

RABBINIC SOURCES

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Rabbinic literature

Rabbinic literature, or more precisely, ‘early rabbinic literature’, comprises a vast body of literary works dating from the late Roman, pre-Islamic period, i.e. between the 3rd and 7th centuries. The most important of these works are the *Mishnah* and the *Tosefta* (early 3rd century), the *Palestinian Talmud* (late 4th century), and Midrashic works including the so-called ‘Halakhic Midrashim’, of which the main titles are the *Mekhilta*, *Sifra*, and *Sifre* (all of controversial dating, but probably 3rd-4th centuries), and the ‘Aggadic Midrashim’, which in this period consist mainly of *Genesis Rabbah* and *Leviticus Rabbah* (both 5th century), and *Pesiqta de-Rav Kahana*, *Pesiqta Rabbati*, and *Lamentations Rabbah* (5th-7th centuries). All these works were redacted in Palestine (and probably all in Galilee), in the Roman province that was named originally *Syria Palaestina* and then, from the end of the fourth century, *Palaestina Secunda*. The only exception is the *Babylonian Talmud*, another, very important work which was redacted in Babylonia, outside the Roman Empire, and is generally dated to the 6th-early 7th centuries. The languages of early rabbinic literature are Hebrew and Aramaic, often used together in the same works. Early rabbinic works are not specifically authored, although some are traditionally attributed to one or a few known rabbinic figures. Modern scholars tend to view early rabbinic works as collectively authored, and in some cases as redacted cumulatively over several generations.¹

The designation of this literature as ‘rabbinic’ is mainly due to the prominence of individuals with the title of ‘rabbi’ within these works. Rabbinic works are based on a substantial body of traditions and teachings, ostensibly oral, that are attributed to individual rabbis, i.e. scholars, teachers, and/or religious leaders with the title of ‘rabbi’, who lived and were active in the 1st-5th centuries. In some rabbinic works, these traditions and teachings are extensively quoted; some rabbinic works are almost entirely compilations and editions of such traditions. Rabbis also feature as the main characters in many of the stories that are told in rabbinic literature, which reinforces the ‘rabbinic’ nature of this literature. The general assumption in modern scholarship, which also follows late antique and medieval traditions, is that the works themselves were redacted by people called ‘rabbis’; but this is difficult to prove. The authors of these works, especially of the later works (such as *Pesiqta de-Rav Kahana* or the *Babylonian Talmud*) may have been somewhat different from the rabbis whom they quote, even if they identified completely with their teachings.

Rabbinic literature has been preserved and is only known to us through medieval manuscript transmission. The earliest surviving manuscripts do not date to much earlier than the 11th century (except for sporadic earlier fragments). The lateness of the manuscripts, in relation to the period of composition of the original texts, raises questions about textual reliability and authenticity, which cannot be discussed in detail here. But it is important to be aware, at least, that the text of rabbinic literature, and in some cases its interpretation, is only accessible to us through the mediation of a medieval tradition. The dearth of manuscripts from earlier centuries can be partly explained by the current scholarly consensus that much, if not all, of rabbinic literature was originally redacted and transmitted, in late Antiquity, in a purely oral medium. There is good evidence to suggest, indeed, that although rabbinic works are highly edited, well structured, and clearly defined literary compositions, their original composition was oral, in the same or similar

¹ For bibliographical and other general information on early rabbinic literature, and in particular, on the primary sources quoted in this chapter, see G. Stemberger, *Einleitung in Talmud und Midrasch*, Munich, 2011⁹ [1st ed. H. L. Strack, 1887]; F. Millar, E. Ben-Eliyahu, and Y. Cohn, *Handbook of Jewish Literature from Late Antiquity, 135-700 CE*, Oxford - New York, 2013; P. Alexander and M. Goodman (eds.), *Rabbinic Texts and the History of Late-Roman Palestine*, Oxford, 2010 (Proceedings of the British Academy 165).

way as the rabbinic teachings and traditions that it uses as primary sources and literary materials. Orality is related to the social context of rabbinic learning, in informal circles of masters and disciples, through which this literature was originally disseminated and transmitted.²

Rabbis, Jews, and the Roman Empire

In many respects – orality, anonymity, as well as language, religion, culture – rabbinic literature differs fundamentally from most of the Greek, Latin, pagan and Christian literature that was produced in the Roman Empire in the same period. Its contents, literary style, modes of reasoning, are all very alien to what is familiar in the Graeco-Latin literary tradition.³ Yet rabbinic literature was produced, taught, and transmitted within the Roman Empire. This literature presents us, therefore, with a very different perspective on society and culture in the Roman Empire from what is known to us through other sources. It reflects the cultural peculiarities of a provincial community, and perhaps of a somewhat marginal social group within it, whose identification with the Roman Empire was at best ambivalent. To the rabbis, the Roman Empire was a ‘wicked kingdom’, that was continuously blamed, for example, for the destruction of the Jerusalem Temple in 70. Although within the Roman Empire, they considered themselves outsiders to it.⁴

For this reason, the question of civic participation, or of participation in the political and administrative structures of broader society, is particularly interesting in the context of rabbinic literature. It should be stressed, however, that the rabbis who are quoted and featured in this literature, and who probably also authored it, only represent a small segment of Jewish society in late Antiquity. The extent of their influence or impact on other Jews and Jewish communities in this period is unclear and has been much debated by modern historians.⁵ Rabbinic literature remains important to historians, if only because it is almost the only surviving literature that was produced by Jews in the Roman Empire after Josephus (in the late 1st century; excluding Christian writers from later centuries, some of whom may have also identified as Jewish). But the contents of this literature arguably reflect no more than the views and perspectives of a small intellectual group in Galilee, with limited relevance to wider Jewish society in the Roman Empire.

Early rabbinic literature is vast, yet it contains only very few references to participation of Jews in civic life, whether in the context of cities and local government, imperial administration, or the Roman army. The present dossier is an attempt to present the entire corpus of relevant

² See especially M.S. Jaffee, *Torah in the Mouth: Writing and Oral Tradition in Palestinian Judaism, 200 BCE-400 CE*, Oxford, 2001.

³ Notwithstanding many individual literary similarities that have been emphasized in modern scholarship. See in general P. Alexander, “Quid Athenis et Hierosolymis? Rabbinic Midrash and hermeneutics in the Graeco-Roman world,” in P.R. Davies and R.T. White (eds.), *A Tribute to Geza Vermes. Essays on Jewish and Christian Literature and History*, Sheffield, 1990, pp. 101-124; B. Visotzky, “Midrash, Christian exegesis, and Hellenistic hermeneutic,” in C. Bakhos (ed.), *Current Trends in the Study of Midrash*, Leyde - Boston, 2006 (Supplements to the Journal for the Study of Judaism, 106), pp. 111-131; Stemberger, *Einleitung in Talmud und Midrasch* (n. 1), p. 63.

⁴ See further M. Hadas-Lebel, *Jérusalem contre Rome*, Paris, 1990; M. Goodman, *Rome and Jerusalem: The Clash of Ancient Civilizations*, 2007; S. Schwartz, *Were the Jews a Mediterranean Society? Reciprocity and Solidarity in Ancient Judaism*, Princeton, N.J., 2009; *id.*, “Rabbinic culture and Roman culture,” in Alexander - Goodman (eds.), *Rabbinic Texts and the History of Late-Roman Palestine* (n. 1), pp. 283-299; H. Lapin, *Rabbis as Romans: The Rabbinic Movement in Palestine, 100-400 CE*, New York - Oxford, 2012; I. Rosen-Zvi, “Rabbis and romanization: a review essay,” in M. Popović, M. Schoonover, M. Vandenberghe (eds.), *Jewish Cultural Encounters in the Ancient Mediterranean and Near Eastern World*, Leiden - Boston, 2017, pp. 218-245; S. Stern, “Subversion and subculture: Jewish time-keeping in the Roman Empire,” in M. Popović, M. Schoonover, M. Vandenberghe (eds.), *Jewish Cultural Encounters*, pp. 246-264.

⁵ See for example Stuart S. Miller, *Sages and Commoners in Late Antique 'Erez Israel: A Philological Inquiry into Local Traditions in Talmud Yerushalmi*, Tübingen, 2006 (Texts and Studies in Ancient Judaism 111); Ben Zion Rosenfeld, “The title ‘Rabbi’ in third- to seventh-centuries Palestine: Revisited,” *JJS*, 61 (2010) pp. 234-256; H. Lapin, “Epigraphical rabbis: A reconsideration,” *Jewish Quarterly Review*, 101 (2011), pp. 311-346.

sources, and it is relatively small. This may be symptomatic of a relatively low level of Jewish participation; but it is just as likely due to the literary genre of our sources, as well as to their authors' limited interest in wider society, and possibly also to their own social marginality.⁶ Moreover, the partly urban, partly rural world in which the Jews and rabbis of Palestine lived was not necessarily governed by the socio-political institutions that are generally expected in the Roman Empire, i.e. imperial administration and city councils. Some passages in the *Mishnah* refer to powerful individuals who acquired and held sole ownership of all the public amenities of Galilean towns or villages. Such 'village bosses' more than likely existed in various parts of the Roman Empire, even if they did not fit into its normative political structures.⁷ Finally, it is important to note – as with any other literary source – that whatever is found in rabbinic literature cannot be treated simply as historically factual, i.e. as an objective representation of historical reality. Early rabbinic literature is only historically significant insofar as it reveals the perception of its authors – Jews, presumably 'rabbis', writing in late Roman Palestine – of the world in which they lived.

The imperial service: army and provincial administration

There is almost no reference in early rabbinic sources to Jewish soldiers or Jewish military officers, or to Jews serving in any other capacity in the Roman army (with the possible exception of 2-3 below). Similarly, there is no reference in early rabbinic sources to Jews serving in the imperial administration (except for references to tax collectors – 7-11 – who could have been employed in the imperial service).

Whether the silence of the sources is historically significant, and how this silence should be interpreted, remains an open question. There is external evidence (e.g. epigraphic) of Jews serving in the Roman army⁸, and it is unlikely that no Jews ever did. Why rabbinic sources do not refer to them is somewhat unclear.

It is also strange that we find no reference in rabbinic sources to the honorific, imperial titles that were awarded to the Jewish Patriarchs in Palestine in the 390s-410s. The evidence is a series of imperial laws from this period, which have been preserved in the *Codex Theodosianus* (16, 8, 8-22).⁹ The silence of our sources is partially accountable by the fact that most of them originate from before the late 4th century (except for the Aggadic Midrashim, which are generally later). But it is also possible that rabbinic sources were embarrassed to refer to these awards, especially as the Patriarchs were associated with the rabbinic movement and probably bore themselves the title of 'rabbi'. The general impression, again, is of reluctance in early rabbinic literature to acknowledge Jewish involvement in the political and administrative structures of the Roman Empire.

1. *Pesiqta de-Rav Kahana (Anokhi anokhi, 4; Mandelbaum edn. p. 306)*

⁶ On the solipsist stance of early rabbinic literature, see S. Stern, *Jewish Identity in Early Rabbinic Writings*, Leiden, 1994.

⁷ The main Mishnaic passage is *mNedarim* 5, 5, where the 'village boss' is given the title of *Nasi* ('prince', 'patriarch'). See discussion in S. Stern, "Rabbi and the origins of the Patriarchate," *JJS*, 54 (2003), pp. 193-215, esp. pp. 213-215. In this article I argue that Rabbi, also known as Rabbi Judah *ha-Nasi* (I) (beginning of the 3rd century), to whom the editorship of the *Mishnah* is traditionally attributed, may have originally inherited this title as the member of a local, Galilean aristocratic family (on which see further below, 27). The title was passed on to his descendants, and by the later 4th century appears in translation, in Greek and Latin sources, as 'Patriarch'. On village chiefs in other parts of the Roman Near East, see below n. 59.

⁸ See [supra/infra](#) W. Ameling in this volume, p. XXX.

⁹ A. Linder, *The Jews in Roman Imperial Legislation*, Detroit - Jerusalem, 1987, pp. 186-189 (no. 20), 196-197 (no. 24), 201-204 (no. 27; 'inlustris'), 220-222 (no. 32; 'spectabilis'), 267-272 (no. 41; honorary prefecture).

לפי שבעולם הזה אומות העולם מונים לישר' ואומרין להם. עד מתי אתם מונים על אלהיכם ונותנין נפשיכם על יו ונהרגים עליו. כמה צער הוא מביא עליכם. כמה בוזים הוא מביא עליכם. כמה ייסורים הוא מביא עליכם. בו או לכם אצלינו ועושין אנו אתכם דוכסין ואפרכסים ואיסטרטיליטים.
וישר' נכנסין לבתי כנסיות ולבתי מדרשות ונוטלין ספר תורה וקורין בו והתהלכתי בתוכם והפריתי אתכם והרביתי אתכם והקימותי את בריתי אתכם ומתנחמים.¹⁰

For in this world, the nations of the world taunt Israel and tell them: “For how long will you be taunted for your God, and give your life for Him and be killed for Him? How much trouble is He bringing upon you? How much shame is He bringing upon you? How much suffering is He bringing upon you? Come over to us, and we will make you *duces* (*duksin*), *eparchoi* (*eparkhsim*), and *stratēlatai* (*istratilitim*)!”

But Israel go into the synagogues and houses of study, take a scroll of Torah, and read in it: “I will walk among you (*Lev. 26, 12*), I will make you fruitful, multiply you, establish My covenant with you (*Lev. 26, 9*)” – and they are comforted.

The ‘nations of the world’, who may be taken in this passage to represent the Roman Empire, entice the Jews to ‘come over’ to them, with the promise of receiving the highest appointments in the army and imperial administration. The Jews, however, decline and withdraw into their synagogues and houses of study.

The use of the Latin and Greek names of the high imperial offices (all in Hebrew transliteration, with Hebraic plural inflections) is noteworthy. *Duces* (plural of *dux*) were high military commanders, in charge of several legions; στρατηλάται, the Greek equivalent of *magistri militum*, were the highest in command of the Roman army; whilst ἑπαρχοί, the Greek name of praetorian prefects, were at the head of the Empire’s provincial administration.¹¹ The author of this passage is clearly knowledgeable in the structure of high command of the Roman Empire, even if he shuns it.

The nations’ invitation to ‘come over to us’ suggests some form of religious conversion, presumably to Christianity. It is contrasted to giving one’s life and being killed for God, i.e. martyrdom. This text is late, normally dated to the 5th-7th centuries, in a period when Jewish martyrdom in the face of Christian persecutions may have begun to become a historical possibility. Moreover, the appointment to high imperial offices, in this period, was in practice and increasingly by law precluded to Jews, unless they were prepared to convert to Christianity.¹² This would explain why, according to this passage, participation in the higher levels of the Roman army and imperial administration was conditional on becoming Christian.

The passage appears to be claiming that avoidance of imperial honours is not specifically rabbinic, but shared in fact by all Jews. This is expressed in several ways: the reference to the general term ‘Israel’; reference to ‘synagogues’ alongside ‘houses of study’ (the former are usually associated with common people, the latter with rabbis); and the study of Torah through its public reading, a practice that was carried out, as far as is known, in all Jewish communities

¹⁰ B. Mandelbaum, *Pesikta de Rav Kahana: According to an Oxford Manuscript, With Variants from all Known Manuscripts and Genizoth Fragments and Parallel Passages*, vol. 2, New York, 1962, p. 306.

¹¹ In the context of the late Roman Empire, the normal meaning of ἑπαρχος was specifically ‘praetorian prefect’, rather than ‘prefect’ or ‘governor’, and this is most likely how the term was used in rabbinic literature (*pace* M. Sokoloff, *A Dictionary of Jewish Palestinian Aramaic of the Byzantine Period*, Ramat-Gan, 1992 (Dictionaries of Talmud, Midrash, and Targum, 2), p. 53, and *id.*, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods*, Ramat-Gan - Baltimore - London, 2002 (Dictionaries of Talmud, Midrash, and Targum, 3), p. 389. In *Mekhilta de Rabbi Ishmael, Amaleq 2* (Horovitz - Rabin edn., p. 182), for example, the *eparchos* is on a higher hierarchical level than the *hegemon*, i.e. (provincial) governor.

¹² Linder, *Jews in Roman Imperial Legislation* (n. 9), pp. 222-224 (no. 33; *Cod. Theod.* 16.8.16, dated 404), 280-283 (no. 45; *Cod. Theod.* 16.8.24, dated 418), 305-313 (no. 51; *Const. Sirm.* 6, dated 425), 323-337 (no. 54; *Nov. Theod.* 3, dated 438, *Cod. Iust.* 1.9.18, dated 439), 356-67 (no. 56, *Cod. Iust.* 1.5.12, dated 527).

in the Roman Empire, and that did not depend on any knowledge of rabbinic oral traditions and teachings (see **13** below).

2. *Pesiqta Rabbati* 10, 1 (Kern-Ulmer edn. p. 122)

כך היא מלכותו של עשו גובה את הארנון מישראל ועד שלא יגבה הארנון הרי הגולגולת באה עליהן ועד שזאת נגבת באין עליהן לעסק טירונים.¹³

So is the kingdom of Esau: they collect the *annona* (*arnon*) from Israel; and no sooner have they collected the *annona*, behold, the poll-tax comes upon them (Israel); and no sooner is this collected, they (the kingdom of Esau) come to them to enrol military conscripts (*tironim*).

The kingdom of Esau, in Midrashic literature, represents the Roman Empire; this passage is a complaint about onerous imperial taxation. The last clause suggests that Jews were conscribed into the Roman army (the term used, *tironim*, is a Hebraized version of the Latin *tirones*, conscripts). This contradicts the common view that Jews were exempt from conscription into the Roman army, and even more so, the early 5th-century imperial law prohibiting Jews from serving in the army and calling for the immediate discharge of Jews in the military service.¹⁴ It is entirely possible, however, that this law was not always heeded.

The *Pesiqta Rabbati*, a Midrashic composition akin to the *Pesiqta de-Rav Kahana*, is generally considered to be late antique (5th-7th centuries), but this particular passage, with its references to Roman taxes, could have originated earlier in the Roman period.¹⁵

3. *Babylonian Talmud, Avodah Zarah* 70b

ההוא פלמוסא דסליק לנהרדעא פתוח חביאתא טובא כי אתא רב דימי אמ' עובדא הוה קמיה דרבי יוחנן ושרא ולא ידענא אי משום דסבר לה כרבי אליעזר דמתני' דאמ' ספק ביאה טהור אי משום דסבר דרובא דקמי קמי ההוא פלמוסא ישראל נינהו.¹⁶

A military commander arrived in Nehardea. They¹⁷ opened many jars (of wine). When Rav Dimi came, he said: “A (similar) case appeared before Rabbi Yohanan/Elazar, and he allowed (the wine). But I do not know if this is because he thought like Rabbi Eliezer in the *Mishnah*, that if in doubt, it is pure, or because he thought that most of those who were with¹⁸ this military commander were Jews.”

‘Military commander’ is my translation of *polmosa*, a loan word from the Greek πόλεμος (*polemos*). In Greek, this word means ‘war’; in Jewish Babylonian Aramaic, its meaning is

¹³ Text of ms Parma 3122 (de Rossi 1240) fol. 131b, in R. Kern-Ulmer, *Pesiqta Rabbati: A Synoptic Edition of Pesiqta Rabbati Based upon all Extant Manuscripts and the Editio Princeps*, 1, Atlanta, 1997 (South Florida Studies in the History of Judaism, 155), p. 122.

¹⁴ *Cod. Theod.* 16, 8, 24, a law dated 10 March 418, and addressed by Honorius to the praetorian prefect of Italy; Linder, *Jews in Roman Imperial Legislation* (n. 9), pp. 280-283 (no. 45). See in general J. P. Roth, “Jews and the Roman army. Perceptions and realities,” in L. de Blois and E. Lo Cascio (eds.), *The Impact of the Roman Army (200 BC- AD 476)*, Leiden, 2007, pp. 409-420, on pp. 417-420.

¹⁵ Kern-Ulmer, *Pesiqta Rabbati* (n. 13), p. xvii.

¹⁶ Text based on ms New York, JTS Rab. 15, fol. 60r (a manuscript dated 1290/1); some letters and words are inserted above the line.

¹⁷ i.e. the commander and his retinue.

¹⁸ Lit. ‘before’ or ‘in front of’ (קמי). Munich cod. Hebr. 95, fol. 385r reads דאזלי בתר, ‘who went after’; the first printed edition (Pesaro, 1509-16) reads דאזלי בהדי, ‘who went with’.

normally taken to be ‘army’, and that is how it is rendered in most translations of this passage.¹⁹ In the context of this passage, however, this interpretation is unlikely: for if *polmosa* meant ‘army’, it would be difficult to understand why Rav Dimi was only concerned about those that ‘went with it’ (Jews) and not about the army itself or its soldiers, presumably non-Jews, who could just as well have touched the wine of the jars. *Polmosa* is therefore more likely to mean an imperial official, presumably military, whose main role was tax requisition.²⁰ This interpretation accounts better for the *polmosa* being accompanied by a retinue (in this case, Jews).

Nehardea was a major city on the Euphrates in northern Babylonia, with a substantial Jewish community; it is very frequently mentioned in the *Babylonian Talmud*. Rav Dimi, a Babylonian rabbi of the first half of the 4th century, is normally associated with this city. He also spent time in Palestine, where he appears to have learnt the case (which he quotes here) of Rabbi Yohanan or his disciple Rabbi Eleazar, both leading rabbis in Tiberias in the mid 3rd century. The standard Talmudic phrase, “when Rav Dimi came,” is usually taken to mean when he immigrated from Palestine.²¹

The issue in this passage is the general rabbinic concern that if non-Jews open jars of wine and touch it, they may be making a pagan libation and thus render the whole wine forbidden.²² The military commander who arrived in Nehardea could have been Roman, in the context of one of the many Roman military campaigns in the East, possibly in the reign of Constantius II; but he could equally have been Persian. Rav Dimi quotes a similar case that was brought to the attention of Rabbi Yohanan or Rabbi Eleazar, and therefore must have occurred in 3rd-century Palestine, where the military official would have been Roman. The status of the wine was resolved in that case on the grounds that most of those who accompanied this official were Jews. This passage suggests the possibility of Jewish participation in the Roman imperial, possibly military, administration, for example as working in the service of a military commander. Its historical reliability, however, is moot, especially as it is attributed to a Babylonian rabbi outside the Roman Empire (although he lived for a while in Palestine), and especially as this rabbi is attempting, perhaps through special pleading, to explain the unusually lenient ruling of his Palestinian colleagues and why it might not have applied in the case of Nehardea.

Minor civic officials: the *agoranomos* (market controller) and police officers

Civic officials such as *agoranomoi* are occasionally mentioned in rabbinic literature. An important question for us is whether they can be identified as Jewish.

4. *Tosefta, Avodah Zarah 7(8), 6*

This passage refers ostensibly to an *agoranomos*, although the word has become garbled in the medieval manuscript transmission (as often happens with foreign words in rabbinic literature).

¹⁹ This is the dictionary definition of the word, as given by Sokoloff, *Dictionary of Jewish Babylonian Aramaic* (n. 11), p. 889.

²⁰ A similar meaning may in fact apply to the other occurrences of the term in the *Babylonian Talmud*: see *bBerakhot* 30a, *bEruvin* 34b, and *bHullin* 46a. The term also occurs in a book binding fragment of *bBava Metzia* 93a from Cremona (Archivio di Stato, fragm. ebr. 33 and 57); there it seems rather to have the meaning of a group of soldiers. My translation of this term and understanding of the passage are not innovative, but follow the comments of Rashi and Tosafot (*ad bAvoda Zarah* 70b s.v. *petuhot*). In the sense that I am suggesting, the term *polmosa* may be an abbreviation of *polimarkha*, another Aramaic loan word from *πολέμαρχος*, ‘general’ (on which see Sokoloff, *Dictionary of Jewish Palestinian Aramaic* [n. 11], p. 426a).

²¹ On Rav Dimi, see B.S. Cohen, *The Legal Methodology of Late Nehardean Sages in Sasanian Babylonia*, Leiden, 2010, pp. 177-194.

²² See further S. Stern, “Compulsive libationers: Non-Jews and wine in early rabbinic sources,” *JJS*, 64 (2013), pp. 19-44.

The version that appears most authentic is in the so-called ms Erfurt of the *Tosefta*, which is quoted here:

אגרונימון שטעם מן הכוס והחזירו לחבית ... אסורה²³

If an *agoranomos* (*agaronimon*) tasted (wine) from a cup and returned it to the jar ... it is forbidden.

Similarly to **3** above, the issue here is the rabbinic concern that if a non-Jew has contact with wine, he may use it for a pagan libation and render the wine forbidden. An *agoranomos* is tasting the wine of a jar (presumably to check its quality, but perhaps also abusing his position); he takes out some wine in a cup, drinks it, and then drops the cup, with some wine in it, back into the jar. The wine that is in the cup has been contaminated, as he has touched it, and might be libation wine. Once it returns to the jar, it renders the whole jar forbidden.

The implicit assumption in this passage is that the *agoranomos* is a non-Jew, as if Jews are not expected to hold this office. Whether this is historically significant remains, however, an open question.

In the *Babylonian Talmud* (*Avodah Zarah* 58a), where this tradition is quoted, the word *goy* is added in the text to clarify that the *agoranomos* is a non-Jew. It is reasonably clear, however, that this is not the original text of the *Toseftan* tradition, but a later, Talmudic gloss.²⁴ In late antique Babylonia, the meaning of *agoranomos* may have been unknown; at the very least, it was necessary for the Talmudic editor to clarify that the person in question was a non-Jew. Thus, the Babylonian Talmudic version is not necessarily implying that *agaranomoi* could be Jews. The text of the *Tosefta*, which is earlier and of Palestinian origin, suggests indeed the contrary, although the inference remains admittedly fine.

5. *Palestinian Talmud, Bava Batra* 5, 14 (15a-b)

כתיב ... יהיה לך – מנה לך אנגרמוס על כך ...
 רב מנייה ריש גלותא אנגרמוס והוה מחי על מכילתא ולא על שיעוריא. חבשיה ריש גלותא.
 עאל רב קרנא גיבה אמ' ליה אנגרמוס שאמרו למידות ולא לשיעורין אמ' ליה והא תנית אנגרמוס למידות
 ולשיעורין אמ' ליה פוק אמור לון אנגרמוס שאמרו למידות ולא לשיעורין.
 נפק ואמ' לון בר נש דתנה כבשה דאהינו חבשין ליה.

²³ MS Berlin Staatsbibliothek, Or. fol. 1220, p. 430. The very different reading of MS Vienna (Heb. 20, fol. 211r), אגדאמון (*agadaramiz*), is probably the scribal corruption of a reading that is found in the *editio princeps*, אגאדאמון (*agaradamon*); this reading in turn may have been influenced by the parallel source in *Babylonian Talmud Avodah Zarah* 58a, which has similarly אגאדאמין (*agaradamim*) in all its text witnesses (most evidently in ms New York JTS Rab. 15 and the Pesaro edition). The parallel source in *Palestinian Talmud Avodah Zarah* 4, 8 (44b) reads אגרוניסום (*agaronisom*), probably a scribal error for אגרונימוס (*agaronimos*), which is very close to *Tosefta* ms Erfurt. In context, it is clear that the word refers to an *agoranomos*.

²⁴ Early Palestinian traditions, when quoted in the *Babylonian Talmud*, are very frequently edited or modified in this way. Some evidence that the word *goy* is an interpolated gloss in the Talmudic version may be adduced from its position in the text witnesses: it appears after the word *agoranomos* in three of the text witnesses (ms JTS, ms Paris, and the Pesaro edition), but before it in ms Munich; this unstable location suggests that it is not an original part of the text. The word *goy* also appears in one of the text witnesses of the *Tosefta*, ms Vienna. If this version is authentic, it would undermine my argument and suggest, on the contrary, that some *agaranomoi* could be Jews. However, the other two text witnesses of the *Tosefta*, MS Erfurt and the *editio princeps*, do not have this word, nor does the parallel in the *Palestinian Talmud*. It is therefore more likely that the text of ms Vienna has been influenced by the text of the *Babylonian Talmud* (as is not uncommon in the text witnesses of the *Tosefta*), and that the word *goy* was absent in the original version of the Palestinian tradition.

It is written: “(A perfect and just weight shalt thou have, a perfect and just measure) shalt thou have” (*Deut. 25, 15*) – appoint for yourself an *agoranomos* (*angaramos*)²⁵ over this...

Rav was appointed *agoranomos* by the exilarch. He exacted punishment on account of measures, but not on account of prices. The exilarch jailed him.

Rav Qarna came to him (to Rav). He (Rav) said: “The *agoranomos* they referred to is for measures, not for prices”. He replied: “And yet you have taught, the *agoranomos* is for measures and prices!” He said: “Go and tell them, the *agoranomos* they referred to is for measures, not for prices.”

He went out and told them: “You are jailing a man who teaches (things as sweet as) preserved dates!”

The passage begins with an injunction, inferred from a biblical verse, to appoint market controllers. The story that follows is set in Babylonia, where the *Palestinian Talmud* appears to assume that the exilarch (the Jewish ruler of Jewish Babylonian community) had the power to make such appointments, and to punish with jail those who did not discharge their duties.²⁶ Whether or not this was true, the non-Palestinian setting of this story betrays perhaps the historical impossibility of such a scenario occurring in Roman Palestine, where *agoranomoi* could not have been appointed by a Jewish leader (but rather only by the city councils), and where, perhaps, *agoranomoi* were generally not Jewish (see 4).²⁷

Although this passage is a story of questionable historical reliability, some of its assumptions are worthy of note. It is not an ordinary Jew but Rav – the foremost rabbinic leader of the early 3rd century – who is depicted as appointed to this position. As *agoranomos*, he had the power of exacting fines, although he did so only selectively. The story also reflects the ongoing conflict between exilarchs and rabbinic leaders, which is well attested in the *Babylonian Talmud*.

6. *Pesiqta de-Rav Kahana (Vayehi beshalah, 19; Mandelbaum edn. p. 195)*

An incomplete version of this story can also be found in the *Palestinian Talmud* (*pMa'aserot* 3, 8, 50d); a different version of it is in the *Babylonian Talmud* (*bBava Metzia* 83b).

ר' לעזר בר' שמע' אתמני ארכן ליפרין. קטיל בני נש דהון חייבין קטולין. והוה ר' יהושע בן קרחה קרי ליה חלא בר חמרא.

אמ' ליה למי את קר' ליה חלא בר חמרא, לא קוצים כסוחים כיסחתי, לא בני נש דהון חייבין קטולין קטלית? כגון דעקרת ואזלת לך ללודקיא? א' ליה היה לך לברוח לסוף העולם ולהניח בעל הגנה שיקוף את קוציו.

Rabbi Eleazar bar Simon was appointed *arkhan liparin*.²⁸ He killed people who were guilty of death. But Rabbi Joshua ben Qorḥah called him ‘vinegar son of wine’.²⁹

He said to him: “Who are you calling ‘vinegar son of wine’? Have I not been cutting down thorns, have I not been killing people who were guilty of death?”

(He retorted): “As if you escaped and went to Laodicea?” (and) he continued: “You should have escaped to the end of the world, and left the owner of the garden to cut off his thorns.”

²⁵ Here again, the manuscript readings vary. I am following MS Leiden Or. 4720 fol. 57v. In MS Escorial G-I-3, אגראדמיס (*agradamis*, in line 1) and אגרונימיס (*agaronimis*, in line 2) are also used.

²⁶ See G. Herman, *A Prince without a Kingdom: the Exilarch in the Sasanian Era*, Tübingen, 2012.

²⁷ See W. Ameling and N. Belayche in this volume, p. XXX and XXX.

²⁸ So in our text. In Nathan b. Yehiel’s lexicon (*Sefer ha-Arukh*, s.v. ארך, late 12th century), where this passage is quoted, the reading is ארכוליפורין, *arkholiporin*.

²⁹ ‘Wine’ is a reference to Rabbi Eleazar’s illustrious father, Rabbi Simon bar Yoḥai.

In this story, again, a rabbi (Palestinian, 2nd century) is appointed to a position of secular authority, this time with the power of inflicting capital punishment (or rather a ‘license to kill’). Although he is fulfilling his duty and does not abuse it, he is criticized by another rabbi on the grounds that God alone, the ‘owner of the garden’, should be inflicting death on those who deserve it. He suggests that he should have fled to Laodicea (in northern Syria) or to the end of the world in order to evade this appointment.

The nature of this appointment, *arkhan liparin* or *arkholiporin*, is unclear. Saul Lieberman suggested to the editor, Mandelbaum, that it might mean ἀρχιπάρσιος. This term is unattested in Greek sources, but Lieberman related it to the term ῥιπάρσιος, which is used for police officials in mid 4th-century and later Egyptian papyri.³⁰ Although this is Egypt, not Palestine, and although the story is set in the 2nd century, the rabbinic sources in which it appears are late 4th century at the earliest, which makes Lieberman’s suggestion a distinct possibility. The *archiriparios* would thus be some head police officer.

The appointment of a Jew – indeed, a rabbi – to this position of legal authority runs counter to what we know from imperial legislation of the late Roman period, which makes this passage all the more interesting.

Minor officials: tax and customs collectors

The officials covered in this section are all related to taxation. They could be civic officials, in the sense that tax collectors could be appointed by city councils and collecting taxes on their behalf; but alternatively they could be imperial, appointed by and working for the imperial administration. In some cases, they might also be collecting local taxes on the behalf of the Jewish community.

The terminology used for these officials is consistently Hebrew, in contrast to the loan-words that we have encountered above. The Hebrew terminology, however, is ambiguous. The term *gabai*, literally ‘collector’, usually refers to a tax collector or sometimes a bailiff, but it can also refer to a collector of charity (e.g. *pGittin* 5, 8, 47a). Sometimes the latter is disambiguated as *gabai tzedakah*, ‘charity collector’. The term *mokhes* always means customs or tolls officer.

7. *Tosefta*, *Bava Metzia* 8, 26

הגבאין והמוכסין תשובתן קשה ומחזירין למכירין והשאר עושין בהן צרכי רבים

Tax collectors (*gaba'in*) and customs collectors (*mokhesin*): their repentance is difficult. They should return (their illegitimate gains) to those they know; and the rest, they should spend on public causes.

Just as in the New Testament, tax collectors are viewed with suspicion in rabbinic literature, because of the assumption that they abuse their position and exact excessive taxes.³¹ According to this passage, it is difficult for tax collectors to repent, because they do not have records of all those whom they have overtaxed, and they can only make restitution to those they know.

Their status as sinners with a potential to repent implies, however, that they are Jews. The same assumption may be read into the New Testament.³²

³⁰ See R. Alston, *City in Roman and Byzantine Egypt*, London, 2001, p. 280.

³¹ Cf. Lk 3, 12-13. Further derogatory sources in rabbinic literature are in *mNedarim* 3, 4, *mBava Qamma* 10, 1-2. See also Hadas-Lebel, *Jérusalem contre Rome* (n. 4), pp. 259-262.

³² *Matt* 9, 10, *Mk* 2, 16, and Lk 7, 34, where tax collectors are associated with ‘sinners’. In *Matt* 21, 31 they are associated with prostitutes.

8. *Tosefta, Tohorot 8, 5* (cf. *Mishnah, Hagigah 3, 6* and *Tohorot 7, 6*)

הגבאין שנכנסו בתוך הבית אם אמרו נכנסנו אבל לא נגענו הרי אילו נאמנין שהפה שאסר הוא הפה שהתיר...
 אם היה גוי עמהן אע"פ שהמשכון בידן אע"פ שהגוי מעיד בהן שנכנסו ואמרו לא נגענו הרי אילו נאמנין מפני
 שאימת גוי עליהן

Tax collectors (*gaba'in*) who entered a house – if they say “we went in but we did not touch,” they are believed on the grounds that “the mouth that prohibited is the mouth that allowed” ...

If a non-Jew was with them, even though they are holding the pledge and even though the non-Jew testifies that they went in, but they say “we did not touch,” they are believed, because the fear of the non-Jew is upon them.

The tax collectors in this passage are acting as bailiffs: they enter a house to confiscate a pledge. In the first case, they enter the house on their own; in the second case, they enter it with a non-Jew, and “the fear of the non-Jew is upon them”. The implication is that these tax collectors are Jews.

To elucidate briefly the passage, the problem for the *Tosefta* is that the tax collectors, while searching for the pledge, may have touched other objects or foods in the house and rendered them impure. The assumption is that these tax collectors are not cautious about the laws of purity – an assumption which is generally made of ordinary Jews (i.e. non-rabbis) in early rabbinic literature. If they declare having entered the house, but also claim that they did not touch anything, they can be believed, because “the mouth that prohibited is the mouth that allowed” – we depend entirely on their testimony, and without it nothing would have been prohibited in the first place. But if it is known in other ways that they entered the house – they are holding the pledge, and someone else testifies that they went in – if they were with a non-Jew they can still be believed that they did not touch anything, because they would be scared to lie in the non-Jew’s presence.

What is important to us, however, is that the Jewishness of the tax-collectors is taken for granted in this passage. But as in the previous passage, there is no indication of who they are working for, whether imperial, civic, or even only Jewish communal authorities.

9. *Tosefta, Demai 2, 17*

ר' שמעון בן לעזר או' משם ר' מאיר מעשה באשה אחת שנשאת לחבר והיתה קומעת על ידו תפלין נשאת
 למוכס והיתה קושרת על ידו קשורין

Rabbi Simon ben Eleazar says in the name of Rabbi Meir: there was a case of a woman who married a fellow, and was tying phylacteries (*tefillin*) to his hand; she then married a customs collector, and was tying jewellery to his hand.

‘Fellow’, in this context, is the member of a fellowship that is particularly cautious with laws of tithing and purity. He is contrasted in this passage with a customs collector. The former is associated with a religious object, the phylacteries; the latter is associated with jewellery, perhaps an allusion to his ill-acquired gains.

The key figure, however, is the woman who married each man in succession. There are several ways of interpreting her story. She may have begun as a righteous wife, but then succumbed to the bad influence of her second husband. Alternatively, her behaviour under her second husband only reveals the hypocrisy of her behaviour under the first.

There is no way of determining whether this customs collector was Jewish or not, and certainly not under whose authority he was employed. The least that can be said is that whereas in the previous passage (8) the tax collector was distinct from the ‘non-Jew’, thus implicitly Jewish, in the present passage the customs collector is set in opposition to the ‘fellow’ or righteous Jew.

10. *Tosefta, Demai 3, 4*

בראשונה היו אר' חבר שנעשה גבוי דוחין אותו מחבורתו חזרו לומר כל זמן שהוא גבוי אין נאמן פרש מגבייתו
הרי זה נאמן

At first they said: a fellow who becomes a tax collector is expelled from his fellowship.
Then they said: whilst he is a tax collector, he is not reliable; if he quits tax collecting, he is reliable.

After suggesting, in 9, a diametrical opposition between ‘fellow’ and tax collector, the *Tosefta* rules that a fellow who becomes a tax collector is expelled from the fellowship and no longer considered ‘reliable’ in matters of tithing and purity.

This passage suggests that Jews could and did become tax collectors, although this was clearly looked down upon by the rabbinic leadership.³³

11. *Tosefta, Bava Batra 10, 5*

האחים שנעשה אחד מהן גבאי או אפמליטיס אם מחמת נכסים נפל נפל לאמצע ואם מחמת עצמו נפל נפל לעצמו

If one of the brothers became a tax collector or manager (*epimeletes*): if this befell him because of the (shared) estate, (the gain) falls to the shared (estate); but if this befell him because of himself, (the gain) falls to himself.

The exact meaning of ἐπιμελητής (which I have translated ‘manager’) is unclear, but in context, it appears to relate to tax collection. It is possible, though by no means certain, that this loan word is meant here as a Greek translation of the Hebrew *gabbai*, ‘tax collector’.

The ruling in this passage is based on two implicit notions: that collecting taxes is lucrative, and that personal wealth is an essential requirement for being appointed to such a position (presumably, because personal wealth could be counted on as potential collateral, in the event that the tax collector underperformed). The question in this passage relates to owners, typically brothers, of a shared inherited estate. One of the brothers has been appointed as a tax collector. If this appointment was achieved because of his ownership in the shared estate, then the profits of his tax collection belong to the estate. But if he was appointed because of his own personal wealth, then the estate has no claim over the profits.

The impression conveyed by this passage is that appointments of this kind were sought after among Jews; there is no indication, in this passage, of any criticism or censure.

The archon

³³ The status of Jewish tax and customs collectors, including their possible disqualification from serving as court witnesses, is discussed in greater detail in the *Babylonian Talmud*, *bSanhedrin* 25b-26a, where there is also a story of a righteous tax collector, Rabbi Zeira’s father. The context of this passage, however, is entirely Babylonian: the sages quoted there are Babylonian, and the official to whom Rabbi Zeira’s father is answerable has the typically Mesopotamian title of ‘Head of the River’ (ריש נהרא). Inasmuch as this passage belongs outside the Roman Empire, it is not included in this present survey.

We now turn to city councils and magistrates. A few passages in rabbinic literature suggest that Jews could be appointed as ‘archons’. The question, however, is how to interpret this term. In the context of Graeco-Roman cities, the ἄρχοντες were the leading magistrates of the city council and city. But the name could also be used, by analogy, for magistrates or officers of smaller associations. It thus possible that in the following passages, ‘archon’ refers to a Jewish communal title, perhaps not unlike the *archisynagogos*, synagogue leader, which is widely attested in epigraphic sources.³⁴

12. *Palestinian Talmud, Peah 8, 7 (21a) and Sheqalim 5, 2 (48d)*

ר' יוסי עאל לכפרה. בעא מוקמה לון פרנסין ולא קבלין עליהון ...
 ר' חגיי כד הוה מקים פרנסין ...
 ר' הייא בר בא מקים ארכונין.

Rabbi Yose came to Kifrah. He wanted to appoint for them *parnasim*, but they did not accept them ...

When Rabbi Haggai used to appoint *parnasim* ...

Rabbi Hiyya bar Ba used to appoint archons (*arkhonin*).

According to this passage, rabbis in Palestine had the power to appoint (literally, ‘set up’ or ‘establish’) *parnasim* and archons. The *parnas* is a Jewish communal office, frequently mentioned in rabbinic literature. The precise functions of this office are not clear and were most probably variable, but in general, the *parnas* was a political and administrative leader of the Jewish community.

The proximity of this term, in this passage, to ‘archons’ suggests that the latter also designates Jewish communal leaders. It is in fact completely implausible that a rabbi might have appointed magistrates to the city council. Magistrates of city councils were not appointed by anyone, but at most were nominated (in a Roman context, through the process of *nominatio*); their appointment could only be determined by election. Yet the term used in this passage is מקים, which means ‘set up’ or ‘establish’ (I have translated it: ‘appoint’). It is therefore far more likely that this passage concerns the appointment of magistrates within a Jewish communal body, than of the magistrates of the civic government.

The rabbis are depicted in this passage as playing a leading role in the administration of Jewish communities, but even this had limits. In the case of Rabbi Yose in Kifrah (a village outside Tiberias, and part of its territory), the Jewish community did not accept the rabbi’s authority to appoint community leaders. This says something of the extent of rabbinic authority in 4th-century Palestinian society.

13. *Palestinian Talmud, Berakhot 5, 1 (9a)*

ר' יוחנן הוה יתיב קרי קומי כנישתא דבבל בציפורין. עבר ארכונא³⁵ ולא קם ליה מקומי. אתון בעיין מימחוניא. אמ' לון. ארפוניא. בנימוסא דברייה הוא עסיק.

Rabbi Yohanan was sitting and reading in front of the Babylonian synagogue in Sepphoris. The archon passed by, and he did not stand up before him. They came and

³⁴ Some of the passages in this section and in the next are briefly referred to by Hadas-Lebel, *Jérusalem contre Rome* (n. 4), pp. 212-213.

³⁵ So ms Leiden Or. 4720, which is quoted here. The Vatican manuscript reads שולטנא (‘ruler’, instead of ‘archon’); but this is clearly a scribal trivialization.

wanted to give him blows. He (the archon) said: “Leave him, he is busy with the law of his Creator.”

The reason why Rabbi Yohanan did not stand up, as a mark of respect, for the archon, may simply be that he did not notice him, being too engrossed in his reading (which means, in this context, the public reading of a Biblical text). On this basis, indeed, the archon gave him the benefit of the doubt and exempted him from punishment. Nevertheless, one cannot fail to sense underlying conflict, or at least competition, between the two leaders.

The identity of this ‘archon’ is particularly interesting. His ability to administer the blows suggests that he was not merely a Jewish communal leader, as in the previous passage, but rather the magistrate of the council and city of Sepphoris, a major Galilean city (which in Rabbi Yohanan’s time, mid 3rd century, went under the Greek name of Diocaesarea). Yet his presence around the synagogue raises the question of whether he was himself Jewish. This should not come as a surprise, given the archaeological evidence, as well as the evidence from rabbinic and other literary sources, of a large Jewish population in the city. As we shall see below (22-23), Jewish city councillors in Sepphoris are mentioned in rabbinic sources. Perhaps, then, this passage is evidence of Jewish participation in the highest levels of government of the city.

14. *Palestinian Talmud, Rosh ha-Shanah 1, 6 (57b)*

מעשה שעברו יותר מארבעים זוג ועיכבן ר' עקיבה בלוד ...
שלח לו רבן גמליאל ... וכל המעכב את הרבים מלעשות דבר מצוה צריך נידוי.
אמ' ר' יהודה הנחתום חס ושלום לא נתנדה ר' עקיבה אלא שזכר ראש גדר היה ושלח רבן גמליאל והעבירו
מראשיתו

There was a case when more than forty pairs (of witnesses) went passed, and Rabbi Aqiva held them up in Lod ...

Rabban Gamaliel sent him (this message): ... whoever holds up the public from doing a commandment must be excommunicated.

Rav Yehudah the baker said: God forbid, R. Aqiva was not excommunicated. Rather, it was Shazkar the head of Gadara, and R. Gamaliel sent out (an order) and removed him from his headship.

In the first version of this story, Rabbi Aqiva held up a contingent of witnesses who were proposing to travel on the Sabbath to Rabban Gamaliel’s court for the purpose of reporting their sighting of the new moon. R. Gamaliel threatened him, in response, with excommunication. Rav Yehudah the baker rejects this version, however, on the grounds that R. Aqiva could not have been excommunicated. In his version of the story, the culprit was an entirely different person, Shazkar the head of Gadara (a Greek city of the former Decapolis, south-east of the Sea of Galilee).

Although Shazkar is not called ‘archon’ in this passage, the term *rosh* (‘head’) could well be meant as a Hebrew translation of it. The problem remains, however, how this term is to be interpreted. R. Gamaliel’s ability, from a distance,³⁶ to remove Shazkar from his headship, suggests that the latter was only a Jewish communal leader, not a magistrate of the city; for there would have been no mechanism for someone like R. Gamaliel to depose an archon in this way, even if he bore the title of Patriarch (as at least the later Gamaliels did, in the 3rd-5th centuries).

³⁶ Rabban Gamaliel may have been located in Yavneh (western Judaea) or in Tiberias (west of the Sea of Galilee), depending in which Gamaliel this was. In the first version of the story, it was certainly Gamaliel II, contemporary of R. Aqiva (early 2nd century), who was located in Yavneh. But in the second version, any of the later Gamaliels could equally be possible (mid 3rd- early 5th centuries); they are presumed to have been located in Tiberias.

‘Head of Gadara’ is said in this passage from a rabbinic, Judeo-centric perspective, and only means the head of its Jewish community.³⁷
More on archons in **19-20** below.

City councils and councillors: Jews and rabbis

In rabbinic sources, city councillors are nearly always assumed to be Jewish. The only non-Jewish city councillor that is ever mentioned in rabbinic literature is a Damah ben Netinah, who is described in the *Palestinian Talmud* as ‘head of the *patroboi*’ of the city of Ascalon,³⁸ meaning perhaps the head of the councillors or of the city council.³⁹ Damah ben Netinah is exceptional in other ways, as his respect for his parents – in spite of being a non-Jew – is presented in the same sources as exemplary. He is the exception that proves the rule: apart from him, city councillors are invariably assumed, in rabbinic sources, to be Jewish.⁴⁰

This assumption is not reflected in the epigraphic record (virtually no inscription from Palestine identifies a city councillor as Jewish), but in historical terms, it is actually quite likely⁴¹. At least some Jews in Palestine must have been city councillors, since members of the landed aristocracy – which surely included also Jews – were always expected to join the city council. For example, the lower Galilean city of Sepphoris comprised a substantial Jewish population with some large, Jewish-owned houses; their owners are more than likely to have served in the city council. Since the coins minted by the city council in Sepphoris in the 2nd-3rd centuries show images of Graeco-Roman gods and are thoroughly pagan in character, some have concluded that the Jews in the city council of Sepphoris must have been heavily paganised or even ‘pagan’.⁴²

This conclusion stands in contrast to the portrayal of city councillors in early rabbinic literature as Jewish, subservient to the rabbis, and sometimes even as rabbis themselves (and in some cases, explicitly associated with Sepphoris). However, these very different perspectives, rabbinic and numismatic, are not necessarily contradictory, as identities and affiliations can vary considerably according to context and need. A Jewish city councillor might have affiliated with the rabbis in the context of the Jewish community, but when in the city council, he would have had political reasons for approving the minting of coins that fitted the expectations of civic government in the Roman Empire.⁴³

It may also be significant that the numismatic evidence is slightly earlier than the rabbinic sources, as the Sepphoris coins with images of Graeco-Roman gods date from the reigns of Antoninus Pius (138-161) to Caracalla (212-217), whereas rabbinic sources mentioning Jewish

³⁷ This conclusion is the most plausible, although I left the question open in S. Stern, *Calendars in Antiquity: Empires, States, and Societies*, Oxford, 2012, p. 343.

³⁸ See *supra/infra* A. Laniado in this volume, p. XXX.

³⁹ *Palestinian Talmud*, *Peah* 1, 1, 15b and *Qiddushin* 1, 7, 61b: דמה בן נתינה ראש פטרבולי היה. The Greek term πατρόβουλος means ‘son of a *bouleutes*’ or ‘hereditary *bouleutes*’: see I. Lévy “Les ΠΑΤΡΟΒΟΥΛΟΙ dans l’épigraphie grecque et la littérature talmudique,” *RPh*, 26 (1902), pp. 272-278 (I am grateful to Anne-Valérie Pont for this reference; prior to Lévy, Jastrow mistranslated the term as ‘chief senator’).

⁴⁰ As noted by S. Schwartz, *Imperialism and Jewish Society, 200 BCE to 640 CE*, Princeton, 2001, p. 140.

⁴¹ See *supra/infra* W. Ameling in this volume, p. XXX.

⁴² So Schwartz, *Imperialism and Jewish Society* (n. 40), pp. 132-142, and more generally, on the ethnic composition of city councils, pp. 129-161. See also S. Stern, “Babylonian Talmud, Avodah Zarah 16a: Jews and pagan cults in third-century Sepphoris,” in S. Fine and A. Koller (eds.), *Talmuda de-eretz Israel: Archaeology and the Rabbis in Late Antique Palestine*, Boston - Berlin, 2014, pp. 205-224, on pp. 214-216.

⁴³ The reverses of the coins bear legends that rename the city ‘Diocaesarea’ (‘of Zeus and Caesar’), and qualify it as ‘holy, asylum, autonomous’, following established Hellenistic conventions. More importantly, they show images of gods and goddesses such as Zeus, Hera, Athena, Heracles, and Tyche; one coin shows the Capitoline Triad in a temple (Jupiter, Juno, and Minerva, or in its Greek version, Zeus, Hera, and Athena). The latter, in particular, strikes one as particularly Roman, rather than reflecting the reality of local pagan cults, and could well have been intended primarily as a gesture of political loyalty to the Empire.

city councillors in the same city and elsewhere are all from the late 4th century at the earliest.⁴⁴ The Judaization, possibly even rabbinization, of Jewish city councillors – if rabbinic sources are to be believed – possibly reflects a general change in this direction in late Roman, Palestinian Jewish society.⁴⁵ The emergence of rabbis serving as city councillors – who, according to the rabbinic sources, would not date from before the 3rd century – may be related to the urbanization and rising social status of rabbis in the late Roman period.⁴⁶

15. *Avot de-Rabbi Nathan* version A, 20, 9

בני אמי נהרו בי –
אלו בולאות⁴⁷ של יהודה שפרקו עולו של הקב"ה מעליהם והמליכו עליהם מלך בשר ודם

“My mother’s sons were incensed against me” (*Song of Songs* 1, 6) – these are the councils (*bouleot*) of Judaea, who rejected the yoke of God and appointed for themselves a human king.

The passage refers to Judaeon city councils that compromised their loyalty to God by appointing a king over themselves. The expectation that they should have been loyal to God confirms the identity of these councils as Jewish. But the historical context of this passage is obscure: we are not told who this king was, nor when this event occurred.

The same ‘councils of Judaea’ are referred to (without explanation) in *Babylonian Talmud Gittin* 37a, and again in the minor tractate *Semahot* 8, 9 (generally assumed to be late or post-Talmudic), where the councils are said to have come to an end during a war that followed the death of Rabbi Aqiva (this war is presumably the Jewish revolt of Bar-Kokhba, 132-135). According to *Palestinian Talmud Nedarim* 3, 2 (38a) and *Shevuot* 3, 10 (34d), there were twenty-four councils in Judaea (or *Darom*, ‘the South’), which were all destroyed as a punishment for false oaths. Again, the historical event referred to here is obscure and vague.

The identity of these Judaeon councils is particularly problematic, as only a handful of settlements in the Judaeon region ever had the status of city or *polis*, with which a *boule* (city council) would normally be associated.⁴⁸ Gedalya Alon suggested that the term *bouleot* might be

⁴⁴ The earliest sources presented below are from the *Palestinian Talmud* (late 4th century). City councillors, Jewish or not, are barely mentioned in earlier rabbinic sources. The only reference to a city councillor in an earlier rabbinic source is in Sifrei Deuteronomy 309 (parallel in Midrash Tannaim, on *Deut.* 32, 6), which dates perhaps from the 3rd century. This passage is a parable referring to a hierarchy of authority ranging from the councillor (*bouliotos*) to the centurion (*qatron* or *qantron*) to the provincial governor (*hapatikos*, for ὑπατικός or *consularis*); the context does not identify the councillor as Jewish or non-Jewish.

⁴⁵ On the Judaization or even rabbinization of Jewish society in late Roman Palestine, see for example Schwartz, *Imperialism and Jewish Society* (n. 40), pp. 184-185, 259-274. ‘Rabbinization’ designates the process whereby Jews or Judaism identified increasingly with the teachings, interpretations, and traditions of the rabbinic movement and the literature it produced in late Antiquity, and conversely, whereby rabbis and their literature assumed an increasingly leading and influential role in Jewish society and culture.

⁴⁶ See H. Lapin, “Rabbis and cities in later Roman Palestine: The literary evidence,” *JJS*, 50 (1999), pp. 187-207; *id.*, *Rabbis as Romans*.

⁴⁷ Schechter’s conjecture, based on his readings of ms Oxford Bodl. Opp. 95 (כלבאות) and ms Epstein (now ms JTS Rab. 10484: בבלאות; S. Schechter, *Avot de-Rabbi Nathan*, Vienna, 1887, p. 72). The *editio princeps* has כל בנוה. Becker reads in ms Opp. 95 כל כלמות (H.-J. Becker with C. Berner, *Avot de-Rabbi Natan. Synoptische Edition beider Versionen*, Tübingen, 2006, pp. 184-185; in ms Epstein this section is now lost). None of these readings are comprehensible, and Schechter’s conjecture remains most reasonable.

⁴⁸ In the 1st-2nd centuries, besides the city of Jerusalem (on which see discussion below, **16**), the only known Judaeon cities are Jamnia (Yavneh) and, somewhat on the edge of Judaea, Joppa (Yaffo), as suggested by Josephus, *BJ*, 3, 51-56. Later foundations include Diospolis (Lydda), Eleutheropolis (Beit Guvrin), founded under Septimius Severus in the late 2nd century, and Nicopolis (Emmaus), under Elagabalus (early 3rd century). See E. Schürer, *The*

used in these passages in a non-technical sense, as a general designation of the Judaeen aristocracy. He also suggested, less plausibly, that the term refers to the councils of Judaeen villages.⁴⁹ The existence of such rural *boulai* is not supported, however, with evidence. A reasonably large number of inscriptions from villages of the Trachon, Hauran, and Batanea refer to individual ‘councillors’ (βουλευτής), but the local government of these villages is never called *boule*, and in any event, there is no evidence of this kind in Judaea or Palestine.⁵⁰ This rabbinic tradition about the Judaeen *bouleot* that were destroyed is more likely legendary than grounded in any firm historical reality.

16. *Lamentations Rabbah* 1, 31

שלש שנים ומחצה הקיף אספסיאנוס את ירושלים והיו עמו ארבעה דוכסין דוכוס דערביא דוכוס דאפריקא
דוכוס דאלקסנדריא דוכוס דפלסטיני ...
והוון בירושלים ארבעה בוליטין בן ציצית ובן גוריון ובן נקדימון ובן כלבא שבוע
וכל אחד ואחד יכול לספק מזונות של מדינה י" שנים

For three and a half years, Vespasian besieged Jerusalem. And there were with him four *duces* (*duksin*): the *dux* (*dukus*) of Arabia, the *dux* of Africa, the *dux* of Alexandria, the *dux* of Palestine...

In Jerusalem, there were four city councillors (*bulitin*): ben Tzitzit, ben Gurion, ben Naqdimon, and ben Kalba Savu'a, and each could supply food to the city for ten years.

The terms *duces* (for military commanders) and Palestine (instead of Judaea) are anachronistic for the 1st century, and reflect the terminology of the later Roman Empire. The four leading city councillors of Jerusalem, each named by their patronym, are intended as a foil to the four *duces*. The city of Jerusalem, at the time of the great revolt against Rome and the siege of the city (in 70 – not for three and half years), was entirely Jewish, so it is no surprise that its city councillors should have been Jewish. In this period, however, it is unclear whether Jerusalem was governed by a city council,⁵¹ so the designation of these leaders as ‘city councillors’ may also be anachronistic.

17. *Palestinian Talmud, Pesahim* 4, 1 (30c)

רבי יעקב בר אהא ר' שמעון בולוטה בשם רבי חנינה ...

Rabbi Jacob bar Aḥa (said in the name of) Rabbi Simeon the city councillor (*bulevta*) (who said) in the name of Rabbi Haninah ...

History of the Jewish People in the Age of Jesus Christ (175 B.C.- A.D. 135), II, Edinburgh, 1986² [1st edn. 1885; new English version, revised and edited by G. Vermes, F. Millar and M. Black], pp. 109-114 and 182-183.

⁴⁹ G. Alon, *Jews, Judaism, and the Classical World: Studies in Jewish History in the Times of the Second Temple and Talmud*, Jerusalem, 1977, pp. 349-353.

⁵⁰ G. MacLean Harper Jr., “Village administration in the Roman province of Syria,” *YCIS*, 1 (1928), pp. 103-177, on pp. 142-146; A. H. M. Jones, “The urbanization of the Ituraean Principality,” *JRS*, 21 (1931), pp. 265-275, on pp. 272-273. MacLean Harper infers the existence of village *boulai*, and Alon invokes this in support of his argument; but Jones stresses the absence of explicit evidence of such *boulai*, and suggests instead that the individual βουλευτής in these inscriptions were councillors in cities elsewhere.

⁵¹ See Goodman, *Rome and Jerusalem*, pp. 376-378. It should be noted, however, that Josephus refers on several occasions to the city council (βουλή) and councilors (βουλευταί) of Jerusalem during the period of the great revolt: see Schürer, *The History of the Jewish People* (n. 48), II, pp. 206-207 and n. 19.

This passage refers, rather unusually, to a rabbi who was also a ‘city councillor’. His precise dates cannot be known, but he is quoted by the late 3rd-century Rabbi Jacob bar Aḥa, and quoting in turn the early 3rd-century Rabbi Haninah, which places him somewhere in the 3rd century.

18. *Palestinian Talmud, Bava Batra* 9, 6 (17a) (cf no. **11** above)

כהדא דרב נחמן בר שמואל בר נחמן נתפש לבולי
אתא עובדא קומי רב אמי אמר אין אית בנכסי דנחמן שנתפש לו ינתן לו מנכסיו ואם לאו ינתן לו מן האמצע

As when Rav Naḥman bar Samuel bar Naḥman was drafted into the city council (*buli*). The case came before Rav Ami. He said: if Naḥman has been drafted because of his own estate, it (the curial expenditure) should be paid from his own estate; if not, it should be paid from the shared one.

Similarly to **11** above, this passage concerns the liability of shared, inherited estates. If one of the beneficiaries becomes a city councillor because of his share in the inheritance, then he can claim his curial expenses from the inherited estate; but if he is appointed because of his own, personal wealth, then the estate is not liable.

In this passage, we encounter again a rabbi who became a city councillor. Rav Naḥman bar Samuel bar Naḥman, as his colleague Rav Ami, belongs similarly to the 3rd century. Here we are told that he was drafted (literally ‘caught’, ‘arrested’), i.e. against his will – no doubt because of the expenditure that this appointment would entail. This leads us to the passages in the following section.

City councils: coercion and evasion

19. *Palestinian Talmud, Ta’anit* 4, 6 (69a)

שהיו בולווטי ירושלים יושבים באמצע המדינה וכדו דהוון חמיי בר נש סליק לירושלם הוון אמרין ליה בגין
דשמעין עלך דאת בעי מתעבדה ארכונטס ובולבוטס והוא אמ' לון לית בדעת

The city councillors of Jerusalem used to sit in the middle of the city, and when they saw a man coming up to Jerusalem, they would say to him: “As we have heard that you want to become a magistrate and councillor (*arkhontas u-bulevtas*)...” – and he would reply: “Not in my mind.”

The story goes on that the city councillors would then find a way of dispossessing this pilgrim of his landed property (referred to here as אַוסייא, *usia*, i.e. οὐσία, meaning ‘substance’ or ‘wealth’), by falsely pretending that he had sold it all to them.

The setting of the story, Jerusalem before its destruction in 70, means again that the reference to city councillors may be anachronistic (see **16** above). This passage of *Palestinian Talmud* was probably redacted in the 4th century, and may reveal more about its own, contemporary society than about the early Roman period.

Implicit in this story, as in the previous passage, is the reluctance of individuals to be appointed to the positions of archon or councillor. The city councillors are clearly the villains, but their behaviour is not devoid of reason. Dispossession of the man’s wealth, however unlawful, is the appropriate penalty for his refusal to share it through participation in the city council and the discharge of curial duties.

20. *Genesis Rabbah* 76, 6 (Theodor - Albeck edn., p. 904)

זו מלכות הרשעה שמכנסת עין רעה בממנו של אדם פלן עתיר נעבדיניה ארכונטס פלן עתיר נעבדיניה בוליוטיס

... this is the wicked kingdom [= the Roman Empire] which casts an evil eye on a person's money, (saying): "So-and-so is rich, let us make him a magistrate, so-and-so is rich, let us make him a city councillor."

The relationship between curial appointments and personal wealth is again most clear. Although 'wicked kingdom' is a standard designation of the Roman Empire in rabbinic literature, the intention here is to draw attention to its wickedness. It is not trivial to note that in this passage, it is the Roman Empire that is blamed for the practice of coercing wealthy individuals into the city councils, and not the city councillors themselves (as in the previous passage).

21. *Palestinian Talmud, Sanhedrin 8, 2 (26a-b) and Moed Qatan 2, 3 (81b)*

אמ' ר' יוחנן אם הזכירוך לבולי יהא הירדן בעל גבולך.
אמ' ר' יוחנן קבלין רשות להיפטר מבולי.

Rabbi Yoḥanan said: If they mention you for (candidature to) the city council, let the Jordan be your frontier.

Rabbi Yoḥanan said: One may appeal to the authorities for exemption from the city council.

In this passage, Rabbi Yoḥanan, a leading Palestinian rabbi of the early-mid 3rd century, recommends either evasion from the city council (reminiscent of the practice of *anachoresis*, 'withdrawal', that is attested mostly in Egypt),⁵² or appealing for exemption from council membership.⁵³

In the first saying, 'let the Jordan be your frontier' can be interpreted in different ways. It most likely means: 'cross over the river Jordan and make it a frontier between you and them'. From the perspective of Rabbi Yoḥanan, who lived in Tiberias, the territory on the other side of the Jordan would have belonged to a different civic jurisdiction (e.g. of the cities of Hippos or Gadara), or simply represented a distant land. I would read this saying as humoristic, rather than as practical advice.

22. *Palestinian Talmud, Peah 1, 1 (16a)*

בולווטיה דציפורין הוה להון צומות והוה תמן חד מיתקרי יוחנן ולא סלק אמ' חד להד לית אנן סלקין מבקרה לר' יוחנן יומא דין. אמרין ייתי יוחנן. אמ' ר' שמעון בן לקיש זה אמ' לשון הרע בצדק

⁵² See A. Jördens, *Statthalterliche Verwaltung in der römischen Kaiserzeit: Studien zum praefectus Aegypti*, Stuttgart, 2009 (Historia Einzelschriften Bd. 175), pp. 312-322, with 2nd-century papyrological evidence of civic officials who 'withdrew' to evade public duties and liturgies (e.g. *P.Oxy.* LX 4060, l. 16: οἱ μὲν ἀπὸ δημοσίων κρειῶν ἀναχωρήσ[α]ντες) φύλακες μητροπόλ(εως)). In the later 4th century, in the period when the *Palestinian Talmud* was redacted, Libanius refers to city councillors in Alexandria-upon-Issus (Cilicia) who had apparently fled to the mountains to evade their duties (*Ep.* 696; A. Laniado, *Recherches sur les notables municipaux dans l'empire protobyzantin*, Paris, 2002, p. 6), and various imperial laws refer to city councillors who fled for the same purpose to the countryside (*Cod. Theod.* 12.18.2) or desert (12.1.63; A. Piganiol, *L'empire chrétien (325-395)*, Paris, 1972² [1st ed. 1947; rev. ed. A. Chastagnol], p. 395).

⁵³ On entitlement for exemption from liturgies and offices, and procedures for appealing for exemptions, see *Dig.* 50, 5-6; A. K. Bowman, *The Town Councils of Ancient Egypt*, Toronto, 1971, pp. 83-87, 110-114.

The city councillors of Sepphoris used to hold meetings. One of them was called Yoḥanan, and he did not come. Said one to the other: “Are we not going to visit Rabbi Yoḥanan today?” They said: “Call in Yoḥanan!”

Rabbi Shimon ben Laqish said: “This person said slander for a justifiable reason.”

This passage assumes, again, that the city councillors of Sepphoris were Jewish, and loyal to the religious leadership of Rabbi Yoḥanan. The latter, and his disciple and colleague Rabbi Shimon ben Laqish, are normally associated with Tiberias; the setting of this story in Sepphoris is therefore somewhat anomalous (see also 23).

The city councillor Yoḥanan (a thoroughly Jewish, Biblical name) absconded from a council meeting, perhaps to avoid the discharge of curial duties. A fellow councillor reported his absence, but only by dropping a subtle hint – a reference to the customary, daily visit to the rabbi of the same name (a form of *salutatio*, see 23). The hint was immediately understood, and the council summoned this Yoḥanan to attend.

This story is largely about evasion and peer coercion; but for the Talmud, the main question it raises is whether informing on another person, albeit only through a hint, should be considered reprehensible. The question was resolved by Rabbi Shimon ben Laqish: he ruled that the hint constituted indeed a form of slander, but in this case it was justified – presumably, Yoḥanan’s fellow councillors were entitled to save themselves from the additional financial liabilities which might have been transferred to them had Yoḥanan remained absent.⁵⁴

The fact that Rabbi Shimon ben Laqish was called to comment on this incident is itself significant, and suggests that Jewish city councillors were expected, in some contexts and to a certain extent, to defer to rabbinic authority. This at least is the impression conveyed by the *Palestinian Talmud*, a rabbinic work that may be inclined to exaggerate the influence and authority of rabbis over the broader society. The relationship between city councillors and rabbis is explored further in the next section.

City councillors and rabbinic authority

23. *Palestinian Talmud*, *Horayot* 3, 8 (48c) and *Shabbat* 12, 3 (13c).

תרתין זרעין בציפרין בלווטייה ופגנייה הוו עלין ושאלין בשלמיה דנשייא בכל יום והוון בלווטייא עלין קדמאי
ונפקי קדמאי.

אזלון פגנייא וזכון לאורייתא אתון בען מיעול קדמאי

אישתאלת לר' שמעון בן לקיש. שאלה ר' שמעון בן לקיש לר' יוחנן עאל ר' יוחנן ודרשה בבית מדרשא דר'
בנייה אפי' ממזר תלמ' חכם וכהן גדול עם הארץ ממזר תלמ' חכם קודם לכהן גדול עם הארץ

There were two clans in Sepphoris: the city councillors and the commoners.⁵⁵ They used to come and salute the Patriarch every day, and the city councillors used to go in first and come out first.

The commoners went and learnt Torah; they came and requested to go in first.

⁵⁴ The municipal law of Troesmis (Moesia, later 2nd century), recently published by Werner Eck (“La loi municipale de Troesmis: données juridiques et politiques d’une inscription récemment découverte,” *RD*, 91 (2013), pp. 199-213; “Die *lex Troesmensium*: ein Stadtgesetz für ein *municipium civium Romanorum*,” *ZPE*, 200 (2016), pp. 565-606), includes a procedure for ensuring that absentee councillors that have been appointed to carry out an embassy are duly informed, through a messenger sent to their private home or an announcement at a public assembly, of their liturgical obligation. It is difficult to tell whether this law was aimed against deliberate evasion; but the existence of this procedure indicates that absence from the council was not sufficient to achieve evasion (I am grateful to Anne-Valérie Pont for this reference). In our passage, however, Yoḥanan’s fellow councillors were clearly bothered by his absence, and the hint that he should be called in was construed as a disservice to him.

⁵⁵ *Bulevtaya* and *paganaya*. The latter is a loan word from the Latin *pagani* in its late Roman sense of ‘civilian’; my translation ‘commoner’ is from Miller, *Sages and Commoners* (n. 5), pp. 244-246 and 332-333.

The question was put to Rabbi Shimon ben Laqish; Rabbi Shimon ben Laqish asked Rabbi Yoḥanan.⁵⁶ Rabbi Yoḥanan went in and expounded in the house of study of Rabbi Banyah: “Even a learned bastard takes precedence over an ignorant high priest.”

City councillors and ‘commoners’ are oddly referred to as ‘clans’ (or ‘families’), which suggests, at least with regard to city councillors, that their tenure was considered hereditary. The identity of the commoners, and why they were conceived of as a clan or family, is unclear. The city councillors are presented as ignorant (of Torah) – which perhaps implies that there were at least Jewish. For Rabbi Yoḥanan, this was a reason for them to give way to the learned commoners.

The beginning of the passage appears to allude to the Roman ritual of *salutatio* or formal greeting that the councillors and commoners of Sepphoris extended to the local patriarch (*nasi*) on a daily basis. This ritual was normally practiced by clients towards their patrons, and signified a relation of socially subservience. The identity of this patriarch, however, is open to interpretation. He was not necessarily a rabbi or religious leader, even though some patriarchs were (e.g. Rabbi Judah I the Patriarch, to whom authorship of the *Mishnah* is traditionally attributed, and some of his descendants); for the term *nasi* can sometimes be used more generally as an aristocratic title.⁵⁷ The impression in this passage is that the Patriarch of Sepphoris was not, in fact, an authority in rabbinic law, which is why the question of priority had to be referred to Rabbi Shimon ben Laqish and then Rabbi Yoḥanan.

The city councillors and commoners, therefore, are subservient in this passage to two different kinds of higher authority: the patriarch, i.e. perhaps some kind of local aristocrat, and the rabbis; and this subservience is manifest in very different ways: *salutatio* and social deference for the former, consultation on matters of law for the latter.

24. *Palestinian Talmud*, *Yoma* 1, 2 (39a):

כהדא בולי ואסטרגי הוה לון קריבו. אתא עובדא קומי ר' ואמ' אין בולי בכלל אסרטג. וליי דא מילה אמ' בולי ואסרטגי. אלא אמ' אילין יתנון פלגא ואילין יתנון פלגא

The city council and the *strategoī* had a dispute.

The case came before Rabbi. He said: “Is the city council part of the *strategoī*?⁵⁸ For what purpose did he [the emperor] say ‘city council and *strategoī*’? Surely he meant that they should give half, and they should give half!”

The term στρατηγοί (*strategoī*), in the Roman East and particular in the Near East, is the normal Greek equivalent of the Latin *duumviri*, and should therefore be restricted to the magistrates of Roman *coloniae*.⁵⁹ There is no evidence, however, that the city of Rabbi – Sepphoris, renamed

⁵⁶ Here also, as in 22, Rabbi Yoḥanan and Rabbi Shimon ben Laqish are associated with Sepphoris, although in this case they could conceivably have been located in Tiberias and consulted from a distance.

⁵⁷ See n. 7 above.

⁵⁸ The manuscript, ms Leiden Or. 4720 (fol. 244r), which is quoted here, reads *astregi* in the first occurrence of the term, and *asrategi* in the next two. Both are haplogogies of the same Greek term.

⁵⁹ H. J. Mason, *Greek Terms for Roman Institutions: A Lexicon and Analysis*, Toronto, 1974, pp. 87 (s.v. στρατηγός, 5) and 161-162; F. Millar, “The Roman ‘Coloniae’ of the Near East: a study of cultural relations,” in H. Solin and M. Kajava (eds.), *Roman Eastern Policy and Other Studies in Roman History*, Helsinki, 1990, pp. 7-58, repr. in F. Millar, *Rome, the Greek World, and the East*, 3, Chapel Hill, 2006, pp. 164-222, on pp. 199-219. Millar notes the evidence of an inscription from Samaria (p. 199), several Greek and Palmyrene inscriptions from 3rd-century Palmyra (pp. 205-207), a Greek and Syriac contract of sale from Edessa dated 243 (p. 208-209: *p.Dura* 28), early 4th-century Edessan *Martyr Acts* (p. 212), inscriptions from Petra and Gerasa (pp. 214, 218-219 n. 11), and Sozomen, *HE*, 5, 3 (p. 219, regarding Gaza). From the *colonia* of Scythopolis, see also R. Last, A. Laniado and P. Porath, “A dedication to Galerius from Scythopolis: A revised reading,” *ZPE*, 98 (1993), pp. 229-237 (I am grateful to Nicole Belayche for the reference).

Diocaesarea from the mid-2nd century – was ever made a Roman *colonia*. Perhaps the incident occurred elsewhere, in some *colonia* in Palestine; or more likely, the use of the term *strategoï* in this passage is imprecise. The passage probably just means that the city council of Sepphoris was once in dispute with its archons or magistrates.⁶⁰

This story is a little cryptic, but can be explained on the basis of a parallel source in the Babylonian Talmud (*bBava Batra* 143a), where it is clarified that the dispute between the city council and the *strategoï* was over a liturgy that had been imposed by the imperial authorities, regarding whose responsibility it was to fulfil it. The case is brought before Rabbi (i.e. Rabbi Judah I the Patriarch), who rules that if the city council was explicitly mentioned alongside the *strategoï*, both must bare an equal share in the liturgy.

In this story, again, a decision regarding the city council and its obligations towards the imperial state is deferred to rabbinic authority for adjudication. In this case, however, it is debatable whether Rabbi was approached in his capacity of rabbi or of patriarch (on the distinction between rabbi and patriarch, see above 23).

25. Tractate *Soferim* 19, 7-8

בראש חודש ישבו החבורות של זקנים ושל בולווטין ושל תלמידיהם ...
וכשהוא מקלסו, מקלסו בשנים עשר טובי העיר ושנים עשר חברים ...

At the New Moon, the fellowships of elders, city councillors, and disciples used to sit ...
(and proclaim the New Moon) ...

And when it was praised, it was praised by the twelve noblemen of the city and twelve colleagues (i.e. scholars) ...

Soferim is generally considered a late composition, dating from the medieval period and possibly redacted in Europe; but as all rabbinic compositions of this type, some of its source materials are early and go back to the Roman period. In this passage, the reference to city councillors (*bulevtin*) can be taken as evidence that the passage is early (i.e. late antique) and of Palestinian provenance: for the term *bulevtin* would not have been comprehensible to a Jew writing after the 6th-7th centuries, when the institution of *boule* and *bouleutai* fell rapidly into oblivion.⁶¹ [L¹]
[SEP]

The passage describes a ritual of declaration of the new moon, where the beginning of the calendar month is formally declared. Those involved in the procedure are ‘fellowships of elders’, ‘disciples’, and ‘colleagues’, which frequently appear in rabbinic literature as technical terms referring to rabbis or men of rabbinic learning. Together with them, however, are city councillors and twelve noblemen of the city (what institution the latter refers to is unclear). Determining the

⁶⁰ The term *στρατηγοί* is also attested in inscriptions from villages of the Trachon, Hauran, and Batanea, where it appears to designate village magistrates or chiefs (MacLean Harper, “Village administration (n. 50),” pp. 120-121, ‘supreme officials’; Jones, “Urbanization (n. 50),” pp. 270-271 and *id.*, *The Cities of the Eastern Roman provinces*, Oxford, 1937, pp. 284-286, ‘sheikhs’). However, this usage appears to be confined to these regions, at some distance from the centres of rabbinic activity in Galilee; moreover, it is only attested in villages, rather than in large cities (albeit without colonial status) such as Sepphoris. Hadas-Lebel (*Jérusalem contre Rome* [n. 4], pp. 214-215) suggests, on the basis of the evidence above-mentioned, that our passage is referring to a dispute between a city council and the *strategoï* of the villages; in a Galilean context, where *strategoï* is not attested in the sense of ‘village chief’, this suggestion appears to me unlikely.

⁶¹ See most importantly A. Laniado, “From municipal councillors to ‘municipal landowners’. Some remarks on the evolution of the provincial elites in Early Byzantium,” in M. Meier and S. Patzold (eds.), *Chlodwigs Welt. Organisation von Herrschaft um 500*, Stuttgart, 2014, pp. 545-565 (reference courtesy of Anne-Valérie Pont); *id.*, *Recherches sur les notables municipaux*, pp. 71-87 and 131-132. See also M. Whittow, “Ruling the Late Roman and Early Byzantine city: A continuous history,” *P&P*, 129 (1990), pp. 3-29, J.H.W.G. Liebeschuetz, *The Decline and Fall of the Roman City*, Oxford, 2001, pp. 104-109, and C. Rapp, *Holy Bishops in Late Antiquity: The Nature of Christian Leadership in an Age of Transition*, Berkeley, 2005, pp. 286–287.

beginning of the month was traditionally a bouletic function in the ancient Greek city, so that to the ancient historian, the involvement of city councillors in this passage should come as no surprise. But in relation to rabbinic literature, where the declaration of the new moon is strictly reserved to a rabbinic court, the appearance of city councillors in this passage is a little surprising. It suggests at least a level of cooperation between city councillors and rabbis, to the extent that in certain cases – e.g. calendrical decisions, which had both political and religious implications – the functions of city councillors and of rabbis could be expected to merge.⁶²

Public acclamation

26. *Tosefta Avodah Zarah 2, 2*

העולה לתרטאות של גוים אסור משם עבודה זרה דברי ר' מאיר וחכמים אומרים בזמן שמזבלין⁶³ אסור משום ע"ז ואם אינו מזבלו אסור משם מושב לצים:
ההולך לצטריונין⁶⁴ ורואה את הנחשים ואת החברים מוליון סגילאדין סגילדאה אסור משם מושב לצים שני ובמושב לצים לא ישב הא למדת שמביאין את האדם לידי בטול תלמוד תורה:
העולה לתרטאות של גוים אם צווח מפני צורך מותר ואם מתחשב⁶⁵ הרי זה אסור:
היושב באסטרינין⁶⁶ הרי זה שופך דמים רבי נתן מתיר משום שני דברים מפני שצווח ומציל את הנפשות ומעיד על האשה שתנשא:
הולכין לצטריונין מפני שצווח ומציל את הנפשו ולכרקמין מפני יישוב מדינה ואם מתחשב הרי זה אסור:

Going up⁶⁷ into the theatres of the nations is forbidden because of idolatry – these are the words of Rabbi Meir. But the Sages say: if they offer sacrifices, it is forbidden because of idolatry; and if they do not offer sacrifices, it is forbidden because of (sitting in) an ‘assembly of scoffers’.

Going into the *stadia* and seeing the diviners, sorcerers, *mulion*, *sagiladin*, *sagildaa*,⁶⁸ is forbidden because of (sitting in) an assembly of scoffers, as it is said: “And in an assembly of scoffers he did not sit” (Ps. 1:1) – which teaches you that (*stadia*) lead a person to desist from Torah learning.

If one goes up into to the theatres of the nations and cries out for a purpose, it is permitted, but if one is noticed, it is forbidden.

He who sits in a stadium is shedding blood. (But) Rabbi Nathan allows this for two reasons: because he will cry out and save lives, and he will testify for a woman to allow her to remarry.⁶⁹

One may go to *stadia* to cry out and save lives, and to circuses⁷⁰ for the (good) settlement of the province/city, but if one is noticed, it is forbidden.

⁶² For more detailed discussion of this difficult passage, see S. Stern, “The Rabbinic new moon procedure: context and significance,” in J. Ben-Dov, W. Horowitz, J. Steele (eds.), *Living the Lunar Calendar*, Oxford, 2012, pp. 211-230, on p. 222 and n. 57; *Id.*, *Calendars in Antiquity* (n. 37), pp. 344-345.

⁶³ So the *editio princeps* which is quoted here. Ms Erfurt: שמזבחיין (‘they offer sacrifices’). The text of the *editio princeps*, שמזבלין (lit. ‘they manure’) is perhaps a deliberate cacophemism. The text witnesses, including the *editio princeps*, are all problematic in various ways.

⁶⁴ An error for לצטריונין, and likewise in the last clause.

⁶⁵ So in both text witnesses of this *Tosefta* passage, ms Erfurt and the *editio princeps*, and so in the text witnesses of the parallel in *bAvodah Zarah* 18b; this is most likely the original reading. The parallel in *pAvodah Zarah* 1, 7 (40a), according to its unique text witness (ms Leiden Or. 4720, vol. 2 fol. 278v), reads instead מחשד, i.e. ‘arouses suspicion’; but what this suspicion would consist of is obscure.

⁶⁶ An error for באסטדין. This appears to be the same word as above (see note 63) and below (last clause), but here a different Hebraization is used.

⁶⁷ Entering the seating area of a theatre normally entailed walking up its steps.

⁶⁸ The meaning of these terms is unknown.

⁶⁹ By witnessing the death of her husband, he will confirm her status as widow and hence her right to remarry.

This passage, which has parallels in both *Talmuds*, is well-known as the main rabbinic statement about theatres, stadia, and more generally public spectacles, an important dimension of public life in the Graeco-Roman city, which both Jews (in this passage) and Christians (starting from Tertullian in *De Spectaculis*) despised. A number of objections are made in this passage to attending public shows: theatre performances include a sacrifice, hence an act of idolatry; theatres and stadia are ‘assemblies of scoffers’; they deflect a person from the study of Torah; and stadia lead to bloodshed (presumably, in wild beast and gladiator shows).⁷¹

What is important to us, however, is a minor detail that recurs in several places in this passage: the act of ‘crying out’, which evidently refers to the practice of public acclamation. The *Tosefta* rules that theatre attendance is permitted if one goes there to cry out ‘for a purpose’ (or: for a necessity), which, as explained further in the passage, is to ‘save lives’ (since acclamation could help to secure mercy for those about to die). The parallel source in the *Palestinian Talmud* reads ‘for a public purpose’,⁷² which suggests that more than just saving individual lives, acclamation can help to influence political decisions that are to the public’s benefit. This broader perspective also finds expression in the final clause of our *Tosefta* passage, which permits attendance at circuses ‘for the (good) settlement of the province (or city)’; context suggests that the reference is here again to acclamation.⁷³ Participation in civic life, in the form of public acclamation, is thus encouraged in this rabbinic source.

There is, however, a restriction to this: more than once, the *Tosefta* adds that ‘if one is noticed’, attendance at a public show, even for the purpose of joining in a worthy acclamation, is forbidden. The meaning of the Hebrew is not straightforward. The clause in question has been mistranslated by others as ‘if one appreciates (what goes on inside)’,⁷⁴ which suggests that a person can only participate in an acclamation if he does not pay attention to what the acclamation is about – which seems rather absurd. In actual fact, in early rabbinic Hebrew the verb in question (HShB in *hitpa’el*, reflexive form) never has the active meaning of ‘to appreciate’, but only the passive meanings of ‘to be counted’, ‘to be noticed’, or ‘to be important’.⁷⁵ The meaning of this passage, therefore, is that attendance at a public show for the sake of participating in an acclamation is permitted and even desirable, but only as long as one’s presence is not conspicuous or noticeable.

⁷⁰ *Karqomin*. The term *karqom* normally means a besieging army or a siege, but in this context it is more likely to mean ‘circus’, a Latin term from which it could be very loosely derived.

⁷¹ Full analysis of this passage is beyond the scope of this chapter; but see Z. Weiss, *Public Spectacles in Roman and Late Antique Palestine*, Cambridge, MA, 2014.

⁷² *pAvodah Zarah* 1, 7 (40a): העולה לתיאטרון וצווח אם לצורך הרבים מותר.

⁷³ The last clause, ‘and to circuses...’, is unlikely to be read as independent from ‘crying out’, and thus to mean that circus attendance is permitted *per se* for the sake of good citizenship, because this would contradict the rest of the passage which prohibits, for a number of reasons, theatres and stadia attendance. It seems more likely, therefore, that what is permitted in this last clause is specifically crying out or acclamation in circuses. On the various functions of acclamation in the later Roman Empire, which could include popular requests and grievances addressed to provincial authorities or to the emperor (e.g. *Cod. Theod.* 1, 16, 6), see C. Roueché, ‘Acclamations in the Later Roman Empire: New evidence from Aphrodisias,’ *JRS*, 74 (1984), pp. 181-199; H.-U. Wiemer, ‘Akklamationen im spätrömischen Reich,’ *AKG*, 86 (2004), pp. 27-73.

⁷⁴ Weiss, *Public Spectacles* (n. 71), pp. 202-204. His translation is influenced by modern Hebrew usage, which differs, however, from early rabbinic Hebrew.

⁷⁵ ‘To be counted’ tends to be used for concepts, objects, or measures: *mOhalot* 1, 3; *mMiqwaot* 3, 3, *tTerumot* 6, 15-17. ‘To be noticed’ is used for people, e.g. in *mSheviit* 8, 11, although the *Palestinian Talmud* interprets this passage as meaning, more strongly, ‘to be important’. The closest parallel to our passage occurs in *tAvodah Zarah* 1, 2, according to which, on a pagan festival day, one may not greet a non-Jew ‘where one is noticed’, i.e. if this attracts attention; the same applies to acclamation here. In contrast, the meaning of ‘to be counted’ would not work well in our passage, as acclamation did not involve any count (e.g. of votes).

The ambivalence of this ruling is noteworthy. The *Tosefta* is clearly reluctant to allow the attendance of Jews at public shows, even if this is for a good purpose. Participation in civic life is sometimes important, but in this case, it needs to remain invisible.

Participation in public pagan cults

It is generally assumed that for the Jews of the Roman Empire, one of the greatest obstacles in the way of civic participation were the public, pagan sacrifices and cults that were expected of anyone involved in political life. Even without joining priesthoods, and even without getting actively involved in the city councils and the higher civic offices and magistracies, aristocracies were expected to contribute to civic liturgies and to the expenses of the civic cults. The challenge that this presented to Jewish aristocrats, to their Jewish identity, and to their commitment to an anti-idolatrous religion, is reflected in one passage of the *Babylonian Talmud*, which suggests that even eminent members of the Jewish community could sometimes succumb.⁷⁶

27. *Babylonian Talmud, Avodah Zarah 16a*

תא שמ' דאמ' רב יהודה אמ' שמואל של בית ר' היו מקריבין שור של פטם ביום אידם חסר ר' ריבון שאין מקריבין אותו היום אלא למחר חסר ר' ריבון שאין מקריבין אותו חי אלא שחוט חסר ר' ריבון שאין מקריבין אותו כל עיקר⁷⁷

Come and hear, for Rav Judah said, Samuel said: the house of Rabbi used to offer a fattened ox on their (pagan) festival day. Rabbi spent tens of thousands that they should not offer it on that day, but on the morrow. Rabbi spent tens of thousands that they should not offer it alive, but slaughtered. Rabbi spent tens of thousands that they should not offer it at all.

According to this tradition, the house of Rabbi (on whom see above, **24**) use to offer a fattened ox, on a regular basis, on the day of a pagan festival. The language and details of the story leave little room for doubt that the reference is to a pagan sacrificial offering. The medieval commentators, and implicitly already the editors of the *Babylonian Talmud* itself (in the discussion that follows this passage), attempted to ward off this suggestion by arguing, instead, that this ox was a mere gift to the Roman emperor. But the story is actually not problematic, nor in need of any re-interpretation.

The 'house of Rabbi', i.e. his extended family, including older relatives who had not become rabbinized like him, may have been under intense social and economic pressure, as members of the local aristocracy, to contribute to the pagan cults of their city. Whether they just sent the animal and stayed at home, or actively participated, in a certain way, in the cultic proceedings, is not clarified. Either way, this must have caused tremendous embarrassment to their relative Rabbi, a leading figure of the rabbinic movement. It was only by spending large amounts of his personal fortune that Rabbi was able to gain for his family, stage by stage, total exemption from this civic obligation.

Boule and demos as a parable for Israel

28. *Genesis Rabbah 6, 3-4* (Theodor - Albeck edn., pp. 42-43):

⁷⁶ For a full discussion of this passage see Stern, "Babylonian Talmud, Avodah Zarah 16a: Jews and pagan cults in third-century Sepphoris (n. 42)". Although attested only in the *Babylonian Talmud*, this story is set in Palestine and almost certainly of Palestinian origin; as I argue in that article, there may have been reasons why the tradition was ignored or suppressed in Palestinian rabbinic works.

⁷⁷ Text of ms JTS Rab. 15, fol. 14r.

ג. ר' לוי בשם ר' יוסי בר' לעיי ... עשו מונה לחמה שהיא גדולה, ויעקב ללבנה שהיא קטנה .

...

ד. ... ואת הכוכבים. אמר ר' אחא:

למלך שהיה לו ב' אפיטרופים, אחד שלט בעיר ואחד במדינה . אמר המלך הואיל ומיעט עצמו זה להיות שולט בעיר, גוזר אני עליו, בשעה שהוא יוצא, תהא בולי ודימוס יוצאין עמו, ובשעה שנכנס, תהא בולי ודימוס נכנסין עמו.

כך אמר הקב"ה: הואיל והלבנה הזו מיעטה עצמה להיות שולטת בלילה, גוזר אני עליה בשעה שיוצאה, יהיו הכוכבים יוצאין עימה, וכשנכנסת, יהיו הכוכבים נכנסין עמה .

3. Rabbi Levi (said) in the name of Rabbi Yossi son of Lai:

... Esau reckons by the sun which is big, and Jacob by the moon which is small. [...]

4. "... and the stars" (*Gen.* 1, 16). Rabbi Aḥa said:

(It is like) a king who had two officials (*epitropoi*), one ruled a city (*ir*) and the other ruled a province (*medinah*).⁷⁸ Said the king: "Since this one has reduced himself to rule a city, I decree upon him that whenever he goes out, the council (*boule*) and people (*demos*) shall go out with him; and whenever he goes in, the council and people shall go in with him."

So said the Holy One Blessed is He: "Since the moon has reduced herself to rule the night, I decree upon her that whenever she comes out, the stars shall go out with her; and when she goes in [i.e. sets], the stars shall go in with her."

The context of this passage is an exegesis of *Genesis* 1, more precisely of the narrative of creation of the luminaries on the fourth day of Creation. *Genesis Rabbah* is usually dated to the fifth century, although the rabbis cited in this passage are of the third to fourth centuries.

As everywhere else in *Genesis Rabbah*, Esau is symbolic of Rome, and Jacob is of Israel. In paragraph 3, the observation is made that the calendar of Esau, i.e. the Romans, is solar, whereas the calendar of Jacob or the Jews is lunar. After thus identifying the sun with Rome and the moon with Israel, the Midrash goes on to discuss, in paragraph 4, the meaning of the stars. This is achieved through a parable. Rabbi Aḥa compares the sun to an official appointed over a province, and the moon to an official appointed over a city; to compensate for his lower appointment, or as a reward for his humility, the official of the city is given as an escort the *boule* (city council) and *demos* (people), just as the stars were given as an escort to the moon.

It is possible to read this saying of Rabbi Aḥa as completely separate from what precedes it; but if it is linked to the foregoing passage, as I think it should be, then the sun or governor of the province must be identified again with Rome, and the moon or governor of the city with Israel. The latter identification may express a certain relationship between Jews and civic government in Roman Palestine, where, in many cities, the members of the city councils are likely to have been in majority Jewish. Conversely, the association of the sun, identified with Rome, with the governor of a province may reflect the fact that provincial governors, in Palestine as elsewhere, were generally not Jewish. This interpretation requires some caution, however, because as in any parable, a certain distance can be expected between signifier and signified; this parable about a provincial governor and *boule* and *demos* does not necessarily imply a real-life identification with Romans and Jews (respectively). What is certain, however, is that this parable takes up the real-life opposition, well-known to Roman historians, between the political entities of provinces and cities, or between provincial governors and civic aristocracies, and applies it to the opposition between sun and moon, i.e. Rome and Israel.

⁷⁸ The term *ir* could mean 'town' (or even 'village'), and *medinah* could mean 'city', as rabbinic terminology is not consistent. However, the association of *ir* with *boule* and *demos* (in this passage) suggests this term refers to a city or *polis* with municipal status; and consequently, *medinah* is best interpreted as 'province'. This is also the translation of H. Freedman in *id.* and M. Simon (eds.), *Midrash Rabbah*, 1, London, 1939, pp. 43-44.

The oppositional, sometimes competitive relationship between provincial governors and autonomous cities was constantly evolving during the Roman imperial period. In the early Empire, provinces were governed by proconsuls or other high officials who were appointed by the emperor and in command of one or two legions, which clearly gave them the upper hand; whereas cities with their territories were governed autonomously by locally elected magistrates and councils without military command, which meant subservience to the provincial governor. In the later Roman Empire, however, provincial governors declined in status as they ruled over much smaller provinces and no longer commanded any legions. The city councils also declined in political status, but they gave way to other forms of local, oligarchic leadership. The rise of these new oligarchies is evident in our passage of *Genesis Rabbah*, where the city is not governed by the archons, *boule* or *demos*, but by an official appointed by the emperor. In the fifth century, around when this rabbinic work was composed, emperors and their administration were becoming increasingly involved in the government of cities, and the autonomy and authority of city councils was increasingly bypassed by strong, individual leaders. Nevertheless, the cities and their aristocracies remained an important locus of political power in late Antiquity, in a good position to compete against the declining authority of provincial governors. It is thus not surprising that this late Roman-period rabbinic parable presents the governor of the city as formally inferior to the governor of the province, just as the moon is to the sun, yet able to consider himself, through the support of his *boule* and *demos* (*alias* the stars), his equal.⁷⁹

By comparing the sun and moon, that is, Rome and Israel, to officials appointed by the king over a province and a city, the parable conveys a message that is politically subversive in two ways. Firstly, it suggests that the true emperor (or ‘king’) of the world is not the Roman emperor, but God, to whom Rome is only like the governor of a province. Secondly, it suggests that although Israel (or the moon) is *prima facie* inferior to Rome, this inferiority can be challenged and negated, just as to the governor of a city could claim socio-political parity with the provincial governor on the strength of his prestigious escort of *boule* and *demos*. In both these ways, this parable about the sun and the moon thus draws on the complex relationship between province and city in the later Roman Empire to challenge the hegemony of Rome and make an implicit claim of parity between Rome and Israel.

The parable suggests, furthermore, that this claim of parity with Rome is made on the strength of the Jews’ position of power within the cities. Although it is only a parable, it may have something to tell us about the status of Jews in the city councils and municipal government of late Roman Palestine.

⁷⁹ For a variety of perspectives on the distribution of power in the late Roman cities and provinces, including discussion of the decline of provincial governors, the decline of city councils, and the rise of new oligarchies, see for example J.H.W.G. Liebeschuetz, *Antioch: City and Imperial Administration in the Later Roman Empire*, Oxford, 1972, esp. pp. 101-114, 167-192, 208-219; *Id.*, *Decline and Fall* (n. 61), pp. 104-136; Whittow, “Ruling the Late Roman and Early Byzantine city (n. 61)”; J.E. Lendon, *Empire of Honour: The Art of Government in the Roman World*, Oxford, 2001; Laniado, *Recherches sur les notables municipaux* (n. 52), esp. pp. 225-254; Rapp, *Holy Bishops* (n. 61); Laniado, “From municipal councillors (n. 61)”. Laniado, in particular, suggests that the landed aristocracies in the cities retained a considerable amount of political autonomy in late Antiquity, to the extent of becoming involved in the appointment of provincial governors in the late 6th century. I am grateful to Fergus Millar and Benet Salway for referring me to some of these readings, as well as to the editors of this volume for inviting me to contribute to this project and for their learned comments, suggestions, and references on the entire chapter.