

Thus the canon may provide a "classic model" for faith and for the "re-presentation" of tradition, but should not be an "exclusive model." Developing authoritative tradition of a constitutive nature, not just of interpretative or exegetical character, should continue to be recognized, if not formally, at least functionally, if succeeding generations are to be true to the history of tradition.

Chapter 12

Torah and Tradition

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The post-biblical relationship between Torah and Tradition reveals a dynamic between fixed, authoritative texts and their subsequent reinterpretations, between canonical teachings and their subsequent reuse. In the present chapter, our purpose is to explore some of the modes, functions, and implications of this dynamic. Indeed, a consideration of post-biblical Tradition is pertinent insofar as preceding chapters have explored dimensions of tradition in the biblical period.¹ But this consideration is doubly pertinent inasmuch as the post-biblical relationship between authoritative texts and their reuse *also* exists in the biblical period—for in the earlier period we can apprehend the later phenomenon in its nascent, pre-canonical modes.²

Accordingly, two phases of Torah, in its relation to Tradition, will be treated. In the first phase, the term "Torah" will denote specific authoritative teachings in the *pre-canonical* Hebrew Bible. It is here that we shall consider the phenomenon of pre-canonical "canonical" texts. By contrast, in the second phase, "Torah" will denote the received, *canonical* He-

1. In the following discussion the capitalized form of "Tradition" refers to the modes of interpreting biblical scripture by post-biblical Judaism as a whole or by any of its various groups, the "Judaisms." The lower-case form, "tradition," is reserved for the pre-canonical development of the materials, as treated elsewhere in this book.

2. For two earlier, but substantially different, treatments of inner-biblical interpretation see I. L. Seeligmann, "Voraussetzungen der Midraschexegese," VTS 1 (1953), 150-81; R. Bloch, s.v. Midrash, *DBS* 5 (Paris: Librairie Letouzey et Ané, 1957), especially cols. 1267-76, and references to other works.

brew Bible and the entirety of its authoritative teachings. In both cases, then, Torah will stand for teachings whose authority and formulation precede their reuse by Tradition. Indeed, it is precisely in the nexus between fixed and free formulations, authoritative and innovative texts, and durative and punctual functions that the Torah-Tradition dialectic unfolds.

What follows, then, is a treatment of the relationships between Torah and Tradition in the biblical and early post-biblical periods, and their theological implications. However, given the variety of texts, it is first necessary to provide an organizing focus for analysis. To do this, as well as to use an appropriate literary form, we will present most of our discussion as a midrashic exposition of the Decalogue. To use the Decalogue in this way is to choose a specific text whose various teachings were reinterpreted by ongoing biblical and post-biblical traditions (and frequently with precise reference to the Decalogue formulation). Used heuristically, then, the Decalogue will provide a focus for our consideration of the relationship between authoritative teachings and their ongoing reinterpretations.

TORAH AND TRADITION: FORMS AND FEATURES OF THE BIBLICAL, PRE-CANONICAL PHENOMENON

I am YHWH, your God, who took you out of the land of Egypt. As the paradigmatic expression of YHWH's power for his people in servitude, the exodus gave shape to many later hopes for return from the Assyrian and Babylonian exiles (Isa. 11:11–16; Jer. 16:14–15; Mic. 7:15). But these various formulations do not reflect the language of the authoritative Pentateuchal recension in Exod. 1–15. They witness typological uses of the exodus motif rather than exegetical traditions *verbally dependent* upon the formulation found in the book of Exodus. Even the clearer echoes of the exodus scenario in Deutero-Isaiah (cf. 43:16–20; 51:9–11; 52:12; 63:11–12) lack the specific verbal tension effected, for example, by Ezek. 20:4–11, 33–36, which withstands a point-by-point comparison

with the language of Exod. 6:2–9. Indeed it is just by virtue of this terminological relationship to Exod. 6:2–9 that the power and paradox of Ezekiel's midrashic reinterpretation—of a “new” exodus done in wrath against Israel—are accentuated.

The foregoing provides a concise case whereby tradition deliberately used an authoritative Torah-teaching as a didactic foil. But such midrashic reformulations could also be produced through a freer handling of an authoritative teaching. Isa. 19:19–25—which combines several eschatological oracles coming at the conclusion of the oracles against Egypt (Isa. 19:1–18)—provides a case in point. These texts show a theologically audacious transposition of the exodus motif found in Exod. 1–12. To make this transposition self-evident, Isa. 19:19–25 can be most suggestively juxtaposed with Exod. 3:7–9; 8:16–24 [8:20–28]. Thus, in the Exodus Cycle, YHWH saw the torment of “my people” (*'ammî*), heard their cry (*ša'ûqâtâm*), and saw the Egyptians oppressing (*lôhâšîm*) them; he sent (stem: *šālah*) Moses as a deliverer to bring them out (3:7–9). In 8:16–24, for example, YHWH sent a sign (*'ôt*) that the Egyptians might know (stem: *yāda'*) his power; Pharaoh temporarily relented to let the Israelites sacrifice (stem: *zābah*) to YHWH in Egypt; but Moses refused: the Israelites would only worship YHWH outside Egypt. Pharaoh also begged Moses to pray (stem: *'atar*) for him. Punishment for Pharaoh's noncompliance with Moses' demands was that YHWH would plague them. (The stem *nāgap* is found in 7:27 [8:2]; 12:23; and Josh. 24:5.) By means of an exegetical-terminological counterpoint, Isa. 19:19–25 touches on all the aforementioned points—but in a revolutionary way. Now the Egyptians have oppressors (*lôhâšîm*) and cry (*yiš'âqû*) to YHWH; now an altar to YHWH, in Egypt, will be a sign (*'ôt*) that he will send (stem: *šālah*) them a deliverer. Through these acts of deliverance YHWH would be known (stem: *yāda'*) to the Egyptians, and they would sacrifice (stem: *zābah*) to him. YHWH would plague (*nāgap*) the Egyptians, but in the end he would respond to their prayers (stem: *'atar*). Fi-

nally, the third oracle (vss. 24–25), which calls Egypt “my people” (*ammî*), bristles with irony. Understandably, the Septuagint and Targum renationalized it.

This midrash has thus produced the most extreme transposition of a national historical memory conceivable. Through explicit counterpoint, the private experience of Israelite redemption has become the verbal key through which universal redemption was annotated. Isaiah has bequeathed to Egypt Israel’s most personal memory for the sake of peace. The metamorphosis is stunning and suggests fixed formulations in the pre-canonical phase of biblical literature. It suggests an instance of a pre-canonical “canon,” or “canon within the canon.”³

You shall have no other gods instead of me. You shall not make any sculptured image, or any form of what is in the heavens above, or on the earth below, or in the waters under the earth. This command of divine exclusiveness is supplemented by an anti-iconic proscription. But whereas no reason is given in the Decalogue itself, one is suggested in the sermon in Deut. 4:12–24. In Deut. 4:12 and 15 the reason given is that the Israelites did not see any form at Horeb. This text continues with a specification of the proscribed forms (vss. 16–18). As in the Decalogue, these commandments are associated with prohibitions neither to make (vs. 23) nor to bow down to such forms (vs. 19), and with references to both the exodus (vs. 20) and God’s angry zeal (vs. 24).

But the expository power of this sermon extends beyond a free amplification of the opening section of the Decalogue. It contains, in fact, a true midrash. So as to recognize it, one need but recall that a frequent item in anti-idolatry polemics is the ironic juxtaposition of the fashioning of an idol and God the Creator (cf. Isa. 40:12–16; 44:6–20; 45:18–25; 46:1–11; Jer. 10:2–16; cf. Ps. 115). From this vantage point we return to Deut. 4:16–19 and note that it precisely reiterates the crea-

3. I owe this phrase to, among others, J. Sanders, *Torah and Canon* (Philadelphia: Fortress, 1972), p. xv.

tion sequence of Gen. 1–2:4a—but in reverse order! This creation account has thus been subtly used to “carry” a midrashic teaching which, reciprocally, gains power by virtue of the hermeneutical tension evoked by the superimposition of an anti-iconic polemic over the structure of a received text.

You shall not bow down to them or worship them. For I, YHWH your God, am a zealous God, visiting the guilt of fathers on their children, to the third and fourth generation of them that reject me. This Torah-teaching determines a certain theological position. The adaptation of a text to a later theological viewpoint or different moral sensibility is also a hallmark of later midrash. The above-cited text provides a case in point. The stated issue of intergenerational punishment is probably not one of judicial redress, for that was customarily handled by the ordinances of jurisprudence. In such cases, the specific offender was always punished (cf. Deut. 24:16 and Exod. 21:31). The issue seems, rather, to be infractions made directly against God, for example, acts of idolatry. In such cases, punishment is divine and transgenerational.⁴ Reference to punishment to the third and fourth generation is found both in the Decalogue (Exod. 20:2–17; Deut. 5:6–18 [5:6–21]) and in the list of divine attributes (Exod. 34:6–7; Num. 14:18–19).

But later generations were uncomfortable with the implications of this theological teaching. Reinterpreting a related proverb which describes the visitation of fathers’ guilt on their children, Ezek. 18 attempted to teach hope to those in exile and delimit the scope of their guilt (note vss. 2–4, 19–20).⁵ Similarly, in his oracles of consolation Jeremiah also reinterpreted this proverb as a teaching for the new age (31:29–30). However, it is the sermon in Deut. 7:9–10 which shows a closer

4. On the possibility of a dual standard of justice as regards civil and divine punishment, see M. Greenberg, “Some Postulates of Biblical Criminal Law,” in *Yehezkel Kaufmann Jubilee Volume*, ed. M. Haran (Jerusalem: Magnes Press, The Hebrew University, 1960), 20–27 (English section).

5. As his examples and argument suggest, Ezekiel attempted to overcome the dual standard of punishment by treating divine infractions as civil ones, viz., to argue against vicarious punishment for the children of those sent into exile.

relation to the wording of the Decalogue and its transformation. Whereas vs. 9 strikes the chord of long-term grace to the faithful, vs. 10 sharply continues: "And He will requite those who reject Him, directly to destroy him; He will not delay to hate him but will repay him in his presence." The received formulation has thus been controverted by later tradition.

As we have seen in previous sections, another aspect of inner-biblical midrash is the free adaptation of a fixed text. Of the two versions of divine attributes in Exod. 34:6-7 and Num. 14:18-19, the former is clearly the more expansive. It will be, therefore, instructive to juxtapose it to Mic. 7:18-20—as it appears that just such a text has been restyled in the praise of vs. 18 and reappropriated in the appeal of vss. 19-20.

Exod. 34:6-7

O YHWH, YHWH!—a *God compassionate* and *gracious*; [who] *assuages* [his] *anger*, is *great in steadfast kindness*, and *maintaining kindness* to the thousands; *forgiving iniquity, rebellion* and *sin* . . .

Mic. 7:18-20

Who is a *God* like you, [who] *forgives iniquity*, passes over the *rebellion* of the remnant of his inheritance; [who] has not kept his *anger* forever, as he delights in *kindness*?! May he again be *compassionate* to us, cleanse our *iniquities*, and cast into the depths of the sea all our [!] *sins*. O be *steadfast* with Jacob and *compassionate* with Abraham, as you swore to our ancestors in days gone by.

Once aware of this reuse of the formula in Micah, we can recognize a further transformation. Just as the redactor of the minor prophets utilized word repetitions to link the separate books (e.g., Hos. 14:2 [14:1] and Joel 2:12; Joel 4:16 and Amos 1:2; Amos 9:12 and Obad. 19; Hab. 2:20 and Zeph. 1:7; Hag. 2:23 and Zech. 1:3), so is Mic. 7:18-20 linked to Nah. 1:2-3. In this reuse of the "attribute-formula" (Exod. 34:6-7) in Nah. 1:2-3 terms of compassion are transformed into terms

of war: "who maintains (*nōṣēr*) *kindness*" becomes "who *rages* (*nōṭēr*) against his *enemies*" (cf. Lev. 19:18); "*assuages anger*" (taking *'erek* to be like the stem used in, e.g., Jer. 30:17) becomes "*long of anger*"; and "great in . . . *kindness*" becomes "*mighty in power*."

The various reuses of the formula concerning divine attributes considered in this section thus demonstrate diverse modes of inner-biblical midrash—whereby an authoritative pronouncement-text was either re-formed or reformulated by later tradition in the light of their ideologies and concerns.

Observe the Sabbath day, to keep it holy . . . do not do any manner of work because. . . The ritual prescription of the Sabbath in the Decalogue is given two motivations. It serves both as a social celebration of the completed fact of creation (Exod. 20:11) and as a recollection of the Egyptian slavery and the redemption from Egypt (Deut. 5:15). In both cases, the explanation serves an adaptative-integrative function for the changing motivations of the faith-community centered in an authoritative Torah-teaching.

But what is the content of "to keep it holy" and "do not do any manner of work"? All the earliest teachings on this commandment, through which the life of the observing community unfolded, are not preserved. Yet there are passages, such as Exod. 16:25-26, 29; 34:21; 35:1-3; Jer. 17:21-22; and Neh. 10:32 [10:31]; 13:14-21, which contain references to this commandment together with legal clarifications and/or amplifications of it. These latter texts point to another inner-biblical aspect of Torah and tradition whereby various ritual-legal teachings clarify, amplify, and protect the authoritative Torah-teaching.

With the close of the canon, this type of elaboration-exegesis became increasingly significant; the diverse collations of biblical laws and their amplifications had to be harmonized, on the one hand, and integrated with the new post-biblical customs or clarifications, on the other. The result of this midrashic process was

the collections of legal tradition known collectively as *midrash halakhah*. But such processes of harmonization and text-blending can be detected much earlier, both between books of the Pentateuch and between the Pentateuch and later materials. As regards the former, let us note a case showing the relationship between the Book of the Covenant (Exod. 21–23) and Deuteronomy.

The law in Exod. 22:30 [22:31] occurs independently of a related context. It proscribes the eating of unslaughtered carcasses—prescribing their use as fit for dogs—and adjures the Israelite to be holy. Exod. 23:19 concerns the pilgrimage-offering of first-fruits and, in this cultic connection, prohibits the practice of boiling a kid in its mother's milk. Strikingly, Deut. 14:21 *combines* these two teachings and incorporates them at the conclusion to the code of laws on forbidden/permitted foods. Again there is a reference to Israelite holiness—although here it is unconditional—and allows the carcasses to be given to the sojourner. A comparison of the texts points up the new Torah-teaching:

Exod. 22:30; 23:19

And be a *holy* people to me, and *do not eat* ripped field carrion; throw it to the dog. . . . Bring the first of your produce to the shrine of YHWH; *do not boil a kid in its mother's milk*.

Deut. 14:21

Do not eat any carcass; [either] give it to the sojourner . . . or sell it to the stranger: for you are a *holy* nation to YHWH your God; *do not boil a kid in its mother's milk*.

Not only is the Deuteronomic ideology concerning the sojourner and Israelite given expression in Deut. 14:21, but so is the ongoing process of reuse of authoritative texts. Coming at the conclusion of the code of food legislation, Deut. 14:21 not only incorporates the prohibition of eating carrion in a collection of food laws, but also *transforms* the prohibition of boiling a kid in its mother's milk from a cultic prohibition to one concerned with food regulations in the widest sense. This new

literary context for the latter undoubtedly aided later rabbinic elaborations which considered this law within the parameters of dietary regulations—as we shall see below.

As regards the process of *midrash halakhah* between Pentateuchal and non-Pentateuchal sources, let us turn to the Passover rite. In Exod. 12:8–11 the Paschal offering is to be roasted (*slī 'ēš*), *not* boiled; but Deut. 16:7 expressly commands that “you shall boil (*ūbiššaltā*) [it].” Whether these differences (including the type of designated animal, cf. Exod. 12:5 and Deut. 16:2) reflect geographical or historical variations is unclear. What is clear is that the later reflex of the Paschal rite, recorded in 2 Chr. 35:10–18, was bothered by these two differing authoritative teachings. The solution was one of harmonization, despite the apparent awkwardness of the result.⁶ Thus after vs. 12 states that the sacrifice was done “as is written in the Book of Moses” we read (vs. 13): “And they *boiled* (*wayēbaššēlū*) the paschal-offering *in the fire* (*bā'ēš*), as per the statute.” Through this exegetical process of harmonization later tradition preserved the variously received Torah-teachings and bridged any apparent discrepancy between them. This example is already at that historical frontier wherein Tradition looked back to the diverse Torah-teachings of many periods and saw one uniform Torah. With this dehistoricizing and monolithizing process, textual superfluities and contradictions were exegetically transformed. This matter, as stated, became particularly prominent *after* the canonization of scripture; but already here we again see an incipient “canonical consciousness.”

Thou shalt not commit adultery/desire your neighbor's wife. The Decalogue not only contains theological and cultic teachings, it also includes social-moral matter. The commandments mentioned above will serve as the basis of two different inner-biblical examples of the relationship between Torah and tradition.

6. Cf. M. Z. Segal, *Parshanuth Ha-Miqra'*, 2d ed. (Jerusalem: Qiryat-Sefer, 1971), p. 6.

The first involves a situation in which the theme of adultery and seduction provides the root metaphor for a wisdom tradition admonition to beware of the temptations of falsehood. In the process, Prov. 6:20–35 actually reshapes the teachings-admonitions in Deut. 6:4–9 and the Decalogue (5:6–18 [5:6–21]) in a creative way. The skill of this reformulation can be observed by a juxtaposition of the relevant passages:

<p><i>Deut. 5:6–18 [5:6–21]; 6:4–9</i></p> <p>Hear, Israel, what I command (6:4, 6)</p> <p>When you dwell and journey, when you lie down and rise up (6:6)</p> <p>Bind them on your hand (6:8)</p> <p>I am a jealous/zealous God; for YHWH will not clear the guilty (5:9–11)</p> <p>Honor your father and your mother (5:16)</p> <p>Do not commit adultery (5:17 [5:18])</p> <p>Do not steal (5:17 [5:19])</p> <p>Do not desire your fellow's wife (5:18 [5:21])</p>	<p><i>Prov. 6:20–35</i></p> <p>Heed, my son, the commands (vs. 20)</p> <p>When you go about, when you lie down and awaken (vs. 22)</p> <p>Bind them on your heart (vs. 21)</p> <p>For the jealous/zealous fury of a man [betrayed] (vs. 34); . . . whosoever has intercourse with his fellow's wife will not be cleared of guilt (vs. 29)</p> <p>Heed . . . your father . . . your mother (vs. 20)</p> <p>Whosoever had adultery with a woman (vs. 32)</p> <p>Theft <i>topos</i> (vss. 30–31)</p> <p>Do not desire . . . your fellow's wife (vss. 25, 29)</p>
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The second example involving the issue of adultery derives from prophecy, where it often serves as a motif: Israel's infidelity to YHWH was imaged through the *topos* of whoring after other gods/husbands-ba'alim (e.g., Hos. 2; Ezek. 16; 23). But it is Jer. 3:1 that makes specific use of a Torah-text on this theme. A juxtaposition of his sermon with its Deuteronomical source will facilitate analysis.

If a man marry . . . if he has found against her 'erwat *dābār* . . . he will divorce her from house . . . he will not be able . . . to return (*lāšûb*) to [re]marry her . . . And do not profane the earth. . . .

If a man divorce . . . can he return (*yāšûb*) to her? Will not this earth be defiled? Yet you have whored after many suitors . . . *wēšôb 'ēlay*.

The Deuteronomical law is prescriptive and precise; the formulation is set within a prodoxis-apodosis form. The subject is "a man." Jeremiah has reused this law in a radically new way in Jer. 3:1. Through his prophet, God asks a question about the Deuteronomical law. God is the subject; Israel is the wife who has been adulterous. This allegorization of the Torah-teaching is already a reinterpretation by later tradition. And while the term 'erwat *dābār* of Deut. 24:1 was variously interpreted in later Tradition,⁷ Jeremiah is hereby giving it a sexual sense ("unchaste matter"). But his reuse of the terminology of the Deuteronomical law goes yet further and centers on the clause: *wēšôb 'ēlay*, "therefore return to me." The text is ambiguous with two principle difficulties: (1) If this clause is to be understood as a question with God as subject (viz., "will you, therefore, return to me?"), then it is rhetorical with the implication that Israel's infidelity has now prevented her restoration; whereas (2) if the clause is affirmative ("therefore, return"), it either suggests that Israel repent *before* God divorces her or argues that God will break his own law and take her back ("therefore, you *will* return to me"; and cf. b. *Yoma* 86b). However the ambiguity be resolved, the power of the reinterpretation is that, through the allegory, Jeremiah has transposed the legal term "return" into a theological key so that it denotes the question of Israel's religious return or repentance; moreover, in doing so, he has broken the original symmetry of the

7. Cf. LXX to Deut. 24:1; *Antiq.* IV, viii.23; *M. Gitt.* IX–X; *Matt.* 19:3, 9.

law in which the husband is the active agent. A series of re-interpretations unfolds, then, in Jeremiah's use of Deut. 24:1-4. The hermeneutical tension effected is allegorical and didactic. It suggests yet another inner-biblical mode of the relationship of ongoing tradition to Torah, for with the reinterpretation the plain-sense of scripture has been undercut.

Let us pause here to reflect. The inner-biblical dynamic of Torah and tradition, as thus far analyzed, reveals the reuse (controlled or creative), transformation, readaptation or blending of transmitted teachings having an authoritative aspect. Tradition emerges as a relationship to past authority—be that an historical memory, a theological proclamation, or a commanded behavior. Tradition, in its relationship to Torah, has thus far been seen to be both conservative and innovative. As an innovative process, tradition is a mode of hermeneutics, a process of interpretation, which *actualizes* a received, authoritative text in a new context. Through tradition, a sacred teaching remains effective in new life situations. As a conservative force, tradition provides for cultural continuity and cohesion by *preserving* the authoritative memories of the past. From an analytical perspective, an hermeneutical tension is created between the primary Torah-teaching and its new use in tradition. Where this tension is explicit it provokes didactic irony or establishes validity for the new teaching; where this tension is implicit—as in text-blending or harmonization—tradition has deliberately obscured its own exegetical processes so as to create a *new Torah* authority. This points to an aspect of the dialectic between Torah and Tradition which we shall later examine: it involves that process in which new traditions succeed primary Torah-teachings and, in so doing, threaten to supercede them.

Before concluding this presentation of pre-canonical modes of the relationship between Torah and tradition, we must note two final aspects which, equally, become significant in the post-canonical phase. These two aspects deal with an historicization of received teachings: in the first instance, we shall note exam-

ples of the historicization of nonhistorical materials; in the second instance we shall note examples of the re-historicization (or revitalization) of prophetic materials.

The historicization of the nonhistorical. The phenomenon of adding superscriptions to the psalms should certainly be regarded as a type of inner-biblical exegesis. Some superscriptions, notably those which indicate musical accompaniment or mode, are undoubtedly original—but others are suggestive for our purposes. Thus the ascription of Ps. 51 to David, when he repented to God after Nathan censured him for taking Bathsheba, can be understood as a later interpretation in the light of 1 Sam. 12. By the ascription of this event to a late liturgy of repentance, the liturgy is historicized—in the sense that it is relocated within a specific national-historical context. A reciprocal dynamic is thus effected. From the standpoint of the psalm the superscription provides a national-historical setting; and from the standpoint of the historical event, the psalm provides its spiritual exfoliation (cf. Pss. 57; 59; 60). Such an interpretational transformation of a received liturgy affects Ps. 30 as well. It has been intriguingly suggested that the superscription in vs. 1, "for the dedication of the Temple," nationalizes and historicizes the psalm—thereby transforming it from one of personal lament and hope into one that reflects on the sorrow and hope of the nation in exile without a temple at the joyous time of its rededication.⁸ The nexus between ongoing tradition and received "Torah" has, here too, created a new and independent Torah-teaching.

The re-historicization of the historical. This example deals with prophecies and their revitalizations. Such reuses of authoritative prophecies have both a negative and positive aspect: negative, insofar as they point to a failed prophecy needing reascription; and positive, insofar as these prophecies remained vital and significant to the people.

8. H. Ludin Jansen, *Die spätjüdische Psalmendichtung, ihr Entstehungskreis und ihr "Sitz im Leben"* (Oslo: Dybwad, 1937), p. 99.

The prophecy in Jer. 25:11–12; 29:10 is such a case of a reused and vital prophecy. An oracle of seventy years of doom is also attested in Isa. 23:15–17 and the neo-Assyrian annals.⁹ In the book of Jeremiah it is applied to the period of subjugation to Babylon. Recited in 605 B.C.E., according to Jer. 25:11–12, the seventy-year oracle would have been fulfilled in 535. Judeans in the exile, and those just returned after Cyrus' decree in 538, must undoubtedly have considered this oracle to have applied to their time. The Chronicler certainly did and so cited Jeremiah (2 Chr. 36:21) to the effect that Cyrus' decree came "to fulfill the oracle of YHWH by the mouth of Jeremiah" (vs. 22). He therefore took over the Jeremian oracle and implicitly construed it as spoken in 609/8 (the year of the death of Josiah and beginning of the Egyptian hegemony over Judea). The Chronicler, moreover, reinterpreted the meaning of seventy years and took them to refer to the necessary period of atonement for the transgressed sabbatical years.

Zechariah (1:12) also reused this oracle. Speaking in 522/1 and urging the returnees to rebuild the temple, he announced God's will that the seventy years were almost up—as they would have been in 517 if he interpreted the oracle as having been recited at the Judean exile in 587/6. In this light, one wonders whether the rebuilding of the altar in 517/6 (cf. Ezra 6:15) was not also motivated by such an interpretation of this oracle. Strikingly, Daniel 9 also refers to this oracle, but for him it is not yet complete; however, he reinterpreted the seventy years as referring to seven heptads. Other reapplications of the authoritative term "seventy" occur in Dan. 10–12, where they are interpreted in terms of seventy weeks.

These ongoing applications or interpretations of the Jeremian oracle are very striking. There is a continuous chain of reinterpretation down to the Seleucid period. But the late book of Daniel also preserves other reinterpretations of earlier oracles. It has been pointed out that Dan. 11 reuses prophecies

9. R. Borger, *Die Inschriften Assarhaddons, Königs von Assyrien*, AfOB 9 (Graz: Weidner, 1956), 15, Epis. 10, Fass. a:2b–9, b:19–20.

from the books of Numbers and Isaiah.¹⁰ It seems further likely that Dan. 11 also reapplies a prophecy from the book of Habakkuk. The oracle in Dan. 11:27: "and the . . . kings . . . will speak deceit; but it will not succeed, for the end remains for the appointed time," refers to the period of Seleucid domination over Palestine. It appears to be a reuse of Hab. 2:3a: "There is still a vision for the appointed time . . . and it will not deceive"—where the historical horizon is different.¹¹ The historical enemy for Habakkuk is the neo-Babylonian Chaldeans.

The upshot of these two types of "historicization" confirms our earlier discussions on authoritative Torah-teachings and ongoing interpretations. We have again seen that tradition takes the shape of interpretative adaptations, additions, and revitalizations of received teachings. Israelite culture did not, then, scaffold in a vacuum but on the firm bedrock of forms of authority. Indeed, in the foregoing, we saw that even originally non- or ahistorical texts were a potential seedbed for historical reuse. We are, therewith, already alerted to the appropriation and reinterpretation by later Tradition of *all* the received texts of authority. Finally, let us observe that the preceding examples reinforce an earlier impression: what might be termed a "canonical consciousness" unfolded from the beginning in ancient Israel.

It is to the blossoming of such a consciousness, together with an accompanying analysis of its theological implications, that we now turn.

TORAH AND TRADITION: FORMS AND FEATURES OF THE POST-BIBLICAL, CANONICAL PHENOMENON

We now turn to a consideration of the received MT as "Torah." The latter, in its canonical entirety, now forms the

10. See H. L. Ginsberg, "The Oldest Interpretation of the Suffering Servant," *VT* 3 (1953), 400–404.

11. I have treated this in a study on the continuity of midrashic forms and terms from cuneiform to Rabbinic literatures; see "The Qumran Peshar and Traits of Ancient Hermeneutics," in *Proceedings of the VIth World Congress of Jewish Studies* (Jerusalem: World Union of Jewish Studies, 1976), vol. 1.

basis of religious authority in relation to subsequent tradition and reinterpretation. For the post-biblical Judaisms, the MT not only contained divine revelations but constituted *the* Divine Revelation. As a closed, inscribed revelation it contained—implicitly or explicitly—God's will for Israel. Its multiple torahs and traditions came to constitute *the* Torah. The unfolding of new Traditions would now be set over against this authoritative totality. With this shift to a full "canonical consciousness" both a recognized textual authority and authoritative interpreters emerge. Interpretation and exegesis of the Torah became the mode through which new Traditions were articulated. The canonical MT became the bedrock and point of reference for Tradition and "traditional life," that is, a life lived "out of" interpretations of Torah. "What is Scripture? Interpretation (Midrash) of Torah" (b. *Qid.* 49a).

The formation of a canonical Torah set the tasks of the exegesis to follow: a closed authority which contained God's one revelation would, if restricted, be static at best and of mere antiquarian interest at worst. But for that teaching to be pertinent it had to remain vital to the life of later generations. A serious theological issue had to be overcome: the memories, teachings, and variations of the original revelation had to be related to continuing needs. Thus the need for a continuity of revelations would, with a canon, unfold through post-canonical exegeses. And, as regards the "laws and statutes of the Torah" which constituted the revelation, each of the post-biblical Judaisms claimed to continue the pre-exilic covenantal community and possess the correct interpretation of "Torah." A dialectical process was therewith engaged: the authority of the one revelation was set against the many emergent interpretative Traditions which claimed to continue its validity for the new community. Hence a vital concern of Tradition was to constitute itself as an authoritative teaching, indeed as *the* authoritative teaching-interpretation of Torah. How this was done, as well as a more detailed articulation of the foregoing matters, must await our exploration of exegetical Traditions of the post-

biblical Judaisms. Both to facilitate analysis and to integrate the two phases of our study, we shall return to some of the cases of legal exegesis, or *midrash halakhah*, noted in the first section, and see how later Traditions reinterpreted them. In contradistinction to *midrash halakhah*, speculative and homiletical exegesis came to be known as *midrash aggadah*. We shall thus also return to a motif and a prophecy considered above. The theological implications of post-biblical midrash of Torah shall accompany and follow our examples.

The exodus: In the Hebrew Bible the exodus served as the typological paradigm of redemption for ongoing generations, as we saw. This continued to be the case in the post-biblical period (cf. IQM XI,9–10). The expansive Targumic paraphrases to Exod. 12:42 (especially T. Neofiti) further fixed the night of the Passover (Nisan 15) as the expected time of future redemption.¹² The same conclusion appears in *Mekhilta de R. Ishmael, Bo' XIV* (to Exod. 12:42) in the name of R. Joshua; R. Eliezer only stressed the general period (cf. also b. *R.H.* 11a).

Idolatry: As we have noted, a feature of tradition is that it arises in a new and different time period from that of the original authoritative teachings. To the extent that a Torah-teaching remained valid but that later generations had also either compromised or modified its observance, an exegesis might develop to justify the new practice. Such an interpretative exigency was necessary in connection with the second commandment, which forbids the making or worshiping of images (Exod. 20:4–5; Deut. 5:8–9). Thus while Josephus stressed the uncompromisability of this law in conjunction with an attempt by Petronius to set up an image of Gaius Caligula (*Antiq.* XVIII,viii,2), R. Simeon bar Yohai already found it necessary to forbid the use of sculpted images for decorations (cf. *Mekhilta de R. Simeon, Ki Tisa'* [to Exod. 34:17]). Indeed, figurative images appeared in synagogues both within

12. See R. Le Déaut, *La nuit Pascale* (Rome: Institut Biblique Pontifical, 1963), especially pp. 263–338 (includes New Testament typology).

and without Palestine. Scriptural justification for this practice was needed and was accordingly found through a midrashic expansion of Lev. 26:1. Building on the command not to "bow down" to such images, the (1J) Targum permitted one to lay a figured mosaic floor ". . . but not to worship it." The Torah provided authoritative teachings; any divergence or modification of its expressed commands required justification through midrashic exposition of scripture. But let necessity not obscure the audacity of the result: *Tradition teaches a new Torah*; exposition of scripture threatens to succeed scripture. We shall expand on this below.¹³

Observe the Sabbath. In the first section we referred to ways that various biblical texts clarified or amplified the unnuanced apodictic commands, "observe the Sabbath day" and "do not do any manner of work" on the Sabbath, in accordance with ongoing needs and customs. By the post-canonical stage, such halakhic constructions of the law were collated and/or further systematized. Thus, for example, Qumran literature preserves an early attempt to classify and systematize the range of laws for Sabbath "observance" (cf. CD X,14). A legal collection of such laws appears in CD X,14—XI,18. Many of these deal with issues either not fully dealt with in scripture (e.g., Exod. 16:25–26, 29 says that one may neither go out to the field nor leave one's home on the Sabbath; CD X,20–21 gives an expanding exegesis to this law and both defines and protects the spatial character of Sabbath rest) or not at all clarified by scripture (e.g., the phrase "*observe the Sabbath day*" in Deut. 5:12 is interpreted in CD X,14–17 as watching the setting sun so that the temporal character of the Sabbath would be safeguarded).

Both of the above parenthesized examples show a double dynamic common to post-canonical exegetical Tradition: on the one hand, there was *dynamic* exegesis; on the other, *protective*

exegesis. The former refers to the radical character of exegesis which often extends or interprets scripture against its plain-sense, but for the sake of ongoing contemporaneity; the latter refers to the human exegetical process which safeguards the divine law from human encroachment and/or transgression. The principle that "Tradition [i.e., authoritative human exegesis] is a [protective] hedge to the [divine] Torah" is cited in *M. Avot* III,13 (cf. I,1; VI,6 and *Mekhilta de R. Ishmael, Bo' VI* [to Exod. 12:8]).¹⁴ A significant dialectic which arises between Torah and Tradition is hereby disclosed: on the one hand, there is the awareness that exegesis renders the text flexible, malleable, and relevant; on the other hand, there is the danger that the divine word will be reinterpreted beyond recognition. Accordingly, from the first, we witness a reciprocity which tries to put the one, the dynamic exegesis, in the service of protective exegesis. In this manner the Torah is protected, the observer is safeguarded from transgression, and scripture remains alive for new generations. With this in mind we can understand the principle taught in *M. Sanh.* XI,3: "Greater stringency accords to [the observation of] the words of the Scribes than to [the observation of] the words of the [written] Torah." But, as we noted about the Targum to Lev. 26:1, the danger that Tradition will encroach upon scripture and, with its new authoritative clarification, supplement it, is a real one. The following example makes this abundantly clear.

We earlier dealt with the law forbidding boiling a kid in its mother's milk. The blended text in Deut. 14:21 gave the earlier formulations in Exod. 22:30 [22:31]; 23:19 a new dietary context. And yet later Tradition was bothered by the threefold repetition of the injunction. Since the assumption of a meaningless superfluity of texts was not acceptable, the variations served as pretexts for further teachings into the dietary regulations. Thus in *M. Hull.* VIII,1 these repetitions allow the new

13. Cf. the Targum in (Onq., 182J) to the previously considered passage on retribution in Exod. 34:7. The biblical text is radically transformed by the addition of the possibility of repentance (cf. Ezekiel. 18!)

14. Note the interpretation of Eccles. 10:8 in b. *Shab.* 11a, and cf. already CD I,16 for the overall notion.

inference that no meat whatsoever may be cooked in milk, and in *M. Hull.* VIII,4 there is the further prohibition of eating the two together. Thus the formation of a canon, as exemplified here, produced a curious historical dialectic. The diverse historical strata of earlier traditions were de-historicized with the result that variations and/or multiple accounts of a teaching had to be re-apprehended. But while Midrash intends to elicit new meanings for Torah—which is its primary authority—it does not arise to obliterate it. And yet, such is the dialectical process of Torah and Tradition that this danger can and did happen—as when Targum Onqelos replaced the Torah text of Deut. 14:21 with the new legal exegesis: “You shall not eat meat with milk!” Hereby the danger inherent in the dialectical process between a divine Torah-revelation and a human exegetical Tradition has been disclosed. Tradition has superseded the Torah-teaching and has become an independent authority. Indeed, in this case, Tradition has replaced Torah itself!

As in our discussion of the first phase, so here we shall conclude our series of examples with two instances of “historicizing” exegesis. Both instances—the historicization of the nonhistorical and the re-historicization of prophecies—show the dynamic appropriation of the entire MT by later Tradition. As regards the first instance, Tannaitic midrash provides numerous examples wherein Pentateuchal themes and events were applied to nonhistorical texts in such books as Psalms and Canticles.¹⁵ By such exegesis, later Tradition averred that no literary sphere of scripture was neutral or without witness to the significant events of Israelite history.

The second sphere of historicizing exegesis involves the re-historicization of the historical, whereby earlier prophecies were infused with new content. As is known, in the Qumran *peshar*-commentaries various MT prophecies become codes to be atomistically deciphered. Prophecies were related to the sec-

15. This subject has been treated by N. N. Glatzer, *Untersuchungen zur Geschichtslehre der Tannaiten* (Berlin: Schocken, 1933), pp. 45–61.

tarian community, which claimed to continue the covenantal teachings of biblical Israel. The previously cited Hab. 2:3 was thus reinterpreted in 1QpHab VII,5–8 to refer to the particular life and expectation of the Qumran covenanters. But such a reapplication of biblical texts was not limited to prophecies; it could take the form of *florilegia*. Thus in 4QFlor I,18–19, which deals with the rebellions of the enemies of God, Ps. 2:2 was interpreted for the life of the Qumran historical community, whereas the Sibylline Oracles (3,669–70) interpreted the passage as referring to Gog—possibly depending upon a similar rabbinic Tradition (b. *Ber.* 7b; b. *Av. Zarah* 3b; *Tanh.*, *Noah* 24 [Buber]).

Taken altogether, these preceding instances of post-biblical exegesis provide the complement to the earlier examples of inner-biblical interpretation. As we have seen, all areas of the MT were potentially available to ongoing Tradition—each according to its mode and genre: motifs were typologized, laws were extended or clarified, nonhistorical texts were historicized, and prophecies were revitalized. No sphere of Torah was excluded from post-biblical exegetical Tradition. The Hebrew Bible in its variety and in its totality was a living organism for the theocentric life of later generations.

The new Torah-teachings were “radical” in a double sense: they were grounded in *biblical roots* and produced *extremely innovative* results. Granted, the processes of interpretation produced tensions and dialectics between past and present, between dynamic and protective exegesis, and between human exegetical words and the divine words of revelation. But it must be stressed that the very notion that scripture can be perpetually renewed and readapted by human words is itself a radical idea. And no less radical is the complementary observation that without human words of interpretation the divine word of scripture would be static and closed. Let us now supplement these implications with another series of reflections on the post-biblical relationship between Torah and Tradition.

The restoration to Zion, after the proclamation of Cyrus, was built around the "Torah of Moses" (Neh. 8:1-5). In the pre-exilic period, one was dependent on the priests for Torah-instruction (Lev. 14:57) and on the prophets for the unrequested word of God. Yet one might also "consult (*lidrōš*) YHWH" (1 Kgs. 22:8), that is, through divination. In the post-biblical period, the functions of requesting ritual knowledge from priests continued (Hag. 2:10-19), as did the unrequested word of God. But there now arose the *sōpēr*-scribe who would "consult (*lidrōš*) the Torah of YHWH" (Ezra 7:10), that is, interpret and teach Torah (Neh. 8:7-8). Torah and its interpretation became the bulwark of the restored covenantal community.¹⁶ Thus the Torah was the subject of panegyrics (Pss. 19; 119) and exhortations (Ps. 1). The admonition at the end of the book of Malachai ("Remember the Torah of Moses my servant, the laws and ordinances which I commanded him at Horeb for all Israel," 3:22 [44]) underscores the emphasis on the pre-exilic Torah for the remnant that returned. Indeed, groups formed and separated (stem: *bādal*) themselves from the very beginning on the basis of knowledge and study (*mēbîn*) of Torah (Neh. 10:29-40 [10:28-39], especially vss. 29-30 [28-29]; cf. these terms in Isa. 56:3; Ezra 10:8; Neh. 9:2; 13:3; CD VI,14; 1QS V,2,10; VIII,13; and in Ps. 119:34; Neh. 8:3, 7-8; CD, II,14; VI,2; VIII,12, respectively).

The authoritative, canonical place of Torah in the post-biblical Judaisms sponsored a decisive theological implication: all new covenantal life would be read "out of" Torah. Life was a practical application of Torah; Torah was the one source of divine teachings for theological, ritual, and socio-ethical matters ("All is in it," M. *Avot* V,22). Authentic religious life was life with Torah and in relationship to it. Accordingly, the diverse

16. Cf. b. *Sukkah* 20a; b. *Sanh.* 21b.

streams of Tradition in the post-biblical Judaisms untolded through exegeses on Torah (cf. Sir. 38:1-39:8; Jub. 23:26; 1QS VIII,12-16; M. *Avot* V; Matt. 13:51-52). Correct interpretation was vital. There was one written Torah; but many oral Torahs of interpretation laid claim to continue the covenant community of ancient Israel.

Canonical consciousness thus fostered an exegetical consciousness which, in turn, evoked rivalries over the authenticity of interpretation. The Qumran sectarians both saw their uniqueness precisely in their interpretations of Torah (cf. CD VI,2-VII,6; 1QS V,8-9; VIII,1-2, 12-16), and mocked their rivals' exegesis (cf. 1QH II,32; 4QpNah I,2,7; CD I,18). Among the Pharisees, the legal constructions of Hillel—who had officially introduced hermeneutical rules for exegesis (Tos. *Sanh.*, VII,11)—were often different from those of Shammai (e.g., M. *Eduy.* I,1-3) and even led to extreme divisiveness (b. *Shab.* 17a; 88b). It is said that they "complained" about each other's interpretations (M. *Yad.* IV,6-8). Similarly, Josephus reports that the Sadducees rejected the interpretations of the Pharisees as they were not in the written Torah (*Antiq.* XVIII,x,6); another source states that they broke with the Pharisees who "afflict themselves" (with the burden of the oral law).¹⁷ And finally, Paul's remarks in 1 Tim. 6:3-4 show an opposition that took the form of mocking the interpretations of another group, of refuting them, and of denying the method itself (cf. Matt. 15:1-3; Mark 7:1-3; Col. 2:8).

Given the decisive significance of interpretation for the early post-biblical Judaisms, the pivotal position of the teacher can well be appreciated. Interpretation was the basis of Tradition. The theological significance of this cannot be minimized; for whereas the written Torah preserved God's revealed will to ancient Israel in the past, God's present will was a human, *interpreted* will. Revelation was dependent upon proper exegesis. At Qumran, the teacher was known as the "interpreter of

17. *Avot de Rabbi Nathan*, Schechter edition, A, chap. V, p. 26.

Torah" (CD VI,7); he had appropriate knowledge of the laws and mysteries (1QpHab II,2; IQS VIII,15). It was he who interpreted the law for the community during the "epoch of wickedness" (CD XV,9-10; IQS VIII,12; IX,20); they were dependent upon his interpretations for their salvation: "he leads them in the ways of his [God's] heart" (CD I,11). Given this dependence upon a teacher for right interpretation and observance, it is significant that Mishnah *Avot* opens with a recitation of a chain of tradition that links the Tannaitic sages to the revelation at Sinai and, therewith, invokes *post facto* authority for their modes of interpretation. The aforesaid dependence of revelation upon exegetical tradition was pointedly stated thus: "A matter whose source is in the words of Torah has its application in the teachings of the scribes" (b. *Sanh.* 88b).

Two points follow directly. First, the preceding emphasis on a true interpreter and his authority suggests that it was by virtue of their exegetical traditions that the post-biblical Judaisms could justify themselves—for each felt that its interpretation led to right belief and right observance. And indeed, the covenanters of Qumran believed that they would be justified and saved at the hour of apocalyptic judgment because of their trust in the Teacher of Righteousness and his interpretations (e.g., 1QpHab VII,1-VIII,3). The fundamental relationship between right interpretation and right observance is thus underscored and discloses a significant theological implication of Tradition during this period. Nor was it a marginal matter, for it finds various expressions in Tannaitic sources as well. Thus, for example, the *Avot de Rabbi Nathan* preserves an episode in which an individual who did not know the exegesis of a biblical law of purity, as practiced by R. Yohanan ben Zakkai's circle, was chided: "If this is how you have practiced, you have never eaten clean heave-offerings in your life!"¹⁸

This point leads to another: the emphasis on Tradition as an

18. *Ibid.*, A chap. XII end, p. 56.

interpretative unfolding of Torah meant a new emphasis on study. Among the covenanters at Qumran, all had to study one-third of the nights of the year (IQS VI,6-8); and indeed people were ranked by accomplishment in Torah and interpretation (IQS V,20-23; VI,4,9,14). Among the Pharisees, Torah was a pillar of the world (M. *Avot* I,2) and its study particularly emphasized (e.g., M. *Avot* II,14,16; III,7-8). Indeed Hillel taught: "The common man cannot be righteous" (M. *Avot* II,5). This remark does not so much denigrate simple piety as aver that significant religious merit lay in the true interpretative understanding of the divine will (cf. b. *Ber.* 47b). Herein lies a religious deepening of the Greek educational ideal of *paideia*: to do God's will one must first know it. Early Tannaitic sources often stressed the twin matters of study and practice (religious duty) and debated their relative merits. One discussion, between R. Tarfon and R. Aqiba, was resolved by R. Aqiba who decided in favor of Torah—since it leads to practice (b. *Qid.* 40b). The task of extending and interpreting the divine will produced, then, a new form of piety: a piety of study and interpretation, a piety of Tradition and its ongoing legitimation. A further theological implication is thus disclosed: through pious study and interpretation God's ongoing will could be known; through human exegesis of Torah the covenant of ancient Israel could be preserved and made present for succeeding generations.

Taken altogether, both Torah and Tradition are reciprocally necessary and interdependent. Torah needs Tradition for its continued life and authority; Tradition needs Torah for its roots and frame of reference. Of the two, Torah is the more fundamental; for only through Torah, or over against it, could any claim of continuity be made regarding the ancient covenant. But Torah did not stand alone: the post-biblical Judaisms variously affirmed both Torah and Tradition—in their complementarities and in their dialectical tensions.¹⁹ The

19. This includes the Sadducees. As shown by J. Z. Lauterbach ("The Sadducees and the Pharisees: A Study of Their Respective Attitudes towards the Law," in

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theological implication of this is clear: a post-biblical religious life which claimed to continue the covenant of ancient Israel was a life—howsoever modified—lived in relationship to the written Torah. Torah was thus constantly reactualized—be it through observance, interpretation, or expectation—by all the groups of the period. On this view, moreover, Torah, given in the past, was always being given through each new teaching of Tradition (cf. T. Onq. Deut. 5:19 [5:22]).

The preceding further underscores a vital theological implication. When Tradition became the very means through which Torah was rendered understandable for the ongoing theocentric community, the original revelation was considered incomprehensible without its mediation and expanding power (and cf. IQS V,8–12). The theological audacity of this is counterbalanced only by its life-giving power. In an early Tannaitic sermon interpreting: “And God spoke all these words” (Exod. 20:1)—words spoken immediately before the Decalogue—R. Eleazar ben Azariah understood “all these words” as both the words of divine revelation *and* the various—even contradictory—words of human exegesis (b. *Hag.* 3a–b). Herewith, the past Torah remains part of the present Tradition; and the living Tradition becomes part of the original Torah. Revelation was not once but, through Tradition, continuous: “The Holy One, blessed be he, speaks Torah out of the mouths of all rabbis” (b. *Hag.* 15b). This temporal-spiritual tension between Torah and Tradition is, finally, reflected in the classical Jewish blessing, still recited at the communal reading of the Torah: “Blessed are you, Lord our God, King of the universe, who has chosen us from all the nations and has *given* us the Torah. Blessed are you, Lord, who *gives* the Torah.”

Studies in Jewish Literature, Festschrift Kaufmann Kohler [Berlin: Reimer, 1913], 176–98), they did not reject Tradition per se. In contrast to the Pharisees, they did not attempt to attach Tradition to the written Torah. But this fact also excludes them from some of the implications which follow.

The appropriate form for presenting biblical theology or even Old Testament theology alone is a controversial subject. In fact, it is even problematic to determine exactly how its subject matter should be distinguished from a systematic-theological (dogmatic) presentation of biblical *doctrine*. Nevertheless, we can proceed from the justification given biblical theology in Johann Philipp Gabler's Altdorfer inaugural address in 1787, “*De iusto discrimine theologiae biblicae et dogmaticae regundisque recte utriusque finibus*” (“On the correct distinction between biblical and dogmatic theology and the proper determination of the goals of each”). According to Gabler, biblical theology has a basically historical orientation and should clarify the different theological positions of the writings and (as we would say today) of the traditions combined in the biblical corpus: “*Est theologia biblica e genere historico, tradens quid scriptores sacri de rebus divinis senserint*” (“Biblical theology is of an historical nature, transmitting what the holy writers thought about divine matters”). Systematic theology can present dogmatics supported by biblical texts, but in contrast to this, biblical theology emerges from historical analysis of individual texts and should therefore present the historical differences. With the impressive discovery and expansion of historical knowledge in the nineteenth century, this biblical theology progressively took on the form of a history of religion. Not only an historical but increasingly also a dogmatic dis-

* Translated by R. Philip O'Hara and Douglas A. Knight.