Jews and Gentiles in the Holy Land

in the Days of the Second Temple the Mishnah and the Talmud

edited by Menachem Mor ◆ Aharon Oppenheimer
Jack Pastor ◆ Daniel R. Schwartz

The eleven articles in this volume were presented at an international research conference on various aspects of the relations between Jews and Gentiles in the Land of Israel during the Second Temple, Mishnaic, and Talmudic periods that was held at the University of Haifa. A companion volume contains nine of the lectures presented at the conference in Hebrew.

The articles, written by prominent European and Israeli scholars, discuss Jewish-Gentile relationships in the political, legal, economic, cultural, and literary spheres. The volume is an important contribution to our knowledge of this central period in the history of the Holy Land, the Jewish People, early Christianity, and the classical world.

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Front cover (clockwise):
coin of John Hyrcanus I, pagan musicians from Maresha Caves,
zodiac from Hammat Tiberias, sarcophagus from Second Temple Jerusalem

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JEWS AND GENTILES IN THE HOLY LAND

Proceedings of the Conference

Relations between Jews and Gentiles in the Period of the Second Temple, Mishnah, and the Talmud

held at the University of Haifa, 13–16 November 1995

Organized by the Centers for the Study of Eretz-Israel and its Yishuv of Yad Izhak Ben-Zvi and Haifa University and Tel Aviv University

Conference Academic Committee:

Menachem Mor, Aharon Oppenheimer, and Daniel R. Schwartz

Jews and Gentiles in the Holy Land in the Days of the Second Temple, the Mishnah and the Talmud

A collection of articles

Edited by

MENACHEM MOR, AHARON OPPENHEIMER,
JACK PASTOR, AND DANIEL R. SCHWARTZ

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In memoriam

Leo Mildenberg

Numismatist

Died Zurich, January 2001

Contents

Foreword

This collection of articles comprises most of the lectures presented at an international research conference on the relations between Jews and Gentiles in the Land of Israel during the Second Temple, Mishnaic, and Talmudic periods that was held at the University of Haifa in November 1995. This conference was a renewal of the series that began in 1982 when the Centers for the Study of Eretz Israel and its Yishuv at the Universities of Haifa and Tel Aviv joined to host a series of scholarly conferences exploring the era from the establishment of the Second Temple till the canonization of the Talmud. The presentations at these conferences were published for the most part by Yad Izhak Ben-Zvi.

After an interval of a few years the joint conferences were renewed, producing this volume and its companion volume of studies offered in Hebrew.

During the conference there was a festive session in honor of the sixtieth birthday of Prof. Uriel Rappaport of the University of Haifa. He was one of the founders and leading movers of the series of joint conferences that yielded these volumes and others. We wish Prof. Rappaport a long and healthy life and many more years of fruitful research.

In this volume, containing submissions in English and French, there are eleven articles. The articles investigate various aspects of the relations between Jews and Gentiles.

• Miriam Pucci Ben Zeev deals with the policy of Augustus towards the Jews of the Province of Asia. She authenticates, analyzes, and discusses the implication of an Imperial edict on Jewish rights published in Josephus' *Antiquities.*

• Gideon Bohak directs our attention to ancient anti-Semitism in its historical context. He maintains that many of the anti-Jewish expressions employed by Greek and Latin authors were taken from the hackneyed vocabulary and stereotypes drawn on by them to describe 'Barbarians.' In his view one must compare the expressions used by them to describe Jews

to those employed to describe other people, such as the Egyptians. This comparison indicates that the foundations of ancient anti-Semitism belong to a large complex of prejudices.

• Mireille Hadas-Lebel examines the Roman imperial system of rule through client princes by analyzing the education of the Herodian princes in Rome.

• Jan Willem van Henten discusses 2 Maccabees as a noteworthy example of a Jewish literary and religious paradigm in which Jews are threatened, saved, and revenged. Furthermore, he suggests that this literary pattern is not specific to Jews, but was current among other literatures and so may help confirm the dating of 2 Maccabees.

• Pieter W. van der Horst illuminates the last Patriarch (Nasi), Gamaliel the sixth, who lived at the beginning of the fifth century CE. From patristic sources van der Horst learned that Gamaliel suggested medicine for the spleen, while from Libanius of Antioch, a famous medical authority, we learn that these two persons conducted an extensive correspondence. The Patriarch is revealed as a wealthy man with wide-ranging interests, who is well-versed in Greek culture and the medical world of the Graeco-Roman civilization.

• Joseph Mélèze Modrzejewski gave the keynote lecture at the festive session in honor of Prof. Rappaport. He spoke on Roman law and Jewish personal status. At the core of his lecture were the issues of legislation about circumcision and the religious identity of children born to Jewish women married to Gentiles.

• Menahem Luz directs our view to the Cynic philosophy typical of Hellenistic Eretz-Israel. Here, and specifically in Gadara of the Decapolis, famous Cynic philosophers such as Menippus, Meleager, and Oenomaus were active. Luz suggests that these philosophical circles made an impression on the Jewish inhabitants of the area and influenced the Sages.

• Etienne Nodet focuses on Gentile God-fearers and Messianism. He maintains that the early Christians and Rabbinic Judaism (stemming mainly from Galilean and Babylonian groups) aimed to reform Israel by internal conversion, and not convert Gentiles. The Messianic idea was very popular in these circles, but was later rejected for various reasons both by the Christians, as expressed in the New Testament, and by the Jews, as revealed by the Mishnah.

• Jack Pastor reminds us that Herod was king of both Jewish and Gentile populations. Pastor suggests that we can resolve the question of Herod's alleged preference for one or another of these groups by comparing his economic policies toward them both. He chooses to compare the settlement and building activities of the king.

• Jonathan J. Price discusses the subject of Jews and the Latin language in the Roman Empire. His paper is based on the Latin inscriptions made by Jews in the Western Roman Empire.

• Daniel R. Schwartz examines the question of whether there exists a reliable version of *On the Jews* by Hecataeus of Abdera. He focuses his attention on a fragment in Diodorus Siculus, which many scholars claim is originally by Hecataeus.

The Hebrew volume contains nine papers.

• Ziona Grossmark discusses the different aspects of the use and production of jewelry by Jews of the period. She examines the question of how we can determine the attitude of the Sages toward pagans and their practices by examining their attitudes toward jewelry.

• Esti Dvorjetski treats the subject of medicinal hot springs in Eretz-Israel during the period of the Mishnah and the Talmud. She illuminates the relationship between Jews and Gentiles by an examination of the hot springs renowned both in the country and throughout the Roman world.

• Arieh Kasher discusses Manetho's version of the Hyksos invasion of Egypt and his account of the lepers. These versions are a counter-history of the biblical story of the Exodus. Kasher contends that these versions were intended to undermine the agreeable treatment that the Jews enjoyed in Ptolemaic Egypt.

• Shulamit Valler deals with an assortment of sources on conversion. From them it is possible to learn about the distinction that the Sages made between Jews and Gentiles on a moral-societal level and on the religious-cult level.

• Ze'ev Safrai asks: Who was the "goy" that the Jew encountered in the Mishnaic-Talmudic period? In replying, he discusses the Aramaic-speaking Gentiles who were, in his opinion, another facet of the socio-political confrontation in Eretz-Israel.

• Gideon Fuks surveys the history of the relations between the city of Ashkelon and the Jews from the Hellenistic through the Byzantine periods.

• Israel Ronen examines the marriage contract written in 176 BCE on an ostrakon from Maresha. It reveals one more aspect of the relations between Jews and Idumeans.

• Joshua J. Schwartz studies the attitude of the Sages and Jewish society toward the culture of games and leisure activities and how this attitude was expressed in the relationships between Jews and Gentiles in the Mishnaic-Talmudic period.

• Israel Shatzman examines the attitude toward Gentiles among various Jewish circles, as expressed in some Jewish compositions from the early Hasmonean period. The focus of his investigation is the attitude toward the Hasmonean policy of conquest.

We wish to thank the conference participants for their contribution to the pleasant atmosphere that reigned throughout the sessions. In addition, we regret the great delay in the publication of their work, a delay stemming from many reasons, but we hope that the collection will be a fitting compensation for their long wait.

The collection is dedicated to the memory of Dr. Leo Mildenberg, who passed away in Zurich in January 2001. Dr. Mildenberg, a numismatist of Eretz-Israel, participated in two of the joint conferences held by the Yad Ben-Zvi Centers of the Universities of Haifa and Tel Aviv. His contribution to the conference: *Greek and Rome in Eretz-Israel*, that was held in Haifa and Tel Aviv in 1985, was published in the collection of articles deriving from that conference: L. Mildenberg, "Rebel Coinage in the Roman Empire," A. Kasher, U. Rappaport, G. Fuks, (eds.), *Greece and Rome in Eretz Israel: Collected Essays*, Jerusalem 1990, pp. 62–74. A Hebrew version of this article was published in *Cathedra,* 52 (1989), pp. 90–96.

Dr. Mildenberg participated in the conference that produced the present volume, contributing a paper on "Gaza 404–96 BCE: A Survey." May his memory be blessed.

We would also note with gratitude Mrs. Danielle Friedlander who took care of all the logistical details of the conference. Her dedication and amiability contributed much to its success. We would also like to thank Dr. Adam Teller and Mr. Israel Ronen who helped greatly with the style of the articles. A final note of thanks to the dedicated editorial coordinators at Yad Izhak Ben-Zvi, Mrs. Shlomit Meshullam and Mr. Yohai Goell, who labored so long to bring this volume to print.

Abbreviations

ANRW = *Aufstieg und Niedergang der römischen Welt.* Berlin and New York, 1972–1990.

BAR = *Biblical Archaeological Review*

BGU = *Aïgyptian Urkunden aus den Staatlichen Museen zu Berlin*

BT = Babylonian Talmud

BZAW = Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft

CBQ = *Catholic Biblical Quarterly*

CBQMS = Catholic Biblical Quarterly Monograph Series

CIL = *Corpus Inscriptionum Latinarum*, Berlin

CPJ = V.A.Techerikover, A. Fuks, and M. Stern, *Corpus Papyrorum Judaicarum.* Cambridge, MA 1957–1964.

CRAI = Comptes rendus de l'Académie des Inscriptions et Belles-Lettres. Paris

EJ = *Encyclopaedia Judaica*, Jerusalem 1971–1972.

EPRO = Etudes préliminaires aux religions orientales dans l'Empire romain

FIRA = Fontes Iuris Romani Antiqui

GC = J.H. Oliver, *Greek Constitutions of Early Roman Emperors from Inscriptions and Papyri.* Philadelphia 1989.

HTR = *Harvard Theological Review*

ICS = Illinois Classical Studies

IEJ = *Israel Exploration Journal*

JBL = *Journal of Biblical Literature*

JE = *Jewish Encyclopedia.* New York 1901–1906

JJP = *Journal of Juristic Papyrology*

JJS = *Journal of Jewish Studies*

JQR = *Jewish Quarterly Review*

JRS = *Journal of Roman Studies*

JSHRZ = *Jüdische Schriften aus hellenistisch-römischer Zeit.* Götersloh

JSJ = *Journal for the Study of Judaism in the Persian, Hellenistic and Roman Period*

JSP = *Journal for the Study of Pseudepigrapha*

PL = *Patrologiae cursus completus, series latina*
PT = Palestinian Talmud
RB = *Revue biblique*
RDGE = R.K. Sherk, *Roman Documents from the Greek East,* Baltimore 1969
RE = *Realenzyklopädie der klassischen Altertumswissenschaft*
REJ = *Revue des etudes juives*
RGE = *Rome and the Greek East to the Death of Augustus,* edited and translated by R.K. Sherk, Cambridge 1984
RHD = *Revue d'histoire du droit*
RHPR = *Revue d'histoire et de philosophie religieuses*
RIDA = *Revue internationale des droits de l'antiquité*
SAOC = Studies in Ancient Oriental Civilization
SB = *Sammelbuch griechischer Urkunden aus Ägypten*, Berlin, Leipzig, Heidelberg, and Wiesbaden
SCI = *Scripta Classica Israelica*
SEG = *Supplementum Epigraphicum Graecum*
TUGAL = Texte und Untersuchungen zur Geschichte der altchristlischen Literatur
VT = *Vetus Testamentum*
WMANT = Wissenschaftliche Monographien zum Alten und Neuen Testament
ZNW = *Zeitschrift für die Neutestamentlische Wissenschaft*
ZPE = *Zeitschrift für Papyrologie und Epigraphik*
ZSS. RA = *Zeitschrift, Savigny-Stiftung für Rechtgeschichte, Romanistische Abteilung*

Augustus' Policy and the Asian Jews

MIRIAM BEN-ZEEV

Augustus' decisions concerning the Jews of Asia are mentioned in a document quoted by Josephus in the sixteenth book of his *Antiquities*, paras. 162–165. This is an edict issued by Augustus which confirms the Jews' right "to follow their own customs in accordance with the law of their fathers, just as they followed them in the time of Hyrcanus, high priest of the Most High God, namely,[1] that their sacred monies shall be inviolable and may be sent up to Jerusalem, and that they need not give bond on the Sabbath or on the day of preparation for it after the ninth hour. And anyone caught stealing their sacred books or their sacred monies from a synagogue or a private place shall be regarded as sacrilegious, and his property shall be confiscated to the public treasury of the Romans" (paras. 163–164).

The publication order appears at the end of the text (para. 165): "I order that the present edict be set up in the most conspicuous [part of the temple] assigned to me by the federation of Asia with plainly visible <lettering>."[2] The general opinion holds that this edict was issued by Augustus in 12 BCE, since the title *pontifex maximus* given to Augustus allows us to establish 6 March 12 BCE as the terminus post quem for the composition

1 The translation "namely, that..." was suggested to me by Prof. Hannah Cotton during the discussion which followed the original presentation of this paper, to replace Marcus' translation "and" (Loeb ed., p. 273). Its sense is that the right to follow Jewish customs is a kind of general title, which is followed by its specific content, namely, the right to send the sacred monies to Jerusalem and the right to observe the Sabbath.

2 This reading follows the suggestion of J. Oliver, *Greek Constitutions of Early Roman Emperors from Inscriptions and Papyri* (henceforth *GC*), Philadelphia 1989, p. 581. See M. Pucci Ben Zeev, *Jewish Rights in the Roman World: The Greek and Roman Documents Quoted by Josephus Flavius*, Tübingen 1998 (henceforth Pucci Ben Zeev, *Jewish Rights*), pp. 237–238.

of this document.[3] Moreover, it is commonly assumed that the number of Augustus' *tribunicia potestas*, lost in the Greek manuscripts, is preserved in the Latin version, where "XI" stood in the margin, which was construed to refer to Augustus' *tribunicia potestas*. This interpretation led scholars to conclude that the document has to be dated 12 BCE, a date generally accepted in modern research.[4]

In his recent work, however, Gruen advocates prudence, suggesting that the edict was issued in 12 BCE "or later."[5] He is right, for a recent study by Eilers now shows that the date of this document is definitely not 12 BCE.[6] Eilers checked the manuscripts of the Latin version, and found that some, not all, do have an "XI" in the margin. This can be seen, for example, in the Codex Darmstadinus, viewable on the Internet. On the previous page of this manuscript (fol. 38v.), however, is a marginal "X"; two pages before that (fol. 37v.) is a marginal "VIIII"; over the preceding and following pages, respectively, the numbers II to VIII and XII to XX can be found. The conclusion is obvious: these numerals are not readings that have been lost in the Greek tradition, but no more than chapter numbers, which correspond to the numbers laid out in a table of contents that began each book. Eilers, therefore, has the great merit of having drawn scholars' attention to the fact that Latin manuscripts do not allow us to date this document to 12 BCE: possibly, Augustus' edict was written in 3 BCE, as Eilers suggests relying on the carreer of C. Marcius Censorinus, who is mentioned in para. 165.

The question should now be addressed pertaining to the authenticity of this document. The only possible answer may come from a comparison with authentic Roman edicts. The original texts have not survived, but we do have the copies, made by their recipients, often engraved in stone, marble, and bronze. These inscriptions, together with the surviving papyri, constitute a basis for comparison.

We shall start with the formal features.

3 See V. Ehrenberg and A.H.M. Jones, *Documents Illustrating the Reigns of Augustus and Tiberius*, Oxford 1955^2, p. 47.

4 See the works quoted in the bibliography of Pucci Ben Zeev, *Jewish Rights*, pp. 235–236.

5 E.S. Gruen, *Diaspora: Jews amidst Greeks and Romans*, Cambridge and London 2002 (henceforth Gruen, *Diaspora*), p. 100.

6 I wish to thank Prof. Claude Eilers for kindly enabling me read his article on "The Date of Augustus' Edict on the Jews (Jos. *AJ 16.162–5)* and the Career of C. Marcius Censorinus," forthcoming in *Phoenix*.

The edict begins with the titles of Augustus[7] followed by the verb *legei*, "declares" or "proclaims." This is the usual technical expression that follows the titles and introduces imperial edicts.[8] The proclamation of edicts seems to have been in the old form used by the Republican magistrate, which began with *dicit* or, in the case of a board, *dicunt*,[9] where the present tense indicates that edicts in the Republic were initially proclamations made by a herald.[10]

The structure of the edict, too, can help determine its authenticity. The first paragraph (para. 162) gives the reasons which prompted Augustus to issue the edict and is introduced by *epeidē*, as is found, for example, in one of the Cyrenian edicts of Augustus.[11] The main decision follows (para. 163), introduced by *edoxe moi kai tō emō sumbouliǫ meta orkōmosias, gnōmę demou Rōmaion*, which is the standard formula, similar to that used in the Republican age when it translated the Latin *senatui placere*.[12] As for the publication order, the use of the term *diatagma* (para. 165) to define the edict (it is the usual technical name of Imperial decrees),[13] and the verb *keleuō* (the usual verb used to express imperial decisions)[14] finds

7 Only some of them are given here, compared with those found, for example, in the so called Cyrene edicts of Augustus (*GC* no. 8, 7/6 BCE). We do not find the title *autokrator* preceding Caesar, nor *theou uos or uios*, son of the god, which appears in some of the letters written by Augustus (see for example, *RDGE* no. 67, l. 2 = *RGE* no. 103; *GC* no. 4, ll. 12–13; *GC* no. 5, ll. 1–3 and GC no. 7, l. 22).

8 *Legei* also appears in extra large letters in the so-called edicts from Cyrene (*GC* no. 8, l. 3; no. 9, l. 41; no. 10, l. 56; no. 11, l. 63; no. 12, l. 73). After Augustus' time, *legei* appears in edicts issued by Claudius (*GC* no. 26, l. 2), by Germanicus (*GC* no. 17, l. 29, 19 CE), by Hadrian (*GC* no. 88, l. 4, 136 CE), by an unknown emperor (*GC* no. 186, l. 2), by Severus and Caracalla (where it appears in the plural form, *legousin*, GC no. 252, l. 18), by Caracalla (*GC* no. 269, l. 5) and by Severus Alexander in 222 CE (*GC* no. 275, l. 4).

9 See M. Benner, *The Emperor Says: Studies on the Rhetorical Style in Edicts of the Early Empire*, Göteborg 1975.

10 Oliver, *GC*, pp. 18–21. See also F. Millar, *The Emperor in the Roman World*, London 1977, p. 253.

11 *GC*, no. 8, l. 4, 7/6 BCE.

12 Sherk, *RDGE*, p. 15.

13 See also *GC*, no. 2, l. 1.

14 *Keleuō* is found in many imperial edicts: in one probably issued by Augustus concerning the violation of sepulchres (*GC* no. 2, l. 14), in a proclamation of Germanicus (*GC* no. 16, l. 17), in Claudius' letter to the Alexandrians (*GC* no. 19, col. IV, l. 89 and col. V, l. 88), and in edicts issued by Vespasian (*GC* no. 38, l. 4), by Hadrian (*GC* no. 56, l. 4), and by Antoninus Pius (*GC* no. 154, l. 14).

numerous parallels in Greek inscriptions and papyri. In spite of the fact that Imperial edicts seem generally to have been made known through public reading,[15] publication is mentioned in many edicts.[16] An explicit order of publication appears in Vespasian's edict protecting physicians: "I, [Imperator Caesar] Vespasian, have signed the order and commanded [its publication] on a whitened board. It was published in Year Six, month [Loos, on the Capitol]..." (*GC* no. 38, ll. 18–20, 74 CE). In an edict by Hadrian, too, we read: "Have this letter engraved on a stele and set it up at Piraeus in front of the Deigma" (*GC* no. 77, ll. 12–13); and in one issued by Severus Alexander on the *aurum coronarium* we find: "Let the magistrates in each city take care (to expose) publicly copies of this, my decision <where> they will be most easily visible to the readers" (*GC* no. 275, col. 2, ll. 21–23, 222 CE).

The final sentence in Josephus (para. 165) reads: "If anyone transgress any of the above ordinances, he shall suffer severe punishment." This too has ancient parallels. An edict issued by Septimius Severus and Caracalla ends with these words: "[If] anyone is caught [outrageously?] dunning [someone] for taxes owed by another, he shall run no ordinary peril" (*GC* no. 254, 200 CE).

The formal features of the Augustan edict in Josephus are those commonly found in known imperial edicts. The main information it provides is Augustus' permission to the Jews "to follow their own customs in accordance with the law of their fathers." This constituted for the Jews a basic and vital right, indispensable for the preservation of Jewish life.

From the Roman point of view, though, this was not an isolated case. The right to follow local laws and customs (where the Greek expression *chrēsthai tois idiois nomois* translates the Latin *ut legibus et iustis et*

15 As we learn from *CPJ* II, 153, col. I, ll. 1–8.

16 For example, an edict by Hadrian, *GC* no. 88 A, l. 24, and a number of responses and edicts by Septimius Severus and Caracalla (*GC* no. 227 B, l. 6; no. 239, ll. 11–12; no. 240 A, ll. 12–13; no. 254, l. 53; no. 261 A, ll. 12–13). An edict by Nero to the Alexandrians states "the epistle was exposed publicly in the agora" (*GC* no. 33, l. 8), and an edict of Hadrian to Rammius Martialis concerning the children of Roman soldiers was published at Alexandria "in the barracks of the winter quarters of the [third] Cyrenaic [legion and of the twenty-second] Deioterian legion" (*GC* no. 70, ll. 5–7). We also know that a number of responses of Septimius Severus and Caracalla were published at Alexandria in the *stoa* of the gymnasium (*GC* no. 226, ll. 1–3; no. 230, l. 21; no. 241, l. 5, 200 CE) and possibly at Babylon in a public *stoa* (*GC* no 269, 215/6 CE).

moribus suis uterentur,[17] was often given to Greek *poleis*. We read in Greek inscriptions: "Whatever laws, right, [and] custom existed...the same laws, right and custom shall exist..." or "We grant you your freedom..., retaining your right to govern all your affairs [by yourself] according to your laws." Another formula which appears is: "that their own laws and customs [which] they formerly [enjoyed], *these* shall they enjoy; [and that whatever laws] and decrees [they themselves] have passed...[all these are to be legally binding] *upon them.*"[18]

Recognition of local laws and customs was also given by Augustus to the citizens of Chios,[19] Sardis (*GC* no. 7, 5 BCE, ll. 26–27), Thasos ("Following the [decisions] of [the deified] Augustus, I reserve you all the rights you received from him with reference to what you previously had and especially to the export of grain": *GC* no. 23, 42 CE, ll. 7–9), and to the Dionysiac Artists ("As for the rights and privileges which have been granted to you by the deified Augustus, I maintain them": *GC* no. 24 A, 43 CE, ll. 7–8). A letter of Tiberius to Ephesus, too, confirms the rights of the local *gerousia* which had been granted by his "father and grandfather," namely Augustus and Caesar.[20]

17 See Sherk, *RDGE*, p. 15

18 Sources are numerous, and span the period from the second century BCE to the Imperial age. *From the Republican period*: *RDGE* no. 35=*RGE* no. 14, ll. 10–12, 190 BCE; *RDGE* no. 1=*RGE* no. 15, second letter, ll. 4–9, 189 BCE; *SEG* XXV, no. 445=*RGE* no. 17, ll. 12–13, about 189 BCE; *RDGE* no. 9=*RGE* no. 38, ll. 50–54, 140 BCE; *RDGE* no. 18=*RGE* no. 63, ll. 91–95, 81 BCE; *FIRA* I, no. 11=*RGE* no. 72, col. II, ll. 18–21, 72 or 68 BCE; *ILS* no. 8779=*RGE* no. 81, ll. 1–6. *Caesar's time*: *RDGE* no. 26, col. b=*RGE* no. 83, ll. 28–31, between April 46 and January/February 45 BCE. *From the Imperial period*: *RDGE* no. 31=*RGE* no. 102: Edict IV, 7/6 BCE, ll. 63–68, from Cyrenaica; *RDGE* no. 70=*RGE* no. 108, about 4/5 CE, from Asia; the letters sent by Domitian to the Delphians (*GC* no. 42, ll. 2–3, 90 CE), by Hadrian to the Astypaleans (*GC* no. 64, ll. 9-10, 118 CE) and to the Aphrodisians twice, in 119 (*GC* no. 69, ll. 5–7) and again in 198 CE (*GC* no. 219, ll. 4–5), by Marcus Aurelius and Lucius Verus to the Coroneans (*GC* no. 117, ll. 8–10, 161 CE) and to the Delphians (*GC* no. 177, ll. 12–15, 164/165 CE; and finally by (Severus and) Caracalla to the Aphrodisians (*GC* no. 219, ll. 4–5, 198 CE). In R.K. Sherk's English translation which I have followed here (*Translated Documents of Greece and Rome*, IV: *Rome and the Greek East to the Death of Augustus*, Cambridge 1984), italics indicate that only a part of the original word is extant in the document.

19 In 26 BCE, Augustus confirmed the rights previously granted to Chios by Sulla: *RDGE* no. 70, ll. 18–20.

20 D. Knibbe, "Neue Inschriften aus Ephesos XII," *Jahreshefte des Oesterreichischen Archaeologischen Instituts in Wien*, 62, no. 3 (1993), p. 113, ll. 24–26.

In formal terms, however, the case of the Jews seems to have been different. Modrzejewski has emphasized the basic legal difference between the Greek *poleis*, which were the only bodies able to receive official recognition of their laws, and the *gentes, populi*, and *nationes*, who could not obtain formal recognition of their freedoms. In practice, though, the rights of the *gentes*, were also preserved in the Roman world. In Egypt, the *nomoi tēs chōras* are still mentioned in papyri written in Roman times (*BGU* IV, no. 1148, l. 17, 13 BCE. and *P.Oxy.* IV, no. 795, Domitian's day); the very fact that the Greek version of the demotic collection from the third century BCE was copied in the time of the Antonines suggests that this translation might have been used by the provincial judge in order to take into account the actual laws practiced by the Egyptians living in the *chora*.[21] This is probably the reason why Augustus does not mention the right of the Jews to use their own laws, but that to follow "their own customs in accordance with the laws of their fathers" (para. 163).

The recognition of local customs and laws was a common feature of Roman administration. Much changed in Rome and her empire between 241 BCE and 193 CE, observes Braund, yet throughout the period the very essence of her rule was always local self-administration. To a great extent, local communities, local elites and local rulers continued to manage their own affairs with relatively little interference from either the center of power in Rome or Roman officials. In general, these local administrations continued to operate in accordance with local traditions — even, to some extent, where Roman interference and Roman impact were most profound, as in much of the West. For the most part, Rome was willing to tolerate the wide variety of local structures and practices which existed within her empire, provided that they did not conflict substantially with her twin priorities — the maintenance of order in the broadest sense and the collection of taxes. In all parts of the empire, local languages and cultures continued

21 J. Mélèze Modrzejewski, "Diritto romano e diritti locali," A. Schiavone (ed.), *Storia di Roma*, III, 2: *I luogh le culture*, Torino 1993, pp. 988–993. See also idem, "La loi des Egyptiens: la droit grec dans l'Egypte romaine," B.G. Mandilaras (ed.), *Proceedings of the XVIII International Congress of Papyrology*, II, Athens 1988, pp. 383–399 (repr. in idem, *Droit imperial et traditions locales dans l'Egypte romaine*, Aldershot 1990). See also M. Amelotti, "Roma e le provincie," *Studia et documenta historiae et juris*, 52 (1986), pp. 476–485.

to flourish and to gain some recognition under Roman law.[22] Augustus' edict to the Jews, therefore, does not represent an isolated case.

Beyond the general permission granted the Jews to live according to their own customs (para. 163), Augustus mentions two specific rights: the right to collect their sacred monies, (which probably included the half-shekel and other contributions) and to send them to Jerusalem,[23] and the right to observe the Sabbath. These Jewish practices were especially problematic in those Greek cities of Asia where the Jews lived. Josephus tells us that it had been the opposition of their Greek neighbors which had prompted the Jews to send envoys to Rome requesting official permission to follow their own customs (paras. 160-161). To explain the Greeks' opposition, Josephus mentions the different views of the Jews and the Greeks on taxation matters (*Ant.* 16.160–161).[24] The reasons why the city fathers made a special issue of it during the Augustan principate were examined by Gruen, who concludes that the reason was probably not precisely — and not only — an economic one. Why should the city fathers make a special issue of it? "That they were strapped for cash is unattested and unlikely. Circumstances had been much worse before. By focusing on the contributions to the Temple, they were pushing the Jews on a most sensitive matter. This would force the issue. If the Jews insisted on maintaining the practice, as of course they would, the municipal governments could regard this as opting out of civic responsibilities and debar Jews from the services and benefits of the community."[25]

In any case, this is not the only mention of Augustus' permission to the Jews of Asia to send their sacred monies to Jerusalem. There are five additional documents quoted by Josephus which attest to this decision. One is a *mandatum* — a written instruction sent by Augustus to Norbanus

22 D. Braund, "Introduction: The Growth of the Roman Empire (241 BC–AD 193)," D. Braund (ed.), *The Administration of the Roman Empire (241 BC–AD 193)*, Exeter, 1988, p. 1 and p. 11. See also A.J. Marshall, "The Survival and Development of International Jurisdiction in the Greek World under Roman Rule," *ANRW*, II, 13, 1980, p. 661.

23 See A. M. Rabello, "The Legal Condition of the Jews in the Roman Empire," *ANRW*, II, 13, 1980, pp. 711–712.

24 Trebilco is probably correct in suggesting that one of the reasons the Temple tax was sometimes confiscated in Asia was disputes over civic status, with the city claiming that the money was due to it as a tax. See P.R. Trebilco, *Jewish Communities in Asia Minor*, Cambridge 1991, p. 197, n. 51.

25 Gruen, *Diaspora* (above, n. 5), p. 100.

Flaccus, the governor in office in Asia, to inform him that "the Jews, however numerous they may be, may send their sacred monies to Jerusalem without interference" (*Ant.* 16.166). There are two letters, one sent to Sardis by the proconsul Flaccus (*Ant.* 16.171) and the other sent by the proconsul Jullus Antonius to Ephesus (*Ant.* 16.172–3), and two decrees, also formulated as letters, sent by Marcus Vipsanius Agrippa to Ephesus (*Ant.* 16.167–168) and to Cyrene (*Ant.* 16.169–171). The contents of these four documents are basically the same: a confirmation of Augustus' permission to the Jews to send their sacred monies to Jerusalem.

Independent confirmation of this appears in Philo, who mentions Augustus' instructions "for the sacred contributions (*aparchas*) to be sent from every quarter..." (*Leg.* 291) and "a letter which he [Augustus] sent to the governors of the provinces in Asia, since he had learnt that the sacred contributions (*tas ieras aparchas*) were treated with disrespect.... These gatherings, he said,... were schools of temperance and justice where men, while practicing virtue, subscribed the annual contributions to pay for the sacrifices which they make, and commissioned sacred envoys to take them to the Temple in Jerusalem" (*Leg.* 311). In another passage, too, Philo states that Augustus "knew that they [the Jews] collected sacred money from their contributions and sent it up to Jerusalem by way of envoys who would offer the sacrifices...and he raised no objection..." (*Leg.* 156).[26]

Until Augustus' days, the Jews' right to manage their monies seems to have had a local application only. It had been granted to the Jews in Rome by Caesar some time between 46 and 44 BCE, though without explicit reference to Jerusalem (*Ant.* 14.215). In 43 BCE Dolabella allowed the Jews of Ephesus "to make offerings for their sacrifices" (*Ant.* 14.227). The purpose of these monies is not exactly clear, though the text may be interpreted as dealing with the monies collected by Jews to pay for sacrifices to be offered in the Temple of Jerusalem, despite the fact that Jerusalem is not mentioned as their final destination. There is also a letter written by a Roman proconsul to Miletus between 46 and 44 BCE, which mentions the right of the Jews to "manage their *karpous*" (*Ant.* 14.245). Here too, however, Jerusalem is not mentioned.

26 See E. M. Smallwood, *Philonis Alexandrini Legatio ad Gaium*, Leiden 1970^2, pp. 237–238 and idem, *The Jews under Roman Rule*, Leiden 1976, p. 125 n. 19. On the relationship between the Diaspora and Jerusalem, see S. Safrai, *Pilgrimage at the Time of the Second Temple*, Jerusalem 1985, pp. 54–74 (Heb.).

It therefore appears that it was only under Augustus that the Jewish custom of sending sacred monies to Jerusalem found its first official and explicit recognition by the Roman government.

The other important right mentioned in Augustus' edict is that not to appear in court on the Sabbath nor on the day of preparation for it after the ninth hour. This was also not a new regulation. Letters and decrees written in Republican times in such Asian centers as Laodicea (*Ant.* 14.241–243), Miletus (*Ant.* 14.244–246), Halicarnassus (*Ant.* 14.256–258) and Ephesus (*Ant.* 14.262–264) attest that the local authorities, both Roman and Greek, recognized the Jews' ancestral right to observe the Sabbath. However, these same documents also show that the Greeks strongly opposed the Jewish observance of the Sabbath to the point of fining them (for example, at Ephesus: *Ant.* 14.264). The only reason why they were sometimes willing to issue decrees permitting Sabbath observance was pressure from the Roman authorities. A decree issued by the Greek council of Halicarnassus states that "in conformity with what they [the Romans] have written to our city concerning their friendship and alliance with the Jews...we have also decreed..." (paras. 257–258); in another Greek decree passed at Miletus we find: "Since...the [Roman] governor has granted this [Jewish] request, it has therefore been decreed..." (paras. 263–264).

From Josephus' introduction to the edict (*Ant.* 16.160–161), it seems that the issue was still problematic in Augustus' day, and that the need was felt for a confirmation from Rome. Augustus was ready to grant it for the reasons mentioned in para. 162, namely, "the good disposition of the Jews towards the Romans, not only at the present time but also in time past, and especially in the time of Caesar," which probably alludes to the military help which Hyrcanus and Antipater had given Caesar during his Alexandrian campaign.[27] The emperor therefore explicitly proclaims that the Jews may observe the Sabbath, and adds that they are exempted from giving bond on the day of preparation for it after the ninth hour.[28] In all probability the

27 See *Ant.* 14.127–139 and *BJ* I, 187–194. On the importance of the Jewish participation in Caesar's Alexandrian wa see A. Kasher, "New Light on the Jewish Part in the Alexandrian War of Julius Caesar," *World Union of Jewish Studies Newsletter*, 14–15 (1979), pp. 15–23 (Heb.) and idem, *The Jews in Hellenistic and Roman Egypt*, Tübingen 1985, pp. 13–17. The military help sent by the Jews is mentioned in Caesar's decree issued in 47 BCE as the reason which prompted him to reward Hyrcanus II (*Ant. 14.192–194).*

28 See Pucci Ben Zeev, *Jewish Rights* (above, n. 2), p. 242.

Jews themselves had asked Augustus to make specific mention of this detail in his edict. This has also been deduced by Zeitlin in the use of the word *paraskeuę̄* for the eve of Sabbath, a usage apparently favored by Asian Jews in place of the more usual *pro sabbatōn*.[29]

Paragraph 164, then, contains Augustus' provision against the theft of Jewish sacred books and monies. Such thefts were apparently a Roman concern in these years: a legal decision from Kyme, issued by Augustus and Agrippa in 27 BCE, shows similar concern for sacred objects: 'Imperator Caesar, son of the god Augustus...(and) [Marcus Agrippa, son of Lucius, consuls... If] there are any public or sacred places in [...] each city of the province, and if there are or will be any [dedications] belonging to these places, [nobody] is to remove, or buy (them) or take them as [mortgaged property or] gift. Whatever has been *removed* from those places [or] bought and given as a gift, [whoever may be in charge of the] province is to see to it that these are restored to the *public* or sacred [places]...of the city..." (*RDGE* no. 61=*RGE* no. 95). A similar concern appears in the edict issued by Paullus Fabius Persicus in Claudius' time, which mentions the restoration by Augustus of revenues to the temple of Artemis at Ephesus (col. IV, ll. 5–6).[30]

The same penalty established here by Augustus for transgressors — confiscation of property — is also mentioned in an inscription from Gythium preserving a portion of the local *lex sacra*: "Let him account to the city for the hire of the players and the administration of the sacred funds...and, if he is convicted of falsifying the record, let him be found guilty of peculation and no longer hold any public office and let his property be confiscated" (*GC* no. 15, col. I, ll. 13–15); this also appears in a Roman document from Myra on import and export taxes (*GC* no. 125).

In conclusion, it appears that this edict issued by Augustus was highly important for the Jews since it confirmed their right to live according to

29 S. Zeitlin, "The Edict of Augustus Caesar in Relation to the Judaeans of Asia," *JQR*, 55 (1964–65), p. 161. The term *paraskeuę̄* also appears in Matt. 27: 62; Mark 15: 42; Luke 23: 54; and John 19: 31. See Trebilco, *Jewish Communities* (above, n. 24), p. 198 n. 64. See also A. M. Rabello, "L'observance des fêtes juives dans l'Empire romain," *ANRW*, II, 21/ 2, 1984, p. 1292 n. 12.

30 See D. Magie, *Roman Rule in Asia Minor*, Princeton 1950, I, p. 448 and n. 58; F. Millar, "The Emperor, the Senate and the Provinces," *JRS*, 56 (1966), pp. 162–163.

their own customs, which were apparently under constant attack by the neighboring Greeks. It was not enough that this right had already been granted in Caesar's time and confirmed after his death by both Marcus Antonius and Publius Dolabella (*Ant.* 14.219–222) and other Roman local magistrates (*Ant.* 14.213–216; 225–227; 235; 241–242; 244–246; 257; 260; 263–264). New confirmations were essential. Once again, this need was not specific to the Jews: ten inscriptions recently discovered at Ephesus show that the rights and privileges of the local Greek *gerousia* had to be confirmed by the Roman authority each year.[31]

The edict issued by Augustus was therefore important not only at the moment when it was issued, but also as a legal precedent in the following years. Some time later, a new confirmation was necessary, and it was granted thanks to the fact that Augustus' edict had been issued. At the Jews' request, the new proconsul of Asia, Jullus Antonius, wrote to Ephesus: "And they [the Jews] asked me to confirm by my own decision the rights granted by Augustus and Agrippa. I therefore wish you to know that in agreement with the will of Augustus and Agrippa I permit them to live and act in accordance with their ancestral customs without interference" (*Ant.* 16.173).

The question whether Augustus' edict applied to all the Jews or only to those living in Asia has received both a positive and a negative answer in contemporary research,[32] and both are correct. From a strictly legal point of view, the edict quoted by Josephus concerned Jews of Asia, since it was sent to them and was published in a local temple, probably that of Pergamum.[33] We do, however, possess other sources, which inform us that Augustus also granted the right to follow Jewish customs to the Jews of Rome, Delos, Paros (*Ant.* 14.214–216),[34] Cyrene (*Ant.* 16.169), Alexandria (*CPJ* II, no.

31 Knibbe, "Neue Inschriften" (above, n. 20), nos. 1–10, pp. 113–118.

32 A positive answer is given in J. Juster, *Les Juifs dans l'empire romain*, I, Paris 1914, p. 151; E.M. Smallwood, *The Jews under Roman Rule* (above, n. 26), p. 143 and F. Millar, *The Emperor in the Roman World*, London 1977, p. 257, who writes that "Augustus issued a general edict in favour of the Jews." For a negative answer, see: T. Rajak, "Was There a Roman Charter for the Jews?" *JRS*, 74 (1984), p. 113.

33 Mommsen's suggestion that Augustus' temple at Pergamum is meant here has been largely accepted in contemporary scholarship, from P. Viereck, *Sermo graecus quo senatus populusque Romanus magistratusque populi Romani usque ad Tiberii Caesaris aetatem in scripto publicis usi sunt examinatur*, Göttingen 1888, p. 110 to Rajak, "Was There a Roman Charter?" p. 113, n. 23.

34 See my essay "Who Wrote a Letter Concerning Delian Jews," *RB*, 103 (1996), pp. 237–243.

153, col. I, l. 87) and Egypt (Philo, *Leg.* 159 and 291). It therefore appears that in Augustus' day the right to live according to Jewish custom was generally and officially allowed to all the Jews living in the Roman world.

The Ibis and the Jewish Question
Ancient "Anti-Semitism" in Historical Perspective

GIDEON BOHAK

Ethnic stereotypes and biases are a common feature of Greek and Latin literature, which has received relatively little scholarly attention. In fact, only one set of ancient ethnic stereotypes — those relating to Jews — has been systematically collected and analyzed, while others have mostly been neglected.[1] As a result of this imbalance, ancient historians have missed an important aspect of the ancient world, and students of Jewish history have, by examining the Jewish evidence outside its proper context, misrepresented and misconstrued much of that evidence. While the present study will not try to set things entirely right (it would take a far more ambitious endeavor to accomplish that), it will briefly point to the wider context within which non-Jews' attitudes to Jews in the Greco-Roman world could, and should, be studied.

There are two reasons for our skewed treatment of ancient ethnic stereotypes. The first, and most obvious, is that the pervasiveness and horror

1 For Greek and Roman attitudes to barbarians in general, see J. Jüthner, *Hellenen und Barbaren*, Leipzig 1923; Karl Trüdinger, *Studien zur Geschichte der griechisch-römischen Ethnographie*, Basel 1918; Y.A. Dauge, *Le Barbare: Recherches sur la conception romaine de la barbarie et de la civilisation*, (Collection Latomus, 176), Bruxelles 1981; E. Hall, *Inventing the Barbarian: Greek Self-Definition through Tragedy*, Oxford 1989. Of the previous studies of ethnic biases in antiquity, S. Davies, *Race Relations in Ancient Egypt: Greek, Egyptian, Hebrew, Roman*, London 1951, and A.N. Sherwin-White, *Racial Prejudice in Imperial Rome*, Cambridge 1967 are fine examples of the distortions created by the undue focus on the "Jewish question." J.P.V.D. Balsdon, *Romans and Aliens*, London 1979, collects much evidence, but is, as one reviewer put it, "curiously superficial" (A.N. Sherwin-White, *JRS*, 70, [1980], p. 192). For attitudes to Jews see the exhaustive collection of M. Stern, *Greek and Latin Authors on Jews and Judaism*, I–III, Jerusalem 1976–84 (henceforth, Stern, *GLA*).

of medieval anti-Judaism and of modern anti-Semitism give the study of ancient attitudes toward Jews an urgency which is not shared by the other ethnic biases of the ancient world. The second and somewhat less obvious reason is that the Christian interest in Jews, and in certain types of ancient Jewish literature, has deeply effected the evidentiary basis on which any study of antiquity must be founded. Christian writers and copyists not only preserved such works as Josephus' *Contra Apionem* — a handy anthology of "pagan" anti-Jewish passages — as well as other Jewish texts which often refer to non-Jews' attitudes toward Jews, they also collected other ancient references to Jews which they found useful in one context or another. Moreover, the very rise of Christianity led to a growing interest in the literature and history of the Jewish people, as part of the "pagan"–Christian debate of the second, third, and fourth centuries. It is thus entirely misleading to claim, as some students of ancient "anti-Semitism," do, that "our entire picture of the ancient world rests on a relatively fortuitous selection of extant data, and that is especially true of the present subject."[2] In fact, it is precisely on the subject of ancient attitudes toward Jews that we are much better informed than a fortuitous preservation of the evidence would have allowed. For better or worse, the rise and subsequent triumph of Christianity has given the study of ancient Jews, and the study of ancient attitudes toward them, an edge over the study of any other barbarian nation.[3]

This uneven preservation of the evidence makes it extremely difficult to contextualize non-Jews' attitudes toward Jews in the ancient world, because the most natural method of inquiry — comparing what every ancient author said about the Jews with what he said about other barbarian nations — quickly becomes counter-productive. For some writers (Cicero, Strabo, Tacitus, and Juvenal immediately come to mind), such an examination can fruitfully be made. In most cases, however, all we have are small passages relating to Jews, excerpted from authors of whose writings not much else is preserved. This is true for writers such as Manetho, Mnaseas of Patara, Apollonius Molon, Apion, Chaeremon, and many others whose anti-Jewish utterances were diligently assembled by Josephus. It is equally true for writers who expressed positive views about Jews, for here too we

2 J.N. Sevenster, *The Roots of Pagan Anti-Semitism in the Ancient World* (Suppl. to Novum Testamentum, 41), Leiden 1975, p. 8.

3 Throughout the present study, the term "barbarian" is used to denote any nation other than the Greeks and Romans, and does not imply any value judgment.

must largely rely on Josephus' diligence. Thus, to give just one example, when Josephus proudly informs us that "Theophilus, Theodotus, Mnaseas, Aristophanes, Hermogenes, Euhemerus, Conon, Zopyrion, and probably many more — for I have not read everything — have made more than a passing allusion to us," we must take his word for it. Almost none of the relevant passages is otherwise extant, nor can we examine what these writers said about other nations. Most of them are, unfortunately, no more than names for us — empty scrolls crying for a text.[4] Little wonder, then, that Jews loom large in the extant fragments of numerous ancient authors, giving us the false impression that discussing them was a main pastime of Greek and Roman intellectuals.

Given the impossibility of an author-by-author study, one could opt for a more general analysis of Greek and Roman attitudes to various other nations and compare these with their attitudes toward the Jews. This is, to be sure, a difficult task, and for most nations the evidence would be much less than that available for the Jews, and entirely one-sided, since we would only be able to reconstruct how the Greeks and Romans viewed a given nation, but not how members of that nation reacted to such views. The one exception to this general, and disconcerting, rule is Egypt, for which a greater quantity and variety of material is available. Greek and Latin writers found Egypt and its inhabitants extremely intriguing, and devoted them much attention — more attention, in fact, than any other barbarian nation. Moreover, this deep interest in matters Egyptian, as well as the papyrus-preserving sands of Egypt, have assured the preservation of at least some fragments of the extensive Egypto-Greek literature of the time, thus enabling us to reconstruct, at least in part, the views of such Hellenized Egyptians as Manetho, Apion, Chaeremon, and their lesser-known compatriots. Studying the complex relations between Greeks, Romans, and Egyptians, is, then, where we must begin if we are to better understand the complex relations between these peoples and the Jews.[5]

4 *C. Ap.* 1.216. See Stern, *GLA*, authors nos. XXII; XV; XIII; LXXIV; VIII; L; LXXIII respectively. Theodotus has received no entry, presumably because Stern equated him with the homonymous Jewish (or Samaritan) writer, and excluded him from his corpus of non-Jews' writings on Jews and Judaism (cf. *GLA*, I, p. 129).

5 In the following survey, I have made constant use of Th. Hopfner, *Fontes Historiae Religionis Aegyptiacae*, I–V, Bonn 1922; Alan B. Lloyd, *Herodotus: Book II*, (EPRO, 43), I–III, Leiden 1975–1988; Meyer Reinhold, 'Roman Attitudes toward Egyptians," *Ancient World*, 3 (1980), pp. 97–103; K.A.D. Smelik and E.A. Hemelrijk, "Opinions

"I speak at great length about Egypt," says Herodotus in the longest excursus of his *Histories*, "because it has more marvels, and presents more works of unspeakable greatness than any other land; it is for this reason that more will be said about it." For Herodotus, Egypt was a land of great puzzles: a land where it almost never rains, a land whose river rises in summer, when all other rivers are at their lowest, a land of outlandish monsters (crocodiles, hippopotami), peculiar plants (papyrus), and some very unusual people. He notes that "'just as the Egyptians' weather is unique, and their river differs from all other rivers, so too the customs and laws which they have established are in most cases contrary to those of all other men."[6] To make his point, he lists numerous things which the Egyptians do topsy-turvy, as it were: in Egypt, women run the business while the men stay home and weave; Egyptians relieve themselves indoors, but eat out in the streets; in Egypt, women never serve as priests, and male priests are appointed for gods and goddesses alike; Egyptians write from right to left; they practice circumcision, for purity's sake, and they never eat beans. Herodotus goes on and on, listing dozens of Egyptian idiosyncrasies, and leaving modern scholars with the difficult task of determining which of his many statements find support in the existing Egyptological and archeological evidence, and why he erred when he did. For our own inquiry, however, this makes little difference; it is the endurance of ethnic stereotypes, not their veracity, which interests us.

What is perhaps most striking about Herodotus' account of Egypt is that his attitude to the land and its inhabitants remains positive throughout. Given the human propensity to denigrate the foreign and ridicule the unfamiliar, Herodotus' enchantment with Egypt, in spite of (and even because of) its strange ways, is no doubt admirable. All the more so since we know that by his time other views about Egypt, much less flattering, could already be heard in various Greek circles. For while Homer had referred to it as a distant land of fabulous wealth and kind people, later writers were not

on Egyptian Animal Worship in Antiquity," *ANRW*, II, 17.4, 1984, pp. 1852–2000; Holger Sonnabend, *Fremdenbild und Politik: Vorstellungen der Römer von Ägypten und dem Partherreich in der späten Republik und frühen Kaiserzeit* (Europäische Hochschulschriften, III, 286), Frankfurt a.Main 1986. All translations are my own.

6 Herodotus 2. 35; For Herodotus' view of Egypt, see also Alan B. Lloyd, "Herodotus on Egyptians and Libyans," G. Nenci (ed.), *Hérodote et les peuples non grecs* (Entretiens sur l'antiquité classique, 35), Genève 1990, pp. 215–244.

always as sympathetic. Aeschylus, for example, notes that "the Egyptians excel in contriving tricks," and in Old Comedy the verb *aigyptiazein*, "to behave like an Egyptian," means "to be sly and crafty." Such sniggering attitudes to Egyptians, and the growing Greek hostility toward, and ridicule of, all barbarians, were not unknown to Herodotus, but they clearly failed to impress him.[7]

Herodotus' account of Egypt and its inhabitants was to have an enduring effect on the Greek and Roman conception of that land. Many of his favorable assessments of Egyptian culture — its great antiquity, its wisdom, its piety, and its many contributions to world (i.e., Greek) civilization — would be stressed again and again by future writers, Greeks, Romans, and Egyptians alike. Moreover, Egypt itself would soon become the tourist attraction of the ancient world, a land where one went to see the Pyramids, visit the Labyrinth, hear the singing statues of Memnon, and discuss history, philosophy and divine matters with its venerable priests — all in the footsteps, as it were, of the great historian. Eventually, this "Egyptomania" would spread even to such fields as art and architecture, where Egyptian and Egyptianizing motifs would become immensely popular.[8]

Yet this pro-Egyptian trend, this "mirage égyptien," to use Froidefond's phrase, is only half the picture, for not all of Herodotus' readers adopted his admiring view of the land of the Nile. Sophocles, for example, has Oedipus referring to his two sons as living "the Egyptian way," and explaining that in Egypt "the men sit at home and work at the loom while their wives go out and make a living" — an almost direct quotation from Herodotus. For Sophocles, "the Egyptian way," is no way for a Greek, and Herodotus' bemused attitude is replaced by one of reproach.[9] And within a few decades

7 For Homer's Egypt, see Christian Froidefond, *Le mirage égyptien dans la littérature grecque d'Homère à Aristote*, [n.p. 1971] pp. 15–68. See Aeschylus, fr. 373 Radt, with H.H. Bacon, *Barbarians in Greek Tragedy*, New Haven 1961, pp. 15–63; for *aigyptiazein*, see Cratinus, fr. 378 (Kassel-Austin, vol. IV, p. 301, fr. 406), and Aristophanes *Thesm.* 922, with T. Long, *Barbarians in Greek Comedy*, Carbondale 1986, p. 140.

8 For tourism see V. Foertmeyer, "Tourism in Graeco-Roman Egypt," Ph.D. dissertation, Princeton 1989, and L. Casson, *Travel in the Ancient World*, Baltimore 1994. For the Roman predilection for, and imitation of, Egyptian art and architecture, see J.S. Curl, *Egyptomania — The Egyptian Revival: A Recurring Theme in the History of Taste*, Manchester 1994, pp. 1–36, and A. Roullet, *The Egyptian and Egyptianizing Monuments of Imperial Rome* (EPRO, 20), Leiden 1972.

9 Sophocles *OC* 337–341.

— with the arrival of more and more Egyptians on Greek soil, and with the construction of an Egyptian temple in the Piraeus — the Greek attitude to Egypt was put to a new test, for admiring the Egyptians' strange ways while visiting their country was one thing, and having them live in one's own Greek city was a different thing altogether.[10] Thus, from the fourth century BCE we hear more negative remarks aimed against Egyptians. Plato refers to the Phoenicians' and Egyptians' greediness as a well-known fact, and Hyperides scores a point with his audience by noting that his opponent is "a speech-monger and a market-buff, but worst of all — an Egyptian." And, as one might have expected, the writers of comedy derived much pleasure from poking fun at Egypt's strange ways. In Anaxandrides' *Cities*, for example, we find a Greek (or a Greek city) explaining to an Egyptian audience that he will never be able to be their ally:

> For neither our ways nor our laws coincide,
> and they differ greatly on every side:
> You bow to a cow, which I sacrifice now;
> You think of the eel as divinely great,
> But we only think it great on a plate.
> You don't eat pork, I love it a lot;
> You worship the dog which I heartily beat,
> Whenever I catch it stealing my meat;
> We have a law that the priests must be whole,
> But your priests, so it seems, are missing a piece;
> If you see a cat sick you will certainly weep,
> But I will just kill it, so its fur's mine to keep;
> To you a mouse can mean a great deal; to me, nil.[11]

Unfortunately, we cannot reconstruct the literary context of this passage, which is quoted by Athenaeus in his culinary discussion of eels, side-by-side with similar passages from Antiphanes and Timocles (see below). However, it does show clearly that Herodotus' statement that the Egyptians do everything contrary to all other nations has acquired a new and sinister

10 For the Egyptian presence in Athens, see esp. S. Dow, "The Egyptian Cults in Athens," *HTR*, 30 (1937), pp. 183–232, and M.J. Osborne and S.G. Byrne, *The Foreign Residents of Athens* (Studia Hellenistica, 33), Leuven 1996, nos. 214–222, 300–404, 7412.

11 Plato *Resp.* 436a; cf. *Leg.* 747c. Hyperides 5. 3; Anaxandrides, fr. 39 (Kassel-Austin, vol. II, pp. 257–259, fr. 40).

meaning. We also see two aspects of Egyptian culture, its peculiar taboos and its worship of live animals, at the center of the derogatory view of Egypt; these would remain common anti-Egyptian motifs at least until the destruction of the Egyptian cults by the triumphant Christian Church in the fourth century CE.

Before delving into these specific motifs in greater detail, we must note that with the conquest of Egypt in 332 BCE more Greek (and later, Roman) anti-Egyptian stereotypes appeared, particularly those dealing with their temper, their behavior, and their social and military capacities. Polybius, for example, notes that "Egyptians are terribly cruel when their anger is aroused," and commends one Ptolemaic governor for being "not at all like an Egyptian, but gifted with good sense and capacity." He also refers to "Egyptian profligacy and laziness." Josephus describes Egyptians as "effeminate, lazy when it comes to work, slaves to pleasure in general and greed in particular." Quintus Curtius describes the Egyptians as "a fickle nation, more inclined to revolt than to do any good," and Seneca refers to Egypt as "a province given to gossip and bent on insulting its rulers." Martial adds an Egyptian fornicator to his list of foreigners who enjoy Caelia's favors, and Josephus too mentions "the Egyptians' frenzy for women." Tacitus depicts Egypt as "given to civil strife and disturbances, lawless and unacquainted with civil magistrates," and "Flavius Vopiscus" claims that "Egyptians are, as you well know...madmen...unjust, and absolutely fickle, lacking restraint, and always craving a revolution (even in their popular songs)," and, "lest any Egyptian be angry with me, thinking that what I have written is solely my own," he quotes a supposed letter of Hadrian to his brother-in-law Servianus, in which he describes Egypt as "completely light-minded, unstable, and excited by every rumor," with the Egyptians and Alexandrians being "the most seditious, fickle and unjust nation in the whole world."[12] It must be stressed, however, that such characterizations are

12 Polybius 15.33.10, 27.13.1, 39.7.7, and F.W. Walbank, "Egypt in Polybius," John Ruffle, G.A. Gaballa, and K.A. Kitchen (eds.), *Glimpses of Ancient Egypt: Studies in Honour of H.W. Fairman*, Warminster 1979, pp. 180–189. Josephus, *Ant.* 2.201; Quintus Curtius 4.1.30; Seneca *Helv.* 19.6; Martial 7.30.3–4; Josephus, *Ant.* 1.162; Tacitus *Hist.* 1.11.1; "Flavius Vopiscus" (SHA, *Quadr. Tyr.*) 7. 4, 6; 8.1. Cf. B. Isaac, "Orientals and Jews in the Historia Augusta: Fourth-Century Prejudice and Stereotypes," I.M. Gafni, A. Oppenheimer, and D.R. Schwartz (eds.), *The Jews in the Hellenistic-Roman World: Studies in Memory of Menahem Stern*, Jerusalem 1996, pp. 101*–118*, esp. 110*–112*. For other negative assessments of Egyptians and Alexandrians, see, e.g., Theocritus

part and parcel of the Greco-Roman views of barbarians in general — fickle, rebellious, lawless, cruel, lazy, greedy, irrational, and sexually hyperactive. Thus, though the Egyptians were the subject of such derogatory remarks, there is little sign that they were singled out for any of these qualities. To see what Greeks and Romans found unique about Egypt, we must focus on those anti-Egyptian utterances which exceed the boundaries of the common Greco-Roman stereotype of all barbarians.

One Egyptian quality which some outsiders found particularly irksome was their haughtiness. The Egyptians insisted that their strange ways were actually better than those of any other nation, and that their culture was superior to anything the Greeks had ever known. Plato tells us, in the *Timaeus*, that when Solon went to Egypt and spoke with some learned priests, he found out that "neither he himself nor any other Greek knew almost anything, one might say, about antiquity," and heard from one Egyptian priest that "You Greeks are all children; there is no such thing as an old Greek."[13] Dio Chrysostom echoes this passage in his detailed description of a conversation he had with an Egyptian priest "who made fun of the Greeks for their ignorance in most things" and noted that "the Greeks are pretentious, and think of themselves as extremely learned when in fact they are utterly ignorant."[14] Some Greeks and Romans readily listened to such Egyptian claims, and the linen-clad, bald Egyptian priest, peddling his native wisdom and extolling the virtues of his homeland, became a common feature of many learned banquets and bustling street-corners, as well as a common *topos* of Greek and Latin literature. But many found this Egyptian sense of superiority extremely irritating, and showed little patience for the learned priests and their bold assertions. "Egyptians are by nature exceptionally arrogant," says Philo, "whenever a mere whiff of good fortune blows upon them"; "Let barbarian Memphis speak no more of the wonders of her Pyramids," cries Martial, "for every work now yields to Caesar's Amphiteater," the *labor* of Titus exceeding the *erga* of the

15.46–50; Propertius 3.11.33–4; Plutarch *De Iside et Osiride* 72 (Mor. 380A); Florus 2.13.60; SHA, *Tyr Trig.* 22; for Alexandria itself, see also Polybius 15.30.9; Cicero *Pro Rab. Post.* 34–35; *Bell. Alex.* 7.2, etc.

13 Plato *Tim.* 22A–B.

14 Dio *Orat.* 11.37–39. Cf. Philostratus *Vita Apollonii* 3.32, and esp. Ps.-Dion. Hal. *Ars. Rhetorica* 400.

Egyptians and other ancient nations. And Pliny the Younger relates with great joy how the Egyptians, "a vain and presumptuous nation," who used to boast that their fertile land feeds its Roman masters, were once brought to their knees and forced to beg Rome for food. "Let this be a lesson to Egypt, and let her learn from this experience that she is not sending us food, but tribute; let her realize that she is not indispensable to the people of Rome, even when she is their servant." For many Greeks and Romans, Egyptian boasting simply went too far.[15]

A second Egyptian quality, closely connected with the first, was their xenophobia. Not only did they insist that their peculiar ways were better than those of everyone else, they also insisted on keeping foreigners at arm's length. And once again, what Herodotus had noted with sheer amusement, "no Egyptian man or woman would ever kiss a Greek man on the mouth, or use his sword, spits, or cauldron," his readers repeated with disgust. Plato, for example, singles out Egypt as a place from which "foreigners are expelled, by means of foods and sacrifices," an entirely reprehensible practice. Yet such reproaches became obsolete by the end of the fourth century BCE, with the massive inflow of foreigners to the Ptolemaic kingdom, and accusations of Egyptian xenophobia quickly faded away. Eratosthenes, in the third century BCE, already notes that the expulsion of foreigners was typical of all barbarians, and that the Egyptians were reproached for this practice due to a mere misunderstanding. It is a telling sign that a number of Egyptian-Greek writers, who were trying to paint their native culture in favorable colors, did not hesitate to relate the story of how their forefathers had expelled the Jews — clearly, they did not expect any condemnation from their Greek readers on this score.[16]

15 Philo *Agric.* 62; Martial *Spect.* 1, and cf. 8.36. Pliny *Paneg.* 31.2–3. For Egyptian vanity see also "Flavius Vopiscus" (SHA, *Quadr. Tyr.*) 7.4: "sunt enim Aegyptii...ventosi...iactantes.."

16 Herodotus 2.41; cf. also 2.79, 91, 158, and W. Helck, "Die Ägypter und die Fremden," *Saeculum*, 15 (1964), pp. 103–116. Plato *Leg.* 12.953E: For Eratosthenes, see Strabo *Geog.* 17.1.19. For the Jews' expulsion from Egypt see the survey of Cl. Aziza, "L'utilization polémique du récit de l'Exode chez les écrivains alexandrins," *ANRW* II, 20.1, 1987, pp. 41–65. Philo *Spec. Leg.* 2.146, who describes Egypt as "a land full of inhumanity and accustomed to expelling foreigners," and Strabo *Geog.* 17.1.6, who speaks of xenophobia as typical of the Egyptian kings, both relate to the pre-Hellenistic period.

Haughtiness and exclusivity, however, were not the worst Egyptian characteristics. By far the most peculiar things about them, from an outsider's perspective, were their animal worship, their strange taboos, and their religious fanaticism. Their preposterous pantheon — "monstrous gods of every kind, and barking Anubis" — evoked much scorn among Greek and Roman intellectuals, from Antiphanes' quip about eels (such expensive gods!) and Timocles' feigned doubts as to whether an ibis or a dog can really save you, to Cicero's reference to Egyptians as a common laughing stock. Herodotus' old claim, that the Egyptians were the most pious people in the world, was now deemed wrong; they actually were, in Lucian's words, "the most superstitious of all people." Jewish writers, heirs to a long tradition of anti-Egyptian polemics, found Egyptian zoolatry particularly offensive, and railed against it on every possible occasion. And Christian writers often followed their Jewish predecessors in damning Egypt's religion.[17]

Given this attitude to Egyptian zoolatry, it is not surprising to find a proliferation of Egyptian and Greek attempts to interpret the Egyptians' peculiar pantheon in a more favorable manner. These pro-Egyptian apologetics are not our concern here, but it must be stressed that even such charitable interpretations were only partly successful. The commonest claim was that the Egyptians had instituted animal worship because of the benefits the animals brought to mankind; the ibis, for example, was worshipped because it killed snakes, especially those deadly creatures which were said to fly from the Libyan desert. This utilitarian interpretation (which added a new twist to the Euhemeristic view of the gods as humans who were deified for their many benefactions) is widely attested, but its main flaw was quite obvious; as Philo remarked, it might make some sense to worship beneficial animals, such as the ox or the ram, but the Egyptians also worship lions, crocodiles, and asps, the wildest and most savage of creatures. Josephus took this line of reasoning to its logical conclusion, noting wryly that "if everyone had followed the Egyptians' customs, the world would have been

17 Virgil *Aen.* 8.698: "omnigenumque deum monstra et latrator Anubis." Antiphanes, fr. 147 (Kassel-Austin, vol. II, p. 390, fr. 145). Timocles, fr. 1 (Kassel-Austin, vol. VII, p. 755). Cicero *ND* 1.101: "ipsi qui inridentur Aegyptii." Cf. Herodotus 2. 37 with Lucian *Pro Imag.* 26. Cf. Tacitus *Hist.* 4.81.1: "dedita superstitionibus gens." For Jewish attacks on the Egyptian gods see Smelik-Hemelrijk (above, n. 5), pp. 1906–1920. For Christian attacks, see Friedrich Zimmermann, *Die ägyptische Religion nach der Darstellung der Kirchenschriftsteller und die ägyptischen Denkmäler*, Paderbon 1912.

devoid of humans, and filled with the wildest of animals, in which they believe as gods and which they rear with great care." A god who might devour its worshipers could not be considered beneficial.[18]

A second line of defense, also extremely popular, was based on the claim that the Egyptian divinities, symbols, and taboos should not be taken at their face value, but rather as signs for deeper, allegorical truths. But even this was problematic, as can be seen from Pliny's remark that dung beetles are highly efficacious against quartan fever, and that "it is for this reason that in much of Egypt the beetle is worshipped as a deity. But Apion, seeking to find an excuse for his nation's religious customs, eruditely explains that this creature is worshipped because it resembles the sun and its revolutions." The utilitarian interpretation (beetles cure humans, and are therefore worshipped by them) was not alien to Pliny; the allegorical approach — that the beetle rolling its dung-ball is a solar symbol (an interpretation which is well attested in Egypt long before Apion's time) — he found entirely bogus. For Pliny, Apion's allegorizing was mere apologetics, contrived, in his words, "ad excusandos gentis suae ritus."[19]

Worse than the Egyptians' superstition and their attempts to cloak it in learned commentaries, however, was their religious fanaticism. Diodorus was shocked to see Anaxandrides' joke about cats become a grim reality when a Roman visitor to Egypt — a member of an embassy which the Ptolemies were desperately trying to court — accidentally killed a cat and was put to death at the mob's demand. Plutarch relates in amazement how "in our own days, the people of Oxyrhynchus caught a dog, slaughtered it, and ate it like sacrificial meat, because the people of Cynopolis ("Dog-city") were eating the fish known as the oxyrynchus. As a result of this they went to war and inflicted much harm upon each other; later they were both brought to order through punishment by the Romans." Civil wars were not unknown in Greece or Rome, but fighting over a dead dog was quite bizarre, and the Egyptians' internal feuds over religious matters became quite proverbial.[20] "Who does not know what monsters demented Egypt

18 Philo *Decal.* 77–78; cf. *Spec. Leg.* 2.146, etc. Josephus *C. Ap* 2.138.

19 Pliny *NH* 30.30.99. For the allegorical interpretation of the beetle as a solar symbol, see Diogenes Laertius, 1.10.

20 Diod. 1.83.8–9. For a humoristic use of this motif see the *Vita Aesopi* 117 (B.E. Perry, *Aesopica*, Urbana, IL 1952, pp. 71–72, 103). Plutarch *De Iside et Osiride* 72 (Mor. 380B–C). For Egyptian divisiveness, see also Josephus *Ant.* 1.166; 13.66; Cassius Dio

worships?" asks Juvenal, in a deliberate echo of a Ciceronian passage, and goes on to list a few:

> This part adores the crocodile,
> Another worships the snake-eating ibis,
> And the golden image of the ape shines forth...
> One area cats, another the fish of the river,
> in another whole cities venerate the dog.[21]

This topic exhausted, Juvenal moves to Egyptian taboos, noting that in Egypt it is impious to eat leeks and onions ("Oh, what holy people, in whose gardens such divinities grow!"), as well as sheep and goats. But worst of all, in his view, is the Egyptians' religious divisiveness and fanaticism:

> There is an old and hoary conflict,
> An eternal hatred, an incurable wound,
> Between two neighboring towns, Ombi and Tentyra.
> Each people is filled with fury, for each place
> Hates the gods of its neighbors, and believes
> That only its own must be worshipped.[22]

Juvenal goes on to describe, at epic length and with venomous glee, an incident which had supposedly occurred not long before (in 127 CE), when the people of Ombi had attacked their neighbors, routed them, caught one fugitive, and "cut up his body into a multitude of scraps and morsels, that one dead man might suffice for everyone, and devoured it bones and all." With cannibalism too now added to Egypt's vices, few people would have doubted Cassius Dio's lurid account of how a group of Egyptian bandits, the so-called "Bucoli," treacherously killed a Roman centurion and "having sacrificed his companion, swore an oath over his entrails, and ate them." When speaking of Egyptians, we may note, almost anything was possible.[23]

42.34.2, and J. Gwyn Griffiths, *Plutarch's De Iside et Osiride*, Cambridge 1970, pp. 548–549.

21 Juv. 15.1ff. Cf. Cicero *Tusc.* 5.78, and *ND* 1.43.

22 Ibid. 10f., 32ff.

23 Ibid. 78ff. Cassius Dio 72.4.1–2. For a more graphic description of Egyptian cannibalism see Achilles Tatius 3.15, with Glen W. Bowersock, *Fiction as History*, Berkeley, CA 1994, pp. 51–53, 132–133.

This is not, of course, the place to examine what impact the negative views of Egypt might have had on the Ptolemaic or Roman administration of that country, or even on the general attitudes toward Egyptians residing outside their ancestral homeland. It should be stressed, however, that an Egyptian could always expect his enemies or opponents, be they lawyers, politicians, poets, or pamphleteers, to refer to his lowly origins and use the common stereotype of Egypt as a land where monsters are worshipped and monstrosities committed on their behalf. The best-known example of this process is, of course, that of Cleopatra — a Ptolemaic queen who was turned by her detractors into a "mulier Aegyptia," with all the nasty connotations such an ethnic origin entailed — but other cases are also recorded. We have already noted Hyperides' gibe, aimed at an opponent whose name, Athenogenes, may imply that he was not born in Egypt himself, though his parents probably were. Philo gladly reminds us that Helicon, one of the Jews' opponents in Caligula's court, was an Egyptian. He describes him as "a scorpion in the form of a slave," who "vented his Egyptian venom on the Jews," and was aided by his fellow-countrymen, "in whose souls both the venom and the temper of their native crocodiles and asps were reproduced."[24] Juvenal, in turn, expends great efforts on mocking Crispinus, "a Nilotic plebeian, a native of Canopus," referring to him as an adulterer and a "monstrum" — a loaded word in such a context. He also reminds him of the papyrus rags he used to wear in his native land, and of his subsequent career in Rome peddling his fishy compatriots. And Lucian, to add just one more example, depicts a rival as the son of a freedman, "enslaved somewhere above Xois and Thmuis," i.e., in some obscure Egyptian village.[25]

This survey could certainly be extended much further, but it does suffice to show the extent, the variety, and the wide diffusion of anti-Egyptian stereotypes in the Greco-Roman world. In themselves, many of the passages

24 For Cleopatra as an Egyptian woman, see Cassius Dio 48.24.2; 50.3.5; 6.1; 24.3, etc.; Florus 2.21.2, etc., and the following note. For Helicon see Philo *Leg. ad Gaium*, 205 and ibid. 166.

25 Juvenal 1.26–7; 4.2, 4, 24, 32–33. For "monstrum," see S.C. Fredericks, "Juvenal's Fifteenth Satire," *ICS*, 1 (1976), p. 185, n. 24, and cf. Horace *Carm.* 1.37.21: "fatale monstrum" (Cleopatra), and Florus' description of Ganymedes and Pothinus, the Alexandrian eunuchs, as "ne virilia quidem portenta" (2.13.60). For Lucian's rival, see *Rh. Pr.* 24.

in our florilegium might be explained away as stemming from specific, contextually-determined causes such as the anti-Egyptian propaganda of the Augustan era (aimed against Antony, Cleopatra, and their supporters), the personal history behind Juvenal's hatred of Egypt (he may have been exiled there), or the long history of Jewish animosity toward Egypt (evident already in the Hebrew Bible). But once all these passages are surveyed together, such specific explanations lose much of their force, since it becomes evident that anti-Egyptian stereotypes are too widely attested to be explained as resulting only from temporary, local, circumstances, and that the phenomenon must be studied as a whole. This is, I believe, an important conclusion, which could justify our essentially ahistorical collation of disparate passages, out of context, from a thousand years of Greek and Latin literature. It is especially important because those scholars who did take note of ancient anti-Egyptian biases tended to focus their attention on part of the evidence only, by limiting themselves to one author, one period, or one aspect of Egyptian culture. Thus, the various attempts to explain the causes of these anti-Egyptian sentiments — from the (explicit or unstated) claim that the Egyptians were indeed a despicable nation with abominable customs to more sober analyses of Egypt's social insularity, economic singularity, and religious conservatism — have yet to bear any mature scholarly fruit. To understand a phenomenon, we must first be willing to examine it in its entirety.[26]

There is, however, another quality which seems to characterize all previous discussions of ancient attitudes toward Egypt and its inhabitants, namely the insistence on the uniqueness of such attitudes. Reading these studies, one wonders how many sui generis cases might be needed before we admit that they all form part of a larger picture. Instead of insisting that attitudes toward Egyptians were unique, that anti-Jewish prejudices were a case apart, that the Phoenicians deserve their own treatment, and that the Germans were always seen as being utterly different, would it not be better to admit that

26 In addition to the works of Reinhold, Smelik-Hemelrijk, and Sonnabend, cited above in n. 5, see Claire Préaux, "La singularité de l'Égypte dans le monde gréco-romain," *Chronique d'Égypte*, 49 (1950), pp. 110–123, and eadem, "Les raisons de l'originalité de l'Égypte," *Museum Helveticum*, 10 (1953), pp. 203–221. For a different perspective, see Robert K. Ritner, "Implicit Models of Cross-Cultural Interactions: A Question of Noses, Soap, and Prejudice," Janet H. Johnson (ed.), *Life in a Multi-Cultural Society* (SAOC, 51), Chicago 1992, pp. 283–290.

ancient literature is rife with negative assessments of various ethnic groups, and to study that phenomenon as a whole?[27] Such a comprehensive study of ethnic stereotypes in the ancient world would teach us much both about those stereotypes which were commonly applied to various ethnic groups and those traits which were considered characteristic of one nation more than the others. Until such a study is conducted, however, this brief survey of anti-Egyptian stereotypes does warrant several important observations about the study of ancient attitudes toward Jews.

(1) Greco-Roman literature displays a wide array of ethnic biases and stereotypes, and "pagan" writers did not single out Jews as a specific subject of admiration or ridicule. In fact, we have more references (including negative ones) to Egyptians than to Jews in ancient literature, even in spite of the much superior preservation of evidence relating to Jews. Nor is there reason to think that Egyptians were considered the vilest of nations, for as the Greek proverb goes "Lydians are bad, Egyptians are worse, but Carians are worst of all."[28] To Plato, Pliny, or Plutarch, our fixation with ancient attitudes toward Jews, and neglect of attitudes toward other nations, would have seemed most perplexing.

(2) It has already been noted, by several scholars, that the term "anti-Semitism," when used to describe "pagan" attitudes to Jews in antiquity, is a misnomer, and should be employed very sparingly, if at all. Several arguments have been adduced in support of this view: that the ancient world had no real notion of racial determinism, and so the basic anti-Semitic notion that Jews are a distinct, and inferior, race would have been incomprehensible to any ancient thinker; that the most salient feature of modern anti-Semitism — its non-rational nature — is missing from ancient anti-Jewish prejudices; and that

27 For ancient attitudes toward Phoenicians and Carthaginians, see the brief and defensive survey of Federico Mazza, "The Phoenicians as Seen by the Ancient World," Sabatino Moscati (ed.), *The Phoenicians*, Milan 1988, pp. 548–567, and Federico Mazza, Sergio Ribichini, and Paolo Xella (eds.), *Fonti Classiche per la Civiltà Fenicia e Punica* (Collezione di Studi Fenici, 27), I: *Fonti Letterarie Greche dalle Origini all Fine dell'Età Classica*, Roma 1988. For ancient views of Germans, see, for example, Gunnar Rudberg, *Zum antiken Bild der Germanen* (Avhand. Norske Videnskaps Akad., Hist.-Phil. Kl., 5), Oslo 1933.

28 Diogenianus 6.24 (*Corpus Paroemigraphorum Graecorum*, vol. 1, p. 274).

some of the commonest anti-Semitic stereotypes of the Jews as rich, bloodsucking parasites who manipulate the entire world, stand in marked contrast to anything which antiquity ever thought about Jews.[29] To these overwhelming arguments (which unfortunately fail to convince many scholars) another may now be added, namely, that giving a special name to a phenomenon implies its uniqueness within its own context, but there is nothing in "pagan" writers' attitudes to Jews which was qualitatively different from their attitudes to at least one other nation. For the nineteenth and twentieth centuries, anti-Semitism's qualitative difference from other ethnic (and racial) biases is readily demonstrable; for the first century, it is not.

(3) Some of the stereotypes and biases which we find connected with Jews are actually Greek and Latin stock expressions regarding barbarian nations. Such statements must be acknowledged, but their importance should not be exaggerated. Thus, for example, when Josephus informs us that Apollonius Molon "reproaches us for our cowardice in one place, in another for our temerity and recklessness," we can see why Josephus was hurt, but not more so than an Egyptian would be when reading Achilles Tatius' assertion that "an Egyptian is quite cowed by cowardice in moments of fright, but when he feels brave his bravado knows no bounds; in both cases his behavior is extreme — too feeble in defeat, too rash in victory." What difference does it make if Jews or Egyptians are being referred to, when all barbarians are both reckless and cowards?[30]

(4) In addition to such stock expressions, we find various nations singled out for their more specific qualities. Egyptians had strange taboos, absurd gods, and a fanatically divisive religious attitude. They also had the nerve to present themselves as the oldest, wisest people in the world. Jews, on the other hand, were singled out for their taboos (some of which they were said to have learned from the Egyptians), for their superstition, and for their religious and social exclusivism

29 See, most recently, Nicholas de Lange, "The Origins of Anti-Semitism: Ancient Evidence and Modern Interpretations," Sander L. Gilman and Steven T. Katz (eds.), *Anti-Semitism in Times of Crisis*, New York 1991, p. 23, and Shaye J.D. Cohen, "'Anti-Semitism' in Antiquity: the Problem of Definition," D. Berger (ed.), *History and Hate: The Dimensions of Anti-Semitism*, Philadelphia 1986, pp. 43–47.

30 *C. Ap.* 2.148 (Stern, *GLA* 49); Achilles Tatius 4.14.9. Cf. also Cassius Dio, 50.24.6–7.

— qualities which were considered common to all barbarians, but which were often emphasized as particularly characteristic of Jews. It is on such stereotypes which made the Jews stand out in the barbarian crowd that most of our attention must be focused.[31]

(5) Given the tendency of Greek and Latin authors to recycle old stereotypes and to utilize existing motifs, we cannot always take recurrent *topoi* and expressions at face value. Once the adjective "demented" was attached to "Egypt," for example, "demented Egypt" was almost bound to surface again and again in ancient literature, side-by-side with "Punica fides," Thracian cruelty, and Jewish misanthropy. Such stock expressions should not be dismissed, but we must always bear in mind that in a culture where even the stereotypes are so stereotyped, the historian's goal of detecting new meanings behind old words becomes ever more elusive.[32]

Our task, then, is not only to collect all the ancient references to Jews and analyze them within their specific contexts, as Stern has so admirably done. To learn what the accumulated evidence actually means, we must understand if, and how, ancient references to Jews differ from references to other barbarian nations. In order to reach that deeper understanding, we must begin not with the Jews, but with what Greeks and Romans thought of other barbarians, insofar as such information is available. This is a difficult task, for it demands of us not only the ability to show empathy to the plight of those cat- and crocodile-worshipers whom our (Jewish and Christian) forefathers so despised, but also the ability to forget, at least for a while, that ancient "anti-Semitism" had many historical sequels while ancient "anti-Khamitism" was a dead-end-street. Later perspective can add much to a historian's analysis, but it can also be a very misleading guide.[33]

31 Cf. Z. Yavetz, "Judeophobia in Classical Antiquity: A Different Approach," *JJS*, 44 (1993), pp. 1–22.

32 For "demented Egypt(ians)," see Cicero *ND* 1.43; Juvenal 15.1; SHA, *Tyr. Trig.* 22.1; cf. Horace *Carm.* 1.37.7.

33 Earlier drafts of this paper were presented at the Michigan Society of Fellows, and at Princeton University. In both cases, I benefited greatly from the subsequent discussion. The present version was submitted in 1995.

L'éducation des princes hérodiens à Rome et l'évolution du clientélisme romain

MIREILLE HADAS-LEBEL

Les relations entre la famille royale de Judée et d'éminents personnages du Sénat romain ou de la cour impériale constituent un chapitre spécial des relations entre Juifs et païens en général. L'époque hérodienne connaît un début de romanisation de la Judée visuellement perceptible à travers les grands travaux, mais la romanisation culturelle des élites est également en marche à travers l'éducation des fils du souverain.

C'est à propos de plusieurs fils d'Hérode — notamment Alexandre et Aristobule, de lignée hasmonéenne par leur mère Mariamne — que l'on entend parler pour la première fois de l'éducation romaine de princes juifs. Cette tradition se poursuit avec l'éducation à Rome du jeune Hérode Agrippa, petit-fils d'Hérode, destiné à régner, et celle de son fils Agrippa II, le dernier représentant de la lignée, mort sans enfants.

Parmi les descendants de monarques orientaux, les princes hérodiens ne constituent en rien une exception mais, malgré la rareté de notre information, c'est encore sur eux que nous en savons le plus. Il ne fait aucun doute que leur éducation à Rome constitue un aspect du clientélisme oriental. Il y a cependant d'importantes nuances entre les conditions dans lesquelles furent élevés les premiers héritiers pressentis d'Hérode, qui ne régnèrent pas, et son petit-fils, le futur Agrippa I, qui, contre toute attente, parvint au trône ainsi que son propre fils. Ce sont ces différences que nous essaierons de souligner ici.

L'EDUCATION DES FILS D'HERODE

Un aspect du clientélisme politique

Hérode, fait roi par Marc Antoine, nommé par le Sénat, confirmé par Auguste, est le type même de ces rois-clients dont le rôle était d'asseoir la puissance de l'empire romain sur ses confins orientaux les plus turbulents ou imparfaitement hellénisés.[1] Aussi, Rome avait-elle tout intérêt à la stabilité de son régime.

Hérode continua sans aucun doute de bénéficier du traité d'alliance et d'amitié que son père Antipater avait fait renouveler sous César au nom d'Hyrcan II en -46.[2] Si l'on n'a pas trace d'un tel document comportant le nom du nouveau roi de Judée, Hérode,[3] après -40, on sait que ces traités avec les rois-clients étaient devenus alors monnaie courante:[4] Hérode constituait une des pièces maïtresses du système de clientèle établi par Antoine en Orient. Octave hérita des rois–clients d'Antoine après Actium, bien que certains aient pris parti pour son rival.[5] La rapidité de leur ralliement indiquait clairement qu'ils trouvaient intérêt à rester dans l'orbite romaine en s'attachant à l'homme qui détenait le pouvoir à Rome. Hérode, qui avait été très proche d'Antoine, devint vite très proche d'Auguste[6] et de son général Agrippa devenu le gendre de l'Empereur:

1 Cf. M. Stern, "The Reign of Herod and the Herodian Dynasty," *The Jewish People in the First Century*, I, Assen and Philadelphia 1974, ch.V, pp. 216–307; D. Piatelli, "Ricerche intorno alle relazioni politiche tra Roma e ἔθνος τῶν Ἰουδαίων dal 161 a.C. al 4 d.C.," *Bulletino dell'istituto di diritto romano Vittorio Scialoja*, 3a ser, 13 (1971), pp. 323, 335; cf. M.R. Cimma, *Reges socii et amici populi Romani*, Milan 1976, pp. 115, 181f.; E. Luttwak, *La grande stratégie de l'empire romain*, Paris 1987, p. 23; J. Balsdon, *Romans and Aliens*, London 1979, pp. 164–165.

2 *Ant.* 185, 192–195. Le traité fut confirmé par le Sénat à la demande d'Antoine après l'assassinat de César. Selon A.N. Sherwin-White, *Roman Foreign Policy in the East*, London 1984, p. ???, Hérode fut "the most successful of all the experiments of Antonius" (cf. Dion Cassius 9.20).

3 Cependant, Nicolas de Damas parle d'Hérode comme ayant été "l'ami et l'allié" d'Auguste (*Ant.* 17.246).

4 Cf. Cimma, *Reges socii*, pp. 27–32, 146ff.

5 Outre Hérode, Amyntas de Galatie (Vell. Pat. 2.84.2; Dion Cassius 50.13.8; Plut. *Antoine* 63.3); Polémon du Pont (Dion Cassius 53.25.1); Archelaüs de Cappadoce (*ibid.* 51.2.1); et le tétrarque ituréen Zénodore (*Ant.* 15.343–349; Strabon 16.2.20).

6 C'était la politique d'Octave de maintenir des rois amis de Rome même s'ils avaient soutenu Antoine. Cf. G.W. Bowersock, *Augustus and the Greek World*, Oxford 1965, p. 55: "Herod and Octavian both understood client kingship."

> Des deux hommes qui gouvernaient l'empire si considérable des Romains, César [Auguste] et après lui, fort de son affection, Agrippa: l'un, César, n'eut pour personne sauf Agrippa autant d'attention que pour Hérode, l'autre, Agrippa, donna à Hérode la première place dans son amitié après César.[7]

En bons politiques soucieux de l'avenir des relations judéo-romaines, Hérode et Auguste s'emploient à consolider ce clientélisme d'Etat dans la génération montante. L'éducation des deux princes, Alexandre et Aristobule, à Rome s'inscrit dans cette politique de continuité.

Alexandre et Aristobule à Rome

Quand les deux fils d'Hérode, alors âgés de treize et quatorze ans, arrivent à Rome vers -22, ils sont loin d'être les seuls princes étrangers dans la capitale de l'empire.

Depuis près de deux siècles, on voyait souvent à Rome des princes héritiers envoyés, de gré ou de force, par leur père, en otage.[8] Certes, ils étaient menacés de mort ou d'esclavage au cas où le roi régnant mécontenterait Rome,[9] mais ils constituaient aussi un gage de la volonté royale d'avoir un successeur romanisé et, de ce fait, reconnaissant et fidèle à la puissance qui l'avait fait régner.[10] Antoine avait dû ainsi attirer à Rome un certain nombre de princes, otages ou non, qui recevaient une éducation soignée "à la romaine," dans son propre palais.[11] Ceux qui n'étaient pas des otages étaient, nous dit Dion Cassius, élevés là "par simple arrogance."[12] Sans doute, faut-il comprendre que les pères de ces princes nourrissaient des

7 *Ant.* 15.361.

8 Cf. R. Syme, *The Augustan Aristocracy*, Oxford 1986, p. 347; P.C. Sands, *The Client Princes of the Roman Empire under the Republic*, New York 1975, p.59. Par exemple, le fils de Juba I de Numidie, exhibé en -46 au quadruple triomphe de César à l'âge de quatre ans à peine, avait été élevé en Italie. En -20, il devait épouser Cléopâtre-Séléné — fille d'Antoine et de Cléopâtre — qui avait été élevée à Rome par Octavie, soeur d'Auguste, en compagnie des enfants que celle-ci avait eus de Marcellus et d'Antoine.

9 Cf. Suét. *Aug.* 21: "Quand ils recommençaient la guerre, il [Auguste] n'alla jamais plus loin dans ses représailles que faire vendre les prisonniers, en ordonnant qu'ils fussent esclaves dans un pays éloigné du leur et qu'on ne les affranchît pas avant trente ans."

10 Cf. Cimma, *Reges socii*, p. 309.

11 Cf. Dion Cassius 51.16.1.

12 Ibid. οἱ δὲ καὶ ἐφ ὕβρει τφεφόμενοι

ambitions pour eux et voulaient qu'ils ne le cèdent en rien aux aristocrates romains avec lesquels ils auraient à traiter plus tard.

Hérode semble pouvoir être crédité d'une telle prévoyance, puisque c'est lui qui prend l'initiative d'envoyer ses fils à Rome. Il s'agit d'abord, dans son esprit, de les présenter à Auguste, maître de leurs destinées. Hérode est alors un père fier des deux fils que lui a donnés une authentique princesse juive, Mariamne. Alexandre et Aristobule sont beaux et éveillés. Auguste, qui a gardé à sa cour quelques-uns des princes amenés par Antoine,[13] se rend compte que les deux fils d'Hérode y feront bonne figure et les invite à y demeurer. C'est sans doute ce qu'escomptait Hérode, puisque la visite de présentation se prolonge en un séjour de cinq ou six ans: ses deux fils ne regagneront la Judée que pour y recevoir des épouses, quand leurs études seront jugées achevées.[14]

Cet accueil correspond en tous points à ce que Suétone nous rapporte d'Auguste:

> Il eut pour tous [les rois alliés de Rome] autant de sollicitude que s'ils avaient été les membres divers de l'empire, allant même jusqu'à donner des mentors aux princes trop jeunes ou faibles d'esprit, en attendant qu'ils eussent grandi ou retrouvé la raison: de plus, il éleva et fit instruire avec ses propres enfants ceux de plusieurs rois.[15]

Alexandre et Aristobule sont les bénéficiaires de cette intelligente politique impériale qui visait à s'assurer très tôt, du vivant même d'un roi-client, de la loyauté de la génération suivante en faisant entrer ses descendants dans le moule romain.

Pollion

Du premier hôte des jeunes princes, Pollion, Josèphe nous dit seulement qu'il était un grand ami d'Hérode. Seul le *cognomen* de ce personnage nous est donné; c'est bien peu pour l'identifier avec le plus célèbre des Pollion

13 Cf. Dion Cassius, loc. cit.: "Octavien en renvoya certains chez eux, en maria d'autres entre eux et en garda d'autres encore auprès de lui."

14 Hérode vient alors les chercher à Rome, avec la permission d'Auguste (Ant. 16.6). On les marie peu après (*ibid.* 12).

15 Suét. *Aug.* 48.

vivant à Rome à l'époque, Caius Asinius Pollion.[16] Le seul indice relevé en faveur de cette hypothèse est qu'Asinius Pollion avait été consul en -40 quand Hérode fut nommé roi par le Sénat: "La séance levée, Antoine et César [Octave], ayant entre eux deux Hérode, sortirent escortés des consuls et des autres magistrats, pour offrir un sacrifice et déposer le décret au Capitole" (Ant. 14.388). Asinius Pollion avait-il entre temps bénéficié de la munificence d'Hérode, sinon lors de ses voyages en Judée, au moins lors des visites du roi à Rome?[17] Si c'est bien de lui qu'il s'agit, il faut plutôt attribuer l'accueil des princes à des relations *d'hospitium* qu'à la sympathie d'Asinius Pollion pour le judaïsme suggérée par Louis Feldman.[18]

Cette hospitalité passagère ne suppose d'ailleurs pas que Pollion ait pris en mains l'éducation des jeunes gens. On aimerait certes que les jeunes princes de Judée aient été confiés à la tutelle d'Asinius Pollion, qui fut un des plus actifs représentants du 'siècle d'Auguste,"[19] qu'il leur ait fait lire Virgile (mort en 19), dont il avait été le premier patron, qu'il les ait initiés à l'histoire tout en critiquant la "patavinitas"[20] de Tite Live et fait lire, outre ses propres ouvrages historiques, ceux de Nicolas de Damas, ami d'Hérode, mais surtout qu'il ait aidé à développer leur diction — grecque autant que latine — puisqu'il encourageait l'art oratoire. De tout cela nous ne pouvons rien affirmer.

16 Malgré les doutes exprimés par Niese dans son édition (Berlin 1895), cette identification est admise sans discussion par plusieurs auteurs, ex. E. Ciaceri, *Agrippa I e la politica di Roma verso la Guidea* (Atti del Reale Istituto Veneto di scienze lettere ed arti, t. 76, 2, Venise 1917, p. 703; M.A.Levi, *Il tempo di Augusto*, Florence [n.d.], p. 367. R. Syme "Who Was Vedius Pollio?" *JRS*, 51 (1961), p. 30; et M. Grant, *Herod the Great*, New York 1971, p. 145, suggèrent qu'il pourrait s'agit de Publius Vedius Pollio.

17 Barbara Scardigli dans son introduction à la *Vita di Augusto* de Nicolas de Damas (Florence 1983, p.18) souligne les liens d'Asinius Pollion avec le monde oriental, cf. eadem, "Asinius Pollion und Nikolaos von Damascus," *Historia*, 32 (1983), pp. 121–123.

18 L. Feldman, "Asinius Pollio and His Jewish Interests," *TAPA*, 84 (1953), pp. 73–80, repris dans idem, *Studies in Hellenistic Judaism*, Leiden 1996, pp. 37–44. Cette identification, discutée par D. Braund, "Four Notes on the Herods," *CQ*, 33 (1983), pp. 239–242, est réaffirmée par Feldman, "Asinius Pollio and Herod's Sons," *Studies...*, pp. 52–56.

19 Cf. R. Syme, "Livy and Augustus," *Roman Papers*, Oxford 1979, p. 428: "The most powerful literary influence in triumviral Rome."

20 I.e., Le provincialisme, le manque de raffinement, opposé à l'*urbanitas* (Tite-Live était originaire de Padoue); cf. Syme, *The Augustan Aristocracy*, p. 358; idem, "Livy and Augustus," p. 453.

L'éducation d'Alexandre et Aristobule

Qu'il suffise de rappeler que les deux princes étaient à peine plus jeunes que Tibère (né en -42) et qu'ils furent élevés à la cour, en compagnie de son frère cadet Drusus, fils de Livie. Les jeunes princes judéens connaissaient sans doute déjà le grec, indispensable dans les cours d'Orient, mais purent en découvrir à la cour d'Auguste des aspects plus raffinés. Ils étaient arrivés à Rome après l'âge où l'on apprend à parler une langue sans aucun accent et leur latin laissait sans doute à désirer. Ils furent certainement exercés à l'art oratoire, en grec sinon en latin. Alexandre en tout cas y excellait, comme il devait le montrer plus tard en se défendant contre les accusations de son père.[21] Il s'exerça aussi à composer, puisqu'il semble avoir rédigé avec une certaine facilité pas moins de quatre rouleaux de lettres pour rèpondre aux accusations de ses ennemis peu après son retour en Judée.[22]

L'éducation des deux princes comprenait aussi sans nul doute l'équitation et l'escrime,[23] peut-être selon des techniques un peu différentes de celles de leur pays. Mais gardaient-ils quelque attache culturelle avec celui-ci? Hérode avait dû leur adjoindre des serviteurs Iduméens et qui sait? un précepteur juif chargé d'entretenir en eux quelque souvenir des traditions ancestrales. Il y a peu de chance en effet que les princes aient recherché la compagnie de leurs coreligionnaires de Rome, pour la plupart des descendants des captifs amenés par Pompée. Peut-être une ou deux familles socialement bien placées — si le Pollion qui les accueille n'est pas le célèbre Asinius Pollion, il n'est pas exclu que ce fût un Juif de Rome — échappaient-elles à leur propre morgue aristocratique. C'est donc plutôt grâce à leur suite venue avec eux de Judée qu'ils entretenaient leur connaissance de l'araméen, de l'hébreu et quelques pratiques religieuses probablement discrètes. On ne sait quel était leur comportement dans les festins impériaux et s'ils s'abstenaient de manger du porc et autres aliments interdits. Auguste, respectueux des

21 *BJ* 1.453–454: "Ce qui l'aidait, outre une conscience pure, c'était la puissance de sa parole: car il était un remarquable orateur...il fit fondre en larmes tout l'auditoire et toucha si fortement César [Auguste] qu'il acquitta les accusés et demanda à Hérode de se réconcilier sur place avec eux." Par la suite, les deux fils d'Hérode ne comparaissent pas à leur procès "s'ils avaient le droit de prendre la parole, Alexandre réfuterait aisément les accusations" (*BJ* 1.538).

22 *BJ* 1.498; *Ant.* 16.256.

23 Cf. *Ant.* 16.400. Elles occupent une place importante dans les exercices quotidiens du jeune Tibère, cf. Suét. *Tib.* 13.

religions pourvu qu'elles fussent anciennes,[24] aurait certainement toléré qu'ils observassent le repos du septième jour, mais il en avait si peu idée qu'il croyait que le sabbat était un jeûne.[25] On voit mal les deux princes hérodiens s'abstraire des activités de la cour ce jour-là.

Alexandre et Aristobule devaient se passionner pour les spectacles auxquels l'empereur prenait grand plaisir (*Aug.* 43–45). En tant que princes, ils avaient le droit d'y siéger parmi les sénateurs.[26] La réprobation rabbinique fondée sur le psaume I, 1 — "Heureux l'homme...qui ne s'est pas arrêté sur la voie des pécheurs, et qui n'a pas siégé à la séance des railleurs," ne touchait en Judée même, qu'une frange d'hommes pieux dédaigneux des "coutumes étrangères' qu'Hérode, quant à lui, développait partout où la présence d'une forte proportion de païens l'y autorisait.

Les moeurs les plus contraires à la loi juive s'infiltraient aussi chez les jeunes gens qui s'estimaient d'une essence supérieure tant par leur naissance que par leur éducation. Alexandre, de retour chez son père, séduisit les trois plus beaux eunuques de son père dont il fit "ses mignons" (παιδισκα).[27]

Bien qu'Hérode n'eût pas encore officiellement choisi son héritier,[28] Alexandre, aîné des deux fils de Mariamne et apparemment le plus brillant, était sûr de régner un jour. Conforté dans ses ambitions par son mariage avec une authentique princesse, héritière d'une vieille lignée, Glaphyra — fille du roi Archelaüs de Cappadoce, laquelle, par sa mère, se rattachait à Darius fils d'Hystaspes[29] — il était plus arrogant qu'Aristobule. Mais tous deux n'avaient que mépris pour leurs demi-frères moins instruits et menaçaient, une fois parvenus au pouvoir, d'en faire "des scribes de village" (*BJ* 1.479).

La vindicte paternelle devait en décider autrement quand, pris d'une rage irrépressible, entretenue par les calomnies de sa cour, Hérode, contre l'avis d'Auguste et des représentants de Rome en Orient, fit exécuter les

24 Suét. *Aug.* 93.

25 Cf. Une de ses lettres reproduites par Suét. *Aug.* 76: "Mon cher Tibère, même un juif, le jour du Sabbat n'observe pas aussi rigoureusement le jeûne que je l'ai fait aujourd'hui."

26 Ce privilège avait été accordé à Hyrcan par un édit de César pour lui et ses descendants (*Ant.* 14.210). Même des otage parthes furent installés par Auguste un jour au second rang au dessus de lui (Suét. *Aug.* 43).

27 *BJ* 1.489; *Ant.* 16.230–231.

28 Cf. *Ant.* 15.343: D'abord Hérode garde Aristobule en réserve, plus tard après le premier procès de ses deux fils nés de Mariamne, il reçoit d'Auguste l'autorisation de choisir un héritier parmi tous ses autres fils.

29 *BJ* 1.476; *Ant.* 16.11.97.

deux héritiers dont l'éducation avait été si soignée. C'est ainsi que périrent "deux princes bien faits, admirés de tous les étrangers, comblés de talents, également habiles à la chasse, aux exercices militaires, à parler à propos." (*Ant.* 16.400).

Trois autres fils d'Hérode à Rome

L'éducation romaine d'Alexandre et Aristobule constitua un précédent au sein de la famille royale. Antipater, leur intrigant aîné, fils d'une plébéienne, n'y avait pas eu droit: il avait un peu tardivement été présenté à l'empereur (*Ant.* 16.86). Mais quand Hérode eut fait exécuter les deux fils qu'il avait eus de Mariamne et que le premier prince dans l'ordre de la succession — Antipater — commença lui aussi à susciter ses soupçons, il fit envoyer à Rome les trois fils encore en âge de bénéficier de l'éducation romaine: Archelaüs et Antipas, fils de la Samaritaine Malthacé, ainsi que Philippe, fils de Cléopâtre de Jérusalem (Ant. 17.20–21). Cet éloignement avait le double avantage de les tenir à l'écart des intrigues de la cour hérodienne et de leur assurer la formation nécessaire dans la perspective, au départ improbable, de leur accession au pouvoir. Auguste, de guerre lasse, n'avait-il pas, à l'encontre des usages romains envers les rois clients, autorisé Hérode à léguer la royauté à qui il voudrait?[30]

Cependant, après une première expérience sans lendemain, l'empereur n'était pas disposé à accueillir indistinctement tous les fils d'Hérode, et surtout des princes qui venaient loin dans l'ordre de la succession. Aussi furent-ils élevés chez des particuliers[31] — Archelaüs et Antipas ensemble, Philippe probablement à part. De ces particuliers, on ne sait rien et il y a peu de chances qu'ils aient été juifs. Hérode n'envoyait pas ses fils dans la capitale de l'empire pour y entretenir leur foi ou leur pratique religieuse, mais pour y acquérir cette culture générale qui ferait d'eux de dignes interlocuteurs des Romains.[32]

Quand le tyran de Judée comprit les menées d'Antipater et qu'il eut écarté de la succession un autre fils nommé Hérode qu'il avait eu de Mariamne "fille du grand-prêtre," c'est vers ces trois plus jeunes fils élevés à Rome qu'il se tourna. Il leur fit dire de rentrer, au grand dam d'Antipater qui,

30 *BJ* 1.454; *Ant.* 16.129.

31 *Ant.* 17.20 et 21.

32 A. Schalit, *König Herodes: Der Mann und Sein Werk*, Berlin 1969, p. 413.

de passage à Rome, s'employa à fabriquer contre les deux aînés — les plus dangereux pour ses ambitions — des lettres compromettantes.[33] C'est pourquoi, dans son troisième testament, Hérode réservait la royauté au seul qui n'eût pas été impliqué, Antipas, le plus jeune des fils de Malthacé. Peu avant sa mort, il revint sur sa décision, aussitôt après avoir fait exécuter Antipater et, en signe de réhabilitation des deux frères calomniés, Archelaüs et Philippe, refit un testament où ils apparaissaient en bonne place aux côtés d'Antipas et de leur tante Salomé (*Ant.* 17.188–189). Archelaüs, l'aïné des trois, recevait même le titre de roi avec la Judée et la Samarie, Philippe était tétrarque de Gaulanitide, Trachonitide, Batanée et Panias, Antipas tétrarque de Galilée et de Pérée.

Encore fallait-il que l'empereur ratifiât le testament royal. On sait qu'après une longue délibération il s'en tint au partage d'Hérode, mais en retirant à Archelaüs, qui déjà suscitait dans son pays de forts mécontentements, le titre de roi (*Ant.* 17.202).

Quoi qu'il en fût, les trois derniers fils d'Hérode élevés à Rome se partageaient le pouvoir, ce qui était dans la droite ligne de la politique augustéenne. Le clientélisme d'état, noué entre César et Antipater, père d'Hérode, confirmé entre Antoine, puis Auguste, et Hérode, roi de Judée, connaissait ainsi une remarquable continuité.

L'EDUCATION D'AGRIPPA

La destinée des enfants d'Alexandre et Aristobule

Les remords d'Hérode, après l'exécution de ses fils Alexandre et Aristobule, lui firent reporter son affection sur leurs enfants dont il pensa faire, après un inter-règne confié à Antipater,[34] ses héritiers légitimes:

> Antipater disait à sa mère qu'il grisonnait déjà tandis que son père rajeunissait de jour en jour; qu'il mourrait vraisemblablement le premier avant d'avoir exercé réellement la royauté: et que si Hérode mourait un jour (mais quand cela arriverait-il?), il jouirait de la

33 *BJ* 1.603; *Ant.* 17.146.

34 Les enfants d'Antipater étaient exclus de sa succession. Celle-ci revenait à Hérode fils de Mariamne "la fille du gran prêtre," en attendant la majorité des enfants d'Alexandre et Aristobule (*BJ* 1.588)

succession un temps très court, car en dessous poussaient les têtes de l'hydre, les enfants d'Alexandre et Aristobule.[35]

A la mort d'Hérode en -4, ces enfants, élevés ensemble à sa cour dans leur âge tendre,[36] furent séparés en deux branches distinctes. Glaphyra, fille du roi de Cappadoce, renvoyée chez son père après son veuvage, avait ensuite épousé Juba roi de Maurétanie mais elle gardait des liens avec la Judée où ses fils résidaient sans doute. C'est ainsi que l'ethnarque Archelaüs fils d'Hérode s'éprit d'elle et épousa sa belle-soeur en contravention avec la loi juive.[37] Prise de remords, elle mourut bientôt (*Ant.* 17.351–353) et les deux fils, Alexandre et Tigrane, qu'elle avait eus de son premier mari furent recueillis, encore adolescents, à la cour de Cappadoce. Leurs origines juives furent bientôt oubliées. Ils entrèrent dans la galaxie des rois d'Asie Mineure clients de Rome et réunis entre eux par de multiples liens dynastiques.[38] L'aîné, Alexandre, épousa une fille du roi de Cappadoce (*Ant.* 18.139). Tigrane, sans doute en vertu d'une ascendance arménienne par sa grand-mère maternelle, se vit provisoirement attribuer le royaume d'Arménie, très surveillé par Rome en raison de ses accointances avec les Parthes. Des descendants de son frère Alexandre devaient régner plus tard sur l'Arménie[39] et la Cilicie.[40]

Parallèlement à la branche aînée totalement hellénisée, la branche cadette, issue d'Aristobule, s'était, elle, partiellement romanisée.

Quand Archelaüs s'embarqua pour Rome en -4 avec l'espoir de s'y voir confirmer par Auguste le titre de roi, il y avait dans sa suite "Salomé, soeur d'Hérode, qui emmenait ses enfants et de nombreux parents, qui assuraient vouloir travailler à lui faire obtenir la royauté mais qui en réalité allaient agir contre lui" (*Ant.* 17.220). Sa fille Bérénice l'y avait sans doute précédée de peu avec l'un au moins des cinq enfants encore en bas âge qu'elle avait eus d'Aristobule: Agrippa. Josèphe nous dit en effet que "peu de temps avant

35 *BJ* 1.587-588.

36 *Ant.* 17.12. Hérode élevait lui-même avec beaucoup de soin les enfants de ses fils.

37 La règle du lévirat ne s'appliquait pas dans ce cas puisque le frère défunt possédait déjà une descendance.

38 Cf. les divers articles de R. Sullivan sur ces dynasties parus dans *ANRW* II, 7 et 8.

39 Son neveu Tigrane V, fils d'Alexandre (*Ant.* 17.140). Cf. M.L.Chaumont, "L'Arménie entre Rome et l'Iran," *ANRW* II, 9, 1 pp. 71–193.

40 Alexandre fils de Tigrane V épousa Iotapé, fille d'Antiochus IV de Commagène et régna sur la Cilicie au temps de Vespasien (ibid.).

la mort du roi Hérode, Agrippa vivait à Rome" (*Ant.* 17.143). L'éducation que le jeune prince reçut dans la capitale de l'empire devait décider de sa destinée.

Le clientélisme féminin à Rome

A Rome, Salomé cherchait surtout une protection pour elle et ses descendants. Elle savait pouvoir la trouver auprès de l'impératrice Livie avec laquelle elle entretenait de longue date des liens personnels.

Sans doute avait-elle rencontré l'impératrice en Judée lors de la visite d'Auguste dans la région[41] et l'avait-elle revue une ou deux fois à Rome. Des liens d'amitié s'étaient créés. Livie était dans la confidence de la passion que Salomé éprouvait pour l'Arabe Syllaios "homme habile encore jeune et de belle tournure" (*Ant.* 16.220), mais le mariage n'avait pu se faire, car Syllaios reculait devant la conversion exigée par Hérode. Quand son frère lui imposa en échange un autre époux, Alexas, Salomé ne se résolut à l'accepter que sur l'intervention de Livie: "elle s'inclina devant cet avis parce qu'elle savait que Julia [Livie] était la femme de l'empereur et ne cessait de lui donner les meilleurs conseils" (*Ant.* 17.10).

Il n'est guère sûr que Salomé ait emmené avec elle cet Alexas ou même ce Theudion auquel on avait remarié sa fille Bérénice, veuve du second fils d'Hérode, Aristobule. Elle n'avait guère besoin de soutien matériel car elle ne manquait pas de fortune mais elle savait pouvoir compter sur l'impératrice pour faire à sa fille et à ses petits-enfants une place dans la haute société romaine. Livie en fut largement récompensée puisqu'à la mort de Salomé, vers l'an 10,[42] elle reçut en héritage toutes ses possessions de Judée: "lamnia et toute sa toparchie ainsi que Phasaelis dans la plaine et Archelaïde où se trouve une grande palmeraie dont les fruits sont excellents'' (*Ant.* 18.31).

Bérénice, elle, se lia d'amitié avec une grande dame romaine, une des plus nobles figures en ces temps de décadence des moeurs,[43] Antonia Minor, belle-soeur de Tibère, fille cadette de Marc Antoine et veuve de Nero Claudius Drusus, fils de Livie et du premier époux de celle-ci, Tiberius

41 Cf. Tacite, *Annales* III.34: "Combien de fois Auguste n'avait-il pas emmené Livie dans ses voyages en Orient et en Occident."

42 Sous la préfecture de Marcus Ambivius, successeur de Coponius, le premier préfet équestre de Judée.

43 Cf. *Ant.* 18.180.

Claudius Nero. Entre ses trois fils, c'est sur Agrippa qu'elle reporta ses espérances et c'est pour lui qu'elle demanda la protection spéciale d'Antonia (*Ant.* 18.143). Les motivations de ce choix ne sont pas claires, il devait valoir à Agrippa la haine de ses frères.[44]

On sait que les grandes familles romaines avaient souvent des clients attitrés parmi les grandes familles provinciales ou celles des rois-clients.[45] En se liant avec Bérénice, fille de Salomé, nièce et bru d'Hérode, Antonia était la continuatrice de son père Marc Antoine qui avait été le "patron" d'Hérode, et de sa belle-mère Livie qui protégeait Salomé. Une solidarité de veuves pouvait en outre rapprocher les deux femmes, puisque Drusus, mari d'Antonia, et Aristobule, premier époux de Bérénice, avaient été élevés en même temps à la cour d'Auguste.[46]

Parallèlement à la clientèle d'Etat, on voit donc fonctionner, dans le cas présent, un phénomène de clientèle féminine d'ordre privé transmise d'une génération à l'autre: Livie protectrice de Salomé — Antonia, belle-fille de Livie, protectrice de Bérénice, fille de Salomé. L'amitié d'Antonia — mère de Germanicus et de Claude, grand-mère de Caligula — pour les princesses de Judée était de notoriété publique. Le respect unanime dont elle était entourée n'empêcha pas plus tard Claude d'être appelé par ses adversaires alexandrins "le fils de la juive Salomé."[47] Antonia était aussi l'amie de la femme de Cotys, roi de Thrace détrôné, Antonia Tryphaena, dont elle accueillit les trois fils.

Ce clientélisme féminin[48] constitue un signe des temps: la condition de la femme romaine était en pleine mutation. Les femmes de l'aristocratie étaient, pour le meilleur et pour le pire, en voie de jouer un rôle politique de plus en plus important à Rome.

Agrippa I compagnon d'études de Claude

Né probablement en l'an -10, Agrippa arriva à Rome vers l'âge de six ans.[49] Etant donnée la réputation de grande beauté de plusieurs princes et

44 Celle d'Aristobule est signalée par Josèphe, *Ant.* 18.151–152.

45 Cf. Syme, *The Augustan Aristocracy*, p. 359.

46 Cf. Ciaceri, *Agrippa I*, p. 692.

47 Cf. *Acta Alexandrinorum, CPJ*, 156 d.

48 Cf. J.P.V.D. Baldson, *Roman Women, Their History and Habit*, London 1968, p. 95; D. Nony, *Caligula*, Paris 1986, p. 283.

49 Peu avant la mort d'Hérode en -4.

princesses de la famille, on peut imaginer qu'il fut un de ces petits enfants "syriens," "d'une figure et d'un habit agréables" avec lesquels "l'empereur Auguste aimait jouer aux dés, aux osselets, aux noix" (Suét. *Aug.* 83).

Dans les grandes familles romaines, les enfants du même âge formaient souvent un petit groupe élevé ensemble sous la férule d'éducateurs choisis. Ainsi naguère, Octavie avait pris pour précepteur de son fils Claudius Marcellus le philosophe Nestor de Tarse, auquel avait été également confiés les soeurs de Marcellus, les deux filles qu'Octavie avaient eues de Marc Antoine et lullus fils du triumvir[50] ainsi que Cléopâtre-Séléné, fille d'Antoine et de la reine Cléopâtre. De même, l'impératrice Livie, sa fille Julie et Antonia Minor supervisaient dans le palais ou à proximité l'éducation de toute une troupe d'enfants de l'aristocratie,[51] dont les cinq enfants de Julie et d'Agrippa.

Alors qu'on ne sait rien de l'éducation de ses frères et soeurs, nous possédons une brève mais claire information sur celle d'Agrippa: il fut élevé avec Claude (*Ant.* 18.165), qui avait le même âge que lui. Il eut donc les mêmes précepteurs et bénéficia d'une éducation princière. Si Germanicus, le fils aîné d'Antonia, était paré de tous les dons et de toutes les vertus, aux dires des historiens romains, Claude, le compagnon d'études d'Agrippa, quoique loin d'être sot, apparaissait "faible d'esprit et de corps."[52] Sa propre mère, nous rapporte Suétone, l'appelait "avorton,' "caricature d'homme" et le taxait d'une extrême bêtise (Suét. *Aug.* 3). Sa grand-mère, Livie, en était honteuse: quant à Auguste, son grand-oncle, tout en le méprisant, il avait assez d'objectivité pour lui reconnaître quelque lueur d'intelligence: "Ma chère Livie, écrit-il à son épouse, j'ai pu écouter avec plaisir votre petit-fils Tiberius [Claude] prononcer un discours, et je veux mourir, si je reviens de ma surprise, car je ne vois pas comment il peut, lui qui s'exprime ''avec tant de confusion," dire "nettement" ce qu'il faut lorsqu'il parle en public" (*ibid.* 4). On ne saurait mieux décrire un comportement de grand timide.

Si Agrippa reçut de la part d'Antonia plus d'attention que les deux autres fils de Bérénice, c'est sans doute qu'elle comptait sur le jeune prince, vif et élégant comme on l'était dans la famille hérodienne, pour servir de modèle à ce décevant rejeton. "Je voudrais qu'il se choisît avec plus de soin et

50 Cf. Syme, *The Augustan Aristocracy*, p. 347.

51 *Ibid.* p. 112.

52 Suét. *Claud.* 13. On suppose qu'il était atteint de poliomyélite ou de paralysie cérébrale. Cf. B. Levick, *Claudius*, London 1990, p. 13.

moins d'étourderie un compagnon dont il pût imiter les gestes, la tenue et la démarche," écrit encore Auguste (*ibid.*). Mais Agrippa ne compte pas parmi les familiers du jeune Claude cités par l'empereur (Sulpicius et Athénodore ibid.); il ne recherchait vraisemblablement pas la compagnie de ce garçon timide, maladif et lourdaud.

Les deux points forts du jeune Claude étaient l'histoire et le grec.[53] Pour l'histoire, il bénéficia des conseils de Tite Live qu'Agrippa dut donc aussi nécessairement côtoyer, de même qu'il fut certainement présent à la lecture publique des premiers essais historiques de Claude, qui s'acheva dans l'hilarité. Pour la pratique du grec, Agrippa n'était pas en reste, car rien ne pouvait lui être plus utile tant à Rome qu'en Orient. C'est en grec que beaucoup plus tard, devenu roi, on le vit s'adresser au Sénat romain.[54] Néanmoins, il est clair qu'en famille il pratiquait l'araméen, lequel, à l'occasion, pouvait servir de langue de communication secrète entre exilés.[55]

Voilà donc le peu que l'on parvient à reconstituer de l'enfance et de l'adolescence d'Agrippa à Rome. Un jeune prince élevé par sa mère dans une cour étrangère, héritier de toutes les frustrations que Bérénice avait accumulées depuis son mariage avec son cousin Aristobule fils d'Hérode et de l'Hasmonéenne Mariamne, qui méprisait en elle l'Iduméenne, fille de Salomé et de Costobar. Elle avait néanmoins réussi à faire élever ses enfants dans la capitale du monde, où tout se décidait et rêvait peut-être de quelque retour de fortune grâce à l'amitié d'Antonia. Mais le jeune Claude, auquel on avait associé son fils Agrippa, ne paraissait guère de nature à favoriser ses ambitions. Il était en outre mal placé dans l'ordre de succession à l'empire, puisqu'il venait après le fils de Livie, Tibère — adopté par Auguste[56] — son fils Drusus né en -13 ou -14, son fils adoptif Germanicus, né en -16 et les enfants de ce dernier.

53 Suét. *Claud.* 41 et 42. Le contenu de l'éducation d'Agrippa peut-être inféré de celle de Claude, cf. D. Schwartz, *Agrippa I*, Tübingen 1990, pp. 42–44.

54 Ainsi que son frère Hérode de Chalcis pour remercier le peuple romain des honneurs qui leur avaient été conférés par Claude, cf. Dion Cassius 60.8.3.

55 Cf. *Ant.* 18.228

56 Les deux petits-fils d'Auguste, nés de Julie et d'Agrippa suivaient immédiatement mais ils moururent jeunes l'un en l'an 2, l'autre en l'an 3.

Un intrigant à la cour impériale

Agrippa avait environ vingt-quatre ans au moment de l'accession de Tibère au pouvoir en l'an 14. Plutôt qu'avec Claude, on le voyait alors souvent en compagnie du cousin de celui-ci, qui était exactement du même âge, Drusus, le propre fils du nouvel empereur. Il y avait sans doute beaucoup d'affinités entre Drusus et Agrippa, tous deux amis des plaisirs. L'argent que Drusus ne pouvait obtenir de son père, qui jugeait sévèrement ses débordements,[57] il devait se le procurer facilement auprès de ce fastueux prince oriental qui dépensait sans compter. De la part d'Agrippa, on peut souçonner aussi quelque calcul politique. Drusus n'était-il pas le premier dans l'ordre de succession à l'empire depuis la mort de Germanicus en l'an 20?

Cétait compter sans Séjan qui fit empoisonner Drusus et mit sa mort au compte de ses débauches.[58] Le même Séjan avait fait expulser les juifs de Rome en 19, sans qu'Agrippa ait pu s'y opposer ou l'ait même tenté.

On peut penser qu'Agrippa avait manoeuvré auprès de Tibère pour obtenir quelque possession dans son pays d'origine; sans doute enviait-il sa soeur Hérodiade, qui s'était remariée avec son oncle Hérode, tétrarque de Galilée. Mais Séjan avait fait obstacle à toutes ses ambitions et Tibère devenait de moins en moins abordable avec l'âge.

En 23, après la mort de son principal appui, Drusus, Agrippa chercha à gagner les faveurs des affranchis de l'empereur à prix d'argent. Il y dilapida sa fortune (*AJ* XVII, 145) et dut momentanément rentrer en Judée.

A son retour en Italie au printemps de l'an 36, ayant réglé ses dettes grâce à la bienveillance d'Antonia, Agrippa mise sur la génération montante. Les deux héritiers du trône en puissance sont Tibérius — fils de son ami Drusus et donc petit-fils de l'empereur — et Caïus, surnommé Caligula, fils de Germanicus, qui avait vécu entre l'âge de dix-sept et dix-neuf ans chez sa grand-mère Antonia.[59] Des deux petits-fils de l'empereur, Agrippa choisit Caligula, le plus âgé et le plus facile à corrompre: "ayant emprunté un million, Agrippa paya à Antonia ce qu'il lui devait et, dépensant le reste pour servir Caïus, augmenta son crédit auprès de celui-ci" (*Ant.* 18.167).

57 Suét. *Tib.* 52: Tibère le "haïssait car il avait une conduite trop molle et trop relâchée."

58 Tibère croyait que son fils était mort d'intempérance et de maladie, ibid. 62.

59 Suét. *Cal.* 10.

Agrippa faisait ainsi d'une pierre deux coups: il restait dans la clientèle d'une grande dame qui l'avait toujours protégé et, par l'appui apporté à l'héritier présomptif de l'empire, il assurait son propre avenir.

Manoeuvres autour de Caligula

Il y avait en ce temps là à Rome un autre prince oriental dépossédé, dont le royaume avait été transformé en province par Rome en l'an 17: c'était Antiochus de Commagène, lui aussi victime de l'agitation endémique de son pays natal.

Agrippa et Antiochus font partie des proches compagnons de Caligula, ils flattent les vices du jeune homme — "ὥσπερ τινας τυραννοδιδασκάλους" — "comme des maîtres ès tyrannie," dira de lui Dion Cassius (59.24.1), dans l'espoir que son accession au trône favorisera leurs ambitions cruellement déçues par Tibère. Celui-ci ne vient-il pas, en l'an 36, de mettre à mort, pour crime de lèse-majesté,[60] Tigrane IV d'Arménie, le cousin germain d'Agrippa, fils d'Alexandre et de Glaphyra? Telles sont peut-être les circonstances dans lesquelles Agrippa, sachant avec quelle délectation son jeune ami écoutait les propos hostiles à Tibère,[61] laisse imprudemment échapper des voeux en faveur de Caligula, sans prêter attention à son cocher Eutychus,[62] qui le dénonce peu après à l'empereur. Agrippa passe six mois en prison, mais dans des conditions nettement adoucies grâce à l'intervention d'Antonia (*Ant.* 18.203).

A la mort de Tibère, le 16 mars 37, le premier geste du nouvel empereur Caligula est de récompenser ses "amis." Il libère Agrippa, lui donne la tétrarchie de Philippe et celle de Lysanias avec le titre de roi et lui offre une chaîne d'or d'un poids égal à son ancienne chaîne de prisonnier.[63] Il rend à Antiochus le royaume de son père et la région côtière de Cilicie accompagnées de cent millions de sesterces qui avaient été confisqués.[64] Il octroie des royaumes à trois autres de ses compagnons de jeux: les fils du roi thrace Cotys: Polémon, Roemetalkés et Cotys.

La restauration de plusieurs royaumes-clients par Caligula n'a pas manqué d'intriguer les historiens. Certains y ont vu la marque de sa

60 Tac. *Annales* VI.40.
61 Cf. Dion Cassius 59.16.1.
62 *Ant.* 18.168.
63 *Ant.* 18.237.
64 Dion Cassius 59, 8. 2. 60, 8.1; cf. *Ant.* 19.276; Suét. *Cal.* 16.

folie naissante,[65] d'autres le projet conscient de rompre avec l'héritage de Tibère, voire d'Auguste, en renouant avec la tendance "orientale" d'Antoine son bisaïeul.[66] Le bref rappel qui précède permet d'en donner une autre interprétation.

Dans l'entourage de sa grand-mère Antonia, héritière de la clientéle de Marc-Antoine, Caligula se trouva entouré de princes orientaux dépossédés de leur trône pour une raison ou une autre et n'aspirant qu'à le retrouver. Encore très jeune et influençable, il devint la proie facile de ces flatteurs intéressés qui favorisaient ses plaisirs. Tous avaient à se plaindre de Tibère: ils purent convaincre Caligula de s'affirmer en prenant le contrepied de la politique de son prédécesseur, si un jour il parvenait au trône. Tel est bien le sens des propos d'Agrippa surpris par son cocher.

La folie de divinisation qui s'empara plus tard de Caligula a peut-être déjà sa source dans ces flatteries. Certains princes orientaux pouvaient lui promettre que dans leur futur royaume, il serait honoré comme un dieu; à défaut de cela, Agrippa pouvait au moins faire valoir qu'en lui rendant un royaume, il exercerait un pouvoir proprement divin,[67] car selon la tradition juive, c'était Dieu qui faisait les rois. Agrippa bénéficia ainsi de l'engouement du nouvel empereur pour sa propre personne, ce qui était bien différent des sentiments de Caligula pour les Juifs en général, comme en témoigne le fameux épisode de l'entrevue avec Philon et la délégation juive d'Alexandrie, rapporté dans la *Legatio ad Caium.*

Le retour au clientélisme d'Etat

Les faveurs accordées par Caligula à ses amis, dont il avait fait ou refait des rois, ne constituaient pas une stupidié politique. Quels que fussent ses mobiles, Caligula restaurait, ce faisant, pour le profit mutuel de ces rois et de Rome, le clientélisme d'Etat développé par ses illustres aïeux Antoine et Auguste, mais en nette régression sous Tibère qu'il haïssait. Ainsi a pu se créer l'illusion rétrospective d'une continuité politique,[68] qui doit plus à la flatterie et à l'intrigue qu'à une vision globale des intérêts de l'empire.

65 Déjà Dion Cassius 59.8.2.

66 Cf. Petre Ceaucescu, "Caligula et le legs d'Auguste," *Historia*, 22 (1973), pp. 269–283, E. Luttwak, *La grande stratégie* (supra, n. 1), pp. 29–30.

67 Cf. Suét. *Cal.* 22.

68 Cf. Ciaceri, "Agrippa I," p. 707ff.: "Il breve regno di Agrippa infatti rappresenta l'attuazione pratica della polit Augusto" (p. 714), et D. Schwartz, *Agrippa I*, p. 66: "as

L'habile Agrippa sut garder la faveur impériale, contrairement à Antiochus de Commagène qui se vit retirer ses possessions.[69]

Claude accentua le clientélisme d'Etat avec lequel son prédécesseur avait renoué. Il rendit la Commagène à Antiochus, accorda le Bosphore à Mithridate, descendant de Mithridate le Grand, aux dépens de Polémon qui reçut en échange une partie de la Cilicie.[70]

Agrippa, son ancien compagnon d'études qui lui avait assuré le pouvoir après l'assassinat de Caligula,[71] bénéficia d'une attention particulière. Claude paracheva le geste de Caligula en lui rendant toute la Judée et la Samarie, qui avaient constitué le coeur du royaume d'Hérode (*Ant.* 19.274). Après la mort de son ami d'enfance, en 44, il veilla aussi sur son fils Agrippa II, âgé alors de dix-sept ans. Toutefois l'indécision de Claude priva ce dernier de ses principales possessions et mena finalement au soulèvement de la Judée. Devenu roi de territoires périphériques, Agrippa II fut néanmoins le dernier souverain à régner dans les territoires d'Asie soumis à Rome (il mourut vers l'an 100), après Antiochus IV de Commagène, mort en 72.

* * *

Sur trois générations successives de princes hérodiens élevés à Rome, nous pouvons observer la corrélation entre cette éducation et leurs chances de parvenir au pouvoir.

Dans le cas des fils d'Hérode, Alexandre et Aristobule, l'empereur veille personnellement sur les fils d'un roi-client qu'il croit appelés à régner; leur éducation romaine fait partie de sa stratégie de domination de l'Orient par rois interposés, elle constitue un élément du clientélisme d'Etat.

L'éducation romaine d'Agrippa I ressortit, elle, d'un clientélisme privé et féminin. Elle doit tout à la protection accordée par Livie à Salomé et Antonia à Bérénice. A partir de là, la restauration du trône de Judée dépend de hasards et d'intrigues. Vivre à Rome, dans la compagnie d'héritiers présomptifs du principat, fournit à Agrippa l'occasion de récupérer un trône

if on the basis of a plan although we have no knowledge that any such a plan was ever formulated."

69 Dion Cassius 60.81.

70 *Ibid.*

71 Cf. Dion Cassius 60.8.2. C'est Agrippa, alors encore à Rome, qui l'avait convaincu de s'accrocher à l'empire, c'est lui encore qui lui avait rallié le Sénat (*Ant.* 18.239–247) et avait guidé ses premiers pas d'empereur (*ibid.* 265).

auquel il ne semblait plus destiné. Ainsi est rétabli un clientélisme d'Etat, dont son fils Agrippa II bénéficiera à son tour. Avec Agrippa II s'éteignit le dernier roi client de l'Orient romain.

2 Maccabees as a History of Liberation

JAN WILLEM VAN HENTEN

INTRODUCTION

Several Jewish documents from the Second Temple period share a narrative pattern which begins with an attack on the Jewish people by a foreign government and ends with the restoration of the Jewish nation. This pattern can be observed in the stories — or perhaps better, histories — of Judith, Esther, 1 and 3 Maccabees, and, last but not least, 2 Maccabees. The pattern consists of the following elements:

(1) A decree of a foreign king threatens the existence of the Jewish people (Judith 2:1–3; 3:8; Esther 3:8–15MT with the addition of the decree itself in the Greek text 3:13a–g/B1–7LXXX; 2 Maccabees 5:12, 24; 6:1–2, 6–9, 21; 3 Maccabees 2:27–30; 3:11–30).
(2) A prayer by pious Jews precedes a turn for the better (Judith 9; Esther. 4:17a–z/C1–30LXX; cf. 4:1, 8LXX; 2 Maccabees 7:37f.; 3 Maccabees 6:1–15).
(3) Direct or indirect intervention by God to save the Jews as a sign of his approval for the actions of the human saviors (Judith 10–13; 14; implicitly in Esther 5–6 and 8MT; cf. Esther 5:1e/D8LXX; 2 Maccabees 8 and 15:1–28; 3 Maccabees 6:16–29).
(4) Revenge on the foreign attacker (Judith 12:10–13:20; cf. 14:1, 5f., 11 with 1 Maccabees 7:47 and 2 Maccabees 15:32–35; Esther 7; 2 Maccabees 9 and 15:28–35; not in 3 Maccabees).
(5) The celebration of the rescue in a national festival (Judith 15:8–16, 20; Esther 9:17–32 and 10:3l/F11LXX; 2 Maccabees 10:5–8; 15:36;

3 Maccabees 6:30–40; cf. 7:15–20 and 6:30: "hold a festival of deliverance"; cf. 1 Maccabees 4:56–59; 7:48f. and 13:51f.[1]

In this paper I shall discuss in more detail one of the works exhibiting this narrative pattern, namely 2 Maccabees. I shall argue: 1) that the sequence of events described in 2 Maccabees, as well as the presentation of the work by the epitomist, implies that is to be understood as a history of liberation; 2) that 2 Maccabees corresponds significantly to Gentile traditions about the deliverance of an important sanctuary or temple state; and 3) that these correspondences suggest that 2 Maccabees, as transmitted to us, was composed more or less in the period indicated by the date in the first festal letter at the beginning of the book (2 Maccabees 1:9).

THE FORM AND FUNCTION OF 2 MACCABEES

The history of the Jewish people in 2 Maccabees encompasses a period of several decades beginning with the reign of Seleucus IV (187–175 BCE) and ending during the administration of Demetrius I (162–150 BCE) with the defeat of his general, Nicanor, by the Jews (Adar 13, 161 BCE). From the Jewish perspective, the history described in the epitome of 2 Maccabees can be characterized as a history of Greek tyranny, of the persecution of the Jews, and of the subsequent successful war of liberation. The two festal letters preceding this history of the Judean temple-state (2 Macc. 1:1–2:18) contain invitations from the Jews of Jerusalem to the Jews of Egypt to participate in a feast which is connected with the festival of Sukkoth.

The historical part of 2 Maccabees presents itself as a summary of a work by Jason of Cyrene which consists of five books (2:19–23). Unfortunately, we know nothing about Jason of Cyrene,[2] although there is some evidence

1 On 1 Maccabees as a history of liberation see N. Martola, *Capture and Liberation: A Study in the Composition of the First Book of Maccabees* (Acta Academiae Aboensis, Ser. A, 63 nr. 1), Åbo 1984.

2 Despite this, J.A. Goldstein, *II Maccabees: A New Translation with Introduction and Commentary* (AB, 41a), New York 1983, pp. 55–70, believes that he can elucidate the historiographic method of Jason of Cyrene. On the possible invention of Jason by the author or redactor of 2 Maccabees, see W. Richnow, *Untersuchung zu Sprache und Stil des 2. Makkabäerbuches: Ein Beitrag zur hellenischen Historiographie*, Göttingen

that the reference to him in 2:23 is not fictitious.[3] Whatever the case may be, 2 Maccabees 2:19–15:39 can be considered an actual historical work, as is apparent from the introduction in 2:19–32. The book is presented as a readable and useful history intended to help revive the memory of the past and at the same time to provide entertainment and benefit (2:25;[4] cf. 15:37–39). At the end of the prologue, the epitomist refers to the account which follows in 3:1–15:39 as a ἱστορία (2:32; cf. 2:24, 30); this term should not be interpreted as "inquiry," but instead more specifically as "history," i.e., a written account of certain events.[5] The summary of the events in 2:19–22 mentions, inter alia, the story of Judas Maccabaeus and his brothers, the wars against Antiochus IV and his son, the recapture and purification of the Temple, the liberation of the city (καὶ τὴν πόλιν ἐλευθερῶσαι, 2:22), and the reestablishment of Jewish laws.[6] It is possible that the "epitome" was reworked by a redactor,[7] but it is very difficult

1967, esp. pp. 41–42, and the refutation of R. Doran, Temple Propaganda: The Purpose and Character of 2 Maccabees (CBQMS, 12), Washington 1981, pp. 81–83.

3 There are several discrepancies between 2 Maccabees 3–15 and the summary of its content in 2:19–22. Furthermore, the description of the military conflict from 10:9 onward is quite nebulous, which may be explained by the assumption that the epitomist was forced to abridge rigorously the material of Jason of Cyrene. Cf. C. Mugler, "Remarques sur le second livre des Machabées: La statistique des mots et la question de l'auteur," *RHPR*, 11 (1931), pp. 419–423; Goldstein, *II Maccabees* (above, n. 2), p. 5 n. 3; C. Habicht, "2. Makkabäerbuch," *JSHRZ* 1.3, pp. 165–275, esp. pp. 171 and 174–175; Doran, *Temple Propaganda* (above, n. 2), pp. 80–83.

4 Concerning ὠφέλεια in v. 25 cf. Polybius 9.2.6. Polybius did not aim to entertain, but to benefit the readers of his history, see: G.E. Sterling, *Historiography and Self-Definition: Josephos, Luke-Acts and Apologetic Historiography* (Supplements to Novum Testamentum, 64), Leiden 1992, p. 6.

5 This is obvious from the content of chaps. 3–15. See H.G.R. Liddell, R. Scott, and H.S. Jones, *A Greek-English Lexicon*[9], Oxford 1996, pp. 842 s.v. ἱστορία II.

6 The conflicts between the Seleucid government and the Jewish people living in its temple-state are a prominent theme in 2 Maccabees 3–15; this would also justify a characterization of the narrative as apologetic historiography. Sterling, *Historiography and Self-Definition* (above, n. 4), p. 17, gives a definition of apologetic history which seems to fit 2 Maccabees 2:19–15:39: "Apologetic historiography is the story of a subgroup of people in an extended prose narrative written by a member of the group who follows the group's own traditions but Hellenizes them in an effort to establish the identity of the group within the setting of the larger world." Unfortunately, Sterling does not discuss 2 Maccabees in detail.

7 W. Kolbe, *Beiträge zur syrischen und jüdischen Geschichte* (Beiträge zur Wissenschaft vom Alten Testament, NF 10), Stuttgart 1926, pp. 119–122; K.-D. Schunck, *Die*

to isolate an older stratum in 2 Maccabees.[8] For this reason 2 Maccabees 2:19–15:39 is to be considered a unified work and the epitomist its "author."[9]

The history in chaps. 3–15 is structured into two large parts (cf. 2:20), each divided in two subsections. The first part (3:1–10:9) covers the history of the Jews in Judea during the reigns of Seleucus IV and Antiochus IV, while the second part (10:10–15:36) deals with the struggle of Judas Maccabaeus and his people against their non-Jewish opponents during the

Quellen des I. und II. Makkabäerbuches, Halle 1954, pp. 88–115; D. Arenhoevel, *Die Theokratie nach dem 1. und 2. Makkabäerbuch* (Walberberger Studien der Albertus-Magnus-Akademie, Theologische Reihe, 3), Mainz 1967, pp. 113–114, and Habicht, "2. Makkabäerbuch" (above, n. 3), pp. 174–175, among others assume that the epitome was revised by a redactor. K.-D. Schunck and J.A. Goldstein, *I Maccabees: A New Translation with Introduction and Commentary* (The Anchor Bible, 41), New York 1976, pp. 90–103; Goldstein, *II Maccabees* (above, n. 2), pp. 28–54, finds several sources in 2 Maccabees.

8 Cf. A. Momigliano, "The Second Book of Maccabees," *Classical Philology*, 70 (1975), pp. 81–88, esp. 82–83.

9 J.G. Bunge, *Untersuchungen zum zweiten Makkäberbuch: Quellenkritische, literarische, chronologische und historische Untersuchungen zum zweiten Makkabäerbuch als Quelle syrisch-palästinensischer Geschichte im 2. Jh. v. Chr.*, Bonn 1971, pp. 173–181, 292, 327, and Doran, *Temple Propaganda* (above, n. 2), pp. 3–23, argue for a thorough revision of 2 Maccabees. Doran, too, argues that an analysis of 2 Maccabees should be based on the text as we have it, as opposed to Schunck, Bunge, and Goldstein. The whole book of 2 Maccabees including the festal letters — apart perhaps from the first letter in 2 Maccabees 1:1–9 — is written in a kind of Hellenistic Greek which is clearly different from the Greek in those books of the Septuagint which belong to the Hebrew Bible or which are based upon a Hebrew or Aramaic original such as 1 Maccabees. The work is probably not a translation of a Semitic original; see Hieronymus in the so-called *Prologus galeatus*, R. Weber (ed.), *Biblia Sacra*, II, Stuttgart 1975, p. 365. Within the Septuagint, the vocabulary and style of 2 Maccabees most closely resembles those books which were originally written in Greek, such as Wisdom and 4 Maccabees. Likewise, significant elements of 2 Maccabees correspond to the Letter of Aristeas. The orthography, syntax, literary style, and vocabulary of the epitome largely correspond to what is found in the writings of non-Jewish historians from the Hellenistic period, such as Polybius and Diodorus Siculus. See also Mugler, "Remarques" (above, n. 3); P.M. Bellet, "El gènere literari del II llibre dels Macabeus," R.M. Diaz (ed.), *Miscellanea Biblica B. Ubach* (Scripta et Documenta, 1), Montserrat 1953, pp. 303–321; L. Gil, "Sobre el estilo del Libro Secundo de los Macabeos," Emèrita, 26 (1958), pp. 11–32; J.T. Nelis, *II Makkabeeën uit de grondtekst vertaald en uitgelegd* (De Boeken van het Oude Testament, 6), Romen-Bussum 1975, pp. 13-17; Richnow, *Untersuchung* (above, n. 2), and Doran, *Temple Propaganda*, (above, n. 2), pp. 24–46.

period of Antiochus V (d. 162 BCE) and Demetrius I (d. 150 BCE).[10] The purification and dedication of the Temple in Jerusalem mentioned in 2:19 is an important event in the narrative (10:1–8); in addition, what the epitomist describes in 2:21 as "the visions that came from heaven to those who fought bravely for Judaism, so that though few in number they seized the whole land and pursued the barbarian hordes" adequately characterizes much of the narrative in chs. 8 and 10–15 (cf. also 3:24–28 and 5:2–4).

The sequence of events in 3:1–15:36 and the last part of the history in ch. 15 create the impression that the Jews succeeded in restoring their autonomy in their temple-state. 2 Maccabees 15:31–35 implies that Judas and his soldiers gained control over the last Gentile bastion in Jerusalem, the ἄκρα.[11] Judas displays the head and right arm of Nicanor to the Gentiles in the citadel (15:32), he is not hindered by them when he hangs Nicanor's head from the citadel (15:35). The first verse of the epilogue confirms that Judas had gained total control over Jerusalem by stating that he and his people, called "the Hebrews," controlled the πόλις again: "This, then, is how matters turned out with Nicanor, and from that time the city has been in the possession of the Hebrews. So I will here end my story" (15:37).[12] In chapter 8, the reconquest of Jerusalem is not mentioned explicitly, but is presupposed by what is recounted in 10:1–8 concerning the rededication of the Temple. The conclusion of the book (15:37) leaves the reader with the impression that Judas restored the Jews' independent temple-state and that this was the status quo of the state for a long time afterwards. The prologue and epilogue of 2 Maccabees suggest that, during Judas Maccabaeus' life, a

10 This passage slightly contradicts 2 Maccabees 2:20 which mentions the Jewish wars against Antiochus IV on the one hand and those against his son Antiochus V on the other. On the connection between 2:19–32 and 3:1–15:36, see also Bunge, *Untersuchungen*, pp. 165–171.

11 This corresponds more or less to the state of affairs described in 1 Maccabees, 13–14, in which Simon acts as the Jewish leader.

12 See also A. Momigliano, *Prime linee di storia della tradizione Maccabaica*, Turino 1931; 2d ed., Amsterdam 1968, pp. 98–101. Many elements in 2 Maccabees 14–15, such as the death and the Day of Nicanor on 13 Adar are also present in 1 Maccabees (7:49). However, the sequel to this history concerning Nicanor, found in 1 Maccabees, is missing in 2 Maccabees. 1 Maccabees 7 is followed by the embassy of Eupolemos and Jason to the Romans (ch. 8) and the battle of Judas against Bacchides (1 Macc. 9:1–22), an episode which ended fatally for Judas. Only Simon succeeded in capturing the ἄκρα (13:49–52). This event is also followed by the institution of a national festival (13:52).

history of Gentile oppression and liberation was enacted, which ended with the restoration of the autonomous Jewish state.

Following the general pattern of motifs in 2 Maccabees 3:1–4:6, 4:7–10:9, and 14:1–15:26, the narrative of 3:1–15:36 can be divided into four blocks (3:1–4:6; 4:7–10:9; 10:10–13:26; 14:1–15:36).[13] The second and fourth parts clearly exhibit a pattern of six similar sequential events, which can be summarized as follows:

> 1) The betrayal of Judaism by individual Jews in leading positions as regards their religious and political ideologies and practices: cf. Jason, Menelaus, and Alcimus (4:7–5:10; 14:1–11; cf. 14:26);
> 2) An attack on the Temple, city, and Jewish people by the king or his general (5:11–6:11; 14:11–36);
> 3) The absolute loyalty to the Lord and to Jewish practice demonstrated by the martyrs and Razis, followed by the description of their death (6:18–7:42; 14:37–46);
> 4) The rescue of the Jews led by Judas Maccabaeus with the help of the Lord (8:1-36; 15:1–28);
> 5) The taking of vengeance against the enemies of the Jews (9:1–18; 15:28–35);
> 6) The founding of a national festival to commemorate the deliverance and to give thanks to the Lord, on 25 Kislev 25 and 13 Adar respectively (10:5–8; 15:36).

13 This division of the composition of 2 Maccabees 3–15 partly parallels other schemes. H. Ewald, *Geschichte des Volkes Israel*, I–VII, Göttingen 1864–1868, IV, p. 606, n. 1, considered 10:1–8 and 15:30–36 to be the ending of both parts of the history. According to Arenhoevel, *Theokratie* (above, n. 7), p. 164, 10:9–15:36 is not much more than an appendix to 3:1-10:9. Momigliano, *Prime linee* (above, n. 12), pp. 96–97, considers 3:1–10:9 to be the central component of the narrative and suggests that the epitomist only continued his history in 10:10 because his source (Jason of Cyrene) contained more material. Cf. F.-M. Abel, *Les livres des Maccabées*, Paris 1949, p. xliv; Bunge, *Untersuchungen* (above, n. 9), p. 607. Doran, *Temple Propaganda* (above, n. 2), pp. 47–76, proposes a tripartite structure consisting of ch. 3, 4:1–10:9 (the profanation of the Temple and its reconsecration) and 10:10–15:36 (the defense of the temple); Bunge, op. cit., p. 177, a structure in four parts: ch. 3, 4:1–10:9, 10:10–13:26, and 14:1–15:37. The remarks by Goldstein, *II Maccabees* (above, n. 2), pp. 12, 17, 481–482, 491, are also important. Goldstein, however, seems to overlook the significant first element in the pattern of the composition.

This scheme is, of course, a simplification of 2 Maccabees. The section 14:1–15:36 is much smaller than 4:7–10:9, and Gentile interference with Jerusalem is less dramatic in 14:1–15:36. The conflict between the Jews and the Seleucid government described in 4:7–10:9 dominates everything and results in direct Seleucid control over Jerusalem and the profanation of the Temple. The Seleucids do not go that far in 14:1–15:36. From chap. 10 onward, the Temple is again in Jewish possession and the cult is reinstituted. Although Nicanor utters threats against the Temple and the Jews fear a second profanation, he does not get the chance to execute his plans. Alcimus' wickedness, however, calls for another demonstration of uncompromising faithfulness to Judaism — a dramatic commitment made by Razis. The stories about the martyrs and Razis form the third element of the pattern in 2 Maccabees 4:7–10:9 and 14:1–15:36.

The unfaithfulness shown by individual Jews to the Jewish cause precedes the description of these committed martyrs. These leaders betray the Jewish people and their practices, make common cause with the Seleucid king and turn against other Jews. Some even purchase the high priesthood from the Seleucids. They are also the cause of the repressive measures instituted by the Seleucids, who are themselves the instrument of punishment in the second section. The martyrdom of Eleazar and the seven brothers with their mother follow Antiochus' measures against the Jews described in 6:1–11.[14] From Nicanor onward all these deaths herald a period of victory and liberation for the Jews with the recapture and purification of the Temple (2 Macc. 8 and 10:1–5; 15). Judas' actions in chs. 8 and 15 are basically the same. He puts all of his faith in the Lord and calls upon him for help (8:2–4; 15:21–24).[15] He knows the unique power of the God of the Jews and recognizes that not weapons but the will of God will bring victory (8:18; 15:22).

Antiochus' retribution is described extensively in ch. 9, and the death on the battlefield of the blasphemer Nicanor is reported in 15:28. From their place on the wall of the citadel, Nicanor's head and right hand, which he had lifted up against the temple (14:33), serve as clear signs of the Lord's power (15:30–35). Antiochus' letter to the Jews concerning his succession

14 2 Maccabees 6:12–17 is an interlude which functions as introduction to the martyrology.

15 This corresponds to views in 1 and 2 Chronicles; see P. Welten, *Geschichte und Geschichtsdarstellung in den Chronikbüchern* (WMANT, 42), Neukirchen-Vluyn 1973, pp. 167 and 202.

in 9:19–27 fits in with the tenor of 2 Maccabees very well.[16] Its position near the end of the narrative in 4:7–10:9 corresponds to the sequence of events and shows that, at the end of his life, even Antiochus, like the martyrs, came to set his hope on Heaven, that is on the God of the Jews (9:20; cf. 7:11, 28). This transformation is, of course, the result of the Lord's intervention in his life described in 9:1–18 (cf. 9:4). In this way, the cycle of 2 Maccabees 4:7–10:9 has a beautiful double ending: Antiochus IV is punished by the Lord for his evil deeds against the Jews; he repents at the end of his life and even acknowledges the supreme power of the Lord (ch. 9). For the Jews, the events come to an end with the reinstitution of the cult and the founding of a national festival (10:1–8).[17]

The cycles of 2 Maccabees 4:7–10:9 and 14:1–15:36 both end with the establishment of a new annual national festival. The rededication of the Temple conducted by Judas Maccabaeus was celebrated on 25 Kislev and was commemorated annually during the feast of the purification of the temple (10:5–8). In 2 Maccabees 15:34–36, the epitomist explains the institution of a second feast, the day of commemoration of Nicanor, to be celebrated on 13 Adar, one day before the Day of Mordecai: "And they all, looking to heaven, blessed the Lord who had manifested himself, saying, "Blessed is He who has kept His own place undefiled!'" (15:34).[18] The fact that this Day of Nicanor was followed immediately by the Day of Mordecai (Purim) confirms the national character of the festival.[19] Both

16 It is probably fictitious. See M. Zambelli, "La composizione del secondo libro di Maccabei e la nuova cronologia di Antioco IV Epifane," *Miscellanea greca e romana* (Studi pubblicati dall'Istituto italiano per la storia antica, 16), Rome 1965, pp. 195–299, esp. 293; Habicht, "2. Makkabäerbuch," (above, n. 3), pp. 178–179 and 246–247.

17 As has often been noted, the sequence of the events here differs considerably from that in 1 Maccabees, where the description of the rededication of the Temple and of the subsequent feast is found in 4:36–59 and the death of Antiochus in 6:1–17. In 2 Maccabees, the institution of the feast can clearly be considered the end of a cycle, as is also apparent from the verses which form the transition from the reign of Antiochus IV to that of Antiochus V (10:9–10).

18 Concerning the motif of the ἐπιφάνεια of the Lord, see also 2:21; 3:24, 30; 12:22; 14:15; 15:27, 34. See D. Lührmann, "Epiphaneia: Zur Bedeutungsgeschichte eines griechischen Wortes," G. Jeremias, H.-W. Kuhn, and H. Stegemann (eds.), *Tradition und Glaube — Das frühe Christentum in seiner Umwelt: Festschrift K.G. Kuhn*, Göttingen 1971, pp. 185–199. Cf. the prodigium in 5:2–4, Doran, *Temple Propaganda* (above, n. 2), pp. 98–104.

19 Cf. H. Bardtke, "Zusätze zu Esther," (*JSHRZ*, 1.1), Gütersloh 1973, pp. 15–62, esp. 26; idem, "Der Mardochäustag," G. Jeremias, H.-W. Kuhn, and H. Stegemann (eds.),

holidays commemorated the divine rescue of the Jewish people from a Gentile threat. The reason for Judas' order to hang Nicanor's head upon the wall of the citadel[20] was to emphasize to Jews and non-Jews alike that the God of Israel had delivered his people from oppression. It was meant to be "a clear and conspicuous sign to everyone of the help of the Lord" (15:35).[21] The rescue of the Temple by its patron deity[22] and the retribution of Nicanor, who had threatened the Temple, again demonstrate the extraordinary power of the God of the Jews.

It is impossible to discuss here in detail the narrative structure of other parts of 2 Maccabees. The composition of the narrative of 2 Maccabees 3–15 seems to be fairly coherent. Its overall theme is the threat to and rescue of the Temple during the rule of four Seleucid kings. At the beginning and the end of the history, two periods in the existence of the Jewish temple-state are depicted as similarly peaceful. The Seleucids prepare several attacks on the Temple, often encouraged by godless Jews. The crisis is worst during the rule of Antiochus IV, for only he succeeds in plundering and desecrating the Temple and oppressing the inhabitants of Jerusalem (5:11–26; 6:1–11, 18–31; 7; 9:4, 14–16). God allows Antiochus IV to rule Jerusalem for a given period of time due to the disobedience of the people (5:18). Through their unquestioning obedience to the Lord, the martyrs seem to restore the people's relationship with God to its proper balance. After the noble deaths of Eleazar and of the seven brothers with their mother, Judas Maccabaeus can start his war of liberation. With support from the Lord, Judas acts as the liberator and savior of the Jewish people. The first result of his battles is that Jerusalem is recaptured and the Temple cult is renewed on the very day of the Temple's desecration (25 Kislev, 2 Macc. 10:5). By pretending to be the ruler on earth and by challenging the God of the Jews, Antiochus had pushed things too far, just as Nicanor had (cf. 15:1–5). He and Nicanor were punished by the Lord for their evil deeds and for the effrontery of having

Tradition und Glaube — Das frühe Christentum in seiner Umwelt: Festschrift K.G. Kuhn, Göttingen 1971, pp. 97-116; Bunge, *Untersuchungen* (above, n. 9), pp. 184–188. On the various names of Purim see: H.J.W. van der Klaauw and J.C.H. Lebram, "Esther (Buch)," *Theologische Realenzyklopädie*, X, Berlin 1982, pp. 393–394.

20 Cf. Judges 7:25; 1 Samuel 17:54; 31:9–10; Judith 13:15 with 14:1; Herodotus 5.114 and 6.30.

21 The motif of divine assistance also occurs in 8:20, 23, 35; 12:11; 13:13; 15:8.

22 Doran, *Temple Propaganda* (above, n. 2).

engaged the God of the Jews in battle. The history ends with the definitive liberation of the Temple and, at the same time, with the emancipation of Jerusalem and its inhabitants.

2 Maccabees 1:1–2:18 contains formal epistolary features.[23] In 1:1 and 1:10 we find the opening lines of a letter with the designation of a sender and a recipient as well as a salutation. The call from the Jews in Jerusalem to the Jews in Egypt to participate in a Jewish festival is repeated (1:9, 18; 2:16). 2 Maccabees 1:7–8 contains a reference to another letter and in 1:7 and 1:9 two dates of letters are given. These data imply that 1:1–2:18 contains parts of at least three letters. Bickermann rightly states that 2 Maccabees 1:1–9 is an authentic festal letter from the Jews of Jerusalem and Judea to the Jews of Egypt, dating from 124 BCE.[24] This letter can be characterized as a letter of invitation to participate in the feast of Sukkoth which was connected with the purification of the Temple. The second letter in 2 Maccabees 1:10–2:18 is not usually considered authentic because of the reference to Judas Maccabaeus at the beginning (1:10); in addition, its report of the Antiochus IV's death contradicts the information given in ch. 9.[25] Bunge, however, assumes that 2 Maccabees 1:10–2:18 contains remnants of a genuine letter from 164 BCE.[26] The formal similarities and

23 For surveys concerning the letters, see Arenhoevel, *Theokratie* (above, n. 7), p. 110; Habicht, "2. Makkabäerbuch" (above, n. 3), pp. 175, 199-200. See also E. Bickermann, "Ein jüdischer Festbrief vom Jahre 124 v.Chr. (II Macc 1:1–9)," *ZNW*, 32 (1933), pp. 233–254; B.Z. Wacholder, "The Letter from Judah Maccabee to Aristobulus: Is 2 Maccabees 1:10b–2:18 Authentic?" *HUCA*, 49 (1978), pp. 89–133; for details see also H. Herkenne, *Die Briefe zu Beginn des zweiten Makkabäerbuches (1,1–2,18)* (BibS., 8.4), Freiburg 1904; U. Kellermann, *Nehemia: Quellen, Überlieferung und Geschichte* (BZAW, 102), Berlin 1967, pp. 115–124; C. Wolff, *Jeremia im Frühjudentum und Urchristentum* (TUGAL, 118), Berlin 1976, pp. 20–26. For the connection between the letters and 2 Maccabees 2:19–15:39, see Doran, *Temple Propaganda* (above, n. 2), pp. 3–12, 113.

24 Bickermann, "Festbrief" (above, n. 23).

25 Habicht, "2. Makkabäerbuch" (above, n. 3), pp. 201–202, rejects the authenticity for chronological reasons.

26 He refers to 1:10b–17, 18a; 2:17–18, and possibly 2:16, see Bunge, *Untersuchungen* (above, n. 9), pp. 63–89 and 173. Wacholder, "Letter" (above, n. 23), considers the entire letter authentic and dates it to 163 BCE., calculating according to a possible later date for the death of Judas Maccabaeus. He rightly states that a second report on the death of Antiochus IV (1:13–16 and 9:1–29) does not provide an argument against authenticity (pp. 100–102) and assumes that the purification of the Temple by Judas had already taken place when the letter was written (pp. 102–105). The problem remains, however, that the letter contains extensive traditions concerning Jeremiah and Nehemiah, while

the call to accept the new feast of "Tabernacles" in the month of Kislev, lead me to believe that Bickermann's designation "Festbrief" may be accepted for 1:1–9 as well as for 1:10–2:18.

Although at least one of the festal letters may originate from a source different from that of the epitome, the letters were, for whatever reason, attached to the history of liberation. What was their purpose in the context of the history of 2 Maccabees 3–15? The last element in such liberation narratives, which concerns the festivals commemorating the rescue of the Temple and the liberation of Jerusalem and Judea, provides a clue to this function. The festival to which the letters refer is clearly connected to that founded by the Jews of Jerusalem and Judea in 2 Maccabees 10:5–8. The formulation of the call to participate in the festival corresponds closely to the phraseology of the descriptions of the purification, of the rededication of the Temple, and of the foundation of the feast in 2 Maccabees 10:1–8. A festival of eight days immediately follows the purification of the Temple (10:5–6; cf. 2:12), and in both passages, is related to the day on which the purification of the sanctuary took place, 25 Kislev (1:9, 18; 10:5).[27] This festival, later called Hanukkah, is described in slightly different terms in 1 Maccabees.[28] The festival of 2 Maccabees seems to be modeled upon the old feast of Sukkoth. In the first letter, the Egyptian Jews are invited to celebrate "the festival of booths in the month of Kislev" (ἵνα ἄγητε τὰς ἡμέρας τῆς σκηνοπηγίας τοῦ χασελευ μηνός, 1:9).[29] The second

concrete information on, for example, the founding of the festival and the reasons for this decision is missing. The reference to Judas in the salutation is not where one would expect to find it and the letter lacks a date (cf. 1:7, 9).

27 The name of the festival and other information about it differ from data connected with the feast of the dedication of altar and sanctuary, founded on the same day according to 1 Maccabees 4:56, 59. A. Enermalm-Ogawa, *Un langage de priére juif en grec: Le témoignage des deux premiers livres des Maccabées* (Coniectanea Biblica: New Testament Series, 17), Stockholm 1987, p. 57, identifies this feast of booths with the feast of Dedication. In her opinion, the description of the feast as Sukkoth can be explained in the light of 2 Chronicles 7:7–10 and 2 Esdras 3:1–4.

28 See O.S. Rankin, *The Origins of the Festival of Hanukkah: The Jewish New-Age Festival*, Edinburgh 1930; F.-M. Abel, "La fête de la Hanoucca," *RB*, 53 (1946), pp. 540–546; M.D. Herr, "Chanukkah," *EJ*, VII, cols. 1280–1288; S. Stein, "The Liturgy of Hanukkah and the First Two Books of Maccabees," *JJS*, 5 (1954), pp. 100–106, 148–155; Bunge, *Untersuchungen*, (above n. 9), pp. 489–526; J.C. VanderKam, "Hanukkah: Its Timing and Significance according to 1 and 2 Maccabees," *JSP*, 1 (1987), pp. 23–40.

29 Cf. J. van Goudoever, *Biblical Calendars*, Leiden 1961, p. 32.

letter contains a similar formulation in 1:18 with an additional reference to a feast of fire: "in order that you also may celebrate the festival of booths and the festival of the fire" (ἵνα καὶ αὐτοὶ ἄγητε σκηνοπηγίας καὶ τοῦ πυρός).[30] In 2 Maccabees 10:5–6 the epitomist reports: "It happened that the purification of the sanctuary took place on the same day on which the sanctuary had been profaned by the foreigners, that is, on the twenty-fifth day of the same month, which was Kislev. They celebrated it for eight days with rejoicing, in the manner of the festival of booths" (ἦγον ἡμέρας ὀκτὼ σκηνωμάτων τρόπον).[31]

Σκηνοπηγία is the usual word for the feast of Sukkoth in the Septuagint,[32] although in 2 Maccabees it must refer to another feast, because its date does not coincide with the date of Sukkoth, celebrated in the month of Tishri (cf. 1 Macc. 10:21).[33] In fact, it seems that in 2 Maccabees, the new feast to commemorate the purification and rededication of the Temple by Judas Maccabaeus and the Jewish people was modeled upon the festival of

30 There is a reference to Kislev at the beginning of the verse. Τοῦ πυρός may have been added in v. 18 to anticipate the story of Nehemiah's reinstitution of the cult (1:18b–36), in which the fire of the altar forms an important element. But the phrase ἄγητε σκηνοπηγίας καὶ τοῦ πυρός is probably elliptic, cf. the addition of τὰς ἡμέας τῆς before σκηνοπηγίας (in 1:9); see Momigliano, "Second Book" (above, n. 8), p. 91; Habicht, "2. Makkabäerbuch" (above, n. 3), p. 203. Cf. Esther 9:18LXX. The assumption that a festival of fire and a feast of booths was celebrated at the same time may find some support in remarks in the Mishnah tractate Sukkah. M. Sukkah 5:2–4 describes a festival of fire which may have its origin in the celebration of the autumnal equinox; see: Van Goudoever, *Biblical Calendars*, pp. 34–35.

31 Cf. the remaining part of 2 Maccabees 10:6: "remembering how not long before, during the festival of booths (τὴν τῶν σκηνῶν ἑορτήν), they had been wandering in the mountains and caves like wild animals." The phrase τὴν τῶν σκηνῶν ἑορτήν does not fit into the sentence very well and may have been added by the epitomist. In fact, the profanation of the Temple happened on 15 Kislev. VanderKam, "Hanukka" (above, n. 28), pp. 35–36; Abel, "La fête" (above, n. 28), p. 539, suggests that 25 Kislev was chosen as the first day of the new festival because the Jews had been forced to celebrate the birthday of Antiochus IV on that very day in Kislev.

32 Deuteronomy 16:16; 31:10; 1 Esdras 5:50; 1 Maccabees 10:21; Zechariah 14:16, 18–19. See W. Michaelis, "σκηνή κτλ.," *TWNT*, 7, pp. 369–396, esp. pp. 371; 385; 392–394; on the feast itself see L. Jacobs and E. Kutsch, "Sukkot," *EJ*, XIV, cols. 495–502.

33 Bunge, *Untersuchungen* (above, n. 9), pp. 408–410 and 489–516, assumes that the feast of Sukkoth, which could not be celebrated on the appropriate day (cf. 2 Macc. 10:6 and Lev. 23:3—36, 39–43), was celebrated after the purification of the Temple in 164 and that this celebration led to separate memorial days, which are described in 1 and 2 Maccabees in different ways.

booths, as a kind of renewed or second holiday. The Greek name of Sukkoth, Σκηνοπηγία which literally means the setting up of tents,[34] could easily be associated with the Temple. Σκηνή often refers to the Tabernacle[35] in the expression σκηνή τοῦ μαρτυρίου and sometimes seems to signify the Temple itself.[36] According to the tradition about Jeremiah in 2 Maccabees 2:1–8, the Tabernacle (σκηνή), the ark, and the altar of incense were hidden on Mount Nebo. In accordance with the Lord's proclamation, they would remain hidden until He would again be merciful and gather His people together (2:4–8; cf. 1:18–36 and 2:8–12).[37] This tradition seems to explain the continuity between the First and Second Temple. The element σκηνή contained in σκηνοπηγία suggests another obvious association: the place of God's dwelling.[38] The name σκηνοπηγία for the new festival seems to be consistent with other data in the book which all point to the centrality of the Temple.

The reference to a festival called σκηνοπηγία need not be explained by the assumption that one or more celebrations of the feast of Sukkoth were postponed because of the oppression of Antiochus IV, subsequently to be resumed after the purification of the Temple.[39] The name also occurs in the first authentic festal letter which dates from several decades later and contains a call to celebrate a feast with this very name in the month of Kislev. This new feast of booths was organized as a reminder of an important historical event: the recapture and purification of the Temple.[40] In his

34 Liddell, Scott, and Jones (above, n. 5), 1608 s.v. σκηνοπηγία The word derives from σκηνή and πηγνύμι; see also Michaelis, "σκηνή κτλ (above, n. 32), pp. 390–392.

35 The Tabernacle and its holy objects were brought into the Temple of Solomon (1 Kgs 8:4; 2 Chr 5:5).

36 Psalms 26:4–5LXX; Tobias 13:11; Rev. 13:6 in connection with 11:19. Cf. Van Goudoever, *Biblical Calendars*, (above, n. 29), pp. 32–33.

37 Cf. *Vita Jeremiae* 9–10 and 13 (ed. Schermann); see M. de Jonge, "Christelijke elementen in de Vitae Prophetarum," *Nederlands Theologisch Tijdschrift*, 16 (1961–1962), pp. 161–178.

38 After Nicanor's blasphemy, the priests pray that the Lord will protect his temple (14:34–36). The beginning of their prayer reads: "O Lord of all, though You have need of nothing, You were pleased that there should be a temple for Your habitation among us (ηὐδόκησας ναὸν τῆς σῆς σκηνώσεως ἐν ἡμῖν γενέσθαι)" (14:35).

39 According to Nehemiah 8:17, the feast of Sukkoth had not been celebrated for a long time.

40 The connection between important events in the Temple's history and the feast of Sukkoth is traditional. The inauguration of Jonathan as High Priest, for example, took place during Sukkoth, which was celebrated as usual in the month of Tishri (1 Macc.

references to the new eight-days festival which began on the twenty-fifth day of Kislev, the redactor followed traditions concerning earlier dedications of the Temple.[41] The function of the festal letters in 2 Maccabees, therefore, can be partly understood against the background of earlier traditions concerning Sukkoth and Passover, celebrations commemorating important events in the history of the Temple.[42] The communal celebrations during these festivals confirmed the central significance of the Temple for the religion of Israel.[43] In 2 Maccabees, the Temple is both the central religious institution and a

10:21). This can hardly have been a coincidence; Jonathan probably chose this date because of earlier links between the Temple and the festival of Sukkoth. The dedication of the altar under the supervision of Joshua and Zerubbabel, which took place before the building of the Second Temple, was also linked to the feast of Sukkoth (Ezra 3:1–5) celebrated by all Israel (cf. Neh. 8:14–19).

41 Traditions related to the First Temple already show a link between the dedication of the altar and the feast of Sukkoth. The dedication of the First Temple by Solomon is followed by a celebration of Tabernacles from the fifteenth to the twenty-second day of Tishri (2 Chr. 7:8–10; cf. 1 Kings 8:65LXX). 2 Chronicles 7:10 refers explicitly to "the seventh month." Cf. VanderKam, "Hanukkah" (above, n. 28), pp. 33–34. Similar connections exist between the feast of Passover and the dedication of the Temple: see 2 Chronicles 30:1, 13, 15, 23.

42 In this regard, 2 Maccabees to a certain extent corresponds to 1 Esdras. The beginning of 1 Esdras, like 2 Maccabees 1:1–2:18, deals with a feast. It offers, without a proper introduction, a description of the celebration of Pesach by king Josiah "on the fourteenth day of the first month" (14 Nisan; 1 Esd 1:1–22; cf. 2 Chr. 35:1–19). Because of the narrative sequel in 1 Esdras, the reader understands that the celebration of Passover is connected to the reformation of the Temple cult by Josiah. In addition, the festival of Passover seems to have been reformed by Josiah, because 1 Esdras 1:20–21 states that Josiah observed the Passover in a way unknown since Samuel's time. It is significant that the text in 1 Esdras 1:23–24 does not continue with the remark found in its parallel text, 2 Chronicles 35:20: "After all this, when Josiah had set the Temple in order." Instead, it proceeds with references to Josiah's piety (εὐσέβεια), to God's approval of his deeds (1:23), and to the fact that the events of his rule had been recorded in ancient times (καὶ τὰ κατ' αὐτὸν δὲ ἀναγέγραπται ἐν τοῖς ἔμπροσθεν χρόνοις). This final remark calls to mind the references in 2 Maccabees 2:13–14 to the memorial books and other writings of Nehemiah and Judas. Only in 1 Esdras 1:25 does a history with a chronological sequence begin. A significant section of the text deals with the rebuilding and the rededication of the Temple in the time of Darius I and concludes with the celebration of Passover on the fourteenth day of Nisan (6:1–7:15; cf. 1:1 and Lev. 23:5). As in 2 Maccabees, a feast consecrates the restoration of the Temple cult. The celebration of Passover in the manner of Josiah, that is the correct way (cf. 1:5, 10–11), legitimates the new Temple cult.

43 This corresponds to the Chronicler's view, see S. Japhet, *I & II Chronicles: A Commentary* (The Old Testament Library), London and Louisville 1993, p. 45.

symbol of the unity of the Jewish people.[44] This is also apparent from the references to the future return of Jews from the diaspora in 2 Maccabees 1:27 and 2:18. The annual observance of the new festival of the purification of the Temple by the Jews in Judea with Jews in the diaspora may also attest to the temporary solidarity of the Jewish people. The addition of the second, inauthentic festal letter of 1:10–2:18 strongly suggests that the letters play a special role in the work as a whole. They call for a celebration of the restoration of the ideal theocratic order described in the history of 2 Maccabees 3–15. The participation of the Egyptian Jews may well have served to legitimate this restoration.

The festal letters parallel the historical section of 2 Maccabees, because they form an invitation to a joint celebration of the new feast of booths, apparently to commemorate the purification of the Temple (1:18; 2:16, 18; cf. 2:19; 10:3, 6). The invitation in the letters becomes understandable in light of the information in 2 Maccabees 10:1–8. 2 Maccabees 2:1, 13 refers to records elsewhere concerning relevant events. This passage, in combination with 2:14, seems to anticipate a full historical report. Furthermore, the temple-state restored by Judas is linked to the past history of Israel and Judea by the traditions in 2 Maccabees 1:18–2:12.[45] These traditions focus upon the purification and renewal of the Temple cult and demonstrate the approval of the Lord during the rededication of the sanctuary. In the context of 2 Maccabees, they suggest by way of analogy that the Temple which was recaptured and purified by Judas and the people also enjoyed the support of the Lord. Notwithstanding the fact that the first festal letter may derive from parts of two authentic festal letters and that 1:10–2:18 seems to be a cluster of traditions with different origins, 2 Maccabees 1:1–2:18 and the history in chs. 3–15 cohere because of their similar themes. The invitation to the Jews of Egypt to join in the new festival of booths is connected with the pattern in the narrative of 2 Maccabees 3–15, which culminates in the foundation of a new feast. It is closely related to 2 Maccabees 10:1–8, which recounts

44 This does not necessarily imply an apologetic purpose with regard to the Egyptian Jews and their temple in Leontopolis. There is no explicit indication of polemics between the Jerusalem Jews and the Jews from Leontopolis, cf. Doran, *Temple Propaganda* (above, n. 2), pp. 11–12 and 17–18. However, one could argue that the prominence of Onias III in 2 Maccabees may imply the existence of such polemics, as was suggested to me by Prof. D. Schwartz, Jerusalem.

45 Cf. Bunge, *Untersuchungen*, (above, n. 9), pp. 155–173.

the purification of the Temple and the founding of the memorial feast. In the context of 2 Maccabees, the festal letters lend support to the stated purpose of the festival which entails the regular commemoration of the rescue of the Temple from danger (2 Maccabees 10:4–8). In addition to that, the second letter in particular contains traditions that seem to legitimate the restoration of the cult as described in 2 Maccabees 10. Several significant similarities in the vocabulary of 2 Maccabees 1:1–2:18 and 2:19–15:39 confirm the cohesion of these passages. The repetition of καθαρίζω and καθαρισμός is the most obvious example of these similarities.[46]

Thus, in 2 Maccabees we find a history which culminates in the founding of two festivals. At the same time, we find references to one of these festivals in the letters at the beginning of the work. The letters complement this entire history, especially the section 10:1–8. They cannot be understood without the report in chs. 3–15. The invitation to join the celebration of the new Sukkoth or the feast of purification (e.g. 1:9; 2:18) appears out of the blue without clarification in the history. Other remarks in the festal letters only become meaningful information in the light of the historical part of the book: 2 Maccabees 1:7 hints at Jason's perfidy, which is described in more detail in chs. 4–5.[47] Two observations can help us to understand better the purpose of this combination of festal letters and history.[48] Firstly, according

46 2 Maccabees 1:18 ἄγειν... τὸν καθαρισμὸν τοῦ ἱεροῦ 2:16 ἄγειν τὸν καθαρισμὸν; 2:18 καὶ τὸν τόπον ἐκαθάρισεν; 2:19 τὸν τοῦ ἱεροῦ τοῦ μεγίστου καθαρισμόν; 10:3 καὶ τὸν νεὼ καθαρίσαντες; 10:7 καθαρισθῆναι τὸν ἑαυτοῦ τόπον; cf. also 1:36.

47 See Bunge, *Untersuchungen*, (above, n. 9), pp. 160–163, concerning 2 Maccabees 1:8–9. C. Andresen, "Zum Formular frühchrislicher Gemeindebriefe," *ZNW*, 56 (1965), pp. 233–259, esp. 247, assumes a close connection between the festal letters and the stories of martyrdom in 6:18–7:42.

48 Some scholars consider 2 Maccabees a festal legend, referring, inter alia, to structural parallels with a Greek version of Esther. Bunge, *Untersuchungen*, pp. 184–205; Momigliano, "Second Book" (above, n. 8), pp. 87–88. There are certainly correspondences between Esther and 2 Maccabees. According to the colophon of manuscripts of the Septuagint version (the end of Addition F = ed. Rahlfs 10:3l), a translation of the "preceding Letter about Purim" made by Lysimachus was brought to Egypt by Dositheus and his son Ptolemy. The "Letter of Purim" may refer to the whole book of Esther, which may therefore be understood as a festal letter containing an invitation to participate in the festival and a history of its origin and background of the feast. See also J.C.H. Lebram, "Purimfest und Estherbuch," *VT*, 22 (1972), pp. 208–222; L. Jacobs, "Purim," *EJ*, XIII, cols. 1390–1395; Van der Klaauw and Lebram, "Esther (Buch)" (above, n. 19), pp. 393–394. Nevertheless, designations of 2 Maccabees as a "festal legend" or a "festal letter" are not the most appropriate. 2 Maccabees 2:19–15:39 recounts not only

to non-Jewish sources it appears to have been a common practice for invitations to participate in the celebration of an important state festival to be accompanied by documents concerning the history of that state. Secondly, the second festal letter of 2 Maccabees seems to refer to information in official documents that may explain the background of the invitation to the Egyptian Jews. From a comparative perspective, Gentile sources provide ample support for the existence of such a practice.

GENTILE TRADITIONS ON THE DELIVERANCE OF A SANCTUARY AND THE RELATED FESTIVAL OF COMMEMORATION

From the Early Hellenistic period, there have been traditions concerning the threat to famous sanctuaries by foreign aggressors and their subsequent rescue by the joint effort of the sanctuary's patron deity and the people connected with it. There are also similar traditions about the liberation of a polis from tyranny.[49] An important element of these texts, to which 2 Maccabees corresponds, is the establishment of a festival to commemorate the rescue of the temple or the liberation of the city-state. These festivals, sometimes called Σωτήρια, were organized on an interstate scale. A letter of invitation was sent in many copies to city-states, peoples, federations or even rulers, and was often followed by a decree containing the response to

the history of the festival of purification, but also that of Nicanor's Day. This day is not mentioned at all in the festal letters, which focus upon the first feast. This implies that only 2 Maccabees 3:1–10:8 could have formed the festal legend accompanying the letters. Furthermore, it is the endings of the two narrative cycles of 2 Maccabees 3–15 which are the passages about the festivals. Yet, they do not constitute the central theme of this narrative, the threat to and rescue of the Temple and the city. Instead, the feasts merely confirm the happy ending of the history. See also Doran, *Temple Propaganda* (above, n. 2), pp. 105–107, who denies the existence of the literary genre of the festal legend altogether.

49 For an analysis of the meaning and function of feasts in the Hellenistic period on the basis of a detailed discussion of two decrees concerning the Isiteria, the festival for Artemis Leukophryene (O. Kern, *Die Inschriften von Magnesia am Meander*, Berlin 1900, no. 100; F. Sokolowski, *Lois sacrées de l'Asie Mineure*, Paris 1955, no. 33), see F. Dunand, "Sens et fonction de la fête dans la Grèce hellénistique: Les cérémonies en l'honneur d'Artémis Leucophryéné," *Dialogues d'histoire ancienne*, 4 (1978), pp. 201–215.

the invitation. The epitomist of 2 Maccabees may well have been familiar with these interstate and sometimes even pan-Hellenic festivals. From 2 Maccabees 4:14, 18–20 and 6:7, it is apparent that at least some Jews were familiar with Gentile festal practices. The festal letters of 2 Maccabees 1:1–2:18 may have served a purpose analogous to that of the letters of invitation sent to other states by the Aetolians concerning the Σωτήρια of Delphi or by the people of Magnesia on Maeander for the games in honor of Artemis Leukophryene. We learn of this practice from decrees accepting the invitations from the people's assembly or some other authority.[50] Those doing the inviting as well as those being invited made an official decision by majority vote (φήφισμα)[51] concerning either the founding of the festival or their participation in it.[52] An example of the first part of this procedure is found in 2 Maccabees. By an edict ratified by public vote, the Jews decided to establish a festival of purification; this decree had to be obeyed by the whole Jewish nation (10:8).[53] Nicanor's Day, too, was founded by a decree which had been accepted by public vote (ἐδογμάτισαν δὲ πάντες μετὰ κοινοῦ φηφίσματος, 15:36).

The non-Jewish letters connected with such feasts help us to understand the link between 2 Maccabees 1:1–2:18 and 2:19–15:39. The letters of invitation to participate in the Σωτήρια of Delphi or in the festival of Artemis Leukophryene at Magnesia on Maeander did not report extensively on the glorious history which occasioned the founding of the feast. The inscriptions concerning Delphi's Σωτήρια contain only short references to the threat to and rescue of the sanctuary and the epiphany of the patron deity. The letters are simply an invitation to the festival and offer mainly

50 For example, the responses of Chios and an island of the Cyclades to the invitation to participate in the Σωτήρια of Delphi; G. Nachtergael, *Les Galates en Grèce et les* Σωτήρια *de Delphes: Recherches d'histoire et d'épigraphie hellénistiques* (Mémoires de l'Académie Royale de Belgique: Classe des Lettres — Collection in 8°, 63), Brussels 1977, nos. 22, ll. 8–9, 13–15, 23–25; 24, ll. 3–11.

51 Liddell, Scott, and Jones (above, n. 5), 2022 s.v. φηφίζω Cf. 2 Maccabees 6:8 and 12:4.

52 Nachtergael, *Galates*, nos. 23, l. 3 (response of Teos, 246–245 BCE); 24, ll. 4-6 (response of one of the islands of the Cyclades, 246–245 BCE); 25, ll. 8–12 (response of Smyrna, 246–245 BCE). Cf. no. 21 (response of Athens) lines 6–8: ἐπειδὴ τὸ κοινὸν τὸ τῶν Αἰτ(ωλ)ων ... ἵ[ἐφ]ήγισται τὸν ἀγῶνα τὸν τῶν Σωτηρίων τιθέναι...., no. 22, ll. 10–11. For a similar practice in the texts on the games for Artemis Leukophryene at Magnesia on Maeander, see e.g. Kern, *Inschriften* nos. 32 and 46, ll. 5–7 and 23–37.

53 2 Maccabees 10:8: ἐδογμάτισαν δὲ μετὰ κοινοῦ προστάγματος καὶ ψηφίσματος παντὶ τῷ τῶν Ιουδαίων ἔνει κατ' ἐνιαυτὸν ἄγειν τάσδε τὰς ἡμέρας.

information concerning the festival itself. It is obvious that the invited party would know the background of the feast and the role of the inviting party, in general terms, at least. If necessary, the envoys who presented the letter of invitation could provide more elaborate information orally[54] or refer to historical documents on the history of the festival or the state which was holding it. One of the letters concerning the games for Artemis Leukophryene at Magnesia contains a reference to memoirs and records, which were at the disposal of the people of Epidamnos, one of the states which had received a letter of invitation. The letter mentions the glorious deeds of the ancestors of the citizens of Magnesia, such as their help in driving away the Galatian barbarians who attacked Delphi (in 279 BCE) and their role as pacifiers on the island of Crete. The letter then refers to "the good services (εὐεργεσίας) to the other Greeks, as (mentioned) by the oracles of the deity, the poets and the historians, who have described the deeds of the citizens of Magnesia."[55]

In a manner analogous to this non-Jewish practice, the second festal letter of 2 Maccabees contains references to official writings found elsewhere,

54 J.L. White, "Ancient Greek Letters," D.E. Aune (ed.), *Greco-Roman Literature and the New Testament: Selected Forms and Genres* (Sources for Biblical Study, 21), Atlanta 1989, pp. 85–105, esp. 87.

55 Kern, *Inschriften* no. 46, ll. 12–14: ... ἐνεφάγιαν δὲ καὶ εἰς τοὺς ἄλλους [Ἕλ]λανας γεγενημὲνας εὐε[ρ]γεσίας διὰ τε τῶν τοῦ θεοῦ χρησμῶν καὶ διὰ τῶ[ν π]οιητῶν καὶ διὰ τῶν ἱστορ[ι]αγράφων τῶν συγγεγραφότ[ων] τὰς Μαγνήτων πρ[άξ]ει[ς]... Kern, *Inschriften* no. 17 contains a κτίσις-legend of Magnesia. This text would fit in with the writings mentioned in the letter to the people of Epidamnos. κτίσις-legends tell the history of a city's foundation. These texts often offer an explanation of the name of the city or the reason for the choice of its location; see B. Schmid, *Studien zu griechischen Ktisissagen*, Freiburg 1947; F. Prinz, *Gründungsmythen und Sagenchronologie* (Zetemata, 72) München 1979. These stories became quite popular in Alexandria partly under the influence of Callimachus, see also P.M. Fraser, *Ptolemaic Alexandria*, I–III, Oxford 1972, I, pp. 513–514, 632, 775–776. A κτίσις-legend concerning the Jewish nation, attributed to Hecataeus of Miletus and transmitted in Diodorus Siculus 40.3 (*FGrH* 264 F6), may derive from a Jewish source; see J.C.H. Lebram, "Der Idealstaat der Juden," O. Betz, K. Haacker, and M. Hengel (eds.), *Josephus-Studien: Untersuchungen zu Josephus, dem antiken Judentum und dem Neuen Testament: Festschrift O. Michel*, Göttingen 1974, pp. 244–253; D. Mendels, 'Hecataeus of Abdera and a Jewish 'patrios politeia' of the Persian Period (Diodorus Siculus XL, 3)," *ZAW*, 95 (1983), pp. 96–110; also M. Stern, *Greek and Latin Authors on Jews and Judaism*, I–III, Jerusalem 1976–1984, I, pp. 26–35, and Sterling, *Historiography* (above, n. 4), pp. 75–91, who assumes that Hecataeus of Abdera obtained this account from Egyptian priests and added information from Jewish priests living in Egypt (p. 79).

for example "records" (ἀπογραφαί, 2:1; cf. 2:4) concerning Jeremiah, "public records" or "annals" (ἀναγραφαί, 2:13),[56] "memoirs" of Nehemiah (ὑπομνηματισμοί, 2:13)[57] and even a "library" (βιβλιοθήκη, 2:13).[58] A final note concerning the events in recent Jewish history follows these references. Like Nehemiah before him, Judas Maccabaeus collected annals: "he collected for us all records that were scattered (τὰ διαπεπτωκότα)[59] in the course of the recent war" (διὰ τὸν γεγονότα πόλεμον, 2:14). Finally 2 Maccabees 2:15 states that the Egyptian Jews who wished to possess these records "extant with us"[60] would be able to receive a copy of them (2:15). Since 2:15 concerns the books which were collected by Judas Maccabaeus mentioned in 2:14, it is quite probable that 2 Maccabees 2:15 refers to the history that begins in 2 Maccabees 2:19. It is precisely this history that deals with a recent conflict of the Jews. Thus, 2 Maccabees as a whole can very well be understood against the background of the Hellenistic practice of festal letters. The function of the history in connection with the festal letters would be that of a historical report that attempted to explain the invitation to join the new feast of booths or the feast of purification. Within the context of the history contained in chs. 3–15, this link allows us to interpret the feast to which the festal letters refer as one commemorating the liberation and restoration of the Jewish state.

56 Liddell, Scott, and Jones, 101 s.v. ἀναγραφή II, Cf. ἐν ταῖς ἀναγραφαις (2 Maccabees 2:13) with formulae in non-Jewish documents with ἀναγραφή, Kern, *Inschriften* no. 28 l. 6; no. 67 ll. 4–7; no. 32, a document from the people of Epirus concerning the games for Artemis at Magnesia, with a reference to the φήφισμα: ἀναγράψαι τ[ὸ] ψάφισμα ἐν Δωδώνᾳ ἐν τῷ ἱερῷ τοῦ Διὸς τοῦ Νάου ἐν τῷ Βήματι τῷ 'Αθηναίων ἀναθεματι; cf. similar decrees of the city of Gonnos and the κοινόν of the Phocians, nos. 33 ll. 26–27 and 34 ll. 30–31; cf. also 1 Esd. 1:24 referring to the records of the reign of Josiah (τὰ κατ' αὐτὸν δε ἀναγέγραπται).

57 Liddell, Scott, Jones, 1889 s.v. ὑπομνηματισμός; U. Wilcken, "'Υπομνηματισμοί", *Philologus*, 53 (1894), pp. 80–126.

58 The second part of this verse probably indicates which writings were part of this library: "and (Nehemia) collected the books about the kings and prophets, and the writings of David, and letters of kings about votive offerings." See also Herkenne, *Briefe* (above, n. 23), pp. 92–97; Goldstein, *II Maccabees* (above, n. 2), pp. 186–187. Cf. the royal Persian library mentioned in Ezra 6:1LXX, Esther 2:23LXX; also the reference to the royal library at Alexandria in Josephus, *Ant.* 12.12. Cf. also Polybius 12.27.4 and Strabo 13.1.54.

59 With Goldstein, *II Maccabees* (above, n. 2), pp. 156, 187. Cf. NRSV: "collected all the books that had been lost."

60 Bickermann, "Festbrief" (above, n. 23), p. 238; Goldstein, *II Maccabees*, p. 187.

THE DATE AND PROVENANCE OF 2 MACCABEES

It is obvious that 2 Maccabees is of Judean origin. This becomes apparent through the examination of various passages, from the content of the history of liberation and the headings of the festal letters (1:1, 10).[61] It is not as easy to determine the date of the book. There is a clear terminus a quo for 2 Maccabees in its entirety, since the first festal letter dates the celebration of the feast of Sukkoth to the month of Kislev in the hundred and eighty-eighth year (2 Maccabees 1:9). This date probably refers to the Seleucid era, which began in the spring of 311 BCE, thus indicating that December 124 BCE is the likely date of the festival.[62] There is, unfortunately, no solid evidence for the terminus ante quem. Therefore, varying opinions place the date of 2 Maccabees anywhere between 124 BCE and the first half of the first century CE.[63] Bickermann dates 2 Maccabees, including the festal letters, to around 60 BCE.[64] There are, however, several reasons why 2 Maccabees should be dated before 63 BCE, the year of Pompey's intervention in the power struggle between the sons of Alexander Jannaeus. There is no sign whatsoever of a period of foreign interference in Jewish affairs in Judea after the struggle against Nicanor. The Romans are mentioned several times in 2 Maccabees (4:11; 8:10, 36; 11:34–38), but these passages seem to reflect the high regard Jews had for them in the second century BCE. The image of the Romans is still positive in 2 Maccabees, probably because of their significant triumph over Antiochus III at the battle of Magnesia (190 BCE) as well as the impressive action of C. Popillius Laenas against Antiochus IV in 168 BCE, which forced Antiochus to withdraw from Egypt. 2 Maccabees 8 contains two references to the tribute paid by the Seleucids to the Romans

61 Cf. however recently L.H. Feldman, *Jew and Gentile in the Ancient World: Attitudes and Interactions from Alexander to Justinian*, Princeton 1993, p. 29.

62 Bickermann, "Festbrief", pp. 239–241.

63 S. Zeitlin and S. Tedesche, *The Second Book of Maccabees*, New York 1954, pp. 27–30, date the final redaction of 2 Maccabees to the period of Agrippa I (41–44 CE); cf. H.W. Attridge, "Historiography," M. Stone (ed.), *Jewish Writings of the Second Temple Period: Apocrypha, Pseudepigrapha, Qumran Sectarian Writings, Philo, Josephus* (Compendium rerum Iudaicarum ad Novam Testamentum, Section 2: Literature of the Jewish People in the Period of the Second Temple and the Talmud, 2), Assen and Philadelphia 1984, pp. 157–184, esp. 177–178.

64 Bickermann, "Festbrief," p. 234.

after their defeat at Magnesia (8:10, 36). 2 Maccabees 11:34–38 indicates positive diplomatic connections between the Jews of Judea and the Romans. These data do not correspond well with the significantly more reserved view of the Roman role known from 63 BCE on,[65] nor does the glorious end of the history of 2 Maccabees correspond to the situation in Judea after 63 BCE.

If 2 Maccabees is thought to have been composed between 124 and 63 BCE, the actual date would most likely be at the beginning of this period. As I have argued above, 2 Maccabees 3–15 can be considered a history of the liberation and restoration of the Jewish temple-state. Judah Maccabaeus acts as the principal liberator, but the historical narrative ends before his death. He is not considered king of the Jews, as Aristoboulos or Alexander Jannaeus were.[66] If, in accordance with the end of the narrative, Jewish autonomy is considered an accurate reflection of a real political situation in Judea, the reign of John Hyrcanus (135/134–104 BCE) would be the most likely period for its composition.[67] After the death of Antiochus VII Sidetes in 129 BCE, John Hyrcanus managed to establish considerable independence from the Seleucid king and from pretenders to his throne. He took advantage of the weakness of Seleucid power and consequently during his reign the Jewish state flourished even more than in the period of Simon.[68] Moreover, his reign was not dominated by conflict with the Pharisees as Alexander Jannaeus' rule was later. There is no evidence that John Hyrcanus had yet appointed himself king of the Jews. Moreover, a date during the reign of John Hyrcanus would correspond to the combination of festal letters and the history of liberation in 2 Maccabees, as I have argued above, as well as to the date of the invitation to the Egyptian Jews to celebrate the feast of booths in the month of Kislev in 2 Maccabees 1:9.

65 Cf. Doran, *Temple Propaganda* (above, n. 9), p. 112, who mentions this argument, but suggests that the positive view of the Romans could have been put forward by a priestly follower of Hyrcanus II or Antipater.

66 Josephus, *Ant.* 13.301; *BJ* 1.70; Strabo 16.2.40.

67 Doran, *Temple Propaganda* (above, n. 9), p. 113, considers the earlier years of John Hyrcanus to be the period most likely for the composition of the epitome; he believes that the letters were added to it after 124 BCE.

68 Cf. Josephus, *Ant.* 13.272–273. Concerning the reign of John Hyrcanus, see ibid., 13.230–300; E. Schürer, *The History of the Jewish People in the Age of Jesus Christ (175 B.C.–A.D.135): A New English Version*, eds. G. Vermes, F. Millar, and M. Goodman, I–III, Edinburgh 1973–1987, I, pp. 200–215.

2 Maccabees 1:1–9 most likely stems from an authentic festal letter, which implies that, at the very least, the Egyptian Jews were invited to join the feast of liberation of Kislev in 124 BCE. 2 Maccabees 2:19–15:39 can be considered the history of liberation which accompanied a letter of invitation to Jews in the diaspora not unlike 2 Maccabees 1:1–9. The history explains the invitation in the letter. The date mentioned in 2 Maccabees 1:9 would correspond to a situation which demands precisely such an invitation. The history of the sanctuary of Delphi attests to the fact that a celebration of the rescue of that sanctuary on a larger, pan-Hellenic, scale was expedient more than forty years after the actual date of the rescue of the sanctuary. The need for such a ceremony arose because of the military and political expansion of the Aetolians. One may assume an analogous state of affairs in Judea. It is conceivable that the Jews of Judea decided to involve diaspora Jews in their celebration of a national feast of liberation only during the prosperous years of John Hyrcanus' rule, just as the Aetolians similarly invited other Greek states to participate in "their" Σωτήρια-feast only after they had achieved political domination of the region. In both cases, the invitation of delegates from abroad can be understood as an expression of increased self-awareness on the part of the party extending the invitation.[69] These considerations imply that 2 Maccabees was most probably composed not long before or shortly after the date of 2 Maccabees 1:9, December 124 BCE.[70]

CONCLUSION

2 Maccabees 3–15 can be considered a history of the liberation of the Jewish state from Seleucid oppression. This history is closely linked to the festal letters at the beginning of the work (1:1–9 and 1:10–2:18). This is apparent from, among other things, the final element of the narrative pattern in 2 Maccabees 4:7–10:9 and 14:1–15:36, the institution of a national holiday to commemorate the victory of the Jews. The combination of

69 The earlier date in 2 Maccabees 1:7 is not connected to the invitation to participate in a national holiday.

70 Cf. Bunge, *Untersuchungen* (above, n. 9), pp. 195–202, 613–617; Momigliano, "Second Book" (above, n. 8), p. 84; idem, *Alien Wisdom: The Limits of Hellenization*, Cambridge 1975, pp. 104–105; Attridge, "Historiography" (above, n. 63), pp. 177–178.

the festal letters and the history of liberation can be understood against the background of non-Jewish traditions concerning the deliverance of an important sanctuary or a city-state, the origin of the Σωτήρια-feasts. The analogy with non-Jewish practice related to festivals of deliverance also indicates that 2 Maccabees most likely received its present form in Judea (Jerusalem) around the year 124 BCE, a date which corresponds to the information found in the first festal letter (2 Maccabees 1:9).

The Last Jewish Patriarch(s) and Greco-Roman Medicine

PIETER W. VAN DER HORST

Very little is known from Jewish sources about the last Jewish patriarch, Gamaliel VI, who lived in the closing decades of the fourth and the first decades of the fifth century. Almost all we know about him derives from pagan and Christian writings.[1] One of the most fascinating details is found in the work of a Christian medical author who writes that Gamaliel the patriarch gave him a remedy for the medical treatment of spleen diseases. Further information comes from the famous pagan orator, Libanius of Antioch, who had a lively correspondence with the patriarch about, among other things, Gamaliel's son, who seems to have studied under him. These and other data create an image of a wealthy, learned, open-minded, and powerful patriarch who was well versed in Greek culture, including its medical aspects.

Let us begin with the curious report of Gamaliel's recipe by the Christian doctor, Marcellus Empiricus of Bordeaux (Burdigala in Gaul). In his *De medicamentis*, written about 410, he mentions the following: "For the spleen there is a special remedy which was recently demonstrated by the patriarch Gamaliel on the basis of approved experiments."[2]

This short quotation raises at least two intriguing questions: How could a Christian Latin author from Gaul know a recipe or form of treatment

1 The same applies to the other patriarchs of the fourth and early fifth centuries; see G. Stemberger, *Juden und Christen im Heiligen Land: Palästina unter Konstantin und Theodosius*, München 1987, p. 184. By contrast, for information about the patriarchate in the second and third centuries, we are largely dependent on rabbinic sources. The best modern studies of the Jewish patriarchate in late antiquity to date are D. Goodblatt, *The Monarchic Principle: Studies in Jewish Self-Government in Antiquity*, Tübingen 1994, pp. 131–231, and M. Jacobs, *Die Institution des jüdischen Patriarchen*, Tübingen 1995.

2 *De medicamentis* 23.77: "ad splenum remedium singulare quod de experimentis probates Gamalielus patriarcha proxime ostendit" (p. 185 in the edition of M. Niedermann, Leipzig–Berlin 1916 [Corpus medicorum latinorum, V]).

developed by the *nasi* in Palestine, and why did this Jewish patriarch occupy himself with medical affairs? These are difficult questions that we can only try to answer in a tentative way.

One of the few important facts we know about Marcellus Empiricus is that he was a Christian and had a high position at the court of the emperor Theodosius I (379–395) in Constantinople, although he probably wrote his work only during the reign of that emperor's grandson, Theodosius II (408–450).[3] Now various sources do report that Theodosius I had a very good relationship with the Jewish patriarch of Palestine, as did his successors, the emperors Arcadius and Honorius.[4] Several imperial edicts from the *Codex Theodosianus*, most of which were published in the nineties of the fourth century, take the patriarch under the emperor's protection, emphasize his rights, and explicitly prohibit any public insult aimed at him.[5] However, in 415, Theodosius II degraded and demoted the patriarch, deprived him of his honorary titles and severely restricted his authority and power, because, as *Codex Theodosianus* formulates it, Gamaliel VI "supposed that he could transgress the law with impunity" (16.8, 22: "Gamalielus existimavit se posse inpune delinquere"). From what follows, it becomes clear that Gamaliel was charged with having had new synagogues built, in defiance of imperial law; with having acted as judge in lawsuits between Jews and Christians; and with possessing Christian slaves whom, moreover, he had converted to the Jewish faith.[6] Though the patriarchate was not abolished by the emperor, it becomes clear from a later decree (*Cod. Theod.* 16.8, 29, from 429 CE) that the patriarchate no longer existed,

3 N. Kind, "Marcellus" (58), *RE*, 14 (1930), pp. 1498–1503. One cannot disregard the possibility that Marcellus remained in service at the imperial court after the death of Theodosius I.

4 See, e.g., Goodblatt, *The Monarchic Principle* (above, n.1), pp. 133–139.

5 For these texts, see A. Linder, *The Jews in Roman Imperial Legislation*, Detroit and Jerusalem 1987, index s.v. patriarch, and the discussions by Stemberger, *Juden und Christen im Heiligen Land*, (above, n. 1), pp. 184–213, and by B.S. Bachrach, "The Jewish Community of the Later Roman Empire as Seen in the *Codex Theodosianus*," J. Neusner and E.S. Frerichs (eds.), *"To See Ourselves as Others See Us": Christians, Jews, Others in Late Antiquity*, Chico 1985, pp. 399–421.

6 H. Graetz, *History of the Jews*, II, Philadelphia 1956, p. 618, speculates that it was because of his elevated position at the court that Gamaliel considered himself privileged to be lax in his observance of the emperor's laws against the Jews, even though, as Graetz had earlier said, "the Middle Ages really begin for Judaism with Theodosius II (408–450)."

apparently because the patriarch's dynasty lacked legitimate (or suitable?) heirs.[7]

The main issue here, however, is that these, and other, witnesses show that the Jewish patriarch was highly regarded at the imperial court and enjoyed the emperor's respect and even protection for a long time. This enabled him to strengthen his position of power over Jewry and to increase his influence and wealth. In the light of these data, it is no wonder that the sources sometimes reflect great tensions and even conflicts between the patriarch(s) and the rabbis.[8] The rabbis themselves also gradually "became a force, individually and collectively, in official communal affairs, provided they were willing to cooperate with the Patriarch and the latter wanted or needed them. This was the sine qua non for such advancement."[9]

In the centuries after the destruction of the Jerusalem Temple in 70, the position of the patriarchs — possibly created by the Romans in the post-war period[10] — developed slowly but gradually into one of considerable political power.[11] It is no exaggeration to say that they were in fact nothing less than the heads of state of Roman Palestine, responsible only to the emperors. Fergus Millar speaks in this connection of "members of what became a sort of rabbinic dynasty" and of "an almost royal court."[12] In order to

7 See Stemberger, *Juden und Christen* (above, n. 1), pp. 208–211 (p. 207 on the unsuitability for the office of sons of the later patriarchs); also Linder, *The Jews* (above, n. 5), p. 320.

8 For data, see L I. Levine, *The Rabbinic Class of Roman Palestine in Late Antiquity*, Jerusalem and New York 1989, pp.134–139, 186-191 (p. 135: "...many rabbis of the late third and fourth centuries had little sympathy or concern for this office"); G. Alon, *Jews, Judaism and the Classical World*, Jerusalem 1977, pp. 374–435, esp. 424–432; Stemberger, *Juden und Christen* (above, n. 1), pp. 190–191. A.I. Baumgarten, "Rabbi Judah I and His Opponents," *Journal for the Study of Judaism*, 12 (1981), pp. 135–172. Much of the opposition to the patriarchs was probably caused by the patriarchal tax (*apostolê* or *aurum coronarium*) imposed upon the Jewish communities; see Stemberger, op. cit., pp 195–199; Goodblatt, *Monarchic Principle* (above, n. 1), pp. 136–139; Levine, op. cit., p. 170.

9 Levine, op. cit., p. 139.

10 Goodblatt, *Monarchic Principle* (above, n. 1), pp. 219–231.

11 For criticism of the traditional presentation of the patriarch as the head of the Sanhedrin, see K. Strobel, "Jüdisches Patriarchat, Rabbinentum und Preisterdynastie von Emesa: Historische Phänomene innerhalb des Imperium Romanum der Kaiserzeit," *Ktêma*, 14 (1989), pp. 39–77, esp. 45, and Levine, *Rabbinic Class* (above, n. 8), pp. 76–83.

12 F. Millar, *The Roman Near East (31 BC–AD 337)*, Cambridge, MA and London 1993, p. 383.

provide an ideological foundation for the hereditary patriarchal regime, the members of the House of Gamaliel began to make (unhistorical) claims to Davidic descent.[13] Quite often they were immensely rich patrons,[14] or rather aristocratic rulers, surrounded by bodyguards and wielding extensive power accorded them by the Roman emperors.[15] It is for that reason that the emperors finally endowed them with the highest honorary titulature (*viri clarissimi et illustres*).[16]

It should be emphasized, however, that the very high public status of the Jewish patriarchs, who probably wielded power over Jews even outside Palestine,[17] was a relatively late development which took place partly during the third century (from the time of Judah ha-Nasi) but mostly and politically most forcefully, in the second half of the fourth and the first decade of the fifth century CE.[18] This is quite ironic, for, as Lee Levine has

13 On these claims see Goodblatt, *Monarchic Principle* (above, n. 1), pp. 143–175. Note that toward the middle of the third century Origen writes: "How great is the power wielded by the ethnarch [=patriarch,] granted by Caesar. We who have experienced it know that he differs in no way from a king of the nation" (*Epistula ad Julium Africanum* 14, [20] from ca. 240 CE). Cf. PT Sanhedrin II 8, 20 c (*in fine*) and other passages mentioned by Goodblatt, op. cit, p. 142.

14 On their great wealth, see M. Avi-Yonah, *Geschichte der Juden im Zeitalter des Talmud* II, Berlin 1962, p. 229; Stemberger, *Juden und Christen* (above, n. 1), pp. 197–198.

15 For a list of areas of communal life dominated by the patriarch in Palestine see Levine, *Rabbinic Class*, (above, n. 8), p. 137.

16 This title originally belonged only to members of the highest senatorial class, e.g., a *praefectus praetorio*. See, e.g., S.W. Baron, *A Social and Religious History of the Jews*, II, New York and Philadelphia 1952, pp. 192–193. Baron speaks of the "extraordinarily benevolent treatment" accorded to the patriarchs by the emperors, but adds soberly that it was motivated mainly by political and fiscal reasons.

17 See *Cod. Theod.* 16.8.8 (392 CE), 16.8.13 (397 CE), 16.8.15 (404 CE), and the discussion by Linder, *Jews* (above, n. 5), pp. 186–189, 201–204, 220–222, and by Goodblatt, *Monarchic Principle* (above, n. 1), p. 134. Cf. also Epiphanius, *Panarion* 30.11.

18 Strobel, "Jüdisches Patriarchat" (above, n. 11), pp. 60–68. M. Goodman, *Mission and Conversion: Proselytizing in the Religious History of the Roman Empire*, Oxford 1994, pp. 110–111, speculates that this development probably marked "an important stage in the process by which rabbinic Judaism became normative." See also his essay "The Roman State and the Jewish Patriarch in the Third Century," L.I. Levine (ed.), *The Galilee in Late Antiquity*, New York and Jerusalem 1992, pp. 127–139. Stemberger, *Juden und Christen* (above, n. 1), p. 184 remarks: "Von einer innerjüdischen Führungsinstitution, die im Lauf der Zeit auch vom Staat anerkannt wurde, entwickelte sich das Patriarchat immer mehr zu einem nach aussen gerichteten Amt, dessen Einfluss auf die innerabbinische religiöse Diskussion entsprechend abnahm;" and ibid., p. 188: "Gerade in der Zeit, da

noted, "it was with the advent of Christian Rome that the office reached a peak of prominence and influence. With the backing of Christian emperors, extensive political leverage was once again added to religious authority. From all indications, the last century of the Patriarchate, which coincided with the advent of Byzantine rule, was one of the most flourishing in the history of the office."[19]

In the nineties of the fourth century, the Church Father, Jerome, reports that the emperor Theodosius I even had a very high-ranking Roman official executed at Gamaliel's request since the man had illegally appropriated documents belonging to the patriarch.[20] Even though there is no hard evidence for this, it is more than highly probable that at least some of the later patriarchs knew the emperors personally, and visited their courts in Rome or Constantinople.[21] This would obviously explain how the Gallic doctor and author, Marcellus Empiricus, who had been working at the court of Theodosius I in Constantinople, could have met the Jewish patriarch Gamaliel and learned a new method of medical treatment from him.

Having solved this problem, we are still confronted with the second question: is it realistic to regard Gamaliel VI as a physician or at least as a person with medical interest and knowledge? Let us begin with the fact that we can establish the existence of a considerable number of Jewish physicians

das Christentum sich schon als Staatsreligion durch gesetzt hat, ist demnach die offizielle Anerkennung der jüdischen Führung am höchsten, eine fürwahr auffällige Tatsache." Unfortunately, most of the details of the development of the patriarch's power remain unknown, but the process coincided with the slow but gradual development of the rabbinic class from a very small, separated, self-contained and closely knit ingroup of elitists without influence into an authoritative body that became more integrated with Jewish society at large by trying to overcome the long-standing antagonism between the rabbis and the common people, see Levine, *Rabbinic Class* (above, n. 8), pp. 23–42, 112–133.

19 L.I. Levine, "The Jewish Patriarch (Nasi) in Third Century Palestine," *ANRW*, II, 19.2, 1979, p. 685.

20 *Epistula* 57.2–3.

21 If the rabbinic stories about the dialogues between Rabbi Judah ha-Nasi and Antoninus (whoever this emperor may have been) contain any historical kernel, it would seem that a similar situation existed as early as the beginning of the third century CE. Note that Caracalla visited Palestine in 215/6 CE. According to Gen. Rabbah 63:8, the patriarch Judah III met the emperor Diocletian when the latter was visiting Caesarea Philippi (ca. 300 CE).

in the Roman empire.[22] It seems that, exactly as in our own days, many educated Jews in antiquity were deeply interested in medical science and knowledge (which — by the way — is rather striking in view of the fact that the Hebrew Bible does not exhibit any such interest).[23] Rabbinic literature itself is a telling example of this interest: these texts, which were definitely not written by medical doctors, confront the reader with an amazingly large quantity of Greek medical knowledge. A striking example of this is the amount of scientific gynecological, sexological, and embryological knowledge in the tractate Nidda in both Talmuds. For example, as I have demonstrated elsewhere, rabbinic discussions in this tractate (and elsewhere) clearly demonstrate that several rabbis had extensive knowledge of Greek theories on the viability of seven-months' children, on the way an embryo comes into being, and on the much debated existence of female semen as a contribution to embryogenesis; they were even able to develop their own interesting variants of these Greek theories. Moreover, the medical vocabulary of the talmudic literature also betrays the influence of Greek terminology.[24]

From the second half of the sixth century CE, the closing period of the Talmud, we have the first medical handbook in Hebrew, written by Asaph ha-Rofe, who continuously sings the praises of the great Greek physicians, especially Hippocrates, Dioscorides, and Galen (the book even includes a Hebrew translation of Hippocrates' *Aphorisms*).[25] But even a much earlier

22 A very good survey is to be found in F. Kudlien, "Jüdische Ärzte im Römischen Reich," *Medizinhistorisches Journal*, 20 (1985), pp. 36–57.

23 See for instance L.P. Hogan, *Healing in the Second Temple Period*, Fribourg and Göttingen 1992, pp. 3–26; J. Barr, *Biblical Faith and Natural Theology*, Oxford 1933, pp. 178–179.

24 See in general F. Rosner, *Medicine in the Bible and the Talmud*, New York 1977; J. Preuss, *Biblical and Talmudic Medicine*, New York 1978; S. Krauss, *Talmudische Archäologie*, I, Leipzig 1910, pp. 252–267. On embryological knowledge in early rabbinic Judaism, see P.W. van der Horst, "Seven Months' Children in Jewish and Christian Literature from Antiquity," in my *Essays on the Jewish World of Early Christianity*, Fribourg and Göttingen 1990, pp. 233–248, and idem, "Sarah's Seminal Emission: Hebrews 11:11 in the Light of Ancient Embryology," in my *Hellenism — Judaism — Christianity: Essays on Their Interaction*, Kampen 1994, pp. 203–223. It is striking that in the series of remedies in BT Gittin 69b, a comparatively large amount of attention is paid to problems of the spleen, with which Gamaliel VI too had occupied himself.

25 See L. Venetianer, *Asaf Judaeus, der älteste medizinische Schriftstellar in hebräischer Sprache*, I–III, Budapest 1915–1917; S. Muntner, "Asaph ha-Rofe," *EJ*, vol. 3 (1972), cols. 673–676; the best recent survey (with bibliography) is S. Newmyer, "Asaph the

author such as Josephus exhibits a more than ordinary interest in medical matters.[26] Pagan authors confirm that in the first centuries of the Common Era there were also Jewish medical authors who wrote their works in Greek or Latin. For instance, in the first half of the first century, Cornelius Celsus writes in his *De medicina* (5.11 and 5.22,4) about two recipes composed by a certain *auctor Iudaeus*; while in the first half of the sixth century, the Neoplatonist Damascius writes in his *Vita Isidori* (Fr. 335) about a Jewish doctor, Domnus, who is also known as a commentator on Hippocrates.[27] We may therefore conclude that there was a strong post-biblical tradition of interest in medical knowledge among the Jewish cultural elite — not only doctors but also other intellectuals, including rabbis.

It is easy, then, to imagine that an individual of the patriarch's high cultural level could indeed have acquired medical knowledge (or perhaps even have been a doctor). Gamaliel's high cultural level is demonstrated by his good contacts with the imperial court and his capability to find a new sort of medical treatment for the spleen. However, beyond this, it is especially evident from his very friendly contacts with Libanius of Antioch, one of the most well-known and influential pagan orators of his day. This friendship is apparent from the correspondence between the two (dating from 388–393), though unfortunately, only Libanius' letters *to* the patriarch have been preserved, not those *from* the patriarch.[28] Nonetheless, we can draw a number of important conclusions from Libanius' letters. The patriarch wrote to him in Greek and Libanius answered in elegant, classical Greek, assuming as a matter-of-course that Gamaliel could read it. Moreover, Libanius' letters to the patriarch contain a variety of subtle allusions to characters and stories in Greek literature and mythology, which were obviously extremely well known to Gamaliel. Libanius and

Jew and Greco-Roman Pharmaceutics," I. Jacob and W. Jacob (eds.), *The Healing Past: Pharmaceuticals in the Biblical and Rabbinic World*, Leiden 1993, pp. 107–120.

26 See S.S. Kottek, *Medicine and Hygiene in the Works of Flavius Josephus*, Leiden 1994.

27 See M. Stern, *Greek and Latin Authors on Jews and Judaism*, I–II, Jerusalem 1974–1980 (henceforth: Stern, *GLA*), I, pp. 368–369 and II, p. 679 (cf. p. 672, n.3), and especially Kudlien, "Jüdische Ärzte," (above, n. 22).

28 All the letters can be found in Stern, *GLA*, II, pp. 580–599; in R. Foerster's Teubner edition, these letters are nos. 914, 917, 973, 974, 1084, 1097, 1098, and 1105 (on the possible inclusion of no. 1251, see Stemberger, *Juden und Christen* [above, n.1], pp. 193–194).

the patriarch had many friends and acquaintances in common and wrote to each other about all sorts of political and cultural matters, with Libanius often showing his awareness of the patriach's great political influence. It is even possible that one of Gamaliel's sons studied rhetoric under Libanius.[29] In sum: Libanius is writing to a highly-educated and cultured man of the world, not a man in self-chosen isolation. His Jewish patriarch knew Greek literature, Greek science, Greek mythology, and was very much *au courant* with the political affairs of the empire.[30] It is, therefore, not strange to find that such a highly civilized and learned person had medical knowledge and took pleasure, when at the imperial court in Constantinople, in passing his latest medical discovery on to his Christian colleague, the court physician Marcellus Empiricus. It is even entirely possible that he wrote a treatise on the treatment of spleen diseases, and handed or sent a copy to Marcellus.[31]

The two questions raised at the beginning of this paper have therefore received an answer, however tentative. There is, however, one serious complication that must be dealt with, albeit briefly. Though there is little or no doubt that Gamaliel VI lived at the end of the fourth and in the first decades of the fifth century, some scholars no longer date Gamaliel V to the beginning of the fourth century, but to its final three decades.[32] If this dating is correct, then it is quite possible that all the sources I have

29 This is not absolutely certain, however; see the discussion of the problem of the addressee of *Ep.* 1098 by Stern, *GLA*, II, p. 596.

30 See Stemberger's paragraph "Patriarchat und hellenistische Kultur," in his *Juden und Christen* (above, n. 1), pp. 205–208; on p. 208 he speaks of "ein gemeinsames Bildungsniveau" of Libanius and Gamaliel (cf. the remark by Avi-Yonah, *Geschichte der Juden*, [above, n. 14], p.228: "Der Patriarch konnte mit den griechischen Rhetoren verkehren, da er die Bildung seiner Zeit beherrschte"). For the possible implications of the Hammat Tiberias mosaic and inscriptions for "patriarchal Hellenism," see M. Dothan, *Hammath Tiberias: Early Synagogues and the Hellenistic and Roman Remains*, Jerusalem 1983, pp. 33–70 (with too much speculation, however); K. Strobel, "Jüdisches Patriarchat," (above, n. 11), p. 48; Levine, *Rabbinic Class*, pp. 178–181. It is also important to note that the vast majortiy of the many epitaphs in the patriarchal burial site of Beth She'arim are in Greek; see my *Ancient Jewish Epitaphs*, Kampen 1991, pp. 23, 130.

31 When W. Bacher, "Gamaliel VI," *JE*, V (1903), col. 563, writes: "Gamaliel VI appears to have been a physician," he too easily overlooks other possibilities. Graetz, (above, n. 6) writes in the same vein: "He was a physician..."

32 See for instance Levine, "The Jewish Patriarch" (above, n. 19), p. 688; Stemberger, *Juden und Christen* (above, n. 1), pp. 212–213; Stern, *GLA*, II, pp. 582–583; Chr. Burchard, "Gamaliel," *Der kleine Pauly*, II, München 1975, p. 688.

assembled as pertaining to Gamaliel VI would have to be divided over two Gamaliels: The correspondence of Libanius,[33] Jerome's information, and the early decrees from the *Codex Theodosianus* would have to be related to Gamaliel V; the remarks of doctor Marcellus and the later Theodosian decrees to Gamaliel VI.[34]

The matter is made even more complicated, by a medieval Jewish chronicle, *Seder Tannaim ve-Amoraim*, that inserts a certain Yehuda IV between Gamaliel V and Gamaliel VI, to whom some of the sources might refer too. In fact, there are some scholars who situate this Yehuda chronologically between ca. 385 and 400, though they have no other evidence to prove such a dating.[35] Clearly, though, the existence of a Yehuda IV is by no means certain, the only data about him being the mention of his name in a historically very unreliable and late chronicle. But even if we can safely ignore this patriarch,[36] we do have to reckon with two Gamaliels about whom the Jewish sources tell us next to nothing. What we know of them comes largely from pagan and Christian sources. These state clearly and unambiguously that in the first two decades of the fifth century Gamaliel VI was at first highly esteemed by the emperors and later fell into disgrace, but give no chronologically unambiguous details about Gamaliel V. He did live in the fourth century, but when exactly, nobody knows.[37] He might have been the immediate predecessor of Gamaliel VI, but he could equally well have lived much earlier.[38] It still remains a distinct possibility, however, that all the data pertain to one and the same patriarch, Gamaliel VI, who in that case would have remained in office from ca.

33 Stern, *GLA*, p. 582: "It is not easy to identify the patriarch with whom Libanus corresponded."

34 This is in fact the solution adopted by W. Bacher in his entries on Gamaliel V and Gamaliel VI in *JE*, V (1903), pp. 562–563, and by Stern, *GLA*, II, p. 583.

35 E.g., Sh. Safrai, "Amoraim," *EJ*, II, Jerusalem 1972, col. 871, G. Alon, *The Jews in Their Land in the Talmudic Age*, Jerusalem 1980–84, p. 739, n. 1, and several others. See now the convenient chart of the traditional reconstruction of the Gamalielian line in Goodblatt, *Monarchic Principle* (above, n. 1), p. 143.

36 The unhistorical hodgepodge in M. Aberbach's article "Judah IV," *EJ*, X (1972), col. 334, can be dismissed.

37 In spite of Levine "The Jewish Patriarch" (above, n. 19), pp. 685–688, Goodblatt, *Monarchic Principle* (above, n. 1), p. 143, and the editor's survey in *EJ*, VII (1972), col. 298.

38 In that case, it is not unimaginable that we might insert a "Yehuda IV" somewhere between Gamaliel V and Gamaliel VI, but this must remain sheer speculation.

385 till sometime between 415 and 425 — a not impossible range.[39] It should, however, be stated quite clearly and unambiguously that it is quite impossible to be certain about the chronology and dates of the last five or six Jewish patriarchs.

In a sense this uncertainty is not as regrettable as it might seem. For even if it were necessary to assume that the data from Marcellus Empiricus, the *Codex Theodosianus*, and Libanius relate to two (or even three) persons, the picture would not drastically change. On the contrary, in that case we would have data about more than one patriarch showing that the Jewish patriarchate, in its final half century, was held by strongly Hellenized personalities with a secular cultural background who combined their political power with Hellenistic learning. It is, therefore, not entirely unexpected that we find hardly any data about them in rabbinic literature,[40] whereas they do appear in pagan and Christian sources of late antiquity. It remains extremely remarkable that, even as late as a century after the conversion of Constantine, the Jewish patriarch could still engage in an open-minded and free exchange of thoughts with pagan and Christian scholars and authorities.[41]

39 This is the position of, e.g., O. Seeck, "Gamaliel V," I, *RE*, VII (1912), p. 690. See now also Jacobs, *Institution* (above, n.1), p. 333: "Die Aufteilung dieser Belege auf einen sog. Gamaliel V. und einen Gamaliel VI hat keine hinreichende Grundlage in den Quellen. Vielmehr dürfte es sich in all diesen Fällen um dieselbe Person, nämlich den letzten bekannten nasi' handlen."

40 Cf. Stemberger, *Juden und Christen* (above, n. 1), p. 208: "Weitgehende kulturelle Anpassung an die hellenistische Umwelt, höchstes Ansehen und gewaltiger politischer Einfluss, gleichzeitig ein gewisser Abstand gegenüber rabbinischen Kreisen bestimmen also das Bild des Patriarchats, wie es sich aus den Angeaben der nichtjüdischen Texten ebenso wie aus dem Schweigen der rabbinschen Literatur ergibt."

41 It is one of the great merits of Stemberger's book that it corrects quite a number of clichés on the period after Constantine on the basis of a careful scrutiny of the sources. But Salo W. Baron had already remarked in *Social and Religious History* (above, n. 16), II, p. 192: "For more than a century the Christian empire continued to recognize the Palestinian patriarchate as both the supreme office of imperial Jewry and a high office of the state." See also Bachrach, "Jewish Community" (above, n. 5), p. 421.

The Cynics of the Decapolis and Eretz Israel in the Hellenistic Period

MENAHEM LUZ

Throughout much of the Greco-Roman era, the region of Syria-Palestine gave birth to exponents of nearly all the leading philosophical systems. Strangely enough, it was Cynicism, the least respected of them all, that left a lasting impression in the area.[1] In the Decapolis alone, the city of Gadara could boast of being the birthplace of three Cynic philosophers of major importance: Menippus, father of the moral satire (third-second century BCE); Meleager, anthologist and poet-satirist (first century BCE); and Oenomaus, critic of religious belief and oracular response (c. 120 CE).[2] Although Gadara did have close links with its Jewish and Syrian neighbors, its citizens were proud of their "Attic" (i.e., Hellenic) culture.[3] Even in inscriptions, it was called "Gadara, favorable to the Muses."[4] Its fame stemmed from its rich literary and cultural heritage, even if its origin dates back to some military Macedonian settlement in this region.[5] The purpose

1 On the Cynics in talmudic sources, see M. Luz, "A Description of the Greek Cynic in the Jerusalem Talmud," *JSJ*, 20 (1989), pp. 49–60; S. Lieberman, "How Much Greek in Jewish Palestine," A. Altmann (ed.), *Biblical and Other Studies*, Cambridge, MA 1963, pp. 130ff.

2 For a general background, still see Donald R. Dudley, *A History of Cynicism from Diogenes to the 6th Century CE*, Hildesheim 1967; R.B. Branham and M.-O. Goulet-Cazé, *The Cynics*, Berkeley, Los Angeles, and London 1996.

3 Cf. *BJ* 2.97 which includes it among the *Hellenidas <poleis>*; Meleager, who calls it *Atthis...Gadara* (AP 7.417), and *kleina polis* (418). On the cultural background of Gadara and the Decapolis, see S. Mittmann, *Beiträge zur Siedlungs u. Territorialgeschichte des nördlichen Ostjordanlandes*, Wiesbaden 1970, pp. 135–137.

4 The expression *Gadara chrestomousia* (Ch. Clermont-Ganneau, *Études d'archéologie orientale*, II, Paris 1897, pp. 142ff.) could equally refer to "Gadara whom the Muses favor."

5 Gadara had a homonymous "sister-village" in Macedonia (Stephanus, *s.v.* "Gadara"), much as did its neighbor, Dion-Pella, itself founded by Alexander (*s.v.* "Dion no. 7").

of this paper is to examine the background that led to the emergence and activity of its three famous Cynic thinkers. After a preliminary discussion of the development of the Cynic movement in general and the possible ways in which it developed in Gadara, I will turn to the question of the characteristics common to these three Cynics, and how their birthplace could have contributed to the way in which they evolved.

In spite of their individualism, exponents of this movement should be classed according to three general types, reflecting the development of Cynic philosophy between the early Hellenistic period and the first centuries of the Common Era. This development was characterized not so much by marked changes in their philosophical belief as in their style and method of expression. The so-called "older Cynics" — as Diogenes and Crates of the fourth–third century BCE were later termed — not only preached a return to nature, but actually attempted to live out in the open, relinquishing all personal property that was not vitally necessary for their existence. While their own eccentric life-style was not seriously advocated for the populace in general, they thought of themselves as serving as an extreme example meant to counterbalance an extremely perverted society, whose scale of values had gone awry. Diogenes once likened himself to a choirmaster who set the note one tone higher than he expected the choir actually to attain (Diog. Laert. VI.35). While his own disciples doggedly followed their master's life-style, the third–first century BCE Cynics were prone to be armchair philosophers, whose criticism of society was expressed more through a mordent pen than by living out in the open. These were men who led poor but not destitute lives, generally at the lower end of the social ladder. They mocked and satirized the accepted values of society, rather than completely abandoning all physical possessions. One immediately recalls the example of the former slave turned successful wandering lecturer, Bion of Borysthenes (325–255 BCE), and the poor school teacher Teles of Megara (235 BCE). It is to this latter class that we may perhaps assign the first Cynics of Gadara: the

Just as the name "Pella" seems to have been a Hellenization of Dion-Pella's Semitic name, "Pehal" (V. Tcherikover, *Hellenistic Civilization and the Jews*, Philadephia 1966, p. 98), so "Gadara" seems to have been a Hellenization of an earlier "Gader."

alleged ex-slave, turned shipping merchant, Menippus, and the exiled poet — self-styled "sophist" — Meleager.[6]

They were followed by a third generation of "younger Cynics," whose attacks on cult and religion later received so much censure at the hands of Julian and his old pagan revivalists (Jul., *Or.* 6.199a). These were men who expressed their social invective in the same exhibitionist manner as the early Cynics, but published their diatribes in a rhetorical format. Some, like Dio Chrysostom (40 CE–120 CE) were forced by circumstance to lead the lives of wandering Cynic lecturers. Others, like Peregrinus Proteus (100–165 CE), were wandering charlatans.[7] To this same generation belonged Oenomaus of Gadara (120 CE), who recorded his visits to the temples of Ionia and his altercation with the priests there.[8] As with Dio, there is no doubt of his sincerity, or the anti-religious fervor of his philosophy.

In this respect, the Gadarene Cynics reflected the general development of Cynicism during the late Hellenistic and Roman periods — a flowering of armchair Cynicism, followed by the revivalism of the younger Cynics. It has often been said that there was a strong Cynic tradition at Gadara.[9] Obviously, this by no means implies that the Cynics of Gadara sprang from "a local school" in which they were fostered and developed. It is true that, philosophical activity in much of the early Hellenistic period was centered around traditional institutes, be it the Garden of Epicurus, the Sceptical

6 On Meleager as self-styled *sophistas* in exile, see *Anth. Gr.* 7.421. On the tradition of Menippus' background, see Diog. Laert. 6.99, a tradition which is probably mistaken, or at least highly problematic (M.-O. Goulet-Cazé, "Le Livre VI de Diogène Laërce," *ANRW* II, 36,6, 1992, pp. 3880–4048; idem, *L'Ascèse Cynique: Un commentaire de Diogène Laërce VI 70–71*, Paris 1986. See also: Aldo Brancacci, "'Ι κοινῇ ἀρέσκοντα dei Cinici e la κοινωνία tra cinismo e stoicismo nel libro VI 103–105 delle 'Vite' di Diogene Laerzio," *ANRW* II, 36,6, 1992, pp. 4049–4075).

7 If we can rely on Lucian, Peregrinus was driven out of Greece for criminal reasons (*Peregr.* 55.4), fled from Armenia when caught in adultery (9) and hid in Palestine as a Christian (11), finally to return to Greece and paganism (14).

8 Oenomaus' principal fragments have been edited by Jürgen Hammerstaedt, *Die Orakelkritik des Kynikers Oenomaus* (Beiträge zur klassischen Philologie, 188), Frankfurt am Main 1988. On the younger Cynics of this period, see idem, "Le Cynisme littéraire à l'epoque impériale," M.-O. Goulet-Cazé and R. Goulet (eds.), *Le Cynisme ancien et ses prolongements*, Paris 1993, pp. 399–418.

9 F.G. Browning, "Cynics and Early Christianity," Goulet-Cazé and Goulet, *Le Cynisme ancien*, p. 292; Jürgen Hammerstaedt, *Die Orakelkritik*, p. 418.

Academy of Arcesilaus, or the Stoa of Zeno.[10] However, during the Roman period, there was a shift to independent thinkers, who lectured in a number of known centers of philosophy. At any rate, three major objections can be raised against the assumption that Gadara ever sustained a local school of Cynicism in any organized sense:

(1) The first is based on the general anti-institutionalism of the Cynics, both inside and outside Gadara. Ever since its foundation by Diogenes of Sinope, Cynicism had never constituted a group of philosophers teaching in any specific school, or even in any one location.[11] This philosophy should rather be conceived as a movement whereby each Cynic preached and wrote in whatever locality he or she happened to be residing at that particular moment. It was for this reason that Meleager took pride in being a cosmopolitan philosopher who had once resided in Gadara, but he had moved to Tyre in his youth, and finally settled in Cos, where he died of old age.[12] Menippus must also have left Gadara at an early stage in order to continue his philosophical activity in various cities of mainland Greece.[13] Finally, at least one stage of Oenomaus' career was spent in the coastal cities of Ionia if we are to take his story of his altercation with the priests of Claros as true autobiography.[14] Thus, it would seem that these thinkers were not only not bound to any single philosophical center, but much of their activity took place in scattered localities outside Gadara itself.[15]

10 A.A. Long and D.N. Sedley, *The Hellenistic Philosophers*, I, Cambridge 1987, pp. 5–6 define the schools as "a group of like-minded philosophers with an agreed leader and a regular meeting place."

11 Diog. Laert. 7.22–23.

12 *Anth. Gr.* 7.416–9, 421. See: M. Luz, "Salam, Meleager!" *Studi Italiani di Filologia Classica*, 6 (1988), pp. 222–223.

13 He is linked not only with Thebes and Corinth, but even with Sinope on the Black Sea (Diog. Laert., 6.99–101). On the background, see Joel C. Relihan, *Ancient Menippean Satire*, Baltimore and London 1993, esp. chap. 1; Dudley, *History of Cynicism* (above, n. 2), p. 69.

14 On the background to this see: Hammerstaedt, *Die Orakelkritik* (above, n. 8); idem, "Der Kyniker Oenomaus von Gadara," *ANRW* II, 36,4, sect. ii–iii; M. Luz, "Oenomaus and Talmudic Anecdote," *JSJ*, 23 (1992), pp. 42–80.

15 The parallel case of the Epicurean philosopher, Philodemus of Gadara, is interesting, for while he too was active outside his native city, his specific type of philosophy and historical literary tradition can only be explained by prolonged study at some center of Epicurean learning in addition to Herculaneum.

(2) A second objection to the possibility of a continued philosophic tradition at Gadara is based on the manner in which each exponent of this philosophy represented his own brand of Cynicism, recognizing no authoritative head, no line of succession, and certainly no single doctrine. Oenomaus placed particular stress on this independence of the Cynic preacher when he maintained that the meaning of Cynicism was to follow neither *Diogenismos nor Antisthenismos*, but the inner voice (*autophonia*) of the individual.[16] The Cynics of this city should not, therefore, be conceived as conforming to a philosophical school, but as preferring to express their ideas as individual thinkers, each in his own distinctive manner. In this sense, this movement can be said to represent a *hairesis* — a "life choice" — more truly than did the *haireseis* — the "schools of philosophy" — adhered to by the Stoics and Epicureans.[17] Although much Cynic preaching was often based on common ethical premises, the butt of its social criticism and its means of expression were left to the individual's choice. Menippus invented a genre that was famous for having been a farrago of prose and poetry, later characterized as "Menippean satire." Meleager's contribution came in the form of supposedly personal vignettes, encapsuled in epigram. Finally, Oenomaus employed the style of the Cynic diatribe in a new autobiographical and rhetorical form. Later I will examine a number of topics and literary traits common to all three. For the moment, we may note that, in style and thought, these three thinkers were part of an individualistic movement rather than conformist members of an authoritative school.

(3) Finally, a third objection, at least superficially undermining the presumption of a united school of Cynics at Gadara, relates to the fact that both Menippus and Meleager spent much of their lives in exile. Whether or not they had fled their homes following the campaigns of

16 Jul. *Or.* 187b-c. See: Luz, "Oenomaus" (above, n. 14), pp. 42–80.

17 Since their very foundation, the Stoics had been beset by internal debate in a vague attempt to work out a common established doctrine. Because the Sceptics refrained in principle from establishing a criterion for doctrine, their activity was involved in undermining the beliefs of other schools, rather than offering anything positive. The Epicureans, of course, were notorious for strict adherence to a single doctrine with little or no "swerve" from the principles of their founder.

the Hasmoneans, or Seleucids,[18] we do not hear of them resurfacing in this area again, let alone returning to their native city. Oenomaus, it is true, did continue to reside in his native Gadara, but, as mentioned above, he is chiefly known for his activity in the coastal cities of Ionia. It seems, therefore, that Gadara acted less as a permanent home for these three Cynics than as a crucible for thinkers of a Cynic disposition.

In order to examine the possibility of any specific Gadarene features in their makeup, we must also glance at the relationship between them. Meleager saw himself as continuing in Menippus' footsteps, but there cannot have been any personal link between them. The surviving *Life of Menippus* by Diogenes Laertius (6.99–101) is the usual muddled farrago of sources, mostly drawn from an untrustworthy biography by Hermippus of Smyrna and an inaccurate compendium of philosophers by Diocles of Magnesia.[19] Scholars have subsequently been misled as to precisely when Menippus lived. Some have concluded from Laertius' list of Cynic philosophers that Menippus belonged to the early third century BCE since his name is appended to a list of the disciples of the *early* Cynic, Metrocles.[20] However, a *late* third century date is more likely, since Menippus was said to have been a contemporary of the historian-rhetorician, Baton of Pontus.[21] His period of activity must have been some time prior to 200 BCE when Hermippus completed his series of biographies in which the *Life of Menippus* was

18 During Menippus' conjectured life-time, Gadara was twice taken by Antiochus III (218 BCE and 200 BCE); during that of Meleager, it was taken by Alexander Jannaeus (104–78 BCE). However, both thinkers may have left for unconnected reasons, see: M. Stern, *Greek and Latin Authors on Jews and Judaism*, I, Jerusalem 1974, p. 139 and n.; V. Tcherikover, *Hellenistic Civilization and the Jews* (above, n. 5), pp. 98, 246.

19 On Menippus' biography by Hermippus "the Callimacher" (c. 250–200 BCE), see: Fritz von Wehrli, *Hermippos der Kallimacheer* (= *Die Schule des Aristoteles*, Supplementband I; Basel and Stuttgart 1974), fr. 39 and nn. 68–69.

20 Dudley, *A History of Cynicism* (above, n. 2), pp. 69–70; Goulet-Cazé, "Le Livre VI de Diogène Laërce" (above, n. 6), pp. 3975–3976.

21 Metrocles of Maroneia was the brother-in-law of Crates (active 328-325 BCE), but Menippus was said to have been a pupil of Metrocles' disciples (or even of their pupils). Secondly, anecdotes make him the slave of Baton of Pontus (Diog. Laert. 6.99), often identified with the late third century Baton of Sinope (Dudley, *A History of Cynicism*, pp. 69–70).

included.[22] While his family may have then belonged to one of Gadara's founding fathers,[23] his own date could not be late enough to link him directly to Meleager (96/95 BCE), the next of our three Gadarene Cynics.[24] Although Menippus' serio-comic style was compared to that of Meleager by Laertius, the text is usually understood to imply that Meleager was closer in time to Diocles of Magnesia (c. 70 BCE).[25] We are thus left with an interlude of more than a century separating Menippus (c. 230/200 BCE) from Meleager (c. 96/95 BCE) — and another two centuries till our third Gadarene Cynic, Oenomaus (c. 120 CE). Obviously, any influence these thinkers might have had on each other could have been via literary sources alone. Meleager specifically mentions a Menippean tradition that he saw himself developing; we also know that he once composed a satire of his own during his youth.[26] Recently, scholars have identified the influence of Menippean elements in the style of Oenomaus.[27] Since we have seen that an actual Cynic school, Menippean or otherwise, could not have existed at

22 The latest event recorded in the fragments of Hermippus' biographies is the death of Chrysippus in 208/204 BCE (Wehrli, *Hermippos der Kallimacheer*, fr. 59 and pp. 7–8, 80–81). Even if each biography was published separately — with that of Menippus brought out fairly early in Hermippus' career (c. 250–204 BCE) — this would not be early enough to bridge the gap between the generation of Metrocles' students (early third century) and that of Menippus and Baton of Pontus.

23 Laertius describes Menippus as "Phoenician" (Diog. Laert. 6.99), just as Philostratus denoted the Gadarene rhetorician, Apsines (628); but Strabo makes it clear that Menippus hailed from Gadara just like Meleager (16.29). The latter makes his own Syrian and Phoenician "background" a proof of his Cynic cosmopolitanism (*A.P.* 7.418) although he prefers to call himself "Syrian" (*A.P.* 7.417; Luz, "Salam, Meleager!" [above, n. 12], pp. 222–223). Consequently, later tradition describes even Meleager as "Phoenician" (A.E. Gow and D.L. Page, *The Greek Anthology: Hellenistic Epigrams*, I, Oxford 1965, p. xiv).

24 Meleager's alleged floruit (96/95 BCE) corresponds to the *post* and *ante quem* dates for his anthology (c. 125–80 BCE). See Gow and Page, *The Greek Anthology*, I, pp. xv–vi.

25 Diog. Laert. 6.99. Nonetheless, although Meleager dedicated his anthology to a certain *arizalos Diocles* (*Anth. Gr.* 7.315 l. 3), it is far from certain that he is to be identified with the same Diocles of Magnesia. See Gow and Page, *The Greek Anthology*, I, pp. xv–xvi.

26 Cf. a fragment of his early satire in *Athen.* 4.157; and his reference to his "Menippean *Charites*" (*Anth. Gr.* 7.417.4, 418.6) — probably a compilation of the Muse and (merry) prose satire like that of his predecessor (Diog. Laert. 6.99). On Meleager and Menippus, see C.A. Trypanis, *Greek Poetry*, Chicago 1981, p. 354; Eugene P. Kirk, *Menippean Satire*, New York 1980, pp. xivff., 3–5.

27 Cf. Hammerstaedt, *Die Orakelkritik* (above, n. 8), pp. 416–418.

Gadara, the scenario that I would like to suggest is that the Cynic trend in Gadara was inspired by and developed mainly through the reading of earlier, local Cynic works. We now may ask what characteristics did these three figures have in common? What features differentiate them from other Cynics of this period?

Let us begin with Menippus. Although practically nothing of his works survives, we do have a fair idea of his general style from references in later writers. "Menippean satire" was said to have been characterised especially by the following:

> (1) a criticism of society (especially the rich and powerful); mockery of debates popular in contemporary philosophical schools; and possibly a criticism of religious sacrifice;[28]
> (2) fantastic scenarios as a setting for satire, often narrated in a self-mocking, autobiographical form — as in Menippus' story of his own *katabasis* into Hades in the *Nekuia*, or his postal correspondence with the gods (cf. Diog. Laert. 6.99);
> (3) the use of a serio-comic style (*spoudogeloion*), in which the reader was expected to read the serious lesson behind the satire (cf. Diog. Laert. 6.99);
> (4) an unusual mixture of prose interlaced with poetry of his own invention.[29]

If we now turn to Meleager, the few fragments of his juvenilia demonstrate that he employed some of these features in his own satires: his subject matter was social criticism expressed in a serio-comic style,[30] possibly

28 A work *peri thysion* ("On Sacrifices") is commonly ascribed to him by scholars, although it is not listed in Laertius' truncated list of his works (M.-O. Goulet-Cazé, "Le premiers Cyniques et la Religion," Goulet-Cazé and Goulet, *Le Cynisme Ancien* [above, n. 8], pp. 130–131, 152–153; J. Geffcken, "MENIPPOS ΠΕΡΙ ΘΥΣΙΩΝ," *Hermes*, 66 [1931], pp. 347–354). On Cynic criticism of religion, see Luz, "Oenomaus" (above, n. 14), p. 45; M. Luz, "Cynics as Allies of Scepticism," L.C. Bargeliotes (ed.), *Scepticism: Inter-Disciplinary Approaches — Proceedings of Second International Symposium*, Athens 1990, pp. 101–114.

29 Relihan, *Ancient Menippean Satire* (above, n. 13), esp. chap. 1; Kirk, *Menippean Satire* (above, n. 26), loc. cit.

30 *Anth. Gr.* 7.421 l. 10 (*es te gelota kai spoudan* — cf. Diog. Laert. 6.99). In his satire, he ironically argues that Homer was a fellow-Syrian since his heroes do not eat tabooed fish (*Athen.* 4.157). Although Meleager looked on himself as "Syros" (*Anth. Gr.* 7.419), his philosophy is not nationalistic but cosmopolitan (7.417).

interlaced with quotations from the poets.[31] In his later epigrams, Meleager acknowledges this debt to Menippus, and even thought of himself as wedding Menippus' satire to his own poetic style.[32] While Meleager's poetry is generically different from that of Menippus' satire, that of his epigrams showing a serio-comic outlook would seem to be a development from his younger satiric period, ultimately descended from Menippus' *spoudogeloion.*

Oenomaus preferred to express his social criticism through diatribe and autobiographical accounts of his encounters with religious authority. Although his rhetorical invective is composed in a genre totally different from that of his Gadarene predecessors, a leading authority on Oenomaus' fragments has still compared his philosophy and style to what is known of Menippus' works, in that he created satire as a mixture of prose and poetry.[33] It is true that Oenomaus' poetry was mostly quotation, but sometimes he too included parody as well as lines of his own invention. His attack on the priests, known as *Charlatans Detected*, also embodied a biting criticism of religious practice much in the spirit of Menippus. Moreover, the aims of Oenomaus' nihilistic philosophy can well be compared to that of the latter in that Marcus Aurelius once described Menippus as a "mocker of Man's perishable and ephemeral life" (6.47). However, it is not only with Menippus that Oenomaus can be compared. Like Meleager, he claims to discover philosophical allegory in Homer for the sake of *spoudogeloion.*[34] Oenomaus' diatribes were thus expressed with a traditionally Gadarene, serio-comic irony, akin to that of both Menippus and Meleager. Oenomaus may not mention either of his predecessors by name in the lengthy fragments quoted by Eusebius, but his style, interests and Cynic invective are still to be classified together with theirs. Although we have seen that each of

31 Presumably, his serio-comic satire concerning the Homeric heroes was interlaced with supportive citations from Homer, if not also with lines of his own invention.

32 *Anth. Gr.* 7.417 (*Menippeiois syntrochasas Charisin*), 418 (*Menippeiois eglaisan Charisin*).

33 Cf. Hammerstaedt, *Die Orakelkritik* (above, n. 8), pp. 416–418. Although Crates' poetic ideal state may have been a forebear of Oneomaus' *Republic*, Menippus should also be considered part of the same tradition.

34 Regarding Oenomaus' *On Philosophy in Homer*: see: *Suda* 4.123 (Adler); Hammerstaedt, (above, n. 8), p. 188; P. Vallette, "De Oenomao Cynico," Ph.D. dissertation, Paris 1908, pp. 10, 14–15 ff. Elsewhere he makes Homer a stateless wandering Cynic (Luz, "Oenomaus" [above, n. 14], p. 58).

these three writers was characterized by an individual style and outlook on life, the serio-comic criticism of society expressed through a mixture of prose-poetry seems to be a common hallmark for all of them.

Finally, we may ask in what way this particular geographical locality could have acted as a catalyst for this specific type of Cynic resurgence during the Hellenistic and Roman epochs. The disposition to join such a movement would, to a certain extent, have been dependent on internal factors in Gadarene society itself. Although we have seen that we can dismiss a Gadarene school hypothesis, this does not necessarily preclude the development of a local satirical outlook. Its origins should ultimately be traced to popular comic raillery, and those festivals when actors bantered and mocked the audience. The latter developed into the "satyr" play in Greece — the semi-dramatic, popular comedy featuring satyrs — and into Fescennine comedy in Italy. However, the genre of non-dramatic satire, where no actual satyrs appear, but where the audience is satirized, is a purely Hellenistic literary development of the same popular festive spirit. Gadara itself was notorious for the high spirits of its country and civic activities, as well as for its love of poetry.[35] Dramatic forms flourished at Gadara, where no less than three theaters were established.[36] Menippus formally transformed this rustic festivity into a new literary genre, his Cynic philosophy giving it a focus and his countrymen supplying willing and appreciative readers. It has been suggested that the Graces also had a popular, if not semi-official cult-status at Gadara.[37] If this is so, then we can appreciate from what cultural milieu Meleager derived the title of "Menippean Graces" when describing his literary achievements.

Religious superstition — especially belief in the cult of Hecate — figured as the butt of much of Menippus' satire. That this satire had a historical object, we see from the notorious case of Philinna, "Witch of Gadara." Her

35 On the inscription "Gadara favored by the Muses," see Clermont-Ganneau, *Etudes* (above, n. 4), pp. 142 ff. On the reference to the high spirits of its inhabitants in the Talmud, see *Pesikta Rabbati* (ed. Friedmann), c. 21 pp. 106–107. Eunapius describes crowds of Iamblichus' disciples going to the baths of Gadara on a seasonal visit (*horan tou etous*; pp. 459 ff.)

36 Gadara had two theaters and a third in its suburbs (Hamath Gader), which were famous for the cultured ambience of their natural baths (Eunap. 459 ff.; E. Schürer, *The History of the Jewish People in the Age of Jesus Christ*, II, eds. G. Vermes and F. Millar, Edinburgh 1979, pp. 49 ff., 132–136.

37 See: Y. Meshorer, "A Ring from Gadara," *IEJ*, 29 (1979), pp. 221–222.

charms are recorded in popular folk verse and are rife with superstition and magic.[38] It was against this type of social phenomenon that Menippus and Oenomaus wrote. Menippus' own alleged descent into the World of the Dead, or "Raising the Spirits of the Dead" (*Nekuia*), was composed in order to pour scorn on the pride of the living.[39] However, this whole scenario, so associated with Menippus in the satires of Lucian, seems to have been provoked by an especially Gadarene phenomenon. We even learn of it from the Gospels, which refer to homeless, mad demoniacs, inhabiting charnel houses (*mnemeia*) in the land of Gadara and nearby Gerasa.[40] Those at Gadara were inhabited until quite recently.[41] It is no wonder then that Menippus described his own descent into the land of the dead in order to castigate the living. Even in the satires of Lucian, Menippus is said to be acquainted with the cult of Hecate (*Dial. Mort.* 1 [1].331). That much of Oenomaus' diatribes were likewise concerned with the meaninglessness of life and death, might also be seen as counteracting a similar social attitude in his native city.

Gadara thus gave the world not only three outstanding Cynic satirists, but also a cultural and social atmosphere that served both as the butt of their criticism, as well as an appreciative backdrop to their poetry and satires. If these Cynics invented serio-comic *spoudogeloion*, then their fatherland was its progenitor.

38 On a "Gadarene Syrian" witch and her wolf charm, see: P. Maas, "The Philinna Papyrus," *Journal of Hellenic Studies*, 62 (1942), pp. 33–38. On the cultural background, see: Luz, "Greek Cynic in Jerusalem Talmud" (above, n. 1), p. 57.

39 I have dealt elsewhere with the relationship between Cynics and the altar of Hecate, see: Luz, "Greek Cynic in Jerusalem Talmud," p. 57.

40 Matt. 8:28 (Gadara); Mark 5:1; Luke 8:26 (Gerasa; see n. 36 below). See esp. F. Annen, *Heil für die Heiden* (Frank. Theol. Stud., 20), Frankfurt 1976, pp. 22–24, 203–206; and notes in W.F. Albright and C.S. Mann, *Matthew* (The Anchor Bible, 26), New York 1971, pp. 101ff.

41 On background and the tombs see I. Browning, *Jerash*, London 1982, pp. 66 ff.; W. Ewing in: *The International Standard Bible Encyclopaedia*, II, col. 1152.

"Filios Suos Tantum"
Roman Law and Jewish Identity

JOSEPH MÉLÈZE MODRZEJEWSKI

Circumcidere Iudaeis filios suos tantum rescripto divi Pii permittitur (Modestinus *Dig.* 48,8,11)

In our day, the Jewishness of an individual is determined, according to rabbinic law, by that of his (or her) mother. The offspring of a Jewish mother and a Gentile father is a Jew, while the offspring of a Gentile mother and a Jewish father is a Gentile. Together, these two rulings form what is called the "matrilineal principle."[1] It applies primarily to the offspring of mixed couples in the Diaspora, married under the law of their place of residence. Mixed marriage is not recognized in the State of Israel. It is not legally sanctioned for the Jewish population. Israeli familial law is under the control of the rabbinical authority; according to the Rabbinical Courts Jurisdiction Law, no marriage of Jews in Israel is valid unless contracted in accordance with the *halakhah*.[2] Yet, for the rabbis, the Deuteronomic disapproval of marriage with the Canaanite "seven nations" (Deut. 7:1), and

1 This is an updated text of my lecture delivered on 14 November 1995 in Haifa, at the International Conference on "Jewish-Gentile Relations in the Time of the Second Temple, the Mishnah and the Talmud." It was prepared during my stay in Jerusalem in 1995/96 as a fellow of the Institute for Advanced Studies of The Hebrew University, and is dedicated to Uriel Rappaport as a token of friendship and gratitude. I am indebted to Robert Cornman, Daniel Meyer, and Daniel Schwartz for their help in preparing the English text of this paper, as well as to Shaye J.D. Cohen and Getzel M. Cohen for valuable remarks.

2 Rabbinical Courts Jurisdiction (Marriage and Divorce) Law, 5713/1953, Section 2. The interdiction does not involve any criminal punishment for contracting a mixed marriage. Proceedings regarding mixed marriages contracted in the Diaspora cannot be brought before Israeli rabbinical courts, but according to a law passed in 1969, such marriages can be dissolved by a decision of the president of the Supreme Court.

the prohibition of other nations from entering "the assembly of the Lord" (Deut. 23:4; Neh. 13:1), are to be understood as negative precepts applying to all Gentiles. In consequence, mixed marriages are not valid and entail no legal consequences.[3] People of Muslim or Christian origin fare no better as candidates for mixed marriage. Therefore, the action of the matrilineal principle in Israel is limited to extramarital children and to those of couples who have contracted marriage abroad, including Israeli Jews who contract marriage in Cyprus in order to escape rabbinical control.

From the point of view of legal history this is a paradoxical situation. Matrilineage is contradictory to the biblical law of filiation, which was mainly patrilineal, and constitutes a notable exception to rabbinic family law in which other matters, such as kinship and succession, are determined through the father. The Babylonian Talmud summarizes this state of affairs in a lapidary formula: "The family of the father is regarded as the proper family but the family of the mother is not regarded as the proper family."[4] In other terms, as our American colleague Shaye J. D. Cohen endeavored to demonstrate in 1985, the matrilineal principle appears as an "innovation" introduced by the rabbis into Jewish Law, in contradistinction to the biblical patrilineage still observed by the Jews at the beginning of the Roman era.[5]

As a matter of fact, neither the legal nullity of mixed marriage nor the rule of matrilineal filiation is explicitly proclaimed by the biblical legislator. The Torah disapproves of intermarriage as constituting a potential danger to the worship of the true God (Exod. 34:16; Deut. 7:1–5). Nevertheless several mixed couples are present in the biblical narrative. So Joseph married Asenath, the daughter of an Egyptian priest, bestowed on him by Pharaoh (Gen. 41:45); Moses married the daughter of another non-Jewish priest, Jethro (Exod. 2:21), and an Ethiopian woman (Num. 12:1), etc.[6] Later on,

3 BT Avodah Zarah 36b; Kiddushin 68b; Yevamot 45a. See Sh.J.D. Cohen, "From the Bible to the Talmud: The Prohibition of Intermarriage," *Hebrew Annual Review*, 7 (1983), pp. 23–39. See now his book *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties*, Berkeley 1999, chap. 8.

4 BT Bava Batra 109b.

5 Sh.J.D. Cohen, "The Origins of the Matrilineal Principle in Rabbinic Law," *AJS Review*, 10/1 (1985), pp. 19–53 (henceforth: Cohen, "Matrilineal Principle"). This article belongs to a series of papers on conversion and intermarriage in antiquity listed by the author on p. 20, n. 3. See now *The Beginnings of Jewishness*, chaps. 9.

6 See, e.g., G.B. Gray, *A Critical and Exegetical Commentary on Numbers* (The International Critical Commentary), Edinburgh 1903 (repr. 1976), pp. 120–122. On the later

Midrashic interpretation undertook the annexation of these foreign women, by retrospective conversion to Judaism or by imputation of a Jewish origin.[7] Actually, during the biblical period, a foreign woman who married an Israelite was integrated into the Jewish society, the act of marriage playing the same role as conversion, which was yet to be "invented."[8]

Papyrological evidence, the Acts of the Apostles, and Josephus show that the biblical principle of patrilineal descent was current among the Jews of the Second Temple period until the end of the first century CE. A century later, this principle was replaced in the Mishnah by that of matrilineal descent, which still prevails in rabbinic law. How is this profound transformation of legal rules governing the personal status of the Jews living in the Roman Empire to be explained? Did Roman law play a role in this new order of Jewish family law? Shaye Cohen believes it did. Among the various factors he invokes to elucidate the transition from patrilineal to matrilineal filiation in rabbinic law, the influence of Roman law on the Tannaim is primary.[9]

The question is not new. The correspondence between the Roman and the rabbinic family law has been noted by various scholars since the eighteenth century.[10] In the present case, the status of the child with regard to the capacity of the parents to contract a legal marriage is at stake. According to the Tannaim, the offspring of a Jewish mother and a Gentile father is a Jew, but since the parents do not possess the potential to contract a valid marriage (*kiddushin*), his status is that of a *mamzer*, the legal condition of

use of this tradition, see T. Rajak, "Moses in Ethiopia: Legend and Literature," *JJS*, 29 (1978), pp. 111–122; A. Shinan, "Moses and the Ethiopian Woman," *Studies in Hebrew Narrative Art* (Scripta Hierosolymitana, 27), Jerusalem 1978, pp. 66–78.

7 For Asenath, see *Pirkei derabbi Eliezer* 38 (8th century CE) and the Judeo-Alexandrian novel "Joseph and Asenath." See my book *The Jews of Egypt*, Philadelphia and Jerusalem 5755/1995, pp. 65–72. For another interpretation, see Gideon Bohak, "'Joseph and Asenath' and the Temple in Heliopolis," Ph.D. dissertation, Atlanta, GA 1996.

8 On this "invention," see Sh.J.D. Cohen, "Conversion to Judaism in Historical Perspective: From Biblical Israel to Post-Biblical Judaism," *Conservative Judaism*, 36, no. 4 (1983), pp. 31–45; idem, "Religion, Ethnicity, and 'Hellenism' in the Emergence of Jewish Identity in Maccabean Palestine," P. Bilde et al. (eds.), *Religion and Religious Practice in the Seleucid Kingdom*, Aarhus 1990, pp. 204–223, esp. 209ff.: "The Emergence of Conversion." See now *The Beginnings of Jewishness* (above, n. 3), chaps. 3 and 4.

9 Sh.J.D. Cohen, "Matrilineal Principle" (above, n. 5), pp. 42–46.

10 Ibid., p. 42, n. 67.

a child issued from the adultery of a married woman or from the incest between those of forbidden degrees of kinship and affinity (this inferiority disappears afterwards).[11] In an analogous manner, according to Roman law, the child who was not issued from a *iustum matrimonium* was considered illegitimate (*spurius, vulgo quaesitus*) and received the status of the mother (*partus sequitur ventrem*).[12] Therefore, the child of a Roman citizen and a non-citizen free woman was not Roman if his parents did not enjoy *conubium*,[13] the approximate Roman equivalent to *kiddushin*; this was also the status of an extramarital child and, of course, that of the child of a slave woman (*partus ancillae*), since marriage of a citizen to a slave was impossible .[14]

In spite of certain differences between the Roman jurists and the rabbis, a "conceptual similarity" between the rabbinic and the Roman systems cannot be denied. But how could the rabbis have learned the rules of the Roman law of status? A direct influence through the study of Roman legal literature is not a totally unreasonable hypothesis. Why should a Tanna like R. Judah ben Ilai, an admirer of Roman civilization, not find it most interesting to browse through the *Institutes* of Gaius, his contemporary? What is less convincing is the idea that even the wording of the Mishnah might echo Roman legal terminology concerning our problem. The linguistic correspondence between Mishnah Kiddushin 3:12 and the *Tituli ex corpore Ulpiani* is probably purely fortuitous.[15] The *Tituli* are a post-classical work posterior to the Mishnah, as are most of the writings of Ulpian, the supposed author of this work; they hardly could have inspired the Tannaim. It would be easier to claim an influence of the Mishnah upon Ulpian (who died in 223

11 See below, n. 86.

12 Gaius *Inst.* 1.64; Just. *Inst.* 10.12; cf. Plutarch *Quaest. Rom.* 103. See, e.g., E. Weiss, "Spurius (1)," *RE* 16 Halbb., Stuttgart 1929, cols. 1889–1891. On legitimate marriage (*matrimonium iustum*), see J. Gaudemet, "Iustum matrimonium," *RIDA*, 2 (Mélanges F. De Visscher, 1), Brussels 1949, pp. 309–366 (= *Études de droit romain*, III, Naples 1979, pp. 103–162).

13 *Tit. Ulp.* 5.8. Cf. Gaius 1.78. According to the *lex Minicia* (2nd century BCE?), the legal condition of the child of a Roman matron and a foreigner was equated to that of the child of a Roman citizen and a non-citizen free woman: he received the lower status (*deterior condicio*) of his father.

14 Ibid. 5.5: *cum servis nullum est conubium.*

15 Cohen, "Matrilineal Principle," pp. 44–45.

CE).[16] The latter's Syrian origin lends some credibility to this hypothesis, less anachronistic but by no means provable.[17]

In any case, if Roman law had any influence on the attitude of the rabbis concerning the system of Jewish personal status, it could not have come from the study of Roman juridical writings. The idea of a "reception" of Roman law in rabbinical law is disputable.[18] But it does not exclude the possibility of an action exerted by Roman law on the personal status of Jews living in the Roman Empire. We shall concentrate the investigation on two points: Roman legislation concerning the mutilation of genital organs (*mutilare genitalia*) — Jewish circumcision falls under this heading — and Roman control over marriage of non-Roman inhabitants of the empire, and its effects on the status of children born to parents from different civic or ethnic groups. The inquiry offers a promising path for a new approach toward the historical conditions in which the matrilineal principle was definitively established in Jewish law.

16 J. Modrzejewski and T. Zawadzki, "La date de la mort d'Ulpien et la préfecture du prétoire au début du règne d'Alexandre Sévère," *Revue historique de droit français et étranger*, 45 (1967), pp. 565–610 (= J. Mélèze Modrzejewski, *Droit impérial et traditions locales dans l'Égypte romaine*, Aldershot 1990, no. VI and Addenda, p. 3). The arguments of R. Bauman, "The Death of Ulpian, the Irresistible Force and the Immovable Object," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Romanistische Abteilung*, 112 (1995), pp. 385–399, in favor of the earlier opinion (228 CE) are not convincing.

17 R. Yaron, "Semitisms in Ulpian?" *Tijdschrift voor Rechtgeschiedenis*, 55 (1987), pp. 3–17.

18 This idea (which is not explicitly accepted by Shaye Cohen) has been sharply criticized by Ranon Katzoff in a lecture entitled "The Children of Intermarriage and the Reception of Roman into Jewish Law," delivered in Jerusalem in April 1987, at the conference on "A Member of Another Religion in Religious Law"; then in New Orleans in September 1995, at the meeting of the Société internationale d'Histoire des Droits de l'Antiquité; lastly in Jerusalem in February 1996, at the Institute for Advanced Studies of the Hebrew University. I refer to the text of this paper by the kind permission of the author.

THE BAN ON CIRCUMCISION: GREEK CONCEPTS AND ROMAN LEGISLATION

"Good Appearance" and the Sign of the Covenant

Circumcision was practiced among various nations in antiquity. Evidence for this custom in Pharaonic Egypt is found as early as the Old Kingdom.[19] In the tomb of Ankh-Ma-Hor at Sakkarah, which dates from the Sixth Dynasty (2460–2200 BCE), the two stages of the operation are shown in a sequence of two scenes.[20] A ceremonial mass circumcision of a group of 120 young men is recorded on a stela from Middle Egypt from the early part of the First Intermediate Period (ca. 2150 BCE).[21]

The earliest biblical texts concerning circumcision deal with a ritual initiation to marriage.[22] During the Exile, in the sixth century BCE, it became a tangible sign of God's covenant with the people of Israel (*'ot berit kodesh*).[23] The Alexandrian translators of the Torah insisted upon the importance of the commandment given by God to Abraham in favor of the

19 F. Jonckheere, "La circoncision des anciens égyptiens," *Centaurus*, 1 (1951), pp. 212–234. The great antiquity of the ritual is attested by the use of flint (a practice of which we find traces in the Bible: Exod. 4:25; Jos.. 5:2–7), and the fact that the operation is effectuated by priests and not by physicians. Concerning the symbolical value of flint, see P. Braun, "Les tabous des feriae," *Année sociologique*, 1959, pp. 49–125 (= P. Braun, *Droits en devenir*, Limoges 1999, pp. 23–105).

20 J. Cappart, *Une rue de tombeaux à Saqqarah*, II, Brussels 1897, pl. XLVI. Several reproductions.

21 Stela from Naga ed-Deir: D. Dunham, *Naga-ed-Deir Stelae of the First Intermediate Period*, London 1937, pl. XXXII, no. 84, pp. 102–104, reproduced by J.A. Wilson in J.B. Prichard, *Ancient Near Eastern Texts Relating to the Old Testament*, Princeton, NJ 1950, 3rd ed. 1969, p. 326. Cf. M. Stracmans, "A propos d'un texte relatif à la circoncision égyptienne," *Ann. de l'Inst. de philol. et d'hist. orient. et slaves*, 13 (1953) (= *Mélanges I. Lévy*, Brussels 1955), pp. 631–639.

22 Gen. 34:14–24; Exod. 4:24–26. See C. Houtman, *Exodus*, I (Historical Commentary on the Old Testament), Kampen 1993, pp. 433–449. Concerning the "bloody bridegroom" (Exod. 4:25), I would like to mention A. Caquot, "Pour une étude de l'initiation dans l'ancien Israël," C.J. Bleeker (ed.), *Initiation: Contributions to the Themes of the Study-Conference of the International Association for the History of Religions, Strasbourg, Sept. 17–22, 1964* (Studies in the History of Religions [Supplements to *Numen*], X) Leiden 1965, pp. 119–133.

23 Gen. 17:10–14 and Lev. 12:3 are parts of the late Priestly Code, to be dated to the fifth century BCE. See, e.g., S.B. Hoenig, "Circumcision: the Covenant of Abraham," *JQR*, 53 (1962–1963), pp. 322–334; M.V. Fox, "The Sign of the Covenant: Circumcision in the Light of the Priestly 'ôt Etiologies," *RB*, 81 (1974), pp. 557–596.

principle which places circumcision above the Sabbath rest (the repeated statement "on the eighth day," in the Greek translation of Gen. 17:14, is not to be found in the Masoretic text).[24]

Circumcision was not unknown to the Greeks. As early as the fifth century BCE, Herodotus distinguished between the nations that have from the first (*ap' arches*) practiced circumcision — the Egyptians, the Ethiopians, and the Colchians, inhabitants of an area situated between the Caucasus and Georgia — and those who adopted this practice from the Egyptians; among the latter he named the Phoenicians and the "Syrians of Palestine."[25] The Jewish historian Josephus had no doubt whatsoever that these Syrians could only be Jews,[26] an interpretation which may be traced back to Hecataeus of Abdera through Diodorus.[27] Assuming that Hecataeus and Josephus were right, Herodotus, although he did not mention the Jews directly, was aware of a custom that the Jews shared with some other nations, following the example of the Egyptians, and of which he disapproved: he could understand that the Egyptians themselves practiced it "as a measure of cleanliness," inasmuch as being clean is better than "a good appearance," but he preferred those of the Phoenicians who renounced the Egyptian example when they came into contact with the Greeks. Under the influence of Greek culture, which Herodotus considered superior by definition, this barbarian custom was abandoned.

The critical attitude to circumcision, still discreet in Herodotus' work, subsequently evolved into strange fantasies in the *Geographica* of Strabo of Amaseia: he associates circumcision with castration and the excision of female organs, the latter practice quite mistakenly attributed to the Jews.[28] Roman writers continued and expanded the Greek criticism of

24 Gen. (LXX) 17:9-14. See R. Le Déaut, "La Septante, un Targum?" R. Kuntzmann and J. Schlosser (eds.), *Études sur le judaïsme hellénistique*, Paris 1984, pp. 145–195, esp. 185.

25 *Hist.* 2:104; M. Stern, *Greek and Latin Authors on Jews and Judaism*, I, Jerusalem 1974, no 1 (henceforth: Stern, *GLA*).

26 *Ant.* 8.262; C. *Ap.* 1.168f. See the commentary of Stern, *GLA*, I, pp. 3–4.

27 *Bibl. histor.* 1.28, 2–3 and 55.5; Stern, *GLA*, I, nos. 55 and 57. On the sources of Diodorus, see now the Introduction (*Introduction générale*) of Fr. Chamoux to the French edition of Book I of the "Historical Library" in the "Collection des Universités de France," text established by P. Bertrac and translated by Y. Vernière, Paris 1993, pp. xxii–xxvi.

28 *Geogr.* 16.4.9, p. 771 Kramer, and 17.2.5, p. 824 Kramer; Stern, *GLA*, I, nos. 118 and 124.

circumcision; in a sadly famous page of Tacitus' *Historiae*, it resulted in a veritable anti-Jewish delirium.[29] There was much confusion in the mind of men concerning the various kinds of surgical practices on the genital organs and their purpose. The history of the Jewish people bears the mark of the consequences that were to ensue.

The aversion of Greek and Roman pagans to circumcision was a serious problem for the early Christian Church. As everyone knows, the first Christians were Jews who recognized in the person of Jesus of Nazareth the Messiah announced by the prophets of Israel; they complied with the religious commands of Judaism, starting with the ritual of circumcision. The admission of pagan proselytes, however, raised the question of the role of Mosaic ceremonies in conversion to Christianity: can one become a Christian without first being a Jew? The answer is known. It has been clearly formulated by Paul of Tarsus.

Circumcision "is nothing" (*ouden estin*), the foreskin "is nothing"; what matters, says Paul in his *First Letter to the Corinthians*, is to keep God's commandments.[30] Paul instructs the Galatians that Christians of pagan origin are not obliged to submit themselves to rituals of the Covenant of Abraham; his companion Titus, a Greek notable of Antioch, became Christian "without being compelled to be circumcised."[31] In his *Letter to the Romans*, a Christian community whose members came mainly from the Gentile world, Paul insists upon the importance of the circumcision of the heart, a biblical metaphor which became useful for Christian missionary work among the Gentiles.[32] The true circumcision is the circumcision

29 *Hist.* 5.5. On this text, see H. Heinen, "Aegyptische Grundlagen des Antiken Antijudaismus: Zum Judenexkurs des Tacitus, Historien V 2–13," *Trierer Theologische Zeitschrift*, 102 (1992), pp. 124–149.

30 1 Cor. 7:18–20.

31 Gal. 2:1–9. Paul only states (v. 3) that Titus, who was a "Greek," i.e. pagan, "was not compelled to be circumcised." In contrast to the prevailing opinion, according to which this sentence would prove that Titus was not circumcised, some Church Fathers considered that he was but his circumcision was not required for his conversion to Christianity. What is important here is the absence of compulsion and not the question whether Titus remained uncircumcised or accepted the circumcision ungrudgingly. See, e.g., R. Trevijano, "Tite," *Dictionnaire encyclopédique du christianisme ancien*, II, Paris 1990, p. 2456.

32 Rom. 2:25–29.

which is not "handmade" (*acheiropoietos*);[33] a cruel paronomasia transforms physical circumcision, *peritome*, into mutilation, *katatome*.[34] The conclusion is: circumcision is nothing else but being Christian (*hemeis gar esmen he peritome*).[35] The term *peritome* (circumcision) itself became synonymous with baptism.[36]

Paul's rhetoric had its counterpart in a legal decision in the bosom of the Church. In Antioch, an important Christian center, Christians of Jewish origin warned Christians of Gentile origin that salvation is impossible without circumcision and submission to the Law of Moses: this is what is called the "incident of Antioch." An assembly convened in Jerusalem, probably in 49 CE, decided, in a style which recalls the decrees of Greek cities:[37] it is the decision (*edoxen*) of the Holy Spirit and of the members of the assembly to lay no further burden on our "brothers of Gentile origin" (*ex ethnon*) beyond the essentials, namely to abstain from meat that had been offered to pagan idols (the remainder of it was sold on the market for a low price), from blood, from animals which have been strangled and from *porneia*, a term currently translated as "immorality" or "fornication" but which actually referred to marriages among close collaterals, a custom frequently practiced among the Greeks but prohibited by biblical law.[38] Circumcision was not mentioned.

33 Col. 2:11.

34 Phil. 3:2.

35 Phil. 3:3.

36 H.C. Youtie, "Commentary to ZPE 18, 1975, 101–148" [commenting on a paper by R. Merkelbach, "Der griechische Wortschatz und die Christen"], *ZPE*, 18 (1975), pp. 149–154, especially 152–153: "Peritemno, peritome" (= *Scriptiunculae Posteriores*, I, Bonn 1981, pp. 217–222, esp. 220–221).

37 Acts 15:23–29. Discussion and bibliography in J. Dauvillier, *Les temps apostoliques (1er siècle)* (Histoire du droit et des institutions de l'Eglise en Occident, II), Paris 1957, 2nd ed. 1970, pp. 245–252.

38 On this kind of marriage, see my articles "Die Geschwisterehe in der hellenistischen Praxis und nach römischem Recht," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Romanistische Abteilung*, 81 (1964), pp. 52–82 (= *Statut personnel et liens de famille dans les droits de l'Antiquité*, Aldershot 1993, no. VII and Addenda pp. 6–7), and more recently "'Paroles néfastes' et 'vers obscènes': A propos de l'injure verbale en droit grec et hellénistique," J. Hoareau-Dodineau and P. Texier (eds.), *Anthropologies juridiques: Mélanges Pierre Braun*, Limoges 1998, pp. 569–585 = *Dike* 1 (1998), pp. 151–169. See also R.S. Bagnall and B.W. Frier, *The Demography of Roman Egypt*, Cambridge 1994, especially pp. 127–133: "brother-sister marriage," and bibliography, and more recently Silvia Bussi, "Mariages endogames en Egypte hellénistique et romaine," *Revue historique de droit français et étranger*, 80 (2002), pp. 1–22.

Nevertheless, Jewish circumcision could sometimes prove useful for Christians. Paul did not compel Titus to be circumcised, but he personally circumcised his new disciple Timothy, the son of a Jewish woman and a Greek: if we accept the view that patrilineage was the prevailing rule at that time, he thus converted him to Judaism, the conversion being necessary for his admission to synagogues without offending the Jews of Asia Minor.[39] In his commentary on Paul's *Letter to the Galatians*, Jerome evoked the time during which it was preferable for a Christian, facing Roman authorities, to be circumcised and considered as a Jew rather than to be uncircumcised and suffer persecution.[40] He had in mind the period of some half a century, between 64 CE, when Nero accused the Christians of setting Rome afire, and the beginning of Hadrian's reign during which circumcision was to become (by 120 CE, as we shall see) an illegal practice according to imperial legislation.

Roman Legislation and Egyptian Priests

Circumcision continued to be unpopular among the Romans.[41] But while Roman writers such as Horace and Persius, Petronius and Martial, Tacitus and Juvenal were mocking the "clipped Jews" (*recutiti Iudaei*),[42] "the Jew with the glans of the penis exposed" (*verpus*),[43] practitioners of a custom

39 Acts 16:1–3, following the interpretation of Sh.J.D. Cohen, "Was Timothy Jewish (Acts 16:1–3)?: Patristic Exegesis, Rabbinic Law and Matrilineal Descent," *JBL*, 105 (1986), pp. 261-268 (= *The Beginnings of Jewishness* [above, n. 3], Appendix D).

40 Jerome, *Commentary on the Epistle to the Galatians* 6:12, *PL*, 26, col. 435. On the persecutions against Christians and their (very uncertain) legal basis, see J. Gaudemet, *Institutions de l'Antiquité*, Paris 1982, pp. 687–688, and additional bibliography, pp. 41–42. More recently, O. Robinson, "The Repression of Christians in the Pre-Decian Period: A Legal Problem Still," *The Irish Jurist*, 25–27 (1991–1992), pp. 269–292.

41 V. Marotta, "Politica imperiale e culture periferiche nel mondo romano: il problema della circoncisione," *Index*, 12 (1983–1984), pp. 405–446.

42 Persius *Satire* 5.184 (Stern, *GLA*, no. 190); Petronius *Satyricon* 68.8 (ibid., no. 193); Martial *Epigr.* 7.30 (ibid., no. 240). Horace *Satires* 1.9, 69–70 (ibid., no. 129) mentions "clipped Jews" (*curtis Iudaeis*), a less ironical term than *recutitus*, "who have the skin (cutis) cut off," an expression which implies a voluntary or accidental mutilation. See J.N. Adams, *The Latin Sexual Vocabulary*, Baltimore 1982 (repr. 1991), p. 73, quoted by Sh.J.D. Cohen, *Diasporas in Antiquity* (Brown Judaic Studies, 288), Atlanta 1993, p. 13, n. 47.

43 Martial *Epigr.* 7.82 (Stern, *GLA*, no. 243); 11.94 (ibid., no. 245); Juvenal *Satire* 14.104 (ibid., no. 301). *Verpus* is derived from *verpa*, the penis which is naked because of a protracted erection (ithyphallic Priapus) or by circumcision; it cannot be translated

they found as ridiculous as abstention from eating pork and sabbatical rest, circumcision was officially practiced by the national clergy in Egypt. Philo of Alexandria, who habitually was not very sympathetic towards the Egyptians, did not hesitate to praise them on this account in his encomium on circumcision which opens the treatise *De specialibus legibus*.[44] Philo described the situation existing in Roman Egypt under the Julio-Claudians, when Egyptian priests practiced circumcision as they did in the period of the Sixth Dynasty.

Papyrological documents show that in the second century CE this practice involved a complicated procedure under the control of Roman provincial authorities.[45] It began with a petition addressed to the local authorities (the *strategus*) by the parents or next of kin of the candidate requesting "in conformity with the custom" (but we shall see that actually the formula refers rather to Roman legislation) the delivery of a letter to be presented to the High Priest (*archiereus*) of Alexandria and Egypt, a Roman procurator in charge of cults and temples, for the approval of the circumcision.[46] The *strategus* ordered an Egyptian priestly college to inquire about the candidate's aptitude. The conclusions of this inquiry were transmitted to him in the form of an expert's report (*prosphonesis*) concerning the candidate's status as a hereditary member of the "priestly class" (*hieratikon genos*).[47] Thereupon the *strategus* could deliver the letter (*epistole*) requested by the

simply by "circumcised," as in modern editions which expunge the visibly ironic if not obscene connotation of this term (cf. J.N. Adams, *Latin Sexual Vocabulary*, pp. 12–14). "Circumcised," in a neuter (medical) meaning of the word, is expressed in Latin by *circumcisus* or *circumsectus*: see Celsus *De medicina* 7.25, 1.

44 Philo *Spec. leg.* 1.1–11.

45 The documents were collected for the first time by U. Wilcken, "Die ägyptischen Beschneidungsurkunden," *Archiv für Papyrusforschung*, 3 (1903), pp. 4–13. Additions: M. Kaimio, "58. Beschneidungsantrag," *Festschrift zum 100-jährigen Bestehen der Papyrussammlung der Oesterreichischen Nationalbibliothek (P. Rainer Cent.)*, Vienna 1983, pp. 339–342 (P. Vindob. G 27706, Soknopaiou Nesos, ca. 156 CE), list: p. 340; P.J. Sijpesteijn and K.A. Worp, "Einige Papyri aus den Giessener Papyrussammlungen, VI," *Aegyptus*, 67 (1987), pp. 45–72 and pl. 1–14 (P.Iand. inv. 250 et 615, Oxyrhynchite, 207/208 CE).

46 See, e.g., P. Tebt. II 292 = L. Mitteis and U. Wilcken, *Grundzüge und Chrestomathie der Papyruskunde*, I: *Historischer Teil*, 2: *Chrestomathie*, Leipzig 1912 (henceforth: Wilcken, *Chrestomathie*), no. 74 (Tebtunis, 189/190 CE).

47 E.g., P. Tebt. II 293 = Wilcken, *Chrestomathie*, no. 75 (Tebtunis, ca. 186 CE).

parents, with the proposal to authorize the circumcision.[48] Provided with this letter, the petitioners had to bring the candidate before the High Priest. The latter bestowed the permission to be circumcised upon the boy in the form of a judicial sentence, with representatives of the clergy present as experts.[49]

Why were so many strictures necessary for the respect of an ancient custom going back to the Old Kingdom? The concerns of the Imperial Government for the rights and duties of the Egyptian priests are not sufficient justification for the establishment of such a complex procedure, requiring a judicial decision reserved for the competence of a high Roman official. The fact that this procedure is not attested before the middle of the second century CE is not coincidental. We are dealing with an exception in a body of legal rules of binding force in the Roman Empire. Let us make this point clear.

In Republican times, surgery practiced on the genital organs did not disturb Roman lawgivers. With the coming of the empire and the proliferation of these proceedings, frequent among Easterners but of which Romans disapproved, the latter were quick to react. Castration was the first target. Suetonius informs us that Domitian imposed a ban on it: "he prohibited the castration of males" (*castrari mares vetuit*).[50] The historical context suggests an imperial constitution designed to restrict abuses in slave trade.[51] By means of a senatus consultum under Domitian's successor Nerva, in 97 CE, the ban was confirmed.[52] On the basis of another senatus consultum,

48 E.g., P. Rain. Cent. 58, ed. M. Kaimio (above, n. 45) (Soknopaiou Nesos, 156 CE?).

49 BGU I 347 = Wilcken, *Chrestomathie*, no. 76 (with new readings); *Select Papyri*, with an English translation by A.S. Hunt and C.C. Edgar, vol. II, London and New York 1934, no. 244; P.W. Pestman, *New Papyrological Primer*, Leiden 1994, no. 48 (Soknopaiou Nesos, 171 CE).

50 Suet. *Domitianus* 7.1. Cf. D. Dalla, *L'incapacità sessuale in diritto romano*, Milano 1978, pp. 78–79.

51 Domitian's decision has left interesting traces in literary sources, e.g. Philostrates *The Life of Apollonios of Tyana* 6.42; cf. Dalla, loc. cit. Its wide-reaching action in the Roman Empire is attested by Cassius Dio 67.2–3 and by Ammianus Marcellinus *Hist.* 18.4–5.

52 Venuleius Saturninus *De officio pronconsulis* l.1D. 48.8, 6. For the date see *Année épigr.*, 1954, p. 63, no. 220; cf. R. Syme, *Tacitus*, II, Oxford 1952, append. 86 (p. 729); P. Garnsey, *Social Status and Legal Privilege in the Roman Empire*, Oxford 1970, p. 159 and n. 1; cf. Dalla, *L'incapacità* (above, n. 30), pp. 85–86.

under the reign of Trajan,[53] prohibited castration became subject to the penalty of deportation by virtue of the *lex Cornelia de sicariis et veneficiis*, a law enacted under Sulla in 81 BCE against murderers and poisoners and maintained in force until the epoch of Justinian.[54]

During Hadrian's reign this legislation was enlarged and strengthened, as attested by a rescript of this emperor preserved by Ulpian, the most prolific of Roman jurists.[55] The rescript starts by referring to the previous legislation on castration (*constitutum est...*). Thereafter new rules introduced by Hadrian himself are reported (*plane*, etc.). The emperor orders provincial governors to examine all the complaints concerning castration: whatever might be the status of the plaintiff, the governor must give him a hearing. Castration is prohibited in any case: freeman or slave, willing or unwilling, no one should castrate another nor should anyone voluntarily offer himself for castration. Around 130 CE, another rescript of the same emperor reported by Paulus, Ulpian's contemporary, states that all these regulations also apply to emasculation by squashing the testes (*thlibias facere*).[56]

The last sentence of the first rescript is of particular interest for us.[57] It refers to an edict of Hadrian (*edictum meum*) which instituted capital punishment for a doctor performing "excision" (*medico... qui exciderit*) and for any person who voluntarily offered himself for it (*qui se sponte excidendum praebuit). Excidere* is certainly a verb which suits castration. But the expressions *qui exciderit* and *qui se sponte excidendum praebuit* would not make much sense here if they were only doublets to *castrare* and *se sponte castrandum praebere*, situations which are dealt with in Hadrian's rescript. Like its modern derivative "to excise," the Latin verb *excidere* can also be used for other parts of the human body, e.g. *uterus* or *partus*.[58]

53 Marcianus *Institutiones*, l.14D. 48.8, 3, 4. Cf. E. Volterra, "Senatus Consulta," *Novissimo Digesto Italiano*, 16, Torino 1969, pp. 1047–1078.

54 Reconstruction: J.-L. Ferrary and M.H. Crawford (eds.), *Roman Statutes*, II, London 1996, no. 50, pp. 749–753, based on an earlier study of the same authors: "Lex Cornelia de sicariis et veneficiis," *Athenaeum*, 79 (n.s. 69) (1991), pp. 417–434 (with selective bibliography). See also B. Santalucia, *Studi di diritto penale romano* (Saggi di storia antica, 7), Rome 1994, pp. 118–125, esp. 124, on the extension of this statute to the prohibition of castration.

55 *De officio proconsulis* l.7 D. 48.8, 4, 2. On Ulpian, see above, nn. 16 and 17.

56 Ibid. l.2 D. 48.8, 5.

57 Ibid. D. 48.8, 4, 2 i.f.

58 Ulpian *Ad legem Iuliam et Papiam* l.8 D. 50.16, 141; cf. Marcellus *Digesta* l. 28 D. 11.8, 2.

A.M. Rabello is perfectly right in considering that *excidere praeputium* is as easily imaginable as *excidere testiculos*.[59] In present times, speaking about "excision," we have in mind the ablation of the clitoris, which is shocking for us; for the Roman imperial lawgiver, who was shocked by the practice of circumcision, what came first to mind was not the clitoris but the foreskin. For Hadrian, circumcision was simply a form of castration. Consequently, the penal measures attached to the prohibition of castration were extended to circumcision. Imperial law officially ratified the confusion which for a long time had been widespread among the Gentiles, as echoed by Greek and Roman writers.

Hadrian's Edict and Its Date

For the Jews and for the Egyptians, for whom circumcision was a ritual of vital importance, Hadrian's edict was a disaster. Protests soon arose and a dual exception had to be introduced into the new regulation. The Egyptians, cherished by Hadrian, were the first to obtain satisfaction: the privilege permitting the circumcision of Egyptian priests was promulgated immediately after the edict. The Jews had to wait longer. It is possible to establish a chronology of this legislation, concerning the edict itself as well as the dual exception in favor of the Egyptians and of the Jews. To this effect, we must compare the juridical texts which we just examined with documentary evidence contained in the Greek papyri from Egypt.

A clue is provided by the information that papyrology offers to historians concerning the High Priest of Alexandria and Egypt who, as we have seen, played a central part in the procedure used to bring into effect the privilege bestowed on Egyptian priests. In light of papyrological evidence it is possible to affirm that this office was instituted by Hadrian between June and August 120 CE, toward the end of the fourth Egyptian year of his reign. This is the date we find in the edict of the prefect of Egypt, T.

59 A.M. Rabello, "The Ban on Circumcision as a Cause of Bar Kokhba's Rebellion," *Israel Law Review*, 29 (In honor of R. Yaron) (1995), pp. 176–214, esp. 192 (= A. M. Rabello, *The Jews in the Roman Empire: Legal Problems from Herod to Justinian*, Aldershot 2000, no. V). This study is an expanded version of a Hebrew paper published under the same title in A. Oppenheimer and U. Rappaport (eds.), *The Bar-Kokhba Revolt: A New Approach*, Jerusalem 1984, pp. 27–46. See also the Italian version: "Il problema della 'circumcisio' in diritto romano fino ad Antonino Pio," *Studi in onore di A. Biscardi*, II, Milano 1982, pp. 187–214, esp. 204.

Haterius Nepos, regulating temple activities, a "chapter" of which has been preserved in a papyrus of the Fuad collection.[60] Other fragments of the same edict, in a papyrus belonging to the collection of Yale University, have been published more recently: here the prefect Haterius Nepos announces a decision of the emperor Hadrian "instituting (*katastesas*) the High Priest of *divi Augusti* and Great Sarapis, in charge of the temples of Alexandria and Egypt."[61]

Considering that the office of the High Priest of Alexandria and Egypt is inseparable from the privilege conferred by Hadrian on the Egyptian clergy regarding the circumcision of young priests, the date revealed by the Fuad papyrus with regard to the High Priest almost certainly is also the date of this privilege. And as the privilege is to be dated to the summer of 120 CE, Hadrian's ban on circumcision (*edictum meum*), to which the privilege was added as an exception, was promulgated at the beginning of 120 or at the end of 119, about two years after his accession to the imperial throne. The rescript on proceedings in cases involving castration, in which a reference to the ban on circumcision was made, may have been sent to the governor of an Oriental province, e.g., the legate of Syria, toward the end of 120. Ten years later, the rescript to the proconsul of Asia, Ninnius Hasta, was to achieve the legislation destined to eradicate the practice of "genital manipulations" in the Roman Empire, along with the various aspects of this phenomenon.[62]

That the emperor Hadrian issued a general prohibition of circumcision is beyond dispute, but when and why he did so has been debated. Now, by connecting Greek papyri from Egypt with Roman juristic writings we are able to determine the date and the form of Hadrian's ban on circumcision: an

60 P. Fouad 10 (June-August 120 CE), ed. O. Guéraud; first edition, with a longer commentary, idem, *Mélanges offerts à A.-M. Desrousseaux*, Limoges and Paris 1937, pp. 199–209. As to the date, only the numeral 4 and the beginning of the month are preserved in l.14 of the original. As Haterius Nepos was prefect of Egypt under Hadrian between 120 and 124, the regnal year given in our document is certainly 119/120 CE. Concerning the month, Guéraud's first reading was Ep[eiph], which would indicate some time between 25 June and 24 July; subsequently he read Ep[agomenon], which would refer to the last days of Hadrian's fourth year, i.e., 24 to 28 August 120 CE. Both readings are paleographically acceptable.

61 P. Yale inv. 1394 v^0, ed. G.M. Parássoglou, "A Prefectoral Edict Regulating Temple Activities," *ZPE*, 13 (1974), pp. 21-37 and pl. II = *SB* XII 11236 (120 CE).

62 D. 48.8, 5, quoted above, n. 56.

imperial edict to be dated 119/120 CE. The ban provoked conflicts between the Roman government and nations attached to the ritual of circumcision, the Egyptians and the Jews. We have seen how the conflict was settled as far as the Egyptians were concerned. How did the Jews fare?

IMPERIAL PRIVILEGES AND JEWISH PERSONAL STATUS

Bar Kokhba's Rebellion and "Genital Surgery"

One point is sure: the Jews had to wait until the reign of Antoninus Pius (138–161 CE) to receive a privilege comparable to the favor granted by Hadrian to the Egyptians.[63] We shall presently discuss the limits of this concession and its consequences. Let us first state another certainty: in the light of our inquiry, the hypothesis that the ban on circumcision might have been a measure of retaliation imposed by Hadrian against the Jews after Bar Kokhba's rebellion is refuted; this hypothesis could conceivably apply to the revolt of 115–117, but not to that of 132–135 CE. We not only know that Hadrian's edict equating circumcision with castration was promulgated a good dozen years before the Bar Kokhba uprising. We also know that it was not directed exclusively against the Jews, since it was conceived as a general rule for the Roman Empire in its entirety.

On the other hand, the edict certainly was one of the factors that stimulated the outbreak of the rebellion. Without being its unique or most important cause, as the author of *Historia Augusta* adduces,[64] it could be the first piece of the mechanism set in motion when Hadrian, during his Oriental trip in 128–130, decided to transform Jerusalem into Aelia Capitolina.[65] Rabbinical sources echo its impact, recalling an imperial *gezera* in connection with

63 Modestinus *Regulae* l.6: D. 48.8, 11 pr. This text is reproduced and commented by A. Linder, *The Jews in Roman Imperial Legislation*, Detroit and Jerusalem 1987, no. 1, pp. 99–103 (add "pr." to the reference). As to the date — ca. 138–155 CE — we may follow Linder, p. 99, against the hypothesis of M. Smallwood, "The Legislation of Hadrian and Antoninus Pius against Circumcision," *Latomus*, 18 (1959), pp. 334–347.

64 *Vita Hadriani* 14.1–2

65 Cassius Dio *Rom. Hist.* 69.12

the "time of the destruction" (*she'at hashmad*),[66] making mention of a *sikarikon* which almost certainly refers to the *lex Cornelia de sicariis*,[67] and reporting the discussion of the rabbis about the risks and advantages of reiterated circumcision from a religious and medical viewpoint.[68]

Yet, if it was not in order to punish the Jews, why did Hadrian, a pragmatic ruler, decide to increase and toughen the measures enacted by his predecessors, thus creating an explosive situation jeopardizing the Roman peace? At the beginning of the third century CE, the Roman jurist Marcianus, commenting upon the *lex Cornelia* in his *Institutes*, offers an *a posteriori* explanation of the real motives of all this legislation: it was aimed at preventing the castration of slaves for erotic or commercial purpose, *libidinis vel promercii causa*.[69] Under the Principate, the traffic of castrated slaves for the service of rich people reached such an extent that vigorous intervention of the lawgiver had become necessary.[70] As to the *libido*, one need only consider the Roman ladies, admonished by Juvenal: for the pleasure of his mistress a lovely young man was emasculated.[71] Like other ancient writers, and in conformity with medical science, Juvenal knew that castration effectuated after puberty did not destroy masculine capacity for erotic performance. He was reprimanding the lascivious ladies who were obtaining lovers with warranted infertility among the slaves of their own *familia*, while they disparaged the slave dealers who were selling boys castrated in their childhood and thus completely impotent. Juvenal

66 See M. Hadas-Lebel, *Jérusalem contre Rome*, Paris 1990, p. 173, quoting the sources, and table, p. 175. The contrast between "the abundance of rabbinic sources and the silence of Greek and Latin sources concerning this subject" (ibid.) vanishes in the light of our inquiry. See also P. Schäfer, *Der Bar Kochba-Aufstand: Studien zum zweiten jüdischen Krieg gegen Rom*, Tübingen 1981, pp. 211–212, 223–224.

67 D. Sperber, *A Dictionary of Greek and Latin Legal Terms in Rabbinic Literature*, Ramat Gan 1984, pp. 120-121. Cf. A. O[ppenheimer], "Sikarikon," *EJ*, Jerusalem 1972, and Rabello, "Ban on Circumcision" (above, n. 59), p. 213, n. 111 (with further literature).

68 Tos. Shabbat 15:9. See Rabello, "Ban on Circumcision," pp. 196–197.

69 Marcianus *Institutiones* l.14 D. 48.8, 3–4. We do not have any information about the career of Aelius Marcianus, but we do know that he was active after Caracalla, under Elagabalus and Alexander Severus: W. Kunkel, *Herkunft und soziale Stellung der römischen Juristen*, Weimar 1952, pp. 258–259.

70 See P. Guyot, *Eunuchen als Sklaven und Freigelassene in der griechisch-römischen Antike,* Stuttgart 1980, esp. pp. 45–51.

71 Satire 6.366–373. Cf. J. Gérard, *Juvénal et la réalité contemporaine*, Paris 1976, pp. 130–131.

joins with Martial and Statius who praised Domitian for imposing a limit on the selfishness and violence of slave-masters and restraining the cupidity of slave merchants.[72]

To bring this to a definitive end, Emperor Hadrian decided to forbid surgery on genital organs in any form whatsoever. The widespread confusion equating circumcision with castration facilitated his decision. The Christian assembly in 49 CE merely exempted pagan proselytes from the Jewish ritual, hereafter no longer a prerequisite for admittance to the New Covenant; the Christians were not in a position to ban circumcision. Hadrian was: in the name of *humanitas*, an approximate Roman equivalent to our "human rights," he submitted circumcision to the penal sanctions applied to castration on the basis of *lex Cornelia.*[73] In the long term, his determination led neither to the eradication of castration, which was to flourish at the imperial court in the Late Roman Empire,[74] nor to the elimination of Jewish proselytism, which continued to be active on the fringes of the legal order, as is attested by imperial constitutions from the Constantinian period.[75] For the time being, his "humanism" produced a dual effect, unpredictable for Hadrian, but of a central importance for both the relations between Jews and Gentiles and for the personal status of the Jews themselves.

72 Martial 6.2, 2; 6.2, 6; 9.5[6], 4; 9.5[6], 9; 9.7[8], 3 and 4; 9.7[8], 6 and 8; Statius *Silv.* 3.4, 73–74.

73 On the *humanitas* of Roman imperial legislators, see H. Kupiszewski, "Humanitas et le droit romain," J.E. Spruit (ed.), *Maior Viginti quinque annis: Essays in Commemoration of the Sixth Lustrum of the Institute for Legal History of the University of Utrecht*, Assen 1979, pp. 85–103, and the chapter on "Humanitas and Roman Law" in his *Roman Law and the Contemporary World* (Polish), Warsaw 1988, pp. 176–197, especially 187–188. For Hadrian, a good example is BGU I 140, text and commentary in *Les lois des Romains*, Camerino 1978, C. VIII (12), pp. 446–448. More recently A. Palma, *Humanior interpretatio: 'Humanitas' nell'interpretazione e nella normazione da Adriano ai Severi*, Torino 1992, pp. 3–5, quoting this document (in the old edition *Fontes Iuris Romani Antejustiniani* I 78), but without contributing new elements to its interpretation.

74 See Guyot, *Eunuchen als Sklaven* (above, n. 70). More recently, H. Scholten, *Der Eunuch in der Kaisernähe: Zur politischen und sozialen Bedeutung des 'praepositus sacri cubiculi' im 4. und 5. Jahrhundert n. Chr.* (Prismata, 5), Frankfurt/M 1995.

75 C.Th. 16.8, 1 (a. 329); Const. Sirmond. 4, C.Th. 16.9, 1 and 16.8, 5 (a. 335); C.Th. 16.9, 2 and 16, 8, 6 = C.J. 1:10, 1 (a. 339); cf. Linder, *The Jews in Roman Imperial Legislation* (above, n. 63), nos. 8, 10, and 11 (pp. 124–132, 138–151). On the constitution of 339, which forbade the Jews to possess Christian slaves, see now F. Lucrezi, "C.Th. 16 l. 9, 2: diritto romano-cristiano e antisemitismo," *Labeo*, 40 (1994), pp. 220–234.

Intermarriage and Jewish Demography

By declaring circumcision illegal in the Roman Empire, imperial legislation finalized the cleavage between Jews and Christians. Roman law thus gave the final touch to the movement which had begun in the middle of the first century CE, and which was to transform the Jewish sect constituted by the partisans of Jesus of Nazareth into a universal religion, more Greek than Mosaic.[76] On the other hand, Hadrian initiated the legislative process eventually leading to the exclusivity of the principle of matrilineal filiation in Jewish family law.

Speaking about *mutilare genitalia*, the author of *Historia Augusta* does not simply mock "a ludicrous rebellion."[77] He makes use of a technical term designating a particular offense which covered all sorts of surgical interventions undertaken in order to modify the natural shape of genital organs by the excision or compression of the testicles, as well as by the ablation of the foreskin.[78] The punishment for this offense rested on the *lex Cornelia*, the prohibited mutilations being considered a violation of the human body, comparable to murder or poisoning; the death penalty, however, was reserved for culprits of lower rank, whilst members of the

76 On this point, see first of all Fr. Blanchetière, "Comment le même est-il devenu l'autre ou comment juifs et nazaréens se sont-ils séparés?" *Revue des sciences religieuses*, 71, no. 1 (1997), pp. 9–32, a French version of his contribution to the Haifa conference. See also his paper "La 'secte des Nazaréens' ou les débuts du christianisme," Fr. Blanchetière and M.D. Herr (eds)., *Aux origines juives du christianisme*, Jerusalem and Paris 1993, pp. 65–91, and the collection of his studies *Aux sources de l'anti-judaïsme chrétien* (Cahiers du Centre de recherche français de Jérusalem, Série: Hommes et Sociétés), Jerusalem 1995, and his book *Enquête sur les racines juives du mouvement chrétien (30–135)*, Paris 2001.

77 B. Isaac, "Orientals and Jews in the *Historia Augusta*: Fourth-Century Prejudice and Stereotypes," I.M. Gafni, A. Oppenheimer, and D.R. Schwartz (eds.), *The Jews in the Hellenistic-Roman World*, Jerusalem 1996, pp. 101*–118*, esp. 112*–114*.

78 *Mutilare*, in Latin, with the sense of "cutting off, clipping," can be employed concerning different parts of the human body: the nose, the ears, etc. (see e.g., Livius *Ab urbe cond.* 29.9; the noun *mutilatio* appears only under the later Roman Empire: Cassiodorus *Varia* 10.28). If *Historia Augusta* does not use the verb *circumcidere*, but *mutilare*, this is because in the fourth century CE the latter had already acquired a more extended sense, applying to any form of manipulation of genital organs: see Dalla, *L'incapacità* (above, n. 30), p. 92 and n. 54 (more convincing than Smallwood, "The Legislation" [above, n. 63], p. 336).

higher social classes (*honestiores*) underwent banishment (*deportatio*) or exile for life (*relegatio*) along with the confiscation of their property.[79]

The *mutilatio* was illegal only when it was perpetrated for commercial purposes or for the satisfaction of "loose desires," *libidinis vel promercii causa*; thus, circumcision remained permissible when it was effectuated with a religious aim, provided that the permission had been clearly formulated as an official norm. Such was not the case of the Syrian Elagabalus who circumcised himself in honor of his Syrian god when he became Roman emperor; he did not, however, consider himself bound by a strict observance of the law: *principi omnia licent*.[80] The only legal exceptions formally in force were those we already know concerning the Egyptian priests and the Jews. And these were rigorously restrictive.

As far as the Egyptians are concerned, the exception, as we have seen, was limited to the sons of priests and subject to the condition of dual sacerdotal descent, on the father's and the mother's sides. As for the Jews, an intricate procedure of individual authorizations, as was applied in Egypt to boys at the age of seven to eleven years, was not applicable in the case of eight-day-old infants. If the Jews were to be granted a privilege comparable to the favor bestowed on the Egyptians, this privilege could only be awarded *en bloc*, for all male children. Such a measure would be a serious infraction for the Hadrianic prohibition, and Hadrian was more concerned about the respect for his legislation than he was worried by the possibility of Jewish rebellions. Thirty years later, his successor Antoninus Pius suppressed this obstacle, but the exemption granted to the Jews was to function within strict limits: they were allowed to circumcise only their own sons; slaves, who were not born as Jews, as well as candidates for conversion to Judaism were clearly excluded. The offenders were promised

79 *Pauli Sent.* 5.23 (Ad legem Corneliam), 13. According to D. Liebs, "Die pseudopaulinischen Sentenzen, I–II," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Romanistische Abteilung*, 112 (1995), pp. 151–171; 113 (1996), pp. 132–242, the "Sententiae" attributed to the jurist Paulus represent the state of the Roman law as it was in force in a Roman province (Numidia?) a few years before 300 CE. For the mention of *honestiores* appears as early as the Antonine period: G. Cardascia, "L'apparition dans le droit des classes d'honestiores et d'humiliores," *Revue historique de droit français et étranger*, 28 (1950), pp. 305–337, 461–486.

80 Dio Cassius 80.11:1. The opinion of Shaye Cohen, *Diasporas in Antiquity* (above, n. 42), p. 20, according to whom Elagabalus' circumcision "indicates that the Hadrianic prohibition was no longer in force" in 218 CE, is not persuasive.

exile for life as a punishment for their crime; the death penalty for the surgeon (the *mohel*), which had already been ordered in the Hadrianic edict, was maintained.[81]

We must consider these measures in connection with the state of Jewish people after the great calamities which overwhelmed the Jews at the end of the first and in the first half of the second century CE. Jewish demography was in free fall. After the failure of the Bar Kokhba rebellion, Judea was laid to waste. Cassius Dio speaks of some 580,000 men who were slain in battle, a figure to which must be added the incalculable number of "those that perished by famine, disease and fire."[82] To compensate for these losses, Jewish diasporas were unable to function as an external human reserve, comparable to contemporary Russian Jewry which supplied Israel with half a million Ashkenazim. The Jewry of Alexandria and Egypt, abounding with more than 300,000 members, disappeared in the wake of the rebellion of 115–117 CE, while Jewish proselytism had been stopped by Roman law.

These factors formed the historical framework in which the matrilineal principle was adopted as a general rule. Concerning the social background of this generalization, the heartbreaking cases of Jewish women raped by Roman soldiers during the wars of 66–70 and 132–135 should not be disregarded. But other situations must also be taken into consideration, especially mixed marriage. Rapes *en masse* only occur during wars, whereas the Hadrianic prohibition of circumcision, a condition *sine qua non* for conversion to Judaism, had a lasting effect; Antoninus Pius did not change this situation, since he permitted only the circumcision of sons born to Jewish parents. Marriage of Jewish women with partners of non-Jewish origin, involving the conversion of the husband to Judaism, became illegal.[83]

In a society combining monogamy with patrilineage, a Jewish father who had difficulty finding Jewish husbands for his daughters and who accepted a non-Jewish son-in-law had to resign himself to the idea that he would have non-Jewish grandchildren. In addition to the scarcity of men caused by

81 *Pauli Sent.* 5:22 (De seditiosis), 3–4. Cf. Linder, *The Jews in Roman Imperial Legislation* (above, n. 63), no. 6 (pp. 117–120).

82 Cassius Dio (Xiphilinus) 69.14.

83 That sometimes circumcision could be attractive for Gentiles, despite the critical attitude of Greek and Roman writers, is suggested by Z. Zmigryder-Konopka, "Les Romains et la circoncision des Juifs," *Eos*, 33 (1930/31), pp. 334–350. On the author: I. Biezunska-Malowist, "Zdzislaw Zmigryder-Konopka", *Index*, 21 (1993), pp. 141–155.

the wars, the patrilineal filiation was becoming a burden which threatened a demographic *shoah* before long. In this situation, the generalization of matrilineage could be regarded as a radical reaction of the Tannaim to this danger. The offspring of a Jewish mother, resulting from a rape or begotten, with her consent, by a non-Jewish father who could not join Jewish society because of the ban on circumcision, even if he wished to do so, was henceforth Jewish. The Jewish mother could have her sons (*filios suos*, as Modestinus says) circumcised according to the commandment of the Torah.

In an early stage of the *halakhah*, the child of such a couple was a *mamzer* (or a *mamzeret*), which signified that he (or she) could not marry a native-born Jew (Jewess), unless he (or she) accepted that the children would also be *mamzerim*.[84] From the point of view of Jewish demography, the rabbinic debates on the status of the *mamzer* are far from being purely theoretical. On the contrary, the Tannaim were discussing a very important topical matter: for a Jewish woman, is it better to have a child who is a *mamzer* but Jewish or a child who is legitimate but Gentile? In the middle of the second century CE, a male Gentile *could not* legally convert to Judaism, pace Shaye Cohen,[85] whereas the *mamzerut* of children recognized as Jewish through their mother could be discarded by the *halakhah*. That is what was to occur. The rule that "the offspring of a Gentile and a daughter of Israel is a *mamzer*" was abolished by the Amoraim, and although the debate was to continue in later times, their opinion became the basis of the *halakhah* which prevails today.[86]

Matrilineal Descent: Local Traditions and Roman Provincial Law

Matrilineage conditioned the survival of Jewish people. Yet, in the Roman Empire, matrilineal descent could not be adopted or confirmed by a local population without the consent of the imperial authority. As a consequence of their conception concerning the conditions for a legal marriage (*conubium*),

84 M. Yevamot 7:5.

85 Cohen, "Matrilineal Principle" (above, n. 5), p. 49. Conversions *de facto* could still occur on the fringe of official law, as rabbinic literature and Justin Martyr's *Dialogue with Trypho* indicate.

86 On this evolution, see Ch. Touati, "Le mamzer, la zona et le statut des enfants issus d'un mariage mixte en droit rabbinique: Etude d'un développement historique," G. Dahan (ed.), *Les Juifs au regard de l'histoire: Mélanges B. Blumenkranz*, Paris 1985, pp. 37–47 (= *Prophètes, talmudistes, philosophes*, VIII, Paris 1990, pp. 101–114).

Roman jurists proclaimed the existence of a principle common to Romans and other peoples (*ius gentium*) according to which a child born to parents between whom there was no capacity to marry (*conubium*) automatically took the status of the mother: *iure gentium matris condicioni accedit*, as Gaius has it.[87] Actually, this rule applied only to intermarriage between Roman citizens and foreigners. Marriages between peregrines were subject to special regulations established by what we call "Roman provincial law" — a law emanating from the Roman lawgiver, but destined for the populations of the Roman provinces. In this respect Gaius must be completed by a text of Ulpian, placed by the Byzantine compilers at the beginning of Book 50 of the Digest, possibly in recognition of its historical importance.[88]

Ulpian quotes some cases in which the right to establish the child's status in accordance with that of the mother has been granted to specific groups of inhabitants, in Italy and in the provinces of the empire, through imperial privilege. Children of a Campanus and a woman of Puteoli were *municipes Campani*, like their father, unless a special privilege authorized them to take the status of the mother (*nisi forte privilegio aliquo materna origo censeatur*). The same rule applied to some Greek cities, such as Delphi or Ilion, or to the inhabitants of a Roman province as in the case of Pontus, on the basis of a privilege granted to them by Pompey the Great.[89] A discussion arose among the Roman jurists about the extent of the privilege. Some of them thought that it applied only to children born of parents between whom there was no *conubium* (*vulgo quaesiti*). Ulpian, following Celsus (who was member of the Imperial Council under Hadrian), tended to limit its application to parents who were citizens of two different cities, since illegitimate children would in any case have the status of the mother.

The latter opinion is appropriate for Roman law, but not for the Eastern provinces of the empire. In Greek tradition, unless intermarriage was legally admitted by the laws of a city or by an international treaty (*epigamia*), the child of a citizen and a foreign woman (*matroxenos*) took the status of his father, but was entirely or partially unable to perform his civic rights. A good illustration of this phenomenon is the condition of the Athenian

87 Gaius *Inst.* I.78. Cf. above, nn. 12 and 13.

88 Ulpian *Ad ed.* 2: D. 50.1, 1, 2. Cf. M. Humbert, *Municipium et civitas sine suffragio: L'organisation de la conquête jusqu'à la guerre sociale*, Rome 1978, p. 275.

89 We do not know whether this privilege was a part of the *lex Pompeia* mentioned by Strabo *Geogr.* 13.3, 1 and Plinius *Epist.* 10.79 [83]; 80 [84] or was added to it.

nothoi, who were Athenians, like their fathers, but possessed only "virtual" citizenship.[90] However, the opinion of Celsus and Ulpian could sometimes mirror the situation of Greek cities in the Roman Empire. The citizens of Antinoupolis, a city established in Egypt by Hadrian in 130 CE in honor of his favorite, Antinous, who drowned in the Nile, could marry "Egyptians" (in reality the Greeks of the *chora*) by virtue of an imperial privilege.[91] In addition, another imperial privilege enabled the child of an Antinoite woman and a Greek father who was not a citizen of Antinoupolis to take the status of the mother.[92] We may add this case to the list given by Ulpian, which is by no means exhaustive.

In any case, matrilineal descent among the provincial populations in the Roman Empire required an official recognition in the form of an imperial privilege. Whatever was applicable to Campanian municipal citizens, to the Greeks of Delphi and Ilion, to the inhabitants of Pontus and to the Antinoites must also have been applicable to the Jews. Official documents from the early imperial period show that Roman control over the legal consequences of intermarriage among peregrines was not limited to citizens of Greek cities; it also extended its range of action to members of national groups (*nationes, ethne*) who did not belong to a civic community.[93]

This was the case for the Jews. If the Jews in the Roman Empire were allowed to determine the Jewishness of their children according to the status of the mother, it is because they must have been authorized by

90 For the details, see the literature quoted in my "Dryton le Crétois et sa famille ou les mariages mixtes dans l'Egypte hellénistique," idem, *Statut personnel* (above, n. 38), no. VIII, pp. 355–356. See also D. Ogden, *Greek Bastardy in the Classical and Hellenistic Periods*, Oxford 1996.

91 Papyrus Reinach, ed. Seymour de Ricci, *Comptes rendus de l'Académie des Inscriptions et Belles-Lettres*, Paris 1905, pp. 106–168 = Wilcken, *Chrestomathie*, 27 v^0. See my paper "Un aspect du 'couple interdit' dans l'Antiquité: les mariages mixtes dans l'Egypte hellénistique," L. Poliakov (ed.), *Le couple interdit: Entretiens sur le racisme*, Paris, La Haye, and New York 1980, pp. 53–73, esp. 64–67.

92 P. Vindob. Bosw. 2 (248 CE). Cf. H. Braunert, "Griechische und römische Komponenten im Stadtrecht von Antinoopolis," *JJP*, 14 (1962), pp. 73–88, esp. 77–79 (= idem, *Politik, Recht und Gesellschaft in der griechisch-römischen Antike: Gesammelte Aufsätze und Reden*, eds. K. Telschow and M. Zahrnt, Stuttgart 1980, pp. 328–341, esp. 331–333), followed now by Fr. Sturm, "Ha conferito Hadriano une statuto personale speciale agli antinoiti?" *Iura*, 13 (1992), pp. 83–97, esp. 87–88.

93 Gnomon of the Idiologue, §§ 11–13, 38 and 39, 45–52, 57. See Modrzejewski, "Un aspect du 'couple interdit'" (above, n. 91).

Roman imperial law to do so, whatever the Jewish tradition which paved the way to this solution. The privilege of matrilineage will have appeared as an addition to the privilege authorizing the Jews to circumcise their sons, which was granted by Antoninus Pius by 150 CE. During the negotiations between the Imperial Government and the Tannaim, to which rabbinical sources allude, the Jews most probably requested the restitution of the legal practice of circumcision in its traditional form: for their sons, for their slaves and for the proselytes. Only the first element of this request was granted: they were allowed to circumcise their sons, *filios suos tantum*. Slaves and proselytes were excluded. But an additional privilege, which is not reported by Modestinus, granted the Jews the permission to establish the status of a child in accordance with that of the mother.

This conclusion can easily be verified in a chronological perspective. We may assume that the two tendencies, patrilineage and matrilineage, coexisted in Jewish postexilic society. We cannot here broach the discussion about the origins and historical development of this coexistence. But we must remember that in the first century of the Common Era, biblical patrilineage was still in effect. Let us recall the case of Timothy. Given the attitude of Paul toward circumcision, there is very little probability that the "Apostle of the Gentiles" was accomplishing a *mitzvah* by circumcising a Jew who had not yet been circumcised. Paul decided to convert to Judaism a man who was not Jewish because, although born of a Jewish mother, he had a heathen father.[94]

The narrative of Josephus concerning the marriages in the Herodian family corroborates this evidence. A Greek or an Arab prince who wished to marry a Jewish princess had to proclaim his adhesion to Judaism and to be circumcised; the Jewishness of his wife was not a sufficient condition to warrant that of the children.[95] The Herodian family, whose members used to settle their quarrels by slaying troublesome rivals, is certainly not a model of virtue. But our concern is not to pass moral judgment on them. What is important for us is Josephus' testimony concerning the state of Jewish

94 Cf. above, n. 39.

95 *Ant.* 16.7, 6 (225); 18.5, 1 (109); 18.5, 4 (139 and 141); 19.9, 1 (355); 20.7, 1–3 (139–145). See M. Hadas-Lebel, "Les mariages mixtes dans la famille d'Hérode et la halakha prétalmudique sur la patrilinéarité," *REJ*, 152 (1993), pp. 397–404 (summarized in: "Etre juif: patrilinéarité ou matrilinéarité?" *Les Nouveaux Cahiers*, 119, Paris 1994/1995, pp. 6–8) who paraphrases Shaye Cohen.

family law in his epoch. It seems that, for Josephus, by the end of the first century CE, patrilineage was the prevailing rule.[96] This is no longer the case in the Mishnah about 200 CE.

The Defeat of the Jewish Father

The Mishnah is not more explicit than Modestinus. The imperial privilege confirming the principle of matrilineal descent for the benefit of the Jews is not mentioned by the rabbis. The rule that a child of a Jew and a non-Jewish mother takes the status of his mother is the final element of a list concerning the status of children produced by "irregular" couples in Mishnah Kiddushin 3:12. Since no name is cited, the date of this text is uncertain. It was meant to open a short tractate on "Forbidden Relations and Pedigrees" anterior to the destruction of the Temple in 70 CE, but this hypothesis is not unquestionable.[97] On the contrary, the Talmudic principle according to which any anonymous mishnah presumably represents an opinion of R. Meir, one of the leaders of the post-Bar Kokhba generation, points to the second half of the second century CE.[98]

The same period is implied by the Talmudic commentary on this text, which refers to R. Simeon bar Yohai, a Tanna of the fourth generation and one of the five pupils of R. Akiva who survived the failure of the revolt and "revived the Torah at that time."[99] Applying the customary method of the Sages, R. Simeon proposes a scriptural basis for the ruling of the Mishnah; his exegesis founds the matrilineal principle upon the Deuteronomic warning against mixed marriage.[100] The Talmud calls upon the injunction of Deut. 7:3: "you shall not intermarry with them [i.e., the seven nations], do not give your daughter to his son, do not take his daughter for your son." R. Johanan, on the authority of R. Simeon, points out the reason for this injunction as specified by the biblical lawgiver (Deut. 7:4): "for *he* will turn away (*ki-yasir*) your son from following me." Why "he"?

96 Cohen, "Matrilineal Principle," pp. 20–21, notwithstanding the reservations of R. Katzoff (in his lecture, above, n. 18).

97 J.N. Epstein, *Introduction to Tannaitic Literature* (Hebrew), Jerusalem 1957, pp. 54, 414–415, followed by R. Katzoff in his lecture. Contra: Cohen, "Matrilineal principle," pp. 34–35.

98 BT Sanhedrin 86a; cf. PT Yevamot 4:11, 6b.

99 BT Yevamot 62b.

100 PT Kiddushin 3:14, 64d; Yevamot 2:6, 4a; BT Kiddushin 68b and parallels.

One would rather expect "she" (the heathen woman) or "they" (the seven nations).

By reasoning which is not to be examined here in detail, this unexpected syntax enabled R. Simeon to connect the Mishnah with the Torah.[101] Obviously, the danger of idolatry is present in all cases of intermarriage, whatever the sex of the foreign partner. If Deuteronomy employs a masculine singular form of the verb *sur* in *hifil* ("turn away, remove"), it is — according to R. Simeon — because, for the Jewish father, the only dangerous person is his non-Jewish son-in-law: only he is able to "turn away his son," i.e., the Jewish offspring of his daughter, from the faith of the true God. There is no similar danger for the offspring of his son who marries a heathen woman, her children being heathen too, like the mother!

According to this exegesis, Deuteronomy proclaimed the principle of matrilineal descent, empowering R. Simeon to forewarn the Jewish father: "Your son who comes from an Israelite woman is called 'your son,' but your son by a Gentile women is not called 'your son,' he is her son."[102] The father-son relationship is made dependent on the Jewishness of the mother. By the way, one could not derive this exegesis from the Greek version of the Torah: the future *apostasei*, masculine and feminine, is applicable to a son-in-law as well as to a daughter-in-law of Gentile origin.[103]

In opting for the matrilineal principle as an exclusive rule, the Tannaim were not only "philosophers," as Shaye Cohen says.[104] They faced a real-life situation and tried to prevent a demographic disaster. The Roman government fulfilled their wishes by bestowing on the Jews the privilege of determining Jewish identity through the mother. What is more difficult to explain is the exclusiveness of the matrilineal principle. From the demographic point of view, the exclusion of the Jewish father is not a good strategy. Did the Roman privilege act in a Manichean manner: father or mother, but not both of them? Whatever the answer, one can be sure that the maternal monopoly for determining Jewish identity was not unconditionally accepted by all members of Jewish society. The Karaites were to reject it,

101 For the details, see Cohen, "Matrilineal Principle," pp. 37–38.

102 BT Kiddushin 68b and parallels.

103 Deut. (LXX) 7:4. In the French translation — "car elle éloignera de moi ton fils" — proposed by C. Dogniez and M. Harl, *La Bible d'Alexandrie, 5: Le Deutéronome*, Paris 1992, p. 160, the choice of the feminine "elle" is not justified.

104 Cohen, "Matrilineal principle," p. 53.

together with the whole Talmudic doctrine. Under the Constantinian dynasty, in Tyre, a certain Ya'akov of Kfar Neburaya was still teaching that the child of a Jewish father was Jewish even if his mother was not; he invoked the verse of Numbers 1:18: "and they declared their pedigrees after their families, by their fathers' houses."[105] But the mishnaic solution was to triumph. Along with many other particular rights accorded to certain groups of the provincial population,[106] it survived the generalization of Roman citizenship by Caracalla in 212 and became the binding rule of Jewish law.[107]

In the final analysis, it was by multiplying the measures designed to protect Roman slaves against the harshness of their masters that Roman law helped the rabbis to transfer to the Jewish mother the responsibility for the preservation of the Jewish people. We shall not here open a debate on the relevance of filiation systems for the future of the Jewish people today. Our goal was to evaluate the role of Roman law regarding the rabbinic organization of Jewish personal status, and not to take a position for or against the matrilineal principle.

From the viewpoint of legal history, the rabbinic solution leading to the exclusivity of matrilineal principle in the definition of Jewish identity is to be viewed as a rule of Roman provincial law, applicable not to a city or a province, but to a specific group of inhabitants of the Roman Empire, the Jews, *natio* and *religio* as well. Roman influence in the field of the law governing Jewish personal status cannot be circumvented. It is not to be construed as an intellectual concept forceful enough to play a guiding role in rabbinical thought. Rather it is to be studied as a historical fact determined by the logic of legal rules concerning the personal status of the inhabitants of the Roman Empire. Jewish identity is based on a dual privilege granted the Jews by Roman imperial law: the permission to circumcise their male

105 PT Kiddushin 3:14, 64d; Yevamot 2:6, 4a. See O. Irsai, "Ya'akov of Kefar Niburaia: A Sage Turned Apostate" (Hebrew), *Mehkarei Yerushalayim bemahshavah yehudit*, 2, no. 2 (1982/83), pp. 153–168, esp. 157–163, quoted by Cohen, "Matrilineal Principle," p. 37, n. 54.

106 A notable example: the survival of fiscal privileges bestowed on Greek elites in Egypt after Caracalla's Edict; see my study "Entre la cité et le fisc: le statut grec dans l'égypte romaine," idem, *Droit impérial et traditions locales* (above, n. 16), no. 1.

107 On Jewish family life after the generalization of Roman citizenship, see A. Rousselle, "Vivre sous deux droits: la pratique familiale poly-juridique des citoyens romains juifs," *Annales ESC*, 1990, no. 4, pp. 839–859.

progeny and the right to determine the status of their offspring by that of the mother. Ancient legal history helps to address correctly the difficult question, "Who is a Jew?"

Ben Sira, God-Fearers and the First Christian Mission

ETIENNE NODET

INTRODUCTION

In the context of a general study of the origins of both Christianity and rabbinic Judaism, this paper aims at a specific discussion of the formation or selection of the third part of the Hebrew Bible. Why did the book of Ben Sira remain outside? Significant portions of it were found in the Judean Desert and at the Cairo Genizah; moreover, unlike other extracanonical books,[1] it is quoted in some rabbinic sources.[2] Why, then, is it not in the Hebrew canon?

The thesis of this paper is that it was removed from Scripture by rabbinic tradition because of its openness to Gentile God-fearers, which is very close to a Christian perspective as expressed in some literary layers of the New Testament. In this respect, considering the Western text of Acts will prove very helpful.

BEN SIRA AND CANON

Mishnah Yadayim 3:5 states that all[3] the holy scriptures defile[4] the hands, and reports a somewhat confused discussion at Yavneh about the status

1 It is out of place here to deal with Megilat Ta'anit (mentioned M. Ta'anit 2:8), the blessings and other (written) liturgical pieces.

2 Collected by M.H. Segal, *The Complete Book of Ben Sira* (Hebrew), Jerusalem 1953, pp. 37–42.

3 With the exception of the book of the Temple Court, see below.

4 This verb (מטמא) means that an ablution of the hands is necessary after touching

of Kohelet and the Song of Songs. It is generally taken for granted that the definition of the Hebrew canon was finalized at that time (around 90 CE). But this conclusion needs further consideration, since it assumes that "defiling the hands" means "belonging to the canon." Tosefta Yadayim 2:13 adds specific details to the text of M. Yadayim: first that the gospels[5] (הגיליונים) and the sectarian books (וספרי המינים[6]) do not defile the hands. This means at least that they were not considered holy and a special ruling was required for them, since their many quotations from the canonical Bible

these books. Of course they are not impure, but holy (statements about their defiling holy things [*teruma*], viz. BT Shabbat 14a, should be viewed as secondary scholarly deductions). Moreover, the fact that if they were actually impure they would defile the whole body, emerges as clearly from M. Eduyot 5:6 (a part of a body cannot be impure without affecting its totality, because no fence or roof can prevent its spreading). According to Exod. 30:17–21 and 38:8, a basin (כיור) was secured at the shrine, "in order that Aaron and his sons can wash their hands and feet"; this is a priestly requirement to allow contacts with holy things (see M. Shabbat 15:1), i.e., it is the way of crossing the border between the profane areas and the holy sphere, and has nothing to do with purification, since pure things are not necessarily holy.

5 Conjecturing that הגילין (און) is a misspelling for evangelion. The traditional view holds that גיליון refers to the margins of the books (scrolls), for such is the plain meaning of the same word in M. Yadayim 3:4. But that passage states that the margins of the books (הגיליון שבספר) do defile the hands leading to contradiction with Tos. Yadayim 2:13 and complicated subsequent discussions. The origin of the misspelling is probably the presence of an analogous word in the same context (Jastrow, s.v. suggests that this is perhaps ironic, since גיליון means blank, and און sin). See the references in Sid Z. Leiman, *The Canonization of Hebrew Scripture: The Talmudic and Midrashic Evidence*, Hamden, Conn. 1976, n. 511.

6 This expression may be only an explanation of the previous Greek word, and not refer to other books (ו for או); this is the stance of BT Shabbat 116a, see S. Lieberman, *Tosefta kifshutah*, III, New York 1963, 206s. The reference, however, is not to "scriptures," but to physical "books" (scrolls), so the expression could also refer to the Bible of the *minim*, in Hebrew or Greek (see the following note). Aquila's translation of the Bible into Greek was praised, and was probably made in opposition to the LXX. But M. Yadayim 4:5 explains that a book cannot defile the hands if it is not written in the proper language (Hebrew, or Aramaic for portions of *Dn* and *Ezr-Ne*), in Assyrian characters, on parchment, and in ink; in other words, the rule applies only to official copies, and its scope is not canonicity. But if one puts these rulings together, they imply that an unofficial copy of the canonical Hebrew books should have the same status as sectarian or profane books; such a conclusion makes sense only if we take the general statement of M. Yadayim 3:5 in a negative way: books which are not holy scripture cannot defile the hands.

meant that they should have defiled the hands.[7] The same source goes to say that the books[8] of *Ben Sira* and all other subsequent books do not defile the hands. The significance of "not defiling the hands" is clarified by another statement: M. Yadayim 4:6 says that the books of Homer do not defile the hands. These books are simply profane, and nothing is said of a prohibition on reading or touching them.

From another point of view M. Sanhedrin 10:1 states that R. Aqiba banned any reading of "outside" books (ספרים חיצונים); those who read them have no part in the World to Come. PT Sanhedrin 10:1, p. 28a explains that this includes Ben Sira and the books of Ben La'aga,[9] but BT Sanhedrin 100b (*baraita*) holds that this means the sectarian books. This punishment, which has nothing to do with touching the books, points to their content, and is never mentioned with regard to reading Homer or any pagan literature.

These sources hint at two possible reasons why Ben Sira is not included, albeit from different respects: first a chronological consideration, stating that only the books written before Ben Sira are holy; thus 1 Maccabees is outside, too, not to mention later Greek compositions. Of course this explanation cannot be very ancient, because the book of Daniel was written later — Josephus already knows very well that it speaks of the Maccabean crisis

7 In Hebrew or even in Greek. It is permitted to desecrate the Sabbath in order to rescue the holy scriptures from an accidental fire, but according to BT Shabbat 13:5 this is not permitted for the gospels and the sectarian books, and their uses of the name of God (הן והזכרותיהן) cannot be removed. This refers to the Hebrew tetragrammaton on the assumption it is not easy to be identified; indeed some Qumran and Masada biblical scrolls in Aramaic script do have it written in palaeo-Hebrew, while both Origen and Jerome stated that in the most accurate exemplars of the LXX the name was written in palaeo-Hebrew; and in some fragments of the Hexapla it appears in square letters (corrupted into πιπι), cf. references and discussions by Albert Pietersama, "Kyrios or Tetragram: A Renewed Quest for the Original LXX," A. Pietersama and Claude Cox (eds.), *De Septuaginta* (*J. W. Wevers' Festschrift*), Mississauga, Ont. 1984, pp. 85–101. So it cannot be ruled out that the NT biblical quotations did have the tetragrammaton at early stages.

8 This plural may be related to the various textual forms of the book; cf. H. Peter Ruger, *Text und Textform im hebräischen Sirach: Untersuchungen zur Textgeschichte und Textkritik der hebräischen Sirachfragmente aus Kairoer Geniza*, Berlin 1970.

9 בן לעגה, "Son of Mockery," or according to another variant, בן לענה "Son of Bitterness." To the many hypotheses adduced to explain this name, or more accurately what it hides, a further suggestion may be added, viz. that it refers to the first book of the Maccabees, which seems to have been removed after the Bar Kokhba rebellion (a bitter failure, according to rabbinic tradition), since it forms the model for a holy (messianic) war (see below).

(*Ant.* 12.322). The second reason why the book is viewed as sectarian[10] is of a very different nature, for it involves its content and entails the idea of rejection or removal. We shall concentrate here on this point. But since it contradicts the chronological argument, it seems appropriate first to deal briefly with the idea of canonization.

In his preface, dated ca. 130 BCE, the translator of Ben Sira refers to "the Law, the Prophets and other [texts] attached to them."[11] There are obviously three parts in this "library," but the third is poorly defined and lacks independent status: it could include various volumes, with pseudepigraphs as well as Ben Sira itself. In *Contra Apion* 1.38f. Josephus stresses that the Jewish library contains only twenty-two books, unlike the pagan "myriads of inconsistent books, conflicting with each other." He divides the list into three parts: the Five Books of Moses, thirteen Prophets and four books of hymns and moral precepts.[12] The first two parts cover traditional history without a gap until Artaxerxes. Josephus adds that from Artaxerxes to his own time the complete history has been written, but is not granted equal credit "because of the failure of the exact succession of the *prophets*." The wording is instructive: he viewed all the biblical historians as prophets, so the later ones have nothing to do with his third part of the Bible, but are somehow related to the second. This is consistent with the statement made by Ben Sira's grandson, that the third part includes books "attached" to the first two: these might well include hymns and moral precepts. Moreover, Josephus' chronological criterion is quite close to the baraita on the books defiling the hands (Tos. Yadayim 2:13).

In the MT twenty-four books can be made to correspond to Josephus' twenty-two by separating Ruth from Joshua, and Lamentations from Jeremiah. However, according to Origen (and Jerome after him), the Hebrew Bible had exactly twenty-two books, and the Hebrew names he gives show that it was identical to the MT. On closer examination, however, the correspondence of the MT with Josephus is quite superficial: (1) the distinction between Prophets and "Writings" is very different; (2) in his version of "Prophets," Josephus includes 1 Esdras (instead of

10 It is quoted in the NT: Mark 10:19 (Si 4:1), 2 Tim 2:19 (17:26), Ja 1:19 (5,11).

11 Διὰ τοῦ νομου καὶ τῶν προφητῶν καὶ τῶν ἄλλων τῶν κατ' αὐτους ἠκολουθηκότων.

12 It is difficult to know whether he includes the prophecies and songs which he refers to elsewhere as having been deposited in the Temple (see *Ant.* 3.38, 4.303, 5.61).

Ezra-Nehemiah), a longer version of Esther and 1 Maccabees, all of them most probably in Hebrew,[13] as well as the *Letter of Aristeas*; (3) he gives no list of the Prophets in spite of his general tendency to provide much detailed data about secondary facts or items; this might point to some doubts or controversy about the relevant titles, and Josephus always tried to stand above any factions; (4) finally, the total number of twenty-two (or even twenty-four) is artificial, since it means treating the twelve Minor Prophets as one book. In fact, this number symbolizes the Hebrew alphabet, i.e., the totality of Scripture,[14] as stressed by Origen, Jerome, and many other Christian writers who championed the *hebraica veritas* and relied upon Jewish traditions. It is quite possible that at some point the official library was defined as twenty-two *scrolls*, each one containing one or more books.

The scarcity of the sources makes it impossible to be more specific, but the fact remains that the later "prophets" mentioned by Josephus disappeared totally from rabbinical tradition.[15] This exclusion was performed sometime between Josephus and Origen,[16] so that the expression "outside books"

13 For some preliminary evidence, see Étienne Nodet, *Essai sur les origines du judaïsme*, Paris 1992, p. 277.

14 Strangely enough, twenty-four can symbolize the Greek alphabet, but rabbinic tradition hints at other explanations, cf. Peter Rüger, "Le Siracide: un livre à la frontiére du canon," Jean-Daniel Kaestli and Otto Wermelinger (eds.), *Le Canon de l'Ancien Testament: Sa formation et son histoire* (Le Monde de la Bible, 4), Genève 1984, pp. 55–56.

15 The best example is 1 Maccabees, the foundation narrative of the Hasmonean dynasty, expounded as a holy war (see Deut. 20), starting with the battle of Emmaus: (1) the model was active, since it lies behind the story of Luke 24:21 f. (Emmaus) with the two disciples' regrets that Jesus proved unable to restore Israel's freedom (i.e., to expel the Romans and possibly to remove the wicked priests); (2) rabbinic tradition condemned Bar Kokhba's messianic war in very harsh terms; (3) Origen, after giving a list of the Hebrew names of the 22 canonical books, adds only one "outside" book, τὸ μακκαβαικά, suggesting that it was "inside" not much earlier (the others are not mentioned). He also gives its Hebrew name as σαρβηθσα(ρ)βαναιελ (in Eusebius, *HE* 6, 25, 2), to be understood (with a slight emendation σφαρ — for σαρ—) ספר בית סרבני אל; the original meaning of סרבני אל ("rebels of God") was "rebels in the name of God," but it later became "rebels against God," see PT Ta'anit 4:5, p. 68d. Michael Avi-Yonah, "The Caesarean Inscription of the 24 Priestly Courses," *Eretz Israel*, 7 (1964), pp. 24–28 (Heb.), shows that the words מסרבי מרום ("refusing heaven") added to the name Yehoyariv on priestly lists found in Israel, are very negative; now all the heroes (Mattathias, Judas, Jonathan, and Simon) of 1 Maccabees belonged to Yehoyariv's class.

16 Together with the technical work of editing and publishing the text. Rabbinic sources report that the text of an official Temple Scroll was established at some time in an eclectic

came to mean simply "outside *Jewish* books." Ben Sira obviously falls into this class, and finally it does not matter here whether its copies once had the status of "defiling the hands."

Now we can ask: What is wrong with the content of Ben Sira? It looks very decent and traditional. One could argue that it gives an encomium of the priests sons of Sadoq,[17] hence it might be assumed that it is to be connected with the Sadducees, or more probably with the *Seduqim* of the rabbinic sources (and 4 QMMT).[18] However some of the quotations from Ben Sira in the BabylonianTalmud are introduced by formulae referring normally to *baraitot* or to Scripture, the most striking being a statement supported by the threefold partition of the Bible: a verse from the Torah, one from the Prophets and one from the Hagiography, which is none other than *Si* 27:9 (BT Bava Kamma 92b). Thus Ben Sira was considered useful and to some extent authoritative, at least subsequently in Babylonia.

On examination, the first chapter of Ben Sira praises wisdom, piety, and fear of God, with no mention of Israel; later on, it identifies the Law and wisdom (24:23) with a kind of cosmopolitan perspective which is not unlike that of Philo. The last part of the book is an encomium of the main characters of Israel's history, starting with Henoch and Noah. Thus the historical discussion is meant to provide an example to any God-fearer. These are precisely the points stressed in the translator's preface, in which

way, by choosing the variants appearing in the majority of the manuscripts deposited in the Temple Court (עזרה); see the sources and discussion in Saul Lieberman, *Hellenism in Jewish Palestine*, New York 1950, pp. 22–23. It is to be stressed that these manuscripts were not discarded, though one of them is of a LXX type; moreover, M. Kelim 15:6 states that the "book of the Temple Court" (ספר העזרה) does not defile the hands; the reason given is that it was an official library copy used not for congregational purposes, but to correct the scroll of the king (but not necessarily all the scrolls in use among the people, hence older popular versions). A later interpretation, however, developed from a misreading (ספר עזרא, the book of Ezra), which hints at a difficulty with the plain meaning. In any case, the rabbinic exegetical tradition is replete with statements and discussions which appear rather pointless on the basis of the MT, but become meaningful by comparison with the LXX (or its Hebrew *Vorlage*); in this respect, very useful are the views of Viktor Aptowitzer, *Das Schriftwort in der rabbinischen Literatur*, with a Prolegomenon by Samuel Loewinger, New York 1970 (Collection of papers published in 1906–1915). This issue requires further study.

17 *Si* 51:12 I (psalm appearing only in ms. B from Cairo).

18 See Yaakov Sussman's remarks in Elisha Qimron and John Strugnell, *Qumran Cave 4: V-Miqsat Ma'asé ha-Torah* (DJD, 10), Oxford 1994, p. 200.

he says that he discovered his grandfather's Hebrew work at Alexandria. Israel's education and wisdom are to be praised, he adds, and the book he is rendering into Greek has been written for everyone who is fond of learning wisdom. The book of Proverbs, too, deals with wisdom, piety and ethics, but its position is different: first, its opening relates it to Solomon, king of Israel; second, no attempt is made to use Israel's history in order educate the God-fearer.[19]

In the Bible, moreover, a God-fearer is a righteous, observant Israelite, and no foreigner is ever alluded to as such. This was probably the intended audience of Ben Sira himself, since he wrote in Hebrew and could not expect to reach the general Greek-speaking reader. However, by the late Second Temple period, when a Jewish minority and culture were present everywhere in the Roman empire, the expression "God-fearer" may have changed its meaning. This is the next issue to be examined here.

GOD-FEARERS AND PROSELYTES

By that time many views were being expressed about the relationship between Jews and Gentiles and the separateness of Judaism. Philo and Josephus provide very open pictures, though their first goal is not to enlarge the people, but to convince lawgivers and rulers: for the former only Moses' Law can allow the building of a *Cosmopolis*,[20] for the latter Judaism is in no way sectarian but is friendly and open to everyone. The extreme opposite was the case with the Essenes, who were, according to Josephus (*BJ* 2.122), Jews by birth and avoided any encounter with people outside their community, Jews or Gentiles.

Before discussing Jewish proselytism,[21] it would be useful to give some statistics. Analysis of the Claudian census seems to suggest that some

19 Δέον ἐστὶν ἐπαινεῖν τὸν Ισραηλ παιδείας και σοφιας.

20 Philo *Vita Mosis* 11:36f., argues that the Greek translation of the Pentateuch was made so that "each nation would give up its peculiar ways and, abandoning its ancestral customs, would turn to honoring our laws alone." This sounds like the concern of a lawgiver who neither speaks of nor affirms the *Shema' Israel*, but writes for readers he does not expect to know it.

21 For secondary literature on the proselytes, see E. Schürer, *The History of the Jewish People in the Age of Jesus* Christ, vol. III, eds. G. Vermes and F. Millar, Edinburgh 1973, pp. 150–151 and Louis H. Feldman, "Jewish Proselytism," Harold W. Attridge

8,000,000 Jews were living at that time, including 2,000,000 in Herodian Judaea and another 4,000,000 in the Roman commonwealth.[22] Josephus indicates that some 250,000 lambs were slaughtered at the Temple for Passover (*BJ* 6.423f.); this may be an overestimation, since it suggests that there were millions of pilgrims, but it is very significant for all that. If we take into account the fact that the entire population under Roman dominion did not exceed 70,000,000, it would seem that the Jewish minority, albeit widely scattered, was quite conspicuous. This demographic situation had two causes: natural growth[23] and pagan proselytes.

How did these pagans reach Judaism? No ancient source speaks of professional missionaries or expresses any concern about the Gentiles not being Jewish.[24] There is evidence, however, which allows us to build up a tentative picture. Philo states that there were preachers in public places (*Spec. leg.* 1.320 s.), and that many synagogues were open to everyone, with regular Sabbath lessons on ethics and religion.[25] Jews as well as Gentiles attended these events; the latter could become proselytes or remain God-fearers. Anyway, the very existence of both classes is very well attested by Philo (*In ex.* 2.2) and Josephus (*BJ* 2.454, 463, 7.45), by Latin writers from the first century, and even by some archeological findings.[26] Judaism

and Gohei Hata (eds.), *Eusebius, Christianity and Judaism* (Studia Post-Biblica, 42), Leiden 1992, pp. 372–408, esp. 396–397.

22 Cf. Salo W. Baron, *A Social and Religious History of the Jews*, I, New York 1952, pp. 168–169 (and n. 7). Adolf von Harnack, *The Mission and Expansion of Christianity in the First Three Centuries*, I, London 1908, pp. 3–4, gives the same figure for the empire, but underestimates Judea. According to *Ant.* 18.84, when the Jews were expelled from Rome in 19 CE, the 4,000 who were sent to the army in Sardinia were only a small part of their number.

23 Tacitus *Hist.* 5.5, explains that the Jews were forbidden to kill or abandon their children; Josephus stresses the prohibition of any birth control (*C. Ap.* 2.202).

24 Cf. Martin Goodman, "Proselytising in Rabbinical Judaism," *JJS*, 40 (1989), pp. 175–185.

25 This may be the reference in Acts 15:21.

26 Cf. Louis H. Feldman, "The Omnipresence of the God-Fearers," *BAR*, 12, no. 5 (1986), pp. 58–69, commenting on discoveries in a synagogue at Aphrodisias. Jerome Murphy O'Connor, "Lots of God-Fearers: *Theosebeis* in the Aphrodisias Inscription," *RB*, 99 (1992), pp. 418–424, stresses that the terms for God-fearers could have various meanings, only one of them corresponding to the one dealt with here.

was in many respects attractive, hence the rumor that Plato, the father of the wise, borrowed many ideas from Moses.[27]

In Judaea, the situation was somewhat different, with the forced circumcision of the Idumeans by John Hyrcanus (*Ant.* 13.257), of the Itureans by Aristobulus (13.319), and of the citizens of the conquered cities by Alexander Janneus (13.397), as well as the compulsory conversion of any foreigner marrying a Judean (20.139). These "normalizations" were thought necessary because the whole kingdom was run according to Jewish law. In any event they never upset Josephus, a member of the ruling class, though, interestingly enough, the Galileans strongly rejected such proselytes (*Ant.* 14.421f.). Thus it is not very appropriate to describe these as cases of conversion, let alone of God-fearing.

To sum up, though there were proselytes, there was no active proselytism. Many NT scholars have tried to discover patterns of Jewish proselytism, taking it for granted that the first Christian mission followed its footsteps. But the only prooftext is Jesus' invective against the scribes and Pharisees, whom he reproaches for compassing sea and land to make one proselyte (Matt. 23:15).[28] This verse proves nothing actually, since it does not deal with converting Gentiles,[29] but with attracting new Jewish candidates to their reform groups,[30] as did John the Baptist and Jesus himself. We shall see below that the mission to the Gentiles was quite a new feature.

27 This tradition, given by Josephus, *C. Ap.*, 2.242 f., is witnessed much earlier at Alexandria by Aristobulos (compare 2 Macc. 1:10), in Eusebius *Praep. evang.* 13,12,1–2.

28 Ποιῆσαι ἕνα προσήλυτον; cf. Gen. 12,4 (targums).

29 This conclusion is aptly stressed by Édouard Will and Claude Orrieux, *"Prosélytisme juif"? Histoire d'une erreur* (Coll. Histoire), Paris 1992, but they overestimate the homogenousness of Judaism; the point here is internal proselytism by revivalist groups.

30 This idea is expressed by Martin Goodman, "Jewish Proselytizing in the First Century," Judith Lieu, John North, and Tessa Rajak (eds.), *The Jews among Pagans and Christians in the Roman Empire*, London and New York 1992, pp. 53–78; but he tends to identify the Pharisees (in Josephus' definition) with normative rabbinical tradition, and underestimates the reality of other communities (and their separateness). For the latter, however, פרושים are very close to חברים, and both very much like the Essenes; see Saul Lieberman, "The Discipline in the So-Called Dead Sea Manual of Discipline," *JBL*, 71 (1952), pp. 199–206.

PETER, PAUL AND GOD-FEARERS

In Acts, the main event of the whole section about Peter is his visit to Cornelius, a Roman centurion living in Caesarea. The narrative of the final redaction is complicated, but some general comments can be made: (1) both Peter (who is very reluctant) and Cornelius were prompted to this meeting by visions, which means that Jesus never gave orders to visit pagans;[31] (2) seeing that Cornelius, his family and companions did receive the same Spirit, Peter gave orders for them to be baptized, and stayed with them some days; this baptism is strange, because it adds nothing to the narrative, and in practical terms meant only going to a *miqveh*, as if it were an accepted rite in Peter's milieu; (3) coming back to Jerusalem, Peter is criticized by the circumcised believers (led by James) and has to justify his conduct; in other words, James and not he is the boss (see Acts 15).

The point to be stressed here is that Cornelius is defined as a God-fearer, giving generously to Jewish causes. But for Peter, this does not affect his being a Gentile who cannot belong to the people, and so, *a fortiori*, to his community. This is a very traditional Galilean attitude. So his visit is actually a major event, a sharp turn in the life of the first community.

Having examined this text, whose sense is quite obvious, we must now scrutinize the description another event of the same kind involving Paul. It is much less self-evident, for it involves a comparison between the two different editions of Acts available to us.

It has long been known that an uncial MS (D, codex Bezae) and the ancient Latin version of Acts give a text very different from the one printed in current editions and known as the "Alexandrian Text" (AT). This older version has long variants, and is usually called the "Western Text" (WT), though it also appears in ancient Syriac versions. Though it is in evidence since the second century (Ireneus' quotations), the WT has generally been thought to be secondary. Now the opposite conclusion has been reached by a new analysis of the data by Boismard and Lamouille[32] who discovered

31 In Matt. 28:19f. the mission to the Gentiles is attributed to the risen one, and not to Jesus as a teacher or healer. Indeed, according to Matt.10:5f., Jesus specifically forbids it.

32 Marie-Émile Boismard and Amaud Lamouille, *Le Texte occidental des Actes des Apôtres, reconstruction et réhabilitation* (Études et Recherches sur les Civilisations, Synthèse, 17), Paris 1984. They also published a literary commentary (*Les Actes des deux Apôtres* [Études Bibliques, n.s. 12–14], I–III, Paris 1990) in which they show that the book of

that ancient quotations and translations attest to a purer WT, which was in fact shorter than the AT. They strove to restore it, on purely lower criticism grounds, and concluded that the WT known up till now (MS. D) was in fact a revision, with many glosses from *Apôtres* AT, hence its longer variants.

We shall follow these conclusions in studying Paul's first encounter with Gentiles, after he left Aquila, the Zealot. For the sake of clarity, we will give here only the significant differences between the two versions.

(18,1) *After this Paul left Athens and went to Corinth.*

AT (2nd edition)	WT (1st edition)
(2) *Having found one Jew*	(2) *Having found*
called Aquila,	*Aquila,*
from Pontus by family,	*from Pontus by family,*
who had just come from Italy	*a Jew who had just come from Italy*
and Priscilla his wife	*with Priscilla his wife,*
	he welcomed them with joy,
	They had left Rome,
because of Claudius having	*Because of Claudius Caesar having*
ordered the expulsion of all Jews,	*ordered the expulsion of all the Jews*
from Rome	*from Rome*
	They had settled down in Achaia.
He went to visit them	
	(3) Paul was known to Aquila
And, since they belonged to the	*since they belonged to the same*
*Same profession (*ὁμότεχνον)	movement, (ὁμόφυλον)
he lodged with them,	*he lodged with him.*
and they worked.	
They were tent makers.	

The comparison shows that AT hides some important facts and succeeds in smoothing all the rough corners by doing so. From both texts together we can learn a number of significant facts: (1) Aquila is not unknown to

Acts had three main redactional stages (termed Acts I, II, III): the first one uses earlier written documents, the other two correspond approximately to WT and AT, respectively.

Paul, and even seems to have been of a higher status; (2) both belonged to the same movement, so by the time of Stephen's stoning, Paul was actually some kind of zealot, though obviously not a leader; (3) Aquila had been expelled from Rome (instead of just "coming" from Italy), which might have involved some political activism on his part.

Claudius' edict seems to have been issued at the same time as his letter to the Alexandrian Jews (41 CE), in which he forbids immigration from Syria and opposes any idea of splitting the Jewish entity into two communities. In other words, there had been some messianic or zealot activism, which had resulted in controversies and maybe even riots, with one or both of the parties calling for Roman help. This pattern was quite common: Josephus reports that Jonathan's messianic movement in Lybia was denounced to the Romans by some prominent Jews (*BJ* 7:439). In the same way, some messianic activists at Antioch were called *christiani*, a Latin adjective used by the Roman authority.[33]

It is now possible to learn something more about Aquila from the way he corrected Apollos' teaching:

(18,24) *An Alexandrian Jew named Apollos now arrived at Ephesus. He was an eloquent man, being powerful in the scriptures.* (25) *He had been "catechized"* (κατηχημένος)

AT	WT
	in his homeland (ἐν τῇ πατρίδι)
in the way *of the Lord*	*in the* word *of the Lord*

and preached with great spiritual fervor (ζέων τῷ πνεύματι) *and taught accurately* (ἀκριβῶς) *about Jesus, yet knowing only the baptism of John.* (26) *He began to teach fearlessly in the synagogue. Having heard him,*

Priscilla and Aquila took him aside	*Aquila took him aside*
And expounded to him more exactly	*And expounded to him more exactly*
(ἀκριβέστερον) *the way of God.*	*the way.*

33 See Justin Taylor, "Why Were the Disciples First Called "Christians" at Antioch? (Acts 11,26)," *RB*, 101 (1994), pp. 75–94.

Once more, the AT hides significant details, though the two texts do provide some important information: (1) Apollos had learnt about Jesus in Alexandria, which raises interesting questions about Jesus' disciples there; (2) in the AT, it is impossible to discern anything in the "more exact" teaching of Priscilla and Aquila, but in WT the "way" seems to be some kind of activism (see Acts 9:2), which might reflect a different trend among Jesus' disciples.

Other features are interesting: (1) the "exactness" referred to is a publishers' technical term (cf. Luke 1:2); the point here is the correction of oral tradition for "oral publication";[34] (2) AT and WT disagree whether a married woman is competent to teach these matters;[35] (3) Jesus' disciples, or at least some of them, knew of John's baptism; though there is some continuity between it and the Christian baptism, it is not clear if the term here indicates only an immersion or a full-scale and clearly defined educational process.

For the present discussion, it should be stressed that Aquila here adds no new meaning to the baptism of John, nor does he give the Spirit by the laying on of hands, unlike Paul with the Ephesian disciples (19:1f.). To put it another way, Aquila remains here outside the literary heading of Pentecost (Acts 2), which was meant to cover the whole narrative of Acts.

At this point, therefore, Aquila and Paul have become very different from one another. Indeed, between the two texts quoted, something occurred at Corinth, when Paul visited to the synagogue there:

AT	WT
(18,5b) *Paul devoted all his time to preaching, declaring to the Jews that Jesus was the Christ.*	
	(18,5b) *Many words being said, and the scriptures being interpreted,*
(18,6) *But when they turned against him and blasphemed having torn his cloak he said to them: "Your blood be on*	(18,6) some *Jews turned against him and blasphemed Then Paul, having torn his cloak, said to them: "Your blood be on*

34 See S. Lieberman, *Hellenism* (above, n. 16), pp. 85–86.

35 1QSa 1:11 states that a married woman may be involved in witnessing and teaching.

your own heads. For me, I am pure. From now on I shall go to the Gentiles."	*your own heads. For me, I am pure. Now I am going to the Gentiles."*
(18,7) *And moving from there he went to the house next door that Belonged to a worshipper of God called Titius Justus.*	(18,7) *Then moving from Aquila's he went to the house of Justus, a worshipper of God, whose home was next to the synagogue.*

There, too, the AT removes or changes some details: (1) the divisions within the congregation disappear; Paul's infuriated statement about going to the pagans becomes a program to reach them after the refusal of the *whole* congregation; (2) the fact he left Aquila's home vanishes, a major change in the text.

It is significant that Paul's new home, which is very close to the synagogue, belongs to a God-fearing Roman, and in AT, this fortuitous event becomes the foundation stone of a new goal. For his part, Aquila remains solely in Jewish circles, and later on dominates Apollos' teachings about Jesus, as seen above.

It is fair to admit that not everything is clear in this analysis. The main question now is how to relate these episodes to Paul's conversion, for the AT hides another piece of information: before Paul's arrival at Ephesos, WT 19,1 says that he had wanted to go to Jerusalem after leaving Corinth and was on his way there, but the Spirit told him to go instead to Asia; the very fact that this statement was removed by the AT gives it significance, as if this change were a major event in his life.

CONCLUSIONS

To be sure, the verses selected here were later camouflaged by additional layers which stress the successful Gentile mission in line with the changes in AT. But behind all that, it seems that the first visits to Gentiles were revolutionary, albeit totally marginal, by comparison with the very large Jewish population. This is particularly true when we take into account the fact that Peter and Paul, the main characters in Acts, were not initially the leaders of their respective groups. These first Gentiles visited at this time were God-fearers, more or less close to the synagogue, but they could

certainly not have been reached without the conflicts within the Jewish communities provoked by the new preaching. This was even so in the case of pagans; the only attempt to preach directly to pagans reported in Acts ended in failure. In Athens, Paul encountered Jews and God-fearers[36] at the synagogue, then preached on the *agora* (17:16 f.) and before the Areopagus; literary analysis shows that the very few who attached themselves to him (v. 34) came from the synagogue, though the final redaction put them after his speech before the Greeks, thus making them of pagan origin.

The God-fearers were the only channel through which the borders of some of the first Jewish groups of Jesus' followers could be broken, in spite of their very traditional origin. This might explain why Gentile God-fearers were not given any consideration by subsequent tannaitic Judaism, which built up a fence against the *minim* or sectarians, and why the book of Ben Sira was viewed as sectarian-oriented in the Galilee and Judaea during a specific period (somewhere in the second century).

This study raises two related questions which should be dealt with in further research: (1) why did the problem of *minim* surface under Gamaliel II (ca. 90) and not before? (2) Does the perceived danger of Ben Sira in Hebrew indicate some struggles within Judaism, perhaps related to the problem of the "delators"?[37]

36 The God-fearers are an AT addition, probably due to common experiences elsewhere.

37 BT Rosh Ha-Shana 17a, gives a list of wicked people, which includes sectarians, delators (מסורות) and epicureans, and defines their bad deeds; by checking this against another list from M. Sanhedrin 10:1–2, it appears that the delators are the ones who sin and bring away with them other people. It is quite possible that these delators were Jews converted to Christianity and trying to win over other proselytes. (The traditional view, that the delators were youngsters who betrayed, willingly or not, the community with regard to taxes and related matters, is not convincing.)

Herod, King of Jews and Gentiles: Economic Policy as a Measure of Evenhandedness

JACK PASTOR

The question of Herod's attitude toward his Jewish subjects was once fiercely debated by leading scholars of Jewish history. Over a generation ago Prof. Abraham Schalit published a revolutionary study, suggesting that Herod, despite his personal faults, had been a visionary ruler who had done his best to bring his people successfully into the community of nations of the Roman empire.[1] Other leading scholars of the time, such as Joseph Klausner, Shimon Applebaum, and Menahem Stern rejected Schalit's interpretation.[2] Among their most repeated criticisms of Herod's rule was the accusation that Herod had severely exploited the Jewish population of his kingdom in order to finance his standing with the Gentiles. This economic oppression has usually been represented as the result of three factors: 1) the concentration of land in the hands of the king and his henchmen; 2) exorbitant taxes; 3) lavish spending on building projects.[3]

1 A. Schalit, *König Herodes: Der Mann und Sein Werk*, Berlin 1969; idem, *King Herod: Portrait of a Ruler*, Jerusalem 1960 (Heb.).

2 S. Applebaum, "Judaea as a Roman Province: The Countryside as a Political and Economic Factor," *ANRW* II, 8, Berlin 1977, p. 378; idem, "Josephus and the Economic Causes of the Jewish War," L.H. Feldman and G. Hata (eds.), *Josephus, the Bible and History*, Detroit 1989, pp. 241–242; J. Klausner, *The History of the Second Temple*, IV, Jerusalem 1958, (Heb.), pp. 101–110; M. Stern, "Review of A. Schalit, *King Herod: Portrait of a Ruler*, Jerusalem 1960," *Tarbiz*, 29 (1960), pp. 396–401 (Heb.).

3 I delivered this paper before the very thorough treatments of Herod's building projects by P. Richardson, *Herod King of the Jews*, Columbia, SC 1996 and D.W. Roller, *The Building Program of Herod the Great*, Berkeley, Los Angeles, and London 1998, became available.

The alternate interpretation of Herod's rule suggests that these accusations are simply the rhetoric of Herod's opponents.[4] Rejecting the validity and accuracy of the abovementioned accusations, scholars positing this alternative view believe that Herod's economic policies were no harsher than those of his predecessors or contemporaries.[5] In fact, in their view, Herod's economic policies contributed to prosperity and progress for most of his kingdom. This interpretation of the accounts maintains that the criticism of Herod in the sources arises from religious and social resentments, biased reporting, and an inability to judge economic reality accurately.[6]

Our task here is to judge whether Herod's policies discriminated against the Jewish population in the spheres of governmental economic activities listed above. We may accomplish this goal by examining the evidence on Herod's policies toward his Jewish subjects and comparing them to his policies toward the Gentile regions of his kingdom.

Our first field of inquiry will be land ownership, including settlement, and urbanization. Land was the major source of income for most of the population in Judaea, as indeed it was for most of the ancient world.[7] Rulers rewarded and enriched individuals as well as whole groups of the population by granting them land and extending them the benefits that ensued from land ownership, such as tax easements. By the same token, expropriation of land was one of the most severe sanctions that a government could invoke against its opponents.[8]

4 E.g. of anti-Herodian sources: BT Baba Batra 3b–4a; Assumption of Moses 6:2–6; Matt. 2:16.

5 E. Gabba, "The Finances of King Herod," A. Kasher, U. Rappaport, and G. Fuks (eds.), *Greece and Rome in Eretz Israel*, Jerusalem 1990, pp. 162–163, 166; D.A. Fiensy, *The Social History of Palestine in the Herodian Period: The Land Is Mine* (Studies in the Bible and Early Christianity, no. 20), Lewiston, Queenston, and Lampeter 1991, pp. 21–23. An ambivalent view is expressed by M. Broshi, "The Role of the Temple in the Herodian Economy," *JJS*, 38 (1987), p. 31, who on the one hand states that the country "experienced unprecedented prosperity and that considerable surpluses were available," and on the other hand asserts: "There is no doubt that he oppressed his subjects and extracted heavy taxes."

6 Gabba, "The Finances of King Herod" (above, n. 4), pp. 161, 164 n. 22; L.L. Grabbe, *Judaism from Cyrus to Hadrian*, I, Minneapolis 1992, p. 19; Schalit, *King Herod* (above, n. 1), pp. 322–342, (Heb.).

7 M. Finley, *The Ancient Economy*, Berkeley and Los Angeles 1985, p. 97.

8 See J. Pastor, *Land and Economy in Ancient Palestine*, London and New York 1997 for examples, discussion, and further bibliography.

Without a doubt, Herod's victory in 37 BCE resulted in a redistribution of the lands in the Judean State. There is a widely held belief that "...the best lands became part of the royal possessions, either through outright confiscation, or because their owners could not meet the heavy taxes which Herod exacted from the country people."[9] Furthermore, it is suggested that the Greeks, civil-servants, administrators, and soldiers were rewarded with properties farmed by Jewish tenants. These developments ostensibly led, in the words of one scholar, to the 'the subjection of numerous Jewish tenants to hellenized administrative machines and to non-Jewish landlords."[10] In short, according to this view of events, land was expropriated from Jews and converted into royal land or into gift land allocated to Gentiles.

Certainly at first, some of the leading Hasmonean aristocrats were executed by Herod and their properties were probably forfeited to the crown. We may suppose that Herod confiscated the estates of the forty-five hostile nobles who were put to death upon the conquest of Jerusalem (*Ant.* 15.5–7). In fact, according to the Judean delegation which appeared before Augustus after Herod's demise, the policy of expropriating the property of political opponents continued throughout Herod's reign.[11] Much of this former Hasmonean property probably ended up in the hands of Herod's supporters. Indeed, many of those who had supported him during the period in which he had fought with Mattityahu Antigonus now expected to be rewarded for their help (*BJ* 1.293,358). Following his victory he allocated land to a new elite of loyal ministers, supporters, and military settlers. For example, Ptolemy, one of his advisors, was given an estate near Samaria.[12] Similarly, Herod bestowed lands on family members and royal favorites, such as Pheroras (*Ant.* 17.147, *BJ* 1.485).

9 S. Freyne, *Galilee from Alexander the Great to Hadrian*, Notre Dame 1980, p. 164. Despite Gabba's very balanced view, he also agrees in main with this appraisal of Herod's landholdings; Gabba (above, n. 5), p. 162.

10 Applebaum, "Judaea as a Roman Province" (above, n. 2), p. 367.

11 *Ant.* 17.305,307; cf. *BJ* 1.358; 2.86.

12 *BJ* 2.69; *Ant.* 17.289; S. Dar, "The Estate of Ptolemy, Senior Minister of Herod," I. Gafni, A. Oppenheimer, and M. Stern, (eds.), *Jews and Judaism in the Second Temple, Mishna, and Talmud Period*, Jerusalem 1993, pp. 38–50, (Heb.), claimed that Aris in Samaria is the Arous (Haris) given to Ptolemy. He found a connection between the Arabic names and the Herodian period and asserted that the archaeological finds strengthen the likelihood that this is Ptolemy's estate.

While some, perhaps many, of his supporters were Gentiles, Herod also enlisted support from Jews. A new elite therefore developed in Judaea, consisting of both Jews and Gentiles,[13] whom Herod, as befitting a Hellenistic monarch, rewarded with land.[14] There is, however, no indication in the sources that Gentiles received land in Jewish areas.

Herod provided land not only to family members and political cronies but also to military settlers. In Samaria, he handed out parcels to 6000 veterans whom he settled in the vicinity (*Ant.* 15.296, *BJ* 1.403). 3000 were placed in Trachonitis (*Ant.* 16.285), and a colony was established in Batanea (*Ant.* 17.23–25). Veterans were also settled at Gaba (*Ant.* 15.294, *BJ* 3.36) and at Heshbon in the Peraea (*Ant.* 15.294).[15]

The question arises, therefore, whether these settlements were introduced at the expense of Jewish landowners. Analyzing the information on royal land, land grants, and settlements, provides us with a number of interesting answers.

First, none of the areas or estates which were definitely royal land was new to royal control. Herod owned estates in Jericho, Ein Gedi, and other portions of the Jordan Valley, such as Phasaelis and probably Ein Boqeq.[16] But these royal estates which were owned by him had previously been owned by the Hasmoneans or other rulers. A conspicuous example would be the agricultural areas adjoining the palaces at Jericho: they had been royal land under the Hasmoneans, hence the tenants there were certainly not dispossessed freeholders, but rather long standing royal tenants

13 M. Stern, "Social and Political Realignments in Herodian Judaea," *The Jerusalem Cathedra*, 2 (1982), pp. 43–44.

14 G.M. Cohen, "The Hellenistic Military Colony: A Herodian Example," TAPA, 103 (1972), pp. 81–95.

15 I. Shatzman, *The Armies of the Hasmoneans and Herod*, Tübingen 1991, pp. 170–176, 190; Schalit, *King Herod* (above, n. 1), pp. 98–100; idem, "Herod's Kingdom — Army and Security Problems," *Milet*, 1 (1983), p. 90 (Heb.); Z. Safrai, "Shechem in the Days of Mishna and Talmud 63 BC–637 CE," S. Dar and Z. Safrai (eds.), *Shomron Studies*, Tel Aviv 1986, pp. 83–126 (Heb.); B. Mazar (ed.), *Geva: Archaeological Discoveries at Tell Abu-Shusha, Mishmar ha-'Emeq*, Tel Aviv, 1988, p. 124 (Heb.).

16 Ein Gedi is held by most authors to have been a royal estate since Hasmonean times; N. Lewis, *The Documents from the Bar Kochba Period in the Cave of Letters: Greek Papyri*, Jerusalem 1989, p. 42; on Phasaelis: *Ant.* 16.145; BJ 1.418, 2.167; on Ein Boqeq: M. Fisher, "The Desert Oasis of Ein Boqeq: An Industrial Unit during the Period of the House of Herod — Archaeological Survey," *Nofim*, 11–12 (1979), pp. 21–38 (Heb.).

for generations.[17] Furthermore, none of the estates that are mentioned as gift-land is in Judaea proper, the heartland of the Jewish people in Eretz-Israel, and freeholders continue to exist in Judaea throughout the Herodian period.[18]

The areas which Herod used for settlement were either hitherto royal land, or unsettled areas which now came under Judean control. Of the military settlements, Samaria, Gaba, and Hesbon were settled by Gentile veterans of Herod's forces and appear together in a list of garrisons placed so as to guarantee the security of the realm from inner disturbances (*Ant.* 15.292–299). Samaria was certainly a Gentile district, even prior to Herod's day. The region had already come under the control of Hellenistic settlers in Alexander the Great's time. Although conquered by the Hasmoneans, it was reconstructed by Gabinius. The 6000 veterans received their plots from land that belonged either to Herod, or to the polis of Samaria; Jewish land was not the source of the allocations. In addition, Herod enlarged the city, built its walls, and granted it a constitution, renaming it Sebaste. The settlement of Gaba had also once been a polis — coins date the foundation of the city to 61 BCE. Moreover at least part of the its area was royal land, as the term *chorion* attests.[19] Here, too, there is no reason to assume that a Jewish peasantry had been reduced to tenancy or displaced. The last military settlement in our survey, Heshbon, was also not established in a Jewish region. It lies east of the Jewish part of the Peraea, not far from Philadelphia. Its Gentile identity is demonstrated by the assault the Jews made upon it during the Great Revolt (*BJ* 2.458).

In contrast to these settlements, the establishments in the areas of Trachonitis and Batanea were handed over to Jews. The settlement of the Trachonitis in particular introduced a permanent Jewish agricultural

17 U. Rappaport, J. Pastor, and O. Rimon, "Land, Society and Culture," Transeuphratène, 7 (1994), pp. 77–78.

18 Both the New Testament and the Mishnah have passages which indicate the existence of privately owned land. See Acts 4:34,37; and Mishnah Bikkurim 1:2, also A.J. Avery-Peck, *Mishnah's Division of Agriculture*, Chico, CA 1985, p. 341.

19 There is some question as to the location and identity of Gaba Hippieon, see Mazar,(above, n. 15). However the location does not effect the fact that land was allocated to veterans. The expression *chorion* (χωρίον; *BJ* 15.294) denotes a royal estate, see Safrai and Lin, in Mazar (above, n. 15), p. 124; and Schalit, *King Herod* (above, n. 1), p. 115 (Heb.).

presence into an area which was a haven for bandits and outlaws and had previously been unoccupied by Jews (*Ant.* 16.285:17.23–27).

In summarizing this point, we see that Herod settled Gentiles and Jews on royal land. However Gentiles were placed in Gentile areas, not in Jewish areas, while Jews received opportunities for settlement on royal land in Gentile areas.

Another common claim made about the landholding structure in Herod's time is that Jewish farmers, previously displaced from the coastal plain and Transjordan by Pompey, were now driven into tenancy by Herod's confiscations and endowments to Gentile supporters and veterans.[20] For example, Ptolemy, the dioketes, owned the village of Arous whose villagers were apparently his tenants.[21] Similarly, years later Philip son of Jacimus owned villages that Herod had allegedly granted to his family.[22] These examples are only convincing at first glance. In fact, there is no written source to prove that Herod converted free farmers into tenants. On the contrary, it may be assumed that if Herod gave these villages as gift land, they must already have belonged to him.[23] He in turn had received them from some previous owner: the tenant-landlord relationship having existed in the past, it continued under a new landlord. Since Demetrius, the *strategos* of Gamla, may have had control of the surrounding villages in Yannai's day (*Ant.* 13.394) and Philip ben Jacimus was the army commander for Agrippa II decades later, one might discern here a continuation of the dominion of an area by a local military commander appointed by the crown.

In a similar fashion, Herod probably owned the vicinities of Gaba and Antipatris before he established cities there and the lands he granted to the Idumaeans and Zamaris were state land granted to him by Augustus.[24]

20 Applebaum, "Judaea as a Roman Province" (above, n. 2), pp. 361, 367.

21 See above, n. 12

22 Applebaum, "Judaea as a Roman Province," p. 379; idem, *Judaea in Hellenistic and Roman Times* (SJLA, 40), Leiden 1989, p. 51; G.M. Cohen, "The Hellenistic Military Colony," (above, n. 14), pp. 86–87.

23 *Ant.* 15.296, *BJ* 1.403; G.M.Cohen, *The Seleucid Colonies*, Wiesbaden 1978, p. 21; Shatzman, *The Armies* (above, n. 15), p. 169. S.Applebaum, "Economic Life in Palestine," S. Safrai and M. Stern (eds.), *The Jewish People in the First Century*, II, Van Gorcum, Assen, and Amsterdam 1976, p.658, questions whether the land belonged to Herod, or whether he simply used his royal authority to "do as he liked."

24 On Antipatris: *Ant.* 16.142–143; see also S. Applebaum, "The Question of Josephus' Historical Reliability in the Two Test Cases: Antipatris of Kefar-Saba and Antipatris of Caesarea," U. Rappaport (ed.), *Josephus Flavius: Historian of Eretz: Israel in the*

Thus, whatever the relationship of the settlers to the crown, it is fairly certain that the land was royal land.[25]

In short, not only did Herod apparently not create or aggravate a drift into tenancy of the Jewish farmers, in fact, the evidence seems to show that he opened opportunities for Jewish settlement in areas that had been lost to the Jews as a result of Pompey's settlement of Judaea. Moreover, although, the Judean delegation to Augustus accused Herod of causing the ruin and disappearance of cities in his kingdom,[26] it seems that the opposite is true. During his administration Herod established new cities or greatly expanded existing communities. Of the three cites founded by Herod — Sebaste, Antipatris, and Caesarea — only Sebaste was a purely Gentile establishment. It did not provide any solutions to Judean economic problems, but it does serve as an enlightening indication of what Herod's policies contributed to the country's cities. Z. Safrai has observed that the coin finds of Samaria/Sebaste suggest that the city's situation improved in Herod's day in comparison to all previous periods since the Seleucids.[27] Moreover, after Herod's demise there are indications of a downturn in the economic activity of the city and probably a decrease in its population.

Antipatris was established by Herod in the area of the plain of Kefar Saba. The ruins of the city lie on the upper reaches of the Yarkon River, below

Hellenistic-Roman Period, Jerusalem 1982, pp. 13–19 (Heb.); on Gaba: *Ant.* 15.294, *BJ* 3.36; see also G.M. Cohen, *The Seleucid Colonies* (above, n. 21), p. 45; Z. Safrai, and M. Lin, "Geva in the Hasmonean Period," *Cathedra* 69 (September 1993), p. 25 (Heb.); on Idumeans in Trachonitis: *Ant.* 16.285,292; Applebaum, *Judaea in Hellenistic and Roman Times* (above, n. 20), p. 48, argues convincingly that the Idumean settlement was not withdrawn, but continued its presence in the area. On Zamaris see Ant. 16.285; 17.23–25; there are questions open regarding the exact status of the land granted by Herod. Cohen, (above, n. 14), pp. 86–87, suggests that the land was granted by Herod to Zamaris in full ownership, while Applebaum, op. cit., pp. 49–50, asserts that it was state domain leased to the settlers.

25 See the texts in S. Dar, "Inscriptions from the Period of the House of Herod in the Bashan, Trachonitis, and the Hauran," S. Applebaum et al. (eds.), *The Hermon and Its Slopes*, [Israel 1968], pp. 42–48 (Heb.); and others discussed by Applebaum in *Judaea in Hellenistic and Roman Times*, p. 50.

26 See above, n. 11.

27 Z. Safrai, "Samaria — From the Hellenistic to Byzantine Periods in Light of Numismatic-Quantitative Finds," Z.H. Erlich and Y. Eshel (eds.), *Judea and Samaria Research Studies, Proceedings of the Second Annual Meeting, 1992*, Ariel 1993, pp. 177–178 (Heb.).

the last ridges of the Shephela. Therefore one may assume that this area was included in the regions severed from Judaea by Pompey. Decades later, at the time of the Great Revolt, Josephus relates that Vespasian "restored order in Antipatris and then laid waste the neighborhood" (*BJ* 4.443). This indicates that Antipatris, or at least its *chora*, was heavily settled by Jews, otherwise the operation would have caused undeserved damage to a population allied with the Romans. When did the Jews arrive in the area? Applebaum has proposed that they had remained in place after Pompey's organization of Judaea.[28] However, this is doubtful, considering the depth of resentment that the Hellenistic inhabitants harbored toward the Jews. It is far more likely that the Jews of Antipatris used the opportunity presented by Herod's development of the zone to reenter the region.

The third city foundation, Caesarea, formerly called Strato's Tower, had also been torn from the Hasmonean state by Pompey. Here too, one may assume that the Jewish inhabitants were driven out of the area; yet the Herodian city of Caesarea later became a major Jewish center. In the strained years just before the Great Revolt, the Jews in Caesarea contended with the Gentiles for the right to call the *polis* their own.[29] The Jewish community drew confidence from its wealth (*Ant.* 20.175, 177), eventually even trying to bribe the Roman governor Florus (*BJ* 2.287). In this prolonged conflict between the Jewish and Gentile elements of Caesarea, the Gentiles claimed that there had been no Jews in the polis until Herod's day (*Ant.* 20.173). Hence it was to Herod that the Jews of Caesarea were obliged for the opportunity of reestablishing themselves in that city.

Another sphere in which Herod contributed to the Jewish settlement of his kingdom was in the development of Jerusalem. There he built many public buildings, fortresses, towers, and monuments, and greatly improved the water supply. His most famous project was the renovation of the Temple and the reconstruction of the Temple Mount. One might claim that these actions did not necessarily contribute to the growth of the city, but were rather an expression of Herod's megalomania. Yet, whatever Herod's motivations might have been (see n. 36), the fact remains that Jerusalem,

28 Applebaum, "The Question of Josephus' Historical Reliability," (above, n. 24), pp. 13–15.

29 A. Kasher, "The Isopoliteia Question in Caesarea Maritima," *JQR*, 68 (1978), pp. 16–27; L.I. Levine, "The Jewish-Greek Conflict in First Century Caesarea," *JJS*, 25 (1974), pp. 381–397.

the Jewish capital, expanded from an area of about 90 hectares at the end of the Hasmonean period, to an area of about 170 hectares by the time of Agrippa I.[30] We would suggest that the building programs provided the infrastructure for the growth of the city, which cannot be credited to any ruler of the period other than Herod.

In summary, our examination of Herod's settlement policies leads to the following conclusions. Herod did not discriminate against or particularly oppress the Jewish section of his kingdom. His confiscations were in keeping with political and security exigencies of his realm, and although land was confiscated from Jews it was not reallocated to the Gentiles. In fact, Gentile areas were opened to Jewish settlement. Perhaps the best indication of the real impact of Herod's land policies is found in the context of the rioting after his death. Though crowds of Jews loudly called to Archelaus demanding tax concessions, the dismissal of the High Priest, and revenge against secret informers (*BJ* 2.4–13; *Ant.* 17.200–218), no demand was made for restitution of property or for land reform.

Over-taxation is very often stressed as one of the economic ills which characterized Herod's rule.[31] The sources provide three examples of the centrality of taxation in the resentment toward Herod felt by his Jewish subjects. First, in *BJ* 1.520–525 a rogue called Eurycles relays to Herod complaints and criticisms allegedly made by Alexander, Herod's son by Miriam. He supposedly declared that he would "...proclaim to the world the sufferings of his nation, bled to death by taxation," and he would "eventually disclose the motives which had led to the favoritism shown to particular cities...." Second, as mentioned above, the crowds calling to Archelaus demanded relief from the burden of taxes, and third, the Judean delegation to Augustus claimed that the country had been reduced to poverty by Herod's exactions.

30 M. Broshi, "The Cities of Eretz-Israel in the Herodian Period," *Qadmoniot*, 14 (55–56) (1981), pp. 72–72 (Heb.); Z. Maoz, "The City Plan of Jerusalem in the Hasmonean and Herodian Period," *Eretz-Israel*, 18 (1985), pp. 46–57 (Heb.).

31 See Applebaum, "Judaea as a Roman Province" (above, n. 2), p. 373; E. Schürer, *The History of the Jewish People in the Age of Jesus Christ*, I, eds. G. Vermes and F. Millar, Edinburgh 1973, p. 314; L.I. Levine, "The Roman Period from the Conquest to the Ben Kozba War (63 BCE–135 CE), M. Stern (ed.) *The History of Eretz Israel*, IV: *The Roman Byzantine Period*, Jerusalem 1984 (Heb.), p. 36.

It is not our intention here to survey Herod's tax system, but will compare the tax burden placed on the Jewish portion of the country with that imposed on the Gentile sector.

Archelaus, Herod's primary heir, received Judea, Samaria, Idumea, and the cities of Jerusalem, Sebaste, Jaffa, and Caesarea; all these yielded 600 talents.[32] Salome, Herod's sister inherited Phasaelis, as well as Jamnia (Yavneh) and Azotus; her income from these places was sixty talents (*BJ* 2.98). Though it is very difficult to gauge accurately the economic potential of particular regions and cities, if there is disproportion between the sums paid to each of these heirs by their territories, it is weighted in favor of Archelaus.[33]

Another indication that the Jewish population did not necessarily suffer a greater tax-burden than the Gentiles of Herod's domain can be discerned in the attitude of the Hellenistic cities to Herod's rule. At the end of Herod's reign the Hellenistic cities clamored to be released from the control of the Judean client king and his successors.[34] Inhabitants of Gadara had already lodged complaints against Herod before Marcus Agrippa, and they later repeated their accusations before Augustus (*Ant.* 15.351,354). This polis was finally released from Herodian rule by the emperor after Herod's death. Likewise, Gaza and Hippus asked and received permission to leave Herodian rule. Jamnia and Azotus, two more poleis, remained under Herodian rule as the property of Salome, Herod's sister. Not too many years later they also escaped Herodian control completely (*Ant.* 18.31; *BJ* 2.167). One must wonder why all these cities would be so eager to leave Herodian rule if their conditions were so privileged compared to other sectors of the kingdom.

On at least two occasions Herod saw fit to reduce taxes.[35] In 20 BCE Herod remitted a third of the taxes and once again, in 14 BCE, he remitted a quarter of the burden (*Ant.* 15.365). In both cases Josephus ties the action to Herod's relationship with the Jewish population of his kingdom.

32 *Ant.* 17.319–320; in *BJ* 96–97, 400 talents.

33 Salome had one-tenth the income of Archelaus, though he had far more than ten times the area and population; he also had the significant income producers: the ports of Caesarea and Jaffa, and the balsam groves. The latter alone were worth 200 talents to Herod (*Ant.* 15.96,107).

34 *Ant.* 17.320; *BJ* 1.97; Nicolaus of Damascus apud M. Stern, *Greek and Latin Authors on Jews and Judaism*, I, no. 97, line 60.

35 Schalit, *King Herod* (above, n. 1), pp. 143, thinks that the tax-cuts were on the eve of periodic censuses and were intended to ease the sting.

Supposedly, the first tax cut was a tactic to defuse the resentment that greeted Herod's cultural policies. The second instance was tied to Herod's successful expedition to Asia Minor, including his positive encounter with the Jewish communities there. The connection to the Jewish sector is evident from the circumstances in which the tax break was announced. Herod chose to declare his action at a popular assembly in Jerusalem. These episodes were the only general tax alleviations granted during Herod's rule. Significantly, they were promulgated as a result of Herod's relationship with the Jewish component of his subjects.

Herod's building program was probably the most significant physical expression of his rule. While it has been argued that Herod's building program was an expression of his disturbed personality, others have tried to show that this was no mania, but a deliberate program to develop the kingdom, and perhaps also to provide employment for the population.[36] It can also be argued that the evenhandedness of his policy toward the Jewish and Gentile sectors of his subjects may be discerned even here.

A list of all Herod's building projects has been composed and analyzed by Ehud Netzer.[37] A simple reading of this list yields about twenty projects of some public or administrative purpose in the Jewish areas, and about twelve in the Gentile regions.[38] To these should be added the fortresses which did not benefit the populace in any way other than by providing employment for the construction crews; they appear both in Jewish and Gentile areas. Furthermore one may include in our account the projects outside the kingdom paid for by Herod, which can be ostensibly credited to the Gentile sector. They are, however, easily balanced by the contributions made to the Jewish sector by Diaspora Jews,[39] whose right to contribute was guaranteed in great part by Herod's diplomatic gifts.

Two projects exemplify Herod's building program: the Temple in Jerusalem, and the city-port of Caesarea. The Temple provides a good perspective on the economic effect of Herod's program. The work on the

36 E. Netzer, "Herod's Building Projects: State Necessity or Personal Need?" *The Jerusalem Cathedra*, 1 (1981), pp. 48–61, 73–80; Gabba "The Finances of King Herod" (above, n. 5), p. 166.

37 See Netzer, "Herod's Building Projects," pp. 48–50, 59.

38 Ibid.

39 B. Isaac, "A Donation for Herod's Temple in Jerusalem," *IEJ*, 33 (1983), pp. 86–93. L. Roth-Gerson, *The Greek Inscriptions From the Synagogues in Eretz-Israel*, Jerusalem 1987, pp. 76–86 (Heb.).

Temple started in 20/19 or 23/22 BCE, and lasted eight years or possibly nine and a half years, although apparently there was some work on the entire complex that lasted into the sixth decade of the first century CE.[40] Recently two engineers from the Technion Institute in Haifa have attempted to analyze the Temple building project in terms of work force and costs.[41] According to their estimates the entire project involved 50,000 man-years of labor. A permanent work crew of 7,000–8,000 men was employed, but with supporting projects, transportation, and the like, they believe that 10,000 men were kept occupied. This size of workforce can provide for a population of forty thousand or more people.[42]

Caesarea took less time to build than the Temple and was probably completed in twelve years. The city consisted of a port with extensive breakwaters constructed with the latest technology of the period, public buildings such as a theater, hippodrome, and amphitheater, and of course a temple to Augustus.[43] It became a leading port of the eastern Mediterranean, and the Roman capital of the province. We have as yet no reliable estimate of the man-days needed to build the city. Nevertheless, it would seem that in the scales between Caesarea and Jerusalem, one might see some sort of balance between the efforts made to build projects for the Jewish and for the Gentile constituents of Herod's realm.

In summary, there is no record of wide-ranging expropriation of land, a discriminatory tax burden, or a public works program unfairly dedicated to the Gentile constituency of Herod's realm. On the contrary, there is a record of settlement, tax relief, and public works benefiting the Jewish entity of the kingdom.

Herod's rule went far to ameliorate the effects of the period since Pompey, whose dispositions had caused mass dislocation because of the changes in land tenure. The intervening period had seen further dislocations as the

40 John 2:20 states 46 years. On the building of the Temple see Schürer, (above, n. 31), I, p. 292 and n. 12; E. M. Smallwood, *The Jews Under Roman Rule*, Leiden 1981, p. 92, n. 112.

41 A. Warszawski, and A. Peretz, "Building the Temple Mount: Organization and Execution," *Cathedra*, 66 (December 1992), pp. 3–46 (Heb.).

42 According to I. Finkelstein, "A Few Notes on Demographic Data from Recent Generations and Ethnoarchaeology," *PEQ*, 122 (1990), pp. 48–49, the average size of a nuclear family was 4.3–4.75 persons per family.

43 See "Caesarea," E. Stern (ed.), *New Encyclopedia of Archaeological Excavations in the Holy Land*, I, Jerusalem 1993, pp. 270–291.

result of revolts and the Roman civil war. Herod's expropriation and gift of estates may not necessarily have improved matters, but his rule over the non-Jewish areas adjoining the coast resulted in the return to these areas of Jews who now prospered. His commercial program opened up new avenues of income. Finally, but certainly significant, was the building program that is so characteristic of Herod's reign. The extensive building projects provided by Herod must have had a salutary effect on the small landholder, providing additional and alternative income for farmers who needed to supplement their earnings. The building projects needed working men, and the large numbers of permanent building workers needed food supplies, thereby providing an outlet for those who had a surplus. The improved communications made it easier to bring produce to market and provided jobs in the transport and commercial spheres.

The Jews and the Latin Language in the Roman Empire

JONATHAN J. PRICE

One of the elementary measures of *cultural assimilation*[1] is language. The purpose of this brief essay is to summarize what can be known about the Jews' knowledge and use of Latin during the Roman Empire, and to offer new interpretations on certain specific points.

During the period of the Roman Empire, the bulk of the Jews in the world lived in the eastern half of the empire or beyond, in Babylonia, and spoke a Semitic language and/or Greek. In this, they were no different from most of the other inhabitants of the East.[2] Those who lived within the administrative confines of the Roman Empire had few regular or sustained contacts with the Latin language. They would be able to see Latin inscriptions — in Israel, one thinks of the famous Pilate inscription and other imperial texts from Caesarea, and the numerous milestones scattered

1 This was the topic of the conference at Haifa in November 1995 at which this paper was given. The present version retains the essential form of the lecture, but the argument has been filled out in places where questions and comments helped, and references have been added up to 1995 (with the exception of nn. 3 and 4 below), although this is not intended as a bibliographical survey.

2 See in general, J.A. Fitzmyer, "The Languages of Palestine in the First Century A.D.," *CBQ*, 32 (1970), pp. 501–531, esp. 504–507; G. Mussies, "Greek in Palestine and the Diaspora," S. Safrai and M. Stern (eds.), *The Jewish People in the First Century*, II, Assen 1976, pp. 1040–64 (with earlier bibliography). J. Juster, *Les Juifs dans l'Empire Romain*, I, Paris 1914, pp. 365ff. is still interesting and useful. I should stress that the present essay deals with linguistic and cultural questions, not political or legal ones such as Roman citizenship held by Jews, on which see M. Goodman, "The Roman Identity of Roman Jews," I.M. Gafni, A. Oppenheimer, and D.R. Schwartz (eds.), *The Jews in the Hellenistic-Roman World: Studies in Memory of Menahem Stern*, Jerusalem 1996, pp. 85*–99*; F. Millar, "Latin in the Epigraphy of the Roman Near East," H. Solin, O. Salomies, and V.-M. Liertz (eds.), *Acta Colloquii Epigraphici Latini*, Helsinki 1995, pp. 403–419.

throughout the countryside[3] — but these would not count as a meaningful exposure to Latin, especially since the locals had no reason to read them. Official documents were routinely translated into Greek, and administrative and juridical proceedings were conducted in that language, which was the linguistic meeting ground of the locals and the Roman administration.[4] The warning inscriptions at the Temple in Jerusalem appeared in Greek and Latin, perhaps out of formality, but more probably for the benefit of those foreigners whose Latin was better than their Greek.[5] Latin writers (by and large transplants) lived and worked in the East, as J. Geiger has shown regarding Eretz-Israel,[6] but their names are few, and they could not have had much impact on the local population who did not speak Latin. One imagines, rather, émigré writers and artists working in foreign lands.

The Roman colonies in the Near East — e.g., Jerusalem, Caesarea, Berytus and its sister-colony Heliopolis — were islands of Roman culture which, like the Latin authors of Eretz-Israel, had little lasting cultural or linguistic influence in the areas just outside their borders. The spread of Latin from these centers was wide but superficial: mostly individual words, especially military terms, city names and personal names.[7]

3 Milestones: B. Isaac and I. Roll, *Roman Roads in Judaea,* Oxford 1982. On the Pilate inscription, see B. Lifshitz, "Inscriptions latines de Césarée (Caesarea Palestinae)," *Latomus*, 22 (1963), pp. 783–784, esp. 783; E. Schürer, *The History of the Jewish People in the Age of Jesus Christ (175 B.C.–A.D.135)*, I, eds. G. Vermes, F. Millar et al., Edinburgh 1973, p. 358, n. 22. See now: G. Alföldy, "Pontius Pilatus und das Tiberieum von Caesarea Maritima," *SCI*, 18 (1999), pp. 85–108, with further bibliography, and idem, "Nochmals: Pontius Pilatus und das Tiberieum von Caesarea Maritima," *SCI,* 21 (2002), pp. 133–148.

4 An outstanding example from this region of the Roman administration functioning in Greek is the Babatha archive and other documents from the Judean Desert; see now (dealing with other issues, esp. legal) H.M. Cotton, W.E.H. Cockle, and F.G.B. Millar, "The Papyrology of the Roman Near East: A Survey," *JRS*, 85 (1995), pp. 214–235; and now, H. Cotton, "Jewish Jurisdiction under Roman Rule: Prolegomena," M. Labahn and J. Zangenberg (eds.), *Zwischen den Reichen: Neues Testament und Römische Herrschaft: Vortrage auf der Ersten Konferenz der European Association for Biblical Studies* (TANZ, 36), Tübingen 2001, pp. 5–20.

5 Josephus, *BJ* 5.193, 6.125; E. Bickerman, "The Warning Inscriptions of Herod's Temple," *JQR*, 37 (1946–47), pp. 387–405 [= *Studies in Jewish and Christian History*, II, Leiden 1980, pp. 210–224].

6 J. Geiger, "Latin in Roman Palestine," *Cathedra*, 74 (1994), pp. 3–21 (Heb.).

7 F. Millar, *The Roman Near East, 31 B.C.–A.D. 337*, Cambridge, Mass. 1993, p. 527.

The varied corpus of rabbinic writings, which are the main literary documents from Eretz-Israel, show only surface traces of the fact that their authors were living in an empire whose official language was Latin. As Saul Lieberman concluded in his classic study: "The Palestinian Rabbis certainly did not know Latin. Except for military and judicial terms (as well as names of objects imported from Latin speaking countries) which are usually also extant in Syriac and later Greek, Latin words are less than scarce in rabbinic literature."[8] It may even be the case that Latin words did not enter the language directly but through Greek.[9]

Finally, for the sake of completeness, we should mention that those Jews who served in the Roman army, such as the three *possibly* attested in inscriptions from Pannonia,[10] perforce learned Latin. But they were few, and as a rule Jews were exempted from military service by the Romans (in contrast to the Ptolemies and Seleucids).[11] Thus in the East only Jews who served in the Roman administration or army would have had any regular occasion to use, or even hear Latin.

To find Jews who knew and spoke Latin we must therefore turn to the western half of the Roman Empire, where Latin was the predominant language not only of literature, government, and administration, but also of everyday life. From inscriptions, which constitute the main and indispensable source for these Jews, we are familiar with the important Jewish communities in Rome, elsewhere in Italy (the largest documented community is in Venosa = Venusia), and North Africa. More scattered Jewish presence is attested throughout the western provinces, all the way to Spain.[12] Some of

8 *Hellenism in Jewish Palestine*, New York 1950, p. 17.

9 For this phenomenon in general, although in a different cultural context and applying to different languages, see A. Wasserstein, "Non-Hellenized Jews in the Semi-Hellenized East," *SCI*, 14 (1995), pp. 111–137.

10 A. Scheiber, *Jewish Inscriptions in Hungary from the Third Century to 1686*, Budapest 1983, nos. 4, 5, and 6.

11 Josephus *Ant.* 14.223–232, 234, 236–40; Juster, *Les Juifs dans l'Empire Romain* (above, n. 2), II, pp. 265–279.

12 For surveys, see M. Stern, "The Jewish Diaspora," in Safrai and Stern, *The Jewish People, in the First Century* (above, n. 2), pp. 117–153; H. Solin, "Juden und Syrer im westlichen Teil der römischen Welt: Eine ethnisch-demographische Studie mit besonderer Berücksichtigung der sprachlichen Zustände," *ANRW*, II, 29,2, 1983, pp. 587–589, 1222–1249; Millar in Schürer, *History of the Jewish People* (above, n. 3), III. 1, pp. 1–86. For the epigraphical corpora, see below, n. 23. The Jews of Cyrene, a Greek foundation, of course spoke Greek; *CIL*, XIV 2109, in Latin and Greek, was set

these Jewish communities traced their origins back to Republican times. A Jewish presence is documented in Rome from as early as the second century BCE,[13] but it was not until after Pompey's conquests in the East (he captured Jerusalem in 63 BCE) and the suppression of the rebellion in 66–70 CE, as well as the continued rebellions of the second century, that Jews arrived there in great numbers. Yet already in 59 BCE, Cicero could speak (admittedly, for rhetorical effect) of the influential numbers of Jews in the city.[14] The origins of the smaller Jewish communities, particularly those in Western Europe, are harder to trace because of the paucity of evidence. Yet all exhibit a curious feature: they seem to have acquired Latin at a relatively late date. If we use language as a measure of integration into Roman life and culture, the Jews appear to have held aloof for quite a few generations after their arrival in the West.

We will presently examine the evidence for this. Yet first we should take brief note of what there is *not*, namely, Jewish literature in Latin. During the centuries of continuous Jewish presence in the western half of the Roman Empire, no Jewish Latin literature developed. It is true that other ethnic groups, who unlike the Jews were native in the western Roman Empire, also did not produce literature in Latin, but the absence of Jewish Latin literature contrasts with the quite ramified and ambitious range of literary works produced by Jews in Greek, from philosophy and poetry to history and apocalyptic works (though it is true that most of this preceded the third century).[15]

In saying this, I do not mean to ignore two works whose Jewish identity has been the subject of controversy for some time, and both of which have recently been vigorously defended as Jewish. I refer to the *Collatio legum Mosaicarum et Romanarum*, a (possibly incomplete) fourth-century

up by Cyrenians in Italy: G. Lüderitz, *Corpus jüdischer Zeugnisse aus der Cyrenaika*, mit einem Anhang von Joyce M. Reynolds, Wiesbaden 1983, no. 36.

13 E.M. Smallwood, *The Jews under Roman Rule from Pompey to Diocletian*, Leiden 1982, pp. 128ff.

14 *Pro Flacco 66; M. Stern, Greek and Latin Authors on Jews and Judaism*, I, Jerusalem 1974, p. 199, points out that Cicero's remark hints that there were many Jews in Rome even before Pompey's return.

15 Sextus Julius Africanus was probably not Jewish; see E. Habas (Rubin), "The Jewish Origin of Julius Africanus," *JJS*, 45 (1994), pp. 86–91. For a survey of the earlier literature, see Schürer, *History of the Jewish People*, III. 1.

comparison of Mosaic and Roman laws, and its contemporary *Epistola Anne ad Senecam de superbia et idolis*, which, to judge from what has survived of it, was a theological tract on idolatry, as the title indicates.[16]

The strongest argument for the Jewish identity of both works is that they are probably not Christian, which is clearer for the Letter than for the *Collatio*.[17] Assuming a pagan did not write either work, we are left with Jewish authors. This line of reasoning is in itself revealing of how little the works correspond with anything known about the Jewish thought and intellectual activity of the period. Certainly the similarities between the *Collatio* and the Letter, on the one hand, and any other comparative material — Philo, Josephus, and rabbinic literature (a motley lot in themselves) — on the other, are superficial compared to the differences. It is just imaginable that the *Collatio* can be fit into the context of Jewish-Christian theological disputations of the fourth century, but those debates over the value and meaning of Jewish law were essentially intra-Christian.[18] The Letter cannot be assigned the same purpose, and the suggestion that it is a work of Jewish proselytism would certainly be surprising if true.[19] Yet that is the point: grand conclusions cannot be based on two works, one enigmatic and the other fragmentary when the identity of neither author is entirely certain.

16 The *Epistola* was first published by B. Bischoff, *Anecdota novissima: Texte des vierten bis sechzehnten Jahrhunderts*, Stuttgart 1984, pp. 1–9; see A. Momigliano, "The New Letter by 'Anna' to 'Seneca'," *Athenaeum*, 63 (1985), pp. 217–219. For an edition of the *Collatio* see M. Hyamson, *Mosaicarum et romanarum legum collatio*, London and New York 1913; and see inter alia A.M. Rabello, "Alcune note sulla 'Collatio Legum Mosaicarum et Romanarum' e sul suo luogo d'origine," *Scritti sull'Ebraismo in memoria di Guido Bedarida*, Firenze 1966, pp. 177–186; idem, "Sull' ebraicità dell' autore della 'Collatio Legum Mosaicarum et Romanarum'," *La Rassegna Mensile di Israel*, 33 (1967), pp. 339–349. The Jewishness of both is now strenuously argued by L.V. Rutgers, *The Jews in Late Ancient Rome: Evidence of Cultural Interaction in the Roman Diaspora*, Leiden 1995, pp. 210–259, who also cites extensive bibliography.

17 E. Volterra, "Collatio legum Mosaicarum et Romanarum," *Atti della Reale Accademia Nazionale dei Linei.* Memorie, 6.3.1 (1930), made the first strong case for the *Collatio* being Jewish; his arguments were adopted and improved by Rutgers.

18 D. Rokeah, *Jews, Pagans and Christians in Conflict*, Jerusalem 1982; see also Rutgers, *The Jews in Late Ancient Rome*, pp. 210–259, which however contains certain errors: above all, comparison of the *Collatio* with the Babatha archive, so far removed in time and space, certainly *cannot* prove that the former is a defense of Jewish law in light of "Roman interference with internal Jewish jurisdiction."

19 W. Wischmeyer, "Die Epistula Anne ad Senecam," J. van Amersfoort and J. van Oort (eds.), *Juden und Christen in der Antike*, Kampen 1990, pp. 72–93; Rutgers (above, n. 16).

If, on the other hand, the *Collatio* or *Epistola*, or both, were written by Jews for *Jewish* audiences, then they represent an unexplored (and unexplorable) dimension of Jewish culture and intellectual life in the Roman Empire. This is possible, but paradoxical: does the distinctive nature of both works represent a different cultural milieu from that of all other Jewish literature of the period, or tally against their Jewishness? This is a methodological trap from which escape is made difficult by the very absence of comparative material. It would be fair to say that even if we accept both the *Collatio* and *Epistola* as Jewish works, they stand out as quite exceptional, for there is no indication, and no reason to believe, that a whole corpus of Jewish literature in Latin has vanished without a trace. This is one case for which I think silence speaks quite eloquently.[20] At most, the two documents represent the cultural (and social?) attainments of their idiosyncratic authors, not those of a community.

The absence of Jewish literature in Latin — or for that matter, in any language, if we are speaking of the Jews in the western half of the Roman empire — does not of course suggest illiteracy. As I have said, most of what we know about the Jews of the Roman West is preserved in inscriptions — many hundreds, in fact, although many of these contain little more than a name. The only other source of information on the matter, as Fergus Millar has recently pointed out in an important article, is the vast and relatively untapped corpus of writings of the Christian fathers, especially the Latin-speaking ones, which contains evidence, usually incidental or anecdotal, about contacts with Jews.[21] I cannot deal with this huge topic here, but I should stress Millar's warning about the caution with which this material must be treated. As regards our present subject, I doubt that much material proving an extensive knowledge and use of Latin by Jews can be extracted from passing statements in the Christian writings, such

20 Even the discovery of more passing references like that of Tertullian to "a circumcised poet" (11.94) does not change the picture, especially since Tertullian refers not to a Jewish Latin poet but, as Cassuto perceived, an assimilated Jew whose works were neither written for nor read by Jews: M. Cassuto, "The Jewish Translation of the Bible into Latin, and its Importance for the Study of the Greek and Aramaic Translations," M. Schwabe and Y. Gutmann (eds.), *Sefer Yohanan Levy*, Jerusalem 1949, pp. 161–172 (Heb.), esp. 165.

21 F. Millar, "The Jews of the Graeco-Roman Diaspora between Paganism and Christianity," J. Lieu et al. (eds.), *The Jews among the Pagans and Christians in the Roman Empire*, London and New York 1992, pp. 97–123, esp. 97–99, 112–121.

as references to consultations between Christian writers and Jews (they mostly knew Greek), just as the comment by Jerome that Jews made fun of contradictions in the Latin translations of the Bible does not necessarily mean that the Jews knew the translations very thoroughly, much less used them.[22]

There are, in brief, more than 600 Jewish inscriptions from Rome and nearly 200 from the rest of Western Europe, 125 from North Africa (including instrumenta), and 10–15 from Pannonia.[23] Of course, not all of these are in Latin. In fact, one of the most striking features of this body of material is precisely that only some 20–30 percent of the texts have any Latin at all (this includes bilingual and trilingual texts); Greek is by far the preponderant language.

I should perhaps insert a word of warning here. Inscriptions may seem to be the freshest, most unmediated access to genuine Jewish voices from antiquity, and indeed in some obvious ways they are. But they are also limited. Above all, they document only those Jews who identified themselves as Jews or had some identifying Jewish characteristic perhaps in their name or profession. We cannot know the number of inscriptions in Latin and Greek left by Jews who gave no clue of their religion, nor can we blame all those missing Jews for deliberately obscuring their identity. Many inscriptions from Jewish burial sites, such as Leontopolis in Egypt or even the Roman catacombs, contain epitaphs of Jews who, outside this exclusive context (which they obviously chose because of their identity), would have been thought pagans. Yet we perforce work with what we have.

The language of the Jewish inscriptions is an interesting matter. Again, one bumps into methodological problems from the start: does the language

22 And I do not think the story of the conversion of the Jews in Minorca in the fifth century "presupposes the use of Latin equally by the Jews and by the surrounding Christians," Millar, "The Jews of the Graeco-Roman Diaspora," p. 99, although that is the period when Latin became the Jews' primary language in the West (see below).

23 Rome: D. Noy, *Jewish Inscriptions of Western Europe*, II: *The City of Rome*, Cambridge and New York 1995. Western Europe: idem, *Jewish Inscriptions of Western Europe*, I: *Italy (Excluding the City of Rome), Spain and Gaul*, Cambridge and New York 1993. The corpora edited by Noy will be referred to as *JIWE*. North Africa: Y. Le Bohec, "Inscriptions juives et judaïsantes de l'Afrique romaine," *Antiquités Afriques*, 17 (1981), pp. 165–207, and cf. idem, "Juifs et Judaïsantes dans l'Afrique romaine: Remarques onomastiques," ibid., pp. 209–229. Pannonia: A. Scheiber, *Jewish Inscriptions in Hungary* (above, n. 10), pp. 15–72.

of an epitaph reflect the language spoken (or chosen for the inscription) by the deceased, the relative, or friend who arranged for the inscription or that of the person who carved, scratched, or painted it? For reasons which I shall discuss below, I believe that as a rule we can assume that the language of the Jewish epitaphs in the West reflects, if not the language of the deceased, then at least the one dominant in his community.

The Latin texts are usually assumed, as a group, to be later than the Greek, since they represent assimilation into the surrounding culture; this assumption is reasonable, and the few datable texts confirm it.[24] Hebrew, of course, was not the mother-tongue of the Jews in the West: the number of purely Hebrew inscriptions is minute, and the Hebrew that does occur is usually in a formula or biblical quotation, of which there are a limited number. An intermediate stage in the transition from Greek to Latin may even be represented in the odd texts from Rome and Italy which are in one language but written in the alphabet of the other: from Rome there are twelve Latin inscriptions written in Greek characters, another four in Greek written in Latin characters, as well as several others in Latin or Greek containing a transcribed word (or even a borrowed letter) from the other language; there are two other texts from Venosa exhibiting the same phenomenon.[25] Linguistic transition is the explanation commonly offered for these texts, but I must point out that the exact nature of this transition has never been satisfactorily explained. Do they really represent an intermediate stage, or as one scholar has recently expressed it, "a time of experimentation" in the "process of gradual Latinization"?[26] This may impose too much upon a few individuals who, from confusion or imperfect education, mixed up two languages, or for some reason favored the alphabet of one over the other. Moreover, we should at least ask whether the Latin inscriptions written in Greek and the Greek inscriptions written in Latin indicate the same thing. That is, supposing that the Jews in this transition period were educated in

24 *JIWE*, I 189 (Narbo, 688/9 CE), 107 (Venosa, 521 CE), 27 (Naples, fifth–sixth century CE), 8 (Grado, fifth century CE), 145 (Catania, 383 CE), but also 15 (Ostia, mid-third century CE); *JIWE*, II 564 (Rome, 330 CE with transliterated Greek!), 401 (sixth century, dating formula restored). A Latin inscription such as *JIWE*, I 26, put up by the owner (husband?) of the Jerusalem captive Claudia Aster (=Esther), does not of course reflect the language Aster spoke.

25 See indices in *JIWE*, I and II, and note *CIL*, VIII 1091 = Le Bohec (above, n. 23), no. 20, a Latin inscription with the word *irene*.

26 Rutgers, *The Jews in Late Ancient Rome* (above, n. 16), p. 180.

Greek and only at a later stage in their lives learned Latin — which is already a great deal to suppose — does not equally explain writing Greek in Latin and Latin in Greek. In fact, the Latin texts in Greek letters may have been written by people who never learned to read and write Latin at all. A linguistic transition is quite strikingly represented not so much by confusion of language and alphabet as by actual hybridization, such as in two inscriptions from Venosa written in Greek with Latin case-endings.[27]

These two Venosan epitaphs were probably painted in the fifth century, and most of the Jewish Latin inscriptions from that town come from that century or later; earlier ones are generally in Greek.[28] This phenomenon has already been noted and discussed with reference to Rome by Harry Leon,[29] but it becomes more pronounced when seen in the wider context of Western Europe. There the changeover to Latin can be seen to *begin* in the fourth century, which is when the epigraphical record seems to run out in Rome.[30] What is surprising is not, as I have said, that Latin eventually replaced Greek as the main language of the inscriptions, but that this happened at so late a date — long after pagan and Christian inscriptions, and even those of other immigrant and ethnic groups in the same or adjacent areas, switched to Latin. Even in southern Italy, Greek may be found generally through the sixth and seventh centuries, but not in nearly the proportion represented specifically in the Jewish material.[31] In more isolated places like Sicily and Malta, Latin never seems to come into its own, although the sparse material

27 *JIWE*, I, 61, 62.

28 The whole corpus, including the important finds from the early 1970s, can be found in *JIWE*, I, 42–116; see the discussion by D. Noy, "The Jewish Communities of Leontopolis and Venosa," J.W. van Henten and P.W. van der Horst (eds.), *Studies in Early Jewish Epigraphy*, Leiden 1994, pp. 162–182.

29 *The Jews of Ancient Rome*, Philadelphia 1960, chap. 4.

30 On dating, see M.H. Williams, "The Organisation of Jewish Burials in Ancient Rome in the Light of Evidence from Palestine and the Diaspora," *ZPE*, 101 (1994), pp. 165–182; Rutgers, *The Jews in Late Ancient Rome*, pp. 181–182. This phenomenon is not to be found in North Africa, where there is also a higher occurrence of Hebrew (see Le Bohec, above, n. 23).

31 Compare, e.g., the Christian epitaphs from Aeclanum, *CIL*, 9, 1363–1398, and Noy "Jewish Communities" (above, n. 28), p. 174; it is true that Greek persists in Christian inscriptions through the third century, but, again, not nearly in the same proportion as in the Jewish material, see I. Kajanto, *A Study of the Greek Epitaphs from Rome*, Helsinki 1963; and in general Solin, "Juden und Syrer" (above, n. 12).

from there continues only to the fifth century.[32] In Rome the comparison is dramatic: as Rutgers has pointed out, more than 90 percent of the 25,000 Christian inscriptions from Rome from that period are in Latin and follow established Latin epigraphical conventions; similar proportions are to be found in the pagan inscriptions.[33]

Thus the epigraphic evidence from Western Europe, including Rome, indicates a certain failure by Jews to adopt the language of Rome many generations after the great influxes of their population as a result of Pompey's capture of Jerusalem in 63 BCE, the Great Revolt of 66–70 CE and the rebellions of the second century in the East.

That the inscriptions reflect the Jews' spoken language is suggested by the relatively colloquial and unlearned quality of the Greek in the inscriptions: Greek was not a language formally preserved for solemn occasions.[34] Moreover, the uncertain hand with which many of the epitaphs are painted, in the Roman catacombs especially, suggests execution by the Jews themselves. By contrast, the Latin of the Jewish inscriptions is generally quite good, not only in the quality of the lettering but in grammar and syntax. In Rome, the Latin of the inscriptions is at a generally higher level than the Greek.[35] There are, to be sure, some vulgarisms, but these are more morphological than syntactical.[36] When the Roman material, which continues only to the end of the fourth century, is compared to the Latin in the later Jewish inscriptions from Western Europe, which extend into the seventh century and exhibit far more irregularities, one sees that the Latin of the first Jewish users of the language in Rome was on a higher level than the Latin which eventually became the main language of

32 *JIWE*, I, 143–168; thus no. 145, Aurelius Samohil's inscription is an exception, probably not originating from Catania; cf. Millar, "The Jews of the Graeco-Roman Diaspora" (above, n. 21), pp. 97–99.

33 Rutgers, *The Jews in Late Ancient Rome*, pp. 182–183; Kajanto, *Greek Epitaphs from Rome* (above, n. 31).

34 Cf. the analysis of Leon, *The Jews of Ancient Rome* (above, n. 29), pp. 75–92.

35 Ibid.

36 Such as the use of *que for quae*; cf. Rutgers, pp. 186–187, who finds the deviations from standard Latin more serious; I should also remark that it is *not* "useless to study Late Ancient inscriptions on the basis of standards that belong to a different period" (p. 189) if the point of study, as in the case of inscriptions, is to determine social status; while it is true that classical Latin was not the "standard" spoken language in Late Antiquity, it was still the literary language and was used on upper-class epitaphs as a mark of distinction.

the Jewish communities in the West. Moreover, the inscriptions revealing high cultural achievement (or aspirations) are always in Latin, such as the famous Regina epitaph from Rome, which consists of thirteen elegant dactylic hexameters.[37]

It has been tempting to see Jewish cultural assimilation in their use of names, but language is, I think, a much better indicator of cultural assimilation than naming practices.[38] A recent analysis has shown decisively (in my opinion) that *no* generational, much less general chronological pattern exists in name-giving among the Jews of Rome: parents with Latin names gave their children Greek and Semitic names, just as parents with Semitic names gave their children Greek and Latin names.[39] The same pattern may be found throughout Western Europe. In Venosa, for example, there are eight cases of Hebrew-named parents with Latin-named children, but also seven with the reverse pattern. Significantly, many Latin names are contained in *Greek* inscriptions, a single fact which effectively rules out name-giving alone as a degree of Romanization.

Now, it is true that epigraphic habits tend to be conservative. This pertains not only to language, but also to structure and the use of formulae. Rutgers has determined through exhaustive analysis that even in their Latin inscriptions the Jews tended to retain markedly Greek epigraphic habits, such as the order of names of dedicator and dedicatee, the way the age is identified, and so forth.[40] Epigraphic habits in themselves do not accurately reflect spoken language or level of cultural assimilation; yet even when allowance is made for this, the impression of significant cultural isolation — whether imposed internally or externally — is inescapable. This was Leon's conclusion from the preponderance of Greek in the Roman material,

37 *JIWE*, II 103; it could very well be that a non-Jew was employed to compose and/or cut this epitaph.

38 Despite Leon's involved chapter on that subject (*The Jews of Ancient Rome*, pp. 93–121). At p. 109 he points out that Semitic names were less frequent in Latin inscriptions, but the significance of this is disputed by Rutgers, pp. 141ff. Le Bohec (above, n. 23), p. 226 has detected what is probably a Hebrew naming practice in the North African Jewish inscriptions.

39 Rutgers, *The Jews in Late Ancient Rome*, pp. 139–175.

40 Ibid., pp. 176–209.

and it has generally been accepted, with corrections of nuance, since then.[41] The point becomes clear, for example, when the epigraphic remains of the Roman Jews are contrasted with the papyri and inscriptions of the Jews of Egypt: although there was substantial immigration at the beginning of the Hellenistic period, Aramaic is attested in only three early inscriptions, and is replaced by a confident, often elegant and literary Greek.[42] The cultural achievements of the Egyptian Jews in the Hellenistic and Roman periods, which contrast with their absence in the West, do not need to be rehearsed here, although I should point out that "cultural assimilation" does not mean the loss of ethnic identity, which was stubbornly maintained.

The persistence of Greek in the West also indicates a persistently lower social class for the Jews (contrasting with several well-known examples in the East), which is supported indirectly by the scarcity of *tria nomina* among the relatively few Jews who bore Latin names. A degree of isolation has also been seen in the fact that almost all of the Roman inscriptions, as well as those from Venosa, Taranto (Tarentum) and elsewhere, come from exclusive or semi-exclusive burial sites; but this is a difficult fact to interpret, especially in light of the Jewish burial-ground at Leontopolis in Egypt, where the epitaphs show every sign of nearly complete cultural assimilation. It should be further pointed out that it is not usually known why Jews started and stopped using catacombs when they did, since in most places the period of use is not conterminous with the existence of the community.[43]

The inscriptions display a further phenomenon which connects the Jews' language and their insularity. In Western Europe (more than in North

41 Now rigorously scrutinized by Rutgers, ibid. See also the subtle treatment by T. Rajak, "Inscription and Context: Reading the Jewish Catacombs of Rome," in *Studies in Early Jewish Epigraphy* (above, n. 28), pp. 226–241.

42 W. Horbury and D. Noy, *Jewish Inscriptions from Graeco-Roman Egypt*, Cambridge and New York 1992 (henceforth: *JIGRE*), nos. 3–5; Hebrew and Aramaic are absent in Jewish papyri from Egypt from the Hellenistic period until the Hebrew revival in the Byzantine period; see *CPJ*, I, pp. 30–32, 101–103.

43 On the end of the community in Venosa, see Noy (above, n. 28). Another piece of evidence, though difficult to interpret, is *Cod. Theod.* 12.1.158, which seems to indicate that Jews in southern Italy still felt strong attachment to the East, and also "seems to exaggerate the role played by the Jewish population" in their communities, A. Linder, *The Jews in Roman Imperial Legislation*, Detroit 1987, p. 214; cf. also *Dig.* 50 2.3.3 (Linder no. 2).

Africa), there are certain titles which appear primarily in Greek inscriptions, and others which appear primarily in Latin ones. The following titles, all Greek, abound in the Greek texts but appear relatively rarely, in either transcription or translation, in Jewish Latin inscriptions: ἄρχων (and μελλάρχων), ἀρχισυνάγωγος, γερουσιάρχης, γραμματεύς (and μελλογραμματεύς), διὰ βίου, ἱερεύς, νομομαθής, πατὴρ (or ματὴρ) συναγώγου, πρεσβύτερος, προστάτης (this list is not exhaustive). These are all titles of political and administrative positions within the Jewish community.[44]

Next to these Greek titles, there is a handful of Latin inscriptions which mention other titles: 1) the daughter (Venus!) of a certain Rabbi Abundantius is commemorated in a Latin epitaph from Naples — note the Latin name and the Latin genitive of *rebbi* (*rebbitis*; 2) "two apostles and two rabbis" (*duo apostuli et duo rebbites*) gave funeral dirges for the 14-year-old Faustina in Venosa; and 3) Aurelius Samohil allowed himself an adjuration *per honores patriarcum* in his epitaph for (himself and) his wife in Catania.[45] The apostles and patriarchs in these texts are likely to be officials in Palestine; the exact meaning of "rabbi," in both Diaspora inscriptions and those from

44 Cf. Tertullian's remark on the typically Jewish title *archon* (*de Cor.* 9. 1). The term *archisynagagos* has now been subjected to a grand re-examination by T. Rajak and D. Noy, "*Archisynagogoi*: Office, Title and Social Status in the Greco-Jewish Synagogue," *JRS*, 83 (1993), pp. 75–93. Their main finding, that the Jewish title and office mimicked structures found in the larger civic community, does not necessarily justify their conclusion that the parallel titles and assignations of social status indicate "an outward-looking type of community" any more than the title of "president" in modern synagogues indicates the same thing.

45 In order of mention: *JIWE,* I 36, 86, 145. Faustina was the descendant of *maiures cibitatis* (= *maiores civitatis*). Another Latin rabbi appears in no. 197, judged by Noy to be medieval. In the West, "rabbi" appears in Greek in the bilingual (with Latin) text from Spain, *JIWE, I* 186, and in the name ῥεββί 'Αββᾶ Μάρις from Campania, ibid. 22. The title in Hebrew appears in the tri-lingual Spanish inscription, ibid. 183; cf. G. Alföldy, *Die römichen Inschriften von Tarraco*, I, Berlin 1975, p. 465. *JIWE*, I 114–116, in Greek from Venosa, mention a Marcellus who was πατὴρ πατέρων καὶ πάτρων τῆς πόλεως and an Auxanius who was πατὴρ καὶ πάτρων τῆς πόλεως; Noy in his commentary is rightly puzzled by the Greek rendering of *patronas civitatis*; I would question whether these inscriptions are Jewish (pagan and Christian inscriptions were also found in the catacombs).

Eretz-Israel, is veiled in mystery, yet although it does not seem to represent a regular office, it is obviously a title of some distinction.[46]

It is in no way remarkable that Greek titles should appear in Greek inscriptions, and I realize that great caution is needed when generalizing from a small sample, in which some texts do not fit the pattern. But perhaps the relative infrequency of Greek titles, in transcription or translation, in Latin inscriptions means that the Jews who continued to speak Greek in a Latin-speaking environment maintained inwardly focused Jewish ambitions as well. It might also be that the appearance in mostly Greek inscriptions of such titles as ἀρχισυνάγωγος, which indicated stature only within the Jewish communities, confirms the impression of continuing Jewish particularism. This impression may be strengthened by the fact that, in the case of the Jews of Rome, particular expressions of Jewish piety and idealism, not borrowed from pagans or Christians, are expressed primarily in the Greek texts.[47] Perhaps — and this is only a tentative proposal — those Jews who were more cosmopolitan and worldly spoke the language of the surrounding culture and were able or anxious to signify their connection with such Jewish leaders as the "patriarchs" (who themselves had more contact with the outside authorities), commemorated themselves in Latin. I should note further that the Greek title most often appearing in Latin inscriptions is the Latin homonym *pater*, an official who probably stood at the head of the internal Jewish hierarchy and, therefore, would have been the one most likely to have had contact with the outside world.[48]

These texts raise a final question: even if the Jews did not produce a corpus of Latin literature, did they nonetheless know how to read it? The "transitional" texts discussed above — Latin texts written in Greek letters, and *vice versa* — indicate, if not illiteracy in Latin, a certain lack of ease. Yet we may suppose that as Latin replaced Greek as the Jews' main language, the first thing they would have required would have been a Latin Bible. This question, therefore, like all others we have touched on in this essay, raises more difficulties than it solves. Of course, we do have a Latin Bible predating (at least in part) Jerome's Vulgate, but the whole

46 Cf. Noy's commentary *ad loc.*, on rabbis; see Sh.J.D. Cohen, "Epigraphical Rabbis," *JQR*, 72 (1981–82), pp. 1–17.

47 Rutgers, *The Jews in Late Ancient Rome*, pp. 191–192.

48 Noy *ad JIWE*, I 56 and idem (above, n. 28), p. 179; Schürer, *History of the Jewish People* (above, n. 3), III.1, pp. 87–107.

matter of the *Vetus Latina* is more vexed than that of the Jewishness of the *Collatio* and the *Epistola.* Scholars have been unable to determine, even by majority opinion, whether the current jumbled text is the corrupted version of one original translation, or a compilation from different translations; and in either case, whether the one or the many were commissioned or carried out by Jews.[49]

Yet some things may be said with certainty. First, the *Vetus Latina* is by and large based not on the Hebrew Scriptures but on the Septuagint. On this point there is no serious disagreement.[50] Moreover, it can also be concluded fairly safely that it contains clear Christian tendencies, and that the corrections of the Septuagint from (apparently) the original Hebrew text were made by a later hand or hands. Finally, there is no firm reason to believe that the later corrections from the Hebrew Bible were necessarily Jewish. Thus there is nothing we possess which can be identified as a Jewish Latin Bible during the period under discussion.

This negative conclusion is reinforced by the evidence of the Jewish inscriptions from Western Europe, a fact not normally noticed, or when noticed, interpreted in the opposite direction. For while religious terms *are* used in Latin epitaphs,[51] all the biblical quotations are in Greek or Hebrew, with only two exceptions.[52] One, the enigmatic "Sodom-Gomora" from

49 See the excellent summary of the state of the question, and bibliographical review, in B. Kedar, "The Latin Translations," J. Mulder (ed.), *Mikra: Text, Translation, Reading and Interpretation of the Hebrew Bible in Ancient Judaism and Early Christianity*, Assen 1988, pp. 299–338. See also B.J. Roberts, *The Old Testament Text and Versions: The Hebrew Text in Transmission and the History of the Ancient Versions*, Cardiff 1951. Still fundamental is D.S. Blondheim, *Les parlers judéo-romains et la Vetus Latina*, Paris 1925.

50 Kedar, "Latin Translations"; S. Lieberman, *Greek in Jewish Palestine*, New York 1942, p. 17, n. 15.

51 Leon, *The Jews of Ancient Rome* (above, n. 29), pp. 246–249; Cassuto, "Jewish Translations of the Bible" (above, n. 20), pp. 164–165; I would point out that most of the epithets for piety discussed by Leon and Cassuto are attributed to women.

52 In addition to the two texts discussed, *CIJ*, 665a from Spain has *abligatus in ligatorium vitae*, apparently a quotation of 1 Sam. 25:29 (which appears in Hebrew on Jewish grave monuments in the West), but this inscription is almost certainly medieval, from the eighth or ninth century (see *JIWE*, I, pp. 279–281). Le Bohec (above, n. 23) no. 9 has been thought to contain biblical references, but these are more likely stoic (see bibliography cited by Le Bohec *ad loc.*). On biblical quotations in Jewish epitaphs in general, see P.W. van der Horst, *Ancient Jewish Epitaphs*, Kampen 1991, pp. 37–39.

Pompei,[53] indicates nothing about a Latin Bible. The second is from a very late (seventh-century?) epitaph from Taranto in southern Italy, which, after quoting the Hebrew text of Prov. 10:7, reads: *memoria iustorum ad be*[*nedictionem*]. This misrepresents the Hebrew text in one crucial respect: instead of the plural "the righteous" (*iustorum*), the Hebrew has the singular (צדיק) which does indeed have a collective meaning but is still singular in form; the Septuagint renders the Hebrew word with a plural, and this surely is what the author of the inscription followed.[54] Thus this inscription, especially in light of its late date, only confirms that the Jews in Western Europe did not know, or at least did not regularly use a Latin Bible. The synagogue services and Torah readings may have continued (if not in Hebrew) in Greek to a fairly late date,[55] even beyond the time when the Jews in the West used Greek less as a spoken language.

We may conclude briefly. The Jews in the Latin-speaking West are to a large degree mute, but what remains indicates that they were isolated from their surrounding culture until a rather late date. One wishes of course for new evidence on this obscure topic. As Millar wrote: "New evidence may one day enable the Diaspora of the late Roman world to speak for itself. But so far it does not."[56]

53 *JIWE*, I 38.

54 The Hebrew text of the inscription itself contains an error, נזכר instead of וזכר; this may either be a slip, or more likely an intentional change of the text to accomodate the dedicatee's name: נזכר צדיק לברכה אנתולי. For references to previous discussion of this inscription, see Noy's commentary *ad loc.*

55 V. Colorni, "L'uso del greco nella liturgia del giudaismo hellenistico e la Novella 146 di Giustiniano," *Annal di Storia del Diritto*, 8 (1964), pp. 19–80. Justinian's *Nov.* 146 allows Torah readings in Greek "or possibly the ancestral language (we mean the Italian) or any other language at all"; Linder, *The Jews in Roman Imperial Legislation* (above, n. 43), no. 66.

56 Millar, "The Jews of the Graeco-Roman Diaspora" (above, n. 21), pp. 111–112.

Diodorus Siculus 40.3 — Hecataeus or Pseudo-Hecataeus?

DANIEL R. SCHWARTZ

Hecataeus of Abdera, a philosopher and historian associated with the court of Ptolemy I, was apparently one of the very first Greek writers to discuss the Jews. His texts, in Section V of M. Stern's chronologically organized *Greek and Latin Authors on Jews and Judaism* (I, Jerusalem 1974 — henceforth *GLA*), are preceded only by passages from Herodotus, Aristotle, Hieronymus of Cardia, and Theophrastus — all of which mention Syria and/or Palestine but not the Jews — and by another from Theophrastus which discusses the Syrians and merely mentions the Jews as being among them. Thus, any discussion of the authenticity of Hecataean accounts of the Jews is, in fact, a discussion of the earliest documentable Greek knowledge of the Jews. Moreover, the matter is lent special importance by the extraordinary length of Hecataeus' accounts of Jewish history and religion: the two main texts, preserved by Diodorus and Josephus, are, respectively, three and five pages of Greek in the Loeb Classical Library editions. Such length is quite exceptional among all Greco-Roman accounts of the Jews and Judaism: none of the preceding texts in *GLA* is even half as long, and we have to wait until the first century BCE, before Alexander Polyhistor, who was a compiler, and Nicolas of Damascus, who was at Herod's court, produced passages of greater length (*GLA*, nos. 51a and 97).

Indeed, Hecataeus' texts are splendidly isolated: as far as we know, Hecataeus' predecessors failed to mention the Jews, and the same is basically true of his Greek successors throughout the third century BCE.[1] Megasthenes (*GLA* VI) is said to have mentioned the Jews in his *Indica*, terming them — like Theophrastus — "Syrians"; Clearchus of Soli (*GLA*

* My thanks to Prof. Doron Mendels for his comments on a draft of this study.

1 I ignore the Egyptian Manetho and the Babylonian Berossus (*GLA* IX–X).

VII) mentions a Jew in passing and, also like Theophrastus, found him interesting only due to a putative similarity to Indian philosophers; Xenophilus (*GLA* XI) and Eratosthenes (*GLA* XII) mention only the Dead Sea.[2] It is only ca. 200, a full century after Hecataeus, that a sustained Greek interest in the Jewish religion and the history of the Jews becomes evident with the triad of one Aristophanes, Hermippus of Smyrna, and Mnaseas of Patara (*GLA* XIII–XV). Later on in that century things really start picking up with Agatharcides (*GLA* XVII) and Posidonius (*GLA* XXVIII): Stern's collection includes sixteen second-century authors, from Aristophanes to Posidonius. While there may have been more texts on the Jews written between Hecataeus and that of Aristophanes, and while the lost materials may have included accounts as long and detailed as those of Hecataeus, the fact remains that his are exceptional.

So exceptional, in fact, that their isolation is not only splendid, it is also suspicious. Let us get down to brass tacks. Five passages referring to the Jews have come down under Hecataeus' name. First, there is the monotheistic snippet cited by Clemens Alexandrinus (*Stromata* 5.113 = Eusebius *Praep. evang.* 13.13.40). This is said to come from a work by Hecataeus entitled *On Abraham* or *On Abraham and the Egyptians*, and although Josephus too alludes to such a work by Hecataeus (*Ant.* 1.159) it is generally agreed ("with almost absolute certainty" — *GLA*, p. 22) that it was a Jewish fabrication. A second snippet, cited in indirect speech in the Letter of Aristeas 31 (and paraphrased by Josephus in *Ant.* 12.38), which praises Jewish doctrine as "pure and august," is hardly more convincing, but will stand or fall with the passage on which we will focus in this paper.[3] The third passage, which we know only through a paraphrase by Josephus in *C. Ap.* 2.43 (*GLA*, no. 13), is also widely suspected, and even those who defend the authenticity of the Hecataean material in *Contra*

2 We have no knowledge of Euhemerus' reference to the Jews alluded to by Josephus in *C. Ap.* 1.216 (*GLA* VIII).

3 On this passage, which explains that pagan authors failed to cite the Torah due to its sanctity, see J.-D. Gauger, "Zitate in der jüdischen Apologetik...," *Journal for the Study of Judaism*, 13 (1982), pp. 36–38. Note esp. F. Jacoby, *Die Fragmente der griechischen Historiker*, IIIa, Leiden 1954, *Kommentar*, pp. 65–66: "Sie stammt von einem jüdischen Autor, der das Alter seines Volkes beweisen will trotz fehlender Zeugnisse; und sie erfüllt ihren Zweck ebenso gut oder so schlecht wie die Erfindung solcher Zeugnisse," among which latter he counts the first four of our list (his Fragmente 21–24, listed as "Fälschungen" in the *Text* volume accompanied by this commentary).

Apionem 1 (the next in our list)[4] usually decline to defend it. That is wise, for in claiming that Alexander the Great annexed Samaria to Judaea, this passage clearly places itself in the midst of Hasmonean-Seleucid debates of the mid-second century BCE; see esp. I Maccabees 10:38 and 11:34.[5] This brings us to the fourth and longest passage, which Josephus claims to summarize (κεφαλαιωδῶς) in *C. Ap.* 1.183–204 (*GLA*, no. 12). This passage has always been the main focus of scholarly debate, for while many have ascribed it to a Jewish Pseudo-Hecataeus, others, including Stern (*GLA*, pp. 22–24), have argued that it is at least basically authentic.[6] Finally, the fifth passage, on which we shall focus, is the long account given in Diodorus 40.3 (*GLA*, no. 65). It seems that this is universally taken to be more or less authentic, any divergences being ascribed to its indirect transmission via Diodorus and Photius.[7]

Apart from these five passages transmitted under the name of Hecataeus, mention need only be made of Diodorus Siculus 1.28.2–3 and 1.55.5. Although Hecataeus' name is not mentioned in these brief and low-key passages, of which the latter is no more than an allusive summary of the former, they are almost universally ascribed to Hecataeus, along with the rest of the Egyptian material in Diodorus Book I.[8]

4 See, for example, H. Lewy, "Hekataios von Abdera Περὶ Ἰουδαίων," *Zeitschrift für die neutestamentliche Wissenschaft*, 31 (1932), pp. 120–121, n. 4.

5 On this passage, see Gauger, "Zitate" (above, n. 3), pp. 38–40 and, especially, M. Stein, "Pseudo-Hecataeus: His Time and the Goal of his Book on the Jews and their Land," *Zion* o.s. 6 (1933/34), esp. pp. 3–7 (Heb.). Notice the contrast between Stein's focus on this passage, in his discussion of *Pseudo*-Hecataeus, and the way Lewy had easily given it up a year or two earlier (see n. 4) in his discussion of what he took to be authentically Hecataean in *C. Ap* 1.

6 For a survey of this debate, see M. Pucci Ben Zeev, "The Reliability of Josephus Flavius: The Case of Hecataeus' and Manetho's Accounts of Jews and Judaism: Fifteen Years of Contemporary Research," *Journal for the Study of Judaism*, 24 (1993), pp. 217–224. Note that many who defend the basic authenticity of this text nevertheless admit that Josephus copied it from a Jewish revision or revised it himself; the more he did so, the less significant Hecataeus' authorship becomes.

7 Note that Diodorus, like Josephus, says at the outset that his text is only a summary (ἐν κεφαλαίοις). On this indirect transmission and its implications, see D. Mendels, "Hecataeus of Abdera and a Jewish 'patrios politeia' of the Persian Period (Diodorus Siculus XL, 3)," *Zeitschrift für die alttestamentliche Wissenschaft*, 95 (1983), p. 96, n. 6.

8 Stern (*GLA*, p. 167) saw no need even to argue for the derivation of these two passages from Hecataeus. For this common ascription of the Egyptian material in Diodorus 1, see E. Schwartz, *Griechische Geschichtschreiber*, Leipzig 1957, pp. 45–49 (revised

I shall begin with my conviction that the Hecataean material in *C. Ap.* 1.183ff., like that in 2.43, is a Jewish forgery, more at home in C.R. Holladay's *Fragments from Hellenistic Jewish Authors* (I, Chico, California 1983; pp. 304ff.) than in Stern's *Greek and Latin Authors on Jews and Judaism.* As stated, many scholars have indeed held this to be the case.[9] Any author who so praises the Jewish religion, takes such pride in Jewish martyrs, admires the fact that the altar of Jerusalem is made of unhewn stones (something only those familiar with Exodus 20:23 can appreciate), and has a Jewish hero making fun of Greek augury, is a Jew virtually by definition.[10]

Thus, after deciding that the first, second, third, and fourth passages ascribed in antiquity to Hecataeus are in fact Jewish forgeries, the question becomes: What about the fifth passage (Diodorus 40.3) and those ascribed to him by modern scholars (Diodorus 1.28.1–3 and 1.55.5)?

As stated, the remarks in the latter two passages are short and low-key. In the context of Diodorus' account of ancient Egypt, he mentions various Egyptians who departed their homeland as colonists: some, including Danaus, went to Greece, while others founded the Colchi and Jewish nations. This common origin explains the fact that both of the latter peoples practice the rite of circumcision. That is the sum total of the discussion. As noted above (n. 8), modern scholarship attributes most of Diodorus'

from *RE* I/9, [1903], cols. 670–672); Jacoby, *Fragmente* (above, n. 3), *Kommentar*, pp. 75–87; A.D. Nock, "The Sources of Diodorus," *Classical Review*, n.s. 12 (1962), pp. 50–51; O. Murray, "Hecataeus of Abdera and Pharaonic Kingship," *Journal of Egyptian Archaeology*, 56 (1970), pp. 144–150. This assumption was attacked by A. Burton, *Diodorus Siculus Book I: A Commentary*, Leiden 1972, esp. pp. 1–34. Against her argument, see Murray's review in *Journal of Hellenic Studies*, 95 (1975), pp. 214–215, and B. Bar-Kochva, *Pseudo-Hecataeus 'On the Jews': Legitimizing the Jewish Diaspora*, Berkeley, Los Angeles, and London 1996, pp. 14–15, 289-290. Even K.S. Sacks, whose *Diodorus Siculus and the First Century*, Princeton 1990, is a plea for the recognition of Diodorus as a writer more than merely a compiler, limits his claim to the "nonnarrative material" (p. 5) and admits that E. Schwartz's analysis of the sources of Books 1–6 "is still generally convincing" (p. 70, n. 77).

9 For a long list, see Pucci Ben Zeev, "The Reliability of Josephus Flavius" (above, n. 6), p. 217, n. 11. Doubts were already expressed in antiquity by Philo of Byblos (apud Origen, *Contra Celsum* 1.15), cited in *GLA*, p. 22 and Holladay, pp. 281, 322–323; see also Bar-Kochva, *Pseudo-Hecataeus*, pp. 184–185.

10 See esp. Bar-Kochva (above, n. 8). I would like to thank Prof. Bar-Kochva for allowing me to see an earlier draft of his monograph, which supports this conclusion.

Egyptian prehistory to Hecataeus' *Aegyptiaca*, and there is no apparent reason to exclude these passages. Hence, we need discuss only the fifth text, Diodorus 40.3. As noted, this passage seems to be unanimously accepted as authentic; Will and Orrieux note that "c'est le fragment [scil. of Hecataeus] dont l'authenticité a été le moins discutée (étant cité par un auteur *grec* qui n'avait pas intérêt à jouer les faussaires").[11] But a relative lack of discussion is no proof that none is in order, and the fact that Diodorus had no interest in forging this document is no proof that he did not cite a text someone else had forged. In fact, a number of considerations cast doubt on the text's authenticity.

1. **No room for it:** The Hecataean origin of Diodorus 1.28.1–3 is itself an argument against the authenticity of the long passage in Diodorus 40.3. Felix Jacoby saw the problem clearly: since the latter passage also begins with a reference to the foundation of Judaea by colonists from Egypt, even mentioning Danaus as 1.28 does, where could it have appeared in Hecataeus' original work?[12] Moreover, as Jacoby noted, there is a serious contradiction between the two passages: at 1.28 Diodorus has the Jews being Egyptians who left Egypt because of overpopulation, whereas according to 40.3 the Jews were foreigners expelled from Egypt by hostile natives. Thus, there is not only the question of where two similar accounts would appear in Hecataeus' work; there is also the question of why it would include two contradictory accounts. Hence, it will not do to imagine that at 1.28 Diodorus simply summarized the first part of a Hecataean passage which he reserved for a complete presentation at 40.3. Jacoby's solution was to posit that Hecataeus must have had, in his *Aegyptiaca*, two alternative versions concerning Jewish origins: Diodorus used one version, which was short, at 1.28, and reserved the other longer one ("die Variante") for use as an excursus at 40.3. But it is not likely, given the length of the 40.3 passage, that Hecataeus would have brought it in the context of Egyptian history. For this long passage is, as Diodorus says, an account of the *Jews'* history and constitution, and would have disrupted Hecataeus' history of ancient Egypt just as much as it would have disrupted Diodorus'.

11 E. Will and C. Orrieux, *Ioudaïsmos — Hellènismos*, Nancy 1986, p. 95, n. 23. Pp. 83–93 of that volume are a commentary on this passage, on the assumption that it is Hecataean.

12 Jacoby, *Fragmente* (above, n. 3), *Kommentar*, pp. 49–51.

Moreover, note that Hecataeus, as reflected by Diodorus in Book I, had a special interest in one particular point concerning the Jews: their Egyptian origin, as demonstrated by their practice of circumcision.[13] In the two passages in Book I where Diodorus mentions Jews (chaps. 28 and 55), this is all that is said about them. Indeed, Gentile writers frequently evinced an interest in circumcision. However, the long text in Diodorus 40 specifically denies that the Jews were of Egyptian origin, and says not a word about circumcision.

Another option — that of Jacoby's predecessor, Carl Müller[14] — is to assume that Diodorus' long passage originally appeared in Hecataeus' work in some context other than that of ancient Egypt. Here, the likely suggestion would be his account of Ptolemy I's invasions of Palestine. There are, however, two problems with that line of argument. First, as Jacoby noted (above n. 12), the passage itself does not deal with that period. Second, if the passage had appeared in such a context in Hecataeus' work, we would have expected Diodorus to use it in Book 19, 20, or 21. He did not.

Thus, to summarize this first point, Diodorus' short passage (1.28) not only contradicts the long passage (40.3), it also leaves little place for the latter in Hecataeus' work. On the other hand, the assumption of a Jewish Pseudo-Hecataean work "On Abraham" as the source for Diodorus 40.3 not only solves that problem but also explains the use of the argument that the Jews were foreigners in Egypt, not natives. If one adds to this the above-mentioned isolation of the Diodorus 40.3 "Hecataeus" material with regard to both period and length, it becomes surprising that its authenticity is so widely taken for granted.

2. **Photius' doubts**: Probably no-one would have ascribed Diodorus 40.3 to Hecataeus if Photius, our source for the passage, had not cited such an ascription by Diodorus. However, even Photius had his doubts. At the conclusion of his citation from Diodorus, he notes (*Bibliotheca* 244, p. 381a [ed. Henry, VI, p. 137] my translation):

> This is what Diodorus says here about the Jews' customs and laws, their departure from Egypt, and the divine Moses; [he was] lying for the most part, and once again (πάλιν) bypassing the rebuttals of

13 See *GLA*, III (index), p. 114, s.v. "circumcision."

14 *Fragmenta historicorum graecorum*, II, Paris 1848, p. 386.

> his falsehoods; here too (καὶ νῦν) he arranges himself a retreat by ascribing his narrative to someone else (εἰς ἕτερον ἀναφέρει), for he adds: "This is what Hecataeus of Miletus says of the Jews."

Photius' use of "once again" and "here too" indicates his feeling that Diodorus is repeating a previous maneuver. The reference is obviously to the Diodoran passage which Photius quoted just before this one, namely, Diodorus 34/35.1.1–5 (*GLA*, no. 63). There, he mentions Antiochus VII Sidetes' magnanimity toward the Jews despite his advisers' anti-semitic urgings, which included their claim that the Jews' ancestors had been expelled from Egypt as "impious and detested by the gods." Photius concludes (pp. 379b–380a [Henry, p. 134)] as follows:

> This is what Diodorus reports, mendaciously, about the Mosaic customs and laws, and also about the foundation of Jerusalem and the Jews' exodus from Egypt; and as if he took care not to be overcome by the confutation of his lie he transferred to other individuals (ἑτέροις περιτίθησι προσώποις) this account of lies, adding to them (the account of) Antiochus' friendship. He also writes about the Jews in the fortieth book of the same *Bibliotheca*, as follows [There then follows the text we know as Diodorus 40.3, concluded by Photius' comments quoted above].

But while in this passage (Diodorus 34/35.1) Photius blames Diodorus for ascribing his anti-Jewish calumnies to Antiochus' advisers, in his reference to Diodorus 40.3 he blames him for ascribing them to an earlier historian, Hecataeus. Now, even if we ignore the fact that Photius says "Hecataeus of Miletus" (a writer of ca. 500 BCE, which seems impossibly early) and correct this to "of Abdera" with all modern editors, the fact remains that Photius obviously doubted the veracity of the attribution: according to Photius, Diodorus was mendacious and tried to relieve himself of responsibility for his lies by shifting them to others. Though Photius could be wrong, this is not the best attestation. We would be much more confident about the attribution if Photius were, or if there were something in the passage itself which pointed us to Hecataeus. There is nothing. One wonders whether there would be such a consensus concerning the Hecataean origin of Diodorus 40.3 had such standard works as T. Reinach's *Textes des auteurs grecs*

et latins relatifs au Juifs et Judaïsme (1895), the Loeb Classical Library edition of Diodorus, and Stern's *GLA*, printed Photius' doubts.[15]

3. **The context in Diodorus 40**: Another problem caused by compendia such as Reinach's and Stern's, which are otherwise so useful, is the way they separate Diodorus 40.3 from 40.2; the former appears in the section on Hecataeus (*GLA* V), the latter much later, in the section on Diodorus (*GLA* XXXII). In fact, the two are closely connected. In 40.2 (*GLA*, no. 64) Diodorus describes the Jews' appeal to Pompey in Damascus to solve their problems, while in 40.3 he begins his account of Pompey's subsequent intervention with "Now that we are about to record the war against the Jews, we consider it appropriate to give first a summary account of the establishment of the nation...," which is followed by the account ascribed at its conclusion to Hecataeus (*GLA*, no. 11). Now, on the one hand, it is obvious that Diodorus 40.2, which relates events of the first century BCE, is not based on Hecataeus. On the other hand, 40.2 is not a free composition of Diodorus either. This we know not only from general principles,[16] but also on the basis of its comparison with the strikingly similar account in Josephus, *Ant.* 14.41ff. The differences between the texts show that they are mutually dependent on another source, presumably a Pompeian historian such as Theophanes of Mytilene.[17]

Now, from our point of view it is very interesting that Diodorus 40.2 not only precedes 40.3, but is also very similar to it. The former passage focuses on the question of the proper Jewish constitution, contrasting the claims of the two Hasmonean brothers, who each wanted the βασιλεία, with the opinion of the most illustrious (ἐπιφανέστατοι) Jews that kingship was contrary to their πάτριοι νόμοι (which the Hasmoneans had abrogated — καταλελυκότας) and that rule (προστασία) over the Jews should be vested in the high priest. The latter passage, correspondingly, reports that after the Egyptian *hoi polloi* expelled foreigners because their practices were

15 Of the works mentioned, the closest we come to Photius' comments are three dots in the last line of the Greek in Stern's collection (p. 27).

16 Diodorus, generally accepted as "the least original of all known ancient historians" (Stern, *GLA*, p. 167; see too n. 8), had particular need of a source for events in Syria such as those described in 40.2, at which he wasn't present. (For the assumption that the Sicilian never visited anywhere apart from Egypt and Rome, see Schwartz, *Griechische Geschichtschreiber* [above, n. 8,] p. 35 = *RE* I/9, [1903], col. 663.)

17 See Stern, *GLA*, p. 186.

taken to be abrogating the traditional Egyptian cult (καταλελύσθαι... τὰς πατρίους), the ἐπιφανέστατοι (including Danaus and Cadmus) among the exiles went to Greece while the majority went to Judea. Their leader, Moses, not only founded cities of which τὴν ἐπιφανεστάτην is Jerusalem, he also appointed priests to lead (προϊστασθαι) the people. "For this reason the Jews never have a king, with authority over the people (τὴν δὲ τοῦ πλήθους προστασίαν) regularly vested in whichever priest is regarded as superior... They call this man the high priest..."

Hence, although Diodorus 40.3 and 40.2 were transmitted separately (via Photius and the Constantinian *Excerpta de Sententiis*, respectively), it is very likely that they derive from the same source. This is also likely on the general grounds that Diodorus normally followed the same source for large segments of his history. This means that, at the very least, Diodorus was not quoting Hecataeus directly, but only via a Pompeian historian, perhaps Theophanes. How then to account for the remarkable conformity of 40.3 to 40.2? The similarity in language probably indicates that when Theophanes (or whoever) composed the *Vorlage* of 40.2 he was influenced by the text he was preparing to introduce. But was that text from Hecataeus? Is it reasonable to assume that a late fourth-century writer, Hecataeus, happened to focus on a topic which would later be of crucial interest to observers of the Hasmonean state and its constitution? It is surely much more likely that a contemporary of the Hasmonean state would do so.

That the latter explanation is indeed the more likely may be seen from four considerations: (a) In the Hecataean material best comparable with the account of the Jews ascribed to him in Diodorus 40.3, namely, in his account of the Hyperboreans, there is no interest in their their constitution, their πάτριοι νόμοι, or their προστασία.[18] As for Hecataeus on Egypt, while Diodorus 1 does contain a section about its πολιτεία (chs. 73–74), the term there means "body of citizens," not "constitution", and the material deals only with the division of the body of citizens into various classes. Similarly, while 1.73.1 refers to the nomarchs who are assigned rule of the various parts of Egypt, their mandate is not προστασία but, rather, "oversight and care" (ἐπιμέλεια and φροντίς) — terms unmentioned in 40.3.

18 See Jacoby (above, n. 3), *Text*, fragments 7–14. The major texts are in Diodorus 2.47 and Aemilianus *De natura animalium* 11.1.

(b) The end of the text in Diodorus 40.3 comments on the deterioration of Jewish traditional practices under both the Persians and the Macedonians. Such a generalization hardly fits the pen of a scholar writing only a couple of decades after Alexander the Great, but accords well with the notion that it was written by someone looking back two centuries.[19] Moreover, this text seems to say that the Hellenistic period engendered a deterioration of Judaism, which was reversed by the Hasmoneans. It is, therefore, what we would expect of a patriotic Jew of the Hasmonean era; cf. I Maccabees 1 and II Maccabees 4–7.

(c) The very notion of high-priestly προστασία seems to be a Jewish construction, created precisely to allow discourse about Jewish rule without resorting to kingship terminology.[20]

(d) The question whether it is legitimate for Jews to have kings, or should they rather be ruled by high priests alone, was a burning one among Jews in the last decades of the second century BCE. This can see not only in the praise for the Roman avoidance of kings in I Maccabees 8:14 and the demonstrative evasion of "king" in the list of Simon's titles in I Maccabees 14:41–42, but also in Josephus' fanfare over Aristobulus' donning the royal crown (*Ant.* 13.301; *BJ* 1.70) and in various texts which reflect the polemics aroused by that move.[21]

To summarize this argument: the Hecataean passage in Diodorus 40.3 is evidently drawn from a Pompeian historian and fits the context of the Hasmonean period so well that it is wise to assume that the historian used a Jewish composition of the Hasmonean period. Now, since we have accepted

19 The precise date of Hecataeus' *Aegyptiaca* is a matter of some debate, but Stern's "c. 300 B.C.E." (*GLA*, p. 20) is as low as one might go; see M. Stern and O. Murray, "Hecataeus of Abdera and Theophrastus on Jews and Egyptians," *Journal of Egyptian Archaeology*, 59 (1973), esp. pp. 163–168 (Murray). For the assumption that the comment on deterioration in the Hellenistic period cannot be from Hecataeus, since it implies a passage of time, see Jacoby (above, n. 3), *Kommentar*, p. 52 and Murray (above, n. 8, "Hecateus of Abdera), p. 149, n. 1; see also Jacoby, p. 76, for the usual orientation of Hecataeus' narrative to the days of Ptolemy I. (Of course, given the usual presumption of the Hecataean authorship of Diodorus 40.3 both Jacoby and Murray assume that it was Diodorus who added the comment. But it seems likelier that a Jew would have made such an assessment.)

20 See my "Josephus on the Jewish Constitutions and Community," *Scripta Classica Israelica*, 7 (1983/84), pp. 43–49.

21 See my *Studies in the Jewish Background of Christianity*, Tübingen 1992, pp. 44–56.

the existence of a Jewish Pseudo-Hecataeus at that time, it would be most economical to ascribe this text to him too. The next question is, therefore, how the passage from Pseudo-Hecataeus in *C. Ap.* 1.183ff. compares to the "Hecataean" passage presently under discussion.

4. **Diodorus' "Hecataeus" and Josephus' Pseudo-Hecataeus**: It is surprising that this comparison has not been made more often. After all, for the scholars who have assumed our passage is authentic and have debated the authenticity of Josephus' passage in *C. Ap.* 1, such a comparison should have been one of their first tasks: Josephus' text should have been compared to Diodorus' in order to determine whether the former is as authentic as the latter. In fact, various scholars have commented briefly on this. Stern notes (*GLA*, pp. 23–24) that some scholars have claimed that the *C. Ap.* 1 passage is much more enthusiastic than the one in Diodorus 40.3, inferring that the former is a Jewish work,[22] while others, such as Stern himself, see the two passages as basically similar and therefore — since Diodorus 40.3 is assumed to be authentic — infer that *C. Ap.* 1 is too. In my opinion, Stern's assessment of the similarity of the two texts is correct, but we should reconsider the inference: rather than using the similarity to bolster the authenticity of the Josephan passage, perhaps we should view it as impugning the authenticity of the one in Diodorus 40.3.

Once such a comparison of the two passages is undertaken, a few observations immediately suggest themselves. First, both passages are totally laudatory vis-à-vis the Jews and Judaism. Though this is obviously the case for Josephus, there is also little in Diodorus which even apparently contradicts this rule; whatever there is can easily be explained away:

§1–2: The fact that the Jews are said to have been among the foreigners expelled from Egypt due to a pestilence reflecting the gods' displeasure "at their own [scil. the Egyptians"] traditional observances in honor of the gods ha[ving] fallen into disuse" is no criticism of the Jews, first because the text does not say the stated aetiology of the pestilence was true but only that it was so explained by the Egyptian *hoi polloi* and, second, because the Jews are here associated with such respectable non-Egyptians as Danaus and Cadmus. That is, the Jews are said only to have been the victims of Egyptian superstition and barbarity along with Greek heroes. No Jew in the

22 So esp. Jacoby, *Fragmente* (above, n. 3), *Kommentar*, pp. 61–66.

Hellenistic world could have asked for more than that.[23] As for the text's statement that the most outstanding and active of the exiles went to Greece while the majority went to Judaea, this does not defame the Jews, but says only what a Greek — or a Jew posing as a Greek — would be expected to say.

§3: There is nothing in this account of Moses and his establishment of Judaea, Jerusalem, and the basic institutions of Judaism which might be construed as other than totally laudatory.

§4: While this paragraph says that "the sacrifices that he [Moses] established differ from those of other nations, as does their way of living," it immediately goes on to explain and excuse this as follows: "for as a result of their own expulsion (from Egypt) he introduced a somewhat unsocial and intolerant mode of life."[24] The use of "somewhat" (τινα) mitigates the criticism, and the historical explanation also puts the Jews in the best possible light: what is said here about the Jews is meant, as indicated by the reference to ξενηλασία, to compare the Jews to the Spartans.[25] I see no reason to suppose that a Jew could not write such a statement, even if he were not posing as a Greek, for it is not much different from §139 in the Letter of Aristeas, which speaks of the "iron wall" with which the Jewish legislator separated the Jews from other peoples.[26] It is generally agreed that this Letter was written by a Jewish Pseudo-Aristeas.

§5–7: As in §3, there is nothing to discuss here; everything is totally ideal.

23 Although some Jews would in fact go further, and make the Jews into *kinsmen* of the Spartans (I Macc. 12:6–23; II Macc. 5:9) — a claim which may represent, in part, a development of Cadmus' association with the Jews, given Cadmus' relationship to the σπάρτοι (see *GLA* I, p. 535).

24 Translators such as Walton (Loeb Classical Library) and Reinach (*Textes...*) render τινα as if it were merely an indefinite article, but for "an unsocial and intolerant mode of life" there is no need for τινα or anything else. Compare rather Murray ("Hecataeus of Abdera," above, n. 8), p. 158: "a way of life to a certain extent unsocial and hostile to strangers."

25 See Murray, loc. cit. In general, on the idealization of the Jewish constitution in our passage, see W. Jaeger, "Greeks and Jews," *Journal of Religion*, 28 (1938), pp. 140–143.

26 On this theme, here and elsewhere in the Letter, see R. Feldmeier, "Weise hinter 'eisernen Mauern': Tora und jüdisches Selbstverständnis zwischen Akkulturation und Absonderung im Aristeasbrief," M. Hengel and A. M. Schwemer (eds.), *Die Septuaginta zwischen Judentum und Christentum*, Tübingen 1994, pp. 20–37.

§8: The remarks on the Jews' insistence on rearing all children and their consequent growth in population read quite positively in context. Just as §7 praises Moses' protection of the poor, which was meant to prevent scarcity of manpower, so too this insistence. The positive evaluation of the Jews' insistence on raising all children can be seen further on in §8, where Hecataeus speaks of the deterioration of Jewish traditional practices due to mingling with other peoples in the Persian and Hellenistic periods; this indicates that the earlier practices described at the opening of §8, along with the marriage and burial practices summarily mentioned in the middle of the paragraph, are considered positive. But, as Stern indicates in his commentary, it was not at all clear to Greek writers and readers in general that such an insistence was in fact laudable; note especially Tacitus, *Historiae* 5.5 (*GLA*, II, no. 281). This increases the probability that the writer was Jewish.[27]

That the Diodorus passage is so close to what Jews would like to hear has often been noted, and is usually taken to mean that Hecatateus had a Jewish informant.[28] All that we are suggesting here is to cut out the putative middleman — Hecataeus himself.

5. **Mistakes only a non-Jew could make?** The main reason that the middleman has often been posited is the presence of some mistakes in the Diodorus 40.3 passage which, it is assumed, only a non-Jew could make. Four major errors made in the text are usually quoted in this context: (i) Canaan was uninhabited at time Jews entered it (§2) — contrary to the biblical Books of Joshua and Judges; (ii) Moses built Jerusalem and the Temple (§3) — contrary to the Books of Samuel, Kings, and Chronicles; (iii) Moses split the Jews into twelve tribes and gave them the Jewish law after entering Judaea, not before (§3) — contrary to the Pentateuch, which

27 For a modern echo of Jewish pride in ancient Jewish populousness, which is said to have resulted from an abstinence from infanticide (and birth control and abortion) as well as from the superior hygiene mandated by Jewish law, see L.H. Feldman, *Jew and Gentile in Antiquity*, Princeton 1993, p. 293. On the other hand, on the widespread Greek support for infanticide, see C. Patterson, "'Not Worth the Rearing': The Causes of Infant Exposure in Ancient Greece," *Transactions and Proceedings of the American Philological Association*, 115 (1985), pp. 103–123.

28 See esp. Mendels, "Hecataeus of Abdera" (above, n. 7), pp. 98–110, also Jaeger, "Greeks and Jews" (above, n. 25), pp. 139–140; Jacoby, *Fragmente* (above, n. 8), *Kommentar*, p. 51; Murray, "Hecateus of Abdera," p. 158, etc.

has the tribes of patriarchal (pre-Mosaic) origin and whose last chapter has Moses dying after giving the law but before the Israelites entered the Promised Land; and (iv) "the Jews never have a king" (§5) — contrary to the Books of Kings et al.

These are all serious contradictions between "Hecataeus" and the Bible. But this type of argument for Hecataean authenticity seems unwarranted, for five reasons. First, can anyone set limits to the ignorance of Judaism and the Bible of which Jews are capable? Second, since it is generally assumed that Hecataeus got his material from a Jewish informant or informants, that theory assumes that Jews were poor teachers but not poor students; hardly a convincing point of departure. Third, some of the mistakes could have been made by Diodorus himself. Fourth, all four mistakes are of the type Jews might make: the first apologetically wards off accusations of barbarity against the natives of Canaan (cf. Lysimachus, apud *C. Ap.* 1.310 — *GLA*, no. 158); the second and third aggrandize Moses, in which Jews were interested more than others;[29] and the fourth is not only typical of inner-Jewish disputes, as we saw, but also raises a problem of translation: there is no finite verb in the relevant part of §5, so it is not clear whether the text means the Jews "never had a king," which is a clear error, or only "never have a king" (lately? ideally?), which is not.[30]

6. **Josephus' and Diodorus' texts combine easily**: It is remarkable that the two passages do not overlap. Diodorus' "Hecataeus" discusses only the period from the Egyptian exodus until Moses (apart from a closing reference to the later departures from tradition engendered by mixing with other peoples), while Josephus' deals only with the days of Ptolemy I. This means that there is no room for contradictions between the two passages, so they might well have been taken from different parts of the same text. Correspondingly, as we saw, Diodorus' text focuses on the high priests,

29 For this line of argument, see esp. Mendels, "Hecataeus of Abdera," pp. 99–102. Jaeger, "Greeks and Jews," p. 140 thought the notion that law giving must follow the founding of the colony is typically Greek. But wouldn't it be sensible for a Jewish apologist, masquerading as a Greek, to follow such a pattern, and to make life simple for others by associating all of the Jews' *politeia* with the great name of Moses?

30 For "had," see Will and Orrieux, *Ioudaïsmos — Hellènismos* (above, n. 11), p. 85; Mendels, "Hecataeus of Abdera," p. 105; for "have" — Walton (Loeb, quoted in *GLA*).

while the central figure of Josephus' text (§§187–189) is one particular high priest.

In this connection, it is very suggestive that Josephus' text makes an obvious jump between §189 and §190. At §189 Josephus ends his account of Ezechias, a Jewish high priest who accepted Ptolemy I's invitation to move to Egypt, with a statement that "he assembled some of his friends and read them his whole scroll,[31] in which was written the story of their settlement and the constitution of the state." But then, in §190, instead of telling us what the scroll narrated, Josephus continues, "In another passage..." (εἶτα... πάλιν), and goes on to exemplify the Jews' devotion to the observance of their laws. The natural sequel to §189, to my mind, was some summary of what the scroll said about the Jews' "settlement and constitution" (κατοίκησιν ...καὶ τὴν πολιτείαν), *and that is in fact what we find in the Diodoran passage.* When Diodorus says (40.3) that his Hecataean passage deals with the foundation and laws (κτίσιν καὶ... νόμιμα) of the Jews, and it indeed does just that, it sounds just like what we would have expected to find after Josephus' §189.

Moreover, Josephus says that Ezechias read *the whole* scroll. Is it really just a coincidence that Diodorus' Hecataeus (§6), after describing the public reading of the law by the high priest, quotes a verse which, he says, is found *at the end* of the laws?

CONCLUSION

The points of departure in this paper were the isolation of Hecataeus' long account of the Jews from Diodorus 40.3 in the corpus of early Hellenistic literature, the difficulty of finding a place for it in Hecataeus' *Aegyptiaca*, Photius' doubts about its ascription to Hecataeus, and the likelihood that a passage which Diodorus offers in the context of Pompey's conquest of Syria and Judaea would have been taken, like the rest of that story, from a writer of the first century B.C.E. Such a writer could well have used the work we assume to be that of a Jewish Pseudo-Hecataeus of the second century BCE, cited by Josephus in *C. Ap.* 1.183–204. We then saw that both

31 Emending to διφθέραν as is usual since Lewy, "Hekataios von Abdera" (above, n. 4), p. 123; see also *GLA* I, p. 42.

passages share the same basically laudatory orientation, and that the passage preserved by Diodorus is just the type of material which Josephus seems to have skipped between §189 and §190. We should, therefore, consider quite seriously the possibility that the Diodoran passage is indeed drawn from a Jewish Pseudo-Hecataeus. If so, then Josephus skipped it (if he had it), if only because its account of ancient Jewish history, which deviates as it does from the biblical story, could serve him no useful purpose.

Finally, an observation about the structure of Jewish history in Egypt according to Pseudo-Hecataeus. There is a contradiction between Hecataeus' original account, which portrayed the Jews as Egyptians who left Egypt as colonists (Diodorus 1.28), and the Jewish pseudepigrapher's version, which portrayed them as foreigners who were exiled from Egypt.[32] By juxtaposing Diodorus' passage with Josephus', we can see that Pseudo-Hecateus paralleled the ancient experience of the Jews in Egypt with that of the Hellenistic era (or with that which he would then have liked to see). Thus, the Jews' earliest experience in Egypt saw them linked with the Greeks, and pitted against the Egyptian natives — the *hoi polloi*. The natives won that round; the forces of civilization lost and were expelled (Diodorus 40.3.1–2). Now, in the Hellenistic era, the Greeks and the Jews returned to Egypt: the Greeks with Alexander, the Jews — already favored by Alexander (*C. Ap.* 2.43) — accompanying Alexander's successor in Egypt, Ptolemy I. He was a man of sterling qualities and therefore attracted the Jews (*C. Ap.* 1.186), who apparently appreciate such qualities. Pseudo-Hecataeus was therefore a Jewish writer who clearly took sides, attempting to ally his people with the Greeks over against the native *hoi polloi* of Egypt — a concern well in evidence in texts of a somewhat later period.[33]

* * *

32 As noted above, this presumably agreed with the beliefs of the Jewish author who produced the Pseudo-Hecataean "On Abraham"; no one would write a book "On Abraham" if he thought the Jews were natives of Egypt. Hence, and in the interests of economy, we prefer to assume that there was a single Jewish Pseudo-Hecataean work, known variously as "On Abraham" and "On the Jews." But perhaps there were two.

33 Note, on the one hand, the claim that the Jews had always been "fellow colonists" with the Alexandrians and called "Alexandrians" from the earliest times (*Ant.* 19.281; on the Jewish origin of this Claudian edict, see D R. Schwartz, *Agrippa I*, Tübingen 1990, pp. 99–105) and, on the other hand, Isidoros' claim before Claudius that the Jews "are not of the same nature as the Alexandrians, but live rather after the fashion of the Egyptians" (*CPJ*, II, no. 156c).

It has always been assumed that Jewish Pseudo-Hecataeus texts were produced by a Jew or Jews who knew Hecataeus of Abdera had written something about the Jews and therefore found it relatively simple to purvey more under his name. The question is, merely, what was the extent of the original material. While it has been presumed to have included the long text which we now read in Diodorus 40.3, it seems it might have consisted of little more than the brief allusion which appears in Diodorus 1.28. I have suggested here that a Jewish writer of the Hasmonean period, who knew of that precious evidence for Jewish antiquity in Egypt and commonality with Greeks, used this short text as a springboard for a much fuller account of the Jews, turning Hecataeus' colonists into exiles so as to lend his book a symmetry with a positive political message.

Two major passages about the Jews, ascribed to Hecataeus of Abdera, have come down to us from antiquity. One managed to fool Josephus and — although doubts were expressed already in antiquity (see n. 9) — only recently has a general consensus been reached that it was a forgery. The other was passed on by some Pompeian historian, by Diodorus and then — albeit with misgivings — by Photius, and has survived until today. Readers of this paper are invited to join the debate about the future. We should not easily give up on a text which has been accepted for so long. Neither should we retain it without reflection.

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