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VOLUNTARY AND INVOLUNTARY SIN AND THE ALLEGORY OF THE SOUL IN  
PHILO

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**Outline**

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In a large number of passages, Philo of Alexandria attends to the distinction between voluntary and involuntary sin. In some cases, Philo addresses each kind of sin in turn. In others, his concern is to identify or evaluate a particular error or wrongdoing as one kind of sin or the other. In my recent dissertation, I offer the first major study of Philo's fascination with this issue.<sup>1</sup> The topic is important enough for Philo that there is significant value in cataloguing and offering an analysis of all of the data as a window on Philonic thought more generally, and as a means to the assessment of a crucial component of Philo's ethical interests and theory. Moreover, the explicit concern with the distinction between voluntary and involuntary sin in certain scriptural passages—passages with which Philo is familiar, and of which he offers his own interpretation, sometimes several times over—serves also to establish the enquiry as a study in the character of Philonic exegesis. Does Philo derive his understanding of the distinction between voluntary and involuntary sin from scripture? To what degree or in what register is it something he brings to the text, influenced by other sources and traditions? Whatever the balance of influences, what are the major philosophical perspectives evident in this aspect of Philo's ethical vision? Further, how does Philo's perspective on the significance of the voluntariness of sin compare with the perspectives on sin and intention offered by other early interpreters of scripture? These are some of the issues I address in the dissertation.

In the present paper, I restrict my focus to a single but central aspect of the larger study, namely, Philo's appeal to the distinction between voluntary and involuntary sin as part of his programmatic concern to interpret scripture allegorically as an account of the history and ethical

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<sup>1</sup> "Borderline Bad: Philo of Alexandria on the Distinction between Voluntary and Involuntary Sin" (University of Notre Dame, defended July 2015).

progress of the soul.<sup>2</sup> Why does the distinction between voluntary and involuntary sin figure prominently in Philo's allegorical exegesis? More specifically, what role does it play in relation to the assignments whereby Philo discerns in the personae of the scriptural narrative various dispositions of the soul, differing in degree of virtue and vice?<sup>3</sup>

We will proceed in three stages. First, we will consider Philo's conceptualization of the distinction between voluntary and involuntary sin as it maps onto his understanding of the identity of the human sinner herself—that is, in more traditional terms, his "doctrine of man."<sup>4</sup> Second, we will examine the programmatic way Philo utilizes the distinction in distinguishing between different kinds of human soul, and, especially, his appeal to the idea of voluntary sin as a reliable index to the divide between the good and the bad among created humankind. Third, we will explore Philo's treatment of the idea of involuntary sin in his allegorical account of human experience and performance. As we shall see, if Philo's assessment of the significance of voluntary sin is quite uniform, his treatment of involuntary sin shows greater variation, even equivocation. We will also see, nevertheless, that the diversity within Philo's perspective has important parallels in related areas of his thought, and bespeaks the bifold horizon that gives shape to Philonic ethical theory.

## 1. The Human Condition and the Distinction between Voluntary and Involuntary Sin

### 1.1. Humankind in the Image of God

Various aspects of the subject of Philo's anthropology have received a significant amount of attention in recent years, and with good reason. On the one hand, Philo appears to be particularly drawn to the scriptural passages describing the creation of humankind, Gen 1:26-27 and 2:7, addressing them directly and at length as primary lemmata in each of the commentary series (*Leg.* 1.31-47, 53-55, 88-96; *Opif.* 69-88; *QG* 1.4-22), and returning to them time and again in support of his treatment of other texts.<sup>5</sup> On the other hand, several important aspects of

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<sup>2</sup> The present paper draws on material treated in more detail in the first half of the third chapter of my dissertation. Unless otherwise noted, all translations of Philo are my own.

<sup>3</sup> Space prohibits a comprehensive review of Philo's concern with the distinction between voluntary and involuntary sin in relation to the allegory of the soul in the present paper, in which I focus on the "macro" question outlined above. A careful consideration of texts in which Philo appeals to the distinction in treating the "micro" elements of human agency—words, deeds, and certain psychological or psychophysical events of the soul—is also necessary for a thorough assessment. I address these texts in the dissertation.

<sup>4</sup> In putting it this way, I am following the lead of David T. Runia in *Philo of Alexandria and the Timaeus of Plato* (Leiden: Brill, 1986), 467.

<sup>5</sup> E.g. *Det.* 79-90; *Plant.* 17-27; *Her.* 54-57; *Spec.* 4.123. See the discussion in *Philo and the Timaeus of Plato*, 325-327, 472; similarly, Runia, "God and Man in Philo of Alexandria," *JTS* 39 (1988): 48-75, at 66-67. In speaking of primary and, implicitly, secondary (and tertiary) lemmata, I am following the model proposed by David Runia in "The Structure of Philo's Allegorical Treatises: a review of two

Philo's interpretation of these texts, and, more broadly, his anthropological perspective, have remained rather resistant to consistent or, at least, systematic analysis. Does Philo ultimately envisage a single or double creation of humankind? If the latter, how do the two different humans created relate to each other? Additional challenges attend to the project of framing a systematic presentation of Philo's conception of the structure of the human soul. Most frequently, Philo observes the basic Platonist bipartite division into rational and non-rational parts (e.g. *Leg.* 2.6; *Spec.* 1.333).<sup>6</sup> Elsewhere, however, following alternative Platonist lines, Philo appears to work with a tripartite model (e.g. *Spec.* 4.92). In still other places, Philo utilizes the Stoic configuration of the soul as constituted by one ruling and seven subsidiary parts (e.g. *Opif.* 117).

The diversity in the details notwithstanding, the primary focus of Philo's anthropological interest lies in the binary distinction he discerns in the created human between the rational part of the soul, the intellect or mind (*νοῦς*), and that which is non-rational in the human constitution—most obviously, the body, and any non-rational part(s) of the soul required for embodied existence.<sup>7</sup> It is the *νοῦς* that differentiates humankind from the rest of the earthly creation, and accounts, no less, for the singular relation established at the beginning of the Pentateuch between God and humankind (*Opif.* 69). Of the earthly creation, only humankind stands in God's image (*κατ' εἰκόνα θεοῦ*) because only humans possess a mind. Plants have no soul, and thus, by definition, no intellect; animals, though possessed of a soul, are excluded from intellect and reason (e.g. *Opif.* 73).<sup>8</sup> What is it about the human intellect that accounts for its resemblance to or association with God? On a functional level, Philo points to the parallel between the role of God in the universe and the activity of the mind in the human being. Neither can be seen or known, yet each stands behind all seeing and knowing. The intellect is, in a certain way, a god of the person who carries it and bears it around as a divine image (*Opif.* 69).<sup>9</sup> The association extends beyond

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recent studies and some additional comments," *VC* 38 (1984): 209-256; and "Further Observations on the Structure of Philo's Allegorical Treatises," *VC* 41 (1987): 105-138.

<sup>6</sup> For an excellent summary, see John Dillon, "Philo of Alexandria and Platonist Psychology," *Études Platoniciennes VII, Philon d'Alexandrie* (2010): 163-169.

<sup>7</sup> That is to say, it is widely held among Philonists that it is the bipartite model—or, at least in some relevant and programmatic way, a binary contrast between rational and non-rational—that is most fundamental to Philo's perspective.

<sup>8</sup> The philosophical debate concerning the question of animals' possession of reason stands behind Philo's treatise *De animalibus*, in which Philo responds to the position advocated by his great nephew, Lysimachus. In his strenuous denial of reason to animals, Philo endorses the standard Stoic position on the issue; the arguments in favor of attributing reason to animals contained in the Philonic treatise likely reflect those used by the opponents of the Stoics in the New Academy. On the context and philosophical background for *De animalibus*, see Abraham Terian, *Philonis Alexandrini de Animalibus: The Armenian Text with an Introduction, Translation, and Commentary* (Chico: Scholars Press, 1981), 46-52.

<sup>9</sup> On the mind as ruling in the soul, see also e.g. *QG* 4.26, 4.216.

the merely functional level, however. The mind, in the image of God, is privileged with a possession otherwise peculiar to God, freedom from necessity. Philo considers both levels together in his extended allegorical treatment of Gen 6:6 in *Quod Deus immutabilis sit*.

In all these ways living creatures excel plants. Let us now see where man has been made superior to other animals. We find that the special prerogative he has received is mind (διάνοια),<sup>10</sup> habituated to apprehend the natures both of all material objects and of things in general. For as sight is the ruling part in the body, and the nature of light holds the leading place in the universe, in the same way the dominant part in us is the mind (νοῦς). For this [mind] is the sight of the soul, shining brightly with rays becoming to its nature, through which the vast and profound darkness, which ignorance of things brings upon it, is dissipated. This aspect of the soul was not moulded of the same elements from which the other aspects were brought to completion, but it was allotted a better and purer substance, out of which the divine natures were formed. And therefore it is reasonably supposed that of what is in us only the mind (διάνοια) is indestructible. For this is the only [aspect] that the father who begat it considered worthy of freedom, and loosening the bonds of necessity (ἀνάγκη), he allowed it to range freely, presenting it with a share, insofar as it was able to receive it, of his most proper and personal possession, the voluntary (ἐκούσιος). For there is no mind (νοῦς), that aspect chosen for freedom (ἐλευθερία), in the souls of the other living creatures; they have been handed over for service to men, yoked and bridled, as slaves to masters. (*Deus 45-47*)

This passage constitutes Philo's clearest and most important discussion concerning the equipping of humankind with a free will or voluntary (ἐκούσιος) faculty, and of humanity's uniqueness in this regard in relation to the other earthly living creatures. Against suggestions to the contrary, such freedom does not stand without limitation. Indeed the qualification appended in *Deus 47* (μοῖραν ἦν ἡδύνατο) hints at the conclusion that a wider consideration of Philo's perspective on the issue would seem to require. Human freedom is both derivative and relative; only God himself is archetypally and absolutely free.<sup>11</sup> For our purposes in this paper, the salient point to observe is

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<sup>10</sup> On the semantic overlap between νοῦς and διάνοια, see David T. Runia, *Philo of Alexandria: On the Creation of the Cosmos according to Moses* (PACS 1; Leiden: Brill, 2001), 327.

<sup>11</sup> Note the stark contrast framed by Philo in *Somn. 2.253*: καὶ γὰρ ὁ μὲν θεὸς ἐκούσιον, ἀνάγκη δὲ ἡ οὐσία. On the relative freedom enjoyed by humankind, see especially David Winston, "Freedom and Determinism in Philo of Alexandria," in *The Ancestral Philosophy: Hellenistic Philosophy in Second Temple Judaism—Essays of David Winston* (ed. Gregory E. Sterling; SPhM 4 / BJS 331; Atlanta: SBL, 2001), 135-150; and John Dillon, *The Middle Platonists 80 B.C. to A.D. 220* (rev. ed.; Ithaca: Cornell University Press, 1996), 166-168. Winston demonstrates the fundamental problems with Harry Austryn Wolfson's claim that, for Philo, the freedom bestowed on humankind is as absolute and undetermined as that enjoyed by the divine donor himself. For Wolfson's position, see *Philo: Foundations of Religious Philosophy in Judaism, Christianity, and Islam* (2 vols.; Cambridge: Harvard University Press, 1948), 1:424-462; Winston responds in "Freedom and Determinism in Philo of Alexandria," 139-147. Recently, Jonathan Klawans has voiced his support for Wolfson's reading of the Philonic data in *Josephus and the Theologies of Ancient Judaism* (Oxford: Oxford University Press, 2012), 261 (relating to Chapter Two, "Fate, Free Will, and Ancient Jewish Types of Compatibilism"). I suggest that Klawans's summary of the

that it is in being gifted with mind, and that as equipped for voluntary operations, in liberation from the otherwise constricting claims of necessity, that the human's true privilege lies.<sup>12</sup> As noted above, it is the mind that distinguishes the human soul from the baser kind possessed by wild animals. Accordingly, these other inhabitants of the earth function in a fundamentally different way: they "cannot do anything through foresighted care and thinking; but whatever they do is involuntarily done through the peculiarity of their design" (*Anim.* 80, Terian).<sup>13</sup>

Unsurprisingly, there are substantial entailments for the uniquely liberated creatures within God's earthly creation. To be released from the clutches of necessity is to be charged with the responsibility for exercising freedom in an appropriate way. According to Philo, it is the invitation to fulfill this calling that stands behind the otherwise puzzling detail in Gen 2:19, addressed by Philo in *QG* 1.21, concerning God's leading of the animals to man "to see what he would call them." It cannot be that God did not already know what the man would choose, for such doubt would be alien to God. Rather, the scriptural contingency captures the divine concern that the man should use the mind he has been given in a suitable way. The act of naming incumbent on the man represents his working out of the human calling as concerned with that which is "voluntary and up to us" (φανερῶς δὲ πάλιν καὶ διὰ τούτου πᾶν τὸ ἐκούσιον καὶ ἐφ' ἡμῖν διατυποῖ).<sup>14</sup> Philo explains the connection between the human constitution and consequent duty in more detail in the continuation of the passage from *Quod Deus immutabilis sit* introduced

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issues—that Winston (incorrectly) sees Philo as "essentially deterministic," while Wolfson (rightly) contends that Philo "allows for a meaningful free will"—both points up the need for careful definition and appropriately qualified terminology in addressing the issues at stake, and also constitutes a relative weakness in Klawans's sophisticated study. Winston does categorize Philo as a determinist (e.g. "Freedom and Determinism," 149). However, it is precisely the nub of the Hellenistic debates (that provide the broad philosophical backdrop for Philo's treatment of the issue) as to whether the ascription of moral responsibility—which presupposes at least some kind of "meaningful" human freedom—is compatible with a deterministic scheme. The adherence to some kind of determinist scheme does not at all foreclose the possibility of a material role for human willing or choice—so compatibilists would say.

<sup>12</sup> The issue of human freedom or the facility for voluntary action arises occasionally in connection with a position that Philo seeks to rebut at various points across the corpus, namely, that of the "Chaldeans," which is to see the cosmos itself as the supreme god rather than the creation of the (supreme) Creator. To do so is to make a god out of fate and necessity (*Migr.* 179); conversely, God's desire that the first created human should exercise his voluntary faculties in the naming of the animals (Gen 2:19) serves to confound "those who say that all things exist by necessity" (*QG* 1.21, Marcus). See also e.g. *Her.* 300.

<sup>13</sup> Elsewhere Philo explains that one who suffers distraction of mind, insanity, and intolerable madness, that is, who loses his mind, is thus left with the baser kind of soul shared by the animals—he has been changed into the nature of a beast, even though the marks of the body retain their human form (*Spec.* 3.99). Cf. also *QG* 4.17.

<sup>14</sup> Thus putting to shame, Philo continues, those who say that everything comes about by necessity (cf. the comments on the Chaldeans above). Cf. *QG* 1.55, once again dealing with the troubling possibility that the scriptural text might appear to suggest some degree of doubt on God's part, in which the training and instruction provided by God introduces the man to that which is voluntary (τὸ ἐκούσιον).

above. It is the nature of humankind and the resultant responsibilities that are the objects of God's consideration in Gen 6:6.

So "God considered and thought it over" [Gen 6:6], not now for the first time, but even from of old, firmly and securely, "that he had made man," that is, of what quality he had made him. For he made him free and freely ranging, employing his voluntary (ἐκούσιος) and purposive (προαιρετικός) energies for this use, so that, knowing good and, in turn, also evil, and receiving the conception of the good and the shameful, and honestly attending to (the difference between) things just and unjust, and those from virtue and those from vice, he might make a choice of the better things and a flight from their opposites. So there is an oracle to this effect in Deuteronomy: "See, I have set before your face today life and death, good and evil. Choose life" [30:15, 19]. Accordingly, through this (oracle), he sets before us both things: that men have been made knowing good and its opposite; and that they are obligated to choose the better before the worse, having within them a kind of incorruptible judge, persuaded by whatever right reason (λόγος) suggests, and unpersuaded by whatever is suggested by the opposite. (*Deus* 49-50)

The duty of every human is to exercise the volitional or deliberative resources received from God in an appropriate way. It would seem that this responsibility cannot be ducked; it inheres in the human condition.

## 1.2. Life on the Border

To put things this way is also, implicitly, to draw attention to the intrinsic challenge, even potential jeopardy, of human existence, over which we have skated so far. Humankind stands in a liminal position, able to live well or badly, to succeed in duty or to fail. In the language of Deuteronomy 30, the exhortation to choose life or the good is made because evil, leading to death, is a live alternative.

To what is this situation attributable? First of all, Philo insists that responsibility for human failings cannot be laid at God's door; humans bear responsibility for what they do. The impropriety of attributing evil to God, even derivatively, stands behind the otherwise puzzling plurality of agents active in the Genesis account of the creation of man (Gen 1:26) according to Philo's interpretation.<sup>15</sup> Why is it that the act of creation is ascribed to a plurality of subjects in the case of human beings only (*Opif.* 72)? The answer lies in the singular situation of created humankind. As already noted, plants and animals possess no reason; consequently, they cannot be considered agents of good or evil. Another kind of living creature, the heavenly beings, indeed possesses reason but has no part in any kind of wickedness at all.<sup>16</sup> Thus God creates plants,

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<sup>15</sup> Here I follow Runia's reading of *Opif.* 72-75 (*On the Creation of the Cosmos*, 236-243).

<sup>16</sup> Cf. *Conf.* 176-178, treated below, on why this is so.

animals, and heavenly beings on his own. The case of human beings is different, however, on account of their possession of reason twinned with the freedom to incline towards either good or evil. Accordingly, at the creation of humankind, God calls on the assistance of subordinate agents in order to protect the nature of his involvement with the genesis of this creature of mixed nature and behavior.<sup>17</sup>

Second, the ethical vulnerability of humankind is tied, it would seem inevitably, to the hybrid construction of the created human being. As we have seen, there is more to the earthly human than the rational soul. The mind is encased in a body, the latter of necessity served by the non-rational senses. As the non-rational obtrudes on the rational, so failure in duty ensues. Now, both David Winston and David Runia have argued persuasively that by degree and in certain details, Philo's assessment—that is, denigration—of the corporeal in the human constitution in relation to the incorporeal has been somewhat misjudged.<sup>18</sup> Philo can speak in unreservedly positive terms about the first created human being, superior in soul *and body* to those who came later (*Opif.* 136-147). Philo's repeated devaluation of the corporeal in subsequent human experience should not be taken as one and the same with the absolute denigration of the pristine created body in principle.

Nevertheless, in his assessment of the human condition, and in particular in the account of the life of the soul that informs his allegorical exegesis, Philo typically frames human experience by way of the dichotomy between the rational and the non-rational—and it is the failure of the former properly to regulate the latter that is the essence of human evil or wickedness. The body and the supporting senses constitute the non-rational in human existence; correspondingly, Philo characteristically depicts the body and sensory faculties as the proximate causes of human failure (*Det.* 98). Why, on being addressed by God, does Abraham fall on his face (*Gen* 17:3)? Because it is the senses that lead to transgression and sin; it is sense-perception that renders life blameworthy and reprehensible (*QG* 3.41). The rational in human beings is seriously constrained by the non-rational and material context in which it exists. Indeed, Philo can go so far as to describe the body as a grave in which the mind (*νοῦς*) is entombed (*Spec.* 4.188).<sup>19</sup>

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<sup>17</sup> In case it needs to be spelled out, this does not allow humans the option of blaming these subordinate agents for human wrongdoing. Philo's concern with the multiplicity of agents involved in the creation of humankind, and that as marked in the scriptural text by the divine use of the first-person plural, emerges in several places in addition to *Opif.* 72-75, and attests strongly to the influence of Plato's *Timaeus*; see the discussion in Runia, *Philo and the Timaeus of Plato*, 242-249. See *Conf.* 168-183 (on *Gen* 11:7); *Fug.* 68-72; *Mut.* 30-32; *QG* 1.54 (on *Gen* 3:22).

<sup>18</sup> Winston, "Philo and the Rabbis on Sex and the Body," in *The Ancestral Philosophy*; and Runia, *On the Creation of the Cosmos*, 330-346.

<sup>19</sup> In the preceding paragraph I have attempted to preserve an apparent ambiguity in Philo's thought, namely, the question of whether the tendency to wickedness in humankind is *ultimately* attributable to the rational or the non-rational part of the person. Philo can emphasize the role of the non-rational or rational part—the former as providing the material and the occasion for evil, the latter as

Is failure in duty, at least to some degree, an inevitable phenomenon for the created human being as composite of rational and non-rational parts—that is, as one standing on the borderline (μεθόριον) between mortal and immortal nature (*Opif.* 135)? Absent additional measures or qualifications, Philo suggests that it is. Even the perfect man, insofar as he is created, does not escape erring (*Spec.* 1.252). That is to say, erring is natural to created humans however excellent inasmuch as they are created (*Mos.* 2.147). There is an evil engraved in the human soul from birth (*QG* 2.54), the hatred of evil also located there notwithstanding (*Spec.* 3.75). No matter how carefully the sensory faculties are employed, it is impossible that they should consistently fail to serve as conduits for human error (*Cher.* 66).<sup>20</sup> Accordingly, prompted by Rebecca's seemingly anomalous clothing of Jacob, the practitioner of virtue, with the robe of his brother, the wicked man (*Gen* 27:15), Philo presents the pragmatic perspective of Epicharmus with unqualified approval: Whoever transgresses the least is the best man, for no one is sinless and no one is without blame (*QG* 4.203). Elsewhere, Philo makes a related point in words all his own: the ubiquity of human failure does not, in general terms, serve to eliminate human responsibility.

If God should choose to judge the mortal race without mercy (ἔλεος), the sentence would be condemnation (καταδικάζω), for there is no one who of himself fails to stumble between birth and death, rather, he is subject to slips (ὀλισθήμασιν) of foot, some voluntary (ἐκούσιος), some involuntary (ἄκούσιος). (*Deus* 75)<sup>21</sup>

The ethical challenges that inhere in human existence would seem to be onerous. Philo offers an appropriately pessimistic summary assessment as he reflects, in the Exposition of the Law, on the question of the identity of candidates suitably qualified to celebrate the various festivals enjoined by Moses.

For on considering the sad and fear-filled condition of our race—and how it is full of countless evils (μυρίων κακῶν) that the greedy desires of the soul and the calamities of the body beget, and that the anomalies of fortune inflict along with the mutual attacks of those who fight together inflicting and suffering countless evils—with good reason he wondered whether anyone borne along in so great a sea of events both voluntary and involuntary (πραγμάτων ἐκούσιων τε καὶ ἀκούσιων), and never able to be at rest or to cast anchor safely in a life free from danger, could truly hold a feast, not one (simply) in name, but in

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responsible for the malfunction that allows the non-rational faculties to function unchecked by reason. Here I follow Winston, "Theodicy and the Creation of Man," 128-134 in *The Ancestral Philosophy* (at 131). This ultimate ambiguity notwithstanding, it is the former, the non-rational/corporeal, that usually serves functionally as the reason (hence "proximate cause" above) for human failure in Philonic ethical discourse, appropriating the characteristically Platonist devaluation of the same.

<sup>20</sup> On *Gen* 4:1, and the foolish conclusion reached by mind and senses together that the good we have is our own possession.

<sup>21</sup> *Exod* 15:9, explicating *Gen* 4:1 (cf. the comments on *Cher.* 66 above).

truth. (*Spec.* 2.52)<sup>22</sup>

Created humans are faced with an intimidating array of challenges that, variously, lead to their going astray, from the excessive desires of the soul and weaknesses of the body, through twists of fortune, to actions perpetrated by other agents. Small wonder, from this perspective, that humans should be considered ill-equipped for genuine festal celebration.<sup>23</sup>

In the two preceding passages we approach directly at last Philo's concern to distinguish between voluntary and involuntary sin in relation to his assessment of the human condition. Of the slips common to humankind, some are voluntary, others involuntary (*Deus* 75); the phenomena associated with negative human experience more generally can be classified between voluntary and involuntary varieties (*Spec.* 2.52). In summary, ours is a race with a natural bent towards errors voluntary and involuntary both (*Fug.* 105; διὰ τὸ πεφυκέναι καὶ ἐπικλινῶς ἔχειν πρὸς τε τὰ ἐκούσια καὶ ἀκούσια ἁμαρτήματα). It is to an examination of this distinction as Philo conceptualizes it in relation to his understanding of humankind as both created in God's image and characteristically prone to sin that we now turn.

### 1.3. Reason and Responsibility

The human being, as constructed by God in his own image, is fitted for voluntary action. For this creature of mixed nature, however, the psychological equipment possessed also serves to facilitate the perpetration of voluntary (ἐκούσιος) or deliberate (ἐκ προνοίας) sin.<sup>24</sup> For Philo, voluntary error or wrongdoing is, then, the signature human danger—and, alas, an all-too-common occurrence. Philo introduces the idea of voluntary sin as a characteristic human phenomenon in his commentary on Gen 11:7 in *De confusione linguarum*.<sup>25</sup>

Living nature was divided fundamentally into two opposite parts, the non-rational (ἄλογος) and the rational (λογικός), the latter again into the mortal and immortal kinds, the mortal being that of men, the immortal that of unbodied souls that traverse the air and sky. The latter have no share in wickedness (κακία), having received from the beginning a lot that is unalloyed happiness, and having not been imprisoned in that place of endless misfortunes, the body. Neither do non-rational (beings) have any share (in wickedness), since having no share in understanding (διάνοια), they are not convicted of voluntary wrongdoing (ἐκουσίων ἀδικημάτων) that comes about by reasoning (ἐκ λογισμοῦ). Man is perhaps the only being who having knowledge of good and evil often chooses the worst and flees from the things worthy of his efforts, and so is convicted above all of

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<sup>22</sup> In the discussion in *Spec.* 2.42-55 the life of the wise person is a continuous feast.

<sup>23</sup> Cf. *Cher.* 86: only God truly keeps festival.

<sup>24</sup> Philo uses these terms interchangeably; I provide the supporting analysis in my dissertation.

<sup>25</sup> Thus dealing with another Genesis passage in which God speaks with a first-person plural verb.

deliberate errors (ὥστ' αὐτὸν μάλιστα ἐπὶ τοῖς ἐκ προνοίας ἀμαρτήμασι καταγινώσκεσθαι). (*Conf.* 176-178)

For created humans, the combination of participation in the earthly, physical realm along with possession of a reasoning nature proves to be a potentially toxic mix. As shielded from the former or deprived of the latter, they would, apparently, be immune to wickedness. Yet with both in play, they have scope to commit voluntary sin. Herein lies, for Philo, the fundamental tragedy and grave seriousness of volitional wrongdoing: the created human has knowledge of good and evil, yet frequently chooses the worst and so sins deliberately. That is to say, while the man who acts wickedly is aware of what which is praiseworthy, "he welcomes, chooses and accepts for himself that which is blameworthy and reprehensible" (*QG* 4.231, on *Gen* 27:38).<sup>26</sup> Philo explains the import of humankind's rational, volitional faculties for the evaluation of human behavior, for good or for ill, more clearly in another section of the passage from *Quod Deus sit immutabilis* discussed above.

But man, having received a freely working (ἐθελουργός) and self-bidden (αὐτοκέλευστος) will (γνώμη), and who proceeds for the most part with purposefully chosen (προαιρετικός) actions, rightly has blame (ψόγος) for what he does wrong (ἀδικέω) deliberately (ἐκ προνοίας), and praise (ἔπαινος) as he acts rightly (κατορθόω) willingly (ἐκῶν). In the others, the plants and animals, no praise is due for productivity, nor blame (ψεκτός) for failure, for they experience movements and changes, either way, that are not purposefully chosen (ἀπροαίρετος) and are involuntary (ἀκούσιος). Only the soul of man has from God received voluntary (ἐκούσιος) movement, and in this way especially has been made like him, and having been liberated, insofar as this was possible, from that harsh and most grievous mistress, necessity (ἀνάγκη), appropriately meets with accusation (κατηγορία) inasmuch as it does not honor its liberator. Accordingly, it will quite correctly pay the inevitable punishment due to ungrateful freedman. (*Deus* 47-48)

Insofar as created humans proceed to utilize the freely working and self-bidden will received from God (and in most of their actions they do), they act purposefully, deliberately, or voluntarily, and so merit blame for wrongdoing and praise for acting rightly. It is precisely the magnitude of the privilege bestowed on the rational human soul in its ability to achieve voluntary movement that makes voluntary error or wrongdoing such an egregious offense.<sup>27</sup> Voluntary sin amounts to an expression of human ingratitude towards the divine donor of liberty, and must be punished

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<sup>26</sup> Translation, Marcus, PLCL. In this text and that which follows Philo is treating the case of Esau, the untamed and undisciplined man, who "possessed an understanding of good and worthy thoughts but made the opposite use of them" (*QG* 4.232). On the proclivity to choose the worst, note also *Congr.* 84.

<sup>27</sup> Cf. *Opif.* 149, on *Gen* 2:20, where Philo attributes to the rational nature freedom of movement (αὐτοκίνητος)—once again, appealing to man's volitional faculties or freedom in explicating the meaning of the task of naming assigned to the first man (cf. on *QG* 1.21 above).

accordingly. In contrast, for creatures devoid of reason—or, in the case of the young, for those whose native rational faculties are not yet developed—only involuntary actions are possible.<sup>28</sup>

Furthermore if the stork does not feed its parents in return, it could not be accused of injustice, even though it would appear to be an act of injustice, for it is involuntary. Nor are drones deemed transgressors when they waste the labor of the bees; they do not do this voluntarily but rather are prompted by the desire for food. Have you not noticed that no one ever blames a little child for anything he does, since he has not yet attained to an accountable [lit., "thoughtful"] age? Although an infant is immature, he is a rational man by nature, having newly received the seeds of wisdom, which, though not yet developed, will soon mature. Throughout the duration of his growth, the seminal powers spread rapidly like sparks in a forest, fanned by a breeze or wind. But the souls of other creatures do not have the fount of reason. They are destitute of the reasoning faculty. . . . Animals do nothing with foresight as a result of deliberate choice. Although some of their deeds are similar to man's, they are done without thought. (*Anim.* 96-97, Terian)

The presence or absence of working reason thus regulates the character of the sins committed or slips made by different creatures, and, in Philonic terms, renders each ἄλογος in a different way. For animals, devoid of reason, all actions are *non-rational* (ἄλογος) and, thus, involuntary. For humans, the most characteristic sins are *irrational* (ἄλογος) inasmuch as they represent the sinner's defiance of what reason requires (*Sacr.* 46-48), yet, concurrently, are voluntary in that they are committed by agents possessed of a working mind that could and should have directed behavior in a more appropriate way.<sup>29</sup>

What, then, of humans as those gifted with reason who yet commit involuntary sins? Philo compares our experience of the two kinds of sin in his allegorical exegesis of Gen 9:20 in *De agricultura*.

But there are those who have let out all the ropes of piety and, sailing with good speed, have striven to berth in her harbors, and then, when they are not far off and just about to reach land, all of a sudden a counter-wind bursts forth and repels the vessel as it is making a straight course with full sail, so that many of the factors that were contributing to a favorable voyage are cut off. No one would blame (αἰτιόμαί) them for still being out at

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<sup>28</sup> Cf. also *Leg.* 2.64 on the infant mind as non-rational.

<sup>29</sup> It is vital to distinguish the different ways in which various actions or entities might be considered "not rational." Voluntary sin stands as the signature kind of human failing precisely because it represents the contrary-to-reason (ἄλογος) act of a rational (λογικός) creature. The actions of mind-less animals are of a fundamentally different sort—and are, thus, in principle, both ἄλογος and involuntary. On the two meanings of ἄλογος in ancient Greek sources, see Galen, *On the Doctrines of Hippocrates and Plato* IV 4.13-15, cited in Hans Svebakken, *Philo of Alexandria's Exposition of the Tenth Commandment* (SPhM 6; Atlanta: Society of Biblical Literature, 2012), 37. Philo explains the difference in his treatment of Gen 30:36 in *Sacr.* 46-48, in which he takes Jacob's shepherding of only some of Laban's sheep as indicative allegorically of the mind's tending of only some of the unreasoning (ἄλογος) faculties of the soul effectively (that is, those that are merely lacking rather than opposed to reason). The two senses of ἄλογος are also recognized in *Epit.* 10a.

sea, for their lack of speed occurred involuntarily (ἀκούσιος) as they were pressing hard. Does not the person who has made the so-called "great vow" resemble these people? For he says: "If anyone near him suddenly dies, the head of his vow will immediately be defiled and it will be shaved" (Num 6:9). Then after saying a few more words he adds: "The days that were earlier will not be counted, because the head of his vow was defiled" (Num 6:12).<sup>30</sup> Through both these words, "suddenly" (αἰφνίδιος) and "immediately" (παραχρῆμα), it is indicated that the turning (τροπή) of the soul was involuntary (ἀκούσιος). In the case of errors that are voluntary (τὰ ἐκούσια τῶν ἀμαρτημάτων), time is needed for planning (τὸ βουλευσασθαι) where, when, and how it is to be done, whereas those that are involuntary (τὰ ἀκούσια), it rushes down instantaneously, without consideration (ἀπερισκέπτως), and, as it were, timelessly. It is difficult, as in the case of runners, to start off on the road to piety and complete the entire course without stumbling and becoming out of breath, since the obstacles that every being encounters are countless. (Agr. 174-177)

At this point in the treatise, Philo continues with his interpretation of Noah as one who symbolizes the beginner on the road to virtue—more specifically, one who achieves the beginnings of wisdom in the cultivation of the soul, but who fails to progress to the fullness of such knowledge.<sup>31</sup> The subject prompts Philo to consider in Agr. 174-180 a particular case of those who, in some sense, begin well, but fail to achieve their laudable goal, namely, those who are hindered by forces or obstacles that arise against their will. Philo invokes the image of sailors who make every effort to negotiate and complete their voyage in good time, and yet who, with land in sight, are hindered from completing their mission by the forces of nature. Such sailors would not be blamed for not meeting their goal, for their failure to bring their voyage to completion occurs involuntarily. This imagery in turn prompts Philo to consider what he takes to be a somewhat similar case, that of one who, having taken the vow of the Nazirite, finds himself defiled by reason of his proximity to one who dies nearby.<sup>32</sup> The parallel between those represented by the nautical imagery and the experience of the defiled Nazir is twofold. First, both parties fail to bring their respective goals to completion. Second, the manner of the failure is similar in each case—the result of a sudden

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<sup>30</sup> Up to this point I largely follow the translation provided by Albert C. Geljon and David T. Runia in *Philo of Alexandria On Cultivation* (PACS 4; Leiden: Brill, 2013).

<sup>31</sup> On this theme in *De agricultura*, see Geljon and Runia, *On Cultivation*, 209-210, 252-253 in particular. The exegetical trigger for Philo's interpretation comes in Gen 9:20 with the description of Noah as one who began (ἤρξατο) to be a farmer of land. For Philo, Noah belongs, along with Enos and Enoch, to the first triad of heroes (those seeking virtue) in Genesis, which proves inferior to the triad of Abraham, Isaac, and Jacob that follows. On the character of Noah (and, in fact, other patriarchs) and the distinction between voluntary and involuntary sin, see the discussion below.

<sup>32</sup> The legislation concerning the Nazirite vow is found in Num 6:1-21. The case of unexpected corpse defilement is detailed in 6:9-12, and is clearly of some interest for Philo, who treats it in related ways in *Leg.* 1.17, *Deus* 89-90, and *Fug.* 115, in addition to the present passage. I follow PLCL 3:198 in assuming that "great vow" is derived from the language of Num 6:2 (ὅς ἐὰν μεγάλως εὐξήται εὐχὴν).

(αἰφνίδιος) counter-wind or sudden (αἰφνίδιος) death, each a phenomenon or occurrence external to and beyond the control of the agent concerned.

Philo takes certain details of the Numbers text as an opportunity to reflect on the distinction between voluntary and involuntary sins, in this context, offering a brief assessment of the difference in profile between each kind of sin as experienced by the human agent. Voluntary sins take some time to germinate, on account of the agent's planning where, when, and how the deed in question should be done. In contrast, involuntary sins occur instantaneously or timelessly—or, as in the experience of the Nazir, suddenly and immediately. Philo's concern with the basic difference in time or duration between voluntary and involuntary sins derives in the first place from the secondary biblical lemma under consideration. The defining situational detail of the case considered in Num 6:9-12 is that the death to which the Nazir is exposed occurs suddenly. Of greater interest for our purposes is the corresponding difference in the way the agent's rational faculties are involved in each kind of sin. Voluntary sins involve planning or deliberation (τὸ βουλεύσασθαι); involuntary sins occur thoughtlessly (ἀπερισκέπτως). The difference in the use of the rational faculties in each case emerges more clearly as Philo reflects further on the nature of involuntary sins in a play on the language of Num 6:12.

Quite excellently he has said that the days of the involuntary turning are not to be counted (τὰς τῆς ἀκουσίου τροπῆς ἡμέρας εἶπεν ἀλόγους), not only because it is unreasonable to err (τὸ ἀμαρτάνειν ἄλογον), but also because it is not possible to give an account of involuntary things (τῶν ἀκουσίων λόγον οὐκ ἔστιν ἀποδοῦναι). For this reason, very often when we are asked what the causes are of what happens (τὰς τῶν πραγμάτων αἰτίας), we say that we do not know and cannot say what they are. When they occurred, we were not invited to be present and we are also ignorant of their arrival. (Agr. 179)

Whereas αἱ ἡμέραι αἱ πρότεροι ἄλογοι ἔσονται in the biblical text almost certainly means that the corpse defilement demands that the Nazir start from scratch again in fulfillment of the term of the vow, Philo takes ἄλογος in two other ways, first, in explaining that involuntary sin occurs, somehow, without the use of reason, and, second, in claiming that it is not possible to give a full descriptive account of involuntary actions since there is much about their occurrence that we do not know and of which we are not aware.<sup>33</sup> A related point implicit in the imagery employed by Philo in this passage is that the genesis of involuntary sins is, in some way, external to the human

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<sup>33</sup> Philo's second interpretation of ἄλογος in this context is clearer than the first—presumably, what it means not to be able to give (ἀποδοῦναι) an account (λόγον) of involuntary things is explicated in the following lines, concerning what we do not know about their occurrence. The first interpretation is more challenging to discern. The language employed by Philo permits the following options: (a) (all) erring is irrational; (b) (all) erring is non-rational; (c) (involuntary) erring is irrational; (d) (involuntary) erring is non-rational. I take it from the immediately surrounding context that Philo's concern here is with involuntary erring (or sin) particularly; correspondingly, at least to the degree that Philo's thought here is consistent with *Sacr.* 46-48 (see n. 29 above), I consider it unlikely that Philo should identify involuntary sins as irrational here. Thus I suggest (d) is the most likely meaning.

agent, and that in apparent contrast with the profile of voluntary sins. Philo makes the point explicitly in a parallel treatment of Num 6:9.

Yet in regard to the one who has vowed the great vow, [Moses] knows that he is one who may slip involuntarily, even if not by voluntary inclination (ἀκουσίως σφαλλόμενον εἰ καὶ μὴ ἐκουσίῳ γνώμῃ). For he says, "If someone dies suddenly near him, he will be defiled immediately" (Num 6:9). For unwilled things (ἀβούλητα) that rush down on us suddenly from the outside defile the soul immediately though not interminably since they are involuntary (ἀκούσια) (*Fug.* 115)

The same understanding underlies Philo's interpretation of Gen 37:10 later on in the Allegorical Commentary, concerning Jacob's rebuke of Joseph following the latter's disclosure of his purported dream in which the heavenly bodies pay homage to him. Jacob's pointed questioning of his son, Τί τὸ ἐνύπνιον τοῦτο ὃ ἐνυπνιάσθης, bespeaks the father's correct conclusion that what Joseph describes is no dream at all—for, if that were so, there would be no grounds for any reprimand. The fact that Joseph suffers rebuke confirms that what he presents as a dream is, in fact, a kind of voluntary spiritual delusion.

For what reason would there be in being angry with or rebuking one who has seen an appearance (of something) while asleep? "Was it voluntarily (ἐκῶν) that I saw it?" he would say. "Why are you bringing charges against me as for those who do wrong deliberately (ἐκ προνοίας)? I explained that it fell on me from without (ἔξωθεν) and struck my mind (διάνοια) suddenly and involuntarily (ἄκων)." (*Somn.* 2.137)

Had this been a dream, it would have arisen, like an involuntary sin, outside the agency of Joseph—and, likewise, it would seem, without a decisive and active contribution from the mind. If voluntary sin stands as the signature failing for the creature made in the image of God, involuntary sin would appear to be that kind of failing in which the human agent's defining constitutional element—the mind, the rational part of the soul—is uninvolved or plays only an incidental role.

## 2. The Bad, the Good, and the Sinless

How, then, does Philo formulate the ethical charge incumbent on humanity in terms of the distinction between voluntary and involuntary sin, and, how, in these terms, does human performance stack up? The data support three observations. First, Philo frequently identifies voluntary sin as the particular kind of wrongdoing or error of those he finds described or characterized in scripture as particularly bad—both individuals and groups, based on a literal reading of the text, and certain kinds or dispositions of the soul, as Philo reads the text allegorically. In the early narrative of Genesis, a common denominator among those who do not survive the deluge is the volitional nature of their sin.

For since that time bore a large crop of wrongdoing (ἀδίκημα), so every country and nation and city and household was filled with evil practices, everyone competing voluntarily (ἐκουσίως) and deliberately (ἐκ προνοίας) as in a contest for the top prizes in erring (διαμαρτάνω), rivaling each other with all zeal, each one hurrying to surpass his neighbor in dimensions of wickedness (κακία), and neglecting nothing that leads to a suffering and accursed life. (*Abr.* 40)

In general terms, Noah's immediate contemporaries were not alone in their behavior. The same species of sin was characteristic of those who experienced a different kind of judgment but suffered an ultimately similar fate, that is, those destroyed by the fire that rained down on Sodom and Gomorrah (*Mos.* 2.53).<sup>34</sup> These, like those who died in the flood, rebelled against virtue and practiced craftiness, injustice, and the other vices, not by necessity but by voluntary inclination (οὐκ ἀνάγκη γνώμη δ' ἐκουσίω). Elsewhere in the early history of humankind, Philo finds in the details of Genesis 4, the story of the first homicide, evidence of the voluntary status of Cain's wrongdoings. God's questioning of Cain in Gen 4:7 implies that Cain's illicit offering should be counted as a voluntary sin (*QG* 1.66). Similarly, Cain's disingenuous response to God's enquiry in Gen 4:9 diagnoses his slaying of his brother as a voluntary wrongdoing (*QG* 1.68).<sup>35</sup>

As noted above, Philo's attribution of voluntary sin to the notoriously bad or wicked is not confined to his treatment of named individuals or easily identifiable groups. Commenting on Gen 6:4, Philo identifies those whose pursuit of pleasure goes unchecked as those guilty of willful or voluntary wrongdoing.

But if children become zealous emulators of maternal depravity, they will draw way from paternal virtue and depart from it through desire of pleasure in a wicked stock, and through contempt and arrogance toward the better they are condemned as guilty of willful wrongdoing. (*QG* 1.92, Marcus)

Indeed, in Philo's allegorical exegesis, the mind enslaved by pleasure, a favorite target, can be envisaged as guardian over voluntary (as well as involuntary) sins (*Deus* 113, on Gen 39:1). According to *Ebr.* 95, the disobedient and rebellious person is one who adds errors to errors, voluntary to involuntary (ἐκούσια ἀκουσίους). In a passage we have already considered (*Sacr.* 46, 48), the foolish person is characterized by a villainy that stands as a voluntary malady of the soul (ἐκούσιον ψυχῆς ἀρρώστημα). Finally, in what perhaps constitutes one of his most pessimistic comments concerning the general or median condition of created humanity (*Spec.* 1.30), Philo

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<sup>34</sup> Philo treats the flood and the destruction of Sodom and Gomorrah together in several texts. See especially *Abr.* 1, and the corresponding note in PLCL 6:4.

<sup>35</sup> I provide an extended discussion of Philo's association of Cain with the idea of voluntary sin in the fifth chapter of my dissertation.

adjudges the majority of the human race to be those who guard delusion (τύφος) not by necessity but by voluntary inclination (οὐκ ἐξ ἀνάγκης ἀλλ' ἐκουσίοις γνώμαις).<sup>36</sup>

Second, and complementing this first observation, Philo very often identifies abstention from voluntary sin as a distinguishing mark of those he finds described or characterized in scripture as noteworthy or substantially good—once again, both as he reads the text literally, and in his allegorical concern with the workings and career of the soul. That is to say, though they do sin, such characters, dispositions, or personas are those that commit involuntary sins only. Thus, in contrast with the notably wicked, the voluntary sinners, among the early inhabitants of the earth, the patriarchs, as living and rational laws themselves

committed no guilty (ὑπαίτιος) action by voluntary inclination (γνώμαις ἐκουσίοις), and in the case of things that came about by chance (ἐκ τύχης), they cried out to God and propitiated him with prayers and supplications, achieving the wholeness (όλόκληρος) of life that succeeds (κατορθόω) both in things done deliberately (ἐκ προνοίας) and those done apart from voluntary inclination (ἄνευ ἐκουσίου γνώμης). (*Abr.* 6)

Philo makes or assumes the same point in several places in the specific case of Noah, whose conduct thus contrasts with that of his peers. Indeed, the distinction between voluntary and involuntary sin serves to explain why Noah and his family survived the flood.

And in the great deluge, when almost the whole of the human race perished, the account tells us that one house escaped all harm, because no voluntary wrongdoing (μηδενὸς ἀδικήματος ἐκουσίου) occurred that was ascribed to the most senior man and ruler of the house. (*Mos.* 2.59)

Likewise, in the case of Noah's drunkenness after emerging from the ark, Philo is careful to distinguish between the nature of Noah's error and the much more serious crime of Ham, who saw his father's nakedness and shared the information with his brothers (*Gen* 9:21-22).

[Ham] dared to rail violently with laughter and scorn against his father, the source of his safety, for something in which he did not err (παρασφάλλω) by voluntary inclination (μὴ καθ' ἐκούσιον γνώμην), and laid bare to those who did not know it that which it is lawful to conceal, so as to bring disgrace on the one who begat him. (*Virt.* 202)<sup>37</sup>

If Noah's sin in this case of drunkenness was involuntary, elsewhere Philo takes *Gen* 9:21 as a warning against those who get drunk—that is, who remain uneducated and foolish—voluntarily

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<sup>36</sup> Note *Ebr.* 63, on those who place custom before reason as those who are overcome by appearances and are not able to stand against any of them, being drawn—sometimes involuntarily (ἄκων), sometimes voluntarily (ἐκών)—by them all, even the ordinary. Philo's primary exemplar of this kind of soul in this section is Jethro, father of Moses (*Ebr.* 36)—whom Philo usually takes to symbolize τύφος.

<sup>37</sup> The passage is part of Philo's discussion of nobility (*Virt.* 187-227), at this point as illustrative of those who though from privileged stock have forfeited any claim on the virtue on account of their vice.

(ἐκῶν), a condition that those seeking to live rightly should pray to avoid (*Ebr.* 125). In contrast with the behavior characteristic of the pleasure-seeker, the true man does not willingly (ἐκῶν) approach the pleasures that are kith and kin of the body, but, rather, cultivates estrangement from them (*Gig.* 33). Similarly, the true heir of the higher things (on Gen 15:4) is that way of thinking that does not cling to the body by voluntary inclination (καθ' ἐκούσιον γνώμην), but seeks to dedicate the entirety of self to God (*Her.* 68). The one making moral progress (προκόπτω), though not yet the finished article and, thus, still beholden to necessary pleasures, nevertheless possesses a soul that is free from voluntary blemishes (*Leg.* 3.140-142).<sup>38</sup> Whereas whatever the worthless person does deliberately is culpable on account of it being polluted by an intention (γνώμη) that is hard to cleanse, the voluntary deeds of virtuous men (αἱ τῶν σπουδαίων ἐκούσιοι πράξεις) are all praiseworthy—in other words, these commit no voluntary sins (*Post.* 75).<sup>39</sup>

Third, Philo does, just occasionally, identify agents or entities that succeed, in some sense, in abstaining from both voluntary and involuntary sins (or, at least, are expected to do so). He identifies at least two: the sage, and the high priest. In *Leg.* 3.141, Philo insists that the wise man (σοφός) is able to consecrate his whole soul as an offering to God on account of the fact that it has neither voluntary nor involuntary blemish. In *Spec.* 3.134 (on Num 35:28, dealing with the Seventh Commandment), Philo contrasts the standards expected of ordinary people (and priests), on the one hand, and the high priest, on the other.

It is permitted for ordinary people to be clean of voluntary wrongdoing (τῶν μὲν ἐκουσίων ἀδικημάτων) only, and anyone who wishes to do so can say the same of the other priests, but the high priest, exceptionally, must be clean in regard to the involuntary as well as the voluntary (ἀμφοτέρων δ' ἐκουσίων τε καὶ ἀκουσίων). For contact with pollution (μίασμα) of any kind is not lawful for him, whether incurred deliberately (ἐκ προνοίας) or because of an unwilled turning of the soul (κατὰ τροπήν τῆς ψυχῆς ἀβούλητον), so that he might function as hierophant according to both parts, proceeding with a blameless intention (διανοία ἀνεπιλήπτω), and a life of good deeds (εὐπραγία βίου) such that no reproach belongs to it.<sup>40</sup>

We will consider the significance of these superlative agents in the next section of the paper. In the meantime, our discussion yields an important conclusion in light of our earlier consideration of the human condition. It is a particular kind of sin—voluntary error or wrongdoing—that acts for

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<sup>38</sup> This is an implication of what Philo says in *Leg.* 3.141-3.143 concerning the wise, on which see the comments below, and the different ways the wise and the person of progress deal with pleasures. The σοφός rejects both necessary and superfluous pleasures; the προκόπτων rejects the latter only.

<sup>39</sup> On Gen 4:19, and the Cainite Lamech's taking to himself two wives.

<sup>40</sup> On Num 35:28. On the high priest's freedom from voluntary and involuntary sins, note also *Fug.* 108-109, 115, and, rather differently, *Spec.* 1.230 (the latter on Lev 4:3).

Philo as a reliable index to the performance, character, or ethical standing of individual humans, personas, or dispositions. The generally bad commit voluntary sins; the generally good do not. It is consistent with Philo's understanding of the constitution and privilege of created humanity as traced above that the question of a sin's voluntariness should figure so decisively in the weighing of particular sinners or souls. If it is the signature duty of the created human to exercise the volitional resources received from God responsibly, so it is unsurprising that an agent's success or failure in avoiding voluntary sin should serve to define the agent's ethical character in a summary way.

### 3. The Problem of Involuntary Sin

#### 3.1. Involuntary *Sin*?

Let us turn to consider an important question that we have neglected so far. Given a Philonic anthropology, in what sense are involuntary sins actually a problem—that is, genuine sins—at all? Based on our earlier discussion, we might conclude that Philo, on anthropological grounds, does not consider involuntary sins to be genuine errors or wrongdoings. We might assume that such a conclusion is implicit in several of the passages considered above in which Philo contrasts the nature of humans with that of non-rational beings. It is because plants and animals do not engage in voluntary wrongdoing that comes about by reasoning that they have no share in wickedness (*Conf.* 177). Similarly, it is because the movements and changes associated with plants and animals are involuntary rather than purposefully chosen that they merit neither praise nor blame (*Deus* 47). Might not the same verdict apply in cases of involuntary human action? In another place, Philo argues strenuously and at length that it would indeed be unjust to punish those who sin involuntarily, and insists that "laws, piety, justice, and the verdicts of judges" turn on the exercise of the freedom "to do whatever one wills."<sup>41</sup>

The doubtful status, on anthropological grounds, of involuntary sins as genuine sins at all is clearest in Philo's allegorical exegesis of Gen 6:11 in *Quod Deus immutabilis sit* 127-130.

For the same reason Moses inscribes a paradoxical law, by which he pronounces the one who is a leper in part as unclean, and the one wholly covered by leprosy, from the tip of his feet to the top of his head, as clean—while one would probably have guessed the opposite, which it would be reasonable to suppose, that leprosy confined to a small part of the body, is less unclean, whereas that scattered to encompass all of the body, is more unclean. It seems to me that he is expounding something of the utmost truth through these symbols, that wrongdoings that are involuntary (τὰ μὲν ἀκούσια τῶν ἀδικημάτων), even if they are very extensive, are without blame (ἀνυπαίτια) and are clean, not having the conscience (τὸ συνειδὸς) as stern accuser, but voluntary (τὰ δὲ ἐκούσια)

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<sup>41</sup> *Prov.* 1.82, 83 (the translation is Abraham Terian's as found in *Philo of Alexandria: The Contemplative Life, The Giants, and Selections* [ed. David Winston; CWS; New York: Paulist Press, 1981], 195-196). Philo's targets in *Prov.* 1.77-88 are those who hold to a form of astral determinism that compromises the possibility of human responsibility. Cf. n. 12 on Philo's comments on those who subscribe to a form of "Chaldeanism," and note, e.g., Philo's comments on the latter in *Migr.* 179, 194.

(wrongdoings), even if they are not present to any great extent, are convicted by the judge in the soul, being proved to be unholy and polluted and unclean. Thus the leprosy that is of double form and bursts out in two colors reflects voluntary (ἐκούσιος) wickedness (κακία). For the soul has within it healthy and living and correct reason (λόγος), but does not use it as its helmsman for the deliverance that comes through good things, but having given itself up to those who are inexperienced in sailing, it has now overturned the whole hull of life, which can be kept from harm in fair and calm weather. But the leprosy that has changed into a single white appearance signifies involuntary (ἀκούσιος) turning (τροπή), when the mind (νοῦς) has been completely shorn of reasoning (τὸ λογίζεσθαι), when not a seed that might grow into understanding (τὸ συνιέναι) remains—like those in a mist and deep darkness, it sees nothing of what it should do, but like a blind man, falling over everything, unable to see what is ahead, it endures constant slips and repeated and involuntary falls (συνεχεῖς ὀλίσθους καὶ πτώματα ἐπάλληλα καὶ ἀκούσια ὑπομένη). (*Deus* 127-130)

The exegetical prompt for this memorable passage is what Philo presents as a puzzle in the chronology of Gen 6:9-11, namely, the fact that the earth is described as "corrupt before God and filled with wrongdoing" (Gen 6:11) immediately after the introduction of Noah as one "perfect in his generation" (Gen 6:9).<sup>42</sup> Philo deduces that it is indeed the arrival of Noah that somehow renders the earth corrupt and unjust, and proceeds to explain how it is that it is the presence of the immortal element in the human soul that renders the mortal corrupt (*Deus* 123)—as when light shines, darkness disappears. As we might now expect in Philo's allegorical reading of the text, the immortal element in the soul, symbolized by Noah, is reason. In order to explain the role—and, in some sense, corrupting influence—of reason in the mortal creature, Philo turns to Lev 13:11-15, and another apparent puzzle in scripture, how it can be that the biblical legislation adjudges one the entirety of whose skin is leprous to be clean, on the one hand, and one whose skin is a patchwork of healthy and leprous tissue to be unclean, on the other.<sup>43</sup> Surely, Philo suggests, it would be more reasonable to suppose that leprosy covering only part of the surface of the body should be considered less unclean than that which encompasses the whole (*Deus* 127). The answer lies in the role played by the conscience (τὸ συνειδὸς) in human agency, and, more particularly, in the different role it plays in response to voluntary and involuntary sins in turn.<sup>44</sup> In the case of voluntary sins, the conscience is active in convicting the sinner as a judge in the soul, thus proving

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<sup>42</sup> Elsewhere (*Abr.* 36), Philo takes the description of Noah in this way as justification for his assessment of Noah as good, but only relatively so.

<sup>43</sup> Philo's discovery of a similar ἀπορία in Lev 13:11-15 (and later Lev 14:34-36) is, of course, in its own way tendentious.

<sup>44</sup> On the conscience in Philo, see especially Philip Bosman, *Conscience in Philo and Paul: A Conceptual History of the Synoida Word Group* (WUNT 166; Tübingen: Mohr Siebeck, 2003). Bosman's study largely supersedes the earlier work of R. T. Wallis, *The Idea of Conscience in Philo of Alexandria* (Berkeley: Center for Hermeneutical Studies in Hellenistic and Modern Culture, 1975).

the wrongdoings in question to be unholy, polluted, and unclean (*Deus* 128). Involuntary sins, in contrast, do not trigger the conscience as accuser, such that even if they are many in number, they remain blameless and clean.<sup>45</sup> The differing behaviors of the conscience in each case are indicative of the contrasting role of reason in each kind of sin, and are illustrative of how it can be that it is the immortal reason that renders the mortal corrupt.<sup>46</sup> In the soul of the voluntary sinner, reason, "healthy and living and correct," is present, and it is this presence in the one who yet fails to heed its dictates that renders voluntary wrongdoing genuine and serious sin. Involuntary sin is committed, however, by one whose mind is devoid of reason, and who, thus, lacks the psychological warrant to be held accountable for blameworthy failures.<sup>47</sup>

Should we conclude, then, on anthropological grounds, that Philo does not reckon involuntary errors or wrongdoings to be genuine sins at all? We should pause before arriving at this judgment. In the case of *Deus* 127-130, two important qualifications are in order. First, and most obviously, Philo does not address his discussion of voluntary and involuntary sins in this passage by way of the experience of the everyman sinner, that is, one who sins voluntarily and involuntarily in turn. Here, involuntary sin is committed only by one who has come to be utterly devoid of the power to reason; conversely, voluntary wrongdoing is presented as the kind of sin assumed of the one whose rational faculties, though not heeded, are still intact. Would exactly the same assessment of involuntary sins apply as committed by an agent still equipped with reason?

Second, the exegetical frame of the passage might be taken to suggest that Philo's real concern, insofar as it lands on different kinds of sin, is not with the actual status of each kind, but, rather, the agent's awareness of the same. Philo surely does not mean to imply that, in truth, it is the arrival of Noah on the scene that *causes* the earth to become corrupt; his coming serves, rather, to make manifest the corruption that already exists.<sup>48</sup> Certainly, for Philo, the conscience has a revelatory function in making the sinner aware of the tension between the requirements of reason and a particular completed act (or even its underlying intention).<sup>49</sup> Moreover, this is a point Philo makes in the subsequent section of the treatise, now taking *Lev* 14:34-36 as a secondary lemma.

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<sup>45</sup> On the conscience's activity in cases of voluntary sin, note also *Ebr.* 125 and *Spec.* 1.235.

<sup>46</sup> Unstated in my summary here is the close relationship between the conscience and reason. It is a precondition for the activity of the conscience that the *λόγος* must be present in the human soul; in several passages, the activity of the *λόγος* within the human is virtually equated with the convicting function of the conscience (i.e. as *ἔλεγχος*). See Bosman, *Conscience in Philo and Paul*, 145-146.

<sup>47</sup> Thus illustrating, once again, the different ways in which voluntary and involuntary sins might be described as *ἄλογος*.

<sup>48</sup> So David Winston and John Dillon, *Two Treatises of Philo of Alexandria: A Commentary on De Gigantibus and Quod Deus Sit Immutabilis* (BJS 25; Chico: Scholars Press, 1983), 336.

<sup>49</sup> So the discussion in Bosman, *Conscience in Philo and Paul*, 145.

Here Philo finds an example of another apparently paradoxical situation in the Levitical legislation, illustrating once again the corrupting effect of the incorruptible element in the soul—in this instance, how it can be that in the case of a house in which leprosy is found, its contents are clean before they are inspected by a priest, but unclean thereafter. The priest symbolizes reason in the soul, in this context present functionally as the convicting activity of the conscience.

For as long as the divine reason (λόγος) has not reached our soul, as a kind of home, all of its works are without blame (ἀνυπαίτια), since the guardian, or father, or teacher, or whatever one should call the priest, by whom only it is possible to be admonished and trained, is far removed. There is forbearance (συγγνώμη) for those who err (ἀμαρτάνω) because of ignorance (ἀμαθία), inexperienced in what should be done. For they have no apprehension of what they do as errors (ἀμαρτήματα), and even suppose that they act rightly (κατορθοῦν) in their great stumblings. But when conviction (ἐλεγχος), the true priest, enters us, as a pure beam of light, we know the stored up impure purposes (βουλεύματα) in our soul, and the culpable and blameworthy actions (ἐπιλήπτους καὶ ὑπαίτιους πράξεις) we undertook in ignorance (ἄγνοια) of the better. So conviction, as a priest, defiles all these and commands that they be packed up and carried away, so that he may see the house of the soul pure and heal any diseases that have come about in it. (*Deus* 134-135)

The passage has much in common with that which precedes it, one notable difference being the change in register to frame the distinction between different kinds of sin as a function of the sinner's ignorance or knowledge rather than in terms of volition.<sup>50</sup> In *Deus* 134-135, in fact, we see both sides of the issue we are probing. By *Deus* 134, sins committed in ignorance, on account of the inactivity (in fact, absence) of the conscience, are adjudged blameless; by *Deus* 135, actions undertaken in ignorance of the better were always, in some sense, culpable and blameworthy, even if it is only by the activity of the conscience that their true status becomes known.

A degree of uncertainty on Philo's part concerning the status of involuntary sins, as assessed on anthropological grounds, is also evident elsewhere. As noted above, it is Philo's usual position that the conscience is active in the commission of voluntary sin only. In cases of involuntary sin, it lies dormant. On occasion, however, Philo suggests that the conscience is active in relation to each kind of sin, albeit in different ways.

The conscience (συνειδός) has been established in the soul, and like a judge is not shy in rebuking, employing both more vehement threats and more moderate warnings. The former apply in the case of wrongdoing (ἀδικέω) that appears to be deliberate (ἐκ προνοίας), the latter in the case of involuntary (ἀκούσιος) (wrongdoing) on account of lack of foresight (ἀπροοράτως), in order that a similar slip (ὀλισθήνω) will not happen again. (*Opif.* 128)

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<sup>50</sup> Thus reinforcing, implicitly, the concern with the revelatory function of the conscience here.

Unsurprisingly, the conscience speaks more softly in cases of involuntary sin. Arguably, however, it is surprising that it should be active in such cases at all, given the status of the conscience as an intrinsically reasonable entity or function of the soul, and the insignificance of the rational faculties in the commission of involuntary sin. Perhaps more interesting still is a passage in the first book of the *Legum allegoriae*, in which Philo reflects on the created human's remarkable privilege in being the recipient of the divine breath (Gen 2:7), and the significance of this extraordinary privilege for human culpability. Though Philo does not spell it out in these terms in this passage, it is the divine breath (or spirit) that furnishes the created human with reason, and, in the process, makes it possible for this borderline creature to be an agent of voluntary sin.<sup>51</sup> Would genuine sin be a possibility at all without this divine inbreathing?

One, then, into whom the true life had not been breathed, and was inexperienced (ἄπειρος) in virtue, on being punished for the things in which he erred (ἀμαρτάνω) would have said that he was unjustly punished, for it was by inexperience (ἄπειρος) of the good that he failed in respect of it, and that the cause was the one who had not breathed into him any idea of it. He might say that he does not err (ἀμαρτάνω) at all if, as some say, involuntary things and those done in ignorance do not count as wrong deeds (εἴ γε τὰ ἀκούσια καὶ κατὰ ἄγνοιαν οὐδὲ ἀδικημάτων ἔχειν λόγον φασί τινες). (*Leg.* 1.35)

Philo's immediate concern is to provide a rationale for scripture's ascription of the divine breath to the created human on the grounds that it is necessary in order for the man justly to be held accountable to the obligations imposed on him. In the process, Philo raises, and almost claims as his own, the conclusion that the creature deprived of the divine breath—that is, whose deeds would be involuntary or done in ignorance—could not really be held to have sinned at all.

What should we make of the apparent incongruity of some of these data? Before we consider the issue further in the next section, three preliminary observations are in order. First, we should affirm that it would be quite consistent with some of his primary anthropological convictions more generally that Philo should conclude that involuntary errors or wrongdoings do not really constitute sins at all. In the case of the extended discussion found in *Deus* 122-135, it is certainly true that some of Philo's concern is with role of the conscience (and, thus, reason) as *revealer* of sin. Nevertheless, the commentary Philo provides on the nature of voluntary and involuntary sins in turn in *Deus* 128-130 cannot be explained satisfactorily by recourse to this revelatory function of the conscience alone. Moreover, Philo's comments on the *status* of involuntary sins in this passage are in general agreement with the majority of his explicit observations on the same subject elsewhere across the corpus—involuntary sins are not

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<sup>51</sup> In putting it this way, I follow David Runia's assessment of the relationship between the inbreathed πνεῦμα of Gen 2:7 and the image-of-God idea of Gen 1:26-27 (summarized in *On the Creation of the Cosmos*, 322-324, 326-327). That is to say, Philo interprets both in terms of human rationality, and tends "to reconcile Stoic *pneuma* and Platonizing *nous*" (326; so, e.g., *Det.* 83).

blameworthy—and that often precisely as framed within the experience of the everyman sinner not addressed in *Deus* 130.<sup>52</sup> Second, in the case of *Opif.* 128, and the active involvement of the conscience in cases of involuntary sin, we should note the pedagogical function and agenda of the conscience in relation to sins of this sort. As we will see in our ensuing discussion, Philo shows a clear concern that human agents should seek to recognize and limit their involuntary sins, whatever the exact status of the same. Third, we should relate Philo's seeming equivocation concerning the status of involuntary sins on anthropological grounds not only to his summary statements concerning the status of involuntary sins elsewhere, but also to his general comments concerning the human condition, as discussed above. As we saw in several passages, Philo typically identifies both voluntary and involuntary sins—or straying (πλάνος), slips (ὀλισθημα, ὀλισθος), events (πρᾶγμα), or evils (κακά)—as pieces of the existential challenge faced by humankind (e.g. *Cher.* 66, 75; *Deus* 75; *Fug.* 105; *Mut.* 55; *Spec.* 2.52). If on addressing involuntary sins in the abstract, Philo usually presents them as phenomena for which humans are not held accountable, in other contexts he presents them as part of the package that is the problem of the human condition. We will address this duality below.

### 3.2. Freedom from Involuntary Sin?

We are now in a position to pose and respond to an important question that arises from the preceding discussion. Should we conclude that for Philo it is the phenomenon of involuntary sin that constitutes the inevitably sinful aspect of the human condition and experience, and that as a function of the creature's embodied existence on earth? Though Philo does not quite spell it out in these terms (though, perhaps, the point is at least implicit in *Cher.* 66, discussed above), we should conclude that it is. The conclusion is warranted by the preceding discussion of human sinfulness in general in combination with recognition of the ongoing occurrence of involuntary sin among the various exemplary or praiseworthy characters Philo discerns in scripture (and, correspondingly, the castigation of the notoriously bad as agents of voluntary sin). It is also implicit, I suggest, in Philo's extended exegesis of Gen 17:1 in *Mut.* 47-52. *mutatione nominum*.<sup>53</sup> In another passage that stands as evidence of his anthropological pessimism concerning the condition of created humanity, Philo considers the possibility that acting rightly (κατορθόω) and avoiding wrongdoing (μὴ διαμαρτάνειν) coincide for the mortal creature. For such a one, Philo holds, there are things that defile the soul that it is not possible to purge and wash away entirely.

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<sup>52</sup> So, e.g. *Fug.* 78, 86; *Mut.* 241; *Spec.* 3.128; *QG* 3.52. Thus I disagree with the assessment of Winston and Dillon that τὰ ἀκούσια in *Deus* 128 "does not refer to 'involuntary acts' in the normal sense, but to acts committed without proper understanding of their nature" (*Two Treatises of Philo*, 338). To the contrary, Philo's comments here on "involuntary acts" are quite consistent with his assessment of the same in their "normal sense" as found elsewhere across the corpus.

<sup>53</sup> The treatment of the same text in *QG* 3.40 is very similar.

Similarly, there are natural calamities that can be lightened but cannot be completely removed. Yet, Philo also maintains, it is feasible for mortal humans to be accounted free from blame, and to this they should aspire. How does Philo hold these convictions together? By our preceding discussion, the most obvious route is by way of the distinction between voluntary and involuntary sins. While the latter cannot be escaped, only the former, which can be avoided, incur blame. Perhaps the clearest evidence of Philo's conclusions concerning the inevitability of involuntary sin in relation to his understanding of the ethical responsibilities incumbent on created humanity is found in the exegesis of Gen 9:20 in *Agr.* 174-179, in a section we have not so far considered.

The primary thing (πρότερον), therefore, and this is nothing but divine beneficence, is that one should not lay hold intentionally of any wrongdoings (τῶν κατὰ γνώμην ἀδικημάτων), and to be strong to repel the whole enormous multitude of those that are voluntary (ἐκουσίων).<sup>54</sup> And the secondary thing (δεύτερον) is not to persist with many (wrongdoings) that are involuntary (τῶν ἀκουσίων) or for a long time. (*Agr.* 178)

Following his discussion of the differences between voluntary and involuntary sins as experienced by the human agent, Philo presents the reader with summary ethical advice. The most important concern is that the human agent should avoid intentional or voluntary sin. As a secondary matter, involuntary sins should be limited in number and duration. Philo does not instruct the human agent, however, to commit no involuntary sins at all.<sup>55</sup>

The preceding discussion serves to confirm a crucial aspect of our earlier analysis: it is the inevitability of involuntary sin, and that as a function of the creature's station on earth, that explains the apparent ubiquity of involuntary sin even among those human agents Philo takes, variously, as paradigmatic of the good. If the historical or genealogical part of the Mosaic writings offers an account of the lives of the virtuous and the bad and the rewards and punishments assessed in each case (*Praem.* 2),<sup>56</sup> presenting the former as embodied laws on account of the

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<sup>54</sup> In agreement with Colson and Whitaker (PLCL 3), and Geljon and Runia (PACS 4), I follow the MSS and read τῶν ἐκουσίων rather than τῶν ἀκουσίων here as proposed by Wendland (PCW). Apart from the weight of the manuscript evidence, there is no compelling interpretive reason to prefer Wendland's emendation. See the further comments below.

<sup>55</sup> On the reading of *Agr.* 178 adopted here, the primary ethical obligation is to avoid intentional or voluntary sin, the secondary to keep instances of involuntary sin to a minimum (by number and duration). On Wendland's proposed reading, the axis of concern is slightly different: the primary rank is afforded those who avoid both intentional and involuntary sins, the secondary rank those who minimize the involuntary (while, I take it, avoiding the voluntary). Either reading is, ultimately, consonant with the analysis in the present paper. As we have seen and will see further, Philo does, indeed, have a category for and affords a certain priority to those who succeed in avoiding both kinds of sin, voluntary and involuntary—and, in fact, alludes to such in *Agr.* 180. Similarly, as preceding discussion attests, Philo's primary concern in weighing human performance relates to the commission or avoidance of voluntary sin.

<sup>56</sup> The division of the historical part into the γενεαλογικός and the creation story that precedes it is not found in *Praem.* 2, but, rather, is peculiar to the similar material in *Mos.* 2.47.

congruence of their conduct with the law of nature later to be codified in the Mosaic legislation, Philo also pauses to introduce these exemplary characters as agents of involuntary sin, and reckons the commission of involuntary sin to be, somehow, part and parcel of a successful life (*Abr.* 6). It might come as no surprise that Philo should, in several passages, recognize Noah as agent of involuntary sin. As noted above, while Philo lauds Noah in a variety of ways as exemplar of the good, Philo also qualifies the degree of Noah's success in virtue, and locates him within the secondary triad of patriarchs. It would be tempting to attribute Noah's classification as involuntary sinner solely to his commendable but subordinate status among his patriarchal peers. That would be, however, to overlook the significance of Philo's depiction of the patriarchs programmatically as involuntary sinners.

We might address the issue more adequately by considering Philo's appropriation of Stoic ideas and terminology in defining people good and bad, in describing the character and itinerary of one making moral progress, and in defining one truly wise. In Stoic theory, the truly virtuous (*σπουδαῖος*) are the truly wise (*σοφός*), incapable of involuntary sin (should such a thing be even conceivable) since they neither sin nor act involuntarily;<sup>57</sup> correspondingly, those making moral progress possess no genuine virtue at all.<sup>58</sup> Accordingly, an account of the experiences of the virtuous whose lives are yet marked by involuntary sin (so the second part of the Pentateuch, according to Philo) would be incoherent on consistently Stoic terms. Now, very frequently, as is well known, Philo appeals to the figure of the Stoic sage in his portrayal of the agent of virtue, both in the interpretation of scripture and in the non-exegetical works.<sup>59</sup> Moreover, in the scriptural commentaries, the personae who populate Mosaic scripture in its historical form are frequently taken by Philo in a variety of ways as exemplars or symbols of the experiences and dispositions of the wise—not only Abraham, Isaac, and Jacob, but Noah, too.<sup>60</sup> Nevertheless, Philo does not presuppose the figure of the *ideal* Stoic sage either programmatically or consistently for these patriarchal exemplars. In the larger scheme that organizes Philo's allegorical exegesis of the patriarchal accounts, each of Abraham (or, better, Abram), Jacob, and the triad of Enos, Enoch, and Noah is classified, first of all, as *προκοπή* rather than *σοφός*.<sup>61</sup> The journeying Abram

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<sup>57</sup> In the Stoic account of human agency, involuntary "actions" do not count as real actions at all. I consider the Stoic account and its significance for Philo in chapter two and the second part of chapter three in my dissertation.

<sup>58</sup> On the Stoic sage, see e.g. *Epit.* 11m.

<sup>59</sup> Among the latter, note especially the treatise *Quod omnis probus liber sit*.

<sup>60</sup> Most frequently designated wise is Abraham; for an extensive list of references, see PLCL 10:278. On Isaac and wisdom, see e.g. *Sobr.* 9; *Congr.* 37, 111; on Jacob, see e.g. *Leg.* 3.2, 3.25-27. On Noah as wise, see e.g. *Abr.* 31, *QG* 2.10, 2.40.

<sup>61</sup> On the patriarchs and the *προκοπή* for Philo, see Geert Roskam, *On the Path to Virtue: The Stoic Doctrine of Moral Progress and its Reception in (Middle-)Platonism* (Leuven: Leuven University

himself is, in the first place, a man of progress, and arrives at true wisdom only on receiving his new name (e.g. *Mut.* 70-71; *Leg.* 3.244-245). The patriarchs constitutive of the first (lesser) triad symbolize, primarily, the person of progress who fails (unlike Abraham) to attain perfect wisdom.<sup>62</sup> Further, Philo appears willing, at least on occasion, to allow to one designated wise a relative degree of success only in avoiding sin, observing in one place that not erring at all is peculiar to God, while the sage repents (*Fug.* 157), and elsewhere confirming that it is the wise man's response to sin that distinguishes him from the bad (*Leg.* 2.60).<sup>63</sup> This characterization is at odds with the corresponding perspective of the Stoa, and is illustrative of Philo's failure to adopt consistently the binary distinctions (often paradoxes) that are foundational to Stoic ethical theory.

What is it, then, for Philo that distinguishes the προκοπή from one truly (not just relatively) σοφός? Philo might respond in a variety of ways, but most central would be the difference in each case between the relationship of the human as rational soul, on the one hand, and the body and non-rational faculties, on the other. The wise are able to excise the emotions that reside in the non-rational part(s) of the soul; they free themselves completely from the constraints of corporeal existence.<sup>64</sup> In contrast, those making progress must focus on the moderation and control of the emotions; they remain constrained by the limitations and dangers of the sense-perceptible realm.<sup>65</sup> In other words, for Philo, the truly wise leaves the προκοπή behind in escape from the material world and ascent to the divine. Correspondingly, it is quite understandable that Philo should paint the patriarchs in toto as historical figures as both virtuous and agents of involuntary sin, that is, insofar as he encounters them through the Mosaic account of their earthly existence while interpreting their lives, variously, as different stages and degrees of

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Press, 2005), 153-186.

<sup>62</sup> In Philo's scheme, the first triad of patriarchs (Enos, Enoch, and Noah) is comprised of those who make moral progress who, yet, never arrive at the acquisition of virtue. The second triad symbolizes those whose pursuit of virtue proves successful, each patriarch symbolizing the acquisition of virtue in a different way: Abraham, by learning/teaching (διδασκαλία); Isaac, by nature (φύσις); and Jacob, by practice (ἄσκησις). Note, then, that Isaac stands as a special case in relation to Abraham and Jacob. Whereas the latter two symbolize the προκόπτων who, in time, arrives at the end of true virtue, for Isaac there is no corresponding journey (marked for Philo by the fact that Isaac's name remains unchanged throughout the biblical account, not so for Abram/Abraham and Jacob/Israel)—he is perfect in virtue by nature, or from birth. As such, it might be appropriate to classify Isaac along with the "super agents" treated in the following paragraphs. However, Philo does not in any passage, so far as I can tell, address the distinction between voluntary and involuntary sin specifically in relation to the character of Isaac. Philo also distinguishes Moses and Aaron as σοφός and προκοπή respectively (e.g. *Leg.* 3.125-144). On Moses as sage and the distinction between voluntary and involuntary sin, see the discussion below.

<sup>63</sup> Cf. also *Virt.* 177, where Philo maintains that never to sin at all is the province of God alone, and "perhaps also a god-like man" (τάχα δὲ καὶ θείου ἀνδρός).

<sup>64</sup> E.g. *Det.* 159; *Migr.* 1-12.

<sup>65</sup> E.g. *Leg.* 3.128.

success in the journey from vice to virtue. To the degree that they remain constrained by the corporeal world, so they remain involuntary sinners. We might state the conclusion more broadly, building on our previous observations. If voluntary sin marks an agent as bad, involuntary sin marks an agent as participant in the earthly creation, and that as one still defined by non-rational as well as rational faculties.

We are now in a better position to consider Philo's occasional references to agents who succeed in avoiding sins involuntary as well as voluntary. In the first case identified above, Philo attributes to the wise a soul free from voluntary and involuntary blemish (*Leg.* 3.141), and that, as we have seen, in contrast with the soul of the προκοπή that is free from the voluntary kind alone. The passage now yields two important observations. First, Philo here contrasts the *ideal* sage with the person of progress. That is to say, he deals in turn with the perfect (τέλειος) man who successfully removes the spirited part of the strife-ridden soul (τὸν θυμὸν τῆς ἐριστικῆς ψυχῆς) completely (*Leg.* 3.140)—certainly, not the experience of the patriarchs absolutely and en masse—and the προκόπτων who, unable to cut away the passion, schools it with λόγος perspicuous and true.<sup>66</sup> Second, Philo finds such perfection in wisdom personified in the figure of Moses, who shakes off and cleanses himself thoroughly of pleasures. It is no mere happenstance that it is in the example of Moses Philo should find one free from both voluntary and involuntary sins. Among the primary allegorical assignations Philo makes in regard to the superior characters of scripture, Moses stands above all of his peers as the wise man par excellence, or, to employ Winston's terminology, the "super-sage." If the patriarchs and Moses's own brother, Aaron, symbolize those tasked with making the journey from vice to virtue by various means, and enjoy varying degrees of success, Moses stands apart as one perfect from birth, who possesses perfect wisdom and virtue directly from God, that is, as one who in some sense stands above and apart from the created world.<sup>67</sup> It is quite consistent with our preceding discussion that, as one who personifies these ideals, Moses's example should yield for Philo the extraordinarily rare phenomenon of one who escapes involuntary sins completely. In contrast, the other superior personae of scripture, insofar as they remain works in (ethical) progress, tied to the material realm, are involuntary sinners.

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<sup>66</sup> I take it, then, that there is a degree of functional overlap in the way Philo employs the categories of the person of progress, on the one hand, and the sage—but *not the ideal sage*—on the other. Strictly speaking, the real difference between the two lies in their ultimate failure (person of progress) or success (sage) in the acquisition of virtue. In a given textual moment, however, Philo might appeal to either idea in portraying the situation of the commendable character yet subject to the constraints of corporeal existence.

<sup>67</sup> E.g. *Leg.* 3.135; *Post.* 78. See the discussion in Winston, "Sage and Super-Sage," 171-180 in *The Ancestral Philosophy*; Roskam, *On the Path to Virtue*, 187-188. As noted above, Philo could say much the same of Isaac. Note, however, *Ebr.* 94 where Philo ranks Moses ahead of Isaac (I am indebted to Winston, "Sage and Super-Sage," 178 for this reference).

In the second case, it is the figure of the high priest that Philo can insist must be free of both voluntary and involuntary sins. On first inspection, it would appear to be difficult for Philo to suggest that the high priest does not sin involuntarily at all given the scriptural legislation concerned with precisely this contingency (Lev 4:3). However, it is vital to recognize the allegorical identification that Philo establishes in several places in relation to the high priest. As in the case of Moses, Philo does not find in the figure of the high priest in these passages the experience of the ordinary human being, even one ensconced on the road to virtue. No, as Philo interprets the text allegorically he finds in this office holder no man at all, but the Logos itself.

We say, then, that the high priest is not a man, but is rather a divine word (λόγον θεῖον), having no share in any wrongdoing, not only voluntary but also involuntary (πάντων οὐχ ἔκουσίων μόνον ἀλλὰ καὶ ἀκουσίων ἀδικημάτων ἀμέτοχον). For Moses says that he is not able to defile himself either for father, the mind (νοῦς), nor for mother, sense-perception (αἴσθησις)—because, I suppose, it is his portion to be of parents incorruptible and perfectly pure, his father being God, who is also father of all, and his mother wisdom, through whom the universe came into existence. (*Fug.* 108-109)

Taken together, Philo's treatments of Moses as perfect sage and the high priest as Logos, both parties exceptional in their avoidance of involuntary sin, serve to reinforce our preceding discussion. Insofar as humans continue as earthbound creatures, they remain involuntary sinners. Freedom from involuntary sin is tied to liberation from the material realm.

Let us reflect on one final matter. As we have seen, Philo displays some uncertainty concerning the precise status of involuntary sins as assessed on anthropological grounds, that is, concerning the question of their seriousness and blameworthiness. Now, I would argue, beyond the scope of the current paper, that such equivocation is attributable in part to the tension between the perspectives on involuntary sin that Philo encounters in the biblical material itself, on the one hand, and that Philo brings to the text as interpreter, under the influence of longstanding Greek legal, ethical, and philosophical traditions, on the other.<sup>68</sup> The preceding discussion also suggests, however, that Philo's equivocation in this matter—more generously, his multifaceted position—should be assessed in relation to his perspective on the nature of the created world itself and the situation of created humanity within it. Philo's ultimate ethical concern involves escape from the material world. Correspondingly, the one perfect in virtue leaves sense-perception (αἴσθησις) behind, and achieves freedom from emotion (ἀπάθεια).<sup>69</sup> On the near side of this ideal, however, Philo's ethical admonitions often emerge as a function of the principle of control. Sense-perception, as non-rational faculty, requires the taming influence of the rational ruler in the soul, the mind (*Sacr.* 104); similarly, for the person making moral progress, the emotions (πάθη)

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<sup>68</sup> I address this tension in chapters two and four of my dissertation.

<sup>69</sup> E.g. *Leg.* 3.129, 3.131.

as inherent to human existence on earth should be moderated (μετριοπάθεια) rather than excised, and that precisely according to the dictates of reason.<sup>70</sup> I suggest that there is an important conceptual parallel here with Philo's perspective(s) on the issue of involuntary sin. Judged by humankind's ultimate goal, involuntary sin is unquestionably a serious ethical problem. Indeed, it arises inevitably as a result of those facets of being and experience, the non-rational, that the created human should strive, ultimately, to leave behind. Judged relative to the present human condition, however, involuntary sin ranks as a very insignificant ethical matter, and is attributable to factors that lie outside the locus of Philo's ethical concern for created humanity, the mind, the orbit of human freedom. We might even appropriate the language of Philo's discourse concerning the emotions in glossing his summary ethical advice in *Agr.* 178 dealing with voluntary and involuntary sins: the former should be excised, the latter moderated or curbed.

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<sup>70</sup> E.g. *Leg.* 3.132; cf. *Virt.* 195. The contrast between ἀπάθεια and μετριοπάθεια reflects a longstanding debate in post-Aristotelian philosophy concerning the appropriate ethical goal in regard to the emotions. The Stoics insisted on ἀπάθεια, the Peripatetics (eventually, Middle Platonists) μετριοπάθεια. On the subject, see especially John Dillon, "Metriopatheia and Apatheia: Some Reflections on a Controversy in Later Greek Ethics," in *The Golden Chain: Studies in the Development of Platonism and Christianity* (Aldershot: Variorum, 1990). It is quite evident that both ideas are present in Philonic thought—though, in the case of ἀπάθεια, not at all in a strictly or consistently Stoic sense. Similarly, it is transparent that in the extended discussion in *Leg.* 3.125-144 Philo attributes ἀπάθεια to the ideal sage, μετριοπάθεια to the person of progress.