

Jewish Attitudes towards the Imperial Cult¹

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Introduction

The topic of Jewish attitudes towards imperial cult has rarely been considered particularly controversial. Jews were not supposed to have engaged in pagan cult practice themselves and certainly did not acknowledge the divinity of previous and current emperors. Such an attitude seems almost self-evident for any monotheistic religion: the recognition of other gods would be self-contradictory, thereby undermining its monotheistic principles. Within this reasoning there are few grounds to suppose that the worship of the emperor and past emperors would be exceptions to the general rule.

Such an argument from logic can be supported by reference to a few sources from antiquity. It is typically thought that participation in imperial cult activities would contravene the Biblical prohibition on worshipping other gods.² However, one of the most influential pieces of evidence on the subject is a passage in Philo's *Legatio ad Gaium*. This text refers to events in 40 C.E. and concerns the Jewish embassy, of which Philo was a part, which met with Gaius at the time when he had decided to have his statue installed at the Temple in Jerusalem.³ In Philo's narrative, the opposing, non-Jewish embassy accused the Jews of not being loyal, an allegation which the Jewish embassy vehemently denies. The relevant part of the text is given below:

γανύμενον δὲ ταῖς ὑπὲρ ἀνθρωπίνην φύσιν προσήρῃσει θεασάμενος ὁ πικρὸς συκοφάντης Ἰσίδωρος 'ἔτι μᾶλλον' ἔφη, 'δέσποτα, μισήσεις τοὺς παρόντας καὶ τοὺς ὧν εἰσιν ὁμόφυλοι, ἐὰν γνῶς τὴν εἰς σὲ κακόνιοιαν αὐτῶν καὶ ἀσέβειαν· ἀπάντων γὰρ ἀνθρώπων ὑπὲρ σωτηρίας τῆς σῆς θυσίας ἀναγόντων εὐχαριστηρίους, οὐχ ὑπέμειναν οὗτοι μόνοι θύειν· ὅταν δὲ οὗτοι λέγω, καὶ τοὺς ἄλλους Ἰουδαίους συμπααραλαμβάνω.'

ἀναβοησάντων δὲ ἡμῶν ὁμοθυμαδὸν 'κύριε Γάιε, συκοφαντούμεθα· καὶ γὰρ ἐθύσαμεν καὶ ἑκατόμβας ἐθύσαμεν, οὐ τὸ μὲν αἷμα τῶ βωμῶ περισπείσαντες τὰ δὲ κρέα εἰς θοίνην καὶ εὐωχίαν οἴκαδε κομίσαντες, ὡς ἔθος ἐνίοις ποιεῖν, ἀλλ' ὀλόκαντα τὰ ἱερεῖα παραδόντες τῇ ἱερᾷ φλογί, καὶ τρίς, οὐχ ἅπαξ, ἤδη· πρῶτον μὲν ὅτε διεδέξω τὴν ἡγεμονίαν, δεύτερον δὲ ὅτε τὴν βαρεῖαν νόσον ἐκείνην ἦν πᾶσα ἡ οἰκουμένη συνενόσησεν ἐξέφυγες, τρίτον δὲ κατὰ τὴν ἐλπίδα τῆς Γερμανικῆς νίκης.'

'ἔστω' φησὶ 'ταῦτα ἀληθῆ, τεθύκατε, ἀλλ' ἑτέρω, κἂν ὑπὲρ ἐμοῦ· τί οὖν ὄφελος; οὐ γὰρ ἐμοὶ τεθύκατε.'

¹ I would like to thank the participants in the *Workshop in the Abrahamic Religions* in June 2013, where I presented a preliminary paper on this topic. Further thanks are due to Prof. Martin Goodman for his comments on a later version of this article.

² Deut. 6:14; Ex. 20:3. See also the injunction in Ex. 23:13 not to mention the names of other gods.

³ While the embassy encountered Gaius at this time, it was originally sent to the emperor on an unconnected matter.

Seeing that he [Gaius] was delighted at being addressed as of more than human nature the virulent sycophant Isidorus, said, ‘My lord, you will hate still more these people here present, and those of whose nation they are, if you understand their malevolence and impiety towards you. For when all men were offering sacrifices of thanksgiving for your preservation they alone could not bear the thought of sacrificing. And when I say “they” I include also the other Jews.’

We [the Jewish embassy] cried out with one accord, ‘Lord Gaius, we are slandered; we did sacrifice and sacrifice hecatombs too, and we did not just pour the blood upon the altar and then take the flesh home to feast and regale ourselves with it as some do, but we gave the victims to the sacred fire to be entirely consumed, and we have done this not once but thrice already, the first time at your accession to the sovereignty, the second time when you escaped the severe sickness which all the habitable world suffered with you, the third as a prayer of hope for victory in Germany.’

‘All right,’ he replied. ‘that is true, you have sacrificed, but to another, even if it was for me; what good is it then? For you have not sacrificed to me.’⁴

Of particular interest is the reason for this alleged disloyalty: Isidorus accuses the Jews of malevolence (κακόνοια) and impiety (ἀσέβεια) towards the emperor because they have not sacrificed for his preservation (ὕπερ σωτηρίας τῆς σῆς). They respond with a precise description of exactly how they have sacrificed — offering hecatombs⁵ — and how many times — thrice during Gaius’ reign. Gaius, however, then moves the goalposts: sacrificing *on his behalf* (ὕπερ ἐμοῦ) is worthless; what is required is that they sacrifice *to him* (ἐμοί). This differs from Isidorus’ original requirement so that, in Philo’s presentation, Gaius is actually now asking of the Jews a duty beyond that demanded of the rest of his subjects, who only offer sacrifices ὑπερ σωτηρίας τῆς σῆς, literally, ‘on behalf of your [Gaius’] safety,’ or to use the Loeb translation, ‘for your preservation.’ Philo therefore brings the unreasonable nature of this demand to the fore.

This was not a demand typically made of the empire’s Jewish population by their emperors: Gaius appears to have been something of an exception in asking that Jews make cult offerings to him.⁶ Nevertheless, the sentiments expressed in this passage have come to underlie modern opinions on Jewish attitudes to the cult of the emperor more generally, and it is assumed that the distinction made therein embodies Jewish opinions on the matter: Jews would happily offer sacrifices to their own god on the emperor’s behalf, but sacrificing to him directly was out of the question. Thus, they proved their loyalty and offered their full support to their emperor but refused outright any act of cult that might imply acknowledgment of his superhuman nature or indeed that of his deified predecessors.

Perhaps because Philo’s testimony fits so well with the Biblical prohibition and the general argument from logic, little has been done in modern scholarship to elucidate this

⁴ Philo, *Legat.* 355-357. All translations of classical authors throughout this paper are from the Loeb editions, unless otherwise stated.

⁵ Jewish modes of sacrifice were known to differ from those of pagans in antiquity: for example, Hecataeus of Abdera comments on the subject (*apud* D.S. 40.3.4).

⁶ See Noy (2001), 69 on Caligula and *passim* for one of the few recent studies of Jews and imperial cult.

picture further.⁷ Yet closer examination might sound a note of caution. Philo's opinion is the opinion of just one Jew and, at that, an educated Alexandrian Jew. He might represent a wider Jewish mindset but cannot automatically be assumed to do so. Biblical injunctions too might be interpreted differently from place to place and time to time. The varying interpretations of the ban on images would seem sufficient warning against assuming unanimity of thought and action in Graeco-Roman times based upon a Biblical injunction. This alone would appear to be reason enough to justify a reconsideration of the topic at hand. Yet beyond this, there is some evidence from antiquity which might suggest that the question is not quite as straightforward as logic would have us suppose, and that Jews could, to varying degrees, engage with imperial cult in ways other than simply sacrificing on the emperor's behalf. Indeed, on their strongest reading, these antique testimonies might even lead us to question the basic principle that Jews could on no account engage with the emperor's superhuman nature.

Furthermore, there has been an increased wariness about the term "imperial cult" among scholars working on ancient Graeco-Roman religion. This is based on the idea that the term might imply a coherence which was wholly lacking from the reality of the ancient world: in fact, the situation was much more complex, and "imperial cult" is now taken to refer to a wide variety of ways in which the emperor and his family were connected with the world of the gods.⁸ The term will continue to be employed here since convenient alternatives are somewhat lacking, but it will be used to designate this new, wider understanding, well summarized by James Rives:

What in fact we find is a wide range of practices and images that in very different ways established some association between the emperor and his household on the one hand and the divine sphere on the other ...⁹

When these two aspects of the problem are laid side by side, a straightforward assertion that Jews did not engage in imperial cult becomes increasingly problematic, since we rule out a wider range of activities than pure worship. Indeed, even if we subscribe to Philo's distinction between sacrifices *to* and sacrifices *on behalf of*, the latter could still be thought to come under the broad sphere of cult participation in this new definition. As such, a reassessment of the issue is probably timely.

The Evidence of the Papyri

Amongst the Judaean desert documents are the archives of two Jewish women, Babatha and Salome Komaise.¹⁰ These papyri date from the late first century to just before the

⁷ Bennett (2007) is the most recent study on this subject, though her focus is primarily on the Herodian use of imperial cult and its implications. Noy (2001) examines Jews and imperial cult but more from the perspective of imperial policy on the subject. Attempts to delineate precise Jewish ideas on this matter have been somewhat lacking, as Noy (2001), 69 himself observes.

⁸ See Rives (2010), 256 for an excellent summary of the state of affairs on this term and *ibid.*, 252-256 for a more general summary of scholarly trends on this subject.

⁹ Rives (2010), 256.

outbreak of the Bar Kochba revolt and contain a variety of legal and administrative documents that belonged to these women and various members of their families. They lived in the small village of Maoza on the southern coast of the Dead Sea, which was part of the Nabataean Kingdom until 106 C.E. when it was brought under direct Roman rule. In the decades since their discovery, the documents have generated a large amount of scholarly debate, particularly on the operative law(s) that we find within this particular community.¹¹

Two documents from these archives are of particular relevance to the issue at hand. Both are land registrations from the same census, conducted in the province of Roman Arabia in 127 C.E. The relevant parts of the texts are reproduced below.

X *Ḥev* / Se 61 (April 25, 127 C.E.)¹²

μο[]ρ. *traces* λος
 Λειουου ὄμνυμι τύχην Κυρίου Καίσαρος κ[α]λῆ πίστει ἀπο-
 γεγράφθαι ὡς προέγραπται μηθὲν ὑποστειλάμενος. ἐ[γράφη διὰ]
 χειροχρήστου Οναινου Σααδαλλου. Ἑρμην{ν}εία ὑπογραφή[ς τοῦ]
 ἐπάρχου. Πρεῖσκος ὑπαρχος ἐδεξάμην πρὸ ἐπτὰ κα[λανδῶν]
 Μαίων.

I, –los or –las son of Levi, swear by the tyche of the Lord Caesar that I have in good faith registered as written above, concealing nothing. W[ritten by] the chirochrista Onainos son of Sa‘adolos. Translation of the subscription of [the] prefect: I, Priscus prefect, received [this] six days before the Ka[lends] of May.

P. Yadin 16 (December 2 and 4, 127 C.E.), ll. 33-38¹³

ἐρμηνεία ὑπογραφῆς· Βαβ-
 θα Σίμωνος ὄμνυμι τύχην κυρίου Καίσαρος καλῆ πίστει ἀπογε-
 γράφθαι ὡς προέγραπ[τα]ι. Ἰουδάνης Ἐλαζάρου ἐπιτρόπευ[σ]α καὶ ἔγρα-
 ψα ὑπὲρ αὐτῆς. [Second hand] ἐρμηνεία ὑπογραφῆς τοῦ ἐπάρχου· Πρεῖσκος ἑπάρχος
 ἰπέων ἐδεξάμην τῇ πρὸ μᾶς νωνῶν Δεκεμβρίων ὑπατίας Γαλλι-
 κ[αν]οῦ [καὶ Τιτιανοῦ].

Translation of the subscription: I, Babtha daughter of Simon, swear by the tyche of our lord Caesar that I have in good faith registered as has been written above. I, Judanes, son of Elazar, acted as guardian and wrote for her. [Second hand] Translation of the subscription of the prefect: I, Priscus, prefect of the cavalry, received [this] on the day before the nones of December in the consulship of Gallicanus and Titianus.

In both of these registrations, the land-owners swear ‘by the τύχη of Lord Caesar’. The fact that this appears in both documents suggests it was probably a standard oath

¹⁰ The Greek part of the Babatha archive is published in Lewis (1989), the Nabataean and Jewish Aramaic documents may be found in Yadin et al. (2002). The archive of Salome Komaise is published in Cotton and Yardeni (1997).

¹¹ Notable contributions include the many articles throughout the 1990s and 2000s on the subject by Hannah Cotton, Katsoff and Schaps’ (2005) edited volume and Oudshoorn (2007), the only monograph on the subject.

¹² Text and translation is taken from Cotton and Yardeni (1997).

¹³ Text and translation from Lewis (1989) with one minor change: Lewis (1989), 68 translates τύχη as *genius*.

formula for this particular region.¹⁴ Of particular significance, however, is the fact that the oath is sworn by two Jews, and there is indeed little room for doubt that the oath takers are Jews. The son of Levi is thought to be Jewish based on the nomenclature of his father and the rest of his family. The general context of the archives also reinforces the impression of his Jewish identity; we should note that one of the documents in this archive and several in that of Babatha were written in Jewish cursive script.¹⁵ Additionally, Babatha's marriage certificate is an early example of a *ketubbah*, which is explicitly written — in Jewish Aramaic — according to 'the law of Moses and the Judaeans'.¹⁶ Her son is also described as a Ἰουδαῖος in one document.¹⁷ Any attempt to deny the Jewish identity of the landowners therefore seems entirely fruitless.

In her initial publication of *X Hev / Se* 61, Hannah Cotton observed the oddity of the formula in this Jewish context, commenting:

'It would seem that the Jews of the period in question were less conscious — even oblivious — of the religious implication from the standpoint of a monotheistic Jewish theology of an oath by the Emperor or by his tyche. It is not necessary to assume that they felt coerced into using the formula. One's expectations of what Jews would or would not do at certain periods of their history are often belied by the evidence ... Babatha and the swearer in frag. a [*X Hev / Se* 61] swore by the tyche of the emperor as a matter of course. They simply followed local custom in this as well as in their other contacts with the authorities.'¹⁸

P. Yadin 16 is also briefly mentioned by David Noy as evidence that 'one Jew living just south of the Dead Sea was willing to swear by the fortune (τύχη) of the emperor'.¹⁹ Yet these two oaths have remained somewhat peripheral to the study of Jewish attitudes to imperial cult and, indeed, if considered at all, are seen as something of an exception to the rule that has been outlined above. But if the position is that all that can be said of these papyri is that two Jews were willing to swear an oath by the τύχη of the emperor, can any more really be said of the Philo passage than that one Jew thought it incorrect to sacrifice to the emperor? Rather than prioritising one source over the other, perhaps we should begin by putting both sets of evidence on an equal footing.

The Significance and Meaning of the Oath

Nevertheless, before giving both sources equal weight, it is necessary to address some of the objections that might be posed in evaluating the oath formula cited above as representative of (some) Jewish attitudes towards imperial cult or indeed as posing a problem at all. It has already been demonstrated that the oath takers are Jews, but does the wording of the oath itself really cause such a problem? In short: does the oath, as

¹⁴ We have the remains of a further registration document from the area (*X Hev / Se* 62), though unfortunately the end section where the oath would have appeared has been lost, meaning we cannot use it to verify further the standardization of this particular formula.

¹⁵ *X Hev / Se* 12; *P. Yadin* 7, 8, and 10.

¹⁶ *P. Yadin* 10, l. 5: כד[ר] מושה ויהוה דאי.

¹⁷ *P. Yadin* 12.

¹⁸ Cotton (1991), 267.

¹⁹ Noy (2001), 80.

formulated here, truly imply a degree of acknowledgment of the emperor's divine, or at least superhuman, nature?

It could be argued that those registering their property were unaware of the form of the oath that they swore. To take *P. Yadin* 16 first: the preserved text of the papyrus is a Greek translation of Babatha's original attestation, made in all likelihood in Jewish Aramaic. This was written for her by her second husband, Judah, son of Eleazar. The reason that her husband writes for her is usually thought to be Babatha's illiteracy, which is explicitly referred to in another papyrus from her archive: someone writes on her behalf 'because of her not knowing letters' (διὰ τὸ αὐτῆς μὴ εἰδέναι γράμματα).²⁰ This phrase, familiar from the Egyptian papyri, commonly denotes illiteracy, though it can have a limited reference to illiteracy only in the Greek language.²¹ The phrase here has, however, generally been considered to denote illiteracy in all languages,²² and its inclusion could be thought to imply that Babatha did not know the form or implications of the oath she was taking. Any problems regarding a Jew implicitly acknowledging the emperor's divinity could therefore be explained away: she knew not what she did. Similarly, one might propose that the implications of the oath were simply lost (or in this case, invented) in translation and the original Aramaic was less problematic for Jews, though I think we might then legitimately ask what Aramaic wording the Greek formulation might be thought to represent — surely the original must have contained some kind of oath involving the emperor.

Identical arguments could be applied in the case of the son of Levi: he also has a χειρογράστης write for him,²³ and though his illiteracy is not confirmed elsewhere, it seems a reasonable explanation for this use of a substitute writer. The fragmentary state of the papyrus prevents us from saying whether this is also a translation of an original, though the subscription of the prefect that follows is clearly marked as such.

The argument about translation has, I think, already been dealt with: it would be difficult to envisage an unproblematic Aramaic formulation of the oath that was represented accurately by the Greek translation as we now have it, and it is probable that the emperor was at least mentioned somewhere in it. The argument of ignorance from illiteracy has more mileage. Due to the limits of the evidence, we can say little about the son of Levi's attitude towards legal and administrative documents. Babatha, however,

²⁰ *P. Yadin* 15, l. 35.

²¹ Youtie (1971), 162 and Depauw (2003), 99 have both argued for this kind of restricted meaning.

²² As has been argued by Hezser (2001), 183. Babatha does, in fact, appear to sign her name in her marriage contract in Jewish Aramaic, *P. Yadin* 10, l. 22: 'Babatha, daughter of Simon, on her own behalf' (בבת[תא] ברת [שמ]עון [על] נפשה). The simplest explanation for this probably lies in levels of literacy: writing one's name did not amount to the ability to read a document, particularly a complex legal one, or write any kind of extended composition. Indeed, Cribiore (2001), 167-172 has demonstrated from the Egyptian evidence that elementary schooling in antiquity often involved learning to write one's name, even before students had begun to learn how to read or, crucially for ancient education, fully mastered the alphabet and syllables.

²³ This is the earliest attested use of this word in the Greek language; see Cotton and Yardeni (1997), 179-180 for comments. Here, it designates a person similar to the ὑπογραφεύς found in the papyri from Egypt, namely someone who writes on behalf of another person.

was rather canny in her affairs. She preserved her documents carefully — the written word seems to have had value to her — and, judging from the number of papyri explicitly marked as copies in the archive, she appears to have been conscientious about keeping her paperwork in order.²⁴ *P. Yadin* 28-30, copies of a Roman legal formula concerning guardianship, also suggest she had some form of legal advice. In short, Babatha appears to have been careful and we may therefore legitimately question whether she would really have signed something — or had her representative sign it — without knowing what it was. This knowledge was easily enough achieved: the registration itself and the subscription, including the oath, could have been read aloud to her and translated orally if necessary. While it therefore cannot be proved that she did not know what she was signing, in the context of the practices and attitudes we find in her archive as a whole, I would suggest this would have been out of character.

A second objection might be that Babatha and the son of Levi were compelled to swear this particular form of oath, which, as has been observed above, was probably a standard formula in this area. This, however, would be rather at odds with Roman policy in general towards the Jews, which was essentially one of tolerance as long as there was no civil disturbance.²⁵ Indeed, in an area so close to Judaea it is perhaps hard to believe that there were no possible alternative formulations that could be administered to Jews, if this were necessary. We come back to the idea that these two Jews just did not think that there was a problem.

A final objection might perhaps be made by questioning the exact meaning of the oath itself. Does ὄμνυμι τύχην κυρίου Καίσαρος truly imply divinity or at least a super-human nature of some sort that might be problematic for monotheists? The meaning of the term τύχη is key here and not entirely straightforward. In general terms, it has the sense of ‘fortune’, ‘chance’ or ‘fate’, which is connected with the idea of a *numen* or δαίμων — it can mean the essence or spirit of a thing. This, indeed, seems to be how the idea of the Tyche of a city arose — this was the spirit of a city embodied, its personification, which was simultaneously a protective goddess in and of itself. In the Hellenistic and Roman periods, such Tyche goddesses were numerous, often depicted with the mural crown as an emblem of the city spirit/goddess power.²⁶ Indeed, one such example occurs on the reverse of a bronze coin minted under Hadrian at Petra, in Roman Arabia, which shows such an image of the city’s Tyche.²⁷

²⁴ In Babatha’s archive, *P. Yadin* 23, 25, and 26 explicitly refer to more than one copy of each document being drawn up. Additionally, *P. Yadin* 11, 12, 13, and 16 are all copies of original documents (identifiable either through explicit statement or because sections have been translated from an original).

²⁵ See the comments by Noy (2001), 69: ‘usually there was no pressure from central authorities for Jews to compromise with the cult, although the issue may have been less clear-cut at a local level.’ Cf. Cotton (1991), 267 (quoted above): there is no reason to assume compulsion in these documents.

²⁶ See Shelton (1979), 29-35 and Broucke (1994) for an overview of the historical development of Tyche, especially city Tyches, and their depictions. The rest of this volume — Matheson (1994a) — also provides a good range of papers on artistic depictions of Tyche in general.

²⁷ ANS 1944.100.69385. This depiction derives from the popular image that was based on the Antiochan Tyche statue by Eutyichides: see Broucke (1994), 39-40 for comments.

All this is not to suggest that, ‘I swear by the Tyche-goddess of Lord Caesar,’ is the sense here, but the idea of an extrahuman essence is a relevant one. Indeed, anything could have a τύχη, not just cities.²⁸ The more pertinent connection here is that of the τύχη of Caesar with his *genius* — this connection embodies the “spirit” sense of τύχη. Naphtali Lewis in his publication of *P. Yadin* 16 even translated this particular oath as ‘I ... swear by the *genius* of our lord Caesar’. The *genius* of Caesar had become an object of cult throughout the Roman empire from Augustus onwards:²⁹ if τύχη is indeed equated to it, as seems reasonable, an oath by the τύχη of Caesar would appear to be problematic for Jews, since it implicitly acknowledges an emperor who lies somewhere between the human and divine realms.

It is disputed, however, whether the emperor was truly conceived as divine: indeed, the issue of the emperor’s divinity has been a vexed question in studies of imperial cult for many years.³⁰ This fairly evidently also bears upon the question of whether his *genius* had any sense of superhuman or quasi-divine status. A distinction, for example, was for a long time thought to have been made between the conception of living, and dead, deified emperors, with the *genius* connected primarily with worship of the former. For example, in an article from the late 1960s that took the relationship between *numen* and *genius* as its focus, Duncan Fishwick argued that ‘...it is consistently the *genius/genii* of the living emperor(s) that is the object of cult, never the *genii* of divinised emperors’;³¹ furthermore, ‘the earliest references in literature make it abundantly clear that the *genius* is a divinity’.³² Fishwick eventually comes to the conclusion that ‘Despite his *numen*, Augustus never became a god in the sense that Jupiter or the local godlings of the Celtic world were — or even his own *genius*’.³³ The implication, according to Fishwick, was therefore that a *genius* of a living emperor could receive cult because it was a divine entity, and the problematic idea of the emperor himself being directly worshipped as a God could thus be avoided. This is somewhat representative of older scholarship on the matter; newer studies are far less reluctant to explore the idea of the emperor as divine in and of himself.³⁴ Indeed, the idea of a divine emperor might be more problematic for us than it ever was for the ancient mindset.³⁵

²⁸ And indeed the nature of the Tyche was a further complex issue: see Matheson (1994b), 19: ‘In addition to this general aspect, in which she embodied the fortune common to all, the goddess Tyche had particular aspects, in which she personified the fortune of a city, ruler, or an individual. These too were invoked and worshipped, as the personification became divine.’ Cf. Belayche (2003) for a consideration of how Tyche was conceived in Roman Palestine specifically.

²⁹ Rives (2007), 121.

³⁰ The divinity of the emperor has been the subject of a huge bibliography. Some notable contributions include Price (1984a), 231-233, Friesen (1993), 146-152 and Gradel (2002), 27-32.

³¹ Fishwick (1969), 359.

³² Fishwick (1969), 360.

³³ Fishwick (1969), 366.

³⁴ See n.30 for bibliography.

³⁵ The influence of Christian concepts and ideas on the study of emperor cult, and the obsession with “absolute divinity” that these entail, was soundly criticized by Price (1984a) and more recently by Gradel (2002), 27-32.

The distinction between the manner of worship of living and dead emperors, and the habit of worshipping the *genius* of the former, does seem to be apparent in certain official oaths: two inscriptions under Domitian, one from Southern Spain and the other from Egypt, serve to demonstrate this point. In the former, *ILS* 6088, the oath is taken by Jupiter, Divus Augustus, Divus Claudius, Divus Vespasianus Augustus and Divus Titus Augustus; in the latter, *ILS* 9059, by Jupiter; but in both the oath by the current emperor is formulated in terms of swearing by the *genius* of Domitian. The implication here is like that delineated by Fishwick: live emperors were not directly acknowledged as gods and so one would swear by their *genius* instead of by their person.

The distinction, however, is not always upheld, particularly outside of such “official” contexts.³⁶ For example, *P. Oxy.* 79 (dated to 181-192 C.E.) has a man swearing by the current emperor (Commodus) with no reference to his *genius* or τύχη.³⁷ In point of fact, we do have an example of a Jew swearing by the living emperor from the same period as the papyri currently under discussion. *BGU* 4. 1068 (= *CPJ* 2. 427) is a declaration by a certain Soteles, son of Josepos, of his son’s death, written in 101 C.E. The relevant part of the text runs as follows:

Σωτέλης Ἰω-
σῆπου ὁ πρωγε-
γραμένος ὄμ-
νύω Ἀὐτοκράτο-
ρα Καίσα[ρα Νέρουα - ca. ? -]
Τραιαν[ὸν - ca. ? -]
Σεβα[στόν - ca. ? -]

Soteles, son of Josepos, the one mentioned before, I swear by the Emperor Caesar Nerva Trajan Augustus...³⁸

The identification of Soteles as a Jew here is based solely on nomenclature, though if it is indeed certain, then we have a Jew swearing directly by the living emperor. As the *CPJ* editors point out, the oath by the *genius* of the Emperor was not yet familiar in Egypt,³⁹ so the omission of the *genius* cannot be thought significant. But this leaves us in a position where, if we choose one or other of these oath formulas as the “watered down” version, we are still left with the other as problematic. Additionally, it is difficult to see how the distinction would entirely solve the problem for monotheistic Jews anyway. Even if swearing by the *genius*/τύχη was some kind of diluted version of swearing by the emperor himself, the *genius* was still a recipient of cult. Furthermore, the point of the older distinction was that the *genius* could be seen as a quasi-divine or

³⁶ See Rives (2007), 150 for discussion of the examples employed here and this subject in general.

³⁷ Additionally, religious language is often applied the living emperor: the adjective θεῖος is often used of him in the third century, and indeed the Roman emperor was often called a θεός by his Greek subjects, even if he did not employ the term himself (Caligula excepted). This could either be used on its own to refer to him or connected with his name. On the meaning of this term, see Price (1984b), 81-82.

³⁸ *BGU* 4. 1068, ll. 18-24.

³⁹ It was introduced gradually from the time of Domitian to Hadrian: see comments in Tcherikover and Fuks (1960), 214.

straightforwardly divine being in itself — this is why it is used in place of the living emperor who (according to Fishwick) could not. Swearing by the τύχη of Caesar therefore still surely poses a problem if it is equated with the *genius*.

There is one other possible understanding of the oath that should be addressed. This involves parallel consideration of another oath formula, that by the *salus* (safety) of the emperor. Rhona Beare has argued that the meaning behind this particular oath is, ‘If I lie, may the emperor not be safe’.⁴⁰ It therefore has no implications of divinity but rather stipulates a penalty to be imposed in the event of the oath taker breaking his or her word. If such an interpretation were to be applied to this oath, the sense would then become, ‘If I lie, may Caesar’s τύχη suffer’.

This is not entirely satisfactory, as it does not seem to be the way in which the ancients themselves understood the oath and, indeed, Beare herself views the oath by the emperor’s *genius* as having a different meaning.⁴¹ Unfortunately, we lack a Jewish testimony on this subject, but that of Tertullian, a Christian apologist from the late second-early third centuries C.E. is worth consideration, representing, as it does, a monotheistic viewpoint from a similar, if slightly later, period. Tertullian, in fact, draws an explicit distinction between the oath by the *salus* of the emperor and that by the *genius* or *daemonia*:

Sed et iuramus sicut non per genios Caesarum, ita per salutem eorum, quae est augustior omnibus geniis. Nescitis genios daemones dici et inde diminutiva voce daemonia? Nos iudicium dei suspicimus in imperatoribus, qui gentibus illos praefecit. Id in eis scimus esse, quod deus voluit, ideoque et salvum volumus esse quod deus voluit, et pro magno id iuramento habemus. Certerum daemones, id est genios, adiurare consuevimus, ut illos de hominibus exigamus, non deierare, ut eis honorem divinitatis conferamus.

We make our oaths, too, not by ‘the genius of the Caesar,’ but by his health, which is more august than any genius. Do you not know that genius is a name for daemon, or in the diminutive daemonium? We respect the judgment of God in the Emperors, who has set them over nations. We know that to be in them which God wished to be there and so we wish that safe, which God wishes; and so we count that a great oath. But demons, or geniuses, we are accustomed to exorcize, in order to drive them out of men – not to swear by them and so give them the honour of divinity.⁴²

The distinction can be drawn that this is a Christian testimony, not a Jewish one, but it remains the case that an oath by the *genius* of an emperor was thought, by some at least, to be an acknowledgment of divinity. I would therefore suggest that the fact that two Jews in this small village in Roman Arabia were willing to swear it still remains problematic in the context of the generally accepted picture of attitudes towards imperial cult.

There is one further significant example of a Jew interacting with imperial cult in a slightly different manner: namely, Herod the Great. During his reign, Herod exhibited a general enthusiasm for the cult and its buildings — building temples to Augustus at Sebaste and Caesarea, for example. These were built in non-Jewish cities, but the

⁴⁰ Beare (1978), 106-110.

⁴¹ Beare (1978), 108: ‘The Genius is a god, able to witness the oath and punish perjury.’ This is based in part on Petr. *Satyricon* 62.

⁴² Tert. *Apol.* 32.

principle of a Jew, a very prominent one at that, actively supporting the cult of the emperor and facilitating its presence in Roman Palestine is significant in the context of the current discussion.⁴³

Contemporary Christian Attitudes

Considering the lack of direct attestation of Jewish attitudes towards the cult of the emperor in this era, it is worth briefly considering further the position of early Christianity in the contemporary period. This is generally thought to have been somewhat antagonistic. The imagery in John's *Revelation*, for example, is often taken as a strident polemic against imperial cult or the Roman empire more generally,⁴⁴ though it is also possible that this implies that certain Christians had participated to some extent in cult activities.⁴⁵ Christian attitudes towards swearing an oath by the emperor, his *genius* or *daemon* have already been touched upon in the Tertullian passage cited above: namely, this was not done. The reasoning for this is significant: such oaths were thought to confer upon their subject, 'the honour of divinity', and so should be avoided in favour of an oath by the emperor's *salus* instead. Similarly, in the *Martyrdom of Polycarp*, describing events later in the second century, Polycarp refuses to swear an oath by the *τύχη* of Caesar;⁴⁶ Origen takes the same position in his *Contra Celsus*.⁴⁷ The Christian position, then, is fairly well attested: early Christians would not swear such an oath, which was thought to acknowledge divinity.

It is worth pointing out that this attitude changed over the centuries. In a papyrus dating to 507 C.E., Christians swear by Almighty God and the 'divine and heavenly fortune' of the Emperor.⁴⁸ As such, even the hard-line Christian attitude towards such oaths seems to have become more flexible in later centuries.

The earlier resistance towards imperial cult, however, does appear to have been a facet of Christianity that was known to pagan contemporaries. Pliny the Younger, during his governorship of Pontus et Bithynia in 111-113 C.E., famously required that people

⁴³ See also Joseph. *AJ* 14.14.5 (388-389) and the parallel passage at Joseph. *BJ* 1.14.4 (285), where Herod appears to display a remarkably tolerant attitude to pagan cult by accompanying Antony and Caesar for their sacrifices on the Capitoline.

⁴⁴ In marked contrast to the dearth of work on Jewish attitudes towards imperial cult more generally, its role in *Revelation* has attracted an increasing amount of attention in recent scholarship. See Naylor (2010), 218-227 for an excellent overview of the relevant literature.

⁴⁵ See the arguments of Thompson (1990) on this. The fact that this text probably originated from a Jewish-Christian milieu is also worth pointing out here, since the attitudes therein may represent that mixed background.

⁴⁶ *Mart. Pol.* 9: Polycarp is commanded to, 'Swear by the *tyche* of Caesar' (Ὅμοσον τὴν Καίσαρος τύχην).

⁴⁷ Origenes, *Cels.* 8.67. It is also stated in Tertullian, *Idol.* 23, that Christians should not sign oaths taken in the name of pagan gods; cf. Binder (2010), 210-212.

⁴⁸ P. Lond III 992 (= Sel. Pap. I. 61), ll. 15-16: ὁμνύν[τ]ες τὸν τε παντοκράτορα θεὸν καὶ τὴν θεῖαν καὶ οὐράνιον τύχην τοῦ τὰ πάντα νικῶντος δεσπότου ἡμῶν Φλ(αυίου) Ἀναστασίου τοῦ αἰωνίου Αὐγούστου Αὐτοκράτορος. The document is a *compromissa*, i.e. an agreement to submit certain matters at dispute to arbitration, in which the parties bind themselves to appear at the place appointed for the arbitration and abide by the arbitrators' decision.

accused of being Christians utter an invocation to the gods (*deos*) and supplicate (*supplicarent*) the emperor's image with wine and incense in order to prove their innocence.⁴⁹ Christians were therefore known to be averse to such engagement with the cult and under some circumstances were required to make offerings to the emperor in order to prove their loyalty. Jews never seem to have been asked to do so. This should not, of course, be taken to imply that Jews were therefore more than happily making cult offerings to the emperor on a daily basis; rather, the novelty of Christianity, and the perceived dangerousness or social unrest that went along with it, in Roman eyes, required its members to prove their loyalty and obsequience. Jews, on the other hand, had antiquity on their side and indeed had already demonstrated their loyalty, even subservience (with notable exceptions), by other means — like those sacrifices cited in the Philo passage above — for a considerable period. Equally, if we take on board the broader understanding of “imperial cult” referred to in the Introduction, then perhaps Jews were already thought to have been participating anyway.

Conclusions

The foregoing analysis is not in any way meant to suggest that all Jews in antiquity actively worshipped the emperor as a god. Nor is it being suggested that there was a single attitude to such topics. Instead, I have tried to suggest that we should perhaps question what appears to have become the assumed norm for Jews of the Graeco-Roman period. This assumed attitude of non-engagement with the cult of the emperor is based on an admittedly sensible argument from logic and evidence which is otherwise somewhat scanty. It also perhaps rests on a now rather outdated understanding of what imperial cult involves. The arguments offered here do not pretend to be any more comprehensive, but instead seek to somewhat muddy the waters. Engagement with imperial cult has been opened up to encompass a broader range of activities, and we should now seek to situate the Jews of the Graeco-Roman world *within* this broad spectrum. Instead of supposing one coherent approach, we should perhaps try to outline a much more diverse picture of Jewish attitudes to the cult of the emperor, one that allows us to take into account all the scattered and varied evidence on this subject. The two Jews who swear by his *τύχη* are therefore no longer anomalies but should be placed alongside Philo as fully representative of attitudes on this topic.

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⁴⁹ Plin. *Ep. Tra.* 10. 96.

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