

BEN SIRA AND THE NON-EXISTENCE OF THE SYNAGOGUE

by

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I. Ben Sira as a Source

BEN SIRA IS A precious historical source. Indeed, it is the most crucial source that we possess of the period preceding the Hasmonean Revolt. It is a sentinel source, standing guard over the structural realities of an epoch. It is a source that cannot be defied, for its author was an alert, intelligent, and knowledgeable observer of, and participant in, the society that he describes. He was a sofer, a scholar-intellectual, primarily concerned with the contemporaneous scene. He is not a chronicler, though he refers to the past. Neither is he a storyteller or a polemicist. He is an advocate of wisdom, a spinner of apothegms, a weaver of maxims, a propounder of parables. As such, his craft is dedicated to the contemplation of the existing order; his talent is sharpened on the realities of daily life; his effectiveness is dependent on accurate description. Ben Sira as a source for a segment of the historical continuum is impeccable. The author lived in the society that he describes, he was in a position to know this society intimately, he was prompted to communicate information about this society because of his interest in aiding others to live wisely within it.

Ben Sira is thus a crucial source. Scholarly investigation can suggest a possible historical milieu for Proverbs, Ecclesiastes, and Job; but it cannot achieve absolute certainty. Scholars are unable to pinpoint with doubt-free accuracy the dating of Ezra-Nehemiah, nor can they be certain as to the veracity of the historical events recorded there. Ben Sira, however, is immune to challenge. It cannot possibly have been written earlier than 280 B.C.E.; nor later than the eve of the Hasmonean Revolt. It therefore preserves intact an authentic description of a society in a period limited in its total extent to approximately one hundred years.¹

Ben Sira is crucial for another reason. No other source which is contemporaneous to this epoch is extant. The sources that do exist are either undatable, or are noncontemporaneous (e.g., Josephus), or are mere fragments of limited information. Ben Sira thus stands alone. And as long as this situation exists, he protects a segment of the past from spoliation by historians.

Not that Ben Sira has been successful in preventing spoliation. Historians have freely disregarded his sentinel role. They have battered down the defenses that the verses of his book represent; they have freely plundered the segment of history that it protects, and they have substituted for the society that he described one of their own mental construction. Institutions such as the synagogue, which were unknown to Ben Sira, are described as flourishing;² the institution which was flourishing, the Temple, is described as losing its hold on the people.³ The class of soferim (scribes) which had no authority is pictured as molding and protecting the law, while the priestly class who wielded absolute authority are represented as sharing it with the scribal class.⁴ The as yet nonexistent exegetical or midrashic mode is taken for granted; the existing unchallenged supremacy of the literal Pentateuch is denied.⁵

↓ The historians have poached on Ben Sira's domain; for a lone keeper, dependent on the verses of a book he penned, is no match for historians armed with footnotes and bibliographies.

Ben Sira is nonetheless a stubborn sentinel. His book cannot be ignored. Its verses persistently communicate descriptive data. Its authenticity cannot be challenged. It emits a message that is discernible through the "noise" that makes its reception difficult.

How is such a discrimination to be achieved? How is one to determine the true communication from the false, valid information from "noise"? Such questions are not only legitimate, but underline the crucial issue: the precarious status of any historical knowledge.

A way out of the dilemma is perhaps to be found in the perfecting of methodological procedures which will be recognized by historians as not only legitimate, but necessary. The original thinking of the scientists must be tested by procedures which are universally recognized by scientists. The original historical reconstruction of the historian should also have some procedural hurdles to surmount before his reconstruction can be secure historical knowledge. The latter may not always be achieved, but in those instances it will be evident that certain necessary criteria have not been met.

I should like to approach Ben Sira with such an end in view. What criteria must Ben Sira satisfy if it is to communicate information? It has already passed the first crucial test of a universal character. It has met the requirements of authenticity, of ^{contemporaneity} with the society that it describes, of the author's extent of knowledge, of his concern for description. Only the precise date is uncertain, and even this is confined to restricted limits.

At the moment, then, Ben Sira has satisfactorily passed these tests; at some future time, these tests may have to be reapplied and Ben Sira may not fare so well. Be that as it may, the testing apparatus has a status that is distinct from the source being tested. It is in this sense an objective instrument for measuring, which must be used by all historians. The failure of a historian to utilize these measuring principles is subject to a criticism that is objective. The criticism

does not stem from disagreement with his reconstruction, but from his failure to carry through a necessary procedure.

Now for step number two. What does Ben Sira communicate, if one concentrates solely on his communication without resort to any knowledge outside of Ben Sira? For the purposes of this paper, I need not concern myself with all that he communicates. It is only essential that nothing that I exclude invalidate that which I include. I will confine my analysis to A] the system of authority, B] the prevailing institutions, C] the class structure, with especial concern for the role and function of the soferim. In carrying through the analysis I will appeal to no data that are extrinsic to Ben Sira.

A. SYSTEM OF AUTHORITY

Ben Sira deals with every aspect of life. He speaks of the rich and the poor, the master and the slave, the parent and the child, the peasant and the artisan, the merchant and the sofer (scribe). Yet he is especially concerned with the religious life and the institutions that nourish it. He filters life through an ideology that gives preeminence to God's revelation on Sinai. This is strikingly illustrated in his ascription of wisdom, his very special concern, to the Most High God and the Mosaic Law:

"Wisdom will praise herself,
and will glory in the midst of her people.
In the assembly of the Most High she will open her mouth
and in the presence of his host she will glory:
'I came forth from the mouth of the Most High
and covered the earth like a mist . . .'"
(Sirach 24:1-3)⁶

"Then the Creator of all things
gave me a commandment
and the one who created me
assigned a place for my tent.
And he said, 'Make your dwelling in Jacob
and in Israel receive your inheritance! . . .
In the holy tabernacle I ministered before him,
and so I was established in Zion.
In the beloved city likewise he gave me a resting place,
and in Jerusalem was my dominion.
So I took root in an honored people,
in the portion of the Lord, who is their inheritance. . . ."
(Ibid. 8-12)

"All this is the book of the covenant of the Most High God,
the law which Moses commanded us
as an inheritance for the congregation of Jacob.
It fills men with wisdom, like the Pishon,
and like the Tigris at the time of the first fruits. . . ."
(23-25)

Ben Sira thus focuses his attention on the Most High, on the Law of Moses. Perhaps some nuance of life is untouched by his pen, but it is not likely to be of consequence for the religious sphere. Ben Sira's perspective requires the utmost sensitivity to the issue of authority. He cannot bypass the question of who determines the Law, of who wields the ultimate authority. And Ben Sira allows for no ambiguity in this sphere; the Aaronide priests are charged with the care of the Law. Indeed, the supremacy of Aaron is enunciated in the most telling manner conceivable. He is elevated above Moses. Moses gave the Law, Aaron and his sons perpetuate the Law. Moses as Lawgiver is assigned five verses; Aaron the High Priest is allotted sixteen verses, not to speak of an additional two verses for Phineas.

Let us examine Ben Sira's assessment of Moses:

"From his [Jacob's] descendants the Lord brought forth
a man of mercy,
Who found favor in the sight of all flesh
and was beloved by God and man,
Moses, whose memory is blessed.

He made him equal in glory to the holy ones,
and made him great in the fears of his enemies.
By his words he caused signs to cease;
the Lord glorified him in the presence of kings.
He gave him commands for his people,
and showed him part of his glory.
He sanctified him through faithfulness and meekness;
he chose him out of all mankind.
He made him hear his voice,
and led him into thick darkness,
and gave him the commandments face to face,
the law of life and knowledge,
to teach Jacob the covenant,
and Israel his judgments."

(45:1-5)

Moses is highly praised. He is most definitely the man to whom God gave His commandments. He is the man responsible for promulgating the Law. And this Law is divine, it is binding.

As for Aaron:

"He exalted Aaron, the brother of Moses,
a holy man like him, of the tribe of Levi.
He [God] made an everlasting covenant with him,
and gave him the priesthood of the people.
He blessed him with splendid vestments,
and put a glorious robe upon him
He clothed him with superb perfection,
and strengthened him with the symbols of authority,
the linen breeches, the long robe, and the ephod.
And he encircled him with pomegranates
with very many golden bells round about,
To send forth a sound as he walked,
To make their ringing heard in the temple
as a reminder to the sons of his people;
with a holy garment, of gold and blue and purple, the
work of an embroiderer;
with the oracle of judgment, Urim and Thummim;
with twisted scarlet, the work of a craftsman;
with precious stones engraved like signets,
in a setting of gold, the work of a jeweller,
for a reminder in engraved letters,
according to the number of the tribes of Israel;
with a gold crown upon his turban,
inscribed like a signet with 'Holiness,'
a distinction to be prized, the work of an expert,
the delight of the eyes, richly adorned.
Before his time there never were such beautiful things.

No outsider ever put them on,
but only his sons
and his descendants perpetually.
His sacrifices shall be wholly burned
twice every day continually.
Moses ordained him
and anointed him with holy oil;
it was an everlasting covenant with him,
and for his descendants all the days of heaven,
to minister to the Lord and serve as priest
and bless his people in his name.
He chose him out of all the living
to offer sacrifice to the Lord,
incense and a pleasing odor as a memorial portion,
to make atonement for the people
In his commandments he gave him authority in statutes
and judgments,
To teach Jacob the testimonies,
and to enlighten Israel with his law.
Outsiders conspired against him,
and envied him in the wilderness,
Dathan and Abiram and their men
and the company of Korah in wrath and anger.
The Lord saw it and was not pleased,
and in the wrath of his anger they were destroyed;
He wrought wonders against them
to consume them in flaming fire.
He added glory to Aaron
and gave him a heritage;
he allotted to him the first of the first fruits,
he prepared bread of his fruits in abundance;
for they eat the sacrifices of the Lord,
which he gave to him and his descendants.
But in the land of the people he has no inheritance,
and he has no portion among the people;
for the Lord himself is his portion and his inheritance."
(45:6-22, Emphasis mine)

What abounding love and reverence! What delight in the beauty of
the vestments! How Ben Sira glories in the splendor of Aaron's majesty!
He devotes more verses to the clothing of Aaron than to the total person
of Moses! Moses was the Lawgiver; Aaron is the High Priest, perpetually
alive in his descendants! They are at the very moment filling the Temple
with the luster of their vestments. The real and living High Priest,
Simon the son of Onias, is the very embodiment of Aaron!

"When he put on his glorious robe
and clothed himself in superb perfection,
and went up to the holy altar,
he made the court of the sanctuary glorious."
(50:11)

But Aaron is no mere figurehead! He is no mere functionary, the chief actor in the cultic drama! He is a holy man like Moses. God made an everlasting covenant with him directly. He bestowed upon him symbols of authority. And lest there stir the slightest doubt in the mind of the reader that these symbols were honorific but devoid of substance, Ben Sira states the reality of the authority in words that are explicit and specific:

"In his commandments he gave him authority in statutes
and judgments,
To teach Jacob the testimonies,
and to enlighten Israel with his Law."
(45:17)

Aaron is charged with the administration of the law, it is he who teaches what it is, what it means.

And if there might still linger the thought that real authority was not involved, Ben Sira reminds his reader that God himself wreaked fearful destruction on those who dared to challenge Aaron's supremacy.

"Outsiders conspired against him . . . Dathan, Abiram,
Korah . . .
The Lord saw and was not pleased
and in the wrath of his anger they were destroyed;
He wrought wonders against them to consume them in
flaming fire."

(45:18-19)

Note the judicious care exercised by Ben Sira in his selections from the Pentateuch. Aaron as the cherished choice of God is underlined; Aaron as the maker of the golden calf is ignored!

Ben Sira, however, does not remain satisfied with his exaltation of Aaron. He is careful to establish the legitimate high priestly line through Phineas.

"Phineas the son of Eleazar is the third in glory,
for he was zealous in the fear of the Lord
and stood fast when the people turned away,
in the ready goodness of his soul,
and made atonement for Israel.
Therefore the covenant of peace was established with him,
that he should be leader of the sanctuary and of his people,
and he and his descendants should have
the dignity of the priesthood forever."

(45:23-24)

The crucial information in these lines is hard to miss. Phineas is ranked with Moses and Aaron. The leadership of the sanctuary is assigned to the descendants of Phineas forever! The living descendant was Simon the son of Onias, and it is for him that Ben Sira reserves whatever talent for poetic imagery he possesses:

"The leader of his brethren and the pride of his people
was Simon the high priest, son of Onias,
who in his life repaired the house,
and in his time fortified the temple.
He laid the foundations for the high double walls,
the high retaining walls for the temple enclosure.
In his day a cistern for water was quarried out,
a reservoir like the sea in circumference.
He considered how to save his people from ruin,
and fortified the city to withstand a siege.
How glorious he was when the people gathered around him,
and he came out of the inner sanctuary.
Like the morning star among the clouds,
like the moon when it is full;
Like the sun shining upon the temple of the Most High,
and like the rainbow gleaming in glorious clouds;
like roses in the days of the first fruits,
like lilies by a spring of water,
like a green shoot on Lebanon on a summer day;
like fire and incense in the censer,
like a vessel of hammered gold
adorned with all kinds of precious stones;
like an olive tree putting forth its fruit,
and like a cypress towering in the clouds.
When he put on his glorious robe
and clothed himself with superb perfection
and went up to the holy altar,
he made the court of the sanctuary glorious.
And when he received the portions
from the hands of the priests,
as he stood by the hearth of the altar
with a garland of brethren around him,
he was like a young cedar on the Lebanon;
and they surrounded him like the trunks of palm trees,

all the sons of Aaron in their splendor
with the Lord's offerings in their hands,
before the whole congregation of Israel.
Finishing the service at the altars,
and arranging the offerings to the Most High, the Almighty,
he reached out his hand to the cup
and poured a libation of the blood of the grape;
he poured it out at the foot of the altar,
a pleasing odor to the Most High, the King of all.
Then the sons of Aaron shouted,
they sounded the trumpets of hammered work,
they made a great noise to be heard
for remembrance before the Most High.
Then all the people together made haste
and fell to the ground upon their faces
to worship their Lord
the Almighty God Most High.
And the singers praised him with their voices,
in sweet and full-toned melody.
And the people besought the Lord Most High
in prayer before him who is merciful,
till the worship of the Lord was ended;
so they completed his service.
Then Simon came down and lifted up his hands
over the whole congregation of the sons of Israel,
to pronounce the blessings of the Lord with his lips,
and to glory in his name;
and they bowed down in worship a second time,
to receive the blessing from the Most High."

(50:1-21)

These lines speak for themselves. Simon is the living Aaron. ✓

Not only does he preside over the Temple, but he fortifies the city to withstand a siege. He is the ruler.

Ben Sira is thus aware of only a single system of authority: hiero-
cracy. Power is concentrated in the hands of the High Priest who is
assumed to be a direct descendant of Aaron and Phineas. This High Priest
is assisted in the sacrificial services by the Aaronides. The Levites are
not even mentioned. Aaronide supremacy is everywhere manifest. And that
the High Priest directed all affairs is evident from Ben Sira's assertion
that Simon "considered how to save his people from ruin, and fortified
the city to withstand a siege."

Whence this hierocratic authority? Its legitimacy is grounded in the literal commands of the Pentateuch. Ben Sira is describing as operative a system of authority that was promulgated in the canonized Pentateuch. Simon the son of Onias is a living proof that the Aaronide supremacy advocated in Leviticus-Numbers was concretely achieved, and that the Pentateuchal promise to Phineas -- "Behold I give unto him, and to his seed after him, the covenant of an everlasting priesthood . . ." (Numbers 25:10) -- was fulfilled to the letter. The source of hierocratic sovereignty is the Pentateuch, and Ben Sira makes it very clear that the Aaronides and the Aaronides alone had been charged by God to wield "authority in statutes and judgments," and "to teach Jacob the testimonies, and to enlighten Israel with his law." (45:17). (The Levites are excluded from the ruling class; for they were involved in challenging Aaron's supremacy.) Ben Sira drives this message home by referring to the conspiracy of Dathan and Abiram, and to the uprising of Korah, acts which so enraged God that He consumed them in a flaming fire.

The pertinent texts in the Pentateuch reveal that these events were the justification for the downgrading of the Levites:

"And Moses said unto Korah: 'Hear now, ye sons of Levi: is it but a small thing unto you, that the God of Israel hath separated you from the congregation of Israel, to bring you near to Himself, . . . and all thy brethren the sons of Levi with thee? and will ye seek the priesthood also?'" (Numbers 16:8-10. Emphasis mine).

"And the Lord said unto Aaron [sic!]: 'Thou and thy sons and thy fathers' house with thee shall bear the iniquity of the sanctuary. . . . And thy brethren also, the tribe of Levi . . . bring thou near with thee. . . . And they shall keep thy charge, and the charge of all the Tent; only they shall not come nigh unto the holy furniture and unto the altar, that they die not, neither they, nor ye!" (ibid., 18:1-3. Emphasis mine).

"And I, behold, I have taken your brethren the Levites from among the children of Israel; for you they are given as a gift unto the Lord, to do the service of the tent of meeting. And thou and thy sons with thee shall keep your priesthood in everything that pertaineth to the altar, and to that within the veil; and ye shall serve; I give you the priesthood as a service of gift; and the common man that draweth nigh shall be put to death.'" (Numbers 18:6-7)⁷

Ben Sira's allusion to Dathan, Abiram, and Korah recalls to the reader the ninety-five verses--three contiguous chapters--utilized by the Pentateuch to guarantee Aaronide supremacy. Earthquake, fire, plague, miracle, divine command--all brought to bear to settle this issue. And settled it was. [Ben Sira describes a society that is ruled by the Aaronides under the leadership of a High Priest descended from Phineas.]

Ben Sira thus confirms the triumph of the Aaronides, and, in doing so, reveals that the Pentateuchal legislation was administered through the Aaronides, and the Aaronides only. This is of crucial importance, for the determination of what the law was in any given instance--especially when the law was contradictory--was the prerogative of the Aaronides. The Pentateuch's meaning as applied to the functioning of a real society was whatever the Aaronides said that it meant. To challenge the Aaronides was to challenge the Pentateuch itself, for both God and Moses, according to the Pentateuch, had bestowed upon Aaron and his sons an everlasting authority. The Aaronides therefore were, at the time of Ben Sira, completely in the saddle.

And every word of Ben Sira confirms this supremacy. Everywhere that he exhorts his reader to keep the commandments, the judgments, the statutes, he is in effect admonishing the people to heed the authority of the Aaronides.⁸

It is sufficient to point out that the Pentateuch does refer to an ecclesia, the kahal, to a body of elders, and to judges. Hence there is no basis for assuming that they performed functions other than those contemplated for them by the Pentateuch, or that these functions involved any independent authority with respect to the Law. A judge's decision does not necessarily involve the making of new law, nor the resort to hermeneutical devices. A judge's decision can be confined to the act in question and not serve as a precedent. The judge as a decider rather than a precedent-maker is to be seen in the magistrates' courts of the American judicial system and in most courts of law in western Europe.

B. INSTITUTIONS

The institutions that Ben Sira refers to are the very ones that the Pentateuch enjoined. And it is the sacrificial cult of the Temple that is preeminent.

"He who keeps the law makes many offerings,
he who heeds the commandments sacrifices a peace offering.
He who returns a kindness offers fine flour,
and he who gives alms sacrifices a thank offering.
To keep from wickedness is pleasing to the Lord,
and to forsake unrighteousness is an atonement.
Do not appear before the Lord empty-handed,
for all these things are to be done because of the commandment.
The offering of a righteous man anoints the altar,
and its pleasing odor rises before the Most High.
The sacrifice of a righteous man is acceptable,
and the memory of it will not be forgotten.
Glorify the Lord generously,
and do not stint the first fruits of your hands.
With every gift show a cheerful face,
and dedicate your tithe with gladness.
Give to the Most High as he has given,
and as generously as your hand has found.
For the Lord is one who repays,
and he will repay you sevenfold."

(Sirach 35:1-11)

(The keeping of the law and the commandments is equated with the offering of sacrifices.) The virtues of kindness and almsgiving are linked to the altar. The reader is urged to shower his abundance upon the cultus, and is assured that the rewards to the open-handed, gracious giver will be given by the Lord himself.

Ben Sira sprinkles his work with variations of the same theme.

Thus he binds the love and fear of God to the priests:

"With all your soul fear the Lord,
and honor his priests.
With all your might love your Maker,
and do not forsake his ministers.
Fear the Lord and honor the priest,
and give him his portion, as is commanded you:
the first-fruits, the guilt offering,
the gift of the shoulders,
the sacrifice of sanctification,
and the first fruits of the holy things."

(7:29-31)

The good life and sacrifices go hand in hand:
"My son, treat yourself well, according to your means,
and present worthy offerings to the Lord."

(14:11)

Divine punishment awaits the man who reneges on his payment of his vows to the Temple:

"Let nothing hinder you from paying a vow promptly,
and do not wait until death to be released from it.
Before making a vow, prepare yourself;
and do not be like a man who tempts the Lord.
Think of his wrath on the day of death,
and the moment of vengeance when he turns away his face."

(18:22-24)

Sacrifices are efficacious for healing the sick:

"My son, when you are sick do not be negligent,
but pray to the Lord and he will heal you.
Give up your faults and direct your hands aright,
and cleanse your heart from all sin.
Offer a ~~sweet~~smelling sacrifice,
and a memorial portion of fine flour,
and pour oil on your offering,
as much as you can afford."

(39:9-11)

The selection of David for kingship is made vivid by cultic imagery:

"As the fat is selected from the peace offering,
So David was selected from the sons of Israel

(47:2)

One looks in vain for the existence of any other institution dedicated to prayer or religious ritual. And this in a book written by a man who is filled with the spirit of the Lord! Surely a man might pray privately to God, but there was no institution for praying, no set time for such prayer, no liturgy. Ben Sira nowhere exhorts the reader: "Say the Shema in the morning and in the evening testify to his oneness." Nowhere does he advise: "My son, seek out the house of prayer, and offer supplication in the synagogue, for the Lord delighteth in communal prayers, they are as a sweet-smelling sacrifice to his nostrils." Rather does Ben Sira view the Temple as especially appropriate even for a private prayer.

"While I was still young . . .
I sought wisdom openly in my prayers.
Before the Temple I asked for her,
and I will search for her to the last."

(51:14)

C. CLASS STRUCTURE AND THE Soferim

Ben Sira had wide-ranging interests. He brings his wisdom to bear on every facet of life. He finds no status too lowly for his concern; none too lofty for his attention. Thus he approaches the problem of managing a slave with the pragmatic intelligence of a slave owner: the combination of strict discipline with good treatment:

"Fodder and a stick and burdens for an ass;
bread, discipline, and work for a slave.
Set your slave to work, and you will find rest;
leave his hands idle and he will seek liberty.
Yoke and thong will bow the neck,
and for the wicked slave there are racks and tortures.

Put him to work that he may not be idle,
for idleness teaches much evil.
Set him to work, as is fitting him,
and if he does not obey, make his fetters heavy."

(33:24-28)

However,

"Do not act immoderately toward anybody,
and do nothing without discretion.
If you have a slave, let him be as yourself,
because you have bought him with blood.
If you have a slave, treat him as a brother,
for as your own soul you will need him.
If you ill-treat him, and he leaves and runs away,
which way will you go to seek him?"

(33:29-31)

The unfree slave is on the lowest level of the economic and social structure. The peasant and artisan enjoy a higher status; they are necessary for the well-being of society. Yet their opinion is neither solicited, nor does it have a forum for its expression. The peasant and the artisan make the leisure of other classes possible, but this function precludes such an opportunity for themselves.

The hierarchical distinction between manual labor (low social status) and intellectual preoccupation (high social status) is stated by Ben Sira as self-evident:

"The wisdom of the scribe depends on the opportunity of leisure and he who has little business may become wise.

How can he become wise who handles the plough,
and who glories in the shaft of a goad,
who drives oxen and is occupied with their work,
and whose talk is about bulls?

He sets his heart on ploughing furrows,
and he is careful about fodder for heifers.
So too is every craftsman and master workman
who labors by night as well as by day;

those who cut the signet of seals,
each is diligent in making a great variety;
he sets his heart on painting a life-like image,
and he is careful to finish his work.
So too is the smith sitting by the anvil,
intent upon his handiwork in iron;
the breath of the fire melts his flesh,
and he wastes away in the heat of the furnace;
he inclines his ear to the sound of the hammer,
and his eyes are on the pattern of the object.
He sets his heart on finishing his handiwork,
and he is careful to complete its decoration.
So too is the potter sitting at his work
and turning the wheel with his feet;
he is always deeply concerned over his work,
and all his output is by number.
He moulds the clay with his arm
and makes it pliable with his feet;
he sets his heart to finish its glazing,
and he is careful to clean the furnace.
All these rely upon their hands,
and each is skillful in his own work.
Without them a city cannot be established,
and men can neither sojourn nor live there."

(38:24-32. Emphasis mine)

The consequence of their indispensability?

"Yet they are not sought out for the council of the
people,
nor do they attain eminence in the public assembly.
They do not sit in the judge's seat,
nor do they understand the sentence of judgment,
they cannot expound discipline or judgment,
and they are not found using proverbs.
But they keep stable the fabric of the world,
and their prayer is in the practice of their trade."

(38:33-34)

The slaves, the peasants, and the artisans have a subordinate
role in society, but what of the merchant? Though Ben Sira does not
specifically say that they are not sought out for the council of the
people, nor do they sit on the judge's seat, he leaves little doubt
that the merchant would be far from welcome:

"A merchant can hardly keep from wrongdoing,
and a tradesman will not be declared innocent of sin,
Many have committed sin for a trifle,
and whoever seeks rich will avert his eyes.
As a stake is driven firmly into a fissure between
stones,
so sin is wedged in between buying and selling."

(26:29; 27:1-2)

High status, elevated esteem, and public prominence are accorded by Ben Sira to individuals like himself, i.e., the soferim, or scribes. These were men who did not engage in manual labor, but had ample economic resources to enjoy leisure. This is stated with disarming candor:

"The wisdom of the scribe depends on the opportunity of
leisure;
and he who has little business may become wise."

(38:24)

The soferim presumably must be those who are sought out for the council of the people; who attain eminence in the public assembly; who sit on the judge's seat and understand the sentence of judgment; who expound discipline; who use proverbs (38:33-34).

So much by implication. But Ben Sira is not content. He catalogues the characteristics of the soferim in loving detail. In contrast to the peasant and artisan, the sofer works with his mind:

"On the other hand, he who devotes himself
to the study of the law of the Most High
will seek the wisdom of all the ancients,
and will be concerned with prophecies;
he will preserve the discourses of notable men
and penetrate the subtleties of parables;
he will seek out the hidden meaning of proverbs
and be at home with the obscurity of parable.
He will serve among great men
and appear before rulers;
he will travel through the lands of foreign nations,
for he tests the good and evil among men.
He will set his heart to rise early
to seek the Lord who made him,
and will make supplication before the Most High;

he will open his mouth in prayer
and make supplication for his sins.
If the great Lord is willing,
he will be filled with the spirit of understanding;
he will put forth words of wisdom
and give thanks to the Lord in prayer.
He will direct his counsel and knowledge aright,
and meditate on his secrets.
He will reveal instruction in his teaching,
and will glory in the law of the Lord's covenant."

(39:1-8)

Such activity brings the highest reward his society can offer:

"Many will praise his understanding,
and it will never be blotted out;
his memory will not disappear,
and his name will live through all generations.
Nations will declare his wisdom,
and the congregation will proclaim his praise;
if he lives long, he will leave a name
greater than a thousand,
and if he goes to rest, it is enough for him."

(39:9-12)

The sofer, the scribe, is a man of distinction and learning of piety and mature responsibility. He is well versed in the Law, the prophecies, and wisdom. His understanding is valued highly and his talents are put to good use. The issue, however, is not whether the scribe was learned in the Law, or a repository of wisdom, nor whether he participated in the public assembly or served as a judge. The problem is a more delicate one. Did the soferim, the scribes, have an independent relationship to the Law, or were they the intellectual supporters of Aaronide supremacy? (Did meditation in the Law mean exegetical investigation, or the mastery of its literal content?)

The answer to these questions is rooted in the presuppositions of the historian. If he approaches Ben Sira already convinced that the soferim must have had an independent function; that their intellectual activity involved exegetical techniques; that they were in some way a counterpoise to the Aaronides, then he will have no trouble

reading Ben Sira's verses in this light. If, on the other hand, he comes with no such presuppositions and reads Ben Sira as the sole source extant for determining what the soferim were, then his conclusions will be radically different.

A major purpose of this paper is to propose that the latter approach is the only one methodologically justifiable. It is a procedure that is binding on every historian as an inescapable demand of his discipline.

The term sofer occurs in several books of the Bible. It does not appear, however, in either the Pentateuch or in Joshua. And as for the other biblical books, the term is used only sporadically. In no instance is the term elaborated upon. To the extent that it is used, even in Ezra and Nehemiah, its meaning is taken for granted. The reader is assumed to know the character and the nature of the function. This is perhaps best illustrated in the books of Ezra and Nehemiah where Ezra is referred to as the sofer, but his function is not spelled out. What being a sofer entailed is not anywhere stated with precision. And insofar as Ezra's role is clear, it involved a strenuous effort to undo the intermarriages and to have the Law accepted by the leaders and the people as binding. Ezra the sofer is the man who underwrote the commands of the Law of Moses. In view of the solicitous concern for the revenues of the priests, Ezra seems to have been devoted to the literal meaning of the Law, and to the achievement of Aaronide supremacy.)

In Ezra, it is true, one can detect a function of the scribe: the steadfast advocacy of the authority of the Pentateuch. The triumph of such authority carried with it Aaronide supremacy. The duty of the sofer was to support the Pentateuchally ordained priesthood. He has no independent authority as a sofer; he was a supporter and an upholder of the authority ordained by God and Moses.

That Ezra the sofer was a sofer in the same sense that the Baruch of Jeremiah was a sofer can scarcely be maintained. Nor was he a sofer of the kind mentioned in Judges, Samuel, and Kings. He was a special kind of sofer, a member of a class that arose in post-exilic times, a class that was committed wholeheartedly to the Pentateuch.

The definition of sofer drawn from the books of Ezra and Nehemiah is derived from the acts that Ezra performs. It is impossible, however, to determine which acts of Ezra are to be assigned to his role as sofer and which to his role as priest. The author at no time defines a sofer directly, for the character of his work is historical and narrative. He assumes that the title is sufficiently well known to need no further elaboration.

Ben Sira, however, had other purposes. He wished to extol the merits of the sofer and to contrast the high esteem of his calling with the menial work of the peasant and artisan. He therefore makes an exhaustive listing of the sofer's interests. For this reason, Ben Sira's description must be the starting point for any analysis. It is the only source that makes the sofer an object of description, and does not assume prior knowledge on the part of his reader. Every other usage of sofer takes such knowledge for granted.

If the scholar begins with Ben Sira, he does not know in advance what a sofer is. He must acquire this knowledge from Ben Sira. He therefore must be especially wary of attributing to the sofer any authority or any activity that Ben Sira does not explicitly acknowledge.

Ben Sira never attributes to the sofer authority over the Law. He is a student of the Law, but not in charge of the Law. He is the ardent supporter of the Law, but he does not determine what the Law commands. He administers the Law, he does not tamper with it. His area of freedom is in proverbs and parables.

Ben Sira recognizes throughout his work that the Aaronides control the Law. The sofer is not on the same level as the priest. He may serve as judge, speak in the assembly of the people, but only as a supporter of Aaronide supremacy. And how could it be otherwise, when the Law that Ben Sira praises specifically enjoins an elaborate sacrificial cult that alone could expiate the sins of the people and that was given as a monopoly to the Aaronides? The Pentateuch, however, does not assign any function whatsoever to the sofer; indeed, the word itself never occurs.

The sofer then in Ben Sira has as yet no official function. It is a name given to designate a class of individuals who were engaged in intellectual pursuits, who were attracted to wisdom, who were available for service in the interests of the hierarchy. The name does not refer to a specific and well defined function, as does the word "priest," or "judge." A sofer might or might not be a priest. He might or might not be a judge. His talents might or might not be called upon by the priestly rulers. He was, however, at all times a loyal adherent of the Law that underwrote Aaronide supremacy.

Any assertion that the soferim were in the time of Ben Sira a class with an independent approach to the Law—any such assertion is undermined by Ben Sira's own words and is based on evidence that does not exist.

Ben Sira is thus the only source that explicitly spells out what a sofer was. Every other source of the pre-Hasmonean period uses the term sofer in the same manner that it uses the word "king," or "priest." The pre-Hasmonean sofer—at least to that point in time when Ben Sira wrote—must have been what Ben Sira said he was, unless there is some pre-Hasmonean source that unambiguously refutes or modifies Ben Sira's

description. Any definition of the sofer that is derived outside of Ben Sira and which is then used to determine what Ben Sira meant by sofer is methodologically and procedurally without warrant. Ben Sira describes the sofer; the other sources use the term.

How then did the sofer approach the Law? Did he study it literally? Meditate upon it as the clear word of God? Or did he subject it to logical scrutiny? Did he apply to it some form of midrashic exegesis?

What procedure is one to follow in seeking an answer to these questions? Again the starting point must be the words of Ben Sira himself. If a historian had only Ben Sira and no other source, is there any statement of Ben Sira that necessitates an assumption of a midrashic mode? Is there any statement in Ben Sira that must be read as implying a nonliteral approach? Ben Sira urges the study of the Law in language no different than that of the Law itself. He is no more committed to midrashic exegesis than the author of the book of Joshua who puts the following commands in the mouth of God: "Only be strong and very courageous, to observe to do according to all the law, which Moses My servant commanded thee. . . . This book of the law shall not depart from out of thy mouth, but thou shalt meditate therein day and night, that thou mayest observe to do according to all that is written therein. . . ." (Joshua 1:7-8).

Ben Sira utters nary a syllable necessitating the assumption of an exegetical or midrashic approach. And if we broaden our investigation and examine the other writings of the pre-Hasmonean period, we likewise find no compulsion emanating from the text itself to conclude that the Pentateuch was not understood literally as written. Does the Psalmist, for example, mean anything but the literal meaning of the Torah when he says:

The law of the Lord is perfect, restoring the soul;
The testimony of the Lord is sure, making wise the simple.
The precepts of the Lord are right, rejoicing the heart;
The commandment of the Lord is pure, enlightening the eyes."

(Psalms 19:8-9)

And if we pursue the problem a step further, we have further confirmation that a literal approach was not only possible but tenaciously affirmed. The Sadducees, at a time subsequent to Ben Sira, when literality was challenged by the Pharisees, held fast to the laws as written. One can hardly improve on Josephus' rendering: "The Sadducees hold that only those regulations should be considered valid which were written down, and those which had been handed down from former generations need not be observed" (Antiquities XIII: 297).

The one realm that was not explicitly covered by the Law, and which was very near to the heart of Ben Sira, was wisdom. How did he assimilate wisdom with Torah? He took the equivalence as self-evident. He identifies the two. He links God to both simultaneously. He does not, however, resort to exegesis. He does not ask: What is the meaning of this or that Pentateuchal verse? How is this contradiction to be solved?

His method is evident throughout his work:

"All wisdom comes from the Lord,
and is with him forever . . ."

(1:1)

"The Lord himself created wisdom;
he saw her and apportioned her,
he poured her out on all his works. . . ."

(1:9)

"To fear the Lord is the beginning of wisdom;
she is created with the faithful in the womb. . . .
To fear the Lord is wisdom's full measure. . . ."

(1:16)

"The fear of the Lord is the crown of wisdom,
making peace and perfect health to flourish . . ."

(1:18)

"To fear the Lord is the root of wisdom,
and her branches are long life. . . .
The man who fears the Lord will do this,
and he who holds to the law will obtain her [i.e., wisdom] "

(15:1)

"Whoever keeps the law controls his thoughts,
and wisdom is the fulfillment of the fear of the Lord."

(21:11)

There is no exegesis here. Only the affirmation of the status of
wisdom as of divine origin and hence thoroughly compatible with the
divine Law.

Even more revealing is Ben Sira's device of having wisdom herself
proclaim her tie to God, Torah, and Israel:

"Wisdom will praise herself,
and will glory in the midst of her people.
In the assembly of the Most High
she will open her mouth,
and in the presence of his host
she will glory.

"I came from the mouth of the Most High,
and covered the earth like a mist. . . .
In the waves of the sea, in the whole earth,
and in every people and nation
I have gotten a possession.
Among all these I sought a resting place;
I sought in whose territory I might lodge.
Then the Creator of all things
gave me a commandment,
and the one who created me
assigned a place for my tent.
And he said, "Make your dwelling in Jacob,
and in Israel seek your inheritance."
From eternity, in the beginning he created me,
and for eternity I shall not cease to exist.
In the holy tabernacle I ministered before him
and so I was established in Zion.
In the beloved city likewise
he gave me a resting place,
and in Jerusalem was my dominion.
So I took root in an honored people,
in the portion of the Lord,
who is their inheritance. . . ."

(24:1-12)

The identification of wisdom and Torah is made firmly secure in the following verses:

"All this is the book of the covenant
of the Most High God,
the law which Moses commanded us,
as an inheritance for the congregation of Jacob.
It fills men with wisdom, like the Pishon,
and like the Tigris at the time of the first fruits.
It makes them full of understanding, like the Euphrates,
and like the Jordan at harvest time . . ."

(24:23-26)

Ben Sira solves the problem of the status of wisdom, by refusing to see it as a problem. Wisdom underwrites the Law, reinforces it; it does not challenge it. The literalism of the Torah is not jeopardized; the words of the Pentateuchal text are not subjected to scrutiny. The Pentateuch is assumed to be the fruit of wisdom; it need not be proved such through exegesis. It is self-evident.

And a final reminder. Ben Sira does not accord the sofer any authority over the Law. The sofer's realm of creative activity is outside the Law, in a domain that the Law does not restrict to itself. Here the sofer is free: in the discourse of notable men; in the penetration of subtle parables; in the solution of enigmatic proverbs and obscure parables; in the search for ancient wisdom; in the probing of the meaning of prophecies. He is free to utter maxims, and to teach others understanding. But as for the Law, he is to uphold it as an eternal covenant. He is to serve as a model to others in the joy with which he keeps statutes, judgments, and commandments. And at all times, he is to remember that only the descendants of Aaron can speak with authority as to what the Law meant.

"In his commandments he [God] gave
him [Aaron] authority in statutes and judgments,
to teach Jacob the testimonies,
and to enlighten Israel with his law."

(45:17)

And among the Aaronides, the High Priest was the ultimate authority:

"Therefore a covenant was established with him [Phineas],
that he should be the leader of the sanctuary and of his people,
that he and his descendants should have
the dignity of the priesthood forever."

(45:24)

In his own day, Simon, son of Onias, was the living embodiment of the promise:

"The leader of his brethren
and the pride of his people
was Simon the High Priest, son of Onias."

(50:1a)

The class structure in the days of Ben Sira is now clear: peasants and artisans who work, but have no say; merchants who garner money, but lack social status; the wealthy-and these are referred to in verse after verse-whose source of wealth is unclear (they seem to be city dwellers, but if they are not peasants, or artisans, or merchants, they must be either owners of landed estates or priests) who are not always wise, but whose voice is heard; the soferim, the hierocratic intellectuals, who are dedicated to the Temple and the laws of Moses, who turn a neat parable and phrase a wise proverb, and who are ever ready to earn a good name in the assembly of the people and in the council of the elders; and finally the ruling class itself; the Aaronides, ministering at the altar of the Lord, expiating the sins of the people through a sacrificial cult ordained by God, garnering the fruitful offerings demanded by the Law, and standing guard over the Law as Moses had commanded. And at the very pinnacle of this

society was Simon the son of Onias the High Priest who, in his once yearly entry into the holy of holies, reconfirmed, before the dazzled multitude, that his authority was of God.

As for the Levites. They assuredly must have been around, but Ben Sira finds them unworthy of even one sententious maxim. By this time they must have become living witnesses to the consequences of the rebellion of Korah against Aaron's supremacy: Temple menials who labored while the Aaronides in pomp and majesty offered sweet-smelling sacrifices to the Lord who had swallowed up Korah and all his evil company.

II. Ben Sira, the Nonexistence of the Synagogue and the Argument from Silence

It is now time to assess the method of analysis that has been applied to Ben Sira and to draw the necessary conclusions. A simple procedural rule has been adopted: Ben Sira must take priority over all other sources, subsequent to the memoirs of Nehemiah, for the reconstruction of pre-Hasmonean Judean society. It must be consulted as a source for our knowledge of this society, and it must not be modified, altered or corrected by a priori assumptions that have no grounding in sources contemporaneous with that society. It is the only source extant that describes a definite society, a concrete segment of the historical continuum, and a very specific High Priest, Simon son of Onias. All the other sources, such as Proverbs, Psalms, Job, Ecclesiastes, are rich in ambiguity and imprecision. Indeed, these sources are dependent on Ben Sira for elucidation, since Ben Sira alone establishes some fixed point of social-ideological reference.

The priority of Ben Sira does not carry with it an elimination of problems. The date of its composition, for example, is not susceptible to absolute determination. The exact meaning of all his words may elude our techniques. Thus we are not certain what the functions of the ecclesia were, or how judges were chosen. The message communicated by the source may be distorted by some lack in our conceptual apparatus. All this may be true, but the method nonetheless offers a procedure for reducing the range and intensity of distortion by eliminating assumptions that are derived from sources that are demonstrably less knowledgeable than Ben Sira.

The existence of the synagogue in the period of Ben Sira is the most notorious of these assumptions. It is nowhere specifically mentioned prior to the post-Hasmonean period. It is not referred to in the Pentateuch. Ezekiel, Isaiah, Haggai, Zechariah, Malachi make no mention of it, though these prophets are intensely concerned with the restoration of the Temple. The memoirs of Nehemiah are unpunctuated by a single reference to it; the activities of Ezra pass it by. The Psalms never exhort the pious to pray in a synagogue, though pray they should. Proverbs, Ecclesiastes, Job, Esther, Daniel, Judith, Tobit—nary a reference. And Ben Sira, sofer, student of the Law, sagacious guide for the religious life—is mute.

The evidence then for the pre-Hasmonean existence of the synagogue is the unbroken silence of the sources. In the face of the sources which speak of a real Temple and a real priesthood, scholars give priority to silence. They introduce a set of assumptions that has no warrant in any source; they justify this step by an appeal to silence; and they then modify the communication of articulate, bona fide contemporaneous sources to comport with their assumptions. The

overwhelming scholarly consensus today takes for granted that Ben Sira lived in a society where there were synagogues—synagogues that had been in existence for several hundred years. The unknown has triumphed over the known, silence over articulation. And this amazing triumph is attributable to a methodological and procedural flaw, a flaw that enlarges the range and intensity of the distortion of a source's message.

The culprit is a methodological dogma: the silence of a source with respect to some element in society is in and of itself no proof that such an element did not exist. This is indeed an excellent principle. If a scholar is analyzing an account book in fourteenth century Italy and he finds no mention of monasteries, he would have no right to utilize the silence of his specialized document as evidence for the nonexistence of monasteries which were legitimately outside the focus of his document. However, what of a failure to utilize business machines, to allude to corporate structures, to refer to systematic banking? And what of silence in these books with respect to stocks and bonds, steamships, railroads, trucks? If silence such as this is ubiquitous, would any scholar dare to posit the existence of modern banking, modern corporate forms, or modern means of shipping by an appeal to the silence of the sources?

What, we may well ask, is the most conclusive evidence of non-existence? Is it not silence: Does anyone argue that nuclear reactors existed in the Egypt of the Ptolemies on the grounds that no source mentions them! Would any scholar posit Christian churches in the Athens of Pericles merely because no source refers to them?

The formula thus requires rephrasing: the failure of a source to mention the existence of some element in society is no proof that it did not exist. However, the claim for the existence of an element within society must have some positive evidence. Where no such positive evidence exists, knowledge must be confined to that for which there is evidence with the proviso that it be subject always to revision in the light of new evidence.

What positive evidence is advanced for the existence of the synagogue in pre-Hasmonean times? None whatsoever.⁹ Synagogues are mentioned in contemporary sources only after the Hasmonean revolt. Archeological evidence for synagogues is confined to epochs long after the Hasmonean revolt. Josephus never refers to synagogues as existing in pre-Hasmonean times. The decrees of Antiochus IV aimed at destroying Judaism mention the Temple and the Law, but no synagogues. It is clear that no positive source exists.

What grounds then? The existence of the synagogue in post-Hasmonean times presupposes its existence prior to that time? This argument can carry no weight, for Judean society underwent violent upheavals during and after the Hasmonean revolt. The synagogue may very well have emerged in conjunction with these tumultuous events. Would any one argue that the conventicles of the Puritans antedated the historical situation that created them? Where were the Jacobin Clubs before the French Revolution? The Committees of Correspondence before the opposition to the Crown? The Soviets before the revolution of 1905?

The second argument is that the synagogue was a logical response to the exile. A logical response, however, is not necessarily a historical response. Scholars fully aware of the triumph of

synagogue over the Temple may think that it was the logical outcome of the exile. The prophets, however, who lived in the exilic and postexilic periods reacted otherwise. Every one of them looked forward to the rebuilding of the Temple with a purified sacrificial cult. They did not contemplate any other mode or institution of worship. The assembling of people to listen to prophets does not imply a synagogue form. They assembled to hear about a restored Temple.

The third argument is that once the Temple was restored it could not serve adequately the religious needs of the people because many lived too far from Jerusalem. Whether the distances were so insurmountable is certainly open to question. But even if this were an obstacle, how does it follow that the people gathered in synagogues for religious worship? The obligation to the Temple could not be offset by inconvenience. Nothing could substitute for the expiation offered by the altar. A man might pray to God as an individual, but this did not free him of giving to the priest the firstborn of his cattle and of his fruits, the heave offering, the payment of his vow. Nor did it absolve him from appearing thrice yearly with full hands at the Temple. That distance stood in the way of the peasant who believed the Law to be divine is difficult to comprehend in the light of historical religious experience.

Furthermore, it must be emphasized that the Aaronides ruled society. Their functional domain was the Temple. As long as their monopoly was secure—and Ben Sira indicates that in his day it was—it is hardly likely that they would countenance any mode of worship which might in any way divert the attention of any Jew from the Temple in Jerusalem.

But why prolong the argument? The crux of the problem is not touched by such a debate. An argument of this type can always be met with a counterargument. The fundamental issue is methodological.

If one begins with Ben Sira and reconstructs society through his words and his alone, if one then analyzes the other sources of the pre-Hasmonean period, and if one finally goes back to the canonization of the Pentateuch and even to the exilic and postexilic prophets, does he discover the synagogue? Where in any source will he find it unless he is convinced in advance of its existence?

If such is the situation, by what right does a scholar create the past out of nothing?

Ben Sira thus stands as a sentinel over a segment of the historical continuum. His words defend a territory of Jewish history from scholarly spoliation. These words communicate information about his society: Temple cult, Aaronide priests, a High Priest, a divinely revealed Law, a class of soferim, etc. This information does not contradict the demands of the Pentateuch, nor is it incompatible with information derived from other pre-Hasmonean sources. Whatever is unclear in Ben Sira cannot be clarified by nonexistent data.

Ben Sira's articulation bars the intrusion of nonexistences. The society that he knew was a hierocracy. There were no synagogues. No Pharisees. No Oral Law. No exegetical midrash. Only sacrifices and priests and the literal Law. And also the wisdom, the proverbs, and the parables of the sofer. That which did not as yet exist, Ben Sira does not describe; after all, prophecy had ceased before his time—as all scholars will freely admit.

NOTES

1. See appendix A.
2. Cf. John Bright, A History of Israel, Philadelphia, 1959, pp. 422-423; Victor Tcherikower, Hellenistic Civilization and the Jews, trans. S. Applebaum, Philadelphia-Jerusalem, 1959, p. 125. Martin Noth, The History of Israel, New York, 1958, p. 340; Samuel Krauss, Synagogale Altertümer, Berlin-Vienna, 1922, pp. 52-66; George Foote Moore, Judaism, Cambridge, 1927, I, pp. 283-284; Louis Finkelstein, The Pharisees, Philadelphia, 1938, II, pp. 562-569; Salo W. Baron, The Jewish Community, Philadelphia, 1942, I, pp. 55-74, and reaffirmed in A Social and Religious History of the Jews, Philadelphia, 1952, I, pp. 132-133, 351, n. 30-31.

Since the turn of the century, only Solomon Zeitlin, "The Origin of the Synagogue," Proceedings American Academy for Jewish Research, III, (1932), pp. 69-81, has argued for a relatively late date, but even he would make it pre-Hasmonean.

3. Cf. especially Bright, p. 422, and Tcherikower, pp. 124-126.
4. Moore, I, pp. 37-44; Bright, p. 423; Tcherikower, loc. cit., 124-126; Jacob Z. Lauterbach, Rabbinic Essays, Cincinnati, 1951, pp. 28-30, 95-107; Finkelstein, The Pharisees, II, 570-583.
5. Bright, p. 423; Tcherikower, 124-126; Lauterbach, pp. 30-39, pp. 163-166; Finkelstein, The Pharisees, I, pp. 261-267; Moore, I, p. 39, pp. 253-257; Noth, p. 340.
6. Quotations from Ben Sira are cited from The Apocrypha, Revised Standard Version, New York, 1957, with permission of the Division of Christian Education of the National Council of Churches of Christ in the United States of America.
7. Cited from The Holy Scriptures, Philadelphia, 1917, with permission of Jewish Publication Society of America.
8. Ben Sira also refers to an assembly (ecclesia), and a council (boule), a body of elders, and to judges. Since he does not describe the functions of the assembly or of the council, nor the provisions for membership (apparently peasants and artisans were included in the assembly but were paid no heed, 38:33), it is not the scholar's task to fill the lacunae with his ignorance. So too, it is pointless to speculate on the exact functions of the judges, though Ben Sira reveals that it was a position of distinction (8:14), unavailable to the peasant and artisan (38:33).
9. On the relationship of the proseuche to the synagogue, see Appendix B.

APPENDIX A

Virtually all scholars maintain that Ben Sira was written about the year 180 B.C.E. (cf., e.g., M. S. Siegel, Sefer ben Sira Ha-Shalem, Jerusalem, 1953, pp. 3-6; Charles C. Torrey, The Apocryphal Literature, New Haven, 1945, p. 94; G. H. Box and W. O. E. Oesterly, "Sirach," in R. H. Charles, The Apocrypha and Pseudepigrapha of the Old Testament, Oxford, 1913, pp. 293-294; Rudolf Smend, Die Weisheit des Jesus Sirach, Berlin, 1906, pp. XV-XVI). The argument for an earlier dating (c. 280) advanced by J. H. A. Hart, Ecclesiasticus in Greek, Cambridge, 1909, pp. 249 ff., has been rejected (cf. Box and Oesterly, ibid., and Robert H. Pfeifer, History of New Testament Times, New York, 1949, pp. 364-365: "The arguments of J.H. A. Hart . . . to prove that the book was written in the period 300-275 are utterly unconvincing.")

It is difficult to comprehend the basis for so absolute a judgment. The internal evidence for a late dating is not so conclusive as to foreclose debate on this issue. If there had been no prologue to Ben Sira in which the grandson and translator states that he came to Egypt in the thirty-eighth year of Eugertes, it is questionable whether a 180 date could be established on the basis of internal evidence alone. It is the mention of the thirty-eighth year of Eugertes that really clinches the argument for most scholars. Only Eugertes II (170-117) could have been meant, since Eugertes I did not reign long enough, while Eugertes II did if the years of his co-regency are included.

The dating thus really hinges on the meaning of a single sentence. The Greek in no way requires the rendering given it by most scholars. The sentence reads as follows: 'Εν γὰρ τῷ ὀγδόῳ καὶ τριακῶστῳ ἔτει ἐπὶ τοῦ Εὐεργέτου βασιλέως παραγεννηθεὶς εἰς Αἴγυπτον καὶ συγχρονίσας, εὖρον οὐ μικρὰς παιδείας ἀφόμοιον.

The usual rendering is "When I came to Egypt in the thirty-eighth year of the reign of Eugertes, and stayed for some time. . . ."

However, the following translation is at least as valid as the former: "When I came to Egypt in my thirty-eighth year, in the reign of Eugertes [i.e. while Eugertes was still king] and stayed for some time [i.e., Eugertes is no longer living]." This is an unassailable translation, even if it were to be shown that ἐπί is in rare instances used in conjunction with the year of a dynasty. The point is that ἐπί does not necessarily have to be used. Indeed in the entire Septuagint ἐπί is rarely, if ever, used in such a way, despite the fact that there are many passages that refer to the years of a king's reign. Would Ben Sira's grandson, who specifically refers to the already extant translation of the Law, the Prophets and other works, be required by his models and Greek usage to use ἐπί to express the year of a dynasty in this way? How can anyone be certain from this sentence that he did so use it, when Greek usage not only does not require this meaning, but rarely, if ever, uses ἐπί in this sense?

(Appendix A, cont.)

It may be that the sentence can be translated either way. If so, then its meaning is ambiguous and cannot be used as evidence for the dating, unless some clear, explicit, and unambiguous internal reference can settle the issue. But no such internal evidence exists. The reference in Chapter 50 to Simon's building the wall and fortifying the city does not necessarily refer to an action by Simon II. The investment of Jerusalem by Ptolemy Soter (305-283) could have afforded Simon I the opportunity for reconstruction. (Cf. Josephus, Antiquities, XII:1-7.)

Certain problems posed by the book would be solved, if it were to be dated about 270. It would explain Ben Sira's failure to mention Ezra, even though he refers to Nehemiah. Such an omission by a sofer in c. 180—decades after Ezra-Nehemiah were written is absolutely incomprehensible; but such an omission by a sofer in c. 270 is perfectly understandable, since the book had either not yet been written, or its claims for Ezra were still too radical. It may even mean that Ezra, the sofer, was not known to Ben Sira because Ezra had not yet attained historical reality.

An early date would also make Simon the son of Onias of Chapter 50, Simon the Just. This would confirm Josephus's positive identification of the first Simon (c. 200) as the one who was called the Just (Antiquities XII, 157). This would spare scholars the task of correcting Josephus (cf. Ralph Marcus, Josephus, Loeb Classical Library, Cambridge, 1943, VII, pp. 732-736). How Josephus can be challenged with respect to so definite a statement regarding the identity of a High Priest is, in any event, something of a mystery. Even if the Simon of Ben Sira was Simon II, it does not necessarily follow that he was called the Just. He bears no such appellation in Chapter 50.

So much for the problem of dating. I should like to emphasize, however, that this article is not concerned with the dating. It is concerned primarily with the question: Did the synagogue exist in the society Ben Sira describes—irrespective of whether he wrote in c. 270 or in c. 180? If he wrote earlier, then the synagogue was not yet in existence in the latter part of the third century. If he wrote later, then the synagogue was not in existence even in the last quarter of the second century. It really makes little difference, for the evidence external to Ben Sira for the existence of the synagogue is as absent for the later date as for the earlier.

APPENDIX B

But what of the proseuche (προσευχή)? Was this not a "prayer-house," and is it not referred to in an inscription dedicating a proseuche to Ptolemy III Eugertes (247-221 B.C.E.) and his consort Berenice? (See Johann Oehler, "Epigraphische Beiträge zur Geschichte des Judentums," *MGWJ*, L III [1909], p. 451, no. 227). Modern scholars are in agreement that the proseuche is indeed identical with the synagogue (cf. M. Avi-Yonah, "Synagogue Architecture in the Classical Period," in *Jewish Art*, ed. Cecil Roth, New York, 1961, pp. 157-158; E.R. Goodenough, Jewish Symbols in the Greco-Roman Period, Vol. II, p. 84; E. L. Sukenik, Ancient Synagogues in Palestine and Greece, [London, 1934], p. 1; Harry J. Leon, The Jews of Ancient Rome, [Philadelphia, 1960], p. 139, n. 2.

But was the proseuche of the dedicatory inscription identical with the synagogue? No scholar has yet found either an inscription or a literary reference to the synagogue—and I stress the importance of the exact name—dating from pre-Hasmonean times. The inscription does not describe what the proseuche is; it is a dedication, that is, a symbol of loyalty. The inscription reveals nothing else. The earliest sources that refer to the proseuche in some detail are Philo's In Flaccum and his Legatio ad Gaium. But Philo wrote at a time when there is abundant evidence that synagogues were flourishing. Thus even if the proseuche had been in existence prior to and distinct from the synagogue, Philo would be aware of the synagogue and might conceivably have used the word proseuche to refer to both the proseuche and the synagogue. Thus in our own day we indiscriminately call all Christian houses of worship churches, even though they differ radically architecturally and liturgically. So, too, contemporary Jews — even rabbis — refer to both Reform and Conservative houses of worship as temples, even though the mode of service radically differs. It is thus by no means excluded that Philo might have referred to two very different institutions with the same word proseuche because of a single element that was shared, in this instance, prayer.

Indeed, Philo seems to be talking about a single institution, the Hellenistic proseuche, in his In Flaccum, and two distinct institutions, the proseuche and the proseuche-synagogue in his Legatio ad Gaium. In the latter work, the proseuchai-synagogues are places where Jews gather to offer "first fruits" to the Temple and to participate in religious activity. These proseuchai are the kind that flourished in Rome and its environs. These are indeed synagogues, and are so referred to in Agrippa's letter, cited by Philo (Legatio ad Gaium, ed. and trans. E. M. Smallwood, Leiden, 1961, par. 40, pp. 133-135). These proseuchai-synagogues were legitimized by Augustus and they were distinguished from disloyal, subversive clubs. Their existence, therefore, did not involve any disloyalty to the Emperor, since they served the religious needs of Jews.

(Appendix B, continued)

The proseuchai of Alexandria and other Hellenistic (that is, pre-Roman) cities are described by Philo in In Flaccum and only briefly referred to in the Legatio (ibid., lines 132-139, pp. 87-89). They are not devoted to the collection of "first fruits" for the Temple, nor are they merely nonsubversive meeting houses. Rather they are symbols of loyalty to the emperors (cf. In Flaccum, ed. and trans. Herbert Box, London, 1939, lines 44-52, pp. 17-21). They seem to have been buildings erected by Jews from the time of the Ptolemies as evidence of Jewish loyalty to the "divine" monarchs. The proseuche was offered to, and accepted by, the Ptolemies as a substitute for the erection of statues of the emperors and for the refusal to worship them as gods. It was a substitute for the sacrifice that was offered for the emperor in the Temple at Jerusalem. The proseuche was thus a concrete embodiment of Jewish loyalty to the emperors. The proseuche therefore was not a prayer-house in general, but a shrine for prayers to be offered for the reigning family. The proseuche represented for the Jews the solution of a delicate problem: how loyalty to a pagan regime that deified its emperors could be made compatible with the belief in a single God. The proseuche permitted the Jews to do both. It likewise offered a solution for the emperor's dilemma of how to legitimize Jewish rights and residence. The proseuche was a concrete symbol testifying to the loyalty of the Jews.

If the proseuchai in the Hellenistic cities were in effect loyalty shrines, then the wounded exclamation of Philo is comprehensible:

"Actually, alone among the peoples of the world, they [the Jews] were being deprived, through loss of their proseuche, of the means of showing their loyalty to their benefactors—which [deprivation] they would have counted as ten thousand deaths. They have no sacred precincts in which they could set forth their gratitude. Hence they could have said to their enemies: Without being aware of it, you have actually taken away honor from your lords, instead of conferring it on them, because you do not know that to the Jews everywhere in the world their proseuchai are manifestly bases for their expression of piety toward the house of Augustus. If they are snatched away from them, what other places or manner of honoring is left?" (In Flaccum, op. cit., lines 45-49, pp. 18-19. Italics mine. Box's translation slightly modified for clarity).

The proseuchai were the means of showing loyalty to the rulers. Without them the Jews would have had no concrete way of demonstrating their loyalty.

Philo's predominant concern is not that the Jews are being deprived of institutions for prayer in general, or of an institution for the collecting of "first fruits," or of an institution for the exposition of the Law. He is not defending the proseuchai from the charge that they are subversive assemblies. Not at all! He is passionately—a rare indulgence for Philo—reminding his readers that the proseuchai are loyalty houses, they are the only symbols available for the Jews to demonstrate their dedication to their pagan rulers. To be stripped of these symbols is equivalent to suffering ten thousand deaths! These

(Appendix B cont.)

proseuchai are strongholds of loyalty, "they are manifestly bases for the expression of their piety toward the house of Augustus. If they are snatched away from us, what other place or manner of honoring is left?" (my italics).

Surely then we are confronted with the possibility that Philo was fully aware of the existence in his day of two institutions, the classical proseuche that had had its origins as a symbol of loyalty in the Hellenistic period, especially in Ptolemaic Egypt, and the post-Hellenistic synagogue which took strongest root in Rome and its environs. This synagogue is described by Philo in Legatio, lines 152-158, as a place where Jews gathered especially on the Sabbath to receive public instruction in their national philosophy, and where the "first fruits" for the Temple was presumably collected. It is to be noted that the practice is attributed to Jews who had been brought to Rome as prisoners of war, that is, they must have come from Palestine long after the Hasmonean Revolt. Philo calls these meeting places, proseuchai. However, they are identical with the synagogues that Agrippa describes in his letter to Caligula:

"When he [Augustus] discovered that the sacred 'first fruits' were being neglected, he instructed the governors of the provinces of Asia to grant the Jews alone the right of meeting in the synagogues (εἰς τὰ συναγώγια). He said these were not meetings that had their origins in drunkenness and disorderliness likely to disturb the peace, but were schools of sobriety and justice for people who practiced virtue and contributed their annual 'first fruits' which they used to pay for sacrifices. . . . He did not want the Jewish assemblies, which are held for the collection of the 'first fruits' and for other religious purposes, to be swept away in the same way as the clubs were." (Legatio, trans. Smallwood, lines 311b-317).

Agrippa says not a word about the synagogues being bases of loyalty to the Augustan house. Indeed he must point out that they are not houses of disloyalty, like the clubs, but places for religious gatherings. It should likewise be noted that these synagogues flourish in Asia and Ephesus, not in Alexandria. Philo's proseuchai of In Flaccum are not the proseuchai-synagogues of the Legatio! The proseuchai of Philo's In Flaccum were a creation of Hellenistic Jews; the synagogues of the Legatio, that of Palestinian Jews sometime after the Hasmonean Revolt.

It is true that when Philo describes the synagogues in the Legatio, he calls them proseuchai, which in a sense they were—Agrippa refers to their serving religious purposes. But Agrippa does not call them proseuchai, but synagogues. Philo thus bestowed upon them a name that was appropriate for some functions of the synagogue; indeed by calling them proseuchai he emphasized their religious character, for the name synagogus, or the Hebrew Beth ha-Kenesseth in no way, in the name itself, communicates any information about its religious function. It merely means "assembly house," not prayerhouse. Philo thus used proseuche to make clear that it was a place of prayer, even though it was not, as in Alexandria, a place of prayer dedicated to the emperor!

(Appendix B cont.)

Philo was thus bestowing upon the synagogue a more elevated and spiritual name, something which was done by synagogue Jews themselves when they began to call the synagogue a Beth Tefillah, a House of Prayer, that is, a proseuche, even though the original name was never abandoned.

That the proseuche in Egypt was not a synagogue is further confirmed by III Maccabees 7:17-23. Here we read that the Jews were so overjoyed at the benign decree of Ptolemy Eugertes that they held a splendid banquet and erected a proseuche on the spot to commemorate the event; that is, they built a prayerhouse to the emperor as a sign of their gratitude, since they could not erect a statue or offer up a sacrifice.

And finally the dedicatory inscription to Ptolemy from Schedia in Alexandria and dating from the third century B.C.E. is further confirmation. It is after all a dedication to the emperor and his consort, manifestly then a symbol of Jewish loyalty, a prayerhouse instead of a statue, a proseuche instead of a sacrificial shrine. This is the most that the brief line communicates; to insist that it means more is without warrant. If this proseuche were a synagogue, the inscription should have said so. Since it does not, we have evidence for a proseuche, not a synagogue; and nothing can alter the status of the evidence-unless evidence of equivalent authority is forthcoming.

