

## TWO CASES OF HYPOSTATIZING

by

David DAUBE

Professor in the University of Aberdeen

On several occasions I have tried to shew that both Roman and Rabbinic methods of interpretation were greatly influenced by Hellenistic rhetorical teaching<sup>1</sup>. The schools of rhetoric flourished throughout the Mediterranean world, and the training received in them gave a certain community of outlook and technique to the educated members of the most diverse nations. This does not mean that Sabinus would make the same use of those basic doctrines as Philo, or Philo as Johanan ben Zaccai; the historical differences between various systems remain enormous. But it does mean that when we find Sabinus, Philo and ben Zaccai operating with identical concepts, and those concepts are not to be met with in areas beyond the reach of Hellenism, the presumption is that they are drawing on a common source rather than that either they are borrowing from one another or their agreement is quite accidental.

Naturally, the parallels are noticeable not only where strict, legal reasoning is concerned but also - and may be in a higher degree - in the "para-juristic" field, for instance, in philosophical reflections on the law or in stories and similes likely to impress a judge or the public present at a trial. An example of this "para-

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1) E. g. *Journal of Roman Studies*, vol. 38, 1948, pp. 115 ff., *Hebrew Union College Annual*, vol. 22, 1949, pp. 239 ff., and *Festschrift Hans Lewald*, 1953, pp. 27 ff. For the influence of Hellenistic rhetoric on Islamic law, see **J. Schacht**, *Journal of Comparative Legislation*, 3rd ser., vol. 32, 1950, pp. 4 ff.

juristic" kind is the hypostatizing of the words of a document. Let us compare two cases: one in Apuleius's *Apologia*, the other in a parable of Simeon ben Johai, both dating from the middle of the 2nd century A.D. Apparently the idea enjoyed some popularity at that time.

Apuleius is charged with magic; and his opponents maintain that his wife herself, in an epistle written to her family, describes him as a sorcerer. He objects that they are tearing the sentence from its context. If the rest of the epistle is considered, he argues, the incriminating words will prove to mean exactly the opposite. "I ask you", he exclaims<sup>2</sup>, "if letters, as some of them are called vocal (the vowels), could actually find a voice; if words, as poets say, could freely fly; I ask you, when Rufinus made an excerpt from this epistle in bad faith, reading a little and knowingly withholding a great deal favourable to me - would not the remaining letters have cried out that they were wrongly detained? would not the suppressed words have flown forth from Rufinus's hands and filled the whole market-place with tumult, pleading that they too had been sent by Pudentilla. they also had been entrusted with a message, it was they that should be listened to and not that villain who was attempting to prove a falsehood by using the inappropriate letters, and Apuleius, far from being accused of magic by Pudentilla, was accused by Rufinus and acquitted by her?"

According to Simeon ben Johai<sup>3</sup>, "the Book of Deuteronomy went up to heaven, prostrated itself before the Holy one and spoke: Master of the world, Solomon has uprooted me and made me a forgery; for any testament in which two or three words are invalidated is invalidated in its entirety; and Solomon the king attempts to uproot the letter *yod* from me - it is written<sup>4</sup>, He shall not multiply wives to himself, yet he has multiplied them". (The meaning is that for *l'yrbh*, "he shall not multiply", he has substituted *l'rbh*, "to a multitude"<sup>5</sup>.) "Then God replied: Go thy way; Solomon will

2) *Apologia* 83.532.

3) *Leviticus Rabba* 19 on 15.25, *Palestinian Sanhedrin* 20c etc.

4) *Deuteronomy* 17.17.

5) With vowels, the contrast would be between "lo' yarbeh" and "le' arbeh".

perish and a hundred like him, but not a *yod* of thee will perish in eternity". Joshua ben Levi, about a century later, represents the *yod*, instead of the Book of Deuteronomy, as preferring the complaint.

Now the attribution to words or letters of a kind of independent life is, of course, very ancient and wide-spread. But what we have before us in these two cases is something highly elaborate and specific, and the similarity between the main features is striking. Both Apuleius and Simeon ben Johai are dealing, not with a spoken formula, but with a written document. Both are dealing with a misinterpretation, based on the fraudulent neglect of a portion of the document. (That the reduction of Solomon's offence to a suppression of a *yod* is most artificial does not matter in this connection. It would lead too far afield to explain the whole background of the parable. We should indeed have to go into the relation between it and passages like Matthew 5.18 and Luke 16.17.) Both represent the document injured as itself voicing its grievance.

Certainly, in all other respects the two cases are worlds apart. In fact, significant differences exist even between the precise way the poet hypostatizes the epistle and the Rabbi hypostatizes the Book of Deuteronomy. One of them is that, in Apuleius, there is no full hypostasis at all. He does not say that the suppressed words come to complain; he says that if they were able to fly and talk, they would come to complain. Simeon — used to such notions as that the Torah has an individuality of its own, that it participated in the creation of the universe, that it is capable of addressing man — may hazard a bolder image: he simply says that the Book of Deuteronomy stands up as accuser. Nevertheless it does look as if rhetorical instruction had been responsible for the device of letting a document from which parts are unfairly omitted take up its own defence, speak out and attack the culprit.

In conclusion it may be noted that Apuleius's indebtedness to rhetoric comes out on every page. As for Simeon ben Johai — though he was strongly anti-Roman, he was no doubt fully familiar with the pagan civilisation of his period. His father and his son both were pro-Roman; and he himself, in his old age, went on a successful embassy to Rome on behalf of his people.

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