

RESEARCH ARTICLE

Weighing the Flesh: Law, Martyrology, and Social Hierarchy in Late Antique Judaism and Christianity

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Abstract

This article deals with late antique Jewish and Christian discourse on social hierarchy, martyrology, and attitudes toward the law and the commandments. I place Jewish and Christian attitudes to martyrdom in late antiquity within the larger system of the commandments. Beyond the circumstantial connections between martyrdom and the affirmation or violation of laws, I argue that martyrdom constitutes an important lens for the examination of the rule of the law and for the negotiation of socio-religious hierarchies. I argue that the elevation of martyrdom creates inner tension vis-à-vis the idea of life-long righteousness based on adherence to the law. I discuss the construction of martyrdom as the final and ultimate commandment, necessary for reaching a state of perfection. Through addressing a case where martyrdom is presented as competing with, if not substituting, a life according to the law, I discuss the theme of an upside-down world, which appears in both Christian and Rabbinic literature, concerning martyrs. In this framework, I discuss the view of martyrdom as a kind of stairway to heaven—an instrument for rapid advancement allowing to overtake those who lived according to the law—and the unique perception of law and martyrology in the fourth-century Syriac-Christian *Book of Steps*, which places the martyrs below the perfect.

Keywords: martyrology; law; perfection; Christianity; rabbinic Judaism; upside-down world

Martyrology poses a threat not only to public order and civil law, but also to the religious order—in both of its normative and social aspects. As noted by many scholars, classical descriptions of martyrdom express a conflict between external violence and norms, and internal religious devotion and loyalty to divine law.¹ Offering a different direction, I examine an *internal* tension, *within the religious system itself*, that exists between the martyrological discourse and the discourse of religious law as reflected in the Babylonian Talmud and in the late fourth-century Syriac-Christian *Book of Steps*. Beyond the causal connection

¹ See, for example, the following: Elizabeth A. Castelli, *Martyrdom and Memory: Early Christian Culture Making* (New York: Columbia University Press: 2004), 46–49; Jan Willem van Henten, “Jewish and Christian Martyrs,” in *Saints and Role Models in Judaism and Christianity*, ed. Joshua Schwartz and Marcel Poorthuis (Leiden: Brill, 2004), 166; Candida R. Moss, *The Other Christs: Imitating Jesus in Ancient Christian Ideologies of Martyrdom* (New York: Oxford University Press, 2010), 47–53. This is not to deny that in many Christian martyrologies the immediate emphasis is more on identity (“I am a Christian”) than on obedience to the law. See, among others, Saul Lieberman, “The Martyrs of Caesarea,” in *Annuaire de l’Institut de Philologie et d’Histoire Orientales et Slaves*, no. 7 (1939–1944): 395–446.

between martyrdom and the affirmation or violation of laws, martyrdom can be used as a lens through which to examine the entire *system* of the law—in its religious sense.

A fundamental tension exists between the discourses of martyrology and of religious law. On the one hand, martyrology is dependent on the recognition of a rule of law² in that there are ordinary circumstances wherein dying for the sake of God is not the ideal commandment because there is a normative system, a law of routine, meant to enable life (whether in this world or the world to come). Put differently, martyrdom can be seen as an extreme mean for securing the ordinary religious order from external (such as imperial) interference. On the other hand, martyrological discourse also reveals that there is something beyond the rule of law: an obligation to obey a law that gains validity precisely as it suspends the status of the ordinary rule of law. As do discussions on the relation between emergency regulation and law, either in relation to the legal theory of Carl Schmitt³ or in contemporary postcolonial discourse, such as in the work of Achille Mbembe,⁴ so the normative status of martyrdom can serve as a window for understanding the entire normative system. However, I do not address here the tension between martyrology and state law but rather focus only on the internal normative tension, *within the religious system itself*.⁵ To that end, concepts like the state of emergency and emergency regulations function mainly heuristically.

Indeed, martyrology, like emergency regulations, suspends the normal system of the law, first, obviously, as obeying the commandment to die⁶ necessarily means the martyr will not be able to continue observing the normal commandments.⁷ More profoundly, however, martyrology rejects the inner logic of the rule of law, which assumes a clear causal relation between deed and outcome—reward or punishment—and a correspondence between the reward and the number of good deeds and adherence to the law. Martyrology bypasses this entire socio-normative religious construct. In its extreme manifestations, death arrives

² I refer here to religious, not *state* law.

³ Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago: University of Chicago Press, 1985). For our purposes it is enough to note Schmitt's recognition of the complex relationship between the law and its suspension—whether temporary or permanent. In “On the Concept of History,” Walter Benjamin warned of a political situation wherein the state of emergency, which by its very nature is supposed to be temporary, becomes a permanent reality. Walter Benjamin, “On the Concept of History,” *Walter Benjamin: Selected Writings 1938–1940*, vol. 4, ed. Howard Eiland and Michael W. Jennings (Cambridge, MA: Harvard University Press, 2003), 392. Benjamin's warning has been developed by contemporary theoreticians. See Giorgio Agamben, *State of Exception* (Chicago: University of Chicago Press, 2005).

⁴ Achille Mbembe, *On the Postcolony* (Berkeley: University of California Press, 2001).

⁵ Joshua Neoh has pointed to the connections between the sovereign, the martyr, and the state of exception. See Joshua Neoh, “Kierkegaard and Schmitt on the State of Exception,” *Journal of Law and Religion* 39, no. 1 (2024): 1–15. According to Neoh, while Schmitt develops the superiority of the sovereign over the legal system, Kierkegaard offers the martyr as the one whose disobedience bears witness to a higher kingdom. This opposition of the martyr and the sovereign works, however, only when they are seen as belonging to two separate systems (heavenly as opposed to earthly). What is the relation of the martyr to the legal system when that system is not that of the earthly ruler, but rather of God?

⁶ By a *commandment to die* I do not mean to make a generalization that martyrdom was (or is) perceived by all Jews and Christians as a commandment in the strict sense of the word. As I discuss below, different late ancient sources have struggled with formulating the normative status of martyrdom. It might also be helpful to think of the ambivalence of a command to die through Agamben's concept of “force-of-law.” Agamben, *State of Exception*, 33–40.

⁷ This is the tension underlying the rabbinic midrash “And he shall live by them and not die by them.” t. Shabbat 15, 17. On this phrase, see the following: Daniel Schwartz, “What Should He Have Said? ‘And Live by Them,’” in *Sanctity of Life and Martyrdom* (Jerusalem: Zalman Shazar Center, 1992), 69–83 (in Hebrew); Eric Ottenheim, “Which if a Man Do Them He Shall Live by Them”: Jewish and Christian Discourse on Lev. 18:5,” in *The Scriptures of Israel in Jewish and Christian Tradition*, ed. Bart Koet, Steve Moyise, and Jos Verheyden (Leiden: Brill, 2013), 310–12. Because no commandments can be kept post-martyrdom, it seems logical to defer the fulfillment of this commandments to the end. On this possibility see below, regarding Rabbi Akiva's death.

even if one has performed good deeds, raising the problem of theodicy.⁸ On the other hand, even if one has not accumulated enough good deeds yet is killed as a martyr—one's reward is guaranteed, perhaps even granting the subject the highest religious crown. As opposed to the theodicean problem, here an opposite question arises: What is the value of the role of the law expressed in a life-long righteousness, if the same status can be achieved instantly, in a single act of dying? How does the creation of a fast track into heaven affect the meaning and status of the law, and of those who carefully adhere to it?

Two rabbinic stories in the Babylonian Talmud—Rabbi Akiva's martyrological death in the Babylonian Talmud tractate Berakhot 61b as a necessary means for the fulfillment of all the commandments; and the story regarding Rav Yosef's upside-down world vision in b. Bava Batra 10b (par. b. Pesachim 50a)—offer a way to examine the relation between martyrdom as an exceptional commandment and the system of the law in its entirety. These stories express the tension that arises between sages who have kept the law and martyrs who acquire their status through the fulfillment of a single commandment, on a fast track to heaven. The centrality of the law within rabbinic thought problematizes the elevation of martyrdom to the highest socio-normative degree. Notably, the rabbinic sources can be classified as Aggadah (non-legal stories), not legal (halakhic) discussions, in the narrow sense of the term. Whereas the first example regarding Rabbi Akiva's death can be more easily classified as a Talmudic legal narrative,⁹ the second example, regarding the vision of an upside-down world, seems at first sight closer to the legendary and irrational aspects of rabbinic Aggadah. However, not only do these narratives provide the broader theological meaning necessary for contextualizing specific legal precepts within their normative universe,¹⁰ but they also more specifically address fundamental questions regarding the value of the legal system itself. In other words, it is through these narratives that one can think about the theological and conceptual basis of the normative system as a whole.¹¹ Thus, I do not discuss here the development of specific rabbinic (or Christian) laws regarding martyrdom (for example: In which circumstances and on behalf of which commandments should one give up his life? How active one must be in achieving the state of martyrdom?),¹² but rather how martyrological discourse is used in order to negotiate the meaning of the law, as a system, in its broader sense.

The tension between gaining status through martyrdom and through keeping the law is revealed in the *Book of Steps*, a Syriac-Christian work written circa late fourth-century Mesopotamia—close not only in time and in geographical location to the Babylonian Talmud, but most importantly in its unique emphasis on gaining life through the observance

⁸ See Ra'anan S. Boustán, *From Martyr to Mystic: Rabbinic Martyrology and the Making of Merkavah Mysticism* (Tübingen: Mohr Siebeck, 2005). For the centrality of the problem of theodicy in the Rabbi Akiva martyrdom narrative in b. Berakhot 61b (discussed below), see Friedrich Avemarie, Jan Willem van Henten, and Yair Furstenberg, *Jewish Martyrdom in Antiquity: From the Books of Maccabees to the Babylonian Talmud* (Leiden: Brill, 2023), 174–76.

⁹ See Barry Wimpfheimer, *Narrating the Law: A Poetics of Talmudic Legal Stories* (Philadelphia: University of Pennsylvania Press, 2011).

¹⁰ This aspect of the relation between narrative and law was argued by Rober Cover in his classic essay "The Supreme Court, 1982 Term—Foreword: Nomos and Narrative," *Harvard Law Review* 97, no. 4 (1983): 4–68. On the idea of narrating the law in rabbinic literature, see Moshe Simon-Shoshan, *Stories of the Law: Narrative Discourse and the Construction of Authority in the Mishnah* (New York: Oxford University Press, 2012).

¹¹ See Jeffrey L. Rubenstein, Yonatan Feintuch, and Jane L. Kanarek, "Halakha and Aggadah in Post-Tannaic Literature," in *The Literature of the Sages: A Re-visioning*, ed. Christine Hayes (Leiden: Brill, 2022), 554–612, at 554.

¹² For discussions on the laws regarding martyrdom see, among others, the following: Shmuel Safrai, "Kiddush Ha-Shem in the Teachings of the Tannaim," *Zion*, no. 44 (1979): 39–42 (in Hebrew); Stephen M. Passamanek, "The Jewish Mandate of Martyrdom: Logic and Illogic in the Halakhah," *HUCA*, no. 74 (2003): 216–24; Alyssa M. Gray, "A Contribution to the Study of Martyrdom and Identity in the Palestinian Talmud," *Journal of Jewish Studies* 54, no. 2 (2003): 242–72.

of the commandments. Rather than the eminence attributed to martyrs by most Christian authors in the fourth century, the author of the *Book of Steps* emphasizes that martyrdom cannot make up for negligence in the fulfillment of the other commandments. Thus, the perfect—those who were meticulous in observing the divine commandments and lived according to the highest ascetic lifestyle advocated by the author—are placed higher than the martyrs in the religious and social hierarchy. This unique martyrological discourse is directly connected to the book's idiosyncratic discourse of law and to its nomistic rhetoric.

Recent studies have pointed to the possibility that the redactors of the Babylonian Talmud had knowledge of specific Syriac-Christian martyrs acts while formulating their more pragmatic attitude to martyrdom.¹³ Given the high popularity of Syriac-Christian martyrs acts in the Sasanian empire, it seems highly plausible that the rabbis were aware of wide-spread Christian positions regarding martyrdom.¹⁴ Thus, I read both the rabbinic and the Syriac sources as belonging to a shared late ancient martyrological discourse. By this I make no claim for direct historical influence or contact between the *Book of Steps* and the Babylonia Talmud.¹⁵ However, reading these sources together, and within the broader late ancient martyrological discourse, reveals similar inner religious dynamics and tensions that have been hitherto unnoticed, and are connected, to my view, to the importance of the law in their thought. In addition, by referring to the law or to the rabbinic and Christian system of commandments, I do not intend to say anything regarding the specific *content* of the commandments. Indeed, in practice, keeping God's law meant different things for different Jews and Christians, who struggled to define the scope, and the correct meaning, of different commandments. Rather than ask which commandments are to be included within the law (and be observed), I am interested in the relation of the system of the commandments as a whole to the problem of martyrdom.¹⁶ Indeed, it is through this type of comparison that some broader conclusions regarding the problematization of martyrdom within a nomistic discursive framework can be offered.¹⁷

Although martyrological literature predated Christianity, studies have demonstrated how in late antiquity, as part of shaping Christian identity and its consolidation, a new model of martyrological discourse emerged. Various studies have also revealed similarities in the ways in which later Jewish and Christian texts reconstructed the stories of martyrs and the significance of their deaths.¹⁸ Daniel Boyarin, for example, argues that a number of shared

¹³ See, most recently, Simcha Gross, *Babylonian Jews and Sasanian Imperialism in Late Antiquity* (Cambridge: Cambridge University Press, 2024), 166–96.

¹⁴ For a recent discussion on the similarities between the Babylonian Talmud's narration of Rabbi Hanina ben Teradion's martyrdom and Christian materials, see Avemarie, Van Henten, and Furstenberg, *Jewish Martyrdom*, 185–93. See also Jan Willem van Henten, "Jewish and Christian Martyrs," in *Saints and Role Models in Judaism and Christianity*, ed. Marcel Poorthuis and Joshua J. Schwartz (Leiden: Brill, 2004), 169–81.

¹⁵ That possibility cannot be ruled out, however. I intend to elaborate elsewhere on the similarities between the *Book of Steps* and rabbinic sources.

¹⁶ For further discussion on this distinction between the contents of the law and law as a normative system, see Shraga Bick, "Living under Monastic Law: Perfection and Obedience in John of Apamea," *Journal of Early Christian Studies* 33 no. 2 (2025): 221–47.

¹⁷ For the importance of a comparative approach for understanding religious patterns, see David Frankfurter, "Comparison and the Study of Religions of Late Antiquity," in *Comparer en histoire des religions antiques: Controverses et propositions* [Comparison in the history of ancient religions: Controversies and proposals], ed. Claude Calame and Bruce Lincoln (Liège: Presses universitaires de Liège, 2012), 83–98.

¹⁸ For a review of previous research on the Christian background of Jewish martyrology, see Hayim Lapin, "Pappus and Julianus, the Maccabean Martyrs, and Rabbinic Martyrdom History in Late Antiquity," in *Legal Engagement: The Reception of Roman Law and Tribunals by Jews and Other Inhabitants of the Empire* (Rome: École française de Rome, 2021), 133–56. For a discussion on the increasing importance of saints' relics in Judaism in light of the Christian attitudes, see Ra'anan Boustán, "Jewish Veneration of the 'Special Dead' in Late Antiquity and Beyond," in *Saints and Sacred Matter: The Cult of Relics in Byzantium and Beyond*, ed. Cynthia Hahn and Holger Klein (Washington, DC:

characteristics distinguish Jewish and Christian martyrologies in late antiquity from earlier accounts, among them the construction of martyrdom as a joyful act and as the pinnacle of religious life. At this period, the martyr's death was no longer seen solely as an act of obedience to God's word, but as the most complete expression of religious life.¹⁹ Other scholars have suggested different perspectives on the subject. Jeffrey Rubenstein, for example, stressed the importance of the Sasanian context, and argued that in the Babylonian Talmud, as opposed to the Jerusalem Talmud, martyrdom is not represented as a joyful event, and even Rabbi Akiva is not described as dying joyfully—as opposed to descriptions of martyrs in the Sasanian Empire. Even if his death is described as a positive event, the emphasis is not on his persecution, suffering, and death, but on the opportunity he is granted to fully realize God's commandment.²⁰ Similarly, other studies have demonstrated the way in which martyrdom is not only constructed as a religious ideal, but also to the ways in which it is regulated—and limited—once brought into the rabbinic legal (halakhic) discourse.²¹ In this sense, martyrdom, although expressing a unique religious state of emergency, *does not* fully constitute a “kenomatic state, an emptiness of law,” in the terms of Giorgio Agamben,²² but is, at least in part, under the rule of the law.²³ In line with these perspectives, the discourse of martyrdom, as examined within the broader context of the perception of the law, offers a reconsideration the formation of religious socio-normative hierarchies and the inner tension embedded within the discourse on martyrdom.

The Completely Righteous: Martyrdom and Perfection in Rabbi Akiva's Martyrology

Several studies have shed light on the sophisticated redaction of the story of Rabbi Akiva's death in the Babylonian Talmud—a story based on the narrative of his trial in the Jerusalem Talmud (Berakhot 9:5, 14b) and on other rabbinic sources. According to the version in the Babylonian Talmud (b. Berakhot 61b), Rabbi Akiva was sentenced to death for defying a Roman ban on teaching Torah. As his flesh was being tortured, he recited the Shema and explained to his astonished students that only now can he truly fulfill the command to love God “with all your soul,” even at the cost of his life. His soul departed as he completed the final word of the Shema—*echad* (one, אֶחָד).

Rather than treating this narrative as an accurate historical account of second-century Roman persecution, these studies have shown that the Babylonian Talmud's portrayal of Rabbi Akiva's martyrdom is a later ideological construct—an expression of Babylonian

Dumbarton Oaks, 2015), 61–82. For an approach that attempts to distinguish between Jewish and Christian descriptions of martyrs, see Menachem Hirshman, “Eleh Ezkerah and its Late Antique Sources,” in *Netiot LeDavid: Jubilee Album for David Weiss Halivni* (Jerusalem: Orhot, 2004), 71–81 (in Hebrew).

¹⁹ Daniel Boyarin, *Dying for God: Martyrdom and the Making of Christianity and Judaism* (Stanford: Stanford University Press, 1999), 95.

²⁰ “[Rabbi Akiva's] goal is to fulfill the commandment, and martyrdom is more a means to that end than an end in and of itself.” Jeffrey L. Rubenstein, “Martyrdom in the Persian Martyr Acts and in the Babylonian Talmud,” in *The Aggadah of the Bavli and Its Cultural World*, ed. Geoffrey Herman and Jeffrey L. Rubenstein (Providence: Brown Judaic Studies, 2018), 180. For a similar reading of Rabbi Akiva's death, see Safrai, “Kiddush Ha-Shem,” 38; Eric Ottenheim, “Martyrdom as a Contested Practice in Rabbinic Judaism,” *Nederlands theologisch tijdschrift* 69, no. 2 (2015): 110–13. Gross has also demonstrated how the Babylonian Talmud narrates martyrdom in opposition to common Syriac-Christian motifs, favoring “flight” as opposed to “fight.” Gross, *Babylonian Jews*, 181.

²¹ See, for example, Gray, “A Contribution to the Study of Martyrdom,” 242–72; Ottenheim, “Martyrdom as a Contested Practice,” 113–14.

²² Agamben, *State of Exception*, 6.

²³ “The suspension of the norm does not mean its abolition, and the zone of anomie that it establishes is not (or at least claims not to be) unrelated to the juridical order.” Agamben, 23.

theological and cultural ideas about dying for the sake of God.²⁴ Accordingly, the immediate context in which the story appears should not be ignored. It refers to a passage from the Mishna (Berakhot 9:5), “With all of your soul: even were He to take your soul.” However, this follows a discussion in the Talmud concerning the previous sentence in the Mishna: “With all of your heart: with your two inclinations—the good inclination and the evil inclination.” Rabbi Akiva’s martyrology is preceded by a series of homilies on this Mishnaic interpretation: “Rabbi Yossi HaGlili says: the righteous are judged by their good inclination The wicked are judged by their evil inclination Middling people [*Beynoniyim*] are judged by both Raba said: People such as we are of the middling people. Abaye answered: you did not leave any person a chance to live. Raba also said: The world was created only for either the completely wicked or the completely righteous. Raba said: a man should know concerning himself [*benafshe*] whether he is completely righteous or not.”²⁵

The Babylonian Talmud presents a division into three classes of people—righteous, wicked, and middling. The category of middling (*beynoniyim*) appears in many rabbinic texts, where it is sometimes used to denote the common, reasonable person.²⁶ However, in essence, middle (*beynoni*) is a relational category that gains meaning and normative significance only from its placement between two extremities.²⁷ The tripartite division into completely righteous, middling, and completely wicked also appears in other rabbinic sources.²⁸ In t. Sanhedrin, a dispute is described between the houses of Shammai and Hillel regarding the ultimate fate of the *shkulin* (balanced)—those in between the completely righteous and the completely wicked. While the house of Shammai believe that they first descend to Gehenna and then are cleansed, the advocates of Hillel believe they are granted life, like the completely righteous, because God tilts their scales in favor of kindness.²⁹

Despite the relatively widespread use of this category, the different sources fail to clarify whom it includes. Yet, based on the words of the Tosefta and the Talmudic discussion, as well as a similar description that appears in the apocryphal *Testament of Abraham*, which

²⁴ It is very difficult to determine exactly how much later. It seems clear that at the very earliest, the story is an Amoraic retelling from the fourth century. See Paul Mandel, “Was Rabbi Aqiva a Martyr? Palestinian and Babylonian Influences in the Development of a Legend,” in *Rabbinic Traditions between Palestine and Babylonia*, ed. Ronit Nikolsky and Tal Ilan (Leiden: Brill, 2014), 306–53.

²⁵ b. Berakhot 61b (Vilna edition). The differences between the various manuscripts are insignificant.

²⁶ For example, b. Pesachim 94a.

²⁷ In other words, the middle always depends on the ends. For example, in a discussion of measures and scales, middle is the category between small and large, lacking independent normative value. See, for example, m. Kelim 17. By contrast, when all the members of the group are wicked, then in that group there can be a subgroup of middling individuals. See the *Mekhilta Rabbi Ishmael*, Shirah 5. Similarly, in some cases, alongside the completely righteous there are middling righteous. See *Leviticus Rabbah* 36:2).

²⁸ t. Sanhedrin 13:3 (where *beynoni* [middling] is replaced by *shkulin* [balanced]); b. Rosh Hashanah 16b–17a; b. Shabbat 152b; b. Yoma 75b; b. Ta’anit 11a; y. Rosh Hashanah 1:3, 7a.

²⁹ t. Sanhedrin 13:3; b. Rosh Hashanah 16b–17a. For a similar division in the *Book of Steps*, see discussion below. See also Yitzhak Baer, “The Historical Foundations of the Halakha,” *Zion*, no. 17 (1952): 50–55 (in Hebrew); Yitzhak Baer, “On the Problem of Eschatological Doctrine in the Period of the Second Temple,” *Zion*, no. 23 (1958): 5–7 (in Hebrew). Baer discusses the great similarity between this Baraita, specifically the tripartite division into righteous-middling-wicked, and the descriptions that appear in classical Greek literature, particularly in Plato’s *Phaedo*, 113a–113e. For a different view, see Saul Lieberman, “Some Aspects of After Life in Early Rabbinic Literature,” in *Harry Austryn Wolfson Jubilee Volume*, vol. 2, ed. Saul Lieberman, (Jerusalem: American Academy for Jewish Research, 1965), 501n41; Dror Ehrlich, “The Retributive Theory of Punishment in Ancient Rabbinic Discussions of Hell,” *Jewish Studies*, no. 13 (2015), at 19–18 (in Hebrew). For a similar description of righteous-wicked-middling in ancient Egyptian literature, see Miriam Lichtheim, *Ancient Egyptian Literature*, vol. 3 (Berkeley: University of California Press, 1980), 140, and the short discussion on the question of a Greek origin in John G. Griffiths, *The Divine Verdict: A Study of Divine Judgement in the Ancient Religions* (Leiden: Brill, 1991), 231–34. detailed rabbinic discussions of the world to come and Gehenna, which are of course related to the dispute between the houses of Hillel and Shammai.

describes a case of a soul who is sentenced to be “in the middle” (μέσο; *méso*),³⁰ it seems that the term refers to a small and rare group of those whose good and bad deeds are precisely equal.

However, from the Babylonian Talmud it seems that the *beynoniyim* refers to a large group of people, the vast number between those who are *completely* wicked or *completely* righteous. In other words, it seems that the middling corresponds to most of humanity: people who are not completely righteous, without any misdeeds, nor completely wicked. Judging from the fact that Raba in b. Berakhot identifies himself and the sages with the middling, it seems that for him, this category is not limited to the rare (and symbolic) group of those whose good and bad deeds are precisely balanced, but rather includes all those who are not completely righteous. In this he greatly reduces the group of the completely righteous. This explains Abaye’s forceful objection—“You did not leave any person a chance to live!”—a critique that remains unanswered.

This exchange is immediately followed by another of Raba’s sayings, which draws a clear distinction between the completely righteous and the completely wicked and posits that each person should know the category to which he belongs: “Raba also said: The world was created only for either the completely wicked or the completely righteous. Raba said: a man should know concerning himself whether he is completely righteous or not.”³¹ According to Raba, there is a clear, unambiguous dichotomy between the completely righteous and the completely wicked, with a separate, special world created for each group. Those who do not fit the criteria of either group are not included in Raba’s statement, and it is unclear what their place is in the world—where they belong and how they may be judged.

It is only after this discussion that Rabbi Akiva’s story is told—a story that makes, as noted by Boyarin, the radical claim that observance of all the commandments includes the fulfilment of the (necessarily) last, but perhaps the most important, commandment of all—dying for the sake of God. Reading the story within its immediate context, the paradoxical situation it creates is made even more apparent: namely, that full observance of *all* the commandments—a form of conduct that is supposed to lead to life—necessarily requires death.³² Without willing to die for the sake of God, there is necessarily one commandment that cannot be fulfilled.³³ Now, after reading the story of Rabbi Akiva’s death, Abaye’s critique gains greater significance—“You did not leave any person a chance to live!”—

³⁰ *Testament of Abraham*, trans. Dale C. Allison (Berlin: De Gruyter, 2003), 14.2; 12.12–18, at 294, 254. And see Allison’s comments, *Testament of Abraham*, 272. It is difficult to determine the precise dating of this work. Allison concludes that the book was written around the first century, although the work continued to be edited in the next centuries. *Testament of Abraham*, 34–41. The motif of weighing the individual’s deeds is quite common in biblical literature (see, for example, Job 31:6; Proverbs 16:11; Psalms 62:10; Daniel 5:27); in post-biblical literature (see, for example, 1 Enoch 41:10, 51:8; Fourth Ezra 3:34); in Manichean literature (see Nathaniel Deutsch, *Guardians of the Gate: Angelic Vice Regency in Late Antiquity* [Leiden: Brill, 1999], 107–11); and in Zoroastrian works (see David Winston, “The Iranian Component in the Bible, Apocrypha, and Qumran: A Review of the Evidence,” *History of Religions* 5, no. 2 [1966]: 195–96). This motif is related to a wider theme that concerns the weighing of souls on Judgment Day, which originates in ancient Egypt. See Samuel G. F. Brandon, “The Weighing of the Soul,” in *Myths and Symbols: Studies in Honor of Mircea Eliade*, ed. Joseph M. Kitagawa and Charles H. Long (Chicago: Chicago University Press, 1969), 91–110; Griffiths, *Divine Verdict*, 239–42; 253–54. See also Llewellyn Howes, “Who Will Put My Soul on the Scale?” *Old Testament Essays* 27, no. 1 (2014): 100–22.

³¹ b. Berakhot 61b (Vilna edition).

³² In this sense, while I agree with much of Mandel’s analysis regarding the important differences between the various versions of the story, I think that his clear distinction between “political drama,” “teaching exemplum,” and “martyrdom account” (corresponding to the different versions of the story) is overemphasized, as the possibility of death is central in all versions. Mandel, “Was Rabbi Akiva a Martyr?,” 334. Even if the version in the Jerusalem Talmud does not explicitly describe Rabbi Akiva’s death, as Mandel argues, the story can still be seen as a martyrdom account, as long as Rabbi Akiva is willing to give up his life for obeying the commandments.

³³ See Avemarie, Van Henten, and Furstenberg, *Jewish Martyrdom*, 171.

literally. As Raba's next comments suggest, the dichotomy is absolute—the completely righteous man has no part in this world, but only in the world to come. The life promised him for fully observing all the commandments cannot and is not meant to be realized as part of life in this world. Rabbi Akiva, in this sense, is the ultimate example of the completely righteous man—he who in his death fulfills all the commandments, and whose death also proves that “the world was created only for either the completely wicked or the completely righteous.”³⁴

Thus, in the account of Rabbi Akiva, martyrdom is not sufficient as such, but rather as a completion of all the commandments. This point is made clear when, further on in the story, the perfect figure of Rabbi Akiva is contrasted with that of Pappos ben Yehuda, who was seized by the Romans on the charge of “engaging in idle matters.”³⁵ Regardless of the question of Pappos's identity and the full meaning conveyed by this literary figure, it is important to note that his possible execution by government hands alongside Rabbi Akiva is not expected to gain him a place in the world to come. The story's redactor found it important to emphasize that execution for idle matters is not enough; it may be said that just as Pappos was seized for idle matters, his death is also “idle,” that is, meaningless. Especially if we accept the option that the redactor deliberately connected between Pappos ben Yehuda and the martyr Pappos,³⁶ one of the martyrs of Lod of whom it was said that “no one can stand in their enclosure”³⁷ (see discussion below), the opposition between Rabbi Akiva and Pappos can be seen as an attempt to negate or blur the elevated status of martyrs by government hands whose death was not the culmination of a flawless life and the observance of commandments, as in the case of Rabbi Akiva. Martyrdom is not rejected in this story, yet it is subjugated to the logic of the system of the commandments, and presented as that which *completes*, yet not substitutes, a perfect life of keeping the law.³⁸

Upside-Down World: The Reversive Power of Martyrdom and the Stability of the System of the Commandments

In a different story in the Babylonia Talmud, also related to the martyrdom of Rabbi Akiva, martyrdom is not portrayed as the complete fulfillment of *all* the commandments but rather as a substitutive, and even competing possibility, sufficient to overcome the lack of other commandments. This option creates a normative tension, between the system of the commandments and the commandment to die for the name of God, and a tension regarding

³⁴ b. Berakhot 61b (Vilna edition).

³⁵ b. Berakhot 61b (Vilna edition).

³⁶ See Amram Tropper, *Like Clay in the Hands of the Potter: Sage Stories in Rabbinic Literature* (Jerusalem: Zalman Shazar Center, 2011), 121–22 (in Hebrew); Avemarie, Van Henten, and Furstenberg, *Jewish Martyrdom*, 237. Boyarin, by contrast, argues that the figure of Pappos mentioned in the Talmud represents a Jewish-Christian man seized, like Rabbi Akiva, as part of an act of religious persecution. According to him, if Pappos had not been seized for religious reasons he would not have been placed with Rabbi Akiva, as their “offenses” were essentially different. Boyarin, *Dying for God*, 103–04. I find this argument is problematic because the association between martyrs and criminals is not an inconceivable one. In various Christian writings, the martyr is presented next to criminals, the archetypal example being, of course, the crucifixion itself. See Matthew 27:38; Luke 23:32–43. See also Ephrem, *Hymns on Paradise* 8; Augustine, *Sermons* 327.

³⁷ *Kohelet Rabbah* (Vatican Manuscript 291/11) 9:10; b. Bava Batra 10b; b. Pesachim 50a.

³⁸ I agree therefore with Ottenheim, who similarly argued that this story does not portray martyrdom as “the shortest gateway to heaven.” Ottenheim, “Martyrdom as a Contested Practice,” 112. However, while martyrdom does not here *replace* the fulfillment of the commandments, it is perceived as a final act that is necessary to fulfill all of the Torah.

the socio-religious hierarchy, and specifically regarding the hierarchy between rabbis and martyrs:

Rav Yosef, son of Rabbi Yehoshua ben Levi, became ill and was about to die. When he returned, his father asked him: “What did you see?” He answered: (1) “I saw an upside-down world, those high were low, and the low were high.” He said to him: “My son, you saw a clear world. And how are we there?” (2) “Just as we are here, so we are there.”^[39] And I heard them saying, ‘Blessed is he who arrives here with his learning in hand.’ (3) And I heard them say: “Those who had been martyred by the government (*malkhut*), no one can stand in their midst.” And who are they? It cannot refer to Rabbi Akiva and his friends, because they attain that status even regardless of martyrdom.^[40] But rather this must refer to the martyrs of Lod.⁴¹

Rav Yosef’s vision has three parts: (1) those high were low, and those low were high; (2) the place of sages; and (3) the status of those martyred by the government. As noted by Lieberman, the story as it appears in the Babylonian Talmud is probably a fusion of two separate Aggadic Midrashim.⁴² *Ruth Rabbah* contains a parallel to the story’s first part: “Rabbi Meyasha [son of the son of Rabbi. Yehoshua ben Levi] was severely sick for three days, and after three days regained consciousness. His father said to him, ‘Where were you, Son?’ He said to him: ‘I was in a mixed-up world.’ His father said to him: ‘What did you see there?’ He answered: ‘I saw many people, here in honor and there in disgrace, here in disgrace and there in honor.’”⁴³ This story, like the one in the Babylonia Talmud, describes a vision of the world to come revealed to one who has returned from a near-death situation. After death, one’s status is reversed—from honor to disgrace and vice versa. However, there are several prominent differences: compared to *Ruth Rabbah*, the formulation in the Babylonian Talmud is more general—“those who are high” and “those who are low”; in addition, in the Babylonian Talmud the father corrects the son, telling him that the upside-down (or mixed-up) world is not the world to come, but this world, the world in which we live.

The next two parts of the story in the Babylonian Talmud have a parallel in *Kohelet Rabbah*: “Rabbi Aha wanted to see Rabbi Alexandry. He appeared to him in his dream and showed him three things: no one can stand in the midst of the martyrs of Lod; blessed is he who removed Julianus’s shame;⁴⁴ and blessed is he who arrives here with his learning in hand.”⁴⁵ Rabbi Aha saw three things, the first and third of which were similar to the story in

³⁹ Munich Manuscript 95: הכי היכי דאיתנין הכא איתנין הנהם (*ki heikhei de-itinān hakha, itinān hatam*). In other manuscripts, a different version appears: כי היכי דחשבינן הכא חשבינן הנהם (*ki heikhei de-hashvinan hakha, hashvinan hatam*; Just as we are considered here, so we are considered there).

⁴⁰ In some manuscripts it is added here: “because they have Torah and good deeds.”

⁴¹ b. Bava Batra 10b; b. Pesachim 50a (Vilna). There are a few differences between the manuscript versions.

⁴² Lieberman, “The Martyrs of Caesarea,” 395–446.

⁴³ *Ruth Rabbah* 3:1. *Ruth Rabbah* is considered to be an early Amoraic midrash, edited around the fifth century. For a further discussion of this last source, see Tamar Meir, *A Moabite Girl: Halakhah and the Process of Acceptance in Midrash Ruth Rabbah* (Tel Aviv: Resling, 2019), 155–59 (in Hebrew).

⁴⁴ This is the version that appears in most manuscripts. The Moscow Günsburg 936 manuscript reads “Julianus and Pappus.” Lieberman has proposed that “Julianus’s shame” refers to the failure of Emperor Julian’s fourth-century initiative to rebuild the Temple. Lieberman, “The Martyrs of Caesarea,” 414. This was recently accepted by Avemarie, Van Henten, and Furstenberg, *Jewish Martyrdom*, 257. Additionally, the phrase might be referring to the death of the two brothers, Lulianus and Pappus, in Lod, as described in many rabbinic sources, and even in *Kohelet Rabbah* itself. *Kohelet Rabbah* (Hirshman edition) 3:17, at 222; see also, among others, *Megillat Ta’anit* (Noam edition), 117; *Sifra*, Emor, section 8; b. Ta’anit 18b). On the different sources, see William Horbury, “Pappus and Lulianus in Jewish Resistance to Rome,” in *Jewish Studies at the Turn of the Twentieth Century*, ed. Judit Targarona Borrás & Angel Sanz-Badillos (Leiden: Brill, 1999), 289–95.

⁴⁵ *Kohelet Rabbah* (Vatican 291/11 manuscript) 9:10.

the Babylonia Talmud. However, there are several disparities here as well: while Kohelet Rabbah says “no one can stand in the midst of the martyrs of Lod,” in the Babylonian Talmud it says that “those martyred by the government,” which is a more general, conceptual statement. In other words, the special status is reserved not specifically for the individual martyrs of Lod,⁴⁶ but for all those martyred by government hands. However, the martyrs of Lod are nevertheless mentioned in the Babylonian Talmud story, following the Talmud’s attempt, at the end of the narrative, to discover the identity of the martyrs (“And who are they?”). Considering the version in Kohelet Rabbah, it seems reasonable that the answer provided by the Talmud (“the martyrs of Lod”) is not incidental, but rather relies on earlier sources.⁴⁷

Comparing the three sources, it is evident (and, as I discuss below, significant) that the statement “Just as we are here, so are we there” appears only in the Babylonian Talmud and that this sentence (besides the narrative additions that surround the vision itself) appears only in Aramaic, not Hebrew.

In b. Pesachim, the story about Rav Yosef, the son of Rabbi Yehoshua ben Levi, is brought as evidence in the context of a preceding homily by Rabbi Yohanan on the change for the worse that the rich can expect in the world to come; similarly, in the Talmudic discussion in Bava Batra it is narrated as part of a long discussion on the virtue of charity. It thus seems, at least in this Talmudic context, that the story is meant as a tool of socioeconomic criticism of the rich and powerful. This accords with the parallel story in Ruth Rabbah, where the same idea is couched in terms of honor and disgrace. In this sense, it is a critical story in which the transition from honor/disgrace to high/low echoes, though perhaps unintentionally, Jesus’s famous words: “But many who are first will be last, and the last will be first.”⁴⁸ There, too, the reversal appears in a clear socioeconomic context, after Jesus’s words about the difficulty of the rich to enter the kingdom of heaven: “Then Jesus said to his disciples, “Truly I tell you, it will be hard for a rich person to enter the kingdom of heaven. Again I tell you, it is easier for a camel to pass through the eye of a needle than for a rich man to enter the kingdom of God.”⁴⁹

The motif of the upside-down world (*mundus inversus*) is not unique to rabbinic literature. Rather, it is an idea that was widely disseminated, both in earlier times⁵⁰ and in much later periods.⁵¹ In rabbinic literature, the idea of an upside-down world also appears in Leviticus Rabbah, where regarding the story of the Witch of Endor in 1 Samuel 28:12 it is stated that

⁴⁶ Avemarie, Van Henten, and Furstenberg suggest, following Lieberman, to identify the martyrs of Lod with Christian martyrs. Avemarie, Van Henten, and Furstenberg, *Jewish Martyrdom*, 257–58. Although this suggestion is intriguing, I find it difficult to accept that the rabbis were praising Christian martyrs here.

⁴⁷ I am not arguing that the Babylonian Talmud is relying directly on these two Palestinian Midrashim; rather, it is drawing on earlier rabbinic traditions, which are expressed in these midrashim.

⁴⁸ Mark 10:31 (NRSV); Matthew 19:30; Luke 30:13. See also Matthew 23:12; Luke 14:11, 18:14, where instead of “first” and “last,” are “exalted” and “humbled.”

⁴⁹ Matthew 19:23–24 (NRV). See also Mark 10:23–25. The similarity between the texts has already been noted by Haim Schwarzbaum, *Studies in Jewish and World Folklore* (Berlin: De Gruyter, 1968), 157. On the gospel passages, see Outi Lehtipuu, “The Rich, the Poor, and the Promise of an Eschatological Reward in The Gospel of Luke,” in *Other Worlds and Their Relation to This World*, ed. Tobias Nicklas et al. (Leiden: Brill, 2010), 229–46.

⁵⁰ See, for example, Paul A. Kruger, “The World ‘Topsy-Turvy’ and the Ancient Near Eastern Cultures: A Few Examples,” *Anthropology Southern Africa* 29, nos. 3–4 (2006), 115–21; Eliezer Gutwirth, “The ‘World Upside Down’ in Hebrew,” *Orientalia Suecana* 30 (1981): 141–47. Famous cases of an upside-down world in the Bible appear in Isaiah 24:1–2 and Proverbs 30:21–23, but it is important to note that there, the opposition is not between this world and the world to come, but between two orders in the same world. On Proverbs 30, see Raymond Van Leeuwen, “Proverbs 30:21–23 and the Biblical World Upside Down,” *Journal of Biblical Literature* 105, no. 4 (1986), 599–610.

⁵¹ See Roger Chartier, “The World Turned Upside Down,” in *Cultural History: Between Practices and Representations*, trans. Lydia G. Cochrane (Oxford: Blackwell, 1988), 115–26. See also the description offered by Levy-Bruhl: “One feature nevertheless is almost unvarying. The world of the dead is the exact reverse of that of the living. Everything there is just the opposite ... Everything is done the wrong way round. When the dead go downstairs, they go head

the dead come up with their feet above and head below.⁵² Without entering into the full meaning of the inversion of head and feet in the world of the dead, suffice it to mention Jonathan Smith's insight that standing on one's feet with one's head held aloft is the posture that distinguishes humankind as such, and that overturning this posture symbolizes, among other things, deviation from or negation of this elementary human characteristic.⁵³ With regard to *The Acts of Peter*, Smith has argued that prior to the Hellenistic period, the world was perceived as having a clear social and cosmological order that reflected the heavenly order. However, during the Hellenistic period, the impression that arises from many texts is that the accepted norm is actually that of an upside-down world. Therefore, argues Smith, Peter demands to be crucified head down, just as Diogenes Laertius asked to be buried face down, since "in a little while everything will be turned upside down."⁵⁴

This trend does not seek to present the world's disorder as a transitory event or a deviation from the proper order of things, but rather as its normal condition. The world, supposedly resting on its feet, is an inverted world, while there is another world, where the cosmic order is as it should be. In this sense, the Christian critique expressed in Peter's inverted crucifixion is not specific, but rather symbolizes a critique of the entire social and cosmic order of the world, particularly the socioeconomic order.⁵⁵ Within this world, martyrdom receives a clear meaning, as an opposition to an inverted worldly order, and as an ultimate expression of the normative and social reversal: he who is sentenced down below as the least of all criminals is the one who receives the heavenly crown above.

Against this background, the Talmudic story also takes on a more profound and incisive meaning: the vision of an upside-down world revealed to Rav Yosef may carry symbolic significance for the entire social order. It is interesting to note the difference between the reactions of Rav Yosef and his father, Rabbi Yehoshua ben Levi (a difference that, as mentioned, only appears in the Babylonian Talmud's version). While Rav Yosef interprets the world to come as an upside-down one, implying that the world in which we live is right-side up, Rabbi Yehoshua ben Levi argues that it is the world to come that is "clear" (right-side up). Here is a kind of intergenerational dispute involving the question of the proper social and cosmic order. What seems, to the son, to be the proper order is, for the father, nothing but a distorted, broken condition that is opposed to the appropriate, "clear" condition of the world to come.

Besides the inversion between high and low, the vision mentions two other classes of people—martyrs and sages (we—*anan*, meaning the Hakhamim); how these groups fit in the model of the upside-down world is unclear. Regarding the martyrs, even supposing that, unlike Peter, they died in the usual way—head up—their reward in the heavens undoubtedly symbolizes an inversion of the earthly order: he who was humiliated and held in contempt in this world and executed as a rebel and criminal, is rewarded in the world to

first." Lucien Levy-Bruhl, *The "Soul" of the Primitive*, trans. Lilian A. Clare (London: George Allen, 1928), 303–04). See also Dante, *Inferno* 34:87–93. I thank an anonymous reviewer for this reference.

⁵² *Vayikra Rabbah* (Margalit) 26. See also Saul Lieberman, "Some Aspects of After Life," 498.

⁵³ Jonathan Z. Smith, "Birth Upside Down or Right Side Up?," *History of Religions* 9, no. 4 (1970): 281–303, at 290.

⁵⁴ Diogenes Laertius, *The Lives and Opinions of Eminent Philosophers* VI.2.6, translated by Charles Duke Yonge (London: G. Bell and Sons, 1915), 228; Smith, "Birth Upside Down or Right Side Up?," 293–99; *The Acts of Peter* 37–38, in *The Apocryphal New Testament: A Collection of Apocryphal Christian Literature in an English Translation*, ed. James K. Elliott (Oxford: Oxford University Press, 2005), 424–25.

⁵⁵ See Judith Perkins, *The Suffering Self: Pain and Narrative Representation in the Early Christian Era* (London: Routledge, 1995), 131–41. Pertinent in this respect is Perkins's analysis of the ways in which early Christian martyrology shapes martyrs as expressing an inversion of the socioeconomic order in Roman society, with many martyrs described as disempowered figures (such as slaves, the elderly, the poor, and postpartum women). Lacking power and status in the normal social order, these figures dismantle and overturn that order precisely by virtue of, or through their martyrdom. Perkins, *The Suffering Self*, 112–23.

come, where no others can approach. In *Kohelet Rabbah*, this inversion is described as one from shame (*herpah*) to honor, and immediately following the praise of the martyrs of Lod it is stated “blessed is he who passed away Julianus’s shame (*herpah*).”⁵⁶ On the other hand, the martyrs’ execution by the government symbolizes a distressing moment of inversion in this world because the martyr is killed unjustly.

However, precisely against the background of a socioeconomic inversion and the inverted status of the martyr, the story’s different attitude toward the middle group—the sages—stands out. In response to his father’s question, Rav Yosef answers that “we,” that is, the rabbis, “just as we are here, so we are there.” As stated above, this sentence, written in Aramaic rather than Hebrew, does not appear in the parallel version in *Kohelet Rabbah*, and its meaning is rather obscure: Does it mean that the rabbis will be honored in the world to come? Are they considered “high” or “low”? What is their place compared to the martyrs? The answer to this question depends on the status of the sages in this world (“as we are here”), but the story itself provides no way of knowing or assessing that status. It thus appears that with regard to the sages, the issue is not the improvement or deterioration of their condition in the world to come, but rather that for them, unlike for all the other groups, there will be no change at all—whatever their current condition may be. In other words, while for all the others, death is accompanied by an inversion (for better or for worse), for sages there is continuation and consistency. In Smith’s terms, this is the greatest consolation, though it holds no promise of progress up the social ladder, for, unlike others, the sage knows that his present situation accords with his future one, so that for him, at least, the world is not upside down. Besides the consolation this brings to the sage concerned about his afterlife, it also represents a principle of the religious system in which he operates: against a backdrop of disorder in the economic and political fields, the study of the Torah creates harmony between this world and the world to come.

“They Have Torah and Good Deeds!” On the Hierarchy of Sages and Martyrs

The vague answer regarding the sages further highlights the exalted status of martyrs, who are placed in a realm that no other creature can attend. It is thus unsurprising that the anonymous voice (the *Stam*) of the Talmudic passage (*sugya*) immediately contrasts between these two groups, its assumption being that Rabbi Akiva and his peers, as sages, nonetheless attained that highest place thanks to their “Torah and good deeds.” Assuming that the Babylonian Talmud narrative is based on an earlier version, like the one in *Kohelet Rabbah*, it is likely that the *sugya*’s redactors knew that the martyrs in question were those of Lod. The transition from the martyrs of Lod to the martyrs of the ruling power involves a dual shift: it broadens the group of martyrs who receive higher status (from a particular case to a rule), but it also allows the Babylonian Talmud redactors to make a distinction that is highly important to them—that between sages and martyrs.

Contrary to the implication of the vision itself, which avoids placing the sages high(est) in the hierarchy, the assumption implied by the *Stam* is that Torah and good deeds elevate one to the highest level, regardless of whether one is a martyr. The Talmud’s answer to the question of the martyrs’ identity (“And who are they?”) clearly distinguishes between sages and martyrs. Yet the distinction between Rabbi Akiva and his friends and the martyrs of Lod, which implicitly raises the status of the sages, also elevates the status of martyrdom as an act that is sufficient in and of itself and does not depend on Torah and good deeds for its reward. In other words, the Talmud’s conclusion is that martyrs achieve higher status, albeit alongside rabbis, despite that their only virtue lies in having died as martyrs. The Talmudic

⁵⁶ *Kohelet Rabbah* (Vatican Manuscript 291/11) 9:10.

addition to the story that compares between sages and martyrs allows for the possibility of attaining the highest reward without dying as a martyr—implying that death for the sake of God is not a necessary condition of perfection. At the same time, martyrdom constitutes a fast track to heaven that renders a perfect lifestyle unnecessary and elevates them to the highest status—identical to that of Rabbi Akiva and his friends.⁵⁷

An explicit comparison between martyrs by government hands and righteous men appears in another source in b. Sanhedrin 47a-b, where an attempt is made to elucidate the circumstances in which death has an atoning function, even if the martyr was a wicked man.⁵⁸ The passage narrates a dispute between Raba and Abaye, with Abaye arguing that death does not, in and of itself, atone for sins. Raba, by contrast, argues that a distinction should be made between a natural death, which does not contain an atoning element, and a situation wherein the wicked man was executed:

Said Raba: can you compare one who was *executed* in his wickedness to one who *died* in his wickedness? When dying in his wickedness, since he died naturally, he attains no atonement; *when executed, since he died unnaturally, he obtains atonement*. See, as it is written, “A Psalm of Asaph. O God, the nations have come into your inheritance; they have defiled your holy temple ... They have given the bodies of your servants to the birds of the air for food, the flesh of your faithful to the wild animals of the earth.” Who are the servants and who are the faithful? Isn’t it literally the faithful, and the servants are all those who were at first sentenced to death, and since they were killed are called servants? Abaye answered: can you compare those who are killed by the [gentile] government to those who are executed by the [Jewish] court? The former, because their death is not in accordance with the [Jewish] law, obtain atonement; but the latter, who are killed according to law, attain no atonement.⁵⁹

Raba distinguishes between a natural death and an execution. According to him, while the title of faithful is granted by law to one who fulfills the Torah’s commandments, the title of servant is obtained by the deceased for having been killed by others, which earns him atonement for his sins. Abaye disagrees with Raba regarding those who were executed according to Jewish law for their wickedness, but accepts his opinion regarding those killed by the (gentile) government. Abaye’s interpretation is better suited to Raba’s homily, since the biblical verse cited in the passage clearly fits the context of martyrs by the government

⁵⁷ This interpretation is opposed to Shmuel Shepkaru’s view, according to which the conclusion of the *sugya* is that the high status granted to martyrs is not the result of their death, but rather of their good deeds during life. Shmuel Shepkaru, “From after Death to Afterlife: Martyrdom and Its Recompense,” *AJS Review* 24, no. 1 (1999): 1–44, at 26. Elsewhere, Shepkaru even goes as far as to argue that the story of the vision in the Babylonian Talmud reflects the sages’ attempt to appropriate the fruits of martyrdom and deny the high status of martyrs who were not sages. See Shmuel Shepkaru, *Jewish Martyrs in the Pagan and Christian Worlds* (Cambridge: Cambridge University Press, 2005), 78–79. This is part of his broader argument, according to which it was only in the early Middle Ages that Judaism began to develop the view that dying for the sake of God grants the martyr, in and of itself, special status and compensation. See also Boustán’s short discussion in Boustán, *From Martyr to Mystic*, 58, 71n68. According to Boustán, the fact that the Babylonian Talmud expresses uncertainty regarding the identity of the “martyrs by government hands” shows that even at a relatively late stage, the identity of this group’s members remained vague. I propose, particularly in light of the comparison between the Babylonian Talmud and Kohelet Rabbah, that the identity of the martyrs of the ruling power was known (as that of the martyrs of Lod) and the supposed vagueness is rather a rhetorical act employed to clarify the high status of the sages, whose place in the heavenly hierarchy is reduced in the vision.

⁵⁸ For further discussion on atonement through death in the context of martyrdom see Avemarie, Van Henten, and Furstenberg, *Jewish Martyrdom*, 382–85.

⁵⁹ b. Sanhedrin 47a–b. The differences in the manuscripts are insignificant for the current discussion.

rather than those sentenced to death by a Jewish court. In the *Sifrei*, there is a similar interpretation of that verse,⁶⁰ and indeed, it seems that also the conclusion of the *sugya* agrees with Abaye.

According to Abaye, while in the usual order of things, the servants are the wicked, their death as martyrs releases them from this category and brings them closer to the faithful. This, again, shows that not only is dying for the sake of God a commandment that complements the observance of all the other commandments, as evidenced by the story of the death of Rabbi Akiva; it can also, in some cases, serve as an alternative or a fast track for those who, in terms of their observance of commandments during their lifetimes, should have been judged as wicked.⁶¹

This question arises in the Syriac-Christian *Book of Steps*.⁶² This work expresses the most detailed and developed description of an internal social and religious hierarchy within late ancient Christianity, and serves as a remarkable example for the diversity of *Christianities* that continued to flourish as late as the fourth century. Contrary to the general trend in Christian literature in the fourth century, this work expresses an ambivalent stance toward martyrs, and the author is careful to point out that their status falls short of those who kept the commandments properly. Comparing the attitude to martyrdom in the *Book of Steps* to that in the rabbinic literature elucidates both the internal socio-religious tensions between martyrs and those who are righteous through good deeds and the centrality of the commandments within the religious system that can affect the role and status of martyrdom.

Dismantling Hierarchies: The Crown of Martyrdom

The comparison between martyrs who were righteous in their ordinary lives and more common martyrs, who are praised merely for their violent death is also a dominant theme in Christian literature. Eusebius of Caesarea, for example, in the *Martyrs of Palestine*, writes of famous, extraordinarily righteous martyrs entering heaven alongside simple, even completely anonymous, people. This motif is particularly prominent in the description of the death of Pamphilus and his companions.⁶³ According to Eusebius, despite the great variety of members—expressed in their age and height, their intelligence, their spiritual accomplishments, and their hierarchic status—they all enter heaven together through the gate that opens upon the death of Pamphilus.⁶⁴ The crown of martyrdom—the peak of Christian ambition, as Eusebius constructs it—is granted to all the martyrs, with the only criterion being the fact of dying for the faith. The act of martyrdom is presented as one that

⁶⁰ “‘And His earth will atone for His people’: Whence is it derived that the killing of Israel by the nations atones for them (Israel) in the world to come? From (Psalms 79:1) ‘A psalm of Asaf: O God, nations have entered Your inheritance ... They have given the flesh of your faithful to the wild animals ... They have shed their blood like water.’” *Sifrei Deuteronomy* 333.

⁶¹ The path of the ordinary wicked who were not fortunate enough to die as martyrs is described in the next passage in the *Sifrei*: “Another word: ‘The blood of His people cleanses His Land,’ on what basis do you claim that the descent of the wicked into Gehenna accomplishes their absolution [*kaparah*]? For it is said (Isaiah 43:3), ‘I give Egypt as your ransom [*kafrkha*], Ethiopia and Seba in exchange for you. Because you are precious in my sight, and honored, and I love you.’” *Sifrei Deuteronomy* 334.

⁶² For the critical edition, see Michael Kmosko, ed., *Liber Graduum*, *Patrologia Syriaca* 3 (Paris 1926). For further background and English translation, see Robert A. Kitchen and Martien F. G. Parmentier, *The Book of Steps: The Syriac Liber Graduum* (Kalamazoo: Cistercian Publications 2004).

⁶³ For a discussion on Pamphilus in Eusebius’s writings, see Elizabeth C. Penland, “The History of the Caesarean Present: Eusebius and Narratives of Origen,” in *Eusebius of Caesarea: Tradition and Innovations*, ed. Aaron Johnson and Jeremy Schott (Washington, DC: Center for Hellenic Studies, 2013), 83–95.

⁶⁴ Eusebius, *History of the Martyrs in Palestine*, trans. William Cureton (London: Williams and Norgate, 1861), Syriac pages 39–41, 46; English trans. pages 37–38, 43.

lies outside the earthly order; it is anti-hierarchical, and therefore has the power to annul or overcome the socio-religious order that rules Christian believers in their earthly lives. Indeed, although Christian attitudes toward martyrdom diverged on several points, the assumption that martyrs will receive the highest reward, beyond any other religious value, was widespread in the Christian world in late antiquity, throughout the Roman Empire⁶⁵ and in Syriac Christianity.⁶⁶ Already in the third century, for example, Cyprian elevated martyrdom above baptism by water. According to him, while baptism by water could erase sins but did not prevent future sinning, baptism by blood could erase all sins absolutely and was rewarded with the crown of the martyr: “this is a baptism greater in grace, more lofty in power, more precious in honour ... a baptism after which no one sins any more—a baptism which completes the increase of our faith—a baptism which, as we withdraw from the world, immediately associates us with God. In the baptism of water is received the remission of sins, in the baptism of blood the crown of virtues.”⁶⁷

Many studies have been devoted to the ways in which early Christian sources, starting as early as the second century, describe martyrdom and suffering as a desirable and joyful act. This can be seen in, for example, Ignatius’s *Epistle to the Romans*, where martyrdom is described as the means for attaining Christian perfection; *The Passion of Saints Perpetua and Felicity*; and many other sources that develop the representation of death as a happy ending.⁶⁸ This motif of joyful death is dominant also in the slightly later accounts in the *Persian Martyr Acts*. As argued by Jeffrey Rubenstein, “the martyrs regularly express tremendous joy, happiness, and gratitude for the opportunity or ‘privilege’ of being martyred.”⁶⁹ Furthermore, martyrdom was often associated with the idea of the imitation of Christ as its ultimate expression, and in some cases was presented as the fulfilment of the law (such as Jesus’s law or the law of the Gospels), and, in particular, as the fulfilment of the commandment of love (see John 15:13). Love for Jesus—and for one’s fellow man—receives its fullest expression through the act of the martyr, who, in his act, imitates Jesus and obeys his laws.⁷⁰ Thus, with only a few exceptions, martyrdom is repeatedly portrayed as a most desirable act, and the martyr as the Christian ultimate role model. An exception to this dominant Christian perspective on martyrdom is the case of the Syriac-Christian *Book of Steps*.

⁶⁵ See Tertullian, *Scorpiace*, 6; Cyprian, *Treatises* 2.21; Augustine, *Of Holy Virginity* 46; Jerome, *Letter XLVIII, To Pammachius* 3. Exceptional in this respect is Clement of Alexandria, who, though he did not deny the great value of martyrdom, opposed a radical approach that, in his view, precipitated hasty, unnecessary deaths. Instead, Clement emphasized that real martyrdom is the result of a spiritual position—that of the gnostic, who renounces the outside world. See Clement of Alexandria, *Stromata*, iv. 4–17–18. For more on this issue see the classic study by W. H. C. Frend, *Martyrdom and Persecution in the Early Church* (Oxford: Basil Blackwell, 1965), 347–86. See also Candida R. Moss, *Ancient Christian Martyrdom: Diverse Practices, Theologies, and Traditions* (New Haven: Yale University Press, 2012), 145–58. Gray has pointed to a similar tendency in the Jerusalem Talmud, where also dedication to the study of Torah, and not necessarily actual death, is described in martyrdom language. Gray, “A Contribution to the Study of Martyrdom,” 261–62. For an extreme example of the opposite view, one that glorifies willing martyrdom and the active pursuit of death, see Prudentius, *Peristephanon* IV.

⁶⁶ For example, Ephrem, *Hymns on Paradise* 7.19; Aphrahat, *Demonstrations* 21.

⁶⁷ Cyprian, *Treatises* 11, pref. 4.

⁶⁸ See Perkins, *The Suffering Self*, 15–40. As Perkins argues, “to be a Christian was to suffer.” Perkins, 17.

⁶⁹ Rubenstein, “Martyrdom in the Persian Martyr Acts,” 180.

⁷⁰ Moss, *The Other Christs*, 47–53; Robin Darling Young, *In Procession before the World: Martyrdom as Public Liturgy in Early Christianity* (Milwaukee: Marquette University Press, 2001), 44 (regarding Clement). Serge Ruzer has discussed the connection made between the love command and persecution, and even martyrdom, in Jesus’s instruction to love one’s enemy in the Sermon on the Mount (Matthew 5:43–48). He further traces the origins of the idea that unconditional love is expressed when it survives violence imposed by an enemy, either human or divine. Serge Ruzer, “Mapping the New Testament: Early Christian Writings as a Witness for Jewish Biblical Exegesis,” *Mapping the New Testament: Early Christian Writings as a Witness for Jewish Biblical Exegesis* (Leiden: Brill, 2007), 53–70.

At the heart of the composition lies a fundamental distinction between two normative and social orders: the minor commandments, intended for the upright and the major commandments for the perfect. The main endeavor of the book's anonymous author is to sort and classify the commandments according to the different social and religious classes. Behind the lengthy and detailed normative and theological discussion one can grasp the author's understanding of his local community and to the type of Christianity to whom he was addressing his words. The central theological idea, woven throughout the entire book, is that God "pays each person according to his deeds" (ܟܠܢܐܝܟܐܢ ܡܢ ܥܡܠܐܝܗܘܢ; *kulnash ayk avdohy metpar 'a*).⁷¹ The only way to gain life, according to the author, is by keeping the commandments and gradually progressing from the minor to the major commandments, and from the lower ranks to the ranks of the perfect.⁷²

The similarities between the *Book of Steps* and rabbinic literature go beyond a shared emphasis on the importance of good deeds. In several places throughout the work the author offers a more detailed calculation method, which strongly resembles rabbinic traditions regarding the weighing of deeds. According to the author, "in the case of someone who has fallen from Uprightness, it is necessary for his good works to exceed his evil works in number if he wants to be rescued from hell and be saved."⁷³ The criterion from avoiding hell is the number of one's deeds, as good and bad deeds are calculated against each other:

Therefore, those who do good and are honest some of the time, but sometimes treat a person badly, do not abide either with Uprightness or with evil, being familiar with both. ... The Upright are those who utilize the good things, while not treating anyone badly. Those who do good half [of the time] and [do] evil [the other] half, even if they are chastened, God is merciful to them because they have been merciful to people. Those whose good deeds are fewer than their evil deeds, God is not unjust in forgetting their [good] deeds; just as he will repay them for their evil deeds, so also [God will repay them for] their good deeds. Those who were without good deeds and without evil actions, and who neither treated anyone well nor badly, will not descend to Gehenna nor will inherit the Kingdom.⁷⁴

This meticulous calculation method of one's deeds strongly resembles what is considered to be one of the basic soteriological ideas of rabbinic Judaism, as expressed in several places in rabbinic literature.⁷⁵ According to this tradition, one's judgment is determined according to the majority of his good or bad deeds. Thus, while the *Book of Steps* differs from rabbinic literature regarding the content of the commandments,⁷⁶ they share a similar structure regarding the importance of obeying the law.

This centrality of the commandments as determining a person's judgment is expressed also in relation to the place of martyrdom. Contrary to most of late ancient Christian

⁷¹ This expression appears, according to my count, eighteen times, more than any other phrase, and therefore might reasonably be considered one of the author's favorite phrases.

⁷² The unique commandments concept in the *Book of Steps* requires a separate and detailed discussion. See René Roux, "Biblical Exegesis in the Syriac *Book of Steps*: A Preliminary Survey," in *Breaking the Mind: New Studies in the Syriac Book of Steps*, ed. Kristian S. Heal and Robert A. Kitchen (Washington, DC: Catholic University of America Press, 2014), 99–118.

⁷³ *Liber Graduum* 2.1, at 28; *Book of Steps*, 14.

⁷⁴ *Liber Graduum* 15.10, at 357–60; *Book of Steps*, 147.

⁷⁵ See m. Kiddushin 1:10; t. Kiddushin 1:13–16; b. Kiddushin 39b; b. Rosh Hashana 17a; y. Kiddushin 1:9.

⁷⁶ This is clear throughout the work and is best expressed in the author's declaration that from the Old Testament only the Ten Commandments remain valid for Christians. See *Book of Steps* 22.21–23. However, from other places in the work it seems that the author was supporting the observance of additional commandments, such as the distinction between pure and impure animals. See *Book of Steps* 14.1.

discourse, in the *Book of Steps*, the significance of martyrdom is very limited. Although the value of martyrdom is not entirely denied, it is not encouraged anywhere in the work, and all the positive references to martyrdom are to deaths that have already occurred. The author is prepared to recognize the value created by those who have already died for their faith but avoids encouraging his audience to do likewise. Although *Imitatio Christi* is one of the most important principles in the work, in all cases the emphasis is on imitating Jesus's ways while he was alive, rather than in his death. In fact, it is precisely because the work's ideal is learning to live a perfectly ascetic lifestyle, that the actual departure from the world through a quick death is not encouraged. The author repeatedly warns against rising too quickly to heaven and asks his listeners to carefully continue climbing step after step on the difficult road of asceticism.⁷⁷ Thus, even when the author acknowledges that martyrs are saved from Hell through their death, he still subordinates them to the ordinary social-religious order—that is, the normative logic that he outlines throughout the work—in which the perfect are highest in the hierarchy and a person's place is determined by the number of virtuous deeds he performed in his lifetime.

“Yet They Do Not Reach Perfection”: Establishing Socio-normative Hierarchies

Tensions between different groups can be discerned throughout the *Book of Steps*—within the Christian community itself, such as between the perfect and the upright or between the leaders of the community and the perfect, and external tensions with pagans. Although it is difficult to distinguish with any certainty between actual historical descriptions and literary, rhetorical means, it seems that at times these tensions precipitated violent outbreaks.⁷⁸ Nevertheless, the author consistently avoids presenting the different groups as mutually hostile or as taking completely opposing positions. In general, questions of doctrine receive almost no attention from the author, and at times it seems as if the boundary line between Christians and pagans is not entirely clear and distinct.⁷⁹ Thus, for example, the author can write of the “Upright Gentiles of the earth,”⁸⁰ and when referring to young disciples, he warns them not to leave the homes of their pagan parents too early, in a passage that shows empathy toward the complaints of the parents:

But today the world sits and condemns us, saying “Now, because of Christianity, let us reject our own son or our daughter, for even when we say to them ‘come and eat’ they dishonor [us] Is it because we are sons of the world that we are unaware that Jesus taught his disciples lowliness and tranquility?” [The parents] say: “We were happy to work to nourish them during their childhood and would have [wished] only to have

⁷⁷ See especially *Liber Graduum* 19, *Book of Steps* 183–210.

⁷⁸ Robert A. Kitchen, “Conflict on the Stairway to Heaven: The Anonymity of Perfection in the Syriac *Liber Graduum*,” *Orientalia Christiana Analecta*, no. 256 (1998): 211–20; Shafiq AbouZayd, “Violence and Killing in the *Liber Graduum*,” *ARAM*, no. 12 (2000): 451–65. Contrary to my argument here, AbouZayd assumes that the high status of martyrs in the author's worldview is a given. Kyle Smith has questioned the degree to which the violence mentioned in the *Book of Steps* can be classified as “persecution,” in the sense of a sustained campaign of violence or intimidation. Kyle Smith, “A Last Disciple of the Apostles: The ‘Editor’s’ Preface, Rabbula’s Rules, and the Date of the Book of Steps,” in *Breaking the Mind: New Studies in the Syriac Book of Steps*, ed. Kristian S. Heal and Robert A. Kitchen (Washington, DC: Catholic University of America Press, 2014), 72–96, at 78–80. For similar criticism regarding the historicity of the so-called great persecution in the fourth century, see Richard A. Payne, *A State of Mixture: Christians, Zoroastrians, and Iranian Political Culture in Late Antiquity* (Oakland: University of California Press, 2015), 38–44.

⁷⁹ AbouZayd thinks otherwise. See AbouZayd, “Violence and Killing,” 454.

⁸⁰ *Liber Graduum* 25.5, at 744; *Book of Steps*, 295. The author, while relying on Matthew 6:32, adds the word □□□□ (kine, upright), altering by that the simple meaning of the verse.

seen in them the fruits of perfection.” Notice, that on account of our stubbornness our parents complain.⁸¹

This passage suggests that pagan parents are not, in principle, opposed to their children’s striving for “perfection” (in the ascetic meaning of the term), but they may drive them from their home “because of Christianity,” which causes their children to treat them disrespectfully. In a similar vein, in Memra 16 the author explicitly critiques those who are in dispute or in hateful relations with other members of their community, or with the members of other religions:

“See, when did the power of sin begin to be driven from you? When you had enmity with your fellow believers and with [other] religious, or now when you love all people, good or bad?”⁸² In another place the author emphasizes that since the death of Jesus, and especially since his name became known throughout the whole earth, the responsibility for punishing the wicked has been completely taken out of the hands of humans: “[If] one or two evil ones were found in the land, *our Lord will kill those two evil people*.”⁸³

This critique is mirrored in the author’s indifference to heretics and heresies and the concept of orthodoxy as a category that organizes legitimacy, inclusion, and exclusion, so dominant in fourth-century Christian discourse, that seems foreign to his conceptual and social world. In other words, although the author is engaged in shaping the boundaries of the different groups (the perfect, the upright, the sick, the children, and so on), he is nowhere engaged in establishing the category of orthodoxy. Almost the only distinction—certainly the principal and most dominant in the work—is that which arises from the number and type of commandments that every person fulfills during his lifetime. Though the Christian identity may have a place in this model, it is secondary compared to the question of fulfilling the commandments.

The fundamental problem, according to the author, is that the scriptures ostensibly include different laws that refer to different people. Only when each group knows which commandments are relevant to it, with the help of the author’s interpretations, can its members advance and attain life. Unlike Paulinian pessimism regarding the law, the author has no doubt that the law(s) can restore man to his original condition in the Garden of Eden, before the Fall, and has the power to lead to life. The layered system of commandments is never suspended or annulled, even if it undergoes changes over time and between people, and the way to salvation lies exclusively through obeying the commandments because each man is judged according to his deeds. This idea, reiterated throughout the work, is fundamentally opposed to the view that glorifies martyrs. In Memra 8, the author lists different groups of people—including martyrs—with the number of commandments they fulfilled serving as the sole criterion of entry into paradise:

There are some people who, on account of our Lord, have given their flesh to the fire, living in faith and in Uprightness. There are many who have wives, are involved in business, and [possess] male and female servants like Abraham and Job. The apostle did not say that they do not gain a thing, but that they are much inferior to the martyrs who emptied themselves and are humble like our Lord, resembling the apostles and Stephen. There are even some who are sinners, yet believe in our Lord. Persecution

⁸¹ *Liber Graduum* 27.3, at 772; *Book of Steps*, 307.

⁸² *Liber Graduum* 16.9, at 408; *Book of Steps*, 166.

⁸³ *Liber Graduum* 9.7, at 220–21, see also 9.13. I differ here from Kitchen’s interpretation, who argues that “Peace and reconciliation between God and people now exists, especially through Jesus Christ. God no longer kills one or two evil ones, but allows the good to transform them.” Kitchen, “Making the Imperfect Perfect,” 242. I also depart from Kitchens and Parmentier’s translation of this passage. See *Book of Steps*, 94.

comes into their lives and [the persecutors] say to them, “Renounce Our Lord and worship idols.” They do not understand what is perfect love, just faith, and baptism only. [The persecutors] burn them and throw them to the beasts and unto the edge of the sword; yet they endure and do not renounce the Lord. Is there not, therefore, a reward for them? They do not reach Perfection, however, [so] in the eyes of Stephen and the apostles they are nothing. Nevertheless, their failings are forgiven and they do not come to judgment.⁸⁴

The author does not deny that martyrs are rewarded for their death; however, the question that he poses—“Is there not a reward for them?”—is in itself unusual and surprising in the context of the Christian martyrological discourse in late antiquity. The martyrs will be rewarded, but the question continues to resonate, and the very fact that it is posed at all is enough to cast doubt on the supremacy of martyrs in the Christian hierarchy. And indeed, the author rejects the question in rather mild terms, strengthening the surmise that at least theoretically, there are those who might think that the logical conclusion of the author’s thought is that martyrs who died before reaching perfection are not entitled to any reward. Even after rejecting this position, it is still abundantly clear from his words that their reward is limited and partial. Rather than raising their rank and status, death provides a means of atonement and the remission of sins, similar to what was seen above in b. Sanhedrin, where martyrdom was capable to cleanse sins but not to erase the difference between the faithful and the slaves. Further on, in Memra 30, the author distinguishes between martyrs of faith and of love. It is difficult to understand who exactly the author means by these categories, but they seem close—though apparently not identical—to the categories of the upright and the perfect (respectively). Between the martyrs of faith and of love there is some enmity, and the author makes an effort to clarify the hierarchy between them:

The disciples of faith also endure the heretics, are persecuted by the idolaters — because they are their opponents—and, being killed, become martyrs The martyrs of faith are persecuted and killed by idolaters and pagans, because they resolutely confront them for their evil doctrine, tearing down their altars and enduring wherever they are persecuted in order not to become vain idolaters in the land of the Lord our God Because of this excellent zeal, they are killed while not loving their murderers and their persecutors, condemning them while they are indeed dying on account of our Lord. There are some who have sins and are forgiven, because they die for the sake of our Lord lest they renounce him. And there are those who do not have sins who are not yet perfected, since they do not love their murderers nor pray for them. Therefore, in that they do not repay them the evil things that they do to them, [even] if they could, because of this the martyrs who do not have sins are better than these martyrs who do have sins.⁸⁵

According to the author, the fact that a person is killed for his faith in Jesus is not enough, in and of itself, to bring him to perfection; the general principles that he formulates throughout the work, specifically the perfect’s obligation to love his enemy, continue to apply to all groups, including the martyrs. As in the previous passage from Memra 8, death only grants the remission of sins. In addition, as with all others, the martyrs are not one homogenous group; the author distinguishes between martyrs who have sins and martyrs who do not, stating that those who are without sin are better than their sinful peers. In other words, death, though it has the power to eliminate punishment for sins, does not eliminate the system of classification and hierarchy, meaning that martyrdom—though it does gain some recognition—receives a very limited place in the work’s general structure. Death,

⁸⁴ *Liber Graduum* 8.4, at 196–97; *Book of Steps*, 83–84.

⁸⁵ *Liber Graduum* 30.4, 869–72; *Book of Steps*, 343.

though sometimes necessary, cannot take the place of lengthy and difficult ascetic labor. The author explicitly emphasizes the inferiority of the martyrs of faith relative to the martyrs of love:

These martyrs of faith were [also] killed for the sake of our Lord, some of them hating their murderers and persecutors and some not hating them, but not loving them [either]. All of them died on account of the name of our Lord without renouncing him and due to this their faults were forgiven, and our Lord rewarded them for their good deeds. They were not able to become as great as these martyrs of love and Perfection, even if they did not have any sins, because they did not understand love and Perfection like them But our Lord exalted above everyone these martyrs of love and of Perfection who were killed while being perfect and they were glorified with him, just as they had suffered with him. *If there are some who loved and were perfected, but [their enemies] did not kill them, they are Perfect ones just the same as these martyrs who were killed, because they also suffered and endured evil things, although no one assailed and killed them—* just as some of the twelve apostles who died by their own natural death and escaped, no one killed them. Perhaps they were greater than those who were killed, just as we know that John, that disciple whom Jesus loved more, was greater, it is written that he died by a natural death, and no one killed him.⁸⁶

As it becomes clear, the normative hierarchy in the *Book of Steps* remains stable, even when martyrdom is taken into account, as opposed to what is common in many other martyrological accounts, where martyrdom brings about the unification of the different social and religious ranks and raises even the simplest one to the highest level, and was also apparent earlier in the Talmudic vision story. Furthermore, at the end of the passage the author even emphasizes that for the perfect, death for the sake of God is not a necessity: perfection does not require physical death from the hands of the pagans. Physical death is not an ideal and does not constitute the ultimate fulfillment of all the commandments. In the case of the perfect, as in the case of John, the beloved disciple,⁸⁷ natural death accompanied by a life of “Torah and good deeds,” in the words of the Babylonian Talmud, can even rise above martyrdom.

The author of the *Book of Steps* thus fundamentally negates the special status of martyrdom as a desired act that overtakes all the other acts and commandments, restoring it, to a large degree, to its more ancient status as an unfortunate, though at times necessary event, with only limited effectiveness. This position, which does not see persecution and death as a necessity, is strikingly opposed, for example, to the position of Pseudo-Macarius, who was active in essentially the same geographical region and period.⁸⁸

As the young athlete in the wrestling bout learns to accept the blows that come upon him and he strikes back, so Christians ought to learn to bear afflictions, both exterior and those interior wars so that, when struck, they may rise to higher victories through endurance. *That is, indeed, the way of the Christian religion. Where the Holy Spirit is, there follows, as a shadow, persecution and struggle ...* . From that time when Jesus was crucified, the Spirit, the Paraclete, passed the cross down through the ages to the Christians. Moreover, no Jew suffered persecution; the Christians alone suffered martyrdom.

⁸⁶ *Liber Graduum* 30.6, at 876–80; *Book of Steps*, 345.

⁸⁷ According to John 21:23, a rumor spread among the believers that John, Jesus's beloved disciple, would not die. Peter, however, is told that he will experience a violent death.

⁸⁸ See Robert Murray, *Symbols of Church and Kingdom: A Study in Early Syriac Tradition* (Cambridge: Cambridge University Press, 1975), 239; Columba Stewart, *Working the Earth of the Heart* (New York: Clarendon Press, 1991), 233.

Because of this, Christians ought not to be surprised, for it is necessary that the truth undergo persecution.⁸⁹

Pseudo-Macarius sees persecution as proof of the truthfulness of Christianity and a necessary condition that originates in the existence of the Spirit; the transition from Judaism to Christianity, according to him, is accompanied by persecution and death now being aimed at the Christians. Persecution is the shadow of the Spirit. By contrast, in the *Book of Steps* the meaning of persecution remains limited and marginal. I propose that this exceptional position within late ancient Christian thought is not coincidental and should be seen as originating directly from the author's perception of the commandments. It is precisely because of his belief that the commandments can bring life—that is, because of his absolute trust in the rule of law (though that law may be layered, and in fact, *because* it is layered)—that he has no need of, nor interest in, developing a mechanism that can suspend and overcome the law. His faith in the law goes hand in hand with an optimistic view of man's ability to obey the law: even if the author radically opposes all that is visible and all worldly matters (such as food, wealth, marriage), he nevertheless believes that it is possible to achieve perfection in this life, in this world. For him, the entire world is moving in a positive direction, turning any religious violence to be illegitimate:

Today, because our Lord came and by the blood of his cross reconciled that which is on the earth and in heaven, people are also persuaded by the prophets and by our Lord and his apostles, by the teachers, the strong, and the exhorters, and everyone has declared that the Lord is God, whether sincerely or not, whether truthfully or wrongfully. Our Lord has been proclaimed today throughout all the creation. Some confessed the Father and some the Son and [others] the Holy Spirit, whether they adhered correctly or not. But they did not talk like these earlier accursed ones, "What is the message of the Lord?" ... Therefore, the Lord Jesus does not need anyone today to become a Zealot and chastise anyone who acts wickedly, because the Lord himself chastises today whoever transgresses against him, for all the peoples knew that there is a God in heaven Who gives death and life.⁹⁰

It is important to remember that these words are being written in late fourth century Mesopotamia, under Sasanian rule, and far from the Christianized Roman Empire. As part of this view, the author believes—also in stark opposition to the views widely held in his time—that the imperial wars waged in these years between the Romans and the Persians carry no religious significance or meaning.⁹¹ As the name of the Lord is already known everywhere, the violence of individuals and of state-imperial powers does not represent the fulfilment of any divine will, unlike the wars in biblical times. Jesus brought peace to the

⁸⁹ Pseudo Macarius, *Homilies* 15.12, trans. George A. Maloney, *Pseudo-Macarius: The Fifty Spiritual Homilies and the Great Letter* (New York: Paulist Press, 1992), 112. By "no Jew suffered Persecution," the author means that since the coming of Jesus, Christians were more often the target of persecution than Jews. See Pseudo Macarius, *Homilies* 17.14, at 112.

⁹⁰ *Liber Graduum* 9.15, at 236; *Book of Steps*, 99.

⁹¹ For the religious-eschatological meaning of imperial wars in Aphrahat, see D. J. Lane, "Of Wars and Rumors of Peace: Apocalyptic Material in Aphrahat and Subhalmaran," in *New Heaven and New Earth: Prophecy and the Millennium*, ed. P. J. Harland and C. T. R. Hayward (Leiden: Brill, 1999), 239–42; Kyle Smith, *Constantine and the Captive Christians of Persia: Martyrdom and Religious Identity in Late Antiquity* (Berkeley: University of California Press, 2016), 107–08. For numerous examples of the religious meaning of wars in late ancient Christianity, see Michael Whitby, "Deus Nobiscum: Christianity, Warfare and Morale in Late Antiquity," *Bulletin of the Institute of Classical Studies*, no. 71 (1998): 191–208.

earth, and since his coming, any violent action, whether undertaken by the Romans, the Persians, or various zealot prophets, is human, earthly violence that lacks any theological or eschatological significance:

No longer when the Assyrian wakes up is it our Lord who awakens him; nor when the Roman descends to battle, is it our Lord who makes him descend; nor when the prophet becomes zealot and kills the sinners is it our Lord who sends him, but [it is] evil rising up today in all of them. For our Lord made peace, but the sons of Adam do not wish to be peaceful, and a person is not reconciled with his brother Our Lord no longer makes wars today as in former times, but it is these people who fight today by their own desire.⁹²

Here the author empties religious history of its meaning: the coming of Jesus and humanity's knowledge of God remove the need for any human violence, and major historical events—such as wars between empires—which traditionally were interpreted by Jews and Christians alike as signs of divine intervention in human history, become insignificant in religious terms, reflecting earthly desires only.⁹³ The author's utter negation of religious violence, alongside his position regarding the reduced place of the martyrs, by definition assign death a very limited, earthly meaning, separating it from the sacred history of violence. Removing death from the field of religious meaning emphasizes the only signifiers that are left for the author—the commandments, whether major or minor, of the perfect or of the upright; it is the life-long observance of the law, and that only, that can decide the fate of an individual, and it is only through the law that one can attain life.

Conclusion

The tension in the *Book of Steps* between different normative and social levels resembles that found in the Babylonian Talmud, which expresses a similar ambivalence regarding the status of the martyrs and their ability to achieve the highest degree only by virtue of being martyred. Although I do not suggest any actual contact or interaction between the author of the *Book of Steps* and the rabbis or any familiarity with the *Book of Steps* on the part of the rabbis, reading these sources together helps to reframe previous discussions on Jewish and Christian martyrdom, which stressed how they both participated in the elevation of martyrdom in late antiquity. The *conceptual* resemblances between two stories from the Babylonian Talmud and the *Book of Steps* stems, I believe, from the way in which the martyrological discourse is positioned within a principled and broader perception of the role of the law. This placement of martyrdom within the system of the law makes it possible to recognize how the latter continues to play a central role even in the state of emergency, where, supposably, the validity of the law may be suspended—but not annulled. If the suspension of the law during a state of emergency reveals the true power of the sovereign and his superiority over the law, the insistence on the inferiority of the martyrs and of martyrdom in the texts discussed in this article confirms the law's sovereignty, even in times of crisis and persecution.⁹⁴

⁹² *Liber Graduum* 9.6, at 216; *Book of Steps*, 92.

⁹³ On the minimal importance of eschatology in the work, see Murray, *Symbols*, 262; Serge Ruzer and Aryeh Kofsky, *Syriac Idiosyncrasies: Theology and Hermeneutics in Early Syriac Literature* (Leiden: Brill, 2010), 80.

⁹⁴ The superiority of the rule of law in rabbinic thought can be seen in other cases as well. Schmitt has famously argued that "the exception in jurisprudence is analogous to the miracle in theology." Schmitt, *Political Theology*, 36. Indeed, the case of miracles is one of the most striking examples of how the rabbis limit the power of the sovereign—God—from intervening in the legal order. See, for example, b. Bava Metzia 59a–b. On miracles, mercy, and the state of exception, see Giordana Campagna, "The Miracle of Mercy," *Oxford Journal of Legal Studies* 41, no. 4 (2021): 1096–118. Similarly, God's intervention in the divine judgment of sinners is not described in terms of his unlimited power to suspend the law in favor of mercy, but rather as playing according to very earthly patterns of advocacy—

Furthermore, the reading of these two corpuses together reveals martyrological discourse not only as reflecting different attitudes toward death or toward imperial rule but also as an investigation of the meaning of the rule of the law within both religious traditions. The preference of those who have observed the law throughout their lives over the martyrs is therefore part of a larger socio-normative and cosmic order in which “as we are here, so we are there,” in the words of the Babylonian Talmud,⁹⁵ or “As you shall be found, so you shall be taken,” in the words of the *Book of Steps*.⁹⁶ These phrases emphasize once more that in the movement between the worlds there are no shortcuts: in the world to come, one’s status is determined according to the way they lived (as opposed to the way they died) during the life in this world, since every person is repaid according to his deeds. Thus, although martyrdom is not rejected, it is also not portrayed as a “messianic exception” that can be realized only through the death of the martyr,⁹⁷ who puts “judgment upon the nomos of the world.”⁹⁸ On the contrary, for the Babylonian Talmud, as for the *Book of Steps*, the law (with all the differences in content) is the only way for perfection.

This normative stance is attached to a socio-religious tension that appears in both the rabbinic sources discussed above and in the *Book of Steps*. In both places, martyrdom and its elevated status pose a threat not only to the system of the commandments but also to the religious hierarchy, of the sages and of the perfect. By stressing the supremacy of the sage/Perfect and of the importance of a life-long observance of the law, the correct order is preserved, even against a violent, out-of-order, and upside-down world.⁹⁹

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deceit, flattery, and even corruption. God can indeed play with the rules but cannot suspend them. See Richard Hidary, *Rabbis and Classical Rhetoric: Sophistic Education and Oratory in the Talmud and Midrash* (Cambridge: Cambridge University Press, 2017), 240–63.

⁹⁵ b. Bava Batra 10b; b. Pesachim 50a.

⁹⁶ *Liber Graduum* 3.3, at 49; *Book of Steps* 25.

⁹⁷ Neoh, “Kierkegaard and Schmitt,” 14.

⁹⁸ Neoh, 10. My argument here goes against Neoh’s portrayal of martyrdom, for example: “the martyr will rule indirectly through the principles that their death signifies. Some principles are worth their weight in blood. Tertullian famously said that ‘the blood of Christians is seed of the church.’” Neoh, “Kierkegaard and Schmitt,” 13. I find Neoh’s statements on Christian (and Jewish) martyrdom, for example, highly problematic not only on the historical level, but also ethically. As the sources described in this article demonstrate, there are other options besides the dichotomy of tyrant and martyr, triumphant church and militant church.

⁹⁹ It is hard to end a long discussion on martyrdom and the role of law without mentioning the heartbreaking, persistent violence in Israel-Palestine and Syria. For the peoples of this region, issues related to martyrdom, religious violence, and an upside-down world are never only theoretical speculation. In Israel, the saying “those who had been martyred by the government (*malkhut*), no one can stand in their midst” is frequently used in relation to the death of innocent civilians murdered in terror attacks. Indeed, as violence and death increase, so does the use of martyrological language, while the confidence in the power and ability of the ordinary role of the law to guarantee life—in both the religious and secular meaning—weakens. As narratives about martyrdom have played an important role in the formation of religious and social norms throughout history, I can only end with the hope that highlighting alternative voices might contribute to the coming of a day when all people of this region will have the opportunity to celebrate the excellence of religious models not on account of their faithful deaths, but rather their righteous deeds, *living* under the rule of the law.

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