

Judaism: Practice and Belief
63 B.C.E.-66 C.E.
A Review of Recent Works
by E. P. Sanders¹

JACOB NEUSNER
UNIVERSITY OF SOUTH FLORIDA

The requirement of the theology of Christianity accounts for intense interest in the historical description of another religion altogether, namely, Judaism. Specifically, (to use Christian language) because the founder of Christianity, Jesus Christ, was born in Israel and called King of the Jews, to define Christianity, a fundamental theological task, we have also to define Judaism. But the circumstance in which this (allegedly) historical, descriptive work is undertaken yields results incommensurate to the issue. For to define Judaism in a way useful to the explanation of Christianity, we have also to answer the question: why Christianity, not Judaism? If we cannot come up with an account of what is compelling in the new religion, we also cannot complete our task of definition. That simple fact explains why, for centuries, Christian pictures of Judaism have often presented a distorted picture.

In the present century, different, more comely Judaisms have emerged. Through allegedly historical facts Judaism is portrayed with all the grace of Christianity. Along these same lines, Jesus is represented no longer as a singular, unique figure, but as a rabbi, a Pharisee, a Galilean wonder worker, as a Mediterranean present, as a marginal Jew, as a reforming rabbi (or even a Reform Rabbi)—as anything but what Christianity to begin with affirms: Jesus Christ, God Incarnate. Consequently, these accounts of both Judaism and Jesus the Jew beg the question: if this is Judaism, then why Christianity? And once we recognize that remarkable lacuna—simply stated, we have everything but the main thing—we realize that in theology, salvation is not of the Jews. Nor is theology's task accomplished through

1. E. P. Sanders, *Judaism: Practice and Belief 63 B.C.E.-66 C.E.* (London: SCM; Philadelphia: Trinity Press International, 1992).

historical research. Jerusalem may relate to Athens, but has no bond with Tübingen or Göttingen. Historical facts have no bearing on theological truth, not because theology requires us to believe what is not true, but because theology makes statements that rest on facts of an other-than-historical order.

An apt illustration of the peculiar results of the conventional confusion of history and theology is given just now by Professor E. P. Sanders, Duke University, in his *Judaism: Practice and Belief 63 B.C.E.-66 C.E.*² There Sanders answers every question but the important one: if this was Judaism, then how come Christianity? He introduces his account of Judaism, as "the book I always wanted to write," and he certainly has done a far superior job over his predecessors; the work on the day of its publication replaces Jeremias's *Jerusalem in the Time of Jesus*, and in many ways excels other synthetic accounts known to me. But as I shall explain, Sanders's homogenization of Judaisms into Judaism yields not a single religion, Judaism, but what he deems (I think correctly) to constitute a mere consensus among distinct Judaic religious systems.³

Sanders's insistence on answering the Christian theological question—what is Christianity—by providing an account of one, single, comprehensive Judaism, underscores the profound misconception that emerges from the confusion of history and theology.⁴ So far as I know, Sanders must be the first scholar in recent time to imagine that

2. I deal with other problems in Sanders's picture of "Judaism" in my *What We Cannot Show, We Do Not Know: The New Testament and Rabbinic Literature* (Philadelphia: Trinity Press International, 1993).

3. In the Introduction to my *Rabbinic Judaism: Structure and System* (Minneapolis: Fortress, 1996), which is my reply to the present work of Sanders, I set forth the four approaches to the definition and description of ancient Judaism.

4. But, I hasten to add, Judaic theologians have pursued the same agendum. See for example Lawrence H. Schiffman, *From Text to Tradition: A History of Second Temple and Rabbinic Judaism* (Hoboken: Ktav, 1991). Schiffman posits a single Judaism, which is a continuous tradition. He acknowledges that the tradition unfolded or evolved, but it is one and singular: unitary, incremental, and harmonious. He states, "This book provides an outline of the history of Judaism during . . . its post-biblical development, from the last years of the biblical period until the arrival of the consensus we know as Talmudic Judaism. By Judaism, we mean the collective religious, cultural, and legal tradition and civilization of the Jewish people as developed and passed down from biblical times until today. Judaism is not a monolithic phenomenon. Rather, it encompasses many different historical moments as well as many different approaches to the questions of god, man, and the world. All these 'Judaisms' are tied together by the common thread of the continuity of tradition and by the collective historical destiny of the Jewish People." Those who can show how a "common thread of the continuity of tradition" (assuming those words mean anything at all) link the authors of the Dead Sea Scrolls to Abbaye and Raba will also know how to make sense of this picture. Schiffman claims his method is historical, but it is history tempered by a heavy dose of theology. He sees "the various approaches to Judaism as standing in a dynamic

all sources produced by Jews, anywhere, any time, by any sort of person or group, equally tell us about one and the same Judaism. Schürer was far more critical nearly a century ago. The other major "Judaism"s—Bousset-Gressman's or Moore's for instance—select a body of evidence and work on that, not assuming that everything everywhere tells us about one thing, somewhere: Judaism. True, to account for a single Christianity, Christian theologians have also to define a single Judaism, and that explains why Sanders has fabricated a single "Judaism" out of a mass of mutually contradictory sources. But others did the work with greater acumen and discernment, and, when we examine Sanders's results closely, we see that there is less than meets the eye.

Sanders really thinks that any and every source, whoever wrote it, without regard to its time or place or venue, tells us about one and the same Judaism. The only way to see everything all together and all at once, as Sanders wishes to do, is to rise high above the evidence, so high that we no longer see the lines of rivers, the height of mountains, the undulations of plains—any of the details of the earth's true configuration. This conflation of all sources yields his fabricated Judaism. It is a "Judaism" that flourished everywhere but nowhere—Alexandria, Jerusalem, Galilee, Babylonia (to judge from the sources we mixed together); a Judaism that we find all the time but in no one period—represented equally by the historical Moses and the rabbinic one, the pseudepigrapha of the third century BC and the first century AD, the Dead Sea Scrolls of the second and first centuries BC, and, where Sanders has decided, the Mishnah of the early third century AD.

and interactive relationship to one another. In this case, each approach must be studied alongside those in the same period with which it competed and also in relation to those which preceded and followed it. . . . One observes the constantly reciprocal influences between approaches, but also recognizes what each period and approach bequeathed to that which came after." If this were a work of scholarship, Schiffman would find it necessary to explain what he means and to amass evidence and arguments in behalf of his position. He also claims to conduct his work in a critical way, but he uses the rabbinic evidence as though we could simply lift sentences out of paragraphs, ignore all questions of literary history, and translate said sentences into historical facts. He thinks the Mishnah, Talmuds, and Midrash-compilations are akin to encyclopaedias of facts about things that were really said or done. His introduction contains not a single word to suggest that there are other ways of seeing these sources besides his, and he offers not a hint that his reading would receive a very puzzled hearing at any academic gathering outside of the Yeshiva- and ethnic-Jewish-studies worlds, in the State of Israel and in the diaspora alike. This is a good example of the way scholarly "debate" is conducted in the study of ancient Judaism. Contrast the ethical conduct of the *Journal of Biblical Literature*, which accorded a full hearing both to a critic of mine, Professor Craig Evans, and to me (cf. *JBL* 112 [1993] 267-304).

Sanders does not identify "the synagogue" where this Judaism offered up its prayers, the community that was shaped by its rules, the functioning social order that saw the world within its vision. And of course, that failure of specificity attests to the good sense of the Jews of antiquity, who cannot have affirmed everything and its opposite: the sacrifices of the Temple are valid (as many sources maintain) and also invalid (as the Dead Sea Scrolls hold); study of the Torah is critical (as the rabbinic sources adduced ad lib. by Sanders) and eschatological visions prevail (as many of the pseudepigraphic writers conceive). Philo's cool, philosophical mind and the heated imagination of visionaries form for Sanders a single Judaism, but no single corpus of evidence, deriving from a particular place, time, circumstance, and community, concurs for "Judaism." To refer to a single issue, baptism can have been for the eschatological forgiveness of sins, as John the Baptist and Jesus maintained; or it can have been for the achievement of cultic purity in an eternal rhythm of nature and cult, as the Pharisees and the Mishnah held; but not both.

Sanders sees unities where others have seen differences. The result of his Judaic equivalent of a "harmony of the Gospels" is more often than not a dreary progress through pointless information. If it seems to me his entire book begs the question it asks—if this is Judaism, then why Christianity—Sanders's relentlessly informative discourse for its part persistently left open the question, so what? I found myself wondering why Sanders thought the information he set forth important, how he imagined it mattered, what difference in the understanding of *Judaism: Practice & Belief*, one fact or another might make in his mind. If we know that his conflationary Judaism prevailed everywhere, then what else do we know about the Judaism to which each source in turn attests (as well)? He elaborately tells us why he thinks various documents tell, or do not tell, what really happened; he never explains why he maintains these same documents and artifacts of archaeology, commonly so profoundly at variance with one another, all concur on a single Judaism or attest to a single Judaism.

Now that capricious conflation of all the sources Sanders thinks fit together and silent omission of all the sources he rejects is something Moore, Schechter, and even Urbach never did. Urbach cited Philo but not the Dead Sea Scrolls, having decided that the one was kosher, the other *treif*. Sanders has decided there are no intellectual counterparts to dietary laws at all: he swallows it all and chews it up and spits out a homogenized "Judaism" lacking all specific flavor. Nor can I point to any other scholar of ancient Judaism working today who cites everything from everywhere to tell us about one and the same Judaism. The contrast between the intellectually rigorous thinking of James Dunn

on defining "Judaism" in his *Partings of the Ways* and the conceptually-slovenly work of Sanders on the same problem—adding up all the sources and not so much finding as inventing through mushy prose what he conceives to be the common denominator—tells the story. Sanders's *Judaism* is a mulligan stew, a four-day old, over-cooked *tcholent*,— for us plain Americans, Wonder Bread, full of air and not very tasty.

This fabrication of a single Judaism is supposed to tell us something that pertains equally to all: the Judaism that forms the basis for all the sources, the common denominator among them all. If we know a book or an artifact is "Jewish," (an ethnic term, Judaic being the religious category) then we are supposed automatically to know various other facts about said book or artifact. But the upshot is either too general to mean much (monotheism) or too abstract to form an intelligible statement. Let me be specific. How Philo will have understood the Dead Sea Scrolls, the authors of apocalyptic writings, those of the Mishnah-passages Sanders admits to his account of Judaism from 63 BC to AD 66, we are never told. Each of these distinctive documents gets to speak whenever Sanders wants it to; none is ever brought into relationship—comparison and contrast—with any other. The homogenization of Philo, the Mishnah, the Dead Sea Scrolls, Ben Sira, apocryphal and pseudepigraphic writings, the results of archaeology, and on and on and on turns out to yield generalizations about a religion that none of those responsible for the evidence at hand will have recognized: lifeless, dull, hopelessly abstract, lacking all social relevance. After a while, readers come to realize, it hardly matters, the results reaching so stratospheric a level of generalization that all precise vision of real people practicing a vivid religion is lost.

These remarks will appear extravagant until we take up a concrete example of the result of Sanders's huge labor of homogenization. To understand what goes into Sanders's picture of Judaism, let me now provide a reasonable sample (pp. 103-4), representative of the whole, the opening paragraphs of his discussion, Chapter Seven, entitled "Sacrifices:"

The Bible does not offer a single, clearly presented list of sacrifices. The legal books (Exodus, Leviticus, Numbers and Deuteronomy), we know now, incorporate various sources from different periods, and priestly practice evidently varied from time to time. There are three principal sources of information about sacrifices in the first century: Josephus, Philo and the Mishnah. On most points they agree among themselves and with Leviticus and Numbers; consequently the main outline of sacrifices is not in dispute. Josephus, in my judgment, is the best source. He knew what the common practice of the priesthood of his day was: he had learned it in school, as a boy he had watched and assisted, and

as an adult he had worked in the temple. It is important for evaluating his evidence to note that his description of the sacrifices sometimes disagrees with Leviticus or goes beyond it. This is not an instance in which he is simply summarizing what is written in the Bible; he is almost certainly depending on what he had learned as a priest.

Though the Mishnah is often right with regard to pre-70 temple practice, many of the discussions are from the second century: the rabbis continued to debate rules of sacrifice long after living memory of how it had been done had vanished. Consequently, in reading the Mishnah one is sometimes reading second-century theory. Occasionally this can be seen clearly. For example, there is a debate about whether or not the priest who sacrifices an animal could keep its hide if for any reason the animal was made invalid (e.g. by touching something impure) after it was sacrificed but before it was flayed. The mishnah on this topic opens with an anonymous opinion, according to which the priest did not get the hide. R. Hanina the Prefect of the Priests disagreed: "Never have I seen a hide taken out to the place of burning"; that is, the priests always kept the hides. R. Akiba (early second century) accepted this and was of the view that the priests could keep the hides of invalid sacrifices. 'The Sages', however, ruled the other way (*Zevahim* 12.4). R. Hanina the Prefect of the Priests apparently worked in the temple before 70, but survived its destruction and became part of the rabbinic movement. Akiba died c. 135; "the sages" of this passage are probably his contemporaries or possibly the rabbis of the next generation. Here we see that second century rabbis were quite willing to vote against actual practice in discussing the behavior of the priests and the rules they followed. The problem with using the Mishnah is that there is very seldom this sort of reference to pre-70 practice that allows us to make critical distinctions: not only are we often reading second-century discussions, we may be learning only second century theory.

Philo had visited the temple, and some of his statements about it (e.g. the guards) seem to be based on personal knowledge. But his discussion of the sacrifices is "bookish", and at some important points it reveals that he is passing on information derived from the Greek translation of the Hebrew Bible (the Septuagint), not from observation. The following description basically follows the Hebrew Bible and Josephus, but it sometimes incorporates details from other sources.

One may make the following distinctions among sacrifices:

With regard to what was offered: meal, wine, birds (doves or pigeons) and quadrupeds (sheep, goats and cattle).

With regard to who provided the sacrifice: the community or an individual.

With regard to the purpose of the sacrifice: worship of and communion with God, glorification of him, thanksgiving, purification, atonement for sin, and feasting.

With regard to the disposition of the sacrifice: it was either burned or eaten. The priests got most of the food that sacrifices provided, though one of the categories of sacrifice provided food for the per-

son who brought it and his family and friends. The Passover lambs were also eaten by the worshippers.

Sacrifices were conceived as meals, or, better, banquets. The full and ideal sacrificial offering consisted of meat, cereal, oil and wine (Num 14.1-10, *Antiq.* 3.233f.; the menu was sometimes reduced: see below).

I ask readers to stipulate that I can have cited numerous other, sizable instances of the same sort of discourse.

Now let us ask ourselves, what, exactly, does Sanders wish to tell his readers about the sacrifices in this account of *Judaism: Practice & Belief*? He starts in the middle of things. He assumes we know what he means by "sacrifices," why they are important, what they meant, so all we require is details. He will deal with Josephus, Philo, the Mishnah, and Leviticus and Numbers. Does he then tell us the distinctive viewpoint of each? Not at all. All he wants us to know is the facts common to them all. Hence his problem is not one of description, analysis, and interpretation of documents, but a conflation of the information contained in each that he deems usable. Since that is his principal concern, he discusses "sacrifice" by telling us why the Mishnah's information is useless, except when it is usable. But Sanders never suggests to his readers what the Mishnah's discussion of sacrifice wishes to find out, or how its ideas on the subject may prove religiously engaging. It is just a rule book, so it has no ideas on the subject—so Sanders. That is not my view. Philo is then set forth. Here too we are told why he tells us nothing, but not what he tells us. Then there follow the facts, the indented "with regard to" paragraphs.

Sanders did not have to tell us all about how Leviticus, Numbers, Philo and Josephus and the Mishnah concur, then about how we may ignore or must cite the several documents respectively, if his sole intent was to tell us the facts of the "with regard to . . ." paragraphs. And how he knows that "sacrifices were conceived . . .," who conceived them in this way, and what sense the words made, "worship of and communion with God, glorification of him, thanksgiving, purification, atonement for sin, and feasting," and to whom they made sense, and how other Judaisms, besides the Judaism portrayed by Philo, Josephus, the Mishnah, and so on and so forth, viewed sacrifices, or the Temple as it was—none of this is set forth. The conflation has its own purpose, which the following outline of the remainder of the chapter reveals: community sacrifices; individual sacrifices ("Neither Joseph, Philo, nor other first-century Jews thought that burnt offerings provided God with food . . ."), a family at the temple, an example; the daily temple routine. In this mass of information on a subject, one question is lost: what it all meant. Sanders really does suppose that he is telling us how things were, what people did, and, in his stress on common-denominator Judaism, he finds it

entirely reasonable to bypass all questions of analysis and interpretation and so forgets to tell us what it all meant. His language, "worship of and communion with God, glorification of him, thanksgiving, purification, atonement for sin, and feasting"—that Protestant formulation begs every question and answers none.

But this common denominator Judaism yields little that is more than simply banal, for "common theology," e.g., "The history of Israel in general, and of our period in particular, shows that Jews believed that the one God of the universe had given them his law and that they were to obey it" (p. 240). No one, obviously, can disagree, but what applies to everyone equally, in a nation so riven with division and rich in diversity, also cannot make much of a difference. That is to say, knowing that they all were monotheists or valued the Hebrew Scriptures (but which passages he does not identify, how they read them he does not say) does not tell us more than we knew before about the religion of those diverse people. Sanders knows what people thought, because anything any Jew wrote tells us what "Jews" or most Jews or people in general thought. What makes Sanders' representation bizarre is that he proceeds to cite as evidence of what "Jews" thought opinions of Philo and Joseph, the Dead Sea Scrolls, Rabbinic Literature, and so on and so forth. The generality of scholarship understands that the Dead Sea Scrolls represent their writers, Philo speaks for Philo, Josephus says what he thinks, and the Mishnah is whatever it is and is not whatever it is not. No one, to my knowledge, until Sanders has come to the facile judgement that anything any Jew thought has to have been in the mind of all the other Jews. This shades over into stereotyping.

But it is only with that premise that we can understand the connections Sanders makes and the conclusions about large, general topics that he reaches. His juxtapositions are in fact beyond all understanding. Let me skim through his treatment of graven images, which captures the flavor of the whole:

Comments by Philo and Josephus show how Jews could interpret other objects symbolically and thus make physical depictions acceptable, so that they were not seen as transgressions of one of the Ten Commandments, but as symbols of the glory of the God who gave them.

There follows a reference to War 5:214. Then Sanders proceeds: Josephus, as did Philo, found astral and other symbolism in many other things . . .

Some paragraphs later, in the same context, we have:

The sun was personified and worshipped . . . The most important instance was when Josiah . . . instituted a reform of worship . . . [now with reference to II Kings 23:4f]. This is usually regarded as having been a decisive rejection of other deities, but elements derived from sun wor-

ship continued. Subsequently Ezekiel attacked those who turned 'their backs to the Temple of the Lord . . .' (Ezek 8:16). According to the Mishnah, at one point during the feast of Booths priests "turned their faces to the west," recalling that their predecessors had faced east and worshipped the sun and proclaimed that "our eyes are turned toward the Lord" (*Sukkah* 5.4). Despite this, the practice that Ezekiel condemned was continued by some. Josephus wrote that the Essenes "are particularly reverent towards the divinity."

This is continued with a citation of the Qumran Temple Scroll and then the Tosefta:

That the Essenes really offered prayer to the sun is made more probable by a passage in the Qumran Temple Scroll.

Above we noted the floor of the synagogue at Hammath that had as its main decoration the signs of the zodiac in a circle . . . This synagogue floor, with its blatant pagan decoration, was built at the time when rabbinic Judaism was strong in Galilee—after the redaction and publication of the Mishnah, during the years when the material in the Tosefta and the Palestinian Talmud was being produced and edited. According to the Tosefta, Rabbi Judah, who flourished in the middle of the second century, said that "If anyone says a blessing over the sun—this is a heterodox practice" (*T. Berakhot* 6[7].6) In the light of the floor, it seems he was opposing contemporary practice.

And so on and on he goes, introducing in the paragraph that follows references to Christian symbols (John 1:9, 15:1); the issue of whether "one God" meant there were no other supernatural beings (yielding a citation to Paul who was a Pharisee, with reference to Phil 3:2-6. And so he runs on, for five hundred tedious pages. This is simply chaos.

Cui bono? Sanders aims at one conclusion. He sets himself up as judge of his data and issues a final ruling that surpasses, in condescension and self-absorption, any lines I have ever read, whether philo- or anti-Semitic in origin, about Judaism and the Pharisees:

I rather like the Pharisees. They loved detail and precision. They wanted to get everything just right. I like that. They loved God, they thought he had blessed them, and they thought that he *wanted* them to get everything just right. I do not doubt that some of them were priggish. This is a common fault of the pious, one that is amply displayed in modern criticism of the Pharisees. The Pharisees, we know, intended to be humble before God, and they thought that intention mattered more than outward show. Those are worthy ideals. The other pietists strike me as being less attractive than the Pharisees. The surviving literature depicts them as not having much of a program for all Israel, and as being too ready to cultivate hatred of others: learn *our* secrets or God will destroy you. But probably they weren't all that bad, and we can give them credit for loving God and being honest.

Mostly, I like the ordinary people. They worked at their jobs, they believed the Bible [sic! he means, the Old Testament, of course], they carried

out the small routines and celebrations of the religion; they prayed every day, thanked God for his blessings, and on the Sabbath went to the synagogue, asked teachers questions, and listened respectfully. What could be better? Every now and again they took their hard-earned second tithe money to Jerusalem, devoutly performed their sacrifices, carried the meat out of the temple to share with their family and friends, brought some wine and maybe even some spirits, and feasted the night away. Then it was back to the regular grind. This may not sound like much, but in their view, they were living as God wished. The history of the time shows how firmly they believed in God, who gave them the law [he means, the Torah] and promised them deliverance.

Quite what is at stake here I cannot see; as I said, there is far less than meets the eye. Any objective person familiar with both this picture and also the Gospels is going to wonder what, in the Gospels, all the fuss is about. But that is beside the point in describing Judaism in the first century BC and AD, since at issue is not history but theology. That is what I meant when I observed that asking what really happened and how things really were—the quest for the historical Jesus—forms a narrowly-theological venture, in which what are called "historical facts" take the place of centuries of theological truths.

My debate with Sanders, conducted over a period of twenty-five years and in a variety of books, should not obscure Sanders's real contribution.⁵ In the context of theology, not history of religion, nothing I have said in criticism of Sanders bears consequence. Christians like Sanders aim to shape a Christianity for the future different from the one we know in the past, a future Christianity in which "Silent Night" could never be sung by Christian racist-murderers, as it was sung on Christmas after Christmas by the mass murderers, Poles, Germans, Lithuanians, Ukrainians, and other good Catholics and Protestants and Orthodox Christians, at Auschwitz. Never forget Sanders' vocation and its source: divinity students of Kittel and Jeremias served in the SS; priests and ministers worshipped Jesus Christ with, and for, the guards at Auschwitz. That fact defines the context

5. See J. Neusner, *Judaic Law from Jesus to the Mishnah: A Systematic Reply to Professor E. P. Sanders* (South Florida Studies in the History of Judaism; Atlanta: Scholars Press, 1993), and, more recently still, idem, *Rabbinic Literature and the New Testament: What We Cannot Show, We Do Not Know*. The fact that Sanders and I share the same publisher, Trinity Press International, is a tribute to the character and conscience of Dr. Harold Rast, the founder of that press and its publisher. It is no secret that accepted standards of scholarly ethics have rarely governed the conduct of debates on ancient Judaism, and both in the State of Israel and in Jewish seminaries elsewhere, a fair hearing for conflicting views is simply not accorded. For twenty years my books were kept under lock and key in the library of the Hebrew University, being liberated only by the death of E. E. Urbach.

in which Christian readers of Sanders's *Judaism: Practice & Belief* 63 B.C.E.-66 C.E. are required to learn lessons of not history but theology. These are simple: [1] stop reviling Judaism—let it be, and [2] stop killing Jews.