

Justin Martyr Invents Judaism

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W. D. Davies, In Memoriam

The historiography of Judaism in the rabbinic period (together with its implications for the history of Christianity) had been, until quite recently, founded on the assumption that the kind of historical information that rabbinic legends could yield was somehow directly related to the narrative contents that they displayed, which were understood as more or less reliable depending on the critical sensibility of the scholar. This scholarship was not, of course, generally naïve or pious in its aims or methods.¹ A recurring question within such research had to do with the question of the credibility of a given text or passage of rabbinic literature or the recovery of its "historical kernel." For the method or approach that I take up, all texts are by definition equally credible, for the object of research is the motives of the construction of the narrative itself, that is taken to attest to the political context of its telling or retelling rather than to the context of the narrative's content. All texts inscribe the social practices within which they originate,² and many also seek to locate the genealogy of those social practices in a narrative of origins, producing a reversal of cause and effect. This reversal is a mode of narration that is particularly germane to the project of replacing traditional patterns of belief and behavior ("We have always done it this way") with new ones that wish nevertheless to claim the authority, necessarily, of hoary antiquity—in short, to the invention of orthodoxies.

Although all of the institutions of rabbinic Judaism are projected in rabbinic narrative to an origin called "Yavneh," a founding council alleged to have taken place in the closing decades of the first century after Christ, I interpret "Yavneh" as the effect, not the cause, of the institutions and discursive practices that it "originates" in the myth:

1. Pace Jacob Neusner, passim throughout his works since the 1960's, although I wish to say right here that it was Neusner's work that largely was responsible for dislodging the previously regnant paradigm, his rhetorical excess notwithstanding.
2. This is the fundamental insight of the "New Historicism." See most recently Catherine Gallagher and Stephen Greenblatt, *Practicing New Historicism* (Chicago: University of Chicago Press, 2000).

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rabbinic Judaism and its primary institutions and discursive practices, "Torah," the Study House, and orthodoxy. After demystifying the rabbinic narrative of the origins of their practices and hegemony in this authoritative Nicaea-like council, I can inquire into the "causes" of these practices somewhere else, namely in the complex interactions and negotiations that produced rabbinic Judaism itself as one of the two successfully competing forms of postbiblical religion to emerge from late antiquity—the other being, of course, orthodox Christianity. Thus, where traditional scholarly historiography refers to Yavneh as a founding council that "restored" Judaism and established the rabbinic form as hegemonic following the disaster of the destruction of the Temple, I am more inclined to see it as a narrative whose purpose is to shore up the attempt at predominance on the part of the Rabbis (and especially the Patriarchate) in the wake of the greater debacle following the Fall of Betar in 138.³

I. PICKLING A READ HERRING: THE CHIMERICAL "CURSE OF THE CHRISTIANS" AT YAVNEH

Much church historiography has been based on the assumption that the talmudic legend of the institution of a curse against heretics [*birkath hamminim*] at said storied Council of Yavneh, ca. 90 A.C.,⁴ is to be taken more or less at face value.⁵ Although there has been a lot of critical work on this assumption in the last two decades, work remains yet to be done.⁶ As Stephen G. Wilson has sharply formulated the

3. Daniel Boyarin, "The Diadoche of the Rabbis; or, Rabbi Judah at Yavneh," in *Jewish Culture and Society under the Christian Roman Empire*, eds. Richard Kalmin and Seth Schwartz (Louvain: Peeters, 2002). See, making a closely related point, Jacob Neusner, "Judaism After the Destruction of the Temple: An Overview," in *Formative Judaism: Religious, Historical, and Literary Studies*, 3d series, *Torah, Pharisees, and Rabbis*, Brown Judaica Series 46 (Chico, Calif.: Scholars, 1983), 83–98. For the impact that this revisionist work has already had on New Testament studies, see, for example, Stephen Motyer, *Your Father the Devil?: A New Approach to John and "the Jews,"* Paternoster Biblical and Theological Studies (Carlisle, U.K.: Paternoster, 1997), 75. Motyer, however, seems too readily to assume that Neusner's conclusions have been generally accepted, not noticing that the very example he gives of work done under the "old paradigm" was published quite a bit after Neusner's. Moreover, at least in Neusner's "The Formation of Rabbinic Judaism: Yavneh (Jamnia) from A.D. 70 to 100," in *Principat: Religion (Judentum: Pflastinisches Judentum [Forts.]*, eds. Wolfgang Haase, Aufstieg and Niedergang der Römischen Welt (Berlin: Walter de Gruyter, 1979), 3–42, Neusner seems prepared to ascribe a much greater role to a real, historical Yavneh than I would.
4. I prefer to use the formulae B.C. and A.C. for "Before Christ" and "After Christ" respectively, rather than the colonialist B.C.E. and C.E. or the theologically loaded A.D.
5. For a convenient summary, see Motyer, *Your Father*, 92–94.
6. Simon Claude Mimouni, *Le judéo-christianisme ancien: essais historiques* (Paris: Cerf, 1998), 161–88 reached me too late to be fully incorporated into this discussion. Quick perusal, however, of 185–88 suggests that vis-à-vis the issue of the "curse of the

point: "The influence of the Yavnean sages on Jewish thought and practice between 70 and 135 C.E. and beyond should not be overestimated. Their decisions were not imposed overnight, nor were they felt uniformly across all Jewish communities. The rabbinic account of the introduction of the *Birkat ha-minim* is thus a retrospective, punctiliar summary of what was in reality a lengthy process. The spread of their influence was gradual and almost certainly did not encompass all Jewish communities until well beyond the second century."⁷ In what follows I will be taking this point of Wilson's quite a bit further, working, as I do, with the assumption that not only should we not overestimate "the influence of the Yavnean sages," we should also not overestimate our knowledge of the very activity of those sages between 70 and 135, since the earliest information we have about them is from the Mishna redacted at the end of the second century. Moreover, *birkath hamminim* is not mentioned in that document at all; our very first attestation of this institution, in a rhetorical form indicating that it is a novum in fact, is to be found in the Tosefta, generally regarded as having been edited some time around the middle of the third century. The rabbinic account of the introduction of the *birkath hamminim* is thus not only a punctiliar summary of a lengthy process, as Wilson has seen clearly, but also one for which the earliest evidence is from the mid-third century and not before. Once we shift historiographical methodologies, and reckon more strictly the *termini post quem* afforded by the provenance of rabbinic attestations, very different pictures of early relations between non-Christian Jews and Christians will emerge as possibilities, including the particular subject of this article, to wit the vectors of possible "dialogue" between Justin Martyr and the Rabbis of the Mishna.

Until quite recently in many scholarly quarters (and to this day in most popular ones), the *birkath hamminim* was taken as a project for driving the Jewish-Christians out of the synagogue and the precipitating factor of a final break frequently referred to as "the parting of the ways." A critical investigation of the historiography of this institution is thus prerequisite for revising our understanding of the intersections of the ways between those entities eventually to be called Judaism and Christianity.

heretics," the author is working from entirely different historiographical assumptions than I am (that is, "believing" the sources), although I wish to emphasize that I am making this statement only with regard to this particular matter and nothing else in his book, which seems to be the fullest and most sophisticated study of so-called "Jewish Christianity" to date.

7. Stephen G. Wilson, *Related Strangers: Jews and Christians, 70-170 C.E.* (Minneapolis: Fortress, 1995), 181.

New Testament scholar J. Louis Martyn, in an argument that once was (and still is, in certain quarters) very influential, used the alleged first-century "curse of the heretics" to explain the *apostynagogos* of the Fourth Gospel.⁸ This suggestion has been thoroughly called into question in recent years by both Jewish and Christian scholars, beginning with Peter Schäfer, Günther Stemberger, and Reuven Kimelman. In 1977, Stemberger already pointed out that if there were a first-century curse of the *minim*, it could hardly, in first-century Judaea, have had any Christians, let alone Gentile Christians, in mind, if only because there were so few Jewish Christians and virtually no Gentile Christians to curse.⁹ In 1981, Kimelman made the related philological argument that the alleged "blessing of the *minim* [heretics]" instituted at Yavneh could not refer to a curse on Gentile Christians, since the relatively well attested term "*minim*" never means Gentiles in early and Palestinian rabbinic literature but only Jewish heretics, including Jewish Christians.¹⁰ It is only in the Babylonian Talmud (ca. 5th–6th century) that the term means Gentiles. Even at the time of the Mishna (end of the second century), there is no positive evidence that the term *minim* was ever yet used specifically for Christians.¹¹ Not until the mid-third-century Tosefta do we find any positive evidence for the term as referring to Christians, perhaps not incidentally the first attestation as well of *birkath hamminim*. In the United States by 1985, Wayne Meeks recognized that "it is time to recognize that the *Birkat ha-minim* has been a red herring in Johannine research."¹² In 1992 the leading Israeli scholar of early Christianity,

8. "It was especially the influential work *History and Theology in the Fourth Gospel* by J. Louis Martyn that has given this theory an almost canonical status," P. W. van der Horst, "The Birkat Ha-Minim in Recent Research," in *Hellenism, Judaism, Christianity: Essays on Their Interaction*, Contributions to Biblical Exegesis and Theology (Leuven: Peeters, 1998), 113.
9. Günther Stemberger, "Die sogenannte 'Synode von Jabne' und das frühe Christentum," *Kairos* 19 (1977): 14–21. See also already Peter Schäfer, "Die Sogenannte Synode von Jabne. Zur Trennung von Juden und Christen Im Ersten/Zweiten Jahrhundert n. Chr.," *Judaica* 31 (1975): 54–64; 116–24.
10. Reuven Kimelman, "Birkat Ha-Minim and the Lack of Evidence for an Anti-Christian Jewish Prayer in Late Antiquity," in *Aspects of Judaism in the Greco-Roman Period*, eds. E. P. Sanders, A. I. Baumgarten, and Alan Mendelson, Jewish and Christian Self-Definition, vol. 2 (Philadelphia: Fortress, 1981), 226–44; 391–403. See also Karl G. Kuhn, "Giljonim und sifre minim," in *Judentum, Urchristentum, Kirche: Festschrift für Joachim Jeremias*, eds. W. Eltester, Beihefte Zur ZNTW 26 (Berlin, 1960), 24–61.
11. My student Henry Millstein has shown that such usage is first attested in the mid-third-century Tosefta. This is not to deny the possibility that *minim* may be Jewish-Christians this early.
12. Wayne A. Meeks, "Breaking Away: Three New Testament Pictures of Christianity's Separation from the Jewish Communities," in "To See Ourselves as Others See Us": *Christians, Jews, "Others" in Late Antiquity*, eds. Jacob Neusner and Ernest S. Frerichs (Chico, Calif.: Scholars, 1985), 102–3. See also: "Stanton believes that the Birkat

David Flusser wrote: “[i]t has been proven conclusively that the Blessing of the Heretics was not established at Yavne in order to remove the Christians from the community of Israel,”¹³ and by 1995 Wilson remarked in turn, “it is equally true that the Johannine evidence has been a red herring in trying to understand the *Birkat ha-minim*.”¹⁴

Stephen Motyer has recently summed up the current near consensus: “There is now a healthy consensus that (a) the Yavnean sages did indeed introduce a curse on the *minim* towards the end of the first century, but (b) we cannot be sure who the intended *minim* actually were, nor (c) what the precise wording was, and (d) since the curse worked by self-exclusion rather than by expulsion (so that it would only bar from the synagogue those who recognised *themselves* as ‘*minim*’), it must have functioned more as exhortation to Jews generally than as a specific means of social exclusion.”¹⁵ This is enough to discredit Martyn’s hypothesis, but I would go further. There is every reason to doubt that *birkath hamminim*, the so-called curse of the heretics, was formulated under Gamaliel II at Yavneh or that it existed at all before the end of the second century. The only source we have for this “Yavnean” institution is a Babylonian talmudic story (fourth or fifth century) of Rabban Gamaliel asking Samuel the Small to formulate such a blessing, the latter forgetting it a year later and meditating for two or three hours in order to remember it (TB Berakhot 28b–29a). This hardly constitutes reliable evidence, or indeed evidence at all.¹⁶ The aroma of legend hovers over this entire account.¹⁷ In the Palestinian Talmud Berakhot 4:3, 8a, apologetic reasons

ha-minim has been a red herring in Matthean scholarship,” van der Horst, “Birkat Ha-Minim,” 122.

13. See, for instance, David Flusser, “Some of the Precepts of the Torah from Qumran (4QMMT) and the Benediction Against the Heretics,” *Tarbis* 61 (1992): 371 (in Hebrew, with English summary). In 1993, P. W. van der Horst published a critical survey of the entire question, “Birkat Ha-Minim.”
14. Wilson, *Related Strangers*, 180; Jack T. Sanders, *Schismatics, Sectarians, Dissidents, Deviants: The First One Hundred Years of Jewish-Christian Relations* (Valley Forge, Pa.: Trinity Press International, 1993), 58–61, still reflects, however, the older views, as does the otherwise so canny and critical James D. G. Dunn, *The Partings of the Ways Between Christianity and Judaism and Their Significance for the Character of Christianity* (Philadelphia: Trinity Press International, 1991), 222. I am also in obvious disagreement with Birger Pearson, “1 Thessalonians 2:13–16: A Deutero-Pauline Interpolation,” in *The Emergence of the Christian Religion: Essays on Early Christianity* (Harrisburg, Pa.: Trinity Press International, 1997), 72–73, n. 74, although only on this point.
15. Motyer, *Your Father*, 93.
16. Stemberger, “Synode,” 16.
17. And yet, on the basis of these data, Skarsaune is prepared to conclude, “The prayer was introduced between 70 and 100 A.D., and had for its purpose to prevent Jewish Christians and other heretics from staying within the synagogue community,” Oskar Skarsaune, *The Proof from Prophecy—a Study in Justin Martyr’s Proof-Text Tradition*:

for retroactively ascribing this "blessing" to Yavneh are indicated explicitly. One might as well attempt to write the history of early Britain on the basis of *King Lear*, or the history of colonial America using James Fennimore Cooper as one's only source. There is however also a very important, if somewhat obscure, text in the (mid third-century) Tosefta which reads, "The eighteen blessings which the Sages have said, correspond to the eighteen mentions of [God's name] in [Psalm 29]. He shall include [mention] of the *minim* in the blessing of the Pharisees," Tosefta Berakhot 3:25.¹⁸ Since "blessing," I remind, means curse here,¹⁹ this text has been a real skandalon for scholars, since it seems to imply that the Pharisees were cursed in the early synagogue. There have been many attempts to emend this text, but as Lieberman points out, it cannot be emended against all witnesses. Lieberman accordingly understands "Pharisees" here to mean those who "separate themselves from the public," thus the prototypical sect (the apparent etymological meaning), thereby endangering the unity of the people, and the Tosefta is referring to an early curse on them to which a curse on the *minim* was later appended or folded in.²⁰ Lieberman's interpretation makes eminent sense to me. However, in contrast to my master, I would not be able to date this inclusion earlier than the third-century context in which the Tosefta was redacted or the immediately preceding decades, especially since the very term *minim* is attested only from the end of the second century. In my view, then, an earlier curse of sectarians (Pharisees!) became the model for the curse of the heretics almost certainly no earlier than the time of Justin and likely even later. Origen provides evidence for the point that there was no early curse against Christians or Christianity as well, since he writes that, as van der Horst has given it: "up till his own days the Jews curse and slander Christ (*Hom. Jer. X 8,2; XIX 12,31; Hom. Ps. 37 II 8*)," and van der Horst comments, "but that is not what the Birkat *ha-minim* is about. And in view of the fact that no Church father was better informed about Judaism than Origen, one may reasonably assume that curses against Christianity in a synagogal [sic] prayer would certainly have been known to him and been

Text-Type, Provenance, Theological Profile (Leiden: E. J. Brill, 1987), 290. Skarsaune insists that "the patristic evidence cannot easily be dismissed," but, as I hope to show, there simply is no patristic witness that counts as evidence for the given proposition!

18. Saul Lieberman, *Order Zeraim*, Vol. 1 of *The Tosefta According to Codex Vienna, with Variants from Codices Erfurt, London, Genizah Mss. and Editio Princeps* (Venice, 1521) (New York: The Jewish Theological Seminary of America, 1955), 17–18.

19. Not a euphemism, the "blessings" are that which Jews pray for; the curse is a curse on our enemies and thus a blessing to us, so to speak.

20. It is not impossible to imagine, even, that it is the Qumran sectaries who were originally so designated.

mentioned by him. It is a telling fact that he fails to refer to any such prayer."²¹

Even scholars who have readily abandoned the notion that the *birkath hamminim* is relevant for understanding the Gospels have been reluctant to leave it behind in their interpretations of Justin Martyr, whose Dialogue in three places testifies to a curse that the Jews pronounced on Christians during their prayer.²² In the first of these passages, Justin refers to the Jews "cursing in your synagogues them that believe on Christ" (16.4).²³ In the second, he states, "I declare that they of the seed of Abraham who live after the Law, and believe not on this our Christ before the end of their life, will not be saved, and especially they who in the synagogues have anathematized and still anathematize, those who believe on that very Christ" (47.4).²⁴ The third repeats the point: "For you curse in your synagogues all who have become Christians through Him" (96.2).²⁵

Even before the Gospel of John was explained in this fashion, these Justinian citations had been accounted for by the assumption that there was indeed a benediction/curse against Christians established at "Jamnia ca. A.D. 100," as part of the regular daily prayer, which constituted an absolute break between Judaism and Christianity.²⁶ One of the most recent commentators, Stephen G. Wilson, although insistent on the irrelevance of the rabbinic evidence for John, labors mightily to "save" it for Justin.²⁷ Wilson has essentially accepted the rabbinic legend as positive evidence for at least the existence of *birkath hamminim* in the first century, if not earlier, while positing a post-Bar-

21. Van der Horst, "Birkat Ha-Minim," 116.

22. That is, prayer in the general sense. Although it is highly significant that Justin does *not* mention that this "curse" took place during the central liturgy of the synagogue, the "eighteen blessings," it is nevertheless the case that he emphasizes that the cursing took place in synagogue, that is, most plausibly at some point in a prayer service in the broadest sense.

23. A. Lukyn Williams, ed. and trans., *Justin Martyr: The Dialogue with Trypho*, Translations of Christian Literature (London: SPCK, 1930), 33; Justin, *Dialogus Cum Tryphone*, ed. Miroslav Marcovich, Patristische Texte und Studien Bd. 47 (Berlin: Walter de Gruyter, 1997), 97. See A. H. Goldfahn, "Justinus Martyr und die Agada," *Monatschrift für Geschichte und Wissenschaft des Judentums* 22 (1873): 56; Skarsaune, *Proof from Prophecy*, 290; Hermann Strack and Paul Billerbeck, *Kommentar zum Neuen Testament aus Talmud und Midrasch* (München: C. H. Beck, 1924), 4: 212.

24. Williams, *Dialogue*, 94; Justin, *Dialogus Cum Tryphone*, 147-48.

25. Williams, *Dialogue*, 202; Justin, *Dialogus Cum Tryphone*, 235.

26. William Horbury, "The Benediction of the *Minim* and Early Jewish-Christian Controversy," *Journal of Theological Studies* 33 (1982): 20 summarizes the history of scholarship on this issue, from Samuel Krauss who initiated this argument (1893) to its acceptance by virtually everyone from Ismar Elbogen to W. D. Davies and W. H. C. Frend. For a critique of this view akin to mine, see Claudia Setzer, *Jewish Responses to Early Christians: History and Polemics, 30-150 C.E.* (Minneapolis: Fortress, 1994), 141.

27. Wilson, *Related Strangers*, 182.

Kochban (138) shift in usage to include Gentile Christians. He thus maintains that there was indeed a malediction against heretics and that it "probably existed before Yavneh and was revised rather than composed there," even if it did not at the earliest stages comprehend Christians.²⁸ Retaining the content of the talmudic legend as positive evidence, Wilson postulates that he can posit changes in the interpretation of the "blessing" before and after the Bar-Kochba war, concluding that after 138, the *minim* includes Gentile Christians, thus explaining Justin's notices. From my methodological perspective, however, there is no evidence whatever before the Tosefta (mid third century) that the term even refers to *Jewish* Christians. Contradicting his own very sharp remark cited above that "the spread of their influence was gradual and almost certainly did not encompass all Jewish communities until well beyond the second century," Wilson suddenly seems also to be assuming that a rabbinic narrative of origin provides evidence for the practice of Jews universally and immediately.

Once the evidence of and for a so-called "blessing of the heretics" before the third century is removed from the picture, there is no warrant at all to assume an early Palestinian curse directed at any Christians.²⁹ I am not claiming to know that there was no such thing, but rather that we cannot know at all, and that it is certain, therefore, that we cannot build upon such a weak foundation an edifice of Jewish-Christian parting of the ways.³⁰

We cannot, in fine, use the third-century Tosefta nor the fourth-/fifth-century talmudic material to account for Justin. William Horbury, however, has suggested that we may use Justin's evidence to explain the talmudic narrative and thus to reassert a version of the traditional account of a Yavnean anti-Christian curse, indeed a curse that included Gentile Christians as well (or even might have been directed primarily at these latter). He implies that Justin definitively elucidates the talmudic witness and requires us to interpret it in opposition to Kimelman, namely as referring to Gentile Christians. On the one hand, Horbury's premise is absolutely compelling: Justin surely does not seem to be manufacturing his report; there *was* some cursing going on. However, the conclusion that he draws to the effect that this provides conclusive evidence for an early date for *birkath*

28. Wilson, *Related Strangers*, 180.

29. See also Martin Goodman, *State and Society in Roman Galilee, A.D. 132-212* (Totowa, N.J.: Rowman and Allanheld, 1983), 86, implying as well such a denial.

30. Reuven Kimelman has suggested that the assumption that the so-called curse of the *minim* denotes automatically Christians "is behind the oft-repeated assertion that about the year 100 the breach between Judaism and Christianity became irreparable," (Kimelman, "Birkat Ha-Minim").

hamminim cannot be maintained. We have seen that not only is there no other evidence for it, there are positive reasons for incredulity with regard to a first-century institution of *birkath hamminim*. Nor does Justin's account in its details answer to a formal, liturgical curse in the Eighteen Benedictions, which *birkath hamminim* is. Even, moreover, were Justin's testimony taken as evidence for this "blessing," it would not constitute anything but a *terminus ante quem* in the mid-second century, teaching us nothing about the first century. Horbury too, while supporting the notion of a "curse" in the synagogues, emphasizes that the *Dialogue* originates from the 150s and writes only that there was such a curse from the *second* century onward.³¹ This already would discredit any attempt to use it as a pendant for the alleged Yavnean institution (the gap between 90 A.C. and 150 is huge; by 150, not only was Yavneh no longer in existence but the entire Jewish polity of Palestine was in thorough disarray owing to the disastrous Bar-Kochba rebellion, reflected, of course, in the *Dialogue*). Horbury seems not to have fully realized the implications of this salutary critical move of the dating. Moreover, we cannot discard Kimelman's strong philological argument against the possibility of the use of the term in this sense before the third or even fourth century; and, finally, given the state of our knowledge of Diasporic Judaism in the second century, it becomes virtually impossible to assume that a rabbinic institution (even if there had been one) would have been hegemonic in western Asia or Rome at that time.

The talmudic evidence proves, therefore, a red herring for Justin as well; Justin may prove, however, less fishy as a way of accounting for the talmudic text. We need another way to connect these pieces of information, the third- and fourth-century rabbinic reports of *birkath hamminim* and Justin's second-century testimony. Justin, indeed, cannot be dismissed; this much Horbury has established. Perhaps a causal explanation that more closely answers to this chronology may be of use. I offer the following conjectural reconstruction of a possible nexus: The threat of Gentile Christianity to the borders of Jewish peoplehood represented by the claim to be *Verus Israel*, first attested in Justin but surely not originated by him, was the catalyst that gave rise to non-liturgically formalized, or even popular, curses on Gentile

31. Horbury, "Benediction," 24, 26. Kimelman has interestingly interpreted the notice in Justin Martyr that the Jews "scoff at the King of Israel" after their prayers as owing to the Jewish need to demonstrate to the Romans, *at the time of Justin*, precisely that they are not Christians, for purpose of escaping martyrdom and persecution (Kimelman, "Birkat Ha-Minim," 235). Once again, we should remember that in texts from Pliny's famous letter to Trajan to the martyrdom of Polycarp, precisely, cursing or reviling Christ was an effective means to acquittal of the "crime" of being named Christian.

Christians and reviling of Christ in the synagogues. That development may very well have taken place first in the areas in which Jews and Gentile Christians were in intense and tense contact, that is, precisely in an area such as western Asia.³² The custom might have developed in Asia and spread later to Palestine, for all we know, and only been instituted as part of formal rabbinic practice much later. It would be this later institution that is reflected in the much later talmudic legend and in the roughly contemporaneous reports of Epiphanius and Jerome.³³ The version of the “blessing” that explicitly mentions Christians [*nošrim*] is only attested probably from this time or later—appropriately, at a time when Christianity had become a significant other for the Rabbis.³⁴ I thus essentially accept Horbury’s conclusion that Justin must be believed when he says that there was a curse against Christians pronounced in synagogues in some places by the middle of the second century, but I argue that this has no direct and genetic connection with the alleged “Blessing of the *minim*,” allegedly instituted at Yavneh. The shift in dates from the first (when the Council of Yavneh allegedly took place) to the second century (with the Jewish community of Palestine in crisis after the disastrous end of

32. In addition to Justin, such texts as Melito’s *Peri Pascha* and the martyrdoms of Polycarp and Pionios attest to both the closeness and the tenseness of the contact in that area. See Judith Lieu, “Accusations of Jewish Persecution in Early Christian Sources, with Particular Reference to Justin Martyr and the *Martyrdom of Polycarp*,” in *Tolerance and Intolerance in Early Judaism and Christianity*, eds. Graham N. Stanton and Guy G. Stroumsa (Cambridge: Cambridge University Press, 1998), 279–95.

33. Note that my position is somewhat different from Kimelman’s in that I am denying that there is any evidence for this “blessing” at all before the mid-third century, while he accepts its existence from the first century but argues that it was only against the Jewish-Christian minority and not all Christians. Van der Horst essentially accepts Kimelman’s argument, claiming as well that the alleged early *birkath hamminim* was not directed against Gentile Christians, but, “in all probability it was only in the course of the fourth century (probably the second half) that the rapidly deteriorating relation between Christianity and the government on the one hand, and Judaism on the other, eventually led to the insertion of the curse against Christians *in general* into the Eighteen Benedictions. This curse is not the cause but the effect of the ever growing separation between the two religions. The original Birkat ha-minim, whatever its text may have been, was never intended to throw Christians out of the synagogues—that door always remained open, even in Jerome’s time—but it was a *berakhah* that served to strengthen the bonds of unity within the nation in a time of catastrophe by deterring all those who threatened it” (van der Horst, “Birkat Ha-Minim,” 124 [emphasis added]). Although van der Horst’s hypothetical reconstruction is somewhat different from my conjecture, it is compatible as well with the revision of Judaeo-Christian history that I am proposing herein.

34. Kimelman, “Birkat Ha-Minim,” 6. Note that the collocation, “*minim* and *nošrim*” is precisely matched in Jerome’s peroration to Augustine: “*Usque hodie per totas Orientis synagogas inter Judaeos haeresis est quae dicitur Minacorum, et a Pharisaeis nunc usque damnatur: quos vulgo Nazraeos nuncupant!*” (Jerome, *Correspondence*, ed. Isidorus Hilberg, *Corpus Scriptorum Ecclesiasticorum Latinorum* [Vienna: Verlag der Osterreichischen Akademie der Wissenschaften, 1996], 381–82).

the Bar-Kochba Rebellion) thus is not a mere quibble but, rather, allows for a significant decentering of the narrative of the origins of orthodox Judaism (rabbinism) and its institutions and relations with its rivals.

With the recognition that “Yavneh” is largely a legend (or better, a set of synoptic legends)³⁵ whose function was to *establish* the Palestinian rabbinic center as hegemonic, there is a displacement of the alleged Palestinian center from the epicenter of Jewish religious life and development, allowing for Jewish religious creativity to flow from other centers of Jewish life than Palestine and even into Palestine. Secondly, there is a significant revision of our understanding of the socio-religious structure of late-ancient *Judentums*, for if religious innovation can occur in the Diaspora and dramatically impact formal Palestinian liturgy, that innovation must be coming from non-rabbinic Jewish sources and impacting rabbinic Judaism. Indeed, what may have been a spontaneous practice initiated from below may have been formally integrated into the official liturgy much later, precisely via the medium of the Yavnean legend. Finally, the absolute binary distinction between rabbinic and other forms of second-century Judaism (including Jewish Christianity and even Christianity *tout court*) needs meaningful nuancing.

This has significant consequences for church history as well, as I hope to show. Once we have abandoned simple and linear accounts of the Talmud and Justin as providing material for each other’s interpretation, we can begin to seek other modes of connecting these pieces of narrative—not events that impacted each other in the first or even the early second century, but complex dialogical relations that may have obtained in the latter part of that century, dialogical relations that were ultimately to produce the notion of heresy among both non-Christian Jews and Christians. I hope to tell that story in the rest of this paper, while another part of the story that my brush-clearing might have uncovered, namely the developments of the fifth century, I will leave for another day and another venue.³⁶

35. Daniel Boyarin, “A Tale of Two Synods: Nicaea, Yavneh and the Making of Orthodox Judaism,” *Exemplaria* 12 (2000): 21–62.

36. In a forthcoming paper, “Pious Fictions: The Theodosian Code, the Letter of Severus of Minorca, and the ‘Curse of the Christians,’” I shall be arguing further for a particular fifth-century context for this curse as part of a general, empire-wide (and beyond) discursive move on the part of both Christian and Jewish orthodox authorities to effect a final, thorough break between the religions.

II. THE INVENTION OF JEWISH HERESIOLOGY

The self-definition of Christianity against Judaism and the self-definition of orthodoxy against heresy are closely linked, for much of that which goes under the name of heresy in these early Christian centuries consists of one variety or another of Judaizing, or alternatively, of straying too far from Jewish roots.³⁷ The classic instance of this for the second century is the nomination of Sabellianism or Monarchianism—"One Power in Heaven"—as "Judaism." At the same time, the Rabbis were constructing their own orthodoxy by identifying "Two Powers in Heaven," to wit "orthodox" Christianity in formation, as their primary heresy.³⁸ Studying the originating moments of the notion of heresy among both rabbinic and Christian Jews³⁹ will reveal aspects of this history that researching each alone obscures. For nearly two decades now, scholars of early Christianity have been building up a major revision of the history of Christian heresiology. Alain Le Boulluec has been a major—even the prime—mover in this shift in research strategy.⁴⁰ Aside from his specific historical achievements and insights, Le Boulluec's most important move was to shift the discourse from the question of orthodoxy and heresy understood as essences (even constructed ones), as had Walter Bauer before him, and move the discussion in the direction of a history of the representation of orthodoxy and heresy. This is the discourse that we know of as heresiology, the history of the idea of heresy itself.⁴¹ Le Boulluec found that Justin Martyr was a crucial

37. I wish to thank Karen King for making this point to me. David T. Runia, "'Where, Tell Me, is the Jew?': Basil, Philo and Isidore of Pelusium," *Vigiliae Christianae* 46 (1992): 172–89, shows this explicitly in the work of Isidore of Pelusium, who uses Judaism and polytheism in a topos similar to that of Gregory Nyssa, who in turn describes orthodoxy as the perfect mid-point between Sabellianism and Arianism.
38. This is a somewhat different hypothesis from that of Alan Segal (to whose work I am nevertheless very much indebted) who writes of rabbinic talk of "two powers in heaven" as "the Jewish witness to the rise of Christianity," while I am seeing it as part of the process of the Jewish construction or invention of Christianity (Alan F. Segal, *Two Powers in Heaven: Early Rabbinic Reports About Christianity and Gnosticism*, Studies in Judaism in Late Antiquity 25 [Leiden: E. J. Brill, 1977], 267).
39. By this term, I am only mobilizing the self-understanding of Christians (except for Marcion and his ilk) in the early period.
40. Alain Le Boulluec, *La notion d'hérésie dans la littérature grecque II^e-III^e siècles* (Paris: Études Augustiniennes, 1985). See especially, partially in the wake of Le Boulluec, Virginia Burrus, *The Making of a Heretic: Gender, Authority, and the Priscillianist Controversy*, Transformations of the Ancient World (Berkeley: University of California Press, 1995); J. Rebecca Lyman, "The Making of a Heretic: The Life of Origen in Epiphanius *Panarion* 64," *Studia Patristica* 31 (1997): 445–51.
41. See also, partially anticipating Le Boulluec, H.-D. Altendorf, "Zum Stichwort: Rechtgläubigkeit und Ketzerei in ältesten Christentum," *Zeitschrift für Kirchengeschichte* 80 (1969): 61–74.

figure (if not the crucial figure) in the Christian shift in the understanding of *hairesis*—from “a group of people, a party or sect marked by common ideas and aims” to “a party or sect that stands outside established or recognized tradition, a heretical group that propounds false doctrine in the form of a heresy.”⁴² As Le Boulluec put it so pithily, the result of his research is that “[i]l revient à Justin d’avoir inventé l’hérésie.”⁴³ This discursive development took place, therefore, around the middle of the second century.

This dating of the shift can be hypothesized for non-Christian Jewish discourse as well. It is only in the rabbinic literature, that is, beginning with the late-second-century Mishna (and not, for instance, in Qumran),⁴⁴ that we find attested in any Jewish writings a word parallel in usage with the later, Christian, usage of “heresy” and “heretic,” namely, *minut* and *min*, which are first attested in the Mishna. Martin Goodman makes the following significant point: “Even more striking is the coinage of the term *minut*, ‘heresy,’ since the creation of an abstract noun to denote a religious tendency was not otherwise common in tannaitic texts (for example, there was no abstract noun in Hebrew for Pharisaism or Sadducaism),”⁴⁵ thus suggesting, at least implicitly, a Hellenic influence on the Hebrew lexical development. In Josephus⁴⁶ and in Acts, *hairesis* still means simply “a party or sect marked by common ideas and aims,” and not yet “a group that propounds false doctrine.” It follows that in the

42. This lucid summary of Le Boulluec’s thesis is given by David T. Runia, “Philo of Alexandria and the Greek *Hairesis*-Model,” *Vigilae Christianae* 53 (1999): 118.

43. Le Boulluec, *La notion*, 110. Runia, “Philo and Hairesis,” 126, thinks to have unsettled Le Boulluec’s claim via evidence that in Philo the term *hairesis* “implies condemnation,” however I do not see his argument at all. Philo writes in the text cited by Runia: “All the philosophies that have flourished in Greece and in other lands sought to discover the principles of nature, but were unable to gain a clear perception of even the slightest one. Here is the clear proof, namely the disagreements and discords and doctrinal differences of the practioners of each *hairesis* who refute each other and are refuted in turn.” This extract does not in my opinion show that the term *hairesis* had undergone the semantic transformation to “heresy.” What Philo is saying here is that all of Greek philosophy is invalid, as evidenced by the *dissensio philosophorum*. All *hairesis* means here is philosophical school; it is Greek philosophy itself that is being condemned, not “heresy.” Interestingly enough, Runia’s own argument throughout the paper militates against seeing the shift to “a heretical group that propounds false doctrine” already in Philo.

44. Stephen Goranson, “Others and Intra-Jewish Polemic as Reflected in Qumran Texts,” in *The Dead Sea Scrolls: A Comprehensive Account*, eds. P. Flint and J. Vanderkam (Leiden: E. J. Brill, 1999), 535.

45. Martin Goodman, “The Function of Minim in Early Rabbinic Judaism,” in *Geschichte—Tradition—Reflexion: Festschrift für Martin Hengel zum 70. Geburtstag*, eds. H. Cancik, H. Lichtenberger, and P. Schäfer (Tübingen: Mohr Siebeck, 1996), 503–504.

46. Steve Mason, *Flavius Josephus on the Pharisees: A Composition-Critical Study*, *Studia Post-Biblica* 39 (Leiden New York: E. J. Brill, 1991), 202.

latter part of the first century the notion of heresy had not yet entered (pre)-rabbinic Judaism, and that the term *min*—only attested, after all, in late second-century sources—is in fact a later development in Jewish religious discourse.⁴⁷

One of the important keys to understanding this era may be the similarities in development of heresiology in Justin and in the contemporaneous Mishna. Although the evidence from rabbinic literature is notoriously scanty, as emphasized by Stephen Wilson, there are two significant texts in the Mishna for our purpose. As almost no other texts in rabbinic literature, the Mishna gives us quite precise dating, at least for the *terminus ante quem* of a given phenomenon.

The first Mishna of the tenth chapter of Tractate Sanhedrin reads: "These are they who have no place in the next world: One who denies that the resurrection of the dead is a dogma of the Torah; one who denies that the [oral] Torah is from heaven, and [Jewish] Epicureans." This passage, which has been nominated the "Pharisaic Credo" by Louis Finkelstein,⁴⁸ seems to be promulgating, perhaps for the first time in a Judaism, a "rule of faith" for who is "orthodox" and who not, one that would exclude from salvation many Jews who consider themselves both faithful and traditional. The Epicureans are included here, in my view, because they also deny the survival of the soul. The reference would not then be to actual adherents of the Epicurean school, but to Jews who appeared to the "Pharisaic" group, who promulgated the soul's eternity as a central tenet of Judaic orthodoxy,

47. The problem of dating of new developments within rabbinic Judaism remains a thorny one. For an extreme version of the claim that first attestation equals first appearance in the discourse, see Jacob Neusner, *The Canonical History of Ideas: The Place of the So-Called Tannaite Midrashim*, University of Southern Florida Studies in the History of Judaism (Atlanta: Scholars, 1990), and for critical discussion Daniel Boyarin, "On the Status of the Tannaite Midrashim," *Journal of the American Oriental Society* 113 (1993): 455–65. See also Richard Kalmin, *Sages, Stories, Authors, and Editors in Rabbinic Babylonia*, Brown Judaica Studies 300 (Atlanta: Scholars, 1994). First occurrence in the literature, even when we can reasonably project a date for that first occurrence, constitutes, of course, only a *terminus ante quem* for the ideologeme at issue; the question is, of course, to what extent the silence of prior sources where one might expect the term or concept to appear constitutes a *terminus post quem*. I am arguing here that the total absence of any term for "heretic"—together with the usage of *haireisis* in the older sense of "choice" or school—or any practice of formal anathematizing in both the Hebrew and Greek Jewish literature before the late second century, in contexts where it might be expected, as well as the apparent development of these notions in the closely associated Christian circles of that time, constitutes a fairly strong indication that something significant was happening around this issue in the discourse of that time. This should not be taken as a strong claim that the notion of heresy had no antecedent or nascent moments prior to this attestation.

48. Louis Finkelstein, *Introduction to Tractates Fathers and The Fathers of Rabbi Nathan*, (New York: Jewish Theological Seminary of America, 1950), 206 (in Hebrew)—in slightly disguised allusion to a formulation like "the Apostles' Creed."

as if they had been contaminated and were adherents of that school.⁴⁹ Resurrection and the revealed Oral Torah⁵⁰ are precisely the major doctrinal points at issue between the Pharisees and the Sadducees.⁵¹

It is crucial for our understanding of the historical social processes involved here that we pay close attention to the genre (historical and structural) of this discourse. What is key here is to realize that the litmus test for orthodoxy, or at any rate for salvation, is a series of

49. It is for that reason that Epicureans are the archetypical heretics within much of rabbinic literature as well. This interpretation is similar to that of Élie Bickerman [=Elias Bickerman], "La chaîne de la tradition pharisienne," *Revue biblique* 59 (1952): 47, n. 4, contra Hanoch Albeck, *Mishna* (Jerusalem: Mossad Bialik, 1953), ad loc., who writes: "One who follows the system of the Greek philosopher Epicurus, who taught the people to seek pleasure, and this is a designation for anyone who despises the Torah and the Sages, who command the person to take upon himself the yoke of the Kingdom of Heaven" [my translation], and contra Herbert Danby, ed. and trans., *The Mishnah* (London: Oxford University Press, 1974), 397, n. 4. See, too, "Aristotle is blamed because his cosmology endangered the idea of divine providence and his theory of the fifth element the immortality of the soul. These are however fundamental dogmas of *Schulplatonismus* which regarded Aristotle and Epicurus as the representatives of 'godlessness' *par excellence*. See Origen, *Cels.* I. 21; VIII. 45," Leslie W. Barnard, *Justin Martyr: His Life and Thought* (London: Cambridge University Press, 1967), 9. Interestingly enough, one of the primary categories of heresy for Justin also is those who negate resurrection and are called by him "godless, impious heretics" [*Dialogue* 80]. See also with reference to Philo, "the Epicureans were regularly attacked for destroying divine providence," Pheme Perkins, "Ordering the Cosmos: Irenaeus and the Gnostics," in *Nag Hammadi, Gnosticism, and Early Christianity*, eds. Charles W. Hedrick and Robert Jr. Hodgson (Peabody, Mass.: Hendrickson, 1986), 224. This usage would be, on my view, similar to the accusation by Christians of other Christians that they were "Jews."
50. For Torah in the sense of the traditional learning of the Pharisees/Rabbis, see Abraham Oppenheimer, *The 'Am Ha'ares: A Study in the Social History of the Jewish People* (Leiden: E. J. Brill, 1977), 69.
51. For the issue of the afterlife as a major issue between Sadducees and Pharisees, see Josephus Antiquities XVIII and Wars II, and passim, Acts 23:6–10, and the evidence of the Pseudo-clementines as discussed in Albert I. Baumgarten, "Literary Evidence for Jewish Christianity in the Galilee," in *The Galilee in Late Antiquity*, ed. Lee I. Levine (New York: Jewish Theological Seminary of America, 1992), 39–50; and for the "paradosis," which I take to be the meaning of "Torah" in this mishnaic passage, see Josephus Antiquities 13.298; Matthew 15:1–2. Pace Saldarini, I would be inclined to connect Paul's report of having been a Pharisee in Philippians 3:5 with his statement in Galatians 1:14 that he was advanced in the *paradosis* of the fathers. Compare with Anthony Saldarini, *Pharisees, Scribes, and Sadducees in Palestinian Society* (Edinburgh: T & T Clark, 1989), 135–41, who does not seem to make this connection. One wonders, then, how the Christians would have fit into this typology. Interestingly enough, there is nothing in this creed that would exclude Christians *per se* from orthodoxy in "Israel." This is a vitally important point, particularly when we remember that there were Christians as late, at least, as the third century who themselves identified as Pharisees and considered Sadducees (and certainly Epicureans) as heretics, (Baumgarten, "Literary Evidence"). See also William David Davies, *The Setting of the Sermon on the Mount* (Cambridge: Cambridge University Press, 1976), 259, and, for an earlier adherent of the view that the Mishna produces a heresiology, see Ben Zion Bokser, *Pharisaic Judaism in Transition* (New York: Jewish Theological Seminary, 1935), 1–6.

three major theological innovations vis-à-vis the traditional biblical thought most likely maintained in the conservative religious positions of such "sects" as the Saducees, and probably in the traditional religiosity of the groups loosely and pejoratively referred to in rabbinic literature as the "People of the Land" (*'Am Ha'ares*), a term that quickly came to be synonymous with ignorant and benighted (see *pagani*). These ideas are, to recapitulate, the resurrection of the body, the revelation of the Oral Torah at Sinai, and the survival of the soul. The attempt of a newly formed group (of ideas at any rate) to claim hegemony over traditional patterns of belief and practice by portraying themselves as ancient and originary is almost a defining characteristic of that discourse of "orthodoxy" for which an excellent example is Nicene Christianity. As has been noted, what counts as heresy in Christianity is frequently enough simply the traditional religion of a generation before.⁵² It will be seen, then, that this Pharisaic credo reproduces the same structure. An innovative religious discourse claims hegemony and excludes the traditional religiosity as well as modes of authority that preceded it, thus naming them as heresy.⁵³ It portrays, moreover, the "heresy" as a deviation from the always/already given originary orthodoxy.⁵⁴

52. See, for example, Charles Kannengiesser, "Alexander and Arius of Alexandria: The Last Ante-Nicene Theologians," *Compostellanum* 35 (1990): 391-92.

53. The specifics of this process and in particular its gendered aspects are further analyzed in Daniel Boyarin, "Women's Bodies and the Rise of the Rabbis: The Case of Sotah," *Studies in Contemporary Jewry* 16 (2000): 88-100.

54. "[W]here there is heresy, orthodoxy must have preceded. For example, Origen puts it like this: 'All heretics at first are believers; then later they swerve from the rule of faith' (Origen, *Origen, The Song of Songs: Commentary and Homilies*, trans. R. P. Lawson, *Ancient Christian Writers* 26 [Westminster, Md.: Newman, 1957], 3)" (Walter Bauer, Gerhard Krodel, and Robert A. Kraft, *Orthodoxy and Heresy in Earliest Christianity*, ed. Gerhard Krodel [Philadelphia: Fortress, 1971], 13-14). A neat bit of illustration of this with respect to the Pharisees is to be found in Matthew 15, where the *halakhot* of the Pharisees are taken to be *innovations*; that is, the Christians are the traditionalists and the Pharisees the deviators, but the Pharisees, of course, object that the Christians are "transgressing the traditions of the elders" (v. 2) by not washing their hands ritually before eating. When Jesus says there that it is not "what goes into the mouth that defiles a man, but what comes out of the mouth, this defiles a man" (11), he is not deprecating the laws of kashruth and abrogating them but resisting the halakhic innovations of the Pharisees that these wish to impose as traditions of the elders. With respect to the hand-washing ritual before eating, the evangelist surely has the upper hand historically. Rabbinic literature was still at some pains hundreds of years later to justify this relatively new (and apparently sectarian) practice (see BT Berakhot 62b; for the fraughtness of this issue even late in rabbinic times see BT Sota 4b; and most strikingly: "Washing of the hands is a commandment. What is the commandment? Said Abbaye [fourth century], the commandment to obey the Sages!" BT Hullin 106a.) The battle of Jesus with the Pharisees over this issue was apparently still being fought within "Jewish" circles nearly half a millenium later. The Pharisees with their *halakha* that goes back to the oral (and thus esoteric) communication of God with Moses at Sinai are

The second important text in the Mishna strongly supports this analysis, even suggesting the conclusion that "Sadducees" were not considered "Israel," although in this instance on grounds of ritual difference, not doctrine.⁵⁵

The daughters of the Sadducees, as long as they are accustomed to follow the ways of their fathers, have the same status [in matters of menstrual purity] as Samaritan women. When they have separated themselves [from the ways of their fathers] and follow the ways of Israel, they have the same status as Israel.

Rabbi Yosi says: "They always have the same status as Israel unless they separate themselves to follow the ways of their fathers" [Niddah 4:2].⁵⁶

The implication of this text is clear: "The ways of their [the Sadducean daughters'] fathers" are contrasted with the "ways of Israel," ergo, those fathers' traditional ways (very likely ancient norms), and indeed those very fathers themselves, are excommunicated from Israel. Since this text was included in the Mishna, edited at the end of

the object of the contemptuous Qumran term "dorshe halaqot," "promulgators of unctuous things," almost surely a cacophemism of "dorshe halakhot," "the promulgators of laws," which the Pharisees would have used as their own self-designation; Goranson, "Intra-Jewish Polemic," 542.

55. According to the versions preserved in the *textus receptus* of the Sanhedrin Mishna, it would be the case there too that the deviants are excluded from the name "Israel," for in the talmudic version and in the prints we read: "All Israel have a place in the next world, and these are they who have no place, etc." The most straightforward interpretation of the mishnaic passage on this reading seems to be that the three who are denied a place in the next world are indeed not Israel. Otherwise the text logically contradicts itself. Traditional interpretations involve complex and forced interpretations to maintain both halves of what seems like a self-contradiction, such as adding the word "potentially" in the first stich, which completely denudes the text of meaning. For a similar reading to mine, see Christine E. Hayes, "Displaced Self-Perceptions: The Deployment of *Minim* and Romans in *B. Sanhedrin* 90b-91a," in *Religious and Ethnic Communities in Later Roman Palestine*, ed. Hayim Lapin (Lanham, Md.: University Press of Maryland, 1999), 276: "After all, the mishnah's formulation makes it clear that those who doubt resurrection are those outside the community of Israel, and they are by definition *minim* of various types." I am grateful to Hayes for sharing her work with me prior to its publication. However, this exegetical point is only strictly valid with respect to the later reworking of the Mishna as we find it in the Talmud and the prints of the Mishna. I wish to thank Aharon Shemesh for preventing me from making an embarrassing error here.
56. See Charlotte Fonrobert, "When Women Walk in the Ways of Their Fathers: On Gendering the Rabbinic Claim to Authority," *Journal of the History of Sexuality* (forthcoming). I had originally translated here "ancestors" and "Sadducean women," but am persuaded by Fonrobert that the father/daughter relation is very important to the text. Fonrobert's work suggests (very carefully) that we might even discover these "daughters of the Sadducees" among Jewish-Christian women. In later chapters of the current research, the crucial role of gender in the construction of rabbinic authority will be taken up.

the second century, to my mind the most plausible context for reading it is precisely then.

I propose that we shift the question from that to which the Mishna refers and stop asking about whether there really existed Sadducees well into the rabbinic period or whether or not the Mishna is referring to its own time or the past. The answer to these questions is most likely a resounding *non liquet*. Instead, we can learn something else from it that certainly applies at latest to the late second century, namely that for rabbinic discourse there are Jews who are outside of "Israel," and that these Jews are called variously *minim* and Sadducees.⁵⁷ Whether or not the text means to refer to "genuine" Sadducees contemporary with Rabbi Yosi and the Mishna, in any case the contrast between them and the dominant group is put in terms of "ways of their fathers" vs. "the ways of Israel." In other words, this text projects a situation in which there are historical and genealogical Israelites who are not "Israel." An institution of "orthodoxy," or at any rate a discourse of orthodoxy, is aborning, and it finally does not matter whether these outsiders are actual Sadducees or not. As opposed to the situation in second temple times in which various groups were all Israel, with clear lines of demarcation between the contesting groups collectively and the true outsiders (the Gentiles), the Rabbis are in these texts appropriating the name "Israel" for those who hold their creed and follow the ways that they identify as the "ways of Israel," and the "Sadducees" are heretics who are beyond the pale and outside the name Israel. The passage is thus completely consonant with the Sanhedrin passage cited above, which also effectively excludes from salvation and therefore from orthodoxy those who do not cleave to the Pharisaic creed.⁵⁸ What we have here, then, are signs—at least, spoors or traces—of a shift in culture homologous to the development of orthodoxy in Christianity, the displacement of traditional norms of belief and behavior by an organized institution that now claims for itself a pure origin in the arche of the faith and names all

57. Contra Shaye J. D. Cohen, "The Significance of Yavneh: Pharisees, Rabbis, and the End of Jewish Sectarianism," *Hebrew Union College Annual* 55 (1984): 39, n. 30. To be sure, I agree with Cohen (ad loc.) that the usage becomes more prominent in later rabbinic texts, which I would associate with the growing strength of a Jewish heresiology, *mutatis mutandis*, analogous to the Christian one, and this is precisely my point.

58. Interestingly, in an earlier paper, Shaye Cohen had captured this nuance quite precisely (Shaye J. D. Cohen, "A Virgin Defiled: Some Rabbinic and Christian Views on the Origins of Heresy," *Union Seminary Quarterly Review* 34 [1980]: 4). In his later paper, which I am about to cite, Cohen retreats somewhat from this insight.

those traditional forms as heresy.⁵⁹ The textual evidence thus supports the evidence from the lexicological history adduced above.

Since the ground-breaking work of Shaye Cohen, the prevailing consensus on the history of Judaism has been very different from this one. It is claimed that just before the beginnings of Christian heresiology, greater religious tolerance became paramount after the destruction of the Temple at Yavneh, indeed that this greater tolerance is definitive of rabbinic Judaism *per se*. This position, which tends to contrast the situation of rabbinic Judaism with that of Christianity (and which I myself have held only recently), proceeds from the assumption that there is nothing equivalent to heresiological discourse within rabbinic literature. In his now-celebrated paper, Cohen had posited that the significance of Yavneh involved "the emergence of the ideology of pluralism to replace the monism which previously characterized the temple and the sects."⁶⁰ Our mishnaic texts hardly bear out, however, Cohen's claim that Yavneh "is not the work of a sect triumphant but of a grand coalition."⁶¹ To the extent that rabbinic Judaism was indeed hegemonic in late antiquity—a question by no means settled—"a sect triumphant," an orthodoxy with at least a rudimentary heresiology, would seem to be exactly its appropriate characterization.⁶²

On this reading, it was the second-century tannaim who first considered the "Sadducees" as deviant outsiders to Jewish "orthodoxy," as opposed to Josephus with respect to Sadducees and Essenes; for Josephus, though himself a Pharisee, allowed for the legitimate difference of the "*haireseis*." A new category of the heretic was, then, emerging within rabbinic discourse in the late second century.⁶³ This is not to say that the Mishna in general considers Sadducees non-Jews,

59. Once again, the Epicureans here are very likely simply Jews who deny, in traditional fashion, the eternity of the soul.

60. Cohen, "Yavneh," 45.

61. Cohen, "Yavneh," 42.

62. See also now Goodman, "Minim" for an important dissent from Cohen's position. For more extensive discussion of Cohen's intervention and responses to it, see Boyarin, "Synods." The difference between my position and that of the "pre-Cohen" *status quaestionis* is that they were dealing with a "real Yavneh," whereas I am suggesting a series of discursive constructs named "Yavneh" and shifting complexions in different stages of the development of the rabbinic legends. Thus, I agree (in the cited paper) with Cohen's description but try to show that it belongs to the latest and Babylonian talmudic stage of Yavneh-legend making.

63. Naomi Janowitz, "Rabbis and Their Opponents: The Construction of the 'Min' in Rabbinic Anecdotes," *Journal of Early Christian Studies* 6 (1998): 460 accurately perceives that the category of the "min" is about the construction of an orthodox, rabbinic Judaism—at the time of Rabbi Judah the Prince—analogue to the production of Christian orthodoxy, and see Hayes, "Minim and Romans."

but only that the first seeds of a heresiological discourse within rabbinic Judaism are to be located in these texts. Such an interpretation would explain the frequent textual variations of "min," "Sadducee," and even occasionally "Samaritan," within the textual traditions. This usage of "Sadducee" for "min" is not mere euphemism, as has occasionally been opined, but represents, in my view, a real category: *minim*/Sadducees, who are considered—like the Samaritans themselves—non-Israel, or at any rate only very equivocally and dubiously Israel.⁶⁴ We can conjecture that for the Rabbis as for the Christians "the category of heresy has been invented," and thus the category of "orthodoxy," at least tacitly.⁶⁵ In other words, I find in the fact that the Mishnaic text discussed above opposes "Sadducees" and "Israel" evidence not for a tolerant non-sectarian Judaism,⁶⁶ but rather for a "Catholic" Israel, a former "group" that has won the day, or at any rate so represents itself, and defines all others as simply not in the fold at all. It would seem then that the first instantiations, or nascent signs, of rabbinic heresiology appear nearly simultaneously, if not slightly after what Le Boulluec has called "the intervention of Justin."⁶⁷

This does not exhaust the evidence for the parallel development of rabbinic and Christian heresiology in the late second century. According to the Mishna *'Eduyot* 5:6, Rabbi 'Aqabya ben Mehalelel was excommunicated and his coffin was stoned after his death, simply owing to a disagreement on whether or not female freed slaves were subject to the ritual of the errant wife (*Sotah*) or not.⁶⁸ The stoning of the coffin of Rabbi 'Aqabya ben Mehalelel (whether historically "accurate" or merely legendary) is surely more than a mere disciplinary measure; rather, it is indicative of a dire exclusion from the community—precisely the parallel of the "false prophet" heresiology documented by Alain Le Boulluec in Justin, and plausibly derived by him from an older Jewish model.⁶⁹ As Justin had written: "For just as there

64. See also Segal, *Powers*, 153 for a related point.

65. See also Segal, *Powers*, 6.

66. Cohen, "Yavneh" and see Goodman, "Minim." I discuss the positive significance of Cohen's argument in Boyarin, "Synods."

67. Thus leading us to somewhat revise Le Boulluec's own compelling account, a point that I will take up elsewhere. Compare: "It may well be that מִיִּנִי—which, when applied to people, has only the negative and never the neutral sense of ἀρετός—did not exist in Hebrew until the Greek term had developed its negative sense in Christian use," Goranson, "Intra-Jewish Polemic," 536.

68. It is fascinating and troubling to observe how almost invariably these battles for male hegemony are fought over the sexual bodies of women. I have treated this issue at greater length elsewhere.

69. Le Boulluec, *La notion*, 65 and see 33–34. Compare with the death of James the Just, clearly marked as the execution of a false prophet by stoning in Eusebius II.23. Hugh

were also false prophets in the time of the holy prophets that were among you, so there are among us also many false teachers" (*Dialogue* 82.1).⁷⁰ Indeed, as we learn from a tannaitic source in the Babylonian Talmud Sanhedrin 89b, the prescribed punishment (at least according to some authorities) for a deceiving prophet, Justin's very model of a modern major heretic, was stoning, precisely the punishment meted out to 'Aqabya, suggesting that that new character, the heretic is indeed the genealogical scion of the false prophet who must be "utterly extirpated from your midst" (Deut. 13:6).⁷¹ The 'Aqabya of the Mishna, then, is seemingly a heretic very much in the early Christian mold.

It would seem, then, that although we can accept Shaye Cohen's argument that the focal point for sectarian division over the Temple with the concomitant production of a *particular* kind of sectarianism (separatism from the "corrupted" Jerusalem center or conflict over hegemony there) had vanished with the destruction of the Temple, nevertheless the epistemic shift marked by the invention of rabbinic Judaism (in the second century) included the production of a category of Jewish "outsiders" defined by doctrinal difference. Jewish sectarianism as a form of decentralized pluralism by default had been replaced by the binary of Jewish orthodox and Jewish heretics: the latter comprising those who are Jews and say the wrong things, and

Jackson Lawlor and John Ernest Leonard Oulton, trans. and eds., *Eusebius, Bishop of Caesarea, the Ecclesiastical History and the Martyrs of Palestine* (London: Society for Promoting Christian Knowledge, 1927), 58.

70. Williams, *Dialogue*, 174. See also the explicit association of heresy and false prophets at 51.1, Williams, *Dialogue*, 102.

71. The "false prophet" model is vital for the development of early Christian heresiology, as it is for the Rabbis as well, for otherwise precisely the name *hairesis* and even the *diadoche* suggest one legitimate grouping among others, as in the case of the philosophical schools, and not the one true way from which all others deviate. Athanasius is still struggling with this issue at the beginning of his *Orations Against the Arians*: "For though we have a succession of teachers and become their disciples, yet, because we are taught by them things of Christ, we both are, and are called, Christians all the same" (see Ar. 1.3), as opposed, of course, to the Arians, who are called "Arians." See also Virginia Burrus, *Begotten, not Made: Conceiving Manhood in Late Antiquity*, *Figurae* (Stanford: Stanford University Press, 2000), 52. Christine Hayes points out appropriately that there is a difference between Christian and rabbinic heresiology in that the anathematizing of 'Aqabya (and of Rabbi Eli'ezer) were occasioned more by differences of halakha than credo. We agree, however, that this does not invalidate the underlying comparison. According to Guy Stroumsa, the term "false prophet" first appears in Hebrew at Qumran and then "reappears later, in the midrashic literature of late antiquity," which supports my general point (Guy Stroumsa, "False Prophets in Early Christianity: Montanus, Mani, Muhammad," conference presentation [Hartford, Conn., 1999], photocopy). See, too, Johannes Reiling, "The Use of Pseudoprophètes in the Septuagint, Philo and Josephus," *Novum Testamentum* 13 (1971): 147-56.

may therefore no longer be called "Israel."⁷² "Verus Israel," we could say, has been invented simultaneously, perhaps not coincidentally, by the Rabbis and the Gentile Christians. Sectarianism has not, then, disappeared, but rather one group has begun to achieve hegemony and can now plausibly portray itself as Judaism *tout court*—or at any rate, wishfully project itself as such. (To be sure, the category of the 'Am Ha'ares—those Jews who are neither in the rabbinic fold nor out as *minim*, Sadducees, or Epicureans⁷³—represent for a significant time yet to come a living challenge to the rabbinic claim to religious hegemony and orthodoxy.)⁷⁴ The Rabbis rabbinize Jewish religious history precisely by portraying their religious ancestors, the Pharisees, not as a sect but as the true interpreters of universal Judaism from time immemorial.⁷⁵ Insofar as there are limits for who is in and who

72. I am, of course, playing on the title of another essay of Cohen's here: Shaye J. D. Cohen, "Those Who Say They Are Jews and Are Not': How Do You Know a Jew in Antiquity When You See One?" in *Diasporas in Antiquity*, eds. Shaye J. D. Cohen and Ernest S. Frerichs, *Brown Judaic Studies* 288 (Atlanta: Scholars, 1993), 1–45, alluding, of course, in turn to Revelation.

73. Note that at least according to the Babylonian Talmud, the 'Am Ha'ares is explicitly awarded a place in the next world, in contradistinction to the *minim* and the excluded figures of the Sanhedrin Mishna, TB Ketubbot 111b.

74. Oppenheimer, *The 'Am Ha'ares*; Lee I. Levine, "The Sages and the Synagogue in Late Antiquity: The Evidence of the Galilee," in *The Galilee in Late Antiquity*, ed. Lee I. Levine (New York: Jewish Theological Seminary of America, 1992), 201–24; Lee I. Levine, *The Rabbinic Class of Roman Palestine in Late Antiquity* (New York: Jewish Theological Seminary of America, 1989), 40–42. And see especially Levine, *Rabbinic Class*, 112–13, for highly cogent arguments that these were not/could not have been a sectarian group but represent, rather, the masses of non-rabbinic population. On the other hand, it is impossible to imagine that these rural Galilean masses did not have their own religious leadership and religious customs and traditions; that is, we cannot simply go along with the rabbinic view that dubs them as ignoramuses. Thus when the *baraita* informs us that "one who engages in the study of Torah in front of an 'Am Ha'ares is like one who has intercourse with his bride in front of him," this cannot simply refer to ignorant masses, for the very cure for their ignorance would be engaging in the study of Torah in their presence. This is a group that had, somehow, to be kept out, because of their different practices or attitudes, deviant from the rabbinic perspective, including perhaps greater closeness to or tolerance of Jewish Christianity (Galit Hasan-Rokem, "Narratives in Dialogue: A Folk Literary Perspective on Interreligious Contacts in the Holy Land in Rabbinic Literature of Late Antiquity," in *Sharing the Sacred: Religious Contacts and Conflicts in the Holy Land First-Fifteenth Centuries CE*, eds. Guy Stroumsa and Arieh Kofsky [Jerusalem: Yad Ben Zvi, 1998], 109–29). In this Cynthia Baker, "Neighbor at the Door or Enemy at the Gate? Notes Toward a Rabbinic Topography of Self and Other," paper presented at American Academy of Religion (New Orleans, 1996) must surely be right. According to the nicely made point of Martin Goodman, rabbinic law for the Sabbath was followed precisely because it was derived from "local custom sanctioned by local elders," Goodman, *State and Society*, 98.

75. See Cohen, "Yavneh," 41; Boyarin, "Synods."

is out of Israel among born Judaeans⁷⁶—insofar as these two groups are defined, at least partly, in doctrinal terms and in the use of the term *minim* for those who are excluded—early (tannaite) rabbinic Judaism seems similar in ecclesiology to orthodox Christianity.⁷⁷ The heresiological structure of nascent rabbinic ecclesiology seems, therefore, similar to the discourse of the “Great Church” as this develops from Justin on—a universalism predicated on orthodoxy.⁷⁸

III. JUSTIN’S JEWISH HERESIOLOGY

It is certainly suggestive that it is in Justin Martyr that we find for the first time *hairesis* in the sense of “heresy” attributed to Jewish usage as well:

I will again relate words spoken by Moses, from which we can recognize without any question that He conversed with one different in number from Himself and possessed of reason. Now these are the words: *And God said: Behold, Adam has become as one of Us, to know good and evil.* Therefore by saying *as one of Us* He has indicated also number in those that were present together, two at least. *For I cannot consider that assertion true which is affirmed by what you call an heretical party among you, and cannot be proved by the teachers of that heresy* [Ὁὐ γὰρ ὅπερ ἡ παρ’ ὑμῖν λεγομένη αἵρεσις δογματίζει φαίην ἄν ἐγὼ ἀληθὲς εἶναι, ἢ οἱ ἐκείνης διδάσκαλοι ἀποδείξαι δύνανται], that He was speaking to angels, or that the human body was the work of angels (*Dialogue* 62.2).⁷⁹

Justin quotes Gen. 3:22 to prevent the Jewish teachers’ “distortion” of Gen. 1:26, “let us make,” since in the later verse it is impossible to interpret that God is speaking to the elements or to himself. In order,

76. Shaye J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties*, Hellenistic Culture and Society 31 (Berkeley: University of California Press, 1998), 69–106.

77. This Jewish development was, however, just as its Christian counterparts, only to reach its more or less successful conclusion centuries later, and perhaps then too only in another country, Babylonia, and with a curious turn to “pluralism” in its final form. In the meantime, Christian orthodoxy was to shift from “general conformity to tradition to the enforcement of credal norms” (J. Rebecca Lyman, “Ascetics and Bishops: Epiphanius on Orthodoxy,” in *Orthodoxie, Christianisme, Histoire*, eds. Susanna Elm, Eric Rebillard, and Antonella Romano, Collection de l’École Française de Rome 270 [Rome: École française de Rome, 2000], 149–61). It is at this moment that the characteristic difference between (medieval) “Judaism” and “Christianity” would come into focus. I will be developing this point elsewhere, *deo volente*. See on this Shaye J. D. Cohen and Ernest Frerichs, *Diasporas in Antiquity* (Atlanta: Scholars, 1993).

78. As argued by Cohen himself in another context (Cohen, “Virgin”). It should be remembered that Christian heresiology included a component that had to do with different practice as well as different creed too, for instance, the Quartodeciman controversy or the question of Eucharist on Saturdays.

79. Williams, *Dialogue*, 129; Justin, *Dialogue Cum Tryphone*, 176–77, emphasis added.

however, to demonstrate that his interpretation that God is speaking to the Logos is the only possible one, Justin has to discard another possible reading that some Jewish teachers, those whom Trypho himself would refer to as an *haireisis*, have offered but cannot prove, namely that God was speaking to angels. On this text Marcel Simon comments: "However, when this passage, written in the middle of the second century, is compared with the passage in Acts, it seems that the term *haireisis* has undergone in Judaism an evolution identical to, and parallel with, the one it underwent in Christianity. This is no doubt due to the triumph of Pharisaism which, after the catastrophe of 70 C.E., established precise norms of orthodoxy unknown in Israel before that time. Pharisaism had been one heresy among many; now it is identified with authentic Judaism and the term *haireisis*, now given a pejorative sense, designates anything that deviates from the Pharisaic way."⁸⁰ The text is extremely difficult, and the Williams translation does not seem exact, but it nevertheless periphrastically captures the sense of the passage in my opinion. A more precise translation (although still difficult) would be: "For I cannot consider that assertion true which is affirmed by what you call an *haireisis* among you, or that the teachers of it are able to demonstrate."⁸¹ "It" in the second clause can only refer to *haireisis*, so Williams's translation is essentially correct although somewhat smoothed out. Justin cannot consider the assertion true, nor can he consider that the teachers of the *haireisis* can prove it. There are two reasons for reading *haireisis* here as "heresy": First, this is consistent with the usage otherwise well attested in Justin with respect to Christian dissident groups and, therefore, seems to be what Justin means by the term in general; and second, the phrase "what you call" implies strongly a pejorative usage. It seems to me, therefore, that Simon's interpretation is well founded. This interpretation is, of course, consistent with the view expressed above that a

80. Marcel Simon, "From Greek *Hairesis* to Christian Heresy," in *Mélanges R. M. Grant, Early Christian Literature and the Classical Intellectual Tradition*, eds. W. R. Schoedel and R. L. Wilken, *Théologie Historique* 53 (Paris: Beauchesne, 1979), 106.

81. I am grateful for Erich Gruen's and Chava Boyarin's help with construing this passage, although neither are responsible for my interpretation of it. See the old translation in the Ante-Nicene Fathers edition: "For I would not say that the dogma of that heresy which is said to be among you is true, or that the teachers of it can prove that [God] spoke to angels, or that the human frame was the workmanship of angels" (Justin Martyr, *Dialogue with Trypho*, Vol 1: The Apostolic Fathers—Justin Martyr to Irenaeus, of *The Ante-Nicene Fathers: Translations of the Writings of the Fathers Down to A.D. 325*, eds. Alexander Roberts and James Donaldson [Grand Rapids: William B. Eerdmans, 1989], 228). David Runia for his part translates: "For personally I do not think the explanation is true which the so-called sect among you declares, nor are the teachers of that sect able to prove that he spoke to angels or that the human body is the creation of angels" (Runia, "Where is the Jew," 178).

major transition took place within Judaism from a sectarian structure to one of orthodoxy and heresy, and that it presumably took place between the time of Acts and that of Justin.⁸²

According to Justin, those whom the "Jews" call a heresy interpret God as speaking here to the angels. There is a noteworthy (if somewhat later) rabbinic parallel to this passage, which, to my knowledge, has not been noted in the literature.⁸³ In the *Mekhilta d'Rabbi Ishma'el*, a late third-century or early fourth-century midrash, we find recorded the following dialogue: "Papos [mss. Papias] expounded: 'Behold, Adam has become as one of Us,' like one of the serving angels. Rabbi Akiva said: Shut up Papos! Papos said to him, and how will you interpret 'Behold, Adam has become as one of Us?' [Akiva answered] Rather the Holy, Blessed One gave before him two ways: one of life and one of death, and he chose the way of death."⁸⁴

Although much about this text and its context remains obscure, it is clear that a marginal, even heretical figure, Papos is being ascribed here a view very close to that which Justin is claiming for the *haireisis* among the Jews.⁸⁵ Rabbi Akiva's response here—"Shut up"—is a

82. For Luke, see Hubert Cancik, "The History of Culture, Religion, and Institutions in Ancient Historiography: Philological Observations Concerning Luke's History," *Journal of Biblical Literature* 116 (1997): 677, 688.

83. Compare Simon, "Hairesis," 106 and Le Boulluec, *La notion*, 78, who both consider Justin's "haireisis" here as unidentifiable. Furthermore, David Runia writes, "If Justin's evidence is taken seriously, at least one branch [of *minim*] represents a Gnosticizing group within Judaism, whose negative attitude to material creation encourages them to introduce angels into the interpretation of the creation account" (Runia, "Where is the Jew," 179). See also Ephraim E. Urbach, *The Sages: Their Concepts and Beliefs*, trans. Israel Abrahams (Jerusalem: Magnes Press, 1975), 203–208, who cites the Justin passage but seems not to have seen the relevance of the *Mekhilta* to it.

84. J. Z. Lauterbach, ed. and trans., *Mekilta DeRabbi Ishmael* (1934; reprint, Philadelphia: Jewish Publishing Society, 1961), 1: 248.

85. See Menahem Kahana, "The Critical Editions of *Mekhilta De-Rabbi Ishmael* in the Light of the Genizah Fragments," *Tarbiš* 55 (1985): 499–515 (in Hebrew), who shows that ancient mss. preserve traditions from which it appears that Papos/Papias maintained "gnosticizing" views, a not irrelevant point for our comparison here with Justin. Note that it is precisely with reference to Gen. 3:22 that the "heretical" view is attributed in both Justin and the *Mekhilta*, while the interpretation that Gen. 1:26, "Let us make man" is addressed to angels can be found in the "orthodox" rabbinic voice of Bereshit Rabba 8, as pointed out in the important Runia, "Where is the Jew." This makes the Justinian attribution of such a related view to a *haireisis* as well as Rabbi Akiva's sharp rejection of it somewhat puzzling. I believe however that the key is to be found in a passage in Philo, wherein it is implied that it is the human body that is the work of angels, because a body would be beneath the dignity of God to create (Henry Chadwick, "Philo and the Beginnings of Christian Thought," in *The Cambridge History of Later Greek and Early Medieval Philosophy*, ed. A. H. Armstrong [Cambridge: Cambridge University Press, 1967], 164). Indeed we find this view explicitly in, for example, Philo, "On Flight and Finding," in *Loeb Classics Philo*, vol. 5, trans. F. H. Colson and G. A. Whitaker (London: Heinemann, 1934), 47–48. This would be, of course, a potentially "dangerous" dualistic position from the point of view of the Rabbis. For a partial

representation of the intensity of the response that the alleged Papos's interpretation aroused and thus of its apparent heterodox nature. Justin thus does seem to have here accurate information about a Jewish sectarian interpretation of the verse and asserts that the "Jews" refer to it as *hairesis*, presumably in Hebrew *minut*. The Mekhilta text therefore constitutes, in my opinion, evidence for the authenticity of Justin's information and its richness of detail.⁸⁶

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- anticipation of this interpretation of the passage, see Kahana, "Critical," 507, who, nevertheless, was not aware of the pendant from Justin. Basil of Caesaria also attributes this view simply to "the Jews" in the passage discussed at length by Runia in this article, as does Tertullian. Justin's knowledge of distinctions among Jewish views seems much more precise than that of either of the other church fathers. Inspection of the Bereshit Rabba passage reveals that while assenting to the notion that God consulted with the angels here, at the same time, it totally negates any notion that the angels actually participated in the creation of the man. In fact, the Bereshit Rabba text can be read as a refutation of the Philonic view, since according to Philo, the angels created the Man because God could not create anything with the potential for evil, while according to Bereshit Rabba, God concealed humanity's potential for evil, in order that the angels would not interfere with his sole creation! The two rabbinic texts do not, therefore, contradict each other but rather are congruent in their denial of dualism. For more on this Papos/Papias as a figure for Jewish liminality—and at a certain point for Christianity—see Daniel Boyarin, "Martyrdom and the Making of Christianity and Judaism," *Journal of Early Christian Studies* 6 (1998): 577–627. Rabbi Akiva's own midrash here remains something of a mystery to all commentators on the Mekhilta. The best guess is that he reads "one of us," as if it meant, "one of them," that is, one of those who choose the way of death, but, as the commentators admit, "this needs further thought." See Kahana, "Critical," 505, n. 84 for bibliography and his own remarks there, 505–6. It is, in any case, fascinating that however he arrives at it, what Rabbi Akiva produces as an interpretation of the verse is a statement of the "two ways," a homiletical topos that was virtually ubiquitous in second-century Christian writings and seemingly especially in those circles of Jewish-Christians, the "Petrine" Christians, most closely associated with the Rabbis (Robert E. Aldridge, "Peter and the 'Two Ways,'" *Vigiliae Christianae* 53 [1999]: 233–64). Also David Flusser, "There Are Two Ways," in *Jewish Sources in Early Christianity: Studies and Essays* (Tel Aviv: Sifriat Poalim, 1982), 235–52 (in Hebrew); David Flusser, "'Which is the Right Way That a Man Should Choose for Himself?' (*Sayings of the Fathers*, 2:1)," *Tarbiš* 60 (1991): 163–78 (in Hebrew, with an English summary). Once more, the canon that we find the greatest points of contention between "Judaism" and "Christianity" at the greatest points of similarity and intimacy is instanced here. For another indication that Rabbi Akiva himself was portrayed as holding quite strongly "dualist" positions, see BT Hagiga 15a. In that passage, the "heretic" of the Rabbis, par excellence, Aher, quotes Rabbi Akiva in support of his own heretical position against the "orthodox" Rabbi Me'ir. Moreover, as I shall show elsewhere, the good Rabbi himself was not beyond being told to "shut up" for holding these seemingly "heretical" views, thus providing evidence against Segal's notion that since "aspects of opposing dualism were subsumed by the rabbinic movement, it is less likely that any ethical or opposing dualism *per se* would become the target of the 'two powers' polemic" (Segal, *Powers*, 22–23).
86. It might fairly be objected at this point that I am violating my own canon, established above vis-à-vis the blessing of the heretics, and using a later text to interpret Justin. The cases seem different to me for the following reason: There we have positive reasons not to believe that a blessing of *minim* could have comprehended Gentile Christians in Justin's time and the texts seem, therefore, not connected with each other. Here there is no reason to assume *a priori* that the ascription to Papos and Rabbi Akiva does not

For Simon, it is obvious that when Justin refers to “your teachers” here, the Pharisees are the object, while the *haireisis* in question “designates anything that deviates from the Pharisaic way.” There is, however, another important wrinkle here that Simon has seemingly overlooked, for in another passage in Justin, “Pharisees” are one of the heresies and not “authentic Judaism”:⁸⁷

For I made it clear to you that those who are Christians in name, but in reality are godless and impious heretics, teach in all respects what is blasphemous and godless and foolish. . . . For even if you yourselves have ever met with some so-called Christians, who yet do not acknowledge this, but even dare to blaspheme the God of Abraham, and the God of Isaac, and the God of Jacob, who say too that there is no resurrection of the dead, but that their souls ascend to heaven at the very moment of their death—do not suppose that they are Christians, any more than if one examined the matter rightly he would acknowledge as Jews those who are Sadducees,⁸⁸ or similar sects of Genistae, and Meristae, and Galileans, and Hellelians,⁸⁹ and Pharisees and Baptists (pray, do not be vexed with me as I say all I think), but (would say) that though called Jews and children of Abraham, and acknowledging God with their lips, as God Himself has cried aloud, yet their heart is far from Him (*Dialogue* 80.3–4).⁹⁰

It is highly significant for understanding this passage that the Rabbis themselves, as Cohen has emphasized, never understood

represent memory of an earlier conflict between second-century Rabbis and “gnostics.” If I did not have the evidence of Justin, I would hardly assume that that conflict was earlier than the redaction of the Mekhilta, but with Justin’s precise parallel, this conjecture seems tolerably robust. This is particularly attractive when paired with the parallel between Justin’s *genistai*, *meristai* and the Tosefta’s *minim*, *paroshim*—virtually exact cognates.

87. Even in his Marcel Simon, *Jewish Sects at the Time of Jesus* (Minneapolis: Fortress, 1967), 85–107, where he discusses the entire Justinian catalogue of Jewish heresies, Simon ignores Justin’s mention of the Pharisees, so set is he on his notion that orthodox Judaism at this time is consubstantial with Pharisaism.
88. Who also deny the resurrection of the dead and are therefore singled out. See Le Boulluec, *La notion*, 71–72.
89. Following the conjecture Ἑλληλιανῶν (accepted in Justin, *Dialogus Cum Tryphone*, 209) that gives “Hellelians” and not “Hellenians” as Williams has it. To this, compare the above text from the Tosefta, which refers to the Shammaites and the Hillelites as having divided the Torah into two Torahs. See also for discussion Daniel Gershonson and Giles Quispel, “Meristae,” *Vigiliae Christianae* 12 (1958): 19–26; Matthew Black, “The Patristic Accounts of Jewish Sectarianism,” *Bulletin of the John Rylands Library* 41 (1959): 285–303; Simon, *Sects*, 74–85; Barnard, *Justin*, 49–52.
90. Williams, *Dialogue*, 169–71; Justin, *Dialogus Cum Tryphone*, 208–9. For the crucial (Platonic) distinction between being called a Jew and being one, see Cohen, *Jewishness*, 60–61. See on this passage Le Boulluec, *La notion*, 71, who considers that “[l]a représentation hérésiologique a cependant besoin de déformer la conception juive des divers courants religieux pour attendre son efficacité entière.” In my view, this is less of a deformation than Le Boulluec would have it.

themselves as Pharisees, thus explaining how for them, too, "Pharisee" could be a designation of a sect or even heresy: "The tannaim refused to see themselves as Pharisees."⁹¹ Indeed, as we have seen above, in a rabbinic text approximately a century after Justin, "Pharisee" is associated with *min*, as precisely heretics to be anathematized. Cohen has captured the import of this passage when he writes, "This rabbinic ideology is reflected in Justin's discussion of the Jewish sects: there are Jews, that is, the 'orthodox,' and there are sects, among them the Pharisees, who scarcely deserve the name Jew."⁹² Indeed Justin testifies that the name "Jew" would be denied to any of these sectarians, including Pharisees. Matthew Black, followed by Barnard, explained away the references to Sadducees and Pharisees as heresies in Justin by virtual sleight of hand.⁹³ I find little merit, however, in this prestidigitation—analogueous to the attempts to emend the Tosefta and remove the curse against the Pharisees there as well⁹⁴—and would argue that such a notion of both Sadducees and Pharisees as sects, and therefore "heretics," could very well have been characteristic of a second-century Judaism moving toward a notion of "orthodoxy" in which all *named* sects are ipso facto heresies. There are Jews, and there are *minim* (=kinds), a usage that can perhaps be compared with that of, for example, Athanasius, for whom there are "Christians" and there are "Arians."⁹⁵ Even more appositely one might quote Justin himself: "And there shall be schisms and heresies . . . many false christs and many false apostles shall arrive, and shall deceive many of

91. Cohen, "Yavneh," 29.

92. Cohen, "Yavneh," 49.

93. Black, "Patristic"; Barnard, *Justin*, 50–52.

94. See also Le Boulluec, *La notion*, 72: "La suggestion de M. Black . . . est tout à fait fantaisiste."

95. Burrus, 52. Earlier, Justin's explanation of the origins of the philosophers' *haireseis* bears some relation to this topos: "But the reason why [philosophy] has become a hydra of many heads I should like to explain. It happened that they who first handled philosophy, and for this reason became famous, were followed by men who made no investigation after truth, but were only amazed at their patience and self-restraint and their unfamiliar diction, and supposed that whatever each learned from his own teacher was true. And then they, when they had handed on to their successors all such things, and other like them, were themselves called by the name borne by the originator of the teaching" (*Dialogue* 2.2; Williams, *Dialogue*, 4). The implication of this statement is, of course, that there is "philosophy" and there are the *haireseis* (although the term is not used here), named after the divergent originators of each school. See also the same topos vis-à-vis Christian heresies: "And they say that they are Christians . . . And some of them are called Marcionites, and some Valentinians, and some Basilidians, and some Saturnalians, and others by other names, each being named from the originator of the opinion, just as also each of those who think they are philosophers, as I said already in the beginning (of my discourse), thinks it right to bear the name of the father of that system" (*Dialogue* 33.6; Williams, *Dialogue*, 70). Of course, from the point of view of the Rabbis, the name "Christian" would be just such an "other name."

the faithful, . . . but these are called by us after the name of the men from whom each false doctrine and opinion had its origin. . . . Some are called Marcionites, some Valentinians, some Basilideans and some Saturnalians and some others by other names" (*Dialogue* 35).

"We," of course, are called "Christians." Assuming the same topos, the Rabbis therefore, as Catholic Israel, could hardly recognize a named sect, the Pharisees, as their predecessors, whatever the historical "reality." The Rabbis are just "Israel." This interpretation is consistent with the other rabbinic evidence. Trypho is a "Jew" who is expected by Justin to recognize all of the sects as "heresies," and therefore one who knows already of a Jewish orthodoxy.

Justin, of course, was not reflecting an actually existing situation, but actively participating (on one side of the "dialogical" process) in the very discursive practice that brings it into existence. Indeed, there is an interesting moment of inconsistency in Justin's discourse in the first paragraph cited here for this discussion.⁹⁶ The implication of his last sentence (especially without the added words "would say," which are not in the Greek) is that Jews who do not deny the resurrection or participate in the other "heresies" do, indeed, have their hearts "close to God." But, in some sense, it is the purpose of the *Dialogue* as a whole to deny that very possibility. I am inclined to find here in this moment of paradox—or at any rate, incongruity—within Justin's text the mark of a gap between the reality being constructed by the *Dialogue* and the social reality of which Justin knows. As in the Pseudo-Clementine texts—in which there are clearly Jews (there identified as Pharisees) who are deemed close to "orthodox" Christianity, closer indeed than some Christians in their insistence on the Resurrection—so also here. It would appear that whatever the explicit ideology, lines are not clearly drawn between "Judaism" and "Christianity," but at least one highly significant isogloss (that is, highly significant for the Rabbis, for whom it marks the difference between orthodox and heretic, just as it does for Justin and the Pseudo-Clementines); the line is between Jew and Jew, between Christian and Christian, thus marking a site of overlap and ambiguity between the two "religions" that the texts are at pains to construct.

We have seen in this discussion that while both early rabbinic texts and Justin's text are busy producing both a border between "Jews" and "Christians" and concomitantly one between the orthodox and the "heretics," these borders are actually not nearly as clear as the "authors" of these texts would want us to believe. Instead, then, of

96. Pointed out to me by Shamma Boyarin.

thinking of Justin—as Le Boulluec does—as reacting to a “Jewish” model or, on the other hand, understanding the Rabbis as reacting to a Christian development, I would rather propose a complex process of mutual self-definition, of testing of borders and boundaries, definitions of what could be shared and what would be differential between the nascent formations that would, by the fourth century or so, truly become separate religions.⁹⁷ A wonderful metaphor of Jacques Derrida’s may help to develop this construal of the evidence. Derrida wrote, “Like Czechoslovakia and Poland, [they] resemble each other, regard each other; separated nonetheless by a frontier all the more mysterious . . . because it is abstract, legal, ideal.”⁹⁸ This metaphor, used by Derrida to refer to the frontier between “speech” and “writing,” can be extended into a virtual allegory to articulate my picture of the historical situation of Judaism and Christianity in the second, third, and fourth centuries. Like Czechoslovakia and Poland, they too resemble each other and regard each other; they are separated by a frontier that is abstract, legal, and ideal. The frontier guards are the heresiologists on both sides of no-man’s land, trying as best they can to police the border, and to check the passports of religious ideas and practices that wish to cross; but there are smugglers, people who respect no borders, nomads of religion, who keep crossing back and forth, transporting their contraband of religious goods and services.⁹⁹

IV. JUSTIN’S *DIALOGUE* AS SYNECDOCHE

In this last section, I wish to pursue the train of thought with which I concluded the previous section, inquiring to what, if any, social reality, the perceived congruences between Justin’s *Dialogue* and the Rabbis might correspond. Put another way, having “deconstructed” the binary Judaism/Christianity, how might we, nevertheless, account for the fact that at some point distinct social groupings of Jew and Christian emerge as real entities and identities? In asking this question, we might be said to be moving from a Derridean moment,

97. In Daniel Boyarin, “The Gospel of the Memra: Jewish Binitarianism and the Crucifixion of the Logos,” *Harvard Theological Review* (forthcoming), I analyze this process in detail with respect to a very central issue that ultimately differentiates “Judaism” from “Christianity,” to wit logos theology, or more broadly binitarianism, ubiquitous in Judaism in the first century but rejected as heresy by the Rabbis by the third century, a somewhat different perspective than that exemplified by Segal, *Powers*.

98. Jacques Derrida, *Glas*, trans. John P. Leavey Jr. and Richard Rand (Lincoln: University of Nebraska Press, 1990), 189b.

99. See, for example, Boyarin, “Martyrdom,” in which an argument is made for people attending both synagogue and church in third-century Caesarea as the “smugglers” who transported discourses of martyrology in both directions across the “abstract, legal, and ideal” frontier between Judaism and Christianity.

that moment of exposure in which we realize that the border we thought so real is as imaginary as the Czech (no longer Czechoslovak!)/Polish border, to a Foucauldian moment, in which the question of real, felt social difference is taken seriously. This literary dialogue between Justin Martyr and a fictional, non-rabbinic Jew, Trypho, is arguably part of a broad dialogue between nascent Gentile Christianity *as a social formation* and nascent rabbinic Judaism *as a social formation*. The hypothesis centers on what and how Justin Martyr came to know about Judaism of his day, for the answer to this question will imply a set of social relations (not for all "Christians" and all "Jews" but for some). A recent writer on Justin has delivered the following judgment: "Specific questions like 'How well did Justin know and represent his contemporary Judaism?' seem to be more and more, but not completely settled. . . . Justin knew and presented rather accurately some basic aspects of the Judaism of his day."¹⁰⁰ Trakatellis concludes from his discussion that "[i]t is plausible then to suggest that, when Justin described Trypho within the framework of his *Dialogue* the way he did, he was reporting a reality related to the theological contacts between Jews and Christians in his time."¹⁰¹ The Judaism described by Justin as that which "your teachers" promulgate bears many significant parallels to actually attested rabbinic opinions, including the highly specific attestation of the heretical character of the interpretation of Gen. 3:22 that I have discussed above.¹⁰²

100. Demetrios Trakatellis, "Justin Martyr's Trypho," *Harvard Theological Review* 79 (1986): 287.
101. Trakatellis, "Justin Martyr's Trypho," 297. A recent scholar from the side of rabbinics, Marc Hirshman, argues however that Justin's knowledge of rabbinic exegesis is "on the whole unimpressive" (Marc Hirshman, *A Rivalry of Genius: Jewish and Christian Biblical Interpretation in Late Antiquity*, trans. Batya Stein, SUNY Series in Judaica: Hermeneutics, Mysticism, and Religion [Albany: State University of New York Press, 1996], 65). My preliminary assessment is that Hirshman's somewhat skeptical remarks derive in part from an attempt to find in Justin the echoes of what are really later, detailed developments in rabbinic exegesis per se, while Trakatellis is essentially right that the general *kind* of Judaism that "Trypho" represents (and the voice of Justin himself telling Trypho what "your teachers say" even more so) is not far from what we can imagine as the religious ethos of nascent forms of Judaism close to the Rabbis in the second century.
102. For more excellent examples, see Darrell D. Hannah, *Michael and Christ: Michael Traditions and Angel Christology in Early Christianity*, Wissenschaftliche Untersuchungen Zum Neuen Testament (Tübingen: Mohr Siebeck, 1999), 111-12. Note that for our purposes it does not make any difference whether Trypho is a "real" person or one made up; the only significant point is whether the Judaism that he expresses—and that, therefore, Justin knows—can be shown to be a realistic possibility. See also Goldfahn, "Justinus," and see Hirshman, *Rivalry of Genius*, 31-42, 55-66. In spite of the recent work on this subject, this is a matter that will repay further research.

In a recent monograph, David Rokéah argues, however, that there was little, if any, contact between Justin and “actual Jewish”—by which he means Pharisaic or rabbinic—teachers.¹⁰³ Rokéah adopts Oskar Skarsaune’s suggestion that much (if not all) of Justin’s knowledge of Jewish practice and lore is dependent on an early Jewish-Christian text, very likely the same one that is embedded in the Pseudo-Clementines.¹⁰⁴ The evidence for this position seems strong to me, but I would not derive the same conclusions from it. To my mind, this possibility stimulates rather an important possible revision of our understanding of the history of Jewish/Christian interactions in the early centuries, as well as leading to the “deconstructive” modality of thinking. In contrast to Rokéah, I would argue that there is no contradiction between Justin knowing a fair amount about early rabbinic Judaism and his major source being the Jewish-Christians in the background of the Pseudo-Clementines. Indeed, this lack of contradiction may be precisely the point. Since, as has recently been well argued, the Jewish-Christians who are the source of the Pseudo-Clementine text were indeed very proximate to the early Rabbis and probably in close (and irenic) contact with them, groups such as theirs can be adduced as both the medium of contact and transfer of knowledge between Gentile Christians and rabbinic Jews, and the source of the restlessness on the borders that was, according to my hypothesis, one important catalyst for the invention of heresy on both sides of that border under construction. As Albert Baumgarten has argued: “The Pseudo-Clementine texts exhibit detailed and specific knowledge of rabbinic Judaism. Their awareness is not of commonplaces or of vague generalities which might be based on a shared biblical heritage, but of information uniquely characteristic of the rabbinic world. There can be no doubt that we are dealing with two groups in close proximity that maintained intellectual contact with each other. The authors of the Pseudo-Clementines quite obviously admired rabbinic Jews

103. David Rokéah, *Justin Martyr and the Jews*, “Kuntresim”: Texts and Studies 84 (Jerusalem: The Hebrew University: The Dinur Center for Research in Jewish History, 1998), 34–39 (in Hebrew). Since many interested in Justin will not have access to Rokéah’s text, I would like to point out that one of his most interesting results in the monograph is what I, at any rate, take to be a compelling demonstration of Justin’s careful reading and reliance on Galatians and Romans, a position decidedly against the prevailing winds of much Justin scholarship (Rokéah, *Justin Martyr and the Jews*, 40–47).

104. Skarsaune, *Proof from Prophecy*, 316–20; Rokéah, *Justin Martyr and the Jews*, 48–50. What remains, however, is to consider the questions of the dating of that source, its possible connections with rabbinic or associated traditions, and the dating of those traditions. Both Skarsaune, who accepts such connections, and Rokéah, who rejects them, rely on the assumption that material attributed to second-century Rabbis in fifth-century (and even eighth-century!) texts can be dated to the second century (Skarsaune, *Proof from Prophecy*, 319; Rokéah, *Justin Martyr and the Jews*, 49).

and their leaders.¹⁰⁵ The “authors” of the Pseudo-Clementines, then, considered themselves at least fellow travelers of the Rabbis, if not orthodox rabbinic Jews for Jesus. Justin’s representation of Trypho as a Jew who “took the trouble to read them [the Gospels]” (*Dialogue* 10.2),¹⁰⁶ along with his statement that the Jewish “teachers” opposed such association (*Dialogue* 38.1),¹⁰⁷ is very important as providing evidence for both propositions, namely, that there were such Jews and that they may very well have been seen as troubling by other Jews and Jewish leaders.¹⁰⁸ A Pharisaic-law-abiding group, very knowledgeable in the ways of the Rabbis, that believed in Jesus as Messiah, or was strongly attracted to the Jesus movement—one like the group that produced the Pseudo-Clementines—makes a very attractive can-

105. Baumgarten, “Literary Evidence,” 46–47.

106. Williams, *Dialogue*, 21.

107. Williams, *Dialogue*, 74–75.

108. As Williams points out in a note ad loc., the Gospel is represented in rabbinic literature only with cacophemisms: for example, ‘*Awon Gilayon* (The Scroll of Falsehood) or ‘*Awon Gilayon* (The Scroll of Sin). The contrast with Trypho’s “admirable and great” is striking, although vitiated somewhat by the fact that Williams is too credulous by far in accepting the ascription and therefore the dating of this talmudic notice, which may be much later. One’s confidence in this ascription to early Palestinian sources is certainly not raised by the fact it seems only to occur in this Babylonian talmudic citation and in a context that shows much Babylonian diction. See also Frédéric Manns, *Essais sur le Judéo-Christianisme* (Jerusalem: Franciscan, 1977), 131. I cannot imagine on what grounds Barnard determines that after “A.D. 100,” Palestinian Jews were forbidden to read the Gospels (Barnard, *Justin*, 24). The prohibition on conversation with Christians is not attested in rabbinic texts redacted before the mid-third century and, even then, clearly was honored as much in the breach (within Palestinian and even rabbinic circles) as in the observance (Barnard, *Justin*, 40, 45, who at least understands that the *Dialogue* is indicative of “closer intercourse between Christians and Jews in the first half of the second century than has usually been supposed,” but still imagines that the “rabbis of Jamnia” had sought to “enforce a pattern of Pharisaic orthodoxy which forbade contacts with the *Minim*, that is, Christians.”) On this last point, see also Daniel Boyarin, *Dying for God: Martyrdom and the Making of Christianity and Judaism*, The Lancaster/Yarnton Lectures in Judaism and Other Religions for 1998 (Stanford: Stanford University Press, 1999), chap. 1. See also Barnard’s crucial point that “[Trypho] warns us against identifying the linguistic frontier between the Greek and Semitic worlds with the cultural frontier between Hellenism and Judaism” (Barnard, *Justin*, 42). All Judaism is, by definition, Hellenistic, precisely under the definition of Hellenism itself as the creative adaptation of Greek to Asiatic (and therefore also, ipso facto, Semitic) cultural forms and societies (Lee I. Levine, *Judaism & Hellenism in Antiquity: Conflict or Confluence*, The Samuel & Althea Stroum Lectures in Jewish Studies [Seattle, Wash.: University of Washington Press, 1998]). For a compelling general argument that binary oppositions between Judaism and Hellenism are a (problematic) scholarly construct, see also Erich S. Gruen, *Heritage and Hellenism: The Reinvention of Jewish Tradition*, *Hellenistic Culture and Society* 30 (Berkeley: University of California Press, 1998). Rather, one could imagine that the existence of law-abiding Jews who read the Gospels and were in close contact (and perhaps even communion) with Gentile Christians, such as Justin, would have been one factor in the production of the above-mentioned prohibitions; thus, once again, much later than the point of origin that the myths project.

didate for a border-blurring reagent.¹⁰⁹ Justin's acceptance of such "Jewish Christians"¹¹⁰ into communion with "orthodox" Christians would (*Dialogue* 47.1–2), if anything, make them more "dangerous" to the Rabbis, for then the border between that which is "Jewish" and that which is "Christian" becomes impossible to locate.¹¹¹ To restate the point: In my conjecture (no more than that, but one that seems increasingly to make sense of the data), law-abiding Jewish-Christian groups (so-called "Ebionites"), such as the circle behind the Pseudo-Clementine literature, may have provided the actual mediators between rabbinic Jews who were non-Christians and even Gentile Christians, such as Justin, thus giving us positive evidence for the continuum or wave-theory model via which Judaism and Christianity are to be conceived (metaphorically) as connected dialects of one language, rather than as separate languages, up until Theodosius (following the great linguist Jespersen's definition of a "language as a dialect with an army."¹¹² Using my Derridean catachresis, they are the "smugglers." Instead of two defined entities, Judaism and Christianity, I would suggest that for the second and probably third century, we should still be thinking of a complex religious system, Judaeo-Christianity (*not* in its modern sense of common heritage and lowest common denominator!) in which there are only borderlands and no-man's lands—a web-site in which the very borders and rules for admission and

109. Baumgarten, "Literary Evidence"; F. Stanley Jones, *An Ancient Jewish Christian Source on the History of Christianity: Pseudo-Clementine Recognitions 1.27–71*, Texts and Translations: Christian Apocrypha Series (Atlanta: Scholars, 1995). See also Dunn, *Partings*, 233.

110. I am in full agreement with Joan E. Taylor that the term "Jewish Christian" is very problematic and would insist that we conceive of those people who were both Jewish and Christian, even as late as the fourth century, not as "combining two religions," but as representing one form on a continuum of Judaeo-Christian religious identity and praxis. See Joan E. Taylor, "The Phenomenon of Early Jewish-Christianity: Reality or Scholarly Invention," *Vigiliae Christianae* 44 (1990): esp. 314–15.

111. Williams, *Dialogue*, 93–94. All Christian heresiologists other than Justin himself seem to have immediately realized this "danger." Justin himself realizes that he is unusual in this respect.

112. For more extensive discussion of this model, see introduction to Boyarin, *Dying for God*. Dunn, *Partings*, 5 has also spoken of "first-century reality . . . as a more or less unbroken spectrum across a wide front from conservative Judaizers at one end to radical Gentile Christians at the other." I would emend this statement by substituting for "conservative Judaizers," non-Christian Jews, thus also answering to Dunn's own call for a recognition of "the importance of the continuing Jewish character of Christianity," within the very same model, and also I would consider this situation as obtaining quite a bit after the first century. For the literalness of my Jespersenian conceit, see *Codex Theod.* 16.1.2, *Theodosiani Libri XVI Cum Constitutionibus Sirmondianis et Leges Novellae Ad Theodosianum Pertinentes*, ed. Theodor Mommsen (Dublin: Apud Weidmannos, 1970), 1.2, 833. See Richard Lim, *Public Disputation, Power, and Social Order in Late Antiquity*, Transformations of the Classical Heritage 23 (Berkeley: University of California Press, 1994), 177.

citizenship are still under construction by heresiologists on one side, and Rabbis on the other. "Jewish Christianity" is a name for the third term, as it were, that deconstructs the binary opposition of two ostensibly mutually exclusive entities, as well as the social continuum that maintains the possibility of constant "contamination" between them on the ground.

"Judaeo-Christianity" (not Jewish Christianity but the entire multi-form cultural system)¹¹³ should be seen as the original cauldron of contentious, dissonant, sometimes friendly, more frequently hostile, and fecund religious productivity out of which ultimately precipitated two institutions at the end of late antiquity, orthodox Christianity and rabbinic Judaism. Justin's *Dialogue* and our mishnaic passages can be read as a representation and symptom of broader discursive forces within Judaeo-Christianity, as a synecdoche of the processes of the formation of nascent orthodoxy and nascent heresiology, as well as of the vectors that would finally separate the church from rabbinic Judaism. The *Dialogue* might very well represent one version of dialogue between Jews, including Jewish-Christians, and the (Gentile) Christians of the second half of the second century, and thus a *Dialogus* between two emerging orthodoxies with their necessarily corresponding heresies. The invention of heresy on the part of Justin, and arguably at about the same time on the part of the incipient rabbinic movement, could therefore, on one reading, be plausibly hypothesized an aspect of this very dialogical engagement.¹¹⁴

113. Boyarin, *Dying for God*.

114. This is kindred to Barnard's conclusion that "the *Dialogue* is proof that, in certain circles, there was a close intercourse between Christians and Jews" (Barnard, *Justin*, 52). This would also seem to be the position of Rokéah, *Justin Martyr and the Jews*, 17-20, who agrees with Theodore Stylianopoulos, *Justin Martyr and the Mosaic Law*, Society of Biblical Literature Dissertation Series 20 (Missoula: Scholars, 1975), 10, 14, that the *Dialogue* was written for the purpose of proselytizing Jews.