Artykuły

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The Old Testament canon: terminology, history of research, and its current status

Kanon Starego Testamentu. Terminologia, historia badań i ich aktualny stan

Abstract

This article presents the state of research on the process of the formation of the Old Testament canon, including both its history and its current status. For the sake of clarity, it begins with a presentation of the nuances of the terminology, given the ambiguities inherent in it, resulting on the one hand from the complexity of the subject itself, and the other from differences of opinion among scholars. This is followed by a summary of the history of research, with a particular focus on the rise, theses, and demise of the standard theory formulated by Herbert Edward Ryle in 1892. The final section describes the status of contemporary research, especially the views of the two main groups of scholars, i.e., the minimalists and the maximalists. Given

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the continued popularity of classical theory in Polish academic discourse, the author hopes to contribute to a growing awareness of 21st-century accounts of the history of the formation of the biblical canon.

Streszczenie

Artykuł stanowi prezentację stanu badań nad procesem kształtowania się kanonu Starego Testamentu, włączając w to zarówno ich historię, jak i ich aktualny stan. Dla zachowania klarowności wywód rozpoczyna się od przedstawienia niuansów terminologii, zważywszy na właściwe dla niej niejednoznaczności, wynikające z jednej strony ze skomplikowania samego tematu, z drugiej strony z różnic poglądów w gronie badaczy. W dalszej kolejności następuje podsumowanie historii badań, ze szczególnym uwzględnieniem powstania, tez i upadku standardowej teorii, sformułowanej przez Herberta Edwarda Ryle'a w 1892 r. Z kolei ostatnią część stanowi opis współczesnego stanu badań, a zwłaszcza poglądów dwóch głównych stronnictw uczonych – minimalistów oraz maksymalistów. Biorąc pod uwagę ciągłą popularność klasycznej teorii w polskim dyskursie naukowym, autor ma nadzieję na przyczynienie się do wzrostu świadomości w sprawie XXI-wiecznych ujęć dziejów formowania się kanonu biblijnego.

1. Introduction

At first glance, it might seem that the purely historical research area that the development of the Old Testament canon is should not cause much controversy. However, over time one may find that in attempting to make a seemingly innocent thesis about the process of its formation or even to simply describe it in an apparently neutral manner, it is easy to unwittingly initiate a conflict of an academic, religious, or confessional nature, making it, in fact, one of the riskiest topics within historical research to attempt.

With this in mind, before we move on to the proper part of the article, in which we will present a variety of perspectives on the definitions of terms related to the subject, by way of introduction we will try, anticipating potential objections, to explain the reasons behind our preference for some linguistic solutions. It seems clear that when

Jews refer to their Scriptures, they do not refer to it in religious practice as the 'Old Testament,' since that has distinctly Christian connotations (Chapman 2016, 36). In our study, however, we have chosen to treat synonymously such names as 'Old Testament,' 'Old Covenant,' '*Vetus Testamentum*,' 'Jewish Bible,' 'Hebrew Bible,' and '*Tanakh*.' This, incidentally, is standard practice in scholarly publications on the canon, as best evidenced by the titles of books and articles that can be found in the bibliography. Moreover, the biblical canon is a two-faceted problem for it has both a historical and a theological aspect. Although in our article we wish to deal only with recounting the history of the study of the canon, one should be aware that it is impossible to conduct such a study without making certain worldview assumptions. Reducing the canon of the Bible exclusively to a phenomenon determined by the religious community has been called by John Webster the "naturalization of the canon" (Webster 2003, 101). Meanwhile, traditionally, Jews and Christians attributed not only a natural but also a supernatural origin to their Scriptures, perceiving them as the testimony of God's revelation to men. From this perspective, while it is appropriate to speak of the 'formation of the canon,' it is possible to view the same process as a process of the 'recognition of the canon' by God's people. Therefore, in our article, we will use these and similar terms interchangeably, since adopting methodological naturalism to describe a phenomenon that, by definition, should not be reduced to the natural realm would inevitably constitute a reductionist abuse.

It should be added that the purpose of this study is not only to explicate a set of key terms relevant to the issue but also to describe the previous efforts of scholars exploring the history of the biblical canon, along with a presentation of the contemporary state of the discussion.

2. Explanation of terminology

In 1979, Brevard S. Childs noted that scholars disagreed with one another about the canon mainly due to the lack of consensus on the proper

terminology, and his observation remains valid even today (Childs 1979, 51). For this reason, it is necessary to lay out the possible meanings of the terms used in the scholarship, especially since it is the difference in the definitions adopted that is the crux of the dispute between minimalists and maximalists, that is, the two contemporary groups of scholars who maintain contradictory positions regarding the time of stabilization of the Old Testament canon.

2.1. 'Canon'

The term 'canon' is not only fundamental and central to the content of our article, but also the most difficult to define. Etymologically, the Polish noun 'kanon' penetrated our language via Latin and is a transliteration of the Greek κανών, derived from the word κάνη, which means reed (Bruce 1988, 17; Metzger 1989, 289). In turn, κάνη can be a noun borrowed from Semitic languages and its Hebrew equivalent is קָנֶה, i.e., both reed and measuring rod (Beyer 1965, 596). While in Semitic languages, the term came to be associated with a measuring unit, in the Greek of Homer's time, it referred to a simple rod with no connotation of measure (Sanecki 2008, 21). Later Greek writing, however, shows an evolution from the literal to a more metaphorical meaning of the term so that it began to be applied to a standard, norm, or criterion in the context of various areas of life, including art or morality (Sanecki 2008, 22; Metzger 1989, 289-290).

In the New Testament, the word occurs only with Paul of Tarsus and only in the sense of a proper pattern of conduct (Gal. 6:16) or the geographical scope of his apostolic mission assigned to him by God (2 Cor. 10:13.15-16) (McDonald 2017, 79). In the early Church Fathers from the time of an epistle attributed to Clement of Rome, the term is documented to refer to the Christian *regula fidei*, i.e., the 'rule of faith.' (Metzger 1989, 290) It was not until the second half of the 4th century A.D. that the word 'canon' began to be used to refer to an officially recognized inventory or list of books that can be publicly read in the Church and are inspired by God. After 350, Athanasius of

Alexandria distinguished between canonical and non-canonical books, while around 380, Amphilochus of Iconium was already writing about the canon as a collection of inspired Scriptures (Metzger 1989, 292).

2.1.1. Exclusive definition

Since the noun 'canon' began to be used in this way only in the 4th century A.D. and only in Christian circles, some scholars, such as John J. Collins, believe that using it to describe the Scriptures of Judaism in the Second Temple period is an anachronism (Collins 2010, 460). John Barton argues that the term should not be used until we can speak of a closed list of books of Scripture, and he is not alone in his belief (Barton 2007, 44). The definition of the canon as a fixed, definitive, and closed list of books was developed by Albert C. Sundberg, and popularized by other scholars, notably Lee Martin McDonald (Kruger 2013, 29-30). Michael J. Kruger called it, after Stephen B. Chapman, an 'exclusive definition.' Here and for subsequent definitions we use the nomenclature adopted by Kruger, as we find it very accurate (Kruger 2013, 29). A characteristic of Sundberg's definition is the distinction between 'Scripture' and 'canon.' A 'Scripture' is "a document that functions authoritatively in a religious community," and a 'canon' is "a fixed standard or collection of Scriptures that defines the faith and identity of a particular religious community." (McDonald 2007, 54) Once we accept this distinction, we cannot use the concept of an 'open canon,' that is, a canon to which new books can still be added or from which some books can still be removed. A community that remains open to accepting new books into the collection of authoritative documents or to subtracting some books from such a collection does not have a 'canon,' it only has some 'Scriptures.' The consequence of adopting an exclusive definition is that a 'closed canon' and therefore, the only canon that meets this definition, can be spoken of relatively late (Chapman 2001, 107). It should also be mentioned that the definition of the canon as a fixed, definitive, and closed list of books is the most popular among modern specialists and is most readily accepted by minimalists (Kruger 2013, 30-31).

2.1.2. Functional definition

Childs, whom we have already mentioned, is considered the defender of the competitive perspective, but Adolf Harnack and Theodor Zahn are pointed to as its precursors (Kruger 2013, 35-36). Kruger referred to it as a 'functional definition.' (Kruger 2013, 34-35) According to Childs, the distinction between 'Scripture' and 'canon' is redundant and highly problematic, because we are already dealing with a canon when in its practice a community recognizes a particular book as authoritative Scripture (Childs 1979, 58-59). The term 'canon' can thus be used to describe the entire 'canonical process,' in which the establishment of the final list of books demanded by the proponents of the exclusive definition is only the culminating point. When we take this view, we can consider terms like an 'open canon' and a 'closed canon' as appropriate to describe the successive stages in the process of forming a stable set of books. To paraphrase the words of James A. Sanders, the canon in the functional sense precedes the canon in the formal sense (Sanders 1992, 843). Gerald T. Sheppard made a distinction between the two concepts, to which he assigned the designations 'canon 1' and 'canon 2' and he may have done so under the influence of Sanders' thought (McDonald 2007, 55). The term 'canon 1' refers to any belief authoritative to a community, transmitted orally or in writing, which is considered by its members to be God's voice (McDonald 2007, 55). 'Canon 2' refers to the idea of perpetuating and standardizing authority so that a belief becomes a norm that can no longer be changed (McDonald 2007, 55-56). Importantly, according to Sheppard, both categories can include not only written documents but also traditions or even individuals who enjoy religious authority, although in the context of the biblical canon, his categories should of course be referred to the Old Testament books. Andrew E. Steinmann's proposal, which defines the 'canon' as "a collection of authoritative and divinely inspired books accepted as such by an overwhelming majority in a religious community," refers to the functional understanding of the canon (Steinmann 1993, 18). A corollary

of accepting the functional definition is that it is possible to date the closure of the canon earlier than in the case of the exclusive definition, hence maximalists in particular are the ones who are sympathetic to it (Chapman 2001, 107).

2.1.3. Other definitions

Since we have discussed the two dominant definitions of the 'canon' in the community of biblical scholars, we think it will also be useful to mention the less popular, though, in our opinion, illuminating definitions which shed light on certain aspects of the problem.

Kruger, whose nomenclature we have used so far, proposes to add to the two main definitions used by scholars an 'ontological definition,' emphasizing that from the theological point of view, the 'canon' consists of the authoritative books that God gave to his people (Kruger 2013, 40). From God's perspective, books do not *become* authoritative and canonical, but they *are* authoritative and canonical from the moment they are created, by the virtue of their origin. Recognizing the ontological definition, we can speak not only of the canon but of the closed canon just after the last book of the *Tanakh* was written down. Note, however, that Kruger does not see the ontological definition as contradictory to the exclusive and functional definitions but as cocreating with them a full picture of the canon as a multidimensional phenomenon (Kruger 2013, 42-46).

The scholarly contributions of Sid Z. Leiman are also worth mentioning in this context. Based on a study of rabbinic literature, he divided the canonical Jewish books into two groups, inspired and uninspired (Leiman 1991, 14-15). In the first, he included all the books of the Hebrew Bible, while in the second he included works authoritative for Jews, e.g., *Mishnah* (Leiman 1991, 14-15). His opinion was challenged by David Kraemer, and serious objections to it were made by Andrew E. Steinmann and Timothy H. Lim (Kraemer 1991, 616; Steinmann 1993, 16; Lim 2013, 5-6). Although Leiman's thesis has been criticized, it allows one to see the complexity of the problem and avoid schematic

thinking, manifested by making the line of demarcation exclusively between canonical and non-canonical books, while the religious community's perception of a given document as inspired or uninspired by God is another important variable.

Characterizing all the definitions of the 'canon' given by biblical scholars, let alone pointing out their advantages and disadvantages, certainly deserves a more ambitious study, for which, however, there is no room within the scope of the article, given its summarizing character.

2.2. 'Protocanonical books' and 'deuterocanonical books'

In addition to the term 'canon, there remain other related concepts that are also important. 'Protocanonical books' are the books found in today's *Tanakh*, which are considered canonical by the followers of Judaism and all major Christian denominations (Tyloch 1994, 268). In the case of Jews, there are 24 books, while in the case of Christians, there are 39 books. The difference in the number of books is not material, but purely formal and is due to the different traditions of combining or dividing the books.

Protocanonical books are contrasted with 'deuterocanonical books,' that is, in the broadest sense, books found in the Greek Septuagint and Latin Vulgate, but not in the Hebrew Bible, seen as canonical by some Christian Churches (Harrison 2009, 230; Kaiser 2004, 1). The Greek numeral δεύτερος means 'second,' hence the name 'deuterocanonical books' communicates that the books in question here were considered canonical as second, chronologically speaking (Homerski 2008, 74-75; Kodell 2003, 63). The author of the distinction between protocanonical and deuterocanonical books is considered to be Sixtus of Siena, a 16th-century convert from Judaism to Roman Catholicism (Tyloch 1994, 268). Jews and Protestants confine themselves to the protocanonical books and do not recognize the deuterocanonical books as part of their Scriptures, while Roman Catholics and Eastern Orthodox disagree on how many of them belong in the canon. The Roman Catholic

Bibles include the Book of Tobit, the Book of Judith, 1 Maccabees, 2 Maccabees, the Book of Wisdom, the Wisdom of Sirach, also known as the Ecclesiasticus, and the Book of Baruch along with the *Epistle of Jeremiah* (VanderKam 2006, 71). The Roman Catholic Church also accepts deuterocanonical additions to some of the protocanonical books, including additional Greek passages in the Book of Esther and the Book of Daniel (VanderKam 2006, 71). Greek and Russian Orthodox Christians recognize as deuterocanonical all of the above, as well as 3 Maccabees, 1 Esdras, the *Prayer of Manasseh,* and *Psalm 151,* although other Orthodox Churches acknowledge more or fewer books (Chapman 2001, 98-99).

2.3. 'Apocrypha' and 'pseudepigrapha'

In the 16th century, the Roman Catholic deuterocanonical books were called 'apocrypha' by Protestants. One of the first Reformation proponents to use the term for them was Andreas Karlstadt, who did so in his 1520 work *De Canonicis Scripturis Libellus* (deSilva 2002, 38; Fohrer 1978, 481). It should be remembered that this use of the term 'apocrypha' was not unique to Protestants at the time. A contemporary of Karlstad, Cardinal Thomas Cajetan, or rather Tommaso de Vio, known as an Italian Thomist and an opponent of Martin Luther, in a commentary on the canonical books of the Bible dedicated to the Pope also called the deuterocanonical books 'apocrypha.' (Webster 2001, 368-369) In doing so, Cajetan invoked the authority of Jerome of Stridon, from whom comes the tradition of using the term 'apocrypha' to describe deuterocanonical books when the user considers them to be non-canonical books that do not constitute the proper part of the Old Covenant (Davies 1986, 163). Etymologically, the word 'apocrypha' derives from the Greek adjective ἀπόκρυφος, i.e., 'hidden' or 'secret.' (Harrison 1979, 1184-1185) In early Christian literature, all non-canonical writings, often containing heretical and esoteric teaching, were considered apocrypha (Davies 1986, 162). However, when studying the Old Testament canon, the definition of the word 'apocrypha' does not

necessarily coincide with the most common one but rather describes a limited set of books. It should be noted that today it is mainly Protestant scholars who are inclined to call the deuterocanonical books 'apocrypha.' (Boadt 1984, 18; Tyloch 1994, 268) Unfortunately, we must agree with Bruce M. Metzger that the matter of the scope of the collection of apocryphal books is confusing, to say the least (Metzger 1957, 6). According to another, somewhat broader definition, this collection includes not only Roman Catholic or even Eastern Orthodox deuterocanonical books, but also books that we find in the LXX and the Vulgate, but not in the Jewish Bible, regardless of the Churches' opinions about their canonical or non-canonical status, such as the *Odes* and the *Psalms of Solomon* (VanderKam 2006, 71-72). In our study, we adopt a narrower definition, hence we use the terms 'apocrypha' and 'deuterocanonical books' interchangeably.

Terminological difficulties pile up when one realizes that different groups of scholars use the words 'apocrypha' and 'pseudepigrapha' differently. Usually, a 'pseudepigraph' is considered to be an inauthentic work whose authorship is attributed to a person, while this person is not its real author, in short, a literary work signed with a false name (VanderKam 2006, 72). With such a definition, in the context of the problem we are exploring, Roman Catholic biblical scholars agree, while Protestant biblical scholars understand by 'pseudepigrapha' Jewish writings from the Second Temple period, which belong neither to the canon nor to the apocrypha (Gasque 2009, 1084). With this understanding, the classification of a given work in the collection of pseudepigrapha is not necessarily related to the question of authorship (Fohrer 1978, 481-482). While the popular definition of 'apocrypha' among Protestant scholars is already familiar to us, Roman Catholic scholars mean by 'apocrypha' what Protestants understand to be 'pseudepigrapha,' that is, the non-canonical writings of Judaism from the Second Temple period (Metzger 1957, 6). It is difficult to exhaustively enumerate which works must be classified as Protestant pseudepigrapha or Roman Catholic apocrypha,

since the collection remains essentially open (Gasque 2009, 1084). James C. VanderKam noted that it is generally thought that the demonstrative content of this collection was defined by a selection of sources compiled and published by Robert H. Charles in 1913 entitled *The Apocrypha and Pseudepigrapha of the Old Testament in English* (Charles, 1913). The first volume contains works that the editor considered apocrypha, and the second volume contains those he considered pseudepigrapha. Later, in the years 1983 and 1985, James H. Charlesworth published a broader collection of writings, entitled *The Old Testament Pseudepigrapha* (Charlesworth 1983, 1985). Charles and Charlesworth collected such works as the *Book of Jubilees*, the *Letter of Aristeas*, *1 Henoch*, the *Assumption of Moses*, and *2 Baruch*, also known as the *Apocalypse of Baruch* (VanderKam 2006, 73-74). For Polish translations of many texts that make up the collection of pseudepigrapha or apocrypha, consult *Apokryfy Starego Testamentu*, edited by Ryszard Rubinkiewicz: The title itself communicates that the scholar has adopted the Roman Catholic nomenclature (Rubinkiewicz 2016).

3. Outline of research history

The problem of the formation of the canon of the Hebrew Bible has intrigued biblical scholars for a long time. The emergence of hypotheses put forward by researchers at the dawn of modernity can be considered the beginning of research on this issue. Any opinion on the subject is necessarily constructed based on residual evidence, spread over many centuries of antiquity, hence the theories of academics often contradicted one another, and those that did enjoy a temporary consensus were sometimes reconstructed or even finally abandoned as a result of criticism. Our intention is not to submit the entire history of research, but merely a sketch, considering the most well-known and influential theories. For a more thorough description, we encourage you to consult Chapman's works (Chapman 2000, 1-70; Chapman 2013, 651-687).

3.1. State of research up to the 19th century

Already in antiquity, there was a belief among Jews and Christians that after the Israelites returned from captivity, the scribe Ezra rewrote the 24 books of the Old Testament, as these had been destroyed by the Babylonian invasion (Childs 1979, 51; Gallagher, Meade 2017, 13). Such a scenario is encountered in a pseudepigraph dated to around 90-100 B.C., known as the *4 Ezra* (Brown, Collins 2018, 1599; McDonald 2017, 352). In 1538, in his work *Massoreth ha Massoreth,* Jewish scholar Elijah Levita , attributed the establishment of the canon precisely to Ezra and the Great Synagogue, who were to group the aforementioned 24 books and divide them into three sections: The *Torah*, the *Neviim*, and the *Ketuvim*, i.e. the 'Law,' the 'Prophets,' and the 'Writings' (Brown, Collins 2018, 1599; Childs 1979, 51).

However, this traditional view, accepted until the 19th century, was called into question when biblical scholars discovered that some of the books of the *Tanakh* were written after the time of Ezra, so that the complete canon could not have been closed as early as the 5th or 4th century B.C. (Chapman 2013, 657) Moreover, the existence of the Great Synagogue itself as an institution, let alone its role in recognizing the canon, also began to be questioned, further shaking this original model (Brown, Collins 2018, 1599).

3.2. Herbert Edward Ryle's classical theory

In the 19th century, a new concept began to emerge based on Julius Wellhausen's research into the history and literature of ancient Israel and as a result of the work of scholars such as Heinrich Graetz and Frants Buhl (Childs 1979, 52; Hancock 2001, 93).

In its most recognizable form, it was formulated by Herbert Edward Ryle in his book *The Canon of the Old Testament: An Essay on the Gradual Growth and Formation of the Hebrew Canon of Scripture*, published in 1892 (Steinmann 1993, 19-20). The theory was also solidified by numerous introductions, articles, and textbooks that led to its popularization (Chapman 2000, 6; Childs 1979, 52). Before the end of the

century, the theory, which we can describe as the 'classical' or 'standard theory' of the formation of the canon of the Jewish Bible, was practically unanimously accepted by academics (Steinmann 1993, 19; Gallagher, Meade 2017, 13). What was its main thesis? It was succinctly described by Steinmann:

> This theory held that the OT canon formed in three stages corresponding to the three divisions of the canon found in Jewish Bibles. The Torah was the original section of the canon, and it was recognized by 400 BC. The Prophets were accepted by 200 BC. The Writings rounded out the canon and were officially recognized no later than AD 90 by a rabbinic council held at Jamnia. This council was responsible not only for adopting the Writings but also for closing the canon (Steinmann 1993, 19).

Why did scholars point to precisely these specific dates of Jewish acceptance of the canonicity of particular sections? Well, the standard theory was that the *Torah* must have become part of the canon during the time of Ezra, before the Jewish-Samaritan schism, which was then dated to the 5th century B.C., since it was widely known that only the Pentateuch was considered canonical by the Samaritans (Chapman 2001, 101-102). According to this concept, the apocryphal Wisdom of Sirach, through its numerous references to the figures of the prophets (Sir. 44-49) and its mention of the Twelve Minor Prophets as one collection (Sir. 49:10), seemed to imply that the canon of the *Neviim* was recognized before the author wrote down the book, i.e. before the end of the 3rd century B.C. (Chapman 2000, 4; Chapman 2001, 102) The last section, i.e. the *Ketuvim*, was discerned at the end of the 1st century A.D., and its closure, and consequently the closure of the canon of the Hebrew Bible, based on a passage from the *Mishnah Yadayim* 3.5, was attributed to a gathering of rabbis in the town of Jamnia or Jabneh, where the halachic school was located (Chapman 2000, 4; Barton 2007, 23-24).

The theory was meant to describe the stabilization of the canon primarily among Jews living in Palestine, since based on an earlier 18th-century theory it was assumed that there were two Jewish canons

in the 1st century A.D.: the narrower Palestinian one and the broader Alexandrian one (Steinmann 1993, 20). It should be mentioned, however, that Ryle disagreed with the existence of two canons and considered the model he propagated as describing the formation process of the Jewish canon as such (Chapman 2013, 685).

3.3. Collapse of the standard model

The consensus of scholars described above began to waver in the second half of the 20th century when particular segments of the theory began to be questioned.

3.3.1. The three-stage development of the canon

The foundation of the classical theory was the belief that the traditional sections of the Jewish canon were accepted by Jews chronologically so that the following sections corresponded to successive stages of the canonical process: First, the 'Law,' then, the 'Prophets,' and finally, the 'Writings.'

Meanwhile, there were no sufficient reasons to make such an assumption, and newly discovered facts seemed to contradict such a scheme. Although documents from the 2nd century B.C. had already been cited to confirm the early existence of the triple division of the canon, scholars judged that these were not clear enough as a testimony (Steinmann 1993, 22). Although the 'Law' seemed to be the least controversial section of the *Tanakh*, it was concluded that the schism between Jews and Samaritans was a gradual process rather than a one-time event and that the final separation of these groups may have occurred later than formerly expected, hence the schism cannot be a tool to determine the date of canonicity of the Pentateuch (Childs 1979, 53; Lim 2013, 20). The 'Prophets' were rejected by the Samaritans not as a result of the historical coincidence of their non-participation in a particular stage of the canonical process, but because of their deliberate rejection of books outside the *Torah* (Chapman 2001, 103). Hypothetically, this opened the way for scholars to consider whether it was accepted as part of the canon later, but the *terminus ante quem* here was marked by the translation

of the Pentateuch into Greek, as mentioned in the pseudepigraph the *Letter of Aristeas* (Gallagher, Meade 2017, 16). Moreover, it seemed that during the Second Temple period, the section of the *Neviim* sometimes included both the 8 books usually included in it, as well as at least some books attributed to the *Ketuvim* (Gallagher, Meade 2017, 15). At that time, the most common expression summarizing the entire Hebrew Bible was 'the Law and Prophets,' even though many books, if not all 11 books, of the collection of the 'Writings,' were considered authoritative. For this reason, it can be argued that for a long time, the 'Prophets' section was regarded as a category that included all the canonical books that were not the 'Law' (Gallagher, Meade 2017, 15). Since the location of a given book in the second or third section was not a settled matter, it can be thought that the sections of the 'Prophets' and the 'Writings' were not considered to be closed consecutively, but in parallel, while the double older division and the triple younger division coexisted (Gallagher, Meade 2017, 15-16). Moreover, supporters of the classical theory thought that the books that were included in the collection of 'Writings' must have been written after 200 B.C. and were therefore not classified in the already closed the 'Prophets' section. The reality turned out to be more complicated, for while most biblical scholars consider the Book of Daniel to have been written in the 2nd century B.C., many books of the 'Writings' are now dated to an earlier period (Steinmann 1993, 23). Daniel himself has not infrequently been called a 'prophet.' (Hancock 2001, 90) The chronological order of the standard theory, which depends entirely on the three-part division of the *Tanakh*, has thus been rendered baseless.

Justified skepticism about the three-stage nature of the process of recognizing the Old Testament canon cannot be attributed to just one scholar but grew out of the cumulative observations made by many, partly thanks to landmark discoveries such as the finding of the Dead Sea scrolls.

3.3.2. Council of Jamnia theory

The so-called 'council of Jamnia' came to be regarded by some scholars as a crucial event, allegedly taking place around 90 A.D., which was thought to have led to the identification of the books of the *Ketuvim* and, consequently, to the stabilization of the canon. With regard to the genesis of this scholarly construct, Heinrich Graetz, who has been mentioned earlier, has often been identified as its principal originator. This, however, raises the question of whether Graetz may have drawn on the theses of Baruch Spinoza, the seventeenth-century philosopher (Aune 1991, 492-493).

It seems that the first to question the thesis of the dominant role of the council of Jamnia for the discernment of the canon was William M. Christie (Christie 1925). More famous, however, was Jack P. Lewis' 1964 article "What Do We Mean by Jabneh?" in which the author demonstrated the falsity of the thesis (Lewis 1964). Since the publication of his work, scholars have gradually begun to notice the groundlessness of the Jamnia theory. The most obvious argument for its rejection was that there was simply no solid evidence to support it. The only text that could be cited in its defense is a passage from *Mishnah Yadayim* 3.5 (Chapman 2001, 106). The problem is that this passage, read *ad verbum*, is merely a record of the rabbis' discussion of the Ecclesiastes and Song of Songs, specifically whether they 'make hands unclean.' The phrase is sometimes understood differently, such that it is sometimes denied whether it actually refers to canonicity (Broyde 1995, 69). Even if we conclude that it does, the passage from the *Mishnah* does not mention the canonicity of the 'Writings,' let alone the canonicity of the entire *Tanakh* (Leiman 1991, 123). This theory was also challenged by the fact that the rabbis in Jamnia did not in any way influence the shape of the canon they found by adding new books to it or removing any of them, the value of the Ecclesiastes and the Song of Songs mentioned earlier was confirmed in Jamnia based on ancient tradition (Bruce 1988, 34; Brown, Collins 2018, 1599). In addition, speaking of a 'council' at Jamnia

is a misconception, since it was rather the custom of Christians to gather at councils to proclaim dogmas regarding faith and morals (Hancock 2001, 93; Lim 2013, 22). The meeting of rabbis in Jamnia was held as part of a school that was founded by Johanan ben Zakkai before the fall of Jerusalem (Leiman 1991, 121). It was therefore a kind of academic debate, not a council of leaders of the people who wished to conclusively declare the binding canon of the Bible for all the Jews.

It remains for us to quote the opinion of David E. Aune, representative of most, if not all, modern scholars:

> There is now widespread agreement that the notion of a "Council of Javneh" at which the third division of the Hebrew canon of scriptures was closed is a distortion of the evidence found in rabbinic sources (Aune 1991, 491).

The falsification of the view of the gathering of rabbis in Jamnia as a guarantee of the existence of a closed section of the 'Writings' in the second half of the 1st century A.D. made academics feel free to date the stabilization of the *Tanakh* canon much earlier or much later.

3.3.3. Two-canon theory

We have already mentioned a concept that we can colloquially call the 'two-canon theory' or the 'theory of two canons.' It postulated the existence among Jews of a Palestinian canon, which is reflected by the Hebrew Masoretic text, and an Alexandrian canon, of which the collection of books of the Greek Septuagint is a tangible witness. Gary G. Michuta takes a lengthier yet clear look at the main elements of the theory:

> There existed two different canons of Scripture in the first century. One canon was held by the Hebrew-speaking Jews in Palestine. These Jews were very conservative and only accepted books written in Hebrew. This "Palestinian canon" consisted of the same books that are found in the Protestant Old Testament. The Jews in Alexandria, however, had a different canon of Scripture. The Greek-speaking Jews of Alexandria were not as conservative as those in Palestine and were willing to accept books

that were written in Greek. Their "Alexandrian canon" was larger than
the canon of Palestine because they accepted the Hebrew protocanonical
books as well as the Deuterocanon (Michuta 2017, 17).

According to this theory, when the Church appeared on the scene of
history, Christianity was to adopt the Alexandrian canon, and Rab-
binic Judaism was to confine itself to the Palestinian canon. The time
of the theory's inception is most likely the first half of the 18th century,
and Francis Lee is considered its creator (Beckwith 1985, 3; Chapman
2001, 105).

The theory was rejected by scholars following the 1964 publication
of Sundberg's work *The Old Testament of the Early Church* (Sundberg
1964). The author argued that since the earliest LXX manuscripts we
have date only from the 4th and 5th centuries A.D., and come from an
ecclesiastical environment, they can tell us little about the pre-Christian
Jewish canon (Steinmann 1993, 24). Moreover, these manuscripts, *Co-
dex Sinaiticus* (א), *Codex Vaticanus* (B), and *Codex Alexandrinus* (A),
differ in terms of the books, so that it is difficult to speak of a stable
Septuagint canon (McDonald 2007, 442; McDonald 2017, 497; Brown,
Collins 2018, 1600). Furthermore, the idea of two canons was founded
on presuppositions that we now know to be false. It was based, for ex-
ample, on the assumption that Hellenistic Judaism was so independent
of Palestinian Judaism that a competing biblical canon could have been
formed within its bosom. Meanwhile, the lands of ancient Israel were
hellenized to a similar degree as other Middle Eastern countries, so
the cultural gap between Jerusalem and Alexandria was not so great at
all, while at the turn of the eras communication between the two was
quite good (Chapman 2001, 105; McDonald 2017, 228). It was also
thought that the original language of the deuterocanonical books was
exclusively Greek, while literary research has led scholars to conclude
that some of them were written in Hebrew or Aramaic (Brown, Collins
2018, 1600; Michuta 2017, 18). The theory is also contradicted by the
fact that Jewish authors, although they referred in their works to the

Greek Scriptures, which we now call the 'Septuagint', did not cite the deuterocanonical books as being the authoritative Word of God or even rejected them outright, likely recognizing a canon containing only the protocanonical books: Such figures include Philo of Alexandria and Flavius Josephus (Webster 2001, 320-321).

We are left to recall in this matter the just verdict of Frederick F. Bruce:

> It has frequently been suggested that, while the canon of the Palestinian Jews was limited to the twenty-four books of the Law, Prophets and Writings, the canon of the Alexandrian Jews was more comprehensive. There is no evidence that this was so: indeed, there is no evidence that the Alexandrian Jews ever promulgated a canon of scripture (Bruce 1988, 44-45).

With the two-canon theory in Judaism, another established belief about the history of the Old Testament canon collapsed, heralding both a crisis and a new opportunity for biblical scholars working on the issue.

4. Current state of research

Since the basic components of the standard three-stage theory of the formation of the *Tanakh* canon were subjected to constructive criticism, the grand theory itself began to be less and less readily accepted by academics, and the consensus built around it disintegrated. Thus, in the second half of the 20th century, new concepts began to appear, although nowadays it is difficult to speak of a durable unanimity of scholars centered around one of them, as was the case during the dominance of the classical theory.

Currently, specialists interested in the history of the Old Testament canon are divided into two main factions, minimalists and maximalists. Also, within these polarized groups, the views of academics on specific issues are not uniform. One should also not forget the minority intermediate position, postulating that the stabilization of the canon of the *Vetus Testamentum* occurred at least by the 1st century B.C., represented

by Stephen G. Dempster (Dempster 2009, 69). Although we will not devote much space to his theory, in our opinion, his studies best approximate how the state of research on the canon of the Hebrew Bible presents itself in the 21st century, hence, to deepen the knowledge of the subject, we encourage the reader to study his texts (Dempster 2009, 47-50; Dempster 2016, 322-326). An excerpt from Steinmann's publication may also prove helpful (Steinmann 1993, 25-29).

Minimalists believe that the Jewish canon was not closed before the 2nd century A.D. or was closed later, as they sometimes argue in favor of the thesis that doubts on the matter persisted until the 3rd and 4th centuries A.D. (Dempster 2016, 322) The 'Law' and the 'Prophets' sections were recognized as part of the canon even before the turn of the eras, while the 'Writings' section remained open for a long time (Dempster 2016, 322-323). The minimalist position is occasionally characterized as a refined version of the classical theory, as it sometimes distinguishes three stages in the formation of the *Tanakh* canon corresponding to three traditional sections (Dempster 2009, 49; Dempster 2016, 323). According to the minimalists, the Jews did not recognize the canon in its contemporary form before the rise of Christianity, hence the Church was faced with the necessity of discerning its Old Testament canon, which eventually resulted in the adoption of a broader canon, of which the Septuagint is an accurate image (Dempster 2009, 49; Dempster 2016, 323). This group includes such scholars as John Barton, James A. Sanders, Lee Martin McDonald, David M. Carr, James C. VanderKam, and Eugene Ulrich (Dempster 2009, 48; Dempster 2016, 322-323).

The maximalists, on the other hand, believe that the canon of the Jewish Bible had in principle reached stability by the 2nd century B.C. (Dempster 2016, 323) They frequently see Judah Maccabee, one of the leaders of the Jewish uprising against the Seleucids, as a figure who made a special contribution to the constitution of the canon of the Hebrew Bible. In their view, the later decisions of the rabbis on the matter, which were made after the destruction of the Jerusalem Temple in 70 A.D.,

did not testify to earlier Jewish uncertainty about the canon but merely sanctioned the *status quo*. Accordingly, the newly formed Church took over the closed canon of the Old Testament from the Synagogue, but as Christianity progressed away from its Jewish roots, doubts arose in the Church on this issue, especially regarding the status of the deutero-canonical books or the apocrypha (Dempster 2009, 48-49; Dempster 2016, 323-324). The maximalist camp includes scholars such as Sid Z. Leiman, Roger T. Beckwith, E. Earle Ellis, Philip R. Davies, and Andrew E. Steinmann (Dempster 2009, 48; Dempster 2016, 323).

Although the minimalist position seems to be more popular today, both sides of the controversy can provide a plausible interpretation of the available evidence (Dempster 2009, 48; Dempster 2016, 322, 325). The problem with the study of the formation of the *Tanakh* canon is that, due to the limited number of surviving historical sources, it is difficult to describe what exactly the process of the formation of the canon looked like, and the surviving testimonies can be interpreted divergently (Dempster 2016, 322). Minimalists accuse maximalists of being influenced by the traditional view of the Old Testament canon that prevailed even before the 19th century (Dempster 2009, 49). They also claim that maximalists are guilty of reading chronologically earlier evidence in light of later realities, in which we are already dealing with a stable canon. The maximalists, on the other hand, accuse the minimalists of clinging to an outdated and falsified concept, which Ryle's standard theory turned out to be. They also believe that it is a mistake on the part of the minimalists to understand the concept of the 'canon' primarily from the perspective of an exclusive definition, which naturally results in the conclusion that a closed canon in Judaism can only be spoken of relatively late (Dempster 2009, 49). According to the minimalists, the maximalists over-interpret the early testimonies, and according to the maximalists, the minimalists refuse to draw all the conclusions from the early testimonies that these allow.

5. Conclusion

We fully agree with Dempster's assessment that "[t]he field of OT canonical studies can be confusing." (Dempster 2009, 47) Not only studying the formation process of the canon of the Hebrew Bible but even reliably and accurately describing the current state of the debate on this issue is no small challenge.

Nonetheless, the problem cannot be trivialized, as it is not just a subject of academic debate. The discussion affects our opinions on the Old Testament canon in Christianity. If the minimalists are right, then the Jews did not establish the canon of the *Tanakh* before the divergence of the paths of the Synagogue and the Church, so the Church was forced to shape its own. If, on the other hand, the maximalists are right, then the Jews discerned the canon of their Bible before the Church was formed, and thus the Church owes its canon to the Synagogue. As long as the dispute between minimalists and maximalists remains unsettled, the question of the community whose prerogative it is to properly discern the normative canon for Christians will remain unanswered. From this arises the dispute over the canon of the *Vetus Testamentum* between Protestants and Roman Catholics, who disagree about the extra-canonical or canonical status of the collection of works, which some call 'apocrypha' and others 'deuterocanonical books'.

We hope that through this article, this area of research within biblical studies, namely, the study of the emergence of the Old Testament canon, has proved at least somewhat clearer to the reader. The reading of this paper may serve as a suitable introduction to an independent and, at the same time, more informed exploration of the scholarly literature published by minimalists, maximalists, and academics who cannot be assigned to any of these groups. It is hoped that the article will play its part in Polish scholarly and popular discourse, raising awareness as to the current state of knowledge regarding what the process of formation of the canon of the Jewish Bible may or could not have looked like. This is especially important since there is now a clear consensus of scholars

from all major schools of thought as to the obsolescence of Ryle's standard model.

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