
The Origin of the Phrase “Common Judaism”

The principal aim of this chapter is to explain the origin of the phrase “common Judaism,” which I employed in *Judaism: Practice and Belief*;¹ consequently, most of what follows is autobiographical in nature, dealing chronologically with the stages of my own study of Judaism and focusing especially on how my thinking has been shaped by reaction to the work of others.² In the penultimate section, however, I restate one of the several arguments that allow us to say that in the ancient world there was an entity best called “Judaism,” and I illustrate the sorts of practices and beliefs that were common or typical (though not uniform or normative). This section is especially indebted to discussion with Albert Baumgarten. The conclusion discusses some

1. E. P. Sanders, *Judaism: Practice and Belief 63 BCE–66 CE* (1992; corrected ed., London: SCM; Philadelphia: Trinity Press International, 1994; repr. with a new preface, Minneapolis: Fortress Press, 2016). This chapter is a revision of a paper given at a conference entitled “‘Common Judaism’ or a Plurality of ‘Judaisms’ in Late Antiquity: The State of the Debate,” held at the Institute for Advanced Studies, The Hebrew University, The Thirteenth School in Jewish Studies, May 13–16, 2003. I am very grateful to Isaiah Gafni for the invitation and to Martin Goodman and Albert Baumgarten for suggesting improvements. The revised essay was subsequently published in *Common Judaism: Explorations in Second-Temple Judaism*, ed. Adele Reinhartz and Wayne O. McCready (Minneapolis: Fortress Press, 2008), chap. 2, under the title “Common Judaism Explored.”
2. There is a more comprehensive account in my “intellectual autobiography” in *Redefining First-Century Jewish and Christian Identities: Essays in Honor of Ed P. Sanders*, ed. Fabian Udoh et al. (South Bend, IN: University of Notre Dame Press, 2007), repr. as chap. 1 above.

of the issues that arise when one attempts to summarize a complicated religion.

Steps toward “Common Judaism”

1. I am a New Testament scholar, and my understanding of nascent Christianity helped form my early views of Judaism. At least since 1934, historians of early Christianity have known that Christian “orthodoxy” emerged slowly and painfully from a situation of competing versions of the new religion.³ One sees ferocious controversies over the right shape of the movement in the letters of Paul, which are the earliest surviving Christian documents, and especially in Galatians and 2 Corinthians 10–13. Scholars have universally regarded the competing factions as subgroups within a larger movement, and this still seems to me to be the correct way to look at them.

When I turned to the study of Judaism I saw it in the same way. Everybody knew about Josephus’s three (or four) parties or sects,⁴ and at the time (the early to mid-1960s) the world was still buzzing over the new discovery that proved the diversity of Judaism—the Dead Sea Scrolls. Christian scholars showed some desire to divide Jewish groups into competing theological camps, and consequently some of them saw different subgroups at Qumran. The party or parties responsible for the *Hodayot* (1QH) believed in grace, while those responsible for the *Community Rule* (1QS) believed in works, and so on.⁵ Such distinctions seemed to me to be only differences of emphasis that varied with the genre of the literature, and in any case everyone knew that dogma did not play the role in Judaism that it did in Christianity. So I, with most, simply saw variety within a single large entity, Judaism, very clearly exemplified.

2. When I decided to write a study comparing Judaism and Christianity in the first century, I knew that I faced a difficult conceptual problem. How can one compare two large, variegated entities with each other? I reduced the problem by deciding to concentrate on Paul’s letters on the Christian side, but this by no means eliminated the difficulty. Was there an entity called “Judaism”?

3. Walter Bauer, *Rechtgläubigkeit und Ketzerei im ältesten Christentum*, 2nd ed., ed. Georg Strecker (1934; repr., Tübingen: J. C. B. Mohr [Paul Siebeck], 1964); Eng. trans., *Orthodoxy and Heresy in Earliest Christianity*, ed. Robert Kraft and Gerhard Krodel (Philadelphia: Fortress Press, 1971).

4. Josephus, *J. W.* 2.119–66; *Ant.* 13.171–73; 18.12–25.

5. See the discussion in my *Paul and Palestinian Judaism: A Comparison of Patterns of Religion* (Philadelphia: Fortress Press, 1977), 287–98, esp. 291.

As I just observed, I assumed that there was. Nevertheless, I was concerned that variety might have been so great that one could not find a significant way to compare Paul with ancient Judaism as a whole. After carrying this question around with me for a few years and considering diverse topics but finding them lacking, I saw a solution: enlarge the categories; think about the most elementary and basic of all questions about a religion, namely, how one enters and how one remains in good standing. So I decided to ask whether, in surviving bodies of literature, one can find substantial agreement about how people became Jewish and how they maintained their status (“getting in and staying in”).⁶ As far as I can now discover, I did not use the term “common denominator” in *Paul and Palestinian Judaism* (though it does appear elsewhere),⁷ but that is how I thought: granting a lot of variety, was there a *basic* and *common* understanding of becoming and remaining Jewish?⁸ The difficulty was to find generalizations that actually applied and that were neither trivial nor misleading.

People need generalizations, and historians often use them. I objected to those that were in most frequent use in defining Judaism and Christianity by Christian scholars, who often drew a contrast between a religion of law, or of legalism, and a religion of love and grace. This seemed to me to be wrong on both sides: Judaism is based on love and grace, as well as on the law, and the letters of Paul do not lack “legalistic” passages, in which judgment is according to works (for example, Rom 2:12–16; 1 Cor 11:27–32; 2 Cor 5:10). A lot of smaller comparisons could be done that would not replace that large but erroneous comparison, legalism *versus* grace: one could, for example, compare Philo and Paul, or Philo and John, or various Jewish and

6. *Ibid.*, 16–18.

7. “I continue to regard ‘covenantal nomism’ as the common denominator which underlay all sorts and varieties of Judaism” (*Jesus and Judaism* [Philadelphia: Fortress Press, 1985], 336).

8. In *Paul and Palestinian Judaism*, note the following terms and phrases: “general understanding of religion and religious life” (69); “common pattern . . . which underlies” (70); “basic religious principles” (71); “what principles lie behind” (71); not a “system” (73f.); “underlying agreement” (85); “the same underlying pattern” (424); “basic common ground . . . in the various bodies of literature” (424). In rereading Erwin Goodenough’s *Jewish Symbols in the Greco-Roman Period*, 13 vols., Bollingen Series 37 (New York: Pantheon Books, 1953–68) in the spring of 2004, I discovered that he had written that Jews were loyal to “some common Jewish denominator,” which consisted of loyalty to the Jewish people and belief in the Bible. He also referred to this as “minimal Judaism.” Philo “still believed with all his heart that Jews had a special revelation of God in the Torah, and a peculiar relationship with him” (12:6–9). These pages, which I had read in 1964 or 1965, contained no pencil marks indicating that I had regarded the terms or the proposal as important. I nevertheless wonder whether they lodged in my subconscious mind, to surface ten years later. I wish that I had remembered these pages, since I would have been delighted to have Goodenough’s support on both Philo and Judaism in general. (Part of this endnote is quoted from n. 39 in my “Intellectual Autobiography” [chap. 1 above].)

Christian documents on individual points, such as the Sabbath or monotheism. Such comparisons would leave the main, misleading comparison untouched. So I needed some way to generalize that would be truer and better, but that would be roughly equally encompassing.

As most readers of this essay know, I concluded that this could be done: that there was enough agreement among diverse bodies of Jewish literature on a very big question that one could speak of Judaism—more precisely, Palestinian Judaism—in a way that was fair, generally accurate, sufficiently encompassing, and nontrivial.⁹ The agreement depends on two figures: Abraham and Moses. God chose Abraham and his descendants, and later he gave them the law, obedience to which was required of the elect. The common understanding, then, was that Jews were Jews because God chose them and that they could remain in good standing by obeying the law. In *Paul and Palestinian Judaism*, I called this understanding “covenantal nomism.” Legal obedience was founded not on the (entirely hypothetical) principle that each individual must earn salvation by compiling merits, but rather on the (well-supported) principle that this is what God, who chose the people, specified as the way they should live.

In this essay, I do not wish to defend this proposal except on one point: whether or not it is trivial.¹⁰ In the course of numerous criticisms, Jacob Neusner wrote that my “pattern of religion” would be recognized by anyone who is familiar with Jewish liturgy.¹¹ Thus, if covenantal nomism is true as a description of the underlying or basic pattern of diverse forms of Judaism, it may be simply self-evident.¹²

9. The original intention was to write on Paul and Judaism; the restriction to literature stemming from Palestine was forced entirely by issues of space. I separately argued that Philo shared at least major aspects of covenantal nomism (“The Covenant as a Soteriological Category and the Nature of Salvation in Palestinian and Hellenistic Judaism,” in *Jews, Greeks and Christians: Religious Cultures in Late Antiquity: Essays in Honor of William David Davies*, ed. Robert Hamerton-Kelly and Robin Scroggs, *Studies in Judaism in Late Antiquity* 21 [Leiden: Brill, 1976], 11–44, repr. as chap. 6 below).

10. I later published an essay called “Covenantal Nomism Revisited,” in which I defend some of the main arguments of *Paul and Palestinian Judaism*. The essay is reprinted as chap. 3 below.

11. Neusner’s review is reprinted in his *Ancient Judaism: Debates and Disputes*, BJS 64 (Chico, CA: Scholars Press, 1984), 127–41, here 128.

12. A related criticism appears in the review by Martin McNamara in *Journal for the Study of the New Testament* 5 (1979): 67–73: “The ‘pattern of religion’ in fact may be so basic as to have little effect on the working of religion in practice” (72). This review is one of the best of the early reactions to *Paul and Palestinian Judaism*, since the author described my own efforts very fairly, without misstating or caricaturing them, and then presented fair and useful criticisms. If I understand the point of McNamara’s paragraph on the present point (71–72), it is not that “covenantal nomism” is so obvious as to be irrelevant, but that it may not succeed in defining how different varieties of Judaism functioned in *practice*. And that, of course, is true. “Covenantal nomism” was intended to

If one looks at the reactions to the book, however, it will readily be seen that in the context of New Testament scholarship it was not a trivial result. *Paul and Palestinian Judaism* resulted in a long pause in the Christian assertions that Judaism was a legalistic religion of works-righteousness, though now some scholars wish to resurrect the old depiction of Jewish legalism under the rubric “merit theology.”¹³ So, in some circles at least, the issue still lives, and it is still important.

3. In his centennial lecture to the Society of Biblical Literature in 1978, Jonathan Z. Smith illustrated the difficulties of comparing religions by asking: “In what respects is it interesting to compare and contrast the walnut and the praline? Shall they be compared with respect to color, or texture, or taste?”¹⁴ A walnut tree has many characteristics. One cannot say that one of these characteristics is more essential to its walnutness than another. Similarly, Smith argued, an ancient Jew had many characteristics. It is misleading to try to find a Jewish essence. Though I had argued against the usefulness of “reduced essences” (such as “grace”) in defining religions,¹⁵ Smith regarded me as someone who sought the *essence* of Judaism. I supposed on reflection that I did believe in a *basic understanding of being Jewish*. Would I regard someone who rejected both covenant and law as Jewish if that person claimed to be Jewish? Such a person would fall outside my “common denominator” and thus outside Palestinian Judaism as I defined it. At the time, I did not have a clear view of how I would relate essence to identity or to identity markers, or how to relate these things to my “common denominator,” covenantal nomism. Covenantal nomism is what I found as the underlying *theology* in Jewish literature, and when Smith’s lecture led me to pose to myself the questions of how a theology relates to the essence of an entity and to the identity of

describe how getting in and staying in were understood. No *theology*—whether covenantal nomism or the theology of Aquinas or of Luther—tells us how people actually practiced their religion. I have tried to come a little nearer to this in *Practice and Belief*: it is the best I can do toward describing how people lived their religion. There is a brief but good summary of criticisms in Petri Luomanen, *Entering the Kingdom of Heaven: A Study on the Structure of Matthew’s View of Salvation*, WUNT 2.101 (Tübingen: Mohr Siebeck, 1998), 41–42.

13. See, for example, D. A. Carson, “Summaries and Conclusions,” in *Justification and Variegated Nomism*, vol. 1, *The Complexities of Second Temple Judaism*, ed. D. A. Carson, Peter T. O’Brien, and Mark A. Seifrid, WUNT 2.140 (Tübingen: Mohr Siebeck, 2001), 544–45.
14. Jonathan Z. Smith, “Fences and Neighbors: Some Contours of Early Judaism,” in William Scott Greed, ed., *Approaches to Ancient Judaism*, BJS 9 (Chico, CA: Scholars Press, 1980), 2:1–25, here 1. Smith attributed the suggested comparison to Francis Ponge. The essay also appears in Smith, *Imagining Religion: From Babylon to Jonestown* (Chicago: Chicago University Press, 1982), 1–18.
15. For example, *Paul and Palestinian Judaism*, 12, on the inadequacy of “one-line essences” or “reduced essences,” such as faith versus works or liberty versus law.

groups and individuals, I found myself puzzled. This would turn out to be a useful puzzlement.

The question of *essentialism* still bothers me, because I do not want to be the distiller of an essence, but only a describer of a religion; for this reason, I shall return to the topic at the conclusion of this essay. We shall also see below that I would later find Jonathan Smith's appeal to taxonomy to be extremely useful in understanding Judaism.¹⁶

4. *Paul and Palestinian Judaism* was completed in 1975 and published in 1977. I shall very briefly mention the McMaster University project on normative self-definition in Judaism and Christianity (1976–81). The question was why, when, and how Jewish and Christian groups decided to try to achieve normative self-definition, which got us into issues of identity and identity markers. The three principal planners were Ben Meyer, Albert Baumgarten, and myself. At an early point, Gérard Vallée joined us, and when the project began we added Alan Mendelson and Benno Przybylski.¹⁷ The project sponsored various conferences. At the conference on Judaism, Larry Schiffman, who later wrote on Jewish identity,¹⁸ was one of the participants. In terms of the present topic, two of the most obvious assumptions of the project were (a) that there was an entity, "Judaism," that consisted of diverse viewpoints and practices and (b) that at some point some people within this large Judaism wanted to create a greater degree of uniformity—*normative self-definition*.¹⁹ Speaking only for myself, I would say that my opening assumption of diversity within an overarching unity survived the research project intact.

5. This large assumption of diversity within unity—which, I believe, many people shared—was challenged by Jacob Neusner. Neusner's views are difficult to discuss, partly because he has published so much, partly because he has sometimes published criticisms of his own earlier views. I am a very long way from having mastered the entire Neusner corpus, and here I shall focus on only a few items. In the early and

16. See below at n. 35.

17. We were assisted greatly by the presence of several scholars for one or two years each. The list above names participants for the entire five-year period.

18. Lawrence Schiffman, *Who Was a Jew? Rabbinic and Halakhic Perspectives on the Jewish-Christian Schism* (Hoboken, NJ: KTAV, 1985).

19. "The research project takes as its starting point the observation that in the first century both Jews and Christians had numerous options before them, including that of retaining a great deal of diversity. By the early part of the third century, however, both Judaism and Christianity had decisively narrowed their options" (E. P. Sanders, Albert I. Baumgarten, and Alan Mendelson, eds., *Jewish and Christian Self-Definition*, vol. 2, *Aspects of Judaism in the Graeco-Roman Period* [London: SCM, 1981], ix).

mid-1980s he published books and essays that took an extreme stance on unity and diversity. There was little unity, and the diversity amounted to a substantial degree of isolation: there were various Judaisms, each having very little—or, as he sometimes said, “nothing”—to do with another. The Mishnah, he wrote, “exhaustively express[es] a complete system—the fit of the world view and way of life—fantasized by its framers.”²⁰ Most Jews, represented by *4 Ezra* and *2 Baruch*, thought historically and hoped for a coming redemption. But this view is “utterly unrelated” to the message of the Mishnah.²¹ The most amazing sentences that I remember reading from this period are these:

Each of the diverse systems produced by Jews in ancient times constituted a world-view and way for life for a circumscribed social group. While these various Judaic systems drew upon a common Scripture and referred to some of the same themes, they sufficiently differed from one another to be regarded as essentially distinct social-religious constructions.²²

In his work during this period, Neusner tended to equate a literary document with a worldview and linked the two to an exclusive social group. When this is combined with the opinion that each document “exhaustively” presents a complete system—everything that its “framers” believed and thought important—we are led to suppose that there was a different Judaism for each document or virtually each document.

This rhetoric was attractive to many people. The word *Judaisms* came into widespread use. I once had a couple of conversations with a specialist in the Dead Sea Scrolls in which he kept insisting that the *Covenant of Damascus* contains a “complete system,” which meant that he could study it in isolation from everything else and find in it an entire Judaism. I finally showed him a little list of things not in the *Covenant of Damascus*, but necessary to have in a whole system, but I don’t think that it made much of an impression. The equation (document = complete system or worldview = a distinct social entity) seemed to me to be wrong at every point, and I hardly knew how to begin criticism of such profound errors (as I took them to be). I

20. Jacob Neusner, *Judaism: The Evidence of the Mishnah* (Chicago: University of Chicago Press, 1981), 24.

21. *Ibid.*, 37.

22. Jacob Neusner, “Parsing the Rabbinic Canon with the History of an Idea: The Messiah,” in *Formative Judaism: Religious, Historical and Literary Studies*, Third Series, *Torah, Pharisees, and Rabbis*, BJS 46 (Chicago: University of Chicago Press, 1983), 173.

thought that my “common denominator” was truer to the evidence than Neusner’s “essentially distinct social-religious constructions,” but I did not at first see how to test his proposal and describe the results.

Before leaving this point, I should add that in his book *Messiah in Context* Neusner stated that his ideas were actually more complex than the simple equation, document = worldview = distinct social group. He wrote that, in describing three “distinct types of holy men we know as priests, scribes, and messiahs,” as well as their “definitive activities” (“cult, school and government offices and (ordinarily) battlefield”), he was following a scientific principle. He had first to describe the three complete systems separately before bringing them together.²³ After noting that all three were combined at Qumran, he added a potentially major qualification: “none of the symbolic systems at hand, with their associated modes of piety, faith, and religious imagination, ever existed as we treat them here: pure and unalloyed, ideal types awaiting description and interpretation.”²⁴ If these qualifications had shaped the rest of the book, and if he had then revised *Judaism: The Evidence of the Mishnah* to agree with them, all would have been well. But he did not. A few pages later, he wrote that it was the destruction of the temple in 70 CE that “joined priest, sage, and messianist. . . . The three definitive components were then bonded.”²⁵

One of the problems with this formula was that his earlier publications on the Mishnah—a composite document that was finished much later than 70 CE—had already excluded some of the major aspects of the worldview of the messianists, including especially history. Thus the claim in *Messiah in Context* (1983) that the three religious types “bonded” in the year 70 seems to have been an afterthought that had no effect on the four principal books and several essays that constitute Professor Neusner’s major publications on the existence of various Judaisms.²⁶

While he may in fact have been working all along with a more complicated view than he expressed in these books in articles, I have knowledge only of what he published. Except for a few sentences, what he wrote on Judaism and Judaisms during this period had the effect

23. Jacob Neusner, *Messiah in Context: Israel’s History and Destiny in Formative Judaism* (Philadelphia: Fortress Press, 1984), 6.

24. *Ibid.*, 7.

25. *Ibid.*, 14.

26. In addition to the works cited in nn. 20, 22, and 23 above, see also Neusner, *Midrash in Context: Exegesis in Formative Judaism* (Philadelphia: Fortress Press, 1983); *idem*, *Torah: From Scroll to Symbol in Formative Judaism* (Philadelphia: Fortress Press, 1985).

of denying commonality to Jews and thus denying the existence of an entity that we could call “Judaism.”

The publications that I have principally in mind, which appeared from 1981 to 1985, inspired me to write an essay on the philosophy of the Mishnah, which was fun but probably ineffective.²⁷ At about this time, the thought occurred to me that these publications could best be answered by considering specific cases. If in (let us say) 60 CE a Jew from Italy, one from Egypt, one from Mesopotamia, and one from Jerusalem sat together for Passover, would each recognize what the other was doing? If they talked about the Jewish people and the law of Moses, would they find common ground? I thought that the answer would be yes, and that I could make a small contribution to the subject, making use of the literature with which I was acquainted. I further thought that the Greek and Roman authors who commented on Jews and Judaism, and who were so masterfully collected by Menahem Stern, would in general recognize that all these people belonged to one entity.²⁸ Greeks and Romans seem to have lumped Jews together. Did not Jews do the same? I thought that they did.²⁹

6. As I have explained elsewhere, in the middle to late 1980s I had long wanted to explore pious practices in Palestine and the Greek-speaking Diaspora.³⁰ I had begun these studies before I wrote the essay on Neusner’s philosophy of the Mishnah. As I related the issues of pious practices with which I was concerned to Neusner’s theory of separate social groups, each with its own Judaism, I happily remembered the essays of one of the great heroes of my life, Morton Smith. In an article titled “Palestinian Judaism in the First Century,” which first appeared in 1956, he had written the following sentences:

There is no doubt that the picture of Judaism derived from the Roman imperial inscriptions and from the remarks of classical authors agrees in its main outlines with the picture derived from Rabbinic literature.

27. E. P. Sanders, “Jacob Neusner and the Philosophy of the Mishnah,” in *Jewish Law from Jesus to the Mishnah: Five Studies* (London: SCM; Philadelphia: Trinity Press International, 1990), 309–31.

28. Menahem Stern, *Greek and Latin Authors on Jews and Judaism*, 3 vols. (Jerusalem: Israel Academy of Sciences and Humanities, 1976–84).

29. Against the concept of “Judaisms,” see, for example, J. M. G. Barclay, *Jews in the Mediterranean Diaspora: From Alexander to Trajan (323 BCE–117 CE)* (Edinburgh: T&T Clark, 1996), 400. According to Giorgio Jossa’s recent book, *Jews or Christians? The Followers of Jesus in Search of Their Own Identity*, WUNT 202 (Tübingen: Mohr Siebeck, 2006), the majority of scholars now tend to speak of “a plurality of different Judaisms” (23), though he takes the other side (see also 22–29). (My own view is that if one included Jewish scholars in the survey, the plural “Judaisms” would not be in the majority.)

30. “Intellectual Autobiography” (chap. 1 above).

The average Palestinian Jew of the first century was probably the *'am ha-arets*, any member of the class which made up the “people of the land,” a Biblical phrase probably used to mean *hoi polloi*. . . . The members of this majority were not without religion.

If there was any such thing, then, as an “orthodox Judaism,” it must have been that which is now almost unknown to us, the religion of the average “people of the land.”³¹

In another article Smith had written,

Down to the fall of the Temple, the normative Judaism of Palestine is that compromise of which the three principal elements are the Pentateuch, the Temple, and the *'amme ha'arets*, the ordinary Jews who were not members of any sect.³²

These words seemed totally convincing to me, for the good and simple reason that they corresponded to the evidence. And so I did what I could to reconstruct the Judaism of the common people, paying some attention, of course, to the famous parties but trying to focus on the Pentateuch, the temple, and the ordinary people. I could not use the words *orthodox* or *normative*, since both imply control, and I thought that there was relatively little control over what ordinary people did and thought (apart from their activities in the temple). The only term I could think of for Smith’s Judaism was “common Judaism.”

7. And so I wrote *Judaism: Practice and Belief* (1992, corrected ed. 1994). It is based mostly on the Bible and Josephus, making liberal use of points gained from Philo’s *Special Laws*, rabbinic literature, the Dead Sea Scrolls, and some of the Apocrypha and Pseudepigrapha, with some supporting evidence from pagan authors and the New Testament. I assumed—and argued—that people did not necessarily do what rabbinic literature says that they ought to do, and the emphasis on the Bible and Josephus kept me (I hope) from following the rabbis slavishly.

I do not know to what degree this should be judged a successful effort to describe the religion of the ordinary people. My consolation is that at least I tried to find the religion that Morton Smith said was “almost unknown to us.” Certainly I could have included more topics, and there must be a good number of errors, since the subjects are

31. Morton Smith, “Palestinian Judaism in the First Century,” in *Israel: Its Role in Civilization*, ed. Moshe Davis (New York: Israel Institute of the Jewish Theological Seminary, 1956), 67–81, here 68, 73, 81; repr. in *Essays in Greco-Roman and Related Talmudic Literature*, ed. Henry A. Fischel (New York: KTAV, 1977), 183–97.

32. Morton Smith, “The Dead Sea Sect in Relation to Ancient Judaism,” *New Testament Studies* 7 (1960–61): 347–60, here 356.

so numerous and varied. The chief fault of which I am aware is that I did not do enough to fit Jewish practices into the wider world. If I were to redo the work today, I would include sections on the Jewish temple, sacrifices, and purifications in light of pagan practices, since a lot of points are common not just to Jews but to the ancient world in general. I am confident, however, that the major point—which I owe to Morton Smith—is correct and that one should seek common Judaism principally among the ordinary people.

I should add here three brief comments about the relationship between “covenantal nomism” and “common Judaism”: (a) In *Paul and Palestinian Judaism*, “covenantal nomism” rests to an appreciable degree on an argument about the *presuppositions* that underlie ancient Jewish literature.³³ “Common Judaism” results from a study that is similar to a topographical survey in archaeology. One can turn the pages of Jewish literature and find the topics. One can also, as Shaye Cohen has emphasized, turn the pages of Greek and Latin literature on Jews and find the very same topics.³⁴ Therefore, common Judaism is easy to verify. (b) Covenantal nomism is a *theology*, whereas common Judaism emphasizes practices but includes beliefs. (c) Since the election and the law are among the common beliefs, common Judaism includes covenantal nomism. Though I still regard the argument about presuppositions in *Paul and Palestinian Judaism* as valid and convincing, it would have been easier to argue first in favor of common Judaism and then in favor of covenantal nomism—if only I had thought of it in 1968 or thereabouts.

8. I do not have a theoretical way of stating the relationship between unity and diversity, but I did make one effort after publication of *Practice and Belief*. This was inspired in part by Jonathan Smith’s lecture, to which I referred above, that included comments on the walnut tree. I decided to try to parallel social groups to groups in nature. I shall here quote a few paragraphs from an essay titled “The Dead Sea Sect and Other Jews: Commonalities, Overlaps, Differences.”³⁵ One of the virtues of these paragraphs is that they conclude—at last!—my efforts to respond to the writings of Jacob Neusner to which I referred above (except, of course, for the present essay):

33. See further my “Covenantal Nomism Revisited” (chap. 3 below).

34. A lecture given at a conference entitled “‘Common Judaism’ or a Plurality of ‘Judaisms’ in Late Antiquity: The State of the Debate,” held at the Hebrew University of Jerusalem, May 2003.

35. E. P. Sanders, “The Dead Sea Sect and Other Jews,” in *The Dead Sea Scrolls in their Historical Context*, ed. Timothy H. Lim et al. (Edinburgh: T&T Clark, 2000), 7–43. The paper was written in 1998 and is reprinted as chapter 4 in the present book.

COMPARING JUDAISM AND CHRISTIANITY

I imagine groups in human society as being in some ways like groups in nature.³⁶ To simplify, life-forms are divided into two kingdoms, animal and vegetable; animals are chordata or not; chordata are vertebrate or not; vertebrate animals are subdivided into mammals, birds, reptiles, amphibians and fish; some mammals are primates, some primates are homidae, and so on. At each stage, there are both common and distinguishing characteristics of each group.

In the ancient world . . . , we find Jews and non-Jews. Both were humans, and both were ancient, which means that they were all alike in numerous ways. Our ability to say that some ancient people but not others were Jews, however, indicates that there were some distinguishing characteristics.

The question of common and distinctive characteristics . . . , which is frequently complicated in botany and biology, becomes even more complex when we consider human social groupings. There will sometimes be no one decisive feature that places people in one group or sub-group rather than another. We cannot say that all Jews were monotheists, that all Jews observed the Sabbath, that all Jews avoided pork, or that all male Jews were circumcised. In the ancient world, *most* people whom we can identify as Jews were monotheists; most observed the Sabbath in one way or other; most would not consume pork, shellfish or blood; and most Jewish males were circumcised. These were extremely *frequent* characteristics, but we could not insist on a single one of them as a completely definitive distinguishing mark. Who were Jews? In general, they were people who were born of a Jewish mother or who converted to Judaism. Another general way of defining ancient Jews fixes on perception: Jews were people who regarded themselves as Jewish and who were so regarded by other people.

The vast majority of Jews in the ancient world had these characteristics: (1) they believed in and worshipped the God of Israel; (2) they accepted the Hebrew Bible (often in translation) as revealing his will; (3) consequently they observed most aspects³⁷ of the Mosaic law; (4) they identified themselves with the history and fate of the Jewish people.

Jews sometimes formed sub-groups. Clubs and societies were a strongly marked feature of the ancient world. In fact, the voluntary formation of relatively small groups is a general human characteristic, and there

36. Jonathan Z. Smith has more than once used taxonomy (often called "systematics") in discussing religion. See recently his "A Matter of Class: Taxonomies of Religion," *Harvard Theological Review* 89 (1996): 387-403.

37. I wish that I had written "some aspects"; cf. "general conformity" in the last sentence of this paragraph.

may be an evolutionary explanation of this tendency.³⁸ In any case, Jews shared it. Voluntary groups necessarily have a good number of the characteristics of the surrounding society: they cannot be entirely unique. Even when they are deliberately counter-cultural societies, they still share characteristics with the larger whole of which they are a part.³⁹ American hippies were, and American militia are, strongly American. No matter how radical they intend to be, people cannot escape the circumstances that fashion them.

It follows that in the Graeco-Roman period Jewish sub-groups were Jewish. They shared enough of the common Jewish identity markers . . . that a learned and perceptive student in the ancient world, had he or she found the writings of a Jewish sub-group, would have been able to recognize it as Jewish.

Thus, diversity and the creation of subgroups do not necessarily destroy unity. The Pharisees, the Sadducees, the Essenes, the members of the “fourth philosophy,” the common people, and Hellenistic Jewish philosophers such as Philo all disagreed on lots of points. They all belonged, however, to Judaism. Where most of them agree is where we find “common Judaism.”

Common Judaism: Some Examples

I shall now briefly present a little of the evidence that points toward “common Judaism.” Most of the argument that appears in *Practice and Belief* depends on citing passages from diverse sources that agree on a certain observance (such as circumcision of males) or belief (such as God’s election of Israel). There is also overwhelming evidence, which is scattered through the pages of *Practice and Belief*, that Jews throughout the Roman Empire constituted a *single social group*. Outsiders could identify Jews as *Jews*, and Jews saw themselves as constituting a distinctive group—not several different groups. This means that Jews had identifiable characteristics. They were distinctive in part because of observances, in part because of belief. I wish to summarize some of the evidence that points toward a single (though diverse) group—not a lot of Judaisms, but a common Judaism.

38. Families, clans, and tribes are much more ancient than nations. The tendency to form groups and clubs may reflect the need to revert to relatively small groupings. Students of baboons and chimpanzees have noted that these primates can relate without enmity to a small number of other animals.

39. See Albert I. Baumgarten, *The Flourishing of Jewish Sects in the Maccabean Era: An Interpretation*, *Journal for the Study of Judaism Supplement* 55 (Leiden: Brill, 1997), 34, 55–58.

1. Both Julius Caesar and Augustus offered various advantages or concessions to Jews throughout the empire, and the cities of the empire hastened to confirm these rights. There are two substantial passages in Josephus that describe the conferral or confirmation of Jewish rights: *Ant.* 14.213–64 (relating to the time of Julius Caesar and the period after his death) and *Ant.* 16.160–73 (the period of Augustus, though some of Josephus’s material in this section is earlier).⁴⁰ I shall single out four of the main rights: assembly, the Sabbath, the Jews’ ancestral food, and the contribution of money to the temple. From these we may infer that pagans identified Jews as people who needed to meet together (one assumes in synagogues), who wished not to work or appear in court on Saturdays, who preferred not to eat certain foods, and who desired to support the temple in Jerusalem.⁴¹

Jews saw themselves in the same way: they clamored for these rights. Provincial officials or city councils sometimes denied Jewish requests or overturned traditional rights, and so the Caesar of the day, or one of his agents, had to step in. For example: while Herod the Great and his courtier, Nicolaus of Damascus, were in Ionia, the local Jews complained to them that they were being prohibited from obeying their own laws, particularly those relating to the Sabbath and the contribution of money to Jerusalem. Herod and Nicolaus supported them. Marcus Vipsanius Agrippa (Augustus’s right-hand man), because of Herod’s goodwill and friendship, upheld the appeal and confirmed (or restored) the rights of Ionian Jews (*Ant.* 16.27–65). Herod’s intervention in Asia Minor provides extremely clear evidence of the common interests of Jews throughout the Roman Empire.

These observances (Sabbath, kosher food, and so on) imply basic beliefs: the Jews follow their own God and believe that he requires them to live in a certain way. That is, their God is the one true God, and Jews have a special relationship with him. His will is found in the Bible.

2. The collection of money for Jerusalem deserves emphasis. It appears that most Jews in the Roman Empire, and in Mesopotamia as well, were loyal to the temple and supported it. Payment of the temple tax from both the western and the eastern Diaspora is well attested in Josephus and Philo.⁴² Payment is taken for granted in Matt 17:24. Cicero objected to the right of Jews to export money from their local provinces and supported the governors who confiscated the funds or

40. On Augustus’s support of Jewish rights, see also Philo, *Embassy* 156–57, 291, 311–16.

41. For a fuller analysis of the decrees in Josephus’s *Antiquities*, see my *Practice and Belief*, 212.

42. See my *Practice and Belief*, 52.

forbade their export.⁴³ According to Josephus, the temple was occasionally plundered—which indicates that it contained a lot of wealth.⁴⁴ Probably most of it came from Diaspora Jews, both in Mesopotamia and in the Roman Empire.⁴⁵ Both gentiles and Jews saw support of the Jerusalem temple as an identifying mark of Jews. The strongest proof of the connection between the *temple* and *Jewish identity* is the fact that after the first revolt (66–73 CE) the temple tax was collected and sent to Rome for other purposes.⁴⁶ The Jews were a distinct body of people in the Roman Empire, and all Jews in the empire were identified and taxed after the revolt in Palestine.

The practice of collecting money and sending it to the temple in Jerusalem implies, again, beliefs: that the worship of the true God was conducted there and that the biblical requirement of the temple tax should be observed.⁴⁷

3. One of the principal Jewish rights in the Diaspora was that they were not required to worship the city gods, despite gentile pressure.⁴⁸ This again points to a belief: that the Jewish God was the only true God. Both Jews and gentiles recognized this as a defining characteristic of Jews.

4. Circumcision of sons is commanded in the Bible and is a main feature in the story of the Hasmonean revolt. Jews and Greeks agreed that Jewish males were circumcised.⁴⁹ Circumcision is commanded in the Bible (Genesis 17), and Jews believed that they should obey.

This correspondence between Jewish and Greco-Roman views of Jewish practices proves that there were common observances. A sociologist might stop with observable customs: Jews were people who followed some or all of the practices just listed (plus others that can be

43. Besides relating stories of theft of the temple tax en route to Jerusalem, Cicero writes this in favor of Flaccus: “When every year it was customary to send gold to Jerusalem on the order of the Jews from Italy and from all our provinces, Flaccus forbade by an edict its exportation from Asia” (*Pro Flacco* 28.67).

44. For stories of plunder, see *Practice and Belief*, 83f., 161–62.

45. According to Cicero, *Pro Flacco* 28.68, Flaccus’s decree to stop the exportation of gold from his province (Asia) to Jerusalem led to the confiscation of more than 220 pounds of gold. It would have taken the farmers and merchants of Jewish Palestine a long time to contribute that much money to the temple.

46. Josephus, *J. W.* 7.218; Cassius Dio, *History of Rome* 66.7.

47. In the Greco-Roman period, Jews paid one-half sheqel (two drachmas) annually. This combines the half-sheqel tax of Exod 30:13 (which was apparently a one-time-only tax) with the regular tax of Neh 10:32 (which specifies one-third sheqel).

48. See, for example, Josephus, *Ant.* 12.125–27. This dispute also involved Nicolaus as advocate for the Jews and Marcus V. Agrippa as judge.

49. There is a convenient collection of gentile sources in Molly Whittaker, *Jews and Christians: Graeco-Roman Views* (Cambridge: Cambridge University Press, 1984), 80–85. The sources, with translation, can be found in Stern, *Greek and Latin Authors on Jews and Judaism*.

established in various ways: the list above is not exhaustive). But a lot of Jewish literature offers *motives*, and I think that we should go beyond a list of practices. Jewish observance of the law was based on the view that God ordained it. Moreover, Jews were monotheists: their God was the only true God. This belief, coupled with the view that they should follow God’s law, shows that they thought of themselves as having a special relationship with God. He had a covenant with them, and he had chosen them to obey him.

Consequently, to this list of common observances,⁵⁰ I would add three major beliefs: monotheism, election, and the divine origin of the law. Thus, I regard “covenantal nomism” (the election plus the law) as part of “common Judaism.”⁵¹

Conclusion: Basic Elements, Cores, and Essences

If I were asked the classic question, whether or not Philo and R. Aqiba would have understood each other, I would say that they would. I assume that they would have disagreed about exegetical techniques and other items, but that if one could have visited the other at Passover, they would have agreed on what they were doing and why—on practice and belief. I would also respond affirmatively to my earlier question, whether or not at Passover Jews from Italy, Egypt, Mesopotamia, and Jerusalem would have understood one another’s Passover observance. For the most part, all Jews understood “common Judaism,” as did a lot of gentiles.

Was common Judaism “essential”? It appears to me that it was essential to Judaism as a whole and to most individual Jews. That does not mean that it was *uniform* in the life of every Jew, much less that it was in some way *enforced*—except by local public opinion: I do not think that in the period I have studied normative Judaism had emerged. Without *common or shared identity*, however, Judaism might have broken up into Neusner’s separate Judaisms, and many more Jews would have assimilated themselves to common Mediterranean life.

50. In *Practice and Belief*, 236–37, I listed five common practices. In the present summary, I have left out purification, since everyone in the ancient world purified themselves for sacred occasions. Thus periodic purification was common to Jews, but it was also common to everyone else. In the Diaspora, Jewish purification (especially handwashing and the use of basins for sprinkling, called *perirrantēria*) agreed with pagan practice. On Jewish purity laws and practices, see *Practice and Belief*, 214–30. On handwashing and *perirrantēria* in the Diaspora and in paganism, see my *Jewish Law from Jesus to the Mishnah*, 260–70. For further references to hand washing, see the index in *ibid.*, s.v. “Purity laws: sub-topics.”

51. See, for example, *Paul and Palestinian Judaism*, chap. 13.

But could individual people be Jews while omitting, say, half or even three-fourths of the common, typical practices and belief? I would say yes, if they counted themselves Jewish and if other people saw them as Jewish. A person who gave up all of the typical practices, it would seem to me, would merge into the gentile world. Legally, a “son of Israel” might still be a Jew by birth; but socially, a total apostate would remove himself or herself from the collective entity, Judaism.

Have I proposed an “essentialist” definition of Judaism? It is at least sometimes instructive to discuss terminology, and I think that this is one of the times, partly because some people use the word *essence* in discussing my work,⁵² but mostly because the use of brief descriptions and summaries in defining complicated movements deserves a few more lines. To recall an earlier observation: we all need brief depictions, and we shall all continue to employ them. They are useful in discussion of religions, political parties, systems of government—all sorts of things. If every time we wanted to say something about “democracy,” for example, we had to say that there are several democracies, and then give an account of the diverse legislative or parliamentary systems in the more or less democratic nations, we would have to refer to an encyclopedia every time we wanted to say anything about democracy as an “ism,” and it might be hard to see the elements that are common to the democracies.

The question of whether it is useful to search for an “essence” depends, I suppose, on how one understands the word. I continue to think of an *essence* as either an *inner quality* or an *abstract* word or phrase of the sort that cannot be historically evaluated. Examples of qualities that are sometimes held to be the essence of a religion are *love*, *faith*, and *grace*. As examples of abstract phrases, I offer “the fatherhood of God and the brotherhood of man” (which was common before the women’s movement) and Adolf von Harnack’s “eternal life in the midst of time” in his work *Das Wesen des Christentums*, which might be translated “the essence of Christianity” (see below).⁵³ Essences like these are beyond historical research and so cannot aid historical understanding—however useful they may be homiletically.

52. One example in addition to the lecture by Jonathan Z. Smith cited above, “Matter of Class,” is Philip Alexander, “‘The Parting of the Ways’ from the Perspective of Rabbinic Judaism,” in *Jews and Christians: The Parting of the Ways AD 70 to 135*, ed. James D. G. Dunn (Tübingen: Mohr Siebeck, 1992), 2.

53. “The Christian religion is something simple and sublime; it means one thing and one thing only: eternal life in the midst of time, by the strength and under the eyes of God” (Adolf von Harnack, *Das Wesen des Christentums* [Leipzig: J. C. Hinrichs, 1929], 8).

Take *love*, for example. We can to some degree study by historical means the way in which Jews and Christians *treated* both insiders and outsiders. Would a strong record of charitable acts prove that love is the essence of either religion? Not precisely, since there might be other explanations of charity (such as enlightened self-interest or the need to curry favor), and in any case we could not prove that charitable acts were performed by all people who claimed to be Jewish or Christian. If love were the one and only essence of a religion, a lot of people who claimed membership would be found not to behave in accordance with the essence. The essence, then, would turn out to be theoretical, and we would have a theoretical religion, not a historical one.

This may become a little clearer if we return to von Harnack.⁵⁴ There was a debate in Germany about the usefulness of the Apostles' Creed in worship. Von Harnack was of the view that it was outmoded. But would anything replace it if it were dropped? It was in that context that von Harnack gave the lectures that became the book *Das Wesen des Christentums*, which was translated into English as *What Is Christianity?* Professor Hillerbrand suggested to me that the best translation of *Wesen* in this context is not "essence" but "core." The bare core, "eternal life in time," was supplemented in von Harnack's lectures by appeal to some of the basic teachings of Jesus, which would combine with the core idea to produce a conception of Christianity that was more relevant than an ancient creed that listed dogmas.

Von Harnack—arguably the greatest historian of Christianity—did not propose that "eternal life in the midst of time" could be proved to be the inner guiding principle in each version of Christianity throughout history. The aim, rather, was to find a theological statement that was appropriate to Christianity and that could be used to lead parishioners toward the *right sort* of Christianity, one that was simple, sensible, humane, and not burdened with antique metaphysical dogmas.

Thus I regard von Harnack's "core" as theological and homiletical, not historical. In terms of *history*, it might well be an item on a list of frequently held Christian beliefs. One might argue that it is central to *true* Christianity—a theological position—without seeing it as having shaped all or even most forms of Christianity historically.

I shall give a final example of the difference between a "common characteristic" and an "essence." I believe it to be true that, on average,

54. I am indebted to a conversation with Hans Hillerbrand, who explained the context of von Harnack's *Wesen des Christentums*.

ancient Jews were *loyal* to the Jewish people and to the God of Israel, but I do not know whether or not they all *loved* God or one another. In modern speech, “love” is an *inner* quality, and it cannot be supported by historical evidence the way loyalty can be. We can prove widespread loyalty by the number of instances in which ancient Jews were willing to fight and die for their ancestral traditions and were also willing to suffer difficulty, discomfort, and discrimination as they struggled to maintain them.

In my own view, I have been in quest of historically ascertainable characteristics of a religion, which I distinguish from an essence. One of the things that I like about “covenantal nomism” as a theological lowest common denominator is that it has a lot of content. It actually depends on the idea of *loyalty*. It is as theological as von Harnack’s “core” of Christianity, but it is much better suited to historical proof, because loyalty to the people of Israel and to the law can be supported by evidence. “Common Judaism,” of course, puts more meat on those bones and is more obviously descriptive.

Thus I do not think that I know what the essence of Judaism was. I think that there were *basic* and *common* observances and beliefs that served to identify some people as Jews in the ancient world and that gave the group a firm identity. The theology that held these practices and beliefs together was the underlying faith that the God of Israel is the one true God of the world and that his will is found in the Hebrew Scripture (or in its Greek translation). This Scripture includes the history of God’s dealing with his people, including the election of Abraham, the exodus from Egypt, and the giving of the law to Moses on Mount Sinai. The Bible is the basis of common Judaism (though just which parts of it each group of people observed, and precisely how they observed those parts, varied).