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## ”A re-interpretation of Martial, Epigram XI.94”

Marie Roux

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# **SCRIPTA CLASSICA ISRAELICA**

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## CONTENTS

	PAGE
IDO ISRAELOWICH, The Theme of Illness in Sophocles' <i>Ajax</i> .....	1
NALY THALER, The Unity of Motivation in Plato's <i>Protagoras</i> and <i>Republic</i> .....	17
KRZYSZTOF NAWOTKA, Seleukos I and the Origin of the Seleukid Dynastic Ideology .....	31
MATAN ORIAN, The Date of III Maccabees: Additional Support for the Roman Period ..	45
GWYN DAVIES AND JODI MAGNESS, Recovering Josephus: Mason's <i>History of the Jewish War</i> and the Siege of Masada .....	55
OLIVER SCHWAZER, The Pseudo-Senecan <i>Seneca</i> on the Good Old Days: The Motif of the Golden Age in the <i>Octavia</i> .....	67
MARIE ROUX, A Re-Interpretation of Martial, <i>Epigram</i> XI.94 .....	81
WOLF LIEBESCHUETZ, Theological and Political Aspects of the Council of Chalcedon ...	105
GUIDO CLEMENTE, The Roman Senate and the Politics of Religion in the <i>Collectio Avellana</i> (IV-VI Century AD) .....	123
YANA TCHEKHANOVETS, A Byzantine Epitaph of Ioanes the Armenian from the Mount of Olives, Jerusalem .....	141
GARY RENDSBURG, The Etymology of <i>χάρτης</i> 'Papyrus Roll' .....	149
<b>BOOK REVIEWS</b>	
Mark Golden, <i>Children and Childhood in Classical Athens</i> (by Fayah Haussker) .....	171
Jeremy LaBuff, <i>Polis Expansion and Elite Power in Hellenistic Karia</i> (by David Hullinger) .....	173
Geoffrey Greatrex and Hugh Elton (with Lucas McMahon) (eds.), <i>Shifting Genres in Late Antiquity</i> (by Inbar Graiver) .....	175
Roger Riera, Daniel Gómez-Castro and Toni Nāco del Hoyo (eds.), <i>Ancient Disasters and Crisis Management in Classical Antiquity</i> (by Jerry Toner) .....	178
<b>OBITUARIES: MORDECHAI GICHON (by Moshe Fischer) .....</b>	
YECHIEL MAX ZLATTNER (by Yitzhak Dana) .....	183
<b>DISSERTATIONS IN PROGRESS .....</b>	
<b>PROCEEDINGS: THE ISRAEL SOCIETY FOR THE PROMOTION OF CLASSICAL STUDIES .....</b>	
	185
	189

## A Re-Interpretation of Martial, *Epigram XI.94*

Marie Roux<sup>1</sup>

The nine epigrams in which the Roman poet Martial deals with Idumaea<sup>2</sup> or Jewish persons,<sup>3</sup> almost always negatively and ironically, have been intensively analysed by scholars. Many of them have focused their attention on his representation of Jewish men, who are systematically presented in crude setting. In fact, following a traditional motif of obscene speech,<sup>4</sup> Martial's Jews are systematically reduced to the state of their sexual organ, and they are also often staged in homoerotic practices.<sup>5</sup> The expected comic effect was thus made possible through the effective association between sexual explicitness or vulgarity and humiliating racial prejudices. However, among the epigrams in which Martial is mocking Jews, it is possible to isolate a small group that associates these two comic ingredients with a third, related to some political and religious issues, which enables him to go further in his humiliation of the Jews. The first well-known epigram that can be counted in this group is actually *Epigram VII.55*, in which Martial imagines a fictional case, during an episode in which worthless gifts are exchanged between friends during the Saturnalia. In this episode, a fictional character, Chrestus, who is supposed to be Martial's patron, does not repay him as he thought he deserved.<sup>6</sup> The discussion becomes obscene in the second part of the epigram when the poet imagines that if Chrestus does not fulfil his obligations, a shameful sexual punishment shall be inflicted upon him, as he shall be compelled to perform *fellatio* on a Jew about whom Martial takes the time to point out that "[his] cock (...) comes from burnt Jerusalem and is lately condemned to pay taxes". Sara Mandell has rightly noticed

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<sup>2</sup> On the victory over Idumea, *Ep.* II.2; allusion to Idumean palm, *Ep.* X.50.

<sup>3</sup> On the breath of women celebrating the Sabbath: *Ep.* IV.4. On Jewish men (in heteroerotic/homoerotic context): *Ep.* VII.30, VII.35, VII.55, VII.82 and XI.94, however on the debate on the Jewishness of Menophilus in *Ep.* VII.82, see Cohen (1999), 358-359. On the Jewish child whose mother teaches him to beg, *Ep.* XII.57. For a short presentation of all these epigrams, see McKay (1994), 109-114.

<sup>4</sup> On obscenity (especially on priapic obscenity), see Dupont and Eloi (2001), 153-159. Following Kathleen Coleman's count, it appears that the theme of obscenity represents slightly less than 10% of Martial's epigrams: 137 out of a total of 1171. See Coleman (2006), lxxx.

<sup>5</sup> *Ep.* VII.30 is the only one in which a Jew has sexual intercourse with a woman. On Martial's allusions to the circumcised sex organ of the Jews, see Cordier (2001), 349-355; Cohen (1999), 41 and 358-359.

<sup>6</sup> On this epigram, see Galán Vioque (2002), 330-333.

that the obscene nature of this second part of the epigram cannot be perceived as a provocative statement only; the reference to the taxes imposed upon the Jew means that this epigram is “fraught with political overtones”.<sup>7</sup> Recently, this group of epigrams using both the traditional Roman codes of obscene attacks through sexual “symbolic humiliations”<sup>8</sup> and pungent anti-Jewish motifs has also been examined in two papers by Honora Howell Chapman<sup>9</sup> and Christopher B. Zeichmann.<sup>10</sup> Thanks to the reinterpretations they have proposed, they have added other passages to the list of Martial’s few epigrams dealing with the Jews through the perspective of their submission to the Romans after the Jewish War. More precisely, Honora Howell Chapman has reconsidered various epigrams of the *Liber spectaculorum* and argued that the animals depicted in an anthropomorphized form — namely a lion (12) and a sow (14; 15; 16) — might symbolically refer to some Judeans who were punished in the Colosseum. She has also considered *Epigram* 36, preserved only in the *Florilegium Gallicum*, as possibly alluding to the fiscal burden imposed upon the Jews after their defeat during the Jewish War.<sup>11</sup> As for Christopher B. Zeichmann, he has noticed that *Epigram* XI.94, in which Martial attacks a sodomite Jewish poet who swears by the temples of Jupiter, could be another implicit reference to the tax imposed on the Jews. A large part of Christopher B. Zeichmann’s rereading of this epigram is pertinent; however I will try to propose a different interpretation of it in order to understand why Martial refers to Jupiter at the end of this epigram.

### 1. Some Considerations Concerning Martial’s Book XI

*Epigram* XI.94 was inserted at the end of the eleventh book, the compilation of which is commonly dated from the *Saturnalia* (i.e. December) in 96 CE,<sup>12</sup> i.e., around three months after the assassination of Domitian and Nerva’s rise to power (18<sup>th</sup> September 96 CE). The fact that this book was put together at that time had some influence on the epigrams that Martial added, conserved or suppressed.<sup>13</sup> All the epigrams explicitly in favour of Domitian were suppressed — which explains the low number of imperial panegyrics in the book<sup>14</sup>—, or replaced by a few others, strategically placed at the

<sup>7</sup> Mandell (1986), 26.

<sup>8</sup> On “symbolic humiliations” in the Roman world, see Dupont and Eloi (2001), 161-177. In this work, the authors study how and why threats of sexual punishments were omnipresent in daily life and public spaces through graffiti, speeches and poems (especially with Catullus and Martial). Attacks using the motif of forced *fellatio* (usually called *irrumatio*), an act perceived as the equivalent of rape by mouth, were quite usual. *Irrumatio* was considered the most dishonourable punishment for a Roman citizen. On this subject, see Dupont and Eloi (2001), 164-172.

<sup>9</sup> Howell Chapman (2012).

<sup>10</sup> Zeichmann (2015).

<sup>11</sup> Howell Chapman (2012), 101-109.

<sup>12</sup> Kay (1985), 4; Coleman (2006), xxvii.

<sup>13</sup> About the structure of book XI, see Sullivan (1991), 46-47

<sup>14</sup> Only 6 out of a total of 108, whereas Books VIII and IX contain no less than 23 and 27 panegyrics. For the numbers, Coleman (2006), lxxx.



beginning of the work, praising the new emperor Nerva.<sup>15</sup> In addition, compared to Martial's other books, the eleventh contains the largest number of epigrams dealing with obscene subjects.<sup>16</sup> John P. Sullivan has explained that this is due to the suppression of the compromising pro-Domitian epigrams, but also to the fact that Saturnalian licence is the major theme setting the tone for the whole book; this bawdiness logically becomes its "backbone".<sup>17</sup> Thus, Martial's tour de force is certainly that, through the repeated occurrences and the clever repartition of the themes of Saturnalian licence and obscenity, he gives the impression that this book forms a unified ensemble yet dealing with a great variety of subjects so as to keep the attention of the reader.<sup>18</sup> Among the various and numerous themes developed by Martial in Book XI, most are among his "standard topics". In this perspective, it is interesting to note that *Epigram* XI.94 not only includes the recurrent theme in book XI, namely a sexual joke, but also Martial's "standard topics," namely poetic practice, Martial's rivalry with a plagiarist,<sup>19</sup> slaves, and jokes about the Jews.<sup>20</sup> Situating *Epigram* XI.94 in Martial's entire work, and in the context of the collation of book XI, is an indispensable step for understanding the epigram, especially because Christopher B. Zeichmann has recently proposed that the scope of the teasing towards the Jewish poet mentioned in it can be understood in the political context of Nerva's reign. I will try to prove that, in spite of this contextualisation in Nerva's reign, the end of the epigram remains difficult to understand. Before analysing the conclusion in order to propose another reading of *Epigram* XI.94, it is essential to present the epigram, and to analyse two crucial points of the Latin text.

## 2. *Epigram* XI.94 and Two Problematic Points

The text of *Epigram* XI.94 is as follows:

That you are excessively jealous of me and that you denigrate my little books everywhere, I forgive: circumcised poet, you are sensible. This, too, I disregard, that, when you mangle my poems, you plunder them: so, too, circumcised poet, you are sensible. But what crucifies me is that born in Jerusalem itself you sodomize my boy, circumcised poet. So!

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<sup>15</sup> Martial, *Ep.* XI.2, 4-6. Sullivan (1991), 46-47.

<sup>16</sup> 38 out of a total of 108, according to Kathleen M. Coleman's count; 45 according to John. P. Sullivan's count.

<sup>17</sup> Sullivan (1991), 46-47. For the reference to bawdiness as the "backbone of the book," Nagel Kay has reviewed the epigrams of an obscene nature and has demonstrated that Martial must have organised them in various small groups that are themselves regularly dispatched throughout the whole work; see Kay (1985), 5-6.

<sup>18</sup> On the variety of themes, see Kay (1985), 6.

<sup>19</sup> For another epigram in which Martial complains about a plagiarist, see Martial, *Ep.* I.52. About the theme of plagiarism in Martial's work, see McGill (2012), 88-89; Neger (2012), 108-126, note that p. 122 is about Martial, *Ep.* XI.94.

<sup>20</sup> For a list of these "standard topics," see Sullivan (1991), 47-48.

You deny it, and you swear to me by the Thunderer's temples. I don't believe you: swear, circumcised one, by Anchialus.<sup>21</sup>

The point that has been discussed most is certainly the identity or meaning of this Anchialus,<sup>22</sup> because this element influences how we understand Martial's conclusion. Because of the very few occurrences of the word Anchialus in antique sources, many scholars have preferred to consider that *Anchialum* is a corrupted term, and have proposed various emendations of the text.<sup>23</sup> Sandro Leanza has however rightly recalled that most of the manuscripts — except one in which there may have been an inversion of letters, as *Anchialum* becomes *Anchalium* — follow the reading *Anchialum*, with the consequence that “la lezione *Anchialum* appare sicura filologicamente”.<sup>24</sup>

What can be deduced from the epigram is that Martial does not trust the circumcised poet when he swears by the temples of Jupiter. Thus, he asks him to swear by Anchialus, i.e., somebody or something: (1) which would have been provocative and cruel for the circumcised poet, or (2) which would have been important and engaging for the circumcised poet, (3) or both, namely that the *verpus* poet would be asked to swear by something important for him, but which would be also desecrated because of Martial's distortion of the term.

Considering the first proposal, according to which the word Anchialus would have had only some ironic and sharp connotation for the rival poet, I can quote the hypothesis that it would refer to the city wherein Sardanapalus, the perfect example of a lubricious Eastern ruler, had been buried, a city named Anchiala in some sources. Nevertheless, this hypothesis remains weak as an awareness of both the name of this city and of the indirect connection with lubricity may not have been elements easily understandable for Martial's audience.<sup>25</sup> From a different perspective, Jean Gagé has proposed that Anchialus should be considered the name of a *procurator fisci Iudaici* who would have

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21 Quod nimium lives nostris et ubique libellis / detrahis, ignosco: verpe poeta, sapis. / Hoc quoque non curo, quod cum mea carmina carpas, / compilas: et sic, verpe poeta, sapis. / Illud me cruciat, Solymis quod natus in ipsis / pedicas puerum, verpe poeta, meum. / Ecce negas iurasque mihi per templa Tonantis. / Non credo: iura, verpe, per Anchialum.

I follow here David R. Shackleton Bailey's Latin text, presented in the Loeb edition.

22 For a useful survey of the various interpretations, see Kay (1985), 259-260, but the author does not choose one hypothesis. See also Schäfer (1997), 252, n. 78; Leanza (1973).

23 Among these emendations, the most famous are: (1) *angarium* or *ancharium* (from the Greek ἀγγάριον) meaning “working donkeys,” which would suggest that Martial would fit in with the satiric tradition making the Jews worshippers of donkeys; (2) *Aegialum* referring to some “god of the shore”; (3) *altisonum*, meaning *templum*; (4) *Antiochum* as a reference to Antiochus IV Epiphanes who had desecrated the Temple of Jerusalem; (5) *Archelaum* as a reference to Archelaus II. For hypotheses 1 to 3, see the bibliography in Leanza (1973), 19, n. 2. For hypothesis 4, see Feldman (1993), 156. For hypothesis 5, see Schäfer (1997), 252, n. 78.

24 Leanza (1973), 19.

25 This is an old hypothesis by the scholar Calderini that David R. Shackleton Bailey has retained in the recent Loeb edition of Martial's *Epigrams*; for a criticism of this hypothesis, see Kay (1985), 260.

been famous in Martial's time.<sup>26</sup> However, the fact that this *procurator* is not attested by any other source makes this hypothesis implausible.

Considering the second proposal, namely that the reference to Anchialus would have been important and/or engaging for the circumcised poet, various readings have been developed. The first, which is the most widespread, makes Anchialus the coveted slave of Martial with whom the circumcised poet is allegedly accused of having had sexual intercourse.<sup>27</sup> I will try to prove below that this reading is, for me, the simplest and most relevant, and that it is not deprived of pungent connotations when placed in relation with all the elements of the epigram. Among other interpretations based on the idea that Anchialus refers to something engaging for the circumcised poet,<sup>28</sup> I can quote various suggestions based on the idea that Martial might have used and Latinised some Jewish expressions so as to counterbalance the first reference to the oath *per templa Tonantis*.<sup>29</sup> According to one of these suggestions, Martial would have transcribed and Latinised a typical Jewish oath to their God.<sup>30</sup> However, as Sandro Leanza has rightly recalled, scholars defending such a thesis have not proposed a credible explanation for the shift from the Hebrew to the form *Anchialum*, except to say that it might be due to copying errors that Martial's Latinisation of the Hebrew would have been so distorted.<sup>31</sup> The second hypothesis has been defended by Jacques Schwartz who put forth three points to explain the word Anchialus: first, the occurrence of the expression βύβλος ἀγκίαλος in the writings of Dionysius Periegetes to refer to the city of Byblos; second, the fact that βύβλος or βίβλος could be the Greek terminology used to refer to the Torah, but that Jews would have had an aversion to saying this sacred word; third, the fact that to refer to their own sacred book, the Jews would have used the word *anchialus*, a fact that, ultimately, Martial would have known and reused.<sup>32</sup> Due to the complexity of this reasoning, the fact that we do not find any attestation of this periphrase in other sources,<sup>33</sup> and that we do not see any reason for Martial to have been respectful of this

<sup>26</sup> Gagé (1952), 299, n. 4.

<sup>27</sup> The identification of Anchialus with Martial's *puer* is retained or presumed by Egidio Forcellini, who followed an initial reading of Rigaltius; see Forcellini (1827), 190; Heraeus (1925), *Index nominum*, p. 381, Anchialum. In addition, the *TLL* quotes Martial's reference to Anchialus in *Ep.* XI.94 among its names of persons, see *TLL* II, col. 26. All these references are quoted in Leanza (1973), 20. Anchialus appears with a question mark in the list of Martial's slaves in Garrido-Hory (1981), 63. It is also the interpretation retained in Zeichmann (2015), 115, and n. 9.

<sup>28</sup> Ludwig Friedlaender's unfounded and also anti-Semitic interpretation that Anchialus would be a wealthy Roman Jew has to be abandoned; see Schäfer (1997), 252, n. 78.

<sup>29</sup> The first who proposed such a reading is the humanist Joseph Juste Scaliger, but he considered that the copyists would have corrupted the latinised Hebrew expression originally created by Martial. See Leanza (1973), 21.

<sup>30</sup> An oath that is, for instance, attested in Daniel 12:3 through the expression "on the life of Him who lives eternally" (עַל־חַי־וְעָדָיִם). See Juster (1914), 125, n. 1. Some scholars thus translate the end of the text by "swear by the name of your God" (A. Gabrieli) or "swear by God who lives" (G. Ceronetti). For the bibliography see Leanza (1973), 21-22.

<sup>31</sup> Leanza (1973), 21-22.

<sup>32</sup> Schwartz (1953).

<sup>33</sup> Kay (1985), 259; Leanza (1973), 22.

Jewish practice,<sup>34</sup> this hypothesis must be rejected. The third hypothesis is that Anchialus would be a transcription of the Jewish word “haikal” or “haikhal”, meaning “Temple,” so that Martial would have asked the rival poet to swear “*per haichalam*,” by something he may have been used to swearing by, that is the Jerusalem Temple.<sup>35</sup> This hypothesis is problematic for various reasons. First, it is hard to believe that Martial knew Hebrew and even more how to transliterate it.<sup>36</sup> Second, even if this hypothesis was correct, the transliteration from “haikhal” to Anchialus is not at all obvious, for instance because of the absence of the “n” in the original word. The only way to resolve this issue is to conclude that Martial would have accurately transcribed the Hebrew, but that it would have been the copyists who introduced errors. But even with this argument, I do not see why it is the form *Anchialum* that has been retained in nearly all the manuscripts.

Re-examining all these hypotheses, Sandro Leanza has proposed interpreting the reference to Anchialus as referring to something that would have been important for the *verpus* poet, but that Martial would have also desacralised. For Leanza, Martial did not know any Hebrew and even less how to transcribe it, which is why he suggests that the poet might have transcribed an expression that he used to hear in Rome, an expression which would have been the Jewish oath *'im hay 'El*, “As God lives”. According to Leanza, Martial would have distorted this expression because he did not know Hebrew, and because it would have been a good way to make fun of this expression that was highly sacred for the Jews.<sup>37</sup> Nevertheless, such a reading can be contested for various reasons. First, if Martial did not know Hebrew — which is highly probable — it is difficult to believe that he would have made the effort to ape their language. Second, by reviewing all the variants of the oath to the living god, Sandro Leanza has shown that they vary greatly and that the form *hay 'El* is only one of the forms attested. It is therefore even more unlikely that only this form of the oath would have circulated in Rome and would have been retained by Martial. Third, the gap between the Hebrew expression *'im hay 'El* and *Anchialum* is enormous. Explaining this gap by asserting that Martial wanted to distort the Hebrew to blaspheme the Jewish religion is a convenient explanation that cannot be proved and can be used in many situations. Fourth, Leanza has rejected what seems to be the simplest meaning for Anchialus — namely that it refers to the name of Martial’s *puer* — by arguing that Martial should have mentioned the name of his slave at the beginning of the epigram in order for the conclusion to be properly understood.<sup>38</sup> Nevertheless, Leanza’s interpretation of *Anchialum* as a distorted transposition of one of the many forms of the Jewish oath is, in reality, much more complex than the interpretation that associates Anchialus with the *puer*, especially since, as we will see, many slaves bore exactly that name.

After reviewing the various interpretations of the term Anchialus, I reach the conclusion that an identification of Anchialus with Martial’s slave that the rival poet lusts after is the best solution. In fact, it appears to be the simplest solution, as it does not

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<sup>34</sup> Jean Schwartz has invoked Martial’s “curiosité d’esprit”; Schwartz (1953), 364.

<sup>35</sup> Seyrig (1939-1944).

<sup>36</sup> For critics of this hypothesis, Leanza (1973), 22-23; Kay (1985), 259-260.

<sup>37</sup> Leanza (1973), 23-25.

<sup>38</sup> Leanza (1973), 20.

require a modification of the Latin word, and because Anchialus is also known to be a name of Greek origin, which is attested many times as the name of slaves or freedmen.<sup>39</sup> Second, the arguments put forward to discredit the thesis that Anchialus is the name of the *puer* are very weak. For instance, Nagel Kay has excluded this interpretation “because it has no reference to Judaism; and is Martial likely to ask the poet to swear by a boy he is allegedly sleeping with that he is not sleeping with him?”<sup>40</sup> First, I do not see why Martial would have necessarily asked the poet to swear by something Jewish. All that Martial must have wanted was to ask his rival to swear by something that was precious and important for him. If, as I think, Martial chose to force this rival poet to swear by the object of his lust, namely his coveted slave, this would be one of the most biting *dénouements* that he could find, because it enables him (1) to implicitly remind the rival poet that Jews no longer had the temple of Jerusalem to swear by — a situation symbolizing the religious humiliation of the Jews; (2) to insist upon the devouring jealousy of his rival for his property; (3) to create a real unity inside the epigram, as its last word would refer to the main object of the disagreement between Martial and the *verpus* poet.<sup>41</sup> For all these reasons, I think that Martial’s coveted slave is probably behind the name Anchialus mentioned at the end.

The second problematic point of the epigram lies in Martial’s verse: *Ecce negas iurasque mihi per templa Tonantis*; “So! You deny it, and you swear to me by the Thunderer’s temples”. Henri Seyrig has noticed that Romans were not used to swearing by a temple,<sup>42</sup> whereas many sources attest that Jews could swear by the temple of

<sup>39</sup> For examples of slaves named Anchialus, see Cicero, Letters to Friends XIII.45; CIL, VI, 9288 (D., 7353), Roma; CIL, XII, 5695,1 (D., 5161e), Arelate, Gallia Narbonensis. Many inscriptions mention freedmen bearing the cognomen Anchialus, which must have been their former slave name. Just for Rome, this name is recorded in a considerable number of inscriptions: CIL, VI, 11623; CIL, VI, 14327; CIL, VI, 18653; CIL, VI, 21687; CIL, VI, 27692. A freedman whose former slave name was Anchialus is also attested in Cicero, Letters to Friends XIII.23.1.

<sup>40</sup> Kay (1985), 259.

<sup>41</sup> The unity of the epigram is also ensured by the presence of a vocative (*verpe*) in the conclusion. This literary technique is commonly used by Martial in the conclusion of his epigrams to echo the introduction. As Nagel Kay writes, the presence of the vocative in the conclusion enables the piece to be bound into “a coherent and tight whole”. The unity of *Epigram* XI.94 is reinforced by the repetition of the expression *verpe (poeta)* four times, and by the fact that the epigram is organised along three themes: the Jewishness of the poet, the coveted slave, and the ironic reference to Jupiter. In this perspective, if Anchialus actually refers to Martial’s *puer*, the last two sentences would be constructed using a thematic parallel: they would refer first to the religious challenge posed by Rome to the Jews (the reference to birth in Jerusalem, where there was no longer a Temple, would echo the reference to the Thunderer’s temples); and then to the object of the circumcised poet’s lust (“you sodomize my boy, circumcised poet”; “swear, circumcised one, by Anchialus”).

<sup>42</sup> The only exception he quotes is a passage of Valerius Maximus, *Memorable Doings and Sayings* IV.4.11: “For I swear it by Romulus’ cottage and the humble roofs of the ancient Capitol and Vesta’s everlasting fire, content even today with utensils of clay: no riches can be preferred to the poverty of men like these” (translation by David R. Shackleton Bailey in the Loeb edition). However, Valerius Maximus’s formulation seems full of imagery and does not refer explicitly to an oath on a temple. See Seyrig (1939-1944), 285.

Jerusalem, even after its destruction.<sup>43</sup> Martial's reference to a Jew swearing by the temples of Jupiter can thus be understood in two different perspectives. The first is to take for granted the realistic nature of Martial's portrayal of this Jewish poet. In this perspective, Seyrig has proposed that this oath should be considered that of a "Juif romanisé, soit qu'il entendit par là le temple de Iavhé assimilé à Jupiter, soit qu'il invoquât à la façon de ses compatriotes le temple du grand dieu romain".<sup>44</sup> I consider that it is not relevant to ask whether this Jewish poet was a "Romanised Jew" or a Jew who would have accepted some kind of syncretic equivalence between the God of the Jews and Jupiter. It is highly probable that Martial added this reference to the oath by Jupiter's temples so as to ape the Jewish practice, to mock the Jewish poet and to make his public laugh. Whether this *verpus* man was a "Romanised Jew" or not does not really matter.<sup>45</sup> The comic effect of the epigram, based on a form of anti-Judaism, essentially comes from the reference to Jupiter — whose goal, we will see later, may have been to stress a cruel memory for the Jews — and from the fact that Martial does not believe the word of the poet when he swears by it.

Moreover, in this passage where Martial may ape the Jewish practice of swearing by the Temple, another point has not been noticed, although it is particularly relevant: the use of the plural in the expression *per templa Tonantis*. In fact, in all the translations of this verse, scholars have chosen to translate the passage as "you swear to me by the Thunderer's temple/the temple of Jupiter".<sup>46</sup> This point is important because it leads us to believe that the rival poet would swear by one specific temple of Jupiter. Nagel Kay rightly recalls that *Tonans* is commonly used in poetry as a "title of Jupiter," indicating that Martial may not refer here specifically to the temple of Jupiter Tonans promised by Augustus in 26 BCE and dedicated on the Capitol in 22 BCE.<sup>47</sup> However, I am not convinced that by using the expression *per templa Tonantis*, Martial is referring to one specific temple of Jupiter, especially to the temple that was symbolically associated with

<sup>43</sup> Henri Seyrig refers to a papyrus of Elephantine (p. Eleph. 44), to a famous passage of the Gospel of Matthew (Mt 23:16-22), but also to Jewish sources without naming them; see Seyrig (1939-1944), 285. Among the Jewish sources in which an oath on the Temple appears, see: Mishnah Ketubbot 2:9; Mishnah Keritot 1:7; Mishnah Nedarim 1:3; Tosefta Nedarim 1:3; Babylonian Talmud Qiddushin 71a. On the question of oaths and vows, see Lieberman (1942), 115-141. Among scholars who conclude that Jews did not swear on the Temple after its destruction, see Schwartz (1953), 363; Leanza (1973), 22-23. Nevertheless, such a statement does not seem obvious. If Mishnah Ketubbot 2:9 and Mishnah Keritot 1:7 probably refer to the time before the destruction of the Temple, this is not the case for Babylonian Talmud Qiddushin 71a. In this source, the author attributes such an oath to Rabbi Yoḥanan, a second-generation amora who was active in the land of Israel in the third century. He uses here the Aramaic version of the word temple: **היכלא** (heykhal'a).

<sup>44</sup> Seyrig (1939-1944), 285-286.

<sup>45</sup> My reading of this epigram thus fits in with Florence Dupont and Thierry Eloi's conclusion about the understanding of verbal or written attacks, especially those denouncing the *mollitia* — that is the lack of social masculinity — of many Roman citizens: "... les attaques oratoires ne nous renseignent pas sur la réalité des conduites blâmées: elles prouvent l'adhésion de l'auditoire à un système de représentation". Dupont and Eloi (2001), 90.

<sup>46</sup> This is in fact the case in David R. Shackleton Bailey's recent Loeb translation, see Shackleton Bailey (1993b), 77; but also in Henri J. Izaac's edition, see Izaac (1961), 150.

<sup>47</sup> See Kay (1985), 259.

the political stability of the Roman State,<sup>48</sup> namely the temple of Jupiter Optimus Maximus Capitolinus.<sup>49</sup> Of course, for the Jews, this temple represented a painful reminder of their defeat of 70 CE and of their submission to Rome's power, because its reconstruction, during the reign of Vespasian,<sup>50</sup> had been paid for, at least partly, by the Jewish tax that replaced the offering previously paid annually by the Jews to the Temple of Jerusalem.<sup>51</sup> Thus, because of the particular status and history of this temple, an implicit reference to it may have fit perfectly with the ironic and anti-Jewish tonality of this epigram.<sup>52</sup> However, I think that an implicit reference to the temple of Jupiter Optimus Maximus Capitolinus, and indirectly to the Jewish tax, is only one aspect of the message conveyed by the expression *per templa Tonantis*. I therefore consider that Martial may have wanted to refer to all the temples of Jupiter, so as to echo the Jovian

<sup>48</sup> Tacitus calls this temple *pignus imperii*, namely “pledge of empire” (Tacitus, *Histories* III.72.1). On the constant ideological re-appropriation of this temple, especially under the Flavians, see Heinemann (2016). The story of this temple is summed up in De Angeli (1996).

<sup>49</sup> Nagel Kay refers to Platner-Ashby's *Topographical Dictionary of Ancient Rome* and to the bibliography quoted in this book. Nagel Kay arrives to the conclusion that “the reference is to the more famous temple on the Capitol,” Kay (1985), 259; Platner (1929), 307.

<sup>50</sup> Note that the new consecration of the temple area took place on 21 June 70 CE, but that the date of the official dedication of the monument — thereby marking the end of construction — remains confused. All that we know is that at the moment of the new fire of 80 CE, the temple had probably returned to its usual functioning. See De Angeli (1996), 151; Heinemann (2016), 200.

<sup>51</sup> On the temple of Jupiter Optimus Maximus Capitolinus during the period of its two reconstructions under the Flavians, see Darwall-Smith (1992), 43-47, 105-110; De Angeli (1996), 151-152; Stamper (2005), 153-165. The funding of this reconstruction by the Jewish tax seems clearly attested only in Cassius Dio, *Roman History* LXV.7.2: καὶ ἀπ' ἐκείνου δίδραχμον ἐτάχθη τοὺς τὰ πάτρια αὐτῶν ἔθι περιστελλοντας τῷ Καπιτωλίῳ Διὶ κατ' ἔτος ἀποφέρειν; “From that time forth [i.e. from the destruction of the Temple] it was ordered that the Jews who continued to observe their ancestral customs should pay an annual tribute of two denarii to Jupiter Capitolinus” (translation by Earnest Cary in the Loeb edition). The reference made by Josephus is less obvious, as it mentions: φόρον δὲ τοῖς ὀπουδηποτοῦν οὓσιν Ἰουδαίοις ἐπέβαλεν, δύο δραχμὰς ἕκαστον κελεύσας ἀνὰ πᾶν ἔτος εἰς τὸ Καπετώλιον φέρειν, ὥσπερ πρότερον εἰς τὸν ἐν Ἱεροσολύμοις νεῶν συνετέλουν; “On all Jews, wheresoever resident, he imposed a poll-tax of two drachms, to be paid annually into the Capitol as formerly contributed by them to the temple at Jerusalem” (Josephus, *The Jewish War* VII.218; translation by Henry J. Thackeray in the Loeb edition). The reconstruction of this temple was announced throughout the Empire thanks to the issue of numerous coins; see Heinemann (2006), 229-230. Moreover, the rebuilt temple of Jupiter Optimus Capitolinus was symbolically closely associated with the celebration of Rome's victory over Judaea because: (1) the triumphal procession of 71 CE ended with sacrifices offered in the sacred precinct of this temple (see Josephus, *Jewish War* VII.153-155); (2) this temple was part of the architectural memorialisation of the victory over Judaea which was carried out in Rome by the Flavian emperors (with the construction of the temple of Peace, the arch dedicated to Titus in the Circus Maximus and the Colosseum). See Gallia (2016), 152-151; on this memorialisation process, see also Millar (2005).

<sup>52</sup> On the connection between the mention of Jupiter in this epigram, the Temple of Jupiter Optimus Maximus Capitolinus, and the Jewish tax, see Zeichmann (2016), 115-116.

ideology that had been present during the reign of the Flavian emperors and especially of Domitian (this point will be developed below in the last part).

### 3. Is the Conclusion of *Epigram XI.94* Shaped by Nerva's Policy towards the Jews?

As I have previously noticed, Christopher B. Zeichmann is one of the few scholars who has studied the conclusion of *Epigram XI.94* in light of the Jewish tax.<sup>53</sup> Before going into the details of his argumentation, it is important to recall that, in previous books, Martial dealt once or perhaps twice with the Jewish tax under Domitian's reign. The most obvious case is of course *Epigram VII.55*, being part of a book published for the Saturnalia of 92 CE. In this epigram, Martial mocks a man named Chrestus, probably a fictional character, who did not fulfil his obligations towards his clients in the framework of the Saturnalia. Following the usual representations of the "symbolic humiliation,"<sup>54</sup> Martial accuses him of being compelled to perform *fellatio* on a Jew; a Jew that the poet presents only through his "cock" (*mentula*) which "comes from burnt Jerusalem (*de Solymis perustis*) and is lately (*modo*) condemned to pay taxes (*tributis*)". This epigram is thus the only source contemporary to Domitian's reign that explicitly alludes to the perception of the Jewish tax during his reign. Recently, Honora Howell Chapman has reconsidered a short epigram, found in the *Florilegium Gallicum* and identified it as an epigram that was part of Martial's *Liber spectaculorum* (*Epigram 36*).<sup>55</sup> Chapman has proposed interpreting the verse "... but that palm is heavy, which the lesser enemy holds" as referring to the palm tree symbolizing Judea and appearing on most of the coins of the type *Iudea capta* minted under Vespasian and Titus, but also to the new imposition of the tax of two *denarii* that Jews now had to pay to the *fiscus Iudaicus*.<sup>56</sup> Considering the explicit reference to the Jewish tax in *Epigram VII.55* and the possible implicit reference in *Epigram 36* of the *Liber spectaculorum*, Martial would be one of the few Latin authors who dealt with the Jewish tax during Domitian's reign. After him, only Suetonius deals with the subject, through his very critical portrayal of Domitian. To illustrate the hardening of the fiscal policy towards the Jews under Domitian, Suetonius narrates in a famous passage:

Besides other taxes, that on the Jews was levied with the utmost rigour; were prosecuted those who were living a Jewish life without publicly acknowledging it, as well as those who, concealing their origin, did not pay the tributes 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.<sup>57</sup>

<sup>53</sup> Jean Gag  was the first to connect this epigram with the Jewish tax, but I have previously mentioned that his interpretation making Anchialus a procurator of Judaea is too hazardous to be trusted; Gag  (1952).

<sup>54</sup> See Dupont and Eloi (2001), 161-177, in particular 164-166.

<sup>55</sup> Howell Chapman (2012), 108-109.

<sup>56</sup> It is in fact difficult to understand why, in a context of spectacles, the loser would receive the palm that was usually given to the winner.

<sup>57</sup> Suetonius, *Life of Domitian XII.2*:

Praeter ceteros Iudaicus fiscus acerbissime actus est; ad quem deferebantur, qui vel inprophessi Iudaicam viverent vitam vel dissimulata origine imposita genti tributa non



The rigorous nature of Domitian's fiscal policy towards the Jews has been put into perspective by various scholars who argue that Suetonius might have been excessively critical of Domitian.<sup>58</sup> Despite the fact that we can rely only on Suetonius' biased point of view, we can however suppose that there must have been a real intensification of the sanctions under Domitian, especially against evaders of the Jewish tax. The fact that two epigrams of Martial, written under Domitian, associate the Jews more or less explicitly with the fiscal burden to which they had been subjected may fit this context of a harsher fiscal policy towards the Jews.

Let me now come back to *Epigram* XI.94, and especially to Christopher Zeichmann's suggestion that its conclusion, especially the oath *per templa Tonantis*, should be understood in light of the Jewish tax. The scholar has proposed to go beyond what appears to be the simplest explanation, namely that Martial would have wanted "to pour salt in his rival's wound, egregiously reminding him of a temple that he helped fund via the Jewish tax".<sup>59</sup> For Zeichmann, the main element which would prevent us from understanding the conclusion as a sharp provocation by Martial is the context of the publication of the book under Nerva's reign, a period during which the fiscal policy towards the Jews was softened. The two arguments that he provides to prove his point of view are: (1) that "the epigram cannot be another instance of Martial's famous sycophancy toward Domitian"; (2) the fact that Nerva would have abolished the Jewish tax during his reign between 96 and 98 CE and that this context would have provided "the impetus for the allusion". He thus connects these two elements to give the following interpretation of the conclusion of this epigram:

... Martial's acknowledgment that swearing by the temple of Jupiter was insufficient may have been prompted by this new policy: the relevance of *Jupiter Capitolinus* for his rival

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pendissent. Interfuisse me adulescentulum memini, cum a procuratore frequentissimoque consilio inspiceretur nonagenarius senex, an circumsectus esset.

The identity of these evaders, mentioned only by Suetonius, has been widely discussed. Firstly, for some scholars, the Jews "who were living a Jewish life without publicly acknowledging it" were not native Jews, but rather converts to Judaism (or "Judaizers") and sympathizers. See Schäfer (1997), 113-116; Cohen (1999), 42. Note that Marius Heemstra also considers them non-Jews and that he also includes "Gentile Christians" in this category. See Heemstra (2012) 191. Following Lloyd Thompson, Martin Goodman identifies Suetonius's first category of Jews in a different way, as he considers that they were "native Jews who lived a Jewish life secretly," that is Jews who were not declared members of the Jewish community. Following Lloyd Thompson and Martin Goodman's interpretation, these Jews would be different from Suetonius's second category of Jews "concealing their origins," who are identified by these two scholars as "native Jews who practiced openly but hoped to avoid the tax by denying their origins". See Goodman (1989) 41; Goodman (2005), 169; Thompson (1982). For the scholars who consider that Suetonius's first category of Jews refers to Judaizers or sympathizers, the Jews "denying their origins" would be "native Jews who did not lead a Jewish life," that is Jews who might have concealed their origins and their circumcision. See Schäfer (1997), 114; Cohen (1999), 42. Note that Heemstra also considers them "apostate Jews" and that he also includes "Jewish Christians" in this category. See Heemstra (2012), 190.

<sup>58</sup> For a survey of the bibliography and counter-arguments, see Williams (2013), 102-105.

<sup>59</sup> Zeichmann (2015), 115.

had come to an apparent end, and with no temple in Jerusalem to swear by, he must do so by the young man himself.<sup>60</sup>

Such an interpretation of the conclusion of the epigram fails to completely satisfy me, and I will question it for various reasons.

First, Zeichmann's whole interpretation of the conclusion of the epigram is based on the idea that the Jewish poet swears "by the temple of Jupiter," and more particularly by the temple of *Jupiter Capitolinus*, whereas the text deals with "temples of Jupiter". By not taking into account the plural *templa*, I think that the scholar misses the general scope of Martial's provocation towards his Jewish rival. As I will try to prove later, it is probably not only the Capitoline Temple which is implicitly mentioned here, with the result that the association with the Jewish tax becomes indirect and that the Jewish tax is no longer the central element of the epigram, which means that the last two verses of the epigram should not be interpreted in light of the tax.

Secondly, as for the context of the publication of this book of Martial, namely the very beginning of Nerva's reign, there is still no consensus about the nature of the measures that Nerva took to soften certain aspects of Domitian's harsh fiscal policy towards the Jews.<sup>61</sup> The main evidence that has been discussed is the legend *fisci Iudaici calumnia sublata*, which appears on *sestertii* minted in 96-97 CE, a legend that could be translated as "The malicious accusation [brought by] the treasury for Jewish affairs has been removed".<sup>62</sup> The point that divides scholars and that accounts for the difficulty in understanding the content of Nerva's reform is the meaning of the term *calumnia*. Some scholars think that Nerva wholly suppressed the Jewish tax during his reign, even for practicing Jews.<sup>63</sup> However, other scholars have suggested that Nerva only suppressed certain abuses that existed under Domitian.<sup>64</sup> In this perspective, Marius Heemstra considers that Nerva may have taken some measures to prevent "wrongful accusations" (*calumnia*) that the scholar interprets, in the light of Cassius Dio, as referring to the "charge of leading a Jewish life," a charge which could be easily manipulated to get rid of an enemy. According to Heemstra's reasoning:

... Nerva very likely changed the definition of the tax payer from 'each one of the Jews' (Josephus) or those belonging to the Jewish *gens* (Suetonius) to those Jews 'who continued to observe their ancestral customs' (the definition as used by Dio, which he

<sup>60</sup> Zeichmann (2015), 116.

<sup>61</sup> The disagreement mainly stems from the fact that the 70 *ostraca* found in Edfu, and which were used as tax receipts for the Jews who had paid the tax, are all dated from 71 to 116 CE, namely from Vespasian's reign to that of Trajan, at the exception of the period of Nerva's reign when none are attested. This absence of *ostraca* can thus be explained by the temporary suppression of the Jewish tax, or by a change in the tax collection procedure.

<sup>62</sup> RIC II, 58, p. 227 (96 CE); RIC II, 72, p. 228 (96 CE); RIC II, 82, p. 228 (97 CE). On the dating of these issues, see Heemstra (2012), 193, n. 22.

<sup>63</sup> In this perspective, see for instance: Goodman (2005); Goodman (2007a), 88-89; Goodman (2007b), 469-475. In these recent works Martin Goodman presents a different reading of the word *calumnia* than in his first article of 1989, where he concluded that Nerva would have led a reform to relieve apostate Jews of paying the tax, whereas the tax would have concerned only Jews officially declaring themselves as practicing Jews, see Goodman (1989), 40-44.

<sup>64</sup> See Heemstra (2010), 67-84; Heemstra (2012), 189-195.

wrongly backdates to the introduction of the tax by Vespasian). By doing this, Nerva changed the Roman definition of ‘Jew’ from an ethnic into a religious one.<sup>65</sup>

Following this perspective, under Nerva’s reign, only Jews who openly declared themselves as practicing Jews would have remained taxed; a reform which, however, must have created new strategies of fiscal evasion but also new problems in defining who was liable to pay the tax.

Nevertheless, even if we take for granted the fact that, following Nerva’s reform,<sup>66</sup> all the Jews of the Empire benefitted from the suppression of the Jewish tax and may have seen this event as a banner of hope foreshadowing a possible restoration of the Temple and the end of their being perceived as enemies of the Roman state,<sup>67</sup> it remains possible that even such a phenomenon did not end the scornful prejudices that many Romans — such as Martial — had towards Jews. To make jokes about Jews and their religious beliefs must have been something that remained greatly appreciated by Roman audiences even after the end of Domitian’s reign. The fact that Martial kept this epigram in this book, published in December 96 CE, may be seen as a proof of the permanence of such a taste. Moreover, in spite of the hopes raised in Jewish communities by the temporary tax relief ordered by Nerva either for all Jews or only some of them, it did not change the fact that there was no longer a Temple in Jerusalem. The fact that, during the first months of Nerva’s reign, Jews were a matter of current interest might have encouraged Martial to write (or to keep) this epigram dealing with a Jewish rival. However, I am not convinced that the epigram itself has to be understood in this specific context. On the contrary, I believe that, in writing and publishing this epigram, Martial had no other goal than to mock his rival by ridiculing him through pungent anti-Jewish motifs.

The third point of my examination of Zeichmann’s interpretation of the conclusion of this epigram is focused on the way the scholar connects Martial’s depiction of this Jewish man swearing by the temples of Jupiter to the context of the publication of the book. Why would the fact that Martial would have judged “insufficient” the swearing of a man of Jewish origin “by the temple of *Jupiter Capitolinus*” have been “prompted by this new policy”? The link between the two elements does not seem obvious, even when the scholar explains that “the relevance of *Jupiter Capitolinus* for his rival had come to an apparent end”. Why, because of the suppression of all or part of the payment of the Jewish tax, would it have no longer been relevant for the Jews, whether faithful to the Torah or apostates, to swear by Jupiter? No source gives any detail about any procedure for swearing by a Roman temple in connection with the payment of the Jewish tax. In addition, the idea that the hypothetical suppression of the Jewish tax under Nerva automatically led to some kind of new appreciation for the temple of *Jupiter Capitolinus* for the Jews present in Rome appears to be a simplistic explanation, which is discredited by the fact that, as I have previously stated, Martial is not dealing specifically with this

<sup>65</sup> Heemstra (2012), 192-195, quotation 195. See also Heemstra (2010), 79-80.

<sup>66</sup> At least between September 96 CE and 28 October 97 CE, that is, the date on which Nerva was forced by the praetorian guard to adopt Marcus Ulpius Traianus as heir to the throne (Marcus Ulpius Traianus, whose father had taken part in the Judaeian campaign as commandant of the Tenth Legion). See Goodman (2007b), 470-474.

<sup>67</sup> See the few sources that could give this impression in Goodman (2007b), 469-470.

temple. In addition, even if Martial realistically depicts the portrayal of a Romanized or apostate Jew actually swearing by the temples of the most important Roman god — which for me seems far from being credible because of the accumulation of elements appearing to be particularly cruel for this Jewish rival — I am inclined to think that the most important comic and anti-Jewish effect of the epigram comes from the fact that Martial does not believe him even when he does so.

After having listed the reasons why I would be reluctant to interpret the conclusion of this epigram strictly in light of the consequences of the reform of the Jewish tax during the reign of Nerva, I would like to show that the way the Jewish man is depicted in *Epigram XI.94* fits in with the way that Martial depicts Jewish men in all of his previous epigrams in book VII, which was published at the end of 92 CE, or in other words under Domitian. Among these similarities, the first is Martial's usual practice of reducing Jewish men to their circumcised penis.<sup>68</sup> To reduce an adversary to his private parts (penis or buttocks) is a commonplace in obscene speech, because it makes it possible to humiliate someone as a person consumed by his sexual desires of actions; the adversary thus becomes the contrary of the Roman citizen, who is characterised by his noble and asexual body.<sup>69</sup> The second commonplace practice is that Martial insists on the impressive dimensions of their penises, a fact that is often associated with their hyper-sexuality.<sup>70</sup> In *Epigram XI.94*, Martial does not explicitly stress the dimensions of the penis of the *verpus* poet. Nevertheless, by accusing him of *pedicare* his slave, Martial chose a very blunt term that was closely connected to a certain sexual violence, especially in intercourse between men.<sup>71</sup> Third, it is interesting to note that, as in another epigram (*Epigram I.52*), Martial depicts a plagiarist who “asserts his dominance over what did not rightfully belong to him”.<sup>72</sup> However in *Epigram XI.94*, the main problem

<sup>68</sup> Here, the word *verpus* is repeated four times. See also *recutiti Iudaei* in *Ep. VII.30*; *verpus*, *Ep. VII.82*. Note that in *Ep. VII.82* the Jewishness of the *verpus* man is contested in Cohen (1999), 358-359. The practice of reducing Jewish men to their penis is obvious in *Ep. VII.55*, where Martial mentions a Jewish man only through his *mentula* “that comes from burnt Jerusalem and is lately condemned to pay taxes”. On the personification of this *mentula*, see Mandell (1986), 27.

<sup>69</sup> See Dupont and Eloi (2001), 156. On the ideal social and sexual masculinity of the *civis romanus*, see Dupont and Eloi (2001), 12-14; 85-95.

<sup>70</sup> On Martial's emphasis on the size of Jewish penises, see *Ep. VII.30* in which Martial speaks about the *Iudaeum pondus* implying thus that sex organs of Jews were known to be oversized; *Ep. VII.55* in which Martial compared his “honest and petty (*proba et pusilla*)” *mentula* to a Jewish one; *Ep. VII.82* in which he describes the sheath of impressive dimensions covering Menophilus's *verpus* penis. Note also that in *Ep. VII.55*, there is a play on words with the adjective *perustum* — when Martial refers to the fact that the *mentula* of the Jewish man comes *de Solymis perustis* “from burnt Jerusalem”. It refers both to the sexual desire of the “heated Jew” and to the destruction of Jerusalem, see Mandell (1986), 27; Galán Vioque (2002), 332-333. Accusing somebody of having a penis of impressive dimensions, and a hyperactive sexuality, was a common way in Rome to blame and discredit an adversary who thus became a kind of anti-model of the true Roman citizen. See Dupont and Eloi (2001), 155-159.

<sup>71</sup> About the violence of the term *pedicare*, see Adams (1982), 123-125.

<sup>72</sup> The word *compilas* actually means “plagiarize”. For the quotation, see McGill (2012), 88-89.

for Martial is not that his tremendous rival only steals his work, but also, which seems to be the most important problem for Martial, that he steals his slave.<sup>73</sup> The last point in *Epigram* XI.94 that echoes the terminology or logic used in other epigrams dealing with Jews and written under Domitian's reign is related to the fact that Martial takes the trouble to specify that the *verpus* poet was "born in Jerusalem itself" (*Solymis quod natus in ipsis*). Such a clarification clearly recalls other epigrams of book VII where, in order not to confuse the pulling back of the circumcised Jewish man's foreskin with some kind of aggressive sexuality or even lubricity, Martial adds another element making it clear that the man is Jewish.<sup>74</sup> In addition, once again, *Epigram* VII.55 concerning Chrestus clearly echoes the formulation of our epigram, as both works contain a reference to Jerusalem. In *Epigram* VII.55, Martial makes a sarcastic reference to the fact that the Jewish *mentula* came from "burnt Jerusalem", *de Solymis perustis*. Through this expression, Martial directly alludes to the destruction of Jerusalem by fire in 70 CE and reuses a very common motif in Flavian propaganda, appearing for instance in the writings of Valerius Flaccus, who describes Titus as being "blackened with the dust of Jerusalem," *Solymo nigrantem pulvere*.<sup>75</sup> Considering the pungent and ironic tone of *Epigram* XI.94 towards the Jewish man, it is possible to consider that an implicit reference to the destruction of the Temple may be present behind Martial's allusion to the fact that the *verpus* poet was born in Jerusalem. In fact, Martial may have specified his place of birth not only to confirm the fact that he was a Jew, but also to implicitly highlight the absence of any Temple in Jerusalem to swear by.<sup>76</sup>

This brief comparison shows how the portrayal of the Jewish poet in *Epigram* XI.94 clearly echoes those of other Jewish men mentioned in book VII, written under Domitian. As in these other epigrams, Martial depicts this Jewish man, who is also his rival, by recalling similar stereotypes of Jewishness: the fact that he was circumcised, his hyper-sexuality, the mention of Jerusalem. Thus, I am inclined to think that, no matter what Nerva's change of policy consisted of, Martial's perception of the Jews did not change because of it, at least in the literary characters he makes fun of in his books. It therefore seems to me that Zeichmann's idea that the oath sworn on the temples of Jupiter is an allusion to Nerva's change of policy is far-fetched. I believe that Martial simply wanted to create a comic effect by using his traditional anti-Jewish motifs that he associated with another pungent and ironic image, that of a Jew swearing by the temples of Jupiter.

#### 4. Re-Interpreting *Epigram* XI.94 to Give It Its Full Anti-Jewish and Ironic Scope

I am inclined to think that the question of the veracity of the facts presented by Martial in this epigram is not relevant for two reasons. First, because the veracity the facts

<sup>73</sup> In this perspective, Scott McGill rightly notes that in this epigram "plagiarism is an offense incidental to the larger one of sodomizing Martial's *puer*," see McGill (2012), 88-89.

<sup>74</sup> See for instance: *Ep.* VII.30 (explicit mention of *Iudaei*); *Ep.* VII.35 (mention of the *Iudaeum pondus*). In this perspective, see Obermayer (1998), 86, n. 294.

<sup>75</sup> Valerius Flaccus, *Argonautica*, proem, verse 14; Mandell (1986), 27; Galán Vioque (2002), 332.

<sup>76</sup> This idea is developed in the last part of the article.

cannot be negated or confirmed by other sources. Second, because what is really meaningful is the coherence of the various motifs presented by Martial in this epigram to discredit his rival, and also to please his audience, which may have been receptive to these comic effects.

Beyond the question of whether Martial presented here a faithful or deliberately grotesque portrait of his Jewish rival, another element has had problematic influence on the way the various scholars have interpreted the conclusion of the epigram. This difficult point is related to the reason why this Jewish poet swears *per templa Tonantis*. Did he do so because he was a Romanised Jew who had abandoned the Jewish religion or who, because of the improved condition of the Jews under Nerva, would no longer have been hostile to swearing by the temples of Jupiter?<sup>77</sup> Did he do so ironically, because he considered that such an oath on the temples of a god that he did not believe in, and that he abhorred, was not an oath that he would keep? Whatever the possible motivations of this Jewish man, Martial clearly chose the second option by saying that he does not believe him (*non credo*). This element is very important because it gives the epigram its full sarcastic dimension. Martial does not believe the oath of a Jew swearing on Jupiter's temples, probably because he considered that no Jew could be respectful of Roman religion, or even that all Jews were fundamentally hostile to it.<sup>78</sup>

Moreover, although many scholars have remained focused on the meaning of the term Anchialus, or on the interpretation of the oath *per templa Tonantis*, they have omitted to take into account another important detail that Martial takes the trouble to mention, namely the fact that his Jewish rival was "born in Jerusalem itself" (*Solymis quod natus in ipsis*). I do not believe that Martial mentioned this detail by accident or simply to confirm that the rival was a Jew. If his rival was born in Jerusalem and if we imagine that he was more than thirty years old at the time of his troubles with Martial,<sup>79</sup> he might have been a more or less direct witness of the subjection of the city and the destruction of the Temple which occurred only twenty-six years earlier. By specifying that he was born in Jerusalem, Martial may have wanted to create an ironic contrast with the two other pungent elements of his epigram: the fact that this Jew swears *per templa Tonantis*, and the fact that Martial may have asked him to swear by the name of his *puer*. However, the fact that the *verpus* poet swears on these two entities implicitly emphasizes the cruel absence of any Temple in Jerusalem on which the Jews could have sworn. In addition, this absence is not only implicitly highlighted by the fact that this Jewish man cannot swear on it, but also by the fact that he swears — sincerely or not — on various temples of Jupiter. This contrast can thus be compared with the feeling that many Jews of Rome may have felt when confronted with the difference between the fate of the Temple in Jerusalem and the splendour of Flavian Rome, which, since the return of Vespasian and Titus from their Judean campaigns, had been enriched with numerous buildings commemorating the military and religious victory over the Jews. Among the temples of Jupiter in Rome, the one that perfectly illustrated this contrast between the

<sup>77</sup> This second hypothesis is developed by Christopher B. Zeichmann, but I have previously expressed reservations about such a reading.

<sup>78</sup> Obermayer (1998), 87.

<sup>79</sup> Which seems possible as, in 96 CE, Martial was between 64 and 67 years old, and he does not seem to pretend that his rival was much younger than him.

irreversible destruction of the Temple of Jerusalem and the vitality of the Roman temples is certainly the temple of Jupiter Optimus Maximus Capitolinus. In fact, whereas both temples had been destroyed nearly at the same time, i.e. in 70 CE for the Temple of Jerusalem and at the end of 69 CE for the temple of Jupiter Capitoline, only the latter had been rebuilt. In addition, the operation started as early as the following year and was at least partly funded by the Jewish tax. Without doubt, the synchronisation of the two events and the diametrically opposed fate of the two temples must have been striking to both Romans and Jews, and must have confirmed that the defeat of Judaea was not only a military or economic defeat for the Jews, but also a religious one. In this perspective, I am convinced that, because of the victory of the Roman armies in Judaea, the idea that Rome had irreversibly challenged the God and the religion of the Jews is probably present in this epigram of Martial.

To corroborate this point, I think that the reference to the temples of Jupiter has to be studied more precisely. Why does this reference appear to be particularly cruel when it is a Jewish man who swears by it? First, as has been partially developed by Christopher B. Zeichmann and as I have emphasized above, among the *templa Tonantis*, the one that represented for the Jews a very painful symbol of their defeat was of course the temple of Jupiter Capitoline. Actually, after this temple had once again been destroyed by a fire in 80 CE, Titus and then Domitian worked to reconstruct it and provided much numismatic evidence about this event through coins bearing the legend *CAPIT RESTIT*.<sup>80</sup> However, no source confirms that this rebuilding was also funded by the Jewish tax.<sup>81</sup> All that we know is that the Jewish tax continued to be paid under Domitian,<sup>82</sup> and that this emperor may have increased the number of Jewish taxpayers by integrating new categories of Jews or Christians among them, but also by pursuing alleged tax evaders through violent and illegal procedures.<sup>83</sup> This new restoration of the temple of Jupiter Optimus Maximus Capitolinus became a central theme of Domitian's imperial propaganda, an achievement that was praised throughout his reign, even long after its dedication. For instance, Statius praised Domitian several times as the restorer of the temple of Jupiter Capitolinus, even just one year before Martial finalised book XI.<sup>84</sup> Because of its two restorations, the temple of Jupiter Capitolinus under the Flavians certainly embodied, for the Jews, a very good example of a temple of Jupiter that may have represented a truly challenging and painful symbol.

In a more general way, it has been persuasively demonstrated that, since the victory over Vitellius in December 69 CE, the various Flavian emperors consistently used a

<sup>80</sup> See the first issue of *cistophori* minted in 80-81 CE, during the reign of Titus, and bearing the legend *CAPIT REST* (RIC II/1<sup>2</sup>, 515, p. 236; RPC II/1, p. 131 and coin n° 860 and 861, p. 133). For the other issue of the "CAPIT REST" type, minted by Domitian in 82 CE, see RIC II/1<sup>2</sup>, 841, p. 329; RPC II/1, 864, p. 132. There is still a debate about whether 82 CE was the date of the completion of the monument or not; see Darwall-Smith (1992), 106-108.

<sup>81</sup> Even if Marius Heemstra considers this fact as certain, see Heemstra (2010), 126

<sup>82</sup> Martial, *Ep.* VII.55.

<sup>83</sup> Suetonius, *Life of Domitian* XII.2.

<sup>84</sup> See Statius, *Silvae* I.6.98-102 (89 CE); IV.2.20-22 (95 CE); IV.3.160-163 (95 CE). Even in the last year of his reign, Domitian continued to use the image of the temple thanks to an issue of *denarii*, minted in 95-96 CE, depicting the temple of Jupiter Capitolinus displaying *IMP CAESAR* on its architrave (RIC II/1<sup>2</sup>, 815-816, p. 325-326).

Jovian ideology. Moreover, it was certainly Domitian who used this ideology the most extensively.<sup>85</sup> I will not deal at length with this theme, but it is important to recall that such a particular relationship between Domitian and Jupiter started during the civil war of 69 CE, as Domitian is said to have taken refuge on the Capitol and to have owed his survival to the fact that he hid in the lodge of the warden of the temple of Jupiter Optimus Maximus Capitolinus.<sup>86</sup> From then on, Domitian used this narrative and developed the idea that Jupiter was his personal protector and that he had a personal relationship with him.<sup>87</sup> Then, during his reign, this Jovian connection was amplified through coins,<sup>88</sup> sculptures,<sup>89</sup> and through the literary works of poets and authors who wanted to win imperial favours. Thus, Martial and Statius are the two poets who dealt most frequently with this idea that Domitian was some kind of second Jupiter on Earth.<sup>90</sup> As John Fears sums up, “it was only with Domitian that this Jovian theology of power fully emerged as a central element in official imperial ideology”.<sup>91</sup>

The last point worth highlighting is the fact that Domitian had not only taken part in the new restoration of the temple of Jupiter Optimus Maximus Capitolinus, which started in 80 CE, but that he also built other shrines or temples for Jupiter. Tacitus thus writes that, during the reign of Vespasian, to manifest his *pietas* towards the god who saved him from the men of Vitellius, Domitian erected a *modicum sacellum* for Jupiter Conservator at the spot of the lodge of the warden who saved him in 69 CE, and that, when he was emperor, he probably built an *ingens templum* to Jupiter Custos.<sup>92</sup>

<sup>85</sup> For the theme of the Jovian ideology under the Flavians and especially under Domitian, see Fears (1981), 74-80; Coleman (1986), 3099-3100.

<sup>86</sup> Suetonius, *Life of Domitian* I.2; Tacitus, *Histories* III. 74.1.

<sup>87</sup> In this perspective, Martial, *Ep.* IX.101.13-14: *Asservit possessa malis Palatia regnis, prima suo gessit pro Iove bella puer...*; “He freed the Palatine held under evil dominion, and in boyhood waged his first war for his Jupiter...” (edition and translation by David R. Shackleton Bailey, Loeb edition).

<sup>88</sup> For the list of the various numismatic issues relating to Jupiter or his temples under Domitian, see Heinemann (2016), 230.

<sup>89</sup> About the arch at Cumae, see Fears (1981), 80.

<sup>90</sup> For passages in which Martial and Statius hail Domitian as *Jupiter Noster* or *Tonans*, see Statius, *Silvae* I *praef.*, 18-19; I.6.25-27; IV.4.58; and Martial, *Ep.* IV.8.12; VII.99.1. See also Statius, *Silvae* IV.1.44-47 (the emperor will receive from Jupiter a kind of eternal youth, which will enable him to live as long as the god); Statius, *Silvae* IV.2.10-11 (comparison between the experience of dining in Domitian’s palace and that of reclining in the heavens alongside Jupiter); Statius, *Silvae* IV.3.128-129 (Domitian is said to be the equivalent of Jupiter on Earth, *dux hominum et parens deorum*, “leader of men and father of deities”). In Martial’s epigrams, see for instance Martial, *Ep.* VI.10 (Martial asserts that Domitian gave temples to Jupiter); Martial, *Ep.* VI.83 (Domitian is compared to a merciful Jupiter); Martial, *Ep.* IX.91 (comparison between a banquet with Jupiter or Domitian, Martial prefers to eat with *meus in terris Iuppiter*). For an exhaustive review of the passages in Statius and Martial’s works where Domitian is compared to Jupiter, see Scott (1933), especially p. 248 for comparison with Jupiter; Scott (1936), 133-140.

<sup>91</sup> Fears (1981), 77.

<sup>92</sup> Tacitus, *Histories* III.74.1: *Ac potiente rerum patre, disiecto aeditui contubernio, modicum sacellum Iovi Conservatori aramque posuit casus suos in marmore expressam; mox imperium adeptus Iovi Custodi templum ingens seque in sinu dei sacravit*; “When his father



Alexander Heinemann has recently reconsidered this account by Tacitus and has convincingly proposed that Tacitus may have inverted the name of the two Jupiters. Thus, in his view, under Vespasian, Domitian may have first erected (maybe in 76 CE) the *modicum sacellum* for Jupiter Custos,<sup>93</sup> and it may have been during the first years of his own reign that he built an *ingens templum* to Jupiter Conservator.<sup>94</sup> Aside from this debate, the construction of these *sacellum* and *templum* to Jupiter Custos and Conservator, in addition to the renovation of the temple of Jupiter Optimus Maximus Capitolinus finalised under Domitian's reign, show that the upkeep of the Jovian ideology — so emblematic of Domitian's image and propaganda — also involved a very active building program. As Robin H. Darwall-Smith has rightly recalled,<sup>95</sup> in the various books that Martial wrote under Domitian's reign, on several occasions the poet stresses the emperor's important temple-building activity. In fact, in one epigram of book VI of 90 CE, he presents this activity as the best gift he could give to Rome after his triumphs and the moral laws he had recently promulgated.<sup>96</sup> Moreover, it is particularly interesting to see that, concerning this impressive temple-building activity under Domitian, Martial sometimes chose to give particular emphasis to Domitian's building of temples dedicated to Jupiter. For instance, this is the case in one epigram of book VI when Martial humorously narrates that he asked Domitian to give him *sestercii*, after first asking Jupiter:

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came to power, Domitian tore down the lodging of the temple attendant and built a small sanctuary to Jupiter Saviour with an altar on which his escape was represented in a marble relief. Later, when he had himself gained the imperial throne, he dedicated a great temple to Jupiter Guardian, with his own effigy in the lap of the god" (Clifford H. Moore's Loeb translation slightly modified). Suetonius only mentions the second construction, see Suetonius, *Life of Domitian V: Novam autem excitavit aedem in Capitolio Custodi Iovi...*; "Furthermore, he built a new temple on the Capitoline hill in honour of Jupiter Guardian..."

<sup>93</sup> This suggestion may be confirmed by the fact that coins mentioning the name or bearing representations of Jupiter during the reign of Vespasian mostly refer to Jupiter Custos, and that this situation evolves under Domitian's reign, as between 82 and 86 CE, it is mostly Jupiter Conservator who is praised. In addition this altar might be represented on *denarii* minted under Vespasian, in 76 CE (RIC II/1<sup>2</sup>, 849, p. 120), representing Jupiter holding a patera over an altar, and bearing the legend IOVI CUSTOS. See Heinemann (2016), 204-208, 229-230.

<sup>94</sup> See Heinemann (2016), 203-208.

<sup>95</sup> Darwall-Smith (1992), 104-105.

<sup>96</sup> See Martial, *Ep. VI.4: Censor maxime principumque princeps, / cum tot iam tibi debeat triumphos, / tot nascentia templa, tot renata, / tot spectacula, tot deos, tot urbes, / plus debet tibi Roma quod pudica est*; "Greatest of censors, prince of princes, though Rome already owes you so many triumphs, so many temples coming to birth, so many reborn, so many spectacles, so many gods, so many cities, she owes you more because she is chaste" (edition and translation by David R. Shackleton Bailey, Loeb edition).

When lately I happened to be praying to Jupiter for a few thousand, he said: ‘*He* will give it who gave me temples.’ Temples indeed he gave to Jupiter, but no thousands did he give me. I am ashamed, ah me, to have asked Jupiter for so few.<sup>97</sup>

The second interesting passage appears in book IX of 94 CE. Martial depicts Domitian as a generous banker who will not ask the gods, who are here represented as his debtors, to give him back all the money that he used to build numerous temples to honour them:

If you were to claim back what you have already given to the High Ones and the heavens, Caesar, and choose to be their creditor, though a grand auction be held in skyey Olympus and the gods obliged to sell whatever they possess, Atlas would go bankrupt and there would not be a full twelfth for the Father of the Gods himself to make a settlement with you. For what can he pay you for the temples of the Capitol and the honor of the Tarpeian wreath? Or what the Thunderer’s lady for her twin towers? Pallas I leave aside: she is your business manager. Why speak of Alcides and Phoebus and the loving Laconians? Or the Flavian temple added to the Latin sky? Augustus, you must needs wait in patience: for Jove’s coffer doesn’t have the wherewithal to pay you.<sup>98</sup>

The list of the numerous temples that he built or renovated is impressive, but Martial ends his listing by highlighting Jupiter and the fact that even this god could not repay him — an idea implicitly leading to the conclusion that Domitian had spent a lot of money to build numerous temples to him.

Connecting these various remarks to the conclusion of *Epigram XI.94*, I suggest that Martial may have chosen to depict his Jewish rival poet swearing *per templa Tonantis* in order to mortify his rival and to create an ironic effect. He must certainly have been aware of the fact that, from a Jewish point of view, the temples of Jupiter were associated with very cruel memories: the painful restoration of the temple of Jupiter Capitoline through the Jewish tax while the Jerusalem temple lay in ruin, and the numerous and most recent temples of Jupiter which had been erected in Rome by Domitian, an emperor who had had a particularly harsh policy towards the Jews.

If my interpretation of *per templa Tonantis* is correct, it means that, by mentioning that his Jewish rival is swearing on the temples of Jupiter and that he does not believe him, probably because of his Jewishness, Martial is simply making a witticism about a Jewish man who was also his rival. The mention of Jerusalem as the rival’s place of origin was probably meant to highlight a cruel contrast: the Temple of Jerusalem had been irreversibly destroyed — an idea that may implicitly exist in the fact that this Jewish man, who might have been present in Jerusalem during its destruction, did not

<sup>97</sup> Martial, *Ep.* VI.10.1-4: *Pauca Iovem nuper cum milia forte rogarem, / ‘ille dabit’ dixit ‘qui mihi templa dedit.’ / templa quidem dedit ille Iovi, sed milia nobis / nulla dedit: pudet, ah, pauca rogasse Iovem* (edition and translation by David R. Shackleton Bailey, Loeb edition).

<sup>98</sup> Martial, *Ep.* IX.3 (edition and translation by David R. Shackleton Bailey, Loeb edition):

Quantum iam superis, Caesar, caeloque dedisti / si repetas et si creditor esse velis, / grandis in aethero licet auctio fiat Olympo / coganturque dei vendere quidquid habent, / conturbabit Atlans et non erit uncia tota / decidat tecum qua pater ipse deum. / Pro Capitolinis quid enim tibi solvere templis, / quid pro Tarpeiae frondis honore potest? / Quid pro culminibus geminis matrona Tonantis? / Pallada praetereo: res agit illa tuas. / Quid loquar Alciden Phoebumque piosque Laconas? / Addita quid Latio Flavia templa polo? / Expectes et sustineas, Auguste, necesse est: / nam tibi quo solvat non habet arca Iovis;

swear on it — whereas the various temples of Jupiter, previously sponsored by the Jewish tax or by an emperor hostile to the Jews, were still standing in Rome.

To conclude, when he wrote this epigram, Martial's only goal must have been to humiliate as cruelly as possible his rival who, apparently, had dared to plagiarize his poems, and, worst of all, to steal his young slave. To do so, Martial focused all the sarcastic attacks of his epigram on one particular aspect of his rival, the fact that he was a Jew. Whether the context surrounding the publication of the eleventh book was slightly better for the Jews of the Empire — from a fiscal point of view — or not, this epigram shows that Martial still considered that anti-Jewish jokes would be sure to make his public laugh. Thus, to humiliate his rival, Martial used traditional motifs of obscene invective, motifs that he had already used in previous epigrams dealing with Jewish men. The use of the verb *pedicare*, and the fact that the rival poet is represented through the state of his penis — more precisely his pulled-back foreskin — appear to be classical motifs of obscene invective and unflattering references to his rival's aggressive sexuality. Martial could have perfectly well continued in the obscene trend and threatened his rival with sexual humiliation, as he had already done, for instance, in *Epigram VII.55* with Chrestus. But the main difference was that Chrestus was a Roman citizen — even if he was accused of being excessively effeminate — whereas this hypersexualized Jewish poet is depicted by Martial as anti-Roman. To further humiliate his rival, Martial chose to remind him, with an impressive economy of words, of the most painful events of the Jewish defeat of 70 CE and its consequences: the destruction of the Temple of Jerusalem, the many temples of Jupiter erected or renewed with money taken from the Jews, and the harsh policy of Domitian towards them. Thus, in this epigram, Martial reduced his Jewish rival to his condition as a member of a defeated people so as to humiliate and discredit him in the eyes of a Roman audience, which must still have been fond of anti-Jewish jokes.

CNRS Research Fellow for the ERC project “Judaism and Rome”

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