

Philo's *Exposition of the Law* and Social History: Methodological Considerations

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The various Philonic treatises grouped under the heading *Exposition of the Law* constitute a relatively orderly and literal (as opposed to allegorical) commentary on the “holy scriptures.” These treatises have been mined for information about Philo’s philosophical and intellectual background, such as his knowledge of Greek cosmology, Roman law, and rabbinic oral tradition, as well as for insight into the political organization and aspirations of the Alexandrian Jewish community.¹ The homiletical tone of the commentary and the frequent rhetorical use of the second person form of address, however, suggest that these treatises may also provide insight into other, more private issues and concerns of Philo’s community, at least as he perceived them. Explicit discussions of parent-child relationships, divorce, inheritance, and other aspects of family life, raise the rather tantalizing possibility of using Philo’s *Exposition* as a source for social history in general, and the history of the family in particular.²

This paper is a preliminary attempt to address the question of whether it may be possible to draw social-historical data from Philo’s exegetical discussions in the *Exposition*. We will consider, first, the rather formidable methodological obstacles which block the way to such an approach and, second, the differing assumptions that would either prevent or facilitate this (7) enterprise. Finally, we will look at some examples of scriptural exposition related to family issues. These will be drawn from *Special Laws* (Spec.), with occasional forays into *On The Decalogue* (Dec.) and *On the Virtues* (Virt.).

Methodological Problems

The *Exposition* is an exegetical work, the structure and content of which for the most part are based directly on the Pentateuch as Philo read it. This is evident not only from its contents but also from explicit Philonic statements to that effect. In *On Abraham* (Abr.) 3 Philo describes his task in the *Exposition* as the “examination of the law in regular sequence.”³ In Dec. 1 he proposes “to give full descriptions of the written laws,” while in Spec. he focuses on “the particular ordinances” which he considers to be grouped under the ten headings provided by the Decalogue (Spec. 1.1).⁴

It is its exegetical genre that is at the root of the methodological difficulties in tapping the *Exposition* for data pertaining to Jewish family life in Philo’s Alexandria.⁵ Three problems may

¹ Cf. David T. Runia, *Philo of Alexandria and the Timaeus of Plato* (Leiden: Brill, 1986); E. R. Goodenough, *The Jurisprudence of the Jewish Courts in Egypt* (New Haven: Yale University Press, 1929); Samuel Belkin, *Philo and the Oral Law* (Cambridge, Mass.: Harvard University Press, 1940); Aryeh Kasher, *The Jews in Hellenistic and Roman Egypt: The struggle for Equal Rights* (Tübingen: Mohr, 1985).

² Social history may be defined as the study of “people’s relationships with each other in families, kinship groupings, status groupings, villages, urban neighbourhoods, regions and polities.” Sheldon Watts, *A Social History of Western Europe 1450-1720* (London: Hutchinson University Library, 1984) 1. “Families in Former times,” as one such work is entitled, have become a subject of great interest on the part of historians in recent years, as indicated by the growing numbers of articles and monographs in this area. See Jean Louis Flandrin, *Families in Former Times* (Cambridge: Cambridge University Press, 1972); Thomas E.J. Wiedemann, *Adults and children in the Roman Empire* (London, Routledge, 1989); Mark Golden, *Children and Childhood in Classical Athens* (Baltimore: John Hopkins University Press, 1990); Shaye J. D. Cohen, ed., *The Jewish Family in Antiquity* (BJS; Atlanta: Scholars Press, forthcoming).

³ All citations and quotations from Philo are from *Philo in Ten Volumes (and Two Supplementary volumes)* (trans. And ed. F.H. Colson et al.; Loeb Classical Library; London: Heinemann, 1929-62).

⁴ Cf. Richard D. Hect, “Preliminary Issues in the Analysis of Philo’s *De Specialibus Legibus*,” *Studia Philonica* 5 (1978) 1-56.

⁵ On the importance of recognizing exegesis as Philo’s primary activity in the *Exposition*, see David T. Runia, “How to read Philo,” *Exegesis and Philosophy: Studies on Philo of Alexandria* (Great Britain: Variorum, 1990) 191; Thomas H. Tobin, SJ, *The Creation of Man: Philo and the History of Interpretation*, CBQMS 14 Washington, D.C.:

be singled out. First, Philo makes no attempt to provide a comprehensive discussion of “the Jewish family;” any insights into his views on family-related issues must be gleaned from the various places where these topics arise in his ten-fold classification of Jewish law. So, for example, the laws pertaining to forbidden marriages, incest, and intermarriage, are discussed under the category of the sixth commandment, which forbids adultery (*Spec.* 3.8, 22-29). Many other issues, such as child mortality, average ages of betrothal and marriage, and belief and practices related to fertility and infertility are mentioned only briefly if at all.

Second, it is clear that his discussions of family issues often, though not always, arise when and where they do simply because they appear in the Biblical text upon which he happens to be commenting. Hence we cannot determine with any certainty whether his discussion of a specific topic simply represents his thoughts on a particular biblical discussion, or whether it also reflects a concern with some aspect of contemporary life. For example, Philo’s vivid condemnation of women who grab the genitals of men during a public brawl (*Spec.* 3.175) might give rise to speculation concerning the pugnacious behavior of women in the marketplace. But because this specific case is described in the text he is explicating (Deut 25:11-12), we cannot conclude that he is reflecting on the situation in his own community.

Third, while Philo’s attitudes on particular issues are often crystal clear, it **(8)** is very difficult to discern the presence or nature of any *realia* pertaining to such issues. For example, Philo is very explicit about his abhorrence of homosexual practices (*Spec.* 2.50; 3.37-42). Yet it is virtually impossible to determine from his vitriolic outbursts whether or to what degree homosexuality was practised in his community. Nor can we say whether his negative views were a reflection or a critique of Jewish popular opinion and/or practice.

A further problem is posed by the paucity and unreliability of external data concerning the Jewish family in first-century Alexandria. Our social-historical endeavor would be on more solid ground if we could correlate Philo’s comments with extra-Philonic evidence. While there are a number of papyri from Alexandria, only a few have any relevance for the history of the Jewish family. Notable among these are a deed of divorce,⁶ a contract with a wet-nurse, and the annulment of such a contract.⁷ While these provide interesting social-historical data, they do not correlate with any Philonic discussions and hence are of limited value for the present task.

Somewhat more relevant are Jewish inscriptions from Greco-Roman Egypt, some of which make reference to family relationships. Of special interest are tombstone inscriptions that speak of the love of parents for their children, or the sadness of young women who died childless or during pregnancy or childbirth.⁸ These reflect family values which are also expressed throughout Philo’s *Exposition*. Philo too waxes eloquent on the ties of affection in the family, particularly on the part of parents towards their children,⁹ and attributes to women in general a strong desire for

Catholic Biblical Association of America, 1983) 2-5; Burton L. Mack, “Philo Judaeus and Exegetical Traditions in Alexandria,” ANRW II.21.2 (ed. Hildegard Temporini and Wolfgang Haase; Berlin: Walter de Gruyter, 1984) 228.

⁶ CPJ 144, in Victor A. Tcherikover and Alexander Fuks, eds., *Corpus Papyrorum Iudaicarum*, vol. 2 (Cambridge, Mass.: Harvard University Press, 1960) 10-12.

⁷ CPJ 146-7 (Tcherikover, CPJ, 2.15-20).

⁸ See William Horbury and David Noy, ed., *Jewish Inscriptions of Graeco-Roman Egypt*, (Cambridge: Cambridge University Press, 1992) 38, 61, 70, 90, 103, 114.

⁹ See Abr. 195; Jos. 4; Spec. 2.129, 239-40. It may be claimed that what Philo and his contemporaries actually meant by “love and affection” differed significantly from our own understanding of this affective bond. But see Golden (*Childhood*, 81 ff.), who affirms that, contrary to what many scholars have argued, Athenian parents did love their children in the ways that modern parents do, despite the high mortality rate and the practice of infanticide in classical Greece.

children.¹⁰ Hence these inscriptions provide general corroboration for claims that Philo, at least in these two respects, is consistent with popular attitudes. They offer little, however, in the way of specific confirmation of other issues discussed in the *Exposition*.

More numerous and detailed are references to the Jewish family in the works of non-Jewish Greek and Roman authors. Such references are often ambiguous or incorrect and hence must be used with caution. Nor do they always reflect the situation in Alexandria. According to Strabo (first century, Pontus), Jews, like Egyptians, ‘excise’ female children.¹¹ Tacitus (first century, Rome) claims that while Jews abstain from intercourse with foreign (9) women, among themselves nothing is unlawful,¹² a statement which ignores Jewish laws against incest (Lev 18:6-18) as well as the laws governing sexual intercourse between husband and wife (Lev 15:19-52; 18:19).

While these statements are clearly incorrect, others have been given more credence. A notable example is the assertion, made by the above-mentioned writers, that Jews rear all their children. Because infanticide and the exposure of infants are also discussed by Philo (*Spec.* 5.110-19; *Virt.* 151-33), scholars have taken these comments along with Philo’s condemnation of these practices as evidence that Jews did not engage in these practices.¹³ As we shall see below, however, the audience and intent of Philo’s comments on this issue are open to question; furthermore, the assertions of Strabo and Tacitus appear in the same passages as the errors noted above. Although the presence of some errors does not mean that all comments are mistaken, it does highlight the need for caution in using Greco-Roman literature to illuminate Jewish life in Alexandria.

These considerations return us once again to the task of finding a way to extract social-historical data from the *Exposition* itself. Yet, as we have seen, the exegetical focus of these treatises renders this endeavor difficult indeed.

Scholarly Assumptions

The connection between Philo’s scriptural expositions and the actual attitudes, activities, and practices of the Jewish community in first-century Alexandria has received little detailed treatment in Philonic scholarship. Studies of Philo’s legal commentary have tended to focus on the question of its sources in Greek and Roman law and philosophy on the one hand, and/or Tannaitic or pre-Tannaitic oral tradition and halakhah on the other. E. R. Goodenough, for example, argued that many passages in *Spec.* reflect the legal practices of Philo’s community.¹⁴ What Philo has done in *Spec.*, suggests Goodenough, is to “rebuild the keyhole structure of Jewish law upon a foundation of Greek, Roman, and Alexandrine jurisprudence.”¹⁵ Samuel Belkin, while accepting that Philo’s legal discussions are based on the decisions of local Jewish courts, argues that most of the laws described in the *Exposition* agree with the principles of Tannaitic law.¹⁶ More recently, scholars have focused on the issue of Philo’s dependence on or

¹⁰ See Mos. 1.13-14, where Philo attributes the eagerness of Pharaoh's daughter to adopt the infant Moses to her depression over the failure to conceive a child, "though she naturally desired one, particularly of the male sex . . ."

¹¹ *Geography* 17:2, 5.

¹² *Histories* 5:5.

¹³ Cf. page XXX below.

¹⁴ Goodenough, *Jurisprudence*, 10 and passim

¹⁵ *Ibid.* 14.

¹⁶ Belkin, *Oral Law*, 5-6, 19.

independence from Palestinian and/or Hellenistic Jewish exegetical traditions,¹⁷ setting aside the question of Philo's own intellectual contribution¹⁸ or the possibility that he may be reacting to or reflecting on real social issues.

(10) These trends in Philonic scholarship on the *Exposition* point to assumptions regarding Philo's involvement in the Jewish community. Many scholars consider Philo to be more concerned with scripture, philosophy, and law than with contemporary social and communal issues per se. Sandmel, for example, describes Philo as "an ivory tower figure, rather than a man engaged in committee work in the community," a description he infers from Philo's prodigious literary output.¹⁹ Others, however, find this description inadequate, arguing that while Philo's concern with exegesis and philosophy is clearly paramount, his involvement in and concern for Jewish community life is not to be dismissed. Peder Borgen's Philo lives squarely "in the double context of the Jewish community and the Alexandrian Greek community,"²⁰ and is concerned to make the Pentateuch interpret Jewish community life.²¹ Borgen concludes that "Philo was an exegete who interpreted the Pentateuch and Jewish exegetical traditions into his contemporary situation, without cutting off their historical basis in the Biblical events."²²

Runia, Kasher, and McKnight assume that certain sections of Philo's work describe the history,²³ institutions,²⁴ or attitudes²⁵ of his own city and community. Such assumptions are also basic to Goodenough's discussion of Philo's politics²⁶ and legal rulings²⁷ and are expressed explicitly by Belkin, who asserts that "The general view prevalent among scholars that Philo had interest in communal affairs and was, as is sometimes said, an 'individualist' by nature is open to doubt."²⁸

A second set of assumptions concerns the nature of the Jewish family in antiquity, an issue closely related to that of the relationship of the Diaspora Jewish community to its non-Jewish social environment. Are we to picture the Jewish family as isolated, insular, and therefore in some sense inoculated against the problems of the Gentile family in Alexandria? Or should we assume that Jewish family relationships may have been similar to and even influenced by those of non-Jews even when in contravention of what we perceive to be Jewish ideals? Scholars' answers to these questions may reflect only their academic evaluations of Jewish political and social status in the Diaspora but also more personal issues, such as the tendency to idealize the Jewish family in antiquity. Such idealization is clearly expressed in modern (11) Jewish popular writings

¹⁷ See Burton L. Mack, "Exegetical Traditions in Alexandrian Judaism: A Program for the Analysis of the Philonic Corpus," *Studia Philonica* 3 (1974-5) 106; Jacques Cazeaux, "Systeme implicite dans l'exegese de Philon," *Studia Philonica* 6 (1979-80) 5; Yehoshua Amir, "Philo and the Bible," *Studia Philonica* 2 (1978) 1.

¹⁸ Mack, "Program," 108.

¹⁹ Samuel Sandmel, "Philo Judaeus: An Introduction to the Man, his Writings, and his Significance," *ANRW* 11.21.1, 5.

²⁰ Peder Borgen, "Philo of Alexandria: A Critical and Synthetical Survey of Research," *ANRW* 11.21.1, 119.

²¹ *Ibid.*, 138

²² *Ibid.*, 150

²³ Runia, "Polis and Megalopolis: Philo and the Founding of Alexandria," *Exegesis and Philosophy* 7, 398

²⁴ Kasher, *Jews*, 206, 256.

²⁵ Scot McKnight, "De Vita Mosis 1.147: Lion Proselytes in Philo?" *The Studia Philonica Annual* vol. 1 (ed. David T. Runia; Atlanta: Scholars Press, 1989) 58-62.

²⁶ E. R. Goodenough, *The Politics of Philo Judaeus: Practice and Theory* (New Haven: Yale University Press, 1938).

²⁷ Goodenough, *Jurisprudence*

²⁸ Belkin, *Oral Law*, 6.

intended to reinforce “traditional” Jewish family values. A recent book entitled *Love, Marriage, and Family in Jewish Law and Tradition* declares that

in the past, virtually impervious to degenerative influences from the outside world, the Jewish home was universally respected as a model of stability, wholesomeness, and integrity. This is no longer the case [in assimilated, twentieth century Jewish life]²⁹

The assumption of a pure, strong, stable family life, while not stated explicitly in scholarship on Jews in antiquity, may be lurking behind the conclusion that certain Gentile practices were unknown among Diaspora Jews. This may explain the readiness of scholars to take the testimony of Strabo et al., that Jews rear all their children, at face value. Menahem Stern, for example, states emphatically that “the Jews’ religious duty to rear all their children and their view that the exposure of new-born children is tantamount to murder offer a striking contrast to the Greek habit of killing . . . infants, a constant feature of Greek life”³⁰

Historians and social scientists who study the history of the Jewish family suggest that the perfect, uncorrupted Jewish family in antiquity is a myth.³¹ David Kraemer introduces a volume of essays on the Jewish family by stating that

If we understand the dynamism of earlier social conditions, we will appreciate the fact that contemporary experience represents less of a break with the past than we might have believed.

What emerges from this volume, he continues,

is a picture of immense variety and the realization that down through the ages the Jewish family has adapted almost “organically” to the many and varied environments within which it has had to survive.³²

This picture is apparently shared by scholars such as John Boswell, who suggests that the Jewish family might not have differed substantially from its gentile counterpart, even with respect to something as difficult as abandonment of children.³³

Assumptions regarding the nature of the Jewish family —pure or assimilated —may generate further, more specific assumptions concerning the relevance of Philo’s *Exposition* for the history of the Jewish family in antiquity. Perhaps the most important issue of this sort concerns the relationship between legal prohibition and community practice. Does Philo’s (12) assertion that a particular act was forbidden by Mosaic law mean that it was in fact foreign to the experience of the Jewish community? Philo himself does not assume this to be the case. For example, he suggests that the laws penalizing men who falsely accuse their wives of infidelity are aimed at those persons “who show fickleness in their relations to women” (*Spec.* 3.79). His discussion of the laws about murder assumes the existence of murderers in the community (e.g. *Spec.* 3.83ff.). Similarly, he is of the conviction that such penalties serve as a deterrent, “as a considerable check on those who are eager to practice the like” (*Spec.* 3.42).

²⁹ Michael Kaufman, *Love, Marriage, and Family in Jewish Law and Tradition* (New Jersey: Aronson, 1992) x.

³⁰ M. Stern, *Greek and Latin Authors on Jews and Judaism*, vol. 1 (Jerusalem: Israel Academy of Sciences and Humanities, 1974) 33

³¹ Gerald B. Bubis, *Saving the Jewish Family: Myths and Realities in the Diaspora* (New York: University Press of America, 1987) x.

³² David Kraemer, ed., *The Jewish Family: Metaphor and Memory* (New York: Oxford University Press, 1989) 5.

³³ John Boswell, *The Kindness of Strangers* (New York: Vintage, 1988) 139-152.

These passages would suggest that Philo's strong condemnation of certain behaviors, and his assertions that they are prohibited by Mosaic law, point to activities which he perceived to be practiced in his community. This would undermine Léonie Archer's conclusion that the fact that Philo, Josephus, and the Sibylline Oracles declare infanticide and exposure to be contrary to Jewish law means that "the practice of exposing unwanted infants . . . was not found among the Jews of the Greco-Roman period."³⁴

Implicit in the above discussion is yet another assumption, namely, the issue of intended audience. Three possibilities may be suggested. If the intended audience of the *Exposition* is Gentile, as Goodenough argued, then passages condemning practices such as infanticide and homosexuality may not reflect Jewish practice at all, but may rather be directed at activities of the gentile readership which are amply documented elsewhere.³⁵ Or, if the audience is also composed of Jews "on the threshold of apostasy," as Sandmel suggested, Philo may be exhorting his Jewish readers not to adopt the immoral practices of their Gentile neighbors.³⁶ Many scholars, however, consider the *Exposition* to be addressed to the Jewish community as a whole.³⁷ This view is supported by Philo's assertion that the law, while universally applicable, is addressed in the first place to Jews and proselytes (*Spec.* 4.100, 219; *Virt.* 102).

A priori views of Philo as removed from community life, of the Jewish community in Alexandria as insulated and isolated, of Philo's declarations about Mosaic law as descriptive of Alexandrian reality, and of Philo's *Exposition* as addressed to a Gentile audience work against the use of this poetical work as a source for the history of the Jewish family. The contrary assumptions - of Philo as involved in community life, of the potential influence of Gentile practices on Jewish family life, of legal prohibitions as (13) directed against actual practice, and of a Jewish audience for the *Exposition* - provide a basis for considering these treatises as a source for social history, and, as we have suggested, may be equally plausible.³⁸

Scriptural Exposition and Social History

Support for the second set of assumptions is provided by a brief examination of Philo's exegetical strategies in the *Exposition*, and the hermeneutical presuppositions which these strategies imply. Philo's exegetical method in the *Exposition* has been considered primarily from three perspectives: his use of sources, whether Greco-Roman, Palestinian, or Alexandrian; his allegorical interpretation, and his grouping of the particular laws according to the ten "headings" of the Decalogue.³⁹ For the purposes of detecting social-historical information between the lines

³⁴ Léonie Archer, *Her Price is Beyond Rubies: The Jewish Woman in Graeco-Roman Palestine*, JSOTSup 60 (Sheffield: Almond Press, 1990) 28. Cf. also L. E. Stager, "Eroticism and Infanticide at Ashkelon," *BAR* 17/4 July/August 1991) 46.

³⁵ See, for example, Boswell, *Kindness*, 53-137; D. Engels, "The Problem of Female Infanticide in the Greco-Roman World," *CPh* 75 (1980) 112-30; W. V. Harris, "The Theoretical Possibility of Extensive Infanticide in the Graeco-Roman World," *CQ* 32 (1982) 114-16; M. Golden, "Demography and the Exposure of Girls at Athens," *Phoenix* 85 (1951): 316-31; Sarah B. Pomeroy, "Infanticide in Hellenistic Greece," *Images of Women in Antiquity* (ed. A. Cameron and A. Kuhrt; Detroit: Wayne State University Press, 1983) 207-22.

³⁶ Samuel Sandmel, *Philo of Alexandria: An Introduction* (New York: Oxford University Press, 1979) 47.

³⁷ Victor Tcherikover, "Jewish Apologetic Literature Reconsidered," *Eos* 48 (1965) 178-79.

³⁸ This is not to say, of course, that these assumptions are incorrect, or that those scholars who refrain from discussing family issues hold to all or even any of these assumptions. For most scholars, their work on Philo simply reflects other legitimate research interests as well as the incontrovertible fact that Philo's *Exposition* is above all an exegetical work and not an analysis of public and private policy and practice.

³⁹ Cf. Hecht, "Preliminary Issues," 1-56.

of exegesis, our focus shall be on the specific moves Philo makes with respect to the biblical text he is expounding.

Several different types of moves may be noticed.

1. In almost every passage, Philo provides a rationale for the biblical law where none is provided by the biblical text itself. In the course of doing so, he often also explains scripture's silence on issues that in his view might well have been included in biblical legislation.
2. Philo will often extend the laws explicitly discussed in scripture to cover other situations that seem to hint to be analogous to or implicit in biblical law.
3. He reinterprets laws that reflect social conditions that are no longer operative in his place and time.
4. He provides specific instructions and more precise definitions in cases where biblical law provides only a general formulation.

These exegetical moves imply Philo's hermeneutical presuppositions vis-a-vis Mosaic laws as set out literally in scripture. First, the law is divinely given and applicable to every era and to all Jews. Second, the law covers, either explicitly or implicitly, all aspects of private, family, communal, and ritual life. In doing so, it implies an absolute set of values that can be abstracted from the text and applied to many situations. Third, the law as set out in scripture requires explanation and interpretation in order that Jews may understand and therefore be able to follow it. Fourth, the law must therefore be explained in ways that will be meaningful to its contemporary audience. Finally, the laws should be practised in its literal sense by all Jews, including those in Philo's community, a view expressed explicitly by Philo in *Mig.* 89-93.

These hermeneutical presuppositions tend to support the idea that Philo's commentary does reflect his concerns for his own community and addresses those issues in some way. The way that he does so may reflect only his own views and perceptions, but it is also possible that at certain points his work (14) reflects practices and attitudes present in his own community, not only in what he says in a positive way but also in what his legal argumentation critiques. This in turn implies that we can look at his exegesis for hints regarding the texture of family life in his community. We will illustrate this possibility by looking briefly at examples of each of the strategies we outlined above.

1 Rationalization

The topics of many of Philo's discussions pertinent to family issues are generated by the text itself. His discussions of the widowed or divorced, childless daughter of a priest, who returns to live with her father (*Spec.* 1.12910; cf. Lev 22:13), of the requirement to redeem one's first-born, if a son (*Spec.* 1.134-40; cf. Ex. 13:2; 22:29; Num. 18:15-16), and of the laws of inheritance, according to which "the heirs of parents are to be sons, or failing sons daughters" (*Spec.* 2.124-30; cf. Num 27:8-11), are only a few examples among many of discussions the topics of which are derived directly from biblical law.

a. Rationalization of biblical law

The rationales that he provides for these laws, however, do not necessarily find their explicit source in the biblical text. For example, the biblical commandment to redeem the first-born son appears in the context of the law concerning the sacrificial offering of first-born animals. No reason is given in Ex or Num for the requirement to redeem the first-born son with a financial redemption fee. Philo fills this gap by describing this redemption as "a thank-offering for the blessings of parenthood realized in the present and the hopes of fruitful increase in the future

(*Spec.* 1.138). The “consecration of a fixed sum of money”’s is intended to prevent the separation of parents from their children and vice versa, and to assign equal value to the birth of a child to poor parents as to rich (*Spec.* 1.139-40). This argument places a positive value on procreation and on preserving the integrity of the nuclear family, values expressed in other Philonic discussions.⁴⁰

A second example of Philo’s rationalization of biblical law concerns the lasts of inheritance. The fact that sons take precedence over daughters in matters of inheritance is considered by Philo to be analogous to the law of nature: “. . . just as in nature men take precedence of women, so too in the scale of relationships they should take the first place in succeeding to the property and filling the position of the departed . . .,” (*Spec.* 2.124). The biblical text makes no such deduction, though one may infer that according to the biblical view “men take precedence of women” in many legal matters.⁴¹ Philo uses his own thoroughgoing patriarchal worldview to provide the rationale for this biblical law.⁴²

(15) b. Rationalization of omissions from biblical law

In other passages, Philo provides a rationale for the silence of the biblical text. In *Spec.* 2.129-32, for example, he considers a question raised “by some inquirers,” namely, “Why . . . does the Law when dealing with the regulations of inheritance mention kinsmen of every degree . . . but leaves parents unmentioned who would naturally inherit from the children as the children do from them?” (*Spec.* 2. 129). Philo reads into this biblical silence the law’s desire to refrain from “sinister thoughts”: the distressing possibility that parents might be predeceased by their children, a circumstance “out of tune with and discordant to the harmony and concord which prevails throughout the cosmic order” (*Spec.* 2.130). This rationale, like that of the laws of redemption of the first-born, assumes the affection of parents towards their children, a theme which appears frequently in Philo’s discussion of parent-child relations.⁴³

c. Use of contemporary examples

In the course of these rationalizations, Philo often makes use of contemporary examples, drawing on customs, experiences or events with which his readers may be familiar. For example, in *Spec.* 3.159-62, Philo illustrates the unjustified cruelty of some people with the example of a tax-collector “a little time ago in our own district.” In *Spec.* 1.123-28, Philo seems to be speaking directly of the experience of himself and others of his class when he describes the relationships between masters and slaves:

Our domestics are always with us and share our lives. They prepare the ordinary food and drink and additional dishes for their masters, stand by the table and carry out the remains.

⁴⁰ See, for example, *Virt.* 131-33

⁴¹ See Judith Romney Wegner, “Leviticus,” *The Women's Bible Commentary* (ed. Carol A. Newsom and Sharon H. Ringe; Louisville, KY: Westminster/John Knox, 1992) 36-44.

⁴² Philo was of course not unique among Greco-Roman writers in his patriarchal worldview. See Mary Lefkowitz and Maureen Fant, eds., *Women in Greece and Rome* (Toronto: Samuel Stevens, 1977); Sarah Pomeroy, *Goddesses, Whores, Wives, and Slaves* (New York: Schocken, 1975); Eva Cantarella, *Pandora's Daughters* (Baltimore: The Johns Hopkins University Press, 1987).

⁴³ For a survey of Philo's views on this issue, see my ‘Parents and Children: A Philonic Perspective,’ S.D. Cohen, ed., *Jewish Families in Antiquity*. *Brown Judaic Studies* 289 (Scholars Press; Atlanta, Georgia, 1993) 61-87.

Whether we wish it or not, they will even if they do not take them openly, pilfer them on the sly . .

Similarly, Philo attributes the misdeeds such as the taking of bribes to the way in which the offender was raised by the women of the household:

Now the principal cause of such misdeeds is familiarity with falsehood which grows up with the children right from their birth and from the cradle, the work of nurses and mothers and the rest of the company, slaves and free, who belong to the household (*Spec.* 4.68).

d. Implications for the study of the Jewish family in Alexandria

One may speculate that the various ways in which Philo provides a rationale for what is present in or omitted from biblical law reflects his own views, regardless of whether these are paralleled in other Jewish or non-Jewish sources. The brief examples of family law that we have considered demonstrate his patriarchal worldview and his conviction concerning the similarity between Mosaic law and natural law, which justifies the general principle that “men take precedence over women” and that parents should predecease their children. Also evident are the positive evaluation of (16) procreation and familial togetherness, in recognition of which the law, as Philo sees it, makes every effort not to separate parents and children. Finally, Philo’s disparaging description of childbearing in *Spec.* 4.68 implies the image of a household as being composed of many people of difficult classes and roles (slaves, nurses, mothers). This passage may also be indirect testimony to the important role of women in addition to the mother in the raising of children, at least among the higher classes with whom Philo, as suggested by his description of the master-servant relationship, may have been acquainted.

2. *Extension of Biblical Topics*

In addition to providing a rationale for biblical laws or the omissions therefore, Philo extends them to cover analogous situations not explicitly described in the biblical text. In doing so, he does not perceive himself as creating new laws, but rather as drawing out and making explicit various laws that are already implicit in the biblical formulation. This strategy is expressed in his comment that “in the fifth commandment on honouring parents we have a suggestion of many necessary laws drawn up to deal with the relations old to young, rulers to subjects, benefactors to benefited, slaves to masters.”

a. Extension of the law to cover cases similar to but not explicitly mentioned in the biblical text

An example of this strategy is to be found in his extension of the biblical laws concerning rape to include sexual assault of widowed and divorced women, cases which are not discussed in the biblical text itself (*Spec.* 3.64).⁴⁴ A second example is to be found in Philo’s discussion of inheritance, in which he extends the biblical law by claiming that girls who do not have dowries inherit from the father even when there are sons (*Spec.* 2.125).

This strategy, like 1(b) above, demonstrates Philo’s perception of a gap in the literary text of the Pentateuch. In these cases, however, rather than rationalizing the gap, he eliminates it by inserting explanations of the laws that are unarticulated in the biblical text. Do these insertions

⁴⁴ Cf. Deut 22:22-29. Colson, *Philo*, 7.514-15 notes the difficulty of determining whether “what he says reflects the practice of his time . . . or merely what he feels would be right.” Goodenough (*Jurisprudence*, 90-91) suggests that this was an independent tradition of the Alexandrian courts.

point to issues of concern regarding his own community, or is Philo simply engaged in a theoretical exercise? While this question is difficult to answer in any definitive way, some clues might be provided by the length and tone of each individual discussion. Because it is short and theoretical in its tone, it may be argued that the extension of rape law to include the case of the formerly-married woman is based on Philo's perception that the biblical law has omitted one possible situation from its presentation. The case of unmarried daughters left fatherless, however, is explained in much more detail, with provision made for how, where, and by whom a husband is to be found for such girls. This may point to a situation which actually occurred frequently enough in Philo's community to warrant the development of precise procedures.

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b. Extensions which cover cases only tangentially related to the biblical law under discussion

In *Spec.* 3.34-36 Philo sharply criticizes those "who plough the hard and stony land," namely, men who marry women known to be infertile. Although this discussion would seem to have no connection to any biblical verse,⁴⁵ it in fact is an elaboration of the preceding discussion of the laws pertaining to menstruation and intercourse (*Spec.* 3.32-33; cf. Lev 18:19). Philo's main point in the latter discussion is "that generative seed should not be wasted fruitlessly for the sake of a gross and untimely pleasure" (*Spec.* 3.32). The theme that seed should not be wasted is also prominent in his discussion of the former point: in mating with barren women, men are "in quest of mere licentious pleasure like the most lecherous of men," a quest which entails the purposeful destruction of "the procreative germs" (*Spec.* 5.34). The tone and length of the discussion conveys Philo's strong disapproval of a situation that no doubt was known to him from the community, and expresses his firm belief that the only legitimate purpose of marriage and marital intercourse is procreation.

Spec. 4.203 provides another example of this strategy. In this passage Philo links the biblical prohibition of the mixing of different species of animals with the prohibition of adultery which is not mentioned in the biblical passage under discussion (Lev 19:19; Deut 22:9-11): "For by prohibiting the crossing of irrational animals with different species he [Moses] appears to be indirectly working towards the prevention of adultery." Like the previous example, this extension expresses the disapproval of a practice, namely, adultery, that was the subject of his extreme disapproval in many other passages in the *Special Laws*, and, we may reasonably assume, was not totally foreign to Philo's community.⁴⁶

Philo's impassioned arguments against infanticide also fall into this category.⁴⁷ *Spec.* 3.110-119 is a comment on Exodus (Ex) 21:22, which discusses the penalties for foeticide. *Virt.* 131-33 is part of his discussion of Leviticus (Lev) 22:27, which stipulates that a newborn ox, sheep or goat must stay seven days with its mother before being offered by fire to the Lord. Neither of these biblical passages refers to infanticide or exposure of infants, yet they provide Philo with the framework and vocabulary for his condemnation of these practices. Hence he declares that if the

⁴⁵ So Colson, *Philo* 7.497, 63554. For an analysis of the rabbinic views on this issue, see Jeremy Cohen, "Be Fertile and Increase, Fill the Earth and Master It": *The Ancient and Medieval Career of a Biblical Text* (Ithaca: Cornell University Press, 1989) 135-40.

⁴⁶ See *Spec.* 3:52-63; *Virt.* 37.

⁴⁷ For detailed discussion of this issue, see my "Philo on Infanticide," *Studia Philonica Annual*, vol. 4 (ed. David T. Runia; Leiden: Brill, 1992) 42-58.

law is concerned about the life of an unborn child, how much more must this be true about the life of a newly-born child (*Spec.* 3.111). And if Eleven in the case of irrational animals, the offspring could not be separated from their mother . . .” how much more so is this true of human beings (*Virt* 135).

As we have already noted, most scholars consider Philo’s arguments, together with the statements of non-Jewish Greco-Roman writers, to be evidence that Jews did not kill or expose their newborn children. It may be (18) suggested, however, that the fact that Philo introduces this topic, not once but twice, into exegetical discussions of verses to which it is only tangentially related should make us suspect that he was indeed concerned with the actual or potential recourse to these methods of population control in his own community.⁴⁸ The length of his arguments, the rhetorical use of the second person form of address, and the general tone of his discussion point in the same direction. It may be argued that what he is objecting to so strongly is the gentile practice of exposure or infanticide. It must be noted, however, that his critique of “other nations” refers to their failure to condemn this “sacrilegious practice” (*Spec.* 3.110). Hence the contrast he is making is not between gentiles who engage in this practice and Jews who do not, but between gentile law which regards this practice complacently and mosaic law, which condemns it most strongly.

c. Implications for the study of the Jewish family in Alexandria

The above comments suggest that the directions in which Philo extends biblical laws, together with the length to which and the rhetorical tone in which he does so, may point to topics of particular concern to him. These topics express his point of view on these issues, as well as the principles which undergird his perspective. They may also, however, hint at actual practices and concerns of the Jewish community, including the ways in which that community dealt with orphaned unmarried girls, and the possibility that some members of the community resorted to infanticide or the exposure of infants.

3. *Contemporization of an Obsolete Law*

a. Example of contemporization

In some passages, Philo reinterprets a law that is no longer applicable to his time in such a way as to make it applicable. For example, *Spec.* 2.135-39 is a discussion of Deut 22:15-17, pertaining to matters of inheritance in a situation in which a man has two wives, one loved and the other unloved. Biblical law stipulates that the son of the disliked woman inherits twice what the son of the beloved wife inherits. At a time when bigamy and formal concubinage were apparently no longer practised in the Jewish community, Philo applies this law to a situation in which a man, legally married to a wife who has borne a son, is engaged in an adulterous relationship which has also resulted in a son. He likens the legal “wife to the hated wife of the biblical passage, and argues that her son receives twice the portion of the other son, on the grounds that the son of the legal wife has suffered by being abandoned by his father. This law, according to Philo, “shews mercy and pity for the victims of injustice” and equalizes the situation of the two families (*Spec.* 2.138-59). This discussion expresses Philo’s abhorrence of adultery, which he criticizes severely elsewhere (cf. also *Spec.* 3.79-83). It also indicates that his condemnation of adultery is based not

⁴⁸ A third reference to exposure is to be found in Mos. 1.10-11, in Philo's description of the birth and rescue of the infant Moses.

only on the licentiousness of the act, but also on the fact it has severe social consequences affecting the legal family.

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b. Implications for the study of the Jewish family in Alexandria

Philo's condemnation of adultery expresses his disapproval of licentiousness and passion, which run counter to his views of ideal human behavior. His discussion may also be taken as evidence for the social norm of monogamy in his community, and also, plausibly, as a reflection of a contemporary social issue which the Alexandrian community had to address.

4. *Specification of a general Biblical law*

a. Example of Specification

A good example of this procedure is to be found in Philo's treatment of the fifth commandment. The biblical law simply enjoins people to honor their mothers and fathers, without specifying precisely what it means to do so. Philo provides two precise definitions of this commandment. In Dec. 111-19 he defines honoring as taking care of one's parents in their old age, a topos common to Greek philosophy.⁴⁹ The length and eloquence of his discussions suggests that this was an area of immediate concern to Philo and/or his community.

A similar strategy is evident in *Spec.* 2.228-41. In this section, Philo defines honoring one's parents as "trying both to be good and to seem good, to be good seeking virtue simple and unfeigned, to seem good by seeking it accompanied by a reputation for worth and the praise of those around you" (*Spec.* 2.235). Evident in this section is Philo's concern to define the role and authority of parents, though this is not at all the subject of the biblical text of the fifth commandment.

To this latter definition is attached a discussion of the biblical law specifying the death penalty for a rebellious son (Deut 21:18-21). Philo's discussion is considered by some scholars to have been influenced by Roman laws regarding patria potestas, according to which the father had the power of life and death over the members of his household. This raises the interesting possibility that these laws, or a variation of them, were also operative in family relationships in the Jewish community. Whether or not that is the case, Philo's discussion does not necessarily mean that rebellious sons were actually executed, since this topic is generated by the biblical text itself. It does emphasize, however, the importance to Philo of the preservation of hierarchical relationships within the family, and in particular, of the authority of the father over his children. Recourse to execution is only the most extreme form of asserting such authority; it is an option only after the failure of other disciplinary actions such as upbraiding and admonishing him severely, beating and degrading him, and putting him in bonds. Also to be considered is the possibility of disinheritance. None of these are mentioned in the biblical text about the rebellious son, suggesting that they may derive from Greco-Roman law and/or the actual practice in the community.⁵⁰

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b. Implications for the study of the Jewish family in Alexandria

⁴⁹ Aristotle, *Nicomachean Ethics* 1165a21-27.

⁵⁰ See Goodenough, *Jurisprudence*, 70-76; Colson, *Philo* 7.629; Isaak Heinemann, ed., *Die Werke Philos von Alexandria*, vol. 2 (Breslau: M. and H. Marcus, 1910) 173; idem, *Philons griechische und jüdische Bildung* (Breslau: M. and H. Marcus, 1932) 234.

The fact that Philo spends so much time on this topic implies that the discipline of children, particularly male children, was a problematic issue for him (*Spec.* 2.232, 234, 240-248). Philo himself blames the permissiveness of parents in allowing their children every luxury with the result that “they run to waste both in body and soul” (*Spec.* 2.240).

Conclusions

Our sampling of Philonic exegesis has yielded one certain result: it is much easier to reconstruct Philo’s Jewish family values than it is to discern the actual contours of Jewish family life in first-century Alexandria. If one is willing to live with uncertain conclusions, however, several points may be made. First, careful attention to the relationship between biblical legislation and Philonic exegesis thereof may help to identify the issues about which Philo was most concerned. On the assumption that his concerns may be based on the realities of Jewish family life in his community, some exegetical discussions may yield social-historical results. Most significant for this purpose are the passages in which Philo extends the scope of a biblical law to cover areas not mentioned in the biblical formulation of that law. Also significant may be those passages which he reinterprets in the light of changing social relationships. Second, impressions based on Philo’s exegetical strategies must be supplemented by considering the tone, length, and content of a particular comment. A lengthy, detailed, and vehement discussion of a topic related only tangentially to a biblical “tag” may be evidence of a significant issue in Philo’s community. Third, “throwaway” comments and references to contemporary events, which often appear in Philo’s rationalizations, may provide hints regarding household structures and social norms. On the basis of these considerations, it seems reasonable to conclude that situations like adultery, the death of fathers of unmarried daughters, the “rebelliousness” of male children, and the killing or exposure of infants were not unknown within this community, and required the development of particular legislative or community policy decisions and procedures.

This preliminary study supports the cautious use of Philo’s *Exposition* as a source for data on the Jewish family in Alexandria. These exegetical treatises cannot, however, be our sole source. Rather, they must be supplemented, and, where feasible, corroborated or corrected by relevant material in the rest of the Philonic corpus, other Jewish and non-Jewish writings of the time,⁵¹ by inscriptions, and papyri. Finally, the entire enterprise must be informed by a healthy but disciplined historical imagination.

One cannot ignore the methodological pitfalls of a social-historical approach to Philo’s *Exposition*, nor those that pertain to the other types of material relevant to the Jewish family in the Diaspora. Despite its inherent uncertainty, however, the endeavor is both interesting and worthwhile. It (21) promises to enhance our knowledge of Jewish life in antiquity as well as contribute to the growing field devoted to the social history of the family.

⁵¹ E.g. Pseudo-Phocylides. For this text and discussion of its dating and provenance, see P. W. van der Horst, *The Sentences of Pseudo-Phocylides* (Leiden, 1978); idem, 'Pseudo-Phocylides Revisited,' *JSP* 3 (1988) 15.