

AVI AVIDOV

Not Reckoned
among Nations

Texts and Studies in

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128

Mohr Siebeck

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The Origins of the so-called “Jewish Question”
in Roman Antiquity

Mohr Siebeck

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*To the memory of my parents
Isaac and Dora Avidov*

*Lo, it is a people that shall dwell alone,
and shall not be reckoned among the nations.*

Numbers 23:9

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Abbreviations

- ANRW H. Temporini, ed., et al. (1972–) *Aufstieg und Niedergang der römischen Welt*, Berlin
- b. *Babylonian Talmud*
- BMC *British Museum Catalogue of Coins*
- CIJ Frey, J.-B. (1936–52) *Corpus Inscriptionum Judaicarum*, Rome
- Claros Robert, L. et J. (1989) *Claros I: décrets hellénistiques*, Paris
- CPJ V. Tcherikover, A. Fuks and M. Stern. (1957–64) *Corpus Papyrorum Judaicarum*, 3 vols., Cambridge, Mass
- Crawford Crawford, M. H., ed. (1996) *Roman Statues*, 2 vols., London
- FIRA S. Riccobono, ed., et al. (1940–3) *Fontes Iuris Romani Anteiustiniani*², Florence
- Gr. Con. J. H. Oliver (1989) *Greek Constitutions of Early Roman Emperors from Inscriptions and Papyri*, Philadelphia
- HCP Walbank, F. (1970–79) *A Historical Commentary on Polybius*, Oxford
- IG *Inscriptiones Graecae*
- Heb. Hebrew
- Lindos Blinkenberg, C. (1941) *Fouilles de l'acropole*
- Lüderitz Lüderitz, G. (1983) *Corpus Jüdischer Zeugnisse aus der Cyrenaika*, with Appendix by J. Reynolds, Wiesbaden
- m. *Mishnah*
- MAMA Calder, W. M. et al., ed. (1928–62) *Monumenta Asiae Minoris Antiqua*
- NS Maiuri, A. (1925) *Nuova Silloge Epigrafica di Rodi e Cos*
- OMS Robert, L. (1969–90) *Opera Minora Selecta*, Amsterdam
- RE Pauly, A., Wissowa, G., Kroll, W. (1893–) *Real-Encyclopädie d. klassischen Altertumswissenschaft*
- RDGE R. K. Sherk (1969) *Roman Documents from the Greek East: Senatus consultae and Epistulae to the Age of Augustus*, Baltimore
- Aphr. Reynolds, J. (1982) *Aphrodisias and Rome* (J. R. S. Monographs, 1) London
- RGE R. K. Sherk (1984) *Rome and the Greek East to the Death of Augustus* (Translated Documents of Greece and Rome 4), Cambridge
- Sardis Buckler, W. H. and Robinson, D. M. (1932) *Sardis VII*, Leyden
- SEG *Supplementum Epigraphicum Graecum*
- SIG³ Dittenberger, W. (1915–24) *Sylloge Inscriptionum Graecarum* (3rd edn.), Leipzig
- Stern Stern, M. (1974–84) *Greek and Latin Authors on Jews and Judaism*, 3 Vols., Jerusalem
- Ⲛ. *Jerusalem Talmud*

Unless stated otherwise, translations from Greek and Latin sources are those of the Loeb Classical Library, sometimes with minor alterations.

Translations of Dead Sea texts are taken from F. G. Martinez (1994) *The Dead Sea Scrolls Translated*, Leiden.

Part I

Introduction

1. Roman Imperial Society and the Jewish Question

The secret of Rome's greatness may no longer be a secret, but it still merits study. In a word, it was integration. The regular integration of foreigners into its own society is what provided Rome, among other advantages, with its internal solidity and stability, its ever-expanding manpower resources, and its ability to assuage resistance to its rule in the course of its territorial expansion. Following incorporation in its empire, whether through conquest, enslavement followed by manumission, or endowment of privileges, ever-widening circles of people and whole peoples, irrespective of whether or not they were granted citizenship as well, became integrated into its social fabric to form what remained for centuries to come a remarkably unified social order.

By and large, Roman imperial society was a success story; but this book is not about any of the several particular success stories that went to make it up. Rather it is about one of the residual "untidy elements" remaining after the process had by and large been completed.¹ For social integration, by an inexorable process – to the elucidation of which this book is meant to contribute a new angle – inevitably breeds marginality as well, which is, quite simply, the converse side of integration, a form of mal-integration.

The Jews were not unique in resisting incorporation into the Roman system. Nor was their rebelliousness as uncommon as its prominence in the literature would make us believe;² there were other peoples who persisted in opposition to Roman rule for centuries, and in certain respects the Jews were better integrated than others with whom they shared the margins of imperial society. What makes the Jewish case particularly interesting is that the condition of the Jews in the Roman period bears striking similarity to their predicament in more recent times, when it gave rise to the so-called 'Jewish question,' stirring a public debate in the 19th century which has never entirely died out ever since. Could it be that a continuous line connects the two situations separated by millennia?

¹ Finley (1978) 2.

² Goodman (1991).

The so-called “Jewish question” is far from being an innocent one.³ More often than not, ever since its inception in the famous Bauer-Marx debate of 1843–4,⁴ it has been a watchword for anti-Semitic questioning of the legitimacy of the Jews’ very participation in the life of their host societies.⁵ Nonetheless, some sincere attempts at elucidation of the condition of the Jews have occasionally been made under the same title too, most notably by Jewish ideologues such as Leo Pinsker, Simon Dubnow, Heinrich Graetz and Theodor Herzl,⁶ and there have been others belonging to the former category masquerading as the latter, such as Hillaire belloc, for instance,⁷ as well as some interesting border-line cases such as Theodor Mommsen and Max Weber.⁸ Either way, the very question issues from a hidden assumption which is not necessarily ill founded: the Jews commonly both belong and are outsiders to a broader society into which they are only partly integrated. It is no accident that the Jewish question was first raised in Europe only when the prospect of deeper integration had surfaced with their emancipation and the unleashing of unprecedented integrative forces associated with the appearance of civil society on the ruins of the old order of estates. It was quite irrelevant earlier for as long as they were “yet another corporate body within a corporate society.”⁹

³ Most recently Bein (1990) 208–29.

⁴ Bauer (1843), Marx (1844). These mark the launching of the term, not of the theme, which can be traced back to Christian Wilhelm Dohm, author of *the Civil Improvement of the Jews* (1781), the first book on the Jews of the Prussian monarchy, on which see Volkov (2006) 129–30.

⁵ Most notably by Otto Glagau, first (Volkov 2006: 84–90), whose slogan “the social question is the Jewish question” provided anti-Semitism with a new quasi-ideological focus, and Treitschke (Volkov 2006: 98–100), whose *history of the German People in the Nineteenth Century* and his articles in the *Preußische Jahrbücher* provided anti-Semitism with academic respectability and political correctness.

⁶ For Leo Pinsker (Volkov 2006: 14–15), emancipation had failed to provide the answer to the Jewish question; hence auto-emancipation. On Dubnow, Graetz, Herzl and others, within a wide-ranging discussion of the different responses to the Jewish predicament from both east- and west-European perspectives see 13–32.

⁷ Whose *The Jews* (1922), purporting to be a sincere attempt to elucidate the Jewish question with the aim “to reduce that enmity, which has already become dangerous (ix),” and although devoted “to Miss Ruby Goldsmith, my secretary for many years ... the best and most intimate of our Jewish friends, to whom my family and I will always owe a deep debt of gratitude,” nevertheless is replete with antisemitic demagoguery, and in the end offers both Jews and their host societies the choice between three, and only three options (4): elimination by destruction, by expulsion or by absorption, in which “the alien body becomes an indistinguishable part of the organism in which it was originally a source of disturbance and is lost in it.”

⁸ Weber (1921: vol. III, 281–400) who coined the term “pariah people” in his *Das antike Judentum*, on which see Momigliano (1982), Shmueli (1968) 203 *et passim*.

⁹ Volkov (2006) 161, and cf. Shmueli (1968) 194–5 on post-emancipation conditions through which for the first time “the pariah situation became possible.”

Ever since the rise of Christianity in the early Middle Ages and its assumption of the status of official religion of state, an additional dimension of assumed collective guilt was affixed to other facets of the Jewish stereotype to form what came to be an ingrained attitude of *a priori* rejection, quite unrelated to other, structural, factors affecting the level of Jews' integration into society. This, in turn, gave rise to a Jewish apologetics, attracting in turn further recriminations, hostility and aggression, in both word and deed. Anti-semitism was born, long – though how long is still debated – before the term was coined.¹⁰ But anti-semitism, and this is the main thrust of the present enquiry, is predicated on the existence of prior conditions, social, economic and cultural, which may be identified at other times too; and so the question arises, granted that anti-Semitism itself is a particularly modern phenomenon, could it still be the case that the very same underlying preconditions were nevertheless in existence in antiquity as well, making the two phenomena similar in all but their particular manifestations, their historically-specific epiphenomena?

2. *The Consequences of Revolt*

Marginality, according to one minimalist definition,¹¹ is the lack of participation of individuals and groups in those spheres of communal life in which, according to determined criteria, they might be expected to participate. Put slightly differently, it applies to segments of society which for whatever reason are unable or unwilling to fully play out their expected social roles within it. This definition captures in a most succinct manner some of the consequences for the Jewish nation of the revolt of 66–70 CE, the 'Great Revolt', whose most immediately conspicuous result was the destruction of the Jerusalem temple; for the Jews, as a collective entity, were to be excluded henceforth from participation in precisely those spheres of Roman public life – the political, the cultural, the religious – in which they might have been expected, judging by their own previous experience, as well as by the standard of other conquered peoples, to continue to participate.

The destruction of the Temple in the final stages of the fighting was most probably – *pace* Josephus, who is throughout his narrative at pains to exonerate his patron Titus – a deliberate act.¹² This is born out by the

¹⁰ Volkov (2006) 82–4, on the coining of the term by Wilhelm Marr in 1879, and its intended novel significance within its contemporary political and cultural setting.

¹¹ Germani (1980) 49.

¹² Barnes (2005) 132–43; Rives (2005) 146–50. The numerous passages dealing with Titus' treatment of the city and the Temple (e.g., *B.J.* 6.124–8; 236–43) should be read in light of Josephus' programmatic statements at the beginning of *B.J.*, 1.10–11, 28, where he lays the blame for the destruction of the Temple on his opponents, the "tyrants", who

similar treatment of the temple of Onias at Leontopolis in Egypt, which, although not demolished, was closed down even though it had not been associated with the revolt (*B.J.* 7.420–36).¹³ With the temple, the cult was to be eradicated as well, along with its bearers, the priests. When they surrendered themselves to Titus, imploring him to spare their lives, he had them executed on the grounds, according to Josephus' testimony, that "it behoved priests to perish with their temple (*B.J.* 6.322)".

The calculated hostility of Rome towards the erstwhile permitted, indeed at times protected and privileged, religion¹⁴ was further manifested in the triumphal procession of Titus at Rome – the only one, as noted by Fergus Millar, "ever to celebrate the subjugation of the population of an existing province" – where the symbols of the Jewish religion¹⁵ were publicly humiliated.¹⁶ The unique privilege of the Jews to raise a poll-tax of two drachmas from all Jews wheresoever resident for the temple in Jerusalem¹⁷ was not merely withdrawn, but replaced with an equally unparalleled tax to be paid to Capitoline Jupiter (*B.J.* 7.218); and to these measures may be added the minting of coin types alluding to the humiliation of the rebellious province by depicting Jews in gestures of mourning and supplication before a triumphant emperor.¹⁸

supposedly forced the acts on Titus; similarly in *Ant.* 18.3–10, where the founders of the Fourth Philosophy are targeted.

¹³ Alon (1967–70) I. 209; Goodman (1987) 237–8.

¹⁴ *Ant.* 19.279–85: Claudius' edict to the Alexandrians and Syrians on behalf of the Jews; *Ant.* 19.286–91: Claudius' edict to the rest of the world. [for a new translation and commentary see Oliver (1989) app. 4 and 5, who argues for the authenticity of the documents.]; *Ant.* 19.300–11: Defence by Petronius, the governor of Syria, of the right of the Jews to practice their observances in the face of provocations by the men of Dora; *Ant.* 20.10–13: Claudius' response concerning the vestments of the high priest. For the Roman motivation for the granting of privileges to the various Jewish communities see Garnsey (1984) 9–11. On the Roman documents recording the granting of privileges to the Jews by Caesar and Augustus see Schürer III (1) 116. On Roman approval of the Jerusalem cult before 66 CE see Goodman (1987) 15, 236–7.

¹⁵ Magness (2008: 209) has in fact recently gone further to argue that "the cultic vessels depicted in the spoils panel on the arch of Titus should be understood as representing (in the eyes of the Romans) the God of Israel, paraded as a captive through the streets of rome."

¹⁶ Millar (1993) 78–9. Much the same must have been the effect of, and, partly at least, the rationale behind the spectacles staged by Titus in the Greek cities Caesarea Philippi (*B.J.* 7.23–4, 37–8), Berytus (*B.J.* 7.39), and all the cities on the way to, and probably including Antioch (*B.J.* 7.39–40, 96), following the fall of Jerusalem, in the course of which Jewish prisoners were thrown to the beasts.

¹⁷ For an assessment of the evidence concerning the half Shekel tax see Sanders (1992) 156, n. 16.

¹⁸ Mattingly, H. and Sydenham, M. A. (1926) *The Roman Imperial Coinage*, vol. ii, 73–89 (nos. 481, 487, 495, 503, 525, 595, 601, 638), 189 (no.280); M. Dumersam, *Numismatical Journal* I (1836) 88–9; F.W. Madden (1864, London) *History of Jewish Coinage*, 192–4.

All this was meant to send a clear message throughout the Roman domain: Jewish superstition had been rooted out at its very source, and the *pax deorum* restored; no longer would the adherents of the pernicious cult enjoy the peaceful existence accorded to all civilized religions of the empire.

Closely identified with the Temple-centred cult were the “high priests”, that is, members of the high-priestly families who, as a distinct group, constituted the backbone of the ruling class.¹⁹ Recruited from the class of rich landowners they constituted the new oligarchy superimposed on Judaeon society following the imposition of Roman direct rule in 6 CE.²⁰ Collectively they were dubbed “the high priests” after the office that had been rotating among their families since the days of Herod in blatant disregard of popular susceptibilities. Despite their monopoly of Roman support within Judaea, they never lived up to the pretence of constituting a natural leadership. They were puppets, of Herod first and then of the Roman procurators, and, consequently, unequal to their brief of carrying with them the people on behalf of Rome. They were thus, as put by Martin Goodman, in a sense “marginal within their own society.”²¹ They were, nevertheless, the only Jewish leadership recognized by Rome, and consequently they played a vital role in mediating between the people and its Roman suzerain. As we shall see, the obliteration of this class signalled the end of Roman recognition of the Jewish nation as a distinct political entity. Jews, whether as individuals or as isolated local communities, were now encouraged to melt into the general population. There was no further need for a mediating agency between them as a collectivity and the Roman state.

The destruction of the Temple and of the priestly establishment thus had consequences ranging far beyond the immediately religious sphere. One implication was the withdrawal of Roman recognition of the legitimacy of the Jewish cult and culture, with the consequent stigmatization of all adherents of this religion; another was the ensuing automatic marginalization of any potential political leadership that was to emerge at the national level. The old political leadership had been incorporated into the wider Roman establishment both through their formal position in the hierarchy of local administration, and informally, through personal links with influential personages in Rome. At the same time they were doubling as the religious leadership of the nation in their capacity as office holders in the temple

¹⁹ Sanders (1992) 327–32, who employs the term ‘chief priests’ to distinguish members of this class at large from the incumbents of the post.

²⁰ On the Roman practice of exporting their timocratic system to the empire see Bowersock (1965) 7; MacMullen (1974) 116 n. 94.

²¹ Goodman (1987) 43–6; but cf. Sanders’ sceptical remarks (1992) 327 and his assessment of the high priests’ standing in the eyes of the populace, which “was generally willing to heed them (340).”

administration; but both the legitimacy of their position and their actual power were derived from their function within the Roman establishment. Now that Rome had done away with all that, whatever new leadership was to emerge would be deprived of that external base; it would necessarily be authentic and marginal, the novelty being in that now it was to be marginal in relation to the Roman establishment rather than to its own people.²²

All this amounts to the ultimate case of marginalization in antiquity, the marginalization of an entire nation. The effects of it were not slow to come: Josephus' *Contra Apionem* is just one surviving example of the Jewish response to a rising tide of hostility that swept the empire.²³ Tacitus, who seems to be echoing the writings of the provincial Apion,²⁴ represents the taking up of such themes by mainstream writers. In a long excursus preceding his account of "the last days of a famous city" he provides the reader with the background knowledge required for a full appreciation of the facts. Mosaic religion is set in sharp contrast to that of a collective "we", meaning the adherents of all other religions. "The Jews regard as profane all that we hold sacred; on the other hand, they permit all that we abhor (*Hist.* v.4.1)." The antiquity of their laws, normally taken to be a mark of distinction in classical tradition, is attributed to an inherent deficiency of the race. "The other customs of the Jews are base and abominable, he explains, "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" (*Hist.* v.5.1). The notion sets in that the Jewish faith is in fact no real religion, presumably since it has as its object no visible god,²⁵ but a mere barbarous superstition (*Hist.* v.13.1). This opinion is later echoed in casual remarks of authors such as Seneca (in Augustine, *Civ. Dei* 6.11), Plutarch (*De Stoic. Rep.* 38; *De Superst.* 69C), Quintilian (*Inst. Orat.* 3.7.21), and Apuleius who wrote in the second century CE, referring to Jews alone, even among other Orientals, as *superstitiosi*.²⁶

²² Recognition of national Jewish leadership is not attested before the late fourth century: Goodman (1982) 116–8.

²³ For anti-Semitic Greek and Latin literature of the period, see Juster (1914) I. 45–8; Sevenster (1975) *passim* and especially 180–218.

²⁴ For a discussion of Tacitus' sources for the origins of the Jewish nation see Stern (1974–84) vol. ii, 4 (with bibl.); Collins (1983) 6–9. More relevant, however, here than the immediate sources he may have consulted is the public atmosphere affecting his writing, on which see Sevenster (1975) 7–11.

²⁵ Goodman (1987) 237.

²⁶ *Florida* 6: "Indi, gens populosa ... procul a nobis ad orientum siti ... super Aegyptios eruditos et Iudaeos superstitiosos et Nabathaeos mercatores et fluxos vestium Arsacidas et frugum pauperes Ityraeos et odorum divites Arabas ..." Another possibly damning reference to the Jewish religion is in *Metamorphoses* 9, but it is also possible that Christianity

I do not wish to overrate the significance of hostile statements of this kind to the subject under consideration. Quite the contrary. “Hatred,” as noted by Funkenstein,²⁷ “has no history: hatred of individuals and of groups is part of man’s most basic emotional endowment,” and, in itself, makes a somewhat tedious subject of historical enquiry.²⁸ Rather, it is the conditions that make a particular group of people a legitimate object of publicly advertised hatred and sanctioned persecution that merits investigation, namely, its prior marginalization. Anti-semitism, then, enters our discussion merely as one indicator of the presence of such conditions.

This is what marks the present study from the steadily growing body of literature (some of which is of the highest quality) on ancient anti-semitism.²⁹ Ever since Josephus’ apologetic tract *Contra Apionem*, the so-called “Jewish Question” has been conceived of – by both protagonists and antagonists of the case for Jewish legitimacy – as that of the underlying causes of the animosity directed towards Jews.³⁰ Although myself deeply intrigued by this *crux criticorum*, in this study I shall endeavour to recast the question in different terms. Taking hostility towards all forms of alterity as an omnipresent sentiment in most, if not all historical societies, regardless of the manner in which it may be occasioned, rationalized, conceptualized or otherwise legitimized,³¹ I shall be concentrating on the particular structural properties of the Jews’ integration into Roman imperial society in a quest for the causes of their marginality. How did it come about that hostility towards the Jews – be it dubbed anti-semitism, proto-anti-semitism, antijudaism, judeophobia or whatever other designation according to whichever manifestation of it should seem to some observer to capture its most salient aspect – came to be taken to be not normative only, but normal as well?

3. *Life on the margins*

Social marginality is a hybrid concept in that it purports to signify a phenomenon identified and explained through its two rather loosely interrelat-

is meant. See Stern II, 201. For a similar allusion to Jewish superstition see Stern II, 341 (Fronto). Cf. Gruen (2002) 43.

²⁷ Funkenstein (1981) 56.

²⁸ For a recent exposition of the origins of anti-semitism in antiquity see Yavetz (1993), with extensive further references. Yavetz cites Funkenstein (19) but, nevertheless, disappointingly proceeds to produce precisely one more such chronicle of anti-Jewish slander over the ages.

²⁹ Stähelin (1905), Wilcken (1909), Bell (1927), Lovsky (1955), Isaac (1956), Yoyotte (1963), Sherwin-White (1967), Sevenster (1975), Yavetz, Z. (1993), Schäfer (1997), Isaac (2004), is but a partial list.

³⁰ Schmitthenner (1981).

³¹ On which see Schäfer (1997) 197–211 apropos an incisive critique of Langmuir’s (1990) theory of anti-semitism.

ed dimensions, the structural and the cultural. For the purpose of identifying marginality – although this is by no means the current consensus,³² and, moreover, for all that they sustain each other in a circular relationship – the cultural dimension should, I submit, take precedence over the structural. Structurally, marginality refers to the location of actors (whether individuals or groups) in relation to each other, in terms of their social, economic and ecological relations; culturally, it refers to the inter-subjectively perceived defnientia of their respective social locations. It is to these defnientia that I was referring earlier when describing marginality as the condition of those actors within society who are prevented, for whatever reason, from performing their social roles.

Social roles are essentially sets of expectations, that is, inter-subjective notions of social location and function: given one's social location, how is one to comport oneself in each of one's socially prescribed roles? These notions are inter-subjective because they are perceived as simultaneously both collective (and thus part of culture) and intensely personal. When these two aspects coalesce (when no difference is perceived to exist between an actor's understanding of his / her / it's role-set and the way it is perceived by society at large), we may infer that the social actor in question is well-integrated.

Social roles are vital for the preservation of society and for the well-being of its constituent members, as their free implementation is essential for the integration of society. To be integrated into society means to be able to freely play out one's social roles within it. It follows that for marginality to be identified, actors need to be seen prevented from playing out their roles; but this, although a necessary condition, is not a sufficient one. Frustrated role expectations may just as likely lead to the attempt to negotiate the roles in question, and, in the process, to defiance, resistance, conflict or rebellion, according to whatever specific circumstances pertaining to any particular case.³³ It is only when the frustration of one's roles – subjectively accepted as a permanent state to be reconciled with – is added to the equally essential pertinent structural properties, that one's social condition may be described as that of full marginality.

None of the structural properties of marginality or any combination thereof, regardless of their centrality in it's aetiology,³⁴ is therefore in itself

³² Cf. Mancini Billson (2005).

³³ A good example is the apostle Paul of *Acts*; discussed by Marguerat (2002: 66–7). Paul could be the quintessential “marginal man” since he is located exactly “at the crossroads of two worlds.” He defies, however, that role in that he is most energetically engaged in a project of self re-definition.

³⁴ Dunne (2005) 14–15 for the aetiology of marginality understood through Shils' theory of centre / periphery relations, refined in several ways as follows: first and foremost, social distance is understood in terms of the quality and volume of flow of resources, and marginality is understood as the condition of those social actors to, and from whom

sufficient for its identification.³⁵ The linchpin is this particular mental condition of resignation. In the crudest of terms, it is quite simply the acceptance – whether conscious and articulated or not – that one, or one’s primary reference group has lost out in a trial of strength; and this is what makes marginality essentially a political phenomenon.³⁶

As the aetiology of Jewish marginality will be at the centre of our attention throughout this book, I shall forego further discussion of it here and first focus instead on its visible attendant consequences. What did the marginality of the Jews in Roman imperial society amount to?

The first consequence to be noted is the very precariousness of their social position entailed by the marginal condition. Whatever social assets Jews may have obtained and accumulated were ultimately insecure. The Jews were expelled from Rome on at least three occasions. Although the specific circumstances elude us (above all we would like to know why they were expelled)³⁷ the very fact that they could thus be singled out to be physically removed, rather than dealt with within the confines of society, goes to show their tenuous footing in society to begin with. Of course, one could equally argue the other way around, namely, that it was the precariousness of their position that was the root cause of their marginality. The circularity is in fact inherent in the marginal situation; it is a trap.

Another, closely related, obvious consequence, of which we have already had occasion to take notice, was that they were often made the object of various vilifications, such as, most generally, *amixia*, that is, unsociability or separateness,³⁸ commonly accompanied by charges of impiety, or outright atheism, alongside more prosaic accusations, such as dishonesty, disloyalty to friends or country, ingrained predilection to theft, murder, etc.³⁹ Juvenal’s allegation that the Jews were restricted by sacred law from pointing out the

resource flow is restricted; second, multiple local centers are allowed for in place of the one centre postulated by Shils; and third, allowance is made for voluntary restriction of resources flow, i. e., voluntary marginality; finally, since multiple centers are postulated, marginality is understood as a multi-dimensional phenomenon “in that a given person may be simultaneously integrated with one or more centers while being marginal from one or other centers.” This is a very bold attempt to describe marginality in strictly structural terms. Although it captures the most salient structural elements of marginality it fails to distinguish aetiology from consequences and falls short of giving due weight to cultural factors such as group identity and political consciousness, for which reason I am not surprised by Dunne’s conclusion (32) that “pure forms of marginality are hard to find,” by which he presumably means forms conforming to his pure structural categories.

³⁵ Germani (1980) 7, for marginality distinguished from poverty. Germani understands marginality as conceptually located on a different level than social stratification, related as it is to political consciousness as well as to pertinent aspects of lifestyle.

³⁶ Germani (1980) 13.

³⁷ These expulsions are discussed below, pp. 169, 176–8.

³⁸ Berthelot (2002) 45–6 on the charge of *apantrophia*.

³⁹ Sevenster (1975) 89–97.

way when addressed by a non-Jew must have been wide-spread enough for Josephus to try to refute it by citing, or rather paraphrasing *Deut.* 27:18 to the effect that the contrary conduct was in fact a positive injunction.⁴⁰ It follows, however, from my closing remarks of the preceding chapter that in itself, this aspect of their condition could have been purely incidental to their marginality and may be accounted for quite regardless of it – as the vast literature devoted to ancient anti-Semitism which has accumulated over the years may prove. This, however, is not to say that the basic charge of *amixia* was entirely groundless. Separateness was both a vital need for the very preservation of Jewish life and a permanent stumbling block for the Jews' integration into society. It was both a cause and a consequence of their marginality.

More significant than such denigrating allegations is a parallel counter-sentiment identifiable among Jews, but directed not at any of their immediate opponents or oppressors, but at some generalized notion of the surrounding world as a whole, as in the apocalyptic literature that emerged in the wake of the Antiochene persecution⁴¹ and consequently remained a constant element of Second Temple Judaism's cultural make-up. This is already more indicative of marginality in that it would appear to point to a more diffuse response to social maladjustment.

Another, quite neglected consequence of marginality was the exclusion of Jews from public office. Only rarely do Jews figure on the stage of empire-wide politics or administration, and when they do, there is a recurrently accompanying motif of assimilation added to their career histories.⁴²

This leads to a more general, seemingly paradoxical consequence of their marginal condition, namely, a rather impressive record of privileges showered on the Jews by various Roman authorities.

4. *A Most Privileged People*

Marginality need not necessarily generate manifestations of animosity or hatred. It may, in fact assume a quite positive complexion and give rise to a protective attitude characterized by endowment of privileges. We shall be encountering quite a few instances of privileges granted the Jews of both

⁴⁰ “*Non monstrare vias,*” *Juv. Sat.* xiv. 102; *Deut.* 27:18: “Cursed is the man who leads the blind astray on the road.”; *Jos. Ant.* iv.276: ‘One must point out the road to those who are ignorant of it ...’; Sevenster (1975) 91–3.

⁴¹ Otzen, B. (1990) 225, referring to it as “religious escapism.” For an eschatological streak in Philo’s writings see Borgen (1992) 135–7.

⁴² Tcherikover (1957) 53; Applebaum (1974) 438, n. 8; Sevenster (1975) 70–73. Borgen (1992) 133–5. discusses examples from both Ptolemaic and Roman times and the way the dilemma of upwardly mobile Alexandrian Jews is reflected in the writings of Philo.

Palestine and the diaspora in the following chapters,⁴³ tax releases, especially on the sabbatical year, immunity from conscription, from the obligation to appear at court on the Sabbath day, and above all, the right to follow Jewish law, which amounted to the exemption from participation in the imperial cult. All these add up in effect to the provision of the conditions necessary for abstaining from participating fully in the social life of their host communities, and as such were at best a mixed blessing.

The concessions accorded the Jews of the Roman empire were, nonetheless, essential for the preservation of their identity and way of life, and had consequently once been lauded by Jean Juster as no less than their “*Magna Carta*.”⁴⁴ His opinion prevailed until the 80s of the previous century when first challenged by Tessa Rajak, for whom the so-called privileges were revealed under closer scrutiny to have been no more than high-sounding “political statements” with little enduring value.⁴⁵

More recently, however (1998), Miriam Pucci Ben Zeev has suggested that although real enough in themselves, and quite valuable from the Jewish point of view, there was in fact nothing extraordinary about them inasmuch as they constituted normal Roman practice paralleled elsewhere across the empire. This may be true in itself, but unlike the Greek cities that were granted such rights, diaspora Jews lived as minority communities dispersed throughout the empire without a territory over which to exercise their jurisdiction. Implicit in Roman grants of privileges following conquest was the restitution of the city’s territory within which it was to enjoy its rights, and (presumably when occasioned by special circumstances) it may be made explicit too.⁴⁶ Pucci Ben Zeev met the obvious challenge posed by the uniqueness of the Jewish predicament by pointing out two parallels of extra-territorial entities that were also granted similar privileges, namely, the guild of the Dionysiac Artists and that of the Roving Athletes devoted to Heracles. The comparison, I should argue however, only goes to underscore the abnormality of the situation when applied to a people rather than a professional association.

⁴³ For a complete compilation of the extant relevant documents cited by Josephus see Pucci Ben Zeev (1998) with table on pp. 374–7.

⁴⁴ Juster (1914) 217 with the comment added in a footnote that “le mot est de Niese.”

⁴⁵ Rajak (1984) 109–10.

⁴⁶ As in the grant of privileges to Delphi by the praetor Spurius Postumius in 189 BCE (*RDGE* 1 = *RGE* 15) stating: “Know therefore that it has been decreed by the senate that ... the city of Delphi and its territory and the D[elphian]s are to be autonomous and free ... [... living] and administering their government by themselves and having dominion over the sacred territory [and the sacred] harbor, just as [was] their inherited right from the beginning,” or in that to Mytilene by Caesar in 45 BCE (*RDGE* 26 = *RGE* 83): “... according to [your laws and the] privileges which you have had from us [formerly and those which] have been given to you [by this] decree to enable you [---to enjoy] the revenues of your city and its territory in peace.”