

Law or Prophecy?

On the Order of the Canonical Books

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Professor Arvid Tångberg had the greatest respect for the Bible, and so preoccupied himself with the issue of the biblical canon.¹ The present work echoes some of our conversations on this issue. Now, scholarly notions of the formation of the Hebrew biblical canon have, of course, changed during the last few decades.² Sundberg demolished the theory of a distinct Alexandrian canon.³ Lewis and Schäfer attacked the idea of a synod at Jamnia.⁴ Leiman and Beckwith took issue with Sundberg's late dating of the canon altogether.⁵ Recently, there has been a turn to comparative study of canons, accompanied by an interest in their social function.⁶ The available external evidence has grown through the publication of Qumran material.⁷ Other previously well studied, passages have been re-evaluated in this light, partly in critique of Beckwith.⁸ The present contribution focuses more narrowly upon the issue of the *order* of canonical books and their grouping.⁹ However, to frame that discussion it is necessary to present what I perceive to have been the outcome of recent discussion on the Hebrew biblical canon in general.

1. An Emerging View of Biblical Canonization

Functional and Formal Canons

A canon is a social phenomenon, expressing foundational values, shaping and maintaining social identity and interaction.¹⁰ Canonization processes may generate different kinds of canons, with fixation of a single collection of authoritative writings as but one of several possible results. Conversely, the notion of a canon may be present without a written, definitive list. Religious, ethical, literary and other standards could exercise canonical authority without (or prior to) their being formally canonized. Thus, scriptural canonization must be perceived of as a process in which certain texts gradually gain authority and a superior

state. This view, of course, is not novel,¹¹ but recent scholarship has contributed to sharpen the theory.

It is impossible here to pursue the question of the social function of a canon. However, it shall be feasible to distinguish broadly between formally canonized writings and functionally canonical practices, ideas, writings, etc. In so doing, we acknowledge certain shortcomings in the insistence upon “canon” as a technical term for a list of authoritative books,¹² claiming that there is a difference, but also a connection, between a functional and a formal scriptural canon.

“Sacred Books” Were Books in the Sanctuary

In the Ancient Near East, the class responsible for canons consistently were scribes at official libraries.¹³ Davies argues that Hebrew canonized books were similarly kept in an official library of the Second Temple.¹⁴ Beckwith found a more specific state for the Hebrew “holy books”. Taking a hint from Philo’s description of the so-called Therapeutae,¹⁵ he finds that these books were kept and used in the sanctuary. Incidentally, several biblical passages indicate a deposit of books or records in the shrine.¹⁶ The habit of keeping literature in the temple of its divine proponent is reflected also in other Ancient Near Eastern compositions.¹⁷

Depositing scriptures in the Hebrew shrine would enhance their transition from a functional to a formally canonized state. The presence of a commonly known collection would also explain why a passage like 4 Ezra 14:44–46 did not make a dispute on the *public* scriptural collection (see below). So, it seems sensible that the Hebrew scriptures were a collection of holy books in the shrine, and that this collection at some point obtained a semi-formal and later a formal status.

Law and Prophets in Pre-Formal Canonization

Focusing on an earlier phase in the canonical process, Stephen Chapman argued that the closing sequence of the Law—Deut 34:10–12, a fairly late appendix—betrays consciousness about the Prophets. Similarly, the possibly late end of The Book of Twelve (Mal 3:23–24 [4:5–6]) indicates awareness of the Law.¹⁸ Chapman finds that passages like Deut 31–34; Josh 7–8; 24; 2 Kgs 17:7–23 establish a relation between law and prophecy, a model that allows for interrelating them dialectically. This indicates a combination of “Law and Prophets within a single ‘story’ about God. [...] For the deuteronomists, Israel’s theological ‘grammar’ at its most basic was this: the God of Israel is the God of the Law and the Prophets.”¹⁹ Chapman also argues that the title “the Law (of Moses) and the Words (of the prophets)” occurs in Old Testament literature, indicating a bipartite, functionally canonical collection.²⁰ Adding to this view, there are passages portraying Moses as a prophet²¹ or the prophets as heralds of the law.²²

Already Ronald Clements argued that the Law and the Prophets were early joined in a flexible collection where both groups were edited and expanded while retaining canonical significance.²³ This would correspond to functionally canonical collections of cuneiform literature.²⁴ Such a collection is initially not textually fixed.²⁵ Indeed, the text of the Hebrew Bible was not conclusively fixed until long after the collection seems to have been commonly accepted as authoritative.²⁶ It makes sense, therefore, to assume Law and Prophets as a flexible dual collection gaining functional canonicity quite early.

Early Evidence for a Collection of Scriptures

Leiman and Beckwith elaborated the relevant Talmudic and Midrashic evidence for a Hebrew canon.²⁷ Beckwith, using that material in a comprehensive review of Christian as well as pre-Talmudic Jewish evidence, seems to overemphasize the antiquity and significance of Rabbinic material. He also seems to underestimate the plurality in Judaism around the beginning of the Common Era. I find it preferable first to evaluate the early material without presuming similarities to either Jewish or Christian material from a later age. Two types of evidence apply: (i) quotations from passages identified as scripture and (ii) lists of biblical books given by writers of the relevant period. The latter is by far the more important to our purpose.

For the time being just to state the result of analysis,²⁸ the Prologue to Ben Sira (ca. 130 B.C.E.) confirms the existence of three groups of “ancestral” books; Law, Prophets and “others”. While apparently nameless, the third group does seem to be defined (“*the other ancestral books*”).²⁹ The heading “Law” is perhaps unambiguous,³⁰ but one cannot tell from this list what books were counted in which of the last two groups. The Praise of the Ancestors in Ben Sira 44–49 is possibly authored around 180 B.C.E. This eulogy closely follows biblical chronology but conspicuously lacks any proponent from Daniel (Ch. 1–6), Esther (e.g. Mordechai), and possibly from Job.³¹ It also lacks reference to Ruth (e.g. Boas), but this book could be represented by Judges. Conversely the eulogy attributes more emphasis to Enoch and Noah than seems grounded in the biblical books. If the grandson shared some of the grandfather’s view of scripture, it is indeed unclear what books, and in what order, may have been hinted to in the Prologue.³²

2 Macc 2:13–14, although heavily engaged by Leiman and Beckwith, may not provide much information.³³ At least it should witness a collection of scriptures in the temple library in the first half of the last century B.C.E.

The halakhic letter 4QMMT (around 75 B.C.E. to 50 C.E.), comments upon the need to study “the book of Moses and the books of the Prophets and (of) David”.³⁴ Most scholars find here another attestation of a tripartite collection.³⁵ Psalms must be in the third group, but it seems questionable whether the head-

ing “David” could cover all the books in the later Hagiographa. By good reason, the last group in 4QMMT would hold poetical books with declared royal authors (Psalms, Proverbs, Canticles and Qoheleth).

A first New Testament passage often produced as evidence is Matthew 23:35 (70–90 C.E.). The argument is that the passage refers to incidents in Genesis 4 and 2 Chronicles 24, indicating these as the first and the last book of the scriptures. However, it is not obvious that Matt 23:35 refers to 2 Chronicles 24.³⁶ If it does, this is conceivably a statement about sacred history, not about canon. As such it would rather reflect a view of the scriptures as basically historical narrative, and therefore be similar to the list in Josephus (see below). A second passage, Luke 24:44, is very similar to 4QMMT and may reflect a tripartite concept of canon. Again it is not explicit what books were included in what group.

The most comprehensive early list is that given by Josephus (around 95 C.E.) in *Contra Apionem* I, 37–40.³⁷ The passage states that there are 22 holy Jewish books, namely the five books of Moses, thirteen books of the prophets, and finally four books containing “hymns to God and precepts for the conduct of human life”. Beckwith, in a thorough discussion,³⁸ concludes that the last four books would have been (19) Psalms, (20) Canticles, (21) Proverbs and (22) Qoheleth. The five Mosaic books are known, and the middle group is best apprehended as: (6) Joshua, (7) Judges and Ruth, (8) 1–2 Samuel, (9) 1–2 Kings, (10) 1–2 Chronicles, (11) Ezra and Nehemiah, (12) Esther, (13) Job, (14) Isaiah, (15) Jeremiah and Lamentations, (16) Ezekiel, (17) The Twelve and (18) Daniel. Beckwith and Leiman argue that this list is an ad hoc construction by Josephus. Mason further says it makes no attempt whatsoever to name divisions or sections of the canon.³⁹ As argued by van der Kooij, this is generally not convincing.⁴⁰ It is clear that Josephus did indeed see Daniel as a prophet,⁴¹ and I assume his list reflects ideas of scripture current in his background.

A brief statement in a book ascribed to Philo, *De vita contemplativa* III, 25 refers to the scriptures of the Therapeutae as “laws, oracles given through inspiration by prophets, psalms, and other books...”.⁴² Assuming that the “other books” are grouped with the psalms, this concept is similar to that in 4QMMT and *Contra Apionem*. The passage is again silent on the identity and order of the books.

Another relevant passage is *Fourth Ezra* 14:37–48 (some 100–120 C.E.).⁴³ This presumably Jewish work confirms the idea that the public canon holds 24 books collected by Ezra. The additional 70 books mentioned as more advanced, are not purported to be *commonly* canonical in way that the 24 are. Due to its numbering the canon as 24 books, this list possibly conforms to that in *Baba Batra* 14 (below).⁴⁴

Contrary to Beckwith,⁴⁵ it is not obvious to what extent the list in *Baba Batra* 14b, a baraita in the Babylonian Talmud, could be counted as *early* evidence. It

seems more prudent to acknowledge it as perhaps as early as the mid second century C.E.⁴⁶ In this list we find the canonical grouping familiar from Tanak, with only minor variations as compared to for instance BHS.⁴⁷ *B. Bat.* 14b can safely be seen as the earliest comprehensive evidence for the sequence of the *Rabbinic* bible. The canonical order of *B. Bat.* 14b is not positively attested prior to *Fourth Ezra*, but it may of course still have been present. At the same time *Contra Apionem*, 4QMMT and possibly *De Vit. Cont.* witness to at least one additional—still tripartite—order. The impression is that the canonical sequence of the *Rabbinic* bible grew out of a more diverse prehistory than assumed by Beckwith and Leiman.

Additional Scriptural Books?

Corresponding to the above, one could assume that there were several canons in Judaism before 70 C.E., perhaps including books that later were excluded. This, however, could be said only with serious qualification, as indicated by 4 Ezra 14:37–48. On the one hand this passage reflects a general acceptance of the 24 books as a public canon. On the other hand, the writer’s functional canon would consist of those additional 70 books. Indeed, the passage implies that the public canon should better be interpreted in light of the religious outlook of the 70 “hidden” books. But precisely this argument seems unwittingly to give witness to the incontestable status of the 24 books as public canon.⁴⁸

Passages in Pseudepigraphic literature do imply deviant functional canons.⁴⁹ Strikingly, however, no other public canon seems to be mirrored.⁵⁰ Material from Qumran similarly conveys multiple functional canons.⁵¹ But the use of quotation formulae confirms only the books now included in Tanak as scripture.⁵² While one, or possibly two, instances in the New Testament quote literature outside Tanak as scripture, the overwhelming majority of instances quote only from within Tanak.⁵³ It could be argued that oral law in Pharisaic circles served as a functional canon, gradually achieving a more formal status in Mishna and Talmud.⁵⁴ Precisely the emergence of an additional canon implies that scripture was publicly acknowledged by the time oral law started to develop. To my mind, a lesser degree of the same dynamic could be perceived in “rewritten bibles” from *Jubilees* and the *Genesis Apocryphon* to the Targumim, Philo and Josephus.⁵⁵

All this is understandable if the public canon was defined as “the books in the temple in Jerusalem” and this collection was at the time no longer flexible. Indeed, considering the tense plurality of Judaism in which these apparent monolithic views of the border of scripture are set, I am liable to say the public canon must have been defined by a central Jewish authority, and so must have existed well before 70 C.E.

Synopsis

Jewish circles around the beginning of the Common Era had several functional canons. Simultaneously, a collection of books in the national temple seems to have achieved public status as authoritative (although its text would still be in some flux). This collection probably held the books later included in Tanak.⁵⁶ The various functional canons reflect an ongoing struggle as to the interpretation of the public canon, not attempts to expand it. Some publicly acknowledged scriptural collection appears to have been reflected already from around 150 B.C.E. It was commonly conceived of as a tripartite collection; the Law, the Prophets and a third set. The books were perceived of as either 22 or 24 in number, depending on whether or not Ruth was counted with Judges and Lamentations with Jeremiah. Throughout the period (150 B.C.E. to 150 C.E.) there were differing views on what books were allocated to the second and the third group respectively. *B. Bat.* 14b and possibly 4 Ezra 14 attest to the later Rabbinical order. *Contra Apionem* and probably 4QMMT and *De Vit. Cont.* indicate a smaller third group, with all narrative books allocated to the Prophets.

2. Later Canonical Book Orders

There is a lacuna of evidence between the early material above and later sources, leaving us to hypothesise as to the development especially of Christian canonical orders. Later evidence is found in (i) biblical manuscripts large enough to indicate some concept of the canon, and (ii) lists of canonical books given by Christian writers.⁵⁷ Each will be considered below, whereupon I shall attempt to sketch a development in the period for which there is little evidence. First we should, however, reflect upon the technological conditions and socio-religious setting of the phenomenon of canonical book orders.

Hebrew biblical literature was first recorded in scrolls, and these did not have the capacity to hold more than a few books. The sacred scrolls were stored together in boxes. Nahum Sarna has argued that by the time of the formal canonization of the Hebrew scriptures, there had long been available library indexing systems.⁵⁸ However, the existence of indexing systems would not necessarily result in one canonical standard. Indeed, the Talmud seems to document varying views on this issue.⁵⁹ The habit to record scripture in codices, initially a Christian manner, may have contributed to the development of more standard solutions,⁶⁰ especially during the third or fourth century when codex technology developed the ability to hold large books. However, while Jews accepted the codex for biblical books in the late first millennium,⁶¹ Jewish sources give different book orders within the Prophets and Writings throughout the Middle Ages.⁶² It stands to reason that in the earlier period the question of which books to select for the scriptural collection would have been more critical than the question of their internal order.

This points to the quite different socio-religious contexts of the selection of canonical books on one hand and of the ordering of these books on the other. The first serves to formalise the national religious basis. Social forces will steer such a process towards stability and closure.⁶³ The issue of canonical order, on the other hand, rather activates one's perception of scriptural relations, an *interpretation* of the canon. (As remarked by Barton, precisely the understanding of canon in total is given as rationale for the book order in *B. Bat.* 14b.⁶⁴) In order to obtain ideological adaptability, social forces are bound to drive towards flexibility in this aspect of canon.⁶⁵ So, one is liable to expect less rigidity in the issue of canonical order than in that of canonical selection.

Consequently, one should not be too short-sighted when pursuing the issue of different canonical book orders. Rather than accumulating statistics on every book in the canonical sequence, one should look for characteristics that may serve to distinguish one tradition from the other. The following features seem more or less constantly to distinguish the Christian from the Rabbinical book orders.⁶⁶ (i) The grouping of Ruth with Judges—implying Ruth as historical narrative. (ii) The grouping of Lamentations with Jeremiah—implying Lamentations as a prophetic book. (iii) The classification of Daniel as a prophetic book. (iv) The listing Chronicles (and other historical narratives) with Kings. (v) The location of poetical books prior to prophetic ones. (vi) The existence of one additional canonical group, an appendix, after the prophetic books. These are the features focused in the following brief survey.

Evidence from Christian Manuscripts

It can be taken for granted that the Christian canon developed from a Jewish background.⁶⁷ The emergence of a larger Christian collection somehow reflects an open canon. Perhaps the parallel New Testament process promoted reopening of the Hebrew canon within the church. Or perhaps apocalyptic groups of the time generally aimed to enlarge the public canon.⁶⁸ Or again, maybe the larger canon was initially the functional canon of Christian lay people, and became formally canonical only in the fifth century onwards.⁶⁹ Be that as it may, the discussion above showed that by the opening of the Common Era a fairly well defined collection of books was commonly accepted as authoritative, but that these books were grouped and ordered in different ways. Disregarding, for the moment, the additional Christian books, the present query goes to the sequence of the commonly accepted books within the Christian canons. The source material is not very large. Most LXX manuscripts contain only one book or a group of books,⁷⁰ thus not allowing for conclusions as to canonical sequence. Late Medieval manuscripts are liable to reflect later canonical concepts, and so are less significant.⁷¹ Moreover, biblical manuscripts sometimes contain evidently non canonical material.⁷² Thus it is initially not clear what argumentative

weight any individual manuscript might carry. Nevertheless, available documentation of the early codices indicate only ten manuscripts from the first ten centuries that contribute relevant information.

The earliest seems to be *Chester Beatty ix (and x)*, an early third century (or earlier) manuscript from Egypt.⁷³ Being in part damaged, it holds Ezekiel, Daniel and Esther, and thus probably counts Daniel among the prophets. It may reflect a canonical order with poetical books after prophetic books. Alternatively it reflects an order with poetical books before prophetic books, but with Esther as part of an appendix following the prophets (*cf.* below). The size of the codex indicates that it did not contain both prophetic and poetical books, so the last seems the more probable. The *Adams papyri*, third century Egypt,⁷⁴ may have placed poetical books prior to prophetic ones, but are too fragmented to be conclusive. *Codex Vaticanus*, fourth century Alexandria,⁷⁵ counts Ruth with Judges, lists Chronicles and Ezra-Nehemiah along with Kings and has the prophetic books close the canon. *Codex Sinaiticus*, fifth century Alexandria (?),⁷⁶ counts Lamentations with Jeremiah and (probably) Ruth with Judges and Daniel among the prophets. It includes Esther, Judith, Tobit and Maccabees in a “long” history following Kings. Poetical books make up the last group of this canon, as in Tanak. *Codex Alexandrinus*, fifth century Alexandria (?),⁷⁷ likewise lists prophetic books prior to poetical. It too counts Ruth with Judges and Lamentations with Jeremiah, places Daniel among the prophetic books and gives Chronicles at the end of the histories. Ezra-Nehemiah occurs along with the short stories and Maccabees before the prophetic books. From the same century *Codex Marchalianus*, holding prophetic books only, lists Lamentations with Jeremiah and includes Daniel.⁷⁸ The seventh century *Codex Coisilianus*,⁷⁹ holding only the first part of the Bible, lists Ruth with Judges and gives Chronicles in the sequence of historical books. The somewhat problematic seventh-ninth century *Codex Zuquiensis Rescriptus*⁸⁰ indicates Chronicles among historical books and the prophetic collection (including Daniel) subsequent at least to the psalms. *Codex Basiliano-Vaticanus*, eighth to ninth centuries,⁸¹ lists Ruth and Chronicles / Ezra-Nehemiah as well as Esther in the historical section, places the poetical books before the prophetic ones and concludes the prophetic collection with Daniel. A last group of this canon are the apocryphal short stories as well as Maccabees. The ninth or tenth century manuscript to which the so-called *Bodleian Genesis* once belonged,⁸² probably counted Ruth with Judges and Chronicles among the histories.

Evidence from Christian Writers

The relevant patristic passages have been identified and analysed by scholars far more able than the present writer.⁸³ It will suffice here to record only issues pertaining to the sequence of the canonical books in the earlier of these lists.

Commencing with the Greek fathers, *Melito*, in the second half of the second century, listed Ruth with Judges, Lamentations with Jeremiah, Daniel among the prophets, Chronicles with historical books, poetical books before prophetic ones and Ezra-Nehemiah as a closing appendix. Beckwith argues that this list was probably derived from Christian sources in Palestine.⁸⁴ *Origen* some 50 years later gave a similar list, only Ezra-Nehemiah are collected among the histories, while Job and Esther instead make up a small concluding group after the prophets—where the Twelve are curiously missing.⁸⁵ Beckwith includes in the list of Origen, on the evidence from Hillary of Poitiers, the missing prophets and excludes the Maccabees as being outside the collection. If so, the list conforms to Origen’s statement that there are 22 canonical books.⁸⁶ *Cyril of Jerusalem*, in the mid fourth century, gave a list resembling that of Origen, only dissolving the last group, allocating Esther to the historical books and Job to the poetical books, letting Daniel close the prophetic collection.⁸⁷ *Athanasius* in 367 C.E. gave a list related to those of Origen and Cyril, Daniel again closing the canon.⁸⁸ Also the list in *Gregory of Nazianzus* is very similar.⁸⁹ At the end of the fourth century *Epiphanius of Salamis* produced no less than four lists of canonical book, all with differing sequence of books.⁹⁰ In every version Ruth goes with Judges, Lamentations with Jeremiah, Chronicles with historical books, poetical books before prophetic books, Daniel with the prophets and Ezra-Nehemiah and Esther as an appendix. From a time somewhat later than Epiphanius—or, alternatively, from the early second century—comes the list in *Hierosolymitanus 54*. It records historical and poetical books in that sequence, lets Daniel close the following prophetic collection, and then ends with Ezra-Nehemiah and Esther in an appendix.⁹¹ The list attributed to the *council of Laodicea* follows the same pattern but without the appendix, so that Daniel ends the collection.⁹²

Jerome occupies a special place among the Latin fathers, both for his outstanding abilities and for his peculiar view of the canon. In his listings in the prefaces to the Vulgate, 391–94 C.E., he claims to reproduce a Jewish order, and in fact gives a sequence very similar to *B. Bat.* 14b.⁹³ The only substantial deviation is that he—like other Christian theologians—counts Ruth with Judges and Lamentations with Jeremiah. As demonstrated by Wermelinger, other Latin fathers were often more ready to accept the so-called apocryphal books as truly canonical.⁹⁴ To some extent these expansions blur the value of the material for our purpose. Some authors seem more concerned with the question of what books to include in canon, so that the issue of sequence may perhaps be disrupted. In some instances, the added books seem to generate new canonical groups into which even some of the well-established books were drawn, thus creating canonical orders without precedence. Suffice it here to say that all lists seem to count Ruth with Judges, Lamentations with Jeremiah, Daniel as a prophet and Chronicles as historical book. Most of them place the prophetic corpus towards

the end of the Old Testament, sometimes followed by an appendix of narrative books.⁹⁵

Synopsis

It seems reasonable that Jerome is indeed citing from that Rabbinical tradition to which *B. Bat.* 14b bears witness. For the moment setting aside his testimony, there emerges in Christian sources a picture with much fluidity, but also with a few fairly clear trends.

First, there is considerable variation as regards the order of canonical books. Usually poetical books come before prophetic ones, but occasionally the Rabbinic order is followed. There are variations in sequence internally within narrative, prophetic and poetical books. For certain books there is variation as to their classification, so that Esther may be listed among the historical narratives, among poetical books, or in the appendix. A similar fluidity internally within Later Prophets and Hagiographa is found in Jewish material throughout the Middle Ages.⁹⁶ A first implication, therefore, is that a view of canon as a fixed literary unit is anachronistic.

Secondly, there are a few constant Christian characteristics that seem to have precedence in *some* Jewish material (*cf.* section one above). The Christian evidence uniformly attests to a long sequence of historical books—including Chronicles, usually Ezra-Nehemiah and often some shorter stories. This corresponds to the order in Josephus, and probably to that in Philo and 4QMMT. The consistent grouping of Daniel with the prophets, Ruth with Judges and Lamentations with Jeremiah clearly corresponds to Josephus' *dictum* of 22 books—a number that is also frequent among the Greek fathers. Such grouping also agrees with the heading "David" for the last section in 4QMMT.⁹⁷

Finally, the Christian material less uniformly attests to two features that so far seem unprecedented outside Christian sources. By far the larger part of the evidence lists poetical books prior to the prophetic ones. Sources such as Cyril, Athanasius, Gregory of Nazianus, the council of Laodicea and *Codex Vaticanus* have the prophetic books close the canon. (The pattern is, however, broken in *Sinaiticus* and *Alexandrinus*, and possibly in *Chester Beattie ix.*) Another pattern lists prophetic books after poetical books, but has another group close the canon. This is the case in Melito, Origen, Epiphanius and also in *Codex Basiliano-Vaticanus*, in *Hierosolymitanus* and probably in *Chester Beattie ix.*

3. The Significance of Christian Book Orders

A Jewish Canonical Book Order

Certain characteristics consistently found in Christian lists have precedence in 4QMMT, Josephus and possibly Philo. Precisely in these matters the lists in

4QMMT and Josephus differ significantly from that in *B. Bat.* 14b, challenging the Rabbinical *grouping* of Ruth, Lamentations, Daniel and Chronicles. Is there any explanation why Jewish sources would disagree on whether to sort specific books in the second or the third canonical group? Stephen Chapman claims that "the Law and the Prophets" were functionally canonical groups in an early phase (see above). In that period, at least the Prophets would be in a flexible state. By the time of the Prologue to Ben Sira, the third group was in the making. However, both Davies and Beckwith argue that the books in this last group would have been functionally canonical *before* the establishment of a tripartite canon.⁹⁸ So the emergence of the third group occurred in a process where books were sorted out from Prophets and into the last group. That would account for its vague name in Ben Sira. It would also explain why some books appear in either the second or the third group in different Jewish canonical orders.

A fairly obvious hypothesis will be that *B. Bat.* 14b, having sorted more books out from Prophets and into Writings, reflects a different and possibly a later stadium in the canonical process than 4QMMT and Josephus (and Philo) do. Christian canons reflect a tradition similar to the one in 4QMMT, as could be mirrored already in Luke 24:44. So Rabbinical and Christian book orders developed fairly simultaneously, and out of the same diverse Jewish background.

Law or Prophecy?

If the issue of canonical order relates to the *interpretation* of canon (*cf.* above), one would expect that varying book orders reflect different overall conceptions of the scriptures. Stephen Chapman argued that in the Old Testament period the dual collection Law and Prophets established an equilibrium allowing for their dialectic application to a changing reality.⁹⁹ It is further clear that later Rabbinical tradition usually gave more dignity to the Law and least to the Hagiographa.¹⁰⁰ So, it seems conceivable that the period in which the canonical book orders emerged, was characterized *inter alia* by reflection on the relative importance of the groups, and thereby on the overall character of the scriptures.

Attempts to grasp the fundamental character of scripture may be reflected in some of the formulaic expressions describing it in Jewish and New Testament sources.¹⁰¹ Many of these are neutral in our respect, such as "scripture" or "holy books". However, there are designations that imply law as the more important element of the canon. One is the label "the law" for all scripture, found throughout early Jewish literature¹⁰² and also in the New Testament.¹⁰³ Conversely, there are passages that employ dual descriptions like "the Law and the Prophets" or "Moses and the Prophets". These are known in Jewish sources¹⁰⁴ and a fairly large number occur in the New Testament.¹⁰⁵ Such designations seem (wittingly or not) to reflect an understanding of the canon with the presumably early equilibrium between Mosaic and non-Mosaic books still intact. Finally, a

few instances in Philo imply prophecy as the fundamental nature of the canon.¹⁰⁶ In New Testament literature this is the leading notion of scripture. Matt 11:13 and Luke 24:27 describe excerpts from the Law as prophetic, and almost twenty additional passages reflect the conviction that “scripture” is fundamentally prophecy.¹⁰⁷ The view of Psalms and Daniel as prophetic was current in Qumran,¹⁰⁸ and probably was not limited to one social subset alone. Assigning “prophecy” as fundamental category for the scriptures, New Testament material follows Jewish (possibly apocalyptic or “Essene”) tradition. This tradition is likely to have lived in some opposition to a view of scripture as fundamentally law.

Correspondingly, there is the issue of history, so important to Judaism in the first centuries of the Common Era. Clearly, some orientation towards history is encoded in the Hebrew scriptures. Indeed, Sanders argued that Torah is essentially a story.¹⁰⁹ The sequence of historical books from Genesis to 2 Kings serves as a “foundational myth” bearing witness to an Israel that is still not fully established within the story world.¹¹⁰ It focuses on the past and its relevance to the present and thus creates an identity hovering between prophetic prediction and the predictive force of law and history. A view of scripture as “law and prophecy” conceivably reflects such an orientation, preserving the memory of what YHWH did (Law, explicated in the history of the Earlier Prophets) as well as the prediction of what God shall do (predictions in the Later Prophets interpreted in light of law and history). In postbiblical Jewish literature, the past is sometimes used to give legitimacy to present political order. This is the case in Josephus, where the prophets are conceived of as historians.¹¹¹ In apocalyptic literature, on the other hand, the past holds revelations that predict and legitimate present war and upheaval. As opposed to Josephus, authors of this category are more likely to have seen historians as prophets. In contrast to both, Rabbinic theology seems to retire from general politics and focus specifically on *religious* aspects of history and reality.

By good reason, the establishment of a third canonical group from around 150 B.C.E. would have brought instability to the earlier equilibrium between law and prophecy. One effect would be that relations between history, prophecy and present politics needed to be redefined. Sanders has argued that the Hagiographa in the Rabbinic bible establish an identity that *retreats* from history to subsist *in stasis* in an increasingly alien world.¹¹² This corresponds to Rabbinic emphasis upon the law and de-emphasis upon Prophets and Writings. The Christian Old Testament, on the other hand, seems to push the pendulum in the opposite direction. Perceiving the appendix in some canons precisely as an addendum, one is bound to agree that the characteristic of the Christian canon is that of a quadripartite collection ending with prophetic books.¹¹³ There is a universally felt significance in the ending.¹¹⁴ Giving the last word to the Prophets pushes for

the notion of the Hebrew scriptures as fundamentally prophetic, and therefore is consistent with New Testament views (see above). It seems historically reasonable to assume that the young church would have inherited such theological incentives from circles accustomed to thinking about history in more or less apocalyptic manners.

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NOTES

- 1 Cf. his bibliography in this issue, nos. 36 and 66.
- 2 See on earlier scholarship for instance Chapman 2000, 1–70; Sanders 1998, 33–36.
- 3 Sundberg 1964.
- 4 Lewis 1964; Schäfer 1975. See also Leiman 1976.
- 5 Leiman 1976; Beckwith 1985; Beckwith 1988.
- 6 See notably Hallo 1991; Smith 1993; Biderman 1995; Davies 1998; van der Kooij 1998a; Chapman 2000 and to some extent Fernhout 1994.
- 7 Fitzmyer 1960 was seminal. See below in particular Barthélemy 1984, 15–22; Lust 1998.
- 8 E. g. van der Kooij 1998b.
- 9 Earlier on this topic, see especially Swete 1914, 197–230; Sama 1971; Sama 2000; Beckwith 1985, 181–234; Barton 1986, 175–82(–91); van der Kooij 1998b, esp. 29–31.
- 10 See esp. Davies 1998, 8ff; Chapman 2000, 88–93 etc.
- 11 See similarly e.g., Sanders 1972 *passim*; Dunn 1982, esp. 18–24, 28f, 33–36; Mulder 1988, 91–5; Sæbø 1988. Zevit 1998, 150 uses "implicit" and "explicit" canon to denote much the same. McDonald 1995, 20 etc., defines "canon 1" and "canon 2" but seems to miss some of the continuity between the two.
- 12 For such use see recently for instance Ulrich 1998, 131f (relying upon Barr and Metzger); Barton 1986, esp. 55–75. (Barton 1996 develops a perspective more akin to the one taken here, cf. pp. 68–72 and 72–78.)
- 13 See Sama 2000.
- 14 Davies 1998, Ch. 3, etc.
- 15 *De Vit. Cont.* III, 25. (Where nothing else is indicated, I use text and reference system of the Loeb editions.)
- 16 See Exod 25:16.21; 40:20; Deut 10:1–15; 31:24–26; Josh 24:26; 1 Sam 10:25; 1 Kgs 8:6–9; 2 Chron 5:7–10; 2 Kgs 22:8; 23:2.24; 2 Chron 34:15.30. Cf. CD 7,14–18; Josephus *War* 7.5.5–7 Josephus *Life* 75.
- 17 Vasholz 1990, 3, 7 mentioning the *Erra Poem* as one example.
- 18 Chapman 2000, esp. Ch. 3.
- 19 Chapman 2000, 148f.
- 20 Chapman 2000b, esp. 49–69.
- 21 Exod 3:1–14; Exodus 34; Deut 18:18; etc.

- 22 2 Kgs 17:7–23; Isa 1:10; 2:3; 51:4; Jer 8:8; 9:13; 31:11; Hos 8:12; Am 2:4; etc.
- 23 Clements 1975, 55.
- 24 See Hallo 1991, 5ff—a view he first proposed in the 1950's.
- 25 Davies 1998, 34f; Chapman 2000b, 41–45 *et passim*.
- 26 See e.g. Ulrich 1998, esp. 108–20; and earlier for instance Sæbø 1978/98; Mulder 1988, 89–104.
- 27 Leiman 1976, Ch. 2; Beckwith 1985, 198–211 *et passim*.
- 28 I rely for the following especially upon van der Kooij 1998b, 18–27. See also Kraft 1996; Beckwith 1985, 198–211 *et passim*; McDonald 1995, 34–49, 55–61, 76f. Unfortunately, Steinmann 1999 was not available to me.
- 29 See lines 10 and 25, and cf. Beckwith 1985, 388; van der Kooij 1998b, 23f, 31, 33–36
- 30 Potential wider sense of this concept is argued in Chapman 2000b, 45–51.
- 31 The Hebrew text of Ben Sira ms. B mentions Job in 49:9, but apparently only as a reflection of Ezek 14:14.20, cf. Skehan / Di Lella 1987, 542.
- 32 See further van der Kooij 1998b, 24.
- 33 With van der Kooij 1998b, 25f, contrary to Beckwith 1985, 150f, 245.
- 34 Fragment 4Q398, cf. García Martínez / Tigchelaar 1998, 800f.
- 35 The passage is fragmented, and as Zevit 1998, 141 (n. 24) observes, the following text could reflect a quadripartite collection.
- 36 See already Eissfeldt 1964, 769.
- 37 Additionally to literature mentioned above, see Mason 1996, 218–31
- 38 For the following see Beckwith 1985, 78–80, 118f, and also 124f.
- 39 Mason 1996, 221f.
- 40 Van der Kooij 1998b, 21–23.
- 41 Feldman 1998, 635–37.
- 42 Cf. Beckwith 1988, 54f, 80–86; Bar-Ilan 1988, 35–7.
- 43 Translation and introduction by Metzger in Charlesworth 1983, including notes on textual versions (Latin, Syriac, Ethiopic, Armenian, Arabic, Coptic and Georgian), p. 518f. See also Kaestli 1984.
- 44 On the 24 books, see Beckwith 1985, 122, 240f, etc.
- 45 Time and again Beckwith 1985 portrays this as the "original" list, indeed the measure for other Jewish lists, see pp. 122–27, 152f, 198–200 *et passim*. The text of the passage is given in Dalman 1891.
- 46 With for instance Sama 2000, 54.
- 47 Variations in sequence within Later Prophets and Hagiographa are found throughout Jewish Antiquity and Middle Ages and must be regarded as normal (see below).
- 48 Cf. Sundberg 1964, 124f; Kaestli 1984.
- 49 See for instance 1 Enoch 82:1–3; Jub 45:16. Consider on this issue Davies 1998, Ch. 10 and elsewhere.
- 50 Thus already Dimant 1988, 387 etc., focusing scriptural citations.
- 51 See the material referred to in Treballe Barrera 1998, 233; Ulrich 1998, 131f. Consider further Brooke 1997.

- 52 See recently Lust 1998; Brooke 1997, 245ff. One possible exception would be a few citations from *Jubilees* (Brooke pp. 248f).
- 53 Similarly Tångberg, see his bibliography no. 66.
- 54 On oral law and its hermeneutic provenance, see Kasher 1988, 550–2. Fishbane 1988, 364–66, 376f, argued for a canon of Mikra interpretation in Qumran, functionally similar to oral law in later Rabbinic Judaism.
- 55 Dimant 1988, 402–06, 19, thought authors of such works saw themselves like biblical authors. I think their simultaneous use of scripture in formal quotations indicate that they were aware of a distinction between “scripture” and “rewritten scripture”.
- 56 It is possible that some of those books were *not* accepted everywhere—as may have been the case for Esther in Qumran (see recently Jarick 1997, 179–81), and later in the Eastern Church (*cf.* already Swete 1914, 222f).
- 57 Isolated biblical citations in patristic material (*cf.* Junod 1984, Stuhlhofer 1988) are less relevant to us, since we do now not ask *what books* were regarded as canonical.
- 58 Sarna 1971, 409–11; Sarna 2000, 58–64 reviews these matters.
- 59 See discussion in Sarna 1971, 407.
- 60 Thus already Ryle 1909, 236.
- 61 *Cf.* Sarna 2000, 55–58.
- 62 See Beckwith 1985, 198–211.
- 63 *Cf.* Davies and Chapman above.
- 64 Barton 1996, 81f.
- 65 In the terminology of Berger / Luckmann 1967, this would produce a more flexible plausibility structure for the canon.
- 66 A similar summary of characteristics also in Sanders 1998, 31.
- 67 See Barthélemy 1984, 42–45, and wider reasoning in Skarsaune 1994, 244 *et passim*.
- 68 With Kaestli 1984, 94f *et passim*, arguing from 4 Ezra 14.
- 69 Thus Skarsaune 1994, see also Junod 1984, 130–34 etc.; *cf.* Hengel 1994, 279–84, *cf.* 222–32, 263–70.
- 70 *Cf.* Swete 1914, 123.
- 71 *Cf.* for this Jellicoe 1968, 215ff *et passim*.
- 72 *Codex Alexandrinus* also contains liturgical canticles and writings of Athanasius and Eusebius (*cf.* Swete 1914, 125). Similarly, *Codex Marchalianus* holds writings by Pseudo-Athanasius and Epiphanius (see Jellicoe 1968, 201 n. 1.).
- 73 *Cf.* Jellicoe 1968, 231; van Haelst 1971, 115–17 (no 315).
- 74 *Cf.* Jellicoe 1968, 240f.
- 75 See Swete 1914, 126–28, 201; Jellicoe 1968, 177–79.
- 76 See Swete 1914, 129–31, 201; Jellicoe 1968, 180–83.
- 77 See Swete 1914, 125f, 202; Jellicoe 1968, 183–88.
- 78 Jellicoe 1968, 201f, Swete 1914, 144f.
- 79 Swete 1914, 140; Jellicoe 1968, 196f.
- 80 *Cf.* Jellicoe 1968, 207f; van Haelst 1971, 47f (no. 64) and 117 (no. 317).

- 81 See Jellicoe 1968, 197–99; Swete 1914, 131f, 202 uses the name *Basiliano-Ventus*.
- 82 It is reconstructed from manuscripts now in Britain and Leningrad, see Swete 1968, 191f.
- 83 I am particularly indebted to Skarsaune 1994; Beckwith 1985; Junod 1984, Wermelinger 1984, and also to the classic discussion in Swete 1914 (lists pp. 203–14). See also McDonald 1995, 191–227.
- 84 According to Eusebius *Eccles. Hist.* IV, 26, *cf.* Beckwith 1985, 183–85.
- 85 Following Eusebius *Eccles. Hist.* VI, 25.1f, *cf.* Beckwith 1985, 185–87.
- 86 Further on Origen in Junod 1984, 116–24.
- 87 *Catecheses* IV, 33.35f.
- 88 *39th Festal Epistle* (fragm. 2 and 3).
- 89 *Poem* I, 12.
- 90 See discussion in Beckwith 1985, 188–90. The ancient writer remarks that he is not giving the original order, so these lists are perhaps not the most important ones for our purpose.
- 91 Text in Junod 1984, 136, see discussion p. 111f.
- 92 Translation and source reference in Junod 1984, 144f.
- 93 See discussion in Beckwith 1985, 119–21, 199–201 etc.
- 94 Wermelinger 1984.
- 95 Relevant passages from Rufin, Augustine and the Carthage council in Wermelinger 1984, 197–203. On Junilius, pseudo-Chrysostom, John of Damascus and later Syriac writers, see Beckwith 1985, 190–92, and *cf.* the material in Swete 1914, 197–230. Lists available in McDonald 1995, 268–73
- 96 See Beckwith 1985, esp. 198–211; *cf.* Swete 1914, 226–30 for Jewish and Christian material.
- 97 With the narrative books located elsewhere, this “relieves” the group “David” for non-royal books and thus renders the label intelligible.
- 98 Beckwith 1985, 138–49; Beckwith 1988, 55–8. Similarly Davies 1998, 46–48 (following to some extent M. Haran).
- 99 See again Chapman 2000, 104f, etc., and in particular Ch. 6.
- 100 See Beckwith 1985, 113f; Leiman 1976, 294f.
- 101 For the following see the discussion in Beckwith 1985, 105–109, etc. Beckwith 142f demonstrates that these shorthands do not imply a concept of scripture with only one or two groups. However, such designations could still reflect an apprehension of the scriptures where the named group is the more characteristic one.
- 102 *Cf.* Beckwith 1985, 107 (note 9); Chapman 2000b, 46.
- 103 Matt 5:18 (*cf.* previous verse); Luke 16:17 (*cf.* previous verse); John 10:34 (citing Ps 82:6 as “law”); John 15:25 (citing a chain of psalms as “law”); Acts 6:13; 22:3; 1 Cor 14:21 (citing Isa 28:11 as “law”).
- 104 *Cf.* discussion in van der Kooij 1998b, 28f, see also Beckwith 1985, 107 (n. 6) and (differently) Chapman 2000b, 70–74.

- 105 Matt 5:17; 7:12; 11:13; Luke 16:29; Rom 3:21; *cf.* Luke 16:16.31; 24:27; John 1:45; Acts 13:15; 24:14; 26:22; 28:23.
- 106 Such as "oracle" or "prophecy", see Beckwith 1985, 108f (notes 19–22, 28).
- 107 Matt 26:54; Mark 14:49; Luke 4:21; John 2:22; 5:39; 7:38; 13:18; 17:12; 19:24.28.36.37; Acts 1:16; 18:28; Rom 1:2; 1Cor 15:3f; James 2:23. *Cf.* also the view of Moses as prophet in Acts 3:22; 26:22; and probably several less specific instances. Consider statements on David in Mark 12:26; Acts 1.16; 4:25.
- 108 Ulrich 1994, 81–82; Brooke 1997, 256f.
- 109 Sanders 1972, 1–9(15).
- 110 Ben Zvi 1998, esp. 29–34. In similar direction see Barton 1996, 80f.
- 111 Feldman 1998, 56–61.
- 112 Sanders 1998, 32, 40f.
- 113 Sanders 1998, 30 etc.
- 114 *Cf.* Kermode 1967.

SUMMARY

This article first gives a summary of recent discussion of the canon of the Hebrew Bible / Old Testament. It focuses on the issue of canonical book orders, finding at least two different Jewish orders by the first century C.E. Then, turning to later Christian evidence, it is argued that the rather diverse patristic material still displays certain characteristics. These are significantly different from Rabbinic canonical orders, and closer to lists in Josephus and 4QMMT. This reflects that Christian and Rabbinic canonical book orders established themselves fairly simultaneously, out of the same Jewish background. Finally it is argued that the Christian canonical orders, basically identifying the Hebrew scriptures as prophecy, reflect a religious type distinct from those orders mirrored in the Rabbinic bible.