

BETWEEN *ETHNOS* AND *NOMOS*: JOSEPHUS AND THE *GOYIM*

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Much scholarship has been devoted to Jewish relations with gentiles in different periods, in both legal and *aggadic* contexts. Scholars have considered the boundaries between Jews and gentiles, the constructions that consecrate this difference, the stability of consequent identities, and the possibility of moving between the dichotomous poles of identity. But something crucial has been forgotten along the way: the category itself. The distinction between Jews and their other, the gentile, has been so central to Jewish history that the vast scholarship dedicated to Jewish-gentile relations has treated the “gentile” as self-evident. But this concept – which divides human reality in its entirety in a binary manner: Jews and non-Jews; the latter are lumped together into one group – is far from self-evident, and was not always a part of the thought-patterns of Jews and Judaism. It is the persistent presence of the concept, from rabbinic literature until the present, that has made it invisible to scholarship. Since the rise of *Wissenschaft des Judenthums* over two hundred years ago, almost every category in the vast corpus of ancient Hebrew writings (God, Torah, Israel, Land, etc.) has been historicized, with the glaring exception of (what eventually became) the “gentile”. This oversight underlies the fact that all major questions regarding this category have never been asked: When did the *goy* come into being? What categories preceded it to mark the non-Israelite and, later, the non-Judean and non-Jew? How did the appearance of the *goy* effect the rules and techniques of separation of Jews from non-Jews? How did it modify the category of the Jew?

The omission is noteworthy especially in light of the vast, recent interest in the birth and development of the opposite concept, “Yehudi,” by many scholars. Thus, in his 1999 formative study, *The Beginnings of Jewishness*, Shaye Cohen traces the transformations of the category of the *Ioudaios* from the ethnic “Judean” to the cultural-religious “Jew.” He, however, avoids any historicization of the Jew’s “other,” the gentile. The same is true for other classic studies of ancient Jewishness by leading scholars, such as Daniel Schwartz (*Studies in the Jewish Background of Christianity*), Seth Schwartz (*Imperialism and the Jewish Society*), Christine Hayes (*Gentiles’ Impurities and Jewish Identities*), Steve Mason (“Jews, Judaeans, Judaizing, Judaism: Problems of Categorization”), and Daniel Boyarin (*Judaism:*

The Genealogy of a Modern Notion). The “goy” remained a glaring blind spot in the study of ancient Jewish ethnicity.

In our book: *Goy: Israel’s Multiple Others and the Birth of the Gentile* (Oxford University Press, 2018), Adi Ophir and I claimed that this category was born at a particular moment, that it replaced older categories of otherness, and that it was both informed by and embedded in new modes of separations. The book traces the development of the term and category of the *goy* from the Hebrew Bible, where it simply means “people,” through the plurality of others in second temple literature, to rabbinic literature – where it signifies any individual who is not a Jew, erasing all ethnic and social differences among *different* others. We argue that the abstract concept of the gentile first appeared in Paul’s Letters,¹ but only in rabbinic literature did this category become the center of a stable and long-standing discursive structure.

In the book, we have shown different manifestations of this novel discourse, among them the systematic transformation of the biblical *ger* into a convert (*ger she-nitgayer*); the effort to find a place for in-between categories in the binary Jew-goy model (*Kuttim* and *meshumadim* are defected Jews; “Canaanite slaves” are like women and minors, etc.); the erasure of the biblical distinctions between different nations (Egypt; Edom; Amon and Moav); the privatization of the biblical *goyim* (as in R. Yehuda’s “identity benediction” - “who has not made me a *goy*” citing Isa. 40:17 “all *goyim* are nothing to Him” while transforming *goyim*-nations into *goyim*-gentiles).

But what about Josephus? Did the Jerusalemite priest place the *goy* as part of an absolute binary opposed to the Jew? Or did he develop it later, as a Roman citizen? Josephus deploys three central terms to describe people of non-Judean descent: *ethnē*, *hellēnes*, and *allophyloi* (and other *allo*- based compounds). I will examine each separately, while looking for possible differences between the *Judaeen War* and the works written during the nineties.

Among the different terms for the non-Jew, the simplest case to examine is *ethnē*. Josephus, like Philo, follows the Septuagint in using this term as a collective marker.² Both ignore, in the hundreds of times they use the phrase, the possible usage of it to designate individuals (found already in First and Second Maccabees).³

As for *hellēnes*, Tessa Rajak claims, in an important article, that Josephus sometimes uses it as a general description for non-Judeans. She believes that this demonstrates that *War* still represents the Judean ethos presenting a dichotomy of Jew versus gentile.⁴ But her claim that ““Greeks as a general description of non-

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¹ See our article “Paul and the Invention of the Gentiles”, *JQR* 105 (2015): 1-41.

² See James M. Scott, *Paul and the Nations* (Tübingen: J. C. B. Mohr Paul Siebeck, 1995), 85, 99.

³ See Ophir and Rosen-Zvi, *Goy*, 118-120.

⁴ Compare James S. McLaren, “Josephus and the Gentiles,” in *Attitudes to Gentiles in Ancient Judaism and Early Christianity*, eds. David C. Sim and James S. McLaren (London; New York:

Jews figure regularly in Josephus”⁵ should be, to my mind, reconsidered. Two sources are cited, but only one of these seems really convincing. *War* 1:94 (= *Ant.* 13:378), in which Alexander Jannaeus’s mercenaries are called “Greek,” hardly proves much. The mercenaries come from Pysidia and Cilicia, and thus are indeed Greek speakers. By contrast, in *Vita* 74, where oil made by non-Jews is called “Greek”, the term is indeed generalized.⁶ This is however an exception, a notable exception, but an exception, nonetheless. By the time Josephus wrote his *Life*, he had already adopted, as Rajak herself forcefully argues, a diasporic view of the Greeks, seeing them as a distinct culture considered on its own terms, not as part of a structured opposition, and not as simply “non-Judeans.”

Both Daniel Schwartz and Judith Lieu have claimed that long before Josephus, the term *hellēnes* was used by diasporic *Ioudaioi* to denote a cultural, non-ethnic identity, which is why it is more frequent in the Alexandrian 2 Maccabees than in the Judean 1 Maccabees.⁷ Rajak states that in *War*, Josephus usually deploys this term politically (e.g. in 2:365, where the *hellēnes*’ surrender to Rome is described), or culturally (e.g. when quoting *hellēnes* historians at the opening of this work), or for designating the common opposition between Greeks and Barbarians.

So even if we accept (retrospectively, to be sure) these clues as precursors of the Jew/gentile dichotomy, they are at best vague prototypes that do not constitute a functioning discursive formation. Josephus looks at different peoples in a manner that is not reducible to their opposition with Judeans. The vast majority of the usages of “*hellēnes*” in Josephus are indeed political. Judeans and *hellēnes* are contrasted as subordinate vs. dominant groups, in a similar manner to what we see in 2 Maccabees and in Philo’s apologetic works.⁸

Bloomsbury T & T Clark, 2013), 62–71 (65, 69), which translates all occurrences of “Greeks” as “gentiles.”

⁵ Tessa Rajak, “Ethnic Identities in Josephus.” In *The Jewish Dialogue with Greece and Rome: Studies in Cultural and Social Interaction* (Boston, MA; Leiden: Brill, 2001), 137–146, 139.

⁶ Cf. *War* 2:591. Compare also *Ant.* 12:120, where Josephus refers to the same oil as *allophylos elaios* (right after mentioning the Greeks who settled in the towns of Syria), which indicates that he did not refer to “Greek oil” as a technical term but rather as a synecdoche. For the prohibition of foreign oil, see Martin Goodman, “Kosher Olive Oil in Antiquity,” in *A Tribute to Géza Vermès: Essays on Jewish and Christian Literature and History*, eds. Philip R. Davies and Richard T. White (Continuum, 1990), 227–245; Jordan Rosenblum, “Kosher Olive Oil in Antiquity Reconsidered,” *Journal for the Study of Judaism*, 40 (2009), 356–365.

⁷ Daniel R. Schwartz, “The Other in 1 and 2 Maccabees.” In *Tolerance and Intolerance in Early Judaism and Christianity*, eds. Guy G. Stroumsa and Graham Stanton (Cambridge: Cambridge University Press, 1998), 30–37, 34; idem, “From the Maccabees to Masada: On Diasporan Historiography of the Second Temple Period.” In *Jüdische Geschichte in hellenistisch-römischer Zeit: Wege der Forschung: vom alten zum neuen Schürer*, eds. Aharon Oppenheimer and Elisabeth Müller-Luckner (Munich: Oldenbourg, 1999), 29–40, 39; Judith Lieu, “Not Hellenes but Philistines? The Maccabees and Josephus Defining the ‘Other.’” *Journal of Jewish Studies* 53 (2002): 246–63, 250–252.

⁸ On the ethno-political context of Jews/Judaeans in Josephus, see Mason, “Jews, Judaeans, Judaizing, Judaism,” 492. On Josephus’s use of the terms “Greek” versus “Syrian,” see Rajak,

In fact, *hellēnes* are most popular exactly where we would expect them – when Josephus discusses his competition with Hellenic historians and in the discussion of the origin of peoples (*Ant.* 1), where he records local strife between Judeans and the Hellenic inhabitants of Caesarea and Alexandria (*War* 2), and in his polemic against Apion.⁹

Now to the trickiest term: *allophyloi*. This word, which literally means “foreigners” or “people from another tribe,” is consistently used in the Septuagint to translate “Philistines.”¹⁰ In 1 Macc, it appears also in a more generalized manner, but is still rare in comparison to the more common *ethnē*.¹¹ At least half of the ten occurrences of *allophuloi* there can still be read as “Philistines,”¹² and even the more generalized uses are found in military contexts, similar to what we have seen regarding *ethnē*. Take, for example, 1 Maccabees 4:11-14:

Then all the *ethnē* will know that there is one who redeems and saves Israel. [Here the prayer ends. Then,] when the *allophyloi* looked up and saw them coming against them, they went out from their camp to battle. Then the men with Judas blew their trumpets and engaged in battle. The *ethnē* were crushed, and fled into the plain.

The first occurrence of *ethnē* is in the context of prayer; when the battle starts, it is the *allophyloi* who are advanced upon, and in their defeat, they are *ethnē* once again. The terms are interchangeable.¹³

Things are different for Josephus. He uses *allophyloi* very often, to the exclusion of other *allo-* terms.¹⁴ Scholars agree that this choice was an adaptation for a Hellenistic readership, but debate the precise import Josephus wished to convey with the term. Elias Bickerman emphasized the political and geographic connotation

Ethnic Identities in Josephus, 140–141. On Josephus’s distinction between bad Greeks and good Romans, see below, n. 48.

⁹ Karl Heinrich Rengstorff, *A Complete Concordance to Flavius Josephus* (Leiden: Brill, 1973). Cf. also Gregory Sterling’s description of Josephus as a representative of Eastern apologetic historiography: “he defines the Jewish people on the basis of their own records rather than through Hellenistic misconceptions” (Gregory E. Sterling, *Historiography and Self-Definition: Josephos, Luke-Acts, and Apologetic Historiography* [Leiden; New York: Brill, 1992], 308).

¹⁰ The Septuagint translates *nokhri* as *allotrios*; *ben-nekhar* and *zar* are translated as *allogenēs*. *Alloethnēs* is a hapax (3 Macc 4:6). See also below, n. 13.

¹¹ Cf. also the abstraction *allophylismos* (2 Macc 6:24) and the verbal form *allophylein* (4 Macc 18:4). See Lieu, “Not Hellenes but Philistines?,” 250-251.

¹² 3:41, 4:22, 4:30, 5:66, 5:68. See Lieu, “Not Hellenes but Philistines?,” 253. 4:30 is added to the list according to Uriel Rappoport, *1 Maccabees: Introduction, Translation, and Commentary* (Jerusalem: Yad Itzhak Ben-Zvi, 2004) ad loc.

¹³ This casts doubt on Schwartz’s claim (“From the Maccabees to Masada,” 39) that First Maccabees uses *allophylos* as a regular term for “gentiles.”

¹⁴ There are 84 occurrences, compared with ten for *alloethnēs* and 3 for *allogenēs*. It is thus “disproportionately favored by Josephus” (Lieu, “Not Hellenes but Philistines?,” 255).

of the term, which was “the usual antonym of the words which denotes a native of the land.”¹⁵ Judith Lieu further reads it in the context of Hellenistic political writing:

in Hellenistic historiography... *allophylos* frequently occurs in context of war and conquest, usually associated with such terms as ‘enemy’, ‘hostile’, ‘barbarian’ and in opposition to terms such as *omophulos*, ‘neighbors’, ‘kin... another example of his concern to present the Jews... within the framework of the conventions of Hellenistic historiography.¹⁶

Conversely, Daniel Schwartz claims that Josephus chose the term for its religious and non-ethnic connotation: *allophylos* for Josephus means “adherent of another religion,”¹⁷ as opposed to *allogenēs*, which marks rigid genealogy.¹⁸

In the debate whether Josephus’ *allophylos* is meant to highlight or downplay ethnic connotations, evidence can be cited for both sides. While Josephus rarely uses *allophylos* in his paraphrase of the Torah in *Antiquities*,¹⁹ he does use it in the context of the prohibition on marriage with foreign women.²⁰ Elsewhere, too, the term is deployed in what could be called “religious” contexts, when discussing

¹⁵ Elias J. Bickerman, “A Seleucid Proclamation Concerning the Temple in Jerusalem,” in *Studies in Jewish and Christian History: A New Edition in English Including the God of the Maccabees*, trans. Amram Tropper, I, 357–75, 362.

¹⁶ Lieu, “Not Hellenes but Philistines?,” 256. She reads the term also in First Maccabees as political and territorial, referring to “possession and alienation of the land” (252). Compare Tessa Rajak, *The Jewish Dialogue with Greece and Rome: Studies in Cultural and Social Interaction* (Leiden: Brill, 2001), 141–142. Rajak concludes that “the concept did not in itself carry the strong negative implications for him that the terms ‘gentile’ or ‘goy’ have done for Jews in many situations.”

¹⁷ Daniel R. Schwartz, “Yannai and Pella, Josephus and Circumcision,” *Dead Sea Discoveries*, 18 (2011), 339–59.

¹⁸ *Allogenēs* is reliably documented in Josephus only once, when the priests explain that their forefathers always accepted the sacrifices of foreigners (*War* 2:417). This is most likely a quotation of Lev 22:25 (LXX); see Matan Orian, “Gentiles and the House of the One God in Jewish Sources from the First Temple to the Hasmonean State.” Ph.D. diss., Tel Aviv University, 2015, 111–112. The term is found in the temple mount inscription, but Josephus rephrases the wording of the inscription to read *allophylos* (*War* 5:194, *Ant.* 12:145) or the (rare) term *alloethnes* (*Ant.* 15:417). Schwartz believes that the rephrasing is due to the more rigid meaning of *allogenēs*, possibly also excluding converts, but see Orian, 111.

¹⁹ Josephus does employ the term in prophecies for the future, such as Amram’s dream in *Ant.* 2:216, in which Amram is promised that his son, Moses, will be renowned not only among the Hebrews but also among the *allophyloi*. Josephus is famously also careful not to characterize the biblical characters as *Ioudaioi* but always as Hebrews or Israelites. See Paul Spilsbury, *The Image of the Jew in Flavius Josephus’ Paraphrase of the Bible* (Tübingen: Mohr Siebeck, 1998), 36–39.

²⁰ See, for example, the descriptions of Dinah and Shechem (1:338), Kozbi daughter of Zur (4:131), Ezra and the foreign women (11:150), Manasseh and Nicaso (11:306-307), Joseph and the dancer (12:187), and Anileus (18:345). On foreign women in Josephus, see Lieu, “Not Hellenes but Philistines?,” 257–259.

forbidden contacts with foreigners.²¹ But other uses tilt indeed toward the “political.” *Allophyloi* and *ethnē* are exchangeable for Josephus, and both are used in military contexts. This can be seen in his reworking of 1 Macc in *Antiquities*, where he sometimes uses *allophyloi* where *ethnē* or “enemies” appear in his source,²² and sometimes the other way around.²³ So it is doubtful whether we should ascribe to Josephus, even to late Josephus, any discreet notion of religion “with no political implications.”²⁴ But more importantly for our purposes, it seems that *allophyloi* connotes any kind of foreign-ness: geographic, religious, political, and ethnic.

Allophyloi are often synonymous with “enemies” (*allophyloi kai polemioi*; *War* 6:102. cf. *Ant.* 8:229, 9:16) and thus contrasted with *symmachoi*, “allies” (e. g. *War* 4:243). In *War* Josephus frequently contrasts *Ioudaioi* with Greeks and Romans,²⁵ mostly to highlight the cruelty of the Jewish fighters.²⁶ Thus, in *War* 1:27, the tyrannical leaders of the Jewish revolt are cruel to their *homophyloi*, as opposed to the humane treatment the Romans accorded to the same people, who were, to them, *allophyloi*.

Josephus usually contrasts *allophyloi* with *Ioudaioi* or “the people”²⁷ but also with “the locals,”²⁸ perhaps even when referring to other *Ioudaioi* who are not

²¹ The prohibition on gentile oil (*Ant.* 12:120), the temple warning inscription (*War* 5:194), and the proclamation of Antiochus III regarding foreigners entering the temple (*Ant.* 12:145). See Daniel R. Schwartz, “Should Josephus have ignored the Christians?,” in *Ethos und Identität: Einheit und Vielfalt des Judentums in hellenistisch-römischer Zeit*, ed. by Matthias Konradt and Ulrike Steinert (Paderborn: FSchöningh, 2002), 165–78.

²² Compare 1 Macc 4:12, 11:68, 11:74 to *Ant.* 12:308, 13:158, 13:163. Compare also 1 Macc 5:15: “Galilaian allophylōn” to Josephus, *Ant.* 12:331: “allōn ethnōn tēs galilaias.” On this phrase, see Marc Turnage, “The Linguistic Ethos of the Galilee in the First Century C.E.,” in *The Language Environment of First Century Judaea: Jerusalem Studies in the Synoptic Gospels—Volume Two*, eds. Randall Buth and R. Steven Notley (Leiden: Brill, 2014), 110–81, 134 and n108.

²³ *Ant.* 12:336, 12:340. For Josephus’s tendentious reworking of 1 Maccabees, see Isaiah Gafni, “On the Use of 1 Maccabees by Josephus,” *Zion*, 45 (1980), 81–95.

²⁴ Daniel R. Schwartz, *Studies in the Jewish Background of Christianity* (Tübingen: J. C. B. Mohr, 1992), 33. See also Steve Mason, “Jews, Judaeans, Judaizing, Judaism: Problems of Categorization in Ancient History,” *Journal for the Study of Judaism* 38 (2007): 457–512; Carlin A. Barton and Daniel Boyarin, *Imagine No Religion: How Modern Abstractions Hide Ancient Realities* (New York: Fordham University Press, 2016).

²⁵ See McLaren, “Josephus and the Gentiles.” A clear example is *War* 2:466–476, where Josephus reports how the Judeans of Scythopolis betrayed their fellow Judeans (*oikeioi*, *sungenikoi*, *homophyloi*; see also *Vita* 26 and *Ant.* 12:336, where the opposition is to *homoethnēs*) and put their faith (*pistis*) in the *allophyloi* (once: *alloethnē*).

²⁶ On the series of appositions between the behavior of the Judeans and the foreigners in the war on Jerusalem, see *War* 2:30, 4:243, 4:262, 4:275, 4:397, 5:362, 5:563, 6:102, and 6:126.

²⁷ *Homophyloi*, e.g. *War* 2:466, 4:16, 6:4, *Ant.* 9:231. Cf. also the term “strange nations,” *ethnesin allophylois*, in *War* 3:41. In *War* 2:412, *allophyloi* is parallel to “foreign [literally: outside] nations,” *tōn exōthen ethnōn*.

²⁸ *War* 2:64; cf. 2:85. For the geographical import of *allophyloi*, compare 3 Macc 3:6–8, which contrasts foreigners with Alexandrians.

residents of Jerusalem or Judaea.²⁹ He says that he himself is an *allophylos* in Rome³⁰ and that the *Ioudaioi* are *allophyloi* to the Romans and Syrians.³¹ He also speaks of those *allophyloi* dwelling at the end of the earth (*apo peratōn gēs*) who adore the temple.³² There is also an *allophylos* ethos (*War* 6:115): *Allophyloi* have different laws and a different lifestyle (*diaitia*), which is why living under them is so hard for “us” (*Ant.* 16:2). As in *Aristeas*, Josephus justifies segregation by invoking differences in ways of life. Thus, he explains that the heirs of Alexander the Great gave the *Ioudaioi* their own quarter of the city, so that “through mixing less with *allophyloi*, they might be free to observe their rules more strictly” (*War* 2:488).

Despite the different contexts and tenor, I have found no significant transformation between *War* and *Antiquities*³³ in their use of *allophylos*. I do not believe that the term is a remnant of Josephus’s “Judean” thought patterns. He continued to deploy the term even when it does not appear in his “Judean” source, whether his own *War* or First Maccabees. It appears in *Antiquities* when absent in the parallel passage in *War* and vice versa.³⁴ Josephus does not seem to avoid the term in his later work for being overly “ethnic,” or favor it for its “religious” overtones. His usage of *allophyloi* is thus first and foremost a testimony to a semantic expansion. In the Septuagint, it designates a specific collective. In Maccabees, it can denote biblical *ethnē* in general. Josephus uses the term also in

²⁹ *War* 5:18. Compare 6:126 and *Ant.* 18:355. See the note by Israel Shatzman in *History of the Jewish War Against the Romans*, trans. Lizah Ulman (Jerusalem: Carmel, 2009), 441.

³⁰ *War* 1:16 and 4:627. In *Jos. Asen.* 4:9, Joseph is described as an *allophylos* in Egypt. Hecataeus of Abdera also calls the Judeans *allophuloi* in Egypt, along with Greeks and other nations.

³¹ *War* 1:27, 2:463, 4:502.

³² *War* 4:262. For the geographic context, see E. J. Bickerman, “A Seleucid Proclamation Concerning The Temple In Jerusalem,” in *Studies in Jewish and Christian History*, ed. by Amram Tropper (Leiden: Brill, 2007), 357–75.

³³ Scholars have noted the basic continuity in Josephus’s works, despite clear differences between them. See Mason, *Understanding Josephus*, 68 (“a single project”); Sterling (“direct line of continuity”). On this trend in Josephus’s scholarship, see Helen Katharine Bond, “New Currents in Josephus Research,” *Currents in Research: Biblical Studies*, 2000, 162–90, 165. On the continuity in terminology, see Shaye J. D. Cohen, “‘Ioudaios to Genos’ and Related Expressions in Josephus,” in *Josephus and the History of the Greco-Roman Period: Essays in Memory of Morton Smith*, eds. Fausto Parente and Joseph Sievers (Leiden: Brill, 1994), 23–38, 38. For the claim that the Hebrew Scriptures become central for Josephus only in his diasporic stage, see Michael L. Satlow, *How the Bible Became Holy* (New Haven: Yale University Press, 2014), 246. For a “certain discontinuity” in Josephus’s ideas of divine providence, see Harold W. Attridge, *The Interpretation of Biblical History in the Antiquitates Judaicae of Flavius Josephus* (Missoula, Mont.: Scholars Press, 1976), 80n1, 150–151, 154.

³⁴ See e.g. *Ant.* 12:120, 13:382, and *War* 1:152. A comparison of parallel treatment of the same events, the riots of 4 C. E., in *War* 2:64 and *Ant.* 17:277, shows that Josephus uses this term in both accounts, but in a different place, which testifies to a live usage rather than a technical copying. See also the opposition of Jewish and foreign towns in *War* 2:85 adopted twice in *Ant.* 17:306 and 19:329.

non-political frameworks, while reserving *ethnē* for political contexts only. The non-political *goy*, which generates a break with biblical “nations,” is not attested here.

Diasporism

But even without committing to a dichotomy between the later and the earlier models in Josephus or to a shift from ethnic affiliation to “religion,” from Judean to Jew; the scholarly description of the later Josephus as a “diasporic” figure has significant explanatory power.³⁵ Despite the clear differences between the two in place and time, Josephus’s perspective is very close to that of Philo.³⁶ The latter was a Jewish-Alexandrian of noble birth, while the former, a Pharisee and a soldier, was exiled to Rome and became a client of the imperial court. And unlike Philo, “Josephus is not a systematic thinker.”³⁷ But both lived most of their adult lives as diasporic *Ioudaioi* under the Empire (Josephus was awarded citizenship; we are not sure about Philo),³⁸ and engaged in apologetics³⁹ in the face of civic unrest under direct Roman rule.⁴⁰ It is no surprise, therefore, that both identified deeply with Joseph and Moses in the Pharaonic court.⁴¹

³⁵ Schwartz, “From the Maccabees to Masada”; idem, *Judeans and Jews: Four Faces of Dichotomy in Ancient Jewish History* (Toronto: University of Toronto Press, 2014), chap. 3; idem, *Reading the First Century: On Reading Josephus and Studying Jewish History of the First Century* (Tübingen: Mohr Siebeck, 2013), 146–166.

³⁶ For Josephus knowledge of Philo see Sarah Pearce, *The Land of the Body: Studies in Philo’s Representation of Egypt* (Tübingen: Mohr Siebeck, 2007), 39 n228; Michael Tuval, *From Jerusalem Priest to Roman Jew: On Josephus and the Paradigms of Ancient Judaism* (Tübingen: Mohr Siebeck, 2013), 136 n37. Scholars today tend to read Philo as inward-facing and Josephus as outward-facing, but both writers may have had multiple audiences. For Josephus, see Mason, *Understanding Josephus*, 65–72; Bond, 173; Tuval, 147–148.

³⁷ Shaye J. D. Cohen, “Respect for Judaism by Gentiles According to Josephus,” 409. On the importance of theology for Josephus, see Jonathan Klawans, *Josephus and the Theologies of Ancient Judaism* (New York: Oxford University Press, 2012).

³⁸ Tuval, 27 and the references in n. 96.

³⁹ On the similarity between *Apion* and *Flac.*, and the possible literary dependence of the former on the latter, see Shaye J. D. Cohen, “Respect for Judaism by Gentiles According to Josephus,” 425. The question of whether Josephus is writing a defensive apologetic, as Gregory Sterling proposes, or a confident outreach pamphlet, as per Steve Mason, is immaterial for our purposes. For a critical discussion of these approaches, see Barclay, *Flavius Josephus Against Apion*, 198–200.

⁴⁰ Goodman, “Josephus as Roman Citizen.” For Philo’s Roman context, see Niehoff, *Philo on Jewish Identity and Culture*.

⁴¹ See Philo’s works on Moses and Joseph. On Josephus, see Per Bilde, “Contra Apionem 1:28–56: An Essay on Josephus’ View of His Own Work in the Context of the Jewish Canon.” In *Josephus’ Contra Apionem: Studies in Its Character and Context with a Latin Concordance to the Portion Missing in Greek*, edited by Louis H. Feldman and John R. Levison (Leiden: Brill, 1996), 94–114, 94–95; Spilsbury, *The Image of the Jew*, 91–92.

Philo and Josephus also betray Deuteronomistic influence.⁴² They read intermarriage as a cultural problem – symptoms of attraction to a foreign law and forgetting God’s *nomos*.⁴³ Both present the Torah as a source of pride for Jews and a possible attraction for all nations.⁴⁴ But both also *adapt* this aspect of Deuteronomistic theology to accommodate other peoples. They thus downplay the importance of the *diathēkē*, the Deuteronomistic covenant, due to its exclusive nature.⁴⁵ They also diminish the importance of a theology based on the biblical land and subordinate it to a model of a diaspora coexisting with a homeland.⁴⁶ They also encourage separatism from “the nations,”⁴⁷ but these nations are conceptualized as many and distinct from each other.⁴⁸

For both Philo and Josephus, the focal point is neither the land nor the temple, but the law, which they interpret as an exceptional kind of political constitution.⁴⁹ Most of their corpora are dedicated to expounding it.⁵⁰ Both Philo and Josephus see

⁴²Attridge, 86, 164; Tuval, 149. Deuteronomy is central for Josephus’s narration of the Law. See David Altshuler, “On the Classification of Judaic Laws in the ‘Antiquities’ of Josephus and the Temple Scroll of Qumran,” *AJS Review*, 7 (1982): 1–14.

⁴³ Sarah Pearce, “Rethinking the Other in Antiquity: Philo of Alexandria on Intermarriage,” *Antichthon*, 47 (2013): 140–55, 148–150 and on 174 n29 for Josephus.

⁴⁴ *Apion* 2:282–283. See also Louis H. Feldman, *Jew and Gentile in the Ancient World: Attitudes and Interactions from Alexander to Justinian* (Princeton: Princeton University Press, 1993), 293–298; Shaye J. D. Cohen, “Respect for Judaism by Gentiles According to Josephus”; Borgen, *Philo of Alexandria*, 207.

⁴⁵ Attridge, 81–83; Paul Spilsbury, “God and Israel in Josephus: A Patron-Client Relationship,” in *Understanding Josephus*, ed. by Steve Mason (Sheffield: Sheffield Academic Press, 1998), 172–91; idem, “Reading the Bible in Rome: Josephus and the Constraints of Empire,” in *Josephus and Jewish History in Flavian Rome and beyond*, ed. by Joseph Sievers and Gaia Lembi (Leiden: Brill, 2005), 209–27; Steve Mason, *Judean Antiquities 1-4* (Boston: Brill, 2000), ix–xxvi; Tuval, 188 n85.

⁴⁶ Betsy Halpern Amaru, “Land Theology in Josephus’ ‘Jewish Antiquities,’” *The Jewish Quarterly Review*, 71 (1981): 201–29, 211. For Philo’s combination of Jerusalem as *metropolis* and Alexandria as *patria*, see Niehoff, *Philo on Jewish Identity and Culture*, 34–44.

⁴⁷ See e.g. Philo *Mos.* 1:278 and Josephus *Ant.* 1:192. Josephus emphasizes separatism more forcefully than Philo; see e.g. *Spec.* 1:7–4. See also above n. 20 for Josephus’s emphasis on separating from foreign women.

⁴⁸ “his critique of ‘Gentiles’ is actually very carefully targeted against Greeks and Egyptians, while he seems to go out of his way to avoid criticism of Romans, whose values he supports at every turn” (Barclay, *Flavius Josephus Against Apion*, p. 199).

⁴⁹ For the conception of the *nomos*-as-constitution as a central characteristic of the diasporic Jewish community see Gafni, “On the Use of 1 Maccabees by Josephus”; Schwartz, “From the Maccabees to Masada” 34; idem, *Reading the First Century*, 161–164; Tuval, 8–12. Tuval correctly distinguishes between reading the Torah as one of the markers of ethnic identity, which most Jewish writers share, and reading it as the Jewish “constitution.” He further claims (*ibid.*, 11, 24) that rabbinic Judaism adopted this diasporic model post-destruction.

⁵⁰ As Steve Mason convincingly shows, the central aim of *Antiquities* is a comprehensive description of this Judean constitution. See especially Mason, *Judean Antiquities 1-4*, ix–xxvi; Tuval, 137–141. Mason divides the different eras in *Antiquities* according to the state of the

the Jews as a combination of *genos*⁵¹ and *politeia*.⁵² For both, the Jews are an exception, not a “third race.”⁵³ But for both the interest in the exception is not defined by or derived from any systematic antagonistic account of the rule to which Israel or the Jews were an exception. Rather, the exception was understood in its own terms, the terms of Israel’s constitution, which Philo interpreted theologically, and Josephus - first and foremost politically and historically.⁵⁴ And thus for both, the place of alterity in understanding this exceptionality was marginal and inconsequential.

Lastly, both Philo and Josephus distinguish between biblical Israel and contemporary *Ioudaioi*, dedicating separate compositions to each context. The apologetic lens with which they look at *contemporary* affairs is thoroughly political, thus assuming both multiplicity and specificity. These two factors - multiplicity and specificity - will be neglected completely by the rabbis. Adopting the historical postulate that Sanheriv mixed the nations (m. Yad. 4:4), the tannaim treat them all as one, effectively erasing all differences among them.

Here is an example: For both Josephus and the rabbis, “Philistines” are a biblical people, which exist in their time in the text alone, and marking there an opposition to Israel (for one, they are the epitome of those “uncircumcised”). This makes them especially likely for symbolic appropriation. And yet, as Michael Avioz has meticulously shown, Josephus never makes the “Philistines” into a symbol of

constitution: establishment, decline, restoration, and, lastly, in books 18-20, the “world-wide effectiveness of the Judean constitution” (ibid, p. xxii). Josephus sure-footedly follows Philo in his description of the universal efficacy of the Torah. In his reworking of his sources he is sure to add observation and upholding of the law where they are not found in the originals.

⁵¹ Spilsbury, *The Image of the Jew*, 12; Cohen, “‘Ioudaios to Genos’ and Related Expressions in Josephus.”

⁵² See Lucio Troiani, “The Politeia of Israel in the Greco-Roman Age,” in *Josephus and the History of the Greco-Roman Period: Essays in Memory of Morton Smith*, eds. Fausto Parente and Joseph Sievers (Leiden: Brill, 1994), 11–22, 12 (Josephus); 16 (Philo). For Philo, see also Harry A. Wolfson, 2:354, 398, 400–402; Birnbaum, *The Place of Judaism in Philo’s Thought*, 228; Shaye J. D. Cohen, “Respect for Judaism by Gentiles According to Josephus,” 411. See also Wolfson’s (ibid, 359-364) reading of Philo’s interpretation of brotherhood in biblical law as a combination of citizenship and genealogy. Wolfson sees this phenomenon as similar to the rabbinic inclusion of proselytes in the commandments of brotherhood. But the multiplicity and fuzziness of group fealty terms in Philo shows that this cannot be reduced to a quasi-rabbinic model. Compare Josephus’s opposition between Jewish *politeia* and *hellēnikēn politeian* in *Ant.* 12:240. On *politeia* and the documentary papyri, see Joseph Modrzejewski, “Jewish Law and Hellenistic Legal Practice in the Light of Greek Papyri from Egypt,” in *An Introduction to the History and Sources of Jewish Law*, ed. Neil S. Hecht (Oxford: Clarendon Press, 1996), 75–97, 83–84.

⁵³ On exceptionalism in Josephus, see Spilsbury, *The Image of the Jew*, 217-221. See, for example, his reading of Balaam’s prophecies, with Attridge, 82; Spilsbury, “Reading the Bible in Rome,” 218.

⁵⁴ This can be exemplified from their different conceptualizations of conversion. Josephus does not see it first and foremost as a matter of turning from idolatry and toward the true God, as Philo does, but rather as an adoption of new laws and costumes (*Con Ap* 2:123, 210 and passim).

“Otherness”, but, quite the contrary, treat them with all their ethnic specificity.⁵⁵ For the rabbis, by contrast, the Philistines lose any concreteness, and become an abstract symbol of ethnic otherness. Thus, the Mishnah (Ned 3:11) says that “foreskin” is a nickname for “gentiles” and then goes on to cite a series of verses on the foreskinned Philistines (1 Sam 17:36; 2 Sam 1:20; Jer 9:25). Clearly, the scriptural Philistines are conceived there as but a metonym for gentiles in general.⁵⁶

True, in the context of Josephus biblical narratives, the relationships between Israelites and others are more abstract than in his political treatises. And yet there too, the nature of their shared concept of Jewish exceptionalism does not allow for a Jew/*goy* model to develop. In other words, the centrality of the law prevents Philo’s and Josephus’s exceptionalism from developing into a real dichotomy. Just as the Deuteronomistic discourse of “other gods” that is not translated into an independent concept of *human* otherness, so too this reworked, partly Deuteronomistic, *nomokratic* model⁵⁷ does not develop an abstract, binary structure of Jews vs. gentiles. It still assumes a plurality of constitutions and the flexibility to adopt a constitution. Only with the birth of the *goy* will all those who are not Jews receive a singular, unified, negative, name, thus collapsing all the various entities and distinctions into one binary, dichotomous, a-political, structure. But this is already a different chapter of that story, the story of the rabbis and of the birth of the *goy*.

⁵⁵ Michael Avioz, “The Philistines in Josephus’s writings,” *Theologische Zeitschrift* 71 (2015): 144-155. This is also the reason why Josephus does not follow the LXX in translating Philistines as *allophyloi*, but rather calls them *Palaistinoi*. Josephus’s ethnographic sensitivity is also applied to his own people. See, for example, his clear historical distinction between the names “Israelite” (used in Ant. 1-11) and “Ioudaios” (used for the Persian period and on). See Peter Tomson, *Studies on Jews and Christians in the first and Second Centuries*, Tübingen 2019, 203.

⁵⁶ On this source see further Yedida Koren, ‘Ha-Orla Vehe-Arel Ba-Sifrut Ha-Yehudit Ha-Atika, vi-Yetsirat “He-Arel Ha-Yehudi”’ (MA Thesis, Tel Aviv University, 2014). For the very different opinion of Jubilees on this matter, see Michael Segal, *The Book of Jubilees: Rewritten Bible, Redaction, Ideology and Theology* (Leiden: Brill, 2007), 192–193.

⁵⁷ For Josephus’s *theokratia* as actually a *nomokratia*, see David C. Flatto, “Theocracy and the Rule of Law: A Novel Josephan Doctrine and Its Modern Misconceptions,” *Diné Israel*, 2011, 5–30.