

The Growing Split between Synagogue and Church in the 1st Century

The *Fiscus Judaicus*

© Christopher O'Quin

*Be not deceived with strange doctrines, nor with old fables, which are unprofitable. For if we still live according to the Jewish law, we acknowledge that we have not received grace ... [For we] have come to the possession of a new hope, no longer observing the Sabbath, but living in the observance of the Lord's Day ... [For] it is absurd to profess Christ Jesus, and to Judaize. For Christianity did not embrace Judaism, but Judaism Christianity."*¹
Do Not Accept Judaism. But if any one preach the Jewish law unto you, listen not to him. For it is better to hearken to Christian doctrine ... than to Judaism...² [For] as to their scrupulosity concerning meats, and their superstition as respects the Sabbaths, and their boasting about circumcision, and their fancies about fasting and the new moons ... [these] are utterly ridiculous and unworthy of notice."³

These are not the doctrines of Church Reformers, Medieval Catholic priests, or even of Constantine's Court. These instructions come from the earliest years of the post-Apostolic Church-around 107 C.E. To most Messianic believers this comes as a great shock. How did the Church develop an understanding of itself that was so anti-Jewish and anti-Torah so early in its development?

From these instructions one can clearly understand that key Torah commandments such as Kosher laws, Sabbath observance, circumcision and Torah festivals were already thought to be abolished. How could this anti-nomian theology develop so quickly in the early Church when the Apostolic Scriptures abound with examples that testify to the eternal nature of God's Torah? It developed, in part, because Christian Church doctrine was based on much more than pure Apostolic teaching. In fact, there is a large body of evidence to suggest that post-Second Temple Christianity redefined itself in spite of Apostolic teaching.

Before going on, it will be helpful to define some terms. It will be important to distinguish between three primary groups: Traditional Judaism, Messianic Communities, and the Christian Church.

Once the Temple in Jerusalem was destroyed, Judaism was forced to redefine itself and its cultic practices. For example, how could sins be atoned for without a Temple altar or Levitical Priesthood? What emerged were three main faith traditions. First, Traditional Judaism (eventually known as Rabbinical Judaism) that continued to hold to the immutability of the Torah. For them what was at issue was not whether Torah was still relevant but *how* Torah was to be obeyed in light of new restrictions.

The second party, like those just mentioned, continued to seek Torah observance in all aspects of life but could not escape what they believed to be the immutability of the Messiahship of Yeshua of Natzeret. Made up of both Jews and Gentiles, this community's *Yeshua Ha Mashiach* was thoroughly Jewish and Torah observant. It is this party which should be in mind when we use the term "Messianic Community".

The third group grew out of a growing Gentilization of communities throughout the Diaspora. Although these congregations began as conservative Messianic communities, through growing pressures these congregations took on a more anti-Jewish flavor and developed a strikingly anti-Torah theology. By the early to mid-second century they had thoroughly divested themselves of the Jewish Covenant Signs and, therefore, ceased to remain within the pale of Judaism. This is the group that would eventually develop into the Gentilized Christian Church.

But what pressures could have produced such a break-off from the Messianic communities? This article will show from the historical evidence that much of Christian Church doctrine developed in large measure, not from New Testament teaching, but rather as a reaction to a 1st century Roman tax called the

Fiscus Judaicus.

In order to grasp how it is that a Roman tax was able to affect almost 2,000 years of Church development, a broad understanding of Israel's history with Rome is necessary. Troubles with Rome began around 63 B.C.E. when General Pompey began a sweeping annexation of western Asia, including Syria and Palestine. Asked to intervene by one of the parties in Judaea's dynastic dispute, Pompey exploited this opportunity to the hilt. He quickly conquered Jerusalem and dictated internal policy by retaining the Hasmonaeans on the throne. He also caused lasting bitterness and resentment when he desecrated the Temple in Jerusalem by walking into the Holy of Holies. Moreover, Jerusalem was to be considered a client state of Rome. As such she was expected to serve in the defense of Rome's eastern frontiers by supplying tribute and information. Although at first Israel was given a great deal of freedom to maintain her internal affairs, she was never really free of Roman meddling and interventions. Josephus writes:

*... [the Jews were told] if they supported Hyrcanus [Rome's chosen appointment for High Priest] they would live in prosperity and quiet, enjoying their own property and general peace; but if they were deluded by the frigid hopes of those who for private profit were eager for revolution, they would find him not a protector but a master, Hyrcanus not a king but an autocrat, and Caesar and the Romans not leaders and friends but enemies; they would never stand by while the Jews turned out of office the man they had appointed."*⁴

By 37 B.C.E., the Hasmonaeans were deposed and replaced with an Idumaeen king named Herod, the same Herod found in the Gospel accounts. What Rome seemed to care most about was that the various client kings kept the peace and the tribute coming into Rome. So long as a king could offer this, he could count on Roman assistance against threats to his throne. Herod is the quintessential example of a king who ruled with despotic cruelty over his people, always confident of assistance from Rome. After the death of Herod, however, the core of the Holy Land was officially annexed as the province of Judaea and governed even more directly by various prefects. Under these conditions Roman troops would now be stationed permanently in the area.

However, Judaea was always a troublesome province for Rome. "From the start Rome and its provincial governors had been obliged to grapple with an almost continuous and ever-worsening series of internal crises, embittered by mutual incomprehension of each other's religious attitudes."⁵ Finally, in 66 C.E., troubles would boil over. Josephus describes the conditions on the eve of the Jewish Revolt:

*The next procurator, Festus, tackled the chief curse of the country; he killed a considerable number of bandits and captured many more. Albinus, who followed him, acted very differently, being guilty of every possible misdemeanor. Not content with official actions that meant widespread robbery and looting of private property, or with taxes that crippled the whole nation, he allowed those imprisoned for banditry by local courts or his own predecessors to be bought out by their relatives, and only the man who failed to pay was left in jail to serve his sentence ... [F]ree speech was completely suppressed and tyranny reigned everywhere; from then on the seeds of the coming destruction were being sown in the City. Such a man was Albinus, but his successor Gessius Florus made him appear an angel by comparison ... [H]e stripped whole cities, ruined complete communities, and virtually announced to the entire country that everyone might be a bandit if he chose, so long as he himself received a rake-off.*⁶

Finally, Florus turned his avarice to the Temple, removing gold and silver from its treasury. In addition to everything else, this pushed the people of Jerusalem over the edge. Immediately Eleazar, son of Ananias the High Priest, persuaded the ministers of the Temple to ban all gifts and sacrifices from the Gentiles. This would make war with Rome inevitable since this act abolished the sacrifices offered for Rome and Caesar himself. The destruction of Jerusalem was now just a matter of time. In 70 C.E. the walls of Jerusalem were breached and the city and the Temple were sacked,

looted and burned. Louis Feldman, estimates that tens of millions of dollars worth of silver and gold were carried off from the Temple.⁷ Zealot forces would hold out for another three years at Masada, but the fate of the Jews was sealed. Judaea had become a stench to Rome and Roman authorities were determined never to allow such a revolt to occur again.

The anti-Jewish sentiment throughout the Empire can hardly be overstated. For example, the Gentile inhabitants of Antioch, which had a sizable Jewish community, took advantage of the anti-Jewish prejudice of the Romans. Immediately after the war they instituted a systematic persecution aimed at the extinction of Jewish religious practices: all who failed to sacrifice to pagan deities were to be punished, cessation from work on Sabbath was forbidden, and other Jewish "privileges" were withdrawn.⁸

It was against this backdrop that Roman reprisals for the rebellion of Jerusalem fell on all Jews within the empire, symbolically expressed through the vigorous exaction of a special poll tax known as the *Fiscus Judaicus* (Jewish Tax).⁹ This tax amounted to two day's wages per person per year for those between three and 60 years of age. Or, put another way, it equaled two days wages for each person in one's household for three generations. If a man had himself, his wife, his five children, his father and mother and perhaps his in-laws (extended families were the norm), it would cost him 22 day's wages just to pay a tax for being Jewish. Translated into modern terms, if a family had an income of \$200 per day, an 11-member household would require an annual payment of \$4,400.

The impact this tax would have on the development of the early Church was significant for it struck at the heart of Jewish/Christian identity. If the tax was to be levied against all Jews, the question had to be asked, "who is a Jew?" The answer was not as easy as it might seem. As Martin Goodman explains:

Some Gentiles might become Jews by conversion to Jewish religious practice, a process explicitly formulated in the mid 1st century by Philo. Other Gentiles were attracted to Jewish customs such as the Sabbath, without necessarily being thought of by other Jews as proselytes. Of these a large number in Antioch had, according to Josephus, been made by the resident Jews "in some way apart of themselves." Which, if any, of these anomalous characters were to pay the Jewish tax?¹⁰

By the time Domitian became Emperor (81- 96 C.E.) it was clear that no real system for determining one's "Jewishness" had been firmly established. Suetonius writes:

Domitian's agents collected the tax on Jews with a peculiar lack of mercy; and took proceedings not only against those who kept their Jewish origins a secret in order to avoid the tax, but against those who lived as Jews without professing Judaism. As a boy, I remember once attending a crowded Court where the imperial agent had a ninety-year-old man inspected to establish whether or not he had been circumcised."¹¹

Therefore, one of the unintended consequences of the Jewish Tax was that it forced the various communities to define themselves as either Jewish or non-Jewish. On the one hand there were those Traditional Jews who saw themselves as Torah observant and Covenant members of Israel and would never shrink from that identity; they would clearly pay the tax. On the other hand, there were those who, although Jewish by blood, tried to hide their Jewishness in order to prevent having to pay the tax. How would this be done? By avoiding appearances of Jewish practices such as Sabbath observances, keeping of Jewish festivals, etc. This was far more widespread than one might initially realize. For example, there were thousands of Jews who had been captured as slaves and brought to Rome during Pompey's assault on Jerusalem in 63 B.C.E.

By Domitian's time many of their offspring saw themselves as thoroughly Roman. They neither identified with their Jewish lineage nor its practices. Therefore, they bitterly resented having to

pay such a heavy tax for what they viewed as an accident of birth. Finally, there were those who, although not Jewish by blood, nevertheless practiced the Jewish faith in both Messianic and Traditional Jewish communities. Of these two groups, the early Messianic Community found itself particularly vulnerable since these followers of "The Way" belonged to a faith that was still considered a party of Judaism, even though many or even most were Gentile believers by this time.

The Jewish Tax would prove to be even more destructive, however, under Domitian's successor, Nerva. For in 96 C.E., Nerva relaxed the collection of the tax to only those who, according to historian Cassius Dio, "followed their ancestral customs." "No one was permitted to accuse anyone of treason or of adopting the Jewish way of life; and Nerva wiped out the abuses in the collection of the Jewish Tax."¹² The ramifications of this ruling were profound. Notice that "adopting the Jewish way of life" was equated with treason. Further, it indicated that by avoiding the outward practices of the Jewish faith, payment of the tax could be evaded. In other words, as far as Roman tax policies were concerned, being Jewish had nothing to do with ethnicity and everything to do with religious practice.

With this in view, consider what must have gone through the minds of Gentile believers who were new to the Messianic faith, and who, up to this time, had never felt any identification with the Jews. Not only did they lack a natural affinity for things Jewish, but were finding themselves the recipients of a growing anti-Gentile polemic within the Traditional Jewish communities. The question must have been soon asked why they would wish to identify with people who, in many cases, had no desire to identify with them and pay a crushing and debilitating tax to boot?

Moreover, wasn't the whole point of Paul's letters to the Gentile believers in Galatia and Ephesus that it was not necessary for Gentiles to become Jewish, i.e. circumcised, in order to have a part in the "world to come?" The status required by Paul's teaching was to be "in Messiah." In fact, Paul went as far as to say that a Gentile who attempted to achieve right standing before God by changing his status from Gentile to Jew through the proselyte ceremony would end up being severed from Messiah (Galatians 5:4)! Therefore, Paul was clear; Gentiles were not to attempt a change of status from Gentile to Jew--they were to remain Gentile and were to consider themselves as Gentiles who had been grafted into Israel through Messiah (Romans 11:17).

One must wonder about the tax implications of such a theology. Consider the local Roman tax collector who knew where the local synagogues were and the names of those who attended them. Since he was paid a commission on all taxes collected, it was very much in his financial interest to achieve 100% compliance regarding the Jewish Tax. Imagine his bewilderment when finding out that a whole class of people within the Synagogue were evading the Jewish Tax on the grounds that they were not Jewish. Yet Rome had declared that as far as she was concerned, adopting the "Jewish way of Life" was, for tax purposes, the same as being Jewish. Therefore, if the Gentile believers wished to avoid the Jewish Tax it was becoming clear that new traditions would need to be created--traditions that could be explained as non-Jewish.

For Jews within the Messianic communities the choice must have been agonizing. For they, unlike many Gentile believers, did see themselves as thoroughly Jewish and believers in a Jewish Messiah. For them, giving up their ancestral traditions would mean turning their backs on the whole context of their faith. Whereas Gentiles might view "Jewish forms of worship" as unnecessary or optional, for the Jew these were the very signs of the Covenant made between HaShem and His people. Not much more than a hundred years earlier the Jews had suffered severely resisting Hellenized Syrian attempts to abolish the Signs of the Covenant within the Jewish communities. Would some Messianic believers now develop a Hellenized theology to explain away the Signs of the Covenant--thus succeeding where the Syrians had failed?

Yet, pressures were enormous. If they could not pay the tax they would certainly be thrown into slavery, making Torah observance almost impossible. On the other hand, how could they justify paying a tax that went to pay for the upkeep of the pagan temple of Jupiter Capitolinus in Rome?

Finally, could they be both loyal to Messiah and redefine their faith in Yeshua *HaMashiach* in such a way that did not require observance of Sabbath worship, circumcision and Torah festivals?

Apparently there were those whose consciences did find ways to rationalize away Torah observances. The evidence for this comes from three main sources. First, there is evidence of a growing anti-Christian polemic within the Synagogue. From a Jewish standpoint, any ethnic Jew who publicly refused to pay the annual levy to the *Fiscus Judaicus* on the grounds that he was no longer religiously Jewish put his apostasy beyond doubt.¹⁴ To renounce the tax was to renounce the Jewish faith, and by renouncing the Jewish faith one forfeited any hope for a part in the world to come. It was clearly akin to those who, during the Hasmonaean period, had themselves “uncircumcised”. Revulsion toward these apostates and heretics was soon expressed in the *birkat ha-minim* recited in the *Shemonei Esrei*:

... Rabbi Gamaliel and his associates, sometime before the end of the first century, [were prompted by these events to] alter the Jewish synagogue liturgy. This involved a change in the 12th benediction of the Shemonei Esrei to contain a condemnation of [both apostates and] Jewish Christian believers.

“And for apostates let there be no hope; and may the insolent kingdom be quickly uprooted, in our days. And may the Nazarenes and heretics (minim) perish quickly; and may they be erased from the Book of Life; and may they not be inscribed with the righteous”...¹⁵

The second source of evidence for the growing distinction between Church and Synagogue comes from Roman sources. For example, in a letter written by a provincial governor in Asia Minor named Pliny the Younger to Emperor Trajan (cir. 110 C.E.), Christians are treated as a separate and distinct group without any reference to Jews or Jewish practices. He writes:

“... not knowing what to do in the future, he sent a report to the Emperor Trajan to the effect that except for their refusal to worship idols he had detected nothing improper in their behavior. He also informed him that the Christians got up at dawn and hymned Christ as a god, and in order to uphold their principles were forbidden to commit murder, adultery, fraud, theft, and the like. In response, Trajan sent a rescript ordering that members of the Christian community were not to be hunted, but if met with were to be punished.”¹⁶

So we see that by 110 C.E. the Roman government was able to look upon the Christian community as separate and distinct from the Synagogue. Perhaps it is what is not mentioned in this passage that is most striking. Notice there is no mention whatsoever of any characteristically Jewish customs or practices. There is no mention of Shabbat worship, circumcision, or even Torah reading. From a Roman perspective, the Christian Church had found a way to redefine its faith so as to be seen wholly independent from that of the Jewish communities.

Lastly, and most compelling, is the evidence coming from the Church itself. By examining the writings of the early Church Fathers one can see an obvious shift in how the Church defined itself after 96 C.E.. One way this is seen is by examining how various Church fathers drew upon Scripture to lend authority to their writings. The benchmark is set in the Apostolic Scriptures where there is a full reliance upon the Tanach for Scriptural authority. By 96 C.E. in Clement’s letter to the Corinthians, we see that there are 101 references to Tanach passages, 24 direct references or allusions to Apostolic writings and 17 references to blended passages where he takes a passage from the Tanach and connects it to an Apostolic verse (e.g., Genesis 7; 1 Peter 3:20; 2 Peter 2:5). By the early to middle part of the 2nd century, however, in a letter from Polycarp to the Philippians there are some 59 references to Apostolic writings, including the Gospels, and only three references to passages in the Tanach (Psalms 2:11; Psalms 4:5; and Isaiah 52:5). And this trend is true across the board.

After 96 C.E. it seems that the early Church fathers set aside Torah references almost entirely. Is this because they saw use of Torah as a distinctively Jewish practice from which they wished to distance themselves? Obviously this must be the case since we read Justin (cir. 135 C.E.) stating categorically that Christianity and Torah observance are not compatible.

But if, Trypho, I continued, some of your race, who say they believe in this Christ, compel those Gentiles who believe in this Christ to live in all respects according to the law given by Moses, or choose not to associate so intimately with them, I in like manner do not approve of them. But I believe that even those, who have been persuaded by them to observe the legal dispensation along with their confession of God in Christ, shall probably be saved.¹⁷

This is surely a profound passage for it begs the question as to whether or not one can be both "saved" and follow Torah. Justin's answer is that although it is perhaps possible, it is greatly discouraged. This indicates a break with Apostolic and Messianic theology that had equated Torah observance and faith in Yeshua as fully harmonious.

It is significant, therefore, that at the very same time Rome was discouraging Torah observance through taxation, the Gentilized Church was developing a theology of disassociation with Torah and all things Jewish. This cannot be mere coincidence. It is inescapable that after 96 C.E., post-2nd Temple Christianity began to redefine itself in other than Jewish terms. For Rome's part, the definition of a Jew was, for the purpose of the tax, a religious one. For Romans, Jews were those who worshipped the Divinity whose temple had been destroyed in Jerusalem and who refused to worship other gods.¹⁸ For the Gentile Church, a Jew was one who continued to practice customs and "superstitions" that had been abolished by a now Gentilized "Jesus Christ."

However, for those Jews and Gentiles who continued to walk according the commandments of Torah and held to the Messiahship of Yeshua, life would be very difficult. As Philip S. Alexander suggests in his article, "*A Parting of the Ways from a Rabbinic Jewish Perspective*," the Messianic community was eventually persecuted by an unwitting alliance of three powerful forces: the Roman government, the triumph of Rabbinical Judaism and Gentile seizure of the faith.¹⁹

Endnotes

¹ Roberts, Alexander Rev. & Donaldson, James, Eds., "The Epistle of Ignatius to the Magnesians," *Christian Classics Ethereal Library, Early Church Fathers, Ante-Nicene Fathers*, Volume I, (Wheaton, IL: Wheaton College Press, 1998).

² Roberts, Alexander. Rev., & Donaldson, James, Eds., "The Epistle of Ignatius to the Philadelphians," *Christian Classics Ethereal Library, Early Church Fathers, Ante-Nicene Fathers*, Volume I, (Wheaton, IL: Wheaton College Press, 1998).

³ Roberts, Alexander, Rev. & Donaldson, James, Eds., "The Epistle of Mathetes to Diognetus," *Christian Classics Ethereal Library, Early Church Fathers, Ante-Nicene Fathers*, Volume I, (Wheaton, IL: Wheaton College Press, 1998).

⁴ Williamson, G.A. Josephus, *The Jewish War*, (Penguin Press, 1970), p. 54.

⁵ Grant, Michael, *History of Rome*, (Scribners Press, 1978), p. 347.

⁶ Williamson, G.A. Josephus, *The Jewish War*, (Penguin Press, 1970), p. 149.

⁷ Feldman, Louis H. *Biblical Archaeology Review*, July/August, 2001, Vol. 27, No. 4.

⁸ Goodman, Martin, "Diaspora Reactions to the Destruction of the Temple," *Jews and Christians, the Parting of the Ways, A.D. 70 to 135*. Ed. by James D.G. Dunn. (Eerdmans Publishing, Grand Rapids, MI, 1999), p. 30.

9

Ibid. p. 31.

10

Ibid. p. 32.

11

Graves, Robert, Suetonius, *The Twelve Caesars*, (Penguin Books, New York, 1979), p. 308.

12

Birley, Anthony, Nerva, *Lives of the Later Caesars* (Penguin Books. N.Y., 1976), p. 32.

13 Juster, Daniel C. "The Rabbinic Spirit and Messianic Judaism." *Jewish Roots*. (1998).

14

Goodman, Martin. "Diaspora Reactions to the Destruction of the Temple," *Jews and Christians, the Parting of the Ways, A.D. 70 to 13*, Ed. by James D.G. Dunn, (Eerdmans Publishing, Grand Rapids, MI., 1999), p. 32.

15

Julius Scott, in an unpublished paper entitled "Glimpses of Jewish Christianity from the End of Acts to Justin Martyr" presented at an ETS meeting in November 1997. [It should be noted that this edition of the *Shemonei Esrei* that includes the words "Nazarenes . . ." is that of the Cairo Geniza and not the one found in the Bavli. The one in the Bavli is not clearly directed against the Messianics.]

16

Williamson, G.A., Eusebius, *The History of the Church*, (Penguin Books, New York, 1989), p. 97.

17

Roberts, Alexander. Rev., & Donaldson, James, Eds., Chapter 47, "Justin, Dialogue of Justin, Philosopher and Martyr, with Trypho, a Jew," *Christian Classics Ethereal Library, Early Church Fathers, Anti-Nicene Fathers, Volume I*, (Wheaton, IL: Wheaton College Press, 1998), p. 219.

18

Goodman, Martin, "Diaspora Reactions to the Destruction of the Temple," *Jew and Christians, the Parting of the Ways: A.D. 70 to 135*, Ed. James D.G. Dunn, (Eerdmans Publishing Co., Grand Rapids, MI., 1999), p. 34.

19

Alexander, Philip S., "A Parting of the Ways from a Rabbinic Jewish Perspective," *Jews and Christians, the Parting of the Ways: A.D. 70 to 135*, Ed. James D. G. Dunn, (Eerdmans Publishing Co., 1999), p. 24.