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Recommended Citation

Miller, Geoffrey P., "Origin of Obligation: Genesis 2:4b-3:24" (2009). *New York University Public Law and Legal Theory Working Papers*. Paper 157.

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Origin of Obligation: Genesis 2:4b-3:24

Geoffrey P. Miller

Abstract: This paper analyzes the Eden narrative (Genesis 2:4b-3:24) as a philosophical account of the origins and extent of political obligation and the consequences of its breach. The strong (but not unlimited) form of obligation identified in the text would have been congenial to the interests of the leaders under whose auspices the narrative appears to have been compiled and preserved.

* * *

The book of Genesis recounts how, after creating the heavens and the earth, God forms a man and sets him to live in the wonderful garden in Eden. God tells Adam that he can eat any fruit in the garden other than the fruit of the tree of knowledge of good and evil. Recognizing that the man needs a helpmate, God makes Eve out of one of Adam's ribs. The serpent tempts Eve to eat the forbidden fruit, arguing that God has only prohibited it because he doesn't want Adam and Eve to become like him. Eve eats the fruit and serves some to her husband. They realize that they are naked and attempt to clothe themselves. God comes to the garden and discovers the transgression. He banishes the offenders to the outside world and bars the way against their ever coming back.

This beautiful story is a monument of Western culture. Widely praised for the elegance of its language and the poignancy of its plot, the narrative has inspired artists, poets, theologians, and critical thinkers for thousands of years.¹ But despite all its fame,

¹ See, e.g., Konrad Schmid and Christoph Riedweg, eds., *Beyond Eden: The Biblical Story of Paradise (Genesis 2-3) and Its Reception History* (Tübingen: Mohr Siebeck, 2008); Jean Delumeau, *History of Paradise: The Garden of Eden in Myth and Tradition* (trans. Matthew O'Connell; New York: Continuum, 1995); Regina Psaki and Charles Hindley, eds., *The Earthly Paradise: The Garden of Eden from Antiquity*

the Eden narrative is clothed in mystery. Scholars have long debated its provenance—perhaps more than any other biblical passage.² The date of composition is much in dispute.³ Equally uncertain is the prehistory of the text.⁴ Most scholars agree that the narrative was the product of an extended process of development. But the nature of that process and the sources used are unknown.⁵ Some have noted the presence of doublets or repeated elements—two trees in the center of the garden, two names for God—and have inferred that these must represent once-separate accounts that were woven together by an editor.⁶ But what these earlier accounts were or how they were combined is unclear. On top of all this, there remains the inherent ambiguity in the story itself. The narrative is pregnant with meaning, but the author’s artistry is such that the interpretation is left largely to the reader.

to Modernity (Binghamton: Academic Studies in the History of Judaism, Global Publications, State University of New York at Binghamton, 2002); T. Stordalen, *Echoes of Eden: Genesis 2–3 and Symbolism of the Eden Garden in Biblical Hebrew Literature* (Leuven: Peeters, 2000).

² See, e.g., Walter Brueggemann, *Genesis* (Atlanta: John Knox, 1980).

³ See generally Douglas A. Knight and Gene M. Tucker, eds., *The Hebrew Bible and Its Modern Interpreters* (Chico, Calif.: Scholars Press, 1985). Standard accounts date the text to an early period in the monarchy of ancient Israel. See, e.g., Gerhard von Rad, *Genesis: A Commentary* (trans. John H. Marks; OTL; Philadelphia: Westminster, 1961) (associating the story with the reign of King Solomon or a little later); William Foxwell Albright, “The Location of the Garden of Eden,” *AJSL* 29 (1922): 15–31 (dating original version of the narrative to the ninth c. B.C.E.). But that consensus has fallen apart. Some continue to support a relatively early dating; see, e.g., Ernest W. Nicholson, *The Pentateuch in the Twentieth Century* (New York: Oxford University Press, 1998); Friedman, *Who Wrote the Bible?* However, others move the date of composition forward by centuries. Van Seters argues that the narrative was composed in the sixth c. B.C.E. by a historian living in Babylon. Van Seters, *A Prologue to History*. Others propose an even more recent dating to the Persian or Hellenistic periods (fifth or fourth c. B.C.E.). See Lemche, *The Israelites in History and Tradition*; Lemche, “The Old Testament: A Hellenistic Book?,” *SJOT* 7 (1993): 163–93; Philip Davies, *In Search of “Ancient Israel”* (JSOTSup 148; Sheffield: JSOT Press, 1992); Thompson, *Historicity of the Patriarchal Narratives*; Thompson, *Early History of the Israelite People*.

⁴ See Howard N. Wallace, *The Eden Narrative* (HSM 32; Atlanta: Scholars Press, 1985); Van Seters, *A Prologue to History*, 108.

⁵ For speculation about possible Israelite, Canaanite, Mesopotamian, and Egyptian influences, see Gunkel, *The Legends of Genesis*; von Rad, *Genesis*; Wallace, *The Eden Narrative*; William Foxwell Albright, “The Babylonian Matter in the Predeuteronomiac Primeval History (JE) in Gen. 1–11:11,” *JBL* 58 (1939): 91–103. Greek and Roman texts also contain images of an idyllic past, suggesting the possibility of parallel traditions elsewhere in the ancient world. See, e.g., Delumeau, *History of Paradise*.

⁶ For discussion of attempts to subdivide the Eden narrative into sources, see Wallace, *The Eden Narrative*.

In short, we know precious little about when the story was written, by whom, or for what purposes. This fact presents a problem for research, but also an opportunity. Since so little is known about the text, there are openings for further investigation and analysis—especially if we bring new perspectives to the task. Prior work on the garden of Eden has conceived of the text as a great work of literature, as an etiological explanation for fundamental features of the human condition, as a profound meditation on sin and temptation. But, to the best of my knowledge, no prior analyst considers the text as presenting political ideas. This chapter presents such an interpretation. I analyze the story as a meditation on the nature of political obligation and as a prolegomenon to the Bible’s political theory as a whole.

Setup

One of the beauties of narrative as an analytic device is that it allows the writer to present a simplified model of the world. By carefully controlling the setup—the frame in time and space and the cast of characters—the author can exclude irrelevant factors and focus attention on what is fundamental. The Eden narrative is a classic example of this technique:

1. Genesis 2:4b notes that God formed man from the earth “at the time” when he made the heavens and the earth—in other words, contemporaneously, or roughly so, with the creation of the world.⁷ Placing the Eden narrative at the beginning of time strips away the dross that would accompany an analysis set in any particular society at any particular time. Unlike everyone in the real world, Adam and Eve have no history. They have no

⁷ The Priestly account of creation in Gen 1 is in some tension with this chronology, suggesting that the creation of human beings could have occurred long (perhaps millennia) after the creation of the universe.

parents, no ethnicity, no culture, no grievances, and no scores to settle. They are to human beings what stem cells are to the body.

2. The geographic setup also helps frame the analysis.⁸ The garden is the center of the world. It is geographically central in the sense that four great rivers have their source there. It is spiritually central in that it is the place where God has focused his attention. The rest of the world is a wasteland, but the garden is carefully designed, well watered, and scrupulously maintained.⁹ By casting the narrative at the hub of the world, the author is able to develop his analysis in a general and abstract form and to ask questions that are truly fundamental.¹⁰

3. Eden is civilized. It is organized by a conscious will. It has borders that separate the wild from the tame.¹¹ It is protected against incursion: Adam and Eve fear no threat from outside. It is governed by a rule of law clearly announced and vigorously enforced. It is home to human beings and animals living in harmony with one another. And it is a venue for productive activity: Adam and Eve are not just on vacation; they tend the garden on God's behalf. These features are consistent with the garden as a

⁸ See generally Yairah Amit, "Biblical Utopianism: A Mapmaker's Guide to Eden," *USQR* 44 (1990): 11–17.

⁹ See Richard S. Hess, "Eden: A Well-Watered Place," *BR* 7 (1991): 28–33.

¹⁰ Another benefit of setting the narrative at the beginning of history has to do with the environment of competitive storytelling that characterized the society of ancient Israel. Since the narrative records the creation of humanity, it would be difficult for a competing narrative to annul the first creation and start another (the flood story in Gen does cancel much of the prior creation but leaves the genetic line from Adam intact). For discussion of competitive storytelling in the Bible, see Miller, "Verbal Feud in the Hebrew Bible," 105–17; Miller, "A Riposte Form in the Song of Deborah," 113–27.

¹¹ Later images of the garden often depict the area as surrounded by a wall, even though no wall is referenced in the text itself. See, e.g., Franco Motta, "'Geographica Sacra': The Placing of Paradise in Late Seventeenth-Century French Theology," in *The Earthly Paradise: The Garden of Eden from Antiquity to Modernity* (ed. Regina Psaki and Charles Hindley; Binghamton: Academic Studies in the History of Judaism, Global Publications, State University of New York at Binghamton, 2002), 283–311, here 308 fig. 3. That the garden was bounded is obvious from the detail that God places cherubim to guard against Adam and Eve's return after their expulsion; the cherubim would not have known what to guard if there were no borders.

simplified model of a *political entity*—a mini-state that, when it functions properly, provides governance under law and prosperity for those who live within its borders.

4. God creates the garden and all its creatures. He protects and defends the garden. He treats the territory as his property, walking there in the afternoon to enjoy its cooling breeze (Gen 3:8). He cares for the inhabitants and seeks to enhance their welfare. He provides them with food in abundance and with an opportunity for satisfying work. He understands their needs even better than they do themselves: it is God, not Adam, who realizes that man needs a helpmate if he is to enjoy a satisfying life. Taken together, these elements associate the figure of God with a wise, caring, and benevolent ruler—the monarch of this small domain.¹²

5. Adam is a productive worker and leading figure within Eden. God trusts Adam and gives him the important responsibility of naming the animals.¹³ Eve is Adam’s helpmate.¹⁴ She feeds her husband and influences him from behind the scenes. Together, Adam and Eve form a simple society. The author’s model thus presents Adam and Eve (and the animals in a subordinate position) as residents of Eden and subjects of God’s dominion.

6. What about God’s rules for the garden? God decrees that Adam and Eve may eat any fruit in the garden save the fruit of the tree of knowledge. These rules—allowing

¹² This association of God with a king is consistent with other biblical texts as well as ancient Near Eastern practices. See Exod 15:18; Num 23:21; Pss 24; 93; 95; 96; 97; 99; Watts, *Reading Law*, 100–101. The image of the garden would have evoked associations with kingship; gardens in biblical times were premier status symbols for any monarch worth his salt. See 2 Kgs 21:18; 25:4. On the general association of God with the concept of kingship, see Jeffrey J. Niehaus, *God at Sinai: Covenant and Theophany in the Bible and Ancient Near East* (Grand Rapids, Mich.: Zondervan, 1995), 84–93.

¹³ See Nahum M. Sarna, *Genesis* (The Jewish Publication Society Torah Commentary; Philadelphia: Jewish Publication Society, 1989), 22 (giving Adam the power to name the animals is a way of “expressing the bestowal of authority and domination over them”).

¹⁴ Adam’s exclamation after being presented with Eve—“This is now bone of my bones, and flesh of my flesh”—may be a quotation from a traditional marriage ceremony.

Adam and Eve to eat from almost all the trees but prohibiting one—symbolize the laws that a ruler imposes on the subjects within his territory. They are excellent representations of law for a number of reasons. First, because everybody must eat, they are pertinent to everyone. Second, the structure of God’s legislation is actually more complex than a mere prohibition. In addition to banning the forbidden fruit, God *permits* Adam and Eve to eat all the other fruits (Gen 2:16). The author thus establishes that the legislative scheme in question is comprehensive: it covers the entire field of what fruits people may and may not eat. It thus provides a good symbolic model for the rule of law.

* * *

In combination, the elements of the Eden story present a simple but general model of political organization: a small society that exists within a well-defined territory, containing citizens and a household as well as a government, organized according to law, and offering its inhabitants the benefits of civilization and the opportunity to engage in productive labor. The author uses this model to ask two questions: (a) What is the basis for the citizen’s duty to obey the law? (b) What conduct constitutes a breach of that duty?

Obligation

Why are Adam and Eve required to obey God’s commands? Why must they refrain from eating the fruit of the tree of knowledge? By what authority does God make this rule and insist that Adam and Eve abide by it? Generalized from the setting of the model to that of actual human societies, these are some of the most important as well as most basic questions for political theory. They raise the issue of *obligation*: the problem of why people are required to obey the laws imposed on them by their governments. The

author identifies eight reasons why the subjects of this small society are obligated to obey the ruler's command.

1. Adam and Eve must obey the rule because God announced it. God, being God, has an unlimited claim to obedience from human beings. His rule is absolute. Accordingly, no explanation or justification is required. This is the argument from *revelation*: a citizen is absolutely obligated to obey the express will of God.

2. Adam and Eve must obey because God will punish them if they transgress. God is clear about what he expects—they can eat any fruit except the fruit of the tree of knowledge—and also about the consequences of disobedience (death). Adam and Eve have reason to believe that God is all-powerful—after all, he created the garden and everything in it, including them. Because they do not want to experience the punishment announced for breach of God's command, they obey. This is an argument for obligation based on *power*—what Thomas Hobbes referred to as “dominion despotical”¹⁵—roughly equivalent to Thrasymachus' claim, in Plato's *Republic*, that “justice is the advantage of the stronger.”¹⁶ The Eden story thus sets up a prudential argument for obligation: a citizen is obligated to obey the commands of the ruler because the ruler can impose unacceptable consequences for disobedience (as will be seen below, however, the author also offers a powerful critique of this might-makes-right theory when he comes to the narrative about Eve and the serpent).¹⁷

3. The author provides a *utopian* account for why Adam and Eve are obligated to obey God's rules. Adam and Eve have a wonderful life in the garden. They perform

¹⁵ Thomas Hobbes, *Leviathan* (ed. John Plamenatz; New York: Prometheus Books, 1988), ch. 20.

¹⁶ Plato, *The Republic* (trans. R. Waterfield; Oxford: Oxford University Press, 2008), book 1.

¹⁷ For discussion (and rejection) of a prudential account of the obligation to obey the law, see Raz, *The Authority of Law*, 242–44.

satisfying labor without having to work too hard, enjoy frequent contact with God, never worry about the next paycheck, get to walk around naked, never have to pay taxes or perform jury duty, and live in a place that God himself considers a desirable getaway spot. Adam and Eve enjoy one another's company—at least we assume so, since God made Eve as a companion for her husband. Given these manifold benefits, it is more than reasonable—so the argument goes—that they should accept the simple, non-onerous requirements that go along with living in such an ideal place. The virtues of life in Eden are so manifest as to induce acceptance of the principles of obligation on which the life there is based.

This style of argument resembles later utopian literature, which also explores the characteristics of idealized societies for the purpose of judging features of the real world.¹⁸ Utopian writers balance competing narrative demands: they must *separate* the ideal society from the real one in order to create a sufficient contrast; but they must also *connect* the two societies in order to make the observations about the ideal world salient

¹⁸ Any definition of utopia is doomed to be rejected by some; the concept is too multivocal to admit a precise meaning. The core of the idea is counterfactual; a utopia posits an idealized society against which the features of the author's own society can be judged. See Ruth Levitas, "For Utopia: The (Limits of the) Utopian Function in Late Capitalist Society," in *The Philosophy of Utopia* (ed. Barbara Goodwin; London: F. Cass, 2001), 25–43, here 26. Or, as another author puts it, utopias "explore 'what is not', portraying in some detail the principles and practices of one or more alternative imaginary societies; they examine what is, surveying contemporary society's norms, practices, and possibilities for change; and they ask about the relation of what is to what is not, about the possibility, effects, and desirability of various changes." Peter G. Stillman, "'Nothing is, but what is not': Utopias as Practical Political Philosophy," in *The Philosophy of Utopia* (ed. Barbara Goodwin; London: F. Cass, 2001), 9–24, here 11. An often-cited definition is that of Darko Suvin: a utopia is "a literary genre or verbal construction whose necessary and sufficient conditions are the presence of a particular quasi-human community where sociopolitical institutions, norms and individual relationships are organized on a more perfect principle than in the author's community, this construction being based on estrangement arising out of an alternative historical hypothesis." Darko Suvin, "The River-Side Trees, or SF and Utopia: Degrees of Kingship," *Minnesota Review* 2–3 (1974): 108–15.

for the real one.¹⁹ The Eden story accomplishes the twin goals of separation and connection by carefully manipulating the setting:

(a) One means for separating the ideal from the real is to displace a utopia in *time*—setting it either in the remote past or the far-distant future. The Eden narrative uses exactly this strategy. It accomplishes the necessary separation by projecting the story back to the creation of the world. Given this radical temporal separation, how does the narrative maintain the connection between the ideal and the real? It does so through genealogy. Adam and Eve are the ancestors of all living people. What happened to them, even if it occurred a very long time ago, is currently relevant because all people descend from them.

(b) Another means for accomplishing the twin goals of separation and connection is to manipulate the *geography* of the story: situate the ideal society in a far-off place that is difficult but not impossible to reach. The Eden narrative pursues this strategy. The garden is evidently a long way away: God plants it “eastward in Eden,” the biblical equivalent of “way up yonder over the hill.” None of the readers had ever been there. It seems so far away, in fact, that any effort to reach it (even if it survived Noah’s flood) would be risky and probably futile. The narrative thus achieves the goal of distancing the ideal from the real society.

However, Eden is also presented as a real place. In fact the narrator seems almost overeager to provide information about its whereabouts. The location is given a definite

¹⁹ Christopher Ferns notes, “in narrative terms, there has to be some link, some fictional mechanism to render plausible the transmission of information regarding utopia to the non-utopian reader. ... Thus, no matter how inaccessible utopia might be, it always finds room for at least one visitor, a traveler, whether in time or space, who can observe and later testify to the wonders of the more perfect society.” Christopher S. Ferns, *Narrating Utopia: Ideology, Gender, Form in Utopian Literature* (Liverpool: Liverpool University Press, 1999), 2–3.

name, not just a general description: “Eden.” A direction is given (east), as are the names of rivers that flow out of the garden: the Pishon, Gihon, Tigris, and Euphrates. The Tigris and the Euphrates were actual rivers known to the biblical world, lending verisimilitude to the story. Because these are *rivers*, moreover, they provide an obvious strategy for discovering the physical Eden: a traveler need merely find any one of them and follow it upstream to its source.

The author labors to provide even more apparently helpful (but actually useless) information. The Pishon River, for example, is said to pass through the land of Havilah, where there is gold and other valuable items (Gen 2:11–12). The reference to precious materials is not accidental: residents of ancient Israel would have associated the names of faraway places with the luxury goods that originated there, just as someone today might know of Milan as “the fashion city in Italy.” Even if a reader had never heard of the Pishon River or the land of Havilah,²⁰ the association of those names with precious materials would have resonated with the type of geographical information that was actually circulating in the culture.

All this information implies that Eden is a real place, even if clues to its location are vague.²¹ Later commentators, undeterred by the implausibility of rivers branching out from a single source, believed in the literal accuracy of the biblical account and made

²⁰ The Pishon is not otherwise mentioned in the Bible. Havilah is a place name of indeterminate meaning associated with the region of Arabia. See W. H. Gispen, “Genesis 2:10–14,” in *Studia Biblica et Semitica* (ed. Theodoro Christiano Vriezen; Wageningen, Netherlands: H. Veenman & Zonen, 1966), 115–24.

²¹ See Jonathan Magonet, “The Themes of Genesis 2–3,” in *A Walk in the Garden: Biblical, Iconographical and Literary Images of Eden* (ed. Paul Morris and Deborah Sawyer; JSOTSup 136; Sheffield: JSOT Press, 1992), 136 (geographical information about the location of Eden is “precise but curiously inconsequential”).

heroic efforts to locate the historical Eden.²² It is not clear that the original readers were so credulous: the more sophisticated among them may have understood that the pretense of veracity was there not to assert the factual accuracy of the narrative but rather to claim relevance for the text in accordance with accepted rhetorical conventions of the times.

A final word on geography is in order. Although scholars have discovered no clear references in ancient Near Eastern texts to a *river* called the Gihon, a body of water of that name *was* known in biblical times: the Gihon spring, which supplied the city of Jerusalem (see 1 Kgs 1:33). Despite the nominal similarity, several considerations argue against equating the Gihon spring with the river of Eden: (1) a mere local spring does not seem like a good candidate to stand alongside the great rivers that flowed from the primordial source; (2) if the Gihon spring was the river of Eden, then the garden had to be close by the city of Jerusalem, but anyone living there would realize that it was not; and (3) the Eden narrative asserts that the Gihon River flows through the land of Cush, a place that, while it may have held no definite meaning in ancient Israel, at least was nowhere near Jerusalem. Notwithstanding these objections, it is probable that the biblical author *did* intend to associate the Gihon River of Eden with the Jerusalem spring.²³ The Bible is acutely attuned to similarities in words, and the connection between the river and the spring would have been obvious to anyone living in Jerusalem. Given the rhetorical objectives we have postulated—simultaneously separating and connecting the real and

²² Proposed sites for the garden include Armenia, Mesopotamia, Damascus, the Negev, Arabia, Somalia, Kashmir, India, Ethiopia, Mongolia, Australia, the North Pole—even the Milky Way! See Edward Robertson, “Where Was Eden?,” *AJSL* 28 (1912): 254–73; Gispén, “Genesis 2:10–14,” 117–21; Speiser, “The Rivers of Paradise,” 23; Motta, “Geographica Sacra,” 283–311. Scholars have expended equal creativity in identifying the unknown rivers: candidates for the Pishon include the Ganges, the Diyala, the Red Sea, the Persian Gulf, the Indus, the Hyphasis, and the Nile, while the Gihon has been identified with the Nile, the Araxes, the Ganges, and a canal on the Euphrates. See Gispén, “Genesis 2:10–14,” 117–21.

²³ See Wallace, *The Eden Narrative*.

the ideal—the choice of the name makes sense. By including a watercourse named Gihon among the rivers of Eden, the author reinforces the emotional salience of the narrative for his intended audience.²⁴

* * *

Having established the physical and temporal settings, the narrative presents what today we can recognize as a utopian image of an ideal society.²⁵ Eden is governed by a wise and benevolent ruler who labors to enhance the flourishing of his subjects. The ruler provides all the benefits of a good life—security, autonomy, care, prosperity, and the opportunity for useful work—demanding in exchange only obedience to reasonable commands.²⁶ To reinforce the image of Eden as an ideal society, the author contrasts it with the nightmarish world into which Adam and Eve descend after they eat the forbidden fruit. The world of thorns and thistles is so harsh that Adam and Eve will try to return to the safety of Eden if they can; this is why God deploys cherubim and a flaming sword as a bar to reentry.

The citizen's duty of obedience, in this line of reasoning, flows from the fact that human beings aspire to live in a society that emulates the wonderful qualities of the ideal

²⁴ Archaeologists have recently discovered the remains of a royal garden at Ramat Rachel, near Jerusalem, dating from the seventh c. B.C.E., which could have provided part of the inspiration for the author's description. See "Garden of Eden: Paradise Lost—and Found"; online: <http://pda.physorg.com/news/2010-10-paradise-lost-.html>.

²⁵ The claim that the garden is a utopia may not seem particularly surprising. The Eden narrative is, in a sense, the very prototype of utopia—the most famous of all literary depictions of an ideal place. However, the story is usually seen as a myth written for other purposes. The Eden narrative is not usually viewed as an *actual* political utopia. My argument is that the narrative is in fact a utopia of the type we recognize in the Western cultural tradition.

²⁶ It may seem odd that the inhabitants of paradise should have to engage in labor. But this feature can be understood from the standpoint of the theory presented here. It would hardly make sense for the author to idealize a society in which labor was absent. Doing so would lead people in the actual world to imagine that idleness is desirable. A utopia designed to induce socially useful behavior would avoid this implication and instead would endorse labor as an essential part of the ideal society. This is what we find in the Gen account.

state. An essential element of this perfect society is the presence of a powerful ruler who protects the citizens and establishes a just and reasonable rule of law. To accept this state as normatively desirable entails accepting all aspects of it, including a strong obligation to obey the commands of the ruler.

4. The Eden story also suggests an idea of *consent of the governed*. The argument here bears a resemblance to contemporary theories that ground the citizen's obligation to obey the law on a notion of a social compact. A difference with some more modern ideas, however, is that the Eden story is not a voluntarist account. There is no explicit consent—neither Adam nor Eve agrees to be created or to be placed in the garden. Nor could Adam and Eve be said to have tacitly consented to God's rule by not leaving the garden. Their consent was not voluntary because they had no knowledge of conditions outside and because it is not clear that they would have been allowed to leave in any event.²⁷

But the Eden narrative does propose a related idea. God provides Adam and Eve with marvelous benefits—not only protection, a good living, companionship, freedom from fear and anxiety, and peace, but even the gift of life itself. God asks in exchange only that Adam and Eve cultivate the garden and that they not eat of the tree of knowledge. Neither of these duties is onerous—there are plenty of other trees providing food good to eat, and the weeding is not difficult. In contrast, the outside world is harsh and cruel. The text suggests that Adam and Eve are much better off living in the garden subject to God's rule than they are living outside free of his command. If offered the

²⁷ On tacit consent, see Locke, *Second Treatise of Government*, § 119 (by agreeing to live in a society, the citizen tacitly enters into its formative agreement and thereby submits himself and his property to its governance).

choice, Adam and Eve would elect life in the garden. Even though there is no actual consent, there is at least a fair hypothetical exchange.²⁸

5. Adam and Eve live in a well-defined cosmic order. God's creation of the animals implies an upward progression: presumably the first prototypes were not as advanced as the later ones. But all the animals lack the essential element of humanity, a problem God solves when he forms Eve out of Adam's rib. Orderly relationships among the participants in the primordial society are thus established by the natural conditions of their creation. But this cosmic order is not one of Adam and Eve's making. They have nothing to do with it other than to be a part of the system.

The setting is thus one of an integrated social order, established without human agency, in which citizens live within an orderly hierarchy of being and under the authority of a benevolent, loving, and powerful ruler. The presentation of the garden of Eden as a primordial state of existence allows the author to suggest that the conditions found there are normatively appropriate—and therefore that it is natural, right, and just that people living in actual societies should also be governed by rulers to whom they owe obligations of obedience, gratitude, and respect. The analysis here would today be seen as

²⁸ The idea of fair hypothetical exchange has points of similarity with contemporary theories that do not assume actual consent. See, e.g., Rawls, *A Theory of Justice* (outlining decision conditions in a purely hypothetical agreement reached in an original position in which the parties lack information about their social position, natural advantages, and distinctive values and commitments); Thomas Scanlon, *What We Owe to Each Other* (Cambridge: Belknap Press, 1998), 189–247 (defending a theory of obligation that relies on principles that others, similarly situated, could not reasonably reject). The idea of a fair exchange, because it does imply a bargain, although a hypothetical one, is not the same as the unconvincing argument that citizens are obligated to obey the government because they should be grateful for the services it provides to them. See Smith, “Prima Facie Obligation,” 950–76.

a form of *natural law* theory—one that draws inferences about political obligation from an account of the cosmic order.²⁹

6. A notable feature of the Eden story is that it is fundamentally concerned with *property*. The garden is a piece of real estate, a plot of land with boundaries and a definite location in space. The trees are also property—fixtures attached to the garden. Because the garden and its accoutrements are property, a question arises as to who holds title to this asset.

The author's answer is that God owns the garden and everything in it.³⁰ God created the garden and populated it with plants, animals, and human beings—thus displaying the sort of productive effort recognized in later theory as establishing title to vacant lands.³¹ God asserts continuing title by possessing the garden and using it for his own enjoyment. He exercises the classic rights of landowners to admit, to eject, to exclude, and to enforce house rules. He admits Adam and Eve by creating them and giving them the run of the place; he ejects them by kicking them out after they eat the forbidden fruit; he excludes them by placing cherubim at the border in order to bar reentry; and he establishes house rules by allowing them to eat the fruit of any tree other than the tree of knowledge.

²⁹ For exposition, see Brian Bix, "Natural Law Theory," in *A Companion to Philosophy of Law and Legal Theory* (ed. Dennis Patterson; Malden, Mass.: Blackwell, 1996), 223–40; see also Philip Soper, "Some Natural Confusions about Natural Law," *MLR* 90 (1992): 2393–423.

³⁰ The concept of ownership conveying control rights would have resonated in biblical times. Real property received significant protection and recognition under biblical law. The Decalogue itself addresses this issue, prohibiting people from coveting their neighbor's houses (Exod 20:17). Property lines were marked by boundary stones; moving one was a serious offense (Deut 19:14; 27:17; Job 24:2; Prov 22:28; 23:10; Hos 5:10). Deeds contained metes-and-bounds descriptions of the property being conveyed: Abraham's purchase of a gravesite from Ephron included "both the field and the cave in it, and all the trees within the borders of the field" (Gen 23:17). Property transactions were carried out according to standardized procedures; when Jeremiah buys a field from his cousin he signs and seals the deed, has it witnessed, weighs out the purchase amount in silver, and deposits both sealed and unsealed copies of the deed in a hall of records for safekeeping in a sealed jar (Jer 32:6–15).

³¹ Cf. Locke, *Second Treatise of Government*, § 32 (accounting for origin of title in land).

7. The Eden narrative contains two parallels between the actions of God toward Adam and Eve and the role of parents toward their children. First is the notion of *creation*. Parents create their children by giving them life. God, likewise, creates Adam (by molding him out of dust and breathing life into his nostrils) and Eve (by fabricating her and the animals in a sort of research-and-development operation). As God's creations, Adam and Eve and the animals are subject to his dominion and control.³²

The second parallel draws on the father's position as *head of the household*. God acts in this role toward Adam and Eve.³³ He provides them with food and companionship. He gives them clothes to help them cope with the rigors of the outside world. He allows them plenty of space but also requires that they adhere to his rules. He instructs them on proper behavior and advises them on the consequences of misconduct. He exercises firm and appropriate discipline. He pronounces legacies for them after the affair with the forbidden fruit. In these ways the author presents the image of a family in which God functions as the father and Adam and Eve act as God's children.

These details present the idea that Adam and Eve are obligated to obey God's commands for the same reason that children are required to obey their parents. The political argument to be drawn from this setup is that of *patriarchy*: the authority of a

³² The idea that creation implies power appears to be deep-seated in the human imagination. A version can be found in the first scene of Shakespeare's *Midsummer Night's Dream*, where Theseus tells Hermia, "to you your father should be as a god; one that composed your beauties, yea, and one to whom you are but as a form in wax by him imprinted and within his power to leave the figure or disfigure it." American jurisprudence, for a less exalted example, often jumps from the assertion that a particular agency, practice, or statute is a "creature of Congress" to the conclusion that Congress has control rights over it. See, e.g., *Civil Aeronautics Board v. Delta Air Lines, Inc.*, 367 U.S. 316 (1961) (because an agency is a "creature of Congress" it can do only what Congress says it can do); *Biodiversity Associates v. Cables*, 357 F.3d 1152, 1171 (10th Cir. 2004) ("when rights are the creatures of Congress, Congress is free to modify them at will"). Another example of the powers associated with creation is the claim of artists to "moral rights" in their works. See Amy Adler, "Against Moral Rights," *CALR* 97 (2009): 263–300. At the root of this idea may be a concept that the power to create implies other powers, such as the powers to regulate, to preserve, and to destroy. See *M'Culloch v. Maryland*, 17 U.S. 316, 426 (1819).

³³ See von Rad, *Genesis* (noting God's "fatherly care for man").

father over his children. This species of theory is not popular today³⁴ but was important in times past³⁵ (Locke's *First Treatise of Government* is a critique of patriarchal theory, and Hobbes recognized this form of authority as "dominion paternal").³⁶

8. A final justification for obligation is derived from Gen 3:1–24, concerning Adam and Eve's temptation and punishment. When God returns to the garden, he sees Adam and Eve acting strangely and infers that they have eaten the forbidden fruit. What follows is a trial in which God places Adam and Eve on the witness stand and forces them to answer some uncomfortable questions.³⁷ These events depict the actions of a benevolent lawmaker and judge. The rule at issue (do not eat the fruit of the tree of knowledge) has been clearly and unequivocally stated in advance, as has the penalty for transgression (death). This law is not vague or lacking in notice. When God detects evidence of misconduct, he does not immediately condemn the suspects. He allows Adam and Eve to plead in extenuation. When guilt is established, God exercises mercy: although the penalty for transgression is death, God opts for the lesser punishment of banishment.

³⁴ See, e.g., A. J. Simmons, *Moral Principles and Political Obligations* (Princeton: Princeton University Press, 1979), 162 ("at least since Locke's *Two Treatises* it has been widely accepted that the purported analogy between political and familial relationships is something less than compelling"). One recent work on political obligation that takes the idea seriously is McPherson, *Political Obligation*, 28–40.

³⁵ Filmer explored the concept of patriarchal authority at great length in his *Patriarcha*. Robert Filmer, *Patriarcha and Other Writings* (ed. Johann P. Sommerville; Cambridge: Cambridge University Press, 1991; orig. publ. 1680). Locke addressed the topic in his *First Treatise of Government*, written as a response to Filmer, which, while it devastated many of Filmer's ideas, did not take issue with the basic premise that fathers exercise legitimate authority over their children. American political culture is also thick with patriarchal references—think of George Washington, the "father" of his country; of Madison, Jefferson, etc. as "founding fathers"; or of Lincoln as "father Abraham" to the Union soldiers during the Civil War.

³⁶ Hobbes, *Leviathan*, ch. 20.

³⁷ See Brueggemann, *Genesis*, 49 (identifying God's inquisition of Adam as a trial). On God's conduct of the trial as a model for a concept of fair procedure under the canon law, see Richard Helmholz, "Natural Human Rights: The Perspective of the *Ius Commune*," *CathULR* 52 (2003): 301–25, here 317.

This text outlines a final justification for obligation: *justice*. Any well-functioning society must have a mechanism for adjudicating disputes and thus must confer authority on some party who is charged with defining and enforcing rules. The only alternative is violence or feud.³⁸ The biblical narrative recognizes this authority and also outlines conditions on its exercise: the ruler must be fair and unbiased, even when judging his own cause; must provide the parties with reasonable notice of the rules and of the accusations against them; must afford people an opportunity to defend themselves; and must administer punishment in an evenhanded way, with discretion to exercise clemency even when the offense is grave and proven beyond doubt.

Imperfect Rulers

The foregoing theories of obligation are developed in the setting of an ideal society. Unlike the world of the garden, however, real societies are not perfect. How can principles of obligation established in the ideal setting be translated to everyday life where rulers do not always act well? If even slight deviations from the ideal would defeat the obligation of citizens to obey their rulers, then the analysis presented in the Eden narrative would not say much about the real world. If, however, the obligations identified in the Eden narrative can survive significant deficiencies in the quality of the ruler, then the results of the analysis have a more far-reaching application.

The Bible suggests that the principles of obligation established in the first part of the Eden narrative are robust to deviations from the ideal. There will be no return to the

³⁸ Locke recognized the judicial function as one of the chief attributes of sovereignty and one of the reasons that people would assign away their sovereign power to government. Locke, *Second Treatise of Government*, §§ 124–25. As he puts it, “In the State of Nature there wants a known and indifferent Judge, with authority to determine all differences according to the established Law. For everyone in that state being both Judge and Executioner of the Law of Nature, Men being partial to themselves, Passion and Revenge is very apt to carry them too far, and with too much heat, in their own Cases; as well as negligence, and unconcernedness, to make them too remiss, in other Men’s” (§ 125).

garden. The real world is a messy, dangerous place. Perfection cannot be expected from rulers there. Even so, rulers of the real world, despite their flaws, can behave with good intentions and can deliver the general benefits that God makes available to Adam and Eve in Eden: reasonable security and a fair opportunity for productive work and a satisfying life. Thus the obligations derived from the Eden narrative are applicable in many actual political settings, even when rulers fall short of the ideal.

However, the author also recognizes that political obligation is not unlimited. If a ruler conducts himself in ways that bear little or no resemblance to God's rule in the garden, then the arguments developed in the Eden setting will no longer apply (aside from the argument based on power). Tyrants are not entitled to obedience. The author thus rejects absolutism: in his view, a ruler's legitimacy is a function, at least in part, of the quality of governance that he provides for the people.

Transgression

Now let us consider Adam and Eve's transgression as set forth in Gen 3. Three features of the narrative signal that the author has moved to a new topic:

1. God, the most important character in the preceding narrative, is absent at the beginning of this story. Genesis 2 is all about God and his doings. God establishes the garden, forms a man to inhabit it, fabricates the animals, and creates Eve out of Adam's rib. We even glimpse inside the mind of God, hearing his thoughts about Adam needing a helpmate. In Gen 3, in contrast, there is no account of God's constructive activities. God has finished organizing the garden. We sense at the beginning of the narrative that he is not in the garden at all: he is somewhere else in the universe doing other things (the

serpent, a close observer of God, seems to have no fear that God will interrupt him as he works his wiles).

2. The serpent is introduced as a new and contrasting character.³⁹ It is a subversive, a force of destruction and deceit—attributes that become all too real when, as a result of the serpent’s machinations, Adam and Eve are expelled from the peaceable kingdom of the garden into the chaos of the outside world.

3. The tree of knowledge moves to center stage.⁴⁰ In Gen 2 the tree is mentioned, but only abstractly. In Gen 3 the tree itself becomes the focus of the action. This is a tipoff that the tree and its fruit are a crux of the story—a point emphasized by the detail that the tree grows in the middle of the garden (Gen 2:9).

* * *

Why does the author change the setup in these ways? He does so in order to explore the issue of *breach of political obligation*. By removing God from the scene, the author creates a condition where breach of the citizen’s duty is possible (if God were around, he could prevent Adam and Eve from eating the fruit). By inserting the serpent in God’s place, the author introduces an agent of subversion who can raise questions about the legitimacy of God’s rule. And by placing the tree of knowledge at the center of the narrative, the author provides a way to explore the substance of breach.

Types of Breach

³⁹ Studies of the serpent include R. Walter Moberly, “Did the Serpent Get It Right?,” *JTS* 3 (1988): 1–27; Knut Holter, “The Serpent in Eden as a Symbol of Israel’s Political Enemies: A Yahwistic Criticism of the Solomonic Foreign Policy?,” *SJOT* 1 (1990): 106–12; K. R. Joines, “The Serpent in Genesis 3,” *ZAW* 87 (1975): 1–11.

⁴⁰ This tree is apparently unique to the Eden story, being absent from accounts of primordial gardens found elsewhere in the ancient Near East. Gispén, “Genesis 2:10–14.”

One function of this narrative is to distinguish two types of breach of political obligation. Eve commits both offenses at the same time, but the narrative allows us to distinguish between them.

1. Eve's first offense is *disobedience*—a breach of the rules established by the ruler. Eve desires the fruit of the tree of knowledge because it is pleasing to the eye and good for food (Gen 3:6). She takes it even though she understands that it is forbidden. Eve's eating of the fruit is thus a violation of her obligation to the ruler because she knowingly breaks God's law. But it is a breach of an ordinary sort: an aggravated but still essentially "garden-variety" offense (no pun intended).

2. The second form of misconduct, and the principal subject of the author's interest, is *disloyalty*—a flouting of the ruler's command with intent to undermine his authority. Eve displays disloyalty when she desires the fruit not because of its taste or beauty but rather because she believes that by eating the fruit she can become like God. The author considers this type of breach to be more serious than simple disobedience, and for obvious reasons: disloyal behavior is, nearly by definition, more threatening to the stability of the state and the power of the ruler than ordinary violations of the law.

Etiology of Breach

In addition to identifying types of offense and classifying disloyalty as more serious than ordinary violations of the law, the narrative of Eve and the serpent explores the etiology of the second type of breach—the process by which a person originally obedient to a ruler's command is transformed into a dangerous rebel. The text offers a polemic against subversion and a warning to citizens against listening to people who undermine a ruler's authority.

Eve's descent into disloyalty progresses through the following stages:

1. At the start of the narrative, there is no hint that Eve is dissatisfied or unhappy with God's authority. She begins as a loyal subject who would not even think of disobeying or doubting her ruler's commands.

2. Next, a subversive party—the serpent—gains the citizen's trust. It achieves this objective by inquiring about an item of gossip that is circulating among the animals: "Did God really say, 'You must not eat from any tree in the garden'?" (Gen 3:1):

(a) On the surface the serpent's overture is perfectly innocent. Perhaps the serpent is a little forward in addressing Eve on familiar terms, but it seems they have met before. The setting is one where casual conversations would be expected: Eve and the serpent are at the center of the garden—a public gathering place analogous to a communal well where items of gossip are often exchanged. The serpent, moreover, has a valid reason for asking his question: news that God had restricted the food supply for Eden's leading citizens would quickly have gone viral in that small community. Like everyone else in Eden, the serpent would be curious as to what happened. It is true that the question contains an inaccuracy: God did not prohibit *all* the trees, only the tree of knowledge. But rumors often become exaggerated when they take hold in a community. There's nothing suspicious here.

(b) Beyond allaying suspicions, the serpent seeks to induce Eve to place confidence in his judgment. His question suggests sympathy for the fact that God has cut off her food supply. "Poor you," the serpent seems to say, "did God really do that to you?" The suggestion is that Eve should trust the serpent because he cares about her welfare. The question also builds confidence by suggesting that the serpent's wants to

establish the truth: he implies that he does not quite believe the rumor and is going to a knowledgeable source to get the facts. If the serpent is so concerned with rectifying an inaccuracy that does not even concern him, he must be a reliable and trustworthy sort. By passing on an inaccurate story, moreover, the serpent induces in Eve the desire to correct the misconception and thereby squelch the rumor. Eve is thus placed in a position of cooperating with the serpent in a shared, public-spirited enterprise—further enhancing her trust in him and his judgments.

3. Having gained Eve's confidence, the serpent plants seeds of doubt about the ruler's authority. Although his question is ostensibly respectful of God, it also carries a hint of incredulity: "Did God *really* say, 'You must not eat from any tree in the garden'?" The suggestion is that if the rumor is true, then God has deprived Adam and Eve of an important source of food. The serpent implies that he doubts that God said such a thing because if he did, there would be something wrong with God. Even though the serpent purports to believe that God would not do such a thing, the question of whether God acts in an unreasonable manner has become salient.

4. Next, the seeds of doubt take root in Eve's mind:

(a) The serpent reports a false rumor that could be held against God if it were believed in the community. Eve denies the rumor in order to reject any imputation of unfairness: "We *may* eat fruit from the trees in the garden," she protests (Gen 3:2). Eve apparently hopes that the serpent, who is something of a busybody, will report the truth back to the animals and thereby squelch the rumor. At this point she continues to act as God's loyal subject.

(b) Eve quickly remembers, however, that God has not, in fact, permitted *every* fruit. One is forbidden. Accordingly, Eve quickly qualifies her answer: “But God *did* say, ‘You must not eat fruit from the tree that is in the middle of the garden, and you must not touch it’” (Gen 3:3). Why does she take pains to correct the record? Anyone familiar with rumors knows that if the subject denies part of a story that turns out to be true, the public will tend to believe the entire report even if it is false in other respects. Accordingly, once Eve realizes that she has misspoken, she hastens to revise her initial statement in order to preserve God’s reputation.

(c) Although she continues to defend God, Eve’s confidence is beginning to falter. The forbidden fruit was not salient to Eve prior to her conversation with the serpent. She forgets about it at first. When she remembers, she gets it wrong: God did not prohibit *touching* the fruit, only eating it. Eve does not even know the name or function of the fruit: she refers to it vaguely as the “fruit of the tree that is in the middle of the garden,” a term that also describes the tree of life. Eve’s insouciance is not surprising: given that there are many trees with fruit pleasing to the eye and good for food, it hardly mattered that God would prohibit one of them. Yet once the rule on the forbidden fruit is called to Eve’s mind, it *does* become salient. Eve has to acknowledge that there *is* something, even if not much, to the idea that God has limited her diet. The seed of doubt is growing: even if God cannot be accused of banning all fruit, why did he prohibit *this one*?

(d) Eve signals the crack in her confidence by volunteering that the penalty for eating the forbidden fruit is death (Gen 3:3). This information is not necessary to correct the rumor. If anything, it is likely to trigger even more gossip (why did God impose the

death penalty for such an apparently trivial offense?). In telling the serpent about God's threat, Eve is subtly asking for its opinion about God's motivations.

5. Recognizing that Eve has become receptive to his message, the serpent moves from insinuation to sedition. It boldly pronounces a shocking judgment: "You will not certainly die," the serpent declares, "for God knows that when you eat [the fruit] your eyes will be opened, and you will be like God, knowing good and evil" (Gen 3:4). The serpent asks Eve to believe that God is not really a good and benevolent ruler, as she had supposed, but rather an unscrupulous manipulator whose real interest is in protecting his power.

The author here illustrates two points about subversion, each of them demonstrating why nothing a subversive says should be taken at face value:

(a) Subversives twist facts. The serpent's predictions turn out to be accurate—in a sense. Adam and Eve do not die from eating the forbidden fruit. God punishes them but does not deprive them of life. And knowledge of good and evil does make them like God, in the sense that they attain a level of knowledge previously reserved for God alone. To this extent the serpent's predictions prove to be accurate. In a deeper sense, however, the serpent's assertions are false. Adam and Eve *do* die as a result of their misconduct—in the long run. They are expelled from Eden before they can eat the fruit of life which confers immortality. And while it is true that Adam and Eve become *like* God when they gain the knowledge of good and evil, they do not become *God*. Lacking God's capacities, they experience their knowledge as frightening and disorienting—nothing like what the serpent has promised.

(b) Subversives draw false conclusions. Even if the serpent was correct that Adam and Eve would not die and would become like God, the conclusion that he draws—that God is a bad and manipulative ruler—is fallacious. Contrary to the serpent’s suggestion, God does not forbid the fruit out of a selfish wish to aggrandize himself at the expense of his subjects. Instead, he acts out of concern for their best interests. God takes care of their welfare. Adam and Eve would gain nothing of value by knowing good and evil. Not only would this knowledge afford them no benefit; it would fill them with fears—as indeed it does. And while God is jealous of his prerogatives, just as the serpent suggests, there is nothing wrongful about this. It would not serve anyone’s interest if Adam and Eve were to vie for God’s authority in the garden.

6. The next stage in Eve’s descent into subversion is that she disobeys God’s command. The author explores this stage by describing her behavior after the serpent has presented his case. She does not eat the fruit right away. She thinks about the serpent’s arguments. But her judgment is clouded by temptation: she “saw that the fruit of the tree was good for food and pleasing to the eye, and also desirable for gaining wisdom” (Gen 3:6). In the face of multiple temptations, her loyalty seeps away. Her resistance crumbles and she eats. At this point she has committed something akin to treason. What distinguishes the action as treasonous is Eve’s motivation: she hopes by eating the fruit to supplant God’s authority.

7. One person acting alone is unlikely to topple a ruler. For subversion to be effective, others must join. The author codes this step in the detail that Eve feeds the fruit to her husband (Gen 3:6). Once Adam has eaten the fruit, he has cast his lot with Eve in a conspiracy to supplant God’s rule.

8. The final step in the process of subversion is insurrection. This does not happen in the garden, perhaps because if it did, God would destroy the malefactors and the world as we know it would not come into being. Adam and Eve do not take to the barricades. But they come perilously close. Having gained knowledge of good and evil, they have usurped some of God's authority already. God still has a measure of control because he is immortal and they are not. He can kill them if they become dangerous. But even that power is in jeopardy. The tree of life also grows in the middle of the garden (Gen 2:9). Adam and Eve need only eat some of its fruit in order to gain immortality. The reason they do not do so right away is that the knowledge of good and evil so overwhelms them that they lose the capacity for effective action. But when they adjust they are likely to see the benefit of eating the fruit—or perhaps the serpent will so advise them. In any event God concludes that it is too dangerous to allow them this opportunity. Adam “must not be allowed to reach out his hand and take also from the tree of life and eat, and live forever” (Gen 3:22). God's solution—the only option available to him other than killing Adam and Eve outright—is to banish them from the garden.

Substance of Breach

So far we have examined the author's analysis of the etiology of subversion. But what is the *substance* of subversion—what, if anything, alienates the citizen from the ruler? The author codes information on this issue in the description of the forbidden fruit. The item in question is described as the fruit of the tree of “knowledge of good and evil.” What does this element mean from the standpoint of political theory?

1. The Bible's concept of knowledge differs from the comparable idea in Western philosophy. Biblical knowledge does not mean a well-founded certainty about the truth of

a proposition. To know something, in the biblical sense, is to have an active, *lived involvement* in the matter—to “come to know” it (hence the use of the verb to denote sexual intercourse).⁴¹

2. The text also provides information about the nature of good and evil:

(a) Much information that is important in the real world does not fall in the category of good and evil. For example, Adam and Eve tend the garden. To do their job competently, they need to understand something about soil conditions, water supply, sunlight, protection against harmful weeds, and so on. Technical knowledge of this sort could be highly sophisticated without straying into forbidden territory: there would be nothing to stop Adam and Eve from running the farm with personal computers. Similarly, Adam and Eve have knowledge of the physical and biological world. They recognize the animals and understand something of their habits and characteristics. Objective knowledge of this sort could also be extensive: without having knowledge of good and evil, Adam and Eve might run a DNA lab with the full genetic code of all living species. Adam and Eve also have knowledge of the law: they are aware of God’s injunction regarding forbidden fruit (even if Eve exaggerates its scope). Again, this form of knowledge could be expanded: Adam and Eve could maintain a library containing the entire code of United States laws and regulations without gaining knowledge of good and evil. It is a mistake, therefore, to imagine that Adam and Eve live in a state of ignorance before they eat the forbidden fruit. In fact, they can know most of the information that is available to people in the real world. The author signals this fact by emphasizing the large

⁴¹ See Ephraim A. Speiser, *Genesis: A New Translation with Introduction and Commentary* (AB 1; Garden City, N.Y.: Doubleday, 1964), 26; von Rad, *Genesis* (verb never signifies purely intellectual knowing, but rather an experiencing or becoming acquainted with).

number of trees that *are* permitted as food. The ratio between permitted and forbidden knowledge is roughly equal to the ratio of permitted to forbidden fruit: in both cases much more is allowed than is prohibited.

(b) In addition to clarifying what good and evil are *not*, the author provides clues as to what they *are*.

Information about “good” can be derived from the narrative of God’s creation of Eve. Before eating the fruit, Adam is unaware that his deepest need is not being met—he has no helpmate. He does not flourish in the garden without Eve’s presence. God recognizes Adam’s problem and considers it important enough to launch into a vigorous creation campaign that results in the formation of Eve. By implication, knowledge of “good” is a lived understanding of what will *enhance one’s flourishing*.

Information about “evil” is also found in the narrative. After Adam and Eve eat the forbidden fruit their “eyes [are] opened” (Gen 3:7). This detail is obviously not intended literally: Adam and Eve were not blind before. It means that they see the same things, but in a different light. In particular, what they see differently is their own bodies. They realize that they are naked, feel ashamed, and sew garments for themselves out of fig leaves. While the threat they perceive may have to do in part with sexuality, it is much more extensive. Realizing one is naked in the presence of others is not erotic but frightening. The implication is that knowledge of “evil” is an understanding of what threatens to *interfere with one’s flourishing*.⁴²

⁴² See Speiser, *Genesis*, 15. Speiser translates the phrase as knowledge of “good and bad.” Along somewhat the same lines, Clark sees the concept of good and evil as having roots in legal practices and as implying the authority to act authoritatively in making judgments. See W. Malcolm Clark, “A Legal Background to the Yahwist’s Use of ‘Good and Evil’ in Genesis 2–3,” *JBL* 88 (1969): 266–78, here 275.

(c) All this suggests that the knowledge of good and evil is a specific but important category of information. It is the lived understanding of *what is good and bad for people* in their lives, property, and social relationships—what will or will not enhance their flourishing. When Adam and Eve obtain this knowledge they become “like God” because they gain a capacity that had previously been reserved for God alone.

(d) From the political point of view, what is at issue is *policy*.⁴³ Before Adam and Eve eat the forbidden fruit, God makes all the decisions for his subjects—as would be appropriate since they do not have the capacity to understand what will and will not serve their welfare. Once Adam and Eve have eaten the fruit, however, they become capable of evaluating the wisdom of God’s policies and also gain the ability to take action based on their evaluations. They are likely, therefore, to disagree with God from time to time and to substitute their judgment on matters of public importance. These differences on

⁴³ This interpretation is supported in other biblical texts. When the woman of Tekoa appeals to David to allow Absalom’s return from banishment, she says, “May the word of my lord the king bring me rest, for my lord the king is like an angel of God in discerning good and evil” (2 Sam 14:17). She is here associating the figure of the king with knowledge of good and evil and referring to the king’s power to judge questions of policy. Similarly, when Barzillai declines an invitation to join David’s court, in 2 Sam 19:36, he excuses himself on the grounds that he is too old to know the difference between good and evil—and thus, presumably, that he will be of no use to David as a counselor in the formation of policy. In 1 Kgs 3:7–9 Solomon, having ascended to the throne, seeks guidance from God at the sanctuary at Gibeon, asking, “Now, O Lord my God, you have made your servant king in place of my father David. But I am only a little child and do not know how to carry out my duties. Your servant is here among the people you have chosen, a great people, too numerous to count or number. So give your servant a discerning heart to govern your people and to distinguish between right and wrong. For who can judge this great people of yours?” Once again the notion of good and evil is tied to issues of governance and policy. Also consistent with knowledge of good and evil as involvement with policy is the account in 2 Sam 13:22, relating how Absalom, David’s son, learned that Amnon, another son of David, had raped Absalom’s sister Tamar. Absalom’s response is to speak “neither good or bad” to Amnon. Although the text records a family dispute, this episode, like others involving Absalom, is more fundamentally about power and politics. Amnon and Absalom were rivals for succession to the kingship. The statement that Absalom spoke “neither good or bad” to Amnon can be interpreted as indicating that the two of them had become political enemies and therefore had no discussions about policy. Support for this interpretation is also found in Gen 31:24, 29, which reports a dream in which Laban is warned not to say anything to Jacob, either good or bad. Because this text occurs in the context where Jacob and Laban are splitting their households apart, it bears the interpretation that the two of them, being no longer politically connected, should have no further discourse on policy matters.

questions of policy can feed the process of resistance to political authority because they provide a basis around which opposition can crystallize.

The story thus warns about the knowledge of good and evil—the ability to evaluate what will and will not serve a person’s welfare. In the real world, unlike the garden of Eden, people do possess this knowledge, and necessarily so: otherwise they would not survive. But the author suggests that they must use this capacity with caution. Knowledge of good and evil is an excellent guide to right conduct—a point illustrated in the Wisdom literature, especially the book of Proverbs, which offers all sorts of counsel on how to live a good and decent life. But knowledge of good and evil in the *political* sense—the lived involvement of questions of policy—can be a stumbling block. The text thus cautions citizens about the dangers of substituting their judgments for those of their political rulers.

Might-Makes-Right

In addition to providing an account of breach of political obligation, the story of the forbidden fruit allows the author to develop two arguments against the might-makes-right theory introduced in the first part of the Eden narrative:

1. Consider Eve’s response when tempted by the serpent. Eve displays no sense that it would be *wrong* to eat the fruit. She reports only that God has forbidden it on penalty of death. Eve does not internalize the rule at all. Because she has no sense of the morality or justice of the rule, her only reason for not eating the fruit is practical—the concern that she does not want to be punished. In other words, Eve interprets God’s command according to the might-makes-right theory.

The serpent, like the subversive he is, well understands Eve's thinking. Because her objection to eating the fruit is based on the wish not to be punished, he does not need moral arguments. He simply needs to persuade Eve that the consequences she fears will not occur. Accordingly, he tells her that she will not die if she eats the fruit. Perhaps Eve wants to believe the serpent's reassurances, for she is easily convinced. She gives in to temptation and then compounds the offense by serving the fruit to her husband.

One message of this story, for the theory of obligation, is that might-makes-right is not a strong inducement to compliance because it provides no reason to obey a rule if no punishment is expected from its breach.⁴⁴ Eve will obey as long as she fears that God will punish her if she transgresses. As soon as she is convinced that she will not be punished, she gets out the cutlery. But people always find ways to break rules without being caught. The smarter they are, the better they are at avoiding detection. Unless people internalize a sense of obligation, the mere fear of punishment is an insufficient basis on which to administer a rule of law.

2. The text addresses an even more troubling aspect of the might-makes-right theory. The serpent tempts Eve with the suggestion that if she eats the forbidden fruit she will become like God. Convinced that this is the case, Eve has no compunction about breaking God's command. Her analysis appears to be as follows. If her only reason not to do something is fear of God's punishment, then if she can supplant God's authority she can do anything she wants. Might-makes-right, in other words, provides not only a weak incentive to comply with the law but also an affirmative incentive for *usurpation*. It can

⁴⁴ As Raz puts it, each person "has certain areas of law where the risks he runs by breaking the law are minimal and where prudential considerations would support adopting a policy of disregarding it altogether, and acting as if there is no prudential reason against breaking the law." Raz, *The Authority of Law*, 244.

be used to justify a ruler's absolute authority, but it will also protect anyone who ousts the ruler in a *coup*. Taken together, these two arguments—that might-makes-right provides an insufficient basis for compliance and that it provides a perverse incentive for usurpation—provide a powerful case against the use of this argument as a basis for political obligation.