



# The ways that parted: Jews, Christians, and Jewish-Christians ca. 100-150 CE

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## **The ways that parted: Jews, Christians, and Jewish-Christians ca. 100-150 CE**

Jesus was a Jew, born in Galilee. Like most of the other inhabitants of the Roman province of Judaea, he worshiped the God whose temple was in Jerusalem. Not only was Jesus a Jew, but so were all of his disciples (“apostles”), all those who gathered to see his miracles or hear his words (“crowds”), and almost all those who benefited from his miraculous cures. As “king of the Jews” (perhaps “king of the Judaeans” would be better) he was sentenced to death by the Romans. After his death his followers, all of whom were Jews like Jesus himself, constituted a Jewish movement, perhaps a sect, meeting and praying regularly in the temple of Jerusalem and interacting with other Jewish worshippers. (At least this is the story in the opening chapters of Acts.) And yet before very long the Jesus movement was no longer Jewish; it became something different, a social phenomenon of its own. This division, sometimes called “the separation of Christianity from Judaism,” usually called “the parting of the ways,”<sup>1</sup> is the subject of this essay. I do not discuss here the first century CE or the period of the New Testament, since these are discussed elsewhere in this volume; I concentrate instead on the first half of the second century CE.

I would like to state briefly the methodological foundations on which this essay rests. Some of these foundations are contested by scholars, as indicated in the footnotes. The parting of the ways is a complicated and much debated subject.

- The parting of the ways is about people, societies, and institutions, not about disembodied truth claims or the abstractions “Judaism” and “Christianity.”<sup>2</sup>
- No doubt arguments between Jews and Christians about theological topics such as the oneness of God, the place of angels and other intermediaries in the cosmic order, the

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<sup>1</sup> The application of the phrase “the parting of the ways” to the separation of Christianity from Judaism became popular through the work of James Parkes, *The Conflict of the Church and the Synagogue* (first published in 1934, often reprinted) 71 (title of chapter 3).

<sup>2</sup> Thus in this essay I speak about the parting of the ways between Jews and Christians, not between “Judaism” and “Christianity,” because for a historian “Judaism” and “Christianity” have no meaning except as convenient labels for the beliefs, practices, institutions, etc. of Jews and Christians, respectively. If instead one speaks about “Judaism” and “Christianity” as a collection of theological abstractions, one might conclude that they were, and perhaps still are, one and the same, an approach and a conclusion that I reject. This is (one of) my objection(s) to Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity* (Philadelphia: University of Pennsylvania 2004).

nature of the messiah, and the like contributed to the social separation of the two groups, but the conflicting views in and of themselves have no necessary connection with the parting of the ways, unless we can demonstrate that such social separation was caused by a particular theological dispute.<sup>3</sup>

- The parting of the ways involves people whom we call “Jews” and “Christians,” even if our ancient sources do not always use these labels. Rabbinic texts, for example, never use the term “Judaism” and never refer to the collectivity of Israel as “Jews.” Justin Martyr’s *Dialogue with Trypho the Jew* never uses the term “Christianity.” Nevertheless, for the sake of convenience and clarity I shall continue to use these terms.
- The notion of “the parting of the ways” does not in the least suggest that Jews and Christians stopped speaking with each other, arguing with each other, and influencing each other. Christian literature of the first centuries CE bears many signs of reaction to Jewish truth claims, and, if we believe modern scholarship, Jewish (rabbinic) literature of the first centuries CE bears many signs of reaction to Christian truth claims, but such reactions in and of themselves neither prove nor disprove a parting of the ways. They prove only that Jews and Christians continued to speak with each other.<sup>4</sup>

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<sup>3</sup> Thus I take issue with the conclusion of the symposium convened by James D. G. Dunn, *Jews and Christians; The Parting of the Ways* (1992; repr. Grand Rapids: Eerdmans, 1999). Dunn writes on 368, “The Symposium remained divided regarding Christology, not on the fact that Christian claims regarding Jesus were the crucial factor in “the parting of the ways,” but on how and when these christological claims made the breach inevitable.” This is to assume what needs to be demonstrated: were Christian claims regarding Jesus the crucial factor in the parting of the ways? Christian texts, beginning with the gospel of John, would have us think so, but this fact hardly settles the matter.

<sup>4</sup> Thus I take issue with the viewpoint of the editors of the anthology *The Ways that Never Parted*, ed. Adam Becker and Annette Y. Reed (Minneapolis: Fortress, 2007), who seem to think that discussion between Jews and Christians in antiquity is evidence against a parting of the ways, and that the “old model” of the parting of the ways (the view of James Parkes, e.g.) did not allow for ongoing contacts between Jews and Christians. Parkes was well aware of ongoing contacts between Jews and Christians, but these contacts did not for Parkes (or for me) call into question the reality of the parting of the ways. For ongoing interchange between Jews and Christians see Parkes, *Conflict of the Church and Synagogue* 113-119, and also his “Rome, Pagan and Christian,” in *Judaism and Christianity Volume II: The Contact of Pharisaism with Other Cultures*, ed. H. Loewe (1937; repr. New York: Ktav, 1969) 115-144. On one point, at least, Parkes is wrong; in *Conflict* 153 he writes that in Babylonia there was practically no theological discussion between Jew and Christian, a position that we now know to be wrong. For contacts between rabbis and Christians in late antiquity, see the bibliography assembled in my “Antipodal Texts,” in the *Peter Schäfer Festschrift* (forthcoming). Peter Schäfer, *The Jewish Jesus* (Princeton University Press, 2012) 84 writes, “We have all learned by now that the old model of the ‘parting of the ways’ of Judaism and Christianity needs to be abandoned in favor of a much more differentiated and sophisticated model, taking into consideration a

- There was no parting of the ways between gentile Christians and non-Christian Jews for the simple reason that their ways had never been united. Even the most Hellenized of Jews, e.g. Philo of Alexandria, belonged to Jewish communities that were socially distinct from “the Greeks,” no matter how well these Jews spoke Greek, knew Greek literature, and assimilated Greek culture high and low. “God-fearing” gentiles may have associated themselves in some way with synagogues and other Jewish communal institutions, but unless they became proselytes (“converts”) they were not members.<sup>5</sup> A non-Christian Jewish community which admitted Jews and non-Jews alike, without prejudice and (in the case of males) without circumcision, is nowhere attested in antiquity.<sup>6</sup> So, for gentiles who believed in Christ and for Jews who did not, there was no need for a parting of the ways, even if there was a need on occasion for polemic, apologetic, and recrimination. As we shall see, both the Romans and the gentile Christians of the early second century CE, if not earlier, knew that the social space of Christians was separate from that of Jews. In spite of all this, I shall continue to use the phrase “parting of the ways” as a convenient shorthand to refer to the attitudes, institutions, beliefs, and practices that attest the separateness of Jewish and Christian identities.
- Jewish believers in Christ had a choice: they could join the emerging Christian communities which were being populated more and more by gentile Christians; or they could try to maintain their place within Jewish society, a stance that will become harder and harder to maintain as the decades go by; or, if they were uncomfortable among non-Jewish Christians and non-Christian Jews, they could try to maintain their own communities, separate from each of the others. In various passages the New Testament shows that in the first century CE the first of these possibilities was the norm; Jewish Christians and gentile Christians were alike members of the newly

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long process of mutual demarcation *and* absorption.” I do not know how long a process has to be in order to be considered “long,” but, as I argue in this essay, I believe that the mutual demarcation had been achieved by the early decades of the second century CE.

<sup>5</sup> The distinction is apparent in the famous Aphrodisias inscription (**add here ref to BAR article**); this inscription was set up long after the period under review in this essay (fifth century?), but I would argue that the social situation assumed by the text obtained centuries earlier as well.

<sup>6</sup> Shaye J.D. Cohen, *The Beginnings of Jewishness* (Berkeley: University of California Press, 1999) 152 n. 41.

created Christian communities. But as these communities became more and more gentile, and more and more hostile to non-Christian Jews (see below), their ethnically Jewish members had to decide if they were prepared to remain, at the cost of their Jewish identity, or if they preferred to maintain their position within the Jewish community, or, if that were now impossible, to occupy a separate and interstitial space between gentile Christians and non-Christian Jews. Here, then, was a real parting of the ways, as Jewish Christians had to negotiate their way between Jewish and Christian communities. Unfortunately many aspects of this story are hidden from us; the facts are few and far between, and the scholarly conjectures are many.<sup>7</sup> I shall discuss below the earliest rabbinic evidence on the relations between the rabbinic Jewish community and Jewish believers in Jesus.

- The parting of the ways between Jews and Christians also involves a third party, the Romans, with whom I begin my survey of the evidence.

### *Romans*

By the early second century CE and consistently thereafter the Romans regarded Christians as not-Jews and Jews as not-Christians. This is seen most clearly in the persecutions. Throughout the second and third centuries CE the Romans persecuted Christians. Many Christians were arrested and tried; some were released after negotiating an arrangement with the prosecutor, but others were condemned and martyred. For the most part these were local persecutions, affecting the Christians of specific times and places; the persecutions under the emperor Decius in the middle of the third century and under Diocletian at the beginning of the fourth century were the only sustained empire-wide assaults on Christianity mounted by the Romans. The story of Christian martyrs has been told many times.<sup>8</sup> What is important for our purposes is the fact that the persecutions did not affect the Jews. Christians were arrested, not Jews. Christians were tried, not Jews. Christians were martyred, not Jews. In fact, by the middle of the second century CE Christian writers regularly accuse the Jews of assisting, or even

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<sup>7</sup> The best place to begin is *Jewish Believers in Jesus: the Early Centuries*, ed. O. Skarsaune and R. Hvalvik (Peabody: Hendrickson, 2007).

<sup>8</sup> See e.g. W.H.C. Frend, "Persecutions: Genesis and Legacy," in *The Cambridge History of Christianity Volume 1 Origins to Constantine* (Cambridge University Press, 2006) 503-523. See now Candida Moss, *Ancient Christian Martyrdom* (Yale Anchor Bible Reference Library, 2012).

goaded, the Romans in their persecutorial activities.<sup>9</sup> At least one case is attested of a Christian converting to Judaism in order to escape persecution.<sup>10</sup> In other words, in the eyes of the Romans, Christians were not Jews, and Jews were not Christians. The two communities were separate.

This is confirmed too by the opposite case: when the Roman empire persecuted Jews it ignored Christians. Simeon Bar Kokhba (Bar Kosba or Bar Koziva) led a rebellion against the Romans in Judaea in 132-135 CE; as either cause of, or response to, the rebellion, the Romans launched a persecution against Jewish observances. There is substantial scholarly debate about this persecution, some maximizing, others minimizing, its course and extent.<sup>11</sup> In any case, whatever the details may be, in connection with this war rabbinic literature records the martyrdom of a number of distinguished sages, the most famous being R. Aqiva. Christian texts accuse Bar Kokhba of persecuting the (Jewish) Christians of Judaea; since Bar-Kokhba had messianic pretensions, he could not abide the messianic claims of another.<sup>12</sup> In any event, the Romans paid no attention to the Christians in this war. In the eyes of the Romans Jews and Christians constituted separate communities.<sup>13</sup>

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<sup>9</sup> The earliest appearance of this motif is the Martyrdom of Polycarp 12:2, 13:1, 17:2, 18:1, in *The Apostolic Fathers Greek Texts and English Translations*, ed. Michael Holmes (3<sup>rd</sup> ed.; Grand Rapids: Baker Academic, 2007; repr. 2009). Polycarp was martyred about 160 CE, and the text of the martyrdom was written shortly after the event.

<sup>10</sup> Eusebius, *Historia Ecclesiastica* 6.12.1 (during the reign of Septimus Severus). See too Jerome, commentary on Galatians 6.12, in *St. Jerome's Commentaries on Galatians, Titus and Philemon*, trans. Thomas Scheck (University of Notre Dame, 2010) 268-269 (slightly modified), "Gaius [Julius] Caesar, Octavian Augustus, and Tiberius, the successor of Augustus, had promulgated laws that permitted the Jews, who had been dispersed throughout the whole sphere of the Roman Empire, to live by their own rites and observe their ancestral ceremonies. Whoever had been circumcised, therefore, even if he believed in Christ, was reckoned as a Jew by the gentiles. But anyone without circumcision, who proclaimed by his foreskin that he was not a Jew, became liable to persecution from both Jews and gentiles. So those who were subverting the Galatians, wishing to avoid these persecutions, were persuading the disciples to circumcise themselves for protection."

<sup>11</sup> Peter Schäfer, ed. *The Bar Kokhba War Reconsidered: New Perspectives on the Second Jewish Revolt Against Rome* (Tübingen: Mohr-Siebeck, 2003).

<sup>12</sup> Justin, 1 Apology 31:6; Eusebius, *Chronographia* 2149; Orosius 7.13.4. These texts are conveniently available in Emil Schürer, *The History of the Jewish People in the Age of Jesus Christ*, rev. and ed. Geza Vermes et al. (Edinburgh: T. & T. Clark, 1973) vol. 1 p. 545 n.141. The Bar-Kosba documents from the Judaeian desert do not mention Christians (at least not explicitly).

<sup>13</sup> Intellectuals of the second and third centuries CE also knew how to distinguish Judaism from Christianity: see the excerpts from Galen, Celsus, and Porphyry in Menahem Stern, *Greek and Latin Authors on Jews and Judaism vol. 2: From Tacitus to Simplicius* (Jerusalem: Israel Academy of Sciences, 1980).

In a recent book Marius Heemstra argues that the Roman administration of the *fiscus Judaicus* played an important role in the parting of the ways.<sup>14</sup> The *fiscus judaicus* was a tax imposed on the Jews of the Roman Empire by the Emperor Vespasian in the early 70s C.E. Whereas formerly the Jews had sent a half sheqel (two drachmas) annually to the Temple of Jerusalem, now, after the destruction of that temple, they were required to send that same amount to the temple of Jupiter Capitolinus in Rome, which had been badly damaged by fire and was in need of repair and restoration. Vespasian did not concern himself about which Jews exactly would be liable for the new tax. His son Domitian (r. 81-96 CE), however, administered the tax “harshly,” trying to impose it upon two classes of individuals who had escaped the tax up to that point: those who lived a Jewish life without publicly acknowledging the fact, and those who concealed their Jewish origins. These two groups, says Suetonius, the famous biographer of the emperors and our main source, were now expected to pay the Jewish tax.<sup>15</sup> There has been much scholarly debate about the interpretation of these two categories. Heemstra argues that the first category includes gentile Christians (who lived a Jewish life without publicly acknowledging the fact) and the second includes Jewish Christians (ethnic Jews who concealed their Jewish origins). In other words, under Domitian the Romans regarded both gentile Christianity and Jewish Christianity as forms of Judaism; hence both gentile Christians and Jewish Christians were liable to the tax.

Domitian’s exactions were unpopular in Rome. In 96 C.E. his successor Nerva immediately set about reforming the administration of the *fiscus Judaicus*, even issuing a coin celebrating this reform. The essential part of the reform was to redefine Judaism as a religion; in the words of a Roman historian of the early third century CE, only those “Jews who continued to observe their ancestral customs” would be liable to the tax. Christianity was now seen by the Romans as not-Judaism; the *fiscus Judaicus* applied to neither gentile Christians nor Jewish Christians. One consequence of this fateful step is that Christians lost the legal protections that Jews had enjoyed for decades under Roman rule.

There are many uncertainties and debatable points in this reconstruction but at least it confirms the basic point that by the early second century CE Christianity – even Jewish

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<sup>14</sup> Marius Heemstra, *The Fiscus Judaicus and the Parting of the Ways* (Tübingen, Mohr Siebeck, 2010). See my review in BAR 38 no. 6 (November/December 2012) 66-68.

<sup>15</sup> Suetonius, *Life of Domitian* 12.1-2 = Stern, *Greek and Latin Authors* no. 320.

Christianity – became in Roman eyes a new thing separate from Judaism. Whether Roman perception in turn affected Jewish and/or Christian self-definition, or whether Jewish and/or Christian self-definition helped shape the Roman perception – these possibilities still require scholarly investigation.

### *Christians*

Christian literature from ca. 100 CE to ca. 150 CE is uniformly hostile to Jews and Judaism.<sup>16</sup> Here is a brief survey of the main references.<sup>17</sup> The Didache (ca. 100 CE) contains much material of Jewish origin, but the only time that the author alludes to Jews is the passage in which he calls them “hypocrites” and encourages his audience “Do not let your fasts coincide with those of the hypocrites. They fast on Monday and Thursday, so you must fast on Wednesday and Friday” (Didache 8). Ignatius writes (ca. 110-120 CE) that “if we continue to live in accordance with Judaism, we admit that we have not received grace” (Magnesians 8:1) and “it is absurd to profess Jesus Christ and to judaize” (Magnesians 10:3) and “if anyone expounds Judaism to you, do not listen to him” (Philadelphians 6:1). For Ignatius “Christianity” (a term which appears here for the first time) contrasts with “Judaism” (Magnesians 10:3; Philadelphians 6:1).<sup>18</sup> The Epistle of Barnabas (ca. 130 CE) argues that Christians properly understand the Hebrew scriptures, especially the laws of the Torah, while “they” do not (2:7; 3:6; 8:7; 10:12). “They” are the Jews, also called “the former people,” in contrast with Christians who are “this people” (13:1); “they” received the covenant but were not worthy, therefore “we” have received it (14:1,4,5). The Martyrdom of Polycarp (ca. 160) posits that Jews aid the Romans in persecuting Christians.<sup>19</sup> According to the Epistle to Diognetus (ca. 190? perhaps earlier) “Christians are right to keep their distance from the common silliness and deception and fussiness and pride of the Jews” (4:6); the Jews fault the Christians as “gentiles” (5:17, lit. “of a different stock”).

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<sup>16</sup> The standard survey is Heinz Schreckenberg, *Die christlichen Adversus-Judaeos-Texte und ihr literarisches und historisches Umfeld*, vol. 1 (Frankfurt: Peter Lang, 1982).

<sup>17</sup> For the dating and attribution of early Christian texts I follow Siegmund Döpp and Wilhelm Geerlings, edd., *Dictionary of Early Christian Literature* (NY: Crossroad, 2000). The works of the Apostolic Fathers are cited from Holmes, *The Apostolic Fathers*.

<sup>18</sup> The term also appears in Magnesians 10:1 and Romans 3:3. See my “Judaism without Circumcision and ‘Judaism’ without ‘Circumcision’ in Ignatius,” *Harvard Theological Review* 95 (2002) 395-415, reprinted in my *The Significance of Yavneh and Other Essays in Jewish Hellenism* (Tübingen: Mohr Siebeck, 2010).

<sup>19</sup> See note 9 above.



The two main anti-Jewish texts of the second century are the *Dialogue with Trypho the Jew* by Justin Martyr (ca. 160 CE, set in Ephesus, perhaps written in Rome), and the *On the Pascha* by Melito of Sardis (ca. 170 CE). These works are too long and too rich to be discussed here in any detail so I merely touch upon the highlights. The main argument of the *Dialogue with Trypho* is that the Bible (Justin is referring to the Hebrew Bible, the Old Testament, as there is no New Testament yet) belongs to us Christians, not the Jews, because we read it and understand it, while the Jews read it and do not understand it. Barnabas made the same point, but Justin is much longer and much more detailed. The argument is developed around three themes: Christ is the new law, replacing the old law of the Jews which need not be observed; Christ is the promised messiah, fulfilling the biblical prophecies; Christians are the new Israel, taking the place of the Jews, the old Israel.<sup>20</sup>

Melito's *On the Pasch* is a different sort of work entirely. Probably a sermon delivered to a Christian congregation in the Paschal (Easter) season, it develops the idea (first attested in Paul and the gospel of John) that Christ is the Paschal lamb. By happy coincidence the Greek word *pascha*, "suffering," sounds like *pesah*, the Hebrew word for Passover. Christ is the slaughtered lamb who suffers, whose death brings about forgiveness and salvation for his people. For Melito, Christ the slaughtered Paschal lamb is also God and Lord. Melito draws the logical conclusion: the Jews (whom Melito calls "Israel") have murdered God, with the result that Israel itself now "lies dead," rejected by God. Melito has been called "the poet of deicide," since his is the earliest work to develop this theme.<sup>21</sup> Melito was probably a Quartodeciman, that is, a Christian who celebrates Easter (Pascha) on the 14<sup>th</sup> of the first lunar month of the spring, precisely when the Jews begin their celebration of Passover (Pesah). For other Christians Easter is celebrated on Sunday, marking Christ's resurrection; for the Quartodecimans, the Pascha is celebrated on whatever day of the week is the 14<sup>th</sup> of the month, marking Christ's redemptive suffering on the cross. Even though, or perhaps because, the practice of the Quartodecimans is close to Jewish usage, they were hardly close to Jews or Judaism, as Melito's invective shows.

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<sup>20</sup> A convenient and accessible translation is *St. Justin Martyr Dialogue with Trypho*, trans. Thomas B. Falls, revised by Thomas Halton, edited by Michael Slusser (Catholic University of America Press, 2003).

<sup>21</sup> Melito of Sardis, *On Pascha*, trans. Alistair Stewart-Sykes (Crestwood, NY: St. Vladimir's Seminary Press, 2007) stanzas 90-99. See the chapter on Melito in Jeremy Cohen, *Christ Killers: the Jews and the Passion from the Bible to the Big Screen* (NY: Oxford University Press, 2007). The Romans play no role in Christ's death according to Melito.

Scholars have long debated whether the anti-Judaism of these texts is the result of social competition between Jews and Christians, each side eagerly trying to win over converts, or whether it is a function of internal Christian self-definition, as the Christians of the second century CE tried to sort out exactly what Christianity is and what Christianity is not. Thus, for example, the intended audience of Justin's *Dialogue with Trypho* has been much discussed. At first glance the book appears to be directed to a Jewish audience, as Justin tries to win over Trypho the Jew, and with him all Jewish readers. But the text also contains many signs that its primary function is to establish the proper limits of Christianity, to teach its readers how Christianity differs from Judaism. And some scholars have argued that Justin's target audience consists of Greeks who are thinking about converting to Judaism and becoming "proselytes." Justin is trying hard to convince them that Christianity, not Judaism, is the true fulfillment of the Hebrew scriptures, and that they should therefore convert to Christianity, not Judaism.<sup>22</sup> In any case, no matter how this question is answered, the anti-Jewish stance of virtually all early Christian texts shows that these authors understand Christianity to be not-Judaism. These authors assume that Jews and Christians inhabit separate communities. The texts regularly assert that Christians constitute a new people beside pagans ("Greeks") and Jews, a people that is both old and new, old in that it fulfills the prophecies of scripture and new in that it replaces the old Israel.<sup>23</sup> There is no evidence in any of these texts – or anywhere else in antiquity for that matter – for the existence of a community, whether Jewish or Christian, that included on equal terms gentile believers in Christ, Jewish believers in Christ, and Jewish non-believers in Christ. In other words, these texts assume that Jews and Christians inhabit separate social spaces, each with its own leadership and membership.<sup>24</sup>

Justin adds more. He claims to know the reaction of the Jewish community to the spread of Christianity:

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<sup>22</sup> Justin, *Dialogue* 23:3; 80.1; 122-123 (proselytes); cf. Barnabas 3:6. See Miroslav Marcovich ed., *Iustini Martyris Dialogus cum Tryphone* (Berlin/New York: Walter de Gruyter, 1997) 64-65. On the larger question see e.g. Judith Lieu, *Image and Reality: the Jews in the World of the Christians in the Second Century* (Edinburgh: T. & T. Clark, 1996) and Miriam S. Taylor, *Anti-Judaism and Early Christian Identity* (Leiden: Brill, 1995).

<sup>23</sup> See the numerous passages assembled by Adolf von Harnack, *Die Mission und Ausbreitung des Christentums in den ersten drei Jahrhunderten* (4<sup>th</sup> edition; Leipzig: Hinrichs, 1924) 262-267 and 281-289; see too Denise Kimber Buell, *Why this new race? Ethnic Reasoning in Early Christianity* (NY: Columbia University Press, 2005).

<sup>24</sup> Bishops, presbyters, and deacons are attested already in 1 Clement, written ca. 96 CE.

You [Jews] not only refused to repent after you learned that he [Jesus] arose from the dead, but, as I stated above, you chose certain men by vote and sent them throughout the whole civilized world, proclaiming that “a godless and lawless sect had been started by a deceiver, one Jesus of Galilee, whom we nailed to the cross, but whose body, after it was taken from the cross, was stolen at night from the tomb by his disciples, who now deceive men by affirming that he has risen from the dead and ascended into heaven”; and accusing him of having taught those godless, lawless, and unholy things, of which to every nation you accuse all those who acknowledge him as their Christ, their Teacher, and the Son of God. And, in addition to this, even now, after your city has been seized and your whole country ravaged, you not only refuse to repent, but you defiantly curse him and all those who believe in him.<sup>25</sup>

Justin here makes two claims. First, shortly after Jesus died, the authorities of Jerusalem<sup>26</sup> selected emissaries to travel throughout the civilized world to make known to Jews<sup>27</sup> the falsehood of Christianity, specifically, the falsehood of the story of Jesus’ resurrection. The messengers accuse Jesus of having been a “deceiver,”<sup>28</sup> whose ultimate act of deception was carried out by his disciples. They stole his body and then spread the false story of his resurrection. Matthew (27:62-66; 28:11-15) knows the stolen-body story and attributes it to the chief priests, Pharisees, and elders; Justin adds the universal messengers, the reference to the “godless and lawless sect,” the accusation of obscene behavior (“godless, lawless, and unholy things”), and the acknowledgement that “we” Jews (without any mention of the Romans!) crucified Jesus.<sup>29</sup> Second, even now, Justin says, after the city has been seized and the land ravaged in the war of Bar-Kokhba (132-135 CE), the Jews persist in cursing him and all those who believe in him.

Scholars debate the reliability of these two claims. Justin’s claim that the Judean authorities sent out anti-Christian messengers throughout the Roman empire is of a piece with

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<sup>25</sup> Justin, *Dialogue with Trypho*, 108.2-3; “as I stated above” alludes to 17.1; see also 138.

<sup>26</sup> Justin does not identify precisely by whom these messengers were sent.

<sup>27</sup> Justin does not identify precisely the recipients of these messages.

<sup>28</sup> See too 69.7 (Jesus is accused of having been a magician).

<sup>29</sup> There is remarkable confluence between the Jewish view of Jesus in this passage and the Jewish view of Jesus in B. Sanhedrin 43a, which also sees Jesus as an idolater and deceiver, and which also attributes his execution to Jewish authorities acting without any involvement of the Romans. See Peter Schäfer, *Jesus in the Talmud* (Princeton University Press, 2007) 63-74.

the claim in the book of Acts (9:1-2; 22:5) that the high-priest commissioned Paul (via “epistles”) to travel from Jerusalem to Damascus and to arrest there any followers of Jesus.<sup>30</sup> Some scholars accept the fundamental historicity of these reports, but I (and many others) do not, because I find it impossible to believe that the office of the Jerusalem high-priest commanded sufficient support and exerted sufficient authority so as to be able to control, or even attempt to control, Jewish religious life in the diaspora. The high priest could not control Jewish religious life in Judaea – how could he control Jewish religious life in the diaspora? It is more likely that Justin’s report of the anti-Christian messengers – I leave aside the report of Acts – is a Christian invention, spun out from the Christian interpretation of various biblical verses which highlight the Jewish rejection of Jesus.<sup>31</sup> The claim that the Jews “even now” curse Christ and Christians recurs several times in the *Dialogue with Trypho*, and again there is scholarly debate about the meaning and reliability of this claim. Many scholars connect this anti-Christian cursing with the rabbinic *birkat ha minim*, to be discussed below, but the *birkat ha minim* does not curse Christ and did not in its earliest stages mention Christians at all. Furthermore, Justin does not always locate this cursing in the synagogue.<sup>32</sup> So Justin’s report stands uncorroborated. Uncorroborated, of course, does not mean untrue; it means that we are not sure what to do with it.<sup>33</sup>

What is important for our purposes is that Justin, an important witness to Christianity in the mid-second century CE, thinks that there is an unbridgeable divide between Jews who do not believe in Christ and gentiles (like Justin) who do. They speak with each other, as Justin does with Trypho, but the communities are unambiguously separate.<sup>34</sup> This is not particularly surprising: as I remarked above Jews and gentiles had occupied separate social spaces long before Christians entered the mix.

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<sup>30</sup> Paul himself does not claim any commission from the high priest (1 Corinthians 15:9, Galatians 1:13, Philippians 3:6).

<sup>31</sup> William Horbury, “Jewish-Christian Relations in Barnabas and Justin Martyr,” in *Jews and Christians*, ed. Dunn (note 3 above) 342, reprinted in W. Horbury, *Jews and Christians in Contact and Controversy* (Edinburgh: T & T Clark, 1998) 127-161. The anti-Christian messengers are also mentioned by Eusebius and Jerome.

<sup>32</sup> The Jews curse Christ and/or Christians: *Dialogue with Trypho* 16.4\*, 47.4, 93.4, 96.2\*, 108.3, 133.6, 137.2\* (the asterisked passages place the cursing in the synagogue).

<sup>33</sup> Aside from Horbury, “Jewish-Christian Relations,” none of the contributors to Dunn’s symposium even mentions Justin’s reported messengers.

<sup>34</sup> In 47.2-3, Justin mentions gentile Christians who observe the Law, and Jewish Christians who seek to impose the Law on gentile Christians. In Justin’s eyes both belong to the community of Christians.

*Jews*

If the advent of Christianity did not change the social separation of Jews and gentiles, it did introduce a new complication to Jewish communal life, since now there were two sorts of Jews, those who believed in Christ and those who did not. The Tosefta shows that the former (Jews who believe in Jesus) could be included by the latter (Jews who do not believe in Jesus) in the category of *minim*, conventionally translated “heretics.” The meaning of this category and the identity of the people so labeled are much-discussed problems.

Since in this essay I am primarily interested in the second century CE, I shall focus first on the Mishnah and Tosefta. Perhaps a brief word of introduction is in order. The Mishnah is the first rabbinic book, that is, the earliest rabbinic work to achieve closure. Over the centuries the text was added to here and there, to be sure, but we may assume that the Mishnah as we have it is substantially the Mishnah that emerged in the early or mid- third century CE. A large work, written in Hebrew in the land of Israel, and devoted almost entirely to matters of practice, custom, and law, it is remarkably uninterested in contemporary affairs. It is far more interested in the rituals of the temple (which had been destroyed in 70 CE) than in the rituals of the synagogue, about which it says very little; it has far more to say about priests than about rabbis, about purity laws (which in the absence of the temple were on their way to desuetude) and sacrifices than about atonement and prayer. It is not interested in establishing “orthodoxy” or delineating communal boundaries; it has far more to say about goring oxen than about heretics and heresy, far more about menstruating women than about the core beliefs of Judaism.

The Tosefta is similar to the Mishnah, only larger. It contains more anecdotes, more scriptural exegesis, more ruminations about non-legal topics than does the Mishnah, but otherwise is very close to the Mishnah in arrangement and language. There is a complex synoptic relationship between the Tosefta and the Mishnah; on the one hand, the Tosefta regularly quotes or paraphrases our Mishnah, or assumes the existence of our Mishnah, but, on the other hand, the Tosefta also contains passages which seem to constitute the stuff out of which the Mishnah was created. In other words, the Tosefta appears to be both earlier and later than the Mishnah. Fortunately for us, this problem is not our problem.

I begin with the Mishnah. Here in translation is the text of all mishnaic references to *min* “heretic,” *minim* “heretics,” and *minut* “heresy.” The translations are by Herbert Danby, slightly edited.<sup>35</sup>

**1. M. Berakhot 9:5:** At the close of every benediction in the temple they used to say, ‘to everlasting’; but after the heretics (*minim*)<sup>36</sup> had taught corruptly and said that there is but one world, it was ordained that they should say, ‘From everlasting to everlasting’.

**2. M. Rosh Hashanah 2:1** At first they would admit evidence about the new moon from any person, but after the evil doings of the heretics (*minim*) they enacted that evidence should be admitted only from people that they knew.

**3. M. Megillah 4:8** If one said, ‘I will not go before the ark in colored clothing’, he may not go before it even in white clothing.

[If one said,] ‘I will not go before it in sandals’, he may not go before it even barefoot.

If one makes his phylactery round—it is a danger (to him) and is not a fulfillment of the commandment. If one put them on the forehead or on the palm of his hand – this is the way of heresy (*minut*). If one overlaid them with gold or put them over his sleeve – this is the way of outsiders (*hitzonim*).

**4. M. Megillah 4:9.** If one said (in his prayer), ‘May the good (pl.) bless you!’—this is the way of heresy (*minut*).

If one said, ‘May your mercies extend even to a bird’s nest’, or ‘May your name be remembered for good [occasions]’ or ‘We give thanks, we give thanks!’ – they silence him.

If one reads the laws of the forbidden degrees of sexual union (Leviticus 18) nonliterally – they silence him.

If one says that *And you shall not give any of your seed to make them pass through [the fire] to Molech* (Leviticus 18:21) means ‘and you shall not give of your seed to make it pass to [or: to impregnate] an Aramaean woman’<sup>37</sup> – they silence him with a rebuke.

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<sup>35</sup> Herbert Danby, *The Mishnah* (Oxford University Press, 1933; frequently reprinted).

<sup>36</sup> As Danby notes, a variant reading is ‘Sadducees.’

<sup>37</sup> Translation and meaning are not certain. See my *Beginnings of Jewishness* 253-255.

**5. M. Sotah 9:15:** ... and the kingdom shall convert to heresy (*minut*).

**6. M. Sanhedrin 4:5:** Adam was created alone ... for the sake of peace among mankind, that none should say to his fellow, ‘My father was greater than your father’; also that the heretics (*minim*) should not say, ‘There are many ruling powers in heaven’.

**7. M. Hulin 2:9:** No one may slaughter [an animal in such a way that the blood fall] into a hole of any sort, but one may make a hole in his house for the blood to flow into; one may not, however, do so in the marketplace so that he not imitate the heretics (*minim*)..

**8. M. Parah 3:3:** At the entrance to the Temple Court was set ready a jar of the [ashes of the] Sin-offering. They brought a male from among the sheep, tied a rope between its horns, and tied a stick and wound it about with the [other] end of the rope, and threw it into the jar. The sheep was struck so that it was startled backward [and spilled the ashes], and [a child] took of the ashes and mixed enough to be visible on the water. R. Yosi says: Do not give the heretics<sup>38</sup> an opportunity to lord it [over us]!<sup>39</sup> but, rather, one [of the children] took [the ashes directly] from the jar and mixed them.

**9. M. Yadayim 4:8:** A Galilean heretic<sup>40</sup> said, ‘I cry out against you Pharisees, for you write in a bill of divorce the name of the ruler together with the name of Moses.’ The Pharisees said, ‘We cry out against you Galilean heretic, for you write the name of the ruler together with the name [of God] on the [same] page, and, moreover, you write the name of the ruler above, and the name [of God] below.’

I cannot discuss these nine passages here in detail. Instead here are four comments.

First, note how small the corpus is. The nine passages taken together barely equal in length one typical Mishnah chapter. The Mishnah has 523 chapters.<sup>41</sup> The corpus is actually smaller than it seems because text no. 5, which states that in the end of days the “kingdom (the

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<sup>38</sup> Printed editions read “Sadducees” (perhaps as a result of conflation with 3:9), but the manuscripts read “heretics” (*minim*).

<sup>39</sup> Translation uncertain. Perhaps: “an opportunity to mock us.”

<sup>40</sup> Printed editions read “Sadducee” but the manuscripts read “heretic” (*min*).

<sup>41</sup> The number is approximate because the editions vary.

Roman empire) will convert to *minut* (Christianity),” is obviously a post-mishnaic addition, not earlier than the fourth century CE.<sup>42</sup> So our corpus is even smaller than it first appears.

Second, the Mishnah’s *minim* are a diverse lot. From the meager details the Mishnah provides we can see that some *minim* were active when the temple still stood (nos. 1, 8<sup>43</sup>, and perhaps 2); some *minim* are characterized by their liturgical practice, whether in the temple or the synagogue (nos. 1, 3, 4); some *minim* are characterized by other, non-liturgical practices (nos. 2, 7, 9) or by theology (nos. 1 and 6, perhaps 4). The *minim* are a varied lot.<sup>44</sup>

Third, the Mishnah alludes to the proscribed practices or beliefs of the *minim*, but does not define the groups or the individuals involved. It provides no details on who they are or how they fit (or don’t fit) into rabbinic society, or what they otherwise believe or don’t believe, do or don’t do. The absence of clear definition of *minim* and *minut* is part and parcel with the Mishnah’s lack of interest in defining orthodoxy and ecclesiology. That is, at no point does the Mishnah define correct Jewish belief, or set out criteria for membership in the Jewish community, or explain whether *minim* share those beliefs or meet those criteria. On all this the Mishnah is silent.

Fourth, the absence of *minim* from the opening paragraph of chapter 10 of Mishnah Sanhedrin is particularly remarkable. This Mishnah sets out three theological errors whose proponents are punished by God with the loss of their share in the world to come.<sup>45</sup>

The following have no share in the world to come: one who denies the resurrection of the dead<sup>46</sup>; one who denies that the Torah is from Heaven; and an Epicurean.

This is the only paragraph of the Mishnah which outlines, even if only by negation, some core doctrines of rabbinic Judaism. These doctrines are: the resurrection of the dead; the divine

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<sup>42</sup> Jacob N. Epstein, *Mavo le Nusah ha Mishnah* (Jerusalem: Magnes Press, 5724/1964) 967 (Hebrew)..

<sup>43</sup> Or is R. Yosi afraid of the heretics’ reaction to the Mishnah’s post-70 textual description of the Parah ritual, rather than their reaction to the pre-70 temple ritual itself?

<sup>44</sup> The grab-bag quality of the term is well emphasized by Daniel Sperber, “*min*,” *Encyclopaedia Judaica*, ed. Michael Berenbaum and Fred Skolnik (2nd ed.; Detroit: Macmillan Reference USA, 2007) 14: 263-264. *Gale Virtual Reference Library* accessed 18 Dec. 2012. The text is unchanged from the 1971-72 edition.

<sup>45</sup> M. Sanhedrin 10:1; my translation is based on that of Herbert Danby. For a recent discussion see David M. Grossberg, “Orthopraxy in Tannaitic Literature,” *Journal for the Study of Judaism* 41 (2010) 517-561.

<sup>46</sup> Standard printed editions add “from the Torah,” that is “one who says that the resurrection of the dead has no basis in the Torah,” but the words “from the Torah” are not found in the manuscripts.



origin of the Torah; and divine providence (God's supervision of human affairs, in particular the rewarding of the righteous and the punishing of the wicked, a doctrine denied by the Epicureans). Which ancient Jews denied, or at least were reputed to deny, these doctrines? The answer is, as many scholars have noted, the Sadducees as described by Josephus and the New Testament. The Sadducees denied the resurrection of the dead; denied the binding authority of the "tradition of the elders" of the Pharisees<sup>47</sup>; and maximized the role of free-will in human affairs.<sup>48</sup> Whether such Sadducees still existed in Mishnaic times is a difficult question that need not be treated here.<sup>49</sup> In any event, in this passage, the Sadducees are unnamed and *minim* are not mentioned.<sup>50</sup> Furthermore, in this Mishnah those who maintain these theological errors are punished by God, not by any human agency. The miscreants are not cursed; they are not threatened with excommunication or any other form of communal discipline. God will deal with them when they present themselves in the hereafter. In this world we do nothing to them except express our disapproval. I conclude that the Mishnah does not establish strong boundaries around its community; it is not interested in defining orthodoxy, suppressing deviance, or establishing the limits of dissent.<sup>51</sup>

So, to return to our topic: where does that leave Christians, whether Jewish or gentile? Nowhere. They are invisible in the Mishnah. The Mishnah's *minim* are not Christians (except in the interpolated passage number 5), nor is there any sign of Christians anywhere else in the Mishnah. The editors of the Mishnah have little interest in *minim*, no interest in heresy, and no interest in Christians.

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<sup>47</sup> Is this the same as denying that the Torah is from heaven? Perhaps. I cannot discuss this point here.

<sup>48</sup> Josephus, *Jewish Antiquities* 10.277-281 and 18.16-17; Matthew 22:23; see also *Fathers According to Rabbi Nathan* version A chapter 5.

<sup>49</sup> Sadducees in the Mishnah: M. Parah 3:9, Niddah 4:2, Yadayim 4:6-8, Eruvin 6:2. The variant readings of some of our Mishnaic passages (nos. 1, 8, 9) suggest a connection between *minim* and *tzeduqim*, "Sadducees," but this connection is probably the result of the work of much later scribes and printers. In the age of printing Jews knew that Christians knew that *minim* might well refer to Christians, so to avoid trouble with the censor they emended the potentially offensive word *min* to "Sadducee(s)." There is real anti-Sadducean polemic in the Mishnah (M. Yadayim end), but not in our nine passages.

<sup>50</sup> The Tosefta ad loc., which is a secondary expansion of the Mishnah, adds *minim*.

<sup>51</sup> This is the main point of my article "The Significance of Yavneh," *Hebrew Union College Annual* 55 (1984) 27-53, reprinted in *The Significance of Yavneh and Other Essays* (see note 19 above). See now Adiel Schremer, "Thinking about Belonging in Early Rabbinic Literature," *Journal for the Study of Judaism* 43 (2012) 249-275.

The Tosefta contains many additional references to *minim*; among these are two passages which apply the category of *minim* to Jewish Christians, and one passage which does not use the word *minim* but which refers to Jewish Christians.<sup>52</sup> I shall present and discuss all three. Here is the first.

Mishnah Shabbat rules that “any of the Holy Scriptures may be saved from a fire (on the Sabbath),” even if the act of rescue entails the violation of the Sabbath. On this Mishnah the Tosefta comments as follows:<sup>53</sup>

The parchment-sheets<sup>54</sup> and the (Torah) scrolls<sup>55</sup> of *minim* may not be saved from a fire (on the Sabbath), but are allowed to burn where they are, they and their divine names.

R. Yosi the Galilean says: On weekdays one cuts out<sup>56</sup> their divine names and hides them away, and burns the rest.

R. Tarfon said: I swear by the lives of my children<sup>57</sup> that if these scrolls were to come into my hands I would burn them and their divine names. Even if a murderer<sup>58</sup> were pursuing me, I would enter a house of idolatry rather than enter<sup>59</sup> a house of theirs, for the worshippers of idolatry do not recognize him (God) and deny him, but these (*minim*) recognize God but deny him....

R. Yishmael said: If, in order to bring peace between husband and wife, the Omnipresent said that the holy writing on a scroll<sup>60</sup> is to be scraped off into water

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<sup>52</sup> Just to be clear: the Tosefta has other non-Mishnaic reference to *minim* (e.g. T. Megillah 3:37) but because they cannot be shown to refer to Christians they are not treated here.

<sup>53</sup> Mishnah Shabbat 16:1; Tosefta Shabbat 13:5 p. 58-59 ed. Lieberman.

<sup>54</sup> Or “the gospels,” *ha gilyonim*; see below.

<sup>55</sup> Wilhelm Bacher, “Le mot *minim* dans le Thalmud désigne-t-il quelquefois des chrétiens?” *Revue des études juives* 38 (1899) 38-46, at 42, argues that *sifrei minim* are Torah scrolls written by *minim*. For discussion see Daniel Sperber, “*Sifrei ha-minim*,” *Encyclopaedia Judaica*, ed. Michael Berenbaum and Fred Skolnik (2nd ed. Detroit: Macmillan Reference USA, 2007) 18:564-565. Accessed online through the *Gale Virtual Reference Library*. The text is unchanged from the original print edition of 1971-72.

<sup>56</sup> Lit. “pierces.”

<sup>57</sup> Lit. “may I strike my children” or “may I twist my children.”

<sup>58</sup> Lit. “pursuer.”

<sup>59</sup> Lit. “but I would not enter.”

<sup>60</sup> Lit. “a scroll written in holiness.”

(Numbers 5:23), all the more so should the scrolls of the *minim*, which bring enmity between Israel and their father in heaven, be erased, they and their divine names! ...

Just as they (the scrolls of the *minim*) are not to be saved from a fire, they are not to be saved from a landslide,<sup>61</sup> or a flood, or anything else that would destroy them.

Who are these *minim*, who recognize God but deny him, who bring enmity between the people of Israel and God in heaven, whose houses are to be avoided even more than the houses of idolatry, whose scrolls are not to be rescued from a fire on the Sabbath, whose scrolls on a weekday are to have their divine names removed and the remainder consigned to the flames? Surely<sup>62</sup> these are Christians, or to be more accurate, Jewish Christians. Their Jewishness is evident from the fact that they arouse divine wrath against the people of Israel, and from the fact that their Torah scrolls are written in Hebrew and contain the divine name in Hebrew. Their Christianness is evident from the first word of the excerpt, *ha gilyonim*, translated above “the parchment sheets,” which seems to be a deliberate pun on the Christian name for the gospels (*evangelia*). We should like to know more about these gospels and scrolls.<sup>63</sup> In any case, the point of the passage is that Christian scrolls are not sacred although they contain the name of God; in fact, they should be actively destroyed (once their divine names have been removed). Surely<sup>64</sup> the passage also implies that God-fearing rabbinic Jews should distance themselves from the owners and purveyors of such texts.

The Tosefta contains two remarkable stories about the interaction of Jewish-Christians with rabbinic sages. The context is a discussion about *minim* prompted by M. Hulin 2:9 (see above, Mishnah text no. 7). The Tosefta harshly condemns *minim* (“... their wine is the wine of idolatrous libations, their scrolls are scrolls of magicians, their children are *mamzerim*<sup>65</sup>”), even

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<sup>61</sup> Or “cave-in.”

<sup>62</sup> “Surely” means “not so surely.” Adiel Schremer is not convinced that this passage is talking about Christian *minim*; see his *Brothers Estranged: Heresy, Christianity, and Jewish Identity in Late Antiquity* (Oxford University Press, 2010) 84-86.

<sup>63</sup> The *evangelia* seem to be written in Hebrew too. I have translated *sefer/sefarim* throughout as “scrolls,” but perhaps in connection with Christians we should translate “books” or “codices.”

<sup>64</sup> This time I am sure.

<sup>65</sup> *Mamzerim*, usually translated “bastards,” are the offspring of strongly prohibited sexual unions who are not marriageable by Israelites of good pedigree. The word was also used as a term of abuse.

if their identity is no clearer in the Tosefta than in the Mishnah.<sup>66</sup> The Tosefta then tells the following two stories.<sup>67</sup>

[Story #1] It once happened that R. Eleazar b. Damah was bitten by a snake, and Jacob of Kfar Sama came to heal him in the name of Yeshua/Yeshu b. Pantira.

But R. Yishmael did not permit him.<sup>68</sup>

He<sup>69</sup> (R. Yishmael) said to him: You may not do so, ben Damah.

He (R. Eleazar) said to him: I will bring you a proof (from Scripture) that he may heal me. But he did not have a chance to bring the proof before he died.

R. Yishmael said: Fortunate are you, Ben Dama, for you have expired in peace, and did not breach the fence (erected by) the sages.

Because anyone who breaches the fence (erected by) the sages – in the end punishment comes upon him,

As it is written, *he who breaches a fence – a snake shall bite him* (Ecclesiastes 10:8).

[Story #2] It once happened that R. Eliezer was arrested on account of *minut*, and they brought him up to the platform to be tried.

The governor asked him: Should an elder like you engage in these things?

He answered: I consider the Judge trustworthy.

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<sup>66</sup> On the Tosefta's harsh laws about *minim*, see Schremer, *Brothers Estranged* 69-86. I agree with Schremer that there is no reason to assume that Christians are the target of the polemic. Another harsh anti-*minim* passage is T. Bava Metzia 2:33, and there too we should not assume that Christians are meant (Schremer 61).

<sup>67</sup> First story is T. Hulin 2:22-23 p. 503 ed. Zuckerman, p. 87-88 ed. Freiman; my translation is based on that of Jacob Neusner, *The Tosefta* (Peabody: Hendrickson, 2002) 1380. The second story is Tosefta Hulin 2:24 p. 503 ed. Zuckerman, pp. 88-89 ed. Freiman; my translation is based on that of Joshua Schwartz and Peter J. Tomson, "When Rabbi Eliezer Was Arrested for Heresy," available at the website of the *Jewish Studies Internet Journal* (<http://www.biu.ac.il/js/JSIJ/10-2012/SchwartzandTomson.pdf>). The first story appears with variations in Y. Shabbat 14 end (and Avodah Zarah 40d); B. Avodah Zarah 27b; the second story appears with variations in B. Avodah Zarah 17b; Ecclesiastes Rabbah 1.8. I cannot discuss those versions here.

<sup>68</sup> That is, R. Yishmael did not permit R. Eleazar to be healed by Jacob. It is possible that the text means that R. Yishmael did not permit Jacob to heal R. Eleazar, but the following sentences turn on what R. Eleazar is permitted to do. Jacob himself is somewhere off-stage, and is not present in the dialogical space inhabited by R. Yishmael and R. Eleazar.

<sup>69</sup> The Vienna manuscript of the Tosefta has "they" which seems to be an error.

Now the governor thought that he had referred to him – though he referred only to his Father in Heaven – and so he said to him: Since you have deemed me trustworthy, I also said to myself, would these grey hairs<sup>70</sup> err in these matters? (Surely not!) Dismissed! You are released.

When he left the platform, he was distressed to have been arrested on account of *minut*. His disciples came to console him, but he refused to accept (their consolation).

R. Akiva came and said to him: Rabbi, may I say something to you, so that perhaps you will not be distressed?

He said: Speak.

He said to him: Perhaps one of the *minim* told you a matter of *minut* which pleased you?

He said to him: By Heaven! You have reminded me. Once I was strolling on the main street of Sepphoris when I met Jacob of Kfar Sikhnin who told me a matter of *minut* in the name of Yeshua b. Pantira and it pleased me. Therefore I was arrested on account of *minut*, for I transgressed the words of the Torah. *Keep your way far from her and do not go near the door of her house* (Proverbs 5:8).

For R. Eliezer taught: One should always flee from what is ugly and from whatever appears to be ugly.

Both of these wonderful stories are too rich to be discussed in full here. My interest is not in the stories' facticity, which is debatable at best and unrecoverable in any case, but in their construction of reality. That is, we do not know and have no way of knowing whether a man named Eleazar ben Dama, having been bitten by a poisonous snake, had a significant conversation with a Jewish Christian named Jacob and an even more significant conversation with a rabbinic sage named R. Yishmael (whose floruit is customarily dated to the period 100-120 CE). We do not know and have no way of knowing whether a rabbinic sage named R. Eliezer b. Hyrcanus (whose floruit is also customarily dated to 100-120 CE) was once arrested by the Romans on the suspicion of being a Christian, and whether he afterwards attributed his

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<sup>70</sup> Text and meaning uncertain. The syntax of this paragraph seems garbled. I am not persuaded by the interpretation of Schäfer, *Jesus in the Talmud* 43-44.

ordeal to the fact that he once had had a conversation with a Jewish Christian named Jacob.<sup>71</sup> I focus instead on how these stories imagine the relationship of rabbinic society and rabbinic sages with Jewish Christian *minim*. I shall first discuss each story separately and then treat the two together.

But first a brief note on Yeshu (or Yeshua) ben Pantira. As scholars have long noted, this is a Jewish anti-Christian way of referring to Jesus. In response to the story in Matthew and Luke of Jesus' miraculous birth, Jews told a story of his sordid origins. Jesus, they said, was the product of an adulterous union of Mary with a Roman soldier named Panthera. The Jewish story was known already to Origen (writing ca. 248 CE), citing the work of Celsus (ca. 180 CE). From antiquity through the middle ages Yeshu ben Pantira (or Pandira) is a standard Jewish appellation for Jesus of Nazareth.<sup>72</sup>

No one in the first story, neither R. Eleazar b. Dama nor R. Yishmael nor the narrator, doubts that Jacob of Kfar Samah is a potent healer. His power, which derives from the name of Yeshu b. Pantira, is such that he could have healed R. Eleazar b. Dama from his fatal snake bite. Why R. Yishmael objects so to a healing in the name of Yeshu is not explained. Nor are we told how R. Eleazar and Jacob came to know each other. R. Eleazar was about to try to convince R. Yishmael that in this case, in which his life was at stake, an exception should be made to the policy of keeping a safe distance from the name of Yeshu b. Pantira. We may assume that he was going to argue that danger to life overrides all sorts of prohibitions. But, alas, before he can make his case, he dies. Rather than lament or feel guilt over his death, R. Yishmael instead lauds R. Eleazar's steadfast piety, for he did not breach the hedge of rabbinic discipline; R. Yishmael instructed him not to be healed by Jacob of Kfar Samah, and R. Eleazar followed those instructions, even at the cost of his life. The story ends with a brilliant stroke. In his brief but powerful epitaph R. Yishmael cites the verse *he who breaches a fence – a snake shall bite him*. But, as the Babylonian Talmud perspicaciously observes, a snake did bite R. Eleazar! And R. Eleazar is innocent – he did not breach the rabbinic fence! The irony of course is intentional. Surely we are meant to understand that the verse is metaphorical: he who breaches the rabbinic

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<sup>71</sup> A weakness of the analysis of Schwartz and Thomson, "When R. Eliezer was Arrested," is their confusion of narrative truth with historical truth.

<sup>72</sup> Origen, *Contra Celsum* 1.32, p. 31 trans. H. Chadwick (and see note 3 ad loc.); Schäfer, *Jesus in the Talmud*, 15-24.

fence, that is, he who does not follow the dictates and prohibitions of the sages, a snake will bite him, that is, he will suffer in the world to come. The snake that bit R. Eleazar in this world was not a metaphorical snake; but by acceding to the instructions of R. Yishmael, R. Eleazar guaranteed himself a share in the world to come. “Fortunate are you, Ben Damah, for you have expired in peace.”<sup>73</sup> This story does not use the word *min*, but its placement as commentary on M. Hulin 2:9, as extension of a Toseftan polemic against *minim*, and as an introduction to a second story about Jewish Christian *minim*, strongly suggests that this story too is about people whom the narrator would characterize as *minim*.

The second story also features a Jewish Christian named Jacob, presumably not the same one as in the first story. Here we have one story, R. Eliezer ben Hyrcanus on trial, and a story within the story, R. Eliezer interacting with a *min*. First is a trial scene: the Romans suspect R. Eliezer of being a *min*, that is, a Christian, and put him on trial.<sup>74</sup> With a clever double-entendre R. Eliezer so impresses the judge that he is released. When R. Eliezer returns to his disciples, he is distraught: why did God punish him thus? True, he was released unharmed, but why this trial and travail? When he is reminded of an incident, an accidental encounter with a Jewish-Christian *min* in Sepphoris, he is comforted; the ways of God are just.<sup>75</sup> The narrator, alas, does not reveal the content of the discussion between R. Eliezer and Jacob of Kfar Sikhnin, a gap that is filled in by the later version in the Babylonian Talmud. No matter the content of the conversation, what got R. Eliezer in trouble was the very fact of a conversation. Once, quite by chance, R. Eliezer chatted with a *min*, and that fact alone suffices to explain why God punished him by having him arrested for *minut*.

The two stories are juxtaposed in Tosefta Hullin and indeed their moral is the same: pious rabbinic Jews are to stay away from Jewish Christian *minim*, the disciples of Yeshu b. Pantira. This social barrier is defined in the first story as a hedge erected by sages, in the second story as

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<sup>73</sup> This explanation is advanced by the Yerushalmi. The commentators on B. Avodah Zarah 27b (and B. Shabbat 110a) explain it differently. Schäfer, *Jesus in the Talmud* 55-56 misconstrues the Bavli.

<sup>74</sup> All modern scholars understand the story this way. It is worth noting, however, that several important medieval Jewish commentators understand the opening line of the story not as “When R. Eliezer was arrested on a suspicion of *minut*,” but as “When the *minim* arrested R. Eliezer.” In this reading the governor is a leader of the *minim* and wants to know why R. Eliezer does not follow the *minim*.

<sup>75</sup> R. Eliezer is seeking a theological explanation for his ordeal, not a historical one: for the sin of consorting with a *min* he is punished by being arrested on a suspicion of *minut*. Schwartz and Tomson explain that some informer saw R. Eliezer in the market-place with a *min* and reported the encounter to the Romans. This is beside the point.

a prohibition of the Torah (supported by a verse from Proverbs!). The encounters with Jewish-Christian *minim* depicted here are not dialogues about theology or philosophy. Neither encounter has anything to do with “identity formation.” Jacob of Kfar Samah intended to demonstrate the power of Jesus b. Pantira by performing a healing in his name; Jacob of Kfar Sikhnin communicated some teaching in the name of Jesus b. Pantira. Those modern scholars who argue that Christian truth claims in general, or Jewish-Christian truth claims in particular, had an important formative effect on the shaping of rabbinic truth claims, will find little support here for their argument. The Jewish-Christian *minim* depicted here are not part of rabbinic society; they rub shoulders with rabbis but only occasionally and only desultorily. They are not rabbis and are not depicted as rabbis; no one mistakes them for rabbis. They are outsiders. R. Eliezer knows that Jacob of Kfar Sikhnin is a *min*; R. Eleazar ben Damah does not dispute R. Ishmael’s characterization that healing in the name of Yeshu ben Pantira is wrong in principle. The message of the stories is: stay away! Danger!

In sum, from the rabbinic evidence surveyed so far, it is hard to know if there was a parting of the ways between rabbinic Jews and Jewish-Christians, not because there was so much intermingling between these communities but because there was so little. The Mishnah ignores them. The Tosefta has two – only two! – relevant stories set in the early decades of the second century CE, but we have no way of assessing the historicity of either story or of determining whether the stories are evidence for the period in which they are set or for the period in which they were produced (probably third century CE). . The stories imply that there is, and ought to be, avoidance of Jewish-Christians by rabbinic Jews. The same point emerges from the polemic in Tosefta Shabbat against the books of the *minim*, that is, Jewish-Christians. Perhaps the vitriolic denunciation of the *minim* in Tosefta Hulin also refers to Jewish Christians, we can’t be sure.

The meagerness of the data, and the pointedness of the data, strongly suggest that the rabbinic community and the Jewish-Christian community did not have much to do with each other. We may freely assume that rabbis and Jewish-Christians occasionally bumped into each other, as R. Eliezer and Jacob of Kfar Sikhnin did one day in downtown Sepphoris; we may even assume that they might have engaged from time to time in serious theological debates. But the evidence for these interchanges is meager (non-existent in Mishnah and Tosefta). The Tosefta regards Jewish Christians (and others) as *minim*, which might suggest that Jewish Christians



were “inside” rabbinic society, but the evidence is sparse; there certainly is no sign that the sage editors of the Tosefta were more perturbed by the Jewish-Christian expression of *minut* than by other, no less noxious, expressions of *minut*.

I turn now to the *birkat ha minim*, the liturgical expression of the rabbinic disdain for *minim*. *Birkat ha minim* literally translates as “the benediction concerning the *minim*,” or more fully “the benediction of God, the destroyer of the *minim*.” This prayer has had a long and tortuous history; by the fourth century CE it became an anti-Christian prayer, but it did not begin as one. Let us look at the evidence. For the sake of completeness we shall look beyond the Mishnah and Tosefta to the Yerushalmi (the Talmud of the land of Israel) and the Bavli (the Babylonian Talmud) as well.<sup>76</sup>

The Mishnah says nothing about the *birkat ha minim*.

The Tosefta has one reference to *birkat ha minim*:<sup>77</sup>

The Eighteen Benedictions of which the sages speak correspond to the eighteen appearances of the divine name in *Ascribe to the Lord, O divine beings* (Psalm 29). (When reciting the Eighteen Benedictions) one should include the benediction about *minim* in the benediction about separatists (*perushim*<sup>78</sup>), the benediction about proselytes in the benediction about elders, the benediction about David in the benediction *who (re)builds Jerusalem*. If one recited each of these separately, he has (nevertheless) fulfilled his obligation.

The heart of the rabbinic daily liturgy is a prayer consisting of eighteen paragraphs, each paragraph devoted to a specific theme and concluding with a benediction of God (“Blessed are you, O God, who ...”). The history of this prayer is much debated. It seems that in early rabbinic times the themes, the number of themes, and the precise wording of each thematic paragraph

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<sup>76</sup> There are many recent scholarly studies of the *birkat ha minim*. The fullest is Yaakov Teppler, *Birkat ha Minim* (Tübingen: Mohr-Siebeck, 2007); the best is Ruth Langer, *Cursing the Christians? A History of the birkat ha minim* (Oxford University Press, 2012). See too Uri Ehrlich, “*Birkat Ha-Minim*,” *Encyclopaedia Judaica*, ed. Michael Berenbaum and Fred Skolnik (2nd ed. Detroit: Macmillan Reference USA, 2007) 3:711-712, accessed online through the *Gale Virtual Reference Library*. 17 Dec. 2012.

<sup>77</sup> T. Berakhot 3:25 pp. 17-18 ed. Lieberman. The translation of this text that appears in Teppler, *Birkat ha Minim* 100 is wrong (perhaps the mistake belongs to the translator, not the author). The Vienna manuscript of the Tosefta at T. Taanit 1:10p. 326 ed. Lieberman also refers to the *birkat ha minim*, but the reference is absent from the Erfurt and London manuscripts and the printed editions. I do not discuss it here.

<sup>78</sup> Perhaps to be vocalized *paroshim*.

were not yet fixed; at some point the number of benedictions was fixed at eighteen (hence the prayer became known as “the Eighteen”) and the specific themes were established. Fixed wording was not established until the early Islamic period. This Tosefta passage attests some of these developments. The opening sentence tries to find a basis in scripture for the number eighteen; why the number of appearances of the divine name in Psalm 29 should have anything to do with the number of benedictions in the central prayer of the daily liturgy, is not explained. Indeed, the Talmudim adduce other “proofs,” most just as fanciful as this.<sup>79</sup> The Tosefta then explains that certain themes should be paired: *minim* should be paired with separatists (*perushim*); proselytes should be paired with elders; and King David should be paired with Jerusalem in the benediction *who (re)builds Jerusalem*. The purpose of these pairings is to allow the maximum number of themes to be treated without exceeding the eighteen-benediction limit. The Tosefta clearly implies that each of these themes is the subject of an already existing benediction.

The first of these pairs is our concern. The Tosefta says that the benediction concerning separatists (*perushim*) should be combined with the benediction concerning *minim*. The Tosefta does not explain the content of either benediction but we may safely assume that the former benediction invokes God’s power in destroying or otherwise harassing the separatists, while the latter does the same for the *minim*. Who are these separatists and what is their relationship with *minim*? The Tosefta does not explain. Modern scholars have suggested that “the separatists” were those who abandoned the Jews of Judaea in their struggles against the Romans or who otherwise separated themselves from the Jewish community. *Minim*, in contrast, as we have seen, are Jews whose theology and/or religious practice were “incorrect.” By melding the two the Tosefta conflates political/social deviance with religious deviance (“deviance,” of course, from the perspective of the group doing the defining, in this case the rabbinic sages).<sup>80</sup>

The Yerushalmi provides three important bits of additional information. First, it claims that the benediction about *minim* was instituted at the rabbinic conclave at Yavneh (the gathering of sages in the decades after the destruction of the temple in 70 CE), although it is not clear

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<sup>79</sup> Y. Berakhot 4:3 7d (col. 37 ed. Zussman); B. Berakhot 28b-29a.

<sup>80</sup> On these separatists see David Flusser, “4QMMT and the Benediction against the Minim,” in *Judaism of the Second Temple Period 1: Qumran and Apocalypticism* (Grand Rapids: Eerdmans, 2007) chapter 9 (also available online through [www.publishersrow.com](http://www.publishersrow.com)); Schremer, *Brothers Estranged* 57-68.

whether the Yerushalmi means the original separate benediction about *minim* or the merged benediction about *minim* and separatists.<sup>81</sup> The Yerushalmi probably deduced this information from M. Berakhot 4:3 which has Rabban Gamliel, a prominent sage of the Yavnean period, declare that a person should pray “Eighteen” every day. Second, the Yerushalmi provides an alternative version of the Tosefta’s statement regarding the pairing of separatists with *minim*. Here is the Yerushalmi: “(When reciting the Eighteen Benedictions) one should include the benediction about *minim* and sinners in the benediction ‘who lays low the arrogant’.” If we may assume that “who lays low the arrogant” (*makhni’a zedim*) is the concluding phrase of the benediction against separatists, then we may conclude that the Yerushalmi agrees with the Tosefta: the benediction concerning *minim* (and sinners too<sup>82</sup>) is to be combined with the benediction concerning separatists.<sup>83</sup> Third, the Yerushalmi states that if a prayer leader omits any of the eighteen benedictions, he is not compelled to go back to recite it at its proper place, unless he skips one of the following three benedictions, in which case he is compelled to go back to recite it. Why? Because “I suspect that he might be a *min*.” The three benedictions are “who revives the dead,” “who lays low the arrogant,” and “who (re)builds Jerusalem.” Omission of the benediction “who revives the dead” naturally raises the suspicion of unbelief in the resurrection of the dead.<sup>84</sup> Omission of the benediction “who lays low the arrogant” naturally raises the suspicion of *minut*, because the benediction calls for the destruction of separatists and *minim*. Omission of the benediction “who (re)builds Jerusalem” naturally raises the suspicion of unbelief in the Davidic messiah. The Yerushalmi then reports a story about Samuel the Small who once, while leading the prayers, omitted the benediction “who lays low the arrogant,” but was not compelled to go back, because no one suspected him of being a *min*. Why Samuel the Small omitted the benediction is not explained.<sup>85</sup>

The Bavli has a somewhat different version of all three of the Yerushalmi’s points. It attributes the authorship of the benediction about *minim* to Samuel the Small, which the Yerushalmi does not do. It agrees with the Yerushalmi that the benediction was established at Yavneh, but claims that it was formulated at the specific request of R. Gamaliel. It agrees with

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<sup>81</sup> Y. Berakhot 4:3 8a (col. 37 ed. Zussman)// Taanit 2:2 65c (col. 713 ed. Zussman).

<sup>82</sup> Some scholars have suggested that “sinners” (*posh`im*) is a variant reading of “separatists” (*perushim*).

<sup>83</sup> Yerushalmi Berakhot 4:3 8a (col. 37 ed. Zussman)// Ta’anit 2:2 65c (col. 713 ed. Zussman).

<sup>84</sup> See M. Sanhedrin quoted above.

<sup>85</sup> Yerushalmi Berakhot 5:4 9c (col. 47 ed. Zussman).

the Yerushalmi that if a prayer leader omits the benediction about *minim* he is to be called to account, except that in the Yerushalmi he is made to go back and recite the benediction while in the Bavli he is to be removed from his position. The story about Samuel the Small is told in somewhat different form, as is the ruling that the benediction concerning the *minim* is to be combined with another thematically related benediction.<sup>86</sup>

How to make sense of these conflicting and inconsistent traditions, and how to sort out their inter-relationship – these questions have been discussed many times in modern scholarship and cannot be treated here in any detail. In particular, scholars have long debated the historicity of the Bavli's claim that *birkat ha minim* was formulated at the request of R. Gamaliel. For our purposes the following points are important.

All three sources agree that the benediction had its own history before being incorporated into the Eighteen benedictions.

The Yerushalmi and Bavli claim that the benediction was formulated in the period of Yavneh, the formative period of the Mishnah. This claim is unknown to the Tosefta.

The *birkat ha minim* does not refer by name to specific groups. If we may take together all the categories named in the Tosefta and the Yerushalmi, we have separatists (*perushim*), sinners (*posh'im*), arrogant ones (*zedim*), as well as *minim*. These broad categories would seem to refer to classes of people, not specific groups.

None of the texts explains the purpose of the *birkat ha minim*. Why do we praise God for destroying or laying low separatists and heretics? Both the Yerushalmi and the Bavli describe the negative social consequences that befall the prayer-leader who omits or mangles the benediction; he needs to recite the prayer over again (Yerushalmi) or is removed from his post (Bavli). Many scholars have assumed that this indeed was the purpose of the benediction: to “smoke out” separatists and heretics who, we may presume, would not want to praise God for bringing about their own destruction. But even if the unmasking of heretics may have been an effect of the institution of this benediction,<sup>87</sup> we cannot be sure that it was its purpose. There are

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<sup>86</sup> B. Berakhot 28b-29a and Megillah 17b.

<sup>87</sup> I leave aside the question of whether heretics and separatists would recognize themselves as heretics and separatists; probably not.

all sorts of reasons why we may wish to curse those whom we regard as our enemies<sup>88</sup>; the Yerushalmi and Bavli do not explain.

It is not impossible that the *minim* of the benediction are, or at least include, Christians. As we have seen, in two passages the Tosefta calls Christians *minim*, so it may be doing so here as well. However, the Tosefta uses the same label also for non-Christian heretics, so absent additional evidence the Christian connection is just a possibility, nothing more.

Furthermore, even if the *minim* here are or include “Christians,” they are not Christians *tout court*. As we have seen, the Christians with whom the Tosefta is familiar are Jewish Christians, ethnic Jews who believe in Jesus and stand in some relationship with the Jewish community. The *birkat ha minim* says nothing about gentile Christians or Christianity at large.

Hence it is most unlikely that the benediction about *minim* has anything to do with Justin Martyr’s statement, cited above, that the Jews daily curse Christ and Christians. The *birkat ha minim* mentions neither Christ nor gentile Christians (like Justin). The *birkat ha minim* is unknown outside the land of Israel and Babylonia; Justin’s Dialogue with Trypho the Jew was set in Ephesus, and written (perhaps) in Rome.<sup>89</sup> In the late fourth century CE two church writers active in Byzantine Palaestina, Epiphanius and Jerome, refer to the *birkat ha minim*. Three times a day, they say, the Jews curse the Nazoreans/Nazarenes, Jewish believers in Christ; Jerome even knows that the Jews call them *minim*. There can be little doubt that Epiphanius and Jerome are referring to the *birkat ha minim*, which by the late fourth century CE had become explicitly anti-Christian (that is, an anti-Jewish-Christian) and sufficiently well known to attract the attention of gentile Christian outsiders in Roman Palaestina; in contrast, in the second century CE in Rome Justin could not have known the *birkat ha minim*.<sup>90</sup>

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<sup>88</sup> David Henshke suggests that the cursing of enemies is ensure that God will listen to our prayers, not theirs; see his “From *Parashat ha Ibbur* to *birkat ha minim*,” in *From Qumran to Cairo: Studies in the History of Prayer*, ed. Joseph Tabory (Jerusalem: Orhot, 1999) 75-102 (Hebrew).

<sup>89</sup> That the Dialogue was set in Ephesus is stated by Eusebius, *History of the Church* 4.18.6. Justin was born in Samaria.

<sup>90</sup> Regarding Epiphanius and Jerome, see William Horbury, “The Benediction of the *minim* and early Jewish-Christian Controversy,” *Journal of Theological Studies* 33 (1982) 19-61, reprinted in Horbury, *Jews and Christians* 67-110. In Antioch in the 380s John Chrysostom does not know the *birkat ha minim*, for if he knew it he surely would have mentioned it in his sermons against the Jews, translated under the title *Discourses against Judaizing Christians*, trans. Paul W. Harkins (Washington DC: Catholic University of America 1979). According to the martyrdom of Pionius, which is set in Asia Minor in 250 CE and written (probably) not long after, and which contains much anti-Jewish material, the Jews try to seduce Christians away from Christianity by inviting them to

Some scholars have argued for a connection between the *birkat ha minim* and three passages in the gospel of John. The argument goes as follows. In three passages John says that the Jews (in one passage: the Pharisees) have put (or will put) “out of the synagogue” those who believe in Christ.<sup>91</sup> In this strand of the gospel of John, being put out of the synagogue is a bad thing; Christian believers want to be in the synagogue, not outside it. Where else do we have evidence that Jews (Pharisees) are expelling (Jewish) Christians from synagogues? The *birkat ha minim*, instituted at Yavneh and thus contemporary with the gospel of John (ca. 100 CE), is an ideal candidate. The *birkat ha minim*, by providing a liturgical litmus test for heresy, expelled Jewish Christians from the synagogue, precisely the setting for this strand of the gospel of John.<sup>92</sup>

There is what to admire in this reconstruction even if in the final analysis it fails to convince.<sup>93</sup> The relationship of the gospel of John to Jews and Judaism is much debated. If the gospel was composed in Asia Minor or Syria, as is usually believed, it is most unlikely that anyone in either place would have ever heard of *birkat ha minim* ca. 100 CE, since the reach of rabbinic Judaism then fell far short of such distant locales. The *birkat ha minim* is attested only in Israel and Babylonia. Furthermore, as I commented above, it is not clear that the intent of *birkat ha minim* was to expel *minim* from the synagogue community. Indeed, if it did so, it did so only indirectly. If the rabbis wanted to expel the *minim*, one wonders why they didn’t just expel the *minim*. If the rabbis wanted to expel the Jewish Christians, one wonders why they didn’t just expel the Jewish Christians. If the rabbis wanted to invoke a curse upon Jewish Christians, one wonders why they didn’t just curse them, as they would be doing by the fourth century. There are too many riddles and uncertainties here for a convincing case to be made.

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their synagogues. “They will invite you to their synagogues” – no *birkat ha minim* here (Martyrdom of Pionios 13). See Louis Robert, *Le martyre de Pionios prêtre de Smyrne*, ed. G. W. Bowersock and C.P. Jones (Washington DC: Dumbarton Oaks, 1994) 82-83. In contrast to the argument developed here, David Rokeah argues that Justin is referring to the *birkat ha minim*; see his Hebrew translation of the *Dialogue with Trypho* (Jerusalem: Magnes Press, 5765/2005) note 192 on *Dialogue* 16.4.

<sup>91</sup> John 9:22; 12:42 and 16:2.

<sup>92</sup> The classic statement of this theory is by J. Louis Martyn, *History and Theology in the Fourth Gospel* (Louisville: Westminster John Knox Press, 2003[3<sup>rd</sup> edition; 1<sup>st</sup> edition 1968]).

<sup>93</sup> For summaries of the critique, see John S. Kloppenborg, “Disaffiliation in associations and the *aposynagōgos* of John,” *HTS Theological Studies* 67,1 (2011) art. #962 (available at <http://www.hts.org.za/index.php/HTS/article/view/962/html>) and Langer, *Cursing the Christians* 27-33.

In sum, the *birkat ha minim* is important evidence for the limits of rabbinic pluralism; even in the coalition-building atmosphere of Yavneh – if indeed the attribution of *birkat ha minim* to Yavneh be reliable – the rabbis had limits. *Minim* and separatists, sinners and arrogant ones, were beyond the pale. The identity of these social malcontents, the actions of these reprobates, the thoughts of these ne'er-do-wells were not important to the sages who framed this benediction. They were trying to be inclusive ...

### *Conclusions*

The evidence surveyed here supports the view, once regnant among scholars but now unaccountably out of fashion, that by the early second century CE Jews (that is, ethnic Jews who do not believe in Christ) and Christians (that is, ethnic gentiles who do believe in Christ) constituted separate communities, each with its own identity, rituals, institutions, authority figures, and literature. To be sure we may assume that there were Jewish communities of various sorts, for example rabbinic and non-rabbinic, Hebrew-reading and non-Hebrew reading, and we may assume that there were Christian communities of various sorts, for example proto-orthodox and “Gnostic,” so generalizations are hazardous. But all the extant evidence points in the same direction. There were no mixed communities of Jews and Christians, except of course for Christian communities which numbered among their members Jews who had converted to Christianity, and except for Jewish communities which numbered among their members Christians who had converted to Judaism. But absent conversion, the boundaries between the Jewish and the Christian communities were clear enough and stable enough. As the century proceeded, the boundary would become ever clearer and ever more stable.

The evidence for all this, especially on the Christian side and from the perspective of the Romans, is abundant and consistent, and has been surveyed briefly above. Here are some additional considerations, not yet mentioned. A large stock of Judaeo-Greek literature migrated with Christians in their journey out of Judaism; hence the Greek versions of the Hebrew Bible became Christian scriptures, just as they are Jewish. The works of Philo owe their preservation to this migration. The works of Josephus (which were completed around the year 100 CE) mark the end of this literary migration; Judaeo-Greek writings composed after around 100 CE were not

preserved by Christians and as a result have disappeared (aside from a few small exceptions).<sup>94</sup> The simplest explanation for this phenomenon is that after around 100 CE Christian communities were distinct from the Jewish, not only the Hebrew-writing sages of Roman Palaestina but also the Greek-writing Jewish communities of the diaspora.

Justin (writing around 160 CE) states boldly and forthrightly that we gentile Christ-believers are God's holy people, God's chosen people, the true children of God, and the true people of Israel.<sup>95</sup> By the end of the second century Christians are producing their own scriptures which were distinguished from Jewish scriptures not only in content but also in form: they were written in codices (books) instead of scrolls, and they employed a distinctive system for abbreviating the names of God and Christ (Jewish scrolls had no such system).<sup>96</sup> By the end of the second century CE we have our earliest description (in Rome) of parallel and separate religious congregations, one a church (as we would call it) and one a synagogue.<sup>97</sup> By the third century if not earlier we have evidence for separate burials; Jews and Christians were separated in death, as in life.<sup>98</sup>

The Christian evidence also shows that through the centuries, from the second century on, some Christians thought that other Christians associated with Jews too much, observed too many Jewish practices, attended Jewish synagogues too often, had a theology of Christ that was too low, or otherwise seemed "too Jewish." While these accusations of "Judaizing" are good evidence for intra-Christian disputes about proper practice and belief, they do not necessarily reveal anything about the interactions of Christians with Jews. The accusation of "Judaizing" is one Christian accusing another of doctrinal or ritual or attitudinal error; the accusation assumes that Judaism is not-Christianity and that Christianity is not-Judaism. Clearly the accused's sense of the relationship of Judaism to Christianity was more nuanced than that of the accuser, but we have no reason to believe the accuser's assertion that the accused was confused about the

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<sup>94</sup> The exceptions are some Sibylline Oracles and a small corpus of synagogue prayers; for the latter see Pieter van der Horst and Judith H. Newman, *Early Jewish Prayers in Greek* (Berlin/New York, 2008).

<sup>95</sup> Justin Martyr, *Dialogue with Trypho* 119.3-4, 123.9, and 135.3. These points were implicit a generation earlier in the epistle of Barnabas.

<sup>96</sup> Larry Hurtado, *The Earliest Christian Artifacts: Manuscripts and Christian Origins* (Grand Rapids: Eerdmans, 2006).

<sup>97</sup> See the story of Pope Callistus (Calixtus) in Hippolytus, *Refutatio omnium heresium* 9.12 p. 351 ed. Marcovich.

<sup>98</sup> The Jewish cemetery at Jaffa and the Jewish catacombs of Bet She'arim and Rome contain no demonstrably Christian burials. The Christian catacombs of Rome contain no demonstrably Jewish burials.



location of the boundary between Judaism and Christianity, or, what is more important for our purposes, the location of the boundary between Jews and Christians.<sup>99</sup> Thus, to pick one much-cited example, in the 380s CE some of the good Christians of Antioch attended synagogue on the Jewish New Year because they wished to hear the shofar being blown. This was but one of the many ways by which they showed reverence for the synagogue. Bishop John Chrysostom reproved them for being traitors to Christianity and for consorting with the enemies of Christ. The bishop believed that these Christians had effaced the boundary between Judaism and Christianity, but apparently these Christians disagreed. They were Christians whose Christianity did not prevent them from respecting Judaism and its rituals, and from consorting with Jews. The fulminations of the bishop aside, there is no evidence that these Christians believed that they were violating their communal boundaries, or indeed that they were uncertain about the location of those boundaries. The Christian community did not include Jews, and the Jewish community did not include Christians, even if some Christians wandered over to the synagogue from time to time. The accusation of “Judaizing” is not evidence for the un-parting of the ways.<sup>100</sup>

On the Jewish side virtually all of our evidence about Judaism post 100 CE is from the group known as rabbis or sages. We may be sure that there were non-rabbinic Jewish communities in Roman Palaestina, Parthian/Sassanian Babylonia, and the Roman diaspora, but we do not have their texts – we cannot even be sure that they wrote any texts – and we have little information about their communal boundaries.<sup>101</sup> Hence our discussion about Jewish evidence is basically a discussion about rabbinic evidence.

The most striking feature of the rabbinic evidence is its paucity. Given the enormous bulk of rabbinic literature, the paucity of explicit references to Jesus, Christianity, and Christians is striking. The rabbis were basically not interested. Contrast, for example, the rabbinic discussion of idolatry, which occupies an entire tractate in the Mishnah, Tosefta, Yerushalmi and Bavli, which pops up in numerous other tractates as well, and which treats both the nature of idolatry (what is it? where does it come from? why does God allow it to persist?) and the degree to

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<sup>99</sup> See the chapter “Judaizing” in my *Beginnings of Jewishness*.

<sup>100</sup> The standard discussion is Robert L. Wilken, *John Chrysostom and the Jews* (Berkeley: University of California Press, 1983). I would observe too that there is far more evidence (all of it Christian) for Christians in synagogues than for Jews in churches.

<sup>101</sup> The information that we do have derives from inscriptions; see Paul Trebilco, *Jewish Communities in Asia Minor* (Cambridge University Press, 1991).

which Jews must distance themselves from it. In contrast, the sages are simply not interested in Christianity and Christians.

This is not to say that the rabbis did not have contacts with Christians; of course they did. In addition to the (relatively few) stories about encounters between sages and Christians – the two earliest such stories are discussed above – rabbinic literature contains various passages, usually to be found in works of scriptural exegesis (*midrash*), which seem to reflect rabbinic responses to Christian theological claims based on problematic scriptural verses. These passages are interesting and important to be sure, and have received much attention in recent scholarship,<sup>102</sup> but do not affect the overall picture. The sages paid little attention to Christianity and its truth claims, and there is no sign that rabbinic identity formation was shaped by the need to respond to Christians. The communal boundaries were clearly delineated, even if doctrinal points and scriptural passages were occasionally open to debate.

In any case when the sages do encounter Christians, and when they debate Christians about Christian truth claims and scriptural exegesis, their Christian interlocutors are Jewish Christians, not gentile Christians. No surprise here, since we may assume that the rabbis kept their distance from gentile Christians just as they kept their distance from gentile polytheists. The Jewish Christians whom the rabbis met seem to have lived on the margins of rabbinic society and on the margins of gentile Christian society. By the second century CE these Jewish Christians did not fit in anywhere.

This brings us to the rabbinic neologism *min/minim*, conventionally translated “heretic/heretics.” The term seems to have been a grab-bag or catch-all for various people (groups?) who upheld beliefs and/or practices that the rabbis did not like. The rabbis have other rhetorical means to indicate disapproval, but labeling a person as a *min* or a practice as *minut* was perhaps the most pointed, as is made evident by the *birkat ha minim*. This was a paragraph incorporated into the daily liturgy praising God for destroying or otherwise discomfiting the *minim*. The Mishnah knows the category *min/minim/minut* but not the *birkat ha minim*, which is first attested in the Tosefta. The social consequences of being labeled a *min* are never spelled out, just as the social consequences of the recitation of the *birkat ha minim* are never spelled out.

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<sup>102</sup> Peter Schäfer, *The Jewish Jesus: How Judaism and Christianity Shaped Each Other* (Princeton University Press, 2012), reacting to the work of Daniel Boyarin.

The category *minim* certainly can include, and in two Tosefta passages does include, Jewish-Christians, but the category is broader than just Jewish Christians. Many modern scholars have argued that the institution of the *birkat ha minim* played an important role in the parting of the ways between (rabbinic) Jews and (Jewish) Christians, but in recent years the pendulum has swung in the opposite direction and now there is an equally vociferous chorus on the other side, arguing that the *birkat ha minim* had little or nothing to do with the emergence of two communities, the Jewish and the Christian. In this essay I have argued in favor of the latter view.

The Christian evidence and the rabbinic are disconnected. Christian texts (like Justin's *Dialogue with Trypho the Jew*) emphasize that Christianity is right and that Judaism is wrong, because Christians, not Jews, properly understand the Hebrew Scriptures. There certainly is a parting of the ways here, at least in the reality as constructed by these texts. In contrast rabbinic texts completely ignore gentile Christians, basically ignore Christian truth claims, and provide limited evidence for meaningful contact between sages and Jewish Christians. Here the parting of the ways is expressed through avoidance and neglect. But it is a parting just the same.