ALEXEI SIVERTSEV

Private Households and Public Politics in 3rd – 5th Century Jewish Palestine

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Mohr Siebeck

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Private Households and Public Politics in 3rd – 5th Century Jewish Palestine

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Preface

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Introduction

Central Institutions of the Jewish self-government in Roman Palestine in the Modern Historiography: Theories and Problems

The modern study of the history of the Jewish self-government in the Rabbinic period has been in many ways shaped and predetermined by the magisterial work of Heinrich Graetz. In a sense he created a paradigmatic history that was followed with some adjustments and variations by most twentieth century scholars who dealt with Jewish political, social and economic history in Late Antiquity.[1] In the fourth volume of his *Geschichte* Graetz for the first time in modern Jewish scholarship attempted to create a consistent picture of the major Jewish institutions of the Rabbinic period, using both Jewish and non-Jewish sources. One cannot fail to discern that the underlying idea of his study was to demonstrate that in that period Jewish life was governed by the ideal of unity and unanimity in both the religious and political spheres.[2] Despite the challenges that this ideal would encounter from both within and without Jewish society, the most successful and praiseworthy leaders (such as Judah the Prince) were capable of preserving it. As a result, the predominant agenda that runs throughout Graetz's work is to depict the harmonious edifice of the Jewish social, religious and political structure during the rabbinic period. All possible disruptions of this structure are seen as unfortunate deviations caused by historical circumstances and the weakness of individual Jewish leaders.[3]

Graetz created the paradigm of two major Jewish governing institutions in the Rabbinic period: the patriarchate and the sanhedrin. Their interaction ensured the successful and harmonious development of contemporary Jewish society. Graetz applied the term "sanhedrin" in the sense of the

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[1] For my discussion of Graetz and his contribution I am greatly indebted to the most recent critical evaluation of his work by Catherine Hezser, *Social Structure of the Rabbinic Movement in Roman Palestine*, 1-4. For the historical and academic background of Graetz's work see Schorsch, *From Text to Context : the Turn to History in Modern Judaism*, Waltham: Brandeis University Press, 1994.

[2] Graetz, *Geschichte*, vol. 4, 29-30 and 170.

[3] Cf. the discussion of the controversy between Rabban Gamaliel and R. Eliezer in Graetz, *Geschichte*, vol. 4, 44. Cf. also his discussion of the rabbinic resistance to R. Shimon b. Gamaliel on pp. 186-187.

supreme national ruling body to both the "court" and the "academy" of Rabbinic texts, without distinguishing between the two. According to him, this institution fulfilled both academic and administrative functions, thus representing an ideal combination of learning and practical authority. Graetz saw the rabbis as members of the sanhedrin who thus played a role as the religious and administrative leaders of the Jewish people. In terms of its authority as a central Jewish institution, the rabbinic sanhedrin was perceived as a direct continuation of the Second Temple sanhedrin. Unlike its predecessor, however, the post-destruction Sanhedrin was firmly controlled by the rabbis and thus became a major vehicle for the dissemination of Rabbinic Judaism. The latter constituted a religious dimension of the overall trend towards unanimity among Jews exemplified by the sanhedrin and the patriarchate.[4]

According to Graetz, Jewish patriarchs (*nesi'im*) enjoyed a semi-royal status as supreme leaders of Jewish people throughout the period under discussion.[5] Still, their internal status was to a large degree determined by their relationship with the sanhedrin and, specifically, by their own status as scholars. Jewish fortunes achieved their highest point when the patriarchs themselves were recognized scholars and as such were capable of leading the other members of the sanhedrin. Judging from Rabbinic narratives about Rabban Gamaliel II and R. Judah the Prince, Graetz considered these two patriarchs (especially the second one) as most successful Jewish leaders who got closest to establishing harmonious unity within the Jewish society. As a result, it was the period of R. Judah the Prince (early third century C.E.) that merited the name of the "golden age" of Palestinian Jewry in Late Antiquity. It was due to their status as presidents of the sanhedrin and to their personal learning that some patriarchs enjoyed recognition and respect among the Jews.[6] The crisis came with the decline of knowledge and scholarly learning of the individual patriarchs after the death of R. Judah the Prince. They began to encounter increasing opposition from the sanhedrin and to loose their authority among the Jews.[7] Steadily patriarchs became purely political leaders and as such they received recognition and honors from the Roman government.[8] Still, without the "scholarly" dimension of their authority patriarchs no longer fulfilled the expectations of their co-religionists. The patriarchate was abolished in the early fifth century C.E. as a result of antisemitic trends in Christian Byzantine. Immediately afterwards the

[4] See, for example, Graetz, *Geschichte*, vol. 4, 14-15 and 170.
[5] Graetz, *Geschichte*, vol. 4, 62.
[6] Graetz, *Geschichte*, vol. 4, 192-195.
[7] Graetz, *Geschichte*, vol. 4, 221-227.
[8] Graetz, *Geschichte*, vol. 4, 304.

Byzantine Emperor split the central sanhedrin thus effectively ending the period of relative independence of the Palestinian Jewry. According to Graetz, this constituted a logical conclusion to the ever worsening conditions that the Jews experienced under the power of Christian Byzantium and her emperors.[9]

As a whole, Graetz outlined the primary chronological framework of Palestinian Jewish history in the Late Antiquity. In his scheme, after the period of crisis in the first-second centuries C.E. connected with two unsuccessful revolts against Rome Jews experience a period of political and religious revival which reached its acme under R. Judah the Prince. This revival was characterized by perfect collaboration between the patriarch and the sanhedrin that led to the creation of the centralized administrative apparatus run by the Talmudic scholars (rabbis). After the death of R. Judah the Prince Jewish fortunes entered into the period of decline caused, on the one hand, by a rupture between the increasingly "secularized" patriarchs and the scholars of the sanhedrin, and by anti-semitic policies of the christianized Byzantine Empire, on the other. Until very recently this scheme was the unchallenged basis for all major studies in Jewish history in the Rabbinic period.

Most of the post-Graetz studies dealing with Jewish self-government in the Rabbinic period have tried to define and clarify certain aspects of Graetz's theory, rather than to question its basics. As a result, in the first three quarters of the twentieth century the scholarship witnessed repeated attempts to elaborate on certain aspects of Graetz's conclusions and specifically to demonstrate how his system would work in the real historical world. One possible direction of study was to research in detail the system of Jewish self-government proposed by Graetz, in order to see how it would actually function. H. Mantel's study of the sanhedrin and G. Alon's two volume *Jews in their Land in the Talmudic Age* made the most thorough attempts to investigate a proposed symbiosis of the patriarchate and the sanhedrin, as if the sanhedrin had been a real institution of Jewish self-government. Both authors elaborated many of Graetz's earlier assumptions about the centralized authority of the patriarchs who used sages as their local representatives and who managed to maintain a close eye on individual Jewish communities.[10] The patriarchs' exclusive prerogatives included the appointment of communal officials, intercalation of the calendar, and authority in certain halakhic issues. Sages served as both members of the central sanhedrin and local representatives of the patriarch, who had to ensure compliance with rabbinic legislation on the

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[9] Graetz, *Geschichte*, vol. 4, 358-359.

[10] See Mantel, *Studies in the History of the Sanhedrin*, 175-253. Cf. Alon, *Jews in their Land in the Talmudic Age*, vol. 1, 206-252 and vol. 2, 705-737.

level of individual Jewish communities.[11] As a result, both authors came up with a picture of all-pervasive patriarchal governing apparatus that functioned through an extensive network of rabbinic agents.

Instead of discussing internal aspect of the administrative functioning of the rabbinic government, M. Avi-Yonah attempted to examine the social and political history of the Palestinian Jewry against general contemporary developments in the Roman and Byzantine Near East.[12] Unfortunately his emphasis on general trends in political and economic history prevented him from comparing Jewish governing institutions with those of other native Near Eastern peoples. Avi-Yonah does not attempt to compare the structure of the Jewish self-government that allegedly existed in those times to other local governing structures in the contemporary Near East. As a result, his study can be summarized as an attempt to make the major points of Graetz's scheme fit into a general picture of the contemporary history without ever questioning its basic assumptions. Methodologically Avi-Yonah followed Graetz in using rabbinic sources of both Palestinian and Babylonian provenance as generally reliable historical evidence. He also accepted Graetz's chronology and his overall notion of the nature of the centralized Jewish self-government.[13]

The real challenge to the historical edifice constructed by Graetz came only with the revision of some of the basic methodological principles used in his study. The first significant revision resulted from a newly formulated approach to Rabbinic literature as a historical source. Starting with the research of Jacob Neusner and Jonah Fraenkel on the historicity of the rabbinic narratives, it has become increasingly obvious that one can hardly approach these texts with the same criteria of historical reliability as one approaches, for example, Josephus.[14] The very structure and plot of most of the rabbinic narratives appear to have been thoroughly dominated by literary, rhetorical and religious considerations, while historical trustworthiness played almost no role in the eyes of their creators and/or readers. These general observations are especially relevant in respect to the narratives in the Babylonian Talmud (Bavli) about Palestinian events. It has been extensively argued, first by D. Goodblatt and then by J. Rubenstein, that many (if not most) of the Babylonian stories about

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[11] See Mantel, *Studies*, 188-206 and Alon, *Jews in their Land*, vol. 1, 234-237.

[12] See Avi-Yonah, *The Jews of Palestine*, Oxford, 1976.

[13] See for example Avi-Yonah, *The Jews of Palestine*, 54-64.

[14] See Neusner, *Development of a Legend: Studies on the Traditions Concerning Yohanan ben Zakkai*, Leiden, 1970; idem, *Eliezer ben Hyrcanus: The Tradition and the Man*, Leiden, 1973; Fraenkel, *Darkhei ha-Aggadah weha-Midrash*, Masada, 1991. Cf. also Green, "What's in a Name? – The Problematic of Rabbinic 'Biography,'" *Approaches to Ancient Judaism: Theory and Practice*, ed. William Scott Green, Missoula: Scholars Press, 1978, 77-96 for summary of methodological issues.

Palestinian historical characters are not only late, but also reflect the contemporary Babylonian, rather than Palestinian, historical setting.[15] One of their most persistent features is the representation of a fairly organized bureaucratic structure of the Jewish institutions, such as the academy and court. These two are usually depicted as ruled by the patriarch (*nasi*) single-handedly and in an authoritarian way. These stories also imply a high degree of internal organization among the rabbis, as well as their significant influence among the wider Jewish population. However, there are reasons to believe that from the historical point of view many elements of this picture are firmly grounded in the reality of the Jewish community of Sassanian Babylonia and is quite anachronistic as far as late Roman and Byzantine Palestine is concerned. Still, most of the conclusions about the "golden age" of R. Judah the Prince and his immediate predecessors, reached by H. Graetz and his followers, were based on these Babylonian sources. Sometimes, relevant Palestinian texts were read in the light of their Babylonian versions.[16]

At the same time many historians have expressed serious reservations regarding Palestinian rabbinic sources as well. It has been suggested that many of them could intentionally sacrifice historical reality in order to draw an idealistic picture of a religiously perfect and harmonious Jewish society based on strict observance of biblical laws in their rabbinic interpretation. These reservations have been especially strong about the texts that allegedly describe a central governmental institution of the sanhedrin. In his *Studies on the Hasmonean Period*, Joshua Efron has forcefully argued that the rabbinic references to a supreme Pharisaic or rabbinic court must be seen as idealized and fictional.[17] According to him, they depict an imaginary institution which their authors thought had existed in biblical times. Efron has also observed the lack of external evidence for the central sanhedrin (especially in the Rabbinic period). All this taken together led him to the conclusion that no such central institution probably existed in real history. Lee Levine and David Goodblatt later reiterated Efron's conclusions and rejected the very existence of a central,

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[15] See Goodblatt, "Al Sipur ha-'Kasher' neged Rabban Shimon ben Gamaliel," 349-374 and Rubenstein, *Talmudic Stories*, 176-211. Similar conclusions have been reached by Rosenthal, "Masorot Erets-Yisraeliot we-Darkhan le-Bavel," *Cathedra* 92 (1999), 7-48. Cf. also Goldenberg, "The Deposition of Rabban Gamaliel," 167-190.

[16] In addition to the works of Alon, Avi-Yonah, Graetz and Mantel already mentioned above, for an example of undiscriminating use of early Palestinian, late Palestinian and Babylonian sources see otherwise impeccable Lieberman, "Palestine in the Third and Fourth Centuries," *JQR* 36 (1946), 329-370 and 37 (1947), 31-54. Cf. Levine, *Caesarea under Roman Rule*, Leiden, 1975 and *Rabbinic Class of Roman Palestine in Late Antiquity*, Jerusalem, 1989.

[17] Efron, *Studies on the Hasmonean Period*, 287-338.

national sanhedrin in the post-Destruction period (and, perhaps, even prior to it).[18] As a result, one of the two major Jewish ruling institutions identified by Graetz has been firmly moved into the realm of literary fiction.

Interestingly enough, both Levine and Goodblatt tended to emphasize the significance of the other major institution, namely the patriarchate, precisely at the expense of the sanhedrin. Neither of them has proposed any substantial revision to the traditional perception of the patriarchs as semi-royal leaders of the Jewish people. Moreover, with the sanhedrin effectively moved out of the picture, the patriarchate acquired additional significance as the only central Jewish institution of that time.[19] Still, essentially the same methodological problems that worked against the rabbinic sanhedrin were equally relevant to the supreme authority of the patriarchs in the time of R. Judah the Prince. An additional problem is presented by the chronological inconsistency of Jewish and non-Jewish (Greek and Latin) sources about this office. As has been observed by Levine, most of the Jewish sources that deal with the patriarchal dynasty describe the period of the second-late third centuries C.E.[20] There major characters are Rabban Gamaliel II, R. Judah the Prince and R. Judah Nesia who lived during this period. All three of them are depicted as influential scholars and people who exercised a considerable degree of public authority, but these texts say nothing about their supreme political status as leaders of the Jewish people. In fact, patriarchs are often shown in conflict with other contemporary scholars who sometimes exercise a comparable degree of influence and authority. On the other hand, Greek and Latin sources depict the patriarchs as the supreme religious and national leaders of the Jews, not only in Palestine but also in the Diaspora. Still, most of these texts originate in the fourth century C.E., or at least not later than the late third century C.E. (Origen), i.e. precisely in the moment when the abundant rabbinic information about the patriarchs virtually disappears. Many earlier scholars have followed a very questionable methodology of reading the Greek and Latin texts back into the third century C.E. (the times of R. Judah the Prince and R. Judah Nesia). Once this approach is rejected, we are left with the situation of chronologically discrepant sources that need to be harmonized with each other. The most sensible way to do so seems to be to analyze each group of texts on its own and then to

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[18] See Levine, *Rabbinic Class*, 78-82 and Goodblatt, *Monarchic Principle*, 77-130 and 232-276.

[19] See Goodblatt, *Monarchic Principle*, 131-143 and Levine, "Jewish Patriarch (Nasi) in Third Century Palestine," 649-688.

[20] For chronological inconsistency between the Jewish and non-Jewish sources, see Levine, "Status of the Patriarch in the Third and Fourth Centuries," 1-32.

compare the results. It is indeed possible that the increased external attention to the patriarchs can be explained by the increasing public role that they began to play in the fourth century C.E.

Unlike Levine and Goodblatt, Martin Goodman has questioned the degree to which the patriarchs enjoyed supreme authority prior to the fourth century C.E.[21] Refusing to read Roman sources back into the earlier period, he comes to the conclusion that the full-fledged authority of the patriarchs as national Jewish leaders developed only in the late fourth century C.E. Prior to that moment the patriarchs might have had considerable influence as local Jewish leaders in Galilee, but their authority hardly extended beyond this. Shaye Cohen has reached similar conclusions in his discussion of the patriarchal authority in the synagogue administration.[22] Among more recent authors, Martin Jacobs has reviewed all major Jewish and non-Jewish sources about the patriarchs in his book *Die Institution des jüdischen Patriarchen*. He finds most of the rabbinic sources about the unique authority of the patriarchs to be inconclusive.[23] Once again, it is in the later Greek and Latin sources that patriarchs appear in their capacity of political leaders.[24] As far as the third century rabbinic texts are concerned, it remains unclear whether any of the *nesi'im* mentioned there was deemed absolutely superior to other rabbis in their authority. In fact, the *nasi* of the rabbinic sources appears to be a local authority, rather than a national leader. As a whole, once the methodological approach used by Graetz and his followers began to be increasingly questioned, the whole structure of central Jewish leadership suggested by them started to fall apart.

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[21] See Goodman, "Roman State and the Jewish Patriarch in the Third Century," 127-139 and *State and Society in Roman Galilee*, 111-118.

[22] See Cohen, "Pagan and Christian Evidence on the Ancient Synagogue," 159-181.

[23] See Jacobs, *Die Institution des jüdischen Patriarchen*, 124-205.

[24] See Jacobs, *Die Institution des jüdischen Patriarchen*, 259-316.

Local Institution of the Jewish self-government in Roman Palestine in Modern Historiography

Roughly contemporary with the attempt to draw a detailed and elaborated picture of the central institutions of Jewish self-government there was another trend in modern historiography. This trend has focused on the issue of local Jewish governing institutions and those who ran them. Among the first who pursued this direction of studies were A. Büchler with his famous work *The Political and Social Leaders of Sepphoris* and S. Klein, whose *Sefer ha-Yishuv* started the series of studies about local centers and settlements in the Land of Israel during the Rabbinic period.[25] Later, scholars began to concentrate on specific (predominantly urban) centers, such Lod, Sepphoris and Tiberias, or regional history (studies of the Jewish settlement in Darom and various parts of Galilee).[26]

This type of study by necessity narrowed the perspective of the researcher from the alleged central Jewish institutions to local self-government. The latter was usually identified with either municipal or village authorities, as well as with the local aristocratic establishment. Originally scholars (and specifically A. Büchler) tended to draw sharp distinctions between the local Jewish aristocrats and the rabbinic elite. The former were perceived as rich and mostly uneducated *'am ha-arets* (the Jews who did not follow rabbinic laws and requirements). Their relationship with the rabbis varied from hostile indifference to open animosity, and the two groups competed for the allegiance of the larger Jewish population.[27] In spite of all the mistakes associated with this approach, it made a considerable historiographic contribution by recognizing the existence of such a social group as the local Jewish aristocracy. It was also correct in observing the crucial role that this group played in local economic, judicial and administrative life. During this period in the Roman East it was precisely the city-based local aristocracy

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[25] Büchler, *The Political and Social Leaders of the Jewish Community of Sepphoris in the Second and Third Centuries*, London, 1909; Klein, *Sefer ha-Yishuv*, vol. 1, Jerusalem, 1939. See Felix-Marie Abel, *Geographie de la Palestine*, vol. 1-2. Paris, 1933-38 for the first comprehensive treatment of the historical geography of the Land of Israel in late antiquity. For more recent discussion see Claudine Dauphine, *La Palestine byzantine: peuplement et populations*, vol. 1-3. Oxford, 1998. Cf. also Avi-Yonah, *Holy Land from the Persian to the Arab Conquests*. Michigan, 1966.

[26] See, for example, Schwartz, *Lod (Lydda), Israel*, Oxford, 1991; Oppenheimer, "Jewish Lydda in the Roman Era," 115-136 and *Ha-Galil bi-Tekufat ha-Mishnah*, Jerusalem, 1991; Levine, *Caesarea under Roman Rule*, Leiden, 1975; Miller, *Studies in the History and Traditions of Sepphoris*, Leiden, 1984.

[27] See Büchler, *Political and Social Leaders*, 7-49. For criticism of Büchler's approach see Miller, "Those Cantankerous Sepphoreans Revisited," 543-550.

that truly ran local affairs and represented the natives before the Roman government.[28] From now on Jewish internal history of the Rabbinic period would become firmly grounded in the contemporary reality of the Roman world.

In the realm of rabbinic studies, this approach corresponded to some important observations made as part of the elaboration of Graetz's theory by later scholars. In spite of the general tendency to maintain as much as possible of Graetz's basic conclusions, their research has led these scholars to a number of important revisions. Starting with G. Alon there has been an increasing sense that the local Jewish institutions that challenged the central authority of the patriarchs and the sanhedrin were not merely unfortunate deviations from the "golden path" of centralized harmony as charted by Graetz. Rather they constituted an essential part of Jewish self-government. Discussing the period of Yohanan ben Zakkai Alon introduced a pattern of local Rabbinic centers that were controlled by Rabbinic masters other than the *nasi* and which were either independent of the central school, or even stood in direct confrontation with it.[29] Later on, A. Oppenheimer has developed this pattern into a full-fledged theory of local Amoraic centers in Palestine.[30] In his view multi-polar structure of Jewish authority in the Rabbinic period started right after the destruction of the Second Temple, when Yavneh was only one of several competing centers of influence in Palestine. While the time of Rabban Gamaliel II and R. Judah the Prince witnessed an increasing centralization of authority in the hands of patriarchally controlled rabbinic centers, after the death of R. Judah several other independent centers of halakhic learning would emerge, most noticeably in the South (Darom) and Caesarea. To a certain degree this process can be explained by the virtual withdrawal of the patriarchs from running the academy in favor of purely political leadership. The religious leadership of the people was now entrusted to the sages who tended to establish several independent centers. From that point on, one can hardly speak of centralized rabbinic authority. Rather, there were several rabbinic centers that enjoyed roughly equal local authority and often challenged the authority of the patriarchs.[31]

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[28] See Stemberger, *Jews and Christians in the Holy Land*, 9.

[29] See Alon, *Jews, Judaism and the Classical World*, 318-343.

[30] Oppenheimer, *Ha-Galil bi-Tekufat ha-Mishnah*, Jerusalem, 1991, 88-89 and "Batei-Midrashot be-Erets-Yisrael Bereshit Tekufat ha-Amoraim," *Cathedra* 8 (1978), 80-89. Cf. brief discussion of this problem in Levine, *Rabbinic Class of Roman Palestine*, 28-29.

[31] The interest to the local centers of Rabbinic learning on the part of modern scholars coincided with the attempts to associate particular Rabbinic texts with one or another of these centers. See Lieberman, *Talmudah shel Keisarin*, Jerusalem, 1931 and *Sifre Zuta: Midrashah shel Lod*, New York, 1968. For the most recent criticism of this approach see

Büchler's attempt to represent the rabbinic elite and the non-rabbinic Jewish aristocracy as two totally separate and hostile entities was substantially revised and virtually abandoned by subsequent generations of scholars. Although both E. Urbach and G. Alon have essentially accepted a distinction between these two social groups as the point of departure for their discussions, they drew from it different conclusions.[32] Both scholars have depicted Jewish social history of the rabbinic period as a series of attempts on the part of the patriarchs to reconcile the interests of the rabbinic and non-rabbinic elites to the point of merging them into one social entity. These attempts led to the emergence of the new Jewish elite that incorporated both the earlier non-Rabbinic aristocracy, and at least some groups of the Rabbinic sages. These efforts obviously met resistance, at least on the part of some rabbis, but were ultimately successful. Later on this theory has been upheld and further developed by J. Schwartz.[33] He demonstrated regarding the example of the local government of Lydda (Lod) a very high degree of cooperation and integration between the rabbinic and non-rabbinic local elites. For all practical purposes the two of them can be described as members of the same social group. Schwartz has argued that rabbis and "non-rabbinic" municipal aristocrats not only regularly interacted on an informal basis (common feasts, visits, etc.) but also tended to establish matrimonial ties between their families. In other words, on the practical level distinctions between the two were virtually non-existent. At the same time, both groups displayed a high degree of local patriotism, distinguishing themselves from Jewish elites of other places (such as Galilee). In other words, borderlines had to be drawn not between different groups within the local municipal elite, but rather between regional elites of different areas in Palestine. Once again, in this case differences in attitude displayed among the so-called "rabbinic" and "non-rabbinic" elites did not exist.[34]

In recent years scholars have observed the fact that Rabbinic sources often tend to identify both named rabbis and anonymous groups of authorities by the name of their native cities (or towns). Stuart Miller has convincingly argued that the *Zippora'ei* of Palestinian rabbinic texts can

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Hezser, *Social Structure of the Rabbinic Movement*, 201 and *Form, Function and Historical Significance of the Rabbinic Story*, 321-336.

[32] See Alon, *Jews, Judaism and the Classical World*, 374-435 and Urbach, "Ma'amad we-Hanhagah be-'Olamam shel Hakhme Eres Yisrael," 38-74.

[33] Schwartz, "Al Zonen u-Veno Beytos," 108-122 and *Lod (Lydda), Israel*, 84-86.

[34] Cf. also discussion in Rosenfeld, "Hakhamim u-Va'ale-Batim be-Yavneh bi-Tekufat Yavneh," 60-71. He illustrates pretty much the same social development as Schwartz on the example of Yavneh and the later Darom.

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