

THE CAMBRIDGE COMPANION TO  
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5 Rabbinic *Midrash* and Ancient Jewish  
Biblical Interpretation

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In the last several decades, the quantity and variety of ancient Jewish literature that displays interpretive engagement with the Hebrew Bible has vastly increased, in large measure thanks to the ongoing publication of and scholarship on the Dead Sea Scrolls. While we might think of the Dead Sea Scrolls as representing the textual activity of a relatively small and short-lived sectarian community, the value of these discoveries have had much broader implications for the history of the texts of what was to become the Hebrew Bible and for their interpretation beyond the boundaries of this one community or movement and its time. The many biblical texts found among the Dead Sea Scrolls open a window onto the evolving state of scriptures in Jewish society more broadly, as does the discovery of many texts that would not find their way into the Jewish scriptural canon, yet which are not specifically "sectarian" and, therefore, can be assumed (and in some cases known) to have circulated much more broadly in Second Temple Jewish society and beyond. Thus, it is not just the quantity of texts of scriptural interpretation that has increased but the very parameters of what is understood to constitute the varieties of scriptural interpretation. Texts long known prior to the discovery of the Dead Sea Scrolls (generally transmitted through Christian channels and often in later Christian translations) are now appreciated as early works of Jewish scriptural interpretation, whereas previously, their value was thought to lie elsewhere (as history, philosophy, eschatology, etc.). In effect, a scholarly field of study of biblical interpretation has been created where either none previously existed or it only existed in the shadows of other scholarly preoccupations.

While the important implications of these developments for the study of rabbinic *midrash* should be apparent, they still need to be delineated and emphasized. Our earliest rabbinic midrashic collections date from the middle to late third century, even though they contain interpretive traditions, whether attributed or anonymous, that might be significantly older. Likewise, the social, cultural, and intellectual roots of

the rabbinic interpretation of the Hebrew Bible extend back certainly to the times and contexts of Late Second Temple Judaism. Nonetheless, there exists a chronological gap of about four hundred years between the last of the canonical biblical books (Daniel: ca. 165 B.C.E.) and the earliest rabbinic midrashic collections in their extant forms (ca. 250 C.E. at the earliest), and about a hundred and fifty years between the destruction of the Second Temple (and the last of Second Temple Jewish texts) and our earliest rabbinic midrashic collections. Were this chronological span not significant enough, it is difficult to assess just how broadly, deeply, or immediately the destruction of the Second Temple in 70 C.E. altered Jewish textual/discursive practices. Although the rabbis' most immediate intellectual and spiritual forebears were likely to have been the Pharisees, who are reported to have been "strict/exact interpreters of the Law,"<sup>1</sup> they have left us no surviving writings of any kind, let alone actual scriptural interpretations (except as these might have been transmitted through later rabbinic channels, are embedded in the apologetic accounts of Josephus, or are reflected indirectly in New Testament and Qumran polemics). Therefore, it is natural and inevitable, in seeking a better understanding of the forms, methods, and contents of early rabbinic midrash, to inquire as to their origins by comparing them with the extant Jewish writings of the Second Temple Period, especially for their lately expanded evidence of scriptural interpretation.

This search for the antecedents of rabbinic midrash has hardly been (nor could it be) hermeneutically innocent. Rather, like the search for the origins of New Testament traditions (much of which are similarly exegetical) in the Jewish literature of the Second Temple Period, this search, seemingly historical, is often no less ideological/theological. Since both early Christian and early rabbinic tradents, largely through their scriptural interpretations, claim for themselves to be the mono-linear successors to and inheritors of the Hebrew Bible (Old Testament) and its covenantal promises, fulfilled or to be fulfilled through their line, study of the textual remains of Second Temple Judaism serves to provide the "missing links" to the later chains of Jewish or Christian tradition and authority. Thus, there is a tendency, in some scholarly quarters, for comparisons of early rabbinic midrash with its Jewish interpretive antecedents to stress continuities and similarities, while ignoring or downplaying discontinuities and dissimilarities (while, in other quarters, to react by doing just the opposite).<sup>2</sup> While such favoring of one over the other is a pitfall of any comparative exercise, it is particularly fraught in this case for the additional ideological freight that it must carry. Needless to say, in any comparison, similarity is meaningless

unless set against dissimilarity and vice versa; that is, the two are mutually instructive, and without either, comparison is impossible. Unfortunately, however, there is no simple formula for finding the right balance between the two, nor for quantifying and tallying the many points of concordance and discordance so as to declare triumphantly more continuity rather than less (or the opposite) to be the winner.

Nor are scholars always clear or consistent as to what precisely they are comparing between rabbinic scriptural interpretation and its antecedents: interpretive *traditions*; the interpretive *methods* by which those traditions are thought to have been exegetically derived; the formal *structures* by which they are textually embodied in our extant documents; the rhetorical *strategies* by which those documents seek performatively to engage (and transform) their audiences within particular socioreligious settings; or the underlying assumptions or claims to interpretive *authority* on behalf of the texts' authors/transmitters/studying communities?

Before proceeding, a further comparative difficulty must be acknowledged, even if it cannot be surmounted. While for rabbinic midrash the existence of a closed, fixed scriptural canon can be presumed, the same cannot be said for all varieties of Second Temple Judaism, as we now know well from the evidence of the Dead Sea Scrolls. That is, it is a matter of some uncertainty and debate (partly terminological) where the "inner-biblical" process of scriptural formation, through successive stages of revision, ends, and the "post-biblical" practice of scriptural interpretation begins, the line between them often not being clear, except perhaps through hindsight, which risks retrojection. Thus, what might appear as differences of interpretive form or method may be, at least in part, attributable not so much to the ideological stances or social settings of the respective interpretive communities as to the changing status of the scriptural texts themselves, although these factors are likely to have been intertwined. This is a question to which I will return later.

Finally, we must constantly remind ourselves of the partial, fragmentary nature of the comparative evidence before us. Almost all of Second Temple Jewish literature outside of the Dead Sea Scrolls has reached us through the hands of Christian transmission (in some cases, significantly Christianized). What was so preserved is likely to represent a particular *selection* of pre-rabbinic Jewish literature that appealed to the ideological/theological self-interests of Christian transmitters (e.g., more eschatological, less legal, materials). While the Dead Sea Scrolls, essentially a textual "time capsule," go a long way toward remedying

this situation, much of their contents are preserved in very fragmentary form. It is a matter of dispute how much of what survives of those scrolls is particular to one relatively small community/movement, and how much is representative of a broader slice of Second Temple Jewish society, and if so, how much broader. Thus, a good dose of modesty is called for before claiming to have catalogued the varieties of Second Temple Judaism and their textual practices, or to have connected the dots between the Hebrew Bible and early rabbinic interpretation thereof. Much, if not most, of what falls between may simply be lost, leaving us unable, however much we might desire, to draw continuous lines of filiation.

In what follows, I will not provide a comprehensive survey of scriptural interpretation in pre-rabbinic times and contexts, in part since the scope of the present essay would not allow it and in part since this has been provided elsewhere.<sup>3</sup> Rather, I wish to highlight aspects of Second Temple scriptural interpretation that help to historically contextualize rabbinic midrash socially, culturally, and intellectually.

#### EXEGETICAL TRADITIONS AND CONTENTS

Even before the discovery and publication of the Dead Sea Scrolls, many interpretive traditions found in early rabbinic *midrash* were also to be found in antecedent Jewish writings (especially Philo, Josephus, the Apocrypha, and Pseudepigrapha, not to mention the New Testament). Works such as Louis Ginzberg's *Legends of the Jews*<sup>4</sup> wove together Jewish interpretations from pre-rabbinic and rabbinic writings (as well as from patristic, Islamic, and medieval Jewish exegetes) so as to assert the existence (or create the impression) of a deep and broad font of Jewish exegetical lore (and law), and of continuity between the rabbis and their pre-70 antecedents.

As the Dead Sea Scrolls became increasingly available, many more such shared interpretive traditions were uncovered (narrative as well as legal, but the emphasis was on the former), leading to the creation of a scholarly approach called "comparative midrash," in which "*midrash*" denoted scriptural interpretation in general, whether explicit or inferred, dating all the way back, not just to the closing of the Hebrew scriptural canon but inner-biblically into the later books of the Bible in their own reworking of earlier scriptural books or passages. One of the emphases of such studies was to claim that most of the interpretive methods and products of rabbinic midrash could now be found centuries earlier in the period either following or contemporaneous with the gradual closing of

the biblical canon. Such studies sought to show not only that a wide variety of types of Jewish texts from a broad range of times and settings share many scriptural interpretations, but also that those shared interpretations revealed a shared "midrashic" approach to Scripture. From this perspective, some viewed rabbinic midrash as simply a late repository for interpretive traditions that had long and broadly circulated, proving that notwithstanding apparent differences in textual forms, religious beliefs, and practices, there were great exegetical affinities among the varieties of ancient Judaism (including rabbinic and Jewish-Christian). To give but one example of this approach:

A corpus of methodological assumptions, as well as a good many specific interpretations, came to be shared even by the warring groups whose names and works we know from the end of this period. And it is this common inheritance – communicated orally, as suggested, perhaps through the instruction of children and/or the public reading and translation or exposition of Scripture – that is responsible for the common assumptions, and much common material, that we have seen to characterize the written sources that have survived from those early times.<sup>5</sup>

Needless to say, this approach tends to discount the formal and rhetorical differences between the textual practices by which these shared traditions are expressed in the textual corpora of different communities, so as to emphasize points of convergence rather than divergence. Similar traditions of interpretation need not require direct knowledge of or influence between the sources or their authors/communities, nor even that they drew on a shared reservoir (whether written or oral) of exegetical tradition. In some cases, it is possible that such similar interpretations were arrived at in total independence of one another, the products of similar responses to a shared scriptural barb, gap, or ambiguity, possibly informed by shared exegetical presuppositions about the interpretability of the divinely revealed scriptural text. This is not to deny the possibility, even likelihood, of borrowed or shared traditions, but rather to admit that in most specific cases, we simply do not know; that is, we cannot reconstruct the relation between scriptural interpretation and traditional filiation. Thus, for example, we have no way of knowing whether or to what extent the tannaitic sages had direct or indirect knowledge of the Dead Sea Scrolls, or whether Philo knew of the teachings of the Pharisees (and vice versa), notwithstanding points of shared (or disputed) scriptural interpretation.

In addition to the question of shared interpretive traditions, there is another aspect of comparing the contents of early rabbinic literature to its antecedents that has not received much attention: which parts of the Hebrew Bible receive exegetical attention. Our earliest rabbinic biblical commentaries (*Mekhilta*, *Sifra*, *Sifrei*) focus on the Pentateuch, with the exception of the Book of Genesis, even though they incorporate interpretations of verses from all of the Hebrew Bible. However, even within these collections, while there is in some cases greater concentration on legal sections of the Pentateuch (which may explain the absence of an early commentary to the Book of Genesis), narrative sections are hardly excluded, and in some collections constitute more than half of what is covered.<sup>6</sup> By contrast, Philo concentrates his exegetical attention on the Books of Genesis and Exodus, with much more on the former, while treating laws less exegetically. Josephus, in *Jewish Antiquities* 1–11, in retelling all of biblical history (and then extending it to his own time), deals with the legal parts of the Pentateuch much less systematically and continuously, saving them for a projected work that he apparently never wrote.<sup>7</sup> While the Dead Sea Scrolls provide ongoing running commentaries (*pesharim*, on which more in the next section) to the Books of the Prophets and Psalms, otherwise their exegetical energies are heavily focused on the Book of Genesis, especially its antediluvian and early patriarchal periods, but more through implicit interpretation and retelling than through formal commentary or explicit interpretation. Notwithstanding the importance of Sinai to the Qumran community's collective and covenantal self-understanding, we find (in contrast to early rabbinic midrash) hardly any direct exegetical engagement with biblical passages narrating the revelation at Mt. Sinai as a way of exegetically linking their revelatory self-understanding to that central scriptural event.<sup>8</sup>

In comparing the exegetical contents of early rabbinic midrash with its Second Temple antecedents, we need to be as attentive to those aspects that concord as to those that do not. However, in addition to considering discrete interpretive traditions, we need to look more broadly at which biblical books, or parts of books, attracted the interpretive attentions of different interpretive authors/communities (even if only at the editorial level of the extant texts). Presumably, such differences of scriptural focus do not simply reflect differences regarding what was considered to be canonically authoritative, but also which parts of shared scriptures were of particular significance to the rhetorical/ideological self-defining interests of the respective authors and their textual communities.

#### EXEGETICAL FORM AND FUNCTION

The explosion of evidence for scriptural interpretation among the varieties of pre-rabbinic Judaism has had, perhaps, the greatest impact on our realization of the great diversity of literary forms that such cultural activity could assume, defying the neat rubrics under which we had previously thought it could be sorted. Judging from early rabbinic midrash, it might appear that the commentary form of interpretation would have been the "natural" consequence of scriptural canonization. That is, canonization would have necessitated the literary-critical labor of "lemmatizing" – that is, formally defining the beginning and end of each scriptural verse (as in contemporary Bibles) – and providing an explanation of each scriptural lemma in turn. This might be imagined as the common practice, at least from the time of Ezra (Nehemiah 8:1–8), whether in synagogues or places of study: reading and explaining the scriptural verses in succession, alternating formally between scriptural words and their explication. The fact that among the very first of the Dead Sea Scrolls to be discovered and published were *pesharim* – Hebrew, sectarian, eschatological decodings of the prophetic books, in commentary form – confirmed, at least initially, that here lay direct antecedents to rabbinic midrash, with both *pesharim* and midrash employing common methods otherwise employed in dream interpretation.<sup>9</sup> The scriptural commentaries long known among the allegorical treatises of Philo of Alexandria were also now given a renewed and more concentrated examination, both in the context of their Greek-speaking diasporan cultural context, and increasingly in the context of the history of Jewish scriptural interpretation. Although rabbinic midrash is distinct in many respects from these antecedents (as they are from one another), they provide important alternative models for scriptural commentary with which early rabbinic midrash can be fruitfully compared and contrasted. For example, while early rabbinic midrash shares with Philo's commentaries (but with important differences) the traits of multiple interpretations and dialogical (question and answer) rhetoric, it shares important exegetical terminology and methods with the *pesharim*.

In recent years, however, as more of the Dead Sea Scrolls have been published, it has become clear that most texts of scriptural interpretation at Qumran do *not* take the form of running commentary. As important as the *pesharim* are, they are hardly defining of the forms that scriptural interpretation takes in the Dead Sea Scrolls, both sectarian and nonsectarian. More commonly, the explicit citation and interpretation of isolated verses, or of a cluster of verses, is embedded in a

hortatory, legal, thematic, or liturgical text that does not take the form of continuous scriptural commentary.<sup>10</sup> Most often, however, scriptural verses are paraphrased; that is, they are not explicitly cited at all, but are rather "retold," with varying degrees of expansion, reduction, reordering, and combination with other retold scriptural verses. While one effect of the "commentary" mode is to differentiate between scriptural text and its interpretation, the mode of scriptural paraphrase (in the absence of explicit scriptural citation) has the effect of blurring, if not effacing, the boundary line between the two. Writings that favor the latter mode have variously been termed "para-biblical" or "rewritten Bible."

These sorts of writings are by no means unique to the Dead Sea Scrolls, with several important such texts long known before the discovery of these scrolls, especially the Book of Jubilees, 1 Enoch 6–11; Josephus's *Jewish Antiquities* 1–11; and Pseudo-Philo's *Liber Antiquitatum Biblicarum*. However, with the discovery of the Dead Sea Scrolls, especially the *Genesis Apocryphon* and the *Temple Scroll* (and fragments of Jubilees and 1 Enoch in their original languages), interest was refocused on such writings as prime exempla of the "genre" (if it can be called that) of rewritten Bible, with sharpened focus on their exegetical aspects. More recently, with the publication of such Qumran texts as "Reworked Pentateuch" and a number of para-biblical prophetic works, whose paraphrastic interventions are more modest, the limits and usefulness of the rubric "rewritten Bible" has been called into question. Some of these texts seem closer to inner-biblical "revisions" than to post-biblical "rewritings," blurring the lines between biblical versions (such as the Septuagint and Samaritan Pentateuch) and rewritten Bible. While the term "rewritten Bible" might presume the status of a fixed, canonical Scripture prior to its "rewriting," such a presumption may be a retrojection from the Bible's subsequent acquisition of closed, canonical authority. Nor is it self-evident how such "rewritten" scriptures were understood by their "authors" or "audiences" to relate to what came to be the Hebrew Bible, for example, whether as interpretive complement or supplement, or as revelatory replacement or successor. Stated differently, did such "rewritten" texts share in or borrow from the authority of their antecedent scriptures, or did they seek to supplant or upstage them? Such works display a variety of strategies whereby their authors claim authority for their para-biblical creations, with pseudepigraphy being only one, which variety might be underappreciated once such a broad range of writings is subsumed under a single generic rubric. Furthermore, while it is important to differentiate between the commentary format of early rabbinic midrash – with its terminological differentiation

between Scripture and its interpretation, and its explicit employment of hermeneutical methods – and the more implied nature of scriptural interpretation in "rewritten Bible" of the Second Temple period, it is important not to lose sight of their shared exegetical aspects.

The formal differences between early rabbinic midrash and its antecedents (as among them) are suggestive of broader and deeper differences in how their respective authors and audiences regarded Scripture as divine revelation (whether as a one-time past event or a continuous process), on the one hand, and their own roles as human receptors/transmitters of scriptural revelation, on the other. With whom did interpretive authority reside, from whence did it derive, how was it transmitted, and how did it manifest itself discursively amidst the studying communities for whom the varied textual forms performatively functioned? It would be a serious mistake to discount the formal traits of each writing as mere literary detritus standing in the way of our constructing a disembodied meta-tradition of scriptural interpretation or of our uncovering a subterranean font of shared laws and legends.<sup>11</sup> Quite to the contrary, traditions are never communicated or engaged by their tradents apart from their ideologically freighted and socially formative rhetorical embodiments. The medium may not alone be the message, but it certainly contributes mightily to it. Of course, describing such formal differences is one thing; accounting for them is quite another.

One way that scholars have accounted for the differences between rewritten Bible of the Second Temple Period and early rabbinic midrashic commentary is to attribute them to chronological development. For example, since our earliest rabbinic collections, including *midrashim*, are some two to three hundred years later than the core Dead Sea Scrolls, they might reflect a later, more developed stage of Jewish exegetical practice. In particular, some time between the last of the Dead Sea Scrolls and the first extant rabbinic texts, the Hebrew biblical canon came to final closure. This would have encouraged a more "post-biblical" attitude to the biblical text and its authority. New teachings, whether legal or narrative, would now need to be explicitly anchored in the words of a fixed and closed biblical text, from which they would derive their authority, rather than presented in the form of para-biblical teachings deriving from pseudepigraphic attributions or charismatic claims to prophetic knowledge. However, while this progression in canonical scriptural status is a *necessary* precondition for rabbinic midrash, it is not alone a *sufficient* explanation of its differences from its antecedents.

Another (or additional) developmental explanation might be that the failed Jewish revolts of 70 and 135 C.E. would have discouraged the

sort of actualized eschatological commentaries of the Qumran *pesharim* for a more transtemporal and eschatologically deferred commentary, as found in early rabbinic midrash. These events might also have discouraged reliance on prophetic/charismatic figures, or pseudepigraphic attributions, for singular interpretive authority, in favor of more collective groundings of interpretive authority. Finally, in the aftermath of Second Temple Period Jewish sectarianism, which according to the rabbis was the cause of the Temple's destruction, the rabbinic sages might have felt it necessary to turn from intercommunal diatribe to intra-rabbinic dialogue, from multiple "Judaisms," each claiming that it alone possessed the divinely authorized understanding of Scripture, to multiple scriptural interpretations within a common interpretive community.<sup>12</sup>

Such linear developmental explanations, while narratively satisfying, are reductive not only of the complexities of historical causation but also of the great variety of forms of scriptural interpretation found, often side by side, in Second Temple cultural contexts, especially at Qumran, as well as within early rabbinic literature, in both of which aspects of rewritten Bible and scriptural commentary can be found interpenetrating one another. For these linear explanations to work, we would have to presume that pharisaic (pre-70 C.E.) scriptural interpretation would have resembled in form that of the Dead Sea Scrolls (more rewritten Bible and less dialogical commentary) and that the remnants of the Dead Sea community (post-70 C.E.) would have changed their manner of scriptural interpretation in the direction of rabbinic midrash in response to the changed circumstances of scriptural canonicity in post-Destruction Judaea and Galilee. This assumes, as is reasonable, that the Pharisees were the closest antecedents to the rabbis and that there were significant numbers of sectarians identified with the Qumran community, but who lived elsewhere, who survived the Roman destruction of the Qumran central camp in 68 C.E. Of course, since neither of these groups has left us any writings, these assumptions can neither be proved nor falsified. Nevertheless, it seems to me doubtful that chronological development alone could account for the differences between Qumran and rabbinic interpretive stances and practices.

Rather, before seeking such reductivist developmental explanations, we need to ask (with varying emphases, depending on what particular sources allow us to discern): How does each form (or admixture of forms) of scriptural interpretation function in relation to its respective textual community's ideology of the chronology, theology, and anthropology of continuing divine revelation across history? That is, how does it correlate with the possible claim for a human role, whether by the community

or its elites, in the process of ongoing revelatory teaching? How do the rhetorical forms of scriptural interpretation performatively shape or reinforce a self-understanding of privileged covenantal status vis-à-vis competing textual communities or learned elites, whether historical or fictive? How do the various rhetorical forms that scriptural interpretation assumes function pedagogically, or paideically, to transform their respective audiences into the kind of polity that might embody Torah in their very lives of collective textual/oral study and practice?

#### A CASE IN POINT: REUBEN AND BILHAH

For purposes of illustration, let us compare several exegetical treatments of an extremely brief, and hence enigmatic, scriptural narrative, as recounted in the Book of Genesis, following the account of Rachel's death and burial by Israel/Jacob (35:16–21): "While Israel stayed in that land, Reuben went and lay with Bilhah, his father's concubine, and Israel found out. Now the sons of Jacob were twelve in number" (35:22; *N/PS*).<sup>13</sup> The verse is most notable for what it does *not* say: What were the circumstances and motives that led Reuben (Jacob's eldest son, born to Leah) to "lie" with Bilhah (Rachel's maidservant and Jacob's concubine). How did Jacob learn of this act and what was his response? What were the consequences for Reuben of his deed, especially considering that the Torah expressly prohibits such sexual relations, with severe penalty (Leviticus 18:8, 20:11; Deuteronomy 23:1, 27:20). What is the relation of this seemingly eclipsed narrative to what precedes and succeeds it, especially in light of the Masoretic "punctuation," which combines in a single verse the statement of Reuben's deed with the introduction to the following enumeration of Jacob's twelve sons by four women?

Reuben's deed is not mentioned again until Jacob's deathbed "blessing" of Reuben in Genesis 49:3–4: "Reuben, you are my firstborn, / My might and first fruit of my vigor, / exceeding in rank / And exceeding in honor. / Unstable as water, you shall excel no longer; / for when you mounted your father's bed, / You brought disgrace – my couch he mounted!" (*N/PS*). Although this verse contains its share of difficulties, it clearly indicates that Reuben has lost much of his privilege as Jacob's first-born son as a consequence of his having "mounted [his] father's bed," presumably an allusion to his "lying" with Bilhah (perhaps too egregious to be referred to explicitly).<sup>14</sup> Reuben's adulterous deed, we are here told *twice*, was performed (whether actually or figuratively) on Jacob's bed, emphasizing all the more the brazenness of the act. However, Jacob's "blessing" of Reuben brings to mind Moses' no less enigmatic,

but seemingly positive, blessing of the tribe of Reuben (though the subject could be understood to be Reuben the individual) just prior to Moses' death (Deuteronomy 33:6): "May Reuben live and not die, / Though few be his numbers" (*NJPS*).

The task of exegetically filling in the gaps within and between these verses begins (or continues) already inner-biblically, with 1 Chronicles 5:1-2, just prior to listing the sons of Reuben: "The sons of Reuben the first-born of Israel. (He was the first-born, but when he defiled his father's bed, his birthright was given to the sons of Joseph son of Israel, so he is not reckoned as first-born in the genealogy; though Judah became more powerful than his brothers and a leader came from him, yet the birthright belonged to Joseph.)" (*NJPS*). Thus, the principal consequence of Reuben's having "defiled his father's bed" is the forfeiture of his birthright as the firstborn son of Jacob (by Leah), that is, the double-portion inheritance, to Joseph (Genesis 48:5-6), Jacob's firstborn son by his favorite wife, Rachel (but the eleventh of twelve in birth order). Still, this inner-biblical interpretation opens as many questions as it resolves, not the least of which being that such a father's annulment of the birthright of his firstborn son in favor of the child of his favored wife is expressly prohibited in the law of Deuteronomy 21:15-17.

However much these verses intertextually shed light upon one another, they hardly furnish us with a narrative of what "took place" between Reuben and Bilhah, or consequently between Reuben and Jacob. For this we must turn to our earliest "retelling" of the story of Reuben and Bilhah, found in the Book of Jubilees (ca. 150 B.C.E.).<sup>15</sup> After retelling the story of Rachel's death and burial, it narrates a remarkably expanded and coherent version of Reuben's deed with Bilhah (33:1-9), undoubtedly drawing on earlier traditions and interpretive understandings of the previously cited biblical verses:

Jacob went and lived to the south of the Tower of Eder Ephratah. He went to his father Isaac – he and his wife Leah – on the first of the tenth month. When Reuben saw Bilhah, Rachel's maid – his father's concubine – bathing in water in a private place, he loved her. At night he hid. He entered Bilhah's house at night and found her lying alone in her bed and sleeping in her tent. After he had lain with her, she awakened and saw that Reuben was lying with her in the bed. She uncovered the edge of her (clothing), took hold of him, shouted out, and realized that it was Reuben. She was ashamed because of him. Once she had released her grip on him, he ran away. She grieved terribly about this matter and told no one at

all. When Jacob came and looked for her, she said to him: "I am not pure for you because I am too contaminated for you, since Reuben defiled me and lay with me at night. I was sleeping and did not realize (it) until he uncovered the edge of my (garment) and lay with me." Jacob was very angry at Reuben because he had lain with Bilhah, since he had uncovered the covering of his father. Jacob did not approach her again because Reuben had defiled her. (*Jubilees*, trans. VanderKam, 218-20)

As is so characteristic of the Book of Jubilees, it uses this narrative as an opportunity to anticipate later Mosaic legislation (already recorded on heavenly tablets):

As for any man who uncovers the covering of his father – his act is indeed very bad and it is indeed despicable before the Lord. For this reason it is written and ordained on heavenly tablets that a man is not to lie with his father's wife and that he is not to uncover the covering of his father because it is impure. They are certainly to die together – the man who lies with his father's wife and the woman, too – because they have done something impure on the earth. There is to be nothing impure before our God within the nation that he has chosen as his own possession. Again it is written a second time: "Let the one who lies with his father's wife be cursed because he has uncovered his father's shame." All of the Lord's holy ones said: "So be it, so be it." Now you, Moses, order the Israelites to observe this command because it is a capital offense and it is an impure thing. To eternity there is no expiation to atone for the man who has done this; but he is to be put to death, to be killed, and to be stoned and uprooted from among the people of our God. For any man who commits it in Israel will not be allowed to live a single day on the earth because he is despicable and impure. (*Jubilees*, 33:9b-14, trans. VanderKam, 221-22)

To the extent that Jubilees appears to cite biblical verses, it does so by way of paraphrase and amalgamation, rather than direct citation and exegesis. Such a severe divine judgment of sexual intercourse between a man and his father's wife, deriving as it appears to in Jubilees from the negative example of Reuben, begs the question of why Scripture records no direct punishment of Reuben (or of Bilhah, but she is portrayed as having been the innocent and passive victim of Reuben's impulsive lust). Nevertheless, the legal elaboration of our retold narrative appears to allow no room for extenuating circumstances (nor for expiation and atonement),

at least not for the male. Jubilees anticipates and answers this question directly:

They are not to say: "Reuben was allowed to live and (have) forgiveness after he had lain with the concubine-wife of his father while she had a husband and her husband – his father Jacob – was alive." For the statute, the punishment, and the law had not been completely revealed to all but (only) in your time as a law of its particular time and as an eternal law for the history of eternity. There is no time when this law will be at an end nor is there any forgiveness for it; rather both of them are to be uprooted among the people. On the day on which they have done this they are to kill them. [Jubilees 33:15–17, trans. VanderKam, 222]

Although Reuben's deed was egregious and the law prohibiting it was in existence at the time, it had not yet been "completely revealed to all," for which reason Reuben was not punished with death, but was forgiven (presumably by God). However, from the time of the revelation at Mt. Sinai, and forever after, the law was to be eternal and uncompromisable, without the possibility of forgiveness. Reuben's deed, although not punished in his time, was to be a reminder to Israel of the grave consequences of such behavior:

For all who commit it on the earth before the Lord are impure, something detestable, a blemish, and something contaminated. No sin is greater than the sexual impurity which they commit on the earth because Israel is a holy people for the Lord its God. It is the nation which he possesses; it is a priestly nation; it is a priestly kingdom; it is what he owns. No such impurity will be seen among the holy people. [Jubilees, trans. VanderKam, 223–24]<sup>16</sup>

While these passages fill in many details "missing" from the biblical narrative traces, providing a continuous narrative with its legal context and implications, notably absent is any indication of Reuben's own view of his deed once committed (except that he "flees the scene of the crime"). While Bilhah expresses her shame and Jacob expresses his anger, Reuben does not here express any regret or contrition. If he is pardoned, it is more on a "technicality" than in response to any expression of remorse or petition by him for forgiveness. Simply put, the aim of the storyteller here is to impress upon his audience how detestable to God is Reuben's deed, and to stress how, post-Sinai, Israel's covenantal identity as a holy people is tied to its complete avoidance of such acts of sexual depravity and impurity.

Equally noteworthy, however, is the form of rewritten Scripture, both narrative and legal and especially their intertwining, that our text takes. While it includes many scriptural allusions and undoubtedly incorporates traditions that derive from a long history of scriptural interpretation, it does not formally engage Scripture, nor rhetorically invite its readers/auditors to engage in questions of scriptural interpretation. Rather, it presents itself as an esoteric revelation, whose intended or assumed relation to Scripture is never made clear.

From all of pre-rabbinic Jewish literature, we only have one example, albeit very brief, of a direct commentary on the scriptural texts relating to Reuben and Bilhah. In a fragment from the Dead Sea Scrolls [4Q252 [Commentary on Genesis] IV, 3–7], employing the terminology of *peshet*, we find the following:

The blessings of Jacob: "Reuben, you are my firstborn and the firstfruits of my strength, excelling in dignity and excelling in power. Unstable as water, you shall no longer excel. You went up unto your father's bed. Then you defiled it. On his bed he went up!" [Genesis 49:3–4a]. [vac] Its interpretation (*pishro*) is that he reproved him for when he slept with Bilhah his concubine.<sup>17</sup>

Although the verse cited contains several minor variants from the Masoretic text, its identity as a biblical verse is unmistakable. Jacob's "blessing" of Reuben is, rather, a reproof of Reuben for having slept with Bilhah. The unclear scriptural phrase "you went up unto your father's bed" is explained as referring to Reuben's sin of having "lain" with Bilhah (Genesis 35:22). Although we might say that one verse (Genesis 49:4) is explained in terms of another (Genesis 35:22), the *peshet* comment does not do so explicitly by citing the latter, only by decoding the former. Nor is there anything particularly ideological or sectarian in this comment, just a deictic statement of signification. Unlike the "rewritten Bible" of the Book of Jubilees, it formally cites the scriptural verse and provides its interpretive decoding, with the terminological marker *pishro* clearly differentiating between the two.

Turning now to one of our earliest rabbinic midrashic collections, the Sifrei to the Book of Deuteronomy (redacted around mid-third century C.E.), we find six sections dealing, whether directly or indirectly, with Reuben's sin with Bilhah.<sup>18</sup> They mostly emphasize Reuben's confession of and/or repentance for his deed, but fill in other aspects of the narrative as well. Unlike Jubilees, they appear less interested in the actual deed itself, but rather in Reuben's (and secondarily, Jacob's) response. While the midrashic commentary, like Jubilees, fills



in “missing” narrative details, it does so structurally and rhetorically through exegetical engagement with the biblical verses, so noticeably missing in Jubilees. The first passage that we will examine appears in the context of commentary to Deuteronomy 6:4 (the opening verse of the *Shema*). The midrash portrays Jacob worrying that his twelve sons would not all prove worthy as covenantal inheritors, focusing in particular on Reuben:

Similarly, Scripture says, “And it came to pass, while Israel stayed in that land, that Reuben went and lay with Bilhah, his father’s concubine, and Israel heard of it” [Genesis 35:22]. When Jacob heard about it, he was shaken and said, “Woe is me! Perchance an unworthy one has appeared among my children.” Forthwith, however, the Holy One informed him that Reuben had repented, as it is said, “Now the sons of Jacob were twelve” [Genesis 35:22]. Did we not know that they were twelve? Rather, this indicates that it was made known by the Holy One that Reuben had repented. Hence we learn that Reuben fasted all his days, as it is said, “And they sat down to eat bread” [Genesis 37:25]. Could one ever imagine that the brothers would sit down to eat bread without their eldest brother? [Yet he was in fact not with them on that occasion], thereby teaching you that he fasted all his days, until Moses came along and accepted him because of his repentance, as it is said, “Let Reuben live, and not die” [Deuteronomy 33:6]. . . . Hence it is said, “And Israel bowed down upon the bed’s head” [Genesis 47:31]. Did he actually bow upon the bed’s head? Rather, he gave thanks and praise to God that unworthy ones had not issued from him. Some say that “And Israel bowed down upon the bed’s head” [means that he gave thanks] for Reuben’s repentance.<sup>19</sup>

This passage displays characteristics of early rabbinic midrash not found, or at least not in combination, in pre-rabbinic forms of scriptural interpretation: dialogical (question and answer) rhetoric, multiple interpretations, and interpreting one verse through the juxtaposition and interpretation of others. The midrash attends to the unusual joining of three statements in a single verse: Reuben lay with Bilhah; Jacob heard of it; the sons of Jacob were twelve. As previously noted, the final juxtaposition is particularly strange, especially for its Masoretic punctuation, which essentially makes one verse of two. According to our midrash, this juxtaposition is taken to mean: Even after Reuben’s brazen sexual sin and affront against his father, he was still counted among Jacob’s

twelve sons, a sign that he had repented (and had, presumably, been divinely forgiven).<sup>20</sup>

We are next told that the form of Reuben’s penitence was lifelong fasting, as is exegetically derived from another scriptural incident, the sale of Joseph. In Genesis 37:21–22, Reuben convinces his brothers not to kill Joseph but to throw him alive into a pit. From 37:29, we learn that Reuben was absent when his brothers sold Joseph to the Ishmaelites, prior to which they ate together a meal, presumably without Reuben. The Bible is silent as to where Reuben had gone or for what purpose. The midrash assumes that the brothers would not normally have eaten without their eldest brother being present, from which it concludes that he must have been fasting. As a final proof that Reuben had repented, our midrash adduces Deuteronomy 33:6, Moses’ blessing, which is understood to relate to Reuben the individual, rather than the tribe. Since the phrase “Let Reuben live, and not die” would seem to contain a redundancy, it is commonly glossed by the rabbis to mean “live *in this world*, and not die *in the world to come*,” thereby signifying Moses’ expectation or petition that Reuben’s repentance would earn him eternal life in the world to come. Finally, among three interpretations of Jacob’s bowing prior to his death at the head of his bed (Genesis 47:31), one is that he was giving thanks that the defilement of his bed by Reuben (Genesis 49:4; 1 Chronicles 5:1) had been rectified through Reuben’s repentance.

Let us look at the Sifrei’s commentary to Deuteronomy 33:6, Moses’ blessing of Reuben. Among several interpretations of this verse we find the following:

Another interpretation: “Let Reuben live” – because of his action in the matter of Joseph – “and not die” – because of his action in the matter of Bilhah. R. Hananiah ben Gamaliel says: Merit is never replaced by guilt, nor guilt by merit, except in the cases of Reuben and David. . . . The Sages, however, say: Merit is never replaced by guilt, nor guilt by merit, but one receives a reward for (performance of) religious duties and punishment for transgressions. What then is the meaning of “Let Reuben live, and not die”? It indicates that Reuben repented. Rabban Simeon ben Gamaliel says: Reuben was saved from that sin and did not commit that deed. Is it possible that he who was to stand at the head of the Tribes on Mount Ebal and say, “Cursed be he that lieth with his father’s wife” [Deuteronomy 27:20], would commit such a deed? What then does Scripture mean by “Because thou wentest up to thy father’s bed” [Genesis 49:4]? He avenged his mother’s shame.<sup>21</sup>

The midrash resolves the possible redundancy between "live" and "not die" by glossing the verse so that each refers to a different incident in Reuben's life. In so doing, it responds to the implied question of why Reuben was not punished with death for his egregious sin: His meritorious deed of saving Joseph's life counteracted the consequences of his sin with Bilhah. According to R. Hananiah ben Gamaliel, this would be one of only two exceptions (the other being David) to the rabbinic rule that merit does not cancel guilt, but that each receives its appropriate recompense. The "sages," however, in denying any such exceptions to the rule, must provide an alternative solution: that Reuben's repentance for his sin with Bilhah canceled (or lessened) its consequences, independently of his meritorious saving of Joseph's life. As we have seen, emphasis on Reuben's repentance for his sin with Bilhah is a recurring theme in the *Sifrei to Deuteronomy*, as throughout rabbinic literature. However, an altogether different and, in a sense, opposite solution is attributed to R. Simeon ben Gamaliel: that Reuben did *not* commit adultery with Bilhah (but only appeared to have done so). R. Simeon derives this from Moses' instructions to the tribes to perform a ritual of blessings and curses after entering the land and arriving at Mts. Gerizim and Ebal (Deuteronomy 27:11–26), according to which the tribe of Reuben is the first mentioned of the tribes to stand on Mt. Ebal and utter the "curses" (27:13), one of which is specifically against lying with one's father's wife (27:29). If so, then Reuben's mounting Bilhah's bed must be interpreted to refer to something other than sexual intercourse, since, to quote the Mishnah, "Whoever is suspected of something, may neither judge nor bear witness with respect to it" (M. Bekhorot 4:10, 5:4). The tradition here alluded to ("He avenged his mother's shame") is elsewhere articulated more fully as follows: While Rachel was alive, Leah, Reuben's mother, was aggrieved because Jacob kept Rachel's bed next to his. However, when Rachel died, Jacob moved the bed of Bilhah (Rachel's maidservant) next to his. Reuben, seeking to avenge his mother's "shame," removed or overturned Bilhah's bed and replaced it with Leah's. Thus, although Reuben may have acted improperly toward his father (or father's bed), his misdeed was not nearly as egregious as adultery, and was committed, understandably, out of sympathy for his mother's treatment by Jacob. It should be noted that this idea, that Reuben did *not* sin sexually with Bilhah, is unattested in pre-rabbinic sources.

We are left, both within the *Sifrei's* commentary and in rabbinic midrash more broadly, with two main approaches to Reuben's sin, which, while responding to identical scriptural difficulties and ambiguities,

arrive at very different (if not contradictory) conclusions, in part by employing different intertextual scriptural traces:

1. Reuben, through his acknowledgment of and repentance for his terrible sin with Bilhah, achieved forgiveness and, ultimately, eternal reward, serving thereby as a principal model of repentance for all.
2. Reuben only appears to have sinned egregiously, not possibly having done that which Scripture seems to impute to him, but actually having acted sympathetically, thereby preserving his meritorious reputation, even if reduced by a much lesser wrong.

Compared to its Second Temple antecedents (limited as they are), the midrashic commentary is far less coherent in thematic and narrative terms and far more inclusive of a variety of interpretations. These two exegetical trajectories, already present in the *Sifrei*, one of our earliest rabbinic commentaries, highlight two of rabbinic Judaism's central teachings, especially in the aftermath of the destruction of the Second Temple: Human repentance and divine forgiveness are possible in the absence of sacrificial worship and priestly officiation; all of the "children of Israel," that is, all of the descendants of Jacob, are worthy bearers of that name and inheritors of the prophetic promises of redemption, both as individuals and as a covenantal polity.

From this small case study of interpretive texts on a single scriptural topic, it should be clear that early rabbinic midrash shares much with Second Temple antecedents in its interpretation of Scripture and in many of the exegetical traditions that it thereby incorporates. Of course, tracing direct lines of filiation among these traditions and accounting for their differences in terms of linear development is much more difficult (if not impossible) to accomplish, given the fragmentary nature of our extant evidence and our uncertainty regarding possible bridges between their respective traditions. However, aside from such similarities for which we cannot fully account, there are also significant differences between our Second Temple and early rabbinic sources, not only in content and emphasis but especially in their formal and rhetorical self-presentation. This is especially true with respect to the dialogical manner in which the rabbinic midrashic sources explicitly engage questions of scriptural meaning, and rhetorically draw their student auditors into that interpretive process, in this case with remarkably open-ended results. Not surprisingly, Louis Ginzberg, in producing a modern "rewritten Bible," incorporates a vast array of traditions concerning Reuben's sin and repentance, but homogenizes the particularities of

their textual practices (not to mention their historical contexts), both between Second Temple and rabbinic sources and among the latter, so as to create the impression of a common tradition across historical time and social setting.<sup>22</sup>

## CONCLUSION

In the end, we need not choose absolutely between developmental and morphological models of comparison, since the two are mutually conditioned. The structures and practices of both pre-rabbinic and rabbinic scriptural interpretation are hardly static over time, but undergo internal developments that should be viewed, at least in part, as correlates to broader changes in historical and cultural circumstances. Conversely, the very different discursive practices by which each textual community responds exegetically to those changing circumstances cannot be reduced simply to historical reflexes but should be viewed as correlates to each community's social structure and religious ideology, that is, how it is organized and understands itself, often in contradistinction to other groups (whether real or imagined), and always in relation to Israel's sacred history, both past and future. Precisely because these two sets of correlates are so deeply intertwined, it is often difficult, if not impossible, to isolate one from the other. For example, to what extent does the rabbinic favoring of dialogical scriptural commentary, in contrast to the more deictic forms of scriptural interpretation in "rewritten Bible" and Qumran *peshet*, reflect the decentered and oral rabbinic structures of rabbinic master-disciple study circles, the deferred eschatology of rabbinic Judaism in the aftermath of the destruction of the Second Temple and the failed Bar Kochba revolt, or the rise of scriptural commentary as a means of self-definition and self-justification within nascent Christianity? Need we choose among, or be limited to, these? Furthermore, even at a given place and time in each textual community's history, a variety of exegetical strategies and rhetorical formations must have coexisted in the contexts of varied pedagogical domains. For example, the textual practices required for the teaching of new members to textual communities would have been different from those required for the training of communal leaders or officiants. How each community employed Scripture in the context of worship would have been different from its employment in the context of study, even as these domains might have intersected and overlapped. As we have seen, homogenized constructs of "common tradition," linear models of progressive development, and reductive models of cultural historical

determinism, while attractive for their simplicity, do not do justice to the complexity of our puzzle, many parts of which, of course, remain missing.

Notwithstanding the severe limitations imposed on such comparative ruminations by the partial and fragmentary nature of our extant sources, it should be manifestly clear that the relatively recent dramatic increase in the size and spectrum of the textual trove of ancient Jewish scriptural interpretation has exponentially enriched our ability to contextualize early rabbinic midrash – socially, culturally, and intellectually – within the continuous history of the Jewish exegetical engagement with the Hebrew Bible.

## Notes

1. See Josephus, *Life* 191; *Jewish War* 1.110, 2.162. Cf. Acts 22:3; 26:5.
2. For references to earlier treatments along these lines, see Steven D. Fraade, "Looking for Legal Midrash," in Stone and Chazon 1998, p. 62 n. 7. For the most recent attempts to emphasize the similarities, rather than differences, between rabbinic *midrash* and Qumran interpretation, see Mandel 2001 and Schiffman 2005.
3. See, in particular, the essays collected in the following volumes: Mulder 1988; Sæbø 1996; Stone 1984.
4. Ginzberg, *Legends of the Jews* (trans. Henrietta Szold and Paul Radin, 7 vols., Philadelphia: Jewish Publication Society of America, 1913–38). It has now been reissued in a new edition with an excellent introduction by David Stern. See Ginzberg 2003. For the cultural-historical context and significance of Ginzberg's *Legends*, see Rebecca Schorsch, "The Making of a Legend: Louis Ginzberg's *Legends of the Jews*" (Ph.D. diss., University of Chicago, forthcoming).
5. Kugel 1990, p. 267.
6. Thus, their designation as "*midreshei halakhah*" (legal *midrashim*) is somewhat of a misnomer. For further discussion, see Fraade 1983, pp. 255–56 n. 21, 298.
7. See *Jewish Antiquities* 1.25, 192; 3.94, 143, 205, 218, 230, 257, 259; 4.198, 302; 20.268. Instead, in *Jewish Antiquities* 4, he digresses from his narrative history to present "these laws and this constitution (*politeia*) recorded in a book" by Moses (4.194) at his death, based mainly on the laws of Deuteronomy 12–26.
8. For a fuller discussion of this point, in comparison to early rabbinic *midrashim*, see Fraade, "Looking for Legal Midrash." **Narrative**
9. For a review, see T. H. Lim 2002, pp. 48–51.
10. For specifics, with further bibliography, see Fraade, "Looking for Legal Midrash"; and idem, "Looking for Narrative Midrash at Qumran."
11. See David Stern, "Introduction to the 2003 Edition," in Ginzberg 2003, esp. pp. xix, xxii.
12. See in particular, Cohen 1984.

13. For much fuller treatments of the variety of interpretations of this and related verses, see the following: Shinan 1983; Kugel 1995 and 1998, pp. 463–69; Rosen-Zvi 2006.
14. This is one of the unseemly biblical passages to be read but not translated (at least not in public), according to M. Megillah 4:10 and T. Megillah 3:35. Josephus (*Jewish Antiquities* 1.21.3, §343–44), in his retelling of biblical history, skips this incident altogether.
15. Another account is found in the Testament of Reuben 1:6–10, 3:11–15, 4:2–4, which while sharing several elements with Jubilees, has others that are distinctive. However, the dating and provenance of the Testaments of the Twelve Patriarchs are uncertain, which cannot, in their present form, be assigned to a Second Temple Jewish context.
16. For the association of sexual sin with moral impurity in the Book of Jubilees, see J. Klawans (2000), pp. 46–48 and C. Hayes (2002), p. 76, 245 n. 39.
17. For text and translation, see Brooke et al., Qumran Cave 4. XVII: Parabiblical Texts, Part 3, pp. 203–4.
18. See Sifrei Devarim 2, 31, 329, 347, 348, 355 (ed. Finkelstein, pp. 10, 52–53, 379, 404–5, 405, 420).
19. For the Hebrew text, see Sifrei Devarim, *Va'ethanan*, pis. 31, to Deuteronomy 6:4 (ed. Finkelstein, pp. 52–53). The translation follows, with minor adjustments, *Sifre: A Tannaitic Commentary on the Book of Deuteronomy*, 57–78.
20. Compare Sifrei Devarim 2 (ed. Finkelstein, p. 10), where Jacob's silence upon hearing of Reuben's sin, and his delay until just prior to his death before reprimanding him, is explained in terms of Jacob's fear that by reprimanding Reuben immediately he would alienate him and send him running instead to his uncle Esau).
21. Sifrei Devarim 347, to Deuteronomy 33:6 (ed. Finkelstein, pp. 404–5).
22. See *Legends of the Jews*, 1:415–416; 2:12, 24, 36, 131, 137, 140–41, 190–92, 192; 3:58–59, 199, 220, 223, 232, 452–53, 455, 462; 4:360. Although, unlike Ginzberg, James Kugel gives considerable attention to the exegetical inner workings of post-biblical sources, his treatment of our subject is similar to Ginzberg's in his emphasis on a common tradition across time and context and his ahistorical blending of sources in disregard to their formal and rhetorical particularities.