INCLUDE ME OUT: TERTULLIAN, THE RABBIS, AND THE GRAECO-ROMAN CITY

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Gods and humans cohabited the ancient city. Dedicated festivals, celebrating seasons and times sacred to divine patrons both celestial and imperial, punctuated the civic year. The venues of these celebrations – the theatre, the circus, the stadium, the amphitheatre – held altars to and images of these gods. So did the halls of town councils. Household calendars and domestic space replicated in miniature these civic structures, wherein celebrations of the life-cycle – adulthood, marriages, naming ceremonies – also invoked and honored presiding deities. The gods were everywhere, not only in the public and private buildings of ancient municipalities, but also on insignia of office, on military standards, in solemn oaths and contracts, in vernacular benedictions and exclamations, and throughout the curricula of the educated. It was impossible to live in a Greco-Roman city without living with its gods.[2]

How did Jews – and, later, Christians – cope within this god-congested environment? Jews knew that these other gods existed: their sacred scriptures said as much. "Who is like you, O Lord, among the *theoi*?" Moses asked (Ex 15.11 LXX). True, these other gods were less exalted than Israel's god. "The *theoi* of the nations are *daimonia*," the Psalmist sang in Greek (Ps 95.5

1. Jerusalem, Israel.
2. Tertullian fulminates against the gods' presence in *de spectaculis* and in *de idololatria*, in the latter treatise specifying also private family festivities (16), the insignia of civic office (18), military standards (19), education (10), oaths, contracts, and vernacular expressions (20–23). Mishnah *Avodah Zarah* 1.3 names the Kalends (a winter festival eight days after the solstice), the Saturnalia (eight days before the winter solstice), and the *kratasis* (days celebrating imperial accession to office) as well as imperial birth days and death days as "the festivals of the gentiles;" see esp. F. Graf, « Roman Festivals in Syria Palestina », in P. Schäfer (dir.) *The Talmud Yerushalmi and Graeco-Roman Culture*, Tübingen 2002, p. 435–51.

LXX): a *daimon* was specifically a lower, cosmic god. Moses, in Exodus, seemed to counsel that these deities be treated with some courtesy when he taught "Do not revile the gods" (*tous theous*; Ex 22.28 LXX). Commenting on this verse, Philo of Alexandria remarked, "Reviling each others' gods always causes war;" and he went on likewise to encourage respect for pagan rulers, "who are of the same seed as the gods" (*Questions and Answers on Exodus* 2.5). The images of the gods might be nugatory (1 Cor 8.4, 10.19), but the gods themselves were real. "Indeed," Paul noted to his gentile community in Corinth, "there are many gods and many lords," though Israel's god, he continued, the sole "true" god, was the only proper recipient of worship (1 Cor 8. 5–6).[3]

Their ancestral traditions thus put Jews in a potentially awkward situation: Israel's god famously demanded that his people worship him alone. And, despite dealing daily with all these other gods, Jews in the Diaspora do generally seem to have drawn the line at *latreia*, excusing themselves (to the occasional irritation of pagan contemporaries) from performing acts of public cult. Nevertheless, whenever they participated in civic social and cultural life – in council meetings, in law courts, and whether as participants in or as spectators of theatrical performances or musical, rhetorical, or athletic competitions – Jews were at least present when these gods were honored.[4]

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3. On the normative polytheism of ancient monotheism, see P. Fredriksen, « Judaizing the Nations: The Ritual Demands of Paul's Gospel », *NTS* 56 (2010), p. 232–52 at 240–1; further, eadem, *Augustine and the Jews*, New Haven 2010, p. 6–20. On Jews' respecting pagan gods, see P. van der Horst, « *Thou Shalt Not Revile the Gods*. The LXX Translation of Exodus 22:28 (27), Its Background and Influence », *Studia Philonica* 5 (1993), p. 1–8.

4. Inscriptional material on Jews as ephebes, town counselors, and officiers in gentile armies is assembled in M. Williams, *The Jews among the Greeks and Romans: A Diasporan Sourcebook*, Baltimore 1998, p. 107–31. Two recent discussions of Hellenistic Jewish acculturation may be found in J. Barclay, *Jews in the Western Mediterranean Diaspora*, Berkeley CA 1996, and in E. Gruen, *Diaspora*, Cambridge MA 2002. The names of two Jewish ephebes, Jesus son of Antiphilos and Eleazar son of Eleazar, appear in a first-century inscription that was itself dedicated to the gods of the gymnasium, Heracles and Hermes. Manumission inscriptions from synagogues near the Bosporus open by invoking the god of Israel and close with closer-by deities: heaven (Zeus), earth (Gaia), and the sun (Helios), on which L. Levine, *The Ancient Synagogue*, New Haven 2000, p. 113–23. And Jews mixed, mingled, and occasionally worshiped their own god together with their pagan neighbors, whether in the synagogues of the Diaspora or, before 70 CE, in the temple in Jerusalem, on which Fredriksen, *Augustine*, p. 20–5. The principle of Jewish exemption from public cult was so well established that emperors, attempting to recruit Jews into onerous service in the civic curiae, stipulated that civic liturgies should not "transgress their religion," *Digesta Iust.* 50.2.3.3, text with translation and analysis in A. Linder, *The Jews in Roman Imperial Legislation,* Detroit 1987, p. 103–107; and they were explicitly excused from worship of the emperor (jAZ 5.4 (44d).

Not all Jews were so accommodating. Some held pagan gods in contempt, condemning the worship of their images and defaming their gentile followers. These gods, some Jews held, were in reality mere rebel angels, or the demonic offspring of such angels (cf. Gen 6.1–5). Their images, when worshiped, corrupted their followers. "How miserable, their hopes set on dead things, are those who give the name 'gods' to the works of human hands!" exclaimed the author of *Wisdom of Solomon* sometime in the first century BCE (13.10). "The idol made with hands is accursed, and so is the one who made it," (14.8). Pagans kill children and indulge in profligate sexual relations; they deceive and murder; they lie, cheat and steal (14.23–31). "The worship of idols … [was] the beginning and cause and end of every evil" (v. 27). Those who worship idols would be consumed by God's wrath at the End of Days (Rom 1.18; 1 Thes 1.10).[5]

Some streams of apocalyptic Jewish thought, however, also foretold that gentiles would at the very last moment finally avert this wrath. Seeing Israel streaming back to Zion and rebuilding the temple, the nations would "turn and worship God in truth… and bury their idols" (Tobit 14.6). The lower cosmic gods, their images destroyed and their altars deserted, would themselves be defeated when God, or his messiah, established his kingdom (1 Cor 15.24–27; Phil. 2.10; cf. Sib. Or. 3.556–72).[6] In the End, when all humanity acknowledged the god of Israel, there would be no more worship of false gods.

Both Jewish attitudes, which we might identify respectively as "accommodationist" and "rejectionist," find expression throughout the Roman period. We see them as well in ancient Christianity. A movement born of apocalyptic Jewish convictions, earliest Christianity in principle demanded that affiliated gentiles absolutely renounce the worship of their gods. "You turned to God from idols," Paul tells his gentile community in Thessalonika, "to worship the true and living god, and to wait for his son from heaven … Jesus, who rescues us from the coming wrath" (1 Thess 1.9–10). Baptized Christians who fell back into native patterns of worship were to be shunned. ("Do not even eat with such a one!" 1 Cor 5.11.)

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5. On the "rhetorical gentiles" of Jewish anti-pagan ethnography, P. Fredriksen, « Mandatory Retirement: Thoughts in the Study of Christian Origins whose Time to Go has Come », *Studies in Religion/Sciences Religieuses* 35 (2006), p. 231–46. On traditions about fallen angels from Enoch, most recently A.Y. Reed, *Fallen Angels and the History of Judaism and Christianity*, Cambridge 2005.
6. On apocalyptic Jewish traditions both exclusive and incusive, see E.P. Sanders, *Jesus and Judaism*, Philadelphia 1985, p. 212–21; P. Fredriksen, « Judaism, the Circumcision of Gentiles, and Apocalyptic Hope: Another Look at Galatians 1 and 2 », *JTS* 42 (1991), p. 532–64; T. Donaldson, *Judaism and the Gentiles: Jewish Patterns of Universalism (to 135 CE) Waco* TX, (2007).

Eventually, the pagan majority reacted strenuously against such deviant behavior on the part of fellow gentiles, fearing that their own gods, piqued by lack of cult, would act in anger. This anger could manifest itself in many threatening ways: by fire, flood or famine, by earthquake or by celestial disturbance (Tertullian, Ap. 40.2). "No rain, because of the Christians!" (Augustine, *City of God* 2.3). From the late first to the mid-third century, local pagan resentments and anxieties caused by this Christian lack of respect occasionally burst forth into active aggression: gentile Christians, denounced before magistrates, would be ordered to conform to the religious protocols of the *mos Romanorum* or face severe sanctions, even death. After 250, imperial initiatives to restore and maintain the *pax deorum* brought more wide-spread pressure to bear on gentile Christians, to induce them to conform: free to worship Christ as they wished, they nonetheless also had to show honor to the gods.[7]

Some gentile Christians heroically resisted such pressure, and found themselves sentenced to torture and even to death in the arena. How many were so affected and afflicted? "Their number can easily be counted," opined Origen in the early third century (*c. Cel.* 3.29). Tertullian, inveighing against Christians' enjoying the entertainments of urban spectacles, does not mention the complicating factor of Christian executions in the arena until almost the conclusion of his treatise: this may give us a measure of their relative rarity (*spec*. 27; the treatise ends at ch. 30). Once 'persecution' shifted to imperial initiatives, more gentile Christians were caught in the net. In this later instance, on the evidence, while many resisted, many more lapsed. (Internal church disciplinary crises and the development of various forms of public penance invariably followed in the persecutions' wake.) Meanwhile, some Christians continued to take a very broad view of acceptable behavior. As late as the early fourth century, a council of western bishops felt compelled to condemn baptized Christians who served as priests in the cult of the (pagan) emperor (Elvira, c. 1); as late as the fifth century, some Christians worshiped the emperor's statue as if it were a god's.[8]

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7. See especially the essays collected in G.E.M. de St. Croix, *Christian Persecution, Martyrdom, and Orthodoxy*, Oxford 2006; on Decius' action as an imperial security measure (as opposed to an anti-Christian persecution), P. Fredriksen, « Christians in the Roman Empire in the First Three Centuries A.D », in D. S. Potter *Companion to the Roman Empire*, Oxford 2006, p. 587–606.
8. See, for instance, Cyprian's *de unitate ecclesiae*: in the wake of the mid-third century imperial initiatives, Carthage had no fewer than three "orthodox" bishops, aligned variously with the presbyters, with the rigorists ("Novatianists"), and with Cyprian, who had fled. Philostorgius complains about the Christian worship of Constantine's statue in *Church History* 2.16. On the effortless flow from the worship of a pagan emperor to the worship of a Christian one, see G. W. Bowersock, « Polytheism and Monotheism in Arabia and the Three Palestines », *DOP* 51 (1997), p. 1–10.

In brief, neither community, Jewish or Christian, adhered to a single standard of behavior. Some (many? most?) within each population saw no conflict between their commitments to ancestral practices or to their *ekklesia* and their participation in and enjoyment of majority culture, even if this required their proximity to sacrifices; and some (probably most) within each population, through amulets, astrology, and spells, availed themselves of the help of cooperative lower divinities, that is, of demons. Such comfortable closeness with pagan religious culture is perhaps best illustrated by the example of those representations of siderial deities that find themselves on the floors of basilicas and synagogues in the form of depictions of the zodiac.[9]

But others within each population took a hard line, and sought to delimit their contact with the sancta of majority culture. Given how the gods saturated ancient urban time and space, this attempt at separation took considerable effort, self-consciousness, and discipline. Around 200 CE, we see some principles of separation articulated in two quite different writings: from Carthage, in two polemical treatises, *de spectaculis* and *de idololatria,* by Tertullian; and from the mixed cities of Roman Palestine (Caesarea, Tiveria, Sepphoris, Akko), the various rabbinic prescriptions of Mishnah *Avodah Zara*. Both Tertullian and the rabbis urge their respective co-religionists to distinguish themselves from their Roman contemporaries by living on a different calendar, by withdrawing from common civic festivals, and by distancing themselves from various cultural and commercial activities. Their strategies of differentiation articulate a vision of idealized behavior that in turn reinforces their view of their own group's special status. In other words, for Tertullian as for the rabbis, ethics – principled behaviors – construct identity.

Many various groups, ethnic and (thus) religious, populated early third-century Carthage. Whatever the vestiges of the older, indigenous Berber and pre-Roman Punic peoples, the city in Tertullian's lifetime was vigorously Roman, with the usual mixes of immigrant communities to be found in a major Mediterranean port. Among these were the Jews. The origins of the Carthaginian Jewish community are lost to us: we do not know when or how Jews first arrived at the city, whether as slaves, as merchants, or both; whether they came there from Rome or from elsewhere in the Mediterranean; and whether they maintained ties, or even had any, with communities back in

9. The synagogue image of Helios/Sol Invictus at the center of the zodiac at Bet Alpha puts this clearly. Though these depictions appeared on synagogue floors no earlier than the 4th century, they reflect earlier prevalent notions. For an attempt to accommodate the appearance of such symbols within the context of what has been labeled as "normative Judaism" see Stuart S. Miller, « "Epigraphical" Rabbis, Helios, and Psalm 19: Were the Synagogues of Archaeology and the Synagogues of the Sages One and the Same? », *JQR* 94 (2004), p. 27–76.

Judea or in the Galilee.[10] Though some material remains of African Jewish culture can be dated to the second century, most date only from the fourth. With literary evidence, our earliest and best witness is Tertullian, who speaks of the Jews' presence in Carthage in his own period.[11]

The origins of the earliest Carthaginian Christians are no less obscure. Our first textual evidence begins in blood: it is a 'transcript' of a trial in 180 CE of six Christian martyrs, who together with six others are condemned by the proconsul for refusing to swear by the genius of the emperor *(Acta Scillitanorum Martyrum)*. How Christianity came to Carthage, and how it grew to the point where it was prosecuted are unknown; but Tertullian in several of his writings claims that Christians in his day are numerous (*Scap*. 5.2), and to be found at all levels of society *(Apol.)*. But which Christians, representing which Christianity? A brief twenty-odd years after the martyrs of Scilli, Tertullian witnesses to multiple Christian sects in the city: Valentinians, Marcionites, Cainites, Montanists, and, of course, his own church. The boundaries were not always clear; indeed, Tertullian's polemical rhetoric strives to erect such borders and to patrol them. Carthage had no one single Christian church.[12]

For his own community at least, Tertullian urged the absolute avoidance of the slightest involvement with idolatry. This required extreme effort, moral no less than practical: Tertullian defines *all* sins as idolatry, and idolatry as virtually any social, cultural or commercial interaction with majority culture (*spec*. 2.90; *idol*. 1.1). In his slightly earlier treatise, *de spectaculis*, Tertullian makes a case specifically for Christians' not going to watch the public shows. He readily grants that no such prohibition stands in Scripture. But the Bible does proclaim, "Happy is the man who has not entered into the gathering of the impious…" (Ps 1.1; *spec*. 3.91). Since every spectacle is a gathering of the impious, he concludes, Scripture indeed enjoins the Christian not to attend (*spec* 3.91v.).

The baptismal formula renounces Satan with all his pomps and ways: surely this includes the public shows, whose "whole equipment is idolatry pure and simple" (4.92). Heathen literature provides the substance of the games and shows (6 passim); the processions accompanying such holidays are punctuated by sacrifices from beginning to end, while priests and dedicated

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10. J.B. Rives, *Religion and Authority in Roman Carthage* (Oxford 1995), p. 217, speculates on the connections between Jews enslaved after the great revolt in 66–70 and the Jewish presence in N. Africa.
11. The latest review of the evidence for the North African Jewish population of late antiquity is found in B. Shaw, *Sacred Violence*, Cambridge 2011, p. 260–7
12. The theory that the North African Christian community grew out of the prior Jewish one is dismantled by T.D. Barnes, *Tertullian*, Oxford 1971[1], 1985, p. 63–4. See too his remarks on the Scillitan martyrs and on the very various forms of Christianity in Carthage, many of these others targeted by Tertullian's polemic, p. 64–84. On this last point see also Rives, *Roman Carthage*, p. 223–34.

guilds parade (7.93v). The circus contains so many statues that it is itself a temple (8.94). "The streets, the market, the baths, the taverns, even our houses are none of them altogether clear of idols. The whole world is filled with Satan and his angels!" and the places where they are worshiped are sources of defilement (8.94). Horse races invoke Neptune (9); stage plays, Venus (10). "The path to the theatre is from the temples and the altars, from that miserable mess of incense and blood, to the tune of flutes and trumpets" (10.95v). Still worse is the amphitheatre, "the temple of all demons" (12.97v).

The intrinsic violence of public spectacles excites an unseemly agitation and pleasure (15.98v). People come from the shows maddened, disorderly, blind, excited, frenzied – all behaviors unbefitting the Christian (16). Festivals display prostitutes to incite the public lust (17); Christians are enjoined to modesty. The brute savagery of the gladiatorial contests and stylized executions should be enough to turn the Christian away (18–23). So much are these places the haunts of demons that people are at risk of demonic possession: Tertullian knows of a woman who returned from the theatre possessed of an unclean demon (26.103v). "We ought to hate the assemblies of the gentiles," not least because Christians are there condemned to the lion (27.103v). Further, [pagan] philosophers name tranquility "pleasure." "Why then do you sigh for the stage, the dust, the arena?" What greater pleasure is there than distain for pleasure? (28–29.104). Besides, the Christian is promised the greatest of all spectacles: sinners consumed by eternal fire at the end of days (30.104v). Kings, actors, athletes and, last but not least, the Jews who rejected Jesus will all burn in these fires. "Such sights, such exultation!" Foreswear the current spectacles, Tertullian urges, as this far greater one awaits.

Tertullian resumes and extends these arguments in *de idololatria*. He broadens the definition of the term: more than simply the worship of idols, "idolatry" encompasses the making and embellishment of idols as well. Human manufacture of images and idols originated with the devil (3,2), while apostate angels coopted all creation – "all elements, everything belonging to the world, everything that heaven, earth and ocean contain" – for idolatrous purposes (4,2: cf. Enoch 99,6–7; Gen 6.1–4). It is not enough, then, for the Christian simply not to worship idols: he may not make them either, even if his livelihood depends upon it (5,1–7,3). He cannot come from "the workshop of the enemy into the house of God. . . apply[ing] to the Lord's body those hands which give a body to the demons" (7,2). The idol-making recipient defiles the eucharist, while idol-making Christian ministers "transmit to others what they have defiled," namely a contaminated "body of Christ" (7,3). This absolute prohibition against idol-making extends to those whose skills embellish idols and their venues: builders of temples, altars or chapels; workers in gold, stucco, paint, marble, bronze (8,1–4). The higher pay notwithstanding, the Christian artisan should apply his skills to producing consumer goods, not things that service demons (8,5).

Apostate angels are also the source of astrology, another sort of idol-worship, as is magic: Christians should have "neither part nor lot in such *rationes*" (9,1–8). So similarly with education. The curriculum deals in stories about the gods; the academic year is punctuated by pagan holidays. In a strange anticipation of the emperor Julian, Tertullian grudgingly allows for Christians to be educated, but forbids Christians from teaching the classical curriculum (10,1–11). The list of prohibited activities goes on: trading in incense or in prostitutes (11,2–4); training gladiators (11,5). Even if such a person is able to work exorcisms, this power says nothing of his Christianity, for such a Christian is a colleague of demons (11,7). And if the tradesman complains, "I have nothing to live by!" – well, too late, responds Tertullian: you should have thought of that before you were baptized (12, 1–5). *Fides famem non timet*. "Faith fears not hunger" (12,4).

Custom no less than trade needs to be considered. The Christian does not exchange gifts with others on pagan holidays, such as the Saturnalia, or New Year's and mid-winter, or the Matronalia (13,4–7). He does not garnish his shops and doors with laurel to mark these holidays or those in honor of the emperor, nor does he allow his slaves to do so (15,1–11). "If you have renounced the temples, do not make a temple out of your door," (15,11). The Christian may attend private life-cycle celebrations, even though sacrifices are offered on such occasions ("I shall be no more than a spectator of the sacrifice," 16,5); but he may not hold public office (17), not least because the insignia of such office encode idols (18). No Christian should serve in the military (19). A Christian should not even mention the names of the gods, whether in formal oaths, in contracts, or in casual swearing (20–23).

"Faith navigates amid these cliffs and bays, these shallows and straits of idol worship, its sails filled by God's breath, safe though cautious, secure, though sharply watchful" (24,1). And let no one say, "Who can be so precautious. . .? He will have to leave the world!" (24,2, echoing Paul, 1 Cor 5.10). As if it were not as well to leave the world! responds Tertullian. The shunning of idolatry, he urges (evidently overlooking the Jews), "is a law peculiar to the Christians" (24,3). Christians who do not live according to Tertullian's strict prescriptions are really idol-worshippers, and idol-worshipers, he concludes, have no place within the ark of the church (24,4).

How did Tertullian come to these views? Many earlier scholars have conjectured rabbinic influence, pointing specifically to the prohibitions given in Mishnah Avodah Zara. The local North African Jewish community, so goes this argument, would have been in communication with the rabbis, for whom they would serve as the conduit between Palestine and Carthage.[13]

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13. For a positive assessment of the rabbinic influence on Tertullian, see esp. C. Azziza, *Tertullien et le judaisme*, Paris 1977, p. 177–90; before him, Y. Baer, « Israel, the Chrisitian Church, and the Roman Empire? », *Scripta Hierosolmitana* VII (1961) 88ff., specifically on Mishnah

Before considering this argument about contact, we need to focus first of all on content and contexts: What does AZ say and why, first; and second, how do its teachings compare to those of Tertullian?

The social rhythms of gentile urban Roman life drive Tertullian's polemical treatises. A different problem drives the rabbis' comments: the halakhic analysis of a biblical text. Such an analysis focuses on the question whether a statement in scripture constitutes a commandment and, if it does, what is required to fulfill it. In AZ, the rabbis wrestle with the difficulties posed by Deuteronomy 12.2–3: "You shall surely destroy all the places, wherein the nations you shall possess served their gods, … and you shall break down their altars, and dash in pieces their pillars and burn their asherim with fire and you shall hew down their graven images of their gods and you shall destroy their name out of the place." This biblical command was given specifically for the land of Israel where, within mixed cities, the rabbis now lived. How could this commandment possibly be interpreted, or enacted, in the period under Rome?

According to one historian of antiquity, the posture conveyed by AZ is one of surrender. The modesty of these rabbinical rulings, he claims, measures the gap between the straightforward biblical text on the one hand and the realities of Roman Palestine on the other. The rabbinical legislation in this view was merely utopian, aimed at "a nation that no longer existed and whose former members had no reason to recognize the law's authority over them."[14] Other scholars, however, urge that AZ reflects the rabbis' deeper ideological and theological commitment to enabling Jews to "coexist with the enemy."[15] This

AZ and *de idol*; more recently, S. Binder, *Tertullian*, On Idolatry, *and Mishna* Avodah Zarah, Leyde 2012.

14. S. Schwartz, *Imperialism and Jewish Society 200 B.C.E. To 600 C.E.*, Princeton 2001, p. 165–76, at 172. Schwartz emphatically advocates his view on diminished rabbinic authority, a view that borders on E. R. Goodenough's claims concerning the existence of a "non-rabbinical Judaism" for the most of Late Antiquity. See further below our remarks on the status of Carthaginian Judaism.

15. M. Halbertal, « Coexisting with the Enemy: Jews and Pagans in the Mishnah », in G. Stanton and Guy G. Stroumsa (dir.), *Tolerance and Intolerance in Early Judaism and Christianity,* Cambridge 1988, p. 158–72; N. Zohar, « Boundaries within a Shared Public Space: The Attitude towards Gentiles and their Idols according to Mishnah Avodah Zarah », *Reshit: Studies in Judaism* 1 (2009), p. 145–63 (Hebrew); Y. Rozen-Zvi, « "You shall surely destroy all the place…" (Deut. 12, 2): The Polemic surrounding the precept of destroying Avodah Zarah in the Tannaitic Literature », *ibid*., p. 91–115 (Hebrew).
One of the most intriguing moments in the setting of the biblical sacrificial cult (Tabernacle and Temple alike) was the sending of the goat to Hell (practically to the desert) on the Day of Atonement (Yom Kippur), which indeed seemed as a strange gesture of appeasement to a demonic entity, see Lv 16. 7–8 and 21–23. While indeed the views of Roman period rabbis expressed in AZ did not stress these aspects, they were not entirely lost on them. They were preserved and expressed within some mystical trends of thought that emerged in the medieval world of the Zohar, especially as regards its commentary on the biblical story of the Golden

rabbinic disposition can be clearly illustrated by two famous passages, AZ 3,4 and 4,7, that relate encounters (whether real or imagined) between rabbis and gentile sages.[16]

In the first instance, Raban Gamaliel meets Proklus son of Philosophos in the Bath House of Aphrodite in Ptolemais (the northern city of Akko):

> Proklos…asked Rabban Gamaliel in Acre while he was bathing in the Bath of Aphrodite, and said to him, 'It is written in your Law (Torah), "*And there shall cleave nought of the devoted thing to your hand*" (Deut. 13.17). Why then do you bathe in the Bath of Aphrodite?' He answered, 'One may not answer in the bath'. And when he came out he said, 'I came not within her limits (גבולה), she came within mine. They do not say, "Let us make a bath for Aphrodite," but "Let us make Aphrodite as an adornment for the bath." Moreover, if they would give you much money you would not enter in before your goddess when naked or after suffering pollution, nor would you urinate before her. Yet this goddess stands at the mouth of the gutter and all the people urinate before her. It is written: "*Their gods"* only (Deut. 12.3); thus what is treated as a god is forbidden, but what is not treated as a god is permitted.'

The main interlocutor mentioned here is Rabban Gamaliel, who in Tannaitic literature almost invariably denotes R. Gamaliel II (ca. 80–100 CE). But the anecdote at hand most probably refers to R. Gamaliel III, son of Judah the Patriarch, who flourished during the Severan period.[17] The story, in brief, relates an incident tantalizingly close in date to Tertullian.

How does this anecdote fit within the larger legal matrix of the Mishnah? The dialogue between R. Gamaliel and Proklos appears in the heart of the third chapter of the treatise, which deals with the presence and the worship of idols. The rabbis stress their revulsion toward idols and their abhorrence of their active worship. This revulsion translates to a set of rulings that the idols and all surrounding their worship are impure and liable for destruction, and

Calf; see most recently, Y. Liebes, *The Cult of the Dawn: The Attitude of the Zohar towards Idolatry*, Jerusalem 2011, p. 198–217.

16. Fritz Graf suggestively examines the rabbis' familiarity with at least some aspects of contemporary public pagan festivals (F. Graf, « Roman Festivals in Syria Palestina »). See now especially the important essay by Yair Furstenberg, « The Rabbinic view of Idolatry and the Roman political conception of divinity », *JR* 90 (2010), p. 335–66; on these Roman rituals more generally, J. Scheid, *Quand faire, c'est croire: les rites sacrificiels des Romains*, Paris 2005.
17. Or conversely, though perhaps referring to R. Gamaliel II, the story anachronistically reflects a third century cultural setting: see A. Yadin, « Rabban Gamliel, Aphrodite's Bath, and the Question of Pagan Monotheism », *JQR* 96 (2006), p. 149–79, at 160–2. In support of this view we might adduce the important ruling in Mishnah AZ 2, 6, concerning the lifting of an earlier ban on the usage of gentile oil should be attributed to Rabbi Judah the Patriarch II (fl. mid-third century). It seems that the third century provides the overall timeframe of this tractate.

whatever would remain after such destruction would be largely forbidden to a Jew for use any sort (AZ 3, 1–3, on reuse of fragments; 3, 8–9 on benefiting from the shade cast by an idol).

However, this is as far as it goes. That is to say, R. Gamaliel's reply to Proklos clearly attempts to mitigate the biblical law. Also – this in stark contrast to Tertullian's views, especially in *de idololatria* – the presence of idols in the public domain does not, says Gamaliel, render those places out of bounds for Jews. According to this reading of the text, Gamaliel means that the bathhouse's Aphrodite functions only as an ornament, not as an idol (that is, as a cult object), thus rendering the bathhouse itself permissible to use.[18]

Or perhaps Gamaliel claims something even bolder, namely, that the Akko bathhouse should be regarded as a "no entry zone" for idols. The setting of this encounter, Akko/ Ptolemais, is significant, as is its invocation of the term "limit," גבול. Akko was situated at the limits of the halakhic boundaries of Eretz Israel (m Gittin 1.1; 1.2). This second reading would make R. Gamaliel's reply even more emphatic, a kind of claim of "territorial sovereignty:" Aphrodite has no right being in Eretz Israel. Thus, by extension, it would seem that Gamaliel regards Aphrodite's presence as an encroachment on *his* space, the public urban domain within the land of Israel. Gamaliel further reduces the applicability of the biblical injunction with his claim that idolaters should treat the objects of their worship with respect. Accordingly, whatever idol is treated in a disrespectful manner (i.e., by urinating in front of it) should be regarded as outside the scope of the biblical ruling.[19]

The second story (Mishnah AZ, 4,7) concerns an encounter between "the elders" (rabbis most probably in the entourage of R. Gamaliel) and some undisclosed Romans:

> They asked the elders in Rome: "If God has no pleasure in an idol, why does he not make an end of it?" The elders answered: "If men worshipped a thing of which the world had no need, he would make an end of it; but lo, they worship the sun and the moon and the stars. Shall God destroy his world because of fools?" The Romans said to them: "If so, let him destroy that which the world does not need, and leave that which the world does need." The elders answered: "We would only confirm those who worship them, for they would say, 'Now you know that these (i.e. the sun, moon and stars) are [true] gods, for they have *not* been brought to an end!'" (cf. Danby, p. 442–443).

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18. However, it transpires that the bathhouse in fact served as a cultic center, especially for women: see E. Friedheim, « R. Gamaliel and the Bathhouse of Aphrodite in Akko: A Study of Eretz Israel Realia in the 2nd and 3rd Centuries CE », *Cathedra* 105 (2002), p. 7–32 (Hebrew).
19. A similar conclusion is reached by Rozen-Zvi (« "You shall surely destroy all the places…" (Deut. 12, 2), p. 112. Gamaliel's response might have meant that "bathhouses are for bathers, not worshippers, so the goddess, not the bather, is the intruder" (Schwartz, *Imperialism and Jewish Society*, p. 169).Schwartz's phrasing is a milder form than the one suggested by us here.

If idolatry so offends God, why doesn't he do something about it?[20] This dialogue conveys a most straightforward message, namely, that both urban space and heavenly space, i.e., both the social and the cosmic domains, *should* be "out of bounds" for the idolaters. They (named *"fools"* here, *shotim* [Heb.]) cannot and should not determine whether anything in the world, man-made or natural, is permissible to the Jew. The thrust of both of these anecdotes in AZ is to narrow down to a minimum the significance of idols that encroach in the public domain for the followers of the "true" god.

How do these rabbinic opinions relate to Tertullian's? The texts display some similarities. As in *de idololatria* 7, so too in Mishnah AZ 1,8: a member in good standing within either community should not be involved in any way with the ornamentation of pagan cult statues. On this point, however, the rabbis are more lenient. R. Eliezer permits such ornamentation "if it is for payment;" and one may sell something attached to the soil – laurel, say – once it has been cut. Rabbis Judah, Meir, and Jose permit houses to be sold or even rented to pagans, who presumably would bring their household gods with them.[21] Like Tertullian, the rabbis counsel against "going up into gentiles' amphitheatres" because of the sacrifices that go on there (Tosephta AZ 2:5 a-d), even citing as he did Ps 1.1, against sitting with scoffers/the impious (Tosephta 2:5d; *spec.* 3,90v). But we also have a lenient position: unlike R. Meir, the sages seem to hold that attendance at the event is permitted, just not while the sacrifices are being offered (2:5c). And again like Tertullian, the rabbis scold those who go to the stadium or who watch the shows (2:6a-c).

As with Tertullian, so also with the Mishnah AZ: much of the focus has to do with commercial relations. If an idol or its worship at some point is involved in a transaction between a pagan and a Jew, may the Jew benefit from the transaction? It depends, say the rabbis, proffering differing conditions and scenarios. What about gentile wine, which gentiles habitually use for libations? The answer, again, is "it depends," and the Mishnah considers a wide variety of cases, from 5,8 to 5,10 (cf. 4,2).

For both, idols contaminate. Passing underneath an idol (presumably through its shadow) renders one *tameh*, "impure" (2,8). The stones, wood and earth that go into the wall of an idol's sanctuary convey a degree of impurity similar to that conveyed by a creeping thing or (so Rabbi Akiva) by a menstruant (2,6): their (re)use is off-limits. Tertullian would agree, though emphasizing the impurity as a function of sacrifices made to idols: *Loca nos non contaminant per se, sed quae in locis fiunt, a quibus et ipsa loca*

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20. Or, as in the Mekhiltah de-Rabbi Ishmael, Why does scripture describe God as a "jealous god" (Exodus 20. 5), which, albeit inadvertently, acknowledges the power of these other gods? A. Yadin, *Rabban Gamliel, Aphrodite's Bath.*, p. 150 ff offers a careful and insightful analysis of this question.
21. Discussed in 1,8; denied anonymously in 1,9.

contaminari…de contaminantis contaminantur: "Places do not of themselves defile us, but the things done in the places… by which even the places themselves are defiled. We are defiled by the defiled," (*spec*. 8.94v).

Despite this similarity, however, these concepts of impurity diverge significantly. The rabbis function within the universe of biblical law, whereby the impurity conveyed by contact is a temporary condition. Impurity itself implies nothing about the moral status of the contaminated person (that is, an "impure" person is not thereby a "sinner"). And impurity is most often readily removed by a system of wash-and-wait.[22]

The impurity of idolatry considered by Tertullian has a quite different cast. Behind it lurks "the Devil" as well as his minions: demons, impure spirits, fallen angels (*idol*. 1,5; 3,2). The contamination conveyed by idols is so virulent that the Christian idol-maker contaminates others with his touch. And if the Christian idol-maker is, as well, a Christian priest, he even contaminates the (Eucharistic) body of Christ (7,2–3). A Christian incense-dealer shares a fellowship with the demons that he "feeds" (11,8). So immediately do demons press against the Christian who comes into their impure place that he or she risks demonic possession (*spec*. 26.103v). The defiled person, in short, is also a sinner, made so by his idolatry, whereby he both sins and becomes defiled. Rabbinic "impurity" by comparison has a quotidian, practical aspect; Tertullian's "contamination" is demonic and dangerous.

Why this great difference in tone? Why are the rabbis so matter-of-fact? Why Tertullian so alarmist? Because, of the two, Tertullian has the harder task. Jews were ethnically distinct from other Romans. The ancestral traditions part and parcel of their ethnicity had longed marked them off. The rabbis do not have to worry about *making* a difference between their own group and others: it had long existed. For this reason, perhaps – that is, a strongly individuated ethnic/religious identity – few stories about apostates appear in rabbinic lore, where the notion of apostasy, as of sectarianism *(minut)*, seems rather blurry.[23] Their goal seems to be finding ways that the (rabbinically observant)

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22. On impurity and immersion in the Second Temple context, see E.P. Sanders, *Judaism: Practice and Belief,* Philadelphie 1992, and, for the following period, idem, *Jewish Law from Jesus to the Mishnah*, Philadelphie 1990. On the vexed question of Gentile impurity – a topic that informs the discussion in mAZ – C. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud,* Oxford 2002, p. 134–14, 1 and now H. Birnboim, « Gentile Impurity in Ancient Judaism », *Cathedra* 139 (2011), p. 7–30 (Hebrew).

23. On this matter, which seems to have had very little to do with crossing the boundary into paganism or Christianity but rather more with establishing a renegade life style (such as transgressing the laws of Sabbath observance), see recently, M. Arad, *Sabbath Desecrator with Παρρησία (Parresia): A Talmudic Legal Term and its Historic Context* , New York – Jerusalem, 2009 (Hebrew). See also the intriguing story told by the sixth-century Alexandrian philosopher Damascius in his appraisal on the *Life of Zenon*: « Zeno the Alexandrian, a Jew by birth…publicly renounced his Judaism *in the traditional manner* [our

Jew can live together with pagans in a predominantly pagan world, buying, selling, and even eating together with them (mAZ 5,5; though cf. some of the prohibitions of the Tosephta).

Tertullian, by contrast, is a gentile speaking to other gentiles about still other gentiles: no foregoing ethnic distinction exists to help him in his task. The Christians whom he targets have presumably *become* Christian, having started out pagan. He states as much forthrightly in *Apologeticus*. "*De vestris sumus*: We are from among yourselves. Christians are made, not born" (*Ap.* 18.4). The pagan world is thus, in a simple sense, their own world. Tertullian conjures demons and apostate angels in an effort to render the familiar both strange and sinister. Far from looking for a way for his gentile Christians to live together with gentile pagan neighbors, he strives to argue that such accommodation is in principle impossible, fatally sinful – and if such an extreme position leads to unemployment or starvation, so be it! His exhortations *are* extreme, their consequences drastic. *In short, both de spectaculis and de idololatria are first of all rhetorical exercises in anti-pagan polemic*. They proffer not a real ethic for living so much as a strongly-worded and strongly–argued idealized opposition to majority culture, a culture that the gentile Christian must voluntarily renounce. If texts can be said to have temperaments, in other words, the temperament of *spec.* and *idol.* is very different from the temperament of the Mishnah.

What then of the surmise of some scholars, that the traditions of Mishnah AZ served as a source of inspiration for Tertullian, and that the Jewish community in Carthage mediated these traditions to him?

In our view, neither part of this reconstruction persuades. The first difficulty lies with Tertullian himself. The biblical allegiances of the two groups, Christian and Jewish, inspired no philosemitism on Tertullian's part: his hostility toward Jews and Judaism is baroque and undisguised. From 196/97 (when he wrote *de spec.* and *c. Judaeos*) to 208 (and the *adversus Marcionem*), Tertullian inveighed against Jewish practices and traditions of biblical interpretation, accused Jews of stirring up pagan anti-Christian persecution in the past (*fontes persecutionis*, *Scorpiace* 10.10), and complained that in the present they taught to the worst Christian heretics their own unhappy doctrines (*adv. Marc.* 3 passim). Their burning in eternal hellfire after the final judgment was a sight that he anticipated happily (*spec*. 30.105). This same concluding passage of *spec*. indeed evinces some sort of knowledge on Tertullian's part about Carthaginian Jews: his references there to stories about Christ's mother as a harlot, and a gardener's removal of Christ's body from his garden, echo contemporary Jewish anti-Christian calumnies that will reappear centuries later

emphasis] by driving a white ass through their so-called synagogue on the Sabbath », in *Damascius: The Philosophical History*, ed. and trans. P. Athanassiadi, Athène 1999, ch. 67, p. 178–9.

in the *Toledot Yeshu*.[24] Here again, however, the content of the contact is negative, not positive: local Jews, circulating demeaning rumors about Christ, trade insults, not rabbinic models of behavior, with Tertullian.

It is true in principle that, while harboring all manner of negative notions about Jews and Judaism, Tertullian still might have sought to avail himself of Jewish traditions if these served his own aims – in this instance, the fight against idol worship. But it seems that he did not: as we have seen above, Tertullian's directives are much more extreme, really unbending, when compared with the rabbis' flexibility. (If we can draw inferences from later Christian complaints about Jewish behavior in Carthage, the local community was certainly no less flexible.[25])

Also, again in terms of the Carthaginian Jewish community itself, we must ask how "rabbinic," or rabbinically-oriented it could have been. Centuries later, the Yerushalmi and the Bavli talmuds will name fewer than a handful of rabbis as coming from Carthage, and these men in any case "would have been active in Palestine no earlier than the middle of the third century CE."[26] And the date of the redaction of the Mishnah, further, makes it "virtually impossible that any of Tertullian's contemporaries could have known its text."[27] The latter argument might be somewhat qualified in light of the fact that the Mishnah was initially disseminated not as a written text but as an oral tradition,[28] in which case one could envisage an oral transmission of its traditions, though this would be rather complicated given that local Carthaginian Jews lacked the language of the Tannaitic lore.[29] Material remains, furthermore,

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24. Established by William Horbury, « Tertullian and the Jews in light of *de Spectaculis* XXX.5–6 », *JTS* 23 (1972), p. 455–9. On the latter tradition in the earlier Aramaic layers of the *Toledot Yeshu,* consult Hillel I. Newman, « The Death of Jesus in the *Toledot Yeshu* literature », *JThS* 50 (1999), p. 58–78.
25. Nearly two centuries after Tertullian, Augustine complains of Jews participating in Carthaginian urban festivals, *sermo Denis* 17.7–9, and Jews spending Shabbat in the theatre, *Enarr. in Psalmos* 50.1; though cf. *sermo* 196.4, where he mentions that Jews do not exchange presents, as his Christian congregation does, on the pagan January new year.
26. See the excellent discussion in J. B. Rives, *Roman Carthage*, p. 214–23; p. 220, n. 99–101 list the pertinent references in the Talmuds.
27. J.B. Rives, *Roman Carthage*, p. 221 and n. 102.
28. Y. Sussman, « The Oral Torah- Simply as Heard », in M. Bar Asher and D. Rosenthal (dir.), *Talmudic Studies* III, Jerusalem 2005, p. 209–384 (Hebrew).
29. On the state of Hebrew in the late antique western Roman provinces see the material assembled and assessed by J.N. Adams, *Billigualism and the Latin Language*, Cambridge 2003, p. 271–4. Our observation here in no way endorses the broader thesis put forward by A. Endrei and D. Mendels, « A Split Jewish Diaspora: Its Dramatic Consequences », *Journal for the Study of the Pseudepigrapha* 16.2 (2007), p. 91–137, claiming a wide rift between rabbinic Palestine and a *biblical* Jewish (Graeco-Roman) Diaspora, which is based in large part on the language barrier between the two communities. To our minds this thesis greatly exaggerates both the linguistic split between Palestine and the West and, even more, the rabbis' trans-local authority. See now a much more nuanced and (we think) reasonable

evince little knowledge of Hebrew: most inscriptions are in Greek or in Latin. In brief, the improbability of Tertullian's acquaintance with the Mishnaic law via the local Jewish community is reinforced by the unlikelihood of that community's serving as a receptacle for rabbinical tradition. It is the local context of North Africa, not that of distant Palestine, that seems to have been determinative of the culture of Carthaginian Jews.[30]

Tertullian's writings seem straightforwardly "rejectionist;" the Mishnah, a flexible combination of "rejectionist" and "accommodationist" both.[31] Nonetheless, both Tertullian and the rabbis do identify certain similar behaviors in order to separate a member of their own community from the press of pagans and gods that construct space and time in the third-century Roman city. Where their prescriptions overlap, the explanation seems to lie in the fact that both draw from the same biblical sources (as did Paul, whose letter to the Corinthians Tertullian also mobilizes in his treatises). Neither Tertullian nor the rabbis seem concerned about members of their respective communities' actually worshiping the gods. Rather, by seeking to direct various social behaviors – commercial relations, professional activities, public entertainments – they also seek to articulate a special identity separate from that of majority urban culture. "Idolatry" accordingly takes on wider meanings, serving as the premier identifier of the pagans against whom both groups measure and make their own sense of self.

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view of the probable rabbinical influence on Diaspora communities in J. L. Kurtzer, "*What Shall the Alexandrians do?" Rabbinic Judaism and the Mediterranean Diaspora*, Cambridge MA 2008, p. 234–318.

30. "Scholarship can no more excise Roman North African Jews from the dynamics of their local environments than could the subjects themselves," K. Stern, *Inscribing Devotion and Death*, Leyde 2008, p. 308. Her whole book attends to Jewish material culture in North African late antiquity, conveying the complex if not enigmatic picture of North African Jewry.
31. Most recently, Rachel Neis has suggested that the rabbinic protocols retailed in AZ actually empowered the rabbis by "rabbinizing" city space, « Eyeing Idols: Rabbinic Viewing Practices in Late Antiquity », *JQR* 102 (2012) p. 533–60.