

Asylum: From the Temple to the Synagogue

by Dr R. James Ferguson

The sanctity of the altar in Jewish thought provides a revealing comparison to Greek traditions, since the refuge which might be found there was undermined by the countervailing threat of pollution to the sanctuary. As a result, asylum practises were moved first of all to special cities of exile, and at a later date limited patterns of asylum protection may have been accorded some synagogues. In this context Jewish customs form an important component of the wider Hellenistic society for both the Ptolemaic and Seleucid realms. The extension of asylum and related rights to synagogues shows the interaction of customary perceptions of the social use of sacred places across diverse communities. The role of faith-based-communities as sources of refugee aid and protection in the 21st century, in some cases including resistance to state policies, shows that this remains an important religious tradition today.¹

In early periods temporary refuge could be found by grasping the horns of the altar in the 'Tent of Yaweh', and for a short time in its early history at the first Temple in Jerusalem.² As noted by Jacob Milgrom, the “basic premise is that those who touch the altar absorb its sanctity and are removed from and immune to the jurisdiction of the profane world”.³ Adonijah found temporary refuge from Solomon in this way,

¹ See for example NEUFERT, Birgit “Church Asylum”, *Forced Migration Review, Issue 48*, November 2014, pp36-37 and MARSHALL, Kristin “Offering Sanctuary to Failed Refugee Claimants in Canada”, *Forced Migration Review, Issue 48*, November 2014, p38.
[<http://www.fmreview.org/en/faith.pdf>]

² MILGROM, Jacob "Sancta Contagion and Altar/City Asylum", in EMERTON, John A. *Congress Volume, Vienna 1980*, Leiden, E.J. Brill, 1981, pp304-5.

³ *Ibid.*, p299.

though in the end Solomon had him killed, some time after he had left the altar.⁴ Solomon had Joab struck down while apparently still at the altar,⁵ indicating the limits of such protection. Here Solomon may have claimed the legitimacy of his action as King and judge. This general tradition of protection is remembered in the phrase 'horn of salvation' in a psalm of David,⁶ probably as an extension of the general atonement, forgiveness and spiritual security associated with the place of sacrifice. Hence we find a Talmudic exegesis of the word for altar, Mizbéach, in the letters 'M = mechilah "forgiveness," because the altar secures pardon for the sins of Israel. Z = zachuth "merit," because it secures for them merit for the World to Come. B = berachah "blessing," because the Holy One, blessed by He, brings a blessing upon the work of their hands. CH = chayyim "life," since they become worthy of the life of the World to Come.⁷ This form of protection, however, was probably denied intentional killers, at least if their guilt was clear.⁸ As we shall see, this form of asylum had to be replaced by other patterns of refuge.

Asylum at legally defined sites of refuge probably developed during or shortly after the reign of King Solomon in six specified cities, three east of the river Jordan, including Bezer, Ramoth in Gilead and Golan in Bashan.⁹ Alongside these cities were

⁴ 1 Kings 1.50-51; 2.24-5.

⁵ 1 Kings 2.28-35.

⁶ 2 Samuel 22.3; Luke 1.69. See further COMAY, Joan *The Temple of Jerusalem*, London, Weidenfeld & Nicolson, 1975, p51; TURNER, Harold W. *From Temple to Meeting House: The Phenomenology and Theology of Places of Worship*, The Hague, Mouton, 1979, p55; GREENBERG, Moshe "The Biblical Conception of Asylum", *JBL*, 78, 1958, p125, p130.

⁷ COHEN, A. *Everyman's Talmud*, N.Y., Schocken Books, 1975, p382.

⁸ MACRIDES, R.J. "Killing, Asylum, and the Law in Byzantium", *Speculum*, 63, 1988, p511, following *Exodus* 21.14. See the explicit statement in *Deuteronomy* 19.11-13.

⁹ MAZAR, B. "The Cities of the Priests and the Levites", *SVT*, 7, 1960, pp193-205; MILGROM, Jacob "Sancta Contagion and Altar/City Asylum", in EMERTON, John A. *Congress Volume, Vienna 1980*, Leiden, E.J. Brill, 1981, p309; AULD, A. Graeme "Cities of Refuge in Israelite Tradition" *JSOT*, No. 10, 1978, pp26-40; HARAN, Menahem *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School*, Oxford, Clarendon Press, 1978, pp121-122; ALBRIGHT,

Kedesh in Galilee, Shechem in Ephraim and Kiriath-arba (= Hebron) of Judah, all apparently in highland areas.¹⁰ An earlier date for the creation of the first asylum cities under Joshua is not impossible.¹¹ Although it is conceivable that some of these traditions had been established at this early date, their full significance could only be developed under the centralised monarchical structures put in place in Solomonic and post-Solomonic times.¹² In these cities a secured refuge was found for accidental or involuntary killers but denied murderers who had acted with premeditation, that is, those who waited in ambush or 'plotted craftily' against the victim.¹³ This tradition of 'cities of refuge' is often referred to in the *Babylonian Talmud*, and in *Érubin* 35b it is implied that not just the cities, but a prescribed area measured from them also offered

W.F. "The List of Levitic Cities", *Louis Ginzberg Jubilee Volume: On the Occasion of His Seventieth Birthday*, N.Y., American Academy for Jewish Research, 1945, English Section, pp49-73; WESTERMARCK, Edward "Asylum" in *Encyclopedia of Religion and Ethics*, 1967, Vol. II, p162; SINHA, S. Prakash *Asylum and International Law*, The Hague, Martinus Nijhoff, 1971, p7; PLAUT, W. Gunther *Asylum: A Moral Dilemma*, Westport, Praeger 1995, pp18-19; VAUX, Roland de *Ancient Israel: Its Life and Institutions*, trans. John McHugh, London, Darton, Longman & Todd, N.Y., 1962, pp160-163.

¹⁰ *Joshua* 20.7-8; 21.13; 21.21; 21.32; 21.38; *1 Chronicles* 6.57 & 6.67.

¹¹ MILGROM, Jacob "Sancta Contagion and Altar/City Asylum", in EMERTON, John A. *Congress Volume, Vienna 1980*, Leiden, E.J. Brill, 1981, pp299-300.

¹² Difficulties in establishing exact dates for this process remain, but a distinct historical development in the establishment of the cities of exile can be discerned, suggesting that this is not merely an ideal projection back on the past, see MCKEATING, Henry "The Development of the Law on Homicide in Ancient Israel", *VT*, 25, 1975, pp53-55.

¹³ *Deuteronomy* 4.41-43 & 19.1-13; *Joshua* 20.8-9 & 21.27; *Numbers* 35.11-34; GREENBERG, Moshe "The Biblical Conception of Asylum", *JBL*, 78, 1958, pp125-132; COHEN, Boaz *Jewish and Roman Law: A Comparative Study*, Vol. II, N.Y., Jewish Theological Seminary of America, 1966, p626; SINHA, S. Prakash *Asylum and International Law*, The Hague, Martinus Nijhoff, 1971, p8; COHEN, A. *Everyman's Talmud*, N.Y., Schocken Books, 1975, p315. See also *Exodus* 21.12-14; DIAMOND, A.S. *Primitive Law Past and Present*, London, Methuen, 1971, p149. This trend is congruent with the doctrine that an intentional sinner could not expiate his guilt by a sin offering, BARKER, Margaret *The Gate of Heaven: The History and Symbolism of the Temple in Jerusalem*, London, SPCK, 1991, following *Numbers* 15.27-31. Note JACKSON, Bernard S. "The Problem of Exodus 21:22-5", in *Essays in Jewish and Comparative Legal History*, Leiden, E.J. Brill, 1975, pp91-92, who carefully argues the distinction between premeditated murder and intentional murder, as well as a conflict between *Exodus* 21.23 and *Exodus* 21:13.

protection.¹⁴ The distinction between unwitting and intentional killing is important, and ransoms could not be substituted for the exile imposed in the former case, nor for the death penalty in the later.¹⁵ With typical thoroughness, Mishnah 4 of the *Bikkurim*, dealing with the treatment and regulations concerning hermaphrodites, notes that 'he who unwittingly slays him must go into exile; and if of set purpose, then [the slayer] receives the death penalty'.¹⁶ On the other hand, the implication in Talmudic law that all Levitical cities, not just the six cited in biblical sources, provided asylum has been plausibly rejected by Menahem Haran as unsubstantiated by earlier historical sources.¹⁷

It is important to note that all these refuges, called 'cities of intaking'¹⁸ are associated with descendants of the priestly family of Aaron, and with Levites, who had a special role as 'teaching priests', men specially pledged to Yahweh, in keeping alive early traditions of Jewish law.¹⁹ Although there are utopian and schematic

¹⁴ Noted in EPSTEIN, I. et al. (trans. & ed.) *The Babylonian Talmud, Vol. 5: Seder Moed II*, London, Soncino, 1961, p244 and p244, footnote 3.

¹⁵ *Kethuboth* 33b & 37b, translated in EPSTEIN, I. et al. (trans. & ed.) *The Babylonian Talmud, Vol. 9: Seder Nashin II*, London, Soncino, 1961, p184, p205. See also *Shebiith*, Mishnah 8, translated in EPSTEIN, I. et al. (trans. & ed.) *The Babylonian Talmud, vol. 16, Seder Zera'im*, London, Soncino, 1961, p192; *Nedarim* 87b in EPSTEIN, I. et al. (trans. & ed.) *The Babylonian Talmud, Vol. 10, Seder Nashim, Vol. III*, London, Soncino, 1961, p271. For the distinctions between 'tolerated' (i.e. not desirable but unavoidable) and prohibited impurities, and intentional versus unintentional transgressions of prohibitions, see WRIGHT, David P. "The Spectrum of Priestly Impurity", in ANDERSON, Gary A. & OLYAN, Saul M. (eds.) *Priesthood and Cult in Ancient Israel*, Sheffield, Sheffield Academic Press, 1991, pp152-157.

¹⁶ Translated in EPSTEIN, I. et al. (trans. & ed.) *The Babylonian Talmud, Vol. 16: Seder Zera'im*, London, Soncino, 1961, p405.

¹⁷ HARAN, Menahem *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School*, Oxford, Clarendon Press, 1978, p122, discussing *Makkot* 10a and 13a from the Babylonian Talmud.

¹⁸ GREENBERG, Moshe "The Biblical Conception of Asylum", *JBL*, 78, 1958, p125, following *Numbers* 35.9-34.

¹⁹ MILGROM, Jacob "Sancta Contagion and Altar/City Asylum", in EMERTON, John A. *Congress Volume, Vienna 1980*, Leiden, E.J. Brill, 1981, pp306-7; ANDERSON, Bernard W. *The Living World of the Old Testament*, 4th ed., Harlow, Longman, 1988, p289; BRIGHT, John A

elements in the biblical accounts of the cities given over to the Levites, Menahem Haran and B. Mazar have demonstrated that they also contain genuine historical elements.²⁰ These cities were 'all part of Israelite territory only during the heyday of the united monarchy, shortly before and after the death of David',²¹ though Moshe Greenberg suggests that they might have been an adjunct to the temporary refuge which could be found at altars, rather than a direct replacement for the local altars which would later on be suppressed both in fact and the literary tradition.²² Aside from this centralisation of cult, however, there were also theological grounds for this abandonment of the central altar as a place of refuge in Jewish thought.

Jacob Milgrom suggests that serious tensions arose between the practice of finding refuge at an altar, and the concept of *sancta contagion* whereby ritual elements within the tabernacle or temple could in turn pass on some of their holy power to the person who touched them.²³ Hence, in Ezekiel, we find sharp division in

History of Israel, 3rd ed., Philadelphia, Westminster Press, 1981, p170, p173; DIAMOND, A.S. *Primitive Law Past and Present*, London, Methuen, 1971, p134, p137. On rival priestly houses see CROSS, F.M. *Canaanite Myth and Hebrew Epic: Essays in the History of the Religion of Israel*, Cambridge, Harvard University Press, 1973, pp195-215.

²⁰ MAZAR, B. "The Cities of the Priests and the Levites", *SVT*, 7, 1960, pp195-204; HARAN, Menahem *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School*, Oxford, Clarendon Press, 1978, pp112-127.

²¹ GREENBERG, Moshe "The Biblical Conception of Asylum", *JBL*, 78, 1958, pp130-131.

²² *Ibid.*, p126, pp130-132.

²³ MILGROM, Jacob "Sancta Contagion and Altar/City Asylum", in EMERTON, John A. *Congress Volume, Vienna 1980*, Leiden, E.J. Brill, 1981, pp278-310. See also HARAN, Menahem "The Priestly Image of the Tabernacle", *HUCA*, 36, 1965, pp191-226. In particular, these trends cannot be interpreted as a blanket denial of the 'sacral-magic' protective power of the altar, either in the Jewish or other traditions, otherwise these tensions would not have emerged, contra AUFFARTH, Christoph "Protecting Strangers: Establishing A Fundamental Value in the Religions of the Ancient Near East and Ancient Greece", *Numen*, 39 no. 2, 1992, pp197-198. A rather more general notion of 'sin/uncleanness contaminating the sanctuary is common to all Near East cultures', KIUCHI, N. *The Purification Offering in the Priestly Literature: Its Meaning and Function*, Sheffield, Sheffield Academic Press, 1987, p15.

zones of access allowed to the lay people, the Levites and priests in cultic practice,²⁴ while other Jewish traditions demonstrate that death will ensue if certain ritual elements of the cult are touched by unsuitable persons or if the inner sanctum of the sanctuary is entered inappropriately.²⁵ It is even said of Aaron that he should not enter 'the sanctuary beyond the veil' whenever he wished, in case he 'may die'.²⁶ When King Uzziah as a non-priest entered the sanctuary and offered incense there, even after being warned against this by the priests, he was stricken with leprosy.²⁷ In this context, the statutes for the Levites had indicated that any stranger or layman coming near the Tabernacle was to be executed.²⁸ In the worst cases of sacrilege, divine retribution, operating on the principle of 'collective culpability', could threaten an entire tribe or nation.²⁹ In effect, these trends closed off the Temple as a place where refuge could be readily found, thereby avoiding the complex problem of the possible pollution of the altar, sancta, or the temple.³⁰ Milgrom suggests that the legal usage of

²⁴ MILGROM, Jacob "Sancta Contagion and Altar/City Asylum", in EMERTON, John A. *Congress Volume, Vienna 1980*, Leiden, E.J. Brill, 1981, p283, pp291-4, p297, following *Ezekiel* 46.1-3; 46.19-20; 44.19.

²⁵ HARAN, Menahem *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School*, Oxford, Clarendon Press, 1978, pp176-177; MILGROM, Jacob "Sancta Contagion and Altar/City Asylum", in EMERTON, John A. *Congress Volume, Vienna 1980*, Leiden, E.J. Brill, 1981, pp280-281, pp286-7, pp289-290, pp295-6, following *Exodus* 28.43 & 30.20; *Leviticus* 10.5-11, 21.23; *2 Samuel* 6.6-7. See especially *Numbers* 4.15 & 4.20.

²⁶ *Leviticus* 16: 2-3.

²⁷ *2 Chronicles* 26.16-23; MILGROM, Jacob *Cult and Conscience: The Asham and the Priestly Doctrine of Repentance*, Leiden, E.J. Brill, 1976, p17.

²⁸ *Numbers* 1.51; 3.10 & 38; 18.7; MILGROM, Jacob *Cult and Conscience: The Asham and the Priestly Doctrine of Repentance*, Leiden, E.J. Brill, 1976, p18. The graduation of the 'taboo' within ritual circles is outlined in detail in HARAN, Menahem "The Priestly Image of the Tabernacle", *HUCA*, 36, 1965, pp216-226.

²⁹ MILGROM, Jacob *Cult and Conscience: The Asham and the Priestly Doctrine of Repentance*, Leiden, E.J. Brill, 1976, pp32-34 and HARAN, Menahem "The Priestly Image of the Tabernacle", *HUCA*, 36, 1965, p226 following *1 Chronicles* 2.7; *1 Samuel* 15.3; *1 Kings* 20.42; *Joshua* 7.1; *Numbers* 17.11-14

³⁰ For the different degrees of holiness traditionally associated with the furniture, fabrics, and beams of the Tabernacle, see HARAN,

the six cities of refuge was not based on their being 'altar cities', since the setting up of other altars, especially in the 'impure' lands beyond the Jordan, would have been viewed, at least from the point-of-view of the Priestly tradition, as virtual treason in the post-Solomonic period.³¹

Menahem Haran, although admitting that altar-asylum and city-asylum might have existed at the same time, suggests that 'the privilege of asylum was surely attached to the cities of refuge in their own right and applied to the whole of the built-up area within the walls, without having anything to do with 'shrines' or altars which

Menahem "The Priestly Image of the Tabernacle", *HUCA*, 36, 1965, pp200-207.

³¹ MILGROM, Jacob "Sancta Contagion and Altar/City Asylum", in EMERTON, John A. *Congress Volume, Vienna 1980*, Leiden, E.J. Brill, 1981, pp300-301, following *Numbers* 34.12 and *Joshua* 22.16-19. Complete cult centralisation would have only developed somewhat later, but 'still well before the end of the First Temple period', see HARAN, Menahem *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School*, Oxford, Clarendon Press, 1978, p21. On the 'unclean land' east of the Jordan, see *ibid.*, p39. The rather unusual example of smaller temples erected at Elephantine and later on at Leontopolis in Egypt seem to suggest peripheral arrangements which were to a certain extent tolerated, but not welcomed, by the priestly authorities in Jerusalem. These altars were only recognised to a limited extent, and eventually regulated to allow the use of meal-offerings and incense, but not holocaust offerings. See Josephus *Jewish Antiquities* XIII.3.1-4 & Josephus *Jewish Wars* VII.423-32; PORTEN, Bezalel *Archives from Elephantine: The Life of an Ancient Jewish Military Colony*, Berkeley, University of California Press, 1968, pp149-150, pp289-292; PRITCHARD, James B. *The Ancient Near East, Vol. I*, Princeton, Princeton University Press, 1958, pp279-282; BARRETT, C.K. "Attitudes to the Temple in the Acts of the Apostles", in HORBURY, William (ed.) *Templum Amicitiae: Essays on the Second Temple Presented to Ernst Bammel*, Sheffield, Sheffield Academic Press, 1991, p346; FUKS, A. & TCHERIKOVER, V.A. M. (eds.) *Corpus Papyrorum Judaicarum*, Cambridge Mass., Harvard University Press, I, 1957, pp3-4, p12. Later sources were even more hostile, suggesting that the temple of Onias at Leontopolis was founded as a result of 'personal pique', and claiming that sacrifices were offered there to idols, NEUSNER, Jacob *History of the Mishnaic Law of Purities: Part 6, The Mishnaic System of Sacrifice and Sanctuary*, Leiden, E.J. Brill, 1980, p266, p268, following *b. Men.* 109b & *b. Git.* 56a-b. For the coherency of the Priestly Code, regardless of its diverse expressions in the ancient literature, see MILGROM, Jacob *Cult and Conscience: The Asham and the Priestly Doctrine of Repentance*, Leiden, E.J. Brill, 1976, p2.

might have also been found in these cities'.³² Nor should the Levitical cities in general be confused with the small number of temple cities which had existed in the land of Canaan before the focusing of the cult on Solomon's Temple in Jerusalem - only Hebron was both a city of exile and an attested temple city.³³ Rather, the formal recognition of such cities of exile was based on their role as replacements for the earlier tradition of altar asylum.³⁴ Although this debate is complicated by the need to assess the first usage of cities of exile against the process of cultic centralisation on Jerusalem, it seems likely that these cities of refuge would take on their greatest significance once local altars had been repressed. In the Priestly tradition, there is an explicit effort to limit the use of the sanctuary for asylum seekers: 'the criminal not only gains no immunity by grasping the altar's horns but makes himself liable to death by divine agency. He now has a double reason to shy away from the sanctuary'.³⁵ Furthermore, on this point the interests of the centralised monarchy and the priests coincided, a concord which would not be so easy to achieve in Late Period and Hellenistic Egypt.³⁶ Milgrom rightly notes that 'altar asylum had ceased by the time of the Second Temple',³⁷ while in the time of Herod's temple, regulations on access to the temple and its various forecourts are closely enforced and institutionalised, with

³² HARAN, Menahem *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School*, Oxford, Clarendon Press, 1978, p121.

³³ *Ibid.*, p119, pp26-42, p121.

³⁴ MILGROM, Jacob "Sancta Contagion and Altar/City Asylum", in EMERTON, John A. *Congress Volume, Vienna 1980*, Leiden, E.J. Brill, 1981, p302, pp309-310.

³⁵ *Ibid.*, p302.

³⁶ WRIGHT, G. Ernest "The Significance of the Temple in the Ancient Near East: Part III, The Temple in Palestine-Syria", *Biblical Archaeologist*, 7, no. 4, 1944, p76; MILGROM, Jacob "Sancta Contagion and Altar/City Asylum", in EMERTON, John A. *Congress Volume, Vienna 1980*, Leiden, E.J. Brill, 1981, p308.

³⁷ MILGROM, Jacob "Sancta Contagion and Altar/City Asylum", in EMERTON, John A. *Congress Volume, Vienna 1980*, Leiden, E.J. Brill, 1981, p305.

the main concern being to exclude unclean or unsuitable persons from defined zones within the temple and its courts.³⁸

The intention behind these laws seems to be to keep the land of Israel free from the pollution caused by the unreconciled shedding of innocent blood, a religious and legal issue which concerned many early societies, including Athens and classical Greece generally, Jewish societies and the Christendom during the Middle Ages.³⁹ In the case of early Jewish thought, the pollutive element cannot be entirely reduced to one of moral responsibility, since even an ox which had caused the death of a man had to be stoned, and ritualistic definitions of 'contagion' from sanctified objects are subject to complex and at times conflicting traditions.⁴⁰ However, as noted above,

³⁸ See *OGIS* 598; Josephus *Jewish War* V.193-4; FERGUSON, Everett *Backgrounds of Early Christianity*, Grand Rapids, William B. Eerdmans, 1987, pp446-448; BARKER, Margaret *The Gate of Heaven: The History and Symbolism of the Temple in Jerusalem*, London, SPCK, 1991, p24. Discussed further below.

³⁹ *Deuteronomy* 19:7-13; *Numbers* 35:31-4; GREENBERG, Moshe "The Biblical Conception of Asylum", *JBL*, 78, 1958, pp127-130; VAN DER TOORN, K. *Sin and Sanction in Israel and Mesopotamia*, Assen, Van Gorcum, 1985, pp23-39; MCKEATING, Henry "The Development of the Law on Homicide in Ancient Israel", *VT*, 25, 1975, pp57-68; DIAMOND, A.S. *Primitive Law Past and Present*, London, Methuen, 1971, p197, p261; HOEBEL, E. Adamson *The Law of Primitive Man: A Study in Comparative Legal Dynamics*, Cambridge, Harvard University Press, 1954, p263; HOLLIS, A.C. *The Nandi: Their Language and Folk-Lore*, Oxford, Clarendon Press, 1909, pp91-92; Demosthenes *Against Aristocrates* 72-73; THORNTON, Robert J. *Space, Time and Culture Among the Iraq of Tanzania*, N.Y., Academic Press, 1980, p136, p240, p256. Note Robert Thornton's idea of pollution as resulting from 'the breach of the cosmological order', *Ibid.* p144. In England, churches where bloody violations of asylum had occurred needed to be reconsecrated, e.g. after the murder of Robert Hauley in the Abbey Church of Westminster in 1378, see TRENHOLME, Norman Maclaren *The Right of Sanctuary in England: An Institutional Study*, Missouri, University of Missouri, 1903, p82; MIKALSON, Jon D. *Athenian Popular Religion*, London, University of North Carolina Press, 1983, pp92-3; WESTERMARCK, Edward *The Origin and Development of the Moral Ideas*, London, Macmillan, 1906, Vol. I, p380 & Vol. II, p608. For a comparison of Qumranic and Pauline views on purity, see NEWTON, Michael *The Concept of Purity at Qumran and in the Letters of Paul*, Cambridge, CUP, 1985.

⁴⁰ *Exodus* 21.28-32; *Genesis* 9.5-6; GREENBERG, Moshe "The Biblical Conception of Asylum", *JBL*, 78, 1958, p128; MILGROM, Jacob "Sancta Contagion and Altar/City Asylum", in EMERTON, John A. *Congress Volume, Vienna 1980*, Leiden, E.J. Brill, 1981, pp278-310. However, there was a pragmatic tendency to link moral and purity concerns, e.g. a polluted person who delayed purification was doubly liable in that that they might end up polluting others, or even the sanctuary,

some distinction was made for human murderers between truly accidental homicide and one due to carelessness,⁴¹ indicating the rise of a jurisprudential concern for decrees of human responsibility. This protection for those who had killed unintentionally was to be extended to six cities given to the Levites, which under Talmudic law could even temporarily protect intentional murderers, at least until a judicial decision could be reached.⁴² It must be noted that to stay in such places of asylum, away from family, friends and normal means of living, was regarded as providing a certain level of expiation for guilt, i.e. it is clearly a type of exile.⁴³ The manslaughterer must remain in the city of refuge and could not return until the current high priest had died, the death of the high-priest here probably having a further expiatory value.⁴⁴ Both the temporary protection afforded murderers and the expiatory refuge given those who had committed manslaughter clearly suggest that the mechanism of asylum cities reduced the social divisiveness of the earlier retributive institution of the blood redeemer, which could encourage violent direct retaliation.⁴⁵

The Temple at Jerusalem⁴⁶ was a specially prescribed ritual space with zones set up for limited access by gentiles (the outer court), women (the Court of the

WRIGHT, David P. "The Spectrum of Priestly Impurity", in ANDERSON, Gary A. & OLYAN, Saul M. (eds.) *Priesthood and Cult in Ancient Israel*, Sheffield, Sheffield Academic Press, 1991, pp161-164.

⁴¹ WESTERMARCK, Edward *The Origin and Development of the Moral Ideas*, London, Macmillan, 1906, Vol. I, p307.

⁴² *Numbers* 35.5-8; *Numbers* 35.11-15; *Joshua* 20.2-9; SINHA, S. Prakash *Asylum and International Law*, The Hague, Martinus Nijhoff, 1971, p8; DIAMOND, A.S. *Primitive Law Past and Present*, London, Methuen, 1971, p135.

⁴³ GREENBERG, Moshe "The Biblical Conception of Asylum", *JBL*, 78, 1958, p129, following Philo *The Special Laws* III.123-133 and Josephus *Jewish Antiquities* IV.7.4.

⁴⁴ *Numbers* 35.26-33; GREENBERG, Moshe "The Biblical Conception of Asylum", *JBL*, 78, 1958, p129-130.

⁴⁵ MILGROM, Jacob "Sancta Contagion and Altar/City Asylum", in EMERTON, John A. *Congress Volume, Vienna 1980*, Leiden, E.J. Brill, 1981, pp278-310, p308, following MCKEATING, H. "The Development of the Law on Homicide in Ancient Israel", *VT*, 25, 1975, p54.

⁴⁶ And indeed the retrospective projections of the functioning of the Tabernacle, see HARAN, Menahem *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the*

Women), purified Jews (Court of Israel), Levites and central areas beyond the altar forbidden to all but priests.⁴⁷ The holy of holies, of course, was forbidden to all except the high priest, and then only for the ritual performances of Day of Atonement,⁴⁸ and possibly in the case of emergencies.⁴⁹ Hence Pompey the Great's intrusion into this then empty room was remembered with shock in the Jewish tradition, even though he did not plunder the temple.⁵⁰ These bans were taken with great seriousness: when Herod wished to rebuild the Second Temple on a massive scale, he had to use specially trained priests as stonemasons for much of the work.⁵¹

Historical Setting of the Priestly School, Oxford, Clarendon Press, 1978, pp189-198, p204.

⁴⁷ SCHÜREER, Emil *The History of the Jewish People in the Age of Jesus Christ*, Vol. II, rev. ed. by Geza Vermes et al., T. & T. Clark Ltd, 1979, pp284-5; HARAN, Menahem *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School*, Oxford, Clarendon Press, 1978, pp184-7; BARKER, Margaret *The Gate of Heaven: The History and Symbolism of the Temple in Jerusalem*, London, SPCK, 1991, p24; FILSON, Floyd V. "The Significance of the Temple in the Ancient Near East: Part IV - Temple, Synagogue, and Church", *Biblical Archaeologist*, 7, no. 4, 1944, pp80-81. There was only the slightest of relaxation of these restrictions on the Feast of the Tabernacles so that the laity could 'circumambulate the altar', though they could not directly approach the altar itself, MILGROM, Jacob "Sancta Contagion and Altar/City Asylum", in EMERTON, John A. *Congress Volume, Vienna 1980*, Leiden, E.J. Brill, 1981, p306. For purification rituals, see KIUCHI, N. *The Purification Offering in the Priestly Literature: Its Meaning and Function*, Sheffield, Sheffield Academic Press, 1987.

⁴⁸ *Leviticus* 16; *Hebrews* 9.6-9; HARAN, Menahem *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School*, Oxford, Clarendon Press, 1978, p178; LINDARS, Barnabas "Hebrews and the Second Temple", in HORBURY, William (ed.) *Templum Amicitiae: Essays on the Second Temple Presented to Ernst Bammel*, Sheffield, Sheffield Academic Press, 1991, pp418-9.

⁴⁹ MILGROM, Jacob "Sancta Contagion and Altar/City Asylum", in EMERTON, John A. *Congress Volume, Vienna 1980*, Leiden, E.J. Brill, 1981, p292, footnote 44.

⁵⁰ *Josephus Jewish Antiquities* XIV.4.4; BARKER, Margaret *The Gate of Heaven: The History and Symbolism of the Temple in Jerusalem*, London, SPCK, 1991, pp9-10.

⁵¹ *Josephus Jewish Antiquities* XV.11.1-7; FILSON, Floyd V. "The Significance of the Temple in the Ancient Near East: Part IV - Temple, Synagogue, and Church", *Biblical Archaeologist*, 7, no. 4, 1944, p79. It is less confusing to view Herod's construction as a continuation of the Second Temple, rather than introducing the rather muddled terminology of a 'third' temple, agreeing with the approach of LINDARS, Barnabas "Hebrews and the Second Temple", in HORBURY, William (ed.) *Templum Amicitiae: Essays on the Second Temple*

These zones of relative purity and relative exclusion were not just based on the concept of penetrating closer and closer, through gates, courtyards and buildings into the heart of the temple with its inner shrine (as in Egyptian temples). Since the temple at Jerusalem was also built on a hill, it also probably included some sense of ascent onto the temple platform, where 'the more sacred areas were raised above the less sacred'.⁵² Therefore some elements of a 'divine mountain' mythology remain attached to the Temple at Jerusalem.⁵³ Imagery in the Mishnah incorporates this graded wholeness in a tiered series of ten zones of holiness, beginning with the observation that the 'Land of Israel is holier than any other land' and concluding with the Holy of Holies.⁵⁴ In a later source, the Holy of Holies could be conceived of as the centre of the universe, and the Foundation Stone, mythically located in front of the Ark, as the exact spot which is 'the foundation of the world'.⁵⁵ Hence, the Temple of Jerusalem was not only a symbol of the universe,⁵⁶ but also transcended it. These zones of purity

Presented to Ernst Bammel, Sheffield, Sheffield Academic Press, 1991, p412, footnote 6, contra the usage in BARKER, Margaret *The Gate of Heaven: The History and Symbolism of the Temple in Jerusalem*, London, SPCK, 1991, p5.

⁵² BARKER, Margaret *The Gate of Heaven: The History and Symbolism of the Temple in Jerusalem*, London, SPCK, 1991, p23. For adoration of the temple, and the feelings of pilgrims as they come nearer to the city and temple, see the *Songs of Ascents = Psalms 119-134; Psalm 84*; CONGAR, Yves M.-J. *The Mystery of the Temple*, trans. R. Trevett, London, Burns and Oates, 1962, pp86-87.

⁵³ CONGAR, Yves M.-J. *The Mystery of the Temple*, trans. R. Trevett, London, Burns and Oates, 1962, pp96-97.

⁵⁴ *Mishnah*, Kelim 1.6-9, in BARKER, Margaret *The Gate of Heaven: The History and Symbolism of the Temple in Jerusalem*, London, SPCK, 1991, p25. For Jerusalem as Zion in so far as God dwelt in the city, see CONGAR, Yves M.-J. *The Mystery of the Temple*, trans. R. Trevett, London, Burns and Oates, 1962, pp84-85. For the later Christian nexus among Eden, Israel and the 'Promised Land', see DAVIES, Douglas "Christianity", in HOLM, Jean & BOWKER, John (eds.) *Sacred Place*, London, Pinter, 1994, pp39-40.

⁵⁵ *Tanhuma Qedoshim* 10, in NEUSNER, Jacob *History of the Mishnaic Law of Purities: Part 6, The Mishnaic System of Sacrifice and Sanctuary*, Leiden, E.J. Brill, 1980, p273. See also HAYMAN, Peter "Some Observations on Sefer Yesira: (2) The Temple at the Centre of the Universe", *JJS*, 37, 1986, pp178-179.

⁵⁶ PATAI, Raphael *Man and Temple: In Ancient Jewish Myth and Ritual*, Thomas Nelson and Sons Ltd., London, 1947, p105, pp112-113, p116, following Josephus *Jewish Antiquities* III.7.7, V.5.5 and *Midrash*

and exclusion were also paralleled by graduations in degrees of exclusion for different degrees of impurity, i.e. 'exclusion from the sacred, then exclusion from the sacred and profane habitation, then penalties that permanently "exclude" one from earthly society.'⁵⁷

The seriousness with which these ritual and social concerns for purity were taken is indicated by the penalty for a gentile who stepped over the low-railing into the forecourt of the Temple - the punishment was death.⁵⁸ This ban had been reinforced by an edict of Antiochus III,⁵⁹ while the Romans accepting it even to the point of allowing this punishment to be meted out against Roman citizens.⁶⁰ Warning tablets in Greek and Latin were set up announcing this restriction.⁶¹ These warnings to gentiles were probably necessary, since Herod's massive reconstruction of the

Tahuma, Pequde, section 3. For early cautions on the idea that Yahweh could be localised within a temple, no matter how holy, see CONGAR, Yves M.-J. *The Mystery of the Temple*, trans. R. Trevett, London, Burns and Oates, 1962, p92.

⁵⁷ WRIGHT, David P. "The Spectrum of Priestly Impurity", in ANDERSON, Gary A. & OLYAN, Saul M. (eds.) *Priesthood and Cult in Ancient Israel*, Sheffield, Sheffield Academic Press, 1991, p164. For a detailed analysis of these relations of exclusion, see KUNIN, Seth "Judaism", in HOLM, Jean & BOWKER, John (eds.) *Sacred Place*, London, Pinter, 1994, pp115-148.

⁵⁸ Josephus *Jewish War* V.193-4; OGIS 598; BARKER, Margaret *The Gate of Heaven: The History and Symbolism of the Temple in Jerusalem*, London, SPCK, 1991, p24.

⁵⁹ Josephus *Jewish Antiquities* XII.3.4; GREEN, Peter *Alexander to Actium: the Hellenistic Age*, London, Thames and Hudson, 1990, p504. For the relationship of Jerusalem to the Seleucid crown generally, and for the short periods when it probably achieved the equivalent of formal autonomy, see WIRGIN, Wolf "On the Right of Asylum in Hellenistic Syria", in BABELON, Jean & LAFURIE, Jean (eds.) *Congrès international de numismatique, Paris, 6-11 Juillet 1953, II. Actes*, Paris, 1957, pp137-48. The wider context of autonomy and asylum in the Seleucid realm is discussed in Part 2C below.

⁶⁰ Josephus *Jewish Antiquities* XV.11.5; Josephus *Jewish War* V.194 & VI.124-8; SCHÜRER, Emil *The History of the Jewish People in the Age of Jesus Christ*, Vol. II, rev. ed. by Geza Vermes et al., Edinburgh, T. & T. Clark Ltd, 1979, p284. See Acts 21:29 & 29. Floyd Filson translates the warning inscriptions as 'No foreigner is allowed within the balustrade and embankment about the sanctuary. Whoever is caught (violating this rule) will be personally responsible for his ensuing death', FILSON, Floyd V. "The Significance of the Temple in the Ancient Near East: Part IV - Temple, Synagogue, and Church", *Biblical Archaeologist*, 7, no. 4, 1944, p80.

Temple, its courtyards and its platform made it one of the wonders of the ancient world, and a likely place for travelling Greeks and Romans to visit.⁶²

These general restrictions along with concerns for ritual purity removed the Temple from consideration as a refuge for those who had committed homicide. Likewise, the attempt to use the Temple as any kind of asylum during the period of complex manoeuvring among Pharisee, Sadducee, Herodean, 'Zealot' and Roman interests would have politicised its use into that of a political refuge.⁶³ When the Jewish Revolt does break out, the Temple is involved not because of asylum-related issues, but due to the halting of sacrifices on behalf of Rome and the emperor.⁶⁴ The Temple then did indeed become a focus, both physical and symbolic, in the complex contest among Jewish factions for power between 66 and 70 C.E. It was not just the physical destruction of the great wealth and the nation symbol of the Temple in C.E. which alarmed Josephus. The severe factional strife within Jerusalem and its Temple had already profaned the shrine as God's house, allowing it to be destroyed and implying the harshest of futures for the people of Israel.⁶⁵ According to Josephus, there were popular accounts which suggested that God had already abandoned the Temple and Jerusalem before their final destruction.⁶⁶

⁶¹ SCHÜRER, Emil *The History of the Jewish People in the Age of Jesus Christ*, Vol. II, rev. ed. by Geza Vermes et al., Edinburgh, T. & T. Clark Ltd, 1979, p285.

⁶² BOCKMUEHL, Markus N.A. "Why did Jesus Predict the Destruction of the Temple?", *Crux*, 25, 1989, p11.

⁶³ The term 'Zealot' needs to be used with care, see SMITH, Morton "Zealots and Sicarii, Their Origins and Relations", *Harvard Theological Review*, 64 no. 1, 1975, pp10-13; FILSON, Floyd V. "The Significance of the Temple in the Ancient Near East: Part IV - Temple, Synagogue, and Church", *Biblical Archaeologist*, 7, no. 4, 1944, p82.

⁶⁴ Josephus *Jewish War* II.409-10.

⁶⁵ Josephus *Jewish War* VI.277.

⁶⁶ Josephus *Jewish War* VI.299; 2 *Baruch* I.1-4 & VIII.1-2; BARKER, Margaret *The Gate of Heaven: The History and Symbolism of the Temple in Jerusalem*, London, SPCK, 1991, pp50-53. For the doctrine that unatoned evil can collect in the sanctuary 'until the day of retribution for the entire community', perhaps resulting in God withdrawing his presence from Israel, see MILGROM, Jacob *Cult and*

Aspects of these traditions were transferred onto the way synagogues would be treated. Synagogues, with their emphasis on the Law and the teaching of the Torah, became more important after the destruction of the Temple, and were found in large numbers in Jerusalem, the towns of Israel and Palestine, and wherever communities of Jews were found throughout the Middle East and Mediterranean world.⁶⁷ It was not just the reading of the Law that was emphasised in this new environment, but also a dynamic view of sacred space in which the diaspora communities became the locus of an 'ideological sacred space'.⁶⁸ The renewed emphasis on the Torah and Law is reflected in literature such as the *Syriac Baruch*.⁶⁹ Although some synagogues would have been small, humble structures, others were impressive buildings, e.g. the 2nd century C.E. synagogue at Sardis, located in one of the wings of the gymnasium, was some 200 feet in length.⁷⁰ They are particularly well attested in Alexandria, where one of the largest synagogues of the ancient world was erected. Known as the 'Great

Conscience: The Asham and the Priestly Doctrine of Repentance, Leiden, E.J. Brill, 1976, p128. See also NEUSNER, Jacob *History of the Mishnaic Law of Purities: Part 6, The Mishnaic System of Sacrifice and Sanctuary*, Leiden, E.J. Brill, 1980, pp25-26.

⁶⁷ BREFFNEY, Brain de *The Synagogue*, London, Weidenfeld & Nicolson, 1978, pp8-11, following Talmud *Meg.* 3.1 & *Ket.* 10.52; FILSON, Floyd V. "The Significance of the Temple in the Ancient Near East: Part IV - Temple, Synagogue, and Church", *Biblical Archaeologist*, 7, no. 4, 1944, pp78-9, pp84-5; KOESTER, Helmut *Introduction to the New Testament: Vol. I, History, Culture, and Religion of the Hellenistic Age*, N.Y., Walter de Gruyter, 1987, p404; NEUSER, Jacob *Early Rabbinic Judaism: Historical Studies in Religion, Literature and Art*, Leiden, Brill 1975, pp34-49.

⁶⁸ KUNIN, Seth "Judaism", in HOLM, Jean & BOWKER, John (eds.) *Sacred Place*, London, Pinter, 1994, p131.

⁶⁹ See section 85.3, noted in ROWLAND, C.C. "The Second Temple: Focus of Ideological Struggle?", in HORBURY, William (ed.) *Templum Amicitiae: Essays on the Second Temple Presented to Ernst Bammel*, Sheffield, Sheffield Academic Press, 1991, p183.

⁷⁰ KOESTER, Helmut *Introduction to the New Testament: Vol. I, History, Culture, and Religion of the Hellenistic Age*, N.Y., Walter de Gruyter, 1987, p221, p223. On the rights accorded to the Jews to build a house of prayer in Sardis, see Josephus *Jewish Antiquities* XIV.10.24; BREFFNEY, Brain de *The Synagogue*, London, Weidenfeld & Nicolson, 1978, p16. For the excavation and interpretation of diverse synagogue structures at Priene, Sardis, Stobi (Macedonia), Delos, Ostia and Dura-Europos, see WHITE, L. Michael *Building God's House in*

Synagogue of Alexandria', it was described by Rabbi Judah as 'like a huge basilica, one stoa within another, and it sometimes held twice the number of people that went forth into Egypt'.⁷¹

Documentary evidence indicates the presence of synagogues in other parts of Egypt, including Ptolemais during the late third century B.C.E. and at Arsinoe Krokodilopolis in the Fayum.⁷² Synagogues also existed at Schedia (near Alexandria, 3rd century B.C.), Xenephyris (Lower Egypt, 2nd century B.C.), Athribis (Lower Egypt, 3rd or 2nd century B.C.), Nitriai (Lower Egypt, 2nd century B.C.), at Alexandrou-Nesos (the Fayum 3rd century B.C.): in fact they were a likely adjunct wherever sizeable numbers of Jews had settled in Egypt.⁷³

the Roman World: Architectural Adaptation Among Pagans, Jews and Christians, Baltimore, John Hopkins University Press, 1990, pp62-101.

⁷¹ BREFFNEY, Brain de *The Synagogue*, London, Weidenfeld & Nicolson, 1978, p14. For the Great Synagogue as a centre of learning, see KASHER, Aryeh "Synagogues as 'Houses of Prayer' and 'Holy Places' in the Jewish Communities of Hellenistic and Roman Egypt", in URMAN, Dan & FLESHER, Paul V.M. (eds.) *Ancient Synagogues: Historical Analysis and Archaeological Discovery*, Vol. I, Leiden, E.J. Brill, 1995, pp212-213. See also BURTCHAEILL, James Tunstead *From Synagogue to Church: Public Offices in the Earliest Christian Communities*, Cambridge, CUP, 1992, pp218-222.

⁷² 3 *Maccabees* 7:20; BERNAND, Étienne *Recueil des Inscriptions grecques du Fayoum*, Cairo, Institut Français d'Archéologie Orientale du Caire, 1975-1981, I, no. 1; BREFFNEY, Brain de *The Synagogue*, London, Weidenfeld & Nicolson, 1978, p9, following FREY, J.-B. *Corpus Inscriptionum Judaicarum*, 1440, 1936352, Vatican City, 1952 & FUKS, A. & TCHERIKOVER, V.A. (eds.) *Corpus Papyorum Judaicarum*, Cambridge, Harvard University Press, I, 1957, 134. For the diverse theories concerning the origins of the Synagogue, which has been postulated to emerge anywhere from the time of Moses to the third century B.C. see LEVINE, Lee "The Nature and Origin of the Palestinian Synagogue Reconsidered", *JBL*, 115 no. 3, 1996, pp425-448; BURTCHAEILL, James Tunstead *From Synagogue to Church: Public Offices in the Earliest Christian Communities*, Cambridge, CUP, 1992, pp202-204.

⁷³ FUKS, A. & TCHERIKOVER, V.A. (eds.) *Corpus Papyorum Judaicarum*, Cambridge, Harvard University Press, I, 1957, p8, p26, & no. 129, following OGIS 96, 742 & 101; SB 5862 & 7454; LEVINE, Lee "The Nature and Origin of the Palestinian Synagogue Reconsidered", *JBL*, 115 no. 3, 1996, p429. Later Mishnaic terminology would distinguish cities from villages on the basis that cities had synagogues and villages did not, BURTCHAEILL, James Tunstead *From Synagogue to Church: Public Offices in the Earliest Christian Communities*, Cambridge, CUP, 1992, p216.

In the Greek sources synagogues are usually identified as *proseuche*, that is, houses of prayer, and much less rarely as *eucheoia*.⁷⁴ At times, synagogues are also identified as *synodos* or *koinos*, indicating a collegial social organisation which would have helped members to gain recognition in hellenistic communities.⁷⁵ Identifications of these places as *hieron*, *naos*, or *nakoros* may be appropriate at special cult centres established in Jewish colonies, e.g. at Elephantine and Leontopolis.⁷⁶ More generally, however, the description of these assembly houses and places of prayer as temples or sanctuaries seems to be based on a loose analogy between Jewish and Hellenistic places of religious activity. The Jews of the Diaspora themselves probably did not need such terms for their synagogues, but found it convenient to allow non-Jews to use such identifications. This analogy may have allowed an easier official treatment of the *proseuches*, and indeed, made it more likely that they would themselves gain the privileges granted to Hellenistic temples, e.g. the right of asylum.⁷⁷ In the context of antisemitic feeling in Alexandria, and the complex politics of the late Ptolemaic period, the attempt to demonstrate loyalty to the crown was extremely important. This

⁷⁴ FUKS, A. & TCHERIKOVER, V.A. M. (eds.) *Corpus Papyrorum Judaicarum*, I, Cambridge, Harvard University Press, 1957, p8; BREFFNEY, Brain de *The Synagogue*, London, Weidenfeld & Nicolson, 1978, p9; KASHER, Aryeh "Synagogues as 'Houses of Prayer' and 'Holy Places' in the Jewish Communities of Hellenistic and Roman Egypt", in URMAN, Dan & FLESHER, Paul V.M. (eds.) *Ancient Synagogues: Historical Analysis and Archaeological Discovery*, Vol. I, Leiden, E.J. Brill, 1995, pp205-220; BURTCHAEILL, James Tunstead *From Synagogue to Church: Public Offices in the Earliest Christian Communities*, Cambridge, CUP, 1992, p212, p225, following Philo *In Flaccum* 49; Josephus *Vita* 277 & 293 and Josephus *Jewish Antiquities* XVI.164.

⁷⁵ WHITE, L. Michael *Building God's House in the Roman World: Architectural Adaptation Among Pagans, Jews and Christians*, Baltimore, John Hopkins University Press, 1990, pp82-83.

⁷⁶ DION, Paul E. "Synagogues et temples dans l'Égypte Hellénistique", *Science et Esprit*, 29, January-April, 1977, pp74-75. In Palestine, early synagogues were most often referred to as συναγωγη, indicating their central role as community gathering places, LEVINE, Lee "The Nature and Origin of the Palestinian Synagogue Reconsidered", *JBL*, 115 no. 3, 1996, p429-431. For Jewish assemblies and community activities, see BURTCHAEILL, James Tunstead *From Synagogue to Church: Public Offices in the Earliest Christian Communities*, Cambridge, CUP, 1992, pp209-215.

can be seen in the use of dedication formula for some *proseuches*, which include a formula of dedication on behalf of the reigning sovereigns, but not to them. This approach helps indicate the loyalty of the Jewish population, without having them infringe regulations on idolatry.⁷⁸

The inscription *OGIS* 129 (= *CIJ* 1449) seems to accord one *proseuche*, possibly the 'synagogue' at Leontopolis, the right of asylum, that is, inviolability, and the document may be a restatement of an earlier claim to be dated to the reign of Ptolemy VIII, circa 145-116 B.C.E.⁷⁹ It uses similar formula to asylum inscriptions for Egyptian temples, as found in *SB* 7259, 31-33 & *SB* 6236, 27.⁸⁰ The possibility that the 'synagogue' at Leontopolis was formally granted asylum under Ptolemy VIII is mitigated by the fact that the inscription claiming this right is a later notice, and is unique in requesting royal permission to replace an earlier plaque, i.e. it may be a later forgery asserting a new claim in the 30s B.C.E.⁸¹ It is nonetheless an attempt to parallel rights found in other temples of the first century B.C.E. These trends of

⁷⁷ DION, Paul E. "Synagogues et temples dans l'Égypte Hellénistique", *Science et Esprit*, 29, January-April, 1977, p55.

⁷⁸ *Ibid.*, pp55-57, p74, following *OGIS* 96 and *CIJ* 1443.

⁷⁹ = RIGSBY, Kent J. *Asylia: Territorial Inviolability in the Hellenistic World*, Berkeley, University of California Press, 1996, no. 288. See also BURTCHAEILL, James Tunstead *From Synagogue to Church: Public Offices in the Earliest Christian Communities*, Cambridge, CUP, 1992, pp224-226, for this and Roman immunities granted synagogues.

⁸⁰ DION, Paul E. "Synagogues et temples dans l'Égypte Hellénistique", *Science et Esprit*, 29, January-April, 1977, pp58-9. It is possible that the inscription recording the renewal of asylum rights was not made by Queen Zenobia and her son Vaballath circa 270-272 A.D., but on the basis of palaeographic features may be compatible the first century B.C., i.e. with the reign of Cleopatra and a co-regent such as Ptolemy XIV or Caesarion, 47-30 B.C., *SEG*, XXXII, 1594, following BINGEN, J. "L'asylie pour une synagogue: CIL III Suppl. 6583 = *CIJ* 1449", in QUAEGEBEUR, J. (ed.) *Studia Paulo Naster oblata II: Orientalia Antiqua*, (Orientalia Lovaniensia Analecta, Vol. 13), Leuven, 1982, pp11-16. See also KASHER, Aryeh "Synagogues as 'Houses of Prayer' and 'Holy Places' in the Jewish Communities of Hellenistic and Roman Egypt", in URMAN, Dan & FLESHER, Paul V.M. (eds.) *Ancient Synagogues: Historical Analysis and Archaeological Discovery*, Vol. I, Leiden, E.J. Brill, 1995, p215.

accommodation are not surprising, in that by the second century considerable numbers of Jews and Samaritans had found their way into the countryside of Egypt, with some villages being predominantly of this extraction.⁸²

Even when a *proseuche* is not known from the historical record as having formal asylum rights, its general correlation with a 'sacred place', as understood in the Hellenistic world, may have given it a *de facto* usage as a place of refuge. We hear of one case from the Fayum where a certain Dorotheos was accused of the theft of a woman's cloak and 'sought asylum in the *proseuche* of the Jews'.⁸³ What is interesting about this case is that although the word *asylia* is not used, the context makes it clear that Dorotheos was not dragged out, nor dealt with at once. Instead, the stolen cloak was placed in the protection of the verger of the synagogue until the case might be tried.⁸⁴ There is no certainty that this particular synagogue had asylum rights, but it is clear that the synagogue must have offered some level of protection or benefit to the person who fled to it.⁸⁵ This correlates with a trend in Ptolemaic Egypt for some temples to act as places of refuge, even when specific asylum decrees are not certain for the temple in question.⁸⁶ Here a general mimetic trend in the architecture and

⁸¹ RIGSBY, Kent J. *Asylia: Territorial Inviolability in the Hellenistic World*, Berkeley, University of California Press, 1996, pp571-573.

⁸² FUKS, A. & TCHERIKOVER, V.A. M. (eds.) *Corpus Papyorum Judaicarum*, I, Cambridge, Harvard University Press, 1957, p4; BEVAN, Edwyn Robert *The House of Seleucus*, London, Edward Arnold, 1902, Vol. II, p165.

⁸³ BREFFNEY, Brian de *The Synagogue*, London, Weidenfeld & Nicolson, 1978, p9, following FUKS, A. & TCHERIKOVER, V.A. M. (eds.) *Corpus Papyorum Judaicarum*, I, Cambridge, Harvard University Press, 1957, no. 129.

⁸⁴ FUKS, A. & TCHERIKOVER, V.A. M. (eds.) *Corpus Papyorum Judaicarum*, I, Cambridge, Harvard University Press, 1957, no. 129, lines 6-8.

⁸⁵ See *Ibid.*, p240, footnote 5. Aryeh Kasher argues that the evidence is strong enough to assume that asylum rights had been accorded this synagogue, KASHER, Aryeh "Synagogues as 'Houses of Prayer' and 'Holy Places' in the Jewish Communities of Hellenistic and Roman Egypt", in URMAN, Dan & FLESHER, Paul V.M. (eds.) *Ancient Synagogues: Historical Analysis and Archaeological Discovery*, Vol. I, Leiden, E.J. Brill, 1995, p215. This is probable but not certain.

⁸⁶ See *P. Tebt.* 26; *P. Tebt.* 787; *PSI* 502; BINGEN, J. "Grecs et Égyptiens d'après P.S.I. 502", *American Studies in Papyrology*, 7,

planning of these *proseuches*, including even enclosing walls and sacred groves, may have also been beneficial in this cross-cultural setting.⁸⁷ It is also to be noted that Jewish manumissions of slaves in synagogues at Delos and Penticapaion seem to parallel Greek sacral manumission practices in that the freed slave 'was consecrated to God and obliged to follow the religious way of life of the Jews'.⁸⁸ At least for our limited range of evidence, there seems to be in both asylum and sacral manumission processes a convergence on Greek social practices which would have been readily understood in the Hellenistic milieu.

These asylum rights accorded both with the general policy of religious tolerance, which was part of the Ptolemaic recognition of the complex nature of Egyptian social life, and with a specifically pro-Jewish stance during the early period.⁸⁹ This gained the Ptolemies the support of the large Jewish community in Alexandria, but was also part of their international program directed towards Palestine and Coele-Syria, which they hoped to retain against the rival claims of the Seleucids. This remained true in spite of a short period of intolerance due to internal conflicts

1970, pp35-40; DUNAND, Françoise "Droit d'Asile et Refuge dans Les Temples en Égypte Lagide" in VERCOUTTER, J. (ed.) *Hommages à la mémoire de Serge Sauneron 1927-1976: II Égypte Post-Pharaonique*, Paris, Institut Français d'Archéologie Orientale du Caire, 1979, p87; RIGSBY, Kent J. *Asylia: Territorial Inviolability in the Hellenistic World*, Berkeley, University of California Press, 1996, pp542-4. See further Part 3D below.

⁸⁷ KASHER, Aryeh "Synagogues as 'Houses of Prayer' and 'Holy Places' in the Jewish Communities of Hellenistic and Roman Egypt", in URMAN, Dan & FLESHER, Paul V.M. (eds.) *Ancient Synagogues: Historical Analysis and Archaeological Discovery*, Vol. I, Leiden, E.J. Brill, 1995, pp215-216; LEVINE, Lee "The Nature and Origin of the Palestinian Synagogue Reconsidered", *JBL*, 115 no. 3, 1996, p443; DION, Paul E. "Synagogues et temples dans l'Égypte Hellénistique", *Science et Esprit*, 29, January-April, 1977, p75. Similar patterns of adaptation are found in the rebuilt synagogue of Dura-Europos, where the enlarged structure includes 'signs of accommodation to norms of Durene temple style from pagan religious architecture', WHITE, L. Michael *Building God's House in the Roman World: Architectural Adaptation Among Pagans, Jews and Christians*, Baltimore, John Hopkins University Press, 1990, p97.

⁸⁸ SOKOLOWSKI, F. "The Real Meaning of Sacral Manumission", *Harvard Theological Review*, 47, 1954, p179.

which temporarily turned Ptolemy VIII Euergetes II against Jewish military units which might intervene in his disputes with the widow of Ptolemy VI Philometer.⁹⁰ In spite of later Jewish polemic on this issue, prominent in both Josephus *Against Apion* II.53-55 and *3 Maccabees*, it is likely that this enmity was short lived.⁹¹

Likewise, the convergence of the treatment of synagogues with the type of rights associated with Hellenistic temples may have been set within a wider landscape of accommodation between the royal administration and Jews of the Diaspora during the first two centuries of the Hellenistic kingdom. While the Ptolemies found the Jews a useful counterbalance to both Egyptian and Greek interests, the Jews at first went through considerable hellenisation within Egypt. For example, the papyrological material known to us indicates a considerable preponderance of Greek names, including those derived from Greek gods such as Athena, Apollo, Dionysus, Zeus, Heracles and Hera, over Hebrew ones in circumstances which make it clear that the documents are most likely speaking of the Jewish population.⁹² The translation of the Pentateuch into Greek and the heavy reliance upon Greek as the literary and religious language of diaspora Jews supports their use of a shared, Hellenised intellectual culture, as does a certain reliance on Hellenistic law in the juridical papyri known to us.⁹³ From these trends it is possible to suggest that in spite of the unique features of

⁸⁹ BREFFNEY, Brian de *The Synagogue*, London, Weidenfeld & Nicolson, 1978, p9.

⁹⁰ FUKS, A. & TCHERIKOVER, V.A. M. (eds.) *Corpus Papyrorum Judaicarum*, I, Cambridge, Harvard University Press, 1957, pp19-22.

⁹¹ *Ibid.*, pp21-3, p47.

⁹² *Ibid.*, pp27-9.

⁹³ KOESTER, Helmut *Introduction to the New Testament: Vol I, History, Culture, and Religion of the Hellenistic Age*, N.Y., Walter de Gruyter, 1987, pp251-255, pp273-280; FUKS, A. & TCHERIKOVER, V.A. M. (eds.) *Corpus Papyrorum Judaicarum*, I, Cambridge Mass., Harvard University Press, 1957, pp31-38; MOMIGLIANO, Arnaldo *Alien Wisdom: The Limits of Hellenization*, London, CUP, 1975, p10; HADAS, Moses *Hellenistic Culture: Fusion and Diffusion*, N.Y., Columbia University Press, 1963, p45, p90. For a small sample of Greek texts concerning Jewish issues, see *The Book of Judith; The Letter of Aristaeus; Aristoboulos Exegesis on the Law of Moses; Philo In Flaccum; Philo*

Jewish religion and continued religious adherence, prominent Jews would seek to maximise their rights and privileges within a Greek legal context that was well known to them. This would help develop a wider recognition for the sacral nature of their synagogues, drawing on certain parallels with Hellenistic temples and later Christian institutions.⁹⁴

Modern examples of faith-based refuge and asylum protection demonstrate a parallel structure to these complex relations between religious institutions and the state. Greek and Middle Eastern temples had often been moderators of harsh state laws through asylum practices, and these could be especially important for non-citizens, whose legal rights were less than well-assured. Today, churches and synagogues sometimes seek to moderate the harsh treatment of refugees and asylum-seekers, even though they have no formal right to do so. Various agencies, including migrant groups, humanitarian and religious organisations often fight for the legal recognition of exiles and refugees, even when these persons have entered a host country 'illegally' or are undocumented migrants. The modern Christian 'Sanctuary Movement', which emerged out of trends both towards the moral autonomy of churches and liberation theology, has given birth to new versions of church sanctuary.⁹⁵ A range of U.S., Canadian, Dutch, German and British groups have been

Legatio ad Gaium; Philo *De Opificio Mundi*. For Greek loan words in the Mishnah and Talmud, see BURTCHAELL, James Tunstead *From Synagogue to Church: Public Offices in the Earliest Christian Communities*, Cambridge, CUP, 1992, p208.

⁹⁴ LEVINE, Lee "The Nature and Origin of the Palestinian Synagogue Reconsidered", *JBL*, 115 no. 3, 1996, pp441-447.

⁹⁵ Church sanctuary had been prominent during the 4-15th centuries, but during the 16-17th centuries was undermined and no longer supported by the secular legislation of even Christian states, see BRINK, Jeanie R. "Sanctuary and the Sanctuary Movement", *This World*, 11, Spring-Summer 1985, pp4-6; PLAUT, W. Gunther *Asylum: A Moral Dilemma*, Westport, Praeger 1995, p19. The Roman Catholic Church, however, has not 'officially abandoned' asylum even today, though this is not automatically given, and must be agreed to by the priest and church authority, as indicated in the *Codex Juris Canonici*, see PLAUT, W. Gunther *Asylum: A Moral Dilemma*, Westport, Praeger 1995,

involved in the sanctuary movement of the 1980s and 1990s, basing their claims on a historical trends including Hebrew, Greek and Christian traditions, as well as English church history.⁹⁶ In the last decade, these trends have widened to a stronger interfaith activism against social injustice. The notion of offering protection to ‘strangers’ is something readily understood by diaspora communities and by those who have themselves been persecuted.

p19. For the wider context of liberation theology see SIGMUNG, Paul E. *Liberation Theology at the Crossroads: Democracy or Revolution?*, Oxford, OUP, 1990; GUTIÉRREZ, Gustavo A *Theology of Liberation History, Politics, and Salvation*, London, SCM Press, 1988; MIGLIORE, Daniel L. *Call to Freedom: Liberation Theology and the Future of Christian Doctrine*, Philadelphia, Westminster Press, 1980; McFADDEN, Thomas M. (ed.) *Liberation, Revolution, and Freedom: Theological Perspectives*, N.Y., Seabury Press, 1975.

⁹⁶ DAVIDSON, Miriam *Convictions of the Heart: Jim Corbett and the Sanctuary Movement*, Tucson, University of Arizona Press, 1988, pp16-18, p63, pp67-68, p75-90, p97; LOUGHLIN, Kathleen LaCamera "Sanctuary Churches: Britain Tightens Immigration Policies", *The Christian Century*, 114 no. 7, 26 February 1997, pp212-214 [Internet Access via Infotrac SearchBank = Article A19191933]; PLAUT, W. Gunther *Asylum: A Moral Dilemma*, Westport, Praeger 1995, pp129-137. Respect for modern church refuge by police, immigration authorities or the judiciary, however, is not guaranteed.