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Secta and natio

MARTIN GOODMAN_

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Shlomo Sand

THE INVENTION OF THE JEWISH PEOPLE

Translated by Yael Lotan 332pp. Verso. £18.99.

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In ad 67, a year after the Jews of Jerusalem had begun their war against Rome, a certain Antiochus, the son of the leader of the local Jewish community in the great city of Antioch in Syria, brought about a massacre of some in this community by alleging that his fellow Jews were plotting to burn the city to the ground. Those who survived were compelled, at Antiochus's instigation, to sacrifice in the pagan manner: Antiochus wanted to prove his change of allegiance, and he knew the most effective way to attack his fellow Jews. Soon afterwards the remaining Jews were accused of responsibility for a fire which did in fact burn down the market square and surrounding buildings. The Roman authorities only with great difficulty restrained the local mob from killing the rest of the Jews in the city, even though it turned out on investigation that the incendiaries had been not Jews, but debtors who had hoped to free themselves from their burdens by destroying the public archives.

What was to happen to these diaspora Jews when, some three years later, the city of Antioch was visited by Titus, conqueror of Judaea, who had destroyed Jerusalem so thoroughly as to "leave future visitors to the spot no ground for believing it had ever been inhabited"? The people of Antioch greeted Titus with acclamations and a petition to expel the Jews from their city, to which Titus responded that this was not possible: "their own fatherland, to which, being Jews, they ought to be banished, has been destroyed, and no place would now receive them".

These stories and quotations come from the last book of Josephus's account of the Jewish War, which was composed soon after the events as a work of history for Roman readers, including Titus himself. If what Josephus wrote was true, what is one to make of the claim in Shlomo Sand's *The Invention of the Jewish People*, that there was no exile of the Jews in ad 70, that the notion of such an exile was the product of Christian theology later adopted by the rabbis, that modern Jews are all the descendants of gentiles from outside Judaea who converted to Judaism as a religion, and that the Jews were not, and should not now, be considered as a people until the Jewish people were "invented" in the nineteenth century? Is there anything at all to be said for Sand's much-hyped hypotheses? Certainly it is true, and has always been well recognized, that the dejudaization of Jerusalem was not instantaneous in ad 70. A Roman legion was quartered there, but the early rabbinic sources (almost totally ignored by Sand) refer to Jews among the ruins, and it was not until the failure in ad 135 of another uprising, the Bar Kokhba war, that Jews were forbidden to enter into the territory of the city. The explicit testimony to this ban in the writings of Justin Martyr in around the 140s ad is incomprehensibly dismissed by Sand as the product of Christian theological bias, but it is hard to know why Justin, who came from Palestine and was a sophisticated author in the Greek rhetorical tradition, would lay his argument open to easy refutation on the grounds that his assertion about the exclusion of the Jews from their home city was simply not true.

It is also a well-known fact that exile for these Jews was only from Jerusalem and its environs, not from all the areas that had at times been part of the Roman province of

Judaea in the first century ad or constituted "the land of Israel" for the rabbis - indeed, much of the rabbinic literature of late antiquity was composed in Galilee, including the Mishnah. It is hard to imagine that this information can come as a surprise to Israelis of any background in the light of the considerable efforts made in recent years to build up tourism to sites of Jewish settlement in late Roman Palestine, such as Sephoris.

But (as everyone also knows) many Jews in late antiquity were to be found scattered around the wider Roman world, not just in the diaspora in the eastern Mediterranean coastlands where Jews had been established long before ad 70, but also in parts of the western Mediterranean and in northern Europe where they are attested only after Jerusalem had been destroyed. Where did these Jews come from? Sand claims that not just some, but the great majority, of these diaspora Jews were descended not from inhabitants of Judaea, but from converts, and this is where his discussion substitutes belligerence for argument. Sand's analysis starts from the assumption that the total population of Jews in the Roman Empire was so huge that it can only have come about through widespread conversion, but this assumption itself is faulty. He confidently cites the figure of a total of 4 million Jews in the Roman Empire in the first century ad, a number derived, via a series of wholly random guesses, from a figure which was itself long ago shown to be an error which crept into scholarly literature in the nineteenth century on the basis of a confused reference by the thirteenth-century Syriac author Bar Hebraeus to the total number of Roman citizens in the time of Claudius.

And if the Jewish population did indeed grow disproportionately to the non-Jewish population in the early centuries ad, the impact of Jewish opposition to abortion and infanticide deserves to be taken a great deal more seriously as an explanation than it is by Sand, who seems to be totally ignorant of the standard methods of population control, including child exposure, in the pagan Roman Empire. That some non-Jews converted in this period, not least for intermarriage, is not in doubt, and the evidence adduced by Sand (as for many of his allegedly radical assertions) is all standard. But to imagine that mass conversion to Judaism could have taken place in this period on the same lines as the conversions of whole populations to Christianity within the Christian Roman state from the fourth century, without evoking considerably greater hostile evidence from the Roman state in either its pagan or its Christian guise, is desperately implausible, given the illegality of male conversion to Judaism in the Roman world from the mid-second century.

No less implausible is Sand's claim that the Jews were regarded only as a religious group after ad 70, and not as a people. It is of course true that the complex identity of Jews as both a religion and a nation is a stock topic of undergraduate essays in the (perfectly respectable) academic field of Jewish History so despised by Sand, and the same topic has recently absorbed the energies of the Supreme Court in London. And the Christian Roman state, which from the late fourth century categorized all its inhabitants to a considerable extent by religious identity, referred to the Jews also primarily in religious terms — as a "secta", "superstitio", or (on rare occasions, more politely) as a "religio".

But there is also no doubt that both pagan and Christian Romans sometimes thought of the Jews as a people (and in this respect the terminology used about Jews is very different from that used about Christians, about whom Sand has remarkably little to say). Near the end of the third century, 200 years after the destruction of the Jerusalem Temple but still under a pagan Roman emperor, the author of a legal tome called the *Sententiae* referred to these "iudaei" as a "natio", which is unambiguous, and the same terminology can be found in a law, preserved in the fifth-century Theodosian code, of the Christian Emperor Constantine II: on August 13, 339, he gave judgement on the punishment to be inflicted on Jews who bought a slave "of another secta or natio". The same term "natio" was employed about the Jews by the aristocratic pagan poet Rutilius Namatianus when he vented his rage in verse

against a Jew whose bad temper ruined a visit he made, at some time between 415 and 417, to some particularly pleasant fish-ponds near Faleria, which he encountered on the way from Rome to his property in his native Gaul.

What has possessed Shlomo Sand, a Tel Aviv historian of contemporary European history, to write about a subject of which he patently knows so little? The answer is refreshingly simple. His aim, which he does not try to disguise, is to undermine the claim of Israeli Jews who come from diaspora communities to have returned to the land from which their people originated. He hopes thereby to help to turn the state of Israel into a more equal democratic society in which the origins of its Jewish and Arab inhabitants are ignored.

Now, Sand's political concerns for the present and the future may indeed be justified, since there is no doubt that keeping the state of Israel both Jewish and democratic is proving by no means easy - not at all a new insight, as the many studies cited by Sand himself in his final chapter go to show. But this political stance cannot be justified by an appeal to invented history. It is not just Sand's ancient history that is faulty. His account of the historiography of the Jews over the past two centuries, with his constant polemic against Zionist historians, is ludicrous.

In the nineteenth and early twentieth centuries, Jewish intellectuals referred to the notion of race no more than others in Europe at the time, and such language fell out of use among Jewish historians long ago. A concern with the racial genetics of contemporary Jews is Sand's, not theirs: anyone walking down the street in Tel Aviv can see the genetic diversity of modern Israeli Jews. It is extraordinary to claim, as Sand does, that Jewish historians have suppressed knowledge of the remarkable conversion of the Khazars to Judaism in or around the ninth century; on the contrary, they have frequently revelled in it. Sand's whole discussion of this topic is, as the historian Israel Bartal put it in a devastating review published in the French journal *Cités*, "l'invention d'une invention". One can only speculate about the reasons for Sand's so frequent misrepresentation of the books he quarries, but the result is farcical.

Why bother at all to review such a book? So far as I know, no scholar who works on Jewish history in the Roman period has deigned to pay it any attention. But such lordly disdain is dangerous. The cover of Sand's book proclaims it an international bestseller, and it has been widely discussed by journalists and on television and radio both in Israel and France, and now in Britain. For the general public, what catches the attention are the headlines, not the arguments or the evidence, and it is revealing that there is evidently an appetite for such claims among secular Israeli Jews.

But, more worryingly, the book has also received praise from historians and others who ought to have known better. These enthusiasts do not presumably know the material about which Sand writes, but they like his conclusions, and they have presumably been taken in by the impression that his book is scholarly history - an impression created by large numbers of footnotes referring to a wide array of scholarship (much of it only in fact half-digested) and an opening chapter which gallops competently enough through standard discussions about the construction of national identities and the notion of ethnicity before the author turns to his highly dubious claims about the Jews.

In a self-glorifying preface to this book, Sand describes his role as that of a revealer of inconvenient facts suppressed by a malicious political and academic establishment. Some of those who have expressed approval of his book may believe that, like the Israeli New Historians whose discovery of genuinely new data on the events of 1948 has indeed caused much discomfort to that establishment, Shlomo Sand, too, has faced opposition because he has unearthed something new. Nothing could be further from the truth.