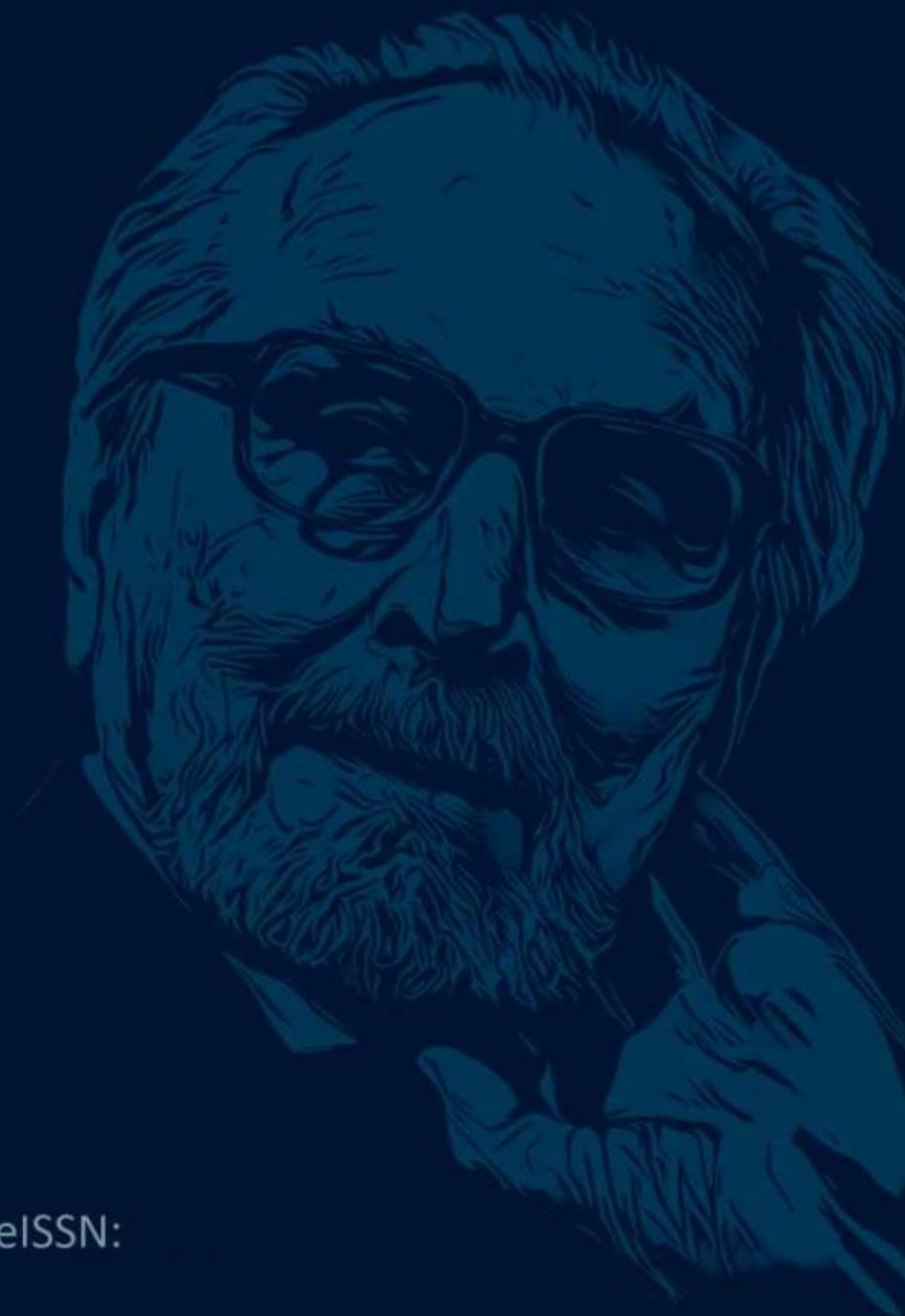
KS Studies

Journal for Christian theology
and religious studies



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Contents

Editorial

It is with immense satisfaction that we present the inaugural issue of *KS Studies*, a new scholarly journal dedicated to advancing research in Christian theology and religious studies. This venture builds upon the esteemed legacy of *Studie* (1958-1991), a journal founded and published by Czech theologians who, during the oppressive communist regime that gripped Czechoslovakia from 1948 to 1989, sought refuge abroad.

The intellectual force behind *Studie* was the eminent theologian and scholar Professor Karel Skalický. Having also served as a distinguished professor at the Lateran University in Rome, Professor Skalický returned to his homeland after the fall of communism, becoming Dean of the Faculty of Theology at the University of South Bohemia, where he remains an esteemed emeritus professor.

The name 'KS Studies' is a fitting tribute to Professor Skalický, honouring his profound contributions to the field and his unwavering commitment to fostering international scholarly dialogue. This journal, born from the spirit of his intellectual pursuits, aims to provide a platform for rigorous and insightful research from scholars worldwide.

The University of South Bohemia has generously supported the establishment of *KS Studies*, recognising its potential to enrich academic discourse. We adhere to the highest standards of scholarly rigour, subjecting all submissions to a rigorous peer-review process to ensure the publication of only the most exceptional research.

This inaugural issue explores the multifaceted dimensions of the biblical book of Deuteronomy. All of these articles stem either from the current research project of 'Capital offences in the Deuteronomic Code, and their early linguistic recontextualization', funded by the Grant Agency of the Czech Republic, or from the related conference at our Faculty of Theology in February 2024: 'The Bible, the Language and the Context Recontextualization Of The Hebrew Bible In Antiquity'.

- **Eveline van Staalduine-Sulman** delves into the complex narrative of 1 Samuel 14, analysing how early Jewish and Christian sources attributed responsibility for the limited victory over the Philistines to Saul or Jonathan, highlighting the influence of historical context on these interpretations.
- **Eberhard Bons** examines the crucial principle of individual responsibility enshrined in Deuteronomy 24:16 ('Parents shall not be put to death for their children, nor children for their parents'), tracing its interpretation in the works of

Philo and Josephus and exploring their understanding of individual and vicarious punishment.

- **David Vopřada** investigates Ambrose of Milan's profound exegesis of Deuteronomy, emphasising his understanding of the book as a cornerstone of moral instruction. The analysis highlights Ambrose's innovative approach, drawing upon classical philosophy and Christological interpretations to shape a Christian understanding of self-knowledge and ethical responsibility.
- **Julius Pavelcik** offers a meticulous synchronic interpretation of Deuteronomy 21:1-9 as presented in the Greek Septuagint. By focusing solely on the Greek text, this analysis aims to understand how an ancient Greek reader might have perceived and interpreted the unique ritual described in this passage, emphasising its theological significance within the context of the Greek Pentateuch.

We invite you to explore these insightful articles within this inaugural issue, and we encourage you to join us in shaping the future of scholarly discourse in Christian theology and religious studies through your contributions to *KS Studies*.

Rudolf Svoboda

Dividing the Blame:[1] Saul's Curse and Jonathan's Breaking of It in 1 Samuel 14:24-45

Eveline van Staalduine-Sulman

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Abstract:
The narrative of 1 Samuel 13-14 tells how Saul and Jonathan begin to free Israel from the power of the Philistines (cf. 1 Sm 9:16). The narrative concludes, however, with the remark that 'Saul withdrew from pursuing the Philistines, and the Philistines went to their own place' (14:46). The victory over the Philistines was not big enough to keep them from coming back again and again. Who is to blame for this? Early Jewish and Christian sources tend to blame either Saul or Jonathan, although some look at the hesitant attitude of Saul's army. The sources are read in their historical environment: each environment triggers another way of reading this story and thereby another person to blame.

Keywords:
1 Samuel 14, Saul and Jonathan, fasting, perjury, oath, curse

Introduction

The narrative of 1 Samuel 13-14 tells how Saul and Jonathan begin to free Israel from the power of the Philistines (cf. 1 Sm 9:16). The narrative concludes, however, with the remark that 'Saul withdrew from pursuing the Philistines, and the Philistines went to their own place' (14:46). The victory over the Philistines was not big enough to keep them from coming back again and again. Who is to blame for this is one of the themes of chapter 14. Is it the army who heard Saul's curse, but did not warn Jonathan before he ate from the honeywell (cf. Lv 5:1)? Is it Jonathan who keeps his father at a distance and therefore accidentally falls under his curse? The outcome of the drawing of lots seems to suggest so (14:42). Or is it ultimately Saul's fault because he had pronounced a curse on eating and thereby endangered both the army and Jonathan? This is the opinion of Jonathan seeing how exhausted the people are (14:29-30), although it should also be noted that the author seems to support Jonathan's opinion by noting only one verse later that the people are even 'extremely exhausted' (14:31).

[1] This article is an improved and expanded version of a lecture given during the conference 'The Bible, the Language and the Context: Recontextualisation of the Hebrew Bible in Antiquity', held at the University of South Bohemia, České Budějovice, 26th-28th February 2024.

At the end of the narrative the reader is left wondering what had actually happened and certainly how the author thought God would have viewed this. Could God have been pleased with the outcome, while Saul did not keep his curse and his oath, and while Jonathan acknowledged his guilt but was not punished in any way? Should the story not have ended with some kind of atonement ritual, for example with a sin offering[2] or financial compensation[3] for Jonathan's guilt? Why is it that Jephthah felt obliged to sacrifice his only daughter because of his oath and Saul can get away with doing nothing in exactly the same situation?[4] These issues around guilt and redemption have been the research questions of this lecture. I will follow the lead from the Hebrew text to ancient Bible translations and Josephus, and then further to early Jewish and Christian authors reflecting on this narrative.

Ancient Translations and Josephus

The translation of the Septuagint does nothing to diminish Jonathan's guilt, but the part of the narrative focusing on Saul's curse and all its consequences (14:24-46) starts by framing Saul as the guilty one: 'And Saoul was ignorant with great ignorance[5] in that day, and he laid an oath on the people…' (14:24).[6] Saul did not realise, according to LXX, what he was doing when he forced his army into a fast on the day of this battle. While Jonathan was just ignorant of the oath, Saul's ignorance surpassed Jonathan's by far. The LXX makes Saul's curse even more difficult to accomplish by adding that all the land ate their meal at that time (14:25). The Greek story ends with two interventions by the people. First, they claim the right to decide what happens to Jonathan on the basis of their achievements: 'The Lord lives; shall a hair of his head fall to the ground?—for the people of God wrought this day' (14:45). Second, they pray for Jonathan (14:45), suggesting that his guilt must somehow be reconciled before, or forgiven by, God.

Some elements from the Greek translation are integrated into Josephus' retelling of this narrative, but in an exaggerated way.[7] Saul is blamed at the very start, although Josephus also tries to explain his stupidity:

> whether through exultation at a victory so unexpected—for men are apt to lose control of reason when thus blest by fortune—or through ignorance, he rushed into a dreadful and very blameworthy deed. For, in his desire to avenge himself and to exact punishment from the Philistines, he invoked a curse upon the Hebrews…[8]

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[2] The suggestion seems to be implied in BT Sabbath 95a; Bava Batra 80b.

[3] So R. Eliezer in Midrash Shmuel 17.3.

[4] For the similarities and differences in theme, storyline, and groups of characters (father, child, community), see Kyung-ji Ha, 'An Intertextual Study of Jephthah's Community ('Judges 11') and Saul's community ('1 Samuel 14')', *Literature and Religion* 25.4 (2020), 139-161.

[5] The wording of Saul's ignorance bears no allusion to LXX Leviticus 5:15, whereas the ignorance of Jonathan will be linked to this Torah verse in Jewish sources.

[6] All the English LXX quotations come from Albert Pietersma and Benjamin G. Wright, *A New English Translation of the Septuagint* (New York & Oxford: Oxford University Press, 2007), in this case 258-59.

[7] The retelling of chapters 13-14 is found in Flavius Josephus, *Jewish Antiquities*, VI.95-129. Michael Avioz, 'Josephus' Retelling of the Jonathan Narratives', *Journal for the Study of the Pseudephigrapha* 22.1 (2012), 68-86, esp. 75, concludes that Josephus used both the MT and the LXX tradition.

[8] Flavius Josephus, *Jewish Antiquities*, VI.116-117. English translations are taken from H.St.J. Thackeray and Ralph Marcus, *Josephus Jewish Antiquities, Books V-VIII* (Loeb Classical Library; Cambridge: Harvard University Press & London: William Heinemann, 1988).

At the same time, King Saul is also depicted as very pious:[9] *he* summons the priest to inquire of God instead of the other way around (VI.122) and he quotes Isaiah 65:24 in his explanation of God's silence (VI.123). His oath to kill the perpetrator is made because he wants to 'propitiate God', not only to revenge himself (VI.124) and he is said to 'respect his oath more than the tender ties of fatherhood and of nature' (VI.126).[10] Jonathan is depicted as noble and magnanimous in surrendering to his father's wishes (VI.127), which made the people 'move to grief and sympathy' (VI.128). Jonathan's speech shows his willingness to die on behalf of his father and in order to secure a victory over the Philistines. This is one of the many instances of glorifying martyrdom in the works of Josephus.[11] Jonathan himself diminishes his guilt by answering Saul's question on what he had done: 'Of nothing, father, save that yesterday, all ignorant of that imprecation and oath of thine… I tasted a honeycomb' (VI.126). In the end, it is the people who objected, 'not only to protect the heroic son of the king, but also to restore the king to his own values': Saul himself had refused to execute his opponents after his victory over the Ammonites with the words, 'it would be improper to defile by bloodshed the victory God has given and to celebrate the festival by the mutual murder of their relatives'.[12] The people, therefore, pray for the young man—as was stated in the Septuagint—and Josephus explicitly adds the aim of their prayer: 'that [God] would grant him absolution from his sin' (VI.128).[13]

Another picture is sketched in Targum Jonathan, which translates rather literally, except for some small details. The start of the narrative on the curse seems to shift the blame to the people. They 'kept themselves at a distance' and therefore Saul made them swear the curse that is also in the Hebrew text, pressing the people to take ownership of the revenge on their enemies (TJ 1 Sm 14:24).[14] The end of the narrative takes the blame away from Jonathan, at least according to the people. They swear: 'As the Lord is the existing One, there shall not a single hair of his head fall to the ground, for it is revealed before the Lord that he did so accidentally (בשלו) this day' (TJ 1 Sm 14:45).[15] The lack of any compensation or prayer seems to imply that his accidental breaking of the curse does not count. And since the people were the owner of the curse, they could also decide to withdraw the curse or to refrain from its consequences.

In short, the early Greek versions look to Saul as the ultimate guilty one: he started with his curse and thereby endangered the people and his own son Jonathan. Also, Targum Jonathan takes the blame away from Jonathan. The two translations strengthen the position of the people by making them owner of the victory (LXX) or owner of the curse (TJon). There is a difference of opinion concerning Jonathan's guilt: the Greek sources state that there was guilt and it had to be forgiven, while the Aramaic source uses Jonathan's ignorance as a sign of the absence of guilt.

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[9] For the ambivalent character of King Saul in Josephus' writings, see Louis Feldman, 'Josephus' Portrait of Saul', *Hebrew Union College Annual* 53 (1982), 45-99, esp. 56: 'In case of Saul, Josephus was faced with the problem of trying to reconcile the praise of one hero with an even greater praise of his mortal foe, David…'

[10] Although this might seem a negative assessment of Saul, Philo of Alexandria in his *Special Laws*, 1.315-316, exhorts his readers to punish false prophets, even of their own blood 'taking little thought for the ties which bind us to him'. Obeying God is better than giving in to the 'tender ties of fatherhood'. Gratitude is due to Sarah Pearce, who pointed out this fragment from Philo to me. See also the assessment of Feldman, 'Josephus' Portrait of Saul', 83.

[11] Michael Avioz, *Josephus' Interpretation of the Books of Samuel* (Library of Second Temple Studies, 86; London: Bloomsbury, 2015), 50.

[12] Ibid., 47. Josephus' quote comes from *Jewish Antiquities*, VI.82.

[13] See also Avioz, 'Josephus' Retelling,' 75.

[14] See Eveline van Staalduine-Sulman, *The Targum of Samuel* (SAIS, 1; Leiden: Brill, 2002), 312.

[15] Translation from ibid., 317. The Aramaic word is similar to the word for 'sinning accidentally' in Targum Onkelos Leviticus 5:15 as well as Targum Neofiti and Targum Pseudo-Jonathan in this verse.

Rabbinic Discussions

A few places in the Babylonian Talmud show references to the story of Saul's curse and its consequences. There is a discussion on the question of whether Saul's curse counts as an oath or not (BT Shevuot 36a). In the lists of haphazard requests Saul is mentioned, not with regard to his curse, but with regard to his promise to give his daughter to the soldier who would conquer the giant Goliath (Genesis Rabbah 60:3; BT Taanit 4a).[16] It is remarkable that the lists put Saul and Jephthah in succession, but do not draw the parallel between their children, who were both threatened to be killed by their father.[17] The guilt of Jonathan is acknowledged, even if he acted unwittingly: he is mentioned as an example for someone 'who removes honeycombs, even if he did so unwittingly on Shabbat' and is therefore 'liable to bring a sin-offering' (BT Shabbat 95a).

Later Jewish literature also acknowledges Jonathan's guilt, for example, Pirkei deRabbi Eliezer (eighth-century Italy[18]) in the context of 'the ban' (חרם). Saul is described as a wise and pious king, who saw that 'the Philistines [were] returning against Israel, and he knew that Israel had trespassed in the matter of the ban'.[19] He could see in the twelve stones of the twelve tribes that Benjamin was guilty, because 'its stone was dim'. When 'he took his sword to kill his son', the people saved Jonathan by saying 'O lord king! It was an unintentional sin (שגגה)!' The last word is an allusion to Leviticus 5:15. PRE seems to follow the reasoning of Targum Jonathan, except that R. Eliezer explicitly acknowledges Jonathan's guilt and has the people bring a burnt offering on behalf of Jonathan's sin—not a guilt offering, as Leviticus prescribes.

Midrash Shmuel, discussed here because it is an amalgam of earlier and later quotations,[20] quotes Rabbi Eliezer, but instead of referring to an offering he supposed that the people paid Jonathan's weight in gold (משקלו זהב) to redeem him from his guilt. After this quote, Midrash Shmuel cites a discussion, in which R. Johanan appears to deny Jonathan's guilt, because he ate honey and no bread (לחם)—and Saul only mentioned the word bread (לחם) in his curse (1 Sm 14:24). R. Shimon ben Lakish responds that Jonathan did eat something against his father's intentions, implying that he needed redemption.[21]

Although early Jewish sources acknowledge that Jonathan sinned unintentionally, they also come to the conclusion that atonement must be made for Jonathan. Three solutions were offered for this atonement (sin offering, burnt offering, compensation), but no one adopts the LXX solution of prayer. No one is blaming Saul for cursing or swearing too fast. He is described in a neutral way or as a pious king.

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[16] See Klaas Spronk, 'Jephthah and Saul: An Intertextual Reading of Judges 11:29-40 in Comparison with Rabbinic Exegesis', in Klaas Spronk and Eveline van Staalduine-Sulman, *Hebrew Text in Jewish, Christian and Muslim Surroundings* (Studia Semitica Neerlandica, 69; Leiden: Brill, 2018), 23-35, esp. 26.

[17] See all the parallels between the two narratives in ibid., 33-35.

[18] Joseph Jacobs and Schulim Ochser, 'Pirḳe de-Rabbi Eli`ezer', *Jewish Encyclopedia*, https://www.jewishencyclopedia.com/articles/12185-pirke-de-rabbi-eli-ezer.

[19] *Pirkei DeRabbi Eliezer* 38, translation from Sefaria, accessed 14th February 2024, https://www.sefaria.org/Pirkei_DeRabbi_Eliezer.38.20?lang=bi.

[20] To be dated before Rashi (1040-1105), because he quotes from it. Wilhelm Bacher and Jacob Z. Lauterbach, 'Samuel, Midrash to', *Jewish Encyclopedia*, https://www.jewishencyclopedia.com/articles/10809-midrash-shemuel describe it as 'a collection of sentences found in (…) midrashim and referring to the books of Samuel. The editor arranged the sentences in the sequence of the Scripture passages to which they refer.'

[21] So Midrash Shmuel 17.3, Sefaria, accessed 14th February 2024, https://www.sefaria.org/Midrash_Shmuel.17.3?lang=bi&with=all&lang2=en. Rashi used Jeremiah 11:19 to prove that the word 'bread' includes all food.

Chrysostom's Sermons

Similar to the Jewish lists of haphazard requests, John Chrysostom (c.345-407) gives a list of oaths in the Old Testament after which people suffer the consequences of this oath. In his thirteenth homily on Acts, Chrysostom mentions the tribe of Benjamin (Jgs 21), Saul (1 Sm 14), and Joshua (Jo 9).[22] He concludes by saying that Saul perjured himself.

Swearing and perjury are topics that are mentioned in almost every single sermon of Chrysostom's series of homilies on the statues.[23] This series of homilies was held during Lent of the year 387. In that year Emperor Theodosius I imposed a tax, but people in the city of Antioch revolted, culminating 'in the overturning of the imperial statues'.[24] Afterwards, the populace feared that the emperor would command the entire city to be destroyed. It was only in the third week of Lent that people heard that the sentence was not total destruction, although many members of the city council 'were arrested and tried, some being condemned to death, others to exile'. Some monks sent a petition to Theodosius begging for mercy, but it was 'not until just before Easter that Theodosius' full pardon becomes known and complete calm returns to Antioch'.[25] These events gave Chrysostom plenty of material for his series of homilies during Lent.

The fourteenth sermon of the series is entirely devoted to the prohibition of swearing, because people swore too easily and too quickly, leading to grief for the one who pronounced the oath—'both when violated and when kept'.[26] Chrysostom starts his sermon with a simple example to show how perjury is an easy result of quick oaths:

> Thus, oftentimes when we are dining at home, and one of the servants happens to do amiss, the wife swears that he shall be flogged, and then the husband swears the contrary, resisting, and not permitting it. In this case, whatever they may do, perjury must in any case be the result; for however much they may wish and endeavour to keep their oaths, it is no longer possible…[27]

The rest of the sermon consists of a retelling of 1 Samuel 14:24-45. Since Chrysostom was very much opposed to swearing (based on Mt 5:34), he starts his retelling by blaming Saul, because he 'did that which was altogether opposite to what he desired, by swearing that no one should eat any food until evening, and until vengeance was taken of his enemies. What, I ask, could have been more senseless than this?' Having explained that soldiers need food in order to be able to deliver their physical work—and thereby taking Jonathan's viewpoint from the narrative—he continues by explaining that Saul created a pitfall for both his soldiers and for his son Jonathan, because in the end it is Saul who 'impelled Jonathan to the trespass'.[28] It is at this point of his retelling that he makes the comparison with Jephthah who fell into his own pitfall by his oath.[29]

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[22] At the end of Chrysostom, *Homily 13 on the Acts of the Apostles*, New Advent, https://www.newadvent.org/fathers/210113.htm.

[23] Frans van de Paverd, *St. John Chrysostom, the Homilies on the Statues: An Introduction* (Orientalia Christiana Analecta, 239; Rome: Pont. Institutum Studiorum Orientalium, 1991), 5. At the same time Gregory of Nazianzus is opposed to taking oaths, for example, in his *Carmina Moralia* I.2.24; see Moshe Bildstein, 'Swearing by the Book: Oaths and the Rise of Scripture in the Roman Empire', *Revue genevoise d'anthropologie et d'histoire des religions* 12 (2017), 53-72, esp. 68-69.

[24] Van de Paverd, *St. John Chrysostom*, xxi. See pp. 21-23 for more about the revolt.

[25] Van de Paverd, *St. John Chrysostom*, xxi.

[26] Chrysostom, *Homilies on the Statues*, 14.3, New Advent, https://www.newadvent.org/fathers/190114.htm.

[27] Ibid.

[28] Ibid., 14.8.

[29] Ibid., 14.7.

Saul further constricts himself with a second oath, 'even while the offender was not produced yet'.[30] When retelling the third oath by Saul, Chrysostom sighs: 'He did not learn self-control!'[31] And when the people swore that Jonathan would not die, he comes to his conclusion, parallel to his opening example: 'Of necessity then it followed, that the oath must in any wise be broken through. For it were impossible that all these should keep their oaths.'[32] The final result is that the Philistines were not conquered and the people of Israel continued to suffer under their attacks: 'the capture of their cities, as well as of their wives and children; the ravages of fire, the invasion of barbarians, the pollution of sacred things, and ten thousand other evils yet more distressing.'[33] His overall statement is that everyone—Saul, Jonathan, and the people—are guilty of perjury or breaking someone else's oath.[34]

In the end, Chrysostom compares abstinence from swearing with the abstinence from bathing that is imposed by the emperor, for one of the immediate punishments of the city had been the closing of the baths.[35] Chrysostom admits that not bathing is difficult[36] and can even be unhealthy, but not swearing which is

> exceedingly easy, and brings no injury at all; none to the body, none to the mind; but, on the contrary, great gain, much safety, and abundant wealth. How then is it anything but absurd, to submit to the greatest hardships, when an Emperor enjoins it; but when God commands nothing grievous nor difficult, but what is very tolerable and easy, to despise or to deride it, and to advance custom as an excuse?[37]

With a last reference to Ben Sira 23:10, Chrysostom strengthens the link between oaths and sin: 'For as a slave who is constantly under scrutiny will not lack bruises, so also the person who always swears and utters the Name will never be free from sin.' This is the line of his entire sermon: Saul uttered a curse and two oaths, and that caused the people to trespass against the prohibition to eat blood, Jonathan to break the fast, Saul himself to commit perjury, and the Israelites to suffer under the extended control of the Philistines. The lens of the forbidden oath, used by Chrysostom to explain this narrative, means that he adopts Jonathan's viewpoint and blames Saul. In the process, he neglects to pay attention to the question of guilt with regard to Jonathan.

Latin Church Fathers

A totally different perspective on Saul and Jonathan is given by Latin Church Fathers. Saul is the pious king in these writings, declaring a solemn fast, and Jonathan is the one violating it. Two authors even accuse Jonathan of gluttony, one of the capital sins.

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[30] Ibid., 14.11. In section 14.12 he explains how stupid it was to make the threat of the death penalty at that moment, because no one would be willing to produce the offender in this situation. Saul 'again does that which is directly contrary to what he desires'.
[31] Ibid., 14.12.
[32] Ibid., 14.13.
[33] Ibid., 14.14.
[34] Ibid., 14.7 and 14.13.
[35] Van de Paverd, *St. John Chrysostom*, 78.
[36] Chrysostom in sermon 18 mocks the people who say they cannot tolerate the closure of the baths: 'How many months, I ask, how many years have passed? You have not yet been shut out from the baths for twenty days, and you are so much distressed and discontented as if you have continued without washing for a whole year!' Van de Paverd, *St. John Chrysostom*, 347.
[37] Chrysostom, *Homilies on the Statues*, 14.15.

Tertullian (c.155-c.220), in his treatise on fasting, refers to Saul as an example in that he had declared a fast until the end of the day. He then refers to Jonathan and describes him as having 'been convicted of gluttony, although of a simple kind'.[38] This is in line with the beginning of his treatise, where he accuses the Psychics of being against fasting because they are 'bursting with gluttony'.[39] Tertullian takes into account mitigating circumstances, such as Jonathan's ignorance and the little bit of honey he ate, but still Jonathan was only 'exempted from punishment through the prayer of the people'.[40] The reference to the people's prayer shows that Tertullian used the LXX tradition as his basic text. Likewise in his treatise against Marcion, Tertullian states that Jonathan's 'guilt of a violated fast' (*resignati ieiunii culpam*)[41] was forgiven by supplication. He continues by stating that God 'will have mercy rather than sacrifice, and a sinner's repentance rather than his death'.[42]

Jerome (c.342-420) also uses the LXX tradition[43] in his treatise against Jovinianus, where he defends abstinence in his second book. He mentions several examples of fasting from the Old Testament, among which is Saul's proclamation of the fast.[44] He ends his example by mentioning that 'the prayers of the people barely saved' Jonathan.[45] He also refers to Jonathan in his treatise against the Pelagians, where he argues that ignorance 'is not without sin' in his first book: '[Jonathan's] life was in danger because he acted through ignorance.' The prayer of the people led to his salvation: 'And he was subsequently delivered through the intercession and prayers of the people.'[46]

Maximus of Turin (c.380-c.465) places a reference to Jonathan in the context of Lent, clearly in a time of an impending war.[47] The forty days of fasting was 'most holy', as he states in his fiftieth sermon.[48] Fasting during Lent was obligatory:

> Just as fasting during the rest of the year is profitable, so not to fast during Quadragesima is sinful. For the one fast is voluntary, the other necessary; the one comes from free choice, the other from the law; to the one we are invited, to the other obliged.[49]

In sermon 69, Maximus compares fasting with a wall against the enemy. It may make the Christian physically weak, but the apostle Paul had already stated that he is strong, when he is physically weak (2 Cor 12:10). Maximus therefore exhorts his hearers to 'observe the fasts of 40 days without

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[38] Tertullian, *On Fasting*, 10, in John R. Franke, *Joshua, Judges, Ruth, 1-2 Samuel* (Ancient Christian Commentary on Scripture, OT IV; Downers Grove: InterVarsity Press, 2005), 249.
[39] Tertullian, *On Fasting*, 1, New Advent, https://www.newadvent.org/fathers/0408.htm.
[40] Tertullian, *On Fasting*, 10, in Franke, *Joshua*, 249.
[41] C. Moreschini, *Tertulliani Adversus Marcionem* (Milan: Instituto Editoriale Cisalpino, 1971), 183.
[42] Tertullian, *Against Marcion*, IV.10, New Advent https://www.newadvent.org/fathers/03124.htm.
[43] Absent in his translation of 1 Samuel 14 of the Vulgate.
[44] Jerome, *Against Jovinianus*, II.15, in Franke, *Joshua*, 248-49.
[45] Jerome, *Against Jovinianus*, II.15,
[46] Jerome, *Against the Pelagians*, I.33, in Franke, *Joshua*, 251.
[47] Andreas Merkt, *Maximus I. von Turin: Die Verkündigung eines Bischofs der frühen Reinchskirche im zeitgeschichtlichen, gesellschaftlichen und liturgischen Kontext* (Leiden: Brill, 1997), 45, supposing that the sermon on Saul and Jonathan was held in 402, when Turin was threatened by Alaric I of the Visigoths.
[48] Maximus of Turin, *Sermon*, 50.1, in Boniface Ramsey, *The Sermons of St. Maximus of Turin* (Ancient Christian Writers, 50; New York: Newman Press, 1989), 119.
[49] Maximus of Turin, *Sermon*, 50.1. Prayer, fasting, and alms were the three weapons of faith, frequently recommended by Maximus: see Ramsey, *The Sermons*, 63. Ramsey shows on p. 160 that the obligatory character of fasting during Quadragesima is based on biblical examples in the sermons.

intermission'.[50] At the end of his sermon, he mentions the example of Jonathan to illustrate how one person breaking the fast can affect an entire nation: '… and by the crime of one person weakness is produced in all, for the army's strength failed when the observance of the fast failed.' The people's weakness is, according to Maximus, not caused by a lack of food, but by Jonathan's breaking of the oath! Maximus praises Saul as 'obviously a good king, who overcame his enemies not so much by arms as by devotion and who fought more by piety than with spears'.[51] That Saul immediately recognised that God's silence was due to a sin means that he used to announce fasts during battle more often. This exemplary king did not want to spare his own son: 'See how religious was the behaviour of Saul the king, who desired to pacify the offended Lord even by the slaying of his kin!'[52] It is, therefore, that Maximus concludes that the guilt of a broken fast can 'only be punished by the shedding of blood'. That Jonathan was unaware of the proclamation of the fast did not count.

Pope Gregory I (c.540-604) agrees with Tertullian's assessment that Jonathan's sin must be seen as a form of gluttony. In his moral reflections on the book of Job he states that 'Jonathan indeed deserved the sentence of death from his father's mouth, because by tasting honey he anticipated the mealtime Saul had decreed'.[53] Eating too early is one of the five types of gluttony, states Gregory, referring to more biblical examples, such as Eli's sons who 'would not accept boiled meat… but demanded raw meat' in order to roast it (1 Sm 2:15). Gluttony is for Gregory one of the seven 'principal vices', which all are 'offspring' of pride, being 'the beginning of every sin'.[54] These seven principal vices have their own offspring: 'There is a chain of cause and effect wherein an effect in turn becomes a cause.'[55] Restraint is, therefore, a weapon in spiritual warfare, according to Gregory: 'When we bring our interior parts into subjection, we do battle against the external foes who are drawn up against us.'[56]

The Latin Church Fathers agree in many respects: they all take the narrative from Saul's point of view, sanctioning his announcement of the fast and respecting his severe punishment of the perpetrator. They all look to the narrative through the lens of abstinence and restraint. They blame Jonathan for his trespassing of the fast, even though unwittingly. Two of them link his trespass directly to gluttony (Tertullian and Gregory I) and two of them repeat the LXX solution of prayer (Tertullian and Jerome).

Conclusion

I come to a conclusion, albeit tentatively, because so little is known and because some quotes are particularly short. Still, some remarkable divisions arise from the data I recovered:

(1) There is a tendency to strengthen the people's role and the people's view on things in the early Jewish translations (LXX and TJon), while later, mostly Western, both Jewish and Christian, texts tend to adopt Saul's view (PRE and Christian Latin authors).

(2) Partly overlapping is the tendency to blame Saul and to adopt Jonathan's critical view on his father in the early Jewish and Eastern Christian texts (LXX, Josephus, Chrysostom) versus blaming

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[50] Maximus of Turin, *Sermon*, 69.3, in Ramsey, *The Sermons*, 168-171.
[51] Ibid., referring to the story of David and Goliath (1 Sm 17).
[52] This exclamation might be based on Josephus' estimation of Saul, who preferred keeping his oaths over the ties of kinship.
[53] Gregory, *Morals on the Book of Job*, 30.xviii.60, in Brian Kerns, *Gregory the Great. Moral Reflections on the Book of Job*, Vol. 6: Books 28-35 (Cistercian Studies Series, 261; Minnesota: Liturgical Press, 2022).
[54] Mark DelCogliano, 'Introduction', in Kerns, *Gregory the Great*, 3.
[55] Ibid, 4.
[56] Gregory, *Morals*, 30.xviii.59.

Jonathan and adopting Saul's critical view on his son in Western texts (PRE and Latin authors). It is remarkable that the LXX accusation of Saul being ignorant (verse 24) is taken over by Josephus and Chrysostom, but not by Tertullian and Jerome, although it is clear from the rest of their text that they did consult the LXX tradition.
(3) With regard to the justification of Saul's announcement of the death penalty, the difference between the sources follow the same divide as the one blaming Saul or Jonathan: Josephus and Chrysostom regard the death penalty as strange or stupid, while Latin authors can live with it (Tertullian) or even agree with it (Maximus, Gregory I).
(4) Although early Jewish sources refer to prayer as a solution for Jonathan's trespass (LXX, Josephus), later sources show a difference between Jewish and Christian solutions: Jewish sources refer to sacrifices or financial compensation (BT, PRE, MShmuel), while Latin Christian sources take over the LXX solution of prayer (Tertullian, Jerome). It is remarkable that Targum Jonathan does not refer to any form of solution for Jonathan's trespass of the curse.
(5) It is remarkable that both Chrysostom and Maximus have discussed this biblical chapter during Lent, but come to an entirely different view on Saul and Jonathan. The difference between the Christian sources can be explained by the lens through which they looked at the text: Chrysostom fulminated against oath swearing, while the Latin authors were far more interested in abstinence and fighting gluttony.
(6) Finally, I have seen some influence of the LXX and the Targum where I expected it, but only in one instance have I seen a possible influence of Josephus in this respect, although Josephus was already known to Christian authors in the first centuries of the common era.[57] Only Maximus' observation about Saul as a religious king, who rather pacified the Lord than saved his own son, could have been borrowed from Josephus.

Prof. dr. Eveline van Staalduine-Sulman
Vrije Universiteit Amsterdam, Netherlands

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[57] See, for example, Sabrina Inowlocki, 'Josephus and Patristic Literature', in Honora Howell Chapman and Zuleika Rodgers, *A Companion to Josephus* (Hoboken: Wiley-Backwell, 2016), 356-367; Heinz Schreckenberg and Kurt Schubert, *Jewish Traditions in Early Christian Literature*, Vol. 2: Jewish Historiography and Iconography in Early and Medieval Christianity (CRINT, 3/2; Leiden: Brill, 1992), 51-85 (Chapter Three: 'Josephus in Early Christian Texts').

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‘Parents shall not be put to death for their children, nor children for parents’ – Deuteronomy 24:16 and the Ideas of Individual Responsibility and Vicarious Punishment in Philo and Josephus*

Eberhard Bons

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Abstract:
The aim of this article is to study the legal provision of Deuteronomy 24:16 and its interpretation by Philo and Josephus. Dt 24:16 is a legal provision that underlines the idea of individual responsibility. Children should not be put to death for the guilt of their parents and, conversely, parents not for the guilt of their children. The first part of the article focuses on the context of the provision in the Hebrew Bible, namely Dt 5:9; 2 Kgs 14:5-6; Ez 18:1-3. The second part is devoted to the *relectures* of the legal provision in Philo, *De specialibus legibus* 3.153, 168, and Josephus, *Antiquitates iudaicae* 4.289.

Keywords:
Deuteronomy 24:16; vicarious punishment; individual responsibility; Philo, *De specialibus legibus* 3.153, 168; Josephus, *Antiquitates iudaicae* 4.289

Introduction

Deuteronomy 24:16 is a legal provision that underlines the idea of individual responsibility. Children should not be put to death for the guilt of their parents and, conversely, parents not for the guilt of their children. The present article will focus on the thrust of this biblical legal provision that has no direct parallel in the Hebrew Bible. In the first step, it is necessary to take into consideration, albeit very briefly, its context in the Hebrew Bible. In the second step, however, I will present the *relectures* of the legal provision in Philo, *De specialibus legibus* 3.153, 168, and Josephus, *Antiquitates iudaicae* 4.289. But before we turn to these authors, let us first take a look at the Hebrew and Greek texts of the biblical law. [1]

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[1] A first draft of this paper was presented at the University of South Bohemia, České Budějovice Czech Republic, on 27th February 2024, during the conference ‘The Bible, the Language and the Context – Recontextualisation of the Hebrew Bible in Antiquity’ that was organised as part of the research project on ‘Capital Offences in the Deuteronomic

The Legal Provision of Deuteronomy 24:16 and Its Biblical Context

The Masoretic Text of Deuteronomy 24:16 reads as follows: לֹא־יוּמְתוּ אָבוֹת עַל־בָּנִים וּבָנִים לֹא־יוּמְתוּ עַל־אָבוֹת אִישׁ בְּחֶטְאוֹ יוּמָתוּ, 'Parents shall not be put to death for their children, nor shall children be put to death for their parents; only for their own crimes may persons be put to death' (NRSV). The Septuagint translates the verse word by word, except for the verb, a *hoph'al*, i.e., a passive form in the Masoretic text rendered as if it were a *qal* יָמוּתוּ, 'they will die'. Furthermore, the Septuagint takes into consideration the impersonal and distributive use of אִישׁ, literally 'man', 'human', with the meaning 'each one / every one'.[2] Accordingly, the word is rendered with ἕκαστος[3] to emphasise individual responsibility. Finally, by translating the preposition עַל with ὑπέρ, the Septuagint stresses the idea of a vicarious punishment. Strictly speaking, it is possible to understand עַל as causal, i.e., 'because of their children', 'because of their parents'. Thus, the Septuagint translation reads as follows: οὐκ ἀποθανοῦνται πατέρες ὑπὲρ τέκνων καὶ υἱοὶ οὐκ ἀποθανοῦνται ὑπὲρ πατέρων, *ἕκαστος* τῇ ἑαυτοῦ ἁμαρτίᾳ ἀποθανεῖται, 'Fathers shall not die for [their] children, and sons shall not die for [their] fathers; *each one* shall die because of his own sin.'

In biblical exegesis, this legal provision has been associated with several other texts. In fact, the Dt 24:16 is quoted literally in 2 Kgs 14:5-6 where King Amaziah of Juda is said to have killed the murderers of his father Joash, but to have spared their sons, כַּכָּתוּב בְּסֵפֶר תּוֹרַת־מֹשֶׁה אֲשֶׁר־צִוָּה יְהוָה 'according to what is written in the book of the law of Moses, where the LORD commanded', i.e., in order to fulfil the provision of Dt 24:16. Yet, from a historical point of view, we cannot take for granted that Amaziah knew the Deuteronomic law or at least a draft of it. This is more than questionable. On the contrary, it is probable that the quotation of Dt 24:16 is part of one of the so-called Deuteronomistic layers of the Second Book of Kings[4] that consisted in explaining elements of the history of pre-exilic Israel in the light of the theology of the book of Deuteronomy. Whether this explanation is satisfactory or not, it should be noted that 2 Kgs 14:5-6 is part of a narrative. That means that the text is not concerned with a sort of real trial where the possibility of a vicarious punishment would be at issue.

There are two further texts quoted by scholars in order to shed some more light on Dt 24:16. On the one hand, in the context of the so-called second commandment of the Decalogue, Dt 5:9, God is said to punish children for the sin of their parents, i.e., those who had committed idolatry, to the third and fourth generation: פֹּקֵד עֲוֹן אָבוֹת עַל־בָּנִים וְעַל־שִׁלֵּשִׁים וְעַל־רִבֵּעִים לְשֹׂנְאָי.[5] Hence, the members of later generations would be punished together with their guilty ancestors. On the other hand, Ezekiel 18:1-3 seems to share some similarities with Dt 24:16. Within the limits of the

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Code, and Their Early Linguistic Recontextualization'. For their helpful comments and suggestions, I would like to thank the following colleagues who participated in the conference: Markéta Dudziková (Prague), Sarah Pearce (Southampton), Viktor Ber and Adam Mackerle (both České Budějovice).

[2] Paul Joüon and Takamitsu Muraoka, *A Grammar of Biblical Hebrew. Third Reprint of the Second Edition, with Corrections* (Rome: Gregorian and Biblical Press, 2011), § 147d.

[3] For this translation, see also Dt 1:41; 3:20; 12:8; 16:17.

[4] See, for example, Eckart Otto, *Deuteronomium 12-34. Zweiter Teilband: 23,16–34,12. Übersetzt und ausgelegt* (Herders Theologischer Kommentar zum Alten Testament), Freiburg: Herder, 2017, 1829; for a different interpretation of the dependence of 2 Kgs 14:5-6 on Dt 24:16, see G. Braulik, 'Ezechiel und Deuteronomium. Die "Sippenhaftung" in Ezechiel 18,20 und Deuteronomium 24,16 unter Berücksichtigung von Jeremia 31,29-30 und 2 Kön 14,6', in idem, *Studien zum Deuteronomium und seiner Nachgeschichte* (Stuttgarter Biblische Aufsatzbände. Altes Testament 33), Stuttgart: Verlag Katholisches Bibelwerk, 2001, 171–201, on 198–199.

[5] See, for example, Dominik Markl, *Der Dekalog als Verfassung des Gottesvolkes. Die Brennpunkte einer Rechtshermeneutik des Pentateuch in Ex 19-24 und Dtn 5* (Herders Biblische Studien 49), Freiburg: Herder, 2007, 213–214.

present article, only one element should be highlighted. In this prophetic text, God urges Ezekiel to stop using the following proverb (Ez 18:2): אָבוֹת יֹאכְלוּ בֹסֶר וְשִׁנֵּי הַבָּנִים תִּקְהֶינָה, 'The parents have eaten sour grapes, and the children's teeth are set on edge'.[6] In fact, as God argues in the following verse (Ez 18:4), הַנֶּפֶשׁ הַחֹטֵאת הִיא תָמוּת, 'it is only the person who sins that shall die' (see also Ez 18:20 for the same formulation).

As usual in historical-critical biblical studies, scholars have attempted to place these texts in chronological order and hypothesise which text seeks to correct or modify which other prior text. Concretely, does Ez 18:1-3 depend upon Dt 24:16[7] or vice versa[8]? As can be expected, in such issues dealing with literary dependence it is difficult to reach a consensus.[9]

Be that as it may, on close inspection, there is no doubt that the four texts quoted are set in very different contexts and situations. Perhaps, in this respect the traditional expression 'Sitz im Leben' is helpful to better explain the differences. As we have seen, in 2 Kgs 14:5-6 the context does not deal with any specific trial. Moreover, the differences are even more striking when we have a closer look at the two remaining texts. Without any doubt, Dt 24:16 is nothing else than a legal provision aimed at prohibiting the punishment of parents in place of their children or vice versa. It is not stated for what guilt a punishment is to be inflicted to an innocent member of the family. Obviously, it is an interpersonal conflict that leads to a lawsuit. Therefore, it should be emphasised that God does not play any role in this verse and in its immediate context.[10]

By contrast, Dt 5:9 expresses the idea of divine retribution: God is said to punish the Israelites' apostasy to other gods. Bearing in mind that such a sin is never committed by an individual but by a sort of household including several generations, it goes without saying that the punishment is directed against all generations involved in this specific sin.[11] Strictly speaking, Dt 24:16 does not contradict Dt 5:9.[12] Finally, in Ez 18, the scenario is different. The proverb reflects the situation of the Babylonian exile, namely that of the generation deported from Judah in 597 or in 587 or even born and raised in exile.[13] In their opinion, they have to bear the bitter consequences of the guilt of their ancestors. In this respect, the statement is part of a debate between the exiles who lament their fate and their compatriot, the prophet Ezekiel, who was also in exile. However, the prophet refers to a divine order to stop using this proverb. In fact, as God claims, not only every generation but each person is responsible for his or her actions and is therefore either guilty or innocent.[14] Although this statement relieves the generation of the exiles of responsibility for their

[6] The same proverb and the response concerning individual responsibility are quoted in Jer 31:29-30, probably an addition to the original prophecy; for further details, see the commentaries, for example, Robert P. Carroll, *Jeremiah. Volume 2*, Sheffield: Phoenix Press, 2006, 608–609.

[7] For this hypothesis, see, for example, Moshe Greenberg, *Ezekiel 1-20. A New Translation with Introduction and Commentary* (The Anchor Bible 22) (New York: Doubleday, 1983), 332–333.

[8] For this hypothesis, see, for example, Georg Braulik, *Die deuteronomischen Gesetze und der Dekalog. Studien zum Aufbau von Deuteronium 12–26* (SBS 145) (Stuttgart: Verlag Katholisches Bibelwerk, 1991), 104–105; idem, 'Ezechiel und Deuteronium', 185–196.

[9] See, for example, E. Otto, *Deuteronomium 12-34. Zweiter Teilband: 23,16 – 34,12*, 1829–1830.

[10] See also Simone Paganini, *Deuteronomio. Nuova versione, introduzione e commento* (I libri biblici. Primo Testamento 5) (Milan: Paoline, 2011), 352: 'La legge […] ha validità solo per i tribunali umani. JHWH si pone fuori da questo principio.'

[11] Werner H. Schmidt, *Die Zehn Gebote im Rahmen alttestamentlicher Ethik* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1993), 68; Franz Sedlmeier, *Das Buch Ezechiel. Kapitel 1-24* (Stuttgart: Verlag Katholisches Bibelwerk, 2002), 242.

[12] Thus E. Otto, *Deuteronomium 12-34. Zweiter Teilband: 23,16 – 34,12*, 1844.

[13] For chronological issues, see the commentaries, for example, Leslie C. Allen, *Ezekiel 1-19* (Word Biblical Commentary 28) (Dallas, Texas: Word Books, 1994), 269.

[14] For further details, see G. Braulik, 'Ezechiel und Deuteronium', 186–187.

fate, it hardly alleviates their misery. Nevertheless, it encourages them not to take the wickedness of their fathers as an example but to act according the principles of justice and righteousness, מִשְׁפָּט וּצְדָקָה (Ez 18:5).[15]

To conclude, except for the quotation of the legal provision in 2 Kgs 14:5-6, Dt 24:16 has some points in common with Ez 18, but the differences are undeniable insofar as the latter is part of a debate between the prophet Ezekiel and his audience while the former is a legal text. As a result, Dt 24:16 contains a provision that has no real parallel in the Hebrew Bible.

Philo's Interpretation of Deuteronomy 24:16 in *De legibus specialibus* 3.153-168

The first literary witness in Antiquity that refers to the Septuagint text of Dt 24:16 is Philo's treatise *De legibus specialibus* 3.153-168. The Jewish philosopher comments upon this text in detail, not without an apologetic interest, explaining the *raison d'être* of this specific legal provision.[16] In doing so, he emphasises the advantages of Jewish law, namely its intrinsic philosophical and moral values, and denounces at the same time the inadequacies and deficiencies of non-Jewish laws or practices. Needless to say Philo emphasises the need to understand the text of the law literally and to strictly observe the relevant regulations.[17]

In the context of this article, two aspects deserve our attention, firstly the nature of punishment and, secondly, the two causes of vicarious punishment. It is above all the rationale for a vicarious acceptance of the punishment to which Philo pays particular attention.

To begin with, in the last paragraph of his explanation of Dt 24:16, in *Spec. leg.* 3.168, Philo summarises the meaning of the commandment as follows: διόπερ ἄντικρυς ἀπεῖπεν υἱοὺς ἀντὶ γονέων ἢ γονεῖς ἀντὶ υἱῶν ἀναιρεῖσθαι, δικαιώσας ὧν τὰ ἁμαρτήματα τούτων εἶναι καὶ τὰς τιμωρίας, 'therefore, he [i.e. Moses as the lawgiver[18]] has explicitly forbidden sons to be put to death instead of their parents, or parents instead of their sons, thinking it right that the persons having committed the crimes should also bear the punishment'. Though being aware of the fact that the biblical text mentions only the death penalty explicitly,[19] Philo argues with a kind of conclusion *a maiore ad minus*[20] that the biblical legal provision includes various other categories of punishment that are not explicitly mentioned or left unspoken, in Greek τὰ ἡσυχασθέντα in *Spec. leg.* 3.168:[21] εἴτε ζημίας χρημάτων εἴτε καὶ πληγὰς καὶ βιαιοτέρας ὕβρεις εἴτε τραύματα καὶ πηρώσεις καὶ ἀτιμίας καὶ φυγὰς καὶ ὅσα ἄλλα τῶν ἐπὶ δίκαις, 'a pecuniary fine, or stripes, and more severe personal chastisement, or even wounds and mutilation, and dishonor, and exile, or

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[15] For this latter idea, see Adrian Schenker, 'Saure Trauben ohne stumpfe Zähne. Bedeutung und Tragweite von Ez 18 und 33.10-20 oder ein Kapitel alttestamentlicher Moraltheologie', in: idem, *Text und Sinn. Textgeschichtliche und bibeltheologische Studien* (Orbis Biblicus et Orientalis 103) (Freiburg Schweiz, Göttingen: Universitäts-verlag, and Vandenhoeck & Ruprecht, 1991), 97–118, on 110–112.

[16] Maren R. Niehoff, *Philon von Alexandria. Eine intellektuelle Biographie* (Tübingen: Mohr Siebeck, 2018), 175–177, seeks to demonstrate that Philo, explaining Jewish law, has in mind Roman erudite readers who are generally well-disposed towards Judaism and want to learn more about its religion and laws.

[17] See, for example, Roger Arnaldez, 'La Bible de Philon d'Alexandrie', in: Claude Mondésert (ed.), *Le monde grec ancien et la Bible* (Paris: Beauchesne, 1984), 37–54, on 41.

[18] For Moses as lawgiver, see M.R. Niehoff, *Philon von Alexandria*, 131.

[19] For Philo's awareness of philological details, see for example, Folker Siegert, 'Early Jewish Interpretation in a Hellenistic Style', in: Magne Sæbø (ed.), *Hebrew Bible / Old Testament. The History of Its Interpretation, Vol.1: From the Beginnings to the Middle Ages (Until 1300)* (Göttingen: Vandenhoeck und Ruprecht, 1996), 130–198, on 182: 'As a literalist, Philo may respect the meanest detail.'

[20] For this sort of conclusion in rhetoric, namely in legal contexts, see, for example, Heinrich Lausberg, *Handbuch der literarischen Rhetorik. Eine Grundlegung der Literaturwissenschaft* (Stuttgart: Franz Steiner Verlag, [3]1990), § 396.

[21] For a similar use of the verb ἡσυχάζω, with the meaning 'to pass over in silence', see *De posteriate Caini*, 150.

any other judicial sentence'. Thus, the death penalty as such is no longer in the foreground of Philo's explanation of Dt 24:16. Moreover, under the assumption that the biblical legal provision includes not only harsh penalties, but also penalties that are less invasive to life and limb like monetary penalties, it is more easily understandable that other persons accept to serve the sentence instead of the guilty party.

However, one question remains open: Why would it be forbidden to suffer, as an innocent person, in place of a guilty relative? For Philo, there might be two specific reasons: either the innocent person voluntarily accepts the punishment or the innocent person is forced to do so, namely by the guilty or by investigating authorities like judges or civil servants. Philo takes into consideration both cases (*Spec. leg.* 3.153): διὰ τοὺς ἢ βίαν τοῦ δικαίου προτιμῶντας ἢ πάνυ φιλοστόργους, 'because of those who set violence above justice, and also for the sake of those who are full of affection'.

As for the second reason, Philo is aware that family ties might prompt people to take on harsh punishments in order to spare their children or their parents. Basically, they fear more drastic consequences for their lives if they refrain from taking the punishment for the guilty party. Even more, their further life would be unbearable and even worse than death (*Spec. leg.* 3.154: ὡς ἀβίωτον καὶ παντὸς ἀργαλεώτερον θανάτου τὸν αὖθις χρόνον βιωσόμενοι). This obviously means that the social contempt that falls on the innocent when the guilty person takes the punishment is worse to bear than when the innocent suffers the punishment himself or herself. However, Philo replies that this is a kind of misunderstood love. Indeed, these people must be told that their benevolence is out of season (*Spec. leg.* 3.155): πρὸς οὓς λεκτέον· 'ἡ εὔνοια ὑμῶν οὐκ ἔχει καιρόν'. In fact, as Philo argues, no wicked person can be really a friend to another (*ibid.*): πονηρὸς δ' οὐδεὶς πρὸς ἀλήθειαν φίλος. In other words, solidarity within the family is not a higher value than respect for law and justice however close the ties may be. Thus, Philo's claim aims at relativising the principle of solidarity towards members of the same family. Accordingly, he goes as far as to argue that agreement as to justice and virtue creates a tie that is closer than relationship by blood (*Spec. leg.* 3.155): συγγένεια γὰρ οἰκειοτέρα τῆς πρὸς αἵματος ἡ πρὸς δικαιοσύνην καὶ πᾶσαν ἀρετὴν ὁμολογία.

Until now, we have dealt with the idea that an innocent person would voluntarily agree to serve the sentence instead of the guilty person, namely for reasons of solidarity within the family. However, Philo is also aware of the opposite scenario, i.e., that the innocent person is forced by a person with power to suffer the punishment instead of the guilty person. In particular, Philo is thinking of people who impose punishments, including torture (*Spec. leg.* 3.159, 161)[22] on the innocent instead of the guilty, in particular on the grounds of any relationship with the latter, be it family, friendship or something else (*Spec. leg.* 3.158): οἳ ἢ λάθρα τεχνάζουσιν ἢ ἐπιθαρροῦσι φανερῶς ἑτέροις ἀνθ' ἑτέρων τὰς μεγίστας ἐπανατείνεσθαι συμφοράς, φιλίαν ἢ συγγένειαν ἢ κοινωνίαν ἤ τι ὁμοιότροπον ἐπ' ὀλέθρῳ τῶν οὐδὲν ἠδικηκότων προφασιζόμενοι, 'those who, contriving secretly or acting out of courage publicly, inflict the greatest disasters on one person instead of another, using as a pretext friendship, relationship, fellowship, or something of that kind, with the aim of the ruin of those who have not committed injustice.'

[22] Isaak Heinemann, *Philons griechische und jüdische Bildung. Kulturvergleichende Untersuchungen zu Philons Darstellung der jüdischen Gesetze* (Hildesheim/New York: Georg Olms Verlag, 1973) (reprint of the first edition Breslau: Marcus, 1932), 212, explains that the use of torture to obtain information or to exact debts as reported in *Spec. leg.* 3.159 was completely contrary to Jewish law.

To illustrate this second possibility, Philo cites the example of a tax collector[23] who, in his excessiveness, never misses an opportunity to impose draconian punishments on the innocent, even punishing distant relatives and neighbours because obviously impoverished people were unable to pay their taxes and had therefore taken flight (*Spec. leg.* 3.159-162). This example may well be a scandalous individual case of an abusive practice. But Philo is not content with this. To substantiate his argument, he cites a law concerning the punishment of tyrannicide that requires that the next five members of the perpetrator's family be put to death (*Spec. leg.* 3.164).[24] Once again, Philo objects that these family members should be punished only in the case of complicity or a benefit arising from the tyrannicide (*Spec. leg.* 3.165). Philo concludes by pointing out the absurdity of such a procedure (*Spec. leg.* 3.165): τίνος χάριν ἀναιρεθήσονται ἢ δι' ἓν τοῦτο μόνον, ὅτι συγγενεῖς εἰσι; γένους γὰρ ἢ παρανομημάτων αἱ τιμωρίαι; 'why are they to be put to death? Is it only for the reason that they are their relations? So are the penalties imposed on the basis of family affiliation or on the basis of lawless behaviour?'

To conclude, as we have seen no circumstances are mentioned in Dt 24:16 that might prompt judges to demand vicarious punishment, namely the death penalty. Nor is there any mention of the other possibility that family members would have agreed to take on a vicarious punishment. Philo, however, not only takes into consideration various other kinds of sentences. He also turns out to be an excellent observer of different kinds of abuses, both of exaggeration of family solidarity and of injustice on the part of those in power. The latter did not shy away from the worst practices of hostage-taking while the former felt bound by the principle of kinship liability. But this is not all. In *Spec. leg.* 3.167, Philo argues that the Jewish lawgiver, Moses, aware of such abuses in other societies and considering them pernicious even for the best political system (ὡς φθοροποιὰ τῆς ἀρίστης πολιτείας), has simply forbidden them. What is legal in other societies is therefore not necessarily legal in Israel because the lawgiver did not proceed without reflection. It goes without saying that such a conclusion fits perfectly into Philo's overall strategy aimed at proving the superiority of Jewish law.

Josephus' Interpretation of Deuteronomy 24:16 in *Antiquitates iudaicae*, 4.289

Around two generations after Philo, at the end of the 1st century C.E.,[25] the Jewish historiographer Josephus finishes the twenty volumes of his *Antiquitates iudaicae.* Writing primarily for a Greek speaking Roman audience (see *Ant.* 1.5: τοῖς Ἕλλησιν) not familiar with Judean history and culture,[26] the historiographer takes up a debate that goes back to Herodotus (*Hist*. 3.80-82) and concerns the best of all forms of government.[27] However, Josephus does not write from a neutral

[23]Peder Borgen, *Philo of Alexandria. An Exegete for His Time* (Supplement to Novum Testamentum 86) (Leiden: Brill, 1997), 173–174, surmises on 173 that this is an example of 'ill-treatment of Jews'.

[24] The law is quoted by Cicero, *De inventione* 2.144: *tyranno occiso quinque eius proximos cognatione magistratus necato*. See also I. Heinemann, *Philons griechische und jüdische Bildung*, 212, note 1.

[25] The *Antiquitates* were finished in the thirteenth year of the emperor Domitian's principate, i.e., in the year 93; cf. *Ant*. 20.267.

[26] See Gregory E. Sterling, *Historiography and Self-Definition. Josephos, Luke-Acts, and Apologetic Historiography* (Supplements to Novum Testamentum 64) (Leiden: Brill, 1992), 298: 'The text of *AJ* supports this address. Josephos presupposes a Hellenistic audience which does not know the Hebrew language, months, system of measures, or customs and structure of Jewish life. Although some of these could be true of a Hellenized Jew, some are so basic that the imagined readership can not have had any significant Jewish training or knowledge.' See also Louis H. Feldman, *Judean Antiquities 1-4. Translation and Commentary* (Leiden: Brill, 2000), xix and 398.

[27] See L. H. Feldman, *Judean Antiquities 1-4*, xxiv.

point of view.[28] On the contrary, as emerges from his treatise *Contra Apionem* written after the *Antiquitates* (*Ap.* 1.1), he is convinced that the Jewish law is the best, as it enables, among other values, εὐσέβεια, φιλανθρωπία and δικαιοσύνη (*Ap.* 2.146 = 2.14.2).[29] These are obviously values Josephus shares with this non-Jewish audience. In fact, the author is keen to demonstrate that, on the one hand, the Jewish law is inextricably linked to the history of the people of Israel insofar as Moses is the lawgiver (e.g., *Ant*. 1.15, 23; *Ap.* 2.156 = 2.15.4), but on the other hand, it is not so specific that it cannot be communicated to other peoples. Therefore, the systematic description of the πολιτεία, the 'constitution' of the Jewish people in *Ant*. 4.196-301, should be understood against this background.

Returning to Dt 24:16, Josephus comments upon this specific element of Jewish law in *Ant.* 4.289, in his presentation of the Jewish πολιτεία. In comparison with Philo's lengthy explanation of Dt 24:16, Josephus' remarks are very short. They comprise only a few lines. Unlike Philo, Josephus does not speak of specific circumstances that might lead innocent relatives to suffer punishment for obviously guilty members of the family. Even more, he does not mention cases in which such vicarious punishment is practised, demanded, or even imposed. Likewise, examples taken from other legal systems are lacking. Nor does Josephus cite examples from his own experience or from hearsay. After all, he does not devote a single word to the legal principle that every individual is responsible for their actions and suffers sanctions accordingly.[30] Nevertheless, Josephus has one point in common with Philo insofar as he is not talking explicitly about the death penalty, but about punishments in general. However, the punishments of fathers are not mentioned.[31]

One of the specific features of Josephus' explanation of Dt 24:16 is that he advocates in favour of avoiding legal measures meant to strike the innocent. As for children who run the risk of being punished for their wicked parents, Josephus argues that they deserve pity (οἶκτος) rather than hatred (μῖσος). Thus, their own virtue should be taken into consideration while they are stemming from wicked parents (ἀλλὰ διὰ τὴν ἐκείνων αὐτῶν ἀρετὴν οἴκτου μᾶλλον ἀξιοῦν ὅτι μοχθηρῶν ἐγένοντο πατέρων ἢ μίσους φύντας ἐκ φαύλων). In other words, the fact that these children had no positive role model in their parents is punishment enough. Therefore, there is no need for a vicarious punishment for the parents' misconduct. Conversely, Josephus claims that the failure of their children should not be ascribed to their fathers (οὐδὲ πατράσιν υἱῶν ἁμαρτίαν λογιστέον). Once again, our author pleads in favour of limiting solidarity within the family. On the one hand, he invokes mitigating circumstances, when he underlines that young people are inclined to allow themselves to commit acts out of pride. On the other, he absolves to a certain extent the parents of guilt when he emphasises that the children did not act in accordance with the upbringing they received (τῶν νέων πολλὰ παρὰ τὴν ἡμετέραν διδασκαλίαν αὐτοῖς ἐπιτρεπόντων ὑπερηφανίᾳ τοῦ διδάσκεσθαι). Be that as it may, the question arises of who would be punished for his or her misdeeds. Josephus does not give an explicit answer. One can only infer that he is in favour of

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[28] Concerning the purpose of the *Antiquitates*, G. E. Sterling, *Historiography and Self-Definition*, 297, recognises two basic lines: 'an apology to Hellenism through the glorification of the Jewish past and the Hellenization of Israel's traditions',

[29] For a description of Josephus' idea of the Jewish law in his *Contra Apionem*, see Eberhard Bons, 'Das Gesetz als Maßstab für Israel und seine Bedeutung für die Völker bei Flavius Josephus, *Contra Apionem*', in *Die Identität Israels. Entwicklungen und Kontroversen in der Frage nach dem Selbstverständnis Israels in alttestamentlicher Zeit* (Herders Biblische Studien 56), ed. H. Irsigler (Freiburg: Herder, 2009), 157–170.

[30] According to L.H. Feldman, *Judean Antiquities 1-4*, 458, note 983, 'Josephus is perhaps thinking of the mythical Alcestis, who offers to die in place of her husband Admetus.' See the tragedy by Euripides.

[31] For this detail see also L.H. Feldman, *Judean Antiquities 1-4, ibidem.*

individual responsibility. Consequently, everyone must bear the eventual sanctions for their actions.

Speaking of at least two scenarios that could prompt family members to take responsibility for the guilt of other family members, Josephus demonstrates concrete knowledge of conflicts between generations and the ensuing problems for the entire family or household. However, one striking point is a certain indulgence towards the transgressions of young people. What the misconduct is supposed to consist of is not stated. Anyway, the idea is reminiscent of another explanation of the Jewish law, namely the problem dealt with in Dt 21:18-21. This text addresses the issue of the rebellious son's punishment, which culminates in his public execution, namely stoning. Even in this case of open disagreement between parents and children,[32] Josephus recommends an attitude of mediation aiming at peaceful conflict resolution rather than the use of violence (*Ant*. 4.260-264).[33]

In conclusion, Josephus' explanation of Dt 24:16 is part of his strategy to mitigate some seemingly drastic biblical legal provisions and to explain their rationale to his Greek speaking Roman audience. He speaks neither of the death penalty nor of the possibility that it might threaten innocent family members who are supposed to atone for the guilty. On the contrary, he takes sides with the virtuous children of bad parents who deserve nothing else than pity (οἶκτος). On the other hand, he recognises that young people, in their arrogance (ὑπερηφανία), tend to contravene their parents' teaching (διδασκαλία).

Concluding Remarks

At the end of this short article, it is necessary to make the following four remarks.

1º The legal provision Dt 24:16 is without any parallel in the Hebrew Bible. Two further texts supposed to shed some more light on Dt 24:16, namely the debate of the prophet Ezekiel with his fellow Israelites in Babylonian exile as well as the so-called second commandment of the Decalogue, reveal more differences than similarities. The question of whether Ez 18 depends on Dt 24:16 or vice versa is to be understood against the background of modern historical-critical exegesis that seeks to reconstruct the chronological order of the texts of the Hebrew Bible. It is questionable whether a consensus can be reached regarding this specific issue of the literary relationships between Dt 24:16 and Ez 18.

2º The first literary witness of the ancient interpretation of the Hebrew text of Dt 24:16 is the Septuagint. Except from some minor divergences between the Hebrew and the Greek text of the verse in question, the Greek text underlines the prohibition of vicarious punishment as well as the idea of individual responsibility. The Greek text is the textual basis of the two later interpretations dealt with in this article.

3º Both Philo and Josephus quote Dt 24:16 in the context of their respective explanations of the Jewish law, their Greek speaking audience being interested in the history and the customs of the Jewish people. Both authors were concerned with demonstrating the rationale of the said legal provision. As an element of the entire Torah, the Jewish law, Dt 24:16 was supposed to go back to Moses, the lawgiver of the Jewish people. To make understandable the Greek text of Dt 24:16,

[32] It is questionable whether in *Ant.* 4.289 Josephus does not show solidarity with the parents; thus Étienne Nodet, in Flavius Josèphe, *Les Antiquités juives. Livres IV et V. Introduction et texte. Traduction et notes* (Paris: Éditions du Cerf, 1995), 100*, note 4. In fact, Josephus underlines the fact that in this case children do not act according to the διδασκαλία they have received.

[33] For further details, see Eberhard Bons, 'L'educazione dei figli secondo Flavio Giuseppe', in A.M.G. Capomacchia and E. Zocca (eds.), *Antiche infanzie. Percezioni e gestione sacrale del bambino nelle culture del Mediterraneo e del Vicino Oriente, Quaderni di Studi e Materiali della Storia delle Religioni* 25, 2020, 114–122, on 120–122.

both authors contextualise the problem at issue, quoting examples of a an actual or possible application of vicarious punishment deemed inacceptable. Albeit with different arguments in detail, both Philo and Josephus seek to demonstrate the absurdity of punishing one person for the misconduct of another, namely a member of the same family.

4º The discussion about Dt 24:16 in antiquity does not end with these two Jewish authors. Admittedly, the cultural background of more recent writings is different. Suffice it to quote one example taken from early Christian literature. In Origen, *Contra Celsum* 8.40, the question at issue is when and how long the gods (in the plural!) punish humans for their transgressions and if divine punishment is directed only against the guilty or against later generations as well. Origen quotes the Greek proverb that the mills of the gods grind slowly (Sextus Empiricus, *Gramm.* 287). This means that even later generations have to bear the consequences of the transgressions of their ancestors. To reject these ideas, Origen quotes both Dt 24:16 and Ez 18:2 with the aim of demonstrating that the punishment that spans generations is alien to the Bible. As for the proverb of the fathers who had eaten sour grapes Origen argues briefly: this is a parable, παραβολή, nothing else. Thus, in other circumstances and against a different background from that of Philo and Josephus, the biblical quotation Dt 24:16 serves as argument. In this case, the point is not to demonstrate the superiority of Jewish law. Rather it is the Greek biblical text that is used to contradict a statement made by Celsus, Origen's philosophical opponent.

Prof. Eberhard Bons
Faculty of Catholic Theology, University of Strasbourg, France
Foundation for Religious Sciences, Bologna, Italy

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Moral Character of the Book of Deuteronomy in the Exegetical Theory of Ambrose of Milan*

David Vopřada

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Abstract:
This paper examines Ambrose of Milan's exegetical treatment of the Book of Deuteronomy within the broader context of his biblical interpretation and pastoral theology. Ambrose perceives Deuteronomy as a cornerstone of moral instruction within the Pentateuch, shaping human life according to divine law. His analysis incorporates classical philosophical traditions, notably the Delphic maxim 'know thyself', to build a Christian understanding of self-knowledge and moral responsibility. The study focuses on Ambrose's interpretation of two passages, Deuteronomy 4:9 and 4:24, highlighting his use of allegory, moral exhortation, and Christological reinterpretation. This approach reflects his efforts to integrate the Old Testament into a Christian theological framework, emphasising continuity between Jewish scripture and Christian doctrine while adapting its message for a fourth-century Roman audience. The paper underscores Ambrose's innovative exegetical techniques, his blending of Greco-Roman and biblical traditions, and the enduring relevance of his insights for contemporary theological discourse.

Keywords:
Ambrose of Milan, Deuteronomy, patristic exegesis, self-knowledge, allegorical interpretation

For Ambrose, the act of engaging with the Scriptures epitomises the core of divine presence and, therefore, an encounter that transcends mere comprehension of His will, offering a profound engagement with His divine essence. Moreover, in his letter to Sabinus, he articulates his vision of how this moment of biblical engagement unfolds, identifying it with the instance of God's perambulation in the Garden of Eden. Alongside the Book of Genesis and the 'Gospel,' he specifically mentions the Book of Deuteronomy, which for him represents 'the paradise in which the regulations of the Law germinate.'[1] It is hard to find a more fitting confirmation of the importance that the late fourth-century bishop of Milan attached to the fifth book of the Pentateuch.

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[1] Ambrose, *Ep.* 33. 3 (CSEL 82/1: 230): *Et nunc deambulat in paradiso deus, quando divinas scripturas lego. [...] paradisus Deuteronomium, in quo germinant legis praecepta, paradisu:s Evangelium, in quo arbor vitae bonos fructus facit et aeternae spei mandata diffundit per universos populos.*

At the same time, it cannot be said that Ambrose regarded the Law as a reality to be lived by the disciples of Christ.[2] Ambrose firmly asserts that Jesus deprived the Jewish people of their heritage – specifically, the kingdom of heaven – and transferred it to the Gentiles. In this way, he also 'seizes' the Jewish sacred books, including the 'Heptateuch', which 'Christian people can read' to understand them, unlike the Jewish people to whom these writings formerly belonged.[3] In this way, he dispenses with the need to interpret the Law from a Jewish perspective. He uses the procedures he knows from Alexandrian exegesis, drawing primarily from (Jewish) Philo and Origen.[4] There is thus a shift in his interpretation of the Book of Deuteronomy that corresponds to

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[2] Ambrose's biblical exegesis in general is studied, e.g., by Luigi F. Pizzolato, *La dottrina esegetica di sant'Ambrogio* (Milano: Vita e Pensiero, 1978); Hervé Savon, 'Le temps de l'exégèse allégorique dans la catéchèse d'Ambroise de Milan', in *Le Temps chrétien de la fin de l'Antiquité au Moyen Age, IIIe-XIIIe siècles (Colloques internationaux du CNRS, 604)* (Paris: Éd. du CNRS, 1984), 345–361; Gérard Nauroy, 'L'Ecriture dans la pastorale d'Ambroise de Milan', in *Le mende latin antique et la Bible*, ed. Jacques Fontaine and Ch. Pietri (Paris: Beauchesne, 1985), 371–408; Camille Gerzaguet, 'Ambrosius Mediolanensis', in *Preaching in the Patristic Era: sermons, preachers, and audiences in the Latin West*, ed. Anthony Dupont et al., A new history of the sermon 6 (Leiden; Boston: Brill, 2018), 160–167; David Vopřada, 'Christocentric biblical conception of Ambrose of Milan', in *La conception de l'Écriture et de l'exégèse latine d'Origène à Lorenzo Valla*, ed. Valeria Ingegno (Turnhout: Brepols).

[3] Viktor Hahn, *Das wahre Gesetz*, Münsterische Beiträge zur Theologie (Aschendorff, 1969); Gérard Nauroy, 'Formes de l'exégèse pastorale chez Ambroise et Augustin. Deux lectures de la rivalité entre Jacob et Ésaü,', in *Saint Augustin et la Bible. Actes du colloque de l'Université Paul Verlaine, Metz, 7-8 avril 2005*, ed. Gérard Nauroy and Marie-Anne Vanier (Bern: Peter Lang, 2008), 83–104; Gérard Nauroy, 'Ambroise de Milan face à l'histoire de Caïn et Abel ou l'art du détournement en exégèse', in *Caïn et Abel*, ed. Jean-Marc Vercruysse, Graphè 29 (Arras: Artois Presses Université, 2020), 41–60. Ambrose understands 'Jews' more as 'primarily literary characters that he encountered in his reading of scripture': Maria Doerfler, 'Ambrose's Jews: The Creation of Judaism and Heterodox Christianity in Ambrose of Milan's *Expositio evangelii secundum Lucam*', *Church History* 80, no. 4 (2011): 752.

[4] Philo's influence on Ambrose is studied esp. by Hervé Savon, *Saint Ambroise devant l'exégèse de Philon le Juif.*, 2 vols. (Paris: Études Augustiniennes, 1977); Enzo Lucchesi, *L'usage de Philon dans l'oeuvre exégétique de Saint Ambroise: une „Quellenforschung" relative aux commentaires d'Ambroise sur la Genèse* (Leiden: E. J. Brill, 1977); David T. Runia, *Philo in early Christian literature: a survey*, Compendia rerum Iudaicarum ad Novum Testamentum. Section 3: Jewish traditions in early Christian literature 3 (Assen, Minn.: Van Gorcum, 1993), 291–311; Adam Kamesar, 'Ambrose, Philo, and the Presence of Art in the Bible', *Journal of Early Christian Studies* 9, no. 1 (2001): 73–103; Gérard Nauroy and Michel Poirier, eds., 'L'expérience d'une collaboration internationale pour « Sources Chrétiennes ». L'édition du *De Cain et Abel*', in *Lire et éditer aujourd'hui Ambroise de Milan : actes du colloque de l'Université de Metz, 20-21 mai 2005*, Recherches en litterature et spiritualite 13 (Berne: Peter Lang, 2007), 181–184; Michele Cutino, 'Réemploi de Philon d'Alexandrie et typologies épistolaires dans la correspondance d'Ambroise de Milan', in *La correspondance d'Ambroise de Milan. [Actes du colloque international de Saint-Étienne et Lyon, 26-27 novembre 2009*, ed. Aline Canelis (Saint-Étienne: Université de Saint-Étienne, 2012), 201–235; Gérard Nauroy, 'La création de l'homme (Gn 1, 26) dans une lecture critique de Philon le Juif: l'Epistula 29 (43 M) d'Ambroise de Milan face au De opificio mundi', in *Judaïsme et christianisme dans les commentaires patristiques de la Genèse*, ed. Marie-Anne Vannier, Recherches en litterature et spiritualité 23 (Bern: Peter Lang, 2014), 87–108; Peder Borgen, 'Philo of Alexandria as Exegete', in *A history of biblical interpretation*, ed. Alan J. Hauser and Duane Frederick Watson (Grand Rapids, Mich.: William B. Eerdmans, 2003), 144–166; Ilaria L. E. Ramelli, 'Philo as one of the main inspirers of early Christian hermeneutics and apophatic theology', *Adamantius* 24 (2018): 276–292; Paul M. C. Elliott, 'Ambrose of Milan and His Use of Philo of Alexandria in His Letters on the Hexaemeron' (Hebrew Union College – Jewish Institute of Religion (Ohio), 2018); Isidoros Charalampos Katsos, *The metaphysics of light in hexaemeral literature: from Philo of Alexandria to Gregory of Nyssa*, Oxford Early Christian Studies (New York: Oxford University Press, 2022), recently also Victor Yudin, 'Philo and Ambrose on Genesis 25 as Slavery in Passions', in *The Fathers on the Bible*, by Nicu Dumitraşcu (London: Routledge, 2022), 93–109; Origen's influences by Ernst Dassmann, *Sündenvergebung durch Taufe, Busse und Martyrerfürbitte in den Zeugnissen frühchristlicher Frömmigkeit und Kunst* (Münster: Aschendorff, 1973); Gertrud Chappuzeau, 'Die Exegese von Hohelied 1,2a. b und 7 bei den Kirchenvätern von Hippolyt bis Bernhard. Ein Beitrag zum Verständnis von Allegorie und Analogie', *Jahrbuch für Antike und Christentum* 18 (1975): 90–143; Hansjörg Auf der Maur, *Die Psalmenverständnis des Ambrosius von Mailand: ein Beitrag zum Deutungshintergrund der Psalmenverwendung im Gottesdienst der Alten*

the role of the whole Law in his interpretation of the biblical text. At the same time, in his interpretation of Psalm 118(119):172 (*loquetur lingua mea uerbum tuum, quoniam omnia mandata tua iustitia est*), he addresses, in the footsteps of Origen,[5] why even these 'obscure books' containing the sacred history of the Chosen People should be dealt with from the point of view of Gentile Christians. He regards them as the word of God, which, as a bishop, he is called to proclaim,[6] and as a preacher, he does not want to unnecessarily give away a single extra word.

Ambrose divides the biblical books according to their meaning into 'natural,' i.e., corresponding to natural philosophy, moral, and mystical. In doing so, he gives examples of two series, where the books of Solomon, Ecclesiastes, Song of Songs, and Proverbs correspond successively to the 'natural', mystical, and moral content. Likewise, among the books of Moses, he attributes the natural philosophy to Genesis, where the origin of heaven and earth is contained, the mystical to Leviticus because of the 'priestly mystery' which it contains, and the moral to the Book of Deuteronomy, 'in which human life is shaped according to the regulations of the Law'.[7] The reading of the Old Testament books (and specifically of Deuteronomy) thus takes on a moral significance in his approach, which is intended to aid the ability of language to avoid the 'language of the world' since it is through these books (as well as the historical books of the New Testament) that Ambrose's audience is to satiate his 'hearing'. Moral meaning then plays a vital role in Ambrose's catechesis of the candidates for baptism, to whom he wants to address precisely the moral meaning as opposed to the mystical meaning, which is addressed to those already baptised.[8]

In the face of this Ambrose's description of the book of Deuteronomy, I want to answer the following questions: if he claims that within the Pentateuch, Deuteronomy represents a moral doctrine, does Ambrose's interpretation correspond to this, i.e. does he interpret this book in a moral sense? I am going to focus just on two verse clusters repeatedly used by Ambrose, both of them from Dt 4. This is due to the way Ambrose treats the biblical text: it is not an exegesis of whole passages, but instead of sayings from a relatively small number of biblical quotes, as appears evident from the list of quotations in the *Biblia patristica*.[9] This is also why I intend to study his use of Dt 4:9 and 24 to see how they are used by the Bishop of Milan. This inquiry then points to a more general question, but one that justifies the effort to explore the relationship between a book written sometime in the sixth century BCE and a late fourth-century Christian bishop, separated by nearly a millennium: what can we understand from the transposition of the text of Deuteronomy from the Jewish (post-)exilic period to the Christianised milieu of the late Roman Empire of the

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Kirche (Leiden: E. J. Brill, 1977); Hervé Savon, 'Ambroise lecteur d'Origène', in *Nec timeo mori. Atti del Congresso internazionale di studi ambrosiani nel XVI centenario della morte di sant'Ambrogio. Milano, 4–11 Aprile 1997*, ed. Luigi Franco Pizzolato and Marco Rizzi, Studia Patristica Mediolanensia 21 (Milano: Vita e Pensiero, 1998), 221–234; Christoph Markschies, 'Ambrosius und Origenes. Bemerkungen zur exegetischen Hermeneutik zweier Kirchenväter', in *Origenes und sein Erbe: gesammelte Studien*, Texte und Untersuchungen zur Geschichte der altchristlichen Literatur 160 (Berlin; New York: Walter de Gruyter, 2007), 195–222; Alexander H. Pierce, 'Reconsidering Ambrose's Reception of Basil's *Homiliae in Hexaemeron*: The Lasting Legacy of Origen', *Zeitschrift für Antikes Christentum / Journal of Ancient Christianity* 23, no. 3 (2019): 414–444; David Vopřada, 'Ambrose's Access to the Greek Text of Origen's Homilies on the Psalms in his Exegesis on Psalm 36', *Adamantius* 26 (2020): 450–460.

5 *Catena palestinensis* (SC 189: 464), but also Athanasius, *Exp. Ps.* 118. 172 (PG 27: 508C).

6 Ambrose, *Expos. ps. cxviii* 22. 20 (CSEL 62: 497-498).

7 Ambrose, *Expl. ps.* 36. 1 (CSEL 64: 70): *moralis in Deuteronomio, in quo secundum legis praeceptum uita humana formatur.*

8 Ambrose, *De mysteriis* 1. 1 (CSEL 73: 89).

9 *Biblia patristica. 6: Hilaire de Poitiers, Ambroise de Milan, Ambrosiaster* (Paris: Centre National de la Recherche Scientifique, 2001).

late fourth century?

Deuteronomy 4:9

Of the whole of Dt 4:9, Ambrose uses only the short dictum *Adtende tibi ipsi* (translating רַק הִשָּׁמֶר לְךָ), which allows him to graft the Christian understanding of spiritual progress towards perfection onto the Greek philosophical tradition of self-knowledge as the gateway to further spiritual progress. In doing so, he builds on Origen, particularly his interpretation of Sg 1:8(7) LXX, representing a significant breakthrough for Ambrose's understanding of biblical exegesis and his theory of spiritual realities sometime in the mid-380s.[10]

It shows its use, for example, in Book 6 of Ambrose's *Hexameron,* where Dt 4:9 (*Adtende tibi ipsi*) appears several times in connection with the Delphic command γνῶθι σεαυτόν. The verse appears here at the very end of the description of created nature, before the author moves on to the interpretation of the creation of man in Gn 1:26, in connection with Sg 1:8(7) LXX: *Nisi scias te, formonsa in mulieribus*[11] and the theme of self-knowledge associated in the Greco-Roman philosophical tradition with the Pythian statement γνῶθι σεαυτόν. Thus, even in the first group of sayings specifically concerned with self-knowledge, we find more than once Dt 4:9 in conjunction with Sg 1:8, which provide a mirror for interpretation.

The Septuagint translation of Sg 1:8 was first connected with the Delphic dictum γνῶθι σαυτόν by Origen in his *Commentary on the Song of Songs*. Origen thought that the seven wise men had taken the term from Solomon as the traditional author of the Song of Songs.[12] It is from Origen that Ambrose takes up the theme of self-knowledge, which can, of course, be traced throughout the Christian exegetical tradition in the context of Sg 1:8, and the inscription of the Delphic Oracle, and returns to it repeatedly.[13] Within Ambrose's *Hexameron,* however, the inspiration goes to Basil of Cæsarea, who is the main inspiration for Ambrose's interpretation of Gn 1.[14] What makes Ambrose's exposition unique, however, is that he is the one who, for the first time in the Christian exegetical tradition, links Sg 1:8 and the idea of self-knowledge to Dt4:9.[15] This can be seen elsewhere in his work, for example, in *Expositio psalmi cxviii* 10. 10, where he develops the theme of the beauty of man found in his soul, which is in complete contradiction to being bound by earthly and temporal realities because they do not correspond to the preciousness of man/soul:

> 'Pay heed to yourself,' as the Law says. Pay heed to yourself, that is to your soul. Do not let worldly and mundane things trap you nor earthly things hold you back. Hasten with all your might to him of whose breathing you exist. 'A great thing,' says Scripture, 'is man, and a

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[10] Ernst Dassmann, *Die Frömmigkeit des Kirchenvaters Ambrosius von Mailand: Quellen und Entfaltung* (Münster: Aschendorff, 1965), 137-138.

[11] In Ambrose's work, two readings of Sg 1:8 can be found: *nisi scias* and *nisi noscas*. Both variants probably stem from quoting the verse from memory.

[12] Origen, *Comm. in Cant.* 2 (GCS 33: 141); see also Plato, *Alcib. I* 131ab; 133de; Jean Pépin, *Idées grecques sur l'homme et sur Dieu* (Paris: Les Belles Lettres, 1971), 202.

[13] Pierre Courcelle, *Saint Amboise devant le précepte delphique,* in *«Forma futuri.» Studi in onore del card. Michele Pellegrino* (Torino: Bottega d'Erasmo 1975), 181-183.

[14] The γνῶθι σεαυτόν theme appears in the hexaemeral context also in Basil, *Hexameron* 9. 6 (GCS n.F. 2: 158) and Gregory of Nyssa, *De opif. h.* 29 (PG 44: 237D–240A); see also David Vopřada, *Mistagogia del Commento al Salmo 118 di sant'Ambrogio* (Roma: Institutum Patristicum «Augustinianum» 2016), 408-409.

[15] Pépin, *Idées grecques*, 203.

> merciful man is a precious work. But who will find a faithful man?' Learn, O man, in what you are great, in what you are precious.[16]

Similarly, Ambrose uses Sg 1:8(7) in the *Vetus Latina* translation: *nisi noscas te decoram inter mulieres* in connection with the philosophical motif γνῶθι σεαυτόν in the Book 2 of his *Commentary on Psalm 118*. He uses it in conjunction with the Latin translation of Dt 15:9: *adtende tibi, ne fiat uerbum absconditum in corde tuo* to Christian anthropology that understands man as created in the image and likeness of God, who must know himself if he is to continue on his journey.[17] The message of Apollo's oracle is so closely linked to the Christian understanding of the time that the philosophical knowledge of 'know thyself' comes from the fact that the philosophers 'stole' it from Moses as the author of Deuteronomy, a motif quite common in early Christian literature:

> 'Know your own self.' The pagans ascribe this maxim to the priestess of the Apollo of Delphi, as though Apollo were its author. However, we know that it was taken from the Book of Deuteronomy written by Moses long before it was engraved by the philosophers of Delphi.[18]

At the same time, Moses has been ascribed an authority that surpasses the Greek philosophers based on the principle of *antiquitas,* that is, 'what is older is better'. The reading of Deuteronomy thus also has an apologetic significance, which places the doctrine put forward by the Christian bishop above the Greco-Roman philosophical and religious tradition, which it seeks to overcome.[19] In the *Expositio psalmi cxviii* 6, however, Ambrose repeatedly returns to Dt 4:9. He does not limit self-knowledge to the external world, nor the knowledge of one's own body and its senses, but to 'soul and spirit':

> 'Attend to thyself alone,' says Scripture. In fact, we must distinguish between 'ourselves,' 'ours,' and 'what surrounds us.' 'Ourselves' refers to body and soul. 'Ours' are the members of our bodies and our senses. 'What surrounds us' consists of our money, our slaves, and all that belongs to this life. 'Attend to thyself,' therefore, 'know thyself,' that is to say-not what muscular arms you have, not how strong you are physically, or how many possessions or power you have. Attend, rather, to your soul and mind, whence all our deliberations emanate and to which the profit of your works is referred. Here only is the fullness of wisdom, the plenitude of piety and justice of which God speaks—for all virtue comes from God.[20]

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16 Ambrose, *Expos. ps. cxviii* 10. 10 (CSEL 62: 209): *«Adtende tibi,» ut lex dicit; hoc est tibi, id est animae tuae. Saecularia te et mundana non teneant, terrestria non morentur. Ad illum tota intentione festina, ex cuius inspiratione consistis. «grande,» inquit, «homo et pretiosum uir misericors, uirum autem fidelem opus est inuenire» (Ps 137: 8). Disce, homo, ubi grandis atque pretiosus sis.* English translation by Ída M. Ní Riain, 134.

17 Vopřada, *Mistagogia*, 220-224.

18 Ambrose, *Expos. ps. cxviii* 2. 13 (CSEL 62: 27): *«Nosce te ipsum,» quod Apollini Pythio adsignant gentiles uiri, quasi ipse auctor fuerit huius sententiae, cum de nostro usurpatum ad sua transferant et longe anterior Moyses fuerit, qui scripsit librum Deuteronomii, quam philosophi qui ista finxerunt.* English translation by Ída M. Ní Riain, 17.

19 Ambrose, *Ep.* 73(18). 7 (CSEL 82/3: 38): *Nullus pudor est ad meliora transire.*

20 Ambrose, *Exam.* 6. 7. 42 (CSEL 32/1: 233): *«Adtende» inquit «tibi soli.» Aliud enim sumus nos, aliud sunt nostra, alia quae circa nos sunt. Nos sumus, hoc est anima et mens, nostra sunt corporis membra et sensus eius, circa nos autem pecunia est, serui sunt et uitae istius adparatus. Tibi igitur adtende, te ipsum scito, hoc est non quales lacertos habeas, non quantam corporis fortitudinem, non quantas possessiones, quantam potentiam, sed qualem animam ac mentem, unde omnia consilia proficiscuntur, ad quam operum tuorum fructus refertur. Illa est enim plena sapientiae, plena pietatis atque iustitiae, quoniam omnis uirtus a deo est.* Translated by John J. Savage, 255.

He is interested in the soul and the mind because, in the Platonic reception, he regards it as the guiding element (ἡγεμονικόν) governing the senses and the body, but also because in his view, only the soul is created in the image and likeness of God.[21] Wisdom, piety, and righteousness, these Christian variations on the classical Roman virtues, influenced nevertheless by the reading of Scripture, are found precisely in the soul, which is connected to God, in whom is every power or virtue (*virtus*), and of whom it is 'the radiance of glory and the image of the Father's essence'.[22] Man is great, according to Ambrose, precisely because of his soul, which is the image of God (and not the whole of body and soul), which man can recognise through his self-knowledge based in Ambrose on the quotation Dt 4:9, the Latin wording, *adtende tibi,* brings him to the second meaning of these words, namely the warning against the one who can destroy this image, the devil:

> Know then, man, your greatness and see to it that you never on any occasion become entrapped in the snares of the Devil, so as not to fall, perchance, into the jaws of that dread beast 'who as a roaring lion goes about seeking someone to devour.' Take heed of what goes into you and what comes out. I do not refer to food which is absorbed and ejected, but to words and thoughts. Do not allow yourself to be led into concupiscence in regard to a neighbor's wife or let your eye be captivated by the beauty of a woman who passes by. Your mind and your conversation should shun being involved in the crafty ways of seduction. Deceit should be far from your thoughts and you should not indulge in slander against your neighbor.[23]

This warning, and at the same time the call to spiritual warfare, forms part of the moral level of the catechesis of the candidates for baptism, to whom the original discourses on the Six Days of Creation were addressed.[24] The spiritual struggle here is addressed to the candidates for baptism not long after they had been subjected to the scrutinies of which exorcism was a part, which, by its apotropaic function, was intended to purify and prepare them for the reception of faith in baptism. At the same time, the discourse takes place only a day before the baptism, during the Easter Vigil, of which the renunciation of the devil was and is a part. The aim of the moral catechesis was undoubtedly to prepare for life after baptism when the neophytes are attentive to the actions that proceed from their souls and minds, whether they concern words or deeds. The words of Dt 4:9: *Adtende tibi* here connect with Pauline motifs aiming at gaining the final reward in 1 Cor 9:24; 2 Tm 2:5: 'He has declared: 'Let him so stand so as to take heed lest he fall' and 'So run as to obtain the prize.' So struggle that you may often discover that the crown is awarded only to him who has competed according to the rules.'[25]

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[21] Ambrose, *De fide*, 5. 7. 90 (CSEL 78: 249); *Expos. ps. cxviii* 8. 23 (CSEL 62: 164); *De exc. fr.* 2. 130 (CSEL 73: 323).

[22] Ambrose, *Exam.* 6. 7. 42 (CSEL 32/1: 234): *illa anima bene picta est, in qua est splendor gloriae et paternae imago substantiae.*

[23] Ambrose, *Exam.* 6. 8. 50 (CSEL 32/1: 241): *Cognosce ergo te, homo, quantus sis et adtende tibi, ne quando laqueis inplicatus diaboli fias praeda uenantis, ne forte in fauces tetri illius leonis incurras, «qui rugit et circuit quaerens quem deuoret» (1 Peter 5:8). Adtende tibi, ut consideres quid in te intret, quid ex te exeat. Non de cibo dico, qui absorbetur et egeritur, Sed de cogitatione dico, de sermone adsero. Non intret in te alieni tori concupiscentia, non inrepat in tuam mentem, non rapiat oculus transeuntis feminae pulchritudinem, animus non includat, non sermo tuus temptamentorum machinas nectat, non in dolo prodat, non maledico proximum aspargat obprobrio.* Transl. by John J. Savage, 263.

[24] The moral character of the teaching of the catechumens and the candidates of baptism has been studied by David Vopřada, *Mystagogie Ambrožových křestních katechezí*, 45-46.

[25] Ambrose, *Exam.* 6. 8. 50 (CSEL 32/1: 242): *«Adtende» inquit «tibi». Sic sta, ne cadas, sic curre, ut ad brabium peruenias, sic certato, ut saepe decernas, quia legitimo debetur corona certamini.* Translated by John J. Savage, 264.

Despite the reception of God's grace in baptism, *adtende tibi* also refers to self-knowledge and, at the same time, concern for one's existence after the Fall, which is prone to injury in the spiritual struggle, where part of the concern for oneself is access to Christ the physician able to heal the wounds inflicted by the enemy. Thus, the command *Adtende tibi* from Dt 4:9 carries several valences: self-knowledge, warning against temptation, concern for one's spiritual health, including the wounds inflicted by the Adversary, but ultimately an eschatological focus on God, since the goal of *adtende tibi* is not to forget the baseline of the Christian life explicitly directed towards God:

> Take heed that no unrighteous word lie hidden in your heart, for it creeps through your body like poison, bringing with it deadly infection. Take heed, lest you forget the God who made you, and do not take His name in vain. When you have eaten your fill, build a home for your habitation, abounding in flocks and in gold and silver, together with all that you possess in plentiful abundance. Then 'take heed that thine heart be lifted up and thou remember not the Lord,' as the Law states.[26]

Finally, however, Dt 4:9 also receives a concrete moral interpretation, which concerns the everyday life or situation of the audience to whom the Bishop of Milan presents his commentary. Dt 4:9 is used as a warning against temptation in the form of wealth: 'The poor man and the rich man should therefore take heed, because there are temptations for the man of poverty as well as for the man of wealth.'[27]

In doing so, he focuses on the fact that 'enough' is enough for man, and therefore, in light of Prv 30:9 LXX, he should ask only for what is 'necessary and reasonable.' Nevertheless, the warning against too much wealth and pleasure belongs to the moral interpretation ascribed by Ambrose to the Book of Deuteronomy. In other words, from anthropology, Dt 4:9 brings him to the practical consequences of who one is before God, which is manifested in virtue appropriate to one's greatness.[28]

Deuteronomy 4:24

The image of God as consuming fire in Dt 4:24 is undoubtedly the critical concept that leads Ambrose to use this Old Testament verse.[29] However, he applies it to several different realities. First, in his *Hexameron,* Ambrose interprets the words of Gn 1:14-15 about the two lamps that distinguish day from night, and he gives the example of theophany in Ex 3:2-3 in the 'flames in the bush'. Here, he takes the inability of the fire to burn the bush as a theological statement about God: 'The fire of the Lord gives light, but does not burn.'[30] But this contrasts precisely with the statement in Dt 4:24 about God as consuming fire, to which the bishop must respond:

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[26] Ambrose, *Exam.* 6. 8. 50-51 (CSEL 32/1: 242-243): *Adtende tibi, ne fiat uerbum absconditum in corde tuo inicum; serpit enim sicut uenenum et letalia confert contagia. Adtende tibi, ne obliuiscaris deum, qui fecit te, et ne nomen eius in uanum accipias. Adtende tibi, lex dicit, ne cum manducaueris et satiatus fueris et domus aedificaueris et habitare coeperis et pecoribus tuis repletus fueris et auro et argento abundaueris et omnibus quaecumque tibi fuerint «in multitudine exaltes te corde et obliuiscaris dominum deum tuum» (Deut. 8:14).* Transl. by John J. Savage, 264.

[27] Ambrose, *Exam.* 6. 8. 53 (CSEL 32/1: 245): *Adtende ergo tibi, pauper, adtende, diues, quia et in paupertate et in diuitiis temptamenta sunt.* Translated by John J. Savage, 267.

[28] Ambrose, *Expos. ps. cxviii* 10. 10 (CSEL 62: 208).

[29] כִּי יְהוָה אֱלֹהֶיךָ אֵשׁ אֹכְלָה הוּא אֵל קַנָּא׃ פ

[30] Ambrose, *Exam.* 4. 3. 9 (CSEL 32,1: 116).

> Still, you perhaps may say, wherefore is it written: 'I am a consuming fire'? Your suggestion is a good one. God usually consumes only the sinful. Even in the retributions dispensed to men in accordance with their merits we perceive the nature of divine fire. It illuminates some and consumes others. It illuminates the just and consumes the wicked. It does not illuminate the same people which it consumes. Rather, its illumination is inextinguishable in the direction of its performance toward the good, whereas its power of consumption is mighty to punish the sinner.[31]

The answer to the objection in the form of Dt 4:24 is only a kind of excursus here, which Ambrose does not develop further. If God's attribute of 'illuminating some and burning others' distinguishes the 'righteous' from the 'wicked,' it is simultaneously a moral appeal, consistent with Ambrose's definition of the 'moral' character of the book of Deuteronomy. However, there is a certain tension here: although the 'consuming fire' consumes 'sins,' its purifying function concerns not only the action but also the one who does it when he 'burns the wicked'; from the level of action, the interpretation moves to the level of warning against punishment.

This moral dimension is also characterised by the use of Dt 4:24 in Ambrose's letter to Simplician, where he tries to give a Christian meaning to the provisions for the sin-offering in Lv 10:16-20. Here, he arrives at what might be called the 'unlawful fire' which was forbidden to be brought into the sanctuary and interprets it in a strictly allegorical manner on the model of Philo,[32] identifying it with various vices, that is, within the limits of the moral sense inherent in the allegorical exegesis.[33]

Nevertheless, he contrasts this moral interpretation of the illicit fire with Philo's mystical interpretation of 'the only fire' capable of 'burning away the sins of man,' which in his interpretation is Jesus, as he employs several quotations from the New Testament.[34] Moreover, he includes in this series the epithet 'consuming fire' from Dt 4:24, which he interprets Christologically in the light of the citation of this verse in Heb 12:29 when at the same time he refers to the Christ of the Nicene faith, i.e., co-equal with the Father. If God is the consuming fire, so is the Son.[35] He notes above all the majesty which man perceives in fire, and at the same time understands fire as a sanctifying and illuminating element through which God often reveals Himself:

> And Isaiah shows that the Holy Spirit is not only Light but also Fire, saying: "And the light of Israel shall be for a fire." So the prophets called Him a burning Fire, because in those three points we see more intensely the majesty of the Godhead; since to sanctify is of the Godhead, to illuminate is the property of fire and light, and the Godhead is wont to be pointed out or seen in the appearance of fire: 'For our God is a consuming Fire,' as Moses said.[36]

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[31] Ambrose, *Exam.* 4. 3. 10 (CSEL 32/1: 117): *Ac forte dicas: Quomodo scriptum est: Ego sum ignis consumens? Bene admonuisti: non solet consumere nisi sola peccata. In retributionibus quoque meritorum colligimus diuini ignis naturam, ut alios inluminet, alios exurat, inluminet iustos, exurat inpios. Non eosdem quos inluminat exurit et quos exurit inluminat, sed inluminatio eius inextinguibilis est ad perfunctionem bonorum, exustio uehemens ad supplicium peccatorum.* English translation by John J. Savage, FoC 42: 133-134.

[32] Philo, *De fug. et inv.* 28.159-160 (PAO 3: 145).

[33] Ambrose, *Ep.* 3(67). 9 (CSEL 82/1: 23-24).

[34] Mt 1:11; 9:20; Lk 19:8.

[35] According to Ambrose, God is identified as 'fire' by Moses, Isaiah, and John the Baptist: see Jn 1:8-9; Is 10:16-17; Ex 3:1-6.

[36] Ambrose, *De Spir.* 1. 16. 144 (CSEL 79: 76): *Et Eseias significat non solum lucem, sed etiam ignem esse spiritum sanctum dicens: Et erit lux Istrahel in ignem. Itaque prophetat eum in igne ardenti, quia in tribus istis generibus propensius maiestatem divinitatis advertimus, quoniam et sanctificare divinitatis et inluminare ignis et lucis est*

At the same time, however, he applies these statements about God to the Holy Spirit in the context of the current Cappadocian theological discussion of the divinity of the Holy Spirit, as presented by Basil in his *De Spiritu Sancto,* which was moving towards a creedal declaration of the divinity of the Holy Spirit at the Councils of Constantinople and Aquileia in 381. Here Dt 4:24 is given a new and specifically Trinitarian interpretation as part of the Christian discourse on God and his inner life. Then, in *De officiis,* when Ambrose interprets the statement of the Baptist in John 1:33 about Jesus who will 'baptise with the Holy Spirit and with fire,'[37] he moves to the *ignis ardens* in Jer 20:9, which allows him to develop not only the line of 'fire' but also that of 'burning' or 'cutting'. From there he goes on to quote Dt 4:24 via 1 Cor 3:13,15: *Ego sum ignis consumens.* However, this verse is immediately linked to Jer. 2:13: *me dereliquerunt fontem aquae vivae,* which allows him to build on the contrast between fire and water in other passages quoted. The way he works with Dt 4:24 in this case illustrates Ambrose's 'fan-shaped' method of working with the biblical text very well.

Concentrating on the non-essential was an essential theme for the ancient philosophical tradition. It is with this theme in mind that Ambrose interprets the 13th strophe of Psalm 118(119), whose verses begin with the Hebrew letter ם, which Ambrose interprets as 'interiority' or 'fire from the depths'.[38] Under a plethora of Old and New Testament quotations such as Lam 1:12; Lk 12:49; and Ez 22:19-21, there is a cursory reference based on Dt 4:24 that 'God is fire'.[39] More is not inferred by Ambrose at this point. However, the use of the verse suggests that the quotation is one that Ambrose is familiar with and uses as part of his spiritual focus on the non-literal, as elsewhere in this exposition where God is invoked as the coming 'consuming fire' to burn in the preacher's heart.[40]

In his exposition of Lk 12:49-50: *Ignem ueni mittere in terram et quid uolo nisi iam accendatur,* Ambrose revisits his favourite theme of inwardness illuminated by the fire of God, with Dt 4:24 among other biblical quotations referring to fire or the process of burning (Jer 20:9; Ps 96[97]:1). Ambrose goes on to explain the verse from Deuteronomy at this point:

> The Lord himself is fire, for He says: 'I am the fire that burns without consuming.' The fire of the Lord is light eternal. It is the fire that lights the lamps of which He says above: 'Let your loins be girt and your lamps alight.' We need to have our lamps alight for the days in this world are indeed night. Ammaus and Cleopas witness to this fire that the Lord sends into their heart when they exclaim: 'Was not our heart burning within us, while He spoke to us in the way and opened the Scriptures to us?' Here they show us very clearly what the action of that fire is and how it illuminates the heart.[41]

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proprium et in specie ignis exprimi vel videri divinae est consuetudinis. Deus enim est ignis consumens, sicut Moyses dixit. English translation by Philip Schaff.

37 Amborse, *De officiis* 3. 13. 103-110 (CCL 15: 192-194).

38 Ambrose, *Expos. ps. cxviii* 13. 1 (CSEL 62: 281): *ex intimis*; *ignis ex ultimis.*

39 Ambrose, *Expos. ps. cxviii* 13. 2 (CSEL 62: 281): *ipsum deum legerimus ignem esse.*

40 Ambrose, *Expos. ps. cxviii* 3. 16 (CSEL 62: 49): *Veniat ergo ignis consumens.*

41 Ambrose, *Expos. Luc.* 7. 132 (CCL 14: 259): *est et idem dominus ignis, sicut ipse dixit: «Ego sum ignis ardens et non consumens»* (Exod. 3:2; 24:17; Deut. 4:24; Heb. 12:29)*; ignis enim domini lumen aeternum est, quo igni illae accenduntur lucernae, de quibus supra dixit: «sint autem lumbi uestri praecincti et lucernae ardentes»* (Luke 12:35)*. Et ideo quia nox est huius dies uitae, lucerna est necessaria. hunc ignem in se etiam Ammaus et Cleopas a domino missum esse testantur dicentes: «nonne cor nostrum ardens erat in uia, cum aperiret nobis scripturas?»* (Luke 24:32)*. Euidenter itaque docuerunt qualis istius sit ignis operatio, qui secreta cordis inluminat.* English translation by Ída M. Ní Riain, 231-232.

The fire of the 'Lord' is explained as 'eternal light,' but using the image of Lk 12:39, the Old Testament verse is interpreted Christologically, where it serves both to affirm Christ's divinity and to establish a relationship between the hearer and this Jesus as Lord. This ability of Jesus to set hearts on fire and to penetrate the heart of man is then illustrated by the burning heart on the road to Emmaus.[42]

The identification of Christ with the consuming fire in Dt 4:24 also plays a vital role in Ambrose's exegesis of the critical passage in Lk 22:54-62, where Peter denies Christ and is forgiven by the gaze of Jesus, which brings a stream of tears to him. Here, the fire of Jesus' presence[43] creates a strong contrast with the coldness in which Peter stands during Jesus' trial in the courtyard, where he tries to warm himself and deny Christ:

> Now let us consider when it was that Peter denied: 'It was cold.' At that time of the year, it could not have been cold; but a place where Jesus is not known is cold; it is cold where no one sees the light; it is cold where people deny Him who is a consuming fire. For the soul, not for the body, it was cold.[44]

For Ambrose, this coldness is a state of the spirit, not of the body, and only emphasises the state of man without Christ. To this is applied the theological statement of Dt 4:24, where the heat of the fire which illuminates and warms the interior of man, or rather his spirit, is all the more emphasised.

Finally, a summary and observations on Ambrose's use of Dt 4:24. It is indeed noteworthy that Ambrose overlooks the 'jealous love' but chooses only one of the images which is undoubtedly more attractive to him, namely fire. The aspect of God's love is certainly not absent from Ambrose's work, but I suspect that for the mentality of late antiquity, the idea of God as fire was more appealing than the idea of God as 'jealously loving'. There are reasons why Ambrose does not use this image: the problem of jealousy and love both involve emotions. In the case of a perfect God one would have to explain how these emotions occur in God, and this would be pretty difficult given the existing philosophical tradition of knowing God. At the same time, this use of Dt 4:24 is an eloquent example of Ambrose's way of working with Scripture: the author has a particular mental image, the fire that illuminates the inner man, which is so important to him, and he associates specific verses with it, which vary throughout his work. The Old Testament verse thus becomes more of a slogan, taken out of its original context and appropriated based on the formation of a late ancient bishop who had received a classical education. Specifically, Dt 4:24 is associated with the idea of divinity, with the knowledge of God in the interior or the mind, emphasising the interior's spiritual role in the Christian's life, which is not exhausted by external action.

Conclusion

While this study of just two of Ambrose's quotes from the Book of Deuteronomy is just a probe into the usage of this Old Testament book by a Christian bishop of the late 4th century, some interim conclusions can be drawn. Ambrose is not concerned with the context of the book or the

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[42] See Lk 24:32.

[43] Allan Fitzgerald, *Conversion through penance in the Italian church of the fourth and fifth centuries: New approaches to the experience of conversion from sin* (Lewiston, N.Y: E. Mellen Press, 1988), 102-112.

[44] Ambrose, *Expos. Luc.* 10. 76 (CCL 14: 368): *Consideremus etiam quo in statu neget. Frigus erat. si tempus consideremus, frigus esse non poterat; sed frigus erat ubi Iesus non agnoscebatur, ubi non erat qui lucem uideret, ubi negabatur ignis consumens. Frigus ergo erat mentis, non corporis.* English translation by Ída M. Ní Riain, 337.

passage in which the quoted verse is situated. Moreover, he takes a singular image or theme from the verse that allows him to use it in his thought, formed by both the classical and biblical education he had received. His effort to use the Old Testament books and, specifically, that of Deuteronomy, to involve it somehow in his Christian reading of the Jewish scriptures can be recognised. It is evident that Ambrose employs the selected quotations from the Book of Deuteronomy primarily within a moral framework, aligning with his exegetical theory. However, his approach extends beyond mere moral exhortation or the application of ethical allegories. He reinterprets the text through a Christological lens, imbuing it with a 'mystical' dimension inherent to the Christological reinterpretation of Old Testament scripture. On the one hand, this application of Deuteronomy in Ambrose's works and preaching can be perceived as unsatisfactory. However, on the other hand, it is still a kind of effort to keep the continuity of the history of salvation between both Testaments and to employ the heritage of the Mosaic Law in the Christian community of the Church of his times, in a radically different space, time, and culture. In this, expressly, Ambrose's merit to the biblical scholarship can be acknowledged, as it still can, in a way, be inspirational for our times while we struggle to translate the message of the sacred books to the culture of our place and time that differs significantly from that of the original setting of the Book of Deuteronomy and all other books of the biblical corpus.

Assoc. Prof. David Vopřada, Ph.D.
Catholic Faculty of Theology, Charles University, Czechia

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Deuteronomy 21:1–9 LXX: a Synchronic Interpretation*

Július Pavelčík

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Abstract:
In terms of its content, the passage of Deuteronomy 21:1-9 is entirely unique within the entire Old Testament. It describes a procedure that must be carried out upon finding the corpse of a person murdered by an unknown individual outside any city in the land given by God. The article presents a purely synchronic interpretation of the Greek Septuagint version of this difficult text, meaning its explanation only within the context of the Greek Deuteronomy, or the Pentateuch, without considering the original Hebrew text. The goal is to determine how an ancient Greek reader could perceive and understand the unusual ritual described in this biblical text. The interpretation presented here emphasises the significant theological aspect of the entire described case, related to the unique and exceptional relationship between God and His chosen people.

Keywords:
Deuteronomy, Septuagint, anonymous crime, atonement rite

Introduction

In Deuteronomy 21:1–9, we find a unique passage that has no parallel in the entire Pentateuch or anywhere else in the Old Testament. Here, Moses gives the Israelites instructions on the proper procedure to follow when they find the body of a murdered person outside the city, whose killer remains unknown.

The situation described here is specific in several respects: no judicial investigation of the circumstances of the killing is described in the text. Although it can be implied *in silentio*, nothing in the text suggests it. The site of the ceremony is a desolate ravine untouched by human activity. The case is not handled by either the local court or the supreme court. Judges are present, but they do not judge. The ritual does not take place in a sacred place. Priests are present, but it is likely they are not the ones performing the ritual itself. There is a formula of exclusion, but it does not exclude anyone from the community. The representatives of the people plead for God's mercy,

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even though they clearly proclaim their innocence beforehand. This biblical text thus rightly attracts the interest of researchers.[1]

The goal of this article is a purely synchronic interpretation of the Septuagint version of this biblical passage. In general, it can be said that the translation of the Jewish sacred scriptures into Greek was made primarily for the needs of the Greek-speaking Jewish community, which was no longer able to read or understand the Hebrew original. But then the question arises: how could these believing Jews, later also Christians and finally all other Hellenistic readers, read, understand and interpret the Greek versions of Jewish religious writings without their relating to the Hebrew original? What ideas did these translations evoke in them? What image of Old Testament Judaism did they convey to them? This circle of questions is what this proclaimed synchronic interpretation of Dt 21:1–9 LXX wants to enter. Its aim is to interpret the Greek LXX version of this passage in the context of the Greek Deuteronomy (and the Pentateuch if necessary).[2] In what way could the described ritual be understood by the Greek readers? What message about God and His people they could learn by reading about it?

The Greek Deuteronomy is its closest referential contextual unit, in relation to which it can and should be interpreted.[3] Therefore, primary emphasis will be placed on its terminological, thematic and other contextual connections within the Greek Deuteronomy.[4] The interpretation will first deal with the elementary contextual placement of the text Dt 21:1–9 and then with its basic structural division. The main interpretive part is structured according to the individual content-structural segments of the interpreted text.

The Greek Septuagint texts in their synchronic interpretation can then be used for comparison with other translations of the given text from the Hebrew original (e.g., Vulgate, targums), for discussions of ancient translations of the Septuagint (e.g., Vetus Latina, Coptic versions), and for study of how this text or any part thereof was received and recontextualised by Jewish[5] and Christian interpreters.

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[1] Here, I kindly refer the reader to overview of the literature on the entire section on Dt 21:1–23 in Eckart Otto, *Deuteronomium 12–34. Erster Teilband: 12,1–23,15* (Freiburg: Herder, 2016), 1610–1617.

[2] The Greek text of Deuteronomy is quoted in this article according to John William Wevers and Udo Quast, eds., *Septuaginta: Vetus Testamentum Graecum. Vol. 3,2: Deuteronomium*. 2nd ed. (Göttingen: Vandenhoeck & Ruprecht, 2006). If necessary, a different text variant of the edition Alfred Rahlfs and Robert Hanhart, *Septuaginta: id est Vetus Testamentum graece iuxta LXX interpretes* (Stuttgart: Deutsche Bibelgesellschaft, 2006) is introduced. The abbreviations G and R are used for both editions further on in the text, respectively.

[3] As far as I know, the only synchronic approach to this text can be found in Douglas C. Mohrmann *Deuteronomion: A Commentary Based on the Text of Codex Alexandrinus* (Leiden: Brill, 2023), 361–365.

[4] Therefore, I do not, for example, examine the character of the text as a translation, nor do I deal with how the terminology and phraseology of the translation modifies the Hebrew text.

[5] For the text interpreted here, Josephus Flavius can be taken here into consideration. According to Sean A. Adams and Zanne Domoney-Lyttle, *The Philo of Alexandria Scripture Index* (Atlanta, GA: SBL Press, 2023), 136, Philo does not deal with this text or its part anywhere.

Text and Translation

Dt 21	LXX	NETS[6]
1	Ἐὰν δὲ εὑρεθῇ τραυματίας ἐν τῇ γῇ, ᾗ κύριος ὁ θεός σου δίδωσίν σοι κληρονομῆσαι, πεπτωκὼς ἐν τῷ πεδίῳ καὶ οὐκ οἴδασιν τὸν πατάξαντα,	Now if, in the land that the Lord your God is giving you to inherit, someone wounded is found having fallen on the plain, and they do not know who struck him down,
2	ἐξελεύσονται ἡ γερουσία καὶ οἱ κριταὶ καὶ ἐκμετρήσουσιν ἐπὶ τὰς πόλεις τὰς κύκλῳ τοῦ τραυματίου,	the council of elders and the judges shall come out and measure out to the cities that surround the wounded.
3	καὶ ἔσται ἡ πόλις ἡ ἐγγίζουσα τῷ τραυματίᾳ καὶ λήμψονται ἡ γερουσία τῆς πόλεως ἐκείνης δάμαλιν ἐκ βοῶν, ἥτις οὐκ εἴργασται καὶ ἥτις οὐχ εἵλκυσεν ζυγόν,	And it shall be the city nearest the wounded, and the council of elders of that city shall take a heifer from the cows that has not been worked and which has not pulled in a yoke,
4	καὶ καταβιβάσουσιν ἡ γερουσία τῆς πόλεως ἐκείνης τὴν δάμαλιν εἰς φάραγγα τραχεῖαν, ἥτις οὐκ εἴργασται οὐδὲ σπείρεται, καὶ νευροκοπήσουσιν τὴν δάμαλιν ἐν τῇ φάραγγι.	and the council of elders of that city shall make the heifer go down to a rugged ravine, which is neither worked nor sown, and shall hamstring the heifer in the ravine.
5	καὶ προσελεύσονται οἱ ἱερεῖς οἱ Λευῖται, ὅτι αὐτοὺς ἐπέλεξεν κύριος ὁ θεὸς παρεστηκέναι αὐτῷ καὶ εὐλογεῖν ἐπὶ τῷ ὀνόματι αὐτοῦ, καὶ ἐπὶ τῷ στόματι αὐτῶν ἔσται πᾶσα ἀντιλογία καὶ πᾶσα ἀφή·	And the priests, the Leuites, shall come forward, for the Lord God has chosen them to stand by him and to bless in his name, and by their mouth every dispute and every assault shall be.
6	καὶ πᾶσα ἡ γερουσία τῆς πόλεως ἐκείνης οἱ ἐγγίζοντες τῷ τραυματίᾳ νίψονται τὰς χεῖρας ἐπὶ τὴν κεφαλὴν τῆς δαμάλεως τῆς νενευροκοπημένης ἐν τῇ φάραγγι	And the entire council of elders of that city, those nearest the wounded, shall wash their hands over the head of the heifer that was hamstrung in the ravine,
7	καὶ ἀποκριθέντες ἐροῦσιν Αἱ χεῖρες ἡμῶν οὐκ ἐξέχεαν τὸ αἷμα τοῦτο, καὶ οἱ ὀφθαλμοὶ ἡμῶν οὐχ ἑωράκασιν·	and in reply they shall say: ‘Our hands did not shed this blood, and our eyes have not seen.
8	ἵλεως γενοῦ τῷ λαῷ σου Ἰσραήλ, οὓς ἐλυτρώσω, κύριε, ἵνα μὴ γένηται αἷμα ἀναίτιον ἐν τῷ λαῷ σου Ἰσραήλ. καὶ ἐξιλασθήσεται αὐτοῖς τὸ αἷμα.	Be merciful to your people Israel, whom you redeemed, O Lord, so that innocent blood may not be among your people Israel.’ And the blood will be propitiated for them.
9	σὺ δὲ ἐξαρεῖς τὸ αἷμα τὸ ἀναίτιον ἐξ ὑμῶν αὐτῶν, ἐὰν ποιήσῃς τὸ ἀρεστὸν καὶ τὸ καλὸν ἔναντι κυρίου τοῦ θεοῦ σου.	But you shall remove innocent blood from yourselves, if you do what is pleasing and good in the sight of the Lord your God.

[6] Albert Pietersma and Benjamin G. Wright, eds., *A New English Translation of the Septuagint* (Oxford/New York: Oxford University Press, 2007).

Context

There are two texts in Dt 20 that have a common theme related in some way to warfare: 20:1–9 contains several regulations about military service, and 20:10–20 is instructions for conquering cities. Both textual units are introduced by the conjunction ἐὰν δέ, ordinarily in Deuteronomy introducing cases, which are then immediately followed by the relevant thematic discussion. Similarly, the text in 21:1 is introduced in this formal manner, thus defining another separate case for which Moses gives instructions. In this way, it is separated as a self-contained textual unit not only from the previous texts, but also from the following ones, which are also always introduced by the phrase ἐὰν δέ in the whole of chapter 21: Dt 21:10–14 gives instructions on marriage to a female captive and 21:15–17 on the right of the firstborn. In vv. 18–21 Moses speaks about the punishment for a disobedient son and in vv. 22–23 about the treatment of the corpse of a criminal hanged on a tree.

The land-grant formulas in verses 21:1 and 21:23d frame the whole chapter and thus create a certain form of *inclusio*,[7] indicating both the evident *theo*-logical character of the God-given land and especially its purity as the framework theme of the entire chapter,[8] formulated in the last part of its final verse: οὐ μιανεῖτε τὴν γῆν ἣν κύριος ὁ θεός σου δίδωσίν σοι ἐν κλήρῳ.[9] This suggests that the corpse of an innocent person who was fatally wounded defiles the land.[10]

The framing function of v. 23 is also evident from the fact that the new case in Dt 22:1 doesn't begin with the conjunction ἐὰν δέ introducing the protasis of a conditional sentence, but with the participle μὴ ἰδών (22:1).[11] Verse 21:1, on the other hand, can be seen as the introduction of a new thematic section, in which the common denominator of the individual cases described in it is no longer the killing of enemies and the conquest of their cities (as in chapter 20),[12] but the dwelling of Israel in the land given by God.[13]

Structure

The structure of the pericope seems to be quite clear. Verse 1 as the *protasis* clearly introduces a future conditional sentence. In the Deuteronomic Law (LXX), the conjunction ἐὰν δέ introduces a subordinate conditional clause, typically describing a specific legal case. Moses, acting as God's intermediary and lawgiver, then in the form of *apodosis* prescribes its appropriate legal or procedural solution based on God's will.

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[7] The land-grant formula is found earlier in 20:16, but based on the overall formulation and context, it cannot create a similar inclusion. Here, the emphasis is on the fact that it is the land of the nations that the Israelites are to completely destroy, which does not create a similar connection as the formulas in 21:1 and 21:23. The next closest formula, which is completely identical to the one in 21:23, is then in 24:4c, but it is far too separate to create a meaningfully traceable inclusive connection with 21:23.

[8] Cf. Otto, *Deuteronomium*, 1626.

[9] The verb μιαίνω appears only twice more in the entire Septuagint Deuteronomy, in 24:4, where there is an identical formulation as in 21:1 (οὐ μιανεῖτε τὴν γῆν ἣν κύριος ὁ θεός σου δίδωσίν σοι ἐν κλήρῳ), but in a different context. The man (ὁ ἀνὴρ ὁ πρότερος) who has divorced his wife may not take her back after she has also been divorced by 'the last man' (ὁ ἀνὴρ ὁ ἔσχατος, 24:3) because she has been 'polluted' (μετὰ τὸ μιανθῆναι αὐτήν). For this is an abomination before the Lord your God (βδέλυγμά ἐστιν ἔναντι κυρίου τοῦ θεοῦ σου). Such pollution must not pollute the land given as an inheritance.

[10] Cf. Otto, *Deuteronomium*, 1623.

[11] Ἐὰν δέ then appears in 22:6**.**

[12] While verse 10 begins with a mention of going out to war against enemies, its main theme is how to treat a captured woman whom an Israelite man wishes to take as his wife in his country.

[13] For much more on other contextual interconnections, see Otto, 1624–1626. His contextual observations on the Hebrew text are also applicable to the Greek one. Other connections within the Greek version of Deuteronomy will be pointed out at the appropriate points in the explanation.

From a purely formal-syntactical point of view, precisely due to the smooth flow of the text through the paratactic conjunction καί and the verbs in the future indicative (in main clauses),[14] vv. 2–8 can be considered as one extensive *apodosis*. Then, verse 1 states a condition, a case causing a certain legal problem to be solved, which, if fulfilled, in turn causes a whole series of consecutive actions, together forming one process unit, by which the problem is to be solved.

The Septuagint version of Deuteronomy frequently employs a specific conditional sentence structure, in which after the *protasis* there follows the *apodosis* containing at least two future tense verbs connected by the conjunction καί. This pattern appears in at least 23 out of more than 60 conditional sentences introduced by the conjunction ἐὰν δέ:[15] Dt 13:6–11 (7–12 R); 13:12–16 (13–17 R); 14:23–26 (24–27 R); 15:16–17; 17:2–7; 17:8–11; 19:11–13; 19:16-20; 20:12–14; 21:1–8; 21:10–13; 21:18–21; 22:2; 22:13–19; 22:20–21; 22:23–24; 22:25–26a; 22:28–29; 23:24 (25 R); 24:1–4; 24:5; 25:1–2; 25:5–6; 25:7–10. In all these instances, a consistent casuistic structure can be identified. This structure can be broadly summarised as follows: 'If a particular situation arises (*protasis*), then a specific set of sequential actions must be undertaken to resolve it (*apodosis*).' It is assumed that *all* the described actions are integral components of the solution for the given situation. From the extensive nature of these texts, it is understandable that specific structuring and appropriate punctuation are necessary to ensure clarity in the translated language.

Verse 9a is not part of the broader *apodosis* for two reasons: (1) the continuity of the paratactic use of the conjunction καί is broken here using the particle δέ; (2) the first part of verse 9 serves as an *apodosis* to verse 9b, forming an independent conditional sentence with a reversed order of *protasis* and *apodosis*.

However, a different scope of grammatical *apodosis* can also be considered in 21:1–9, as evidenced by the different punctuation in the translations: (1) Verses 2–4[16] can be understood as one long *apodosis* of a conditional clause based on the content compactness formed mainly by the terms γερουσία, πόλις and δάμαλις.[17] (2) It can be limited only to verse 2,[18] with its own logic, including content, because at the beginning of verse 3 a different subject (ἡ πόλις) is mentioned than in the previous verse (ἡ γερουσία καὶ οἱ κριταὶ).

To enhance clarity, the analysed text is divided into three main sections here – (1) case description: verse 1 presents the case in the form of the *protasis* of a conditional sentence; (2) resolution procedure: verses 2–8 comprise the extensive *apodosis*, which outlines the procedure for resolving the situation. This section is further divided into individual procedural steps expressed by future indicative verbs connected by the paratactic conjunction καί; (3) community implications: verse 9 outlines the consequences for the community's behaviour arising from the presented case.

(1) The *protasis* of the pericope (v. 1) introduces the reader to the initial situation: a case of a dead man found in the field, killed by an unknown person.

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[14] Of course, this cannot be applied to relative clauses (v. 3, 4), causal clauses (v. 5), or direct speech (vv. 7-8).

[15] The length and character of the *protasis* can vary considerably in the cases mentioned. Similarly, this also applies to the *apodosis*, of which the length depends on any embedded subordinate (relative or other) clauses.

[16] This delimitation we can observe, for example, in Cécile Dogniez and Marguerite Harl, *Le Deutéronome. Traduction du texte grec de la Septante, introduction et notes* (Paris: Cerf, 2007), 243; Cristina Termini, '*Δευτερονόμιον*, Deuteronomio,' in *Pentateuco*, Seconda edizione riveduta, ed. Paolo Lucca (Brescia: Morcelliana, 2019), 809–1019, here 929.

[17] This compactness is interrupted by verse 5 with quite different terminology describing a new group of participants coming on the scene.

[18] See, for example, Mohrmann *Deuteronomion*, 117. *Septuaginta Deutsch. Das griechische Alte Testament in deutscher Übersetzung*, ed. Wolfgang Kraus and Martin Karrer (Stuttgart: Deutsche Bibelgesellschaft, 2009), 199.

(2) In the *apodosis*, the characters ἡ γερουσία καὶ οἱ κριταί first enter the scene determining which city will accept responsibility for the execution of all further actions (v. 2). The representatives of that city (ἡ γερουσία τῆς πόλεως ἐκείνης) will then, in the further continuation of the *apodosis*, prepare the conditions for the performance of the reconciliation ritual itself at the prescribed place and in the prescribed manner (vv. 3–4).

In verse 5, which seems to be a kind of insertion to the reader, the description of the ongoing actions slows down: new figures necessary for the ceremony come on the scene, namely the priests, the Levites, whose rank, position and function are explained (ὅτι) quite extensively here.

In vv. 6–8a there is a description of the reconciliation ceremony itself performed by the council of elders of the designated city (ἡ γερουσία τῆς πόλεως ἐκείνης) consisting of a symbolic act (v. 6) and a prescribed formula (vv. 7b–8a).

Verse 8b is very likely not to be taken as part of the spoken formula itself: it switches from the dialogical address in the second person singular to the 'impersonal' statement in the third person, which fits well into the developed apodosis and follows the statement in verse 7a (καὶ ἀποκριθέντες ἐροῦσιν … καὶ ἐξιλασθήσεται αὐτοῖς). In its content, it concludes the procedural aspect of the entire purification ritual: after performing the entire prescribed ceremony, God[19] will free his people from the guilt of bloodshed in the Promised Land by an unknown perpetrator, and therefore irredeemable by ordinary legal procedures.

(3) The pericope is closed in v. 9 with a conditional clause with the reverse order of protasis and apodosis. It acts as a sentence expressing the consequence of the performed ceremony for the addressed community of Israelites.

Explanation

1 Case description

The situation that needs to be addressed according to this text is the finding of the person indicated by the Greek word τραυματίας. This term evoking the idea of someone else's causing injury leading to death[20] usually refers to people killed in battle.[21] In Deuteronomy, it is then used only in 32:42 in the context of Lord's fight against his adversaries. Here in 21:1, it is not about killing in battle, which was not considered a crime with any legal consequences.[22]

The verb πατάσσω is used in three different ways in other passages of Deuteronomy: (1) to kill the enemies in combat (1:4; 4:46), being repeatedly explicitly specified that this involves their complete extermination (2:33; 3:3; 7:2; 20:13); (2) to kill another person from the Israelites, a 'neighbour' (19:4, 6, 11); (3) of God striking people with some punishment, usually disease (28:22, 27, 28, 35; 32:39). In Dt 21:1, the first and third meanings can be completely ruled out. In chapter 19, the verb πατάσσω suggests a scenario where an Israelite kills a fellow tribesman, a neighbour, and therefore there is strong reason to believe that also in 21:1 the person killed was an Israelite. However, there are no details about the identities of either the killer or the victim here. The verse states that the killer is unknown (οὐκ οἴδασιν τὸν πατάξαντα), implying there are no witnesses. Consequently, the standard judicial procedure reliant on witness testimony cannot be applied in

[19] The passive form ἐξιλασθήσεται in the given context cannot be interpreted other than as a divine passive.

[20] Cf. Dogniez and Harl, *Deutéronome*, 242; Termini, '*Δευτερονόμιον*,' 928 n. 835. The text does not specify how (e.g., stabbed, shot) or with what (e.g., sword, dagger, arrow, stone) he was killed. From the usual association of this noun with battle, it is certain that he was killed with a weapon.

[21] In the Pentateuch see Gn 34:27; Nm 23:24; 31:8 (2x); cf. Nm 19:16, 18.

[22] Cf. Otto, *Deuteronomium*, 1619.

this case. The victim's identity remains completely unknown, as the case is not centred around him.

The words ἐν τῇ γῇ ᾗ κύριος ὁ θεός σου δίδωσίν σοι κληρονομῆσαι explicitly define the area to which the following regulations apply. Thus, the prescription of the expiatory rite applies only to the internal geographical framework defined substantially theologically as the land of God's chosen people. The verb κληρονομέω is found a total of 50 times throughout the Greek Deuteronomy, consistently (from chapters 1 to 32),[23] and in only four cases (2:9; 9:1; 11:23; 33:23)[24] is it not explicitly connected to the land (or a part of it) that the Lord gives Israel for an inheritance. 'To inherit the land' (κληρονομεῖν τὴν γῆν) is thus a central key theological theme of the entire Greek Deuteronomy, which runs through it like *cantus firmus*.[25] However, it is a land that *Lord, God, gives* to the Israelite people; it is His land. Everything that happens on it, everything that is connected to it, is thus directly and immediately concerned with the (Israelite) God himself. The shedding of blood on it is strictly and directly forbidden: οὐκ ἐκχυθήσεται αἷμα ἀναίτιον ἐν τῇ γῇ σου, ᾗ κύριος ὁ θεός σου δίδωσίν σοι ἐν κλήρῳ (19:10a). Therefore, since innocent blood has been shed (21:7–8) in the land given by God to Israel, the people must be free from guilt of blood (19:10b: οὐκ ἔσται ἐν σοὶ αἵματι ἔνοχος) and cleanse themselves of this innocent blood (19:13b: καθαριεῖς τὸ αἷμα τὸ ἀναίτιον ἐξ Ἰσραήλ) by an expiatory rite.[26]

The perfect participle active πεπτωκώς characterises the 'state' of the slain person who fell and whose body had been lying on the field for some unspecified (and perhaps even unidentifiable) time until it was found 'in the field'. The noun πεδίον in other places in Deuteronomy refers to a plain in contrast to mountains, or together with them to express the entire space designated (1:7: εἰς ὄρος καὶ πεδίον; 8:7: διὰ τῶν πεδίων καὶ διὰ τῶν ὀρέων). Or, it refers to the space outside cities (22:25: ἐν πεδίῳ; cf. 22:23: ἐν πόλει) and a place for sowing seed (28:38: σπέρμα πολὺ ἐξοίσεις εἰς τὸ πεδίον καὶ ὀλίγα εἰσοίσεις). The wording of verses 2 and 3 clearly indicates, that the location ἐν τῷ πεδίῳ in 21:1 means in the context of the case being discussed that the murder took place outside of any city.[27]

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[23] According to the statistics in *Logos Bible Study* 27.3.26. Copyright 2000-2023 Faithlife, LLC: 1:8, 21, 39; 2:9, 24, 31; 3:12; 4:1, 5, 14, 22, 26, 38, 47; 5:33; 6:1, 18; 7:1; 8:1; 9:1, 4, 5, 6, 23; 10:11; 11:8 (2x), 10, 11, 23, 29, 31 (2x); 12:2, 29; 16:20; 17:14; 19:14; 20:16; 21:1; 23:20; 28:21, 63; 30:5 (2x), 16, 18; 31:13; 32:47; 33:23.

[24] While verses 9:1 and 11:23 mention ἔθνη μεγάλα καὶ ἰσχυρότερα μᾶλλον ἢ ὑμεῖς, this can be interpreted as an indirect but clear reference to a specific country.

[25] The very great interest of the Greek Deuteronomy in the theme of the land as a God-given heritage can be further evidenced by other terms etymologically connected to the verb κληρονομέω. The noun κληρονομία refers to the land in 2:12; 3:20; 12:9; 19:14; in other places it refers to the people (9:26 [only in G], 32:9) and the law (33:4). The verb κατακληρονομέω is used in connection with the land or the peoples inhabiting it: 1:38; 2:21; 3:20, 28; 12, 10, 29; 15:4; 18:4; 19:1, 14; 25:19; 26:1; 31:3, 7. Only in 21:16 (G) does it refer to the distribution of inheritance to sons. The noun κλῆρος is most often used of the land (3:18; 4:21; 5:31; 11:31; 12:1; 15:4; 17,14 [R]; 19:10; 21:23; 24:4; 25:15, 19; 26:1; 29:8 [7 R]), then of the inheritance of the Levite (10:9; 12:12; 14:26 [27 R], 28 [29 R]; 18:1 [2x], 2 [2x]) and of the people as an inheritance (2:5, 9, 19; 9:29).

[26] As can be observed, in the case under discussion, neither specific 'murderous' terminology as φονευτής (4:42; 19:3, 4), φονεύω (4:42; 5:18; 19:6; 22:26), φόνος (13:15 [16 R]; 20:13; 22:8; 28:22), nor 'general' terminology for killing as ἀποκτείνω (9:28; 13:9; 22:22; 22:25; 32:29) or θανατόω (17:7) is used, referring to either the killer or his act.

[27] Mohrmann, *Deuteronomion*, 362 considers a broader concept: 'Starting with the "land" (γῇ – v. 1) and narrowing the focus to "field" or "plain" (πεδίῳ) does not imply, for example, that the following material pertains only to unsolved murders committed in the countryside. This language merely points toward any circumstance where a surreptitious murder had allowed someone to mortally wound someone and leave the scene undetected. Certainly, a remote location would make that easier. By using a scenario set in a field though, the lawmaker has added complexity. A question of jurisdiction is a compounding factor: "What if jurisdiction is not obvious, as opposed to a murder *within* a city on a dark, quiet alley?"'

2 Resolution Procedure

Since the murderer cannot be identified,[28] it is unclear who is responsible for performing the prescribed special conciliatory ceremony. Because this is a case of murder without witnesses, ordinary judicial procedures as documented in Deuteronomy cannot be applied. Two groups are responsible for the initial steps in resolving this situation: the council of elders (ἡ γερουσία) and the judges (οἱ κριταί).[29] In the absence of further details, we can assume these involve the council of elders and judges from the cities potentially affected by the case. The surrounding cities (τὰς πόλεις τὰς κύκλῳ τοῦ τραυματίου) are identified as the closest to the victim. They are then compared to determine (ἐκμετρήσουσιν) the absolute closest one. This process suggests it would not be used if the responsible city for the reconciliation ceremony was already clear.[30] Once the distance is measured out and responsibility established, the 'city' closest to the slain person (καὶ ἔσται ἡ πόλις ἡ ἐγγίζουσα τῷ τραυματία) 'will take over the case'.[31] The elders of that city (ἡ γερουσία τῆς πόλεως ἐκείνης, vv. 3.4.6) then take the necessary actions.

The judges (οἱ κριταί) only appear initially here to determine the closest city through distance measurement. In most passages of the Greek Deuteronomy where they are mentioned in the plural[32] (1:15; 16:18; 19:17; 21:2; 29:10; 31:28), they are listed alongside other specific social or religious groups among the Israelites. Based on three verses where they are mentioned alone, their primary roles seem to be: 1. court interrogation (1:16: διακούετε; 19:18: ἐξετάσωσιν), 2. judicial decision-making (1:16: κρίνετε δικαίως), and 3. overseeing punishment (25:2: καθιεῖς αὐτὸν ἔναντι τῶν κριτῶν καὶ μαστιγώσουσιν αὐτὸν ἐναντίον αὐτῶν). Interestingly, in 21:2, the judges appear to have an arbitral role in determining the nearest city, of which the council of elders would then be responsible for the prescribed ritual.

They bring an animal required for the ritual, a heifer which has not yet been used for work and has not been harnessed to the yoke (δάμαλιν ἐκ βοῶν, ἥτις οὐκ εἴργασται καὶ ἥτις οὐχ εἵλκυσεν ζυγόν). In the rest of the Pentateuch LXX, δάμαλις is found in Gn 15:9 and Nm 19:1–10; 7 as a sacrificial animal. There is a similar description of a ritual involving a red heifer in Nm 19:2: δάμαλιν πυρρὰν ἄμωμον, ἥτις οὐκ ἔχει ἐν αὐτῇ μῶμον καὶ ᾗ οὐκ ἐπεβλήθη ἐπ᾽ αὐτὴν ζυγός. However, in that passage the heifer is burnt, but not in Dt 21. The ashes from its burnt body are then used as part of the 'water of sprinkling' (ὕδωρ ῥαντισμου, 19:9**)**. Nm 7 lists heifers as part of the offerings that each of the twelve tribes of Israel should bring to the Tabernacle.

The heifer is to be brought into a 'rugged ravine', φάραγγα τραχεῖαν:[33] this Greek phrase is found only here in Dt LXX.[34] The Greek text leaves it ambiguous as to why the heifer is brought here, to a location of this nature, rather than, say, to the place where the corpse was discovered. Here we read about an inhospitable, uninhabited, and uncultivated place, the desired character of which is explained by the immediately following characteristic: ἥτις οὐκ εἴργασται οὐδὲ σπείρεται.

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[28] If the murderer was known or found out, it would not be necessary to perform this conciliatory ceremony.

[29] The textual variant σου in both groups found in R variant explicitly introduces a stronger personal emphasis.

[30] Although it was no longer a dispute, the conciliatory ceremony still had to be performed in the presence of priests.

[31] Mohrmann, *Deuteronomion*, 362.

[32] The singular form κριτής is used only in 17:9, 12.

[33] John William Wevers, *Notes on the Greek Text of Deuteronomy* (Atlanta, Georgia: Scholar Press), 199, 335: 'a rugged wadi'. Takamitsu Muraoka, *A Greek-English Lexicon of the Septuagint* (Louvain: Peeters, 2009), 685 suggests an equivalent 'wildly flowing' for τραχύς in this place, but his translation is evidently under the influence of the Hebrew (MT) version.

[34] The adjective τραχύς occurs in Dt only here; the noun φάραγξ in Dt a total of 10 times in 8 verses 1:24; 2:13 (2x); 2:14; 2:24; 2:36; 4:46; 21:4 (2x); 21:6.

This corresponds to the characterisation of the heifer in verse 3b (ἥτις οὐκ εἴργασται καὶ ἥτις οὐχ εἵλκυσεν ζυγόν).

The mention of 'not-working' (οὐκ εἴργασται) in this context is very interesting. The verb ἐργάζομαι appears in Dt LXX in only two other places besides this. In the Decalogue (5:13), work is prescribed for six days of the week (ἓξ ἡμέρας ἐργᾷ καὶ ποιήσεις πάντα τὰ ἔργα σου), while the seventh day is reserved for rest for the Lord, when all living creatures (including all livestock, πᾶν κτῆνός) must abstain from work (5:14). According to 15:19, every firstborn male is consecrated to the Lord, and therefore the firstborn calf must not be worked (οὐκ ἐργᾷ ἐν τῷ πρωτοτόκῳ μόσχῳ σου). These two uses show that 'not-working' grants a specific time (σάββατα) and a specific living creature (πᾶν πρωτότοκον) a special, but fundamental theological value of exclusivity, or being exclusively dedicated for God. Thus, the verbatim repeated characterisation of the heifer and the ravine in Dt 21:3 and 4 οὐκ εἴργασται can be understood as an expression of their specific theological value, which makes them suitable for a purification ritual. In both cases, the general phrase οὐκ εἴργασται is supplemented by another, more specific characteristic that the chosen heifer and ravine must meet, οὐχ εἵλκυσεν ζυγόν and οὐδὲ σπείρεται. Therefore, it can be said that both the animal and the land are chosen, because they have not yet been 'devalued' or 'profaned' by human labour. Both are thus appropriate as parts of the ritual communication with God. This interpretation can explain the unusual phrase φάραγγα τραχεῖαν.[35]

The members of the council of elders of the city in question will then cut the heifer's tendons (νευροκοπήσουσιν, v. 4b).[36] This act does not lead directly to the death of the animal; it leads to its mutilation, the consequence of which is a slow and long dying. It is therefore not a form of direct killing, and therefore not a kind of sacrifice. In the given context hence, it can be considered a certain ritual-symbolic analogy to the fate of the mortally wounded man: in both cases fatal injury leads to death.

The fifth verse of the text requires the presence of 'priests, Levites' for the ritual. This phrase characterises the Levites in their specific priestly role. In the five other occurrences in Dt LXX, it is used in connection with their specific function associated with: the God-chosen place, where they act as part of the highest judicial authority (17:9) and preserve the text of the Law intended for the king to transcribe (17:18); the highest legislative authority directly connected to God when they proclaim and mediate the binding Law of God (24:8); or the same authority as Moses, when they together commit the people to a future (after entering the land) pronouncement of a curse (27:9). They are introduced through this phrase at the very beginning of the section 18:1–6 offering a comprehensive description of their special position among the people and their functions.[37]

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[35] Mohrmann, *Deuteronomion*, 363 suggests a symbolic interpretation: 'Symbolism continues in the law's stipulation that these civic leaders take the animal to a remote location that has "neither been cultivated nor sown with seed" (οὐκ εἴργασται οὐδὲ σπείρεται – v. 4). A gorge or valley is mentioned (φάραγγα), and it is preferable if it is also a wasteland (τραχεῖαν; "rugged", "treacherous" – LSJ). This setting parallels the people's lost tranquility. Accordingly, it is in this symbolic space of hardship the ritual will be performed.' But a symbolic analogy, if any, would be better on the level of 'rough act – rough space'. The adjective τραχύς can also be used of a person; cf. Henry George Liddell and Robert Scott, *A Greek-English Lexicon*. *With a Supplement* (Oxford: Clarendon Press, ^{9}1996), τραχύς, I, 4: 'of persons, their acts, feelings, or conditions, *rough, harsh, savage*'.

[36] This very rare verb occurs only five times in total in LXX, in all cases applied to animals; besides Dt 21:4, 6 also in Gn 49:6b; Jo 11:6 and 11:9.

[37] In the Dt LXX, the 'Levites' are also characterised in other stereotyped ways: (1) unlike the other tribes, they have no share in the land (10:9; 12:12; 14:26, 28), (2) they reside in the cities of the other Israelite tribes (14:26; 16:11; 18:6), and (3) together with proselytes, orphans, and widows, they belong to the socially disadvantaged groups that require special care (26:12, 13).

Their presence in the ritual (21:5) is in an extensive way explained (ὅτι) by the fact that they are chosen[38] by God himself (αὐτοὺς ἐπέλεξεν κύριος ὁ θεός) to stand before Him, to bless in His name and to decide every controversial case and every injurious 'touch' in their presence (ἐπὶ τῷ στόματι αὐτῶν ἔσται πᾶσα ἀντιλογία καὶ πᾶσα ἁφή). However, since they do not pronounce any words of blessing during the ritual, it can be inferred that they are present primarily because of their 'arbitral' position. Mentioned just in the middle of the preparatory phase of the ritual and its very performance, they therefore appear as the decisive factor for the prescribed ritual. According to Dt 17:8–9 LXX, the priests, Levites, together with the judge, act as the supreme judicial body on the place chosen by the Lord, deciding legal matters that cannot be resolved at the local court level. Among the cases mentioned is a dispute concerning ἁφή. This Greek word here denotes some type of injury[39] and in this sense is also used in 21:5,[40] where in the context it can be factually related to the fatal injury from verse 1. Since this is a case that occurred in the land donated by God to Israel and which cannot be resolved by the usual court procedure, the presence of the priests, Levites, as a supervisory authority seems to be necessary.[41]

At the same time, and above all, they are the ones who mediate the direct contact or communication with the God of Israel. Their presence thus confirms that the case of innocently spilled blood directly affects the relationship between Israel and its God. They come to a task that is reserved only for them, and not for the gerusia, even though it performs the relevant ritual.

Notably, the verb λειτουργέω ('to perform a religious service'),[42] which appears in a similar formulation in 18:5,[43] and in the remaining three occurrences in Dt LXX always affirms the essential function of the Levitical priesthood (10:8; 17:12; 18:7). In all four of these occurrences, the verb παρίστημι is present as well, which is also found in 21:5. The absence of λειτουργέω in this verse might be explained by the nature of the described activities in the other passages. In those cases, the Levitical priests are always connected with the Lord's chosen place (cf. 17:10; 18:6) or with carrying the Ark of the Covenant (10:8). In other words, their specific priestly duties are most closely associated with a particular location or object. Here, however, that is not the case. They do (and can) not perform any 'liturgical' act here.

The ritual itself is performed by πᾶσα ἡ γερουσία τῆς πόλεως ἐκείνης**.** The added adjective πᾶσα implies the idea that in the previous steps assigned to the city council of elders, not all of its members had to be necessarily present. However, this is no longer the case for the ritual itself. In

[38] Interestingly, this is the only occurrence of the verb ἐπιλέγω in the entire Dt LXX. For 'choosing' someone or something (place, people, fathers' offspring, ruler) by God, the verb ἐκλέγω is used everywhere else. This fact further confirms and strengthens the overall specific character of the interpreted text.

[39] Dogniez and Harl, *Deutéronome*, 224: 'le mot grec *haphē*, don't le sens classique est "le sens du toucher", "le contact", est employé dans la Septante pour une "plaie", une "blessure", notamment celle de la lèpre (Lv 13 et 14).'

[40] In 24:8, it is further specified as ἐν τῇ ἁφῇ τῆς λέπρας.

[41] Otto, *Deuteronomium*, 1648–1649: 'Eid (…), der vor Priestern geleistet werden muss.' However, it may not be entirely clear whether they (1) only supervise the performance of the ceremony; or (2) they are also the performers of the ceremony, cf. Wevers, *Notes on the Greek Text of Deuteronomy*, 337: 'Since the verse begins with καί I suspect that what is joined are "the Levitical priests (shall approach)" and "all the eldership of that city"; (…), i.e. both are to take part in the ceremony of washing the hands." Dogniez and Harl, *Deutéronome*, 243 also interprets and translates the text in this sense.

[42] Johan Lust, Erik Eynikel, and Katrin Hauspie, *Greek-English Lexicon of the Septuagint*. Third Corrected Edition (Stuttgart: Deutsche Bibelgesellschaft, 2015), 369.

[43] ὅτι αὐτὸν ἐξελέξατο κύριος ὁ θεός σου ἐκ πασῶν τῶν φυλῶν σου παρεστάναι ἔναντι κυρίου τοῦ θεοῦ σου λειτουργεῖν καὶ εὐλογεῖν ἐπὶ τῷ ὀνόματι αὐτοῦ, αὐτὸς καὶ οἱ υἱοὶ αὐτοῦ ἐν τοῖς υἱοῖς Ισραηλ.

the phrase οἱ ἐγγίζοντες τῷ τραυματίᾳ, the present participle should be understood in the sense of 'being near' rather than 'approaching' (cf. verse 3: ἡ πόλις ἡ ἐγγίζουσα τῷ τραυματίᾳ).[44]

They shall wash their hands over the head of the hamstrung heifer. The phrase νίψονται τὰς χεῖρας is found only here in Dt LXX[45] and nowhere else in the Greek Pentateuch in performing this act over the head of the animal. Since nothing in the text suggests the presence of a place with water, it must be assumed that the water for this symbolic act was brought here. The washing of hands is generally a purifying ritual act in cult (cf. Ex 30:19; Lv 15:11). Here too it is a symbolic act that confirms the innocence of those who perform it, that they did not shed blood in this case (cf. also Mt 27:24), that they have hands clean of blood.[46]

In the Pentateuch, there are several mentions of the placing of hands on an animal's head[47] as a ritual gesture, mostly associated with sacrifices for sin (Ex 29:10, 15, 19; Lv 1:4, 10; 3:2, 8, 13; 4:4, 15, 24, 29, 33; 8:14, 18, 22; 16:21). Interestingly, an analogy can be drawn between this act and the washing of hands, as both are seen as parts of an atonement ritual performed over the animal's head.[48] A heifer (δάμαλις) as a sacrificial animal is somehow associated with purification (cf. Nm 19:2, 6, 9, 10) and with peace offerings (Nm 7 passim) and a bull (μόσχος) with offerings of various types, e.g., for a burnt offering (Nm 7 passim; cf. Nm 28:11,19, 27. etc.), or for sin (Lv 4 passim; 8:2,14; Nm 8:8; cf. Nm 15:24).

In the ritual formula, the representatives of the responsible city declare their innocence (vv. 7–8a): Αἱ χεῖρες ἡμῶν οὐκ ἐξέχεαν τὸ αἷμα τοῦτο, καὶ οἱ ὀφθαλμοὶ ἡμῶν οὐχ ἑωράκασιν.

The verb ἐκχέω in the Deuteronomy LXX is always associated with the 'pouring out of blood' (12:16, 24; 15:23; 19:10; 21:7). This idiom signifies the act of killing a human being,[49] as evidenced in the present case where it clearly refers to the committed murder.

With the words οἱ ὀφθαλμοὶ ἡμῶν οὐχ ἑωράκασιν, they declare that there is no witness from among the Israelites present to the act. This formal statement confirms the initial information about an unknown killer from v. 1 (οὐκ οἴδασιν τὸν πατάξαντα). This is why the case cannot be judged by 'standard' procedure and the purification ritual must take place.

The adjective ἵλεως is found only here in Deuteronomy. The phrase ἵλεως γενοῦ as an address to God is found in the entire Pentateuch only in Ex 32:12 in Moses' plea for the people who worshiped the golden calf.[50] While his plea here serves to avert the Lord's anger and punishment for the crime committed, in Dt 21:8 it seems rather like a plea to God to show such favour to his people that it will prevent the further crime of killing an innocent person. It cannot also be

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[44] See translations in Dogniez and Harl, *Deutéronome*, 243; *Septuaginta Deutsch*, 199. To the number change *ad sensum* see Cornelis den Hertog, Michael Labahn, and Thomas Pola, 'Deuteronomion / Deuteronomium / Das fünfte Buch Mose', in *Septuaginta Deutsch. Erläuterungen und Kommentare zum griechischen Alten Testament. Band I. Genesis bis Makkabäer*, ed. Martin Karrer and Wolfgang Kraus (Stuttgart: Deutsche Bibelgesellschaft, 2011), 523–601, 526.

[45] The verb νίπτω is only used here in the entire Dt; χείρ occurs 80 times in Dt.

[46] Cf. Otto, *Deuteronomium*, 1649.

[47] We can also find instances in the Bible with placing hands on a person's head. In Gn 48:18, it signifies a blessing, while in Lv 24:14, it foreshadows death.

[48] Cf. Dogniez and Harl, *Deutéronome*, 243.

[49] Cf. Dirk Büchner, Romina Vergari, and Ilaria Ponti, 'αἷμα', in *Historical and Theological Lexicon of the Septuagint. Volume I. Alpha – Gamma*, ed. Eberhard Bons (Tübingen: Mohr Siebeck, 2020), 345–374, 361.

[50] The phrase with the verb in the 2nd person singular indicative form is found in Nm 14:19 (ἵλεως αὐτοῖς ἐγένου); in the 1st person singular indicative in Nm 14:20: Ἵλεως αὐτοῖς εἰμι; and without verb in Gn 43:23 (Ἵλεως ὑμῖν). John William Wevers, *Notes on the Greek Text of Genesis* (Atlanta, Georgia: Scholar Press, 1993), 733: 'What is meant is "God has been gracious to you," or possibly as a polite wish "may God be gracious (to you)." The word is used in LXX only of God.'

overlooked that in both cases the granting of the request is immediately confirmed by the passive form (*passivum divinum*) of the verb ἱλάσκομαι (Ex 32:14),[51] or ἐξιλάσκομαι (Dt 21:8).[52]

The verb λυτρόω occurs in all places in Deuteronomy in the middle voice (7:8; 9:26; 13:5 [6 R]; 15:15; 21:8; 24:18) and its subject is always God and always refers to His redeeming act from Egypt on His people Israel.[53] If the formulation οὓς ἐλυτρώσω[54] is explicitly stated in Dt 21:8, one can ask what function this theologically important and fundamental statement has in the case discussed here.[55] Is it mentioned here regarding the defilement of the granted land with the blood of a murdered person? Or is it intended to serve as a certain intensification of the unique relationship between God and his people Israel? In any case, one can agree with Mohrmann's words: 'As so often happens in Deuteronomion, the Lord's redemptive work (ἐλυτρώσω; 7:8; 9:26; 13:6; 15:15; 24:18) in the Exodus story is applied by analogy to Israel's present life. Here that epic story of mercy founds their present request for mercy.'[56]

By this request, the gerusia expresses its wish that there will be no more 'innocent blood' among the people (ἵνα μὴ γένηται αἷμα ἀναίτιον ἐν τῷ λαῷ σου Ἰσραήλ). 'This word-group [αἷμα ἀναίτιον] constantly denotes the blood of a murdered innocent that usually sullies the souls of men.'[57] This phrase thus represents a certain theological classification of the act mentioned in verse 1, which justifies the performance of the entire ritual. It is the shedding of innocent blood in the land given by the Lord. The shedding of innocent blood demands justice.[58] Ideally, this comes through the lawful imposition of the death penalty. However, even when the legal system fails, a sense of vengeance lingers. Innocent blood stains not only the murderer's soul, but the very ground where it is spilled.[59] Thus, the land and its people must be cleansed of the stain of murder.[60]

In a symbolic gesture of washing their hands and a solemn declaration of their innocence, the people's representatives have formally 'washed away' the guilt from themselves. The purpose of the plea for mercy is to eliminate such cases of innocent bloodshed in the future.

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[51] καὶ ἱλάσθη κύριος περὶ τῆς κακίας, ἧς εἶπεν ποιῆσαι τὸν λαὸν αὐτοῦ.

[52] καὶ ἐξιλασθήσεται αὐτοῖς τὸ αἷμα.

[53] Friedrich Büchsel, 'λυτρόω', in *Theological Dictionary of the New Testament, Volume 4*, ed. Gerhard Kittel, Geoffrey W. Bromiley, and Gerhard Friedrich (Grand Rapids, MI: Eerdmans, 1967), 349–351,349: 'The act. denotes the action of one who has to free prisoners of war etc., hence "to let free for a ransom." But it can also be used of the one who gives the ransom, hence "to buy back by a ransom." The med. means "to purchase for a ransom (…)."' Throughout Deuteronomy, there are repeated references to redemption 'from slavery' (ἐκ τῆς δουλείας) or from the 'house of slavery' (ἐξ οἴκου δουλείας), i.e., from Egypt. Only in Dt 7:8 do we encounter the phrase ἐκ χειρὸς Φαραὼ βασιλέως Αἰγύπτου used in this context. The Pentateuch is silent on the matter of what price God paid Pharaoh in exchange for Israel. There are indications that the Egyptians themselves 'paid' for it: with their gold, silver and clothing (cf. Ex 11:2) but above all with the lives of their firstborn (Ex 11:4–8).

[54] In R, there is an addition ἐκ γῆς Αἰγύπτου in this verse. In all other instances of the Dt LXX, the connection between the verb λυτρόω and the exodus from Egypt is explicitly stated in some way (7:8; 9:26; 13:5 [6 R]; 15:15; 24:18).

[55] The verb ἐξάγω is much more common in this context. While in itself theologically neutral, it is always used in connection with God's deliverance of Israel from Egypt, except for five instances out of a total of 25 (8:15; 17:5; 21:19; 22:21, 24).

[56] Mohrmann, *Deuteronomion*, 364.

[57] Constantinos Raïos and Eberhard Bons, 'αἰτία, αἴτιος, ἀναίτιος, παραίτιος, μεταίτιος', in *Historical and Theological Lexicon of the Septuagint. Volume I. Alpha – Gamma*, ed. Eberhard Bons (Tübingen: Mohr Siebeck, 2020), 415–436, 431.

[58] In the case of the unintentional killing of another person, this is legally 'taken care of' by the institution of cities of refuge (cf. Dt 19:1–10). Perhaps the only case of killing a 'guilty' person 'in the field' could be considered blood revenge on a person who intentionally killed a neighbour (cf. 19:11–13). In this case, ὁ ἀγχιστεύων τοῦ αἵματος ('avenger of blood') is not prosecuted.

[59] Cf. Büchner, Vergari and Ponti, 'αἷμα', 362.

[60] Cf. Raïos and Bons, 'αἰτία', 431.

The sentence in v. 8b καὶ ἐξιλασθήσεται αὐτοῖς τὸ αἷμα is no longer part of the ritual formula. This can be substantiated by the change of the grammatical person from 2nd sg. (in addressing God) to the 3rd sg. (simple statement) and by the overall character of the apodosis structured according to the conjunction καί and the grammatical form of the future active of the verbs. The verb ἐξιλασθήσεται is etymologically related to ἵλεως,[61] which seems to indicate that the request for mercy will be heard after the ceremony has been duly and properly completed.

3 Community Implications

In verse 9a, the words of the exclusion formula (σὺ δὲ ἐξαρεῖς τὸ αἷμα τὸ ἀναίτιον ἐξ ὑμῶν αὐτῶν) are used to formulate the consequences for the community that arise from the entire situation described. Compared to its usual use in Deuteronomy, there are two significant differences here: 1. the object of exclusion is not a person characterised as 'the wicked' (13:5 (6 R); 17:7, 12; 19:19; 21:21; 22:21, 22, 24; 24:7), but 'innocent blood'; 2. the exclusion formula is here linked to a condition (in 9b); and (3) in the given context, it is not formulated as a punishment for an offense against the law.

The condition ἐὰν ποιήσῃς τὸ ἀρεστὸν καὶ τὸ καλὸν can be quite well applied to the previous ritual,[62] in the sense of: when you properly perform this ritual, which is acceptable and good before the Lord, then you will remove from the people the guilt that rests on them arising from the innocent person who was killed and whose murderer is unknown and could not be punished by law. If this condition were to be understood in a general moral sense,[63] then the formula for removing innocent blood would apply to any future doing 'the pleasing and good' without reference to the described case. But then, verse 9 would essentially be a separate (but meaningful) statement attached to verse 8 only on a single word association (αἷμα ἀναίτιον). So, it could finally be interpreted as an independent textual unit, without necessary reference to the previous text and not as its organic part.

Conclusion

In Deuteronomy 21:1–9, Moses provides instructions to the Israelite people on how to proceed in the event of a murdered person being found outside the cities in the land given to them by God. Innocent blood has been shed and has stained the land God had promised to Abraham, Isaac, and Jacob (1:8; 6:10; 9:5; 30:20; 34:4). Since the murderer, the one who is truly 'guilty of blood' (αἵματι ἔνοχος, 19:10), is unknown, the case cannot be resolved through standard legislative means or procedures. An expiatory ritual must be performed to ensure that the guilt for the 'innocent blood' does not fall on the people, who are God's holy people (7:6; 14:2, 20 (21 R); 26:19; 28:9). Both the land and the people must be cleansed of the stain of homicide.

The passage we encounter here in Deuteronomy addresses a matter of exceptional seriousness, directly impacting the unique and exclusive relationship between God and his chosen people. The profound seriousness of the issue is underscored by the text's deeply theological nature and its emphasis on core religious principles. First, this is indicated by the phrase κύριος ὁ θεός σου in vv. 1 and 9, creating an *inclusio* and framing the whole pericope. The Lord, God is the one who gives the land to Israel as an inheritance (v. 1), he is therefore its rightful owner. He is also the one

[61] Robert Beekes and Lucien van Beek, *Etymological Dictionary of Greek. Volume One* (Leiden/Boston: Brill, 2010), 586–587.

[62] This can be supported by referring to the presence of the definite article in both the phrase τὸ αἷμα τὸ ἀναίτιον and τὸ ἀρεστὸν καὶ τὸ καλόν.

[63] Thus, for example, Otto, *Deuteronomium*, 1650.

who chooses his special staff, the priests, the Levites, who are to bless and decide disputes in his name, and whose presence is necessary at the ritual (v. 5). He himself redeemed the Israelite people from Egyptian slavery (v. 8). The Lord is the only one to whom his people turn with a plea for reconciliation and who will forgive his people (v. 8). The Lord, God ultimately determines and judges what behaviour of his people in the Promised Land is acceptable and good in his eyes (v. 9). His basic requirement is ultimately ἀγαπᾶν κύριον τὸν θεόν σου, εἰσακούειν τῆς φωνῆς αὐτοῦ καὶ ἔχεσθαι αὐτοῦ· ὅτι τοῦτο ἡ ζωή σου καὶ ἡ μακρότης τῶν ἡμερῶν σου κατοικεῖν σε ἐπὶ τῆς γῆς, ἧς ὤμοσεν κύριος τοῖς πατράσιν σου Ἀβραὰμ καὶ Ἰσαὰκ καὶ Ἰακὼβ δοῦναι αὐτοῖς. (Dt 30:20)

Július Pavelčík, Th.D.
Faculty of Theology, University of South Bohemia, Czech Republic

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Contact:
KS Studies
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Kněžská 8
CZ-370 01 České Budějovice
Czech Republic

web: https://ksstudies.com

e-mail: journal@ksstudies.com