The Transformation of Prophecy

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I. Introduction

Until recently, studies of literary texts have been divided primarily between two methodological schools. Historical scholarship has approached such texts as a passive reflection of the historical or ideological conditions of the time of their creation. More formal literary studies view them as coherent narrative constructions, separated from the historical setting in which they were produced.[1] Bernard Jackson's thoughtful "The Prophet and the Law in Early Judaism and the New Testament,"[2] charts a synthetic course between these two schools. Jackson is concerned with the relationship of historical claims to the process of literary construction. His thesis is that a story, whether historically accurate or not, must be understood and communicated in a narrative form that is intelligible to its audience, the people in the culture.[3] Intelligibility determines two levels of the story: the narrative plot structure or story line and the literary allusions in the narrative. The narrative structure is elaborated in light of the kinds of stories people in the culture assume are plausible and meaningful. This narrative elaboration takes on additional coherence through the citation, whether conscious or unconscious, of earlier stories or traditions already part of the culture's heritage. Uncovering the presence of earlier traditions in the later texts enables us to better comprehend how a later text both understands and communicates its own meaning.[4]

In his article, Jackson applies this method both to early Jewish and New Testament texts dealing with the authority of prophets over the law and to the gospel narratives of the trial of Jesus. The connecting link between these two is the use made, in both cases, of the "prophet-like-Moses tradition" of Deuteronomy.

Precisely how the promise of the advent of future "prophets-like-Moses," described in Deuteronomy 18:15, was understood in the Second Commonwealth period, the time period with which Jackson is concerned, is a large and difficult question. Previous academic treatments of the question have focused on the prophets' eschatolog-

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ical role. Various New Testament and other contemporaneous sources, for example, link the verse to an expectation of "the prophet,"[5] to the hope of an acknowledged prophet[6] of the last days who would either repeat the plagues of Egypt[7] or otherwise act as a liberator figure and thus fulfill messianic claims.[8] Later Jewish exegeses, too, though not specifically tied to the verse of Deuteronomy 18:15, describe the messiah in terms of a second Moses. The redemption out of Egypt is a figure of the messianic redemption; therefore the messiah will repeat various Mosaic acts.[9] Josephus, too, links the figure of Moses to various revolutionary leaders of the first century who call for an exodus into the wilderness, promise signs and wonders and deliverance.[10]

Jackson has added two important dimensions to our understanding of the later uses made of the "prophet-like-Moses tradition." First, he has unraveled the "family relationship" between the figures of Moses, Jeremiah and Jesus as they are interwoven in New Testament sources; in particular, in the account of the trial and death of Jesus. Second, he has focused on the noneschatological role of Moses as a prophet and lawgiver. Rabbinic literature, for example, ties the specific verse of Deuteronomy 18:15 exclusively to the activities of various past prophets, especially Jeremiah and Elijah,[11] thus stressing a noneschatological understanding of the verse. Jackson extends our understanding of these noneschatological uses of the prophet-like-Moses tradition by emphasizing the legal role of the prophets, as understood in the Second Commonwealth period, and focusing on how this typology colors New Testament and later rabbinic sources.[12]

This comment* addresses three subjects raised by Jackson's discussion of the prophet-like-Moses tradition: (1) the transformation of prophecy from spontaneous experience to interpretation; (2) the relationship of the prophet to the law; and (3) the recognition (or rather, nonrecognition) of prophetic fulfillment in rabbinic Judaism. With respect to each of these subjects, I shall suggest how our understanding of the phenomenon of prophecy in the Second Commonwealth period can be extended in future studies, in light of Jackson's methodology.

II. Prophecy As Analogy

Jackson's innovative structural account of the prophet-like-Moses tradition suggests that prophecy is composed of a set of relationships not unlike playwright, actor, and audience. From time to time, the Divine Author of Scripture promises, prophets "like Moses" will appear as authoritative bearers of divine law. The fulfillment of the Deuteronomic promise of prophecy requires the cooperation of

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two groups: one, the contemporary prophet (the actor) — who must carry out the promise and speak God's laws; and two, the "audience" — who must acknowledge or recognize that the promise of Deuteronomy in fact was performed. Jackson contends that Second Commonwealth prophetic activity entailed a conscious decision by the aspiring prophet to imitate an earlier prophecy and then to claim fulfillment of both the prophecy and the Deuteronomic promise. I would like to draw out for the moment the implications of Jackson's understanding of prophetic performance for historical studies of the tension between prophecy and interpretation.

In order to imitate a prior prophecy, those who aspire to be prophets in a later age must have an understanding or interpretation of what prior prophecies entailed. The synoptic gospel accounts of the acts of Jesus and the statements of the Teacher of Righteousness of the Qumran community can be read, accordingly, as contemporary interpretations of prophecy. Viewed in this way, prophecy ceases to be a static concept referring to the same phenomenon throughout history. Rather, prophecy is constantly in the process of transforming itself. For, even if the aspiring prophets of the Second Commonwealth period deliberately set out to imitate their predecessors, their imitations correspond, not to earlier prophecy, but to earlier prophecy as it was later conceived to have been.[13]

Crucial to this dynamic conception of prophecy is the fact that by the Second Commonwealth period (and even earlier), prophetic imitation was distilled from a literary or fixed text and was not solely the product of spontaneous experience. Rather, the prophetic activity of the Second Commonwealth period was a form of interpretation; it referred back to an antecedent fixed tradition of prophecy and attempted to make that tradition alive in the present.[14] It is thus a critical stage in the move from classical prophecy to the interpretation of a canonical text. Or, in Jackson's words, prophecy in the Second Commonwealth period was a species of literary analogy, which required detailed knowledge of earlier prophetic sources and entailed allusion to a combination of these sources.[15]

Rabbinic sources themselves comment on this transformation of prophecy. Talmudic statements that prophecy had ceased in the late Persian period may be compared to modern scholarly statements that prophecy was transformed sometime during the late Persian period into a more interpretative discourse.[16] The rabbis perceived that classical prophecy had come to an end. Of course, various manifestations of prophecy continued throughout Second Temple times, as Josephus[17] and rabbinic sources[18] amply attest. But the nature of prophecy in Second Temple times was assumed to be qualitatively different from its earlier antecedents, whose prophecies comprised

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the inspired canon of literary prophetic works.

The beginnings of this subtle transformation of prophecy as spontaneous experience or direct divine revelation to prophecy as a form of inspired interpretation is, in fact, already evident in the prophecies that comprise the Biblical canon. Moses, Elijah, and Elisha, and Amos after them, are prophets who bring God's words because they have the moral courage to talk to God.[19] These prophets receive direct revelation from God and transmit it to the people.[20] In Jeremiah, too, God's words appear in the prophet's mouth and he consumes them. Some of the prophecies of Ezekiel, on the other hand, seem to be framed around earlier messages of Jeremiah. Moreover, Ezekiel does not consume the words of God directly; he consumes a written scroll containing God's words.[22] Later, Zechariah, who already refers to "the former prophets,"[23] sees a flying scroll. The culmination of the prophet as inspired interpreter of a text is, of course, Daniel, who is an interpreter of dreams.[24] Thus, prophecy and interpretation are not entirely distinct, different hermeneutics.[25]

III. The Authority of Prophets Over Law

If aspiring prophets sought to fit their activity within earlier prophetic models, how did these aspiring prophets of the Second Commonwealth period conceive of their predecessors? Jackson focuses not on the charismatic, magical, or esoteric aspects of prophecy, which all too often have preoccupied modern scholars, but on its legal aspects. His thesis is that the three major sects of the Second Commonwealth period — Judaism, nascent Christianity, and the Qumran community — shared a coherent, non-eschatological understanding of the authority of the prophet over the law. The prophet could authorize individual actions which temporarily suspended the law, teach his own interpretation of the law, and judge individual cases against the law.[26]

The methodological problems Jackson faces here in claiming an essentially shared understanding of the prophet-like-Moses tradition in the Second Commonwealth period are considerable and worth bringing to the fore. Rabbinic traditions about the nature of prophetic authority over the law are individually relatively clear but they are manifold and multi-faceted. They also are exceedingly difficult to date to the period in question since few rabbinic reports are singled out as coming from the 1st century. The New Testament sources, in contrast, are datable to the general period in question; but each statement in the New Testament concerning Jesus' legal powers is susceptible to a variety of different readings. This raises the question whether the rabbinic and New Testament conceptions of the

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legal authority of the prophet were really consonant with one another or only seem so in retrospect as a consequence of reading them in tandem.

To elaborate, without reference to dating for the moment, one can distill at least five different statements about the nature of prophetic authority over the law in the later talmudic sources: (1) That prophets instituted various laws;[27] (2) That prophetic legal interpretation was based on the needs of the hour or was inherently individualized, subjective, and based on the concrete factors of the particular case;[28] (3) That some form of prophecy was used to decide legal matters concerning which one could not reach a conclusion based on the force of rational argumentation;[29] (4) That the prophets established laws on the basis of rational argumentation;[30] (5) That prophets were denied the right to make legal innovations through prophecy.[31]

These various accounts of prophetic legal authority may be due in part to the diversity of rabbinic beliefs.[32] It is also possible that some of these rabbinic discussions of prophetic legal authority may be attributable to a later period, while others may reflect earlier traditions and understandings. Take, for example, the rabbinic discussion of Elijah's sacrifice on an improvised altar on Mt. Carmel, an act contrary to the Mosaic law which prohibits sacrifices outside the Temple. In several places, the Talmud interprets Elijah's act as an example of temporary suspension of the law to meet the needs of the hour.[33] According to Jackson, this talmudic statement is evidence of an earlier, already established understanding of the powers of the Deuteronomic prophet-like-Moses. This earlier understanding of the authority conferred by Deuteronomy then became the basis of a rabbinic power of legislation in emergency situations.[34] But this talmudic discussion of Elijah's activity occurs within a lengthy discourse on rabbinic power to legislate in accordance with the needs of the hour, a power the rabbis derived from many different sources and traditions. Absent any primary datum from in and around the first century, we cannot know whether this interpretation of the legal authority of the "prophet-like-Moses" (an interpretation that arguably rationalizes earlier fluidity of the law)[35] was already extant in an earlier time.

Jackson's thesis would be considerably strengthened, therefore, if we could locate comparable understandings of the legal authority of the "prophet-like-Moses" in sources datable to the first century or so. For this reason, Jackson's discussion of the New Testament allusions to Jesus' claimed legal authority becomes critical. Here, Jackson's approach is particularly refreshing, because early Christian sources are all too often ignored as primary datum about early Jewish practices and beliefs.[36] Jackson cites two cases in which

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Jesus claims (or his biographers claim for him) the authority to temporarily suspend the law. The methodological problem here concerns the correct reading to give to these ambiguous accounts. Consider the case of the corn-plucking incident, challenged by the Pharisees as contrary to the law prohibiting gleaning on the Sabbath. Is the corn-plucking incident a case where Jesus claims the power to temporarily suspend the law, as Jackson claims, or one where Jesus simply adopts the minority view of the Galilean Rabbi Judah bar Ilai, who held that it was permissible on the Sabbath to pull out seeds of corn by rubbing with one's hands (as the disciples were reported to have done in some secondary sources)?[37]

I raise these methodological difficulties to underscore the usefulness of Jackson's approach. Jackson's reading of these difficult New Testament passages gathers force precisely because he has focused on the literary structure of the gospel accounts, in particular, its argumentative forms. Whatever Jesus' own intentions, the synoptic gospel accounts cast the legal authority of Jesus within the model of temporary suspensory powers by citing precedent (that of David, who is presented in the gospel as having suspended the law in similar emergency circumstances) and arguing by analogy. Thus, the argumentative structure of the gospel accounts is geared to an audience that would find intelligible the assertion that a prophet can temporarily suspend the law.

IV. The Recognition of Prophecy

Jackson uses his structural method to equal advantage in his discussion of the trial of Jesus. He dissects the elements in the gospel accounts of the trial of Jesus that make the narrative not only convincing but meaningful. It is a literary text constructed with the theological purpose (among many) of showing that Jesus' prophetic performance was, indeed, the fulfillment of the "prophet-like-Moses" tradition. The gospel account (consciously or unconsciously) cites earlier texts and themes that are familiar to its readers. The audience can credit or recognize Jesus' claimed prophetic performance precisely because the narrative "fits" at the level of literary allusion. This recognition is explicitly extended in Acts, where Peter equates Jesus with the "prophet-like-Moses," citing the Deuteronomic text, in his exhortation to a Jewish audience in the Temple.[38]

The rabbinic community, of course, extended no such recognition to Jesus' claimed prophetic performance. The disacknowledgement is explicit here, too. In an amoraic aggadah probably dating to the third or fourth century, Moses himself warns Israel: "Say not *another Moses* will arise and bring us a Torah from Heaven. I declare

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to you now: 'It is not in Heaven'"(Deut.30:12) — explained here by the midrashist: "nothing was left in Heaven."[39]

But what accounts for the lack of persuasiveness of Jesus' prophetic performance, or the prophecies of others reportedly current in the first century in Jerusalem, to the early rabbinic community? The question is all the more pressing in light of a repetitive theme in biblical and Jewish midrashic tradition surrounding Israel's treatment of its prophets. Nehemiah 9:26 alludes to the killing of the prophets. According to the Talmud, Simeon ben Azzai claimed to find a scroll showing that Manasseh killed Isaiah;[40] stories of the murder of the prophet Zechariah also abound in the midrashim.[41] There are links between these tales and tensions arising from the Biblical text itself over the location of Moses' grave — a tension that receives its ultimate expression in Goethe and Freud's modern midrash on the death of Moses. Moreover, there were in circulation in the time of Jesus traditions, probably of a Palestinian provenance, centering on Moses' translation or ascension to heaven in place of death.[42] And, as previously noted, there were many traditions equating the Messiah with Mobes, though these traditions focus primarily on Moses as a redeemer or liberator and producer of miracles.[43] Finally, as Professor Jackson argues, the Biblical text itself could be read to lay the groundwork for viewing Moses' death as an atonement for Israel's sins — a textual implication the midrashists do sometimes pick up.[44] Thus, Judaism was not "totally unprepared for a suffering Messiah"[45] or a Messiah that would die and be resurrected.

Of course, rabbinic Judaism took precisely the opposite course. The tension between the primacy and completeness of Mosaic law and the promise of future prophets like Moses was dissipated by viewing prophetic lawmaking as simply the reenactment of laws originally revealed at Sinai to Moses. The single revelation at Sinai included not only Mosaic law but also the teachings of the prophets and, later, of the rabbis.[46] In one version, the legal "innovations" of the prophets is described as the restoration of Mosaic law that was forgotten;[47] in another, Moses is said to have dictated the words of the prophets to them.[48] These rabbinic statements and other seeming restrictions of the prophet-like-Moses tradition (and prophecy generally) are often ascribed to the third and fourth century, and as such, in academic circles often considered (as Jackson does) later polemical responses to Christianity.[49]

It is a mistake, however, to view these "restrictions" of prophecy as defensive reactions to the Christian schism. Although it would be nonsensical to claim that the ascendance of Christianity had no effect on Judaism, it is more than likely that the rabbis used pre-existing concepts and doctrines internal to Judaism to defend against

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the Christian threat. Indeed, the rabbinic arguments later used against Christianity often were developed well before the origins of Christianity.[50] Furthermore, the ascendance of Christianity required the rabbinic community to define itself more precisely in accordance with its own central principles. Thus, the restriction of the prophet-like-Moses tradition and prophecy generally in rabbinic sources should not be understood as a polemical response to Christianity but rather as a more precise elaboration of Jewish principles and themes and a coming to grips with the needs of the Jewish legal system itself.[51]

We should try to analyze therefore the principles internal to Judaism which account for the precise presentation of the "prophet-like-Moses tradition" in rabbinic sources. What were the doctrinal, psychological, and social contingencies within Judaism that accounted for the differing attitude of that community to the continuance of the prophetic promise of Deuteronomy? This is, of course, an immense question that has preoccupied scholars for some time. I wish to focus here on only one small piece of the puzzle: the attitude of the rabbinic community to sources of authority. For, in the end analysis, the question whether or not prophecy has ceased or returned or whether or not a particular prophet or messiah is true or false depends on who decides that question.[52]

One groundwork for the later rabbinic presentation of the "prophet-like-Moses tradition" is laid out in earlier rabbinic sources that deal with the interplay between prophecy and law as it relates to questions of legitimacy, authority, and stability. A key legal role performed by the prophets is to stand in the chain of succession stretching from Moses to the sages that guarantees the authoritative transmission of the law. Rabbinic thought from a more mature time, around 200 C.E., illustrates the principles already extant in the first century. The classic formulation of this role is in Mishnah Avot, which describes the chain of transmission of the oral law from Moses to the elders, to the prophets, to the men of the Great Assembly.[53] That this legal function was perceived as a key aspect of prophecy by the first century is indirectly affirmed by Josephus, who asserts that instances of prophecy continued in Second Temple times but posits, nonetheless, that the exact succession of "the prophets," from Moses on, ended in the Persian period. Only these early prophets, who stood in an identifiable chain of succession from Moses, Josephus implies, can author authoritative works.[54] While Josephus may have been concerned primarily with the authoritative writing of history, the pharisaic/rabbinic community associated this exact chain of succession with the authoritative transmission of the law. For both, however, the breaking of this chain in the Persian period signalled a decisive

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rupture. This understanding of the prophetic chain goes some way toward explaining why later aspiring prophets of the Second Commonwealth period would not be perceived as "prophets-like-Moses" within the pharisaic/early rabbinic community. For once this exact chain of succession ended, it could not be re-established — at least, not by prophets *per se.* Rather, this particular legal role was continued by the sages (some of whom may have had prophetic ability, others of whom did not), who instituted their own modes and processes of guaranteeing authoritative transmission of the law, centering on the mastery of scholarly dialectic.[55] In the words of the midrash, "Until now [in the age of Alexander the Great] the prophets prophesied through the medium of the Holy Spirit; from now on, incline your ear and hearken to the words of the sages."[56]

In short, prophecy generally did not necessarily come to an end in the Persian period, but the prophetic role of guaranteeing the authoritative interpretation and transmission of the law had been placed solely within the hands of the sages; those who were not sages could no longer carry out this role. The motivation for such statements on the part of the rabbis was not a reaction to Christian claims but a complex combination of the perception that, historically, the identifiable prophetic link in the chain of transmission stretching back to Moses had ended and, possibly, also a reaction to the much broader destabilizing effect that charismatic Jewish prophets or widespread *ad hoc* and decentralized prophetic input into the halakhic process could have on the orderly, authoritative development of the law.[57]

What has been said thus far is a nascent and necessarily speculative attempt at historical reconstruction.[58] But, as Jackson cautions in his admirable dissection of the story of Jesus' trial, historical reconstruction can only take us so far. We should attend to how events or concepts were "understood and communicated" in such a way as "to stress their theological significance."[59] Accordingly, I would like to present a structural analysis of a midrash of the tannaitic period dealing with the theme of prophecy and legal authority, which also "presents a kind of transformation"[60] of prophecy, not so much through what it says but how it says it. The midrash reads as follows:

> "Which I enjoin upon you" (Deuteronomy 11:13). How do you know that if a person has heard an interpretation (lit. word, *davar*) from even the least, it ought to be regarded by him as though he had heard it from a sage? The verse says, "Which I enjoin upon you." And not only as though he had heard it from one sage, but as though he had heard it from many sages; as it is said (Ecclesiastes 12:11), "The words of the sages are like goads": even as a goad

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guides a cow along the furrows, to produce livelihood for its master, so the words of Torah guide a man's will to the will of God.

And not only as though [the person] had heard it from many sages, but as though he had heard it from the Sanhedrin [itself], as it is said (Ecclesiastes 12:11), "Masters of assemblies"; and "masters of assemblies" is a reference to the Sanhedrin, as it is said (Numbers 11:16), "Assemble for Me seventy of Israel's elders."

And not only as though he had heard it from the Sanhedrin but as though he had heard it from the mouth of Moses, as it is said (Ecclesiastes 12:11), "They were given from one shepherd" and "Then his people remembered the days of old, the days of Moses" (Isaiah 63:11).

And finally, not only as though he had heard it from the mouth of Moses, but as though he had heard it from the mouth of the Almighty, as it is said (Ecclesiastes 12:11), "They were given by the Shepherd who is One," and it says (Psalms 80:2), "Give ear, O Shepherd of Israel who leads Joseph like a flock, appear, You who are enthroned on the cherubim," and it says (Deuteronomy 6:4), "Hear, O Israel! The Lord is our God, the Lord is One."

The midrash continues (but the editor provides a paragraph break):

The verse in Song of Songs (7:5) says, "Your eyes are like pools in Heshbon, by the gate of Bath-rabbim."

"Your eyes" -- these are the elders [zekenim: sages authorized to act as judges]; who are appointed over the community...

"Pools" -- just as no man can make out what is deep down in a pool, so no man can fully comprehend the words of the sages.

"In Heshbon" -- deliberations, conclusions arrived at by mutual counsel and thought. Where are such

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> conclusions arrived at? In the rabbinic academies, "by the gate of Bath-rabbim," of the house of Rabbis.
>
> How does the Canticles verse continue? "Your face is like the Lebanon tower that looks towards Damascus." If you have carried out the Torah, look forward to Elijah, to whom I said (I Kings 19:15), "Go back by the way you came, on to the wilderness of Damascus." Moreover it says (Malachi 3:23-24), "Be mindful of the Teaching [Torah] of My servant Moses," etc., "Lo, I will send the prophet [Elijah]," etc.; "he shall reconcile, etc."[61]

I shall concentrate on five aspects of the midrash: (1) its literary forms; (2) the association of thought that connects the two discrete parts of the midrash; (3) the question of audience; (4) the relationship of this midrash to the chain of legal authority recorded in the opening paragraph of Mishnah Avot; and (5) the particular conception of time that figures in the midrash both on the level of composition and on the theological level: that is, the level of inner meaning.

A. Literary Forms

The opening paragraph of this midrash is a form of midrashic commentary which begins with a basic scriptural text from Deuteronomy, to which is attached a seemingly unrelated verse from Ecclesiastes. The art of this midrash is to reveal the connection between the two disparate verses through a chain of interpretations.[62] In doing so, the midrash exhibits a common technique of explaining scripture through scripture. Analogies are set up through linguistic connections between the word at hand and uses of the word in other places in the Bible. For example, the reference to "those assembled" in Ecclesiastes must refer to the Sanhedrin because of the description in Numbers of the assembling of the seventy elders. This process is based on the notion that the verses and phrases of Scripture are all really a single unit. This literary device also signifies the essential unity of the revelation which, as we will see, is one of the major messages of our midrash.

The chain of interpretations that the midrash uses in the first paragraph is based on establishing similarities — similarities that mask differences. The signifying phrase is: "it is as though." Each similarity contributes new meaning. The midrash begins with a person who has heard an interpretation from even the least (a *katan*, or minor). This probably refers to one who has heard a legal

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interpretation from a minor sage. Such a legal interpretation should be treated, first, *as though* it was that of scholar; then, *as though* it was that of many scholars, a reference, perhaps, to the force of majority opinion. The legal interpretation of many scholars should be treated *as though* it is the legal pronouncement of the Sanhedrin which, in turn, is *as though* it is Mosaic law — until the denouement: "And not only *as though* he had heard it from the mouth of Moses, but *as though* he had heard it from the mouth of God." This paragraph of the midrash comes to a rhetorical and theological close: all these interpretations from differing authoritative figures — from "the least of the sages" to the words of Moses — have the same legal force and effect: they are to be treated as one authoritative body of revealed law; given at one time.[63]

But the similarities set up through the use of the "as though" form also underscore the central problem the midrash grapples with: how do we know that the legal interpretations of a sage are really authoritative? The sage is not the Sanhedrin and the Sanhedrin is not Moses. How can we be sure that the legal pronouncements of these different institutional figures of authority are legitimate and accurate? The unresolved tension and conflict that constitute the cultural reality of the rabbis, come to the fore in the second paragraph of the midrash.

B. The Association of Thought Between the Two Paragraphs

The second paragraph of this midrash leaps to a verse in Song of Songs. By the time of the destruction of the Temple and the unsuccessful revolt of Bar Kochba, the entire Song of Songs was interpreted historically as a narrative of God's relationship to Israel. Indeed, in later centuries the Church fathers and the rabbis were to engage in an interpretive battle resembling a cross-cutting dialogue over the meaning of the verses in Song of Songs and their implications for the authority of the law.[64]

Through the use of word plays and puns, the midrashist transforms the Song of Songs verse into a description of legal discourse in the academies. In the Song of Songs verse, Heshbon and Beth Rabbim are names of places. In the midrashic interpretation, Heshbon is equivalent to *heshbon*, or deliberation, and *beth rabbim* is taken literally as the house of scholars. Thus, in the academies, legal conclusions are arrived at by mutual counsel and deliberation. The process is difficult, however; the law is obscure like matter that is deep down in a pool.

The conclusion of the midrash, however, calls into question the picture of harmonious and authoritative legal discourse set forth in the preceding paragraph. The midrashist asks: "How does the Song of

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Songs verse continue?" And answers: "Look towards Damascus. If you have carried out the Torah, look forward to Elijah." To whom is this caution and promise addressed?

C. The Audience

There are two possibilities. The first assumes that the audience is the people, the folk, and posits a synagogue context for the midrash. The community needs to be cautioned not to listen to the powerful words of false "prophets-like-Moses," who promise a clear exposition of the law. The midrashist sends the following message to this audience: The law may seem unclear like matter deep in a pool. Obey the instructions of the properly constituted legal authorities, the elders, the Sanhedrin, the rabbis (even the least among them) — even when you don't understand the reasons for their instruction. It is only obedience to the sages and adherence to their legal pronouncements that can lead to the return of Elijah and the messiah.[65]

The second possibility is that the audience is the scholarly community itself. This possibility seems more plausible in light of recent studies stressing the yeshiva origin of the tannaitic midrashim contained in the Sifre, suggesting that they reflect academic exchanges among scholars.[66] Moreover, in midrashic-talmudic literature, Elijah is rarely spoken of as a forerunner of the messiah.[67] Rather, as mentioned earlier, a critical function of prophecy in rabbinic thought was to decide the law when conclusions based on rational argumentation could not be reached.[68] The rabbis assigned this prophetic function to Elijah and thus deferred the fulfillment of the promise of future prophets-like-Moses to the messianic age. It is Elijah who will eventually compose the differences of the sages and reveal obscure legal issues. This reworking of the "prophet-like-Moses tradition" is at play in our midrash. Thus, the midrashist seems to be addressing the scholars and conveying the following message: do not despair over reaching correct interpretations based on rational argumentation without the aid of prophecy. Eventually Elijah will clarify these points. In the meantime, you may be assured that the body of practice and exegesis you are engaged in is the authoritative and divinely sanctioned heritage of the Mosaic revelation. Even the opinions of the least of you are part and parcel of the original word of God.

D. The Relationship of the Midrash to the Chain of Tradition Set Forth in Avot

The literary structure of our midrash offers one final clue to the tensions that underlie the surface: concern over who is the authoritative and authentic articulator of the law. This tension already

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is prefigured in the Deuteronomic text which places the promise of a prophet-like-Moses within the midst of a description of various institutions of authority: judges, elders, priests, and prophets. The midrash expresses a wish for a "prophet-like-Moses" who will clarify the law while at the same time deferring the possibility of this form of prophecy to the indefinite future. The midrash mediates this tension through a sophisticated literary form.

The literary structure is linear. It progresses from the least of the scholars to the majority of scholars, to the Sanhedrin, to the elders, to Moses, to God. The midrash recalls, in reverse order, but also disorders, the chain of oral tradition set forth in the opening paragraph of the mishnaic tractate Avot. In the Mishnah, the chain of authoritative oral tradition proceeds from Moses to the elders to the prophets to the men of the Great Assembly. In our midrash, however, the prophetic link in the chain of oral tradition is conspicuously absent. This prophetic link makes a disordered surprise appearance at the very end of the midrash. The disruption of the chain of authority suggests that the locus of concern of our midrash is focused precisely on the role of prophecy in the oral law.[69] The midrash alleviates this concern in two ways. First, it alters the idea of linear progression or historical time implicit in the Deuteronomic promise of "prophets-like-Moses." While the revelation of the law took place in historic time, the development and decipherment of the law take place in a different form of time, in which all later legal pronouncements are already encompassed in the initial revelation. And while there is historic closure on the rhetorical level — eventually Elijah will come and compose the differences — this closure is deferred to the indefinite future.

Second, the midrash seems to take prophecy out of the authoritative chain of the oral law altogether. As prophecy is de-emphasized and drained of its function as part of the interpretive, oral law, it becomes increasingly a written literary form — not a part of the oral tradition at all. In a sense, Deuteronomy 18 becomes the test in rabbinic literature of those post-Pentateuchal works that comprise the closed Biblical canon and constitute the divine written text, subject to oral interpretation. Thus, in the end, the promise of a "prophet-like-Moses" was realized in Judaism through the acceptance of the prophetic texts into the written canon.[70]

E. The Rabbinic Conception of Time

A subject that awaits study is the differing metaphysical belief systems, especially attitudes to closure and to time, which various legal systems express.[71] The rabbinic approach to the fulfillment of the prophet-like-Moses tradition differs significantly in its attitude to time

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from that of the gospels. Prophetic fulfillment of the Deuteronomic promise is an intrusion of historic time that implies some form of closure. The fulfillment prophecies of the gospels, for example, imply that the contemporary meaning of the scriptural text will end as the scriptural prophecies are fulfilled. The rabbinic attitude to closure and time seems very different. By consigning the fulfillment of the prophet-like-Moses tradition to the far-away past or the indefinite future, rabbinic Judaism gave up the "sense of an ending."[72] The notion that both prophecy and legal decisionmaking is the repetition of an oral tradition already revealed at Sinai distorts the linear sense of time and removes the historical perspective.[73] Rabbinic decisionmaking thus occurs in something closer to mythical time or timelessness:[74] it remembers and repeats the revelation.

VI. Conclusion

One more text from later in the amoraic era, and clearly more polemical in tone, provides a humorous coda to the prophet-like-Moses tradition:

> Rabbi Hanin said: Israel will not have need of King Messiah's legal instruction in the Age to come, for it is said (Isaiah. 11:10): "Gentiles shall seek his instruction — but not Israel. If so, why is King Messiah coming, to what purpose? To assemble Israel's exiled ones and to give the Gentile Nations thirty commandments. . ."[75]

Here we have an almost total disavowal of the prophet-like-Moses tradition in the classical sense. The messianic prophet will not have any legal function at all — not even to resolve outstanding doubts in the law. The disavowal is "almost" total because, in fact, the legal role of the prophet-like-Moses is preserved, but projected elsewhere. The prophet-like-Moses will come for the sole purpose of placing the yoke of the commandments on the Gentiles! Note especially the reference to "thirty" commandments. Is this a literary allusion to the thirty pieces of silver of Zechariah that served as the basis for the thirty pieces of silver offered to Judas?[76] If so, this is the ultimate rejoinder.

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1. For an account of these two divergent approaches to the study of midrash, *see* Daniel Boyarin, *Intertextuality and the Reading of Midrash* (Indianapolis: Indiana University Press, 1990).

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2. Bernard Jackson, "The Prophet and the Law in Early Judaism and the New Testament," 4 *CSLL* 123 (1992).

3. *Cf.*, Hayden White, *Tropics of Discourse: Essays in Cultural Criticism* (Baltimore: Johns Hopkins University Press, 1985), p. 60. *See also* Bernard Jackson, *Law, Fact and Narrative Coherence* (Merseyside: Deborah Charles Publishers, 1988), pp. 155-174.

4. On the distinction between this approach and the traditional study of textual "sources and influences," *see* Boyarin, *supra* note 1 at 135 n. 2.

5. *See, e.g.*, John 1:21, 25; 7:40.

6. 1 Maccabees 14:41.

7. Revelations 11:3 ff.

8. The Samaritans, in particular, focused on Moses as a messianic liberator. *See, e.g.*, Eus. Theoph. 4, 35.

9. Rabbinic literature often cites: "As the first redeemer (Moses), so the final redeemer (the Messiah)." Kohelet Rabbah 1, 28. The midrashic elaboration in Kohelet Rabbah draws out the parallels:

> And Moses took his wife and sons and had them ride on an ass (Exodus 4:20), so the last redeemer, for it is said: Lowly and riding on an ass (Zechariah 9:9). As the first redeemer caused manna to come down ... so the last redeemer will cause manna to come down ...

Other noteworthy parallels concern Moses' youth in Pharaoh's court and the Messiah's appearance, before his public manifestation, in the enemy city of Rome, Exodus Rabbah 1:26 (on 2:10), and the leading of the people into the wilderness by Moses and the Messiah. Midrash Psalms 90 Sec. 17.

See also Maimonides, *Hilkhot Teshuvah* 9:2 (describing the Messiah as a great prophet akin to Moses).

10. *See, e.g.*, Josephus, *Antiquities*, trans., T. Shackeray (Cambridge: Harvard University Press, 1957), XX, 97-99; *Id., Jewish War*, II, 261; *Jewish War* VII, 438. (This theme appears in the New Testament in Acts 21:38 and Matthew 24:26.)

11. Sifre Deuteronomy Sec. 175 (on 18:15); *see also* Philo, *Spec. Leg.*, (Cambridge: Harvard University Press, 1949), I, 65.

12. Jackson's article and this comment are concerned specifically with the relationship of the prophet to the law, only one of the complex of functions of the prophet. Precisely what the salient characteristics of prophecy were deemed to be in the Second Commonwealth period and in early rabbinic thought, in particular, is a subject well beyond this comment. It is worth noting, however, that the prophet's role included not only providing inspired guidance in matters of conduct, ritual, and ethical behavior, but also the inspired foretelling of the remote future, the presentation of God's plan for history, interceding before God on behalf of the people, and the imparting of mystical, speculative, or visionary experiences. It is often difficult to ascertain precisely to which of these aspects of prophecy a particular text alludes. For example, the Deuteronomic promise of future prophets "like Moses" may refer to the advent of prophets who will have a legal role, like Moses, or to the advent of prophets who will intercede before God on behalf of Israel, a key aspect of Moses' prophetic mission. Indeed, the first individual identified as a prophet in the Bible, Abraham, is so designated because he carried out the role of intercessor. *See* Genesis 20:7 ("Since he is a prophet, he will intercede for you to

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save your life"). Notwithstanding these ambiguities, this comment follows Jackson's hypothesis.

13. *See generally* John Barton, *The Oracles of God: Perceptions of Ancient Prophecy in Israel after the Exile* (Oxford: Oxford University Press, 1986) especially pp. 268-270.

14. Compare the later uses made of the Book of Ezekiel. The Book of Ezekiel contains a detailed account of the prophet entering the prophetic state. Ezekiel 1:1-1:28. Ezekiel's account was viewed, in mishnaic times, as the blueprint for mystical ascensions to the throne of God (ma'aseh merkava). The Babylonian Talmud, Chagiga 13a.

15. Jackson, *supra* note 2, Sec. VII.

16. *See, e.g.,* Joseph Blenkinsopp, "Interpretation and the Tendency to Sectarianism: An Aspect of Second Temple History," *Jewish and Christian Self-Definition,* E.P. Sanders, ed., (Philadelphia: Trinity Press International, 1981), pp. 1, 10; Shaye J.D. Cohen, *From the Maccabees to the Mishnah* (Philadelphia: Westminster Press, 1987), pp. 195-201.

17. *See, e.g.,* Josephus, *Jewish War, supra* note 10 at I, 68-69 (on the prophetic gift of John Hyrcanus); *Id.,* at VI, 300-309 (on the prophet in 62 C.E. who predicted the fall of Jerusalem). *See generally* Joseph Blenkinsopp, "Prophecy and Priesthood in Josephus," 25 *Journal of Jewish Studies* 239 (1974).

18. The rabbis never claimed that all forms of prophecy ceased as a historical matter. Rather, they commented on the meaning of the departure of the Holy Spirit. The tradition of the Holy Spirit's departure still allowed for the continuation of weaker forms of divine communication through heavenly echoes (*bat kol*), *see* Tosefta Sotah 13:2-4; the Palestinian Talmud, Sotah 24b; the Babylonian Talmud, Sotah 48b, dreams, and other "small prophecies," the Babylonian Talmud, Berakhot 55b-57b. These weaker forms of prophecy were integrally linked to the act of interpretation. *See* note 29 *infra.* Moreover, various rabbinic teachings were thought to emanate from a form of prophetic experience. *See, e.g.,* the Babylonian Talmud, Baba Batra 12a; the Babylonian Talmud, Succah 45b; The Babylonian Talmud, Sanhedrin 97b; the Babylonian Talmud, Eruvin 64b.

Some later commentators explain these passages as illustrating the distinction between two forms of prophecy: revelatory prophecy and prophecy via the intellect. The former was deemed dependent on the existence of the Temple; once the Temple was destroyed, only the latter form of prophecy remained. *See, e.g.,* Ein Ya'akov on the Babylonian Talmud, Baba Batra 12a.

19. *See, e.g.,* Amos 3:8 ("When a lion roars, who is not fearful? And when the Lord God speaks, who can but prophesy?").

20. We find such phrases as: "Thus says the Lord" or "The word of God [is]." *See, e.g.,* Amos 8:11.

21. Jeremiah 15:16.

22. Ezekiel 2:7-3:3.

23. Zechariah 1:4; 7:12. In Zechariah, an angel or heavenly messenger explains the vision to the prophet and often refers to older prophetic material. The phrase "Thus says the Lord" is the words of the angel. This is a shift from direct prophetic discourse to an inspired interpretation of prophecy. *See* Blenkinsopp, *supra* note 16 at 10.

24. Daniel was frequently considered a prophet in rabbinic literature. *See, e.g.,* the Babylonian Talmud, *Megilla 15a. See also* Sid Z. Leiman, *The Canonization of Hebrew Scripture: The Talmudic and Midrashic Evidence* (Hamden: Archon Books, 1976) (who

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argues that early rabbinic literature, in contrast to the medieval view, did not distinguish between the prophetic character of those whose works were later codified in the prophetic section of the canon and those whose works were contained in the hagiographic section of the canon).

25. *See generally* James Kugel, "Two Introductions to Midrash," ***Midrash and Literature***, Geoffrey H. Hartman and Sanford Budick, eds., (New Haven: Yale University Press, 1986), p. 77 (from which this paragraph derives). Kugel eloquently dissects the increasingly text-centered imagery in later prophetic books. For Kugel, the prophets are the true antecedents of the midrashists.

26. Jackson, *supra* note, 2 Sec. V (E). Jackson locates examples of all three of these functions in the New Testament, a direct example of the first function and an indirect example of the third in rabbinic sources and an example of the second function in Qumranic documents. *Id.* at Secs. III-V (E).

27. *See, e.g.,* the Babylonian Talmud, Sukkot 44a (waving the willow); Mishnah Yadayim 4:3 (the tithe); the Babylonian Talmud, Pesahim 117a (reciting Hallel); the Babylonian Talmud, Megillah 14a (the observance of Purim); the Babylonian Talmud, Taanith 26a-27a (the system of watches at the Temple).

28. To the example of Elijah on Mt. Carmel cited by Jackson, the Babylonian Talmud, Yevamot 90b, can be added rabbinic statements that the prophets and writings will be abolished in the messianic age, the Palestinian Talmud, Megilla 1:7, 70d, presumably, because they embody temporary lawmaking. *See also* the Babylonian Talmud, Shavuoth 14a-16a (describing another deviation from the procedural norm of sacrifice instituted in the time of Haggai, Zechariah, and Malachi).

29. This usage of prophecy has antecedents in the Biblical description of the priest's role in consulting the Urim and Tumim. *See* Numbers 15:32-36. *Cf.,* Ezra 2:62-63. We also see echoes of this view in the famous dispute between the Houses of Hillel and Shammai, resolved by a heavenly voice (an echo of prophecy), the Babylonian Talmud, Eruvin 13b; the story of the Oven of Akhnai, the Babylonian Talmud, Baba Mezia 59a-b, which may mark a turning point with respect to the use of a prophetic echo to reach a decision in cases of interpretive disputes; the rabbinic attitude to dreams and spontaneous utterance of verses as aids in clarifying legal points, the Babylonian Talmud, Berakhoth 55b-57b; and in the traditions about Elijah as the decider in the messianic days of otherwise unresolvable legal questions, Mishnah Eduyyot 8:7 (Elijah will settle disputes among scholars and unify the Torah); the Babylonian Talmud, Menahot 45a (Elijah will reveal the meaning of obscure verses); and the numerous references to Elijah as the settler of talmudic arguments that cannot be solved, known as *teyku.*

For a celebrated post-talmudic resort to dreams to render legal rulings in unclear cases, *see* Rabbenu Yaakov of Morvish, *She'elot U'Teshuvot min HaShamayim.*

30. The Babylonian Talmud, Temurah 15b-16a.

31. The Babylonian Talmud, Temurah 16a; the Babylonian Talmud, Yevamot 102a; the Babylonian Talmud, Avoda Zara 36a; the Palestinian Talmud, Megillah 70d; the Babylonian Talmud, Yoma 80a.

32. *Cf.,* Yaakov Elman, "Reb Zadok Hakohen of Lublin On Prophecy in the Halakhic Process," I *Jewish Law Association Studies* 1, 16 (1985) (describing the talmudic presentation of the prophets' legal authority as a "true inner-talmudic contradiction").

33. The Babylonian Talmud, Yevamot 90b.

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34. Jackson, *supra* note 2 at Sec. V(D).

35. *Cf.* rabbinic interpretation of unhalakhic acts of various Biblical figures, often explained by the rabbis as acts taken to meet the needs of the hour.

36. *Cf.*, Alan Segal, ***Paul the Convert*** (New Haven: Yale University Press, 1990), who points out that Paul's views on the law clarify questions concerning early Judaism's views on the legal status and obligations of non-Jews.

37. *See* David Flusser, *Jewish Sources in Early Christianity* (New York: Adama Publisher, 1987), p. 22. Flusser also suggests that the sabbath healing case (Matthew 12:9-14) is compatible with Jewish law since healing through speech was permitted in any event. *Id.*

38. Acts 3:22-23.

39. Deuteronomy Rabbah 8:6 (emphasis added).

40. The Babylonian Talmud, Yevamot 49b.

41. *See* the Palestinian Talmud, Ta'anit 4:8, 69a.

42. Sifre Deuteronomy Sec. 357; the Babylonian Talmud, Sotah 13b. On the early provenance of these traditions, *see* Josephus, *Antiquities, supra* note 10 at IV, 8.48; Philo, *Life of Moses* II, 288-292.

43. *See* note 9 *infra*. *See also* Deuteronomy Rabbah 3:17 on 10:1 (on the second coming of Moses, together with Elijah).

44. According to several Midrashim, Moses had to suffer death in order that the wilderness generation might one day be raised again by virtue of his merit and, under his leadership, enter the promised land. Tanhuma Hukkot Sec. 10. *See also* Midrash Petirat Moshe (ed. A. Jellinek) 6:78 (the death of Moses is an expiatory altar for all Israel).

45. William L. Lane, *The Gospel According to Mark* (Grand Rapids: Eerdmans, 1974), p. 486 n. 76, quoted in Jackson, *supra* note 2, Sec. VI.

46. Exodus Rabbah 28:6, 42:8; Tanhuma Yitro 11.

47. The Babylonian Talmud, Temurah 16b.

48. Tanhuma Yitro 124a-b.

49. *See* Jackson, *supra* note 2 at Sec. V. *Cf.*, Ephraim Urbach, "When Did Prophecy Cease," 17 Tarbiz 1 (1946) (Heb.) (suggesting that the rabbinic ascription of the cessation of prophecy to the Persian period was a Jewish response to the Christian argument that the cessation of prophecy among Jews was caused by their rejection of Jesus); A.C. Sundberg, Jr., *The Old Testament of the Early Church* (Cambridge: 1964) (asserting that it was not until late in the first century C.E. that the tannaim declared that prophecy ceased in the fifth century B.C.E. to exclude sectarian writing).

50. *See generally* Reuven Kimelman, "Birkat Ha-Minim and the Lack of Evidence for an Anti-Christian Prayer in Late Antiquity," and Alan F. Segal, "Ruler of the World: Attitudes about Mediator Figures and the Importance of Sociology for Self Definition," *Jewish and Christian Self-Definition,* E.P. Sanders, ed., (Philadelphia: Trinity Press International 1981), pp. 226 and 245 respectively.

51. *Cf.*, Sid Z. Leiman, "Josephus and the Canon of the Bible," *Josephus, the Bible and History,* Louis Feldman and Gohei Hata, eds. (Detroit: Wayne State University Press, 1989), p. 50 (refuting the notion that the cessation of prophecy was bound up with the advent of Christianity in light of the ascription of the cessation of literary prophecy to the

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Persian period in sources predating, or contemporaneous with, the initial advent of Christianity such as Josephus, IV Ezra and I Maccabees).

52. Sid Z. Leiman, "Inspiration and Canonicity: Reflections on the Formation of the Biblical Canon," *Jewish and Christian Self-Definition*, *supra* note 50, pp. 56, 63.

53. *See* Mishnah Avot 1:1. *Cf.*, Mishnah Peah 2:6.

54. Josephus claims that literary prophecy ended with the period of Artaxerxes when the exact succession of identifiable prophets from Moses on was broken. Other prophetic phenomena persisted throughout Second Temple times, but not prophecy *qua* guarantor of the tradition. *See generally* Leiman, *supra* note 52.

55. While some "prophets" also may have been masters of scholarly dialectic, others may not have been. The essential characteristic of prophecy is not scholarly insight but, rather, revelatory insight.

56. Seder Olam Rabbah 30 (ed. Ratner, p. 140). *Cf.*, Baba Batra 12a: "Prophecy has been taken from the prophets and given to the sages." (Note, however, the ambiguity of this latter talmudic statement. While the beginning of the talmudic discussion of this statement treats it as a reference to the authority of the prophet over the law, the continuation of the pericope, the Babylonian Talmud, Baba Batra 12b, refers to the prophetic function of foretelling the future.)

57. Thus, the confinement of prophetic legal authority also may have been part of a natural development of the Jewish legal system. If the prophet's authority over the law centered around individualized, subjective rulings, leading to divergent practices, the unity of the legal system may have been threatened. The confinement of prophecy in favor of rabbinic pronouncement of general rules and fixed halakhic norms increases uniformity of practice, a major concern in the first century. Compare the similar gradual confinement of legal authority of individual received traditions (*shemua*) in favor of majority consensus. *See* Judah Goldin, "On the Account of the Banning of R. Eliezer ben Hyrkanus," Goldin, *Studies in Midrash and Related Literature* (New York: Jewish Publication Society, 1988), p. 283. (Arguing that the Oven of Akhnai story presents a conflict between individual received tradition and majority consensus resolved in favor of the latter because of the threat of interpretive pluralism).

58. This historical reconstruction does not attempt to answer the question why prophetic authority over the law ended in the Persian period; rather, it merely suggests that the perception that prophetic legal authority ended was already extant in the first century before the ascendance of Christianity.

At least two traditional commentators seem to have proposed somewhat similar historical reconstructions. *See, e.g.*, Elman, *supra* note 32, detailing R. Zadok HaKohen of Lublin's theory of the role of prophecy in the oral law. According to R. Zadok, in the era of the prophets, people resorted to local prophets for legal guidance. The prophets, though sages as well, used revelatory insight rather than intellectual means of perception. The prophets had the authority to interpret Torah in particular circumstances and individual cases. No precedents were set, however, or general rules established. When prophecy ended, the men of the Great Assembly took over the function of authoritative interpretation of the law. Because they were masters of halakhic dialectic, they could lay down general guidelines and set precedents.

See also Ein Ya'akov, the Babylonian Talmud, Baba Batra 12a. The commentaries *ad. loc.* contend that prior to the destruction of the First Temple, there were, in essence, two forms of prophecy — prophecy via the intellect and revelatory prophecy; the former could be achieved by a "wise" individual and was not dependent on the existence of the

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Temple; the latter form of prophecy could only occur while the Divine Presence dwelled in the Temple at Jerusalem. Prophets who were not "wise" decided legal matters through revelatory insight; after the destruction of the Temple, only those prophets who were "wise" and had the requisite intellectual capacity (i.e., sages) could decide halakhic matters.

59. Jackson, *supra* note 2 at Sec. VI (E).

60. *Id.*

61. Sifre Deutoronomy 41. On the genre of tannaitic midrash, *see* Reuven Hammer, *Sifre: A Commentary on the Book of Deuteronomy* (New Haven: Yale University Press, 1986). For an intellectual history of the Sifre on Deuteronomy, *see* Steven D. Fraade, *From Tradition to Commentary: Torah and Its Interpretation in the Midrash Sifre to Deuteronomy* (Albany: State University of New York at Albany Press, 1991). For a discussion of this particular midrash, in terms of its messianic themes and historical setting, *see* Goldin, "Of Midrash and the Messianic Theme," *supra* note 57 at 359. The translation presented here is based on that of Goldin.

62. Heinemann has contended that this midrash is a species of homiletic midrash, rarely found in the tannaitic collections. Isaac Heinemann, *Darkhei HaAggadah* (Jerusalem: Magnus Press, 3d ed., 1942), pp. 100-122. *But see* Fraade, *supra* note 61 at 1-3, describing the midrashim of the Sifre as commentaries distinguishable from the homiletic form.

63. Ecclesiastes 12:11 reads in full: "The words of the wise are like goads; like nails well-planted are the words of masters of assemblies; they were given by one shepherd." This verse was interpreted to refer to the debates and conflicting opinions of the scholars in at least one other midrash of the tannaitic period. *See* the Babylonian Talmud, Hagigah 3a-b (attributed to R. Eleazar ben Azariah, a late first century sage). In this midrash, questions about the authority of the sages' teachings are raised and despair is expressed over conflicts of interpretation. This despair is resolved by quoting the answer supplied by the last phrase of Ecclesiastes: "they were all given by one shepherd" that is, they are all Torah and part of one revelation. This theme, then, is conventional. It is, in a sense, like the "primitive fable" described by Kermode in analyzing the passion narrative of the gospel. Frank Kermode, *The Genesis of Secrecy* (Cambridge: Harvard University Press, 1979). It is a "story" or concept current in the culture that is progressively elaborated in different narrative contexts.

64. *See* Ephraim E. Urbach, "The Homiletical Interpretations of the Sages and the Exposition of Origen on Canticles, and the Jewish-Christian Disputation," 22 *Scripta Hierosolymitana* 247 (1971).

65. This is Goldin's view. *See supra* note 61.

66. *See generally* Fraade, *supra* note 61 at 18-20.

67. *See* Morris M. Faierstein, "Why Do the Scribes Say that Elijah Must Come First," 100 *Journal of Biblical Literature* 75 (1981).

68. *See supra* note 29.

69. *But cf.*, Fraade, *supra* note 61 at 69-83, who points out that both the chain of authority in our midrash and the chain of tradition in Mishnah Avot conspicuously omit the priesthood. Fraade argues that the priesthood had primary authority over the transmission and teaching of the law in Second Temple times. According to Fraade, the substitution of the sages for the priests in the *Sifre* is a key aspect of the *Sifre's* transformative program.

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70. On the contribution of the canonization of the prophetic books to the cessation of prophecy, *see* Leiman, *supra* note 24 at 198-99 n.610.

71. *Cf.*, J.G.A. Pocock, "Time, Institutions and Action: An Essay on Traditions and their Understanding," *Politics, Language and Time: Essays on Political Thought and History* (Chicago: University of Chicago Press, 1973) (a society's conception of time is key in analyzing its culture).

72. Frank Kermode, *The Sense of an Ending* (London: Oxford University Press, 1966).

73. On the ahistoricity of the talmudic rabbis, *see* the elegant summary of Yosef Hayim Yerushalmi, *Zakhor: Jewish History and Jewish Memory* (New York: Schocken Books, 1982).

74. *See generally* Mircea Eliade, *The Myth of the Eternal Return or Cosmos and History* (Princeton: Princeton University Press, 1954).

75. Genesis Rabba 98:9 (p. 1260).

76. *Cf.*, the Babylonian Talmud, Hullin 92a (describing 30 Noahide commandments).

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