Paul's So-Called Jew and Lawless Lawkeeping

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In his 2003 book, *Paul's Interlocutor in Romans 2*, Runar Thorsteinsson re-examines the question of the identity of the interlocutor of Romans 2 in light of Greco-Roman epistolary practices.¹ One of his central claims is that Paul continues to address a gentile interlocutor in Rom 2:17–29—specifically, a gentile who has judaized, perhaps even undergoing circumcision. To my knowledge, Thorsteinsson is the first scholar to have made this argument, and he does so convincingly. And yet, Pauline studies has, by and large, left unaddressed this argument.²

1. Runar M. Thorsteinsson, *Paul's Interlocutor in Romans 2: Function and Identity in the Context of Ancient Epistolography*, ConBNT 40 (Stockholm: Almqvist & Wiksell International, 2003; repr., Eugene, OR: Wipf & Stock, 2015).

2. Prior to Thorsteinsson, David Frankfurter ("Jews or Not? Reconstructing the 'Other' in Rev 2:9 and 3:9," *HTR* 94 [2001]: 403–25 [420]) suggested this reading of Rom 2:17–29, but did not argue for it.

In this essay, I intend to connect Thorsteinsson's reading of Paul to a broader theological stream in early Judaism that viewed gentile observance of the Jewish law with a great deal of suspicion. Paul's condemnation of a judaizing gentile in Rom 2:17–29 makes considerably more sense in light of this stream of Jewish thinking, which regarded gentile law observance as a category mistake. After documenting this thinking, I will provide a different reading of Rom 2:21–23, which provides a plausible way in which a judaizing gentile could be considered guilty of theft, adultery, and sacrilege. In order to situate this discussion properly, it will be helpful to begin with a brief discussion of ancient Israelite priesthood.

Israel's Priesthood, Israelite Identity

Unlike modern Christian notions of priesthood, one did not choose to become an Israelite priest; rather, one was born to it. Priesthood in ancient Israel was not a vocation—or perhaps better said, it was a genealogical vocation limited to the tribe of Levi (for example, Deut 17:9, 18; 24:8; 27:9) or, in priestly theology, to a wing of the tribe of Levi: the sons of Aaron.³ Priestly literature spends considerable time on their initial consecration.⁴ To serve as Israel's priests in the tabernacle, God, through Moses, consecrated Aaron and his sons to the priesthood at the inception of the sacrificial system (Leviticus 8; cf. Exod 29:35–37). On the eighth day of this process, Moses called Aaron and his sons and commanded them to begin serving as priests for the entire congregation of Israel (Lev 9:1). Prior to this process, Aaron and his sons differed in no way from other Israelites, but their seven-day consecration creates a new distinction between them and their compatriots. Aaron and his sons become priests, which means that

The only people who have followed Thorsteinsson in writing to this point are Joshua D. Garroway, *Paul's Gentile-Jews: Neither Jew nor Gentile, but Both* (New York: Palgrave Macmillan, 2012), 91–95; and Rafael Rodríguez, *If You Call Yourself a Jew: Reappraising Paul's Letter to the Romans* (Eugene, OR: Cascade Books, 2014).

3. See Menahem Haran, *Temples and Temple-Service in Ancient Israel: An Inquiry into Biblical Cult Phenomena and the Historical Setting of the Priestly School* (Winona Lake, IN: Eisenbrauns, 1985).

4. On the importance of this initial consecration, see Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*, FAT 2/25 (Tübingen: Mohr Siebeck, 2007), 111–268.

they are now able to serve in sacred space. In contrast, their fellow Israelites cannot safely enter the realm of the sacred. This divinely instituted consecration gives birth to a new class of Israelites, now demarcated by its ability to serve within a sphere of greater holiness than was accessible to lay Israelites.⁵

Regarding this initial consecration, Michael B. Hundley states, “The people would see that the priests are somehow being changed and that this change is important, unnatural, and intimately connected to the altar. In short, it would communicate that making people holy and fit for divine service requires complex and extreme means.”⁶ And yet, apart from this initial and never-to-be-repeated consecration, no provision is made for a lay Israelite to become a priest. Leviticus, thus, portrays Aaron and his sons undergoing what is, in effect, a one-time ontological transformation that is then transmitted genealogically. To be a priest is to be born a priest. The priesthood is hereditary and those who do not have the right bloodlines are guilty of great presumption if they approach the sacred in the wrong way. Consequently, on four separate occasions the book of Numbers warns: “the stranger who approaches will die” (Num 1:51; 3:10, 38; 18:7; LXX: ὁ ἀλλογενὴς ὁ προσπορευόμενος ἀποθανέτω or ὁ ἀλλογενὴς ὁ ἀπτόμενος ἀποθανεῖται). As Jacob Milgrom has demonstrated, this phrase “always refers to a person who is unauthorized to perform the cultic act in question.”⁷ For an unauthorized person—a category which includes everyone who is not a descendant of Aaron—to perform specific cultic acts given to Aaron’s seed alone is to commit a grave offense against the realm of the sacred.⁸ As God states in Num 18:7: “And you [Aaron] and your sons with you will guard your priesthood for every matter that concerns the

5. On gradations of holiness in priestly thinking, see Frank H. Gorman Jr., *The Ideology of Ritual: Space, Time and Status in the Priestly Theology*, JSOTSup 91 (Sheffield: Sheffield Academic Press, 1990); and Philip Peter Jensen, *Graded Holiness: A Key to the Priestly Conception of the World*, JSOTSup 106 (Sheffield: Sheffield Academic Press, 1992).

6. Hundley, *Keeping Heaven on Earth: Safeguarding the Divine Presence in the Priestly Tabernacle*, FAT 2/50 (Tübingen: Mohr Siebeck, 2011), 87–88.

7. Jacob Milgrom, *Studies in Levitical Terminology, I: The Encroacher and the Levite. The Term ‘Aboda* (Berkeley: University of California Press, 1970), 5.

8. Modern Christians who find this fact troublesome or offensive would do well to remember that the vast majority of Christians excludes people from the priesthood (or pastorate) not on the basis of blood, but on the basis of genitalia.

altar and that which is behind the veil. And I make your priesthood a service of gifts. And any stranger who approaches shall be put to death.” Genealogy, therefore, trumps intention, sincerity, and piety—in other words, the usual hallmarks of modern conceptions of religion.⁹

We see the dire consequences of ignoring this genealogical requirement in the story of Korah's rebellion (Numbers 16). Korah, a descendant of Levi, but not through Aaron (an important distinction for the Priestly writer), claims that the entire congregation of Israel is holy (16:3; cf. Exod 19:6), thus, Moses and Aaron err in insisting upon a distinction between Aaron's seed and the seed of Jacob. In response to Korah's accusation, God first demonstrates that Aaron's seed alone is to serve before him, and then causes the earth to swallow Korah and his supporters. The moral of the story, as MT Num 17:5 (Eng. 16:40) makes clear, is that to transgress the border separating priestly and lay Israelites is to court God's wrath. The Chronicler stresses this same distinction in his account of King Uzziah, who enters the Jerusalem Temple in order to burn incense to God (2 Chron 26:16–21). As Azariah the priest says to him, the responsibility of offering does not belong to any lay Israelite, even the king, but rather to the seed of Aaron alone (26:18). The Chronicler portrays Uzziah's deed of piety as an action of deep unfaithfulness (מעל) to God, which leads to Uzziah contracting scale disease and being barred from both sanctum and sancta for the remainder of his life. As Milgrom concludes, מעל results in the alteration of the status of the sacred: “The sancta has been desecrated; it is now profane.”¹⁰ In other words, and we will see the significance of this fact for Paul below, regardless of intentions and sincerity, this person is guilty of sacrilege.

9. Paula Fredriksen (“How Later Contexts Affect Pauline Content, or: Retrospect is the Mother of Anachronism,” in *Jews and Christians in the First and Second Centuries: How to Write Their History*, ed. Peter J. Tomson and Joshua Schwartz, CRINT 13 [Leiden: Brill, 2014], 17–51 [25]) rightly notes that ancient conceptions of piety, both Jewish and non-Jewish, differed from modern conceptions: “*Eusebeia* or *pietas*, ‘piety,’ did not measure what we think of as sincerity or strength of ‘belief’ so much as attentiveness in the execution of these protocols, and for good reason: improper cult made gods angry.”

10. Jacob Milgrom, *Cult and Conscience: The Asham and the Priestly Doctrine of Repentance*, SJLA 18 (Leiden: Brill, 1976), 24.

This permanent demarcation between lay Israelite and priest is of considerable importance for thinking about the question of gentiles and Judaism. As both Milgrom and Mary Douglas argue, the priestly worldview consists of three different categories of humans:

Priests

Lay Israelites

Non-Israelites¹¹

In this worldview, priests had greater access to the realm of the sacred and enjoyed this privilege and responsibility because of their genealogical descent from Levi (and, in priestly literature, through Aaron). But if “priestness” is inherited and permanent, then it would be logical to insist that both Israeliteness/Jewishness and gentileness are as well. In other words, these three categories of humanity are genealogical, and therefore irrevocable. To be an Israelite is to be born an Israelite. Priestly identity, Israelite identity, and gentile identity are inherent and immutable.¹² If one extrapolates from the laws pertaining only to priests, one could conclude that, just as the lay Israelite (or gentile) who attempts to perform the functions of the priest occasions divine wrath, so too does the gentile who attempts to perform the legal or cultic functions of the Israelite.¹³ Otherwise perfectly good and noble actions become sinful and result in death when the wrong person performs them.

A number of recent works on Jewish identity in antiquity have argued that many Jews defined Jewishness genealogically in ways that do not map onto modern conceptions of religious identity. For instance, Ezra-Nehemiah depicts Jews who have returned from

11. Mary Douglas, “Deciphering a Meal,” *Daedalus* 101 (1972): 61–81 (75–76); and Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 689.

12. For such priestly thinking, see Daniel R. Schwartz, “On Two Aspects of a Priestly View of Descent at Qumran,” in *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin*, ed. Lawrence H. Schiffman, JSPSup 8 (Sheffield: JSOT Press, 1990), 157–79.

13. Pamela Eisenbaum (*Paul was not a Christian: The Original Message of a Misunderstood Apostle* [New York: HarperOne, 2009], 62–63) makes this same point. This also applies to the categories of space and time. For many, but not all, Second Temple Jews, offering sacrifices outside of the Jerusalem Temple would have been a sacrilege. And, as the attention the Qumran Community’s writings give to calendrical issues indicates, it was necessary to know what time it was in order to perform rituals at their appointed times.

Babylon facing the reality of “non-Jews” who live in the land and who desire to participate in distinctively Jewish practices, such as the temple cult at Jerusalem.¹⁴ According to Ezra 4:1–3, the people of the land ask Zerubbabel for permission to join the returnees in rebuilding the temple. These people based their request on the fact that they, too, worship the same God as the returnees from Babylon: “Let us build with you, for like you we worship your God” (4:2). Zerubbabel rejects their appeal, providing no reason for doing so (4:3). Nonetheless, the narrative suggests that he does so because they are foreigners. Regardless of their piety and intentions, they are excluded from rebuilding the temple because of their genealogical descent.¹⁵ In this regard, the episode fits with Ezra-Nehemiah’s larger concern to create a sharp distinction between Israel (defined as those Jews who have returned from exile) and the nations. Israel alone is holy seed (Ezra 9:2), while the nations are, by implication, profane seed. To mix the two seeds through intermarriage is to become guilty of *maal*—that is, the profanation of the sacred, which, in this case, is Israel.¹⁶ Thus, Israelite men who intermarry with gentile women and produce offspring must cut themselves off from both wives and children, regardless of what we would call the “religious” commitments of the women and children.¹⁷

Ethnic Identity in the Greco-Roman World

That Israelite thinking was deeply genealogical should not surprise; in this regard, they were hardly alone in antiquity. The Greek world,

14. From the perspective of Ezra-Nehemiah, these people are foreigners, but this label only means that such people were not returnees from Babylon. As Sara Japhet (“People and Land in the Restoration Period,” in *Das Land Israel in biblischer Zeit: Jerusalem-Symposium 1981 der Hebräischen Universität und der Georg-August-Universität*, ed. Georg Strecker; GTA 25 [Göttingen: Vandenhoeck & Ruprecht, 1983], 103–25 [116]) states, “The view of Ezr.-Neh. on the question of identity is simple and uncomplicated, like many a dogmatic conviction. ‘Israelites’ equal ‘returned exiles.’ Otherwise there are only foreigners in the land.”

15. Attempting to circumvent this reading, Josephus (*Ant.* 11.87) claims that, while the returnees would not allow them to build the temple, “They would, however, allow them to worship there.”

16. Cf. Milgrom, *Cult and Conscience*, 71–72.

17. See David Janzen, *Witch-hunts, Purity and Social Boundaries: The Expulsion of the Foreign Women in Ezra 9–10*, JSOTSup 350 (Sheffield: Sheffield Academic Press, 2002), 90; Saul M. Olyan, “Purity Ideology in Ezra-Nehemiah as a Tool to Reconstitute the Community,” *JSJ* 35 (2004): 1–16; and Matthew Thiessen, “The Function of a Conjunction: Inclusivist or Exclusivist Strategies in Ezra 6.19–21 and Nehemiah 10.29–30?” *JSOT* 34 (2009): 63–79.

likewise, stressed the importance of genealogical descent, although Jonathan M. Hall demonstrates that the “definitional basis of Hellenic identity shifted from ethnic to broader cultural criteria in the course of the fifth century.”¹⁸ One can see both genealogical descent and cultural practices playing a significant role in Greek identity in the writing of Herodotus, for instance, since he defines Greekness in relation to shared blood, language, cult, and customs (8.144.2). As Hall states, “The novelty of Herodotos’ definition of Hellenicity in book 8 is that it seemingly relegates kinship to the same level as broader cultural criteria—or, put another way, it promotes cultural criteria (including language and religion) to the same level as kinship.”¹⁹ Similarly, according to the fourth-century BCE Greek rhetorician Isocrates, the name “Hellene” applies to all those who share in Athenian education (παίδευσις), rather than to those who share Greek nature (φύσις) alone (*Panegyricus* 50). Again, Hall concludes that Isocrates intends to limit Greek identity to those with an Athenian education, but that this statement “only emphasizes the point that Hellenicity is something that can be taught and learnt—a matter of enculturation rather than the destiny of birth.”²⁰ This understanding of Greekness is found in the writings of Plutarch, who portrays Alexander admonishing the people “not [to] distinguish between Greek and barbarian by Grecian cloak and targe, or scimitar and jacket,” asserting rather that “the distinguishing mark of the Greek should be seen in virtue, and that of the barbarian in iniquity” (*On the Fortune of Alexander* 329C–D). Greekness is a matter of living a virtuous life, whereas the barbarian is one whose life is vice-ridden. In summarizing the findings of his edited volume on Greek ethnicity, Irad Malkin concludes, “[F]rom Isocrates

18. Jonathan M. Hall, *Hellenicity: Between Ethnicity and Culture* (Chicago: University of Chicago Press, 2002), 7. On ethnic identity in the Hellenistic and Greco-Roman period, see also, idem, *Ethnic Identity in Greek Antiquity* (Cambridge: Cambridge University Press, 1997); Irad Malkin, ed., *Ancient Perceptions of Greek Ethnicity*, Center for Hellenic Studies, Colloquia 5 (Washington, DC: Center for Hellenic Studies, 2001); and David Konstan and Suzanne Saïd, eds., *Greeks on Greekness: Viewing the Greek Past under the Roman Empire* (Cambridge: Cambridge Philological Society, 2006).

19. Hall, *Hellenicity*, 193.

20. Ibid., 209. In contrast, Benjamin Isaac (*The Invention of Racism in Classical Antiquity* [Princeton: Princeton University Press, 2004], 113) argues, “we must not assume that Isocrates meant that barbarians could become Hellenes if they accepted Greek culture.” Rather, “Greeks who lost their Greek culture were no longer Hellenes in his eyes.”

all the way to Dio of Prusa and Roman perceptions of Greek ethnicity, the emphasis seems to have shifted to that which could be more easily shared and transmitted than blood: a Greek frame of mind (*dianoia*) and a way of life (*ethos*). These became more prominent in defining a Greek; education has replaced *physis* (nature) with *nomos* (law).²¹

The ethnographic work of Fredrik Barth and others has stressed that what most people think of as natural and immutable—ethnicity—is, in fact, socially constructed. Barth argues that “ethnic groups are categories of ascription and identification by the actors themselves, and thus have the characteristic of organizing interaction between people.”²² The literary evidence from antiquity supports this suggestion: Greekness was not a stable category in the Hellenistic and Greco-Roman periods; rather, it underwent considerable redefinition. Having said this, though, it is improbable that all Greeks concurred with this redefinition. No doubt the sentiments of Socrates, as Plato portrays them in *Menexenus*, were common among some Greeks long after the fourth century BCE:

So firmly-rooted and so sound is the noble and liberal character of our city, and endowed also with such a hatred of the barbarian, because we are pure-blooded Greeks, unadulterated by barbarian stock. For there cohabit with us none of the type of Pelops, or Cadmus, or Aegyptus or Danaus, and numerous others of the kind, who are by birth barbarians though by law Greeks (φύσει μὲν βάρβαροι ὄντες, νόμῳ δὲ Ἕλληνες); but our people are pure Greeks and not a barbarian blend; whence it comes that our city is imbued with a whole-hearted hatred of alien races” (245D, LCL slightly modified).²³

21. Malkin, “Introduction,” in *Ancient Perceptions of Greek Ethnicity*, Center for Hellenic Studies, Colloquia 5 (Washington, DC: Center for Hellenic Studies, 2001), 1–28 (11). On the distinction between *nomos* and *physis* in Greek thinking, see Felix Heinimann, *Nomos und Physis: Herkunft und Bedeutung einer Antithese im griechischen Denken des 5. Jahrhunderts* (Basel: Reinhardt, 1945).
22. Barth, “Introduction,” in *Ethnic Groups and Boundaries: The Social Organization of Culture Difference*, ed. Fredrik Barth (Boston: Little, Brown, & Co., 1969), 10. See also the various essays in John Hutchinson and Anthony D. Smith, eds., *Ethnicity*, Oxford Readers (Oxford: Oxford University Press, 1996), as well as Anthony D. Smith, *The Antiquity of Nations* (Cambridge: Polity, 2004).
23. In fact, Ekaterina V. Haskins (“Philosophy, Rhetoric, and Cultural Memory: Rereading Plato’s *Menexenus* and Isocrates’ *Panegyricus*,” *Rhetoric Society Quarterly* 35 [2005]: 25–45 [39–40]) argues that Isocrates’s statements mentioned above are directly intended to challenge Socrates’s words here. To what degree Plato himself subscribed to these sentiments is uncertain, yet Charles H. Kahn (“Plato’s Funeral Oration: The Motive of the *Menexenus*,” *Classical Philology* 58 [1963]: 220–34 [228]) argues that these remarks reflect the “proud racial boast of the average Athenian.”

This speech preserves a clear distinction between those who are Greeks by *physis* and those who are Greeks by *nomos*.²⁴ Clearly, only the former category counts as “true” Greekness, while the latter form of Greekness represents a thin veneer overlaying a rough barbarian nature.

Just as Greek identity became more permeable to those of non-Greek descent, so, too, did Jewish identity in the second-century BCE. In this period, we have ample evidence of gentiles becoming Jewish by undergoing education in the Jewish law and adopting Jewish *nomoi*. What was once an ethnicity based solely on genealogical descent (*physis*) has become what Shaye J. D. Cohen calls an “ethno-religion”—an ethnicity that one can join through appropriate actions (*nomos*).²⁵ Indeed, a number of Second Temple Jewish works depict the conversion of gentiles to Judaism. For instance, the book of Judith portrays Achior the Ammonite undergoing circumcision and joining Israel in response to God’s deliverance of the Jews from the Assyrians (14:10). To be sure, Judith is a work of historical fiction, but the fact that it identifies Achior as an Ammonite demonstrates the author’s remarkable open-mindedness to conversion. After all, Deuteronomy specifically forbids Ammonites from joining the congregation of Israel (Deut 23:3).²⁶ Another work of fiction, Joseph and Aseneth, depicts the miraculous conversion of the idolatrous Egyptian Aseneth so that she can marry Joseph.²⁷ Aseneth’s conversion, dramatically presented in the work, transforms her from an Egyptian into an Israelite so that

24. Similarly, Socrates presents the Spartans observing distinctions between natural-born Spartans and non-Spartans who “spartanize”: “And when the Spartans wish to converse unrestrainedly with their sophists, and begin to chafe at the secrecy of their meetings, they pass alien acts against the laconizing set and any other strangers within their gates, and have meetings with the sophists unknown to the foreigners” (*Protagoras* 342C). Cf. Dio Chrysostom *Or.* 36.25.

25. Shaye J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties*, HCS 31 (Berkeley: University of California Press, 1999), 109–39. See also, idem, “Religion, Ethnicity, and ‘Hellenism,’” in *Religion and Religious Practice in the Seleucid Kingdom*, ed. Per Bilde et al. (Aarhus: Aarhus University Press, 1990), 204–23.

26. See Adolfo D. Roitman, “Achior in the Book of Judith: His Role and Significance,” in “*No One Spoke Ill of Her*”: *Essays on Judith*, ed. James C. VanderKam, SBLEJL 02 (Atlanta: Scholars Press, 1992), 31–45.

27. Those who argue that the work is Jewish and deals with the issue of gentile conversion to Judaism include Randall D. Chesnutt, *From Death to Life: Conversion in Joseph and Aseneth*, JSPSup 16 (Sheffield: Sheffield Academic Press, 1995), and Jill Hicks-Keeton, “Rewritten Gentiles: Conversion to Israel’s ‘Living God’ and Jewish Identity in Antiquity” (PhD diss., Duke University, 2014). Admittedly, some argue that *Joseph and Aseneth* is a later Christian work that is not concerned about conversion to Judaism; see Ross Shepard Kraemer, *When Aseneth Met Joseph: A Late Antique Tale of the Biblical Patriarch and His Egyptian Wife, Reconsidered* (Oxford: Oxford University Press, 1998); and Rivka Nir,

what would have been an exogamous marriage becomes endogamous.²⁸ The Hasmonean incorporation of Idumeans and Itureans into the Jewish community via circumcision also demonstrates that something akin to conversion occurred in the second century BCE.²⁹ Finally, at the insistence of a Galilean named Eleazar, the first-century CE king of Adiabene, Izates, underwent circumcision and converted to Judaism (Josephus, *Ant.* 20.17–47).³⁰ Such evidence demonstrates that some gentiles underwent conversion to Judaism in the Second Temple period. Cohen has provocatively argued that this redefinition of Jewishness occurred in the second century BCE as a result of Judaism's encounter with Hellenism: "If Judaeans could go over to Greek ways, why could not Greeks become Judaeans? Influenced by Greek culture, and at the same time in opposition to it, the Judaeans redefined Judaism (Jewishness) so that it too could become a portable culture."³¹ The transformation of Jewishness so as to include those who were Jews, not by *physis* but through *nomos*, was itself a hellenistic development.

Jewish Resistance to Redefining Jewishness

But to say that Jewishness was redefined in the second-century BCE is

Joseph and Aseneth: A Christian Book, Hebrew Bible Monographs 42 (Sheffield: Sheffield Phoenix, 2012).

28. See Matthew Thiessen, "Aseneth's Eight-Day Transformation as Scriptural Justification for Conversion," *JSJ* 45 (2014): 229–49.

29. For the conversion of the Idumeans, see Josephus, *Ant.* 13.258; *War* 1.63; Strabo, *Geogr.* 16.2.34; and Ptolemy (cf. Menahem Stern, *Greek and Latin Authors on Jews and Judaism*, 3 vols. [Jerusalem: Israeli Academy of Sciences and Humanities, 1974–1984], n.146). For the conversion of the Itureans, see Josephus, *Ant.* 13.318–319. Since the Hasmoneans may have forced the Idumeans and Itureans to undergo circumcision and adopt the Jewish law, scholars debate whether one can call this conversion. For instance, Doron Mendels (*The Land of Israel as a Political Concept in Hasmonean Literature: Recourse to History in Second Century B.C. Claims to the Holy Land*, TSAJ 15 [Tübingen: Mohr Siebeck, 1987], 57–81) and Martin Goodman (*Mission and Conversion: Proselytizing in the Religious History of the Roman Empire* [Oxford: Clarendon, 1994], 74–76) argue that the Hasmoneans compelled the Idumeans and Itureans to adopt Jewish customs, while Aryeh Kasher (*Jews, Idumaeans, and Ancient Arabs: Relations of the Jews in Eretz-Israel with the Nations of the Frontier and the Desert during the Hellenistic and Roman Era [332 BCE–70 CE]*, TSAJ 18 [Tübingen: Mohr Siebeck, 1988], 46–77) and Cohen (*Beginnings of Jewishness*, 116–17) argue that they willingly adopted Jewish customs.

30. See Daniel R. Schwartz, "God, Gentiles, and Jewish Law: On Acts 15 and Josephus' Adiabene Narrative," in *Geschichte-Tradition-Reflexion: Festschrift für Martin Hengel zum 70. Geburtstag*, 3 vols.; ed. Hubert Cancik, Hermann Lichtenberger, and Peter Schäfer (Tübingen: Mohr [Siebeck], 1996), 1:263–82.

31. Cohen, *Beginnings of Jewishness*, 134.

to tell only part of the story—perhaps the majority of it, but only a part nonetheless. Some Jews resisted this redefinition, continuing to define Jewishness in strictly genealogical terms. To be a Jew was to be born a Jew to Jewish parents. Gentiles, no matter what their beliefs and practices, remained gentiles. What Second Temple literature demonstrates is that Jews were involved in a cultural debate over Jewish identity, one that wrestled with the relationship between genealogical descent and merit.³² The same resistance to non-Jewish observance of the Jewish law seen in Ezra-Nehemiah can be found in the first and second century BCE, even as some Jews were redefining Jewishness.

Baruch

The oft-overlooked book of Baruch contains a Maccabean-period hymn that praises the glory of wisdom (Bar 3:3–4:4). In it, the author portrays wisdom as inaccessible to humans: the princes of the nations have not found her place and their sons have strayed from her. None of the nations have learned her way. God did not give wisdom to the giants, nor can one ascend to heaven or cross the sea to take hold of her (3:15–31). On the basis of this dire portrayal of the human condition, Shannon Burkes argues that the hymn “raises the frightening possibility that the one thing that gives life is also not accessible to humans.”³³

The author allays these fears though, averring that God found wisdom and gave her to Jacob alone (3:32–36), and identifying wisdom with “the book of the commandments of God” (ἡ βίβλος τῶν προσταγμάτων τοῦ θεοῦ) and “the law which endures forever” (ὁ νόμος ὁ ὑπάρχων εἰς τὸν αἰῶνα; 4:1). This identification of the Torah with wisdom, Leo Perdue observes, “provides the *inclusio* for the poem.”³⁴ In connecting wisdom and the Torah, Baruch parallels the thinking

32. E.g., Martha Himmelfarb, *A Kingdom of Priests: Ancestry and Merit in Ancient Judaism*, Jewish Culture and Contexts (Philadelphia: University of Pennsylvania Press, 2006).

33. Burkes, “Wisdom and Law: Choosing Life in Ben Sira and Baruch,” *JSJ* 30 (1999): 253–76 (272–73).

34. Perdue, “Baruch among the Sages,” in *Uprooting and Planting: Essays on Jeremiah for Leslie Allen*, ed. John Goldingay, LHB/OTS 459 (London: T&T Clark, 2007), 260–90 (285).

of Sir 24:23–25: “All this is the book of the covenant of God Most High—the law which Moses commanded to us, an inheritance of the congregation of Jacob. It fills with wisdom, as Pishon and as the Tigris in the days of newness.” For the author, wisdom is the Jewish law, a law that God graciously bestowed upon Israel out of all the nations in the world (cf. Deut 4:8). In this regard, Israel is blessed beyond all other nations, for it alone knows what is pleasing to God (τὰ ἀρεστὰ τῷ θεῷ, Bar 4:4).

In light of this identification, Baruch's admonishment to Israel takes on considerable significance: “Do not give your glory to another, and your better things to a foreign nation” (μὴ δῶς ἑτέρῳ τὴν δόξαν σου καὶ τὰ συμφέροντά σοι ἔθνει ἄλλοτρίῳ, 4:3).³⁵ For the author, the Jewish law belongs to Israel alone and should not be shared with the gentiles. While scholars have debated to what extent Second Temple Judaism was involved in proselytizing,³⁶ the evidence of Baruch suggests that another question also needs to be addressed: how many Jews were even open to gentiles adopting the Jewish law? The hymn to wisdom suggests that this author would have been uninvolved in any proselytizing activities. Further, it shows that he would have categorically condemned such proselytism as an inappropriate sharing in a gift that belongs only to Israel. Gentiles by birth (*physis*) cannot become Jews by law adoption (*nomos*) because the glory of the law does not belong to them.³⁷ Baruch, therefore, displays the same sort of exclusivity with regard to the Jewish law that is commonly associated with texts such as Ezra-Nehemiah, which I discussed above, as well as the book of Jubilees, to which I turn shortly.

35. Cf. *Sifre Deuteronomy* 47, which also equates the Jewish with Israel's glory.

36. Martin Goodman, *Mission and Conversion: Proselytizing in the Religious History of the Roman Empire* (Oxford: Clarendon, 1994); and Scot McKnight, *A Light Among the Gentiles: Jewish Missionary Activity in the Second Temple Period* (Minneapolis: Fortress Press, 1991). For the most recent treatment of the topic, see, Michael F. Bird, *Crossing Over Sea and Land: Jewish Missionary Activity in the Second Temple Period* (Peabody, MA: Hendrickson, 2010).

37. William A. Tooman (“Wisdom and Torah at Qumran: Evidence from the Sapiential Texts,” in *Wisdom and Torah: The Status of Torah and its Reception in Wisdom Literature in the Second Temple Period*, ed. Bernd U. Schipper and D. Andrew Teeter, JSJSup 163 (Leiden: Brill, 2013), 203–32 [224n71]) argues that in this verse, the author makes a deliberate attempt to overturn the universalizing sentiments of Isa 60:1–3: “Arise, shine; for your light has come, and the glory of the Lord has risen upon you . . . nations shall come to your light, and kings to the brightness of your dawn.”

4Q372

While fragmentary, 4Q372 also holds that God's laws were not intended for the gentiles. The author claims that "God will not give to other nations his statutes, nor will he adorn any foreigner with them" (ולא יתן לגוי אחר חקיו ולא יעטרם לכל זר, frag. 3 8). While we have very little context to help us understand this claim further, it appears that the author is convinced that historical claims from passages such as Deut 4:5–8 ("I will teach you my statutes [חקים] and judgments . . . . What other great nation [גוי] has statutes [חקים] and judgments as this whole law which I am giving [נתן] before you today?") and Ps 147:19–20 ("[God] declares his word to Jacob, his statutes [חקיו] and his judgments to Israel. He has not acted similarly with any other nation [לכל גוי], and his judgments they do not know") are meant to be normative: God not only did not give the law to non-Israelites or non-Jews, he also intends that they never have them.³⁸ For a Jew to offer the law to gentiles, then, would be to go beyond, and ultimately against, God's will. For a gentile to adopt the Jewish law would be to steal an adornment from God and Israel.

Jubilees

Perhaps the most explicit exclusion of gentiles in Second Temple literature can be found in the book of Jubilees, a work that portrays the seed of Jacob as ontologically distinct from all other nations.³⁹ Most explicitly, the author uses the rape of Dinah (cf. Genesis 34) in order to denounce intermarriage between Jews and gentiles.⁴⁰ Just like Ezra-

38. See Eileen Schuller and Moshe Bernstein, "4QNarrative and Poetic Compositiona-c," in *Wadi Daliyeh II, The Samaria Papyri from Wadi Daliyeh, and Qumran Cave 4.XXVIII, Miscellanea, Part 2*, ed. Douglas M. Gropp, James VanderKam, and Monica Brady, DJD 28 (Oxford: Clarendon, 2001), 151–204. Cf. b. Hag. 13a.

39. See Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (New York: Oxford University Press, 2002), 73–81; Matthew Thiessen, *Contesting Conversion: Genealogy, Circumcision, and Identity in Ancient Judaism and Christianity* (New York: Oxford University Press, 2011), 67–86; and Isaac W. Oliver, "Forming Jewish Identity by Formulating Legislation for Gentiles," *JA* 4 (2013): 105–32.

40. Cana Werman, "Jubilees 30: Building a Paradigm for the Ban on Intermarriage," *HTR* 90 (1997): 1–22.

Nehemiah, Israel is holy seed that cannot be mixed with the gentiles. To do so is to cause an impurity to dwell in Israel that can only be rooted out through the death penalty. According to James Kugel, “For *Jubilees*, Israel’s holiness means first and foremost that Israel belongs to an order of being different from the order of being of other humans so that Israel is, in effect, wholly different, the earthly correspondent to God’s heavenly hosts.”⁴¹ To use the language of modern ethnographic theory, the author of *Jubilees* believes that ethnicity is something both primordial and essentialist. Jewish ethnicity is, in fact, divinely instituted at creation.⁴²

Of considerable relevance for our discussion here, the author of *Jubilees* connects this ontological distinction between Jews and gentiles to the significance of the Sabbath. While one might interpret the reference to God’s rest on the seventh day of creation in *Jub.* 2.2–3 to signify that the Sabbath is for all humanity, *Jubilees* rewrites the narrative to make clear that it is for Israel alone.⁴³ According to the angel who speaks with Moses, God instructed “all of the angels of the presence and all of the angels of sanctification, these two great kinds—that we might keep the sabbath with him in heaven and on earth” (2.18; trans. Wintermute, OTP). Even with regard to angelic beings, then, God commands only the two highest and holiest orders to keep the Sabbath. God’s division of humanity mirrors this division among celestial beings:

Behold I shall separate for myself a people from among all the nations. And they will also keep the sabbath. And I will sanctify them for myself, and I will bless them. Just as I have sanctified and shall sanctify the sabbath day for myself thus shall I bless them. And they will be my people and I will be their God. And I have chosen the seed of Jacob from among all that I have seen. And I have recorded him as my firstborn son, and have sanctified him for myself forever and ever. And I will make known to

41. James Kugel, “The Holiness of Israel and the Land in Second Temple Times,” in *Texts, Temples, and Traditions: A Tribute to Menahem Haran*, ed. Michael V. Fox et al. (Winona Lake, IN: Eisenbrauns, 1996): 21–32 (27). See also Hayes, *Gentiles Impurities*, 77.

42. On the commonly held belief that a particular nation is divinely constituted, see Anthony D. Smith, *Chosen Peoples: Sacred Sources of National Identity* (Oxford: Oxford University Press, 2003).

43. See James C. VanderKam, “Genesis 1 in *Jubilees* 2,” *DSD* 1 (1994): 300–321.

them the sabbath day so that they might observe therein a sabbath from all work. (2.19–20).

While the author claims that “the Lord made the seventh day holy for all of his works” (2.25) and that “every man who guards it and keeps therein a sabbath from all his work will be holy and blessed always like us,” he proceeds to clarify these remarks: “The Creator of all blessed it, but he did not sanctify any people or nations to keep the sabbath thereon with the sole exception of Israel. He granted to them alone that they might eat and drink and keep the sabbath thereon upon the earth” (2.31).⁴⁴

This expansive discussion of the establishment of the Sabbath for Israel alone is remarkable for a number of reasons. First, the Sabbath predates the birth of Israel, to whom it had been given. In order to deal with this fact, as Lutz Doering observes, the author creates a parallel between the creation of the Sabbath and the creation of Israel:

According to *Jub.* 2:15, the sum of the works of creation amounts to 22 kinds. *Jub.* 2:23 takes up this number and establishes an essential link between the election of Israel and the sanctification of the Sabbath as the seventh day of the creation week: 22 works of creation have been made “up to” the seventh day; similarly, 22 generations have passed from Adam “up to” Jacob.⁴⁵

More importantly, by placing this treatment of the Sabbath during the creation of the world, the author stresses both that God wove the Sabbath into the very fabric of the created realm and established divisions within humanity—the ontological gap between the seed of Jacob and the nations was primordial and divinely ordained. As Doering concludes, “Like no other law, the Sabbath commandment is a *conditio sine qua non* of Israel.”⁴⁶

Jubilees’s insistence upon the sanctity of the Sabbath and its belonging only to the people of Israel may be unique for its

44. Lutz Doering (“The Concept of the Sabbath in the Book of Jubilees,” in *Studies in the Book of Jubilees*, ed. Matthias Albani, Jörg Frey and Armin Lange [Tübingen: Mohr Siebeck, 1997], 179–205 [189]) notes that “every man” (*sab*) is limited to Israelite men in *Jub.* 50.8, 12, and 13, as well.

45. *Ibid.*, 181.

46. *Ibid.*, 187.

vociferousness, but it is by no means unique in its sentiments. The idea that the Sabbath belonged to Israel alone can be seen already in the Pentateuch. For instance, in Exod 31:12–13, God says to Moses, “Say to the sons of Israel, ‘My Sabbaths you shall keep, for this is a sign between me and between you throughout your generations to know that I, Yhwh, sanctify you’.”⁴⁷ This passage emphasizes that God addresses this commandment to Israel and that the Sabbath functions as a sign between God and Israel (“you”). That is to say, God does not address the Sabbath commandment to non-Israelites; therefore, it does not function as a sign between God and them. The claim that God has sanctified Israel underlines the fact that the Sabbath is sacred, and therefore not something that just anyone can approach or observe.⁴⁸ While not explicitly stated, it is a possible implication of this text that for one who has not been sanctified to approach the sacred time of the Sabbath uninvited is to incur the divine wrath that the encroacher occasions for approaching sacred space. Such an action would be an instance of *maal*—that is, trespassing upon the realm of the sacred.⁴⁹ This is precisely how the author of Jubilees understands the verse: “The Creator of all blessed it, but he did not sanctify any people or nations to keep the sabbath thereon with the sole exception of Israel” (2.31).⁵⁰ The implication of this assertion is that any gentile who attempts to observe the Sabbath hazards divine wrath.

The author of Jubilees treats the rite of circumcision in a similar

47. In fact, Odil H. Steck (“Die Aufnahme von Gen 1 in Jubiläen 2 und 4. Esra 6,” *JSJ* 8 [1977]: 154–82 [162]) argues that Jubilees 2 is a commentary on Exod 31:12–17.

48. To be sure, both the Pentateuch (Exod 20:10; Deut 5:14) and Jub. 50.7 note that slaves and foreigners in the land of Israel are to keep the Sabbath as well. Nonetheless, this fact does not mean that it functioned as a sign for them in the same way that it did for Israel; rather, by falling under the umbrella of Israel, they, like Israel’s cattle, incidentally participate in the Sabbath. Perhaps on the basis of their inclusion, though, some Second Temple period Jews, such as Philo (*Creation* 89) and Josephus (*Ag. Ap.* 2.282–284), celebrate the fact that some gentiles observe the Sabbath. While it is uncertain whether Aristobulus (Fragment 5) portrays the Sabbath as the exclusive right of Israel alone or as a practice open to gentile observance, following Doering (*Sabbat: Sabbathalacha und -praxis im antiken Judentum und Urchristentum*, TSAJ 78 [Tübingen: Mohr Siebeck, 1999], 315), I think the first-person plural references indicate that the author believed that Sabbath was for Israel alone.

49. On *maal*, see Milgrom, *Cult and Conscience*.

50. Contrary to Oliver (“Forming Jewish Identity,” 115), who does not think that the author is concerned about gentile attraction to Sabbath observance, this statement demonstrates the author’s preoccupation with who can and cannot observe the Sabbath.

way. Although he does not portray its institution in his retelling of creation, he does connect it to creation by his assertion that the two highest orders of angelic beings are circumcised by nature: "Because the nature of all of the angels of the presence and all of the angels of sanctification was thus from the day of their creation. And in the presence of the angels of the presence and the angels of sanctification he sanctified Israel so that they might be with him and with his holy angels" (15.27). Consequently, the author informs his readers:

This law is for all the eternal generations and there is no circumcising of days and there is no passing a single day beyond eight days because it is an eternal ordinance ordained and written in the heavenly tablets. And anyone who is born whose own flesh is not circumcised on the eighth day is not from the sons of the covenant which the Lord made for Abraham since (he is) from the children of destruction. And there is therefore no sign upon him so that he might belong to the Lord because (he is destined) to be destroyed and annihilated from the earth and to be uprooted from the earth because he has broken the covenant of the Lord our God (15.25–26).

In this rewriting of Genesis 17, the author emphasizes that the rite of circumcision must occur on the eighth day after birth, thereby virtually assuring that only those males born to Jewish parents will undergo covenantal circumcision: genealogical descent and law observance are inextricably intertwined.⁵¹

These connections between the institution of the Sabbath and Israel's election, on the one hand, and ethnic descent and observance of circumcision, on the other, relate again to modern ethnographic theory. As Cohen argues, in the second century BCE, some Jews thought gentiles could join the Jewish *ethnos* through adoption of the Jewish law—most notably, Jewish practices such as Sabbath, dietary laws, and circumcision. What the author of Jubilees achieves in his narration of creation, though, is the deft creation of a link between Sabbath and Israel that excludes all others from observing it. For Jubilees, one cannot be gentile by nature/birth (*physis*) and Jewish by law (*nomos*),

51. See, more expansively, Nina E. Livesey, *Circumcision as a Malleable Symbol*, WUNT 2/295 (Tübingen: Mohr Siebeck, 2010), 16–21, and Thiessen, *Contesting Conversion*, 67–86.

since the law pertains to the genealogical seed of Jacob alone. The same applies to circumcision, which is required as close to birth as is possible, thereby making the rite (*nomos*) akin to birth (*physis*). The author of Jubilees constructs a definition of Jewish ethnicity that anchors it in divine election and makes it impermeable to penetration by gentiles, regardless of which laws they observe.

The One Who Does not Practice What He Preaches (Rom 2:21–23)

The preceding discussion situates us nicely to consider the plausibility of Thorsteinsson's argument that, in Rom 2:17–29, Paul chastises a judaizing gentile for not keeping the law. In particular, I believe that this evidence provides a new way in which to understand Paul's statements in Rom 2:21–23: "The one who teaches another, teach yourself! The one preaching, 'Do not steal (κλέπτειν),' you steal! The one saying, 'Do not commit adultery (μοιχεύειν),' you commit adultery! The one who abhors idols (ὁ βδελυσσόμενος τὰ εἰδωλα), you commit sacrilege (ἱεροσυλεῖς)!"⁵²

While it has been common in Pauline scholarship to take these accusations as charges against the "typical" or "representative" Jew,⁵³ Thorsteinsson rightly suggests that Paul intends these remarks to address the judaizing gentile. Consequently, I have argued elsewhere that Paul mentions three actions common to Hellenistic vice lists, not

52. Modern editions of the Greek New Testament and subsequent translations of Romans punctuate these verses so as to turn Paul's remarks into questions. Yet, Paul's original letter would not have contained such punctuation—making it possible that they are indicative remarks or interrogatives. Scholars have debated the meaning of this latter charge of temple robbery and its precise connection to idolatry. For instance, J. Duncan Derrett ("You Abominate False Gods; but Do You Rob Shrines" [Rom 2.22b], *NTS* 40 [1994]: 558–71) lists six different possible translations of this phrase.

53. For instance, C. E. B. Cranfield (*A Critical and Exegetical Commentary on the Epistle to the Romans*, 6th ed., 2 vols., ICC [Edinburgh: T&T Clark, 1975], 1:168) argues that Rom 2:21–22 reveals the hypocritical behavior of some of Paul's Jewish contemporaries, who were actually involved in these vices, while C. H. Dodd (*The Epistle of Paul to the Romans*, MNTC 6 [New York: Harper, 1932], 39) avers that these verses provide "evidence enough of the terrible degradation of Jewish morals in the period preceding the Destruction of the Temple." More recently, Simon J. Gathercole (*Where is Boasting? Early Jewish Soteriology and Paul's Response in Romans 1–5* [Grand Rapids: Eerdmans, 2002], 212) claims, "Israel as a nation is subject to the same defilement [as gentiles] because of these three transgressions: stealing, adultery, and robbery of pagan temples."

because he thinks anyone is guilty of these precise actions, but because they establish a particular pattern.⁵⁴ Most striking of all, though, is the fact that in his indictment of the gentile world, the author of the *Wisdom of Solomon* condemns gentiles for numerous vices, including these very three actions:

For whether killing children in initiations, or in secret mysteries, or celebrating the frantic carousing of strange rites, neither lives nor marriages did they keep pure, but they either treacherously kill one another, or hurt one another by adultery (νοθεύω). And all was blood and murder, theft (κλοπή) and deceit, corruption, faithlessness, tumult, false oath, confusion of the good, forgetfulness of favors, pollution of souls, changing of birth, disorder of marriage, adultery (μοιχεία), and sensuality. For the worship of unnamed idols (εἰδώλων θρησκεία) is the beginning and cause and end of all evil. (Wis 14:23–27)

This passage contains the same combination of theft, adultery, and idol worship that Paul lists in Rom 2:21–22. For *Wisdom*, these vices arise out of the initial gentile error of idol worship (cf. Rom 1:18–32). In other words, these three vices are distinctively gentile vices tied to gentile idolatry. For that matter, even Paul links the vices of adultery, thievery, and idolatry to gentile behavior: “Do you not know that the unjust will not inherit the kingdom of God? Do not be deceived; neither the immoral, nor idolaters (εἰδωλολάτραι), nor adulterers (μοιχοί), . . . nor thieves (κλέπται), . . . will inherit the kingdom of God. And such were some of you. But you were washed, you were sanctified, you were made righteous in the name of the Lord Jesus Christ and in the *pneuma* of our God” (1 Cor 6:9–11). As Dale Martin argues, this passage lists vices that are, from a Jewish perspective, “stereotypically pagan.”⁵⁵

But if Paul lists specifically gentile vices here and means to indict all gentiles, it remains doubtful that his readers or his interlocutor would agree that all gentiles were thieves, adulterers, and temple robbers. Even in 1 Cor 6:11, Paul admits that only “some” of his readers were

54. See Matthew Thiessen, “Paul’s Argument against Gentile Circumcision in Romans 2:17–29,” *NovT* 56 (2014): 373–91. For examples of vice lists that contain references to theft, adultery, and sacrilege/temple robbery, see, Aristotle, *Rhetoric* 1.13; Philo, *Spec. Laws* 2.13; 4.87–89; *Joseph* 84–87; *Confusion* 162–63; Seneca, *Moral Epistles* 87.23; and Diogenes Laertius, *Lives of the Philosophers* 2.99.

55. Martin, *The Corinthian Body* (New Haven: Yale University Press, 1995), 17.

characterized by the vices he lists there. For that matter, the interlocutor describes himself as someone who claims to know God's will, approves what is excellent, and is instructed from the law. How can Paul accuse this person of such gross immorality? In light of this tension, Thorsteinsson acknowledges that, if this is Paul's intent, he has "some doubts about the rhetorical effect of such a charge."⁵⁶ While I have formerly suggested that Paul did not intend to accuse anyone of theft, adultery, or sacrilege/temple robbery,⁵⁷ in this chapter, I want to consider another possibility in which Paul might have plausibly intended these accusations of immorality to apply to his judaizing gentile interlocutor.

To begin, if someone understood the Jewish law to function in a way parallel to the way in which the legislation pertaining to the tabernacle/temple functioned, then one would naturally conclude that any gentile who has adopted the Jewish law is guilty of transgression in the very act of trying to keep the Jewish law. The gentile who usurps the Jewish law is guilty of stealing a privilege and responsibility that is not his. If the author of Baruch prohibits Jews from sharing their glory—the law—with non-Jews, then surely he would condemn gentiles who adopt the law on their own initiative as thieves—stealing what belongs to Israel alone. The same conclusion arises out of Jubilees's treatment of Jewish distinctives, such as Sabbath and circumcision. If these rites are given to the seed of Jacob alone (as Paul himself states clearly about the giving of the law [ἡ νομοθεσία] and the temple apparatus [ἡ λατρεία] in Rom 9:1–5),⁵⁸ then the nations cannot choose to do them without contravening the very order of creation. Again, one might characterize such behavior as theft.

In fact, while later rabbinic literature contains remarkably open thinking when it comes to gentile conversion,⁵⁹ it also preserves

56. Thorsteinsson, *Paul's Interlocutor*, 217–18.

57. Thiessen, "Paul's Argument."

58. Contrary to N. T. Wright (*Paul and the Faithfulness of God*, 2 vols., COQG 4 [Minneapolis: Fortress Press, 2013], 2:1012), who argues that Paul believes these benefits are now transferred to the Messiah, and thus to all Jews and gentiles in Christ.

59. For example, on the basis of Israel's reception of the Torah in the wilderness, the *Mekhila de-Rabbi Ishmael* concludes: "The Torah was given in public, openly in a free place. For had the Torah been given in the land of Israel, the Israelites could have said to the nations of the world: You

negative statements regarding gentile observance of aspects of the Jewish law.⁶⁰ For instance, according to *Exodus Rabbah*, the fact that Exod 31:13–14 says that God gave the Sabbath “to you” signifies that “[t]o you hath He given it, but not to the heathen. It is in virtue of this that the Sages stated that if some of the heathen observed the Sabbath, then not only do they not receive any reward, [but they are even considered to be transgressing]” (25.11).⁶¹ Similarly, according to *Deuteronomy Rabbah*, R. Jose ben Ḥanina argued, “A non-Jew who observes the Sabbath whilst he is uncircumcised incurs liability for the punishment of death. Why? Because [non-Jews] were not commanded concerning it” (1.21). These passages suggest that while the rabbis are open to gentile conversion to Judaism, gentiles cannot participate in law observance until they have converted. To do so is to encroach on territory that is not theirs, and, like the lay Israelite or gentile who enters into the tabernacle or temple, incurs the death penalty. This midrash ends with Moses asking God, “Master of the Universe, just because the Gentiles have not been commanded to observe the Sabbath, wilt Thou not show favour to them if they do observe it?” In response, God says to him, “Do you really fear this? By your life, even if they fulfill all the commandments in the Torah, yet will I cause them to fall before you” (cf. *b. Avodah Zarah* 2b–3a; *b. Babba Qamma* 38a). Isaac Oliver suggests that this saying may have been a rabbinic response “to other Jewish groups who allowed Gentiles to observe certain Jewish rites such as the Sabbath without enforcing full conversion.”⁶² Yet, God’s words go further than this: even if gentiles keep the entirety

have no share in it. But now that it was given in the wilderness publicly and openly in a place that is free for all, everyone wishing to accept it could come and accept it” (*Bahodesh* 1; trans. Lauterbach). This statement, though, may reflect rabbinic knowledge that some contemporary Jews were making precisely the claim that they think is precluded. For rabbinic openness to gentile conversion, see for instance, Gary G. Porton, *The Strangers within Your Gates: Converts and Conversion in Rabbinic Judaism*, CSHJ (Chicago: University of Chicago Press, 1994); Marc Hirshman, “Rabbinic Universalism in the Second and Third Centuries,” *HTR* 93 (2000): 101–15; and Avi Sagi and Zvi Zohar, *Transforming Identity: The Ritual Transition from Gentile to Jew—Structure and Meaning*, Kogod Library of Judaic Studies 3 (London: Continuum, 2007).

60. See the discussion of Robert Goldenberg, *The Nations That Know Thee Not* (New York: New York University Press, 1998).

61. All translations of *Midrash Rabbah* are taken from H. Freedman and Maurice Simon, eds., *Midrash Rabbah*, 10 vols. (London: Soncino, 1939).

62. Oliver, “Forming Jewish Identity,” 114.

of the Jewish law, presumably including the rite of circumcision, they still reap no reward. Gentile observance of the Jewish law is, at best, meaningless. At worst, though, gentile observance of the Jewish law is, as *Exodus Rabbah* implies, a transgression of the law.

This rabbinic perspective on gentile observance of the Sabbath opens up into a broader discussion of gentiles and the Jewish law in *b. Sanhedrin*. This tractate portrays the first-century tanna R. Joḥanan making the following pronouncement:

A heathen [that is, a gentile] who studies the Torah deserves death, for it is written, *Moses commanded us a law for an inheritance*; it is *our* inheritance, not theirs. Then why is this [that is, a commandment that gentiles not keep the Mosaic Law] not included in the Noachian laws?—On the reading *morasha* [an inheritance] he steals it; on the reading *me'orasah* [betrothed], he is guilty as one who violates a betrothed maiden, who is stoned. (*b. Sanh.* 59a)

Joḥanan's interpretation of Deut 33:4 stresses that God gave the *Torah* to Israel for a possession (cf. *Sifre Deut.* 345). Playing on the Hebrew word for possession (מורשה), he concludes that if God gave the law to Israel, gentiles who study it (and presumably observe it) become guilty of one of two sins, depending on how one points the word. If one reads the verse as *morasha* ("inheritance/possession"), then gentiles who take up the Jewish law are guilty of theft (גנול), because they have stolen Israel's inheritance. If, on the other hand, one reads the verse referring to *me'orasah* ("betrothed"), then gentiles who take up the law become guilty of adultery, for they have become intimate with another man's betrothed (cf. *b. Ber.* 57a). This reading is indebted to the belief that the Sabbath is Israel's marital partner, a belief attested in the words of R. Simeon ben Yoḥai, who, according to *Genesis Rabbah*, portrays the Sabbath pleading with God: "All have a partner, while I have no partner!" Here, the Sabbath notes that, as the seventh day of the week, it is the odd day out because it is not paired with any other day. In response to this complaint, God states, "The Community of Israel is your partner" (*Gen. Rab.* 11.8).

In his rejoinder to R. Joḥanan's hardline stance, the second-century

tanna R. Meir asks, “Whence do we know that even a heathen who studies the Torah is as a High Priest? From the verse [*Ye shall therefore keep my statutes, and my judgments:*] *which, if man do, he shall live in them.* Priests, Levites, and Israelites are not mentioned, but *men*: Hence thou mayest learn that even a heathen who studies the Torah is as a High Priest!” R. Meir appeals to a remarkably universalistic and welcoming tradition in rabbinic thinking that gentiles who study the law are as esteemed as the high priest. In part, this thinking is the result of rabbinic concerns to downplay genealogical descent in favor of an achieved status through Torah study and observance. Nonetheless, the passage concludes with the interpretation that this remark does not pertain to the Jewish law, but instead, to the Noahide laws: “That refers to their own seven laws.”

If, as Thorsteinsson argues, Paul addresses a judaizing gentile in Rom 2:17–29, one can read his accusations of theft and adultery in a new light. Perhaps, like the Talmud’s portrayal of Rabbi Joḥanan, Paul thought that a gentile should not attempt to keep the Jewish law because it did not belong to him. Although this gentile calls himself a Jew (σὺ Ἰουδαῖος ἐπονομάζῃ), and relies upon (ἐπαναπαύῃ) and is instructed in the law (κατηχούμενος ἐκ τοῦ νόμου), he breaks it precisely because this law does not belong to him. Like R. Joḥanan, Paul may have perceived a judaizing gentile to be guilty of two sins: stealing (κλέπτειν) the law which is the Jews’ inheritance and committing adultery (μοιχεύειν) by becoming intimate with the law which is betrothed to Israel alone (Rom 2:21–22). Admittedly, this passage from *b. Sanhedrin* postdates Paul’s letter to the Romans by centuries. While Rabbi Joḥanan lived in the first century CE, we cannot ascertain whether he actually said the words the Talmud attributes to him. Nonetheless, we find an anonymous saying to this effect in an earlier text from the beginning of the fourth century CE. In commenting on Deut 33:4, which states, “Moses commanded us a law, an inheritance (מורשה) for the assembly of Jacob,” *Sifre Deuteronomy* asserts: “This command is meant only for us, only for our sakes” (345). It then expands upon this claim: “Read not *an inheritance (morašah)* but ‘a

betrothed' (*mě'oraśah*), showing that the Torah is betrothed to Israel and has therefore the status of a married woman in relation to the nations of the world" (345; cf. 311).

Although my conclusions must remain circumspect here, I would suggest that the sentiments preserved in both *Sifre Deuteronomy* and *b. Sanhedrin* provide a striking parallel to Paul's remarks in Romans 2. For both the rabbis and Paul, gentiles who adopt the Jewish law can be charged with theft and adultery. Whereas the rabbinic saying focuses on gentiles who selectively adopt only portions of the Jewish law, Paul's remarks address any gentile who presumes to convert.⁶³

This reading not only provides a new way to read Paul's references to theft and adultery, but it also accounts for Paul's reference to sacrilege (*ιεροσυλέω*). As noted above, a lay Israelite or gentile who takes upon himself the role of the priest is guilty of *maal*—that is, of profaning the spatial sanctum of the tabernacle or temple. In other words, this person is guilty of sacrilege. So too, therefore, is the gentile who takes what is both sacred and intended for Israel alone—be that the Sabbath, or any other aspect of the Jewish law. The gentile who abhors idols becomes guilty of sacrilege when he takes for himself sacred things that have not been entrusted to him.

Conclusion

Thorsteinsson's argument that Paul addresses a judaizing gentile throughout the diatribe of Romans, and especially, in Rom 2:17–29, provides a compelling reading of Paul's various statements in Romans and fits well with what we know to have been a divisive issue in early Judaism: the question of whether gentiles should judaize. In this chapter, I have presented evidence from Ezra-Nehemiah, Baruch, and Jubilees of Jewish thinking that would have prohibited gentiles from

63. Moshe Lavee ("‘Proselytes are as Hard to Israel as a Scab to the Skin’: A Babylonian Talmudic Concept," *JJS* 63 [2012]: 22–48) has recently documented evidence that the Babylonian Talmud contains strong genealogical sentiments that discouraged—if not outright prohibited—marriage to gentile converts to Judaism. He argues that such genealogical concerns rose anew in the Jewish community in Sassanid Babylonia. I am grateful to Simcha Gross both for this reference and for help thinking through the rabbinic evidence discussed in this chapter.

judaizing (for this issue in early Christianity, see Michele Murray's essay in the present volume). I have connected such thinking to the priestly worldview that divided humanity into three distinct groups: priests, lay Israelites, and gentiles—categories which were genealogically defined.

I have also provided a new reading to two baffling verses in Paul's diatribe—his accusation that the one preaching against theft steals, that the one preaching against adultery commits it, and that the one who abhors idols is guilty of sacrilege (Rom 2:21–22). At least some ancient Jews thought gentiles who adopted the Jewish law were guilty of taking what did not belong to them. If one viewed the law as an inheritance or gift from God to Israel, then gentiles who adopted it were guilty of theft. If one viewed the law as Israel's marital partner, then gentiles who adopted it were guilty of adultery. R. Joḥanan's purported sentiments in *b. Sanhedrin*, together with the anonymous statement found in *Sifre Deuteronomy*, thus provide a potentially illuminating parallel to Paul's accusations. Either way, the gentile who takes what is sacred and belongs to Israel is guilty of sacrilege and breaks the very law in which he boasts (Rom 2:23), thereby causing God's name to be blasphemed among the gentiles (2:24). In Rom 2:17–29, Paul argues that, in the very process of adopting the law, the gentile who judaizes becomes guilty of theft, adultery, and sacrilege, and is, therefore, no better off than the pagan gentiles whose condemnation he agrees with in Rom 1:18–32.