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Introduction

A number of fragmentary manuscripts in Hebrew and Aramaic have been found at Masada, including seven from the Hebrew Bible. These are Mas1a (Lev. 4:3–9), Mas1b (Lev. 8:31–11:40), Mas1c (Deut. 33:17–21, 34:2–6), Mas1d (Ezek. 31:11–37:15), Mas1e (Ps. 81:6–85:6), Mas1f (Ps. 150:1–6), and Mas1g (Ps. 18:26–29). Aside from minor orthographic differences, these are, in all cases, the same as the Masoretic text (MT) of the Hebrew Bible we have today. There are, in addition, a number of extrabiblical fragments, including a fragment of Ben Sira (Ecclesiasticus) (Mas1h) and a fragment apparently of the book of Jubilees (Mas1i).  

The presence of biblical and “apocryphal” texts at Masada demonstrates that these texts were valued by the various groups that occupied the site before the Roman conquest, but it also brings up the question of canon. Which if any of these texts had been “canonized” or considered sacred and binding scripture by their readers? Their presence at the site alone says nothing of their canonicity, for many writings of a clearly noncanonical nature were also found at Masada. While it is impossible to know the exact opinion of the inhabitants of Masada on these writings, there is some evidence for the development of a Hebrew Bible canon in the larger Jewish community, and interestingly enough, certain defining events for the Hebrew canon were probably occurring almost at the same time as the fall of Masada in 73 C.E.
Definition of the Hebrew Canon

Jerome. While we lack evidence for most of the details of this defining process, we can set some terminating dates after which the canon was clearly fixed. Because of conflicting Latin versions of the Bible in the late fourth century, Jerome was commissioned by Pope Damasus in A.D. 382 or 383 to produce a new, authoritative Latin translation. Jerome departed from the former tradition of translating the Hebrew Bible from the Greek Septuagint version and instead embarked on an intensive study of Hebrew in the Holy Land.\(^2\)

Jerome's study apparently also included research into the canon as it existed among the Jews of his time, for in the preface to the first biblical book he translated from Hebrew (Samuel/Kings, published about 390\(^3\)), he outlines what he has learned: "Just as there are twenty-two letters (elementa) with which we write everything we say in Hebrew . . . so there are a total of twenty-two books (volumina) [in the Hebrew scriptures]." Having explained that as there are five "double" letters in Hebrew, so there are also five "double" books in the Hebrew Bible, he goes on to list the books.

First come Genesis, Exodus, Leviticus, Numbers, and Deuteronomy. "These are the five books of Moses, which they call the 'Torath,' or 'The Law.'" "Second is the order of the Prophets," which are Joshua, Judges/Ruth, Samuel, Kings, Isaiah, Jeremiah, Ezekiel, and the twelve minor prophets, eight books in Jerome's count. "The third order comprises the Hagiographa": the nine books of Job, Psalms, Proverbs, Ecclesiastes, Song of Songs, Daniel, Chronicles, Ezra (in two books, namely, Ezra and Nehemiah), and Esther—for a grand total of twenty-two. Because of the significance of the correspondence of the number of the letters in the Hebrew alphabet with this number of books in the Bible, Jerome felt he had arrived at a sure method of determining which books were canonical and which were excluded, and in this preface, he names some of the more important noncanonical ("non . . . in canone") books.\(^4\)

If we can assume that Jerome includes Lamentations with Jeremiah (as one of the "double" books),\(^5\) the canon of Jerome's Hebrew Bible is the same as that of the Masoretic text; in other
words, it had reached its final state—at least in Palestine—at the latest by the end of the fourth century C.E.

**Origen.** The content of the Hebrew canon was discussed in the third century by the Greek Christian Origen (circa 185-255 C.E.). According to the historian Eusebius, who was born during the generation following Origen’s death, Origen cataloged the books of the Hebrew Bible as follows: “It ought to be known that the conventional [ἐνδιαθήκοις, in other words, canonical] books which the Hebrews have handed down number twenty-two, the same number as letters in their alphabet.”

Origen, working from the Greek tradition, did not divide the Hebrew Bible into three parts as Jerome did, but instead simply listed the books: Genesis, Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, Kingdoms 1-2 (in other words, Samuel), Kingdoms 3-4 (Kings), Chronicles, Ezra (probably Ezra/Nehemiah), Psalms, Proverbs, Ecclesiastes, Song of Songs, Isaiah, Jeremiah/Lamentations/Letter of Jeremiah, Daniel, Ezekiel, Job, and Esther. “Outside [of] these” (ἐξω δὲ τῶν τῶν) falls Maccabees. Origen’s twenty-two include several “double” books and one “triple” book, Jeremiah/Lamentations together with the Letter of Jeremiah, which is now included in the Apocrypha. Strangely, his list omits the twelve minor prophets.

**Melito.** Eusebius also quoted Melito, Bishop of Sardis, on the question of the canon. Melito lived during the reign of Marcus Aurelius (161-80 C.E.) and was active just before the birth of Origen. In the section of Melito’s writings quoted by Eusebius, the bishop listed the “recognized writings” (ὁμολογούμενων γραφῶν) of the Old Testament. The list was made on behalf of a church member, Onesimus, who had inquired of Melito which books were authoritative, in order to make a compilation of passages about the Lord from “the Law and the Prophets” (ἐκ τῆς νόμου καὶ τῶν προφητῶν). It appears that Melito did not know the answer to this question when asked, for he made a special trip to the Holy Land (εἰς τὴν ἁγιασμένην), where he could learn the facts more accurately.

Melito does not inform us from whom he learned which writings were “recognized,” but it seems likely at that period and in that place that it might have been an official of the Jewish Christian
church, or possibly even one of the authoritative teachers of the Palestinian rabbinc schools. His list is as follows: Genesis, Exodus, Numbers, Leviticus, Deuteronomy, Jesus the son of Nun (Joshua), Judges, Ruth, 1–4 Kings, 1–2 Chronicles, the Psalms of David, Solomon’s Proverbs and Wisdom (Σολομόνος Παροιμίαι ἢ καὶ Σοφία), Ecclesiastes, Song of Songs, Job, Isaiah, Jeremiah, the twelve prophets, Daniel, Ezekiel, and Ezra.8

Missing from this list (assuming the same doubling of certain books as Jerome and Origen assumed) is Esther, which, as we shall see below, was in fact one of the last books to be recognized as authoritative.9 It is clear that at the end of the second century the canon of the Hebrew Bible was not fixed in the same form it would later assume. Indeed, it was so nebulous that average church members, and even ecclesiastical officials, did not know which books were authoritative without doing quite a bit of research.

Josephus. A final post-Masada witness to the state of the canon is the Jewish witness, Josephus (born circa 37–38 C.E.). In one of his last works, Against Apion,10 Josephus used the consistency of the scriptures as a proof of the truth of the Israelite faith. He claims that because only prophets were allowed to write the records there is no disagreement (διαφοράς) within them. These prophets were able to write accurate history because they learned the facts through inspiration from God (τὴν ἑπιτυχον τὴν ἀπὸ τοῦ θεοῦ). Thus (in a not-so-subtle criticism of the state of the Greek religious writings), the Jews do not have thousands (μυριάδες) of conflicting books but instead have only twenty-two consistent texts.

Josephus does not list the books but does note the tripartate division of the scriptures, informing us that there are five books of Moses, then thirteen books written by prophets subsequent to Moses, and finally four books of “hymns and counsel.”11 Josephus also claimed that nothing authoritative was written after the thirteen prophetic books because prophecy and the succession of prophets (τὴν τῶν προφητῶν ἀκριβῆ διαδοχὴν) had ceased from the time of Artaxerxes (465–424 B.C.E.; Josephus probably saw Ezra as the last of the prophets). Histories of the later period had indeed been written, but they were not thought worthy of faith equal (πίστεως δ’ οὐκ ὁμοίας ἦς ὁποῖα ταῦτα) to those of the earlier period.12 This detail is presumably missing from the Christian witnesses because for them
prophecy had again revived, at least for a time, in the ministry of Jesus and with the writings of the New Testament.

A comparison of the witnesses of Jerome, Origen, Melito, and Josephus reveals that the closer we get to the first century, the less clear the Hebrew canon becomes. If these four may be taken as representative of the thought of their own ages, then it is evident that the canon becomes less fixed the farther back we go.

Development of the Canon

It was not until quite late—about Jerome's time—that the books of the Bible began to be copied physically into a single book and then only in the Greek or Latin translations. Unlike these translations, which were copied onto sheets (paper, papyrus, or parchment) and bound into books (codices), Hebrew biblical manuscripts were always copied onto leather scrolls. Jerome's use of the word *volumina* for the books of the Bible shows that he was using scrolls in his translation: the Latin *volumen* (from which we get our "volume") usually refers to a book in scroll form.

The scroll format mandated the physical separation of individual sections of the whole into manageable parts. Many readers may own a copy of the Bible on audio tape. Suppose that, instead of a few dozen separate tapes, the entire production was recorded on a single tape. Not only would the resulting tape be enormous, but access to particular parts would be nearly impossible. The disadvantages of such an arrangement are obvious.

The same disadvantages exist for a work written onto a scroll. In the ancient world, lengthy works were typically divided into smaller segments for this very reason: so that they could be copied onto more than one scroll. This is the reason for the division of the *Iliad* and the *Odyssey*, for example, into twenty-four books each. The Bible is different from these classical examples in that it did not begin as a single book. It started out as separate books, each of which was about the right size to fit onto a single scroll (the twelve minor prophets were usually grouped together, their total extent being the right length for a scroll, and were thus considered, in the minds of most ancient witnesses, one book). It was only gradually that the individual books began to be associated with each other and recognized as authoritative and canonical.13
Records of Evolving Canon. This “evolving canon” began at different times, apparently, for different parts of the Bible. One of the earliest signs of consciousness of a canon occurs in the biblical record itself, in the seventh century B.C. Second Kings 22–23 and 2 Chronicles 34 relate the story of how, after many years of incompetent and irreligious rulers, the pious King Josiah came to power in Israel. His reign may be summarized as an attempt to steer Israel back toward God, and Josiah spent much of his time suppressing false forms of worship in his kingdom.

During Josiah’s administration (circa 640–609 B.C.E.) the “book of the law” was discovered in the temple, which was being renovated in order to accommodate Josiah’s reforms. Upon its discovery, the book is given to the king (2 Kgs. 22:10; 2 Chron. 34:18). When it is read to him, he rends his clothing as a sign of mourning or penitence. It is clear from the whole narrative that this book is entirely new to the king and indeed everyone else. The king, who has after all been trying to do the right thing, has now discovered from the book that Israel has apparently been cursed for the actions of his predecessors. He orders his servants to inquire of the Lord about the book. They dutifully approach the prophetess Huldah, who declares that the prophecies in the book will be fulfilled, but that because Josiah has humbled himself, disaster will strike only after his lifetime (2 Kgs. 22:14–20; 2 Chron. 34:22–28). At this point, Josiah puts himself and all of Israel under covenant to obey and keep the commandments of the book (2 Kgs. 23:1–3; 2 Chron. 34:30–33). This is clearly a formal act of canonization, if canonization is understood in its usual sense as causing a set of writings to be made authoritative and binding upon a group.

Josiah’s reforms were short-lived, and within his children’s lifetime, the Babylonian captivity began. Apparently during that period of captivity most of Israel was again without its scriptures (the destruction of Jerusalem did not bode well for much being saved). Consequently, when the Israelites were later allowed to return to Jerusalem, Ezra, who himself had studied and observed “the law of the Lord” (Ezra 7:10), had to formally initiate a covenant between Israel and the Lord to obey the law, thus reconcanonizing these writings (see especially Neh. 9–10).
The book of Nehemiah records that Ezra brings the book of the law of Moses out to show the people and reads it to them; he then has the priests explain it to them (probably because the law itself is written in Hebrew, while by that time the people speak Aramaic). The people weep to hear the law; they study it thoroughly and as a result reinstitute the Festival of the Booths, which, though prescribed in the scriptures, has not been practiced since the time of Joshua (Neh. 8:1-17)! All this implies that before Ezra’s action there was little or no knowledge of the law among the general Israelite populace and that there had not been for a very long time.

To receive the law, the Lord commands Ezra to take five scribes and go to a secluded place for forty days, during which time the scriptures will be revealed to him (2 Esdras 14:23-26). Having gathered his scribes, Ezra begins to speak and continues without stopping for the entire time. The five scribes take turns writing Ezra’s words down, and, after forty days, ninety-four books have been written. God tells Ezra to make the first twenty-four public, “to be read by the good and bad alike.” But the remaining seventy are to be “kept back, and given to none but the wise among your people. They contain a stream of understanding, a fountain of wisdom, a flood of knowledge” (2 Esdras 14:41-48).

The number twenty-four is an alternative ancient calculation for the number of books in the Hebrew Bible (Jerome notes in his preface to Samuel/Kings that, in addition to his calculation of twenty-two, others count the same books as twenty-four). These numbers, as we have seen, were calculated by combining or not combining various books such as Judges and Ruth and were probably chosen for symbolic reasons. Second Esdras, probably written around 100 C.E., attributes the entire canon as the author knew it to Ezra. What the twenty-four books are he does not explain. Whatever they were, the author of Esdras clearly makes a distinction between these canonized books and other apocryphal or pseudepigraphical books. He asserts that these books were also revealed to Ezra, along with the canonized books, thus explaining their existence and claims to inspiration.

Division of the Canon. Israel’s rededication under Ezra, as under Josiah, was temporary, and the people appear to have lapsed into unrighteousness more than once during the intertestamental
period. The history recorded in 1 Maccabees notes three times when a prophet would have been useful, but none was to be found (1 Macc. 4:46; 9:27; 14:41). However, attitudes toward the canon appear to have been evolving. It is probable that during this period the familiar tripartate division of the Hebrew Bible into the Law, the Prophets, and the Writings began to become standard. Second Maccabees 2:13 (written around 124 B.C.E.) has Nehemiah collecting “the chronicles of the kings, the writings of the prophets, the works of David, and royal letters,” and a few years earlier (132 B.C.E.), the prologue to Ben Sira refers to the “legacy of great value [that] has come to us through the law, the prophets, and the writers who followed in their steps.”17 The author is not very specific about the third division, the Writings: referring to the scriptures three times in the prologue, he simply calls the Writings “the others” or “the rest” (τῶν ἄλλων, τὰ λοιπὰ).

Evidence in the New Testament shows that by the time of Christ it had become usual to refer to the scriptures as “the Law and the Prophets” (Matt. 5:17; 7:12; 22:37–40; Luke 16:16, 29, 31; see also Rom. 3:21), demonstrating that at least those portions of the Hebrew Bible had become fairly standardized by that age. Jesus also refers to the scriptures once as including at least part of the Writings, when, giving his final words to the disciples, he says that all things “which were written in the law of Moses, and in the prophets, and in the psalms” concerning him have been fulfilled (Luke 24:44).

The tripartate division is important to the question of canon because it appears that the canon was established more or less in three stages. The law of Moses had been accepted by Israel, at least in theory if not in practice, since ancient times and was formally canonized from the time of Ezra (fifth century B.C.E.), as already discussed.18 The section that came to be known as the Prophets was accepted as authoritative later, probably in postexilic times.

As pointed out by Anderson, the words of the prophets had been clearly proven true by the captivity and exile, thus substantiating their claim to divine inspiration and authority. “So long as prophecy was still a living force, the various collections of prophetic teaching continued to be preserved and enlarged [that is, in an “open” canon]. . . . This involved not only the addition of new
material but also the adaptation and interpretation of older prophecies... to apply them to new situations. But prophecy did not continue as a living force." That this was recognized by Israel is evidenced by Josephus's statement that prophecy had ceased around the time of Ezra. Possibly this cessation, with its accompanying cessation of additions to and modifications of the prophetic writings, was the impetus for collecting them together into an authoritative, canonized, and closed unit.

Anderson believes that this section, the Prophets, was established by 200 B.C.E. Part of his evidence is that the book of Daniel, which was written down around 165 B.C.E., is not a part of this section, but it undoubtedly would have been if the canon had not already been established previous to that date. On the other hand, the canonicity of the book of Ezekiel, which is included in this section, was under discussion as late as the years immediately preceding the destruction of Jerusalem and the events at Masada.

The final form of the third section, the Writings or Hagiographa, seems to have coalesced during the first two centuries C.E. A Talmudic discussion recording a tradition dating to this period states that "our rabbis taught... the order of the Prophets is, Joshua, Judges, Samuel, Kings, Jeremiah, Ezekiel, Isaiah, and the Twelve Minor Prophets. The order of the Hagiographa is Ruth, the Book of Psalms, Job, Proverbs, Ecclesiastes, Song of Songs, Lamentations, Daniel and the Scroll of Esther, Ezra and Chronicles" (Baba Bathra 14b). These books correspond exactly to the later tradition as canonized in the Masoretic text. But this authoritative listing did not emerge without lively discussion. In addition to questions about the canonicity of Ezekiel (mentioned above), the books of Esther, Ecclesiastes, Song of Songs, and the Aramaic portions of Daniel and Ezra came under scrutiny at this time (Megillah 7a; Shabbath 30b; Mishnah Yadaim 4.5; Tosefta Yadaim 2.14). Ben Sira also was discussed and apparently considered for inclusion though eventually rejected (Tosefta Yadaim 2.13).

Some of these first- and second-century discussions on the Hebrew canon took place at the great rabbinic school of Jabneh (sometimes called by its Greek name Jamnia). According to rabbinic sources, just before the fall of Jerusalem the rabbi Johanan ben Zakkai manages to escape the doomed city, enter the Roman
Fragment of Ben Sira. This fragment is one of the incomplete extra-canonical texts found at Masada. Ben Sira was considered for inclusion in the biblical canon but was eventually rejected.
camp, and receive an audience with Vespasian. When he greets Vespasian as “imperator” (general/emperor), Vespasian objects that the greeting is treasonous since he is not the emperor. Johanan predicts that Vespasian will in fact be king, and he is proved correct three days later when Vespasian learns the news that he has indeed been acclaimed emperor. Impressed, Vespasian grants Johanan any wish. When Johanan asks him to lift the siege and leave the city, Vespasian naturally refuses, but he does grant Johanan’s second wish, to allow certain scholars to leave the city and establish a rabbinic school at the town of Jabneh.23

After the fall of Jerusalem, Jabneh became the center of Israeliite religion. Johanan became the head of the group of Jewish scholars who gathered there, and he was followed by Gamaliel II. Under Gamaliel (about 80-117 C.E.), a number of discussions appear to have occurred at the school concerning what should be included in the Hebrew Bible, although in contradiction to scholarly consensus of the first part of this century, the sources do not record any official debate or final decision at Jabneh on the canon.24 What the sources do record is continuing discussion, particularly about the status of the Writings. That the content of the Writings was becoming set is evidenced by the fact that the ancient sources begin to speak of them as a group: the Law, the Prophets, and the Writings, which from then on meant “the Bible.” Gamaliel II was the first to use this terminology; when asked where in the scriptures the doctrine of the Resurrection was found, he replied: “From the Torah [Law], in the Prophets, and the Hagiographa [Writings]” (םַהַרְוַה וְםַהַבַּרְאָיָם וְםַהֵעָבְרָיָם) (Sanhedrin 90b).

Conclusion

Anderson’s article on canon in the Cambridge History of the Bible gives three reasons why it was urgent for Jews that the issue of canon be settled at this time (the first century C.E.) namely, (1) the dispersion, and particularly the destruction of the temple, meant that the only source of guidance in practice and belief was the written word; (2) the existence of numerous apocalyptic writings, claiming to be written by earlier prophetic prophets, required some sort of authoritative decision on their authenticity; and (3) the
appearance of Christian scripture also required some official exclusion of those books from the canon. This argument makes sense, but only after the fact; while Talmudic discussions of heretical Christian writings determined that they “do not make the hands unclean” (in other words, are not in the canon), no evidence exists for formal exclusion of apocalyptic works, at least not at Jabneh, and certainly no evidence for a “council” or “synod” held there. The most the sources offer is the later listing of books in the Prophets and the Writings, already discussed (Baba Bathra 14b).

Thus evidence documenting the formation of the Hebrew canon is inconclusive. Yet it is clear from the Talmudic list that by the third century at the latest the canon had been set for the Jews; Christians began to formalize their canon a bit later (see Jerome’s list, above). Unlike the Christians, who eventually ratified their canonical lists in formal councils, there is no evidence of such an event for the Jewish faith. It appears that their canon, which did in fact become closed and fixed, developed organically, by consensus and tradition.

What, then, of the canon at Masada? If the Jewish groups that took refuge there were traditional in their belief about the canonicity of the Hebrew Bible, they would likely have included the Law and Prophets portions largely as we have them now. As seen above, three of the Masada fragments come from the Law (Leviticus and Deuteronomy), one from the Prophets (Ezekiel), and three from Psalms; there are no fragments from other portions of the Writings. It may be fair, then, to say from this scant evidence and our general knowledge of the state of the Hebrew Bible at the time that the canon at Masada was similar to that embodied in Jesus’ statement a generation earlier: that “which [is] written in the law of Moses, and in the prophets, and in the psalms” (Luke 24:44).

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NOTES

1For additional information, see Stephen A. Reed, comp., The Dead Sea Scrolls Catalogue: Documents, Photographs, and Museum Inventory Numbers,


5 Jerome’s preface may be found in Biblia Sacra Iuxta Vulgatam Versionem, 2d ed., 2 vols. (Stuttgart: Württembergische Bibelanstalt, 1975), 1:364–66. Translations are the author’s.

6 This count is problematic, since although Jerome claims to be counting five “double” books in his total of twenty-two, there are in fact six if Jeremiah/Lamentations is counted as one: Judges/Ruth, Samuel, Kings, Jeremiah/Lamentations, Chronicles, and Ezra/Nehemiah.


8 Eusebius, History 6.25.2.


10 In addition, Melito’s peculiar phrase “Solomon’s Proverbs and Wisdom” makes one wonder if he is including the now apocryphal book Wisdom of Solomon (which, however, was originally written in Greek, not Hebrew).

11 Written after 93–94 C.E., the publication date of his Jewish Antiquities.

12 Josephus, Against Apion 1.37–40. The Greek text of Against Apion may be found in the first volume of the Loeb edition of Josephus (1926). Translations are by the author.

13 Josephus, Against Apion 1.41.


15 It is not entirely clear what the neglected “book of the law” that was discovered in the temple included. Some suppose it included only the central portion of Deuteronomy (chs. 5–28). See G. W. Anderson, “Canonical and Non-Canonical [in the Hebrew Bible],” in Cambridge History of the Bible, 1:120. The fact that the entire book is read aloud twice in the episode (2 Kgs. 22:10–11; 23:2; 2 Chron. 34:18–19; 34:30; see also the footnote to 2 Kings 23:1–3 in the New English Bible [NEB]) does appear to be evidence for a shorter work than the entire Pentateuch. On the other hand, the book is referred to as “sefer ha-Torah” (ספר התורה) every time it is mentioned. This later became the normal way of referring to the Pentateuch. Further, Josiah seems particularly worried about certain dire prophecies directed against Israel, which presumably come from prophets later than Moses. Perhaps the text included selections of the Pentateuch, as well as parts of later prophecies. The important points for this discussion are that
the text was unknown to Israel before its discovery under Josiah, that it included portions of what is now the Hebrew Bible, and that it was formally canonized under the king’s direction.

15The chronology of Josiah’s reforms differs significantly between the two sources. Chronicles recording that they began in the eighth year of his reign, about 632 (2 Chr. 34:3), and Kings claiming they began in the eighteenth year, 622–21 (2 Kgs. 22:3). Chronicles records that the discovery of the book of the law occurred in the eighteenth year of Josiah’s reign (2 Chr. 34:8).

16As with Josiah’s book of the law, it is not clear precisely what is contained in Ezra’s—certainly at least the Pentateuch. Anderson, “Canonical and Non-Canonical,” 1:123. The account found in 2 Esdras (4 Ezra) claims it was the entire Hebrew Bible and gives an interesting story of how Ezra obtained the scriptures: Ezra was disturbed that Israel was sinking into wickedness, and, speaking to the Lord in vision, blamed it on the fact that the law was burned in the destruction of Jerusalem, “so no one can know about the deeds you have done or intend to do.” He asked to have the scriptures revealed to him: “the whole story of the world from the very beginning, everything that is contained in your law,” so that the people would at least have the chance to choose to do right (NEB, 2 Esdras 14:21–22).


18James A. Sanders, “Canon,” in Anchor Bible Dictionary, “Hebrew Bible” section, 1:840, dates the sequence Genesis–2 Kings, both as to content and as to order, to the sixth century B.C.E.


20Josephus, Against Apion 1.41.


22Hananiah reconciled Ezekiel with the Torah at least four years before the destruction of the temple. “In truth, that man, Hananiah son of Hezekiah by name, is to be remembered for blessing: but for him, the book of Ezekiel would have been hidden [a technical term for excluded from the canon], for its words contradicted the Torah.” I. Epstein, ed., Hebrew-English Edition of the Babylonian Talmud Translated into English (London: Soncino, 1960–90), Shabbath 13b and footnote a(1). All direct English quotations are from this edition. There are actually two Talmuds, one compiled in Babylonian rabbinic centers (the Babylonian Talmud) and one compiled in Palestine (the Jerusalem Talmud). Both consist of extended commentary on the Mishnah (a summation of oral traditions about the law of Moses, competed in 200 C.E.), and both were written down between the early third and the fifth centuries C.E. They include, however, numerous traditions about much earlier rabbis, such as the one preserved in this quotation. The Talmud and Mishnah are divided into subject sections called “tractates,” by which reference is made. Within each tractate of the Babylonian Talmud, references are to the page number of the editio princeps, that of Daniel Bomberg (Venice, 1520–23). As is customary, in this article tractates in the Babylonian Talmud will be referred to by tractate alone, with no notice that reference is to the Babylonian (vs. the Jerusalem) Talmud. References to the Mishnah are to section and verse within the tractate and are preceded by the word “Mishnah.”
A second supplement to the Mishnah, the Tosefta, came into existence at the end of the fourth century C.E. References to the Tosefta are cited “Tosefta [tractate] [chapter.verse].”

23The story is found in Gittin 56a-b and Lamentations Rabbah 1.5.
26Mishnah Yadaim 4.6; Tosefta Yadaim 2.13; see also Tosefta Shabbath 13.5; and Tosefta Sanhedrin 13.4-5. The use of the expression “makes the hands unclean” as a technical term for “canonical” originates, according to the Talmud, with the very early practice of keeping the Torah next to the food offerings in the temple. It was found that the rodents that came and ate the food also enjoyed chewing on the scrolls, so to guarantee that the two would no longer be stored together (thus ensuring the protection of the scrolls), the rabbis imposed uncleanness on the scriptures (Shabbath 14a). This designation meant that one was required to purify oneself after using the scriptures. This ruling probably also protected the scriptures from indiscriminate handling. See also Mishnah Yadaim 4.6; and Tosefta Yadaim 2.10.
29However there is a fragment of Ben Sira, whose canonicity we have seen (as well as Ezekiel’s) was in fact under discussion at the very time and would have been included with the Writings had it been accepted into the canon.