

## THE LAW OF NATURE AND THE AUTHORITY OF MOSAIC LAW

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### *Introduction*<sup>1</sup>

Like authors of other Second Temple and post-destruction texts, such as Ezra or *Jubilees*, Philo had to authorize his *interpretations* of the Mosaic law; but unlike them, he also had to underwrite the *authority* of the Mosaic law, as he understood it, in the context of a competing Gentile culture. This cultural competition was at the same time political, especially in light of the new empire's quest to authorize itself through the appropriation of the Greek philosophical and literary heritage.

The place of Judaism within this new Roman world was far from clear. The significance of the Greek heritage was now almost as universal as the empire itself sought to be. In contrast, the Mosaic law was in danger of appearing parochial, thus rendering it potentially threatening to Rome and potentially insignificant to Jews. Philo reports that under Augustus' reign, the Jews had the right to live according to their ancient laws (*Flacc.* 50; *Legat.* 152–158).<sup>2</sup> However, the Greeks were given the right to rule over other peoples in Alexandria.<sup>3</sup> While the Greeks resented the religious separatism of the Jews which they regarded as misanthropic, the Jews resented the political privileges of the Greeks since they regarded themselves as having equal right in light of their ancient culture.<sup>4</sup> Tensions came to a head when, under Gaius Caligula,

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<sup>1</sup> This is a revised version of the paper I was invited to present to the Philo of Alexandria Seminar of the Society of Biblical Literature, at its Orlando meeting in November 1998. I have benefited from the incisive comments of Ellen Birnbaum, Troels Engberg-Pedersen, Paul Franks, David Hay, James Kugel, David O'Connor, Gregory Sterling, David Runia, John Strugnell and David Winston. The quotations in English from the writings of Philo of Alexandria are taken from PLCL (Cambridge, MA 1929–1962). I have, in certain cases, modified the Colson translation in consultation with PCW (Berlin 1896–1915).

<sup>2</sup> P. Borgen, *Philo of Alexandria: An Exegete For His Time*, VTSup 86 (Leiden 1997) 14–45.

<sup>3</sup> On the Jewish community in Alexandria, see J. J. Collins, 'The Diaspora Setting', in *Jewish Wisdom in the Hellenistic Age*, OTL (Louisville 1997) 135–57; P. M. Fraser, *Ptolemaic Alexandria*, 2 vols. (London 1972) 1:189–301.

<sup>4</sup> Collins, *Jewish Wisdom in the Hellenistic Age*, 135–157.

the Jews were forced to worship the Roman emperor. A violent attack against the Jewish community in Alexandria ensued between 38 and 41 c.e. Places of Jewish worship, homes, and shops were destroyed and many Jews were left destitute. During these difficult years, Philo was a member of an unsuccessful Jewish embassy sent to Gaius Caligula to defend Jewish ancestral rights. When Gaius Caligula was assassinated in 41 c.e., the Jews reacquired the rights previously granted to them by Augustus. But tensions in Alexandria did not cease.

It is in this context that we should view Philo's discussion of Mosaic law. The authority of Mosaic law itself was a live issue in Philo's world. Of course, Philo interpreted that law in a particular way that may not have been accepted by all Jews, even in Alexandria.<sup>5</sup> Thus he claimed to have the correct interpretations of Mosaic law, occasionally challenging other interpretative methods and conclusions that were prevalent in the Alexandrian Jewish community.<sup>6</sup> But the question of authority arose for him primarily as a question about how to authorize Mosaic law against competing non-Jewish traditions.

Philo sought to resolve the question of authority in the following way: Philo claimed that Mosaic law has a unique relationship to the law of nature, a relationship that distinguishes the Mosaic law and its authoritative inherited interpretations from the laws of all other nations. Although Mosaic law is particular in the sense that it is only binding in all its details for the particular people of Israel, its relation to the law of nature gives it universal significance. Both Jews and non-Jews alike should recognize the excellence of the Mosaic law and the perfection of Moses, the lawgiver. When they do, the charge of misanthropy will be refuted. Indeed, Philo identified various Greek philosophical ideas in the Torah of Moses. This strategy should be situated within the context of Hellenistic philosophy—more specifically, within the context of a combination of Stoic ethics, based on a conception of the wise man as following the law of nature, and Middle Platonic meta-

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<sup>5</sup> For later Christian appropriation of Philo's understanding of Mosaic law, see A. van den Hoek, *Clement of Alexandria and His Use of Philo in the Stromateis: An Early Christian reshaping of a Jewish model*, VCSup 8 (Leiden 1988), esp. 48–115; D. T. Runia, *Philo in Early Christian Literature: A Survey*, CRINT 2.3 (Assen/Minneapolis 1993).

<sup>6</sup> On Philo's challenges to other contemporaneous interpreters, see P. Borgen, 'Philo of Alexandria: A Critical and Synthetical Survey of Research Since World War II', *ANRW* 2.21.1 (Berlin 1978) 126–128; D. M. Hay, 'Philo's References to Other Allegorists', *SPh* 6 (1979–1980) 41–76; *idem*, 'References to Other Exegetes in Philo's *Quaestiones*', in D. M. Hay (ed.) *Both Literal and Allegorical: Studies in Philo of Alexandria's Questions and Answers on Genesis and Exodus*, BJS 232 (Atlanta 1991) 81–97; *idem* 'Defining Allegory in Philo's Exegetical World', *SBLSP* 33 (1994) 55–68.

physics, viewing the world as created in accordance with ideas in the divine mind.<sup>7</sup> Philo's project becomes clear when understood in terms of the emerging importance of the law of nature in Stoic writings.<sup>8</sup>

I will suggest that Philo's strategies for authorizing Mosaic law are essentially motivated by Graeco-Roman intellectual trends. However, I am not casting any doubt on Philo's commitment to the preservation of Jewish law and practice which is evident in his writings. Nor am I suggesting that Philo's intentions are exclusively apologetic. While his commitment to making Mosaic law and its interpretations universally significant betrays his hellenized intellectual orientation, it *also* demonstrates his deep commitment to make Mosaic law and the inherited interpretative traditions relevant to an educated and intellectually sophisticated member of the Alexandrian Jewish community such as himself.<sup>9</sup> In fact, as we shall see, Philo could not authorize Mosaic Torah in hellenistic terms without revolutionizing those terms.

### *The Universality of the Mosaic Law*

Philo claimed that the law of Moses is the most excellent copy of the law of nature (*Mos.* 2.12–14). Relatedly, Philo emphasized the connection between the law of Moses and the virtues (*Mos.* 2.9–11). While this authority conferring strategy was clearly drawn from surrounding hellenistic culture, Philo seems to have been on the cutting edge of philosophical thought.<sup>10</sup> As

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<sup>7</sup> For some helpful discussions of the relationship between Middle Platonism and Philo of Alexandria, see the special section of *SPHA* 5 (1993) 112–146, with contributions by D.T. Runia, G. E. Sterling, J. Dillon, T. H. Tobin, D. Winston; also the chapter on Philo in J. Dillon, *The Middle Platonists: 80 B.C. to A.D. 200* (Ithaca 1996).

<sup>8</sup> For two very helpful and careful reconstructions of the earlier Greek foundation for the Stoic concept of the law of nature, see P. A. Vander Waerdt, 'Zeno's Republic and the Origins of Natural Law', in P. A. Vander Waerdt (ed.), *The Socratic Movement*, (Ithaca/London 1994) 272–308; J. G. Defilippo and P. T. Mitsis, 'Socrates and Stoic Natural Law', in *The Socratic Movement*, 252–71.

<sup>9</sup> E. R. Goodenough discusses the question of the intended audience for Philo's two essays on Moses in 'Philo's Exposition of the Law and His *De Vita Mosis*', *HTR* 26 (1933) 109–25. Although I disagree with Goodenough's claim that *De Vita Mosis* is written for a Gentile audience, I agree that these two essays on Moses should be considered as part of Philo's exposition of the Pentateuch, written for an audience of Jews and Gentiles. See also, G. E. Sterling, 'Philo and the Logic of Apologetics: An Analysis of the *Hypothetica*', *SBLSP* 29 (1990) 412–30.

<sup>10</sup> H. Koester is surely incorrect when he suggests that Philo originated the notion of the law of nature. See his article, 'NOMOS FUSEWS: The Concept of Natural Law in Greek Thought', in J. Neusner (ed.), *Religions in Antiquity: Essays in Memory of Erwin Ramsdell Goodenough*, *Studies in the History of Religions, NumenSup* 14 (Leiden 1968) 540. For a refutation, see R. A. Horsley, 'The Law of Nature in Philo and Cicero' *HTR* 71 (1978) 35–59, esp. 56ff.

various scholars have demonstrated, the idea of nature as a divinely created cosmic order providing normative guidance for human action was absent from early Greek thought,<sup>11</sup> but it must have emerged shortly before the time of Philo, perhaps in some fusion of Stoic ethics<sup>12</sup> and Middle Platonic metaphysics.<sup>13</sup>

However, Philo faced formidable obstacles in his employment of this strategy. To put the problem in its general form: the law of nature is surely of universal significance for all peoples, but the law of Moses appears to be concerned, for the most part, with the obligations of a particular people arising from its particular history and relationship with God. How, then, could the particular law of Moses be the perfect copy of the universal law of nature?

More specifically, if Philo was to authorize the law of Moses, he would have to overcome the fact that Hellenistic appreciation for the law of nature was inseparably connected to a denigration of *written* law. Here we see a sharp distinction between Hellenistic culture and the Israelite valorization

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<sup>11</sup> In early Greek philosophy, nature and law were contrasting terms whose competing merits were the subject of an important controversy. For an excellent discussion of this debate with extensive primary sources see R. D. McKirahan, Jr., 'The NOMOS-PHYSIS Debate', in *Philosophy Before Socrates: An Introduction with Texts and Commentary* (Indianapolis/Cambridge 1994) 390–413. There is one reference to law of nature in Plato's *Gorgias*, 483A7–484C3. See G. Striker, 'Origins of the Concept of Natural Law', in *Essays on Hellenistic Epistemology and Ethics* (New York 1996) 212. However, as Striker argues, Gorgias uses the term as a deliberate paradox, on the assumption that nature itself, of course, has no normative import for human actions whatsoever. H. Wolfson claims that Philo borrows Aristotle's concept of nature. See his discussion in *Philo: Foundations of Religious Philosophy in Judaism, Christianity, and in Islam*, 2 vols. (Cambridge, MA 1947) 1:332–47. However, it seems quite clear that Philo's concept of nature and of the law of nature is derived from later Stoic philosophers, who derived their concept of the law of nature from the ancient Greeks. On this point, see Vander Waerdt, 'Zeno's Republic and the Origins of Natural Law', 272–308; Defilippo and Mitsis, 'Socrates and Stoic Natural Law', 252–71.

<sup>12</sup> See Striker, 'Origins of the Concept of Natural Law', 217.

<sup>13</sup> It is a matter of speculation whether Philo and Cicero shared a common Middle Platonic source, perhaps Antiochus, Panaetius or Posidonius. See Horsley, 'The Law of Nature in Philo and Cicero', 57: 'Antiochus, Cicero, and Philo conceive of a transcendent grounding for the law of nature: (1) they connected political affairs closely with the more contemplative quest for higher, divine truth and honors; they viewed the true, universal reason or law as the mind of the divine Creator and Lawgiver—a divine mind which transcended the sense-perceptible creation and worldly affairs; and (3) they understood the human mind, divinely given and partaking in the divine essence, as the means of ascending to knowledge of this transcendent truth'. For discussion of the role of Middle Platonism in the writings of Philo, see J. Dillon, *The Middle Platonists: 80 B.C. to A.D. 200* (Ithaca 1996) 114–83. Although Philo was operating with pre-existing elements and must be situated within the relevant context, nevertheless my argument shows that he had to make significant adjustments to the concept of the law of nature if it was to serve his purpose by grounding the authority of the written law of Moses.

of sacred writing. For the Hellenistic thinkers who developed the concept of the law of nature, no written civil law could be more than a shadow and appearance of the original.<sup>14</sup> Although the law of nature was a relatively new construct, it was identified with the universally shared 'unwritten law' of which Socrates, among others, had spoken. This claim to ancient authority was only plausible insofar as the law of nature *contrasted* with the written laws of particular polities. Denigration of written law was already evident in much earlier classical traditions. For example, Antigone had insisted on unwritten law in her resistance to the written, and later Hellenistic writers would have characterized the written law of the city as unnatural for just that reason.<sup>15</sup> Furthermore, *if* there could be *any* adequate copy of the law of nature, it would be, not a written law, but rather the life of a perfect sage or king who would be nothing less than ensouled law. Again, this notion *contrasts* with that of a written law. So Philo would have to show *in opposition to Greek thought on the topic*, that the perfect and authoritative copy of the law of nature was to be found, not only in the unwritten law exhibited by the life of the sage, but also in the written law of Moses, despite its writtenness and despite its apparent particularity. At the same time, Philo would have to show that the Greek concept of *nature* was central to the authority of Mosaic law, despite the general absence from scripture of that concept, for which no Hebrew word existed.<sup>16</sup>

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<sup>14</sup> E.g., Cicero, *Off.*, 3.69: 'I see that because custom is so corrupted such behavior is neither thought dishonorable nor forbidden by statute and civil law. It is, however, forbidden by the law of nature. For there is a fellowship that is extremely widespread, shared by all with all (even if this has often been said, it ought to be said still more often); a closer one exists among those of the same nation, and one more intimate still among those of the same city. For this reason our ancestors wanted the law of nations and the civil law to be different: everything in the civil law need not be in the law of nations, but everything in the law of nations ought also to be a part of civil law. We, however, do not have the firm and lifelike figure of true law and genuine justice: we make use of shadows and sketches. I wish we would follow even those! For they are drawn from the best examples of nature and truth'. The above passage is cited from the translation of M. T. Griffin, E. M. Atkins, (edd.), *Cicero: On Duties*, Cambridge Texts in the History of Political Thought (Cambridge 1991) 125–26.

<sup>15</sup> See Sophocles, *Ant.* 450–60. See also, Aristotle's discussion of the law of nature in *Nicomachean Ethics* 5.7. D. Steiner has argued that written law in the Greek world was associated with Eastern tyranny. See her book, *The Tyrant's Writ: Myths and Images of Writing in Ancient Greece* (Princeton 1994).

<sup>16</sup> See M. Bockmuehl, 'Natural Law in Second Temple Judaism', *VT* 45 (1995) 43: 'Strictly speaking, there is no 'natural' law in the Second temple Judaism. That is to say. . . neither the Hebrew Bible nor post-biblical Jewish literature allows for a moral authority in nature which is somehow distinct from that of God himself. Law, inasmuch as it carries any real authority, is never 'natural' in the sense of being anything other than divine'. In his article, Bockmuehl also discusses the role of nature in Hellenistic Jewish works such as 4 Maccabees. However, it is notable that it is only in the thirteenth century CE that an actual

In what follows, I will show how Philo adapted the Hellenistic concepts of law of nature, ensouled law and unwritten law, in his attempt to employ Hellenistic and universal terms for the authorization of the written and apparently particular law of Moses.<sup>17</sup> The result is a strikingly original fusion. Although Philo is using universal terms, he is not subordinating the law of Moses to a higher, universal law, as Goodenough claimed.<sup>18</sup> Moreover, although Philo is employing traditions that stem from the particular history of the Jewish people, he is not basing his claims for the authority of his version of doctrine and law on a proto-rabbinic oral law, as Cohen has suggested.<sup>19</sup> To take either Goodenough's position or Cohen's is to miss the specificity of Philo's Hellenistic Judaism, to ignore the specific ways in which he argues for the universal significance of Judaism without compromising its particular relation to the Jewish people. Philo is, in fact, making the revolutionary claim that a universal norm may have a perfect particular copy or instance in the form of *written* law.<sup>20</sup>

Of course, the law of Moses had already been available in Greek translation for some three centuries. To demonstrate the significance of this event, and perhaps to authorize his use of the Greek translation rather than the Hebrew original,<sup>21</sup> Philo tells the story of Philadelphus' request for a translation, emphasizing:

That the sanctity of our legislation has been a source of wonder not only to the Jews but also to all other nations (*Mos.* 2.25).

To show that the Septuagint has not only Ptolemaic but also divine authorization, Philo also retells the story of the miraculous production of

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term for *nature* (teba) is used in Hebrew. This innovation in the Hebrew language was occasioned by Ibn Tibbon's translation of Moses Maimonides' *Guide of the Perplexed*.

<sup>17</sup> On the question of whether or not the law of nature is embodied in general principles, see Vander Waerdt, 'Zeno's Republic and the Origins of Natural Law', 272–308; Defilippo and Mitsis, 'Socrates and Stoic Natural Law', 252–71. See also the earlier formulation of Leo Strauss in *Natural Right and History* (Chicago 1950) 146–61.

<sup>18</sup> E. R. Goodenough, *By Light, Light: The Mystic Gospel of Hellenistic Judaism* (New Haven 1935).

<sup>19</sup> N. G. Cohen, 'The Jewish Dimension of Philo's Judaism – An Elucidation of *de Spec. Leg.* IV 132–150', *JJS* 38 (1987) 165–86; *idem*, *Philo Judaeus: His Universe of Discourse*, BEATAJ 24 (Frankfurt am Main 1995).

<sup>20</sup> See J. W. Martens, 'Philo and the 'Higher' Law', *SBLSP* 30 (1991) 317: 'Philo seems to be arguing against the Graeco-Roman view that there is no true representation here on earth of the law of nature'. On this point see *Pl., Rep.* V, 449–480. On Philo and the higher law, see V. Nikiprowetzky, *Le commentaire de l'Écriture chez Philon d'Alexandrie* (Leiden 1977) 122ff.

<sup>21</sup> There has been extensive debate on the question of Philo's knowledge of Hebrew. See, e.g., Borgen, 'Philo of Alexandria: A Critical and Synthetic Survey of Research Since World War II', 123.

the same Greek translation by each of the translators, although they were working in isolation (*Mos.* 2.25–40). The written text with which Philo was concerned—that is to say, the universally accessible translation of the law of Moses from the particular language of Israel into the Greek language of the Hellenistic world—was therefore produced in a uniquely authoritative fashion, with the support of both earthly and heavenly rulers.

Not only the production, but also the initial content of this written text bespeaks its universal significance. For Genesis of course begins with an account of creation and the lives of the patriarchs, not with particular laws. This has been a difficulty for many interpreters, a difficulty dealt with for instance by *Jubilees*<sup>22</sup> through its construal of these pre-Sinaitic narratives as having cryptic legal content. For Philo, there is no difficulty: how should a universally significant written law begin, if not with an account of God's establishment of the unwritten cosmic order constituted by the law of nature, and with an account of the lives of those patriarchs who, as ensouled laws, exhibited the very same law? This was the perfect preamble to the perfect written copy of the law of nature (namely, the decalogue and the special laws), a written copy received from the same source as the original, from the divine creator.<sup>23</sup> Moses began his text in this manner in order to show the authoritative basis of his law:

We must now give the reason why he began his lawbook with the history, and put the commands and prohibitions in the second place. . . he wished to show two most essential things: first that the Father and Maker of the world was in the truest sense also its Lawgiver, secondly that he who would observe the laws will accept gladly the duty of following nature and live in accordance with the ordering of the universe, so that his deeds are attuned to harmony with his words and his words with his deeds (*Mos.* 2:48).

Once again, a contrast with *Jubilees* is instructive. Both *Jubilees* and Philo inherit the Jewish interpretative tradition that a system of law was established at the time of creation. Both claim that this pre-Sinaitic law is identical with (at least a large part of) the law of Moses revealed at Sinai, and that the original law is therefore still binding upon Israel. Yet, beyond this consensus these two Second Temple texts could hardly be more different. For *Jubilees*, pre-Sinaitic law may be known only through divine

<sup>22</sup> For a critical edition and translation of the second century Jewish text of *Jubilees* see J. C. VanderKam, *The Book of Jubilees*, 2 vols., CSCO (Leuven 1989).

<sup>23</sup> See Martens, 'Philo and the 'Higher' Law', 317: 'Philo could not admit that the Mosaic law was only a shadowy sketch of true law. God gave the law to Moses; God also created the world and with it the law of nature. The law of Moses, divinely given, could in no way contradict the law of nature, divinely implanted in the world at creation'. Compare Bockmuehl, 'Natural Law in Second Temple Judaism', 32: 'It is not nature that is the final arbiter over the Torah; instead, nature and Torah can be seen to correspond to each other as both proceed from the same God'.

revelation. Such revelation is given only to a select few, who transmit their tradition through a particular line of descent to the Jewish people, for whom alone the law is normative. For Philo, however, the pre-Sinaitic law is the law of nature, which may be known through the use of reason and which is incumbent on all human beings.<sup>24</sup> The lives of the patriarchs and of Moses ensouled the law of nature that may be lived by any sage from any people (*Abr.* 3–4; *Prob.* 72–91). As we shall see, the genius of Moses consisted in his provision of a legislative vehicle through which the universal and unwritten law could be translated into the written law of a particular people. However, pre-Sinaitic law,<sup>25</sup> on Philo's account, is no less universal than the law of nature as understood by his non-Jewish contemporaries.

According to Philo, God runs the universe in accordance with the 'ordinances of Nature':

That the Maker should care for the thing made is required by the laws and ordinances of Nature, and it is in accordance with these that parents take thought beforehand for children. He that has begun by learning these things with his understanding rather than with his hearing, and has stamped on his soul impressions of truths so marvellous and priceless, both that God is and is from eternity, and that He that really is, is One, and that He has made the world and has made it one world, unique as Himself is unique, and that He ever exercises forethought for His creation, will

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<sup>24</sup> For *Jubilees* and related Second Temple traditions, the revelation at Sinai was merely the national version of an earlier revelation that had already occurred for worthy individuals who had practised and transmitted the law for generations since Enoch. Furthermore, the correct interpretation of the Mosaic law was only available to those who had access to pre-Sinaitic traditions.

The law *before* Sinai also has a great deal of significance for Philo. This is not because Philo claims a pre-Sinaitic tradition in the manner of *Jubilees*, but rather because Philo takes the Mosaic law to be that law which agrees with the pre-existent Law (what Philo calls the law of nature) available to the *virtuous* since the creation of the cosmos. Thus the patriarchs, as virtuous people, could be exemplary law-observers, even *ensouled laws*, long before the law was revealed to Moses on Sinai. The fulfilment of pre-Sinaitic law requires that these pre-Sinaitic figures attain access to what Philo calls the 'unwritten law'. For the origin of these terms and its function in Philo's writings see my discussion below.

<sup>25</sup> Philo's assumption of the existence of pre-Sinaitic law is another example of his inheritance of interpretative traditions. The claim that pre-Sinaitic figures fulfilled the law is a well-established Second Temple tradition (e.g., *Jubilees*, *Testaments of the XII Patriarchs*).



lead a life of bliss and blessedness, because He has a character molded by the truths that piety and holiness enforce (*Opif.* 172).

Thus, the law of nature *is* the law of reason. Philo reproaches those who adhere to laws of particular republics, yet deny right reason, which is the law of the republic of the wise:

Right reason is an infallible law engraved not by this mortal or that and, therefore perishable as he, nor on parchment or slabs, and therefore, soulless as they, but by immortal nature on the immortal mind, never to perish. So, one may well wonder at the short-sightedness of those who ignore the characteristics which so clearly distinguish different things and declare that the laws of Solon and Lycurgus are all-sufficient to secure the greatest of republics, Athens and Sparta, because their sovereign authority is loyally accepted by those who enjoy that citizenship, yet deny that right reason, which is the fountain head of all other law, can impart freedom to the wise, who obey all that it prescribes or forbids (*Prob.* 47–49).

Since the law of the cosmos is at the same time the law of reason, and since human beings are capable of reason, it follows that human beings are capable of grasping and living according to the law of nature.<sup>26</sup>

Furthermore, because right reason is the perfection of human beings, it also follows that the transgression of a law of nature is at the same time contrary to human nature. To show this for specific moral duties is of course one of the most difficult tasks undertaken by Stoic ethics. Philo explains how certain laws are natural because they reflect human nature.<sup>27</sup> Helmut Koester discusses some specific instances in Philo's writings:

Philo relates Moses' and nature's law in a very characteristic way which, again, expresses the harmony of his understanding of law, nature and man: For those who keep the divine writing of the law, God grants as a prize the more ancient law of immortal nature (parevcei to;n ajraiovteron novmon th`B ajqanavtou fuvsew"), i.e. the begetting of sons and the perpetuity of the race (*Quaest. Ex.* II 19). At the same time, the injunction to produce children is called a 'law of nature' . . . Other laws that are based on the law of nature in a similar way are: the law of inheritance, from parents

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<sup>26</sup> See Horsley, 'The Law of Nature in Philo and Cicero', 47: 'This same twofold conception of law as the right reason of universal nature and as the mature reason in the human mind is the basic assumption and structure of Philo's thought in *De opificio* as in much of his writing'. On the universal relevance of Mosaic law see Borgen, *An Exegete For His Time*, 140–157, in particular the section entitled 'The Mosaic Law and cosmic law', 144–53.

<sup>27</sup> For a very clear and insightful discussion of the Stoics' appeal to nature, see J. M. Cooper, 'Eudaimonism, Nature, and 'Moral Duty' in Stoicism', in S. Engstrom and J. Whiting (edd.), *Aristotle, Kant, and the Stoics: Rethinking Happiness and Duty* (New York 1996) 261–84, in particular see 'II: Appeal to Nature', 267–75.

to children, . . . the law against killing infants at birth. . . since to do this would tear down what nature builds up. . . A general law against killing (*Decal.* 132).<sup>28</sup>

More generally, Philo explains that it is because Mosaic law is rooted in the law of nature that Moses portrays the transgressor as punished by the forces of nature themselves (*Mos.* 2: 52–53).

For Philo the Mosaic law is identical with the law of nature. In one sense, this is obvious: if the law of the cosmos has normative import for human action, and if that law was created by God, then the law of nature is a divine commandment that is universally binding. This much is true of the patriarchs who understood nature through reason and lived according to nature as ensouled laws. But Philo takes the further view that Moses not only achieved the status of his forebears in his individual way of life, he also translated the law of nature into the only written law of a particular people that is in accordance with nature and may therefore be regarded as 'identical with God's commandments'. Whereas, for *Jubilees*, the authority of Mosaic law depends on its divine origin, for Philo, the authority of Mosaic law depends on its content, on its status as the particular embodiment of the universal law of nature and reason. For that reason, Philo can afford to leave open the question of the exact character of God's transmission of the law to Moses, the question whether revelation or reason played the major part (*Hypoth.* 6.8–6.9). What matters is that Mosaic law is precisely as authoritative and as immutable as nature itself. It is in this Hellenistic light that Philo appropriates the biblical motif of the heavens and earth as witnesses:<sup>29</sup>

That Moses himself was the best of all lawgivers in all countries, better in fact than any that have ever arisen among either the Greeks or the barbarians, and that his laws are most excellent and truly come from God, since they omit nothing that is needful . . . Moses is alone in this, that his laws, firm, unshaken, immovable, stamped, as it were, with the seals of nature herself, remain secure from the day when they were first enacted to now, and we may hope that they will remain for all future ages as though immortal, so long as the sun and moon and the whole heaven and universe exist (*Mos.* 2.12–14).

Note Philo's use of the concept of writing in this passage. He could not have claimed, as *Jubilees* did, drawing upon ancient Israelite traditions, that the law of Moses was especially authoritative *because* it was revealed sacred writing. Such a claim would have made little sense to Philo's hellenized (Jewish and non-Jewish) readers, perhaps even to Philo himself, given the Greek tradition's denigration of written law in contrast to the unwritten

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<sup>28</sup> Koester, 'NOMOS FUSEWS: The Concept of Natural Law in Greek Thought', 538.

<sup>29</sup> See Kugel, *The Bible As It Was* (Cambridge, MA 1997) 532–36.

law of nature exemplified by the life of the sage. Instead, Philo emphasizes that the law of Moses is authoritative because it embodies the law of nature, while the law of nature is itself a sort of *seal*, imprinted by God *in order* to authorize a written text. Nevertheless, we see in Philo a characteristically ancient Greek preference for what is *inscribed in the soul* over what is *written* on stone, paper or any physical surface.<sup>30</sup>

#### *Unwritten Law of Nature and Written Mosaic Law*

Considerable confusion has resulted from the fact that Philo refers to the law of nature as unwritten law.<sup>31</sup> Some, who are inclined to view Philo as more Hellenist than Jew, have taken him to be thereby conceding that the written law of Moses has a secondary status.<sup>32</sup> Others, who are inclined to view him as more Jew than Hellenist, have taken him to be thereby invoking a proto-rabbinic oral law.<sup>33</sup> I believe that *neither* position is correct, although there is a kernel of truth in the idea that Philo had a prototype of the oral law, a kernel of truth that must be carefully distinguished from the idea's misleading formulation.

Here, for example, is a characterization of Abraham that might be wrongly taken to show that Philo takes the unwritten law of nature to be

<sup>30</sup> See, e.g., Pl., *Phdr.*, 276a.

<sup>31</sup> Philo is not alone in identifying the law of nature with the unwritten law. The identity is common among Hellenistic writers who thereby sought an ancient pedigree for their new concept. For example, Stoics sought a Socratic precedent in Xenophon's *Memorabilia* 4.4.19–21. The unwritten law referred to in early Greek texts was divine, eternal and superior to written law. For example, when Sophocles, Socrates or Aristotle spoke of unwritten law, they were referring to certain norms obeyed in all known societies that were considered worthy of respect, norms that could therefore be assumed to be either of divine origin or, at any rate, of some origin that the gods themselves would respect. They seem to have had no notion that such norms might be derived from nature, whether human or cosmic. These earlier Greeks understood unwritten law to be *social* in origin, even if it was universal. So when Antigone (450–460) appeals to the 'gods' unwritten and secure practices' which 'live not just now and yesterday, but always forever', the appeal is to a social norm which is eternally binding. Later Hellenistic thinkers fused the ancient concept of unwritten law with the new Stoic idea of the law of nature; unwritten law thereby came to be understood as *natural* in origin, contrary to its original usage.

<sup>32</sup> A. Myre develops a view of a higher law which ultimately supersedes Mosaic law in the following articles: 'La loi l'ordre cosmique et politique selon Philon d'Alexandrie', *ScEs* 24 (1972) 217–47; *idem*, 'La loi et la Pentateuque selon Philon d'Alexandrie', *ScEs* 25 (1973) 208–25; *idem*, 'La Loi de la Nature et la loi Mosaique selon Philon d'Alexandrie', *ScEs* 28 (1976) 163–81, esp. 176ff. See also Goodenough, *By Light, Light*, 73–96; S. Sandmel, *Philo's Place in Judaism* (New York 1971) 109.

<sup>33</sup> E. Hilgert, 'Philo Judaeus et Alexandrinus', in *The School of Moses: Studies in Philo and Hellenistic Religion*, 1–15; N. G. Cohen, *Philo Judaeus: His Universe of Discourse*; *idem*, 'The Jewish Dimension of Philo's Judaism – An Elucidation of *de Spec. Leg.* IV 132–150', 165–86; S. Belkin, *Philo and the Oral Law* (Cambridge 1940).

superior to the written law of Moses:

So, then the man of worth is elder and first, and so must he be called; but younger and last is every fool who pursues the ways which belong to rebellious youth and stand lowest in the list. So much for all this, but to these praises of the Sage, so many and so great, Moses adds this crowning saying 'that this man did the divine law and the divine commands'. He did them, not taught by written words, but unwritten nature gave him the zeal to follow where wholesome and untainted impulse led him. And when they have God's promises before them what should men do but trust in them most firmly? Such was the life of the first, the founder of the nation, one who obeyed the law, some will say, but rather, as our discourse has shown, himself a law and an unwritten statute (*Abr.* 274–276).

In short, Abraham followed the law because he succeeded in grasping the unwritten law of nature by means of his own reason.<sup>34</sup> This is a remarkable

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<sup>34</sup> The claim that Abraham kept the commandments or, more generally, that 'the patriarchs fulfilled the commandments', appears in a number of rabbinic traditions. For example, *b. Yoma* 28a, reports that Abraham *fulfilled* the commandments, suggesting that he was *commanded* to observe them, whereas *m. Qiddushin* 4:14 says that Abraham *performed* the commandments, without any suggestion that he was acting under orders. Commentators struggle with the question: what is the relationship between this Amoraic tradition and the much older Mishnaic tradition? The Maharsha', *b. Yoma* 28a, *ad loc.*, suggests that *m. Qiddushin* 4:14 is claiming that Abraham only performed the positive commandments. The passage from *b. Yoma*, however, suggests that Abraham was commanded to do all of the *mitzvot* and thus he has an obligation to *fulfil* them. This, the Maharsha' argues, is implied in the verb *to fulfil*. Cf. *t. Qiddushin*, ch. 5 (Zuckermann, 344). The tradition that the patriarchs established the fixed prayers is a particular manifestation of the claim that the Patriarchs kept the commandments, e.g., Tanhuma Yelamdenu (Vienna 1863) Chayyei Sarah, 5.

This tradition that the patriarchs instituted prayers also appears in *b. Berakhot* 26b. See Rashi's comment on *b. Berakhot* 26b suggests that the debate consists of whether the patriarchs instituted the prayers (prior to Sinai) or whether the Great Assembly instituted the prayers (during the Second Temple period). This is a very interesting comment because nowhere in the passage (*b. Berakhot* 26b) does it suggest that the institution of prayer which corresponds to the sacrifices was instituted prior to the destruction in 70 C. E. However, *b. Berakhot* 33a describes prayer as one of a number of things that the Great Assembly instituted without any reference to the correspondence between daily sacrifice and daily prayer. Perhaps Rashi's comment on *b. Berakhot* 26b was influenced by the tradition preserved in *b. Berakhot* 33a. Similarly, the *beraitot* cited in *b. Berakhot* 26b; *p. Berakhot* 2:1, as well as the discussion of instituted prayers in *t. Berakhot* ch. 3:1, say nothing about *when* the prayers were instituted (pre-destruction or post-destruction). The Rabbis, however, reported that prayers were already said in conjunction with the daily temple sacrifices by the *mishmarot*. On this see *m. Ta'anit* 4:2; *m. Sofrim* 17:5. With the exception of the *b. Berakhot* 26b and the *She'iltot de Rav Achai Gaon*, Lech Lecha, She'ilta 8 (Jerusalem 1986) 44, all other witnesses to this midrash (Bereshit Rabba, Tanhuma Yelamdenu and Palestinian Talmud) attribute the claim that the patriarchs instituted the prayers to Rabbi Yehoshua ben Levi. This position (the patriarchs instituted the prayers) in *b. Berakhot* and *She'iltot*, however, is attributed to Rabbi Yossi son of Hanina.

For further discussion about the version in the Babylonian Talmud see R. N. Rabinowitz, *Diqduqei Sofrim* (Jerusalem 1968) 133–35 vol. 1, 133–135 in the *haggahot*; Pirqei

achievement, which sets Abraham apart from those who are fortunate enough to live after the time of Moses, who need only to obey the written law:

Great indeed are the efforts expended both by lawgivers and by laws in every nation in filling the souls of free men with comfortable hopes; but he who gains this virtue of hopefulness without being led to it by exhortation or command has been educated into it by a law which nature has laid down, a law unwritten yet intuitively learnt (*Abr.* 16).<sup>35</sup>

However, the fact that Abraham's pre-Sinaitic *achievement* is a greater than the achievement of Jews who obey the written law of Moses does not imply that the unwritten *law* is greater than the written law.<sup>36</sup> Rather, the unwritten law of nature is *embodied* by written Mosaic law,<sup>37</sup> which is therefore 'stamped, as it were, with the seals of nature itself' (*Mos.* 2:14). It is just this idea—that a written text can have the highest authority, here conceived as the authority of nature—that is all but unthinkable for the Hellenistic mind, yet it is just this idea that is essential for Philo's Jewish

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de Rabbi Eliezer, ch. 8 and Bereshit Rabba, ch. 68:9 (799 in Albeck). See also, Maimonides *Sefer haMitzvot, shorsh sheni*: 'All that was not heard at Sinai in full clarity is considered *Divrei Sofrim*'. Maimonides argues that *Divrei Sofrim* refers to that which is derived in accordance with the thirteen hermeneutical rules. It is less clear from the earlier rabbinic sources that there is *necessarily* a clear distinction between *Divrei Sofrim* and *Oral Torah*. See, e.g. *b.Eruvin* 21b; *m. Berakhot* 1:5; *b. Tractate Berakhot*; *m. Yevamot* 2:4; *b. Yevamot* 21a; *t. Ta'anit* 2:6.

On this motif, see, E. E. Urbach, *The Sages* (Cambridge 1979) 335–36; I. Heinemann, *Darkhei Ha'Aggadah* (Jerusalem 1949) 35–39; I. M. Ta-Shema 'Abraham: In the Aggadah', *Enc Jud.*, 2 (1971) 115; H. Albeck's expanded notes (*hashlamot vetosaphot*) to his commentary on *m.Qiddushin*, 4:14, in *Shisha Sidrei Mishnah* (Tel Aviv and Jerusalem 1952) where he implies that *Jubilees* and Philo are two proto-rabbinic traditions which have *the same* view as the Rabbis. Albeck is not alone in this respect and until very recently, many scholars assumed (as some still do) that elements of shared interpretation suggested straightforward continuity between the Second Temple and Rabbinic periods.

<sup>35</sup> On this passage, see J. W. Martens, 'Unwritten Law in Philo: A Response to Naomi G. Cohen', *JJS* 43 (1992) 44 n 31: 'The unwritten law is not only the physical representative of the law of nature, but it is the law of nature itself. Of course, a physical representation of the laws of nature is the law of nature, but here the connection is made explicit'.

<sup>36</sup> In *Spec.* 4.150, Philo writes: 'Praise cannot be duly given to one who obeys the written laws, since he acts under the admonition of restraint and the fear of punishment. But he who faithfully observes the unwritten deserves commendation, since the virtue which he displays is freely willed'.

<sup>37</sup> Many scholars have argued for this position. See, for example, I. Heinemann, 'Die Lehre vom ungeschriebenen Gesetz im jüdischen Schriftum', *HUCA* 4 (1930–1931) 152ff.; H. A. Wolfson, *Philo, Christianity, and In Islam*, 2:180–194; Borgen, *Philo of Alexandria: An Exegete For His Time*; V. Nikiprowetzky, 'Loi de Moïse, Loi de Nature, Sagesse', in *Le Commentaire de L'Écriture Chez Philon d'Alexandrie* (Leiden 1977) 116–54; Martens, 'Philo and the 'Higher' Law', 309–322; *idem*, 'Unwritten Law in Philo: A Response to Naomi G. Cohen', 38–45; Horsley, 'The Law of Nature in Philo and Cicero' 35–59.

commitment to Mosaic Torah. Those who miss this aspect of Philo's thinking are missing what is revolutionary about his use of Hellenistic terms to authorize a sacred, written text.

What of those who take Philo's unwritten law to be a prototype of the rabbinic Oral Law?<sup>38</sup> There is an important kernel of truth here. For Philo explicitly acknowledges his indebtedness to what he takes to be ancient, extra-Pentateuchal interpretative traditions. Even when he does not register this fact explicitly, comparison of his work with other Second Temple texts or with later rabbinic texts shows that his interpretations include inherited elements of what would later be called Oral Law.<sup>39</sup>

However, it is nonetheless misleading to say that Philo is referring to an Oral Law when he speaks of unwritten law. First, as I have already indicated, the term '*agraphos nomos*' is a standard Greek term and is used by Philo, as by his Stoic contemporaries, to refer to the law of nature. Second, even if Philo inherited and shared many of the interpretative traditions of the Oral Law that would later be called *Torah she b'al Peh*,<sup>40</sup> that name carries with it a very specific conception of the authority of these traditions, a conception that is quite different from Philo's conception of unwritten law.<sup>41</sup>

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<sup>38</sup> See e.g., Belkin, *Philo and the Oral Law*. Although N. Cohen claims that she is not arguing for Belkin's position, she nevertheless suggests in much of her writing that the connection between *unwritten law* and the rabbinic *oral law* can be argued for in a number of cases. See Cohen, *Philo Judaeus: His Universe of Discourse*; *idem*, 'Agraphos Nomos' in Philo's Writings – a New Examination', *Da'at* 15 (1985) 5–20 (Hebrew); *idem*, 'The Jewish Dimension of Philo's Judaism – An Elucidation of de Spec. Leg. IV 132–150', 165–86. I maintain that such a reading is misleading and blurs an important feature of Philo's appropriation of the ancient Greek *unwritten law* and his larger project of arguing for the universal importance of Mosaic law. He accomplishes this in part by demonstrating that Judaism, like ancient Greek traditions, has an unwritten law and unwritten custom which is ancient and authoritative. Ellen Birnbaum argues, in her 'Review of *Philo Judaeus: His Universe of Discourse*, by N. G. Cohen', *SPhA* 8 (1996) 189–96, that Cohen misunderstands Philo's universalist project. For a very helpful evaluation of the existing scholarship on the relationship between Philo and Judaism, see Hilgert, 'Philo Judaeus et Alexandrinus', 1–15.

<sup>39</sup> This has been amply demonstrated, most recently by Borgen, *Philo of Alexandria: An Exegete For His Time* and Kugel, *The Bible As It Was*.

<sup>40</sup> On the use and development of this term in rabbinic literature, see G. J. Blidstein, 'A Note on the Term *Torah She-B'al peh*', *Tarbiz* 42 (1973) 496–98 (Hebrew); P. Schäfer, 'Das "Dogma" von der mündlichen Torah im rabbinischen Judentum', in *Studien zur Geschichte und Theologie des rabbinischen Judentums* (Leiden 1978) 153–97; E. E. Urbach, 'The Written Law and the Oral Law', in *The Sages* (Cambridge, MA 1979) 286–314; R. Brody, 'The Struggle against Heresy', in *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (New Haven and London 1998) 83–99, esp. 83–85.

<sup>41</sup> Kugel, *The Bible As It Was*, 401, n.19: 'This conception is quite distinct from the concept of "unwritten law" in Philo, which is hardly to be equated with the "oral Torah" of later rabbinic literature'.

The Rabbis who used the term understood the authority of their interpretative traditions to be based on the fact that these traditions had been transmitted through a chain of identifiable tradents, a chain beginning with God's transmission to Moses of both the written Torah and its equally authoritative, extra-Pentateuchal interpretations and accompaniments. On this conception, the authority of a tradition depends on its origination in God's revelation to Moses on Sinai and on the accuracy of its subsequent transmission.<sup>42</sup> The idea reflects a particular mode of oral pedagogy that may be traced back to the Tannaitic period and that continued and developed in the Amoraic and later Geonic periods.<sup>43</sup> As I have said, Philo certainly shared versions of many of the traditions that were passed down to the Rabbis in this way.<sup>44</sup> He also regarded the institution of the public reading of Mosaic Torah, accompanied by the oral exposition of it as an extremely important feature of Judaism, a feature which was almost certainly derived from the practice initiated in Nehemiah 8:1–8.<sup>45</sup> Yet Philo's conception of the authority of interpretative traditions was entirely different from the earlier Second Temple conception, such as that found in the book of *Jubilees*, and the later rabbinic conception. For Philo, the Pentateuchal and extra-Pentateuchal traditions were authoritative because they were congruent with the law of nature. Even if a tradition were *known* because it was handed down orally through the generations, Philo would not have regarded the tradition's *authority* as based on *the particularity of its mode of its transmission*. Instead, he would have regarded its authority as based on *the universality of its content*. This brings out an extremely important point: interpreters may share a body of interpretative traditions, yet differ significantly in the ways they conceive the basis of the authority of those traditions.

Like the Rabbis, Philo certainly believed that the unwritten law included not only written Pentateuchal texts but also extra-pentateuchal

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<sup>42</sup> See, e.g., *m. Abot* 1:1.

<sup>43</sup> See the recent study of M. S. Berger, *Rabbinic Authority* (New York and Oxford 1998) and of Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture*.

<sup>44</sup> See, e.g., *Mos.* 1.4. For additional examples and discussion of the 'traditions of the elders' see Kugel, *The Bible As It Was*, 400–1.

<sup>45</sup> E.g., *Hypoth.* 7.12.

customs and interpretative traditions. But, unlike the Rabbis, *he did not privilege oral transmission*; he believed, as we saw in the book of *Jubilees*, that some of the extra-Pentateuchal interpretative traditions were *written down*. Furthermore, Philo sometimes suggests that the work of the interpretative traditions of the elders or the fathers was precisely to show that "the words of the literal text are symbols of something whose hidden nature is revealed by studying the underlying meaning" (*Contempl.* 28). One important implication of this passage is that the interpretative traditions have not exhausted the work of interpretation. There is more work to be done, in imitation of the traditions, and of course it is not only the Therapeutae who continue this work, but also Philo himself. Thus Philo associates his own practice of allegorical interpretation which brings out the spiritual or universal meaning of particular laws, with the Therapeutae and hence with their ancient interpretative traditions:<sup>46</sup>

The exposition of the sacred scriptures treats the inner meaning conveyed in allegory. For to these people the whole law book seems to resemble a living creature with the literal ordinances for its body and for its soul the invisible mind laid up in its wording. It is in this mind especially that the rational soul begins to contemplate the things akin to itself and looking through the words as through a mirror beholds the marvellous beauties of the concepts, unfolds and removes the symbolic coverings and brings forth the thoughts and sets them bare to the light of day for those who need but a little reminding to enable them to discern the inward and hidden through the outward and visible (*Contempl.* 78).

Although Philo's method of allegorical interpretation is clearly akin to the methods of contemporaneous Greek and Roman interpreters of Homer, Philo claims that the method is part of Jewish heritage.<sup>47</sup> But it is not the inherited character of the method that renders it authoritative; rather, it is the method's goal. For one of the goals of allegorical interpretation is to demonstrate the authority of the law of Moses by showing how that law embodies the law of nature. Allegorical interpretation is especially

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<sup>46</sup> Philo should be considered in light of a long pre-Philonic history of allegorical interpretation. See T. H. Tobin, S. J., *The Creation of Man: Philo and the History of Interpretation*, CBQMS 14 (Washington D.C. 1983). For an extensive but problematic reconstruction of such a history see R. Goulet, *La Philosophie de Moïse: Essai de reconstitution d'un commentaire philosophique prephilonien du Pentateuque* (Paris 1987). See also D. T. Runia's very thorough and critical review of Goulet's book in *JTS* 40 (1989) 590–602. For an insightful study of Philo and 1 Corinthians, arguing for an underlying pre-Philonic exegetical tradition, see G. E. Sterling, 'Wisdom among the Perfect: Creation Traditions in Alexandrian Judaism and Corinthian Christianity', *NovT* 37 (1995) 355–84.

<sup>47</sup> It is important to see that, although the allegorist is in one sense reading scripture through Hellenistic eyes, in another sense he is subordinating Hellenistic culture to scripture. For further discussion see, e.g., D. Dawson, *Allegorical Readers and Cultural Revision in Ancient Alexandria* (Oxford 1992) 82ff.



necessary in the case of Mosaic laws that are binding only on the Jews. For it is one thing to say that universally binding laws are authoritative because they are congruent with nature, but in what sense are these particular laws authoritative? Philo maintains that even these particular laws have a universal significance that may be brought out by allegorical interpretation. The universal significance of Scripture is the primary meaning and import of the law,<sup>48</sup> but this does not mean that the Jews who understand the law's meaning are thereby exempt from obeying it. For example, circumcision is explained as a law that improves the virtue of men and controls their passions (*Spec.* 1.2–11). Holidays<sup>49</sup> such as Passover are explained as having both national and cosmological significance (*Spec.* 2.150; *Spec.* 2.156).<sup>50</sup> Similarly, Philo claims that the bringing of the sheaf has universal significance (*Spec.* 2.162).<sup>51</sup>

In general, the authority of an interpretative tradition *does not rest*, for Philo, on God's transmission of those traditions to the interpreter via Moses and a chain of tradents. It rests rather on the tradition's ability to bring out the universal significance of Mosaic Torah, thus to demonstrate the congruence of Mosaic Torah with the law of nature and to show the unparalleled authority of Mosaic Torah itself.

Consequently, Philo does not always claim that his allegorical interpretations are inherited from the elders or the fathers. He sometimes takes the liberty of interpreting Mosaic law on his own by using his 'love of knowledge to peer into each of them [i.e., sacred messages] and unfold and reveal what is not known to the multitude' (*Spec.* 3.6) without claiming to possess any ancient Jewish tradition. At other times he is critical of the procedures of other interpreters, both of those who are overly literal (*Migr.* 44–45), neglecting universal significance, and of those who are overly allegorical (*Migr.* 89–90), ignoring the practical normativity of the law for a

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<sup>48</sup> E.g., *Mos.* 2.44. On this point, see Borgen, *Philo of Alexandria: An Exegete For His Time*, 144.

<sup>49</sup> Another interesting illustration of Philo's insistence upon the universal significance of the Jewish holidays can be seen in *Spec.* 2.188–192 on the particular, i.e., national, and universal significance of the sounding of the trumpet at the beginning of the first month, i.e., the Jewish new year.

<sup>50</sup> Philo then continues (*Spec.* 2.150, 156) to explain the cosmic reason for the placing of Passover as the first month, although it was, in other biblical texts, the seventh month. Furthermore, he explains the seasonal significance in conjunction with the movements of the sun and the moon, i.e., the cosmological significance of the Passover festival.

<sup>51</sup> The festival of the 'sheaf' culminates in the Feast of Weeks, *Shavuoth*. See PLCL, vol. 7, 404–7, esp. 406–7, note b. See also, Philo's discussion of the Feast of Weeks later in *Spec.* 2.176.

particular people.<sup>52</sup> In these passages, we see Philo's concern to authorize the law of Moses in the universal terms appropriate to his Hellenistic context, *without compromising the particularity of the law* and its place in particular Jewish society.

As we have seen, for Philo, the unwritten law is the law of nature, whose universally acknowledged authority also underlies the authority of Mosaic law, because Mosaic law is the most perfect particular, written copy of the law of nature.<sup>53</sup> That is, the law of nature is embodied by the Pentateuchal and extra-Pentateuchal laws and traditions of the Jews, both written and oral. Those traditions therefore participate in a universally acknowledged ground of authority, even though they are particular in many of their legal requirements. Philo invokes a Hellenistic conception of the normativity of unwritten nature in order to authorize an inherited body of Jewish writings along with their inherited or developed interpretations.

### *Conclusion*

Philo faced a severe religious, cultural and political challenge. He undertook to demonstrate the authority of the law of Moses in a way that would make sense to his Hellenistic Jewish and non-Jewish audience. But he could not avail himself of the traditional conceptions of authority that had developed since Ezra's construction of the post-exilic community, even if he was aware of those conceptions. For Mosaic law was traditionally conceived as authoritative because it was a sacred, written tradition associated with the particular relationship between Israel and God, and with Israel's particular practices. Philo, however, was thinking and writing in a Hellenistic context that denigrated writing in favor of the unwritten, law of nature, and denigrated misanthropic particularity in favor of philanthropic universality. He therefore undertook to show that Moses the Israelite was the perfect lawgiver by universal standards, and that the written law of Moses, though it was binding in its totality only on the particular people of Israel, was in fact a perfect copy of the law of nature. Although Philo was employing strategies of authorization that had

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<sup>52</sup> For discussion of Philo's criticism of other exegetes see Hay, 'References to Other Exegetes in Philo's *Quaestiones*', 81–97 and Borgen, 'Philo of Alexandria: A Critical and Synthetical Survey of Research Since World War II', 126–28.

<sup>53</sup> See David Winston's helpful discussion on the relationship between Torah, i.e., Mosaic law, and the law of nature in 'Two Types of Mosaic Philosophy', in *SBLSP* 27 (1988) 442–55.

Hellenistic sources,<sup>54</sup> the result was a transformation of Hellenistic concepts that had far-reaching implications. The very idea that there could be a perfect particular copy of a universal norm must have seemed to the Hellenistic mind either like an unthinkable paradox or like a conceptual revolution. At the same time, what began as a denigration of writing in favor of unwritten nature had been transformed into something very like the idea that nature itself, like Mosaic Torah, is a text written by God. If Hellenism had transformed Judaism, then Judaism had also transformed Hellenism.

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<sup>54</sup> For an excellent discussion of Philo's relationship to interpreters in the early Hellenistic era, see J. Dillon, 'Philo and the Greek Tradition of Allegorical Exegesis', in *SBLSP* 30 (1994) 69–80.