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“Those Who Say They Are Jews and Are Not”: How Do You Know a Jew in Antiquity When You See One?

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In the New Testament book of *Revelation* the risen Jesus appears in a vision to John of Patmos and instructs him to write letters to the protecting angels of the seven churches of Asia Minor. The letter to the church in Philadelphia includes the following lines:

I know that you have but little power, and yet you have kept my word and have not denied my name. Behold, I will make those of the synagogue of Satan who say that they are Jews and are not, but lie – behold, I will make them come and bow down before your feet, and learn that I have loved you. (Revelation 3:8-9)

A similar phrase appears in the letter to the church in Smyrna (“I know your tribulation and your poverty ... and the slander by those who

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Menachem Stern, *Greek and Latin Authors on Jews and Judaism* (3 vols.; Jerusalem: Israel Academy of Sciences and Humanities, 1974-1984) is cited throughout as “Stern.” In the citation of rabbinic literature, “M.” indicates Mishnah, “T.” Tosefta, “Y.” Yerushalmi, and “B.” Bavli. In the transliteration of Greek an omega is indicated by a *w*.

say that they are Jews and are not, but are a synagogue of Satan," Revelation 2:9). Who are these people who say that they are Jews but are not? The simplest and likeliest explanation is that Jews are meant.¹ The author of Revelation believes that the title "Jew" (*Ioudaios*) is an honorable designation and properly belongs only to those who believe in Christ, just as Paul says that the real Jew is not the one outwardly with circumcision in the flesh but the one inwardly with circumcision in the heart and spirit (Romans 2:28-29; cf. Philippians 3:3).² It is the Jews who are slandering and persecuting the nascent and relatively powerless churches of Smyrna and Philadelphia, and as a result the Jews are deemed to be "synagogues of Satan."

Christian appropriation of the name *Ioudaios* did not end in the first century, of course. Augustine knows Christians who still call themselves *Iudaei*, and the father of Hippo explains to them that Christians can and should be called Israel, but not *Iudaei*, even though in theory this name belongs to them as well.³ Between the late first century, the date of Revelation, and the late fourth or early fifth century, the period of Augustine, the separation of Jews from Christians, and Christians from Jews, proceeded apace, so that much that was true for Augustine of Hippo was not true for John of Patmos (and vice versa!).⁴ For Revelation

¹Adela Yarbro Collins, "Insiders and Outsiders in the Book of Revelation," "To See Ourselves as Others See Us": Christians, Jews, "Others" in Late Antiquity, ed. Jacob Neusner and Ernest S. Frerichs (Scholars Press, 1985), 187-218, at 204-210 (an expanded version of an article that appeared in the *Harvard Theological Review* 79 [1986] 308-320, at 310-314). See 205 n. 88 for a list of scholars who argue that non-Christian Jews are meant, and 205 n. 89 for a list of scholars who argue that certain kinds of Christians are meant. Collins herself persuasively defends the first position. For a parallel note the long recension of the letters of Ignatius (probably late fourth century) which uses *pseudoioudaioi* to mean "Jews"; see J. B. Lightfoot ed., *The Apostolic Fathers: Clement Ignatius and Polycarp* part II vol. 3 (London: Macmillan 1889-1890; repr. Peabody: Hendrickson, 1989) 160 and 212.

²Perhaps Revelation is following the Philonic view that the name *Judah*, the progenitor of the name *Ioudaios*, means "confession of praise to God." Only those who believe in Christ confess God, and therefore only those who believe in Christ deserve the name Jew. See the Philonic passages listed by J.W. Earp in volume 10 of the Loeb edition of Philo (Cambridge: Harvard, 1962) 357 note a. Many church fathers followed this view; see Nicholas De Lange, *Origen and the Jews* (Cambridge: Cambridge University, 1976) 32 n. 29. Unless I am mistaken Philo nowhere associates *Ioudaios* with *Judah*, but we may assume that he and other first century Jews knew the connection; see Josephus *Jewish Antiquities* 11.5.7 173 and Justin, *Historiae Philippicae* 36.2.5 = Stern #137.

³Augustine, Epistle 196 (= *Corpus Scriptorum Ecclesiasticorum Latinorum*, v. 57 pp. 216-230).

⁴Tertullian already remarks *neque de consortio nominis cum Iudaeis agimus*, *Apology* 21:2.

Ioudaios is a theological category:⁵ real *Ioudaioi* are those who believe in Christ. For Augustine *Judaeus* ought to be a theological category, but instead it is a sociological category; Christians are the true *Judaei* but will create too much confusion if they use that title. Let the Jews have it.

The striking phrase "those who say they are Jews and are not" may well have been a current expression in the first century. It will have applied originally to gentiles who "act the part of Jews" but are not in fact Jews, and was deliberately and cleverly misapplied by Revelation to the Jews themselves.⁶ The phrase illustrates the ambiguities inherent in Jewish identity and "Jewishness," especially in the diaspora. In the homeland (at least until the fourth century CE) Jewishness for Jews was natural, perhaps inevitable, but in the diaspora Jewishness was a conscious choice, easily avoided or hidden, and at best tolerated by society at large. In this paper I am interested in the social dynamics of "Jewishness" in the Roman diaspora in the last century BCE and the first centuries CE. How was Jewishness expressed? What did a Jew do (or not do) in order to demonstrate that s/he was not a gentile? If someone claimed to be a Jew, how could you ascertain whether the claim was true? In sum, how did you know a Jew in antiquity when you saw one?⁷

Social mechanisms which did not make Jews distinctive

I begin with a discussion of those factors that did *not* render Jews distinctive. Many Greek and Roman authors talk about Jews and Judaism, usually focusing on those characteristics that make Jews and Judaism peculiar, different from what these authors take to be "normal."⁸ It is striking to note, then, what these authors do *not* say. Not a single ancient author says that Jews are distinctive because of their looks, clothing, speech, names, or occupations. I shall now discuss each of these points.

⁵The word *ioudaios* appears in Revelation only in these two passages.

⁶I owe this suggestion to David Konstan. For those who "act the part of Jews" but are not in fact Jews, see the passage of Epictetus cited and discussed below.

⁷In his *Who was a Jew?* (Hoboken: Ktav, 1985), Lawrence H. Schiffman ignores these social questions entirely and focuses exclusively on the history of rabbinic law, as if rabbinic law were the only legal system in antiquity that had an interest in defining Jewishness and as if legal history were social history. In my discussion I occasionally cite rabbinic texts which, of course, derive from Palestine and/or Babylonia. These citations are entirely for the sake of confirmation, contrast or illustration; I am not interested here in the manifestations of Jewishness in Rabbinic Palestine and Babylonia.

⁸The material is easily surveyed in the three volumes of Menachem Stern, *Greek and Latin Authors on Jews and Judaism* (Jerusalem: Israel Academy of Sciences and Humanities, 1974-1984) (hereafter cited as Stern).

Not a single ancient author says that Jews are distinctive because of their looks. The Romans, and the Greeks before them, noted that foreign peoples often looked different from themselves: they were peculiarly tall or short, hairy or smooth, dark or fair. The Romans also noted peculiar styles of hair and beard.⁹ But not a single ancient author comments on the distinctive size, looks, or coiffure of the Jews. The rabbis prohibited a certain type of haircut because in their estimation it was quintessentially gentile, an "Amorite custom," and in one rabbinic legend a rabbi adopts this haircut precisely in order to be able to pass as a gentile, infiltrate the councils of state, and thwart some anti-Jewish decrees; perhaps we might conclude that (some) rabbis followed this prohibition, but we surely cannot conclude that nonrabbinic Jews did.¹⁰ In any case even the rabbis do not enjoin a distinctive Jewish hair style. Apparently Jews looked "normal." The only possible corporeal indication of Jewishness was, of course, circumcision, which I shall discuss below.¹¹

Not a single ancient author says that Jews are distinctive because of their clothing. Clothing is an extension of identity. Roman clothing was distinctive, and the Roman magistrate who wore Greek clothing in public was subject to ridicule, at least in Republican times. Romans mocked the crude clothing of the northerners (Celts and Germans), while the Greeks mocked the outlandish costumes of the Persians.¹² Jewish ephes in Hellenistic Jerusalem wore the *petasos* (2 Macc 4:12), the broad rimmed Greek hat worn by youths in the gymnasium, but no ancient author refers to a distinctively Jewish hat, or any other item of distinctively Jewish clothing.¹³ Tertullian, living in Carthage at the end of the second

century CE, writes that Jewish women could be recognized as Jews by the fact that they wore veils in public. I think it likely, or at least plausible, that Jewish women wore veils in public in the Eastern Roman Empire, but in the Eastern Roman Empire many women wore veils in public, and Jewish women would hardly have been distinctive for doing what many other women did. Perhaps in Carthage, a western town, the veils of Jewish women made them distinctive, but I know of no other evidence for the easy recognizability of Jews, either male or female, in antiquity.¹⁴

Kochba (NY: Random House, 1971) 66-85 (note especially 69, "The most important contribution of these textiles ... was in giving us for the first time a complete set of clothes of the first and second centuries AD, worn by the Jews of Palestine, which...reflect also the fashions throughout the Roman Empire of those days"); Gildas Hamel, *Poverty and Charity in Roman Palestine* (Berkeley: University of California, 1990) 57-93 ("Poverty in Clothing"); E.P. Sanders, *Judaism: Practice and Belief* 63 BCE - 66 CE (Philadelphia: Trinity Press, 1992) 123-124. Cf. Israel Abrahams, *Jewish Life in the Middle Ages* (Philadelphia: Jewish Publication Society, 1911; frequently reprinted) 273-290 ("Costume in Law and Fashion"), esp. 280, "...it may be asserted in general that there was no distinctive Jewish dress until the law forced it upon the Jews." Cf. Mendel and Thérèse Metzger, *Jewish Life in the Middle Ages* (New York: Alpine Fine Arts Collection, 1982) 111-150 ("Costume"), esp. 138, "Contrary to what might be expected, there was no tradition of clothing peculiar to Jews" (see too p. 150). See below note 32.

¹⁴Tertullian, *De Corona* 4.2 (= Corpus Christianorum 1:1043-1044) writes: *apud Iudaeos tam sollemne est feminis eorum velamen capitis ut inde noscantur*. (Tertullian makes the same point in *De Oratione* 22 = Corpus Christianorum 1:270). Claude Aziza correctly notes that the literary context in both the *De Corona* and the *De Oratione* suggests that Tertullian derived his "evidence" from the Hebrew Bible, not from his observation of contemporary Jewish women. Nevertheless, Aziza insists that Tertullian indeed provides reliable evidence about contemporary Jewish women. Aziza supports this contention by appeal to M. Shabbat 6:6, but that Mishnah partly confirms (Jewish women veil themselves) and partly contradicts (the headcoverings worn by Jewish women are the same as those of their gentile neighbors) what Tertullian says. See Claude Aziza, *Tertullien et le Judaïsme* (Paris: Les belles lettres, 1977) 20-21. On the veiling of women in public see Ramsay MacMullen, "Women in Public in the Roman Empire," *Changes in the Roman Empire: Essays in the Ordinary* (Princeton: Princeton University Press, 1990) 162; on the veiling of Arab women, see R. de Vaux, "Sur le voile des femmes dans l'orient ancien," *Revue biblique* 44 (1935) 397-412. Jewish women in Palestine too seem to have been veiled in public, but I know of no ancient evidence that would confirm Tertullian's statement that they were distinctive because of their veils. A medieval passage of uncertain date and provenance contrasts the habits of Roman with Jewish women; see Daniel Sperber, *A Commentary on Derech Erez Zuta Chapters Five to Eight* (Tel Aviv: Bar Ilan University Press, 1990) 123. In the Roman West women seem as a rule not to have veiled themselves; hence, the Jewish women of Carthage, who probably hailed from the East, appeared distinctive because they maintained the mores of their countries of origin. W.H.C. Frend, citing the passage from Tertullian, writes that "The Jew seems even at that time [second century CE] to have been distinguished by his dress, his

⁹J. P. V. D. Balsdon, *Romans and Aliens* (London: Duckworth, 1979) 214-219.

¹⁰Prohibition: T. Shabbat 6:1 p. 22 ed. Lieberman (and parallels); see the commentary of Saul Lieberman, *Tosefta Ki-Fshutah* ad loc. pp. 80-81. Legend: B. Meilah 17a.

¹¹Marcus Aurelius (apud Ammianus Marcellinus, Stern #506) is said to have noted a peculiar Jewish odor or stench (*Iudaeorum fetentium*). The idea that Jews have a peculiar smell will recur frequently in the middle ages, but no one in antiquity suggests that Jews are recognizable by their odor! The notion that Jews look different (that is, different from other white Europeans) by reason of their hair, skin, face, or nose, became widespread only in the nineteenth century; see Sander L. Gilman, "The Visibility of the Jew in the Diaspora: Body Imagery and its Cultural Context" (B.G. Rudolph Lectures in Judaic Studies, Syracuse University, 1992).

¹²Balsdon 219-222.

¹³The fullest discussion remains that of Samuel Krauss, *Talmudische Archäologie* (3 vols.; Leipzig: G. Fock, 1910) 1:127-207 and *Qadmoniyot HaTalmud* (4 vols.; Tel Aviv: Dvir, 1945) 2:; see too Jean Juster, *Les juifs dans l'empire romain* (2 vols.; Paris: Guethner, 1914) 2:215-220; E. R. Goodenough, *Jewish Symbols* (13 vols.; Princeton: Princeton University Press, 1953-1968) 9:168-174; Yigael Yadin, *Bar*

On the contrary, there is much evidence that Jews, whether male or female, were not easily distinguished from gentiles.

Some examples. In the romantic and novelistic retelling of scripture attributed to the Jewish writer Artapanus, the Egyptian king-Chenephres "ordered the Jews to be clothed with linen and not to wear woolen clothing. He did this so that once they were so marked, they could be harassed by him." Without such a publicly visible mark, there was no way to distinguish Jews from the rest of the population.¹⁵ According to the novella known as 3 Maccabees, when Ptolemy Philopator ordered the Jews to be registered and marked as slaves, he wanted to have them branded with an ivy leaf, "the emblem of Dionysus"; here, too, without such a publicly visible mark, there was no way to distinguish Jews from the rest of the population.¹⁶ In the Alexandrian riots in the time of Caligula, the mob arrested Jewish women and brought them to the theater, but by mistake seized many non-Jewish women as well – obviously, Jewish women could not be easily distinguished from non-Jewish.¹⁷ Similarly, the Babylonian Talmud reports that R. Ada b. Ahavah once spotted a woman in the market wearing a *krabalta*, an outlandish piece of clothing not precisely identifiable but obviously inappropriate for a daughter of Israel. The good rabbi, thinking the woman to be a Jew, tore off her *krabalta*, but was chagrined to discover that the woman was a gentile (and a member of the royal family). The rabbi was fined 400 zuz.¹⁸ At the opening of Justin Martyr's *Dialogue with Trypho the Jew*, Trypho recognizes Justin immediately as a philosopher (because he is wearing the garb of a philosopher), but Justin has to ask Trypho "who are you" and has to be told "I am called Trypho and I am a Hebrew of the circumcision." Without such a statement, Justin would not have known Trypho to be either a Jew or circumcised.

In sum, the silence of the texts indicates that Jews were not distinctive because of their clothing.¹⁹ This silence is striking because

food, his dwelling in a separate quarter of the town," but this statement is much exaggerated; see Frend, *Martyrdom and Persecution in the Early Church* (New York: New York University Press, 1967) 146 with n. 53.

¹⁵ Artapanus, frag. 3 parag. 20, in Carl Holladay, *Fragments from Hellenistic Jewish Authors* (Scholars Press 1983), 1:216-217. I am grateful to Albert Pietersma for reminding me of this passage. The passage seems to be an etiological explanation for the origin of the prohibition of wearing wool and linen together (Deut. 22:11).

¹⁶ 3 Maccabees 2:29.

¹⁷ Philo, *Against Flaccus* 96. Contrast the passage of Tertullian cited above.

¹⁸ B. Berakhot 20a (a reference I owe to Herb Basser). I follow the reading of the Munich manuscript.

¹⁹ According to Y. Demai 4:6 24a, the men of Jerusalem were accustomed to wear robes in the Roman style. See the discussion of the passage by Daniel Sperber,

ancient Jewish sources describe two distinctively Jewish items of clothing: *tzitzit* and *tefillin*. Jesus, the Pharisees, and presumably other pietists in the land of Israel wore *tzitzit* in public, tasseled fringes affixed to the four corners of one's garment in accordance with the injunctions of Numbers 15:37-41 and Deuteronomy 22:12. *Tzitzit* of the period of Bar Kochba have been discovered in the Judaean desert. The Pharisees and other pietists in the land of Israel also wore *tefillin* in public, usually called "phylacteries," small leather containers strapped to the head and arm and containing several excerpts from the Torah, notably the *Shema* and (in some versions) the ten commandments. *Tefillin* have been discovered at Qumran.²⁰

According to one rabbinic legend of Babylonian provenance a pious Jew working as a jailer kept his Jewishness secret by wearing black shoes (apparently Babylonian Jews did not wear black shoes) and by not wearing *tzitzit*.²¹ According to another statement Jews ought not to sell to a gentile a garment fringed with *tzitzit* because, R. Judah explains, the gentile might don the garment, accost an unsuspecting Jew, and kill him.²² Thus, in rabbinic piety, *tzitzit* could serve as a marker to distinguish Jew from gentile and, indeed, to hamper intimate relations between Jewish men and gentile women.²³ In the rabbinic imagination

"Melilot V," *Shinai* 91 (1982) 270-275 (Hebrew), a reference I owe to Marc Bregman. All in all it is striking to note the large number of Greek and Latin words used by the rabbis to denote items of clothing. Genesis Rabbah 82:8 p. 984 ed. Theodor is a story about two disciples who in a time of persecution "changed their dress." This story is usually understood to mean that the disciples changed their clothing so that they would not be recognized as Jews (see for example Theodor's commentary ad loc. and *Shulhan Arukh, Yoreh Deah* 157:2), but it is more likely that the story simply means that the disciples were trying to hide their status as rabbis. Normally disciples of sages (like philosophers) were immediately recognizable by their clothing (see Sifre Deuteronomy 343 p. 400 ed. Finkelstein and parallels), but these disciples tried to hide their standing as rabbis in order to escape a persecution that was directed primarily at the sages.

²⁰ See the evidence, references, and bibliography assembled by Emil Schürer, *The History of the Jewish People in the Age of Jesus Christ*, rev. and ed. G. Vermes, F. Millar, et al. (3 vols; Edinburgh: T. & T. Clark, 1973-1987) 2:479-481. On the *tzitzit* see Yadin, *Bar Kochba* 81-84. Following Epiphanius Goodenough argues that *phylacteria* in Matthew 23:5 means not "*tefillin*" but "stripes of purple cloth appliqué"; see Goodenough, *Jewish Symbols* 9:171-172. It is not clear whether the tassels that appear on the clothing of some of the painted figures of the Dura-Europus synagogue are *tzitzit* or merely tassels; see Carl H. Kraeling, *The Excavations at Dura-Europus; The Synagogue* (New Haven: Yale University Press, 1956; repr. New York: Ktav, 1979) 81 n. 239.

²¹ B. Taanit 22a; on black shoes see B. Sanhedrin 74b (top).

²² B. Menahot 43a (a reference I owe to Ranon Katzoff). The Talmud also supplies another explanation for the rule, but its meaning is not clear.

²³ B. Menahot 44a (and parallels).

tefillin could serve the same function.²⁴ The Letter of Aristeas mentions both *tzitzit* and *tefillin*; Philo and Josephus also mention the *tefillin*.²⁵ Greek speaking Jews in the diaspora thus knew of *tzitzit* and *tefillin*, but, unlike the rabbis, they never refer to them as markers of Jewish identity.

Why do outsiders not mention either *tzitzit* or *tefillin*? We have three possibilities: (1) Jews (like diaspora Jews) who came into contact with outsiders did not wear *tzitzit* and *tefillin* in public, and perhaps not at all; (2) Jews did wear *tzitzit* and *tefillin*, but outsiders did not find them remarkable; or (3) Jews wore *tzitzit* and *tefillin* in an inconspicuous manner so as not to attract the attention of outsiders. I think that explanation (1) is by far the most plausible. According to one rabbinic passage, togas and two other specific forms of Roman (Greek?) clothing were exempt from the commandment of *tzitzit*; Romanized Jews – who probably would not have listened to the rabbis anyway – were under no obligation to wear *tzitzit*.²⁶

To summarize these first two points: Jews were not distinctive either by their looks or their clothing. Jews of Antioch looked Antiochene, Jews of Alexandria looked Alexandrian, Jews of Ephesus looked Ephesian, and the Jews of Rome looked like just another exotic group from the east.

Not a single ancient author says that Jews are distinctive because of their speech. The Jews of the diaspora in the middle ages created a number of distinctive Jewish “languages”: Judaeo-Arabic, Judaeo-German (Yiddish), Judaeo-Greek, Judaeo-Spanish (Ladino), Judaeo-Persian. The Jews of antiquity, however, did not. The common language of the Jews of the Roman empire (perhaps including Palestine) was Greek. Literate Jews (like Philo) spoke a literate Greek, while illiterate Jews spoke a Greek that was the target of sneers from the educated.²⁷ There is no evidence at all for a “Jewish Greek,” or even for Jewish slang.²⁸ Jews spoke Greek like everyone else.²⁹

Not a single ancient author says that Jews are distinctive because of their names. The Tosefta remarks, “Writings of divorce that come (that is, that are

brought to the land of Israel) from overseas are valid, even if the names (of the witnesses) are like the names of the gentiles, because Israel(ites) overseas (have) names like the names of the gentiles.”³⁰ Some diaspora Jews had Jewish or Hebrew names, but many, perhaps most, had names that were indistinguishable from those of the gentiles, a fact that is confirmed by the epigraphical and archaeological record. Many Jews in antiquity, in both the land of Israel and the diaspora, had two names, one gentile and the other Jewish; when they used their gentile names their Jewishness was well hidden.³¹

On the importance of distinctive Jewish names and language for the maintenance of Jewish identity in the diaspora, the rabbis comment as follows:³²

R. Huna said in the name of Bar Qappara,
Because of four things were the Israelites redeemed from Egypt:
because they did not change their names;
and they did not change their language;
and because they did not speak ill (of each other);
and because none of them was sexually promiscuous.

“Because they did not change their names”:
They went down (to Egypt) Reuben and Simeon, and they came up
Reuben and Simeon.

³⁰T. Gittin 6:4 p. 270 L (and parallels). The Yerushalmi ad loc asks how we can be sure that the witnesses are, in fact, Jews; see below.

³¹Diaspora Jews did show a fondness for certain names, or certain kinds of names, and some diaspora Jews did use Hebrew names. Still, outsiders did not comment on the peculiar names of the Jews probably because Jews who came into contact with outsiders did not have peculiar names. On names of Jews in antiquity see Juster, *Juifs* 2:221-234; Naomi G. Cohen, “Jewish Names as Cultural Indicators in Antiquity,” *Journal for the Study of Judaism* 7 (1976) 97-128; Heikki Solin, “Juden und Syrer im westlichen Teil der römischen Welt,” *Aufstieg und Niedergang der römischen Welt* II 29.2 (Principat: Sprache und Literatur) (1983) 587-789, at 636-647 and 711-713; J. Reynolds and R. Tannenbaum, *Jews and Godfearers at Aphrodisias* (Cambridge: Cambridge Philological Society, 1987) 93-105; and the recent Hebrew University dissertation by Tal Ilan.

³²Leviticus Rabbah 32:5 pp. 747-748 ed. Margaliot and numerous parallels. In the parallel in Pesiqta de Rav Kahana Beshallah p. 83b ed. Buber (= p. 182 ed. Mandelbaum), Buber refutes a popular paraphrase of this midrash which adds the clause “because they did not change their clothing.” Buber comments (n. 66), “This our sages of blessed memory never said.” In all likelihood Buber is correct, although some later versions do, in fact, read “because they did not change their clothing.” See the variants assembled and discussed by Menahem M. Kasher, *Torah Shelema* 8 (5714 = 1954) 239, and 9 (5715 = 1955) 116 (I owe this reference to Herb Bassier and Marc Bregman).

²⁴Fathers according to Rabbi Nathan B 19 pp. 21a-b ed. Schechter.

²⁵Aristeas 157-158; Josephus, *Jewish Antiquities* 4.213; Naomi G. Cohen, “Philo’s *Tefillin*,” *Proceedings of the World Congress for Jewish Studies* (1985). Unless I am mistaken neither Philo nor Josephus mentions *tzitzit*.

²⁶Sifre Deuteronomy 234 pp. 266-267 ed. Finkelstein.

²⁷Cleomedes apud Stern #333.

²⁸In contrast, German Jews of the lower classes did create a distinctive Jewish German slang which even non-Jewish Germans adopted; see Werner Weinberg, *Die Reste des Jüdischdeutschen* (Stuttgart: Kohlhammer, 1969).

²⁹Kurt Treu, “Die Bedeutung des griechischen für die Juden im römischen Reich,” *Kairos* 15 (1973) 123-144; G.H.R. Horsley, “The Fiction of Jewish Greek,” *New Documents Illustrating Early Christianity* 5 (1989) 5-40.

They did not call Reuben "Rufus," Judah "Lollianus," Joseph "Justus,"³³ and Benjamin "Alexander."

This midrash sees the sojourn of the Israelites in Egypt as prefiguring the exile/diaspora. Presumably the midrash is commenting negatively on the status quo; the Israelites of old were redeemed but we are not, because the Israelites of old merited redemption but we (that is, all Jews, not just the Jews of the diaspora) do not. We have changed our names, we have changed our language, we do speak ill of each other (*lashon hara*), and we are sexually promiscuous (that is, certain members of our community have intermarried³⁴). The Jews of both the diaspora and the land of Israel changed their names and changed their language.

Not a single ancient author says that Jews are distinctive because of their occupations. As is well known in modern western societies certain professions and trades have attracted inordinately large numbers of Jews. As is also well known, in medieval Christian Europe Jews were allowed to pursue only a limited number of occupations. In antiquity, however, Jews did not segregate themselves, and were not segregated by general society, in their occupations. The economic profile of the Jews of antiquity seems to have been identical with that of their gentile neighbors, whether in the diaspora or in the land of Israel. Jews in Rome were widely reputed to be beggars, but no ancient source suggests that all beggars were Jews or that all Jews were beggars.³⁵ Jews perhaps abstained from certain occupations which would have brought them into contact with the gods and religious ceremonies of the gentiles, but, as far as is known, they did not concentrate in particular professions or devote themselves to particular trades. There were no "Jewish" occupations in antiquity.³⁶

Romans can pass as Jews without difficulty

Jews and gentiles in antiquity were corporeally, visually, linguistically, and socially indistinguishable. Even the sages of the

³³All the manuscripts of Leviticus Rabbah read "LYSTS," that is "Lestes" (the Greek word for "brigand"), but I presume that the initial "l" is an erroneous duplication from the previous word (LYWSP), and that the name that is intended is "YSTS," that is, Justus.

³⁴That this is the meaning of *parutz ba'ervah* is demonstrated by the subsequent discussion in the midrash.

³⁵Yohanan Hans Lewy, "Jewish Poor in Ancient Rome," *Studies in Jewish Hellenism* (Jerusalem: Bialik Institute, 1969) 197-203 (Hebrew).

³⁶Reynolds and Tannenbaum, *Jews and Godfearers at Aphrodisias* 116-123.

rabbinic academy could not discern Romans in their midst. The story is from the Sifre on Deuteronomy:³⁷

Once the (Roman) government sent two soldiers and said to them,
Go and make yourselves Jews, and see what is the nature of their
Torah.

They went to R. Gamaliel in Usha,
and they read Scripture, and they studied the Mishnah, midrash,
laws and narratives.

When the time came for them to leave, they (the soldiers) said to
them (the school of R. Gamaliel),

All of the Torah is fine and praiseworthy,
except for this one matter which you say,

An object stolen from a gentile is permitted (to be used), but (an
object stolen) from a Jew is prohibited,
but this matter we shall not report to the government.

In the two parallel versions of this story, the command to "make yourselves Jews" (*'asu 'atzmekhem yehudim*) is absent: the Roman officials come as Romans and leave as Romans.³⁸ They are not spies but inspectors. These versions of the story, however, present a problem: how could the sages teach Torah to gentiles? The Talmud explicitly says "Transmitting words of Torah to a gentile is prohibited" (B. Hagigah 13a) and R. Yohanan says "a gentile who studies Torah is liable to the death penalty" (B. Sanhedrin 59a). This problem, which bothered the medieval commentators,³⁹ also bothered the editor of the Sifre, who solved it by having the Roman officers "make themselves Jews."⁴⁰ Thus R. Gamaliel taught the Romans Torah because R. Gamaliel and his colleagues believed the Romans to be Jews.

³⁷Sifre, Deuteronomy 344 p. 401 ed. Finkelstein.

³⁸Y. Baba Qamma 4:3 4b; B. Baba Qamma 38a.

³⁹See Tosafot on Baba Qamma 38a s.v. *qar'u*.

⁴⁰A slightly different version of R. Yohanan's statement (not, of course, ascribed to R. Yohanan) appears in Sifre Deuteronomy 345 p. 402 ed. Finkelstein, just one page after our story. Thus the editor of the Sifre certainly knew, and approved of, the prohibition of teaching Torah to gentiles, and it is likely that the phrase "make yourselves Jews" is a redactional addition by the editor of the Sifre to a pre-existing story. See Steven Fraade, *From Tradition to Commentary* (Albany: State University of New York, 1991) 51-53, esp. 51 n. 129. Saul Lieberman argues that the phrase is an interpolation in the Sifre, but I (following Fraade) am not convinced. The strongest argument that the phrase is an interpolation is overlooked by Lieberman: the ending of the story should have contained a reference to the revelation of the officers' true identity: "when the time came for them to leave, they revealed themselves and said to R. Gamaliel etc." The absence of an unmasking may imply that no deception was involved. But I am still not convinced.

"Make yourselves Jews" probably means not "convert to Judaism" but "pretend to be Jews" or "disguise yourselves as Jews." It is hard to imagine Romans pretending to be Jews, entering a rabbinic academy, there to study the entire rabbinic curriculum, without once blowing their cover or revealing their true identity. Their accents, their looks, their initial ignorance of things Jewish and rabbinic (an ignorance which we may freely assume must have been quite impressive) – did none of this give them away? Apparently not. Some medieval copyists had such difficulty with this that they understood "make yourselves Jews" to mean "pretend to be converts" (or, less likely, "make yourselves converts"⁴¹) and substituted *gerim* for *yehudim*.⁴² According to this "correction," the Romans presented themselves to R. Gamaliel as converts, and R. Gamaliel would have had no difficulty in accepting them as such.

If my analysis is correct, this story, as redacted by the editor of the Sifre, told of Roman soldiers pretending to be Jews and successfully surviving the scrutiny of R. Gamaliel and his colleagues. If you knew what to say and do, apparently it was easy to pass as a Jew.

Did circumcision make Jews distinctive?

Would not circumcision have made Jews distinct and recognizable? The question is complicated and requires extended discussion. I begin with the obvious: even if circumcision is an indication of Jewishness, it is a marker for only half of the Jewish population (in the eyes of the ancients the more important half, of course, but still, only half). How you would know a Jewish woman when you saw one, remains open.⁴³

⁴¹In rabbinic Hebrew "to make a Jew" (*la'asot yehudi*), "to be made a Jew" (*lehe'asot yehudi*), and "to make oneself a Jew" (*la'asot atzmo yehudi*) are not standard locutions for "to convert to Judaism," even though Genesis 12:5 (and the souls that they had made in Haran) was taken to refer to the making of converts (Genesis Rabbah 39:14 pp. 378-379 ed. Theodor-Albeck and parallels). See Shaye J.D. Cohen, "Crossing the Boundary and Becoming a Jew," *Harvard Theological Review* 82 (1989) 13-33, at 29. For an exception see Tanhuma Shoftim 10 (*na'aseiti yisrael*, "I have become an Israelite") and the manuscript variants to B. Menahot 44a.

⁴²I am arguing that *yehudim*, as the *lectio difficilior*, is the more original reading. *Gerim*, however, has more and better support than *yehudim* (see Fraade 214 n. 129).

⁴³Unless her veil would give her away; see Tertullian above. Strabo, *Geography* 16.2.37, repeated at 16.4.9 and 17.2.5 (=Stern ##115, 118, 124) writes that the Jews practice circumcision on men and excision (*ektome*) on women. I do not know the origin of this statement: an ethnographic topos? Philo thinks that excision is practiced by Egyptians (*Questions on Genesis* 3.47).

In certain times and places circumcision would have functioned as a or the marker of Jewishness (or, in the language of the Theodosian Code, *nota iudaica*⁴⁴), but not in all times and not in all places. On the Jewish side, circumcision became the marker of Jewish identity – at least in Palestine – in the Maccabean period. Jews are those who are circumcised, Greeks are those who are not; "apostate" Jews try to hide their circumcision through epispasm, the "stretching" or "drawing down" of the remains of the foreskin so that the penis would have the look of an uncircumcised organ. Those who joined the Maccabean state were circumcised as well. Greek historians recounting the Maccabean conquests knew the importance of circumcision to the Maccabees, but over a century had to elapse before outsiders began to associate circumcision with Judaism in the diaspora.⁴⁵ That association is documented by one Latin writer in Rome in the second half of the first century BCE (Horace) and by a string of Latin writers from the middle of the first century CE to the first quarter of the second century CE (Persius, Petronius, Martial, Suetonius, Tacitus, Juvenal).

Horace (65-8 BCE) once humorously refers to "the clipped Jews" (*curtis Iudaeis*).⁴⁶ Persius (34-62 CE) mocks the man who fears the Sabbath, "turning pale at the sabbath of the skinned" (literally, "you turn pale at the skinned sabbath," *recutitae sabbata palles*).⁴⁷ In the *Satyricon* of Petronius (mid-first century CE) a group of characters is trying to figure out how to disembark from a ship without being recognized. The suggestion is made that they dye themselves with ink to appear to be Ethiopian slaves. The suggestion is rejected as inadequate; a good disguise requires more than mere skin coloring. "Circumcise us, too, so that we look like Jews (*etiam circumcide nos ut Iudaei videamur*), and bore

⁴⁴Codex Theodosianus 16.8.22 (Theodosius II, 20 October 415 CE) = Amnon Lindner, *The Jews in Roman Imperial Legislation* (Detroit: Wayne State, 1987) #41.

⁴⁵On the Maccabees see Shaye J.D. Cohen, "Religion, Ethnicity, and 'Hellenism' in the Emergence of Jewish Identity in Maccabean Palestine," *Religion and Religious Practice in the Seleucid Kingdom*, ed. Per Bilde et al. (Aarhus University Press, 1990) 204-223. Greek historians: Timagenes (Stern #81), Strabo (Stern #100, 115), and Ptolemy (Stern #146). On epispasm see Robert G. Hall, "Epispasm and the Dating of Ancient Jewish Writings," *Journal for the Study of Pseudepigrapha* 2 (1988) 71-86, and Nisan Rubin, "The Stretching of the Foreskin and the Enactment of *peri'ah*," *Zion* 54 (1989) 105-117.

⁴⁶Horace *Satires* 1.9.69-70 = Stern #129. Latin *curtus* = Greek *kolobos*; see *Corpus Glossariorum Latinorum*, ed. Loewe-Goetz, 7:299 s.v. For *kolobos* used to describe circumcision, see Strabo, *Geographica* 16.4.9 = Stern #118.

⁴⁷Persius *Satires* 5.184 = Stern #190. *cutis* means simply "skin" or "leather," but can mean "foreskin"; see J. N. Adams, *The Latin Sexual Vocabulary* (Baltimore: Johns Hopkins, 1982, repr. 1991) 73. Therefore *recutitus* means "with the (fore)skin removed."

our ears to imitate Arabians, and chalk our faces till Gaul takes us for her own sons."⁴⁸ A remarkable epigram, probably but not certainly by Petronius, states that if a Jew (*Iudaeus*) does not "cut back with a knife the region of his groin" and "unloose by art the knotted head" (that is, skillfully remove the knot [=foreskin] from the head of the penis), "he shall wander from his ancestral city, cast forth from his people (*ni ...ferro succiderit inguinis oram et nisi nodatum solverit arte caput, exemptus populo patria migrabit ab urbe*)."⁴⁹ These two texts refer in the first instance to the Jews in their ethnic homeland (Judaean, rather than Jew), but we may presume that Petronius intended the passages to have relevance to the Jews of Rome too. In a third passage Petronius refers to a "skinned" slave (*recutitus est*); we cannot be sure that the slave was Jewish.⁵⁰ Martial (end of the first century CE) complains that Caelia, a Roman girl, bestows her favors on the men of many nations, including "skinned Jews" (*nec recutitorum fugis inguina Iudaeorum*), but not on Romans.⁵¹ In a vicious attack on a rival in both poetry and love, Martial describes him (four times in only eight lines!) with the offensive word *verpus*. *Verpus* means "with the glans of the penis exposed," the glans being exposed either because of erection or because of circumcision.⁵² This poetic rival, this *verpus*, "born in the very midst of Jerusalem" (*Solymis natus in ipsis*), buggers my slave (*pedicas puerum, verpe poeta, meum*) and has the nerve to deny it! Martial knows that his readers know that anyone born in Jerusalem will be circumcised, hence the pun of the poem: the rival is *verpus* because he is circumcised and because he lusts for a boy.⁵³ Two

⁴⁸Petronius *Satyricon* 102.14 = Stern #194.

⁴⁹Petronius, frag. #37 = Stern #195. *patria* is the excellent emendation of E. Courtney, *The Poems of Petronius* (Atlanta: Scholars Press, 1991; American Classical Studies) 70. Stern accidentally omits the translation for *et nisi nodatum solverit arte caput*. *caput* = *glans penis*; see Adams, *Sexual Vocabulary* 72, and cf. Rutilius Namatianus, *De Reditu Suo* 1.388 (= Stern #542), (*gens*) *quae genitale caput propudiosa metit*.

⁵⁰Petronius, *Satyricon* 68.8 (= Stern #193).

⁵¹Martial, *Epigrams* 7.30.5 = Stern #240. Book 7 was published in 92 CE; see J.P. Sullivan, *Martial: the Unexpected Classic* (Cambridge: Cambridge University, 1991) 39.

⁵²Exposed because of erection: Catullus 47.4 (*verpus Priapus*), and cf. Martial 11.46.2 where *verpa* means erect penis. Exposed because of circumcision: Juvenal 14.104 (see below). The same ambiguity obtains in the parallel Greek words *psulos/psule*; see K. J. Dover, *Greek Homosexuality* (Cambridge: Harvard University, 1978, repr. 1989) 129. For an excellent discussion of these words see Adams, *Sexual Vocabulary* 12-14. See next note.

⁵³Martial 11.94 = Stern #245. *verpus* often is used in connection with aggressive homosexual love; see Adams, and N.M. Kay, *Martial Book XI: A Commentary* (London: Duckworth, 1985) 258 (commentary on 11.94). On *pedicare* see Adams 123-125. Book 11 was published at the end of 96 CE; see Sullivan 46.

other epigrams may refer to Jews and circumcision, but the texts are difficult to interpret, and I relegate discussion to an appendix.⁵⁴

For these four poets Jews are those who are circumcised, and those who are circumcised are, or look like, Jews (none of them associates circumcision with any other people). We should not exaggerate, of course; the perspective of these four poets was not universal even in Rome. Many other Latin writers of the same period in Rome mention – or even discuss at some length – Jews or Judaea but say nothing about circumcision.⁵⁵ Other natives of the "orient," in addition to Jews, may well have persisted in observing their ancestral custom in Rome. Celsus, a medical writer living in Rome in the middle of the first century CE, describes a medical procedure by which a man whose glans is bare "can cover it for the sake of a pleasing appearance (*decoris causa*)." The glans might be bare for natural reasons (that is, from birth), or "in someone who, after the custom of certain nations has been circumcised" (*qui quatuorundam gentium more circumcisis est*). Jews are not mentioned.⁵⁶ Thus the Jews are not the only nation to practice circumcision (see further below), but in Rome in the first century the Jews became particularly and peculiarly associated with it.

The barbs of the satirists seem innocuous, but they, and the attitude they represent, paved the way for a radical decision by the Roman state: any circumcised person in the city of Rome would be assumed by the state to be a Jew, and whoever was assumed by the state to be a Jew was liable to the *fiscus Iudaicus*, the "Jewish tax" levied on Jews throughout the empire as war reparations for the revolt of 66-70 CE. Suetonius (first half of the second century CE) reports the following about the emperor Domitian:⁵⁷

Besides other (taxes), the Jewish tax was levied with the utmost vigor; (both) those who lived a Jewish life without registering (themselves as Jews), as well as those who concealed their origin and did not pay the tribute levied on their nation, were prosecuted as subject to the tax. I recall being present in my youth when a ninety year old man was examined by the procurator before a very crowded court to see whether he was circumcised.

⁵⁴See Appendix A.

⁵⁵Circumcision is not mentioned by Cicero, Varro, Ovid, Valerius Maximus, Seneca, Pliny the Elder, Valerius Flaccus, Silius Italicus, Quintilian, or Statius, although all of these Latin authors living in Rome have something to say about Jews or Judaea.

⁵⁶Celsus, *De Medicina* 7.25.1. Celsus refers to an author named Iudaeus (Stern ## 150-151) but otherwise does not mention Jews anywhere in his book. *decoris causa* echoes Herodotus 2.37.2 (having a foreskin is *euprepes*).

⁵⁷Suetonius *Domitian* 12.2 = Stern #320. I have modified the Loeb translation of Rolfe (reprinted by Stern) in order to make it more literal.

This story concerns those who say that they are not Jews but are, that is, they say they are not liable to the Jewish tax but are. Suetonius refers to two categories of people: those who "live a Jewish life" but have not declared themselves to be, or registered themselves as, Jews (*qui inproffessi Iudaicam viverent vitam*), and those who were born Jews but who mask their Jewish birth (*qui ... dissimulata origine*) so that they would not have to pay the tax imposed on their nation (*imposita genti tributa non pendissent*). Members of the first category were not born Jews but converts to Judaism or "judaizers," while members of the second category were born Jews who did not lead a Jewish life. Unfortunately Suetonius does not tell us what this ninety year old man did (or refrained from doing) so as to arouse the suspicions of the authorities, or whether the man was in fact circumcised, or what decision was rendered. Nor does Suetonius tell us whether the old man was suspected of belonging to the first category (that is, of being a convert or a judaizer) or the second (that is, of being an unobservant Jew or an apostate).⁵⁸ In either case, apparently, circumcision would have been seen as unmistakable proof of Jewishness, since it would have indicated either Jewish birth (circumcision being performed on the eighth day after birth) or Jewish life or both. In the eyes of the state, at least under Domitian (81-96 CE) and at least in Rome, if you were circumcised you were Jewish.⁵⁹ Presumably no one but Jews would continue to circumcise their sons.

Why did the Jews persist in practicing circumcision when no one, or hardly anyone, else in Rome did? The historian Tacitus, writing in the first decade of the second century CE, explains:⁶⁰

⁵⁸First category: E. Mary Smallwood, *The Jews under Roman Rule* (Leiden: Brill, 1981) 377. Second category: Martin Goodman, "Nerva, the *Fiscus Iudaicus* and Jewish Identity," *Journal of Roman Studies* 79 (1989) 40-44, at 40-41. For discussion of this passage see Margaret H. Williams, "Domitian, the Jews; and the 'Judaizers'," *Historia* 39 (1990) 196-211.

⁵⁹We cannot be sure that this episode took place in Rome but it is possible that it did, perhaps likely. The date of the incident is c. 88-92 CE. See Stern's commentary. Nerva's coinage *fisci iudaici calumnia sublata* was issued under senatorial auspices in Rome, suggesting that Domitian's abusive exactions were practiced there. How did non-Jews who practiced circumcision fare under Domitian? Perhaps there were not many left.

⁶⁰Tacitus *Histories* 5.5.1-2 = Stern #281. *hi ritus quoquo modo inducti antiquitate defenduntur: cetera instituta, sinistra foeda, pravitate valere. nam pessimus quisque spreitis religionibus patriis tributa et stipes illuc congregabant, unde auctae Iudaeorum res, et quia apud ipsos fides obstinata, misericordia in promptu, sed adversus omnes alios hostile odium. separati epulis, discreti cubilibus, proiectissima ad libidinem gens, alienarum concubitu abstinent; inter se nihil illicitum. circumcidere genitalia instituerunt ut diversitate noscantur. transgressi in morem eorum idem usurpant, nec quidquam prius imbuuntur quam contemnere deos, exuere patriam, parentes liberos fratres vilia habere.* See Stern's commentary ad loc. for a rich collection of parallels

These rites (that is, frequent fasts, the Sabbath, unleavened bread), whatever their origin, can be defended by their antiquity; their other customs are sinister and abominable, and owe their persistence to their depravity: for the worst rascals among other peoples, renouncing their ancestral religions, always kept sending tribute and contributing to Jerusalem, thereby increasing the wealth of the Jews. Further, the Jews are extremely loyal toward one another, and always ready to show compassion, but toward every other people they feel only hate and enmity. They sit apart at meals and they sleep apart, and although as a nation they are prone to lust, they abstain from intercourse with foreign women; yet among themselves nothing is unlawful. They instituted circumcision of the genitalia so that they could be recognized by their difference. Those who are converted to their ways follow the same practice, and the earliest lesson they receive is to despise the gods, to disown their country, and to regard their parents, children, and brothers as of little account.

I have quoted this passage in full because its tone and general outlook are as significant as its specifics. Tacitus conceives of the Jews as a secret and sinister society, hostile to the civilized order and opposed to everything that the Romans hold sacred and dear.⁶¹ Although, or perhaps because, they are hostile to outsiders, they attract a constant flow of converts, who increase their numbers, augment their wealth, and render them all the more dangerous. I shall return to this motif below. And how do the members of this secret society, whether natives or converts, recognize each other? Through circumcision. "They instituted circumcision of the genitalia so that they could be recognized by their difference" (*circumcidere genitalia instituerunt ut diversitate noscantur*). Tacitus' contemporary Juvenal (first quarter of the second century CE) has a similar conception of Judaism and circumcision.⁶² Early Christianity, too, was widely regarded by its critics as a sinister and secret society whose members would recognize each other by a secret sign unknown to outsiders.⁶³ According to Tacitus, circumcision began

from both Jewish and non-Jewish texts (add Philostratus, *Life of Apollonius* 5.33 = Stern #403).

⁶¹For a brilliant analysis of this motif see Yohanan Hans Lewy, "Tacitus on the Antiquities of the Jews and their Manners," *Studies* 115-189, esp. 164-179 (Hebrew).

⁶²Juvenal, *Satires* 14.96-106 = Stern #301. Converts allow their foreskins to be cut (*mox et praeputia ponunt*; for this sense of *ponere* see *Oxford Latin Dictionary* s.v., definition 6b) and lead only the circumcised to the desired fountain (*quaesitum ad fontem solos deducere verpos*). *verpus* here must mean "circumcised;" I see no alternative (see above).

⁶³Lewy, "Tacitus," 173 n. 249, cites Caecilius in Minucius Felix, *Octavius* 2.9: Christians recognize each other by a secret sign in the body.

as a sign by which Jews would recognize each other; by Tacitus' own time it had become a sign by which outsiders would recognize Jews.

Thus in the city of Rome in the first century CE, certainly in the latter part of the century, circumcision served as a marker of Jewishness. But in the eastern parts of the empire, at least until the first century CE, circumcision cannot have served as such a marker because it was practiced by non-Jews as well as Jews. Balancing the literary tradition that associates circumcision exclusively with Judaism, a tradition exemplified by the Latin writers surveyed above,⁶⁴ is the literary tradition that associates circumcision with Egypt and with nations influenced by Egypt, among them the Jews. Herodotus (mid fifth century BCE) says that the Colchians, Egyptians, and Ethiopians "are the only nations that have from the first practised circumcision," and that the Phoenicians and the Syrians of Palestine learned the custom from the Egyptians, while the Syrians of the river valleys of Asia Minor learned it from the Colchians.⁶⁵ That the Herodotean phrase "the Syrians of Palestine" means "the Jews of Palestine" is assumed by Diodorus of Sicily, argued by Josephus, and repeated by the philosopher Celsus in the middle of the second century CE.⁶⁶ Thus, in this literary tradition, the practice of circumcision is characteristic of the Egyptians, the Jews, and other nations as well.

How many of these nations preserved this ancestral ritual through the Hellenistic and Roman periods, is not clear. Herodotus already remarks that Phoenicians who mingle with the Greeks no longer circumcise their children.⁶⁷ But the practice did not die out. A Phoenician author of the Roman period writes that Kronos, the god of the Phoenicians, circumcised himself to atone for his castration of his father Ouranos. The intent of this statement surely is to explain the origins of the Phoenician practice of circumcision, a question that was

⁶⁴The tradition first appears in Strabo, for whom circumcision is a sign not of hostility to other nations but of superstition (*deisidaimonia*). See Strabo *Geographica* 16.2.37 = Stern #115. The other Strabonian references to Jewish circumcision are in the Herodotean tradition; see Stern #118 and #124.

⁶⁵Herodotus 2.104.2-3 = Stern #1. For a good discussion of this passage, see Alan B. Lloyd, *Herodotus Book II* (3 vols.; Leiden: Brill, 1976-1988) 2:157-159 (commentary on Herodotus 2.36.3) and 3:22-25 (commentary on 2.104.2-3). On the practice of circumcision by nations other than the Jews see Stern's commentary on Stern #1 and #511; Schürer-Vermes-Millar, *History* 1:537-540; and Jack M. Sasson, "Circumcision in the Ancient Near East," *Journal of Biblical Literature* 85 (1966) 473-476 (a reference I owe to Saul Olyan).

⁶⁶Diodorus of Sicily 1.28.2-3 = Stern #55 and 1.55.5 = Stern #57; Josephus, *Jewish Antiquities* 8.262 and *Against Apion* 1:169-17; Celsus apud Origen, *Against Celsus* 1.22 = Stern #375 (pp. 233 and 265).

⁶⁷Herodotus 2.104.4.

still live at the time of the author.⁶⁸ According to Philo "not only the Jews but also the Egyptians, Arabs, and Ethiopians and nearly all those who inhabit the southern regions near the torrid zone are circumcised," while "the nations which are in the northern regions...are not circumcised."⁶⁹ Josephus is probably more accurate: not the Egyptians but the Egyptian priests continued the practice of circumcision, a fact that is confirmed by papyrological documents of the second century CE.⁷⁰ Jerome (ca. 400 CE) confirms that still in his day (*usque hodie*) the Arabs practice circumcision.⁷¹ We may assume that in the first century CE in portions of Asia Minor, Syria, Arabia, and perhaps Egypt, circumcision will not have been unusual and certainly will not have been a Jewish peculiarity. There is no certainty that Jewish circumcision looked exactly like Egyptian or Arab circumcision, but we may presume that in these regions circumcision alone was not an unmistakable marker of Jewishness.⁷²

The situation will have changed markedly during the principate of Hadrian (117-137 CE). Precisely when and why the emperor Hadrian issued a general prohibition of circumcision, is debated, but that he did so is beyond dispute. In the Roman-Jewish war which erupted in the wake of this prohibition (commonly known as the war of Bar-Kokhba or Bar Kosba), circumcision was understood by both sides to be a marker of Jewishness; some Jews tried to remove it through epispasm.⁷³ Hadrian's successor, the emperor Antoninus Pius, issued a rescript permitting the Jews to circumcise their sons; that is, the general prohibition remained in

⁶⁸Philo of Byblos apud Eusebius, *Praeparatio evangelica* 1.10.33 (= Jacoby, *FGrH* 790 F 2); see Albert Baumgarten, *The Phoenician History of Philo of Byblos* (Leiden: Brill, 1981) 222. I am grateful to Saul Olyan for reminding me of this passage.

⁶⁹Philo, *Questions on Genesis* 3.48 (Loeb edition, supplement 1, p. 243).

⁷⁰*Against Apion* 2.141; see Stern's commentary on Stern #1 and Colson's supplementary note to Philo, *On the Special Laws*, 1.2.

⁷¹Cited by Stern in his commentary on Stern #1. The Slavonic version of the *Jewish War* has one of the priests call Herod "an Arabian, uncircumcised" (H. St. J. Thackeray, *Josephus: The Jewish War* [Loeb-Classical Library], vol. 3, p. 636). I do not know the origin or significance of this tradition.

⁷²It is not clear exactly how much was cut or cut off in Egyptian circumcision; see Lloyd 2:158. Not all circumcisions are the same; see Rubin *passim*, and L. Dulière, "La seconde circoncision pratiquée entre juifs et samaritains," *L'Antiquité classique* 36 (1967) 553-565.

⁷³On the Hadrianic decree see the pages of Stern and Schürer-Vermes-Millar cited above in note 65 (with bibliography); see too Peter Schäfer, *Der Bar Kokhba Aufstand* (Tübingen: Mohr (Siebeck), 1981) 38-50 and 233-235, and Alfredo M. Rabello, "Il problema della 'circumcisio' in diritto romano fino ad Antonino Pio," *Studi in onore di Arnaldo Biscardi* (2 vols.; Milan: Cisalpino-Goliardica, 1982) 2:187-214. On the rabbinic evidence for epispasm see the full discussion in Rubin.

place but the Jews were granted an exemption.⁷⁴ Thenceforth throughout the Roman empire, even in the east, at least for the next century or so, circumcision would be a fairly secure sign of Jewishness.

The situation will have changed markedly again when the Syrian Elagabalus became emperor in 218 CE. He circumcised himself and several of his companions in honor of his Syrian god.⁷⁵ Perhaps this action indicates that circumcision had never died out completely among some portions of the Syrian population, but it certainly indicates that the Hadrianic prohibition was no longer in force.

Thus in certain times and places in antiquity, if you saw a circumcised person you could be fairly sure that he was a Jew.⁷⁶ In contemporary western culture the organ on which circumcision is practiced is generally kept hidden from the sight of other men. If this was true in antiquity as well, how often would you have had the opportunity to see the circumcision of another person? In the classical period (fifth and fourth centuries BCE) the Greeks noted that the readiness to appear naked in public was a distinctively Greek characteristic not shared by *barbaroi*.⁷⁷ In the words of some *barbaroi*, "There is no man more despicable than he who goes naked in public."⁷⁸ The Romans at first shared the barbarian aversion to public nudity,⁷⁹ but by the period of the Empire they had welded the Greek gymnasium to the Roman bath and had come to terms with nudity as a regular feature of public life. In the gymnasia and the baths the well-born would regularly be seen nude by their peers and their social inferiors; the low born, of course, routinely would have had their bodies exposed to the eyes of others, even outside the gymnasium and the bath, and this very fact was confirmation of their inferior status.⁸⁰

⁷⁴Linder, *Jews in Roman Imperial Legislation* #1. Egyptian priests too were granted an exemption; see above.

⁷⁵Dio Cassius 80.11.1 (Loeb ed., vol. 9, pp. 456-457).

⁷⁶The daughter of Pharaoh, when she saw Moses' circumcision, realized that the boy must be an Israelite; see B. Sotah 12b and the discussion of Louis Ginzberg, *Legends of the Jews* 5:399 n. 51. I ignore here the statistically insignificant cases of gentiles being circumcised, and Jews not being circumcised, for medical reasons. For the former see Josephus, *Against Apion* 2:143 and cf. Stern #539. For the latter see T. Shabbat 15.8 pp. 70-71 ed. Lieberman (and parallels) and cf. M. Nedarim 3:11 (reference to "the uncircumcised ones of Israel").

⁷⁷Herodotus 1.10.3; Thucydides 1.6.5; Plato *Republic* 5.452c.

⁷⁸Sifre Deuteronomy 320 p. 367 F (and parallels).

⁷⁹Romans would cover their loins in public: Dionysius of Halicarnassus 7.72.2-3.

⁸⁰Peter Brown, "Late Antiquity," in *A History of Private Life I: From Pagan Rome to Byzantium*, ed. Paul Veyne (Cambridge, MA: Belknap Press, 1987) 245-246. Tosefta Berakhot 2:14 p. 9 ed. Lieberman imagines that a field laborer might be naked or wearing only a thong; see Hamel, *Poverty and Charity*.

The degree to which Jews participated in the culture of the gymnasium is a question that I cannot address here. Clearly some Jews did participate.⁸¹ If they experienced jibes from their uncircumcised colleagues⁸² they had three choices: grin and bear (bare) it; stay home; or epispasm. Other Jews, offended by the public nudity of the gymnasium, had no interest in participating and kept themselves – and their circumcisions – home. How the Jews of the diaspora fared in the baths is not known. Certainly the rabbinic Jews of Palestine went to the baths,⁸³ and we may presume that diaspora Jews did so too. Here then you would have your chance to see if someone was circumcised.⁸⁴ Outside the bath, however, you would never know (unless you were dealing with a slave or another low-born person, whose naked body you would be able to see often).

A final point. Whether or not circumcision is an infallible or a usable indicator of Jewishness, there is no evidence that the Jews in antiquity ever actually used it as a means of detecting fellow Jews.⁸⁵ Here is an excerpt from a cycle of stories about Antoninus, the legendary Roman emperor who was a good friend of the Jews and a disciple of Rabbi Judah the Patriarch, known simply as Rabbi:⁸⁶

Antoninus said to Rabbi, will you let me eat of leviathan in the world to come?

He (Rabbi) said to him, yes.

He (Antoninus) said to him, from the Paschal lamb you will not let me eat, but you will let me eat of leviathan?

He (Rabbi) said to him, what can I do for you, when concerning the Paschal lamb it is written (in Exodus 12:48) *but no uncircumcised person may eat of it*.

When he heard this, he (Antoninus) went and was circumcised.

⁸¹H. A. Harris, *Greek Athletics and the Jews* (Cardiff: University of Wales, 1976); Paul Trebilco, *Jewish Communities in Asia Minor* (Cambridge: Cambridge University, 1991; SNTSMS 69) 176-177.

⁸²The Roman poets surveyed above have a mocking tone towards circumcision. Apion too mocked (*khleuazei*) circumcision (Josephus, *Against Apion* 2.137 = Stern #176); Philo, *Special Laws* 1.2, reports that circumcision is widely "laughed at" (*gelatai*).

⁸³M. Avodah Zarah 3:4. Even in Jewish bath-houses men would be naked in the presence of other men; see T. Berakhot 2:20 p. 10 L.

⁸⁴In the bath one normally would be able to tell if a neighbor was circumcised; see Martial 7:82 = Stern #243 (if indeed *verpus* here means circumcised; see appendix A below).

⁸⁵The Maccabees roamed the countryside checking to see whether babies were circumcised; later, we imagine, they roamed the countryside checking the Idumaeans and Ituraeans. Clearly these are special cases.

⁸⁶Y. Megillah 1:12 72b = Y. Megillah 3:2 74a.

He (Antoninus) came (back) to him (and) said to him, my master, look at my circumcision.

He (Rabbi) said to him (Antoninus), never in my life have I looked at my own – (shall I look) at yours?

True, Rabbi Judah the Patriarch was unusually abstemious in this matter,⁸⁷ but it is striking that there is not a single attested case in antiquity of Jewish communal leaders checking the circumcision of a supposed Jew.⁸⁸ Even Rabban Gamaliel and company did not check the circumcision of the Roman spies that came to the academy (see above). The shock that emerges from Suetonius' story quoted above might imply that even the Romans did not regularly check circumcisions publicly, but the Romans had the authority to do so if they needed to, but the Jews did not. From the Jewish side circumcision was not a useful marker of Jewishness.

Were there official lists or registers of Jews?

If, then, circumcision was neither infallible nor usable as a marker of Jewishness, was there some other "empirical" or "objective" way by which Jewishness could be confirmed? Or, to phrase the question more specifically, if someone claimed to be Jewish by birth, could his or her pedigree be checked? if someone claimed to be a convert, could this claim somehow be verified? In sum, were genealogical registers and records of conversions kept at the temple and/or at local community archives and synagogues?

I cannot treat these questions here in any detail. There is abundant and probative evidence that priests (*kohanim*) kept careful genealogical records both before and after the destruction of the second temple, and that they carefully checked (or were expected to check) the pedigrees of their marriage partners. When the temple was still standing, these records apparently were public and were maintained in the temple.⁸⁹

⁸⁷Buron Visotzky, "Three Syriac Cruxes," *Journal of Jewish Studies* 42 (1991) 167-175, at 175.

⁸⁸The Talmud has many stories of rabbis checking the pedigrees of Jews and supposed Jews, but, as far as I know, no story about rabbis checking circumcisions. In the rabbinic imagination Abraham stands at the gate to Gehenna, refusing entry to the circumcised and allowing only the uncircumcised (and Jews who have had sex with gentiles) to enter (B. Eruvin 19a). A gate-keeper checking circumcision is a product of fantasy with no analogue in the real life of rabbinic society.

⁸⁹Saul Lieberman, *Hellenism in Jewish Palestine* (New York: Jewish Theological Seminary, 1950) 172. On the concern of the priests to maintain family purity, see Adolph Büchler, *Studies in Jewish History* (London: Oxford University Press, 1956) 64-98.

Whether lay Jews, too, were similarly obsessed with their genealogies, is not as clear. In any case, virtually all the evidence on the question either derives from, or refers to, the land of Israel.⁹⁰ In the Roman diaspora, certainly after 70 CE, there is no evidence for obsession with genealogical purity and hardly any evidence for public archives and archival records. A lone papyrus from Egypt refers to "the archive of the Jews" (13 BCE) in which apparently wills were filed; a lone inscription from Hierapolis in Phrygia refers to "the archive of the Jews" (the second or third centuries CE) where apparently copies of tomb violation inscriptions were recorded.⁹¹ Public archives may have existed in various communities, then, but there is no sign that they were repositories of demographic data or were used to verify status claims. Various individuals may have kept private family genealogies, but there were no public archives that would have been of use.

A register for converts is even less likely to have existed. Julius Africanus would have us believe that in the time of Herod, "the Hebrew families, and those traceable to proselytes such as Achior the Ammonite and Ruth the Moabite, and the mixed families which had come out of Egypt" – all these were "enrolled in the archives" (*anagrapton en tois archeiois*).⁹² The plausibility of this claim is not enhanced by its reference to Achior the Ammonite, a fictional character of the book of Judith; Ruth the Moabite, a fictional (or, at least, legendary) character of the book of Ruth, the progenitrix of the royal Davidic house (and no one else), and scarcely a convert or proselyte in the later sense of the word; and the mixed multitudes who left Egypt with the Israelites, people who lived (insofar as we can say anything positive about them) approximately one thousand or twelve hundred years before the time of these archives. Furthermore, before the rabbinic innovations of the second century of our era, conversion to Judaism was entirely a private affair. The conversion was not supervised or sponsored by anyone, and there were no established standards that had to be met (except for the act itself –

⁹⁰Schürer-Vermes 2:240-242, and Joachim Jeremias, *Jerusalem in the Time of Jesus* (Philadelphia: Fortress, 1969) 214-216 and 275-283. Babylonian Jews prided themselves on the purity of their pedigree (boasting that it was superior even to that of the Jews of the land of Israel – B. Qiddushin 69b and 71b), but as far as I know they never refer to a *megillat yohasin* like M. Yebamot 4:13.

⁹¹*Corpus Papyrorum Judaicarum* #143.7-8; *Corpus Inscriptionum Judaicarum* #775. CIJ #776 and #778-779 (also Hierapolis) and CIJ #741 (Smyrna) refer to "the archive," but it is not clear if the reference is to "the archive of the Jews" or to the local municipal archives.

⁹²Julius Africanus apud Eusebius *Historia Ecclesiastica* 1.7.13 (trans. K. Lake).

circumcision). Conversion was entirely private and personal.⁹³ A register for converts before the second or third century CE is impossible to conceive; a register for converts after the second or third century CE is conceivable but undocumented.

In sum, genealogical investigation would have been based not on documents but on the memory of oral informants.⁹⁴ This investigation will have been slow and uncertain. Without documentary records on which to rely, it is easy to see how genealogies could be forgotten, falsified, or improved. Herod the Great could try to pass himself off as a Judaeon blue-blood, a descendant of the Jews who returned from Babylonia in the time of the Persians, while his opponents would call him a "half-Jew" or a "slave."⁹⁵ Paul would declare himself to be a well-bred Jew of the tribe of Benjamin, but his opponents (probably after his death) would declare him to be a gentile by birth and a convert.⁹⁶

But even if the Jews of antiquity possessed written genealogical records, we should not exaggerate their significance or utility. The legitimate offspring of Roman citizens were enrolled in public registers, as were all those who received grants of Roman citizenship,⁹⁷ but doubts and uncertainties were not unusual. According to Suetonius the emperor Claudius prohibited noncitizens from adopting Roman nomenclature and passing themselves off as citizens.⁹⁸ Three Alpine tribes thought that they had been granted Roman citizenship and were dismayed to discover that they had not; Claudius retroactively gave them

⁹³Shaye J.D. Cohen, "The Rabbinic Conversion Ceremony," *Journal of Jewish Studies* 41 (1990) 177-203, esp. 193-196.

⁹⁴Cf. B. Ketuvot 28b and Y. Ketuvot 2:10 26d (and parallels) regarding the *qetzitza* ceremony. Memory, not documents, as a rule forms the basis of proof for the Attic orators as well.

⁹⁵Nicolaus of Damascus apud Josephus, *Jewish Antiquities* 14.9 = Stern #90; see Stern's commentary ad loc.

⁹⁶Epiphanius, *Panarion* 30.16.8-9 (citing the Ebionite *Ascents of James*). This motif is absent from Gerd Luedemann, *Opposition to Paul in Jewish Christianity* (Minneapolis: Fortress, 1989), which treats material up to about 200 CE; in all likelihood the motif is a polemical invention from the third or fourth century.

⁹⁷Registration of offspring: A. N. Sherwin-White, *Roman Society and Roman Law in the New Testament* (Oxford: Clarendon, 1963) 146-149; *Fontes Iuris Romani Antejustiniani* III #1-5; *Historia Augusta*, Marcus Aurelius 9.7-8. Registration of citizenship grants: *Fontes Iuris Romani Antejustiniani* III #6-8. In general see Carroll A. Nelson, *Status Declarations in Roman Egypt* (Amsterdam: A.M. Hakkert, 1979); Jane Gardner, "Proofs of Status in the Roman World," *Bulletin of the Institute of Classical Studies* (London) 33 (1986) 1ff; *New Documents Illustrating Early Christianity* 6 (1992) section 17.

⁹⁸S. Claudius 25 *peregrinae condicionis homines vetuit usurpare Romana nomina dumtaxat gentilitia. civitatem romanam usurpantes in campo esquilino securi percussit.*

citizenship.⁹⁹ One hundred years later, the rule book of the chief finance officer of the province of Egypt threatens punishment for those who style themselves incorrectly, that is, who adopt Roman names although they are not citizens. It also threatens punishment for those Egyptians who after the death of their father declare (falsely) that their father had been a Roman citizen.¹⁰⁰ The jurists deal with the status problems that arise from cases of marriage in which one partner is misinformed about the status of the other.¹⁰¹

If you knew what to do and say, it must have been easy to pass as a Roman citizen, public registers or no public registers. If a person in antiquity claimed to be a Roman citizen apparently he was believed without investigation. In Acts' story of Paul's arrest and trial, Paul merely has to declare that he is a Roman citizen and he is immediately believed; he produces no documentation and is never asked to prove his status. There must have been many people who said they were Romans but were not.¹⁰² And there may well have been many people who said they were Jews but were not.

Social mechanisms which made (or might have made) Jews distinctive

If, then, circumcision was neither an infallible or a usable marker of Jewishness; if there were no genealogical records that would have proven who was a Jew and who was not; and if the Jews of antiquity looked like everyone else, spoke like everyone else, were named like everyone else, and supported themselves like everyone else, how did you know a Jew in antiquity when you saw one? There were two methods by which you might have established certain plausibilities or probabilities. You might reasonably conclude that people you see associating with Jews are themselves Jews, and you might reasonably conclude that people you see observing Jewish laws are Jews. These conclusions would be plausible or probable, to be sure, but not probative, as I shall now explain.

⁹⁹*Fontes Iuris Romani Antejustiniani* I #71 = E. M. Smallwood, *Documents Illustrating the Principates of Gaius Claudius and Nero* (Cambridge: Cambridge University, 1967) #368.

¹⁰⁰Gnomon of the Idios Logos 42-43. Cf. the Ptolemaic prohibition of changing one's name or ethnic origin: Joseph Méléze Modrzejewski, "Le statut des Hellènes dans l'Égypte lagide," *Revue des études grecques* 96 (1983) 241-268, at 244.

¹⁰¹Gaius, *Institutes* 1.67-75, 87; 2.142-143; Ulpian 7.4; Gnomon of the Idios Logos 39, 46, 47.

¹⁰²Perhaps Paul was one of them; see the cautious doubts of Wolfgang Stegemann, "War der Apostel Paulus ein römischer Bürger?" *Zeitschrift für das neutestamentliche Wissenschaft* 78 (1987) 200-229 and the discussion in *New Documents Illustrating Early Christianity* 6 (1992) section 20.

Jewish by association

You might reasonably conclude that people you see associating with Jews are themselves Jews. This argument has some merit especially if the Jews of antiquity as a rule kept themselves separate from gentiles. Many anti-Jewish writers refer to Jewish misanthropy (hatred of the rest of the humanity) and separateness, analogues to the charge of "clannishness" that would be advanced against Jews in modern times. In the passage cited above Tacitus says of the Jews that "toward every other people they feel only hate and enmity. They sit apart at meals and they sleep apart, and although as a nation they are prone to lust, they abstain from intercourse with foreign women." "Those who are converted to their ways," Tacitus continues, are taught "to despise the gods, to disown their country, and to regard their parents, children, and brothers as of little account." Many other sources, too, speak of the separation of Jews from gentiles, especially at table. In the book of Acts Peter tells the Roman centurion, "you yourselves know how unlawful it is (*hws athemiton estin*) for a Jew to associate with (*kollasthai*) or to visit (*proserchesthai*) anyone of another nation" (Acts 10:28). If in fact diaspora Jews separated themselves rigorously from their gentile neighbors, you could reasonably assume that people you see associating with Jews are themselves Jews.

We may be sure that many, if not most, diaspora Jews observed the Jewish food laws at least to some degree, abstaining from pork, blood, and meat "sacrificed to idols," and that these observances were a barrier to free social intercourse between Jews and gentiles, but we may not conclude that many or most diaspora Jews sought complete separation from their gentile environment. On the contrary. The bulk of the evidence suggests that the musings of the anti-Jewish writers are highly exaggerated and that diaspora Jews maintained their Jewish identity even as they integrated themselves into gentile society.¹⁰³ Even Tacitus – Juvenal, too – admits that the Jews attracted converts, a fact that clearly implies that the Jews did not separate themselves totally from their neighbors and that the boundary between Jews and gentiles was crossable. Clearly this is not the place for a full discussion of this

¹⁰³Food laws: E.P. Sanders, *Jewish Law from Jesus to the Mishnah* (London: SCM, 1990) 272-283. Maintenance of Jewish identity and integration into gentile society: see the essays of A. T. Kraabel, now conveniently collected in *Diaspora Jews and Judaism: Essays in Honor of, and in Dialogue with, A. Thomas Kraabel*, ed. J. Andrew Overman and Robert S. MacLennan (Atlanta: Scholars Press, 1992); Trebilco, *Asia Minor* passim, esp. 173-183; Tessa Rajak, "Jews and Christians as Groups in a Pagan World," *To See Ourselves as Others See Us*, 247-262.

question which has already generated a substantial bibliography; the evidence is abundant and unequivocal.¹⁰⁴

A widely-quoted rabbinic passage shows that diaspora Jews did not follow an ethic of separation from gentiles. The Tosefta comments:¹⁰⁵

R. Simeon b. Eleazar says,
Israel(ites) in the diaspora are worshippers of idolatry.¹⁰⁶
How?

A gentile makes a (wedding) feast for his son and goes and invites all the Jews who dwell in his city – even though they (the Jews) eat and drink from their own, and their own steward stands and serves them, (nevertheless) they are worshippers of idolatry, as it is written (*You must not make a covenant with the inhabitants of the land, for they will lust after their gods and sacrifice to their gods*) and invite you and you will eat of their sacrifices (Exodus 34:15).

According to R. Simeon b. Eleazar, even if diaspora Jews observe the laws of kashruth, avoiding prohibited foods and foods cooked by gentiles, nevertheless their diaspora setting will inevitably bring them into intimate social contact with gentiles and thereby to social settings (like wedding feasts) which feature idolatry.¹⁰⁷ R. Simeon b. Eleazar, of course, is right. Diaspora Jews, even when maintaining their identity, did (and do!) routinely find themselves in intimate contact with gentiles.

Contact with gentiles took place even in the institutional life of the Jewish community. Gentiles participated in the annual festival, celebrated by the Alexandrian Jewish community, commemorating the completion of the Septuagint.¹⁰⁸ The pilgrimage festivals at the temple in Jerusalem attracted not only large numbers of Jews from the diaspora but also large numbers of gentiles who came to watch the proceedings.¹⁰⁹ The synagogues of the Roman diaspora were open to gentiles, and some

¹⁰⁴See the massive new study *Jews and Gentiles in the Ancient World* by Louis H. Feldman (forthcoming). The frequency of intermarriage between Jews and non-Jews in antiquity is unknown.

¹⁰⁵Tosefta Avoda Zara 4(5).6 p. 466 Z. For discussion of the manuscript variants and parallels, see Zvi Aryeh Steinfeld, "On the Prohibition of Eating with a Gentile," *Sidra: A Journal for the Study of Rabbinic Literature* 5 pp. 131-148 (Hebrew).

¹⁰⁶Some manuscripts and testimonia read "worshippers of idolatry in purity."

¹⁰⁷Cf. Canon 7 of the Council of Ancyra (314 CE) (ed. Mansi, vol. 2, p. 516): Christians who have attended pagan feasts require penance, even if they brought and ate their own food. This text was first brought to my attention by my student Ms. Susan Holman, although I now see that it was cited too by Rajak 255 n. 19 (following Baer).

¹⁰⁸Philo, *Life of Moses* 2.41.

¹⁰⁹Josephus *Jewish War* 6.427; cf. John 12:20. Cf. too Menander Rhetor in Stern #446. See below.

(many?) gentiles actually attended services. This was true for Asia Minor in the first century (if we may trust the book of Acts), and for Antioch and Syria in the fourth.¹¹⁰ The Jewish community of Aphrodisias (in western Asia Minor) established a charitable organization which was administered (?) by a small group of Jews and proselytes, and supported (?) in part by a large number of gentiles titled "venerators of God" (*theosebeis*). These "venerators of God" probably had no formal standing in the community (any more than "righteous gentiles," gentiles who are honored by the state of Israel for saving Jews during the Holocaust, have any formal standing either in the Jewish community or the state of Israel), but they were recognized by the community for their assistance and clearly were on good terms with the Jews of the city.¹¹¹

There is one further aspect of Jewish separatism that needs to be considered. In antiquity diaspora Jews tended to live in Jewish neighborhoods. These were not "ghettos," of course, but "ethnic neighborhoods"; members of ethnic minorities tended (and still tend!) to live in proximity to each other because they were comfortable in each other's presence and felt that their interests were better protected if they were massed as a group.¹¹²

In Rome the trans-Tiberian region now called Trastevere was an ethnic neighborhood with many Jews.¹¹³ In Alexandria, Josephus says, the successors to Alexander the Great set aside for the Jews "their own district, so that they could live a life of greater purity by mixing less with strangers"; Philo reports that "the city [of Alexandria] has five sections named after the first letters of the alphabet; two of these are called 'Jewish' (*Ioudaikai legontai*) because most of the Jews inhabit them (or: because most of the inhabitants are Jews), though in the rest also there

¹¹⁰Asia Minor: Acts 13 and 17:17; Antioch and Syria: Robert Wilken, *John Chrysostom and the Jews* (Berkeley: University of California, 1983) 66-94 ("The Attraction of Judaism"); *Apostolic Constitutions* 8.47.65 and 8.47.71. Cf. Martyrdom of Pionius 13, "I understand also that the Jews have been inviting some of you to their synagogues" (H. A. Musurillo, *The Acts of the Christian Martyrs* [Oxford: Clarendon, 1972] pp. 152-153). An inscription from Panticapaeum also seems to suggest that "God-Fearers" had a place in the synagogue of the community; see Reynolds and Tannenbaum, 54.

¹¹¹Reynolds and Tannenbaum, *Jews and Godfearers*.

¹¹²The Jews of course are hardly unique in this respect. See *Corpus Papyrorum Judaicarum* vol. 1, p. 5 n. 14. Not a single non-Jewish author, not even Tacitus, comments on the fact that Jews tended to live together in Jewish neighborhoods - the phenomenon apparently was not distinctive.

¹¹³Philo, *Embassy to Gaius* 23.155; see the commentary of E. Mary Smallwood (Leiden: Brill, 1970) 234 ad loc., and Harry J. Leon, *The Jews of Ancient Rome* (Philadelphia: Jewish Publication Society, 1960) 135-139. On the Trastevere region see the essay by Ramsay MacMullen in this volume.

are not a few Jews scattered about."¹¹⁴ Smaller settlements, too, had Jewish neighborhoods; Oxyrhynchos had a street or district called "Jewish" (*Ioudaïke*), as did Hermoupolis.¹¹⁵ The Jews (some Jews?) of Acmonia (in Phrygia) may have lived (if an inscription has been rightly interpreted) in "the neighborhood of those of the First-Gate."¹¹⁶

How Jewish were these "Jewish neighborhoods"?

Neighborhoods that merited the name *Ioudaïke* may have been exclusively Jewish,¹¹⁷ but there is no evidence that Jews had the legal or social power to exclude gentiles from their streets. In fact, the two papyrological references to the Jewish district in Oxyrhynchos describe land purchases in the district by non-Jews! At least here the name *Ioudaïke* seems to have been given after the Jews no longer lived there - it was the street or neighborhood where Jews formerly had lived. In any case, only few *Ioudaikai* are known; in most cities Jewish neighborhoods will not have been exclusively Jewish. The Trastevere region of ancient Rome was home to many ethnic groups, not just Jews. And in some locations there may well have been no "Jewish neighborhood" at all; perhaps most of the Jews of these places lived in close proximity to each other, but their street or district did not attain a Jewish character.¹¹⁸ It is striking that not one of the archaeologically attested synagogues from the Roman diaspora was situated in an archaeologically identifiable "Jewish neighborhood."¹¹⁹

One passage of the Yerushalmi (the Palestinian Talmud) may imply that presence in a Jewish neighborhood is sufficient to establish a presumption of Jewishness. The Yerushalmi asks: since the Jews of the diaspora use gentile names (see above), how can we ascertain the

¹¹⁴Josephus, *Jewish War* 2.488; Philo, *Against Flaccus* 8.55; further references and discussion in Schürer-Vermes-Millar, 3:43-44.

¹¹⁵*Corpus Papyrorum Judaicarum* #454 and #468; cf. #423. Modern scholars have deduced that Apollinopolis Magna (Edfu) too had a Jewish quarter, but there is no explicit ancient reference; see *Corpus Papyrorum Judaicarum* vol. 2 pp. 108-109.

¹¹⁶Trebilco, *Asia Minor* 78-80 with n. 101.

¹¹⁷But note the ambiguity in the Philonic passage just quoted.

¹¹⁸"Antioch had no special Jewish quarter as had Alexandria," writes David Flusser, *Encyclopedia Judaica* 3:71, s.v. Antioch. The same conclusion emerges from Carl H. Kraeling, "The Jewish Community of Antioch," *Journal of Biblical Literature* 51 (1932) 130-160, at 140-145.

¹¹⁹For the archaeological evidence see the recent survey by L. Michael White, *Building God's House in the Roman World* (Baltimore: Johns Hopkins, 1990) 60-101 ("Synagogues in the Graeco-Roman Diaspora").

Jewishness of gentile-named witnesses on writs of divorce that are sent from the diaspora to the land of Israel?¹²⁰

R. Bibi says in the name of R. Asi,
(we know that the witnesses are Jewish) only if he (the scribe¹²¹)
writes as the place (of origin of the divorce) "in the *loudaïke*."¹²²
If there is no *loudaïke*, (he should write) "in the synagogue."
If there is no synagogue, he should gather together ten (Jewish)
people (and write the divorce in their presence).

If a divorce was written in a *loudaïke*, or a synagogue, or before ten (male) Jews, the Yerushalmi says that we may presume that the witnesses are Jews, even if they have gentile names. The meaning of *loudaïke* is not certain; it may mean "Jewish district," the same meaning it has in Philo's description of Alexandria and the papyrological documents emanating from Oxyrhynchos and Hermoupolis.¹²³ If so, the Yerushalmi is saying that even gentile-named people in a Jewish district can presumed to be Jews. This presumption is not compelling, as I have just tried to explain. It is possible, however, that *loudaïke* in the Yerushalmi means not "Jewish district" but "Jewish court," or some other communal Jewish institution.¹²⁴ If this is correct, the Yerushalmi is saying that even gentile-named people who appear in a document issued by a communal Jewish institution can presumed to be Jews. This presumption makes a great deal of sense. Only Jews will have submitted themselves to the authority of communal Jewish courts.¹²⁵

In sum: people associating with Jews were not necessarily Jews themselves. Even people assembled in a synagogue or present in a Jewish neighborhood were not necessarily Jews themselves. In the Roman diaspora social mingling between Jews and gentiles was such that, without inquiring or checking, you could not be sure who was a Jew and who was not.

¹²⁰Y. Gittin 1:1 43b.

¹²¹Or, if not the scribe, the messenger who is bringing the divorce from abroad.

¹²²Alternative translation: writes (as the place of origin of the divorce) "in the place of the *loudaïke*."

¹²³See Saul Lieberman, *Studies in Palestinian Talmudic Literature*, ed. David Rosenthal (Jerusalem: Magnes, 1991) 475-476 (Hebrew), and *Tosefta K'Fshuta* on *Gittin* pp. 790-791.

¹²⁴See Lieberman.

¹²⁵The nature and authority of these courts – indeed, their very existence – are not my concern here.

Jewish by observance

You might reasonably conclude that people you see observing Jewish laws are Jews. The Romans understood that the observance of Jewish laws was an essential aspect of Jewishness. Thus in 49/8 BCE the proconsul L. Lentulus granted special privileges to Roman citizens in Ephesus who were Jews, and defined the category "Jews" to mean "those who have and observe Jewish sacred things," or "whoever seem to me to have and observe Jewish sacred things." I am not sure exactly what these phrases mean, but it is clear that if someone wanted to be treated as a Jew by the state he had to behave as a Jew, that is, observe Jewish laws.¹²⁶ According to Dio Cassius, a historian of the early third century CE, "from that time forth [that is, after 70 CE] it was ordered that the Jews who continued to observe their ancestral customs should pay an annual tribute of two *denarii* to Jupiter Capitolinus."¹²⁷ Only Jews who observed the ancestral customs were, at least at first, subject to the tax; it was the wicked Domitian who tried to extend the tax even to those who did not observe the laws (see above).

Thus the Jewishness of Jews expressed itself primarily, at least in the eyes of outsiders, via the observance of Jewish practices. This fact is confirmed by the word *ioudaizein*, "to judaize." Ancient Greek has many verbs that are compounds of the name of a region or ethnic group with the stem *-izein*. These verbs have three basic meanings: (a) to give political support (for example, *medizein*, perhaps the oldest and best known of these verbs, means to give political support to the Medes or Persians, that is, to side with the Medes); (b) to adopt customs or manners (for example, *phoinikizein* means to adopt the customs and manners of the Phoenicians, in this case, "unnatural vice"; *sikelizein* means to adopt the manners of the Sicilians, that is, to dance in a particular manner or play the rogue; and (c) to speak a language (for example, *surizein* means to speak Syrian; *illurizein* means to speak Illyrian). Some verbs have a combination of these meanings. Aside from a small number of passages in which *ioudaizein* might mean to give political support to the Jews (a), the verb always means to adopt the customs and manners of the Jews (b), and the customs and manners that are intended are not moral but religious. "To judaize" in antiquity does not mean to dance in a peculiar manner, or to dress in a peculiar manner, or to speak quickly, or to gesticulate with the hands while speaking; nor

¹²⁶Josephus, *Jewish Antiquities* 14.228 and 234; cf. too 14.237 (the clause *an autwī phane* is parallel to *moi...edokoun* in 234; correct accordingly Marcus' translation in the Loeb) and 240. On these laws see Christiane Saulnier, "Lois romaines sur-les juifs," *Revue biblique* 88 (1981) 161-198 at 168-169.

¹²⁷Dio Cassius 66.7.2 = Stern #430.

does it mean to lend money at interest, a meaning it will have in the middle ages; rather it means to abstain from pork, to refrain from work on the Sabbath, or to attend synagogue. What makes Jews distinctive, and consequently what makes "judaizers" distinctive, is the observance of the ancestral laws of the Jews.¹²⁸

Therefore if you see someone observing Jewish rituals, you might reasonably conclude that the person is Jewish.¹²⁹ The Tanhuma, a medieval midrash of uncertain date, tells the following story.¹³⁰ Astrologers predicted that two people seen leaving the city of Tiberias would not return home because they would be bitten by a snake and die. When they returned home safely the astrologers asked them "what did you do today?" They replied, "we did nothing today except for what we are accustomed to do: we recited the *shema* and we prayed (the Eighteen Benedictions)." The astrologers replied to them, "you are Jews? the words of astrologers have no effect on you, because you are Jews." In this story the astrologers had no idea that the people were Jewish; they did not recognize them by their clothing, gait, speech, or even by the fact that they were seen leaving the city of Tiberias, a city that was (almost) exclusively Jewish. The astrologers realized that the men were Jews only when they heard that they recited the *shema*. Recitation of the *shema* is presumptive proof of Jewishness.¹³¹

But is practice of Jewish laws inevitably proof of Jewishness? Dio Cassius writes that "[the citizens of the country] have been named Jews (*Ioudaioi*). I do not know how this title came to be given them, but it applies also to all the rest of mankind, although of alien race, who are

¹²⁸Shaye J.D. Cohen, "The Meanings of *ioudaizein*," (forthcoming); on *ioudaizein* and its derivatives in European languages in the Middle Ages and Renaissance, see Róbert Dán, "'Judaizare' – The Career of a Term," in *Antitrinitarianism in the Second Half of the Sixteenth Century*, ed. R. Dán and A. Pirnát (Budapest: Hungarian Academy of Sciences, 1982) 25-34.

¹²⁹And if you see someone not observing Jewish rituals, you might reasonably conclude that the person is not Jewish. Cf. Tanhuma Balaq 24 ed. Buber (and numerous parallels): a restaurateur sees that a customer neither washes his hands nor recites a benediction before eating, and deduces (incorrectly, it turns out) that the customer is a gentile. The aphorism on which the story depends is in B. Hullin 106a and Yoma 83b. I am grateful to Herb Basser for reminding me of this story.

¹³⁰Tanhuma (nidpas) Shoftim 10 p. 114a. I thank Ranon Katzoff for bringing this text to my attention and pointing out how it differs from its parallels (see next note).

¹³¹It is striking that the Tanhuma shifts the burden of the story from the protective power of good deeds (like reciting the *shema*, giving charity, respecting one's neighbor), the point of the parallels in Y. Shabbat 6:10 8d and B. Shabbat 156b, to the protective power of Jewishness.

devoted to their customs."¹³² Dio is not necessarily talking about "converts" – he does not even mention circumcision. For Dio anyone devoted to Jewish ways is called a Jew.

Anyone who has read Plato knows the critical difference between "being" and "being called," between "name" and "nature." According to Dio if you are devoted to Jewish ways you are called a Jew, but are you a Jew? Some ancient texts clearly make the distinction between "being" a Jew and being "called" a Jew.¹³³ Ptolemy, an otherwise unknown biographer of Herod the Great, writes that Jews and Idumaeans differ in that Jews "are so originally and naturally" (*hoi ex arches phusikoi*) while Idumaeans were called Jews only when they were conquered by the Jews and compelled to follow Jewish laws.¹³⁴ Revelation, in the passages treated at the beginning of this study, speaks of people who call themselves Jews but really are not. A contemporary of John of Patmos, the philosopher Epictetus, writes:¹³⁵

Why, then, do you call yourself a Stoic [if you are a student of Epicurus], why do you deceive the multitude, why do you act the part of a Jew when you are Greek? Do you not see in what sense men are severally called Jew, Syrian, or Egyptian? For example, whenever we see a man facing two ways at once,¹³⁶ we are in the habit of saying, "He is not a Jew, he is only acting the part." But when he adopts the attitude of mind of the man who has been baptized and has made his choice, then he both is a Jew in fact and is also called one (*tote kai esti twi onti kai kaleitai Ioudaios*). So we also are counterfeit "Baptists," ostensibly Jews, but in reality something else (*houtws kai hemeis parabaptistai logwi men Ioudaioi ergwi d'allo ti*).

¹³²Dio Cassius 37.17.1 = Stern #406.

¹³³Cf. Ignatius, *Letter to the Magnesians* 4, "It is proper not only to be called Christians but (also) to be (Christians)." This distinction might also be attested in a Miletus theater inscription whose exact interpretation has been disputed. If it means "For those Jews who are also known as Venerators of God," the inscription is referring to gentiles who are known as Jews because of their veneration of the god of the Jews. But this interpretation of the inscription is only one of several possibilities; see Reynolds and Tannenbaum 54.

¹³⁴Ammonius, *De adfinium vocabulorum differentia* #243 = Stern #146. Cf. Ammonius #231, which distinguishes Thebans, the original settlers of Boeotia, from Thebageneis, later settlers who were added to the Boeotians by the Thebans, and #252, which distinguishes Italians, the original (*hoi archethen*) settlers of the land, from Italiotai, Greek settlers who came later.

¹³⁵Arrian, *Dissertations of Epictetus* 2.19-21 = Stern #254.

¹³⁶Oldfather in the Loeb, followed by Stern, translates "halting between two faiths," but this translation is too theological. My translation is based on Epictetus' use of the same word (*epamphoterizein*) in 4.2.4-5 (a passage similar to this one).

Whether Epictetus has Christian Jews or regular Jews in mind here, does not much matter for my purposes. Epictetus is interested in the correct application of names, and knows of people who act the part of Jews, are called Jews, but are not Jews. They become Jews only when they have made their choice and have been baptized; before that, they are prevaricators. Unfortunately Epictetus does not describe how one "acts the part of a Jew." Presumably one does so by observing one or another of the Jewish laws. In his life of Cicero, Plutarch, another contemporary of John of Patmos, reports an anecdote according to which the orator asked a suspected "judaizer" why he, "a Jew," involved himself in a case featuring a *verres* (a pig).¹³⁷ For Plutarch a "judaizer" who abstains from pork can be called a Jew.

Even rabbinic literature is aware that non-Jews can be called Jews under certain circumstances. "Anyone who denies idolatry acknowledges the entire Torah" is a widely repeated rabbinic statement. One version of it reads "Anyone who denies idolatry is called a Jew."¹³⁸

Thus all those who observed Jewish laws (or who "deny idolatry," whatever that means exactly¹³⁹) could be called Jews and could be known as Jews, even if they were not Jews and even if they did not necessarily see themselves as Jews. Seneca the Elder reports that in his youth certain foreign rites were expelled from the city of Rome; Seneca is probably referring to Tiberius' expulsion in 19 CE of both the Jews and the adherents of the Egyptian god Isis. Abstention from certain animal foods, Seneca continues, was sufficient to establish a presumption of guilt, that is, a presumption of being an adherent of one of the proscribed rites. As a result Seneca, on the advice of his father, abandoned his vegetarianism.¹⁴⁰ A vegetarian could easily be regarded as a Jew and be punished accordingly.

There is abundant evidence that some (many?) gentiles (whether pagan or Christian) in the first centuries of our era attended Jewish synagogues (see above), abstained from work on the sabbath, and perhaps observed other Jewish rituals as well. These gentiles are often called "God-Fearers" by modern scholars, but the debate about the precise meaning and application of this term ought not to obscure the fact that such gentiles existed. If so, not everyone you saw observing a

¹³⁷Stern #263.

¹³⁸*kol hakofer ba'avodah zarah niqra yehudi*, B. Megillah 13a. Cf. Y. Nedarim 3:4 38a and B. Nedarim 25a (and parallels); Sifre Numbers 111 p. 116 ed. Horovitz; Sifre Deuteronomy 54 p. 122 ed. Finkelstein; cf. Mekilta Shirah 8 on Exodus 15:11, p. 142 ed. Horovitz-Rabin.

¹³⁹See Bel and the Dragon 28, "The king has become a Jew". See Cohen, "Crossing the Boundary," 23.

¹⁴⁰Seneca, *Epistulae Morales* 108.22 = Stern #189.

Jewish ritual would necessarily have been a Jew. Even people who, on account of their observance of Jewish laws, were widely regarded as Jews and called Jews, were not necessarily Jews and did not necessarily see themselves as Jews. The observance of Jewish laws was perhaps a somewhat more reliable indicator of Jewishness than presence in a Jewish neighborhood or association with known Jews, but it was hardly infallible.¹⁴¹

A story from the Babylonian Talmud

The fallibility of observance as an indicator of Jewishness is well illustrated by a rabbinic story from the Babylonian Talmud:¹⁴²

There was a gentile¹⁴³ who went up to Jerusalem and ate the Paschal sacrifices.

(When he returned home) he said, it is written (in the Torah) *No foreigner shall eat of it* (Exodus 12:43), *no uncircumcised person may eat of it* (Exodus 12:48), but I have eaten of the very best (of it)!

R. Judah b. Beteira said to him,¹⁴⁴ did they give you a piece of the fat-tail?

He said to him, no.

(R. Judah replied, in that case you did not really get the best of it.) When you go up there (next time), say to them, give me a piece of the fat-tail.

When he went up (to Jerusalem), he said to them, give me a piece of the fat-tail.

¹⁴¹Although some gentiles donated money to Jewish institutions, perhaps those rituals which would have demanded an expenditure of money will have been the clearest indicators of Jewishness. Perhaps the best statement of Jewishness for a diaspora Jew in the pre-70 CE period was the (annual?) payment of two drachmas to the Jerusalem temple. Outsiders noticed the large amounts of money that were raised by this self-imposed Jewish "tax." Converts to Judaism would pay as well as natives (see Tacitus, cited above), but we may presume that non-converts did not. If you contributed your two-drachmas to the temple, you were declaring yourself to be a Jew, and you were declaring your desire to be seen as a Jew. Contrast the social dynamic of the *fiscus Iudaicus*, briefly discussed above: if you were obligated to pay the *fiscus Iudaicus*, you were seen by the Roman state as a Jew, whether or not you saw yourself as one. Sara Mandell misses the point entirely; see her "Who Paid the Temple Tax when the Jews were under Roman Rule?" *Harvard Theological Review* 77 (1984) 223-232.

¹⁴²B. Pesahim 3b. For manuscript variants, see *Gemara Shelemah: Pesahim*, ed. Barukh Naeh and Menahem M. Kasher (Jerusalem: Torah Shelemah Institute, 1960).

¹⁴³The vulgate printed text reads "Aramaean," but all the manuscripts read "gentile."

¹⁴⁴The manuscripts provide various interpolations to explain how the gentile's comment became known to R. Judah.

They said to him, (That is impossible!) The fat-tail ascends to heaven (that is, the fat-tail is consumed completely on the altar).

They said to him, who said to you (to speak) thus?

He said to them, R. Judah b. Beteira.

They said (to themselves), what is this before us? (Why would R. Judah have suggested to this man that he make such a request?)

They investigated him and they found that he was a gentile and they killed him.

They sent (a message) to R. Judah b. Beteira, peace to you, R. Judah b. Beteira, for you are in Nisibis but your net is cast in Jerusalem.

The likelihood that this story is historical, that is, that it is describing actual events in a manner more or less resembling the way they took place, is remote.¹⁴⁵ The story seems to assume that the Paschal sacrifice was slaughtered and roasted by the priests who would dispense portions of meat to the populace, as if the Paschal sacrifice were like a regular peace-offering (*shelamim*). But the Paschal sacrifice was unique; it was permitted to be, and apparently often was, slaughtered by the laity, and the meat would be roasted not on the altar by the priests but on the temple mount by the lay participants themselves.¹⁴⁶ Further difficulties: wouldn't this gentile have wondered that R. Judah b. Beteira was assisting him to trick the priests?¹⁴⁷ Why did not R. Judah b. Beteira go himself to Jerusalem to bring a Paschal sacrifice and there tell the priests of this miscreant?¹⁴⁸ At least, why did he not send a message via someone else?¹⁴⁹ The anecdote is story and folktale, not history, and we are not to ask such questions of stories and folktales. Fictional or not, sensible or not, the story has an important point. The story demonstrates the superiority of the disciples of Moses to the sons of Aaron. Without

¹⁴⁵The only point in the story that is confirmed elsewhere is the association of R. Judah ben Beteira with Nisibis. See Jacob Neusner, *History of the Jews in Babylonia I: The Parthian Period* (Leiden: Brill, 1969; second edition) 46-52.

¹⁴⁶The Paschal lamb was slaughtered in the temple court (the *azarah*, M. Pesahim 5:5-7), to which a gentile was prohibited access, but the actual roasting took place either on the temple mount (*har habayit*, M. Pesahim 5:10) or in all Jerusalem (not stated explicitly in the Mishnah, but cf. M. Pesahim 7:9 and 7:12 with Albeck's note), and the eating took place anywhere in Jerusalem, to which gentiles were permitted access (M. Kelim 1:8). Cf. Schürer-Vermes 2:252 n. 55 and Sanders, *Judaism* 136-137.

¹⁴⁷To avoid this difficulty see the ingenious interpretation of R. Solomon Luria (the Maharsha), followed by the Maharsha, ad loc.

¹⁴⁸See Tosafot s.v. *me'alyah*.

¹⁴⁹Probably because the storyteller wants to employ the dramatic but common motif of the deceived messenger who brings a message that will lead to his own death. See Stith Thompson, *Motif Index of Folk Literature* (6 vols; Bloomington: Indiana University, 1932-1936) motif K978, the "Uriah letter motif."

the assistance of R. Judah b. Beteira – a rabbi in the diaspora! – the priests are incapable of protecting the sacred.¹⁵⁰

Let us ignore the fictional and polemical nature of the story and put ourselves in the priests' position. According to the book of Acts Paul was accused of bringing a gentile into the temple; whether the accusation is true we do not know.¹⁵¹ According to this rabbinic story a gentile was able to deceive the priests (and apparently all the Jews around him) and to partake of the Passover. The priests were the custodians of the temple, but they could hardly be expected to check all those who entered the sacred precincts, certainly not at the pilgrimage festivals when the crowds were immense. The Pauline episode apparently took place at or around the time of Pentecost (Acts 20:16). Passover in particular attracted large numbers of people. According to Josephus, Cestius Gallus once took a census and counted 255,600 Paschal sacrifices; according to the parallel rabbinic story, 600,000 Paschal sacrifices were counted. Both the rabbis and Josephus agree that on average each sacrifice was to serve a group (*havurah* in rabbinic parlance) of ten people. Thus, according to Josephus, there were at least 2,556,000 people in Jerusalem for the Passover, and according to the rabbis there were six million!¹⁵² These numbers do not include gentile visitors who came to watch the proceedings but could not participate.¹⁵³ So impressive were the proceedings that according to one rabbinic story Roman soldiers would convert on the 14th day of Nisan in order to be able to partake of the Paschal sacrifice in the evening.¹⁵⁴ Here, then, is a city teeming with native Judaeans, Jews from abroad, long-time converts and recent converts, gentile sightseers and gentile venerators of God – how were the priests to distinguish Jew from gentile, especially on the Passover when all the slaughtering and sacrificing had to be completed in the space of only several hours? Josephus even tells a story of one Passover when Samaritans took advantage of the confusion, slipped into the

¹⁵⁰The deferential attitude of temple priests to rabbinic sages is a motif that appears elsewhere in rabbinic historiography, but neither the motif nor its historicity need to be investigated here.

¹⁵¹See appendix B.

¹⁵²Josephus, *Jewish War* 6.423-425; Tosefta Pisha 4:15 p. 166 ed Lieberman; see Lieberman's commentary ad loc. Josephus and the rabbis agree that the Passover sacrifice was normally eaten by a group of ten or more; even R. Yosi, who permits Paschal sacrifices for individuals (M. Pesahim 8:7), would, I think, agree that individual sacrifices were not the norm.

¹⁵³Josephus *Jewish War* 6.427; cf. John 12:20.

¹⁵⁴Tosefta Pisha 7:14 p. 182 ed: Lieberman (and parallels; see Lieberman's commentary ad loc.).

temple, and scattered the dust of pulverized bones everywhere, seeking to render the temple impure.¹⁵⁵

Gentiles were permitted to enter the temple mount, but were prohibited from entering the actual temple precincts (the *hieron*) which were marked off by a low balustrade (*soreg* in rabbinic parlance). A Greek inscription warned gentiles that they faced death if they violated the sacred precincts with their presence.¹⁵⁶

No gentile may enter within the screen and the enclosure around the temple. Whoever shall be caught (doing so), shall be responsible for his own death which follows.

The priests will have been entrusted with the duty of protecting the temple from foreign contagion, but in the final analysis, the priests did not keep gentiles out of the temple as much as well-intentioned and respectful gentiles kept themselves out of the temple. No doubt their good intentions and respectful attitude were strengthened by their fear – if caught they would die, as the inscription warned, whether by lynching or by judicial execution or by divine visitation.¹⁵⁷ No doubt gentiles who were determined to enter the temple could do so, just as Richard Francis Burton and other westerners have disguised themselves as Muslims and gone on pilgrimage to Mecca.¹⁵⁸ If a gentile knew how to pass as a Jew, and certainly if that gentile was in the company of a Jewish accomplice (like Paul), he (or she) would have had no difficulty in entering the temple precincts and/or joining a *havurah* to partake of the Paschal sacrifice.

The rabbinic story concludes that "They investigated him (literally: they investigated after him, *badqu batreh*) and they found that he was a gentile and they killed him." It is most unfortunate that the story does not explain how they investigated him or what exactly they investigated. Perhaps they checked to see whether or not he was circumcised – the gentile apparently was not circumcised, to judge from the glee with which he recited the prohibition *no uncircumcised person may eat of it* – but

¹⁵⁵*Jewish Antiquities* 18.30; the text is corrupt and is variously construed.

¹⁵⁶Schürer-Vermes 2:285 n. 57. D. R. Schwartz suggests that the inscription was meant to exclude converts as well as gentiles, and he may well be correct; see Schwartz, "On Two Aspects of a Priestly View of Descent at Qumran," *Archaeology and History in the Dead Sea Scrolls*, ed. Lawrence H. Schiffman (Sheffield: JSOT, 1990; JSEP Supp 8) 157-179 at 165-166.

¹⁵⁷Peretz Segal, "The Penalty of the Warning Inscription from the Temple of Jerusalem," *Israel Exploration Journal* 39 (1989) 79-84. The story about Paul in Acts (see appendix B) suggests execution by lynching, whereas our rabbinic story suggests execution by judicial execution.

¹⁵⁸Edward Rice, *Captain Sir Richard Francis Burton* (New York: Scribner's, 1990).

it is more likely that they investigated his pedigree.¹⁵⁹ As I discussed above there is no evidence that Jews checked circumcision as proof of Jewishness.¹⁶⁰

Conclusions

"Thus are Israel: whithersoever one of them goes, he is unable to say that he is not a Jew. Why? because he is recognizable (or: because he is recognized, *shehu nikkar*)."¹⁶¹ In the words of R. Abin, "A woman is able to hide herself (among gentiles) and say 'I am a gentile,' but a man is unable to hide himself (among gentiles) and say 'I am a gentile.'"¹⁶² Unfortunately neither of these texts explains exactly what makes a Jew (at least a Jewish man) recognizable and unassimilable. In this paper I have argued that, rabbinic evidence to the contrary notwithstanding, the diaspora Jews of antiquity were not easily recognizable, if, indeed, they were recognizable at all. Jews looked like everyone else, dressed like everyone else, spoke like everyone else, had names and occupations like those of everyone else, and, in general, closely resembled their gentile neighbors. Even circumcision did not always make (male) Jews distinctive, and as long as they kept their pants on, it certainly did not make them recognizable. Like many other diaspora peoples ancient and modern, the Jews of antiquity maintained their identity without becoming conspicuous.

How, then, did you know a Jew in antiquity when you saw one? The answer is that you did not. But you could make reasonably plausible inferences from what you saw. First, if you saw someone associating with Jews, living in a (or the) Jewish part of town, and, in general, integrated socially with other Jews, you might reasonably conclude that that someone was a Jew. Second, if you saw someone performing Jewish rituals and practices, especially if the practice entailed an expenditure of

¹⁵⁹Cf. M. Qiddushin 4:4-5. In its other occurrences on B. Pesahim 3b, the phrase *badqu batreh* clearly refers to genealogical investigation.

¹⁶⁰Of course here there are two issues: "Jewishness" and circumcision. The two are not identical, because even an uncircumcised Jew who ate of the Paschal sacrifice would violate Exodus 12:48. See Mekilta Pisha 15 p. 57 ed. Horowitz-Rabin with the note ad loc.

¹⁶¹Song of Songs Rabbah on Song of Songs 6:11 (p. 35b ed. Vilna); cited by Salo Baron, "Problems of Jewish Identity," *Proceedings of the American Academy for Jewish Research* 46-47 (1979-1980) 33-67, at 52 n. 23.

¹⁶²Y. Avodah Zarah 2:1 40c. The commentaries differ on the explanation for a man's inability to disguise himself; some say (see *Pilpula Harifta* on R. Asher, Avodah Zarah, chapter 2, paragraph 4) it is because of his circumcision, while others (see the *Pnei Moshe* in the Yerushalmi ad loc.) think it is because of his hair and beard.

money, you might reasonably conclude that that someone was a Jew. Each of these conclusions would have been reasonable, but neither would have been certain, because gentiles often mingled with Jews and some gentiles even observed Jewish rituals and practices. As a result, these reasonable conclusions would lead you to label some gentiles as Jews. Some ancient authors distinguish between "truly being a Jew" and "acting the part of a Jew," or between "truly being a Jew" and "being called a Jew." By observing Jewish practices and by associating with Jews, gentiles will have been called Jews and will have been mistaken as Jews.

Some gentiles will have been called Jews, others will have called themselves Jews. In situations where status as a Jew conferred privileges and/or esteem, that status will have been coveted by outsiders, and we may be sure that as a result some non-Jews converted to Judaism and others simply declared themselves to be Jews. The Jews of Rome and of the cities of Asia Minor and Syria enjoyed a wide range of legal privileges, and at times were socially and economically prominent; in the Roman legal system the Jews of Egypt occupied a place above that of Egyptians. In these environments gentiles would have had strong incentive to declare themselves to be Jews, and it would have been relatively easy for them to do so, especially in places where the Jewish community was large.

The Tosafot, medieval glossators on the Talmud, deduce from the Ben Beteira story cited above that if an unknown person comes before us and claims to be a Jew, he is to be believed.¹⁶³ This principle, still followed today in all but the most tightly knit Jewish communities, seems to have been the norm in antiquity not only in the land of Israel but also in the diaspora. In the book of Acts Paul travels throughout the eastern Mediterranean, preaching in synagogues and having discussions with local Jewish leaders, but not once is he asked to demonstrate his Jewishness or prove his Jewish identity.¹⁶⁴ Apparently he is accepted at his word immediately. Similarly, there are many stories about rabbis traveling throughout the ancient Mediterranean world, but, as far as I have been able to determine, they are never asked to identify themselves

¹⁶³The Tosafot endorse this principle even if they conclude that our story does not provide conclusive support for it. See Pesahim 3b, Tosafot s.v. *va'ana* and the *Pisqé Tosafot*. With minor modifications the same argument appears also in the Tosafot of Sens, the Tosafot of R. Peretz, and the novellae of R. Yom-Tov ibn Ashvili (the Ritba) and R. Nissim of Gerona (the Ran); the texts are conveniently collected in *Gemara Shelemah*.

¹⁶⁴Cf. Acts 28:21: the Jews of Rome know nothing of Paul or his message, but accept him immediately as a Jew. He is also immediately believed when he declares himself to be a Roman citizen; see above.

to their fellow Jews or to prove their Jewishness. In antiquity you did not know a Jew when you saw one, but if someone said he or she was a Jew, that statement alone apparently sufficed to establish the fact. A Jew is anyone who declares himself/herself to be one. In this respect as in so many others antiquity anticipates modernity.¹⁶⁵

Appendix A: Two Epigrams of Martial

Martial has one explicit reference to Jewish circumcision and one implicit reference. The explicit reference is 7.30.5 = Stern #240, *nec recutitorum fugis inguina Iudaeorum*; the implicit reference is 11.94 = Stern #245, the four-fold repetition of *verpe poeta* in reference to someone born in Jerusalem. These passages are briefly discussed above. Stern sees two other references to circumcision in the epigrams of Martial, but in one case his interpretation is almost certainly wrong, and in the other the text is ambiguous.

In 7.35 = Stern #241, Martial contrasts the nominal modesty of Laecania, whose slave wears a thong while he attends upon her as she bathes, with his own nominal immodesty: *inguina succinctus nigra tibi servos aluta / stat, quotiens calidis tota foveris aquis. / sed meus, ut de me taceam, Laecania, servos / Iudaeum nulla (or: nuda) sub cute pondus habet*. "A slave, girt under his groin with a black leather strap, waits on you whenever you are heated all over with warm waters. But my slave, Laecania – to say nothing of myself – has a Jewish load under no skin (or: under bare skin)." The "black leather strap" is a thong that covers the penis.¹⁶⁶ "Jewish load" (or "Jewish weight") means that the slave has an unusually large penis. In 7.55 = Stern #242 Martial contrasts his own tiny organ (*pusilla est*) with the cock (*mentula*) of a man who has just come from Jerusalem. There Martial is following the topos that the "other" is characterized by large genitals and that a small penis is a sign of decent character.¹⁶⁷ Here, however, Martial is happy to speak of his own large organ ("to say nothing of myself"). The phrase *nulla sub cute* (the reading preferred by virtually all modern editors) or *nuda sub cute* (the reading preferred by Stern) is somewhat obscure. Reading *nulla sub cute*, A.E. Housman argues that *cutis* = foreskin, and that Martial means "my slave, who is Jewish, has a cock that is large and not even hidden by a

¹⁶⁵Salo Baron, *History and Jewish Historians* (Philadelphia: Jewish Publication Society, 1964) 5-22 (an essay entitled "Who is a Jew?").

¹⁶⁶Hall, "Epispasm," 73, erroneously thinks it a reference to infibulation.

¹⁶⁷See Dover, *Greek Homosexuality* 127-129. That the Jews are particularly lusty see Tacitus cited below (*proiectissima ad libidinem gens ...inter se nihil illicitum*) and cf. Sullivan, *Martial* 189 n. 6.

foreskin."¹⁶⁸ Following Housman, Stern comments, "Martial alludes to his Jewish slave as being circumcised." *cutis* certainly can mean "foreskin" (see above), but Martial does not say that his slave was Jewish (it is not the *servos* but the *pondus* that is *Iudaeum*), and it is much simpler to take *cutis* as synonymous with *aluta*, meaning "leather." Laecania's slave wears a thong but my well-hung slave does not. Since Martial compares himself to his slave ("to say nothing of me"), it is most unlikely that he is describing his slave either as Jewish or as circumcised. My slave – to say nothing of me – has a large penis and does not hide it under a thong. This epigram has nothing to do with circumcision.

(If we adopt the reading *nuda*, *cutis* must mean foreskin and the epigram gains in ironic force: Laecania's slave wears a thong, but my slave – to say nothing of me! – has a large load, worthy of a Jew, under his bare foreskin. Whether *pondus* refers to the penis or the testicles, is not entirely clear. The irony is the juxtaposition of *Iudaeum* with *cutis*: Jews do not, or are not supposed to, have foreskins, but this slave combines a foreskin with a Jewish-sized *pondus*).

The interpretation of the second text turns on the ambiguous word *verpus*. Martial 7.82 = Stern #243 describes a comic actor or singer, one Menophilus, who wore a fibula, ostensibly to protect his voice. While he was exercising in public, however, his fibula fell off, revealing to everyone that he was *verpus*. A fibula is a pin or a ring worn through the foreskin and designed to make erection either painful or impossible. The infibulated man would thus abstain from sex and thereby (it was believed) improve his voice and/or his strength.¹⁶⁹ The epigram can be construed in two ways. "I had thought that Menophilus wore a fibula in order to spare his voice, but now that his fibula fell out in public I realize that he wore it to hide his circumcision." This is how the epigram has usually been understood.¹⁷⁰ However, there is an alternative. "I had thought that Menophilus wore a fibula in order to spare his voice, but now that his fibula fell out in public I realize that he wore it to restrain his aggressive and unseemly homosexual lust" (that is, his fibula fell out when he had an enormous erection). *verpa* means erection in Martial 11.46. Perhaps both meanings are intended here as in 11.94 (*verge poeta*). If Menophilus was circumcised and had no foreskin, how did he affix a fibula? If Menophilus was circumcised and still managed to affix a

fibula, it is easy to see how it might have fallen off! It is not clear if this epigram has anything to do with circumcision.

Sullivan, *Martial* 189, writes "There are a number of sneers (for example 7.82) at those *verpi* ('skin-backs') who have been circumcised by their masters in order to gratify their perverse sexual tastes." I have been unable to verify this statement. Neither 7.82 nor 11.94, the only two passages in Martial to use the word *verpus*, refers to slaves who were circumcised in order to gratify their masters' perverse sexual tastes. I know of no references to circumcision in Martial aside from those discussed here and in the text above.¹⁷¹

Appendix B: Paul and Trophimus in the Temple:

Acts 21:27-29 reports the following:

When the seven days [of the purification of the Nazirites] were almost completed, the Jews from Asia, who had seen him [Paul] in the temple, stirred up all the crowd, and laid hands on him, crying out, "Men of Israel, help! This is the man who is teaching men everywhere against the people and the law and this place; moreover, he also brought Greeks into the temple, and he has defiled this holy place." For they had previously seen Trophimus the Ephesian with him in the city, and they supposed that Paul had brought him into the temple. Then all the city was aroused, and the people ran together; they seized Paul and dragged him out of the temple, and at once the gates were shut.

Paul is almost beaten to death by the crowd, but is arrested (and thus rescued) by Roman troops, and after a long series of interviews and hearings is sent off to Rome for trial before the emperor.

Paul is the target of two separate accusations: first, of teaching against the people (that is, against the Jews), against the law (that is, against the laws of the Torah), and against the place (that is, against the temple); second, of bringing Greeks, that is, gentiles, into the temple, thereby defiling it. Acts, of course, implies that both accusations are false, but anyone who has read the Pauline epistles, especially Galatians, will have to concede that the first accusation, at least, has merit. Against this accusation the Paul of Acts speaks eloquently of his Jewish upbringing, his loyalty to Jews and Judaism, and his "conversion." But it is the second accusation that concerns us here. Acts explains that the accusation arose because Paul had been seen in the city with Trophimus of Ephesus, a man thought to be a gentile, and the Jews of Asia Minor, themselves, like Paul, pilgrims to the holy city, were

¹⁶⁸Housman, "Praefanda," *Hermes* 66 (1931) 402-412, at 409-410. Housman is followed by Adams 73.

¹⁶⁹Kay, *Martial Book XI*, 229-231 (commentary on 11.75).

¹⁷⁰See for example Stern, commentary ad loc.; Smallwood, *Jews* 377; Kay 229; Hall, "Epispasm," 73; Williams, "Domitian," 203.

¹⁷¹Prof. Sullivan, in response to my query about the meaning of his statement, was kind enough to send me a detailed explanation which I do not find persuasive. I hope to return to this point elsewhere.

convinced that Paul had brought Trophimus into the temple. Trophimus and any other alleged gentiles allegedly introduced into the temple by Paul were certainly liable to be killed if apprehended (see above). Presumably they were nowhere to be found; the mob turned its anger instead against Paul.

How does Paul respond to this accusation? He ignores it. In the subsequent narrative the accusation is mentioned again in 24:6 by one of Paul's prosecutors, but Paul does not deign to reply. "Let my accusers (the Jews of Asia) confront me directly," he says (24:19). The accusation that Paul introduced gentiles into the temple is probably pre-Lucan tradition (that is, Luke, the author of Acts, did not invent it but learned of it from one of his sources¹⁷²), and it is striking, then, that Luke (or his source) did not see fit to record Paul's response, especially if Paul's response would have been "I did not bring Trophimus or any other gentile into the temple." Perhaps Acts suppresses Paul's defense because the defense would not have accorded well with Act's picture of a Jewishly-pious and non-antinomian Paul. Perhaps Paul would have said "I brought Trophimus, a gentile, into the temple, but the distinction between Jew and gentile no longer exists in God's eyes, and gentiles may worship freely in the house of God just as Jews do." If this was Paul's defense one can understand why Luke would have suppressed it, because it would have run counter to his image of a Paul who never speaks the sort of theology that is central to Galatians.¹⁷³

There is yet a third way in which Paul might have responded to the accusation. He might have said, "Yes, I brought Trophimus into the temple, but Trophimus is really a Jew, not a gentile." This response is full of uncertainties, for how would the Jews of Asia Minor have attempted to prove Trophimus to be a gentile, and how would Paul have attempted to prove him to be a Jew? Presumably everyone would have checked Trophimus' genealogy, or would have asked him to verify that he was a convert. Perhaps they would have checked his circumcision (or perhaps not; see above). If this was Paul's defense, we may imagine that it was suppressed by Luke because Luke had no doubt that Trophimus was indeed a gentile. In any case, this story, like the Ben Betaira story cited above, shows that even in connection with the one Jewish institution that required clear distinction between Jews and gentiles,

Jewish identity was not always easy to determine and separation between Jews and gentiles was not always easy to enforce.

¹⁷²This seems to be the general consensus; see Gerd Lüdemann, *Das frühe Christentum nach den Traditionen der Apostelgeschichte* (Göttingen: Vandenhoeck & Ruprecht, 1987) 243-244.

¹⁷³Morton Smith, "The Reason for the Persecution of Paul and the Obscurity of Acts," *Studies in Mysticism and Religion presented to Gershom Scholem* (Jerusalem: Magnes, 1967) 261-268.

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