

**How Rome's Administration of the *Fiscus
Judaicus* Accelerated the Parting of the Ways
between Judaism and Christianity**

RIJKSUNIVERSITEIT GRONINGEN

**How Rome's Administration of the *Fiscus Judaicus* Accelerated the Parting of the Ways
between Judaism and Christianity**

Rereading 1 Peter, Revelation, the Letter to the
Hebrews, and the Gospel of John in their Roman
and Jewish Contexts

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Marius Heemstra
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Promotores:

Prof. dr. G.H. van Kooten
Prof. dr. B.H. Stolte

Beoordelingscommissie:

Prof. dr. J.N. Bremmer
Prof. dr. M.D. Goodman
Prof. dr. P.W. van der Horst

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Christianity grew *entirely* out of Jewish soil

Martin Hengel
(Hengel 2005, 85; italics his)

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Preface

At the end of this journey, which has been relatively smooth, it is good to look back to its beginning. Right from the start the *fiscus Judaicus* seemed to be an ideal subject, because it gave me the opportunity to combine my interests in Roman, Jewish and early Christian history of the first and early second century; or, more specifically, to combine my Master's Degrees in Ancient History (1985) and Theology (New Testament, 2006). When I first came to know this Roman financial institution in more detail in the course of 2006, I quickly noticed that many pieces of the puzzle might come together, if the information about the *fiscus Judaicus* under the Roman emperors Domitian and Nerva would be linked to a number of New Testament books and Jewish traditions from the Talmud. Moreover, I immediately wondered why this Roman piece of the puzzle had often been put aside by scholars of early Christian history, when it seemed to be so important. This is the reason why I started writing this thesis, of which the main purpose probably is to convince other scholars of the relevance of this Roman *fiscus* for early Jewish and Christian history, including their mutual relationship in the last decades of the first century and beyond.

It goes without saying that this project would not have been possible without the help and support of many people. First of all I would like to thank my main supervisor Prof. dr. George van Kooten for providing me with constructive criticism, stimulating conversation and useful suggestions along the way. His support has been invaluable.

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I further wish to render thanks to the members of the manuscript committee: Prof. dr. M.D. Goodman (Oxford), Prof. dr. P.W. van der Horst (Utrecht), and Prof. dr. J.N. Bremmer (Groningen). Prof. Goodman showed an early interest in my study when I sent him a rough outline of my views in late 2006 and I am very grateful that he found the time to comment on some of the early chapters and in the end was willing to be a member of the manuscript committee. Prof. Van der Horst looked in more detail at the chapter about Jewish identity (including *birkat ha-minim*) and I am very grateful for his comment and his accepting to be a member of the manuscript

committee as well. I also thank Prof. Bremmer for his general comment and his sharing of his expertise on the *Acts of John*.

Furthermore, I would like to thank Dr. Gabriella Gelardini (Basel), who took the time to read my chapter on the Letter to the Hebrews and discuss this with me, which was very helpful.

I would also like to express my gratitude to Karin Neutel, Henk van Putten, Birgit van der Lans and Kees van Dorp, all fellow (PhD-)students, for our conversations, reading sessions and lunches. They will always be among my best memories of this period.

Furthermore, I would like to thank family, friends, fellow members of the ‘Leerhuis Hoogetveen’, colleagues and business partners, who often inquired about my progress and showed a real interest in the subject. And, referring to the latter (colleagues and business partners), perhaps my daily dealings with legal and fiscal matters in my part-time position as corporate insurance manager of a Dutch multinational corporation, also made me sensitive to the importance of issues of a similar nature at the end of the first century.

Last, but certainly not least, I am grateful to my parents for their love, interest and support over many years and in particular to my wife Arine, my sons David and Hans, and my daughter Qian for their invaluable love and the necessary distraction from more serious matters that they provided.

Marius Heemstra
Hoogetveen, The Netherlands
July 2009

List of Abbreviations

See also Bibliography

- ANRW* *Aufstieg und Niedergang der römischen Welt: Geschichte und Kultur Roms im Spiegel der neueren Forschung*, eds. H. Temporini and W. Haase. (Berlin, 1972-)
- BASP* *Bulletin of the American Society of Papyrologists*
- BBR* *Bulletin for Biblical Research*
- BR* *Biblical Research*
- CBQ* *Catholic Biblical Quarterly*
- CIL* *Corpus Inscriptionum Latinarum*, ed. F. Ritschl *et al.* (Berlin, 1862-)
- CPJ* V. Tcherikover, A. Fuks, and M. Stern (eds), *Corpus Papyrorum Judaicorum* (3 vols, Cambridge, Mass., 1957-1964)
- IJO* W. Ameling (ed.), *Inscriptiones Judaicae Orientis, II, Kleinasien*. (Tübingen, 2004)
- ILS* H. Dessau, (ed.), *Inscriptiones Latinae Selectae* (3 vols, Berlin, 1892-1916, repr. 1954-1955)
- JBL* *Journal of Biblical Literature*
- JQR* *Jewish Quarterly Review*
- JRS* *Journal of Roman Studies*
- JSNT* *Journal for the Study of the New Testament*
- JTS* *Journal of Theological Studies*
- LSJ* H.G. Liddell, R. Scott, H.S. Jones, R.A.F. Mackenzie, P.G.W. Glare (eds) *A Greek-English Lexicon* (new ed. Oxford, 1996)
- NRSV* New Revised Standard Version
- NTS* *New Testament Studies*
- RIC I* H. Mattingly and E.A. Sydenham (eds), *The Roman Imperial Coinage 1. Augustus to Vitellius* (London, 1923)
- RIC II* H. Mattingly and E.A. Sydenham (eds), *The Roman Imperial Coinage 2. Vespasian to Hadrian* (London, 1926)
- RIC II*² I.A. Carradice and T.V. Buttrey, *Roman Imperial Coinage Volume 2, Part 1 (Second fully revised edition). From AD 69 to AD 96. Vespasian to Domitian*. (London, 2007)

- RPC II* A. Burnett, M. Amandry and I. Carradice (eds), *Roman Provincial Coinage, Volume II: From Vespasian to Domitian (AD 69-96)*, (London, 1999)
- SBL* *Society of Biblical Literature*
- SCJ* *Studies in Christianity and Judaism*
- ZPE* *Zeitschrift für Papyrologie und Epigraphik*

List of Roman emperors

Augustus	27 BCE – 14 CE
Tiberius	14 - 37
Gaius ('Caligula')	37 - 41
Claudius	41 - 54
Nero	54 - 68
Galba / Otho / Vitellius	68 - 69
Vespasian	69 - 79
Titus	79 - 81
Domitian	81 - 96
Nerva	96 - 98
Trajan	98 - 117
Hadrian	117 - 138
-	
-	
-	
-	
-	
-	
-	
Decius	249-251
-	
-	
Diocletian	284-305
-	
Constantine I	312 - 337
-	
Julian II ('the Apostate')	360 - 363
-	
Theodosius I	379 - 395

If not otherwise stated, citations from the New Testament have been taken from the New Revised Standard Version and translations of passages by classical writers have been taken from the Loeb Classical Library.

Introduction

Who were the victims of the *fiscus Judaicus* under Domitian?

In this thesis it will be my aim to describe the Roman influence on the process of separation between Judaism and Christianity that resulted in two distinct religions. In my view this influence reached its climax in the form of the *fiscus Judaicus*, which was the Roman financial institution designated by the emperor Vespasian in the early seventies of the first century CE to levy the Jewish tax from Jews in the Roman Empire. But who could be regarded as a Jew? Who was supposed to pay this tax? Not long after its introduction this became a major issue.

The scholarly research into the problems surrounding the *fiscus Judaicus* can boast of a long history. In 1734 the German scholar Peter Zorn published a book under a rather lengthy title, which was customary for those days: *Historia Fisci Judaici Sub Imperio Veterum Romanorum: Qua Periodi Designantur Sceptri Judaeorum Ablati. Inseritur Commentarius In Nummum Thesauri Regii Prussici De Calumnia Fisci Judaici Per Nervam Coccejum Imperatorem Romanum Sublata*. This book by the Hamburg scholar is about the Roman taxation policy towards Jews from the moment Judaea and Jerusalem came under Roman rule in 63 BCE. Also included in the title is Zorn's interest in the fiscal situation under the emperors Domitian and Nerva at the end of the first century CE, which he could illustrate by the presence of a specific Roman coin in the Royal Prussian Treasury. This coin was a sestertius issued by Nerva to 'publish' the fact that he ended some kind of abusive situation concerning the *fiscus Judaicus* that had been introduced by his predecessor Domitian: *FISCI IVDAICI CALVMNIA SVBLATA*: 'the removal of the wrongful accusation of the *fiscus Judaicus*'.¹

From a report by the Roman historian Suetonius, one learns that the levying of the Jewish tax by the *fiscus Judaicus*, which had been introduced by Vespasian in the early seventies of the first century, was administered in a harsh way (*acerbissime*) during the reign of his second son Domitian. According to Suetonius two categories of people were the victims of this

¹ *RIC* II 58, 72, 82; Mattingly 2005 [1936, 1966]: 15 (no. 88), 17 (no. 98), 19 (no. 105). Zorn's coin: *RIC* II 82, which is displayed in the Bode-Museum in Berlin (November 2008).

harsh administration: ‘those who without publicly acknowledging that faith yet lived a Jewish life’ (*improfessi Iudaicam viverent vitam*) and ‘those who concealed their origin and did not pay the tribute levied upon their people’ (*dissimulata origine imposita genti tributa non pependissent*).²

In the eighteenth century Peter Zorn was already in a position to write about the history of the interpretation of this Suetonian passage by scholars of his own day and earlier centuries, bringing up one of the main questions:

An vero etiam *Christiani* per improfessos aut originem dissimulantes intelligendi sint, disputatur ab interpretibus (Zorn 1734, 279-80).

Whether actually *Christians* should also be understood as ‘those who did not publicly acknowledge that faith’ or ‘those who concealed their origin’, is debated among scholars.

Zorn then treated the various positions taken by scholars before him, ranging from the standpoint that only Jews (*dissimulata origine*) and proselytes (*improfessi Iudaicam viverent vitam*) were the victims, to the view (shared by him) that also Christians should be included in one or both of these groups.

So whether or not Christians were among the victims of the *fiscus Judaicus* is certainly not a new question, but for some reason it has not gained the interest that it might have done or perhaps should have done in more recent years. If one looks at the number of specific articles about the *fiscus Judaicus* or its inclusion in other publications in the last sixty years, it is hard to find more than a dozen that really matter.³ In some of those articles and books Christians are still mentioned as possible victims of the *fiscus Judaicus* under Domitian⁴ and this *fiscus* is also mentioned as an important factor in the process of the ‘parting of the ways’ of Judaism and early

² Suetonius, *Dom.* 12.2

³ Smallwood 1956, 2001 [1976]; Hemer 1973; Keresztes 1973; Carlebach 1975; Thompson 1982; Stenger 1988; Goodman 1989, 1990, 2005a, 2007; Williams 1990; Alpers 1995.

⁴ Most of these scholars specifically count Jewish Christians among the possible victims of the *fiscus Judaicus* under Domitian: Smallwood 1956, 3, and 2001 [1976], 377; Keresztes 1973, 5-6; Thompson 1982, 340; also see Schäfer 1997, 114; Hemer 1973, 11, mentions Christians in general and also includes Gentile Christians as people who could be accused of living a Jewish life *improfessi*. So does Stenger 1988. Their positions will be discussed extensively in Chapter 2. In Dutch: Mulder 1973, has some good insights, but is unconvincing in many respects; Den Heyer 1994, see also note 183.

Christianity.⁵ Yet there is no thorough investigation into the details of how this should be understood.

Whether or not traces of the prosecutions by the *fiscus Judaicus* can be found in the New Testament or other early Christian writings is a question that has not been asked very often.⁶ Because of the relative lack of interest in the subject, this Roman financial institution does not get mentioned in commentaries of those New Testament books, where one might expect it. If there is a possibility that Christians were among the victims of the *fiscus Judaicus* under Domitian (which is acknowledged by some modern scholars as mentioned above), this possibility might have been tested for books like for instance 1 Peter, Revelation, the Letter to the Hebrews and the Gospel of John, in which there are indications of some kind of persecution of Christians.

In this thesis it will be my aim to fill this gap and investigate the connections between the Roman *fiscus Judaicus*, the Christian New Testament, some other early Christian writings and also Jewish (Talmudic) sources, focusing on the situation under the Roman emperor Domitian. It will be argued that new and important insights can be gained from investigating the actions of the *fiscus Judaicus* during Domitian's reign and their possible impact on the early Christian communities in the Roman Empire. Taking into account the fact that his successor Nerva thought it necessary to solve some kind of problem with respect to this *fiscus*, one should also try and find out what this solution meant for these same communities. Doing this may shed new light on a number of issues, some of which have been among the most important in the study of ancient history, early Jewish history and the study of the New Testament over the last few decades.

The first of these issues is the persecution of Christians by Roman authorities in general and the alleged persecution of Christians by Domitian in particular. Furthermore, reference can be made to the relations between

⁵ See, e.g., Dunn 2006 [1991] 316-317; Wilson 1995, 12-14.

⁶ Examples of scholars who have mentioned the *fiscus Judaicus* as a factor within the context of early Christianity in the last decades of the first century: Hirschberg (1999) and Bredin (2003) in relation to the Book of Revelation; Vouga (1977), Cassidy (1992), Frey (2004a) and Kierspel (2006) in relation to the Gospel of John; and Zetterholm (2003), writing about the separation between Christianity and Judaism in Antioch. Their contributions will be discussed in the later chapters (Chapters 5, 6 and 7) about New Testament writings and Chapter 8 about the Parting of the Ways.

Judaism and early Christianity, including the important issue of alleged anti-Jewish passages in Christian writings like the Book of Revelation, the Letter to the Hebrews and the Gospel of John. Moreover, one could mention the debate about the connection between the Jewish ‘benediction of the heretics’ (*birkat ha-minim*) and early Christianity, particularly in the case of the Gospel of John.

One important characteristic of my approach is that I have tried to find all relevant sources that are somehow connected to the last two decades of the first century, whether they are Roman, Jewish, Jewish Christian⁷ or Christian. Especially with regard to this moment in time one should try and consider the historical circumstances from these different perspectives. There is always the risk that the lack of one perspective leads to a distorted result.

I found it remarkable not to find a single reference to the *fiscus Judaicus* when checking the index of a book with conference papers on *Anti-Judaism and the fourth gospel*, although the issues concerning this *fiscus* under Domitian and Nerva are closely contemporaneous with a very common dating of this New Testament book around the year 100 CE.⁸ Furthermore, it

⁷ When I use the term ‘Jewish Christian’ in this study, I am referring to Jews who recognized Jesus as the Messiah and accepted non-Jews into their ‘Christian’ communities, without converting them to Judaism by having them follow the Jewish laws concerning, e.g., food and circumcision. This is often referred to as ‘Pauline’, because the apostle Paul was a strong advocate of this approach. Since these converted non-Jews needed to distance themselves from their traditional religious practices in order to become Christians, they did adopt the Jewish exclusive monotheism. For this reason, as will also be seen in this study, their social environment (including state authorities) became highly suspicious of them and the people who converted them. Being a ‘Christian’ eventually even became the crime for which members of Christian communities (originally made up of Jewish and Gentile Christians) could be punished. Groups like the Ebionites, who remained within the boundaries of Judaism much longer, did not face this risk and with regard to them I would use the term ‘Jewish *Christian*’ with hesitation. In this respect I use a different definition from the one used by Skarsaune and Hvalvik (eds.) 2007, 3-16, in their *Jewish believers in Jesus* (following a definition by Mimouni): ‘A “Jewish Christian” is a Jewish believer in Jesus who, as a believer, still maintains a Jewish way of life.’ (5, italics Skarsaune). I do agree with Skarsaune’s observation that the ancient sources ‘divide Christians into two categories by an ethnic criterion. There are Christians (or believers in Jesus) from the Jews and from the Gentiles (...)’ (3) This ethnic criterion will be of the highest importance, when I turn to the administration of the *fiscus Judaicus* under the emperor Domitian and the reform of this administration under the emperor Nerva. For the issue of defining Jewish Christianity also see Taylor 1990, Carleton Paget 2007, and Jackson-McCabe 2007.

⁸ Bieringer, Pollefeyt and Vandecasteele-Vanneuville (eds.) 2001.

was equally striking not to find a single reference to the administration of the *fiscus Judaicus* under Domitian in a monograph on the *birkat ha-minim*, which is dated by its author around the year 90 CE.⁹ This is all the more surprising, since in all these cases the issue of Jewish identity is at the centre of the scholarly debates: with regard to the Gospel of John many scholars are puzzled by the enigmatic use of the term ‘the Jews’; for the *fiscus Judaicus* under Domitian and Nerva it was an important question who should be regarded as a Jew from a Roman legal perspective; and the Jewish ‘benediction of the heretics’ was composed to make a distinction between ‘orthodox’ and ‘heretical’ Jews. Even studies that focus entirely on Jewish and Christian identities in ancient times seem unable to fathom the importance of the *fiscus Judaicus* as perhaps an important driving force or catalyst in defining these identities.¹⁰

Somehow the Roman factor in all of this seems to be neglected or highly underestimated. This is why this study will start with the Roman perspective: the first three chapters will deal with the *fiscus Judaicus*. In the first chapter the introduction of the Jewish tax by Vespasian and its general history will be described. In the second chapter I will focus on the ‘harsh’ administration of the *fiscus Judaicus* under Domitian and in Chapter 3 Nerva’s reform of this administration will be the main subject. Special attention will be paid to the impact of these developments on Jewish and Christian communities during the reign of these two emperors. Chapter 4 is a more general discussion about the persecution of Christians by Roman authorities and the important place the *fiscus Judaicus* should be given in this context on the basis of my findings in the first three chapters. In Chapter 4 I will also look at the evidence that can be found in 1 Peter.

The second part of this thesis will deal with New Testament books that are somehow related to the history of the *fiscus Judaicus* under Domitian and Nerva, as will be explained. In Chapters 5, 6 and 7 I will investigate the

⁹ Teppler 2007.

¹⁰ Lieu 2002 and 2004. In the first mentioned book from 2002, *Neither Jew nor Greek: Constructing Early Christianity*, Judith Lieu mentions the *fiscus Judaicus* five times (2002, 19; 21; 109; 123; 227), but sees no clear role for this institution in relation to the separate identities of Christians and Jews. In the book from 2004, *Christian Identity in the Jewish and Graeco-Roman World*, the issue of the *fiscus Judaicus* has completely disappeared and plays no role at all in her discussions about any boundaries between Jews and Christians. This study will hopefully make clear that the writing off of the *fiscus Judaicus* as an important separating factor towards the end of the first century is not justified.

connections between the *fiscus Judaicus* and the Book of Revelation, the Letter to the Hebrews and the Gospel of John respectively. This will both clarify the Roman context of early Christianity at the end of the first century and will lead to new or better founded conclusions with regard to date, purpose, and addressees of these particular books, as will be argued.

In Chapter 7 about the fourth Gospel, I will also pay attention to the way the *birkat ha-minim* could fit into this historical context. In this way there will be a shift of focus to the Jewish context of early Christianity as well. The emergence of the categories of orthodoxy and heresy in both early Judaism and early Christianity is often located in this period of time and there may be some wider connection to the *fiscus Judaicus* in this respect too, as will be made clear.

The final chapter (Chapter 8) in this second section will be of a concluding nature and, like the fourth chapter, will also take a somewhat broader perspective. It will discuss how the *fiscus Judaicus* should be positioned within the context of the highly debated ‘Parting of the Ways’, the separation between Judaism and Christianity. In this way the Roman influence on this process will be given a prominent place in my argument.

Part 1

The Roman perspective: *Fiscus Judaicus*

In the first part of this study I will focus on the general Roman policy towards Jews and Judaism. In this context it is important to consider the legal status of Jews within the Roman Empire, for which a firm basis can be found in the edict ‘to the rest of the world’ that was issued by the emperor Claudius in the year 41.¹¹

It will therefore be fit to permit the Jews, who are in the entire world under us, to keep their ancient customs without being hindered to do so (τὰ πάτρια ἔθη ἀνεπικωλύτως φυλάσσειν). And I do charge them also to use this my kindness to them with moderation, and not to show a contempt of the religious observances of other nations (μὴ τὰς τῶν ἄλλων ἐθνῶν δεισιδαιμονίας ἐξουθενίξειν), but to keep their own laws only. (Josephus, *Ant.* 19.290)

Included in these ‘ancient customs’ was the Jewish right to levy their temple tax and send this money to Jerusalem.¹²

After the destruction of the temple in Jerusalem by the Romans (in 70), the introduction of the Jewish tax changed this situation in a major way and in fact added an important second condition to living as a Jew in the Roman Empire: the obligation to pay a specific Roman tax (the first condition being ‘not to show a contempt of the religious observances of other nations’ as found in Claudius’ edict).

Two important dates are known with respect to this Roman financial institution, the first of which is obviously the year 70. Before this year all male Jews between the ages of twenty and fifty paid an annual tax of half a *shekel* (the equivalent of two Roman *denarii* or two Attic *drachmai*) to the temple in Jerusalem.¹³ After the destruction of this temple by the Romans,

¹¹ This edict followed the one that Claudius issued to settle the differences between Jews and Greeks in the city of Alexandria and for that reason was called ‘to the rest of the world’. These Jewish rights were actually a reinforcement of rights that had been given to Jews by Caesar and Augustus. See also Pucci Ben Zeev 1998: 328-342.

¹² Pucci Ben Zeev 1998: 376-377: documents under IV. *Autonomous Internal Administration*. See also the section about the role of the synagogue below.

¹³ Exod. 30.13, which is probably later than Neh. 10.32 where a yearly amount of a third part of a shekel is mentioned; Philo, *De Monarchia* 2.3; Josephus *Ant.* 3.8.2.

Vespasian introduced the Jewish tax (Greek: ἰουδαϊκὸν τέλος) that was to be levied by the *fiscus Judaicus*. This ‘replaced’ the Jewish temple tax, but diverted the flow of money to Rome for the benefit of the temple of *Jupiter Capitolinus*.¹⁴ This temple of Jupiter on the Capitol had burnt down in the turbulent year 69 and immediately plans were made to rebuild it (in contrast to the Jewish temple), using funds that previously went to Jerusalem.

During the reign of Domitian (81 to 96), apparently some kind of problem arose concerning the levying of the Jewish tax¹⁵, which had to be solved by his successor Nerva (96 to 98). This solution was so important to Nerva that, as soon as he became emperor, he issued a coin to ‘publish’ this fact: *FISCI IVDAICI CALVMNIA SVBLATA* (‘the removal of the wrongful accusation of the *fiscus Judaicus*’).¹⁶ So besides the year of the destruction of the Jewish temple (70) the year 96 is the second important date with respect to this *fiscus*.

In the following three chapters I will look at the introduction of the Jewish tax by Vespasian and its general history (Chapter 1) and then focus on the mode of operation of the *fiscus Judaicus* under Domitian (Chapter 2) and the correction of this apparently abusive situation by Nerva (Chapter 3).

¹⁴ Josephus, *Bell. Jud.* 7.218, Cassius Dio, *Hist. Rom.* 65.7.2.

¹⁵ Suetonius, *Dom.* 12.2

¹⁶ See note 1.

Chapter 1

Introduction of the Jewish tax by Vespasian and its general history

1.1. Introduction

Two passages about the introduction of the Jewish tax by Vespasian have been preserved: one by Josephus and one by Cassius Dio. The first passage is by Josephus, who wrote most of his works during the reign of Domitian and for that reason is our earliest literary source:

φόρον δὲ τοῖς ὁπουδηποτοῦν οὖσιν Ἰουδαίοις ἐπέβαλεν, δύο δραχμὰς ἑκάστον κελεύσας ἀνὰ πᾶν ἔτος εἰς τὸ Καπετώλιον φέρειν, ὥσπερ πρότερον εἰς τὸν ἐν Ἱεροσολύμοις νεῶν συνετέλουν.

He [Vespasian] also laid a tribute upon the Jews wheresoever they were, and enjoined every one of them to bring two drachmai every year into the Capitol, as they used to pay the same to the temple at Jerusalem. (*Bell. Jud.* 7.218)

This tells us, that every Jew (ἑκάστον) in the Roman Empire was made liable for the tax. From this short account it does not become clear whether the group of taxpayers changed in any way when the transition from temple tax to Jewish tax took place. The temple tax used to be paid by male Jews between the ages of twenty and fifty, and one could take ὥσπερ πρότερον to mean that these men were also the taxpayers of the newly instituted Roman tax. From other sources it is known that this was not the case: when Josephus wrote ἑκάστον ('every Jew'), this is probably what he meant to say without stressing the fact that this was a major change. So when he added: ὥσπερ πρότερον εἰς τὸν ἐν Ἱεροσολύμοις νεῶν συνετέλουν, he must have been referring to the rate of the tax (which is reflected in the translation). The number of taxpayers increased significantly compared to the previous situation, as will be seen.

The next sentences in Josephus' account of the Jewish war start a new section ('Such was the position of Jewish affairs at this date. But while Vespasian was now for the fourth year holding imperial sway...') and in this

way he seems to imply that the tax was proclaimed in the third year of Vespasian's reign.¹⁷

Our second source for the introduction of the Jewish tax is Cassius Dio (whose *Roman History* can be dated to the early third century):

οὕτω μὲν τὰ Ἱεροσόλυμα ἐν αὐτῇ τῇ τοῦ Κρόνου ἡμέρᾳ, ἣν μάλιστα
ἔτι καὶ νῦν Ἰουδαῖοι σέβουσιν, ἐξώλετο. καὶ ἀπ' ἐκείνου δίδραχμον
ἐτάχθη τοὺς τὰ πάτρια αὐτῶν ἔθνη περιστέλλοντας τῷ Καπιτωλίῳ
Διί, κατ' ἔτος ἀποφέρειν.

Thus was Jerusalem destroyed on the very day of Saturn, the day which even now the Jews reverence most. From that time forth it was ordered that the Jews who continued to observe their ancestral customs should pay an annual tribute of two drachmai to Jupiter Capitoline. (*Hist. Rom.* 65.7.2)

In this passage by Cassius Dio, there is a tax liability for Jews ('who continued to observe their ancestral customs') from the time of the capturing of Jerusalem, which happened in the second year of Vespasian's reign. It may be noted that Cassius Dio mentions *Jupiter Capitolinus* whereas Josephus uses the more neutral εἰς τὸ Καπετώλιον as if to avoid the explicit message that this tax came to the benefit of a pagan god.

At first sight there seem to be two points of friction between the accounts of Josephus and Cassius Dio. The first one concerns the date at which the tax was introduced. This may have been the second (Cassius Dio) or the third year of Vespasian's reign (Josephus). This question will be answered in the next paragraphs. The second difference in the accounts seems to be with respect to the people who were supposed to pay the tax: 'every Jew' (Josephus) or only those Jews 'who continued to observe their ancestral customs' (Cassius Dio)? One should also ask the question whether this is a real difference or not.¹⁸ I think this is a real difference and assume that Cassius Dio is using a definition that was introduced by Nerva, applying it to the introduction of the tax by Vespasian. This issue will be taken up, when we reach the days of Nerva and it will be investigated what his reform of the *fiscus Judaicus* entailed (in Chapter 3).

¹⁷ *Bell. Jud.* 7.219.

¹⁸ Suetonius mentions the tax liability for the *gens* of the Jews in his passage about the *fiscus Judaicus* under Domitian: *imposita genti tributa*: 'the tribute levied upon their people' (*Dom.* 12.2), which is in line with Josephus' account.

From the passages above it does not become entirely clear from what moment the tax was to be paid by Jews. Was it right after the destruction of the temple (Cassius Dio) or did it start at a later date (Josephus)? Epigraphic evidence has proved both writers to be right: the tax was probably proclaimed in the third year of Vespasian, but retroactively the previous (second) year was also taken into account, resulting in a tax liability from the moment the temple was destroyed.¹⁹



Illustration 1: Vespasian 69-79, Sestertius

Obverse: IMP CAES VESPASIAN AVG P M TR P PP COS VII, Laureate head of Vespasian, whose official titles are mentioned on this coin: Imperator, Caesar, Augustus, Pontifex Maximus, in possession of the Tribunicia Potestas, Pater Patriae, Consul for the seventh time. Reverse: S·C in exergue, Hexastyle temple of Jupiter Optimus Maximus with the statues of Jupiter, Juno and Minerva. RIC II 577 (struck in 76).

The temple of Jupiter was destroyed in the civil strife of 69. Vespasian reconstructed this monument, making it even larger and greater, using the revenues from the fiscus Judaicus. This was celebrated on his coinage from the beginning of construction in 70/71, through its completion in 75/6 (this coin), and on to the end of his reign in 79. It was again destroyed in the year 80, during the reign of his eldest son Titus, and later rebuilt by his younger son, Domitian.

¹⁹ CPJ I 80-1, and CPJ II, 113-4. This was made clear by a number of tax receipts from Egypt that will also be referred to below. The first tax receipts are from Vespasian's fourth year as emperor, but with respect to payments belonging to his second year. (The calendars of Rome and Egypt were different when counting the years of the emperors. This means that according to Roman reckoning one should regard the first tax receipts as belonging to his third year, but for payments belonging to his first year! See note 27 for explanation of the confusing fact that Egyptian Jews apparently also paid for year 1.)

The *fiscus Judaicus* was probably based in Rome. A funerary inscription has been found to the honour of Titus Flavius Euschemon, ‘freedman of the emperor’, *qui fuit ab epistulis item procurator ad capitularia Iudaeorum*.²⁰ This freedman (probably of Vespasian or Titus)²¹ was in charge of the tax lists (*capitularia*) and as such at the head of the administration of the *fiscus Judaicus* in Rome.²² It is important to note that provincial *fisci* like, e.g., *Judaicus*, *Alexandrinus* and *Asiaticus* should be well distinguished from the *fiscus Caesaris*. The latter treasury was concerned with the private property of the Roman emperor, whereas the provincial *fisci* were formally part of the public treasury of the Roman people (*aerarium populi Romanorum*).²³

Whether the *fiscus Judaicus* already existed before the days of Vespasian as a separate treasury and was only given a headquarters in Rome as soon as its function changed (from only collecting taxes in Judaea to also collecting a specific tax from all Jews in the empire), is a question that is hard to answer.²⁴ Alpers has suggested that this provincial *fiscus* must have existed under its name of *fiscus Judaicus* at least since the days of Claudius, when Judaea became a separate Roman province (in 44), and perhaps even before that.²⁵ Since the year 6 CE the usual Roman poll-tax (*tributum capitis*, λαογραφία) had been levied from the inhabitants of Judaea. Furthermore, the existence of Judean balsam plantations is known, the proceeds of which

²⁰ *CIL* 4.8604 = *ILS* 1519. See also Ricci 1995.

²¹ Ricci 1995, 90.

²² Bruce 1964, 37, suggests that these *capitularia* could also refer to the Jewish poll-tax introduced in Judaea in 6 CE. See below for Alpers’ view (1995, 303), who thinks both taxes (*tributum capitis* levied from the residents of Judaea and the Jewish tax levied from all Jews in the Roman Empire) may have been collected by the *fiscus Judaicus*.

²³ Millar 1963, 32; Brunt 1966, 76; Alpers 1995, 307 (‘Filiakassen des *aerarium Saturni* in Rom’); but Ginsburg 1931, 281-2, following Rostowzeff 1909, *Pauly-Wissowa*, VI, ‘Fiscus’, 2385, still assumes that the *fiscus Judaicus* was part of the *fiscus Caesaris*.

²⁴ Procurators of three provincial *fisci* are attested in Rome since Flavian times (Brunt 1966, 77; Alpers 1995, 301), although Alpers gives different reasons for their presence in Rome: for the *fiscus Judaicus* it was the empire-wide collection of the Jewish tax, which needed a central treasury (302). For the *fiscus Asiaticus* (281) and *fiscus Alexandrinus* (290) it was the fact that they brought in large amounts of money that were vital for running the empire. Alpers thinks that these treasuries remained in Asia and Alexandria but procurators were needed in Rome to inform the emperor on a regular basis about the positive balances.

²⁵ Alpers 1995, 301: ‘Als gesichert scheint nunmehr, dass dieser jüdische Fiskus als Provinzialkasse schon vor 70 n. Chr. existierte, er mithin *keine* für die nach 70 n. Chr. an den kapitolinischen Jupiter zu zahlende Judensteuer neu eingerichtete Kasse war!’

also came to the benefit of the '*fiscus*'.²⁶ This is a valuable suggestion by Alpers, but the fact remains that to date there are only two sources that combine *fiscus* and *Judaicus* explicitly: the passage in Suetonius (*Dom.* 12.2) and Nerva's coin. They both refer to the situation under the Flavian emperors.

1.2. The epigraphic and papyrological sources from Egypt

A number of epigraphic sources have been preserved in Egypt with regard to the Jewish tax. They provide more detailed information about the actual levying of this tax in the Roman province of Egypt. These helped answering the questions about the inception date mentioned above. Due to differences in the Roman and Egyptian calendars and the way to count the years of monarchs, it turned out that Egyptian Jews were charged retroactively for yet a further previous year.²⁷

The bulk of our evidence consists of 71 receipts for the Jewish tax on *ostraka* from the town of Apollinopolis Magna (Edfu), which have been collected in the *Corpus Papyrorum Judaicarum* (CPJ).²⁸ They cover the period from 71/72 to 116, from Vespasian to Trajan. Furthermore, there are two preserved papyri, one from Arsinoë (CPJ 421, from the year 73), which

²⁶ At this point mention should be made again of the distinction between the *fiscus* as referring to the private property of the Roman emperor and various separate provincial *fisci* that were formally not part of the *fiscus Caesaris* but of the *aerarium populi Romanorum*. In the case of the balsam plantations the question should be asked whether the proceeds went to the *fiscus* (and thus straight to the emperor) or to a provincial *fiscus* already labeled *Judaicus*. Alpers (1995, 295-301) thinks the second option to be the case.

²⁷ See also note 19. Since Egyptian officials apparently followed the instruction to collect the tax starting with Vespasian's second year, they actually had Egyptian Jews pay for a year in which the temple in Jerusalem still stood (the destruction took place around September 1, 70). According to Egyptian reckoning the second year of Vespasian (August 29, 69 to August 29, 70) corresponded roughly to his first year according to Roman reckoning (July 1, 69 to July 1, 70). His first 'Egyptian' year only lasted two months, because a new year in Egypt always started on August 29 or 30. This difference in calendars was used by the editors of CPJ to settle a discussion about the very nature of the tax receipts that had been found in Egypt. Some scholars had denied the possibility that they could have anything to do with the Jewish tax that had been introduced by Vespasian, because in some documents payments were registered for a year before the destruction of the temple, e.g., Juster 1914, Vol. II, 281, n. 2. The explanation given by the editors of CPJ for this remarkable fact has been convincing.

²⁸ CPJ 160-229. Another single receipt from the sixth year of the emperor Trajan can be found in the Thermenmuseum in Heerlen, the Netherlands (*O. Heerlen* BL 345); see Worp 1986, 192-193.

lists all persons that were liable for this tax in this town, and one from Karanis (*CPJ* 460 from 145/6 or 167/8), which has a short, but important reference to the Jewish tax.

Starting with the papyrus from Arsinoë, one immediately notes that tax liability was not limited to male Jews between 20 and 50 years of age, which had been the criterion for the Jewish temple tax. From the papyrus it becomes clear that also children (from the age of three onward) and women (the oldest woman being sixty-one years old) were liable for the tax.²⁹ In the receipts from Edfu one also finds evidence for this and proof of an even wider liability: the tax is paid by women (*CPJ* 168, 169, 171, 223), but also applies to Jewish slaves (only Trajanic evidence: *CPJ* 201, 206, 212, 218, 229).³⁰ This seems to imply that all members of a Jewish *familia* were made liable by Vespasian, which included wives, children and slaves. It also follows from this evidence that officials needed to update the register of tax-payers on a yearly basis by means of a special *epikrisis* (examination), since none of the existing administrations had this kind of information. The papyrus from Arsinoë is the result of such an *epikrisis* and in this case was used to add women and children to the five Jewish men that were already registered for the λαογραφία.

With regard to the name of this tax three different terms are used in the Egyptian sources. These are ἰουδαϊκὸν τέλεσμα ('Jewish tax'), τιμὴ δηναρίων δύο ἰουδαίων ('the price of two *denarii* of the Jews') and ἀπαρχαί ('first fruits'). The oldest receipts that have been preserved only mention the τιμὴ δηναρίων δύο ἰουδαίων and a rate of 8 drachmai and 2 obols.³¹ From this evidence it may be assumed that the Latin name for this tax was *duo*

²⁹ Wallace 1938, 170, assumes that the upper limit for the payment of the Jewish Tax was the age of 62: the same age limit as used for the regular poll-tax (λαογραφία).

³⁰ Since the age of the taxpayers is not mentioned on the *ostraka*, children cannot be recognized. Freed slaves were liable as well (*CPJ* 171, 179, 180, 199), but they probably also paid the temple tax (Ex. 30.12-15; Mishnah, *Shekalim* 1, 3 and 6; Tacitus, *Hist.* 5.5; see Bruce 1964, 35). This wider liability may also be the reason why one passage in rabbinic literature speaks of a much higher tax burden after the destruction of the temple: Johanan ben Zakkai in Mekhilta, *Ba-Hodesh* 1: 'You were unwilling to pay "Shekel" to Heaven (= God, i.e. the Temple) a Beka per head, now you have to pay fifteen Shekels in the kingdom of your enemies...'. This passage is quoted from Carlebach 1975-6, 3, who discusses this passage and regards it as a possible reference to the *fiscus Judaicus*, although it is difficult to decide whether this is really the case.

³¹ *CPJ* 160-166

denarii Judaeorum, but there is no further proof of that.³² One Roman *denarius* had the same value as one Attic *drachma* and this is why Josephus and Cassius Dio mention δύο δραχμας and δίδραχμον as the charge for the tax in their Greek accounts. The Egyptian drachma had a lower value: the ‘price of two Roman *denarii*’ was the equivalent of eight Egyptian drachmai. The two extra obols are usually explained as some kind of surcharge for the fact that payment was made in a different currency.³³

The ἀπαρχαί or ‘first fruits’ are mentioned for the first time in relation to the fifth year of Vespasian and they added another Egyptian drachma to the tax.³⁴ Modern scholars are not really sure how to explain the ἀπαρχαί and sometimes not really notice the fact that they appear slightly later on the *ostraka*. Only Wallace takes full account of this and is probably right in assuming that this may be a unique Egyptian phenomenon, related to the Jewish temple of Onias.³⁵ This temple was the only other Jewish temple within the Roman Empire and was closed by the Romans a few years after the temple in Jerusalem had been destroyed.³⁶ This could very well explain the appearance of the ἀπαρχαί in these documents in the fifth year of Vespasian. In this explanation the one Egyptian drachma that was added to the tax, had previously been paid to the temple of Onias by Egyptian Jews and thus became part of the Jewish tax in Egypt after this temple also ceased to exist.

³² *CPJ* II, 113.

³³ Wallace 1938, 170, assumes that the entire amount of 8 drachmai and 2 obols was equal to two *denarii*; the editors of *CPJ* (II, 114) and Hemer 1973, 7 + note 11, think the 2 obols were a surcharge. For the ‘exchange rates’ within the Roman Empire, also see Harl 1996, 97-124.

³⁴ Egyptian reckoning: 29 August 72 to 29 August 73 CE, starting with *CPJ* 167 (March 73), *CPJ* 168 (April 73) and *CPJ* 421 (the Arsinoë papyrus from May 73)

³⁵ Wallace 1938, 176.

³⁶ Josephus, *Bell. Jud.* 7.10.

Illustration 2: EGYPTIAN COINS: At first two tetradrachms and one diobol were required to pay the annual amount of the Jewish tax for each taxpayer in Egypt. In Vespasian's fifth (Egyptian) year one drachm was added.



Egyptian tetradrachm from the second (Egyptian) year of Vespasian (August 69/70). On the reverse: Nike (Victory). RPC II 2412.



Egyptian diobol from the seventh (Egyptian) year of Vespasian (August 74/75). On the reverse: the Egyptian goddess Isis. RPC II 2445.



*Egyptian drachm from the eighth (Egyptian) year of Vespasian (August 75/76).
On the reverse: his son Titus as Caesar. RPC II 2447.*

During the reign of Domitian the term τιμὴ δηναρίων δύο ἰουδαίων was replaced by ἰουδαϊκὸν τέλεσμα on the *ostraka*. There is no need to assume some kind of reform or new conception of the tax to account for this fact.³⁷ What seems to be the case is that the separate listings of the τιμὴ δηναρίων δύο ἰουδαίων and the ἀπαρχαί disappeared within the course of a few years and ἰουδαϊκὸν τέλεσμα subsequently comprised both the τιμὴ δηναρίων δύο ἰουδαίων and the ἀπαρχαί, which were no longer explicitly mentioned on the receipts. The amounts that are listed change from 8 drachmai and 2 obols (τιμὴ δηναρίων δύο ἰουδαίων) plus 1 drachma (ἀπαρχαί) to one amount of 9 drachmai and 2 obols (ἰουδαϊκὸν τέλεσμα).

³⁷ As suggested by the editors of *CPJ* (I, 81 and II, 112-13): who assume: ‘some reform in the central administration of the *fiscus Judaicus*’ and also: ‘the change of name seems to reflect some fundamental change in the character of the tax itself’, for which: ‘the order, probably was proclaimed in Rome and was valid throughout the Empire’. Also Hemer 1973, 8: who speaks of ‘a distinct change of terminology somewhere between A.D. 89 and 92 which may reflect a change of official policy’. The gradual change in the language on the receipts over a number of years and the use of ἰουδαϊκὸν τέλεσμα in earlier documents, as described below, does not support a central decision taken in Rome with regard to the name in my view.

As an illustration of this it is useful to show two typical examples of these receipts, one from the days of Vespasian (*CPJ* 174) and one from Trajan's reign. (*CPJ* 204).

CPJ 174: (23rd June, 77 CE)

Νίκων Ἀντωνίου Ρούφου | τιμ(ῆς) δηναρίων δύο ἰουδαίων | θ (ἔτους)
Οὐεσπασια(νου) (δραχμάς) η (δυοβόλους) | ἀπαρχ(ῶν) α. (ἔτους) θ
Παῦνι | 5 | κθ.

Nikon son of Antonius Rufus, in respect of the two-denar tax on the Jews for the 9th year of Vespasian, 8 drachmai 2 obols, in respect of the *aparchai*, 1. Year 9, Payni 29.

CPJ 204: (27th July, 106 CE)

Κλεπαρούς | Διδύμου | ἰουδαϊκοῦ τελέσματος θ (ἔτους) Τραιανοῦ
τοῦ κυρίου (δραχμάς) θ (δυοβόλους). | (ἔτους) θ Μεσορῆ γ.

Kleparous son of Didymos, in respect of the Jewish tax for the 9th year of our lord³⁸ Trajan, 9 drachmai 2 obols. Year 9, Mesore 3.

Despite the different wording on these *ostraka*, I do not see a fundamental change taking place here. This is corroborated by *CPJ* 421 from 73 CE (the papyrus from Arsinoë reflecting the first stage of the tax), which mentions ἰουδαϊκὸν τέλος twice (in lines 154 and 172) and makes it clear in lines 205/6 that we are dealing with both the τιμὴ δηναρίων δύο ἰουδαίων (not mentioned by name, but indicated by the amount of 8 drachmai and 2 obols as the charge for each of the fifteen persons) and the ἀπαρχαί (one amount of 15 drachmai mentioned by name). This is a strong indication that the Jewish tax (at least in Egypt) consisted of two separate 'sub-taxes' from a very early moment on. This view is also reinforced by the official title of the tax collector in Egypt: πράκτωρ [ἰουδαϊκ]οῦ τελέσματος, which is found on an *ostrakon* from the reign of Titus.³⁹

During the reign of Domitian one only sees a gradual change in the language of the receipts, because the separate listings probably never had any real significance. They only originated for historical reasons at the

³⁸ The title 'lord' (κύριος) for the Roman emperor is only found once in the receipts for the emperors Vespasian (*CPJ* 160: one on a total of 19 receipts) and Titus (*CPJ* 181: one on a total of four receipts). For Domitian it is found three times (*CPJ* 188, 189 and 193: three on a total of eleven or twelve receipts). For Trajan it is only missing once (*CPJ* 202): 36 out of 37 receipts have the title 'lord' for Trajan (including the one from Heerlen).

³⁹ This title appears in one receipt: *CPJ* 181.

moment when the extra drachma was added to the tax in Egypt in Vespasian's fifth year (Egyptian reckoning). The innovation under Domitian should also be regarded as a 'gradual change', judging from a number of *ostraka* (CPJ 183-188) that seem to represent the transition period. These are the earliest receipts from Domitian's reign, which can be dated to the years 85, 88 and 89. CPJ 183 is exceptional in the sense that it is a receipt for a number of taxes, including the Jewish tax. It only mentions Ἰουδαϊκὸν τέλεσμα and the total amount of 9 drachmai and 2 obols. Then follow the last receipts that still have both the τιμὴ and the ἀπαρχαί (CPJ 183a-188), but no longer distinguish between the two amounts: only the total amount of 9 drachmai and 2 obols is listed. CPJ 187 may serve as an example for this type:

CPJ 187 (3rd August, 89 CE)

Διέγ(ραψεν) Θήδετο(ς) Ἀλεξίω(νος) | τιμῆ(ς) δηναρίων δύο |
 Ἰουδαίων καὶ ἀπαρχ(ῶν) ἡ (ἔτους) | Δομιτιανοῦ (δραχμὰς) θ
 (δυοβόλους). | 5 | (ἔτους) ἡ Μεσο(ρῆ) ι.

Paid by Thedetos son of Alexion, in respect of the two-denar tax on the Jews and the *aparchai* for the 8th year of Domitian, 9 drachmai 2 obols. Year 8, Mesore 10.

Unfortunately three years are missing after these documents and then we only find Ἰουδαϊκὸν τέλεσμα on the receipts (starting with CPJ 189 from 92/3) with the odd exception of CPJ 214 (from the year 108, which has τιμῆς). This last receipt has a different format and is perhaps not related to the *fiscus Judaicus*, but could also have been issued for a different tax.⁴⁰

We do not have a receipt for the Jewish tax from the reign of Nerva and the question arises whether this is in any way significant, as has been suggested by some scholars who assume that Nerva abolished the tax.⁴¹

⁴⁰ See the comment of the editors of CPJ on this *ostrakon*. I do not think that the relation to CPJ 216 (same taxpayer, same year and same amount of 4 drachmai) makes it more likely that this receipt is also for the Jewish tax. The single use of τιμῆς could also point to another tax, as indicated by the editors (e.g., τιμὴ οἴνου or τιμὴ πυροῦ). Furthermore, the combination of CPJ 214 and 216 would have been more convincing if both amounts had added up to the total amount of 9 drachmai and 2 obols, instead of 8 drachmai.

⁴¹ Goodman 2007a, 81-89; 2007b, 469-75; Richardson and Shukster 1983, 42-4; these scholars claim that Nerva may have ended the collection of the Jewish tax altogether, which was then reintroduced by his successor Trajan as soon as he became emperor. This requires a radical reading of Nerva's *fiscus Judaicus* coin: in this case *FISCI IVDAICI CALVMNIA*

Statistically this lack of evidence from Nerva's reign represents no significant hiatus, since one could hardly expect receipts to have been issued in his name in more than one year (97). He was emperor for just sixteen months (from September 96 to January 98) and his name does not appear in any other document of the *CPJ* either, including receipts for a number of other taxes. Furthermore, also other years are missing with respect to the Jewish tax, the majority from Domitian's reign: these are his years 1, 2, 3, 5, 9, 10, and 11.⁴² From Trajan's reign the years 2, 5, 15 and 16 are missing. When we look at the whole collection of *ostraka* we find no clear break between Domitian and Trajan, indicating a change of policy by Nerva and a total reintroduction of the tax by Trajan. If we were to look for a significant change during the entire period from Vespasian to Trajan, the differences are most apparent between Titus and his brother Domitian. Not only are the early years of Domitian missing in the archive of the *ostraka*, also different names and families are found on them. In this respect there is sound proof for continuity between Vespasian and Titus on the one hand, and between Domitian and Trajan on the other.⁴³

The very last tax receipt is from the year 116 CE. After that there is no further evidence for the payment of the Jewish tax in Edfu. The reason for this sudden change is most likely accounted for by the outbreak of the Jewish revolt during the reign of Trajan in the years 115-117, which also hit Egypt. Perhaps the Jewish community of Edfu had to take refuge elsewhere or was even annihilated as a consequence of the revolt.⁴⁴ For a long period of time there is no proof of a Jewish presence in Edfu. The first documents after

SVBLATA needs to be interpreted as the abolition of the tax. In my chapter about Nerva's reform I will come back to this issue. In *CPJ* there is an ostrakon in Domitian's name that is dated to Nerva's reign (*CPJ* 193: 29 June 97), but this has been corrected by Whitehorne 1975, 121-122 (30 June 96) and further by Ziegler 1999, 170 (*CPJ* 193 = O. Edfou II 269: 29 June 96). These corrections have been kindly pointed out to me by Professor Worp.

⁴² 'Missing' in this case means both as date of the receipt and tax year for which the payment was meant. E.g., *CPJ* 191 is from Domitian's year 14 but is a payment for tax year 13.

⁴³ As noticed by Hemer 1973, 9: 'there is apparent continuity between Domitian and Trajan'.

⁴⁴ This is the most likely explanation for the sudden disappearance of tax receipts after 116: *CPJ* II, 109. Another explanation would be to assume that the Jewish community as a whole refused to pay the Jewish tax any longer in connection with the revolt, as suggested by Pucci 1981, 52, but this does not seem likely: other documents indicating a Jewish presence in Edfu also disappear after 116 CE.

116 are dated in the period between 151 and 165. They relate to one Jewish family, but no receipt for the Jewish tax has been found for this later period.⁴⁵

The tax did not disappear, which is made clear by the papyrus from Karanis (CPJ 460 from 145/6 or 167/8).⁴⁶ In this papyrus the total collection of tax from one year in Karanis is listed. On a total of over a thousand persons, there appears to have been only one Jew in Karanis at this time.⁴⁷ The total amount for the Jewish tax is 9 drachmai and 2 obols for this year. This means that the tax was still in existence in Egypt by the middle of the second century at a rate that had not changed since the early days.

1.3. Later evidence

Further literary proof of the existence of the Jewish tax in later centuries is also available.⁴⁸ The clearest example comes from one of the letters (*Ad Africanum* 14) of Origen, which can be dated to the first half of the third century. In this passage he explains that the Jews of Judaea in his days had a large degree of self-determination because of the tax they paid: 'Now, for instance, that the Romans rule, and the Jews pay the half-shekel to them (καὶ Ἰουδαίων τὸ δίδραχμον αὐτοῖς τελούντων), how great power by the concession of Caesar the ethnarch has' (according to Origen the ethnarch had the power to pass death sentences).

The tax may well have been abolished by the emperor Julian II (360-363).⁴⁹ He is known for his pro-Jewish sentiments as a contrast to his anti-Christian policies. At a moment when Christianity was no longer an illegal religion (having become a *religio licita* under Constantine in 313), Julian tried to turn back the clock and return to a situation where all nations would

⁴⁵ CPJ II, 118.

⁴⁶ On palaeographic grounds the papyrus is dated to the middle of the second century in the 9th year of either Antoninus Pius or Marcus Aurelius, since the name of the emperor has not been preserved.

⁴⁷ CPJ III, 17.

⁴⁸ One disputed example is Appian: *Syriacus Liber*, 50:251-253, who mentions the higher tax burden of Jews, compared to their neighbours, due to their 'rebellions'. See Stern 1980, 179-181. Also one passage by Tertullian is considered to be a reference to the Jewish tax (*Apol.* 18). In this passage an explanation is given for the fact that Jews were still able to read the original writings in Hebrew (every Sabbath in the libraries of Ptolemy in Alexandria) that were used for the Greek translation of the Pentateuch in the Septuagint. According to Tertullian, they did so 'under a tribute-liberty' (*vectigalis libertas*).

⁴⁹ Juster 1914, Vol. II, 286; Ginsburg 1931, 290-1;

worship their own traditional gods instead of one universal god with the exclusion of all others, earning him the title ‘the Apostate’ in later Christian historiography. As a part of this grand scheme, he also made plans to have the temple in Jerusalem rebuilt so that the Jewish people would have their own temple again to make their sacrifices, but this was never accomplished.⁵⁰ In one of his letters (‘to the community of the Jews’), in which he also refers to his plans to have the sacred city of Jerusalem rebuilt, the following passage is found:

By far the most burdensome thing in the yoke of your slavery, even more than in times past, has been the fact that you were subjected to unauthorized ordinances and had to contribute an untold amount of money to the accounts of the treasury. Of this I used to see instances with my own eyes, and I have learned of more, by finding the records which are preserved against you. Moreover, when a tax was about to be levied on you again I prevented it, and compelled the impiety of such obloquy to cease here; and I threw into the fire the records against you that were stored in my desks⁵¹

This passage speaks of tax amounts that had to be paid exclusively by Jews. The Jewish tax, which was introduced by Vespasian and in the days of Julian would have been collected for almost three centuries, is likely to be one of the taxes that Julian abolished and of which he burnt the records. In combination with Julian’s plans for a new temple in Jerusalem this would make sense: the tax had been introduced after the destruction of the temple and could be abolished at the moment Julian decided to have it rebuilt.⁵²

1.4. The role of the synagogue

At this point it is useful to focus on the role of the synagogue with regard to the *fiscus Judaicus*, because this will be an important issue when in the next chapter I turn to the times of Domitian and the alleged abuses in relation to this *fiscus* during his reign. The evidence of literary sources (Josephus, Philo and the New Testament), archaeological finds and epigraphic material, point

⁵⁰ Shortly after his reign (in 381 CE) Christianity even became the official state religion of the Roman Empire.

⁵¹ Stern 1980, #486a.

⁵² Jones 1964, 947, thinks Julian is not referring to the Jewish tax in this letter: ‘Nothing is heard even of the poll tax of two *denarii* imposed by Vespasian, which probably lapsed during the third century inflation.’

to the fact that the synagogue was a widespread phenomenon in the Graeco-Roman world of the first century.⁵³ This was certainly the case in the eastern parts of the Roman Empire, but also in Rome itself. The focal point for each Jewish community in a specific city or town would be the synagogue.⁵⁴ This was the religious centre that played a major role on the Sabbath, but was also important for educational purposes, served as a Jewish court of law and, as is known from passages by Philo and Josephus, was used to collect the temple tax before the year 70.⁵⁵ This money was stored in the synagogue or some other building and was sent to the temple in Jerusalem once a year.

When taking a closer look at the collection of the temple tax through the synagogues, we find a very interesting passage by Josephus. This is an edict issued by Augustus, which accords the Jews of Asia ‘the right to follow their own customs in accordance with the law of their fathers’:

and that their sacred monies shall be inviolable and may be sent up to Jerusalem and delivered to the treasures in Jerusalem (...) and if anyone is caught stealing their sacred books or their sacred monies from a synagogue or a meeting room (ἐκ τε σαββατείου ἐκ τε ἀνδρῶνος), he shall be regarded as sacrilegious (ιερόσυλον), and his property shall be confiscated to the public treasury of the Romans (τὸν βίον αὐτοῦ ἐνεχθῆναι εἰς τὸ δημόσιον τῶν Ῥωμαίων). (Josephus, *Ant.* 16.163-4)

In this case the right of the Jews ‘to follow their own customs in accordance with the law of their fathers’ (τοὺς Ἰουδαίους χρῆσθαι τοῖς ἰδίῳις ἔθισμοῖς κατὰ τὸν πατριὸν αὐτῶν νόμον), explicitly included the inviolability of their ‘sacred monies’ (τὰ ἱερὰ χρήματα). Furthermore, the crime of theft of this money was to be punished by confiscation of the property of the perpetrators

⁵³ Levine 2000, 119-123; Binder 1999, 341.

⁵⁴ In 1960 the editors of *CPJ* (II, 109-110) wrote: ‘a community, like a synagogue, existed everywhere where Jews were domiciled’. More recent studies (see previous note) conclude the same.

⁵⁵ Philo, *De Spec. Leg.* 1.77-78, speaks in general about the ‘storehouse for the sacred things’ in ‘almost every city’ and the custom to select ‘sacred ambassadors’ to take this money to the temple in Jerusalem periodically. Further: *Legatio* 156-157, 291 and 312-316 about the policy of Augustus to grant the Jews the right to collect money and send this to Jerusalem. Also *Legatio* 216 about the gold and silver that was sent to Jerusalem from regions that were outside the Roman Empire: from ‘Babylon and many others of the satrapies of the east’. Josephus, *Ant.* 16.45.164.

on the charge of being ‘sacrilegious’. This property would come to the benefit of the Roman treasury: *aerarium populi Romanorum*.

The attractiveness of this money seems to have been a recurring problem for Jewish communities in the first century BCE. Not only common thieves were a threat, but also city authorities or even Roman officials were sometimes tempted to look for ways to confiscate this money.⁵⁶ Josephus lists a number of other edicts and letters from Roman officials in favour of Jewish communities that can also be dated to the reign of Augustus and should be seen in relation to his edict.⁵⁷

Vespasian ended this specific problem once and for all by ‘confiscating’ this money himself for the benefit of a different temple (*Jupiter Capitolinus*), even increasing the revenues by extending the liability for the Jewish tax when compared to the previous temple tax. From this moment on evasion of this tax by Jews was in all likelihood treated in the same manner as found in the edict mentioned above. It could be regarded as theft of sacred money and one may expect the punishment to have been the confiscation of the property of the tax evaders. This is one of the issues that need to be dealt with in my next chapter about the tax policy of Domitian.

So when it can be concluded that the synagogue played a prominent role in the collection of the temple tax before 70, the assumption that it became the most important source of information for the tax collectors of the Jewish tax does not seem unfounded. This is, e.g., also the opinion of L.A. Thompson:

The original tax-lists can hardly have been compiled without the co-operation (perhaps even as publicly avowed intermediaries) of the leaders of the various Jewish communities who must have provided the *fiscus* with lists of payers of the temple-dues.⁵⁸

Contacting the synagogue would also have been the easiest and quickest way for *fiscus* officials in order to obtain the information for the yearly *epikrisis* with regard to the Jewish men, women, children and slaves who were liable for the tax in any city. This is something that also will have to be kept in mind when I now turn to the reign of Domitian and his alleged harsh administration of the *fiscus Judaicus*.

⁵⁶ See also Cicero, *Pro Flacco* 28.66-69

⁵⁷ Josephus, *Ant.* 16.160-174; also Philo quotes one of those letters in *Legatio* 314-315.

⁵⁸ Thompson 1982, 333.

Chapter 2

Domitian's 'harsh' administration of the *fiscus Judaicus*

2.1. Introduction

To understand the situation of the *fiscus Judaicus* under the emperor Domitian, one must start by taking a good look at the most important source that has been preserved. This is the work by the Roman historian Suetonius, who wrote the following passage (probably during the reign of Hadrian, who was emperor from 117 to 138):

Exhaustus operum ac munerum impensis stipendioque, quod adiecerat, temptavit quidem ad relevandos castrenses sumptus, numerum militum deminuere; sed cum et obnoxium se barbaris per hoc animadverteret neque eo setius in explicandis oneribus haereret, nihil pensi habuit quin praedaretur omni modo. Bona vivorum ac mortuorum usquequaque quolibet et accusatore et crimine corripiebantur. Satis erat obici quaecumque factum dictumve adversus maiestatem principis. Confiscabantur alienissimae hereditates vel uno existente, qui diceret audisse se ex defuncto, cum viveret, heredem sibi Caesarem esse. Praeter ceteros Iudaicus fiscus acerbissime actus est; ad quem deferebantur, qui vel impropositi Iudaicam viverent vitam, vel dissimulata origine imposita genti tributa non pependissent. Interfuisse me adolescentulum memini, cum a procuratore frequentissimoque consilio inspiceretur nonagenarius senex an circumsectus esset.
(*De Vita Caesarum*, Domitianus 12.1-2)

Reduced to financial straits by the cost of his buildings and shows, as well as by the additions which he [Domitian] had made to the pay of the soldiers, he tried to lighten the military expenses by diminishing the number of his troops; but perceiving that in this way he exposed himself to the attacks of the barbarians, and nevertheless had difficulty in easing his burdens, he had no hesitation in resorting to every sort of robbery. The property of the living and the dead was seized everywhere on any charge brought by any accuser. It was enough to allege any action or word derogatory to the majesty of the prince. Estates of those in no way connected with him were

confiscated, if but one man came forward to declare that he had heard from the deceased during his lifetime that Caesar was his heir. Besides other taxes, that on the Jews was levied with the utmost rigour, and those were prosecuted who without publicly acknowledging that faith yet lived as Jews, as well as those who concealed their origin and did not pay the tribute levied upon their people. I recall being present in my youth when the person of a man ninety years old was examined before the procurator and a very crowded court, to see whether he was circumcised.

A number of issues need to be dealt with in respect of this passage. First it will be assessed whether Suetonius is right in attributing major financial problems to Domitian as an explanation for his confiscation of the 'property of the living and the dead'. Then I will study the *fiscus Judaicus* in detail to try and find out who the victims were of its harsh administration under Domitian and what the underlying reasons may have been.

2.2. Finance under Domitian

The subject of Domitian's financial situation during his imperial reign has led to diverging opinions among modern scholars. There is consensus about the cost side of his budget: it was huge. He spent lavishly on triumphs and games (e.g., the Capitoline and Saecular Games), and his building programme was one of the most impressive ever seen in Rome.⁵⁹ Furthermore, the empire got once more involved in a number of military operations and Domitian raised the pay of Roman soldiers by a third in 83/4, which was a very substantial increase of costs.⁶⁰

The real question then is: did the income sufficiently balance the cost or did Domitian get into deeper and deeper financial problems because of his spending? Was this the reason he had to resort to 'every sort of robbery'?⁶¹

⁵⁹ On games: Suetonius, *Dom.* 4; on his building programme: *Dom.* 5 and Jones 1993, 79-98. Also Packer 2003.

⁶⁰ Suetonius, *Dom.* 7.3 and Jones 1996, 68-9.

⁶¹ Syme 1930, is usually seen as the start of this debate, in which the main question is whether Domitian really needed the money he confiscated (e.g., from his senatorial opponents). Syme believes he only meant to financially harm his victims. Sutherland 1935, supported by, e.g., Rogers 1984, has a more pessimistic view about Domitian's financial situation. Jones 1993, 77, thinks that the confiscations never brought in high enough amounts of money to really have made a great impact on Domitian's budget as a whole and he tends to give more credit to Syme's position. But in this view the revenues from the

Two important imperial decisions from the year 85 can be mentioned that are relevant for this subject and both point in the direction of financial stress. First of all Domitian was apparently forced to give up the high (Augustan) standard of his coins that he had, quite unexpectedly, introduced only three years before.⁶² A devaluation of *aurei* and *denarii* is recorded for this year, not back to the level of gold and silver that his father Vespasian and his brother Titus had used for their coins (a situation that Domitian had inherited), but to the somewhat higher level of Nero's coins.⁶³ Domitian managed to maintain this standard until the end of his reign.⁶⁴ The devaluation of 85 is an indication that the financial situation of the empire was less favourable than Domitian had wished for. Augustus was Domitian's example in many fields, but on the monetary side he could not follow his standard.⁶⁵

The second important decision taken by Domitian in 85 was his assumption of the title *censor* and still in the same year that of *censor perpetuus*.⁶⁶ This perpetual censorship put him in a formal position to

confiscations remains limited to the possessions of senatorial opponents. The rigorous collection of taxes also led to confiscations in cases of tax evasion (including but not limited to the administration of the *fiscus Judaicus*).

⁶² Carradice 1983, 142; Jones 1993, 72; this was a 'dramatic restoration of coinage standards' (Carradice 1983, 165).

⁶³ Carradice 1983, 143.

⁶⁴ The next devaluation of Roman coinage took place under Trajan in 107 CE: Carradice 1983, 165, and after that 'debasements were to occur with steadily increasing frequency'.

⁶⁵ Jones 1993, 72, describes Domitian's ambition to be 'the new Augustus, in money, morals and religion (all of which he tried to control rigorously) as well as in building and entertainment (where he spent lavishly)'.

⁶⁶ Suetonius, *Dom.* 8.3; Martial, *Epigr.* 6.4.1; Cassius Dio, *Hist. Rom.* 67.4.3; Jones 1996, 73. This course of events can be beautifully illustrated by Domitian's coinage from 85 and subsequent years. The obverse sides of coins from early 85 CE usually bear the legend *IMP CAES DOMIT(-IAN) AVG GERM COS XI*. Then we find coins from the same year (starting in April) that have added the *censoria postestas*, e.g., *IMP CAES DOMIT AVG GERM CENS POT COS XI*. And finally we find the *censor perpetuus* on coins still from 85 (starting in November), e.g., *IMP CAES DOMIT AVG GERM CENS PER COS XI*. Also after 85 almost all of his coins bear the legend *CENS PER* or *CENS P* (until the end of his reign). For this subject also see Buttrey 1975. Domitian's two predecessors set the example, although neither assumed perpetual censorship: his father Vespasian was censor in 73/74 (*RIC* II 532-562) with his brother Titus sharing the office (*RIC* II 643-670 (Vespasian)). For Titus the title apparently remained part of his official list of titles: see, e.g., his coins issued in 77/78 (*RIC* II 780-790 (Vespasian) Lugdunum mint), military diplomas from the years 79-81 (e.g., *CIL* 16.24), and probably an inscription dating to 81 (Buttrey 1980, 45). On

control the senatorial and equestrian orders (in cases of admission and expulsion) and gave him a general supervision over conduct and morals. Cassius Dio makes a direct connection between the assumption of the censorship by Domitian and the first prosecutions in Rome for financial motives.⁶⁷

Exhaustus may be an exaggeration or even a myth,⁶⁸ but Griffin's conclusion about Domitian's reputation in ancient historiography seems indisputable: 'the ancient writers do not assert that Domitian failed to balance his budget, only that he did so in ways that were oppressive and unjust.'⁶⁹ So the start of the confiscations, also those as a consequence of the rigorous collection of various taxes, is usually dated in or around the year 85.⁷⁰ In all probability, they were rather a necessary contribution to a Roman economy that was financially stressed than merely a useful bonus resulting from Domitian's strict application of existing rules. They were certainly not confined to his later 'terror'-years starting in 93.

With respect to the *fiscus Judaicus*, this relatively early date is corroborated by the use of *me adulescentulum* by Suetonius when speaking about his being present at the court of the procurator. In another passage he refers to himself as *adulescens* in the year 88, so he would have been *adulescentulus* a few years earlier and this indicates a date close to 85 and certainly no later than 88.⁷¹ In this respect the harsh exaction of the Jewish tax fits into this timeline. Domitian's main aim was undoubtedly to raise his revenue by the strict levying of this and other taxes (*praeter ceteros!*), but in the case of the *fiscus Judaicus* one should not overlook a possible link to his

Nerva's coins the title *censor* disappears immediately and this title will never be assumed explicitly by any later emperor either.

⁶⁷ Cassius Dio, *Hist. Rom.* 67.4.5.

⁶⁸ Both terms are used by Jones (1996, 100-1) in his commentary of this passage.

⁶⁹ Griffin 2000, 76, referring to Suetonius, *Dom.* 12.1-2, Pliny, *Pan.* 42.1; 36.1; 55.5; 37-38; and Cassius Dio, *Hist. Rom.* 67.4.5.

⁷⁰ See, e.g., Jones 1993, 77: 'the confiscations began as early as 85 and must be separated entirely from the events of 93'.

⁷¹ *Adulescens*: Suetonius, *Nero* 57.2. Smallwood 1956, 12 note 23, still believes that the rigorous exaction of the Jewish tax belongs to the 'terror' of the last few years of Domitian. In her view *adulescens* and *adulescentulus* are terms of 'too wide application' for a precise dating. Jones 1996, 104, prefers a date around 85.

religious programme and his concern for traditional religious values as well.⁷²

2.3. The administration of the *fiscus Judaicus* under Domitian

How should one understand the harsh administration of the *fiscus Judaicus* during the reign of Domitian? According to Suetonius the emperor favoured conditions under which people could be brought to trial for any crime by any accuser (*usquequaque quolibet et accusatore et crimine*) in order to confiscate their property, and this also seems to be true for crimes that could be linked to the Jewish tax and Judaism in general. The accusers in this case were apparently people living close to their victims, who could act as *delatores* (the word *deferébantur* that is used by Suetonius in connection to the *fiscus Judaicus* specifically describes the action of *delatores*), and report suspects to the officials of the *fiscus*.⁷³ In the early stages of his imperial reign Domitian was known for his suppression of accusations by *delatores*,⁷⁴ but at some point he gave up this policy and the use of informers was no longer discouraged. They could look forward to a financial reward if the prosecution was followed by a conviction of their victims.⁷⁵

Suetonius describes the way the tax was levied as *acerbissime* ('very harshly', 'with the utmost rigour') and mentions two distinct groups of people who were denounced: those who led a Jewish life without publicly acknowledging this (*improfessi Iudaicam viverent vitam*) and those who concealed their origin and did not pay the tribute levied upon their people (*dissimulata origine imposita genti tributa non pependissent*).⁷⁶ There is another piece of information in the *Roman History* of Cassius Dio:

⁷² For a connection of this religious aspect with his censorial functions, see pp. 36-37 and note 91.

⁷³ See Rutledge 2001, 9-16 on the *delatores* (informants) in the early Roman Empire, and 78-83 on 'civil and fiscal crimes'.

⁷⁴ Suetonius, *Dom.* 9.3-10.1: '*fiscales calumnias magna calumniantium poena repressit, ferebaturque vox eius: princeps qui delatores non castigat, irritat. Sed neque in clementiae neque in abstinentiae tenore permansit*'. 'He checked false accusations designed for the profit of the privy purse and inflicted severe penalties on offenders; and a saying of his was current, that an emperor who does not punish informers hounds them on. But he did not continue this course of mercy or integrity'. Also Cassius Dio, *Hist. Rom.* 67.1.4: 'when an emperor fails to punish informers, he himself makes them informers'.

⁷⁵ See, e.g., Rutledge 2001, 35-43.

⁷⁶ Suetonius, *Dom.* 12.2.

And the same year Domitian slew, along with many others, Flavius Clemens the consul, although he was a cousin and had to wife Flavia Domitilla, who was also a relative of the emperor's. The charge brought against them both was that of atheism (ἐγκλημα ἄθεότητος), a charge on which many others who drifted into Jewish ways (ἐς τὰ τῶν Ἰουδαίων ἦθη ἐξοκέλλοντες) were condemned. Some of these were put to death, and the rest were at least deprived of their property. Domitilla was merely banished to Pandateria. (Cassius Dio, *Hist. Rom.* 67.14.1-2)

Although we are dealing here with a very special case (Flavius Clemens and his wife were relatives of Domitian, belonged to his 'court' and were the parents of the two boys who were designated by Domitian to be his successors)⁷⁷, one should take notice of Cassius Dio's more general remark about the atheism they were charged with: 'a charge on which many others who drifted into Jewish ways were condemned'. From this passage one learns that 'drifting into Jewish ways' could lead to being charged with 'atheism' and the punishment for that was always the confiscation of property, sometimes followed by execution. This seems to correspond with Suetonius' first class of prosecuted people by the *fiscus Judaicus*, who led a Jewish life *improfessi* and whose property was confiscated after a conviction (*bona ... corripiebantur*). The passage by Cassius Dio adds the possible punishment of execution when these people were found guilty of atheism. We notice that Suetonius describes their behaviour as *Judaicam viverent vitam* ('living a Jewish life') and Cassius Dio as ἐς τὰ τῶν Ἰουδαίων ἦθη ἐξοκέλλοντες ('drifting into Jewish ways'). It is possible to establish an even closer connection between these two writers. About the first measures taken by Nerva after the assassination of Domitian, Cassius Dio writes:

Nerva also released all who were on trial for *asebeia* and restored the exiles; moreover, he put to death all the slaves and the freedmen who had conspired against their masters and allowed that class of persons to lodge no complaint whatever against their masters; and no persons were permitted to accuse anybody of *maiestas* or of a Jewish life (τοῖς δὲ ἄλλοις οὐτ' ἄσεβείας οὐτ' Ἰουδαϊκοῦ βίου καταιτιᾶσθαι τινὰς συνεχώρησε).⁷⁸

⁷⁷ Suetonius, *Dom.* 15.1; also see note 85 below.

⁷⁸ Cassius Dio, *Hist. Rom.* 68.1.2. In this case I do not follow the Loeb translation which adds 'adopting' (the Jewish way of life), cf. Thompson 1982, 341. See also p. 76.

These are two of the charges that are also found in the Suetonian passage about Domitian: *factum dictumve adversus maiestatem principis* and of course living a Jewish life (and now there is a similar wording: *Iudaica vita* and ἰουδαϊκὸς βίος).

Combined with the evidence from Suetonius, two different crimes by two different classes of people can be distinguished (in the eyes of the Romans): (1) living a Jewish life or drifting into Jewish ways by non-Jews and (2) tax evasion by Jews. The punishment in both cases appears to have been confiscation of property (by which process these confiscated goods became *bona damnatorum*), but some people of the first category could also be killed on account of their atheism. There is no evidence that tax evading Jews were also executed. In their case confiscation of property was probably the sole punishment.⁷⁹

From the report by Suetonius one also learns that the officials of the *fiscus Judaicus* used a test to find out whether people were circumcised or not. When persons were reported to the *fiscus* as evaders of the Jewish tax, the men apparently had to face a public inspection of their genitals. If they were circumcised and were not registered as taxpayers, they were punished by the confiscation of their property. If the inspection led to the conclusion that some of the accused were not circumcised, they could still be suspected of ‘living a Jewish life’ and one may assume that a second test followed to prove or disprove this. If this test turned out to be positive, the accused would also face the confiscation of their property and (possibly) execution after conviction. There is evidence of such a test (which does indeed prove or disprove the ‘atheism’ that Cassius Dio links to ‘drifting into Jewish ways’) being used by Roman authorities from two sources.

(1) The best known source in this respect is the famous letter of Pliny to Trajan dating from 111 or 112, in which he describes the way he dealt with Christians.⁸⁰ People who were denounced to Pliny as Christians were executed on his orders when they persisted in their beliefs or, in the case of Roman citizens, sent to Rome (probably to be executed as well). Those persons who were accused of being Christians, but denied this accusation or claimed they ceased to be Christians in the past, were subjected to a sacrifice

⁷⁹ See pages 23-24 for my suggestion that the edict of Augustus on the Jewish temple tax, can be used to assume that the punishment mentioned in the edict for theft of Jewish ‘sacred monies’ (i.e. confiscation of property) was also applicable for evasion of the Jewish tax.

⁸⁰ Pliny, *Ep.* 10.96.

test. They had to worship the image of the emperor (Trajan) and the statues of the gods and had to curse Christ in order to prove they were loyal to the empire and did not reject its polytheism and idolatry (including the imperial cult), i.e., they had to prove they were no 'atheists' in the Roman sense.

(2) The second source is the Revelation of John, in which the following passages can be found:

Everyone who refused to worship the idol of the beast was put to death. (Rev. 13.15)

I also saw the souls of the people who had their heads cut off because they had told about Jesus and preached God's message. They were the same ones who had not worshiped the beast or the idol, and they had refused to let its mark be put on their hands or foreheads. (Rev. 20.4)⁸¹

In both cases the sacrifice test, involving the image of the Roman emperor ('beast' in the words of Revelation), made a distinction between people who rejected polytheistic idolatry and those who did not. In these cases Christians were executed because of their apparent atheism or contempt of the gods as seen from a Roman perspective.

In early Christian writings Revelation is dated 'towards the end of the reign of Domitian' and is regarded as proof of the persecution of Christians by this emperor.⁸² Eusebius provides this connection after he has given the above date for the Book of Revelation:

To such a degree, indeed, did the teaching of our faith flourish at that time that even those writers who were far from our religion did not hesitate to mention in their histories the persecution and the martyrdoms which took place during it. And they, indeed, accurately indicated the time. For they recorded that in the fifteenth year of Domitian Flavia Domitilla, daughter of a sister of Flavius Clement, who at that time was one of the consuls of Rome, was exiled with

⁸¹ A warning not to worship the beast and its image is found in Rev. 14.9-11.

⁸² Date of Revelation: Ireneaus, *Adv. Haer.* 5.30.3, also quoted by Eusebius, *Hist. Eccl.* 3.18 and 5.8; on the persecution of Christians by Domitian: Eusebius *Hist. Eccl.* 3.17 and Tertullian, *Apol.* 5.4.

many others to the island of Pontia in consequence of testimony borne to Christ.⁸³

This passage in the *Church History* by Eusebius has become problematic in modern scholarship, because of Eusebius' claim that non-Christian authors ('those who were far from our religion') wrote about 'the persecution and martyrdoms' of Christians in the days of Domitian, but these sources do not seem to have reached us.⁸⁴ Furthermore, his last sentence seems to correspond to the passage from Cassius Dio that was quoted above, but is not giving identical information.⁸⁵ Still this is an indication that the persecution of Christians by Domitian may have had some connection to the persecution by this emperor of people 'who drifted into Jewish ways', which was found in the report of Cassius Dio.

In my chapter about Revelation and its possible relation to the *fiscus Judaicus* I will come back to these issues with a special focus on the debate about the dating of this book. For the moment it may suffice to conclude that the Roman authorities could use a sacrifice test to see if people were 'atheists' or, in other words, showed a contempt of the gods and the emperor. The traditional date given for the Book of Revelation would leave no doubt about the possibility of this test having been used by Domitian's officials. Based on these indications the 'persecution of Christians' and the prosecutions by the *fiscus Judaicus* should perhaps no longer be regarded as separate events, of which the first (persecution of Christians) did not happen

⁸³ Eusebius, *Hist. Eccl.* 3.18

⁸⁴ See Aune 1997: lxiv-lxx, for a discussion of the external evidence for a persecution of Christians by Domitian and his conclusion that 'there is no reason to suppose that a particularly strong opposition to Christianity was manifest during the reign of Domitian'. But also see Witherington 2003: 8, 'We cannot say that we have no evidence of a systematic persecution of Christians by Roman officials in this period because we do have clear evidence of suffering, oppression, repression, suppression, and occasional martyrdom'. This discussion will be continued in my chapter about Revelation.

⁸⁵ For the question whether Flavius Clemens and Flavia Domitilla were both Christians or not, see e.g., Keresztes 1973, 7ff, and M. Stern, 1980: 380-4, who interpret 'Jewish ways' as being attracted to Judaism, and M. Goodman 2005a: 169ff, who asks 'how likely it was that any non-Jew in the city of Rome under Domitian would be attracted to a cult at such a low ebb in its fortunes' (173). Goodman seems to be in agreement with Williams 1990: 208 ff, when they both stress the fact that these accusations against people so close to the emperor were extraordinary affairs and politically inspired. Also Rutledge 2001, 155, incl. note 98.

under Domitian, whereas the second (prosecutions by the *fiscus Judaicus*) did.⁸⁶

Before I focus further on the victims of the *fiscus Judaicus* under Domitian, it is useful to stress an important point. It is not known for sure whether the tests, as mentioned above, were used in all cases that were brought before the *fiscus* officials. On the other hand, there is the strong impression that in court a legal distinction needed to be made between Jews and non-Jews (also with respect to their punishments) and, furthermore, between atheists and non-atheists (within the group of accused non-Jews). Following from this it would make sense that these tests were indeed generally used by court officials, because they appear to have been very effective for the purpose they served: distinguishing Jews from non-Jews by a circumcision test and atheists from non-atheists by a sacrifice test.⁸⁷ In the remainder of this chapter I will assume that in general these tests were used.

At the same time it is very important to remember the following basics about court cases in general:

The nature of Roman persecution(...), in which intangibles such as character and probability come into play, and in which the whole life of the accused is fair game, should make us cautious about judging imperial prosecutors' cases with strictly legal criteria. The strengths and weaknesses of a case would occasionally depend not on how well a *delator* could prove legal transgressions, but on how effectively he could impugn the character and life of the defendant, and argue based not on fact but on probability that the defendant was guilty as charged.⁸⁸

⁸⁶ Jones' biography of Domitian gives us a clear example of this view (shared by a majority of scholars), when he keeps the alleged persecution of Christians by Domitian (1993: 114-117) completely separated from the *fiscus Judaicus* under Domitian (1993: 117-119). This is also the view of Thompson 1990, who only mentions the *fiscus Judaicus* in his chapter on 'Jews in the province of Asia' and not in his chapter on 'Christians in the province of Asia'. Carter (2008, 39; 69-72) follows Thompson in this respect. In my chapter about Revelation I will come back to this issue and will challenge this approach.

⁸⁷ In Josephus, *Bell. Jud.* 7.47-62, Jews in Antioch are put to a sacrifice test as well, but in this case the test is 'organized' by an apostate Jew, Antiochus, who accused other Jews of conspiring to burn the city of Antioch. By sacrificing to idols himself ('after the manner of the Greeks') Antiochus showed his allegiance to the city. Those Jews who refused to follow his example were killed by the angry citizens of Antioch, who were even more ready to believe the accusation after they watched this refusal to sacrifice.

⁸⁸ Rutledge 2001, 18.

But at first one will need to look ‘strictly’ at the ‘legal criteria’ that have been found so far, bearing in mind that the *delator* usually had a great advantage because he only needed to prove the *probable* guilt of the accused.

2.4. Victims of the *fiscus Judaicus* under Domitian

In the following section I will try and find out who may have been accused by the *delatores* of either living a Jewish life or evading the Jewish tax. For this purpose I have set up a table in which I have listed all groups of people that have been mentioned by modern scholars (in chronological order) as possible victims of the *fiscus Judaicus* under Domitian (see Table 1).

Table 1: possible victims of the *fiscus Judaicus*

Scholars:	proselytes	Sympath. with Judaism	apostate Jews	Jewish tax evaders	Circum-cised others	Christ. in general	Jewish Christ.	Gentile Christ.
Smallwood	x	x	x	x			x	
Bruce*	x			x				
Hemer	x	x	x				x	x
Keresztes	x	x	x	x			x	
L.A.Thompson			x		x		x	
Stenger	x	x	x				x	x
Goodman			x	x				
Williams	x	x	x	x	x	x		
Schäfer	x	x	x		x		x	

* Bruce further limits his ‘victims’ to proselytes and Jews living in Italy.

Sometimes the groups are not fully defined by these scholars and questions may be asked about any overlap, but in evaluating the specific groups this will be taken into account. For each of these groups it will be investigated if and why they may have been reported to the officials of the *fiscus Judaicus* by informers, who were of course also trying to earn some money themselves. If the prosecution turned out to be successful and property could be confiscated from the convicted as *bona damnatorum*, they would receive a financial reward.⁸⁹ This also means that mainly people with some property

⁸⁹ Cf. Thompson 1982, 342; ‘In fact it must be presumed that the alleged Jewish tax evaders who generally attracted the attention of informers were well-to-do persons; for the *delator* was mainly interested in the material gain which might accrue to him personally (out of the property of his victim) in consequence of a successful prosecution.’

would have been targeted by the *delatores*, but I think at this point a warning is in place to also look beyond the financial aspects. Especially in the case of people who were accused of living a Jewish life, who may have been charged with atheism and executed on those grounds (with the possible exception of politically inspired executions like the one of Flavius Clemens), there must also have been a real concern for traditional religious values, which was shared by emperor, *fiscus* officials, and *delatores* alike.

Subsequently the risk of the accused persons having been convicted and punished needs to be assessed, because a clear distinction should be made between the risk of an accusation and the risk of a conviction: not all accusations may have led to convictions. False or unfounded accusations may have been brought forward, possibly stemming from malicious intent or greed on the part of the *delatores*, but perhaps also because of their ignorance of every distinctive detail concerning the beliefs and customs of proselytes, sympathizers with Judaism, Jewish Christians and Gentile Christians. Furthermore, the possibility that some accused persons may have decided to seize any opportunity to escape their conviction, especially those facing a possible execution on a charge of atheism, should be taken into account.

Both concerns, reflected in the *fiscus Judaicus* passage of Suetonius (finding out people who lived a Jewish life *improfessi* and those Jews who evaded the Jewish tax), can be linked to Domitian's censorial functions since 85: the strict collection of all kinds of taxes (including the Jewish tax) followed directly from the nature of the *census* since Augustus.⁹⁰ The second, predominantly religious, concern was closely connected to the general supervision of conduct and morals, which belonged to the duties of the censor in order 'to avoid incurring divine displeasure by wrong behavior'.⁹¹ From the perspective of a Roman censor the atheism that could be found with people who 'lived a Jewish life' must have presented a real

⁹⁰ See Hammond 1959, 128-9; not specifically about Domitian he notes: 'the financial demands upon the emperor steadily grew and must have necessitated an increasingly close examination of taxable persons and property' (129).

⁹¹ Hammond 1959, 133; adding: 'The censors became especially identified with this responsibility because they closed their *lustrum* with a religious purification of the state and in preparation for this it was their duty to examine the misconduct of individuals'. The closing of a *lustrum* is not recorded for Domitian, but it is for his father Vespasian and his brother Titus who both started their censorships in 73/74 (Censorinus, *de Die Nat.* 18.14).

threat of ‘incurring divine displeasure’, which may have made the use of harsh measures legitimate in Roman eyes.

2.4.1. Those who led a Jewish life ‘improfessi’

Under the heading of those people who are referred to by Suetonius as *qui (...) improfessi Iudaicam viverent vitam* (‘those who led a Jewish life without publicly acknowledging that faith’), only sympathizers with Judaism (including the so-called God-fearers) and Gentile Christians, as a distinct class of sympathizers with Judaism, should be listed. Since Suetonius informs his readers so clearly about the circumcision test that was used, these two groups would have been the only ones to include uncircumcised men.⁹² As non-Jews they could possibly have been accused of leading a Jewish life *improfessi*. The members of all other groups (except for the category ‘Christians in general’ that needs to be split into Jewish and Gentile Christians for this purpose), could be distinguished by their circumcision and should be regarded as people ‘*qui (...) dissimulata origine imposita genti tributa non pependissent*’ (‘those who concealed their origin and did not pay the tribute levied upon their people’) and this also includes proselytes, the men among whom were all circumcised and also used to pay the former temple-tax.

Smallwood and Keresztes put God-fearers and other non-Jewish sympathizers with Judaism (sometimes referred to as ‘Judaizers’) into this category.⁹³ They believe that these people were first made liable for the

⁹² Despite the opinion of Hemer 1973, 12, n. 25, to the contrary, I do postulate two ‘rigid categories’ along the definitions of Suetonius. Hemer writes the following about the victims of the *fiscus Judaicus*: ‘Christians and Gentile adherents of Judaism may have been the prime victims’ (11), but does not directly link them to either of the categories mentioned by Suetonius. Also Hemer 1986, 8 on Suetonius, *Dom.* 12.2: ‘It is unnecessary to postulate here two categories of persons. Suetonius is unconcerned about theological distinctions and cites representative extremes of people who might have escaped the tax’. Suetonius may not be concerned about theological distinctions, but he is about *legal* distinctions: in this case the legal distinction between non-Jews and Jews.

⁹³ Smallwood 1956, 3-4; 2001 [1976] 376-7: puts ‘gentile converts’ under this heading and by that term she first (1954) meant both proselytes and God-fearers (‘uncircumcised σεβόμενοι’), the latter of whom she defines as ‘gentiles on the fringe of Judaism who were attracted by that religion to the extent of adopting its monotheism and moral code and of conforming to the major requirements of the Jewish Law, but who did not mark themselves out definitely as proselytes by submitting to circumcision’; because of their circumcision I do not believe proselytes to have belonged to this first category (thus following Smallwood 2001 [1976], 377, who changed her mind about proselytes) and I also believe that a majority

Jewish tax under Domitian and could have been denounced to the *fiscus* for tax evasion.⁹⁴

Bruce thinks this category only consisted of (circumcised) proselytes in Italy, who had been exempt from the tax since its introduction by Vespasian.⁹⁵

L.A. Thompson, like Bruce, does not think that any of the victims were uncircumcised. He thinks this category specifically consisted of apostates, non-Jewish *peregrini* and 'Christian ex-Jews', who may have been singled out by the *delatores* on account of their behaviour.⁹⁶ Thompson consistently tries to answer the question: who were liable for the Jewish tax from the start and who could have been made liable by Domitian in addition to those who were liable from the start. So in his opinion the latter group consisted of apostate Jews, including Jewish Christians, and circumcised non-Jews (*peregrini*).⁹⁷ He rightly argues that it is 'a fundamental contradiction' to claim that people who 'lived a Jewish life' were non-Jews made liable for the tax, prosecuted for evading this tax, but at the same time severely punished (even executed) for living this Jewish life of drifting into Jewish ways.⁹⁸ But when looking at the passage by Suetonius carefully, one only

of God-fearers did not adopt the strict Jewish monotheism unless they became proselytes (see later in this chapter); Keresztes 1973, 4-5, initially follows Smallwood 1956, and thinks Suetonius may be describing proselytes and God-fearers when talking of people who lived a Jewish life *improfessi*, also thinking that all God-fearers rejected polytheism and idolatry. He also leaves room for proselytes to belong to the second class, due to their circumcision, because of 'the unnecessary though tempting assumption that Suetonius is contrasting born and circumcised Jews with uncircumcised Judaizers'.

⁹⁴ This is not my view, which was outlined earlier: they were not prosecuted as tax evaders, but as 'atheists'. To regard them as tax evaders leads to 'a fundamental contradiction' as noted by Thompson (see below).

⁹⁵ Bruce 1964, 40, 45. Bruce (43) makes a distinction between Jews who belonged to the *natio* of the Jews (who were liable for the tax from the start) and Jews in Italy who were members of a *religio licita* (and had been exempt until Domitian). His assumption that this was a strictly Italian issue has been rejected by most scholars on the subject. Thompson 1982, 329-30, rightly argues that any tax exemption for Italian Jews is in no way corroborated by our sources on the introduction of the tax (Josephus and Cassius Dio, see Chapter 1).

⁹⁶ Thompson 1982, 339-40. I find it hard to imagine how apostates and *peregrini* could have attracted the attention of informers 'by behaviour, such as abstention from pork'. Labeling Jewish Christians as 'Christian ex-Jews' in the days of Domitian seems to be anachronistic.

⁹⁷ Thompson 1982, 331, 340.

⁹⁸ Thompson, 1982, 335: 'the inclusion of 'gentile converts' by these scholars is untenable, since it would imply a virtual legalization of conversion to Judaism, and that by the emperor

reads about tax evasion by the second category who: *dissimulata origine imposita genti tributa non pependissent* ('those who concealed their origin and did not pay the tribute levied upon their people'). Thompson is only too right when he states: 'it is an unquestionable fact that "Jewish life" was licit only for *Iudaei*, in the sense in which Roman officialdom understood that term'.⁹⁹ So if the crime of the 'Gentile converts' is changed from tax evasion to an illicit Jewish life and one also assumes different punishments were given for these different crimes, the picture becomes consistent again: living a Jewish life did not lead to tax liability (with the exception of proselytes), but to a charge of atheism with the possible punishment of execution for uncircumcised non-Jews.

Stenger, unlike Bruce and Thompson, thinks this first category consists of non-Jews only ('gebürtige Heiden'), reckoning proselytes, God-fearers and other sympathizers with Judaism among this group, like Smallwood and Keresztes before him.¹⁰⁰ He seems to be the only writer who explicitly

who, as is well known, took very severe measures against conversion and Judaizing on the part of Roman citizens'. He mentions Smallwood and Bruce among the scholars who take this 'untenable' position in his eyes.

⁹⁹ Thompson 1982, 337.

¹⁰⁰ Stenger 1988, 108. Stenger does not seem to have known Thompson's article (1982) when he wrote his book and gives a fine example of what Thompson means by his 'fundamental contradiction'. When writing about the non-Jewish victims of the *fiscus Judaicus*, Stenger informs us: 'Ihre Denunziation beim "fiscus Judaicus" hatte nicht nur zur Folge, dass sie wie diejenigen, die zwar assimiliert, aber von Haus aus jüdischer Herkunft waren, in die Steurlisten der Judensteuer eingetragen wurden und hinfort die Steuer zu zahlen hatten, sondern dass ihnen wegen "jüdischen Lebens", d.h. aber wegen Misanthropie und Atheismus, was insbesondere unter Domitian auf das "crimen laesae maiestatis" hinauslief, der Prozess gemacht wurde, und sie unter Einziehung des Vermögens zum Tode oder zur Verbannung verurteilt wurden' (105). Stenger seems to be inconsistent on this issue when in his later summary (108) he only ascribes the crimes of misanthropy, atheism and the 'crimen laesae maiestatis' to this category of non-Jews, not mentioning the tax liability here, but in the same summary he concludes that Domitian raised the age limit for the Jewish tax, which in his eyes is illustrated by the inspection of the ninety year old man from Suetonius' account. This conclusion is not necessary in this present study. We do not know the outcome of this particular inspection. If his circumcision was established, he may have been released immediately, because he already passed the age-limit for the Jewish tax. If it turned out he was not circumcised, he could subsequently have been suspected of living a Jewish life *improfessus* for which crime there was presumably no age limit. So the circumcision test was necessary for all men regardless of their age.

mentions Gentile Christians as possible victims of the *fiscus Judaicus* under Domitian.¹⁰¹

Goodman follows Thompson in his rejection of any uncircumcised victims and believes that only ethnic Jews were at risk: those who hid their Jewish practices (first category) and those who hid their origins (second category).¹⁰²

Williams is of the opinion that Domitian did not extend the fiscal liability to new groups, but only strictly applied existing rules and therefore initially strove to prosecute tax evaders. In her view Suetonius' first category consisted only of tax evading proselytes: people who went over to Judaism.¹⁰³ The system of *delatores*, however, brought about an abusive situation in which many people were 'falsely' accused of living a Jewish life: Judaizers, apostate Jews, Christians, circumcised non-Jews.¹⁰⁴ All these groups could appear to be Jewish in one way or another. I have already argued that proselytes probably belonged to the second category, because of their circumcision, and I will argue below how all these other groups fit into the picture of the *fiscus Judaicus* under Domitian, mainly using Cassius Dio's criterion of 'atheism'.

Trying to find out who may have belonged to this first category of Suetonius, Schäfer returns to the first position of Smallwood (1956) and regards proselytes and Judaizers (or sympathizers) as the main victims in this category, thereby rejecting Thompson's argument of the 'fundamental contradiction'.¹⁰⁵ Schäfer regards this passage by Suetonius as proof of the

¹⁰¹ Stenger 1988, 98ff, 108.

¹⁰² Goodman 1989, 41: 'ethnic Jews who had given up public identification with their religion either by hiding their continued Jewish practices or by pretending that their customs had nothing to do with their Jewish ethnic origins, which they dissimulated.' See also Goodman 1990.

¹⁰³ Williams 1990, 199.

¹⁰⁴ Williams 1990, 200-2. These false accusations formed the *calumnia* that Nerva had to remove according to her.

¹⁰⁵ Schäfer 1997, 114-6. I find Schäfer's argument for rejecting L.A. Thompson's views unconvincing. He is of the opinion that Thompson's argument lacks historical reality, 'because it takes for granted that the charge of "atheism" – which led to the death penalty under the law of *maiestas* – was Roman legislation, generally accepted and enforced under Domitian' (1997, 114). I do not agree on this point, since Thompson merely states that Cassius Dio informs us about the prosecution of people on the grounds of atheism (not necessarily under the law of *maiestas*!), sometimes leading to the death penalty. Thompson finds this contradictory to the view that these people would have been made liable for the

success of Judaism to win proselytes. As stated before, I will treat proselytes as part of the second category on the basis of their circumcision (in this case following the later Smallwood (1976)).¹⁰⁶

2.4.1.1. *Those who led a Jewish life 'improfessi': God-fearers and other sympathizers*

The relationship or association of Gentiles with the Jewish synagogues in the first centuries has been the subject of an ongoing scholarly debate. The position or status of the so called 'God-fearers' (*theosebeis*) is at the centre of this. Although in 1981 there appeared a famous article by A.T. Kraabel under the telling title 'The disappearance of the "God-fearers"',¹⁰⁷ they seem to have regained their place in the studies about the early synagogues since then. This was mainly due to the find and publication of a large Jewish inscription on a marble stone from the city of Aphrodisias in Asia Minor, in which fifty-five Jews and fifty-four Gentile God-fearers are mentioned as separate categories on one side; eighteen persons are mentioned on the other side, of which three are explicitly labeled as proselytes.¹⁰⁸ Although this inscription is probably dated to the fourth century, it also shed new light on the older reports about God-fearers (including other sympathizers with Judaism) and their relation to the synagogue.¹⁰⁹

This does not mean that the group of sympathizers with Judaism (of which God-fearers are often regarded as a special group closest to Judaism) can be defined precisely. In this respect the categories of Shaye Cohen are very useful to get an idea of the variety in customs and beliefs that may have

Jewish tax as well. I also disagree with Thompson, but for other reasons: I do not think that Suetonius is referring to any tax liability for this category of victims, as stated before.

¹⁰⁶ See note 93 about Smallwood's position and her change of mind concerning proselytes.

¹⁰⁷ Kraabel 1981.

¹⁰⁸ Reynolds and Tannenbaum, 1987; Ameling 2004, *IJO* 14: 71-112. See also Gilbert (2004) for the dating issues with regard to this inscription.

¹⁰⁹ Binder 1999, 380-387 treats all available first century sources. Passages in the New Testament book of the Acts of the Apostles clearly speak about the presence of both Jews and Gentiles in synagogues on the Sabbath, but for some time this book was not regarded as a serious source with regard to this issue. This has changed and now these passages can be used with more confidence, which will be done below. See Levinskaya 1996, especially 51-126; Wander 1998, especially 180-203; and Donaldson 2007, 7-8; 415-419; 469-482 (also about 'sympathization' with Judaism in general). About the value of Acts as a historical source for the ancient historian and for criticism on its disqualification as such, see Levinskaya 1996, viii.

been found among sympathizers with Judaism. He distinguishes ‘seven forms of behavior by which a gentile demonstrates respect or affection for Judaism’ based on the information found in the ancient sources.¹¹⁰

These categories are not mutually exclusive: many Gentiles may have belonged to more than one category:

- (1) Admiring some aspects of Judaism.
- (2) Acknowledging the power of the god of the Jews.
- (3) Benefiting the Jews or being conspicuously friendly to Jews.
- (4) Practicing some or many of the rituals of the Jews.
- (5) Venerating the god of the Jews and denying or ignoring the pagan gods.
- (6) Joining the Jewish community.
- (7) Converting to Judaism and ‘becoming’ a Jew (a combination of 4, 5 and 6).

This attractiveness of Judaism for Gentiles, of which proof can be found in Jewish, Christian and Graeco-Roman sources, was a reason for great concern for many Roman writers. They felt that Roman traditions were at stake here, which is reflected in a famous lament of Seneca about the Jews: ‘the customs of this accursed race (*scleratissima gens*) have gained such influence that they are now received throughout the world’, concluding: ‘the vanquished have given laws to their victors (*victi victoribus leges dederunt*).’¹¹¹ Juvenal also uses the concept of ‘laws’ when in one of his satires he writes about people who take over Jewish customs: ‘*Romanas autem soliti contemnere leges*’ (‘they are used to despise the Roman laws’). He explains that this stems from the Jewish law (given by Moses) that teaches them not to get involved with people who do not share their religion, leading to: ‘*non monstrare vias eadem nisi sacra colenti*’ (so not even showing them the way).¹¹² Another famous passage by Tacitus also stresses this point:

¹¹⁰ Cohen 1989, 14-5.

¹¹¹ Seneca, *De Superstitione*, apud Augustinus, *De Civitate Dei* 6.11. Stern 1974, #186. Wander 1998, 206-7.

¹¹² Juvenal, *Sat.* 14.100 and 14.103; Stern 1980, #301; Wander 1998, 168-70 and 207. Josephus (in *C. Ap.* 2.211) explicitly mentions the obligation for Jews to point out the road to non-Jews as well.

Those who come over to their religion adopt the practice [of circumcision], and have this lesson first instilled into them, to despise all gods (*contemnere deos*), to disown their country (*exuere patriam*), and set at nought parents, children, and brethren (*parentes liberos fratres vilia habere*).¹¹³

It is clear that Juvenal and Tacitus both draw attention to the dangers of the exclusiveness of the Jewish monotheism for Roman values if adopted by non-Jews. This brings us back to Cassius Dio's 'atheism', for which the Latin *contemnere deos* of Tacitus is a good equivalent. Juvenal and Tacitus may have had their eyes on (circumcised) proselytes in these passages, but their main concern was for non-Jews to end up in Cohen's fifth category: 'venerating the god of the Jews and denying or ignoring the pagan gods'.

At this point it is useful to turn to the related subject of pagan monotheism in antiquity, which is very relevant for this study, because it sheds some light on the identity of the group of God-fearers from a different angle.¹¹⁴ In the introduction of the book that actually bears the title *Pagan Monotheism in Late Antiquity*, the editors Polymnia Athanassiadi and Michael Frede want to contest the misconception (in their eyes) that Christianity replaced a number of polytheistic systems by a monotheistic faith stemming from Judaism. According to these scholars pagan forms of monotheistic thinking can be found outside of Judaism and Christianity in the first centuries.

When a closer look is taken at this pagan form of monotheism it appears that this usually consisted of a hierarchical system, in which the traditional gods were placed into an 'essentially monotheistic structure' under a highest god.¹¹⁵ Probably a better term for this 'pagan monotheism' then is 'henotheism' or perhaps 'summodeism' or 'megatheism'.¹¹⁶

¹¹³ Tacitus, *Historiae* 5.5.2.

¹¹⁴ *Pagan Monotheism in Late Antiquity*: Athanassiadi and Frede (eds.) 1999.

¹¹⁵ Athanassiadi and Frede (eds.) 1999, 8-9. Their conclusion that this system did not agree with Christianity is right (10), because Christianity claimed a monopoly of the truth and did not accept a process of syncretism that would 'insert' the Christian image of God into this pagan system. This is an important conclusion and I will come back to this at a later stage.

¹¹⁶ Fürst 2006, who, e.g., calls Celsus a 'henotheist' rather than a 'monotheist', but he also adds: 'in the context of Antiquity, I would prefer terms like 'summodeism' (from the Latin *deus summus* or *deus maximus*) or 'megatheism' (from the Greek μέγας θεός or θεός ὑψιστος).'

The development towards this pagan form of henotheism as described above can be attributed for a great part to the ancient Greek philosophers, but if the information from the article by Stephen Mitchell about the cult of *Theos Hypsistos* ('the highest God') is added, a clear link with Judaism is also found.¹¹⁷ Traces of this cult can be found in inscriptions from a great part of the eastern Mediterranean that range from the second century BCE to the fifth century CE. Often it is hard to tell whether they have to be interpreted as Jewish or pagan. It is certain that Jews used the adjective ὑψιστος for their god (it comes straight from the Septuagint, where it is found over 110 times, often as a translation of עֶלְיוֹן), but it could also be used by pagan groups for Zeus. The mutual influence was great according to Mitchell: 'The cult of *Theos Hypsistos* had room for pagans and for Jews' and he calls this 'one of the most spectacular demonstrations of religious syncretism that the ancient world has to offer'.¹¹⁸

Yet, in general, Jews remained faithful to their own traditions; boundaries stayed in place between Jews and Gentiles in the form of, e.g., the Jewish custom of circumcision and their food laws. The adherents of *Theos Hypsistos* are usually called *theosebeis* in the inscriptions and this is the link with our subject. It is not hard to imagine that a number of these God-fearers were attracted to Judaism, attended the synagogue services and could consider the god of the Jews to be at the head of the hierarchy.¹¹⁹ They could also qualify for one or more of Cohen's categories.

Returning to these categories, one can ask the important question: could any of these people have been accused of 'leading a Jewish life' *improfessi*? The answer should be affirmative for numbers 3-6: benefiting the Jews or being conspicuously friendly to Jews, practicing some or many of the rituals of the Jews, venerating the god of the Jews and denying or ignoring the pagan gods, and joining the Jewish community.¹²⁰ These acts were visible to the outside world and thus to informers, who may not have been aware of all

¹¹⁷ Mitchell 1999, 111-115.

¹¹⁸ Mitchell 1999, 115, 121. Also see Donaldson 2007, 445-466, on the inscriptions.

¹¹⁹ Mitchell 1999, 116; this concept is of course clearly visible in the older layers of the Jewish scriptures as well; a fine example of this is found in Ps. 82.1: 'God has taken his place in the divine council; in the midst of the gods he holds judgement.' See also West 1999, 26-27.

¹²⁰ Since people from category 7 needed to be circumcised to 'become' Jewish, they would pass the circumcision test and were not leading a Jewish life *improfessi*, but they could be accused of evading the Jewish tax if not registered.

the subtleties involved and could have brought any of these people before the *fiscus Judaicus*.

Our second question is: would all of these accused persons have been convicted, if they had to undergo a sacrifice test to see if they could be regarded as ‘atheists’? In my view we are then left with people who are mentioned under category 5 (‘people venerating the god of the Jews and denying or ignoring the pagan gods’), but only those who *denied* the pagan gods and were prepared to risk their lives.¹²¹ Some or all of Philo’s ‘epelytes’ (uncircumcised proselytes) could perhaps be counted among them.¹²² The others, probably the majority of Gentiles that were attracted to Judaism, were not strictly monotheistic but rather henotheistic and could probably still combine sacrificing to idols with their belief that the Jewish god was somehow part of the pagan pantheon or even the highest god standing at the top of the hierarchy.¹²³

Thus, one may expect some convictions by the officials of the *fiscus Judaicus* on a charge of atheism for those sympathizers or God-fearers who had crossed the essential boundary from a Roman perspective: those who had taken over the strict Jewish monotheism which included the rejection of polytheism and idolatry, perhaps in a process of becoming proselytes.

2.4.1.2. Those who led a Jewish life ‘improfessi’: Gentile Christians

I will now turn to Gentile Christians and assess their risk of having been accused of ‘leading a Jewish life’ or ‘drifting into Jewish ways’ under Domitian. For this purpose I will focus on the evidence that can be found primarily in (a) Acts and (b) in 1 Peter.

(a) *Acts*. We have seen that a number of Gentiles very probably attended synagogue services on Sabbaths. This group came into close contact with Judaism and in this way could ‘automatically’ learn about the Christian message that was carried out by Jews like Paul and his colleagues.

¹²¹ This is a somewhat difficult category, since there seems to be a fundamental difference between denying and ignoring, especially when one pictures these people being subjected to a sacrifice test to find out whether they were really ‘atheists’.

¹²² Philo, *Questions and answers on Exodus* 2.2; see also Cohen 1989, 21 (category 5).

¹²³ Smallwood’s assumption (1956, 3), followed by Keresztes (1973, 5), that all adherents or God-fearers were strictly monotheist is not followed here. Williams 1988, 110, also concludes that Judaizing and monotheism did not necessarily go hand in hand: ‘an eclecticism which combined pagan rituals and Jewish ways or even worship of the Jewish God is perfectly possible’. Also Cohen 1989, 16: ‘many gentiles incorporated the god of the Jews into the pagan pantheon’. See also: Van Kooten 2006, 123-135.

According to the book of Acts¹²⁴, Paul used to go the synagogue in every city that he visited to preach the gospel. Chapter 13 comprises read the report about the way Paul addressed his public in the synagogue of Antioch in Pisidia: in v. 16 reference is made of ‘Israelites, and *others who fear God*’ (φοβούμενοι τὸν θεόν, italics mine) and in v. 26: ‘descendants of Abraham’s family, and *others who fear God*’ (φοβούμενοι τὸν θεόν, italics mine). The distinction between Jews and Gentiles attending the synagogue, which was noticed in the previous section about God-fearers and sympathizers, can clearly be seen here. This differentiation between Jews and non-Jews is also found in Athens (Acts 17.17): ‘So he argued in the synagogue with the Jews and the devout persons’ (διελέγετο μὲν οὖν ἐν τῇ συναγωγῇ τοῖς Ἰουδαίοις καὶ τοῖς σεβομένοις) and very clearly in Corinth (Acts 18.4): ‘Every Sabbath he would argue in the synagogue and would try to convince Jews and Greeks’ (διελέγετο δὲ ἐν τῇ συναγωγῇ κατὰ πᾶν σάββατον, ἑπειθὲν τε Ἰουδαίους καὶ Ἕλληνας). There must have been an attractive side to the messianic perspective of Paul for some of these Gentiles. His message for them meant that as a consequence of the coming of Jesus as the Messiah and his atoning suffering and death, the differences between Jew and Gentile were no longer of any significance and all could be full members of a new community. In his letter to the Romans, Paul quotes a number of passages from the Jewish Scriptures to support his views in this respect:¹²⁵

Welcome one another, therefore, just as Christ has welcomed you, for the glory of God. For I tell you that Christ has become a servant of the circumcised (διάκονον περιτομῆς) on behalf of the truth of God in order that he might confirm the promises given to the patriarchs, and in order that the nations (ἔθνη) might glorify God for his mercy. As it is written, “Therefore I will confess you among the nations (ἔθνη), and sing praises to your name”; and again he says, “Rejoice, O nations (ἔθνη), with his people”; and again, “Praise the Lord, all you nations (ἔθνη), and let all the peoples (λαοί) praise him”; and again Isaiah says, “The root of Jesse shall come, the one who rises to rule the nations (ἄρχειν ἐθνῶν); in him the nations (ἔθνη) shall hope. (Rom 15.7-12)

¹²⁴ See note 109 with regard to the reliability of Acts as a historical source.

¹²⁵ These are the following quotes: 2 Sam 22.50 (= Ps 17.50), Deut 32.43, Ps 116.1 and Isa 11.10 from the Septuagint. In true rabbinic style Paul quotes from all sections of the Jewish Bible (Torah, Prophets and Writings) to reinforce the point he wants to make.

Paul was of the opinion that it was not necessary for the Gentile nations to become Jewish and keep Jewish religious laws concerning circumcision and food in order to become full members of his new communities. They could enter the messianic age as ἔθνη as a fulfilment of the passages quoted above. It is of essential importance to add here that for these Gentiles this did mean conversion to the god of the Jews and a total break with their own religious traditions: as a result they became exclusivist monotheists. This is probably the most important aspect of the early Christian mission: it was telling Gentiles to distance themselves from their polytheistic past and give up all idolatry (e.g., 1 Thess 1.9). As far as we know, this was not asked of other God-fearers or sympathizers who were close to Judaism and attended synagogue services, unless they wanted to become proselytes (which is the group Tacitus is referring to). When turning to the categories of Cohen once more, one would find Gentile Christians belonging to three categories: (4) practicing some or many of the rituals of the Jews, (5) venerating the god of the Jews and denying – not just ignoring - the pagan gods and (6) joining the Jewish community: in this case a community of Jewish Christians.

It is well-known that in this respect Acts 15 is usually quoted. This is the story about the council of the apostles, where it was decided what rules should be followed by ‘those Gentiles who are turning to God’ (v. 19): ‘we should write to them to abstain only from things polluted by idols and from fornication and from whatever has been strangled and from blood’ (v. 20). In v. 29 one finds the text of the letter that was sent from Jerusalem to Christian communities based on the decisions that had been taken:

For it has seemed good to the Holy Spirit and to us to impose on you no further burden than these essentials: that you abstain from what has been sacrificed to idols and from blood and from what is strangled and from fornication. If you keep yourselves from these, you will do well.

In daily life this apparently meant a fundamental break with their pagan past for those Gentiles who were ‘turning to God’. In the writings of the New Testament there are many clear examples of this. Whereas the emperor Claudius had stipulated in his edict ‘to the rest of the world’ that Jews were not allowed ‘to show a contempt of the religious observances of other

nations' (μὴ τὰς τῶν ἄλλων ἔθνων δεισιδαίμονίᾱς ἐξουθενίξειν)¹²⁶, this was actually one of the main ingredients of the message brought by Jewish-Christian missionaries. Even without taking into account the context or date of the individual New Testament writings, this general picture is very clear.

A fine example of this message can be found in the story where Paul and his companion Barnabas were taken for Hermes and Zeus in Lystra and were worshiped as gods after having cured a man. They were appalled by this act of worship according to the writer of Acts and they addressed the crowd in the following fashion:

Friends, why are you doing this? We are mortals just like you, and we bring you good news, that you should turn from these worthless things (ἀπο τούτων τῶν ματαίων) to the living God, who made the heaven and the earth and the sea and all that is in them. (Acts 14.15).

In the letters of Paul himself there are a number of remarks that support the tenor of Acts. Paul writes to the congregation in Corinth: 'You know that when you were pagans, you were enticed and led astray to idols that could not speak.' (1 Cor 12.2), to the Galatians: 'Formerly, when you did not know God, you were enslaved to beings that by nature are not gods.' (Gal 4.8) and to the Thessalonians: 'For the people of those regions report about us what kind of welcome we had among you, and how you turned to God from idols, to serve a living and true God' (1 Thess 1.9).

In other, non-Pauline, letters this theme recurs a number of times: the first letter of John ends with a clear warning: 'Little children, keep yourselves from idols' (1 John 5.21), and the first letter of Peter gives a fine example of exactly those beliefs that must have made Greeks and Romans very suspicious of the Christian message that was spread by a number of Jews: 'you were ransomed from the futile ways inherited from your ancestors' (ἐκ τῆς ματαίας ὑμῶν ἀναστροφῆς πατροπραδότου, 1 Peter 1.18). The (religious) traditions of the forefathers are here again referred to as ματαίος,

¹²⁶ Josephus, *Ant.* 19.290. See also p. 7. This clause in Claudius' edict 'to the rest of the world' is a clear illustration of the Roman concern with regard to Judaism that is also found with Tacitus (*Hist.* 5.5.2) in his passage about the lesson of *contemnere deos* that, according to him, was taught to converts to Judaism.

meaning futile, trifling, vain, idle, empty.¹²⁷ I will come back to the evidence in 1 Peter in more detail below.

The usual Jewish attitude towards their pagan environment (especially in the diaspora), was much more reserved. This was supported by the Greek translation of Ex. 22.28 (Septuagint: Ex. 22.27). The Hebrew אֱלֹהִים לֹא תִקְלָל was not translated by ‘you shall not revile God’, but by ‘you shall not revile the gods’ (θεοὺς οὐ κακολογήσεις).¹²⁸

When one reads the following passage by Tacitus once more, one has to conclude that from his perspective his statement about conversions to Judaism would also apply to the Jewish Christian mission, except for ‘the practice’ of circumcision:

Those who come over to their religion adopt the practice, and have this lesson first instilled into them, to despise all gods (*contemnere deos*), to disown their country (*exuere patriam*), and set at nought parents, children, and brethren (*parentes liberos fratres vilia habere*).¹²⁹

Most of the time specific Jewish customs like circumcision or keeping food laws are thought of as proof that people lived a ‘Jewish life’, but for Romans the rejection of polytheism and idolatry was the most important and most reprehensible step for non-Jews to take when ‘drifting into Jewish ways’ and this could be detected by a test. This rejection of former religious practices was definitely a step that a Gentile had to take when becoming a member of

¹²⁷ The same Greek word is used in Acts 14.15 quoted above, which is also the word used in Isa 2.20 and 44.9 LXX in relation to idols and idol worshipers. This is an often overlooked aspect of Christianity and its relation to the book of Isaiah. The conversion of the Gentiles to the God of Israel is usually regarded as a fulfilment of Isaiah’s vision of the universal meal (Isa 25.6). The other side of this coin (the derision of the pagan gods and their idols) is clearly found in Isaiah as well and this aspect is also indissolubly connected to the Jewish Christian message to the Gentiles. For Isaiah: Preuss 1971, 135-141, 192-237; Preuss 1976, 61-3.

¹²⁸ See also: Van der Horst 1994; Goodman 1994, 52; Feldman 2006, 159-60. Both Philo (*De Spec. Leg.* 1.53; *De Vita Mosis* 2.205) and Josephus (*Ant.* 4.207; *Contra Apionem* 2.237) read this passage in line with the Greek translation of the Septuagint. The reason they both give for this tolerance is reverence to the word God.

¹²⁹ Tacitus, *Hist.* 5.5.2. See also note 126, regarding Claudius’ edict ‘to the rest of the world’, which also makes a connection between Judaism and showing ‘contempt of the religious observances of other nations’. This edict clearly conveyed the message to Jews not to convert non-Jews to the exclusive monotheism of Judaism.

a Christian community. Bearing in mind the condition in the edict of Claudius ('not to show contempt of the religious observances of other nations', Josephus, *Ant.* 19.290), it is clear that the Christian mission by Jews like Paul was an undesirable development for Romans from the start, because it always included *contemnere deos*, which was usually associated with disloyalty to the emperor and the empire. It took some time for the Romans to fully realize this. Non-Christian Jews probably noticed this 'danger' earlier because it could also affect their position in the Roman Empire, which had been based on the general rule (as laid down in the edict of Claudius) that they could 'keep their ancient customs without being hindered to do so'.¹³⁰

There are two episodes in the book of Acts about the mission of Paul that are relevant to this issue and demonstrate the sensitivities with regard to *contemnere deos*, 'despising the gods'. First there is the famous incident in Ephesus, involving the city's association of silversmiths, who made a living out of selling silver models of the temple of Artemis. In his speech, Demetrius, the leader of the disturbance sums up the problems that Paul is causing:

Men, you know that we get our wealth from this business. You also see and hear that not only in Ephesus but in almost the whole of Asia this Paul has persuaded and drawn away a considerable number of people by saying that *gods made with hands are not gods*. And there is danger not only that this trade of ours may come into disrepute but also that the temple of the great goddess Artemis will be scorned, and *she will be deprived of her majesty* that brought all Asia and the world to worship her. (Acts 19.25-28, italics mine)

Some of the Jewish citizens of Ephesus were afraid that this incident could also be harmful to them, which is reflected in the following passage:

Some of the crowd gave instructions to Alexander, whom the Jews had pushed forward. And Alexander motioned for silence and tried to make a defence (ἤθελεν ἀπολογεῖσθαι) before the people. But when they recognized that he was a Jew, for about two hours all of them shouted in unison, 'Great is Artemis of the Ephesians!' (Acts 19.33-34)

¹³⁰ Josephus, *Ant.* 19.290.



Illustration 3: Tetradrachm of the emperor Claudius, struck in Ephesus around the year 41 CE (RIC I 118). On the reverse there is a picture of the temple of Artemis/Diana in Ephesus. As seen above (Chapter 1), Claudius' edict about Jewish rights can also be dated to 41 CE. Paul and other Jewish missionaries spreading the messianic message about Jesus did not adhere to the condition laid down in this edict concerning the religious traditions of other nations. In Ephesus this led to the well known incident because of the (very Jewish) message of Paul 'that gods made with hands are not gods' (Acts 19.26).

This is a strong indication that Paul's (very Jewish!) message to Gentiles that 'gods made with hands are not gods' could cause awkward situations for the Jewish communities in the cities that he visited and could possibly jeopardize their privileged position.¹³¹

This could also explain the episode about Paul being summoned before the proconsul of Achaia, Gallio.¹³² The accusation that was brought forward by some Jews was: 'This man is persuading people to worship God in ways that are contrary to the law.' (ὅτι παρὰ τὸν νόμον ἀναπείθει οὗτος τοὺς ἀνθρώπους σέβεσθαι τὸν θεόν). In other cities Paul had already been charged with spreading anti-Roman customs, both by Romans (in Philippi Paul and

¹³¹ Goodman 2005b and Fredriksen 2007 [2003], 55, also see p. 222 of this study, quoting and commenting on Fredriksen.

¹³² Acts 18.12-17.

Silas were accused of ‘advocating customs that are not lawful for us as Romans to adopt or observe’, Acts 16.21) and by a combination of Jews and non-Jews (in Thessalonica: ‘they are all acting contrary to the decrees of the emperor, saying that there is another king named Jesus’, Acts 17.7). In this Corinthian setting only Jews are bringing accusations against Paul.

Could this episode in Achaia also have been connected to a Roman decree? Whereas Jews in general allowed sympathizers and God-fearers to attend synagogue services, they did not ask of them to explicitly give up the traditional gods unless they wanted to become proselytes. Paul and also other Jewish Christians did take this step and asked their converts to fully reject polytheism and idolatry: they changed the nature of the *theosebeis*, turned them into strict monotheists, but by doing so they violated the condition in the edict of Claudius ‘not to show contempt of the religious observances of other nations’.¹³³ According to the Jews bringing forward the accusation, apparently some Roman rule had been broken (παρὰ τὸν νόμον), because they brought their case in front of the Roman authorities and with the edict of Claudius in mind they seemed to have a fair complaint. This message to reject idolatry was at the heart of the Christian mission to the Gentiles and it could or perhaps should have alarmed Gallio, but it did not. As a Roman magistrate he could find no ‘crime or serious villainy’ (against which he would have acted) and considered this case to be a Jewish matter in which he did not want to pass judgment. Apparently Gallio did not yet recognize the fact that Paul was actually spreading ‘atheism’ among non-Jews from a Roman perspective.¹³⁴ In this narrative Gallio seems to understand παρὰ τὸν νόμον as ‘against Jewish law’ and perhaps it was the intention of Luke to keep the meaning of ‘law’ ambiguous in this case.

This passage (Paul before Gallio) is interpreted very differently in the commentaries on the book of Acts, especially the clause παρὰ τὸν νόμον. Instead of Roman law, some commentators argue that Jewish law is meant here. Using six different commentaries (some older, some more recent), one

¹³³ Josephus, *Ant.* 19.290.

¹³⁴ The charge of atheism was usually brought against Christians since the second century, see Stern 1980, 545. The same accusation of atheism can be found in relation to Judaism: Appolonius Molon, *apud* Josephus, *Contra Apionem*, 2.148, and of course in the passage by Cassius Dio, *Hist. Rom.* 67.14.1-2, which could apply to Christian and non-Christian sympathizers with Judaism. See also Walsh 1991 on ‘Christian Atheism’ and Bremmer 2007 on ‘Atheism in Antiquity’.

can get a good picture of the issues involved.¹³⁵ Luke, the writer of the book of Acts is often held responsible for the ambiguity in the text.¹³⁶ He does not reveal the nature of the *nomos* himself, but Gallio's conclusion in this narrative that this is an internal Jewish dispute is clear, because he concludes that this matter can be settled under 'your own law'. Haenchen still considers it possible that Roman law is meant here and that some Jews felt that Paul had crossed the boundaries of the Jewish *religio licita*, but he does not give a further explanation of this.¹³⁷

Witherington provides us with three arguments why one should think of Jewish law in this case: (1) the referral to the worship of God (*theon* = single), which could only refer to their own God, who demands exclusive worship, (2) Gallio's conclusion that this is about 'your own law', meaning Jewish law, and the fact that (3) Paul's preaching in the synagogue and his message to Jews about Jesus as the Messiah is set in an entirely Jewish context.¹³⁸ Jervell also uses the first two arguments and also concludes that the law involved must be Jewish.¹³⁹

These arguments do not seem to be persuasive. It has already been mentioned that Paul brought his message to both Jews and Gentiles in the synagogues (*contra* 3). As soon as these God-fearers wanted to become members of Paul's 'Christian' communities, they needed to break entirely with their pagan polytheistic past. Furthermore, the single use of *theon* does not exclusively point at Jewish law. It was possible to be a *theosebes*, be a regular visitor of the synagogue and yet not be an exclusive monotheist (*contra* 1). And finally: Gallio does conclude that this is about 'your own law', but this does not say anything conclusive about the intention of the Jews who press this charge (*contra* 2).

My conclusion is that the single use of *theos* does not exclude the possibility that Roman law is at issue in this case. Moreover, the use of *anthropous* in the charge (ὅτι παρὰ τὸν νόμον ἀναπείθει οὗτος τοὺς ἀνθρώπους σέβεσθαι τὸν θεόν – 'this man is persuading people to worship God in ways that are contrary to the law') could point to non-Jews as well.

¹³⁵ Haenchen 1959; Conzelmann 1963; Pesch 1986; Witherington 1998; Fitzmyer 1998; Jervell 1998.

¹³⁶ Haenchen 1959, 472; Conzelmann 1963, 107; Witherington 1998, 552; Pesch 1986, 150.

¹³⁷ Haenchen 1959, 472 and 477.

¹³⁸ Witherington 1998, 552.

¹³⁹ Jervell 1998, 461.

Looking for a verdict from a Roman magistrate is the clearest sign that the *nomos* in *παρὰ τὸν νόμον* should probably be understood as a Roman law.¹⁴⁰

Fitzmyer is the only commentator who actually quotes Claudius' edict, but he does not draw the best conclusion. He stresses that Gallio chooses to rule that Jews should settle this matter amongst themselves (thus recognizing their right to organize their own courts of law, which followed from the edict)¹⁴¹, but the Jews pressing this charge may have been referring to the special condition, mentioned in the same edict, about their behaviour towards the religious traditions of other nations. If people like Paul would start violating this Roman condition, the Jewish rights and privileges in general could be questioned by the Romans as well. This is why I am very puzzled with the position of Tajra, who has studied the court cases against Paul in detail, on this issue. He rightly calls this part of Claudius' edict 'a clear warning to the Jews that they would not be allowed to abuse the privileges so graciously granted' and states: 'excessive Jewish missionary activity, aimed at winning men over to the one true God would be roundly countered.'¹⁴² Yet when he comes to this episode in Acts he concludes that Jewish law is the issue before Gallio, although this does not necessarily follow from his arguments. According to Tajra, Paul's Jewish accusers claimed that he was setting up a new religious group, totally distinct from Judaism, thus putting himself outside the *religio licita*.¹⁴³ This observation by Tajra can be linked perfectly to his own interpretation of Claudius' edict as a warning against 'excessive Jewish missionary activity', as mentioned above. And then the conclusion should be that Roman law is the issue here.

The interpretation of this passage in Acts should reflect the change in the status of the 'God-fearers' that Paul and other Christian missionaries were bringing about: they were turning them into exclusive monotheists, which was a violation of Claudius' edict regarding Jewish rights. The Jews who brought Paul before this Roman court could very well have had the intention to have him convicted according to a Roman law. In this particular city at

¹⁴⁰ An alternative would be to interpret *παρὰ τὸν νόμον* as conflicting with 'common' law in the sense that in the context of Graeco-Roman culture it was improper for people to give up the customs of their forefathers, which was also the criticism of pagan writers with regard to Christianity in later centuries. See pp. 227-230 for these citations from Celsus (also quoting a Jew), Porphyry and the emperor Julian ('the Apostate').

¹⁴¹ Fitzmyer, 629.

¹⁴² Tajra 1989, 21.

¹⁴³ Tajra 1989, 56.

this particular moment, a Roman official may have been of the opinion that Christianity was an internal Jewish issue, but not much later (at a moment when the situation of non-Jewish sympathizers with Judaism had become more transparent for Roman authorities) the exclusive monotheist beliefs of non-Jews were considered to be a serious problem by Romans.

Martin Goodman is also of the opinion that Roman law is meant here and he even assumes that the floggings that Paul had to undergo in several synagogues (2 Cor 11.24) were directly related to this issue. In other words: he thinks it conceivable that Paul was punished as a Jew by other Jews because he violated a Roman directive and by doing so jeopardized the security situation of the Jewish diaspora communities (of which an example could be found in Ephesus, as seen above).¹⁴⁴

In his article about this episode in Acts, Bruce Winter assumes that Gallio's ruling meant for Christianity that it was regarded as a 'sect within Judaism and therefore a *religio licita*, part of the *mos maiorum*'.¹⁴⁵ In the context of this narrative the conclusion should, of course, be that this verdict was very important for Luke, the writer of Acts, because he could use this to stress his point that Christians need not be considered as a dangerous group within the Roman Empire. In the same passage Winter goes so far as to conclude that all Christians in Corinth were thereby exempted from the imperial cult. One could question this latter conclusion, however, because it is not certain whether Gallio really understood the exceptional position or belief system of Gentile Christians at that point in time, when compared to other sympathizers with Judaism. He could hardly have sanctioned a development by which a growing number of non-Jews were given the same status as Jews with regard to the imperial cult. But it was in Luke's interest to highlight this verdict and the conclusion that could be drawn from it: Christianity was part of Judaism and as such may have been the cause for internal Jewish tensions, which should be dealt with by Jews amongst themselves according to the Romans. For this purpose Luke could in fact point to a Roman official who seemed to have ruled that this was not a matter of concern for Romans, but it was only a matter of time until they would start worrying about the exclusive monotheist beliefs of non-Jews.

When we turn the clock some 35 years forward to the *fiscus Judaicus* under Domitian, we should seriously consider the option that the first class

¹⁴⁴ Goodman 2005b, 389.

¹⁴⁵ Winter 1999, 222.

of people mentioned by Suetonius (which I identified as uncircumcised ‘atheists’) also consisted of Gentile Christians, who were not circumcised and at the same time had religious beliefs (at least in theory) that should make them refuse any involvement with polytheism or idolatry. They could most certainly have been accused of, convicted and punished for ‘leading a Jewish life’ *improfessi* under Domitian.¹⁴⁶

(b) *1 Peter*. If we now take a look at 1 Peter, we find clear proof of the growing tensions that Gentile Christians were facing in the cities that they lived in. Perhaps even a glimpse can be caught of the *delatores* that may have denounced them with the *fiscus Judaicus*. The first letter of Peter was probably written from Rome (‘Babylon’ in 1 Pet. 5.13) to Gentile Christians who are referred to as ‘the exiles of the Dispersion in Pontus, Galatia, Cappadocia, Asia, and Bithynia’ and is generally dated after the year 70 and could very well date from the early years of Domitian.¹⁴⁷ One may conclude that this message is directed to the Gentile members of the Christian communities, because they ‘were ransomed from the futile ways’ inherited from their ancestors (ἐκ τῆς ματαίας ὑμῶν ἀναστροφῆς πατροπραδότου) (1.18), a passage already mentioned. They were apparently suffering ‘various trials’ (1.6) and they were not alone in this, ‘for you know that your brothers and sisters throughout the world (ἐν τῷ κόσμῳ) are undergoing the same kinds of suffering’ (5.9). The nature of this suffering is also revealed: it is found in 2.12., where it reads:

Conduct yourselves honourably among the Gentiles, so that, though they malign you as evildoers (καταλαλοῦσιν ὑμῶν ὡς κακοποιῶν), they may see your honourable deeds and glorify God when he comes to judge.

¹⁴⁶ Stenger 1988, 98ff, 108.

¹⁴⁷ On the basis of these data (the use of ‘Babylon’ and the addressees of the letter), the most likely date for this book is between 70 and 112: the year of the destruction of the Jewish temple by the Romans (in Jewish writings after 70 the Romans are often compared to the Babylonians who destroyed the first temple in 587 BCE) and the date of the letter from Pliny as governor of Bithynia-Pontus to Trajan, which is proof of a persecution of Christians in this area of the empire. Since Gentile Christians were also victims of the *fiscus Judaicus* under Domitian (which went beyond ‘they malign you as evildoers’), this letter should be dated to the mid-eighties of the first century. Also see Chapter 4 below for the connections between 1 Peter and the Roman persecution of Christians.

From this letter it becomes clear that Christians could be regarded as criminals, probably for the very reason that they regarded the ways of their pagan ancestors as ‘futile’ (1.18).¹⁴⁸ Here one is reminded once again of Tacitus’ passage about *contemnere deos*, *exuere patriam* and *parentes liberos fratres vilia habere*. The only thing that Christians could do in this situation was to ‘conduct themselves honourably’. In the following verses one of the famous calls from the New Testament to honour the Roman emperor and his governors can be found:

¹⁴⁸ A very remarkable passage about the enmity that was experienced by Gentile Christians is already found in one of Paul’s letters:

For you, brothers and sisters, became imitators of the churches of God in Christ Jesus that are in Judea, for you suffered the same things from your own compatriots (ὑπὸ τῶν ἰδίων συμφυλετῶν) as they did from the Jews, who killed both the Lord Jesus and the prophets, and drove us out; they displease God and oppose everyone (πᾶσιν ἀνθρώποις ἐναντίων) by hindering us from speaking to the nations so that they may be saved. Thus they have constantly been filling up the measure of their sins; but God’s wrath has overtaken them at last. (1Thess 2.14-16)

Paul here makes a comparison between the situation of the Christian community in Thessalonica and the Christian communities in Judaea, who suffered from ‘the Jews’. Paul knew all about this, because he once belonged to those people who believed that Jews with Christian beliefs should be persecuted (1 Cor 15.9, Gal 1.13, Phil 3.6). In this passage Paul is not really giving us the reason for the animosity against Gentile Christians in their city, but he is giving us an interesting explanation for the persecutions in Judaea, connecting this to the spread of the gospel to non-Jews: ‘hindering us from speaking to the Gentiles so that they may be saved’. His judgment that ‘the Jews’ who persecute Jewish Christians in Judaea for that reason are πᾶσιν ἀνθρώποις ἐναντίων, is most remarkable. In ancient literature one often finds the reproach, directed at Jews, that they nourish hatred or enmity with regard to all other peoples (see, e.g., all references under ‘misanthropy’ in the ‘Select index of subjects’ in Stern 1984). A good example of this is given by Tacitus in the famous fifth chapter of his *Historiae*, in which he notes that Jews are very loyal and compassionate towards each other, *sed adversus omnes alios hostile odium*. (Tacitus, *Historiae* 5.5.1). Paul wanted to bring a message of salvation to all peoples on the basis of his messianic beliefs, in line with the visions of the prophets, but at the same time this universal message contained the Jewish rejection of all other gods. This is why the Roman Tacitus felt similar about Christians: when he describes the persecution of Christians under Nero, he is of the opinion that they were more punished for their hatred of mankind (*odio humani generis*) than for the alleged arson (*Annales* 15.44.4). In the same passage he notes that this ‘criminal superstition’ (*exitiabilis superstitio*) came from Judaea, thus linking it to Judaism.

For the Lord's sake accept the authority of every human institution, whether of the emperor as supreme, or of governors, as sent by him to punish those who do wrong and to praise those who do right. For it is God's will that by doing right you should silence the ignorance of the foolish. As servants of God, live as free people, yet do not use your freedom as a pretext for evil. Honour everyone. Love the family of believers. Fear God. Honour the emperor. (1 Pet 2.13-17)

This is very similar to Paul's advice found in Romans 13, although the circumstances seem to have deteriorated in the case of 1 Peter. Things would even get worse in the near future. The Book of Revelation displays a total lack of confidence in imperial power: the emperor has turned into a 'beast'. As I will argue in Chapter 5 below, this reflects the situation under Domitian. There was to be no protection from the emperor for Gentile Christians. This state of affairs is in contrast to the usually successful way Jews had been able to appeal to the emperor for support when facing difficult circumstances in the cities that they lived in: a line of defence that the Jewish writer of 1 Peter may have counted on, but eventually this hope was in vain for Christian communities.¹⁴⁹ Those people who 'malign you as evildoers' seem to have been unleashed as *delatores* under Domitian. Gentile Christians, who were accused of the crime of living a Jewish life *improfessi*, probably belonged to their prime victims.

¹⁴⁹ These three passages from the New Testament (Romans 13.1-7, 1 Peter 2.13-17 and Rev. 13) are usually set side by side and are then interpreted as different Christian answers or perspectives regarding the power of imperial Rome. I think this is not the right approach. It is more likely that they should be interpreted in their chronological order, from which it could be concluded that political circumstances for Christian communities deteriorated in the course of the first century. Paul and 1 Peter can still be seen standing in the Jewish tradition of honouring the Roman emperor: sacrifices for the well-being of the emperor and the Roman people were made almost on a daily basis in the temple in Jerusalem and prayers were said in synagogues for the same purpose (Josephus, *C. Ap.* 2.77-78, 2.196-197; *Bell.* 2.197; Philo, *Leg.* 157, 232, 317, 356; also: Pucci Ben Zeev 1998, 471-2; McLaren 2005). After all, the privileged position of Jews found its basis in the benevolence of subsequent emperors. In Revelation it has become clear that Christianity was not going to get the same treatment from the emperor. Cassidy 2001 (132; 134) leaves room for this 'chronological' interpretation, as advocated by me. I think that 'the complex and diverse ways that the New Testament writings negotiate the Roman imperial world' (Carter 2006, 136) originate from the fact that Christianity could first 'hide' under the Jewish umbrella, until it could be distinguished more clearly under Domitian and became the permanent target of possible persecution after that.

2.4.2. Tax evaders: Those who concealed their origin and did not pay the tribute levied upon their people

Under the heading of people, *qui (...) dissimulata origine imposita genti tributa non pependissent* ('who concealed their origin and did not pay the tribute levied upon their people'), I will look at the following groups that were mentioned in the table of possible victims of the *fiscus Judaicus*: Jewish tax evaders in general and more specifically proselytes, apostate Jews, circumcised others (non-Jews) and Jewish Christians. From the words *imposita genti tributa* one may infer that this category consisted of people who could be regarded as belonging to the *gens* of the Jews. Circumcision seems to have been the main distinctive feature that officials of the *fiscus Judaicus* were looking for in the cases that were brought before them. Proselytes did not belong to the *gens* of the Jews by birth, but they were circumcised and also used to pay the former temple tax. Circumcised non-Jews (other than Jews or proselytes) did not belong to the *gens* of the Jews in any way and could only have been accused of tax evasion because of their circumcision.

Smallwood initially counted Jewish tax evaders, apostate Jews and Jewish Christians to this category, although she expressed her doubts about the first group.¹⁵⁰ Later she also included proselytes as was mentioned above.¹⁵¹

Bruce believes that only Italian Jews should be counted to this group. They had been exempt from the tax since Vespasian, but were made liable by Domitian according to Bruce. This view has not been followed by later scholars.¹⁵²

Keresztes' conclusion with regard to this category more or less conforms to the views of Smallwood: Jewish tax evaders, apostate Jews, Christian Jews and perhaps proselytes.¹⁵³

L.A. Thompson thinks this category specifically consisted of apostate Jews and non-Jewish *peregrini*. In his view these groups were also part of Suetonius' first category (together with 'Christian ex-Jews'), but in this case they were singled out by the *delatores* on account of their circumcision,

¹⁵⁰ Smallwood 1956, 3; about 'Jewish tax evaders' she notes: 'Concealment of his Jewish nationality, however, must have been barely practicable for a Jew who attended the synagogue, kept the Sabbath, and so on.'

¹⁵¹ Smallwood 2001 [1976] 376-7; see also note 93.

¹⁵² Bruce 1964, 40, 45; see note also note 95.

¹⁵³ Keresztes 1973, 5; Keresztes does not draw a firm conclusion about proselytes: see also note 93.

instead of their behaviour (which was the trigger for the suspicion of leading a Jewish life *improfessi* according to Thompson).¹⁵⁴

Stenger thinks this category consisted only of Jews by birth ('gebürtige Juden') and has two different groups in mind: apostate Jews and Jewish Christians belonging to mixed Christian communities.¹⁵⁵

As seen previously, Goodman believes only ethnic Jews were at risk under Domitian: those who hid their Jewish practices (Suetonius' first category) and those who hid their origins (Suetonius' second category).¹⁵⁶ For my purpose I will treat both groups in this section about Suetonius' second category: the first group under 'Jewish tax evaders' and the second under 'apostate Jews'.

Williams also thinks the second category consisted of Jews by birth, including Jewish Christians and apostates, but she stresses the position of the 'non-observers', a group that I will treat under 'Jewish tax evaders'.¹⁵⁷

Schäfer puts assimilated (apostate) Jews, Jewish Christians and 'persons of other ethnic groups who happened to be circumcised' in this category.¹⁵⁸

2.4.2.1. Jewish tax evaders

The group of Jewish tax evaders may have consisted of Jews who consciously tried to evade the Jewish tax (out of 'nationalistic pride' or 'hurt Jewish feelings'¹⁵⁹), but at the same time remained practicing Jews. A number of scholars involved in the discussions about the *fiscus Judaicus* have expressed their doubts about this possibility, since these Jews will have gone to the synagogue, kept Sabbath and other Jewish customs.¹⁶⁰ One would expect them to have been loyal members of their synagogues. Partly in response to the doubts expressed by these scholars, Williams has pointed

¹⁵⁴ Thompson 1982, 339-40.

¹⁵⁵ Stenger 1988, 108: 'Die Steuerpflicht wurde auch auf gebürtige Juden ausgedehnt, die ihr Judentum, sei es in Folge von Assimilation oder durch Übertritt zum Christentum in gemischten Gemeinden nicht mehr praktizierten'.

¹⁵⁶ Goodman 1989, 41: 'ethnic Jews who had given up public identification with their religion either by hiding their continued Jewish practices or by pretending that their customs had nothing to do with their Jewish ethnic origins, which they dissimulated.' See also Goodman 1990.

¹⁵⁷ Williams 1990, 199-202; she thinks that non-observers were far more numerous than the apostates 'who tend to bulk over-large in some discussions of this subject' (200).

¹⁵⁸ Schäfer 1997, 114.

¹⁵⁹ Keresztes 1973, 4 and 5.

¹⁶⁰ Smallwood 1956, 3; 1976 [2001], 377; Bruce 1964, 40; Thompson 1982, 340.

to the group of non-observing Jews, who may have been overlooked in this respect. She assumes that this group may have been numerous, in any case ‘probably far more numerous than the apostates’.¹⁶¹ If people belonging to this group of Jewish tax evaders were accused by *delatores*, they were very probably convicted after it had been established that they were missing from the tax registers and they were subsequently punished with the confiscation of their property. Registration for the tax for future years probably followed as well.

2.4.2.2. Tax evaders: proselytes

As stated earlier, I have put proselytes under this heading because of the circumcision test that was part of the procedure of the *fiscus Judaicus* according to Suetonius. A distinct feature of proselytes was their circumcision. In all probability they were treated by the Romans as Jews who were liable for the Jewish tax. Smallwood is also of this opinion, since proselytes formally professed Judaism, they had also been liable for the former temple tax ‘and there was no reason for Vespasian to exempt them from its successor’.¹⁶² If all procedures had been followed in order to give them the status of proselytes, it is likely that they were also registered for the Jewish tax.

Especially Schäfer argues against this position. He not only thinks proselytes were among the main victims of the *fiscus Judaicus*, but also concludes that this passage from Suetonius is ‘an indication of increasing proselytism’ during Domitian’s reign.¹⁶³ With his conclusion we are right in the middle of a scholarly debate, which is trying to answer the questions (1) whether one can detect an active proselytizing movement within Judaism (apart from the Christian mission) in the early centuries and (2) how numerous the group of proselytes may have been. On the basis of recent studies about this subject, the most likely answers to these questions seem to be: (1) there was no active Jewish proselytizing movement (apart from Christianity) and (2) the group of proselytes was not numerous.¹⁶⁴

¹⁶¹ Williams 1990, 200; see also note 157.

¹⁶² Smallwood 2001 [1976], 376-7.

¹⁶³ Schäfer 1997, 115.

¹⁶⁴ Despite the persistent claim of Feldman 1993, 288-341; 2006, 205-55 (although one should bear in mind that he wants to explain the increase of the number of Jews between 586 BCE and the first century CE). See also: McKnight 1991; Will and Orrieux, 1992; Goodman 1994; and the discussion in Wander 1998, 218-27; Donaldson 2007, 5-6 and 483-

Furthermore, one should not forget that there were clear signs that diaspora Jews were concerned about Paul's message to Gentiles that they should give up polytheism and idolatry, because this could lead to problems for the Jewish communities in their respective cities if they were associated with this messianic movement. One can hardly imagine these communities to have actively sought proselytes, since that would have meant conveying the very same message to these Gentiles, only adding the demand for full adherence to all Jewish customs like circumcision, food laws etc.

It can safely be concluded that the passage in Suetonius about the *fiscus Judaicus* cannot be used as evidence for an 'increasing proselytism' (Schäfer) during Domitian's reign. If anything, it does point to the success of Judaism to win sympathizers, but this could also apply to the version of Judaism as advocated by Paul and other Jewish Christian missionaries (as I argued earlier in this chapter in the section about 'Gentile Christians'). It does not tell us about the number of full conversions to Judaism, for which I would sooner follow Goodman than Feldman, i.e. they did happen but the numbers were probably small.

As for the risk of becoming the victims of the *fiscus Judaicus*, I assess this to be rather small for proselytes: we are dealing with small numbers that were probably properly registered for the Jewish tax.

2.4.2.3. Tax evaders: apostate Jews

The category of apostate Jews may certainly have been accused of evading the Jewish tax, if they were reported to the *fiscus Judaicus* and it was proven that they (i.e. the men) were circumcised and yet did not pay the tax. To avoid getting into this situation, some of these men may have decided to conceal their circumcision by either an operation (the so called ἐπισπασμός) or by means of a *fibula* (a light wooden pin).¹⁶⁵ The Roman poet Martial provides us with an example of an 'ex-Jew' who used the *fibula* to conceal

492. It is very difficult if not impossible to use the fourth century data of the Aphrodisias inscription for the first century as well (as referred to on page 41: the marble stone, on which fifty-five Jews and fifty-four Gentile God-fearers are mentioned as separate categories on one side; eighteen persons are mentioned on the other side, of which three are explicitly labeled as proselytes). On the other hand it is probably safe to assume that the number of God-fearers was always considerably larger than the number of proselytes. See also Donaldson 2007, 417-419 and note 599.

¹⁶⁵ Infibulation was a simple surgical procedure, which existed of a surgeon piercing the foreskin to receive a light wooden pin called a *fibula*. With the *fibula* inserted the foreskin was held neatly closed. The procedure is described by Celsus, *De Medicina*, 7.25.2.

his circumcision, lost his *fibula* in public and was still recognized as a Jew.¹⁶⁶ Therefore, one could have serious doubts about the effectiveness of this particular strategy in a court of law. Since Martial is a contemporary of the emperor Domitian, there may be a link to the Jewish tax and the way apostate Jews literally tried to conceal their Jewish origins to evade the tax.

The next question is whether they were also convicted for tax evasion and could have been punished with the confiscation of their property. When answering this question one should bear in mind that in Roman eyes apostate Jews still belonged to the *gens* of the Jews, which leads me to believe that they were indeed convicted as tax evaders in combination with the demand that they should be registered as taxpayers of the Jewish tax for future years.¹⁶⁷ If this registration should have taken place at the local synagogue as the intermediary between Jewish taxpayers and *fiscus Judaicus*, then one might expect some unwillingness on the part of the synagogues to cooperate and register people as Jews, who no longer lived as Jews.

2.4.2.4. Tax evaders: circumcised non-Jews

In theory the group of circumcised non-Jews (e.g., Egyptian priests) is also a category of people who could have been accused of evading the Jewish tax, if it could be proven that they were circumcised and were missing in the tax registers of the Jewish tax.¹⁶⁸ Yet it seems unlikely that they were also convicted, since they could probably claim they had nothing to do with Judaism (they did not belong to the *gens* of the Jews, despite their circumcision), and had their own ancestral (religious) traditions.¹⁶⁹ In these

¹⁶⁶ Martial 7.82 (= Stern 1974, #243); also see Ginsburg 1931, 288 note 38.

¹⁶⁷ Perhaps some room should be left for the possibility that they were given an opportunity to prove that they had given up their monotheistic beliefs by sacrificing to statues of the traditional Roman gods and/or the image of the emperor, as also suggested by Thompson 1982, 339: 'proof of apostasy may even have been established by the process which Pliny later understood as valid for apostasy from Christianity: invocation of the Roman gods and offerings to the imperial statue in the presence of a Roman official.' Josephus gives us an example of an earlier case (from the year 67), in which a renegade Jew in Antioch volunteered to sacrifice 'after the manner of the Greeks' (ὡς περ νόμος ἐστὶ τοῖς Ἑλλήσιν) to prove his allegiance to the Romans (Josephus, *Bell. Jud.* 7.50-1).

¹⁶⁸ This category of potential victims of the *fiscus Judaicus* was introduced by Thompson 1982, 331; followed by Williams 1990, 200-1 and Schäfer 1997, 114.

¹⁶⁹ It was known to Romans that Jews were not the only people who practiced circumcision (Sevenster 1975, 134), but 'the term circumcised is often interpreted as applying exclusively to Jews' (Sevenster 1975, 133); see also Williams 1990, 200-1.

cases a subsequent sacrifice test may have been accepted as evidence that they were falsely accused of being tax evading Jews.

2.4.2.5. Tax evaders: Jewish Christians

I will now turn to Jewish Christians, who have been pointed out as potential victims of the *fiscus Judaicus* by a number of scholars.¹⁷⁰ If the charge against them was indeed one of tax evasion, it must be assumed that they were not registered as payers of the Jewish tax. This would also lead us to believe that all or at least some of them were already estranged from the synagogues. So the first task is to find out what the relations between Jewish Christians and the synagogues in their cities may have been like. I will look at the period before and after the year 70 in general and the years under Domitian in particular in order to test if this is a likely scenario.

I will start by identifying two categories of reproaches from non-Christian Jews towards their Christian co-religionists that can be found in the New Testament. First of all there was the messianic message that Jewish Christians were bringing to non-Jews, turning them into exclusive monotheists in the process. One may qualify this as a political concern, because many Jews may have felt that their privileged position in the Roman Empire was under threat if other Jews started violating the condition in the Claudian edict 'to the rest of the world', by despising the religious traditions of others.¹⁷¹ The second concern seems to have been more of a religious nature, but was closely related to the first one. This was caused by the close interaction of Jewish Christians (as Jews) and Gentile Christians (as non-Jews), including but not limited to their shared meals. Spreading the gospel among non-Jews and forming new communities with them after their conversion, was a consequence of the Jewish Christians' belief in Jesus as the Messiah. This belief as such was not the stumbling block for other Jews initially; the conclusions that were drawn from this belief, however, led to the aforementioned problems, which will be further outlined below.

With regard to the political concern, I already pointed to the two episodes in Acts, in which Jews openly wanted to distance themselves from Paul and other Jewish Christian missionaries spreading the gospel about Jesus as the promised Messiah. The first episode concerns the Jew Alexander in Ephesus,

¹⁷⁰ Smallwood 1956, 3 and 2001 [1976], 377; Keresztes 1973, 5-6; Thompson 1982, 340; Stenger 1988, 97-8; Schäfer 1997, 114;

¹⁷¹ See my section on 'Gentile Christians' earlier in this chapter (2.4.1.2.).

who ‘tried to make a defence (ἤθελεν ἀπολογεῖσθαι) before the people’ after Paul had been accused of spreading the message that ‘gods made with hands are not gods’ (Acts 19.25-34). Paul was the target of this popular anger, but the Jewish citizens of Ephesus recognized the danger of being associated with this movement. In this case they did not get the opportunity to defend themselves, because the crowd in the theatre of Ephesus made this impossible. This is a clear example of the fact that Jewish communities could feel threatened by the Christian message being spread by Jewish Christian missionaries, because of the hostile reactions they could face in their respective cities from people who felt their traditions were being despised by Jews.

The second example of this Jewish concern that was found, was the Roman court case against Paul, brought before the proconsul Gallio by a number of Jews in Corinth (Acts 18.12-17). I argued that also in this case the issue was the spread of the Christian message among non-Jews and its main consequence: turning non-Jews into monotheists, including the demand to reject polytheism and idolatry (‘changing the status of the God-fearers’).

Now turning to the religious sensitivities on the part of the Jews and their causes, I will focus on the interaction between Jewish Christians and Gentile Christians. This concern was shared by some (or many) Jewish Christians as well, which is illustrated by a number of passages in the New Testament. Also in Jewish Christian circles there initially was uncertainty about the question whether male converts to Christianity with a pagan background should be circumcised or not.¹⁷² When this problem had been resolved by the leaders of the church in Jerusalem (‘no circumcision required’), another issue came to the fore, which consisted of the meals that were shared by Jews and non-Jews in Antioch.¹⁷³ Although this problem also seems to have been solved among Jewish Christians according to Paul’s views (we do not read about shared meals being a problem in later writings), this may have remained a cause of great concern for other Jews.

In the book of Acts it says that Paul was accused of the following:

They have been told about you that you teach all the Jews living among the Gentiles to forsake Moses, and that you tell them not to circumcise their children or observe the customs. (Acts 21.21)

¹⁷² Acts 15.1, 15.5; Gal. 6.12-13;

¹⁷³ Gal 2.1-14.

This scene took place in Jerusalem, where he was incriminated by Jews from Asia Minor, one of the prime areas of his activities.¹⁷⁴ These reproaches may have originated because of the instructions that were given to non-Jewish Christians and also because of the close ties between Jewish and non-Jewish Christians. Circumcision was not a requirement for non-Jews to become full members of the Christian communities and shared meals became a custom (with Jews and non-Jews at the same table) within these communities, which could also take place in the houses of the non-Jewish members.

It was not customary for a Jew to enter the houses of non-Jews, let alone eat with them, as is also confirmed by a number of New Testament passages. This is, e.g., clear in the narrative about Peter and the Roman centurion Cornelius in Caesarea (who is called a ‘God-fearer’).¹⁷⁵ Peter makes the remark: ‘You yourselves know that it is unlawful (ἀθέμιτόν) for a Jew to associate with or to visit a Gentile (κολλᾶσθαι ἢ προσέρχεσθαι ἄλλοφύλῳ)’.¹⁷⁶ This can probably be related to the fact that virtually every house in antiquity (except those of Jews) possessed a house-altar, meant for sacrificing to the gods. This same ‘law’ can be found in two of the gospels. Here another Roman centurion (in this case in Capernaum) is introduced, who seems to be aware of this Jewish custom and does not ask of Jesus to visit his house (he did not feel ‘worthy’), when his slave was lying ill.¹⁷⁷ The healing of this paralysed slave subsequently occurred from a distance.

Another issue, as already mentioned, was sharing meals with non-Jews. Also in Christian circles this could (initially?) lead to incidents, like the one in Antioch described by Paul in his letter to the Galatians.¹⁷⁸ Paul writes about his rebuking Peter and other Jews, who stopped eating with other non-Jewish members of the community, after ‘certain people from James’ had come. This is clear proof of Jewish sensitivities (even in Christian circles) when it came to shared meals with non-Jews. Similar sensitivities are found within the newly formed Christian communities themselves. As Paul writes to the community in Corinth:

¹⁷⁴ Acts 21.28.

¹⁷⁵ Cornelius is called ‘a devout man who feared God’: εὐσεβὴς καὶ φοβούμενος τὸν θεὸν (Acts 10.2).

¹⁷⁶ Acts 10.28.

¹⁷⁷ Matt 8.5-13; Luke 7.1-10.

¹⁷⁸ Gal 2.1-14.

But now I am writing to you not to associate with anyone who bears the name of brother or sister who is sexually immoral or greedy, or is an idolater, reviler, drunkard, or robber. *Do not eat with such a one.* (1 Cor 5.11, italics mine)

Given the fact that the focus in Acts 15 is on idolatry and sexual immorality, both of which also occur in the passage above, these seem to have been the main Jewish objections against sharing a table with non-Jews. In a similar way these objections were regarded as insurmountable within Christian communities as well. In the Book of Revelation there is also mention of a category of believers, who are not considered to be good Christians because they eat food sacrificed to idols and practice fornication.¹⁷⁹ They apparently did not guard the boundaries between the Christian community and the polytheistic pagan world well enough in the eyes of the writer of Revelation.

When returning to the narrative in Acts and to the accusations that were brought forward against Paul, it is important to see what the leaders of the Church in Jerusalem decided in this matter. They suggested to Paul to undergo a ritual cleansing of seven days in the Jerusalem temple to refute any accusations about teaching Jews to give up Jewish rules.¹⁸⁰ In this context the decision about the conditions under which Gentiles could enter the Christian communities is once again referred to:

But as for the Gentiles who have become believers, we have sent a letter with our judgement that they should abstain from what has been sacrificed to idols and from blood and from what is strangled and from fornication. (Acts 21.25)

The reason for this remarkable reference at this point in the narrative could very well be to make it clear that the social intercourse with this group of non-Jews (including the shared meals) could not lead to any defilement of the Jewish members of the Christian communities, so that in the eyes of the leaders of the church no Jewish rules could have been violated in this respect as long as the rules as mentioned above in Acts 21.25 were obeyed by Gentile Christians. Also in this case one gets the impression that the admission of non-Jews into the Christian communities, without the

¹⁷⁹ Rev 2.14; 2.20; see also Chapter 5 on Revelation and the *fiscus Judaicus*.

¹⁸⁰ Acts 21.18-26.

obligation to become proselytes, led to the accusation of non-Christian Jews towards Jewish Christians that they were forsaking the Mosaic law.

From Paul's own writings one learns that he had already been punished in diaspora synagogues before these accusations were brought forward in Jerusalem. This is apparent from 2 Cor 11.24: 'five times I have received from the Jews the forty lashes minus one'. This remark clearly relates to floggings that only Jews could be subjected to in synagogues, which followed from the Jewish privilege of organising their own courts of law.¹⁸¹ When we find a number of warnings by Jesus in the synoptic gospels, including the prediction that people will be judged and flogged in synagogues, it can be concluded that these are also messages that can only have been addressed to Jewish Christians by the gospel writers.¹⁸² These punishments could not have been applied to non-Jewish Christians (or God-fearers or any other sympathizers with Judaism for that matter).

It is safe to conclude, that all these cases refer to a moment in time when Jewish Christians were still considered to fall under the jurisdiction of the synagogues, which could and did punish them. All of these circumstances make it very probable that mixed Christian communities, consisting of Jews and non-Jews, were not accepted easily (if at all) by other Jews, both for political and religious reasons. At the same time it may be concluded from this evidence that a separation was already taking place between synagogues and Jewish Christians. This is an important observation when looking at the context of the *fiscus Judaicus* under Vespasian and Domitian.

If one assumes that for the levying of the new Jewish tax since Vespasian local synagogues were the primary source of information for the Roman authorities (like they were previously for the temple tax), the question if and how Jewish Christians were registered should be raised. With regard to the pre-70 temple tax there is little reason to believe that they would have withdrawn themselves as taxpayers or would have been precluded by the synagogue because of their Christian beliefs.¹⁸³ With the introduction of the

¹⁸¹ Goodman 2005b; see also page 55.

¹⁸² Matt 10.17, 23.24; Mar 13.9; Luke 12.11, 21.12.

¹⁸³ The New Testament is surprisingly silent on the temple tax: only Matt 17.24-27 – Jesus and Peter paying the temple tax – can be mentioned. Also see Derrett 1963; Montefiore 1964/5; Mandell 1984; also Telbe (2005, 43) and his conclusion regarding Christian communities 'that further away from Jerusalem the fidelity to this custom declined locally some time before 70 CE.' Den Heyer 1994 (Dutch), is of the opinion that there must have been a close link between this pericope and the *fiscus Judaicus*, which I find unlikely.

Jewish tax by Vespasian one may wonder whether they were also registered or if this was a moment at which they could back out (e.g., in cities where some kind of drifting apart from the synagogue had already taken place), also because this was actually a Roman punitive measure for the benefit of a pagan god and no longer a Jewish institution.¹⁸⁴

To conclude this section, I think it can be confirmed that Jewish Christians were persecuted by the *fiscus Judaicus* under Domitian. They may have been prosecuted as tax evading Jews and did not face the death penalty, but ‘only’ imprisonment, possibly banishment and certainly the confiscation of their property and possibly future tax payment. They could still be found out on account of their circumcision. Paul, who regards circumcision irrelevant, nevertheless forbids epispasm: ‘Was any one at the time of his call already circumcised? Let him not seek to remove the marks of circumcision,’ he writes to the Corinthians (1 Cor. 7.18). This means that many Jewish members of the Christian communities could still be recognized by their being circumcised in the days of Domitian.

This assumption is corroborated by information from the Letter to the Hebrews. If we take the superscription ‘to the Hebrews’ seriously, we are dealing with a document that was written specifically to Jewish Christians. In terms of persecution they had suffered because they had been made into ‘a spectacle’, they had been imprisoned and their property had been confiscated.¹⁸⁵ These items can all be explained by the prosecution of tax evading Jews by the *fiscus Judaicus*, including the circumcision test. In my chapter about Hebrews (Chapter 6 below), I will come back to this issue and argue that this intriguing New Testament book should be dated in the period after Domitian (probably under Nerva), while interpreting the remarks about a persecution in the past as referring to the *fiscus Judaicus* under Domitian.

2.5. Conclusion

After evaluation of the situation of the possible victims that Suetonius may have referred to in his remarks about the *fiscus Judaicus*, some conclusions can now be drawn. The following people who may have been reported to the officials of the *fiscus Judaicus* under Domitian by informers, based on the

¹⁸⁴ Also Goodman 1992, 33-4: ‘Non payment [of the Jewish tax] signified apostasy from Judaism but, then, payment might be reckoned a great sin itself, since the funds raised went (at least in theory) to the upkeep of the temple of Jupiter Capitolinus in Rome (Jos. *B.J.* 7.218)’.

¹⁸⁵ Heb 10.32-34.

two categories as mentioned by Suetonius in *Dom.* 12.2., have been found (with regard to all cases it should be remembered that the informer may have had the great advantage that he only needed to prove probable guilt of the accused)¹⁸⁶:

(a) ‘Those who led a Jewish life without publicly acknowledging that faith’ (*qui (...) improfessi Iudaicam viverent vitam*):

- (1) God-fearers (including other sympathizers with Judaism);
- (2) Gentile Christians as a distinct class of sympathizers with Judaism;

(b) ‘Those who concealed their origin and did not pay the tribute levied upon their people’ (*qui (...) dissimulata origine imposita genti tributa non pependissent*):

- (3) Jewish tax evaders;
- (4) proselytes;
- (5) apostate Jews;
- (6) circumcised non-Jews;
- (7) Jewish Christians;

If a circumcision test was used in all cases to make a legal distinction between circumcised and uncircumcised men, like the one Suetonius witnessed, the first two categories, God-fearers and Gentile Christians, would have been exposed as uncircumcised. These could subsequently have been suspected of leading a Jewish life *improfessi*, of which the decisive characteristic from a Roman perspective would be their ‘atheism’. If a sacrifice test was used to prove or disprove atheism (like the one used by Pliny or the one that can be found in the Book of Revelation), some of the God-fearers and in theory all of the Gentile Christians may have been exposed as ‘uncircumcised atheists’, but only if they held on to their exclusive monotheistic beliefs by fully rejecting polytheism and idolatry. The punishment on conviction was confiscation of their property and possibly execution. In view of the severity of the punishment, one may expect that some of the accused decided to sacrifice under this pressure and thereby save their properties and their lives.

¹⁸⁶ See Rutledge 2001, 18, quoted above on page 34.

It must be stressed again that these categories were not made liable for the Jewish tax, but were ‘discovered’ during the proceedings of the *fiscus Judaicus* and could also be prosecuted to raise the revenue of the *fiscus* by means of the confiscations. They were not charged with tax evasion, but another ‘crime’ was detected of which they could be found guilty: ‘atheism’. As a consequence the proceeds of these convictions also went to the *fiscus Judaicus*. This is probably the abusive situation that Domitian created, because it could be argued that something was not quite right with this procedure in a legal sense. It is highly likely that this charge of leading a Jewish life *improfessus* and the ‘atheism’ connected to it, as prosecuted by the officials of the *fiscus Judaicus* under Domitian, is the *calumnia* that his successor Nerva removed. This will be discussed in the next chapter (Chapter 3).

All other categories (3-7) would ‘pass’ the circumcision test and, if missing from the tax registers, would be suspected of evading the Jewish tax that they were supposed to pay to the *fiscus Judaicus*. If they were given the opportunity to prove that they could not (or no longer) be regarded as Jews by sacrificing to idols or an image of the emperor, apostate Jews and circumcised non-Jews were able to get off the hook. Since the former still belonged to the *gens* of the Jews from a Roman perspective, they may not have succeeded in escaping their punishment and perhaps future tax payment.

Other Jews, who consciously tried to evade the tax but in fact continued to be practicing Jews, together with proselytes that were not registered as taxpayers, were certainly deprived of their property and would have been forced to register themselves for the Jewish tax. These cases may not have been numerous, because Jews and proselytes as a rule would have been members of their synagogues and I already assumed a strong involvement of the synagogues in supplying information to the *fiscus Judaicus* about taxpayers of the Jewish tax.¹⁸⁷

Jewish Christians, who were exposed as tax evaders because they were missing from the tax registers, would have suffered the same: confiscation of their property and they were probably also supposed to be registered as future taxpayers. Missing from the tax registers in the first place, constitutes a strong indication of their estrangement from their former synagogues in the days of Domitian, which is not unlikely. The subsequent demand to be

¹⁸⁷ See pp. 22-24.

registered as taxpayers may have meant a ‘return’ to the synagogue as the place of registration, which could have been blocked by either of two situations: their own unwillingness to do so or the unwillingness of the synagogues to accept them. In my chapter about the Gospel of John (Chapter 7, including discussion of the *birkat ha-minim*), I will come back to this issue.

Looking at these results, one of the most important conclusions should be that members of mixed Christian communities (consisting of Jews and non-Jews) were at a great risk to fall into the hands of the *fiscus Judaicus* and be convicted after denunciation by *delatores*. In fact they must have presented the officials of the *fiscus* with a confusing picture. They were brought forward as members of one community, of which some of the men were circumcised Jews and others were not. The circumcised men (legally Jews in Roman eyes) could be prosecuted as tax evaders of the Jewish tax. The others (non-Jews) were found to be so close to Judaism that they had given up their ancestral religious traditions in favour of the god of the Jews, which led to a charge of living a Jewish life *improfessi*. The element of atheism could be punished by the death penalty.

Following from this, the reports of the persecution of Christians by Domitian, which can be found in early Christian historiography (e.g., Eusebius), can very well be explained by the harsh administration of the *fiscus Judaicus*, if it is accepted that the group of Christians still consisted of Jews and non-Jews, who were charged with different crimes and were punished differently. In the context of the *fiscus Judaicus* it made no sense to prosecute them as ‘Christians’, because the relevant factor was whether they belonged to the *gens* of the Jews or not. This would solve the problem concerning Eusebius’ claim about non-Christian sources that reported this (empire-wide!) persecution of Christians, which in practice was actually aimed at the two distinct sub-groups within Christian communities, among other groups of victims, especially at individuals with some property.

In later chapters the New Testament books of Revelation (Chapter 5), the Letter to the Hebrews (Chapter 6) and the Gospel of John (Chapter 7) will be investigated, to see what evidence for this persecution they can provide us with from a Christian perspective and what consequences for Christianity may have followed from this persecution. First I will take a look at the short but important reign of Nerva with special focus on his intriguing coin referring to the *fiscus Judaicus*.

Chapter 3

Nerva's reform of the *fiscus Judaicus*

3.1. Introduction

After the assassination of Domitian by members of his own court on 18 September of the year 96, the elderly, childless Nerva was pushed forward as his successor.¹⁸⁸ When taking a look at his earliest coins one gets a good impression of the propaganda that he wanted to be spread. Despite the fact that he only reigned for sixteen months (until his death on 25 or 27 January 98), his coins can be dated to no less than six distinct time periods, two of which still belong to 96.¹⁸⁹ It is known exactly what coins were struck for his first issue, which was limited to roughly the first two months of his reign.

One legend that should strike us immediately as criticism of Domitian's autocratic rule is *LIBERTAS PVBLICA* ('public liberty').¹⁹⁰ Furthermore, *SALVS PVBLICA* ('public welfare') is found, which seems to be a deliberate contrast to Domitian's *SALVS AVGVST* ('welfare of the emperor') and especially his *SALVTI AVGVST(I)* ('to the welfare of the emperor', depicting an altar!) coins.¹⁹¹ The imperial characteristics that Nerva wanted to stress are represented by the legends *AEQVITAS AVGVST* and *IVSTITIA AVGVST*

¹⁸⁸ Suetonius, *Dom.* 16-17; Cassius Dio, *Hist. Rom.* 67.1-17.2. Also see Jones 1993, 193-6, and Grainger 2004, 1-3.

¹⁸⁹ The first issue can be recognized by the obverse legend *IMP NERVA CAES AVG P M TR P COS II PP* (Imperator, Nerva, Caesar, Augustus, Pontifex Maximus, in possession of the Tribunicia Potestas, Consul for the second time, Pater Patriae). When the second issue started to be struck is not exactly clear. Coins from this issue have the obverse legend *IMP NERVA CAES AVG P M TR P COS II DES(IGN) III PP*, which tells us that Nerva was consul designate for 97: *DES(IGN) III*. Some scholars claim these coins were already issued after six weeks into his reign (which means early November 96; so Merlin 1906, 75, and Grainger 2004, 47), others think they were not issued before December 96 (e.g., Shotter 1983, 217). The third issue (January-September 97), has *IMP NERVA CAES AVG P M TR P COS III PP*. Nerva's first (ordinary) consulship was the one he shared with the emperor Vespasian in the year 71, his second (also ordinary) consulship he shared with the emperor Domitian in 90. His third consulship can be dated to January 97 and his fourth to January 98, the month in which he died.

¹⁹⁰ *RIC* II 7 and 64.

¹⁹¹ *RIC* II 9; Domitian issued a number of *SALVTI AVGVST(I)* coins (*asses*), on which an altar was depicted. For the year 84: *RIC* II 242d, 250a, 250b, 251; for the year 85: *RIC* II 271, 272, 304a, 304b.

(the ‘equity’ and ‘justice of the emperor’).¹⁹² The good fortune of the emperor (*FORTVNA AVGVST*) is found next to the good fortune of the Roman people (*FORTVNA P R*).¹⁹³ Many of these types were introduced by Galba when he became emperor after the assassination of Nero. It is not surprising that Nerva used these as well, since he came to power under similar circumstances.

The early coins with clasped hands and the legend *CONCORDIA EXERCITVVM* tell a somewhat different story. They should be seen as a sign that Nerva wanted to avoid the risk of a civil war, like the one that eventually broke out after Nero’s death in 68, which was the end of the Julio-Claudian dynasty. After the fall of the second Roman imperial dynasty (the Flavians), the risk of another civil war was very real. Nerva’s coins are proof of his wish for unity among the legions supporting him as the new emperor.¹⁹⁴

The coin legends above are found on many of Nerva’s coins (gold, silver and bronze) and most remained current until the end of his reign, but on some of his bronze coins there are also different messages. Because of their larger size the *sestertius*, *dupondius* and *as* could be used for special messages (there was simply more room for text and pictures). In Nerva’s case there is a number of first-issue *sestertius*-types that are directly linked to his coming to power: *ADLOCVT AVG*, representing his first speech to his troops (probably the Praetorian Guard), *ANNONA AVGVST*, related to the important role of the emperor in the distribution of corn, and *CONGIAR P R*, proof of his immediate largesse towards the people of Rome.¹⁹⁵ Furthermore,

¹⁹² *RIC* II 1 and 51 (*aequitas*) and *RIC* II 6 and 63 (*iustitia*). The *IVSTITIA AVGVST* type is not found before Nerva. The *AEQVITAS AVGVST*-type is also found on the coinage of Vespasian, Titus and Domitian. In the case of Vespasian (e.g., *RIC* II 542) and Titus (e.g., *RIC* II 121) it appears on their coinage as emperors. For Domitian the type is only known for the year 75 when he was *caesar* under his father Vespasian: *RIC* II 709 (Vespasian) and for 80/1 as *caesar* under his brother Titus: *RIC* II 163 (Titus).

¹⁹³ *RIC* II 4 and 5.

¹⁹⁴ *RIC* II 2 and 3, representative of the Roman army and navy. This type had also been used by Galba, who became emperor under the same circumstances as Nerva (Galba after the assassination of Nero as the last emperor of the Julio-Claudian dynasty, Nerva after the assassination of Domitian as the last of the Flavian dynasty). In Galba’s case a civil war could not be avoided.

¹⁹⁵ *RIC* II 50, 52, 56.

the more general *PAX AVG* and *ROMA RENASCENS* are found on his earliest bronze coins.¹⁹⁶

Then there is the coin that provides the subject for this chapter: *FISCI IVDAICI CALVMNIA SVBLATA S C*, written around a palm tree. This *sestertius* was also part of Nerva's first issue in 96, which is illustrated by the fact that there are specimens with the obverse legend *IMP NERVA CAES AVG P M TR P COS II PP*.¹⁹⁷ This is the earliest coin that gives information about one of the specific measures that Nerva took during his reign: this one must have been very urgent and important in his eyes. Later in his reign coins appear that illustrate other measures, but these date to the beginning of the year 97 at the earliest.¹⁹⁸



Illustration 4: *Sestertius of the emperor Nerva (RIC II 58) from the year 96. Obverse: IMP NERVA CAES AVG P M TR P COS II PP; Reverse: FISCI IVDAICI CALVMNIA SVBLATA S C, around a palm tree.*

¹⁹⁶ RIC II 66, 67.

¹⁹⁷ This type of sestertius is found in Nerva's first three issues (which cover his first full year in power: September 96 to September 97), respectively RIC II 58, 72 and 82. A possible specimen from the fourth issue is unlisted, but turned up during an auction in 2009: Numismatica Ars Classica, Auction 51 (March 2009), Lot 251; this coin has the obverse legend *IMP NERVA CAES AVG P M TR P II COS III PP* and is wrongly labeled RIC II 82. The catalogue notes that the coin has been 'heavily tooled', but the *TR P II* looks genuine.

¹⁹⁸ Two other examples are *PLEBEI VRBANA FRUMENTO CONSTITVTO*, related to the corn-supply for the benefit of the *plebs* of Rome (RIC II 89) and *VEHICVLATIONE ITALIAE REMISSA*, which advertised the remission of the *vehiculatio* for Italy (RIC II 93), also known as *munus vehicularium*: the office of providing horses, mules and conveyances along the roads of the empire for persons travelling upon public business. Note that in the latter case the word *remissa* is used for the abolishment of this burden.

3.2. *FISCI IUDAIICI CALVMNIA SVBLATA*

According to Cassius Dio, one of the first acts of Nerva as emperor was to end the persecutions by Domitian:

Nerva also released all who were on trial for *asebeia* and restored the exiles; moreover, he put to death all the slaves and the freedmen who had conspired against their masters and allowed that class of persons to lodge no complaint to anybody of *maiestas* or of a Jewish life.¹⁹⁹

For the purpose of this thesis it can be noted that accusing someone of leading a Jewish life was no longer allowed for slaves and freedmen, who seem to have been the main *delatores* in cases against their masters.²⁰⁰ This passage can be directly linked to the evidence of the coins that were issued by Nerva, stating that he ended the *calumnia* in relation to the *fiscus Judaicus*. The best translation of *calumnia* in this case is ‘wrongful accusation’ or ‘malicious prosecution’, which is exactly the crime for which the slaves and freedmen, who acted as informers, were executed.²⁰¹

In the previous chapter I argued that two different charges are found with Suetonius in relation to the *fiscus Judaicus* (‘living a Jewish life’ and ‘tax evasion’) for which different punishments applied after conviction of the

¹⁹⁹ Cassius Dio, *Hist. Rom.* 68.1.2. This translation: from Stern 1980, #436 (E. Cary).

²⁰⁰ See also Rutledge 2001, 33-35, on slaves (and women) as *delatores*.

²⁰¹ See the entries ‘*calumnia*’ in the old and new editions of *Paulys Realencyclopädie der classischen Altertumswissenschaft* (Pauly/Wissowa):

Im Strafverfahren machte sich der private Ankläger (*delator*), der eine *c.* beging, selbst strafbar. Nach der spätrepublikanischen *lex Remnia* führte die Verurteilung wegen *c.* zum Verlust der bürgerlichen Rechte (*infamia*). In der Kaiserzeit wurden die Sanktionen erheblich verschärft bis zur Todesstrafe in bes. schweren Fällen (Cass. Dio 68.1);

the next passage by Ste Croix (1963, 15), about the persecution of Christians since the days of Pliny, is also informative on this issue:

It is important to remember that the standard procedure in punishing Christians was “accusatory” and not “inquisitorial”: a governor would not normally take action until a formal denunciation (*delatio nominis*) was issued by a *delator*, a man who was prepared not merely to inform but actually to conduct the prosecution in person, and to take the risk of being himself arraigned on a charge of *calumnia*, malicious prosecution, if he failed to make out a sufficient case.

Also note Suetonius, *Dom.* 9.3: *fiscales calumnias magna calumniantium poena repressit*, about the way Domitian repressed false tax related accusations early in his reign (regarded by Suetonius as one of Domitian’s earlier good deeds). Cf. Alpers 1995, 293.

accused. Looking at these accusations, tax evasion is a crime that one would expect to be prosecuted by a *fiscus*, so this could not be considered to be a *calumnia*. It could be argued, though, that prosecuting non-Jews who were accused of living a Jewish life (and the atheism that was allegedly part of that according to Cassius Dio), was formally outside the jurisdiction of the *fiscus* officials, who should have limited themselves to collecting tax from Jews. My suggestion is that the accusation of ‘living a Jewish life’ directed against non-Jews became part of the prosecutions by the *fiscus Judaicus* under Domitian, but Nerva put an end to that, because he considered this to be a *calumnia* (‘wrongful accusation’). It is very probable that this accusation of ‘living a Jewish life’ disappeared altogether and was replaced by ‘atheism’ (in Greek), ‘*sacrilegium*’ or ‘contempt of the gods’ (in Latin), but most probably by ‘being a Christian’. This appeared to be a much more direct way to tackle the problem of spreading atheism, at the same time taking away the explicit link with Judaism. I will come back to this issue later in this chapter.

Another one of Nerva’s more general measures apparently also has links to the proceedings of the *fiscus Judaicus* under Domitian. Nerva decided that disputes between taxpayers and the *fiscus* were transferred from judgement by a *procurator* to one by a newly instituted *praetor*.²⁰² In previous cases (under Domitian) the *procurator* had the power to pass judgement in cases, which would usually benefit his own treasury if the accused was convicted. This almost certainly led to a widespread situation of abuse, not just limited to the *fiscus Judaicus*, but with regard to other taxes as well. Nerva felt the need to set this right by transferring the jurisdiction in these cases to a *praetor*.²⁰³

Taking a look at the scholarly literature on the interpretation of *FISCI IVDAICI CALVMNIA SVBLATA*, no consensus on its meaning can be found,

²⁰² *Digest* I.2.2.32 (Pomponius): *et adiecit divus Nerva qui inter fiscum et privatos ius diceret*: ‘and the deified Nerva added [one praetor] who exercised jurisdiction between *fiscus* and private citizens’. Remember the personal anecdote by Suetonius (*Dom.* 12.2) about the ninety year old man, who was examined in the crowded court of a procurator under Domitian: *a procuratore frequentissimoque consilio*. See also Grainger 2004, 53.

²⁰³ See Grainger 2004, 52-65, for the financial effects on Nerva’s budget as a consequence of his reforms and other measures: ‘The reforms of the Jewish tax and the inheritance tax, and the less onerous and biased judgement system, will have reduced the expected income to the treasury – and Nerva reduced the tribute to be collected from the provinces as well – though the income reduction was perhaps not by very much in total and would not take effect for some time.’ (54)

which should come as no surprise given the different interpretations of what went wrong under Domitian.²⁰⁴ Smallwood writes:

the coin legend with its reference to *calumnia* concentrates on the false accusations and the consequent perversion of justice. It proclaims the end of the abuse whereby under Domitian gentiles innocent of any attachment to Judaism had been falsely accused of leading a 'Jewish life' and had suffered in consequence.²⁰⁵

She is right in linking the *calumnia* to the accusation of leading a 'Jewish life', but it should probably be done in a more direct way as described above. Every accusation of 'leading a Jewish life' was false or not justified before the *fiscus Judaicus* in the eyes of Nerva. This was not limited to Gentiles 'innocent of any attachment to Judaism'. Non-Jewish God-fearers also benefited from Nerva's measure and so did Gentile Christians, because the *delatores* were no longer in a position to easily denounce people.²⁰⁶

Many scholars stress the end of the denunciations, and they usually consider this system, which was very susceptible to abuse in their eyes, to have been the *calumnia*. Ginsburg speaks of the 'end to the vexations', Hemer thinks the coin legend 'must be set against the violent emotional connotation of the word *delator*', Keresztes mentions the 'end to the scandalous abuse of the *fiscus Iudaicus*', Williams concludes that there was a 'seemingly unprecedented scale of abuse' and also Jones thinks that Nerva abolished 'the concomitant abuses' of the rigorous tax collection under

²⁰⁴ Stenger 1988, 109-113, and Goodman 2007a, 81-89 consider the grammatical aspects of the legend of Nerva's coin; I agree to a high degree with Stenger in what he writes under his number 5 (112), linking Nerva's coin legend to the first category of victims under Domitian (those living a Jewish life *improfessi*, as mentioned by Suetonius) and also to the account by Cassius Dio about Nerva's measure not to accept accusations of a 'Jewish life' any longer; his translation is less accurate: 'Die Denunziationen bei der Steuerbehörde des "fiscus iudaicus" sind abgeschafft worden', since *calumnia* is used in its singular form (a point stressed by Goodman 2007a, 85-6, under B); for my criticism of Goodman's more recent views see below.

²⁰⁵ Smallwood 1956, 4-5, followed by Stenger 1988, 112.

²⁰⁶ Although it is hard to disagree with Stenger (1988, 113): 'Nervas Massnahme betrifft mithin in erster Linie Römer. Ihre Zielrichtung ist nicht die Erleichterung des jüdischen oder auch des christlichen Schicksals', I still think that Judaism also benefited from Nerva's measure (see also below).

Domitian.²⁰⁷ However, this interpretation of the coin legend does not agree with the use of the singular *calumnia* as ‘wrongful accusation’, as rightly observed by Goodman.²⁰⁸ This is why I propose that by *FISCI IVDAICI CALVMNIA SVBLATA* the removal of the false accusation of ‘living a Jewish life’ as prosecuted by the *fiscus Judaicus* is meant. This would have automatically ended the abuses that were felt by the victims. The situation further improved, because tax disputes were no longer brought before the court of a *procurator* but before the court of a *praetor* from the days of Nerva onwards, as observed above.

Bruce obviously sees the coin as proof of the (renewed) tax exemption of ‘Roman citizens and other Jewish residents of Italy’ and Thompson argues that the coin legend ‘relates only to Nerva’s suppression of [the] harassment of apostates and their households’.²⁰⁹ Since I do not agree with their interpretation of the *fiscus Judaicus* under Domitian, I also cannot agree with their interpretation of Nerva’s coin.

Goodman initially was of the opinion that Nerva ended the *calumnia* by releasing from payment ‘the group of non-religious ethnic Jews who were persecuted for the tax by Domitian’.²¹⁰ So in his view Nerva’s measure was

²⁰⁷ Ginsburg 1931, 290; Hemer 1973, 11; Keresztes 1973, 6; Williams 1990, 202; Jones 1993, 118.

²⁰⁸ Goodman 2007a, 85-6, under B.

²⁰⁹ Bruce 1964, 45; Thompson 1982, 331.

²¹⁰ Goodman 1989, 41; also Goodman 1990, 198; and 1992, 33: ‘from now on those who wished to deny their Jewishness could do so’. Goodman (1989, 42) draws attention to the unclear situation with regard to the synagogue when the status of proselytes or *theosebeis* is considered (‘godfearers or friendly pagans’) and indicates that Jews were ‘remarkably unconcerned’ about this before 96 CE. Only when the Roman criterion for the Jewish identity (‘a Jew was anyone who volunteered to pay the *fiscus Judaicus* to the Roman state’) was introduced, was Judaism forced to establish rules for the distinction between proselytes and ‘friendly pagans’. According to Goodman this was an important side effect of the reform by Nerva, which was primarily a benefit for apostate Jews, who were exempted from paying the Jewish tax from that moment on (Goodman has changed his mind on who benefited from Nerva’s measure: see below). This issue should probably be approached in a somewhat different manner. The situation before 70 CE was clear as was the one after 96 CE. One has to look closely at the period in between. Briefly worded this is about the transition from the old (Jewish) tax system to the new system (Roman punitive measure). After all it seems reasonable to assume that before 70 CE it was also clear for Jews, who was Jewish and who wasn’t, and who should pay the temple tax. The existence of mixed Christian communities (consisting of Jews and non-Jews) was probably one of the main sources of confusion, both in Jewish and Roman eyes. Goodman’s stress on the Jewish identity (‘who is a Jew’) remains of key importance in the issue of the *fiscus Judaicus*.

for the benefit of apostate Jews, following Thompson. In recent years Goodman has changed his mind on this subject and he is now of the opinion that Nerva abolished the tax altogether and the beneficiaries of this new policy were also ‘native, practicing Jews’.²¹¹ Since he also recognizes later sources that prove that the Jewish tax was collected in the first (!) year of Trajan’s reign and in later times as well, he has to assume ‘a temporary abolition of the tax, followed by its reinstatement’.²¹² In this way Goodman denies a direct link between the accounts of Suetonius and especially Cassius Dio about the *fiscus Judaicus* under Domitian on the one hand and Nerva’s coin on the other.²¹³ This seems to be an unnecessary move, since the accounts can be interpreted in a consistent way if taken together, as shown above. Another consequence of Goodman’s view is that *calumnia* now refers to the *fiscus Judaicus* or the Jewish tax itself. Its introduction by a previous Roman emperor (Vespasian) would have been the start of the *calumnia*, which is not very likely.²¹⁴ My last problem with Goodman’s recent standpoint is his use of the Egyptian evidence for the Jewish tax (the *ostraka* from Edfu): in this case the lack of tax receipts from Nerva’s reign, which seems to support his view.²¹⁵ In my first chapter I argued that it is statistically not significant that receipts for the Jewish tax with Nerva’s name on it are missing from the *ostraka* archive.²¹⁶ There are no other documents

²¹¹ First suggested in Goodman 2005a, 176; further developed in Goodman 2007a, 81-89; also in Goodman 2007b, 469-75.

²¹² Goodman 2007a, 83 and note 28.

²¹³ Which he explicitly does: Goodman 2007a, 82: ‘In any case, the reading of one text in the light of another must always be done with caution. The haphazard survival of evidence from the ancient world permits only occasionally for direct links to be made between the evidence of one source and that of another’. This is a very true remark, but in the case of the *fiscus Judaicus*, there seems to be no reason why one should not leave the links between Suetonius, Cassius Dio and Nerva’s coin intact. Since Goodman thinks only native Jews were the victims under Domitian (see page 40 and note 102) and thinks their crime was tax evasion, it is understandable that he finds it very hard to explain Nerva’s coin. In this line of thinking the coin can only be an illustration of a positive measure for Judaism (and for Judaism only) and at the same time it should advertise some kind of relaxation of the tax burden. I do agree that this was a positive measure for Judaism (as I will explain below), but not just for Jews. The tax itself, as introduced by Vespasian, probably did not change at all.

²¹⁴ Stenger 1988, 110: commenting on earlier ideas that Nerva’s coin was proof of the abolition of the tax itself: ‘Es ist [...] kaum anzunehmen, dass Nerva eine von Vespasian geschaffene kaiserliche Behörde als “Schurkerei” bezeichnet hätte’.

²¹⁵ An argument also brought forward by Richardson and Shukster 1983, 42-44;

²¹⁶ See pp. 19-20.

(including receipts for other taxes) from Nerva's very brief reign in *CPJ* either. Moreover, Hemer's conclusion about the epigraphic evidence could be followed: 'there is apparent continuity between Domitian and Trajan'.²¹⁷

3.3. *IMP NERVA CAES AVG P M TR P COS II PP*

At this point I should return to the obverse legend of Nerva's sestertius and try to establish how to explain the fact that this coin was issued so soon after Nerva became emperor. The solution of the problems caused by the *fiscus Judaicus* must have been an urgent matter and the abuses were removed in the first weeks of his reign.

It was already established above that there is a strong indication that the execution of Flavius Clemens, one of the members of Domitian's court, occurred also under the heading of the *fiscus Judaicus* or was in some way linked to the procedures that were used to establish the crime of 'atheism'.²¹⁸ Smallwood has suggested that Domitian may have started to subject members of his own court, whom he suspected of disloyalty, to some kind of sacrifice test that was also used by the *fiscus Judaicus*, involving an image of himself.²¹⁹ In this case the refusal to sacrifice to an image of the living emperor, also a family member, may have been a matter of principle for Flavius Clemens even without the alleged Jewish or Christian sympathies that were later ascribed to him. This execution may also have contributed largely to the dissent (and fear of losing their own lives) among Domitian's other court-members, which eventually led to his assassination. All of this will have added to the conviction that a thorough reform of the *fiscus Judaicus* was called for, because the notion of abuse had become closely connected to it.

From the account above it could be concluded that the coin only advertised good news for Romans, especially for those who had been accused of 'living a Jewish life' under Domitian and others who feared the same could happen to them. In the days of Domitian they could fall into the hands of the *fiscus Judaicus* as a consequence of their being denounced by *delatores*, who could be their own slaves or freedmen, but I would like to suggest that what this coin stood for was also beneficial for Judaism. The impression of this is given by the coin itself, not only the legend, but also the

²¹⁷ Hemer 1973, 9.

²¹⁸ Cassius Dio, *Hist. Rom.* 67.14.1-2.

²¹⁹ Smallwood 1956, 6; 2001 [1976], 381.

picture: a palm tree, which usually symbolizes Judaea on Roman coins. Comparing this coin to the ones issued by Vespasian and Titus celebrating their victory after the capture of Jerusalem and the destruction of the Jewish temple, Nerva's coin must have come as a pleasant contrast to Jews. On Vespasian's and Titus' coins there is also the palm tree, but always in combination with victorious Roman generals (Vespasian or Titus) and/or Jewish prisoners of war or a mourning woman as a symbol of Judaea.

For the purpose of finding out why this coin was good news for Judaism (despite the fact that the Jewish tax itself was not abolished), I turn to sources that are mentioned by both Smallwood and Jones in connection to Domitian²²⁰: one passage in the *Acta Iohannis* about Jewish petitions that were sent to Rome under Domitian and several Talmudic passages about the journey of four rabbis to Rome, which is usually dated around the year 95.

In the latest edition of the *Acta Iohannis* (1983) the editors Junod and Kaestli have separated the first fourteen chapters of the previous edition by Bonnet (1898)²²¹ from the rest of the text, because they regard this section as not belonging to the original Acts of John, which is a generally accepted opinion. They have given these chapters a new title: 'Les Actes de Jean à Rome' ('The Acts of John in Rome').²²² Of these fourteen chapters the first four, in which John is not yet mentioned, are the ones that are of interest to us. This general introduction starts with the fall of Jerusalem and the destruction of the temple under Vespasian (chap. 1). In the second chapter Domitian succeeds his father Vespasian as emperor (Titus does not appear in the story) and he starts a persecution of 'just men' (κατὰ τῶν δικαίων ἀνθρώπων). He also learns that the city of Rome is full of Jews and he wants to expel them, until some 'courageous Jews' send a petition to him. In this document (chap. 3) they explain to the emperor that Jews are law-abiding and harmless people, but they also point out that a new and strange people has appeared (ἔστιν δὲ καινὸν καὶ ξένον ἔθνος), who do not follow Roman customs nor the religious customs of the Jews (μήτε τοῖς ἡμετέροις ἔθεσιν ὑπακοῦον μήτε ταῖς Ἰουδαίων θρησκειαῖς συνευδοκοῦν): the Christians. After this (chap. 4) Domitian decrees that all people who confess to be Christians (τοὺς ὁμολογούντας ἑαυτοὺς χριστιανούς) should be killed without exception.

²²⁰ Smallwood 1956, 9-10; 2001 [1976], 382-4; Jones 1993, 118.

²²¹ Bonnet 1959 [1898], XXVI-XXXIII, 151-216.

²²² Junod and Kaestli 1983, 835; 840-842.

Whereas the *Acts of John* are traditionally dated to the second century, the editors Junod and Kaestli decide for a later date (fourth-fifth century) with respect to their *Acts of John in Rome*. Their decision is based on the fact that this narrative has many parallels with the historical work of Eusebius, on which it seems to be based.²²³ With regard to the role of the Jews in this introduction, which is obviously a negative one for Christianity, the editors rightly conclude that there is no trace of an anti-Jewish polemic against them; some of the Jews are even called ‘courageous’.²²⁴ Junod and Kaestli assume that the writer of these chapters has been inspired by the expulsion of the Jews by Claudius in the year 49 and has added the traditional role ascribed to Jews in early Christian sources when it comes to the persecution of Christians.²²⁵ According to the editors the entire story is probably a product of the imagination of the writer (‘notre auteur a laissé parler son imagination’), because two important facts are not known from other sources: the imminent expulsion of Jews from Rome and the persecution of Christians under Domitian.²²⁶ But if the latter were also victims of the harsh administration of the *fiscus Judaicus* under Domitian, as discussed in the previous chapter, then already this is proof for this fact. For the other issue (Jewish fear for imminent expulsion from Rome), we shall turn to Talmudic and Midrashic sources.

There are a number of passages in the Talmud that refer to a journey of four rabbis, including Gamaliel II and Akiba, to Rome, and there is a possibility that this journey could be dated to the year 96.²²⁷ Their business must have been urgent, because they celebrated the Feast of Tabernacles on

²²³ Junod and Kaestli 1983, 857-860. For the dating issues with regard to the *Acts of John*, also see Bremmer 1995, 54-56, Lalleman 1998, 244-270, and Czachesz 2006, 59-60.

²²⁴ Junod and Kaestli 1983, 846.

²²⁵ Junod and Kaestli 1983, 855.

²²⁶ Junod and Kaestli 1983, 845; 855.

²²⁷ Mishnah, *Maaser Sheni* 5.9, *Shabbath* 16.8, *Erubin* 4.2; Babylonian Talmud, *Sukkah* 23a.41b; Jerusalem Talmud, *Sukkah* 2.4, 52d; Graetz 1998 [1908], writes the following in his note on page 110 of Volume IV of his *Geschichte der Juden*: ‘Nach der angeführten Stelle, *Maa’sser Scheni* V, 9, muss diese stattgefunden haben in einem Jahre, in welchem die Zehnten aus dem Hause geschafft werden müssen (...). Ein solches war das Jahr 96 und die Reise war wahrscheinlich eine Folge der Thronbesteigung Nervas’. It is good to remember that ‘Talmudic writings are frequently vague and unreliable’: see note 229 below. The Mishnah (redacted ca. 200 CE) is usually regarded as more reliable for the late first century, but also in this case caution is required. Also see Herr 1971 on ‘the historical significance of the dialogues between Jewish sages and Roman dignitaries’, esp. 135-144.

board their ship and not in Judaea.²²⁸ Since this feast is celebrated in October, they were also sailing at the very end of the season and were probably facing rough weather.²²⁹

Although this dating of a particular journey of rabbis to Rome is very speculative, in the context of this study so far it is not unlikely that leading rabbis from Jerusalem (or rather Yavneh) hurried to Rome when they heard of the death of Domitian.²³⁰ They may have sent earlier petitions to Rome during his reign about their concern that Judaism was constantly being depicted as a source of evil, but Domitian probably remained deaf to these requests as long as the money kept coming in through the *fiscus Judaicus*. As soon as these rabbis learnt of the emperor's death, which also meant the end of the hated Flavian dynasty, it was probably time for them to act and go to Rome to defend their case in person and avert any further damage to Judaism, hopefully with an emperor who would be more benevolent towards them. A new emperor on the throne could mean a change of policy towards Judaism, which could be for better or for worse.

Despite the fact that the sources mentioned above (both the *Acts of John* and the Talmudic passages) are often considered to be unreliable because they were put on paper relatively late and contain legendary elements, it

²²⁸ Babylonian Talmud, *Sukkah* 23a.41b; Jerusalem Talmud, *Sukkah* 2.4.52d;

²²⁹ Babylonian Talmud, *Abodah Zarah*, 10b-11a; Midrash, *Deut. r.* 2.24. It looks like the fear of an imminent persecution of Jews brought these rabbis to Rome. Smallwood 1956, 10: 'The version in the Midrash tells how a *senatus consultum* was issued to the effect that "within thirty days no Jew should be found in the (Roman) world"'. Smallwood uses these Talmudic and Midrashic writings as evidence for Domitian's attitude toward the Jews towards the end of his reign, 'albeit with caution, since Talmudic writings are frequently vague and unreliable' (Smallwood 1956, 1).

²³⁰ Herr 1971, 139, notes: 'Here we shall make no attempt to discuss the total number of such journeys [to Rome by, e.g., Gamaliel and Akiba] – a question which has been dealt with extensively by many scholars. We shall merely content ourselves with the assertion that the total cannot by any count be reduced to one, or even two. Inter alia, we have the evidence of the special halakhic dispensations granted to the house of R. Gamliel, as against the rest of the Jewish people, "because they maintain close relations with the government"' (referring to the Tosefta *Abodah Zarah*). Katz 2006, 269-270, concludes about these journeys: 'Thus, should the Sages have been of such a mind, these visits would have provided the opportunity to communicate their criticisms of Jewish Christianity and Christianity orally. But the existence of such possible criticism is, given the total absence of evidence, pure speculation.' In this case Katz omits the reports in the *Acts of John* about 'such possible criticism' of Christianity by 'courageous Jews' that were mentioned above. It may be concluded that his remark about 'the *total* absence of evidence' (*italics mine*) does not seem to be right.

seems possible to draw a number of cautious conclusions from them, also because they are totally independent of each other. Following Smallwood and Jones, it may be observed that they ‘have value as reflecting disquiet among the Jews late in Domitian’s principate’.²³¹ But perhaps a further step can be taken. From a Jewish perspective it was important to stress the fact that Judaism stayed within the Roman boundaries that were set by, e.g., Claudius in his edict ‘to the rest of the world’. To do this successfully they needed to distance themselves from those Jews who (stemming from their belief in Jesus as the Messiah) had started to convert non-Jews, asking of them to reject idolatry and polytheism in the process. They were the ones openly violating the condition in the edict ‘not to show contempt of the religious observances of other nations (μὴ τὰς τῶν ἄλλων ἔθνων δεισιδαιμονίας ἐξουθενίζειν)’.²³² They were Jews, who turned their converts into ‘atheists’ and made them live ‘Jewish lives’ from a Roman perspective. This had already been an issue in Paul’s days when one thinks back to the episode in Ephesus and the trial before Gallio²³³, but now this had become acute. If Judaism kept being associated with this movement, Jews could rightly fear measures against Judaism as a whole, which could be a dangerous development jeopardizing their privileges.

Seen in this light, the general line in the introduction of the *Acta Iohannis* is not that unlikely at all: to avert further damage to Judaism, it made sense for Jews to point out to the Romans that ‘Christians’ were their main problem.²³⁴ At the same time it had probably become clear to the Romans themselves, that the *fiscus Judaicus* was not the appropriate instrument to

²³¹ Smallwood 1956, 10; also Smallwood 2001 [1976], 384; followed by Jones 1993, 118.

²³² Josephus, *Ant.* 19.290.

²³³ Acts 18.12-17; 19.25-34; see also pp. 50-55, 64-65.

²³⁴ There seems to be no reason why the first four chapters of the ‘Acts of John in Rome’ cannot be dated to the second century as well. There is no need to date them to a period after Eusebius (i.e. fourth-fifth century). It may be clear that I do not follow the conclusion of the editors about this introduction being a product of the imagination of its writer: its content could be quite accurate. Furthermore, Junod and Kaestli are also of the opinion that the first four chapters form a separate unit. About the first fourteen chapters as a whole they observe: ‘le texte comporte deux parties, qui n’ont apparemment entre elles aucune relation’ and ‘une analyse plus détaillée du contenu de ces deux parties confirme cette impression de disparité.’ (Junod and Kaestli 1983, 844) Perhaps chapters 5-14 ‘are colored by a trinitarian theology and are much more “Catholic” than the early AJ’ (Lalleman 1998, 13), which requires a relative late date for these chapters, but this is certainly not true for chapters 1-4, in which none of this is present.

prosecute non-Jews who were accused of living a Jewish life, even if they could recognize that the crime behind that was ‘atheism’ or ‘contempt of the gods’, which should not remain unpunished. For Jews it would also be beneficial if the link between the charge of atheism and Judaism could be avoided entirely in any future prosecution: accusations of ‘living a Jewish life’ could still be harmful to Jews, linking a grave crime in Roman eyes (‘atheism’ or ‘contempt of the gods’) to their religion. Domitian probably remained deaf to all of these arguments that may already have been brought forward during his reign, but Nerva and the senate may very well have seen the logic of this.

If mainly Gentile Christians had been found guilty of ‘atheism’ or ‘contempt of the gods’ by officials of the *fiscus Judaicus*, it even makes sense that ‘being a Christian’ was the crime that would be punishable in future. The first clear example of this is found only some fifteen years later in Pliny’s famous letter to Trajan: confessing to be a Christian led to the death penalty.²³⁵ People who were accused of being Christians could only escape from this fate by sacrificing to the gods and an image of the emperor, proving that they were no atheists and showed no contempt of the gods or the emperor.

With regard to Jewish Christians, the striking difference between the descriptions of the Jewish tax by (1) Josephus and Suetonius, on the one hand, and (2) Cassius Dio, on the other, should be addressed, which could also shed light on Nerva’s decision.

(1) Josephus and Suetonius state in general that the tax was meant to be paid by all Jews in the empire, providing us with a strong ethnic accent.²³⁶ In this respect it need not surprise us that the informers of the *fiscus Judaicus* under Domitian were convinced that members of Christian communities also needed to pay the Jewish tax or could be prosecuted in relation to it. During the prosecutions it turned out that Christian communities consisted of circumcised Jewish men and their families, who should pay the tax anyway as members of the Jewish *gens*, and non-Jewish men (including their families) who had given up their own traditional gods for the Jewish exclusivist monotheism, even though they were not circumcised. This latter group could be successfully prosecuted before *fiscus* officials on the charge

²³⁵ Pliny, *Ep.* 10.96;

²³⁶ Josephus, *Bell. Jud.* 7.218 ; Suetonius, *Dom.* 12.1-2.

of 'living a Jewish life'. Their 'atheism' could even lead to the death penalty under Domitian.

(2) Turning to the report by Cassius Dio, one finds a more pointed definition of the taxpayers (when compared to Josephus and Suetonius), which could well be a reflection of the decision made by Nerva.²³⁷ According to Cassius Dio, the tax was meant to be paid by Jews 'who remained faithful to the customs of their forefathers' (τοὺς τὰ πάτρια αὐτῶν ἔθῃ περιστέλλοντας), changing the definition of 'Jew' from an ethnic into a religious one.²³⁸ The consequence of this would have been that apostate Jews were no longer regarded as taxpayers (being part of the *gens* of the Jews was no longer the criterion), but also Jewish Christians could be set apart from Judaism in this way. Many Jewish Christians did not meet the criterion of remaining 'faithful to the customs of their forefathers' in Roman (and Jewish) eyes. As a consequence, they appeared to Romans more and more as members of a separate religion (despite firm Jewish roots), which had a missionary tendency leading to the spread of atheism or contempt of the traditional gods in the Roman Empire. Tacitus, who wrote during the reign of Trajan (the adoptive son and successor of Nerva), knew that the movement started in Judaea and that its 'instigator' Christ had been executed by the procurator Pontius Pilate in the time of the emperor Tiberius, which was only some seventy to eighty years before he wrote his works.²³⁹ This was certainly not the timeframe Romans had in mind when speaking of 'customs of the forefathers'.

After Nerva Roman authorities are not found to make any distinction between Jewish and Gentile Christians, as they very likely did under Domitian without using the term 'Christian'.²⁴⁰ This is clear from the letter from Pliny to Trajan, in which the only distinction that is being made is the one between Christians who were Roman citizens and those who were

²³⁷ As also suggested by Goodman 1989, 41; speaking about the early third century account of Cassius Dio, he writes that the Roman historian 'characteristically back-dated his definition to A.D. 70'. Goodman 2007a, 89, note 29, thinks this hypothesis (which I am still willing to accept) was wrong, although admitting the likelihood that this situation already existed when Suetonius wrote his works in the twenties of the second century. This is the article in which Goodman reinterprets Nerva's coin as proof of the (temporary) total abolition of the Jewish tax.

²³⁸ Cassius Dio, *Hist. Rom* 65.7.2.

²³⁹ Tacitus, *Annales* 15.44

²⁴⁰ See my next chapter about the use of the term 'Christian' in the first and early second century.

not.²⁴¹ Christians who were Roman citizens were sent to Rome to be tried (and most likely executed, judging from Ignatius' case), the others were killed immediately. It can also be seen that the sacrifice test is used in a slightly different way. The test was probably used under Domitian to find out the 'uncircumcised atheists' among those men who were accused of living a Jewish life. This seems the way it is used in Revelation: those who did not sacrifice were executed.²⁴² In most cases before the *fiscus Judaicus* these people were found to be Gentile Christians. So under Trajan (after Nerva's reform) this procedure seems to have been slightly changed: now the accusation was 'being a Christian' and the sacrifice test was used for those people who denied they were Christians: they needed to prove this by sacrificing to idols and an image of the emperor. Christians were immediately convicted and punished by Pliny after the mere confession that they were Christians: no further testing was necessary.

Important additional evidence about this change in the legal status of Jewish Christians is provided by Eusebius. There is a striking and, at first sight, inexplicable contrast between two of his reports: one about the 'relatives of Jesus' under Domitian and the other about Simeon, the bishop of Jerusalem, under Trajan.

According to Hegesippus, quoted by Eusebius in his *History of the Church*, relatives of Jesus were brought before Domitian by informers, because they were members of the family of David and could perhaps pose a threat to the emperor.²⁴³ When Domitian found out that they were not a political threat for him and also did not own a great deal of money, he set them free. What should strike us in this legendary story, is the fact that Domitian was very much interested in the property of these relatives of Jesus, but let them go free when he found out they were not men of wealth. This seems to be an echo of the fate of Jewish Christians under Domitian: they were prosecuted (as tax evaders) in order to confiscate their property, but they did not face any further punishment.²⁴⁴ Those Jewish Christians, who were relatively poor, would probably not have been targeted at all.

In contrast to this story about the 'relatives of Jesus', who were left unharmed under Domitian, one reads about the martyrdom of Simeon,

²⁴¹ Pliny, *Ep.* 10.96;

²⁴² Rev. 13.15; 20.4

²⁴³ Eusebius, *Hist. Eccl.* 3.20.

²⁴⁴ The link between this passage in Eusebius and the *fiscus Judaicus* is also cautiously suggested by Botermann 1996, 186 n. 607.

bishop of Jerusalem, who was crucified during the reign of Trajan according to Eusebius, again quoting Hegesippus.²⁴⁵ He was prosecuted on the ground that he was ‘a descendant of David and a Christian’. It may be safely assumed that Simeon was also Jewish: he succeeded James as leader of the church in Jerusalem.²⁴⁶ During the reign of Trajan there were only local persecutions of Christians according to Eusebius, in contrast to the times of Domitian, but apparently the legal situation of Jewish Christians had changed dramatically.²⁴⁷ Because they had lost their privilege to be monotheists in the Roman Empire under Nerva, they could also be executed by the Romans for being Christians: they were no longer regarded as Jews.

In the light of the above, it is not surprising to find the first source that opposes Christianity (*christianismos*) to Judaism (*ioudaismos*) also shortly after the reign of Nerva. This is the letter to the Magnesians by Ignatius of Antioch, who uses this Greek word for Christianity (Χριστιανισμός) apparently to indicate that these are now two separate religions in his eyes. He wrote this letter when he was on his way to Rome to be executed for being a Christian (perhaps it should be assumed that he was a Roman citizen, whereas Simeon was not), also during the reign of Trajan, which is neatly in line with my conclusion that a major break took place in 96. In the same letter he advises his readers to replace the Sabbath with the Lord’s Day (Sunday), from which one learns that (as far as we know) this change, which would further increase the gap between Christianity and Judaism, was considered for the first time shortly after Nerva’s reign as well.²⁴⁸ In Chapter 8 it will be argued that the year 96 could very well be the decisive date in the process of the parting of the ways between Judaism and Christianity.

3.4. Conclusion

For all parties concerned Nerva seems to have created clarity in the confusing picture presented by Judaism and related movements that also

²⁴⁵ Eusebius, *Hist. Eccl.* 3.32.

²⁴⁶ Eusebius, *Hist. Eccl.* 3.11, stating that Simeon was a cousin of Jesus, his father Clopas being Joseph’s brother. Also see Bauckham 2007, 91, about this Simeon (Simon) and his observation about the alleged age (120) at which he died: ‘It cannot be accidental that this age was also attributed in rabbinic tradition to the three great rabbis: Hillel, Johanan ben Zakai, and Akiba, the last two contemporaries of Simon. There must be a polemical relationship between these rival claims to be compared to Moses’.

²⁴⁷ Eusebius, *Hist. Eccl.* 3.33.

²⁴⁸ Ignatius, *Magn.* 9.1.

involved non-Jews. The situation of Jews and non-Jewish God-fearers in and around the synagogue, which existed before Christianity entered the scene, was confirmed as it were and was acceptable for Roman authorities. It was probably understood that those God-fearers would not start to cross the essential boundary in Roman eyes: becoming proselytes in large numbers and ending up rejecting polytheism and idolatry. Jews paid the Jewish tax to the *fiscus Judaicus* if they wanted to practice their religion following the customs of their forefathers as members of their synagogues.

Apostate Jews were thus exempted from the tax and were no longer regarded as Jews. Jewish Christians were also no longer regarded as Jews by the Romans if they were not registered for the Jewish tax (and in the eyes of other Jews they were probably heretics, no longer ‘real’ Jews²⁴⁹), and as a consequence they ran the same risk of persecution by Roman authorities as Gentile Christians, because they were now also illegal ‘atheists’. The charges against them changed from ‘tax evaders of the Jewish tax’ (directed at Jewish Christians) and ‘living a Jewish life *improfessi*’ (directed at Gentile Christians) to ‘being Christians’ for both groups under Trajan.

In the *Encyclopaedia Judaica* (in the previous edition of 1971/2 and unaltered in the latest edition of 2007) there are two entries in which Nerva’s measure is also regarded as having led to a more distinct difference between Judaism and Christianity, because of which they were regarded as separate religions by the Romans from then on. These entries are ‘Jewish identity’ and ‘Nerva’.

Under ‘Jewish identity’ by Arthur Hertzberg one can find: ‘By that time the Roman Imperial authorities were recognizing Christianity officially as a new religion, because the emperor Nerva (96-98) exempted the Christians from the *fiscus judaicus*.’ Hertzberg connects this tax exemption to the introduction of the *birkat ha-minim*, which he also dates to the end of the first century.²⁵⁰

²⁴⁹ See for this suggestion my Chapter 7 on ‘The issue of Jewish identity: *fiscus Judaicus*, *birkat ha-minim* and the Gospel of John’.

²⁵⁰ This date has become problematic in the light of recent scholarship, but I tend to follow him in this. I will come back to this issue in my seventh chapter about ‘The issue of Jewish identity: *fiscus Judaicus*, *birkat ha-minim* and the Gospel of John’ (see also note 252). This passage in the entry ‘Jewish identity’ in the *Encyclopaedia Judaica* also became part of a public discussion between Solomon Zeitlin and one of the editors, L. Rabinowitz, in *The Jewish Quarterly Review*. Zeitlin wrote a number of articles in the *JQR* in which he referred to the *fiscus Judaicus* (Zeitlin 1943, 225-7; 1946, 90-1; 1947, 130-1; 1959, 259). In an article in 1972, he questions the quality of many contributions in the new edition of the

Apart from the entry ‘Jewish identity’, the same opinion is found under ‘Nerva’ in the *Encyclopaedia Judaica*. In this article Alfredo Rabello states: ‘He [Nerva] exempted adherents of the Christian faith from the obligation to pay the *Fiscus Judaicus*, thus officially recognizing Christianity as a new religion and not merely a sect.’

It will be clear that I am willing to follow Hertzberg’s and Rabello’s conclusions about the recognition of Christianity as a religion separate from Judaism, with the important footnote that Christianity was recognized by the Romans as a separate, but *illegal* religion (or rather *superstitio*) in the time of Nerva. In 1914 Manaresi already expressed the opinion that the status of Christianity changed under Nerva: ‘il cristianesimo si presentò per la prima volta nudo e solo di fronte allo stato’.²⁵¹

This was in fact the clear cut between a legal religion (Judaism) and an illegal one (Christianity) from a Roman perspective. The Roman and Jewish definitions of ‘Jew’ were harmonized under Nerva, which solved many or even all of the problems that had come to the surface under Domitian. Instead of a definition along ethnic lines (‘who belongs to the *gens* of the Jews?’), which was the main question under Domitian), the defining factor had become a religious one (‘those who remained faithful to the customs of their forefathers’), excluding apostate and Christian Jews.²⁵²

Encyclopaedia Judaica of 1971/2 and he also refers to Hertzberg’s conclusion about the *fiscus Judaicus* quoted above (Zeitlin 1972, 18-19). In his eyes this conclusion is not supported by any source and he makes a distinction between Gentile Christians, who could have been referred to by Cassius Dio as people who adopted the Jewish mode of life, and ‘Judaean-Christians’, who were considered by the Romans as ‘an heretical sect of the Jewish people’ and who were not exempted from the Jewish tax by Nerva according to Zeitlin. Rabinowitz (1973, 72-3) replies to this comment with the somewhat weak excuse that this may be an unsubstantiated statement, but on a point ‘secondary to the main subject of the article’: it is not mentioned under ‘*fiscus judaicus*’ in the *Encyclopaedia* (which is true). The rest of their brief discussion on this passage becomes confusing because the distinction between Gentile and Jewish Christians is not maintained by both writers. Zeitlin 1973, 86, makes that very clear when he thinks that Rabinowitz is referring to ‘Judaean-Christians’ when talking about ‘proselytes to Judaism’ (Rabinowitz 1973, 73), whereas Rabinowitz seems to be referring to Gentile Christians.

²⁵¹ Manaresi 1914, 80-1.

²⁵² In Chapter 7 on the Gospel of John (including a discussion of the *birkat ha-minim*), I will argue that this can be recognized in the earliest ‘definition’ of outsiders or *minim* as used within rabbinic Judaism, which is found in the Mishnah, *Sanhedrin*, (*mSanh* 10.1): ‘The following are those who do not have a portion in the world to come: the one who says there is no resurrection of the dead, (the one who says) the Torah is not from Heaven, and the

“apiqoros””, by which respectively Sadducees, Jewish Christians and apostate Jews could be meant.

Chapter 4

Christians: their crimes and punishments from Nero to Domitian

4.1. Introduction

At this point it is useful to compare my findings about the *fiscus Judaicus* under Domitian with the current ideas on the persecution of Christians in the Roman Empire, in order to integrate them. For this purpose I will focus on the earliest stages of the Roman persecution. The period under consideration is roughly the one between the Roman governors Gallio, *proconsul* of the province of Achaia in the early fifties of the first century, and Pliny, *legatus Augusti* of Bithynia-Pontus in *ca.* 112. The case brought against the Jew Paul by other Jews in Corinth concerning Paul's instruction of non-Jews, was dismissed by Gallio as something which should be sorted out by Jews amongst themselves.²⁵³ Some sixty years later Pliny had 'Christians' executed after they confessed they were indeed 'Christians'.²⁵⁴ Gallio found no crimes he could prosecute; sixty years later Pliny could find no other crime than the *nomen* itself, the crime of being a Christian.

So it may be concluded that during this period there was (from a Roman perspective) a significant shift from regarding 'Christianity' as a Jewish movement with non-Jewish sympathizers, which did not really present a different picture from Judaism as a whole, to regarding it as a separate religion that was not to be tolerated within the Roman Empire.

In his article from 1963 ('Why were the early Christians persecuted?'), which can still be called 'the best modern analysis of the problem'²⁵⁵, G.E.M. de Ste. Croix distinguishes three phases in the history of Roman persecution of Christians:

The first ends just before the great fire at Rome in 64; the second begins with the persecution which followed the fire and continues until 250; and the third opens with the persecution under Decius in 250-1 and lasts until 313 – or, if we take account of the anti-Christian activities of Licinius in his later years, until the defeat of

²⁵³ Acts 18.12-17.

²⁵⁴ Pliny, *Ep.* 10.96-97.

²⁵⁵ Bremmer 2002, 107.

Licinius by Constantine in 324. We know of no persecution by the Roman government until 64, and there was no general persecution until that of Decius.²⁵⁶

The second phase (from 64 until 250) as defined in this citation is the most important one for this chapter. Ste. Croix admits that the ‘earliest stages of intervention on the part of the government, before about 112, are particularly obscure to us’.²⁵⁷ This is precisely the period I would like to take a closer look at.

Looking back to the results that were found in the previous chapter, it may be concluded that there is need for an important adjustment of the second phase as defined by Ste. Croix. It should be divided into two sub-phases: one (2a) from 64 until 96 and the second (2b) from 96 until 250. For the latter phase (2b) the analysis of Ste. Croix firmly stands, but for the earlier period (2a: from 64 until 96) one important aspect is missing: the distinction between Jewish and Gentile Christians. Ste. Croix introduces the term ‘licensed atheists’ for Jews in the Roman Empire²⁵⁸, but he does not raise the question of when Jewish Christians went over from the category ‘licensed’ to ‘illegal’. In the previous chapter it was mentioned that this was probably under Nerva in the year 96: at that moment the status of Jewish Christians in the Roman Empire changed from Jewish to ‘non-Jewish’, leading to a change in legal status from ‘licensed atheists’ to ‘illegal atheists’.²⁵⁹ This is the situation that is found in Pliny’s letter (in which no distinction between Jewish and non-Jewish Christians is found) and this also explains the execution of the Jewish Christian Simeon, bishop of Jerusalem, around the same time (also during Trajan’s reign), as seen in the previous chapter. Before Nerva’s reform of the *fiscus Judaicus* in the year 96 Jewish Christians could still be regarded as Jews and thus as ‘licensed atheists’, which is something one should bear in mind when looking at this period.

In studying the period from 64 to 96 (‘phase 2a’), I suggest special attention is paid to two aspects: (1) the use of the word ‘Christian’ in both

²⁵⁶ Ste. Croix 1963, 6-7.

²⁵⁷ Ste. Croix 1963, 7; Sherwin-White (1964, 23) is of the opinion that ‘Ste. Croix’s method is to begin at the end and to work backwards, and inevitably his treatment of the period before Hadrian is less satisfactory’. The criticism that Sherwin-White brings forward in this respect, however, is successfully countered by Ste. Croix 1964. On persecution in general: Frend 1965.

²⁵⁸ Ste. Croix 1963, 25.

²⁵⁹ See also pp. 86-88.

Roman and Christian sources and most importantly (2) the distinction between Jewish and non-Jewish Christians in relation to the persecutions. Three successive moments in time can be distinguished: (I) the persecution under Nero in Rome (Chapter 4.2), (II) the circumstances as described in the First Letter of Peter, which can be dated to the Flavian era, but before the persecution by Domitian (Chapter 4.3), and (III) the persecution under Domitian by means of the *fiscus Judaicus* (Chapter 4.4, which will make use of my basic findings in Chapter 2). At the end of this chapter I will present a table in which the phases as proposed by Ste. Croix will return with the inclusion of my ‘sub-phases’.

4.2. The persecution under Nero

Our most important source for the first known persecution of Christians by Roman authorities is Tacitus, who links this persecution to the fire of Rome during the reign of Nero in 64, which devastated a great part of the city.²⁶⁰ The cause of the fire was not certain according to Tacitus: it may have been an accident or it was ordered by Nero.²⁶¹ In Tacitus’ account of the punishment of Christians there seems to be a considerable amount of time between the fire and the arrests and subsequent executions. First Nero has his new palace (*domus*) built and at the same time major rebuilding takes place in the rest of the city.²⁶² Then it reads:

The next thing (*mox*) was to seek means of propitiating the gods, and recourse was had to the Sibylline books, by the direction of which prayers were offered to Vulcanus, Ceres, and Proserpina. Juno, too, was entreated by the matrons, first, in the Capitol, then on the nearest part of the coast, whence water was procured to sprinkle the fane and image of the goddess. And there were sacred banquets and nightly vigils celebrated by married women. But all human efforts, all the lavish gifts of the emperor, and the propitiations of the gods, did not banish the sinister belief that the conflagration was the result of an order. Consequently, to get rid of the report, Nero fastened the guilt

²⁶⁰ Tacitus, *Annals* 15.38-44

²⁶¹ Tacitus, *Annals* 15.38.

²⁶² *Annals* 15.42-43. Based on this account it could even be concluded that the punishment of Christians took place a number of years later: 66 or 67. When reading that ‘Nero offered his gardens for the spectacle’, one may assume that these were the gardens belonging to his new *domus*. All of this gives an impression of a ‘festive’ ceremony celebrating the end of the rebuilding activities.

and inflicted the most exquisite tortures on a class hated for their abominations, called Christians by the populace (*quos per flagitia invisos vulgus Christianos appellabat*). Christ, from whom the name had its origin, suffered the extreme penalty during the reign of Tiberius at the hands of one of our procurators, Pontius Pilatus, and a most mischievous superstition (*exitiabilis superstitio*), thus checked for the moment, again broke out not only in Judaea, the first source of the evil (*originem eius mali*), but even in Rome, where all things hideous and shameful from every part of the world find their centre and become popular. Accordingly, an arrest was first made of all who pleaded guilty; then, upon their information, an immense multitude was convicted, not so much of the crime of firing the city, as of hatred against mankind (*odio humani generis*). Mockery of every sort was added to their deaths. Covered with the skins of beasts, they were torn by dogs and perished, or were nailed to crosses, or were doomed to the flames and burnt, to serve as a nightly illumination, when daylight had expired. Nero offered his gardens for the spectacle, and was exhibiting a show in the circus, while he mingled with the people in the dress of a charioteer or stood aloft on a car. Hence, even for criminals who deserved extreme and exemplary punishment, there arose a feeling of compassion; for it was not, as it seemed, for the public good, but to glut one man's cruelty, that they were being destroyed. (Tacitus, *Annals* 15.44)

The important elements in this account are Tacitus' description of Christians and the fact that their persecution is closely linked to the crime of incendiarism. According to Tacitus, Christians were hated by the populace (*vulgus*) of Rome because of alleged crimes (*flagitia*), which he does not specify. He calls Christianity a 'mischievous superstition', an 'evil', and thinks Christians are 'criminals', who deserve 'extreme and exemplary punishment'. Furthermore, he mentions two groups of punished Christians: a first group of people that pleaded guilty to the crime of incendiarism²⁶³ and a

²⁶³ Ste. Croix 1963, 32 n. 11, claims that '*qui fatebantur*', relating to the first group, should be interpreted as a confession of Christianity and not of incendiarism. This is also the opinion of Keresztes 1980, 250-1, who adds that this is shared 'by the overwhelming majority of modern authors' (251). It probably makes more sense to have one (small) group pleading guilty to the crime of incendiarism (very likely after having been tortured) and another (much larger) group being convicted on the grounds of 'a wider "complex of guilt"' (a term used by Ste. Croix 1963, 8). Also Freudenberg 1967, 181, notes: 'Es ist aber ebenso gut möglich dass sie die Brandstiftungen bekannten.' Ste. Croix tries to backdate the

large second group ('an immense multitude') that was arrested on the information of the first, who were not directly guilty of the fire but were apparently prosecuted for their 'hatred of mankind', probably because similar crimes could be expected from them and these should be prevented at all cost.

Suetonius, our next early second century source, also mentions the persecution of Christians by Nero, but he does not give any context other than 'during his reign many abuses were severely punished and put down'. This becomes obvious when reading the entire passage in which this appears:

During his reign many abuses were severely punished and put down, and no fewer new laws were made: a limit was set to expenditures; the public banquets were confined to a distribution of food; the sale of any kind of cooked viands in the taverns was forbidden, with the exception of pulse and vegetables, whereas before every sort of dainty was exposed for sale. Punishment was inflicted on the Christians, a class of men given to a new and mischievous superstition (*Afflicti suppliciis Christiani, genus hominum superstitionis novae ac maleficae*). He put an end to the diversions of the chariot drivers, who from immunity of long standing claimed the right of ranging at large and amusing themselves by cheating and robbing the people. The pantomimic actors and their partisans were banished from the city. (Suetonius, *Nero* 16.2)

Suetonius only needs one sentence to tell his readers about the punishment of Christians under Nero, followers of a 'new and mischievous superstition'. He does not link the punishment to any specific crime, like Tacitus does: Suetonius blames Nero for the fire of 64 and does not tell his readers about any attempt by the emperor to put the blame on others.²⁶⁴ Being followers of this 'new and mischievous superstition' was enough of a crime committed

charge of 'being a Christian' as far back as he can (Ste. Croix 1963, 9), to give his second phase (from 64 to 250) a more uniform character. I think this is not possible in view of the evidence provided by Tacitus. After all: if Nero wanted to put the blame of the fire on Christians, he must have executed his victims on the basis of their being guilty of arson. This implies that some of them pleaded guilty to this crime. This must be true for at least the first group of arrested Christians, after which other Christians could be arrested as well.

²⁶⁴ Suetonius, *Nero* 38: *incendit urbem* ('he set fire to the city'). Also Pliny the Elder (*Hist. Nat.* 17.1.5) and Cassius Dio (*Hist. Rom.* 62.16) put the blame on Nero.

by Christians in the eyes of Suetonius, so it seems.²⁶⁵ This was actually the case when Suetonius wrote this account (which was after the date of Pliny's letter to Trajan), but backdating this to the days of Nero seems problematic. Some kind of 'criminal' connection to the fire seems more likely.

Looking at the accounts of Tacitus and Suetonius it can be observed that both writers use the word *Christiani* to refer to the followers of this '*superstitio*' in the days of Nero, which implies that this name was already in use in Rome around the year 64. In this respect Horrell can be followed when he concludes:

It is possible that Tacitus is guilty of anachronism here, but his rather deliberate statement, combined with the evidence from Acts (...) and the indications that the name was known across the empire by the end of the century, seems to support the conclusion that the name was indeed used by, or before, 64.²⁶⁶

The origin and early use of the word 'Christian' (Latin: *Christianus*, Greek: Χριστιανός) have been frequently studied. It is generally accepted that it originated as a label given by outsiders relatively early (perhaps even between 40 and 50)²⁶⁷, but its use in the first century is still extremely rare.²⁶⁸ In the account by Tacitus 'Christians' is also used by outsiders, in this case by the 'populace' (*vulgus*) of Rome, to refer to this group of people.

²⁶⁵ Concerns about strange religions and illegal associations had always been great in the city of Rome. See, e.g., Cotter 1996.

²⁶⁶ Horrell 2007, 366. In Acts 11.26 one of only three New Testament occurrences of the word is found: 'it was in Antioch that the disciples were first (πρώτως) called "Christians"'. In Luke's account this can be dated to the period 40-50.

²⁶⁷ Horrell 2007, 364: 'there is a good deal to be said for the thesis that it was first coined in Latin, in the sphere of the Roman administration, arising from the encounter between Christianity and the imperial regime (in the provinces?)'. Horrell's article contains the most recent summary regarding the origins of the term 'Christian' (362-7). See also Elliott 2000, 789-794 (in his commentary on 1 Pet 4.16), Bremmer 2002, 103-108, and Hegedus 2004. For a widely differing view, see C. and A. Faivre 2008.

²⁶⁸ In the New Testament it is only found three times: Acts 11.26; 26.28; 1 Pet 4.16. Furthermore, Josephus uses it once (*Ant.* 18.64: 'and even now the tribe of the Christians – named after him – has not disappeared'). This is part of the disputed *Testimonium Flavianum*, but I regard this sentence and also the notion of Josephus that this 'tribe' consisted of Jews and Greeks (occurring in the same passage, see also note 295), as genuine (cf. Meier 1991, 64-66). These four occurrences of 'Christian' or 'Christians', belong to the first century. In the early second century it is used rather frequently by the Christian writer Ignatius (*Eph.* 11.2; *Magn.* 4.1; *Trall.* 6.1; *Rom.* 3.2) and, as seen, it is found once with

I now turn to the question whether there is any relevance in distinguishing between Jewish and non-Jewish Christians in relation to the Neronian persecution. Peter Lampe brings a number of useful insights to this issue when he places Nero's measures against Christians in a Roman legal framework.²⁶⁹ Following the account of Tacitus, Lampe is of the opinion that Nero was looking for victims he could blame for the fire in Rome to stop the rumour that he himself 'ordered' this fire to make space for his megalomaniac building plans. The punishments that were subsequently given to these alleged arsonists seem to be less random than is often assumed.²⁷⁰ Moreover, they can give more information about the legal status of the people involved. Tacitus writes that Christians were covered in skins of wild animals and after that killed and maimed by dogs. This was a possible punishment for murderers (in this case regarding the victims of the fire as having been murdered). Furthermore, one reads that other Christians were used as 'torches', a punishment (being burnt alive) that was given to arsonists. The third form of punishment that Tacitus informs us about is crucifixion.

Lampe cautiously suggests that no Roman citizens would have been sentenced to any of these three types of execution, because they would not have been applied to citizens. Since many Jews in Rome possessed Roman citizenship, he concludes that most or all of the punished Christians must have been non-Jews.²⁷¹

The reason for the presence of a distinctly visible group of Christians with a pagan background in Rome could perhaps be explained by the expulsion of Jews from Rome in the year 49 under Claudius.²⁷² If all Jews (including

Tacitus (*Annals* 15.44), once with Suetonius (*Nero* 16.2), both referring to the persecutions under Nero, and it is used of course by Pliny (and the emperor Trajan), *Ep.* 10.96-97.

²⁶⁹ Lampe, 82-84.

²⁷⁰ But also see Keresztes 1980, 255 + notes: 'These punishments can in no way be used as arguments, as is so often done, to prove that the Christians were put to death for arson or, e.g., for "magic"'. Keresztes gives no further arguments for this statement, but he is also of the opinion (like Ste. Croix) that *qui fatebantur* should be read as a confession to being Christians and not as a confession to the crime of arson (see also note 263).

²⁷¹ Lampe 82-83.

²⁷² Suetonius, *Claudius* 25.3-4. Again I will give the full passage in which it appears, to show the way Suetonius reports this:

'He [Claudius] allowed the people of Ilium perpetual exemption from tribute, on the ground that they were the founders of the Roman race, reading an ancient letter of the senate and people of

Jewish Christians) were expelled because of the unrest caused by ‘Chrestus’ (or rather discussions and confrontations about ‘the Christ’, as is often assumed), groups of non-Jewish Christians probably remained in Rome, since they were not hit by this decision. When Nero became Roman emperor in 54, Jews were allowed to return to the city, but it is not hard to imagine that tensions arose between the existing Gentile Christian community and any returning Jewish Christians. Paul’s letter to the Romans certainly points in the direction of strong tensions between these two subgroups within Christianity, which can be dated to the period after 54. It becomes clear that Jewish Christians apparently formed a minority group within the Christian community in Rome. Furthermore, it is highly likely that the criticism of the pagan populace of Rome would be primarily focused against the ex-pagan members of the Christian community.

Lampe has built a probable case in which mainly Gentile Christians were the victims.²⁷³ Even if he is right, and I am willing to follow him in his reconstruction, this does not necessarily imply that Romans were able to distinguish clearly between Jews and Christians in Rome in the days of Nero. It may only be concluded that they were apparently able to distinguish between the different categories of sympathizers with Judaism (some of

Rome written in Greek to king Seleucus, in which they promised him their friendship and alliance only on condition that he should keep their kinsfolk of Ilium free from every burden. Since the Jews constantly made disturbances at the instigation of Chrestus, he expelled them from Rome (*Iudaeos impulsore Chresto assidue tumultuantis Roma expulit*). He allowed the envoys of the Germans to sit in the orchestra, led by their naïve self-confidence; for when they had been taken to the seats occupied by the common people and saw the Parthian and Armenian envoys sitting with the senate, they moved of their own accord to the same part of the theatre, protesting that their merits and rank were no whit inferior.’

This report of the expulsion, including the connection with an inner Jewish conflict about Jesus as the Messiah (Christ), is usually found to be corroborated by Acts 18.2: ‘There he [Paul] found a Jew named Aquila, a native of Pontus, who had recently come from Italy with his wife Priscilla, because Claudius had ordered all Jews to leave Rome’. The connection between Claudius’ expulsion of Jews from Rome and early Christianity is not accepted by all scholars; see, e.g., Gruen 2002, 38-41. Also see Spence 2004, 65-112, who strongly and convincingly argues in favour of this connection.

²⁷³ Lampe 2003, 82-4.

whom they called Christians), something which Gallio was not able or willing to do only some 15 years earlier.²⁷⁴

If Jewish Christians were also executed under Nero, which cannot be ruled out by any means, then the link with an alleged crime must certainly have existed, because Jewish Christians were first of all Jews in the eyes of the Romans before they were Christians. Their being Jewish must still have been the best protection from any 'religious' persecution at that moment in time. In their case a conviction solely on the basis of being followers of a 'mischievous superstition' or because of 'hatred of mankind', is hardly likely. They still belonged to the group of 'licensed atheists' and at this point in time it would be impossible to describe their legal position in general as different from other Jews.

We do know about the executions of the Jews Peter and Paul under Nero, through the account of Eusebius (*Hist. Eccl.* 2.25). The New Testament is virtually silent on this, although most of its books were written after Nero. It is possible that their executions were linked to the charge of incendiarism as well, but perhaps one could also think of the edict of Claudius 'to the rest of the world' for the charges against them, and assume that they violated the condition 'not to show contempt of the religious observances of other nations' in the eyes of the Romans at that moment in time.²⁷⁵ It was already noted that this conclusion about the Jewish-Christian mission was not yet drawn by Gallio²⁷⁶, but it is possible that in the days of Nero a few active Jewish missionaries of the Christian message, held responsible for the presence of a large group of non-Jewish Christians (illegal 'atheists') in the capital of the empire, were executed in Rome.

Nero still needed the false charge of a real crime to persecute Christians, but could apparently take advantage of the fact that they already had a bad name among the populace of Rome, who were thus more ready to believe Christians started the fire. Although Tacitus ascribes the crime of 'hatred of mankind' to the second group that was arrested, the initial link to the alleged crime of arson is all important. The same elements that eventually made being a Christian in itself a punishable crime under Trajan and Pliny, very likely already played a role in Nero's days as well. Picking out Christians as his victims was probably no random choice for the emperor in that respect.

²⁷⁴ Acts 18.12-17; see also pp. 51-55.

²⁷⁵ Josephus, *Ant.* 19.290.

²⁷⁶ Acts 18.12-17; see pp. 51-55.

Especially those Christians who were not Jewish and could not claim the right to the Jewish privilege of monotheism could immediately be seen (by people living close to them: the *vulgus* mentioned by Tacitus) as people who had turned their backs to Roman society by distancing themselves from the Roman gods. Their behaviour could disturb the *pax deorum*²⁷⁷, jeopardizing the well-being of the Roman state and its citizens, which probably led Tacitus to accuse the Christians of ‘hatred of mankind’. Concerns about strange religions and illegal associations had always been great in the city of Rome.²⁷⁸ Thus, even if the accusation of incendiarism was false (but still necessary for persecution in the days of Nero), the execution of these Christians as such was justified anyway according to Tacitus.²⁷⁹

4.3. 1 Peter

After having taken a look at the short persecution of Christians by Nero, which only took place in Rome, I will now turn to a letter, which became part of the New Testament: the First Letter of Peter (1 Peter). This short letter is important for two reasons: it was exclusively written to Gentile Christians, as I shall explain, and it will be argued that it can be dated somewhere between the persecution of Christians by Nero and the harsh administration of the Jewish tax under Domitian, thus leading to the conclusion that during this period in time primarily Gentile Christians, as expagans, were suffering from verbal harassment by people living close to them. This was the general situation of Gentile Christians within the Roman Empire, until the moment both groups of Christians (both Gentile and Jewish) became targets of prosecution by the *fiscus Judaicus*. This will be studied in more detail below.

4.3.1. *The addressees as Gentile Christians*

I will start by observing that this letter was written to Gentile Christians (expagans) in Pontus, Galatia, Cappadocia, Asia, and Bithynia, to exhort them to remain steadfast in their faith, despite the strong hostility they were

²⁷⁷ Note the first sentence of Tacitus, *Annal.* 15.44: ‘the next thing was to seek means of propitiating the gods’.

²⁷⁸ See also note 265.

²⁷⁹ Tacitus, *Annal.* 15.44: ‘criminals who deserved extreme and exemplary punishment’.

experiencing in their daily lives.²⁸⁰ A number of key passages seem to leave no room for any doubt in this respect.

Like obedient children, do not be conformed to the desires that you formerly had in ignorance. Instead, as he who called you is holy, be holy yourselves in all your conduct; for it is written, 'You shall be holy, for I am holy.' If you invoke as Father the one who judges all people impartially according to their deeds, live in reverent fear during the time of your exile. You know that you were ransomed from the futile ways inherited from your ancestors, not with perishable things like silver or gold, but with the precious blood of Christ, like that of a lamb without defect or blemish. He was destined before the foundation of the world, but was revealed at the end of the ages for your sake. (1 Peter 1.14-20)

In this passage the members of these Christian communities are given the message that they 'were ransomed from the futile ways inherited from [their] ancestors' and they should not return to 'the desires' that they 'formerly had in ignorance'. This can only have been directed towards Gentile Christians. The following later verses confirm this impression:

You have already spent enough time in doing what the Gentiles like to do, living in licentiousness, passions, drunkenness, revels, carousing, and lawless idolatry. They are surprised that you no longer join them in the same excesses of dissipation, and so they blaspheme. (1 Peter 4.3-4)

The words 'they are surprised that you no longer join them', clearly point to the fact that becoming a Christian had brought about a complete break with their previous practices for these people, who apparently had a pagan background. They had adopted a new lifestyle in which there was no longer place for close social intercourse with former friends and relatives who had

²⁸⁰ Under the heading 'Audience: Gentile Christians' Ramsey Michaels 1988, xlv-xlvi, concludes that 'there is near consensus that 1 Peter was in fact directed to a predominantly Gentile Christian audience' and rightly observes with regard to 1 Pet 4.3-5: 'such words are scarcely intelligible in relation to a Jewish Christian audience'. Cf. Feldmeier 2008, 42. On the other hand, Elliott 2000, 95-96, still presumes an 'ethnically mixed audience', but his arguments are not persuasive. The fact that there are numerous references 'drawn from Israel's Scripture and tradition' in this letter, only confirms that these Gentile Christians had substituted the 'futile ways' (1 Pet 1.18) inherited from their ancestors by Jewish traditions.

not joined the Christian community and certainly no place for the worship of other gods ('lawless idolatry'). Again in the background the words of Tacitus about people going over the Jewish religion can be heard (words that were applicable to full proselytes but also to Gentile Christians, as I explained earlier).²⁸¹ According to Tacitus they were taught:

to despise all gods (*contemnere deos*), to disown their country (*exuere patriam*), and set at nought parents, children, and brothers (*parentes liberos fratres vilia habere*). (Tacitus, *Historiae* 5.5.2)

The only advice that could be given to these Gentile Christians was to do 'honourable deeds', so they would silence the criticism of those people (called 'Gentiles' in this letter) who maligned them as 'evildoers':

Beloved, I urge you as aliens and exiles to abstain from the desires of the flesh that wage war against the soul. Conduct yourselves honourably among the Gentiles, so that, though they malign you as evildoers, they may see your honourable deeds and glorify God when he comes to judge. For the Lord's sake accept the authority of every human institution, whether of the emperor as supreme, or of governors, as sent by him to punish those who do wrong and to praise those who do right. For it is God's will that by doing right you should silence the ignorance of the foolish. As servants of God, live as free people, yet do not use your freedom as a pretext for evil. Honour everyone. Love the family of believers. Fear God. Honour the emperor. (1 Peter 2.11-17)

This is the passage that also contains the call to accept the authority of the emperor and his governors. As long as only good deeds were done and no crimes were involved, the addressees need not fear these authorities, since the emperor sent his governors 'to punish those who do wrong and to praise those who do right'. The important conclusion that can be drawn from this document is that being a Christian was not yet a punishable crime that could be brought before a Roman judge.²⁸² Yet people did suffer as 'Christians',

²⁸¹ See also pp. 42-43 and 49.

²⁸² For this reason this letter cannot be dated to Trajan's reign, as is sometimes suggested (e.g., Downing 1988).

In this respect I fully agree with Elliott 2000, 103:

as is also clear from the next passage, but they should make sure they could not be associated with any real criminal activities.

But let none of you suffer as a murderer, a thief, a criminal, or even as a mischief-maker. Yet if any of you suffers as a Christian (ὡς Χριστιανός), do not consider it a disgrace, but glorify God because you bear this name. (1 Peter 4.13-16)

In this passage there is one of the three occurrences of the word ‘Christian’ in the New Testament. Also in this passage the word seems to be a label used by outsiders for this group of people.²⁸³ As long as they committed no real crimes, these Gentile Christians should not be ashamed of themselves, according to the writer of this letter. Furthermore, they were told that they were not the only ones who were suffering:

Discipline yourselves; keep alert. Like a roaring lion your adversary the devil prowls around, looking for someone to devour. Resist him, steadfast in your faith, for you know that your brothers and sisters throughout the world are undergoing the same kinds of suffering (1 Peter 5.8-9)

From this last passage one learns that the addressees are exhorted to remain ‘steadfast’ in their faith, despite the external pressure they are experiencing in their daily lives. It is no surprise to read that ‘your brothers and sisters throughout the world are undergoing the same kinds of suffering’. Whereas it was no big deal to add gods or deities to one’s personal pantheon in

In sum, the manner in which Christian suffering is mentioned, described and addressed in this letter points not to organized Roman persecution as its cause but to local social tensions deriving from the social, cultural, and religious differences demarcating believers from their neighbours. It is not the punitive actions of Roman authorities, but those of alienated (4:4), suspicious (2:15; 3:15), slanderous (2:12; 3:16), and hostile (3:9, 13) local populations that 1 Peter describes. Such popular oppositions could conceivably lead to hearings and official trials. 1 Peter, however, makes no mention of such trials.

Also Ramsey Michaels 1988, lxiii, concludes: ‘the actual abuse of Christians with which he [i.e. the writer of 1 Peter] seems most concerned is verbal abuse (e.g., 2:12, 15, 23; 3:9, 16; 4:4, 14b).’

²⁸³ Horrell 2007, 362, concludes: ‘this text represents the earliest witness to the crucial process whereby the term was transformed from a hostile label applied by outsiders to a proudly claimed self-designation.’

antiquity, it was apparently a fundamental step to go over to a religion that worshiped only one god with the exclusion of all others. This led to the alienation that can be felt throughout this letter: the members of these communities were living like strangers and exiles. This situation was very real for the Gentile Christians in Pontus, Galatia, Cappadocia, Asia and Bithynia, but their ex-pagan ‘brothers and sisters’ elsewhere in the Roman Empire no doubt experienced similar circumstances.

4.3.2. *Date of 1 Peter*

The letter was probably written at some point between the years 70 and 85.²⁸⁴ This can be concluded from the use of the term ‘Babylon’ for Rome (1 Pet 5.13), which points to a date after the fall of Jerusalem and the destruction of the temple, i.e. after the year 70. Considering the year 85 as the *terminus ante quem*, is based on my conclusion that the harsh exaction of the Jewish tax started around this year.²⁸⁵ In this document there is no proof for a real persecution of Christians, whether Gentile or Jewish. Apparently this was still something of the (very near?) future. Linking this letter to the situation under Pliny, which has been done in the past, seems impossible for this reason, because in Pliny’s case it is certain that Christians were executed.²⁸⁶

Intriguingly there is room for the assumption that in this letter there is a reference to the *fiscus Judaicus* as the possible source of persecution that is threatening Christian communities. For this assumption one needs to take a closer look at 1 Pet 5.9: ‘for you know that your brothers and sisters throughout the world are undergoing the same kinds of suffering’; in Greek: εἰδότες τὰ αὐτὰ τῶν παθημάτων τῇ ἐν τῷ κόσμῳ ὑμῶν ἀδελφότητι ἐπιτελεῖσθαι. In Greek the word ἐπιτελεῖσθαι is used, which could have the

²⁸⁴ Ramsey Michaels 1988, lxii-lxvii, prefers a date after the year 70 and before Domitian: ‘a date between 70 and 80’ (lxiii); Elliott 2000, 135-138, concludes: ‘The combination of the relevant factors involving both external and internal evidence, in sum, favors a dating of 1 Peter sometime in the period between 73 and 92 CE.’ (138); Feldmeier (2008, 40) prefers ‘the early period of Domitian (between 81 and 90)’.

²⁸⁵ See pp. 22-24.

²⁸⁶ See, e.g., Downing 1988, who links 1 Peter, Revelation and Pliny’s letter to Trajan to each other. These documents should be regarded in chronological order and their individual circumstances differ from each other. Also Keresztes 1980, 257, wrongly concludes that being a Christian is regarded as a capital crime in 1 Peter. Horrell 2007, 370-376, is somewhat more cautious, but he also sees a number of important similarities between the circumstances in 1 Peter and Pliny’s letter to Trajan.

meaning of ‘paying a tax in full’.²⁸⁷ This changes the translation of this verse into: ‘for you know that your brothers and sisters throughout the world are paying the same tax of suffering’. When Elliott treats this passage he notes: ‘The economic metaphor of “paying a *tax* (or *meed*) of suffering,” however, is alien to this letter, which makes no mention of taxes, either figuratively or literally’,²⁸⁸ but it may be objected that this economic metaphor was probably not alien to the historical circumstances in which this letter was written. If this metaphor *is* used as a reference to the *fiscus Judaicus*, this might be explained as an indication that the pressure to use this as an instrument to also prosecute Gentile Christians was growing, both in Rome and the provinces.

Possibly the letter was even written at a moment when the prosecutions against Jewish Christians had already started. In this case the readers would have been familiar with those circumstances, also for Jewish Christians, and may have understood the metaphor, even if there is no further mention of taxes in this letter. The writer of the letter is still of the opinion that being a Christian in itself will not lead to prosecutions and convictions before a Roman court of law, as long as real crimes have not been committed. As soon as the crime of ‘living a Jewish life *improfessus*’ had been introduced, however, this turned out to be the one that could be prosecuted by the *fiscus Judaicus* and this would also lead to convictions of Gentile Christians.

One may safely assume that this letter was written between the persecutions of Christians by Nero and Domitian, probably around the time the latter began. Looking back from a third century perspective, Tertullian may have concluded that the persecution of Christians was ‘founded’ by Nero (*institutum Neronianum*)²⁸⁹, but from the perspective of the writer of 1 Peter, this Neronian persecution may still have been a horrible local incident under a cruel emperor, to which he makes no clear reference in his letter.²⁹⁰ After all, this persecution was very much confined in space (only the city of Rome) and time (hardly more than a few weeks). And yet the writer’s

²⁸⁷ *LSJ* 665, ἐπιτελέω III *pay in full*;

²⁸⁸ Elliott 2000, 861-862, also for the full discussion of ἐπιτελεῖσθαι. See also Ramsey Michaels 1988, 301-302, who dismisses the suggestion that this is a ‘subtle metaphor’ as well. Neither writer refers to the *fiscus Judaicus* as the possible subject of the metaphor.

²⁸⁹ Tertullian, *Ad. Nat.* 1.7; Ste. Croix 1963, 14, notes: ‘Tertullian’s notorious reference to an “institutum Neronianum” does not refer to a general edict: “institutum” is not a technical term, and we must translate: “the practice adopted by Nero”.’ See also Barnes 1968, 34-35.

²⁹⁰ Elliott 2000, 98-99.

persistent warning not to get involved in any real criminal activities may stem from the fact that Nero's persecution was actually based on the charge of a real crime, even if in this case it was a false accusation.

On the basis of this letter as a whole it may also be concluded that being a Christian was not yet a crime that could be successfully prosecuted before a Roman court of law at the moment the letter was written, but one does get the impression that the readiness to report non-Jewish Christians to the authorities as 'evildoers' was great. The only thing needed was a charge that would stand up in court and would be acknowledged by the proper authorities. These empire-wide circumstances were provided by the *fiscus Judaicus* under Domitian, probably already hinted at by the writer of 1 Peter (in 5.9). That these circumstances were indeed the same for all Christians in the empire is corroborated in the very same passage: 'for you know that your brothers and sisters throughout the world are paying the same tax of suffering'.

4.4. The persecution under Domitian

Now I will turn to the harsh exaction of the Jewish tax by the *fiscus Judaicus* under Domitian, which I concluded took place in the years between 85 and 96, and hit both Jewish and non-Jewish Christians.²⁹¹ Jewish Christians may well have been among those Jews who were prosecuted for tax evasion and non-Jewish Christians could certainly have been among those charged with leading a Jewish life *improfessi* and found guilty of 'atheism' or 'contempt of the gods', possibly facing execution on these grounds.

The conclusion that Romans could clearly distinguish between Jews and Christians since the time of Nero, has played a prominent role in the study of the Roman persecution of Christians until now. This is the main reason why many scholars seem to think that the explicit mentioning of Christians in our sources is needed to underpin any persecution of them under Domitian. Smallwood and Jones are perfect examples of this approach and in this way Christians are almost automatically excluded as victims of the Flavian emperor, even despite the fact that Jewish Christians are frequently mentioned as possible victims of the *fiscus Judaicus*.²⁹² Thus there seems to be a time gap between the emperors Nero and Trajan, in which Christians were not persecuted, despite the early Christian reports about persecutions

²⁹¹ See Chapters 2 and 3 for these conclusions.

²⁹² See pp. 35; 59-60.

under the emperor Domitian. I think this gap can be filled with information from 1 Peter and the administration of the *fiscus Judaicus* under Domitian.

When looking back to the Neronian persecution of Christians, one gets a strong impression that it mainly affected Gentile Christians and hardly any Jewish Christians. With regard to this persecution, the connection to a real crime like arson that was allegedly committed by Christians is very likely.

Gentile Christians were the anomalous group in the capital of the empire, presenting a real menace to traditional Roman values. This impression is strongly confirmed by the First Letter of Peter that can be dated between 70 and 85, probably close to the latter year. From this letter it can be concluded that throughout the Roman Empire particularly non-Jewish Christians were in a difficult position and suffered verbal abuse 'as Christians', because they had turned away from their former religious beliefs and lifestyles.

From the perspective of local populations and Roman authorities, Jewish Christians were probably still regarded as Jews. This assumption is confirmed by the situation under Domitian. During the reign of this emperor the distinction between Jewish and non-Jewish Christians appears to have been a very important factor. In this respect it is not surprising that the word 'Christian' is not found in the short account of Suetonius about the *fiscus Judaicus*.²⁹³ Apart from the fact that not only Christians were prosecuted (but, e.g., also apostate Jews), it was found that Jewish Christians were prosecuted as Jewish tax evaders and non-Jewish Christians could be convicted and even executed as 'atheists' on a charge of 'living a Jewish life *improfessi*'. The punishment that both categories shared was the confiscation of their property in case of a conviction.

As noted before, the decisive criterion in these cases was membership of the Jewish *gens* (established by a circumcision test), which explicitly stressed the distinction between the Jewish and Gentile members of Christian communities.²⁹⁴ The awareness that these communities consisted

²⁹³ Suetonius, *Dom* 12.2. The other passage by Suetonius, in which he does not use the word Christian, but which is usually regarded as having a link to Christianity, is about the expulsion of Jews from Rome by Claudius in the year 49 (Suetonius, *Claudius* 25.4, see note 272). Horrell 2007, 366, note 25, assumes on the basis of this passage that the word 'Christian' had not been coined yet in the year 49, since Suetonius does not use it here. But he does not need to mention this specific label in this ultra-short message of only seven words, since he 'only' describes a punishment of Jews by the emperor Claudius because of some internal conflict that apparently threatened public order in Rome.

²⁹⁴ See, e.g., Friesen (2006, 141-144), who concludes that 'Jew', 'Israel', and 'Christian' are not 'appropriate terms' (143) for the movement as described by John in his Revelation.

of both ‘Jews’ and ‘Greeks’, can also be found in the work of Flavius Josephus, who wrote in the early nineties of the first century under Domitian in Rome.²⁹⁵

Under Nerva, however, the legal distinction between Jewish and non-Jewish members of mixed Christian communities disappeared and this would never be an issue again. All of these Christians could now be prosecuted as ‘Christians’, now that Jewish Christians, at least those who were not official taxpayers of the Jewish tax to the *fiscus Judaicus*, were no longer regarded as Jews (who were the only ones entitled to an exclusive monotheism)²⁹⁶. From the sacrifice test that was used for non-Jews under the emperor Domitian, and with respect to Christians in general by Pliny under the emperor Trajan, it may be inferred that the underlying crime was ‘atheism’. This crime was so firmly connected to Christians (and apparently only to them!), that confessing to be a Christian, after having been denounced by a *delator*, was enough to be sentenced to the death penalty in the Roman Empire after Nerva.

The use of the word Christian as a self-designation is not attested before the first decade of the second century, when Ignatius, bishop of Antioch, is the first writer to use it in this way (he was executed *ca.* 108).²⁹⁷ In the same period the words ‘I am a Christian’ (*sum Christianus* or εἰμι Χριστιανός) had become a confession that could directly lead to one’s execution (under Pliny in Bithynia-Pontus, *ca.* 112), which is also the first moment that being a Christian is clearly considered to be a crime in itself by the Roman authorities.²⁹⁸ Ignatius is also the first writer to oppose Judaism and

²⁹⁵ Josephus, *Ant.* 18.63-64: ‘he [Jesus] gained a following both among many Jews and among many of Greek origin.’ This is part of the disputed *Testimonium Flavianum* about Jesus. Mason 2003a, 235, writes about this passage: ‘The vast majority of commentators hold a middle position between authenticity and inauthenticity, claiming that Josephus wrote *something* about Jesus that was subsequently edited by Christian copyists.’ The remark about Jewish and Greek followers of Jesus has hardly ever been found to be suspect by this ‘vast majority of commentators’. This is also true for the closing remark of Josephus in this passage about Jesus: ‘and even now the tribe of the Christians - named after him - has not disappeared’. See also note 268 about the use of the word ‘Christian’ in this passage.

²⁹⁶ This is why I posit that the conditions that prevailed in the second phase of the Roman persecutions of Christians as defined by Ste. Croix (1963, 6-7), were created in 96 under Nerva and not under Nero in the sixties of the first century, at which point in time there was still a legal distinction between Jewish and non-Jewish Christians.

²⁹⁷ Ignatius, *Eph.* 11.2; *Magn.* 4.1; *Trall.* 6.1; *Rom.* 3.2.

²⁹⁸ See also Appendix 1 in Bremmer 2002, 103-108: ‘Why did Jesus’ followers call themselves “Christians”?’

Christianity, using (or perhaps even coining) the word Χριστιανισμός.²⁹⁹ By doing this he seems to regard both religions as separate, whereas before his days this had not been done in such a clear way.³⁰⁰ This seems proof of the fact that the process of separation between Judaism, as a legal religion, and Christianity, as an illegal religion, strongly accelerated after Nerva's reform of the *fiscus Judaicus*. In the last chapter (Chapter 8) I will fully focus on the issue of the 'Parting of the Ways' between Judaism and Christianity and the role of the *fiscus Judaicus* in this respect.

Scheme 1 on the next page gives an overview of the characteristics of each of the three phases in the history of Roman persecution of Christians.

²⁹⁹ Ignatius, *Magn.* 10.1; 10.3; *Phld.* 6.1; *Rom.* 3.3;

³⁰⁰ One could even argue that Christians wanted to be regarded as part of Judaism by the Romans, enjoying the same privileges as Judaism in general; at least that seems to be the strategy of the writer of Luke-Acts. See, e.g., Mason 2003a, 251-295, who very convincingly argues that Luke had the same aim for Christianity that Josephus had for Judaism in writing his works: 'they [Josephus and Luke] must show that their groups are worthy of respect because, contrary to first impressions, they are well established in remotest antiquity, possess enviable moral codes, and pose no threat to Roman order' (273). In this context it may be concluded that Josephus had the easier task. Also see Mason 2003b.

Scheme 1. Accusations (A.) and Punishments (P.)

Phase 1: before the year 64 there is no knowledge of persecution of Christians by Roman authorities (which is the first phase as proposed by Ste. Croix).

Phase 2a (as proposed in this study and deviating from Ste. Croix):

Gentile Christians	Jewish Christians
Nero ca. 64 (only in Rome)	Nero ca. 64 (only in Rome)
A. Arson (after the great fire in Rome) P. Execution	Arson (?) / Spreading contempt of the gods (?) Execution (Peter, Paul)
Domitian ca. 85-96 (empire-wide)	Domitian ca. 85-96 (empire-wide)
A. Living a Jewish life <i>improfectus</i> ('Atheist') P. Confiscation of property and (possibly) execution	Evasion of the Jewish Tax Confiscation of property

Nerva, 96
<i>Reform of the fiscus Judaicus: Jewish Christians no longer 'Jews' from a Roman legal perspective</i>

Phase 2b (circumstances as in phase 2 by Ste. Croix):

Christians
From Trajan onwards (second and third century up to 250)
A. Being a Christian ('Atheist') P. Execution

Phase 3 (as proposed by Ste. Croix):

Christians
From Decius to Diocletian (250-312): occasional general persecution of Christians
A. Being a Christian ('Atheist') P. Execution

Christianity becomes a *religio licita* in the year 313 under Constantine the Great.

Part II

The Further New Testament Perspective: Revelation, the Letter to the Hebrews and the Gospel of John

In the previous chapter (Chapter 4) the New Testament book of 1 Peter was already referred to in the general discussion about the persecution of Christians by the Romans in the first century. Although there may already be a reference to the *fiscus Judaicus* in this book (1 Pet. 5.9), the real impact of the *fiscus* is not yet visible. For this possible impact on early Christianity I will turn to three other New Testament books that will be studied in the next chapters, keeping in mind the conclusions about the administration of the *fiscus Judaicus* under Domitian (Chapter 2) and the reform by Nerva (Chapter 3) that were drawn in the first part of this study (the Roman perspective).

These books will be treated in the chronological order that I consider to be the most likely: Revelation (*ca.* 95 under Domitian), Letter to the Hebrews (*ca.* 96 under Nerva) and the Gospel of John (*ca.* 100 under Trajan). The main topics that will be discussed are the relations with the Roman authorities, the reports about any persecutions, the precise nature of these and, not insignificant, the relations with mainstream Judaism. Furthermore, it is important to study what the reactions were from individual members of Christian communities as a result of actual persecutions or the threat thereof.

The circumstances under Domitian for non-Jewish Christians were worse than for Jewish Christians, who did not yet run the risk of execution. For the latter the full danger became apparent under Nerva, when they probably lost their official status as Jews as described in my chapter about Nerva and the *fiscus Judaicus* (Chapter 3). Both groups, thus, became susceptible to a greater risk of apostasy at slightly different moments in time. For non-Jewish Christians this risk was very real under Domitian, which is also reflected in the Book of Revelation, as will be argued in Chapter 5. For Jewish Christians the risk of apostasy became very real under Nerva, which is probably reflected in the Letter to the Hebrews. This will be discussed at full

length in Chapter 6. Both in the Book of Revelation and the letter of the Hebrews there is also a clear Jewish context, which will be discussed in combination with the effects of the *fiscus Judaicus*, being the Roman context.

The Jewish and Roman contexts of early Christianity will be treated extensively in Chapter 7 with regard to the issue of Jewish identity at the end of the first century: the possible connections between *fiscus Judaicus*, *birkat ha-minim* and the Gospel of John will be discussed. In the last chapter (Chapter 8) I will broaden the focus and pay attention to the ongoing debate about the ‘Parting of the Ways’, the separation between Judaism and Christianity. This chapter will be largely based on the conclusions that have been drawn about the impact of the Roman *fiscus Judaicus* on early Christianity and the related impact on the relations between Christianity and Judaism in all previous chapters

Chapter 5

Revelation and the *fiscus Judaicus*

5.1. Introduction

At this point in this study it is useful to recapitulate some of the most important conclusions that were drawn in the previous chapters about the *fiscus Judaicus* under Domitian. From Suetonius (*Dom.* 12.1-2) one learns that two categories of people were prosecuted in the courts of the *fiscus* officials: Jews who were suspected of evading the Jewish tax and non-Jews who were suspected of living a Jewish life *improfessi*. The main objective on the side of the Roman authorities was to increase their revenues: after sentencing both Jews and non-Jews suffered the confiscation of their property, part of which went to the *delatores* who denounced them. This means that the highest risk was run by people with enough possessions to make a prosecution worthwhile for both *fiscus* and *delator*. Furthermore, one learns from Cassius Dio (*Hist. Rom.* 67.14.1-2 and 68.1) that being an ‘atheist’ was considered to be the underlying crime committed by non-Jews ‘drifting into Jewish ways’ or ‘living a Jewish life’ under Domitian, which could even lead to the execution of those found guilty of this.

Earlier in this work I concluded that Jewish Christians may well have been among those Jews who were prosecuted for tax evasion, and non-Jewish Christians could certainly have been among those charged with leading a Jewish life *improfessi* and found guilty of ‘atheism’ or ‘contempt of the gods’, possibly facing execution on these grounds.³⁰¹ A circumcision test was used in court to find out whether men were Jewish or not, and it may be assumed that a sacrifice test (like the one used by Pliny not much later under the emperor Trajan) was used to find out which non-Jews could be regarded as ‘atheists’.

When turning to the Book of Revelation, which is dated to the later years of Domitian’s reign by a majority of scholars, we find ourselves faced with a somewhat peculiar situation. Although persecution by representatives of the Roman Empire and the exhortation to persevere under this hardship are major themes in this book, the conviction has grown in the past two decades among many scholars that Revelation should not be read against the

³⁰¹ See Chapter 2 for a detailed discussion of these issues.

background of a real persecution.³⁰² It is their view that there was no persecution of Christians under Domitian, mainly because there are no Roman sources to corroborate this. I could agree with this conclusion if it is more accurately formulated as: we know of no persecution of Christians as Christians under the emperor Domitian.³⁰³ However, immediately I must add: the *fiscus Judaicus* may very well have been the reason why Christian communities felt they were persecuted by Roman authorities. The relatively wealthy members of this group ran the risk of being denounced and prosecuted: Jewish members on a charge of evasion of the Jewish tax and non-Jewish members on a charge of ‘living a Jewish life *improfessi*’. Their property could be confiscated as a possible sentence and non-Jewish Christians even ran the risk of being executed as ‘atheists’. This state of affairs may well have been the background against which the Book of Revelation was written.³⁰⁴ This also means that the Roman emperor cult probably played no significant role in the circumstances that led to the Book of Revelation and is only part of a wider context.

The first issue that will be discussed in this chapter is the date of Revelation. In the context of this study I will argue for the traditional date: ‘towards the end of Domitian’s reign’.³⁰⁵ After this discussion about dating issues the distinction between Jewish and non-Jewish Christians will be a leading principle again, as it was in the previous chapters. This distinction will be taken into full account when the following topics are considered: the

³⁰² Important studies in this respect are Yarbrow Collins 1984, who introduced the term ‘perceived crisis’ for the background of the Book of Revelation: ‘Relative, not absolute or objective, deprivation is a common precondition of millenarian movements. In other words, the crucial element is not so much whether one is actually oppressed as whether one feels oppressed’ (84); L.L. Thompson (1990) also argues that there was no ‘real’ crisis: ‘In a nutshell, the conflict and crisis in the Book of Revelation between Christian commitment and the social order derive from John’s perspective on Roman society rather than from significant hostilities in the social environment’ (175); Thompson is followed by Carter 2008, esp. 39, 69-72; Duff 2001, argues that the origin of Revelation should be sought in an internal leadership crisis within the churches, in which the main players were John and the woman he calls Jezebel.

³⁰³ This more accurate formulation is used by, e.g., Yarbrow Collins 1984, 70.

³⁰⁴ The more traditional interpretation of Revelation, which is based on the assumption that it was written against the background of real repression and persecution during the reign of Domitian is still alive as well: see, e.g., Schüssler Fiorenza 1985, 194; Beale 1999, 6-16; Witherington III 2003, 8; in one of the following paragraphs I will come back to the issue of persecution.

³⁰⁵ Irenaeus, *Adv. Haer.* 5.30.3

nature of the ‘persecution’ found in several passages of Revelation, the local circumstances that one learns about in the letters to the ‘seven churches’ (Rev. 2-3), and John’s visions of the 144 000 out of the tribes of Israel and the innumerable multitude ‘from every nation, from all tribes and peoples and languages’ (Rev. 7).

5.2. Date of Revelation

A majority of scholars date Revelation to the later years of the emperor Domitian.³⁰⁶ The most important external evidence for this date is given by Irenaeus in his *Against Heresies* (ca. 180), when he writes about John’s apocalyptic vision: ‘it was seen not long ago but almost in our time, towards the end of Domitian’s reign’ (5.30.3). This is a very important piece of evidence, which is explicitly taken over by Eusebius in his *Church History*, quoting this passage by Irenaeus twice (3.18 and 5.8).

Internal evidence to corroborate this date has also been brought forward. The most important indication for a date after 70 is the metaphorical use of ‘Babylon’ for Rome.³⁰⁷ This is clearly connected to the fact that both Babylon (in 587 BCE) and Rome (in 70 CE) were responsible for taking Jerusalem and destroying the temple. The latter fact (the destruction of the heart of the Jewish religion) is very likely the direct cause for this metaphor, which also appears in other Jewish literature after the year 70.³⁰⁸

Further internal evidence points to a date between 70 and 100 as well. The legend of Nero *redivivus* (or *redux* or *rediturus*), which is used in Rev. 13 ‘is attested as early as A.D. 69, though a later date for the widespread currency of this legend seems required’.³⁰⁹ The use of the phrase ‘the twelve apostles’ in Rev. 21.14 also points to a date in the late 80s or early 90s, because this is not otherwise attested before the year 80.³¹⁰

Another important indication for a date after 70 is a coin issued by Vespasian on which one sees the goddess Roma seated on the seven hills of

³⁰⁶ For a full discussion of the dating issues, see Aune 1997, lvi-lxx; Beale 1999, 4-27. I generally agree with the discussion and conclusions about the date of Revelation by Mayo 2006, 4-17.

³⁰⁷ Yarbro Collins 1984, 57-58; Aune 1997-1998, lxi; Beale 18-19; Mayo 2006, 14-15.

³⁰⁸ All roughly contemporary with Revelation: 4 *Ezra* 3.1-2, 28-31; 2 *Bar.* 10.1-3; 11.1; 67.7; *Sib. Or.* 5.143, 159.

³⁰⁹ Aune 1997-1998, lxix-lxx, lxi. But also see Van Kooten 2007, 238-240, who argues for the earlier date also in this respect.

³¹⁰ Aune 1997-1998, lxiv, lxx.

the city of Rome (see Illustration 5 below). This is the only known representation of Roma on the seven hills and it is strongly reminiscent of the description of the ‘whore of Babylon’ in Rev. 17.3 and 17.9. In fact, Aune and others consider the vision in Rev. 17 as an *ekphrasis*: a ‘detailed description [of a work of art]’, in this case ‘a marble or bronze relief’³¹¹ or, more likely, this particular coin of Vespasian, since there is no evidence of a similar picture in any other form.

Many other coins are known to us on which the goddess Roma is depicted, but this specific scene is unique in the Roman coin archive. It was issued in the year 71 during the third consulship of Vespasian, in which year the many varieties of the *IVDAEA CAPTA*, *DEVICTA IVDAEA* and *ROMA VICTRIX* coins were also minted.³¹²



Illustration 5. RIC II 442: On the reverse of the coin there is a picture of the goddess Roma seated on the seven hills of Rome, which is strongly reminiscent of the description of the ‘whore of Babylon’ in Rev. 17.3: ‘I saw a woman sitting on a scarlet beast that was full of blasphemous names, and it had seven heads and ten horns’ and 17.9: ‘the seven heads are seven mountains on which the woman is seated’; below left, she-wolf with Romulus and Remus; to the right, a personification of Tiber reclining. Ex *Monnaies et Médailles* 28, June 1964, 303. (<http://www.coinarchives.com/a/lotviewer.php?LotID=55584&AucID=58&Lot=737>).

³¹¹ Aune 1997-1998, 919-928.

³¹² See, e.g., RIC II 419, 424, 425, 426, 427, 446, 468. Also see Cody 2003.

It is almost as if one is watching Roma fully at ease again after her victory in Judaea and the establishment of the Flavian dynasty. Note the bare breast of Dea Roma on this coin, which seems to add more substance to the label ‘whore’. This is actually the most ‘frivolous’ and ‘laid back’ depiction of the goddess Roma that I have come across on Roman coins. She is often found with one bare breast on gems, medallions and coins, e.g., from Nero’s reign and other coins issued by Vespasian, but usually these pictures show a more ‘military’ goddess.³¹³ Illustration 6 is very characteristic of this type: Roma dressed as an Amazon (also short tunic and bare breast) seated on a cuirass with shields in the background.



Illustration 6. Dupondius of Vespasian, also from 71, RIC II 476

The drawing of the ‘Roma on the seven hills’ coin in Aune’s commentary (920) shows her fully dressed. His conclusion that ‘nothing on the sestertius of Vespasian with the goddess Roma on the reverse (...) explicitly links that figure with prostitution or sexuality’, is perhaps true for the drawing of the coin in his commentary, but not true for the specimen as shown above and others.³¹⁴ Aune spends a few pages on this numismatic evidence in his

³¹³ See, e.g., some of the plates in Vermeule 1959 (I, II and III) and Illustration 6.

³¹⁴ Aune 1997-1998, 929, follows Beauvery 1983, 257, who also concludes: ‘Sur la monnaie étudiée, la déesse Rome, armée du parazonium et coiffée du casque à cimier, ne possède absolument rien, ni dans sa posture, ni dans son vêtement, qui puisse évoquer, tant soit peu,

commentary and, although the scene on the reverse of this sestertius does not appear in his general discussion about the probable date of Revelation, he concludes: 'it does suggest the relative chronological conclusion that the author *probably* became acquainted with it after that date [i.e. A.D. 71]'.³¹⁵ My conclusion would be that this is virtually certain.

Alternative dates, both earlier and later than the last years of Domitian's reign, have also been suggested for Revelation.³¹⁶ In all of these cases the external evidence from Irenaeus needs to be dismissed as false, which in itself is a big step to take.³¹⁷ Most support has been given to an alternative date between the death of Nero in the year 68 and the destruction of the Jewish temple in Jerusalem in 70, primarily based on the assumptions (1) that the description of Jerusalem in Rev. 11.1-13 points to the fact that the temple was still standing when Revelation was written, and (2) that the succession of Roman emperors as described in Rev. 17.9-14 should be read very literally (starting with Caesar or Augustus and including the short-lived emperors Galba, Otho and Vitellius).³¹⁸ The strength of these arguments will be discussed.

quelque lascivité ou insigne caractéristique de la prostituée.' Beauvery is drawing a wrong conclusion here, mainly because he was working from photographs of two specimens of the coin: one from the Cabinet des Médailles de Paris (the reverse of which looks a bit worn on the picture) and one from the British Museum. This latter coin is also described by Robinson 1974, 482, who was in the possession of a cast of the coin: 'she wears Amazon costume (short tunic) with the right breast bared' (sic!). Beauvery (1983, 245) states that one should always see the coins one is writing about in person, but in his case this was not possible: 'j'ai travaillé sur photographies', which apparently did not have the quality that can be obtained today. For a depiction of Roma in similar dress on the Cancellaria Reliefs, see Henderson 2003, esp. figures 46-50.

³¹⁵ Aune 1997-1998, 928. Aune follows a suggestion by Vermeule 1959, 41, that the picture on the coin may have been inspired by a marble or bronze relief, but for all we know the coin could very well be the original work of art (cf., Robinson 1974, 482-483, who also leaves open the possibility that the die engraver was the original artist).

³¹⁶ Dates as early as the reign of Nero or as late as Trajan's reign have been suggested. See the commentaries of Aune and Beale (note 306) for these alternatives, which in general have very few supporters, with the exception of an alternative date between the years 68 and 70: see below.

³¹⁷ The main argument to dismiss Irenaeus as a reliable witness is his inaccuracy in other matters related to the first century. See, e.g., J.A.T. Robinson 1976, 222; Wilson 1993, 597-598; Marshall 2001, 94-95. See also the discussion in Mayo 2006, 4-7, who convincingly argues in favour of the veracity of Irenaeus' testimony.

³¹⁸ Wilson 1993, 599-604; Van Kooten 2007.

The first argument that is usually used for an early date is found in Rev. 11 as mentioned above, but the references to the temple (which seems to be still standing in these verses) are too ambiguous to be persuasive for a date between 68 and 70. Aune concludes: 'there is evidence in the text that these references were given an interpretive overlay that may have arisen years after the destruction of Jerusalem and the temple in A.D. 70.'³¹⁹ Beale is of the same opinion: 'the literal reading should be questioned in the light of the symbolism throughout the book and in ch. 11 in particular'.³²⁰

To argue successfully for a date before the year 70, it is also necessary to counter the strong 'Babylon' argument, which was discussed above.³²¹ Since the metaphorical use of Babylon for Rome is essentially linked to the destruction of the temple, one would not expect this to be used before 70.³²² The siege of Jerusalem started in April of the year 70 and although the taking of the city may have seemed an inevitable outcome even before 70, this was certainly not true for the destruction of the temple.³²³

Those scholars, who argue that Revelation should be dated between the years 68 and 70, also read the passage in Rev. 17.9-14 about the succession of Roman emperors very literally. The heart of this passage is formed by verses 9b-11 about the beast with seven heads:

the seven heads are seven mountains on which the woman is seated; also, they are seven kings, of whom five have fallen, one is living, and the other has not yet come; and when he comes, he must remain for only a little while. As for the beast that was and is not, it is an eighth but it belongs to the seven, and it goes to destruction.

³¹⁹ Aune 1997-1998, lxix, lx-lxi.

³²⁰ Beale 1999, 20-21 and his comments on Rev. 11.1-2; Mayo 2004, 13-14: 'those who argue for an early date based on a historical reading of this text have failed to account adequately for implications of the symbolic meaning developed within the details of the text that seem to remove it from a historical interpretation'. Also see his fourth chapter for the discussion of this symbolic meaning.

³²¹ Cf., Marshall, 2001, 96; Van Kooten 2007, 219-221. Wilson 1993, does not mention this argument.

³²² Cf., Yarbro Collins 1984, 58.

³²³ See Josephus, *Bell. Jud.* 6.4.6-7 about the attempt of Titus to stop the destruction of the temple. But also see Van Kooten 2007, 219-221, who argues that 'Babylon' could have been used for Rome even before 70.

When reading this passage as a succession of Roman emperors, there are two possible starting points: Caesar or Augustus. If one starts counting and does not omit any emperors, one ends up with Nero, Galba and Otho, or Galba, Otho and Vitellius as numbers six, seven and eight.³²⁴ This leads to a date for Revelation shortly before the year 70. The interpretation of the entire book then depends on the fairly recent persecution of Christians under Nero in Rome and the apparent fear of a similar persecution in Asia Minor under one of his successors during the period of civil war that lasted from the death of Nero in June of 68 to the death of Vitellius in December of 69.³²⁵

One approach that has become quite popular in recent times is to claim that the seven emperors do not refer to literal emperors at all, since the number seven is probably used in a symbolical way in this passage.³²⁶ This argument would end all speculation about the actual emperors that John could be referring to. But if this argument (which in itself is very valid) is left aside, I think more could be said about reading the number seven literally in this case. My own preference (after having considered the ‘bewildering number of ways’ in which this passage has been interpreted³²⁷) would be to start counting with Augustus and consider the first five emperors to be the ones belonging to the Julio-Claudian dynasty: Augustus, Tiberius, Gaius (Caligula), Claudius and Nero. The ‘one who is living’ refers to Vespasian and ‘the one who comes but only remains for a little while’, refers to Titus (who only reigned as emperor for two years). In this passage Domitian is referred to as ‘the beast that was and is not’, an eighth king who belongs to the seven, i.e., Nero *redivivus*.³²⁸

³²⁴ This way of counting the emperors leads to slightly differing dates for Revelation in the years 68 or 69. See, e.g., Bell 1979, 100: ‘between June 68 and 15 January 69, when Galba was killed’; Rowland 1982, 405: ‘the date could be said to be at some point during AD 68’; Wilson 1993, 603-604: ‘during the reign of Galba’ or, alternatively ‘in the latter years of the reign of Nero’; Van Kooten 2007, 241: ‘probably during the first half of Vitellius’ reign between mid-April and August 69’.

³²⁵ See, e.g., Wilson 1993, 597: ‘I would contend that a real historical crisis, namely that which existed in the aftermath of the Neronian persecution, should be given at least as much attention in dating Revelation as the possibility of a perceived crisis is given.’

³²⁶ See, e.g., Aune 1997-1998, lxii-lxiii under e, plus literature; Beale 1999, 23-24: ‘More likely the seven kings are not to be identified with any specific historical rulers (...).

³²⁷ Aune 1997-1998, lxi.

³²⁸ Cf., Klauck 2001, 695-697. A view shared by L.M. White in his article about the Book of Revelation for the project *Apocalypse*:

Although in this way the author gives the impression that the book was written under Vespasian, I still believe that it was written under Domitian as a *vaticinium ex eventu*, antedating the book to an (in this case slightly) earlier period, a method that is used more often in ancient apocalyptic writings.³²⁹ The level of comfort given by this type of literature was obviously higher if the dramatic events that were actually experienced by believers had been revealed to a seer at an earlier stage and could be shown to be part of a well-planned scenario that was totally controlled by heavenly powers and would end in total victory over the adversaries.

If John the seer wrote his book for an audience in Asia Minor towards the end of Domitian's reign, it is not at all strange that he would only refer to five emperors of the Julio-Claudian dynasty and three of the Flavian dynasty. Writing at that moment in time (more than twenty years after 'the year of the four emperors'), it would have been somewhat peculiar to include the emperors Galba, Otho and Vitellius, each of whom never made any impact at all in the eastern part of the empire. None of them reigned for longer than a few months: Galba was in 'power' for seven months, Otho for only three and Vitellius reigned for eight months in Rome, the last five of which he had a rival emperor in Vespasian in the eastern provinces.³³⁰ If the book was meant for readers in the nineties of the first century, then they would very likely interpret this vision as referring to the Julio-Claudian and Flavian dynasties, leaving out the relatively short period of internal strife between a number of contenders and their armies.³³¹

<http://www.pbs.org/wgbh/pages/frontline/shows/apocalypse/revelation/white.html>; he also thinks the book was written under Domitian. Also Giblin 1991, 165, takes this position ('If one still opts for a numbered series....') and so does Pfeiffer 2009, 120. Beale 1999, 872-875, finds all of this unconvincing and prefers a figurative understanding of the seven heads.

³²⁹ See, e.g., Roloff 2001, 12, about the 'fiktive Vorzeitigkeit' of apocalyptic literature in general.

³³⁰ See, e.g., Smalley 1994, 47: 'AD 68/69 was a time of anarchy; and the three temporary leaders, who were not universally recognized, were manifestly rebellious caretakers during the interregnum between Nero and Vespasian.' Smalley dates Revelation to the reign of Vespasian ('the one who is') and considers the book to be a genuine vision of future things.

³³¹ Bousset 1906, 406-407, about omitting Galba, Otho and Vitellius: 'für die letztere Deutung entscheidet m.E. der Grund, dass in der Zeit des Interregnums das Gefühl ὁ εἷς ἔστιν kaum entstehen konnte, wenigstens nicht in den Provinzen.' This observation still seems very appropriate for this period of military and political anarchy that was created by the civil war. Although Suetonius includes these three in his *Lives of the Twelve Caesars*, he also refers to their reigns as 'usurpation' in *Vesp.* 1: *rebellio*.

In general it is hard to imagine that Revelation was written within one year after Nero's death. More time should be allowed for the circulation and further development of the legend of his possible return in the east of the empire, as many scholars rightly argue.³³² Moreover, this legend provides the strongest effect if adapted and used for a 'second Nero' who has already shown the characteristics of the first: those of a persecutor of Christian communities. It would seem that a book like Revelation could only have been written after a second emperor (in this case Domitian) had created circumstances that were directly threatening and harming Christian communities, making clear to them that the Neronian persecution had not been an isolated incident in Rome under a cruel emperor. Nero never threatened to also persecute Christian communities outside of Rome. This is why the great fear of such a persecution in Asia (which is obviously present in Revelation and can be no more than fear if the book is dated between 68 and 70) cannot be explained for this period in time.³³³ The start of another persecution, however, not confined to Rome this time, must have had a tremendous impact on the Christian communities in Asia Minor, making the Neronian persecution look much more significant in hindsight.

In sum: I concur with those scholars who date Revelation towards the end of the reign of Domitian, following Irenaeus' external evidence and a number of important indications found in the text itself. In fact, this Domitianic date is strongly reinforced once it has been made plausible that the prosecutions of the *fiscus Judaicus* can be considered to be the background of persecution against which John wrote his apocalyptic vision.

5.3. Persecution

In early Christian tradition Domitian holds a prominent place among the persecutors of Christianity. The following passage was written by Eusebius in his history of the Church, which can be dated to the early fourth century, but contains many references to earlier writers:

Domitian, having shown great cruelty toward many, and having unjustly put to death no small number of well-born and notable men at Rome, and having without cause exiled and confiscated the property of a great many other illustrious men, finally became a successor of Nero in his hatred and enmity toward God. He was in

³³² See, e.g., Aune 1997-1998, lxi and lxix-lxx; Beale 1999, 17; Mayo 2004, 10.

³³³ Pace Van Kooten 2007, 238-240.

fact the second that stirred up a persecution against us, although his father Vespasian had undertaken nothing prejudicial to us.³³⁴

Furthermore, there is the earlier evidence from Melito of Sardis (mid-second century) who wrote the following passage to the emperor Marcus Aurelius:

The only emperors who were ever persuaded by malicious men to slander our teaching were Nero and Domitian, and from them arose the lie, and the unreasonable custom of falsely accusing Christians.³³⁵

Also Tertullian mentions Nero and Domitian as the two main persecutors of Christians in the first century:

Consult your histories. There you will find that Nero was the first to rage with the imperial sword against this school in the very hour of its rise in Rome. But we glory — nothing less than glory — to have had such a man to inaugurate our condemnation. One who knows Nero can understand that, unless a thing were good — and very good — it was not condemned by Nero. Domitian too, who was a good deal of a Nero in cruelty, attempted it; but, being in some degree human, he soon stopped what he had begun, and restored those he had banished.³³⁶

Irenaeus and Eusebius date Revelation ‘towards the end of the reign of Domitian’; and Eusebius regards this book as reflecting the persecution of Christians by this emperor.³³⁷ He is also referring to non-Christian writers

³³⁴ Eusebius *Hist. Eccl.* 3.17

³³⁵ Quoted by Eusebius: *Hist. Eccl.* 4.26.9.

³³⁶ Tertullian, *Apol.* 5.3-4. Tertullian is probably wrong when he states that Domitian stopped the persecution of Christians himself. His remark about ‘restoring’ those who had been banished, points more in the direction of Nerva (cf., Cassius Dio, *Hist. Rom.* 68.1; Eusebius, *Hist. Eccl.* 3.20; 3.23). Although he could be thinking of the story of Hegesippus (quoted by Eusebius, *Hist. Eccl.* 3.20, who also quotes Tertullian in this context) about Domitian and the relatives of Jesus, whom the emperor decided not to bother any longer after he found out they had no real possessions he could confiscate; this is the story that I referred to earlier (p. 88), from which it could be concluded that poor Jewish Christians were relatively safe under Domitian.

³³⁷ Date of Revelation: Irenaeus, *Adv. Haer.* 5.30.3, also quoted by Eusebius, *Hist. Eccl.* 3.18 and 5.8. To argue that it is ‘striking’ that Irenaeus does not mention any Roman persecution in connection to his dating of Revelation (e.g., Aune 1997-1998, lxvii) strikes

(‘who were far from our religion’) who wrote about the persecution under Domitian:

To such a degree, indeed, did the teaching of our faith flourish at that time that even those writers who were far from our religion did not hesitate to mention in their histories the persecution and the martyrdoms which took place during it. And they, indeed, accurately indicated the time. For they recorded that in the fifteenth year of Domitian Flavia Domitilla, daughter of a sister of Flavius Clement, who at that time was one of the consuls of Rome, was exiled with many others to the island of Pontia in consequence of testimony borne to Christ.³³⁸

One also learns from Eusebius (in this case quoting Clement of Alexandria), that John, the author of Revelation, was released from the island of Patmos and could return to Ephesus when Nerva became emperor, which is consistent with the passage by Cassius Dio quoted before (*Hist. Rom.* 68.1) about Nerva’s measures when he became emperor.³³⁹ Apparently John lived until the days of the emperor Trajan.³⁴⁰

A number of scholars have challenged this early Christian tradition picturing the emperor Domitian as a major persecutor of the Church, as I mentioned earlier.³⁴¹ The main spokesman for this revisionist view has been L.L. Thompson, who follows Yarbrow Collins in her view that Revelation was not a response to political oppression or persecution. In his *The Book of Revelation* (1990) he wants to offer a ‘plausible reconstruction’ of the social order of Christianity under Domitian.³⁴² I quote:

me as odd. It would only have been striking if Irenaeus had left us the message that the impression of Roman persecution that the reader gets by reading the Book of Revelation was wrong, because there was no persecution of Christian communities under Domitian. Since he did not reveal this to us, it may be safely assumed that by dating a book to the reign of Domitian, which strongly focuses on persecution of Christians, he also understood that these persecutions took place under this emperor.

³³⁸ Eusebius, *Hist. Eccl.* 3.18.

³³⁹ Eusebius, *Hist. Eccl.* 3.23. Clement does not mention the emperor by name but calls him ‘the tyrant’. Eusebius interprets ‘the tyrant’ to be Domitian.

³⁴⁰ Irenaeus, *Adv. Haer.* 2.22.5 and 3.3.4, also quoted by Eusebius, *Hist. Eccl.* 3.23.

³⁴¹ See, e.g., Yarbrow Collins 1984; Thompson 1990; Aune 1997-1998, lxiv-lxix; Carter 2008. See also note 302.

³⁴² Thompson 1990, chapters 6-9.

This social order, reconstructed almost entirely from sources other than the Book of Revelation, will provide further evidence that the seer and his audience did not live in a world of conflict, tension, and crisis. Christians lived quiet lives, not much different from other provincials. The economy, as always, had its ups and downs; and the government kept the peace and demanded taxes.³⁴³

My conclusion in the previous chapters has been quite the opposite, also ‘reconstructed almost entirely from sources other than the Book of Revelation’:

- The policy of consecutive Roman emperors towards Judaism was based on the principle that Jews were free to follow the customs of their forefathers, but in the Claudian edict ‘to the rest of the world’ the emperor makes it clear that they were not allowed to ‘show a contempt of the religious observances of other nations’.³⁴⁴ Conversion of non-Jews to the exclusive monotheism of Judaism was undesirable from a Roman perspective.
- Roman writers of this period are often suspicious of Judaism, especially with regard to non-Jews adopting Jewish customs.³⁴⁵ Some of these sympathizers with Judaism even went as far as distancing themselves from their traditional gods. Non-Jewish Christians belonged to the latter category: the worst in Roman eyes.³⁴⁶
- 1 Peter (dated *ca.* 85) gives clear evidence of the pressure that was felt by many or even all Christian communities throughout the Roman Empire: especially non-Jewish Christians were regarded as ‘evildoers’ by their local social environment because they had distanced themselves from friends, relatives and the local cults by converting to the God of Israel.³⁴⁷
- Tensions between Jewish Christian missionaries and Christian communities on the one hand and local synagogues on the other were known since the days of Paul.³⁴⁸ During Domitian’s reign these tensions between Jewish synagogues and Christian communities intensified again,

³⁴³ Thompson 1990, 95.

³⁴⁴ Josephus, *Ant.* 19.290; see also Pucci Ben Zeev 1998: 328-342; also page 7.

³⁴⁵ Seneca, *De Superstitione*, apud Augustinus, *De Civitate Dei* 6.11 ; Juvenal, *Sat.* 14.100 and 14.103; Tacitus, *Hist.* 5.5.2. See pp. 41-43.

³⁴⁶ See pp. 42-43 and 45-58.

³⁴⁷ 1 Pet 1.14-20; 4.3-4; 5.9; see also pp. 102-108.

³⁴⁸ 2 Cor. 11.24; Acts 9.1-2; 13.44-52; 14.1-7; 14.19; 17.5-9; 17.13; 21.27-36; 22.19; 26.11; Mt. 10.17; 23.24; Mk 13.9; Lk. 12.11; 21.12.

when Roman fiscal authorities regarded Christian communities as somehow belonging to Judaism, whereas synagogues preferred not to be associated with this movement.³⁴⁹

- This crisis under Domitian was to some extent a ‘coincidence’, but it could be argued that the issue of Jewish identity should have surfaced sooner or later in Roman history after the introduction of the Jewish tax by Vespasian. The question of who was supposed to pay the tax was all important for the Roman *fiscus Judaicus* and apparently the taxpayer had not been defined well enough. Under Domitian the broadest possible definition of Jew and Judaism was used by fiscal authorities, who were pressed to optimize their revenues, which led to oppression and abuse.

Domitian spent largely during his reign: for his building program, his games and shows, and because of his decision to substantially increase the military salaries. Thompson does not challenge the claim of several Roman historians that in this way Domitian strained the financial resources of the empire. The political oppression and persecution by this emperor had strong financial reasons according to his contemporaries, and this is reflected in the actions of the *fiscus Judaicus*. In this context it is useful to once again quote Griffin about the connection between the financial situation of the Roman Empire under Domitian and his later reputation as a bad emperor:

the ancient writers do not assert that that Domitian failed to balance his budget, only that he did so in ways that were oppressive and unjust.³⁵⁰

The denial of a persecution of Christians under Domitian by Thompson and other scholars has also been interpreted as support for an ‘early’ date for Revelation. This has been the interpretation of, e.g., Wilson, who strongly underwrites Thompson’s conclusions. Wilson regards the persecution of Christians under Domitian as ‘an invention by Eusebius and Lightfoot’ and he is of the opinion that an important argument for a Domitianic date is invalidated in this way.³⁵¹

³⁴⁹ See pp. 82-85.

³⁵⁰ Griffin 2000, 76, referring to Suetonius, *Dom.* 12.1-2, Pliny, *Pan.* 42.1; 36.1; 55.5; 37-8; and Cassius Dio, *Hist. Rom.* 67.4.5.

³⁵¹ Wilson 1993, 605; although Lightfoot also dated Revelation between 68 and 70 (like Wilson), he was convinced of a real persecution of Christians under Domitian, for which he

More recently Beale and Witherington have made it clear that they are not convinced by this tendency to deny any form of persecution under Domitian. Beale refers to *1 Clement* 1.1 (usually dated to the year 96), who speaks of ‘the sudden and repeated calamities that have befallen us’.³⁵² Furthermore, he quotes from Pliny’s letter to Trajan about those people who had apostatized from Christianity, ‘a few as much as twenty-five years ago’ (i.e., in the late eighties of the first century, during Domitian’s reign).³⁵³ Beale explicitly states that ‘the pagan accusations of “adopting the Jewish mode of life” and of “atheism” point to accusations directed against Christianity and not against Judaism’³⁵⁴. As seen in Chapter 2, these passages by Cassius Dio that Beale is referring to should be linked to the one by Suetonius about the *fiscus Judaicus* and on the basis of that passage one should distinguish between Jewish and non-Jewish Christians. The charge of ‘atheism’ could only be brought against the latter.³⁵⁵ Witherington also refers to Pliny’s letter and assumes that those who had renounced Christ during the reign of Domitian had probably done so under the threat of severe punishment, very likely execution.³⁵⁶

This line of arguing by Beale and Witherington is strongly reinforced when the conditions under which the *fiscus Judaicus* could operate under Domitian are presented more prominently (like they were in the previous chapters): non-Jewish Christians could face execution after having been found guilty of ‘leading a Jewish life *improfessi*’ on account of their ‘atheism’ and Jewish Christians could be prosecuted for evasion of the Jewish tax.

It is now time to return to Revelation itself and look at the passages that refer to some kind of persecution. Some references to Christian victims in Revelation seem to point to an earlier time, most probably Nero’s reign. This is the usual interpretation of the following passages.³⁵⁷

brought forward many arguments (called ‘alleged evidence’ by Aune 1997-1998, lxvi): Lightfoot 1890, 104-115.

³⁵² Beale 1999, 13.

³⁵³ Beale 1999, 5.

³⁵⁴ Beale 1999, 9; based on Cassius Dio, *Hist. Rom.* 68.1 and 67.14.

³⁵⁵ See Chapter 2 about Domitian and the *fiscus Judaicus*.

³⁵⁶ Witherington III 2003, 7.

³⁵⁷ See, e.g., Aune 1997-1998, lxv; 424; 1011.

When he opened the fifth seal, I saw under the altar the souls of those who had been slaughtered for the word of God and for the testimony they had given; they cried out with a loud voice, ‘Sovereign Lord, holy and true, how long will it be before you judge and avenge our blood on the inhabitants of the earth?’ They were each given a white robe and told to rest a little longer, until the number would be complete both of their fellow-servants and of their brothers and sisters, who were soon to be killed as they themselves had been killed. (Rev. 6.9-11)

And in her [Babylon=Rome] was found the blood of prophets and of saints, and of all who have been slaughtered on earth. (Rev. 18.24)

In the first passage quoted above future victims are also expected soon (μέλλοντες ἀποκτείνεσθαι). This seems to refer to the persecutions under Domitian that are foretold by the writer of Revelation. When focusing on the nature of these expected persecutions, we observe something remarkable. Not only executions are found as punishment for ‘Christians’ in the days that the book was written (as a *vaticinium ex eventu* under Domitian in the early nineties of the first century), but also imprisonment and banishment. This is an intriguing observation, since the only punishment for Christians known of under Nero (*ca.* 64) and under Trajan (*ca.* 112) is the death penalty.³⁵⁸ In the previous chapter I concluded that the executions under Nero were most likely linked to the (false) charge of incendiarism, a serious criminal offence. Under Trajan it was enough to confess to being a Christian to deserve the death penalty, which was probably a fairly recent development at that moment. Being a Christian was not a crime in itself under Nero and this was still the case under Domitian, as I argued in Chapters 2 and 4. If the *fiscus Judaicus* is somehow present in the persecution as described in Revelation, one would expect to find punishments that are different for Jewish Christians on the one hand and for non-Jewish Christians on the other.

First of all there is the statement of the writer himself:

I, John, your brother who share with you in Jesus the persecution and the kingdom and the patient endurance, was on the island called Patmos because of the word of God and the testimony of Jesus. (Rev. 1.9)

³⁵⁸ Tacitus, *Annals* 15.44; Pliny, *Ep.* 10.96.

John claims to be sharing the persecution (ἐν τῇ θλίψει) with his readers. The fact that he is on the island of Patmos seems to be the result of a punishment 'because of the word of God and the testimony of Jesus'. This punishment was obviously not execution but apparently some kind of banishment. Furthermore, there is the central prophecy in chapter 13 stating:

If anyone has an ear, let him hear:

whoever is meant to be captured will surely be captured (εἴ τις εἰς αἰχμαλωσίαν εἰς αἰχμαλωσίαν ὑπάγει); whoever is meant to be killed by the sword will surely be killed by the sword (εἴ τις ἐν μαχαίρῃ ἀποκτενεῖ, δεῖ αὐτὸν ἐν μαχαίρῃ ἀποκτανθῆναι). This calls for endurance and faith on the part of God's people. (Rev 13.9-10)³⁵⁹

John seems to be referring to two different groups of victims here, for which different punishments applied. 'Being captured' was one of the possible punishments, which may have meant imprisonment and/or banishment.³⁶⁰ Obviously people from both groups could be arrested and prosecuted. For some of them, 'being captured' was also the worst that could happen but for others this prosecution could lead to an execution by the sword. The latter is evident in the passage quoted above, but is also reflected in the following verses:

it [the second beast] was allowed to give breath to the image of the beast, so that the image of the beast could even speak and cause those who would not worship the image of the beast to be killed (Rev. 13.15)

Then I saw thrones, and those seated on them were given authority to judge. I also saw the souls of those who had been beheaded for their testimony to Jesus and for the word of God. They had not worshipped the beast or its image and had not received its mark on their foreheads or their hands (Rev. 20.4)

³⁵⁹ This is a selective allusion to Jer. 15.2 and 43.11. See, e.g., Beale 1999, 704-707.

³⁶⁰ In Roman times prisons served only for a short incarceration. During inquiry in a criminal trial the accused person could be detained so as to be at the disposal of the authorities. See Krause 1996, esp. 64-91, who notes: 'Die Gefängnishaft reduzierte sich im Römischen Reich im wesentlichen auf die Untersuchungs- und die Exekutionshaft' (64).

The execution of these people was ordered after they apparently refused to ‘worship the image of the beast’. Very probably this worshipping consisted of sacrificing to an image or idol of the emperor and perhaps several gods as well.³⁶¹ Those who refused to do this were killed by the sword, which should be understood as being beheaded according to Rev. 20.4. This was one of the types of execution as used by Roman authorities.

Apparently one type of punishment (imprisonment and/or banishment) was given to some Christians, among whom was John himself, the other type of punishment (execution by beheading) was given to other Christians who refused to worship the idol of the emperor. John was in the isle of Patmos ‘for the word of God and the testimony of Jesus’ (Rev. 1.9), but others could apparently be beheaded, also ‘for their testimony to Jesus and for the word of God’ (Rev. 20.4). My suggestion is that the first group of Christians consisted of circumcised Jews and the second group consisted of uncircumcised non-Jews. This would be consistent with the fact that only non-Jews would be suspected of ‘atheism’ as a consequence of their ‘living a Jewish life *improfessi*’ or ‘drifting into Jewish ways’ under Domitian. Only they would be forced to undergo some kind of sacrifice test to see whether they were ‘atheists’ or not. Based on the widely accepted assumption that John was Jewish (which would be established in court by the circumcision test), he could only have been convicted for evasion of the Jewish tax. In John’s case the relegation to Patmos could perhaps be an additional punitive measure, connected to the fact that he may have been the leader of the Christian community in Ephesus.³⁶²

Some scholars argue that John was only banished and not killed, because he belonged to the higher class of *honestiores* and not to the lower class of *humiliores*.³⁶³ Different punishments could apply for these two categories, even if they were convicted for the same crime. If one were to accept this explanation, one would be faced with a remarkable and unexplainable

³⁶¹ Cf., Pliny, *Ep.* 10.96.

³⁶² John was probably condemned to *deportatio*, which also involved loss of all rights and property (*Digest* 48.22.6; 48.22.14.3; 48.22.15) or *relegatio in insulam*, undoubtedly also after the loss of his property. Aune (1997-1998, 79-80) gives all possible reasons why John may have been on the island of Patmos. He notes that provincial governors made frequent use of *relegatio* (80). Witherington III 2003, 9, also sees John ‘as a leader in the churches in Asia Minor, and not merely as a peripheral prophet’.

³⁶³ Aune 1997-1998, 80; Witherington III 2003, 9; Aune indicates that the people who were beheaded must have belonged to the upper classes as well (or they were soldiers).

difference compared to the situation under Trajan not much later: according to Pliny's letter the confession to being a Christian always led to the death penalty in his days. The only distinction that is observed is the one between those who were Roman citizens, who were sent to Rome (most likely to be executed), and those who were no Roman citizens. The latter could be killed immediately under the jurisdiction of Pliny as governor, whereas the former could not. Leaders of the Church seem to have been particularly vulnerable: the bishops of Antioch (Ignatius) and Jerusalem (Simeon) were both executed under Trajan.³⁶⁴

The reason why the author of Revelation escaped execution under Domitian, even while he was probably a prominent member or even the leader of the Christian community in Ephesus, is best explained by the fact that he was Jewish. He could only have been prosecuted on a charge of evasion of the Jewish tax and not of 'atheism'. He could not have been forced to undergo a sacrifice test under Domitian, because at that moment he was still considered to be a Jew in Roman eyes, someone who was entitled to his exclusive monotheism. Had he been put to such a test himself, he would not have survived.

There is no direct evidence for the confiscation of property in Revelation, but this would have been the usual consequence of a conviction and certainly so under Domitian according to Suetonius (*Dom.* 12.1-2), but a strong preoccupation with the accumulation of wealth by the Roman Empire in this apocalyptic document (especially in chapter 18) and also a strong focus on the dangers of wealth for Christian communities can be noted.³⁶⁵ I will come back to this latter issue in the next paragraph about the letters to the seven churches.

First I need to finish this paragraph about persecution by paying attention to the Roman emperor cult, a hotly debated subject among scholars of the Book of Revelation.³⁶⁶ My position may have become clear in the preceding part of this study. The emperor cult did not play a particularly important role in relation to Revelation, although the cult was probably quite prominent in

³⁶⁴ Eusebius, *Hist. Eccl.* 3.32; 3.36.

³⁶⁵ See, e.g., Yarbro Collins 1984: 132-134. She points at the 'theme of wealth and poverty' that 'occurs at certain climactic points in the Book of Revelation'. Also see Kraybill 1996. For further discussion of this issue, see my paragraph on the letters to the seven churches.

³⁶⁶ Aune 1997-1998, lxiii-lxiv; 775-779; Beale 1999, 5-12; Witherington III 2003, 23-25; and especially Friesen 2001.

Asia under Domitian.³⁶⁷ The most important parallel is the one that is found in the letter of Pliny to Trajan (*Ep.* 10.96), in which Pliny explicitly mentions the use of an image of Trajan as part of the sacrifice test he is using to distinguish between Christians and non-Christians. This should probably be interpreted as the similar use of an image or statue of the emperor in the Book of Revelation in a similar context: that of a sacrifice test.

5.4. The letters to the seven churches

I have found the approach of Hemer very helpful when looking at these letters in chapters 2 and 3 of Revelation. He is one of the few scholars who clearly distinguishes between Jewish and non-Jewish Christians in this New Testament document, although perhaps not consistently enough, especially when it comes to the *fiscus Judaicus* under Domitian.³⁶⁸ First I will give an important quote by him and then add my own comment and views.

The Christian was faced with a cruel dilemma. His safety was assured only by preparedness, in time of need, to identify himself either with pagan society, by sacrifice to the emperor and the expected participation in the religious aspects of guilds and social life (the ‘Nicolaitan’ answer), or with Judaism on whatever terms would gain him acceptance in the synagogue, that is, probably, at least an implicit denial of his Lord. (...) The situation also introduced a new occasion of disunion between Jewish and Gentile Christians, on whom it impinged differently.³⁶⁹

I agree with Hemer’s conclusion about this ‘cruel dilemma’. Identification with pagan society (again) was most probably a way out for non-Jewish Christians under the pressure of persecution. This would lead to their apostasy. For Jewish Christians it was possible to gain acceptance (again) in the synagogue, but this would require full adherence to Jewish law. As stated earlier, this most probably meant they were not supposed to have close social bonds with non-Jews (including meals with non-Jewish Christians),

³⁶⁷ Price 1984; Friesen 2001; 2005.

³⁶⁸ Hemer (1986, 7-8) fully recognizes the importance of the *fiscus Judaicus* for the circumstances that prevailed when Revelation was written, but he does not see a (legal) distinction between Jewish and non-Jewish Christians in the passage by Suetonius about the *fiscus Judaicus* (*Dom.* 12.2) and as a consequence of that also no difference in punishments for these two categories. See also note 92.

³⁶⁹ Hemer 1986, 10.

which could indeed be felt as an implicit denial of Jesus as their Messiah, because the messianic community would break up in this way.³⁷⁰

If the letters to the seven churches can in any way be linked to the possibility that both Jewish and non-Jewish Christians were denounced to the *fiscus Judaicus* for different crimes leading to different punishments, then attention should be paid to four variables: Jewish Christians, non-Jewish Christians, rich and poor. First we should ask ourselves how these communities were composed: was there a majority of Jewish Christians or a majority of non-Jewish Christians? The second question should be if their members were relatively poor or relatively rich, in other words: could they easily fall victim to *delatores* considering them to be attractive targets. In this line of thinking a Christian community consisting of a majority of poor Jewish Christians, would be relatively safe. On the other hand, a Christian community consisting of a majority of relatively rich members would be a very attractive target for *delatores*. Because of the fact that non-Jewish members could even face execution, the risk of apostasy by performing an act of idolatry (worship of the 'beast') under the threat of execution seems to have been high for them.

With this in mind I will look at the letters in more detail. For this purpose I will focus on two key subjects that are found in these letters. The role of the Jewish synagogues will be the first topic to consider: this is hinted at in the letters to the churches of Smyrna and Philadelphia. After that I will look at the pressure on Christians to identify themselves more with pagan society in all of its aspects. This seems to be the main issue for the communities in Ephesus, Pergamum, Thyatira and probably Sardis as well. Only the community of Laodicea does not fit into this picture. The relative wealth of this community is considered to be their greatest handicap, regardless of any internal tensions or external pressure.

³⁷⁰ The circumstances under Domitian for non-Jewish Christians seem to have been worse than for Jewish Christians, who did not run the risk of execution. For the latter the full danger became apparent under Nerva, when they probably lost their official status as Jews, as described in Chapter 3 about Nerva and the *fiscus Judaicus*. Both groups thus became susceptible to the risk of apostasy at slightly different moments in time. For non-Jewish Christians this risk was very real under Domitian, which is reflected in the Book of Revelation and will be discussed below. For Jewish Christians the temptation of apostasy became very real under Nerva, which in my view is reflected in the Letter to the Hebrews. This will be discussed at full length in the next chapter (Chapter 6).

It is also good to remember that the issues raised in these letters may have affected all churches as addressed by John to some degree and other Christian communities as well.

5.4.1. ‘Those who say that they are Jews and are not, but are a synagogue of Satan’

In the letters to the churches of Smyrna and Philadelphia the local Jewish communities are also mentioned. They seem to claim to be Jews with the exclusion of others who might still have the same claim, in this case probably certain members of the Christian community: ‘those who say that they are Jews and are not (λεγόντων Ἰουδαίους εἶναι ἑαυτοὺς καὶ οὐκ εἰσὶν), but are a synagogue of Satan (ἀλλὰ συναγωγὴ τοῦ Σατανᾶ)’ (Rev. 2.9; almost similar to 3.9).

These messages are usually understood as an indication that there was some kind of conflict between the Christian and Jewish communities in these cities. They tell us that Smyrna and Philadelphia had Jewish communities, but this was also true for the other five cities. Thus, these passages probably give important information about the Christian communities in Smyrna and Philadelphia as well. A discussion about Jewish identity (‘who is a real Jew?’) seems to be the underlying issue here. Following from this it may be assumed that the two parties involved in this discussion were on the one side Jews belonging to the local synagogue and on the other side Jews belonging to the local Christian community.³⁷¹ This means that the Christian communities in these two cities probably consisted of an important number of Jewish Christians.³⁷² To find a conflict about Jewish identity in two of the seven letters, strongly points to a *Sitz im Leben* under Domitian.³⁷³

³⁷¹ Hence I do not agree with Mayo (2006, 62) who puts forward the thesis: ‘John is laying claim in 2.9 and 3.9 to the term “Jew” as the exclusive right of the followers of the Lamb — the true Jews’; also Mayo 2006, 25 and 200. The term ‘Jew’ could hardly have been claimed for non-Jewish Christians and it is highly likely that it never was. For John and other Jewish Christians it was probably bad enough that *they* were denied their Jewishness by local synagogues. Hirschberg 2007, 219-223, also concludes ‘Jewish believers in Jesus have a central significance in the communities of Smyrna and Philadelphia’ (223) and he refers to the *fiscus Judaicus* as an important element in this context as well (222).

³⁷² Cf., Bauckham 1993, 124-125.

³⁷³ This was an important issue for the *fiscus* officials and also the issue of the *birkat ha-minim* (‘the blessing/malediction of the heretics’ from the Jewish prayer *Shemoneh Esreh*: Eighteen Benedictions), traditionally dated around the year 90, which will be discussed in

Very often scholars conclude, based on these verses (Rev 2.9 and 3.9), that Jews were directly responsible for the persecution of Christians in these cities³⁷⁴, but this is hardly likely when this is considered in the context of the *fiscus Judaicus*. Jewish Christians could be prosecuted by this Roman authority for evasion of the Jewish tax, because they were still regarded as Jews from a Roman perspective (and they probably still regarded themselves as Jews as well). One could say that the *fiscus Judaicus*, metaphorically or literally, pushed certain groups of Jews back to the synagogue (Jewish Christians and, e.g., apostate Jews), but the synagogues started to push back, since they had a completely different perspective on these issues. It was in their interest to distance themselves from Christian communities and deny their connection with Judaism, because they did not want to be associated with a movement that caused a lot of hostility from their pagan environment, which could affect their position in a negative way as well.³⁷⁵

The fact that synagogues apparently distanced themselves explicitly from Jewish Christians, may have felt like a blow to the latter. But it also follows from this that Jews were probably not among the *delatores* that denounced Jewish members of Christian communities to the *fiscus Judaicus* as tax evaders.³⁷⁶ From a Roman perspective Jewish Christians (and also, e.g.,

more detail in my chapter about the Gospel of John, including discussion of the *birkat ha-minim*.

³⁷⁴ See, e.g., Aune 1997, lxiv-lxv, 176; Beale 1999, 31; 240; Bredin 2003, 131. But also see Duff 2006, 168: 'The letters to the churches suggest little, if any, hostility on the part of the Jews'. I agree with the latter.

³⁷⁵ See pp. 82-85 for a full discussion of this issue. Cf., Schüssler Fiorenza 1985, 194: 'After the destruction of Jerusalem and the temple the self-interest of Jewish communities in Asia Minor demanded that they get rid of any potential "trouble-makers" and "messianic elements" in their midst, and Christians certainly seemed to be among them'. In the same paragraph she makes it clear, however, that she does not regard the *fiscus Judaicus* under Domitian as having directly affected Christian communities.

³⁷⁶ *Contra* Hemer 1986, 8; also against Bredin 2003, 131; Bredin concludes about the poverty of the Christian community in the rich city of Smyrna: 'this suggests that the synagogue had informed the authorities about the failure of the churches to pay the [Jewish] tax'. It would have been inconsistent if the synagogues in Smyrna and Philadelphia had denied the 'Jewishness' of the Christian communities and yet had informed the authorities about their non-payment of a tax that only applied to Jews. Bredin (2003, 110-116; 125; 130-132) is one of very few scholars who consider the *fiscus Judaicus* under Domitian as a possible background for Revelation (in Bredin's case explicitly in combination with the emperor cult). Hirschberg (1999, 98-99; 2007, 222) also pays attention to the *fiscus Judaicus* in relation to Revelation, stressing the distance that Jewish communities probably wanted to keep between them and Christian communities.

apostate Jews) were still Jews who should pay the Jewish tax and should also be registered taxpayers in the future, but from the perspective of the synagogues this connection between the Christian movement and Judaism should disappear rather sooner than later. This happened when Nerva undertook his reform of the tax in the year 96 and very likely harmonized the Roman and Jewish definitions of 'Jew'.

John denies the claim of the synagogue members in Smyrna and Philadelphia to be Jews and calls them a synagogue of Satan. This harsh language could very well be directly connected to the Jewish tax as well. The synagogue was very likely the source of information for officials of the Jewish tax (comparable to the central role it played with regard to the temple tax before 70).³⁷⁷ This tax was collected for the benefit of a pagan temple in the capital city of the empire. In John's view this connection between synagogues and Roman tax collectors for the upkeep of a pagan temple must have been horrifying (as it may well have been for these Jewish communities themselves, but they did not really have a choice).

A very clear illustration of this link of Judaism with Rome and its most important religious centre is found in the coin depicted below. In Illustration 7 a tetradrachm is shown that was in circulation in Asia at the time Revelation was written, if the Domitianic date is accepted. It was dedicated to the restoration of the temple of *Jupiter Capitolinus* by Domitian. After the temple burnt down in 69 and was restored by Vespasian during the early seventies, it was damaged again by fire in the year 80.³⁷⁸ This time Titus started the restoration, which was finished by his brother and successor Domitian. This type of coin was issued by both Titus and Domitian for circulation in Asia, to commemorate this second Flavian restoration of the temple (*CAPIT RESTIT – Capitolium Restitutum*).

³⁷⁷ See pp. 22-24. Also Hirschberg 2007, 222: 'Payment of the *fiscus* was probably done centrally through the Jewish communities'.

³⁷⁸ Suetonius, *Titus*, 8.3; *Dom.* 5.



Illustration 7. Domitian, Cistophoric Tetradrachm. Rome mint, struck in 82. Obverse: IMP CAESAR DOMITIAN AVG PM COS VIII, laureate head of Domitian. Reverse: CAPIT RESTIT, tetrastyle temple on podium of four steps: within, Jupiter seated between Minerva and Juno. RIC II 222.

The Jewish tax had been introduced for the benefit of precisely this pagan temple. For Jewish taxpayers in Asia, this must have been a very intimidating coin that was directly related to the presumably hated tax. For Jewish Christians like John, who were probably not registered for the tax in the first place, this coin must have been the representation of the taxpayers' submissiveness to Rome, since the pagan temple had been restored for a second time with money paid by Jews.

Christian communities with a large Jewish Christian membership were a little better off than communities with a majority of non-Jewish Christians, when the severity of the punishments under Domitian is taken into account. It is probably no coincidence that the churches in Smyrna and Philadelphia are also the only two that John praises without any criticism.³⁷⁹ To remain faithful and steadfast was probably an easier task for them, when mainly

³⁷⁹ Beale 1999, 226; Friesen 2005, 355: in his Table 2 about 'praise and disapproval for the assemblies' he notes that both communities receive 'strong praise for many' and 'no disapproval'.

their property was at stake and most of them did not run the risk of having to undergo a sacrifice test. For Smyrna it is stated that this was a poor community, which must have made the situation under Domitian even less threatening, despite the fact that this is the only letter of the seven that explicitly mentions some kind of future punishment for some of its members (ἰδοὺ μέλλει βάλλειν ὁ διάβολος ἐξ ὑμῶν εἰς φυλακὴν).³⁸⁰ Some of them will be thrown in prison and some of those thrown in prison may even die. One may note the fact that this is a very plausible situation under Domitian: some Christians will be prosecuted (i.e., only those who are attractive targets for *delatores*) and some of those may be executed (i.e., only non-Jewish Christians who can be exposed as ‘atheists’).

5.4.2. ‘So that they would eat food sacrificed to idols and practise fornication’

The main threat that is observed in these letters is the tendency to compromise with pagan society and get involved (again) with idolatry and fornication: a relapse into paganism or rather polytheism.³⁸¹ The warning not to give in to this tendency must have been mainly aimed at non-Jewish Christians. It was this group of believers that could end up in court having to undergo a test to sacrifice to the ‘beast’ (i.e., the Roman emperor: Rev. 13). They needed to be exhorted to remain faithful, but if they succeeded in doing this they could be executed for their beliefs. John the seer also reveals to them that they will be rewarded in a major way for their steadfastness (Rev. 20.4):

Then I saw thrones, and those seated on them were given authority to judge. I also saw the souls of those who had been beheaded for their testimony to Jesus and for the word of God. They had not worshipped the beast or its image and had not received its mark on

³⁸⁰ Rev. 2.10. Cf., Eusebius, *Hist. Eccl.* 3.19-20, about the relatives of Jesus being released by Domitian after he found out they possessed little of value. See also p. 88. The situation in Smyrna leaves some questions unanswered: were people poor from the start or did the poverty come about because the Jewish members had already lost their property after this had been confiscated by the *fiscus Judaicus* (on account of their tax evasion) and were some of the non-Jewish members now under attack because a second accusation (leading a Jewish life) was starting to be accepted by Roman officials of the *fiscus* with respect to non-Jews?

³⁸¹ Cf., Beale 1999, 226-227: ‘One of the contributions of this commentary is to show that all of the letters deal generally with the issue of witnessing for Christ in the midst of a pagan culture’ (227);

their foreheads or their hands. They came to life and reigned with Christ for a thousand years.

To obtain this reward called ‘for endurance and faith on the part of God's people’ (Rev 13.10) and a very harsh punishment could be expected by those who would sacrifice to the ‘beast’:

Then another angel, a third, followed them, crying with a loud voice, ‘Those who worship the beast and its image, and receive a mark on their foreheads or on their hands, they will also drink the wine of God’s wrath, poured unmixed into the cup of his anger, and they will be tormented with fire and sulphur in the presence of the holy angels and in the presence of the Lamb. And the smoke of their torment goes up for ever and ever. There is no rest day or night for those who worship the beast and its image and for anyone who receives the mark of its name. (Rev 14.9-11)

These are clear indications (priceless reward if successful, harsh punishment after failure) that the pressure to sacrifice must have been high. Actually this was the first real test for (some) non-Jewish Christians to prove how strictly monotheistic they had really become.

In at least three and probably four of the letters there are references to the boundaries with pagan society. In John’s view the guarding of these boundaries was vital for healthy ‘victorious’ Christian communities and in some of these communities this was not done in a proper way according to him. Some people ate food sacrificed to idols and practised fornication. This is explicitly mentioned with regard to some members of the churches in Pergamum and Thyatira (Rev. 2.14; 2.20) and this was probably part of what John calls the ‘teaching of the Nicolaitans’ (Rev. 2.15).³⁸² In Ephesus this teaching had not infected the Christian community according to the letter addressed to them (Rev. 2.6). The majority of church members in Sardis had ‘soiled their clothes’ and there were only a few left who were ‘worthy’ to be

³⁸² See Aune 1997-1998, 148-149 for an excursus on the Nicolaitans. I agree with Aune that probably people following the teachings of Balaam (Rev. 2.14) and the followers of ‘Jezebel’ (Rev. 2.20) should be regarded as part of the Nicolaitan movement. Friesen 2001, 192-193, thinks that these are three different groups. Also see Van Henten 2008 about the role of Balaam in Rev. 2.14.

‘dressed in white’ (Rev. 3.4). This metaphor very likely also points to the crossing of the boundaries with pagan society.³⁸³

Two further observations are important in this context: (1) in 1 Peter there is corroborating evidence that there was a certain measure of external pressure on non-Jewish Christians to ‘return’ to the pagan society that they had ‘abandoned’; (2) in contrast to God-fearers as sympathizers with Judaism, non-Jewish Christians were not supposed to keep any of their former polytheistic or pagan customs: a ‘Christian God-fearer’ would have been a contradiction in terms and yet this may be a good label for some of the members of Christian communities at the end of the first century.

5.4.3. Overall view of the letters

One gets the strong impression that in these letters the author is sketching the circumstances of all seven churches before the persecution under Domitian became widespread: this is the situation of ‘what is’ as referred to in the verse: ‘Now write what you have seen, what is, and what is to take place after this’ (Rev. 1.19). If this is true, then one is virtually in a position to predict their success in coping with the situation and responding to John’s call ‘for endurance and faith on the part of God’s people’ (Rev 13.10), when the persecution intensified: ‘what is to take place after this’.

Churches with a strong Jewish Christian character (Smyrna and Philadelphia) probably lived through this period relatively unshaken, especially the poor community of Smyrna. It must be stressed again that Jewish Christians in all seven churches, if they were prosecuted, never faced the threat of a sacrifice test under Domitian and a subsequent execution. The risk of apostasy under Domitian in these churches was probably low, although some non-Jewish members may have died as martyrs.

In Ephesus, Pergamum and Thyatira we seem to encounter the pressure on Christians to participate in pagan society, although the risk was different in each city. In Ephesus there were no Nicolaitans within the Christian community, probably indicating a low risk of apostasy for members of this community. In Thyatira and Pergamum some members of the Christian community did not guard the boundaries with the pagan environment well enough in John’s view. In these communities the risk of apostasy seems to have been higher at the moment non-Jewish Christians had to undergo a

³⁸³ See, e.g., Beale 1999, 276.

sacrifice test and faced execution when refusing to sacrifice to an image of the emperor.

The situation in Sardis is more difficult to understand, but Revelation expresses a strong disapproval of many members of this community³⁸⁴; only a few have remained within John's boundaries: 'Yet you have still a few people in Sardis who have not soiled their clothes' (Rev. 3.4). This also seems to imply compromising too much with the surrounding pagan society, although this is not expressed in similar language as used for Ephesus, Pergamum and Thyatira. If this is true, then the risk of apostasy with regard to prosecuted church members in Sardis would have been high.

The relative wealth of the Christian community in Laodicea probably caused great problems for its members, since they ran a huge risk of being denounced with the *fiscus Judaicus*. Especially for the non-Jewish Christians among them it must have been a tough choice when they had to undergo a sacrifice test and possibly face execution. Some of them may have died as martyrs, but others may have sacrificed to the idol of the beast after all, thereby becoming apostates from Christianity. In the latter case they (together with apostates from other cities) entered the ranks of those people, mentioned in Pliny's letter to Trajan (*Ep.* 10.96), who claimed they gave up Christianity in the late eighties or early nineties of the first century.

This very varied picture may explain why the situation was so threatening and devastating for Christian communities individually and for the entire Christian movement in general: it led to varying degrees of impoverishment, some non-Jewish members of some communities were executed and many others may have apostatized. These circumstances led to what may have been a crisis situation within Christianity at the end of the first century. In this context it is useful to quote John Gager on Revelation:

The occasion was persecution at the hands of the church's enemies, but the real crisis lay in the unbearable and irreconcilable tensions created by persecution.³⁸⁵

These tensions are what can be found in each of the seven letters.

³⁸⁴ Friesen 2005, 355.

³⁸⁵ Gager 1975, 51.

5.5. The 144 000 and the innumerable multitude

In the seventh chapter of Revelation the vision of John in which he sees how 144 000 members of the twelve tribes of Israel are sealed on earth is presented. They seem to be contrasted to the ‘great multitude that no one could count, from every nation, from all tribes and peoples and languages, standing before the throne and before the Lamb’ (Rev. 7.9), ‘who have come out of the great ordeal’ (Rev. 7.14). The interpretation of this vision has evoked a lot of discussion among scholars.³⁸⁶ Especially the identity of the two groups of people as seen by John has been the subject of controversy. On the basis of this study so far I think new light could be shed on this issue, especially concerning the identity of the 144 000. In this respect it is again important to stress the conclusions concerning (1) the distinction between Jewish and non-Jewish Christians which is so important with regard to the ‘administration’ of the *fiscus Judaicus* under Domitian and (2) the difference in punishments of these groups, of which the most prominent aspect is the fact that non-Jewish Christians could face execution and Jewish Christians probably not.

I will quote Schüssler Fiorenza, who rejects the interpretation that could very well be the right one:

Another interpretation suggests that the 144,000 represent Jewish Christians who have remained faithful as distinguished from the great multitude symbolizing gentile Christians. However, the vision of the sealing appears not to refer to eschatological salvation but to divine protection during the turmoil of the Last Day. It is, therefore, unlikely that only Jewish Christians would experience such protection.³⁸⁷

³⁸⁶ An extensive treatment of all different interpretations is given by Aune 1997-1998, 440-447.

³⁸⁷ Schüssler Fiorenza 1993, 67. The same conclusion is drawn by: Beale 1999, 418: ‘It is possible but unlikely that John intended his readership to understand that those sealed were only ethnic Israelites’; also Witherington III 2003, 137 notes 183 and 184. The identification of the 144 000 with Jewish Christians is also explicitly denied by, e.g., Roloff 2001, 90: ‘Ähnlich will Johannes mittels dieser aus der Zwölf abgeleiteten Symbolzahl die Kirche als das endzeitliche Heilsvolk kennzeichnen, das Israels Erbe angetreten hat. An eine Wiederherstellung Israels als Volk denkt er ebensowenig wie an eine besondere Sammlung der aus Israel stammenden Christen’. Bousset 1906, 288-289, on the other hand, seems to be nearer to the truth: ‘Gesetzt, der Verfasser der Apk war ein Judenchrist, ein Christgläubiger und daneben doch noch ein begeisterter Anhänger jüdischer Nationalität, wie dies schon aus 3 9 sehr wahrscheinlich geworden ist, so ist es gar nicht verwunderlich, wenn er des

Perhaps this is less unlikely when realizing that this vision may explain to the original readers why some Christians (i.e., those of a Jewish background) were spared under Domitian, whereas others could suffer the punishment of beheading after having been exposed as ‘atheists’ by their refusal to sacrifice to the ‘beast’. The reality under Domitian, which was probably experienced by many Christians as ‘the turmoil of the Last Day’, could indeed be interpreted as if Jewish Christians had some kind of extra protection against the Roman persecution. This difference in treatment by Roman officials of the two distinguishable categories of believers in Christ must have been a confusing and inconvenient experience for Christian communities themselves as well.

Aune discusses the identity of both groups and reaches two very carefully formulated conclusions after evaluating the arguments that have been brought forward during more than a century of scholarship. I will use these conclusions as a basis to add my comment. For the first group he notes:

In my view, the 144,000 of Rev 7:4-8 represent that particular group of Christians (including all ages and both genders) who have been specially protected by God from both divine plagues and human persecution just before the final eschatological tribulations begins and who consequently survive that tribulation and the great eschatological battle that is the culmination of that tribulation.³⁸⁸

Looking at the situation under Domitian, there was one particular group that was at least spared from execution by Roman authorities. Because of the fact that this was the group of Jewish Christians, the metaphor of 12 000 specially protected people from each of the twelve tribes of Israel (ἐκ πάσης φυλῆς ὑιῶν Ἰσραὴλ), could be used very appropriately by the author.³⁸⁹ This

Glaubens lebte, dass am Ende der Dinge sein Volk eine besondere eschatologische Rolle spielen würde. Hat doch selbst Paulus in seiner Eschatologie daran festgehalten, dass das bekehrte Judentum dereinst am Ende zu grossen Dingen berufen sei’ (288). Also Hirschberg, 2007, 224-226 and 229-230: ‘They [Jewish believers in Jesus] are the basis and the core of the eschatological Israel. They are not apostates, unlike the members of Israel who do not believe in Christ’ (226).

³⁸⁸ Aune 1997-1998, 443.

³⁸⁹ Paul always understood the Christian community to consist of Jewish and ‘Greek’ believers in Christ. The address of the Epistle of James (1.1: ‘to the twelve tribes in the dispersion’) also seems to refer to Jewish Christians in particular. This distinction between Jewish and non-Jewish Christians is still clearly visible in Revelation as well. See also

also gave John the opportunity to distinguish between Jews who had remained faithful to God and Jesus and those who had not, but had sided with Satan (=Rome) from his perspective, i.e., Christian Jews and non-Christian Jews.

For the identity of the ‘innumerable multitude’, which must be distinguished from the 144 000, Aune suggests the following solution:

In my view the innumerable multitude represents all Christians who have died, whether naturally or by martyrdom, before the completeness of eschatological events, which conclude with the victory of the Lamb and his faithful followers (Rev 7:14). However, this group cannot represent *all* Christians for the simple reason that the 144,000 are still living on the earth under divine protection. The temporal setting of this vision is the future, emphasizing the heavenly reward enjoyed by those who were faithful to the point of death.³⁹⁰

This conclusion seems quite complete, but it may be added that up to the time of the writing of Revelation the great majority of ‘those who were faithful to the point of death’ as victims of Roman persecutions, were probably non-Jewish Christians ‘from every nation, from all tribes and peoples and languages’ (Rev. 7.9). As ‘ex-pagans’ they often experienced varying degrees of enmity in the cities they were living in. Under Domitian they ran the risk of being executed as ‘atheists’, whereas at that moment in time Jewish Christians were still protected by their circumcision from having to undergo the sacrifice test that was used to find out the atheists among the non-Jews that were accused of ‘living a Jewish life’.

Once Jewish Christians lost their ‘Jewishness’, which probably happened after Nerva’s redefining of *Iudaeus* from a Roman perspective, they also ran the risk of being accused of atheism and from that moment on they could face execution as well. That was a moment at which some (or many) Jewish Christians may have decided to return to the safe haven of the synagogue. To stop this from happening and in order to lay a firm theological foundation for

Friesen 2006, 143: ‘The imagery suggests a vision of the churches as a contemporary and eschatological movement, composed of some people from the twelve tribes of Israel and a lot of people from all the other tribes of the world. (...) “Jew”, “Israel”, and “Christian” are not appropriate terms for this movement.’

³⁹⁰ Aune 1997-1998, 447. The verse has been corrected to read Rev. 7.14 (instead of 17.14).

Jewish Christians in general, the Letter to the Hebrews may very well have been written. This will be the subject of my next chapter.

5.6. Conclusion

In this chapter I have put forward the thesis that Revelation was written against the background of the administration of the *fiscus Judaicus* under Domitian. This will further support the majority opinion about the date for this book: ‘towards the end of Domitian’s reign’. The different punishments for Christians that can be found in this apocalyptic book (imprisonment, banishment and execution) clearly point in the direction of the *fiscus Judaicus* and the distinction it made between Jewish and non-Jewish Christians. This distinction is also very present in the letters to the seven churches in Rev. 2 and 3, and also in the vision in Rev. 7 about the 144 000 and the innumerable multitude. Both in the seven letters and in the vision, as mentioned above, also a clear distance between Christian communities, including Jewish Christians, and mainstream Judaism can be detected.

Chapter 6

Letter to the Hebrews: Jewish Christians and the *fiscus Judaicus*

6.1. Introduction

The Letter to the Hebrews has often been called enigmatic³⁹¹ and has caused a lot of debate among scholars. In this chapter I will try and answer some of the most important questions that have not been fully answered until now: (1) when was this document written?; (2) to whom was it addressed (who were the ‘Hebrews’)?; (3) how could the information about past and possible future persecutions in Hebrews be interpreted?; and (4) why had some people recently given up the habit of attending the community meetings? The combination of these answers should also present a consistent explanation for this document in the context of early Christianity. A recent quote by Pamela M. Eisenbaum gives a good description of the current feeling among scholars about these questions:

Indeed, many scholars, myself included, have expressed resignation about ever possessing knowledge about Hebrews’ chronological, geographical, and social situation, unless, perchance, some miraculous new evidence appears.³⁹²

I will use the conclusions that I have drawn so far on the *fiscus Judaicus* to try and give consistent answers to these questions. This could be one of the keys to this letter. It will not be a matter of ‘some miraculous new evidence’, but actually of interpreting the available sources in a new and different way. This different way involves connecting the administration of the *fiscus Judaicus* under Domitian and its reform under Nerva to this New Testament book. This will help us understand in what situation the author and the intended hearers/readers may have found themselves.

³⁹¹ This description will be found in many commentaries of Hebrews, e.g., Attridge 1989: 1; Koester 2001, 80 (including note): ‘As a result of historical study, Hebrews came to be called the riddle of the New Testament’. Also see Wilson 1995, 110, who labels Hebrews as ‘this most enigmatic of New Testament writings’. See Griffith 2005, for a useful recent summary of all unresolved issues.

³⁹² Eisenbaum 2005, 213.

I will start by briefly comparing Heb. 10.32-34 to the passage by Suetonius about the harsh exaction of the Jewish tax by the *fiscus Judaicus* under Domitian.³⁹³ Hebrews 10.32-34:

But recall those earlier days when, after you had been enlightened, you endured a hard struggle with sufferings, sometimes being publicly exposed (θεατριζόμενοι) to abuse and persecution, and sometimes being partners with those so treated. For you had compassion for those who were in prison, and you cheerfully accepted the plundering of your possessions (τὴν ἀρπαγὴν τῶν ὑπαρχόντων ὑμῶν), knowing that you yourselves possessed something better and more lasting.

In order to compare this passage in Hebrews with Suetonius' account of Domitian's financial problems, I will once more cite from *De Vita Caesarum* (Domitianus 12.1-2):

Reduced to financial straits by the cost of his buildings and shows, as well as by the additions which he [Domitian] had made to the pay of the soldiers, he tried to lighten the military expenses by diminishing the number of his troops; but perceiving that in this way he exposed himself to the attacks of the barbarians, and nevertheless had difficulty in easing his burdens, he had no hesitation in resorting to every sort of robbery (*nihil pensi habuit quin praedaretur omni modo*). The property of the living and the dead was seized everywhere on any charge brought by any accuser (*Bona vivorum ac mortuorum usquequaque quolibet et accusatore et crimine corripiebantur*).

³⁹³ Lincoln 2006, 58, mentions the *fiscus Judaicus* as a possible reason why Jewish Christians, whom he considers to have been the addressees of the letter, returned to Judaism, but he does not compare the relevant passage by Suetonius (*Dom.* 12.1-2) to Hebrews 10.32-34: 'Jewish Christians faced the choice of identifying themselves primarily as Jews or primarily as Christians, and the decision would have made a significant difference in terms of social status and security. Payment of the Jewish tax, the *fiscus Judaicus*, also forced the issue and frequently led to denunciation of both Jews and Christians'. Also Schmithals (2004, 245) does not make the connection between the *fiscus Judaicus* and Heb. 10.32-34, assuming that Christians paid the tax and considering Heb. 10.32-34 to be evidence of a later acute situation of persecution.

In this context of financial stress during the reign of Domitian, Suetonius gives a number of examples of how this ‘property of the living and the dead’ was seized and pays most of his attention to the levying of the Jewish tax, also because he is in a position to illustrate this information with one of his own recollections:

Besides other taxes, that on the Jews was levied with the utmost rigour, and those were prosecuted who without publicly acknowledging that faith yet lived as Jews, as well as those who concealed their origin and did not pay the tribute levied upon their people. I recall being present in my youth when the person of a man ninety years old was examined before the procurator and a very crowded court, to see whether he was circumcised (*Interfuisse me adolescentulum memini, cum a procuratore frequentissimoque consilio inspiceretur nonagenarius senex an circumsectus esset*).

Comparing these passages, two remarkable points of agreement are found: first the confiscation of possessions that is described as a form of robbery both in Hebrews and by Suetonius (‘the plundering of your possessions’ and ‘every sort of robbery: the property of the living and the dead was seized everywhere on any charge brought by any accuser’).

The second point concerns the public examination of the nonagenarian by the *fiscus Judaicus* to see whether he was circumcised, which is mentioned by Suetonius who was present at one of these trials. Some kind of equivalent of this can be found in the θεατριζόμενοι in Hebrews (10.33): the public exposure of some of the addressees, a word that has caused a lot of speculation in commentaries of Hebrews. These two points of agreement are very strong indications that the Letter to the Hebrews was written after the reign of Domitian and that there is a reference to the prosecutions of the *fiscus Judaicus* in Heb. 10.32-34, particularly with respect to Jewish Christians, because the worst punishments mentioned here are imprisonment and confiscations (and not executions). If they were accused of evading the Jewish tax, they had to undergo a circumcision test to find out whether they were Jews and could suffer the confiscation of their property in case they were found guilty of tax evasion.

After these introductory remarks I will now treat some of the issues in more detail. First I will focus on the genre of Hebrews and give an overview of its general content. After that the dating issues will be addressed. It will be argued that a date during the reign of the emperor Nerva (96-98), whose

reform of the Jewish tax made Jewish Christians formally lose their legal status as Jews, is most likely. The place of origin is most probably Rome. Furthermore, it will be argued that this document, which may have originated as a sermon or homily for one particular group of Jewish Christians within a larger Christian community, was addressed as a letter to Jewish Christians as a distinct group within the Christian communities elsewhere in the Roman Empire in order to lay a firm foundation for their theology and prevent them from leaving the Christian communities by returning to the safe haven of the synagogue. This combination of date, addressees and purpose of the letter leads to a consistent explanation of this document in a particular historical context.

6.2. Genre and general content

Before discussing the possible date of Hebrews, attention should first be paid to the genre and general content of this New Testament book. It is called a letter or epistle, but it has been noted long ago that it does not have all the characteristics of a letter. Only the last chapter gives the impression that it was sent as a letter at some point in time. This is why most scholars now consider Hebrews to have started as a sermon or homily, which was subsequently sent as a letter.³⁹⁴ The writer of Hebrews himself calls it a ‘word of exhortation’ (λόγος τῆς παρακλήσεως, Heb. 13.22), which was probably also the term that was used to describe the homily or sermon that followed the reading of the law and the prophets in the synagogue service (see Acts 13.15 where the same phrase is used for the discourse that Paul gives).

At this point it is useful to provide a rather extended summary of the contents of Hebrews and make some observations that will be important for the rest of this chapter, when the date, addressees and purpose of the letter will be discussed.

In the first chapter the high position of Jesus as the Son of God is prominent (sitting at the right hand of God: an image that is based on Ps. 110.1), and the writer somehow felt the need to stress the superiority of the Son to the angels, probably because of their role in God’s speaking to the

³⁹⁴ See, e.g., Lane 1991, lxix-lxxv; Eisenbaum 1997, 10-12; Trotter 1997, 59-80; Koester 2001, 80-82; Lincoln 2006, 13-14; But also see Ellingworth 1993, 59-62, concluding that ‘Hebrews in its present form may be considered as a letter or epistle, in which its author displays skill in both written and (indirectly) oral communication’ (62).

ancestors ‘long ago’ (in contrast to ‘in these last days’).³⁹⁵ The first four verses of Hebrews give a good impression of the entire first chapter:

Long ago God spoke to the ancestors (τοῖς πατράσιν) in many and various ways by the prophets, but in these last days he has spoken to us by a Son, whom he appointed heir of all things, through whom he also created the worlds. He is the reflection of God’s glory and the exact imprint of God’s very being, and he sustains all things by his powerful word. When he had made purification for sins, he sat down at the right hand of the Majesty on high, having become as much superior to angels as the name he has inherited is more excellent than theirs (Heb. 1.1-4)

Important observations here are also (1) the fact that the document does not start as a letter at all (compared to, e.g., the Pauline letters) and (2) the reference to the ‘ancestors’, immediately begging the question if we should understand this document to be addressed to Jews or rather Jewish Christians as the heirs (‘us’) of these ancestors.

In the second chapter there is the first indication that the writer has the intention to prevent the members of his audience to ‘drift away’ from the message they received about the salvation that has been brought by Jesus.

Therefore we must pay greater attention to what we have heard, so that we do not drift away from it (μήποτε παραρυώμεν). For if the message declared through angels was valid, and every transgression or disobedience received a just penalty, how can we escape if we neglect so great a salvation? It was declared at first through the Lord, and it was attested to us by those who heard him (Heb. 2.1-3)

This exhortation not to drift away from ‘what we have heard’ is clearly set in a context of heavy divine punishment in case of failure. Furthermore, it becomes clear from this passage that the author does not claim to have an apostolic status (‘it was attested to us by those who heard him’).

In Heb. 2.17 the most important recurring theme in the sermon is introduced: Jesus as high priest in the service of God.³⁹⁶

³⁹⁵ Cf., Lincoln 2006, 26: ‘As 2.2 makes clear, the angels are treated because of their association with the giving of the law and therefore seen as mediators of the revelation under the old covenant’.

³⁹⁶ Also in Heb. 3.1; 4.14-15; 5.5; 5.10; 6.20; 7.26; 7.28; 8.1; 9.11; 9.25; 10.21.

Therefore he had to become like his brothers and sisters in every respect, so that he might be a merciful and faithful high priest in the service of God, to make a sacrifice of atonement for the sins of the people. (Heb. 2.17)

In chapters 5, 6 and 7 of Hebrews the emphasis is on Jesus' position as high priest after the order of Melchizedek, based on Ps. 110.4, which is a unique feature of Hebrews within early Christian literature. This leads to the conclusion that Ps. 110.1 (Heb. 1.3; 12.2) and 110.4 are extremely important within the whole of Hebrews.³⁹⁷

In the third chapter there are passages that speak of the superiority of Jesus as son to Moses as servant, which once more emphasizes how unprecedented the mission of Jesus was in the view of the author.

Yet Jesus is worthy of more glory than Moses (Heb. 3.3a)
Now Moses was faithful in all God's house as a servant, to testify to the things that would be spoken later. Christ, however, was faithful over God's house as a son, and we are his house if we hold firm the confidence and the pride that belong to hope. (Heb. 3.5-6)

Because of this superiority of Jesus, the addressees are exhorted again:

Take care, brothers and sisters, that none of you may have an evil, unbelieving heart that turns away from the living God (ἀπὸ θεοῦ ζῶντος). But exhort one another every day, as long as it is called 'today', so that none of you may be hardened by the deceitfulness of sin. For we have become partners of Christ, if only we hold our first confidence firm to the end. (Heb. 3.12-14)

The phrase 'living God' in this passage has led some commentators to conclude that non-Jewish Christians are the addressees of this letter. I will come back to this when discussing this issue in one of the following sections.

³⁹⁷ Lincoln 2006, 12-13; 'Certainly the two verses from the psalm contain the major theme of Hebrews — the exaltation of Christ at God's right hand (Ps. 110.1) and specifically his exaltation as priest after the order of Melchizedek according to God's oath (Ps. 110.4)'; 'Taken together, the psalm verses function as the implicit main text for the whole communication'.

In chapters 5 and 6 one comes across a few very important passages, which are directly relevant to the position of the addressees: they are criticized, warned and reassured. First the criticism is expressed, after the author has introduced the link between Jesus and Ps. 110.4 concerning his eternal priesthood after the order of Melchizedek:

About this we have much to say that is hard to explain, since you have become dull in understanding. For though by this time you ought to be teachers, you need someone to teach you again the basic elements of the oracles of God. (Heb. 5.11-12)

Next follows a strong warning about the impossibility of repenting a second time. This is one of the most difficult New Testament passages from a theological point of view. It is of relevance in that the writer apparently wants to keep everybody on board and sees a real danger of people drifting away or falling away from the community. He is warning his readers that the consequences of this decision will be irrevocable.

Therefore let us go on towards perfection, leaving behind the basic teaching about Christ, and not laying again the foundation: repentance from dead works and faith towards God, instruction about baptisms, laying on of hands, resurrection of the dead, and eternal judgement. And we will do this, if God permits. For it is impossible to restore again to repentance those who have once been enlightened (ἄπαξ φωτισθέντας), and have tasted the heavenly gift, and have shared in the Holy Spirit, and have tasted the goodness of the word of God and the powers of the age to come, and then have fallen away (παραπεσόντας), since on their own they are crucifying again the Son of God and are holding him up to contempt. (Heb. 6.1-6)

After this criticism (5.11-12) and strong warning (6.1-6), the readers are reassured:

Even though we speak in this way, beloved, we are confident of better things in your case, things that belong to salvation. For God is not unjust; he will not overlook your work and the love that you showed for his sake in serving the saints, as you still do (διακονήσαντες τοῖς ἁγίοις καὶ διακονοῦντες). (Heb. 6.9-10)

From this last passage one gets the impression that the addressees are part of a larger community of Christians, in which they have a special role ('serving the saints'³⁹⁸). This seems to be in line with the critical remark made about being teachers in 5.12: not every member of the community would be expected to serve as a teacher.

The next passage (in chapter 7) is an illustration of the author's claim that the priesthood of Jesus (high priest after the order of Melchizedek) is superior to the Levitical priesthood.

Now if perfection had been attainable through the Levitical priesthood—for the people received the law under this priesthood—what further need would there have been to speak of another priest arising according to the order of Melchizedek, rather than one according to the order of Aaron? For when there is a change in the priesthood, there is necessarily a change in the law as well (νόμου μετάρθesis). (Heb. 7.11-12)

Then we move to one of the most important passages of the entire sermon: Heb. 8.6-13. It has already been observed that Ps. 110.1 and 110.4 are crucial verses around which Hebrews is 'woven'.³⁹⁹ Here we find another Septuagint citation (Jer. 31.31-34), which is used to prove the superiority of the new covenant to the old. The writer even expects the disappearance of the old (Mosaic) covenant (8.13), because it has become obsolete in his eyes.

But Jesus has now obtained a more excellent ministry, and to that degree he is the mediator of a better covenant, which has been enacted through better promises. For if that first covenant had been faultless, there would have been no need to look for a second one. God finds fault with them when he says: 'The days are surely coming, says the Lord, when I will establish a new covenant (διαθήκην καινήν) with the house of Israel and with the house of Judah; not like the covenant that I made with their ancestors (τοῖς πατράσιν αὐτῶν), on the day when I took them by the hand to lead

³⁹⁸ 'Saints' seems to be a very common term for all members of a Christian community in the New Testament. It is found used in this way in, e.g., Acts 9.13; 9.32; 9.41; 26.10; Rom. 1.7; 12.13; 15.25-26; 16.15; 1 Cor. 1.2; 6.1-2; 16.15; 2 Cor. 1.1; 9.1; 13.12; Eph. 1.1; 1.15; 6.18; Phil. 4.22; Col. 1.4; 1.26; Phlm. 1.5; Heb. 13.24; Rev. 13.7; 13.10; 14.12;

³⁹⁹ Lincoln 2006, 12.

them out of the land of Egypt; for they did not continue in my covenant, and so I had no concern for them, says the Lord.' (...)

In speaking of 'a new covenant', he has made the first one obsolete (πεπαλαίωκεν). And what is obsolete and growing old will soon disappear (εγγὺς ἀφανισμοῦ). (Heb. 8.6-9, 13)

This citation is clearly about a new covenant with the house of Israel, replacing the one that was made with their ancestors. In this context it is important to ask ourselves who are considered to be the partners of this new covenant by the author of Hebrews. My first suggestion would be Jewish Christians, since non-Jewish Christians could hardly be seen as part of the house of Israel and they were certainly never partners of the first covenant. This will be discussed further in the paragraph about the addressees of the letter.

In chapter 9 another illustration of the superiority of the second covenant to the first is found, focusing on the priesthood and the sacrificial system. In the next passage the once-for-all character of Jesus' sacrifice is contrasted to the yearly task of the high priest.

For Christ did not enter a sanctuary made by human hands, a mere copy of the true one, but he entered into heaven itself, now to appear in the presence of God on our behalf. Nor was it to offer himself again and again, as the high priest enters the Holy Place year after year with blood that is not his own; for then he would have had to suffer again and again since the foundation of the world. But as it is, he has appeared once for all at the end of the age to remove sin by the sacrifice of himself. (Heb. 9.24-26)

Summarizing the Letter to the Hebrews up to this point, it can be concluded that the author wants his readers to remain faithful to their first decision to recognize Jesus as the last revelation of God. He does this by arguing that:

- the revelation in Christ is superior to the earlier revelation to the ancestors;
- Jesus is superior to the angels and Moses;
- Jesus' priesthood is superior to the Levitical priesthood;
- the new covenant is superior to the Mosaic covenant;
- Jesus' sacrifice is superior to the Levitical sacrificial system; and
- the decision to leave the Christian community will be irrevocable and will

lead to a harsh punishment.

After having thus argued that Jesus has become the guarantee of a better covenant (κρείττονος διαθήκης γέγονεν ἑγγυος Ἰησοῦς, Heb. 7.22) and that Jesus is the mediator of a better covenant (κρείττονός ἐστιν διαθήκης μεσίτης, Heb. 8.6), the author gives a number of new exhortations for endurance in chapter 10. This chapter is very relevant with regard to the information it provides about the addressees and their position.

Let us hold fast to the confession of our hope without wavering, for he who has promised is faithful. And let us consider how to provoke one another to love and good deeds, not neglecting to meet together, as is the habit of some, but encouraging one another, and all the more as you see the Day approaching. (Heb. 10.23-25)

This is a clear indication for the fact that people were actually drifting or falling away from the community (cf. Heb. 2.1; 6.6): some are no longer attending the community's meetings. Another strong warning (like the one in 6.4-6) follows immediately:

For if we wilfully persist in sin after having received the knowledge of the truth, there no longer remains a sacrifice for sins, but a fearful prospect of judgement, and a fury of fire that will consume the adversaries. Anyone who has violated the law of Moses dies without mercy 'on the testimony of two or three witnesses.' How much worse punishment do you think will be deserved by those who have spurned the Son of God, profaned the blood of the covenant by which they were sanctified, and outraged the Spirit of grace? For we know the one who said, 'Vengeance is mine, I will repay.' And again, 'The Lord will judge his people.' It is a fearful thing to fall into the hands of the living God. (Heb. 10.26-31)

After this warning the writer refers to the persecution that had already been suffered by the addressees some time ago. This is the passage that will be at the centre of the discussion about the date of Hebrews in the next section:

But recall those earlier days when, after you had been enlightened (φωτισθέντες), you endured a hard struggle with sufferings, sometimes being publicly exposed (θεατριζόμενοι) to abuse and persecution, and sometimes being partners with those so treated. For you had compassion for those who were in prison, and you

cheerfully accepted the plundering of your possessions (τὴν ἄρπαγὴν τῶν ὑπαρχόντων ὑμῶν), knowing that you yourselves possessed something better and more lasting. (Heb. 10.32-34)

The closing verses of chapter 10 of Hebrews are once more a call for endurance and faith on the part of the addressees in order to be saved.

Do not, therefore, abandon that confidence of yours; it brings a great reward. For you need endurance, so that when you have done the will of God, you may receive what was promised. For yet 'in a very little while, the one who is coming will come and will not delay; but my righteous one will live by faith. My soul takes no pleasure in anyone who shrinks back.' But we are not among those who shrink back and so are lost, but among those who have faith and so are saved (ἡμεῖς δὲ οὐκ ἔσμεν ὑποστολῆς εἰς ἀπώλειαν ἀλλὰ πίστεως εἰς περιποίησιν ψυχῆς). (Heb. 10.35-39)

In the next chapter the writer fully focuses on the 'faith' (πίστις) that he has just referred to in the last sentence of the last passage. Chapter 11 is full of 'witnesses' who 'by faith' (πίστει) acted according to God's will and sometimes suffered heavily for it: Abel, Enoch, Noah, Abraham, Isaac, Jacob, Joseph, Moses, the people passing through the Red Sea and encircling the walls of Jericho, Rahab, Gideon, Barak, Samson, Jephthah, David, Samuel and the prophets.

Yet all these, though they were commended for their faith, did not receive what was promised, since God had provided something better so that they would not, without us, be made perfect. (Heb. 11.39-40)

Inspired by these examples from the past, by Jesus' sacrifice and by the knowledge that they are in a unique position (they are the ones who received what was promised), the readers are exhorted to 'run with perseverance the race that is set before us':

Therefore, since we are surrounded by so great a cloud of witnesses, let us also lay aside every weight and the sin that clings so closely, and let us run with perseverance the race that is set before us, looking to Jesus the pioneer and perfecter of our faith, who for the sake of the joy that was set before him endured the cross,

disregarding its shame, and has taken his seat at the right hand of the throne of God. Consider him who endured such hostility against himself from sinners, so that you may not grow weary or lose heart. In your struggle against sin you have not yet resisted to the point of shedding your blood. (Heb. 12.1-4)

The last sentence of this passage gives the information that the addressees have not (yet) experienced a form of persecution that led to the execution of members of their group. This is also one of the pieces of evidence that is used in the discussions about the date of Hebrews, as will be seen.

The closing chapter, chapter 13, brings more exhortations and after these have been given the document ends as a letter. I will end this paragraph by selecting a few interesting passages that are relevant for the remainder of my treatise on Hebrews.

Remember those who are in prison, as though you were in prison with them; those who are being tortured, as though you yourselves were being tortured. (Heb. 13.3)

This is further evidence for the persecution of Christians, including imprisonment and torture, in the days that the letter was written.

Therefore Jesus also suffered outside the city gate in order to sanctify the people by his own blood. Let us then go to him outside the camp (ἔξω τῆς παρεμβολῆς) and bear the abuse he endured. For here we have no lasting city, but we are looking for the city that is to come. (Heb. 13.12-14)

The remark in this passage about going outside the camp and bear the abuse that Jesus endured will be referred to in my paragraph about the purpose of Hebrews. This passage is often explained as a reference to the severing of all ties with Judaism.

Finally, in contrast to the opening verses of the Letter to the Hebrews, the closing verses give the impression that this document was sent as a letter:

I appeal to you, brothers and sisters, bear with my word of exhortation (ἀνέχεσθε τοῦ λόγου τῆς παρακλήσεως), for I have written to you briefly. I want you to know that our brother Timothy has been set free; and if he comes in time, he will be with me when I

see you. Greet all your leaders and all the saints. Those from Italy (οἱ ἀπὸ τῆς Ἰταλίας) send you greetings. Grace be with all of you. (Heb. 13.22-25)

In these closing verses there is a lot of information, which also gives rise to a number of questions.

Apparently the author plans to visit the addressees of his ‘word of exhortation’, preferably together with Timothy, who has just been released; is this the same Timothy who accompanied Paul on many of his journeys?⁴⁰⁰ What does this mean for the date of this letter?

If the readers are asked to greet all their leaders and all the saints, does this mean the letter is not addressed to all of these? This looks like another indication that the letter was sent to a specific group within a larger community.

Are ‘those from Italy’ people living in Italy who belong to the community of the author or are they Italians living elsewhere, who send their greetings home? In other words: is Rome the destination of the letter or the place of origin of the sermon?

6.3. Date of Hebrews

In scholarly literature there is no consensus about the date of Hebrews and this can be taken as an understatement: possible dates range from the year 45 to 115.⁴⁰¹ Proponents of an early date usually see two strong arguments: (1) they feel this letter could not have been written after the destruction of the temple in 70, because the writer would certainly have used this argument as support for his claim that Jesus’ sacrifice is superior to the Levitical sacrificial system, which disappeared after 70; (2) since the addressees have not yet resisted to the point of shedding their blood (Heb. 12.4), some

⁴⁰⁰ Acts 16.1-3; 17.14-15; 18.5; 19.22; 20.4; Rom. 16.21; 1 Cor. 4.17; 16.10; 2 Cor. 1.1; 1.19; Phil. 1.1; 2.19; Col. 1.1; 1 Thess. 1.1; 3.1-6; 2 Thess. 1.1; 1 Tim. 1.2; 1.18; 6.20; 2 Tim. 1.2; Phlm. 1.1.

⁴⁰¹ See, e.g., Ellingworth 1993, 33, n. 105, providing a list of authors and the dates they have proposed; Salevao 2002, 104-108, including notes; Hvalvik 2007b, 206, n. 130. Good arguments for a date in the last two decades of the first century are given by Salevao (just mentioned), Eisenbaum 1993, 5-7 and 2005 (now also considering ‘a date sometime early in the second century’ (226)); Karrer 2002, 33-35; 96-98; Schmithals 2004, 250-251. Aitken (2005) suggests a date ‘shortly after the death of Titus in 81 and the building of the Arch of Titus on the Via Sacra’ (146).

scholars think that a date before the Neronian persecution of Christians is even required (if the letter was sent to Rome!).⁴⁰²

Against this early dating arguments have been brought forward that are strong enough to also allow a date after 70 for Hebrews.

Contra (1), it is argued that the writer of Hebrews does not once mention the temple: his argument is based on the instructions about the tabernacle, which are found in the Mosaic Law.⁴⁰³ He is arguing that after the revelation in Christ there is no more need for the Levitical priesthood and sacrificial system, since Jesus' priesthood and sacrifice are superior to these institutions, as seen above. The reason that the writer does not use the argument of the destruction of the temple as a support for his own discourse could lie in the fact that in his days the rebuilding of the temple was still felt as a possibility. This could certainly have been true if Hebrews was written after the fall of the Flavian dynasty, as I will propose in this chapter. Jewish hopes for the rebuilding of their religious centre may have increased strongly after September 96.⁴⁰⁴ It becomes very clear from this document that the reconstruction of the temple would have been regarded as an irrelevant undertaking by the author of Hebrews. In this respect his discourse was radically different from that within mainstream Judaism, which preserved many details about the temple service in the later Talmudic writings.

Contra (2) it could be argued that the Neronian persecution of Christians was very limited in space and time: probably only a few weeks in Rome. Furthermore, I argued in my previous chapters that Jewish Christians probably did not face the risk of shedding their blood until the year 96: under Domitian they were still prosecuted as Jews and could be charged with evasion of the Jewish tax, but this would not lead to an execution if they were found guilty of this crime, in contrast to non-Jewish Christians who could be executed after having been found guilty of 'atheism'.⁴⁰⁵

⁴⁰² An early dating is postulated by, e.g., Lane 1991, lxii-lxvi (64-68); Ellingworth 1993, 29-33 (pre-70 or even pre-64); Trotter 1997, 33-36 (pre-70); de Silva 2000, 20-21; (pre-70); Johnson 2006, 38-40 (45-70).

⁴⁰³ See, e.g., Graesser 1990, 25; Eisenbaum 1997, 6; Lincoln 2006, 39-40;

⁴⁰⁴ Lincoln 2006, 40; Goodman 2007b, 469-470; also the *Epistle of Barnabas* may have originated in this context of Jewish hopes for the rebuilding of the temple after September 96 when Nerva became emperor; see, e.g., the comparison of Hebrews and *Barnabas* by Wilson 1995, 110-142.

⁴⁰⁵ See Chapters 2, 3 and 4.

The information about the persecution of Christians that can be found in Hebrews is a key indicator for the date. It has been regarded as such by many scholars, but interpretations have differed widely. Once more the conclusion that Hebrews started as a sermon or homily, which was subsequently sent as a letter, should be stressed. This has important implications for the circumstances in both the place where the document was composed and the place(s) it was sent to: these circumstances must have been fairly similar. I will illustrate this by highlighting the information about past and possibly future persecutions that is found in Hebrews.

Heb. 10.32-34 is the passage that was quoted above, referring to some kind of persecution in the past; this persecution apparently involved imprisonment and confiscation of property, but not (yet) execution, which is confirmed by Heb. 12.4: 'In your struggle against sin you have not yet resisted to the point of shedding your blood.' But the context of this last passage gives the impression that the writer possibly expects future persecutions that could lead to the death of some of his readers. If the 'persecution in the past' and the possible future persecution are explained in scholarly literature, they are usually connected to known historical circumstances in a particular city, like the expulsion of the Jews from Rome by Claudius in 49 or the persecution of Christians in Rome under Nero.⁴⁰⁶ This is also seen as support to the idea that the letter was sent to the city of Rome from an unknown place (Alexandria, Antioch, Ephesus, Jerusalem?), where apparently a number of Italians were also residing (Heb. 13.24: 'those from Italy send you greetings'). This destination Rome is regarded as the most likely by most scholars.⁴⁰⁷

However, if the document started as a sermon or homily that first made sense in its place of origin and then could be sent as a letter to one or more other communities, the specific circumstances of this persecution must have been a shared experience in both the place of origin of the speech and the place of destination of the letter. The expulsion of Jews from Rome by Claudius and the persecution of Christians by Nero were measures that were strictly limited to the capital city of the empire, which means that they do not qualify in this context. The fate of Jewish Christians under Domitian,

⁴⁰⁶ The clearest example is Lane 1991, lxii-lxvi; also see Ellingworth 1993, 31; Trotter 1997, 35-36; Koester 2001, 50-52; Salevao 2002, 105.

⁴⁰⁷ Attridge 1989, 10; Weiss 1991, 76; Lane 1991, lviii-lx; Ellingworth 1993, 28-29; Trotter 1997, 36-38; Eisenbaum 1997, 4-5; Koester 2001, 48-50; Salevao 2002, 118-121; Lincoln 2006, 38-39.

however, can be considered to have been fairly the same in every city with a Christian community. If accused of evading the Jewish tax, they would have been exposed in public to investigate if they were circumcised. After having been found guilty of tax evasion, their possessions would have been confiscated by the *fiscus Judaicus*. These are the two points of agreement between the account of Suetonius about the *fiscus Judaicus* under Domitian and Heb. 10.32-34 that were mentioned above. This leads me to conclude that Hebrews was written after the harsh administration of the *fiscus Judaicus* under Domitian and is referring back to these circumstances, particularly describing the fate of Jewish Christians throughout the Roman Empire. The position of non-Jewish Christians under Domitian was even worse, as seen before: they ran the risk of execution if they were exposed as uncircumcised atheists.⁴⁰⁸ With respect to Jewish Christians this latter fate could only be an option after 96, when they were no longer regarded as Jews by the Roman authorities. The assumption that the Letter to the Hebrews was written to Jewish Christians will be treated in greater detail below.

Firm external evidence for a *terminus ad quem* for Hebrews is usually found in *1 Clement*, since it is generally accepted that Clement of Rome knew Hebrews when he wrote his own letter to the Corinthians.⁴⁰⁹ Traditionally *1 Clement* has been dated to the reign of the emperor Nerva (96-98), because of the passage in *1 Clem.* 1.1: ‘the sudden and repeated misfortunes and setbacks’, which has been interpreted as referring to the persecution of Christians under Domitian. Serious doubts have been raised about Domitian having persecuted Christians, as also seen in the previous chapter on the Book of Revelation. As a consequence of this some scholars doubt if the Nervan date for *1 Clement* is reliable.⁴¹⁰ There is probably no reason to doubt the traditional date for this letter, because the prosecutions of the *fiscus Judaicus* very likely affected every single Christian community in the empire under Domitian, as stated many times before in this study, and these circumstances certainly could be interpreted as a ‘the sudden and repeated misfortunes and setbacks’. One only needs to think of the confiscations, possible executions of non-Jewish Christians and the

⁴⁰⁸ See Chapter 2 about the administration of the *fiscus Judaicus* under Domitian.

⁴⁰⁹ See, e.g., Lane 1991, lxii; Karrer 2002, 33-35; Johnson 2006, 3; Lincoln, 2006, 2;

⁴¹⁰ See, e.g., Welborn 1984; Attridge 1989, 7; Lane 1991, lxii. But also see the latest Loeb edition of the Apostolic Fathers (2003) in which Ehrman concludes that the date of *1 Clement* must be very close to the traditional date, despite all doubts about the persecution of Christians by Domitian (Vol. 1, 23-25).

apostasies that occurred as a result of these Roman measures. Furthermore, it is important to stress that Clement is comparing his days with the days of Nero and concludes: ‘we are in the same arena’, indicating that ‘the sudden and repeated misfortunes and setbacks’ really point to some kind of persecution experienced by Christians in the days of Clement as well.⁴¹¹

If it is then accepted (1) that Hebrews 10.32-34 refers to the fairly recent persecution of Jewish Christians under Domitian by means of the *fiscus Judaicus* and (2) that *1 Clem.* 1.1 also refers to these bad circumstances for Christians in general and (3) that Hebrews was known to Clement of Rome, the conclusion may be drawn that Hebrews was written shortly before *1 Clement*.⁴¹² Both letters may well have been written under Nerva: late in 96 or in 97, since there are arguments to assume that Hebrews was written after the reform of the *fiscus Judaicus* that Nerva undertook as soon as he became emperor.⁴¹³ This reform and the consequences it had for Jewish Christians could actually have been the very reason why Hebrews was written. This will be discussed in further detail below, where I will focus on the purpose of Hebrews.

This date also leaves open the possibility that the Timothy mentioned in Heb. 13.23 was indeed Paul’s companion on some of his journeys.⁴¹⁴ In 96/97 he may have been a man in his sixties, like the new emperor Nerva.⁴¹⁵

Apart from the close link between Hebrews and *1 Clement*, affinities with other Christian writings have been observed as ‘significant indicators’ for

⁴¹¹ *1 Clem.* 7.1; Barnard 1964, 257, who calls this verse a *crux interpretum*: ‘Those who deny that *1 Clement* contains any allusion to Christians being persecuted in Clement’s day must either forget this verse or explain it away’.

⁴¹² Karrer 2002, 34, who concludes about the connections between Hebrews and *1 Clement*: ‘Wir dürfen ihretwegen für Zeit und Ort der Texte nicht zu weit auseinander gehen’, and: ‘Die Geschichte der Schriftzitation favorisiert mithin eine Datierung beider Schriften gegen Ende des 1. Jh.’

⁴¹³ In the translation of Heb. 10.32 above, I followed the New Revised Standard Version: ‘recall those earlier days’; the Greek ‘ἀναμνησέσθε δὲ τοὺς πρότερον ἡμέρας’ could very well be used by an author writing late in 96 or early 97, if he wanted to describe a situation that existed about five to ten years earlier under the emperor Domitian.

⁴¹⁴ See note 401 for other scholars who prefer a ‘late’ dating of Hebrews.

⁴¹⁵ If this is indeed the same Timothy that accompanied Paul on some of his journeys, Paul’s decision to have him circumcised (Acts 16.3) may have saved his life under the emperor Domitian in the context of the prosecutions of the *fiscus Judaicus*. In the eyes of the Roman authorities under Domitian Timothy would have been considered to be a Jew (as a circumcised man). Uncircumcised he might have faced charges of ‘atheism’ and the subsequent death penalty.

the dating of the document towards the end of the first century.⁴¹⁶ These other Christian writings are 1 Peter, Luke-Acts (especially Acts 7) and the *Epistle of Barnabas*.⁴¹⁷ I think the gospel of John can also be added, pointing to the combination of the explicit high Christology in both documents (Heb. 1; John 1) and the related theme of ‘Jesus superior to Moses’, ‘Messiah superior to Torah’. (Heb 3; John 1.17). This latter issue will be further discussed in the next chapter, where the Gospel of John will be considered in relation to the *fiscus Judaicus* and the *birkat ha-minim*.

The circumstances that led to the composition of Hebrews during the early stages of Nerva’s reign will be treated in detail in the paragraph about the purpose of this document. First I will take a closer look at the addressees (closely connected to the purpose of the letter of course) and the place of origin.

6.4. Addressees and place of origin

The superscript under which the letter has become known to us ‘To the Hebrews’ (πρὸς Ἑβραίους) was added at a later time, and seems to imply that one should think of Jews or, better, Jewish Christians as the addressees. On the basis of Heb. 10.32-34 (in combination with Heb. 12.4) I already concluded that these verses seem to be describing the fate of Jewish Christians under Domitian. Although this particular argument has never been used before to prove that the addressees were Jewish Christians (as far as I know), many scholars have indeed concluded that the addressees of this letter were Jewish Christians. In early Christian literature this view was generally accepted.⁴¹⁸

In more modern times, however, the conviction has grown among many commentators and scholars that this letter was sent to a mixed community of both Jewish and non-Jewish Christians or even exclusively to non-Jewish

⁴¹⁶ Salevao 2002, 106. For the links between Hebrews and *1 Clement* and the implication for the dating of both documents: see Karrer 2002, 33-35 and 96-98. Also see Eisenbaum 1993, 5-7; 2005, 229-231 (now also considering ‘a date sometime early in the second century’(226))

⁴¹⁷ Salevao 2002, 106-108; also see the comparison of Hebrews and *Barnabas* by Wilson 1995, 110-142.

⁴¹⁸ Sometimes even limited to Jewish Christians in Judaea: see, e.g., Weiss 1991, 69 (including note 41).

Christians.⁴¹⁹ The arguments that have been brought forward for this position will be discussed, but will also be rejected as unconvincing.⁴²⁰

The first argument which is used to prove that non-Jewish Christians were among the addressees or were even the sole addressees is the fact that a reference to 'the living God' is found in Heb. 3.14: 'Take care, brothers and sisters, that none of you may have an evil, unbelieving heart that turns away from the living God'. It is felt by some scholars that this could only have been directed at non-Jewish Christians, who were ex-pagans and had rejected their former deities.⁴²¹ On the other hand, one could argue that this also makes sense in a purely Jewish debate and one could conclude with Ellingworth that the writer is trying to convince his hearers/readers of the fact that 'to reject the supreme and final revelation of God in Christ would be to reject the living God himself'.⁴²²

A second reason which is given for a non-Jewish audience is found in Heb. 6.1-2:

Therefore let us go on towards perfection, leaving behind the basic teaching about Christ, and not laying again the foundation: repentance from dead works and faith towards God, instruction about baptisms, laying on of hands, resurrection of the dead, and eternal judgement.

These verses are considered to be particularly applicable to non-Jewish members of Christian communities.⁴²³ I do not agree with this conclusion, since these teachings were equally important for Jewish Christians and there

⁴¹⁹ See, e.g., Graesser 1990, 24; Weiss 1991, 71; Trotter 1997, 28-31; Eisenbaum 1997, 7-10; de Silva 2000, 2-7; Koester 2001, 46-48; Karrer 2002, 100-101.

⁴²⁰ See Lincoln 2006, 37; also Salevao 2002, 115-118, who calls this 'An Untenable Alternative', mainly because 'there is no agreement among the proponents as to the exact nature of the readers' problems' (115).

⁴²¹ See the discussion in Ellingworth 1993, 21-27, who concludes 'that the first readers were a predominantly but not exclusively Jewish-Christian group' (27).

⁴²² Ellingworth 1993, 24. The phrase 'the living God' is also found in Heb. 9.14, 10.31, and 12.22; but also in, e.g., Deut. 5.26; Josh. 3.10; Ps. 42.3; 84.3; Mt. 16.16; 26.63; 2 Cor. 3.3; 6.16; Rev. 7.2.

⁴²³ See, e.g., Weiss 1991, 71: who writes about these verses: 'Die in Hebr 6,1ff zitierten Topoi der christlichen Elementarbelehrung spiegeln ganz in der Art eines jüdischen "Proselytenkatechismus" bestimmte Topoi der traditionellen jüdischen Heidenmissionspredigt wider und sind somit nur in einem an Heidenchristen gerichteten Schreiben sinnvoll.'

are simply no other indications that the letter was exclusively meant for non-Jewish Christians or even a mixed community. In this respect it is useful to look back to the information found in 1 Peter, addressed to non-Jewish Christians, and some of the letters in Revelation, addressed to predominantly non-Jewish Christian communities.⁴²⁴ In these letters there are strong exhortations to guard the boundaries with the pagan, polytheistic environment, something which is totally lacking in Hebrews. In 1 Peter and some of the letters in Revelation 2-3 we are clearly dealing with Christians for whom polytheism offers ‘the natural *alternative* identity-base’, and who are vulnerable to social pressures to turn back, or turn aside, to that alternative.⁴²⁵ In Hebrews this alternative identity base is Judaism.

Thus, the existing arguments for an exclusively Jewish Christian readership for Hebrews seem much stronger and even conclusive. It is, e.g., important to read the observation of Karrer: ‘Der Hebr entwirft mithin das Bild seiner Leserinnen/Leser fast, als gäbe es die Völker nicht’.⁴²⁶ This observation seems to be right and should be a first important indication that this document is dealing with issues that were initially important for Jewish Christians only. A very good defence for this position has recently been given by Salevao and Kim.⁴²⁷ Both are proponents of the so-called ‘relapse theory’ and (in the words of Kim) claim that ‘the author was seeking to persuade those who were tempted to revert back to Judaism to remain faithful to his community, while strengthening and confirming the

⁴²⁴ See pp. 102-108 for 1 Peter and pp. 140-142 for the letters in Revelation 2-3, particularly the letters to Pergamum, Thyatira and Sardis.

⁴²⁵ This sentence is a rephrasing of the conclusion by Dunnill about the addressees of Hebrews: see note 427 below.

⁴²⁶ Karrer 2002, 54; yet Karrer supports the position taken by almost all German speaking scholars that the addressees were exclusively non-Jewish Christians or a mixed community (Karrer 2002, 100-101).

⁴²⁷ Salevao 2002, esp. 109-114, followed by Lincoln 2006, 53; Kim 2006, esp. 197-201. Although to me this would mean that the document was exclusively meant for Jewish Christians, both Salevao and Lincoln leave open the possibility that the readers of Hebrews were ‘predominantly’ Jewish Christians. Also read the careful definition by Dunnill 1992, 24: ‘There is no reason to dissent from the assertion that the Christians of Hebrews are Jews. More precisely, they are Christians for whom Judaism offers the natural *alternative* identity-base, and who are vulnerable to theoretical and social pressures to turn back, or turn aside, to that alternative’. Schmithals 2004, 228-237, also defends the ‘relapse theory’, but at the same time thinks that Gentile Christians were the addressees, proposing ‘einen christlichen Adressatenkreis (...), dessen Angehörige im wesentlichen aus dem Heidentum kommen und zugleich akut vom Abfall oder Rückfall in die Synagoge bedroht sind (237)’.

commitment of those who did remain'.⁴²⁸ These people 'who were tempted to revert back to Judaism' were Jewish Christians and this is why a strong polemic against the Levitical priesthood and law, Mosaic covenant, and Levitical sacrifices is found in this letter.⁴²⁹ These were all issues that were not relevant for non-Jewish Christians who were never part of the Mosaic covenant in any way from a Jewish or even Jewish-Christian perspective.

In this context it is important to point at the 'reigning leitmotif' as observed by Eisenbaum and propose a slight change: 'How are Christians rooted in Judaism and ancient Israel and yet distinct from it?'.⁴³⁰ She rightly states that 'this issue must have been fundamental to every ancient Christian community', but her conclusion that this supports the notion that the letter was sent to mixed communities may not be right.⁴³¹ The leitmotif may also be defined as 'How are *Jewish* Christians rooted in Judaism and ancient Israel and yet distinct from it, now that "in these last days he [God] has spoken to us by a Son, whom he appointed heir of all things, through whom he also created the worlds" (Heb. 1.2)'. This became an urgent issue for Jewish Christians at that moment in time, as will be discussed further in the paragraph about the purpose of Hebrews.

Furthermore, the arguments for a Jewish Christian audience are corroborated by the fact that this document was not sent to one or more Christian communities indiscriminately, but to a specific group within this community (or within these communities, as I think).⁴³² This is indicated by Heb. 13.24: 'greet all your leaders and all the saints', which implies that not all leaders and members of the communities can be considered to have been the addressees of this letter. Also Heb. 5.12 ('by this time you ought to be

⁴²⁸ Kim 2006, 198.

⁴²⁹ Salevao 2002, 113: 'the danger of relapse of some members made it imperative for the author to define the relationship between Christianity and Judaism in terms of the superiority-inferiority dialectic'.

⁴³⁰ Eisenbaum 1997, 10.

⁴³¹ Eisenbaum 1997, 9-10.

⁴³² Weiss 1991, 74 ('ein bestimmter Adressatenkreis innerhalb einer Gemeinde'); Ellingworth 1993, 26 ('the author is addressing, not "Christians in general", but a group with whose needs and problems the author was well acquainted, and for which he was urgently concerned'); Trotter 1997, 31-33 ('we should see this epistle as addressed to a particular group within the community rather than to the community as a whole'). I think these conclusions agree with Jewish Christians being the addressees, although the writers mentioned here do not draw this conclusion, with the exception of Ellingworth who thinks the addressees were a predominantly Jewish-Christian group.

teachers') and 5.10 ('for God is not unjust; he will not overlook your work and the love that you showed for his sake in serving the saints, as you still do') seem to be directed to a specific group within one or more Christian communities and not to these communities as a whole.⁴³³ Especially in the latter case Jewish Christians may very well be the group in question: they of all people should be taking the lead in their communities and be teachers of the rest in the view of the Jewish Christian author of Hebrews.

Since this letter was probably not sent to a particular Christian community (be it in Rome or any other city), but was intended as a 'generic speech'⁴³⁴ to the 'Hebrews'⁴³⁵ (Jewish Christians) within Christian communities throughout the Roman Empire, conclusions about the place of origin can also be drawn. This must have been Rome or Italy, because this remains the only explanation for: 'those from Italy send you greetings' (Heb. 13.24).⁴³⁶

Summarizing I would assume that the letter was sent from Rome/Italy to Jewish Christians as members of mixed Christian communities elsewhere in the empire. The main destination would have been communities in the eastern part of the empire: Greece, Asia Minor, Antioch and perhaps also Judaea and Galilee.⁴³⁷ We could think of a number of reasons why Italy is mentioned and not Rome. The first reason could be that among Christians the city of Rome had gotten a very bad name and using this name was avoided if possible (think of the 'Babylon' metaphor for Rome in both 1

⁴³³ Trotter 1997, 31; but also see the criticism of deSilva 2000, 22.

⁴³⁴ Eisenbaum 1997, 12. Also Eisenbaum 1997, 10: 'I strongly suspect that the author envisioned several communities benefiting from his speech'; Dunnill 1992, 22-23, who concludes that Hebrews is 'an encyclical letter'.

⁴³⁵ Lincoln 2006, 38: 'Whoever formulated the title for this letter is likely to have drawn the right inference: the Christians addressed were primarily Jewish in their background'.

⁴³⁶ Despite the fact that, e.g., Ellingworth 1993, 29, strongly believes that οἱ ἀπὸ τῆς Ἰταλίας is best explained if it 'refers to people *from* rather than *in* Italy'. Yet he also concedes that the latter reading is 'not linguistically impossible'. Also see Karrer 2002, 93-96 for his arguments and conclusion: 'Der Umkreis Roms ist der wahrscheinlichste Entstehungsort des Hebr' (96). Also see deSilva 2000, 21, including note 62: 'it would be more likely that a Christian teacher is writing to a church somewhere in a province for which he feels a special pastoral responsibility'.

⁴³⁷ Dunnill 1992, 22-23, who assumes that Hebrews was an encyclical letter with Asia Minor as the most likely destination. This may also explain why (1) Hebrews was accepted relatively early in the eastern part of the empire (although as a Pauline document) and (2) the acceptance in the Roman church was much later (they had first-hand knowledge that it was not written by Paul?): see Eisenbaum 1997, 5.

Peter and Revelation); a second reason could be that members of the Christian community had moved from the city of Rome to safer places near Rome. If we look once more to the information provided by Pliny in his letter to Trajan some 15 years later (*ca.* 112 CE), attention should be paid to what Pliny observed in Bithynia-Pontus:

In fact, this contagious superstition is not confined to the cities only, but has spread its infection among the neighbouring villages and country.⁴³⁸

This spreading to ‘neighbouring villages and country’ could be interpreted as the result of the increasing success of Christianity, but also as the result of higher pressures in the cities on these communities, and this could be expected to have happened in Rome/Italy as well.

6.5. Purpose of the Letter to the Hebrews

I will now focus on the purpose of the Letter to the Hebrews, which is, of course, closely linked to its date (late 96 or early 97) and addressees (Jewish Christians as members of mixed Christian communities).

In the previous paragraph I already stated that I concur with those scholars who advocate the ‘relapse theory’ with regard to Hebrews, more specifically the relapse into Judaism. The main purpose of the writer was to prevent Jewish Christians from leaving the Christian communities by returning to the synagogue.⁴³⁹

The second, equally important question is why the author needed to write this sermon/letter. What were the specific circumstances that made some Jewish Christians leave the Christian communities? This is where it is necessary to look back to the administration of the *fiscus Judaicus* under Domitian and its reform under Nerva. My earlier conclusions about the legal

⁴³⁸ Pliny, *Ep.* 10.96.

⁴³⁹ As to the main reason why the tendency to relapse had arisen, I would prefer one of the possible causes given by Salevao 2002, 109: ‘The threat of impending persecution might be forcing the readers to find refuge in the shelter of Judaism as an officially recognized religion of the empire. In this respect, the danger of relapse was precipitated by socio-political pressures’. I would add that it was the possibility of being charged with atheism and being executed as a consequence of that, which was the form of persecution that Jewish Christians could also face after 96. Also Schmithals 2004, 247, notes that the author of Hebrews connects the crisis in the community to external pressure: ‘Er verweist nämlich auf den äusseren Druck durch die akute Verfolgungssituation.’

position of Jewish Christians in these years are very relevant in this context. Under Domitian they ran the risk of being accused of evading the Jewish tax. After they had been subjected to a circumcision test to see whether they could be regarded as Jews, their possessions were confiscated if it appeared they had not paid the tax. It must be stressed again that they were considered to be members of the Jewish *gens* at that moment in time (Suetonius, *Dom.* 12.2: *dissimulata origine imposita genti tributa non pependissent*). This was the very basis for their conviction: they were tax evading Jews in the eyes of the Roman authorities.

The reform of the *fiscus Judaicus* by the emperor Nerva that I discussed in Chapter 3 led to the redefinition of the Jewish taxpayers: from ‘all members of the Jewish *gens*’ (as the Jewish tax had been introduced by Vespasian) to those Jews ‘who remained faithful to the customs of their forefathers’, changing the definition of ‘Jew’ from an ethnic one into a religious one instead.⁴⁴⁰ This means that those Jews who could not be captured under this definition (apostate Jews, Jewish Christians as members of mixed Christian communities) were explicitly exempted from the tax and were no longer regarded as Jews. This was probably good news for apostate Jews, but not for Jewish Christians, who remained strictly monotheistic and could face charges of atheism in the future. In Roman eyes they probably no longer followed their ancestral customs, but were actually followers of a recently established religion of Jewish origin with a mission to spread their ‘atheism’ among non-Jews. This was a violation of the edict ‘to the rest of the world’ issued by Claudius, because the Jewish Christian mission to the nations automatically involved contempt of the religious observances of these nations, which was something Jews should refrain from. This ‘contempt’ is found in many New Testament writings as was seen before.⁴⁴¹

Besides the Roman measures that were described above, Jewish Christians had probably already been hit by the *birkat ha-minim* as well, which, according to Jewish tradition, was introduced by Gamaliel II, probably during the reign of Domitian.⁴⁴² This may very well have been

⁴⁴⁰ This is based on the difference in defining Jewish taxpayers that is found between Flavius Josephus (*Bell. Jud.* 7.218) and Suetonius (*Dom.* 12.2) on the one hand and Cassius Dio (*Hist. Rom.* 65.7.2) on the other; see pp. 86-87.

⁴⁴¹ See also pp. 45-58.

⁴⁴² The *birkat ha-minim* is not often found in scholarly literature on Hebrews. Important exception: Salevao 2002, 183-184. Schmithals 2004, 243-246, refers to the ἀποσυνάγωγος- passages in the Gospel of John and concludes that the expulsion from the

intended by Jewish authorities to formally distance themselves from apostate and Christian Jews, who were still considered to be Jews by the Roman authorities under Domitian, but no longer by mainstream Judaism. This much debated issue will be discussed in detail in the next chapter, in which also a number of the remarkable characteristics of the Gospel of John will be considered.

Some insights from other studies on Hebrews are important when placed in this context. These are studies by Eisenbaum and Gelardini, which introduce the issues of covenant renewal (Gelardini) and the ‘denationalization’ of Jewish scripture (Eisenbaum on Hebrews 11).⁴⁴³ Both issues seem to shed crucial light on the steps that Jewish Christians felt they needed to take to define themselves in relation to mainstream Judaism. This had major consequences for later Christianity as a whole, but initially these issues were of vital importance to Jewish Christians only. Not much later Christianity would start using these Jewish Christian viewpoints for its self-definition.

In Gelardini’s opinion it is possible to analyse Hebrews as a synagogue homily and thus it should also be possible to reconstruct the readings from the Torah and the Prophets that form the basis of this homily. These key passages are Exod 31.18-32.35 (breaking of the covenant) and Jer 31.31-34 (covenant renewal: the longest quotation from the Septuagint in the New Testament, which is found in Heb. 8.8-12).⁴⁴⁴ This approach puts the first and second covenants and the issue of breaking the covenant also at the heart of Hebrews (next to Ps 110.1, 4). Furthermore, Gelardini’s observations about the nature of Hebrews show how closely Jewish Christians were still in contact with their Jewish synagogue roots, but at the same time were developing a completely different perspective in terms of interpretation of the relevant passages from the Torah and the Prophets.⁴⁴⁵

synagogue was the direct cause for the risk of apostasy as found in Hebrews. See also my next chapter about the connections between *fiscus Judaicus*, *birkat ha-minim* and the Gospel of John.

⁴⁴³ Gelardini 2005; Eisenbaum 1997.

⁴⁴⁴ Gelardini 2005, 124

⁴⁴⁵ Gelardini seems to stress the ‘connection’ to the synagogue very strongly and not so much the hugely different ‘Christological’ interpretation of these passages, when compared to an interpretation under the ‘first covenant’. She concludes that these readings ‘are part of the PTC [Palestinian Triennial Cycle] in early form, and they hint at the most important day of fast in Jewish tradition, *Tisha be-Av*.’ When considering the different positions taken by the Letter to the Hebrews and the later rabbinic writings concerning the temple and the

The Jewish Christian interpretation of these readings from the Torah and the Prophets follows an almost predictable path as seen previously. Jesus is considered to be superior to Moses (3.3) and the verdict of the writer about the first covenant is made clear in the verses framing the quotation from Jeremiah about the new covenant:

But Jesus has now obtained a more excellent ministry, and to that degree he is the mediator of a better covenant, which has been enacted through better promises. For if that first covenant had been faultless, there would have been no need to look for a second one. (8.6-7)

(...)

In speaking of 'a new covenant', he has made the first one obsolete. And what is obsolete and growing old will soon disappear. (8.13)

This hard verdict on the first covenant can probably be put into perspective by outlining the difficult situation the author and his audience found themselves in. The persecutions under Domitian had probably resulted in decreasing numbers of Gentile Christians, based on the information from Pliny who writes to Trajan that he has come across people who ceased to be Christians: 'some three years before, others many years, some as much as twenty-five years'. The ones who gave up their Christian beliefs 'many years, some as much as twenty-five years' ago, did this during the reign of Domitian, most probably under the threat of losing their possessions and even their lives due to the persecutions.⁴⁴⁶ And in Hebrews one encounters the same development with regard to Jewish Christians (10.25): some of them are leaving. In this context it cannot be stressed enough that the covenant renewal which is at the centre of Hebrews and is based on Jer. 31.31-34, is only meant for the people of Israel and not for others: in this case non-Jewish Christians are not included. This passage about the prominence of the second covenant and the future disappearance of the first covenant is first and foremost meant to define the position of Jewish

temple service a fundamental difference can be noticed: the Letter of the Hebrews considers this service to be irrelevant after the coming of the Messiah (and after the destruction of the temple), whereas rabbinic Judaism has preserved a great deal of halakhic material in the talmudic writings with regard to the temple service.

⁴⁴⁶ See Chapter 5 about the Book of Revelation.

Christians over against mainstream Judaism.⁴⁴⁷ Not much later Christianity as a whole (as stated before) would start regarding itself as the true Israel and the partner of the second covenant, but this was very likely still outside the scope and intention of the author of Hebrews.

Eisenbaum focuses on what she calls ‘the Jewish Heroes of Christian History’ in Hebrews 11. She concludes that in this chapter of Hebrews there is a move from a ‘national history to a supranational one’, by which ‘an opening was created for Gentile Christians to fully identify with scriptural history’.⁴⁴⁸ But also in this case (as in the case of ‘covenant renewal’) it might well be that this is first and foremost a step that was taken by Jewish Christians to define their own position in relation to mainstream Judaism and the history they both shared. Jewish Christians were no longer regarded as real Jews by mainstream Judaism (as illustrated by the *birkat ha-minim*, which was probably introduced under Domitian) and were no longer regarded as Jews by Roman authorities either after Nerva’s reform of the *fiscus Judaicus* in 96, which led to a religious definition of ‘*Iudaeus*’. This means that Jewish Christians needed some kind of redefinition of their position if they did not want to lose every legitimation.

6.6. Conclusion

In this section I will give a summary of the answers to the questions I posed at the beginning of this chapter. When was this document written and to whom was it addressed (who were the ‘Hebrews’)?; what persecution in the past is referred to in 10.32-34?; and why had some people recently given up the habit of attending the meetings (10.25)?

I think it was addressed to Jewish Christians (indeed ‘Hebrews’) who had been persecuted under Domitian as tax evaders of the Jewish tax. For this purpose accused persons had been exposed in public for the inspection of

⁴⁴⁷ Also note the remark by Hirschberg (2007, 237) about ‘Jewish Believers in Asia Minor according to Revelation and the Gospel of John’: ‘(...) the quarrel between the Christian communities and the synagogues might have had the result that the Jewish believers in Jesus tried to overcome their identity-crisis by considering themselves to be the representatives of the true Israel’. It can be added that this line of thought is also found in Hebrews.

⁴⁴⁸ Eisenbaum 1997, 225. This was indeed ‘a stage which surely aided in the formation of Christianity as a separate religion from Judaism’ (225); and it also ‘aided in the development of a Gentile Christianity which came to see the OT as its own heritage’ (226), although in this case the use of ‘Gentile Christianity’ may be a bit unfortunate because also Jewish Christians like the author and the addressees of Hebrews were part of this Christianity, which remained firmly rooted in Judaism.

their genitals to find out whether they were circumcised. Conviction would lead to the confiscation of their property. Both elements, the confiscations and the public examination of genitals (θεατριζόμενοι), can be found in Hebrews 10.32-34.

The letter was almost certainly written after Nerva's reform of the *fiscus Judaicus*. With regard to Jewish Christians it was important that Nerva probably introduced the notion that the Jewish tax only needed to be paid by Jews who followed their ancestral customs. Jewish Christians (who under Domitian had been prosecuted as Jews for *dissimulata origine imposita genti tributa non pependissent*) were, thus, formally exempted from the tax and this exemption had one huge consequence: it formally led to the loss of legal status as Jews under Roman law for these Jewish Christians, who were persecuted as Jews under Domitian, but might face charges of atheism and the subsequent death penalty as 'non-Jews' after the reform of the *fiscus Judaicus* by Nerva.

The Letter to the Hebrews may initially have been intended as a sermon for Jewish Christians in or around Rome, but the circumstances they found themselves in were actually shared by many or even all Jewish Christians as members of mixed communities throughout the Roman Empire at that moment in time. The idea of losing their status as Jews in the Roman Empire must have frightened a great number of them. They had not endured suffering until death yet (Heb. 12.4), like some of their non-Jewish fellow Christians, but that could be expected in the near future now that the legal protection of Jews (as exclusivist monotheists) by the Romans was no longer in place for them. To regain the status of the only people who were allowed to have an exclusivist monotheistic faith within the Roman Empire, they would have to turn back to the synagogue as a safe haven, be registered as taxpayers to the *fiscus Judaicus* and first of all give up attending the Christian meetings, which is exactly what seems to be happening at the time the document was written (Heb. 10.25).

To prevent Jewish Christians from leaving their communities and provide them with a strong theological foundation, this document was subsequently sent to many Christian communities. The stress in this document is on the new covenant (Jer. 31.31-34) superseding the first (Mosaic) one. Breaking this new covenant was presented as dangerous by the writer of this letter and in his view relying on the first covenant was no longer possible for Jews, once they had become members of Christian communities.

This combination of date, addressees and purpose seems to provide a very consistent picture. In Chapter 8 I will discuss the issue of the ‘Parting of the Ways’: the separation of Judaism and Christianity, for which I will focus on the formal separation between Jewish Christians and mainstream Judaism, as also reflected in Hebrews. Before this I will first come back to the *fiscus Judaicus* once more, but now in connection to the *birkat ha-minim* and the Gospel of John.

Chapter 7

The issue of Jewish identity: *fiscus Judaicus*, *birkat ha-minim* and the Gospel of John

7.1. Introduction

In this chapter the issue of Jewish identity will be central, for which I will focus on the last decades of the first century. The question of who was considered to be a Jew was an important issue in the Roman Empire at the end of the first century, as was already mentioned. This will be illustrated by briefly looking once more at the administration of the *fiscus Judaicus* under Domitian and the reform of this *fiscus* under Nerva. In this context the Jewish identity (as seen from a Roman perspective) was directly linked to the obligation to pay a specific Roman tax.

Furthermore, the *birkat ha-minim* will be discussed. This is the ‘benediction of the heretics’ that is part of the *Shemoneh Esreh* (the ‘eighteen prayer’: the Jewish prayer *par excellence*). This benediction, which is actually a curse, is traditionally dated to the days of Gamaliel II at Yavneh (Jamnia) around the year 90, i.e., also during the reign of the emperor Domitian. This traditional date is highly debated, as is the question whether Christians were counted among these heretics. I will argue that it is very likely that the first Jewish heresiology (‘who is to be regarded as a heretic’) actually does stem from this period in time and also looked at Jewish Christians as heretics.

The last major subject in this chapter will be the Gospel of John (*ca.* 100). This gospel is very different from the other three (‘synoptic’) gospels in many respects and I will focus on a number of aspects that are relevant for this study: first on its position towards Jews and Judaism, and also its position towards the ‘world’. John’s remarkable usage of the terms *ῥαββί* and *κόσμος* will help create a good picture of these positions. Special attention will be paid to the well-known references in this gospel to the expulsion of followers of Jesus from the synagogue, which have frequently been linked to the rabbinic evidence with regard to the *birkat ha-minim*. I will argue that many of the characteristic features of this Gospel can be explained by the fact that Jewish Christians were labeled as heretics by

mainstream Judaism during the reign of Domitian and were subsequently hit by the reform of the *fiscus Judaicus* by Nerva, as a consequence of which they also lost their legal status as Jews within the empire.

Taken together: in this chapter I will argue that there is a plausible case to be made for a direct line which runs from the administration of the *fiscus Judaicus* under Domitian, *via* the definition of heretics as formulated under Gamaliel II (still during the reign of Domitian), *via* the reform of the *fiscus Judaicus* under Nerva, to the Gospel of John, spanning a period of roughly 15 years (from *ca.* 85 to *ca.* 100 CE).

7.2 The administration of the *fiscus Judaicus* under Domitian

For the purpose of this chapter about Jewish identity I will focus on the second group of victims of the *fiscus Judaicus* as mentioned by Suetonius: these were the Jewish tax evaders *qui (...) dissimulata origine imposita genti tributa non pependissent*.⁴⁴⁹ A circumcision test was used to find out those people who were regarded as Jews by the Roman authorities, but were not registered for the Jewish tax. I already concluded that the two most important groups of Jewish tax evaders were probably Jewish Christians and apostate Jews.⁴⁵⁰

The actions of the informers (*delatores*) and the *fiscus Judaicus* towards Jewish Christians and apostate Jews, thus pushed these two categories back to the synagogues, metaphorically speaking. If the assumption is repeated that local synagogues were the primary source of information for the Roman authorities for the levying of the Jewish tax (analogous to the central role these synagogues previously played with regard to the collection of the tax for their own temple in Jerusalem)⁴⁵¹, then there is perhaps even reason to assume that pressure was exerted on synagogues to register all Jews, as defined by the Romans. Whether the latter is true or not, this state of affairs may very well have prompted mainstream Judaism to come up with a clearer, more religious definition of Jews and Judaism, which was different from the ethnic definition as used by the *fiscus Judaicus* under Domitian. This leads to the next issue which will be discussed in detail: *minut* (heresy).

⁴⁴⁹ Suetonius, *Dom.* 12.2.

⁴⁵⁰ See pp. 59-69.

⁴⁵¹ See pp. 22-24.

7.3. The issue of the *minim* (heretics) under Gamaliel II

In this section I will mainly deal with rabbinic writings, which are notoriously difficult to use as historical sources.⁴⁵² The focus in this study is on the end of the first century, but the Mishnah (*ca.* 200 CE) and Gemara (Jerusalem Talmud, *ca.* 350-400; Babylonian Talmud *ca.* 500) were redacted in (much) later times. It will be investigated whether the information found in these rabbinic writings can be considered to be plausible in the light of other sources and a particular historical context.

The passage about the introduction of the *birkat ha-minim* is only found in the Babylonian Talmud:

Our rabbis taught: Simeon Ha-Faqoli ordered the Eighteen Benedictions before Rabban Gamaliel in Yavneh. Rabban Gamaliel said to the sages: Is there no one who knows how to compose a benediction against the *minim*? Samuel Ha-Qatan stood up and composed it.⁴⁵³

Without going into further detail here, it is clear that, according to Jewish tradition, the question of who could be regarded as an ‘orthodox’ Jew and who could not, surfaced not long after the year 70. Many modern scholars are also of the opinion that the origin of this part of the Jewish *Shemoneh Esreh* lies at the end of the first century, more or less accepting the traditional date.⁴⁵⁴ Furthermore, it is often understood that with regard to Christianity at least Jewish Christians were counted among these heretics.⁴⁵⁵

On the other hand there are scholars who challenge the early date and are convinced that this tradition owes more to later legend building than to real

⁴⁵² See e.g., Boyarin 2004, 46-49, especially his ‘Note on Rabbinic Historiography’.

⁴⁵³ *bBer* 28bf., cited from Schiffman 1981, 150, see also his notes.

⁴⁵⁴ See, e.g., Horbury 1982, 59; Katz 1984, 63, 72; Van der Horst 1993, 366; Katz 2006, 293; Jaffé 2007, 121; most recently Teppler 2007, 362: ‘*Birkat haMinim* was constructed as a closed rational unit in the days of Rabban Gamaliel II and not as a combination of blessings or an adaptation of an existing blessing. The text of the blessing was fixed at the beginning, exactly like the other blessings in the *Shemoneh esreh* prayer, the most important prayer fixed in the Yavneh period’.

⁴⁵⁵ See, e.g., Kimelman 1981, 232; Horbury 1982, 60; Katz 1984, 72; Van der Horst 1993, 364; Katz 2006, 293; Jaffé 2007, 121; most recently Teppler 2007, 362: ‘Now for the first time after the Destruction the political conditions now enabled an institutionalised reaction against the people whose very existence were also a thorn in the flesh of Rome herself – the Christians.’ I do not follow Teppler (also 2007, 369) in his view that Christianity as a whole was targeted by the *tannaim*.

historical circumstances.⁴⁵⁶ Others claim that there is no real evidence for a Jewish prayer directed at Christians in the first centuries CE. The strongest arguments for these positions seem to have been brought forward by Kimelman (about the lack of evidence that Christians were ‘victims’ of the *birkat ha-minim*) and by Boyarin (denying the early date).⁴⁵⁷ In this section it will be my aim to counter their arguments and present new ones to support the traditional date and strengthen the assumption that Jewish Christians were regarded as heretics by mainstream Judaism by the end of the first century.

First I will quote the oldest version of the *birkat ha-minim* available:

For the apostates let there be no hope. And let the arrogant government be speedily uprooted in our days. Let the *notsrim* and *minim* be destroyed in a moment. And let them be blotted out of the Book of Life and not be inscribed together with the righteous. Blessed art Thou, O Lord, who humblest the arrogant.⁴⁵⁸

This so-called Genizah version (because it was found among the manuscripts in the famous Cairo Genizah discovered in 1864), presents us with a number of problems: to what period should the wording of this *berakhah* be dated, what should be understood by the term ‘the arrogant government’ and who are the ‘*notsrim* and *minim*’ (‘Christians and heretics’)? These questions will be dealt with below. For this moment it suffices to note that it is generally accepted that this is not the original wording of the *berakhah*, since in the form quoted above it would never have become known under the name

⁴⁵⁶ E.g., Boyarin 2004, 46-49: ‘All of the institutions of rabbinic Judaism are projected in rabbinic narrative to an origin called *Yavneh*.’ (48). And: ‘That which the Rabbis wished to enshrine as authoritative, they ascribed to events and utterances that took place at Yavneh, and sometimes even to divine voices that proclaimed themselves at that hallowed site.’ (49). See especially his notes on this debate about the extent to which the references to Yavneh in rabbinic writings reflect reality.

⁴⁵⁷ Kimelman 1981; Boyarin 2004, 37-73. When speaking about the theory that Jews excluded certain groups from the synagogue in the late first century, Reinhartz 2004, 426 n.14, remarks: ‘The definitive critique of this hypothesis was made by R. Kimelman.’ Also see Mayo 2006b, 343: ‘it seems that the movement in recent scholarship away from the traditional view that the BH [*birkat ha-minim*] was a watershed event in the early development of the Jewish-Christian schism is a prudent one’. See also notes 518 and 536. As will be apparent, I do not agree with these views.

⁴⁵⁸ The Genizah version as translated by Kimelman 1981, 226; also in Van der Horst 1993, 363.

birkat ha-minim. In the original version the *minim* must have figured much more prominently.⁴⁵⁹

At this point it seems important to make a few important side-remarks, which will hopefully be helpful when discussing the current debate. A clear distinction should be made between two radically different moments in time that often appear in scholarly literature when discussing this topic. These two moments are (1) the end of the first century and (2) the end of the fourth century.⁴⁶⁰ One only needs to think of the position of Christianity to make this clear. By the end of the first and the beginning of the second century, Christianity was clearly regarded as an illegal religion within the Roman Empire. By the end of the fourth century, however, Christianity became the official state religion of the empire under the emperor Theodosius I, who reigned from 379 to 395. This was the end of a development that started when the emperor Constantine became a Christian and together with his co-emperor Licinius made the important decision to turn Christianity into an accepted religion (*religio licita*) by means of the Edict of Milan in 313, thereby ending its illegal status. This tremendous change in the status of Christianity within the Roman Empire should be taken into full account when looking at the Jewish position in relation to Christianity.

I will now turn to Kimelman's investigation of the *birkat ha-minim*, which he concludes by listing six 'salient results'.⁴⁶¹ I will treat each of his conclusions separately and will refer a number of times to the necessary distinction between the different historical circumstances as mentioned above.

1. '*Birkat ha-minim* was not directed against Gentile Christians, but against Jewish sectarians.'

⁴⁵⁹ Kimelman 1981, 233; Van der Horst 1993, 367.

⁴⁶⁰ See, e.g., Klink III 2008, 107, who in my view wrongly accuses J.L. Martyn (see below in the section about the Gospel of John) of having been 'anachronistic in positing a broad Jewish-Christian conflict from as late as the fourth century onto a late first century Johannine text'. I think Martyn did nothing of the sort and made no 'miscalculation': Martyn's view on the Jewish Christian 'Johannine' community of the late first century is that it was hit by the *birkat ha-minim* from Jewish authorities. This is a situation of 'mainstream' and 'heresy', which is very likely for the end of the first century, as we will see, but this context is completely absent at the end of the fourth century, when dealing with two separate religious systems.

⁴⁶¹ Kimelman 1981, 244.

- This is a conclusion that I can fully follow: only a Jew can be labeled as a *min* (heretic) by other Jews.⁴⁶² This means that if the *birkat ha-minim* was also directed against Christians, one should only expect Jewish Christians to be the heretics in question and not Gentile Christians. This is important for the late first century context that I will be focusing on below, where exactly this situation will be found, as I will argue.

2. 'The Genizah version which reads *ha-notsrim ve-ha-minim* was primarily directed against Jewish Christians.'

- This is a more questionable conclusion. Apart from the question how large this group of Jewish Christians may have been in later centuries, it seems more likely that in this case *ha-notsrim* refers to Christians in general.⁴⁶³ The wording of the Genizah version dates almost certainly from after 400 CE, which means it is very likely already referring to the second set of historical circumstances as described above: in this period Christianity was the official state religion and the Christian state could and did implement anti-Jewish measures.⁴⁶⁴ Also the term 'arrogant kingdom' could very well have been used by Jews for the Roman Empire since Theodosius I.⁴⁶⁵

3. 'There is no unambiguous evidence that Jews cursed Christians during the statutory prayers.'

- This conclusion seems to be true for the first centuries of Christian history alongside Judaism: the evidence is ambiguous, but the evidence from the last quarter of the fourth century is much stronger. Christian writers seem to be aware of the fact that Christians in general were cursed in the synagogue prayers.⁴⁶⁶

4. 'There is abundant evidence that Christians were welcome in the synagogue.'

⁴⁶² See, e.g., Katz 1984, 65: 'the issue involved in the formulation of the *Birkat ha-Minim* at Yavneh was *minuth* ("heresy") and at this time and by definition, the only Christians that could be *minim* ("heretics") were Jewish Christians. The later, wider, amoraic usage, particularly in Babylonia, of *minim* to cover Gentile Christians is a new development'.

⁴⁶³ Schiffman 1981, 152; Van der Horst 1993 367-368.

⁴⁶⁴ Schiffman 1981, 152; Van der Horst 1993, 364;

⁴⁶⁵ I would prefer this date late in the fourth century, partly differing in opinion to Teppler 2007, 137: 'Therefore we may presume that the phrase, 'kingdom of arrogance' became an integral part of *Birkat ha-Minim* only from the time of the Christianisation of the empire onwards', which I understand to have started in the days of Constantine.

⁴⁶⁶ Van der Horst 1993 365; Teppler 2007, 50-62 and 348-359.

- Although this conclusion is certainly true for the fourth century, for which support can be found in a number of sources⁴⁶⁷, a completely different picture is found when focusing on Christian sources from the first century. Tensions between the synagogues and Christians are well attested for this period, which should be primarily interpreted as existing between Jewish Christians and mainstream Judaism. In the first place there is already mention of strong tensions between Paul and several diaspora synagogues in the fifties of the first century.⁴⁶⁸ Furthermore, there are references in the gospels that some of those who believe in Jesus as the Messiah will be flogged in the synagogues, which can only refer to Jewish Christians, because Gentile Christians would not have fallen within the jurisdiction of the synagogues.⁴⁶⁹ Also there is the evidence from Revelation and the Letter to the Hebrews, indicating that some kind of separation already took place between Jewish Christians and mainstream Judaism by the end of the first century.⁴⁷⁰ It is not at all unlikely that these Jewish Christians were seen as heretics (*minim*) by mainstream Judaism from the last decade of the first century onwards.⁴⁷¹

5. 'Thus *birkat ha-minim* does not reflect a watershed in the history of the relationship between Jews and Christians in the first centuries of our era.'

- I support this conclusion by Kimelman in the sense that the *birkat ha-minim* was not in itself sufficient to bring about the 'parting of the ways', but I do think it was an essential step towards the separation between Jewish

⁴⁶⁷ Kimelman 1981, 239-240.

⁴⁶⁸ 2 Cor 11:24; e.g., Acts 22:19 and 26:11 give us information about Paul's earlier activities as persecutor of Jewish Christian communities, corroborated by Paul himself: 1 Cor. 15:9.

⁴⁶⁹ Mt. 10:17; 23:24; Mk 13:9; similar information is, e.g., given by: Lk. 12:11; 21:12; 1 Thess. 2:14.

⁴⁷⁰ See Chapter 5 (Revelation) and Chapter 6 (Letter to the Hebrews).

⁴⁷¹ Van der Horst 1993, 366: 'The New Testament also makes clear that measures such as punishment of Christians by Jews in the synagogues, persecution, and excommunication, measures that are mentioned not only by John but also by other New Testament authors (e.g., Mk 13:9; Lk 6:22; Acts 22:19 and 26:11; 2 Cor 11:24; 1 Thess. 2:14; etc) were taken on a larger scale and more consistently than is usually assumed. One cannot ignore these data, the less so when they fit in well with Tannaitic material'. It could be added that 'punishment of Christians by Jews' should probably be read as 'punishment of Jewish Christians by Jews', since Gentile Christians could not be prosecuted and punished by Jewish courts of law.

Christians and mainstream Judaism, which I will emphasize directly below under 6.

6. 'Apparently, there never was a single edict which caused the so-called irreparable separation between Judaism and Christianity. The separation was rather the result of a long process dependent upon local situations and ultimately upon the political power of the church.'

- As will be explained below, the combination of the *birkat ha-minim* dating from ca. 90 CE and the reform of the *fiscus Judaicus* by Nerva in 96 CE very likely proved to be an effective means of marginalizing Jewish Christians at the end of the first century, which brought about a real 'parting of the ways'. This will be further elaborated upon when I discuss the position of Boyarin. I do not see enough evidence for 'a long process dependent upon local situations' for the separation between Judaism as we know it today and Christianity as we know it today, as brought forward by Kimelman and others. Relations between Judaism and Christianity even seem to have improved between the end of the first century and the end of the fourth century (see above under 4.). Kimelman's last reference to the growth of power of the church during the fourth century is fully justified, since this turned out to be a real threat to Judaism by the end of that century.

Thus, after looking at Kimelman's six conclusions about the *birkat ha-minim*, my provisional conclusion would be that the original version may very well have been intended to excommunicate Jewish Christians, besides other groups, as heretics (*minim*) at the end of the first century. By the end of the fourth century we are faced with drastically different historical circumstances. In the context of Christianity becoming the official state religion of the Roman Empire, it is conceivable that at that moment the *birkat ha-minim* was changed to also include the 'arrogant kingdom' and Christians in general (*ha-notsrim*). One must bear in mind that, from a Jewish perspective, Christians who were attracted to the Jewish religion were never any different from other sympathizers or God-fearers in later centuries. They could not have been regarded as heretical Jews in those later days, in contrast to Jewish Christians by the end of the first century, who could be regarded as *minim*.

Now I will focus on the date of the original *birkat ha-minim* and its historical context. Recently Daniel Boyarin has given his views on the issue of heresy and has clearly formulated the questions involved, which will prove to be very useful in the context of this study as well:

the question addressed to the rabbinic texts will no longer be, as it has been in most research, Who were the *minim*?, but instead, When and why did the discourse of *minut* (heresiology) arise in Judaism? And how does *that* compare with and relate to Christianity? How, in short, does what we might call rabbinic ecclesiology develop alongside of and in possible interaction with Christian discourse about religion, identity, exclusion, and inclusion?⁴⁷²

Even though Boyarin asks all the right questions in my view, his answers to these questions are somewhat puzzling to me. He focuses very strongly on Justin Martyr on the Christian side, which takes us to the middle of the second century, and Boyarin then pursues ‘the notion that the Rabbis themselves were developing a heresiological discourse and ecclesiology in the late second and third centuries’.⁴⁷³ The following passages give a good impression of Boyarin’s views:

The similarities in the development of heresiology in Christian polemical writings (Justin, Irenaeus) and in the contemporaneous Mishna allow us to understand the mutual and parallel shaping of heresy as otherness in second-century rabbinic and Christian discourse.⁴⁷⁴

Boyarin sets side by side Christian writers like Justin and Irenaeus, and the Mishnah. Although the Mishnah was not redacted until *ca.* 200 CE, it claims to contain much older material and it is indeed impossible to argue that the final written version reflects only late second century conditions. Below we will see that late first century evidence may very well have been preserved with regard to this subject. According to Boyarin, the Rabbis were not concerned with heresy or heretics, until they were ‘challenged’ by Christian writers in the second century:

What I suggest is (...): that the talk of *minim* and *minut* comes to do some work that was ‘necessitated’ – in the eyes of the Rabbis, of

⁴⁷² Boyarin 2004, 37.

⁴⁷³ Boyarin 2004, 37-44, quote: 43;

⁴⁷⁴ Boyarin 2004, 55.

course – by the challenge, or identity question, raised by Justin Martyr and company.⁴⁷⁵

Boyarin even speaks of ‘the threat of Gentile Christianity’ in one of his conclusions:

One possible scenario that emerges is that it was the threat of Gentile Christianity to the borders of Jewish peoplehood in Asia Minor, represented by the new second-century Christian claim to be *Verus Israel* (first attested in Justin, but surely not originated by him), that may have given rise to nonliturgically formalized or even popular curses on Gentile Christianity and to the reviling of Christ in the synagogues.⁴⁷⁶

One should pay full attention to the use of ‘Gentile Christianity’ by Boyarin in this passage and elsewhere, which is the puzzling aspect for me.⁴⁷⁷ It is hard to imagine that the Rabbis started their discourse on heresy by regarding Gentile Christians as heretics (*minim*), a term which I argued could only have been used as a label by Jews for other Jews. Furthermore, it is hardly conceivable that the claim of being the ‘real Israel’ stemmed from Gentile Christianity.⁴⁷⁸ It is far more likely that this claim came initially from Jewish Christians at an earlier moment in time: i.e., the last decades of the first century. This seems to have been the time of explicit mutual exclusion. On the Jewish Christian side we end up in the days of the Revelation of John, the Letter to the Hebrews and the Gospel of John. On the Jewish side we end up in the days of Gamaliel II and Yavneh for the start of the rabbinic discourse of *minut*. Concerning ‘the threat of Gentile Christianity’, I would remark that this could hardly have been felt by Judaism in the second century. As mentioned above, this scenario may have been much more likely in the fourth century, when Christianity quickly grew, not only in numbers but also in power.

⁴⁷⁵ Boyarin 2004, 55.

⁴⁷⁶ Boyarin 2004, 71.

⁴⁷⁷ Also repeated by Boyarin 2004, 73: ‘there was sufficient pressure from Gentile Christianity in Asia Minor to stimulate Jewish hostility’, and: ‘The boundary between Greek and Jew, the definition of Jewishness as national or ethnic identity was breached or gravely threatened by the self-definition of Gentile Christianity as “Israel”’.

⁴⁷⁸ See Harvey 2001, 253–254, about ‘Israel’ in Justin Martyr’s *Dialogue with Trypho*, where the claim that Christians are the ‘True Israel’ is found for the first time.

Evidence for the claim to be the real Israel by Jewish Christians can be found in Revelation (7.1-8)⁴⁷⁹ and also in the Letter to the Hebrews (8.1-13)⁴⁸⁰, writings I have dated to the early nineties and to the year 96 (or early 97), respectively. It was in this period that the Jewish Christian claim to be the real continuation of the people of Israel came to stand side by side with the claim of mainstream Judaism that Jewish Christians should no longer be regarded as ‘orthodox’ Jews. In this context it is good to stress again the conclusion that I drew before, i.e., that the Christian claim was initially made by Jewish Christians exclusively for themselves and not for Gentile Christians as well.⁴⁸¹ The latter were the essential representatives from the nations within the messianic movement, but were never regarded as Jews or members of the people of Israel by Jewish Christians. The claim of being *verus Israel* by all Christians was a later development, which is clearly already found with Justin, but nonetheless a later development at a moment in time when the distinction between Jewish and Gentile Christians had disappeared.⁴⁸²

Therefore, my answer to Boyarin’s question ‘When and why did the discourse of *minut* (heresiology) arise in Judaism?’ is different from his: it arose in the last decades of the first century in the historical context of the administration of the *fiscus Judaicus* under the emperor Domitian.⁴⁸³ This put the issue of Jewish identity high on the agenda of mainstream Judaism as well. Furthermore, the difference in focus between Jewish Christians (Jesus as the Messiah) and mainstream Judaism (Torah) proved to be the basis of the mutual exclusion as described above. It is also good to stress again, that closely connected to this difference in focus were the different positions that the non-Jewish sympathizers of these two varieties of Judaism held. The distinction between God-fearers and Gentile Christians was fundamental in the sense that the latter had become exclusive monotheists. They had given up their traditional religions, which caused great concern in the cities they

⁴⁷⁹ See pp. 144-146.

⁴⁸⁰ See pp. 156-157 and 173-175.

⁴⁸¹ See pp. 173-175.

⁴⁸² The disappearance of the distinction between Jewish and Gentile Christians within mixed communities probably started quickly after 96 CE.

⁴⁸³ This is also in response to Katz 2006, 294: ‘It remains to be demonstrated that emerging Christianity was of urgent concern to the rabbinic sages between the fall of Jerusalem and the defeat of Bar Kochba’. Katz does not refer to the *fiscus Judaicus* under Domitian in any way.

lived in and among Roman authorities, which was another reason for non-Christian Jews to distance themselves from the Christian movement. Other sympathizers with Judaism did not necessarily give up their polytheistic beliefs. In this respect mainstream Judaism tried to remain within the boundaries set by the Roman Empire (as, e.g., laid down in the edict of the emperor Claudius)⁴⁸⁴, whereas the Christian movement crossed these boundaries in its messianic enthusiasm.

I will now turn to the question: ‘Who were the *minim* by the end of the first century?’. This still remains a very relevant question, despite its very problematic character.⁴⁸⁵ The *locus classicus* for the definition of heresy in Tannaitic Judaism is found in the Mishnah, *Sanhedrin*, after it has been stated that ‘all Israel (כל-ישראל) has a portion in the world to come’:

The following are those who do not have a portion in the world to come: the one who says there is no resurrection of the dead, (the one who says) the Torah is not from Heaven, and the ‘*apiqoros*’ (*mSanh* 10.1)⁴⁸⁶

Although the term *minim* is not found in this passage, there are a few reasons why this description seems to give an early definition of those who are excluded from mainstream Judaism, those who apparently do not belong to ‘all Israel’ any longer.⁴⁸⁷ First it clearly refers to the Sadducees (‘the one who says there is no resurrection of the dead’), who probably disappeared relatively quickly after the year 70 after the destruction of their power base (the Jerusalem temple). Furthermore, immediately following the quote from *mSanh* 10.1 an addition by Rabbi Akiba is found in the text, which would be

⁴⁸⁴ Josephus, *Ant.* 19.290; see also p. 7 ff.

⁴⁸⁵ See, e.g., the remark by Goodman 1996, 507: ‘It is probably a mistake to indulge with the many ingenious scholars who have hunted for a precise referent for each rabbinic text in which heretics were attacked: the very fact that *minim* have been identified, in different passages, with Jewish Christians, Gnostics, Hellenistic Jews, Sadducees and others constitutes evidence that the rabbis who compiled these rabbinic documents used the term in a vague way.’

⁴⁸⁶ Schiffman 1981, 140, who states: ‘The starting point for any discussion of heresy in tannaitic Judaism must be the *locus classicus* of *mSanh* 10.1’.

⁴⁸⁷ Schiffman 1981, 143, believes this mishnah was ‘Pharisaic in origin’ and was composed before the destruction of the temple ‘while Sadduceeism and Hellenism were still issues for the Pharasaic leaders’. On the other hand, it may just as well date from closely after the destruction of the temple, when Pharisees were in a better position to polemicize against the Sadducees.

in line with a date in the late first century for the original description of ‘those who do not have a portion in the world to come’.

The first and third descriptions of these three categories of heretics can probably be recognized relatively quickly. The first (as already noted) is most likely referring to the Sadducees, who apparently did not believe in the concept of resurrection in contrast to Pharisees and of course Jewish Christians.⁴⁸⁸ This Sadducee characteristic is found in multiple first century sources.⁴⁸⁹ The third description of a heretic refers most probably to strongly Hellenized Jews (the word *apikoros* is considered to be related to the name of the Greek philosopher Epicurus and seems to be a corruption of his name). One may assume that these were mainly apostate Jews.⁴⁹⁰

It could be very well defended that the second description: ‘(the one who says) the Torah is not from Heaven’ (ואין תורה מן השמים) refers to Jewish Christians⁴⁹¹, especially to those who embraced the increasingly explicit ‘high’ Christology that was to become central to mainstream Christianity.⁴⁹² This high Christology (which one could describe as ‘the Messiah is from Heaven’, ‘משיח מן השמים’) is arguably the main theme in the Gospel of John and the Letter to the Hebrews.⁴⁹³ It explicitly values the Messiah higher than the Mosaic Law.⁴⁹⁴ In the first chapters of the Letter to the Hebrews, it is

⁴⁸⁸ Schiffman 1981, 140-141.

⁴⁸⁹ Mk 12.18; Acts 23.8; Josephus, *Ant.* 18.1.4; *Bell. Jud.* 2.18.14.

⁴⁹⁰ Schiffman 1981, 142-143. On the basis of the similarities between the views of the Sadducees and Epicureanism, as described by Josephus, Schiffman concludes that ‘the *apikoros* of our mishnah was often a member of the Sadducean group’, but he also concludes that ‘this mishnah is Pharisaic in origin and polemicized against the Sadducees and certain Hellenized Jews’ (143).

⁴⁹¹ Other specific suggestions for ‘(the one who says) the Torah is not from Heaven’ have been given as well (which should not surprise us, see Goodman’s remark in note 485): e.g., Boyarin 2004, 58, believes this description could also refer to Sadducees, when reading ‘the oral Torah is not from Heaven’. This is denied by Schiffman 1981, 141.

⁴⁹² Hurtado 2003, has made clear that a high Christology is not necessarily a later stage in Christianity, as is also the view of Hengel 1995. But this high Christology becomes increasingly explicit towards the end of the first century. Hurtado 1998, xiv, rightly notes: ‘it seems that John’s Gospel reflects a more advanced stage of polemical confrontation with the Jewish religious leadership of synagogues of the late first century.’

⁴⁹³ See, e.g., Wilson 1995, 294, who calls Christology ‘the overwhelmingly dominant theme in John’. See also Bauckham 1993, esp. 54-65, for the high Christology to be found in the Revelation of John.

⁴⁹⁴ Jn 1.1-18 and Heb. 1. ‘Jesus higher than Moses’ passages are also found in Jn 1.17 and Heb 3.3. See also Hengel 2005, 95, about the ‘contradiction, or at least tension, between the Messiah and the Torah’ in this context.

made clear that the revelation in Christ (Messiah) had come from God in a more direct way than the revelation under the old covenant, which was mediated by angels according to the writer of this letter.⁴⁹⁵ It is not hard to see how this Jewish Christian perspective could have been interpreted by mainstream Judaism as saying: 'the Torah is not from Heaven', in which expression 'Heaven' should be read as a circumlocution for 'God'.⁴⁹⁶

Other Jewish groups that could be labeled as Christians, e.g., the Ebionites, apparently remained faithful to keeping the Jewish Law in combination with a 'low' Christology. This may have meant for their position within Judaism that they were not (yet) considered to be heretics by other Jews.⁴⁹⁷ This would also explain why the earliest version of the *birkat ha-minim* has no clear reference to Christians: not all Jewish Christians may have been heretics in the eyes of the early Jewish orthodoxy. The criterion of 'Torah from Heaven' was sufficiently clear to make the distinction between different Jewish Christian groups.

Another approach also strongly indicates that there is every reason to assume that Jewish Christians were regarded as heretics from an 'orthodox' Jewish perspective by the end of the first century. Goodman's definition of the distinction between a heretic and an apostate will help to understand this: 'A heretic is differentiated from an apostate by his claim to present another, better version of a theological system than that found in the mainstream'.⁴⁹⁸ In the three New Testament writings that are highlighted in this study (Revelation of John, the Letter to the Hebrews and the Gospel of John), this Jewish Christian claim for a superior theological system as opposed to mainstream Judaism is clearly stated. In this respect one might say that these Jewish Christians behaved like true heretics according to Goodman's definition.

⁴⁹⁵ Lincoln 2006, 26: 'As 2.2 makes clear, the angels are treated because of their association with the giving of the law and therefore seen as mediators of the revelation under the old covenant'.

⁴⁹⁶ This usage of 'Heaven' can also be found in the New Testament: e.g., Mt. 21.25, Mk 11.30-31, Lk. 20.4-5.

⁴⁹⁷ See, e.g., Eusebius for the beliefs of the Ebionites: *Hist. Eccl.* 3.27. This was clearly not the situation of the leaders of the church in Jerusalem, e.g., the Jewish bishop Simeon and his Jewish successor Justus. Eusebius clearly indicates that they were Jews and that Simeon died the death of a martyr under Trajan (Eusebius, *Hist. Eccl.* 3.11 and 3.35). From the perspective of Eusebius, Simeon and Justus belong to 'us' whereas Ebionites are clearly seen as outsiders by him ('them').

⁴⁹⁸ Goodman 1983, 503.

In the Revelation of John there is the claim of Jewish Christians to be the chosen rest of Israel in the vision in Rev. 7 because of their belief in Christ, as I explained above and in an earlier chapter.⁴⁹⁹ One also finds that the label 'Jewish' had indeed become a source of discussion.⁵⁰⁰ In two of the letters that appear early in the book, some Jewish synagogues are reproached: in the letters to the Christian communities of Smyrna and Philadelphia there are almost identical passages about opponents who 'are a synagogue of Satan' and 'claim to be Jews but are not'.⁵⁰¹ This makes sense in an atmosphere in which Jewish Christians and mainstream Judaism started to explicitly exclude each other from their respective theological systems.

The Letter to the Hebrews is the best example in this context. As mentioned in the last chapter, the author of this letter states that Jesus as the Messiah is superior to the angels and Moses, his priesthood is superior to the Levitical priesthood, his sacrifice is superior to the Levitical sacrificial system and the covenant based on his revelation is superior to the Mosaic covenant. In the latter case the words 'new' and 'better' are explicitly used to describe this covenant.

In the Gospel of John one will also encounter numerous references to the great contrast between believing and unbelieving Jews. Those Jews, who do not believe that Jesus came as the Messiah from God, his Father, are told that they are 'from their father the devil'.⁵⁰²

So it seems quite clear that Jewish Christians started to think of themselves as the 'real Israel' in contrast to those Jews who did not recognize Jesus as the Messiah sent by God.⁵⁰³ In this context the position of mainstream Judaism to exclude Jewish Christians from their theological system is the other side of the same coin.⁵⁰⁴

⁴⁹⁹ See pp. 144-146.

⁵⁰⁰ See pp. 136-140.

⁵⁰¹ Rev. 2.9 and 3.9.

⁵⁰² John 8.44 in the context of John 8.12-59; see also, e.g., John 10.22-39. Reinhartz 2004, 424: 'The Jews' rejection of Jesus has ousted them from their covenantal relationship with God'.

⁵⁰³ Hirschberg (2007, 237) about 'Jewish Believers in Asia Minor according to Revelation and the Gospel of John': '(...) the quarrel between the Christian communities and the synagogues might have had the result that the Jewish believers in Jesus tried to overcome their identity-crisis by considering themselves to be the representatives of the true Israel'.

⁵⁰⁴ Which, as noted before, was probably not the fate of, e.g., the Ebionites who remained faithful to the Mosaic Law.

The purpose of the *birkat ha-minim* was undoubtedly to create more unity within Judaism, which consisted of various denominations before 70 CE (Sadducees, Pharisees, Essenes, Jewish Christians). It seems certain that Jewish Christians were also counted among these heretics on account of their toning down of the Mosaic Law. According to Schiffman they were not yet considered to be adherents of a different religion:

they still met the halakic criteria of Judaism. Instead action would be taken to bar them from officiating as precentors in the synagogue in order to make them feel unwanted there (...).⁵⁰⁵

However, one could argue about the question whether Jewish Christians really still met the halakhic criteria of Judaism from the perspective of the mainstream. They formed new communities with non-Jews and the fact that they were presumably regarded as heretics because they allegedly said that ‘the Torah is not from heaven’, strongly suggests that halakhic issues were involved.⁵⁰⁶ In the case of apostate Jews, halakhic issues must certainly have played a role.

One last remark concerns the term ‘the arrogant kingdom’ that was found in the earliest known version of the *birkat ha-minim*. I concur with those scholars who think that this may have been a reflection of the situation after Christianity had become the state religion of the Roman Empire by the end

⁵⁰⁵ Schiffman 1981: 149; Jaffé 2007, 131. Schiffman also wants to make another point concerning Jewish Christians: ‘It cannot be overemphasized that while the benediction against the *minim* sought to exclude Jewish Christians from active participation in the synagogue service, it in no way implied expulsion from the Jewish people. In fact, heresy, no matter how great, was never seen as cutting the heretic’s tie to Judaism’. In my study I want to emphasize the Roman perspective. From this perspective the Christian variety of Judaism, converting non-Jews to exclusive monotheism, was not acceptable, whereas the mainstream of Judaism was acceptable, as long as it could successfully claim to follow the ways of the ancestors. This factor worked as a catalyst with regard to the separation between Judaism and Christianity. Schiffman 1981, 352, n. 228, perhaps hints at that in one of his notes: ‘From the point of view of Rome, the emperor Nerva (ruled 97-98) exempted the Christians from the *fiscus Judaicus*, thereby declaring Christianity a separate religion’ (incl. reference to Bruce, *New Testament History*, p. 390).

⁵⁰⁶ One could also think of the different positions taken by the Letter to the Hebrews and rabbinic writings concerning the temple service: the Letter of the Hebrews considers this to be irrelevant after the coming of the Messiah (and after the destruction of the temple), whereas rabbinic Judaism has preserved a great deal of halakhic material in the talmudic writings with regard to the temple service.

of the fourth century. In his monograph on the *birkat ha-minim* Teppler writes the following passage:

There is no reason to suppose that in the days of Domitian and Nerva, and even in the days of Trajan and afterwards, there should have been a prayer which attacked Rome as the 'kingdom of arrogance'.⁵⁰⁷

It seems to me that this conclusion is not entirely accurate when thinking of the Roman administration of the *fiscus Judaicus* under Domitian (which is never mentioned or referred to by Teppler). In this context the Roman Empire could very well have been labeled as 'the arrogant kingdom' by certain Jewish circles, because of the fact that Roman authorities determined who could be regarded as Jewish or not.⁵⁰⁸ It makes sense that Jewish authorities were not happy with this state of affairs and felt forced to regain the initiative on this very important subject in reaction to the Roman 'arrogance'. If the phrase 'kingdom of arrogance' appeared in the original blessing, I would prefer the explanation above (linking it to the Roman administration of the *fiscus Judaicus*) to the one given by Teppler, who carefully suggests that it could refer to the Christian 'Kingdom of Heaven'.⁵⁰⁹

In this section it has been argued that it is very likely that there was a direct link between the consequences of the administration of the *fiscus Judaicus* under Domitian and the need on the part of the synagogues to sharpen their own definition of Jews and Judaism.⁵¹⁰ This resulted in a specific interest in classifying and defining heretical movements as perceived by mainstream Judaism, partly in contrast to the definition of

⁵⁰⁷ Teppler 2007, 146.

⁵⁰⁸ Teppler 2007, 161, notes: 'In the days of Yavneh, the problem of the *minim* was far more acute than the question of the complex relations with Rome.' Since Teppler does not refer to the administration of the *fiscus Judaicus* under the emperor Domitian (also 'in the days of Yavneh'), he is not able to make the connection between Rome and the very reason why the problem of the *minim* might have become so acute.

⁵⁰⁹ Teppler 2007, 148-164.

⁵¹⁰ The argument that the influence and authority of the sages in Yavneh (Jamnia) by the end of the first century should not be overestimated, as, e.g., brought forward by Goodman 1983, 119-134, and Wilson 1995, 180-181, does not really apply in this case. The problems surrounding Jewish Christians were probably felt to be so urgent throughout the diaspora that it does not seem necessary that this issue required a strong central rabbinic leadership.

‘Jew’ that the Romans were using. The traditional link between the origins of the *birkat ha-minim*, Yavneh and Gamaliel II, could thus be supported by these specific historical circumstances under Domitian. The first groups to be cut off from mainstream Judaism at the end of the first century were very likely Sadducees, Jewish Christians and apostate Jews, based on the definition of ‘those who do not have a portion in the world to come’ as found in the Mishnah.

7.4. The reform of the *fiscus Judaicus* under Nerva

In Chapter 3, when dealing with the measures taken by Nerva to end the abuse of the *fiscus Judaicus* under Domitian, I reached a number of conclusions with regard to Jewish Christians. Because of the difference in the definition of taxpayers between Josephus and Suetonius on the one side (‘every Jew’, all who belonged to the Jewish ‘*gens*’) and Cassius Dio on the other (those Jews ‘who remained faithful to the customs of their forefathers’), I concluded that this change from a general to a more limited definition probably occurred with Nerva’s reform.⁵¹¹ As a consequence of Nerva’s measures Jewish Christians (and apostate Jews) were now officially exempted from the tax, but also lost their legal status as ‘Jews’ within the empire. The most important privilege connected to this status was the right to be a monotheist without having to participate in local pagan cults or the emperor cult. This was probably no problem for apostate Jews, but Jewish Christians never deviated from the belief in the God of Israel and its exclusive character.

There is plausible evidence in the *Acts of John* that messages from Jewish leaders were sent to Rome during the reign of Domitian to point out the differences between ‘orthodox’ Jews and Christian Jews (or Christianity in general).⁵¹² In the rabbinic tradition information has been found about a visit to Rome by a number of rabbis, among whom were Gamaliel II and Akiba, that may have happened late in the reign of Domitian or right after his death.⁵¹³ This could very well point to a need on the part of mainstream Judaism to explain to the Romans the differences that had grown between

⁵¹¹ Josephus, *Bell. Jud.* 7.218; Suetonius, *Dom.* 12.2; Cassius Dio, *Hist. Rom.* 65.7.2. See pp. 86-87; Goodman 1989, 44: ‘Jews from now on were defined as such by their religion alone rather than their birth.’

⁵¹² See pp. 82-85.

⁵¹³ See also pp. 82-85. Tepler 2007, 143, about the contacts between Gamaliel II and Roman authorities. Also see note 230.

mainstream Judaism and the Christian movement. Domitian probably remained deaf to these messages, but Nerva may have listened in order to solve the confusing situation surrounding the *fiscus Judaicus*.

It is not difficult to see that in the case of Jewish Christians the concerns of Jews and Romans ran parallel courses. For Jews the differences of opinion with these Jewish Christians were too large to keep them on board after the year 70, if they did not want to jeopardize their unity and their general (privileged) position in the Roman Empire. For mainstream Judaism the prominence of the Mosaic Law was elementary, whereas for many Jewish Christians the coming of Messiah Jesus had superseded this Law. For the latter group this meant that Gentiles could become full members of the Christian communities (without first becoming Jews), if they converted to the God of Israel, whereas mainstream Judaism kept Gentile sympathizers at a greater distance. The fact that Christianity was a missionary movement, which was especially unwanted from a Roman perspective, was something non-Christian Jews should also take into account. As I concluded, this development could certainly have prompted the need for a sharper definition of an 'orthodox' Jew on the part of mainstream Judaism, which then took on a more religious nature and became less ethnic, partly in contrast to the definition the *fiscus Judaicus* was using under Domitian.

For Romans it was important to be able to distinguish between the acceptable variety of Judaism (remaining faithful to the ways of the ancestors) and the unacceptable way Christianity was spreading contempt for the traditional gods among non-Jews.⁵¹⁴ Also these non-Jews should remain faithful to *their* ancestral customs and not give up their traditional religions by becoming 'atheists'. There is every reason to assume that Nerva was willing to sharpen the definition of taxpayers to the *fiscus Judaicus* along the lines of the newly adopted definition of heretics as formulated by mainstream Judaism, thus also excluding Jewish Christians (and apostate Jews), who were still prosecuted as Jewish tax evaders under Domitian, but ceased to be Jews from a Roman legal perspective under Nerva.

⁵¹⁴ Here one can refer again to the edict 'to the rest of the world' that was issued by Claudius (Josephus, *Ant.* 19.290, see also p. 7), in which it was stated that Jews were not supposed 'to show a contempt of the religious observances of other nations (μὴ τὰς τῶν ἄλλων ἔθνων δεισιδαίμονίᾳς ἐξουθενίζειν), but to keep their own laws only'. Celsus presents a Jew who says to a Christian: 'you (...) have abandoned the laws of your ancestors and country', meaning that they have given up their Jewish roots. See, e.g., Lieu 2002, 14-15, and also pp. 227-228 below.

From the days of Nerva onwards, there was no longer a distinction between Jewish and Gentile Christians in the eyes of Roman authorities and all members of Christian communities could now uniformly be prosecuted as ‘Christians’ on the basis of their ‘atheism’. Pliny’s letter to Trajan (*Ep.* 10.96) already reflects that situation.

7.5. The consequences of these developments in the Gospel of John

After having argued that there may have been an important link between the administration of the *fiscus Judaicus* under Domitian and the origin of the *birkat ha-minim* around the same time, I will now turn to the Gospel of John in order to argue that one can find traces of these developments in this New Testament document, bearing in mind that Nerva very likely changed the definition of the taxpayers of the Jewish tax to those Jews ‘who remained faithful to the customs of their forefathers’, thus harmonizing the Jewish and Roman definitions of ‘Jew’. As will be clear from the chronological order in this chapter, I will argue that the Gospel of John was written after the year 96, probably around 100. This date falls within the range that is usually considered to be a majority consensus about the date of John: between 80 and 100.⁵¹⁵

For this purpose I will look at the current status of the debate about the context of the Gospel of John. During the last four decades this debate has been dominated by the views as expressed by J. Louis Martyn in his *History and Theology in the Fourth Gospel* from 1968.⁵¹⁶ He proposes an exclusively Jewish context for this gospel. At the heart of his theories are three verses from John (9.22, 12.42, 16.2), from which the reader learns that belief in Jesus as the Messiah would lead to ‘expulsion from the synagogue’ (for which the term ἀποσυνάγωγος is used by John):

for the Jews had already agreed that anyone who confessed Jesus to
be the Messiah would be put out of the synagogue (γὰρ συνετέθειντο

⁵¹⁵ Kierspel 2006, 188 + n. 130: ‘Most scholars continue to date the Gospel somewhere between AD 80-100’.

⁵¹⁶ Martyn 2003 (first edition 1968, second edition 1979, third edition 2003). See the essay by D. Moody Smith about the influence of this theory on the study of the Gospel of John, in the third edition of Martyn’s book: 1-19. Also, e.g., Reinhartz 2001, 37: ‘Martyn and Brown proposed a specific version of the ecclesiological tale that has since become virtually axiomatic in New Testament studies’, also referring to Raymond E. Brown, 1979. Reinhartz does not fully agree with Martyn. Some of her critical notes will be discussed in more detail below.

οἱ Ἰουδαῖοι ἵνα ἐάν τις αὐτὸν ὁμολογήσῃ Χριστὸν ἀποσυνάγωγος γένηται).

Nevertheless many, even of the authorities, believed in him. But because of the Pharisees they did not confess it, for fear that they would be put out of the synagogue (ἵνα μὴ ἀποσυνάγωγοι γένωνται).

They will put you out of the synagogues (ἀποσυναγωγὸς ποιήσουσιν ὑμᾶς). Indeed, an hour is coming when those who kill you will think that by doing so they are offering worship to God.

Martyn concludes that John not only tells the story of Jesus, but ‘at a second level’ is also referring to ‘actual experiences of the Johannine community’, in this case the ‘expulsion’ of Jewish Christians from the synagogue by mainstream Judaism at a later moment in time.⁵¹⁷ He then connects this information to the evidence found in Talmudic writings about the *birkat ha-minim*, as the most likely explanation for the verses in John as quoted above.⁵¹⁸ On the basis of my findings with regard to the *birkat ha-minim*, I can support this link as suggested by Martyn, but this exclusively Jewish context does not suffice as an overall key for the explanation of the Gospel of John as will be seen below.

⁵¹⁷ Martyn, 2003, 46. Martyn speaks of a ‘two-level stage’ (e.g., 46) and a ‘two-level drama’ (e.g., 130).

⁵¹⁸ Martyn, 2003, 56-65. See, e.g., Tomson 2003, 8-22, who also stresses the growing tensions between Jewish Christians and other Jews after 70 CE, which is reflected in the gospels of Matthew and John, leading to a break (‘separation from the community’) to be found in John under ‘the regime of Rabban Gamliel’. Teppler 2007, 348-359, treats the Christian evidence for the *birkat ha-minim* and concludes about the Gospel of John (358): ‘We cannot know whether the evangelist knew *Birkat haMinim*, but we cannot rule this out.’ In contrast see Klink III 2008, who gives an analysis of the strength of Martyn’s thesis, which he thinks is significantly weakened by the ‘consensual criticism’ that Martyn’s reference to the *birkat ha-minim* is no longer possible (also referring to Kimelman and Boyarin). Therefore, according to Klink, it should be concluded that Martyn is too much depending on the ‘exaggerated reading of the “expulsion from the synagogue” passages’ (101). Frey 2004a, 45, even suggests: ‘Historisch angemessener wäre es, die These des unmittelbaren Bezuges der ἀποσυνάγωγος-Aussagen auf die Erweiterung und den Gebrauch der *Birkat ha-Minim* aufzugeben.’ These views are also the basis for Hakola 2005, who denies ‘a conflict between the Johannine group and rabbinic Judaism’ (1, see esp. ch. 2). I have tried to counter this criticism regarding the *birkat ha-minim* above. See also notes 457 and 536.

Furthermore, I would like to make some remarks about the way one should understand this ‘expulsion’, which should probably not be understood as a literal ‘putting out of the synagogue’. Judging from the evidence about the tensions between Jewish Christians and mainstream Judaism that I noted above, it is hardly conceivable that Jewish Christians were still allowed to be full members of mainstream Jewish communities.⁵¹⁹ This can probably already be concluded when closely reading some of the passages in the Gospel of John itself, as Reinhartz has noted.⁵²⁰ I will focus on what she says about Jn 12.10-11, which reads:

So the chief priests planned to put Lazarus to death as well, since it was on account of him that many of the Jews were deserting (ὑπηήγον) and were believing in Jesus.

Reinhartz points at the use of ὑπαίγω (‘desert’, ‘go away’, ‘withdraw’, but also simply ‘go’) in Jn 12.11 and concludes:

A second-level reading of this verse implies that belief in Jesus as the Christ is not compatible with membership in the Jewish community, yet it does not allude in any way to an official Jewish policy of expulsion.⁵²¹

Thus, it is probably not the actual putting out of the synagogue of Jewish Christians at the end of the first century that one should think of when trying to find the meaning of ἀποσυνάγωγος. Jewish Christians were already outside the synagogue communities, as a result of which they were also not registered for the Jewish tax, but then something drastic happened that changed their ‘legal’ position in a negative way, both from a Jewish and from a Roman perspective. They were labeled as ‘heretics’ by mainstream

⁵¹⁹ See, e.g., the conclusion by Hvalvik 2007b, 198-199, about Jewish Christians in Rome, even before 70.

⁵²⁰ Reinhartz 2001, 40-48.

⁵²¹ Reinhartz 2001, 41. Also adding later: ‘These observations do not rule out the possibility that those who spiritually removed themselves from the community were later forcibly excluded therefrom. Nevertheless, the verb *hypagō* implies voluntary departure rather than forcible exclusion.’ In *A Greek-English Lexicon* by H.G. Liddell and R. Scott and also in *A Patristic Greek Lexicon* by G.W.H. Lampe, the simple meaning ‘go’ for *hypagō* is found as well.

Judaism, which was followed by the Roman decision under Nerva to no longer consider them to be Jews at all.

The term ἀποσυνάγωγος should probably be read in the light of the Mishnah-passage about ‘those who do not have a portion in the world to come’ (*mSanh.* 10.1). If Jewish Christians were considered to be heretical in saying that ‘the Torah is not from Heaven’, then they were expelled from ‘all Israel’. They were no longer seen as belonging to the ‘congregation of the Israelites’ (συναγωγή ὑἱῶν Ἰσραηλ, עדת בני-ישראל) a term that is found dozens of times in the books of Exodus, Leviticus and Numbers. Therefore, it is actually this type of ‘excommunication’ that John is probably referring to when using the term ἀποσυνάγωγος. The translation of this word should perhaps not so much stress the point of putting Jewish Christians out of the synagogue, but rather creating a formal (legal) distance between them and the Jewish community, doing more justice to the preposition ἀπο as well.

At this point I will take a broader look at the Fourth Gospel and some of its remarkable aspects, before turning to alternative views with regard to the historical circumstances that John was facing. In the prologue (Jn 1.1-18) important themes can be found that will return in the subsequent narrative of Jesus’ life.

In the beginning was the Word, and the Word was with God, and the Word was God. (Jn 1.1)

And the Word became flesh and lived among us, and we have seen his glory, the glory as of a father’s only son, full of grace and truth. (Jn 1.14)

Like the author of the Letter to the Hebrews, John connects God and Jesus Messiah in the closest possible way: ‘the Word was with God, and the Word was God’ and ‘the Word became flesh and lived among us’. In the prologue the relation between Moses and Jesus is also mentioned:

The law indeed was given through Moses; grace and truth came through Jesus Christ. No one has ever seen God. It is God the only Son, who is close to the Father’s heart, who has made him known. (Jn 1.17-18)

In this passage the superiority of Jesus, as God’s only Son, over Moses, as lawgiver, is made clear, but despite this ‘divine’ status of Jesus, he was not

received in a sympathetic way, as John already informed his readers about in two earlier verses:

He was in the world, and the world came into being through him; yet the world did not know him (ὁ κόσμος αὐτὸν οὐκ ἔγνω). He came to what was his own, and his own people did not accept him (οἱ ἴδιοι αὐτὸν οὐ παρέλαβον). (Jn 1.10-11)

This is in fact a double rejection: (1) rejection by ‘the world’ (in the ‘farewell discourse’ (Jn 14-17) we hear about the ‘hate’ of the ‘world’ for Jesus and his followers⁵²²) and (2) rejection by ‘his own people’ (often generally referred to as ‘the Jews’ in this gospel⁵²³). Although it is sometimes difficult to see whether there is a distinction between ‘the world’ and ‘the Jews’, it will be seen that this distinction should in fact be made.

I will first focus on the second theme: the rejection by ‘his own people’. John makes it clear that accepting Jesus as the Messiah is fully in line with ‘Moses’ and ‘the prophets’, so the first disciples can say: “We have found the Messiah” (which is translated Anointed)’ and: ‘We have found him about whom Moses in the law and also the prophets wrote, Jesus son of Joseph from Nazareth’.⁵²⁴ Then Nathaniel, who is described by Jesus as ‘truly an Israelite in whom there is no deceit’, replies to him: ‘Rabbi, you are the Son of God! You are the King of Israel!’⁵²⁵

In the fifth chapter of John there is a speech by Jesus in which he uses arguments that probably played a role in later discussions between Jewish

⁵²² Jn 15.18-19: ‘If the world hates you, be aware that it hated me before it hated you. If you belonged to the world, the world would love you as its own. Because you do not belong to the world, but I have chosen you out of the world—therefore the world hates you’; also 17.14, where Jesus notes: ὁ κόσμος ἐμίσησεν αὐτοὺς: ‘the world has hated them’, when he speaks of his followers.

⁵²³ In her ‘Jewish reading of the Gospel of John’ (*Befriending the Beloved Disciple*): Reinhartz 2001, 13, notes that because of this use of ‘the Jews’, the Fourth Gospel is not an easy read for Jews: ‘Each of the seventy references to “the Jews” in the Gospel of John felt like a slap in the face’. About the ‘anti-Jewish’ character of the Fourth Gospel see: Bieringer, Pollefeyt and Vandecasteele-Vanneuville (eds.) 2001, with important contributions by, among others, the editors, De Boer, De Jonge, Reinhartz and Tomson; also see Bieringer and Pollefeyt 2004.

⁵²⁴ Jn 1.41; 45. Verse 41 in Greek reads: εὐρήκαμεν τὸν Μεσσίαν ὃ ἔστιν μεθερμηνεύμενον Χριστός: Messiah = Christ.

⁵²⁵ Jn 1.47; 49.

Christians and other Jews as well. Jesus' claims are based again on the 'scriptures' and 'Moses':

'You search the scriptures because you think that in them you have eternal life; and it is they that testify on my behalf. Yet you refuse to come to me to have life. I do not accept glory from human beings. But I know that you do not have the love of God in you. I have come in my Father's name, and you do not accept me; if another comes in his own name, you will accept him. How can you believe when you accept glory from one another and do not seek the glory that comes from the one who alone is God? Do not think that I will accuse you before the Father; your accuser is Moses, on whom you have set your hope. If you believed Moses, you would believe me, for he wrote about me. But if you do not believe what he wrote, how will you believe what I say?'⁵²⁶

A little earlier in this chapter one finds the general statement about 'the Jews' wanting to kill Jesus, after one of his healings on the Sabbath, because of his claim to have come in the name of his Father:

For this reason the Jews were seeking all the more to kill him, because he was not only breaking the sabbath, but was also calling God his own Father, thereby making himself equal to God.⁵²⁷

In chapter 8, another example of Jesus 'making himself equal to God', and the clear message that he is not able to convince his opponents, who keep rejecting him, can be found:

Jesus said to them, 'If God were your Father, you would love me, for I came from God and now I am here. I did not come on my own, but he sent me. Why do you not understand what I say? It is because you cannot accept my word. You are from your father the devil, and you choose to do your father's desires. He was a murderer from the beginning and does not stand in the truth, because there is no truth in him. When he lies, he speaks according to his own nature, for he is a liar and the father of lies. But because I tell the truth, you do not believe me. Which of you convicts me of sin? If I tell the truth, why

⁵²⁶ Jn 5.39-47.

⁵²⁷ Jn 5.18.

do you not believe me? Whoever is from God hears the words of God. The reason you do not hear them is that you are not from God.’⁵²⁸

This is one of the notorious anti-Jewish passages in John, because here Jesus is again in discussion with ‘the Jews’ in general. He claims he came ‘from God’, but because ‘the Jews’ do not believe this, they are told they ‘are from their father the devil’ and ‘are not from God’. Although John can also state that ‘salvation is from the Jews’ (Jn 4.22), the overwhelming impression that one gets is that ‘the Jews’ do not accept him.

The last passages I want to mention in the context of Jesus being rejected ‘by his own people’ are found in chapter 9 of the Fourth Gospel. In the story about the healing of a blind man and the subsequent ‘investigation’ of this healing by the Pharisees, there is the same discussion about the question where Jesus came from.

Some of the Pharisees said, ‘This man is not from God, for he does not observe the sabbath.’ But others said, ‘How can a man who is a sinner perform such signs?’ And they were divided.⁵²⁹

After this the Pharisees decide to interview the parents of the man who had been healed by Jesus. They do not want to answer the question of how he was healed, because of their fear to be ‘put out of the synagogue’ (the well known Jn 9.22). Then the Pharisees ask the man himself and he tells them that he does not believe that Jesus is a sinner, which is the view expressed by the Pharisees, since the man was healed by Jesus on a Sabbath, who had used mud to spread on the man’s eyes.

Then they reviled him, saying, ‘You are his disciple, but we are disciples of Moses. We know that God has spoken to Moses, but as for this man, we do not know where he comes from.’⁵³⁰

After this the formerly blind man draws the obvious conclusion himself: ‘If this man were not from God, he could do nothing.’⁵³¹ However, the

⁵²⁸ Jn 8.42-47.

⁵²⁹ Jn 9.16.

⁵³⁰ Jn 9.28-29.

⁵³¹ Jn 9.33.

Pharisees remain unconvinced unbelievers as ‘disciples of Moses,’ knowing that ‘God has spoken to Moses’, but not sure about the connection between God and Jesus.

These are all illustrations of the inner-Jewish debate between the adherents of two different basic assumptions: (1) ‘the Torah is from Heaven (God)’ as advocated by ‘the Jews’ or ‘the Pharisees’ as the ‘disciples of Moses’ and (2) ‘the Messiah is from Heaven (God)’ as advocated by Jewish Christians as the ‘disciples of Jesus’, based on the ‘scriptures’ and ‘Moses’. In these discussions the alleged divine nature of either the Mosaic Law or Jesus Christ is clearly at the centre. This is all strong evidence for an exclusively Jewish context, which seems to further support Martyn’s views about the setting of this gospel.

Martyn’s theories have not remained unchallenged, however. Most recently Lars Kierspel has given his arguments for an alternative context for the Gospel of John, criticizing Martyn on a number of points, especially concerning the function of ‘the world’ in John’s gospel, which I will now focus on. First I will have a look at the criticism as brought forward by Kierspel and then consider the strength of his alternative theory.

Kierspel has studied the ‘parallelism, function and context’ of the terms ‘Jews’ and ‘the world’ in the Gospel of John. His discussion of the first term shows:

that a broader definition for Ἰουδαῖοι (ethnic-religious term, religious term) fits the context better than very precise proposals (authorities, Judaeans).⁵³²

This general term ‘Jews’ is often placed parallel to the κόσμος by John in such a way that: “the world” emerges as the *Leitwort* with greater importance than “the Jews”.⁵³³ Kierspel then concludes:

The readers’ attention is constantly pulled away from the Jewish antagonist and led to perceive ‘the Jews’ as only a part of the opposition that is universal in scope.⁵³⁴

⁵³² Kierspel 2006, 36.

⁵³³ Kierspel 2006, 153.

⁵³⁴ Kierspel 2006, 153.

He also follows other scholars in their conclusion that ‘the Jews’ are a subgroup of ‘the world’ and the two terms should not be seen as completely overlapping:

If κόσμος is not a term which merely symbolizes the Jews as the only historical referent, but instead ‘the world’ denotes all of humanity as the object of God’s love as well as the subject of hate and persecution of Christians, then the Ἰουδαῖοι lose their exclusive role as antagonists!⁵³⁵

After having drawn these conclusions Kierspel challenges the theories of Martyn, especially Martyn’s conclusions about an exclusively Jewish context for the Gospel of John.⁵³⁶ His criticism is mainly on a methodological level. The two most important ‘crucial flaws’ that Kierspel identifies are:

(1) Martyn’s strong focus on the single word ἀποσυνάγωγος and the fact that

for the most part Martyn completely neglects the term κόσμος and its interdependence with the Ἰουδαῖοι. When he does mention ‘the world’, he always equates it with ‘hostile Judaism’.⁵³⁷

(2) Another important flaw as noted by Kierspel is strongly related to the first one:

Many scholars do not choose the narrative in John 9, but the speech in John 15-17, as a window into the social circumstances of the post-Easter communities. The absence of the Ἰουδαῖοι and the opposition of ‘the world’ mentioned therein shifts the focus from a conflict

⁵³⁵ Kierspel 2006, 167.

⁵³⁶ Apart from the criticism that will be dealt with below, Kierspel also expresses his strong doubts about the link between the Gospel of John and the *birkat ha-minim* (Kierspel 2006, 169-170). On the basis of my conclusions about the *birkat ha-minim*, earlier in this chapter, I do not agree with this view, which has become common in modern scholarship. See, e.g., Klink III 2008, 101-104: ‘There has been almost unanimous agreement that Martyn’s referent of the *Birkat ha-Minim* in John 9 is historically inaccurate’ (101). See also notes 457 and 518.

⁵³⁷ Kierspel 2006, 172.

between Jesus and the Jews to one between the church and the larger empire, including Gentiles.⁵³⁸

This leads to Kierspel's own, alternative view on the context of the Fourth Gospel, which can be found in the following passage. Speaking about the historical reasons for this specific relationship between the Ἰουδαῖοι and the κόσμος, Kierspel notes:

From our reading, it seems obvious that current experiences of pagan hostilities motivated the author to use the Jewish opposition against Jesus as an illustration of the world's opposition against the church.⁵³⁹

Or, in other words: 'Now the servants suffer from the Gentiles what the master experienced from the Jews'.⁵⁴⁰ In this manner Kierspel proposes a limited Jewish context for the life of Jesus and a wider gentile context for the Christian communities within the Roman Empire, with a strong emphasis on 'pagan hostilities' in the days that the Gospel was written.⁵⁴¹

A number of arguments can be brought forward to challenge Kierspel's theory:

(1) The context of Jesus in John's gospel is not exclusively Jewish: he is handed over by the Jewish authorities to the Romans, who are responsible for his execution at the cross. This is done on the basis of a very rational

⁵³⁸ Kierspel 2006, 174.

⁵³⁹ Kierspel 2006, 181-182.

⁵⁴⁰ Kierspel 2006, 181. Kierspel also quotes Vouga 1977, 107: 'On pourrait être tenté de conclure de ces quelques pointages que *Jésus a été victime de l'hostilité juive* tandis que *les disciples le sont de la haine du monde*, et que ces deux conceptualités font allusion à des données historiques qui ne se recouvrent pas exactement.' (italics his)

⁵⁴¹ Kierspel finds support for this 'Roman' context in the writings of Vouga (1977), Cassidy (1992), and Frey (2004a). These writers all mention the *fiscus Judaicus* as a factor that must have played some kind of role in the historical setting of the Fourth Gospel and the persecutions under Domitian (Vouga 1977, 109; Cassidy 1992, 8-10; Frey 2004a, 47-48, the latter's views are mainly based on Hirschberg 1999, 98-99, who places the *fiscus Judaicus* in the context of the Book of Revelation). Kierspel (206) notes: 'The explanations of Vouga, Cassidy and Frey incorporate the best observations about the Gospel into a socio-political model of conflict that operates with the most common assumptions about the text's historical origin (date and provenance), and with contextual information from sources that date from the same or a slightly later period. So far, the model received only little attention and recognition, despite its explanatory power.' See below for my comment on this model.

decision by the ‘chief priests and the Pharisees’, which even sounds authentic:

If we let him go on like this, everyone will believe in him, and the Romans will come and destroy both our holy place and our nation.’ But one of them, Caiaphas, who was high priest that year, said to them, ‘You know nothing at all! You do not understand that it is better for you to have one man die for the people than to have the whole nation destroyed.’⁵⁴²

Thus, there is a clear Roman context in Jesus’ life as well. The chief priests and Pharisees are concerned that a wide-spread belief in Jesus as the Messiah among Jews could provoke a Roman reaction directed against ‘our holy place and our nation’.⁵⁴³

(2) It is difficult, if not impossible, to claim that the context of the Christian communities at the end of the first century (at the second level of the gospel) was exclusively Roman. Although Jews are not mentioned in the ‘farewell discourse’, there is the important verse 16.2 in here:

They will put you out of the synagogues (ἀποσυναγωγούς ποιήσουσιν ὑμᾶς). Indeed, an hour is coming when those who kill you will think that by doing so they are offering worship to God.

⁵⁴² Jn 11.48-50, 18.14.

⁵⁴³ At the ‘second level’ in the Fourth Gospel, this Jewish concern for a negative Roman reaction very likely plays a role as well. One remembers Paul being summoned before a Roman court by Jews (Acts 18.12-17 see pp. 51-55) and being persecuted by diaspora Jews (see Goodman 2005b). Goodman’s observation seems very relevant in this context:

‘To sum up, I have suggested that although there may well have been all sorts of theological reasons for Jewish hostility to early Christians, theology alone can never explain the risks taken by synagogue authorities in imposing violent discipline on the Christian Jews such as Paul in their midst. In the case of Paul I have suggested that the political factor which impelled diaspora leaders to persecute him was the need to live a quiet life untroubled by the hostility of pagan neighbours resentful that a Jew should try to lure them away from the ancestral worship on which, in their eyes, their security depended.’ (Goodman 2005b, 387)

In the days of Domitian and Nerva, these concerns very likely increased again, which could perhaps be seen reflected in the Gospel of John (Jn 11.48-50, 18.14), if read on the second level.

Jews are undoubtedly responsible for the first act (the ‘putting out of the synagogue’), whereas ‘those who will kill you’ may very well refer to Roman authorities persecuting Christians.⁵⁴⁴ But also the discussions between Jesus and ‘the Jews’ in the earlier part of the gospel (according to Kierspel in the Jewish context of Jesus), seem to bear the stamp of a later debate. These are not as much discussions that actually took place during Jesus’ lifetime between him and ‘the Jews’ or ‘the Pharisees’, but it is more likely that they contain topics that were discussed between Jewish Christians and mainstream Judaism after the year 70 with a strong emphasis on the ‘Torah from Heaven’ *versus* ‘Messiah from Heaven’ controversy. All ἀποσυνάγωγος-passages seem to reflect this later period in time. Therefore, I would conclude that there is a clear Jewish context for the Christian communities by the end of the first century as well.

The best hypothesis makes use of both these contexts on both levels: a Jewish and Roman context in Jesus’ time and also a Jewish and Roman context around the time that the gospel was written. The combination of both would explain the completely marginalized position of Jewish Christians (and thereby Christian communities in general) that is reflected in this gospel. The double rejection that Jesus had to suffer, by Jewish and Roman authorities, is reflected in the double rejection that Jewish Christians faced late in the first century.

In this way one also becomes aware of a parallelism that is stronger than the one suggested by Kierspel. Instead of following his conclusion: ‘A theodicy emerges in which the rejection and death of the master by Jews serves to explain the same experience of his servants through Gentiles’,⁵⁴⁵ I would suggest the following:

⁵⁴⁴ Vouga 1977, 108; 111; Stegemann 1989, 116; Frey 2004a, 49; in contrast to these views: Martyn 2003, 9, as quoted by D. Moody Smith in ‘The Contribution of J. Louis Martyn’, who insists that Jn 16.2 refers to Jewish worship and thus to Jewish persecution of Christians. Carter 2008, 26, is of the opinion that the ‘references to synagogue expulsion’ in John’s Gospel ‘function as part of the Gospel’s rhetoric of distance to indicate that some conflict *ought* to exist as a consequence of allegiance to Jesus. (...) The textual scenario of synagogue-separation, along with 12:42 and 16:2, is intended in this polemical text to *create* such a division’ (italics his). As already noted, Carter is also of the opinion that there was no Roman persecution of Christians under Domitian (esp. 69-72).

⁵⁴⁵ Kierspel 2006, 216.

- (1) Jesus was handed over by Jewish authorities to be executed by the Romans; and
- (2) John may have felt that in his days Jewish Christians had been ‘handed over’ to the Roman authorities by mainstream Judaism, which could lead to their being persecuted and executed as well.

In the context of this chapter, my hypothesis is the following: after having been labeled ‘heretics’ by other Jews around the year 90, Jewish Christians subsequently lost their legal status as Jews in the year 96, when Nerva came to power and reformed the *fiscus Judaicus*. After that reform they were no longer regarded as Jews by the Romans, which meant that from a Roman perspective they would now be regarded as illegal ‘atheists’. This gives a satisfactory explanation for John 16.2 as well: the ‘expulsion from the synagogue’ was felt to be the first and necessary step to a setting in which Jewish Christians could be executed for their beliefs by Romans.⁵⁴⁶

Therefore, after the year 96 Jewish Christians could no longer officially lay claim to the label ‘Jew’ on the basis of the newly adapted Roman definition of this term in the context of the *fiscus Judaicus*, which changed from an ethnic term to a religious one. It is precisely the use of this word, which has played such an important role in Johannine studies. This ‘enigmatic’ use of the word ‘Jew’ or ‘the Jews’ by John is probably the strongest argument for dating this gospel after the year 96 (probably around 100). John was writing at a moment when Jewish Christians had lost their ‘Jewishness’: they were no longer officially Jews under Roman law. Jews were now distinctly ‘others’: those who remained faithful to the customs of their forefathers, or in the terminology found in John: ‘disciples of Moses’, who could not look beyond the Mosaic law and did not believe in Jesus as the Messiah. This would also account for the sometimes ambivalent use of the term ‘Jews’. It can still be used by John bearing an ‘old’ ethnic stamp (Jn

⁵⁴⁶ Vouga 1977, 111, makes a connection between the excommunication by the synagogue and the persecutions of Domitian on the basis of Jn 16.2: he interprets the ‘hate of the world’ as a consequence of measures taken by the synagogue: ‘à première lecture, ce texte semblerait expliciter le concept de ‘haine du monde’ par les mesures d’excommunications prises par la synagogue; celles-ci ne furent pourtant pas mortelles (V. 2b), de sorte que cette interprétation ne suffit pas à expliquer ce verset. Mais si les chrétiens sont victimes des persécutions de Domitien, c’est bien parce qu’ils ont été mis au ban du peuple juif et qu’ils ont ainsi perdu le statut privilégié de la religio licita.’ I think this ‘ban du peuple juif’ was ‘taken over’ by Nerva, when he reformed the *fiscus Judaicus*, and was initially less of a problem under Domitian, when Jewish Christians could ‘only’ be prosecuted as Jewish tax evaders by Roman authorities.

4.9; 4.22), but the term is mainly seen being applied to representatives of a religious group that is separated from those who believe in Jesus as the Messiah. This seems to be the reflection of the fundamental change in the meaning of 'Jew' from an ethnic to a religious label, which probably happened under Nerva.

7.6. Conclusion

The administration of the *fiscus Judaicus* under Domitian led to the prosecution of Jewish Christians and apostate Jews, because according to the Roman authorities they evaded the Jewish tax although still belonging to the Jewish *gens*. The circumcision test that was apparently used to find out these tax evading Jews is an indication that this was the distinctive characteristic that the Romans were looking for.

In this manner groups of Jews that had actually become more or less estranged from mainstream Judaism were pushed back to the synagogues as the centres of Jewish life and the likely source of information for the *fiscus Judaicus* with respect to the Jewish tax. For synagogues and their officials this must have been an awkward situation. Apostate Jews were probably not regarded as belonging to Judaism any longer and there is enough evidence that synagogues preferred to distance themselves from the Christian movement, both for religious and political reasons. From a religious point of view one should think of the higher status that Jesus was given at the expense of Moses, or put in a different way: the Messiah superseding the Mosaic Law. From a political point of view the Jewish Christian missionary activities among non-Jews could jeopardize the position of Jewish communities in the diaspora.

In this respect it is not a strange move to date the first Jewish definition of heretics to the period of Gamaliel II as one of the leading Rabbis after 85, during the days of Domitian as the Roman emperor. The exclusion of Jewish Christians and apostate Jews from 'the community of Israel' by mainstream Judaism around the year 90 makes sense in the context of these historical circumstances. This is corroborated by the earliest evidence from the Mishnah, in which Jewish Christians are probably referred to as those who say that 'the Torah is not from Heaven' (*mSanh.* 10.1). This would also support the traditional dating of the *birkat ha-minim*. The definition of 'Jew' as used by the Romans (specifically the *fiscus Judaicus*) was not accepted by the representatives of mainstream Judaism, leading to tensions between Romans and Jews and also between Jews and Jewish Christians, because the

latter now explicitly got the message that they no longer belonged to the 'congregation of the Israelites' according to the synagogues.

The reform of the *fiscus Judaicus* that Nerva undertook as soon as he became emperor cleared up all abuses and uncertainties with regard to its administration. A stricter definition of taxpayers was probably introduced. The assumption that this Roman definition was now limited to those Jews 'who remained faithful to the customs of their forefathers' seems reasonable, thus following the Jewish definition of 'Jew' including the explicit exclusion of Jewish Christians and apostate Jews. The Roman and Jewish definitions of 'Jew' were, thus, harmonized under Nerva.

When putting the Gospel of John into this context, many of its unique characteristics fall into place. This was the kind of gospel that was needed by Jewish Christians after having been successfully marginalized by mainstream Judaism and Roman authorities. They needed a strong foundation for their belief in Jesus as the 'Messiah from Heaven', completely separated from mainstream Judaism (much like the purpose of the Letter to the Hebrews). The combination of the *birkat ha-minim* and the reform of the *fiscus Judaicus* by Nerva, which I have proposed as the historical context of John's gospel, is reflected in the double rejection (by their 'own people' and by 'the world') that is experienced by Jesus' Jewish followers. Furthermore, the remarkable and mostly negative use of 'the Jews' by John could be more easily explained, if one assumes that he already used this term for an antagonistic religious group, that could no longer be confused with Christians with a Jewish background.

These Jewish Christians were undoubtedly members of mixed Christian communities and they were able to lay a firm foundation for later Christian theology in the New Testament writings by them (e.g., the Revelation of John, the Letter to the Hebrews and the Gospel of John). On the basis of this evidence it may safely be concluded that the decisive separation between Judaism as we know it today and Christianity as we know it today, took place at the end of the first century, as the combined result of a decision by representatives of mainstream Judaism (exclusion of Jewish Christians, who were members of mixed Christian communities, from the 'congregation of Israelites') and the Roman redefinition of the taxpayers to the *fiscus Judaicus*, excluding these same Jewish Christians.

Chapter 8

Parting of the Ways

8.1. Introduction

The previous chapter ended with the conclusion that the decisive separation between Judaism as we know it today and Christianity as we know it today took place at the end of the first century. It happened as the combined result of a decision by representatives of mainstream Judaism to exclude Jewish Christians (those who were members of mixed Christian communities) from the ‘congregation of Israelites’ and the Roman redefinition of the taxpayers to the *fiscus Judaicus*, excluding these same Jewish Christians. This leads to the scholarly debate about the ‘Parting of the Ways’ that has been going on for the past few decades, which will be the main subject of this last chapter. In this chapter also this entire study will be summarized. I will primarily focus on the position of the *fiscus Judaicus* in the ‘parting’ debate, but also observe what role is ascribed to the *birkat ha-minim*.

8.2. A survey of the debate

A good starting point in this respect is the book by James Dunn from 1991: *The Partings of the Ways: Between Christianity and Judaism and their significance for the character of Christianity*. In this book Dunn looks at each of the four pillars of Second Temple Judaism (Monotheism, Covenant, Torah and Temple) and ‘at the way in which each of them became an issue between the new Jewish sect (Christianity) and the rest of first century Judaism’.⁵⁴⁷ In his twelfth chapter about ‘The Parting of the Ways’ in particular, the *fiscus Judaicus* and the *birkat ha-minim* are both mentioned

⁵⁴⁷ Dunn 2006 [1991], 301. Wander 1997, who looks at the period between Jesus’ execution and the destruction of the Temple in Jerusalem, speaks of ‘Trennungsprozesse’ and does not see a break between Christianity and Judaism in this period. The main title of his book suggests that he treats the entire first century, but he hardly looks at the last three decades. The *fiscus Judaicus* is mentioned only once (p. 194) and is not seen as an important factor. In his conclusion Wander speaks of ‘ein späteres sukzessives Auseinandergehen’ (p. 289), but he does not mention the conversion of non-Jews to ‘atheism’ (from a Graeco-Roman perspective) as the main threat that was felt by Graeco-Roman cities and Roman authorities alike, which was of great concern to Jewish communities as well. For the alienation between Jews and Christians he does, however, see a cause in the fact that Jews could be associated with Christianity, which was already present in the days of Paul (p. 250).

by Dunn as elements that somehow fit into the context of ‘when did the ways finally part?’, which according to Dunn (as expressed in this book) happened between the years 70 and 135. The conclusion that must be drawn, however, is that both subjects (*fiscus Judaicus* and *birkat ha-minim*) are not treated in great detail.⁵⁴⁸

Furthermore, it is important to note that Dunn sees the parting of the ways as something which mainly happened between Jewish Christianity and mainstream Christianity.⁵⁴⁹ My conclusions do not agree with this view. As explained in the previous chapters, this parting seems to be largely a result of the break between mainstream Judaism on the one hand and Jewish Christians, as represented by the writers of Revelation (Chapter 5), the Letter to the Hebrews (Chapter 6) and the gospel of John (Chapter 7), including the Jewish Christians among their audiences, on the other. This is why I think the term ‘Gentile Christianity’, which is often used with regard to Christianity from the early second century onwards, is a very unfortunate one, because of the ongoing Jewish influence within mixed Christian communities that can be observed.⁵⁵⁰ This use of the term ‘Gentile Christianity’ seems to follow from Dunn’s conclusion about the parting of the ways, because it suggests that somehow a break occurred along ethnic lines between Judaism (Jews, including Jewish Christians) and Christianity

⁵⁴⁸ About the *birkat ha-minim*, Dunn 2006 [1991], 312: ‘Whatever its earliest form, it is remembered in rabbinic tradition (*b.Ber.* 28b) as stemming from the time of Rabban Gamaliel at Yavneh (probably the mid-80s), and certainly must be judged as marking a decisive step forward in the attempt to define rabbinic Judaism over against other forms of Judaism as heretics (*minim*)’. Furthermore, the *birkat ha-minim* is also mentioned by Dunn on pages 289-290. With regard to the *fiscus Judaicus*, Dunn 2006 [1991], 316-317, makes use of Goodman 1989, concluding about the reform under Nerva: ‘such a change in policy meant that *a clearer definition of apostasy could become possible*’ (italics his). He also adds: ‘there is something both sad and modern about the likely conclusion that government taxation policy played a significant part in the final parting of the ways.’

⁵⁴⁹ Dunn 2006 [1991], 313: ‘*The parting of the ways was more between mainstream Christianity and Jewish Christianity than simply between Christianity as a single whole and rabbinic Judaism*’ (italics his).

⁵⁵⁰ Despite his conclusion in the previous footnote Dunn 2006 [1991], 307, also observes that after the year 70 CE ‘*Christianity remained Jewish Christianity*’ (italics his), adding: ‘As we move into the second century not only certain Christian sects can be described as “Jewish-Christian”, but Christianity as a whole can still properly be described as “Jewish Christianity” in a justifiable sense.’ This can be explained quite well if a substantial number of Jewish Christians were still part of this ‘Christianity as a whole’, although they no longer could lay claim to the label ‘Jewish’.

(Gentiles).⁵⁵¹ Below we will see the use of this term ‘Gentile Christianity’ return in articles by Philip Alexander and Paula Fredriksen, which seems to lead to a wrong assessment of the character of Christianity after 96.

A year after his *Partings of the Ways*, another book was published with Dunn as the editor: *Jews and Christians; The Parting of the Ways A.D. 70 to 135*. This volume is a collection of papers read at a conference in Durham in 1989. The most important conclusion that came out of this meeting, according to Dunn, was the realization that the period ‘A.D. 70 to 135’ was perhaps too limited for this subject. This observation was primarily based on the contribution by Philip Alexander. Dunn concluded from his paper:

The main point to emerge from PA’s paper is that we may have to date ‘the parting of the ways’ much later than the period under study, because of the evidence in rabbinic tradition of continuing interaction between rabbis and *Jewish Christian minim*.⁵⁵²

⁵⁵¹ This is also the view of Zetterholm 2003, about the specific separation between Judaism and Christianity in Antioch: ‘primarily between Jesus-believing Jews and Jesus-believing Gentiles’ (233). My main criticism of Zetterholm’s approach is the fact that he bases his case very strongly on the incident in Antioch (Gal. 2.11-18). He assumes that (1) after this incident there was already a (very neat) separation between ‘Jesus-believing Jews’ and ‘Jesus-believing Gentiles’ in Antioch; that (2) these Gentile Christians nonetheless remained exclusively monotheistic and pretended to be Jews in relation to the authorities. With regard to the Jewish tax Zetterholm assumes that Jewish Christians in Antioch paid this to the *fiscus Judaicus* and Gentile Christians also paid ‘in order to maintain their disguise as Jews’ (233). My conclusions in this study have been quite different. Furthermore, one should not interpret the contrast that Ignatius makes between Judaism and Christianity in the early second century in an ethnic way, but in a religious way. (Also see Skarsaune 2007b, 505-510). It is highly likely that on the Christian side there were also ‘ex-Jews’ in Antioch in the days of Ignatius (perhaps even Ignatius himself, cf., the writer of the Gospel of John!). Spence (2004) sees an early break between the synagogue and the church in Rome (before the Neronian persecution). In his view the *fiscus Judaicus* did not affect the Christian community in Rome at all (160-163), because of this early distinction. In Spence’s case I do not find all elements of his thesis convincing. The fact that he views the status of Christianity in pagan Rome as ‘yet another Eastern cult’ (e.g., 324, 355, 359) does not do justice to the fundamentally different character of Christianity with regard to its pagan environment and the tensions it created. The Jewish and Christian communities may have led relatively separate lives for a number of decades, but this does not mean that informers for the *fiscus Judaicus* under Domitian would not have targeted members of Christian communities in Rome as well (see my Chapter 2).

⁵⁵² Dunn 1992, 363.

The question that might emerge in relation to this quote, however, is whether these Jewish Christian *minim* were perhaps groups like the Ebionites. We know that they remained faithful to the Mosaic Law and thus stayed within the boundaries of Judaism for a longer period of time. But when they were expelled by mainstream Judaism (according to Alexander not before the third century, when one can ‘begin to talk of a “triumph of Rabbinism”’⁵⁵³), they did not converge with mainstream Christianity, as far as we know: they were regarded as heretics by the latter as well. Therefore, with regard to the break between Christianity as we know it today and Judaism as we know it today, the break between these Jewish Christian *minim* and the Rabbis does not seem to be that relevant.

It is useful to take a closer look at the arguments that Alexander brings forward. Early in his article he uses a metaphor that seems to be an apt description of the break between Judaism and Christianity. He pictures present-day Judaism and Christianity as two separate circles that do not overlap. Going back in time, we see these circles start to overlap somewhere around the fourth century and ‘sometime in the mid-first century’ we will observe that the Christian circle is completely within the Jewish one, according to Alexander.⁵⁵⁴ However, bearing in mind the remarks I made above about the relative irrelevance of the break between groups like the Ebionites and Rabbinic Judaism for the parting of the ways between Judaism and Christianity as we know them today, I would strongly criticize this metaphor. It is very well conceivable that an important group of Jewish Christians had already been pushed out of the circle of Judaism by the end of the first century and now formed the group of proto-orthodox Christianity together with non-Jewish ‘Gentile’ Christians. Therefore, I do not agree with Alexander’s main claim that Jewish Christianity (which, according to Alexander, stayed within the Jewish circle until at least the third century when it was evicted after the ‘triumph of Rabbinism’) played a central role in the parting of the ways.⁵⁵⁵ In this respect one should also remember that the group that he labels ‘Gentile Church’ and ‘Gentile Christianity’ in reality contained a very strong Jewish element.

With regard to the *birkat ha-minim* Alexander is of the opinion that this curse did play an important role in the break between Jewish Christians and

⁵⁵³ Alexander 1992, 21.

⁵⁵⁴ Alexander 1992, 2.

⁵⁵⁵ Alexander 1992, 3, 24.

the Rabbis.⁵⁵⁶ But he also notes: ‘it would be wrong to imagine that Yavneh was in any position to force it upon the synagogues of Palestine, let alone of the Diaspora’.⁵⁵⁷ I already stated against this argument (when used in a late first century context) that excluding Jewish Christians who were members of mixed Christian communities from mainstream Judaism probably did not require a strong central Jewish leadership at the end of the first century.⁵⁵⁸ Rather this was felt to be an urgent matter under Domitian and Nerva, particularly in the diaspora. It can be concluded that in all of this Alexander does not consider the Roman factor at all and leaves the *fiscus Judaicus* unmentioned.

The only scholar who does mention the *fiscus Judaicus* in this context is Goodman. In previous chapters I already referred to his conclusion that ‘after A.D. 96 (...) the definition of a Jew by the Roman state was, for the purpose of the tax, a religious one’, so no longer an ethnic one.⁵⁵⁹ I agree with his view on the reform of the Jewish tax by Nerva. So also his next observation is very important: ‘It seems to me no accident that a clear distinction between Jews and Christians begins regularly to appear in pagan Roman texts after A.D. 96’,⁵⁶⁰ but these arguments have not been given much room during the 1989 conference, so it seems, and it must be concluded that the overall feeling coming from this volume is one of strong doubt whether we are able to pinpoint a single moment in time for the parting of the ways between Judaism and Christianity. The *fiscus Judaicus* played a very minor role in this debate, as it does in Dunn’s own *Partings of the Ways*.

Besides the criticism as expressed by, e.g., Alexander, further criticism on Dunn’s approach has been given by Judith Lieu in an article with the title ‘“The Parting of the Ways”: Theological Construct or Historical Reality?”⁵⁶¹ Lieu’s main criticism centres on the use of ‘the abstract or universal conception of each religion, Judaism and Christianity, when what we know about is the specific and local’.⁵⁶² At the same time she acknowledges that Christianity sees itself as *the* Church at a very early stage and is recognized

⁵⁵⁶ Alexander 1992, 6-11.

⁵⁵⁷ Alexander 1992, 10.

⁵⁵⁸ See pp. 181-196 and particularly note 510.

⁵⁵⁹ Goodman 1992, 34; Goodman 1989; 1990.

⁵⁶⁰ Goodman 1992, 33.

⁵⁶¹ First published in *JSNT* 56 (1994) 101-119; reprinted in: Lieu 2002, 11-29.

⁵⁶² Lieu 2002, 18.

as a separate religion in the early second century by Roman authorities.⁵⁶³
And about Judaism she notes:

Whatever the fuzziness at the edges, the use of the term *ῥουδαῖοι* without apology both in pagan literature and in Jewish inscriptions implies a coherent perception from outside and from within.⁵⁶⁴

Thus, very early on, as also acknowledged by Lieu, we seem to observe quite universal conceptions of the two religions. However, with regard to the perspective of the outside world concerning Judaism and Christianity, Lieu seems to miss a very important point, which seems to belong to this realm of the ‘universal’ and not to the ‘specific and local’. When she discusses the issue of ‘pagan perceptions of Christians in relation to Jews’, she writes:

Whatever Luke’s own theological agenda, for Gallio in Acts 18 and for the Ephesian crowd in Acts 19.33-34, Christians are still Jews.⁵⁶⁵

Lieu is right about the fact that Paul is regarded as a Jew and that his opponents in Acts 18 are also Jews, as is Alexander, who ‘tried to make a defence before the people’ in Ephesus. The issue in both cases, however, seems to be the way Paul, as a Jew, had been converting non-Jews to the God of Israel by insisting that they should give up their traditional religions (Chapter 2, esp. pp. 50-55). In this way these converts became fundamentally different from other sympathizers with Judaism. Gallio does not yet seem to understand this distinction between God-fearers and non-Jewish Christians as different groups of sympathizers with Judaism. The Ephesian crowd already does understand what is going on and is furious about the way Paul had allegedly ‘drawn away a considerable number of people by saying that gods made with hands are not gods’ (Acts 19.26).

Also in relation to the persecution of Christians by Pliny, Lieu fails to see this point. In her view Pliny regards them as ‘a group associated with certain unspecified crimes and responsible for the lamentable collapse in the sacrificial meat trade’,⁵⁶⁶ but the sacrifice test that Pliny uses for people who deny that they were ever Christians and those who confess that they were

⁵⁶³ Lieu 2002, 19.

⁵⁶⁴ Lieu 2002, 19.

⁵⁶⁵ Lieu 2002, 21.

⁵⁶⁶ Lieu 2002, 22.

Christians at some point in the past, clearly points to the crime of ‘atheism’ or ‘contempt of the gods’. Pliny’s only question is whether he should punish the latter group for having been Christians in the past. He does not think so himself, since *they cannot be charged with any other crimes* and have proven to him that they have given up their exclusive monotheism. His views are confirmed by the emperor Trajan in his response to Pliny: this group can also be released without further punishment.⁵⁶⁷

From the year 96 onwards it was possible for Roman authorities to recognize Christians, because they were exclusive monotheists, who did not pay the Jewish tax. After the distinction between Jewish and non-Jewish Christians had disappeared, they could all be punished for the former crime (exclusive monotheism) and no longer for the latter (tax evasion). If people who were suspected of being Christians were brought before a court by informers, they were first asked if they were indeed Christians. In case they confirmed this, they could be convicted immediately without further proof. If they denied, they needed to prove that they were no ‘atheists’ by sacrificing to idols of gods and/or emperor. This seems to me how they could be recognized ‘as a single and definable body’, something Lieu thinks is missing from the theory that the *fiscus Judaicus* played an important role in separating Jews and Christians.⁵⁶⁸ It should also be clear that not all groups that we often label as ‘Christian’ were seen as such by the Romans, because some of them would not be considered to be ‘illegal atheists’. This is true for, e.g., the Ebionites, who could probably still qualify as Jews, and also for members of all kinds of docetic and Gnostic sects, who did not mind sacrificing to idols, because this was either allowed within their religious system in order to save their lives or because their religious system was not exclusively monotheist.⁵⁶⁹ All of these groups were seen as heretics by proto-orthodox Christianity.

⁵⁶⁷ Pliny, *Ep.* 10.96; 10.97.

⁵⁶⁸ Lieu 2002, 19: ‘Martin Goodman has sought to argue recently that it is only after the time of Nerva, when the *fiscus Judaicus* was limited (or extended) to those practicing the Jewish religion, that pagan writers become aware of the Christians as separate from the Jews [Goodman 1989]. Even if true, what his theory does not explain (...) is why they recognize them as a single and definable body.’ Her original article of 1994 is here referring to Goodman 1989.

⁵⁶⁹ See Ehrman 2003, 137-140: ‘it is no accident that Tertullian uses proto-orthodox martyrdoms as a point of differentiation between true and false believers. As he indicates, “heretics” refuse to pay the ultimate price for their faith. In his essay “The Remedy for the Scorpion’s Sting” (the scorpion being “heresy”), Tertullian indicates that Gnostics – not true

The growing tendency to speak about the issue of the parting of the ways in terms like ‘complexity’, ‘bitty’ and ‘long drawn out’⁵⁷⁰, has found its climax in the volume edited by Adam H. Becker and Annette Yoshiko Reed, which bears the telling title *The Ways that Never Parted: Jews and Christians in Late Antiquity and the Early Middle Ages*. Perhaps it is no surprise to find that the *fiscus Judaicus* has now disappeared completely, even in the contribution by Goodman, to which I will return shortly. First I will discuss the introduction of the book and the contribution by Paula Fredriksen.

In the introduction by Becker and Reed to this volume, which was published in 2003, it becomes clear that the purpose of this book is to challenge the traditional view of the ‘Parting of the Ways’. In the preface to the paperback edition, which followed in 2007 (of which it is not clear who wrote it), it is stated that the volume has already served this purpose:

No longer can scholars assume that there was a single historical moment after which the texts, beliefs and practices of Jews became irrelevant to those of their Christian contemporaries – nor the converse. Too much is lost when we study the two in isolation from one another.⁵⁷¹

In this volume there is a great stress on ‘the interactions between Jews and Christians’ in later centuries,⁵⁷² but there seems to be a bit of a twist in the arguments as presented by the editors. Their description of the traditional

believers in any sense for Tertullian — avoid martyrdoms, reasoning that Christ died precisely so that they would not have to and that it is better to deny Christ and repent of it later than to confess Christ and pay the ultimate price’ (140). But also see Hoheisel (1993) on the confession of faith in front of authorities, with a focus on sincerity and lie in the Gnosis. He observes ‘dass die Ansichten gnostischer Gruppen zum heilsnotwendigen Bekenntnis vor der Obrigkeit in Verfolgungszeiten erheblich weiter auseinandergehen, als man vor Erschliessung der Nag-Hammadi-Codices ahnen konnte. Mit dieser Vielfalt verschwimmen zwangsläufig die angeblich so scharfen, eindeutigen Grenzen zur Grosskirche.’ (59)

⁵⁷⁰ Lieu 2002, 4: ‘this model of a “parting of the ways” (...) may imply a precision which obscures the complexity of the data it seeks to interpret’; Dunn 1992, 367: ‘“The parting of the ways”, properly speaking, was very “bitty”, long drawn out and influenced by a range of social, geographical, and political as well as theological factors’.

⁵⁷¹ Becker and Reed 2007, xi.

⁵⁷² Becker and Reed 2007, x.

view seems to the point. This is the theory that there was an early split in the first or early second century CE, after which:

(1) Judaism and Christianity developed in relative isolation from one another and (2) the interactions between Jews and Christians (...) were limited, almost wholly, to polemical conflict and mutual misperception.⁵⁷³

The editors do succeed in convincing their readers that there is much value in ‘studying Judaism and Christianity as traditions that continued to impact one another’ in later centuries as well, even ‘into the Middle Ages’,⁵⁷⁴ but these lasting ‘interactions’ and the ‘interchange between Jews and Christians’ seem to be presented as proof that there was no ‘single, pivotal moment of separation’ or ‘early and decisive split between the two religions’.⁵⁷⁵ In contrast to this suggestion, it is very well conceivable that there was a historical moment at which a formal decisive split took place between these two religions (i.e., in 96 CE), after which it was still possible that moments or even periods of interchange and interaction happened, but to speak of ‘meaningful convergences’ or even of a pattern of ‘parting and joining and parting and joining again for many centuries’ from the second century onwards, seems to overstate the editors’ case.⁵⁷⁶ I will return to this issue below.

In the contribution by Paula Fredriksen, there are some aspects that I would like to highlight. She argues that the *contra Iudaeos* tradition of ancient Christian (proto-) orthodoxy does not reflect the social reality in those early centuries and she concludes, that:

to conceptualize relations between ancient Jews and Christians in terms of a ‘Parting of the Ways’ is to misconstrue the social and intellectual history of Judaism, of Christianity, and of majority Mediterranean culture at least up through the seventh century, and possibly beyond.⁵⁷⁷

⁵⁷³ Becker and Reed 2007, 2.

⁵⁷⁴ Becker and Reed 2007, 3.

⁵⁷⁵ These qualifications can be found in respectively Becker and Reed 2007, x, 23, 16, and 17.

⁵⁷⁶ Becker and Reed 2007, 22-23.

⁵⁷⁷ Fredriksen 2007, 38.

This conclusion is, of course, right if one tries to answer the question (as posed by Fredriksen): ‘At what point did relations between Jews and (Gentile) Christians irretrievably, unambiguously break down?’⁵⁷⁸ This question is remarkable in itself, because in this case we are apparently considering relations between two groups that can already be relatively clearly distinguished. However, there are also arguments in her contribution that could support my thesis that a pivotal parting of the ways (a formal break between Jewish Christians and mainstream Judaism) took place at the end of the first century, which actually made possible a distinction between Jews and Christians. In the following paragraphs this will be clarified.

Fredriksen starts her argument by describing the pagan views on Jews and Judaism. One of her (correctly drawn) conclusions about pagan enmity towards Judaism is: ‘Converts, not “native” Jews, stimulated the greatest hostility’.⁵⁷⁹ With this conclusion in mind Fredriksen brings up the subject of the alleged proselytism of Judaism in antiquity, which she thinks did not exist on a grand scale.⁵⁸⁰ This topic is described by her in the context of ‘the balance within the religious ecosystem of the ancient city’.⁵⁸¹

Jews won exemptions from civic and imperial cult through persistence and negotiation. Majority culture tolerated their exclusivism out of its general respect for ancestral traditions. To have actively pursued a policy of alienating Gentile neighbours from their family gods and native civic and imperial cults would only have put the minority Jewish community at risk.

In a nutshell she here describes the very reason why Jewish Christian missionaries like Paul met with so much opposition: they were the ones actively pursuing ‘a policy of alienating Gentile neighbours from their family gods and native civic and imperial cults.’ Thus, because they were putting ‘the minority Jewish community at risk’, there was also a strong Jewish opposition in the diaspora against them.⁵⁸² Fredriksen sees this delicate ‘balance within the religious ecosystem of the ancient city’ as the

⁵⁷⁸ Fredriksen 2007, 35.

⁵⁷⁹ Fredriksen 2007, 47. See also pp. 50-55.

⁵⁸⁰ See also pp. 61-62.

⁵⁸¹ Fredriksen 2007, 55.

⁵⁸² Goodman, 2005b: ‘The persecution of Paul by Diaspora Jews’.

reason why ‘the early Gentile churches’⁵⁸³ could no longer count on the tolerance of the ‘majority culture’, but there is no reason why these early churches should be given the label ‘Gentile’, when the Jewish element was still so strong (a number of Christians could still be ethnically regarded as Jews in the early second century) and had been responsible for this mission in the first place.

This state of affairs could very well explain why, after the issue of Jewish identity had become acute in the days of Domitian as a consequence of the administration of the *fiscus Judaicus*, it was in the interest of Domitian’s successor Nerva and the Roman authorities in general to be able to make a clear distinction between Judaism and Christianity; and why it was in the interest of Jewish communities to distance themselves strongly from Christianity, particularly from those Christians who had still been regarded as Jews by the *fiscus Judaicus* under Domitian.⁵⁸⁴ A real parting of the ways between an important group of Jewish Christians and mainstream Judaism happened exactly as a consequence of what Fredriksen describes in her quote above.

I do not deny her conclusion that we keep seeing ‘strong indications of persistent, intimate interactions’, but we should also keep taking into full account — also observed by Fredriksen — that ‘an awareness of separation (...) seems clearly attested in some early to mid-second century writers’.⁵⁸⁵ However, I strongly disagree with her conclusion that the later *contra Iudaeos* traditions ‘changed the past’ and that the ‘ideology of separation was initially an optative principle’, developed by ‘an intellectual minority (...) beginning, perhaps in the early second century CE’.⁵⁸⁶ The inner Jewish tensions of the late first century that I have described in the previous three chapters very likely stood at the basis of the *contra Iudaeos* tradition, or perhaps they even started it. This option is not considered by Fredriksen in her contribution to *The Ways that Never Parted*, because she fails to see an early parting of the ways.⁵⁸⁷ For her the ‘matrix’ of this tradition ‘was the

⁵⁸³ Fredriksen 2007, 56.

⁵⁸⁴ See the previous chapter for details.

⁵⁸⁵ Fredriksen 2007, 61.

⁵⁸⁶ Fredriksen 2007, 62.

⁵⁸⁷ Although Fredriksen 2007, 62, n. 86, does observe the following: ‘Intolerance of its own diversity characterizes late Second Temple Judaism, and accounts for much of its sectarian literary production. The intra-group vituperation and intense debate about authority, behavior, and biblical interpretation that marks canonical and extra-canonical paleo-

intra-Christian disputes of educated, formerly pagan intellectuals' in the earlier half of the second century.⁵⁸⁸ Here, the opposition between 'Gentile Christianity' and Judaism in the course of the second century recurs, which is also observed by Boyarin. This was recognized in the last chapter, when discussing the development of the discourse of heresy within Judaism.⁵⁸⁹ The earlier inner Jewish tensions (between Jewish Christians and mainstream Judaism) at the end of the first century are overlooked, when the facts are presented in this way. If many of these Jewish Christians were still part of second century 'Gentile' Christianity, these opposing positions can be seen in continuity with the inner Jewish tensions at the end of the first century.

In the foreword to the second edition of his *Partings of the Ways* (2006) Dunn discusses the points of criticism that I have described above. On the basis of this criticism he has come to recognize that the process of the parting of the ways 'was still more complex than I first envisaged'.⁵⁹⁰ His somewhat disappointing, because very vague, new conclusion is:

In short, then, in response to the question, When did the ways part?, the answer has to be: Over a lengthy period, at different times and places, and as judged by different people differently, depending on what was regarded as a non-negotiable boundary marker and by whom. So, early for some, or demanded by a leadership seeking clarity of self-definition, but for many ordinary believers and practitioners there was a long lingering embrace which was broken finally only after the Constantinian settlement.⁵⁹¹

With regard to this citation one could question whether there really are signs of a 'long lingering embrace'. Furthermore, Dunn brings up the subject of the final break of interactions between Jews and Christians, which we could

Christian texts (Paul's letters, the gospels, Barnabas [perhaps], Revelation) are some of the most Jewish things about them. These texts were read in support of the *contra Iudaeos* tradition by later Gentile Christians; they do not directly witness to it.' A good case could probably be made for the thesis that this tradition actually started with Jewish Christian texts like Revelation, the Letter to the Hebrews and the Gospel of John.

⁵⁸⁸ Fredriksen 2007, 37.

⁵⁸⁹ See pp. 186-188.

⁵⁹⁰ Dunn 2006 [1991], xii.

⁵⁹¹ Dunn 2006 [1991], xxiii-xxiv.

begin to observe at the end of the fourth century. I will come back to these issues below.

At the same time Dunn keeps bringing forward arguments that apparently still lead him to believe that there was some kind of important break at the end of the first or the beginning of the second century. Without referring to the *fiscus Judaicus*, he points at the first use of the word ‘Christian’ by Graeco-Roman writers (Tacitus, Suetonius, the younger Pliny) early in the second century and to the emergence of the term ‘Christianity’ in the writings of Ignatius also in the early second century.⁵⁹² Dunn rightly stresses both points, because they do indicate some kind of fundamental break that led to a better distinction between Judaism and Christianity to be dated in the late first or early second century.

8.3. The formal break in 96 CE and beyond

At this point I would like to return to Goodman’s contribution to *The Ways that Never Parted*, entitled: ‘Modeling the “Parting of the Ways”’, which mainly consists of a number of very interesting ‘schematic diagrams’ that have been developed with the help of many students and scholars.⁵⁹³ These models are presented as ‘inexact representations of an elusive reality’ from a variety of perspectives, and are accompanied by the warning that they ‘should only be used as heuristic devices for finding out more about the import of the ancient evidence’.⁵⁹⁴

The *fiscus Judaicus* and the year 96 do not appear in any of these diagrams. When looking at the title of each diagram, one quickly observes that one very important perspective is completely missing: that of the rulers of the empire. To put my contribution to this debate into a better perspective, it seems important to point again at the legal statuses that Judaism and Christianity had within the Roman Empire and also at the development of each status as time progressed. A very simple scheme from a Roman standpoint is the following:

⁵⁹² Dunn 2006 [1991], xiv-xviii.

⁵⁹³ Goodman, 2007 [2003].

⁵⁹⁴ Goodman, 2007 [2003], 120; some titles of the diagrams are: ‘Different datings of the “Parting of the Ways”’, ‘Rabbinic view of the “Parting of the Ways”’, ‘Eusebius’ view of the “Parting of the Ways”’. An important one is: ‘Jews and Christians as seen by pagans in antiquity’, because this is the one that should come closest to the Roman perspective, but this diagram is surprisingly simple, compared to the others, and, strangely enough, shows no development in the pagan view of Christians in the first century.

	Judaism	Christianity
A. Before 96 CE	<i>religio licita</i>	related to Judaism, but suspect
B. After 96 CE	<i>religio licita</i>	<i>superstitio illicita</i>
C. After 313 CE	<i>religio licita</i>	<i>religio licita</i>
D. After 381 CE	<i>religio licita</i>	official state religion

The factor of the reigning political power seems to be essential, when looking at the relations between Judaism and Christianity in the first four centuries. I will briefly treat these separate periods in time and note some important aspects in each of them.

(A) *Before 96 CE.* This first period is characterized by the Jewish Christian mission that led to the tensions in the Graeco-Roman world that I have described above, when discussing the views of Fredriksen on the parting of the ways. These tensions existed between pagans and Gentile Christians (those who had left their ancestral customs to join the Christian movement) and between Jews and Jewish Christians. In this first period Roman persecutions of Christians took place under (1) Nero, which were limited to Rome, happened in the course of a few weeks and were probably mainly directed against Gentile Christians as alleged criminals; and (2) Domitian, when the distinction between Jewish and non-Jewish Christians was still an important criterion for their respective punishments (see Chapters 2 and 4). There was not yet a persecution of Christians for being Christians, but Jewish Christians could be persecuted as Jewish tax evaders, which could lead to the confiscation of their property, and non-Jewish Christians could be persecuted on the charge of ‘living a Jewish life’, which could cost them their lives because they were regarded as ‘illegal atheists’.

The introduction of the Jewish tax by Vespasian and the subsequent emergence of the issue of Jewish identity during the administration of the *fiscus Judaicus* under Domitian, brought the confusing situation around Judaism and its sympathizers fully to the surface. Nerva seems to have solved these problems by sharpening the definition of those who should pay the Jewish tax to the *fiscus Judaicus*. He probably did this by limiting the tax burden to ‘those Jews who remained faithful to their ancestral ways’, with the consequence that ‘Jew’ was now more a religious label than an ethnic one (see Chapter 3). An important group of Jewish Christians could no longer claim to be Jews according to this Roman definition (and had been excluded from ‘Israel’ by mainstream Judaism as well, see Chapter 7). In

this way Romans had succeeded in making a clear distinction between Judaism as an accepted religion (*religio licita*) and Christianity as an illegal religion or rather ‘superstition’ (*superstitio illicita*): between ‘legal atheists’ and ‘illegal atheists’. To speak of ‘Gentile’ Christianity from this moment onwards seems unjustified, because the ‘Jewish’ character of mainstream Christianity was not suddenly lost in mixed Christian communities after the year 96.⁵⁹⁵

(B) 96-313 CE. This second period saw the first persecutions of Christians as Christians by the Roman authorities. At first these were sporadic and not systematic, but between 250 and 313 there were periods of more intense and centrally organized persecutions under, e.g., the emperors Decius and Diocletian.

In Judaea and Galilee the years of the revolt of Bar Kochba (135-138) against Rome led to violence against Christians as well. During this revolt one could speak of some kind of Jewish political independence, which immediately had its violent effects on the Christian minority.⁵⁹⁶

Pagan criticism of Christians mainly focused on the fact that they had given up their traditional religions, whether Jewish or pagan. This can be found in the writings of pagan authors that have been preserved by Christian writers. The first example is Celsus (a mid-second century author, as quoted by Origen in his *contra Celsum*):

I will ask them where they have come from, or who is the author of their traditional laws. Nobody, they will say. In fact they themselves originated from Judaism, and they cannot name any other source for their teacher and chorus leader. Nevertheless they rebelled against the Jews. (5.33)

Celsus also extensively quotes a Jew in this book, who is of the same opinion:

What was wrong with you, citizens, that you left the law of your fathers, and, being deluded by that man whom we were speaking of

⁵⁹⁵ See also the observation by Dunn in note 550.

⁵⁹⁶ Justin, *I Apol.* 31.6: ‘For in the Jewish war which lately raged, Bar Kochba, the leader of the revolt of the Jews, gave orders that Christians alone should be led to cruel punishments, unless they would deny Jesus Christ and utter blasphemy’.

just now, were quite ludicrously deceived and have deserted us for another name and another life? (2.1)

Why did you take your origin from our religion, and then, as if you are progressing in knowledge, despise these things, although you cannot name any other origin for your doctrine than our law? (2.4)

The remarkable quotes above seem to describe the situation of Jewish Christians having left their Jewish ancestral customs, which supports my thesis of a relatively recent break between Jewish Christians and mainstream Judaism.⁵⁹⁷ A little later (third century) there is another pagan writer, Porphyry, who repeats this insight in a similar way, but seems to focus on Christians as former pagans:

The Christians are those who have deserted their ancestral ways and adopted the myths of the Jews, the enemies of humankind; at the same time they have deserted the God honoured by the Jews and his precepts (Porphyry as cited by Eusebius, *Praep. Ev.* 1.2.3-4).

One can see that Porphyry has no sympathetic words for Jews either ('the enemies of humankind'), but at least they never deserted their ancestral ways like Christians had done, who had subsequently 'deserted the God honoured by the Jews and his precepts' as well.

In the diaspora this period and the next one seem to have been among the most prosperous for Jewish communities. The association of God-fearers and other sympathizers with the synagogue and Judaism is well documented for the first centuries. Especially in the third century we find many indications of how successful Judaism was in winning sympathizers.⁵⁹⁸ This proved to be a good strategy to stay within the Roman legal boundaries on the one hand and allow people who were attracted to Judaism into the synagogues on the other. Only in exceptional cases — probably for the purpose of marriage — does one find full conversions to Judaism and, thus, to exclusive monotheism. In the Aphrodisias inscription that was already referred to in an earlier chapter, 55 Jews are recorded, 54 God-fearers and

⁵⁹⁷ Lieu 2002, 14, observes with regard to these quotes: 'This then is not a 'parting of the ways' but apostasy or desertion, a deliberate rejection and turning the back on truths inherited'.

⁵⁹⁸ Feldman 1993, 342-382.

only three proselytes.⁵⁹⁹ Often one finds that city officials belonged to the group of God-fearers or sympathizers (also in Aphrodisias) and this makes it clear that this phenomenon was very useful for the social, economic and political integration of Jewish communities in the cities that they lived in. Winning proselytes on a grand scale would have had the alienating effect that Fredriksen describes above.⁶⁰⁰

For the relations between Judaism and Christianity one could assume that it was possible for individual Christians to attend synagogue services, because these two (now separate) religions shared a number of characteristic elements: exclusive monotheism and the Jewish religious writings (usually in its Greek translation: the ‘Septuagint’). These Christians would not have been regarded as heretical Jews by the synagogues, but were very likely seen as having the same status as God-fearers and other sympathizers.

(C) 313-381 CE. This was the only period in antiquity in which Judaism and Christianity as separate religions enjoyed the same legal status, that of a *religio licita*.⁶⁰¹ Christianity probably had two great advantages over Judaism from this moment onwards. The first advantage was the fact that almost all Roman emperors beginning with Constantine (who made the decision to give Christianity the status of a *religio licita* by means of the Edict of Milan in 313) were Christians. The second advantage was the way in which Christianity could win new converts: they could be taken up as full members very quickly. Furthermore, there was an explosion in church-building in this period. For the first time Christian communities could legally own property.

⁵⁹⁹ Reynolds and Tannenbaum, 1987; Ameling 2004, *IJO* 14: 71-112. See also p. 41 and note 108. This Aphrodisias-inscription was initially dated to the early third century, but later dating proposals (fourth, fifth and even sixth century) have followed. Gilbert (2004) gives a summary of all these proposals, weighs the arguments and argues himself on the basis of information from the inscription: ‘A Jew serving in the imperial administration and the public acknowledgment of three converts (...) reflects a social reality consistent with the fourth century and unlikely to have existed in the fifth or sixth’ (176). For the purpose of our argument it does not really matter whether this inscription should be dated to the third or fourth century. If it is dating from the fourth century, as Gilbert argues, it is proof of the ongoing success of Judaism even during a period in which Christianity was growing in size and influence.

⁶⁰⁰ See p. 222.

⁶⁰¹ The next observation of Lieu (2002, 27) fits very well into this context. Referring to Jacob Neusner and his *Judaism and Christianity in the Age of Constantine* from 1987, she notes that Neusner ‘sees the fourth century as the first point at which Jews and Christians began to talk about the same things to the same people, even to each other.’

Synagogues were probably able to retain a substantial number of their non-Jewish sympathizers, but this system could have started to become less stable with the unhindered advance of Christianity. Full conversions to Judaism do not seem to have increased during this period.⁶⁰²

In the middle of the fourth century, we find the remarkable reign of the emperor Julian (360-363, called 'the Apostate' from a Christian perspective). Raised as a Christian he decided to return to paganism and he tried to stop the growing power of Christianity. He regarded this religion as incompatible with the ancient world, because it made people break away from their ancestral customs, and he wanted to revive the traditional Roman religious practices. His ideal was a situation in which all peoples within the empire would follow their ancestral ways, worshiping their own ancestral gods. This also applied to the Jews, and Julian decided that their temple should be rebuilt and he probably abolished the Jewish tax as well.⁶⁰³ The rebuilding of the temple in Jerusalem was quickly given up after a fire broke out; the tax probably remained abolished. Julian, like Celsus and Porphyry before him, was of the opinion that Christians had no ancestral ways of their own. In his view they had left their pagan ways for 'the beliefs of the Jews' and had not even remained faithful to that belief:

They preferred the beliefs of the Jews to ours, and in addition they have not even remained firm to those but having abandoned them have turned to a way of their own (*c. Galil.* 43a).

After this short interlude, the rise of Christianity resumed its pace in 363, mostly at the expense of paganism.

(D) *After 381 CE.* In the year 381 (Nicene) Christianity became the official state religion under the emperor Theodosius and 391 signaled the beginning of the end of all pagan cults within the empire, also to prevent any revivals of paganism as happened under the emperor Julian.⁶⁰⁴ Christianity now possessed full political power and the main concern was the fight against paganism and heretical Christian groups. Judaism was the only other

⁶⁰² If the Aphrodisias-inscription dates from the fourth century, the ratio between Jews (55), God-fearers (54) and proselytes (3) could be seen as evidence of this. At the same time it could be regarded as proof of the ongoing success of Judaism to retain its sympathizers even during a period in which Christianity was growing in size and influence.

⁶⁰³ See also pp. 21-22.

⁶⁰⁴ Freeman 2008: *AD 381*.

religion that retained the status of *religio licita* within the empire, although it now held an inferior position compared to Christianity.⁶⁰⁵ This development undoubtedly also meant the disappearance of the God-fearers, which subsequently led to the loss of the political, social and economic advantages that they had brought for the synagogues. Pagans were converted to Christianity, especially in the cities, and Christians were told they were no longer allowed to attend the synagogue services.⁶⁰⁶ The sermons of John Chrysostom, in which he warned Christians not to get involved with the synagogue, were delivered at the end of the fourth century. It is highly questionable whether these sermons can be compared to earlier attacks against Judaizing Christians (e.g., by Origen in his *Commentaria in Evangelium Matteum*), if only because the latter date from a different period nearly two hundred years earlier. In the case of John Chrysostom, we could, e.g., be dealing with recently converted pagans, who used to go to the synagogues as God-fearers and had not given up this habit yet. In the days of Origen, it is conceivable that Christians were attracted to the synagogue because their own meetings were still held more or less secretly, whereas many synagogues were impressive buildings within Graeco-Roman cities, in which Jewish festivals could be openly celebrated. In both the third and fourth century the synagogues would not have considered visiting Christians to be different from any other God-fearers or sympathizers. The label 'heretics' did no longer apply to these Christians from a Jewish perspective, which would have made them more welcome in the synagogues than Jewish Christians in the late first century. This combined evidence from the third and fourth century could perhaps be interpreted as 'the long lingering embrace' of 'many ordinary believers and practitioners' that Dunn is referring to, but perhaps these should be seen as two fundamentally different moments in the mutual history of Judaism and Christianity, because in the first case Judaism enjoyed a far better position than Christianity, whereas in the second case Christianity had already won political power over Judaism.

It is no accident to find that many scholars locate the final parting of the ways between Christianity and Judaism in this last period. From this moment on Christianity possessed a superior position in its relation to Judaism. The

⁶⁰⁵ By this time it is certain that the Jewish patriarch was recognized by Roman authorities; see Goodman 1997, 314: 'By the late fourth century AD the Roman state was to treat the most prominent of the rabbis, the patriarch (*nasi* in Hebrew, *patriarcha* in Latin), as the religious representative of all Jews within the empire'.

⁶⁰⁶ John Chrysostom, *Adversos Iudaeos* homilies. See also Wilken 1983.

legacy of anti-Jewish tendencies in Christian religious writings, which had originated in the periods when Christianity was in a worse position than Judaism, could and would later lead to some of the darkest pages in Christian and general history.

8.4. Concluding and final remarks

In summary, there are a number of important and remarkable aspects with regard to the debate about the parting of the ways. First of all there does not seem to be a clear definition of the issue. On the one hand, there are scholars trying to answer the question ‘when did Judaism and Christianity become mutually exclusive or totally distinct from each other?’, on the other hand, there are scholars investigating the question ‘when did all interaction between Christianity and Judaism cease?’. Furthermore, representatives of the latter group seem to suggest that because we can still observe interaction between Christianity and Judaism in the fourth century (and possibly beyond) there was no early break and there is no point in looking for one.

Still it is possible to defend the case that in 96 CE there was a formal separation between Judaism and Christianity, which should be interpreted as a separation between mainstream Judaism and an important group of Jewish Christians, on the basis of the redefinition of those who were supposed to pay the Jewish tax to the *fiscus Judaicus*. This was a legal distinction that was initiated by the Roman state authorities. Theologically one can also find proof of this separation: in New Testament documents like Revelation, the Letter to the Hebrews and the Gospel of John on the Jewish Christian side, and in the emergence of the *birkat ha-minim* on the Jewish side, which probably excluded those Jewish Christians who allegedly said that the ‘Torah is not from Heaven’ (*mSanh.* 10.1), as explained in the previous chapter. A mutual exclusion can, thus, be observed in the last decade of the first century, which in the end did not revolve around the term ‘Jew’ but around the claim to be the real continuation of the history of Israel.

It is good to remember that around this time also other partings of the ways can be identified. Because of the persecutions under Domitian and the fact that Christianity was officially an illegal religion within the Roman Empire from the days of Nerva onwards, proto-orthodox Christian communities apparently lost members in a variety of ways: a number of Jewish Christians returned to the synagogue (the Letter to the Hebrews, see Chapter 6), whether or not remaining Christ-believers, and Gentile Christians may have returned to a more pagan or polytheistic type of religion

(the letter of Pliny to Trajan, *Ep.* 10.96). The latter may have become God-fearers again (we might even call this a ‘relapse to Judaism’) or members of Gnostic sects that started to emerge, which were examples of a truly syncretistic religious phenomenon in antiquity, absorbing pagan, Jewish and Christian elements.⁶⁰⁷

In this respect my study seems to give support to Hengel’s views regarding early Christianity⁶⁰⁸:

Surely, no Christian theologian of today would deny that Christianity began and took root in Jewish soil. But this consensus becomes questioned (...), if I add but one word and say without qualification that Christianity grew *entirely* out of Jewish soil. By arguing that early Christianity is wholly a child of Judaism I go against the view that Christianity is a syncretistic religion with various roots.

also adding:

Compared with their pagan surroundings, Judaism and early Christianity were precisely not “syncretistic religions”, unless one understands this notion to apply in a most general way to “foreign influences” of all kinds, in which case it becomes so general as to be empty.

One could add that Romans accepted one of these religions, Judaism, if Jews would continue to follow their ancestral customs (Roman perspective), based on the fact that they regarded their laws to have come straight from God (‘Torah from Heaven’, Jewish perspective), even if this meant that they

⁶⁰⁷ Weiss 2008, 33: ‘So gesehen spricht dann alles dafür, den für die Gnosis charakteristischen Synkretismus nicht nur als einen bewusst reflektierten, sondern auch geradezu als einen *programmatischen* Synkretismus zu bezeichnen’ (italics Weiss). It is remarkable that Weiss does not refer to Hurtado 1998 and 2003, when considering the alleged syncretistic character of Christianity.

⁶⁰⁸ Hengel 2005, 85 (italics his) and 86. Also note the way he stresses the fact that ‘*the great majority of the New Testament authors were Jewish Christians*’ (88, italics his) and thus concludes about the New Testament writings: ‘[the] accusation of anti-Judaism is anachronistic and remains so even for John’ (93). About the ‘parting of the ways’ he states: ‘it was not until the first decades of the second century that the *separation* between mother and daughter was finally completed’ (90, italics his). Furthermore, he regards the ‘contradiction, or at least tension between the Messiah and Torah’ as the main cause of the ‘conflict between normative Judaism and the new messianic movement’ (94-95).

would not participate in local and/or state cults. A missionary type of Judaism, based on the 'Messiah from Heaven'-ideology, which would develop into orthodox Christianity, was not acceptable within the Graeco-Roman world until the fourth century, precisely because it was not syncretistic and turned non-Jews into 'atheists' from a polytheistic perspective.

This leads to the second important aspect of the debate, which is the fact that Dunn and others see the parting of the ways as primarily between Jewish Christians and mainstream Christianity, whereas this study shows that it is far more likely that the fundamental break happened between Jewish Christians and mainstream Judaism. Although these Jewish Christians formally lost their 'Jewishness' in 96 CE, this does not mean that we should label Christianity after that simply as 'Gentile'. The latter seems to be the way in which some writers, e.g. Alexander and Fredriksen, view mainstream Christianity from the second century onwards, which suggests a break along ethnic lines. The Jewish Christian element remained strong within Christianity, although the term 'Jewish' was given up completely and the term 'Christian' (initially an outside label) was embraced. The Christian *contra Iudaeos* tradition can be seen in continuity with this Jewish element (the Gospel of John, see Chapter 7). From now on the issue was about being the real continuation of the history of Israel, which can already be detected in the Revelation of John, the Letter to the Hebrews and the Gospel of John on the Jewish Christian side, and in the *birkat ha-minim* on the side of mainstream Judaism (see also Chapter 7). The distinction between Jewish and non-Jewish Christians probably disappeared relatively quickly after the year 96 and the claim to be *verus Israel*, initially made by Jewish Christians for themselves, became the claim of all Christians and Christianity in general from the second century onwards.

The third aspect of this debate is the role ascribed to that part of Jewish Christianity that remained within the boundaries of Judaism for a longer period of time. One could argue whether the term 'Christianity' is justified in this case, since these Jews were probably not regarded as Christians by the Romans and did not use this label for themselves. Still there seems to be evidence that this type of Christianity was not successfully expelled from Judaism until the third century, after the triumph of Rabbinism. However, this break does not seem to have any real relevance for the separation between Judaism as we know it today and Christianity as we know it today, in contrast to what Alexander claims and Dunn is willing to follow.

The final remarkable aspect as found in this debate is the failure to stress or even observe one of the most important differences between mainstream Judaism and Jewish Christianity in the first century: the way they approached their sympathizers. Because Dunn is focusing on the four pillars of Judaism, he puts very little weight on the Christian message as it was spread among the Gentiles. This mission, which turned polytheists into exclusive monotheists, led to the concerns that were felt in Graeco-Roman cities — and the Roman Empire as a whole — with respect to Christianity. The implications of this are not fully recognized by Lieu, and although Fredriksen describes the delicate religious balance in antiquity very well and is correct about the fact that mainstream Judaism was apprehensive not to disturb this balance, she seems to be wrong to contrast Judaism in this respect to the ‘Gentile’ church, which got into trouble by disturbing this balance. The earlier (first century) inner-Jewish tensions between mainstream Judaism and Jewish Christianity about this issue get completely lost in this comparison.

The final conclusion is that by dismissing the *fiscus Judaicus* as an important factor in the context of the parting of the ways, possibly scholars are to some degree responsible for making the tracks muddier than they actually are.⁶⁰⁹

⁶⁰⁹ The metaphor of ‘muddy tracks’ is found in Lieu 2002, 29: ‘The “parting of the ways” may continue to be useful to explore theological development or to defend a theological interpretation; in trying to make sense of the uncertainties of the early history of Christianity it may prove to be theologically less satisfying but sociologically more persuasive to picture a criss-crossing of muddy tracks which only the expert tracker, or poacher, can decipher.’

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Nederlandse samenvatting (Dutch summary)

In deze dissertatie wordt onderzoek gedaan naar de handelwijze van de *fiscus Judaicus* onder keizer Domitianus (81-96), zoals beknopt beschreven door de Romeinse historici Suetonius en Cassius Dio, en de klaarblijkelijke correctie daarvan onder keizer Nerva (96-98), waarvan één van zijn eerste munten getuige is. Hierbij ligt de nadruk op de impact die deze aspecten van de regimes van Domitianus en Nerva hebben gehad op joodse* en christelijke gemeenschappen in het Romeinse rijk. Uiteengezet wordt hoe deze historische omstandigheden ertoe geleid hebben, dat jodendom en christendom zich versneld als twee afzonderlijke religies hebben ontwikkeld na het jaar 96.

Een aantal belangrijke onderwerpen komt daarbij aan de orde: ten eerste de vervolging van christenen door Romeinse autoriteiten in het algemeen en de (betwijfelde) vervolging onder Domitianus in het bijzonder. Verder wordt aandacht besteed aan de verhouding tussen het eerste-eeuwse Jodendom en het vroege christendom, dat in eerste instantie volledige onderdeel uitmaakte van het Jodendom. Voor het christelijk perspectief wordt vooral gekeken naar de Nieuwtestamentische boeken 1 Petrus, de Openbaring van Johannes, de brief aan de Hebreëen en het evangelie van Johannes.

Het **eerste deel** van deze dissertatie richt zich specifiek op de *fiscus Judaicus*, de Romeinse instantie die ingericht was om de Joodse belasting te incasseren van alle Joden binnen het rijk na de verwoesting van de tempel in Jeruzalem in het jaar 70.

In het **eerste hoofdstuk** wordt de invoering van de Joodse belasting onder keizer Vespasianus behandeld. Hierbij wordt onder andere onderzocht wie deze belasting verschuldigd was. Voor dit doel wordt onder meer gebruik gemaakt van tientallen documenten die in Egypte bewaard zijn gebleven (vooral beschreven potscherven — Grieks: *ostraka* — die als betaalbewijzen dienden). Verder wordt de rol van de synagoge met betrekking tot deze belasting behandeld. Vóór het jaar 70 speelden synagoges een centrale rol in de heffing van de tempelbelasting die jaarlijks aan Jeruzalem werd afgedragen. Na 70 waren ze zeer waarschijnlijk ook de belangrijkste bron van informatie voor Romeinse ambtenaren ten behoeve van de *fiscus Judaicus*.

In **hoofdstuk twee** worden de belangrijkste passages behandeld die betrekking hebben op de administratie van de Joodse belasting onder Domitianus en de interpretatie daarvan door moderne wetenschappers. Dit is in het bijzonder de passage bij Suetonius (*Dom.* 12.1-2), die aangeeft dat twee categorieën mensen juridisch werden vervolgd: (1) niet-Joden die beschuldigd konden worden van ‘het leiden van een joods leven zonder daarvoor openlijk uit te komen’ en daarnaast

(2) Joden die beschuldigd konden worden van belastingontduiking. De straf voor beide categorieën bestond uit de confiscatie van hun bezittingen, maar de eerste groep liep ook het risico om geëxecuteerd te worden op basis van ‘atheïsme’, wat blijkbaar samenhang met het leiden van een ‘joods leven’ (op basis van Cassius Dio, *Rom. Hist.* 67.14.1-2). Verder maakt Suetonius duidelijk dat in de rechtbank een inspectie van mannelijke geslachtsdelen kon plaatsvinden om vast te stellen of iemand besneden was of niet, waarna een conclusie kon worden getrokken over diens juridische status: Jood of niet.

Geconcludeerd wordt, dat onder keizer Domitianus de volgende groepen (verdeeld in twee categorieën) het slachtoffer konden worden van aangifte door informanten bij de *fiscus Judaicus*:

- (1) niet-Joodse Godvrezenden (of ruimer: ‘sympathizers with Judaism’) en niet-Joodse christenen: zij konden verdacht worden van het leiden van een joods leven;
- (2) Joodse belastingontduikers (waaronder afvallige en christelijke Joden), proselieten en besneden niet-Joden: de mannen onder hen waren besneden en konden worden verdacht van belastingontduiking als ze niet stonden geregistreerd als belastingbetalers.

Als we deze resultaten bekijken, is één van de belangrijkste conclusies, dat leden van gemengde christelijke gemeenschappen (bestaande uit Joden en niet-Joden) een groot risico liepen om in handen te vallen van informanten die hen konden aangeven bij de *fiscus Judaicus*. De besneden mannen (juridisch gezien Joden in Romeinse ogen) konden vervolgd worden als belastingontduikers. Na veroordeling konden hun bezittingen in beslag genomen worden. Van de overigen (niet-Joden) kon worden vastgesteld (eventueel door middel van een offer-test) dat ze zo dicht bij het jodendom stonden, dat ze hun eigen voorvaderlijke gebruiken hadden opgegeven ten gunste van de god van de Joden. Zij konden worden beschuldigd van het leiden van een joods leven, waarbij het element van ‘atheïsme’ kon worden bestraft met executie. Uitgaande hiervan, lijkt het terecht om de berichten over christenvervolging onder Domitianus, die we in de vroege christelijke historiografie tegenkomen (bijvoorbeeld bij Eusebius), serieus te nemen. Deze kan goed verklaard worden door de hierboven geschetste handelwijze van de *fiscus Judaicus* onder de laatste Flavische keizer, als we aannemen dat de groep christenen nog steeds herkenbaar bestond uit Joden en niet-Joden, die van verschillende misdrijven konden worden beschuldigd en verschillende straffen tegemoet konden zien. In de context van de *fiscus Judaicus* had het geen zin om hen te vervolgen als ‘christenen’ omdat het relevante juridische criterium was of ze tot de *gens* van de Joden behoorden of niet.

In het **derde hoofdstuk** wordt gesteld dat Nerva voor alle betrokken partijen duidelijkheid heeft geschapen voor wat betreft de Romeinse houding ten aanzien van het Jodendom, inclusief verwante stromingen. Hij deed dit zeer waarschijnlijk

door de definitie van de belastingbetalers aan de *fiscus Judaicus* te wijzigen in die Joden ‘die trouw bleven aan hun voorvaderlijke gebruiken’ (de definitie die Cassius Dio geeft), waardoor afvallige en christelijke Joden, met name zij die lid waren van gemengde gemeenschappen, voortaan werden uitgesloten, maar daarmee ook hun juridische status van ‘Jood’ verloren.

Het christendom werd op deze wijze ‘erkend’ door de Romeinen als een aparte, maar illegale godsdienst (of beter *superstitio* — bijgeloof) in de tijd van Nerva. Dit vormde in wezen de duidelijke scheiding, vanuit Romeins perspectief, tussen een legale godsdienst (jodendom, dat beperkt bleef tot Joden) en een illegale godsdienst (christendom, dat het ‘joodse atheïsme’ verspreide onder niet-Joden). De Romeinse en Joodse definities van ‘Jood’ werden hiermee waarschijnlijk gelijk getrokken, waardoor de problemen die onder Domitianus waren ontstaan, werden opgelost. In plaats van een definitie op etnische grondslag (‘wie behoort tot de *gens* van de Joden’, wat de belangrijkste vraag onder Domitianus was), werd de bepalende factor nu religieus (‘zij die trouw bleven aan de voorvaderlijke gebruiken’). Dit werkte ook in het voordeel van het opkomende rabbijnse jodendom, zoals verder wordt uitgewerkt in hoofdstuk 7.

In **hoofdstuk vier** worden de bevindingen uit het eerste deel ingepast in de bestaande denkbelden over christenvervolgingen binnen het Romeinse Rijk. Daarbij wordt betoogd dat onder Nero nog een valse beschuldiging van brandstichting nodig was, zoals Tacitus duidelijk maakt, om in Rome een groep gehate christenen (waarschijnlijk voor het merendeel niet-Joden en dus voormalige ‘polytheïsten’) te executeren.

Uit 1 Petrus wordt duidelijk dat in de tijd dat deze brief geschreven werd (in ieder geval na 70) christenen nog niet als ‘christenen’ werden vervolgd, maar dat vooral niet-Joodse christenen te lijden hadden van beledigingen en beschuldigingen in de steden waar ze woonden. Onder Domitianus werd het mogelijk om deze groep te vervolgen op basis van ‘het leiden van een joods leven’, wat zelfs kon leiden tot executie vanwege het ‘atheïsme’ dat onderdeel vormde van hun ‘joodse leven’. Joodse christenen konden in die tijd worden vervolgd als belastingontduikers, waarbij de maximale straf inbeslagname van hun bezittingen was.

Onder keizer Trajanus (de opvolger van Nerva) was het vervolgens duidelijk dat christenen de doodstraf konden krijgen, als ze alleen maar erkenden ‘christen’ te zijn (getuige de brief van Plinius aan de keizer en diens antwoord, *Ep.* 10.96-97). Het juridische onderscheid tussen Joodse en niet-Joodse christenen blijkt dan (sinds Nerva’s maatregel in 96) te zijn weggefallen.

Het **tweede deel** van deze dissertatie richt zich vooral op drie Nieuwtestamentische boeken: de Openbaring van Johannes, de brief aan de Hebreeënen en het evangelie van Johannes, in de chronologische volgorde zoals die wordt

verondersteld in deze dissertatie. Zowel de joodse als de Romeinse context van deze geschriften komt aan de orde, waarbij de spanningen en tegenstellingen in beide contexten behandeld worden. Tot slot wordt aandacht besteed aan het uiteengaan van jodendom en christendom (in de wetenschappelijke literatuur in de regel aangeduid als ‘parting of the ways’).

In het **vijfde hoofdstuk** wordt beargumenteerd dat het boek Openbaring geschreven is tegen de achtergrond van de werkwijze van de *fiscus Judaicus* onder keizer Domitianus. Dit versterkt het meerderheidsstandpunt met betrekking tot de datering van dit geschrift ‘tegen het einde van het bewind van Domitianus’. De verschillende straffen voor christenen die in dit apocalyptische boek gevonden worden (gevangenschap, verbanning en executie) wijzen duidelijk naar de *fiscus Judaicus* en het juridische onderscheid dat gemaakt werd tussen Joodse en niet-Joodse christenen. Dit onderscheid is ook sterk aanwezig in de brieven aan de zeven gemeenten in Opb. 2 en 3, en eveneens in het visioen in Opb. 7 (de 144.000 uit de stammen van Israël en de ontelbare menigte uit de volkeren). Zowel in de zeven brieven als in het visioen kunnen we bovendien een duidelijke afstand waarnemen tussen christelijke gemeenschappen, inclusief Joodse christenen, en de hoofdstroom van het jodendom. In dit hoofdstuk wordt het standpunt van die wetenschappers, die een vervolging van christenen onder Domitianus ontkennen, bestreden.

In **hoofdstuk zes** worden de connecties tussen de brief aan de Hebreeën en de *fiscus Judaicus* onder Domitianus en Nerva onderzocht. Hier wordt beargumenteerd dat de brief als preek werd geschreven ten behoeve van Joodse christenen. Uit Heb. 10.32-34 wordt afgeleid dat sommigen onder hen als belastingontduikers onder Domitianus waren vervolgd, waarbij de mannen in de rechtbank waarschijnlijk waren blootgesteld aan de inspectie van hun geslachtsdelen, om vast te stellen of ze waren besneden of niet. Bij een veroordeling werden hun bezittingen in beslag genomen. Beide elementen, de confiscaties en waarschijnlijk ook de publieke ‘inspecties’ (de voorgestelde verklaring van: θεατριζόμενοι), kunnen worden teruggevonden in Heb. 10.32-34, waarmee deze passage de belangrijkste parallel vormt met *Dom.* 12.1-2 van Suetonius en terugverwijst naar de situatie onder Domitianus.

Betoogd wordt verder, dat de brief vrijwel zeker werd geschreven na Nerva’s hervorming van de *fiscus Judaicus* (eind 96, begin 97). Met betrekking tot Joodse christenen was het van immens belang en tegelijkertijd bedreigend, dat Nerva de definitie van de belastingbetalers liet veranderen in ‘die Joden die trouw bleven aan hun voorvaderlijke gebruiken’. Joodse christenen, in het bijzonder leden van gemengde christelijke gemeenschappen, die onder Domitianus nog als Joden waren vervolgd die de Joodse belasting ontdoken, werden zo formeel vrijgesteld van de belastingheffing. Deze vrijstelling had echter een groot gevolg: deze leidde tot het

verlies van hun juridische status als Jood onder Romeins recht. Na de hervorming van de *fiscus Judaicus* door Nerva konden ze, evenals niet-Joodse christenen, worden aangeklaagd als ‘atheïsten’, waarop de doodstraf stond. Hierdoor kon bij sommigen de neiging ontstaan om terug te keren naar de beschermde omgeving van de synagoge, hetgeen de schrijver wil voorkomen met zijn betoog dat het ‘nieuwe’ verbond niet meer kan worden ingewisseld voor het ‘oude’.

Deze combinatie van datum, doel, geadresseerden en historische context van Hebreëen is niet eerder voorgesteld, maar levert wel een consistent resultaat op.

Hoofdstuk zeven behandelt het onderwerp ‘Joodse identiteit’ in de laatste decennia van de eerste eeuw, waarbij de *fiscus Judaicus* een cruciale rol lijkt te hebben gespeeld. Onder Domitianus konden afvallige Joden en Joodse christenen worden vervolgd als *Joodse* ontduikers van de Joodse belasting, waarbij het leidende (etnische) criterium was of men al dan niet behoorde tot de Joodse *gens*.

Betoogd wordt dat de traditionele berichten in de Talmoe over de *birkat ha-minim* (‘de zegenspreuk voor de ketters’, maar in feite een vervloeking) en vooral de datering daarvan (in de tijd van Gamaliël II rond het jaar 90) serieus genomen moeten worden, ondanks de tendens in de huidige wetenschappelijke literatuur dit als legendarisch te beschouwen. Het lijkt namelijk niet onlogisch, dat in de tijd van Domitianus vanuit Joodse hoek ongerustheid ontstond over de wijze waarop de Romeinen omgingen met de definitie van ‘Jood’ ten behoeve van hun belastingheffing. Afvallige Joden werden waarschijnlijk door andere meer ‘orthodoxe’ Joden niet meer tot het jodendom gerekend en er is voldoende bewijs dat synagoges zich het liefst distantieerden van de christelijke gemeenschappen, zowel uit religieuze als politieke motieven. Dit laatste kan worden onderbouwd door het feit, dat de missionaire activiteiten van het christendom, die niet-Joden ertoe bracht om hun traditionele religieuze gebruiken op te geven, gevaar kon opleveren voor Joodse gemeenschappen, met name in de diaspora, als zij met deze beweging konden worden geassocieerd. De uitstoting van Joodse christenen uit ‘de gemeenschap van Israël’ door vertegenwoordigers van het jodendom rond 90, is daarmee niet onwaarschijnlijk en lijkt bevestigd te worden door een sleutelpassage in de Misjna (*mSanh.* 10.1), waar een belangrijke groep Joodse christenen naar alle waarschijnlijkheid wordt aangemerkt als diegenen die zeggen dat de ‘Torah niet uit de Hemel’ is. Leden van deze groep worden vanaf dat moment als ketters beschouwd en in feite niet meer tot Israël gerekend.

Als Nerva vervolgens de definitie van de Joodse belastingbetalers wijzigt in ‘die Joden die hun voorvaderlijke gebruiken trouw blijven’, vindt er in feite een harmonisatie plaats van de Joodse definitie van ‘Jood’ en die van de Romeinen, waardoor aan veel onduidelijkheid een einde komt (zie ook hoofdstuk 3).

Vervolgens wordt betoogd, dat deze ontwikkelingen in belangrijke mate hun weerslag hebben gevonden in het evangelie van Johannes. Dit evangelie lijkt een

belangrijk legitimerend document voor Joodse christenen, nadat ze zowel door Joodse als Romeinse autoriteiten zijn gemarginaliseerd. Er ligt een sterke nadruk op de ‘Messias uit de Hemel’ (*versus* het joodse ‘Torah uit de Hemel’-standpunt), waardoor de verschillen met de hoofdstroom van het jodendom worden benadrukt. De combinatie van de invoering van de *birkat ha-minim* onder Gamaliël II en de hervorming van de *fiscus Judaicus* door Nerva, lijken de historische context te vormen van dit evangelie, dat rond het jaar 100 kan worden gedateerd. Onderbouwing daarvan kan worden gevonden in de proloog van Johannes, waar een dubbele verwerping van Jezus voorkomt (door ‘zijn eigen volk’ en door ‘de wereld’), een verwerping die verder in het evangelie wordt uitgewerkt en waarschijnlijk op dezelfde wijze werd ervaren door de Joodse volgelingen van Jezus aan het eind van de eerste eeuw. Bovendien kan het opmerkelijke en grotendeels negatieve gebruik van de term ‘de Joden’ bij Johannes voor een belangrijk deel worden verklaard, als we ervan uitgaan, dat hij de term niet in etnische zin, maar al in de ‘nieuwe’ religieuze betekenis toepaste voor een groep die hij inmiddels als tegenstanders beschouwde (dus in Nederlandse Bijbelvertalingen beter weergegeven als: ‘de joden’*).

Tot slot wordt in **hoofdstuk acht** de conclusie getrokken, dat het jaar 96 als een belangrijke mijlpaal moet worden beschouwd in het uiteengaan van jodendom en christendom. Vanaf dat moment hanteerde de Romeinse overheid een striktere definitie van ‘Jood’, waardoor het voor Romeinen makkelijker werd om onderscheid te maken tussen jodendom (een toegelaten godsdienst binnen het rijk) en christendom (een verboden religieuze beweging, die in Romeinse ogen ‘atheïsme’ verspreidde). Dit standpunt gaat in tegen de huidige visie op ‘the Parting of the Ways’, die vooral wil benadrukken dat dit een lang en complex proces is geweest, waarbinnen geen beslissende momenten aangewezen kunnen worden.

In de huidige wetenschappelijke literatuur wordt ook vaak gesteld of gesuggereerd, dat de breuk tussen jodendom en christendom voornamelijk als een breuk tussen Joodse christenen en niet-Joodse christenen moet worden gezien. In dit hoofdstuk wordt echter beargumenteerd, dat dit uiteengaan vooral geïnterpreteerd moet worden als een breuk tussen Joodse christenen, in de regel leden van gemengde christelijke gemeenschappen, en de hoofdstroom van het jodendom. Hierbij claimden beide partijen dat zij de ware voortzetting van de geschiedenis van Israël vertegenwoordigden.

*In deze samenvatting heb ik zoveel mogelijk de Nederlandse taalregels geprobeerd te volgen met betrekking tot de woorden ‘joods’ en ‘jodendom’: kleine letter als het de godsdienst betreft en hoofdletter als het in etnische zin wordt gebruikt. Het spreekt voor zich, dat dit juist voor de tijd van Domitianus en Nerva zeer nauw luistert en problemen kan opleveren.

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