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## Jewishness as 'citizenship' in Jewish writings from the Hellenistic and Roman periods

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In most Greek and Roman texts that mention the Jews, the latter are described as an *ethnos* (or, in Latin, a *gens* or a *natio*). Jewish texts in Greek likewise use the word *ethnos* to refer to the people of Israel, but some Jewish authors also conceived of membership of the Jewish people as a form of 'citizenship'. This phenomenon raises numerous questions: when did Jews start describing each other as 'fellow citizens', in which contexts, and in response to which political and social practices? What does the use of Greek civic vocabulary mean in these texts? Does it imply that Jews had civic institutions of their own? Or is the use of civic terminology metaphorical? Finally, what are the implications of this civic model for the definition of the people's boundaries and the integration of newcomers? This chapter aims to shed light on these issues and to analyze the specific impact of the Roman notion of citizenship on Jewish self-definitions. First, it will examine what experiences of citizenship were available to Jews in the ancient world; then it will look at how Greek texts written by Jewish authors use the vocabulary of citizenship to describe membership in the Jewish people; finally, it will address the impact of Roman notions and policies on Jewish discourses of citizenship.

#### 1. Jewish experiences of citizenship in the ancient world

#### 1.1 Judean institutions

The main political regime in Judea during the 'biblical period', according to both biblical texts and epigraphic evidence such as the Tel Dan stela, was kingship. It came to an end with the Babylonians' capture of Jerusalem and the destruction of the first temple in 587 BCE, which led to the rise of the priestly establishment, whose members played an important role under Persian and Hellenistic domination. Until Herod's reign, Judea's leadership remained closely associated with the (high) priesthood, which was the main intermediary between the Judeans and the Achaemenid, Lagid, and Seleucid rulers. Yet Judea also experienced kingship again: first Hasmonean, starting with Aristobulus and Alexander Jannaeus at the end of the second century BCE, and then Herodian kingship.

Civic institutions – at least as known to us from the Greek and Roman contexts – were thus originally foreign to the Judeans. The Greek translations of the biblical books composed in Hebrew reflect this situation, as they hardly use any civic vocabulary to describe ancient Israel's institutions: the terms *politeia, politeuma*, and *politeuomai* are completely absent from the Septuagint (as are words such as *isopoliteia, isopolitēs*, and *sympolitēs*). The word *politēs* is used to render the Hebrew term *re* '*a*, 'neighbour', in Proverbs 11:9, 11:12, and 24:28 and in Jeremiah 36:23 LXX (29:23 in the Massoretic Text) and 38:34 LXX (31:34 MT). It also translates '*amit*, 'fellow', in Zechariah 13:7 and the phrase *beney* '*ami*, 'sons of my people', used by Ephron the Hittite in Genesis 23:11. In none of these examples does the word carry a civic meaning. Most conspicuously, the term *ezraḥ*, which means 'citizen' in modern Hebrew but refers to someone who dwells in the land in the Hebrew Bible, is never translated as *politēs* in the Septuagint. Instead, the translators chose the words *autochtōn* and *enchōrios*, which both refer to people's connection to the land.<sup>1</sup> As a matter of fact, there is no Hebrew equivalent to 'citizen' in the biblical books.

Also notable is the fact that the Greek translation of 1 Maccabees, a pro-Hasmonean composition in Hebrew dated to the end of the second century BCE, does not contain a single occurrence of *polites*, *politeia*, *politeuma*, or *politeuomai*. The translator apparently did not consider these terms appropriate to describe Judea's political organization under the Hasmoneans. This choice is all the more understandable if the translation was done under Alexander Jannaeus's rule, when Judea's political regime was again kingship. Yet even before the Hasmoneans explicitly claimed the title of king, their ruling style as high priests was in many ways royal.

Most importantly, Jerusalem was not a polis in relation to which Jews could have defined their citizenship.<sup>2</sup> During the Hellenistic period, the only moment when Jerusalem may have enjoyed the status of polis was under the high priest Jason, with the foundation of 'Antiocheia in Jerusalem' and the creation of a *gymnasion* and *ephēbeion* (2 Macc 4:9–10, 19; cf. 1 Macc 1:11–15), which was certainly a privilege granted by King Antiochus IV. Several scholars have drawn attention to the parallel between Jerusalem and Tyriaion or Toriaion, in the Pergamene kingdom, a *katoikia* on which Eumenes II bestowed the status of polis in 188 BCE.<sup>3</sup> Yet the Maccabean uprising put an end to the Jerusalem experiment.

<sup>&</sup>lt;sup>1</sup> See Exod 12:19.48, Lev 16:29, 17:15, 19:34, 23:42, 24:16, Num 9:14, 15:13.30, Josh 8:33, Ezek 47:22 (*autochthōn*); Exod 12:49, Lev 18:26, 24:22, Num 15:29 (*enchōrios*).

 $<sup>^{2}</sup>$  See Bernett 2004, who raises the question of a possible Greek influence on the institutions of Yehud in the Persian period but answers negatively.

<sup>&</sup>lt;sup>3</sup> See *SEG* 47.1745; Habicht 1976: 178; Kennell 2005: 12-14; Ma 2012; Honigman 2014: 29-30, 212, 277-278, 363-364, 375; Ma 2019: 84.

Shaye J.D. Cohen has argued that the Judaization of the Idumeans, the Itureans, and other groups by the Hasmoneans at the end of the second and the beginning of the first century BCE was tantamount to naturalization and that these groups received Judean citizenship (1999: 70, 118, 127). According to Cohen, the Hasmoneans embraced a Hellenistic definition of political membership and invested the term *Ioudaios* with a new, political meaning. However, Cohen's analysis confuses representations and institutions.<sup>4</sup>

As far as the Roman period is concerned, Victor Tcherikover has decisively shown that the vocabulary used in first-century CE Jewish sources that describe Judean institutions in Jerusalem cannot be taken at face value:

It follows that under the procurators<sup>5</sup> 'archons', a 'boule', and a 'demos' did exist in Jerusalem, but the archons were not *archons* in the Greek sense, nor was the boule a *boule*, nor the demos a *demos*. *Throughout, the Greek names, borrowed from the Hellenistic world, reflected ancient Jewish institutions—the product of the evolution of the Jewish people through the ages*. (Tcherikover 1964: 74; italics in the original)

As Tcherikover specifies, this does not mean that there was no collective group of people in Jerusalem that 'came to assemblies and made resolutions'; 'this "people", however, was nothing like the demos of the Greek polis' (it had no legal and political structure) (Tcherikover 1964: 67). Josephus occasionally mentions the high priests and the city council (boule) as Jerusalem's two main interlocutors with the Roman authorities (BJ 2.331), but it is doubtful that this council functioned like a Greek *boulē*; in fact, it seems to have represented the whole nation. Moreover, in other passages of the Jewish War, the high priests are associated with the 'powerful people' (dynatoi) and/or people of the highest reputation (gnorimotatoi) (BJ 2.301), and it is unclear how these elite groups were interrelated or to what extent the members of the city council were elected or co-opted as members of influential families.<sup>6</sup> In a Greek polis, by contrast, magistrates may have come from prominent families, but they were elected and had a role clearly distinct from that of the priests, who were in charge of the city's official cult. Moreover, while Josephus calls this council boulē in his Jewish War (henceforth: War), he refers to it as the Sanhedrin (synedrion) in Jewish Antiquities.<sup>7</sup> Since Josephus employs the word *boulē* only in *War*, where he also uses it for the Roman senate, it is possible that he intended to create a parallel between the Judean and Roman institutions and to suggest that, despite the Great Revolt, Jews and Romans had much in common.

<sup>&</sup>lt;sup>4</sup> For a full discussion of this issue, see Berthelot 2018: 298-304; Berthelot 2019: 108-116.

<sup>&</sup>lt;sup>5</sup> From 44 CE, Judea was ruled by Roman procurators (or: administrators), who were themselves subject to the authority of the province's governor (the governor of Syria, in this case).

<sup>&</sup>lt;sup>6</sup> We also find 'the high priests, the men of power, and the *boulē*' in *BJ* 2.336.

<sup>&</sup>lt;sup>7</sup> See *AJ* 17.317, 20.200, 20.202. The New Testament also mentions the high priests and the Sanhedrin as the Judean authorities; see, e.g., Matt 26:59, Mark 14:55, 15:1, Luke 22:66 (which depicts the high priests, the elders, and the scribes as constituting the *synedrion*).

In sum, neither in the Hellenistic period (except for the brief episode of 'Antiocheia in Jerusalem') nor in the Roman one was there such a thing as Judean citizenship in the Greco-Roman meaning of the term.

#### 1.2 Jews' civic experiences among Greeks and Romans

In the diaspora, many Jews lived in Greek cities, where they had various statuses.<sup>8</sup> Some of them may have been citizens of the poleis in which they dwelt – probably on an individual basis rather than as a group. In Flacc. 47, Philo alludes to the fact that (at least some) Jews were citizens of the cities in which they lived. Yet the bulk of the evidence comes from Josephus and is not without problems. In AJ 14.188, Josephus claims that 'Julius Caesar made a bronze tablet for the Jews in Alexandria, declaring that they were citizens of Alexandria' (trans. R. Marcus, Loeb: 549), but there is no reference to this collective possession of Alexandrian citizenship in non-Jewish sources. In AJ 19.281-285, Josephus tells his readers about Claudius's letter to the Alexandrians following the riots against the Jews in their city in 38 CE, but Josephus's formulation is much more favourable to the Jews than the version of the original letter found on papyrus, which does not consider the Jews as Alexandrian citizens (CPJ 2:36-53, no. 153). In BJ 7.43-45, Josephus implies that Jews were citizens of Antioch in the first century CE; see also AJ 12.119-128 and Ap. 2.38-39 (where he states explicitly that Seleucus I granted Jews Antiochene citizenship, and suggests that Jews in Ephesus and other Ionian cities also received local citizenship). Yet Josephus may have deliberately conflated grants of citizenship and permissions to dwell in certain cities in a permanent way and other 'privileges' granted to the Jewish communities.<sup>9</sup>

Hellenistic cities granted their citizenship to foreigners who had bestowed on them important benefits (*euergesiai*), and this must have happened with Jewish benefactors as well. Admittedly, as Mary Smallwood emphasized, being a citizen of a Greek city entailed political and religious duties that could conflict with the Mosaic laws.<sup>10</sup> Yet we know that not all Jews were eager to live according to their ancestral traditions, especially elites.<sup>11</sup>

From the first century BCE onward, some Jews also received Roman citizenship. The case of Antipater, Herod's father, is well known: he was granted Roman citizenship by Julius Caesar in 47 BCE as a reward for his military support, especially during Caesar's war in Egypt.<sup>12</sup> The

<sup>&</sup>lt;sup>8</sup> See, e.g., Barclay 1996; Ritter 2015.

<sup>&</sup>lt;sup>9</sup> See Tcherikover 1959: 326-332. On the case of Sardis (*AJ* 14.259-261), see Bradley Ritter 2015: 203-207.

<sup>&</sup>lt;sup>10</sup> Smallwood 1961: 13-14.

<sup>&</sup>lt;sup>11</sup> Among the examples that come to mind are Dositheos son of Drimylos in third-century BCE Egypt, some members of the 'Hellenized' Jerusalem elite in the 170s BCE, and Tiberius Julius Alexander, Philo's nephew. <sup>12</sup> Josephus, *BJ* 1.193-194, *AJ* 14.137, 16.53.

examples of the apostle Paul (Acts 22:25–29), of Philo's nephew Tiberius Julius Alexander, and of Josephus himself (*Vit.* 423) are also famous.<sup>13</sup> Josephus's *Jewish Antiquities* goes beyond these few individual cases, however, quoting documents that concern the exemption of Jewish Roman citizens from military service in Asia Minor 'during the Roman civil wars of the 50s and 40s BCE, periods of intensive recruitment of Roman forces in the East'.<sup>14</sup> These documents show that there were a number of Jews in first-century BCE Asia Minor who had been granted Roman citizenship. In *War* 2.308, when speaking of the events that happened under Gessius Florus, Josephus also alludes to the presence in Jerusalem of Jews possessing Roman citizenship.

Around the Mediterranean, Jews could thus have either indirect or direct knowledge of how Greek and Roman civic institutions functioned. As we shall see below, it is in works produced in this diasporic context that membership in the Jewish people came to be conceptualized as 'citizenship'.

#### 1.3 Jewish politeumata in the Lagid kingdom

Before we proceed to the texts that describe Jewishness as citizenship, however, we must examine yet another issue. At least in Egypt and Cyrenaica, the adoption of Greek civic notions by Jews may also be explained by the existence of an institution that is attested so far only in the Lagid kingdom, the Jewish *politeuma*.<sup>15</sup>

In Greek literary and epigraphic sources, the term *politeuma* has various meanings, including the community of citizens in a given polis, as shown by the case of Tyriaion mentioned above. In his first letter to this community, Eumenes II granted its members the right 'to organize together into a single citizen body (politeuma) and to use their own laws'.<sup>16</sup> Yet in the Ptolemaic context, the *politeumata* referred to in papyri seem to have originated as groups of mercenaries who shared a common origin – Boeotians, Cilicians, Cretans, Lycians, Phrygians, or Idumaeans. They were thus based on ethnicity.

Papyri found in Herakleopolis and dating to between 144/3 and 133/2 BCE have demonstrated that in some places in Egypt, Jews too were organized in *politeumata*.<sup>17</sup> Around

<sup>&</sup>lt;sup>13</sup> On Tiberius Julius Alexander, see Turner 1954.

<sup>&</sup>lt;sup>14</sup> Ritter 2015: 199. See Josephus, *AJ* 14.228, 232, 234, 237, etc.

<sup>&</sup>lt;sup>15</sup> According to Sänger 2016: 1682-1683, the *politeuma* was an institution found only in the Ptolemaic kingdom and in areas that had been under Ptolemaic rule for a while. He thus doubts that Jewish communities were organized as *politeumata* elsewhere in the diaspora.

<sup>&</sup>lt;sup>16</sup> SEG 47.1745, lines 27-28, trans. Kennel 2005: 13. On the various meanings of *politeuma*, see Constantine Zuckerman 1985-1988: 174; Sänger 2014: 52; Sänger 2016; Sänger 2019: 3-7.

<sup>&</sup>lt;sup>17</sup> Cowey and Maresh 2001; Honigman 2002 and 2003 (Honigman argues strongly in favor of the existence of a Jewish *politeuma* in Alexandria, mentioned in only one literary source, Letter of Aristeas 310); Sänger 2014, 2016, and 2019. It would not make sense to consider the Herakleopolis *politeuma* unique. Yet the view of Arieh Kasher

the middle of the second century BCE, a fort was built in the harbour of Herakleopolis, and the Jewish *politeuma* may have consisted at least in part of Jewish soldiers who lived near it.<sup>18</sup> According to the papyri, the members of this *politeuma* called themselves *politai*, even though membership of a *politeuma* was not equivalent to citizenship of a polis.<sup>19</sup>

*Politeumata* had to be approved by the king and his administration but enjoyed a great deal of autonomy: 'Unlike private associations, a community constituted as *politeuma* can be considered as an institutionalised part of the kingdom's administrative structure which – similar to a polis – carried responsibility for itself'.<sup>20</sup> The *archontes* (leaders) of the *politeuma* played administrative and judicial roles but did not infringe on the jurisdiction of the *dikastēria* (the tribunals for Hellenes).<sup>21</sup> The Herakleopolis papyri mainly document legal cases concerning contracts. The disputes involved Jews but also non-Jews. It must be emphasized that not all Jews who lived in the area and turned to the archons were members of the *politeuma*. Nor was every Jewish settlement organized in this fashion.<sup>22</sup>

In the Roman period, *politeumata* no longer had any military dimension.<sup>23</sup> They seem to have been deprived of their legal power and to have become mainly cultic associations.<sup>24</sup> We know about one Jewish *politeuma* in Berenikē (in Cyrenaica) under Augustus and Tiberius, through two honorary inscriptions.<sup>25</sup> They indicate that the members made their decisions by democratic vote, casting black or white stones in accordance with Greek custom. Constantine Zuckerman notes that the decrees (*psēphismata*) of the *politeuma* 'are formulated in perfect accord with the protocol of civic decrees (under magistrates so-and-so [...]), and were displayed in the municipal amphitheater'.<sup>26</sup> This example shows that Jews integrated some aspects of Greek civic norms and organization into their community life, at least in the case of those living in the Ptolemaic orbit.

<sup>(1985)</sup> that Jews in the diaspora preferred to be citizens of their own civic structures, *politeumata*, rather than of Greek poleis has rightly been refuted by Zuckerman (1985-1988), and the Herakleopolis papyri further demonstrate the inadequacy of this theory. For a concise history of research on Jewish *politeumata*, see Ritter 2015: 1-11; for a detailed study, Sänger 2019. Ritter is the only scholar who rejects the interpretation of the Herakleopolis papyri as referring to a Jewish *politeuma*, arguing instead that the *politeuma* in P. Polit. Iud. no. 8, lines 4-5, is the civic body of Herakleopolis (Ritter 2011).

<sup>&</sup>lt;sup>18</sup> Sänger 2014: 60.

<sup>&</sup>lt;sup>19</sup> P. Polit. Iud. no. 1, line 18. On the difference between membership in a *politeuma* and citizenship, see Zuckerman 1985-1988: 184; Sänger 2016: 1686.

<sup>&</sup>lt;sup>20</sup> Sänger 2014: 63.

<sup>&</sup>lt;sup>21</sup> Cowey and Maresh 2001: 11-17; Honigman 2003: 63-64.

<sup>&</sup>lt;sup>22</sup> Honigman 2002: 254.

<sup>&</sup>lt;sup>23</sup> Zuckerman 1985-1988: 178; Honigman 2002: 263.

<sup>&</sup>lt;sup>24</sup> On the organization of Jewish communities as associations more broadly, see the case studies presented in Eckhardt 2019.

<sup>&</sup>lt;sup>25</sup> Lüderitz 1983: 148-155, nos. 70 (*SEG* 16.931; in honor of Decimus Valerius Dionysius, who was a member of the *politeuma*), 71 (in honor of Marcus Tittius, son of Sextus). This *politeuma* had its own archons, mentioned in an inscription from 24/5 CE (*IGRR* 1024), and a synagogue is attested in 56 CE (*SEG* 17.823).

<sup>&</sup>lt;sup>26</sup> Zuckerman 1985-1988: 179.

#### 2. Citizenship as metaphor for membership of the people of Israel

Jewish literature written directly in Greek during the Hellenistic and Roman periods differs markedly from the Greek translation of the Hebrew Bible. In contrast to the latter, the former uses the Greek civic lexicon repeatedly, not only to refer to the institutions of the Greeks and the Romans but also to describe the Jewish people and their laws.<sup>27</sup>

#### 2.1 The Hellenistic period

This use of Greek political vocabulary can be traced back at least to the second century BCE. In the fragments of Aristobulus (a Jewish philosopher from Alexandria), the Letter of Aristeas, and 2 Maccabees – all dated to the second century BCE – the members of the Jewish *ethnos* are described as citizens, *politai*.<sup>28</sup> The term *politeia* is attested as well and generally refers to the Law of Moses, considered the ancestral constitution of the Jewish *ethnos* and its polity: the Jews are *politai* to one another, no matter where they dwell, insofar as they live under the same laws.<sup>29</sup>

Whether proselytes – non-Jews who chose to embrace the Jewish way of life and beliefs and to join the Jewish *ethnos* – were seen as having been granted 'Jewish citizenship' is difficult to pinpoint in the texts dating to the Hellenistic period. It would be a fairly logical implication of the use of the civic metaphor to describe the Jewish people, but we lack conclusive evidence. In 2 Maccabees, when Antiochus IV, the Judeans' 'persecutor', falls ill, he repents of his evil deeds against them and, to obtain divine mercy, vows to become a Jew and to proclaim God's power worldwide (9:11–17). Then he writes a letter to the Judeans, whose opening reads: 'To the respected Jews, fellow citizens (*politai*), many greetings, health and success (from) the King and Governor Antiochus'.<sup>30</sup> However, it is unclear whether the king is addressing the Jews as his (future) fellow citizens, calling them *politai* because he has declared that he will set them equal to the Athenians (v. 15) and thus allow them to form a *politeia* in the classical meaning of the term, or merely imitating the Jews' way of speaking (of their relationship to one another). Moreover, the whole passage is ironic, as the author obviously did not regard Antiochus's

<sup>&</sup>lt;sup>27</sup> Troiani 1994; Rajak 1998; Carlier 2008.

<sup>&</sup>lt;sup>28</sup> See Aristobulus, frag. 3.1 (Holladay 1995: 154); Let. Aris. 3, 126; 2 Macc 5:6, 5:23, 9:19, 15:30. In the Letter of Aristeas, the Egyptian Jews are said to be 'fellow citizens' of the high priest in Jerusalem (36, 44). Note that similarly, in 2 Maccabees, the *politai* are not the citizens of Jerusalem but the members of the *ethnos* as a whole. <sup>29</sup> See, e.g., 2 Macc 4:11, 8:17; Carlier 2008: 77-126. In 2 Maccabees 13:14, *politeia* (probably with the meaning of 'constitution' or 'political regime') is listed alongside the Jews' laws, temple, city, and *patris*; see Schwartz 2008: 446.

<sup>&</sup>lt;sup>30</sup> 2 Macc 9:19, trans. Schwartz 2008: 350.

statements as serious. Daniel R. Schwartz rightly notes in his commentary: 'The king speaks like a Jew (as promised in v. 17 and exemplified in v. 20), denoting the Jews as his "fellow citizens" [...]. This too is part of the joke' (Schwartz 2008: 361). This text in itself does not allow us to conclude that native Jews would have considered proselytes to be their 'fellow citizens', even though this looks like a logical outcome of the use of the civic metaphor to define Israel.

#### 2.2 The Roman period

Philo, Josephus, and the author of 4 Maccabees use the words *politeia*, *politeuma*, *politēs*, and *politeuomai* extensively. This terminology is also found in some inscriptions dating to the Roman period. In *I.Stobi* 19, an inscription from the synagogue of Stobi in Macedonia, probably dating to the second half of the second century CE, Claudius Tiberius Polycharmus presents himself in the first lines as the *patēr* (father) of the *synagogē* (Jewish community) in Stobi and as *poleiteusamenos* (read: *politeusamenos*) *pasan poleiteian* (read: *politeian*) *kata ton Ioudaïsmon* (lines 6-9). The significance of *politeia* in this context is unclear.<sup>31</sup>

In general, *politeia* may refer to the Jews' 'constitution' or 'political regime / polity', as in Jewish works from the Hellenistic period.<sup>32</sup> However, it seems that Philo favoured the word *nomothesia* to refer to the Jews' 'constitution', and that in his writings the Mosaic *politeia* tends to designate the civic body or community – that is, the community of the (Jewish) 'citizens', which is in fact the Jewish *ethnos*.<sup>33</sup> Moreover, in at least one case pertaining to a Jewish context (*Spec.* 2.73), *politeia* should probably be translated as 'citizenship' (see also *Virt.* 108, and the discussion of *Legat.* 157 below). Yet the word *polites* is not very common in Philo's work (22 occurrences, versus 91 of *politeia*), and it is only in the *Legatio* that he explicitly designates the Jews as sharing a common citizenship (§§211 and 265).

Josephus uses *politeia* to mean 'constitution', 'polity', or 'citizenship', but the last is associated only with Greek and Roman examples.<sup>34</sup> The word *polites* occurs frequently, but

<sup>&</sup>lt;sup>31</sup> See *I.Stobi* 19 (*IJO* I, Mac1). The second-century date is based on N. Vulić's epigraphic and palaeographic observations (Vulić 1932). For a detailed discussion of the date and other aspects of this inscription, see Habas (Rubin) 2001; Noy, Panayotov, and Bloedhom 2004 (*IJO* I): 62-71.

<sup>&</sup>lt;sup>32</sup> See, e.g., Philo, *Spec.* 3.24, 4.47, 4.55 (?), 4.159 (?), *Virt.* 127, *Flacc.* 53, *Legat.* 194; Josephus, *AJ* 3.84, 3.213, 4.45, 4.184, 4.191, 4.193-198 (etc.), *Ap.* 2.188, 2.222, 2.226, 2.287. In 4 Macc 3:20, *politeia* refers to a 'constitution' (a set of laws) or a polity; see also 8:7 and 17:9.

<sup>&</sup>lt;sup>33</sup> Philo, *Her.* 169, *Mos.* 2.211, *Decal.* 98 (?), *Spec.* 1.51 (see below), 1.60, 1.63, 1.314, 1.319, 3.51, 3.167 (?), 3.181, 4.10, 4.55 (?), 4.100, 4.105, 4.149, *Virt.* 87, 175, 219, *Legat.* 193-194, 363 (?). In some passages it is unclear whether *politeia* refers to the civic community, the state, or the constitution; see, e.g., *Spec.* 2.123.

<sup>&</sup>lt;sup>34</sup> In 3 Macc 3:21, 23, and in Josephus, *Ap.* 2.32, 41, *politeia* means Alexandrian citizenship. Josephus also refers to Roman citizenship, Spartan citizenship, etc.

sometimes in the loose sense of 'inhabitant' rather than in the technical sense of 'citizen'.<sup>35</sup> Nonetheless, in other passages the meaning of *polites* involves the bond that unites Jews together, no matter where they live -a bond that consists of their laws and way of life -a and implies that Josephus conceived of Jewishness (the fact of belonging to the people of Israel) as a form of citizenship. He thus writes that Moses began his legislation with the account of the creation of the world because he wanted to teach his 'fellow citizens' (politai) about God and piety first (AJ 1.21). In Jewish Antiquities 14.226, Josephus describes Jews in the diaspora as politai of Alexander son of Theodorus, an ambassador sent by Hyrcanus II (then the high priest and ethnarch of Judea) to Publius Cornelius Dolabella (then the governor of Syria - not Asia, as erroneously stated in AJ 14.223) to defend the rights of the Jews in Asia Minor. Jews are thus seen as sharing a common citizenship no matter where they live. Throughout Jewish Antiquities, Jews are repeatedly designated by the term *politai*, even in the books dealing with periods when Judea was a monarchy.<sup>36</sup> In Against Apion, while describing the laws that govern the Jewish politeuma (2.164–165), Josephus also states that Jews are politai to one another (2.170). In all these cases, *politai* has a metaphorical meaning to a large extent and could also be translated as 'countrymen'; it refers to the fact that Jews are members of the same ethnos, despite their settlement in various places throughout the world. Greek and Roman authors also regarded Jews as belonging to a single ethnos (or gens) even though they were scattered in various countries, but, in contrast to Jewish authors writing in Greek, they did not refer to Jews as sharing a common 'citizenship'.

Noteworthy is the fact that both Philo and Josephus suggest that proselytes can be considered new 'citizens' of the Jewish community or people.<sup>37</sup> What remained a mere possibility in the Jewish texts from the Hellenistic period now becomes an explicit statement. An illuminating example comes from Philo's *On the Special Laws*. While commenting on the first commandment of the Decalogue, the recognition of the one true God, Philo reflects on the condition of the proselytes within the people of Israel. He distinguishes between people who have been trained in the truth since childhood (native Jews) and those stemming from a pagan background who have discovered the truth at a later stage in life (converts):

<sup>&</sup>lt;sup>35</sup> See, e.g., *AJ* 7.291, 8.361, 8.370, 9.80, 10.126, 10.129, 12.252, 15.3 (the inhabitants of Jerusalem), *Vita* 42-43 (the inhabitants of Tiberias), 135 (the inhabitants of Tarichea). See also Philo, *Somn.* 1:53. The only occurrence of *politēs* in 3 Maccabees (1:22) might have this meaning too – the scene takes place in Jerusalem, and it is unclear whether *politēs* refers to the inhabitants of the city or to Jews as fellow citizens; see Mélèze-Modrzejewski 2008: 82. Elsewhere in 3 Maccabees the Alexandrian Jews are not described as *politai* of one another or of the Judean Jews. In the Testament of Job 29:1, which may also date from the Roman period, it is likewise unclear whether *politai* refers to fellow citizens or merely to inhabitants; in any case, this work does not present Job and his neighbors as Jewish.

<sup>&</sup>lt;sup>36</sup> See *AJ* 4.314, 5.54, 5.265, 8.370, 12.46, 12.54, 12.161-162, 12.269, 12.323, 13.287, 15.264, 15.282, 15.290, 15.375, etc.

<sup>&</sup>lt;sup>37</sup> See esp. Philo, *Spec.* 1.51 and Josephus, *Ap.* 2.260-261; Berthelot 2003: 272-279; cf. Carlier 2008: 183-184. According to Mélèze-Modrzejewski, the Jewish *politeia* in this case is Jewishness itself or the Jewish way of life (2011: 157-158); see also Ritter 2015: 79. However, Birnbaum (1996: 214-217) and Carlier (2008: 171-173) rightly argue that it is the community of Jewish 'citizens' – that is, the Jewish people.

[...] These last he [Moses] calls 'proselytes' (proselytoi), because they have joined a new and god-loving civic community (politeia). They disregard mythical inventions and seize the unaltered truth. Thus, while giving equal honour (isotimia) to all in-comers (epēlytai) with all the privileges which he gives to the native-born (autochthones), he exhorts the old nobility to honour them not only with marks of respect but with special friendship and with more than ordinary goodwill. And surely there is good reason for this; they have left, he says, their country, their relatives, and their friends for the sake of virtue and holiness. Let them not be deprived of other cities, parents, and friends, and let them find places of shelter standing ready for refugees to (the camp of) piety. For the most effectual love-charm, the chain which binds indissolubly the goodwill which makes us one, is to honour the one God. Yet he counsels them that they must not, presuming on the equality before the laws (isonomia) and the tributes (isoteleia) which he grants them because they have denounced the vain imaginings of their fathers and ancestors, deal in idle talk or revile with an unbridled tongue the gods whom others acknowledge, lest they on their part be moved to utter profane words against Him Who truly is. (Spec. 1.51-53, trans. F.H. Colson, Loeb: 127-129, slightly modified)

Here Philo uses the words *prosēlytos/epēlytēs* (newcomer) and *autochtōn* (native), which go back to the biblical categories of the *ger* and the *ezraḥ* and indicate that the newcomer has joined the Jewish community.<sup>38</sup> The reference to 'the vain imaginings of their fathers and ancestors' in §53 makes clear that these newcomers were born and raised in a polytheistic context and have rejected what Philo considers to be the false gods of their ancestors (see also §51: 'they disregard mythical inventions'). What is at stake here is what modern scholars commonly call 'conversion to Judaism'. Most interestingly, Philo describes this change of status in civic terms, speaking of proselytes as people who 'have joined a new and god-loving civic community (*politeia*)' (§51). Moreover, his insistence on their equality with those who were born in the community, from the perspective of laws (*isonomia*), taxes (*isoteleia*), and honours (*isotimia*), shows that the 'newcomers' are to be considered full members of this *politeia*.

#### 3. The impact of the Roman context

3.1 Roman and Jewish 'generosity' in granting citizenship

<sup>&</sup>lt;sup>38</sup> The term *epēlytēs* is not found in the LXX but is equivalent to *prosēlytos* in Philo's work (Birnbaum 1996: 195). On the word *prosēlytos* and its original Greek meaning of 'newcomer' or 'resident alien', see Moffitt and Butera 2013; Thiessen 2013.

The Roman policy of granting citizenship to numerous individuals and even whole communities is described in both Roman and pro-Roman writings as very benevolent and generous. In Greek texts, the key term characterizing this policy is *philanthrōpos / philanthrōpia*.<sup>39</sup> Dionysius of Halicarnassus thus affirms that Rome was 'the most hospitable and benevolent of all cities (*koinotatē te poleōn kai philanthrōpotatē*)' (*Rom. Ant.* 1.89.1). And Josephus too praises the Romans for their generosity in granting citizenship, which he calls an act of *philanthrōpia* (*Ap.* 2.40).

In a context in which authors such as Apollonios Molon and Apion accused the Mosaic law of being misanthropic, this ideological discourse impacted how Philo and Josephus argued for the benevolent character of the Jewish laws and addressed the issue of proselytes.<sup>40</sup> In the section *Peri Philanthrōpias (On Humanity/Benevolence)* of his treatise *On the Virtues*, Philo thus suggests that the Mosaic law demonstrates its *philanthrōpia* in the benevolence that it prescribes toward newcomers. His argument is based on Leviticus 19:34 – 'You shall love the *ger/prosēlytos* as yourself' – on which he comments: '(Moses) commands those of the nation to love the proselytes (*epēlytai*) not only as friends and relatives, but as themselves in both body and soul' (*Virt.* 103, trans. Wilson 2011: 64).<sup>41</sup>

Philo continues his demonstration of the *philanthrōpia* of the Mosaic commandments concerning non-Jews by tackling the case of *metoikoi*, foreign residents.<sup>42</sup> However, rather than speak about the *metoikoi* living among the Israelites, he recalls that the latter were themselves once foreigners in Egypt and must be grateful to those who welcomed them in the past.<sup>43</sup> Philo admits that the Egyptians badly treated the Israelites who had settled among them, and uses this point to highlight the Mosaic law's generosity, quoting Deuteronomy 23:8, 'You shall not abhor any of the Egyptians, because you were a foreigner residing in their land'. Maybe alluding to events of his own time, especially the attacks on Jews by Alexandrians and Egyptians in 38 CE,<sup>44</sup> he then adds:

And yet what evil was there that the Egyptians neglected to inflict upon our nation, ever adding new evils to old with schemes contrived for the sake of cruelty? Nevertheless, since they initially welcomed them, neither closing off their cities nor making the countryside inaccessible to those who came, he [Moses] says that, because of this acceptance, they should be granted as a privilege terms of peace. And if any of them should want to cross over to the

<sup>&</sup>lt;sup>39</sup> See in particular Dionysius of Halicarnassus, *Rom. Ant.* 1.9.4, 1.89.1; Dio Chrys., *Or.* 41.9; Josephus, *Ap.* 2.41. This perspective was still shared by Augustine, who declared the Roman policy *humanissimus*, specifically in connection with Caracalla's edict (*De civitate Dei* 5.17.1). On Roman generosity in granting citizenship, see also Cicero, *Balb.* 13.31; Livy 8.13.15-16; Tacitus, *Ann.* 11.24.1-7; Aelius Aristides, *Roman Oration* 57-66; Libanius, *Or.* 30.5.

<sup>&</sup>lt;sup>40</sup> Berthelot 2003: chs. 4 and 5; Berthelot 2021: ch. 5, §2.3.

<sup>&</sup>lt;sup>41</sup> See also Deut 10:18-19; Borgen 1997: 249, 252.

<sup>&</sup>lt;sup>42</sup> See Birnbaum 1996: 204.

<sup>&</sup>lt;sup>43</sup> See Wilson 2011: 256-257.

<sup>&</sup>lt;sup>44</sup> Wilson 2011: 261. On the events of 38 CE, see Gambetti 2009.

Jewish civic community (*pros tēn Ioudaiōn politeian*), they are not to be scorned unyieldingly like the children of enemies, but are to be treated in such a manner that the third generation is invited into the congregation and granted that share of the divine oracles into which the native- and noble-born are also rightfully initiated. (*Virt.* 107-108, trans. Wilson 2011: 65, very slightly modified)

Philo here depends on Deuteronomy 23:9, which prescribes letting Edomites and Egyptians enter the assembly of the Lord (*qehal YHWH*, *ekklēsia Kyriou*) in the third generation. He interprets this verse as allowing Egyptians to become members of 'the *politeia* of the Jews' – that is, the Jewish people. The choice of a biblical passage that refers to the descendants of former enemies may be understood as a deliberate echo of the Roman or pro-Roman discourse celebrating Rome's grants of citizenship to its former enemies. Moreover, since Rome was praised for its *philanthrōpia* precisely because it granted citizenship to foreigners who included former enemies, Philo's characterization of the Mosaic *politeia*'s openness to the Egyptians as an expression of *philanthrōpia* (§105) can hardly be a coincidence.<sup>45</sup>

The Romans, however, did not grant citizenship to Egyptians who were not already Greek citizens of one of Egypt's three poleis, Alexandria, Naucratis, and Ptolemais. Josephus, who claims that Apion was originally an Egyptian, emphasizes that 'it is only to Egyptians that the Romans, who are now rulers of the world, have refused to grant any form of citizenship'.<sup>46</sup> It is thus possible that Philo, who shared with some Romans contempt for and hostility toward Egyptians, used the example of Deuteronomy 23:8b–9 with an implicit a fortiori argument in mind: if the Jews were ready to go further than the Romans and grant citizenship even to Egyptians, then their *philanthrōpia* was greater than that of Rome.

Josephus also describes the Jews as cheerfully welcoming and granting citizenship to those who want to live under their laws, explicitly contrasting them with the Spartans, as authors such as Dionysius of Halicarnassus and Tacitus did when aiming to emphasize the superiority of the Romans' enfranchisement policy.<sup>47</sup> Pointing to the Spartans' reputation for expelling foreigners (*xenēlasia*), Josephus writes:

They perhaps might reasonably be criticized for their churlishness (*dyskolia*): for they would not grant anyone the right of citizenship (*politeia*) or of residence among them.<sup>48</sup> We, on the other hand, are not inclined to emulate other people's customs, but gladly welcome those who wish to share ours; and that would be evidence, I take it, of both benevolence

<sup>&</sup>lt;sup>45</sup> See Berthelot 2019: 126-127.

<sup>&</sup>lt;sup>46</sup> C. Ap. 2.41, trans. Barclay 2007: 191. See Marotta 2017: esp. 175-181.

<sup>&</sup>lt;sup>47</sup> Dionysius of Halicarnassus, Rom. Ant. 2.17.1, 14.6.1-6; Tacitus, Annals 11.24; Berthelot 2003: 362-366.

 $<sup>^{48}</sup>$  Lit. 'they would not share with anybody either their citizenship or their lifestyle'. Josephus likewise uses *politeia* (*tōn*) *Rhōmaiōn* to speak of Roman citizenship (*Vit.* 423).

# (*philanthrōpia*) and generosity (*megalopsychia*). (*Ap.* 2.260-261, trans. Barclay 2007: 317-318)<sup>49</sup>

Josephus suggests that, in contrast to the Spartans, Jews grant their *politeia* (i.e., 'citizenship') to anyone who is ready to live according to their laws. He thus shares several ideas with Philo: that Jewish 'citizenship' mainly implies a life in accordance with the Torah, and that the openness of the Mosaic *politeia* to new citizens is proof of its benevolent character (its *philanthrōpia*), implicitly putting it on a par with Roman norms.<sup>50</sup>

#### 3.2 Philo's use of politeia as 'civic community' and the Roman civitas

Although Philo was steeped in Greek philosophical thought, the Roman context in which he lived influenced his conception of the Jewish *politeia* in several ways. A passage in the *Legatio* reveals that he could describe Jewishness as a form of citizenship comparable to the Roman one and saw the two as eminently compatible (even though in his eyes Jewish 'citizenship' was far more important). Speaking of Augustus's policy toward the Jews of Rome, Philo emphasizes that the princeps was perfectly aware that they sent money to the Temple in Jerusalem (§156). Yet, Philo argues,

nevertheless he neither ejected them from Rome nor deprived them of their Roman citizenship (*tēn Rhōmaikēn autōn politeian*) because they also cared about their Jewish [citizenship] (*tēn Ioudaikēn*), nor took any violent measures against the houses of prayer, nor prevented them from meeting to receive instructions in the laws, nor opposed their offerings of the firstfruits. (*Legat.* 157, trans. F.H. Colson, Loeb: 81, modified)

Even though the word *politeia* is not repeated twice, the adjective *Ioudaikos* clearly parallels *Rhōmaikos*. There is thus no doubt that *politeia* is the implied noun that *Ioudaikos* characterizes. In Philo's discourse, not only is Jewishness a 'citizenship', but it is even comparable to Roman citizenship, and the two can be put on an equal footing.<sup>51</sup>

Moreover, Philo's understanding of the Jewish *politeia* shares some features with the Roman notion of *civitas*. As Clifford Ando explains, in Roman political thought

a political collectivity, a *populus*, is formed through the consensual commitment of its members to a particular normative order. [...] The distinctiveness and pervasiveness of this Roman commitment to contractarianism is visible above all in the common use of *civitas*, citizenship, as a metonym for both city and political community. The corresponding term in

<sup>&</sup>lt;sup>49</sup> See also Berthelot 2003: 359-368.

<sup>&</sup>lt;sup>50</sup> *Ap.* 2.210, 2.261.

<sup>&</sup>lt;sup>51</sup> See also Honigman 1997: 75-78, which argues that for Philo, Roman citizenship plays the role of local citizenship, comparable to that of Alexandria, Ephesus, or Antioch, whereas 'Jewish citizenship' is a universal one.

upon the assumption that it is individual possession of membership, and individual commitment to the entailments of membership, that bind one to the community. (Ando 2011: 3; his definition is based on Cicero, *Rep.* 1.39)

Philo's use of *politeia* to refer to the people of Israel linked together by the laws of Moses differs from previous usages in classical and Hellenistic Greek but is in line with this definition of civitas. His understanding of politeia as 'political community' probably resulted from his exposure to the Roman notion of *civitas*.<sup>52</sup> Interestingly, the references to the Jewish community/people as *politeia* appear nearly exclusively in the part of his work titled 'Exposition of the Law', which Maren Niehoff and others believe postdates Philo's stay in Rome in 38-41 CE (Niehoff 2018). Philo's insistence on the equality of rights and duties between natives and proselytes in On the Special Laws 1.51-53 (quoted above) also correlates with the Roman emphasis on the 'individual commitment to the entailments of membership'. In other words, Philo tends to define the Mosaic *politeia* as a 'structure of integration' (like the Roman civitas) rather than a 'structure of participation' (the model of Greek cities), to use Philippe Gauthier's terminology (Gauthier 1981: 169, 171). Moreover, like Cicero's definition of *populus* referred to by Ando, Philo's writings reflect the central role played by the citizens' individual commitments to the law ('a particular normative order') in the formation of the political community. From Philo's perspective, this meant that the commitment of both Jews and proselytes to the Torah was crucial to the continued existence of the Jewish people.

#### Conclusion

From the Hellenistic period onward, Jewish communities around the Mediterranean conceived of themselves and of the bonds between their members partly through Greek civic notions. Yet the Roman idea of *civitas* seems to have had a significant impact as well on Jews who, like Philo and Josephus, wrote in a Roman imperial context. We must remain aware, however, that in most cases their use of the words *polites* and *politeia* in connection with membership in the people of Israel is metaphorical or analogical.

The question of the impact of Greek and Roman notions of citizenship on Jewish selfdefinitions is not limited to Jewish sources in Greek. Some recent publications emphasize the

<sup>&</sup>lt;sup>52</sup> On *politeia*'s meanings in classical and Hellenistic texts, see Bordes 1980 (on Aristotle); Bordes 1982 (on Greek sources up to Aristotle); Lévy 1990 (on *politeia* and *politeuma* in Polybius); Murray 1993 (on Aristotle, *Pol.* 3.3, 1276b, whose *politeia* Murray translates as 'constitution'). The word polis originally referred to both the city and the political community, but it did not mean citizenship (Lévy 1990: 15). On the similarities between Philo's notion of *politeia* and that of *civitas*, see also Carlier 2008: 155 (in connection to *Legat*. 193-194).

correlation between specific aspects of the Roman notion of citizenship and rabbinic texts from the Land of Israel, even though this literature lacks words such as 'citizen' and 'citizenship'.<sup>53</sup>

Finally, it is worth mentioning an inscription from Venosa (Italy) that refers to the Jewish community as a *civitas*, even though it is dated to the fifth or sixth century CE, and thus much later than the evidence that we have examined so far.<sup>54</sup> The inscription is an epitaph for Faustina, the daughter of an apparently important member of the Jewish community in Venosa. She is also presented as the granddaughter of Vitus and Asellus, 'who were the leaders (*maiures*) of the community (*cibitas*)'.<sup>55</sup> The inscription further records that 'she made great enough grief for her parents and tears for the community (*lagrimas cibitati*)'.<sup>56</sup> It is therefore clear that the word *civitas* refers not to the civic community of Venosa as a whole but to the local Jewish community. This epitaph suggests that the description of the Jewish people as a civic community may have been as common in the empire's western part as it was among Greek-speaking Jews in the east, and remained so for a very long time. Unfortunately, the paucity of documents prevents us from reaching firmer conclusions about the weight of Greco-Roman notions of citizenship in Greek- and Latin-speaking late antique Jewish communities.

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<sup>&</sup>lt;sup>53</sup> See, e.g., Furstenberg 2019; Malka and Paz 2019 and 2021; Wilfand 2020 and 2021.

<sup>&</sup>lt;sup>54</sup> *CIJ* I, no. 611; *JIWE* I, no. 86.

<sup>&</sup>lt;sup>55</sup> Ed. and trans. Noy in *JIWE* I, 114-115. Spelling as in *JIWE*.

<sup>&</sup>lt;sup>56</sup> Trans. Noy, *JIWE* I, 115.

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