

This is not to suggest that the parent text which [the LXX translators of Genesis] had was in every respect the consonantal text of BHS, but rather that Hebrew text criticism should be more responsible, and more solidly based on real evidence. We do have Qumran fragments of Genesis, as well as other ancient witnesses such as the Samaritan Hebrew text and the Targums, as well as the Genesis Apocryphon; these must be carefully compared throughout.⁴¹

As stated above, however, few commentators even note that other important witnesses attest to a text of Gen 17:14 that differs from the MT. And, again, of those that do note this difference, only two scholars, Ball and Kittel, side against the MT. The argument I have been making, thus far on external grounds alone, has put to the test this unquestioned preference for the MT’s reading of Gen 17:14 and found it to be wanting.

⁴⁰ Tov, *Text-Critical Use of the Septuagint*, 272.

⁴¹ Wevers, *Notes*, xiii.

LXX Genesis, the SP, and *Jubilees* (and possibly *8QGen* frag. 4) suggest the widespread existence of a Hebrew *Vorlage* of Gen 17:14 in which the phrase בַּיּוֹם הַשְּׁמִינִי existed. Critical texts, translations, and scholarly commentary on the book of Genesis must begin to take the external evidence for the non-masoretic reading of Gen 17:14 seriously.

1.3 Explanations Accounting for MT Genesis 17:14

The external evidence for the reading of Gen 17:14 which contains a reference to the eighth day is indeed significant, but internal criteria also need to be evaluated. Most importantly, any argument for the priority of one reading over the other must provide an account for the existence of the alleged secondary reading. Can we provide a compelling reason for the existence of the reference to the eighth day in the LXX/SP/*Jubilees* if the MT preserves the better reading? Or, if we believe that the LXX, SP, and *Jubilees* preserve the better reading, can we explain the existence of the MT reading?

Scholars who prefer the MT reading of Gen 17:14 have failed to make a convincing case for preferring it to the reading preserved in the LXX/SP/*Jubilees*. In fact, I have found only two explanations for the existence of the LXX/SP/*Jubilees* reading. First, Wevers claims that the LXX translator of Genesis added the phrase “on the eighth day” due to the close proximity of the phrase בֵּן שְׁמֹנֶת יָמִים (LXX: παίδιον ὀκτῶ ἡμερῶν) in 17:12.⁴² Yet this solution is far from compelling, since it does not explain the existence of similar readings in the SP and *Jubilees*. Further, this cannot be a straightforward case of dittography, since 17:12 reads בֵּן שְׁמֹנֶת יָמִים (LXX: παίδιον

⁴² Cf. Wevers, *Notes*, 236.

ὀκτῶ ἡμερῶν),⁴³ while the LXX/SP/*Jubilees* reading of 17:14 contains or presupposes the Hebrew phrase בַּיּוֹם הַשְּׁמִינִי (LXX: τῆ ἡμέρα τῆ ὀγδόη). Second, Harl suggests that the LXX translators inserted the phrase “on the eighth day” in order to clarify the fact that observance of circumcision takes precedence over keeping the Sabbath: if the eighth day after birth falls on a Sabbath, parents must still circumcise their son on that day.⁴⁴ Again, this solution is unsatisfactory, since it, too, does not take into account the textual evidence of the SP and *Jubilees*. Additionally, why would the LXX translators feel required to insert this phrase when Gen 17:12 already necessitates circumcision on the eighth day? Further, if they felt that it was important to make clear that circumcision superseded Sabbath rest, wouldn’t they have made this point more explicitly? In fact, early Jewish literature evidences no dispute regarding whether circumcision should take place on the Sabbath; it is everywhere assumed that it must.⁴⁵ The explanations of Wevers and Harl fail to convince, and unwittingly thereby further problematize the suggestion that the MT preserves an older reading.

In contrast, there are two possible solutions that cogently explain the existence of the MT reading, based on the assumption of the priority of the reading of the LXX, SP, and *Jubilees*.

⁴³ A number of LXX witnesses to 17:12 read ὀκτῆμερον instead of ὀκτῶ ἡμερῶν, but this, too, is quite distinct from LXX Gen 17:14. Cf. Wevers, *Genesis*, 179.

⁴⁴ Harl, *La Bible D’Alexandrie*, 171.

⁴⁵ Cf. John 7:22-23; Justin Martyr, *Dialogue with Trypho* 27; *m. Ned.* 3:11; and *b. Shabb.* 132a, the latter of which contains a dispute about whether the preliminaries of circumcision can take place on the Sabbath but which acknowledges that “as for circumcision itself, all hold that it supersedes the Sabbath.”

First, although the principle of *lectio brevior* would suggest that the MT reading is preferable, it is possible that haplography occurred due to homoeoteleuton, thus leading to an unintentional shortening of the text of Gen 17:14.⁴⁶ Again, the LXX, SP, and *Jubilees* attest a Hebrew text which reads as follows:

וערל זכר אשר לא ימול את בשר ערלתו ביום השמיני ונכרתה הנפש ההוא
מעמיה את בריתי הפר

It is possible that a scribe made an unintentional error by confusing the *waw* at the end of ערלתו with the *waw* at the beginning of ונכרתה.⁴⁷ If the eye of the scribe mistook these two *waws*, the resulting text would lack the phrase ביום השמיני.⁴⁸ Such an unintentional scribal omission appears to have occurred elsewhere in the MT of Genesis, in the story of Cain’s murder of Abel. According to the MT, Gen 4:8 states: “And Cain said to Abel his brother. And they were in the field...” (אמר קין אל הבל אחיו ויהי) (בהיותם בשדה). In contrast, LXX Gen 4:8 states: “And Cain said to Abel his brother, ‘Let us go up to the field.’ And it was when they were in the field...” (καὶ εἶπεν Καὶν πρὸς Ἀβελ τὸν ἀδελφὸν αὐτοῦ Διέλθωμεν εἰς τὸ πεδῖον. καὶ ἐγένετο ἐν τῷ εἶναι αὐτοὺς ἐν τῷ πεδίῳ). The Samaritan Pentateuch, Syriac, Vulgate, and *Tg. Pseudo-Jonathan* support the inclusion of Cain’s speech to Abel, leading to the conclusion that the LXX reading is to be preferred to the MT. One can see how a scribe who had just finished copying the word אֶחָיו might have had the letter *waw* in his mind, causing him

⁴⁶ For a criticism of the principle of *lectio brevior*, see Tov, *Textual Criticism*, 305-7.

⁴⁷ I am grateful to Melvin K. H. Peters for bringing this possibility to my attention.

⁴⁸ See the discussion of Tov, *Textual Criticism*, 236-37.

to think he should begin with the *waw* of וַיְהִי, thereby omitting Cain's words to Abel (נבלה שדה). It is possible that exactly such an accidental omission has occurred in Gen 17:14.

A different haplographic error, albeit one with the same result, could have occurred if the scribe confused the *yod* at the end of השמיני with the *waw* at the end of ערלתו, thereby accidentally omitting the phrase ביום השמיני. Paleographic evidence from Qumran demonstrates this possibility, since Tov points out that in a number of manuscripts "it is very difficult to distinguish between *waw* and *yod*, especially when they are joined to other letters."⁴⁹ If a scribe who had just copied the word ערלתו mistook the *yod* of השמיני for the *waw* of ערלתו, he would accidentally omit the phrase ביום השמיני. In fact, the particular combination of a *waw* or *yod* with a *nun* or *taw* often caused confusion because of the ligature that is formed as a result of these consonantal combinations.⁵⁰ Since *taw* precedes the *waw* of ערלתו and *nun* precedes the

⁴⁹ Tov, *Textual Criticism*, 245. Examples of texts in which *waw* and *yod* look remarkably similar include 11QPs^a 28:3-12 (discussed by Mark S. Smith, "How to Write a Poem: The Case of Psalm 151A [11QPs^a 28.3-12]," in *The Hebrew of the Dead Sea Scrolls and Ben Sira: Proceedings of a Symposium held at Leiden University 11-14 December 1995* [ed. T. Muraoka and J. F. Elwolde; STDJ 26; Leiden: Brill, 1997], 182-208), and 1QS column ii, lines 12, 20, and 23. Additionally, Ada Yardeni ("A Draft of a Deed on an Ostrakon from Khirbet Qumrân," *IEJ* 47.3-4 [1997]: 233-37 [234]) discusses an ostrakon in which *yod* and *waw* "are identical in structure." See the general discussion of Elisha Qimron, "The Distinction between *Waw* and *Yod* in the Qumran Scrolls," *Beth Mikra* 18 (1973): 112-122 [Hebrew]. I am grateful to Bennie H. Reynolds III for the Qumranic references in this and the following note.

⁵⁰ It is possible that 4Q388a evidences such an error, since fragment 7, column ii, line 5 contains the reading ונתתו. It is possible that this form is erroneous and that the correct form was originally the first common singular, ונתתיו, although it is equally likely, as Devorah Dimant (*Qumran Cave 4 XXI: Parabiblical Texts, Part 4: Pseudo-Prophetic Texts* [DJD 30; Oxford: Clarendon Press, 2001], 211) suggests, that ונתתו is a defective spelling for the phrase ונתתיו.

yod of *השמיני*, there is an even greater likelihood that homoeoteleuton may have caused haplography here. While these solutions are conjectural, they provide two plausible explanations for how human error may have given rise to the MT variant.

On the other hand, it is also conceivable that the variant of the MT may have arisen not as the result of human error, but as the result of a conscious attempt on the part of a scribe to modify the text for a variety of theological reasons.

First, if a male who is not circumcised upon the eighth day is to be cut off from his people, what then is to be done about the sick infant who cannot undergo the stress of eighth-day circumcision? Should he be circumcised regardless of the risk of death? In contrast to the harsh implications of the *LXX/SP/Jubilees* reading, the Mishnah preserves humane regulations to protect sickly infants from the stress of circumcision when death is a distinct possibility.⁵¹ *M. Shabbat* 19:5 permits the circumcision of an infant to take place, depending on the circumstances, anywhere from the eighth day to the twelfth day, while deferring circumcision indefinitely if it might threaten the life of an ill newborn.⁵² I take it that this rabbinic innovation is based upon the belief that God's commandments regarding infant circumcision were from the very inception of the covenant of

⁵¹ Compare the statements of the early 20th-century Samaritan high priest, Jacob ben Aaron ("Circumcision among the Samaritans," 686): "The Samaritans believe that if the entire eighth day should pass without circumcision, the killing of the babe would become obligatory. The uncircumcised child shall not be called a Hebrew; and purification shall never be lawful unto him. Therefore nothing hinders the Samaritans from circumcising the male child; no excuse is valid on that day, whether it be sickness or accident, or the absence of his father; nor must the rite be postponed even should the day fall on the Sabbath or a festival day. None of these is to be taken into account."

⁵² See also, for instance, *b. Shabb.* 134a and *b. Yeb.* 64b. All translations of *Midrash Rabbah* are taken from H. Freedman and Maurice Simon, eds., *Midrash Rabbah* [10 vols.; London: Soncino, 1939]. Philo prefers infant circumcision to adolescent circumcision due to a similar concern for compassion (*QG* 3:48). From a modern medical perspective, Propp ("Origins of Infant Circumcision," 366) suggests that an infant's blood clotting mechanism "is particularly deficient in the first two to four days after birth. A few bad experiences would have shown the advisability of waiting a while."

circumcision motivated by compassion and concern for life, a belief preserved in *Deuteronomy Rabbah* 6:1: “And why is an infant circumcised on the eighth day? Because God had compassion upon him in delaying the circumcision until he should have gained strength.” In other words, the rabbis would hardly have seen the legislation of *m. Shabb.* 19:5 as an innovation; rather, they would have viewed it as a faithful extension of God’s compassion toward the weak infant. If it was common practice to defer circumcision under such conditions, the text of Gen 17:14 may have been altered to accommodate this humanitarian concern.⁵³

Second, one could also explain the variant preserved in the MT in light of the fact that many Jews in the Second Temple and early rabbinic periods were open to the possibility of Gentile conversion to Judaism (cf. Judith 14:10; LXX Esther 8:17; *Ant.* 20:38-45; 20:139; *Vita* 113).⁵⁴ Integral to the conversion process, at least for males, was the rite of circumcision.⁵⁵ If males needed to be circumcised on the eighth day, then proselyte circumcision would be invalid and of no covenantal value. That eighth-day circumcision could function to exclude the possibility of conversion can be seen in *Jubilees*, which states:

⁵³ Jacob ben Aaron (“Circumcision among the Samaritans,” 697) argues that the rabbis modified the text to allow them to delay circumcision in the case of the ill newborn: “They [i.e. the rabbis] have omitted from [Gen 17:14] *biom hasheminy*, that is ‘on the eighth day’; and this accounts for the license they have taken for postponing circumcision.”

⁵⁴ See, for instance, Bernhard J. Bamberger, *Proselytism in the Talmudic Period* (Cincinnati: Hebrew Union College Press, 1939); William Braude, *Jewish Proselyting in the First Five Centuries of the Common Era* (Providence, R.I.: Brown University Press, 1940); Shaye J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Hellenistic Culture and Society 31; Berkeley, Calif.: University of California Press, 1999); and Terence L. Donaldson, *Judaism and the Gentiles: Jewish Patterns of Universalism (to 135 CE)* (Waco, Tex.: Baylor University Press, 2007), especially pp. 483-92.

⁵⁵ Contra Neil J. McEleney (“Conversion, Circumcision and the Law,” *NTS* 20 [1974]: 319-41), and as John Nolland argues (“Uncircumcised Proselytes?” *JSJ* 12.2 [1981]: 173-94).

This law is (valid) for all history forever. There is no circumcision of days, nor omitting any day of the eight days because it is an eternal ordinance ordained and written on the heavenly tablets. Anyone who is born, the flesh of whose private parts has not been circumcised by⁵⁶ the eighth day, does not belong to the people of the pact which the Lord made with Abraham but to the people (meant for) destruction. Moreover, there is no sign on him that he belongs to the Lord, but (he is meant) for destruction, for being destroyed from the earth, and for being uprooted from the earth because he has violated the covenant of the Lord our God (15:25-26).

While Gen 17:12 and Lev 12:3 still would contain a reference to the eighth day, by deleting the temporal reference in Gen 17:14, a scribe would be able to remove the explicit link between the *kareth* penalty and the timing of the rite of circumcision suggested by the LXX/SP/*Jubilees* reading of Gen 17:14. Given the general openness to Gentile circumcision during the Second Temple and rabbinic periods, it seems more probable that “on the eighth day” was omitted from manuscripts of Genesis than that it was added.

Finally, the LXX/SP/*Jubilees* reading of Gen 17:14 is problematic even apart from the social and historical realities facing Jews in the Second Temple and early rabbinic periods. If every male who is not circumcised on the eighth day is to be cut off from his people, what is the implication for Abraham who, according to Gen 17:24, is circumcised at the age of 99? For instance, Philo shows an awareness of the fact that Abraham’s circumcision differs significantly from Isaac’s: “Now the first of our nation

⁵⁶ Although R. H. Charles, (*The Book of Jubilees or The Little Genesis: Translated from the Editor’s Ethiopic Text and Edited, with Introduction, Notes and Indices* [Jerusalem: Makor, 1972; repr. of 1902 edition], 110) argues that the original Hebrew preposition ב or על was corrupted to ל or עד, and the original meant “on,” not “by,” there is no textual evidence for this corruption. Additional contextual evidence supporting the preposition “on” instead of “by” is provided by v. 25, for it is possible that the author, having previously stressed in v. 25 that circumcision is not to take place *prior* to the eighth day, here stresses that it cannot take place *after* the eighth day. For a discussion of this and other passages relating to circumcision in the book of *Jubilees*, see Chapter Three.

who was circumcised by law and was named after the virtue of joy, was called Isaac in Chaldaean” (*QG* 3:38; translation of Marcus, LCL).⁵⁷ According to Acts 7:8, Stephen, in his recapitulation of Israel’s history, distinguishes between Abraham and Isaac: “And [God] gave [Abraham] the covenant of circumcision, and thus he begot Isaac and circumcised him upon the eighth day (καὶ ἔδωκεν αὐτῷ διαθήκην περιτομῆς· καὶ οὕτως ἐγέννησεν τὸν Ἰσαάκ καὶ περιέτεμεν αὐτὸν τῇ ἡμέρᾳ τῇ ὀγδόῃ).⁵⁸ Finally, later rabbinic traditions also evidence a knowledge that Isaac’s circumcision differs from all previous circumcisions, including the circumcision of Abraham, in that it occurred on the eighth day. For instance, according to *Genesis Rabbah* 60:5, “R. Johanan said: No woman [hitherto] had been intimate for the first time with a man who had been circumcised at eight days save Rebekah;” *Pesikta de Rav Kahana*, *Piska* 12:1 states: “Circumcision was inaugurated with Isaac, for when he was eight days old, he was the first to be circumcised, as is said ‘Abraham circumcised his son Isaac when he was eight days old’;” and *Song of Songs Rabbah* 1.2:5 states: “Abraham received the command of circumcision. Isaac inaugurated its performance on the eighth day.”⁵⁹ These texts note that Abraham’s circumcision differs from normal Jewish circumcision. The problem of Abraham’s belated circumcision is lessened in the MT. Therefore, on the basis of the

⁵⁷ According to Mercier and Petit (*Quaestiones*, 84), the Latin text of *QG* 3:38 states: “Primus autem existens nationis nostrae juxta legem circumcisae [vel circumciscus, octava die], virtute praestans ille nomen gerit gaudii, Isaacus dictus Chaldaice.”

⁵⁸ Stephen’s speech will be examined in Chapter Five.

⁵⁹ Translation of *Pesikta de-Rab Kahana* comes from William G. Braude and Israel J. Kapstein, *Pesikta de-Rab Kahana: R. Kahana’s Compilation of Discourses for Sabbaths and Festal Days* (Philadelphia: JPS, 1975), 227.

principle of *lectio difficilior*, the reading of the LXX, SP, and *Jubilees* is to be preferred, since it could be understood to radically undermine Abraham's own circumcision.

For three different reasons, then, the existence of the MT reading of Gen 17:14 could be explained as the effort of a scribe to tidy up a theologically difficult reading. In fact, *Mekhilta de-Rabbi Ishmael*, *Nezikin* 18 succinctly addresses these latter two concerns (that is, what to do with proselyte circumcision and Abraham's tardy circumcision):

Beloved are the proselytes (הגרים). It was for their sake that our father Abraham was not circumcised until he was ninety-nine years old. Had he been circumcised at twenty or at thirty years of age, only those under the age of thirty could have become proselytes (להתגייר). Therefore God bore with Abraham until he reached ninety-nine years of age, so as not to close the door to future proselytes (הגרים הבאים).⁶⁰

According to the *Mekhilta*, it is Abraham's circumcision, not Isaac's, which is paradigmatic for proselytes, thereby solving the problem engendered by the fact that circumcision is explicitly commanded to take place on the eighth day (cf. Gen 17:12; Lev 12:3).

1.4 Text-Critical Conclusion

Eugene Ulrich argues that the line between the composition of the books of the Hebrew Bible and the copying of these works is heavily blurred. Just as composition was a process whereby a work underwent considerable revision over time, so too, those who

⁶⁰ Translation slightly adapted from Jacob Z. Lauterbach, *Mekilta de-Rabbi Ishmael* (3 vols.; Philadelphia: JPS, 1933), 3.140.

copied works often added and subtracted material.⁶¹ As a result, Ulrich questions the validity of the pursuit of the original text: “[B]ecause the text of each book was produced organically, in multiple layers, determining ‘the original text’ is a difficult, complex task; and arguably, it may not even be the correct goal. Historically was there ever such a thing?”⁶²

In relation to Genesis 17, it must be acknowledged that the text is indeed thoroughly composite. Within the circumcision legislation of 17:9-14 Claus Westermann is able to distinguish between two major threads in the chapter: “vv. 9-14 consist of the command of circumcision (vv. 10b-11a) and the detailed instructions (vv. 12ab, 13a, 14a). Everything else in vv. 9-14 brings together the command to circumcise and the *ברית* (vv. 9, 10a, 11b, 13b, 14b).”⁶³ Nonetheless, as far as I have seen, no one has suggested that the difference between MT Gen 17:14 and LXX/SP Gen 17:14 (and *Jub.* 15:14) ought to be attributed to the fact that Genesis 17 is a composite work, and that one

⁶¹ Cf. Eugene Ulrich, *The Dead Sea Scrolls and the Origins of the Bible* (SDSSRL; Grand Rapids, Mich.: Eerdmans, 1999).

⁶² Ulrich, *Dead Sea Scrolls*, 16. B. Albrektson (“Translation and Emendation,” in *Language, Theology, and the Bible: Essays in Honour of James Barr* [ed. Samuel E. Balentine and John Barton; Oxford: Clarendon Press, 1994], 27-39 [31] makes this same point. But see the defense of the pursuit of the original text in Tov, *Textual Criticism*, 180-97, and Hendel, *Text of Genesis 1-11*, 109-115. Tov (“Criteria for Evaluating Textual Readings: The Limitations of Textual Rules,” *HTR* 75.4 [1982]: 429-48 [432]) rightly states: “We shall not be able to reconstruct the *Urtext* of any given biblical book, but it is possible, and certainly legitimate, to reconstruct elements of that text, that is, individual readings, selected from the transmitted evidence, or sometimes reconstructed by conjectural emendation.”

⁶³ Westermann, *Genesis 12-36*, 263. Similarly, Grünwaldt (*Exil und Identität*, 42-44) believes that the priestly *Grundschrift* is represented by vv. 9α, 10α, b, 11, 12a, 13b, 14α, b, which has been supplemented by vv. 9αβ, b, 10a, 12bβ, 13a, 14αβ. More recently, Saul M. Olyan (*Rites and Rank: Hierarchy in Biblical Representations of Cult* [Princeton, N.J.: Princeton University Press, 2000], 154-55 n. 23) has argued that vv. 8b, 10, 11-12, 13b, and 14 are from the Holiness School while v. 9, and parts of vv. 10, 12, and 13 are from P. See also Peter Weimar, “Gen 17 und die priesterschriftliche Abrahamgeschichte,” *ZAW* 100.1 (1988): 22-60. While sorting out the source-critical issues of Gen 17:9-14 is immensely difficult, none of these scholars argue that the phrase *ברית השמיני* alone was added to a priestly *Grundschrift* (or any later redaction of P materials) which resembled the MT reading of Gen 17:14.

form of v. 14 arises from an earlier redaction of the chapter and another form arises from a later redaction of the chapter.⁶⁴ Even Ulrich acknowledges that “Genesis had become basically stable by the late Second Temple period. All our manuscripts exhibit basically the same text type; most of the variants are only minor or unintentional.”⁶⁵ Finally, we have *no* textual evidence that the reading of Gen 17:14 as it is preserved in the MT existed prior to or during the Second Temple period.

In fact, I can find no evidence of the reading preserved in the MT in either the Mishnah or the Tosefta, despite Jacob Neusner’s translation of *t. Shabb. 15:9*, in which R. Yosé recites Gen 17:14: “And it is written, *Any uncircumcised male who is not circumcised in the flesh of his foreskin shall be cut off from his people.*” If Neusner is correct, we would have tannaitic material providing the earliest evidence of the MT reading to Gen 17:14, but Saul Liebermann’s edition of the Tosefta shows that the quotation from Gen 17:14 ends with the word ערלתו.⁶⁶ In fact, *t. Shabb. 15:9* seems to evidence a knowledge of a text of Gen 17:14 similar to the LXX/SP/*Jubilees* reading: “R. Eliezer says, ‘As to circumcision, on account of which they override the prohibitions of the Sabbath, why is this so?’ ‘It is because they are liable to extirpation (כרת) if it is not

⁶⁴ Israel Knohl (*The Sanctuary of Silence: The Priestly Torah and the Holiness School* [Minneapolis: Fortress Press, 1995], 102 n. 145) and Thomas J. King (*The Realignment of the Priestly Literature: The Priestly Narrative in Genesis and Its Relation to Priestly Legislation and the Holiness School* [Princeton Theological Monograph Series 102; Eugene, Oreg.: Pickwick, 2009], 83) argue that 17:1-13, 15-27 come from P, while the whole of v. 14 comes from H as evidenced by the use of the כרת formula, but this still would not account for two different versions of verse 14.

⁶⁵ Ulrich, *Dead Sea Scrolls*, 25.

⁶⁶ Cf. Jacob Neusner, *The Tosefta: Translated from Hebrew with a New Introduction* [2 vols.; Peabody, Mass.: Hendrickson, 2002], 1.415 (emphasis original), and Saul Lieberman, ed., *Tosefta Ki-Feshutah* (10 vols.; New York: JTS, 1955-88), 2.71.

done on time (ל'אחד זמן).” The connection between being cut off (כרתה) and circumcising on the eighth day, even if it is the Sabbath, could suggest that R. Eliezer (if the saying does indeed go back to him) knows a non-MT variant of Gen 17:14. The earliest rabbinic text which clearly cites the MT version of Gen 17:14 is *b. Kidd.* 29a, which contains the following quotation from Gen 17:14: וערל זכר אשר לא ימול את: בשר ערלתו ונכרתה.⁶⁷

In other words, the LXX, SP, and *Jubilees* give witness to the “earliest inferable textual state” of Gen 17:14.⁶⁸ The external evidence supporting the reading of Gen 17:14 that contains a reference to the eighth day, therefore, is overwhelming and ought to be preferred to the MT reading. Additionally, no satisfactory explanation can be provided for the way in which the reading preserved in the LXX, SP, and *Jubilees* came into existence if the MT reading is original. On the other hand, I have provided a number of different possibilities as to how the reading of the MT arose—two possibilities due to human error and three due to an intentional modification of a theologically troublesome text. While it would be interesting to consider which of these possibilities is to be preferred, for the purposes of this chapter, it is insignificant whether the modification was

⁶⁷ In this the manuscript evidence (Oxford Opp. 248 (367), Munich 95, Vatican 111) is unanimous, although Christine E. Hayes reminds me that even so this may be a scribal expansion. Interestingly, *b. Yeb.* 72b asks the following question: “Is there any authority who maintains that the duty to circumcise a child whose proper time of circumcision had passed is only Rabbinical! But the fact is that (all the world agrees) that the circumcision of a *mashuk* [that is, a circumcised male whose prepuce has been drawn forward to cover up the corona] is a Rabbinical ordinance, and that the duty to circumcise a child whose proper time of circumcision has passed, is Pentateuchal.” The evidence I have examined above indicates that a number of textual witnesses to Gen 17:14 could easily lead some readers to conclude that the duty to circumcise a child whose proper time of circumcision has passed was not Pentateuchal!

⁶⁸ The phrase “earliest inferable text” comes from E. J. Kenney, “Textual Criticism,” *Encyclopaedia Britannica* (15 ed.; Chicago, 1984), 18.191, cited by Ronald Hendel, “The Oxford Hebrew Bible: Prologue to a New Critical Edition,” *VT* 58 (2008): 324-51 (329).

intentional or unintentional. Since both our external and internal evidence point to the superiority of the LXX and SP reading of Genesis 17:14, a critical text of the verse should read as follows:

וערל זכר אשר לא ימול את בשר ערלתו ביום השמיני ונכרתה הנפש ההוא
מעמיה את בריתי הפר

“And the uncircumcised male, who is not be circumcised in the flesh of his foreskin on the eighth day, that soul shall be cut off from his people for he has broken my covenant.”

1.5 Genesis 17 and Boundary Creation Through Eighth-Day Circumcision

1.5.1 Circumcision, Covenant, and Non-Israelite Circumcision

I have dwelt at length on the text-critical issue of Gen 17:14 because I believe that my subsequent discussion of circumcision will be on a significantly more solid textual foundation, a foundation which will be able to challenge the common belief that the priestly writer and his early readers would have considered circumcision a rite of conversion. As I will show, the reference to the eighth day in verse 14 is an integral piece of the picture that the author creates for his reader regarding the importance of circumcision. The time spent establishing the text of Gen 17:14 will pay dividends not only in the interpretation of Genesis 17, but also in the reconstruction of the role of circumcision in the Hebrew Bible, early Judaism, and early Christianity.

Given that the present work is concerned with the relationship between circumcision and Gentiles, the priestly account of the covenant of circumcision in Genesis 17 is the ideal place to begin, for the passage both requires and describes the

circumcision of certain non-Israelites.⁶⁹ Additionally, Genesis 17 serves as the canonical introduction to the rite of circumcision, thereby influencing our understanding of all later passages.⁷⁰ I will argue that the priestly writer carefully crafts Genesis 17:1-27 and 21:1-4 in order to create distinctions between circumcised peoples. By emphasizing the necessity that circumcision occur on the eighth day after birth, the author distinguishes between Isaac's covenantal circumcision and Ishmael's non-covenantal circumcision. Thus, eighth-day circumcision functions as a boundary-creating rite between Israel and the circumcised nations surrounding it. Taking into consideration the text-critical conclusion above, the priestly circumcision legislation states:

You shall keep my covenant, you and your seed after you in their generations. This is my covenant which you shall keep between me and between you and between your seed after you: to circumcise every male among you. And you shall circumcise the flesh of your foreskins and it shall be for a sign of the covenant between me and between you. And the eight-day-old child shall be circumcised, every male among you throughout your generations, the one born in your house and the one purchased from any foreigner who does not belong to your seed. Surely the one born in your house and the one purchased shall be circumcised, and my covenant shall be in your flesh for an eternal covenant. And any uncircumcised male, who is not circumcised in the flesh of his foreskin on the eighth day, his life shall be cut off from his people; he has broken my covenant (17:9-14).

⁶⁹ For the priestly provenance of Genesis 17, see von Rad, *Genesis*, 197; Skinner, *Genesis*, 289; Hermann Gunkel, *Genesis* (trans. Mark E. Biddle; Macon, Ga.: Mercer University Press, 1997), 259-67; Weimar, "Gen 17 und die priesterschriftliche Abrahamgeschichte;" Westermann, *Genesis 12-36*, 256; and Sean E. McEvenue, *The Narrative Style of the Priestly Writer* (AnBib 50; Rome: Biblical Institute, 1971), 145-78. Only a few scholars have questioned the priestly character of Gen 17; for instance, Samuel R. Külling, *Zur Datierung der "Genesis-P-Stücke": Namentlich des Kapitels Genesis 17* (Kampen: Kok, 1964), and Wenham, *Genesis 16-50*, 18-19.

⁷⁰ This is not to say that Genesis 17 is chronologically the earliest passage that deals with circumcision. Most scholars believe that texts such as Exod 4:24-26 and Josh 5:2-9 are amongst the earliest passages on circumcision. Cf. Blaschke, *Beschneidung*, 19-64.

The presence of this legal passage in Genesis, a book dominated by narrative, is striking.⁷¹ As John Skinner says, “The legal style of the section is so pronounced that it reads like a stray leaf from the book of Leviticus.”⁷² The dense, repetitive nature of the commandment of circumcision seems foreign to the sparse narrative style of Genesis, suggesting that the author is at pains to present carefully the legislation surrounding covenantal circumcision.⁷³

What is the motivation behind the composition of Genesis 17, a chapter that thus intertwines narrative and legislation? Scholars such as Naomi A. Steinberg, R. Christopher Heard, Mark G. Brett, and Joel S. Kaminsky have demonstrated that one of the central concerns of the book of Genesis is to deal with questions of identity formation and belonging.⁷⁴ One suspects, therefore, that such questions motivate the mixture of legislation and narrative in Genesis 17 as well. How then does Genesis 17 function to form Israelite identity? I will first discuss the answer given by the majority of interpreters, that Genesis 17 creates a binary between the circumcised insider who

⁷¹ Blaschke (*Beschneidung*, 81) says of it: “Es ist für P das Zentrum der Vätergeschichte.” Similarly, Williamson (*Abraham*, 149) claims, “Rather than diminishing the significance of the human obligation, the fact that the ritual stipulation is bracketed by divine promises serves to highlight its importance at this particular juncture in the Abraham narrative.”

⁷² Skinner, *Genesis*, 293. In general, Ronald S. Hendel (“Analogy in Priestly Thought,” *JRitSt* 18.2 [2004]: 172-85 [173]) characterizes priestly discourse as “repetitious, inelegant prose, filled with precise detail but lacking explanation or persuasive diction.... a specialized discourse for specialists, which seems hermetic and strange to modern ears.”

⁷³ It is therefore inadequate to describe the legislation of vv. 9-14 in the way that Bruce Vawter (*On Genesis: A New Reading* [Garden City, N.Y.: Doubleday, 1977], 220) does: “[T]he Priestly author proceeds in his rather plodding way to set the stipulations of the Abrahamic covenant.”

⁷⁴ Cf. Naomi A. Steinberg, *Kinship and Marriage in Genesis: A Household Economics Perspective* (Minneapolis: Fortress Press, 1993); Mark G. Brett, *Genesis: Procreation and the Politics of Identity* (Old Testament Readings; London: Routledge, 2000); Heard (*Dynamics of Diselection*); and Joel S. Kaminsky, *Yet I Loved Jacob: Reclaiming the Biblical Concept of Election* (Nashville: Abingdon, 2007).

participates in the covenant of Abraham and the uncircumcised outsider who falls outside the domain of God's covenant. As I will demonstrate, this theory fails to account for much within Genesis 17 and leaves the boundaries between Israel and the other nations inexplicably porous. In contrast to such interpretations, I will suggest a very different reading of Genesis 17 in light of the binary of infant circumcision and pubertal circumcision, a binary that is intended to construct a significantly more impenetrable boundary between Israel and the Other, particularly the Circumcised Other.

Many scholars assume that the Babylonian Exile provided a context in which circumcision marked off Judeans from those surrounding them, thereby giving rise to the belief that circumcision served to distinguish the covenant people from other nations, who were uncircumcised. On this basis, many date P, with its emphasis upon circumcision, to the exilic period.⁷⁵ For instance, Claus Westermann states:

Israel did not differ by and large from her Semitic neighbors in the practice of circumcision. When she took it over, it can have had no specifically religious significance. And so there are no instructions about circumcision in the old legal codes; it is mentioned only once, and that as an aside, in Lev. 12:3. The situation changed only with the end of the states of Judah and Israel; only then did circumcision become a sign of belonging to the people of Israel and so to the people of Yahweh (the Babylonians did not practice circumcision then). So it became a "sign of the covenant" and thereby acquired a religious meaning; it is just this that Gen 17 reflects.⁷⁶

If people groups who practiced the rite of circumcision surrounded Israel prior to the exile, how could its own circumcision serve to set it apart as unique? The very fact that

⁷⁵ Julius Wellhausen (*Prolegomena to the History of Israel* [trans. J. Sutherland Black and Allan Menzies; Edinburgh: Adam & Charles Black, 1885], 341) first suggested a Babylonian provenance for P. For detailed argumentation for the exilic setting of P, see Grünwaldt (*Exil und Identität*, 6-70), who argues that P's distinctive emphasis upon Passover and Sabbath also locate it in the Exilic period.

⁷⁶ Westermann, *Genesis 12-36*, 265. Similarly, Blaschke (*Beschneidung*, 86) states: "Das Beschnittensein unterscheidet die Exilierten von den unbeschnittenen Babyloniern."

the Hebrew Bible repeatedly describes the Philistines as uncircumcised suggests that their uncircumcision was an aberration in the area, and that most of Israel's neighbors practiced circumcision.⁷⁷ In such a cultural milieu it seems unlikely that Israel would have accorded the rite of circumcision the prominence it seems to have in P. On the other hand, during the exile, those who were resettled in Babylon found themselves surrounded by uncircumcised people, thereby leading them to elevate the value of circumcision as a sign which distinguished between people of the covenant and all others. It is for this reason, amongst others, that the majority of scholars date P to the exilic period.⁷⁸ In light of this historical reconstruction, some even posit that Genesis 17 provides evidence that Jews exiled to Babylon were abandoning the rite of circumcision: "Deutet das ausführliche Beschneidungsgebot in Gen 17,9-13 und die strenge Sanktion in V. 14 vielleicht darauf hin, daß es z.Zt. des Exils Israeliten gab, die die Beschneidung in Assimilation an ihre heidnischen Herren an ihren Kindern nicht mehr vollzogen?"⁷⁹

⁷⁷ Cf. Judg 14:3; 15:18; 1 Sam 14:6; 17:26, 36; 31:4 (cf. 1 Chron 10:4); and 2 Sam 1:20. Additionally, the Shechemites are portrayed as uncircumcised in Genesis 34. On circumcision in general in the Ancient Near East, see Julian Morgenstern, *The Rites of Birth, Marriage and Death and Kindred Occasions among the Semites* (Cincinnati: Hebrew Union College Press, 1966), 48-80. Although a ceramic circumcised phallus was found at Gezer, Philip J. King ("Gezer and Circumcision," in *Confronting the Past: Archaeological and Historical Essays on Ancient Israel in Honor of William G. Dever* [ed. Seymour Gitin, J. Edward Wright, and J. P. Dessel; Winona Lake, Ind.: Eisenbrauns, 2006], 333-40, and "Circumcision: Who did it, who didn't and why," *BAR* 32.4 [2006]: 48-55) argues that it belongs to a stratum of material culture that shows Egyptian-Canaanite control, not Philistine control of the town.

⁷⁸ In contrast, Yehezkel Kaufmann, (*The Religion of Israel: From its Beginnings to the Babylonian Exile* [trans. Moshe Greenberg; New York: Schocken, 1960], 175-200), Knohl (*Sanctuary of Silence*), and Jacob Milgrom (*Leviticus 1-16: A New Translation with Introduction and Commentary* [AB 3; New York: Doubleday, 1991], 3-35) argue that P is pre-exilic.

⁷⁹ Blaschke, *Beschneidung*, 90-91. So, too, Westermann (*Genesis 12-36*, 266), who states of the punishment of Gen 17:14: "The background of this penalty is the danger that threatened the Jewish community after the collapse of the state of Israel. Earlier, when circumcision was only a rite, such a penalty could not exist because the rite was not in danger. It becomes necessary when circumcision becomes the sign of belonging to the Jewish community." Blaschke (*Beschneidung*, 91) goes on to

Perhaps the rite of circumcision played no prominent role in the self-definition of early Israelites: its virtual absence in J and E are difficult to explain otherwise.⁸⁰ And it also may be correct that circumcision acquired central importance once Judah found itself surrounded by uncircumcised peoples—in other words, during the Babylonian Exile. Yet there is one striking problem when this reconstruction of the social and historical background of ancient Israel is applied to Genesis 17: the text does not exhibit an overt anxiousness to distinguish between God’s people and all others via the binary of uncircumcision/circumcision, since, according to the priestly writer, at the very inception of the covenant of circumcision there exists the directive to circumcise certain non-Israelites—household slaves.⁸¹ That all males of an Israelite household, including non-Israelite slaves, are to be circumcised could suggest that non-Israelites might gain access to the covenant God made with Abraham via the ritual of circumcision.⁸² Additionally, in

demonstrate restraint on this question, acknowledging, “Über Vermutungen kommt man hier aber mangels Quellen nicht hinaus.”

⁸⁰ As Gunkel (*Genesis*, 265) notes, “In the tradition of J and E we read nothing of circumcision as the ‘sign of the covenant.’ P will have added this element to the Abraham tradition himself.”

⁸¹ Jonathan Z. Smith (*Imagining Religion: From Babylon to Jonestown* [CSHJ; Chicago: University of Chicago Press, 1982], 10) asserts that Genesis 17 establishes a binary of circumcision/uncircumcision, but then notes how problematic this binary is in light of non-Israelite circumcision.

⁸² As John Van Seters (*Abraham in History and Tradition* [New Haven, Conn.: Yale University Press, 1975], 293) states: “[P]recisely this form of the Abraham covenant allowed for the possibility of proselytism among the diaspora.” Similarly, Ronald S. Hendel, *Remembering Abraham: Culture, Memory, and History in the Hebrew Bible* (New York: Oxford University Press, 2005), 21. On the basis of the circumcision of slaves, Hamilton (*Genesis: Chapters 1-17*, 472) claims: “To circumcise a son is expected, but to circumcise a slave is to expand the range of the recipients of the covenant. God’s covenant, however, is directed to no elitist class of society. Nor is it directed to sons, but rather to households. The firstborn son is no more in the covenant tradition than the slave. Hierarchialism gives way to egalitarianism.” Although the circumcision of household slaves in Genesis 17 is important for understanding non-Israelite circumcision in the Hebrew Bible, the argument of this chapter will focus only on Ishmael’s relationship to the covenant. Since source critics are generally agreed that both Genesis 17 and Exod 12:43-49 are priestly, I will take up the priestly understanding regarding the circumcision of slaves in my discussion of Exod 12:43-49 in the following chapter. As we shall see, Hamilton’s discovery of egalitarianism in this text is overly optimistic and governed more by modernistic apologetic concerns than by the textual evidence.

compliance with this imperative, Genesis 17 states: “On that very day (בַּעֲצֵם הַיּוֹם הַזֶּה) Abraham was circumcised, and with him, Ishmael, his son, and all the men of his house, the one born in his house and the one bought with money from foreigners” (17:26-27). The conclusion that non-Israelites might enter the covenant is apparently confirmed by the fact that Abraham’s son Ishmael, the father of a number of non-Israelite nations, is circumcised. And yet Genesis 17 clearly portrays Ishmael as outside the boundaries of the covenant (17:18-21). Believing that Genesis 17 uses circumcision to distinguish between people of the covenant and people who fall outside the covenant, Hermann Gunkel concludes that “P made the error of having Ishmael circumcised, as well. He is even the chief figure as the first example of the son of the household, although, on the other hand, he is supposed to be expressly excluded from the covenant the sign of which is circumcision.”⁸³ Similarly, Carl Steuernagel reconciles this discrepancy by attributing it to the composite nature of the chapter.⁸⁴ But is it really conceivable that the priestly writer, who is laboring in Genesis 17 to connect the rite of circumcision to the covenant, could unthinkingly include Ishmael’s circumcision, without realizing the way in which it fundamentally undermines his efforts?⁸⁵ Shaye J. D. Cohen notes:

Genesis 17 also has Abraham circumcise his son Ishmael and his male household slaves; we may presume that the author of Genesis 17 did not intend to argue that

⁸³ Gunkel, *Genesis*, 267. Skinner (*Genesis*, 296), in a stereotypically derogatory remark regarding P, also notes the problem: “Throughout the section, P excels himself in pedantic and redundant circumstantiality of narration. The circumcision of Ishmael, however, is inconsistent with the theory that the rite is a sign of the covenant, from which Ishmael is excluded.”

⁸⁴ Carl Steuernagel, “Bermerkungen zu Genesis 17,” in *Beiträge zur alttestamentlichen Wissenschaft: Karl Budde zum siebzigsten Geburtstag am 13. April 1920 überreicht von Freunden und Schülern* (ed. Karl Marti; BZAW 34; Giessen: Alfred Töpelmann, 1920), 172-79.

⁸⁵ See the apt criticisms of Brett, *Genesis*, 63-64.

Ishmaelites were Israelites! Israelite circumcision was covenantal, but the circumcision of other nations was not. The author of Genesis 17 does not address this problem.... [W]hile circumcision could serve as a marker of differentness vis-à-vis some nations, like the Babylonians and, later, the Greeks, it could also serve as a marker of commonality vis-à-vis other nations, like the Ishmaelites, the Idumaeans, and the Ituraeans.⁸⁶

If Genesis 17 evinces a priestly concern to distinguish between insider and outsider via the binary of uncircumcision/circumcision, it must be admitted that it fails in a stunning fashion.⁸⁷ Why does the priestly writer not merely omit all reference to Ishmael in his account of the establishment of the rite of circumcision?⁸⁸ Does not the mention of Ishmael's circumcision undermine the priestly writer's attempt to link circumcision with covenant? Although Cohen claims that Genesis 17 does not directly address this issue, careful attention to the details of the circumcision legislation suggests otherwise.

R. Christopher Heard has attempted to provide an account for why Genesis 17 includes Ishmael's circumcision, despite the fact that God's speech in 17:18-21 excludes him from the covenant. While Heard should be credited for wrestling with Ishmael's circumcision, I believe that his argument ultimately flounders due to the fact that it is based on a circumcision/uncircumcision binary. For thirteen years Abram has lived with his son Ishmael, receiving no direction from God that Ishmael would not be his heir. Only after thirteen years does God confront Abraham with this instruction.⁸⁹ Despite the

⁸⁶ Cohen, *Beginnings of Jewishness*, 124.

⁸⁷ On the importance of binaries in the Hebrew Bible, see Olyan, *Rites and Rank*, especially pp. 64-68 for the binary of uncircumcision/circumcision.

⁸⁸ See also the comments of Harvey E. Goldberg, "Cambridge in the Land of Canaan: Descent, Alliance, Circumcision, and Instruction in the Bible," *JANES* 24 (1996): 9-34 (17 n. 44).

⁸⁹ Heard (*Dynamics of Diselection*, 75): "Up to now, Abraham has probably thought of Ishmael as the heir Yahweh had promised. Now, however, Yahweh pointedly cuts Ishmael out of the covenant, though making a sweeping and generous provision for Ishmael's welfare."

fact that God explicitly excludes Ishmael from the covenant, Abraham proceeds to circumcise Ishmael, placing in his flesh the sign of the covenant. This contradiction between God's words and Abraham's actions leads Heard to conclude: "Readers who attend to the significance of the circumcision—the sign, in the flesh, of membership in the covenant—may see Abraham's circumcision of Ishmael not just as a signal of Abraham's obedience, but at the same time as a gesture of resistance to Yahweh's dismissal of Ishmael from the covenant."⁹⁰ If Heard is correct, the circumcision of Ishmael can be seen as a savvy attempt on the part of Abraham to force God to acknowledge Ishmael's share in the covenant.

As noted above, the disparity Heard and others have noticed between Ishmael's circumcision and his exclusion from the covenant assumes that Genesis 17 is working with binary thinking which opposes uncircumcision to circumcision, a binary that arose in an exilic context in which Israel found itself to be a circumcised minority in a sea of uncircumcised peoples. Nonetheless, an examination of the role of circumcision in Genesis 17 does not support the claim that these texts reflect a period in which Abraham's descendants lived amongst people groups who were predominantly uncircumcised. In fact, quite the opposite appears to be the case. Genesis 17 explicitly depicts the circumcision of non-Israelites—both Ishmael and Abraham's household slaves. At the same time, Genesis 17 is fundamentally concerned with connecting the rite

⁹⁰ Heard, *Dynamics of Diselection*, 76. In a laudable attempt to account for Ishmael's circumcision, Heard (*Dynamics of Diselection*, 76) further states, "Yahweh's words exclude Ishmael from the covenant, but Abraham's actions—which, he can plausibly claim, conform strictly to Yahweh's command—include Ishmael in the covenant."

of circumcision to the covenant God had made with Abraham.⁹¹ How could the author demonstrate the covenantal significance of circumcision, while at the same time portraying the circumcision of those who fall outside the covenant? If God excludes Ishmael from the covenant, why does the text depict Abraham circumcising him?

1.5.2 The Rationale for the Exclusion of the Circumcised Ishmael

The answer to these questions can be found, I believe, in positing a dilemma facing a writer who desires to attach covenantal significance to the rite of circumcision. If the priestly writer portrays circumcision as the sign of the covenant, without in any way qualifying his portrayal, he unwittingly implies that all circumcised nations are included in the covenant. On the other hand, if he wants to exclude all circumcised non-Israelites from the covenant, he undermines the covenantal significance of circumcision.⁹² By placing the dense legislation on circumcision (17:9-14) within the broader narrative of the Abraham cycle, the priestly writer deftly sidesteps both of these dangers. David A. Bernat rightly argues that the priestly writer navigates this Scylla and Charybdis through his skillful account of the establishment of the covenant of circumcision:

The Priestly tradent was faced with a dilemma. Circumcision in Gen 17 is linked to a set of ברית- promises that served to distinguish Israel from other nations.... However, a number of Israel's neighbors practiced circumcision. Moreover, P legislates that slaves are to be circumcised along with their master's family. How, then, can the connection of circumcision and the special position of Israel be preserved? The problem is solved with the Isaac/Ishmael, ברית/ברך dichotomy. Isaac is the elected son, recipient of the panoply of the ברית- promises. Ishmael,

⁹¹ Westermann (*Genesis 12-36*, 263) believes that this connection between circumcision and covenant is not part of the priestly *Grundschrift*, but comes from a later hand.

⁹² This, in effect, is what Williamson (*Abraham*, 185) believes Genesis 17 does: “[I]t is unlikely that the physical sign per se implied that one was a member of the covenant community, given that circumcision was practised so widely in the ancient Near East.”

the paradigmatic foreigner, is circumcised but is never treated as a fully equal member of the community.⁹³

Bernat is right to state that Genesis 17 clearly excludes Ishmael from the covenant God makes with Abraham and his son Isaac—Abraham’s request that Ishmael might live in God’s sight (v. 18) is sandwiched by God’s claim that he would establish his covenant with Sarah’s son, Isaac (vv. 15-17, 19-21). Nonetheless, Bernat does not explain the logic the priestly writer uses to exclude Ishmael, in spite of his circumcision, from the covenant.

The priestly solution to the problem created by according covenantal significance to circumcision in a region in which Israel was confronted by the existence of non-Israelite circumcision is attained through the category of sacred time. The reference to Ishmael’s circumcision is not a mistake that unwittingly undermines the rite’s covenantal importance; rather, it serves as the author’s attempt to address the well-known fact that non-Israelites, in particular those thought to be the descendants of Ishmael, also practiced circumcision, and simultaneously functions to distinguish their circumcision from Israelite circumcision. George Foot Moore rightly states: “The circumcision of the Arabs is the presumption of the narrative of the circumcision of Ishmael in Genesis 17, 23-26, where there is probably also a further reflection of the fact that circumcision among the Arabs was customarily performed at a later age than by the Jews.”⁹⁴ The priestly writer

⁹³ David A. Bernat, *Sign of the Covenant: Circumcision in the Priestly Tradition* (SBLAIL 3; Atlanta: SBL, 2009), 33-34.

⁹⁴ George Foot Moore, *Judaism in the First Centuries of the Christian Era* (2 vols.; New York: Schocken Books, 1958), 2.17. As Jonathan Z. Smith (“What a Difference a Difference Makes,” in *To See Ourselves as Others See Us: Christians, Jews, “Others” in Late Antiquity* [ed. Jacob Neusner and Ernst S. Frerichs; Chico, Calif.: Scholars Press, 1985], 3-48 [15]) rightly notes, self-definition requires the careful definition of the “proximate other.”

achieves his goal of a sharp distinction between Israelite and non-Israelite circumcision through numerous explicit temporal references in the narrative.

As scholars have long recognized, the priestly writer considers time to be a significant category.⁹⁵ Pointing to the chronological indicators outside of Genesis 17 (vv. 1, 24-25), von Rad states: “Of the Pentateuchal sources only P has a chronological framework (cf. [Gen] 5; 11), and all other chronological dates in the Abraham story derive from P: chs. 12.4; 16.3, 16; 21.5; 23.1; 25.7, 20.”⁹⁶ But the priestly writer is not merely concerned with chronology; rather, he is fundamentally concerned with periods of time. The priestly account of creation in Genesis 1:1-2:4 evidences such a concern. Over a seven-day period God creates and orders the cosmos, leading to the conclusion that “[t]he primary temporal category in the Priestly ritual system is a seven day period of ritual enactment. Paralleling the seven days of the creation of cosmic order, several priestly rituals call for a seven day period for the full enactment of the ritual.”⁹⁷ As the priestly creation account demonstrates, the seven-day period functions as one of the most fundamental units of time in the priestly worldview.

Temporal markers saturate the priestly account of the covenant of circumcision: Abraham is ninety-nine years old at the inception of this covenant (17:1); God commands that circumcision occur on the eighth day (v. 12); those who are not circumcised on the

⁹⁵ See, for instance, Frank H. Gorman Jr., *The Ideology of Ritual: Space, Time and Status in the Priestly Theology* (JSOTSup 91; Sheffield: Sheffield Academic Press, 1990). Similarly, Abraham Heschel (*The Sabbath: Its Meaning for Modern Man* [New York: Farrar, Straus and Young, 1951], 8) rightly states: “Jewish ritual may be characterized as the art of significant forms in time, as *architecture of time*” (emphasis original).

⁹⁶ Von Rad, *Genesis*, 197.

⁹⁷ Gorman, *Ideology of Ritual*, 58.

eighth day are to be cut off from the people (v. 14); Abraham is ninety-nine when he is circumcised (v. 24); Ishmael is thirteen when he is circumcised (v. 25);⁹⁸ and Isaac, in what Westermann calls “an untouched piece from P which is really the genealogical conclusion of ch. 17,” is eight days old when he is circumcised (21:4).⁹⁹ Therefore, when Gen 17:25 states that Ishmael underwent circumcision at the age of thirteen, this suggests that the priestly writer believes his age to be of considerable significance. Westermann rightly draws attention to this, but unfortunately makes nothing of it: “Ishmael’s age of course is also given.”¹⁰⁰ In contrast to Ishmael’s circumcision at the age of thirteen, Gen 21:4 informs the reader that Abraham circumcised Isaac his son when he was eight days old, *just as* God had commanded him (וימל אברהם את יצחק בנו בן שמונת ימים).¹⁰¹ In other words, the priestly writer, through explicit reference to their ages, depicts Ishmael’s circumcision as belated, and Isaac’s circumcision as in complete accord with the command of Gen 17:12: *בן שמונת ימים*.¹⁰² The implication, as v. 14 makes clear, is that Ishmael will be cut off from

⁹⁸ Heard (*Dynamics of Dissection*, 270) states of vv. 23-27: “Even though the first sentence is expanded by a wealth of detail, what is essential is said in the first and last parts.” This devaluation of the contents of vv. 24-26 leads Heard astray in his understanding of the import of Ishmael’s circumcision, as seen below.

⁹⁹ Westermann (*Genesis 12-36*, 331).

¹⁰⁰ Westermann (*Genesis 12-36*, 271).

¹⁰¹ Westermann (*Genesis 12-36*, 333) rightly notes that the statement that Isaac’s circumcision is in accordance with the command of 17:12 is “deliberately underscored in the relative clause in v. 4b, ‘as God commanded him’.” On the differing ages of circumcision in various cultures in antiquity, see Louis H. Gray, “Circumcision (Introductory),” *ERE* 3.659-70 (662), and Propp, “The Origins of Infant Circumcision,” 355-70.

¹⁰² As a result of this careful distinction, I believe Nick Wyatt (“Circumcision and Circumstance: Male Genital Mutilation in Ancient Israel and Ugarit,” *JSOT* 33 [2009]: 405-31 [408]) is incorrect to claim that Genesis 17 “appears to detract from the all-important contrast between Ishmael and Isaac.”

the people, because, in part, he has not been circumcised on the eighth day. Interestingly, this reading finds corroboration in the writings of Origen, who claims: “The Jews maintain that the circumcision which was performed on the eighth day was correct, while that which was not performed at that age occurred merely through chance circumstances” (*Contra Celsum* 5.48).¹⁰³ Thus, when Heard characterizes Abraham’s circumcision of Ishmael as “scrupulous observance of Yahweh’s formulation of the covenant demand” and as “letter-perfect obedience,” he implicitly dismisses the importance of the appropriate timing of circumcision stated clearly in verses 12 and 14.¹⁰⁴ Abraham’s circumcision of Ishmael is neither “scrupulous” nor “letter-perfect obedience” to God’s command, and is therefore not covenantal. To be sure, Gen 17:23 stresses the quickness with which Abraham fulfills God’s command: Abraham circumcises the males of his household “on this very day” (בעצם היום הזה). Although one could translate the statement בעצם היום הזה כאשר דבר אתו אל הים as “on this very day, just as God spoke with him,” the emphasis in the verse is on the immediacy of Abraham’s

¹⁰³ Translation is taken from Henry Chadwick, *Origen: Contra Celsum* (Cambridge: Cambridge University Press, 1953), 302. Given this implication, Abraham’s own circumcision becomes problematic. The way in which the priestly writer deals with this difficulty will be discussed below.

¹⁰⁴ Heard, *Dynamics of Disselection*, 76. Similarly, Brett (*Genesis*, 63) claims, “Verses 23-7 read like a textbook fulfilment of the requirements in vv. 9-14: beginning with his son Ishmael Abraham circumcises every male of his household, including the foreigners.” In contrast, Bernat (*Sign of the Covenant*, 20) notes that 17:23-27 “emphasizes Abraham’s immediate and punctilious obedience to the divine injunction. The only aspect of the circumcision legislation missing in the passage is the eighth-day mandate. This element is actualized in the circumcision of Isaac, later in the account.”

performance of this deed. Consequently, it is preferable to interpret כַּאֲשֶׁר temporally and translate the clause as “on the very day *when* God spoke with him.”¹⁰⁵

That the priestly writer places such emphasis on the appropriate timing of circumcision should not come as a surprise in light of the concern to observe sacred time evinced elsewhere in priestly writings and, more broadly, in the Ancient Near East. As Frank Gorman states, “Certain rituals, directed at the concern for order, are called for at specific times and because of specific situations. Just as rituals cannot be performed at just any place, so they cannot be performed at just any time.”¹⁰⁶ In priestly thinking ill-timed actions lead in a number of cases to the same punishment envisioned in Gen 17:14, i.e., being cut off (כַּרְתָּה) from Israel.¹⁰⁷ For instance, anyone who eats leaven during the seven-day festival of Passover (Exod 12:15, 19), who works on the Sabbath (Exod 31:14), who eats of the שְׁלֵמִים offering on the third day (Lev 19:8), who does not observe the day of atonement on the right day (בַּעֲצַם הַיּוֹם הַזֶּה, Lev 23:29), or who does not observe the Passover in its appointed time (בְּמַעַדוֹ, Num 9:13. Cf. 9:3) is cut off from the people.¹⁰⁸ In other words, each offering to God needs to be made in its

¹⁰⁵ For this use of the preposition כַּ when joined with אֲשֶׁר see Ronald J. Williams, *Williams' Hebrew Syntax* (3d ed.; rev. and exp. by John C. Beckman; Toronto: University of Toronto Press, 2007), 103.

¹⁰⁶ Gorman, *Ideology of Ritual*, 57-58. Unfortunately, Gorman's otherwise fine work does not discuss the significance of this fact for circumcision.

¹⁰⁷ See, Donald J. Wold, “The *Kareth* Penalty in P: Rationale and Cases,” in *SBLSP 1979* (2 vols.; ed. Paul J. Achtemeier; Missoula, Mont.: Scholars Press, 1979), 1.1-45 (3-8). Since Wold believes that the mention of the eighth day in LXX/SP Gen 17:14 is a later addition, he does not discuss circumcision under the category of violations of sacred time.

¹⁰⁸ For arguments that these texts are priestly (with the caveat that Lev 23:29 is from the Holiness School in particular), see, respectively, William H. Propp, *Exodus 1-18: A New Translation with Introduction and Commentary* (AB 2; New York: Doubleday, 1999), 373-82; idem, *Exodus 19-40: A New Translation with*

appointed time (בְּמוֹעֵדוֹ, Num 28:2). As Donald J. Wold shows, this emphasis upon the importance of observing sacred time in P is paralleled in Hittite literature.¹⁰⁹ For instance, the Hittite “Instructions to Commanders of Border Garrisons” states: “[T]hey are to worship the gods at the (proper) times. Whatever is the (proper) time for any god, let them worship him at that time.”¹¹⁰ The gods demand to be worshiped in the appropriate way and at the appropriate time. Through carefully intertwining legislation and narrative in a way that emphasizes that it is the timing of circumcision which distinguishes Israelite circumcision from other forms of circumcision, the priestly writer avoids the Scylla of opening the covenant to all who are circumcised and the Charybdis of undermining the covenantal significance of the rite of circumcision.¹¹¹ Eighth-day circumcision, a rite practiced by Israel alone, is the sign of the covenant.

Introduction and Commentary (AB 2A; New York: Doubleday, 2006), 365-71; Jacob Milgrom, *Leviticus 23-27: A New Translation with Introduction and Commentary* (AB 3B; New York: Doubleday, 2001), 2019-32; Baruch A. Levine, *Numbers 1-20: A New Translation with Introduction and Commentary* (AB 4A; New York: Doubleday, 1993), 295-97.

¹⁰⁹ Cf. Wold, “The *Kareth* Penalty,” 3-4.

¹¹⁰ “Instructions to Commanders of Border Garrisons,” translated by Gregory McMahon (*COS* 1.84.221-25).

¹¹¹ As recent studies have demonstrated, it is a characteristic of priestly literature to connect legislation to narrative in order to bring mutual illumination to both. See, for instance, David Damrosch, *The Narrative Covenant: Transformations of Genre in the Growth of Biblical Literature* (San Francisco: Harper & Row, 1987), 261-97; Christopher R. Smith, “The Literary Structure of Leviticus,” *JSOT* 70 (1996): 17-32; Bryan D. Bibb, “Nadab and Abihu Attempt to Fill a Gap: Law and Narrative in Leviticus 10.1-7,” *JSOT* 96 (2001): 83-99; and idem, *Ritual Words and Narrative Worlds in the Book of Leviticus* (LHB/OTS 480; London: T&T Clark: 2009). As Damrosch (*Narrative Covenant*, 262) states: “Far from interrupting the narrative, the laws complete it.... At the same time, on the other hand, the presentation of the Law is in turn affected by the great body of narrative around it.” A very different account of the connections between priestly law and biblical narrative has been provided by Calum M. Carmichael, *Law, Legend, and Incest in the Bible: Leviticus 18-20* (Ithaca, N.Y.: Cornell University Press, 1997), and idem, *Illuminating Leviticus: A Study of Its Laws and Institutions in the Light of Biblical Narratives* (Baltimore: Johns Hopkins University Press, 2006).

As Bruce Vawter recognizes, “The logical sequel to the covenant of circumcision detailed in vss. 9-14 is its immediate implementation as described in vss. 23-27.” Why, then, does the priestly writer break up the flow of the narrative by relating the dialogue between Abraham and God in Gen 17:15-21? I believe the priestly writer’s emphasis upon rightly-timed circumcision helps make sense of this seemingly awkward placement of the conversation between God and Abraham. Although this dialogue at first appears unrelated to the covenant of circumcision, Vawter rightly points out that “[t]hese intervening verses... are equally part of the Priestly author’s narrative and integral to the story as he wanted to tell it.”¹¹² In fact, the dialogue between Abraham and God corroborates the above argument that the legislation of Gen 17:9-14 excludes Ishmael. At no point prior to vv. 15-21 does the narrative of Genesis indicate that Ishmael is not the heir apparent to Abraham’s blessing. Instead, when Hagar flees from Abram’s house, she is told to return there by an angel of YHWH (16:9). Additionally, the angel announces that Hagar’s child will be a boy, and that he will be named Ishmael, and that through him Hagar will be given many descendants (16:10-12). Both of these facts may lead the reader to assume that Ishmael will be Abraham’s heir. Why, then, does God promise Abraham a new son in Genesis 17? I propose that the priestly writer has included this dialogue immediately after the legislation of 17:9-14 in order to stress that Ishmael has been cut off from Abraham, thus requiring God to provide a new heir for him. Since Abraham and his descendants are to circumcise their sons on the eighth day, Ishmael is, in effect, cut off from the covenant. Abraham’s response to God’s promise that he would

¹¹² Vawter, *On Genesis*, 223.

give him a son through Sarah demonstrates that Abraham recognizes the consequences of this covenant of circumcision.

By itself, the promise of a new son does not necessitate the conclusion that Ishmael has been cut off. So why does Abraham ask God to permit Ishmael to live before him (לו ישמעאל יהיה לפניך, 17:18)? The answer again lies in the fact that Abraham realizes that the covenant of eighth-day circumcision excludes Ishmael.¹¹³ Only if Abraham has concluded, on the basis of Gen 17:14, that Ishmael is to be cut off from his people (ונכרתה הנפש ההוא מעמיה) because he has not been circumcised on the eighth day does his request on Ishmael's behalf make sense.¹¹⁴ Thus, Williamson incorrectly states: "Whereas Ishmael, as part of Abraham's family, was himself included within the covenant community, this covenantal status was not explicitly extended to his progeny, as is clearly so in the case of Isaac."¹¹⁵ Son he may continue to be; heir he definitely is not. In contrast, prior to Genesis 17, the question of whether Ishmael is heir or not remains open. Although God partially yields, allowing Ishmael to live and flourish,

¹¹³ The exact meaning of כרת in this context is disputed. Klaus Koch ("Sühne und Sündenvergebung um die Wende von der exilischen zur nachexilischen Zeit," *EvT* 26.5 [1966]: 217-39), von Rad (*Genesis*, 201), and Westermann (*Genesis 12-36*, 266-67) believe that in P the word means excommunication not death, while Gunkel (*Genesis*, 266) and Wenham (*Genesis 16-50*, 25) believe death is in view here. In the end, a sharp line should not be drawn between excommunication and death, since both lead to the removal of a person's lineage from the community, as shown by William Horbury, "Extirpation and Excommunication," *VT* 35.1 (1985): 13-38, Milgrom, *Leviticus 1-16*, 457-60, and Donald J. Wold, "The Meaning of the Biblical Penalty 'Kareth'" (Ph.D. diss., University of California, Berkeley, 1978).

¹¹⁴ Thus, Heard (*Dynamics of Diselection*, 74) is wrong to claim that in 17:18 Abraham "simply reminds Yahweh that he already has a son." God is aware of Ishmael's existence; the problem is that God is equally aware of the fact that Ishmael has not been circumcised on the eighth day, and that Abraham, therefore, needs God to provide him with another son whom he can circumcise on the eighth day.

¹¹⁵ Cf. Williamson (*Abraham*, 162). Similarly, Heard (*Dynamics of Diselection*, 270) is therefore incorrect to say that "Ishmael, the tribal ancestor of the Ishmaelite people, remains Abraham's son with not the least diminution."

he does so in a way that demonstrates that Ishmael and his descendants will live outside the realm of the covenant; even though God promises to bless Ishmael he immediately reiterates that his covenant will be with Isaac (17:20-21). The dialogue between Abraham and God, therefore, provides further confirmation that the author/redactor of Genesis 17 intends to distinguish between those who are circumcised on the eighth day and those who are not. Eighth-day circumcision does indeed function as a sign of the covenant (אֶת־בְּרִית) to God; whatever value may accrue to circumcised people in general, only those circumcised on the eighth day are members of the covenant people.¹¹⁶

With his emphasis on eighth-day circumcision, however, the priestly writer encounters a new problem: Abraham's own circumcision is not in accordance with the legislation of 17:9-14, for Genesis 17 has informed the reader that Abraham was ninety-nine years old when he was circumcised (17:24). If Ishmael is cut off because he is not circumcised on the eighth day, shouldn't Abraham also be cut off?

Although no completely satisfactory explanation for this difficulty exists, Genesis 17 does distance Abraham from Ishmael through the fact that God explicitly makes his covenant with Abraham (17:1-10).¹¹⁷ Additionally, God changes Abraham's name while

¹¹⁶ Cf. Fox ("Sign of the Covenant," 595), who argues that, since elsewhere in P אֶת־בְּרִית are meant to remind God, so too, eighth-day circumcision is meant to remind God to keep his promise to Abraham that he would make him fruitful: "In plain language that means that God will see the Israelite's circumcised penis during or before sexual congress and will remember to keep his covenant by making the union a fruitful one." In support of Fox's contention, common sense dictates that circumcision is a sign to God, for it would neither be readily apparent to people whether another male was circumcised nor whether he was circumcised on the eighth day. In light of this function, the punishment of being cut off in Gen 17:14 is already effected in not having the sign in the flesh (i.e. eighth-day circumcision) necessary for covenantal fruitfulness. For the importance of fruitfulness in priestly thought, see Walter Brueggemann, "The Kerygma of the Priestly Writers," *ZAW* 84.4 (1972): 397-414 (401-8).

¹¹⁷ Presumably the priestly writer was not greatly concerned with this new problem: no one questioned whether Abraham belonged within the covenant; rather, the question was which of the groups claiming

leaving Ishmael's name unchanged.¹¹⁸ As Nahum M. Sarna states, "In light of the great importance with which the Bible invests name-giving generally, a change of name is of major significance and symbolizes the transformation of character and destiny. In the psychology of the ancient Near Eastern world, a name was not merely a convenient means of identification but was intimately bound up with the very essence of being and inextricably intertwined with personality."¹¹⁹ Since names indicate a destiny and character, the fact that God changes the names of Abram and Sarai at the inception of the covenant of circumcision indicates that their destinies, characters, and natures have undergone divine transformation through the covenant of circumcision.¹²⁰ In stark contrast, Hagar and Ishmael do not undergo a change in name, suggesting that their destinies are unaffected by the circumcision Ishmael undergoes. This connection between

Abrahamic descent belonged within the covenant. Confirmation that this difficulty is not insurmountable can be found in the statements of the early twentieth century Samaritan high priest Jacob ben Aaron ("Circumcision among the Samaritans," 686): "The Samaritans believe that if the entire eighth day should pass without circumcision, the killing of the babe would become obligatory. The uncircumcised child shall not be called a Hebrew; and purification shall never be lawful unto him. Therefore nothing hinders the Samaritans from circumcising the male child; no excuse is valid on that day, whether it be sickness or accident, or the absence of his father; nor must the rite be postponed even should the day fall on the Sabbath or a festival day. None of these is to be taken into account." Ben Aaron's statement suggests that Samaritans are untroubled by Abraham's tardy circumcision, despite their dogmatic assertion that covenantal circumcision only occurs on the eighth day after birth. In Chapter Three, I argue that this perspective is shared by the author of *Jubilees*.

¹¹⁸ On the connection between circumcision and name changing, see Joseph Fleishman, "On the Significance of a Name Change and Circumcision in Genesis 17," *JANES* 28 (2001): 19-32, and Seth Daniel Kunin, "The Bridegroom of Blood: A Structuralist Approach," *JSOT* 70 (1996): 3-16.

¹¹⁹ Nahum M. Sarna, *Genesis = Be-reshit: The Traditional Hebrew Text with the New JPS Translation* (JPS Torah Commentary; Philadelphia: JPS, 1989), 124. Cf. Gunkel, *Genesis*, 263, Speiser, *Genesis*, 127, Wenham, *Genesis 16-50*, 21, and Westermann, *Genesis 1-36*, 261.

¹²⁰ Based on Gen 17:26 ("Abraham was circumcised" [נִמְוָל]), R. Levi claims that Abraham examined himself and realized that he was already circumcised (*Genesis Rabbah* 47:9), an interpretation which R. Abba b. Kahana vehemently rejects. Perhaps this tradition arose out of concern over the fact that Abraham was not circumcised on the eighth day. See Isaac Kalimi, "'He Was Born Circumcised': Some Midrashic Sources, Their Concept, Roots and Presumably Historical Context," *ZNW* 93 (2002): 1-12.

naming and circumcision is seen again in the priestly writer's account of Isaac's circumcision in Gen 21:3-4, for Abraham both circumcises and names Isaac on the eighth day. Thus Abraham's name change indicates that his circumcision truly does affect a transformation in his status, while Ishmael remains unchanged and outside the covenant.

Confirmation that this interpretation is not an overly subtle reading of Genesis 17 can be found in Lev 12:3, another priestly text, which likewise emphasizes that the appropriate timing for circumcision is the eighth day. Amidst prescriptions regarding the woman who has recently given birth, there is "an editorial parenthesis" regarding infant circumcision: בשר ערלתו ימול בשמיני יום/καὶ τῆ ἡμέρᾳ τῆ ὀγδόῃ περιτεμεῖ τὴν σάρκα τῆς ἀκροβυστίας αὐτοῦ ("And on the eighth day the flesh of his foreskin will be circumcised").¹²¹ As Jacob Milgrom rightly notes: "The purpose of this interpolation is to emphasize the uniqueness of this rite; not the rite itself, which was practiced ubiquitously by Israel's Semitic neighbors, but the timing of the rite, which in Israel alone was performed in infancy and, precisely, on the eighth day."¹²² Milgrom's assessment of the purpose of the brief reference to infant circumcision in Lev 12:3 supports the interpretation of Genesis 17 provided above. Significantly, as Bernat has noted, priestly literature "is replete with explicit detail pertaining to ritual performance. Any divergence from the prescriptions has dire consequences."¹²³ Yet with regard to circumcision, priestly material makes no mention of the mechanics or details, apart from

¹²¹ All LXX witnesses to Lev 12:3 contain this reference to the eighth day, although one MS reads ὀγδόῃ ἡμέρᾳ. Cf. John William Wevers, ed., *Leviticus* (SVTG 2.2; Göttingen: Vandenhoeck & Ruprecht, 1986), 138.

¹²² Milgrom, *Leviticus 1-16*, 747.

¹²³ Bernat, *Sign of the Covenant*, 55.

the repeated emphasis upon its timing. This suggests that it was the timing of the rite that was of central importance to the priestly writer.

1.5.3 Genealogy and Circumcision in Post-Exilic Judah

As Roger Syrén argues, Genesis 17 is concerned “with the theological distinction of Isaac-Israel from Ishmael. Ishmael is a separate nation and does not share in the prerogatives of God’s elect people.”¹²⁴ And, according to Genesis 21, God agrees with Sarah that Hagar and Ishmael should be physically separated from the son who would inherit the promises made to Abraham, even though Abraham finds such actions repulsive. But why is Ishmael excluded from the covenant? As Sarna states: “It is noteworthy that the image of Ishmael in the Bible, as distinct from later Jewish literature, is by and large not a negative one. He is not an inveterate enemy of Israel.”¹²⁵ In addition to the respective timings of their circumcisions, the only substantial differences between Ishmael and Isaac are those which cannot be remedied in any way. First, Ishmael, through no fault of his own, is the offspring of Hagar, the Egyptian, and not Sarah. The fact that his mother is an Egyptian, something Genesis notes four times (16:1, 3; 21:9; 25:12), and a slave, something Genesis notes seven times (עַבְדָּהּ; cf. 16:1, 2, 3, 5, 6, 8; 25:12), is also significant.¹²⁶ Isaac’s mother, on the other hand, is both Abraham’s wife and his kinswoman (cf. Gen 20:12). Additionally, Ishmael issues from the uncircumcised

¹²⁴ Roger Syrén, *The Forsaken First-born: A Study of a Recurrent Motif in the Patriarchal Narratives* (JSOTSup 133; Sheffield: Sheffield Academic Press, 1993), 38.

¹²⁵ Cf. Sarna, *Genesis*, 122. Heard (*Dynamics of Disselection*, 63-96), Syrén (*Forsaken First-born*, 15-65), and Carol Bakhos (*Ishmael on the Borders: Rabbinic Portrayals of the First Arab* [Albany, N.Y.: State University of New York Press, 2006], 14-23) make this same point.

¹²⁶ In contrast, Philo (*On Abraham* 251) argues that Hagar is Egyptian by race (γένος), but Hebrew by choice (προαίρεσις).

penis of *Abram*, in contrast to the circumcised penis of *Abraham* from which Isaac issues. Later rabbinic interpretation of Genesis 17 draws attention to this difference between Ishmael and Isaac, for *Genesis Rabbah* 46:2, answering the question as to why Abraham was circumcised at the age of 99, states: “In order that Isaac might issue from a holy source.” A significant implication of this statement is that Ishmael does not issue from a holy source. Nothing Ishmael can do can make him a viable heir to Abraham; his mother is an Egyptian slave, he is born of an uncircumcised father, and he is not circumcised at the appropriate time. Consequently, in Genesis’s story of Ishmael and Isaac, genealogy and eighth-day circumcision coalesce to draw an impermeable boundary around Abraham’s covenant-bearing seed.¹²⁷

The broader story of Ishmael and Hagar in Genesis illustrates the necessity for Isaac’s descendants to separate themselves from the descendants of Ishmael—no matter the purported familial ties or the shared practice of circumcision. The fact that the angel of YHWH calls Hagar to return to Sarah and submit to her (וַהֲתַעֲנִי תַחַת יְדֵיהָ, 16:9) might suggest that it is the divine will that Hagar and her offspring remain a part of Abraham’s family. Yet even after Ishmael is circumcised, YHWH agrees with Sarah and calls Abraham to expel both child and mother from the household (21:12). Thus, the distinction between those circumcised on the eighth day and those circumcised at a later time finds divine approval in Genesis 21.

¹²⁷ This is not to suggest that Isaac’s descendants could not stray across the boundary, since Gen 17:14 clearly indicates one way in which they can—failing to observe timely circumcision. Additionally, the narrative of Genesis indicates that Esau, Isaac’s son, and his descendants fall outside the covenant.

Returning briefly to the question of the cultural and historical setting out of which Genesis 17 arose, scholarship has contended that the priestly connection between circumcision and covenant developed in an environment in which Israel was surrounded by non-circumcised peoples, that is, in the exilic period. I suggest, however, that Genesis 17 came to take the shape it currently has in an environment in which Israel encountered other circumcised peoples. That is, I do not believe that Genesis 17 came to have its final form in the exile. While I cannot exclude a pre-exilic context, a post-exilic context appears to be more likely.¹²⁸

Consonant with this conclusion, Heard notes the similarities between the story of Ishmael in Genesis, which culminates in the expulsion of the non-Israelite Hagar and her half-Israelite son, and the events narrated in Ezra-Nehemiah, which result in the expulsion of the Israelites' non-Israelite wives and their half-Israelite offspring (Ezra 10; Nehemiah 13). This parallel leads him to conclude that “[t]he high degree of correspondence between the interests promoted in the books of Ezra and Nehemiah and in the book of Genesis suggests that all of these books... reflect the concerns and interests of—and are therefore productions of—Yehud’s immigrant elite as of

¹²⁸ Again, scholars such as Kaufmann (*Religion of Israel*, 175-200), Knohl (*Sanctuary of Silence*), and Milgrom (*Leviticus 1-16*, 3-35) argue that P is pre-exilic. Although their arguments, particularly as they pertain to Leviticus, are weighty, following Rolf Rendtorff (“Two Kinds of P? Some Reflections on the Occasion of the Publishing of Jacob Milgrom’s Commentary on Leviticus 1-16 [*JSOT* 60 {1993}: 75-81]), I fail to be convinced of a pre-exilic date for the redaction of Genesis. Rendtorff (“Two Kinds of P,” 76) rightly notes that Milgrom “never mentions the relations between Leviticus and the earlier narratives of Genesis and the first half of Exodus,” a lacuna which Milgrom’s initial response (“Response to Rolf Rendtorff,” *JSOT* 60 [1993]: 83-85) leaves unaddressed, but which he wrestles with in “H_R in Leviticus and Elsewhere in the Torah,” in *The Book of Leviticus: Composition and Reception* (ed. Rolf Rendtorff and Robert A. Kugler; VTSupp 93; Leiden: Brill, 2003), 24-40. Significantly, even Knohl (*Sanctuary of Silence*, 200-204) concedes that priestly literary activity spanned several centuries, and ended in the postexilic period.

approximately the first half of the fourth century BCE or later.”¹²⁹ Consequently, “[a]s the paradigmatic product of a cross-ethnic intermarriage, Ishmael functions basically as object lesson for the ‘proper’ Yehudian response to intermarriage.”¹³⁰ Ishmael’s descendants would form a distinct nation from the nation of Israel; that is to say, they were and would continue to be genealogically distinct from the people of Israel. Genesis 17 supports the genealogical distinction between Isaac and Ishmael, Israel and the nations, through the binary of eighth-day circumcision and non-eighth day circumcision.¹³¹

1.6 Conclusion

Unfortunately, most modern interpreters have not noticed how artfully the narrator has marginalized Ishmael, his descendants, and all peoples who practice non-eighth-day circumcision, by emphasizing the appropriate timing of covenantal circumcision. By importing the foreign binary of uncircumcision/circumcision into

¹²⁹ Heard, *Dynamics of Diselection*, 22. For a similar reading of the historical background of the Ishmael story in Genesis, see Syrén, *Forsaken First-born*, 54-65, and Danna Nolan Fewell, “The Genesis of Israelite Identity: A Narrative Speculation on Postexilic Interpretation,” in *Reading Communities Reading Scripture: Essays in Honor of Daniel Patte* (ed. Gary A. Phillips and Nicole Wilkinson Duran; Harrisburg, Pa.: Trinity Press International, 2002), 111-18. E. Theodore Mullen, Jr. (*Ethnic Myths and Pentateuchal Foundations: A New Approach to the Formation of the Pentateuch* [SemeiaSt 35; Atlanta: Scholars Press, 1997], 123-61) extends this interpretation to the entirety of the patriarchal narratives.

¹³⁰ Heard, *Dynamics of Diselection*, 176. Again, Heard (*Dynamics of Diselection*, 176) states: “Abraham’s dismissal of Hagar and Ishmael stands as both a paradigm for action and a reassurance for the men called upon to undertake similar drastic actions. God demands that the voice of Sarah (or that of Nehemiah) be obeyed.”

¹³¹ Cf. David Janzen, *Witch-hunts, Purity and Social Boundaries: The Expulsion of the Foreign Women in Ezra 9-10* (JSOTSup 350; Sheffield: Sheffield Academic Press, 2002), 90; Saul M. Olyan, “Purity Ideology in Ezra-Nehemiah as a Tool to Reconstitute the Community,” *JSJ* 35.1 (2004): 1-16; Hannah K. Harrington, “Holiness and Purity in Ezra-Nehemiah,” in *Unity and Disunity in Ezra-Nehemiah: Redaction, Rhetoric, and Reader* (ed. Mark J. Boda and Paul L. Redditt; Hebrew Bible Monographs 17; Sheffield: Sheffield Phoenix Press, 2008), 98-116; and Matthew Thiessen, “The Function of a Conjunction: Inclusionist or Exclusionist Strategies in Ezra 6.19-21 and Nehemiah 10.29-30?” *JSOT* 34.1 (2009): 63-79.

Genesis 17, scholars have failed to see that the binary that actually drives the narrative and legislation of Genesis 17 is eighth-day circumcision/non-eighth-day circumcision.¹³² While the textual conclusion reached in the first part of this chapter (i.e., that the earliest inferable text of Gen 17:14 included the phrase “on the eighth day”) supports this interpretation of Genesis 17, I do not believe that this interpretation stands or falls on the text-critical issue of the verse. Even apart from 17:14 there are enough chronological indications within the text to demonstrate that the author is concerned with distinguishing between Israel’s circumcision and the circumcision of non-Israelites. Nonetheless, the reading of Gen 17:14 preserved by the LXX, SP, and *Jubilees* strengthens the argument of this chapter that Genesis 17 focuses on the boundary-creating nature of eighth-day circumcision.

Sarna argues that Genesis 17 envisions the “radical reinterpretation of the common practice of circumcision from a pubertal or nuptial rite to a covenant rite,” in that circumcision is to occur on the eighth day.¹³³ As a result of this reinterpretation through a stress on the timing of circumcision, Genesis 17 moves the admittedly circumcised Ishmael to a place of liminality. Even more to the point, by distinguishing between Ishmael’s circumcision and Isaac’s, the author stresses the distance between the infant circumcision practiced by Israel and the pubescent or adult circumcision of all the other nations in the Ancient Near East which practiced the rite. By explicitly stating that Ishmael was thirteen years old at the time of his circumcision, the narrator makes clear

¹³² To be sure, uncircumcision would fall under the category of non-eighth-day circumcision. In fact, as will be seen in the next chapter, it is possible that some equated non-eighth-day circumcision with uncircumcision.

¹³³ Sarna, *Genesis*, 125.

that his circumcision was not in full obedience to the command of God—a command which requires sons to be circumcised on the eighth day. If non-eighth day circumcision is not covenantal, then it is wrong to conclude, as Williamson does, that Genesis 17 demonstrates that “circumcision was a mechanism through which non-Israelites could become part of the covenant community.”¹³⁴ Apart from Isaac, none of the males of Abraham’s household are said to have been circumcised on the eighth day;¹³⁵ rather, it is only in Genesis 21 that Abraham actually circumcises one of his sons, namely Isaac, on the eighth day. As Sarna concludes, “This fact emphasizes his role as the one true heir to the Abrahamic covenant. His spiritual destiny is thereby distinguished from that of Ishmael who was circumcised at the age of thirteen (17:25).”¹³⁶ Covenantal circumcision, according to Genesis 17, is always eighth-day circumcision. In relation to God’s covenant with Abraham, anything other than eighth-day circumcision is nothing more than an ill-timed excision. By interweaving circumcision legislation with the narrative of God’s covenant making with Abraham and his heir Isaac, the priestly writer inextricably connects one aspect of law observance—circumcision, perhaps the most important aspect in his mind since it is the sign of God’s covenant—as closely to birth as possible, thereby restricting the covenant to those who are genealogical descendants of Abraham through Isaac.

¹³⁴ Williamson, *Abraham*, 183. Williamson (*Abraham*, 182-83) further states: “Clearly this covenant cannot be viewed in an exclusively nationalistic sense. Rather than envisaging the inclusion of just one nation, the covenant in Genesis 17 encompasses those from other nations also. It is not just the physical descendants of Abraham who will be incorporated within this covenant, but all to whom the sign of the covenant is applied...; the numerical increase will apparently come about through all who will align themselves with Abraham by submitting to the conditions of the covenant, primarily expressed through circumcision.”

¹³⁵ Again, Chapter Two contains an analysis of circumcised non-Israelite slaves in Israelite society.

¹³⁶ Sarna, *Genesis*, 145-46 n. 4.

2. The Uncircumcised and the Circumcised Yet Uncircumcised in the Hebrew Bible

2.1 Introduction

Have we not learnt: [He who says], I vow not to enjoy anything belonging to uncircumcised persons, may enjoy anything of uncircumcised Israelites, but must not enjoy anything of circumcised heathen. Which proves that heathens who undergo circumcision are still designated as “uncircumcised” (*b. Avodah Zarah* 27a).

In the previous chapter I examined the role of eighth-day circumcision in Genesis 17. I argued that the priestly writer was concerned first and foremost with distinguishing between Israel and non-Israel, not via the binary of circumcision and uncircumcision, but via the binary of Israelite circumcision, which occurred on the eighth day after birth, and non-Israelite circumcision, which did not occur on the eighth day. He achieved this objective by juxtaposing legislation with narrative in Genesis 17, simultaneously separating Israel from its circumcised neighbors and providing an explanation for why Israelite circumcision is covenantal while foreign circumcision is not.

The purpose of the present chapter is to survey the remaining instances in which the circumcision of non-Israelites is depicted or discussed in the Hebrew Bible in order to determine whether any of these passages envisions circumcision as a means to erase the distance between Israelite and non-Israelite identity. I will argue that no passage in the Hebrew Bible, whatever the source or time period (prior to the second century B.C.E.), portrays circumcision as a ritual through which non-Israelites can become Israelites.¹

¹ This chapter will treat neither the reference to the circumcision of Achior in Judith 14:10 nor the reference to the Gentiles who underwent circumcision according to LXX Esther 8:17, since neither passage reflects pre-second century B.C.E. thinking. On these and other texts, see the introductory remarks of Chapter Three.

This treatment will not provide an exhaustive discussion of circumcision in the Hebrew Bible;² rather, in order to keep the discussion manageable and to lay the groundwork for subsequent chapters, I will examine only those texts in which non-Israelites are circumcised or referred to as uncircumcised. Just as *b. Avodah Zarah* acknowledges the existence of circumcised Gentiles, so too ancient Israelites were aware of the fact that non-Israelites could be circumcised and were still able to categorize them as uncircumcised non-Israelites.

2.2 The Uncircumcised

In the first section of this chapter, I will examine passages in which uncircumcision functions as a signifier of the distance between Israelite and non-Israelite. In the Deuteronomistic History (Joshua-2 Kings) the adjective ערל is used as a symbol of the otherness of the Philistine.³ Not once does the Deuteronomistic History consider the possibility that a Philistine could become an Israelite by undergoing circumcision. Two additional passages, Ezek 44:6-9 and Isa 52:1-2, refer to non-Israelites as uncircumcised but do not appear to consider the possibility of their circumcision. This section will close with a discussion of Genesis 34, a passage which addresses the question of whether the uncircumcised Shechemites can undergo circumcision and

² For a thorough treatment of circumcision in the Hebrew Bible, see Andreas Blaschke, *Beschneidung: Zeugnisse der Bibel und verwandter Texte* (TANZ 28; Tübingen: Francke, 1998), 19-122.

³ On the Deuteronomistic History as a unified literary work, see, for instance, Martin Noth, *The Deuteronomistic History* (2d ed.; JSOTSup 15; Sheffield: Sheffield Academic Press, 1991), and John van Seters, *In Search of History: History in the Ancient World and the Origin of Biblical History* (New Haven, Conn.: Yale University Press, 1983). See the more recent criticisms of and arguments for the unity of the Deuteronomistic History in, for instance, Thomas Römer, ed., *The Future of the Deuteronomistic History* (BETL 147; Leuven: Leuven University Press, 2000), and Albert de Pury et al., eds., *Israel Constructs its History: Deuteronomistic Historiography in Recent Research* (JSOTSup 306; Sheffield: Sheffield Academic Press, 2000).

thereby break down the barrier between Israelite and non-Israelite.

2.2.1 The Uncircumcised Philistine in the Deuteronomistic History

The Philistines function as Israel's enemy par excellence throughout the narrative of the Deuteronomistic History.⁴ Significantly, the dominant characterization of this people group is the term ערל ("uncircumcised," cf. Judg 14:3; 15:18; 1 Sam 14:6; 17:26, 36; 31:4; 2 Sam 1:20; [cf. 1 Chron 10:4]). The inextricable connection between "Philistineness" and uncircumcision is most clearly seen in the Deuteronomistic History's descriptions of Philistine women. For instance, Samson's parents berate him for his desire to marry a woman from the uncircumcised Philistines (אשה מפלשתים הערלים) rather than a woman from the daughters of his own people (בנות אחיך, Judg 14:3). Consequently, they portray his hoped-for bride as being infected with the same status as her uncircumcised father, despite the fact that she is a woman and therefore falls outside a male circumcision/uncircumcision binary. Similarly, David's lament upon hearing of the deaths of Saul and Jonathan includes the imperative, "Do not report it in Gath, do not make it known in the streets of Ashkelon; lest the daughters of the Philistines rejoice, lest the daughters of the uncircumcised (בנות הערלים) exult" (2 Sam 1:20).

The parallelism between "daughters of the Philistines" and "daughters of the

⁴ Many characterizations of the פלשתים are influenced by modern derogatory connotations of the term "Philistine," as David Jobling helpfully documents (*1 Samuel* [Berit Olam; Collegeville, Minn.: Liturgical Press, 1998], 199-211). See also, David Jobling and Catherine Rose, "Reading as a Philistine: The Ancient and Modern History of a Cultural Slur," in *Ethnicity and the Bible* (ed. Mark G. Brett; BIS 19; Leiden: Brill, 1996), 381-417. For historical treatments of the Philistines, see Ann E. Killebrew, *Biblical Peoples and Ethnicity: An Archaeological Study of Egyptians, Canaanites, Philistines and Early Israel, 1300-1100 B.C.E.* (SBLABS 9; Atlanta: SBL Press, 2005), and Carl S. Ehrlich, *The Philistines in Transition: A History from ca. 1000-730 B.C.E.* (SHANE 10; Leiden: Brill, 1996).

uncircumcised” indicates the static nature of male and female Philistine identity.

On two occasions, then, Philistine women are implicated in the uncircumcised status of Philistine men, suggesting that the Deuteronomistic Historian believes that Philistine identity is something genealogical and, therefore, permanent: Philistine women can do nothing about their ancestry. One cannot bridge the gap between Philistine and Israelite identity; for this reason Samson’s request of his parents is particularly egregious.⁵ As Andreas Blaschke argues, the adjective ערל appears to have been used “als verächtlicher Ausdruck und als Schimpfwort für die Erzfeinde der Alten Israeliten.”⁶ As mentioned in the previous chapter, the notoriety of the uncircumcision of the Philistines points to an important reality confronting Israel: the majority of non-Israelite nations surrounding them *did* practice circumcision. By referring to the Philistines as “the uncircumcised,” the biblical narrative stresses their otherness not only in relation to Israel, but also in relation to Israel’s neighbors. The absolute foreignness of the Philistines is faithfully captured by the LXX translators of Judges, 1-2 Samuel, and 1-2 Kings, who consistently render “Philistine” (פלשתִי) as “foreigner” (ἀλλόφυλος).⁷ Not once does the Deuteronomistic Historian consider the possibility that a Philistine could

⁵ Josephus (*Ant.* 5:286) rightly understands Judg 14:3 to pertain to the issue of exogamy. As Jobling (*I Samuel*, 228) says, for Israel, no one was “more foreign than the Philistine.”

⁶ Blaschke, *Beschneidung*, 46. To be sure, circumcision was not the only differentiator between Israelites and Philistines; pig consumption also played a role boundary maintenance, as argued by Brian Hesse and Paula Wapnish, “Pig Use and Abuse in the Ancient Levant: Ethnoreligious Boundary-Building and Swine,” in *Ancestors for the Pigs: Pigs in Prehistory* (ed. Sarah M. Nelson; MASCA Research Papers in Science and Archaeology 15; Philadelphia: University of Pennsylvania Museum of Archaeology and Anthropology, 1998), 123-35. As noted in Chapter One, and as I will argue below, quite different strategies needed to be employed to create space between Israel and its circumcised neighbors.

⁷ The LXX translators of Genesis, Exodus, Joshua, in contrast, render פלשתִים phonetically as Φυλιστιμ.

become an Israelite through circumcision or intermarriage. The closest the Deuteronomistic Historian comes to envisaging the circumcision of the Philistines is in the story of the mass “circumcision” (the passage does not use the word מִוּל which David inflicts upon Philistine men (1 Sam 18:20-27).

Upon discovering that his daughter Michal loves his rival David, Saul requires one hundred foreskins as the bride-price David must pay to marry Michal. Why such an odd bride-price? As can be seen from ancient accounting systems developed to tally dead enemies, the request for one hundred Philistine foreskins demonstrates Saul’s desire to rid himself of Philistine competition by killing a large number of his enemies. Although it was common in the Ancient Near East to cut off the heads or hands of enemy victims in order to keep track of the number of the dead, Cyrus H. Gordon and Gary A. Rendsburg point out that, in the case of the uncircumcised Libyans, the Egyptians cut off their penises as a way to keep count.⁸ Whether the text envisages only the foreskins as the bride-price, or, similar to the Egyptian practice, the entirety of the uncircumcised penises, is unclear;⁹ nonetheless, since the Philistines were known for being uncircumcised, it is apparent that 1 Samuel 18 intends to portray Saul’s request as the means by which he ensures that David kills Philistines, and Philistines alone.¹⁰

⁸ Cyrus H. Gordon and Gary A. Rendsburg, *The Bible and the Ancient Near East* (4th ed.; New York: W. W. Norton, 1997), 187 n. 6. Cf. James Henry Breasted, *Ancient Records of Egypt: Volume 3, The Nineteenth Dynasty* (Urbana, Ill.: University of Illinois Press, 1906), 248-49. Interestingly, Josephus (*Ant.* 6:196-204) changes the bride-price from one hundred foreskins to one hundred heads in his retelling of this account, presumably in an attempt to make the story more palatable to those amongst his readership who were themselves uncircumcised. Additionally, his rewriting of the Deuteronomistic History omits all references to the Philistines as uncircumcised.

⁹ Blaschke, *Beschneidung*, 47.

¹⁰ Similarly, Henry Preserved Smith, *A Critical and Exegetical Commentary on the Books of Samuel* (ICC;

The circumcision of these dead Philistines is nothing more than a political machination on the part of Saul to manipulate them to kill David for his own benefit, while David's effort is directed toward winning Michal and an even higher standing in Israelite society.¹¹ As Jobling states, in reference to the Philistines, "[T]he Other exists to serve the purpose of the in-group, and retains importance only as long as it serves this purpose."¹² Jobling concludes: "The denial of subjectivity to the Other reaches an extreme in the brideprice story when the Philistines are reduced to foreskins."¹³ 1 Samuel 18, like the rest of the Deuteronomistic History, portrays the Philistines as uncircumcised in order to stress their complete otherness in relation to Israel.¹⁴ The belief that they could undergo circumcision and thereby become Israelites is completely foreign to the conception of the genealogical difference between Israelite and Philistine, which is evident throughout the Deuteronomistic History.¹⁵ 1 Samuel 18, the only text in the

Edinburgh: T&T Clark, 1899), 173.

¹¹ According to 1 Sam 18:25, Saul requires that David bring him one hundred foreskins. In response, David ambitiously secures not one hundred but two hundred foreskins in a time shorter than was required by Saul (MT 1:26-27). The textual tradition is corrupt at these points. The MT, Codex Vaticanus, the Lucianic Recension, and Old Latin read two hundred foreskins, although Codex Alexandrinus to 1 Sam 18:27, and all versions of 2 Sam 3:14, have one hundred. Additionally, the MT (as well as Codex Alexandrinus and the Lucianic Recension) stresses that David fulfills the requirement prior to the deadline set by Saul (סלל אר הימים, v. 26), although this phrase is lacking in Codex Vaticanus. Numerous differences exist amongst the versions of 1 Samuel 18, although none directly relate to the purposes of this chapter. As the important work of Eugene Ulrich (*The Qumran Text of Samuel and Josephus* [HSM 19; Missoula, Mont.: Scholars Press, 1978]) demonstrates, the textual situation of 1-2 Samuel is extremely complex.

¹² Jobling, *1 Samuel*, 229.

¹³ Jobling, *1 Samuel*, 230.

¹⁴ For an extended discussion of the role of the Philistines in the narrative of 1 Samuel, see Jobling, *1 Samuel*, 212-43.

¹⁵ Jobling (*1 Samuel*, 230) raises the interesting possibility that "1 Samuel 18 may be inviting the readers to imagine the possibility of alliance between the Philistines and Israel only to reassert the impossibility of such a union." While it is difficult to see how 1 Samuel 18 addresses the issue of intermarriage, this suggestion makes sense of Judg 14:3, which is discussed briefly above.

Deuteronomistic History which envisions male Philistines without their foreskins, implies that a circumcised Philistine (and the only good Philistine) is a dead one.¹⁶

2.2.2 Ezekiel 44:6-9: The Uncircumcised in the House of YHWH

ואמרת אל מרי אל בית ישראל כה אמר אדני יהוה רב לכם מכל תועבותיכם בית ישראל בהביאכם בני נכר ערלי לב וערלי בשר להיות במקדשי לחללו את ביתי בהקריבכם את לחמי חלב ודם ויפרו את בריתי אל כל תועבותיכם ולא שמרתם משמרת קדשי ותשימון לשמרי משמרתי במקדשי לכם כה אמר אדני יהוה כל בן נכר ערל לב וערל בשר לא יבוא אל מקדשי לכל בן נכר אשר בתוך בני ישראל

“And say to the rebellious house of Israel, Thus says the Lord YHWH: Let all your abominations end, O house of Israel, in admitting sons of foreigners, uncircumcised in heart and uncircumcised in flesh,¹⁷ to be in my sanctuary and to profane my house, when you offer the fat and blood. And you¹⁸ have broken my covenant in all your abominations. And you have not guarded my holy things, but you have set guards of my charge in my sanctuary for yourselves. Thus says the Lord YHWH: No son of a foreigner, uncircumcised of heart and uncircumcised of flesh¹⁹ shall enter into my sanctuary, of any son of a foreigner who is in the midst of the sons of Israel.”

A similar use of the adjective ערל is found in Ezek 44:6-9, part of a post-exilic oracle

¹⁶ Avraham Faust (*Israel's Ethnogenesis: Settlement, Interaction, Expansion and Resistance* [London: Equinox, 2006], 88) argues that after the Iron I Age Philistines began to practice circumcision. Additionally, archaeological exploration has unearthed a ceramic circumcised phallus at Gezer, a city which once fell under Philistine control. Philip J. King (“Gezer and Circumcision,” in *Confronting the Past: Archaeological and Historical Essays on Ancient Israel in Honor of William G. Dever* [ed. Seymour Gitin, J. Edward Wright, and J. P. Dessel; Winona Lake, Ind.: Eisenbrauns, 2006], 333-40) believes the phallus belongs to a Canaanite/Egyptian stratum, and not a Philistine stratum, and thus provides no evidence of Philistine circumcision.

¹⁷ In some MSS in the Lucianic recension Ezek 44:7 lacks the phrase καὶ ἀπεριτμήτους σαρκὶ (“uncircumcised of flesh”). Cf. Joseph Ziegler, ed., *Ezekiel* (SVTG 16.1; Göttingen: Vandenhoeck & Ruprecht, 1952), 306.

¹⁸ While the MT has a third person plural form of the verb פָּרַר (“to break”), I follow the LXX witnesses to Ezekiel in supplying a second person plural to fit the second person plurals in the rest of the verse.

¹⁹ According to Symmachus, Ezek 44:9 reads ἀκάθαρτος καρδία καὶ ἀκάθαρτος σαρκί (“impure of heart and impure of flesh”). Cf. Ziegler, *Ezekiel*, 306-7.

which addresses the Levites and Zadokite priests.²⁰ The central accusation against the house of Israel in vv. 6-9 is that it has brought foreigners (בני נכר) into God's sanctuary. Israel is guilty of charging foreigners, who are uncircumcised of heart and flesh (בני נכר ערלי לב וערלי בשר), with the duties of temple service, an action described as an abomination (תועבה, v. 5). Although the presence of foreigners amongst a nation's cult personnel was discouraged in some circles in the Ancient Near East, it was not unprecedented.²¹ Nonetheless, within the priestly worldview to which Ezekiel 40-48 subscribes, a foreign presence in the temple is a violation of its sacred space.²²

Significantly, Ezekiel 44 has a number of similarities to Isa 56:1-8,²³ the most important of which is that both passages refer to the בני נכר in the context of altar

²⁰ The delimitation of the oracle is a point of dispute. Walther Zimmerli (*Ezekiel 2: A Commentary on the Book of the Prophet Ezekiel: Chapters 25-48* [Hermeneia; trans. James D. Martin; Philadelphia: Fortress Press, 1983], 452-53), Rodney K. Duke ("Punishment or Restoration: Another Look at the Levites in Ezekiel 44:6-16," *JSOT* 40 [1988]: 61-81), Daniel I. Block (*The Book of Ezekiel* [NICOT; Grand Rapids, Mich.: Eerdmans, 1997], 616-18), and Leslie C. Allen (*Ezekiel 20-48* [WBC 29; Dallas: Word Books, 1990], 251) argue that the unit is 44:6-16. In contrast, Steven S. Tuell ("The Priesthood of the 'Foreigner': Evidence of Competing Polities in Ezekiel 44:1-14 and Isaiah 56:1-8," in *Constituting the Community: Studies on the Polity of Ancient Israel in Honor of S. Dean McBride Jr.* [ed. John T. Strong and Steven S. Tuell; Winona Lake, Ind.: Eisenbrauns, 2005], 183-204) argues that the oracle to which vv. 6-9 belong is 44:1-14.

²¹ For instance, Georg Fohrer and Kurt Galling (*Ezechiel* [HAT 13A; Tübingen: Mohr Siebeck, 1955], 248) note that the Phoenicians created a distinct class of cult personnel for foreigners who adhered to a Phoenician deity. See Tuell, "Priesthood of the 'Foreigner'," 202.

²² For the importance of sacred space in priestly thinking, see Frank H. Gorman Jr., *The Ideology of Ritual: Space, Time and Status in the Priestly Theology* (JSOTSup 91; Sheffield: Sheffield Academic Press, 1990), and Philip Peter Jenson, *Graded Holiness: A Key to the Priestly Conception of the World* (JSOTSup 106; Sheffield: Sheffield Academic Press, 1992).

²³ Tuell, "Priesthood of the 'Foreigner'," 195-99. Zimmerli (*Ezekiel 2*, 452) and Saul Olyan (*Rites and Rank: Hierarchy in Biblical Representations of Cult* [Princeton, N.J.: Princeton University Press, 2000], 172, n. 27) see the influence of Deut 23:4-9 on Ezekiel 44, although, as Olyan notes, Deuteronomy 23 is concerned with excluding people groups who practiced circumcision, while Ezek 44:6-9 concerns itself with uncircumcised people.

service (cf. Isa 56:7; Ezek 44:7-9). Apparently these passages reflect two different schools of thought on the advisability of the presence of the **בני נכר** in the temple precincts: while Trito-Isaiah is open to their presence in sacred space, Ezekiel considers such a presence to be an abomination. Whether Isa 56:1-8 should be seen as a response to Ezekiel 44 or vice versa is impossible to determine, although perhaps immaterial; both texts reflect knowledge of the opposing position, suggesting that both views were held concurrently within post-exilic Jewish society.²⁴ Whoever these **בני נכר** are, Ezekiel's point is clear: they should not be found in sacred space.²⁵ But why? According to Ezek 44:7, their presence in the temple profanes it (**חלל**),²⁶ a presupposition in keeping with other priestly texts (e.g. Lev 22:25).²⁷ Christine E. Hayes states: “[O]ne is tempted to

²⁴ Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002), 37, and Tuell, “Priesthood of the ‘Foreigner’,” 202.

²⁵ The identity of the **בני נכר** remains uncertain. *Lamentations Rabbah* 1.7-9.36 suggests that they are uncircumcised priests. E. König (“The Priests and the Levites in Ezekiel XLIV.7-15,” *ExpTim* 12 [1901]: 300-303 [300]), and Joseph Blenkinsopp (*Gibeon and Israel: The Role of Gibeon and the Gibeonites in the Political and Religious History of Ancient Israel* [SOTSMS 2; Cambridge: Cambridge University Press, 1972], 140 n. 47) suggest that they are the Gibeonites who have been charged with doing the cult's unskilled labour (cf. Josh 9:27). Following 2 Kings 11:4-8, John Skinner (*The Book of Ezekiel* [London: Hodder and Stoughton, 1895], 330) and Allen (*Ezekiel 20-48*, 261) argue that they are the Carian royal guards. Tuell (“Priesthood of the ‘Foreigner’”) argues that Ezekiel 44 is a Zadokite work indebted to the same ideology as Ezra-Nehemiah and that it calls the Levites **בני נכר** since its author thinks they have mixed ancestry. Jon Douglas Levenson (*Theology of the Program of Restoration of Ezekiel 40-48* [HSM 10; Missoula, Mont.: Scholars Press, 1976], 135-367) argues that no historical referent lies behind this title; rather, it is a stock criticism of cultic practices based on an earlier tradition of non-levites ministering at altars (cf. 1 Kings 12:31-32).

²⁶ Olyan (*Rites and Rank*, 49) argues that **חלל** should be translated “pollutes,” not “profanes,” but Hayes (*Gentile Impurities*, 36-37) refutes his argument, pointing out that Ezek 24:21 states that God will **חלל** the sanctuary, demonstrating that Ezekiel uses **חלל** to mean “to profane,” and not “to pollute.”

²⁷ Jacob Milgrom (*Leviticus 17-22: A New Translation with Introduction and Commentary* [AB 3A; New York: Doubleday, 2000], 1881) argues that Lev 22:25 excludes the **בן נכר** from offering his own sacrifice (although it permits him to send his offering to be sacrificed).

suppose that the uncircumcision of the alien is perceived as a physical blemish, rendering him unsuited to the service of God. If so, Ezekiel's objection may be based on a conscious analogy between the uncircumcised alien and the blemished priest [cf. Lev 21:16-23]—although neither is impure, both are a disgrace because of their respective 'blemishes,' and their presence profanes the sanctuary."²⁸

To describe the foreigner as uncircumcised is to stress his otherness and, by doing so, to highlight the offensiveness of his presence in the sanctuary of YHWH. It is this otherness that "cast a cloud of profanation" over the sanctuary.²⁹ Olyan summarizes Ezekiel 44 in the following way: "[C]ircumcision is privileged as the requirement par excellence for entry into the sanctuary sphere."³⁰ Yet the solution set forth by Ezekiel 44 is not that the uncircumcised are to be circumcised, but that henceforth only Zadokite priests are permitted to enter the sanctuary and approach God's altar (44:15-16).³¹ Since their status as non-Zadokites excludes them, the בני נכר can do nothing to gain access to the sanctuary. To use the title of Olyan's book, it is not a rite (i.e. circumcision) but a rank (i.e. Zadokite priesthood) that is the requirement par excellence for entry into God's sanctuary and access to his altar. Similarly, Ezekiel 44 excludes the circumcised non-Zadokite Israelite on the basis of his rank or genealogy. While the passage describes the

²⁸ Hayes, *Gentile Impurities*, 232 n. 49. A parallel can be found in an eighth-century B.C.E. Egyptian monumental inscription, which states that the uncircumcised could not enter the king's palace. Cf. "The Victory Stela of King Piye," translated by Miriam Lichtheim (*COS* 2.7.42-51).

²⁹ Allen, *Ezekiel 20-48*, 261.

³⁰ Olyan *Rites and Rank*, 100. Olyan is wrong, therefore, to conclude that Ezek 44:6-9 gives evidence that the foreskin was considered to be a polluting agent. Cf. Hayes, *Gentile Impurities*, 36.

³¹ As Steven Shawn Tuell (*The Law of the Temple in Ezekiel 40-48* [HSM 49; Atlanta: Scholars Press, 1992], 121) notes, "In the strongest possible terms, the Law of the Temple [i.e., Ezek 40-48] restricts altar service to the Zadokites."

בן נכר as uncircumcised in both heart and flesh, it does not appear that the prophet could conceive of the possibility that a foreigner could undergo circumcision (whether in heart or flesh).³² The irremediable foreign status of the בן נכר in Ezekiel is confirmed by another text that comes out of priestly circles, the legislation of Exod 12:43-49, since there the בן נכר cannot partake of the Passover meal regardless of whether or not he is circumcised.³³ This exclusivism suggests that Ezekiel 44 is not merely concerned with uncircumcision, as though a foreigner could undergo circumcision and thereby gain access to the sanctuary; rather, like the Deuteronomistic History, Ezekiel 44 is concerned with the genealogical and permanent otherness of the foreigner, and depicts this otherness by describing him as uncircumcised.³⁴

2.2.3 Isaiah 52:1: The Uncircumcised in the Holy City

עורי עורי לבשי עוזך ציון לבשי בגדי תפארתך ירושלם עיר הקדש
כי לא יוסיף יבא בכ עוד ערל וטמא

“Awake! Awake! Put on your might, O Zion! Put on the garments of your beauty, O Jerusalem, holy city! For never again will the uncircumcised or impure enter you.”³⁵

³² Werner E. Lemke (“Circumcision of the Heart: The Journey of a Biblical Metaphor,” in *God So Near: Essays on Old Testament Theology in Honor of Patrick D. Miller* [ed. Brent A. Strawn and Nancy R. Bowen; Winona Lake, Ind.: Eisenbrauns, 2003], 299-319 [312]) states: “[T]he combination of the two expressions into one cliché suggests that they are viewed by the author of this text as essentially one. In other words, all foreigners who are uncircumcised in flesh are, by definition, also uncircumcised in heart.”

³³ On this passage, see below.

³⁴ As Zimmerli (*Ezekiel* 2, 454) concludes, “[I]n the overall description of the ‘foreigner’ as ‘uncircumcised in body and in heart’ there is again reflected the beginnings of the exclusive attitude towards all foreigners.”

³⁵ While the majority of LXX witnesses to Isa 52:1 contain the phrase ἀπερίτμητος καὶ ἀκάθαρτος, one eleventh century MS lacks ἀπερίτμητος, and one tenth century MS lacks ἀκάθαρτος. Additionally, Aquila renders the Hebrew phrase ערל וטמא as ἀκροβυστος καὶ μεμια(μ)ενος. Cf. Joseph Ziegler, ed., *Isaias* (SVTG 14; Göttingen: Vandenhoeck & Ruprecht), 317.

The oracle of Isa 52:1-2 portrays the city of Zion as a woman in mourning.³⁶ Although she has been in captivity and bondage, she is to arise, shake off the dust, and put on beautiful garments because YHWH is about to restore her. This message of hope to holy Zion contains the promise that never again will the uncircumcised and impure enter into her (יבא בך עוד ערל וטמא).³⁷ But to whom does the phrase ערל וטמא refer?³⁸

Taking the phrase as a hendiadys, Olyan argues: “The text can be read to suggest that the uncleanness of these alien invaders is due to their lack of circumcision.”³⁹ In support of this interpretation of the *waw*, Olyan points to the singular subject of יבא: if two separate types of people are in mind, why would Deutero-Isaiah use a third person singular form

³⁶ As Joseph Blenkinsopp (*Isaiah 40-55: A New Translation with Introduction and Commentary* [AB 19A; New York: Doubleday, 2002], 114) states of the latter half of Deutero-Isaiah, “The traditional symbolism of city as woman is fully exploited.” On the portrayal of Jerusalem as a woman, see Elaine R. Follis, “The Holy City as Daughter,” in *Directions in Biblical Hebrew Poetry* (ed. Elaine R. Follis; JSOTSup 40; Sheffield: JSOT, 1987), 173-84; Tikva Frymer-Kensky, *In the Wake of the Goddesses: Women, Culture and the Biblical Transformation of Pagan Myth* (New York: Fawcett Columbine, 1992), 168-78; Hans-Jürgen Hermission, “Die Frau Zion,” in *Studies in the Book of Isaiah: Festschrift Willem A. M. Beuken* (ed. J. van Ruiten and M. Vervenne; BETL 132; Leuven: Leuven University Press, 1997), 19-39; and Kathleen M. O’Connor, “‘Speak Tenderly to Jerusalem’: Second Isaiah’s Reception and Use of Daughter Zion,” *PSB* 20.3 (1999): 281-94.

³⁷ The fact that the verb בוא is elsewhere used to describe sexual congress suggests that the oracle’s portrayal of Zion as a woman who was at one time entered by the uncircumcised and impure could be taken as a graphic depiction of an Israelite woman being conjoined sexually with an uncircumcised non-Israelite or impure Israelite. Cf. Gen 16:2; 19:31; 30:3-4; 38:8; Deut 22:13; 25:5; 2 Sam 16:21, although in these cases the preposition employed with בוא is אל or על, not כ as in Isa 52:1. The possibility that Deutero-Isaiah intends violent sexual imagery here is strengthened by the apparent sexual imagery of Isa 51:23, in which Jerusalem is depicted on its back while her enemies pass over her. On the allusions to rape in these two texts, see Bebb Wheeler Stone, “Second Isaiah: Prophecy to Patriarch,” *JSOT* 56 (1992): 85-99. To describe the presence of the uncircumcised or impure person in Zion in such graphic terms points to just how offensive to certain people a foreign presence (or an impure Israelite presence) was in sacred space.

³⁸ Attempting to find an historical referent behind the uncircumcised or impure person is difficult. Klaus Baltzer (*Deutero-Isaiah: A Commentary on Isaiah 40-55* [trans. by Margaret Kohl; Hermeneia; Minneapolis: Fortress Press, 2001], 372-73) thinks that Sanballat and Tobiah (cf. Nehemiah) may well be the targets. This possibility might be strengthened by the fact that the epithet used for Jerusalem here, עיר הקדש, is found only in Isa 48:2 and Neh 11:1, 18.

³⁹ Olyan, *Rites and Rank*, 49.

of the verb? Yet Hayes demonstrates that a third person singular form of **בוֹא** does in fact function as a reference to two distinct groups of people in 2 Sam 5:8: **עוֹר וּפְסָח לֹא יָבוֹאוּ אֶל הַבַּיִת** (“the blind and lame will not come into the house”). Just as 2 Sam 5:8 does not exclude only the blind person who is also lame, so too Isa 52:1 does not exclude only the person who is both impure and uncircumcised; rather, the oracle intends to preserve the holy city from both the uncircumcised foreigner and the impure Israelite.⁴⁰ Since, as Adolf Büchler, Jonathan Klawans, and Christine Hayes have shown,⁴¹ non-Israelites are not deemed to be impure in the Hebrew Bible, “their exclusion must be based on some other disqualifying feature—their uncircumcision.”⁴² In other words, while Deutero-Isaiah excludes Israelites on the basis of ritual purity, it excludes foreigners on the basis of their non-Israelite status (symbolized by their uncircumcision), in the same way that lay Israelites are excluded from the inner areas of the temple precincts on the basis of their non-priestly status.

Whether or not this text antedates Ezek 44:6-9 is uncertain, but it is significant that the exclusion of foreigners found there is extended in Dt-Isa to include not merely the temple precincts but also the entire city of Jerusalem. The distinction between Israel

⁴⁰ Hayes, *Gentile Impurities*, 232-33, n. 50, and John Goldingay and David Payne, *A Critical and Exegetical Commentary on Isaiah 40-55* (ICC; 2 vols.; Edinburgh: T&T Clark, 2006), 2.256.

⁴¹ Adolph Büchler, “The Levitical Impurity of the Gentile in Palestine Before the Year 70,” *JQR* 17 (1926-27): 1-81, Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000), 21-42; Hayes, *Gentile Impurities*, 19-44. The work of Klawans and Hayes is particularly concerned with demonstrating that the Bible does not present Gentiles as susceptible to ritual impurity, as is argued by Gedalyahu Alon in two essays, “The Levitical Uncleaness of Gentiles” and “The Bounds of the Laws of Levitical Cleaness,” in idem, *Jews, Judaism, and the Classical World* (Jerusalem: Magnes Press, 1977), 146-234.

⁴² Hayes, *Gentile Impurities*, 232-33 n. 50.

and the outside world plays out spatially: Dt-Isa permits only Israel (that is, the circumcised) entrance into the holy city, and further qualifies this entrance requirement by the injunction that only ritually pure Israelites may enter.

The exclusivism of the oracle preserved in Isa 52:1-2 prompts Baltzer to state, “What it says is unusual, in view of the openness towards foreigners that Dt-Isa shows elsewhere. ‘Circumcised’ or ‘uncircumcised,’ ‘clean’ and ‘unclean’ are rather categories in priestly theology.”⁴³ Yet, as Blenkinsopp has shown, those scholars who portray of Dt-Isa as promoting universalism fail to adequately deal with the Israel- and Jerusalem-centered outlook of the work: “[YHWH’s] dominion is primarily for the benefit of his own devotees and is to be inaugurated in Jerusalem.”⁴⁴ Nonetheless, Blenkinsopp sees an openness in Dt-Isa to the idea of non-Israelite adherence to Israel’s God, particularly in texts such as Isa 44:3-5; 45:22-24. But if elsewhere Dt-Isa promotes Gentile adherence rather than conversion,⁴⁵ and thus does not require (or envisage) the circumcision of Gentile adherents, Isa 52:1 explicitly excludes such people from the holy city! Whoever was responsible for the oracle of Isa 52:1-2 apparently desired to solidify the boundary between Israel and non-Israel by excluding the latter from Jerusalem. Those who are not Israelites are not even permitted entrance into the city, let alone into the temple precincts

⁴³ Baltzer, *Deutero-Isaiah*, 371.

⁴⁴ Blenkinsopp, *Isaiah 40-55*, 116. Cf. D. W. Van Winkle, “The relationship of the nations to Yahweh and Israel in Isaiah xl-lv,” *VT* 35.4 (1985): 446-58; idem, “Proselytes in Isaiah XL-LV?: A Study of Isaiah XLIV 1-5,” *VT* 47.3 (1997): 341-59; Joel S. Kaminsky, *Yet I Loved Jacob: Reclaiming the Biblical Concept of Election* (Nashville: Abingdon Press, 2007), 142-46; and Joel S. Kaminsky and Anne Stewart, “God of all the World: Universalism and Developing Monotheism in Isaiah 40-66,” *HTR* 99.2 (2006): 139-63.

⁴⁵ In his classic study, A. D. Nock (*Conversion: The Old and the New in Religion from Alexander the Great to Augustine of Hippo* [London: Oxford University Press, 1933]) made this distinction between the adherent and the convert.

where they can worship YHWH. These exclusivistic sentiments of Isa 52:1-2 are reiterated in later texts as well. According to Joel 3:17 (LXX Joel 4:17), Jerusalem will one day be holy, being free of the presence of any foreigner (MT: קִדְשׁוֹ; LXX: ἀλλογενής). Likewise, *Psalm of Solomon* 17 extends the holiness of the city to the entirety of the land, stating that God will one day divide the tribes of Israel into their allotted lands, free from any foreign presence (πάροικος καὶ ἀλλογενής). Thus, like the Deuteronomistic History and Ezekiel 44, the oracle of Isa 52:1-2 stresses the foreign status of the Other by a reference to his uncircumcised state.

2.2.4 Genesis 34: The Circumcision of the Uncircumcised

In the passages discussed to this point the uncircumcised state of non-Israelites functions to signal the distance between Israelite and non-Israelite identity. These texts do not discuss the possibility of foreigners being circumcised and thereby becoming Israelites. What these passages imply, Genesis 34 makes explicit. The story of Dinah and Shechem directly addresses the question of whether the circumcision of uncircumcised foreigners erases the distance between Israelite and non-Israelite effectively enough to permit intermarriage.

According to Genesis 34, Shechem the Hivite⁴⁶ rapes or seduces Dinah, the daughter of Jacob and Leah, and then becomes so smitten with her that he enlists his father's aid in securing a marriage between them.⁴⁷ Jacob's sons agree to the request that

⁴⁶ Numerous LXX MSS read a variation of Χορραῖος (“Horite”), but here the MT is supported by the SP in reading חִיטִּי (“Hivite”). Cf. John William Wevers, ed., *Genesis* (SVTG 1; Göttingen: Vandenhoeck & Ruprecht, 1974), 322.

⁴⁷ The scholarly debate over whether or not the Hebrew verb רָפָא connotes consensual or nonconsensual intercourse is immaterial to our concerns here. The majority of commentators assume that Shechem rapes

Dinah be given to Shechem and that the two families intermarry upon the stipulation that all the male Shechemites undergo circumcision, since they consider it shameful to give a woman to a man who has a foreskin (אִישׁ אֲשֶׁר לוֹ עֶרְלָה; LXX: ἄνθρωπος, ὃς ἔχει ἄκροβυστίαν, v. 14).⁴⁸ Although the Shechemites meet this condition, Simeon and Levi enter the city and slaughter all of the recuperating males. Since secondary literature upon this passage abounds, the present discussion will primarily focus on Genesis’s portrayal of the circumcision in light of other biblical literature pertaining to the Shechemites.⁴⁹

While Meir Sternberg concludes that Simeon and Levi are the heroes of the story for avenging their sister, David Gunn and Danna Nolan Fewell believe that, in his quiescence, Jacob is the hero of the tale.⁵⁰ Does the fact that the story comes to a close with the question of Simeon and Levi hanging in the air (“Should he treat our sister as a prostitute [זונה]?”), demonstrate the rightness of their actions?⁵¹ Or does Jacob’s concern

Dinah, as seen, for instance, in Claus Westermann, *Genesis 12-36* (trans. John J. Scullion; CC; Minneapolis: Fortress Press, 1985), 538. For argumentation that Shechem did not rape Dinah, see Lyn M. Bechtel (“What if Dinah is not Raped? [Genesis 34],” *JSOT* 62 [1994]: 19-36) and Claudia V. Camp (*Wise, Strange and Holy: The Strange Woman and the Making of the Bible* [JSOTSup 320; Sheffield: Sheffield Academic Press, 2000], 286-89), who asks, “Does the narrator, through the use of the verbs ‘saw, took, lay, humbled’, make a definitively negative judgment on Shechem *as rapist*? I do not think so” (emphasis original).

⁴⁸ A number of LXX witnesses to Gen 34:14 have ἐν preceding ἄκροβυστίαν. Cf. Wevers, *Genesis*, 325.

⁴⁹ See, most recently, the collection of essays in Robert Kugler, ed., *Sex and Violence in the Hebrew Bible: Interpretations of Genesis 34 and Other Texts of Violence* (TBN 14; Leiden: Brill, 2009). For interpretations of Genesis 34 in early Judaism, see John J. Collins, “The Epic of Theodotus and the Hellenism of the Hasmoneans,” *HTR* 73 (1980): 91-104, and Reinhard Pummer, “Genesis 34 in Jewish Writings of the Hellenistic and Roman Periods,” *HTR* 75 (1982): 177-88.

⁵⁰ Cf. Meir Sternberg, *The Poetics of Biblical Narrative: Ideological Literature and the Drama of Reading* (Bloomington, Ind.: Indiana University Press, 1985), 445-75, and David Gunn and Danna Nolan Fewell, “Tipping the Balance: Sternberg’s Read and the Rape of Dinah,” *JBL* 110 (1991): 193-211.

⁵¹ So Camp (*Wise, Strange and Holy*, 279), who states: “The ending of the story with their rhetorical question—‘Should he treat our sister like a prostitute?’—seems to align the reader’s sympathies with them.”

that his sons' actions have made him odious to the Canaanites serve as a condemnation of Simeon and Levi? Such condemnation can also be found in Jacob's deathbed blessings on his sons, for there Simeon and Levi are not blessed but cursed for their violence and anger (Gen 49:5-7).⁵² If one reads Genesis 34 in isolation from the rest of the Pentateuch, it is difficult to determine which actions the narrator thought to be admirable and which he thought reprehensible. But any assessment of the moral of Genesis 34 depends upon the context within which the story is found. As Stephen A. Geller rightly argues, "If Genesis 34 is repellent, it is hardly accidental or incidental to the Bible."⁵³ How, then, does Genesis 34 fit into the broader narrative of Genesis and the Pentateuch?

First, although the narrator describes the actions of Simeon and Levi as deceitful (מַרְמָד), this does not necessarily entail censure, for it was through Jacob's earlier deceit in Gen 25:37 that God worked to transfer to him the blessing which previously belonged to Esau.⁵⁴ Further, the narrator identifies Shechem as the son of Hamor, a Hivite, an

⁵² For discussions of the relation between Gen 49:5-6 and Genesis 34 see, most recently, Jean Daniel Macchi, "Les interprétations conflictuelles d'une narration (Genèse 34,1-3-35,5, 49,5-7)," in *Narrativity in Biblical and Related Texts* (ed. George J. Brooke and J.-D. Kaestli; BETL 149; Leuven: Leuven University Press, 2000), 3-15, and Joseph Fleishman, "Towards Understanding the Legal Significance of Jacob's Statement: 'I will divide them in Jacob, I will scatter them in Israel' (Gen 49,7b)," in *Studies in the Book of Genesis: Literature, Redaction and History* (ed. A. Wénin; BETL 155; Leuven: Leuven University Press, 2001), 541-59.

⁵³ Stephen A. Geller, "The Sack of Shechem: The Use of Typology in Biblical Covenant Religion," *Proof* 10 (1990): 1-15. Similarly, Anthea Portier-Young ("Daughter of Simeon and Daughter of Dinah: Genesis 34 in Judith and Joseph and Aseneth," [paper presented at the annual meeting of the Catholic Biblical Association, August 5-8, 2006]) argues that "the story raises issues of identity and difference, unity and plurality, inclusion and exclusion, bodies and boundaries, land, encounter, ethnicity, purity, conversion, gender, and violence that go right to the heart of Israel's story."

⁵⁴ Contrary to Frank M. Yamada ("Dealing with Rape [in] Narrative [Genesis 34]: Ethics of the Other and a Text of Conflict," in *The Meanings We Choose: Hermeneutical Ethics, Indeterminacy and the Conflict of Interpretation* [ed. Charles H. Cosgrove; JSOTSup 411; London: T&T Clark, 2004], 149-65 [153]), who describes the motives of the sons of Jacob as "tainted." For a discussion of the morality of deception in Genesis, see Michael James Williams, *Deception in Genesis: An Investigation into the Morality of a Unique Biblical Phenomenon* (Studies in Biblical Literature 32; New York: Peter Lang, 2001).

identification which to the informed reader proves problematic, since the Hivites were one of the seven Canaanite nations with whom God expressly forbade Israel to intermarry.⁵⁵ Within the preceding narrative of Genesis, Isaac has already warned Jacob not to take a wife from the daughters of Canaan (28:1), yet in Genesis 34 Hamor confronts Jacob with the request that his own daughter be given in marriage to a Canaanite. If Jacob acquiesces to Hamor's request, he assents to marriages that his parents found repugnant.⁵⁶ The content of Isaac's command to Jacob is reiterated a number of times by YHWH throughout the Pentateuch, as seen, for instance, in Deut 7:1-3, which states:

When YHWH your God brings you into the land which you are entering to possess it and removes many nations before you, the Hittites, the Girgashites, the Amorites, the Canaanites, the Perizzites, the Hivites, and the Jebusites, seven nations greater and stronger than you, and YHWH gives them to you, then you shall strike them and you shall utterly destroy them and you shall not make a covenant with them or show them favor. Nor shall you marry with them, your daughter you shall not give to his son, and his daughter you shall not take for your son.

Instead of making a covenant and intermarrying with them, Deuteronomy demands that the Israelites utterly destroy (החרם תחרים) the Hivites along with all other Canaanite nations (cf. also Deut 20:17-18). As Geller says, Genesis 34 is a “spokesman for two major biblical themes centering on Israel's relationship to the aboriginal Canaanite dwellers in the land: the absolute prohibition of intermarriage and the demand for total

⁵⁵ The Hivites are identified as a Canaanite nation in Gen 36:2, as well as in both the SP and LXX of Gen 15:21.

⁵⁶ The MT of Gen 27:46 states that Rebekah wearied of life because of Esau's Hittite wives, and Isaac extends the prohibition of intermarriage to all Canaanites (28:1). For this reason, as Caroline Blyth (“Redeemed by His Love? The Characterization of Shechem in Genesis 34,” *JSOT* 33.1 [2008]: 3-18) argues, Shechem's desire to marry Dinah in no way exonerates him of his treatment of her.

extermination. These themes are essential to Israel's covenant tradition."⁵⁷ While containing this same injunction against making covenants and intermarrying with Canaanites, a number of passages differ from the Deuteronomic injunction to exterminate them by placing the responsibility on God to root out the Canaanites (cf. Exod 23:23, 28; 33:2; and 34:11-16).

Apparently two schools of thought developed regarding the question of how Israel was to deal with the Canaanites—one that required Israel to take the lead in exterminating them, the other implicitly advocating a quietism that waited for God to remove them.⁵⁸ And it appears that the dispute between Jacob and his two sons reflects these contrasting strategies. According to those who advocated the Israelite-led annihilation of the Canaanites, the heroes of Genesis 34 are unequivocally Simeon and Levi,⁵⁹ but for those who advocated quietism, Jacob is the hero. Yet, while Jacob advocates the quietistic approach to Canaanite presence in the land, his censure of his

⁵⁷ Geller, "Sack of Shechem," 2. Similarly, Westermann (*Genesis 12-36*, 544) argues that Genesis 34 is meant "to narrate an example of the execution of the law of Deuteronomy," since there are "clear echoes of this passage in Gen. 34 [indicating] that it must have been present to the author."

⁵⁸ Cf. John van Seters, "Terms Amorite and Hittite in the Old Testament," *VT* 22.1 (1972): 64-81 (68-71). Moshe Weinfeld (*Deuteronomy 1-11: A New Translation with Introduction and Commentary* [AB 5; New York: Doubleday, 1991], 383-84) argues that there was a progression from the belief that God alone would remove the Canaanites to the belief that Israel, with God's help, would exterminate them. Since only Deuteronomistic sources, which come long after the supposed conquest of the land, envisage this extermination, it is clear that this solution is hypothetical and idealistic, and does not describe actual historical events. Cf. Kenton L. Sparks, *Ethnicity and Identity in Ancient Israel: Prolegomena to the Study of Ethnic Sentiments and Their Expression in the Hebrew Bible* (Winona Lake, Ind.: Eisenbrauns, 1998), 257-59.

⁵⁹ As Camp (*Wise, Strange and Holy*, 284) states: "To those who accepted this value system, the brothers' response may have seemed dangerous and impractical but hardly wrong, indeed, perhaps all the more admirable for its risk."

sons does not imply the legitimacy of the practice of exogamy.⁶⁰ Jacob does not willingly assent to the suggestion of intermarriage; instead, he remains silent in the face of Hamor's request that the two families intermarry.⁶¹ Additionally, Genesis 34 depicts Jacob's sons, not Jacob himself, as those responsible for the stipulation that the Shechemites need to undergo circumcision prior to intermarrying with Israelites. Even Jacob's response to their actions, which is often taken as evidence that Genesis 34 does not look favorably upon Simeon and Levi's actions, is not a condemnation of their refusal to permit intermarriage, but a warning of the danger in which he believes their violent actions put him. The dispute between Jacob and his sons does not revolve around the advisability of intermarriage with the Shechemites; rather, the question, left unanswered, is how to protect against intermarriage with Canaanites—through Israelite-led extermination or through quietly waiting for God to eliminate them?

What then does the story signify in terms of the role played by circumcision?

According to Andreas Blaschke, "Aus Gen 34 wird nur klar, daß die Beschneidung als notwendige Bedingung für ein Konnubium zwischen fremdstämmigen Männern und 'israelitischen' Frauen gesehen wird."⁶² But is Blaschke correct? While it may be true that

⁶⁰ In contrast, the second or first century B.C.E. writer Theodotus makes Jacob an advocate for the possibility of intermarriage: "Jacob said that he would not give her until all the inhabitants of Shechem were circumcised and became Jews" (περιτεμνομένους Ἰουδαῖοι, Fragment 4). Translation is that of F. Fallon, "Theodotus," in *OTP*, 2.785-93. Presumably under the influence of Theodotus, Carl Holladay (*Fragments From Hellenistic Jewish Authors: Volume II. Poets: The Epic Poets Theodotus and Philo and Ezekiel the Tragedian* [SBLTT 30. Atlanta: Scholars Press, 1989], 176) wrongly states that in Genesis Jacob insists upon circumcision as a precondition for intermarriage.

⁶¹ Contra, William H. Propp, "The Origins of Infant Circumcision in Israel," *HAR* 11 (1987): 355-70 (360).

⁶² Blaschke, *Beschneidung*, 32. Similarly, Olyan (*Rites and Rank*, 65) believes that "the foreskin is the impediment to marriage," and Klaus Grünwaldt (*Exil und Identität: Beschneidung, Passa und Sabbat in der Priesterschrift* [BBB 85; Frankfurt am Main: Anton Hain, 1992], 7) states: "[D]ie Beschneidung in Gen 34 als Voraussetzung für eine antstehende Hochzeit genannt wird."

some Israelites believed that circumcision enabled a non-Israelite man to marry an Israelite woman, nothing in the text itself gives hope to the person who believes that a foreigner can become a marriageable male through the rite of circumcision. To say, as Blaschke does, that Genesis 34 shows that circumcision is necessary for intermarriage vitiates the story's conclusion; rather, even circumcision cannot break down the barrier that precludes the possibility of intermarriage between Hivite and Israelite! As Geller notes, "[The Israelites] can never become one people, or one flesh, with the Canaanites."⁶³ Whether the author would have thought that the prohibition of Deuteronomy 7 should have been extended to all non-Israelites is uncertain, and may lie outside the scope of the author's interest.⁶⁴

The central concern of Genesis 34, as the request of Hamor and Shechem intimates, is not the rape/seduction of Dinah, but the possibility of intermarriage between the Hivites and the Israelites.⁶⁵ At the heart of this passage are questions of the proper boundaries between Israel and the nations. As Anthea Portier-Young states: "Dinah's body metonymically represents the boundaries of Israelite identity. Should they be fixed or fluid? Open or closed? Can strangers be allowed to force their way in? Can they be

⁶³ Geller, "Sack of Shechem," 10.

⁶⁴ As noted above, most LXX witnesses identify the Shechemites with Horites, that is, descendants of Esau (cf. Gen 36:20-21), and thereby broaden the scope of the prohibition against intermarriage. In Chapter Three, we shall see that Ezra-Nehemiah creatively extends this prohibition to all non-Israelites, and that *Jubilees* uses Genesis 34 to guard against all intermarriages with Gentiles.

⁶⁵ As Westermann (*Genesis 12-36*, 537) argues, "One assumes then that the author is speaking into a period when negotiations and intermarriage with non-Israelites had again become a temptation." Similarly, Camp (*Wise, Strange and Holy*, 283): "Violation of the family boundary through illicit sex appears as a cipher for violation of the national boundary; intermarriage is narratively classified with all other forms of illicit sex."

allowed to negotiate their way in?”⁶⁶ Specifically, can circumcised Shechemites become part of Jacob’s family? According to Simeon and Levi, acquiescing to the request that Israel’s family intermarry with the Shechemites is tantamount to allowing Dinah to be treated like a זָנִי (34:31). In other words, intermarriage with Canaanites, according to Genesis 34, is a form of *zenut*, sexual immorality; if Jacob and his sons permit exogamy, they will be guilty of making a covenant with the Shechemites, thus implicating Dinah in sexual misbehavior (cf. Exod 34:15-16).⁶⁷ Camp’s words aptly capture the significance of Genesis 34 for the rite of circumcision:

Dinah’s story seems to inscribe a riddle of identity, with its heart in priestly discourse. It was the priests for whom circumcision had such important and multidimensional symbolic value: a sign of fertility, kinship, descent and maleness, it defined the turf of identity. But it must also have been priests who perceived that it was not a sufficient identity marker, for Israel or for themselves. Any man, after all, could be circumcised. Circumcision was, then, a powerful but insufficient symbol, requiring reinforcement from other cultural forms.⁶⁸

The first chapter of the present work discussed the way in which the priestly writer reckons with the inadequacy of circumcision in general in establishing a boundary between Israel and the nations around it. Instead, properly-timed circumcision distinguishes Israel from other nations. Although Genesis 34 does not provide an explicit rationale for the distinction between the circumcision of the Shechemites and that practiced by Jacob’s family, the point is clear: the rite of circumcision does not change the essential nature of the Shechemites (and other Canaanite nations). According to later

⁶⁶ Portier-Young, “Daughter of Simeon and Daughter of Dinah.”

⁶⁷ See the article by S. Erlandsson on *zenut* in *TDOT* 4.99-104.

⁶⁸ Camp, *Wise, Strange and Holy*, 301.

rabbinic tradition, R. Hunia and R. Jeremiah claimed, in the name of R. Hiyya b. Abba, that Simeon and Levi's slaughter of all the newly-circumcised Shechemite males destroyed the confidence of any Gentile who wanted to become a Jew because they did not accept someone who was circumcised as a Jew (*Genesis Rabbah* 98:5). I believe that this is the exact intention of the author/redactor of Genesis 34.

In the remainder of this chapter I will examine passages from the Hebrew Bible in which circumcised non-Israelites are present, with the purpose of determining the status of these people vis-à-vis Israel. Before doing so, however, we must briefly consider a psalm that one scholar suggests functioned as a liturgy for a service in which the proselyte was circumcised.

2.2.5 Excursus: Is Psalm 118 a Liturgy for a Proselyte Circumcision Ceremony?

William Robinson suggests that Psalm 118 (LXX Psalm 117) was liturgically performed during a ceremony in which a proselyte entered into the congregation of Israel.⁶⁹ In particular, Robinson reconstructs vv. 10-12 to show the way in which these verses may have functioned as the liturgical prelude to the circumcision of the proselyte:

Proselyte. All the nations compassed me about:

Priest. In the Name of Yahweh I will cut them off.

Proselyte. They compassed me about, yea they compassed me about:

Priest. In the Name of Yahweh I will cut them off

Proselyte. They compassed me about like bees: they are quenched like thorns by fire.

Priest. In the Name of Yahweh I will cut them off.⁷⁰

⁶⁹ William Robinson, "Psalm CXVIII: A Liturgy for the Admission of a Proselyte," *CQR* 144 (1947): 179-83 (180).

⁷⁰ Robinson, "Psalm CXVIII," 181.

If Robinson's proposed liturgical *Sitz im Leben* is correct, Psalm 118 provides evidence of both the existence of conversion in ancient Israel and, more interestingly, a well-established ceremony to incorporate converts into the people of Israel via the rite of circumcision. While Leslie C. Allen rightly notes that he provides no textual evidence for this claim,⁷¹ it appears that Robinson presupposes that the Hebrew of the passage points to this setting, although, inexplicably, he makes no mention of this fact. The Hebrew of vv. 10-12 is as follows:

כל גוים סבבוני
 בשם יהוה כי אמילם
 סבוני גם סבבוני
 בשם יהוה כי אמילם
 סבוני כדבורים דעכו
 כאש קוצים
 בשם יהוה כי אמילם

It is the formulaic repetition of the clause **בשם יהוה כי אמילם** that apparently leads Robinson to conclude that the circumcision ceremony of a proselyte lies behind this psalm, since one could translate this phrase as “In the name of YHWH I will circumcise them.” But while it is possible to interpret the form **אמיל** as a first person singular form of the *hiphil* of **מול**, such an interpretation is unlikely. First, the content of the song militates against interpreting this passage as a proselyte service and interpreting **אמיל** as referring to genital circumcision. Nothing apart from this verbal form can be construed as a reference to a conversion service.

Additionally, we have no evidence that any early reader believed the psalm to be

⁷¹ Leslie C. Allen, *Psalms 101-150* (WBC 21; Waco, Tex.: Word Books, 1983), 123.

referring to circumcision.⁷² The Greek translation of Psalm 118 (cf. LXX Psalm 117:10-12) uses ἀμύτω (“to ward off”), not περιτέμνω (“to circumcise”) or a similar word. Similarly, the Psalms Targum renders אַמִּיל with the Aramaic verb נַתַּשׁ, not with גָּזַר, as is used, for instance, by the Targumim to translate מוֹר in Genesis 17.⁷³ Finally, Rashi believes that אַמִּיל is a cognate of מַלֵּל, a word found in, for instance, Pss 37:2, 58:8, and 90:6, which means “to be cut off.”⁷⁴ Even if, contrary to Rashi, אַמִּיל is derived from a hollow verb (מוֹר) and not from a geminate one (מַלֵּל), this does not mean that the Psalm envisages conversion. If the reader perceives an allusion to genital circumcision in the Psalm, it seems probable, given its content, that if non-Israelites are undergoing circumcision, it is a circumcision leading to destruction, much like that which David performed on the Philistines (cf. 1 Samuel 18), not one leading to incorporation into Israel. While Robinson’s interpretation of Psalm 118 is interesting, it has won no support amongst subsequent scholars, and for good reason.

2.3 Circumcised, yet Uncircumcised

The preceding passages demonstrate the ways in which Israel distinguished itself from those uncircumcised peoples around them. Yet, in antiquity numerous nations surrounding Israel also practiced circumcision. How did Israel draw boundaries between

⁷² Under Robinson’s influence, Grünwaldt (*Exil und Identität*, 11) thinks that Ps 118:12 may have provided the impetus for Hyrcanus’s forced circumcision of the Idumeans, but this is nothing more than speculation.

⁷³ Cf. Jastrow, pp. 231-32 for גָּזַר, and p. 946 for נַתַּשׁ. Similarly, William G. Braude, *The Midrash on Psalms* (2 vols.; YJS 13; New Haven, Conn.: Yale University Press, 1959), 2.237-40.

⁷⁴ See the translation of Rashi’s commentary on the Psalms provided by Mayer I. Gruber, *Rashi’s Commentary on Psalms* (BRLJ 18; Leiden: Brill, 2004), 671.

itself and nations who shared one of its key identity markers? Two biblical passages, Jeremiah 9:24-25 and Ezekiel 32:17-32 (in conjunction with Ezek 28:10), recognize the existence of circumcised non-Israelites, yet make clear that this circumcision is of no significance, and so will be invaluable examples of the way in which Israel could distance itself from the circumcised Other. As stated in the quotation from *b. Avodah Zarah*, with which this chapter began, these people are circumcised, yet uncircumcised.

2.3.1 Jeremiah 9:24-25: Circumcised and Uncircumcised within the Alliance of the Circumcised

הנה ימים באים נאם יהוה ופקדתי על כל מול בערלה על מצרים ועל
יהודה ועל אדום ועל בני עמון ועל מואב ועל כל קצוצי פאה הישבים
במדבר כי כל הגוים ערלים וכל בית ישראל ערלי לב

Behold, the days are coming,” says YHWH, “when I will call to account all those who are circumcised in the foreskin⁷⁵—Egypt and Judah⁷⁶ and Edom and the sons of Ammon and Moab and all who cut the sides—those dwelling in the wilderness.⁷⁷ For all the nations are uncircumcised,⁷⁸ while all the house of Israel is uncircumcised of heart.

⁷⁵ I prefer the LXX, Peshitta, and Vulgate understanding of this phrase (“all those who are circumcised in the foreskin”) to the understanding of the Targum of Jeremiah and Kimchi, who read the preposition ך as associative—“all those who are circumcised with the uncircumcised.” While both are grammatically possible, the fact that the list of nations which follows consists entirely of circumcised peoples demonstrates that God’s judgment on the circumcised is the focus of this oracle. Cf. Jack R. Lundbom, *Jeremiah 1-20: A New Translation with Introduction and Commentary* (AB 21; New York: Doubleday, 1999), 573.

⁷⁶ A number of the major uncials of the LXX read Ἰδουμαία instead of Ἰουδαία. Cf. Joseph Ziegler, ed., *Ieremias, Baruch, Threni, Epistula Ieremiae* (SVTG 15; Göttingen: Vandenhoeck & Ruprecht, 1957), 199. That this variant is secondary is clear; Ἰουδαία is the harder reading and Ἰδουμαία creates a double reference to Edom (Ἐδωμ). On the difficulties surrounding the text-critical study of Jeremiah, a number of which directly influence the interpretation of this passage, see William L. Holladay, *Jeremiah 2: A Commentary on the Book of the Prophet Jeremiah, Chapters 26-52* (Hermeneia; Minneapolis: Fortress Press, 1989), 2-16.

⁷⁷ Paul Volz’s suggestion (*Der Prophet Jeremia* [KAT 10; Leipzig: Deichert, 1928], 120-21) to emend the text so as to omit the list of nations other than Judah has no textual basis nor any clear rationale.

⁷⁸ The LXX, Peshitta, Targum, and Arabic versions add “in their flesh.” Since this draws out the contrast with Israel, who is uncircumcised “in heart,” it is probable that it is an explanatory gloss on the text and not original.

In contrast to the passages discussed up until this point of the chapter, Jeremiah's oracle in Jer 9:24-25 (LXX Jer 9:25-26) explicitly recognizes the existence of other nations who practice genital circumcision. That Egyptians practiced circumcision is well attested by the material culture,⁷⁹ as well as by the fifth-century B.C.E. historian Herodotus (*Hist.* 2:36-37, 104) and the first-century B.C.E. historian Diodorus of Sicily (*Bibliotheca Historica* 1:28). Ezekiel 32:29 provides indirect evidence that the Edomites practiced the rite, since it pictures Edomite kings and princes lying dead amongst the uncircumcised.⁸⁰ Unfortunately, no extant literary source explicitly describes the circumcision practices of the Ammonites, Moabites, or Arabs in this period.⁸¹ Nonetheless, since Genesis depicts all three of these nations as closely related to Israel (Ammon and Moab through Abraham's nephew Lot [cf. Gen 19:36-38], and the Arabs through Abraham's son Ishmael [cf. Genesis 17; 25:12-18]), it is likely that these nations also practiced circumcision. Centuries later, Josephus confirms that Arabs, following their ancestor Ishmael, practiced circumcision at the age of thirteen (*Ant.* 1:213-14). In contrast to Israel, who performed eighth-day circumcision, these nations likely practiced

⁷⁹ For instance, the relief in *ANEP*, figure 629. Cf. Frans Jonckheere, "La Circonsion [*sic*] des Anciens Egyptiens," *Centaurus* 1 (1951): 212-34, and C. de Wit, "La circoncision chez les anciens Egyptiens," *Zeitschrift für Ägyptische Sprache und Altertumskunde* 99 (1973): 41-48. J. T. Rowling ("The Rise and Decline of Surgery in Dynastic Egypt," *Antiquity* 63 [1989]: 312-19 [315]) states: "Circumcision was the one operative procedure which was performed throughout the whole course of Egyptian history."

⁸⁰ See the discussion of Ezekiel 32 below.

⁸¹ Those who "cut the sides and live in the wilderness" appear to be Arab tribes (cf. Jer 25:23; 49:32), since Herodotus (*Hist.* 3:8) mentions that Arabs cut their hair away from the sides of their heads.

circumcision as a puberty or pre-marital rite.⁸²

In light of the fact that the list mentioned in Jer 9:24-25 consists only of nations which performed the rite of circumcision, Wilhelm Rudolph argues that those listed here formed a coalition of the circumcised against the threat posed by the uncircumcised Babylonians.⁸³ Although there is no direct evidence for such a coalition, there are a number of passages within Jeremiah which appear to confirm Rudolph's hypothesis. First, Jer 2:18 condemns Judah for thinking that it can go to Egypt for help. Additionally, this collocation of nations (Egypt, Judah, Ammon, Moab, Edom, and Arabs) is found again, albeit with a number of other nations, in Jeremiah 25, which prophesies God's punishment of them at the hand of Babylon. As Holladay states, "On more than one occasion [Jeremiah] became convinced that there would be no safety for Judah in numbers of nations who might hope to band together to withstand Babylon: all would fall."⁸⁴

Rudolph's interpretation provides a compelling background for the oracle of Jer 9:24-25: Judah and its circumcised allies believe that their circumcision links their fates together and affords them divine protection from uncircumcised Babylon. In response to this confidence, Jeremiah's oracle proclaims that God will visit these nations in

⁸² On circumcision practices in the Ancient Near East, see Lundbom, *Jeremiah 1-20*, 573; Jack M. Sasson, "Circumcision in the Ancient Near East," *JBL* 85 (1966): 473-76; and Propp, "Origins of Infant Circumcision."

⁸³ Wilhelm Rudolph, *Jeremia* (HAT 12; Tübingen, Mohr, 1958), 63-65, followed by John Bright, *Jeremiah: A New Translation with Introduction and Commentary* (AB 21; Garden City, N.Y.: Doubleday, 1965), 78; William L. Holladay, *Jeremiah 1: A Commentary on the Book of the Prophet Jeremiah, Chapters 1-25* (Hermeneia; Philadelphia: Fortress Press, 1986), 319-20; Robert P. Carroll, *Jeremiah: A Commentary* (OTL; Philadelphia: Westminster Press, 1986), 250; Peter C. Craigie et al., *Jeremiah 1-25* (WBC 26; Dallas: Word Books, 1991), 153; and Lundbom, *Jeremiah 1-20*, 575.

⁸⁴ Holladay, *Jeremiah 1*, 676.

judgment. While the oracle seemingly agrees that circumcision affords divine protection, it rejects the belief of these nations that they are properly circumcised. Jeremiah wants to show this coalition that its members are not actually circumcised, but he does so in two different ways: he describes Judah's neighbors as uncircumcised, while he claims that Judah, whom he refers to as the house of Israel, is uncircumcised of heart. In other words, whereas Judah and its circumcised neighbors think they can lump themselves together under the heading of "the circumcised" in opposition to Babylon "the uncircumcised," Jeremiah finds a subtle difference within the coalition that enables him to distinguish between Judah and its neighbors: Judah and its allies suffer from two different types of uncircumcision. As Holladay states: "The point of the passage is that Yahweh's judgment falls equally (though for different reasons) on pagan and Jew."⁸⁵ Whereas Judah believes itself to have much in common with Egyptians, Edomites, Moabites, Ammonites, and Arabs against an uncircumcised foe, this oracle proclaims to "its audience that Judah cannot really find common cause with other circumcised peoples."⁸⁶ For Judah to make common cause with these nations is tantamount to claiming that it is no different from these other nations; that is to say, Judah does not consider itself to be set apart by YHWH

⁸⁵ Holladay, *Jeremiah 1*, 320. Contra, Craigie et al. (*Jeremiah 1-25*, 153), who wrongly claim that the "punishment coming upon all the circumcised included Judah, because all were uncircumcised of heart." This assumes that Jeremiah conceived of the possibility that the nations could be circumcised of heart, an idea only found, as seen above, in one post-exilic text (Ezek 44:7, 9). Rather, the oracle only condemns these nations for their lack of physical circumcision. Rudolph (*Jeremia*, 61) emends the text from ערלים to ערליה, thereby reproducing a text which states not that the nations are uncircumcised, but that both these nations and Israel are uncircumcised in heart. This proposed emendation ought to be rejected since it has no textual support and because ערלים is the more difficult reading.

⁸⁶ Lundbom, *Jeremiah 1-20*, 575.

from other circumcised nations.⁸⁷ No wonder then that Jeremiah characterizes them as being uncircumcised of heart!

But how does one deal with the apparent contradiction between v. 24, which calls all these nations circumcised in the foreskin, and v. 25, which states that Egypt, Edom, Ammon, Moab, and the Arabs are uncircumcised?⁸⁸ If these nations did practice circumcision, as v. 24 states and the external evidence noted above suggests, on what basis does Jeremiah call them uncircumcised? How can those who are circumcised have foreskins (ערל ים)? William McKane also sees a contradiction in the fact that Jeremiah associates Judah with these other nations in v. 24, yet distinguishes Judah from them in v. 25.⁸⁹ How can Jeremiah number Judah amongst the nations as circumcised in foreskin, while at the same time distinguishing them from the nations on the basis of circumcision? After all, Jeremiah describes these nations as uncircumcised, while it describes Judah as uncircumcised of heart. If the oracle is to be made sense of, it appears that Jeremiah acknowledges that all these nations do indeed share the rite of circumcision, yet even within this shared rite he finds space between Judah's circumcision and that of the nations.

⁸⁷ As Jacob Milgrom ("The Date of Jeremiah, Chapter 2," *JNES* 14.2 [1955]: 65-69 [65]) states, "The fickleness of Judah's relationship to God is comparable with and related to its vacillatory policy in the international arena."

⁸⁸ The RSV erases this contradiction by translating the phrase מול בערלה על כל מול בערלה as "I will punish all those who are circumcised but yet uncircumcised."

⁸⁹ William McKane, *A Critical and Exegetical Commentary on Jeremiah: Vol. 1: Introduction and Commentary on Jeremiah I-XXV* (ICC; Edinburgh: T&T Clark, 1986), 213.

Richard C. Steiner provides one possible solution to this problem.⁹⁰ Following the work of Erich Isaac and Frans Jonckheere,⁹¹ Steiner argues that Egyptian circumcision allowed for the retention of the foreskin, while Israelite circumcision (*periah*) amputated the entirety of the foreskin from the penis. Thus, to the Israelite eye the Egyptians retained their foreskin in spite of their circumcision. As evidence for this difference between Egyptian and Israelite circumcision, Steiner argues that “the reproach of Egypt,” which the Israelites removed in the mass circumcision of Josh 5:2-9, refers to the different form of circumcision practiced by the Egyptians.⁹² Steiner further argues that the Edomites differed from Jews in the way that they performed circumcision (cf. *Ant.* 13:257-58). Following Morton Smith, Steiner asserts that this passage indicates that Idumean circumcision, like Egyptian circumcision, differed from Jewish circumcision, in that the Idumeans retained part of their foreskins.⁹³ Further, although admitting that there is no evidence from the time period, Steiner argues that Ammon, Moab, and the Arab nations also practiced Egyptian-style circumcision.⁹⁴

As attractive as Steiner’s proposed solution is, a number of difficulties exist. First, Steiner assumes that the form of circumcision described in *m. Shabb.* 19:6, known as

⁹⁰ Richard C. Steiner, “Incomplete Circumcision in Egypt and Edom: Jeremiah (9:24-25) in Light of Josephus and Jonckheere,” *JBL* 118.3 (1999): 497-526.

⁹¹ Erich Isaac, “Circumcision as a Covenant Rite,” *Anthropos* 59 (1965): 444-56 (453), and Jonckheere, “Circumcision [*sic*] des Anciens Egyptiens.”

⁹² Steiner, “Incomplete Circumcision,” 502, following Isaac, “Circumcision as a Covenant Rite,” 453.

⁹³ Steiner, “Incomplete Circumcision,” 503-4. Cf. Morton Smith, *Studies in The Cult of Yahweh* (2 vols.; Religions in the Graeco-Roman World 130; Leiden: Brill, 1996), 1.273-74. In contrast to Smith, most interpreters understand *Ant.* 13:257-58 to suggest that, under the influence of Hellenism, most Idumeans had given up the rite of circumcision.

⁹⁴ Steiner, “Incomplete Circumcision,” 504.

periah, was practiced by pre-exilic Judah, thus marking Judahite circumcision off from the circumcision of other nations in this period. Unfortunately, there is no evidence for such a difference. Further, Steiner's interpretation of Josh 5:2-9 is unfounded; nothing within the text suggests that different forms of circumcision are in view here.⁹⁵

If Smith is right to distinguish between two forms of circumcision practiced by Jews and Idumeans in *Ant.* 13:257-58, this does not necessarily entail that this difference has to be that Idumeans retained part of the foreskin while Jews underwent *periah*. What is more, even if the difference between Idumean and Jewish circumcision was that Jews practiced *periah*, this evidence is centuries later than Jeremiah's oracle. In fact, it seems that *periah* developed as a response to the process of epispasm (i.e. foreskin regrowth), since this form of circumcision effectively made it impossible to reverse circumcision. Confirmation that *periah* was a late development unknown to Jeremiah can be found in the fact that Samaritans did not and do not practice this form of circumcision; the practice of *periah* therefore probably post-dates the parting of the ways between the Samaritans and the Jews.⁹⁶ Even if the story of 2 Kings 17 accurately relates the origins of the Samaritans, and many scholars doubt this depiction, this places the division between Samaritans and Israelites about a century prior to Jeremiah's oracle, and cannot account

⁹⁵ For a full discussion of the meaning of "the reproach of Egypt," see Ed Noort, "The disgrace of Egypt: Joshua 5.9a and its context," in *The Wisdom of Egypt: Jewish, early Christian, and Gnostic Essays in Honour of Gerard P. Luttikhuisen* (ed. Anthony Hilhorts and George H. van Kooten; AGJU 59; Leiden: Brill, 2005), 3-19.

⁹⁶ Cf. Reinhard Pummer, "Samaritan Rituals and Customs," in *The Samaritans* (ed. Alan D. Crown; Tübingen: Mohr [Siebeck], 1989), 650-90 (658). See also the interesting article by the early twentieth-century Samaritan high priest, Jacob ben Aaron ("Circumcision among the Samaritans," *BSac* 65 [1908]: 694-710 [697]), in which ben Aaron argues that the practice of *periah* is a rabbinic innovation of the Law of Moses.

for why two forms of circumcision came into existence in the seventh century B.C.E.⁹⁷ Since the first known instance of epispasm occurred in the second century B.C.E., and since it is unlikely that *periah* existed prior to the practice of epispasm,⁹⁸ it is likewise improbable that Jeremiah knew of *periah*.⁹⁹

Nonetheless, I believe that Steiner is correct to suggest that a difference between the mechanics of Israelite/Judahite and non-Israelite circumcision allows Jeremiah to distinguish between the physical circumcision practiced by Israelites and that practiced by non-Israelites, thereby enabling him to call non-Israelite nations circumcised yet foreskinned.¹⁰⁰ It is possible that the difference between Israelite circumcision and the

⁹⁷ On the question of Samaritan origins, see J. A. Montgomery, *The Samaritans: The Earliest Jewish Sect: Their History, Theology and Literature* (Philadelphia: Winston, 1907), J. D. Purvis, *The Samaritan Pentateuch and the Origin of the Samaritan Sect* (HSM 2; Cambridge, Mass.: Harvard University Press, 1968), R. J. Coggins, *Samaritans and Jews: The Origins of Samaritanism Reconsidered* (Growing Points in Theology; Atlanta: John Knox Press, 1975), and Ingrid Hjelm, *The Samaritans and Early Judaism: A Literary Analysis* (JSOTSup 303; Sheffield: Sheffield Academic Press, 2000).

⁹⁸ Cf. 1 Macc 1:11-15, where παράνομοι from Israel undid their circumcision (ἐποίησαν ἑαυτοῖς ἀκροβυστίαν). See also Robert G. Hall, "Epispasm and the Dating of Ancient Jewish Writings," *JSP* 2 (1988): 71-86; and idem, "Epispasm: Circumcision in Reverse," *BRev* August (1992): 52-57. Nissan Rubin ("Brit Milah: A Study of Change in Custom," in *The Covenant of Circumcision: New Perspectives on an Ancient Jewish Rite* [ed. Elizabeth Wyner Mark; Brandeis Series on Jewish Women; Hanover, N.H.: Brandeis University Press, 2003], 87-97 [89]) argues that the statement of *Jub.* 15:33-34 that Israel has "made themselves like the nations" is a reference to epispasm. This interpretation seems to be confirmed by the fact that *Jubilees* advocates *periah*: "They will not circumcise their sons in accord with this entire law because they will leave some of the flesh of their circumcision when they circumcise their sons."

⁹⁹ As Rubin ("Brit Milah," 92-93) states: "If *periah* had been included from the outset in the circumcision process and universally practiced, it is unlikely that the sources would have related to it as a separate function that might be omitted. We can infer, therefore, that *periah* was an innovation instituted over the course of time, most likely in response to the drawing down of the foreskin that was known from the time of the Hellenists and was still practiced during the time of the Hadrianic persecutions. The Rabbis sensed the need to reinforce their new ordinance both with warnings and by emphasizing the importance of *periah*."

¹⁰⁰ Such an interpretation goes against Craigie et al. (*Jeremiah 1-25*, 154), who write: "Neither Jeremiah nor Deuteronomy advocate physical circumcision but instead speak of circumcision of the heart (or similarly circumcision of the ears in Jer 6:10). Clearly only the symbolic meaning of circumcision is considered important." If either the solution of Steiner or the solution set forward here is correct, physical circumcision is of such import to Jeremiah that it must be done properly, something which Judah's allies have failed to do.

circumcision of other nations lies in the timing of the rite. As discussed in the previous chapter, Genesis 17 distinguishes between Ishmael and Isaac based on the timing of their circumcisions. We know that, whereas Israel circumcised its males on the eighth day after birth, the Egyptians and Arabs circumcised at a much later date.¹⁰¹ Is it mere coincidence that Genesis 17, regardless of its dating (in the previous chapter I argued that in its final form it is post-exilic), distinguishes Ishmael's circumcision from Isaac's circumcision, while one of the nations Jeremiah distinguishes from Judah was believed to be descended from Ishmael? While the timing of circumcision in Edom, Ammon, and Moab is uncertain, it is possible that, under the influence of the Arabs and Egyptians, they too circumcised adult males, not infants.¹⁰²

Jeremiah's oracle demonstrates the same concern as that evidenced in Genesis 17: to distinguish between Israelite and non-Israelite circumcision, covenantal and non-covenantal circumcision. How does one distinguish between the numerous nations who practiced circumcision? It is possible that Jeremiah uses the difference in the timing of circumcision to create distance between Israel/Judah and other circumcised nations. It is on the basis of this difference in timing between Israelite and non-Israelite circumcision, therefore, that Jeremiah can claim that Egypt, Edom, Ammon, Moab, and the Arabs are circumcised and yet foreskinned. The statement that these nations are uncircumcised

¹⁰¹ Material culture, such as the relief reproduced in *ANEP*, figure 629, depicts Egyptian circumcision occurring at a later age. In the corresponding text (reproduced in *ANET*, 326) the boy speaks to his circumciser, further indicating that infant circumcision is not intended. Cf. Jonckheere, "Circumcision [*sic*] des Anciens Egyptiens." For Arab circumcision at the age of thirteen, see Gen 17:25 and *Ant.* 1:214, as well as Sasson, "Circumcision in the Ancient Near East," and Propp, "The Origins of Infant Circumcision."

¹⁰² Again, see Sasson, "Circumcision in the Ancient Near East," and Propp, "The Origins of Infant Circumcision."

cannot be dismissed as “hyperbolisch,” as Friedrich Nötscher has claimed,¹⁰³ but rather serves as a declaration that what they have done to their penises is distinct from what the Israelites have done to theirs. It is for this reason that the Egyptians, Edomites, Ammonites, Moabites, and Arabs can be foreskinned despite their circumcision. Judah’s allies belong to the same category as Babylon: that is to say, they belong amongst the uncircumcised. Consequently, Judah is wrong to seek an alliance with these circumcised nations, for in doing so they actually make an alliance with the “uncircumcised.”

2.3.2 Ezekiel 28:10; 32:17-32: Circumcised, yet Lying amongst the Uncircumcised

Ten times Ezekiel portrays God’s punishment as consisting, in part, of causing people to die the death of the uncircumcised.¹⁰⁴ First, in Ezek 28:10, YHWH states that the Phoenician prince of Tyre will die the death of the uncircumcised (מותי ערלים (תמוה). Similarly, the oracles against the Pharaoh of Egypt in Ezek 32:19-32 mention the uncircumcised nine times. Here, too, Pharaoh is said to have his grave with the uncircumcised: “Go down and lie with the uncircumcised” (רדה והשכבה את ערלים, v. 19). Ezekiel 32:21, while confusing, again appears to align Pharaoh and the Egyptians with the uncircumcised: either they are identified as those who are uncircumcised, or they are associated with the uncircumcised.¹⁰⁵ In either case, the circumcised Egyptians are

¹⁰³ Friedrich Nötscher, *Das Buch Jeremias* (HSAT 7.2; Bonn: Peter Hanstein, 1934), 100.

¹⁰⁴ On the entirety of oracle in Ezek 32:17-32, see Lawrence Boadt, *Ezekiel’s Oracles against Egypt: A Literary and Philological Study of Ezekiel 29-32* (BibOr 37; Rome: Biblical Institute Press, 1980), 150-68.

¹⁰⁵ Cf. George A. Cooke, *A Critical and Exegetical Commentary on the Book of Ezekiel* (2 vols.; ICC; Edinburgh: T&T Clark, 1936), 2.352. The LXX, which places v. 19 after v. 21, also seems to associate the two groups—Egyptians and the uncircumcised.

equated with the uncircumcised Assyrians of v. 22. In v. 24, those from Elam also are slain and buried with the uncircumcised who descend to the netherworld (יִרְדּוּ עִרְלִים) (אל ארץ תחתיות). This ignominious death of the Elamites is further described in v. 25, where the uncircumcised, descend to the Pit (בֹּרַי). In contrast to those mighty warriors who lie in Sheol, Pharaoh will be broken and will lie amongst the uncircumcised (v. 28). So, too, Edom, including its king and princes, will lie with those who are slain by the sword and with those who are uncircumcised (v. 29). Similarly, Sidon, previously mentioned in 28:10, is associated with the uncircumcised (v. 30). The oracle closes with Pharaoh and his multitude once again being assigned a place amongst the uncircumcised dead (v. 32).¹⁰⁶

As Moshe Greenberg states, “the expression ‘die the death of the uncircumcised’ is presumably the Israelite equivalent of our ‘die like a dog’ (or: ‘a dog’s death’)—i.e., a disgraceful or miserable death.”¹⁰⁷ But the significance of these references for the purposes of this chapter lies in the identity of the nations which Ezekiel says will die this death: the Phoenicians/Sidonians, the Elamites, the Egyptians, and the Edomites. In light of the fact that Herodotus claims that the Phoenicians and Egyptians practiced circumcision (*Hist.* 2:36-37, 104), and that Jer 9:24-25 portrays the Egyptians and

¹⁰⁶ While 32:30 seems to refer to the Sidonians as uncircumcised, v. 19 implies that while they are themselves circumcised, they will die the death of the uncircumcised. Consequently, Greenberg (*Ezekiel 21-37*, 667), following Cooke (*Book of Ezekiel*, 2.355), suggests that we should read this verse as “with the uncircumcised.” It is equally possible that the oracle, knowing that they are circumcised, nonetheless equates them with the uncircumcised.

¹⁰⁷ Moshe Greenberg, *Ezekiel 21-37: A New Translation with Introduction and Commentary* (AB 22A; New York: Doubleday, 1997), 576.

Edomites as circumcised,¹⁰⁸ the prophet's condemnation of these nations implies that their circumcision does not bring them a death any better than that endured by the uncircumcised. In spite of the fact that these nations share the rite of circumcision with Israel, Ezekiel is able to claim that their circumcision does not prove helpful to them in their deaths. As Zimmerli notes, "In Ezek 32:17-32, this death has become a category of punishment which stretches far beyond the sphere indicated by its name."¹⁰⁹ As Greenberg states, Ezek 32:19-32 portrays "a panorama of masses of gentile dead in Sheol." Interestingly, circumcised non-Israelites lie side by side with uncircumcised non-Israelites. Whatever difference the prophet envisages between the deaths of the circumcised and uncircumcised,¹¹⁰ the fact that circumcised non-Israelites suffer the same fate as the uncircumcised suggests that he equates their circumcision with uncircumcision.¹¹¹ How exactly this is possible, Ezekiel never makes clear. Nonetheless, these verses highlight the distance between Israelite circumcision and non-Israelite circumcision.

2.4 The Proximate Circumcised Other

The preceding passages distinguish between Israel and non-Israel, regardless of

¹⁰⁸ See also Diodorus of Sicily, *Bibliotheca Historica* 1:28, and the Egyptian material culture, reproduced in *ANEP*, figure 629, and *ANET*, 326. I know of no evidence, literary or material culture, which proves that the Elamites practiced or did not practice circumcision.

¹⁰⁹ Zimmerli, *Ezekiel* 2, 173.

¹¹⁰ A. Lods ("La 'mort des incirconcis'," *CRAI* [1943], 271-83) argues that Ezekiel reflects Israelite burial customs in which the uncircumcised (including infants) were buried apart from the circumcised. Unfortunately, no evidence exists outside the present passage for such a burial practice. Propp ("Origins of Infant Circumcision," 364) states: "By threatening the circumcised Pharaoh and Edomites with sharing the fate of the uncircumcised, [Ezekiel] shows there was a widespread assumption in Israel of a sorting out after death on the basis of circumcision."

¹¹¹ Cf. Blaschke, *Beschneidung*, 77.

whether these non-Israelites are circumcised or not, implying that non-Israelite circumcision does not differ from uncircumcision. In contrast to these texts, there are two biblical passages which require that certain non-Israelites undergo circumcision, suggesting to some interpreters that, at least for these sources, non-Israelites could convert. The priestly legislation preserved within the Pentateuch contains the only positive references to the circumcision of non-Israelites. In addition to the circumcision of Ishmael, Genesis 17 also requires the circumcision of Abraham's foreign slaves. Although Chapter One examined the role of Ishmael's circumcision in Genesis 17, a discussion of the status of the circumcised slave in the passage was intentionally postponed in order to discuss it in conjunction with the priestly legislation pertaining to the celebration of the Passover, which likewise requires the circumcision of Israelite-owned slaves (Exod 12:43-49).

Furthermore, Exod 12:43-49 discusses the circumcision of another category of Gentile—the גֵּר, often translated as “resident alien.” Since it is almost universally accepted that the circumcision legislation of Gen 17:9-14 and the Passover legislation of Exod 12:43-49 both stem from priestly circles, I will discuss the two passages together, looking first at the status of the circumcised slave in priestly thought and then the status of the circumcised גֵּר.¹¹²

¹¹² For arguments that Genesis 17 stems from Priestly circles, see Gerhard von Rad, *Genesis: A Commentary, Revised Edition* (trans. John H. Marks; Philadelphia: Westminster Press, 1972), 197; John Skinner, *A Critical and Exegetical Commentary on Genesis* (2 vols.; ICC; Edinburgh: T&T Clark, 1910), 289; Hermann Gunkel, *Genesis* (trans. Mark E. Biddle; Macon, Ga.: Mercer University Press, 1997), 259-67; Peter Weimar, “Gen 17 und die priesterschriftliche Abrahamgeschichte,” *ZAW* 100.1 (1988): 22-60; Westermann, *Genesis 12-36*, 256; and Sean E. McEvenue, *The Narrative Style of the Priestly Writer* (AnBib 50; Rome: Biblical Institute 1971), 145-78. Only a few scholars have questioned the Priestly character of Gen 17, for instance, Samuel R. Külling, *Zur Datierung der “Genesis-P-Stücke”*: *Namentlich*

2.4.1 The Status of the Circumcised Slave in Priestly Thought

ובן שמנת ימים ימול לכם כל זכר לדרתיכם יליד בית ומקנת כסף
מכל בן נכר אשר לא מזרעך הוא המול ימול יליד ביתך ומקנת כסף
והיתה בריתי בבשרכם לברית עולם

“And the eight-day-old child will be circumcised, every male among you throughout your generations, the one born in your house and the one purchased from any foreigner who does not belong to your seed. Surely the one born in your house and the one purchased shall be circumcised, and my covenant will be in your flesh for an eternal covenant.”

According to Genesis 17:12-13, all the males of Abraham’s household are to be circumcised. In obedience to this command, Abraham circumcises all the males of his household, including those slaves born in his house as well as those he bought from foreigners (בן נכר, 17:23, 27). The inclusion of household slaves within the circumcision legislation is striking. As Westermann states, “The extension of the prescription to circumcise to the household can only mean that for P the whole household is a cultic unity, and that the circle of worshippers of Yahweh is expanded by the slaves beyond the members of the Israelite people. This shows a certain openness, conditioned by the strong bond of family unity, which includes the slaves.”¹¹³

The priestly Passover legislation of Exod 12:43-49 also contains the requirement that household slaves undergo circumcision. Although the legislation generally excludes

des Kapitels Genesis 17 (Kampen: Kok, 1964), and Gordon J. Wenham, *Genesis 16-50* (WBC 2; Dallas: Word Books, 1994), 18-19. For arguments that Exod 12:43-49 is from Priestly circles, see Martin Noth, *Exodus: A Commentary* (trans. J. S. Bowden; OTL; Philadelphia: Westminster Press, 1962), 99; Brevard S. Childs, *The Book of Exodus: A Critical, Theological Commentary* (OTL; Louisville, Ky.: Westminster Press, 1974); 184-86; Grünwaldt, *Exil und Identität*, 71; Blaschke, *Beschneidung*, 101; and William H. C. Propp, *Exodus 1-18: A New Translation with Commentary* (AB 2A. New York: Doubleday, 1999), 373.

¹¹³ Westermann, *Genesis 12-36*, 266.

foreigners (בְּנֵי נֹכַר) from the Passover festival, it permits foreign-born household slaves to participate in the feast subsequent to their circumcision (12:44). In other words, according to priestly law, “no foreigner may eat the *Pesah*—unless he is a circumcised slave.”¹¹⁴

To be sure, household slaves in P enjoy an elevated position vis-à-vis their previous status; after all, prior to being owned by Israelites they would have been unable to participate in the Passover regardless of whether or not they were circumcised. But does this mean that circumcised household slaves who were formerly בְּנֵי נֹכַר are considered equal to Israelites, as suggested, for instance, by J. P. Hyatt?¹¹⁵ The answer, in short, is no.

Outside of P, the status of non-Israelite slaves is carefully distinguished from the status of Israelites who are reduced to indentured servitude. Thus, the Covenant Code (Exod 20:19-23:33) makes a precise delineation between the Hebrew slave (עֶבֶד עִבְרִי) and the non-Hebrew slave, requiring the release of the former alone after six years of service (Exod 21:1-6).¹¹⁶ Although it does not state so explicitly, the Covenant Code appears to imply that while the Hebrew slave is released after six years, non-Hebrew slaves could be enslaved indefinitely. The Code provides no rationale as to why it requires the release of the Hebrew slave after this period or why it permits the permanent

¹¹⁴ Propp, *Exodus 1-18*, 417 (emphasis original).

¹¹⁵ J. P. Hyatt, *Exodus* (NCBC; Grand Rapids, Mich.: Eerdmans, 1971), 140.

¹¹⁶ Scholars are in general agreement that the Covenant Code, or Book of the Covenant, is one of the earliest pieces of legislation preserved in the Pentateuch. Cf. Noth, *Exodus*, 169-94. For an argument that this legislation is much later than most scholars think, see John van Seters, *A Law Book for the Diaspora: Revision in the Study of the Covenant Code* (Oxford: Oxford University Press, 2003).

enslavement of the non-Hebrew slave.

In a similar vein, Deut 15:12-18 also states that the male (and, in a possible expansion on the Covenant Code, the female) Hebrew, who is described as a brother, is to be set free after six years of indentured service. Additionally, Israel is to send such freed persons out with food and drink. Unlike the legislation of the Covenant Code, Deuteronomy provides a rationale for the reason that this service is to only last six years: “And you will remember that you were a slave in the land of Egypt when YHWH your God redeemed you” (15:15). The implication appears to be that, since God did not redeem non-Israelites from Egypt and since they are not brothers to the Hebrews, Israelites can enslave them in perpetuity.¹¹⁷

This legislation shows that many people in Israelite society viewed the non-Israelite slave as distinct from the Israelite one.¹¹⁸ While neither of these texts stem from the same circles that were responsible for the priestly legislation concerning the circumcision of non-Israelite slaves, one final text, Lev 25:39-46, merits discussion.

In Leviticus 25 the Holiness Code addresses the question of the place of the institution of slavery in Israelite society.¹¹⁹ Leviticus 25:39-43 discusses the indentured servitude of fellow Israelites, while 25:44-46 discusses the enslavement of non-Israelites.

The Israelite who becomes poor is not to be equated with a slave (the Hebrew is emphatic

¹¹⁷ Catherine Hezser, *Jewish Slavery in Antiquity* (Oxford: Oxford University Press, 2005), 90.

¹¹⁸ On the early dating of these two texts, see Jacob Milgrom, *Leviticus 23-27: A New Translation with Introduction and Commentary* (AB 3B; New York: Doubleday, 2001), and Erhard Gerstenberger, *Leviticus: A Commentary* (trans. Douglas W. Scott; OTL; Louisville, Ky.: WJKP, 1996), 388.

¹¹⁹ For discussions of the relationship between the slave laws of Exod 21:1-6, Deut 15:12-18, and Lev 23:39-46, see Milgrom, *Leviticus 23-27*, 2251-57, John Van Seters, “The Law of the Hebrew Slave,” *ZAW* 108.4 (1996): 534-46, and idem, “Law of the Hebrew Slave: A Continuing Debate,” *ZAW* 119.2 (2007): 169-83.

on this point [לֹא תַעֲבֹד בּוֹ עֲבָדָת עֲבָד]), but is rather to be treated as a resident alien, that is, as a landless person who works for wages (v. 39). At the time of the Jubilee, this indentured Israelite (along with his children) is to be set free from service and returned to his land (which returns to him at the Jubilee). Why does the author express such a virulent opposition to the enslavement of a fellow Israelite? Like Deuteronomy 15, the Holiness Code links the prohibition of the permanent enslavement of a Hebrew brother to God's redemption of Israel from the slavery it endured in Egypt. In addition, the Holiness Code makes explicit that this redemption from slavery in Egypt entangled Israel in a new kind of slavery, not to any human master but to God himself (v. 42). Because of this slavery to God, no human, Israelite or foreigner, could enslave an Israelite.

In contrast to this opposition to the slavery of fellow Israelites, the Holiness Code indicates that it is permissible for Israelites to buy and own slaves from the nations that surround them (הַגּוֹיִם אֲשֶׁר סְבִיבֹתֵיכֶם), v. 44) as well as from those who dwell amongst them (בְּנֵי הַתּוֹשְׁבִים הַגֵּרִים עִמָּכֶם), v. 45).¹²⁰ Additionally, these slaves are an eternal possession (אֲחֻזָּה לְעַלְמֵם) that one can bequeath to one's sons. The Holiness Code therefore makes explicit what is only implicit in Exod 21:1-6 and Deut 15:12-18: the lifelong slavery of non-Israelites is permissible.¹²¹ And, just in case the reader has not caught the distinction between Israelite and non-Israelite, the legislation ends by

¹²⁰ The fact that this passage does not make mention of female slaves when discussing Israelites, but does so when discussing foreign slaves, may also point to a distinction made between Israelite and non-Israelite slaves, as Milgrom (*Leviticus 23-27*, 2224) argues. Leviticus 19:20 does mention the case of a man who is engaged to a female slave, but it is uncertain whether she is a non-Israelite (as *m. Ker. 2:5*; *b. Ker. 11a*; and *b. Hor. 13b* suggest) or an Israelite (as Ibn Ezra and Milgrom [*Leviticus 17-22*, 1666] argue).

¹²¹ Cf. Milgrom, *Leviticus 23-37*, 2230-31.

reiterating the demand that one not rule over the sons of Israel (v. 46).¹²²

Israelite legislation on the institution of slavery unanimously distinguishes between the Israelite reduced to indentured servitude and the foreign slave. Although Exod 21:1-6 and Deut 15:12-18 do not originate from the same social circles out of which Gen 17:9-14 and Exod 12:43-49 come, Lev 25:39-46 comes from similar, if not precisely the same, circles. Each of these passages distinguishes between Israelite and non-Israelite slaves, and they are of tremendous import for understanding the priestly legislation found in Genesis 17 and Exod 12:43-49, which contains injunctions to circumcise male slaves in Israelite households. If the circumcised non-Israelite slave becomes an Israelite, then it is difficult to understand how the legislation of Lev 25:39-46 can continue to distinguish between the Israelite indentured servant and the non-Israelite slave. Israelites are not to be enslaved, and their terms of service are restricted by the Jubilee. Most importantly, Israelites are God's slaves and are, therefore, excluded from the institution of slavery, which would enslave them to a second, human master. In stark contrast, those bought from the nations are not God's slaves, and thus may be owned by Israelites. If priestly circles viewed circumcision as the means by which a non-Israelite slave becomes an Israelite, then the Israelite master would be forced to free this slave at the time of the Jubilee, despite the fact that he would then have no land to which he could return.

It appears that the legislation of Leviticus 25 regarding slaves was not practiced in

¹²² In light of this distinction, Milgrom (*Leviticus 23-27*, 2220) is incorrect to describe this legislation as an indication of "the revulsion at the institution of slavery in the mind of the writer." More accurately, the author has a problem with the slavery of Israelites, not with slavery in general.

Israelite society at large (cf. Jer 34:8-17; Neh 5:1-13);¹²³ nonetheless, to the priestly worldview the distinctions between Israelite and non-Israelite slave are significant. Admittedly, Leviticus 25 is thought to belong to the Holiness Code, in contrast to Genesis 17 and Exod 12:43-49, which are attributed to P.¹²⁴ While the differences between the two works should not be ignored, the legislation of the Holiness Code regarding foreign slaves is important for understanding the status of the circumcised slave in Genesis 17 and Exod 12:43-49, since both H and P come from priestly circles. If P is later than the Holiness Code, as the majority of scholarship believes,¹²⁵ then P thinks it consistent with its views of slave circumcision that such slaves are not to be equated with Israelites. On the other hand, if the Holiness Code is later than P, as scholars such as Israel Knohl and Jacob Milgrom argue,¹²⁶ then the issue is more complicated. The Covenant Code, Deuteronomy, and the Holiness Code distinguish between the Israelite and the non-Israelite slave. This fact points to the unanimity with which ancient Israel viewed non-Israelite slaves—a view that P presumably shared. Corroboration for this view can be found in the narrative of Genesis: despite the fact that Abraham circumcised his household slaves, no mention is made of any of them thereafter. They are nameless

¹²³ Cf. Isaac Mendelsohn, *Slavery in the Ancient Near East: A Comparative Study of Slavery in Babylonia, Assyria, Syria and Palestine from the Middle of Third Millennium to the End of the First Millennium* (New York: Oxford University Press, 1949), 85, and Niels Peter Lemche, “Manumission of Slaves—the Fallow Year—the Sabbatical Year—the Jubilee Year,” *VT* 26.1 (1976): 38-59 (57).

¹²⁴ Although Olyan (*Rites and Rank*, 154 n. 23), amongst others, argues that Gen 17:9-14 is a composite of materials taken from both P and the Holiness Code.

¹²⁵ Cf. the helpful discussion of Andreas Ruwe, “*Heiligkeitsgesetz*” und “*Priesterschrift*”: *Literaturgeschichtliche und rechtssystematische Untersuchungen zu Leviticus 17,1-26,2* (FAT 26; Tübingen: Mohr Siebeck, 1999), 5-35.

¹²⁶ Milgrom, *Leviticus 17-22*, 1349-52, and Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress Press, 1994).

people without a particular destiny or history.

The circumcision of the household slave in Genesis 17 and Exod 12:43-49, then, does not erase the distinction between Abraham's son and his slaves.¹²⁷ In other words, P does not believe that the circumcision of a non-Israelite slave makes him an Israelite.¹²⁸ As David A. Bernat concludes, "The purchased or captured foreign slave is the property of his Israelite master and, as a result, is fully subordinate to him. As such, he falls into YHWH's sphere of influence and must be circumcised. However, the slave's involuntary submission carries with it no privilege or distinction, nor does he have any claim to the land promises."¹²⁹

2.4.2 The Circumcised גֵר in Priestly Thought

The stipulation that a circumcised non-Israelite slave in an Israelite household might take part in the Passover festival falls within a broader piece of legislation dealing with the question of who is permitted to celebrate the Passover (Exod 12:43-49). The statute excludes the גֵר נֹכַח, that is, the foreigner, from the Passover. Although Exodus 12 provides no reason as to why the foreigner is excluded, Nahum Sarna argues that it is because he "does not identify with the community's historical experiences. He is therefore exempted from the religious obligations and restrictions imposed on

¹²⁷ So, too, Hezser, *Jewish Slavery in Antiquity*, 30-31.

¹²⁸ For the status of Gentile slaves in Israelite households in rabbinic sources, see Ben Zion Wacholder, "The Proselytizing of Slaves during the Gaonic Era," *Historia Judaica* 18.2 (1956): 89-106; Ephraim E. Urbach, "The Laws Regarding Slavery as a Source for Social History of the Second Temple and Mishnah and Talmud," *Papers of the Institute of Jewish Studies* 1 (1964): 1-95; Joshua Kulp, "History, Exegesis, or Doctrine: Framing the Tannaitic Debates on the Circumcision of Slaves," *JJS* 57 (2005): 56-79; and Hezser, *Jewish Slavery*, 35-47.

¹²⁹ David A. Bernat, *Sign of the Covenant: Circumcision in the Priestly Tradition* (SBLAIL 3; Atlanta: SBL, 2009), 45.

Israelites.”¹³⁰ Sarna’s explanation stands in need of correction: the **בן נכר** is not merely exempted from participating in the Passover, but is positively prohibited from entrance to the Passover Festival (**כל בן נכר לא יאכל בו**, Exod 12:43).

The legislation excludes two further categories of persons, the **תושב** and the **שכיר** (v. 45). Most scholars identify the former as a temporary resident and the latter as a hired worker dwelling in the land of Israel on a provisional basis.¹³¹ In contrast to its exclusion of the **תושב** and the **שכיר**, the priestly material permits the **גר**, or resident alien, to participate in the Passover upon the condition that all the males of his household, presumably including himself, undergo circumcision (v. 48).¹³² The difference between the **שכיר** and **תושב** on the one hand and the **גר** on the other seems to be that the first two categories of persons are only in an *Arbeitsverhältnis* with Israel while the latter category is in a *Bestizverhältnis*.¹³³ Additionally, the **גר** is a permanent resident in the land while the **בן נכר** is “an alien temporarily in the land for mercantile, military, diplomatic or administrative purposes.”¹³⁴ According to the priestly legislation of the Passover, there is to be one law for the **גר** and the native Israelite (v. 49; cf. Num

¹³⁰ Nahum M. Sarna, *Exodus = Shemot: The Traditional Hebrew Text with the New JPS Translation* (JPS Torah Commentary; Philadelphia: JPS, 1991), 63.

¹³¹ Christiana van Houten, *The Alien in Israelite Law* (JSOTSup 107; Sheffield: Sheffield Academic Press, 1991), 125-27. While most interpreters believe these to be two distinct categories of people, Grünwaldt (*Exil und Identität*, 99 n. 181) argues that the phrase is a hendiadys.

¹³² For an overview of research on the **גר**, see van Houten, *Alien in Israelite Law*, 11-22.

¹³³ Cf. Blaschke, *Beschneidung*, 102. For a discussion of the distinctions between these groups, see van Houten, *Alien in Israelite Law*.

¹³⁴ Propp, *Exodus 1-18*, 416-17.

9:14).¹³⁵

Exodus 12:48 makes clear that the *conditio sine qua non* for participation in the Passover is circumcision: **וְכָל עֶרְלָא לֹא יֹאכֵל בּוֹ**. Yet this does not mean that just any non-Israelite can undergo circumcision in order to participate, for Exod 12:43-49 stipulates that, as a rule, non-Israelites cannot take part in the Passover.¹³⁶ Two exceptions to this rule, the slave in the Israelite house and the resident alien, are permitted to participate in Passover because of their significant ties to Israel. Although this much is evident, the reason why certain categories of non-Israelites (**שְׂכִיר, תּוֹשֵׁב, בֶּן נֶכֶד**) cannot remedy their outsider status through circumcision is not readily apparent. At the very least, there seems to be an unbridgeable gap between the status of these three groups and Israel. Consequently, if conversion is a possibility in priestly thought, it must be stressed that such a possibility is not open to most non-Israelites.

Nonetheless, the openness with which the passage treats both foreign slaves and **גֵּרִים** leads numerous scholars to conclude that Exod 12:43-49 provides certain non-Israelites with the possibility of full entrance to the community. For instance, Christiana van Houten writes: “These aliens are given the option of becoming Israelites. Once they have been circumcised, they are allowed to participate in the Passover. Because of the significance of circumcision as a ritual which distinguishes Israelites from non-Israelites,

¹³⁵ The statement that there should be one law for native and resident alien alike occurs a number of times in priestly literature: e.g. Lev 24:22; Num 15:15-16, 29. Cf. Jan Joosten (*People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17-26* [VTSup 67; Leiden: Brill, 1996], 63-70) for a discussion of laws that resident aliens are to keep.

¹³⁶ This is rightly noted by Carol Meyers, *Exodus* (New Cambridge Bible Commentary; Cambridge: Cambridge University Press, 2005), 95.

a circumcised alien is[,] in effect, an Israelite.”¹³⁷ But is this the case? As already demonstrated in Chapter One, the priestly writer knows that circumcision does not distinguish it from all other nations, since numerous other nations also practiced the rite. The binary which functions to distinguish Israelite from non-Israelite in priestly literature is not circumcision/uncircumcision, but rather eighth-day circumcision/non-eighth-day circumcision. Van Houten, therefore, too hastily ascribes a significance to circumcision that does not bear greater scrutiny. Further, as discussed above, since the circumcision of the non-Israelite slave does not convert the slave into an Israelite, there is good reason to be suspicious of van Houten’s conclusion with regard to the גר.

While it has been common to conclude that in P the גר is a proselyte (by which scholars mean a non-Israelite who has become an Israelite),¹³⁸ this understanding is doubtful. The numerous instances in which priestly laws requires that the גר and אֲזֵרָא, the alien and native, follow the same law do not assume that the two categories are equal.¹³⁹ In fact, the evidence points to a clear demarcation between the Israelite and the

¹³⁷ Van Houten, *Alien in Israelite Law*, 138.

¹³⁸ Apart from van Houten, *Alien in Israelite Law*, 109-57, see S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy* (ICC; New York: Scribners, 1895), 165, Alfred Bertholet, *Die Stellung der Israeliten und der Juden zu den Fremden* (Freiburg: Mohr [Siebeck], 1896), 152-78, Morton Smith, *Palestinian Parties and Politics that Shaped the Old Testament* (London: SCM, 1971), 178-82, and Christoph Bultmann, *Der Fremde im antiken Juda: Eine Untersuchung zum sozialen Typenbegriff ‘ger’ und seinem Bedeutungswandel in der alttestamentlichen Gesetzgebung* (FRLANT 153; Göttingen: Vandenhoeck & Ruprecht, 1992).

¹³⁹ While the brief legislation with regard to the גר and the Passover in Num 9:14 alludes to the requirement of circumcision, no additional information is given. Although Lev 24:22 is part of the Holiness Code, there appears to be no difference in the ways in which P and the Holiness Code treat the גר; thus, following van Houten (*Alien in Israelite Law*, 109-57) and Joosten (*People and Land*, 54-73), I will make no distinction between H passages and P passages in my discussion of the גר.

גר. First, as Jan Joosten notes, these imperatives “address the Israelites alone and refer to the [גר] in the third person, showing that he does not have full legal status.”¹⁴⁰ Further, in Lev 23:42, only the Israelite native (הַיִּזְרָחִי בְּיִשְׂרָאֵל) is required to celebrate the festival of Succoth, for only he was brought out of Egypt.¹⁴¹ Summarizing the priestly laws pertaining to the גר, Jacob Milgrom states: “Their underlying postulate is this: the [גר] is bound by the prohibitive commandments and not by the performative ones.”¹⁴² For example, according to H, a prohibited sexual act pollutes the land (cf. Lev 18:20-28) regardless of whether an Israelite or non-Israelite commits the act. In contrast, if a person does not fulfill a performative commandment such as keeping the Passover or fasting on Yom Kippur, no land pollution results. While the Israelite needs to obey both prohibitive and performative commands, the non-Israelite who resides within the land, i.e. the גר, only needs to keep those commandments whose omission would result in polluting the land or the sanctum. On the basis of the firm distinction between the גר and the Israelite in priestly thought, Milgrom concludes: “[T]he admonition of civil equality for the resident alien by no means should be construed as a general statement of parity between Israel and the alien. Whereas civil law held the citizen and the alien to be of equal status (e.g., Lev 24:22; Num 35:15), in the religious domain the alien neither enjoyed the same

¹⁴⁰ Joosten, *People and Land*, 63.

¹⁴¹ Since Deut 16:14 envisions the גר celebrating Succoth, Joosten (*People and Land*, 64) believes that Lev 23:42 does not exclude the גר from the festival, but only makes participation of it incumbent upon native Israelites.

¹⁴² Milgrom, “Religious Conversion and the Revolt Model for the Formation of Israel,” *JBL* 101.2 (1982): 169-76 (170). For a development of this claim, see Joosten, *People and Land*, 63-72.

privileges nor was bound by the same obligations.”¹⁴³ Since this brief survey demonstrates that “it is impossible for the term *ger* to designate ‘proselyte’,”¹⁴⁴ it must be concluded, contrary to the assertion of van Houten cited above, that Exod 12:43-49 does not provide evidence that the circumcision of the alien made him an Israelite.¹⁴⁵

Our study of Genesis 17 and Exod 12:43-49 indicates that, while they contain remarkably positive accounts of Gentile circumcision, neither of these passages demonstrates that the circumcision of household slaves or resident aliens converts that person from a non-Israelite into an Israelite. True, greater participation in the cultic life of the people of Israel is permitted after having undergone circumcision, but there is still a clear and consistent distinction between the Israelite and the circumcised non-Israelite, one that needs to be all the more carefully delineated since in these passages the Other is now a circumcised Other in Israel’s midst, be it in the household or in the national cultus.¹⁴⁶

2.5 Conclusion

The preceding survey of the Hebrew Bible has shown a broad range of sentiments

¹⁴³ Milgrom, *Leviticus: A Book of Ritual and Ethics* (CC; Minneapolis: Fortress Press, 2004), 185-86. Similarly, Milgrom (*Leviticus*, 248) says of the Holiness Code: “[T]here was an ethnic exclusivity to the divine gift of holiness. Only a member of the covenantal community could qualify Simply speaking, H accorded the alien the full civil rights and religious privileges enjoyed by native Israelites. . . ., but it denied him holiness. Strive as he may to worship YHWH with zeal and to observe all his commandments, the alien still could not become holy.”

¹⁴⁴ Joosten, *People and Land*, 66.

¹⁴⁵ Similarly, Bernat, *Sign of the Covenant*, 46-48.

¹⁴⁶ This accords with the argument of Jonathan Z. Smith (“What a Difference a Difference Makes,” in *To See Ourselves as Others See Us: Christians, Jews, “Others” in Late Antiquity* [ed. Jacob Neusner and Ernst S. Frerichs; Chico, Calif.: Scholars Press, 1985], 3-48 [15]) that self-definition entails the careful delineation of the “proximate other” or “near neighbors.”

regarding non-Israelite circumcision. In the Deuteronomistic History, Ezek 44:6-9, and Isa 52:1-2, non-Israelites are portrayed as uncircumcised in order to stress their otherness. None of these texts appears to consider the possibility that Gentiles can erase the distance between themselves and Israel by undergoing the rite of circumcision. In contrast, Genesis 34 emphatically and explicitly rejects the possibility that the circumcision of the Canaanites would result in them becoming part of Jacob's family.

The remaining texts that deal with non-Israelite circumcision acknowledge the existence of certain non-Israelite groups who practice circumcision. While circumcision distinguished Israel from the Philistines and Babylonians, it was a rite that Israel held in common with many of its neighbors. Jeremiah 9:24-25 admits that the Egyptians, Edomites, Ammonites, Moabites, and Arabs practice circumcision, but it carefully and powerfully distances Judah from these groups. These other groups, while circumcised, can be characterized as uncircumcised. Similarly, Ezek 28:10 and 32:17-32 readily recognize the existence of circumcised non-Israelites, yet equate these nations with uncircumcised nations and accord both of them the same postmortem fate.

Finally, Genesis 17 and Exod 12:43-49 portray circumcised non-Israelites in a relatively positive way. Circumcised household slaves and circumcised *gerim* are accorded significant privileges vis-à-vis Israel's cultic life. Nonetheless, here too, the priestly writer takes care to distinguish between Israel and circumcised non-Israelites. Never does the priestly writer equate the circumcised non-Israelite slave or the circumcised *ger* with the Israelite.

This survey demonstrates that circumcision was not perceived as a rite of entrance

into the Israelite nation, for there was no such rite. As Cohen has argued, Israelite/Jewish identity, prior to the second century B.C.E., was a matter of genealogy.¹⁴⁷ The findings of this chapter, therefore, make apparent the difficulty faced by those who would attempt to argue, on the basis of the Hebrew Bible, that circumcision was an important part of the process of conversion from “non-Israeliteness” to Israeliteness/Jewishness. The Hebrew Bible does not envisage circumcision as a ritual whereby non-Israelites can gain entrance into the Israelite community.

¹⁴⁷ Shaye J. D. Cohen, “Conversion to Judaism in Historical Perspective: From Biblical Israel to Postbiblical Judaism,” *Conservative Judaism* 36.4 (1983): 31-45, and idem, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Hellenistic Culture and Society 31; Berkeley, Calif.: University of California Press, 1999), 69-106. See also Milgrom, “Religious Conversion and the Revolt Model,” and Joel Kaminsky, “A Light to the Nations: Was there Mission and or Conversion in the Hebrew Bible?” *JSQ* 16 (2009): 6-22.

PART II:

**GENEALOGY AND CIRCUMCISION
IN EARLY JUDAISM**

3. Boundary Maintenance in an Age of Shifting Identities: Circumcision in *Jubilees*

3.1 The Redefinition of Jewishness in the Hasmonean Period

The Pentateuch as well as the early prophets did not recognize conversion. Yahweh was held to be an ethnic God, the God of the children of Abraham, Isaac and Jacob with whom He made a covenant. Yahweh was the God of the descendants of those whom He had brought out of Egypt, the land of slavery. Hence those who were not descendants of Abraham, Isaac and Jacob and whose ancestors were not slaves in Egypt could not worship Yahweh.¹

In the two previous chapters, I considered evidence which supports the above contention of Solomon Zeitlin. No passage in the Hebrew Bible suggests that circumcision functioned as an initiatory or conversionistic rite which enables a foreigner to become an Israelite. Even priestly circles, which require the circumcision of certain non-Israelites, carefully intertwine circumcision and genealogy in such a way as to make it theoretically impossible for them to enter into the congregation of Israel. While non-Israelites no doubt found ways of entering Israel, and Israelites found ways of allowing them to enter, nowhere is this done by explicitly recognizing circumcision as an avenue of entrance into Israel.²

As most scholars recognize, Ezra-Nehemiah most explicitly advocates an exclusionary, genealogical conception of Israelite/Jewish identity, impermeable to non-

¹ Solomon Zeitlin, "Proselytes and Proselytism during the Second Commonwealth and the Early Tannaitic Period," in *Harry Austryn Wolfson Jubilee Volume: On the Occasion of his Seventy-Fifth Birthday* (3 vols.; Jerusalem: American Academy for Jewish Research, 1965), 2.871-81 (871). See further, idem, "The Offspring of Intermarriage," *JQR* 51.2 (1960): 135-40 (139 n. 17).

² See also Jacob Milgrom, "Religious Conversion and the Revolt Model for the Formation of Israel," *JBL* 101.2 (1982): 169-76, and Joel Kaminsky, "A Light to the Nations: Was there Mission and or Conversion in the Hebrew Bible?" *JSQ* 16 (2009): 6-22.

Jews.³ The genealogies contained in Ezra 2 and Nehemiah 7 demonstrate exactly this type of exclusion. The author clarifies the purpose of the genealogies by the inclusion of a list of families who do not have records establishing their ancestry (Ezra 2:59-63; Neh 7:61-65): three lay clans (the sons of Delaiah, the sons of Tobiah, and the sons of Nekoda), as well as three priestly clans (the sons of Habaiah, the sons of Hakkoz, and the sons of Barzillai). These families are able neither to prove their fathers' houses (בֵּיתָם), nor their descent (זֶרְעָם), which means that they cannot demonstrate whether they belong to Israel (אִם מִיִּשְׂרָאֵל הֵם, Ezra 2:59; Neh 7:61). That Ezra equates descent and ancestry with belonging to Israel suggests that genealogical descent, in the author's mind, is the defining characteristic of Israelite/Jewish identity.⁴ The accusations which the officials level at many of the Israelites confirm the centrality of this genealogical definition of Jewishness in Ezra-Nehemiah (Ezra 9:2). These officials inform Ezra that the Israelites, priests, and Levites had not separated themselves from the nations, but had

³ Cf. Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000), 43-48; Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002), 27-33; David Janzen, *Witch-hunts, Purity and Social Boundaries: The Expulsion of the Foreign Women in Ezra 9-10* (JSOTSup 350; Sheffield: Sheffield Academic Press, 2002), 90; Saul M. Olyan, "Purity Ideology in Ezra-Nehemiah as a Tool to Reconstitute the Community," *JSJ* 35.1 (2004): 1-16; Hannah K. Harrington, "Holiness and Purity in Ezra-Nehemiah," in *Unity and Disunity in Ezra-Nehemiah: Redaction, Rhetoric, and Reader* (ed. Mark J. Boda and Paul L. Redditt; Hebrew Bible Monographs 17; Sheffield: Sheffield Phoenix Press, 2008), 98-116; and Matthew Thiessen, "The Function of a Conjunction: Inclusivist or Exclusivist Strategies in Ezra 6.19-21 and Nehemiah 10.29-30?" *JSOT* 34.1 (2009): 63-79. One notable exception to this view is that of Hyam Maccoby, "Holiness and Purity: The Holy People in Leviticus and Ezra-Nehemiah," in *Reading Leviticus: A Conversation with Mary Douglas* (ed. John F. A. Sawyer; JSOTSup 227; Sheffield: Sheffield Academic Press, 1996), 153-70.

⁴ As Adam Porter ("What Sort of Jews were the Tobiads?" in *The Archaeology of Difference: Gender, Ethnicity, Class and the 'Other' in Antiquity: Studies in Honor of Eric M. Meyers* [ed. Douglas R. Edwards and C. Thomas McCollough; AASOR 60/61; Boston: American Schools of Oriental Research, 2007], 141-50 [143]) states of Tobiah the Ammonite, "Tobiah claimed to be a Judaeon, but his claim was rejected, even though he was a Yahwist" (emphasis original).

taken wives from their midst. The officials who approach Ezra describe these intermarriages as the mixture of the holy seed (זרע הקדש) with the peoples of the land (עמי הארצות). This holy seed imagery signifies the genealogical distinction between Israel (holy seed) and the nations (profane seed) and demonstrates the inappropriateness of intermarriage, for if Lev 19:19 requires that a person not sow a field with two different types of seed, how much more inappropriate is it to combine two forms of human seed, holy and profane, Jew and Gentile?⁵ Further, this seed imagery underlines the irrevocable nature of Jewish and Gentile identity. As Christine E. Hayes states:

Gentiles by definition and without exception are profane seed—permanently and irreparably—and marriage with them profanes the holy seed of Israel.... In short, unlike the Pentateuch’s moral-religious rationale for prohibitions of intermarriage, the holy seed rationale of Ezra supports a universal and permanent (i.e., transgenerational) prohibition on intermarriage. The holy seed rationale constructs an entirely impermeable boundary between Jew and Gentile.⁶

Nonetheless, in the second century B.C.E., a few centuries after Ezra, evidence begins to accumulate that some Jews believed Gentiles could become Jews. For instance, LXX Esther 8:17 portrays many Gentiles, out of fear of the Jews, undergoing circumcision and Judaizing (καὶ πολλοὶ τῶν ἔθνῶν περιετέμοντο καὶ ιουδαίζον διὰ τὸν φόβον τῶν Ιουδαίων). Although many scholars believe LXX Esther intends to portray the conversion of these Gentiles, Shaye J. D. Cohen rightly questions this

⁵ The only other occurrence of the phrase זרע הקדש in the Hebrew Bible is found in Isa 6:13, although a similar use of זרע without the adjective שׁקדש, can be found in Neh 9:2. H. G. M. Williamson (*Ezra, Nehemiah* [WBC 16; Waco, Tex.: Word Books, 1985], 311) states of the phrase: “Its exclusively racial understanding of ‘Israel’ is made clear by the use of זרע ‘seed’ ... and by the separation from ‘all foreigners’ without distinction.”

⁶ Hayes, *Gentile Impurities*, 32.

interpretation, since the LXX translator of Esther uses an –ιζειν verb (ιουδαίζον), which often connotes imitation, not substance.⁷ Nevertheless, Judith 14:10 portrays Achior the Ammonite undergoing circumcision and joining the house of Israel (καὶ περιετέμετο τὴν σάρκα τῆς ἀκροβυστίας αὐτοῦ καὶ προσετέθη εἰς τὸν οἶκον Ἰσραηλ ἕως τῆς ἡμέρας ταύτης).⁸ The actions of three Hasmonean rulers also suggest an openness to and even demand for Gentile conversion to Judaism: John Hyrcanus compelled Idumeans to undergo circumcision and adopt Jewish practices (cf. *Ant.* 13:258-58; *Bell.* 1:63; Strabo, *Geogr.* 16.2.34), Aristobulus required the same from the Itureans (*Ant.* 13:318-19), and Alexander Jannaeus destroyed the city of Pella because its inhabitants would not adopt Jewish practices (*Ant.* 13:397).⁹

Cohen argues that these conversions point to a changing definition in what it meant to be a Jew.¹⁰ Previously the term referred to an *ethnos*; that is to say, Jewishness was a matter of genealogical descent. Hasmonean foreign policy, on the other hand, gives

⁷ Shaye J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Hellenistic Culture and Society 31; Berkeley, Calif.: University of California Press, 1999), 181-82.

⁸ Cf. A. Deprez, “Le Livre de Judith,” *Évangile* 47 (1962): 5-69 (58), and Adolfo D. Roitman, “Achior in the Book of Judith: His Role and Significance,” in “*No One Spoke Ill of Her*”: *Essays on Judith* (ed. James C. VanderKam; SBLEJL 02; Atlanta: Scholars Press, 1992), 31-45.

⁹ Presumably this change of customs included adopting the rite of circumcision, particularly if Shaye J. D. Cohen (“Crossing the Boundary and Becoming a Jew,” *HTR* 82.1 [1989]: 13-33 [27]) is correct in arguing that for Josephus “‘to adopt the customs of the Jews’ and ‘to be circumcised’ are synonymous expressions (cf. *Vita* 23 § 113 with 31 § 149).” On Hasmonean activities in Pella and the Transjordan, see Adam Lowry Porter, “Transjordanian Jews in the Greco-Roman Period: A Literary-Historical Examination of Jewish Habitation East of the Jordan River from its Biblical Roots through the Bar-Kochba Revolt” (Ph.D. diss., Duke University, 1999), 62-111.

¹⁰ Cohen, *Beginnings of Jewishness*, 69-106, and idem, “Religion, Ethnicity, and ‘Hellenism,’” in *Religion and Religious Practice in the Seleucid Kingdom* (ed. Per Bilde et al.; Aarhus; Aarhus University Press, 1990), 204-23. See also Morton Smith, “The Gentiles in Judaism 125 BCE-66 CE,” in *Studies in the Cult of Yahweh: Volume One: Studies in Historical Method, Ancient Israel, Ancient Judaism* (ed. Shaye J. D. Cohen; Religions in the Graeco-Roman World 130.1; Leiden: Brill, 1996), 263-319 (264-74).

evidence of the fact that Jewish identity could be understood in an ethno-religious sense, by which Cohen means that Jews come to be defined as “all those, of whatever ethnic or geographic origins, who worship the God whose temple is in Jerusalem (a religious definition), or who have become citizens of the state established by the Judaeans (a political definition).”¹¹ While the earlier ethnic understanding of the term “Jew” created an impenetrable boundary between Jewish and Gentile identity, the term came to have a religious and political meaning as well, which resulted in Jewish and Gentile identity becoming mutable. As Cohen notes, “[W]ith the emergence of these new definitions in the second century B.C.E., the metaphoric boundary separating Judaeans from non-Judaeans became more and more permeable.”¹² According to Cohen, the circumcision of the Idumeans and Itureans by Hyrcanus and Aristobulus was an unprecedented action, inspired neither by Jewish Scripture nor by previous Hasmonean policy;¹³ rather, it resulted from the adoption of the Greek concept of Jewish laws as constituting a *politeia*: “By accepting the Greek definition of their way of life as a *politeia*, and by separating ‘citizenship’ from ethnicity, the Hasmonaeans discovered a way to incorporate gentiles into the Judaeon polity.”¹⁴ Ironically, then, through the deployment of this new

¹¹ Cohen, *Beginnings of Jewishness*, 109.

¹² Cohen, *Beginnings of Jewishness*, 110.

¹³ Following William Robinson’s interpretation of Psalm 118 (“Psalm CXVIII: A Liturgy for the Admission of a Proselyte,” *CQR* 144 [1947]: 179-83), Klaus Grünwaldt (*Exil und Identität: Beschneidung, Passa und Sabbat in der Priesterschrift* [BBB 85; Frankfurt am Main: Anton Hain, 1992], 11) argues that the recurring phrase בְּשֵׁם יְהוָה כִּי אֲמַלֵּם in Psalm 118 (which could be translated as “in the name of YHWH I will circumcise them”) may have provided the impetus for Hyrcanus’s forced circumcision of the Idumeans. In contrast, see the discussion of this psalm in Chapter Two.

¹⁴ Cohen, *Beginnings of Jewishness*, 127.

conception of what it meant to be a Jew, “Hyrcanus and Aristobulus were working within a decidedly Hellenistic framework.”¹⁵

Cohen’s treatment of the changing conceptions of Jewish identity in the second century B.C.E. helpfully introduces the discussion of the next two chapters. In the present chapter, however, I intend to challenge Cohen’s claim, made elsewhere, that “[b]y the time of the Maccabees, conversion, ritually defined as circumcision, is securely in place, not to be questioned until the middle ages.”¹⁶ In order to attain this goal, I will show that the book of *Jubilees*, a Jewish work dating to the second century B.C.E., vehemently rejects the possibility that circumcision is a rite that enables Gentiles to become Jews.¹⁷

¹⁵ Cohen, *Beginnings of Jewishness*, 129. On hellenization under the Hasmoneans, see Uriel Rappaport, “The Hellenization of the Hasmoneans,” in *Jewish Assimilation, Acculturation and Accommodation: Past Traditions, Current Issues and Future Prospects* (ed. Menachem Mor; Studies in Jewish Civilization 2; Lanham, Md.: University Press of America, 1992), 1-13, and Erich S. Gruen, *Heritage and Hellenism: The Reinvention of Jewish Tradition* (Hellenistic Culture and Society 30; Berkeley, Calif: University of California Press, 1998), 1-40.

¹⁶ Shaye J. D. Cohen, “Conversion to Judaism in Historical Perspective: From Biblical Israel to Postbiblical Judaism,” *Conservative Judaism* 36.4 (1983): 31-45 (42). For a very similar account of the transformation of Jewish identity in this period, see Daniel R. Schwartz, *Studies in the Jewish Background of Christianity* (WUNT 60; Tübingen: Mohr [Siebeck], 1992), 5-15.

¹⁷ The exact dating of *Jubilees* is contested. Scholars almost universally place its composition shortly after the Maccabean Revolt in 164 B.C.E., due to internal evidence. For instance, James C. VanderKam (*Textual and Historical Studies in the Book of Jubilees* [HSM 14; Missoula; Mont. Scholars Press, 1977], 283), after studying possible allusions to Maccabean history, concludes that “the latest events to which I can find reference in *Jubilees* are Judas Maccabeus’ wars in 161 B.C.” Additionally, the manuscript evidence extant from Qumran provides a *terminus ante quem*, for, according to VanderKam (*Textual*, 215) the earliest MS of *Jubilees*, 4QJub^a (4Q216), dates to 125-100 B.C.E. VanderKam (*Textual*, 214-85), Klaus Berger (*Das Buch der Jubiläen* [JSRZ; Gütersloh: G. Mohn, 1981], 299-300), and Eberhard Schwarz (*Identität durch Abgrenzung: Abgrenzungsprozesse in Israel im 2. vorchristlichen Jahrhundert und ihre traditions-geschichtlichen Voraussetzungen Zugleich ein Beitrag zur Erforschung des Jubiläenbuches* [Europäische Hochschulschriften 162; Frankfurt am Main: Peter Lang, 1982], 99-129) date the work to the early Maccabean period, while scholars such as R. H. Charles (*The Book of Jubilees or The Little Genesis: Translated from the Editor’s Ethiopic Text and Edited, with Introduction, Notes and Indices* [Jerusalem: Makor, 1972], lxii), Mendels (*Land of Israel*, 148-49), Michael Segal (*The Book of Jubilees: Rewritten Bible, Redaction, Ideology and Theology* [JSJSup 117; Leiden: Brill, 2007]), and Martha Himmelfarb (*A Kingdom of Priests: Ancestry and Merit in Ancient Judaism* [Jewish Culture and Contexts; Philadelphia: University of Pennsylvania Press, 2006], 76-77) date it to the late second century B.C.E. On the difficulties

In the subsequent chapter, I will demonstrate that Hyrcanus's campaign of Idumean conversions did not result in the unquestioned acceptance of these former Gentiles by the Jewish people. Like all redefinitions, this new conception of Jewishness did not meet with universal acceptance.

In the remainder of this chapter, then, I will explore the view of circumcision in *Jubilees*. Contrary to Cohen's claim that from the time of the Maccabees until the Middle Ages no one contested the process of conversion via the rite of circumcision, I will show that during the Hasmonean period at least one author portrays Jewish circumcision as a rite that excludes that possibility.

3.2 *Jubilees* and Hasmonean Foreign Policy

Contrary to what I will argue below, some interpreters suggest that the author of the book of *Jubilees* was in agreement with the Hasmonean redefinition of Jewishness. For example, the article on circumcision in the *Jewish Encyclopedia* states that a rigorous view of the necessity of circumcision for proselytes "prevailed in the time of King John Hyrcanus, who forced the Abrahamic rite upon the Idumeans, and in that of King Aristobulus, who made the Itureans undergo circumcision."¹⁸ The author attributes this view of circumcision to the book of *Jubilees*, which he believes was composed in this time period.

of determining a precise dating for *Jubilees*, see Robert Doran, "The Non-Dating of Jubilees: Jub 34-38; 23:14-32 in Narrative Context," *JSJ* 20.1 (1989): 1-11.

¹⁸ Emil G. Hirsch, "Circumcision," in *The Jewish Encyclopedia: A Descriptive Record of the History, Religion, Literature, and Customs of the Jewish People from the Earliest Times to the Present Day* (ed. Isidore Singer; 12 vols.; New York: Funk and Wagnalls, 1901-1906), 4.92-102 (95). Similarly, Rudolf Meyer, "περιτέμνω, περιτομή, ἀρερίτμητος," *TDNT* 6:72-84 (78).

More recently, Doron Mendels suggests that *Jubilees* was written around 128 B.C.E. and deals with the same problems as those facing the Hasmoneans as they consolidated power—the borders of the Jewish state, its political authority, and what to do with foreigners dwelling within Jewish borders.¹⁹ It is this last question in particular which occupies us here. Like the *Jewish Encyclopedia*, Mendels argues that *Jubilees* concurs with the Hasmonean practice of demanding circumcision of all Gentiles. That is, the author of *Jubilees* believes that Gentiles could and should adopt Jewish practices and become Jews.

Mendels comes to this conclusion, in part, based on *Jubilees*' relatively positive portrayal of Arabs and Edomites. For instance, Abraham not only blesses Ishmael, the father of the Arabs according to *Jub.* 20:13, but he also gives him the preeminent place in the blessing, mentioning him before the sons of Isaac and Keturah (20:1). Abraham commands his sons to keep the way of the Lord, which includes circumcising their own sons (20:3). Additionally, the author tells his readers that Ishmael and Isaac celebrated the Festival of Weeks (Shavuot), and that “Abraham was happy that his two sons had come” (22:1).²⁰ Abraham even prays that the descendants of his sons “become your [God’s] chosen people and heritage from now until all the time of the earth’s history throughout all ages” (22:9). With regard to Esau, *Jubilees* portrays Rebecca as entreating

¹⁹ Mendels, *Land of Israel*, 59. Cf. idem, *The Rise and Fall of Jewish Nationalism* (ABRL; New York: Doubleday, 1992), 97.

²⁰ Both of these passages are additions to the narrative of Genesis. Cf. Roger Syrén, “Ishmael and Esau in the Book of Jubilees and Targum Pseudo-Jonathan,” in *The Aramaic Bible: Targums in Their Historical Context* (ed. M. J. McNamara and D. R. G. Beattie; JSOTSup 166; Sheffield: JSOT Press, 1994), 310-15 (310). All quotations of *Jubilees* are taken from the translation of James C. VanderKam, *The Book of Jubilees* (CSCO 511; Louvain: Peeters, 1989).

her sons to love one another (35:18-20) and relates that Isaac blessed both Jacob and Esau and ordered them to do what is right “so that the Lord may bring on you everything which the Lord said that he would do for Abraham and his descendants” (36:3).

Mendels believes that *Jubilees* uses neutral figures from Israel’s ancient past, that is, Ishmael and Esau, in order to justify a positive attitude to its contemporary neighbours: “Via the first tribal connections between the Jews and some of their present neighbours, going back to the beginning of their common history, the Jews could justify their present conquests more easily by incorporating them into Judaism (i.e. into their new state) rather than just destroying them.”²¹ Mendels concludes that *Jubilees* contains no “Damn Edom”²² ideology and that the author’s claims regarding the eradication of Esau’s seed from underneath heaven (e.g. 26:34; 35:14) should be understood as meaning “that the Edomites will be assimilated into Israel.”²³ In other words, the author of *Jubilees* shares the same ideology that led John Hyrcanus I and Aristobulus I to circumcise the Idumeans and Itureans, two groups who were thought to have descended from Esau and Ishmael respectively.

²¹ Mendels, *Land of Israel*, 60. Mendels (*Land of Israel*, 67) goes on to say: “The time had come to explain, through a pseudo-historical or even a mythological relationship between Esau and his brother Jacob, why the subjugation (and Judaizing) of Edom was justified. In other words, the present relationship of the Jews with the Edomites was the result of a very complicated mythical family relationship going back to the first ancestors of the two nations. Our author does not recite the famous stories about Esau and Jacob from Genesis, but embellishes on them to show how justified the Jews were in subduing the Edomites, thus bring [*sic*] them back into the tribe.” Cf. Mendels, *Rise and Fall*, 97.

²² Cf. B. C. Cresson, “The Condemnation of Edom in Post-Exilic Judaism,” in *The Use of the Old Testament in the New and Other Essays: Studies in Honor of W. F. Stinespring* (ed. James M. Efrid; Durham, N.C.: Duke University Press, 1972), 125-48.

²³ Mendels, *Land of Israel*, 80.

While Mendels rightly notes some strikingly positive elements of *Jubilees*' depiction of Ishmael and Esau, there exists, nonetheless, a greater ambivalence in this portrayal than he allows.²⁴ It is true that *Jubilees* includes the sons of Ishmael and Keturah in the blessing of Abraham, but this short blessing precedes a lengthy blessing directed toward Jacob alone (22:10-23).²⁵ And while Isaac blesses Jacob and Esau, the blessing ends with a curse upon the one who intends ill towards his brother (36:9-11), a curse which Esau incurs in *Jub.* 37:13-24. According to Isaac's curse, Esau "will not be entered in the book of life but in the one that will be destroyed. He will pass over to an eternal curse" (36:10). Further, Mendels' belief that *Jubilees* intends the reader to understand the reference to the eradication of Esau's seed as a conversion to Judaism seems implausible once one notes that this eradication parallels that of the Philistines promised in 24:30, 33, a passage that Mendels rightly interprets as referring to total destruction, not assimilation.²⁶ In short, *Jubilees* presents an ambivalent account of both Ishmael and Esau. But does this ambivalence with regard to these two close relatives of Israel entail that the author of *Jubilees* subscribes to a definition of Jewishness that permits the possibility of crossing the border between Jew and non-Jew?

In the remainder of this chapter I will argue that *Jubilees*' view of the possibility of conversion is unambiguous: God's creation contains inalterable lines between the nations and the seed of Jacob. To demonstrate this claim, I will examine the role which

²⁴ On this ambivalence, see also Syrén, "Ishmael and Esau," 310-13.

²⁵ So too, Segal, *Book of Jubilees*, 229.

²⁶ Mendels, *Land of Israel*, 69.

circumcision plays in the book of *Jubilees*, a topic on which very little has been written, despite the heavy emphasis placed upon the rite within the work.²⁷

3.3 Circumcision in *Jubilees*

Since the author of *Jubilees* basically rewrites Genesis 1 through Exodus 12, it is necessary to compare *Jubilees* to the biblical narrative it retells in order to adequately understand the author's redactional tendencies. Attention to these tendencies will enable us to understand the significance of circumcision for the author.²⁸

3.3.1 Circumcision of the Heart

Jubilees' first reference to circumcision occurs in the preface to the work (*Jubilees* 1). This chapter is characteristically Deuteronomic, containing the standard historical scheme of sin (1:8-12), exile (1:13-14), and restoration (1:15-18).²⁹ Not surprisingly, therefore, the prologue's reference to circumcision reflect the influence of Deuteronomy. God informs Moses that after Israel rebels, "I will cut away the foreskins of their minds and the foreskins of their descendants' minds. I will create a holy spirit for

²⁷ To my knowledge, the only treatments of circumcision in *Jubilees* can be found in Blaschke (*Beschneidung*, 131-39, 145-50) and Segal (*Book of Jubilees*, 229-45).

²⁸ For *Jubilees'* redactional tendencies in general, see John C. Endres, "Biblical Interpretation in the Book of Jubilees" (Ph.D. dissertation, Vanderbilt University, 1982), and J. T. A. G. M. Van Ruiten, *Primaeval History Interpreted: The Rewriting of Genesis 1-11 in the book of Jubilees* (JSJSup 66; Leiden: Brill, 2000).

²⁹ For this scheme in the second temple literature, see Odil H. Steck, *Israel und das gewaltsame Geschick der Propheten: Untersuchungen zur Überlieferung des deuteronomistischen Geschichtsbildes im Alten Testament, Spätjudentum und Urchristentum* (WMANT 23; Neukirchen-Vluyn: Neukirchener, 1967); Michael A. Knibb, "The Exile in the Literature of the Intertestamental Period," *HeyJ* 17 (1976): 253-79. Contrary to the argument of David Lambert ("Did Israel believe that redemption awaited its Repentance? The Case of Jubilees 1," *CBQ* 68.4 [2006]: 631-51) that *Jubilees* does not follow this pattern since it omits the necessity of repentance after Moses intercedes for the people, *Jub.* 1:23 suggests that Israel's repentance does precede God's restoration.

them and will purify them in order that they may not turn away from me from that time forever” (1:23). Both occurrences of circumcision language in Deuteronomy (cf. Deut 10:16; 30:6) contain this metaphorical sense of circumcision.³⁰ But *Jubilees* rewords the latter passage from Deuteronomy, supplementing it with other biblical language: “I will create a holy spirit for them and will purify them in order that they may not turn away from me from that time forever.” Apart from this prologue, references to circumcision in *Jubilees* are to genital circumcision, demonstrating that the metaphorical reference to circumcision in *Jub.* 1:23 does not undermine the significance of the physical rite.³¹

3.3.2 *Jubilees* and the Establishment of Circumcision

The second reference to circumcision is found in *Jubilees*’ retelling of Genesis 17. Although *Jub.* 15:11-14 appears at first to be little more than a rewording of Gen 17:9-14, *Jub.* 15:14 may represent one significant difference between the two accounts. The passage states: “The male who has not been circumcised—the flesh of whose foreskin has not been circumcised on the eighth day—that person will be uprooted from his people because he has violated my covenant.” As I have argued at length in Chapter One, while the MT of Gen 17:14 does not state that the foreskin must be circumcised *on the eighth*

³⁰ Circumcision of the heart or mind is not unique to Deuteronomy. Cf. Lev 26:41; Jer 4:4; 9:26; Ezek 44:6-9, *1QS* 5:26; *1QHab* 10:20; 21:6; *4Q434* frag. 1, 1:4; and *4Q504* frag. 4, 11. On this imagery in the Hebrew Bible, see Werner E. Lemke, “Circumcision of the Heart: The Journey of a Biblical Metaphor,” in *God So Near: Essays on Old Testament Theology in Honor of Patrick D. Miller* (ed. Brent A. Strawn and Nancy R. Bowen; Winona Lake, Ind.: Eisenbrauns, 2003), 299-319. On this imagery at Qumran, see David R. Seely, “The ‘Circumcised Heart’ in *4Q434 Barki Nafshi*,” *RevQ* 17 (1996): 527-35.

³¹ As Ezek 44:6-9 demonstrates, one can combine uncircumcision of the heart with uncircumcision of the flesh. Lemke (“Circumcision of the Heart,” 312) writes: “[T]he combination of the two expressions into one cliché suggests that they are viewed by the author of this text as essentially one. In other words, all foreigners who are uncircumcised in flesh are, by definition, also uncircumcised in heart.”

day,³² the Samaritan Pentateuch, the LXX, and the Old Latin contain this reference to the eighth day.³³ Although we do not know the state of *Jubilees'* biblical *Vorlage*, it seems unlikely that the author's retelling of Genesis 17 only coincidentally agrees with the reading of Gen 17:14 attested in the LXX and SP. In other words, it is likely that *Jubilees'* biblical *Vorlage* contained the reference to the eighth day in Gen 17:14. Accordingly, *Jub.* 15:14 should not be viewed as an exegetical expansion of the author's biblical *Vorlage*; rather, it provides evidence that the author of *Jubilees* used a version of Genesis which contained the reference to the eighth day in Gen 17:14.³⁴ Nonetheless, the extensive expansion that follows shows that the stipulation that circumcision take place on the eighth day in Gen 17:14 (as well as Gen 17:12 and Lev 12:4) is of considerable exegetical and theological significance for the author.³⁵

Jubilees 15:23-24 is dependent upon the Genesis account (17:23-27), although it modifies Gen 17:24-25, by omitting the statement that Abraham was ninety-nine and Ishmael thirteen when they were circumcised. Such an omission is best explained by *Jubilees'* preference for stating things in terms of weeks and jubilees. Thus, according to *Jub.* 15:1, God commands circumcision, and Abraham performs the rite, in the fifth year

³² Similarly, the Syriac, Vulgate, and the targumim do not mention the eighth day. *Tg. Onq.* and *Tg. Neof.* to Genesis do not mention the eighth day, while *Tg. Ps.-J. Gen* 17:14 states that "an uncircumcised male who does not circumcise the flesh of his foreskin when he has no one to circumcise him, that one shall be blotted out from his people." This targumic expansion, like the halakhah of *b. Qidd.* 29a, appears to assume that if a male has not been circumcised on the eighth day, he is to circumcise himself at a later date when he is able. See further, Matthew Thiessen, "The Text of Genesis 17:14," *JBL* 128.4 (2009): 625-42.

³³ In Chapter One, I have also argued that *8QGenesis* likely contained the phrase "on the eighth day," but the text is too fragmentary to state so conclusively.

³⁴ Segal, *Book of Jubilees*, 229-45.

³⁵ So too, Segal, *Book of Jubilees*, 230 n. 2.

of the fourth week of this jubilee (i.e. the forty-first jubilee; cf. *Jub.* 13:16).³⁶ While such a chronology would make Abraham 109 years old and Ishmael twenty years old when they undergo circumcision,³⁷ following the biblical text, *Jub.* 14:24 states that Abraham is 86 years old when Ishmael is born, making him 100 at the birth of Isaac, suggesting that he is 99 when circumcised. VanderKam suggests that the manuscript tradition of *Jubilees* represented numbers by symbols or letters and that these symbols may have created confusion in the copying process, thereby leading to the numerical anomalies in the text.³⁸ Whatever the reason for the discrepancies here in the dating, it seems apparent that *Jubilees* is not purposefully deviating from the biblical account in this regard: like the priestly writer of Genesis 17, the author of *Jubilees* intends to stress the ages of Abraham and Ishmael at the time of their circumcision.

The author's redactional efforts on the topic of circumcision become most apparent in *Jub.* 15:25-34, and so it is useful to quote the full text here:

This law is (valid) for all history forever. There is no circumcision of days, nor omitting any day of the eight days because it is an eternal ordinance ordained and written on the heavenly tablets. Anyone who is born, the flesh of whose private parts has not been circumcised by the eighth day does not belong to the people of the pact which the Lord made with Abraham but to the people (meant for) destruction. Moreover, there is no sign on him that he belongs to the Lord, but (he is meant) for destruction, for being destroyed from the earth, and for being uprooted from the earth because he has violated the covenant of the Lord our

³⁶ In contrast to Lev 25:10-11, where the jubilee cycle is 50 years (49 years plus the one year of Jubilee), a jubilee in the book of *Jubilees* is, except for one instance (*Jub.* 4:20-21), 49 years. See James M. Scott, *On Earth as in Heaven: The Restoration of Sacred Time and Sacred Space in the Book of Jubilees* (JSJSup 91; Leiden: Brill, 2005), 20-23, and the helpful appendix on pp. 235-44.

³⁷ According to *Jub.* 13:16 and 14:24, Ishmael is born in the fifth year of the first week of the forty-first jubilee, or *anno mundi* 1965.

³⁸ VanderKam, *Book of Jubilees*, 87.

God. For this is what the nature of all the angels of the presence and all the angels of holiness was like from the day of their creation. In front of the angels of the presence and the angels of holiness he sanctified Israel to be with him and his holy angels.

Now you command the Israelites to keep the sign of this covenant throughout their history as an eternal ordinance so that they may not be uprooted from the earth because the command has been ordained as a covenant so that they should keep it forever on all the Israelites. For the Lord did not draw near to himself either Ishmael, his sons, his brothers or Esau. He did not choose them (simply) because they were among Abraham's children, for he knew them. But he chose Israel to be his people. He sanctified them and gathered (them) from all mankind. For there are many nations and many peoples and all belong to him. He made spirits rule over all in order to lead them astray from following him. But over Israel he made no angel or spirit rule because he alone is their ruler. He will guard them and require them for himself from his angels, his spirits, and everyone, and all his powers so that he may guard them and bless them and so that they may be his and he theirs from now and forever. I am now telling you that the Israelites will prove false to this ordinance. They will not circumcise their sons in accord with this entire law because they will leave some of the flesh of their circumcision when they circumcise their sons. All the people of Belial will leave their sons uncircumcised just as they were born. Then there will be great anger from the Lord against the Israelites because they neglected his covenant, departed from his work, provoked, and blasphemed in that they did not perform the ordinance of this sign. For they have made themselves like the nations so as to be removed and uprooted from the earth. They will no longer have forgiveness or pardon so that they should be pardoned and forgiven for every sin, for (their) violation of this eternal (ordinance).

This passage provides the reader with a detailed view of the author's perception of circumcision and requires sustained discussion.

First, through this expansion on the biblical narrative the author of *Jubilees* reinforces again and again the eternal significance of the command of circumcision. The law of circumcision is a law for all history, an eternal ordinance, a law written on the very tablets of heaven.³⁹ The importance of the rite is highlighted by the fact that not only

³⁹ See Florentino García Martínez, "The Heavenly Tablets in the Book of Jubilees," in *Studies in the Book of Jubilees* (ed. Matthias Albani, Jörg Frey, and Armin Lange; TSAJ 65; Tübingen: Mohr Siebeck, 1997), 243-60.

humans but also the two highest orders of angelic beings, the “angels of the presence” and the “angels of holiness”, are circumcised. As James M. Scott argues, “There is no reason to consider that the circumcised ‘nature’ of these angels is merely a metaphor for separation, much less a reflection of the Platonic distinction between nature and form. The fact that the angels have male sexual organs is strongly implied in the story of the Watchers” (cf. *Jub.* 5:1-7 and Gen 6:1-4).⁴⁰ By placing circumcision on the highest orders of angelic beings, a circumcision that they had from the day of their creation, *Jubilees* suggests that circumcision was woven into the very fabric of the created realm.

Significantly, the author’s method of connecting circumcision to creation differs from the way in which he connects other laws to creation. For instance, the Sabbath is more clearly instituted on the seventh day of creation than in Genesis 2 (*Jub.* 2:17-33; cf. Exod 16:23-30; 20:8-11), and the purity laws relating to birth are placed in the Adam and Eve narrative (*Jub.* 3:8-14; cf. Leviticus 12).⁴¹ Given the centrality of circumcision within *Jubilees*, one might expect the author to relate the laws of circumcision in his narrative of the first days of the world, perhaps by depicting Adam as being born circumcised, or by portraying God as commanding him to observe the commandment of circumcision. Other ancient Jewish writings project circumcision into the primordial period. Later rabbinic sources, such as *b. Sanh.* 38b, claim that Adam practiced epispasm, implying that he had either been born circumcised or had undergone circumcision.

⁴⁰ As Scott, *On Earth*, 4

⁴¹ This connection between the creation of Adam and Eve and the institution of purity laws is found later in *Leviticus Rabbah* 14:1. Cf. Gary A. Anderson, “Celibacy or Consummation in the Garden? Reflections on Early Jewish and Christian Interpretations of the Garden of Eden,” *HTR* 82 (1989): 121-48.

Similarly, *Avot de-Rabbi Nathan 2* states: “Adam, too, was born circumcised, for it is said, And God created man in His own image (Gen. 1:27).”⁴² The latter rabbinic statement suggests that, according to some rabbis, God himself is circumcised. As striking as this possibility is, Howard Eilberg-Schwarz rightly states that this should not be surprising since rabbinic literature “imagines God as performing all the other rabbinic obligations, including wearing phylacteries, studying Torah, and so forth.”⁴³ The fact that *Jubilees* does not make a similar claim is particularly striking since the law of circumcision is found in Lev 12:3, amidst the very purification laws regarding parturients which the author links to the creation of Adam and Eve and their placement in the garden. While the author pushes back the origins of laws pertaining to purification after childbirth, he is careful not to suggest that circumcision is intended for all humanity. The reason for this will be explored below.

Second, just as God divides the angelic realm into two categories at creation—circumcised angels and uncircumcised angels—so too the author envisions humanity divided into two categories—Jacob and the nations (cf. *Jub.* 15:31). But here the author faces a problem, for God created the angels circumcised and uncircumcised. In contrast, Jacob’s seed is not created circumcised. The analogy between the two highest orders of angels and Jacob’s seed does not seem entirely fitting, for angelic circumcision is an

⁴² Translation of Judah Goldin, *The Fathers According to Rabbi Nathan* (YJS 10; New Haven, Conn.: Yale University Press, 1955). Cf. M. J. Kister, “‘... and He Was Born Circumcised...’: Some Notes on Circumcision in Hadith,” *Oriens* 34 (1994): 10-30, and Isaac Kalimi, “‘He Was Born Circumcised’: Some Midrashic Sources, Their Concept, Roots and Presumably Historical Context,” *ZNW* 93 (2002): 1-12.

⁴³ Howard Eilberg-Schwartz, *God’s Phallus and Other Problems for Men and Monotheism* (Boston: Beacon Press, 1994), 182.

aspect of the angels' created natures, while humans appear to be able to choose to undergo this rite or not. How does the author overcome this significant difference between angelic circumcision and human circumcision? The answer lies in *Jubilees*' emphasis upon the timing of circumcision.⁴⁴

Like Gen 17:12-14, *Jubilees* stresses the requirement that circumcision occur on the eighth day after birth. While the biblical account contains two occurrences of the phrase “on the eighth day” (again, see Chapter One), *Jubilees* 15 mentions this stipulation two additional times. First, *Jubilees* stresses that circumcision cannot take place prior to the eighth day: there “is no circumcising of days, nor omitting any day of the eight days because it is an eternal ordinance.” This stress on not circumcising prior to the eighth day can also be found in *m. Arak. 2:2*: “[A]n infant shall not be circumcised before eight days” (קטן נימול אין פחות משמונה).⁴⁵ More importantly, *Jubilees* stresses that circumcision cannot take place after the eighth day, since those who are not circumcised by the eighth day do not belong to God but are meant for destruction (vv. 25-26). Although R. H. Charles in his early edition of *Jubilees* argues that the original Hebrew preposition ב or על was corrupted to ל or ער, and the original meant “on,” not “by,” (thus, “on the eighth day”), there is no textual evidence for this corruption.⁴⁶ The Ethiopic

⁴⁴ Segal (*Book of Jubilees*, 229-45) rightly notes the importance of the timing of circumcision, but, as I will argue below, anachronistically connects it to a very different problem than that suggested herein.

⁴⁵ Cf. *m. Shabb. 19:5*, which although allowing circumcision anywhere from the eighth day until the twelfth day states: “[N]ot sooner [than the eighth day], and not later [than the twelfth day]” (לא פחותה ולא יותר).

⁴⁶ Charles, *Book of Jubilees*, 110.

uses a preposition which means “by,” while Latin manuscripts have *usque in*, suggesting that the underlying Hebrew preposition would have been עַד. Verse 25 provides additional contextual evidence supporting reading עַד, and understanding it as “by,” for the author, having previously stressed in v. 25 that circumcision is not to take place *prior* to the eighth day (“There is no circumcision of days, nor omitting any day of the eight days”), here stresses that it cannot take place *after* the eighth day. Thus, *Jub.* 15:25-26 functions as the author’s interpretative expansion on Gen 17:14, which states that circumcision must take place upon the eighth day after birth. If one cannot cut short (literally, “circumcise”) or omit any of the days of circumcision and yet must circumcise by the eighth day, then only one day is the appropriate day for circumcision—the eighth day after birth.

Jubilees’ stress on the timing of circumcision is no doubt connected to the author’s concern with the proper observance of sacred time, seen most clearly in his treatment of calendrical issues in *Jub.* 6:23-38.⁴⁷ A similar concern for sacred time can be found in IQS 1:13-15, which states: “They are not to advance their appointed times nor delay” (עֲתִיהֶם וְלוֹא לְהִתְאַחֵר לְוֹא לְקִדְם). For the author of *Jubilees*, the faithful

⁴⁷ I am indebted to Joel Marcus for this observation. The secondary literature on the calendar in *Jubilees* is extensive. See, apart from James VanderKam’s work, Annie Jaubert, “Le calendrier des Jubilés et de la secte de Qumran. Ses origines bibliques,” *VT* 3 (1953): 250-64; Ben Zion Wacholder and Sholom Wacholder, “Patterns of Biblical Dates and Qumran’s Calendar. The Fallacy of Jaubert’s Hypothesis,” *HUCA* 66 (1995): 1-40; and the helpful overview of scholarship in Matthias Albani, “Zur Rekonstruktion eines verdrängten Konzepts: Der 364-Tage-Kalender in der gegenwärtigen Forschung,” in *Studies in the Book of Jubilees* (ed. Matthias Albani, Jörg Frey, and Armin Lange; TSAJ 65; Tübingen: Mohr Siebeck, 1997), 79-125.

observance of sacred time, whether the observance of festivals or the observance of the rite of circumcision, creates a boundary around Jacob's true seed and all outsiders.

The stress placed upon eighth day circumcision is not unique to *Jubilees*. I have argued in Chapter One that for the priestly writer of Genesis 17 covenantal circumcision was eighth-day circumcision. Additionally, Josephus underlines the importance of the timing of Jewish circumcision and how this distinct timing, not merely circumcision alone, distinguishes the Jewish people from the neighboring nations who practice circumcision: "Their child [i.e., Isaac] was born in the year after (that prediction). Eight days later they promptly circumcised him; and from that time forward the Jewish practice has been to circumcise so many days after birth. The Arabs defer the ceremony to the thirteenth year, because Ishmael, the founder of their race, born of Abraham's concubine, was circumcised at that age" (*Ant.* 1:214). While the priestly writer responsible for Genesis 17 had already highlighted the importance eighth-day circumcision, *Jubilees* builds upon this emphasis in an unparalleled way by emphatically and explicitly asserting that only those circumcised on the eighth day belong to God's people.

As a result of the emphasis on the timing of circumcision, it appears that the author of *Jubilees* believes that just as the angels have no say in the matter of which category they fall into (i.e. circumcised or uncircumcised), so, too, humans have no choice in this matter. *Jub.* 15:25-27 presupposes "a theological-cosmological scheme, according to which every creature, both in heaven and on earth, belongs to one and only

one of these camps.”⁴⁸ The requirement of eighth-day circumcision closely intertwines genealogy with law observance, for only those born to Jewish parents would be circumcised on the eighth day after birth.⁴⁹

Third, through the prominence this passage gives to eighth-day circumcision the author also deals with the troublesome fact that Ishmael and Esau and their descendants have Abraham as their ancestor. According to Genesis 17, although Abraham already has a son in Ishmael, the fact that he is not circumcised at the age of eight days, but rather at the age of thirteen years, suggests that he is to be cut off from his people, the punishment for those not circumcised on the eighth day. Consequently God must provide Abraham with a new son who can be circumcised on the eighth day (cf. Gen 21:4). Most modern interpreters miss this conclusion to which the intermixture of legislation and narrative in Genesis 17 inexorably leads.⁵⁰ The author of *Jubilees*, on the other hand, fully recognizes

⁴⁸ Segal, *Book of Jubilees*, 237.

⁴⁹ The author of *Jubilees* does not appear to consider the possibility that Gentiles who have adopted Jewish customs might choose to circumcise their sons on the eighth day. I assume that had he been faced with this reality, he would have had to rethink his strategy for excluding those who were not genealogically Jewish. Perhaps it is important that it is Jacob’s seed who is distinguished from the nations, not Abraham’s seed or Isaac’s seed. Thus, being born to a Jew (i.e. being born to someone, like Isaac, who underwent circumcision on the eighth day) and then being circumcised on the eighth day (like Jacob) is what distinguishes Jacob’s seed from all others. Joel Marcus has drawn my attention to Pseudo-Clementine *Recognitions* 9:28, which states: “All the Jews who live under the law of Moses circumcise their sons on the eighth day without fail, and shed the blood of the tender infant. But no one of the Gentiles has ever submitted to this on the eighth day; and, on the other hand, no one of the Jews has ever omitted it” (*ANF* 8:189). I imagine that both the priestly writer and the author of *Jubilees* shared this assumption.

⁵⁰ For instance, Cohen (*Beginnings of Jewishness*, 124) states: “Genesis 17 also has Abraham circumcise his son Ishmael and his male household slaves; we may presume that the author of Genesis 17 did not intend to argue that Ishmaelites were Israelites! Israelite circumcision was covenantal, but the circumcision of other nations was not. The author of Genesis 17 does not address this problem.... [W]hile circumcision could serve as a marker of differentness vis-à-vis some nations, like the Babylonians and, later, the Greeks, it could also serve as a marker of commonality vis-à-vis other nations, like the Ishmaelites, the Idumaeans, and the Ituraeans.”

the priestly writer's intentions and amplifies them. And he makes this exclusion even more emphatic, stating, "Anyone who is born, the flesh of whose private parts has not been circumcised by the eighth day does not belong to the people of the pact which the Lord made with Abraham but to the people (meant for) destruction" (15:26). Although God makes the covenant with Abraham, only his descendants circumcised on the eighth day—neither before nor after—belong to this covenanted people, and therefore Ishmael is excluded.⁵¹

Confirmation that Ishmael and his descendants are not part of the covenant, in addition to evidence that Esau, although presumably circumcised on the eighth day (here both Genesis and *Jubilees* are silent), falls outside the covenant, is found shortly afterwards in the statement that "...the Lord did not draw near to himself either Ishmael, his sons, his brothers or Esau. He did not choose them (simply) because they were among Abraham's children, for he knew them. But he chose Israel to be his people" (15:30). This distinction between Israel and Abraham's other descendants is stressed again in *Jub.* 16:17-18, which states: "All the descendants of [Abraham's] sons would become nations and be numbered with the nations. But one of Isaac's sons would become a holy progeny and would become the share of the Most High."

Finally, according to our author, eighth-day circumcision functions as a protective sign indicating that someone belongs to God, while those who are not circumcised on the

⁵¹ Therefore Segal (*Book of Jubilees*, 230) incorrectly claims that "circumcision by itself cannot be a sign of membership in the covenant, because Ishmael was indeed circumcised, yet he was left out of the covenant." As Fergus Millar ("Hagar, Ishmael, Josephus and the Origins of Islam," *JJS* 44.1 [1993]: 23-45 [37]) rightly states, *Jubilees* emphasizes "that the Covenant was to be solely for those circumcised at eight days, and categorically excludes Ishmael and his descendants." Unfortunately, Millar does not develop this astute observation.

eighth day belong to destruction (15:26). Whereas the author of *Jubilees* believes that God chose Israel for himself, he left the other nations under the rule of other spirits and angelic beings (15:30-32), a belief which likely grew out of the interpretation of Deut 32:8-9, which states that, while he has allotted the nations of the world to the rule of other divine beings, God has chosen Israel for himself.⁵² Sirach 17:17 reflects similar thinking: “For every nation he appointed a ruler, but Israel is the portion of the Lord” (ἐκάστω ἔθνει κατέστησεν ἡγούμενον, καὶ μερὶς κυρίου Ἰσραηλ ἐστίν). By placing this traditional interpretation of Deut 32:8-9 within a discussion of circumcision, the author of *Jubilees* deftly links God’s election of Israel and their subsequent protection from angelic beings to the rite of eighth-day circumcision. Since *Jubilees* only refers to Belial twice, once in Moses’ prayer (1:19-20) and once within an extended treatment of circumcision (15:31-33), this demonstrates the close connection between the two passages. Consequently, Moses’ request that God not allow “the spirit of Belial to rule them so as to bring charges against them before you and to trap them away from every proper path so that they may be destroyed from your presence” (1:20) finds its answer in the

⁵² Although the MT of Deut 32:8 reads יָצַב גְּבֻלַּת עַמִּים לְמִסְפַּר בְּנֵי יִשְׂרָאֵל (“He set the borders of the peoples according to the number of the sons of Israel”), the majority of LXX witnesses to this passage read ἔστησεν ὄρια ἔθνῶν κατὰ ἀριθμὸν ἀγγέλων θεοῦ (“He set the borders of the nations according to the number of the angels of God”). John William Wevers (*Notes on the Greek Text of Deuteronomy* [SBLSCS 39; Atlanta: Scholars Press, 1995], 513) notes that one Greek MS (848) does read υἱῶν θεοῦ instead of ἀγγέλων θεοῦ. He states: “The change to ‘angels’ was clearly a later attempt to avoid any notion of lesser deities in favor of God’s messengers.” The majority reading of the LXX is similar to that found in *4QDeut*, which reads יָצַב גְּבֻלַּת עַמִּים לְמִסְפַּר בְּנֵי אֱלֹהִים (“He set the borders of the peoples according to the number of the sons of God”). The critical apparatus to *BHS* notes that Symmachus’ Greek translation and the Latin of the Syrohexaplaris are similar to the LXX reading. *Tg. Ps.-J. Deut 32:8* expands upon this tradition, stating: “When the Most High gave the world as an inheritance to the peoples... at that time, he cast lots on seventy angels (מַלְאָכֵי), the leaders of nations.” On this text critical issue, see most recently Innocent Himbaza, “Dt 32,8, une correction tardive des scribes. Essai d’interprétation et de datation,” *Bib* 83 (2002): 527-48, and Jan Joosten, “A Note on the Text of Deuteronomy xxxii 8,” *VT* 57 (2007): 548-55.

institution of eighth-day circumcision.⁵³ Similarly, Noah's prayer that "wicked spirits not rule them in order to destroy [my sons] from the earth" (10:4),⁵⁴ and Abram's prayer that his share not go astray after the wickedness that he witnessed amidst his own people (11:17),⁵⁵ likewise find their answer in eighth-day circumcision.

Through rightly timed circumcision, God's people are set apart from the malevolent forces of the angels and placed under God's protective care.⁵⁶ As I will argue below, it is possible that the author connects circumcision to protection from angelic beings on the basis of the enigmatic story found in Exod 4:24-26. As the author clarifies, this protection does not extend to Ishmael (despite his circumcision at the age of thirteen) or Esau, because they and their descendants are numbered amongst the nations, while only Isaac and his seed through Jacob are God's portion (16:17-18). This lack of protection accords with the statement of 15:26 with regard to eighth-day circumcision: "Anyone who is born, the flesh of whose private parts has not been circumcised by the

⁵³ For detailed discussion of Moses' prayer, see Segal, *Book of Jubilees*, 247-56, and Lambert, "Did Israel." On Belial in Jewish tradition, see Theodor H. Gaster, "Belial," *EncJud* 3.289-90.

⁵⁴ Noah's prayer finds a partial answer in the binding of nine-tenths of the angelic beings (10:7-9) and in the knowledge of medicines. As Segal (*Book of Jubilees*, 172) points out, although the angels attack all of his sons, Noah hands down his books, presumably including the book containing this medical knowledge, only to Shem (cf. *Jub.* 10:14).

⁵⁵ Whether or not Abra(ha)m is aware of the angelic influences behind such wickedness is not stated, although *Jubilees* claims that this was the case for the Chaldeans: "They began to make statues, images, and unclean things; the spirits of the savage ones were helping and misleading (them) so that they would commit sins, impurities, and transgression. Prince Mastema was exerting his power in effecting all these actions and, by means of the spirits, he was sending to those who were placed under his control (the ability) to commit every (kind of) error and sin and every (kind of) transgression" (11:4-5). In a subsequent prayer for Jacob in *Jub.* 19:28, Abraham prays specifically for protection from Mastema for Jacob and his descendants, effectively excluding Esau and his descendants from the apotropaic hopes of his prayer. On Mastema, see David Flusser, "Mastema," *EncJud* 13.668-69.

⁵⁶ So, too, Blaschke, *Beschneidung*, 137-38, and Robert G. Hall, "Circumcision," *ABD* 1.1025-1031 (1028).

eighth day does not belong to the people of the pact which the Lord made with Abraham but to the people (meant for) destruction.”

The author again stresses the significance of eighth-day circumcision in his retelling of the circumcision of Isaac. According to Gen 21:4, Abraham circumcised Isaac on the eighth day according to what God commanded him (כַּאֲשֶׁר צִוָּה אֱלֹהִים). *Jubilees* 16:14 also states that Abraham circumcised Isaac on the eighth day, but then replaces the statement “just as God commanded him” with “he [Isaac] was the first to be circumcised according to the covenant which was ordained forever.”⁵⁷ As a result, Ishmael, despite being circumcised, is not circumcised *according to the covenant*, and therefore has no claim to a share in God’s people, or in the protection circumcision affords. Even though Abraham later commands Ishmael and his twelve children, Isaac and his two sons, and the six children of Keturah and their sons to “circumcise their sons in the covenant which he [God] had made with them” (20:3), only Isaac and his descendants partake of the blessings of that covenant since only he undergoes circumcision according to the covenant, that is, on the eighth day.⁵⁸ Ishmael’s descendants perform circumcision at the age of thirteen, and therefore enjoy none of the covenantal and apotropaic benefits *Jubilees* attributes to eighth-day circumcision.

⁵⁷ Likewise, Philo (*QE* 3:38) notes that Isaac was “the first of our nation who was circumcised by law.” Significantly later, but along the same lines, *Song of Songs Rabbah* I.2:5 notes: “Abraham received the command of circumcision. Isaac inaugurated its performance on the eighth day.” Similarly *Pesikta de Rab Kahana* 12:1: “Circumcision was inaugurated with Isaac, for when he was eight days old, he was the first to be circumcised,” and *Midrash Proverbs* 31: “Abraham was given the commandment of circumcision, and Isaac was accordingly circumcised on the eighth day.”

⁵⁸ Cf., *b. Sanh.* 59b, which contains a dispute between a number of rabbis as to whether Ishmael and Keturah’s sons were commanded to be circumcised.

3.3.3 Remaining References to Circumcision in *Jubilees*

Having examined *Jubilees* 16 at length, we are now in a position to deal with the remaining references to circumcision in the work. Another passage, which confirms the exclusionary role circumcision plays in *Jubilees*, which deals with the first celebration of the festival of tents (16:20-31). The author describes the inception of this festival and notes that there was “no foreigner with him [Abraham], nor anyone who was uncircumcised.” While readers could understand this statement to be an extension of the command of Exodus 12 that no uncircumcised person is to take part in the Passover, there seems to be more at stake here. It is true that in Exod 12:43-49 no uncircumcised person is to celebrate the Passover with Israel, yet aliens (גֵּרִים) who desire to observe the Passover can undergo circumcision and then can celebrate the festival with them. By contrast, *Jubilees* 16 states unequivocally that no uncircumcised or foreign people were with Abraham at this feast. It is unlikely, therefore, that *Jubilees* envisages any opportunity for foreigners, circumcised or uncircumcised, to celebrate Israel’s feasts. This exclusion of all foreigners will be seen again in our discussion of the laws of Passover in *Jubilees* 49.

The final explicit reference to circumcision in *Jubilees* occurs in the author’s retelling of the rape of Dinah (Genesis 34).⁵⁹ In the Genesis 34 account, after raping

⁵⁹ Cf. Endres, “Biblical Interpretation,” 181-237; Cana Werman, “‘Jubilees 30’: Building a Paradigm for the Ban on Intermarriage,” *HTR* 90.1 (1997): 1-22; Reinhard Pummer, “Genesis 34 in Jewish Writings of the Hellenistic and Roman Periods,” *HTR* 75 (1978): 177-88; Martha Himmelfarb, “Levi, Phinehas, and the Problem of Intermarriage at the Time of the Maccabean Revolt,” *JSQ* 6 (1999): 1-24; and Hayes, *Gentile Impurities*, 73-81.

Dinah, Shechem decides that he wants to marry her. Dinah's brothers initially oppose the request ("We are unable to do this thing, to give our sister to a man who is uncircumcised, for this is a disgrace to us"), but they then acquiesce with the following stipulation: "Only in this will we consent to you, if you will be like us in circumcising every male among you, then we will give our daughters to you and take your daughters for ourselves. And we will dwell with you and we will be one people" (34:15-16). At the behest of Shechem, all the male Shechemites undergo circumcision, only to have Simeon and Levi slaughter them while they are recuperating from the process of circumcision.⁶⁰

Like Genesis, *Jubilees* records the initial resistance of Jacob's sons ("We will not give our daughter to a man who has a foreskin because for us that would be a disgraceful thing," *Jub.* 30:12). But, in contrast to Genesis, after presenting Shechem's request to marry Dinah, *Jubilees* states that "[Jacob and his sons] spoke deceptively with them, acted in a crafty way toward them, and deceived them," and that Levi and Simeon slaughtered them (30:4). The author makes no mention of the offer of Jacob's family that they will permit intermarriage with the Shechemites if the latter circumcise themselves. In this omission, *Jubilees* is not alone. Josephus also avoids mentioning the false covenant made between the two: "Symeon and Levi, the girl's brothers, born of the same mother, mutually agreed upon the following course. During a feast, when the Sikimites were given up to indulgence and festivity, they, under cover of night, first surprised the sentries, whom they slew in their sleep, and then penetrating into the town killed all the

⁶⁰ See Chapter Two for a discussion of this passage and its relevance for understanding biblical perceptions of non-Israelite circumcision.

males, the king and his son among them, sparing only the women” (*Ant.* 1:340).⁶¹

Similarly, Philo not only avoids mention of the deceptive words but also explicitly portrays the Shechemites as remaining uncircumcised: “[Symeon and Levi] made secure their own quarters and went forth against them in safety, and overthrew them when still occupied in the pleasure-loving, passion-loving, toil of the uncircumcised” (*Migration* 224). Louis H. Feldman argues that Josephus omits the duplicitous covenant made by Jacob’s sons because of his sensitivity to Jewish-Gentile relations.⁶²

But is this the case with *Jubilees*, as some have suggested?⁶³ While such a motivation likely explains the accounts of Josephus and Philo, who may both have been writing with Gentile readers in mind, it seems less likely that this treacherous behavior bothers the author of *Jubilees* since he readily admits, even underscores, the fact that the sons of Israel acted deceitfully. Rather, *Jub.* 30:12 understands the initial resistance of Jacob’s sons (“We will not give our daughter to a man who has a foreskin because for us that would be a disgraceful thing”) to completely rule out intermarriage with foreigners, male or female, regardless of whether they are circumcised or not.⁶⁴ As Martha Himmelfarb has argued, “The elimination of any hint of circumcision from its version of

⁶¹ *LAB* 8:7 does not even make mention of the proposal of marriage, only that Dinah was raped and the Shechemites slaughtered in judgment. By contrast, *T. Levi* 3:6-8, while avoiding mention of the false covenant, notes that the Shechemites were circumcised.

⁶² Louis Feldman, *Judean Antiquities 1-4: Translation and Commentary* (FJTC 3; Leiden: Brill, 2000), 123 n. 961.

⁶³ For instance, Charles, *Book of Jubilees*, liii.

⁶⁴ Similarly, *Theodotus*, Fragment 4, states, “For this is not allowed to Hebrews to bring sons-in-law or daughters-in-law into their house from elsewhere but, rather, whoever boasts that he is of the same race” (ὅστις γενεῆς ἐξεύχεται εἶναι ὁμοίης, translation of F. Fallon, “Theodotus,” *OTP* 2.785-88).

the story suggests that *Jubilees* wanted to avoid a reading of the Genesis narrative that understood the circumcision of the Shechemites in Second Temple terms, as conversion.”⁶⁵

Based on this incident, God commands Moses to tell the Israelites that they are prohibited from giving their daughters to foreigners and from marrying foreign women.⁶⁶ As Christine E. Hayes concludes, “For *Jubilees*, intermarriage is Pentateuchally prohibited *zenut*, an immoral act of sexual union with one of the nonholy seed, generating a moral impurity that defiles the holy seed of Israel.”⁶⁷ This concern about intermarriage provides a more compelling reason for the author’s omission of the false covenant and circumcision than does the claim that the author desires to cover up the patriarchs’ deceit. After all, the narrative stresses the deceitfulness of Levi and Simeon (“[Jacob and his sons] spoke deceptively with them, acted in a crafty way toward them, and deceived them,” 30:4), suggesting that the author intends for any of his readers who do know of the

⁶⁵ Himmelfarb, *Kingdom of Priests*, 75. Similarly, William R. G. Loader (*Enoch, Levi, and Jubilees on Sexuality: Attitudes Towards Sexuality in the Early Enochic Literature, the Aramaic Levi Document, and the Book of Jubilees* [Grand Rapids, Mich.: Eerdmans, 2007], 167) argues, “All references to the circumcision ruse have disappeared. It appears that *Jubilees* cannot even tolerate intermarriage with a Gentile who submits to circumcision and converts.” See also Hayes, *Gentile Impurities*, 77.

⁶⁶ Endres (“Biblical Interpretation,” 201-8) notes that, given the rape, it would be expected that the author would prescribe laws dealing with rape. That the aspect of rape is overwhelmed by a discussion of intermarriage demonstrates that, for the author, this is the real issue at hand.

⁶⁷ Hayes, *Gentile Impurities*, 76. How the author reconciles instances of intermarriage in the age of the patriarchs (Simeon, Judah, and Joseph; cf. *Jub.* 34:20) with his diatribe against intermarriage remains uncertain, as Shaye J. D. Cohen (“The Origins of the Matrilineal Principle in Rabbinic Law,” *AJSR* 10.1 [1985]: 19-53 [26]) notes. On intermarriage in *Jubilees*, see Loader, *Enoch, Levi, and Jubilees*, 155-96. Segal (*Book of Jubilees*, 59-72) has argued that *Jubilees* effectively portrays Judah’s Canaanite wife, Bat-Shua, as the cause of the death of his sons and his own sin of sleeping with Tamar. By stating that Tamar was “from the daughters of Aram” (41:1), a claim not made by Genesis 38, *Jubilees* effectively removes the Canaanite ancestor (and the impure offspring) from the tribe of Judah. Further, *Jub.* 34:21 claims that “Simeon, after changing his mind, married another woman from Mesopotamia like his brothers.” As a result, only Joseph’s marriage to an Egyptian is left unresolved.

covenant made in Genesis 34 to realize that this sort of covenant was not to be taken as a serious possibility, then or now.

3.3.4 *Jubilees'* Omission of Circumcision

Although *Jubilees* makes no further mention of circumcision, it is necessary to take into account two additional passages which are based on biblical accounts that do refer to circumcision.⁶⁸ In the first passage, the Angel of the Presence says to Moses:

You know who spoke to you at Mt. Sinai and what the prince of Mastema wanted to do to you while you were returning to Egypt—on the way at the shady fir tree. Did he not wish with all his strength to kill you and to save the Egyptians from your power because he saw that you were sent to carry out punishment and revenge on the Egyptians? I rescued you from his power... (48:2-4).

The angel alludes here to the story of Exod 4:24-26 where, according to the MT, YHWH comes to kill Moses on his return to Egypt and only relents when Moses' wife, Zipporah, circumcises their son.⁶⁹ In contrast, the LXX states that an angel of the Lord (ἄγγελος

⁶⁸ The omission of these passages by Blaschke (*Beschneidung*) is a weakness of his treatment of circumcision in *Jubilees*.

⁶⁹ The secondary literature on this enigmatic passage is extensive. See, for instance, J. Coppins, "La prétendue agression nocturne de Jahvé contre Moïse, Séphorah et leur fils (Exod., IV, 24-26)," *ETL* 18 (1941): 68-73; Hans Kosmala, "The 'Bloody Husband'," *VT* 12.1 (1962): 14-28; Julian Morgenstern, "The 'Bloody Husband' (?) (Exod 4:24-26) Once Again," *HUCA* 34.1 (1963): 35-70; Lawrence Kaplan, "'And the Lord Sought to Kill Him' (Exod 4:24-26)," *HAR* 5 (1981): 65-74; C. Houtman, "Exodus 4:24-26 and its Interpretation," *JNSL* 11 (1983): 81-103; Bernard P. Robinson, "Zipporah to the Rescue: A Contextual Study of Exodus IV 24-6," *VT* 36.4 (1986): 447-61; Theodor Lescow, "Ex 4,24-26: Ein archaischer Bundeschlußbritus," *ZAW* 105.1 (1993): 19-26; William H. Propp, "That Bloody Bridegroom (Exodus IV 24-6)," *VT* 43.4 (1993): 495-518; Thomas Römer, "De L'Archaïque au Subversif: Le Cas D'Exode 4/24-26," *ETR* 69.1 (1994): 1-12; Seth D. Kunin, "The Bridegroom of Blood: A Structuralist Analysis," *JSOT* 70 (1996): 3-16; Hans Friedemann Richter, "'Gab Es Einen 'Blutbräutigam'?: Erwägungen zu Exodus 4,24-26,'" in *Studies in the Book of Exodus: Redaction—Reception—Interpretation* (ed. Marc Vervenne; BETL 126; Leuven: Leuven University Press, 1996), 433-41; Jeffrey M. Cohen, "Hatan Damim - The Bridegroom of Blood," *JBQ* 33.2 (2005): 120-26; Athena E. Gorospe, *Narrative and Identity: An Ethical Reading of Exodus 4* (BIS 86; Leiden: Brill, 2007); and Christopher Hays, "'Lest Ye Perish in the Way': Ritual and Kinship on Exodus 4:24-26," *HS* 48 (2007): 39-54.

κυρίου) is the aggressor against Moses in this incident.⁷⁰ So, too, the targumim read variations of מלאשכא דיי' ("angel of YHWH") where the MT has יהוה. Like the LXX and targumim, *Jubilees* claims that it was an angelic being, not God himself, who came to kill Moses, although it alone identifies the angel as Mastema, and therefore portrays the angel as explicitly evil.⁷¹

In contrast to the biblical account, which gives no reason why YHWH or the Angel of the Lord would want to kill Moses, *Jubilees* states that Mastema sought Moses' life because he wanted to protect Egypt from the punishment that Moses was about to deliver. As Segal astutely notes: "The rewriter thus transformed the independent story in Exod 4:24-26, which has no direct connection to the surrounding story, into an integral part of the general narrative sequence. In his attempt to prevent Moses from returning, Mastema acted against YHWH's wishes."⁷² Further, whereas the MT, LXX, and targumim have Zipporah saving Moses by circumcising their son (MT: אֵת עֶרְלַת בְּנֵהָ; LXX: περιέτεμεν τὴν ἀκροβυστίαν τοῦ υἱοῦ αὐτῆς), *Jubilees* states only that an Angel of the Presence saved Moses from Mastema's power. Does the author intend for

⁷⁰ Cf. Geza Vermes ("Baptism and Jewish Exegesis: A New Light from Ancient Sources," *NTS* 4 [1957-58]: 308-19) for early Jewish interpretations of this passage.

⁷¹ The targumim do refer to the angel of the Lord as a destroying angel or the angel of death. *B. Nedarim* 31b-32a preserves differing rabbinical opinions on whether it was God or angelic beings who attempted to kill Moses.

⁷² Segal, *Book of Jubilees*, 206.

his readers to understand that it was circumcision that delivered Moses,⁷³ or does he intend to suppress the role circumcision plays in the story by only referring to the angel of the presence, not Zipporah and her action? Given that the author is not rewriting a biblical passage here, but creating a speech in which the angel talks to Moses, and that this speech merely alludes to this story, it seems more likely that the author assumes that his readers would know the account in Exodus and would connect the deliverance from Mastema with circumcision.⁷⁴ If so, the passage further illustrates the protection circumcision affords with regard to malevolent angelic beings (cf. *Jubilees* 15).

The second passage in which *Jubilees* omits any reference to circumcision, despite the fact that the biblical *Vorlage* contains it, is the discussion of the Passover laws in *Jubilees* 49 (cf. Exod 12:43-49). In contrast to the priestly material in Exodus 12,⁷⁵ which contains provisions for the (circumcised) alien (גֵר) as well as the circumcised slave (עֶבֶד), but not for the foreigner (בֶּן נֹכַח), the sojourner (תּוֹשֵׁב), or the hired worker (שָׂכִיר), *Jubilees* makes no mention of the possibility that any type of foreigner

⁷³ Cf. Exod 4:26; *Tg. Neof.* and *Tg. Ps.-J. Exod 4:26*: “[T]he blood of this circumcision which delivered this groom from the hand of the angel of death;” *Tg. Onq. Exod 4:26*: “If not for the blood of this circumcision, my husband would have been found deserving of death.”

⁷⁴ On the apotropaic effects of circumcision in Jewish thought, see Jon D. Levenson, *The Death and Resurrection of the Beloved Son: The Transformation of Child Sacrifice in Judaism and Christianity* (New Haven, Conn.: Yale University Press, 1993), 48-52, and Howard Eilberg-Schwartz, *The Savage in Judaism: An Anthropology of Ancient Israel and Ancient Judaism* (Bloomington, Ind.: Indiana University Press, 1990), 175.

⁷⁵ On the priestly redaction of Exodus 12, see Grünwaldt, *Exil und Identität*, 71-103. For a discussion of this passage and its perception of Gentile circumcision, see Chapter Two of the present work.

could celebrate Passover with Israel.⁷⁶ The author of *Jubilees* apparently amplifies the exclusivity implicit in the priestly limitations; by making no mention of the possibility of foreigners or slaves celebrating Passover, in conjunction with the negative view of circumcision occurring at any time but the eighth day after birth, *Jubilees* limits the celebration of the Passover to the people of Israel alone.⁷⁷

3.4 Defending the Boundaries of Jewishness in *Jubilees*

The foregoing examination of the circumcision language in *Jubilees* demonstrates that the author maintains a very strict view of circumcision: only eighth-day circumcision is covenantal. This perspective has been almost entirely neglected by scholarship. In fact, the only work I am aware of that stresses the significance of the proper timing of circumcision for *Jubilees* is that of Michael Segal.⁷⁸ According to Segal, *Jubilees*' treatment of circumcision is best understood as a response to halakhah which permits the delay of circumcision for newborn males under certain circumstances. The circumstances to which Segal alludes are made clear in *m. Shabb.* 19:5:

A child can be circumcised on the eighth, ninth, tenth, eleventh, or twelfth day, but never earlier and never later. How is this? The rule is that it shall be done on the eighth day; but if the child was born at twilight the child is circumcised on the

⁷⁶ Segal (*Book of Jubilees*, 203-28) does not mention this significant omission, despite his sustained treatment of this text. Stéphane F. Saulnier ("Jub 49:1-14 and the [Absent] Second Passover: How [and Why] to Do Away With an Unwanted Festival," *Hen* 31 [2009]: 42-48) argues that *Jubilees*' description of the Passover is closer to the legislation of Numbers 9 than it is to Exodus 12. If Saulnier is correct, the author of *Jubilees* may have used the legislation of Numbers because it does not explicitly refer to circumcised non-Israelites.

⁷⁷ These provisions regarding foreigners are lacking also from Josephus' rewriting of the Passover in *Ant.* 2:311-19. Cf. Federico M. Colautti (*Passover in the Works of Josephus* [JSJSup 75; Leiden: Brill, 2002], 23), who notes that Josephus records very few of the legal prescriptions found in Exodus 11-13.

⁷⁸ Segal, *Book of Jubilees*, 229-45. But see also Millar ("Hagar, Ishmael, Josephus," 37), who mentions the importance of eighth-day circumcision but does not build upon this observation.

ninth day; and if at twilight on the eve of Sabbath, the child is circumcised on the tenth day; if a Festival-day falls after the Sabbath the child is circumcised on the eleventh day; and if the two Festival-days of the New Year fall after the Sabbath the child is circumcised on the twelfth day. If a child is sick it is not circumcised until it becomes well.⁷⁹

With regard to *Jubilees*' insistence that circumcision occur on the eighth day, Segal writes: "[T]he demand to circumcise by the eighth day is probably part of a polemic against those (perhaps the Pharisees) who advocated a position, reflected later in rabbinic literature (*m. Shabb.* 19:5 et al.), which allowed for the circumcising of an infant after the eighth day under specific circumstances."⁸⁰ Although Segal is right to pay attention to the timing of circumcision in *Jubilees*, in my opinion he wrongly connects it to later rabbinic halakhic discussions.

The problem with Segal's claim that *Jubilees*' insistence upon eighth-day circumcision arises as a critique of a halakhic argument that permits delaying circumcision is that the earliest evidence for such a delay comes from a third-century C.E. rabbinic work. There simply is no evidence that such legal exceptions existed four hundred years previously. It seems safer therefore to suggest a connection between eighth-day circumcision in *Jubilees* with events that are known to have happened in the second century B.C.E.—the redefinition of Jewishness chronicled by Cohen that led to the possibility of conversion, which is exemplified in the Hasmonean-compelled circumcision of the Idumeans and Itureans. This does not necessarily entail the

⁷⁹ Translation is that of Herbert Danby, *The Mishnah: Translated from the Hebrew with Introduction and Brief Explanatory Notes* (Oxford: Oxford University Press, 1933).

⁸⁰ Segal, *Book of Jubilees*, 242.

conclusion that *Jubilees* was written after 128 B.C.E., for, even if *Jubilees* was written prior to Hyrcanus' forced circumcision of the Idumeans in 128 B.C.E., it is probable that certain circles in Judea believed and promoted the idea that Gentiles could convert to Judaism via the rite of circumcision and adoption of Jewish customs. These historical events provide a better context within which to read *Jubilees*' insistence upon eighth-day circumcision than a later halakhic ruling that permitted delaying circumcision.⁸¹

Recent scholarship on the topic of sexual purity and intermarriage in the book of *Jubilees* confirms that this is the context within which *Jubilees*' insistence on eighth-day circumcision should be understood.⁸² In *Gentile Impurities and Jewish Identities*, Hayes argues that *Jubilees* is indebted in part to Ezra-Nehemiah for its conception of Jewish boundaries. Whereas previously Israelites were only prohibited from intermarrying with the seven Canaanite nations (Deut 7:1-4 and Exod 34:11-16) or the Ammonites and Moabites (Deut 23:3), Ezra-Nehemiah effectively prohibits intermarriage with any and all Gentiles. Of those who intermarried with other nations it is said: "And the holy seed has mixed itself with peoples of the lands" (Ezra 9:2). The inclusion of Egyptian women within the list of nations with whom Israelite men have wrongly intermarried here

⁸¹ See also, Himmelfarb, *Kingdom of Priests*, 53-84. If rabbinic laxity regarding the timing of circumcision does indeed have antecedents in the second century B.C.E., as Segal believes, then it is conceivable that both concern over conversion and Pharisaic laxity about the timing of circumcision motivate the author of *Jubilees*.

⁸² Cf. Werman, "'Jubilees 30'"; Jonathan Klawans, "Idolatry, Incest, and Impurity: Moral Defilement in Ancient Judaism," *JSJ* 29.4 (1998): 391-415; Martha Himmelfarb, "Levi, Phinehas, and the Problem of Intermarriage at the Time of the Maccabean Revolt," *JSQ* 6 (1999): 1-24; Hayes, *Gentile Impurities*, 73-81; Liora Ravid, "Purity and Impurity in the Book of *Jubilees*," *JSP* 13.1 (2002): 61-86; James C. VanderKam, "Viewed from Another Angle: Purity and Impurity in the Book of *Jubilees*," *JSP* 13.2 (2002): 209-15; David Rothstein, "Sexual Union and Sexual Offences in *Jubilees*," *JSJ* 35.4 (2004): 363-84; and Loader, *Enoch, Levi, and Jubilees*, 113-305.

demonstrates the universality of this prohibition against exogamy. In contrast to Deut 23:7, which claims that an Egyptian is not to be abhorred and can enter the congregation, Ezra believes that Egyptians are to be numbered amongst the nations with whom Israel cannot intermarry. This holy-seed ideology does not permit the possibility that Gentiles can become part of Israel, for the difference between Gentiles and Israel is genealogical and therefore irrevocable. As Hayes notes, “Genealogical status, unlike ritual status or moral condition, cannot be altered. Describing Gentiles as a threat to the genealogical purity of Israel establishes an impermeable boundary between Israelite and alien.”⁸³

It is this unbridgeable gap between Israelite and Gentile that the book of *Jubilees* promotes. It is only the seed of Jacob that is chosen by God as his first-born son in order to keep the Sabbath (*Jub.* 2:19). The requirement that only Jacob’s seed observe the Sabbath distinguishes between Jacob’s descendants and the rest of humanity and mimics the heavenly distinction between the two highest orders of angels who keep the Sabbath (the angels of the presence and the angels of holiness) and the remaining orders of angels, who do not keep the Sabbath (2:18; cf. 2:2). The very structure of God’s creation contains distinctions between the angelic groups—only the two highest orders are permitted close access to God and the privilege of being circumcised and celebrating Sabbath and the Festival of Weeks (6:17-18). This does not necessitate that the lower orders or angels are necessarily evil or unholy, only that they are profane and excluded from the realm of holiness. In like manner, God has separated Jacob’s seed from the rest

⁸³ Hayes, *Gentile Impurities*, 8.

of humanity during the creation of the world (2:19-21).⁸⁴ *Jubilees* stresses this division between the nations and Jacob's descendants: "But one of Isaac's sons would become a holy progeny and would not be numbered among the nations, for he would become the share of the Most High" (16:17-18).

The problem of intermarriage becomes particularly acute as a result of *Jubilees'* belief that Jacob's seed is genealogically distinct from the rest of humanity. Thus the account of the rape of Dinah takes on great significance in *Jubilees'* rewriting of Genesis 34. The moral provided by the story of Dinah's rape and the subsequent annihilation of the Shechemites is that no intermarriage is to take place: "Now you, Moses, order the Israelites and testify to them that they are not to give any of their daughters to foreigners and that they are not to marry any foreign women because it is despicable before the Lord" (30:11). Although *Jub.* 30:12 notes that the sons of Jacob say that it is a disgrace to give Dinah to a man who has a foreskin, the conclusion is not that the uncircumcised man should be circumcised but rather much more restrictive: "Israel will not become clean from this impurity while it has one of the foreign women or if anyone has given one of his daughters to any foreign man" (30:14). *Jubilees*, perhaps taking its cue from Genesis 34 or Ezra,⁸⁵ concludes that a person circumcised after the eighth day remains a foreigner

⁸⁴ This primordial separation contrasts with the creation account in Genesis, which stresses the solidarity of all humanity. As Jon D. Levenson ("The Universal Horizon of Biblical Particularism," in *Ethnicity and the Bible* [ed. Mark G. Brett; BIS 19; Leiden: Brill, 1996], 143-69 [147]) states with regard to the creation account in Genesis: "It is also highly significant that in both creation accounts at the beginning of Genesis (1:1-2:3 and 2:4-24), it is humanity in general and not any people in particular that is created. Israel is not primordial. It emerges in history, twenty generations after the creation of the human species in the image of God."

⁸⁵ According to Westermann (*Genesis 12-36*, 544), the final redaction of this account in Genesis 34 narrates an example of the execution of the deuteronomic command not to intermarry with those dwelling in the

and is perceived to be uncircumcised. This person is circumcised, yet uncircumcised.⁸⁶

For Jacob's seed (i.e. holy seed) to marry foreigners (i.e. profane seed) is a horrendous act that brings impurity into, and thus condemnation upon, the entire nation.

3.5 Conclusion

The danger that *Jubilees* envisages can be summed up in the words of the Hellenizers of 1 Maccabees: "Let us go and make a covenant with the Gentiles surrounding us, for since we departed from them many evils have found us" (1:11; cf. 2 Macc 4:11-15). It is probable that some within the Jewish population propagated a theology in which the Mosaic legislation, in particular its separatist elements, were seen as a later, and therefore retrograde, innovation. Perhaps, like Strabo, these extreme Hellenizers thought that after Moses "superstitious men were appointed to the priesthood, and then tyrannical people; and from superstition arose abstinence from flesh, from which it is their custom to abstain even to-day, and circumcisions and excisions and other observances of the kind" (Strabo, *Geogr.* 16.2.37).⁸⁷

In opposition to those espousing a theology in which there should be no division between peoples, *Jubilees* indicates that even amongst the angelic beings there is separation. The two highest orders of angels celebrate the Sabbath and are circumcised,

land (cf. Deut 7:1-4), and thus demonstrates that intermarriage was an impossibility for the redactor of Genesis 34. This goes against the interpretation of Lyn M. Bechtel, "What if Dinah is Not Raped? (Genesis 34)," *JSOT* 62 (1994): 19-36.

⁸⁶ See the discussion of Jeremiah 9 and Ezekiel 32 in the previous chapter.

⁸⁷ Cf. Elias Bickerman (*The God of the Maccabees: Studies on the Meaning and Origin of the Maccabean Revolt* [trans. Horst R. Moehring; SJLA 32; Leiden: Brill, 1979], 87), who argues that, under the influence of Hellenism, Jason and Menelaus "wanted to reform Judaism by eliminating the barbaric separatism, which had been introduced only late, and returning to the original form of worship, free of any distortion."

while the remaining orders do not celebrate Sabbath and are not circumcised.⁸⁸

Separation is part of the very order of God's creation, existing even in the heavens. It is therefore neither a recent innovation nor a distortion of God's intentions. The author of *Jubilees* sets himself against the Hellenizing element within Jewish society of the second century B.C.E., whose partisans removed the signs of circumcision and refrained from circumcising their children: "All the people of Belial will leave their sons uncircumcised just as they were born... they have made themselves like the nations so as to be removed and uprooted from the earth. They will no longer have forgiveness or pardon so that they should be pardoned and forgiven for every sin" (15:33-34).

But there is another concern at work within *Jubilees* that responds with equal condemnation to another possibility regarding foreigners. While the Hellenizers of 1 and 2 Maccabees desired to join with the other nations by a rejection of the separatist legislation of Moses, other Jews in the second century B.C.E. desired to achieve similar ends through quite different means. Instead of rejecting the Mosaic Law, some desired to encourage (or even impose) law observance upon non-Jews. As noted in the introduction to this chapter, in the second century B.C.E. many Jews began to conclude that Gentiles could become Jews.⁸⁹ Judith, for instance, states that when Achior saw how God had defended his people from the Assyrians, he believed God, circumcised the flesh of his

⁸⁸ Cf. *Deuteronomy Rabbah* 1:2, which states that the angels of service desired to know the Torah, but that it was hidden from them.

⁸⁹ This possibility seems to have existed in the early post-exilic period as well, as shown by Daniel L. Smith-Christopher, "Between Ezra and Isaiah: Exclusion, Transformation, and Inclusion of the 'Foreigner' in Post-Exilic Biblical Theology," in *Ethnicity and the Bible* (ed. Mark G. Brett; BIS 19; Leiden: Brill, 1996), 117-42 (135-40).

foreskin, and joined the house of Israel (14:10). The Greek additions to Esther claim that as a result of the queen's intercession on behalf of her people, many Gentiles "were circumcised, and Judaized" (8:17).⁹⁰ Josephus records a number of instances of Gentiles adopting Jewish customs, as well as submitting to the process of circumcision.⁹¹ For many Jews, the circumcision of Gentiles was permissible and even welcome, and resulted in their becoming Jews.⁹²

For the author of *Jubilees*, however, conversion is impossible. Running throughout *Jubilees* is the insistence that eighth-day circumcision is the principal indicator of Jewish identity, in that it links law observance inextricably with birth and therefore with genealogy.⁹³ Circumcision is to take place on the eighth day after birth, and there is to be no shortening or lengthening of this time period. Thus, while Abraham's household is circumcised, it is Isaac who is the first to be circumcised according to the covenant. Such a statement, in conjunction with the weight *Jubilees*

⁹⁰ MT Esther 8:17 states that many people became Jews (מִתְיַהֲדִים), but says nothing about circumcision.

⁹¹ Cf., for instance, *Ant.* 20:139; *Vita* 113.

⁹² For a fascinating account of two conflicting opinions on the advisability of circumcision for Gentile converts, see Josephus' discussion of the circumcision of Izates (*Ant.* 20:38-45). See the analysis of this passage by Jacob Neusner, "The Conversion of Adiabene to Judaism: A New Perspective," *JBL* 83 (1964): 60-66; Lawrence H. Schiffman, "The Conversion of the Royal House of Adiabene in Josephus and Rabbinic Sources," in *Josephus, Judaism, and Christianity* (ed. Louis H. Feldman and Gohei Hata; Detroit, Mich.: Wayne State University Press, 1987), 293-312; Gary Gilbert, "The Making of a Jew: 'God-Fearer' or Convert in the Story of Izates," *USQR* 44 (1991): 299-313; and Daniel R. Schwartz, "God, Gentiles, and Jewish Law: On Acts 15 and Josephus' Adiabene Narrative," in *Geschichte—Tradition—Reflexion: Festschrift für Martin Hengel zum 70. Geburtstag* (3 vols., ed. Peter Schäfer; Tübingen: Mohr [Siebeck], 1996), 1.263-82.

⁹³ Michel Testuz (*Les Idées Religieuses du Livre des Jubilés* [Geneva: E. Droz, 1960], 107) says, "Remarquons avec quelle insistance le Livre des Jubilés ordonne de faire cette circoncision des enfants pendant la première semaine de leur vie; il répète cette injonction en termes toujours plus pressants (15/12, 14, 25-26) et précise qu'on ne peut se permettre aucun délai après les huit premiers jours de l'enfant."

places on the appropriate timing of circumcision, radically undercuts Ishmael's circumcision as well as that of the foreigners within Abraham's house.⁹⁴ But even more so, eighth-day circumcision excludes the possibility of second-century B.C.E. Gentiles becoming part of Jacob's seed.

According to *Jubilees*, those who claim to be descendants of Abraham but are not circumcised on the eighth day have no share in Israel, a stipulation which excludes those who are of Jewish descent but are not circumcised at all or at the right time (such as those circumcised by Mattathias in 1 Macc 2:46), as well as Gentiles who desire to adopt Jewish customs and therefore become circumcised. Through such rigorous boundary making, *Jubilees* attempts to redefine the true Israel. *Jubilees*' separation of the people of God by means of the practice of eighth-day circumcision results in a community that permits no entrance to outsiders. For *Jubilees*, this is not something retrograde but is in fact integral to the very nature of God's created order, in which both angelic and human beings are separated into two orders—one for holy purposes and one for common ones.

As Hayes explains:

[T]he most important variable in Second Temple constructions of Jewish identity and, by extension, constructions of the boundary between Jew and Gentile was the genealogical component of Jewish identity. Ancient Jews placed different emphases on the role of genealogy in determining identity and in maintaining the distinction between Jews and Gentiles. That is, ancient Jews placed different emphases on *genealogical purity* as a marker of Jewish identity.⁹⁵

⁹⁴ In this light, Abraham's own circumcision is not according to the covenant. How the author reconciles this anomaly to his view of circumcision is unclear, although, as noted in Chapter One, this was a problem already for the priestly writer of Genesis 17.

⁹⁵ Hayes, *Gentile Impurities*, 8 (emphasis original).

This dispute over boundary maintenance of Jewish identity in the second century B.C.E. was vociferous. On the one side, the actions of the Hasmoneans belonged to a tradition which stressed ritual and moral purity, but not genealogical purity. Such views may well have supported the ethno-religious (to use Cohen's term) definition of Jewishness. On the other hand, the author of *Jubilees* resists this attempt to define the Jewish people with such permeable, and therefore unsatisfactory, borders. As James Kugel argues, "For *Jubilees*, Israel's holiness means first and foremost that Israel belongs to an order of being different from the order of being of other humans so that Israel is, in effect, wholly different, the earthly correspondent to God's heavenly hosts."⁹⁶ Following Kugel, Hayes states: "For *Jubilees*, the distinction between and separation of the profane seed of Gentiles and the holy seed of the Israelites is an unalterable fact of the natural order, immune to the remedy of circumcision. Circumcision does not convert profane seed into holy seed, and thus miscegenation is forever and always *zenut*."⁹⁷

In the next chapter, I will examine evidence that the author of *Jubilees* was not the only Jew in the Greco-Roman period who believed that Jewishness was a matter of genealogy and therefore excluded the possibility of conversion. While *Jubilees* provides the most explicit evidence that some Jews in this time period did not believe that circumcision successfully addressed the problem of Gentileness, other literary evidence

⁹⁶ James Kugel, "The Holiness of Israel and the Land in Second Temple Times," in *Texts, Temples, and Traditions: A Tribute to Menahem Haran* (ed. Michael V. Fox et al.; Winona Lake, Ind.: Eisenbrauns, 1996): 21-32 (27). Kugel ("Holiness of Israel," 25) concludes that as a result of this genealogical difference between Israel and the nations "any mingling—and particularly, any sexual union—between an Israelite and a foreigner is monstrous."

⁹⁷ Hayes, *Gentiles Impurities*, 77.

from the last two centuries B.C.E. and first century C.E. indicates that other Jews also considered Gentile identity to be unaffected by circumcision and adoption of Jewish customs.

4. Jewishness as Genealogy in the Late Second Temple Period

4.1 Introduction

I began the preceding chapter with a brief discussion of Shaye J. D. Cohen's argument that Jews in the second century B.C.E. redefined Jewishness in permeable terms, permitting the possibility of conversion to Judaism. Cohen finds considerable support for this conclusion in the actions of the Hasmoneans, particularly the actions of John Hyrcanus and Aristobulus, who encouraged or forced the Idumeans and Itureans to undergo circumcision and adopt Jewish practices in order to remain upon Hasmonean-controlled land. I argued that the book of *Jubilees* presents evidence that at least one Jew found this novel approach to Gentiles to be unacceptable because it broke down the wall between Jew and Gentile, a wall which was woven into the very fabric of God's created order. The fact that the book of *Jubilees* was esteemed highly at Qumran, as the numerous copies of *Jubilees* found in the Qumran caves indicate, suggests that others likewise continued to hold to a genealogical definition of Jewishness that did not view circumcision as a rite of conversion.¹

Admittedly, apart from *Jubilees* there is little evidence that Jews in the late Second Temple period considered conversion an impossibility. Christine E. Hayes, for instance, points to 4QMMT as further evidence of a genealogically exclusionary work. According to Hayes, 4QMMT prohibits the marriage between genealogical Jews and Gentiles who have converted to Judaism on the basis that this would be an inappropriate

¹ For the most recent discussion of *Jubilees*' status at Qumran, see Jamal-Dominique Hopkins, "The Authoritative Status of Jubilees at Qumran," *Hen* 31 (2009): 97-104.

mixture of seed. In other words, a Gentile who has converted to Judaism remains a Gentile.² Nonetheless, not all scholars interpret 4QMMT in this way. For instance, Martha Himmelfarb believes that the prohibition specifically envisages intermarriage between Jewish priests and Jewish lay people.³ While I am convinced by Hayes' interpretation of the passage, if it is correct, it only confirms that others in the second century B.C.E. held to a strictly genealogical conception of Jewishness. Perhaps one could argue that this exclusionary definition of Jewishness ceased to exist at this time.

Consequently, the burden of this chapter is to demonstrate that a definition of Jewishness which did not permit the possibility of conversion persisted into the second century C.E.. To do so, I will examine the fates of one of the peoples converted by the Hasmoneans, the Idumeans. I focus on the Idumeans for two reasons. First, in light of what the Hebrew Bible says about Idumeans (or their ancestors), there is good reason to believe that if some concluded that Idumeans could not become Jews, they would think that no one could. As I will argue, there are a number of positive biblical statements about the Idumeans and their ancestry that could suggest to some readers a close relationship between them and Jews. Second, and more pragmatically, our extant sources contain a significant amount of material about converted Idumeans because one particular Idumean family, the Herodians, became prominent political figures.⁴ Thus, the Jewish

² Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002), 82-89.

³ Martha Himmelfarb, "Levi, Phinehas, and the Problem of Intermarriage at the Time of the Maccabean Revolt," *JSQ* 6 (1999): 1-24.

⁴ Unfortunately, there is very little information about the fate of converted Idumeans, leading Sean Freyne ("Galileans, Phoenicians, and Idumeans: A Study of Regional Contrasts in the Hellenistic Age," in *Hellenism in the Land of Israel* [ed. John J. Collins and Gregory E. Sterling; Christianity and Judaism in Antiquity

reception of converted Idumeans provides an excellent test case of how open Jews were to the possibility of conversion. Thus, after examining biblical perceptions of the Idumeans, this chapter will survey literature from the second century B.C.E. to the early rabbinic period which calls into question the capacity of Idumeans to convert to Judaism.

4.2 A Biblical Rationale for Hyrcanus's Conversion of the Idumeans

In his account of the way in which the Hasmoneans reconceived Jewish identity as demonstrated by their conversion of the Idumeans and Itureans, Cohen argues that these actions had no biblical precedent. But, if Cohen, following Aryeh Kasher, is correct to argue that the Idumeans *willingly* adopted Jewish practices, then it appears that he is wrong to see no biblical precedent for these events.⁵ LXX Deut 23:8-9, for instance, states: “You shall not abhor an Idumean (Ἰδουμαῖος), for he is your brother.... The children of the third generation born to them may enter into the congregation of the Lord” (οὐ βδελύξῃ Ἰδουμαῖον, ὅτι ἀδελφός σου ἐστίν... υἱοὶ ἐὰν γεννηθῶσιν αὐτοῖς, γενεὰ τρίτη εἰσελεύσονται εἰς ἐκκλησίαν κυρίου). The Hebrew word rendered by the LXX translator as Ἰδουμαῖος is **יְדוּמִי**, “Edomite.” Who were the Edomites or Idumeans?

Already in Genesis, the Edomites are connected to Jacob's elder brother Esau (cf. Gen

Series 13; South Bend, Ind.: University Notre Dame Press, 2001], 182-215 [206]) to suggest that given the choice between remaining in the land upon the condition of observing Jewish customs and leaving the land, most Itureans left the region. In contrast, Emil Schürer (*The History of the Jewish People in the Age of Jesus Christ* [ed. Geza Vermes and Fergus Millar; 5 vols.; New English ed.; Edinburgh: T&T Clark, 1973-87], 1.217-218) argues that converted Itureans populated Galilee. Freyne convincingly argues that the lack of evidence of a distinctively Iturean group of Jews suggests that few Itureans converted to Judaism.

⁵ Shaye J. D. Cohen, *Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Hellenistic Culture and Society 31; Berkeley, Calif.: University of California Press, 1999), 116-17, and Aryeh Kasher, *Jews, Idumaeans, and Ancient Arabs: Relations of the Jews in Eretz-Israel with the Nations of the Frontier and the Desert during the Hellenistic and Roman Era (332 BCE-70 CE)* (TSAJ 18; Tübingen: Mohr Siebeck, 1988), 46-77.

25:30; 32:4; 36:8). But who did Jews in the Second Temple period believe the Edomites or Idumeans to be?

In keeping with the association between Esau and Ishmael hinted at in Gen 28:8-9, LXX Genesis renders the Hebrew for one of Ishmael's sons, **יִשְׁמָעֵל**, with the Greek **Ἰδοῦμα**, a name strikingly similar to Idumean (Gen 25:14).⁶ Further, following the LXX, Josephus states that one of Ishmael's sons was named Ἰδοῦμῶς (*Ant.* 1:220). Similarly, a reader of Strabo might conclude that the Idumeans were originally Nabateans who had become Jews (*Geog.* 16.2.34). While scholars debate this identification, at least from the perspective of some Second Temple Jews, this identification was correct.⁷ So, for example, Josephus lists the twelve sons of Ishmael, including his firstborn Nabaioth (**Ναβαϊώθης**), and says that all of them inhabited the country from the Euphrates River to the Red Sea, and called their land Nabatene (**Ναβατηνή**, *Ant.* 1:220-221). Since the Nabateans were considered to be descendants of Ishmael (cf. Gen 25:13: **נְבִיָּה**; LXX: **Ναβαϊωθ**), it is possible that Strabo believed that the Idumeans, being Nabatean, were also descendants of Ishmael. Consequently, some Jews may have concluded that the Idumeans were the descendants of Ishmael, Isaac's brother.

Nonetheless, there is another stream of evidence suggesting that Jews believed that the Idumeans were the descendants of Esau, Ishmael's nephew, and not Ishmael

⁶ Although Ralph W. Klein (*I Chronicles: A Commentary* [Hermeneia; Minneapolis: Fortress Press, 2006], 72) believes Dumah was likely a reference to an oasis in north central Saudi Arabia. See the slight variants in the MSS to LXX Genesis in John William Wevers, ed., *Genesis* (SVTG 1; Göttingen: Vandenhoeck & Ruprecht, 1974), 243.

⁷ J. Starcky, "Pétra et la Nabatène," in *DBSup* 7. 902-3. E. C. Broome ("Nabaiati, Nebaioth and the Nabataeans: the linguistic problem," *JSS* 18 [1973]: 1-16) and John R. Bartlett ("From Edomites to Nabataeans: A Study in Continuity," *PEQ* 111 [1979]: 53-66) answer Starcky's criticisms.

himself. According to 1 Macc 5:3, Judas Maccabeus made war on the sons of Esau in Idumea (καὶ ἐπολέμει Ιουδας πρὸς τοὺς υἱοὺς Ησαυ ἐν τῇ Ἰδουμαίᾳ) because of their bellicose behavior, actions that were in keeping with the prophetic books' views of the Edomites.⁸ Again, in 1 Macc 5:65, Judas attacked the descendants of Esau. Josephus associates these Idumeans with the sons of Esau (*Ant.* 12:328).

The evidence of our sources suggests, therefore, that many Jews believed the Idumeans to be either the descendants of Ishmael or the descendants of Esau and therefore close relatives of the Jewish people.⁹ With this perception of Idumeans in their minds, those who read Deut 23:8-9 might have concluded that Idumeans could enter the congregation of Israel—that is, they could convert to Judaism. It is possible that Hyrcanus and those who supported his actions could deploy Deuteronomy 23 to justify the absorption of the Idumeans into the Jewish people on the basis that they were descendants of Abraham and Israel's closest relatives. If so, the mass conversion of Idumeans to Jewish practices was not completely opposed to genealogical conceptions of Jewishness. Since the two peoples shared a common ancestor, the only thing that separated them was Jewish practices. By adopting such practices, the Idumeans could partake in the covenant that God had made with Abraham. To those looking for a biblical justification for the conversion of Esau or Ishmael's descendants, Deuteronomy 23 was a

⁸ Cf. Diana Vikander Edelman, ed., *You Shall Not Abhor an Edomite for He is Your Brother: Edom and Seir in History and Tradition* (SBLABS 3; Atlanta: Scholars Press, 1995); Bert Dicou, *Edom, Israel's Brother and Antagonist: The Role of Edom in Biblical Prophecy and Story* (JSOTSup 169; Sheffield: JSOT Press, 1994); and John R. Bartlett, *Edom and the Edomites* (JSOTSup 77; Sheffield: JSOT Press, 1989).

⁹ While *Esther Rabbah* 3:5 states that Esau's sons were Remus and Romulus, the twin founders of Rome, this tradition does not appear to reflect Second Temple Jewish perceptions of who Esau's descendants were. Cf. Carol Bakhos, *Ishmael on the Borders: Rabbinic Portrayals of the First Arab* (Albany, N.Y.: State University of New York, 2006).

promising candidate. In light of the biblical warrant for admitting Idumeans into the assembly of God and the close relation between the Idumeans and the Jews, anyone who rejected the conversion of the Idumeans presumably would have rejected the conversion of any other Gentile group. In the remainder of this chapter I will demonstrate that the extant sources indicate sporadic resistance to the idea that Idumeans had become Jews throughout the latter centuries of the Second Temple period.

4.3 Genealogical Exclusion in the *Animal Apocalypse*

The first writing that portrays an unbridgeable genealogical gap between Jews and all other peoples, including the descendants of Ishmael and Esau, is the *Animal Apocalypse*. Preserved in *1 Enoch* 85-90, the *Animal Apocalypse* contains a rewriting of Israel's history that dates to a time after the Maccabean Revolt.¹⁰ This revised history portrays biblical characters as various animals, a depiction that demonstrates a fundamental concern with genealogy. Thus the *Apocalypse* portrays Adam as a white bull and his son Cain as a black bull. According to the *Apocalypse*, this black bull sires many bulls that resemble him, implying the discontinuity between Adam on the one hand and Cain and his seed on the other (85:6). In contrast, the author portrays Seth as a white bull that sires many white bulls, presumably suggesting continuity from Adam to Seth and his descendants (85:9).

While the narrative distinguishes between the descendants of Cain and Seth by their color, the commingling of the sons of God and daughters of men (cf. Gen 6:1-4)

¹⁰ Patrick A. Tillier (*A Commentary on the Animal Apocalypse of 1 Enoch* [SBLEJL 4; Atlanta: Scholars Press, 1993], 61-79) dates the work to shortly after 166 B.C.E. but prior to 160 B.C.E. since the last identifiable event is an allusion to Judas's military victories over Apollonius and Seron in 166 B.C.E. (cf. *1 Enoch* 90:12; *1 Macc* 3:10-26; *2 Macc* 5:24-27).

results not merely in different colors of the same species but rather in different species altogether: elephants, camels, and asses (86:4). Just as the *Apocalypse* creates distinctions between the offspring of Adam, the line of Cain depicted as black bulls and the line of Seth depicted as white bulls, so too does it portray distinctions within the Sethite line in the days of Noah: one son white, the second black, and the third red (89:9). While the white bull stands for Shem and his line, the two non-white bulls portray Ham and Japheth (cf. Gen 5:32).

It is after the days of Noah that the Sethite line gives rise to numerous species of animals, presumably an allusion to the Table of Nations found in Genesis 10.¹¹ The author portrays only Abraham and his son Isaac as white bulls; all others he depicts as numerous different animals. François Martin argues that the imagery of the *Animal Apocalypse* distinguishes between the Abrahamic race and non-Abrahamic races, depicting the latter as evil.¹² While his observation is correct, Martin is not precise enough, for the distinction is not merely between the Abrahamic and the non-Abrahamic nations; rather, the author depicts differentiation amongst the Abrahamic nations in a way that clearly portrays only Isaac, Jacob, and Jacob's seed as pure. The depiction of Ishmael and Esau and their respective descendants demonstrates a genealogical distinction between Israel and even its closest relatives:

That snow-white cow [Abraham] which was born in their midst begat a wild ass [Ishmael], and a snow-white cow [Isaac] with it; and the wild asses multiplied

¹¹ So, too, George W. E. Nickelsburg (*1 Enoch 1: A Commentary on the Book of 1 Enoch, Chapters 1-36; 81-108* [Hermeneia; Minneapolis: Fortress Press, 2001], 377), who argues that the animal imagery of Ezekiel 34 has influenced the author's portrayal of the Table of Nations.

¹² François Martin, *Le Livre d'Hénoch: Traduit sur le Texte éthiopien* (Milan: Archè, 1975), 205-206. Cf. *1 Enoch* 89:10, where numerous animals stand for the various non-Abrahamic nations.

[Ishmael's descendants]. And that cow [Isaac] which was born from him bore a black wild boar [Esau] and a snow-white sheep [Jacob]; the former bore many wild boars [the descendants of Esau],¹³ but the latter bore twelve sheep [the twelve sons of Jacob]. When those twelve sheep had grown up, they gave away one of their own members [Joseph] to the asses [Ishmaelites],¹⁴ which in turn gave him away to the wolves [Egyptians], so this sheep grew up in the midst of the wolves. Then the Lord brought the eleven sheep to dwell with him, and to pasture in the midst of the wolves; and they multiplied and became many flocks of sheep [Israel] (*1 Enoch* 89:11-14).¹⁵

As Patrick Tillier notes: “[T]he change from bull to sheep represents the beginning of the nation of Israel and the end of the undifferentiated Shemite line.”¹⁶ Within the Shemite line, depicted by a white bull, distinctions begin to surface between the offspring of Abraham. Abraham, the white bull, gives birth to a wild ass, Ishmael,¹⁷ and to a white bull, Isaac. And it is in Isaac that the Shemite line itself comes to an end, for Isaac gives birth not to a white bull but to a black wild boar, Esau, and a white sheep, Jacob. The differences between Esau and Jacob are significant. While Jacob is a sheep, that is a pure animal according to the dietary legislation of Leviticus 11 and Deuteronomy 14, Esau is an impure wild boar.¹⁸ Additionally, Jacob is white, thus stressing some sort of continuity

¹³ Despite the fact that they are later and deemed inferior, here I follow MSS B and C, which read “wild boars,” instead of MS A, which has “healthy beasts.” MSS B and C capture the passage’s fundamental concern to show that like gives birth to like—that is, wild ass to wild ass, wild boar to wild boar, sheep to sheep. Cf. Nickelsburg, *1 Enoch*, 368.

¹⁴ Here again I modify *OTP*, which has “donkeys,” since the previous translation has consistently been “asses.”

¹⁵ Translation follows E. Isaac, “1 (Ethiopic Apocalypse of) Enoch,” *OTP*, 1.5-89, except as previously noted.

¹⁶ Tillier, *Commentary on the Animal Apocalypse*, 275.

¹⁷ The author’s choice of an ass to depict Ishmael is no doubt due to Gen 16:12, yet the fact that he identifies Ishmael’s descendants with the ass demonstrates the genealogical application and extension of this biblical imagery.

¹⁸ Nickelsburg (*1 Enoch*, 377) writes: “Obviously pejorative is also the depiction of Esau as a wild boar—the swine being notorious as an unclean animal.” *Jub.* 37:20 also depicts Esau as a boar, leading to the

with the line of Shem, while Esau is black, stressing yet again his discontinuity. As Tiller states: “The contrast between Jacob/Israel and Esau/Edom could hardly be greater.”¹⁹ In other words, the *Animal Apocalypse* presents a picture of Abraham’s family that ontologizes the differences between Isaac and Ishmael, Jacob and Esau. Ishmael, a wild ass, gives birth to wild asses (89:11): Esau, a black wild boar, gives birth to boars, while Jacob, the white sheep, gives birth to twelve white sheep, who in turn give birth to many flocks of sheep (89:12, 14).

In no way does the *Apocalypse* suggest that the differences between Ishmael and Isaac, Esau and Jacob (or, for that matter, any of the previous generations such as Cain and Seth, or the sons of Noah) lie within the actions of these characters; rather, their nature is imparted to them at birth. The reader could conceivably attribute the fact that Abraham gives birth to two different species, ass and bull, to the fact that two different mothers gave birth to Ishmael and Isaac; however, Esau and Jacob are two different species despite having the same mother and father, and even despite the fact that they are twins. The differentiation in their natures at birth demonstrates that the divine will is at work here in creating distinctions within humanity. The author systematically deploys this animal imagery throughout the remainder of his recapitulation of Israel’s history.

possible conclusion that it was common to call Ishmaelites “pigs” in the time period. David Bryan (*Cosmos, Chaos and the Kosher Mentality* [JSPSup 12; Sheffield: Sheffield Academic Press, 1995], 116) points out the appropriateness of the boar as a symbol for Esau, who is born of Isaac and Rebekah, yet is not numbered amongst his descendants, since the boar is a borderline case—having cloven hoofs, but not being a ruminant.

¹⁹ Tiller, *Commentary on the Animal Apocalypse*, 275.

Thus Egyptians are wolves (89:13-27), the Philistines are dogs, the Amalekites are foxes, and the Ammonites are dogs (89:42-49).²⁰

While numerous biblical passages use animal imagery of both Israel and the nations, nowhere is there such a systematic and consistent portrayal of Gentile nations as impure animals.²¹ The closest parallel to the depiction of humanity in the *Animal Apocalypse* is found in the priestly literature. According to the priestly legislation, animals fall into three broad categories: impure (טמא), pure (טהור), and those pure animals which are viable sacrifices. The dietary laws, both in priestly and deuteronomic traditions,²² connect the distinction between pure and impure animals to God's distinction between Israel and all other peoples. God's election of Israel mirrors or is mirrored by the separation of pure animals from impure ones. As both Mary Douglas and Jacob Milgrom argue, these three animal categories correspond to the human world. For instance, Milgrom states:

In the Priestly source (P), the classification of the animal world mirrors the classification of the human society and its values.... Humankind is divided into three parts, corresponding to three of its covenants with God. The three classifications are: (1) the priesthood (Num 25:12-15); (2) Israel in particular

²⁰ Cf. Bryan, *Cosmos, Chaos*, 99.

²¹ For a helpful chart of the animal imagery the *Animal Apocalypse* uses, see Bryan, *Cosmos, Chaos*, 128. On the basis of the evidence of this chart, Bryan concludes: "Unlike the Old Testament, nowhere are the Gentile nations represented by any of these clean animals" (*Cosmos, Chaos*, 79).

²² Scholars agree that there is a literary relationship between Leviticus 11 and Deuteronomy 14, with most concluding that Leviticus 11 is an expansion of Deuteronomy 14. See the argumentation of Rolf Rendtorff (*Die Gesetze in der Priesterschrift: Eine Gattungsgeschichtliche Untersuchung* [FRLANT 44; Göttingen: Vandenhoeck & Ruprecht, 1954], 45 n. 34), who believes that Leviticus 11 used Deuteronomy 14. In contrast, see Jacob Milgrom (*Leviticus 1-16: A New Translation with Introduction and Commentary* [AB 3; New York: Doubleday, 1991], 698-704), who concludes: "All of the additions, omissions, protuberances, inconcinnities, and inconsistencies that mark off Deut 14:4-21 from Leviticus 11 can be explained by the one premise: D had the entire MT of Lev 11 before him, which he copied, altered, and above all abridged to suit his ideological stance and literary style."

(with the patriarchs, Gen 17:2; Lev 26:42); and (3) humankind in general (Gen 9:1-11, including the animals). These three human divisions are matched by three animal divisions: (1) the priest is permitted to sacrifice only the domesticated and unblemished from among the edible animals; (2) Israel, a subdivision of humanity, is permitted to eat only a few animals as detailed in this chapter of Leviticus [i.e., Leviticus 11] and in Deuteronomy 14; and finally (3) humankind in general is entitled to use all animals (except their blood).²³

One can depict in the following way the priestly division of the human world with respect to the animal world:²⁴

Priests	Sacrificial Animals
Israel	Pure Animals
Gentiles	Impure Animals

Yet the priestly literature never expands upon this implicit hierarchy governing humanity and never claims that Gentiles are genealogically impure in the same way as impure animals. While Douglas believes Leviticus's silence here indicates openness to intermarriage, Milgrom argues that this silence is due to the fact that Leviticus is pre-exilic and therefore unconcerned with the same issues that faced Ezra and the post-exilic community.²⁵ Whatever the answer to this question, Milgrom rightly notes that in the priestly worldview humans cannot cross over these boundaries. Just as an impure animal,

²³ Jacob Milgrom, *Leviticus: A Book of Ritual and Ethics* (CC; Minneapolis: Fortress Press, 2004), 102-103. See also, Milgrom, *Leviticus 1-16*, 689, Mary Douglas, "Deciphering a Meal," *Daedalus* 101 (1972): 61-81 (75-76), and Ronald Hendel, "Table and Altar: The Anthropology of Food in the Priestly Torah," in *To Break Every Yoke: Essays in Honor of Marvin L. Chaney* (ed. Robert B. Coote and Norman K. Gottwald; SWBA 2/3; Sheffield: Sheffield Phoenix Press, 2007), 131-48. Elsewhere Douglas (*Leviticus as Literature* [Oxford: Oxford University Press, 1999], 39) rightly states of the priestly literature: "Meanings are not carried primarily through verbal channels but conveyed obliquely by reference to established analogies."

²⁴ For similar depictions, see Milgrom, *Leviticus 1-16*, 722, figure 13.

²⁵ See Douglas, *Leviticus as Literature*, eadem, *Jacob's Tears: The Priestly Work of Reconciliation* (Oxford: Oxford University Press, 2004), 79-80, and Milgrom, *Leviticus 17-22*, 1584-86.

such as a pig, cannot make itself pure, so too, a non-Israelite cannot, in theory, become an Israelite. Even the resident alien (גֵר), who according to priestly legislation can undergo circumcision (cf. Exod 12:43-49) and can participate in many aspects of Israelite religious life, cannot become an Israelite. As Milgrom states: “[T]here was an ethnic exclusivity to the divine gift of holiness. Only a member of the covenantal community could qualify.... Simply speaking, H accorded the alien the full civil rights and religious privileges enjoyed by native Israelites..., but it denied him holiness. Strive as he may to worship YHWH with zeal and to observe all his commandments, the alien still could not become holy.”²⁶

The author of the *Animal Apocalypse* takes up these priestly analogies and applies them thoroughly to human history. Accordingly, when the author states that the sheep (Jacob’s seed) were scattered and that they mixed with other animals (89:75), it appears that he envisages crossbreeding or intermarriage between various species. Regardless of whether the Priestly School originally intended its readers to understand that marriage between Israel and the Gentiles was tantamount to crossbreeding pure with impure animals, this is exactly what the *Animal Apocalypse* has evocatively portrayed. As Bryan says, “The seer may be alluding to the intermarriages mentioned in Ezra 9-10 and Neh. 13.23-29; but in doing so he has emphasized the enormity of their crime by utilizing the outlandish picture of one species mating with members of another species. Under Levitical law this was strictly contrary to holiness and order (Lev. 19.19).”²⁷ But Ezra-

²⁶ Milgrom, *Leviticus*, 248.

²⁷ Bryan, *Cosmos, Chaos*, 73-74.

Nehemiah and *Jubilees* portray intermarriage through the seed imagery of Lev 19:19: one should not mix holy with profane seed. Since Israel is the holy seed and the nations are profane seed, one who mixes them through intermarriage is guilty of creating chaos in God's ordered world. In contrast, extrapolating from the prohibition against interbreeding different types of pure animals (בְּהֵמָה) in Lev 19:19, the *Animal Apocalypse* portrays intermarriage as the mixture of pure with impure animals, resulting in a chaotic animal world, replete with impure species. One can see, for instance, the deleterious effects of marriage across cosmic boundaries in the interbreeding between angels and humans (*I Enoch* 86:4; cf. Gen 6:1-4), since it results in the birth of a variety of impure animals.²⁸ By making explicit what is only implicit in priestly literature the *Animal Apocalypse* is able to demonstrate the horrendousness of intermarriage between Israelites and Gentiles in an even more vivid fashion than Ezra's holy seed ideology does.

Further, given that the divine will has introduced genealogical differences into humanity, it seems that it is just as likely that the author of the *Animal Apocalypse* could imagine the possibility of the descendants of Esau or Ishmael crossing over and joining the family of Jacob as that he could imagine an ass or boar turning itself into a sheep. No rite, not even circumcision, makes a black wild ass or a black wild boar into a snow-white sheep. To be sure, we do see impure animals unexpectedly turning into white bulls at the birth of a new white bull in *I Enoch* 90:37-38. Michael E. Fuller argues that here in the *Animal Apocalypse* "the restoration of Israel gives way to a more comprehensive phase of

²⁸ Significantly, David Suter ("Fallen Angel, Fallen Priest: The Problem of Family Purity in 1 Enoch 6-16," *HUCA* 50 [1979]: 115-35) argues that *I Enoch* 6-16 appropriated the myth of Gen 6:1-4 in order to criticize certain priestly circles for intermarriage.

renewal in the final part of the apocalypse in which ethnic and religious distinctions disappear in a kind of new creation.”²⁹ That is, Fuller believes that both Israel and the nations are reabsorbed into the Adamic line of white bulls. Yet this passage does not portray the erasure of “ethnic and religious distinctions,” but the return of Gentiles alone to their original Adamic state. This in itself is a wonderful turn of events, because they are aligned with Abraham and Isaac who are white bulls. Nonetheless, they are not equated with Jacob or Jacob’s descendants, who remain sheep. As Terence L. Donaldson notes, “God continues to be described as the ‘Lord of the sheep,’ a description that would seem out of place if the sheep had been transformed along with the others into an undifferentiated herd of cattle.”³⁰ Additionally, Donaldson rightly argues that the statement that “all their kindred were transformed, and became snow-white cows” (90:38) needs to be understood in light of the broader context—in particular, the content of verse 37 dictates what the antecedent of “their kindred” is: not all humanity, but only the wild beasts and birds of heaven are transformed. That is to say, only Gentiles undergo this transformation into humanity’s original state—Israel continues to be white sheep.³¹

Further, whatever the exact nature of this astounding transformation, it belongs to eschatological time, not quotidian time, and is no doubt the result of divine activity. The restoration of Gentile humanity to white bulls at the eschaton mimics the very

²⁹ Michael E. Fuller, *The Restoration of Israel: Israel’s Re-gathering and the Fate of the Nations in early Jewish Literature and Luke-Acts* (BZNTW 138; Berlin: Walter de Gruyter, 2006), 74. Similarly, Nickelsburg (*1 Enoch*, 403) states that this a “transformation of the whole human race, Israelites and Gentiles, into primordial righteousness and perfection.”

³⁰ Cf. Terence L. Donaldson, *Judaism and the Gentiles: Jewish Patterns of Universalism (to 135 CE)* (Waco, Tex.: Baylor University Press, 2007), 89.

³¹ Donaldson, *Judaism and the Gentiles*, 89.

introduction of speciation into humanity: both are divinely wrought. Presumably, then, the author of the *Animal Apocalypse* would not have considered a circumcised Gentile a Jew but the equivalent of a wolf in sheep's clothing.

While the author of the *Animal Apocalypse* probably wrote his work prior to the incorporation of the Idumeans into the Jewish people, his kosher division of humanity may have anticipated such a possibility and may have supported those who opposed such an action. Aryeh Kasher argues that Hyrcanus's conversion and absorption of the Idumeans was the culmination of a long process in which the bonds between Jews and Idumeans became ever stronger.³² Perhaps the policies of Antiochus Epiphanes encouraged Jews and Idumeans to make common cause by stressing their ancient filial bonds in a way that would have been problematic for the author of the *Animal Apocalypse*, and which led him to stress the genealogical distinctions between Esau and Jacob.³³ Consequently, the vivid imagery of the *Animal Apocalypse* may make explicit that which is only implied in the thinking of other Second Temple Jewish writings.

4.4 1 Esdras and the Idumeans

As evidenced by the fact that it was incorporated into *1 Enoch*, many would consider the *Animal Apocalypse* a sectarian work that contributes little to extending the argument to show that a wide segment of Jews held to a genealogical conception of Jewishness that was impermeable to Gentiles. But, given the fact that the *Epistle of Barnabas* 16:5 alludes to the *Animal Apocalypse* (cf. *1 Enoch* 89) and calls it scripture

³² Kasher, *Jews, Idumaeans, and Ancient Arabs*, 75.

³³ Kasher, *Jews, Idumaeans, and Ancient Arabs*, 27.

(γροαφή), the work may have had wider currency and influence than previously believed. Nonetheless, 1 Esdras, a Greek translation of the last two chapters of 2 Chronicles, the book of Ezra, and Nehemiah 7:73-8:13, also evinces a concern to exclude the possibility of Idumeans entering the Jewish nation.³⁴ In keeping with the book of Ezra, 1 Esdras rejects the possibility of intermarriage between Jews and non-Jews. In Ezra 9:1, Ezra is told that the people of Israel had not separated themselves from the people of the land—the Canaanite, the Hittite, the Perizzite, the Jebusite, the Ammonite, the Moabite, the Egyptian, and the Amorite. In contrast to this list of nations, the list in 1 Esdras 8:66 lacks the Ammonite and Amorite. Significantly, in place of the Amorite, 1 Esdras refers to the Idumeans (Ἰδουμαίων).³⁵

Three possible explanations for the difference between Ezra 9:1 and 1 Esdras 8:66 exist. First, 1 Esdras possibly preserves the better reading, while the reference to the Amorite in Ezra 9:1 is a textual corruption.³⁶ Second, a scribe or translator may have introduced an unintentional error into a Hebrew MS or into 1 Esdras itself by misreading the Hebrew for Amorite (אֱמֹרִי) as Edomite (אֱדוּמִי) and therefore rendering it into Greek as Ἰδουμαίων. If a scribe unintentionally modified the text, as these first two possibilities suggest, the difference between the Greek of 1 Esdras and the Hebrew of Ezra would be

³⁴ See Jacob M. Myers, *I and II Esdras: Introduction, Translation and Commentary* (AB 42; Garden City, N.Y.: Doubleday, 1974), 8-15.

³⁵ The manuscript evidence for this reading is overwhelming, with only one ninth century C.E. Syriac MS omitting καὶ Ἰδουμαίων. Cf. Robert Hanhart, ed., *Esdrae liber I* (SVTG 7.1; Göttingen: Vandenhoeck & Ruprecht, 1974), 130.

³⁶ Due to the hatred of the Edomites evidenced in various books of the Hebrew Bible, R. J. Coggins (*The First and Second Books of Esdras* [Cambridge: Cambridge University Press, 1979], 67) prefers the reading of 1 Esdras to the reading of Ezra.

of little significance for determining the *author's* redactional intentions with regard to the Idumeans, though his *readers* would still have concluded that the author believed Idumeans to be inappropriate marriage partners irregardless of any claims to conversion.

A third possibility is that the author of 1 Esdras (or a scribal copyist) intentionally modified the list of nations that the Israelites had intermarried with to fit the historical situation confronting him during the second century B.C.E.³⁷ That is to say, in light of the erasure of boundaries separating Jews and Idumeans occasioned by John Hyrcanus I, some Jews intermarried with some Idumean converts. And just as Ezra-Nehemiah could not imagine the possibility of conversion due to its genealogical boundaries, so, too, the author of 1 Esdras could not—even in the case of the descendants of Esau.

In support of this third possibility, that is, that the text of 1 Esdras reflects a conscious effort to apply the prohibition of intermarriage to converted Idumeans, one could point to an earlier reference to the Idumeans in 4:50 that may reflect a second-century B.C.E. setting. According to 1 Esdras, Darius decreed that the Idumeans should give up the villages of the Jews that were in their possession, a demand lacking from the book of Ezra. This addition to the narrative of Ezra fits the historical circumstances surrounding the ultimatum of John Hyrcanus to the Idumeans either to adopt Jewish practices or to abandon the region. The one significant difference is that the author does not mention the possibility that these Idumeans could convert to Judaism. This suggests that the third possible explanation for the reading Ἰδουμαίων in 1 Esdras 8:66 is the most

³⁷ Although Zipora Talshir (*1 Esdras: A Text Critical Commentary* [SBLSCS 50; Atlanta: SBL Press, 2001], 441, and *1 Esdras: From Origin to Translation* [SBLSCS 47; Atlanta: SBL Press, 1999], 120) believes 1 Esdras preserves the better reading, she acknowledges the possibility that the author consciously emended the text to deal with his preoccupation with Idumeans (cf. 4:45, 50).

likely. Consequently, in his rendering of Ezra, the author of 1 Esdras modifies his text in order to address the issue of Idumeans within Jewish borders: for the author Idumeans need to be removed from the area and are not marriageable material regardless of whether they are circumcised or not.

Like the *Animal Apocalypse*, 1 Esdras demonstrates that some Jews excluded the Idumeans from the Jewish people on genealogical grounds. While the *Animal Apocalypse* was likely sectarian, much like *Jubilees* and other works from Qumran, 1 Esdras had a different audience, as shown by the fact that it was written in Greek and was later used by Josephus as an historical source for his *Antiquities* (cf. *Ant.* 11:1-56). As a result, we now have evidence that the genealogical exclusion of Gentiles had a wider currency in the second century B.C.E. than has previously been appreciated. In the remainder of this chapter I will demonstrate that this genealogical exclusion of Gentiles persisted into the first century B.C.E. and first century C.E.

4.5 The Genealogical Exclusion of Herod

Throughout his writings Josephus repeatedly refers to Idumeans who adopted Jewish customs. In fact, he portrays the Idumeans as deeply committed to the city of Jerusalem, its temple, and the revolt against Rome. For instance, Josephus recounts the words of Simon, one of the Idumean leaders at the time of the Revolt, to the Jewish forces keeping the Idumeans out of Jerusalem:

I am no longer surprised that the champions of liberty are imprisoned in the Temple, now that I find there are men who close against this nation the city common to us all (κοινός πόλις); men who, while preparing to admit the Romans, maybe crowning the gates with garlands, parley with Idumaeans from their towers and bid them fling down the arms which they took up in defence of liberty; men who, refusing to entrust to their kinsmen (συγγενεῖς) the

protection of the mother city, would make them arbitrators in their disputes, and, while accusing certain individuals of putting others to death without trial, would themselves condemn the whole nation to dishonour. At any rate, this city, which flung wide its gates to every foreigner for worship, is now barricaded by you against your own people (οἰκεῖοι). And why? Because forsooth, we were hurrying hither to slaughter and make war on our fellow-countrymen (ὁμοφύλοι)—we whose sole reason for haste was to keep you free! Such doubtless was the nature of your grievance against your prisoners, and equally credible, I imagine, is your list of insinuations against them. And then, while detaining in custody all within the walls who care for the public welfare, after closing your gates against a whole body of people who are your nearest kinsmen (συγγενεστάτοι ἔθνεσιν) and issuing to them such insulting orders, you profess to be tyrant-ridden and attach the stigma of despotism to the victims of your own tyranny! Who can tolerate such ironical language, which he sees to be flatly contrary to the facts, unless indeed it is the Idumaeans who are now excluding you from the metropolis, and not you who are debarring them from the national sacred rites (τῶν πατρίων ἱερῶν)? One complaint might fairly be made against the men blockaded in the Temple, that, while they had the courage to punish those traitors whom you, as their partners in guilt, describe as distinguished persons and unimpeached, they did not begin with you and cut off at the outset the most vital members of this treasonable conspiracy. But if they were more lenient than they should have been, we Idumaeans will preserve God’s house and fight to defend our common country (κοινός πατρίδος) from both her foes, the invaders from without and the traitors within” (*Bell.* 4:272-81).

This lengthy speech by Simon the Idumean may accurately reflect Idumean sentiments regarding the familial bonds between Jews and Idumeans, but this does not necessarily mean that all Jews held such attitudes in common.³⁸ In fact, Josephus may accurately depict Idumean defensiveness toward Jews *because* of their liminal position vis-à-vis their own Jewishness.³⁹ In his speech, Simon stresses repeatedly that the Idumeans are the closest relatives of the Jews, and that the country and city are theirs, too.⁴⁰ One might

³⁸ Nor did all Idumeans apparently hold so firmly to these Jewish institutions, as evidenced by Costobar (cf. *Ant.* 15:252-258).

³⁹ For Josephus’ own hostility towards the Idumeans, see Alan Appelbaum, “‘The Idumaeans’ in Josephus’ *The Jewish War*,” *JSJ* 40 (2009): 1-22.

⁴⁰ See also *Bell.* 4:244, where Josephus describes the Idumeans as kinsmen (δῆμος συγγενής).

perceive in these repetitions the portrayal of an Idumean insecurity, reflecting their knowledge that some people contested the bonds that they thought they held in common with the Jews. To demonstrate this strained relationship between Jews and Idumeans it is necessary to find specific examples of how some Jews excluded Idumeans who had been incorporated into the Jewish people. While evidence of such a negative reception history is sparse, there are a few instances of Jewish disdain for Idumean converts in the Second Temple period, particularly for the most important Idumean-turned-Jewish family of the period—the Herodian dynasty.

4.5.1 Genealogical Criticisms of Herod in Josephus

The figure of Herod looms large in the writings of Josephus, the story of his life comprising four of the twenty volumes of *Antiquities*.⁴¹ While it may be true, as Louis H. Feldman asserts, that “[t]here is no figure in all antiquity about whom we have more detailed information than Herod,”⁴² this does not mean that anything like a scholarly consensus has formed with regard to his relation to the Jewish people. E. Mary Smallwood, for instance, argues that the Jewishness of Idumeans such as Herod was for a long time held suspect by Jews.⁴³ In contrast, Peter Richardson states that “it appears that

⁴¹ This is, in part, because Josephus depends upon the work of Nicolas of Damascus, whose history contained, according to Schürer (*History of the Jewish People*, 1.30-32), as many as 48 books (out of 144) dealing with Herod. See also, Ben Zion Wacholder, *Nicolaus of Damascus* (Berkeley, Calif.: University of California Press, 1962).

⁴² Louis H. Feldman, “Josephus,” *ABD* 3.989.

⁴³ E. Mary Smallwood (*Jews Under Roman Rule: From Pompey to Diocletian* [SJLA 20; Leiden: Brill, 1976], 19) says, “The Idumaeans, forcibly Judaized only two generations previously, were still viewed as foreigners by race and only dubious Jews by religion.”

Herod would have been reckoned a full Jew.”⁴⁴ While both of these assertions problematically assume a monolithic Jewish perception toward the family of Herod (presumably there were multiple contemporary views regarding the Jewishness of Herod), it is Richardson’s assertion that occupies us here.⁴⁵

Richardson argues that Jews did not take issue with the Idumean ancestry of Herod’s family until after his death. To substantiate this claim, he points to the fact that there is no evidence that Jews attacked Herod’s father, Antipater, on the basis of his Idumeanness: while leading Jews spread dissension about him, “they overlooked Antipater’s vulnerability ethnically: he and his family were Idumeans. The point is important because it suggests that Antipater’s origins were not such an issue as they later seemed to be.”⁴⁶ In addition, Richardson claims that, “[g]iven the limited evidence and the absence of vigorous controversy on the point, it appears that Herod would have been reckoned a full Jew.”⁴⁷ But is Richardson correct?

The general silence surrounding the ancestry of Herod’s father is inconclusive on a number of grounds. First, the extant Jewish literature from this period does not

⁴⁴ Peter Richardson, *Herod: King of the Jews and Friend of the Romans* (Columbia, S.C.: University of South Carolina Press, 1996), 53. See *Ant.* 20:173, *Bell.* 2:266.

⁴⁵ Cf. Cohen, *Beginnings of Jewishness*, 13-24. Cf. Ingrid Moen, “Marriage and Divorce in the Herodian Family: A Case Study of Diversity in Late Second Temple Judaism” (Ph.D. diss., Duke University, 2009).

⁴⁶ Richardson, *Herod*, 110. For later Christian evidence that Herod’s ancestry was an issue, see, for instance, Julius Africanus, cited in Eusebius, *Hist. eccl.* 1.6:2-3, 7, 11; Justin, *Dialogue* 52:3; Epiphanius, *Pan.* 1.20.1:3-5; and Theodoret, *Eranist.* 1.83, who calls Herod a foreigner (ἄλλόφυλος). Rabbinic literature also raises the issue of Herod’s ancestry (cf. *b. Baba Batra* 3b-4a). It is possible that the traditions preserved in Christian literature are of Jewish origin. Cf. Abraham Schalit, *König Herodes: Der Mann und sein Werk* (trans. Jehoschua Amir; SJ 4; Berlin: Walter de Gruyter, 1969), 677-78, and Nikos Kokkinos, *The Herodian Dynasty: Origins, Role in Society and Eclipse* (JSPSup 30; Sheffield: Sheffield Academic Press, 1998), 104-112.

⁴⁷ Richardson, *Herod*, 53.

necessarily provide a full and accurate record of the thinking of all Jews who lived during Herod's reign. Second, the exact identity of Idumeans, particularly in relation to the category of Jewishness, was irrelevant in dealing with Antipater because he was only a general (στρατηγός) of Idumea (*Ant.* 14:10), and not king of Judea. As I argue below, only when an Idumean was on the verge of becoming king of the Jews, thereby displacing the Hasmonean ruler, did the exact identity of these Idumean converts become a particularly pressing issue. In light of the fact that Deut 17:15 prohibited having a foreign king (MT: **וְשֵׂנִי נִכְרִי**; LXX: ἄνθρωπος ἀλλότριος) over Israel, the status of Herod was a serious halakhic issue in a way that Antipater's role as στρατηγός was not.⁴⁸ The early Hasmoneans fully supported the inclusion of the Idumeans into the Jewish people as long as it meant their continued hegemony, but once an Idumean threatened their rule, later Hasmoneans latched on to the notion that Idumeans were not Jews. This is exactly what Antigonus did when trying to keep his throne from falling into Herod's hands.

Further, contrary to Richardson's assertions, Antipater's Idumeanness was a sticking point at least as early as Herod the Great's reign. Josephus' accusation that Nicolas was guilty of revisionist history in his genealogical account of Herod's family points to the fact that Herod found his ancestry, and that of his father's, to be a source of

⁴⁸ This same prohibition is found in *11QT*. Cf. C. D. Elledge, *The Statutes of the King: The Temple Scroll's Legislation on Kingship (11Q19 LVI 12 – LIX 21)* (CahRB 56; Paris: J Gabalda, 2004). Jeffrey H. Tigay (*Deuteronomy = Devarim: Jewish Publication Society Torah* [JPS Torah Commentary; Philadelphia: JPS, 1996], 167) believes that "it is likely that the book objects to a foreigner because he would not be a loyal monotheistic worshiper of the Lord and would probably lead the people into apostasy." One can see this probability becoming a reality in Josephus' narrative with regard to Herod. David Daube ("One from among Your Brethren Shall You Set King over You," *JBL* 90 [1971]: 480-81) argues that the command has the kingship of the partial foreigner, Abimelech, in mind (cf. Josh 8:29-9:57). If so, Herod's kingship resembles quite closely the situation that concerned those responsible for this legislation in Deuteronomy.

embarrassment. In one particular instance of this criticism, Josephus questions the ancestry Nicolas provides for Herod: “Nicolas of Damascus says this one [i.e. Antipater, Herod’s father] is by birth of the principal Jews who came from Babylon to Judaea, but these things he says in order to please Herod his son” (*Ant.* 14:9). Josephus challenges this ancestry, which conflicts with his own statement in *Ant.* 14:8 that Antipater was in fact an Ἰδουμαῖος (cf. *Bell.* 1:123). Since Herod compelled Nicolas to falsify his genealogy, it follows that Herod was well aware of his troublesome ancestry and desired to overcome such concerns through the creation of a more prestigious and acceptable one.⁴⁹ While it is not impossible that Herod was a self-loathing Idumean in a Jewish culture that believed that Idumeans were full members of Jewish society, it is more likely that Herod’s sense of inferiority stemmed from his knowledge of Jewish perceptions of Idumeans. In light of this probability, it seems unlikely that Richardson is correct to assert that Herod “grew up—if indeed the conversion was ‘full’ and voluntary—in a family without doubt about its Judaism.”⁵⁰ Rather, Herod must have known that at least some Jews still perceived him to be an outsider due to his Idumean ancestry and so he commissioned Nicolas to graft his family into the Jewish population residing in Babylon, an ancestry that would have been difficult to disprove.

Second, Richardson asserts that we would expect to have more evidence of dissent stemming from Herod’s reign if Jews considered his Idumeanness to be a

⁴⁹ Richardson (*Herod*, 53) believes that we should discount Josephus’ statements here but provides no convincing reason to do so. In contrast, Schalit (*König Herodes*, 474), Aryeh Kasher (*King Herod: A Persecuted Persecutor: A Case Study in Psychohistory and Psychobiography* [trans. Karen Gold; SJ 36; Berlin: Walter de Gruyter, 2007], 22-23), Kokkinos (*Herodian Dynasty*, 101 n. 62), and Wacholder (*Nicolaus of Damascus*, 78-79) do not doubt Josephus’ veracity.

⁵⁰ Richardson, *Herod*, 56.

problem. In fact, however, there are a number of pieces of evidence which do point in this direction. First, in his account of the struggle between Herod and Antigonus over the Jewish throne, Josephus states that Antigonus argues that the people should not give the kingdom to Herod because of his ignominious roots, being both a commoner and an Idumean—that is, a half-Jew (ἰδιώτη τε ὄντι καὶ Ἰδουμαίῳ τουτέστιν ἡμιουδαίῳ, *Ant.* 14:403). Instead, Antigonus argues, they should give it to those who belong to the race (γένος) to which it was the custom to give the kingship. It is this reference to a half-Jew (ἡμιουδαῖος) that is of interest.⁵¹ Aryeh Kasher claims that the expression “‘half-Jew’ is merely an explanation of the first two terms [that is, an ἰδιώτης and an Ἰδουμαῖος] and is, therefore, intended to tarnish Herod’s lineage and not his religion.”⁵² But it is hard to see how the term “half-Jew” could be an explanation of the word “commoner” (ἰδιώτης). Rather, ἡμιουδαῖος must be an explanatory expansion on the identity of Ἰδουμαῖος.

This passage demonstrates that Herod’s Idumean descent was a source of concern for someone, but for whom? Does Josephus himself question the Jewishness of Herod, or

⁵¹ According to a search performed on *Thesaurus Linguae Graecae*, ἡμιουδαῖος is a *hapax legomenon* in all Greek literature and so we are left without recourse, outside of the present passage, for understanding the word.

⁵² Kasher, *Jews, Idumaeans, and Ancient Arabs*, 76. Richardson (*Herod*, 52-53) notes two other possibilities that he dismisses: that Herod was a half-Jew because his mother was Nabatean and that Herod was only a God-fearer. The former possibility is unlikely since the matrilineal principle either did not exist or was not widely observed at this point in Jewish history, as Shaye J. D. Cohen (“The Origins of the Matrilineal Principle in Rabbinic Law,” *AJSR* 10.1 [1985]: 19-53) demonstrates. Cohen rightly states: “Herod the Great is labeled an ‘Idumean’ and a ‘half-Jew’ because of his paternal ancestry; the fact that his mother was an ‘unconverted’ Arab woman is ignored” (29). Further, there is no evidence that Herod was a God-fearer, and therefore uncircumcised, something that seems particularly unlikely in light of the fact that he required the observance of Jewish customs (presumably including circumcision) of those who would marry his female relatives (cf. *Ant.* 16:225; 20:145). Cf. Moen, “Marriage and Divorce in the Herodian Family,” 223-35.

is he merely portraying Antigonus as trying to leverage Herod's ancestry in a last ditch effort to sling mud at his political opponent? In light of what he says elsewhere regarding Herod's ancestry, it appears that Josephus did consider Herod's Idumean ancestry to be problematic. This does not exclude the possibility that Antigonus also was able to attack Herod on the basis of his ancestry. Josephus and Antigonus (if indeed such sentiments go back to him), the last Hasmonean king, obviously had political reasons for maligning Herod since he was a usurper, but how did others perceive Herod?⁵³ The very fact that Antigonus could leverage Herod's Idumean ancestry in an attempt to gain support from the people suggests that either he (or Josephus if he invented this incident) knew that such an accusation would have traction with a wider segment of the Jewish population. As Menahem Stern argues, Herod's ascent to the throne likely "aroused the hostility of the majority of the Jewish people, who saw that the Hasmonaean dynasty was being supplanted by a foreign house, only half-Jewish."⁵⁴

Admittedly, depending on how credible Josephus is at this point, the incident with Antigonus might not accurately reflect the events of the early days of Herod's reign. But two works which some believe come from the Herodian period might attest to just such an attitude towards Herod.

⁵³ Cf. Schalit, *König Herodes*, 21-22.

⁵⁴ Menahem Stern, "The Reign of Herod and the Herodian Dynasty," in *The Jewish People in the First Century: Historical Geography, Political History, Social, Cultural and Religious Life and Institutions* (2 vols.; ed. S. Safrai et al.; Assen: Van Gorcum, 1974), 216-307 (217).

4.5.2 Herod in the *Testament of Moses*

The first possible piece of evidence that Herod's non-Jewish descent was a cause of contention can be found in the *Testament of Moses* 6:1-7:

Then, kings will arise for them to assume government, and they will proclaim themselves priests of the Most High God (*et in sacerdotes summi Dei vocabuntur*). They will act most impiously against the Holy of Holies. And a petulant king will succeed them, who will not be of priestly stock (*qui non erit de genere sacerdotum*). He will kill their men of distinction, and he will bury their corpses at unknown places, so that no one knows where their corpses are. Then there will be bitter fear of him in their land. And he will judge them like the Egyptians for 34 years, and he will punish them. And he will bring forth children who will succeed him. They will rule for shorter periods....⁵⁵

Most interpreters identify this petulant king with Herod the Great, due to the correspondence between the 34-year reign ascribed to him here and Herod's 34-year reign which Josephus describes (cf. *Bell.* 1:665; *Ant.* 17:191).⁵⁶ The claim that his children reigned for shorter periods narrows the period of the work's final composition to the first century C.E., since both Antipas and Philip reigned for longer durations than their father. Thus it is probable that the author wrote at some point after the deposition of Archelaus but before the end of the reigns of Antipas and Philip, that is, in the early first century C.E., after the death of Herod (4 B.C.E.) and before the end of the reigns of Antipas and Philip (c. 30 C.E.). While pieces of the work may have existed as early as the Hasmonean period, as George Nickelsburg and others argue, the work, as it presently

⁵⁵ Translation follows that of Johannes Tromp, *The Assumption of Moses: A Critical Edition with Commentary* (SVTP 10; Leiden: Brill, 1993).

⁵⁶ Cf. Tromp, *Assumption of Moses*, 202.

stands, is a product of the early first century C.E.⁵⁷ Thus, if a genealogical critique of Herod is found in *T. Mos.*, it comes within the first few decades of the first century C.E.

The author portrays Herod as a violent man of suspect genealogy—he is not *genere sacerdotum*. What exactly does the author intend by this phrase? The only other occurrence of *genus* in the *Testament of Moses* is found in 11:4, where it applies to the people of Israel as a whole, thus suggesting that “priestly race” or “priestly people” is a better translation. The Latin word *sacerdos* is used on two other occasions, 5:4 and 6:1. In these two instances, it appears that Aaronic descendants are in view. But who is the priestly race of 6:2? Unfortunately, the *Testament of Moses* does not provide enough evidence to draw a firm conclusion.

The only other time that *genus* and *sacer-* are used together in Jewish literature is in Pseudo-Philo’s *LAB* 17:1, where the combination specifically refers to the descendants of Levi: “And then the identity of the priestly family (*genus sacerdotale*) was revealed by the selection of one tribe” (cf. Numbers 17). This is how Johannes Tromp understands the phrase *genere sacerdotum* in 6:2. If Tromp is correct, then the author of the *Testament of Moses* makes the uncontroversial claim that Herod does not belong to the priestly tribe of Levi.⁵⁸ But since the *Testament of Moses* demonstrates antagonism to the Hasmoneans, the fact that Herod himself was not of priestly origin could hardly have bothered the author.

⁵⁷ Jacob Licht, “Taxo, or the Apocalyptic Doctrine of Vengeance,” *JJS* 12 (1961): 95-103; George W. E. Nickelsburg, *Resurrection, Immortality and Eternal Life in Inter-Testamental Judaism* (HTS 26; Cambridge, Mass.: Harvard University Press, 1972), 28-31 and 43-45; and idem, “An Antiochan Date for the Testament of Moses,” in *Studies on the Testament of Moses: Seminar Papers* (ed. George W. E. Nickelsburg; SBLSCS 4; Cambridge, Mass.: SBL Press, 1972), 33-37.

⁵⁸ See also R. H. Charles, *The Assumption of Moses* (London: Adam and Charles Black, 1897), 21.

On the other hand, it is possible that the phrase *genere sacerdotum* refers to the priestly nation of Israel. For instance, in Exod 19:6, God calls Israel a “kingdom of priests and a holy nation” (MT: ממלכת כהנים וגוי קדוש; LXX: βασιλείου ἱεράτευμα καὶ ἔθνος ἅγιον; Vg.: *regnum sacerdotale, et gens sancta*). A number of writings from the Second Temple period apply this phrase with even greater emphasis to Israel. For instance, *Jubilees* applies priestly requirements to the entirety of Israel: “The first man Adam is also the first priest, and from him the priesthood passes through Enoch, Methuselah, Lamech, Noah, Shem, Abraham, Isaac, and Jacob, to Levi,” thereby “emphasizing the priestly ancestry of the entire people of Israel.”⁵⁹ As *Jub.* 16:18 states of Jacob’s descendants, “they would become a kingdom, a priesthood, and a holy nation” (Latin: *regnum sacerdotale et populus sanctus*). Similarly, *Jub.* 33:20 calls Israel “a priestly nation” and a “priestly kingdom” (Latin: *populus sacerdotalis est et regalis*). Thus, Israel itself can be described in priestly terms.⁶⁰ While not the exact phrase as that found in *T. Mos.* 6:2, the terms are equivalent in meaning.

Which of these two meanings of *genere sacerdotum*, levitical descent or Jewish descent, is intended in *T. Mos.* 6:2? Unfortunately, it is impossible to adjudicate between these two possibilities, but it is possible that the *Testament of Moses* provides evidence of a genealogical accusation against Herod’s Idumean ancestry, which excluded him from membership in Israel, the “kingdom of priests.”

⁵⁹ Martha Himmelfarb, “‘A Kingdom of Priests’: The Democratization of the Priesthood in the Literature of Second Temple Judaism,” *Journal of Jewish Thought and Philosophy* 6 (1997): 89-104 (91, 93). See also eadem, *Kingdom of Priests*, 53-84.

⁶⁰ Early Christian literature also evidences this extension of priestly identity. Cf. 1 Pet 2:9; Rev 1:6; 5:10.

4.5.3 Herod in *Psalms of Solomon* 17

The second possible piece of evidence for antagonism towards Herod's Idumean descent is found in *Psalms of Solomon* 17. While the majority of scholars believe that this *Psalms* reflects the actions of Pompey in 63 B.C.E. (cf. *Ant.* 14:57-74),⁶¹ others argue that it was written in the Herodian period and refers to the actions of Herod.⁶²

You, Lord, chose David to be king over Israel, and you swore to him concerning his seed that his kingdom would never fail before you. But, for our sins, sinners rose up against us. They assailed us and drove us out. Through violence they took what you had not promised to them. They did not glorify your precious name. In glory, they established a kingdom in place of their excellency. They laid waste the throne of David in arrogance. But you, God, will cast them down and will remove their seed from the earth, when there arises against them a man who is alien to our race (ἄνθρωπος ἀλλότριος γένους ἡμῶν). According to their sins you will pay them, God, so that it will happen to them according to their deeds. God showed no mercy to them. He searched out their seed and let not one of them go (17:4-9).

While scholars agree that those who seized David's throne are the Hasmoneans, disagreement exists over whether the man of foreign race who punishes the Hasmoneans is Pompey or Herod. Kenneth Atkinson argues that the *Psalms* supports the Herod hypothesis, since the "author's uses of the future (vss. 7-9a) and aorist (vs. 9b) tenses, in contrast to the past tense of the previous section (vss. 5-6), suggests a time when it was

⁶¹ Cf., for instance, F. M. Abel, "Le siege de Jérusalem par Pompée," *RB* 54 (1947): 243-55.

⁶² M. Aberbach ("The Historical Allusions of Chapters VI, XI, and XIII of the Psalms of Solomon," *JQR* 41 [1951]: 379-96 [379]), André Caquot ("Les Hasmonéens, les Romains et Hérode: observations sur Ps Sal 17," in *Hellenica et Judaica: Hommage à Valentin Nikiprowetzky* [ed. André Caquot, M. Hadas-Lebel, and J. Riaud; Leuven: Peeters, 1986], 213-18 [213]), and Johannes Tromp ("The Sinners and the Lawless in Psalm of Solomon 17," *NovT* 35.4 [1993]: 344-61) argue for a Herodian dating, while E.-M. Laperrousaz ("Hérod le Grand est-il 'l'ennemi [qui] a agi en étranger' des Psaumes de Salomon?" in *Politique et religion dans le judaïsme ancien et médiéval* [ed. D. Tollet; Paris: Desclée, 1989], 29-32), Kenneth Atkinson ("Herod the Great, Sosius, and the Siege of Jerusalem [37 B.C.E.] in Psalm of Solomon 17," *NovT* 38.4 [1996]: 313-22), and Benedikt Eckhardt ("PsSal 17, die Hasmonäer und der Herodomepeus," *JSJ* 40.4-5 [2009]: 465-92) argue further that Herod's actions are specifically mentioned in the *Psalms*. Schalit (*König Herodes*, 463-64) anticipates this argument.

obvious that the Hasmonean line was about to be eradicated.”⁶³ The fact that 17:9 envisages the end of the Hasmoneans at the hand of the alien king seems to fit Herod better than Pompey; such a setting does not coincide with the usual interpretation that the *Psalms* reflects Pompey’s actions in 63 B.C.E., since the Hasmoneans supported Pompey.⁶⁴

Despite Atkinson’s more recently expressed reservations regarding this identification, I believe that he was originally right to identify the ἄνθρωπος ἄλλότριος of 17:8 with Herod the Great.⁶⁵ The phrase ἄνθρωπος ἄλλότριος confirms this identification, since the only other occurrences of this phrase in Jewish literature are Deut 17:15 and Philo’s *Agr.* 84, which cites Deut 17:15.⁶⁶ Further, the underlying Hebrew of Deut 17:15, אִישׁ נָכְרִי, is found only in Eccl 6:2 (but is rendered by the LXX translators as ἀνὴρ ξένος), and *m. Sotah* 7:8, again a quotation of Deut 17:15. In other words, of the five occurrences of אִישׁ נָכְרִי/ἄνθρωπος ἄλλότριος in the Bible and early Jewish literature, three clearly relate to the deuteronomic prohibition against permitting a foreigner to rule over Israel (Deut 17:15; *Agr.* 84; *m. Sotah* 7:8). Since the occurrence of אִישׁ נָכְרִי in Ecclesiastes seems to be anomalous, the phrase “the foreign man” in *Ps. Sol.* 17 is an allusion to Deut 17:15: the subject is a foreigner who is permitted to rule over Israel. And who fits this description better than Herod the Idumean? *Mishnah Sotah*

⁶³ Atkinson, “Herod the Great,” 316. See also, Tromp, “Sinners,” 346-47.

⁶⁴ Cf. Atkinson, “Herod the Great,” 317.

⁶⁵ In his most recent work, Atkinson (*I Cried to the Lord: A Study of the Psalms of Solomon’s Historical Background and Social Setting* [JSJSup 84; Leiden; Brill, 2004], 135-44) argues that the *Psalms* refers to Pompey, not Herod, but gives no clear reason as to why he changed his mind. In personal correspondence [March 9, 2008], Atkinson informs me that he now thinks it more likely that the foreigner of v. 7 refers to Pompey, but that during the Herodian period, readers applied the *Psalms* to Herod.

⁶⁶ The plural form, ἀνθρώποι ἄλλοτρίοι, is found in *T. Jud.* 16:4.

7:8, moreover, relates a tradition connecting Herod's descendants to the 'שׂ נכר' of Deut 17:15, thus providing strong support for Atkinson's original identification of the ἄνθρωπος ἀλλότριος as Herod.⁶⁷ By contrast, no existent tradition links Pompey to the 'שׂ נכר' of Deut 17:15.

Although it is difficult to determine with certainty the historical situation behind the composition of *Ps. Sol.* 17, I believe that it was composed during the Herodian period and that vv. 7-10 portrays God's punishment of the Hasmoneans at the hand of Herod, not Pompey. If so, the *Psalms* provides us with further evidence that some Jews perceived Herod to be a foreigner, for v. 7 states that "against them [i.e. the Hasmoneans] there rose up a man who was of a foreign race to ours" (ἄνθρωπος ἀλλότριος γένους ἡμῶν). *Psalms of Solomon* 17:13 also stresses the foreignness of this man: "In his foreignness the enemy acted arrogantly. And his heart was alien from our God" (ἐν ἀλλοτριότητι ὁ ἐχθρὸς ἐποίησεν ὑπερηφανίαν, καὶ ἡ καρδία αὐτοῦ ἀλλοτρία ἀπὸ τοῦ θεοῦ ἡμῶν). The *Psalms* expresses hope that God will soon raise up the son of David in order that the sojourner and alien might no longer live with God's people (καὶ πάροικος καὶ ἀλλογενὴς οὐ πάροικος παροικήσει αὐτοῖς ἔτι, 17:28).⁶⁸

If the above argument is correct in dating *Psalms of Solomon* 17 to the Herodian period and in identifying the foreign king with Herod, then Richardson is wrong to claim

⁶⁷ On rabbinic traditions dealing with the Herodians and Deut 17:15, see below. Atkinson does not discuss the phrase ἄνθρωπος ἀλλότριος, and thereby weakens his argument that the *Psalms* pertains to Herod.

⁶⁸ I am unconvinced by Atkinson ("Herod the Great," 322), however, that this verse refers specifically to Herod as the sojourner and Sosius as the alien, since the language seems too generic to apply to individual figures. As Albert Schweitzer (*The Mysticism of Paul the Apostle* [trans. William Montgomery; Baltimore: Johns Hopkins University Press, 1953], 178) argues, these verses demonstrate that the author of the *Psalms* rejected any form of universalism which permitted entrance to foreigners.

that there is no evidence that Herod's Idumeanness was controversial during his reign. It is true that we might expect more evidence of controversy over Herod's Idumean descent in literature arising during his reign. Nonetheless, given the haphazardness of the preservation of ancient Jewish literature, we can be sure that what has come down to us does not provide a complete picture of ancient Jewish perceptions of Herod.⁶⁹

4.5.4 Herod's Patronage of the Abraham Cult

Further, Herod's architectural feats reflect anxiety over his Idumean ancestry, demonstrating his knowledge that his lineage was questioned by his contemporaries. In addition to the forged Herodian family tree, two of Herod's building projects in particular appear to stem from a desire to emphasize the Abrahamic connections between Idumeans and Jews in order to undermine any charges that he was not fully Jewish. Early in his career, Herod constructed two monuments—one at Hebron and another at Mamre. Archaeologists connect the structure at Hebron to the Cave of Machpelah, the traditional burial site of the Jewish patriarchs (cf. Gen 23; 25:9; 49:30; 50:13). They believe that, although the building has been altered over the years, the original details of the building are strikingly similar in style to the Jerusalem Temple's precincts, and that it is likely one of Herod's architectural projects.⁷⁰ In addition to the structure at Hebron, archaeologists have also found at Mamre a cultic site linked to Abraham (cf., for instance, Gen 13:18), a monumental structure similar in architecture both to the enclosure at Hebron and to the

⁶⁹ I will deal more extensively with this problem below.

⁷⁰ Cf. Ehud Netzer, *The Architecture of Herod, the Great Builder* (TSAJ 117; Tübingen: Mohr Siebeck, 2006), 228-30; L. H. Vincent and E. J. H. Mackay, *Hébron, Le Haram el-Khalil: Sépulture des patriarches* (Paris: Leroux, 1923).

temple mount.⁷¹ Of these memorials to Abraham, the forefather of both the Idumeans (through Esau) and the Jews (through Jacob), Richardson states:

[They] allowed Herod to emphasize the unity of Idumaeans and Jews; they were acts of piety to please both and offend neither. These structures—perhaps among Herod’s earliest—indicated Herod’s true colors in religion and piety, for he had little reason to give a false impression here. They suggest that Herod’s own convictions were rooted in the origins of the religious experience of Jews and Idumaeans, with no fundamental opposition between his Idumaeon race and his Jewish religion.⁷²

Richardson is certainly correct to stress the importance of these memorials for Herod in that they functioned for all who saw them as reminders of the close genealogical relationship between the Idumeans and the Jews.⁷³ These building projects, in addition to Josephus’ testimony that Nicolas modified Herod’s ancestry in order to please him, suggest, as Kasher argues, that Herod’s “Idumaeon-Arabic roots . . . were apparently the cause of feelings of profound inferiority on Herod’s part from early childhood to the end of his life.”⁷⁴

Perhaps some Jews questioned Herod’s Jewishness because of the halakhic position of Deuteronomy which enabled an Edomite entrance into the congregation of YHWH only after the third generation (Deut 23:8). Was Herod merely a half-Jew

⁷¹ Netzer, *Architecture of Herod*, 231-32, and Y. Magen, “Mamre: A Cultic Site from the Reign of Herod,” in *One Land—Many Cultures: Archaeological Studies in Honour of Stanislaw Loffreda OFM* (ed. G. Claudio Bottini et al.; Studium Franciscanum 41; Jerusalem: Fransican Printing, 2003), 245-57.

⁷² Richardson, *Herod*, 61-62. Cf. Smith, “The Gentiles in Judaism,” 306.

⁷³ Netzer (*Architecture of Herod*, 231) suggests that Josephus may not have mentioned these structures since they were in Idumeon lands and used by Idumeans, not Jews.

⁷⁴ Kasher, *King Herod*, 19. Cf. Kasher’s lengthy treatment of Herod’s inferiority complex, “When a Slave Reigns: The Inferiority Feeling of King Herod and its Impacts on his Life and Deeds,” in *The Path of Peace—Studies in Honor of Israel Friedman Ben-Shalom* (ed. M. Pucci-Ben Zeev and D. Gera; Beer-Sheba: Ben-Gurion University of the Negev Press, 2005), 179-224 [Hebrew].

because not enough generations had passed since his family had joined the Jewish people? While Kasher notes the possibility that one could understand the later mishnaic position on this passage as excluding even the third generation (*m. Yeb.* 8:3), he argues that Deut 23:8 “leaves the impression there was no blemish on Herod’s Jewishness.”⁷⁵ Thus, the fact that Herod was called a half-Jew does not seem to be based on Deuteronomy 23, but rather on a genealogical conception of Jewishness that precluded the possibility of conversion.

Compounding the issue of Herod’s suspect ancestry was his troubling behavior. On a number of occasions, Josephus accuses Herod of instituting practices that were foreign to Jewish customs. For instance, he introduced fighting with wild animals, which many Jews considered a break with their traditions (*Ant.* 15:274). Further, he placed trophies in a theater he built, causing people to think that he was setting up images and that this “violation of the ancestral customs of their country would be the beginnings of great evils” (15:281). When he enacted a law that sold housebreakers into slavery, many Jews considered this also a violation of the ancestral customs (16:1).⁷⁶ As a result, many people resented him, thinking that he was abolishing their customs (15:365), and, in response to these apparent violations of the law, some Jews concluded that it was their duty to kill him rather “than seem indifferent to Herod’s forcible introduction of practices

⁷⁵ Kasher, *Jews, Idumaeans, and Ancient Arabs*, 126-27. Kasher also argues that the Mishnah should be understood as excluding the first and second generations, but not the third.

⁷⁶ Exodus 22:2 allows for the sale of a thief in the case that he is unable to make full restitution for what was stolen. On the question of whether or not this was similar to Herod’s actions, and what exactly Josephus envisages here, see Ephraim E. Urbach, “The Laws Regarding Slavery as a Source for Social History of the Period of the Second Temple, the Mishnah and Talmud,” in *Papers of the Institute of Jewish Studies London: Volume 1* (ed. J. G. Weiss; Boston: University Press of America, 1989), 1-94 (18-23).

not in accord with custom, by which their way of life would be totally altered, and to his behaving in appearance as the king but in reality as the enemy of the whole nation” (*Ant.* 15:283).

Of Herod’s behavior Kasher states, “[T]he reserved attitude of the Jewish people towards him (so much that he was considered ‘a foreign king’) arose out of his ‘foreign’ behavior and actions (and not because of his Idumean and Arab origins).”⁷⁷ But the texts above demonstrate that there were those who believed that Herod’s Idumean ancestry made him a foreigner. To such as these, Herod’s actions probably only confirmed their original suspicions regarding his genealogy. To others, who were perhaps initially open to the possibility of outsiders becoming insiders—in this case Idumeans becoming Jews—Herod’s behavior probably raised questions with regard to the possibility of true conversion. Even on Kasher’s minimalist reading, Herod’s “foreign” behavior would inevitably have called into question whether his foreign origins, both Idumean and Nabatean, still exerted an influence over him.⁷⁸ Herod’s conduct may have demonstrated the maxim that eventually “bad blood will out.”

4.6 Genealogical Criticisms of Agrippa I

A story in Josephus’ *Antiquities* about Agrippa I, Herod’s grandson, confirms that others considered the Idumean ancestry of the Herodians to be problematic. Three of Agrippa’s grandparents were of Idumean descent—both the parents (Costobar and

⁷⁷ Kasher, *Jews, Idumaeans, and Ancient Arabs*, 130.

⁷⁸ In his later work, Kasher (*King Herod*, 19) concurs: “The manner in which Herod was raised and educated, and the mixed—even contrary—cultural messages that he absorbed, may have contributed to the emergence of several different components of identity at one and the same time: Idumaeian and Arab/Nabataean, in keeping with his birth origins; Jewish, based on his official religion; and Hellenist, in accordance with his actual upbringing.”

Salome) of Agrippa's mother, Berenice, and his father's father (Herod). Only Mariamme, Agrippa's grandmother, was of Jewish descent.⁷⁹ Josephus recounts a brief story about Agrippa I which demonstrates that he was not immune to genealogical criticisms:

And there was a certain man of Jerusalem named Simon who thought he knew the law accurately (ἐξακριβάζειν δοκῶν τὰ νόμιμα). This man gathered together an assembly while the king was absent at Caesarea and he was bold enough to speak against the king as not being holy (ὅσιος), and ought justly to be excluded from the Temple since entry belonged to natives (ἐγγενής). But the remarks of Simon were made known to the king through letters from the General of the army. Therefore the king sent for him and sat him down in the theatre and commanded him gently and softly: 'Tell to me: What is the issue (τί τῶν ἐνθάδε) that is contrary to the law?' But having nothing to say he begged to receive pardon. But the king was easily reconciled to him, judging gentleness better fitting royalty than wrath, and knowing moderation better than anger. Therefore he sent Simon away with a gift (*Ant.* 19:332-34).

Scholars usually take Simon's accusation that the king was not holy (ὅσιος) to reflect his opinion about the actions Agrippa I was involved in at the theater, and so understand Agrippa's question to Simon to relate specifically to the context of the theater: "What is happening here that is not according to the law."⁸⁰ As a result of this interpretation of Simon's accusation, Benedikt Niese, followed by Louis H. Feldman, suggests that the Greek text of *Ant.* 19:332 be emended from ἐγγενής to εὐαγγής, in order to clarify that the issue had to do with purity and not genealogy.⁸¹ But, as Daniel R. Schwartz points

⁷⁹ For the Herodian family tree, see the insert in Schalit, *König Herodes*.

⁸⁰ See, for instance, Stern, "Herod and the Herodian Dynasty," 294.

⁸¹ Benedikt Niese, ed., *Flavii Iosephi Opera* (7 vols.; Berlin: Weidmann, 1887-95), 4.267, and Louis H. Feldman, *Josephus* (LCL; Cambridge, Mass.: Harvard University Press), 9.370-71 note c.

out, this textual emendation is implausible: while ἐγγενής does occur elsewhere in Josephus' writings, εὐαγής does not.⁸²

Likewise dismissing Niese's textual emendation, Joseph M. Baumgarten argues that Agrippa's actions in the theater called into question his observance of the Jewish religion. That is, his actions led Simon to conclude that Agrippa was a lapsed convert, because non-Jewish behavior by a recent convert to Judaism calls into question that very conversion.⁸³ But, again, Schwartz rightly rejects this interpretation: "How can Agrippa's failure to observe Jewish law impugn his descent? If Simon (or Josephus) meant that Agrippa's conduct vitiates his link to Judaism, he could have said so. Why talk about his descent?"⁸⁴ Simon's accusations make sense only if genealogically exclusionary thinking undergirds his criticisms.

Schwartz's own interpretation of this passage is much more compelling. Instead of seeing the theater as central to Simon's concerns, Schwartz argues that it has nothing integral to do with the condemnation of Agrippa. The question that Agrippa poses to Simon (τί τῶν ἐνθάδε) does not refer to the location—that is, to the theater; rather, Agrippa merely asks Simon, "What is the issue?"⁸⁵ The strength of this interpretation lies in the fact that "the whole story may be explained without emending the text and without

⁸² Daniel R. Schwartz, *Agrippa I: The Last King of Judaea* (TSAJ 23; Tübingen: Mohr [Siebeck], 1990), 125, based on K. H. Rengstorff, *A Complete Concordance to Flavius Josephus* (4 vols.; Leiden: Brill, 1973), 2.225. Cf. *Ant.* 15:260; 16:59 for the two other occurrences of ἐγγενής.

⁸³ Joseph M. Baumgarten, "Exclusions from the Temple: Proselytes and Agrippa I," *JJS* 33.1-2 (1982): 215-25.

⁸⁴ Schwartz, *Agrippa I*, 125.

⁸⁵ Schwartz (*Agrippa I*, 125) rightly suggests this possible translation of ἐνθάδε, as noted in LSJ.

inserting whole new elements into it, but also without assuming that a logical gap separates Simon’s complaint and Agrippa’s response.”⁸⁶

Consequently, Simon’s criticism of Agrippa is “aimed at preserving the sanctity of the Temple—a bastion of priestly Judaism. And, moreover, it was predicated on a genealogical argument, on the assumption that there was an absolute link between descent and access to holiness, so that the descendant of proselytes must be excluded.”⁸⁷ Simon apparently believed that Agrippa’s descent should have prohibited him from entry into the temple.⁸⁸ Just as non-priestly descent excluded lay Jews from entering the inner sanctum of the temple, so too non-Jewish descent excluded Gentiles from entrance into the temple. That some Jews in the Second Temple period desired to restrict entrance only to those who were genealogically Jewish can be demonstrated by *4QFlorilegium*. According to this work, the future temple would be one unpolluted by the entry of “the Ammonite, the Moabite, the *mamzer*, the foreigner (בן נכר), or the resident alien (גר)” (*4Q174 I_II i.4*).⁸⁹

Such evidence might lead one to conclude that Simon belonged to the Qumran community, yet, as Schwartz notes, the Qumran community thought that the Jerusalem Temple was already irredeemably defiled and so excluding Agrippa I would not have

⁸⁶ Schwartz, *Agrippa I*, 126.

⁸⁷ Schwartz, *Agrippa I*, 126.

⁸⁸ For later rabbinic evidence of Agrippa’s entry into the temple precinct, see *m. Bikk.* 3:4.

⁸⁹ John Strugnell (“Notes en Marge du Volume V des ‘Discoveries in the Judaean Desert of Jordan’,” *RevQ* 7 [1969/1970]: 163-276 [221]) argues that גר ought to be translated as “adulterer.” This translation is groundless, as George J. Brooke argues, *Exegesis at Qumran: 4QFlorilegium in its Jewish Context* (JSOTSup 29; Sheffield: JSOT Press, 1985), 100-107.

remedied the situation.⁹⁰ Schwartz concludes that Simon was of priestly descent and believed that since the priesthood was determined by genealogy, Jewishness in general was also a matter of genealogical descent: “[I]f the question ‘who is a priest?’ is answered necessarily and sufficiently by descent, it follows that this criterion is important. Therefore, it is natural to apply it to the question ‘Who is a Jew?’ as well, with the result that a Gentile cannot become a Jew, no matter how dedicated to piety and sanctity he may be.”⁹¹ Schwartz may be right in thinking that Simon was of priestly descent since he is so concerned with genealogy, but it is also possible that non-priestly Jews defined Jewishness in strictly genealogical terms.

The extant inscriptions of the temple mount, which warn that those of foreign birth are not to enter the sanctum, provide archaeological evidence for such a priestly view of a genealogical definition of Jewishness: Μηθένα ἀλλογενῆ εἰσπορεύεσθαι ἐντὸς τοῦ περὶ τὸ ἱερόν τρυφάκτου καὶ περιβόλου. Ὅς δ’ ἂν ληφθῆ, ἑαυτῶι αἴτιος ἔσται διὰ τὸ θάνατον ἐξακολουθεῖν.⁹² Of this inscription, Elias Bickerman writes: “A pagan visitor had no reason to be offended in finding himself excluded from the holy ground. In all ancient religions there were sancta inaccessible to the profane crowd and separated by a rail of wood or stone.”⁹³ Yet, in contrast to these pagan

⁹⁰ Schwartz, *Agrippa I*, 129.

⁹¹ Schwartz, *Agrippa I*, 126-27. For more detailed argumentation on the priestly view of descent at Qumran see Daniel R. Schwartz, “On Two Aspects of a Priestly View of Descent at Qumran,” in *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin* (ed. Lawrence H. Schiffman; JSPSup 8; Sheffield: JSOT Press, 1990), 157-79.

⁹² C. Clermont-Ganneau was the first to publish the inscription, “Une Stèle du Temple Jérusalem,” *Revue archéologique* 23 (1872): 214-34, 90-96. Cf. Elias Bickerman, “The Warning Inscriptions of Herod’s Temple,” *JQR* 37.4 (1947): 387-405.

⁹³ Bickerman, “Warning Inscriptions,” 389.

temples, the Jerusalem Temple inscriptions did not exclude merely on the basis of ritual purity but also on the basis of genealogy—an immutable condition.⁹⁴ The fact that Josephus refers to these inscriptions but states that no ἀλλόφυλος was permitted to enter, unless he was purified according to the laws (*Ant.* 12:145), should not cloud the issue—the extant inscriptions, taken literally, exclude the possibility of the entrance of Gentiles, regardless of their ritual purity.⁹⁵ Further, Josephus makes no mention elsewhere of the possibility that a ritually pure foreigner might enter the temple precincts (cf. *Ant.* 15:417; *Bell.* 5:194; 6:124-26).⁹⁶ Similarly, in Acts 21, which I will discuss in the next chapter, some Jews from Asia accuse Paul of bringing Greeks into the temple. Importantly, they do not raise the question of whether these Greeks have undergone any purificatory rites that might permit them entrance. They and the crowds simply know that no foreigner is allowed to enter the temple.

Bickerman suggests that it was Herod himself who set up these inscriptions.⁹⁷ While I find it improbable that Herod, and not temple priests, was responsible for the inscriptions, the possibility that Herod set up the inscription cannot be discounted.⁹⁸ If Bickerman is correct, presumably Herod did not mean to include himself or his descendants under the rubric of an ἀλλογενής. Further, Bickerman argues that “[t]he

⁹⁴ Bickerman, “Warning Inscriptions,” 390-91.

⁹⁵ Clermont-Ganneau (“Une Stèle,” 232) notes this fact. Perhaps it is significant that the inscription mentioned in *Ant.* 12:145 is that from 200 B.C.E. set up by Antiochus III of Syria. This inscription also differs from the extant inscriptions in that a monetary penalty, not death, was the punishment for transgression (*Ant.* 12:146).

⁹⁶ Additionally, Josephus explicitly excludes the foreigner (ἀλλόφυλος) from the Passover (*Bell.* 6:427).

⁹⁷ Bickerman, “Warning Inscriptions,” 402.

⁹⁸ Schwartz, *Agrippa I*, 127-28.

choice of the word in the inscription (in place of usual synonyms: ἄλλόφυλος, ἄλλοεθνής) probably follows the terminology of Greek sacramental cults, which, too, promised to the convert a rank above that of other men and united the initiates of various origin into a ‘mystic brotherhood’.⁹⁹ But even if those responsible for the inscription intended such fine distinctions, it seems doubtful that those who read the temple inscriptions would have appreciated them. And even if we concede the possibility that Herod was responsible for the inscriptions, this does not necessitate that all those who read it would understand the term ἄλλογενής to refer only to foreigners who had not converted. The ambiguity surrounding who was considered an ἄλλογενής could be used to support both a more inclusive meaning that allowed converts access to the temple and the exclusion of all foreigners regardless of any claims to adherence to Jewish customs.

It is this very ambiguity surrounding the question of who was an ἄλλογενής that Simon apparently latched onto in his attempt to exclude Agrippa I from the temple precincts, thus demonstrating that the identity of the Idumeans was a live issue even a century and a half after they had converted to Judaism. The fact that access to the temple was based on genealogy, whether priestly descent or Jewish descent, demonstrates that matters of religion and ethnicity were inextricably intertwined in early Judaism. And, for those who held to a definition of ethnicity that was rigidly defined in terms of genealogical descent, the boundaries were impermeable; despite the fact that Agrippa’s family had long had ties to Judaism, some Jews still deemed him to be a Gentile.

⁹⁹ Bickerman, “Warning Inscriptions,” 393-94.

4.7 Rabbinic Evidence of Genealogical Exclusion of the Herodian Family

Up until this point I have made an effort to examine only pre-rabbinic Jewish sources in order to demonstrate that there was a stream of early Jewish thought which held that the Herodian family, and presumably all Idumeans, were not Jewish. This evidence comes from the first century B.C.E. and first century C.E., showing that there were Jews throughout these centuries who believed in an immutable distinction between Jew and Gentile, the same belief that is most explicitly portrayed in literature such as *Jubilees* and the *Animal Apocalypse*. Yet even later rabbinic writings preserve such thinking, and thus attest the robust nature of genealogical conceptions of Jewishness in relation to the Idumeans. So, for instance, *m. Sotah* 7:8 recalls the following incident: “Agrippa the King stood and took it [that is, the scroll of the Torah] and he read it standing up and the sages praised him. But when he reached [the passage which states]: ‘You may not set over you a foreign man (אִשׁ נָכְרִי) who is not your brother’ (Deut 17:15) his tears flowed. They said to him, ‘Do not fear Agrippa—you are our brother, you are our brother!’”

Unfortunately the passages does not make clear whether it portrays Agrippa I or Agrippa II. The piety he displays in this story is consonant with the depiction of Agrippa I found in Josephus’ writings, but Josephus’s trustworthiness in reporting on Agrippa I’s religiosity has been questioned.¹⁰⁰ Regardless of the exact identity, clearly a Herodian is

¹⁰⁰ For a detailed discussion, see Schwartz (*Agrippa I*, 159-63), who concludes that the rabbis likely conflated the identities of the two Agrippas: “We are forced, therefore, to settle for letting rabbinic literature testify only to the image of an undefined ‘King Agrippa.’ Perhaps, in fact, as frequently happens

in view, that is, an Idumean convert to Judaism. This mishnah presents a very clever interpretation of the biblical passage on the part of the sages: they seem to concede the point, along with Agrippa, that he is an **איש נכרי**, but they leverage the remaining words of Deut 17:15, “from among your brothers” (**מקרב אחיך**), to Agrippa’s advantage (and presumably their own!)—a foreign man who *is* a brother is permitted to be king. And this is exactly what Agrippa, as a man of Idumean descent is, for, according to MT Deut 23:8-9, an Edomite (or Idumean according to many later Jews) was a brother to Israel and should not be abhorred (**תתעב אדמי כי אחיך הוא לא**). Thus, Agrippa, while a foreigner, could rule as king over the Jews since he was their brother.

Regardless of the historical accuracy of this mishnah, we are left with a number of impressions.¹⁰¹ First, and most significantly, later rabbis were well aware of the problematic nature of the ancestry of the Herodian dynasty. And, while it is doubtful that Agrippa was bothered by the command of Deut 17:15 (at least not enough to abandon his claim to the throne!), it is possible that he knew that some of his subjects did question his kingship on genealogical grounds. Significantly, the sages of the Mishnah both acknowledge that Agrippa is a foreigner—that is, not Jewish—and still claim him for a brother. No argument is made that he has successfully become a Jew and that the prohibition of Deut 17:15 therefore does not apply to him. Rather, the sages deftly seize

in religious traditions about the past, more than one character, especially when they both bear the same name, have been amalgamated into one” (162).

¹⁰¹ For a discussion of the historical value of this text as well as later rabbinic traditions of King Agrippa, see Schwartz, *Agrippa I*, 157-71, and David Goodblatt, “Agrippa I and Palestinian Judaism in the First Century,” *Jewish History* 2.1 (1987): 7-32.

onto the last clause of the verse, claiming that it qualifies and provides an exception to the universal prohibition that an **אִשׁ נְכַרִּי** cannot rule over Israel.

It is this interpretative move that apparently draws the ire of Rabbi Nathan, as recorded in other rabbinic traditions. The following tradition is preserved in the Tosefta: “In the name of R. Nathan they said, ‘The Israelites became liable for destruction because they flattered Agrippa, the King.’”¹⁰² In the gemara to our mishnah, a tanna says in R. Nathan’s name: “At that moment the enemies of Israel [i.e. the sages mentioned in our mishnah] made themselves liable to extermination, because they flattered Agrippa.” If such dissent does indeed go back to Rabbi Nathan, a second-century tanna, then opposition to converted Idumeans persisted well into the second century C.E. The fact that the gemara proceeds to discuss Jacob and Esau demonstrates clearly that R. Nathan’s concern lies in the fact that Agrippa was a descendant of Esau. The Palestinian Talmud also contains criticism of the sages for this flattery, which is again ascribed to a second-century C.E. tanna, R. Hanina b. Gamaliel: “R. Haninah b. Gamaliel says, ‘Many corpses fell on that day on which they flattered him [i.e. Agrippa]’” (y. *Sotah* 7:7).¹⁰³ The rabbinic evidence therefore suggests that the question of the ancestry of the Herods continued to haunt them well after their deaths, in spite of the fact that they had adopted Jewish laws many centuries before in the days of John Hyrcanus I.

4.8 Conclusion

¹⁰² Translation is that of Jacob Neusner, *The Tosefta: Translated from the Hebrew with a New Introduction* (2 vols.; Peabody, Mass.: Hendrickson, 2002).

¹⁰³ Translation is that of Jacob Neusner, *The Talmud of the Land of Israel: An Academic Commentary to the Second, Third, and Fourth Divisions XIX: Yerushalmi Tractate Sotah* (South Florida Academic Commentary Series 129; Atlanta: Scholars Press, 1998), 146. Cf. *b. Sotah* 41b.

In this chapter I have further problematized the assumption that all Jews in the Second Temple period were open to the possibility of conversion. Cohen and others are right to note the greater frequency of Gentile conversion to Judaism in this period. But not all Jews reacted to this phenomenon in the same manner. While many Jews were likely open to, if not necessarily proactive in seeking, Gentile converts, others rejected the possibility that a Gentile could convert, since it undermined the genealogical gap between Jew and Gentile.¹⁰⁴

I question the general tendency to turn to rabbinic literature in order to understand early Jewish views of proselytism. For instance, people cite rabbinic texts such as *b. Yeb. 47b* in order to demonstrate that converts were considered to be full Israelites. I do not deny the possibility that some Jews in the pre-rabbinic period would have agreed with the sentiments of *b. Yeb. 47b*, but I do think it rash to conclude, on the basis of texts such as these, that this was a, let alone *the*, Jewish perception of converts during the pre-rabbinic period. These texts are problematic in more ways than one. First, they are significantly later than the period under discussion and therefore may not reflect Jewish thought at this time. Second, even if one could determine that these texts are the product of, or at least accurately depict, the pre-rabbinic period, this does not mean that they mirror the dominant discourse on conversion. The pre-rabbinic period was just that—pre-rabbinic. Neither the rabbis, nor their predecessors, were in any position to dictate how the wider

¹⁰⁴ Cf. Martin Goodman, *Mission and Conversion: Proselytizing in the Religious History of the Roman Empire* (Oxford: Clarendon Press, 1994).

Jewish society in the first century C.E. received proselytes.¹⁰⁵ The evidence of this chapter shows that there were some in the first century B.C.E. and the first century C.E. who called into question the status of those who were not genealogically Jewish. The fact that these figures were Idumeans, and therefore close relatives of Jews, makes this exclusion striking. The fact that an exclusionary view towards Idumeans ran counter to Deut 23:8-9, which explicitly permits the third generation Idumean entrance into the community, makes resistance to the Herodians even more striking. Presumably the exclusion of the Idumeans would have extended both to other close relatives, such as Ishmael's descendants, and to Gentiles not related to Jews. This is not to say that all Jews of this period had a problem with converts or even that the majority did—only that there was a constant stream of Jewish thought that we can trace from Ezra-Nehemiah through *Jubilees* to the figure of Simon mentioned by Josephus in *Antiquities* 19.

Two aspects of the story of Simon, moreover, suggest that he was not alone in his belief that Agrippa, being of Idumean descent, could not enter the temple. First, according to Josephus, Simon's views gain a hearing from a group of people. The fact that the assembly came to the attention of Agrippa's general suggests that it was no inconsequential number that gathered to hear him. Second, and perhaps more importantly, Josephus states that Simon waited until Agrippa I went to Caesarea before he gave public voice to his views (*Ant.* 19:332). If Josephus' description of Simon's

¹⁰⁵ Seth Schwartz (*Imperialism and Jewish Society 200 BCE – 640 CE* [Princeton, N.J.: Princeton University Press, 2001]) and Daniel Boyarin (*Borderlines: The Partition of Judaeo-Christianity* [Divinations; Philadelphia: University of Pennsylvania Press, 2004]), for instance, argue that it was not until the fourth century C.E. that the rabbis became authoritative for broader Judaism. But see the tempered remarks of Stuart S. Miller, *Sages and Commoners in Late Antique 'Erez Israel: A Philological Inquiry into Local Traditions in Talmud Yerushalmi* (TSAJ 111; Tübingen: Mohr Siebeck, 2006), 446-66.

behavior is accurate, we can apply the work of James C. Scott to present the case that Simon's beliefs were likely more pervasive than the evidence in this chapter would indicate. Scott uses the phrase "the public transcript" to refer to the open interaction between subordinates and those who rule. Scott states, "The public transcript, where it is not positively misleading, is unlikely to tell the whole story about power relations. It is frequently in the interest of both parties to tacitly conspire in misrepresentation."¹⁰⁶ Applying Scott's theory, we can say that the relative absence of dissent over the Idumeanness of the Herodians in literature from the time period does not necessarily demonstrate that this dissent was minimal.

The very fact that Simon waited until Agrippa I went to Caesarea before he aired his grievances fits with Scott's prediction that the hidden transcript surfaces strategically through "a politics of disguise and anonymity that takes place in public view but is designed to have a double meaning or to shield the identity of the actors."¹⁰⁷ Perhaps Simon hoped that by enlisting a large mass of people to his cause while Agrippa I was away the fact that he had been the instigator would be shielded from view. Nonetheless, Simon clearly miscalculated, because his actions were made known to Agrippa's general. As a result, Simon was brought before Agrippa and challenged to make public what had formerly been hidden, to say to Agrippa's face what had only been said once Agrippa was absent. Simon's silence in the presence of Agrippa is again predicted by Scott's work: "A subordinate conceals the hidden transcript from powerholders largely because

¹⁰⁶ Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, Conn.: Yale University Press, 1990), 2.

¹⁰⁷ Scott, *Domination and the Arts of Resistance*, 18-19.

he fears retaliation.”¹⁰⁸ Scott’s work demonstrates the lack of imagination behind the question posed by Baumgarten: “Yet the question remains why [Simon’s] accusation was not leveled at any time before Agrippa’s departure for Caesarea, and why he withdrew it after his visit to the theatre.”¹⁰⁹ According to Scott’s reasoning, Simon waited for an opportune time to voice his criticisms of one wielding power, hoping that Agrippa’s absence from the city would protect him from punishment. Once Agrippa summoned him, however, Simon wisely kept his criticisms to himself for fear of what Agrippa might do to him. Similarly, this reasoning demonstrates the falsity of Solomon Zeitlin’s claim that “Simon could offer no objection because, according to the Jewish Law, Agrippa was a Judaeon, a full Jew, regardless of his ancestry.”¹¹⁰ Apart from the fact that Zeitlin problematically assumes that there was a monolithic definition of Jewishness, he also fails to take into account the danger Simon faced: he may have had good reasons in his own mind for the view that Agrippa was not Jewish because of his ancestry, but he also had good reasons not to voice them to Agrippa’s face.

Simon’s prudent silence before Agrippa may be illustrative of the larger silence in our sources with regard to the Idumean descent of the Herodians. In light of Josephus’ portrayal of the fear and suspicion that governed the Jewish nation under Herod, this silence is far from surprising! For instance, in *Ant.* 16:236 Josephus claims that Herod’s spies filled the land in order to crush sedition. As Schürer states, Herod “set out to

¹⁰⁸ Scott, *Domination and the Arts of Resistance*, 139.

¹⁰⁹ Baumgarten, “Exclusions,” 220-221.

¹¹⁰ Solomon Zeitlin, *The Jews: Race, Nation, or Religion? A Study Based on the Literature of the Second Jewish Commonwealth* (Philadelphia: Dropsie College, 1936), 26.

smother in embryo every attempt at insurrection by means of rigorous police measures.”¹¹¹ Perhaps the extant literature does not reveal the extent of genealogical criticisms of the Herodians, and other converts to Judaism, due to the repercussions that would follow were Herod to hear of them.

The chilly reception of the Idumean converts under John Hyrcanus I lasted well into the first century C.E., some 150 years after their supposed conversion and absorption into the Jewish people. While outsiders may have deemed them to be Jewish,¹¹² this chapter has documented the fact that some Jews did not believe that the Idumeans could overcome the genealogical distance between Jew and non-Jew. If the close relatives of Jacob’s seed were incapable of converting to Judaism, was there any hope for the other nations of the world? After all, Ishmael and Esau were physical descendants of Abraham, the father of the Jews. If the families of Abraham could not bridge the genealogical gap between themselves, why would other nations be optimistic about their own ability to do so?

This chapter has also focused on the Jewish reception of the Idumeans because they practiced circumcision. Although none of the passages I have treated in this chapter explicitly mention circumcision, it lurks just beneath the surface. Those circumcised and

¹¹¹ Schürer, *History of the Jewish People*, 1.315.

¹¹² According to Statius, who was writing toward the end of the first century C.E., Vespasian held a triumph for his victory over the Idumeans (*Idumaei, Silvae* 3.3.140-41). Nonetheless, we cannot be sure that this referred to the Idumeans in contrast to the Jews, since Friedrich Vollmer (*P. Papinii Statii Silvarum libri* [Leipzig: B. G. Teubner, 1898], 417) believes that the Latin word *Idumaei* was meant to refer to Jews. On the other hand, even as late as the second-century C.E., the philologist Ammonius was aware that the two were distinct people groups: “The Idumaeans and the Judaeans are not the same, as Ptolemy says in the first book of *On Herod the King*. The Judaeans were the natives of the country; the Idumaeans, however, were originally not Judaeans, but Phoenicians and Syrians, conquered by them [i.e. Judaeans] they were forced to be circumcised and united in regard of custom, thus having adopted the same laws they are called Judaeans” (cited in Stern, *Greek and Latin Authors*, 1.355-56).

incorporated into the Jewish people did not receive a warm welcome from all Jews. Many continued to believe that Jewishness was a matter of genealogical descent, not choice. In other words, Cohen's claim that "[b]y the time of the Maccabees, conversion, ritually defined as circumcision, is securely in place, not to be questioned until the middle ages," fails to take adequate account of the pluriform nature of Judaism in the Second Temple period and the resulting variegated definitions of Jewishness that troubled Jews at this time.¹¹³

¹¹³ Cohen, "Conversion to Judaism," 42.

PART III:

**GENEALOGY AND CIRCUMCISION
IN EARLY CHRISTIANITY**

5. Remapping Jews and Gentiles onto Luke's Convictional World

5.1 Introduction

“Neither against the law of the Jews (τὸν νόμον τῶν Ἰουδαίων), nor against the Temple, nor against Caesar have I sinned” (Acts 25:8).

“Men, brothers, I have done nothing against the people, nor against the customs of the fathers” (τοῖς ἔθεσι τοῖς πατρώοις, Acts 28:17).

To the very end of Luke's narrative of the development of the early Church, the apostle Paul proclaims his innocence with regard to charges that he has broken with Judaism, leading some interpreters to conclude that the Lukan Paul is a “Jewish Christian who is utterly loyal to the law.”¹ Numerous other scholars, however, have interpreted Luke's writings as an attempt to undermine the Jewish law. For instance, Jerome Neyrey argues that although Luke portrays Jesus' circumcision, in the description of the Apostolic Council in Acts 15 the reader learns “that circumcision was no longer required.”² If Neyrey is correct in his interpretation of the Apostolic Council, Luke's Paul differs

¹ Paul Vielhauer, “On the ‘Paulinism’ of Acts,” in *Studies in Luke-Acts* (ed. Leander E. Keck and J. Louis Martyn; Philadelphia: Fortress Press, 1966), 33-50 (38). Cf. F. C. Baur, *Paul the Apostle of Jesus Christ: His Life and Works, His Epistles and Teachings; A Contribution to a Critical History of Primitive Christianity* (2 vols.; trans. A. Menzies; London: Williams & Norgate, 1873-85), 1.8; Jacob Jervell, *Luke and the People of God: A New Look at Luke-Acts* (Minneapolis: Augsburg, 1972), 153-83; and Nils A. Dahl, “The Purpose of Luke-Acts,” in *Jesus in the Memory of the Early Church* (Minneapolis: Fortress Press, 1976), 87-98 (94).

² Jerome H. Neyrey, “The Symbolic Universe of Luke-Acts: ‘They Turn the World Upside Down’,” in *The Social World of Luke-Acts: Models for Interpretation* (ed. Jerome H. Neyrey; Peabody, Mass.: Hendrickson, 1991), 271-304 (294). Cf. Hans Conzelmann, *The Theology of Saint Luke* (trans. Geoffrey Buswell; New York: Harper & Brothers, 1960), 147; Craig L. Blomberg, “The Law in Luke-Acts,” *JSNT* 22 (1984): 53-80; Mark A. Seifrid, “Jesus and the Law in Acts,” *JSNT* 30 (1987): 39-57; and Daniel R. Schwartz, “The End of the Line: Paul in the Canonical Book of Acts,” in *Paul and the Legacies of Paul* (ed. William S. Babcock; Dallas: Southern Methodist University Press, 1990), 3-24 (4-5).

considerably with the conclusions arrived at by the Jerusalem Church in Acts: despite his mission to the Gentiles, Paul remains faithfully law-observant to the end, while the Jewish Christian Church in Judea has concluded that the law is no longer necessary. Presumably Luke, whom modern scholarship generally characterizes as an author who desires to mediate between a law-observant Jewish Christianity and a non-law-observant Pauline Christianity, would not have intentionally portrayed Paul as being at odds with the conclusions of James and the Jerusalem elders. As F. C. Baur writes, “The unity of [Acts] consists in this idea; its chief tendency is to represent the difference between Peter and Paul as unessential and trifling. To this end Paul is made in the second part to appear as much as possible like Peter, and Peter in the first part as much as possible like Paul.”³ If Neyrey’s interpretation of the conclusions of the Lukan Jerusalem Council is correct, then it appears that the Lukan Paul is wrong to claim that he has done nothing against the customs of the fathers, that is, against the law of the Jews.⁴

Neyrey never addresses this discrepancy, but it is interesting to note that numerous characters within the narrative of Acts view Paul and early Christianity in a way which is similar to that of Neyrey. For instance, some false witnesses (μάρτυρες ψευδεῖς) accuse Stephen of speaking against the temple and against the law (ὁ ἄνθρωπος οὗτος οὐ πάυεται λαλῶν ῥήματα κατὰ τοῦ τόπου τοῦ ἁγίου [τούτου] καὶ τοῦ νόμου), claiming that Jesus would change the customs which Moses had given

³ Baur, *Paul the Apostle*, 6.

⁴ A third alternative is that Neyrey believes that Luke portrays Paul as faithful to the Law, but that Luke’s own narrative demonstrates the falsity of this portrayal.

them (ἀλλάξει τὰ ἔθνη ἃ παρέδωκεν ἡμῖν Μωϋσῆς, Acts 6:11-14). Further, when Paul arrives for the last time in Jerusalem, he hears the report that others believe that he teaches Jews in the diaspora not to circumcise their children or to keep Jewish customs (μὴ περιτέμνειν αὐτοὺς τὰ τέκνα μηδὲ τοῖς ἔθεσιν περιπατεῖν, 21:21). Shortly thereafter, a crowd accuses Paul of unlawfully bringing Gentiles into the Jerusalem Temple (21:28; cf. 24:6). But, as C. Kavin Rowe argues, albeit in relation to Paul's trial before Roman officials, "[h]ermeneutically, it is crucial to understand that, for Luke, Paul is a 'reliable' character; indeed, he is the human protagonist of much of Acts." As a reliable character, Paul's statements serve as "an interpretive guide" throughout Luke's narrative: the many characters give voice to conflicting perspectives on a number of issues, but Paul's is a voice to be trusted.⁵ Ironically, then, to argue that Luke depicts the church's abandonment of Jewish law observance is to side with those figures within Luke's narrative against whom Paul and other Christians vociferously defend themselves. Apparently, Luke believes that the early Church was unified in its commitment to and observance of the Mosaic Law.

Jacob Jervell claims that "Luke has the most conservative outlook [on the law] within the New Testament,"⁶ but what is one to do with Acts 15, the very passage in which Neyrey detects the church's abandonment of circumcision? For it is in Acts 15 that two Jewish groups demand that Gentile believers adopt circumcision (15:1, 5), a demand

⁵ C. Kavin Rowe, *World Upside Down: Reading Acts in the Graeco-Roman Age* (Oxford: Oxford University Press, 2009), 80.

⁶ Jervell, *Luke and the People of God*, 141. See also Bart J. Koet, "Purity and Impurity of the Body in Luke-Acts," in *Purity and Holiness: The Heritage of Leviticus* (ed. Marcel J. H. M. Poorthuis and Joshua Schwartz; Jewish and Christian Perspectives Series 2; Leiden: Brill, 2000), 93-106.

which the Jerusalem Council disregards. On the basis of Peter’s reiteration of the events surrounding the conversion of Cornelius, James concludes that Gentile believers need only “to abstain from the pollutions of idols, sexual immorality, that which is strangled, and blood” (τοῦ ἀπέχεσθαι τῶν ἀλισγημάτων τῶν εἰδώλων καὶ τῆς πορνείας καὶ τοῦ πνικτοῦ καὶ τοῦ αἵματος, 15:20). Luke does not make known the response of those who have advocated circumcision, but it is possible that in his mind these characters would have considered the Jerusalem agreement to be an abolition of the law as it has pertained to Gentiles. After all, the group from Judea links circumcision to the “custom of Moses” (περιτμηθῆτε τῷ ἔθει τῷ Μωϋσέως, 15:1), while the believing Pharisees associate circumcision with the law of Moses (δεῖ περιτέμνειν αὐτοὺς παραγγέλλειν τε τηρεῖν τὸν νόμον Μωϋσέως, 15:5).

In a perceptive article, Daniel R. Schwartz notes the similarities between the story of Acts 15 and Josephus’ account of the conversion of Izates, the king of Adiabene (c. 1-55 C.E.): “Dealing with nearly contemporary events, both address the issue of Gentiles who wish to worship God and the question whether they must observe Jewish law; both term Jewish laws not only *nomoi* but also *ethnê* (‘customs’); both give special attention to circumcision; and both refer to Jewish law as ‘the law(s) of Moses’.”⁷ According to Josephus, a Jewish merchant named Ananias instructed the royal house of Adiabene in

⁷ Daniel R. Schwartz, “God, Gentiles, and Jewish Law: On Acts 15 and Josephus’ Adiabene Narrative,” in *Geschichte—Tradition—Reflexion: Festschrift für Martin Hengel zum 70. Geburtstag* (ed. Peter Schäfer; 3 vols.; Tübingen: Mohr [Siebeck], 1996), 1.263-82 (67). Cf. Jacob Neusner, “The Conversion of Adiabene to Judaism: A New Perspective,” *JBL* 83 (1964): 60-66; Lawrence H. Schiffman, “The Conversion of the Royal House of Adiabene in Josephus and Rabbinic Sources,” in *Josephus, Judaism, and Christianity* (ed. Louis H. Feldman and Gohei Hata; Detroit: Wayne State University Press, 1987), 293-312; and Gary Gilbert, “The Making of a Jew: ‘God-Fearer’ or Convert in the Story of Izates,” *USQR* 44 (1991): 299-313.

Jewish customs, but dissuaded Izates from undergoing circumcision. Later, a Galilean man named Eleazar found out that Izates was not circumcised, and chastised him for reading the laws but not obeying them (cf. *Ant.* 20:44-45). Schwartz rightly argues that Eleazar's position, that Gentiles need to observe Jewish law, including the rite of circumcision, is identical with that of the two groups in Acts 15:1, 5.⁸ Thus, according to Jews such as Eleazar and the two groups of Acts 15:1, 5, James' decree results in a break with the law. How, then, can Luke justify his portrayal of the early Church, and one of its central leaders in Paul, as a law observant group?

The answer, I believe, lies in the fact that for too long scholars have wrongly concluded that Eleazar's view of circumcision was shared by all or the majority of Second Temple Jews. That is to say, many modern interpreters read Acts 15 in light of the belief that all of early Judaism believed that Gentiles, if they were to be acceptable to the God of Israel, needed to become Jews.⁹ Behind such a belief lies the assumption that early Judaism uniformly believed that it was possible for Gentiles to become Jews. And yet, as the previous chapters have shown, this depiction of early Judaism fails to take into account at least one other contemporaneous definition of Jewishness which excluded the possibility of conversion. In this chapter, I will argue that Luke's portrayal of the rite of circumcision in his gospel and in Acts contains one major similarity to the way in which the priestly writer responsible for Genesis 17 and the author of *Jubilees* view

⁸ Schwartz, "God, Gentiles, and Jewish Law," 272.

⁹ As John J. Collins ("A Symbol of Otherness: Circumcision and Salvation in the First Century," in *To See Ourselves as Others See Us: Christians, Jews, "Others" in Late Antiquity* [ed. Jacob Neusner and Ernst S. Frerichs; Chico, Calif.: Scholars Press, 1985], 164-86 [164]) notes of Acts 15:1, "The position of these Judeans is often regarded as archetypically Jewish."

circumcision: like them he stresses the significance of rightly timing circumcision. Circumcision, and by extension the law as a whole, pertain only to Jews and Jewish believers, not to Gentiles, whether or not they are believers in Jesus. After examining Luke's treatment of circumcision in Luke-Acts, I will argue that Luke combines this emphasis on the timing of circumcision with a deeply genealogical account of Jewishness and Gentileness, thereby excluding the very possibility that a Gentile could become a Jew via the rite of circumcision.

Methodologically, this chapter is concerned primarily with Luke's own thinking as reflected by the narrative world he constructs in Luke-Acts, not with his sources, nor with the historical events which lie behind this world. While I consider questions of the accuracy of Luke's portrayal of Paul and the history of the early Church to be important, it is necessary first to attempt to provide a more accurate account of Luke's narrative.¹⁰ My intention is to show how one early Christian attempted to navigate the circumcision debate in the early Church. Therefore, I will examine Luke's treatment of circumcision throughout the narrative of Luke-Acts.

¹⁰ In this regard, I follow the advice of Martin Dibelius (*Studies in the Acts of the Apostles* [ed. Heinrich Greeven; trans. Mary Ling; New York: Charles Scribner's Sons, 1956], 107), who states that "we do not at first approach the text with criticism of the subject-matter and with questions as to whether an event was possible or impossible; we ask first of all what the author intends." For arguments that Acts is relatively historically reliable, see William M. Ramsay, *Pauline and Other Studies in Early Christian History* (New York: A. C. Armstrong, 1906); W. Ward Gasque, *A History of the Criticism of the Acts of the Apostles* (BGBE 17; Grand Rapids, Mich.: Eerdmans, 1975); Martin Hengel, *Acts and the History of Earliest Christianity* (trans. John Bowden; WUNT 49; Philadelphia: Fortress Press, 1980); and Colin J. Hemer, *The Book of Acts in the Setting of Hellenistic History* (ed. Conrad H. Gempf; Tübingen: Mohr, 1989). For arguments that Acts is historically tendentious, see, among others, John Knox, *Chapter in the Life of Paul* (New York: Abingdon Press, 1950), and Gerd Lüdemann, *The Acts of the Apostles: What Really Happened in the Earliest Days of the Church* (Amherst, N.Y.: Prometheus Books, 2005). For a helpful survey of the critical issues surrounding scholarship on Acts, see Todd Penner, "Method in the Madness? the Acts of the Apostles in Current Study," *CBR* 2.2 (2004): 223-93.

Full appreciation for and comprehension of Lukan theology has long suffered from the scholarly inclination to treat these writings in a fragmentary fashion. This piecemeal approach is especially common in relation to Luke's infancy narrative, as Paul S. Minear notes: "[S]o many recent studies of the Lukan corpus virtually ignore the infancy narratives, and ... so many studies of those narratives ignore the rest of the corpus."¹¹ Although the first two chapters of the Gospel of Luke purport to narrate the events of the birth and childhood of Jesus, scholars recognize that they have a distinctive character in comparison with the remainder of Luke. Consequently, some interpreters have posited that 1:5-2:52 (as well as 1:1-4) is not original to Luke's gospel.¹² As evidence for this conclusion, scholars point out that Luke appears to have at least three different beginnings: Luke 1:1, 1:5, and 3:1-2.¹³ Possible corroboration for the claim that

¹¹ Paul S. Minear, "Luke's Use of the Birth Stories," in *Studies in Luke-Acts* (ed. Leander E. Keck and J. Louis Martyn; Philadelphia: Fortress Press, 1966), 111-30 (111). For an example of the neglect of Luke's infancy narrative, see Conzelmann (*Theology of Saint Luke*, 118), who says that since "the authenticity of these first two chapters is questionable, we have not taken into consideration the statements that are peculiar to them."

¹² This may explain why, as Jacob Jervell (*The Unknown Paul: Essays on Luke-Acts and Early Christian History* [trans. Roy A. Harrisville; Minneapolis: Augsburg Press, 1984], 139) points out, "no one has attempted to see or interpret Luke 2:21 [i.e. Jesus' circumcision] within the framework of Luke's understanding of circumcision, that is, as it is often given expression in Acts (Acts 7:8 [51]; 10:45, 11:2; 15:1, 5; 16:3; 21:21)."

¹³ B. H. Streeter (*The Four Gospels: A Study of Origins treating of the manuscript tradition, sources, authorship, and dates* [New York: MacMillan, 1925], 199-222) was the first to argue that 3:1 is the original beginning of Proto-Luke, and has been followed by, among others, Vincent Taylor, *Behind the Third Gospel: A Study of the Proto-Luke Hypothesis* (Oxford: Clarendon Press, 1926), 164-66. Joseph B. Tyson ("The Birth Narratives and the Beginning of Luke's Gospel," *Semeia* 52 [1990]: 103-20 [106-7]) argues that 1:1, 5; 3:1, 23; 4:1, or 4:14 could all function as the beginning.

Luke 1:5-2:52 is not originally part of Luke's gospel may be found in Marcion's version of Luke, which began at 3:1.¹⁴

While the literary history of the third gospel is complex, good reasons exist for interpreting 1:5-2:52 and the rest of Luke-Acts in light of each other. First, although Marcion's gospel did not contain Luke 1:5-2:52, this is best explained by the ritual and cultic content of these verses,¹⁵ material that Marcion would have been inclined to omit in his revision of the gospel.¹⁶ Second, as Joseph B. Tyson argues, a "frame for the gospel is provided by the fact that it both begins (1:9) and ends (24:53) in the Jerusalem Temple," suggesting that Luke created tight literary connections between the infancy narrative and the rest of his gospel.¹⁷ Third, Minear demonstrates the numerous verbal and thematic connections between 1:5-2:52 and chapters 3-24.¹⁸ Whatever the literary

¹⁴ See Adolf von Harnack, *Marcion: The Gospel of the Alien God* (trans. John E. Steely and Lyle D. Bierma; Durham, N.C.: Labyrinth Press, 1990), 165; John Knox, *Marcion and the New Testament: An Essay in the Early History of the Canon* (Chicago: University of Chicago Press, 1942), 87; and Joseph B. Tyson, *Marcion and Luke-Acts: A Defining Struggle* (Columbia, S.C.: University of South Carolina Press, 2006).

¹⁵ As Tyson ("Birth Narratives," 113) writes: "Not only do these narratives present the reader with a picture of pious Jews in the joyful performance of their ritualistic duties, they also point to the centrality of the Jerusalem Temple."

¹⁶ For instance, Irenaeus states: "[Marcion] mutilated the Gospel according to Luke, discarding all that is written about the birth of the Lord..." (*Against Heresies* 1.27.2 [translation of Dominic J. Unger, ACW 55]). Similarly, Tertullian claims: "One man perverts the Scriptures with his hand, another their meaning by his exposition.... Marcion expressly and openly used the knife, not the pen, since he made such an excision of the Scriptures as suited his own subject-matter" (*On Prescriptions against Heretics* 38 [ANF 3.262]).

¹⁷ Tyson, "Birth Narratives," 111. Cf. Mikeal C. Parsons, *The Departure of Jesus in Luke-Acts: The Ascension Narratives in Context* (JSNTSup 21; Sheffield: JSOT Press, 1987), 74.

¹⁸ Minear, "Luke's Use." As Stephen G. Wilson (*Luke and the Law* [SNTSMS 50; Cambridge: Cambridge University Press, 1983], 23) notes, Luke "has included them as the frontispiece to his narrative."

prehistory of his writings, Luke's editorial capability to take disparate materials and create a coherent whole necessitates that the reader treat his gospel as a unity.¹⁹

5.2 Eighth-Day Circumcision in Luke-Acts

As we shall see below, Luke's writings contain positive references to circumcision in all three of the "times" identified by Hans Conzelmann: the time of Israel's history (Acts 7), the time of Jesus (Luke 1-2), and the time of the Church (Acts 21). This demonstrates the abiding significance that Luke attaches to this Jewish rite even after the inception of the Church and the beginning of the Gentile mission.²⁰

5.2.1 Circumcision in the Lukan Infancy Narrative

Luke 1:5-2:52 repeatedly portrays the families of John and Jesus as law-observant Jews.²¹ John the Baptist's parents, Zechariah and Elizabeth, are both of priestly descent,

¹⁹ Although it is common to read Luke and Acts as a unity (cf. Henry J. Cadbury, *The Making of Luke-Acts* [New York: MacMillan, 1927]) a number of scholars, such as Mikeal C. Parsons and Richard I. Pervo (*Rethinking the Unity of Luke and Acts* [Minneapolis: Fortress Press, 1993] and C. Kavin Rowe ("History, Hermeneutics and the Unity of Luke-Acts," *JSNT* 28.2 [2005]: 131-57, and "Literary Unity and Reception History: Reading Luke-Acts as Luke and Acts," *JSNT* 29.4 [2007]: 449-57), have questioned this approach to Luke and Acts on the basis of genre differences and the separate reception histories of the two works. These generic differences between and separate reception histories of Luke and Acts are significant, but it is my intention to determine what the Gospel of Luke and the Acts of the Apostles would have suggested to "Theophilus" about Luke's understanding of circumcision. Surely the fact that Luke addresses the Gospel of Luke and Acts to the same reader and refers in the prologue of Acts to Luke's Gospel as a *πρῶτος λόγος* justifies the scholarly tendency to read the two books in light of each other. As Joseph A. Fitzmyer (*The Acts of the Apostles: A New Translation with Introduction and Commentary* [AB 31; New York: Doubleday, 1998], 192) argues: "In dedicating the second volume to the same person, Theophilus, to whom he had dedicated his 'first account,' Luke is clearly calling attention to the relation of the two parts of his literary work." See also Joseph Verheyden ("The Unity of Luke-Acts: What Are We up to?" in *The Unity of Luke-Acts* [ed. Joseph Verheyden; BETL 142; Leuven: Leuven University Press, 1999], 3-56.

²⁰ Consequently, Conzelmann's (*Theology of St. Luke*, 14-17) claim that Luke believes in three distinct periods of history (Israel, Jesus, the Church) needs to be tempered by the fact that significant continuity exists between any such stages of history. Cf. Hans Hübner, *Das Gesetz in der synoptischen Tradition* (Witten: Luther Verlag, 1973), 207-11.

²¹ Even those scholars who believe that Luke advocates the abolition of the law agree that the infancy narrative stresses fidelity to it. Cf. Blomberg, "The Law in Luke-Acts."

righteous before God, and blameless with regard to all the commandments and requirements of the Lord (ἦσαν δὲ δίκαιοι ἀμφότεροι ἐναντίον τοῦ θεοῦ, πορευόμενοι ἐν πάσαις ταῖς ἐντολαῖς καὶ δικαιώμασιν τοῦ κυρίου ἄμεμπτοι, 1:6).²² Zechariah enters the temple only in accordance with priestly custom (κατὰ τὸ ἔθος τῆς ἱερατείας, 1:9). Similarly, Joseph and Mary are careful to observe the law, undergoing the relevant purification requirements, presenting Jesus to the Lord in obedience to Exod 13:2, and sacrificing according to the law of the Lord (Luke 2:22-24, 27; cf. Leviticus 12).²³ Twelve years later, Jesus' parents continue to observe Jewish custom, attending the Passover feast in Jerusalem (2:41-42). In all, Luke 1:5-2:52 claims five times that the parents of John and Jesus keep Jewish ἔθος or νόμος (1:9; 2:22, 24, 27, 39). Considering how often Luke reiterates this refrain, the claims of some NT scholars that Luke is not concerned with law observance are cast in serious doubt.²⁴

²² Leviticus 21:14 requires only the high priest, not all priests, to marry a woman “from his people” (מֵעַמּוֹ). Jacob Milgrom (*Leviticus 17-22: A New Translation with Introduction and Commentary* [AB 3A; New York: Doubleday, 2000], 1819-20) argues that the phrase “from his people” means from priestly circles, not merely from Israel (this is also the interpretation of Philo, *Laws* 1:110). In contrast to Lev 21:14, which refers only to the high priest, Josephus (*Apion* 1:31) and later rabbinic traditions (e.g. *y. Sotah* 1:8; *b. Pesah* 49a) suggest that some Jews thought that all priests, not merely the high priest, had to marry daughters of priests. Luke seems to have subscribed to this stricter view.

²³ Leviticus 12:4 refers only to the parturient's purification (καθάρσεως αὐτῆς), not to “their” purification (καθαρισμοῦ αὐτῶν) as the majority of Lukan MSS have it. (For the manuscript evidence for this verse, see W. H. P. Hatch, “The Text of Luke 2:22,” *HTR* 14.4 [1921]: 377-81.) Additionally, Exod 13:2 does not require that the male infant be brought to the Temple to be presented to the Lord, only that the firstborn be ransomed. On these issues, see Raymond E. Brown, “The Presentation of Jesus (Luke 2:22-40),” *Worship* 51.1 (1977): 2-11; Marion L. Soards, “Luke 2:22-40,” *Int* 44.4 (1990): 400-5; Joseph A. Fitzmyer, *The Gospel According to Luke (I-IX): Introduction, Translation, and Notes* (AB 28; Garden City, N.Y.: Doubleday, 1981), 424; François Bovon, *A Commentary on the Gospel of Luke 1:1-9:50* (trans. Christine M. Thomas; Hermeneia; Minneapolis: Fortress Press, 2002), 99; John Nolland, *Luke 1-9:20* (WBC 35A; Dallas: Word Books, 1989), 117; and I. Howard Marshall, *The Gospel of Luke: A Commentary on the Greek Text* (NIGTC; Grand Rapids, Mich.: Eerdmans, 1978), 116.

²⁴ G. B. Caird (*Saint Luke* [PNTC; Harmondsworth: Penguin, 1963], 63) states: “Luke can hardly have had a deep personal interest in the details of Jewish ceremonial,” while Bovon (*Gospel of Luke*, 99) claims:

One of the most striking aspects of this portrayal of law observance is the circumcision of both John and Jesus. Of John, Luke says that “on the eighth day they came to circumcise the child” (ἐν τῇ ἡμέρᾳ τῇ ὀγδόῃ ἦλθον περιτεμεῖν τὸ παιδίον, 1:59), while of Jesus he says that “when the eight days of his circumcision were fulfilled (καὶ ὅτε ἐπλήσθησαν ἡμέραι ὀκτῶ τοῦ περιτεμεῖν αὐτὸν), he was named Jesus” (2:21). As Tyson states, “Jesus’ Jewishness is nowhere more emphatically signified than in the story of his circumcision.”²⁵ Consequently, the latter reference, in particular, has troubled Christian interpreters. For example, J. Massyngberde Ford writes: “Luke ii 21 carefully recorded the circumcision of the child, Jesus. This is the more remarkable as the author of the Gospel of Luke may well have supported the Pauline doctrine of the dispensability of male circumcision.”²⁶ As a result of the belief that Luke, like Paul, dispenses with the necessity of circumcision, others have questioned the authenticity of this verse.²⁷ That the verse is Lukan, however, cannot be convincingly disputed: first, Jesus’ circumcision takes place within a context that stresses the law observance of his parents; second, Jesus is not the only person whom Luke depicts as getting circumcised (cf. Luke 1:59; Acts 7:8; 16:3); and third, the language of 2:21 appears to be thoroughly

“Luke’s close attention to the Law does not stress observance as such, but prepares the next stage of salvation history: the transition from the Law to Christ.” See, also, Blomberg, “Law in Luke-Acts,” and Seifrid, “Jesus and the Law in Acts.”

²⁵ Tyson, *Marcion and Luke-Acts*, 99.

²⁶ J. Massyngberde Ford, “Zealotism and the Lukan Infancy Narratives,” *NovT* 18.4 (1976): 280-92 (290). Ford’s statement serves as an example of how quick interpreters are to compare Luke to Paul, instead of allowing Luke to speak for himself.

²⁷ For instance, Harald Sahlin, *Der Messias und das Gottesvolk: Studien zur protolukanischen Theologie* (ASNU 12; Uppsala: Almqvist and Wiksells, 1945), 240. See also the discussion of the textual evidence in Jervell, *Unknown Paul*, 140.

Lukan. For example, of the 16 occurrences of the verb συλλαμβάνω in the NT, 12 are found in Luke-Acts. Additionally, of the 26 occurrences of the phrase καὶ ὅτε, 8 are found in Luke-Acts (the remaining occurrences are in Matthew and Revelation).²⁸

Since Luke wrote his gospel in the late first century or early second century C.E.,²⁹ it is likely that he was aware of the controversy swirling around the subject of circumcision; how, then, did he intend this reference to Jesus' circumcision to be understood?³⁰ As Jervell notes, Luke writes "in a time when circumcision was the object of disputes in the church. For this reason, the report in Luke 2:21 had to raise tempers."³¹ But if interpreters are wrong to downplay the significance that Jesus' circumcision has for Luke, what is its import?

²⁸ Cf. Alfred Plummer, *A Critical and Exegetical Commentary on the Gospel According to St. Luke* (ICC; New York: Charles Scribner's Sons, 1914), 61-62; Jervell, *Unknown Paul*, 184 n. 10; and Raymond E. Brown, *The Birth of the Messiah: A Commentary on the Infancy Narratives in the Gospels of Matthew and Luke* (new updated ed.; ABRL; New York: Doubleday, 1993), 431.

²⁹ Luke and Acts are generally dated to the last three decades of the first century C.E. Cf. Fitzmyer, *Gospel According to Luke (I-IX)*, 53-57; Jacob Jervell, *Die Apostelgeschichte* (KEK 3; Göttingen: Vandenhoeck & Ruprecht, 1998), 62; C. K. Barrett, *A Critical and Exegetical Commentary on the Acts of the Apostles* (2 vols.; ICC; Edinburgh: T&T Clark, 1998), 1.lxiii. A few scholars have dated Luke-Acts to the late 50s-early 60s (e.g. Hemer, *Book of Acts*, and John A. T. Robinson, *Redating the New Testament* [London: SCM Press, 1976], 86-117). For arguments that Acts is a second century C.E. composition, see Tyson, *Marcion and Luke-Acts*, Richard I. Pervo, *Dating Acts: Between the Evangelists and the Apologists* (Santa Rosa, Calif.: Polebridge Press, 2006), and idem "Acts in the Suburbs of the Apologists," in *Contemporary Studies in Acts* (ed. Thomas E. Phillips; Macon, Ga.: Mercer University Press, 2009), 29-46.

³⁰ Only if Luke were unaware of such controversies would it be possible to agree with L. Legrand ("On l'Appela du Nom de Jésus," *RB* 89.4 [1982]: 481-91 [483]), who states: "La circoncision joue un rôle secondaire tant pour Jésus en II, 21 que pour Jean en I, 59. Cela correspond au rôle secondaire qu'elle a dans la théologie de Luc." See the similar sentiments of Wilson, *Luke and the Law*, 21, and Kalervo Salo, *Luke's Treatment of the Law: A Redaction-Critical Investigation* (AASF 57; Helsinki: Suomalainen Tiedeakatemia, 1991), 51.

³¹ Jervell, *Unknown Paul*, 139.

Two major explanations have been provided as to why Luke intentionally refers to Jesus' circumcision, one ancient and one modern, both of them, I believe, inadequate.³² The first possibility is that Luke mentions Jesus' circumcision in order to impress upon all believers the necessity of being circumcised. The fourth-century Church Father Epiphanius provides evidence that some early Christians interpreted the significance of Luke 2:21 in this way. According to Epiphanius, both the Ebionites and the Cerinthians believed that Jesus' own circumcision demonstrated the necessity that all believers be circumcised. Using Jesus' claim that the disciple should be like the teacher, and the servant like the master (Matt 10:25), these early Jewish Christians extrapolated from Jesus' circumcision in Luke 2:21: "For Christ was circumcised..., so also you be circumcised" (περιετμήθη γὰρ..., ὁ Χριστός, καὶ σὺ περιετμήθητι, *Haer.* 30.26.2).³³ I will argue, however, that Luke would have believed there to be a significant problem with this sort of use of Jesus' circumcision.

More recently, Jervell has argued that Luke's portrayal of Jesus' circumcision is polemically charged. Instead of viewing Luke's reference to Jesus' circumcision as implying the necessity that all believers, including Gentiles, undergo circumcision, an

³² A third option is to claim, as does Andrew S. Jacobs ("The Kindest Cut: Christ's Circumcision and the Signs of Early Christian Identity," *JSQ* 16 [2009]: 97-117 [101]), that Jesus' circumcision "covertly signals... the 'past-tenseness'" of the covenant and circumcision. Jacobs provides no argumentation for this claim, making it difficult to understand how the sympathetic depiction of the rite implies its obsolescence. As shall be seen, Luke's treatment of circumcision throughout Luke and Acts demonstrates that the rite is not relegated to a bygone era for this author.

³³ Epiphanius *Pan.* 30.26.2 (GCS 25.368; translation of the author). Cf. the similar remarks of Hippolytus, *Ref.* 7.22. See also Irenaeus (*Adv. haer.* 1.26.2), who, although stressing their observance of circumcision, makes no mention of the Cerinthian or Ebionite appeal to Jesus' example. For a treatment of Jesus' circumcision in early Christian literature, see Andrew S. Jacobs, "Blood Will Out: Jesus' Circumcision and Early Christian Readings of Exodus 4:24-26," *Hen* 30.2 (2008): 311-32.

issue which he believes was settled prior to the composition of Luke-Acts, Jervell thinks that Luke portrays Jesus' circumcision in order to stress that *Jewish* believers in Jesus need to continue to practice circumcision.³⁴

I agree with Jervell that Luke intends to signal to his readers that Jewish believers ought to be circumcised as Jesus was circumcised, but I disagree with his assertion that by Luke's time the issue of whether or not Gentile believers needed to be circumcised was settled. The evidence of Paul's letters, as well as that of later Christian writers such as Epiphanius, indicates that this question was never beyond dispute in the early church.³⁵ Thus, Luke cannot assume that his readers would know that Gentile believers did not need to be circumcised. Yet Luke does not think that Gentile believers should be circumcised, as the narrative of Acts 15 makes clear. How then can he intend his portrayal of Jesus' circumcision to demonstrate the necessity that Jewish believers should practice circumcision while simultaneously intending it to guard against the conclusion that Gentile believers need to do so? The answer to this question will be explored after an examination of the remaining positive references to circumcision in Luke-Acts.

³⁴ Jervell has maintained this position in numerous writings. Cf. Jervell, *Unknown Paul*, idem, *Luke and the People of God*, and idem, *The Theology of the Acts of the Apostles* (New Testament Theology; Cambridge: Cambridge University Press, 1996).

³⁵ Cf. Georg Strecker, "Appendix 1: On the Problem of Jewish Christianity," in Walter Bauer, *Orthodoxy and Heresy in Earliest Christianity* (ed. Robert A. Kraft and Gerhard Krodel; Philadelphia: Fortress Press, 1971), 241-85; Michele Murray, *Playing a Jewish Game: Gentile Christian Judaizing in the first and second centuries CE* (Studies in Christianity and Judaism 13; Waterloo, Ont.: Wilfred Laurier Press, 2004); and Joel Marcus, "Jewish Christianity," in *Cambridge History of Christianity. Volume 1: Origins to Constantine* (ed. Margaret M. Mitchell and Frances M. Young; Cambridge: Cambridge University Press, 2006), 87-102.

5.2.2 Circumcision in Stephen's Speech (Acts 7:8, 51)

The first reference to circumcision in Acts occurs in Stephen's recapitulation of Israel's history.³⁶ In this retelling particular stress is placed upon Genesis 17 and 21:1-4: καὶ ἔδωκεν αὐτῷ διαθήκην περιτομῆς· καὶ οὕτως ἐγέννησεν τὸν Ἰσαὰκ καὶ περιέτεμεν αὐτὸν τῇ ἡμέρᾳ τῇ ὀγδόῃ, καὶ Ἰσαὰκ τὸν Ἰακώβ, καὶ Ἰακώβ τοὺς δώδεκα πατριάρχας (7:8). "And [God] gave the covenant of circumcision to [Abraham]. And so he begot Isaac and he circumcised him on the eighth day—and Isaac Jacob, and Jacob the twelve patriarchs" (7:8). A number of significant points arise out of Stephen's distillation of the patriarchal history.

First, Luke uses the phrase "covenant of circumcision" (διαθήκη περιτομῆς), carefully connecting the covenant and the rite in a way that corresponds to Genesis 17.³⁷ As some rabbis recognized, Genesis 17 links circumcision and בְּרִית in an unprecedented way by mentioning בְּרִית thirteen times within the narrative about the institution of the rite of circumcision. According to *m. Ned.* 3:11, on the basis of this recognition R. Ishmael, an early second century C.E. Tanna, stated, "Great is circumcision, for by it thirteen covenants were made." Our Lukan phrase thus parallels later rabbinic works,

³⁶ Following the arguments of Johannes Bihler (*Die Stephanusgeschichte im Zusammenhang der Apostelgeschichte* [MThS 16; Munich: Max Hüber Verlag, 1961], 33-86), John J. Kilgallen (*The Stephen Speech: A Literary and Redactional Study of Acts 7,2-53* [AnBib 67; Rome: Biblical Institute, 1976]), and Craig C. Hill (*Hellenists and Hebrews: Reappraising Division within the Earliest Church* [Minneapolis: Fortress Press, 1992], 50-67), I take this speech to be a Lukan composition and not straightforwardly reflective of the historical Stephen's beliefs.

³⁷ Cf. Claus Westermann, *Genesis 12-36* (trans. John J. Scullion; CC; Minneapolis: Fortress Press, 1985), 263, and Klaus Grünwaldt, *Exil und Identität: Beschneidung, Passa und Sabbat in der Priesterschrift* (BBB 85; Frankfurt am Main: Anton Hain, 1992), 42-44.

which frequently refer to the covenant of circumcision (ברית מילה),³⁸ thereby showing the esteem with which Luke viewed the rite. Clearly, no denigration of physical circumcision is intended here.³⁹

Second, Stephen explicitly states that Abraham circumcised Isaac on the eighth day. Admittedly, this statement may merely reflect Gen 21:4, yet the wording of the reference in Acts 7:8 (τῆ ἡμέρᾳ τῆ ὀγδόῃ)⁴⁰ corresponds to the majority of LXX witnesses to Gen 17:14 and Lev 12:3 (τῆ ἡμέρᾳ τῆ ὀγδόῃ)⁴¹ and not to the majority of LXX witnesses to Gen 21:4 (τῆ ὀγδόῃ ἡμέρᾳ).⁴² Further, in comparison to the narrative of Genesis, Acts 7 is a highly abbreviated retelling of Israel's history (v. 8 alone summarizes Genesis 17-36!). Surely it is significant that within such a brief description of

³⁸ See Lewis M. Barth, "Berit Mila in Midrash and Agada," in *Berit Mila in the Reform Context* (ed. Lewis M. Barth; New York: Berit Mila Board of Reform Judaism, 1990), 104-112, and Andreas Blaschke, *Beschneidung: Zeugnisse der Bibel und verwandter Texte* (TANZ 28; Tübingen: Francke, 1998), 448.

³⁹ Cf. Hans Conzelmann, *A Commentary on the Acts of the Apostles* (trans. James Limburg, A. Thomas Kraabel, and Donald H. Juel; Hermeneia; Minneapolis: Fortress Press, 1987), 52, and Johannes Munck, *The Acts of the Apostles: Introduction, Translation and Notes* (rev. by William F. Albright and C. S. Mann; AB 31; Garden City, N.Y.: Doubleday, 1967), 63. Munck writes: "Stephen was no precursor of Paul or the mission to the Gentiles. He took a completely different position with his special emphasis on circumcision" (65). It might be safer to say that *Luke's* Stephen is no precursor to the historical Paul, although, as we shall see, he appears to be a precursor to *Luke's* Paul.

⁴⁰ Cf. Luke's temporal reference (ἐν τῆ ἡμέρᾳ τῆ ὀγδόῃ) for John's circumcision in Luke 1:59.

⁴¹ As noted in Chapter One, not all LXX witnesses to Gen 17:14 have this exact phrase: the *b* family has the preposition ἐν preceding the phrase τῆ ἡμέρᾳ τῆ ὀγδόῃ, and MS 370, an eleventh century manuscript from the *t* family, has a slightly different phrase, which corresponds to Gen 21:4: τῆ ὀγδόῃ ἡμέρᾳ. Cf. John William Wevers, ed., *Genesis* (SVTG 1; Göttingen: Vandenhoeck & Ruprecht, 1974). The wording of only one LXX witness to Lev 12:3, a fifteenth century MS differs from this reading, having instead τῆ ὀγδόῃ ἡμέρᾳ. Cf. John William Wevers, ed., *Leviticus* (SVTG 2.2; Göttingen: Vandenhoeck & Ruprecht, 1986), 138.

⁴² As Wevers (*Genesis*, 206) notes, a number of LXX witnesses to Gen 21:4 read τῆ ἡμέρᾳ τῆ ὀγδόῃ, not τῆ ὀγδόῃ ἡμέρᾳ. These witnesses are presumably influenced by Gen 17:14 and Lev 12:3. Thus it is possible that Luke knew of a Greek text of Gen 21:4 that contained the phrase τῆ ἡμέρᾳ τῆ ὀγδόῃ and that he was dependent upon such a text in his recapitulation of Isaac's circumcision.

Genesis Luke's Stephen mentions the seemingly minor detail of the timing of Isaac's circumcision and uses language that may come not from the narrative of Isaac's birth (Genesis 21) but from the circumcision legislation found in Gen 17:14 and Lev 12:3.⁴³ Luke must believe this temporal reference to be important.

In conjunction with Luke 1:59 and 2:21, where the timing of the circumcisions of John and Jesus is mentioned provide further evidence that Luke is concerned about the *timing* of these circumcisions—not merely the *fact* that they occurred. This is made particularly evident in the fact that Stephen mentions Isaac's infant circumcision, not Abraham's adult circumcision, despite the explicit reference to Abraham's circumcision in Genesis 17. A similar stress on Isaac's circumcision and diminishment of Abraham's circumcision can be found in other Jewish writings. For instance, Philo states that Isaac was “the first of our nation who was circumcised by law” (*QE* 3:38). Significantly later, but along the same lines, rabbinic literature also highlights Isaac's circumcision, while downplaying Abraham's. *Song of Songs Rabbah* 1.2.5, for example, claims that “Abraham received the command of circumcision. Isaac inaugurated its performance on the eighth day” (cf. *Midrash Proverbs* 31), and *Pesikta de Rab Kahana* 12:1 states, “Circumcision was inaugurated with Isaac, for when he was eight days old, he was the first to be circumcised.”⁴⁴

⁴³ Thus, Blaschke (*Beschneidung*, 448) rightly dismisses suggestions that the reference to circumcision is made only in passing.

⁴⁴ In contrast, Sir 44:20 states that Abraham established the covenant in his own flesh (ἐν σαρκὶ αὐτοῦ ἔστησεν διαθήκην).

A third significant aspect to Luke’s reference to circumcision in Stephen’s speech is his combination of the rite with genealogy. While translators and commentators generally render the latter half of the verse as a genealogy (that is, “and Isaac begot Jacob, and Jacob begot the twelve patriarchs”),⁴⁵ this is done by supplying the word “begot” (γεννάω), a verb that does not occur in the latter part of the verse, the Greek of which states: καὶ Ἰσαὰκ τὸν Ἰακώβ, καὶ Ἰακώβ τοὺς δώδεκα πατριάρχας. It is necessary to supply a verb in order to make sense of what Luke says. Should that verb not be the closest preceding verb—περιτέμνω, rather than γεννάω? In other words, the latter half of 7:8 could be rendered, “And Isaac [circumcised] Jacob [on the eighth day], and Jacob [circumcised] the twelve patriarchs [on the eighth day].” If so, Jürgen Roloff is right to conclude that “[d]as Gewicht liegt nicht auf der durch physische Zeugung entstandenen Generationenfolge, sondern auf der Abfolge der Beschneidung.”⁴⁶ Or perhaps Luke intends his readers to supply both verbs: “And Isaac [begot] Jacob [and circumcised him on the eighth day], and Jacob [begot] the twelve patriarchs [and circumcised them on the eighth day].”⁴⁷ Either of these last two translations demonstrates that Luke does not merely recount the biblical story; rather, he shapes it to suit his own purposes, for Genesis only records the circumcision of Isaac, without mentioning those of

⁴⁵ Cf. RSV; Conzelmann, *Acts*, 49; Luke Timothy Johnson, *The Acts of the Apostles* (SP 5; Collegeville, Minn.: Liturgical Press, 1992), 114; Fitzmyer, *Acts*, 372; Lüdemann, *Acts of the Apostles*, 97.

⁴⁶ Jürgen Roloff, *Die Apostelgeschichte übersetzt und erklärt* (17th ed.; NTD 5; Göttingen: Vandenhoeck & Ruprecht, 1981), 120.

⁴⁷ This is how F. F. Bruce renders it (*The Book of Acts* [rev. ed.; NICNT; Grand Rapids, Mich.: Eerdmans, 198], 130). Cf. Barrett, *Acts*, 1.331, and Richard I. Pervo, *Acts: A Commentary* (Hermeneia; Minneapolis: Fortress Press, 2008), 181 n. 71. Ernst Haenchen (*The Acts of the Apostles: A Commentary* [trans. R. McL. Wilson; NTL; Philadelphia: Westminster Press, 1971], 275) and Munck (*Acts*, 60) leave it (purposefully?) vague.

Jacob and the twelve patriarchs. As previously noted, Luke does not mention Abraham's circumcision, but he also makes no mention of Ishmael's circumcision, which is recorded in Gen 17:23-25, presumably because his circumcision took place at the age of thirteen and was not part of the covenant of circumcision as defined by Genesis. Further, while Luke states that Isaac circumcised Jacob, no mention is made of Jacob's twin brother, Esau, who likewise falls outside the covenant. In this way, Luke's Stephen intertwines genealogy and covenantal circumcision in a complex relationship akin to the narrative of Genesis 17 and 21.⁴⁸ Consequently, Luke portrays Stephen as highlighting God's covenant of circumcision, as well as the fact that Isaac was circumcised on the eighth day. If Luke believed that the rite of circumcision was no longer necessary, Stephen's reference to it would be inexplicable.

The fact that Stephen ends his speech with an accusation that his audience is stiff-necked and uncircumcised in heart and ear (Σκληροτράχηλοι καὶ ἀπερίτμητοι καρδίας καὶ τοῖς ὠσίν, 7:51) is not meant to spiritualize circumcision at the expense of the physical rite. After all, Jewish tradition had long held together spiritual and physical circumcision.⁴⁹ Leviticus can demand physical eighth-day circumcision, and

⁴⁸ Again, see Chapters One and Two of the present work for the dense connections between genealogy and circumcision in the Hebrew Bible.

⁴⁹ Contrary to John Goldingay ("The Significance of Circumcision," *JOT* 88 [2000]: 3-18), the use of metaphorical circumcision language does not undermine physical circumcision in the Hebrew Bible. Rather, as David A. Bernat (*Sign of the Covenant: Circumcision in the Priestly Tradition* [SBLAIL 3; Atlanta: SBL Press, 2009], 104) states, "Only a practice of such moment would be employed to symbolize Israel's transgression and salvation on a communal level."

also describe disobedience as uncircumcision of the heart (cf. Lev 12:4; 26:41);⁵⁰ Jeremiah can distinguish between the physical circumcision practiced by Israel and that practiced by its neighbors, and yet speak of circumcision of the heart (cf. Jer 4:4; 9:26).⁵¹ *Jubilees* can speak of circumcision of the heart and also stress the importance of the appropriate observance of physical circumcision (cf. *Jub.* 1:23; 15:11-33).⁵² And Philo, while amenable to allegorical interpretations of circumcision, does not think that such interpretations imply the irrelevance of the physical, literal rite (cf. *Migration* 92).⁵³ Circumcision of the heart does not exclude physical circumcision nor does it diminish its importance.⁵⁴ Presumably, then, Luke's Stephen can use circumcision language metaphorically without his hearers concluding that he is disparaging physical circumcision.⁵⁵

⁵⁰ Admittedly, scholars generally assign Leviticus 12 to P, and Leviticus 26 to H; nonetheless, physical and metaphorical circumcision can occur within the same work, without implying that one or the other is irrelevant. See the helpful discussion of Bernat, *Sign of the Covenant*, 97-114.

⁵¹ See the previous discussion of this passage in Chapter Two, where I argue that the differentiation between Israel/Judah and other circumcised nations is based upon the different forms of circumcision practiced by these nations.

⁵² For *Jubilees*' treatment of circumcision, see Chapter Three.

⁵³ See Richard D. Hecht, "The Exegetical Contexts of Philo's Interpretation of Circumcision," in *Nourished in Peace: Studies in Hellenistic Judaism in Memory of Samuel Sandmel* (ed. Frederick E. Greenspahn, Earle Hilgert, and Burton L. Mack; Chico, Calif.: Scholars Press, 1984), 51-79; Alan Mendelson, *Philo's Jewish Identity* (BJS 161; Atlanta: Scholars Press, 1988), 54-58; and John M. G. Barclay, "Paul and Philo on Circumcision: Romans 2:25-9 in Social and Cultural Context," *NTS* 44 (1998): 536-56 (538-43).

⁵⁴ The phrase "circumcision of the heart" also occurs in Deut 10:16; 30:6; Ezek 44:7-9; 1QpHab 11:13; and Rom 2:29. See Werner E. Lemke, "Circumcision of the Heart: The Journey of a Biblical Metaphor," in *God So Near: Essays on Old Testament Theology in Honor of Patrick D. Miller* (ed. Brent A. Strawn and Nancy R. Bowen; Winona Lake, Ind.: Eisenbrauns, 2003), 299-319.

⁵⁵ To say, then, as does Lüdemann (*Acts of the Apostles*, 101), that the "covenant of circumcision (verse 8a), which assured the promise of salvation, has been nullified by what amounts to a rejection of Moses," is to go beyond the content of Stephen's speech.

5.2.3 Acts 21:18-26: Paul Accused of Preaching Against Circumcision

The final reference to circumcision in Acts demonstrates that in Luke's mind Jewish Christians ought to continue to observe the rite (Acts 21:18-26). After completing his mission to the Gentiles, Paul travels to Jerusalem to report to James and the elders there. The Jerusalem leaders rejoice over Paul's report of the many things that God has done amongst the Gentiles through him. In response, they inform Paul of what God has been doing amongst the Jews, saying, "See, brother, how many myriads of Jews have believed and are zealous for the law" (θεωρεῖς, ἀδελφέ, πόσαι μυριάδες εἰσὶν ἐν τοῖς Ἰουδαίοις τῶν πεπιστευκότων καὶ πάντες ζηλωταὶ τοῦ νόμου ὑπάρχουσιν, v. 20). Yet these believers who are ardent adherents to the law have heard "unspeakable gossip and vile calumny about Paul, who allegedly encourages Diaspora Jews to apostatize" from Moses and not to circumcise their children nor to walk in Jewish customs (μὴ περιτέμνειν αὐτοὺς τὰ τέκνα μηδὲ τοῖς ἔθεσιν περιπατεῖν, v. 21).⁵⁶ Whether such an accusation accurately describes the historical Paul or not, Tyson rightly notes that "[t]his is clearly regarded [by Luke] as a false charge against Paul."⁵⁷

The concerns of the zealous Jewish believers in Acts 21 require careful attention, since scholars often misinterpret them. For instance, Fitzmyer wrongly claims, "Such Jewish Christians would adhere rigorously to the law and insist on its observance by all

⁵⁶ Pervo, *Acts*, 542.

⁵⁷ Tyson, *Marcion*, 75. Johnson (*Acts*, 375) rightly acknowledges that "Paul is not himself accused of breaking Torah." Similarly, Blaschke, *Beschneidung*, 465.

who become members of the New Covenant (Christianity).”⁵⁸ The narrative details of Acts 21 do not bear this interpretation out. To be sure, the Jewish Christians here are themselves rigorously observant, but this does not mean that they insist upon a similar observance by *all* believers. James and the elders report that they are concerned specifically about reports that Paul teaches Jews who live amongst the Gentiles that they should not circumcise their sons and that they should abandon Jewish customs (ἀποστασίαν διδάσκεις ἀπὸ Μωϋσέως τοὺς κατὰ τὰ ἔθνη πάντας Ἰουδαίους λέγων μὴ περιτέμνειν αὐτοὺς τὰ τέκνα μηδὲ τοῖς ἔθεσιν περιπατεῖν, v. 21).

Nothing within the words of James indicates that these believers also want Gentile believers to be circumcised and obey Jewish customs. In fact, the specific wording of the accusation pertaining to circumcision precludes this interpretation, for Paul is accused of teaching Jews, not people in general, to refrain from circumcising their children (τέκνα). Although the word τέκνον can refer to a child (male or female) of indeterminate age,⁵⁹ the rumor states that Paul teaches Jews not to circumcise *their children*, not people in general. Infant circumcision, not circumcision in the abstract, is the issue under consideration. That is to say, what the believers who are zealous for the law are concerned about is the eighth-day circumcision of Jewish babies prescribed by Genesis 17 and Leviticus 12, and not the question of whether or not Gentile believers ought to undergo circumcision. And James and the elders bear this interpretation out, for they

⁵⁸ Fitzmyer, *Acts*, 694. See also Johannes Munck (*Paul and the Salvation of Mankind* [trans. Frank Clarke; Richmond, Va.: John Knox Press, 1959], 231-32), who thinks that Acts 21 deals with the judaizing of Gentiles.

⁵⁹ Cf. LSJ, 1768; BDAG, 994-95. Luke, for instance, uses τέκνον in reference to the adolescent Jesus (Luke 2:48).

reiterate the decision of the Jerusalem Council that Gentile believers need only to observe the Apostolic Decree: “But concerning the Gentiles who have believed, we have sent a letter, judging that they should guard themselves only from meat sacrificed to idols and from blood and from what is strangled and from sexual immorality” (περὶ δὲ τῶν πεπιστευκότων ἔθνῶν ἡμεῖς ἐπεστείλαμεν κρίναντες φυλάσσεσθαι αὐτοὺς τό τε εἰδωλόθυτον καὶ αἷμα καὶ πνικτὸν καὶ πορνείαν, v. 25).

Although it is difficult to ascertain how the solution prescribed by James, namely that Paul undergo purification and pay the expenses of the four men under a vow, adequately answers the accusations against the content of Paul’s preaching, Luke is of the opinion that it does: by undergoing this rite, “all will know that there is nothing in what they have learned about you [i.e. Paul], but that you yourself live in observance of the law” (καὶ γνώσονται πάντες ὅτι ὧν κατήχηνται περὶ σοῦ οὐδέν ἐστιν ἄλλὰ στοιχεῖς καὶ αὐτὸς φυλάσσων τὸν νόμον).⁶⁰ Perhaps Bart J. Koet is correct to argue that Luke’s portrayal of Paul as committed even to supererogatory rituals of the law demonstrates his commitment to the whole of it.⁶¹ Accordingly, Luke believes that Paul

⁶⁰ Pervo (*Acts*, 543) states, “In this instance, the compromise is not a good fit, for the issue is not practice, but Paul’s *teaching*. In response to this charge, a community (or representative, given the alleged size) assembly could have been called, at which Paul could have set forth his views and presented, as a prime exhibit, Timothy, for whose circumcision he was responsible” (emphasis original). But can one sharply distinguish teaching and practice? For a discussion of the function of Nazirite vows in the Second Temple period, see Jacob Neusner, “Vow-taking, the Nazirites, and the Law: Does James’ advice to Paul accord with Halakhah?” in *James the Just and Christian Origins* (ed. Bruce Chilton and Craig A. Evans; NovTSup 98; Leiden: Brill, 1999), 59-82. For the connection between James and the Nazirite vow, see Bruce D. Chilton, “The New Testament’s Interpretation: The Nazirite Vow and the Brother of Jesus,” in *Torah Revealed, Torah Fulfilled: Scriptural Laws in Formative Judaism and Earliest Christianity* (ed. Jacob Neusner, Bruce D. Chilton, and Baruch A. Levine; New York: T&T Clark, 2008), 63-73.

⁶¹ Bart J. Koet, “Why did Paul shave his hair (Acts 18,18)? Nazirate [*sic*] and Temple in the book of Acts,” in *The Centrality of Jerusalem: Historical Perspectives* (ed. Marcel Poorthuis and Chana Safrai; Kampen: Kok Pharos, 1996), 128-42 (141).

and the leaders of the Jerusalem Church, not to mention the zealous Jewish believers, agree that all Jewish believers, in both Judea and the diaspora, ought to continue to observe the law, including the rite of infant circumcision.

5.2.4 An Anomalous Circumcision for an Anomalous Situation

In view of the preceding discussion of the importance of eighth-day circumcision to Luke, one significant anomaly within Luke's two works needs to be addressed—Paul's circumcision of Timothy in Acts 16:3. If only eighth-day circumcision is covenantal circumcision, why does Luke portray Paul's circumcision of an adult Timothy, whether this is historically accurate or not?⁶² I will attempt to answer this question below, but I must first point out that Timothy's circumcision poses a problem not only for my thesis but also for more traditional interpretations of Luke's view of the law. According to those interpreters who believe that Acts 15 demonstrates that Luke does not think that God requires circumcision of either Jewish or Gentile believers, Paul's circumcision of Timothy is inexplicable. How can Luke portray this action if he thinks that circumcision is no longer relevant? On the other hand, for interpreters such as Jervell who argue that Luke believes that Jewish believers should still obey the law, including circumcision, Luke's ambivalence toward Timothy's circumcision is likewise incomprehensible. If Luke thinks that Timothy is a Jew and that Jewish believers should keep the law, why does he need to justify Paul's action by claiming that he did it on account of the Jews in

⁶² Those who doubt the historical veracity of this account include Haenchen, *Acts*, 478-82; Vielhauer, "On the 'Paulinism' of Acts," 40-41; and Günther Bornkamm, "The Missionary Stance of Paul in I Corinthians 9 and in Acts," in *Studies in Luke-Acts* (ed. Leander E. Keck and J. Louis Martyn; Philadelphia: Fortress Press, 1966), 194-207 (203-4). On the other hand, Blaschke (*Beschneidung*, 460-64) argues for the historical reliability of the story.

those areas, as if the circumcision is an embarrassment (Acts 16:3)? Acts 16:1-3 requires further consideration.

As Shaye J. D. Cohen notes, the juxtaposition of Luke's narrative of Timothy's circumcision with his narrative of the Apostolic Council is troublesome: "In Acts 15, at the great council, the pillars of the church come to accept Paul's view that Gentile converts to Christianity need not be circumcised, but Acts 16 begins with Paul's circumcision of Timothy. How can this incongruity be explained?"⁶³ The ambiguity of the situation is highlighted by Luke's description of Timothy: he is a disciple, and the son of a Jewish woman who is a believer (υἱὸς γυναικὸς Ἰουδαίας πιστῆς) and a Greek father.⁶⁴ A number of interpreters conclude that Paul circumcises Timothy because he is the son of a Jewish mother, and therefore himself a Jew.⁶⁵ Yet, as Cohen demonstrates, the fact that Timothy's mother is Jewish does not necessarily mean that Timothy would have been considered a Jew as well: matrilineal descent was not a widely established principle in the first century C.E.⁶⁶ Cohen believes that Luke's readers would have concluded that Timothy was a Gentile.

But it is problematic for this interpretation that Luke portrays Paul circumcising someone everyone thought was a Gentile immediately after the Jerusalem Council, where

⁶³ Shaye J. D. Cohen, "Was Timothy Jewish (Acts 16:1-3)? Patristic Exegesis, Rabbinic Law, and Matrilineal Descent," *JBL* 105.2 (1986): 251-68 (251).

⁶⁴ While one Greek uncial, several Old Latin MSS, and the Vulgate lack Ἰουδαίας, this appears to be a scribal omission.

⁶⁵ For instance, Bruce, *Acts*, 304.

⁶⁶ Shaye J.D. Cohen, "The Matrilineal Principle in Historical Perspective," *Judaism* 34.1 (1985): 5-13; idem, "The Origins of the Matrilineal Principle in Rabbinic Law," *AJSR* 10.1 (1985): 19-53; and idem, "Was Timothy Jewish?"

it was determined that Gentile believers were not to be circumcised. As Christopher Bryan asks, “Is it likely that Luke would show Paul choosing to [circumcise a Gentile] who was a walking contradiction of the very thing that the decree said?”⁶⁷ Difficulties arise regardless of whether one concludes that Luke portrays Timothy as a Jew or a Gentile.

While Cohen convincingly demonstrates that the matrilineal principle was for the most part a later development, some Jews prior to the first century C.E. believed that the ethnicity of the mother played a role in the ethnicity of a child. That is to say, not all Jews in the Second Temple period thought genealogy was a matter of patrilineal descent alone. For instance, as discussed in Chapter Three, Ezra-Nehemiah demonstrates that some Jews defined Jewishness in such a way that both the mother and the father needed to be Jewish (cf. Ezra 9:2). Similarly, descent in *Jubilees* is neither matrilineal nor patrilineal, but a combination of the two (cf. *Jub.* 30:11-14). While Luke records Jesus’ genealogy along patrilineal lines, he also implies that the mother plays a significant role in determining a child’s genealogy, as is seen in the emphasis on the fact that John’s mother is Elizabeth, a daughter of Aaron (cf. Luke 1:5).

Cohen frames the question: “[D]id Luke think he was narrating the circumcision of a Jew or the circumcision of a Gentile?”⁶⁸ But a third option presents itself: Luke believes that some of his readers would conclude that Timothy was one thing, while

⁶⁷ Christopher Bryan, “A Further Look at Acts 16:1-3,” *JBL* 107 (1988): 292-94 (293). See also Reidar Hvalvik, “Paul as a Jewish Believer—According to the Book of Acts,” in *Jewish Believers in Jesus: The Early Centuries* (ed. Oskar Skarsaune and Reidar Hvalvik; Peabody, Mass.: Hendrickson, 2007), 121-53.

⁶⁸ Cohen, “Was Timothy Jewish?” 253.

others would conclude that he was another. Depending on how one determines genealogy, one could argue that Timothy was either a Jew or a Gentile.⁶⁹ Some may see Timothy as a Jew, and Luke shows how careful Paul is to require circumcision in this sort of liminal case.⁷⁰ With a Gentile father and a Jewish mother, Timothy's identity is ambiguous, perhaps even hybridized.⁷¹ Of course, Paul does not circumcise Timothy on the eighth day after birth, but Luke never asserts that Timothy was circumcised according to the law. Perhaps it is due to the fact that Timothy's circumcision is not rightly timed that Luke displays such ambivalence to it in his claim that Paul did it for no other reason than the pressure of the local Jews (περιέτεμεν αὐτὸν διὰ τοὺς Ἰουδαίους τοὺς ὄντας ἐν τοῖς τόποις ἐκείνοις, 16:3). Presumably, in Luke's mind, these Jews might have concluded that Timothy was a Jew, and so Paul circumcised him to avoid any appearance of laxity toward the law—even though he did not agree with the local Jews' interpretation of the law's requirements. Paul's circumcision of Timothy, moreover, certainly did not break the law (if Luke thinks that Timothy was a Jew, the law was broken already on the ninth day after Timothy's birth), but neither did Timothy's circumcision as an adult uphold the law, as far as Luke is concerned.

⁶⁹ As Cohen ("Was Timothy Jewish?" 259-63) shows, most ancient interpreters of Acts believed that Timothy was a Gentile like his father, but Ambrosiaster and Nicolaus of Lyra argued that Timothy was a Jew because of his mother's Jewishness.

⁷⁰ Similarly, Friedrich Wilhelm Horn ("Der Verzicht auf die Beschneidung im frühen Christentum," *NTS* 42 [1996]: 479-505 [488]) calls the uncircumcised Timothy a "Sonderfall."

⁷¹ On the difficulties surrounding hybridity, see Homi K. Bhabha, *The Location of Culture* (London: Routledge, 1994), and Daniel Boyarin, *Borderlines: The Partition of Judaeo-Christianity* (Divinations; Philadelphia: University of Pennsylvania Press, 2004), 13-22.

5.2.5 Summary: Eighth-day Circumcision in Luke-Acts

We are now in a better position to answer the question of how Luke intends his readers to understand the significance of Jesus' circumcision. As noted, reading Luke's descriptions of the circumcisions of John, Jesus, and Isaac, one is struck with the repeated notification that these circumcisions took place on the eighth day. To be sure, the mention of the eighth day, within a context that stresses the law observance of the families of John and Jesus, points to the punctiliousness of such observance. Yet the very fact that Luke considers the timing of their circumcisions to be significant enough to mention, and not merely to be assumed, suggests something more.⁷² To those early Christians embroiled in disputes over the advisability of the circumcision of Gentile believers, Luke's accounts of circumcision consistently stress its rightful timing. Luke does not denigrate circumcision—Jesus himself was circumcised, and on the proper day. So, too, John and Isaac.

Indeed, Luke concerns himself with the temporal details of these circumcisions, demonstrating that the rite is still of considerable importance to him. Luke intends Jesus' circumcision to be paradigmatic for his followers—in this sense, the Ebionites and Cerinthians correctly divined Luke's intention (cf. Epiphanius, *Haer.* 30.26.2). And yet, the Ebionites and Cerinthians, if Epiphanius can be trusted here, incorrectly applied Jesus' circumcision to all Christians without giving due consideration to the shape of the paradigm. Luke's narratives of the circumcision of John, Jesus, and Isaac each stress the

⁷² While Blaschke (*Beschneidung*, 439) is correct to conclude that Luke portrays the circumcisions of John and Jesus as irrefragable, Luke intends more than this rather banal conclusion.

importance of rightly timed circumcision. Consequently, adult Gentile believers cannot follow in Jesus' footsteps, nor can they keep the covenant of circumcision that God established with Abraham's progeny, as they have missed the proper day for the rite. Since Luke's scriptural citations demonstrate his knowledge of a text that, by and large, conforms to the LXX witnesses, presumably he knew a version of Gen 17:14 in which the child not circumcised on the eighth day is to be cut off from his people.⁷³ Following the trajectory established in Genesis 17, Leviticus 12, and *Jubilees*, Luke views properly timed circumcision as covenantal circumcision. In Luke's eyes, non-eighth-day circumcision is as good as uncircumcision. This understanding of circumcision best accounts for Luke's insistence that Jewish believers need to circumcise their children (Acts 21), his implication that Gentiles do not need to undergo the rite (Acts 15), and his ambivalence toward Paul's circumcision of Timothy, who is possibly Jewish but possibly not (Acts 16).

⁷³ For evidence that the LXX reading preserves the earliest inferable text of Gen 17:14, and is the only known form of this verse in the Second Temple Period, see Chapter One of the present work, as well as Matthew Thiessen, "The Text of Genesis 17:14," *JBL* 128.4 (2009): 625-42. On Luke's knowledge and use of the LXX, see W. K. L. Clarke, "The Use of the LXX in Acts," *The Beginnings of Christianity* (5 vols.; ed. F. J. Foakes-Jackson and Kirsopp Lake; London: MacMillan, 1920-33), 2.66-105; Eckhard Plümacher, *Lukas als hellenistischer Schriftsteller: Studien zur Apostelgeschichte* (SUNT 9; Göttingen: Vandenhoeck & Ruprecht, 1972), 48-72; Helmer Ringgren, "Luke's Use of the Old Testament," *HTR* 79.1 (1986): 227-35. The claim of Traugott Holtz (*Untersuchungen über die alttestamentlichen Zitate bei Lukas* [TUGAL 104; Berlin: Akademie Verlag, 1968]) that Luke did not know the Pentateuch is untenable in light of, for instance, Luke's use of LXX Gen 18:14 in Gabriel's speech to Mary (Luke 1:37). Cf. James A. Sanders, "Isaiah in Luke," *Int* 36.2 (1982): 144-55 (149).

5.3 The Gentile Problem according to Luke

5.3.1 The Suggested Remedy of Gentile Circumcision

As I noted above, Jerome Neyrey believes that in Acts 15 Luke portrays the Church abandoning the rite of circumcision, a rite central to Jewish law observance.⁷⁴ As the preceding discussion suggests, however, Neyrey's conclusion lacks precision. Even in Acts 21, long after the Jerusalem Council, Luke crafts his narrative to defend Paul from the charge that he advocates the abandonment of the law, including the rite of circumcision. With regard to the Council, it is important to note that James does not determine that circumcision is no longer required in general, but rather that God has visited (ἐπισκέπτομαι, Acts 15:14) the Gentiles, in the very same way that he once long ago visited Sarah (ἐπισκέπτομαι, LXX Gen 21:1), and has brought into existence a people for his name.⁷⁵ According to James, however, Gentile believers do not need to be circumcised. But James significantly makes no mention about the law observance of his fellow Jewish believers. As Michael Wyschogrod argues, according to Luke, "[B]oth factions in Jerusalem agreed that Jews, even after Jesus, remained under the prescriptions of the Torah. If the Jesus event had changed Jewish Torah obligation, then it would hardly make any sense to argue whether non-Jews required circumcision and Torah obligation. The debate concerned gentiles; both sides agreed about the Torah obligation

⁷⁴ Neyrey, "The Symbolic Universe of Luke-Acts," 294.

⁷⁵ On the significance of Acts 15:14, see Nils A. Dahl, "A People for His Name (Acts 15:14)," *NTS* 4 (1957-58): 319-27.

of Jesus-believing Jews.”⁷⁶ Since Gentile circumcision, and not circumcision in general, is the issue under dispute, the conclusions of the Jerusalem Council would not necessarily have been interpreted as a breach of the Mosaic Law.

Those who were open to the possibility that Gentiles could (and should) become Jews would interpret the Apostolic Council’s refusal to require Gentile circumcision as an abolition of the law.⁷⁷ As the preceding chapters have argued, however, not all Jews in this period held to a definition of Jewishness in which Gentiles could become Jews. Thus, those who defined Jewishness in strictly genealogical terms would agree with the Jerusalem Council that Gentiles did not need to be circumcised, and in fact could derive no benefit from the rite. Gentiles were Gentiles. Jews were Jews. Consequently, the laws pertaining to Jews did not necessarily apply to Gentiles. Wilson concludes, according to Luke “the laws/customs of Moses are viewed as the proper and peculiar possession of the Jews, appropriate to the expression of Jewish and Jewish-Christian piety but out of place if imposed upon Gentiles.”⁷⁸

But the fact that the law is for the most part limited to Jewish believers does not suggest that Luke believes it is not of divine origin, as Schwartz suggests;⁷⁹ rather, the

⁷⁶ Michael Wyschogrod, “A Jewish View of Christianity,” in *Abraham’s Promise: Judaism and Jewish-Christian Relations* (ed. R. Kendall Soulen; Radical Traditions; Grand Rapids, Mich.: Eerdmans, 2004), 149-64 (163). Consequently, Baur (*Paul the Apostle*, 1.124) is incorrect to claim: “This then is the conviction expressed, that the Mosaic law was no longer binding on Christians, whether Jew or Gentile.”

⁷⁷ Cf. Shaye J. D. Cohen (*The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* [Hellenistic Culture and Society 31; Berkeley, Calif.: University of California Press, 1999], 198-238) and the Introduction to the present work.

⁷⁸ Wilson, *Luke and the Law*, 104.

⁷⁹ Schwartz, “God, Gentiles, and Jewish Law,” 264.

God of Israel had intended the Law in its entirety to apply only to Jews alone, with only specific laws applying to Gentiles.⁸⁰ In contrast to Schwartz’s conclusion, François Bovon states: “Throughout Luke’s work, the law in question is the one that God gave to Moses, that is, the ‘living oracles’ (Acts 7:38). It is not one law among others, dictated through human wisdom, but the expression of the will of God, mediated through both the person of Moses and human writing. Thus there exists a connection between the ‘it is necessary’ (δεῖ) of salvation history (Luke 2:49, 9:22; Acts 19:21) and the imperatives in the law.”⁸¹ According to Luke, God ordained the law for the Jewish people. The circumscribed application of the law in no way entails its diminishment.

While Luke, through James, disagrees with the message of the believing Pharisees of 15:5, the reader is left to wonder where exactly to plot Luke’s own thinking about Jews and Gentiles. Does Luke believe that Gentiles can become Jews, but reject the idea that believing Gentiles need to do so? Or does he believe that Gentiles, whether believers in Jesus or not, are genealogically distinct from Jews, and that even though God has

⁸⁰ Most interpreters rightly argue that the Apostolic Decree to Gentile believers reorients their lives around a number of aspects of Jewish Law. For this understanding of the Apostolic Decree, see H. Waitz, “Das Problem des sogenannten Aposteldekrets und die damit zusammenhängenden literarischen und geschichtlichen Probleme des apostolischen Zeitalters,” *ZKG* 55 (1936): 227-63; Richard Bauckham, “James and the Gentiles (Acts 15.13-21),” in *History, Literature, and Society in the Book of Acts* (ed. Ben Witherington; Cambridge: Cambridge University Press, 1996), 154-84; Peter J. Tomson, *Paul and the Jewish Law: Halakha in the Letters of the Apostle to the Gentiles* (CRINT 1; Assen: Van Gorcum, 1990), 177-80; Klaus Müller, *Tora für die Völker: Die noachidischen Gebote und Ansätze zu ihrer Rezeption im Christentum* (2d ed.; Studien zu jüdischem Volk und christlicher Gemeinde 15; Berlin: Institut Kirche und Judentum, 1998), 137-99; and Markus Bockmuehl, *Jewish Law in Gentile Churches: Halakhah and the Beginning of Christian Public Ethics* (Grand Rapids, Mich.: Baker Academic, 2000), 164-67. Those who do not believe that the prohibitions of Leviticus 17-18 relating to the נָל (Gk: προσήλυτος) lie behind the Apostolic Decree include Wilson, *Luke and the Law*, 84-102, and Klinghardt, *Gesetz und Volk Gottes*, 185-86.

⁸¹ François Bovon, *Studies in Early Christianity* (WUNT 161; Tübingen: Mohr Siebeck, 2003), 59.

called a people for himself from out of the nations, they remain distinct from Jews? In the remainder of this chapter I will examine Luke's portrayal of Cornelius's conversion in Acts 10 in order to demonstrate that Luke is indebted to an exclusionary definition of Jewishness that does not permit the possibility of Gentiles becoming Jews via circumcision and law observance, and that it is this genealogical understanding of Jewishness which explains his views of circumcision. Consequently, only a new and unexpected action on the part of the God of Israel can address the predicament facing the Gentiles.

5.3.2 Cornelius and the Menagerie of Animals (Acts 10)

At the Jerusalem Council, Peter reminds his audience that neither they, nor their fathers, have been able to properly bear the yoke of the law. How, then, can they require that Gentiles, to whom the law was not given, should bear it? He further reminds his audience that Jews are saved through the grace of the Lord Jesus, just as Gentiles are (15:10-11). Yet nowhere does Luke suggest that Jewish believers no longer need to keep the law, even though they are saved through the grace of the Lord Jesus.⁸² For Luke, Jewish law observance, even circumcision of Jewish infants, is not opposed to the principle of grace.⁸³ Nonetheless, Luke believes that Gentile believers should not undergo circumcision. Why is this? How can Luke permit and desire law observance amongst

⁸² Against, for instance, Pervo, *Acts*, 544. Pervo concludes, "Luke, despite his insistence on continuity, is a product of the gentile mission who sees the peculiar features of the Jewish life as a relic of the past, useful in their time, no doubt, but no longer required or desirable."

⁸³ One can see this same connection between grace and observance of the commandment to circumcise in rabbinic texts. For instance, *Pesikta Rabbati* 25:1 states, "And thus Scripture says, Who hath given Me anything before hand, that I should repay him? (Job 41:3). Whatever man circumcised his son in My name before I gave him a child?" Cf. *Pesikta de-Rab Kahana* 9:2.

Jewish Christians and prohibit it amongst Gentile Christians, yet stress the importance of the unity enjoyed within this movement?⁸⁴ No wonder Franz Overbeck accused Luke of dealing with the law in an unprincipled way!⁸⁵

The answer to these questions lies within Luke's theological understanding of the Gentile Problem. But Luke does not provide such answers in a lengthy speech by Peter or James; rather he provides them through his narrative. As Pervo argues: "Acts is a narrative, and its theology must be recovered from the narrative rather than from the embedded speeches."⁸⁶ Luke's view of circumcision and Gentile and Jewish identity is elucidated by his extended account of the conversion of Cornelius (Acts 10).

Hints of the gospel's implications for Gentiles appear already in Luke's Gospel.⁸⁷ Additionally, in Acts 1:8 Jesus commissions the disciples to be his witnesses in

⁸⁴ For a recent treatment of Luke's portrayal of unity within the church, see Alan J. Thompson, *One Lord, One People: The Unity of the Church in Acts in Its Literary Setting* (LNTS 359; London: T&T Clark, 2008). Similarly Matthias Klinghardt (*Gesetz und Volk Gottes: Das lukanische Verständnis des Gesetzes nach Herkunft, Funktion und seinem Ort in der Geschichte des Urchristentums* [WUNT 32; Tübingen: Mohr Siebeck, 1988], 156-224) attempts to reconcile Luke's view of the law with his desire to create a unity in a diverse church. According to Klinghardt, it is through cultic purity amongst Jewish and Gentile believers that such unity is attained and maintained. While I believe purity issues are indeed integral to Luke's concerns, below I will provide a different account of what kind of purity Luke envisages in light of Acts 10.

⁸⁵ Franz Overbeck, "Über das Verhältnis Justins des Märtyrers zur Apostelgeschichte," *ZWT* 15 (1872): 305-49, cited by Jervell, *Luke and the People of God*, 133.

⁸⁶ Pervo, *Acts*, 22. See also Beverly Roberts Gaventa, "Toward a Theology of Acts: Reading and Rereading," *Int* 42 (1988): 146-57.

⁸⁷ Cf. Stephen G. Wilson, *The Gentiles and the Gentile Mission in Luke-Acts* (SNTSMS 23; Cambridge: Cambridge University Press, 1973), 1-87; Thomas J. Lane, *Luke and the Gentile Mission: Gospel Anticipates Acts* (European University Studies, Theology 571; Frankfurt-am-Main; Peter Lang, 1996); and Christoph W. Stenschke, *Luke's Portrait of Gentiles Prior to Their Coming to Faith* (WUNT 2/108; Tübingen: Mohr Siebeck, 1999). Luke's understanding of Samaritan identity is unclear. Luke's Jesus refers to the Samaritan leper as a foreigner (ἄλλογενής, Luke 17:18), yet Luke also appears to distinguish between Samaritans and Gentiles (cf., for instance, Acts 1:8). See the discussion of Samaritan identity in Jacob Jervell, *Luke and the People of God*, 113-32, R. J. Coggins, "The Samaritans and Acts," *NTS* 28

Jerusalem, Judea, Samaria, and the ends of the earth (γῆ),⁸⁸ and, while the disciples are yet in Jerusalem, Jews from every nation witness the evidence of the Spirit in their midst on the day of Pentecost, portending the expansion of the gospel beyond the boundaries of Israel.⁸⁹ Further, in Acts 8, Philip baptizes an Ethiopian eunuch, suggesting that the gospel has crossed over the boundary between Jew and Gentile.⁹⁰ Nonetheless, it is in Acts 10 that Luke provides his most sustained treatment of a Gentile being exposed to the gospel and the subsequent consequences, both for Cornelius and for the nascent Christian movement, which to this point has been comprised almost exclusively of Jewish believers. That this story plays a central role in Luke's understanding of the problem

(1982): 423-34; Dennis Hamm, "What the Samaritan Leper Sees: The Narrative Christology of Luke 17:11-19," *CBQ* 56.2 (1994): 273-87 (275-82), and Stenschke, *Luke's Portrait of Gentiles*, 64-69.

⁸⁸ On the question of the geographical referent intended by the phrase ἕως ἑσχάτου τῆς γῆς, ("until the end of the earth/land") see Daniel R. Schwartz, "The End of the Γῆ (Acts 1:8): Beginning or End of the Christian Vision?" *JBL* 105.4 (1986): 669-76; Earle Ellis, "The End of the Earth (Acts 1:8)," *BBR* 1 (1991): 123-32; James M. Scott, "Luke's Geographical Horizon," in *The Book of Acts in Its Graeco-Roman Setting* (ed. David W. J. Gill and Conrad Gempf; Grand Rapids, Mich.: Eerdmans, 1994), 483-544; and Bertram L. Melbourne, "Acts 1:8 Re-examined: Is Acts 8 Its Fulfillment?" *JRT* 58 (2005): 1-18.

⁸⁹ As Pervo (*Acts*, 66) says, "The purpose of this catalogue is patent: to symbolize—in fact, to achieve—the universal mission of the church." See also, Gary Gilbert, "The List of Nations in Acts 2: Roman Propaganda and the Lukan Response," *JBL* 121 (2002): 497-529.

⁹⁰ On the role and identity of the Ethiopian eunuch, see Erich Dinkler, "Philippus und der ANHP ΑΙΘΙΟΥ (Apg 8.26-40): Historische und geographische Bemerkungen zum Missionsablauf nach Lukas," in *Jesus und Paulus: Festschrift für Werner Georg Kümmel zum 70. Geburtstag* (ed. E. Earle Ellis and Erich Grässer; Göttingen: Vandenhoeck & Ruprecht, 1975), 85-95; Beverly Roberts Gaventa, *From Darkness to Light: Aspects of Conversion in the New Testament* (OBT; Philadelphia: Fortress Press, 1986), 98-107; Andreas Lindemann, "Der 'Äthiopische Eunuch' und die Anfänge der Mission unter den Völkern nach Apg 8-11," in *Apostelgeschichte und die hellenistische Geschichtsschreibung: Festschrift für Eckhard Plümacher zu seinem 65. Geburtstag* (AGJU 57; Leiden: Brill, 2004), 109-33; Keith H. Reeves, "The Ethiopian Eunuch: A Key Transition from Hellenist to Gentile Mission: Acts 8:26-40," in *Mission in Acts: Ancient Narratives in Contemporary Contexts* (ed. Robert L. Gallagher and Paul Hertig; American Society of Missiology Series 34; Maryknoll, N.Y.: Orbis Books, 2004), 114-22; Jean-François Racine, "L'hybridité des personnages: une stratégie d'inclusion des gentils dans les Actes des Apôtres," in *Analyse narrative le Bible: Deuxième Colloque International du Rrenab, Louvain-la-Neuve, avril 2004* (ed. Camille Focant and André Wénin; BETL 191; Leuven: Leuven University Press, 2005), 559-66; and Mikeal C. Parsons, *Body and Character in Luke and Acts: The Subversion of Physiognomy in Early Christianity* (Grand Rapids, Mich.: Baker Academic, 2006), 123-41.

facing pre-Christian Gentiles, as well as the solution God provides for them, can be seen by the fact that Luke narrates it three times.⁹¹ Consequently, Edith Humphrey rightly argues that the vision-report in Acts 10 functions “as a type of *demonstratio*, in which [Luke’s argument for Gentile inclusion] is vividly depicted, or borne up ‘before the eyes’ (*res ante oculos*) of the audience.”⁹²

The relationship between Cornelius’s conversion and Peter’s vision has troubled Acts scholarship. Were the two stories originally separate accounts?⁹³ How should the reader understand them, given that Luke places Peter’s vision within the broader story of Cornelius? Does Luke intend his readers to understand Peter’s vision as the abolition of the dietary laws and concomitant boundaries between humans, or does the vision relate only to anthropology?⁹⁴ Pervo claims that according to Luke the law, “insofar as it deals with dietary laws and regulations for purity, is opposed to the manifest will of God

⁹¹ On the centrality of the Cornelius episode for the inclusion of the Gentiles in Acts, see Mark A. Plunkett, “Ethnocentricity and Salvation History in the Cornelius Episode (Acts 10:1-11:18),” *SBLSP* 24 (1985): 465-79; Robert W. Wall, “Peter, ‘Son’ of Jonah: The Conversion of Cornelius in the Context of Canon,” *JSNT* 29 (1987): 79-90; J. Julius Scott, Jr., “The Cornelius Incident in the Light of Its Jewish Setting,” *JETS* 34.4 (1991): 475-84; Ronald D. Witherup, “Cornelius Over and Over and Over Again,” *JSNT* 15 (1993): 45-66; Edith M. Humphrey, “Collision of Modes?—Vision and Determining Argument in Acts 10:1-11:18,” *Semeia* 71 (1995): 65-4; Michael Pettem, “Luke’s Great Omission and His View of the Law,” *NTS* 42 (1996): 35-54; William S. Kurz, “Effects of Variant Narrators in Acts 10-11,” *NTS* 43.4 (1997): 570-86; Walter T. Wilson, “Urban Legends: Acts 10:1-11:18 and the Strategies of Greco-Roman Foundation Narratives,” *JBL* 120.1 (2001): 77-99; and David Lertis Matson and Warren S. Brown, “Tuning the Faith: The Cornelius Story in Resonance Perspective,” *PRSt* 33.4 (2006): 449-65.

⁹² Humphrey, “Collision of Modes?” 67. Humphrey alludes here to Cicero’s *Ad Herennium* 4.55.68.

⁹³ For instance, Dibelius (*Studies in the Acts*, 109-22) believes that the Cornelius story was a simple story that Luke had at his disposal and which he combined with the story of Peter’s vision, while Conzelmann (*Acts*, 80) argues that Peter’s vision originally only had to do with the abolition of Jewish dietary laws and was unconnected to Cornelius. See the detailed treatment of François Bovon, “Tradition et redaction en Actes 10, 1-11, 18,” *TZ* 26 (1970): 22-45.

⁹⁴ Cf. Chris A. Miller, “Did Peter’s Vision in Acts 10 Pertain to Men or the Menu?” *BSac* 159 (2002): 302-17.

(10:10-16).”⁹⁵ In contrast, others suggest that anthropology is Luke’s sole concern in Acts 10. Although the heavenly voice commands him to arise, kill, and eat, Luke does not portray Peter killing and eating these animals, either here or elsewhere in Acts. Additionally, what might appear to be a straightforward case of God annulling Jewish dietary laws, seems anything but that to Peter himself. Three times the voice from heaven needs to tell him that what God has cleansed (καθαρίζω) Peter should not defile (κοινύω, 10:15).⁹⁶ Luke informs his readers that Peter was still perplexed after seeing this vision three times (διαπορέω, 10:17). Finally, evidence that the vision does not repeal the food laws in Luke’s mind can also be found in the Apostolic Decree in which the Council demands that Gentile Christians adhere to certain levitical dietary restrictions pertaining to Gentiles (Acts 15:20), as well as in Luke’s evident intention to demonstrate that Paul did not teach Jews to disregard the Mosaic Law (Acts 21:18-27; 25:8; 28:17).⁹⁷

Indeed, the allegorical nature of the vision is made clear by the remainder of the narrative. As John B. F. Miller rightly states,

This is an allegorical vision—a vision that does not make sense in itself, but requires interpretation. As such, this scene stands in contrast to the rest of the dream-visions in Luke-Acts. The allegorical nature of the vision, however, is not immediately apparent; it becomes clear only in Peter’s interpretation of his

⁹⁵ Pervo, *Acts*, 544. Similarly, John J. Kilgallen, “Clean, Acceptable, Saved: Acts 10,” *ExpT* 109 (1998): 301-2; Lüdemann, *Acts of the Apostles*, 141; and Daniel J. Scholz, “‘Rise, Peter, Kill and Eat.’ Eating Unclean Food and Dining with Unclean People in Acts 10:1-11:18,” *Proceedings* 22 (2002): 47-61.

⁹⁶ I will shortly justify my translation of κοινύω as “to defile.”

⁹⁷ Haenchen (*Acts*, 361-62) rightly notes that, according to Luke, the abolition of Jewish food laws “was never recognized by the Jerusalem community, and we have no evidence that Peter ever adopted it. That it is foreign to Acts itself is clear from the so-called Apostolic Decree.”

experience found later in the narrative (Acts 10:34-35). Initially, Peter responds to the allegorical elements of the vision as literal commands.⁹⁸

But why does Luke use a vision about animals to discuss anthropology? The answer, as Claude Lévi-Strauss has so memorably put it, is that animals are good to think with.⁹⁹

How does the animal vision enable Peter to think better? After being told to rise and indiscriminately kill and eat from a menagerie of animals, Peter emphatically states that he has never eaten anything κοινὸν καὶ ἀκάθαρτον (10:14).¹⁰⁰ The heavenly voice responds by telling him that what God has purified (καθαρίζω), he should not defile (10:15). Immediately after this vision, Peter enters the house of Cornelius, informing him and his household that while it is unlawful for Jews to associate with foreigners (ἀθέμιτόν ἐστιν ἀνδρὶ Ἰουδαίῳ κολλᾶσθαι ἢ προσέρχεσθαι ἄλλοφύλῳ), God had shown him that he should call no one κοινὸν ἢ ἀκάθαρτον (v. 28). Finally, in response to the questions faced in Jerusalem, Peter reiterates the content of Acts 10:14-15, in which he claimed never to have eaten anything κοινὸν ἢ ἀκάθαρτον,¹⁰¹ and was told not

⁹⁸ John B. F. Miller, “*Convinced that God had Called Us*”: *Dreams, Visions, and the Perception of God’s Will in Luke-Acts* (BIS 85; Leiden: Brill, 2007), 207.

⁹⁹ Of animals, Claude Lévi-Strauss (*Le Totémisme Aujourd’hui* [2d ed.; Paris: Presses Universitaires de France, 1965], 128) states, “[L]eur réalité sensible laisse transparaître des notions et des relations, conçues par la pensée spéculative à partir des données de l’observation. On comprend enfin que les espèces naturelles ne sont pas choisies parce que ‘bonnes à manger’ mais parce que ‘bonnes à penser’.”

¹⁰⁰ As Clinton Wahlen (“Peter’s Vision and Conflicting Definitions of Purity,” *NTS* 51 [2005]: 505-18 [511]) notes, the command to kill excludes the possibility that Peter is concerned about laws prohibiting consumption of animal carcasses (נבלה, Deut 14:21) or clean animals that have been torn apart by other animals (טרפה, Exod 22:30).

¹⁰¹ The fact that Luke’s reiteration of the conversation between Peter and the heavenly voice in 11:8-9 replaces the conjunction καὶ with ἢ suggests that Luke does not see a significant difference in meaning between the two particles, *pace* Mikeal Parsons, “Nothing Defiled AND Unclean: The Conjunction’s Function in Acts 10:14,” *PRSt* 27 (2000): 263-74.

to make impure what God had cleansed (καθαρίζω, 11:8-9). Whatever Luke's intention in narrating (and renarrating) the story of Cornelius and Peter, the two words, κοινός and ἀκάθαρτος, are at the heart of it.

5.3.3 Excursus: Common Misunderstandings of κοινός

While we can be certain that the meaning of ἀκάθαρτος is “cultically impure,” the meaning of κοινός is less clear. The word generally means “common” or “shared.”¹⁰² In light of this fact, many interpreters have understood the word to here mean “common,” in the sense of profane.¹⁰³ At first glance, this interpretation appears attractive, for the priestly writings stress the difference between the holy and the profane in the same context that they stress the difference between the pure and the impure. For instance, the RSV renders Lev 10:10: “You are to distinguish between the holy and the common, and between the unclean and the clean.” Consequently, in our passage, Peter would be claiming that he had never eaten anything impure (according to the dietary legislation of Leviticus 11), nor anything profane. And Peter's anthropological conclusion based on the vision he receives would be that he should not call any person impure or profane (Acts 10:28). All are pure, all are holy.

The problem with this interpretation of κοινός is that this *cultic* use cannot be found in non-Jewish Greco-Roman literature. But, as far as I have seen, only Robert

¹⁰² LSJ, 968-69.

¹⁰³ Cf. Bruce, *Acts*, 201; Barrett, *Acts*, 1.488; Johnson, *Acts*, 181; Fitzmyer, *Acts*, 453; and Parsons, “Nothing Defiled AND Unclean,” 265. The majority of German interpreters render κοινός as “Gemein.” Cf. for instance, Jervell, *Apostelgeschichte*, 299; Roloff, *Apostelgeschichte*, 162; Alfred Wickenhauser, *Die Apostelgeschichte* (RNT 5; Regensburg: F. Pustet, 1961), 119; and Wilfried Eckey, *Die Apostelgeschichte: der Weg des Evangeliums von Jerusalem nach Rom* (2 vols.; Neukirchen-Vluyn: Neukirchener, 2000), 233.

Jewett notes this difference between cultic commonness or profaneness and a generic commonness. As I will argue, the instances in Jewish literature in which κοινός is interpreted as “cultically profane” could also be, and at times must be, interpreted as “impure,” not “profane.”¹⁰⁴ A further difficulty facing this interpretation is that the word usually translated into English as “common” in the Hebrew Bible is the word לָּ, a term the various LXX translators almost always render into Greek using βέβηλος. In contrast, not once is לָּ translated as κοινός, nor לָּלָּ as κοινόω. To be sure, it is possible that κοινός and κοινόω came to include this specifically cultic meaning at a later date, and were used as synonyms for βέβηλος and βεβηλόω, but this is not self evident. Unfortunately, it appears that the English glosses of κοινός and βέβηλος have led scholars to unreflectively equate the two words.¹⁰⁵ Commonness, or sharedness, is not necessarily the same as cultic commonness or profaneness.

Other interpreters translate κοινός as “unclean/impure,” despite the fact that LSJ never cites an instance in which κοινός bears this meaning.¹⁰⁶ Unfortunately, the majority of scholars who interpret the word in this way do so out of confusion between the categories of impurity and profaneness.¹⁰⁷ This confusion needs to be put to rest. As

¹⁰⁴ Robert Jewett, *Romans: A Commentary* (Hermeneia; Minneapolis: Fortress Press, 2007), 859. Cf. LSJ, 968-69, especially VII, and F. Hauck, “κοινός, κοινωνός, κοινωνέω, κοινωνία, συγκοινωνός, συγκοινωνέω, κοινωνικός, κοινόω,” *TDNT* 3.789-809 (791).

¹⁰⁵ Cf. LSJ, 312, for βέβηλος as “cultically profane.”

¹⁰⁶ For instance, Munck, *Acts*, 90; Pervo, *Acts*, 258.

¹⁰⁷ See Parsons, “Nothing Defiled AND Unclean,” 265-66), who translates κοινός in 10:14, 15, and 28 as “profane”, but elsewhere renders κοινός as “defiled”, apparently unaware of the fact that defilement and profanation mean distinct things. This confusion is most striking in one paragraph in which Parsons first

Jacob Milgrom has shown, there are four categories within the Jewish ritual system: holy (קדש), profane (חל), pure (טהור), and impure (טמא). Thus, as noted above, Lev 10:10 requires that the priests “distinguish between the קדש and the חל, the טמא and the טהור.”¹⁰⁸ As Milgrom argues, טהור is not a synonym for קדש, nor is חל a synonym for טמא: “Persons and objects are subject to four possible states: sacred, common, pure, and impure, two of which can exist simultaneously—either sacred or common and either pure or impure.”¹⁰⁹ In other words, one can be simultaneously profane *and* pure or profane *and* impure. Consequently, profaneness is no synonym for impurity. The opposite of the category of holy is profane, while the opposite of pure is impure. Although interpreters are incorrect to translate κοινός as “unclean/impure” based on the assumption that profaneness and impurity are equivalents, this may not mean that they are wrong to translate κοινός as “unclean/impure.” Since the two translations of κοινός commonly given by scholars are unattested outside of early Jewish and early Christian literature, it will be necessary to briefly reexamine the evidence of this body of literature in order to determine how Luke uses it in Acts 10-11.

Of the 25 occurrences of κοινός and κοινόω in the LXX, only three occur within contexts having to do with food or animals. The first two occurrences are found in 1

renders κοινός as “defiled”, then as “profane”, and then again as “defiled” (268)! Similarly, Neyrey, “The Symbolic Universe of Luke-Acts.”

¹⁰⁸ See also the condemnation of the priests in Ezek 22:26 and 44:23 for not teaching the people of Israel the distinctions between these categories.

¹⁰⁹ Jacob Milgrom, *Leviticus 1-16: A New Translation with Introduction and Commentary* (AB 3; New York: Doubleday, 1991), 616.

Maccabees. According to the narrator, Antiochus commanded the Jews, amongst other things, to profane (βεβηλόω) Sabbaths and feast days, defile (μιάίνω) the sanctuary and holy things, and sacrifice pigs and κτήνη κοινά. By these actions they would become defiled and profane (ἀκάθαρτος καὶ βεβήλωσις, 1 Macc 1:44-49). It is possible that the infraction envisaged here is that Antiochus requires the sacrifice of non-sacrificial animals (but not necessarily impure ones) on the altar.¹¹⁰ Two other interpretations of this passage exist. First, it is possible that the author intends to portray these sacrifices of pigs and other animals as those commonly offered by other nations. That is to say, κοινός in this context does not mean “profane,” but rather following the sacrifices that would be shared with other nations.¹¹¹ Second, it is possible that κοινός has come to mean impure.¹¹²

The immediate context favors the latter interpretation, for shortly after this statement the narrator claims that many within Israel were not cowed by Antiochus’s threats and resolved not to defile (μιάίνω) themselves through eating κοινά (1:62-63). Since blemished but otherwise pure animals were not prohibited from consumption, and since they did not render their consumers impure, it appears that Jonathan Goldstein is incorrect to conclude that κοινός refers to such animals in 1:47. Further, if κοινός here is

¹¹⁰ So, Jonathan Goldstein, *I Maccabees: A New Translation with Introduction and Commentary* (AB 41; Garden City, N.Y.: Doubleday, 1976), 222-23. Cf. Lev 22:18-25.

¹¹¹ This comports with one of the uses of κοινός as documented in LSJ, and is suggested by Richard Bauckham (“James, Peter, and the Gentiles,” in *The Missions of James, Peter, and Paul: Tensions in Early Christianity* (ed. Bruce Chilton and Craig A. Evans; NovTSup 115; Leiden: Brill, 2005), 91-142 [103]), who states: “‘Profane animals’ were those commonly used for sacrifice and food among the other peoples, but forbidden to Jews by the Torah.”

¹¹² Wahlen (“Peter’s Vision,” 512) dismisses this possibility without providing a cogent reason for doing so.

synonymous with βέβηλος, then 1 Maccabees misunderstands the levitical purity system, for profane foods do not defile lay Israelites; only those things which are impure have the power to defile. Thus, it seems probable that the author intends to use κοινός as a synonym not for βέβηλος but for ἀκάθαρτος.¹¹³

Similarly, 4 Maccabees 5-6 depicts Antiochus's efforts to compel Jews to defile themselves through the consumption of impure animals. An old priest named Eleazar is tortured and killed as a result of his refusal to comply with Antiochus's demands. The narrator praises Eleazar with the following words: "O priest, worthy of the priesthood, you did not defile your holy teeth, nor ἐκοίνωσας the godly and pure-receiving stomach with defiling foods" (οὐκ ἐμίανας τοὺς ἱεροὺς ὀδόντας οὐδὲ τὴν θεοσέβειαν καὶ καθαρισμὸν χωρήσασαν γαστέρα ἐκοίνωσας μιαιοφαγία, 7:6). Again, κοινώω is not used in the sense of "profane," since the author praises Eleazar for not eating, or pretending to eat, *polluting* foods such as pork.¹¹⁴

Josephus also uses κοινός in relation to food, claiming that after the death of Alexander the Great, those in Jerusalem who were accused of κοινοφαγία, breaking the Sabbath, or committing other such crimes fled to the Samaritans (*Ant.* 11:346). Since eating profane foods was not considered a sin (ἁμάρτημα), it is unlikely that Josephus uses κοινοφαγία to refer to profane food; rather, impure food is in view here.

¹¹³ Wahlen ("Peter's Vision," 512-13) attempts to connect these instances of κοινός with later rabbinic concerns over doubtful produce (שׁוֹמֵר), but then concedes two possibly fatal points: "Of course, the emphases of this later time do not necessarily correspond with those of the first century and, often, the debate concerns priestly rather than ordinary food" (513).

¹¹⁴ This interpretation is contrary to Wahlen ("Peter's Vision," 512), who translates the clause ἐκοίνωσας μιαιοφαγία as "make himself common by eating defiled food."

The New Testament provides confirmation that when κοινός or κοινόςω are used in relation to eating, it signifies that which is impure. First, in Mark 7:2, the Pharisees ask Jesus why his disciples eat with κοινῶς χερσίν. For the benefit of his readership, Mark explains that this phrase means to eat with unwashed hands. In his response to the Pharisees, Jesus makes the startling assertion that nothing outside of a person can make him κοινός; rather, it is the things coming out of a person that make him κοινός (7:15; cf. Matthew 15). This dispute between Jesus and the Pharisees has to do with purity, not profaneness. Purity of hands and their ability to transfer impurity to food, not profaneness of hands, are the contentious issues, something apparently confirmed by later mishnaic texts which use טהור and טמא, not קדש and חל, in reference to hands (cf. *m. Tohar.* 4:11; *m. Yad.* 2:1).¹¹⁵ Further, according to Mark, the things which come out of a man and κοινῶσι him include evil thoughts, sexual immorality, theft, murder, adultery, greed, wickedness, deceit, licentiousness, the evil eye, blasphemy, pride, and foolishness. This list demonstrates that Mark cannot intend the word to signify “profane” or “make common.” Do such deeds merely make a person profane? Do they not rather make a person morally impure? As Jonathan Klawans says of this vice list and its parallel in Matthew, “What is so striking about these lists is the degree of conceptual correspondence between what Jesus views as defiling and the sins that were generally conceived by ancient Jews to be sources of moral defilement. This is extremely significant, because I believe we are to understand that Jesus viewed these sins as *morally*

¹¹⁵ See the enlightening treatment, replete with rabbinic evidence, of Yair Furstenberg, “Defilement Penetrating the Body: A New Understanding of Contamination in Mark 7.15,” *NTS* 54 (2008): 176-200.

defiling.”¹¹⁶ In other words, if it was common in early Judaism to view many of these same things, particularly murder, sexual immorality, and deceit, as morally defiling acts, not profaning acts, then it is *a priori* more likely that Mark uses κοινόω to mean “to defile” and κοινός to mean “unclean/impure,” than that he uses the term to refer to cultic profaneness.¹¹⁷

Similarly, in Rom 14:14 Paul claims that he is persuaded by the Lord that nothing is in itself κοινός, but that for the person who thinks something is κοινός it is indeed κοινός. Numerous scholars believe that Paul is dependent here upon the saying preserved in Mark 7:15, which would explain the similar use of κοινός. For instance, regarding this passage, James D. G. Dunn says, “Almost certainly Paul here echoes a saying of Jesus in the form in which it was cherished in the Hellenistic mission.”¹¹⁸ If Dunn is correct to argue that Paul is dependent upon the statement later preserved in Mark 7:15, this would account for Paul’s only use of κοινόω/κοινός.¹¹⁹ Confirmation that Paul intends κοινός to mean “impure” is found in his statement that he is convinced that all things are “pure”

¹¹⁶ Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000), 148 (emphasis original). See the discussions of Klawans (*Impurity and Sin*, 146-50), and Joel Marcus (*Mark 1-8: A New Translation with Introduction and Commentary* [AB 27; New York: Doubleday, 2000], 440), who suggests that the “more natural term would be ‘unclean’ (*akathartos*), which Mark uses frequently elsewhere (1:23, 26, 27; 3:11, etc.), but perhaps he wishes to restrict that word to unclean *spirits*” (emphasis original).

¹¹⁷ Wahlen (“Peter’s Vision”) does not take into account the evidence of Mark 7 and its Matthean parallel, both of which would further undermine his connection between κοινός and the rabbinic category of טמא.

¹¹⁸ James D. G. Dunn, *Romans* (WBC 38B; Dallas: Word, 1988), 2.830. Cf. Wilfried Pascher, *Rein und Unrein: Untersuchung zur biblischen Wortgeschichte* (SANT 24; Munich: Kösel Verlag, 1970), 171, and C. E. B. Cranfield, *A Critical and Exegetical Commentary on the Epistle to the Romans* (2 vols.; ICC; Edinburgh: T&T Clark, 1975), 2.712.

¹¹⁹ Κοινός is also used once in post-Pauline letter of Titus to refer to the common faith (κοινός πίστις, 1:4).

(καθαρός, 14:20). Since “pure” and “profane” are not antonyms of one another, it is apparent that κοινός in Romans 14 means “impure.” Thus, John Barclay is correct to argue that κοινός here means “impure,” not “common” or “shared,” and that this is a “specialized Jewish sense unattested in non-Jewish Greek.”¹²⁰

Having surveyed these instances in which κοινός/κοινόω is used in early Jewish and Christian literature in reference to food and eating, we can conclude that these words have taken on a meaning not found in non-Jewish Greco-Roman literature. In addition to its more frequent meanings, κοινός has also come to mean “unclean/impure.” As a result, κοινός appears to function as a synonym of ἀκάθαρτος. In view of the confusion amongst NT scholars in particular over the categories of impurity, purity, profaneness, and holiness, let me summarize: the impure/unclean/defiled/polluted (אָמט/ἀκάθαρτος/κοινός) is the functional opposite of the pure/clean (קָדוֹשׁ/καθαρός), while the profane/common (לֵב/βέβηλος) is the functional opposite of the holy/sacred (קָדוֹשׁ/όσιος/ἅγιος). I have tried to use a variety of English synonyms here, but within the remainder of this chapter, where I am not citing others, I will try to consistently render אָמט/ἀκάθαρτος/κοινός as “impure,” קָדוֹשׁ/καθαρός as “pure,” לֵב/βέβηλος as “profane,” and קָדוֹשׁ/όσιος/ἅγιος as “holy,” so as to minimize confusion. Does this conclusion fit the evidence of Acts?

¹²⁰ John M. G. Barclay, “‘Do We Undermine the Law?’ A Study of Romans 14:1-15:6,” in *Paul and the Mosaic Law* (ed. James D. G. Dunn; Tübingen: Mohr [Siebeck], 1996), 287-308 (290).

Luke uses κοινός five times: the first two occurrences fit the broader Greco-Roman usage and refer to things shared or held in common (2:44; 4:32). The three remaining occurrences deal with Peter's vision of animals (10:14, 28; 11:8). Further, Luke uses the verb κοινόω three times: twice in relation to Peter's vision and Cornelius, and once in relation to the accusation that Paul has brought Gentiles into the temple. Consequently, of these eight occurrences, five relate to Peter's vision of the animals and its implications for the Gentile mission. Prior to examining these cases, I will briefly discuss the potentially problematic usage of the word in Acts 21:28, even though it occurs in a context unrelated to food or animals.

In Acts 21:28 men accuse Paul of defiling (κοινόω) the temple by bringing Gentiles into it. Nonetheless, in Acts 24:6 Paul's supposed action of bringing Gentiles into sacred space is described as his attempt to profane (βεβηλόω) the temple. Does this suggest that βεβηλόω and κοινόω are synonyms, contrary to what I have previously argued? Or does one profane the temple by defiling it? The latter answer appears to be correct: a defilement (שׁוֹמֵם/κοινόω) of the sanctum, if left unaddressed, desacralizes or profanes it (לְהַלְכֵי/βεβηλόω). Milgrom hints at this connection between defiling and profanation, claiming that unless impurity "is quickly expunged, God's presence will depart."¹²¹ This is exactly the way in which Paul's actions are portrayed in Acts 21:28 and 24:6. According to his accusers in Acts 21, Paul has just brought Gentiles into the

¹²¹ Jacob Milgrom, "Israel's Sanctuary: The Priestly 'Picture of Dorian Gray'," *RB* 83 (1976): 390-99 (398). Similarly, Milgrom (396-97) states that "the God of Israel will not abide in a polluted sanctuary. The merciful God will tolerate a modicum of pollution. But there is a point of no return. If the pollution continues to accumulate the end is inexorable." God's abandonment of the Temple, therefore, renders it profane, for holiness does not inhere in the Temple itself, but in the deity who dwells within it.

temple, thus making it impure. Yet Paul’s accusers address this supposed violation immediately and expel the offending parties (Paul, and presumably those with him), closing the temple precinct gates in order to protect the sanctum. In Acts 24:6 Tertullus accuses Paul not of actually profaning the temple but of attempting to profane it (τὸ ἱερόν ἐπέιρασεν βεβηλώσαι). In other words, Paul brought Gentiles into the temple and defiled it, but since this violation was addressed immediately no profanation occurred, and, according to Tertullus, Paul is only guilty of having tried to profane the sanctuary. As Rowe notes, Luke deftly demonstrates the falsity of these charges through Paul’s reference to his intentions: he did not enter the temple in order to profane it (τὸ ἱερόν ἐπέιρασεν βεβηλώσαι); rather, he entered it in order to undergo purification (ἡγνισμένον ἐν τῷ ἱερῷ, 24:18).¹²² Even in this incident, then, Luke stresses Paul’s subservience to the Torah. And, as Koet argues, “The rest of Acts is a defense of Paul’s fidelity to the Law.”¹²³

Apart from Acts 21:28, then, Luke employs κοινός/κοινόω in a cultic sense only in relation to the conversion of Cornelius and Peter’s vision of animals. Two of these occurrences, 10:15 and 11:9, appear to support the preceding contention that κοινός means “impure,” not “profane,” for in both a voice from heaven tells Peter that what God has purified (καθαρίζω), he is not to κοινῶσαι. This lesson, derived from the vision of the animals, suggests that κοινόω is the functional opposite of καθαρίζω; that is, κοινόω is the equivalent of נמנע/מיאίνω (the verb ἀκαθαρίζω does not exist), not

¹²² Rowe, *World Upside Down*, 77.

¹²³ Koet, “Purity and Impurity of the Body in Luke-Acts,” 104.

ἄβη/βεβηλόω. Consequently, when Peter says that he has eaten nothing κοινός or ἀκάθαρτος, he is employing synonymous terms in order to ensure that no term suggesting impurity is applied to believing Gentiles.¹²⁴ Further, the omission of ἀκάθαρτος in 10:15 and 11:9, immediately after it has been used in conjunction with κοινός in 10:14 and 11:8, is explicable on the theory that κοινός and ἀκάθαρτος are synonyms.

Having established the meaning of κοινός, we are now in a better position to understand the significance of Peter's vision and its relation to Cornelius's conversion.

5.3.4 Impure Gentiles and the Cleansing Gift of the Holy Spirit

The most common interpretation of the purity language in Acts 10 argues that Luke's Peter believes that Gentiles are ritually impure and that this ritual impurity is the reason why it is unlawful for a Jew to associate with Gentiles. Parsons, for instance, asserts that "Luke intends his audience to understand κοινός to refer to the Jew who is ritually defiled by association with a Gentile and to refer to Gentiles who are by nature unclean."¹²⁵ Apparently Parsons assumes that Gentiles are subject to ritual impurity, and that since they are Gentiles and do not obey the requisite laws they therefore exist in a constant state of ritual impurity.¹²⁶ Yet numerous problems exist with this interpretation.

¹²⁴ Hübner (*Gesetz in der synoptischen Tradition*, 184-85) and Pettem ("Luke's Great Omission,") make the interesting suggestion that Acts 10 is Luke's reworking of Mark 6:45-8:26, and in particular Mark 7:1-23 with its discussion of κοινόω. They argue that Luke reworks Mark 6:45-8:6 in this way in order to bring it into line with his view of the Law and the admission of the Gentiles into the Church. If correct, this thesis would explain not only Luke's Great Omission, but also why Luke uses the uncommon word κοινόω.

¹²⁵ Parsons, "Nothing Defiled AND Unclean," 264. So, too, Seifrid, "Jesus and the Law in Acts," 43.

¹²⁶ See also Munck, *Acts*, 93; Colin House, "Defilement by Association: Some Insights from the Use of *Koinos/Koinoo* in Acts 10-11," *AUSS* 21 (1983): 143-53; Ben Witherington (*The Acts of the Apostles: A*

First, as Jonathan Klawans and Christine E. Hayes have demonstrated, the biblical, Second Temple Jewish, and rabbinic evidence is unanimous on this front: Gentiles cannot become ritually impure, and therefore cannot transmit ritual impurity to Jews. Consequently, “the fear of contracting ritual impurity from Gentiles is not the underlying rationale for most of the laws that regulate Jewish-Gentile interactions.”¹²⁷ For instance, *m. Neg.* 3:1 states that plagues (i.e. skin disease) do not make Gentiles impure, while *m. Nid.* 10:4 states that a dead Gentile does not impart impurity to the one who carries him. The latter reference is particularly striking, since it is corpse contamination which is the gravest impurity within the levitical system. To be sure, other early rabbinic texts, such as *m. Ohol.* 18:6-7, do indicate a stream of tradition in which Gentile corpses do transmit impurity, but it is *Gentile corpses*, not *living Gentiles*, which are the source of contamination. Additionally, in Acts 10:28 Peter says that it is unlawful for Jews to mix with Gentiles he does not claim that this is because they might become ritually defiled. Thus, Parsons is wrong to state that in this passage κοινός refers to the Jew who is ritually defiled by association with a Gentile, who is ritually unclean by nature. Parsons marshals Acts 21:28 to demonstrate his case that Gentiles transmit impurity, but this passage does not demonstrate his point. While Paul is accused of defiling the temple by bringing Greeks into it, this defilement can be explained on the

Socio-Rhetorical Commentary [Grand Rapids, Mich.: Eerdmans, 1998], 350 n. 95); and Wahlen, “Peter’s Vision.”

¹²⁷ Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002), 138-39. See also the discussion of rabbinic evidence in Gary Porton, *Goyim: Gentiles and Israelites in Mishnah-Tosefta* (BJS 155; Atlanta: Scholars Press, 1988), 269-83. See the appendix in Hayes, *Gentile Impurities*, 199-204.

grounds that Gentiles were forbidden entrance into most areas of the temple because of their status as foreigners, not because of a lack of ritual purity. Just as ritually pure Jewish women and ritually pure lay Israelite men were not allowed past a certain point, so too Gentiles could only enter so far into the temple precincts before their presence polluted it.

Further, even if some streams of Judaism believed that contact with Gentiles resulted in the ritual impurity of Jews, or at the very least if Luke held this belief, contracting ritual impurity was not something unlawful or impermissible. Ritual impurity was not generally considered to be a sin.¹²⁸ It was a part of life, and the levitical system ensured that such impurities could be removed. As Richard Bauckham notes, “ἀθέμιτος is a strong word which is difficult to understand if the reference were to the risk of contracting ritual impurity,” since it was not, except in a few specific cases pertaining to priests, forbidden or sinful to contract ritual impurity.¹²⁹

Most significantly, if Gentile ritual impurity is in mind here, the content of Peter’s vision ill fits the context. Not all impurities are transmittable, as a consideration of the levitical dietary laws makes apparent. According to Leviticus 11, animals are divided into two groups: the pure (טהור) and the impure (טמא). The LXX translators, whether of Leviticus 11 or Deuteronomy 14, consistently render the Hebrew words טהור and טמא

¹²⁸ Although Klawans (*Impurity and Sin*, 67-91) argues that Qumranic literature closely associates moral with ritual purity, this resulted in segregation not only from Gentiles but also from the majority of Jews.

¹²⁹ Bauckham, “Peter, James, and Gentiles,” 107. For instance, 2 Macc 6:5 and 7:1 use ἀθέμιτος with regard to abominable sacrifices and the eating of swine flesh, Josephus uses the word ten times to describe such as activities as murder, the presence of images or impure people in the Temple, working on the Sabbath, cannibalism, and sexual immorality (cf. *Bell.* 1:84, 650, 659, 2:131; 4:99, 205, 562; 6:209, *Vita* 26; *Apion* 2:119), and the author of 1 Peter 4:3 uses ἀθέμιτος to describe idolatry.

as καθαρός and ἀκάθαρτος respectively. These Hebrew words and their Greek equivalents are used not only of the animal kingdom but also of ritual impurity and purity. This shared terminology unfortunately has led to some confusion. Impure animals do not transmit impurity to anything or anyone while they are alive, and in this way they differ, for instance, from the Israelite or Jew who suffers from ritual impurity due to, say, a genital discharge or scale disease.

At first glance, Lev 7:21 appears to suggest that touching live impure animals does transmit impurity: “If anyone touches anything impure, whether the impurity of a human, or an impure animal or an impure detestable thing and then eats of the flesh of the peace offering which is to YHWH, then that soul shall be cut off from his people.” Although one could understand this verse to refer to physical contact with a living impure animal (בהמה טמאה), this interpretation does not fit the evidence of Leviticus. Instead, both Lev 5:2 and 11:40 state clearly that it is the carcass (נבלה) of the impure animal that transmits impurity, not its living body.¹³⁰ Thus, Israelites could own and use camels and other impure beasts of burden. Impure animals transmit their impurities only through corpse contamination—whether through contact or consumption. With regard to Leviticus, Ben Witherington acknowledges this fact, but then argues,

It may be true that no known ruling specified that clean animals were automatically made unclean by mere contact with unclean ones, but it stands to reason that this was often assumed to be the case in early Judaism. It was after all

¹³⁰ Cf., for instance, *m. Hul.* 9:1-2, and Jacob Milgrom, *Leviticus: A Book of Ritual and Ethics* (CC; Minneapolis: Fortress Press, 2004), 49.

assumed in early Judaism that a person incurred uncleanness by mere contact with an unclean person, and it would be natural to assume the same with animals.¹³¹

Witherington's suggestion lacks the necessary historical imagination to comprehend levitical legislation, for it is inconceivable that Jews of any period believed that impure animals could contaminate pure animals through physical contact. First, it would be impossible to keep pure animals separate from all the many sorts of wild, impure animals lying outside human control—anyone who has grown up on a farm would be well aware of the hopelessness of needing to keep impure insects as well as other impure animals away from sheep and cattle!¹³² Second, since no method of purification of pure animals contaminated by contact with impure animals exists, this would mean that Jews had no method by which they could purify a cow or sheep, for instance, which had become ritually impure through contact with impure animals. Thus, the inevitable result of this irremediable impurity would be a flock or herd of impure, inedible animals not worth tending. Further, in his vision Peter is not scandalized by the coexistence and cohabitation of pure and impure animals (this was, after all, a natural part of life), but with the implied command to kill and eat from them indiscriminately.

In contrast to understanding the purity language of Acts 10 as a reference to a communicable ritual impurity suffered by Gentiles, Bauckham suggests that Luke has in mind their moral impurity.¹³³ This is a significantly more likely possibility than the

¹³¹ Witherington (*Acts*, 350 n. 95), who follows House, "Defilement by Association."

¹³² Haenchen (*Acts*, 348 n. 3) recognizes this fact.

¹³³ Richard Bauckham, "Peter, James, and Gentiles," and idem, "James and the Jerusalem Community," in *Jewish Believers in Jesus: The Early Centuries* (ed. Oskar Skarsaune and Reidar Hvalvik; Peabody, Mass.: Hendrickson, 2007), 55-95.

previous interpretation, for Gentiles are indeed susceptible to moral impurity.¹³⁴

Additionally, much like the impurity of impure animals, moral impurity does not contaminate other people in the same way that ritual impurity does. In light of this correspondence between moral impurity and the impurity of impure animals, Bauckham's interpretation creates a better fit between Peter's vision and its application to the case of Cornelius. It also fits with some streams of Jewish thought, as seen, for instance, in *Jub.* 22:16: "Now you, my son Jacob, remember what I say and keep the commandments of your father Abraham. Separate from the nations, and do not eat with them. Do not act as they do, and do not become their companion, for their actions are something that is impure, and all their ways are defiled and something abominable and detestable."¹³⁵ With regard to this passage, Hayes states, "The separation from Gentiles is based on the desire to prevent imitation of their 'works' and 'ways' and 'worship,' which are *morally* impure abominations, and to bolster adherence to the laws and worship of the God of Israel."¹³⁶

Nonetheless, a number of problems are present in this interpretation as well. First, Luke makes quite clear that Cornelius is not himself an immoral Gentile; rather, "he is a devout man, who fears God with his entire household, giving alms to all the people and praying to God constantly" (εὐσεβῆς καὶ φοβούμενος τὸν θεὸν σὺν παντὶ τῷ οἴκῳ

¹³⁴ See Lev 18:24-25, as well as the helpful discussion of moral impurity in Klawans, *Impurity and Sin*, 26-31.

¹³⁵ All quotations of *Jubilees* are taken from the translation of James C. VanderKam, *The Book of Jubilees* (CSCO 511; Louvain: Peeters, 1989).

¹³⁶ Hayes, *Gentile Impurities*, 47 (emphasis original).

αὐτοῦ, ποιῶν ἐλεημοσύνας πολλὰς τῷ λαῷ καὶ δεόμενος τοῦ θεοῦ διὰ παντός, 10:2). Further, the men whom Cornelius sends to Peter inform him that their master is a righteous man who fears God, as attested by the entire nation of the Jews (ἄνθρωπος δίκαιος καὶ φοβούμενος τὸν θεόν, μαρτυρούμενός τε ὑπὸ ὅλου τοῦ ἔθνους τῶν Ἰουδαίων, 10:22). Although Cornelius is a Gentile, Luke can still describe him as someone whose behavior won him the esteem of the Jews.¹³⁷ Consequently, Luke does not portray him as someone with whom Peter would not associate on the basis of gross moral impurity.

Additionally, Bauckham's suggestion that Luke describes Cornelius as ἀκάθαρτος because of the moral impurity which Jews attributed to Gentiles does not do justice to the analogy which Luke creates between the animal vision and the Gentile predicament. Although neither moral impurity nor the impurity of impure animals is contagious, the latter is something genealogical, while the former is not necessarily so.¹³⁸ In other words, impure animals do not do anything that renders them impure; rather, they are born impure. Thus, unless the moral impurity envisaged by Bauckham is a genealogically transmitted one that inheres in Gentiles regardless of their own subsequent behavior, it is not the same type of impurity suffered by impure animals.¹³⁹

¹³⁷ Jervell, *Theology of the Acts*, 22, and Stenschke, *Luke's Portrait of the Gentiles*, 148-64. As Jervell (*Luke and the People of God*, 44) notes, "The references to the conversion of Gentiles speaks mainly of 'God-fearing' Gentiles, who already are related to Israel and Judaism via the synagogue, though without being circumcised (13:43; 14:1; 17:4, 12)."

¹³⁸ Again, for a treatment of moral impurity, see Klawans, *Impurity and Sin*, 26-31.

¹³⁹ Although Klawans (*Impurity and Sin*, 45) argues that Ezra rejects intermarriage because of a belief that Gentiles are "inherently morally impure," it is more accurate to say, as does Hayes (*Gentile Impurities*, 27-32), that Ezra-Nehemiah portrays them not as inherently morally impure, but as inherently profane.

Based on the fact that Luke juxtaposes Peter's vision of impure animals with his discussion of those whom Peter formerly considered to be impure humans, there must be some correspondence between the types of impurity both are thought to suffer. Neither of the aforementioned interpretations of the vision and its relationship to the Gentile mission adequately takes into account the nature of impurity endured by impure animals. As Wahlen states, "In the Pentateuch, unclean animals are described as *intrinsically* and *permanently* unclean. This is quite different from what is said about persons and things which, as a result of *circumstances*, contract *temporary* impurity and for which specific purification rituals are prescribed."¹⁴⁰ Impure animals are not impure due to any behavior on their part; rather, they are impure due to genealogy. A pig can do nothing to remove its impurity, nor can a Jew slaughter a pig in such a way that its flesh becomes appropriate to ingest. In other words, there is an insurmountable genealogical distance between an impure animal and a pure one. By nature pure animals give birth to pure ones, and impure animals to impure ones. It is this type of problem that Luke believes Gentiles face: they are genealogically distinct from Jews and nothing they do, not even circumcision, can remedy this problem.

The distinction that Luke makes between Jews and Gentiles is so firm that one wonders what Luke would make of a purported Gentile convert to Judaism. Although he never explicitly addresses this issue, it is significant that two of the three occurrences of the Greek word προσήλυτος (Acts 2:11; 13:43) carefully distinguish this category of

¹⁴⁰ Wahlen, "Peter's Vision," 511 (emphasis original).

people from Jews or Israelites.¹⁴¹ Unfortunately, the majority of interpreters fail to notice this distinction, believing that προσήλυτος was a technical term for a convert already at the time of the translation of the Septuagint.¹⁴² Yet the claim that προσήλυτος functions as a technical term in the LXX for a convert to Judaism, a claim made most systematically by W. C. Allen, appears to be incorrect.¹⁴³ Recent translations of the LXX, such as the *New English Translation of the Septuagint*, and *La Bible d’Alexandrie*, respectively render προσήλυτος as “guest” and “étranger,” recognizing that “proselyte” or “convert” is an overreading of the text.¹⁴⁴

¹⁴¹ Cf. Acts 6:5, which does not provide enough information to be of help.

¹⁴² Cf. Barrett, *Acts*, 1.315; Fitzmyer, *Acts*, 243; Haenchen, *Acts*, 264; Munck, *Acts*, 126; Johnson, *Acts*, 44; Bruce, *Acts*, 58; Witherington, *Acts*, 250; James D. G. Dunn, *The Acts of the Apostles* (Narrative Commentaries; Valley Forge, Pa.: Trinity Press International, 1996), 83; Gaventa, *The Acts of the Apostles* (ANTC; Nashville: Abingdon Press, 2003), 115; J. Kürzinger, *Die Apostelgeschichte* (2 vols.; Geistliche Schriftlesung 5.1; Düsseldorf: Patmos Verlag, 1966), 158; Eckey, *Apostelgeschichte*, 1.77; Wilson, *Gentiles and the Gentile Mission*, 140; Irina Levinskaya, *The Book of Acts in Its Diaspora Setting* (vol. 1 of *The Book of Acts in Its First Century Setting*; ed. Bruce W. Winter; Grand Rapids, Mich.: Eerdmans, 1996), 46-49; and Dieter-Alex Koch, “Proselyten und Gottesfürchtige als Hörer der Reden von Apostelgeschichte 2,14-39 und 13,16-41,” in *Die Apostelgeschichte und die hellenistische Geschichtsschreibung: Festschrift für Eckhard Plümacher zu seinem 65. Geburtstag* (ed. Cilliers Breytenbach and Jens Schröter; AGJU 57; Leiden: Brill, 2004), 83-107.

¹⁴³ W. C. Allen, “On the Meaning of ΠΡΟΣΗΛΥΤΟΣ in the Septuagint,” *The Expositor* 4 (1894): 264-75. Allen’s argument heavily informs the *TDNT* entry on προσήλυτος (Karl Georg Kuhn “προσήλυτος,” *TDNT* 6.727-44), and has through this popular dictionary influenced much subsequent biblical scholarship. Other less influential and less thorough arguments for προσήλυτος meaning “convert” in the LXX include Theophile James Meek, “The Translation of *Gêr* in the Hexateuch and Its Bearing on the Documentary Hypothesis,” *JBL* 49.2 (1930): 172-80; Morton Smith, *Palestinian Parties and Politics that Shaped the Old Testament* (London: SCM, 1971), 178-82; J. A. Loader, “An Explanation of the term Prosêlutos” *NovT* 15.4 (1973): 270-77; and the appendix of Christiana van Houten, *The Alien in Israelite Law* (JSOTSup 107; Sheffield: Sheffield Academic Press, 1991).

¹⁴⁴ David M. Moffitt (“New Papyrological Evidence Regarding the Meaning of the Term Proselyte,” [paper presented to the annual meeting of the Society of Biblical Literature, New Orleans, November 23, 2009]) has presented papyrological evidence that the LXX translators did not coin the word προσήλυτος, but that it was in use before the first books of the Hebrew Bible were translated into Greek. Additionally, based on the content of the papyrus in which προσήλυτος is found, Moffitt argues convincingly that the term likely had no initial religious connotation. In other words, the LXX translators did not mean “convert” or “proselyte” when they used the word προσήλυτος.

Regardless of what the term came to mean in later Judaism, the evidence of Acts suggests that Luke does not believe that προσήλυτοι are Jews. One can see this in Acts 2:9-11, where he distinguishes between Ἰουδαῖοί τε καὶ προσήλυτοι. Most interpreters of this passage take Ἰουδαῖοί to mean ethnic Jews and προσήλυτοι to mean Gentile converts to Judaism; however, this would mean that Luke has distinguished between these two groups—only the former can actually be called Jews.¹⁴⁵

A similar problem surfaces in the last occurrence of προσήλυτος (Acts 13:43). Here Luke states that after Paul and Barnabas had preached in the synagogue “many of the Jews and devout προσηλύτων (πολλοὶ τῶν Ἰουδαίων καὶ τῶν σεβομένων προσηλύτων) followed after [them].” German scholarship, in particular, has focused on Luke’s combination of σεβόμενος and προσήλυτος, since these are often thought to be two distinct groups of Gentiles related to Judaism (the former adherents, the latter converts).¹⁴⁶ For instance, Haenchen notes the difficulties of the phrase σεβόμενοι προσήλυτοι, since previously Luke has used the term σεβόμενος to refer only to Gentiles who frequent synagogues without adopting the entire law. He therefore suggests that προσήλυτων might be an ancient gloss “which made proselytes of the σεβόμενοι

¹⁴⁵ Max Wilcox (“The ‘God-Fearers’ in Acts—A Reconsideration,” *JSNT* 13 [1981]: 102-22 [112]) recognizes this fact without realizing that it undermines the argument that προσήλυτος means “convert” in the full sense of the term. Pervo (*Acts*, 66) glosses this phrase as “Jews by birth and Jews by choice,” but Luke does not apply the title Ἰουδαῖοί to these προσήλυτοι.

¹⁴⁶ As Wikenhauser (*Apostelgeschichte*, 157) states: “Der nur hier sich findende Ausdruck ‘gottesfürchtige Proselyten’ fällt auf, da sonst als Proselyten diejenigen bezeichnet werden, die durch Übernahme der Beschneidung dem jüdischen Religionsverband sich eingliedern, während ‘Gottesfürchtige’ die unbeschnittenen Anhänger der Synagoge heißen.”

because the ἔθνη do not seem to be addressed before verse 47.”¹⁴⁷ In contrast, Steinmann argues that Luke is referring to “Halbproselysten,” that is, Gentiles who follow some laws but are not circumcised.¹⁴⁸ On the other hand, Conzelmann asks if this is “a gloss, or is this a careless expression?”¹⁴⁹ And Eckey states: “Es ist zwar denkbar, daß Lukas den Begriff 'Proselyt' hier nicht im strengen Sinn verwendet, sondern eine Gruppe frommer Heiden meint, die sich der Synagoge in Gottesverehrung und Lebensführung dauerhaft eng verbunden wissen.”¹⁵⁰

These scholars rightly realize that this verse creates a difficulty for the dominant interpretation of προσήλυτος in Acts. The solution to this problem, I believe, lies not in unsupported textual emendation but in redefining what Luke means by προσήλυτος, not only here but throughout his narrative. Interestingly, here, as in 2:11, Luke distinguishes between a Ἰουδαῖος and a προσήλυτος; thus, whoever a προσήλυτος is, he is not a Ἰουδαῖος. If these προσήλυτοι are equated with οἱ φοβούμενοι τὸν θεόν in Acts 13:16, then Luke again distinguishes them from Israelites. Similarly, in 13:26, those who fear God are not the same as the “sons of the race of Abraham” (υἱοὶ γένους Ἀβραάμ).

If by the term προσήλυτος Luke intends to refer to Gentiles who have been circumcised and have adopted Jewish customs, it is significant that he distinguishes between the προσήλυτος and the Ἰουδαῖος in Acts 2:11 and 13:43. Further, if Luke

¹⁴⁷ Haenchen, *Acts*, 413. Munck (*Acts*, 126) also notes the problem of associating these two terms, but suggests that σεβόμενοι is not a technical term for a class of persons, but only an adjective.

¹⁴⁸ A. A. Steinmann, *Die Apostelgeschichte* (Bonn: Hanstein, 1934), 140.

¹⁴⁹ Conzelmann, *Acts*, 106.

¹⁵⁰ Eckey, *Apostelgeschichte*, 1.303. See also Klinghardt, *Gesetz*, 184.

intends to equate the προσήλυτοι of 13:43 with the godfearers (οἱ φοβούμενοι τὸν θεόν) of 13:16 and 13:26, then he also distinguishes them from Israelites and children of Abraham.¹⁵¹

In this way, Luke’s thinking, as reflected in Acts 10, is consistent with the worldviews of Ezra-Nehemiah and *Jubilees*—each envisages a genealogical distinction between Jew and Gentile. While Ezra-Nehemiah and *Jubilees* portray this distinction via one binary of the priestly system, the terminology of holy versus profane, Luke portrays it via the other binary of the priestly system, the terminology of pure versus impure. This difference raises one potential problem: the Hebrew Bible nowhere describes Gentiles as impure in this way. To be sure, Jews are described as holy seed in Isa 6:13 (זרע קדש)¹⁵² and Ezra 9:2 (זרע הקדש; σπέρμα τὸ ἅγιον), yet Gentiles appear to be portrayed as profane seed (although this phrase is never used), not impure seed. How, then, can Luke ascribe genealogical impurity to Gentiles?

The beginnings of an answer to this question, I believe, lie in the *Animal Apocalypse*, a second-century B.C.E. Jewish work that was discussed in Chapter Four. The *Animal Apocalypse* systematically portrays non-Israelites (not including the Shemite line, and before that the Sethite line) as the impure animals of Leviticus 11. On the other

¹⁵¹ As far as I know, the only interpreters who have noticed these pitfalls for the standard interpretation of προσήλυτος in Acts are F. C. Porter, “Proselyte,” in *A Dictionary of the Bible* (5 vols.; ed. James Hastings; Edinburgh: T&T Clark, 1902) 4.132-37 (134); Overman, “God-Fearers”; and Witherington, *Acts*, 342-43.

¹⁵² While the majority of LXX MSS of Isaiah lack the corresponding Greek phrase, a number contain the phrase σπέρμα ἅγιον. Cf. Joseph Ziegler, ed., *Isaias* (SVTG 14; Göttingen: Vandenhoeck & Ruprecht, 1939).

hand, Jacob's descendants are portrayed consistently as sheep, that is, as a pure species. In no way does the author of the *Apocalypse* suggest that the difference between Ishmael and Isaac, Esau and Jacob, or, for that matter, any members of previous generations, such as Cain and Seth or the sons of Noah, lies within the actions of these characters; rather, their nature is imparted to them at birth.¹⁵³ That Abraham could sire two distinct species, ass and bull, might conceivably be attributed to the fact that Ishmael and Isaac were born of two different mothers (89:11), but the fact that Esau and Jacob are two different species, boar and sheep, despite having the same mother and father, and even despite the fact that they are twins, demonstrates that the divine will is at work here (89:12). Strictly speaking, since Esau and Jacob are the sons of the same parents, there should not be a genealogical difference between the two. Yet, the author of *Animal Apocalypse* portrays them as two different species, suggesting that God has introduced a distinction between them which results in two distinct nations (cf. Gen 25:23).

Given that God has introduced such genealogical differences into humanity, it seems that it is just as unlikely that the author of the *Animal Apocalypse* could imagine the descendants of Esau or Ishmael crossing over and joining the family of Jacob as that it could envisage an ass or boar turning itself into a sheep.¹⁵⁴ No rite, not even

¹⁵³ See the very helpful discussion of David Bryan, *Cosmos, Chaos and the Kosher Mentality* (JSPSup 12; Sheffield: Sheffield Academic Press, 1995), 34-185.

¹⁵⁴ For Christian scholars offended at such genealogical distinctions, it should be noted that, according to Mark 7:27-28, Jesus calls a Gentile woman a dog (κυνόριον; cf. Matt 15:26-27). As Joseph Klausner (*Jesus of Nazareth: His Life, Times, and Teaching* [trans. Herbert Danby; Boston: Beacon Press, 1925], 294) states: "[Jesus'] answer was so brusque and chauvinistic that if any other Jewish teacher of the time had said such a thing Christians would never have forgiven Judaism for it." The *Animal Apocalypse* at least portrays both Jews and Gentiles as animals, whereas Jesus portrays Jews as humans and Gentiles as animals.

circumcision, could turn a Gentile into a Jew. According to the author of the *Animal Apocalypse*, only a divine act on the part of God can address this “Gentile problem.” Such an act is prophesied for the eschaton, when a white bull will be born and all the beasts of the field and birds of the air will be transformed into white bulls (*1 Enoch* 90:37-38).¹⁵⁵

Interpreters of Acts 10 must comprehend this “kosher” division of humanity if they are to understand Luke’s account of the conversion of Cornelius (and by extrapolation, the conversion of all Gentiles), for the *Animal Apocalypse* closely resembles Luke’s portrayal of Peter’s animal vision. Just as the *Animal Apocalypse* portrays Gentiles as impure animals, so too Luke, by his use of purity language in relation to Cornelius’s conversion, implies that Gentiles are genealogically distinct from Jews by his use of purity language in relation to Cornelius’s conversion. That such a belief in the genealogical distance between Jew and Gentile can coexist with Luke’s stress on the Adamic origin of all humanity (cf. Luke 3:38) should be of no surprise. After all, the *Animal Apocalypse* also describes the Adamic origins of all humanity yet portrays the distinctions which God created in humanity throughout history, distinctions which are not effaced even at the eschaton.

It is as a result of this genealogical gap between Jew and Gentile that Peter states

¹⁵⁵ Scholars generally conclude that this white bull is a symbol of the Messiah. Cf. George W. E. Nickelsburg, *1 Enoch 1: A Commentary on the Book of 1 Enoch, Chapters 1-36; 81-108* (Hermeneia; Minneapolis: Fortress Press, 2001), 406-7. Following Terence L. Donaldson (*Judaism and the Gentiles: Jewish Patterns of Universalism [to 135 CE]* [Waco, Tex.: Baylor University Press, 2007], 89), I believe that the author only intends to portray the transformation of the nations (i.e. the beasts of the field and birds of the air mentioned in 90:37), and not Israel and the nations. In other words, Israel remains white sheep, while the nations are transformed into white bulls. On this passage, see the fuller discussion of Chapter Four.

that it is unlawful for Jews to associate closely with non-Jews (ἀθέμιτόν ἐστιν ἀνδρὶ Ἰουδαίῳ κολλᾶσθαι ἢ προσέρχεσθαι ἄλλοφύλῳ, Acts 10:28). Peter does not here intend to exclude the possibility of casual social or business interaction with Gentiles; instead, it is intermarriage or shared meals with Gentiles that Peter believes violate the boundaries that God has created around his people Israel. This can be seen in the word choice for Jew-Gentile association, κολλάω, since the verb can be used with reference to sexual congress (cf. LXX 1 Kgs 11:2; LXX Sir 19:2; Matt 19:5; 1 Cor 6:16; Eph 5:31). One can see how negatively Luke views Jews and Gentiles mixing together in the story of the Prodigal Son, who joins the citizens of a foreign country (κολλάω, Luke 15:15). Similarly, the verb προσέρχομαι can be used to signify sexual intercourse (cf. LXX Lev 18:6; 20:16). Peter's belief is that it was formerly unlawful for him to join together in close association with Gentiles because of the genealogical distance separating these two groups of humanity.

5.3.5 The Divine Remedy for the Gentile Problem

Commenting on Israel's place within the created order, Jacob Milgrom states:

Israel's separation from the nations is the continuation (and climax) of the cosmic creation process. Just as YHWH has separated mineral, vegetable, and animal species to create order in the *natural* world, so Israel must separate from the nations to create order in the *human* world. Israel, in its quest for holiness, is simultaneously manifesting the universal or primordial life process.¹⁵⁶

It becomes apparent, in light of the calling of Israel to which Milgrom refers, why the events narrated in Acts 10 are so fundamentally disturbing. Many people would have considered the actions of Peter and the early Christians to be bringing chaos into the

¹⁵⁶ Milgrom, *Leviticus*, 179 (emphasis original).

human world, as can be inferred from the fact that, according to Luke, Paul's opponents charged that the early Christians were guilty of being overthrowers of the world (οἱ τὴν οἰκουμένην ἀναστατώσαντες οὗτοι, 17:6).¹⁵⁷

According to Luke, the early Christians would be guilty of such charges, but for the fact that, contrary to all expectations, God has interrupted his ordered world and rewritten its basic code with regard to the Gentiles. Consequently, what was once disorderly has now become orderly. But Luke does not claim that matters of purity and matters of order are no longer relevant. Instead, purity and order remain significant. God has not shown, and the early Christians according to Luke did not conclude, that the categories of impurity and purity were irrelevant: rather, God has purified what was formerly impure. Israel's call to create and maintain God's ordered creation remains intact, and according to Luke, the early Church remains faithful to that call. Instead of a dissolution of the law, there has been a remapping of the Gentiles in the wake of Jesus' death and resurrection.

But the accusation of Acts 17:6 that the world has been thrown into chaos reflects not only the perceptions of Paul's non-Christian opponents; it also, according to Luke, reflects the initial perceptions of Peter and other early Christians. As Peter preaches the gospel to Cornelius and his household, the Holy Spirit is manifested in their midst by the speaking of tongues. Luke portrays the Jewish believers who observe these events as

¹⁵⁷ As Neyrey ("Symbolic Universe of Luke-Acts," 271) states: "In their eyes, the Christian missionaries were trying to destroy the order and structure of the world. This charge is made before a Roman court, but according to Luke-Acts it represents a widespread Jewish perception of the Jesus movement." Rowe (*World Upside Down*, 95-99) deals with the implications of this charge within a Roman imperial setting.

amazed or even confused (ἐξίστημι) at the fact that the Gentiles have received the gift of the Holy Spirit (Acts 10:45). Similarly, when Peter recounts the events surrounding Cornelius's conversion to those in Jerusalem, and claims that the Gentiles have received the Spirit, those questioning him conclude that God has granted repentance to life even to the Gentiles (ἄρα καὶ τοῖς ἔθνεσιν ὁ θεὸς τὴν μετάνοιαν εἰς ζωὴν ἔδωκεν, 11:18). Finally, Peter's defense of his actions in Acts 11 is capped by the question: if God has now given the same gift (ἴσος δωρεά) to the Gentiles as he previously had to the Jews, who is Peter to stop God (11:17)? The surprise in these episodes is palpable. Apparently, Luke intends for his readers to understand that Gentiles' reception of the Spirit and their ability to repent are formerly unanticipated possibilities. Only the manifestation of the Spirit in their midst could serve as evidence that God had restructured the world so that Gentiles could do these things. This is a shocking development within human history, one that in many ways parallels the eschatological events narrated in the *Animal Apocalypse*.

Although Parsons claims that the “issue [of Acts 10] is not whether Gentiles can be included in salvation,” Peter's speech in Acts 10:34-43 indicates that it is precisely the salvation of the Gentiles that is the crux here.¹⁵⁸ In light of Peter's vision and its Lukan application to Gentiles, it can be seen that the Gentile Problem is fundamentally a

¹⁵⁸ Parsons, “Nothing Defiled AND Unclean,” 267. At the earliest, Luke addresses the issue of whether Gentiles need to undergo circumcision in Acts 11:1-18. Most interpreters believe that “those of the circumcision” (οἱ ἐκ περιτομῆς, 11:2) here are a group of Jewish Christians who require Gentile circumcision. But this identification is less than certain. Other people who are described in the same terminology were present with Peter at Cornelius's house (10:45) and did not demand his circumcision. Further, “those of the circumcision” (i.e. the Jewish believers) in Acts 11:2 ask Peter why he has eaten with uncircumcised men (i.e. Gentiles), not why he has not circumcised them (Acts 11:3). The question of whether or not the Church should require the circumcision of Gentile believers, therefore, seems to be first addressed in Acts 15.

problem of Gentile identity. In likening Gentiles to impure animals, Luke signals to his reader that for him, as for the author of the *Animal Apocalypse*, the Gentile problem is humanly irremediable. Circumcision and law observance do not eradicate Gentile identity and therefore are inadequate solutions to the Gentile problem. Consequently, it takes an act of God to remedy the situation. And this is exactly what has happened according to Luke, for God has cleansed (καθαρίζω) the Gentiles (10:15; 11:9; 15:9).

How this happens is not clearly stated in Acts 10 or 11, but in 15:9 Peter claims that God has made no distinction between Jews and Gentiles, but by faith has cleansed their hearts (τῇ πίστει καθάρσας τὰς καρδίας αὐτῶν). Thus, Vielhauer is incorrect to argue that “[t]he absolute claim of the Jews to be the people of God was replaced by the idea of natural man’s immediacy to God, and the significance of Judaism was relativized to that of a venerable *antiqua religio*. The unity of the church composed of Jews and Gentiles is not based in the ‘body of Christ,’ but in the given unity of the human race.”¹⁵⁹ What Vielhauer here denies is in fact the truth: on the basis of the Christ event and through the gift of the Spirit, Gentiles have been made pure, and they now share in the purity that formerly belonged only to Israel.

And yet Luke does not collapse the distinction between Jew and Gentile even within the community of believers. In an important study on the character of Abraham within Luke’s writings, Nils A. Dahl notes that Stephen’s recapitulation of the story of Abraham makes “it clear that the promise given to Abraham and now fulfilled in Jesus,

¹⁵⁹ Vielhauer, “On the ‘Paulinism’ of Acts,” 49.

first and foremost belonged to Abraham's posterity."¹⁶⁰ In other words, genealogy continues to matter. As noted above in our discussion of circumcision in Stephen's speech, Acts 7:8 should read: "And Abraham begot Isaac and circumcised him on the eighth day, and Isaac begot Jacob and circumcised him on the eighth day, and Jacob begot the twelve patriarchs and circumcised them on the eighth day." Genealogy and law observance are intertwined. As Dahl argues, Luke never claims that the church "replaced Israel as the people of God, nor does he claim Gentile believers Abraham's children. Gentiles are saved as Gentiles."¹⁶¹ Jews continue to be Jews. Gentiles continue to be Gentiles. The ethnic ties linking Abraham and his descendants remain intact and significant for Luke. Gentiles may now belong on the pure side of the pure/impure binary, but they are still distinguished from Jews.

The incontrovertible evidence of this startling realignment of the human world, which overcomes the genealogical status of Gentiles, is that God has given the Holy Spirit to those who were formerly impure. The Gentile Pentecost is met with awe: "even upon the Gentiles the gift of the holy spirit had been poured out" (10:45). The amazement of Peter and the Jewish believers with him is understandable in light of their former belief that Gentiles suffered inherent impurity, since God's holiness cannot dwell amidst the impure. Thus the outpouring of the Holy Spirit, evidenced in speaking in tongues and glorifying God, indicates that what was formerly impure has now truly been cleansed.

¹⁶⁰ Nils A. Dahl, "The Story of Abraham in Luke-Acts," in *Studies in Luke-Acts* (ed. Leander E. Keck and J. Louis Martyn; Philadelphia: Fortress Press, 1966), 139-58 (147).

¹⁶¹ Dahl, "Story of Abraham," 151.

5.4 Conclusion

This chapter has argued that Luke's beliefs about Jewish and Gentile identity shape his portrayal of the rite of circumcision. The first three times that Luke discusses circumcision, he does so in a way that reminds the reader of the temporal requirements with regard to circumcision in the works of the priestly writer. John, Jesus, and Isaac (as well as Jacob and his twelve sons) are all circumcised on the eighth day after birth. Just as the priestly writer emphasizes the necessity of correctly timed circumcision (Gen 17:12, 14; 21:1-4; and Lev 12:3), so too Luke emphasizes that these three figures were all circumcised according to the dictates of the Mosaic Law. In light of these first three references to circumcision in Luke-Acts, a coherent account of circumcision in the rest of Acts can be given. Luke does not believe that circumcision is no longer a valid or significant rite, but that Gentiles do not have to adopt the law. It is important to stress, along with Jervell and Wyschogrod, that nothing is specified about Jewish observance of the law; rather, such observance is assumed:

Had the thought that with the coming of Christ the Law had been abolished entered anyone's mind in Jerusalem, there could clearly not have ensued a long discussion, settled with some difficulty, as to whether circumcision and the Law ought to be made obligatory for gentiles. If it was no longer obligatory for Jews, how could it possibly become so for others? The only possible explanation dictated by the facts is that the possibility of the Torah not remaining binding for Jews never occurred to anyone in Jerusalem.¹⁶²

Wyschogrod's assessment of Luke's narrative is correct. According to Luke, no one at the Jerusalem Council raised the possibility that Jewish believers should not observe the

¹⁶² Michael Wyschogrod, "Paul, Jews, and Gentiles," in *Abraham's Promise: Judaism and Jewish-Christian Relations* (ed. R. Kendall Soulen; Radical Traditions; Grand Rapids, Mich.: Eerdmans, 2004), 188-201 (194). Cf. Jervell, *Luke and the People of God*, 133-51.

law or should stop circumcising their children. Such an accusation does indeed arise against Paul, and yet here, too, Luke carefully demonstrates that these charges were baseless (cf. Acts 21:19-26). Consequently, whatever the historical events within the early Christian movement, it is incorrect to claim that Luke himself provides evidence that the movement abrogated the Jewish law. In the early Church, as described by Luke, Jewish believers in Jesus continue to remain faithful to the law, while Gentile believers in Jesus abided by the dictates of the Apostolic Decree, which was based on the legislation pertaining to Gentiles who resided permanently with Jews.¹⁶³ In other words, Luke believes that, even after Jesus' death and resurrection, two standards of behavior apply within the one community. That this can be Luke's ideal suggests that even though they form one community the differences between Jews and Gentiles have not been entirely eradicated. To be sure, whereas formerly Israel and the nations were distinct in a way that corresponded to the distinction between pure and impure animals, God has now removed the impurity suffered by Gentiles in order that they might repent and participate fully in the gift of the Holy Spirit.

¹⁶³ As Robert L. Brawley, *Luke-Acts and the Jews: Conflict, Apology, and Conciliation* (SBLMS 33; Atlanta, Scholars Press, 1987), 159, notes "rather than setting Gentile Christianity free, Luke ties it to Judaism."

Conclusion

At about the same time that I was completing the final chapter of the current work, I stumbled across a fascinating article in the *New York Times* which demonstrated that the question of Jewish identity is just as contentious in the 21st century as it was in the Second Temple period.¹ According to Sarah Lyall, the author of the article, the Jews' Free School of London turned down the application of a male student whose father was Jewish and whose mother had converted to Judaism in a progressive Jewish synagogue. Thus the family of the boy believed that he was Jewish and qualified for admission into the school. But, according to the halakhic position of Orthodox Judaism, the boy's mother is not Jewish since she converted in a non-Orthodox synagogue and consequently the boy himself is not Jewish.

It is not my intention to comment on or adjudicate between these two positions. What I do want to comment on, however, is the position of Britain's Court of Appeal, which entered into the fray when the boy's family sued the school. Lyall summarizes the conclusions of the court in the following way:

In an explosive decision, the court concluded that basing school admissions on a classic test of Judaism—whether one's mother is Jewish—was by definition discriminatory. Whether the rationale was “benign or malignant, theological or supremacist,” the court wrote, “makes it no less and no more unlawful.” The case rested on whether the school's test of Jewishness was based on religion, which would be legal, or on race or ethnicity, which would not. The court ruled that it was an ethnic test because it concerned the status of [the boy's] mother rather than whether [the boy] considered himself Jewish and practiced Judaism. “The requirement that if a pupil is to qualify for admission his mother must be Jewish, whether by descent or conversion, is a test of ethnicity which contravenes the

¹ Sarah Lyall, “Who is a Jew? Court Ruling in Britain Raises Question,” *New York Times*, November 8, 2009.

Race Relations Act,” the court said. It added that while it was fair that Jewish schools should give preference to Jewish children, the admissions criteria must depend not on family ties, but “on faith, however defined.”²

What is so fascinating about the court’s ruling is its undefended assumption that “religion” and “ethnicity” are mutually exclusive categories. A religious school’s admission criteria cannot depend upon family ties, but “on faith, however defined.” Yet many Jews define “faith,” in part at least, in terms of genealogy. The court’s ruling blithely disregards this fact. It has been a long-held tenet of Judaism in many of its varieties down through the centuries that admission into the Jewish people almost universally required the appropriate genealogical descent.

While many modern thinkers might find such a connection between religion and ethnicity offensive, Paula Fredriksen argues that “Jews may be one of the few Western groups now for whom ethnicity and religion closely coincide, [but in antiquity] it was the least odd thing about them.”³ Fredriksen’s statement requires that we reconsider the historical situatedness of our own conceptions of the category of “religion.” The word “religion” has a long history, but a number of scholars have argued that the definition of the term that we are most aware of, that is, one in which religion is considered to be a set of beliefs and practices, is a product of Enlightenment thought.⁴

Similarly, in a recent book entitled *If Sons, Then Heirs: A Study of Kinship and*

² Lyall, “Who is a Jew?”

³ Paula Fredriksen, “Compassion is to Purity as Fish is to Bicycle: Thoughts on the Construction of ‘Judaism’ in Current Research on the Historical Jesus,” in *Apocalypticism, Anti-Semitism, and the Historical Jesus: Subtexts in Criticism* (ed. John S. Kloppenborg and John W. Marshall; JSNTSup 275; London: T&T Clark, 2005), 55-68 (66).

⁴ Cf., for instance, Peter Harrison, *“Religion” and the Religions in the English Enlightenment* (Cambridge: Cambridge University Press, 1990), and Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore: Johns Hopkins University Press, 1993).

Ethnicity in the Letters of Paul, Caroline E. Johnson Hodge argues that in antiquity genealogy and religious rite meshed to create kinship structures.⁵ The present study has confirmed this interconnection in ancient Judaism: according to many Jews, Jewishness consisted of proper descent and proper ritual observance. While non-Jews could perform most Jewish practices, one rite which did not lend itself to Gentile observance was that of circumcision. Eighth-day circumcision functioned to weave together Jewish practices with proper genealogical descent. In theory at least, only the (male) descendants of those who were themselves Jewish would be able to undergo this rite. The priestly writer of Genesis 17, the author of *Jubilees*, and Luke stress infant circumcision in order to distinguish between Jews and Gentiles, covenantal circumcision and non-covenantal circumcision. Numerous passages in the Hebrew Bible distinguish between circumcised Israelites and other nations who practiced circumcision. Not all circumcisions were created equal. Even in the Second Temple period, many Jews continued to define Jewishness in genealogical terms, refusing to view circumcision as a ritual remedy for the deficits of a Gentile identity. Consequently, Shaye J. D. Cohen, and much secondary literature on early Judaism, is incorrect to claim that “[b]y the time of the Maccabees, conversion, ritually defined as circumcision, is securely in place [within Judaism], not to be questioned until the middle ages.”⁶

Admittedly, most modern readers might find this definition of Jewishness to be unattractive. According to modern western sensibilities, those Jews in the second century

⁵ Caroline Johnson Hodge, *If Sons, Then Heirs: A Study of Kinship and Ethnicity in the Letters of Paul* (Oxford: Oxford University Press, 2007).

⁶ Shaye J. D. Cohen, “Conversion to Judaism in Historical Perspective: From Biblical Israel to Postbiblical Judaism,” *Conservative Judaism* 36.4 (1983): 31-45 (42).

B.C.E. who defined Jewishness in more permeable terms improved upon the previously dominant view of Jewish identity. Again, according to modern values, it is better to define Jewish identity in terms of will, belief, and practices, not in terms of genealogical descent. How can it be appropriate for the author of *Jubilees*, for instance, to connect religion and genealogical descent in such a way that no Gentile can ever convert to Judaism? Of course, to raise these questions is to question most forms of modern Judaism which, although they generally permit conversion to Judaism, still link religion with descent. As the Jewish philosopher Michael Wyschogrod writes, “The trouble is that the election of Israel is an election of the seed of Abraham which is an election of the flesh. To our human religious consciousness, an election by religious sensibility rather than by birth would seem more reasonable. But the Divine election, in its sovereignty, is of a people of the flesh.”⁷

By thinking about ancient Israelite and early Jewish religion in the same ways we think of modern religious movements, we inevitably recast it in our own image. And where we cannot do so, we are forced to condemn it as inferior. While a combination of religion with ethnicity might strike many modern thinkers as repugnant and possibly dangerous, the studies of Fredriksen and Johnson Hodge remind us of our own social location. In antiquity, religion and ethnicity were not separate categories; they were, in fact, integrally related, perhaps in no way distinguishable from one another: “Ancient

⁷ Michael Wyschogrod, “Divine Election and Commandments,” in *Abraham’s Promise: Judaism and Jewish-Christian Relations* (ed. R. Kendall Soulen; Radical Traditions; Grand Rapids, Mich.: Eerdmans, 2004), 25-28 (27). The same emphasis upon genealogy can be found in the writings of Franz Rosenzweig. Cf. Haggai Dagan, “The Motif of Blood and Procreation in Franz Rosenzweig,” *AJSR* 26.2 (2002): 241-49.

gods *were* ethnic.”⁸ Thus, while we might find offensive the thick connections between ethnicity and religion in early Judaism, most Jews and non-Jews in the Greco-Roman world would not have done so.

Genealogy and Conversion in Rabbinic Judaism

But even in antiquity there is evidence that some Jews wrestled with this connection between religion and ethnicity. One of the earliest rabbinic commentaries on the book of Genesis, *Genesis Rabbah*, preserves a story in which Abraham’s two sons, Isaac and Ishmael, argue over whom God loves more (cf. *Genesis Rabbah* 55:4).⁹ According to Ishmael, he is loved more because he underwent circumcision at the age of thirteen, but Isaac believes that God loves him more because he underwent circumcision at the age of eight days, presumably because his circumcision fulfills the temporal requirement of Gen 17:12, 14 and Lev 12:3. Ishmael’s response to Isaac’s claim points out the fact that Isaac was merely an infant and therefore unable to assent to his circumcision, while Ishmael was thirteen and therefore could have protested but did not. To this, Isaac states that he would willingly sacrifice his life to demonstrate his commitment to God, something which he subsequently does at the age of 37, according to rabbinic tradition.¹⁰ This haggadic account wrestles with the reality that Jewish

⁸ Fredriksen, “Compassion is to Purity,” 62 (emphasis original).

⁹ On this passage, see Martha Himmelfarb, “The Ordeals of Abraham: Circumcision and the *Aqedah* in Origen, the *Mekhilta*, and *Genesis Rabbah*,” *Hen* 30.2 (2008): 289-310 (297-99).

¹⁰ Cf. *Genesis Rabbah* 56:8. The literature on *Aqedah* traditions in rabbinic literature is extensive. See, for instance, Shalom Spiegel, *The Last Trial: On the Legends and Lore of the Command to Abraham to Offer Isaac as a Sacrifice—The Akedah* (trans. Judah Goldin; New York, NY: Pantheon, 1967), Bruce D. Chilton and Philip R. Davies, “The *Aqedah*: A Revised Tradition History,” *CBQ* 40 (1978): 514-46, C. T. R. Hayward, “The Sacrifice of Isaac and Jewish Polemic Against Christianity,” *CBQ* 52 (1990): 292-306, and

circumcision, being infant circumcision, is an act performed *upon* the individual, not *by* him. Consequently, other forms of circumcision, such as that practiced by Ishmael, could be viewed as significantly more meritorious. Whatever merit accrues to the circumcised Jewish infant is unrelated to his will, motives, or actions. The fulfillment of Jewish circumcision is something that the Jewish male virtually inherits, that is passed down to him by his parents in almost the same way that they pass down their lineage. As David A. Bernat argues, “A sign of commitment to a set of obligations is imposed upon a newborn male who is unable to dissent or consent, just as the commands, and attendant promises, are imposed by God upon the Israelite collective, who are given no option of acceptance or rejection.”¹¹ Isaac’s response in this story is enlightening, for he concedes Ishmael’s premise that to choose to undergo circumcision makes one worthier than to inherit it. Apparently, even the rabbis struggled with this fact, perhaps in part due to their interactions with early Christian constructions of their own identity.¹²

Yet Rabbinic Judaism did not reject the significance of ethnicity in its own construction of Jewishness. To be sure, Rabbinic Judaism was significantly more open to the possibility of Gentile conversion than were the forms of Judaism studied in the preceding chapters. Part of this openness presumably stemmed from the fact that in the centuries following the destruction of the Jerusalem Temple, the rabbis supplanted the

Edward Kessler, *Bound by the Bible: Jews, Christians and the Sacrifice of Isaac* (Cambridge: Cambridge University Press, 2004).

¹¹ David A. Bernat, *Sign of the Covenant: Circumcision in the Priestly Tradition* (SBLAIL 3; Atlanta: SBL, 2009), 40-41.

¹² Cf. Daniel Boyarin, *Borderlines: The Partition of Judaeo-Christianity* (Divinations; Philadelphia: University of Pennsylvania Press, 2004).

priests as the elite within Jewish society. Since priestliness was a matter of descent, not merit or choice, it is easy to see how Jewishness, in a period of priestly hegemony, would have been conceived of in genealogical terms as well. As Daniel R. Schwartz puts it, “[I]f the question ‘who is a priest?’ is answered necessarily and sufficiently by descent, it follows that this criterion is important. Therefore, it is natural to apply it to the question ‘Who is a Jew?’ as well, with the result that a Gentile cannot become a Jew, no matter how dedicated to piety and sanctity he may be.”¹³ In contrast, since the status of being a rabbi depended upon merit rather than genealogical descent, it seems natural that the rabbis would have conceived of Jewishness more and more in non-genealogical terms.¹⁴ After examining rabbinic laws, Christine E. Hayes concludes that there is “a general trend toward leniency and an increasing discomfort with genealogical purity (and the ‘holy seed’ mentality that had so often bolstered or accompanied it) among both Palestinian and Babylonian rabbis.”¹⁵

Yet this increasing leniency did not result in a complete undermining of genealogical concerns and genealogical definitions of Jewishness.

¹³ Daniel R. Schwartz, *Agrippa I: The Last King of Judaea* (TSAJ 23; Tübingen: Mohr [Siebeck], 1990), 126-27. For more detailed argumentation on the priestly view of descent, see Daniel R. Schwartz, “On Two Aspects of a Priestly View of Descent at Qumran,” in *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin* (ed. Lawrence H. Schiffman; JSPSup 8; Sheffield: JSOT Press, 1990), 157-79. For a discussion of the broader social ramifications of the importance of priestly descent, Adolf Büchler, “Family Purity and Family Impurity in Jerusalem before the Year 70 C.E.,” in *Studies in Jewish History* (ed. I. Brodie and J. Rabbinowitz; London: Oxford University Press, 1956), 64-98.

¹⁴ Although Himmelfarb (*Kingdom of Priests*, 165) argues just the opposite: “[T]he decline of the significance of priestly ancestry among Jews was followed by the widespread and thorough embrace of a definition of the Jewish people based on ancestry.” It appears to me that Himmelfarb’s logic is counterintuitive: what the leaders of the people stress will trickle down to the general population. When the leaders of a people stress genealogy, rather than merit, so, too, will the people.

¹⁵ Hayes, *Gentile Impurities*, 188.

According to halakha, a person's Jewishness is an unalterable fact. A Jew who renounces Judaism or who joins another religion, remains a Jew nevertheless, in the eyes of halakha. Moreover, if a Jewess converted out of the faith, and then conceived and gave birth, her offspring, and all subsequent generations through the female line, are Jews. In other words, being a Jew is not at all dependent upon personal consciousness or commitment, i.e., whether a person regards herself as Jewish or observes the Jewish religion.

Indeed, the converse is also true: if a non-Jew acknowledges the Sinaitic revelation and observes the Jewish religion, he is not thereby considered a Jew according to halakha. It is thus apparent that the halakhic concern for Jewishness is one of kinship: any person whose mother was Jewish is once and for all a Jew.

Following this logic, it would appear reasonable to assume that any person whose mother is not Jewish is once and for all a Gentile. In other words, conversion to Judaism should be impossible. In fact, of course, this is not so; it is quite possible for a non-Jew to become Jewish, through a ritual outlined in halakhic sources. After conversion, such a person is irrevocably Jewish, however she subsequently conducts herself.¹⁶

This lengthy quotation from Avi Sagi and Zvi Zohar accurately captures the tension within Rabbinic Judaism between a genealogical conception of Jewishness and the belief that Gentiles can become Jews. Rabbinic literature treats circumcision as an important rite of entry into the Jewish people. Surprisingly, openness to conversion did not undermine a genealogical definition of Jewishness, at least for some rabbis. In fact, the ritual of *giyyur* (which includes the rites of circumcision and proselyte baptism) enables a Gentile to remove his or her Gentile identity and genealogy and fully take on Jewish identity and genealogy. This can be seen, for instance, in *b. Yeb. 22a*, which likens the proselyte to a newborn Jewish child. Regarding this passage, the thirteenth-century Jewish scholar, Nachmanides, argues that the convert is like one born of Jewish seed.¹⁷

¹⁶ Avi Sagi and Zvi Sohar, "The Halakhic Ritual of Giyyur and Its Symbolic Meaning," *JRitSt* 9.1 (1995): 1-13 (2). See also eidem, "Giyyur, Jewish Identity, and Modernization: An Analysis of Halakhic Sources," *Modern Judaism* 15.1 (1995): 49-68; and eidem, *Transforming Identity: The Ritual Transition from Gentile to Jew—Structure and Meaning* (Kogod Library of Judaic Studies 3; London: Continuum, 2007).

¹⁷ For Nachmanides understanding, see Sagi and Zohar, "The Halakhic Ritual."

As David Novak states, “[I]t is not so much that Israel ‘converts’ to the covenant, but that the convert is ‘born again’ (*ke-qatan she-nolad dami*), that is, the convert becomes a Jew analogously to the way Jews become Jews: by birth.”¹⁸

Consequently, one can see the significance of genealogical conceptions of Jewishness at exactly that point where one would expect them to break down, that is, when considering the possibility of a Gentile becoming a Jew. Even in the rabbinic period, genealogy continues to matter. Although this is not the place for it, further study of the dynamics of conversion in rabbinic Judaism may uncover more fully the abiding significance of genealogical descent and ethnicity for religious identity within Judaism.

Christianity, Genealogy, and Circumcision

As noted above, while many modern readers find this connection between ethnicity and religion offensive, in antiquity it was considered natural. Since the Enlightenment, however, “religion” has come to be defined in terms of practices and beliefs, categories which seemingly exclude ethnicity. Yet the Enlightenment itself was the product of Christianity in Western Europe, and thus was highly influenced by Christian self-definition and constructions of the Other. As Johnson Hodge notes, “Christianity is widely understood, both by scholars and laypeople, to be separate from and immune to differences related to kinship and ethnicity. Christianity is perceived as a ‘universal’ religion, one that transcends ethnic and familial particularities.”¹⁹

¹⁸ Novak, *Election of Israel*, 188.

¹⁹ Johnson Hodge, *If Sons, Then Heirs*, 3.

Yet Chapter Five of the present work has argued that in Luke's writings Jews remain Jews and Gentiles remain Gentiles; the Christ event does not alter these facts. Jewish descent still matters for Luke. The way in which Jewish believers in Jesus relate to the God of Israel is still inextricably connected to their ancestry, just as the way in which Gentile believers in Jesus relate to the God of Israel is connected to their non-Jewish ancestry. Religion does not dissolve ethnicity, nor is it something distinct from ethnicity.

No doubt some readers of the present study will think that it contains one gaping lacuna: why is there no discussion of Paul's view of circumcision? Although the current work has not dealt with Paul's thought, this should not be taken to mean that I think that it contains no implications for the interpretation of Paul's view of the law, circumcision, and Jewish and Gentile identity; rather, it is my hope that the work found herein may provide a solid foundation from which one can rethink Paul's position on the rite of circumcision.²⁰ Scholars have almost universally understood Paul in light of a definition of Jewishness that permits the possibility of conversion. As this study has shown, however, this was not the only form of Jewishness which existed in Paul's day; thus Paul's views on circumcision need to be interpreted in relation to the form of Jewishness discussed herein, as well as to more inclusive forms of Jewishness.

The existence of the forms of Judaism discussed in the present work requires rethinking previous descriptions of Jews who were open to the possibility of conversion.

²⁰ Paul Fredriksen ("Paul, Purity, and the Ekklesia of the Gentiles," in *The Beginnings of Christianity: A Collection of Articles* [ed. Jack Pastor and Menachem Mor; Jerusalem: Yad Ben-Zvi Press, 2005], 205-17) has begun the important work of rethinking Paul on issues of purity in light of the work of Jonathan Klawans and Christine E. Hayes.

For instance, Pauline scholars, particularly those who advocate what has generally been referred to as the New Perspective on Paul, often describe a Judaism which requires the conversion of Gentiles to Judaism as exclusivistic.²¹ Yet, in comparison to the definition of Jewishness considered in the previous chapters, a Judaism which permits conversion is in many ways quite open and inclusive. In fact, Paul's opposition to Gentile Christians adopting Jewish customs and identity may be better understood as a variation on the genealogical exclusivism of contemporaneous forms of Judaism. If so, to describe Paul as inclusive and his opponents as exclusive is to greatly simplify their differing positions, a simplification which is suspect because it narrates Paul in a significantly more positive way than it does early Judaism. As Johnson Hodge argues with regard to Paul, and Denise Kimber Buell demonstrates with regard to early Christianity in general, ethnic reasoning persisted in early Christian thinking, despite claims to the contrary.²² Since descent still mattered, Paul needed to argue that through baptism Gentile believers in Jesus entered into a line of descent from Jesus. But the details of Paul's view of Gentiles, Jews, and circumcision belongs to another project.

As I have argued in Chapter Five, Luke does not collapse the categories of Jew and Gentile into each other: people within the early Christian movement retain these aspects of their identities. For Luke, this means that Jewish believers still allow the law to

²¹ Cf. James D. G. Dunn, *The New Perspective on Paul: Collected Essays* (WUNT 185; Tübingen: Mohr Siebeck, 2005), N. T. Wright, *The Climax of the Covenant: Christ and the Law in Pauline Theology* (Minneapolis: Fortress Press, 1992), and idem, *What Saint Paul Really Said: Was Paul of Tarsus the Real Founder of Christianity* (Grand Rapids, Mich. Eerdmans, 1997).

²² Denise Kimber Buell, *Why This New Race: Ethnic Reasoning in Early Christianity* (New York: Columbia University Press, 2005). Cf. Pamela Eisenbaum, "A Remedy for Having Been Born of Woman: Jesus, Gentiles, and Genealogy in Romans," *JBL* 123.3 (2004): 671-702 and Aaron P. Johnson, *Ethnicity and Argument in Eusebius' Praeparatio Evangelica* (Oxford: Oxford University Press, 2006).

order and direct their lives. While Gentile believers do not need to become Jews, and in fact cannot do so, Luke still believes that they need to reorient their lives in relation to the law (cf. the Apostolic Decree) so that they can participate in a diversified unity with Jewish believers. Luke's new community is deeply Israel-centric. As such, his portrayal of the abiding significance of ethnicity for both Jews and Gentiles in the Church finds resonances in the statements of modern Christian theologians. For example, Karl Barth says of Israel, with clear allusions to Paul's statements in Romans 11, "Without any doubt the Jews are to this very day the chosen people of God in the same sense as they have been so from the beginning, according to the Old and New Testaments. They have the promise of God; and if we Christians from among the gentiles have it too, then it is only as those chosen with them; as guests in their house, as new wood grafted onto their old tree."²³ It should come as no surprise to Christians, then, that Luke's vision of the early Church does not erase or undermine the distinctive marks of Jewish identity. Jewish believers in Jesus continue to show their piety through rituals such as circumcision. To give up these markers would not indicate a movement from particularity to universality but from particularly Jewish identity markers to particularly Gentile ones. And Luke in no way advocates such a move.

Conversely, Luke believes that Gentile identity cannot be overcome through the adoption of Jewish identity markers. Because the impurity that Gentiles suffer is something inherent and fundamental to Gentile identity, Jewish rituals are ineffective in addressing the Gentile Problem. Consequently, only an act of God to purify the Gentiles

²³ Karl Barth, "The Jewish Problem and the Christian Answer," in *Against the Stream* (London: SCM Press, 1954), 200.

and endow them with the gift of the Holy Spirit can address Gentile needs. Luke's portrayal of the surprise that these events elicit from the first Jewish believers is lost on most contemporary Christians, who take it for granted that Christianity is universally minded and that it marginalizes the significance of ancestry. The earliest Christians, however, were astounded at the manifestation of the Holy Spirit amongst those formerly deemed to exist outside of the realm of holiness as a result of their genealogy. The preceding pages have sought to give readers a sense of the importance genealogy continued to have in the early Christian movement, as well as a sense of the surprise elicited by the movement of the Spirit across genealogical boundaries.

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Biography

Matthew Thiessen was born in Leamington, Ontario, Canada, July 6, 1977. He attended Tyndale College, where he graduated in 2001 with a degree in Religious Studies. In 2003 he completed an M.A. in Biblical Studies at Trinity Western University. Part of his M.A. thesis was later published in the *Journal of Biblical Literature*. Subsequently, Matthew received a scholarship to attend the University of Oxford where he graduated with Distinction in 2004 with an M.St. in Jewish Studies. Additionally, he won the Oxford Centre for Hebrew and Jewish Studies' Dissertation Prize for his work on the *Testament of Moses*. He then came to Duke University on a James B. Duke Fellowship, where he has published articles in *Novum Testamentum*, *Dead Sea Discoveries*, *New Testament Studies*, and the *Journal for the Study of the Old Testament*. He is married to Jennifer Coon.