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VI

MORTON SMITH

Pseudepigraphy in the Israelite Literary Tradition

PSEUDEPIGRAPHY IN THE ISRAELITE LITERARY TRADITION

Let me begin by confessing uneasiness about the common distinction between Palestinian and diasporic pseud-epigrapha. The fact is that we do not know where most of the *OT* pseudepigrapha were written. As Prof. Hengel has shown¹, Palestine was profoundly hellenized and we have no assurance that works of hellenistic form and spirit may not have been written there in Hebrew, in Aramaic, or in Greek. Conversely, we know that Hebrew and Aramaic were used in the diaspora²; for all we know they may have been used to write books there; we know of some Greek works written in the diaspora which not only perpetuated and developed *OT* forms and themes, but were intensely hostile to the Greco-Roman tradition—such, for instance, is the canonical *Apocalypse*. In sum, the conventional distinction of both Judaism and early Christianity into “diasporic” and “Palestinian” types is not justified, and I regret the current project for a corpus of the literary remains of diasporic Judaism. It will be a corpus of unjustified assumptions.

What is justified is a distinction between the Israelite literary tradition—perpetuated in Judaism, Christianity, Samaritanism, Islam, elements of the magical papyri, some popular literature of the middle ages, and so on—and the Greco-Roman literary tradition. These two traditions, each with its characteristic themes and forms, arise independently, develop, at first, independently, and live on,

¹ M. HENGEL, *Judentum und Hellenismus*, Tübingen, 1969 (Wissenschaftliche Unters. zum N.T. 10).

² See the material in J. FREY, *Corpus inscriptionum iudaicarum*, Vatican City, 1936-52, 2 vols.

side by side and recognizably different, down to our own times. With the survival of the Greco-Roman tradition we are all familiar. *The Book of Mormon* is a recent example of influential work in the Israelite tradition and the poetical forms of that tradition are still alive in modern Israel. From at least the hellenistic period on, the two traditions profoundly influenced each other and various mixed forms were produced ; these may be assigned to either tradition, according to the criteria chosen. By content, for instance, the *Sibylline Oracles* usually belong to the Israelite literary tradition, by form, they are Greco-Roman ; *Ben Sira*, on the other hand, puts much hellenistic material into Israelite form.

Since the relations of literary forms are often easier to determine than those of contents, I shall make form my criterion and shall deal with pseudepigraphy in works which formally belong to the Israelite literary tradition and which were written before A.D. 70. For this purpose I have had to review the tradition from the beginning ; only in this way can the pseudepigraphic works be seen in proper perspective. Beginning this review, I found myself engaged in an aspect of *Old Testament* criticism that has been almost totally neglected. U. von Wilamowitz actually said that forgery of documents was a characteristically Greek trait¹ —an opinion Willrich went too far in correcting². In recent years the only monograph that touched on the subject (before the work of Dr. W. Speyer) was the apologetic tract of Sint³, and surveys of recent work in Form-

¹ In his review of the inscriptions of Magnesia, *Hermes* 30 (1895), 192 ; this reference I owe to Professor BICKERMAN.

² H. WILLRICH, *Urkundenfälschung in der hellenistisch-jüdischen Literatur*, Göttingen, 1924 (Forschungen zur Rel. und Lit. des A. und N.T., N.F. 21).

³ J. SINT, *Pseudonymität im Altertum*, Innsbruck, 1960. See the reviews by M. FORDERER, *Gnomon* 33 (1961), 440 ff. and M. SMITH, *Jnl. of Biblical Literature* 70 (1961), 188 f.

geschichte, Gattungsgeschichte, Traditionsgeschichte, Redaktionsgeschichte, and Überlieferungsgeschichte¹ indicate that none of the practitioners of these polysyllabic disciplines has paid any attention to pseudepigraphy as such, though one might suppose it a literary form important both for redaction and for the history of the way the material was handed down. This silence is not difficult to explain. "Pseudepigraphy" is, in theological circles, a discreditable term, and "forgery" is little short of unmentionable. The younger Delitzsch reported an amusing example of this attitude. He learned from his professor's lecture that *Deuteronomy* was not written by Moses, but was a work of the 7th century, composed for a specific purpose and for that purpose attributed to Moses. Deeply shocked, he went to call on the professor and asked, "Is *Deuteronomy*, then, a forgery?" "For God's sake, no!" said the professor, "That may very well be so, but you mustn't say so."² So much for the unmentionable. We shall later touch on other reasons for the neglect of the question in Biblical studies.

Delitzsch's professor would no doubt have tried to justify his reluctance by saying that "forgery" is primarily a legal term properly used of checks, receipts and similar documents. When one comes to literature, especially to the literature of a primitive people, often handed down by oral tradition before being fixed in writing, and then by a complex literary tradition before reaching its present form, the varieties of "authenticity" and "falsification" become so many and so subtle that it is impossible to distinguish

¹ K. BERNHARDT, *Die gattungsgeschichtliche Forschung am A.T.*, Berlin, 1959 (Aufsätze und Vorträge z. Theol. u. Religionswiss. 8); K. KOCH, *Was ist Formgeschichte?*², tr. S. Cupitt, under the title *The Growth of the Biblical Tradition*, London, 1969; H. RINGGREN, Literarkritik, Formgeschichte, Überlieferungsgeschichte, *Theol. LitZ.* 9 (1966), 641 ff.

² *Die Grosse Täuschung*, Berlin, 1920-21, I, 5.

between them with legal precision. This is true, but I think it still possible to make at least rough distinctions. There will be general agreement—for instance—that the speeches in *Job* were from the beginning admittedly literary compositions, never intended to be thought “authentic”, whereas the editors who put the ten commandments into *Exodus* and *Deuteronomy* believed them, and intended them to be believed, substantially exact quotations. The New Yorker cartoon which showed a preacher declaring, “And the Lord said unto Moses, and I quote,” was not basically misrepresentative of the intentions of the editors of the *Pentateuch*.

With the word “editors” we touch, of course, on one of the major differences between the Israelite and the Greco-Roman literary traditions. In the Greco-Roman tradition the material is mostly preserved as individual works by specified authors. A book is commonly the work of a man, therefore a primary problem of literary history is to distinguish cases of misattribution and forgery. Interpolation, of course, does occur, but it is not the general rule and when it occurs it usually is not extensive; relatively few of the major documents have been produced by conflation of earlier ones. In the Israelite literary tradition, on the contrary, authors’ names are rarely reported and when they are reported the reports are almost always false. Of all the preserved works written in Biblical forms, or modifications of those forms, down to A.D. 70, only one—*Ecclesiasticus*—can with confidence be attributed to a known author¹ (The books of the prophets usually contain some prophecies by the men whose names they bear, but were not composed by them). Most documents of the Israelite tradition, and especially the most important ones, have been produced, not

¹ The work of Jason of Cyrene (the source of *II Maccabees*) is not preserved and probably belonged by form to the Greco-Roman tradition.

merely by conflation, but by repeated conflations by a series of editors, each of whom has interpolated and abbreviated *ad libitum*. The typical work is therefore a sort of literary onion which must be peeled layer by layer, not without tears. This is a second reason for the neglect of pseudepigraphy in *Old Testament* criticism. Critics have usually been anxious to discover the earliest, the "original", elements of the Biblical books. The question of attributions takes us away from these "original" elements into the diminishing vistas of the history of the literature. And even in this literary history the problems are to distinguish styles and schools and traditions, and to trace the development of literary forms as such, without regard to the unanswerable question, who were the individual authors?

Accordingly it is from false attribution, not form forgery, that we must begin our study of the pseudepigrapha in the Israelite-Jewish tradition. False attribution is relatively common—one thinks immediately of the *Psalms*. While the Psalter itself carries no attribution, many individual psalms are attributed to David, one to Solomon (72), one to Moses (90), a number to legendary singers or sages¹. All these are examples of what I shall call "simple misattribution", that is to say, the texts have not been altered to support the error. For a number, however, the mistake has been buttressed by a pseudo-historical heading or even a brief introduction specifying the occasion in David's life for which the psalm was thought to have been composed². These introductions must be older than the Septuagint text of *Pss.* which shares them with the Hebrew. Therefore historical study of Israelite texts—the attempt to discover, from their

¹ *Pss.* 88 and 89 and the *Asaph psalms*, if Asaph should be understood as an individual. (These and all subsequent references to the *Old Testament* use the numeration in the Hebrew text. References to the apocrypha follow A. RAHLEFS, *Septuaginta*⁶, Stuttgart, N.D.).

² *Pss.* 3, 18, 34, 52, 54, 56, 57, 59, 60, etc.

contents, by inference, their historical *Sitz im Leben*—began in the early hellenistic, if not in the Persian period. Other examples of such simple misattribution, unsupported by alteration of the texts, are the sections of *Proverbs* attributed to Solomon, Agur, and Lemuel (or Lemuel's mother, 31,1), the *Song of Songs which is Solomon's*, the *Prayer of Manasseh*, and the *Psalms of Solomon*. The *Book of Malachi* probably belongs here, though its misattribution seems to have been produced by hypostatization of an author from a common noun¹.

The list is interesting because it is so small and only one of the six items in it—the *Psalms of Solomon*—can be dated with certainty to the Greco-Roman period. It becomes more interesting when we consider that the great majority of the documents peculiar to the Qumran sect are not pseudepigraphic—the *War*, the *Hymns*, the *Manual of Discipline*, the *Damascus Document*, the *Blessings* (1Q Sb), the many commentaries and florilegia, so far as we can judge from their remains. This admittedly inadequate evidence suggests that the attribution of anonymous works to particular authors was a fashion which came into or developed in the Israelite tradition, perhaps mainly in the neo-Babylonian and Persian periods (though a heading in *Proverbs* (25, 1) seems to indicate that this one section was already thought Solomonic in the time of Hezekiah, the late 8th or early 7th century). Whenever it came in, the fashion surely did not win universal acceptance, and our limited evidence suggests it declined in the Greco-Roman period.

A closely related phenomenon is the insertion in, or attachment to larger works of compositions which the framework attributes either to the authors or to the heroes of the larger works, but which contain nothing to support

¹ The misattribution of the *Liber antiquitatum bibliarum* to Philo and to Josephus is later than our period.

the attribution and probably were not originally so attributed. Examples from the historical books are the prayer of Hannah (*I Sam.* 2, 1 b-10), the song of David on his deliverance from Saul (*II Sam.* 22, 2-51 = *Ps.* 18, 3-51), and the covenant of Nehemiah (*Neh.* 10, 30-40). In the prophets we have innumerable interpolations and additions—the whole of “Second” and “Third” *Isaiah*, *Zechariah* 9-14, and so on, down to such brief but clear examples as the thanksgiving of Hezekiah in *Isaiah* 38, 10-20. The prayer of Azariah in *Dan.* 3, 26-45 and the parables in *Enoch* (38, 1-6+39, 2 b-8; 45, 1-6; 58, 1-6) show the same treatment of material continued in later times. This list does not pretend to be complete; I am anxious to avoid the quagmire of disputes about authenticity and therefore mention only a few clear examples. In some of these the misattribution may have been the result of a mere error in transcription, the loss of a heading between the end of one book and the beginning of a second. But in others it goes a bit further. When short texts are built into longer ones, even though their own wording is not changed, they are interpreted, placed in their supposed historical settings or, at least, in settings for which they were thought appropriate (the line between historical and literary evaluation is here probably indiscernible).

Perhaps therefore it is significant that this sort of misattribution unsupported by alteration of the texts is commonest in the prophets and the *Pentateuch*, especially in the priestly material, where we have not only the “Song” and the “Blessing” of Moses (*Dt.* 32, 1-43; 33, 2-29), but also many laws attributed to Yahweh and one attributed to Moses that give in their texts no indication of the speaker’s identity¹. Had these laws been composed *ad hoc* by the editors they would probably have contained references to the situations and speakers for which they were intended. Since they do

¹ *Lev.* 1-7; 12-14, 32; 24, 2-9; 27, 2-33; *Num.* 19, 2b-22; 30, 3-16.

not, it seems that they were originally anonymous and the attributions are secondary. This appearance is strongly supported by the other instances of secondary attribution of anonymous material, to which we have already referred. It is even more strongly supported by the fact that there is, I believe, no example of a law in which it is clear from the content that Moses or Yahweh is the speaker, but which is not attributed to the one or the other by the context. From the sum of this evidence we derive the impression of a considerable body of anonymous material—oracles, songs, and laws—being dealt with by editors who wish to locate such items historically—to assign the oracles and songs to named individuals, and to specify the occasions on which the laws were given. This is not to say that the editors' historical methods were adequate or their results correct, but the basic pattern of their thought was of a historical sort, as opposed to philosophical, or mythological, or mnemonic arrangement by catchwords, or whatever. Historical interest was old in Israel, where a first-rate biography of David was written already in the 9th or perhaps even the 10th century B.C. But here we see this historical interest extending itself to organize what was apparently a body of non-historical texts. This seems to take place mainly in the neo-Babylonian and Persian periods, when the *Pentateuch*, the historical books, and the prophets were all reaching their final shape. How can we explain it?

We can move towards an explanation by considering the next type of pseudopigraphic material—that produced by editors who not only misattribute their texts, but also alter them. Of course, in moving, we must pass over a great many dubious and border-line cases. There are many passages of which we shall never know whether the editor inserted them as he found them, or partially rewrote them, or made them up out of whole cloth. We shall never know, either, what the editors cut out. Finally, any discussion of

pseudepigrapha can deal only with the examples that are suspect, that is, with the unsuccessful ones. There will always be a margin of error produced by the forgers who succeeded and whose works are now among those from which we derive our criteria of authenticity. But there are none the less many instances in which it is reasonably clear that the content of texts has been altered significantly by editorial insertions. Sometimes old material was used for this purpose—thus *Nehemiah* was made to testify to the patriotism of his enemies the priests by insertion in his “memoirs” of a list of wall builders, no doubt from the temple archives, in which the priests stood at the head (3, 1-32); another insertion made him the guarantor of an extensive collection of old genealogies (7, 6-62). More often new material was manufactured *ad hoc*. Thus the author of the *miserere* (*Ps. 51*, supposedly David) could not be permitted to declare that Yahweh was indifferent to animal sacrifices; a postscript was added to specify that this was true only before the restoration of the temple (20 f.). It would not do for Amos to foretell the final destruction of Israel; a happy ending, indeed, a series of happy endings, had to be added (9, 8 ff. ; 11 f. ; 13 ff.) Ezra’s commission from Artaxerxes was gratifying, but did not go far enough; it had to be extended to authorize him to impose the law of Moses on the whole trans-Euphratine province (*Ezra* 7, 25 f.). And so on; the examples are innumerable, especially in the works of the prophets where all the postscripts introduced by, “Behold the days are coming, saith Yahweh”, are *ipso facto* suspect, though a few may be genuine¹.

¹ Forms of attribution are of particular interest in *Ezekiel*, where they divide the book clearly into three parts: a first person narrative in chs. 1-11, a collection of oracles introduced (sometimes after a brief narrative) by the formula, “And the word of Yahweh (came) to me, saying, Son of man”, in chs. 12-39, and a first person narrative containing two long speeches in chs. 40-48. In the central section the oracles are normally of two parts,

Even more interesting for our purpose are the passages in the *Pentateuch* which show that the text of the laws has been modified to make clear that Yahweh or Moses is the speaker. These fall into two great groups—in the priestly material the speaker is almost always Yahweh¹ and the law is the law of Yahweh, in the earlier strata of the Deuteronomic material the law is the law of Moses and Moses is the speaker. Let us look at some examples.

The ten commandments (in *Exodus* 20, 2 ff. and *Deuteronomy* 5, 6 ff.) are particularly interesting because their basic text was certainly prior to both some priestly and some Deuteronomic editors, who edited it differently. Yet the basic text already shows the alteration of which I speak. Yahweh begins by identifying himself and speaks in the first person: "I am Yahweh your god . . . you shall have no other gods before me . . . for I, Yahweh, am a jealous god". But with the third commandment we come to the third person form, appropriate for anonymous laws: "Thou shalt not take in vain the name of Yahweh, thy god" (not, "My name"). And this form is maintained hence forth: Yahweh (not "I") will not acquit the transgressor; the seventh day is his sabbath; he blessed and hallowed it; he gives you the land. Since this alteration occurs in both the priestly and the Deuteronomic versions, and since we have already seen enough to justify the guess that the anonymous version of the law was prior to that which represented Yahweh as speaking and specified the occasion, we may conclude that the process of personalizing and historicizing

the second beginning, "Therefore thus saith Yahweh". Departure from this regular formulaic pattern, especially by the addition of third and fourth parts containing divine postscripts, are *ipso facto* suspect and are noticeably more frequent in the oracles against foreign nations, where the temptation to bring prophecy up to date was strong.

¹ The only exception I have noticed is *Num.* 30, 2-17.

the laws must have begun before the composition of *Deuteronomy* 5 and the priestly material in *Exodus* 20.

Deuteronomy 5 is particularly interesting for us because, of all the early Deuteronomic material, it alone departs from the school's customary representation of Moses as the giver of the law, to insist that Yahweh spoke these words (5, 4), and at the end of the commandments it repeats, "These words Yahweh spoke to all your assembly in the mountain ... and he said nothing more," (literally, "he did not add", 5, 19)—a protest against pseudepigraphy repeated, as to its essentials, in 18, 16, cf. *Ex.* 20, 19. It is not unlikely to suppose that this protest was directed against one or more collections of laws attributed directly to Yahweh—the sort of thing we now find in the "Holiness Code" (*Lev.* 17-26, of which I shall speak presently). This supposition would fit the other indications that there was originally considerable friction between the priestly and the Deuteronomic schools, and that the present *Pentateuch* is a product, not only of compilation, but of compromise.

In the priestly material, by contrast to the Deuteronomic, Yahweh is constantly uttering laws. We have already remarked that a good many of those attributed to him contain nothing to show that he is the speaker; the attribution is purely external and secondary. In many others, however, he refers to himself or the text of the law somehow makes clear that he is the speaker. But in most of these the references or clarifications occur only at the beginnings and the ends of the laws, while the central parts refer to him, if at all, in the third person, an indication that they were originally anonymous.

This is particularly clear in *Leviticus* and *Numbers*. After the long body of internally anonymous laws with which *Leviticus* begins (chs. 1-7) and two chapters of narrative, comes the law on pure and impure animals: The only indications in the text of the law that Yahweh is the speaker are

in two verses tagged on at the end, not part of the law proper (11, 44 f.). Then come two more chapters of internally anonymous laws, including those on symptoms of "leprosy" and purification from it, and then again, in the law on "leprosy" in houses, a reference to the land of Canaan calls up the standard phrase, "which I shall give thee" (14, 34) to indicate that Yahweh is the speaker. This leads to another verb in the first person before the text goes back to the third. In the next chapter (15) comes the law on discharges from the body; it refers to Yahweh in the third person throughout (15, 14; 15, 30)—only a final, appended exhortation indicates that he is the speaker (15, 31). In the next chapter (16) the laws on the day of atonement regularly refer to Yahweh in the third person (16, 8 ff.; 12; 13; 18; 30; 34); only one explanatory phrase inserted at the very beginning (16, 2) indicates that he is the speaker. Turning to the legal material scattered through *Numbers* we find that in chapters 5 and 6 only 5, 3 and 6, 27 (the last verse of the law there) indicate that Yahweh is the speaker. In *Numbers* 8 and 15, the latter half of 18¹, 28-29, and 33, 50-55, the same pattern prevails. All this material seems to have been originally anonymous legislation; it has been attributed to Yahweh by minor changes in the text as well as by the editorial framework. This is the more striking because there is another strand of priestly legal material in which Yahweh constantly identifies himself as the lawgiver and makes this a major reason for observance of the law—"You shall be holy, for I, Yahweh your god, am holy." The great document of this type is the "Holiness Code" in *Leviticus* 17-26². Akin to it are the law on the priests and levites in *Numbers* 18, 1-24 and the directions for establish-

¹ Verses 26-32.

² Interrupted only by the anonymous laws on lamps and shewbread, 24, 2-10.

ment of the cult, *Exodus* 25-31, 17¹. But even in the "Holiness Code" it is sometimes possible to see, in the light of the material already presented, that originally anonymous laws which spoke of Yahweh in the third person have been adapted to the present first person form.

Moreover, something similar appears in *Deuteronomy*. The earliest part is the code in chs. 12-26 and 28. Here the speaker is for the most part anonymous². There are numerous passages in the first person, mostly exhortations "to keep and do all this commandment which I command you this day", or the like³, but the speaker does not identify himself nor say anything which, apart from the narrative framework, would identify him. The framework, however, has been built into the code and from the framework it is clear that the speaker is Moses. Not only are there numerous passages referring to the conquest of the land as future⁴, but the speech is located in trans-Jordan (12, 10) and the speaker identified as the prophet who, at Horeb, was the intermediary between Yahweh and the people (18, 16 ff.). But this last passage is unique. In the other historical references—to the Ammonites (23, 4 ff.), Miriam (24, 9), Amalek (25, 17), the servitude in and deliverance from Egypt (13, 11; 16, 1 ff.; etc.)—there is no reference to Moses although legend gave him a large part in the events referred to and although the references mostly belong to the hortatory and explanatory elements of the code, the elements that look most like additions. The lack of direct identification is particularly striking by contrast with the frequency with which the later strata of Deuteronomic material—the introductions and conclusions with which the code is now surrounded—

¹ The "Covenant Code", *Ex. 20, 23-23, 19*, has been so much worked over that its text now presents no clear pattern.

² The colophon, 28, 69, is clearly a gloss.

³ Thus 12, 28; 13, 1, 19; 15, 5; cf. 15; 19, 9; etc.

⁴ So 12, 9, 29; 17, 14; 18, 9; 19, 1; etc.

make clear that Moses is the speaker ¹ and explicitly attribute the law to him ². The identifications extend even into the adjacent books: Joshua is provided with a "book of the law of Moses" to read to the people and to inscribe on the stones of a monumental altar on Mt. Ebal (*Joshua* 8, 30-35), and the claim of Mosaic authorship is extended by later editors to the whole priestly law ³.

This evidence from *Deuteronomy* seems to confirm that from the priestly material. In both the sorts of verses in which the attributions occur and their distribution alike indicate that originally anonymous laws have been attributed to individual authorities—either Yahweh or Moses—and have been given pseudo-historical settings.

Let me anticipate several objections to this argument.

First, if these changes in person of the verbs are the result of deliberate editorial alteration to identify the speakers, why were they not carried through consistently? The answer is, I think, that the editors were not aware of the possibility of literary and historical criticism. They wanted only to identify the laws as given by Yahweh or given by Moses. For this purpose it was enough to indicate the speaker in the framework or, at most, to change the first or last sentence to make clear who was or had been speaking. Once the deity or the prophet was identified as the giver of the law, the law could be copied out in its old, familiar wording. There was nothing in it, after all, that flatly contradicted the identification, and the inference that might be drawn from references to the deity in the third person did not occur to them.

¹ So especially in *Dt.* 1-3; 5; 9; 10. But also, though less frequently, in 6; 7; 8; 11.

² So 1, 1 ff.; 4, 44 ff.; 27, 1, 9, 11; 28, 69; 31, 9 ff., 24 ff.; etc.

³ *Num.* 36, 13, a colophon. For the present text of Ezra "the law of Moses" and "the law of Yahweh" are evidently identical, *Ezra* 7, 6, 10. The more reliable firman of Artaxerxes refers to Ezra's law as "the law of the god of the heavens" sc. Yahweh, *Ezra* 7, 12. Evidently the priestly terminology prevailed.

Second, alterations between first person and third person constructions and between references to Yahweh and references to the prophet as the speaker are constant in the prophets. Zephaniah, Micah and Amos speak at one moment in their own persons, at the next in that of Yahweh, and the like occurs, though less frequently, in most of the genuine prophetic works. It is also found in the magical papyri and in the *Hermetica*, and is a phenomenon of mystical thought in general: "I am thou and thou art I". Is it not then a mistake to use this same phenomenon, when it occurs in the laws, as evidence of editorial alterations? Not necessarily. The laws are a different literary form and reflect a different mental condition. Changes of person are not customary in them and when they do occur they follow a uniform pattern—they are concentrated at the beginnings and ends of the laws and in certain types of material (explanatory and hortatory) which on intellectual grounds also seem secondary. Finally, the supposition that they are due to alteration of the text fits an understandable historical development. In the prophets changes are common, no such pattern emerges, no such development can be discerned. Accordingly we shall leave the prophets aside, but see in the laws evidence for a deliberate pseudohistoricizing process.

Third, how can this process be reconciled with the common notions of the history of Israelite law? Is it conceivable that the law was not from the first thought to have been given by Yahweh and by Moses? How can passages in *Deuteronomy* be understood as polemic against the priestly legal tradition if the Deuteronomic code was "found" by the priest of the Jerusalem temple and if the priestly legislation is, as commonly believed, half a century or more posterior to the finding of the Deuteronomic code? To these questions the answer is simply that theories must be tailored to fit the facts, not vice versa. That the laws were not originally attributed to Yahweh or Moses is—for

many laws—not only possible, but likely. The early desert code—“He who smiteth a man that he die shall surely be put to death” (*Ex. 21, 12*) and the like—is patently anonymous tribal law. Laws that go back to ancient Mesopotamian originals, laws that came from the shrine of El of the Covenant at Shechem or from Beth-El, were certainly not at first attributed to Yahweh, nor to Moses. The questions when and by whom Palestinian law was first “Yahwized” and “Mosaized” are therefore not only legitimate, but necessary, and it seems that in these apparent editorial changes we have indications of the dates of at least parts of the process. That the Deuteronomic law was launched by (one group of?) the Jerusalem priesthood, would suggest that some other group of priests, either in Jerusalem or elsewhere, was behind the priestly legislation, but there is no point in dogmatizing about these questions until the facts about the process are clear.

How early did the process begin? Attempts to date the elements of the priestly material are notoriously speculative; the surest evidence is the close relation of the language to that of Ezekiel. With the deuteronomic code we are on safer ground. That it was the document “found” in the temple of Yahweh in Jerusalem in 621 B.C. is the common and well-grounded opinion. But what was the original form of the code?

This brings us back to the question of Delitzsch: Is *Deuteronomy*, then, a forgery? We have now progressed from simple misattribution, through misattribution supported by alteration of the texts, to the point at which we can speak of forgery proper—the composition of a work intended *ab initio* to be falsely attributed. In writing such a work the author may have believed that his composition expressed the true teaching of the man to whom he attributed it, and he may have included much traditional material which he thought came from the pretended author, but these

considerations would not alter the fact that he knew he wrote the work, and he knew that the pretended author did not.

The evidence for and against supposing *Deuteronomy* 12-26 a forgery has already been partly presented. For the supposition are the facts that as the text stands the speaker in one passage (18, 16 ff.) identifies himself as Moses and in a number of other passages locates the speech at the time and in the area of Moses' traditional leadership. Against the supposition are the facts that these indications are rare and indirect, that most of them occur in verses which are intellectually secondary (explanatory or hortatory), that many opportunities for identification of the speaker are neglected, and that it is now generally recognized, on other grounds, that the code has been considerably interpolated, especially with hortatory material¹. A further consideration is the fact that the code was not introduced as the work of any individual or group, but was "found" in the temple by the priest. This was later a well known method for the introduction of forgeries². It is presumable that this finding was connected with pretensions of antiquity and consequent authority—otherwise why not present the work as a new composition, which its language, approximately that of Jeremiah, proves it was? But the story of the finding and introduction of the law, in *II Kings* 22-23, speaks of the work simply as, "the book of the law" (*II Kings* 22, 8, 11) and "the book of the covenant" (23, 2, 21) and the authority behind it is Yahweh (22, 13 ff.), he even may be represented as the author (22, 19). It is only the concluding editorial comment which declares that there was no earlier king like Josiah who "returned to Yahweh with all his heart and with

¹ So G. VON RAD, *Deuteronomiumstudien*², Göttingen, 1954. For the general acceptance of von Rad's conclusions in this matter see, e.g., H. RINGGREN, *op. cit.* above, p. 193, n. 1.

² W. SPEYER, *Bücherfunde in der Glaubenswerbung der Antike*, Göttingen, 1970 (Hypomnemata 21), 128 and note.

all his soul and with all his might, according to the whole law of Moses" (23, 25). In sum, *non liquet*. It is possible, indeed likely, but not certain, that the Deuteronomic code was the most influential forgery in the history of the world.

If a forgery, it must have been also one of the earliest in Israelite literary tradition. Ancient poems pretendedly spoken by legendary heroes and heroines (Jacob, *Gen.* 49; Balaam, *Num.* 23-24; Deborah, *Judges* 5) belong in a different category. Some prophetic oracles may have been forged before the late 7th century, but the dating of such material and the distinction between forgery and mere misattribution are highly subjective. With the work of the Deuteronomic school and the closely related interpolations of Jeremiah in the 6th century and later we are on firmer ground. The imitations of the styles are *prima facie*, but not conclusive, evidence of intent to decieve.

This is the time—the neo-Babylonian and Persian periods—to which we were led earlier by the evidence for misattribution of anonymous works. Both misattribution and forgery now appear as aspects of a process of historicizing clearly related to the Deuteronomic emphasis on history as the evidence for Yahweh's choice and rulership of Israel, and to the Deuteronomic belief that divine rewards and punishments will be given through historical events. Plenty and famine, health and pestilence, peace and war are all to be explained as consequences of divine approval or displeasure, which in turn are consequences of human observance or transgression of the divine law. Of course this belief was not peculiar to this period, nor to Israel. It appears already in Amos and in Hesiod, and is conspicuous in Egypt in the "Demotic Chronicle". But in the seventh century, with the rise of the Assyrian empire, history suddenly became of unprecedented importance for the Israelites. With the other little states of the Syro-Palestinian coast, they found themselves involved in historical processes quite

beyond their control, which threatened them with complete annihilation. Then the sudden collapse of Assyria, the sudden rise and fall of Egyptian power in Asia, the sudden triumph of Babylon and the consequent destruction of Jerusalem, brought home to them as never before the power of Yahweh as the controller of history and the importance of history as the manifestation of the will of Yahweh. Accordingly it is not surprising that the prophets of this period are primarily concerned with Yahweh's role in history, that Yahweh's ability to foretell the course of history is for *II Isaiah* the conclusive proof that he is the one true God¹, that the god of *Deuteronomy* is primarily the god who shaped Israel's history, that the Deuteronomic school collects the people's legends and records and shapes from them a coherent ethnic history, that hitherto anonymous laws, prophecies and literary works are now located in this historical structure, and that new material is invented to fill out the structure and supply whatever elements are needed.

Once this pattern of pseudo-historical thought had been created it was perpetuated and extended. So in the post-exilic period the forgery of prophecies went on apace. With the work of the Chronicler we encounter the production of bogus legal documents, beginning with Cyrus' decrees permitting the return of the exiles and financing the rebuilding of the temple². As might be expected, the author imitated

¹ *Isaiah* 42, 9; 43, 8 ff.; 44, 6; etc. Compare the importance of prediction for the contemporary prestige of the Delphic oracle, Herodotus I 46-55; etc.

² *II Chronicles* 36, 23; *Ezra* 1, 2-4; 6, 3-5. *Samuel* and *Kings* already summarized or quoted royal letters, including some the author could never have seen: *II Sam.* 11, 15; *I Kings* 21, 8 ff.; *II Kings* 5, 6; 10, 2 f., 5 f.; 19, 9-14. *Chronicles* followed and extended the practice. The line between summary and quotation is almost invisible. All these products may be attributed to the narrator's invention. They are, like conversations, speeches, prayers, etc., characteristics of ancient dramatic narrative rather than forgeries. But the Cyrus decrees could have been — and *Ezra* 6 claims that one was — used as legal precedents. This is something different.

the protocol of Persian royal decrees; some scholars have therefore believed his compositions authentic. But the fact that nothing seems to have been done to carry out these decrees suggests that they were not issued, but invented. Eighteen years later Haggai could say that not one stone had been set on another in the temple of Yahweh (2, 15). With *Ecclesiastes* we have a new phenomenon—a work written in a style associated with a well-known (legendary) author, but deliberately not attributed to him. The legendary author is in this case Solomon, whose 3000 proverbs were already known to *I Kings* 5, 12 and to whom the canonical book of *Proverbs* had already been attributed. But the author of *Ecclesiastes* does not claim to be Solomon. He calls himself in Hebrew *Kohelet* (which is probably as near as classical Hebrew could come to "Everyman")¹ and he invites comparison with Solomon by his claims to have been a king in Jerusalem, acquired all wisdom, perhaps experimented in magic, certainly lived in luxury, been a successful builder, enjoyed great wealth, and indulged in all sorts of sexuality². Was this a bid for the misattribution which his work achieved, or a challenge to the reader to compare this new, disillusioned wisdom with the traditional wisdom of Solomon and decide which was wiser? The same problem—protective imitation or deliberate challenge—is posed by the *Wisdom of Solomon*, especially by chs. 7-9. Their reminiscences of the account of Solomon in *I Kings* 3-11 are unmistakable, but did the author wish his work to be thought Solomon's autobiography, or to be contrasted, as an example of holy wisdom, with the shady record of the traditional wise man? The

¹ The normal form of the root is the *hiphil*, "to assemble" (transitive). The *qal*, therefore, should be the intransitive, "be assembled", and the feminine participle, since a feminine referent is not to be found in the context, should be an abstract, something like "assembledness, membership in the assembly" ($\delta\eta\muo\zeta$?).

² *Eccles.* 1, 12 f., 17; 2, 1-12; cp. *I Kings* 3; 5-7; 10-11.

notion of a challenge is more likely because here again the author did not call himself Solomon, though he could easily have done so. The text is not itself pseudepigraphic, but the book has been made so by misattribution.

This state of affairs is typical of most of the so-called "apocrypha and pseudepigrapha of the Old Testament", as well as of the late canonical romances. The framework of *Job*, *Jonah*, *Ruth*, *Esther*, the stories in *Daniel* and additions to it (*Susanna*, *Bel et Draco*), *I Esdras*, *Judith*, *III Maccabees*, the *Life of Adam and Eve*, the *Martyrdom of Isaiah*¹, the *Enoch* and *Noah* stories (as distinct from the revelations inserted in them)²—all these belong to a genre which may loosely be called "the edifying romance" and none is pseudepigraphic. Works apparently pseudepigraphic do occur in the form. *Tobit*, for instance, pretends at the beginning to be the memoirs of its hero, but the total lack of embarrassment with which the pretense is dropped in the middle of the story (3, 7) shows that it was never intended to be taken seriously. It is no more a pseudepigraphon than is the romance of Achilles Tatius, where the convention of narrative in the first person is maintained throughout. That the original intention of *Esther* was not much more serious is suggested by the absence of pseudepigraphy from the Hebrew text. Had the author been seriously concerned for propaganda he would surely have included transcripts of the Great King's edicts in favor of the Jews (the Greek version supplied them). To the same class belongs the Qumram *Genesis Apocryphon* where, as in *Tobit*, first person and third person narratives alternate in what is essentially a romance. To the same class, also, belong the *Testaments*

¹ Or, *Testament of Hezekiah*, supposing the common dissection is in the main correct.

² One might add other works (like *IV Maccabees*) here excluded because by literary form they belong to the Greco-Roman rather than the Israelite literary tradition.

of the *Twelve Patriarchs*, though in some of them moral romance gives way to pure moralizing or to eschatological prophecy. That such romance was not limited to Israelite literature and that literary works could cross ethnic frontiers is shown by the framework of *Ahikar*: The sayings themselves are anonymous, the romantic frame begins in the third person, but changes to the first. It was read by the Jews in Elephantine and was admired by the author of *Tobit*, who made *Ahikar* Tobit's nephew (1, 21). More serious than these, but not wholly free of romance, the first two books of the *Maccabees* are not pseudepigrapha, but anonymous. So are the great majority of the works found at Qumran. The anonymous prayers attributed to Azariah and Manasseh and the anonymous psalms attributed to Solomon have already been mentioned. The *Song of the Three Children* has been made a pseudepigraphon by the insertion of only one verse (88) which breaks the sequence of the thought; originally it was anonymous. From all this it is clear that among the so-called "Old Testament pseudepigrapha" the truly and originally pseudepigraphic works are a small minority.

Of this minority the most numerous group are letters and these are of two types. In *I*, *II*, and *III Maccabees* and in the Greek additions to *Esther* we find careful imitations, in form and content, of Greek official letters of the hellenistic period; there are more of this sort in *Josephus*. As far as form goes these do not belong to the Israelite literary tradition. I mention them only because they are found, as foreign bodies, in larger works which do belong to that tradition; thus they testify to the cultural syncretism of the new age. The letter of Darius in *Daniel* 6, 26-28 and that of the Jerusalem community in *I Baruch* carry on the tradition of the forged decrees of Cyrus and the other interpolated or forged official documents of near eastern style in *Chronicles*. Besides these, however, the letter of

Baruch, the letter of Nebuchadnezzar, and the letter of Jeremiah show us the rudiments of epistolary form imposed on, respectively, a confession of sins, a second confession combined with a miracle story and homiletic additions, and a diatribe against idols. These extensions of the letter form immediately remind one of Greek practice and may well be due to Greek influence, though the content—confession of sins, and so on—comes from Israelite tradition. The combination of confession of sins and miracle story is again found in the Qumran *Prayer of Nabonidus* which, with *Job*, *Ahikar*, and the Cyrus prophecies of *II Isaish*, is interesting as one of the rare examples of adoption of a non-Israelite hero into the Israelite literary tradition ¹.

Next in frequency to letters, among the preserved Israelite pseudepigrapha of the period before 70, come prophecies: *Daniel* 7-12, the remains of the book or books of Noah, most of *I Enoch*, perhaps the original form of *II Enoch*, and the pre-70 apocalypses in *II Baruch*² and *IV Ezra*³. These form the bulkiest and most striking body of pseudepigraphy from this period. Their characteristics, as opposed to earlier Israelite prophecy, have often been described and discussed—extended narration by the prophet speaking in the first person, explanations by angels, opening of the heavens, periodization of history, expectation of major cosmic changes, messiahs, leaders of the powers of evil, and related phenomena. Many foreign influences—Persian, Mesopotamian, Egyptian, and Greek—can be found, but I think it clear that the structures, as structures, both in literary form and in most of their essential ideas, are developments of the native Israelite tradition. Their antecedents

¹ Ruth, I believe, is the only non-Israelite heroine to have a book to herself before 70. Asenath and Thecla belong to a later age.

² Chs. 27-30, 1; 36-40; 53-74.

³ Chs. 4, 52-5, 13 a; 6, 13-29; 13.

are *Jeremiah* and *Ezekiel*, especially *Ezekiel*. Their authors' practice of pseudepigraphy is also derived from the Israelite tradition, particularly from the interpolations and additions to the books of the prophets. The choice of figures other than the major prophets may be explained in part by the fact that the prophets had their books already. What they had to say was known; new revelations should be put in the mouths of new, but prestigious, speakers. It may be, too, that some awareness of the danger of stylistic and historical criticism played a role here. To write a book of Baruch, Enoch, or Noah was easier than to write one of Isaiah or Jeremiah, because no genuine writings of these pseudepigraphic heroes existed to serve as standards of comparison.

However, this consideration did not prevent the forging of additional works for the greatest of the prophets, Moses. Such are *Jubilees* and the Qumran *Speech of Moses* (1 Q 22). These do show some awareness of the stylistic problem and attempt to meet criticism by imitation of various elements (unfortunately discrepant) of Pentateuchal style. In a general way, all of these Israelite pseudepigrapha imitate, more or less, Biblical style. That this was deliberate imitation, not the mere consequence of writing in Hebrew or Aramaic, can be seen from the difference between these and the legal and exegetic works of Qumran, the *Fasting Scroll*, and the earliest elements of the *Mishnah*, which show that new, non-Biblical, Hebrew and Aramaic styles were available.

In summary, then, we can say that Israelite literature was originally and customarily anonymous. When interest in history became acute in the 7th and later centuries B.C. a considerable number of anonymous works were falsely attributed to famous historical figures or to Yahweh conceived as a historical figure (that is to say, as acting in history). In many cases such false attribution was supported by changes in the text, usually minor. At the same time

and for much the same reasons deliberate forgery, that is, the writing of new works with the intention of passing them off as compositions of authors other than their own, appears. The first great representative of this genre is probably, but not certainly, the Deuteronomic code (*Dt.* 12-26 and 28), written shortly before 621 B.C. Its original attribution to Moses is dubious, but it was almost certainly intended to be passed off as an ancient document. For the next three centuries imitators of the Deuteronomist, the various prophets, and the priestly laws were active and a good deal of their work is preserved in the Old Testament.

The intensification of Greek influence after Alexander's conquest seems to have brought no essential change. Romances about legendary heroes and heroines flourished, but these had already begun in the Persian period and usually were not pseudepigraphic. Even when they were pseudepigraphic, the use of a false name was merely a literary device, not taken seriously. The forgery of letters became more popular, especially of letters by alien rulers which might have importance as legal precedents. This may reflect Greek influence; so may the extension of the epistolary form to serve new purposes. But the major pseudepigraphic forms of the period between Alexander and Titus—apocalyptic visions and Mosaic legal revelations—were direct outgrowths of the earlier Israelite tradition. It was typical of that tradition, too, that pseudepigraphy did not become the usual literary form, but remained occasional. The major religious pseudepigrapha—*Enoch*, *Noah*, *Jubilees* (and the *Testaments of the Twelve Patriarchs*, a romance associated with them) are interconnected and seem to be the products of a single group, or at most of closely related groups, and definitely sectarian, not representative of the literature or of the religion as a whole. The bulk of the literature of the Israelite tradition, throughout this period, seems to have remained, as it was before, anonymous.

DISCUSSION

M. von Fritz: Zum Beginn der Diskussion darf ich vielleicht darauf hinweisen, dass in dem Vortrag von Herrn Morton Smith noch zwei Gesichtspunkte aufgetreten sind, die für das Problem der Pseudepigrapha im Ganzen von Bedeutung sind:

1. Wir hatten zu Anfang beschlossen, die völlig 'unschuldigen' Pseudepigrapha, bei der keinerlei Absicht bestand, ein Werk einem andern Schriftsteller zuzuschreiben als demjenigen, der das Werk faktisch verfasst hatte, ausser Betracht zu lassen. Nun hat Herr Smith gezeigt, dass es noch eine Art der Pseudepigraphie gibt, bei der diese Absicht nicht bestand und trotzdem das Werk nicht ohne Absicht unter einen fremden Namen geraten ist: dann nämlich, wenn der Versuch gemacht wurde, den Namen des Verfassers einer anonymen Schrift oder den wahren Verfasser einer als unter falschen Namen überliefert betrachteten Schrift herauszufinden und dann aufgrund des Ergebnisses dieser Untersuchung das Werk einem bestimmten Schriftsteller zugeschrieben wurde, aber irrtümlich. Diese Art unbeabsichtigter Pseudepigraphie gehört natürlich zu den Gegenständen unserer Betrachtung.

2. Herr Smith machte darauf aufmerksam, dass wir methodisch dadurch irreführt werden können, dass die Werke erfolgreicher Fälscher, die wir irrtümlich als sicher echt betrachten, für uns zum Kriterium der Echtheit werden können, so dass wir dann gleich von Anfang in die Irre gehen. Das ist gewiss ein sehr wichtiger Gesichtspunkt.

Zunächst möchte ich jedoch zwei spezielle Fragen stellen:

1. Herr Smith sagte, die (oder viele) Apokrypha seien eigentlich keine Apokrypha. Ich habe mich immer gewundert, warum eigentlich die sogenannten Apokrypha in der Bibel Apokryphen genannt werden. Könnte Herr Smith darüber nähere Auskunft geben?

2. Im Jahre 411 v. Chr. wurde in Athen eine Kommission damit beauftragt, im athenischen Archiv nachzuforschen, ob sich dort Dokumente über die *πάτριος πολιτεία* oder die *πάτριοι νόμοι* fänden. Später wurden die Mitglieder der Kommission beschuldigt, gefälschte Dokumente untergeschoben zu haben.

Nun sind Dokumente immerhin leichter zu fälschen als ganze Bücher. Ist es möglich zu erklären, wie die Auffindung ganzer « gefälschter », besonders unter fremden Namen verfasster Bücher im Tempel in Jerusalem zustande kam?

M. Smith: As to how it happened that “The Apocrypha” came to be so called, I don’t remember. As to the Temple archives, the story about the finding of the law code gives us no information.

M. Hengel: Entscheidend war, dass das aufgefondene Gesetz dem König Josia vorgelegt wurde und er es akzeptierte (II *Kge.* 22, 10 ff.). Offenbar kam es seiner nationalen und religiösen Reform nach der tiefen Demütigung Judäas durch die Assyrer gelegen.

M. von Fritz: War dies im Wesentlichen auf die Zeit des Josia beschränkt?

M. Speyer: Über das Thema angeblicher und tatsächlicher Bücherfunde im Altertum handelt mein Buch: *Bücherfunde in der Glaubenswerbung der Antike* = *Hypomnemata* 24 (1970).

M. Syme: Is the incident at Jerusalem in 621 B.C. the first authentic case of a document being “discovered” in a temple or a tomb? The device had a long history thereafter and was naturally employed in fiction as well as for religious or political fraud: for example, Dictys of Creta or the Bernsteinhexe of P. Meinhold.

M. Speyer: In Rom sind die Bücher des Königs Numa, die der römische Senat nach ihrer Auffindung im Jahre 181 v. Chr. sogleich verbrennen liess, wohl der bekannteste Fall.

M. Smith : I don't know if the Deuteronomic code is the first document purportedly "found" in a temple. The theme was popular in Egypt and there may be older cases there, or in Mesopotamia.

M. Speyer : Parallelen zur Auffindung des *Deuteronomiums* unter Josia sind aus Antike, Mittelalter und Neuzeit in meiner genannten Abhandlung zusammengestellt. Ebd. S. 128 wurde bereits der Verdacht geäussert, dass es sich bei dem Fund unter Josia um eine in Szene gesetzte Bücherauffindung gehandelt hat. In der neueren Diskussion über diesen Bücherfund blieb der materialreiche Beitrag von S. Euringer, « Die ägyptischen und keilinschriftlichen Analogien zum Funde des Codex Helciae (IV *Kge.* 22 u. II *Chr.* 34) » in *Biblische Zeitschrift* 9 (1911), 230-43 und 337-49; 10 (1912), 13-23 und 225-37, zum Schaden der Sache ausser Acht.

M. Smith : Unfortunately $\alpha\pi\circ\kappa\rho\varphi\alpha$ does not mean "not to be read". It means "hidden away". Rabbinic judaism made a practice of hiding away books that were disapproved, and at first glance the term might seem to come from this. The apocrypha were hidden or, at least, rejected, but not secret books. However, it would be strange to find Christian authorities, at so late a time, taking over a rabbinic term, especially when they did not follow the rabbinic practice to which it referred.

M. Speyer : Die Bedeutung des Begriffes « Apokryph » haben R. Meyer - A. Oepke im *Theol. Wörterbuch zum NT* 3 (Stuttgart 1938) 959-99 ausführlich dargelegt; vgl. auch die Literatur im *Jahrbuch für Antike und Christentum* 8-9 (1965-6), 94 f., Anm. 59. Tertullian, *Pud.* X 12 verwendet den Begriff *apocryphus* neben *falsus*.

M. Thesleff : But surely the Greek word $\alpha\pi\circ\kappa\rho\varphi\sigma$ cannot have meant originally "what has to be hidden", but rather "what has

been hidden", whatever secondary connotations it may have received. What, precisely, does the corresponding Hebrew word mean?

M. Smith: The Hebrew *sepharim genuzim* (= *libri apocryphi*) can mean "books that have been hidden", or "that are hidden", or, loosely, "that ought to be hidden". The sense is not sharply limited.

M. Speyer: In Israel wurden manchmal Schriften wegen ihres religiös anstössigen Inhaltes verborgen und nicht vernichtet. Die Angst vor dem Gottesnamen führte wohl zu dieser Art der Beseitigung; Beispiele in meinem Artikel «Büchervernichtung» im *Jahrbuch für Antike und Christentum* 13 (1970), 126 f.

M. Alders: Die Christen haben die Apokryphen von der Synagoge, vom Judentum übernommen. Könnte man nicht versuchen von dorther die Bedeutung von $\alpha\pi\delta\kappa\rho\varphi\alpha$ zu ermitteln?

M. Smith: In the synagogues of rabbinic Judaism these works play no role to speak of. There are some references to private reading of Ben Sira and the *Books of the Maccabees*, but none to synagogal reading. That they were read in diasporic, non-rabbinic synagogues, and that the Christians took them over from such synagogues, are common suppositions, but we know almost nothing of these synagogues.

M. von Fritz: Das Problem der im Tempel gefundenen Bücher und das Problem der Apokryphen hängen also offenbar eng zusammen. Aber wie stand es damit bei den Griechen? Gab es da auch die beiden Bewertungen der Apokryphen, die positive und die negative?

M. Speyer: In der heidnischen Geheimliteratur besaß der Begriff 'Apokryph' eine positive Bedeutung.

M. Hengel: Statt der traditionellen mit dem Problem der Kanonizität zusammenhängenden Unterscheidung Apokrypha — Pseudepigrapha wäre eine andere Differenzierung sachgemässer :

1. Autorenliteratur, deren Verfasser bekannt ist.
2. Anonyme Literatur.
3. Pseudepigraphische Literatur (mit falschem Autorennamen).
 - a) entsprechend der Schultradition bzw. der literarischen Konvention.
 - b) echte, bewusste Fälschung.

In der jüdisch-palästinischen Literatur kommt die letzte Gruppe (3 b) nicht vor, sie findet sich erst in der jüdisch-hellenistischen Literatur. Zu beachten ist, dass diese Formen ineinander-übergehen können : das Geschichtswerk des Jason von Kyrene in 5 Büchern wird von einem anonymen Epitomator in ein Buch zusammengedrängt und ergänzt, es erhält dabei eine volkstümlich-erbauliche Form. Aus einem darin enthaltenen Märtyrerbericht macht dann ein anonymer Verfasser wieder einen philosophischen Traktat, das sogenannte *IV Makkabäerbuch*.

M. Smith : I should agree that there were many similarities between the Greek and the Israelite literary traditions from their beginnings, and that after they came in contact with each other mixed forms were produced which obscured the difference between the traditions. But I think it undoubted that the traditions were originally different and remained, on the whole, distinct. And I think the best criterion by which to assign works to one tradition or the other is form, since it is objective and comparatively indisputable.

M. Speyer : Man muss wohl auch die Frage stellen, ob nicht unter Umständen eine anonyme Schrift als Pseudepigraphon zu bezeichnen ist. Man denke an Schriften, die Urkunden nachahmen und nur aus erfundenen Geschichtstatsachen bestehen : Anonyme Berichte über das Leben und den Tod von Märtyrern

und Heiligen wollen zunächst als geschichtliche Darstellungen gelten. Kann die moderne Kritik diesen Anspruch bestätigen, so haben diese Schriften als echte Urkunden zu gelten. Derartige Berichte wurden aber im Altertum auch nachgeahmt. Die Nachahmungen sind gewissermassen Pseudepigrapha, unter Umständen sogar regelrechte Fälschungen. Entsprechend sind alle jene antiken Schriften zu beurteilen, die wir heute als anonym überlieferte Geschichtsromane bezeichnen. Im Altertum wurden Bücher, in denen geschichtliche Personen und Schauplätze vorkamen, als Geschichtsdarstellungen angesehen. So hat beispielsweise Sulpicius Severus die Bücher Esther und Judith als Geschichtsquellen ausgewertet (*II Chron.* 12 f. = *CSEL* I 67 f.). Kann man nachweisen, dass derartige anonyme 'Geschichtsromane' ausserliterarische Absichten verfolgen, so dürften sie wohl als Fälschungen beurteilt werden.

M. Hengel : Das Problem wird dadurch kompliziert, dass das Judentum ein anderes Verhältnis zur Geschichte besass, als wir heute.

Das Bild der Vergangenheit wurde immer wieder variiert und neuen Situationen angepasst und einzelne Details beliebig ausgestaltet. Dies zeigen die überfliessende palästinische Haggada wie auch die jüdisch-hellenistischen Geschichtswerke. Josephus wählt seine Quellen stark unter dem Gesichtspunkt ihrer Tendenz und Wirksamkeit aus, weniger unter dem ihrer Zuverlässigkeit. Mit moralischen Urteilen sollte man daher sehr zurückhaltend sein.

Im Grunde ist jede religiöse Schrift « Tendenzschrift » und man könnte vom modernen Standpunkt praktisch der ganzen jüdischen antiken Literatur « tendenziöse historische Fälschung » vorwerfen. Damit würde man jedoch nur den eigenen völligen Mangel an historischem Verstehen demonstrieren.

Das *Danielbuch* ist sicher ein Pseudepigraphon, aber es war auf dem Höhepunkt der Religionsnot als Trostschrift sinnvoll, ja notwendig.

M. Speyer : Man muss wohl zwischen pseudepigraphischer religiöser Literatur unterscheiden, die nur im Dienst eines höheren

Willens steht und ihm ihr Dasein verdankt — hierzu gehören vor allem Apokalypsen und Orakel —, und anderer pseudepigraphischer religiöser Literatur, die ausserliterarische Tendenzen verfolgt.

M. Aalders : Die Bemerkung Prof. Hengels über das jüdische Geschichtsverständnis scheint mir sehr wichtig. Die Juden sahen keinen Unterschied zwischen (profaner) Geschichte und Heilsgeschehen, für sie offenbarte sich ihr Gott in der Geschichte seines Volkes.

Nach jüdischer Ansicht ist die Geschichte wesentlich die Geschichte von Gottes Verhalten zu seinem erwählten Volk, die Geschichte der Errettung und Erhaltung dieses Volkes, inmitten einer feindlichen Welt, der bösen und gottlosen Welt des Hellenismus, durch die Hand Gottes.

M. Speyer : Die Wahl eines falschen Verfassernamens begegnet bei den Juden im grossen Masse erst in hellenistischer Zeit, gewiss unter dem Einfluss der griechischen Literatur. Im Hellenismus kamen zahlreiche Fälschungen vor, und der Begriff Fälschung war ganz geläufig (vgl. die Zeugnisse der antiken Echtheits- und Fälschungskritik in meinem Buch über *Die literarische Fälschung im Altertum*, 1971, 114-28 ; 152 f.). Methodisch ist es deshalb wohl nicht richtig, die jüdischen Pseudepigrapha der hellenistischen Zeit aus diesem Zusammenhang zu lösen.

M. Smith : Aristeas' letter is, by its form, a work of the Greco-Roman, not the the Israelite, literary tradition. As to classification of these works by the motives of their authors, that seems to me impracticable because in so many instances we are totally ignorant of their backgrounds.

M. von Fritz : Dann würde also hier Sir Ronald's Prinzip, dass man zuerst nach Zweck, Anlage und Motiv einer Verfassung von Schriften unter fremden Namen fragen muss, keine Anwendung finden?

M. Syme: On the question of motive: many classical *pseud-epigrapha* were produced, not for political or religious purposes, but for their own sake as pure literature.

M. Smith: Edifying literature can also be intended to amuse. Neither religious, nor even moral concern is an insuperable obstacle to the enjoyment of life. Consider *Esther*, for instance: as a religious work it tells of God's concern for Israel and his management of history to protect the Jews from the pagans, as a moral work it tells of virtue rewarded, as a political work it pleads for Jewish solidarity, and at the same time it is undoubtedly a story to be read for pleasure. How will you classify it by motive? Significantly, it becomes the center of a religious festival—*Purim*—which is one of the few major survivals in modern western religion of an important aspect of ancient religion—play, joking, mockery. The great examples are of course the Attic comedies, which were part of the festival of Dionysus and were presided over by his priest, so that in the *Frogs*, Dionysus can actually appeal to his priest to save him. Judaism never went so far as that, but *Purim* is a festival of fun, *Esther* is read in the synagogue to an accompaniment of rattles and rachets, cheers for Mordecai and curses for Haman, and there is a whole *Purim* literature of parodies and nonsense books, for reading on the festival. All this is—and is intended to be—religious, political, moral, and amusing. How should *Esther* be classified by motive?

M. Thesleff: Though I quite agree that disentangling the various motives and purposes of literary production often seems hopeless, I think we may, and indeed should, at least ask the question what motives are relevant in a particular case of pseud-epigraphon. In many cases we certainly can make a reasonable and acceptable distinction between *primary* and rather *secondary* and rather *irrelevant* motives.

M. Smith : I don't deny that there are some clear cases. My point is only that there are many obscure ones. Therefore an attempt to classify along these lines is not likely to be successful.

M. Hengel : Die Frage nach den Motiven bedeutet die Frage nach tieferen Gründen. Wenn wir verzichten, danach zurückzufragen, wird die Geschichte zur blossen Zusammenstellung von Fakten und damit uninteressant. Freilich wird der Historiker höchst selten nur einem einzelnen Motiv begegnen, sondern meistens ganzen Bündeln von Motiven.

M. von Fritz : Es kommen oft verschiedene Motive zusammen. Wie Eduard Schwartz in seinem Buch über den griechischen Roman gesagt hat, diente die Geschichtsschreibung zu einem grossen Teil demselben Bedürfnis wie heute der Roman : dem Bedürfnis nach spannender Lektüre ohne weiteren Zusatz.

Aber gegenüber der römischen Übermacht konnte die Geschichte Alexanders auch dem Bedürfnis nach nationaler Bestätigung dienen : wenn Alexander länger gelebt hätte, wären die Griechen jetzt Herren der Römer. Damit verband sich naturgemäß eine Verherrlichung Alexanders. Aber man konnte auch sogar aus ähnlichen Gründen, da Philipp und Alexander zuerst die Griechen unterworfen hatten, ihm gegenüber entgegengesetzte Gefühle haben mit der Konsequenz, in der historischen Darstellung seine Taten in möglichst negativer Beleuchtung erscheinen zu lassen (vgl. die Umdeutungen bei Curtius Rufus).

So diente zweifellos das *Estherbuch* verschiedenen Zwecken : der reinen Unterhaltung und der Befriedigung des Rachebedürfnisses an den Unterdrückern sowie der Erweckung der Hoffnung, es könne sich Ähnliches wiederholen.

M. Syme : On the "playfulness" of the Jewish haggada, on which Morton Smith says emphatic : propaganda (it can be said) may be humorous as well as serious, and it is the characteristic of the Jewish widings that they all have a religious and nationalistic purpose.

M. Burkert : Haben die Juden einen anderen Wahrheitsbegriff, insofern 'ämät Wahrheit und Treue — Treue zu Gott und zum Volk — zugleich bedeutet?

M. Hengel : Offenbar hatte das antike Judentum — wie überhaupt Menschen, die in einem vorwissenschaftlichen, mythischen Weltbild leben — einen anderen historischen Wirklichkeitsbegriff als wir heute. Vieles was wir als Widerspruch empfinden, wurde durchaus nicht als solcher empfunden oder durch eine für uns unmögliche exegetische Beweisführung aufgelöst.

M. Smith : Of the contradictions in the *Old Testament* the serious ones, for the ancients, were those between laws, since these led to practical problems. When the priestly redactors of the *Pentateuch*, in Jerusalem after the exile, put side by side collections containing contradictory laws, they were compiling a work to be used as the authoritative code of the temple and, probably, the province. Therefore they must have had some system of exegesis by which these apparent contradictions could be eliminated and a single, workable law determined. This is not surprising, since it is generally supposed that the codes themselves were compiled from earlier oral law, and certainly cannot have included all of it. Therefore beside the written laws there must always have been a considerable body of oral law, and this will presumably have included from the earliest times some methods of interpretation. Accordingly the legal contradictions in the *Old Testament* are not to be taken as evidence of a sense of reality different from ours. Instead, they are evidence of the existence of a system of harmonistic exegesis.

M. Hengel : Dieses andere Wirklichkeitsverständnis eines vorwissenschaftlichen Denkens wirkt bis heute noch. Ein Beispiel : Ein Pfarrer machte in einer Diskussion über Widersprüche in der Bibel auf die verschiedenen Chronologien der Könige in den *Königs-* und *Chronikbüchern* aufmerksam. Ein Gemeindeglied ant-

wortete : « Oh Herr Pfarrer, mir macht das nichts aus, ich glaub' beides. »

M. Smith : A great deal of the haggada and the fantastic stories or earlier times—*Tobit*, for instance—are to be explained by reference to the playful side of religion. Admittedly, Israelite and ancient Jewish mentality differed from ours, they were not so much concerned about historical accuracy, and so on. But I should locate the difference mainly in things like conception of religion, rather than conception of "reality" which is, to a considerable extent, experimentally determined and therefore relatively uniform. "Reality" makes itself felt.

M. von Fritz : Kann man nicht eine Art historische Erklärung für den angeblichen verschiedenen Wirklichkeitssinn geben?

Die Gebote der Juden wurden alle als Gebote Gottes betrachtet. Wenn sie einander widersprachen, musste notwendigerweise der Versuch gemacht werden, eine harmonisierende Erklärung zu geben.

Nietzsche sagt : Wenn ich mir einer Sache bewusst bin, die meiner Selbstachtung abträglich ist, entsteht ein Kampf zwischen meinem Gedächtnis und meinem Wunsch nach uneingeschränkter Selbstachtung. Schliesslich gibt mein Gedächtnis nach. So musste hier der Wirklichkeitssinn, auch wenn er durchaus wie bei andern vorhanden war, vor der unmöglichen Situation kapitulieren.

M. Smith : I suppose the contradictions in historical works may be due to mere slovenliness or lack of scholarship, the fantastic stories and haggadic material are often playful, and the contradictions between laws are evidence of the existence of a system of oral harmonization. None of these, therefore, implies a different sense of reality, though I should not deny, of course, that the Israelite and ancient Jewish notion of reality was considerably different from ours.

M. von Fritz: Ich möchte nur die Entwicklung eine Stufe weiter zurück verfolgen: um widersprechende Gesetze in dem *Pentateuch* aufnehmen zu können, mussten sie vorher harmonisiert werden. Aber um ihre Harmonisierung notwendig zu machen, mussten sie erst einmal unharmonisiert mit dem Anspruch, Gebote Gottes zu sein, existiert haben.

M. Smith: It is generally recognized that the *Pentateuch* contains legal material from at least two major schools — the Deuteronomic and the priestly — and that the laws of these two schools differ on a number of significant points. I think it possible that the schools may have represented not only different legal traditions, but different and to some extent opposed social groups, and that the *Pentateuch* may thus be the product of compromise. For this compromise, and the consequent compilation, some system of harmonistic exegesis would have been prerequisite.

M. von Fritz: Da der Vortrag von Herrn Hengel dasselbe Gebiet behandeln wird wie das von Herrn Smith, wird die Diskussion des Beitrags von Professor Smith nach dem Vortrag von Herrn Hengel fortgesetzt werden können.

