

## Roman ‘Family Values’ and the Apologetic Concerns of Philo and Paul: Reading the Sixth Commandment\*

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The Augustan laws criminalising adultery and *stuprum* and promoting marriage and childrearing not only intruded into the family lives of citizens (including freedpersons and their descendants) but also made marital probity central to moral and political discourse in the first century. This was true not only for imperial figures like Seneca and Musonius Rufus, but also for Jews and the earliest Christians. Considering Philo and Paul as interpreters of the sixth commandment (‘you shall not commit adultery’) illuminates the subtle but significant ways that the Roman matrix set the parameters within which they worked out their arguments. For Philo the ten commandments are heads or summaries of the legislation as whole; the sixth commandment (following the LXX) takes pride of place in the ‘second pentad’ because adultery is the greatest of injustices and is rooted in pleasure, the most fatal of passions. He reads the commandment expansively and through first-century constructions of sexuality. Comparison with Pseudo-Phocylides suggests that Philo did not originate these positions, but shares them with other first-century interpreters. Paul also is concerned with summarising the law; he cites the sixth commandment in Romans, where he grants it first place in the second pentad, and reads it as prohibiting all unions and acts that contravened good sexual mores. But for Paul, the sixth commandment is no longer a guide for the blind; it is never cited when he advises his communities on sexual morality. Instead it supports his argument for freedom from the law in Christ.

**Keywords:** Philo, Letter to the Romans, sixth commandment, *lex Iulia*, sexuality, summaries of the laws, Pseudo-Phocylides

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One of the most important shifts in approaches to the New Testament over the last thirty years has been growing attention to the Roman imperial context. Accompanied, enabled and greatly enriched by classicists' increasing interests in social history, gender and politics, this shift provides the context for my long-term project exploring the Roman political context of 'family values' in ancient Jewish and Christian writers. Its aim is twofold: both to direct attention to the moral propaganda of the emperors, especially their promotion of sexual restraint, marriage and childrearing, and to focus on the creative initiative of the ancient Jewish and Christian writers in addressing moral issues. In this article, I seek to move away from the genetic question that has preoccupied much of scholarship, that is, the question about the sources of the principles and decisions articulated in these writers. Trying to allot their origin to 'Jewish tradition', Greek philosophy or Roman legal stipulations will always short-change the complexities of the ancient Mediterranean. Although my emphasis is on setting this material into the Roman context, at no point do I wish to argue that the features I note are, or make the text, Roman rather than Jewish. Instead I want to look at Paul and Philo as Jewish writers functioning in a Roman intellectual landscape, albeit one largely created by the Greek language and the literary criticism, rhetoric and philosophy fostered in the libraries of the great cities, especially Alexandria and Rome.

NT scholars have adverted to the Roman context of early Christian familial mores primarily in relation to the household codes and the pastoral letters, where such connections are easy to discern.<sup>1</sup> This article will consider the Julian laws in their Roman context as an element in the moral reflection of two first-century Jews, Philo of Alexandria and Paul the apostle to the Gentiles. In identifying them this way, I acknowledge the difficulties of applying the label 'Jewish' or 'Christian' to figures of the first century. In using the latter, I rely on Paul's and Philo's common self-identification, allegiance to a metropolis and espousal of ancestral custom.<sup>2</sup> To avoid the temptation to label some aspect of their thought as Roman rather than Jewish, I explore how they read (their) sixth commandment, 'you shall not commit adultery (οὐ μοιχεύσεις, Deut 5.17; Exod 20.13 LXX).<sup>3</sup> In the interest of focusing on materials from the period preceding the end of the Julio-Claudian dynasty and the Jewish revolt, I will not discuss

1 For an exception, see J. W. Knust, 'Paul and the Politics of Virtue and Vice', *Paul and the Roman Imperial Order* (ed. R. Horsley; Harrisburg, PA: Trinity Press International, 2004) 155–74; id., *Abandoned to Lust: Sexual Slander and Ancient Christianity* (New York: Columbia University Press, 2006).

2 See S. Mason, 'Jews, Judeans, Judaizing, Judaism: Problems of Categorization in Ancient History', *JSJ* 38 (2007) 457–512; for a recent version of the alternative view, see R. Sheridan, 'Issues in the Translation of οἱ Ἰουδαῖοι', *JBL* 132 (2013) 671–95.

3 All translations are my own unless otherwise identified.

Josephus, but will occasionally invoke points of similarity with *Sentences of Pseudo-Phocylides*, a third writing of admittedly uncertain date, but probably the product an early Jewish moralist. Below I first review aspects of the Roman context, then turn to Philo, then to Paul.

### 1. The Roman Context

Conventional wisdom among scholars of Christian origins has tended to discount the Roman context, and particularly Augustus' laws repressing adultery and promoting marriage and childrearing, deeming them irrelevant to explaining the sexual ethics of ancient Jews and the earliest Christians, who were rarely citizens and largely poor. Until fairly recently, even many classical scholars viewed the marriage laws as ineffective on the grounds of their failure to stop adultery and to repopulate the army with citizens.<sup>4</sup> Although the rise of the empire was the single largest political factor in the era with which he was concerned, Foucault's *History of Sexuality* minimised the significance of the Roman laws in explaining the development he saw as 'the care of the self'.<sup>5</sup> Differing perspectives on the laws and their effects have begun to emerge. The laws have assumed increasing weight in classicists' accounts of the early empire. Of prime importance in this development is Beth Severy's view that the laws and accompanying ceremony constituted a 'third settlement' in Augustus' reconstruction of the Roman constitution.<sup>6</sup>

Appreciating how Roman politics affected moral discourse requires a look at the Roman moral legislation in the larger context of Augustus' transformation of the Roman order. In the first centuries BCE and CE, political self-promotion and invective focused upon familial and sexual morality. Charges and counter-charges of adultery and of a taste for boys or for the passive role in male-male intercourse were fodder for accusation and innuendo, while claims of *pietas* toward the gods, the *res publica* and one's forebears attested one's moral worth and suitability for public office.<sup>7</sup> The increasingly vicious civil wars of the mid first century BCE shifted this rhetoric into high gear. When, in 31 BCE, Octavian emerged from his final conflict with Antony, he found it necessary to remake

4 S. Treggiari discusses scholarly responses to the laws; *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian* (Oxford/New York: Oxford University Press, 1991) 77, 289–92, 294–5.

5 M. Foucault, *The History of Sexuality*, vol. III: *The Care of the Self* (New York: Vintage Books/Random House, 1988) 40.

6 B. Severy, *Augustus and the Family at the Birth of the Roman Empire* (New York: Routledge, 2003); cf. K. Milnor, *Gender, Domesticity and the Age of Augustus: Inventing Private Life* (Oxford: Oxford University Press, 2005).

7 C. Edwards, *The Politics of Immorality in Ancient Rome* (Cambridge: Cambridge University Press, 1993).

his image, laying the bloody ghost of the triumvirate with professions of virtue and magnanimity.<sup>8</sup> He attributed his role in the wars to the *pietas* that required him to avenge the murder of his (adoptive) father Julius and to repel the ambitions of the foreign siren Cleopatra from the soil of Rome (*Res Gestae* 1.2.3).

Promoting his own *pietas* and fostering *pietas* in others became the keynote of Augustus' reign.<sup>9</sup> Attested in the building and rebuilding projects that sought to restore respect for the gods and displayed in the conspicuous virtue of his sister Octavia, his wife Livia and his fertile and (temporarily) compliant daughter Julia, *pietas* found special expression in a set of laws he promulgated in 18 BCE, whose goal was to restore the (putative) ancient morality of Rome.<sup>10</sup>

Of these, one was a civil law which attempted to promote marriage and child-rearing through a set of penalties for celibacy and childlessness and rewards for marriage, remarriage and childbearing. The penalties and rewards were financial and political in nature, and the law, usually referred to as the *lex Iulia de maritandis ordinibus*, was largely aimed at the political classes, though it also bore quite heavily on freedpersons of significant property, especially freedwomen. Adjustments were made in 9 CE with a law called *lex Papia Poppaea*. Another set of laws touching on manumission of slaves created a path to citizenship for the informally freed through marriage and the birth of a child who survived its first year.<sup>11</sup>

The other major Julian law, called the *lex Iulia de adulteriis coercendis* or *lex Iulia de adulteriis et de pudicitia*, criminalised adultery and *stuprum* (sex with an unmarried citizen girl or woman), removing these offenses from the authority of the *paterfamilias* and his council to that of the state. The law also criminalised collusion in adultery; complaisance on the part of a husband was charged as pimping (*lenocinium*). An earlier law, called the *lex Scantinia* or *Scatinia*, had criminalised *stuprum* with a free boy and submission to penetration on the part of a free, adult male.<sup>12</sup> Augustus' law appears to have either reiterated its

8 Severy, *Augustus and the Family*, 44–8; P. Zanker, *The Power of Images in the Age of Augustus* (Jerome Lectures 16; Ann Arbor: University of Michigan Press, 1988) 85–100.

9 Zanker, *Power of Images*, 102–4; but as what Zanker terms a leitmotif of Augustus' cultural program (102), *pietas* emerges throughout the study. So also in K. Galinsky, *Augustan Culture: An Interpretive Introduction* (Princeton: Princeton University Press, 1996); for the discussion of *pietas* on the shield of virtues, see pp. 86–8.

10 Augustus, *Res Gestae* 8. My abbreviated treatment of these laws is based on the extensive discussions in Treggiari, *Roman Marriage*, and J. E. Grubbs, *Women and the Law in the Roman Empire: A Sourcebook on Marriage, Divorce and Widowhood* (London/New York: Routledge, 2002).

11 *Leges Iunia, Fufia Caninia* and *Aelia Sentia*. Discussion in Treggiari, *Roman Marriage*, 44–7; see also Galinsky, *Augustan Culture*, 137.

12 The provisions, date and even the name of this law are debated; Treggiari places it in 149 BCE (*Roman Marriage*, 277). C. A. Williams argues that the law criminalised *stuprum* with either a male or female partner, as well as submission to penetration; *Roman Homosexuality*:

provisions or revived interest in prosecuting these offenses.<sup>13</sup> In addition the *lex Iulia* created a special adultery court (*quaestio*) in which all could be tried.

These laws were accompanied by other moral legislation. A theatre law of the same vintage provided for the separation of the orders and of women and men in the theatre; a sumptuary law was also passed. The marriage and adultery laws were celebrated (and publicised) the following year in the three days of ritual called the Secular Games. The ode written by Horace for the occasion hailed them as the beginning of a golden age of peace and virtue (*Carmen Saeculare* 13–20, 57–60). It is this constellation of legislation and ritualisation that Severy identifies as the third settlement.<sup>14</sup> Augustus also utilised his family, especially his adoptive sons and his grandsons, in reordering the army and placed his freedmen into significant administrative positions, thus incorporating the bureaucracy into his household.<sup>15</sup> In short, hardly an institution remained untouched. In 2 BCE, apparently feeling that he had fully consolidated his position, he ‘accepted’ the title *pater patriae* offered by the ‘Senate, the equestrian order and all the Roman people’ (*senatus et equester ordo populusque Romanus universus*, *Res Gestae* 35).<sup>16</sup> With his ‘focus on the family,’ Augustus had made himself the *paterfamilias* of the Roman people and its subject world.

Throughout the first century CE, the continued existence of the adultery court and the prosecution of highly political trials for adultery and *stuprum* publicised the laws. These included Augustus’ trial and banishment of his daughter Julia for adultery and, under Claudius, the convictions of the younger Seneca for adultery and of D. Valerius Asiaticus for both adultery and seducing soldiers.<sup>17</sup> Successive emperors reasserted, supplemented and adjusted the laws in efforts to support their claims to restore the *res publica*.

If the laws never ended adultery and *stuprum* or repopulated the army with citizen soldiers, they had quite significant and lasting social and political effects.

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*Ideologies of Masculinity in Classical Antiquity* (New York/Oxford: Oxford University Press, 1999) 119–24; E. Cantarella makes a case for a date in the late third century BCE; *Bisexuality in the Ancient World* (New Haven/London: Yale University Press, 1992) 106–19.

13 Treggiari, *Roman Marriage*, 277; Williams, *Roman Homosexuality*, 122–4; Cantarella, *Bisexuality*, 141–5.

14 Severy, *Augustus and the Family*, 48–59. The ‘first settlement’ (27 BCE) consisted of a series of honours and awards (including the *cognomen* Augustus) that enhanced Octavian’s ‘citizen’ status; the second (24 BCE) supplemented the first by granting him *tribunicia potestas*.

15 Severy, *Augustus and the Family*, 79–95, 140–57.

16 Severy, *Augustus and the Family*, 160–80.

17 Treggiari, *Roman Marriage*, Appendix 2, 510; Tacitus, *Annales* 11.1–2.

- The laws brought the state into the bedroom, making the chastity and fertility of women, formerly the province of the *paterfamilias* and the family, a matter of state security.<sup>18</sup>
- They resulted in much consultation of the jurists; according to Galinsky, they inspired more comment from the jurists than any other laws.<sup>19</sup>
- They fostered suspicion in marriages by raising the profile of adultery, and so made the prospect of divorce more threatening, especially for women.<sup>20</sup>
- They furnished grounds (pretexts) on which emperors could choose either to favour political supporters with grants of the *ius trium liberorum*, or to punish opponents with prosecutions for adultery and *stuprum*.<sup>21</sup>
- The laws reaffirmed the *ordines*, underlining the structures of citizen society and affirming the claims of patrons over freedmen and freedwomen and their property.<sup>22</sup>
- They provided strong incentives for those who wished to become citizens, and for disadvantaged citizens (freedpersons) to present lives of the strictest marital correctness.<sup>23</sup>
- Because the convicted were penalised not only with exile but also with confiscations in which those who brought cases shared with the state, the laws invited prosecution for revenge or profit.<sup>24</sup>
- The adultery law used the term *materfamilias* in ways that might be said to have created a 'status to which it should have been the ambition of every free woman to aspire'; the marriage law encouraged women to locate their own value in the bearing and raising of children.<sup>25</sup>
- The laws made a moral claim for Augustus, presenting him in the roles of *pater patriae* and *ensor*, and constituted a kind of politics of distraction, focusing accommodation of and resistance to Augustus' programmes not on his ongoing reorganisation of the Roman 'constitution' but on the neglect of the gods, the supposed deviance of women, children and slaves of the household, and the dis-order of society – the loss or blurring of distinctions among the orders.<sup>26</sup>

18 Treggiari, *Roman Marriage*, 292–3.

19 Galinsky, *Augustan Culture*, 128.

20 Treggiari, *Roman Marriage*, 293–4.

21 For an example of favour, see Pliny, *Epistulae* 10.2.1; Treggiari's list of prosecutions under the adultery law reveals their political character; *Roman Marriage*, Appendix 2, 509–10.

22 Treggiari, *Roman Marriage*, 44–5.

23 Treggiari, *Roman Marriage*, 45.

24 Treggiari, *Roman Marriage*, 76–7, 297–8.

25 T. McGinn, *Prostitution, Sexuality and the Law in Ancient Rome* (New York: Oxford University Press, 1998) 156; cited with approbation by Grubbs, *Women and the Law*, 19–20.

26 Severy, *Augustus and the Family*, 53–6, especially 55–6.

While there is no doubt that Augustus had made major structural changes in the Roman state, it is more difficult to know whether the Augustan settlement caused people to act or think differently. Severy comments on the increase in the public and private representation of women and children by the end of the Julio-Claudian period:

We cannot really document an increase in emotion or affection. What we have is evidence for an increase in the public discussion of children and in individuals' public avowals of interest in their marriages and families. I would argue that this change is better attributed to the politicization of the family in the Augustan period and the continuing public status of the imperial family as an institution of the empire.<sup>27</sup>

What had changed, then, was discourse. Catharine Edwards observes, 'The *lex Iulia de adulteriis* was the last word in rhetorical invective.'<sup>28</sup> Over the course of the first two centuries, it became increasingly important to deploy marriage and children, continence and sexual probity as credentials in any bid for social or political acceptance. For ancient Jews and the earliest Christians, this discourse of moral nostalgia offered both a threat and an opportunity; it required them to distance themselves from the spectre of the lascivious East and invited them to present their own family values as a claim to the ancient virtue that had supposedly enabled Rome to ascend to its status as ruler of the world.<sup>29</sup>

One particularly helpful analysis of the relation between the Augustan and post-Augustan discourse and early Christian morality appears in Andrew Wallace-Hadrill's 1982 article, 'The Golden Age and Sin'. There Wallace-Hadrill suggested that early Christian theology should be seen in the context of the sense of sin (*scelus, peccatum*) exhibited by Augustan poetry, in particular the conviction that adultery, luxury, the refusal to propagate and such laxity as teaching Greek dances to young girls were causes of the civil wars. He pointed to the function of the marriage laws as a supposed antidote.<sup>30</sup>

He also delineated parallels between Seneca's *De clementia* and a rather generalised picture of early Christian theology, based on Paul, in particularly noting an insistence on universal sin and the need for a divine saviour. In *Augustan Rome* Wallace-Hadrill reiterated much of this picture, while distinguishing the imperial ideology from the Christian doctrine of original sin.<sup>31</sup> New Testament scholarship has become increasingly aware of the myth of the golden age in Roman and early

27 Severy, *Augustus and the Family*, 249.

28 Edwards, *Politics of Immorality*, 62.

29 Dionysius of Halicarnassus, *Ant. Rom.* 1.5.2-4; see (somewhat differently) Livy, 1 *Praef.* 10-12.

30 A. Wallace-Hadrill, 'The Golden Age and Sin in Augustan Ideology', *Past and Present* 95 (1982) 19-36.

31 A. Wallace-Hadrill, *Augustan Rome* (CWS; London: Bristol Classical/Gerald Duckworth & Co Ltd, 1993) especially 5-9, 79-97.

Christian eschatology and of the emperor cult in the articulation of christology. Much less attention has been devoted to sexual sin and family values, which tend to be attributed to Paul's 'Jewish background'. Since Philo, Paul's older contemporary, has often served as a resource for exploring that 'background', I next locate Philo's interpretation of the sixth commandment in the discursive landscape of the early empire.

## 2. Philo: 'All is simple and clear'

As a member of the Alexandrian Jewish elite, Philo had family connections in direct service to the imperial family, and probably considerable wealth.<sup>32</sup> He may have been a Roman citizen, although he does not say so.<sup>33</sup> Careful reading of Philo's *opera* has drawn attention to traces of his dialogues and debates with contemporary exegetes, testifying to the dense and complex intellectual milieu within which he worked, and suggested that his writings envisioned highly sophisticated audiences, both Jewish and secular.<sup>34</sup> A different insight into that context may be supplied by the *Sentences of Pseudo-Phocylides*, a didactic poem imitating the sixth-century sage of that name, which was substantially influenced by the LXX and probably the work of a Jewish writer who was Philo's near contemporary.<sup>35</sup> There are conspicuous differences; for instance, the poem does not (and cannot) mention Moses or his legislation and the limited evidence for its philosophical positions reflect Stoicism rather than middle Platonism. Even so, Pseudo-Phocylides offers significant comparisons Philo's and Paul's concerns with 'family values'; some will be invoked below.

Philo cannot have been unaware of the Julian laws. If in fact he was a Roman citizen, his marital relations would have been subject to their regulation. If he was not, Maren Niehoff argues that all marriages and family relations in Egypt were affected, even transformed, by the regulation of marriages among the orders and ethnic communities in the Roman code for Egypt.<sup>36</sup> Even when he writes

32 D. Schwarz, 'Philo, his Family and his Times', *Cambridge Companion to Philo* (ed. A. Kamesar; Cambridge/New York: Cambridge University Press, 2009) 9–31.

33 M. Niehoff, *Philo on Jewish Identity and Culture* (TSAJ 86; Tübingen: Mohr Siebeck, 2001) 8.

34 J. Roysse, 'The Works of Philo', *Cambridge Companion to Philo*, 32–64; M. Niehoff, *Jewish Exegesis and Homeric Scholarship in Alexandria* (Cambridge/New York: Cambridge University Press, 2011).

35 P. W. VanderHorst, *The Sentences of Pseudo-Phocylides with Introduction and Commentary* (Leiden: Brill, 1978) 81–3. VanderHorst first suggested the date 30 BCE–40 CE, then moved towards an earlier date in 'Pseudo-Phocylides Revisited', *Essays on the Jewish World of Early Christianity* (NTOA 14; Freiburg/Göttingen: Universitäts Verlag/Vandenhoeck & Ruprecht, 1990) 48. I would argue for his earlier preference for an Augustan or post-Augustan date. It has also been suggested that the writer was an Alexandrian, but the grounds for this localisation are weak.

36 Niehoff, *Philo on Jewish Identity*, 19–24.



to denounce Gaius and Flaccus for their treatment of the Jews, Philo takes care to do so by demonstrating his targets' infidelities to Roman values, setting them in the strongest possible contrast to the memory of Augustus, Livia and Tiberius (*Flacc.* 50,74, 105–7; *Leg.* 143–58, 298–322). Elsewhere he rarely mentions the Romans, and never in derogatory terms. He does make frequent reference to the Greeks, who had provided the language, literature and philosophy now shared by Romans and Jews, but who had not attained the true moral virtue to which their culture should have led them.<sup>37</sup> Niehoff argues that Philo sought to create a Jewish identity based on the most Roman of virtues, *eusebeia* (the equivalent of Latin *pietas*; Niehoff translates as 'religion') and *enkrateia* (self-restraint).<sup>38</sup> Some commentators (including Niehoff) have interpreted Philo as pro-Roman, arguing that convincing the Alexandrian Jews that the Roman order was their best protection was a major apologetic goal of his work.<sup>39</sup> But this is by no means necessarily the case. What is certain is that Philo strove to carve out a place for Jews within the Roman order by competing for the moral high ground that the empire sought to occupy. Both his exegetical and his political endeavours were bent on the defence of the Jewish *politeia*, not only the political rights of the very substantial Alexandrian community but also the larger *politeia* established from antiquity by the legislation of Moses, and persevering in their allegiance to the *mētropolis* in Jerusalem.

The urgency and complexities of that defence are operative in forming Philo's understanding of the law of Moses and Roman sexual legislation. This is easiest to see in his most explicitly apologetic presentation of the law of Moses, which appears in Eusebius' excerpts from the work usually called *Hypothetica*. The extract treating the laws begins by insisting that the Jewish law in no way allows for the casuistic subtleties and excuses that other lawgivers provide for those who would escape the penalties of their actions. Rather, he asserts: 'All is simple and clear: if you engage in pederasty (παιδεραστῆς), if you commit adultery, if you rape a child – do not mention a male child, but even a female – likewise if you prostitute yourself, if also you submit to (παθῆς) something beyond the age – or think of it, or intend it – the penalty is death' (*Praep. Ev.* 8.7.1). Several aspects of this statement deserve attention. First, Philo's summary of the laws begins with the regulation of sex, rather than prescriptions that pertain to the deity, commandments against theft or murder or stipulations that guard ethnic identity. Second, he presents the law's rigour as a selling point, a guarantee for the moral and sexual integrity of the Jews, whose laws prescribe a penalty of death for sexual violations – unlike the legislation of nations that allow various pleadings, delays etc. Thus for Philo, the laws of the Jews are more stringent in the

37 Niehoff, *Philo on Jewish Identity*, 137–58.

38 Niehoff, *Philo on Jewish Identity*, 77–110.

39 Niehoff, *Philo on Jewish Identity*, 111–36.

protection of virtue than is the Julian law, which operates through the formalities, negotiations and pleas of court proceedings and applies only the penalty of exile and confiscation. The Jews outdo their masters in sexual probity. Of course, he considerably overstates his case; the law does not actually penalise thoughts or intentions, nor does it prescribe death for the rape of a female child (Deut 22.28–9). In a similar overstatement, he claims that the law prescribes death by stoning for impiety even in word, not only towards God and parents, but also towards a benefactor (*Praep. Ev.* 8.7.2). Third, he reads the biblical prescriptions in first-century terms. The biblical texts usually seen as condemning homoerotic contact between men (Lev 18.22; 20.13) do not specify pederasty and passive sex for those 'beyond the age', nor is there any reference to the rape of a male child. But these offenses do fit the stipulations attributed to the Scantinian law. Thus Philo demonstrates that the concerns of Moses' laws are equivalent to, though far more demanding than, the Julian and Scantinian laws. Pseudo-Phocylides' version of the commandments likewise begins with the sixth, expanding it with a prohibition of male homoeroticism, articulated in allusive terms: 'Do not plunder marriage, nor stir up male Cypris' (Ps.-Phoc. 3).

These three features of Philo's presentation of the Jewish laws are illuminated by two treatises that expound the laws of Moses: *On the Decalogue* and *On the Special Laws*. Both are assigned to the multi-volume work referred to as the *Exposition of the Laws*, widely viewed as engaging an audience that was sophisticated in Greek culture and included at least some non-Jews.<sup>40</sup> Both lay out Philo's theory that the oracular 'ten words' (λόγια or χρησμοί) spoken by the deity directly to the Israelites are summaries (κεφάλαια) of the specific precepts delivered through Moses (Deut 5.1–28; Exod 20.1–21; Dec. 19, 32).<sup>41</sup> Both works also describe the ten words as divided into two sets of five (πεντάδες) which were inscribed upon the two tablets at the lawgiving. The first and superior five treat obligations to the deity and to parents as co-creators and next to God (along with others to whom εὐσέβεια is owed). The second five, consisting of prohibitions, expose one's duties towards human beings (Dec. 50–1, 121, 168). There is some evidence that Philo did not originate this interpretation of the two tables or pentads. The *Sentences of Pseudo-Phocylides* also begins with a summary paraphrase of the commandment. Starting with the second pentad, the poem places the paraphrased sixth commandment first of all (Ps.-Phoc. 3). The divine duties of the first pentad appear in a single stichos (Ps.-Phoc. 8), perhaps to avoid the

40 Royse, 'The Works of Philo', 33; Niehoff, *Jewish Exegesis*, 169–70.

41 While this revelatory setting gives the ten words special weight, the rest of the commandments are not less oracular, but were delivered through Moses. Philo may identify any commandment and indeed any speech attributed to the deity as an oracle; see e.g. *Opif.* 8; *Leg.* 3.129, 142, 215. These all use the term χρησμός but Philo has a wide choice of vocabulary for oracular pronouncements.

cultic particularities of the first four commandments and so sustain the fiction that the poem is the work of an ancient and non-Jewish author.

Philo offers a brief sketch of what the sixth commandment covers in *Decalogue* 168: 'In the other pentad the first heading is the one against adulterers, under which are subsumed many commands, that against corrupters, that against pederasts, that against those who live in a more licentious manner and engage in unlawful and unrestrained associations and unions.' In *Special Laws* 3.8–82 he provides a detailed account of these subsidiary laws. Both treatises remark that the prohibition of adultery is awarded first place in the second pentad, and both seek to justify its priority. This commandment is first, according to Philo, because adultery is the greatest of injustices (ἀδικημάτων). Its primacy rests on multiple grounds. First, this crime has its source in pleasure (ἡδονή), that great world force, dangerous even when naturally pursued with one's own wife, damaging to both body and soul. Further, one party instructs a second in iniquity. On a third level, adultery harms the families of the injured husband, the erring wife and the adulterer, and from them passes out into the *polis*; finally, it causes suffering for any illegitimate or suppositious children (*Decal.* 121–31; *Spec.* 3.8–11).<sup>42</sup>

Thus Philo's explanation for the primacy of the sixth commandment is quite strikingly political; adultery is destructive of civic life. *On Joseph*, another treatise belonging to the *Exposition*, also characterises adultery as the greatest of injustices (44) and argues that the worst wars were started over 'love affairs, adultery and the deceit of women' (56), a description that is clearly meant to apply to the Trojan War, but also recalls the role of the Egyptian Cleopatra in the most recent of the civil wars. Similarly, Philo's condemnations of pederasty frequently dwell on its dangers to the city (*Spec.* 3.37–42; *Contempl.* 59–62; *Abr.* 135–6). His interpretation of the sixth commandment shows it to be in every particular the equal and even the superior of Augustus' legislation, and his explanations echo the principles of the revived interest in household management, in particular Aristotle's designation of the household as the microcosm and basis of the *polis*.

These explanations illustrate Philo's intellectual hybridity. Although he does not say so, the prohibition of adultery is first in the second pentad because that is where the LXX places it.<sup>43</sup> The problem of pleasure comes first among his

42 See also W. Loader, *Philo, Josephus and the Testaments on Sexuality: Attitudes towards Sexuality in the Writings of Philo, Josephus and in the Testaments of the Twelve Patriarchs* (Grand Rapids: Eerdmans, 2011) 188–90.

43 Philo may have been aware of other orders of the commandments; as an exegete, he knew of text-critical studies of the scriptures, but preferred to explain the text as he found it, using philosophy and allegory to solve problems. The order of Deut 5.17–21 MT is 'you shall not kill, you shall not commit adultery, you shall not steal'. While I have not found the MT order in his writing, Philo twice has the order 'to steal, to commit adultery, to kill a human being' (*Post. Cain* 82; *Conf. ling.* 163).

explanations in part because Stoicism with its focus on the extirpation of the four passions (pleasure, pain, fear and desire) plays such an important role in Philo's intellectual equipment. Pleasure takes a central role in Philo's anthropological allegory through its identification with the serpent in Gen 3.1–7. Pleasure is the passion that might draw a person to sexual crimes and away from the procreative purpose of nature that Philo deems the moral measure of sex, a conviction he shares with Seneca and Musonius Rufus.<sup>44</sup> Kathy Gaca describes this view as a principle of 'procreationism' and credits it to Pythagorean influence on these three writers.<sup>45</sup> I would argue that whatever their philosophical lineage, the imperial discourse shared by Philo, Seneca and Musonius is at least as relevant to their espousal of the procreative principle. *Special Laws* castigates with particular rigor any transgression of nature that frustrates procreation; these include sex with a menstruating woman (3.32–3) or a woman known to be barren (3.34–6; completely foreign to the Bible) and pederasty (3.37–42).

While Philo's condemnations of pederastic and passive behaviour are frequent, there are no certain references to female homoeroticism in the corpus as it survives. The nearest he comes to an explicit mention of sex between women is the rare word γύνανδρος, which appears paired with ἀνδρόγυνος (*Sacr.* 100; *Virt.* 21; perhaps also *Her.* 274).<sup>46</sup> He seems to understand the pair as describing the ambitions – or orientation– of those who wish to exchange roles with the opposite sex (*Sacr.* 100). In *On the Virtues* he cites Deut 22.5, a prohibition of dressing a man as a woman or a woman as a man; its goal is to ensure the practice of ἀνδρεία (18–21). Walter Wilson attributes Philo's concern about exchange of roles directly to the vilification of Antony and Cleopatra.<sup>47</sup> Philo certainly knows and decries Aristophanes' myth of the double-bodied aboriginals (*Vita cont.* 63; perhaps also *QGen* 269; cf. Plato, *Symposium* 189a–193d).<sup>48</sup> Pseudo-Phocylides supplies the clearest reference to female homoeroticism among Jewish writers in Greek: 'let not the more female imitate the bed of

44 See Seneca, *Helv.* 13.3; Musonius Rufus, *Discourses* 12, 13A, 14, 15.

45 K. Gaca, *The Making of Fornication: Eros, Ethics and Political Reform in Greek Philosophy and Early Christianity* (Berkeley: University of California Press, 2003) 207–9.

46 See discussion in H. Szesnat, 'Philo and Female Homoeroticism: Philo's Use of γύνανδρος and Recent Work on Tribades', *JSJ* 30 (1999) 140–7.

47 W. Wilson, 'Pious Soldiers, Gender Deviants and the Ideology of Actium', *SPA* 17 (2005) 1–32; see also Zanker on the exchange of clothes between Heracles and Omphale in Antony's image; *Power of Images*, 57–65.

48 See also Loader, who regards all as references to female homoeroticism; *Philo*, 215–16. Another text that has been proposed as a reference to female homoeroticism is *Spec.* 3.51, which castigates the prostitute for instigating both men and women to immorality. Szesnat relates it to references to prostitutes engaging in sex among themselves; 'Female Homoeroticism', 142. But the context is exclusively focused on the seduction of males; Philo is likely to have understood the damage to women as resulting from the prostitute's bad example.

men' (μηδέ τι θηλύτεροι λέχος ἀνδρῶν μιμήσαιντο; 192); though less than explicit as a prohibition of female to female sexual contact, the verse follows a condemnation of male–male sex (190–91). Philo's concern with any exchange of roles is much broader, though it may well rule out female homoeroticism.

So far I have not attempted to claim that specifics of Roman legislation influenced the details of Philo's interpretation, arguing rather that the heightened focus on the sexual and familial probity provided him with apologetic opportunities. But despite the difficulty of establishing verbal equivalence across languages, there is at least one case in which Philo appears to use the terminology attached to the Augustan adultery law. In *Special Laws* 3.31, he advances a rather startling interpretation of Deut 24.1–4, declaring that the man who remarries his divorced wife at the end of her second marriage is guilty of a double crime: adultery and pimping. The latter is designated *προαγωγεία*, a Greek equivalent of *lenocinium*, the term used under the Julian law to charge a husband who tolerates his wife's adultery.<sup>49</sup> This double crime makes better sense when one recalls that the complaisance of a husband could be prosecuted under the adultery law and in the adultery court. Pseudo-Phocylides suggests a consciousness of the Julian laws similar to Philo's interpretation of Deut 24.1; at the start of a lengthy section inculcating 'family values' (175–227), the poet first counsels against remaining unmarried (175–6), then warns, 'do not pimp (προαγωγέυσης) your wife' (177). Suetonius notes that Domitian struck an *equus* from the roll of jurors for reconciling with a wife he had divorced for adultery (*Domitian* 8.3), but also accuses the emperor of a similar lapse (3.1).

Philo further finds the woman also at fault for transgressing original bonds (θεσμοὺς...τοὺς ἀρχαίους) for new love-charms (φίλτρα καινὰ); in my view this suggests that she has fallen away from the ideal of the *univira*, that status so dear to the Roman heart, yet penalised by the Julian laws. In the attempt to explain this passage, Loader speculates that Philo implies that the woman must have been divorced for adultery, but also points out that if she had been convicted, she ought to have been executed, remarking that the conflict may reflect the reality that no such penalty was applied in Philo's context.<sup>50</sup> This is an important observation; despite Philo's insistence on the stringency of the law throughout, it seems unlikely that his commentary reflects a *halakah* applied by the alabarch and *gerousia* of Alexandria. Rather, Philo's reading of the commandments is driven by the need to demonstrate their perfections as the ultimate schooling in virtue. If attempts to apply them would encounter problems of consistency, that is less significant than their potential for instruction.

49 Loader also cites the law in discussing this passage, but accords it less weight than I do here; *Philo* 200, n. 498.

50 Loader, *Philo*, 200–1.

For Philo, then, 'the ten words' provide an organising pattern for the complex legislation of the Pentateuch, dividing it into two parts, one prescribing what is owed to the deity, parents and benefactors, the other governing relations with human beings. As a summary, each of the ten words can not only absorb the specifics of Moses' disposition, but also expand to articulate violations that Philo finds implicit in them. His reading demonstrates that the 'barbarian' legislation of Moses matches and indeed exceeds the Roman moral legislation in both rigor and justice, while explaining and defending the laws with the armament of philosophical rigor. He aims to reassure the literate and cosmopolitan Jews of his audience while dazzling any curious or hostile Gentile. Clearly he is convinced that his best apologetic argument (one which he shares with almost all other ancient Jewish writers in Greek) is the superior antiquity and higher moral rigor of the law of Moses, which, in his view, anticipates and excels the Julian – or any other – legislation.

### 3. Paul: 'All are summed up in this'

The degree to which Philo and Paul share the cultural space of the first-century empire casts their differences into high relief. Although Paul was also a Greek-speaking Jew and an interpreter of scripture, his education, wealth and status were far from matching those of his older contemporary, and despite the dramatic claims of Acts, it is unlikely (though far from impossible) that he was a Roman citizen, and therefore directly subject to the marriage laws.<sup>51</sup> But a still greater contrast between Paul and Philo emerges in the disadvantage Paul created for himself when, as apostle to the Gentiles, he joined his argument against the circumcision of those already 'in Christ' to an assertion of justice/righteousness apart from the law (Gal 2.16, 21; 5.18). For if Philo's best apologetic argument was the moral exigency of the law of Moses, Paul's proclamation of freedom from the law and its demands was not only a serious obstacle to a message based in the Jewish scriptures, but also a scandal in a milieu in which moral probity, including the family values enshrined by the Julian laws, carried such weight.

Paul's letter to the Romans directly addresses theological and moral problems raised by his preaching of justice apart from the law. Of the undisputed letters, only Romans invokes the sixth commandment. There Paul explicitly cites it twice (Rom 13.9; 2.21–2); I will argue that the commandment, as it is understood by Philo and Pseudo-Phocylides, lies behind Paul's argument at two more points (7.1–4; 1.26–7).

Multiple aspects of the genre and purpose of Romans are subject to debate; in my view the epistolary features and the structure of Romans fit best with a reading

<sup>51</sup> Acts 16.37; 22.25, 29; 23.27; discussion in R. Pervo, *Acts: A Commentary* (Hermeneia; Minneapolis: Fortress, 2009) 413–14, 612–13.

of the letter as primarily an instrument of Paul's mission, rather than either a compendium of Pauline theology or an attempt to resolve the problems of the Roman churches.<sup>52</sup> Introducing himself to the Roman churches, Paul sought to smooth his way to Rome, where he had never been, but where he hoped to find support for his mission to Spain.<sup>53</sup> He may also have hoped for the moral support of the several influential Roman communities for his trip to deliver the collection in Jerusalem. He feared the reception he would receive in that city, on the one hand from the believing community and on the other from the unbelievers (Rom 15.25–32). His anxieties about the willingness of the Jerusalem community to accept his ministry (δικονία) may have been due to their discomfort with his gospel that proclaimed 'God's justice/righteousness apart from the law'. The letter would thus have served both as a brief for his anticipated self-defence in Jerusalem and as an attempt to assuage the doubts of the Roman believers and garner their support. To enlist that support, Paul articulated a vigorous defence, responding to objections both potential and actual, and to versions of his gospel that he knows or fears have preceded him both to Rome and to Jerusalem.

The proclamation raises deep and interrelated questions about theodicy, divine fidelity, the fate of Israel, and moral responsibility, among them the objection that Paul's gospel of justice apart from the law encourages sin. While it is usually impossible to distinguish between real and potential objections, Paul reports this one as an actual objection, something that is being said about him: 'And it is not as we are slandered, and as some say that we say, "let us do evil that good may come"' (3.8).<sup>54</sup> It may of course have been reformulated and simplified, perhaps distorted, for the sake of making Paul's case.<sup>55</sup> He returns to it

52 N. A. Dahl, 'The Missionary Theology in the Epistle to the Romans', *Studies in Paul* (Eugene Oregon: Wipf & Stock, 2002 (Norwegian 1956)), 70–94; P. Stuhlmacher, 'The Purpose of Romans', *The Romans Debate*, ed. K. P. Donfried (Peabody, MA: Hendrickson, 1991) 231–42; see also R. Jewett's account of the debate and his focus on both the Roman context and the Spanish mission in *Romans: A Commentary* (Hermeneia; Minneapolis: Fortress, 2007) 42–91.

53 Rom 1.8–15; 15.22–4; he may have wanted an explicit invitation, including an offer of lodging and a promise of support for his mission to Spain. It is likely that the letter carrier (probably Phoebe the *diakonos* of Cenchræe; 16.1–2) would have been ready to communicate his requirements face to face and with tact, and perhaps to interpret other aspects of the letter. See also Jewett, 942–48.

54 On Rom 3.8 as an actual, rather than a hypothetical, objection, see U. Wilckens, *Der Brief an die Römer* (EKKNT VI; 3 vols.; Zürich/Neukirchen-Vluyn: Benziger/Neukirchen, 1978) II.8, 34, 1.167; R. Jewett argues that the vocabulary is un-Pauline (*Romans*, 251). J. Fitzmyer also treats it as a real slander, but suggests that Paul dismisses it without rebuttal; *Romans: A New Translation and Commentary* (AB 33; New York/London/Toronto/Sydney/Auckland: Doubleday, 1993) 330.

55 S. Stowers' reading connects 3.8 more tightly to 3.5–7, and rejects the idea that it is central to the argument in Romans 6–8, but he also acknowledges that it is an actual objection: 'Paul



twice, restating it in terms that advance his argument: 'Shall we remain in sin that the gift may multiply?' (6.1), 'shall we sin because we are not under law but under gift?' (6.15).<sup>56</sup>

This slander should be understood in the context of the sense of sin discerned by Wallace-Hadrill in the imperial discourse of Horace and Seneca, and of the high political stakes of accusations of immorality and claims of probity in the early empire. The slander not only attacks the logic of the gospel, but also constitutes a charge of immorality against Paul. To refute it, Paul was required to put forward an *ethos* of moral rectitude. One function of his opening salvo in 1.18–3.20 is to establish his own moral character, demonstrating that he does not excuse, but rather accuses all, whether Jew or Greek, of sin (2.1; 3.9). The slander also drives the argument in two of the other major parts of the letter. In 5.1–8.39 Paul argues that the deed of God and Christ so superabounds that it has freed the baptised to live a new life apart from the law in the spirit that will bring them through judgement and to the resurrection. In 12.1–15.13, he offers counsels for that new life of justice apart from the law.

The most explicit citation of the commandment appears in this last section, immediately after the exhortation to submit to the imperial authorities (13.1–7). There Paul cites four of the five commandments of Philo's second pentad, beginning with 'you shall not commit adultery' and ending with 'you shall not desire'.<sup>57</sup> He concludes that all are summed up (ἀνακεφαλαιοῦται) in the precept 'you shall love your neighbor as yourself' (Lev 19.18; Rom 13.9). As does Philo, he uses the order of Deut 5.17 LXX. As Philo does, Paul appears to regard the second pentad as regulating interactions with other human beings. His use of ἀνακεφαλαιοῦται suggests that Paul is familiar with the idea that the ten words are summaries (κεφάλαια). If Philo views the ten words as summaries of all the other commandments, Paul offers one commandment as a summary

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admits that he has actually met such objections as he dismissively anticipates that argument'; *A Rereading of Romans: Justice, Jews and Gentiles* (New Haven/London: Yale University Press, 1994) 173.

56 U. Wilckens likewise associates these two rhetorical questions with Rom 3.8 (*An die Römer*, II.8, 34), as does Fitzmyer (*Romans*, 432, 48). Jewett connects them with each other, but treats them as a *reductio ad absurdum* rather than connecting them to 3.8; *Romans*, 394, 415.

57 The commandment he skips is Deut 5.20 'you shall not bear false witness against your neighbor'. Note that Pseudo-Phocylides 3–8 places this commandment last before the summary command about God and parents (7–8); it is possible that Paul knew this order and dropped the last commandment of the pentad. Jewett explains the selection of these four as especially relevant in the urban environment of Rome. He suggests that the commandment against false witness was irrelevant because the social status of the Roman community was too low to involve them in the Roman court system (*Romans*, 810). This is questionable on multiple counts, not least 1 Cor 6.1–11.



for all others. But for Philo, the summaries are an entrée into the further instruction the laws supply. Paul's summary dispenses with the laws, enabling believers to deal with human beings in justice that stands apart from the law, but does not transgress it.

Paul uses a second explicit citation of the sixth commandment in displaying his fierce enmity to sin. The diatribe insists that Paul does not shield the Jew learned in the law any more than he excuses the ignorant Gentile. He interrogates his rhetorical Jew who has been instructed in the law and claims to bring its light to the Gentiles: 'You who proclaim "do not steal", do you steal? You who say, "do not commit adultery", do you commit adultery?' (Rom 2.21). Both of these commandments are drawn from the second pentad, and affect human beings. The order seems to be random; it follows neither the MT nor the LXX.<sup>58</sup> His third query differs: 'You who abhor idols, do you plunder temples (ἱεροσυλῆις)?' (2.22). This query is based in some way on the first pentad. Philo's description of the laws subsidiary to the first pentad contains a similar prohibition; Jews are forbidden to disparage the gods of others, lest 'they be moved to utter what is not right against the One who truly is' (*Spec.* 1.53). The antecedent of 'they' is not clear; ἐκεῖνοι usually means 'the former'. Here the former would be the Jews, and the *Life of Moses* (2.205) offers a prohibition of disparaging idols, explaining that so doing could cause the Israelites to take the word 'god' lightly. But in *Special Laws*, Philo continues by excusing Gentile ignorance; it seems better there to see disrespect for the idols among Jews as causing the Gentiles to slander the deity the Jews worship. That would also seem to be the explanation of Paul's query; Jews violate the divine μοναρχία when they plunder temples because doing so means that 'on your account the name of God is slandered among the Gentiles' (Rom 2.24, citing Isa 52.5).

A third, less explicit, reference to the sixth commandment plays an important role in Paul's central theological defence of justice apart from the law. Rom 7.1–4 proffers an analogy between a human being under law (ὕπὸ νόμου) and a married (ὑπανδρως) woman. As long as the husband lives, the law will label her an adulteress should she belong to another man. Introducing the analogy Paul says, 'I speak to those who know the law.' Some scholars have read this as addressing Jews of the Roman churches, as a counterpoint to 11.13, 'To you I speak, the Gentiles.'<sup>59</sup> But 'you who know the law' is probably a deliberately ambiguous *captatio*. Paul's idiosyncratic phrase 'the law of the husband' (7.2) is equally ambiguous, and attempts to explain it vary considerably. Fitzmyer stresses that the law of Moses is in view, but suggests that Paul is using a principle not explicit in scripture

58 It does occur at least twice in Philo (*Post.* 82; *Conf.* 163), so it may attest another order current in the first century.

59 Fitzmyer likewise rejects the idea that this direct address implies that the audience was primarily Jewish; *Romans*, 457.

but articulated in the oral law: 'she acquires freedom by a writ of divorce or her husband's death'.<sup>60</sup> Jewett sees Deut 24.1–4 behind Paul's analogy.<sup>61</sup> Wilckens connects it with Num 5.11–30 LXX, the prescriptions for testing a woman whose husband suspects her of adultery, which identify her as ὑπ' ἄνδρός (5.20), that is, 'under a husband' or 'married'. This text has in its favour that it does in fact lay down circumstances under which a woman 'will be labelled an adulteress' (μοιχαλὶς χρηματίσει, Rom 7.3), although neither word appears in Num 5.14–30. The Julian law also prescribes a change of status for the woman convicted of adultery.

None of the suggested texts fits Paul's analogy perfectly.<sup>62</sup> Rather, he is likely to have understood the sixth commandment as a summary that includes all sexual commandments, and to have assumed an echo of that oracular law in any proscription of adultery or other sexual lapses, including in those of the empire. The claims that Paul makes for the law of the husband are reminiscent of Dionysius of Halicarnassus' claim that Romulus bound women to a husband, ruling out divorce, by a single law. The single law is in fact *confarreate* marriage, marriage with *manus*; Dionysius' description cloaks the complex realities behind it (*Ant. Rom.* 2.25). Another sort of light is shed on the analogy by the reasoning of a lawyer who is assailing the heroines of Achilles Tatius' novel *Leucippe and Clitophon*. His reasoning lays down the commonplace view that if the husband is dead there can be no adultery and adds that if the husband is alive, any lover must be an adulterer.<sup>63</sup> Even so, the statement shows that Paul can rely on a broad common-sense understanding of the 'law of the husband'.<sup>64</sup> The imperfections of his analogy are central to its effect; while in the analogy, when the husband dies, the wife is free to belong to another, in its application it is the believers who have died so as to be with the one who has died (Rom 7.2–6). The definitive element in the formulation 'the law of the man/husband' was the analogy Paul sought to make. Its idiosyncrasy was intentional, calculated to engage the audience and endowed with the combined force of the sixth commandment and the Julian law. The phrase fits both Julian and Mosaic prescriptions equally poorly and equally well. Paul's audience would have known both. This recognition underlines the high-risk character of Paul's argument: the law to which the believer has died is that of Moses, but it is also Caesar's law.

Before moving on to a final instance in which the sixth commandment appears in Romans, it is useful to note that 7.1–6 is immediately followed by Paul's analysis

60 Citing *mKid.* 1.1; cf. *bShab* 30a; see also Wilckens, *An die Römer*, II.64.

61 Jewett, *Romans*, 431.

62 See Jewett's arguments against a reference to the Julian law; these should be seen as limitations of the analogy; *Romans*, 431–3.

63 The reasoning is disingenuous; the husband in question had disappeared and his wife believed that her husband was dead.

64 See also Jewett's discussion; *Romans*, 433.

of the destructive force of the human inability to receive the revelation of the tenth commandment, 'you shall not desire' (μὴ ἐπιθυμήσεις, 7.7). Paul is conscious of its character as a summary. Although he does not provide the detailed enumeration that Philo offers in *Special Laws* 4.78–132, Paul accuses the commandment of having effected in him 'all desire' (7.8). But exploring his complex argument will have to be left for another study.

The fourth passage that deserves consideration as an application of the sixth commandment is Rom 1.26–7. In demonstrating his intolerance for sin, Paul reformulates a tradition of polemic against idolatry, treating moral corruption as the punishment for misconstrual of the divine nature:

Their females changed the natural use for one against nature, and likewise the males, leaving the natural use of the female, burned in their desire for one another, males upon males exerting shame and receiving back in themselves the necessary recompense of their error.<sup>65</sup>

This first example of rebellious depravity clearly condemns male–male intercourse, and Bernadette Brooten has supplied ample testimony to knowledge of and hostility to female homoeroticism in the early imperial period.<sup>66</sup> But it is less clear that 1.26 refers only to lesbian relations. Philo distinguishes natural but blameworthy pleasure taken in sex with one's wife from the unnatural pleasures that involve the wife of another (*Spec.* 3.9–11).<sup>67</sup> The first clause of Rom 1.26 can be read as a claim that women have been corrupted under the rubric of adultery (with all its sub-crimes), juxtaposed with the castigation of men for having gone so far as to abandon the 'use' of women and pursue each other. The accusation emerges as a paraphrase of the sixth commandment, which in the first century was understood to encompass both adultery and homoerotic practice.

Paul clearly expected his audience to agree with and even savour his condemnation of unnatural sex. And not only his believing audience, but all reasonable people. The behaviour he condemns could be prosecuted under Roman law and violated the sixth commandment as Paul understood it; stigmatising these practices as against nature covers the demands of both Moses' and Caesar's laws. The label places them beyond the bounds of what 'we' (the Roman

65 Jewett offers a more explicit and somewhat idiosyncratic translation of 1.27: 'Likewise the males, after they had abandoned the natural use with females, were inflamed with their lust for one another, males who work up their shameful member in [other] males, and receive back for their deception the recompense that is tightness in themselves' (p. 163; see his explanation of the ancient anatomical views on p. 178–9 and nn. 154–8).

66 B. Brooten, *Love Between Women: Early Christian Responses to Female Homoeroticism* (Chicago/London: University of Chicago Press, 1996) 42–60.

67 Jewett (*Romans*, 174 n. 108) notes a single possible reference to female homoeroticism in Philo, *Spec.* 3.51.

churches) do. This is also the function of the lengthy vice-list that follows (Rom 1.28–32). Not only adultery, pederasty and passivity but every sort of vice results from ὀσεβεία and falls under God's wrath. As Philo insists on the rigor of the law of Moses to attest to the moral superiority of the Jews, Paul's gospel reveals the divine wrath against all impiety and injustice, making clear that 'God's justice apart from the law' does not imply excusing sin.

The prominence of sexual issues in Paul's depiction of universal sin may respond not only to the atmosphere of the Julian laws but to ambiguities in the social situations of the first urban Christians at Rome. Peter Lampe's prosopographical analysis of the greetings in Rom 16 suggested a significant percentage of freedpersons and foreigners among them, and a noteworthy prominence of women's names.<sup>68</sup> The greetings address several male-female pairs, most of whom are usually identified as missionary partners and as husband and wife.<sup>69</sup> But Paul also greets two same-sex pairs (Rom 16.9, 12); these two pairs also are awarded descriptors that imply their activity in the mission.<sup>70</sup> The inability of slaves to dispose of their own bodies aroused suspicions of freedpersons' sexual pasts, and the practice of requiring 'duties' (*opera*) of freedpersons rendered their new autonomy suspect. Paul's own practice of always working with a male missionary partner may likewise have become a sensitive point and required the protection of fierce distancing from sexual 'use'. This is not to say that the same-sex partners either were seen or saw themselves in terms that would have justified opprobrious judgements on their relationships from their own contemporaries. Alan Bray has observed the ability of pre-twentieth-century partners to participate in denunciations of 'sodomy' without any consciousness that the term might be applied to their own passionate and even physical friendships.<sup>71</sup>

In describing Paul's use of the sixth commandment, I have begun with the most explicit references and moved from them to points at which the reference is less obvious, a procedure which, however necessary to my argument, necessarily does violence to Paul's. As a partial remedy, I now review the four passages in the order in which they appear. As Paul opens his rebuttal of the charge that his gospel of God's justice apart from the law encourages and excuses sin, he establishes his own *ethos* of probity by fierce condemnation of those who refused to know God and so were delivered up to their own sinful desires, first and foremost the unnatural sexual desires that violate all the divine laws that come under the

68 P. Lampe, *From Paul to Valentinus: Christians at Rome in the First Two Centuries* (Minneapolis: Fortress, 2003), 164–83.

69 Jewett, *Romans*, 955–9, 961–4, 969–70; Fitzmyer, *Romans*, 735–42.

70 M. R. D'Angelo, 'Women Partners in the New Testament', *Journal of Feminist Studies in Religion* 6 (1990) 65–86.

71 A. Bray, *Homosexuality in Early Modern England* (New York: Columbia University Press, 1995) 67–80; id., *The Friend* (Chicago/London: University of Chicago Press, 2002) 5–6, 35–41, 316–21.

sixth commandment. Interrogating his rhetorical Jew, he exposes the incapacity of the law to produce justice, by citing the exemplary commandments, 'you shall not steal, you shall not commit adultery' (2.22-3) In explaining why his gospel does not encourage sin, he invokes the commandment as 'the law of the husband' - a law ended by death - demonstrating that the law cannot apply to those have died with Christ in baptism. How then can they offer their 'bodies as a living sacrifice, holy and pleasing' (12.1-2)? By acquitting all their debts to human beings (including to Caesar) and summing up all that the commandments require (first and foremost 'you shall not commit adultery') through the single law of love (Rom 13.8-10). Although the commandment expresses what is holy and just and good (7.12), Paul does not enjoin his addressees to live by it, either in Romans or anywhere else in the undisputed letters. In Romans, he explicitly cites it, but only in 7.1-6 and 13.8-10 - that is, to make clear that in Christ justice is apart from the law.

#### 4. Conclusions

Considering Philo and Paul as interpreters of the sixth commandment delineates premises of first-century interpretation that they share, but also casts their differences into high relief.

First, Philo treats the ten words as headings or summaries divided into two pentads; the first organises the laws that pertain to proper treatment of the deity, the second those about duties towards human beings. In the context most clearly addressed to outsiders, Philo begins his account with the second pentad. Pseudo-Phocylides, speaking in the person of an ancient Gentile sage, likewise begins a recitation of the commandments with the second pentad. So too Paul, illustrating what is owed to others, recites four commandments from that second pentad. This suggests a shared view among first-century exegetes that the second pentad was the more appropriate for addressing the Gentiles.

Second, following the LXX, all three writers begin with the sixth commandment. It is not necessarily the case that this is the only order they know. But Philo's explanation of this commandment's primacy illuminates its political and therefore its apologetic importance. This prominence is the more conspicuous in the heightened political significance of 'family values' in the early empire.

Third, as a summary, the commandment is expansive, able not only to absorb other commandments of the law but also to translate them into the sexual crimes that preoccupy the first-century discourse. For Philo, these can include pederasty, passive sex (Eusebius, *Praep. Ev.* 8. 7.1) and pimping a wife (*Spec.* 3.31); Pseudo-Phocylides likewise joins marriage-plunder and male desire in the paraphrase of the sixth commandment (3). So also for Paul, the demands of the law in regard to sex were as manifest in nature as the truth about God.

In their interpretations and uses of the sixth commandment, Philo and Paul entered into a moral conversation whose parameters were partially set by the Julian laws. Philo's apology insists that the law is more comprehensive and more stringent in its pursuit of ἐγκρότεια than any Gentile legislation; Paul defends himself against the slander that his gospel encourages sin. For both, the Roman order seems to read over the shoulders of their audience. This is not to say that their interpretations of the law are Roman rather than Jewish, or that Roman politics superseded the role of Greek philosophy in their thought. As Jewish subjects of Rome, they read and think in Greek and are equipped, though at very different levels, with tools of first-century philosophy. The pressures that formed them and their questions are particular to their situations, and their solutions are the product of their own creativity. At the same time, they read the prohibition in the context of Roman realities, among them the marriage laws promulgated under Augustus. Both believed that the highest moral aspirations of their time had already been expressed or implied in the law of Moses, and, for Paul, transcended in the 'law' of Christ. The task they undertook was to make that clear to their own communities and to the Gentile world that doubted their probity. Paul invokes the sixth commandment in Romans in ways that share many of Philo's interpretive principles, and some of his results. For both, the commandment with the specific injunctions it summarises attests the divine refusal to countenance evil. But unlike Philo, Paul no longer regards the law as a guide for the perplexed; the sexual counsel he gives to his churches is never based on the commandment, in Romans or in other letters. All that is necessary is summed up in the law of love.