

CONTENTS

<i>Acknowledgments</i>	xi
<i>Abbreviations</i>	xiii
Introduction	1
What's So Divine about Divine Law?	1
Part I—Two Conceptions of Divine Law	2
Parts II and III—Three Responses	4
Part II—Mosaic Law in the Light of Greco-Roman Discourses of Law: Ancient Jewish Responses to the End of the First Century CE	5
Part III—The Rabbinic Construction of Divine Law	6
PART I Biblical and Greco-Roman Discourses of Divine Law	
Introduction	12
1 Biblical Discourses of Divine Law	14
Introduction	14
Discourses of the Law	15
Discourse 1: Divine Law as an Expression of Divine Will	15
Discourse 2: Divine Law as an Expression of Divine Reason	24
Discourse 3: Divine Law and Historical Narrative	41
The Multidimensionality of Biblical Divine Law	51
2 Greco-Roman Discourses of Law	54
Discourses of Natural Law	54
Discourse 1: Natural Law and Truth— <i>Logos</i> and Realism	54
Discourse 2: Natural Law and Cosmopolitanism	60
Discourses of Human Positive Law	62
Discourse 3: Law and Virtue—the Inadequacy of Positive Law	62
Discourse 4: The Flexible, Unwritten, “Living Law” vs. the Inflexible, Written, “Dead Letter”	66
Discourse 5: The Opposition of <i>Phusis</i> and <i>Nomos</i> ?	70
Discourse 6: Positive Law in Need of a Savior	76
Discourse 7: In Praise of Written Law—the Mark of the Free, Civilized Man	77

Additional Literary and Legal Practices: The Juxtaposition of Divine and Human Law	78
(8) Divine Law as a Standard for the Evaluation of Human Law	78
(9) In the Trenches—Juristic Theory vs. Juristic Practice	81
(10) Magistrates and the Equitable Adjustment of Roman Civil Law	84
Conclusion	86
 PART II Mosaic Law in the Light of Greco-Roman Discourses of Law to the End of the First Century CE	
<hr/>	
Introduction	92
3 Bridging the Gap: Divine Law in Hellenistic and Second Temple Jewish Sources	94
Bridging the Gap	94
The Correlation of Torah and Wisdom and the Mutual Transfer of Properties: Sirach, 1 Enoch, and Qumran	95
The Correlation of Torah and Reason and the Transfer of Properties: Aristeas, 4 Maccabees, and Philo	105
Strategies for Negotiating Universalism and Particularism	124
Esoteric vs. Exoteric Wisdom: Law's Narrative in Sirach, 1 Enoch, Qumran, and Philo	125
Conclusion	137
4 Minding the Gap: Paul	140
Paul and the Law	141
Genealogical Definition of Jewish Identity: Circumcision and the Law	141
Paul's Discourse of Ambivalence regarding the Mosaic Law	151
Conclusion	162
 PART III The Rabbinic Construction of Divine Law	
<hr/>	
Introduction	166
5 The "Truth" about Torah	169
What Is Truth?	171
Measures of Authenticity	172
Measure 1: Formal Truth	173
Measure 2: Judicial Truth—Human Compromise and Divine Judgment	184
Measure 3: Ontological Truth—Realism vs. Nominalism	195

The Gaze of the Other	222
Rabbinic Self-Awareness: The Motif of Mockery	223
Conclusion	243
6 The (Ir)rationality of Torah	246
Making the Case for the Law's Irrationality	248
Response 1: Conceding and Transvaluing the Premise	253
Response 2: Disowning the Premise	262
Response 3: Denying the Premise—Rationalist Apologetics	264
<i>Ta'amei ha-Mitzvot/Ta'amei Torah</i>	265
Response 4: Splitting the Difference—an Acute Sense of Audience	280
Conclusion	285
7 The Flexibility of Torah	287
Legislative Mechanisms of Change—a Rhetoric of Disclosure?	288
Uprooting Torah Law	292
Uprooting Torah Law in Light of the Praetorian Edict	306
Nonlegislative Mechanisms of Change—a Rhetoric of Concealment?	309
Modification of the Law—Internal Values	309
Modification of the Law—External Values	314
Moral Critique and <i>Phronesis</i>	324
Conclusion	327
8 Natural Law in Rabbinic Sources?	328
Normativity before the Law	330
Law Precedes Sinai	331
Sinaitic Law Begins at Sinai	347
Accounting for Diverse Rabbinic Views on Pre-Sinai Normativity	350
The Noahide Laws	354
Are the Noahide Laws Invariable, Universal, Rational, and Embedded in Nature?	356
Conclusion	370
Writing the Next Chapters	371
<i>Bibliography</i>	379
<i>Index of Primary Sources</i>	397
<i>General Index</i>	406