

The Boundaries of Being a Jew

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In *Ethnic Groups and Boundaries* (1969), the Norwegian anthropologist Fredrik Barth has argued that it is impossible to find definite criteria for ethnicity and that ethnicity is rather the result of labelling.¹ Boundaries between so-called “ethnic groups” are created either by the group itself, or by others. So it may be that at one time the boundary marker is language, the other time it is religion, a third time it is a common history. Barth’s perspective was adopted by scholars who were looking for ways to address the question of what forms a “collective identity.” Barth suggested, however, that collective identities do not really exist but are fictions. In fact, we can moreover argue that the term identity itself, loaded with psychological significance, cannot so easily be translated from the psychological-individual sphere to the social-collective sphere.² Nonetheless both terms, ethnicity and collective identity, are used in all aspects of human life and serve as means to achieve real and often political objectives. Collective identities as demarcations between peoples, whether we define them as reality or fiction, are referred to for a reason.³

In what follows we shall examine what criteria can be adopted as defining features of a collective entity. We shall take here as a case study the very large definition of Jews in the Greco-Roman world and will focus on the ways in which certain Jews portrayed themselves to themselves as a collective group.⁴ Having a single term to designate themselves, *Bney Israel* (“the sons of Israel”), they had to do without terms such as *ethnos*, *genos*, *laos*, *dēmos*, *populus*, *natio*, *polis*, and *civitas* when referring to themselves as an entity. The question is what kind of collective entity they were referring to, and whether their definition was kept unchanged.

To examine this question, this chapter proposes to focus on the borderline between what constituted a Jew and a Gentile by analyzing the way in which Jews included newcomers in their collectivity and excluded others. My main thesis will be that Jews referred to themselves as an entity by employing prisms to define political entities available to them in Greco-Roman antiquity. We shall use here the English term “the Jews” as

¹ Barth 1969. ² Erikson 1968. ³ See for this Isaac 2004. ⁴ See Jonker 2010.

a translation of the Hebrew *haYehudim* and of the Greek *hoi Ioudaioi*. The use of the English translation and its meaning, and the question of whether the translation should be Jews or Judaeans have been the center of a historiographical debate related to the modern definition of Judaism in antiquity.⁵ Daniel Schwartz, for example, has addressed it and criticized the translation of *hoi Ioudaioi* as Judaeans instead of Jews affirming the religious aspect of the Greek term. This was recently challenged by Daniel Boyarin, who wished to dismiss the very notion of Judaism as a religion in antiquity.⁶ Premodern Judaism, according to him, has very little to do with what we term today as religion.⁷ In what follows we shall attempt to address the same question of ancient Jewish ethnicity by analyzing the use and meaning of the terms *haYehudim*, *hoi Ioudaioi*, and *Iudaei* to designate an entity. The question is what kind of entity these terms refer to. We shall employ here the English term “Jews” as a convenience without addressing directly the historiographical debate concerning Jews and Judaeans. In fact, this debate will be indirectly resolved by replacing the idea of a single meaning with that of an area of meanings, changeable in view of the political culture that those referring to themselves as Jews were exposed to. Our investigation begins with Classical times, albeit not with Greece itself but with the repercussions that its political culture had in Judaea under Persian rule.⁸

Methods of Political Exclusion in Achaemenid Judaea

In a paper dedicated to naming names, Benjamin Isaac has shown the dynamic use of what we term as ethnic for geographic and administrative concepts in Roman times.⁹ He also revealed how this was used the other way around, namely how geographic concepts came to designate what we would term ethnicity.¹⁰ We find this very process in the book of Ezra, which constructs the historical memory of the exiled Jews who returned to the land of Zion. They refer to themselves as both *Shavey Zion* (literally “the Returned to Zion”) and *Yehudim*.

⁵ And to a certain extent also to the definition of Judaism nowadays: Schwartz 2007: 3–27; Mason 2000: xi–xii; Schiffman 1985; Harvey 1996; Cohen 1999.

⁶ Boyarin 2018.

⁷ See Moore 2015, who proposes a much more sociological solution, taking as a case study the relation between Judaism and Hellenism and closely following Barth’s analysis. See *infra*.

⁸ A preliminary note: following Barth and Erikson (*supra* nn. 1–2) I refrain from using the terms “ethnicity” and “collective identity.” In fact, my main objective here is to reveal the function of the construction of such concepts in the period under examination.

⁹ Isaac 2013. ¹⁰ Cf. La’da 2002, discussed later.

A lot has been written about the organization of *Yehud Medinata*, the Persian province of Judaea.¹¹ We can apply here Isaac's observation about a geographic name being used to create a group separated from all other descendants of the First Temple period. At its basis we find a political objective: defining the collectivity of *haYehudim* as a political entity. This term is never used here to refer either to the biblical Judah or to the land of Judaea, but it serves as a demarcation between the population that returned from the Babylonian exile to the land of Zion, and the local inhabitants of the land.¹² This demarcation is achieved for a reason: exclusion of the first from the second. The means are historical exclusivity, cultural exclusivity, and social exclusivity. These are recurrent themes in Ezra-Nehemiah. Historical exclusivity is achieved by a detailed documentation of the families who constitute the closed group of the Returned to Zion (Ezra 2, 8, 10:18–44, Nehemiah 7, 12), and by ignoring any reference that would connect them to those Israelites who were not exiled.¹³ Their self-nomination as *haYehudim* serves here to make *haYehudim* a synonym to “the Returned Exiled” (i.e., a group separated from the Israelites who were not exiled or were exiled but did not return to Zion). The history of this group starts therefore from the moment of “the Return.”

The cultural exclusivity of the group is achieved by the creation of an exclusive cult around the new temple in Jerusalem. The Returned refuse to allow the local peoples to share with them its financing and construction despite the eagerness of the second to participate in the enterprise (Ezra 4). This establishes a new cult to the God of the Returned. Finally, social exclusivity is achieved by a repeated prohibition on mixed marriage with women of local origin (i.e., women not from the group of *haYehudim* – the Returned; Ezra 9–10, Nehemiah 9, 13).¹⁴ Genealogical enlisting of all the families who can prove their exile-return lineage (Ezra 2, 8, 10:18–44, Nehemiah 7, 12) enabled them to realize and control their designation as a distinct group. But what was the purpose of this exclusion?

Michael Heltzer compared the restrictions on mixed marriage defined by the Returned in Ezra-Nehemiah to the Athenian law of citizenship.¹⁵ Fifth-century Judaea had very little to do with a Greek polis. Yet we would like to consider here the way in which the returning families designated themselves collectively as a means to construct a sense of a political entity akin to the way in which it was constructed in Greece in their time. In fact

¹¹ See more recently Lipschits et al. 2011; Heltzer 2008; Ro 2012. ¹² See Kalimi 2012.

¹³ But see Nehemiah 8:14–18, 9:1–2, where the term *Bney Israel* is employed as synonym to “The Returned” (*haShavim*), thus rhetorically blurring the distinction between the two designations.

¹⁴ See Dor 2011: 173–88; 2006; Olyabm 2004: 1–16. ¹⁵ Heltzer 1990: 83–91.

“the Judaeans”/“the Jews” – *haYehudim* – can indeed serve here as the equivalent to *hoi Athenaioi*, *hoi Lakedaimonioi*, or *hoi Kares* (the latter being also under Persian rule). Through these denominations these people living in one place referred to themselves not as a group with a common origin but as a political group disassociated from all other descendants of a common origin. In the same way the term *haYehudim*, with the definite article, enabled the exiled who returned to the land of Zion to designate themselves politically. It reflected the same difference that the Greeks made between political and ethnic grouping, between “the Athenians” and “the Greeks.” By referring to themselves as *haYehudim* they were able to completely ignore any common historical origin that they might have shared with others in favor of a political denomination that started from the moment of their Achaemenid return. In other words, and if we continue with the Greek parallelism, *haYehudim* was used in contrast to *Bney Israel* just as *hoi Athenaioi* was used in contrast to *hoi Hellenes*.¹⁶

Although we find the term *Yehudi* used in other documents of the Babylonian and Egyptian diasporas, it does not serve there as a collective denomination in the Ezra-Nehemiah form of *haYehudim*.¹⁷ The epistles of the Jews from Elephantine to Jerusalem for example, concerning their relation with Jerusalem, reveal a demand to link their temple to the temple in Jerusalem in a manner similar to the way in which a Greek colony is attached in its cults to its metropolis.¹⁸ However, this did not imply that they were in any way included in the political culture that developed in Judaea. In fact their unanswered appeals to Jerusalem to get help to rebuild their temple imply a deliberate ignorance on the part of Jerusalem.¹⁹ *haYehudim* or *am haYehudim* (literally “the people of the Judaeans/Jews”) with its distinctive civic institutions such as the elders (Ezra 9:1, 10:8, Nehemiah 8:13), a general assembly (Ezra 3:1, 10:7, Nehemiah 4:8, 5:13, 8–9), a council and ministers (Ezra 4:3, 9:1, 10:5, 10:8, Nehemiah 2:16, 4:8, 5:7, 7:2, 11) and a head who is the juridical, economic and military authority (Ezra 7–9, Nehemiah 3–7, 10) evokes immediately a political entity that is constructed in contrast to any possible ethnic concept of a bygone Israelite past.²⁰ The same political objective determined the *realpolitik* of the Hasmoneans.

¹⁶ This, however, is not definitive, as we would expect (for the exception, see *supra*, n. 13).

¹⁷ Pearce and Wunsch 2014; Zadok 2002, 1988; Vukosavovic 2015; Porten and Yardeni 1986; Porten and Farber 2011.

¹⁸ TAD A4.7, A4.8, A4.9, A4.10 Cowley 30–3 (Sachau Plates 1–4) (Porten 1986: B19–22) from 407 BCE.

¹⁹ TAD A4.7 Cowley 30, verso l. 18 (Porten 1986: B19, p. 142).

²⁰ To this end even the adversaries in Ezra-Nehemiah may well be fictitious: Grätz 2013: 73–87.

The Hasmonean *Politeia* – Methods of Political Inclusion

In his book *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (1999) Shaye Cohen has presented a daring thesis regarding the definition of Judaism in Hasmonean time. According to his reading, Judaism acquired a new meaning as a religion to accommodate the Hasmonean policy, which separated the term from its previous ethnic meaning: to be Judaeen. Cohen based his thesis on the definition of the religious process of conversion through which one can become a Jew: proselytism – *giyur*, and argued that this was used as a policy by the Hasmoneans in order to construct a new sense of collectivity for a new state.²¹

According to Cohen, “a Jew” has become whoever worships the God whose temple is in Jerusalem: a religious and mutable definition. Cohen sees this conversion through circumcision as a process of “Judaization.” This was used as a strategy by the Hasmoneans, especially by John Hyrcanus and Judah Aristobulus in regard to the Idumeans and the Itureans.²² “Judaization” has here a political meaning – to ally with the Hasmonean government.²³ Borrowing Polybius’ description of the Achaean League, Cohen names the Hasmonean state “the Judaeen League.”²⁴ This complies much more to the mutability of a religious conversion than any ethnic definition of Judaism that preceded it. In his words a religious definition of Judaism replaced the ethnical definition as a means to construct an independent *politeia*. This thesis is based on a rigid separation between religion and ethnicity according to modern terminology, applied here to ancient sources. In a recent study on Jewish ethnicity in Hellenistic Egypt, Stewart Moore (2015), following Barth’s threads of analysis, has proposed to consider religious attributes as boundary markers needed to construct a notion of ethnicity. His thesis invites us to consider the elasticity of ethnicity in Hellenistic politics, which was the subject of recent research.

In their studies about the way in which ethnic denomination functioned in Ptolemaic Egypt, Dorothy Thompson and Sylvie Honigman have shown that the so-called ethnic labels denoted juridical and fiscal statuses.²⁵ They revealed how a person’s ethnic identity, in the words of Thompson, may

²¹ Cohen 1999. ²² Joseph. *AJ*, 13.254–8, 319. Cf. Strabo *Ge.*, 16.2.34.

²³ Cohen 1999, pp. 110–19. ²⁴ Cohen 1999, ch. 4, in particular pp. 127–9.

²⁵ Thompson 2001: 301–22; 1984: vol. 3, 1069–75. Honigman 2003: 61–102; 2002: 251–66. See also La’da 2002.

vary in different contexts.²⁶ *Hellenes*, for example, was a fiscal and a juridical status that could be applied to individuals and groups of various ethnic affiliation, like *Ioudaioi*. The term “Macedonians,” on the other hand, designated a certain category of soldiers.²⁷ These denominative attributes were part of a social and political organization of the Ptolemaic state and provided a criterion to distinguish between its elite and any other population, in contrast to religion and culture. If religious cult may have offered a way of consolidation, military and juridical statuses provided a way to categorize society into groups of distinct civic statuses, under the jurisdiction of their particular archons.²⁸ But what do we mean by “civic status”?²⁹

We are maybe too inclined to think in terms of Greek citizenship bestowed on members of *poleis* who were granted distinguished status. We should at the same time consider those who did not benefit from an equal status as also having a civic status, a *politeia*, different from the first and less privileged, but a status nonetheless. The analysis of the use in ethnic denominations in Hellenistic times reveals an array of statuses. It does not follow that these groups were separated by distinct laws. In fact, the Ptolemaic documents suggest that it was not the *nomos* itself that was necessarily different but the fact that it was used and controlled by different magistrates appointed for different groups. In other words, the main issue was not really the particular *politeia* of each group but the division into groups.

Benjamin Isaac has shown that categorization, especially in regard to origins, does not occur without a reason.³⁰ Indeed, the Ptolemaic categorization into “Macedonians,” “Jews,” “Egyptians,” “Boeotians,” “Idumeans,” “Persians” and so on established a social stratification.³¹ The fact that soldiers could move from one group to another according to not only

²⁶ Thompson 2001: 304.

²⁷ See Joseph. *AJ* 12.8, who affirms the civic equality (*isopolitai*) of the Jews and the Macedonians in Alexandria. See Honigman’s (Honigman 2003) explanation about the origin of the Jewish *politeuma* in Alexandria in relation to this description. For the definition of the *politeuma* as a community of soldiers with a particular ethnic labeling and a particular juridical status controlled by particular archons or *politarches*, see previous note and Zuckerman 1985–8: 171–85.

²⁸ Honigman 2003: 62–4, 73; Coloru 2013: 37–56 (45–6). See all the same Mairs 2008: 19–43. What she terms “civic identity” is constructed from particular cultural identifiers. And see Moore 2015, who shows that religion had a major role to play as a marker of ethnic boundary in Egypt between Greeks, Jews and Egyptians.

²⁹ Cf. “civic identity,” which Mairs 2008 uses in reference to the way in which Hellenic settlers in Bactria and Arachosia depicted their “Greekness.”

³⁰ Particularly in Isaac 2004.

³¹ Which was supported by an ideological system of separation (*supra* n. 28).

their origin but also their occupation (i.e., their status) created a civic status out of *ethnos*.³² In regard to Hellenistic Syria too, recent studies by Omar Coloru, Laurent Capdetrey and Nathanael Andrade show the different ways in which ethnicity was used by the Seleucids in their social organization.³³ The separation into Macedonians, Carians, Syrians, Jews and Babylonians followed the same logic. It was not “us” and “them” (i.e., “Greeks” vs. “Syrians,” or “Greeks” vs. “Egyptians,” or “Greeks” vs. “Jews,” or “Jews” vs. “Egyptians”), but an array of civil statuses realized through juridical distinction, military position or fiscal state.³⁴ The case of the Sidonians of Yavneh-Yam who applied to get a hereditary fiscal status from Antiochus V Eupater based on their military contribution in the time of Antiochus III exemplified it very well.³⁵ They asked for a distinct privileged fiscal status. In this way the Hellenistic ethnical array not only provided a sociopolitical structure but also allowed elasticity. We see this, for instance, in cases where persons move between these groups by acquiring a new ethnic name, thus acquiring a new civic status.³⁶ The same is also evident from juridical cases that were tried outside the court of their respective group.³⁷ This shows that ethnicity itself became elastic through its significance as a civic status.³⁸ The creation of the position of *ethnarch* as a juridical and fiscal magistrate, whose origin is still debatable, follows the same logic.³⁹

In relation to the Jews of Egypt, Josephus cites Strabo in describing the great esteem in which Jews were held under Cleopatra III, who entrusted her armies to her generals Chelkias and Ananias, sons of Onias. Although “the majority of the Jews immediately went over to Ptolemy (Lathyrus, her son), only the Jews of the district named for Onias remained faithful to her because their fellow-*politai* (*hoi politai autōn*) Chelkias and Ananias were held in special favor by the queen.”⁴⁰ What Strabo says has to do with the military organization of Ptolemaic Egypt, where different groups were

³² Indeed, even “ethnicity by descent” (*epi epigonēs*) determined a status: Vandorpe 2008: 87–108.

³³ Coloru 2013; Capdetrey 2007: 91–111, 389–92; Andrade 2013: pt. I; in reference to the Iranians and the integration of some into the elite, see Briant 1985: 166–95 (173).

³⁴ This, however, does not dismiss religious identifiers as markers of such groups. Such was, for example, the observance of the Shabbat as a marker of the boundary between Jews and Egyptians, and the *horkos patrios*, the “ancestral oath,” of the Jews as attested in the papyri of the Jewish *politeuma*: Moore 2015: 91–6.

³⁵ Isaac 1991: 132–44. ³⁶ Honigman 2003; Thompson 2001; Coloru 2013.

³⁷ Honigman 2003. ³⁸ Cf. the Greek–Syrian dynamics under the Romans: Andrade 2013.

³⁹ See *ethnarchēs* as the head of the soldiers’ *politeuma* in Strabo *FGrHist* II, A91 F7 (Joseph. *AJ* 14.117), analyzed by Honigman 2003: 72–6. For the use of this position in Seleucid Syria: Wagner and Petzl 1976: 201–23. Cf. Sharon 2010: 472–93, discussed *infra*.

⁴⁰ Joseph. *AJ* 13.287. Honigman (2003: 83–4) has emphasized this phrasing and connected it to the *politeumata* of the Jews.

defined using their so-called ethnic origin.⁴¹ However, *ethnos* proved to be an identifier of status rather than the other way around. To put it differently, ethnicity seemed a means to construct civic statuses.⁴² The main collective identity was civic and controlled by the Hellenistic state. The use of the denomination “Greeks” – *Hellenes* – and the naming of Greek names are extremely revealing, as Thompson and Clarysse have shown in relation to the Ptolemaic organization of Egypt.⁴³ Attributing a Hellenic status changed the fiscal and consequently the civic status.⁴⁴ If being a Greek became in that period a status, what about being a Jew? If a Persian, an Idumean or a Jew could become *Hellenēs* according to his position, can a Greek become a Jew by status? We have no evidence for that in the Egyptian sources, unless we turn to Hasmonean Judaea.⁴⁵

Regarding the Hasmonean kingdom, we can maybe change the perspective of religion versus *ethnos*, so fixed in our mind. In view of the “elasticity of ethnicity” in the Hellenistic world, especially in relation to the status of *Hellenes*, we can consider the Hasmonean integration of the Idumeans and the Itureans not as a conversion to the Jewish faith, or simply as citizenship as Cohen would have it, but as their promotion to the ethnicity and civic status of Jews, their integration into the Hasmonean Jewish *politeia* depended on them becoming Jews. In a word, the elasticity of being a Jew under the Hasmoneans corresponded perfectly with the elasticity of being Greek in the Ptolemaic and the Seleucid kingdoms in the second century BCE.⁴⁶ Josephus emphasizes two things required from the Idumeans and Itureans: to live according to the laws of the Jews and circumcision.⁴⁷ Note that the worship of the one God and the temple in Jerusalem are not mentioned here. To live according to the laws of the Jews meant the laws

⁴¹ Josephus employs fellow-*politai* (*hoi politai autōn*) in the same manner as he refers to the Jews and the Macedonians in Alexandria as *isopolitai* (Joseph. *AJ* 12.8). Cf. the colony of the Jews in Achaemenid Elephantine.

⁴² See in particular the three distinct ways the Seleucids used ethnicity as explained by Capdetrey 2007: 91–111. He does not go so far as to recognize that *ethnos* itself has become a flexible term, but reveals nonetheless its necessity and functionality for the social organization of the kingdom.

⁴³ Thompson 2001; Clarysse and Thompson 2006: vol. 2, pp. 318–41.

⁴⁴ “When taxpayers are counted by occupation, persons with Greek and Egyptian names are listed separately with few exceptions: Hellenic status automatically eliminated an individual from registration under a ‘real’ occupation,” *ibid.*, vol. 2, p. 319, and *ibid.*, vol. 2, pp. 39–52, 125, 205.

⁴⁵ For *Joseph and Aseneth*, a much later source, see *infra* n. 70. In any case a woman’s ethnic identity was determined by her father or husband (Moore 2015: 87–8).

⁴⁶ Most of the evidence for the flexibility of ethnicity comes from that century: Clarysse and Thompson 2006.

⁴⁷ Joseph. *AJ*, 13.254–8, 319. For circumcision see *infra*. Grojnowski 2014: 165–83. See Shatzman 2005: 213–41; Rappaport 2009: 59–74.

of the Hasmonean state just as much as the Jewish ancestral law. It meant to be subject to the Hasmonean juridical system (i.e., to the Jewish juridical courts), with the result of “being Jews from that time on.”⁴⁸

Indeed, the Hasmoneans apply this policy of inclusion not only in regard to the Idumeans and Itureans. In his description of Alexander Jannaeus’ conquests in Transjordan, Josephus narrates the incorporation of a list of cities, amongst which was the city of Pella. Pella was destroyed because its inhabitants refused to adhere to the ancestral customs of the Jews.⁴⁹ The authenticity of this description and the question why in this case Josephus did not mention circumcision were studied in depth by Daniel Schwartz.⁵⁰ Revealing the entire philological and historical background of Josephus’ description and comparing it with the descriptions of the Idumeans and Itureans and the attitude toward circumcision of Gentiles in Qumranic texts, he concluded that Jannaeus did not apply circumcision in this case because of his adherence to the Sadducee attitude not to accept any form of integration of Gentiles by conversion. Schwartz brings Qumranic texts against circumcision of Gentiles and regards their conversion to Judaism in the same way Cohen does. However, conversion is not attested as a Halachic process for this period.⁵¹ In fact, if we leave aside the definition of circumcision as conversion, we can consider it as a marker of integration into the Jewish *politeia*, not as citizenship but as receiving the status of Jews. Nonetheless, circumcision aimed to turn it into a permanent status. In all these cases the essential was adhering to the Jewish laws and judges, in a word, having the civic status of being a Jew meant to be a Jew. But why did the inhabitants of Pella refuse to become Jews if it simply meant having the status of Jews? In contrast to the Idumean and the Iturean cities, Pella was a Greek city.⁵² Becoming Jews meant for them to stop being Greeks (i.e., stop having the civil Hellenistic status of Greeks). In Seleucid eyes, however, being *Hellenes* meant a higher civic status than being Jews. According to the Hasmonean perspective, incorporating Pella’s inhabitants into their state as Jews was a civic promotion. In the Seleucid perspective, it meant demotion.

If being a Jew under the Hasmoneans was equivalent to being Greek under the Seleucids,⁵³ we can reflect in a new way on 2 Maccabees and the

⁴⁸ Joseph. *AJ* 13.258. That this was followed by their participation in Jewish rites is only logical (in contrast to both the Samaritans and the Qumranics, for example). Cf. the cultural integration into the Hellenistic elite in Bactria and Arachosia: Mairs 2008.

⁴⁹ Joseph. *AJ* 13.397. ⁵⁰ Schwartz 2011: 339–59. ⁵¹ *Infra*. ⁵² Cohen 2006: 265–8.

⁵³ Although Cohen’s argument is that being a Jew in the Hasmonean period was constructed in reference of being Greek. However, he sees this first and foremost as a cultural construct and not as a civic/juridical/fiscal status.

distinction that it establishes between the neologisms *ioudaismos* and *hellenismos*. Honigman has recently argued that these refer to two different political cultures and two different types of social organization, in sum to two distinct types of *politeia*, two distinct civil statuses. Jason's reforms aimed to politicize Jerusalem according to the Seleucid political culture with a Seleucid blessing.⁵⁴ And this meant enlisting Jews as Antiocheans (2 Mac. 4:9), or rather establishing a group of persons elevated to the status of Antiocheans, as an independent Seleucid *politeia* in Jerusalem. In Hellenistic terms this meant bestowing on them the highest civic status, as was done, for instance, in different cities in the kingdom.⁵⁵ But this also meant separating the Jews of Jerusalem through a distinct civic status from their fellow-*politai*, and the exclusion of many Jews, especially those living outside the city, who refused to accept being demoted. For the second it meant abiding to a new political culture in which their civic status would be inferior to a group of their co-patriots of the same civic rights, who now acquired new privileges at their expense.

The Hasmonean revolt came as a response to civic reforms that threatened to change the common civic status of the Jews who lived in Seleucid Judaea. Naturally being Greek meant adhering to Greek cultural and religious marks. The Hasmoneans, in contrast, used this situation to build their own *politeia* by considering as Jews whomever they wished to include in their *politeia*. The integration of the Idumeans and the Itureans meant strengthening the Hasmonean elite by joining them in. In times of internal strife, this was indeed much needed. In other words, the Hasmonean internal policy toward the Idumeans resembles very much the Seleucid policy in regard to the Jews of Jerusalem under Antiochus IV Epiphanes. In contrast to the Samaritans and the Greeks who were left outside the Hasmonean *politeia*, the Idumeans became proselytes who dwelled with the Jews, benefiting from the same civic status (i.e., Jews as the Hasmoneans defined them). Their so called "conversion," (i.e., their circumcision) meant *de facto* exactly what Josephus tells us: being Jews according to the *nomoi* of the Jews in the Hasmonean formula. We should consider circumcision not as a conversion ritual but as a marker of the *politeia* of the ruling class.⁵⁶ This process of inclusion opened the way to

⁵⁴ Honigman 2014.

⁵⁵ This was the case with the cities of Tyriaion in Phrygia, Alabanda in Caria ("the Antioch of the *ethnos* of the Chrysaorians") and Hanisa in Cappadocia: Capdetrey 2007: 104–5; Andrade 2013: 43ff.; Michels 2013: 283–307; Kirsch 2015: 24ff.

⁵⁶ Cf. the trepanation adopted as a marker of the social elite in Hellenistic Armenia of the same period: Khudaverdyan, 2011: 39–55.

power to Antipas' family. Whether they were considered Jews or not was a question that was debated in antiquity. But it was debated in a later period, when rabbinic conversion did exist.⁵⁷ In this way proselytism was not a religious conversion but exactly what the Greek word *prosēlutos* meant: arriving to dwell with (Hebrew: *ger*). In other words, the *prosēlutoi* that the Hasmoneans created were akin with those who became *Hellenes* under the Seleucids and the Ptolemies. Once the Hellenistic world was conquered by Rome, this ethnic elasticity was no longer in the hands of Greeks and Jews.

The Mutability of Being a Jew

Following the Roman conquests of the Near East, the civic organization moved to the hands of the Roman authorities, who used the elasticity of ethnicity to their benefit. The Romans managed to become a conquering state by expanding their definition of *civitas* to the people whom they conquered. Granting Roman citizenship to the inhabitants of Latium and to all the Italian peoples turned the Roman *civitas* from a city-state to a state, and made the definition of being Roman political and mutable. The Romans applied a politics of similar dynamics in regard to the people they subjugated.⁵⁸ Nathanael Andrade has recently shown how the civic markers of being Greek, Syrian and also Arab, and their political elasticity within the civic organization in Syria under the Romans were an essential element of the local Roman imperial strategy. "Being Greek" has gained even more elasticity as a status under the Romans. If we read the constant strife between Jews and Greeks in Roman Alexandria over civic privileges against the background of Andrade's analysis in contemporary Syria, it makes sense that what the Greek councils objected to was the Roman manipulation of their status.⁵⁹ In a word, under the Romans the civic status of a Greek was no more in the hands of Greeks. The Romans determined who was and who was not a Roman, a Greek, a Syrian and a Jew, and what *de jure* these terms meant.⁶⁰ This was an essential part of their imperialism.

Nadav Sharon, who argued for the Roman origin of a Jewish *ethnarch*, has revealed how it was used in Roman politics in Judaea. As is obvious from Josephus' descriptions, the Romans considered the *ethnarch* of the

⁵⁷ Thiessen 2011: ch. 4. For circumcision as a *sine qua non* in first-century proselytism, see Nolland 1981: 173–94.

⁵⁸ Isaac 2004: ch. 5. ⁵⁹ *CPJ* 153 (=P. Lond. 1912). Philo, *In Flaccum*.

⁶⁰ Cf. Walbank 1972: 145–68.

Jews (Hyrcanus II) as a juridical authority over the *ethnos* of the Jews.⁶¹ Just like in Hasmonean times, this status also had religious aspects. Josephus quotes Claudius when he grants the Jews their high priest's vestments for reason of reverence and observance of their ancestral religious rites.⁶² The Roman control of the jurisdiction of the *ethnarch* from a non-territorial to a territorial jurisdiction, if Sharon's interpretation is indeed correct, assured in every way that the Roman authorities determined who was under his jurisdiction. In the same way, the Roman authorities confirmed the civil rights of Jewish communities in different locations.⁶³ This also meant that Jews were entitled to perform their "divinatory practice," their *superstitio*, and to collect a special tribute to their temple in Jerusalem.⁶⁴ But could they decide who was a Jew and who was not? For this purpose, the equality between religion and juridical authority became essential.

Josephus puts in Claudius' mouth a definition of the Jewish ancestral ways (*ta patria*) as *eusebeia* and *thrēskia*. In fact, literally he says that everyone should observe the ancestral ways or practices.⁶⁵ The relation between the reverence of the religious cult (*eusebeia*), the way of living (*politeia*, *tōi patriōi politeuein nomōi*) and the *ethnos* is stressed in 4 Maccabees repeatedly (4 Mac. 3:20, 4:23, 5:16–18) as the essence of *hos ioudaismos* (4 Mac. 4:26).⁶⁶ This identification of religion with *politeia* opened for Jews the way to keep the elasticity of ethnicity in their hands. On the one hand, they could continue to perform their rites and customs even if they became Romans.⁶⁷ On the other hand, as Cassius Dio later states, they applied the term *Ioudaioi* also to people of alien descent who adopted their customs.⁶⁸ The Romans complied up to a point.

Cases of people, especially women, who adopted Jewish customs and religious rites are attested for the first century CE. The most famous of them was Helena, who was followed by her son Izates, the king of Adiabene. Josephus dedicates a long description to the event.⁶⁹ He narrates how everybody feared Izates' circumcision as the sign of the ultimate adoption of Jewish *sebeia* and *etē*, including the Jew who induced his mother. They feared

⁶¹ Joseph. *AJ* 14.190–5, 20.244. Sharon 2010. ⁶² Joseph. *AJ* 20.13.

⁶³ Rajak 1984 [2001]: 107–23 (repub. in Rajak 2001: 301–33). ⁶⁴ Isaac 2004: 448–9.

⁶⁵ Joseph. *AJ* 20.13: *to boulesthai hekastous kata ta patria thrēskeuein*.

⁶⁶ Note that circumcision is taken here as a mark of *politeuein tōi patriōi nomōi* not of *eusebeia* (4 Mac. 4:23–6).

⁶⁷ For this, see Philo's description of Augustus' handling of the Jews in Rome who were Roman citizens: although they kept their ancestral customs and prayer houses, he kept them as Romans and did not banish them from Rome nor deprive them of their Roman citizenship: Philo, *Leg.* 23 (155–17) (following Isaac 2004: 448).

⁶⁸ Dio. 67.141–3, following Isaac 2004: 460 and nn. 94–5. ⁶⁹ Joseph. *AJ* 20.34–53.

punishment as well as the refusal of his people to have a Jew as a king. Adoption of the Jewish faith and rite is also attributed to Roman women of status.⁷⁰ The fact that all of these cases were women was, of course, noted.⁷¹ The only case where a possible punishment is mentioned is that of Izates. In contrast to the cases of women, his circumcision, which he performed privately with the help of his physician, was irreversible.⁷² In any case, from a Roman point of view, a person could not independently take on what was considered a political act: joining the Jewish entity by becoming a Jew. In regard to women, their ethnicity was in any case determined by their male relatives.⁷³ Therefore, for women any independent act toward becoming a Jew was not really actualized within the political sphere, and had no political meaning. Yet Roman authors do mention proselytes and refer to their circumcision.⁷⁴ So the question should not be who was a Jew and who was not, but who determined who was a Jew and who was not?

The perception of proselytes as converts is related to the question of whether antique Judaism knew an equivalence of the early Christian missionary movement, or was even its archetype.⁷⁵ As I argued, the Judaization of the Idumeans and Itureans under the Hasmoneans was not related to a possible religious missionary movement but was a Hellenistic political measure. Although rabbinic sources were scrutinized in order to place the origin of *giyur* – proselytism as a religious conversion – in Judaism of the Hasmonean period, no specific process of conversion is attested for that period except of circumcision. The Mishnah does refer to proselytes (*ger*, *gioret*) but does not mention the process of conversion itself.⁷⁶ The Tosefta (*Shabbat* 15:9) on the other hand brings a Tannaic discussion and cites Shime'on ben El'azar in relation to the question of circumcision when the *ger* is already circumcised. Only in the Babylonian Talmud (*Yebamot* 47a-b) do we get a full definition of the process, in a passage that comprises a second-century *beraita*.⁷⁷ As was observed, no

⁷⁰ Matthews 2001; cf. the apocryphal story *Joseph and Aseneth*, shown to be of a much later date: Kraemer 1998; Chesnutt 1986; 1988: 21–48.

⁷¹ Rabello 1999: 37–68 (repr. in Rabello 2000: pt. XIV).

⁷² For Josephus' rhetoric see Grojnowski 2014. ⁷³ Moore 2015: 87–8.

⁷⁴ Isaac 2004: 453–60.

⁷⁵ Among the most thought-provoking theses: Cohen 2006; Goodman 1994; Will and Orrieuz 1992; Feldman 2003: 115–56.

⁷⁶ Mishnah *Demai* 6:10, *Halla* 3:6, *Psaḥim* 8:8, *Shkalim* 7:6, *Yevamot* 6:5, 8:2, 11:2, *Ktubot* 1:2, 1:4, 3:1–2, 4:3, 6:6, *Kiddushin* 4:6–7. Note that *ger toshav* is already distinguished from *ger* by the Mishnah: *Bava metzia* 9:12, *Makkot* 2:3. For the ambiguity of the Mishnah in the case of the *ger's* status, see Porton 1994: ch. 2.

⁷⁷ And its elaborated version in the post-Talmudic tractate *Gerim*: Cohen 2006: ch. 7; Bamberger 1939.

anathema is mentioned here, but only the conviction of the candidate to abide by the law of the Jews with reference to immersion and circumcision. The text emphasizes particularly the fact that this process is invalid unless performed as a juridical act: in front of a juridical court or three witnesses. What the attitude of the Roman authority was to such a juridical conversion process is not mentioned. However, the legislation of the second and third centuries against circumcision should be taken here in consideration as a measure against proselytism.⁷⁸ In a word, if Jews found a way to define the mutability of their boundary as a people by employing a physical marker as a religious marker, and used it as a means to enlarging their civic definition of Jews to include Gentiles, especially Romans, the Roman authorities responded by prohibiting such mutability.⁷⁹ This should explain why the Tannaitic collections do not refer to the process of *giyur* and why the actual definition of the process has survived in a Babylonian text. Such a process was illegal in the Roman Empire, and in any case not in the hands of Jews.⁸⁰ This could also explain the elaborate discussion on whether the status of being a Jew is matrilineal or patrilineal.⁸¹ Such measures left, however, other forms of sharing in Jewish rites open for sympathizers and God-fearers, without going through an actual process of “conversion.”⁸² The act of conversion for which, it should be noted, we employ a modern term with a long history, could not be a legal Roman procedure since it contradicted the common perspective in antiquity that individuals cannot determine their ethnic/juridical/civic status themselves; that is, unless there could be yet another definition of *ethnos*.

In her book *Why This New Race: Ethnic Reasoning in Early Christianity*, Denise Kimber Buell has argued that a concept of fixed–fluid dialectic regarding ancient ethno-racial discourse can shed new light on the way early Christian authors have constructed the identity of Christianity as an *ethnos* and as a race (*genos*). In a Roman world that did not recognize new ethnicities, they invented a genealogy for an invented people and constructed its legitimacy *a contrario* to the legitimate genealogy of the

⁷⁸ Dig. 48.8.11 (Antoninus Pius); Paulus, *Sententiae* 5.22.3–4 (end of the third century); Linder 1987; Rabello 2000; Moga 2008: 95–111.

⁷⁹ In contrast to Dig 48.8.11, Paulus, *Sententiae* 5.22.3–4 refers explicitly to Roman citizens (all the Empire’s inhabitants) and their slaves and also prohibited the circumcision of purchased slaves of *alienae nationis*. See Moga 2008.

⁸⁰ As noted by Cohen 2006: 213. It continued to be illegal also when the Empire became Christian: *CTh* 16.8.1 (= *Classical Journal* 1.9.3) from 329, *Constitutio Sirmondiana* 4 (from 335), *CTh* 16.9.2 (from 339) (Linder 1987: pp. 124–32, 138–50). Moga 2008.

⁸¹ Cohen 2006: ch. 9.

⁸² Wander 1998; Sim 2013: 9–27; Reynolds and Tannenbaum 1987; Bonz 1994: 281–99; Chaniotis 2002b: 209–26.

Jews.⁸³ To cut the cord that connected Jewish law to Jewish religiosity, Christians defined new interpretations of the law and made it universal. The means to create a new *ethnos* was conversion: the complete transformation of values. This was an individual psychological process of transformation, but it was at the same time a social and political act. Buell shows how Christian ideas of universalism were predicated on what she calls “ethnic reasoning.”⁸⁴ Christians defined themselves as a new *ethnos* and a new *genos*, “the *genos* of the righteous” (*to genos tōn dikaiōn*), in contrast to two groups: the Jews and the *Hellenes*. *Hellenes* was the term used by pagans who adhered to Greek philosophy and religious rites.⁸⁵ Conversion became the means to move from one group to the other disregarding the Roman authority simply by portraying religion as ethnicity. Christians have positioned themselves as a political collectivity by using Roman ethnic terms to name themselves and by defining the ways to cross boundaries by themselves. Conversion was not only a form of cultural identity, it also enabled making Christianity a *politeia* whose marker was a newly created *superstitio*. In other words, the people who called themselves Christians took in their hands the Roman authority to revoke the status of being a Roman, which was a Roman juridical matter. Jews tried to do the same thing in order to keep the boundaries of their own *politeia* in their hands.

To Be a People *de jure*

Much attention was given in modern scholarship to the process of proselytism in Roman times, as both a halachic process and a historical phenomenon. We have proposed here to understand the meaning of proselytism against the background of the Roman strategy of incorporation of non-Romans into the Roman *civitas*. The transition period of civil war between the Republic and the Principate necessitated a change of a political character of the internal structure of the Roman state. For that purpose the term *populus* became a useful means. Giovannella Cresci Marrone and Alberto Grilli have shown how the rhetorical use of this term reflected the changes that the political structure of the Roman state underwent between the Republic and the early Principate.⁸⁶ If Caesar changed the status of the army in order to make an oppositional power to the authority of the Senate, Augustus did exactly the opposite. He used a new sense of *populus*, as it

⁸³ Buell 2005: ch. 1 for the Roman concept of religiosity and ethnicity. ⁸⁴ *Ibid.*, ch. 5.

⁸⁵ De Palma Digeser 2006: 36–57; 2011: 121–313.

⁸⁶ Marrone 2005: 157–72; Grilli 2005: 124–39.

were a *populus* “shared with the *princeps*,” to challenge the power of the political Roman elite. The same political sense of Latin terminology is also apparent in the Roman writers from Cicero to Plutarch.⁸⁷ For them too, the term *populus romanus* came to designate the way in which they formulated their political thought. The means to control the definition of *populus romanus* was Roman law. Bestowing Roman citizenship to non-Romans and revoking it from others was handled by changing the juridical status. Bestowing and revoking a person’s a juridical personality made him a Roman, and could stop him from being one. This was the case with criminals, traitors and prisoners of war. Having lost their Roman juridical personality, they were *de jure* “exterminated” in the sense of being placed outside (*ex*) the Roman *terminus*. Not having a Roman juridical personality meant that their marriage was declared null and void, and that they lost all property within the Empire. Rabbinic Judaism adopted the same perspective and put it into practice in order to create a political definition of who was a Jew and who was not by creating a new juridical term.

The Hebrew root *sh-m-d* provides a well-defined linguistic framework for the Jewish trope of extermination ever since the Bible. However, in the late antique rabbinic literature we find the same root used in the medial mode – *meshumad* – in reference to the apostate Jew. A priori, applying the term *meshumad* – the one who was exterminated – is a paradox: How can a person still be alive after an act of extermination – *hashmada*? This, however, makes sense if we consider Judaism to be a political term and a civic status that could be bestowed and revoked. In this way a person can be metaphorically exterminated from the point of view of the Jewish community, exterminated in the sense of the Latin meaning of extermination: the one who has gone out – *ex* of the Jewish *terminus* (i.e., excommunicated), in the same way that a Roman citizen could stop being Roman.⁸⁸ Nevertheless, the fact that this is a new term that was invented in a specific historical moment calls for an examination of the circumstances and rationale of this invention, which is connected to the political sense of being a Jew.

The first references to the use of the term *meshumad* are found in the Tosefta.⁸⁹ The *meshumadim* appear here next to the heretics (*minim*), betrayers (*moserot*), those who deny God (*epikorsin*), as well as those who denied the Torah (*sheKafru baTorah*), those who separate themselves from the community, those who deny the resurrection of the dead, and those who sinned and caused the public to sin. All these are not considered to be

⁸⁷ von Albrecht 2005: 173–89. ⁸⁸ For excommunication, see *infra*.

⁸⁹ Tosefta (Zuckerman), *Sanhedrin* 13:5.

part of the Jewish community. But who exactly were these *meshumadim*? One example that the Tosefta brings is Miryam from the Priest family of Blaga, who is called *mishtamedet* (here in the reflexive mode) because she married a Greek king.⁹⁰ All the other references to *meshumadim* (in the medial mode) are about Jews who disobeyed the Halakha. As an example we read in Tosefta *Horaiot*: “He who eats abominations – he is *meshumad*. He who eats pork and he who drinks libation-wine, he who desecrates the Shabbat, and he who draws up the foreskin. Rabbi Yose ben Rabbi Judah says: also he who is clothed in mixed species. Rabbi Shim‘eon ben Ele‘azar says: also he who does something after which his passion/drive does not last.”⁹¹ In these cases, the actual Jewish faith in one God, the God of Israel, as well as apostasy from the Jewish faith are not mentioned. We can therefore conclude that the second- and third-century use of the term *meshumad* did not refer to renegades, Jews who left Judaism by converting to another religion, but simply to Jews who did not follow Jewish law. Whether they were forced to it under persecutions (*shmad*) or not, their acts of defying Jewish law excluded them from the Jewish way of life and the Jewish community, in sum the Jewish *politeia* along with betrayers, epicureans (i.e. people denying God’s providence) and Christians. What all such cases have in common is disobedience to both Jewish law and rabbinic authority.

The measures taken against these *meshumadim* were therefore aimed to stop Jews from approaching other cults by defining them as “exterminated – *meshumadim* to the Jewish community.” Whether such Jews really wanted to leave Judaism or not, any transgression of rabbinic authority in relation to the precepts was defined as their metaphoric extermination. This had a rationale within a pagan Roman world. In a civilization where a pagan could also be a God-fearer or sympathizer of the Jewish God, the denomination *meshumad* enabled the rabbis to stop the reverse phenomenon: by declaring that any Jew who disobeys their authority becomes “exterminated.” With this juridical definition, the gray area of who was a Jew could be mapped and a clear demarcation set; whoever passed it stopped being a Jew.

Shlomo Pines pointed out the resemblance between the Hebrew root *sh-m-d* and the Syriac root *sh-m-t*, whose meaning is excommunication by curse: *herem/nidui* (*shamta* being an evil spirit, demon).⁹² We find this in

⁹⁰ Tosefta (Lieberman), *Suka* 4:28.

⁹¹ Tosefta (Zuckerman), *Horaiot* 1:5. This is the same rabbi Shim‘eon whom the Tosefta (*Shabbat* 15:9) quotes in regard to the dispute about circumcision of someone who was born circumcised.

⁹² Pines 1974: 205–13.

BT *Kidushin*, 72a, where rabbi Achai ben Rabbi Yoshiya excommunicates (*shametihu*) the Jews who fished in the pond on Shabbat, who, then, *ishtamud*. They thus become apostate because they are excommunicated by the local rabbi for not observing the Shabbat. In no way do we find here the issue of conversion to another religion, only the definition of transgression of Jewish law as apostasy. This makes much sense against the background of the historical circumstances following the suppression of the Judean revolts. Jews no longer had a unifying cult, and more problematic, they did not have a state with either a political or a religious authority. The objective of the rabbis' jurisprudence was to set their law as the actual definition of who was a Jew and who was not. And the rabbinic authority decided that whoever transgresses it will no longer be a Jew. Of course, in the period under discussion, Christianity presented a concrete threat to the rabbinic authorities by attracting Jewish believers. The rabbis used excommunication for Jews who did not adhere to rabbinic law and rabbinic authority, but distinguished terminologically between a Jew who did it out of apostasy and became a Christian, and a Jew who did not convert but simply disobeyed rabbinic authority. The first was a *min*, the second a *meshumad*.

The distinction between *meshumad* and converted Jew is the subject of an elaborate discussion in the BT 'Aovdah Zara 26b. It concerns foreign cult and the way to draw a clear demarcation to separate Jews from it. The text comments on the distinction between *goyim* – Gentiles in general, and “Shepherds of small animals” (*ro'ei behemah daka*) on the one hand, and those considered as enemy. It states that in regard to foreigners, Jews should neither help them nor push them to death: “one should not raise them up from a pit (if they fall into it), nor throw/lower them into a pit.” In contrast, in regard to the other group, which includes *minim* (Christians), *masorot* (traitors) and *meshumadim* (“exterminated”), Jews should take the opportunity to put them in risky situations: to lower them down into pits, and not help them by raising them from the pits into which they fall, clearly an act against enemies. This distinction between the two groups is followed by an elaborate discussion in the Babylonian Talmud about who is a *meshumad*. There are two types of *meshumad*, the Talmud says: the one who eats *nevelot* (dead animals that were not slaughtered and are forbidden to eat) because of an appetite for them (*leTeavon*), and the one who eats it to spite/in defiance (*leHakh'is*). The first is a *meshumad*, but the second is *min*, since he does what he does in order to defy the Torah. The Talmud then challenges this by bringing the case of a man who eats a flea or a mosquito and is called *meshumad*. How then, could he be considered eating a flea for pleasure (i.e., as a *meshumad*)? Shouldn't he be

considered a *min*? Yet the Talmud settles this by saying that the one who eats a flea does it to taste a forbidden taste, and not in defiance. “Then, who is a *min*?” it is asked, and the reply: the one who practices a foreign cult. This is a clear indication that a *meshumad* is not a renegade or a convert, but the one who transgresses the law without adhering to a different faith. The rabbinic authority is nevertheless very severe and excommunicates him just as if he were a *min*. In fact, this should be considered as a means to execute a Jew de jure.

The fact that this was not just a theoretical discussion but a juridical practice is attested in a law promulgated in 392, in which Theodosius I, Arcadius and Honorius prohibit the readmission of Jews once “the Primates of their law (*legis suae primates*) banished (*proiciunt*) them.”⁹³ I would like to relate this to Jews who were “exterminated” de jure (i.e., *meshumadim*) and who had no option but to turn to different judges in their matters. The law affirms that the authority of the primates is binding in matters of *religio*. In other words, the three Augusti declare here that the boundary of who is a Jew and who is not, is in the sole hands of the legal authorities. In other words, a *meshumad* remains with no juridical personality. He is “exterminated” de jure in reference not only to the rabbis’ authority, but to any authority. Thus, the definition by the rabbis in the matter of life and death, although not in their hands, seems to find here a solution according to which they are authorized to revoke the juridical personality of a Jew, making him “exterminated” de jure. This means that being a Jew is kept a civic status, not just a juridical and a religious one. In fact, this law clearly connects the two by equating juridical authority to matters of the Jews’ *religio*. The civic status is affirmed by the Roman delegation of this authority to the primates and to them only. In a word, the fact that a Jew has juridical personality, that he exists de jure, is completely in the hands of those who can determine if he is a Jew or not. To be a Jew is here to be, to exist de jure: to have a juridical personality of a Jew.

Conclusion

We have followed the ways in which certain groups of Jews designated themselves by defining their borderline, their *limes*. We have focused here on two sides of this definition: exclusion from the inside out and inclusion

⁹³ *CTh* 16.8.8 (Linder 1987: 186–9).

from the outside in. We did not refer to a global definition of Jews in the Greco-Roman world, but examined how certain groups referred to themselves as entities by employing the definition of who was a Jew and who was not as a political means. At the basis of all cases we find a political objective: a group of people who insist on defining themselves as a civic entity in order to become one, and to portray themselves as active agents, no matter what the circumstances are.