

**SBL Meeting at S. Diego**

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**Philo's rationalization of Jewish Law in Greco-Roman Context**

My paper is based on a chapter of my book in progress "Philo of Alexandria. An Intellectual Biography". I am attaching the Table of Contents for your general orientation as well as the draft of the chapter.

**These materials are not for quotation or wider circulation**

## **Philo of Alexandria**

### **An Intellectual Biography**

Yale University Press (Anchor Bible Monographs)

#### 1) A Biography of Philo?

#### Philo as Ambassador and Author in Rome

- 2) Philo's Self-Fashioning in the Historical Writings
- 3) Power, Exile and Religion in the Roman Empire
- 4) Roman Philosophy and the Jews

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## Chapter 8

### Stoic Ethics in the Service of Jewish Law

Philo is the first Jewish author, who develops a philosophy of law and provides an overall rational framework for interpreting particular commandments. Philo's achievement in this area is unparalleled in Judaism until the Middle Ages, when Saadja Gaon and Maimonides independently adopt a similar approach. While Jews in the Land of Israel, such as the authors of the *Book of Jubilees* and the Qumran scrolls, tended to emphasize Divine revelation and authority, mediated by an inspired interpreter, Alexandrian Jews took preliminary steps towards a philosophy of Jewish law. Aristobulus (2nd century BCE) speaks about Jewish law as "set up with a view to piety, justice, self-control and other qualities that are truly good". While the extant fragments of Aristobulus' work shed no light on the details of his thought, he clearly associates the Torah with universal standards of virtue, extracting Jewish law from the realm of God's idiosyncratic will. Similarly, the *Letter of Aristeas* (2<sup>nd</sup> century BCE) says that "to live well means to keep the customs", stressing that each law "has a profound reason for it".<sup>1</sup> Wild birds, for example, are excluded from the kitchen so as to teach the Jews to refrain from violence and pursue a life of righteousness. Aristeas, too, is concerned to show the objective value of Jewish law, which can be appreciated by anyone committed to moral education.

Philo devotes four treatises to the *Decalogue* and the *Special Laws*, where he neither sets out to judge particular cases of Jewish law nor discusses applications of Biblical law to contemporary issues. Unlike the rabbis, he is not concerned with the minutiae of observance, but rather with the overall meaning and ethical rationale of traditional Jewish life. His main argument is that Jewish law is a perfect guide to ethical life, appealing to each individual to fashion himself in accordance with virtue. Given that Biblical law mostly relies on Divine authority, how did Philo develop the idea of a

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<sup>1</sup> See *Jub.* 1.1-29, 2.25-33; *Dam. D.* 1.1-9, 2.1-8, 3.1-12; *Com. R.* 2.4-26, 8.15-26; Aristob., *fragm.* 4,8 (ed. Holladay 3.174-5); *Ar.* 127, 143; see also Segal, *Jubilees*; Werman and Shemesh, "Halakhah".

guidebook for individual moral development?<sup>2</sup> Moreover, how did he become so interested in Jewish law, given his general lack of interest in legal matters in his earlier Alexandrian period. In the *Allegorical Commentary* Philo deals with narrative materials in *Genesis* and *Exodus*, which he reads in a Platonic mode as allegories of the soul's ascent from the material realm. In famous passage he nevertheless addresses the issue of Jewish law observance in Alexandria, reacting to a group of fellow Jews, who argue that literal observance is no longer necessary, if the allegorical meaning is taken seriously. In this internal Jewish context Philo stresses that the "Holy Word teaches to consider good repute and abandon nothing of the customs fixed by divinely inspired men greater than those of our time" (*Migr.* 90). Relying on the authority of God and divinely inspired men, Philo adopts a rather traditional position, which withdraws from the rationalistic approach of his Alexandrian predecessors. What prompted Philo to move beyond these brief remarks in his early writings and formulate in the *Exposition* a highly innovative philosophy of law?

Political developments played a critical role. Philo says in the third book *On the Special Laws* that he was plunged "in the ocean of state affairs" and "civil turmoil", which radically changed his more contemplative mode of life. He must refer here to the events connected to the pogrom in Alexandria and the Jewish embassy to Rome. In this context Philo began to deal with political issues, which revolved around the civil status of the Jews and their particular customs. Some of the views, which he encountered, were so negative that he started his treatment of the particular commandments with "that ridiculed among many", namely circumcision. Philo justifies circumcision by comparison to the Egyptians, who also practice it, and invites his readers to appreciate that the Jews are not the only ones "mutilating the bodies of themselves and their nearest". Such concern to defend Jewish customs must have been directed to a Roman rather than an Alexandrian audience, because the Egyptians were familiar with the practice. It was in Rome that

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<sup>2</sup> On Biblical notions of law, see Hayes, *Divine Law*, chap. 1 and 2; on comparisons between Philo and the rabbis, see Belkin, *Philo and the Oral Law*; Cohen, *Philo Judaeus*; Cohen, *Philo's Scriptures*, who argue on methodologically questionable grounds that Philo was familiar with early rabbinic traditions; more cautiously, Doering, *Sabbat*, 315-77; cf. also Goodenough, *Jewish Courts in Egypt*, who on methodologically questionable grounds extrapolated from Philo's discussions concrete decisions of assumed Alexandrian law courts; Nikiprowetzky, *Philon, De Decalogo*, 15-20, who emphasizes the exegetical dimension of Philo's treatise without sufficiently taking into account its philosophical nature.

circumcision became not only a well-known marker of the Jews, but also a special focus of scorn. Tacitus, Horace and Petronius did not hide their disdain. Philo's contemporary Apion, who served as the head of the parallel Egyptian embassy to Gaius, engaged such sentiments in Rome and "scoffed circumcision". When Josephus addresses these issues a generation later in Rome, he significantly notes that Apion's rhetoric does not fit his Alexandrian background.<sup>3</sup>

Philo develops his philosophy of Jewish law as an author, who is actively involved in politics and works hard to keep a balance between his public responsibilities and leisure for intellectual pursuits. This self-image reminds us of Philo's narrative role in his historical writings and encourages us to interpret his treatment of Jewish law in the same context. Philo's double role as philosopher and politician moreover resonates well with discourses among Roman and Greek authors. Already Cato the Elder (2<sup>nd</sup> century BCE) stigmatized a "reputation based on mere words" as Greek, while the Romans are constructed as men committed to practical ethics, who translate their values into meaningful action for society. Seneca, as we have seen in chapter three, was intricately involved in court politics, at times suffering exile, while at other times serving as advisor to the emperor Nero. The issue of a wise man's involvement in society is also discussed in his treatise *On Leisure* and in several *Epistles*. Plutarch is known for his many diplomatic trips to Rome, where he represented the interests of his Greek community. Lucian travelled extensively throughout his career and later in life fulfilled a responsibility in the Roman administration of Egypt. For all of these writers, including Philo, the relationship between politics and philosophy was delicate. Life experiences often served as a springboard for contemplation or as a context for discussion, but could also provide boundaries for legitimate speech.<sup>4</sup>

Philo's position as a political defender of Jewish customs resembles that of Josephus, who came to Rome as a general of the Jewish revolt and quickly turned into a

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<sup>3</sup> *Spec.* 3.3-5, 1:3; Tac., *Hist.* 5:5,2; Hor., *Serm.* 1:9, 70; Petr., *Satyr.* 102:13-4; Jos., *C.A.* 2:137-44; see also Stern, *Greek and Roman Authors*, 2.41, 1. 324-326, 1.443-444; Schäfer, *Judeophobia*, 98-100; Isaac, *Invention of Racism*, 472-474.

<sup>4</sup> See Plut., *Cato Mai.* 12.5, 22.1-5, 23.2; Cic., *Off.* 1.71, 2.1.1-2.6, *Brutus* 7-8; Sen. *Otio* 1.1-3.5, 8.1-4, *Tranqu. An.* 1.10-11, *Rep.* 2.1—12; Mus., *Lect.* 11, 14; Plut., *Dem.* 1.2-3.1; see also Laurand, *Stoïcisme et lien social*, 415-50; Pelling, "Plutarch", 409-11; Whitmarsh, *Greek Literature*, 17-20.

well-connected historian. Towards the end of his career Josephus wrote a detailed defense of Judaism, protecting his ancestral tradition against the accusations of various writers, foremost amongst them Philo's contemporary Apion. Philo, who came to Rome a generation earlier as an ambassador, faced that sort of criticism and probably aimed at a similar audience of sympathetic intellectuals in the salons of Rome.<sup>5</sup> Blessed with a far more philosophical inclination than Josephus, Philo deals in depth with the rationale of Jewish law.

*The Ten Commandments as Governing Principles of Jewish Law*

Philo initially considers the nature of Biblical law by comparing it to other legal codes. He rejects the approach of legislators, who draw up “without embellishment and nakedly the things held righteous among their people”, because it is “unreflecting and careless and not philosophical”. Philo assumes an intrinsic connection between laws and wider philosophical principles. The laws can therefore not be reduced to a list of specific actions, singled out for either reward or punishment. Their overall intellectual purpose must instead be given proper attention. Philo praises Moses for introducing his law code with a treatise on the creation of the world, thus “not stating at once what should be practiced or avoided, because it was necessary to mould beforehand the minds of those, who will use the laws”.<sup>6</sup> According to Philo, Mosaic law is concerned with the shaping of man's mind. The aim of the law is beyond its literal fulfillment. This immediately raises broader questions about the precise relationship between philosophical principles or advice, which are voluntarily adopted for the purpose of individual improvement, and commands, which rely on obedience and equally apply to everybody.

It is not by accident that Philo raises these issues, as they are discussed in contemporary Rome. Seneca, for example, rejects the approach of his predecessor Posidonius, who argued that “the law should be brief so that it can be easily grasped by

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<sup>5</sup> Jos., C.A. 2.145-208; on Josephus' integration into literary circles in Rome, see Den Hollander, *Josephus*, 252-304; for different views, see Price, “Provincial Historian”.

<sup>6</sup> a)/skepton kai\ a)talai/pwron kai\ a)filo/sofon ... e)peidh\ protupw=sai ta\j dianoi/aj tw=n xrhsome/nwn toi=j no/moj a)nagkai=on h=)n... (*Opif.* 1-2).

the ignorant”. According to Posidonius, it was a mistake on the part of Plato to add introductions to his treatises on the laws. Seneca, by contrast, thinks that such introductions are vital, because they set the mind in the right philosophical direction and enable men to perform the particular precepts with full intention. While regarding philosophy as “a law of life” (“vitae lex”), Seneca insists on the importance of specific admonitions. Such precepts constantly remind the wavering mind of its moral duties and prevent lapses into sin. He remarks with a psychological insight, which sounds rather modern, that we “sometimes know, but pay no attention” and thus need to be regularly reminded to behave properly. For Seneca, the only difference between “philosophical principles and precepts” is that the former are “general precepts, while the latter are specific”. Both, however, lead man in the same direction of moral improvement, one by providing insights, which are freely implemented, the other by giving specific instructions for particular circumstances of life. This discussion, which is rooted already in Cicero’s works, illuminates Philo’s introductory remarks in the *Exposition* and shows how he interprets Jewish law from the perspective of wider Roman discussions, which have no parallel in the extant sources from contemporary Alexandria.<sup>7</sup> Indeed, Philo inscribes Jewish legislation into Roman discourses, arguing that Moses already implemented the philosophical insights, which guide contemporary thinkers.

In his treatise *On the Decalogue* Philo develops a highly innovative notion of Jewish law, which has already been recognized as an important breakthrough in Ancient Judaism. While the Ten Commandments probably have been used in liturgical contexts already in the first century BCE, Philo is the first to identify them as central principles, which serve as “heads” for the rest of the Mosaic legislation. In Philo’s own words, “those [laws] revealed in His own person and by Himself alone are both laws and heads (kefa/laia) of the particular laws, while those given through the prophet all belong to the former category”. Philo’s special emphasis on the Decalogue may well have responded to its unique nature and place within the Bible. It constitutes the covenant between God and Israel and contains timeless instructions for every Israelite, without reference to particular

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<sup>7</sup> Sen., *Ep.* 94.1-21, 25, 31, 38; Cic., *Rep.* 2.1-3; see also Kidd, “Moral Action”; *contra* Vogt, *Law, Reason*, 189-98, who denies that the Stoics, including Seneca, envisioned any kind of precept or recommended a type of action.

circumstances. Moreover, the number ten is typological, as Philo enthusiastically points out, and the Tenth Commandment is unique in Biblical law. It describes things not to be desired and speaks about mere intention, which is beyond the realm of legislation, which deals with action or the practical consequences of intention. All of these special characteristics of the Decalogue point to fundamental questions of human conduct.<sup>8</sup>

Yet Philo is the first known reader of the Decalogue, who used it as a basis for a philosophy of Jewish law. He argues that the Ten Commandments constitute the overall ethical principles on which the other laws are based. He speaks of the “ten words” or “exhortations” as “generic laws”, which “allude” to a variety of congenial precepts. The particular laws are in his view “dependent species”, which are “contained” or “implied” in the leading principles. Philo’s interpretation is not only new in Ancient Judaism, but in fact contrary to the approach of the *Book of Jubilees*, for example, where general injunctions are often connected to specific events in Israelite history and transformed into more particularistic precepts than they originally were. What has prompted Philo to interpret the Decalogue in this unique way?<sup>9</sup>

Cristina Termini has suggested in an important study that Philo should be interpreted in light of Cicero’s remarks about the study of law. This art, Cicero recommends, should start with an assemblage of dispersed particular laws and lead to the formulation of a coherent whole. While not suggesting Philo’s direct dependence on Cicero, Termini argues that they both share a “common cultural milieu” and offer local applications of a broadly shared concept. Philo indeed speaks occasionally about his ordering of Jewish law under certain headings. On the whole, however, Termini focuses too exclusively on the aspect of assembling the law, in Rome especially for rhetorical

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<sup>8</sup> *Dec.* 19, 175; Philo’s innovation has been appreciated by Amir, “Decalogue”; Termini, “Taxonomy”; Pearce, “Decalogue”; *contra* Wolfson, *Philo*, 200-2; Cohen, *Philo Judaeus*, 78-80, who mistakenly identify some rabbinic passages as sources of Philo; on the unique features of the Biblical Decalogue, see Weinfeld, “Uniqueness”; on its liturgical use, see Urbach, “Ten Commandments”; Najman, “Decalogue”.

<sup>9</sup> *Spec.* 1.1 (de/ka lo/goi); *Dec.* 82 (parai/nesij). *Dec.* 165 (u(paini/ttetai); *Spec.* 4.132 (u(poste/llonta ei)/dh, according to Colson’s textual correction, *ad. loc.*), *Dec.* 162 (e)mfe/rontai), *Dec.* 168, 171 (u(pote/taktai).

purposes. Cicero stresses the need of condensing the laws, because a good teacher needs to present his material in a clear fashion so that his students may gain easy access.<sup>10</sup>

Philo's distinction between particular laws and "heads of laws" refers to intrinsic qualities of Mosaic Law. In his view, God gave the Ten Commandments as the underlying principles of all the particular laws. This has important implications for Philo's overall conception of Jewish *Halacha*. By suggesting that the Ten Commandments "run through the whole of the legislation", he in fact says that even the most minute or ritual regulations are anchored in overall philosophical principles, opening "broad highroads, which lead to one end, namely the undisturbed journey of the soul ever desiring the best". Connecting the particular laws to the Decalogue, Philo provides them with an ethical basis. This dimension of the law is further stressed by insisting, against the Scriptures themselves, that no punishment is envisaged for the transgression of the Ten Commandments. According to Philo, God purposely refrained from threats of punishment, "so that people will choose the best, not involuntarily, but out of a willing consciousness (*kaq' e(kou/sion gnw/mhn)*), not using fear as their senseless counselor, but the good sense of reason". By implication, the particular laws, too, are provided with an aspect of philosophical choice, which transforms them from commandments based on obedience into ethical advice, chosen for its intrinsic good.<sup>11</sup>

The background of Philo's revolutionary interpretation of the Decalogue is Stoic philosophy in Rome. Cicero already describes Stoic ethics as a system, which attributes utmost importance to free choice. The morally good is chosen for its own sake, without consideration for either punishments or rewards. The ultimate aim of Stoic ethics is to live in accordance with Nature and free of external as well as internal constraints. The wise man achieves this end, enjoying happiness and a "perfect and fortunate life, free from all hindrance". Moreover, Cicero says that for the Stoics the law, even in its most specific form, is rooted in philosophy, being a reflection of universal right reason. Cicero even formulates the ethical function of the law in almost identical fashion as Philo: "the

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<sup>10</sup> Cic., *Orat.* 185-90; Philo, *Spec.* 4.132; Termini, "Taxonomy", 21-9.

<sup>11</sup> *Dec.* 37-9, 50, 154, 177, 17, 13-4, *Spec.* 1.86-7, 3.104-7; some of Philo's explanations for the revelation of the Decalogue in the desert strengthen his philosophical interpretation; on the former see Calabi, *Decalogo*, 41-3, n. 25; Calabi, "Il deserto"; Pearce, "Decalogue", 992-6.

law ought to be a reformer of vice and an incentive to virtue; the doctrine of living may be derived from it".<sup>12</sup>

Seneca devotes an important epistle to the Stoic dispute about whether precepts are necessary. Some adherents of the school argued that precepts amount to old wives' advice and are therefore useless. Cleanthes, former head of the Stoic school, on the other hand, considered particular precepts to be useful as long as they are grounded in general philosophical principles or "heads" ("capita"). Since Cleanthes' original Greek text is no longer extant, we cannot be sure whether he used the same word as Philo, namely *kefa=laion*, but this prospect is highly likely. Seneca follows Cleanthes and affirms the importance of precepts, stressing that Nature does not teach us our duty in each particular case. Man thus requires specific instructions, derived from Nature, in order to see what he or she should do in particular situations of life. Seneca justifies precepts by grounding them in general philosophical principles. He pleads for a deep connection between the two realms, suggesting that they are like two sides of the same coin. Precepts do not coerce, "but plead", and are effective, if they are "often with you".<sup>13</sup>

These Roman discussions illuminate Philo's interpretation of the Decalogue in the *Exposition*. They show that the topics he dealt with were objects of a lively debate in the capital of the Empire, while they are not mentioned in the available sources from contemporary Alexandria. To be sure, Seneca indicates that the Stoics discussed the tension between philosophical principles and particular precepts at least from Cleanthes' time onwards. Philo could thus have read Cleanthes' work in Greek in Alexandria. Yet in his early Alexandrian writings there is hardly any sign of his interest in these issues. Philo applies himself to a detailed study of the Decalogue and its philosophical significance only in his later writings, after he has already arrived in Rome. The intellectual climate he

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<sup>12</sup> Cic., *Fin.* 3:11-2, 26, 31-2, *Leg.* 1.16-7, 1.32-5, 1.58.

<sup>13</sup> Sen., *Ep.* 94.4, 19-27, 31, 37, 42; *Ep.* 81.19-21, *Ben.* 1.6.1.

encountered there seems to have stimulated him to think about the Jewish tradition in new ways.<sup>14</sup>

Philo's rationalization of Biblical law has significant implications for Early Christianity. Paul wrote his *Letter to the Romans* a few years after Philo's *Exposition* and expresses strikingly similar ideas. He uses the same notion of particular laws being "summed up" in an overarching principle, using a verb derived from the root "(a)nakefalaio/omai), which figured prominently in Philo's discussion. According to Paul, the four ethical commands of the Decalogue are summed up in the law "love your neighbor as yourself". He no longer includes the wealth of specific laws under the rubric of philosophical principles and has clearly moved to a far more general plane, leaving behind traditional Jewish customs. Unlike Philo, Paul is not concerned to justify Jewish practices by endowing them with philosophical value, but instead gives absolute priority to ethical principles, summarizing four relatively specific commandments of the Decalogue in an even more general principle. In his words, "love does no wrong to a neighbor; therefore love is the fulfillment of the law". In light of his harsh criticism of traditional Jewish observance in other places of the *Letter to the Romans*, it is clear that Paul offers a substitutive model for the relationship between particulars and general principles: as the principles sum up the specific, the faithful Christian no longer has to be concerned with the latter.<sup>15</sup> Philo may have provided Paul with a model of thinking about the relationship between philosophy and law, but if he had lived a few years longer to see the *Letter to the Romans*, he would have been surprised about the use to which his idea was put.

The Decalogue serves in additional contexts of the New Testament as a marker of Christian identity. The synoptic Gospels feature a story, which refers to the five ethical commands of the Decalogue as "the laws" (ai( e)ntolai/). Jesus presents their fulfillment as the path to eternal life and blesses the one, who has observed them from childhood onwards. In addition to the five commandments, which are shared by morally committed

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<sup>14</sup> Note that Philo briefly mentions the idea of the Ten Commandments as heads of the particular laws in the *Allegorical Commentary* (Congr. 120), but he characteristically refrains here from discussing the philosophical implications of this idea

<sup>15</sup> *Rom.* 13.8-10; Paul's attitude towards Jewish law observance remains controversial, see esp. Watson, *Paul, Judaism*; Barclay, "Paul and Philo"; cf. Boyarin, *Paul*; Hayes, *Divine Law*.

pagans, Jesus also requires his followers to join him personally on his journeys and give up material goods, two conditions which the rich find more difficult to accept.<sup>16</sup> The issue of the law is discussed once more in the *Letter of James*, which responds to Pauline theology and insists that concrete works are necessary, not only faith in Jesus. As if directly engaging Paul's discussion of the Decalogue, the author of the *Letter* identifies the instruction "to love your neighbor as yourself" as the "royal law", but argues that fulfilling "the whole law" (ο( /loj ο( no/moj) requires observance of all the ethical commandments of the Decalogue. He stresses that the person, who refrains from adultery, but commits murder, is a sinner. The *Letter of James* calls for a reevaluation of specific precepts, which Paul subsumed under the overall command of love and thus deemphasized.<sup>17</sup>

Philo's interpretation of the Decalogue is revolutionary within Judaism and lays the ground for a broad rationalization of Jewish *Halacha*. Philo highlights the philosophical value of the commandments, suggesting that every Jew freely chooses them in order to improve himself and attain virtue. This interpretation inscribes Judaism into contemporary Roman discourses, where similar ideas are expressed. Philo suggests that not only the ethical commandments, but also the specific customs of the Jews, such as Shabbat observance, need to be appreciated as one way of reaching universal virtue. Paul and other early Christian authors engaged similar discourses, and may even have been inspired by Philo, but significantly adapted the concept of the law to their specific needs. They constructed a religion, which differed from other Roman cults not on account of its particular laws, but on account of a personal commitment to the figure of Jesus.

### *One God and His Temple*

The Jerusalem Temple was central to Judaism during the Second Temple Period, when it served both as the main sanctuary for offering sacrifices to the God of Israel and as a religious symbol in a wide spectrum of Jewish literature. Many, however, were

<sup>16</sup> *Lk.* 18.18-30, *Math.* 19.16-30, *Mk.* 10.17-31.

<sup>17</sup> *Jam.* 2.7-11; see also Avemarie, "Die Werke des Gesetzes"; Niehoff, „*Letter of James*“; for different views, see Flusser, "The Ten Commandments"; Kloppenborg, "Diaspora Discourse".

unhappy with the way it was administered by the Hasmonian priests. The central issue of the debate was ritual purity, which led some to reject the Temple and found a separate community near the Dead Sea. The author of a famous scroll from Qumran, the so-called *Miqsat Maase ha-Torah*, explains to an unnamed leader in Jerusalem that “we retired from the majority of the people and all their impurities”, because the proper ritual requirements were not observed in the Temple. Authors of other scrolls found at Qumran construct an ideal Temple, which fulfills sectarian expectations and properly governs the religious life of the Jews.<sup>18</sup>

Philo introduces a completely new dimension to these discussions by offering a philosophical interpretation of the Temple, which stresses Jewish monotheism, individual ethics and pilgrimage. For Philo the Temple is both a concrete site and a place in the soul. While virtually ignoring the concrete Temple in his earlier writings from Alexandria, he gives special attention to it in his later writings, as we have already seen in connection with Gaius Caligula. In the *Exposition* Philo discusses the Temple under the category of the First Commandment, which establishes monotheism or, in his own words, God’s “monarchy”. Philo initially goes through the proofs for the existence of one God, which we have already seen in chapters four and five. Then he discusses the way, which Moses considered “necessary to give honors to Him”. The Temple is presented as the central way of honoring God, even though Philo stresses that the universe as a whole is an even more perfect and holy Temple, rendering purely ethereal service to God. The Temple “wrought by hands” is nevertheless an important institution in his eyes, because it acknowledges the “impulse of people who pay their tribute to piety and wish by sacrifices either to give thanks to the blessings that have come upon them or beg forgiveness and interceding on their behalf.” Sacrificing is in Philo’s view a religious act fraught with moral intention. It is not a ritual aimed at the deity’s satisfaction, but serves to effect a transformation in the worshipper, who reflects on his deeds and judges them by Divine standards.<sup>19</sup>

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<sup>18</sup> *Miqsat Maase ha-Torah* (ed. Quimron and Strugnell, *CDJD* 10: 58 (פרשנו מרוב העם ומכול טמאתם)); *The Temple Scroll* (ed. Yadin); *Florilegium* (ed. *CDJD* ???); see also *Sir.* 24.8-12, 50.1-26; *Ar.* 83-120.

<sup>19</sup> *Spec.* 1.12, 1.65-7, 1.195.

Philo's interpretation of sacrifice closely corresponds to Stoic notions popular in Rome. We have already seen in chapter three that Philo was familiar with Varro's idea that worship starts with a sense of gratitude towards benefactors. In the historical writings Philo applied this notion to his criticism of Gaius, arguing that the emperor had done nothing beneficial to deserve Divine honors. In the present context he uses it to interpret the Jewish Temple as a space to express gratitude towards God. Philo thus inscribes Jewish worship into contemporary discourses and renders it congenial to Cicero's summary of Stoic theology, where he repeats the idea that gratitude for benefactions is the beginning of each god's particular cult. More importantly, Cicero describes Stoic theology as an approach, which respects the traditional cults, while reinterpreting them in a philosophical vein. His Stoic spokesman Balbus is concerned, like Philo, to point to the proper way of "revering and worshipping" the gods in a customary way (Cic. *N.D.* 2.60-2). At the same time he insists:

But the best and also the purest, holiest and fully pious form of worshipping the gods is ever to venerate them with purity, sincerity and innocence of mind and speech (Cic., *N.D.* 2.71).

Not accidentally, Philo uses the same vocabulary of spiritual purity, when speaking about sacrifice in the Jerusalem Temple (qu/ein eu)agw=j). It seems that he would have wholeheartedly agreed with Cicero's Stoic spokesman Balbus, who accepted traditional cults, while insisting that the knowledge of the gods gives rise to piety, the rest of the virtues and happiness (*N.D.* 2.153).

Philo further highlights the moral dimension of the Temple cult by pointing to pilgrimage as a journey, which tests the worshipper's true intentions and commitment. Pilgrimage is necessary, he explains, because the One God has only One Temple, so that everybody has to come up to Jerusalem. Philo expands here the approach of the book of *Deuteronomy*, which already established Jerusalem as the one place chosen by God to "put His name and make his habitation there". In Philo's view, monotheism justifies the exclusiveness of the Jerusalem Temple and requires every Israelite to leave behind family, friends and fatherland in order to "live abroad" and render service to God. Philo speaks of such journeys as tokens of insurance that the sacrifice will be offered in a "pure

spirit”, because only the person “drawn by the more powerful attraction of piety” can endure detachment from everything known and dear.<sup>20</sup>

In support of his argument Philo points to the reality of pilgrimage in his own days. “Countless multitudes from countless cities”, he says, come at each feast from the ends of the earth to the Jerusalem Temple in the hope of finding a “safe shelter from meddlesome and turbulent life”. According to Philo, the pilgrims “seek to find good weather and release from worries, which have joked and burdened them from their earliest youth, to spend some time taking respite in cheerful tranquility”. He moreover speaks of their “leisure time” being devoted to “holiness and the honoring of God” and of the friendships that are formed between people, who did not know each other beforehand (*Spec.* 1.67-70).

This description of pilgrimage has often been taken as historical evidence for the popularity of pilgrimage in the Second Temple Period. For many readers Philo’s reference confirms the obvious, namely that ancient Jews observed the Torah, which enjoins every male Jew to go three times a year on a pilgrimage to Jerusalem (*Ex.* 23.17). Others have been more cautious, stressing that there is little evidence for Jewish pilgrimage during the First Temple Period. On such estimations, the increase of the phenomenon in the Roman period may not have been massive. The *Letter of Aristeas* (2<sup>nd</sup> century BCE) supports a cautious approach, because it never mentions pilgrimage even though it enthusiastically speaks about Jerusalem and the Temple. Philo is indeed the first Jewish author in post-Biblical times, who describes the experience of pilgrimage to the Jerusalem Temple and makes it a central item of his theology. Yet even he does not really assume that every Jew comes to Jerusalem “at each feast”, because he immediately explains that pilgrimage liberates from burdens “carried from their earliest youth”, which indicates that pilgrimage is a once-in-a-life-time event. Philo’s reasons for highlighting

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<sup>20</sup> *Spec.* 1.67-8; *Deut.* 12.5-18.

this aspect of Temple worship are most likely to be connected to contemporary culture, but cannot be reduced to a mere reflection of changing historical realities.<sup>21</sup>

Philo's image of pilgrimage is a literary construct with important theological and cultural implications for his understanding of Judaism. The first clue to this approach is provided by Philo's reference to "countless multitudes from countless cities", which clearly is a literary exaggeration reminiscent of similar expressions in the historical writings, where Philo constructs Jewish identity in a Roman context. Moreover, Philo depicts pilgrimage in nostalgic terms as a return to a pure form of Judaism. The individual person is supposedly no longer distracted by worldly concerns – as if the pilgrimage itself did not require considerable worldly organization – and is completely devoted to holiness. Pilgrimage offers a welcome opportunity of socializing and re-constituting the Jewish people as a homogeneous nation oriented towards philosophy. Philo creates a religious focus for his people, which is seemingly devoid of national and political connotations. The Temple rather than worldly leadership defines Jewish identity. In a world populated by many local temples, but only one Emperor, Jewish culture neatly fits into the wider landscape without competing with contemporary structures of power.

The topical relevance of Philo's interpretation of pilgrimage becomes obvious when we look at the *Gospel of Luke*, which we have already encountered on several occasions as a text with a strong Roman orientation. Pilgrimage is introduced here for the first time into Jesus' biography, while the other gospels lack this motive. Mark and Matthew know nothing of Jesus' pilgrimage, whereas Luke presents his parents as going up to the Jerusalem Temple "every year" at Passover. In Luke's story the Temple fulfills an important part in defining Jesus' religious role. While his parents start returning home, he stays behind to discuss theology with "teachers" even though he is only a child. Jesus shows both his exceptional wisdom and his true commitment to God. Coming up to the Jerusalem Temple and rejoicing in its intellectual opportunities, he has transformed himself from a talented boy to a religious leader. Jesus characteristically confronts his

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<sup>21</sup> Philo's reference has been taken as historical evidence by Jeremias, *Jerusalem*, 76-7; Levine, *Jerusalem*, 248-53; Schwartz J., "Pilgrimage", 1089. Goodman, "Pilgrimage Economy", suggested more cautiously that Herod rebuilt the Second Temple, among other reasons, because he wished to increase pilgrimage as a means of income for his country, but may well not have seen the fruits of his investment.

anxious mother, who had been looking for him, with the question: “why did you search for me? Did you not know that I have to be in my Father’s house?” (*Lk.* 2.49). Jesus’ pilgrimage thus plays a constitutive role in Luke’s biography. Its narrative function is rather similar to the pilgrimage imagined by Philo in his later writings, when the Jerusalem Temple had become a central aspect of Jewish identity.

Philo also anticipates features of the Second Sophistic. Plutarch, himself a priest of Apollo at Delphi, constructs a similarly philosophical and culturally pregnant image of Temple worship. The Temple offers in his view a space for meeting and discussion, leading the person entering its gates to true knowledge. In his treatise *The E at Delphi* Plutarch locates Greek culture in the temple, where prominent teachers, such as Ammonius, discuss Greek philosophy, among others the Classical principle “know yourself”. This Greek culture in a preeminent local Temple is acknowledged by the Roman Emperor Nero, who “stayed here some years ago”. For Plutarch as for Philo, constructing one’s culture around a local temple implies emphasis on the non-political and ensures acknowledgement by the Roman powers. We recall that Claudius upon ascending to the throne confirmed the religious, but not the political rights of the Jews, thus anticipating Nero’s visit to Plutarch’s shrine in Greece.<sup>22</sup>

Following his overall philosophical approach to the Temple, Philo explains the sacrifices in terms of the worshipper’s moral and religious progress. Philo is highly aware of the fact that his interpretations resort to allegory and express his personal insights rather than accepted wisdom. The laying-on of hands on the sacrificial animal, for example, signifies in his view a confession of moral blamelessness before God, because the law “requires of the one who brings a sacrifice to sanctify primarily his mind by exercise in good and profitable thoughts”. Philo moreover expects the worshipper to confess “out of a pure conscience” that he has committed no sin. The offering itself involves a full acknowledgement of God’s benevolent and unique existence. He has created the world and given numerous benefits to all of mankind, acts which require honor and thanksgiving of a rational sort. The third century author Philostratus, who

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<sup>22</sup> Plut., *Mor.* 385B, 351D-352A; on the intellectual dimension of pilgrimage among Greeks in the Roman Empire see also Elsner and Rutherford, “Introduction”, 24-7; Galli, “Educated Pilgrims”.

describes for the first time in Antiquity the movement of the “Second Sophistic”, offers a very similar interpretation of cult and sacrifice. In his *Life of Apollonius of Tyana* he introduces the Temple of Aesclepius as a quiet space outside the city, where real contemplation is possible. Appolonius clarifies the nature of true worship by insisting that it is not only about the physical aspects of sacrificing, but mainly about caring for the Self and adapting one’s life style to authentic standards of virtue.<sup>23</sup>

Philo thus constructs the Jerusalem Temple as an important site of Jewish identity, which confirms its monotheistic, ethical and non-political nature. The ever-new waves of pilgrims consolidate themselves as a people around these values. Philo’s image of the Temple as a cultural focus engages contemporary notions popular in Rome, where temples played a prominent role in public life and also enjoyed philosophical interpretations. Philo moreover anticipates authors of the Second Sophistic, such as Plutarch and Aelius Aristides, who similarly constructed Greek identity around local temples.

### *Jewish Holidays as training Grounds for the Self*

According to Philo, Augustus already recognized that the Jewish synagogues do not serve for entertainment or “political unification”, but rather aim at “teaching temperance and justice”. Philo similarly explains in the *Hypothetica* that the Shabbat is not a day of “idlers”, but promotes the study of Torah and the inculcation of Jewish values. He states with satisfaction that by the end of the day the worshippers “have much advanced in piety”. According to Philo’s report, the Therapeutae, a group of Jewish philosophers living in a community near Alexandria, implemented these ideals and celebrated solemn Shabbats with austere lectures on Jewish values, which were delivered by a senior member to a well disciplined audience. Moreover, in *Against Flaccus* Philo describes the *Feast of Tabernacles* as “the common feast of the Jews during the autumn

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<sup>23</sup> Philost., *Vit. Apol.* chap.7-12; see also Petsalis-Diomedis, *Truly beyond Wonders*; Downie, *At the Limits*; see also Leonhardt, *Jewish Worship*, 22, who briefly alludes to the similarity between Philo’s notion of pilgrimage and Greek practices, but has in mind Classical Greek rather than contemporary sources.

equinox”, when they customarily spend time in huts.<sup>24</sup> In the historical and philosophical writings the subject of the Jewish holidays has thus come up in different contexts of contemporary life. Philo has inscribed the customs of his people into a distinctly Roman narrative, arguing that Augustus welcomed them as training grounds for philosophy. He moreover stresses their place in the rhythm of nature, rendering them universally valid. In his view, the Shabbat has an especially transformative effect and promotes individual progress through regular study sessions.

In the *Exposition* Philo continues this approach to the Jewish holidays. He is no longer oriented towards transcendental categories, as he was in his earlier writings from Alexandria, when he interpreted the Jewish holidays in terms of a Platonic body-soul dichotomy. He then argued that practicing *Halacha* corresponds to living in the body, while understanding the allegorical meaning of the Scriptures engages the soul. In the *Allegorical Commentary* Philo moreover focused on theology and inquired into the meaning of God’s rest on the seventh day, suggesting a metaphorical interpretation, much like his Alexandrian predecessor Aristobulus. It is significant that this theological issue no longer concerns him in his later writings, when he returns to the subject of the Shabbat and God’s rest. In the treatise *On the Decalogue* Philo briefly mentions God’s rest and then argues that it bids the citizens of this world to “follow God and apply themselves to work for six days, while resting on the seventh and turn to philosophy and contemplation of the things in Nature”. Philo’s perspective has become more anthropocentric and immanent. In line with his position in the historical writings, he explains the Jewish holidays as distinct customs of the Jews, which implement universal values.<sup>25</sup>

Philo prefaces his discussion of the particular Jewish holidays by a philosophical consideration of the nature of feasting, which he knows to be paradoxical and contrary to common intuition. He argues that “the Law calls every day a feast, thus accommodating itself to the blameless life of righteous men who follow Nature and her laws”. This introduction places the Jewish holidays, which are originally rooted in national history, a

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<sup>24</sup> *Leg.* 312 (e)pi\ sunta/sei, “for political unification”), *Hyp.* 7.14 (polu\ dh\ pro\j eu)se/beian e)pidedwko/tej), *Cont.* 30-1, *Flac.* 116.

<sup>25</sup> *Migr.* 91-3, *Cher.* 87-90; *Dec.* 89; Aristob., *fragm.* 5.11 (= Eus., *P.E.* 13.11.55-12.85) .

specific calendar and Divine revelation, into a wider philosophical context. A feast is now defined as a time consecrated to the ideal of living according to Nature rather than enjoyment for historical, national or material reasons. Philo has already introduced the notion of living according to Nature in his treatise *On the Creation*, where he interprets the creation of the world as a foundation of law, which is both natural and Jewish. He now applies this argument to the Jewish holidays and stresses that they conform to general philosophical principles. Indeed, observant Jews are like “those who practice philosophy among the Greeks or barbarians and live a blameless and irreproachable life”, aspire to tranquility and are “the best observers of Nature and everything contained in it”. A true feast in Philo’s view does not involve material pleasures, but offers man an opportunity to orient his life towards Nature. “Cosmopolitans”, Philo asserts in this spirit, “who have recognized the cosmos to be their city”, are trained “to pay no regard to ills of body and external things and are concerned to relate with indifference to things indifferent (*(a)dia/fora*)”. Philo concludes his introduction to the holidays by stressing that those “delighting in virtues, live their whole life as a feast”.<sup>26</sup>

Philo’s interpretation of feasts is profoundly inspired by Stoic ethics. Already Zeno, the founder of the school, introduced the idea that the end of ethics is a “life in accordance to Nature”, which is at the same time “a life according to virtue”. He was moreover the first to speak about the citizenship of the wise, who form a community on the basis of their values rather than political structures and material possessions. From Zeno onwards the Stoics considered virtue as the sole condition for happiness. In contrast to Aristotle, they rejected external goods as “indifferent things” (*(a)dia/fora*), which should not be taken into consideration in ethical choices. These Stoic ideals played a central role in Roman discourses. Cicero already explained that “law is the highest reason implanted in nature, which commands what ought to be done and forbids the opposite”. Some human legislation conforms in his view to natural law, while the constitution of other nations does not. Not surprisingly, Roman law is found to reflect nature faithfully. In the Augustan period Arius Didymus stresses that the Stoics define the aim of ethics as “living in accordance with Nature”. Philo’s late contemporary Seneca makes it an

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<sup>26</sup> *Spec.* 2.42, 2.45-6, 2.52-4; cf. Philo’s earlier discussion of the true feast in *Cher.* 84-93, where he stresses theological issues, especially God’s transcendence, rather than human practice.

especially central theme of his ethics, speaking of the laws of nature and the brotherhood of the righteous, who live in accordance with them. Significantly, Seneca also devotes one of his *Epistles* to the subject of “Festivals and Fasting”, where he criticizes the commonly held view of feasts as occasions for material pleasures. He instead recommends true feasts, which are very modest in terms of material goods, but strengthen man’s connection to Nature, make him aware of the real purpose of life and produce authentic joy.<sup>27</sup>

While perfect joy and feasting are, according to Philo, available only to God, man can aspire to real joy by celebrating his holidays in a proper way. This is done by assimilating them to the perfect feast, which has just been described. Philo presents the Shabbat as the second most important holiday in Judaism after the eternal feast of virtue. It occurs every seventh day, corresponding to a number of special cosmological significance, and provides an overall spiritual framework for daily life. Philo initially asserts that the Shabbat rest is not intended to encourage “amusement” or laziness (r(a|qu=mi/a). The purpose of the Shabbat is rather to give necessary relaxation to the body and enable it to continue strenuous work on the other days. Moreover, Moses urges to use the free time of the Shabbat for higher intellectual activities, “bidding to pursue philosophy at that time and improve the soul and the dominant mind”. Almost borrowing the words attributed to Augustus in the historical writings, Philo stresses that the synagogues become on the Shabbat “schools of good sense, temperance, courage and justice and the other virtues”. The Shabbat has been interpreted as a space, where Jews cultivate the Classical Greco-Roman virtues, which were especially emphasized by the Stoics.

Philo thus also responds to a typically Roman prejudice about the Shabbat as a day of idleness. Seneca is the first known author, who complains about this day being “useless” (“inutiliter”), because by “introducing one day of rest in every seven they lose in idleness almost a seventh of their life”. Tacitus and Juvenal expressed similar views,

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<sup>27</sup> *D.L.* 7.33, 7.87-9, 7.102-7; *Cic., N.D.* 2.81-90; *Leg.* 1.13-9; *Arius apud Stob., Ecl.* 51, 6a (ed. Pomeroy 36-9); *Sen., Ep.* 18, 65.19, 95.51-3, 45.9, 60.2, 90.34, 108.15, 110.11-2, 95.19, *Ira* 1:5-6; *Tranq.* 1.5, *Vit. Beat.* 17.3-18.3; see also Bréhier, *Idées Philosophiques*, 23-32; Schofield, “Stoic Ethics”, 233-56; Inwood, *Reading Seneca*, 224-48; Stein-Hölkeskamp, *Das Römische Gastmahl*, 211-19.

which are significantly lacking in the extant sources from Hellenistic Egypt. Philo thus argues that in contrast to prejudices circulating in Rome, the Shabbat is a day of intensive intellectual activity, which invigorates the Jews, orients them towards central ethical values inherent in their tradition and enables them to adopt an overall philosophical perspective on the rest of the week. In all of these respects, Philo inscribes the Shabbat into Stoic discourses in Rome and suggests that Jewish feasting is congenial to prevalent contemporary notions.<sup>28</sup>

Philo gives special emphasis to the Biblical instruction that slaves are free on the Shabbat (*Ex.* 20.10). Assuming a distinctly urban setting, where house-work rather than field work is the major issue, Philo provides new philosophical explanations for the servants' rest. While the Biblical command is based on the idea of equality among men, who should all imitate God's resting on the seventh day, Philo argues for an intended inversion of social hierarchies. "The masters", he says, "must be accustomed to do things by themselves, without waiting for the offices and attentions of their servants", so that they will be able to encounter the difficulties of life with courage rather than despair. The servants are also transformed by the Shabbat, because they learn "not to give up their hopes, but experience relaxing after six days as an ember or spark of freedom and look forward to their complete liberation, if they continue to serve well and love their masters".<sup>29</sup> Philo is careful not to present Jewish customs as subverting social structures and encouraging revolt. The Shabbat inculcates a particular philosophical disposition rather than political action.

Precisely such inversion of social structures is anticipated in Roman Stoicism. Seneca explains that a true feast is modest in the extreme so that masters "become intimate with poverty" and momentarily experience what slaves go through every day. This will prepare them for strokes of bad luck and render him more steadfast. On other occasions Seneca praises the Roman custom of celebrating a holiday when masters and slaves are dining together in full equality. He probably thought of the Saturnalia in honor

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<sup>28</sup> *Spec.* 2.60-6; *Sen. apud Aug., C.D.* 6.11 (= Stern, *GLAJJ* 1.431); on the specifically Roman connotation of the idea that the Shabbat is a day of idleness, see also Schäfer, *Judeophobia*, 86-9.

<sup>29</sup> *Spec.* 2.66-9; these views are complemented by Philo's subsequent emphasis on the humane treatment of slaves, who are by nature equal to their masters (*Spec.* 3.137-43).

of the god Saturn, which he mentions elsewhere. The Roman Stoic Epictetus subsequently commented on this feast, arguing that its reversal of roles provides only limited freedom, which cannot replace full philosophical freedom throughout life.<sup>30</sup> These Roman discussions, with their varying appreciation of the Saturnalia, indicate a lively interest in holidays as an occasion for social reversal and philosophical reorientation. Philo's interpretation of the Shabbat engages those discourses and inscribes Jewish customs into contemporary Roman culture.

Similar values animate Philo's interpretation of other Jewish holidays. The Passover, he explains, prompts an inversion of regular hierarchies by allowing all male Israelites to offer a sacrifice rather than relegating this function to the priests. The festive meal on this occasion is of course modest, the unleavened bread indicating proximity to Nature. Like the Shabbat and the Feast of Tabernacles, the Passover is anchored in a special date of the calendar, namely the spring equinox. Philo introduces Yom Kippur as a quintessential feast, even though he is aware of the fact that a day of fasting may well be seen as the opposite of a feast. He responds to such potential criticism by stressing once more the difference between material and spiritual feasts. In his view Yom Kippur provides true merriment at the time of harvest, when fresh fruits are likely to distract the human mind from the essential values of life. Devoting oneself to prayer and abstaining for one day from food and drink, the observant Jew becomes aware of the blessings regularly available to him. Yom Kippur thus renders him profoundly thankful to God and strengthens the most basic element of proper worship.<sup>31</sup>

### *Sexuality and Family (draft)*

Philo devotes seventy-five paragraphs of his third treatise *On the Special Laws* to the sixth commandment "you shall not commit adultery" (*Ex.* 20.13), another ten paragraphs to warnings against child-exposure and another twelve to parental authority,

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<sup>30</sup> *Sen. Ep.* 18.8, 47.14-6; *Epict.*, *Disc.* 4.1.

<sup>31</sup> *Spec.* 2.145-63, 2.193-203.

especially that of the father. This emphasis on family values is remarkable in light of the fact that earlier Jewish authors from Alexandria have not discussed these subjects. As far as the extant texts of Aristeas, Artapanus, Aristobulus and Demetrius can tell, there was no particular interest in family matters. Philo, too, in his early years, has not identified the family as a marker of Jewish identity. He even complained in a Platonic mode that “marriage and the raising of children” withers “the flower of wisdom before it blooms”. In Philo’s later historical and philosophical writings, by contrast, the Jewish family plays a significant role. The Jewish male is self-evidently assumed to be a married man, who is encouraged to procreate, teach his wife and educate his children. Philo even uses the devotion of the Jews to family life as an argument for their civic commitment, which is in his view very useful for the Roman Empire. Moreover, we have seen in chapter seven that the biographies of the Biblical forefathers are animated by family values. Philo imagines happy couples as well as ideal wives and mothers, who promote the family and generally do not expose their children. Potiphar’s wife figures in that context as a paradigmatic adulteress, who threatens the good family order.<sup>32</sup>

Philo’s treatises *On the Special Laws* continue the pro-family approach of the historical writings and the biographies. Philo now adds a comparative dimension, which highlights Jewish values above those of other nations, as well as explanations about child exposure and parental authority. This combination of sexual modesty, commitment to children and an authoritarian family structure are highly characteristic of contemporary Roman culture. Already Isaak Heinemann in his Classical study of Philo’s *Bildung* recognized the Roman context of his legislation on fatherly authority. In the *Embassy* Philo mentions the Roman law of *patria potestas*, which accords the father “absolute power over the son (h( ga\r ui(ou= pantelh\j e)cousi/a)”, including the right to put him to death in cases of disobedience. It is not difficult to detect the traces of this law in Philo’s subsequent explanations about the father’s authority vis-à-vis his rebellious son. While he had stressed the parents’ mutual and natural authority over their children, he singles out the father as the figure, who upbraids, beats and even puts them into prison. For the death penalty Philo requires both father and mother, thus attenuating Roman law,

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<sup>32</sup> *Gig.* 29, *Hyp.* 7.3-14, *Leg.* 231; see also D’Angelo, *eu)se/beia*, 146-7.

but significantly deviating from Biblical law, which demands a court decision in addition to the parents' agreement.<sup>33</sup>

Philo's lengthy discussion of child exposure is based on arguments from nature. He condemns parents, who expose their children, as "breaking the laws of Nature" and behaving worse than animals, because they have prevented their off-spring from receiving the upbringing intended for them. While ancient philosophers had generally accepted child exposure as a legal and morally justifiable option, Roman Stoics were particularly outspoken in their criticism of the practice as a violation of nature. Cicero already stated that, according to the Stoics, "the love of parents for their offspring is a provision of Nature", visible in animals as well. Philo applies these Stoic arguments to the case of child exposure and infanticide, which are virtually identical in his eyes, and thus anticipates the Roman philosophers Seneca and Musonius. Seneca praises his mother Helvia for having raised all her children, exposing none of them, but instead taking pride in her pregnancies and the resulting large family. Musonius devotes a whole lecture to the topic and speaks of a religious as well as a natural duty to raise one's off-spring. He moreover points to the social benefits and the high status gained by having many children. Man, he stresses, should not be meaner than little birds, which "rear their young and find sustenance for all that are born to them". Philo, a contemporary of Seneca, writing slightly before Musonius, shows a similar sensibility to the issue of child exposure. He integrates into contemporary Roman discourses, presenting Judaism as an ancient religion, which implemented universal values.<sup>34</sup>

In this context it can hardly come as a surprise that Philo's discussion of sexual modesty reads like an appeal to Augustan ideals of marriage, which we have already encountered in chapter seven. In 2 BCE Augustus published rigorous legislation against adultery, following the public scandals of his daughter Julia, who was put on trial and sentenced to life-long exile. He thus hoped to set an authoritative example of enforcing family values.

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<sup>33</sup> *Legat.* 28, *Spec.* 2.231-2; see also Heinemann, *Bildung*, 250-1; Niehoff, *Philo*, 176-7; Nicholas, *Roman Law*, 76-80; on rabbinic law, which renders the executions of the rebellious son virtually impossible, see Halbertal, *Interpretative Revolutions*.

<sup>34</sup> *Spec.* 3.111-6; *Virt.* 128-33; *Cic.*, *Fin.* 4.17-23; *Sen.*, *Cons. Helv.* 16.3-4; see also Evans Grubbs, "Hidden in Plain Sight"; Harris, "Child Exposure"; Niehoff, *Philo*, 163-70.

From then on the notion of modesty in sexual matters was a central slogan in Roman culture and literature. opposes double-standards in marriage and requires chastity of husband and wife.<sup>35</sup> Philo constructs the Jews as embracing precisely these values and judging adultery the greatest crime. Moreover, his highly derogatory remarks about the sexual customs of other nations – especially those of the Egyptians and the Persians – suggest that among the foreigner the Jews are most congenial to the Romans and their values.<sup>36</sup>

### *Conclusion (rough draft)*

Seneca (*GLJJ* 1.86) says that the Jews at least know “*causas ritus*”, while others practice in ignorance. Has he read Philo, who was the first and in his time the only Jewish author, who did precisely this: explain the reasons of Jewish cult?

Josephus provides an important perspective on Philo, because he worked in Rome and set out to show that Jewish law is conducive to good citizenship, because it promotes piety, fellowship, benevolence, justice and endurance. Strikingly, Josephus highlights the same points as Philo, namely Jewish monotheism, the Jerusalem Temple, Torah learning on the Shabbat and family ethics. He may have read and abbreviated Philo’s works, but his treatment is so much shorter than Philo’s that no direct dependence can be established. Far more interesting for our purposes is Josephus as a testimony to the Roman context of Philo’s *Exposition of the Law*.

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<sup>35</sup> Suet., *Aug.* 34.1-2, 65.1-4; Sen. *Ep.* 94.26. Not satisfied with such stringent punishment, Augustus wished his daughter dead and ruled that her corpse may not be buried in his mausoleum (Suet., *Aug.* 65.1-4, 101.3; *Tib.* 50.1).

<sup>36</sup> *Spec.* 3.8-11; Suet., *Aug.* 34.1-2, 65.1-4. Not satisfied with such stringent punishment, Augustus wished her dead and ruled that her corpse may not be buried in his mausoleum (Suet., *Aug.* 65.1-4, 101.3; *Tib.* 50.1).

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