

## ***The Integrity of the Biblical Canon in Light of Its Historical Development***

LEE MARTIN MCDONALD  
FIRST BAPTIST CHURCH  
ALHAMBRA, CALIFORNIA

*The following essay argues that the final fixing of the Hebrew Scriptures and the Christian biblical canon did not emerge until the middle to the late fourth century, even though the long process that led to the canonization of the Hebrew scriptures began in the sixth or fifth century BCE and of the New Testament scriptures in the second century CE. Pivotal in the arguments for an early dating of the Hebrew Scriptures is the lack of unequivocal evidence for the fixation of the Old Testament canon in the time before Christ but also the emergence of canonical lists of scriptures only in the fourth century CE. It is also argued that the Muratorian Fragment originated in the middle of late fourth century CE. The paper concludes with a discussion of viability of the traditional criteria of canonicity and whether these criteria should be reapplied to the biblical literature in light of more recent conclusions about authorship, date, theological emphasis, and widespread appeal in antiquity.*

*Key Words: Canon of Scripture, Muratorian Fragment, early Patristics*

### I. INTRODUCTION

For the last generation or so there has been a growing interest in the formation of the Christian Bible and the viability of the current biblical canon. With little or no change in the biblical canon for some 400 years, why is there today such vigorous inquiry into its formation and even recommendations for changes in its contents? Kurt Aland, for example, has raised the question of reducing the books in the Bible to take out what he considers to be an embarrassment to the majority of the Church in order to promote Christian unity.<sup>1</sup> Similarly, Ernst Käsemann has also asked whether there should be a "canon within

1. Kurt Aland, *The Problem of the New Testament Canon* (London: Mowbray, 1962) 28-33.

the canon"—in essence, a reduction of the biblical text—in order to alleviate the concern over the diversity within the Bible.<sup>2</sup> The goal of each of these scholars is laudable, namely, to produce harmony in the Christian community; it is, nevertheless, shortsighted. The reduction of any part of the biblical canon would cause more division in the Church and not less. More recently, and for completely different reasons, the Jesus Seminar has also promoted the idea of both reducing the current biblical canon (eliminating especially the Apocalypse) and expanding it to include the Gospel of Thomas and the "Unknown Gospel" of the Egerton Papyri.<sup>3</sup> One can well imagine the dispensational and Adventist churches' response to the projected rejection of the book of Revelation by the Jesus Seminar in their "Scholars' Canon"!

I am in full agreement with Professor Metzger who says that although the Bible canon may *in principle* be changed, in all practicality that cannot be done.<sup>4</sup> The Bible is a historical fact. Any changes in the present Christian Bible would undoubtedly adversely affect many segments of the Christian community and cause more divisions in the Church and not less.

Although the biblical canon has received considerable attention over the last 100 years,<sup>5</sup> the current interest in its formation seems to be out of proportion to the focus it received before the end of the nineteenth century. Much of the recent inquiry has concentrated on and even challenged well-known and widely held views. Some of the most disputed conclusions from earlier studies include the following:

2. Ernst Käsemann, "The Canon of the New Testament Church and the Unity of the Church," *Essays on New Testament Themes* (London: SCM, 1968) 95-107. J. D. G. Dunn also discusses the notion of a canon within the canon, albeit in a different sense (*The Living Word* [Philadelphia: Fortress, 1987] 141-42, 161-74). After describing four levels of canonical activity or four ways to view the canon, he asks what is the most important level of authority for exegesis and faith. He answers that it is the level of "final composition" (p. 172).

3. Jeffrey L. Sheler, "Cutting Loose the Holy Canon: A Controversial Reexamination of the Bible," *U.S. News & World Report* Vol. 15, No. 18: (Nov. 8, 1993) 75. The Jesus Seminar has recently created a "Canon Seminar," which hopes to create what they call a "Scholar's Canon" that will, among other things, eliminate the Book of Revelation and include the Gospel of Thomas. See also a new article by Kim Sue Lia Perkes, "Scripture Revision Won't Be a Bible," *Arizona Republic* (Sunday, Oct. 24, 1993, B1 and B4). Interestingly, Jacob Milgrom has recently noted how the publishers Simon and Schuster eliminated from the Bible what they thought was either boring or irrelevant ("An Amputated Bible, Peradventure," *BR* [August, 1994] 17 and 55). Milgrom disagrees with their decisions and tries to show the relevance of those very sections that were eliminated from the Hebrew Scriptures, for example, the book of Leviticus.

4. B. M. Metzger, *The Canon of the New Testament: Its Origin, Development, and Significance* (Oxford: Clarendon, 1987) 275.

5. Much of this interest began with the works of Ryle, Souter, Heinrich Graetz, Moses Stuart, and Edward Reuss, and it has been carried on more recently by the con-

(1) that the Hebrew Scriptures reached their canonical acceptance among the Jews in a three-stage development beginning ca. 400 BCE for the Pentateuch, 200 BCE for the Prophets, and 90-100 CE for the Writings; (2) that the early Christians received from Jesus a closed OT canon; (3) that most of the NT canon was settled by the end of the second century CE; and (4) that evidence of this is provided by a late second century canonical list called the *Muratorian Fragment*.

Other questions are also emerging that call for a reasoned response:

1. Why were discussions about the scope of the OT biblical canon still going on in the Church well into the fourth through the sixth centuries—and even later—if the matter was largely settled before the time of Christ? And further, why did it take the Church three to four hundred years to establish its twenty-seven book NT canon?

2. What precisely is a biblical canon, and how sure are we that this notion flourished in the time before, during, or immediately after the ministry of Jesus? What is the nature of the evidence for that position and how compelling is it?

3. Do biblical canons exist whenever an ancient writer cites a source from an even more ancient text? In other words, does a cited text automatically become an ancient writer's biblical canon?<sup>6</sup> Recently, one rabbinic scholar has questioned whether the issue of a closed biblical canon was ever discussed among the Jewish sages of later antiquity.<sup>7</sup>

4. What sources more accurately reflect the earliest strands of Christian faith? There are scholars today who are considering other ancient sources that they believe relate more faithfully the earliest

tributions of Kurt Aland, Robert Grant, Hans Von Campenhausen, James Sanders, Brevard Childs, Harry Gamble, Bruce Metzger, Sid Leiman, Albert Sundberg, F. F. Bruce, Roger Beckwith, and E. Earle Ellis.

6. Roger Beckwith suggests this without stating it when he simply adds the references a writer made to earlier sources and calls that the writer's biblical canon ("Formation of the Hebrew Bible," *Mikra: Text, Translation, Reading and Interpretation of the Hebrew Bible in Ancient Judaism and Early Christianity* [M. J. Mulder, ed.; CRINT 2/1; Assen/Maastricht: Van Gorcum/Philadelphia: Fortress, 1988] 39-86, esp. 46, 48-49). Interestingly, however, when he deals with Jude's citing of 1 Enoch (Jude 14 cites 1 Enoch 1:9), he equivocates on this understanding and asks more of Jude than he does of other NT writers when they cite or quote sacred texts. The very criteria he used with other texts to establish a canon, namely, citing it *in an authoritative manner*, is rejected for NT writers if they cite other than the OT literature. He acknowledges that later writers such as Barnabas (*Ep. Barn.* 4.3; 16.5) cited 1 Enoch as Scripture, but that has no effect on his conclusions about Jude's use of the same work. He claims that Jude is only referring to 1 Enoch and the *Assumption of Moses* because they were edifying literature but not canonical (*The Old Testament Canon of the New Testament Church* [Grand Rapids: Eerdmans, 1985] 401-3, esp. 403).

7. Jacob Neusner, *Judaism and Christianity in the Age of Constantine* (Chicago/London: University of Chicago Press, 1987) 128-45. See also his *Midrash in Context*:

traditions of Jesus than those we find in the canonical Gospels. It is not uncommon these days to hear discussions about the enlargement of the traditional data base for knowing about the historical Jesus, for example—and we repeat, to include in that data base the Gospel of Thomas and the "Unknown Gospel" discovered in the Egerton Papyri as well as other noncanonical writings such as portions of the Gospel of Peter. Even worse, some include a "Secret Gospel of Mark" supposedly found at the Mar Saba monastery in the Judean wilderness by Morton Smith.<sup>8</sup>

5. What of the *agrapha*? Some scholars have suggested that the *agrapha* (the sayings of Jesus not found in the canonical Gospels), or portions of these sayings at least, ought to be added to that data base of reliable information about the historical Jesus in order to understand more clearly who Jesus was. This is not a new proposal, of course, and it continues to surface here and there.<sup>9</sup> The legitimacy of the question stems from the fact that the *agrapha* served as a scriptural (or authoritative) resource for the Christians that cited them, and if we can with some assurance determine which of the two hundred plus *agrapha* are genuine,<sup>10</sup> then should they not be added to the data base of information that informs us about Jesus?<sup>11</sup>

6. Finally, several scholars have raised the question about the appropriate canonical text for the Church today. Brevard Childs has asked which text of Scripture should be the focus of authority for the Church. Is it the text in its original and earliest form that is the focus

*Exegesis in Formative Judaism* (Philadelphia: Fortress, 1983) 1-22. He claims that in the formative years of Judaism, the notion of Torah was expanded to include the Mishna, Tosephta, the two Talmuds, and the various midrashim. A canon was constructed by defining Torah in a new way that encompassed all the literature that followed it. It was tied together through the means of exegesis. The notion of a biblical canon, however, is not *prominent* in second century rabbinic Judaism or even later.

8. No one else has ever seen this so-called secret gospel. One is tempted to say here that whatever sources are necessary to arrive at a "politically correct" Jesus, who was also a "peasant Jewish cynic philosopher" (as J. D. Crossan prefers to call him), will likely be considered as candidates for inclusion by some scholars.

9. Metzger (*The Canon of the New Testament*, 272 n. 11) has noted that Ed. Plattschoff-Lejeune ("Zur Problematik des biblischen Kanons," *Schweizerische theologische Umschau* 19 [1949] 108-16) made such a proposal.

10. Are there only sixteen or eighteen authentic *agrapha* sayings? Are there more? Are there less?

11. Joachim Jeremias claims that of the 266 such sayings, some 18 are genuine (*Unbekannte Jesuworte* [Zürich: Zwingli, 1947; 2d ed. Gütersloh: Bertelsmann, 1951; 3rd ed., 1961; ET: *The Unknown Sayings of Jesus* (London: SPCK, 1957; 2d ed., 1964). If this is correct, what should be done with such sayings? The *agrapha* are introduced, listed, and discussed in the following works: W. D. Stroker offers the text of 266 of these sayings without evaluating sufficiently their contents or attributing authenticity or inauthenticity to them (*Extracanonial Sayings of Jesus* [SBLRBS 18; Atlanta: Scholars

of authority and exegesis for the Church, or is it rather the later canonical form of the text? The latter text admittedly has received many additions, some of which were intentional and others accidental. For instance, is the original form of Philippians that was made up of two parts (1:1-3:1 and 3:2– 4:23)<sup>12</sup> the canonical or authoritative text of the Church, or is it instead the one that currently exists in our NT, which combines these two originally separate writings of Paul? Does it matter *how* the Church preserved these texts so long as they are preserved in the biblical canon? Similarly, does it make a difference in one's reading if the two parts are separated for study and preaching? Is the Gospel of John best read as it was written, namely, as a single gospel, or as the *Fourth* Gospel? Is the final form of Isaiah the authoritative base for preaching and teaching, or do we look for an earlier First, Second, or even Third Isaiah? Should we receive into our biblical canon—thereby conferring authority on them—such texts as Mark 16:9-20, John 21, and Acts 8:37, as well as other texts with questionable textual critical support, even though most scholars today agree that these texts were later additions to the original texts? Further, should we accept as a part of our Scriptures only the earliest texts that are available to us today that most closely reflect the original hand of the author? We might get a clue for our choices in this matter from the fact that the early Church grounded its theology in the witness from the apostolic community.<sup>13</sup>

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Press, 1989). They have been discussed more recently in detail in Otfried Hofius, "Isolated Sayings of Jesus," *New Testament Apocrypha* (2d ed., Wilhelm Schneemelcher, ed.; Louisville, KY: Westminster/Knox, 1991) 1:88ff. The Agrapha are conveniently listed and discussed in James H. Charlesworth and Craig A. Evans, "Jesus in the Agrapha and Apocryphal Gospels," *Studying the Historical Jesus: Evaluations of the State of Current Research* (ed. Bruce Chilton and C. A. Evans; NITS 19; Leiden: Brill, 1994). In this article, Evans contends that there is essentially nothing new in the agrapha that should cause concern or that would alter the understanding of Jesus that is found in the canonical Gospels. See also Otfried Hofius, "Unknown Sayings of Jesus," *The Gospel and the Gospels* (ed. Peter Stuhlmacher; Grand Rapids: Eerdmans, 1991) 336-60.

12. It is likely that the letter to the Philippians is a composite of Paul's writings, but on two separate occasions, namely, chapters 1:1-3:1 and chapters 3:2-4:23.

13. Notice, for example, that Eusebius (*Hist. eccl.* 3.251.7) emphasizes both "apostolic style" and "orthodoxy" as criteria for genuineness, and even the *Muratorian Fragment* lines 73-80 excluded a work from consideration (Hermas), because it did not stem from the apostolic community. The rise of NT pseudepigraphy also demonstrates a desire to ground theology in the witness of the apostolic community. The early Church anchored its life and faith in God's activity in Jesus. Those writings that were believed to be closer in time to him that also reflected the early tradition about him that was passed on in the Church were those writings that survived and became canonical for the Church.

All of these questions and others as well have given rise to the recent interest in the formation of the biblical canon, and other questions have been prompted by these. Before any new advances can be made in our understanding of the formation of the Bible, however, much more research is needed than what has emerged so far. This is especially true in the notion of canon in antiquity and how that notion influenced both Judaism and Christianity in establishing their biblical canons.

We are probably on the threshold of new advances in canonical studies that will change our perceptions of the canonical process, though not necessarily the contents of the biblical canon. As a result, we are likely to see more attempts at redefining the biblical canon. I do not think, however, that the current shape of the Christian Bible will be much affected in the Church at large through such attempts. Instead, we will probably continue to find more clever ways to marginalize those parts of the biblical canon that no longer appear to be relevant to us or that offend us rather than making attempts at changing the canon.<sup>14</sup>

James Sanders argues that the Jews were able to adapt their authoritative Scriptures to new and changing circumstances, and the very adaptability of those Scriptures allowed them to continue as authoritative texts within the Jewish community.<sup>15</sup> Canons are by nature adaptable to the changing life of the believing community, and that is undoubtedly the reason why our current Bible continues to function as sacred Scripture in our churches. The documents within the biblical canon continue to be relevant to the Church's needs. Canons also change, however, most typically by expansion though historically also by reduction. Hermas and Barnabas, for example, eventually dropped away from sacred Christian collections, even though they remained in some collections well into the fourth and fifth centuries. As the Jewish community developed, there was a time when it recognized more than the Law of Moses as their sacred Scriptures. They also included the Prophets. From the beginning, the early Christians accepted the words of and about Jesus as their final norm (see, for example, 1 Cor 7:10, compare 7:12, 25 and 11:23). As the

14. It is amazing the exegetical handstands some scholars perform to make an embarrassing text say other than what apparently it says whether about the role of women in the Church or in the home (1 Cor 11:7-10; Eph 5:22-33; 1 Tim 2:9-15), the immediacy of the return of Christ (1 Thess 4:13-17; Rev 3:20), justification for killing innocent victims in the OT (1 Sam 15:3), praying for the demise of one's enemies as we find in the imprecatory Psalms (Psalms 58, 109, etc.), or the acceptance of the practice of slavery in early Christianity (1 Cor 7:21-24; Eph 6:5-9; Col 3:22-4:1).

15. Sanders, *From Sacred Story to Sacred Text* (Philadelphia: Fortress, 1987) 9-39, esp. 23-30.

Church grew it became obvious early on that written Gospels and eventually the letters of Paul were also advantageous in the ongoing life the community. When some writings ceased being canon to the religious needs of the Christian community, they also ceased being canon to that community, and that is seen in the neglect of those texts or even the disappearance of complete books (for example, Hermas, 1 Clement, Eldad and Modat). This is also true in the New Testament. Paul, for example, "decanonizes"<sup>16</sup> much of the OT's emphasis on the Law, especially its focus on clean and unclean foods or ritualistic cleansings, because such things were no longer deemed relevant to their faith (Gal 3:1-5:15). Dunn makes the point that the OT can never function as canon for Christians in the same way that it does for the Jews. For the Christian, he argues, the NT always functions to some extent as *the* canon within the biblical canon.<sup>17</sup>

The bottom line in all of these questions, of course, has to do with the viability and integrity of our current Bible. Can the Bible have a theological integrity in light of the historical inquiries that have recently come to the attention of biblical scholars? These and other questions will be our focus in the remainder of this paper. We will begin with the problem of definition and then examine some of the critical issues related to the formation of the Christian Bible. Finally, I will focus on a few of the issues that I believe will occupy some of the attention that will be given to the question of the biblical canon in future discussions.

## II. THE PROBLEM OF DEFINITION: CANON 1 AND CANON 2

A large part of the difficulty in canonical studies, as we have noted above, has to do with definitions. What is a biblical canon? In a perceptive discussion of this question, Gerald Sheppard has shown two ways of understanding the notion of canon in the ancient world. The first of these is what he calls "canon 1," which is essentially when something functions in an authoritative manner in a community, that is, as rules, regulations, or guides. Canon 1 is present wherever there is a respect for some authority within a community, although it is a flexible or fluid authority that is not yet fixed. The other understanding of canon (what he calls "canon 2") comes when these canon 1 authorities become more fixed in a given community. A canon 2 authority is one that becomes so well-established in a community of faith that very little doubt exists about the authority of the text thereafter. It is more fixed than canon 1 authorities. Canon scholars

16. This is Dunn's expression in his *Living Word* (Philadelphia: Fortress, 1987) 156.

17. *Ibid.* 156.

will often attribute to ancient writers a canon 2 notion when in fact they are only dealing with a canon 1 authority, that is, one that is fluid and open to change even though it is functioning as an authority. I will be using these distinctions (fluid vs. fixed) in what follows and will argue that what is called "canonical" (canon 2) by some scholars is often much less fixed (canon 1). For example, the Prophets (*Nebiim*) and most of the Writings (*Ketubim*) were recognized as canon 1 authorities long before they were finally acknowledged as a fixed part of the Hebrew Scriptures (the OT). There are many canon 1 texts in antiquity. Undoubtedly, for some in Israel and for some of the early Christians also, this included the acceptance of apocryphal and pseudepigraphal writings as sacred authorities. In the case of the OT, only the Law and the Prophets appear to fall under the category of canon 2 before the time of Christ. In the case of the NT writings, only a few were generally accepted in a canon 2 fashion before the end of the second century CE (the Gospels and most of the letters of Paul). The Former Prophets were a recognized authority in the time of Ezra, and the people of Israel were judged because they failed to listen to the prophets who witnessed to or proclaimed the message of the Law (Ezra 9:10ff.).<sup>18</sup> In the time of Ezra, however, only the Mosaic codes were given a canon 2 recognition, and the prophets themselves were not yet brought into that arena of fixed authority. There is no such recognition given to the writings of the classical prophets at this time, even though they were mentioned occasionally. All references to the prophets in these works have to do with the prophets' public proclamation in their ministry, that is, in their work on the temple, but there is nothing said about their literary productions (see Ezra 5:1-2 where Haggai and Zechariah are mentioned; see also Ezra 9:11; Neh 6:7, 14; 9:26, 30, 32). It is also not clear whether the prophets in these contexts are equal to the writing prophets of either the Former or Latter Prophets. If the Prophets as a written collection had been recognized as sacred Scripture (canon 2) in the days of Ezra, this would have been a perfect time and place to introduce these writings to the people, but only the Books (or laws?) of Moses were acknowledged as canon 2 by Ezra and the people at that time. In the Qumran community, it was not uncommon to have additions and alterations made to the text of Scripture and even deletions as in the case of the scroll of Isaiah. Does this suggest that for them many of these writings had not yet become canon 2, that is, inviolable? The evidence is not clear enough to make that point, but it is suggestive.

18. The prophets witnessed to or reminded the people of the Law of Moses in regard to intermarriage (cf. Exod 34:15-16 and Deut 7:1-5). The judgment of God came as a result of the people's failure to listen to the message from Moses. Moses' message was viewed as canon 2, but it is not clear that other writings were so recognized. The writings of the prophets are not in view in Ezra.

What we have been suggesting is something like an "unclosed canon" existing alongside a rather fixed collection of Scriptures (the writings of Moses) for a period of time and growing in size during that time. Everett Ferguson argues for the same idea without using the terms canon 1 and 2 and prefers to speak of a growing and yet still open collection of sacred Scriptures in the Church in the second and third centuries CE.<sup>19</sup> This appears to be a fair assessment of the matter.

When the LXX was produced (ca. 250-225 BCE), it is interesting that only the Law was translated into Greek, and only later were the Prophets, which were circulating in a collection ca. 200-180 BCE, and the Writings, which were circulating in a more loose form ca. 130 BCE or later, also translated and added to the LXX. It is difficult to know the precise contents of the LXX in the first century BCE or CE since no copies exist, but that the LXX expanded to include the Prophets and Writings is certain. The NT writers use the LXX in more than eighty percent of their references to the OT, and these came from each of the three categories of the Hebrew Scriptures (the Law, Prophets, and Writings). But is that all that was included in the LXX? The answer is that we currently do not know, since the notion of a growing and separate Alexandrian canon of OT Scriptures that was popular some years back has been largely rejected as a result of the work of Albert Sundberg.<sup>20</sup> The authority and reverence given to the LXX in antiquity is obvious from the sensational description of its translation in the legendary Letter of Aristeas (ca. 190 BCE-35 CE).<sup>21</sup> For the author of that letter, the Law of Moses was unquestionably accepted as canon 2. If the Prophets and Writings had already obtained that status when the LXX was produced, it is puzzling that they were not also included in the translation or mentioned in the *Letter*.

### III. THE OT CANON

In regard to the evidence for the formation of the Hebrew Scriptures/OT, we note that there is a tendency among canon scholars today to interpret pre-Christian Jewish texts anachronistically, from the perspective of the second century rabbinic sages or later and also from

19. See his "Introduction," *The Bible in the Early Church* (Studies in Early Christianity; ed. Everett Ferguson; New York: Garland, 1993) 3:xi-xiii, and also his "Review of G. M. Hahneman, the Muratorian Fragment," *JTS* 44 (1993): 691-83, here 693, 395-96.

20. A. C. Sundberg, *The Old Testament of the Early Church* (Cambridge: Harvard University Press, 1964).

21. It is difficult to establish the date of origin for the *Letter of Aristeas* with any precision. The termination date is 35 CE since it was referred to by Philo. More likely, however, it was written around 140-110 BCE.

the vantage point of the church fathers from the fourth and fifth centuries.<sup>22</sup> The same could be said about citing one text from the second century or later and claiming that its views were everywhere present in both the first and second centuries. For instance, there is a tendency to cite the late second century *baraita* *B.T. Baba Bathra* 14b as evidence for an understanding of the biblical canon in the Land of Israel in the first century CE. Unfortunately, not all scholars have restricted themselves to what they can show from the events and literature that they examine. The fact that this text was a *baraita* should also suggest that the tradition had not yet sufficiently gained widespread acceptance among the rabbinic sages of the second century to be included in Rabbi Judah Ha-Nasi's Mishna, and it only later obtained prominence in the third and following centuries in Judaism.

This problem of anachronism is at the heart of many of the difficulties in OT canon research today. We know, for instance, that by the time of the late second century there existed in rabbinic Judaism a view that there were three parts to the Hebrew Scriptures (Law, Prophets, and Writings or Ketubim/Hagiographa). We also know that eventually a twenty-four book canon obtained in Judaism, not the twenty-two book canon that was mentioned first by Josephus and carried on in the church fathers (e.g., Origen, Cyril, Jerome), even though the contents may have been the same based on how the books were counted or placed together as one in the collection. Whether this canon is referred to by the original form of Jub. 2:23 is another matter, since

22. This is the basic problem with Roger Beckwith's otherwise excellent work on *The Old Testament Canon of the New Testament Church* (Grand Rapids: Eerdmans, 1985). He regularly attributes to the first century CE features of Judaism that were represented for the first time, so far as current evidence allows, only in rabbinic Judaism in the second and third century and even later. Beckwith, for example, in an attempt to equate Jesus' reference to the "psalms" in Luke 24:44 with the whole of the later established Hagiographa, shows how in the Talmudic literature the "fifths" sometimes referred to the Psalms and to the whole of the Hagiographa. One of his supporting passages is the following: "In a scroll of the Law, the space of the two finger-breadths must be left (between columns), but in scrolls of the Prophets and in scrolls of the Fifths the space of one thumb-breadth. In the lower margin of a scroll of the Law the space of a hand-breadth is left, and in the upper margin two thirds of a hand-breadth, but in scrolls of the Prophets and the Fifths three finger-breadths in the lower margin and two finger-breadths in the upper" (*Sepher Torah* 2.3-4; *Sop.* 2.4). See Beckwith, *The Old Testament Canon of the New Testament Church*, 438; but see also pp. 111-14. Beckwith also shows how the Hagiographa is referred to as the "Fifths" (חֲרֻמֵי) in *t. Kelim* B. M. 5.8 which reads, "The Book of Ezra, if it comes out (of the Temple), makes the hands unclean; and not the Book of Ezra alone [Torah], but the Prophets and the Fifths. But another book makes the hands unclean if it is brought in there." If "Fifths" is used as a reference to the Psalms and if the term "psalms," because it stood in the first place in the Hagiographa, is also used for the third part of the Hebrew Bible, as Beckwith claims, then the reference to the Psalms in Luke 24:44 may stand for the whole collection of Writings, but the evidence simply is not there to make the jump backward to the first century and argue that this is what Jesus had in mind in this text.

the oldest Qumran text we have of this passage does not contain a reference to a twenty-two book canon, and the clearest example of one that does comes from the fourth century church father Epiphanius.<sup>23</sup>

The tough question is whether this second century view of a three-part biblical canon that contained twenty-two or twenty-four books was also the general understanding of the Jewish community before or during the time of Jesus. Such arguments are anachronistic, and they are not supported by the evidence that is available from the first century. To show this, we will now examine briefly some of the primary texts that are commonly employed to support a well-established and fixed OT collection of Scriptures before the beginning of the Christian era.

#### A. *The Early Sources: A Reappraisal*

1. David Noel Freedman has argued that the current Hebrew Bible or OT canon was completed not later than 400-350 BCE, but that the Former Prophets were fixed in the Hebrew tradition before the Jews returned from the Babylonian exile.<sup>24</sup> In Ezra 9-10 and Nehemiah 8-9, however, it is clear that what was normative for the people of Israel in the time of Ezra was the Law of Moses, and it is not clear that this was equal to the whole of the Pentateuch. Although the prophets were highly respected and the nation was judged for not listening to them, they were nevertheless not the object of respect and recognition in the time of Ezra. There is no mention of the normative status of the Former Prophets in any of the extant literature at this time. Although there are occasional references to earlier prophets by later ones (see, for example, Jer 26:18), there is no mention of a sacred collection of sacred writings apart from Moses' laws.

2. Around 200-180 BCE, in the passage Sir 49:8-10, which must be read in the context of 44-50, Sirach shows that he was generally familiar with many of the Prophets and writings of the OT, but does this suggest that these writings were functioning as canon among the Jews by his time (180 BCE)? Harry Orlinsky argues to the contrary and claims that the focus here is on personalities as activists, not writers of literature.<sup>25</sup>

23. R. H. Charles believed that he was able to recover the earliest form of the Jubilees text from Epiphanius' *De mensuris et ponderibus* 22 (*The Book of Jubilees or the Little Genesis* [London: Oxford University Press, 1902] lxxvii—lxxx).

24. D. N. Freedman, "The Earliest Bible," *Backgrounds for the Bible* (ed. M. P. O'Connor and D. N. Freedman; Winona Lake, IN: Eisenbrauns, 1987) 29-37, here 29.

25. H. M. Orlinsky, "Some Terms in the Prologue to Ben Sera and the Hebrew Canon," *JBL* 110 (Fall 1991) 483-90, here 487.

3. In regard to the Prologue to Sirach, possibly written by Sirach's grandson (ca. 130 BCE), we see that there were three groupings of writings mentioned. The Law and the Prophets are obviously quite distinct, but the third category is simply listed as "the others that followed them" or the "other books of our ancestors" or "the rest of the books." It is a temptation to identify this vague collection with the Hagiographa of the second century, but there is no evidence that the two collections are the same in the time of Sirach's grandson, even though some of that literature may have been intended by the references.

4. Likewise, in 2 Macc 2:13, we read about the collections of sacred writings by Judas Maccabees. The writer (104-64 BCE) states that "the same things are reported in the records and in the memoirs of Nehemiah, and also that he founded a library and collected the books about the kings and prophets, and the writings of David, and letters of kings about votive offerings. In the same way Judas also collected all the books that had been lost on account of the war that had come upon us, and they are in our possession. So if you have need of them, send people to get them for you" (see 1 Macc 1:56-57 for the historical context of this text). This passage raises more questions than it answers about the state of the biblical canon. For example, what were the "letters of the kings about votive offerings," and how do the Chronicles, Esther, and Ezra-Nehemiah fit into this description? And what of Job in this collection? Was it included in the Psalms? That is doubtful.

It is a temptation to say that this passage is a reference to the finalization of the Hebrew Scriptures, as does Sid Leiman,<sup>26</sup> but that is not necessarily the case. We can surmise at best that the writer here had in mind the Law and the Prophets and perhaps the Psalms, but it is difficult to argue for more than that with any evidence or confidence.

5. Later in Philo's *Contemplative Life* 3.25-28, we see that he refers to the Scriptures of the Therapeutae, or Essenes, in Egypt and says that these individuals took with them into their holy places "the laws and the sacred oracles of God enunciated by the holy prophets, hymns, and psalms, and all kinds of other things by reason of which knowledge and piety are increased and brought to perfection." Once again, on the basis of information from this period (late first century BCE or early first century CE), we cannot say for certain what it was that these persons took with them into their holy places. It sounds much like the writings that were found at Qumran, which, as we

26. Sid Leiman, *The Canonization of the Hebrew Scripture: The Talmudic and Midrashic Evidence* (Hamden, CN: Archon, 1976) 29. R. Beckwith also makes this claim ("Formation of the Hebrew Bible," *Mikra*, 56-58).

know, included far more than the writings of the current Hebrew Bible. Although all of the OT books but Esther were found at Qumran, many other writings were also found there in the same caves with little or no distinguishing features in them that could be used to argue that they were held in separate esteem from the books that were finally included in the OT biblical canon. This is especially so in the case of the *Temple Scroll* and the *Manual of Discipline*.

6. In an earlier text found at Qumran, perhaps dating as early as 150 BCE, and recently translated and published by several scholars, namely the *Miqsat Ma'aseh Torah*—or more commonly called 4QMMT, or "The Second Letter on Works Reckoned as Righteousness (Plates 15-16), reads in part, "For on account of these things we have written for you that you may perceive in the book of Moses and in the words of the prophets and in David and in the words of the days (or Chronicles) from generation to generation."

Again, all that we can say from this text is that Moses and the Prophets and David (the Psalms?) and perhaps the Chronicles are mentioned, but we do not know what "David" refers to nor what is implied by the Chronicles or "days" in this passage. Since the Prophets were referred to as a collection or category, we can probably assume that the classical Hebrew prophets were in mind, but they are not identified for us in the passage, and it is not clear that this included all of the Former and Latter Prophets.

7. In Luke 24:44, when Jesus was in the closing hours of his post-resurrection ministry with his disciples, he reminded his disciples that "everything written about me in the law of Moses, the prophets, and the psalms must be fulfilled." Although it is quite common today for scholars to infer from this that Jesus was referring to the third category of the Hebrew Bible that obtained in the second century, namely, the *Hagiographa* or *Ketubim*, there is nothing in the first century or before that would lead us to that conclusion. Beckwith argues from the premise that in the rabbinic writings the third category of Scriptures was sometimes called the *Homashim*, or "fifths," and that this term was occasionally used in reference to the Psalms,<sup>27</sup> that this is what Jesus had in mind when he referred to Psalms in this text. This makes sense, of course, if we can show that this notion existed *in the first century*, but that is simply not the case according to the available evidence. Since the most common designation for the Hebrew Scriptures in the NT writings was "Law" or "Law and the Prophets," Luke 24:44 is an isolated text in the NT literature that indicates the growth in the early Christian community in its awareness of that third part of the Hebrew Scriptures. There is no reference in the first century CE or

27. See *Sepher Torah* 2.3-4; *Sop.* 2.4 noted above in n. 22.

before to the terms that Beckwith uses freely to describe the third part of the Hebrew Bible, namely, *Homashim*, *Hagiographa*, or *Ketubim*. Even the notion of that which "defiles the hands" is a later tradition not found in the first century. These are all later designations, and it is anachronistic to impose them on the first century. But further, it is unlikely that we should reckon the whole of the contents of what later was called the Writings, or *Hagiographa/Ketubim*, especially the Chronicles and Ezra-Nehemiah, under the term "psalms." Also, to argue that the Psalms stood first in that third collection and that the Chronicles stood last does not square with the fact that Ruth is mentioned in first place in *B. Bat.* 14b, and the Chronicles were more likely to stand in first place than in the last in the ancient collections. This is precisely the case in the major medieval manuscripts of the Aleppo Codex. What suggests that Ezra-Nehemiah stood in last place is that the closing verses of 2 Chronicles is the first paragraph in the book of Ezra. It is most likely that Chronicles stood in first place and not in last place since there would have been no need for the duplicate paragraphs at the end of 2 Chronicles and the beginning of Ezra if the two were side by side. We could further note that if they had stood in immediate sequence there would probably not have been a need for the duplication paragraph either. Again, there is nothing convincing here *from the first century* that leads us to conclude that the term "psalms" in Luke 24:44 referred to anything more than the Psalms or psalmic literature. If it referred to the former, we are not certain which Psalms were included. The larger collection of psalms that circulated at Qumran (Cave 11) suggests that more psalms were in use than those that finally achieved canonical status.

8. A further argument against concluding that Jesus' reference to the "psalms" included the whole of the Hagiographa is Josephus' well-known apologetical text in *Ag. Ap.* 1.37–43 in which he describes the contents of the Hebrew Scriptures. After speaking about the five books of Moses and the thirteen prophetic books from Moses to Artaxerxes, he then states that the "remaining four books contain hymns to God and precepts for the conduct of human life." It is difficult to show from this description that Josephus' third category, that included only four books, refers to all of what we find in the Hagiographa, especially Esther, the Chronicles and Ezra-Nehemiah.

### *B. Josephus*

One of the most common ancient references used to show that there was a widely acknowledged and closed biblical canon in the first century CE is Josephus' *Ag. Ap.* 1.37–43. But was there an awareness among all Jews of that day of a widely accepted and long-standing

three-part biblical canon of twenty-two books as Josephus claims? This passage is regularly cited as evidence of such a canon at the beginning of the early Church.<sup>28</sup> Earle Ellis, for instance, argues that Josephus contradicts any views about an undetermined biblical canon in the first century and contends that this well-known passage was "a closely reasoned polemic against *inter alia* the work of an erudite Alexandrian grammarian, and he could not afford to indulge in careless misstatements that could be thrown back at him."<sup>29</sup> He adds quickly that Josephus did not write for his own Pharisaic party, but for all the Jewish people.<sup>30</sup> The portion to which we refer reads in part:

Our books, those which are justly accredited, are but two and twenty, and contain the record of all time. . . . We have given practical proof of our reverence for our own scriptures. For although such long ages have now passed, no one has ventured either to add, or to remove, or to alter a syllable; and it is an instinct with every Jew, from the day of his birth, to regard them as decrees of God, to abide by them, and, if need be, cheerfully to die for them. (*Ag. Ap.* 1.37- 43)

There are two important observations that we should make about this passage: First, Josephus' twenty-two book canon did not eventually obtain in Judaism but rather the twenty-four book canon that was popular even in Josephus' own day (see 4 Ezra 14:44-48). Second, and perhaps more important for our purposes, it is well known that Josephus was given to exaggeration. In recent times a number of scholars have asked about the reliability of Josephus' comments on the extent of the Jewish biblical canon at the end of the first century CE. How certain are we that Josephus' accounting of matters related to the canon is correct? Sid Leiman correctly observes that the above passage was written in an apologetical context, that is, in "a vigorous rebuttal," not only against Apion but also against all who denied the antiquity of the Jews and their sacred literature. Therefore, he argues, Josephus is contending for the accuracy of the Hebrew Scriptures as reliable history and not as sacred Scripture.<sup>31</sup> Leiman claims that Josephus' comment that "no one has ventured to add, or to remove, or

28. F. F. Bruce (*Canon*, 23, 32-34) and E. Earle Ellis (*The Old Testament in Early Christianity*, 7-8) argue thusly. Roger Beckwith acknowledges that there may be some exaggeration on the part of Josephus in his account, but he dismisses the notion that he may have misrepresented the actual state of affairs at the end of the first century CE and contends that Josephus reflects instead a rather long-standing biblical canon tradition within the Jewish community ("Formation of the Hebrew Bible," *Mikra*, 50).

29. Ellis, *The Old Testament in Early Christianity*, 39.

30. *Ibid.*

31. Leiman makes this observation in "Josephus and the Canon of the Bible," *Josephus, The Bible, and History* (ed. Louis Feldman and Gohei Hata; Detroit: Wayne State University Press, 1989) 51-52.

to alter a syllable" is simply without justification, since "it is inconceivable that Josephus was unaware of the wide range of textual divergency that characterized the Hebrew, Greek, and Aramaic versions of Scripture current in first century Palestine."<sup>32</sup>

But how do we account for the exclusive language about the contents and inviolability of the Hebrew Scriptures in Josephus? Leiman says that this rhetoric has several parallels in classical historiography and that Josephus need not be taken literally.<sup>33</sup> Louis Feldman is even more critical of Josephus' reliability in this matter and cites several examples where he exaggerates and is given to propaganda, especially in the defense of Judaism—which is, of course, the context of *Against Apion*.<sup>34</sup> Feldman reviews the prejudices and inaccuracies of Josephus and concludes that "he is far from infallible" in regard to the shape of the biblical canon.<sup>35</sup> He believes that Josephus is quite reliable in matters of topography and geography of the land of Israel and also in matters of economics, but he is nonetheless a propagandist in regard to the defense of Judaism against the pagan intellectuals of his day.<sup>36</sup>

D. J. Silver claims that Josephus' twenty-two book canon revealed his wish rather than the actual state of affairs regarding the biblical canon in his day, and he observes that there were many such texts circulating in that time with a claim to canonical authority, "with more appearing all the time."<sup>37</sup> Since Josephus claims that the exact succession of prophets ceased with Artaxerxes, the son of Xerxes, who he identifies in *Ant.* 11.184 as Ahasuerus from the book of Esther, it is understandable why he concluded his biblical canon as early as he did, but this view was not the only view about prophecy among the Jews of the first century.<sup>38</sup>

Although Leiman acknowledges that Josephus frequently exaggerated in his writings, he still believes that Josephus presented a standardized biblical canon which could be verified. He reasons, "Even if one allows for exaggeration on Josephus' part, he could

32. Leiman, "Josephus and the Canon," 52.

33. Leiman, "Josephus and the Canon," 52-53. He notes that Maimonides (d. 1204) and Joseph Albo (fifteenth century) also have similar statements in an apologetic context ("Josephus and the Canon," 53).

34. See Louis Feldman, who gives a number of examples in Josephus to substantiate his point ("Introduction," *Josephus, The Bible, and History*, 3-47).

35. *Ibid.* 46-47.

36. *Ibid.* 47.

37. D. J. Silver, *The Story of Scripture: From Oral Tradition to the Written Word* (New York: Basic Books, 1990) 134. 4 Ezra 14:44-48 is one such example.

38. Leiman makes this point ("Josephus and the Canon," 51). It is interesting that some of the strongest opponents of the legitimacy of Josephus' claims in his apology, *Ag. Apion*, are rabbis. The strongest endorsers of Josephus' canon are Christian scholars who are trying to demonstrate a closed biblical canon in or before the time of Jesus.

hardly lie about the extent or antiquity of the canon; any Roman reader could inquire of the nearest Jew and test the veracity of Josephus' statement."<sup>39</sup> This sounds plausible, but it again assumes that "any Jew" would know the contents of the biblical canon or would even be interested in the question of the scope of the biblical canon. It also assumes that all Jews everywhere would agree on the matter, which is the opposite of what we find in the rabbinic writings—the only writings that discuss the matter. It is precisely this kind of inquiry that Melito, bishop at Sardis at the end of the second century, could have made in his own community where there was a large Jewish population if all Jews were sufficiently informed on the matter. On the contrary, however, he evidently could not find sufficient awareness of the scope of the biblical canon in his own city, so he made a special trip to the East (to Palestine?) to discover the contents of the Hebrew Scriptures/Christian Bible (Eusebius, *Hist. eccl.* 4.26.13-14). If the Church had received a closed biblical canon from Jesus, it is odd that a leading bishop of a large church in the last third of the second century did not know the books that made up his Bible. This would be strange indeed if the matter had been settled for a long period in the Church but not so strange if the question was still unresolved at the end of the second century. How certain are we that any Roman could have verified Josephus' comments about the extent of the Hebrew Bible by asking "the nearest Jew"? If the Church had received a closed biblical canon from Jesus, it is incomprehensible why a prominent bishop some 150 years later was unable to inform his parishioners of its contents?

We conclude that the OT canon was not complete in the time of Jesus and that the only surviving Judaisms of that period, of which the Pharisees, Sadducees, Essenes, and early Christians were a part, do not present to us a unified picture of the contents of the biblical canon. More important than this, however, is the obvious fact that if Jesus presented to his disciples a closed biblical canon that was composed of the OT Scriptures of the current Protestant canon, then they apparently lost it shortly thereafter, since they do not restrict themselves to it even in the NT writings and many of the church fathers recognized other noncanonical writings as Scripture (ἡ γραφή) in the second century and following. How is it, for example, that Melito, as reported by Eusebius, includes *Wisdom of Solomon* in his canon of OT Scriptures and omits Esther? And how is it that the Jews of the fourth and fifth centuries were still debating the contours of their biblical canon—questioning the inclusion of Ecclesiastes, Song of Songs, Proverbs, Esther, and Ruth—if the matter had long been settled?

39. Leiman, "Josephus and the Canon," 54.

When the Church began to list its OT sacred books in the fourth and fifth centuries, there were several important differences in these lists, as the surviving lists of that period show. Although Origen acknowledged that the Jews adopted a twenty-two book biblical canon, he, Clement of Alexandria, Tertullian, and other church fathers from the east and the west did not restrict themselves to the later restricted Jewish biblical canon.<sup>40</sup> They continued to be informed by, and they appealed to, many of the apocryphal writings and, for a time, even to the pseudepigraphal writings, as we can see in Jude's use of 1 Enoch 1:9 (Jude 14). Jude clearly uses it as inspired, that is prophetic, literature.

We have not yet discussed the "Jamnia Council" theory that was first advocated by Heinrich Graetz, Frants Buhl, and H. E. Ryle in the last century, and even by more recent scholars like A. C. Sundberg, but the view that the third part of the Hebrew Bible was defined at the so-called Council at Jamnia (Javneh) near the end of the first century CE has been largely discredited by Jack R Lewis, Jack Lightstone, and others.<sup>41</sup> Since this theory was demolished some time back, many scholars have therefore looked to an earlier time for the finalization of the third part of the Hebrew Scriptures. Sid Leiman, for example, contends that the canon was complete during the time of Judas Maccabees, who collected the surviving sacred manuscripts mentioned in 2 Macc 2:13-15, which Antiochus Epiphanes had tried to destroy (1 Macc 1:55-57). But is there another alternative, namely, that the matter was not settled either in Judaism or in the early Church until considerably later, probably not before the end of the second century at the earliest and then only for some Jews and Christians? There is evidence to show that there was some progression even among the Jews in the second century CE and following on the scope of their biblical canon (see *y. Ber.* 11b; *y. Nazir* 54b; *Gen. Rab.* 91:3; *Qoh. Rab.* 7:11; and *Ber.* 48a). The lack of uniformity in this matter in both the Church and rabbinic Judaism, the disputes among the Amoraim over the scope of their sacred writings that "defile the hands," and the frequent references to noncanonical apocryphal literature in the rabbinical writings and in the early church fathers who often refer to it as scripture support this conclusion.

40. See Origen's debate with Julius Africanus over his use of the *History of Susanna* (*Epistle to Africanus* 13) and also Tertullian's use of 1 Enoch 8:1 to support his convictions about women's clothing (*On Women's Dress* 1.3). Clement of Alexandria's regular use of noncanonical literature is acknowledged by Eusebius (*Hist. eccl.* 6.13.5). See L. M. McDonald's revised and expanded edition of *Formation of the Christian Biblical Canon* for further examples (Peabody: Hendrickson, 1995) 110-11.

41. See J. P. Lewis, "What Do We Mean By Jabneh?" *JBR* 32 (1964) 125-32; and J. N. Lightstone, "The formation of the Biblical Canon in Judaism of Late Antiquity: Prolegomenon to a General Reassessment," *SR* 8/2 (1979) 135-42.

*C. Freedman's Alternative: An Early Twenty-Three Book Canon*

David Noel Freedman, on the basis of his discovery of the symmetry of the Hebrew Bible,<sup>42</sup> contends that, except for the Book of Daniel, the whole of the OT biblical canon was closed for all intents and purposes no later than the fifth century BCE and that the Law and Former Prophets (Joshua through Kings) were recognized as canonical scripture in Babylon before the Jews returned to the Land of Israel in 538 BCE<sup>43</sup> He says that the original fixed Hebrew biblical canon was a *twenty-three* book collection without the Book of Daniel and that the biblical canon was consciously determined along symmetrical lines roughly between 400 and 350 BCE, though he is not dogmatic about the date.<sup>44</sup> Because there appears to be a well-balanced symmetry of the two major parts of the Hebrew Bible, he concludes that the editor(s)/collector(s) put these parts together with such a balance in mind.<sup>45</sup> Freedman shows that the five books of the Torah are balanced with the five major Ketubim (Chronicles, Job, Psalms, Proverbs, Ezra-Nehemiah) which is also balanced with the five *megillot* (Ruth, Song of Songs, Ecclesiastes, Lamentations, and Esther).<sup>46</sup> The Former Prophets containing four major books (Joshua, Judges, the Samuels

42. David Noel Freedman argues that the finalization of the Hebrew Scriptures, except for the Book of Daniel, took place no later than between 400-350 BCE, but that the Law and the Former Prophets (Joshua through Kings), were completed in Babylon before the return of the Jews from Exile in 538 BCE ("The Symmetry of the Hebrew Bible," *ST* 46 [1992] 83-108, here 102-5; see his "The Earliest Bible," 29-37, here 29 and his more recent "The Symmetry of the Hebrew Bible," *ST* 46 [1992] 83-108). Freedman claims that without the Book of Daniel the two parts of the Hebrew Scriptures are evenly balanced, and this demonstrates for him the specific intentions of those in the time of Ezra-Nehemiah to develop a well-balanced collection of Scriptures. He acknowledges that certain other books may have been late (Esther and Ecclesiastes), but that does not alter his picture by much. He is convinced that "without Daniel, the rest of the Hebrew Bible as we have it reflects a symmetry that is astonishingly exact (as exact as is likely in literary productions rather than mathematical ones)" (Freedman, "Symmetry" 94). He claims that "if we consider numerical symmetry an important factor, then there is really no choice: there was only one moment when the Bible and the alphabet coincided and all the editorial factors were present. It was precisely in this period (postexilic, Babylonian and Persian)" (p. 104).

43. Freedman, "Symmetry," 102-5.

44. Freedman, "Symmetry," 83-108.

45. The Torah and the Former Prophets have roughly 150,000 words compared to the second part containing the Latter Prophets and the Writings, which also have approximately 150,000 words. More specifically, Freedman has shown that there are 79,983 words in the Torah and 69,658 words in the Former Prophets (=149,641). The Latter Prophets have 71,852 words and the Writings have 78,085 words (=149,937).

46. He also observes that Chronicles comes first in order of the Ketubim in both the Aleppo Codex and the Leningrad Codex and believes that Chronicles was originally intended to be in first place since the concluding paragraph in Chronicles and the opening paragraph in Ezra are essentially the same and such an overlap would not be

and the Kings, the latter being two books, not four) are also, and obviously, balanced with the four Latter Prophets (Isaiah, Jeremiah, Ezekiel, and the Twelve Minor Prophets—the latter Twelve were always combined into one book). He claims that collection of twenty-three books was possible only during one period in Israel's history, namely, in the postexilic Persian period when the Hebrew alphabet included twenty-three characters. He contends that this augmentation came when װ and ן were two distinct forms in the Hebrew alphabet.<sup>47</sup> He even argues that the final editors of the Hebrew biblical canon, without the addition of Daniel, were Ezra and Nehemiah.<sup>48</sup>

Although Freedman offers a unique suggestion supplying us with impressive data and helpful information on the development of the Hebrew alphabet, as well as adding clarity to our understanding of Psalms 25 and 34, there are difficulties with his proposals, some of which are quite obvious. First, it is interesting that with the amazing parallels that he has found with the use of the computer that this symmetry was not noticed or observed earlier in the rabbinic tradition. Second, why is it that this twenty-three book canon is never mentioned in antiquity? The virtual silence about the matter is puzzling if a balanced symmetry was intended by the ancient scribes and

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necessary if the books were in immediate sequence, that is, if Psalms, Job, and Proverbs were placed between Chronicles and Ezra-Nehemiah. If this is correct, it would dull the argument made by Bruce regarding Luke 11:49-51 which we noted above (*The Canon of Scripture*, 31).

47. A part of Freedman's evidence for this proposal comes from Psalms 25 and 34, which have 23 lines rather than the 22 when it is obvious that the limits of the Hebrew alphabet is intended to parallel the lines of the two psalms. Notice, for instance, that the first line of Psalm 34 begins with the letter *aleph* (א), the middle line begins with *lamed* (ל), the middle of the Hebrew alphabet, and the concluding line begins with the letter *taw* (ת), the conclusion of the alphabet, but the total number of lines is 23 instead of 22. Compare this to the organization of Psalm 119, which begins each section with a successive letter of the 22 character Hebrew alphabet. According to Freedman, this condition of a 23 letter Hebrew alphabet existed only between 450 and 350 BCE. He argues that the near perfect symmetry of the 23 book Hebrew Bible and the 23 character alphabet coincided at only this time in history, and the later attempts to establish 22 or 24 book canons based on the Hebrew alphabet varied because this 23 character alphabet was not considered, and consequently books like Ruth (which belongs to the Writings and more specifically the *megillot*, or smaller books of the Writings) and Lamentations (another of the *megillot*) were added to Judges (Former Prophets) and Jeremiah (Latter Prophets) respectively. The Hebrew Bible, he says, contained 24 books only when the Book of Daniel was included. Freedman shows a number of other parallels to argue his case, including that the variations in actual letter counts come as a result of the later tendencies to add more vowels than did the earlier writers of the Hebrew Bible ("Symmetry" 103-4).

48. Freedman, "Symmetry," 105-6. We should note that the association of Ezra's name with the Books of Moses in rabbinic tradition is quite strong and also includes his name on the Torah. See *t. Kelim* B. M. 5.8.

understood by its readers. Third, why did it take some 2400 years to discover this symmetry? It appears that we alone are aware of it and are indebted to Professor Freedman for its discovery. Fourth, where is the evidence for the addition of the book of Daniel to an already fixed form of the Hebrew Bible in the second century BCE? We agree that Daniel in its current form could not have been a part of the sacred collections before the middle of the second century BCE, but where is the evidence that the book was added to the Hebrew biblical canon at that time? Fifth, and more importantly, how could the Judaism of the first century CE lose sight of its already firmly fixed biblical canon if the matter was settled earlier in the intertestamental period? What are the Essenes doing adding books like the *Temple Scroll* and the *Damascus Document*, as well as some psalms, to a widely recognized closed biblical canon? This is the same assumption we must suppose of the leaders of early Christianity if they were presented with a biblical canon that was already fixed. Although there is no doubt about the Torah being the central and most important part of the Hebrew biblical canon, there is plenty of evidence that some of the books of the Writings were contested well into the fourth century CE, as was shown above. How could this be if the matter was as settled as Josephus would have us believe (*Ag. Ap.* 1.37–43) or Freedman suggests? Sixth, why is it that if the Hebrew biblical canon was settled, except for Daniel, in the fifth or fourth century BCE, only the Torah was translated into Greek when the LXX was begun in the third century BCE in Egypt? Why does it take at least another hundred years (probably longer) to have a more complete LXX that included the Prophets and Writings (and more?))? Seventh, and finally, why, if the canon was finalized earlier along the lines of the alphabet, is there no obvious attempt to correlate the Hebrew biblical canon with the alphabet until the first century CE? Josephus is the first clear example of this practice with the one possibility that it might have been found in an earlier text of *Jubilees*. Does the adoption of a biblical canon boil down to, "we would like to use Wisdom, but there is only enough room for Song of Songs"?

Even though Professor Freedman's work is refreshingly new and intricately detailed, we cannot yet agree that his proposal is the correct one. Freedman, however, may well have provoked our thinking about the origins of the Hebrew biblical canon in a way that will stimulate some further advance in canon research. If his dating of the emergence of such a collection were not so early, we might readily see his point that someone clearly formed the Hebrew Scriptures in a finely tuned symmetrical pattern, but the date—at least no later than the early Greek period of 350 BCE—is a major part of his proposal and consequently problematical. We agree, however, that by the time of Ezra the Former Prophets probably already functioned in an authoritative manner (canon 1) in Israel and also in Babylon, but we do not

yet see them in a canon 2 category as he suggests. For these reasons, Freedman's proposal seems unlikely.<sup>49</sup>

We agree that the focus on the Hebrew alphabet is an important stage in the development of the Hebrew Bible, but the correspondence of the alphabet to the Hebrew Scripture canon itself is difficult to date with any certainty before the end of the first century CE (Josephus). There are, of course, portions of the Psalms that are delineated by the letters of the Hebrew alphabet (Psalms 25, 34, 119, etc.), but the application of this to the number of books in the Hebrew Bible is a late development. Some church fathers in the East were aware of this association of Scripture with the Hebrew alphabet, as we have noted above, but it is not clear how long it continued, let alone prevailed either in Judaism of later antiquity, or in the patristic era among the Church Fathers. Some scholars have tried to show that the Hebrew Scriptures were completed no later than the second century BCE and were endorsed by Jesus and accepted by the earliest Christian communities,<sup>50</sup> but this does not seem to square with the attitude of the earliest followers of Jesus. They were also informed in their theologies by the apocryphal writings and, in the case of Jude, a pseudepigraphal writing that he acknowledged (Jude 14 citing 1 Enoch) as a sacred prophecy (or Scripture) in the first century.<sup>51</sup>

### III. THE NT CANON

#### *A. An Outline of Its Development*

In the case of the formation of the NT canon, it is generally agreed today that in the last part of the first century C.E., several of Paul's epistles were circulating in Asia Minor and Greece, perhaps at his own instigation.<sup>52</sup> At a very early time the Church found the writings of the NT, predominantly Paul and the canonical Gospels (mostly

49. I am grateful to Professor Freedman for the exchange of several letters and the time he has taken to clarify his position to me. I have yet to resolve some of the above noted problems that his proposal presents, but his suggestions are bold and exciting and worth considering. Freedman also applies the symmetrical principle to the NT literature but, in my view, with less impressive parallels. See the interview with Hershel Shanks in "The Undiscovered Symmetry of the Bible," *BibRev* 10/1 (February, 1994) 34-41, 63. See also R. G. Bowman's positive review of Freedman's *Unity of the Hebrew Bible* (Ann Arbor: University of Michigan Press, 1991) in *JBL* 113 (1994) 122-23.

50. See Ellis, *Old Testament in Early Christianity*, 36; and W. Lasor, D. Hubbard, and E Bush, *Old Testament Survey* (Grand Rapids: Eerdmans, 1983) 17.

51. Metzger, *The Canon of the New Testament* 159. Metzger has observed that Tertullian cites Jude 14 to support the authority of Enoch (*De cultu Fem.* 1.3).

52. The novel idea that Paul initiated the circulation of his own writings in a collection has been argued by David Trobisch (*Paul's Letter Collection: Tracing the Origins*

Matthew), useful in its preaching, teaching, and worship. In the letter of Clement of Rome (1 Clement, ca. 90-95 CE) and in the letters of Ignatius (ca. 115-17 CE) as well as in the *Didache* (70-90), there are several allusions and references to some of the NT writings, mostly from the Gospel of Matthew and Paul. In the early part of the second century some of the NT writings were referred to with the most common scriptural designations in a few isolated texts (ἡ γραφή, αἱ γραφαί, ἡ γραφή λέγει, γέγραπται, or such like designations), and by the middle of the second century the Gospels ("memoirs of the Apostles")<sup>53</sup> were being read alongside the OT Scriptures, as in the case of Justin Martyr, who refers to their reading along with the OT Scriptures in Christian worship (*1 Apol.* 67). In time this practice, as well as several writers' making use of the NT writings to defend the Church's "*regula fidei*" against heresy, led the Church to accept some NT writings as Scripture, that is, as normative in life of the churches. This recognition was not universal, nor was it at the same time in all churches; rather, it was gradual and occurred in scattered regions of the empire. In other words, what was true and authoritative in one area was not always the same in all areas at the same time. A word of caution is therefore in order for those who make generalizations about the whole of the second century based on one or two isolated texts in an ancient source.

By the end of the second century there was a wide acceptance of the canonical Gospels—though this was by no means universal<sup>54</sup>--along with the Epistles of Paul, which by this time *began* to include the pastoral Epistles, as well as Acts, 1 Peter and 1 John, and a few Christians were recognizing the sacredness also of the Book of Revelation. Some Christians accepted as sacred such writings as 1 Clement, Ignatius' epistles, the Epistle of Barnabas, and the Shepherd of Hermas.<sup>55</sup>

When did the churches begin to formulate and pass on a *fixed* collection of Christians Scriptures--a canon if you will? The most widely

[Minneapolis: Fortress, 1994] 55-96). Although it is possible that this was the case, he has not yet demonstrated his case.

53. Literally, ἀπομνημονεύματα ἀποστόλων, which, as Metzger has noted, was first used of the "memoirs of Socrates" by Xenophon who is referred to in Justin's *II Apology* 11.3. Metzger observes that the term was used eight times by Justin to refer to the Gospels as the "memoirs of the apostles," and four times simply as "memoirs." See similar designations in Justin's *Dialogue with Trypho*, 103.8, 106.4. See Metzger's *Canon of the New Testament* 145.

54. John's Gospel continued to be the primary gospel used in Asia Minor and Tatian's *Diatessaron* continued to be used in Syria for several centuries.

55. See Lee M. McDonald, *The Formation of the Christian Biblical Canon*, 199-205 for references to the early Christian use of these writings as well as Metzger, *Canon of the New Testament*, 113-64.

accepted view today is that by the end of the second century CE the process of canonization of the Church's NT was largely complete and only minor modifications occurred after that. There is some truth in this position, but not for the reasons generally given and only if we understand canon as an open-ended concept at this time. There is no evidence that the Church consciously discussed or contemplated a closed or fixed collection of NT Scriptures at the end of the second century. Those who argue that the NT canon was essentially complete by that time generally point to three important factors that led the Church to define its canon of NT Scriptures more precisely: (1) Marcion, who adopted a limited collection of Christian Scriptures for use in his churches (an abbreviated Luke and ten letters of Paul) while rejecting the OT Scriptures and those Christian writings that displayed a Judaistic bias; (2) Gnosticism, which produced many esoteric writings of its own and widely influenced the early docetic christologies; and (3) the Montanists, who also allegedly produced many new prophetic writings that they freely employed in their teaching and worship, and this supposedly caused the greater Christian churches to adopt a more limited biblical canon. The argument goes on to claim that in response to these challenges, the early Church defined more precisely those Christian Scriptures that better represented its identity. In other words, heretical concerns led the Church to canon recognition.

The problem with this position, however, is that, in the writings that have survived the second and third centuries, the church fathers did not answer these challenges with a canon of Scriptures so much as with a canon of truth that was defended by an appeal to those apostolic writings. This is especially true in regard to Irenaeus and Tertullian. See, for instance, in Irenaeus, *Against Heresies* 1.8.1; 1.9.1–4 and in Tertullian, *Prescription Against Heretics* 8-9 where logic, the Church's canon of truth, and an appeal to various Christian writings are used to speak to these challenges.<sup>56</sup> Even as late as the early third century, Serapion wrote to one of his churches to settle the question of whether the *Gospel of Peter* could be read in that church. We should recall that he had earlier agreed to allow it to be read in the churches but later reversed himself after reading the document, and he denied the request not on the basis of a fixed collection of Scriptures but on the basis of a canon of truth. The writing did not cohere with the Church's teaching that was believed to have been handed on through the apostles to the bishops of the churches. Serapion dealt with the issue on the

56. For other reasons, Charles Talbert makes this same point in his "Political Correctness Invades Jesus Research: A Review Essay," *PRS* 31 (1994) 245-52, here 250-51.

basis of orthodoxy and not canonization. This was also the practice of Irenaeus, who responded to the threat of the Gnostics on the basis of the "apostolic deposit" of teaching that was handed on in the churches through the bishops—his *regula fidei*.

What seems to lead away from the notion that the NT canon was largely settled in the second century is the doubt that persists in the Church in the fourth century. Eusebius, in the first third of that century, lists books that were circulating in the churches and classifies them into three categories: recognized, disputed, and rejected (*Hist. eccl.* 3.25). By the end of the fourth century, the disputed category had largely fallen away and only the accepted and rejected categories remained. It is amazing that such discussions, primarily in Eusebius in the first part of that century and in numerous of the church fathers in the latter part, would still be going on if the matter of the contents of the biblical canon had been largely settled in the second century. We have no problem here in agreeing with Everett Ferguson that the process of canonization began in the second century with the recognition of some Christian writings as Scripture, but there is difficulty in saying that the process was largely concluded in that century. In fact, where do the church fathers discuss such notions at all in the second century? There were no categories or terms for the identification of such literature in the second century, not even the terms Old Testament and New Testament as Ferguson has argued.<sup>57</sup> These terms, although originating in the second century probably with Irenaeus, were not widely used in the churches until the fourth century when Eusebius still had to clarify their meaning for his readers, and even then there was an inconsistent use of the terms. Both Eusebius (*Hist. eccl.* 5.8.8) and Epiphanius (*Panarion* 76), for example, include the *Wisdom of Solomon* in a collection of NT Scriptures.<sup>58</sup> The terms for canonization, therefore, were simply not current *lingua franca* in the Church until the fourth century.

The process of canonization probably began its *final* stages during the burning of books brought on by Diocletian in his persecution of the Church that was initiated in 303. When Christians were being asked to hand over their sacred literature under threat of death or

57. See E. Ferguson's review of G. M. Hahneman, *The Muratorian Fragment and the Development of the Canon* (Oxford: Clarendon, 1992) in *JTS* 44 (1993) 696-97.

58. The terms were unfamiliar to large sections of the Christian community in the third and fourth centuries. See, for example, how Origen speaks of the terms in his *Commentary on John* 5.4 and *de Princ.* 4.11. See also Eusebius, *Hist. eccl.* 3.9.5, who shows in his reference to the "so-called Old Testament" the lack of popularity of the terms in his community. Further, the fact that *Wisdom of Solomon* could appear in a NT list in the fourth century speaks against the widespread understanding of the meaning of the term to identify a fixed collection of Scriptures in the second century.

imprisonment, surely the individual churches had by that time begun to finalize the issue of which writings were sacred and which were not as important to its life and ministry. There is nothing at this time to suggest, however, that the Church at large had full agreement on the matter, but it is likely that churches in isolated geographical locations were in broad agreement by this time.

What factors then led to a more universal acceptance of certain books in the NT canon? Arguably, Eusebius is one of the most pivotal personalities in the final stages of the canonization process, and he had the greatest influence on the Church at large through his *Ecclesiastical History* and his relationship with the Roman Emperor. This was especially so when Eusebius was asked by the Constantine himself to produce fifty copies of the Scriptures for the churches in the New Rome, Constantinople. Whatever it was that Eusebius produced and the emperor accepted surely must have had a large impact on the churches in the region of Constantinople if not the whole empire.<sup>59</sup> Nevertheless, by the end of the fourth century there were many canonical lists produced with variations among them in both the eastern and western churches. Later in that century church councils were beginning to get involved in the discussion, especially in deciding on the questionable books, or "fringe" writings (2, 3 John, Jude, etc.), that did make it into the Scripture canons. This is where I believe that the stage of definition is largely concluded but never finalized for the whole Church.

### *B. The Muratorian Fragment*

So what of the Muratorian Fragment? The Muratorian Fragment may properly be described as the "Achilles heel" of NT canon discussion. It is often the chief piece of evidence presented for the origins of the NT canon near the end of the second century. If it was written in the late second century CE, it stands in isolation from all other evidence of the origins of canonical discussions in the ancient Church and had no influence or parallels whatever for more than 180 years after that. There are a number of arguments against its second century origin, however, and also its supposed western provenance—the most commonly accepted views of this strange and poorly written fragment. Besides the important arguments of Sundberg and Hahneman, which

59. G. A. Robbins argues that these copies were only of the Gospels, but I do not find his arguments on this point convincing (" 'Fifty Copies of Sacred Writings,' VC 4.36; Entire Bibles or Gospel Books," *Studia Patristica* [vol. 19; ed. E. A. Livingstone; Leuven: Peeters Press, 1989] 91-98).

were carefully reviewed by Everett Ferguson and Bruce Metzger,<sup>60</sup> I would add the following:

1. If the Muratorian Fragment is a second century document, why are there no references to the lack of a universal acceptance of the four canonical gospels at that time? The author of it assumes a universal acceptance of the canonical Gospels and does not defend their sole acceptance in the churches, even though Tatian's *Diatessaron* was quite popular in the Syrian churches. How settled was this question at the end of the second century? Notice, for instance, the strange manner in which Irenaeus calls for the recognition of the four gospels, no more or less, through the argument based on the four zones of the world, the four principal winds, etc., which even in his own day was not convincing (see *Adv. Haer.* 3.11.8-9). Why put forth the argument if everyone already agreed with his position? He was likely trying to defend the widespread Asian use of John, which was being called into question by the Alogi of Asia Minor and by its neglect in other parts of the Church. But beyond this, we need only refer to Tatian's *Diatessaron*, which included other sources besides the canonical Gospels, and to the way that he freely edited them for his own purposes. That does not yet speak of an inviolable text tradition in the Church. It is true that Tertullian refers to all four canonical Gospels, but he nevertheless prioritizes them by apostolic authorship in the early third century (*Adv. Marc.* 4.2.5). For him, Mark and Luke were clearly inferior to Matthew and John. None of this sentiment is manifest or noticeable in the Muratorian Fragment.

2. And what of the strange reference to the Wisdom of Solomon in the Muratorian Fragment that presents a NT list (lines 69-70)? This is highly unusual and has its only parallels in the fourth century *in the east* in the writings of Eusebius where he discusses Irenaeus' canon, which also includes the Shepherd (*Hist. eccl.* 5.8.1-8),<sup>61</sup> and in Epiphanius' *Panarion* 76 (ca. 375–400), who also added Sirach to his NT list. On the other hand, Melito *in the second century* includes Wisdom in an OT list (*Hist. eccl.* 4.26.14). Why does the Wisdom of Solomon show up in another NT list only in the fourth century and in the east? Ferguson acknowledges that Wisdom had more popularity in the East than

60. My thanks are in order to both Everett Ferguson and Bruce M. Metzger who kindly sent to me their reviews of G. M. Hahneman's book.

61. Irenaeus cited *Wis* 6:19 and 9:13-17 in his *Adv. Haer.* 4.38.3 and 2.28.9 respectively but without any reference to the text, and they were not quoted in Irenaeus among NT writings. Hahneman has brought this reference to my attention and it fits well with the arguments by E. Kahn about the Eusebius' inventions regarding the canons of Irenaeus and Origen (*The Muratorian Fragment and The Development of the Canon*, 204).

in the West, but he correctly observes that the document was referred to by Western theologians as well, and he cites as evidence Heb 1:3 (Wis 7.25), 1 Clem 3:4, 7:5; 27:5, as well as Tertullian, *Praesc.* 7 and *Adv. Val.* 2.<sup>62</sup> F. F. Bruce is aware of the strangeness of Wisdom in a NT list, but he suggests that this was so because the time of the writing of the Wisdom was closer to the NT age than to the OT age, perhaps as late as 40 CE.<sup>63</sup> This explanation misses the significance of the observation, however, and a more likely inference from it is that the Muratorian Fragment also comes from the fourth century or later and from the east where and when it was included in NT lists.<sup>64</sup> Metzger, recognizing the anomaly here, admits that "why this intertestamental book should be included in a list of Christian gospels and epistles is a puzzle that has never been satisfactorily resolved."<sup>65</sup> Hahneman, on the other hand, contends that Wisdom's reception in the West was seen by its inclusion in the later OT texts but that it was excluded from these in the East and placed rather generally in the secondary reading lists for the Christians, or in NT lists, as we see in Eusebius, Epiphanius, and the Muratorian Fragment—all from the East. Although Wisdom was excluded from OT lists in the fourth century, it was sometimes included in NT Scriptures or accepted as a secondary reading as in the case of Eusebius, Athanasius, Epiphanius, and Rufinus (*Comm. in Symb. Apost.* 38).<sup>66</sup>

3. Finally, if the Muratorian Fragment were produced in the second century, why is it that according to it Jude and 2 or 3 John were already widely accepted in the Church (lines 68-70), but 150 years later Eusebius called these "disputed" books in the Church (the ἀντιλεγόμενα)?<sup>67</sup> Why would Eusebius have raised a question about

62. See his review of G. M. Hahneman's *Muratorian Fragment and the Development of the Canon* in *JTS* 44 (1993) 696-97.

63. Bruce, *Canon*, 165.

64. Hahneman also makes this point (*Muratorian Fragment*, 200-201). F. F. Bruce is aware of the parallels to Epiphanius, but does not draw the same inference from it (*Canon*, 81 n. 52). He also appears to have missed the reference in Eusebius.

65. Metzger, *The Canon of the New Testament*, 197-98.

66. Hans von Campenhausen claims a western origin of the Muratorian Fragment because it lists the Apocalypses of John and Peter as acceptable books. The Eastern churches, he contends, routinely rejected the apocalypses. Von Campenhausen also argues that the Muratorian Fragment could not have been written later than the end of the second century, because "at a later period it is hardly conceivable that the Catholic Epistles would be limited to three or four, with no mention of those attributed to Peter, or, on the other hand, that the Apocalypse of Peter and the Wisdom of Solomon would have been acknowledged as part of the New Testament Canon. Furthermore, the heretics and heresies named by the Muratorianum all still belong to the second century" (*The Formation of the Christian Bible* [Philadelphia: Fortress, 1972] 244-45, n. 192).

67. Everett R. Kahn observes that Hebrews and Revelation are in equivocal positions in Eusebius, *Hist. eccl.* 3.25 ("The Inspired Community: A Glance at Canon

the acceptance of these books if the matter had been widely settled in the second century, as a second century dating of the Muratorian Fragment suggests?<sup>68</sup>

The strongest argument for dating this fragment in the second century has to do with the reference to the rejection of the Shepherd of Hermas because it was written "quite lately [very recently] in our time" (*vero nuperrime temporibus nostris*) (lines 73-74).<sup>69</sup> Hermas lived/flourished roughly 100-145 CE and, therefore, was not from the apostolic era. The author of the Muratorian Fragment evidently separated the apostolic times from all other times. The statement that Pius, the brother of Hermas, was currently the bishop of Rome (line 73), suggests that "our time" is a reference to the second century and no later than 200 CE,<sup>70</sup> but more likely 140-50 CE. Hahneman, following Sundberg, claims that the words, "recently in our time" (Latin, "*nuperrim e(t) temporibus nostris*"), most plainly refer to the Shepherd having been written during the time of Pius' episcopacy (ca. 140-54 CE?) and consequently the writing of the Muratorian Fragment, so the argument goes, came shortly after that.<sup>71</sup> The argument that Hermas was written "quite recently in our time," Sundberg argues, instead of referring to the lifetime of the composer of the fragment, is

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History," *CTM* 18 [1971] 541-49). See also G. A. Robbins, "Eusebius' Lexicon of Canon-icity," *Studia Patristica*, 25:134-41. Metzger rejects this conclusion and says that Eusebius included both the recognized or universally accepted writings (the ὁμολογούμενα) and the disputed (the ἀντιλεγόμενα) in his canon of Scriptures, but the fact that Eusebius elsewhere never puts disputed books in the same category as the recognized books suggests otherwise (*Canon of the New Testament*, 204-5).

68. With regard to the inclusion of Revelation, Eusebius adds with hesitation, "if it seem desirable" and "if this view prevail" (see *Hist. eccl.* 3-25.2, 4), but Revelation had already found an acceptable place in the Muratorian Fragment (line 71) even though the Apocalypse of Peter is questioned by some (line 72).

69. Grant, *The Formation of the New Testament* (New York: Harper, 1965) 301; Metzger, "Canon of the New Testament," *Dictionary of the Bible* (ed. J. Hastings; Edinburgh: T. & T. Clark, 1963) 124; F. W. Beare, "Canon of the NT," *IDB*, 527; Edgar J. Goodspeed, *A History of Early Christian Literature* (Chicago: University of Chicago Press, 1983) 31; Hennecke, *New Testament Apocrypha*, 1:42; von Campenhausen, *The Formation of the Christian Bible*, 242ff.; and others. The complete Latin text, both original and restored, is preserved in G. M. Hahneman, *The Muratorian Fragment and the Development of the Canon*, 6-7, as well as excerpts of the fragment dating from eleventh and twelfth century manuscripts (pp. 9-10). Competent translations are found in Metzger, *Canon of the New Testament*, 305-7 and in Daniel J. Theron, *Evidence of Tradition* (Grand Rapids: Baker, 1957) 106-12.

70. Metzger, *New Testament Canon*, 193-94.

71. Hahneman contends that the statement that Hermas is the brother of Pius the bishop of Rome is without foundation and unknown until the fourth century and that the poor transcription of the fragment makes the historical reference to Hermas and Pius suspect and without a sure foundation (*Muratorian Fragment*, 71-72).

simply a reference to how the ancient churches distinguished the apostolic times from their own. "Our times," he concludes, is a reference to the *post-apostolic* era as opposed to the times of the apostles themselves.<sup>72</sup> He gives several examples of this practice, including one from Irenaeus who uses "our times" (*temporibus nostris*) of an event nearly 100 years before him (the end of the reign of Domitian).<sup>73</sup> Again, however, the problem with dating the Muratorian Fragment that early in the second century (100-140 CE) is that at that time there are even fewer parallels acknowledging Christian writings as Scripture, let alone as part of a fixed canon. The New Testament writings, of course, had to be called Scripture before they could be called canon, and they are only beginning to be called Scripture in the second century. Everett Ferguson grants the possibility that "in our times" could refer to any time after the apostolic times, but he still says that it is compatible with a second century dating of the document and claims that "in our times" was not the usual way of distinguishing those times.<sup>74</sup>

It may be that the Shepherd was written in the early part of the second century, since its widespread use in the latter part of that century is well known. The recognition and acceptance of the Shepherd continued up to the fourth century even in the west. In the late second century, Irenaeus, for instance, calls the Shepherd "scripture" (ἡ γραφή, see *Adv. Haer.* 4.20.2). Eusebius also knew of this reference and acknowledged Irenaeus' reception of the Shepherd.<sup>75</sup> This recognition also came from Clement of Alexandria (*Strom.* 1.1.1; 1.85.4 and frequently, as well as in *Ecoligae propheticae* 45), who frequently quoted the Shepherd as if he was quoting other Scriptures from both the OT and the NT writings. According to Eusebius, Origen likewise included this work in his sacred collection (*Hist. eccl.* 6.25.10).<sup>76</sup> It is also listed in Codex Sinaiticus (Ⲛ) and Codex Claromontanus (D<sup>P</sup>) even though in the latter case in a secondary position. Eusebius

72. See A. C. Sundberg, "Canon Muratori: A Fourth Century List," *HTR* 66 (1973) 1-41, here 8-11. He cites examples of this in Ignatius, *Ep. Eph.* 3.2; *Pol. Phil.* 9.1, and especially Eusebius, *Hist. eccl.* 3.31.6.

73. Irenaeus, *Adv. Haer.* 5.30.3.

74. Everett Ferguson, "Canon Muratori: Date and Provenance," *Studia Patristica* (17/2; Oxford/New York: Pergamon, 1982) 677-83, here 677-78.

75. "And he [Irenaeus] not only knew but also received the writing of the Shepherd, saying, 'Well *did the Scripture say* (καλῶς οὖσιν ἡ γραφή ἢ λέγουσα) 'first of all believe that God is one who created and fitted together all things,' and so on.' He also made some quotations all but verbally from the Wisdom of Solomon" (*Hist. eccl.* 5.8.7-8, LCL, italics added). Notice that Eusebius mentions Wisdom of Solomon in a NT collection.

76. Even though the "canon" of Origen may be a Eusebius invention, as we have stressed before, this does not preclude that Eusebius correctly shows that Origen favorably used the book of Revelation or any other book in this so-called canon.

appears to be the first to place the Shepherd of Hermas in a disputed category (*Hist. eccl.* 3.3.6), but he still recognized that many held it in high esteem (*Hist. eccl.* 5.8.7). If it had already been displaced in the second century, why is it still a factor for discussion in the fourth century? Eusebius himself placed the book among the "spurious" (νόθοι, *Hist. eccl.* 3.25.1-5). The point here is that if the Muratorian Fragment is a second century document, it does not represent the leading writers of that period. Athanasius called the book "most edifying" (ὠφελιμωτάτης) in his earlier *De Incarnatione Verbi Dei* (ca. 318) but later changed his mind by the time he wrote his famous *Festal Letter* 39 (339).<sup>77</sup> Both Jerome and Rufinus also spoke respectfully of the book, even though they placed it in a secondary position, that is, not as a part of the NT canon.<sup>78</sup> The references to Shepherd of Hermas as a disputed book or a spurious book, therefore, appear to be late (fourth century) rather than early (second century).

Since there are no parallels to the *Muratorian Fragment*, roughly or otherwise, until after the time of Eusebius and from the east, the document therefore should be dated after the mid-fourth century and from the east, though we cannot insist on the location.<sup>79</sup> The Muratorian Fragment is an important document for our understanding of the growth and development of the NT canon, but it is not as pivotal a document as many other scholars have supposed.<sup>80</sup> It fits well within the list of fifteen other canonical lists from the fourth and early fifth centuries, even though it is not identical to any of them. Hahneman dates it more precisely ca. 375 and locates its place of origin, like Sundberg, in Western Syria or Palestine.<sup>81</sup> Ferguson has

77. Hahneman, *Muratorian Fragment*, 61-69.

78. Hahneman makes this observation (*Muratorian Fragment*, 68-69). For Jerome's full text, see *Prologus Galeatus* and *De. Vir Ill.* 10. For a reference to Rufinus' inclusion of the book in a secondary position, but still his recommending its reading in private, see *Comm. in Symb. Apost.* 38. Tertullian at first accepted the book (*De oratione* 16) but later under the influence of Montanism rejected it (*De pudicitia* 10, 20). Irenaeus cited it as authoritative Scripture (*Adv. Haer.* 4.20.2) and Eusebius correctly observed this (*Hist. eccl.* 5.8.7). Clement of Alexandria accepted the Shepherd as divinely spoken by revelation from God (*Strom.* 1.17, 29; 2.1, 9, 12). See also Origen who calls it "authoritative scripture" and "divinely inspired" (*De principiis* 1.3.3; 2.1.5; 3.2.4; *Comm. on Rom.* 10:31; and *Tractatus* 35).

79. The discovery of the document in the West, regardless of its origins in Greek and the lateness of its translation into Latin, do suggest the possibility of a western origin, but again, the nature of the list itself appears to be eastern as well as many of the peculiarities within it. See the very helpful section on peculiarities in Hahneman (*Muratorian Fragment*, 183-214).

80. E. Ferguson agrees with this conclusion ("Introduction," *The Bible in the Early Church* xii).

81. Hahneman, *Muratorian Fragment*, 216-17. As a late second century document, its impact on the churches of that time is completely negligible and therefore cannot be

argued that the Muratorian Fragment does not have any parallels in the fourth century either and that its form, unlike the lists of books without comment in the fourth century, shows that the Muratorian Fragment is out of step with the fourth century lists of canonical books.<sup>82</sup> Although he correctly observes that there are no *exact* parallels to the Muratorian Fragment in the fourth century, a factor that is true in regard to several fourth century lists as well, we would argue that there are close enough parallels with Eusebius (*Hist. eccl.* 3.25), who also lists his scriptures *with comment*, and that Eusebius' list is also without exact parallel in contents in the fourth century as well as in his mentioning the threefold divisions of writings. There are no parallels in form or style in the second century, but there are such in the fourth century (see also Eusebius' description of Irenaeus's and Origen's canons in *Hist. eccl.* 5.8.1-9 and 6.25.3-14, which are similar *in style* to the Muratorian Fragment). We disagree with Ferguson who says that the Muratorian Fragment, in form, "is not comparable to the fourth-century catalogues" and suggest that it is more likely to originate in the fourth century. In fact, that is precisely where it is most at home and the only place where it is comparable with any lists of whatever kind. When Ferguson argues that the list would be strange in the fourth century because it attacks second century heresies, we would agree, but add that this is precisely what Eusebius also does when he attacks the second century teachings of the Marcionites, Gnostics, and Montanists in the fourth century.

We conclude then that the Muratorian Fragment is more at home in the fourth century than it is in the second where many scholars have placed it. The beginning stages of the closure or fixation of the NT canon is also more at home in the fourth century than earlier, even though the process of canonization may have begun with the recognition and use of Christian literature as Scripture in the second century.

### *C. The Criteria*

Perhaps more important than this brief survey of canonical influences is the criteria that the early Church used to identify its sacred Scrip-

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of any consequence in piecing together the rather complicated puzzle of the formation of the Christian Bible. As a fourth century document, however, its existence is far more understandable and allows us to see the concerns and criteria of the church of that era in establishing its canon of Scriptures. In the second century, heresy is not combated with the establishment of a scriptural canon, but with the canon of truth, the *regula fidei* of the Church.

82. See his review of Hahneman's *Muratorian Fragment* in *JTS* 44 (1993) 696.

tures. It is generally recognized that the church fathers employed several criteria, often unequally, to determine the status of a particular writing. Essentially there are four criteria that emerge in the early patristic period.

1. *Apostolicity*. If a writing was produced by an apostle or was believed to have been produced by an apostle, then it was accepted as an authoritative word of Scripture and was eventually included in the Church's biblical canon.<sup>83</sup>

2. *Orthodoxy*. The Church also employed what became known as a rule of faith, or the criterion of "orthodoxy," to determine whether writings used in the Church were to be included or excluded. Bishop Serapion's rejection of the *Gospel of Peter* was based on this criterion of truth (see *Hist. eccl.* 6.12.1-6). If a writing was too far away from what was believed to be at the core or central teaching of the Church that had been handed on in the churches through the succession of the bishops, then it was rejected (see also *Hist. eccl.* 3.25.7).

3. *Antiquity*. If a writing was believed to have been written after the period of apostolic ministry, then it was rejected. This was obviously a criterion for the author of the Muratorian Fragment in his rejection of the Shepherd (lines 73-74). This helps us to understand the appearance of many pseudepigraphal writings during this time, namely, antiquity as well as apostolicity was already being used as a factor in recognition of authority.

4. *Use*. What probably was most determinative in the selection process was the widespread use of a writing in the churches. Eusebius mentions this when he cites his own canon (*Hist. eccl.* 3.25.4-7). Although Eusebius acknowledges that the epistles of James and Jude were denied by many, he concludes, "nevertheless we know that these letters have been used publicly with the rest in most churches" (*Hist. eccl.* 2.23.25), evidently conceding that use was a factor in consideration. More precisely, however, it mattered to the churches specifically who was favorable toward the acceptance of a document and who was not. Eusebius, Athanasius, and Epiphanius, for instance, would no doubt have had a greater influence on the Church than many lesser known figures. Also, churches in the larger areas such as Antioch, Alexandria, Rome, and Ephesus were more likely to have a greater influence on which books were included than were the smaller churches in rural areas.

5. *Adaptability*. One more factor can be mentioned here that is not so much described as it is assumed as a modern scholar's assumption

83. In Eusebius, *Hist. eccl.* 3.25.4-7, his argument against the apostolic authorship of the pseudepigraphal literature reflects the authority of the apostles that was acknowledged by all groups within the Church.

for canonicity. Those writings that functioned as Scripture in the worship of churches and provided adequate catechetical instruction were those writings that were adaptable for use in the life and ministries of the churches. Some writings were considered Scripture earlier in the Church's history, such as Barnabas, 1 Clement, the letters of Ignatius, Hermas, and Eldad and Modat; however, they did not survive the criterion of usefulness. They fell into disuse and therefore eventually were dropped from the Scripture collections. This was more likely to happen before the development of the size of the codex, which by the fourth century improved enough to be able to contain the whole of the NT writings. Even then, however, some noncanonical writings continued to appear in various NT manuscripts and in lists of the Church's Scriptures (see, for instance, **Ⲛ** and **B**).<sup>84</sup> Those writings that were adaptable to the church's needs survived. The others did not.

More than discussing their ancient application, perhaps we should ask the question about how legitimate these criteria are for establishing our biblical canon today. If they are the appropriate criteria, should they be reapplied with the help of the modern critical and historical disciplines with which most Bible scholars are familiar? If we did reapply them, would all of the current books of the NT remain in our NT canon? Would others be added? Certainly Hebrews would not survive the criterion of apostolicity, and there is question about whether the Pastorals, 2 Peter, or Jude would survive it either. Should these books then be left out of our Bibles? That might be the case if the above criteria alone were our only basis for accepting books into the Scripture canon. In other words, can we continue to accept as a part of our biblical canons literature that was earlier ascribed to an apostle but which we are now fairly confident was not written by an apostle?

This question leads us into a discussion of the issue of pseudepigraphy in our NIT canon. Should a writing remain in the canon if the basis for its original acceptance, apostolic authorship for instance, is unfounded? Metzger rightly asks about the appropriateness of keeping a book in the canon that was accepted for the wrong reasons.<sup>85</sup> Did a writing become a part of the NT solely because of its authorship, or was it also because of its contents? If the latter is the case then Hebrews would be an especially good candidate for consideration, but not in the former case based on authorship. It was not written by

84. For an excellent discussion of this matter, see C. H. Roberts, "Books in the Greco-Roman World and in the New Testament," *Cambridge History of the Bible* (Cambridge: Cambridge University Press, 1970) 1.48-66.

85. Metzger, *The Canon of the New Testament*, 285-86. He asks whether it is appropriate to keep a book in the biblical canon even if it was believed that it was written by an apostle as in the case of the Book of Hebrews but was discovered later to be otherwise. He answers yes (p. 286).

the Apostle Paul, but its contents were clearly useful to the Church in spite of who wrote it, and its contents continue to be a source of enrichment to the Church of today. In this case we simply conclude that inspiration and authority do not have as much to do with authorship as with the intrinsic value of the writing itself.

On the other hand, what about the usefulness of the *Didache*, 1 Clement, Ignatius, Barnabas, and Hermas? Compared to books like 2 Peter, 2 and 3 John, and Jude, are they not just as useful and just as *orthodox*, and were they not cited just as often and in some cases more often than some of the canonical literature? In the case of 2 Peter and possibly the Pastorals, some noncanonical writings (*Didache* and 1 Clement) are probably as early as, if not earlier than, these writings. The reapplication of the traditional criteria today is a very important issue in canonical research, and it is here where the historian and the believer often part company. The impact of a particular writing on the history of the Church and its recognized value for preaching and teaching—perhaps another way of speaking about its use and adaptability—must also be considered along with the above noted criteria, but this is not an easy matter to identify, and there is seldom agreement on the value of all of the NT writings adopted by the Church let alone the authorship, date, and occasion of such writings.

#### IV. CONCLUSIONS

Back to the title of this paper. Can there be a theological integrity to the biblical canon when there are a number of unresolved questions relating to how it was formed, when it was formed, what factors led to its forming, and how to account for the divergencies within it? For those who are uncomfortable with some loose ends here and there, and especially with the human side of the canon and its lack of sharp definition in places where we would prefer more precision, there may be a problem in accepting the current biblical canon. For those who can only accept a neatly designed collection of Scriptures that resulted from the careful application of clearly and widely accepted criteria that were evenly applied, disappointment will surely be their lot, and they will probably spend more than a considerable amount of time defending the canon in ways that it cannot be easily defended. There is a rich diversity throughout the biblical canon that defies any cleverly devised harmonizations. The traditional criteria do not account for everything in our Bible, and the care with which the ancient criteria were applied by the Church is, in several instances, highly questionable.

The formation of the Christian Bible was a long and arduous process that refuses simple explanations, but it is nevertheless clear that most of the Christian writers of the second century and following

believed that their faith was addressed and nurtured especially through the Law, the Prophets, and the Psalms and in some cases also by other canonical literature as well as the apocryphal and pseudepigraphal literature. On the other hand, they taught that their faith was especially defined by the Gospels, the letters of Paul, and some other Christian writings, some of which did not make it into our biblical canon (1 Clement, Hermas). By the fourth century, the limiting process of deciding which Christian writings best defined their faith had begun in earnest but was never fully completed to everyone's satisfaction. For example, we are hard pressed to explain how a number of other writings were included in the OT and the NT (Ecclesiastes, Song of Songs, and Esther on the one hand and 2 Peter, 2 and 3 John, and Jude on the other) and how some churches continued to use non-canonical writings in defining their identity and mission for centuries after most of the churches had already made their decisions in this matter (the Ethiopian church for instance, but also the Asian and Syrian churches). The Church eventually agreed *generally* that the OT and NT writings clarified its identity and met its worship, catechetical, and mission needs in ways that are not as apparent to us today as they were to the ancient Christians.

While diversity is clearly found in the biblical canon, it is clear that there were limits to the kinds of diversity that were acceptable in the ancient Church. The Gnostics and Marcionites were unacceptable, but so were the Montanists, the Ebionites, and the Elkesaites. Eventually all of the Pseudepigrapha were excluded, and the Church was divided over the inclusion of the Apocrypha, especially in the East and West in the fourth through the sixth centuries but even later in the Protestant and Catholic churches. Both the diversity in the specifics of the biblical canon and the broad general agreement that obtained in the churches are difficult to explain.<sup>86</sup> It is amazing that the early Christians allowed for far more diversity and controversy in their churches than would generally be allowable in many of our churches today. It is also surprising that the early Christians did not always insist on harmonizations of the sometimes divergent texts like many Christians do today,<sup>87</sup> and we do the early Christians a disservice when we think that they might not have known of these differences especially in the canonical Gospels. Why did they prefer the diversity in the four Gospels over the harmony that we find in Tatian's *Diastessaron*? Regardless of their motive for opting for four distinct gospel testimonies instead

86. For example, when it comes to the nature of Christ, does Matthew reflect the orthodoxy that prevailed in the early Church, or is it better reflected in the Gospel of John or in Paul?

87. For example, how often the cock crowed, the words of Jesus on the cross, the differences in the resurrection narratives, etc. Some problems of harmony are dealt with

of one harmonious text, how can we today take seriously a biblical canon that has so much diversity in it? Is this not the root of much of the current diversity within the Church, as Ernest Käsemann and Kurt Aland have claimed? Is it more appropriate to try to reconcile all the divergent texts, as some Christians are prone to do, or can we find a way to listen to their individual messages in a manner that confronts the Church with its true identity and clarifies its mission?

And what are we to do with those texts that no longer seem relevant to the Christian community? Do we have the same right as the churches in the fourth through the sixth century to accept or reject that which is generally considered no longer useful? What, for instance, are we to do with the purification laws of the OT, including the laws in Leviticus dealing with a woman's menstrual cycle, or what about those texts that seem to offend our sense of justice, such as when ancient Israelite armies are called upon to slay men, women, and children as well as the animals of those whom they conquered? Other examples also include the slaughter of thousands of Israelites because God, it was believed, commanded justice over the rape and death of the woman in Judg 19:22-30 and also the rape of the women (virgins) in Judg 21:15-24 that allowed for the preservation of the tribe of Benjamin.<sup>88</sup> And what of the fairness of the subordinate role of women in the Church today or the hateful and vengeful attitudes in the imprecatory Psalms (Psalms 58, 83, 109, etc.) compared to Jesus' call to love one's enemies (Matt 5:43-48)? Why are such texts in the Bible, and how can they continue to address us as Word of God today? These are questions that continue to plague the canonical discussion.

Our study has argued that the first Christians were not so much interested in biblical canons as they were in the Lord of the Church who called them into existence as a community of faith. The writings that best communicated that call to obedience were employed in the Church in its faith and mission. In the later process of determining what literature best reflected the Church's true identity, many writings that had earlier appealed to some Christians did not continue as such in subsequent generations. There was never a time when the Church as a whole concluded that these writings and no others could

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in several of the church fathers, but generally speaking, the leaders of the church recognized the differences and allowed them to exist side by side. Eusebius does not hesitate to try to reconcile difficulties when he found them (see *Hist. eccl.* 1.7.1-17 on the two genealogies of Jesus in Matthew and Luke), but this does not take away from my point.

88. The taking of women to be wives while they were on their way to the yearly festival at Shiloh according to the Book of Judges is essentially rape and abduction since the women had no choice in the matter.

help the Church carry out its mission in the world and inform it in its worship and instruction.

Those who do not require twentieth century standards of precision when discussing the origins of their Bible and who can appreciate the mixture of humanity with the divine in the notion and nature of divine Scripture will not be affected much by the time when the Church recognized its sacred Scriptures or with the less than tidy manner in which it applied criteria to discern more carefully the collection of sacred writings. Those who are impatient with loose ends here and there and are resolved to remove all of the ambiguities of faith will continue to be uncomfortable with the canonical process. Careful canonical inquiry will not remove the need for faith for those who understand the Bible as the Word of God, and it will not pose a threat to the Church to find out the truth of the matter. Faith cannot set aside the results of a careful historical examination of the origins of the Bible, but on the other hand, it need not be displaced by it either.<sup>89</sup>

[This paper is essentially the one presented to the Fellows of the Institute for Biblical Research on November 19, 1994 in Chicago. A few comments have been added to clarify some of the careful questions and observations raised by the respondents, Bruce M. Metzger and John Sailhamer.]

89. We have not focused on the role of the Holy Spirit in the illumination of the text or in helping the Church to identify and recognize its sacred Scriptures, but that is not a job for the historian. It is a special task of theological inquiry. We have also not adequately addressed the problem of which text is the canonical form of Scripture for the Church nor whether we can isolate the reading of a text from its canonical position and read it in isolation from other texts as its first recipients were able to do. These are faith and hermeneutical issues that are beyond the scope of this paper, but I have addressed them and other issues as well in the revised and expanded edition of *The Formation of the Christian Biblical Canon*.