**The Appropriation of Roman Culture by the Rabbis: Some Case Studies**

Katell Berthelot

CNRS / Aix-Marseille University

*Abstract*

The rabbis’ encounter with the Roman empire and Roman culture was characterized by a deep ambivalence. In rabbinic texts, Rome is the ‘evil kingdom’, and Jews are encouraged to distance themselves from its idolatrous practices. Nevertheless, rabbinic literature also testifies to the appropriation of many Roman cultural motifs by at least part of the rabbis. This paper explores three examples of this dynamic. It will focus successively on the topics of public baths, mythical narratives about the origins of Rome, and the Roman legal fiction of adoption. These examples show how the rabbis’ responses to Roman social practices and cultural discourses reveal strategies of appropriation that ultimately served the rabbis’ project of safeguarding Israel’s distinctiveness within the Roman world.

*Introduction*

‘Appropriation’ is a concept that has received multiple definitions and continues to be used in various—even opposite—ways, as Marian Füssel has aptly shown. For the sociologist Pierre Bourdieu, ‘du fait que leur appropriation suppose des dispositions et des compétences qui ne sont pas universellement distribuées (bien qu’elles aient l’apparence de l’innéité), les œuvres culturelles font l’objet d’une appropriation exclusive, matérielle ou symbolique’. From Bourdieu’s perspective, appropriation is the ability to decipher the meaning of a cultural work based on cultural resources that are acquired either by inheritance or education and constitute the fundamental distinction between social classes. Appropriation is therefore part of the upper classes’ efforts or strategies to consolidate their position of power within society. Michel de Certeau’s definition of appropriation differs from Bourdieu’s and reflects a reversal of perspectives. Two important aspects of De Certeau’s theory of appropriation often emphasized by scholars are individual agency along with selectivity and inventiveness. Individuals have the ability to transform cultural objects and practices, alter and reinvent their use and significance, and even subvert them.

Both aspects are relevant for the study of the rabbis’ interactions with the Roman empire. A significant number of rabbinic teachings relate to Roman culture in one way or another. In doing so, they reflect a broad spectrum of attitudes vis-à-vis Rome, ‘from assimilation to accommodation, transmission, imitation, reproduction, adjustment, adaptation, conversion, reversal, subversion, perversion, and resistance’. This list is actually a quotation from Jitse Dijkstra’s 2021 article, in which he posits that the term appropriation ‘offers a more complex view of cultural transfer [than ‘reception’ or ‘acculturation’] that has the potential to reveal the entire spectrum of how people decode transmitted messages’. Similar lists are found in works on ancient and modern empires that want to emphasize the individual and collective agency of the subjected peoples. In the case of the rabbis, it may indeed be possible to refer to the gamut of their attitudes toward Rome through the word ‘appropriation’ (except maybe in cases of complete rejection, when nothing at all is ‘appropriated’).

When applied to the relationship between Jews and Romans, the notion of appropriation may help to highlight the individual agency of specific Jews (or groups of Jews) in their dealings with Rome rather than the so-called imposition of Roman culture or norms on provincial populations. It certainly helps to clarify that the adoption of Roman cultural motifs by the rabbis was neither passive nor thoughtless, but rather selective, evolving, and creative. Appropriation is also more apt than the notion of hybridization, which does not adequately reflect the power dynamics at work in the rabbis’ experience of Rome (at least for most rabbis), nor their claims to be building a distinct, idiosyncratic social, political, legal, and religious order.

Admittedly, classical rabbinic works are anonymous collections and thus collective artefacts, not individual productions. They are rooted in a long history of oral transmission, which progressively gave way to the production of literary compilations with various layers, which reached their final redactional state roughly between the third and the sixth century CE. Even though they are collective endeavours, these anthologies name specific rabbis, attribute teachings to them—whether these attributions are historically reliable is another debate—and record disagreements between them, so that it is possible to speak of individual agency within a collective setting.

In addition to selective inventiveness and individual agency, a third dimension of De Certeau’s notion of ‘appropriation’ is worth considering. For De Certeau, appropriation involves ordinary people rather than just the prominent and powerful members of the elite, and thus reflects a bottom-up perspective. It is problematic to characterize the rabbis as ordinary people, as they constituted a literate elite trained in legal matters. Yet most of them were not particularly rich and only a few enjoyed positions of political (or even judicial) power. Under these circumstances, rabbinic Judaism may reasonably be construed as related to everyday practices (which does not mean that rabbinic norms were representative of how Jews actually lived during the first centuries CE—that is a different issue altogether).

Inherent in De Certeau’s focus on ordinary people is also the notion of power discrepancy. Those who appropriate cultural products, discourses, or practices, are not those who create, produce, spread, and control them (in contrast to Bourdieu’s approach, as well as that of Foucault to a great extent). De Certeau’s work seeks to balance previous sociological analyses of cultural consumption that suggested a passive attitude on the consumers’ part. While he may have agreed that the processes of cultural appropriation ultimately contribute to the shaping of the culture in which they take place, De Certeau’s starting point is the original discrepancy between those who, so to speak, are ‘in charge of culture’ and those who receive it. This starting point explains why De Certeau’s notion of appropriation has proved relevant for postcolonial studies, which focus on situations in which a colonial culture is imposed on a population with its own, indigenous culture. As Jitse Dijkstra notes, De Certeau himself referred to the Spanish colonization of the Americas, in which the indigenous populations:

often used the laws, practices, and representations that were imposed on them by force or by fascination to ends other than those of their conquerors; they made something else out of them; they subverted them from within … by many different ways of using them in the service of rules, customs or convictions foreign to the colonization which they could not escape.

Willem Frijhoff claims that De Certeau did not focus on the production of a counterculture (which is consistent with De Certeau’s focus on the individual), but the quotation above from *L’invention du quotidien. Arts de faire* (*The Practice of Everyday Life*, vol. 1) shows how easily De Certeau’s approach could be combined with the goals of postcolonial studies. Dijkstra himself goes on to say: ‘And indeed, the term “appropriation” has been applied to the ways in which the Nahuas of Mexico conceptualized the colonial situation and created a “counternarrative of continuity”’. This aspect of De Certeau’s notion of appropriation is certainly the most relevant one for the Palestinian rabbis, who, while being part of the Roman empire, saw Rome as oppressing Israel and viewed Roman laws, practices, and representations as deeply foreign to Judaism. They nevertheless appropriated some of them in creative ways.

This paper will explore three examples of this dynamic by focusing successively on the topics of public baths, mythical narratives about the origins of Rome, and the Roman notion and practice of adoption. Through these examples, I will show how the rabbis’ responses to Roman social practices, cultural discourses, and legal norms go beyond sheer rejection and reveal strategies of appropriation that ultimately served the rabbis’ project of safeguarding and expressing Israel’s distinctiveness within the Roman world.

*Appropriating Roman social practices: the case of Roman baths*

The Mishnah, which can, on the whole, be described as a third-century compendium of the rabbinic oral law—meaning: the rabbinic interpretations of the commandments—contains a tractate titled Avodah Zarah (literally: ‘foreign [cultic] work’, i.e. idol worship, idolatry). This tractate’s main purpose is to regulate the interactions between Jews and non-Jews (considered idolaters) and to determine how Jews were to inhabit the polytheist world in which they lived. In chapter 3, we find a story about an encounter between Rabban Gamaliel—who is generally identified as Rabban Gamaliel II (according to rabbinic tradition, the head of the Sanhedrin at the end of the first century CE and the beginning of the second century), but could also be Rabban Gamaliel III, son of R. Yehudah ha-Nassi (beginning of the third century)—and a Greek man named Paraqlos/Proklos ben Plaslos/Plosfos/Pelosepos/Philosophos, usually identified by scholars as a philosopher. A dialogue ensues:

Paraqlos ben Plaslos/Proklos ben Philosophos asked Rabban Gamaliel (a question) in Akko (Ptolemais), while he was washing in Aphrodite’s bathhouse. He said to him: ‘It is written in your Torah: *Do not let anything devoted to destruction (*חרם, ḥerem*) stick to your hand* (Deut 13:18). Why are you bathing in Aphrodite’s bathhouse?’

He said to him: ‘Answers are not given in a bathhouse’.

When he went out, he said to him: ‘I did not come into her domain. She came into mine. They do not say: “Let us make a bathhouse (as an ornament) for Aphrodite”, but “Let us make Aphrodite as an ornament for the bathhouse”.

Another matter: If someone gave you a lot of money, would you walk into (the place of) your idol naked and impure because of a seminal emission, and urinate in front of her? This (thing) is standing on the sewer and all the people urinate in front of her. (Scripture) says only *their gods* (Deut 12:3)—that which one treats as a god is prohibited, but that which is not treated as a god is permitted’. (Mishnah, Avodah Zarah 3:4, my translation)

What is at stake in this dialogue? We must keep in mind that the Romans developed bathing complexes to an unpreceded level of sophistication, thanks to particular techniques like the water heating system (based on the hypocaust). Access to public baths was a landmark of Roman civilization. Several rabbinic texts reflect the fact that Jews, like other provincials, attended Roman baths. Despite the baths’ strong association with Roman culture, the rabbis did not attempt to forbid their use, perhaps out of pragmatic considerations of the efficacy of banning a widely accepted practice. It is also likely that the rabbis appreciated the value of hygiene and did not regard bathing to be a particularly Roman value. In his book *Rabbis as Romans*, Hayim Lapin writes:

Unlike the Babylonian characterization of second-century rabbinic debate, Palestinian rabbinic texts, and particularly tannaitic legal texts, do not generally treat bath as an artifact of empire imposed upon an admiring or resistant population. Baths and bathing appear instead as an almost entirely naturalized aspect of the material practice of daily life.

This analysis is certainly correct, but the idolatrous dimension of the statues exposed in bathhouses comes to the fore explicitly in tannaitic texts, for example in Mishnah Avodah Zarah 1:7, which allows Jews to participate in the building of a bathhouse until ‘they reach the vaulting on which they set up an idol’. At that point, it is forbidden to continue to help the non-Jews build the bath. This permission and attendant constraint reflect the ambivalence of the rabbis’ relationship to public bathhouses displaying statues of deities.

Mishnah Avodah Zarah 3:4 raises the question of the idolatrous dimension of the bathhouse through the voice of a Greek philosopher who questions Rabban Gamaliel’s presence in the bath based on a Torah passage that forbids the use of anything that God has declared *ḥerem*. Here the term *ḥerem* characterizes idolatrous objects or places, even though in Deuteronomy 13 (the source of the verse ‘Do not let anything devoted to destruction stick to your hand’), it actually refers to an Israelite city that worshipped other gods. That the objection to Rabban Gamaliel’s presence in the bathhouse comes from a Greek should not surprise the reader, as it is not unusual in rabbinic literature to hear questions related to the interpretation of God’s commandments coming from non-Jews.

Rabban Gamaliel’s answer is clever but not wholly satisfying. He originally refuses to answer in the bathhouse itself. Amit Gvaryahu posits that he is avoiding Proklos’ question, but Rabban Gamaliel’s attitude may have had a deeper meaning, for he subsequently describes the bath as a place associated with nakedness and impurity, and infers from the nature of the place and the acts performed in it that the statue of Aphrodite has no sacred status. In contrast, Torah commandments enjoy a sacred status, which makes a discussion of a biblical verse within the space of the bathhouse improper.

The answer that Rabban Gamaliel later provides can be divided into two parts: First, he contends that he has not entered the goddess’ realm, even though the bath is named for her. He argues that the bath was not built for Aphrodite and dedicated to her and that Aphrodite’s statue is to be seen as a mere ornament, not as a manifestation of the goddess. At the beginning of the third century, many Greeks and Romans differentiated between divinities and their statues, which were generally no longer granted agency. However, this rationalizing perspective of philosophical origin may not have been unanimously shared. Moreover, the bath being called ‘Aphrodite’s bath’ certainly points to it having been dedicated to the goddess (the hypothesis that the bathhouse was connected to a sanctuary, as some Jewish commentators thought is unnecessary). Rabban Gamaliel’s response thus reflects a discrepancy between Greco-Roman perceptions and his subversive appropriation of the bathhouse through a tactic of religious ‘neutralization’. This tactic is found in other rabbinic texts as well and has been analyzed by Beth Berkowitz as a key strategy in the institutionalization of rabbinic authority.

Second, Rabban Gamaliel argues that the attitude of those who enter the bathhouse and urinate in front of a statue representing a goddess—an attitude which is implicitly contrasted with that of worship at a temple—further demonstrates his point that the bathhouse is not a religious space. Even though this argument is not irrelevant, it still does not prove that the bathhouse was not dedicated to the goddess Aphrodite.

The rabbis could probably have avoided Roman public baths altogether. As Hayim Lapin notes, this kind of cultural space was not imposed on them and rabbinic works do not describe it as being imposed. In contrast, rabbis occasionally had to attend Roman trials (a person summoned to appear before a court, for example as a witness, had no choice but to go there). The story of Rabban Gamaliel suggests that some rabbis chose to inhabit the space of the bathhouse and make it their own. While entering the space of the imperial Other and of the provincials who fully adopted this kind of lifestyle, Rabban Gamaliel nevertheless reinterprets the cultural meaning of the statues present in the baths. He appropriates the latter through a radical desacralization of their statues, based on the claim that urinating in front of a statue of Aphrodite meant that this statue had no religious dimension but a purely decorative one. This argument was innovative from a rabbinic perspective, and it is also specific to Rabban Gamaliel, for it contrasts with other positions found in the Mishnah. The personal dimension of Rabban Gamaliel’s creative response makes the use of the notion of ‘appropriation’ (according to De Certeau’s definition) in this case all the more relevant.

*Appropriating Rome’s mythical history: the case of Rome’s foundation*

The story of Romulus and Remus was well-known in the Roman empire, including in the East. For example, third-century coins from the cities of Aelia Capitolina, Caesarea, Neapolis, and Sebaste—all of whom had colonial status at the time—depicted the she-wolf and the twins. Rabbinic literature also occasionally testifies to the popularity of this myth. Midrash Psalms 10.6 refers to Romulus and Remus as fatherless children who, because their mother could not raise them, were nurtured by a she-wolf summoned by God to suckle them, in fulfillment of the biblical passage ‘You (God) have been the helper of the orphan’ (Ps 10:14). Note that here the providential assistance granted to the twins comes from the God of Israel, not from the implicit intervention of the Roman deities.

The midrash also reports that the brothers later built two huts on the site of what would become Rome. Midrash Psalms is notoriously difficult to date, as the collection developed over several centuries, but references to the foundation of Rome by Romulus and Remus can be found already in verifiably tannaitic rabbinic literature (dated to the third century CE but possibly based on more ancient traditions). A passage from the Jerusalem Talmud (end of the fourth century) that discusses a few Roman festivals—the Kalends, the Saturnalia, and one named Kratesis—also alludes to the foundation of Rome in connection with the enigmatic ‘Kratesis’. Because κρατέω means ‘to seize’ and κράτησις can have the sense of ‘empowerment’ or ‘power’, the rabbis understood the Kratesis festival as a celebration of ‘the day on which the Romans seized power’. The historical event (if any) to which the Talmud is alluding here is unclear, and the rabbis discuss several options. The following explanation is then added in the name of Rabbi Levi, a Palestinian rabbi who lived at the end of the third century CE:

(Kratesis) is the day that Solomon married into (the family of) Pharaoh Necho, king of Egypt. On that day (the angel) Michael came down and thrust a reed into the sea, and pulled up muddy alluvium, and it grew to a large thicket of reeds, and this was the great city of Rome. On the day that Jeroboam erected the two golden calves, Remus and Romulus came and built two huts in the city of Rome. On the day that Elijah disappeared, a king was appointed in Rome: *There was no king, in Edom, a deputy was king* (1 Kings 22:48). (Avodah Zarah 1:3, 39c)

As in Midrash Psalms, here the God of Israel intervenes (through his angel) in Rome’s destiny, which therefore appears to be divinely sanctioned. In this talmudic passage, every step of Rome’s history is correlated to a major sin committed by Israel’s leaders. The first sin consists in Solomon’s wedding with Pharaoh’s daughter, the first foreign wife he took; he later married many other foreign women who incited him to tolerate idolatrous cults in his household and even to support them, leading to Israel’s punishment and the division of David’s kingdom. According to the Talmud, Solomon’s sin was responsible for the formation of the piece of land on which Rome would later be built. Sarit Kattan Gribetz points to a coin minted under Antoninus Pius as a possible background to the talmudic account: on the reverse side is a representation of the Tiber (a personification or a god) with a reed in his hand that commemorates Rome’s origins on the muddy shores of the river. In the rabbinic rendering, instead of the Tiber, it is the archangel Michael who makes the city emerge from the water, obviously at God’s command and as a chastisement of Israel.

The second sin that has implications for Rome’s history is that of Jeroboam, who became the first king of the Northern kingdom (1 Kgs 11:26–12:20) and erected two golden calves in sanctuaries located in Bethel and Dan for the people to worship (1 Kgs 12:26–33). He deliberately induced the Israelites to commit idolatry and as a consequence, ‘Remus and Romulus came and built two huts in the city of Rome’. It is unclear why the talmudic excerpt refers to ‘two huts’. Maybe this notion echoes the fact that Romulus and Remus were competing for the foundation of the city, which is interpreted as meaning that each of them wanted to build his own city. More probably, the reference to two huts derives from the two golden calves mentioned in the biblical text. Rabbinic exegesis frequently resorts to a ‘measure for measure’ principle, that people are punished in a way that recalls the nature of the sin which they committed. In any case, Jeroboam’s erection of the two golden calves is associated with the two huts that embody the foundation of the city of Rome, suggesting that without Jeroboam’s sin, Rome would not have been created.

The third and last event in the history of Israel mentioned by the Talmud is Elijah’s ascent to heaven, narrated in 2 Kings 2:1–14. Elijah was a righteous prophet living in the kingdom of Israel under the wicked king Ahab. He is described as withstanding Ahab and his wife Jezebel, who worshipped Baal instead of YHWH, the God of Israel. At the end of his life, Elijah ascends to heaven in a fiery chariot. After his departure, his disciple Elisha shouts: ‘My father, my father! Chariot of Israel and its horsemen!’ (2 Kgs 2:11–12), indicating that Elijah was protecting Israel against their enemies through his righteousness. His departure weakens Israel, and idolatry increases again. As a consequence, the Romans start to have a king, signifying the growth of Rome’s power. Elijah’s ascent to heaven implicitly parallels that of Romulus in Roman historiography, which led if not to the establishment of the Roman monarchy, at least to its consolidation with Romulus’s successor, Numa, who was considered the founder of Roman religion. From early on (at least from the 2nd century BCE), Romans depicted the creation and expansion of their empire as the result of their exceptional piety, rooted in Numa’s legacy.

In short, the idolatrous behavior of the kings of Israel and Judah is presented by the Jerusalem Talmud as the true cause of the foundation and expansion of Rome, and Israel is thereby a determining factor in Rome’s destiny. The Talmud proposes a counternarrative to the glorious and providential history of Rome reflected in Roman and pro-Roman sources, a counterhistory that casts Rome’s foundation in a negative light, presents the city as built on sin, and severs its connection to the Roman gods.

This counternarrative may be described as an act of appropriation. The inventor of this story (whether R. Levi or someone else) selectively and creatively uses Roman traditions—myths known from literary, iconographic, numismatic, and probably oral sources—in a way that subverts their original meaning. Moreover, as Sarit Kattan Gribetz rightly emphasizes, ‘it is perhaps the clearest case of the biblical past being inscribed by the talmudic rabbis onto the annual cycle of the Roman calendar’. Therefore it may be seen as an appropriation not only of Roman myths but also of Roman festivals. Ultimately, Jews are supposed to remember the inauspicious events associated with the Roman festivals and avoid participation in their celebration.

*Appropriating Roman legal notions: the case of adoption*

The most fascinating examples of rabbinic appropriation of Roman culture probably lie in the legal sphere. Scholars have long noted similarities between Roman legal texts and rabbinic *halakhah* (rabbinic law). The question of whether Roman law had an impact on the rabbis’ legal thinking has been debated for decades. Scholars who have compared the two *corpora* have generally been very cautious and have avoided speaking of ‘influence’ (be it that of Roman law upon rabbinic thinking or, in a few cases, the reverse) because ‘influence’ has traditionally been understood as implying contacts between literary traditions and would entail rabbinic knowledge of legal texts in Latin or Greek. While it is doubtful that rabbis had the chance to study Roman legal texts, it is likely that they gained knowledge of some Roman legal principles and specific laws through their interactions with non-Jews, business dealings, and participation in trials. Catherine Hezser thus writes:

Rabbis are unlikely to have studied Roman law or read Roman legal texts. Yet they seem to have been aware of the rules followed by some of their contemporaries in areas of mutual interest. They could adopt, imitate, reformulate, summarize and apply them or formulate alternative regulations.

This selective and creative use of Roman legal rulings or principles by people whose own legal traditions were in a position of subordination vis-à-vis Roman norms is probably best defined as an act of appropriation.

The legal notion of adoption (*adoptio* or *adrogatio* in Latin) provides an interesting example of rabbinic appropriation of Roman legal principles. Adoption as a legal category is absent from both the biblical and the rabbinic legal corpora, and no Hebrew or Aramaic term exists to refer to such a practice. At the theological level, some biblical texts convey the idea of Israel as God’s children, and the apostle Paul later uses the Greek term for adoption (υἱοθεσία) in this context. The legal practice of adoption is not attested to in Israelite or Judean society until Late Antiquity. Moreover, is found in Jewish texts only from the first century CE or later, i.e. in a Roman context. Rabbinic texts obviously do not use such terminology as they were written in Hebrew and Aramaic, but it is possible to identify the legal notion of adoption as standing behind the reasoning of ruling in the Jerusalem Talmud about the status of proselytes (or: converts to Judaism; גרים [*gerim*] in Hebrew).

In ancient Jewish texts, conversion to Judaism does not refer primarily to a spiritual *metanoia* and an inner transformation. First and foremost it involves joining the Jewish people and adopting a lifestyle of following the commandments (which, of course, include the rejection of any type of idolatry, at least in theory). Jewish texts that allude to conversions can be found from the second century BCE onward, but the bulk of the evidence, including inscriptions, dates to the first century CE and later. Rabbinic literature includes numerous references to *gerim*. The phenomenon of conversion is thus widely attested from the first century CE onward.

Because in biblical sources (as well as in later Jewish sources) the people of Israel is defined in genealogical terms, as the descendants of Abraham, Isaac, and Jacob, the non-Israelite lineage of *gerim* was a problem that the rabbis addressed. *Gerim* were prohibited from marrying priests and Levites, whose status was understood to be hereditary. Moreover, they did not share God’s promises to the patriarchs concerning the Land of Israel and thus had no portion of the Land.

In connection with the commandment in Deuteronomy 26:1–11 to bring the firstfruits and recite to a priest: ‘Today I declare to the Lord your God that I have come into the land that the Lord swore to our ancestors (or: fathers) to give us’ (26:3), the Mishnah states:

These (people must) bring (the firstfruits) but do not recite (the declaration prescribed in Deut 26:3): the convert (גר) brings (them) but he does not recite, since he cannot say *That the Lord swore to our fathers to give us*. But if his mother was an Israelite, he brings (them) and recites.

And when he prays in private (lit.: between him and himself) he says: ‘God of the fathers of Israel’; but when he is in the synagogue [with the community] he says: ‘God of your fathers’. If his mother was an Israelite he says: ‘God of our fathers’. (Bikkurim 1:4)

According to the anonymous teaching in this passage, *gerim* who do not have Israelite ancestors and thus have no share in the Land of Israel are not allowed to recite ‘I have come into the land that the Lord swore to our fathers to give us’ nor to say ‘God of our fathers’ in private or public prayers. In the Tosefta (a third-century compilation of rabbinic laws whose structure parallels that of the Mishnah), tractate Bikkurim 1:2, the same opinion about the offering of the firstfruits and the recitation is attributed to Rabbi Yehudah, from the second century CE. After the destruction of the Temple, firstfruits were no longer brought and the prohibition to recite became mostly theoretical. The second prohibition, however, involving the text of the Amidah prayer recited three times a day, publicly differentiated converts in synagogues by constantly reminding them (and others) of their non-Israelite lineage. It was a logical consequence of the genealogical model but might have been perceived as humiliating.

The Babylonian Talmud (tractate Makkot 19a), composed in a Sassanian context, endorses the perspective and the conclusion of the Mishnah. In contrast, the Jerusalem Talmud, composed in a Roman context, presents a surprisingly innovative teaching:

It was taught (on tannaitic authority) in the name of R. Yehudah: (The) convert himself brings (the firstfruits) and recites (the declaration prescribed in Deut 26:3).

What is the reason (i.e., the scriptural basis for this ruling)? (No longer shall your name be Abram, but your name shall be Abraham,) for I have made you the father of a multitude of nations (Gen 17:5). In the past you were a father to Aram, but from now on you are a father to all the nations (גוים).

R. Yehoshua b. Levi said: The law (*halakhah*) accords with R. Yehudah.

A case came before R. Abbahu and he rendered a decision in accordance with (the position of) R. Yehudah. (Bikkurim 1:4, 64a)

The redactors of the Talmud attribute to R. Yehudah a halakhic position that is diametrically opposed to the one presented as an anonymous teaching in the Mishnah and attributed to him in the Tosefta (Bikkurim 1:2). According to the Jerusalem Talmud, R. Yehudah regards even a first-generation convert as obligated to bring the firstfruits and recite the declaration prescribed in Deuteronomy, because he or she has become a descendant of Abraham and can thus claim Israelite ancestry (at least in connection to Abraham). The Jerusalem Talmud then proposes a scriptural basis for this ruling, based on God’s promise to Abraham in Genesis 17:5: ‘No longer shall your name be Abram, but your name shall be Abraham, for I have made you the father of a multitude of nations/peoples (גוים, *goyim*)’. Using wordplay, the name Abram is read *av-ram*, which can be understood as ‘high [or exalted] father’, whereas ‘Abraham’ is interpreted as *av hamon goyim*, ‘father of a multitude of nations/peoples/non-Jews’. The biblical verse is interpreted to signify that Abraham is considered the father or the ancestor of converts stemming from every nation.

Scholars usually interpret this fatherhood as a merely spiritual one. For instance, commenting on the Jerusalem Talmud, Bikkurim 1:4, 64a, Moshe Lavee remarks: ‘The notion of Abraham as the spiritual father of all nations is used here to support the inclusive law. This is a legal expression of the concept of the spiritual paternity of Abraham implied in Palestinian missionary traditions’. In connection with these Palestinian sources, Lavee also mentions ‘concepts of spiritual or alternative paternity, making converts into metaphorical offspring of Abraham, who initiated their conversion’. In a slightly different vein, Joshua Levinson notes about this passage in the Jerusalem Talmud: ‘By displacing the biological father with a mythological one, he [R. Yehudah] gains inclusiveness at the price of relinquishing the grounding of ethnicity in a common genealogical origin’.

   In the context of Bikkurim 1:4, 64a, Abraham’s paternity of *gerim* cannot be considered merely a metaphor because it has legal consequences. R. Yehoshua b. Levi’s statement, that ‘The law (*halakhah*) accords with R. Yehudah’, and the reference to R. Abbahu’s legal decision immediately afterward, emphasize this halakhic/legal dimension of the teaching attributed to R. Yehudah. This teaching casts aside the very serious objection raised in the Mishnah and other sources to a *ger* reciting the declaration of Deuteronomy 26:3 or saying ‘God of our fathers’. As noted above, the stakes were particularly high in the case of prayers that took place in a communal setting. The solution attributed to R. Yehudah in the Jerusalem Talmud is a legal fiction that creates a new reality from a halakhic, social, and psychological point of view. The convert’s kinship with Abraham is fictive, in the sense that no actual biological link with the patriarch is thereby established, but the legal consequences are real. In particular, claiming that the convert can bring the firstfruits and recite means that the (male) convert is now considered to have a share in the Land of Israel. This results from the fact that he is now genealogically linked to Abraham and thus inherits the promises made to the chosen descendants of the patriarch, including the promises concerning the Land.

The status of the convert in Bikkurim 1:4, 64a is thus analogous to that of an adopted son, as shown by his right of inheritance, implied by the fact that he recites the declaration of Deuteronomy 26:3 like a native Israelite. I have argued elsewhere that it is the Roman notion of adoption, a practice that was quite common in Roman society, including by prominent emperors (who publicized it widely through both inscriptions and coinage), which provided the redactors of this talmudic passage with the appropriate model to fully conceptualize the integration of converts into Israel.

The reason for making such a connection lies in the nature of adoption in Roman society and law (which differs in certain respects from Greek and Mesopotamian rulings and practices). Roman adoption was a legal fiction that made it possible to confer on a person a new lineage (different ancestors), along with the corresponding legal and religious duties and inheritance rights, as if this person really had been born into his or her family of adoption—features that are similar to central aspects of conversion as conceptualized in Palestinian rabbinic sources. The crucial point of the legal fiction of adoption lies in the fact that it does not minimize the importance of genealogy. Although it circumvents the notion of biological lineage, it reaffirms the relevance of lineage as such—by creating a fictive genealogy that has legal implications just like a biological one. The importance of this point can hardly be overstated. The rabbis were jurists and fond of legal fictions; adoption was precisely the legal tool that they needed to solve the issues raised by the problematic lineage of converts, at least at the conceptual level.

The notion of adoption may thus be considered an example of appropriation of Roman legal tools by some Palestinian rabbis. This appropriation was selective since the concept was not introduced into rabbinic family law and was only applied to the status of proselytes. It was also creative and even bold, for it consisted of a twofold fiction, as Abraham was long dead—normally, in Roman law, the adopting father was still alive (even though Augustus became Julius Caesar’s adopted son and heir through a testamentary adoption). Its significance in the *longue durée* proved considerable: nowadays, converts to Judaism are still commonly considered children of Abraham and named accordingly. In this case, the appropriation was admittedly not subversive. However, this statement does not mean that the word ‘appropriation’ is inadequate here. As far as I am aware, De Certeau did not state that appropriation *necessarily* had to involve a subversive dimension.

*Conclusion*

The purpose of the conference which gave birth to this volume was to reflect about the usefulness of the concept of appropriation for developing a new approach to religion and religious transformations in Antiquity. It is now time to assess to what extent this article answers the questions raised by the conference’s organizers. I think that the preceding paragraphs have shown how the tactics found in rabbinic texts match the category of appropriation as defined by De Certeau. On the other hand, one may ask whether these texts really deal with religious issues.

First, the elements of Roman culture analyzed in this article, public baths, myths of origin, and the notion and practice of adoption, may not fit particularly well in the category ‘religion’, at least at first glance. However, these aspects of individual and collective social life had a religious dimension, be it through the ambiguous status of statues of deities within the baths, the role of the gods in Rome’s history and the religious dimension of festivals, or the cult of one’s *sacra* in the context of adoption.

Second, that ancient Judaism constituted a religion is disputed by some scholars, who see Christians as the prominent players in the definition of both the categories ‘religion’ and ‘Judaism’. Since it would be impossible to discuss these opinions in the framework of this article, I will only emphasize that Jews must indeed be viewed first and foremost as a people, an *ethnos*. As a matter of fact, Jews were considered a people not only by Greek and Roman authors but also by Christian ones, in addition to being classified as a religious group in Christian theological discourse. These important precisions notwithstanding, the rabbinic texts analyzed above reflect individual and collective tactics used to cope with a world that was either polytheist or Christian, in which the Jews were an ethnoreligious minority, and in which most of them were deprived of political power. From the rabbis’ perspective, Jews were confronted by *avodah zarah* (idolatry) and had to navigate the pitfalls of social interactions with ‘idolaters’. It seems to me difficult not to characterize this challenge as in some way ‘religious’. It is only in the case of Roman civil law that one could argue that the borrowings did not necessarily entail a religious dimension, as in the Roman legal system, civil law was separate from religious law. Yet in the case of adoption, one of the specific features of Roman law was the obligation for the adopted person to give up the *sacra* of his or her family of origin, and to adopt the *sacra* of his new family. This aspect is crucial for the rabbis’ usage of the legal fiction of adoption to define the status of proselytes, who must abandon their ancestral deities and turn exclusively to Abraham’s God.

Even though rabbinic literature ultimately became a new ‘canon’ for the definition and practice of Judaism, which itself would be appropriated and sometimes subverted by Jews of later generations, many of its traditions go back to individual and collective reactions and choices that involved a certain degree of appropriation vis-à-vis the dominant Roman culture in which Jews were then immersed. Appropriation has thus been in many ways a key factor in the evolution of ancient Judaism and its transformation into rabbinic Judaism.