

RBL 07/31/2000

Seland, Torrey.
***Establishment Violence in Philo and Luke: A Study of Non-Conformity to the Torah
and Jewish Vigilante Reactions***

Biblical Interpretation Series 15

Leiden: Brill, 1995. Pp. xvi + 353, Cloth, \$57.25, ISBN 9004102523.

Gregory E. Sterling
University of Notre Dame
Notre Dame, IN 46556

Earlier this century Jean Juster suggested that the lynch laws in Philo attest a Jewish practice that finds corroboration in Acts 9:23-24 (*Les Juifs dans l'Empire Romain* [2 vols.; Paris: P. Guethner, 1914] 2.158-59 n. 2). E. R. Goodenough extended the comparison in his famous analysis of Philo's lynch law (*The Jurisprudence of the Jewish Courts in Egypt as Described by Philo Judaeus* [New Haven: Yale University Press, 1929] 32-35). Goodenough's critics raised the important methodological question of whether the laws in Philo's *Special Laws* reflect Jewish practice in Alexandria (I. Heinemann, *Philons griechische und jüdische Bildung* [2nd ed.; Breslau: M. & H. Marcus, 1932] 223-30 and S. Belkin, *Philo and the Oral Law* [Cambridge: Harvard University Press, 1940] 104-19). The view did not, however, disappear: Gedalyahu Alon added a new twist by contending that Philo preserved an old *halakha* (*Jews, Judaism and the Classical World* [Jerusalem: Magnes, 1977] 112-24). Torrey Seland now joins this group with a revision of his 1991 Trondheim dissertation directed by Peder Borgen. He offers yet another and more nuanced approach. He maintains that Jews sanctioned "zealotic establishment violence" against certain egregious violations of the Torah.

Seland lays out his presuppositions and methodology in the introduction (pp. 1-16). The most important presuppositions of his work are: (1) Philo deals with real not theoretical issues; (2) vigilante actions occurred in the Diaspora as well as Palestine; (3) the Zealots were not a party from 6-66 CE (*contra* M. Hengel), rather there was a zealotic interpretation of the Torah; (4) zealotic establishment violence was not merely a feature of mobs, but the practice of observant Jews. Seland uses a model of conflict management that draws heavily from P. C. Sederberg's work on terrorism, using the terms "establishment violence," "self-redress," and "vigilantism" as synonyms to mean "the ready use of violence to maintain or defend the status quo" (p. 10). The parade example is frontier vigilantism, which he extends to Jewish communities in the first century CE, by arguing that they had a "frontier mentality" (pp. 11, 83-85).

There is, however, a significant difficulty with the application of this model to the Alexandrian Jewish community. This community enjoyed the status of a legal entity within Alexandria, a privilege which included the right of jurisprudence (*Corpus papyrorum Judicarum* 143 lines 4ff.; Philo, *Flacc.* 74, 77, 80; *t. Pe'a* 4.6; *t. Ketub.* 3.1). Seland's appeals to the American frontier or to blacks before the civil rights movement are therefore problematic: such groups did not have independent legal status (e.g., pp. 25-26).

Seland divides the body of his monograph into two parts. The first, chapters 1-3, addresses the Philonic evidence. Chapter 1 opens with a critical rehearsal of Goodenough's theory and his critics. Since the Phinehas episode plays a prominent role in a central text (*Spec.* 1.54-57), he also surveys treatments of the episode and of the term ζῆλος in writings outside of Philo. Chapter 2 sketches the social world of Philo and the Alexandrian community. Chapter 3 contains careful analyses of three key Philonic lynching texts (*Spec.* 1.54-57, 315-18; 2.252-59). Seland subjects each to a fivefold analysis: literary context, crime, counter-measures, punishing agents, and legitimation.

There are, however, several difficulties with his conclusion that these texts attest establishment violence. First, in all three cases there are exegetical grounds for capital punishment. The second passage is an exposition of Deut 13:2-12, which specifies the penalty (Deut 13:6, 10-11). The first passage appears to derive the penalty from Deut 13:2-12 and possibly 17:2-7. The third passage does not have a specific biblical base but reasons *a minore ad maius*: if abusive speech against parents results in death, how could perjury against God issue in a lighter penalty (*Spec.* 2.253-54)? It is therefore open to question whether Philo's comments attest a social or exegetical reality (on methodological issues see A. Reinhartz, "Philo's *Exposition of the Law* and Social History: Methodological Considerations," *SBLSP* 32 [1993] 6-21). Second, it is still a matter of debate whether the Romans would either permit or ignore lynchings. Roman officials and troops normally decided and executed *supplicium ultimum*. Even if the Jewish community condoned the penalty, it is far from certain that the Romans would have tolerated it.

The second half explores possible analogies in the book of Acts. Chapter 4 provides an overview of literary and historical aspects of Acts along with the social aspects of violence in Palestine. Seland argues that Acts belongs to the genre of historiography and contains historical traditions reflecting events in Palestine. Chapter 5 explores the Stephen episode (Acts 6:1-8:3) and Paul's experiences in Jerusalem (Acts 21:15-26, 27-36; 23:12-15). Seland uses the same categories as he did for Philo except that he replaces literary context with issues of tradition and redaction. He argues that Stephen's hearing "should not be considered as a regular process interrupted by outsiders . . . but as a regular process of law, culminating in a legally legitimate killing of an irregular nature by those present" (p. 242). He argues similarly for Paul.

Again, there are several factors that mitigate the strength of Seland's conclusion. First, Philo's lynch law presupposes actions without due process, but Stephen's death comes at the conclusion of a legal process. Are these identical? Second, when the Roman troops arrive in the temple, the people stop beating Paul (21:31-33). This is surprising since Paul was accused of ushering a Gentile past the balustrade (21:28-29), an offense which presumably issued in immediate death as it would for the Gentile who entered (Philo, *Legat.* 212; Josephus, *War* 5.193-94; 6.124-26; *Ant.* 15.417 [cf. also 12.245]; *Orientalis graeci inscriptiones selectae* 598; and J. H. Iliffe, "The *Thanatos* Inscription from Herod's Temple: Fragment of a Second Copy," *QDAP* 6 [1936] 1-3). Although there are extenuating circumstances, the Romans do not appear to have taken a *laissez-faire* stance in the narrative world of Acts 21.

Such questions make me skeptical about the validity of Seland's thesis. There are still too many problems to place a high degree of confidence in the view that first century CE Jews followed a Torah- inspired lynch law. The work is also flawed by an exceptionally large number of syntactical and typographical errors, especially in the Greek. I do not, however, want to leave a negative impression. The monograph is a sophisticated model of the ways in which Philo's works have potential relevance for NT studies and is characterized by thorough research in all relevant areas. Anyone dealing with either set of texts will have to consider Seland's arguments, which have the merit of providing the best case yet for the position he advocates.