

The Scriptures of Israel in Jewish and Christian Tradition

Essays in Honour of Maarten J.J. Menken

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"WHICH IF A MAN DO THEM HE SHALL LIVE BY THEM":
JEWISH AND CHRISTIAN DISCOURSE ON LEV 18:5

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Jewish and Christian interpretations of the second part of Lev 18:5 (אשר יעשה אתם האדם וחי בהם, "which if a man do them, he shall live by them") have been the object of recent scholarly interest. This verse appears two times in Paul's letters (Rom 10:5 and Gal 3:12). James Dunn considers it as reflecting the core theology of the Judaism Paul knew by cultural upbringing and his Pharisaic education, typified by Sanders as "covenantal nomism."¹ In Dunn's analysis, the verse stipulates the religious paradigm of living under the regulatory directions of the Law, a view fiercely rejected by Paul. Dunn's synthesis has, however, become questioned. Simon Gathercole plausibly argues that the key words "live by them" were understood in Paul's times not only as referring to covenantal life but also as gaining eternal life.² We will argue that Lev 18:5 was also quoted to discuss the issue of whether and how man was able to keep the Law, either with respect to earthly or eternal life. To make this case we concentrate on the first part of the quote. Our aim is to analyse the interpretations in a systemic way by focusing on the ways in which these readings assess "which if a man do them," in the light of "he shall live by them." Thus we will argue that first and early second Century CE sources quote Lev 18:5 in discussions on whether and how it is possible to keep the Law.

¹ J.D.G. Dunn, *Romans 9–16* (WBC 38b; Dallas TX: Word Books, 1988) 601: "Lev. 18.5 can be regarded as a typical expression of what Israel saw as its obligation and promise under the covenant."

² S.J. Gathercole, "Torah, life, and salvation: Leviticus 18:5 in Early Judaism and the New Testament," in *From Prophecy to Testament: The Function of the Old Testament in the New* (ed. C.A. Evans; Peabody MA: Hendrickson, 2004) 126–145. Rabbinic distinctions between life as this life and "life in the world to come" appear in *Sipra Ahare Mot* 9, 13; see Fr. Avemarie, *Tora und Leben: Untersuchungen zur Heilsbedeutung der Tora in der frühen rabbinischen Literatur* (TSAJ 35; Tübingen: Mohr, 1996) 377, 390–391; *Midr. Tannaim on Deut 16:18* (ed. Hoffmann 96f); compare on this text Avemarie, *Tora und Leben*, 439–441. Avemarie, *Tora und Leben* 383, notes 54, 55 observes that this distinction appears later in comparison with texts that refer to eternal life.

Early Jewish Texts on Lev 18:5

There is no methodology to discern intentional readings of Lev 18:5 in early Jewish texts. Gathercole pragmatically detects traditions by looking at a sequence of minimally two words from Lev 18:5. Following this method a limited number of texts qualify.³

1. *LXX Lev 18:5*

The LXX version of Lev 18:5 has two noteworthy aspects. Firstly, it accentuates the point that all laws must be obeyed by man in order to live: "and you shall keep all my orders and all my statutes and you shall do them (καὶ φυλάξεσθε πάντα τὰ προστάγματα μου καὶ πάντα τὰ κρίματά μου καὶ ποιήσετε αὐτά)." Remarkably, Paul does not use the doubly mentioned adverb πάντα (all) which, following the paradigm of Dunn, might have served his rhetoric well.⁴ Secondly, the LXX translates 'live' with a future tense: ἂ ποιήσας ἄνθρωπος ζήσεται ἐν αὐτοῖς. The future reading in LXX Psalms has been analysed as indicating an eschatological interpretation, and in other instances the LXX follows this tendency. Possibly an eschatological perspective is present here as well.⁵

2. *Philo*

In *De Congressu Eruditionis Gratia* 86–87 Philo quotes Lev 18:5 in a version close to the LXX: ὁ ποιήσας αὐτά ζήσεται ἐν αὐτοῖς. In a metaphorical manner Philo opposes the life as a youngster in Egypt with an adult's life in Canaan. The Biblical commandments are interpreted as instructions to abandon customs of people in the Land that concur with human nature and to attain true wisdom and a virtuous life: "Therefore, real true life, above everything else, consists in the judgments and commandments of God, so that the customs and practices of the impious must be death." Living the Law thus equals reaching a higher state of mind and is tantamount to what the Greeks call the "good life," including life after death.⁶ Finally,

³ Gathercole, "Torah, Life, and Salvation," 129. We do not discuss texts assessed negatively by Gathercole such as Bar 4:1, *Let. Aris.* 127, 1QS 4, texts included though in James Dunn's discussion of Lev 18:5.

⁴ Avemarie, *Torah und Leben*, 587, note 23. The addition πάντα further only occurs in LXX Lev 18:26.

⁵ Gathercole, "Torah, Life, and Salvation," 129–132.

⁶ Gathercole, "Torah, Life, and Salvation," 128. A similar explanation of Lev 18:5 is offered by Clement of Alexandria, *Stromateis* 2, X 47, 1–2 (3).

the opposition Law-life versus impious customs-death is reminiscent of the Two-Ways teaching.⁷

3. *Psalms of Solomon*

A reading of Lev 18:5 is manifest in the *Pss Sol.* 14:1–3: “The Lord is faithful to those who truly love him, to those who endure his discipline, to those who live in the righteousness of his commandments, in the Law, which he has commanded for our life (πορευομένοις ἐν δικαιοσύνη προσταγμάτων αὐτοῦ ἐν νόμῳ ᾧ ἐνετελατο ἡμῖν εἰς ζωὴν ἡμῶν). The Lord’s devout shall live by it forever (ὅσοι κυρίου ζήσονται ἐν αὐτῷ εἰς τὸν αἰῶνα); the Lord’s paradise, the trees of life, are his devout ones.” (transl. Wright 1985)⁸ It is part of a hymn contrasting the fate of the righteousness with the “sinners and criminals” (14:6), who will inherit “Hades, and darkness and destruction” (14:9). The righteous will inherit life (future ζήσονται), spelled out in eschatological terms (εἰς τὸν αἰῶνα) as a result of living within the Law (ἐν αὐτῷ).⁹ This life implies an embodied existence in a Messianic era, or participating in the resurrection, a destiny not shared by the sinners.¹⁰ The basis for this eschatological life is living within the Law. However, other than some cultic remarks, legal specifications for this life or ethical rules are not given.¹¹

4. *Damascus Covenant*

Among the explicit comments a passage in the Damascus Covenant ranks as first. This document was considered to reflect the early stages of a Jewish sect close to the Essene movement and the later Qumran community:¹²

⁷ G.S. Oegema, *Für Israel und die Völker: Studien zum alttestamentlich-jüdischen Hintergrund der paulinischen Theologie* (Leiden: Brill, 1999) 95. The motif of the Two Ways Doctrine was widespread in early Judaism and known in Greek thought as well, H. Van de Sandt and D. Flusser, *The Didache: Its Jewish Sources and its Place in Early Judaism and Christianity* (CRINT III/5) (Assen/Minneapolis MN: Fortress Press, 2002) 58.

⁸ *Psalms of Solomon* were composed in Palestine either in the second half of the first Century BCE or the first half of the first century CE; R.B. Wright, “Psalms of Solomon,” in *The Old Testament Pseudepigrapha. Volume II. Expansions of the ‘Old Testament’ and Legends, Wisdom, and Philosophical Literature, Prayers, Psalms, and Odes, Fragments of Lost Judeo-Hellenistic Works* (ed. J.H. Charlesworth; New York: Doubleday, 1985) 64.

⁹ Thus Gathercole, “Torah, Life, and Salvation,” 133.

¹⁰ Wright, “Psalms of Solomon,” 643, 645.

¹¹ Wright, “Psalms of Solomon,” 645.

¹² See discussion in J.J. Collins, *Beyond the Qumran Community: The Sectarian Movement of the Dead Sea Scrolls* (Grand Rapids MI: Eerdmans, 2010) 12–51.

But with those who remained steadfast in God's precepts, with those who were left from among them, God established his covenant with Israel for ever, revealing to them hidden matters in which all Israel had gone astray: his holy sabbaths and his glorious feasts, his just stipulations and his truthful paths, and the wishes of his will which man must do in order to live by them and they dug a well of plentiful water; and whoever spurns them shall not live. (CD III, 13–16)¹³

The basic rhetoric of this fragment asserts that keeping the Law is only possible in its sectarian setting. The phraseology "hidden matters" echoes Deut 29:28 and connotes the revelation of the meaning of the commandments by the Teacher of Righteousness.¹⁴ Sabbath and feast days are mentioned in particular, probably because of the specific sectarian calendar held by the community. The text addresses a community that strictly adheres to the commandments as taught by the author of the document and thus represents the prophetic "rest of Israel," the kernel of an eschatological community. Its claim is that the Law only promises life to those who perform it in its sectarian interpretation.¹⁵ The phrase, "which a man must do in order to live by them," reiterates the words of Lev 18:5 and stresses the necessity to practise the Law in the manner in which it is taught in the community. Adhering to the sectarian Law is the condition for obtaining (eternal) life.

5. 4 Ezra

The apocalyptic treatise *4 Ezra* is constructed in the form of a dialogue between Ezra and the angel Uriel and written at the end of the first century CE, after the demise of the Temple in 70, which event it reflects

¹³ Translation F. García-Martínez and E. Tigchelaar, *The Dead Sea Scrolls Study Edition. Vol. 1* (Leiden: Brill, 1997) 35. In a parallel of this text in fragment 4QD' 11 11–12, the words "by them" are omitted.

¹⁴ A. Shemesh and C. Werman, "Hidden Things and their Revelation," *RevQ* 18/71 (1998) 409–427. The enigmatic figure of the Teacher of Righteousness refers to past, present and eschatological teachers of the community and denotes the interpretative authority of the sect; F. García-Martínez, "Beyond the Sectarian Divide: The 'Voice of the Teacher' as Authoritative Conferring Strategy in Some Qumran Texts," in *The Dead Sea Scrolls: Transmission of Traditions and Production of Texts* (ed. S. Metso, H. Najman and E. Schuller; Leiden: Brill, 2010) 235 and compare Collins, *Qumran Community*, 37–38.

¹⁵ The movement, according to Collins, *Qumran Community* 36, responds to a divine initiative in a manner that "does involve a conversion in practice, a turning away from a way of life that is perceived as sinful and a "return" to the strict observance of the law of Moses."

upon.¹⁶ Its main issue is the question of theodicy in terms of God's justice and mercy and Israel's faithfulness to God's covenant.¹⁷ The passage concerned discusses the perfect character of the Law and man's obligation to keep it:

You are not a better judge than God, or wiser than the Most High! Let many perish who are now living, rather than that the law of God which is set before them be disregarded! For God strictly commanded those who came into the world, when they came, *what they should do to live*, and what they should observe to avoid punishment. (mandans enim mandavit Deus venientibus quando venerunt, *quid facientes viverent et quid observantes non punirentur*). (4 Ezra 7:20–21)

It is unclear whether the text intentionally alludes to Lev 18:5.¹⁸ However, the opposition of life and punishment revokes the Biblical opposition so typical of the theology of the Law in Lev 26. 4 Ezra attributes sin to this generation due to their failure to keep the Law, the punishment for which was the destruction of Jerusalem.¹⁹ Ezra's defence is that since Adam man has not been able to uphold all of the Law (4 Ezra 3:21–22).²⁰ However, 4 Ezra's answer, by means of the angelic voice, is that God's justice is linked to adhering to all the commandments, even if only a few men will be able to do this (4 Ezra 81). A dualistic view on humanity as divided between "apostates who repudiate God and his commandments, and the righteous who keep the Law perfectly" permeates this text.²¹ In the new, Messianic age, which is about to come, reward and punishment will be meted out.²²

In this theodicy, the last sentence of our fragment states that all men are informed by God of the practice which enables men to live and how to avoid punishment, for "it is better for transgressors to perish than for the

¹⁶ M. Henze, "4 Ezra and 2 Baruch: Literary Composition and Oral Performance in First-Century Apocalyptic Literature," *JBL* 131 (2012) 181–200 shows that it contains traditions circulating probably in oral form.

¹⁷ Bauckham, "Apocalypses," in *Justification and Variegated Nomism. Volume 1: The Complexities of Second Temple Judaism* (ed. D.A. Carson, P.T. O'Brien and M.A. Seifrid; Tübingen: Mohr, 2001) 161.

¹⁸ Gathercole, "Torah, Life, Salvation," 138. Compare Vg Lev 18:5: "custodite leges meas atque iudicia quae faciens homo vivet in eis ego Dominus."

¹⁹ R. Bauckham, R., "Apocalypses," 161, 174.

²⁰ Bauckham, "Apocalypses," 163; Henze, "4 Ezra and 2 Baruch," 191, note 28 notes that this evil inclination differs from the Rabbinic concept of the *yezer hara*.

²¹ Bauckham, "Apocalypses," 172, who, however, nuances his view by claiming that sin is not considered as equal to denying God or His commandments.

²² Bauckham, "Apocalypses," 156.

glory of the law to be besmirched by having mercy on them."²³ Punishment and life are both understood in a clear eschatological perspective, life referring both to this and the next world. Only a few will succeed in a strict adherence to the Law.

Tannaitic Readings of Lev 18:5

There are compelling reasons to include Tannaitic readings in this study.²⁴ Firstly, the main teachers mentioned in our texts on Lev 18:5 were active in the late first and early second century CE, i.e. the first generations after the fall of the Temple. Secondly, although Rabbinic Judaism was the cultural product of a new scholarly elite, it also continued and developed notions from Second Temple Judaism.²⁵ Indeed, like Philo and Psalms of Solomon, some Rabbinic traditions label the commandments as the means given to Israel to separate themselves from the habits of the nations and thereby attain life.²⁶ This usage of Lev 18:5 is, however, marginal. Rabbinic expositions on Lev 18:5 discuss three issues related to the practice of the Law: Lev 18:5 is adduced to legitimate (1) refraining from sinful action as a form of complying with the Law; (2) transgressing or limiting the range of a commandment in order to safeguard life and, finally (3) the study of the Torah by a non-Jew.

6. *Mishna*

Lev 18:5 is mentioned once in the Mishnah, at the end of tractate Makkot:

- (A) Everyone who is guilty of extirpation but has received lashes is not liable to extirpation, as it is said: "And he is made vile, your brother, in your eyes" (Deut 25:3): the words of R. Hananya ben Gamaliel.
- (B) Said R. Hananya ben Gamaliel: if someone who commits one transgression loses his soul, one who performs one commandment, how much more so will his soul be given to him!

²³ Bauckham, "Apocalypses," 165, quoting E.P. Sanders, *Paul and Palestinian Judaism* (London: SCM, 1977) 416.

²⁴ Gathercole, "Torah, Life, Salvation," 138–139 only discusses *m. Mak.* 3:15; Oegema, *Für Israel und die Völker*, discusses only three texts, one of which evidently is a late parallel.

²⁵ This is argued in S. Fraade, "Rabbinic Midrash, Ancient Biblical Interpretation," in *The Cambridge Companion to the Talmud* (ed. Ch.E. Fonrobert and M.S. Jaffee; Cambridge: Cambridge University Press, 2007) 99–120.

²⁶ *Midr. Tannaim* Deut 16:18 (nr. 22); *Ex. Rab.* 30:22; *Tanḥ. Mišpatim* 3.

- (C) R. Shimon says: From its place (in the Torah) it teaches (this), as it says: "And the souls that do (these) shall be cut off etc." (Lev 18:29) and it says: "which if a man does, he shall live by them" (Lev 18:5); thus, to everyone who sits and does not commit a transgression, reward is given as to one who fulfils a commandment. (*m. Mak.* 3:15 following *Ms. Kaufman*; *y. Mak.* 3:12 (32b); *b. Mak.* 23b; *Yalqut Torah* 579 and 737)

The first mishnah (A) teaches that everyone who underwent physical punishment by lashes is not liable any more to קרית, extirpation, i.e. premature death, a punishment by the hand of God.²⁷ Playing with a change of the two middle consonants of the verb in Deut 25:3 the midrash reads נלקה, "lashed," instead of נקלה, "made vile", thus resulting in a reading of the verse as "he who has received lashes will be a brother in your eyes," i.e., guiltless again. This teaching is the start of a chain of traditions (B, C) expanding on sinning. It urges the reader to abstain from sinning by stressing the merits inherent in performing a commandment. The third lemma, the midrash of R. Shimon (C), even celebrates not doing a sin by remaining passive ('sits') as a form of keeping the Law.²⁸ R. Shimon equates punishment for sin with the reward for observing a commandment.²⁹ If transgressing leads to premature death (Lev 18:29) then not transgressing may be equated with observing a commandment, which leads to life (Lev 18:5).³⁰ Therefore, the reward given for non-transgressing is similar to that performing a positive act: life here and now.³¹ In R. Shimon's view, keeping the Law can consist of refraining from committing a sin.

²⁷ W. Bacher, *Die Agada der Tannaiten II* (Berlin: De Gruyter, 1903) 436–440. Gathercole, "Torah, Life, Salvation," 139 refers to *T. Ab.* 14:5 for an early Jewish parallel of this concept.

²⁸ *Sipre* Deut 25:3 (ed. Finkelstein, p. 304) offers a different version of this midrash. Compare also W. Bacher, *Die exegetischen Terminologie der jüdischen Traditionsliteratur* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1965) 87. The reading of *Sipre* addresses a person attaching himself to the social sphere of a sinner or a pious person and does not discuss a person refraining himself from doing this sin. Finkelstein in his commentary, however, harmonizes with the Mishnah. *Ms. London* (Margoulioth 341) reads: "if a little amount of tribulations falls on someone who is attached to who transgresses, to someone who is attached to who performs a commandment how much the more so." The version reading preserved in *Midrasch Chachamim* (ms. Aptowitzer, Vienna) and the quotations in *Midrash Hagadol* omit the whole midrash.

²⁹ The expression "from its place it teaches" is used when two verses from the same passage are used to explain an exegetical problem, Bacher, *Terminologie*, 87.

³⁰ Gathercole, "Torah, Life, Salvation," 139 fails to see that the conclusion is part of the teaching of R. Shimon. The midrash plays on the mention of the word "doing" in both verses; in one case doing leads to extirpation, in the other case doing leads to life. This legitimates the teacher to equal the merit for non-doing in the case of Lev 28:29 (= non-transgressing) with the merit for doing promised in Lev 18:5.

³¹ Compare Gathercole, "Torah, Life, Salvation," 139; Avemarie, *Tora und Leben*, 380.

7. *Halakhic Midrash* (1)

Lev 18:5 is adduced in Tannaitic teachings to legitimate transgression of commandments if one's life is threatened. A same midrashic reading is adduced in these instances: "(which, if a man does,) he shall live by them" (Lev 18:5): "lives by them, not dies by them." This midrash is quoted to limit the necessity of choosing martyrdom in the case of a forced transgression of the Biblical commandments, to legitimate the rule of life-saving actions during the Sabbath or holidays (*piquaḥ nepes*) and to limit subsequent fasting within a time interval of 40 days. Moreover, it appears in discussions on the possibility of being healed by means of heretical practices. In all cases, the midrash limits the practice of the Law. Thus, for example, in a situation where this might lead to one's violent death:

- (A) Whence can we deduce that if they say to one, "Worship the idol and thou wilt not be killed" that he may worship it so as not to be killed? Because Scripture says: "He shall live by them" (Lev 18:5): but not die by them.
- (B) You might take this to mean even in public, therefore Scripture says: "And ye shall not profane my holy name" (Lev 22:32). (*Sipra Aḥare Mot* 9, 13 (ed. Weiss 86b); *b. Sanh.* 74a; *b. 'Abod. Zar.* 27b; 54a; *Yalqut Torah*, 277)

The rhetorical phraseology (B) "You might think (...) Scripture teaches," limits the application of the reading to the private sphere. Thus, if a person is confronted with this choice in public, he should rather choose death instead of transgressing the Law. This curtailing of the application of the midrash on Lev 18:5 is not accidental. In further cases the midrash is accompanied by a narrative that restricts its theoretical application. This is the case e.g. in a case of circumspect healing:

It once happened to Eleazar ben Dama³² that he was bitten by a serpent and Jacob, a native of Kefar Sekaniah, came to heal him in the name of Yeshu Pandera³³ but R. Ishmael did not let him; whereupon Ben Dama said, "My brother R. Ishmael, let him, so that I may be healed by him: I will even cite a verse from the Torah that he is to be permitted"; but he did not manage to complete his saying, when his soul departed and he died. Said R. Ishmael to him: "happy art thou, Ben Dama, for you have left this world in peace and have not broken the fence of the Sages, for it is written: 'Who does not break the fence, a snake will not bite him' (Qoh 10:9)". But did not a snake actually

³² *b. 'Abod. Zar* 27b adds: "the son of the sister of R. Ishmael."

³³ Missing in *b. 'Abod. Zar* 27b, which labels him, however, as a pupil of Yeshu haNoṣri.

bite him? Well, no snake will bite him in the world to come! And what could Ben Dama have said? Now, what is it that he might have said? "He shall live by them": but not die by them. (y. *Šabb.* 14:4 {14d/15a})³⁴

A relative of R. Ishmael, Ben Dama, is bitten by a snake and wants to be cured by the spells of an alleged Christian teacher, Jacob.³⁵ Ishmael refuses and subsequently Dama dies and is lauded for his behaviour since now he will merit life in the world to come. Nonetheless, the narrative intentionally introduces the midrash on Lev 18:5 both to question this theodicy and to curtail a possible misuse of Lev 18:5. This is made explicit in the parallel in the Babylonian Talmud:

And R. Ishmael? (i.e. what could have been his argument, since): This (i.e. the midrash on Lev 18:5) is only meant when in private, but not in public; for it has been taught: R. Ishmael used to say: Whence can we deduce that if they say to one "Worship the idol and thou wilt not be killed", that he may worship it so as not to be killed? Because Scripture says: "He shall live by them" (Lev 18:5), but not die by them; you might take this to mean even in public, therefore Scripture says: "And ye shall not profane my holy name" (Lev 22:32). (b. *'Abod. Zar.* 27b)

The Talmud combines the application of the midrash to martyrdom and to healing and concludes that its application is restricted from the beginning. The midrash was applied less problematically, however, to legitimate *piquah nepeš*.³⁶ This rule, the term of which echoes the rule to clear a body covered by debris during the Day of Atonement (*m. Yoma* 8:7), prescribes that restrictive Laws of the Sabbath or Holidays may be broken in the case of physical or medical danger. Lev 18:5 is not adduced in the discussion between Tannaitic sages in the *Mekilta*, but the Tosefta records the midrash in the name of R. Aḥa, a second century teacher:

R. Aḥa in the name of R. Akiva: (...) well, the commandments were only given to Israel in order to live by them, as it is said: "which if a man does, he shall live by them" (Lev 18:5): (this means) live by them, and not that he dies by them! (t. *Šabb* 15:17, ed. Lieberman, p. 75)³⁷

³⁴ Parallels in y. *'Abod. Zar.* 2:2 {40d/41a}; b. *'Abod. Zar.* 27b; *Qoh. Rab.* 1:24 (Wilna: 1:3).

³⁵ On heretical connotations through connections with Christian circles, D. Boyarin, *Dying for God: Martyrdom and the Making of Christianity and Judaism* (Stanford CA: Stanford University Press, 1999) 34–35.

³⁶ On the terminology and history of this principle, L. Doering, *Schabbat: Schabbat-halacha und Schabbatpraxis in antiken Judentum und Urchristentum* (Tübingen: Mohr, 1999) 566–568.

³⁷ In *Tanh Masa'ei* 1 (ed. Buber, 162) and *Shekhet Tov* Gen 17 (ed. Buber, 304) in the context of circumcision on Sabbath.

A similar, non-problematic application of the midrash is the rule that limits the issuing of fast days within an interval of forty days, since this might endanger human life.³⁸

The midrash on Lev 18:5 probably originated in a context of martyrdom during the Bar Kokhbah uprising, in the circles of R. Ishmael or his colleague R. Akiva.³⁹ The discussion about its restricted application must have been due to the subtle but revolutionary move in the reading of the words "live by them" since life does not refer to merit but postulates physical life as the benchmark for the practice of the Law; practising the Law should not endanger one's life. Its midrashic rhetoric is, moreover, that this benchmark is provided by the Law itself. Thus, the Law legitimates that in some circumstances a Law must be broken to uphold the Law. In this sense, Lev 18:5 may have been interpreted as a commandment.⁴⁰ According to other teachers, however, this logic endangered the integrity of the Law and the necessity to fulfil it.⁴¹ The Ben Dama story shows it could even become associated with heretical practices and indeed, its application was neutralized where the social-religious boundaries of Judaism were at stake.⁴²

8. Halakhic Midrash (2)

A third midrashic reading of Lev 18:5 also focuses on the beginning of the verse: "which, if a man does." Since there is no specification here as to who must perform the Law, the Rabbis saw fit to adduce this verse to legitimate Torah study for non-Jews:

³⁸ R. Levi in *y. Ta'an*. 4:8 (68d); Avemarie, *Tora und Leben*, 105–106.

³⁹ Avemarie, *Tora und Leben*, 107; S. Safrai, "Martyrdom in the Teachings of the Tannaim," in *Sjaloom. Ter Nagedachtenis aan Mgr. Dr. A. Ramselaar* (Hilversum: Folkertsma stichting, 1983) 157–158, 160.

⁴⁰ Thus Avemarie, *Tora und Leben*, 104–105: "(...) der Vers stand auch im unmittelbaren Zusammenhang mit biblischen Gebotstexten, konnte also selbst gleichsam als Gebot verstanden werden." Note, however, that the combination of this midrash with *pikkuah nephesh* appears in *t. Šabb* 1527 (R. Aḥa) but not in the lengthy discussion on *piquah nepesh* featuring R. Aḥa, R. Akiva and R. Ishmael (*Mekilta*, Šabta 1).

⁴¹ Especially those Laws that served to mark the social boundaries of Judaism, Avemarie, *Tora und Leben*, 106, note 8 and compare note 13: commandments for which Israelites had given their lives were held in high esteem. In times of trouble, Jewish identity was strengthened; Safrai, "Martyrdom," 159–160; Avemarie, *Tora und Leben*, 107–108.

⁴² This may explain the tendency to limit the application of this verse to escaping martyrdom; Avemarie, *Tora und Leben*, 106, note 8 notes a "bedeutsame Einschränkung" and suggests that this goes back to Tannaitic times.

R. Meir says: how do we know that even a heathen (*goy*) who practices Torah,⁴³ that he is like the High priest? Scripture says: 'which if a man does he shall live by them'; priests and Levites and Israelites is not said, but (האדם) "man". This teaches that even a heathen⁴⁴ who delves in the Torah, he is like a High priest! (*Sipra Ahare Mot* 9, 13, ed. Weiss 86b)⁴⁵

The logic of the midrash is bewildering, since also for R. Meir it must have been impossible for non-Jews to practise the Law, i.e. obey commandments. Nonetheless, if the midrash equates a studying non-Jew with the High priest, it presumes that even a partial partaking in the Law, such as Torah study, suffices. Probably due to this dynamic view on Torah practice and the dangers it might have posed for the social boundaries of Torah practice, the midrash was critically commented upon in Amoraic generations. In the Babylonian Talmud (*b. 'Abod. Zar.* 3a) it is juxtaposed and overruled by the midrashic teaching of the third-century teacher R. Yohanan that the Torah was given only as a "heritage to the community of Jacob" (Deut 33:4) and Torah study was accessible only to Jews. This neutralizing of a radical exegesis resembles what we saw in the application of Lev 18:5 to cases of mortal danger. In both cases, the consequences of a midrashic reading had to be curtailed, not by eliminating it but by juxtaposing it with another, allegedly more powerful interpretation.

New Testament Readings of Lev 18:5

9. *Mark 10:17–22 and Luke 10:25–37*

Readings of Lev 18:5 possibly underlie two synoptic teachings of Jesus.⁴⁶ Jesus is approached by an unnamed person, who afterwards appears to be rich (Mark 10:22), with a question as to what to do to earn eternal life (Mark 10:17 and parr.): "Good teacher, what should I do to inherit eternal life?"⁴⁷ The combination of doing (ποιήσω) and future living (ζωήν αιώνιον)

⁴³ Other versions read *oseq baTorah*, a technical expression for study of the Torah.

⁴⁴ The object of the midrash changes in later versions: *Yalq. Tora.* 587; *Yalq. Torah* 591 read *goyim*; *b. Sanh.* 59a/b. *'Abod. Zar.* 3a read idolaters (*oved kokavim*); proselytes (*gerim*) in *Midr. Pss.* 138 (ed. Buber, 18); *Tanḥ. Wayeqahel* 8; converted idolaters in *Midr. Num. Rab.* 1315–17; Sadduceans (*kutim*) in *Yalq. Torah* 751.

⁴⁵ On the reading of ms. Assemani of *Sipra*, Avemarie, *Torah und Leben*, 493.

⁴⁶ Gathercole, "Torah, Life, Salvation," 140–142 notes that Luke 10:28 has been noticed as relating to Lev 18:5 before, but not taken into consideration by Dunn and others.

⁴⁷ Translation follows A.Y. Collins, *Mark: A Commentary* (Hermeneia; Minneapolis MN: Fortress Press, 2007) 473.

is reminiscent of LXX Lev 18:5 but cannot be qualified as a direct quotation.⁴⁸ Nonetheless, Jesus answers by referring to the practice of commandments: "You shall not murder, you shall not commit adultery, you shall not steal, you shall not bear false witness, you shall not defraud, honour your father and mother" (Mark 10:19).⁴⁹ A reference to Lev 18:5 gains plausibility since the text stipulates the commandments as a way to life. Remarkably, however, the accent is put on the ethical or social commandments.⁵⁰ Apparently this does not satisfy the man, since he claims that all this has been his practice for long. Jesus orders that he should follow him and leave all his possessions behind. The radicalism of these supererogatory actions does not preclude the system of commandments. It addresses, however, a vexing question, i.e. whether compliance with the commandments was enough to attain to spiritual achievement.⁵¹ Jesus asks him to do more than was required, to break with social boundaries and follow him.

In Luke, Jesus teaches the great love commandment in a dialogue with a *nomikos*, a lawyer, who asks how to inherit eternal life.⁵² Jesus asks how he reads and approves of his answer, the double love commandment in its form of the combined quote from Deut 6:4 and Lev 19:18b: εἶπεν δὲ αὐτῷ ὀρθῶς ἀπεκρίθης· τοῦτο ποιεῖ καὶ ζήσῃ, "You have answered right: do this, and you shall live" (Luke 10:28).⁵³ Again, the combination of doing and living (future) is reminiscent of Lev 18:5.⁵⁴ As in Mark, the issue is how to fulfil the Law and in what manner.

⁴⁸ Gathercole, "Torah, Life, Salvation," 141–142; Collins, *Mark*, 476 refers to the texts discussed above and notes the presence of Lev 18:5 in CD 3:12–16.

⁴⁹ On the sequence of the first two commandments in manuscripts of Mark, Collins, *Mark*, 473, note b.

⁵⁰ Collins, *Mark*, 478. Matt 19:19 connects these with the love commandment of Lev 19:18 and defines a centre around which to practise the commandments; compare U. Luz, *Das Evangelium nach Matthäus III: Mt 18–25* (EKK 1/3; Zürich: Benziger/Neukirchener, 1997) 122.

⁵¹ Collins, *Mark*, 479. She also points to the accumulation of treasures in Heaven as a motif to abandon all property.

⁵² Gathercole, "Torah, Life, Salvation," 140 points to the use of future tenses; J.A. Fitzmyer, *The Gospel according to Luke (X–XXIV). Introduction, Translation, and Notes* (New York: Doubleday, 1985) 881. The question may have been influenced by Mark 10:19; F. Bovon, *Das Evangelium nach Lukas 2. Teilband Lk. 9:51–14,35* (Neukirchen: Neukirchener, 1996) 85, note 13.

⁵³ On the quotations, see Fitzmyer, *Luke*, 878–879; Bovon, *Lukas*, 85 rightly notices "Alles dreht sich ums Tun (...)."

⁵⁴ Gathercole, "Torah, Life, Salvation," 141; Fitzmyer, *Luke*, 881: "The verb *zēsē* may allude to Lev. 18:5 (...) Addressed to the Christian reader, they form part of Lucan parenthesis." Bovon, *Lukas*, 87 does not mention Lev 18:5 but refers to Gal 3:2.

10. *Rom 10:5 and Gal 3:12*

The presence of Lev 18:5 in Galatians and Romans is a quagmire for scholars. Why would Paul, who argues for a life based on faith, quote a text that confirms an existence based on keeping the commandments?⁵⁵ It appears, however, that its function in Galatians differs from Romans.⁵⁶ In Galatians, Paul quotes Lev 18:5 to create a contrast between Law and faith: since man cannot fulfil the Law he evokes the curse for not doing the Law (Gal 3:10).⁵⁷ In Romans, however, Lev 18:5 is quoted to summarize what it is to live under the Law: Μωϋσῆς γὰρ γράφει τὴν δικαιοσύνην τὴν ἐκ [τοῦ] νόμου ὅτι ὁ ποιήσας αὐτὰ ἄνθρωπος ζήσεται ἐν αὐτοῖς. "For Moses describeth the righteousness which is of the law; that the man which doeth those things shall live by them" (KJV). Paul continues with a 'midrashic' reading of Deut 30:12, 14: in Christ the righteousness of the Law has come to its goal.⁵⁸ Thus, Paul compares living in the realm of the commandments (ἐν αὐτοῖς) by living by (ἐκ) faith.⁵⁹ Lev 18:5 is subject to a reading that outbids one type of righteousness with another kind: doing the Law is impossible outside the realm of faith and only feasible within the interpretation as offered in the Christian community.⁶⁰ Doing the Law without this realm only leads man to sin, since man's sinfulness prevents him from doing the Law perfectly.⁶¹ Paul's answer in Romans to the vexing conundrum evoked

⁵⁵ N. Chibici-Revneanu, "Leben im Gesetz: die paulinische Interpretation von Lev 18:5 (Gal 3:12; Röm 10:5)," *NT 50* (2008) 105–107; Fr. Avemarie, "Paul and the Claim of the Law According to the Scripture: Leviticus 18:5 in Galatians 3:12 and Romans 10:5," in *The Beginnings of Christianity: A Collection of Articles* (ed. J. Pastor and M. Mor, Jerusalem: Yad ben Zvi, 2005) 130–136 discerns four types of interpretation in Patristic and three in modern exegesis. A balanced assessment of (possible) hermeneutics in Paul's use of Scripture is provided in S. Moysie, "How does Paul read Scripture?," in *Early Christian Literature and Intertextuality. Vol. 1: Thematic Studies* (ed. C.A. Evans and H.D. Zacharias; London: T&T Clark, 2009) 184–189.

⁵⁶ Avemarie, "Paul and the Claim of the Law," 147.

⁵⁷ B. Matlock, "The Curse Of Galatians 3.10–14," in *Torah in the New Testament. Papers delivered at the Manchester-Lausanne Seminar of June 2008* (ed. M. Tait and P. Oakes; Edinburgh: T&T Clark, 2009) 154–179 assesses and defends the 'unfulfillability' explanation.

⁵⁸ For τέλος (Rom 10:4) as the goal ("Ziel") of the Law and the implications for Lev 18:5, Avemarie, "Claim of the Law," 147. Prof. Friedrich Avemarie, whose sudden death in October 2012 shocked the scholarly world, was so kind to discuss this matter with me and sent me his forthcoming paper on Rom 10 ("Israels rätselhafter Ungehorsam. Römer 10 als Anatomie eines von Gott provozierten Unglaubens") where he elaborates the connection between Rom 10:4 and Rom 10:5.

⁵⁹ Chibici-Revneanu, "Leben im Gesetz," 112, 114, 117 argues how Paul interprets the different adverbs as referring to a different religious existence.

⁶⁰ Avemarie, "Claim of the Law," 145–146.

⁶¹ Rom 5:19–21. Compare U. Wilckens, *Der Brief und die Römer (Röm 6–11)* (EKK VI/2; Neukirchen: Neukirchener, 1989) 224: "Was aber dort (in the book of Leviticus, Eric O.)

by Lev 18:5—how can man fulfil the Law?—is that one fulfils the Law in the realm of Christian faith.⁶²

Conclusions

The view that Lev 18:5 indicated a regular Jewish pattern of Law observance as the means to attain to (eternal) life is corroborated (Philo, *Pss Sol.*) but also needs nuance. Jewish and Christian sources quote Lev 18:5 in discourses that discuss how the Law can be fulfilled and even question man's ability to comply with the fullness of the Law. The answers to this problem are different, ranging from adherence to a specific interpretation (CD) or necessitating supererogatory actions (synoptic traditions). Paul and *4 Ezra* question the possibility for man to keep the Law because of human sinfulness. In Paul's vision no person is able to keep the Law outside the realm of Christian faith. *4 Ezra* says only a few are able to pass the test. The Rabbis do not stress the necessity to keep all of the Law and defend, quoting Lev 18:5, partial compliance with the Law or even breaking a commandment in case of danger. In early Jewish and Christian circles, Lev 18:5 was more than a rhetorical device for the promise inherent in observing the Law; it also raised questions on whether and how this practice was possible.

eine Verheissung ist, wird bei Paulus eine Warnung bzw. zur Verurteilung des Sünders, der nicht in allem bleibt von dem Buch des Gesetzes, um es zu tun."

⁶² Rom 11:7; Gal 3:10–11, quoting Hab 2:4. Even if they did not share Paul's Christological concentration, the Rabbis used this same verse to label faith as a guiding principle with which the Law can be fulfilled: Mek. *Wayehi* 7 (ed. Lauterbach, 252–256); *b. Makk* 23b–24a.